

PLANNING & ZONING REVIEW NOTES

VI. D.

SUBJECT: Request by **Blake & Associates, Inc. on behalf of HBP Properties, LLC for a B-1 Conditional Use District with a Conditional Use Permit** for Retail / Office Buildings / Restaurants / Bank / Insurance / Financial Services / Specialty Retail / Furniture / Pet Shop / Art House Theatre / Gallery / Pharmacy / Drug Store / Engineering / Service Offices / Distribution Centers (see application for specific uses), on 40 acres, located at the intersection of U. S. Hwy 15-501 N. and SR-1530, Polk's Landing Road, Baldwin Township.

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

1. The application packet

The following can be viewed on the Planning page of the county web site:

2. Arcview Map
3. Appearance Commission report

The following are attached to this request:

4. Addendum dated September 25, 2006 from Blake & Associates regarding wastewater and Finding #2.
5. Permit dated July 25, 2006 from NCDWQ
6. Contract agreement between North Chatham Green Initiative, LLC and HBP Properties

INTRODUCTION / BACKGROUND / PREVIOUS BOARD ACTIONS:

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 request was postponed by the Planning Board from the September Planning Board meeting until the October meeting. Two main issues addressed during the September meeting were finding number two of need and desirability and finding five as it relates to adequacy of the waste water system plans. The applicant has provided supplemental information listed as items 4, 5, and 6 above addressing these two issues. 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 case the Commissioners decide to proceed with consideration of the conditional use permit.

Re: Blake & Associates, Inc. – permit 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 booklet. 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 not be made from the standpoint of need and desirability. Finding #3 could be made. Finding #4 is addressed in the rezoning district request notes and it is the staff opinion that it is consistent with the specific recommendations of the Plan. Finding #5 may be supported from the standpoint of wastewater disposal measures.

The applicant addresses Finding #2 from the standpoint of the need of “competition for a healthy retail and services environment”. The applicant addresses on Page 21 of the application the lack of choices in shopping and services encourages citizens to go outside of Chatham County for their shopping needs. The application lists several other shopping areas along US 15-501 N within the 12 mile stretch of highway from the court house circle in Pittsboro to the Chatham/Orange County line. This proposal is approximately 10 ½ to 11 miles north of Pittsboro and approximately 1 ½ miles south of the Chatham/Orange County line. The shopping choices in this area include North Chatham Business Park, Chatham Crossing Shopping Center, Cole Park Plaza Shopping Center, Cole Place, Cedar Square Shopping Center, Chatham Downs Commercial Center, Fearrington Village Commercial Center, and the approved but not yet built non-residential uses of Briar Chapel. It does not include commercial projects within the Town of Pittsboro’s jurisdiction that fall within the 11 mile range from the proposed project. Square footages of these approved non-residential uses currently operational, under development, or to be developed are Chatham Downs with 117,000, Briar Chapel with 512,000, Williams Corner with 348,500, and various projects within the Town of Pittsboro with 743,100 (square footages are taken from a development spreadsheet that was drafted for a joint meeting between the Town of Pittsboro and Chatham County elected boards on February 22, 2006), approved but not yet begun the Town of Pittsboro with 232,000, Cole Park Plaza with 112,000, Chatham Crossing with 97,342, Cole Place with 19,800, and North Chatham Park with 135,000. These square footages total approximately 2.3 million and there are multiple varying uses available as shown in the application on Pages 22 through 24. Briar Chapel was approved under the provisions of the Compact Communities Ordinance. Section 6.5 of said Ordinance states there shall not be less than 100,000 square feet of commercial development. It also specifies a time

ISSUES FOR FURTHER DISCUSSION AND ANALYSIS – con't

table for construction of the commercial based on percentages of lots on approved final subdivision plats. At least 25% of the commercial area shall be developed before 75% of the lots on subdivision plats receive final approval and 50% of the commercial area shall be developed before 90% of the lots on subdivision plats are approved. It is a staff concern that approval of additional commercial area along US 15-501 will significantly undermine the market of approved and required commercial development. The Board may want to consider the list of the various commercial uses the applicant has requested and determine if all are to be allowed, if the request is approved, for uses that are not currently available in this area or were previously listed in the Williams Corner and Briar Chapel approvals.

The applicant addresses Finding #5 from the standpoint of providing wastewater treatment through the use of the Williams Corner wastewater treatment facility. The application refers to an extensive and detailed analysis conducted by S & EC that would allow the connection between the two. However, a letter from S & EC states a "limited" soil/site evaluation was conducted. The report states the soil descriptions are not the descriptions of this proposal's specific site and S & EC cannot establish an accurate loading rate at this time. A letter dated June 16, 2006 from S & EC and a letter from Eric Lappala with Eagle Resources address application rates. The letter states that the site will accommodate 37,840 gallons per day. The applicant has stated that the amount generated will be 23,000 gallons per day. Attachments 4, 5, and 6 provide supplemental information addressing the adequacy of utilities. It is the staff opinion that this information is sufficient to support the required finding.

RECOMMENDATION:

The Planning Board has two meetings to make a recommendation to the Board of County Commissioners. It is the Planning Department opinion that the five findings can not be made specifically finding number 2 and therefore the request should be denied. If the request is considered favorably the following conditions are recommended:

1. A lighting plan shall be supplied to and approved by the Planning Department prior to approval of the first building permit being issued. All lighting shall meet the requirements of the draft Chatham County Lighting Ordinance.
2. Signage shall be as specified on the site plan. Signage shall meet the requirements of the zoning ordinance for a Business (B-1) zoning district where no one sign shall exceed 150 square feet in size.
3. The recommendations from the Appearance Commission for landscaping shall be followed and a new landscape plan submitted and approved by the Planning Department prior to installation of the first plantings. Plantings shall start at the next optimal planting season from the date of permit approval.
4. A new site plan depicting the right-in/right-out only at the south drive shall be provided prior to issuance of the first building permit.

RECOMMENDATION: - Conditions con't

5. The proposed new road connecting US 15-501 with Polks Landing Road shall be a public road built to NCDOT standards and dedicated to the NCDOT.
6. Setbacks from Cub Creek shall be 100 feet on each side for buffers and the Stormwater management pond. A new Stormwater management plan shall be submitted to the Planning Department prior to issuance of the first building permit. The stormwater design shall be at a minimum to the requirements specified in Section 8.5.4 Storm Water Runoff of the application.
7. Parking requirements for the request shall be as outlined in the Zoning Ordinance, Section 12 and the Chatham County Design Guidelines.
8. An approved wastewater disposal site plan and permit from NCDWQ and any other departments as deemed necessary with respect to the wastewater disposal shall be supplied prior to issuance of the first building permit.
9. All required perimeter landscaping and buffering shall be installed prior to the issuance of certificate of occupancy for the first structure or at the first optimal planting season following the issuance of the certificate of occupancy.
10. Dumpsters shall be screened to meet Chatham County guidelines.
11. 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.
12. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
13. The first building permit shall be issued within 24 months from the date of this permit's approval or the expiration of the appeal period or any court decision, whichever is later or this permit will automatically expire and become void.