

PLANNING & ZONING REVIEW NOTES

VI. C.

SUBJECT: Request by Baycorp Development, Inc. on behalf of Ridgely W. Cook, Jr. and Julia Ann Cooper for a Conditional Use B-1 Business Permit for banks, savings and loans, finance companies, credit agencies, and similar financial institutions on 1.35 acres, located off US 15-501 N, Baldwin Township.

ATTACHMENTS: *The following was distributed at the June 6, 2006 Planning Board Meeting.*

1. The application packet

Included in this packet:

2. Appearance Commission Report

INTRODUCTION / BACKGROUND / PREVIOUS BOARD ACTIONS:

The Planning staff postponed forwarding this request to the Planning Board on August 1, 2006 meeting due to the number of requests submitted for review, an extended public hearing to hear requests, and time to prepare recommendations to the board. The applicant requested the request be postponed from the September 5 meeting until the October 3 meeting. The Planning Board has three meetings including the October meeting to make a recommendation to the Board of Commissioners.

A quasi-judicial public hearing was held on this project on July 18, 2006 and the minutes can be viewed on the county website at www.co.chatham.nc.us under County Commissioners. The conditional use permit cannot be approved unless the zoning district change is approved. It is recommended that you address the conditional use permit at this time regardless of your recommendation to the Board of Commissioners in regards to the conditional use rezoning request.

ISSUES FOR FURTHER DISCUSSION AND ANALYSIS:

Before a conditional use permit may be approved the Board of Commissioners is required to make five findings listed in the Chatham County Zoning Ordinance and shown below:

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 five (5) findings have been addressed in the application's supporting documentation. It is the staff opinion that Finding #1 could be made if the zoning district is changed to conditional use business district. It is the staff opinion that Finding #2 may be made from the standpoint of desirability in an area of current and anticipated growth, increase in real and personal property tax revenue and the addition of local jobs to the county. Finding #3 could be argued but may be made with conditions. Finding #4 is addressed in the request for a rezoning district and it is the staff opinion that it is consistent with the specific recommendations of the Plan. Finding #5 is has not been supported in the application and may not be made. The applicant has stated that they can supply information supporting the waste water disposal method proposed but such has not been received to date.

The applicant addresses Finding #2 from the standpoint of increased job opportunities, needed in the area based on surrounding similar uses, and increased property tax. The applicant anticipates 10-15 full time positions will ultimately be available after completion of the project and property tax revenue would increase approximately 3,260% percent from its current collection amount. The survey of similar uses in the area reveals there is only one other financial institution, State Employees Credit Union, located between the Chatham/Orange County line and Fearington Village. There has been one other bank approved, First Citizens Bank, at Chatham Downs but it has not been constructed. (First Citizens closed their branch previously located in the Chatham Crossing Shopping Center at Lowe's Foods). Additional residential approvals for this area include approximately 2500 single family dwellings that are to be built in Briar Chapel as well as approximately 40 units in Williams Corner.

It is staff opinion Finding #3 can be made based on the desirable intersection and the widening of US 15-501 by NCDOT. Based on the traffic study by Ramey Kemp & Associates, there will continue to be an acceptable level of service along this section of highway. NCDOT is acceptable of the proposed driveway location which will be a right-in/right-out only drive per Page 9 of the traffic study and should operate at or better than current conditions. The application outlines buffering, berming, landscaping, and other design features in keeping with the surrounding area landscape. The Appearance Commission voiced concerns for the rear, adjacent property owners and made suggestions in protecting their view and ample buffering and screening needed to achieve the goal to lessen the visual impact on them. The minutes of that meeting can be found on the county webpage at www.co.chatham.nc.us under Planning, Rezoning and Subdivision cases 2006. The applicant was agreeable to the requested changes.

The applicant addresses Finding #4 in the notes for the zoning district change request and the staff review is also found there.

It is staff opinion Finding #5 has not been satisfied. Item #2 addresses wastewater management. The application refers to a letter from The Division of Water Quality of the North Carolina Department of Environmental and Natural Resources indicating they would consider a request to add property to the Cedar Village WWTP system provided certain conditions are met. Exhibit H of the application gives a copy of this letter. This

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proposal/property is not mentioned in this letter. The letter is addressing a gas station and their consideration to allow that property to discharge into the facility. It appears DWQ will require a flow analysis of Cedar Village, the purchase of lots in Cedar Village, and confirmation Cedar Village would continue to have adequate flow capacity should the changes be approved. It is understood that the applicant plans to purchase 3 lots, being Parcel #2562, #2564, and #2565 for their impervious surface area and storm water detention basin. The section of private road adjoining these properties is to be abandoned as well and the entire area left as an open meadow. It has not been determined if there are suitable soils available on these properties for a conventional septic system as no reports from the Chatham County Environmental Health Department have been issued. County water is available and accessible for this property per the Chatham County Utilities Department.

Item #3 addresses access roads. NCDOT has provided a pre-review letter giving preliminary approval for a driveway location on US 15-501. The adjacent property to the north, also owned by Baycorp, was given a Conditional Use Rezoning approval and a Conditional Use Permit for various uses in October 2005. This property was given approval from NCDOT to have the main drive come in from Mann's Chapel Road. The site plan also showed a right-in/right-out only drive on US 15-501 and was approved by NCDOT. A connector between the property and the Citgo/Pantry property at the corner of the intersection of US 15-501 and Mann's Chapel Road was requested and approved to allow for internal traffic movement so the public would not have to exit onto the main highways to travel from one business to another. The previously approved drives have not been utilized to address these traffic concerns in this application. It is staff opinion this item has not been addressed thoroughly by the applicant.

RECOMMENDATION:

The Planning Board has three meetings to make a recommendation to the Board of County Commissioners. It is the Planning Department opinion that unless and until supporting documentation is received not all of the five findings can be made and therefore the request should be denied. If the request is considered favorably the following conditions are recommended:

- 1) The drive previously approved for the adjacent property owned by Baycorp that received a Conditional Use Zoning District approval and a Conditional Use Permit for various uses shall be utilized as the main drive to this property as well. The right-in/right-out only drive on US 15-501 shall be located in a way that both properties utilize the one same drive and this drive shall connect with the main drive coming in off Mann's Chapel Road. This will also serve as a "connector" between the two properties. A new site plan showing these changes shall be provided to the Planning Department prior to the issuance of the first building permit.

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- 2) All lighting shall meet the requirements of the draft Chatham County Lighting Ordinance. A lighting plan shall be submitted and approved by this office prior to the issuance of the first building permit.
- 3) Signage shall meet the requirements of the zoning ordinance for a Business (B-1) zoning district and any lighting associated with the signage shall follow the draft Chatham County Lighting Ordinance.
- 4) Landscaping recommendations from the Appearance Commission shall be followed. A new, revised landscape plan shall be submitted with the changes made as suggested and agreed with the Appearance Commission prior to the issuance of the first building permit. Plantings shall start at the next optimal planting season from the date of permit approval and complete before the issuance of the certificate of occupancy of the first building permit.
- 5) Parcel #2562, #2564, and #2565 are to be recombined with the primary Parcel #2639 as noted on the site plans. Parcel #2561, as listed on the “owner authorization form” is not part of this property and shall not be considered in any calculations of impervious surface or any other means associated with this proposal.
- 6) The storm water detention basin shall be moved to a more central location between the rear parcels away from adjacent property lines to offer more protection to neighboring properties in the event of unusual rain events as stated on Page 14 of the application, under Finding #5, Item #4.
- 7) Parking requirements for the request shall be as calculated in the Zoning Ordinance under Section 12.
- 8) Stormwater measures shall be designed and installed to detain the 2 year 24 hour storm.
- 9) All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Erosion Control etc.) shall be obtained and copies submitted to the Planning Department prior to issuance of the first building permit.
- 10) Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
- 11) The first building permit shall be issued within 24 months from the date of this permit’s approval, expiration of the appeal period or any court decision, whichever is later, or this permit will automatically expire and become void.