



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
11-20-06

PART A

Subject:

Request by George Farrell, Jr. for a Conditional Use B-1 Business Permit for expansion of the self storage business located across McGhee Rd. and for flex office buildings (various business uses) with related storage located at the corner of Farrington Point Rd. (SR 1008) and McGhee Rd. (SR 1717), Williams Township.

Action Requested:

SEE RECOMMENDATION

Attachments:

The following was distributed at the September 5, 2006 Planning Board meeting:

1. Application Packet

The following can be viewed on the Planning Department webpage at www.co.chatham.nc.us under Planning, Rezoning & Subdivision Cases, 2006:

2. Arcview map
3. Appearance Commission report dated August 9, 2006
4. Email from Dolores Hall, Office of State Archaeology dated September 10, 2006
5. Email from Jason Sullivan dated August 30, 2006 reference Natural Heritage Program
6. Email from Jane Pyle, Chatham County Historical Society dated August 17, 2006
7. NCDOT Commercial Driveway Review letter dated August 8, 2006
8. A revised site plan given at the October 3, 2006 Planning Board meeting.
9. A revised soils analysis and map given at the October 3, 2006 Planning Board meeting.

Submitted By:

Keith Megginson, Planning Director

Date

County Manager Review:

Charlie Horne, County Manager

This abstract requires review by:

County Attorney

Date Reviewed

Finance Officer

Date Reviewed

PART B

RE: George Farrell – Conditional Use Permit

Introduction / Background / Previous Board Actions: A quasi-judicial public hearing was held on this project on September 18, 2006 and the minutes can be viewed on the County website at www.co.chatham.nc.us under County Commissioners. One person spoke in favor of the request and two people spoke in opposition of the request. The conditional use permit cannot be approved unless the zoning district change is approved. The Planning Board tabled the conditional use permit request at their meeting on October 3, 2006 to allow Mr. Farrell time to bring a more definitive wastewater plan to be reviewed. The Planning Board recommended approval during their November 6 meeting.

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 applicant has addressed the five (5) findings in the application.

It is the staff opinion that Finding #1 may be made if the zoning district is changed to conditional use business district. The Planning Board recommended approval of the rezoning request.

It is the staff opinion Finding #2 may be made.

It is the staff opinion Finding #3 could be argued but may be made with conditions. The Appearance Commission made suggestions and gave a favorable recommendation on the project. A revised site plan was given to the Planning Board and Planning staff at the October 3, 2006 meeting depicting changes of suggestions given by citizen and staff concerns.

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. The Planning Board agreed.

It is staff opinion that Finding #5 has been supported. Based on concerns of planning staff and

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the Planning Board at their last meeting on October 3, 2006, Mr. Farrell provided a report from Agri-Waste Technology, Inc. verifying there is soil suitability at the rear of the project for a wastewater system. That information can be viewed on the Planning Department's webpage. A corrected disposal area site plan was presented at the Planning Board meeting November 6, 2006. At that time a determination from planning staff was made as to whether a new public hearing should be held due to any substantial changes in the buffer area and the eastern adjacent property. It was determined there would be limited cutting of trees or clearing of the spray field areas and that would not create an adverse situation on the adjacent property, therefore not requiring an additional public hearing. A power point presentation can be viewed on the planning webpage showing site development and design of this system. The Planning Board discussed location of the storage ponds. Mr. House stated the storage pond would be located on the property near where the front commercial uses will be in an area labeled as lot 1, 8.5 acres. There is an area in the center of this section to be used as the storage pond. Below are listed staff recommendations on this issue.

Recommendation: The Planning Board recommended approval of the conditional use permit at the November 6 meeting by a unanimous vote. It is the recommendation of the Planning Department and the Planning Board that the five (5) findings be made and the request be approved with the following 12 conditions. There are also listed two additional conditions recommended by staff.

- 1) A fifty foot (50') opaque, vegetative buffer shall remain along the northern and eastern property lines. Should the existing vegetative buffer not provide a year round opaque screening, plantings as instructed by the Appearance Commission shall be installed at the next optimal planting season and maintained.
- 2) All parking areas shall conform to the parking requirements as set forth in the Chatham County Zoning Ordinance.
- 3) Two monument style signs are allowed, one (1) per each property, as shown on the site plan. Signage within the development shall conform to the B-1 Business signage requirements of the Chatham County Zoning Ordinance.
- 4) Landscaping shall be installed as instructed by the Appearance Commission and remain outside of the NCDOT site triangles. A list shall be provided to the Planning Department detailing the names of the plants used in specific areas as outlined on the site plan and as directed by the Appearance Commission.
- 5) All lighting shall conform to the Chatham County "Draft" Lighting Ordinance.
- 6) A re-evaluation of the storm water detention ponds shall be conducted. There are only two (2) located on the site plan for the entire project. Stormwater measures shall be designed and installed to detain the two (2) year twenty-four (24) hour storm.
- 7) The drive farthest north of the intersection of Farrington Rd. and McGhee Rd. on Farrington Rd. is to be an "exit only" drive. It is requested of the applicant to install some type of permanent measure such as a raised concrete island to discourage traffic from entering this drive. This drive shall also be extended to allow for emergency vehicles to continue straight through to the rear of the storage facility to allow for a

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Recommendation – conditions con't**

second entry point in case of emergency at the storage facility. The drive closest to the intersection of Farrington Rd. and McGhee Rd. shall be an “entrance only” drive and the same recommendation is made of the applicant to assist in ensuring traffic flows accordingly as designed. The turn around radius between storage facilities shall not be less than fifty-five feet (55’). It is the applicant’s choice whether to install a security gate for access by emergency personnel only into the storage facility area from the northern most drive off of Farrington Rd.

- 8) There shall remain a fifty foot (50’), undisturbed, vegetative buffer on each side of the creek located on the lower tract for the storage facility.
- 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) A building permit shall be obtained within 24 months from the date of approval or the expiration date for appeals or the date of the court’s decision, whichever is later, and shall remain valid at all times or the conditional use permit will be void.
- 11) Parking requirements for the request shall be as calculated in the Zoning Ordinance under Section 12.
- 12) Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.

Additional conditions as recommended by staff:

- 13) The storage pond area for the wastewater system shall be labeled on the site plan.
- 14) Should the storage pond for the wastewater system be located in an area readily accessible to the public, precautions shall be put in place to deter access by humans. These measures may include but are not limited to berms, plantings, and/or fencing.
