

PLANNING & ZONING REVIEW NOTES

VII. B.

SUBJECT: Request by Robert Blitchington, on behalf of Triangle Electrical Services, for a revision to the existing conditional use permit for Michael Cates / Ferrellgas, L. P. / propane gas business to a Conditional use permit for a Contractor's Office and Shop, on one (1) acre, located off U. S. Hwy 15-501 N. in Baldwin Township.

ATTACHMENTS: *The following was distributed at the July 12th Planning Board meeting:*

1. Application for Zoning Districts, Conditional Use Districts, Conditional Use Permits

Included in this packet:

2. Appearance Committee Report
3. NCDOT Commercial Driveway Review form

INTRODUCTION / BACKGROUND / PREVIOUS BOARD ACTIONS:

See application and related text.

1987: Conditional Use Permit for a lawn and garden shop within the existing RA-40 zoning district was approved by the Board of County Commissioners.

1993: Existing conditional use permit revised from lawn and garden shop to a propane gas business. Approved by the Board of County Commissioners.

A public hearing was held on the current request on July 18, 2005. No public comments were received. On July 21, 2005 the applicant requested the issue be postponed until the September 6th Planning Board meeting to give the applicant additional time to investigate the situation with the existing septic system.

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.

Re: Robert Blitchington

Issues for Further Discussion and Analysis – con't

The current owner of the property, Michael Cates, has addressed the five findings in both of the two previous requests. The five findings for the current request are addressed in the applicant's text.

The property is located in a WSII-Balance of Watershed district. Section 302, Watershed Areas Described, (A) (2) (b) states " All other Residential and Non-Residential – development shall not exceed twelve percent (12%) built-upon area on a project by project basis. No residential lot or non-residential lot shall be less than 40,000 square feet, except within an approved cluster development." The development of the subject property took place prior to the adoption of the Watershed Protection Ordinance in 1994 and is considered existing development. The Watershed Ordinance states in Section 103, Exceptions to Applicability, (C) "Existing development, as defined in this ordinance, is not subject to the requirements of this ordinance. Expansions to structures classified as existing development must meet the requirements of this ordinance; however, the built-upon area of existing development is not required to be included in the density calculations." No new impervious area is proposed with this revision.

This request is to retain the existing zoning district of RA-40 and to change the existing conditional use permit from a propane gas business with retail traffic to a Contractor's Office and Shop without retail. No new lighting is proposed except for possibly ground lighting in the parking area and signage lighting. The applicant proposes to utilize the existing commercial driveway location. NCDOT has reviewed this location and stated that it is acceptable for the use proposed and that no new driveway permit is necessary. See attachment # 3. As stated above, the applicant has stated in his text that his use will not involve any retail traffic; therefore, reducing the number of trips per day and overall traffic to the site. The property currently has one existing sign. This sign is proposed to be replaced by Triangle Electrical. No additional signage is requested

The applicant met with the Chatham County Appearance Committee for review of the existing and proposed landscaping. See attachment # 2 for recommendations.

The property is served by an existing on-site well and off-site septic system and repair area. The septic system and repair area is accessed by a 10-foot wide septic easement. During review of the existing septic system, it was discovered that the system may not be large enough to support the seven (7) employees proposed. The system currently supports four (4) employees. The current owner of the property has hired a private soil scientist firm, Soil and Environmental Consultants, to evaluate Lot 2 (lot with current septic easement) for potential suitable soils for an additional septic area or other option to increase capacity of the existing system. The applicant hopes to have the necessary septic permit by the September 6th Planning Board. If not, he will request the issue be tabled until the October Planning Board meeting.

The requested change seems reasonable.

RECOMMENDATION: If the applicant furnishes the required septic improvement permit(s) prior to or at the Planning Board meeting, the Planning Department recommends the request for a revision to the existing conditional use permit for Michael Cates / Ferrellgas, L. P. / propane gas business to a Conditional use permit for a Contractor's Office and Shop be approved with the conditions listed below. If the applicant is unable to furnish the required septic improvement permit(s); therefore, not meeting finding # 5 regarding item # 2, wastewater management, the Planning Department recommends the issue be tabled until the October 4th Planning Board meeting.

1. No retail traffic is allowed without revision to the conditional use permit.
2. No new lighting is allowed except for ground lighting in the parking area and signage lighting. Any additional lighting shall conform to the Draft Lighting Ordinance.
3. The existing signage may be replaced with signage no larger than 32 square feet in area. No additional signage is allowed.
4. Landscaping / buffering shall be as recommended by the Chatham County Appearance Commission as follows:
 - (a) A "Type B" screen (semi-opaque – 3 feet high opaque and intermittent visual obstruction to 20 feet high) is to be established in front of the building on either side of the sign area. Suggested plantings are Cotoneaster (Scarlet Leader), Juniper (and 3 foot tall to 5 foot tall variety), and Dwarf Yaupon.
 - (b) A "Type A" screen (8 feet high opaque and intermittent visual obstruction to 20 feet high) is to be established in the rear of the property on the north side of the shared driveway on the western boundary. This screen shall be a minimum of 15 feet wide. Suggested plantings are Wax Myrtle, Eastern Red Cedar, and Illicium Parviflorum (Anise Shrub).
 - (c) If a dumpster is added to the property at a later date, it shall be screened on all sides.
5. No outside storage of materials shall be allowed on the property.

