

PLANNING & ZONING REVIEW NOTES

VIII. E.

---

**SUBJECT:**

Request by Cynthia Perry on behalf of Lynwood & Elizabeth Daniel for a revision to the existing B-1 Conditional Use Business District with Conditional Use Permit for an Auto Repair Garage to a conditional use permit for (1) Sporting goods sales; (2) Printing and publishing; (3) Incidental storage of goods intended for retail sales on the premises; and (4) Uses and structures customarily accessory to any permitted use, on approximately 1.28 acres, located off S. R. 1540, Jones Ferry Road in Baldwin Township.

**ATTACHMENTS:** The following was distributed at the July 12<sup>th</sup> Planning Board meeting:

1. Application for Zoning Districts / Conditional Use Districts / Conditional Use Permits and related text.

Included in this packet:

2. ArcView map, parcel #65046

**INTRODUCTION / BACKGROUND / PREVIOUS BOARD ACTIONS:**

*See application and related text.*

February 18, 1992: Board of County Commissioners approved a B-1 Conditional Use District with a Conditional Use Permit for an automobile repair garage.

**ISSUES FOR FURTHER DISCUSSION AND ANALYSIS:** The Chatham County Zoning Ordinance requires the following five findings be made:

1. The use requested is among those listed as an eligible use in the district in which the subject property is located or is to be located.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare.
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.
4. The requested permit will be consistent with the objectives of the Land Development Plan.
5. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.

The applicant, Lynwood Daniel, has previously addressed and met the five findings in the application for the auto repair garage. Mr. Daniel on behalf of Chapel Hill Sportswear has addressed the five findings in this current request for a change to the conditional use permit.

This request is to retain the existing Conditional Use B-1 Business District and revise the conditional use permit to allow (1) sporting goods sales, (2) printing and publishing, (3) incidental storage of goods intended for retail sales on the premises, specifically for internet sales, and (4) uses and structures customarily accessory to any permitted use. All uses requested are listed as permitted within a B-1 Business District. The specific use the applicant wishes to make of the property is addressed in the text and includes office use, printing of logos and insignia on sporting goods, and storage. The request falls under the category listed in the Business District of the County Zoning Ordinance of “sporting goods sales” and “incidental storage of goods intended for retail sales on the premises” because there will be sales over the internet and storage of said goods being sold. The specific request is not for walk in retail sales and such is not recommended. This request will include the building of one (1) additional structure. This structure is to be built over an existing graveled parking area. No new impervious area is to be covered. All new proposed lighting will conform to the Chatham County Draft Lighting Plan.

The applicant has stated that the use requested will be a less intense use than the previous auto repair garage by reducing the amount of traffic and noise. The applicant has met with the Appearance Committee for review of the existing buffering and has not recommended any additional landscaping / buffering until and unless the adjacent lands are developed at a later date. The existing septic system and repair area has been reevaluated by Carl Kivett, Chatham County Environmental Health Specialist and found adequate for the proposed use for up to eight (8) employees. NCDOT has issued a commercial driveway permit for the existing driveway location for the proposed use.

The requested revision seems reasonable.

**RECOMMENDATION:** The Planning Department recommends granting a revision to the existing B-1 Conditional Use Business District with Conditional Use Permit for an Auto Repair Garage to *a conditional use permit for (1) Sporting goods sales; (this specific request and subsequent approval is not for walk in retail sales, but is for sales through the internet and phone) (2) Printing and publishing; (3) Incidental storage of goods intended for retail sales on the premises; and (4) Uses and structures customarily accessory to any permitted use* with the following three (3) conditions:

1. A revised site plan shall be furnished to staff showing a 40 foot wide strip of land to be reserved for possible future landscaping / buffering if the adjacent properties belonging to Daniel are sold or developed in the future.
2. Lighting shall be as stated in the applicant's text and shall conform to the Chatham County Draft Lighting Ordinance.
3. Signage is allowed to be one non-illuminated sign no larger than 32 square feet in area.