



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
11-20-06

PART A

Subject: Request by Lee-Moore Oil Co. for a Conditional Use B-1 Business Permit for a home improvement center and additional retail and shops located off US 15-501 N south of the Chatham/Orange County line, Williams Township, on 29.4 acres of a 63.3-acre tract.

Action Requested: SEE RECOMMENDATIONS

Attachments: *The following was delivered at the September 5, 2006 Planning Board meeting:*

1. Application packet

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

2. Public hearing comments from September 19, 2006
3. Bill Ford's market report
4. S&EC detailed soil/site evaluation
5. The Appearance Commission's report
6. A revised Traffic Impact Analysis Report dated October 2006
7. Minority Report Submitted November 13, 2006 by Sally Kost

The following is included in this packet:

8. A revised site plan received October 30, 2006

Submitted By:

Keith Megginson, Planning Director

Date

County Manager Review:

Charlie Horne, County Manager

Date

This abstract requires review by:

County Attorney

Date Reviewed

Finance Officer

Date Reviewed

Budget Officer

Date Reviewed

PART B

RE: Lee-Moore Oil – Conditional Use Permit

Introduction / Background / Previous Board Actions: A quasi-judicial public hearing was held on this project on September 19, 2006 and the minutes can be viewed on the county website at www.co.chatham.nc.us under County Commissioners. The planning staff did not forward the request to the Planning Board at the October 3, 2006 meeting due to insufficient time to prepare notes based on the amount of submittals submitted to the department for consideration. The planning staff submitted the request to the Planning Board at their November 6 meeting. The conditional use permit cannot be approved unless the zoning district change is approved.

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 staff opinion finding #1 could be made if the zoning district is changed to conditional use B-1 business district.

It is staff opinion finding #2 may be made from the standpoint of an increase in the economic components for Chatham County. Some ways to boost the economy would be an increase of jobs by creating approximately 360 positions. The economic impact analysis and fiscal impact analysis outline an increase in tax value and revenue resulting in an annual surplus of \$611,628.00. A marketing analysis noted there were currently 23,643 household within a five (5) mile radius of this property. The industry-marketing representative stated they require approximately 30,000 households in order to support a store of the size the applicant is requesting. With a 6% growth factor applied to the current number, the 30,000 household thresholds will be met in a few years. The existing county water lines will be used to serve the project.

It is staff opinion finding #3 may be made from the standpoint that commercial activity has existed on a portion of this property for more than 30 years. The county has had limited or no authority over visual affects, screening, lighting, storm-water control, or other areas that would otherwise be covered by a conditional use permit approval. With a conditional use permit, the county can

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implement conditions on the permit to assist in assuring the extent of affects on adjacent property owners and the project maintains a character desired for this area of Chatham County. A new traffic impact analysis has been performed based on concerns of citizens at the public hearing. A new site plan has been created in an effort to address concerns of citizens as well. An additional stub-out drive has been put in place for an adjacent landowner (Kernodle); the design of the home improvement center has been flipped to move the exterior activities to the northern side of the property instead of the southern side of the property closest to residences; and the retail area on the northern side of the property has been eliminated reducing the amount of retail from 49,400 to 33,000 square feet. All of these effects will decrease the intensity of the use of the property; reduce traffic, impervious surface, and wastewater production and disposal. Mark Ashness with the CE Group stated wastewater production will be reduced to around 11,000 gpd from the original estimate of 14,000 gpd. Perimeter buffering has been increased along US 15-501, the rear eastern property line in the RA-40 zoning area, and on the southern property line to lessen impacts on adjacent properties and traffic. No outparcel will be accessible from US 15-501.

It is staff opinion finding #4 has been addressed in the request for the conditional use B-1 business rezoning request and has been satisfied.

It is staff opinion finding #5 has been met. A stub-out drive has been placed on the site plan to connect to the Kernodle property at their request. The drive just south of the signalized intersection will be a right-in/right-out only access encouraging most on-site traffic to utilize the signalized intersection, which is to be aligned with Smith Level Rd. Adequate utilities are being or will be provided. Drainage from rain waters is being designed to have the bulk of storm water runoff diverted to the largest of the three (3) detention ponds to the north of the project. Drainage to the smaller ponds should be minimal during normal rain events. Precautions are being taken to protect the existing wetlands on the property located in the residential/agricultural zoned portion of the project. The property will be served by county water.

Recommendation: It is the recommendation of the Planning Department staff that all five (5) findings may be met and therefore the request be approved. The Planning Board voted 8 for and 1 opposed to recommend approval of the request. If the request is considered favorably, the site plan, the application information, and the Chatham County Zoning Ordinance requirements along with the following conditions are recommended and should be addressed at this time:

- 1) Entrance signs are limited to two (2) as indicated on the site plan and are to be no larger than 150 square feet. All other signage, interior to the development, shall conform to the Chatham County Zoning Ordinance, Section 13.7 Signs Permitted in the B-1 Business District.
- 2) The wastewater facility shall be owned and operated by a public utility.
- 3) All lighting shall conform to the Chatham County “Draft” Lighting Ordinance guidelines.
- 4) The landscaping plan shall be revised to reflect the recommendations of the Appearance Commission. Plantings shall be installed at the next optimal planting season following grading and clearing activities.

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Recommendation – con't

- 5) All required perimeter landscaping and buffering shall be installed prior to the issuance of certificate of occupancy for the first structure.
- 6) Any dumpster locations shall be screened in an “opaque” fashion away from public view.
- 7) 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.
- 8) Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
- 9) 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.
