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FACSIMILE TRANSMITTAL

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FROM: Nicolas P. Robinson

TO: Marilyn

FAX #: 542-8272

CODE: Triangle Electric

RE: Triangle Electrical Services, Inc.

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COMMENTS: Please see attached.

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COMMISSIONERS STATEMENT: ROBERT BLITCHINGTON/FERRELLGAS, LP
PROPERTY PUBLIC HEARING

Honorable Commissioners and Planning Board Members, Planning Director and Staff, Mr. County Manager, County Attorney and County Staff, my name is Nick Robinson and I am delighted to be here tonight on behalf of Robert Blitchington, owner and president of Triangle Electrical Services, Inc. I am joined tonight by Mr. Blitchington and Mr. David Erlien. We are here for the public hearing on Mr. Blitchington's application for a Revision to a conditional use permit granted to Ferrellgas, LP in 1993. The bottom line is that we are requesting permission to change the use from an office/commercial/retail use for sales of propane gas to the public to a less intense usage as a contractor's office and shop. If this application is approved, the use of this property for retail sales will be ended. Further, there will no longer be storage of propane gas on the property. Instead, Mr. Blitchington requests that the conditional use permit be revised to allow this property to be used as a contractor's office and shop. The property is located just next to the Lighthouse Baptist Church on the west side of 15-501, just north of the Cole Park Plaza shopping center.

This property has a long history of commercial use. It has been used for commercial purposes since prior to the adoption of zoning for the Baldwin Township in 1973. Prior to that time, the property was used as a small engine repair shop. In 1987, a conditional use permit was granted allowing use of the property as a lawn and garden center. In 1993, the conditional use permit was amended to allow the property to be used for storage and sale of propane gas, as well as for offices for the NC Propane Gas Company. This request is to reduce the intensity of the use to merely that of office and

shop use for a contracting company. This requested revision should have no problem meeting the five required findings. The evidence to be presented tonight will provide you with the basis upon which to readily conclude that the five findings are met and that the requested permit should be granted. In that regard, I tender for the record all of the application materials submitted to the Planning Board and my comments tonight.

Let me briefly summarize why the five required findings are met in this case:

1. **The requested use is among those listed as an eligible conditional use in the district in which the subject property is located or to be located.**

This property is located in a RA-90 zoning district although the property has been put to commercial uses continuously since prior to the adoption of the RA-90 zoning for this property. Nevertheless, the requested use (contractor's office and shop) is a lesser, included subcategory of "contractor's plants, storage yards and staging areas." As such, the requested use is among the allowed listed uses in the applicable zoning district. Moreover, the intensity of the requested use and its affect on the RA-90 district is less intense than many of the previously existing and allowed commercial uses to which the property has been put over the years.

Secondly, the requested use is in conformity with the existing land development plan of the County (see attachment).

2. **The requested conditional use permit is either essential or desirable for the public convenience or welfare.**

The requested use is essential or desirable for the public convenience or welfare because: (1) it allows for a use that will certainly be needed in the

northeastern part of the County as the anticipated residential and commercial construction comes to fruition; (2) the requested use reduces the intensity of the current use from propane gas storage, retail sales and offices to a contractor's office and shop; (3) eliminating the retail aspect will reduce traffic to the site; and (4) eliminating the propane gas storage aspect will improve the appearance and safety of the site. All of these benefits will accrue to the adjoining residential uses – which benefits are always to be considered in conditional use zoning of this type.

In addition, the applicant will employ approximately seven (7) individuals at this office. The company overall employs approximately 70 employees and anticipates hiring 6-10 employees each year. Because this office will be located in Chatham, the likelihood of employing Chatham residents increases.

3. The requested permit will not impair the integrity or character of the surrounding or adjoining districts and will not be detrimental to the health, safety or welfare of the community.

As mentioned above, commercial uses have been allowed on this land for quite some time. Further, the elimination of additional traffic and certain hazards associated with propane gas storage will make it so that the property's use is not detrimental but beneficial to the health, safety and welfare of the community.

With respect to visual impact and screening, there are existing extensive buffers and we have shown those on the survey that is attached to the application. In addition the appearance commission has requested one buffer addition which the applicant does not oppose. No new lighting will be utilized, except possibly

ground lighting for employee safety in the parking area and signage lighting as indicated in the application.

4. The requested permit will be consistent with the objectives of the Land Conservation and Development Plan.

We have submitted in writing the description of why this use is consistent with the land development plan and it is attached to my remarks.

With regard to the watershed protection ordinance, this property complies with the Watershed Protection Ordinance as it is an "existing development," as defined in the ordinance. In the event that a garage is later added as indicated on the plan, a watershed permit will be sought at that time. As to the flood prevention damage ordinance, the property is not in a floodable area nor is it within 100 feet of a floodable area and, therefore, the ordinance does not apply.

5. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.

Water is supplied to this property by private water well. With respect to wastewater management, the prior owner obtained a valid septic permit from the Chatham County Environmental Health Department and acquired easements for an appropriate septic field and repair area. With regard to access roads, this property fronts on U.S. 15-501. No new driveway or driveway improvement is needed. Damon Webb of the North Carolina Department of Transportation has advised that he will forward a letter to the Planning Department confirming that the existing driveway conforms with all necessary and applicable regulations.

CONCLUSION

The decision that you need to make on this is fairly straight forward from a zoning perspective. This property has been in commercial use since prior to the adoption of the Zoning and Watershed ordinances. Nevertheless, this request is to de-intensify the use by eliminating the retail aspect and by eliminating the gas storage aspect. It is an allowed conditional use and an approved existing development.

In terms of testimony and evidence, we offer the submission materials previously filed with the County to support the application along with my remarks. Mr. Blitchington and Mr. Erlien are here to corroborate any information or to answer any questions you might have.

The application meets the five required findings. Our request is that you approve the same when the application comes before you. Thank You.

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CONFORMITY WITH CHATHAM COUNTY LAND CONSERVATION AND DEVELOPMENT PLAN

The proposed amendment to the conditional use permit conforms with existing land use plans, goals and objectives as expressed under the Chatham County Land Conservation and Development Plan (the "Plan") as is set forth in detail below.

The Plan sets forth various land conservation and development policies. Because of the history of the parcel and because of its location, the requested amendment blends nicely with the policies and provisions of the Plan. The first land conservation and development policy set forth in the Plan describes the goal that land development and conservation should reflect balanced growth. The Plan defines balanced growth as including growth consisting of a mix of different types of development and development that is guided to suitable locations and is designed appropriately. Because the property at issue in this application has been used as commercial property for over forty years and because its location is right in the heart of the various commercial uses that exist between the intersection of US Highway 15-501 and Manns Chapel Road and the Chatham County line, the requested use certainly is development that is guided to a suitable location. It helps to meet the policy ideal of having a mix of different types of development given that, within a half a mile of the location, there are the following uses: bank, office and institutional uses, shopping center/retail, and residential subdivisions. The Plan also promotes the designation of economic development centers in order to promote a diversified sustainable business community. Certainly the area between Manns Chapel Road and the Chatham-Orange County line, on Highway 15-501, is an economic development center.

Among the major recommendations of the Plan is a desire to designate crossroads commercial center locations to serve the needs of surrounding rural areas. The intersection of Manns Chapel Road and Highway 15-501 is a crossroads commercial center and the proposed use will certainly contribute to the fulfillment of that recommendation. The Plan (on page 7) recognizes the value of commercial endeavors, referring to them as a "Net Long-Term Asset to the Community."

With regard to designation of economic center locations, the Plan (page 33) specifically designates 8 areas that should be considered for designation as economic centers, one of which is "a location in the northern part of the County within the U.S. 15-501 corridor."

Because this property has been in constant commercial usage for over forty years and because it is located within what would certainly be considered an economic development center, the continued use of this property in the manner requested in this amendment is appropriate under the Plan.