



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
8-21-06

PART A

Subject:

A request from Jeff Goodwin by Attorney Cindy Perry to rezone 4.03 acres of property located on Martha's Chapel Road (SR 1752) for a Conditional Use District Permit for a boat, camper, and rv storage facility.

Action Requested:

See Recommendations.

Attachments:

The following was distributed in the July 17, 2006 Public Hearing Packet:

1. The application packet

Included in this packet:

1. A Watershed overlay map with floodable areas and property lines noted.

The following can be viewed on the Planning Department webpage:

1. Minutes from the Appearance Commission dated 6/14/2006
2. Sign up sheet from the July 17, 2006 public hearing
3. Letter and photos from Patrick O'Neill dated July, 17, 2006
4. Letter from Brandin O'Neill dated July 17, 2006
5. Letter from Connie Riddle dated July 15, 2006
6. Letter and photos from Mairead Lockwood dated July 17, 2006
7. Letter from Phoebe Shih dated July 15, 2006
8. Letter from Pat LaSala dated July 15, 2006
9. Letter from Denise Ward dated July 17, 2006
10. Letter from Jennifer Harding not dated

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: Jeff Goodwin – Conditional Use Permit

Introduction / Background / Previous Board Actions: A quasi-judicial public hearing was held on this project on July 17, 2006 and the minutes are attached to the zoning district request portion of the application. 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.

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.

It is staff opinion Finding #1 can be made provided the rezoning of the property is approved. It is staff opinion Finding #2 could be supported but it is arguable the location is desirable for the public convenience and welfare. The applicant states the proposed use would increase tax revenues by \$165 annually. However, a single family dwelling with land valued at \$330,000 would generate \$1,970 in tax revenue annually without a fire district tax. There would be no additional jobs provided to the County at this facility.

Finding #3 has not been supported. The berm as stated is to be 30 feet wide and 3-4 feet high. An on-site inspection by staff revealed this to be inadequate for screening between said property and the residence to the east. The topography of the proposed site is elevated. All surrounding property is at a lower elevation creating a difficult situation to screen the project from adjacent properties. This may create considerable impact on the integrity or character of the surrounding properties. Photos of the proposed site and surrounding area can be viewed on our website at www.co.chatham.nc.us under Planning, Rezoning and Subdivision Cases, 2006. In regards to traffic, a site inspection revealed a residence potentially affected by exiting traffic in the 2nd story room of their residence at night by headlights.

This area of Chatham County is zoned RA-40 (Residential/Agricultural). The site inspection revealed the surrounding area of Martha's Chapel Road is residential and agricultural with horse farms. As proposed the site would be developed to the maximum amount of impervious surface allowed which is 36%. If approved this would be the smallest parcel approved for a boat storage facility.

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Issues for Further Discussion and Analysis – con't

It is staff opinion Finding #4 has not been supported by reasons stated in the request for the zoning district change. Finding #5 may be made with the specific conditions listed below.

Recommendation: It is the Planning Department and Planning Board opinion that all of the five findings cannot be made and therefore the request should be denied. The Planning Board voted to deny the request by a vote of 8-2. If the request is considered favorably the following conditions are recommended:

1. A berm extending the entire length of the open area next to the eastern adjacent property as described in the application shall be installed and at a height of at least 10 feet.
2. Security fencing with a controlled access gate shall be installed around the entire project area prior to issuance of the certificate of occupancy for the first structure.
3. All lighting, signage, and parking shall be as stated in the application and comply with any county ordinances or plans.
4. Stormwater measures shall be designed and installed to detain the 2 year 24 hour storm.
5. 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 with the exception of the berm. The berm shall be constructed and seeded or mulched to prevent runoff but the plantings can be installed at the first optimal planting season.
6. 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.
7. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
8. The first building permit shall be issued within 12 months from the date of this permit's approval or this permit will automatically expire and become void.