

PLANNING & ZONING REVIEW NOTES

VII. C.

SUBJECT:

A request by **William Jeffrey House** for a conditional use permit for privately owned camp and grounds for campers, travel trailers, recreational vehicles, and motor homes on Parcel No. 11257 consisting of 10.35 acres, located off SR 1931, Moncure School Rd., Haw River Township.

ATTACHMENTS:

The following was presented at the May 1, 2007 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, 2007:

2. Arcview map
3. NCDOT commercial driveway permit
4. Improvements permit for wastewater system from the Chatham County Environmental Health Division.
5. Erosion & Sedimentation Control inspection report.
6. Letter of support from Benny Goldberg dated April 25, 2007
7. Letter of support from Trans-Ash dated March 24, 2007
8. Appearance Commission recommendations
9. Thirty-four letters of support given at the Public Hearing

INTRODUCTION & BACKGROUND:

A public hearing was held May 21, 2007. Several people spoke in favor of the request; none against. Attorney Cindy Perry spoke representing the landowners.

In September 2006, the Chatham County Board of Commissioners voted to approve a text amendment by Mr. House to reduce the acreage requirement for this portion of the Haw River Township from a 20 acre minimum to a 10 acre minimum for public and private recreation camps and grounds. The text amendment was requested by the applicant in order to apply for a conditional use permit for a campground to utilize his property for income purposes. Mr. House is requesting a conditional use permit application to follow through with his plan for a private campground.

Re: William Jeffrey House

DISCUSSION & 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:

Finding #1-The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.

Finding #2-The request conditional use permit is either essential or desirable for the public convenience or welfare.

Finding #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.

Finding #4-The requested permit will be consistent with the objectives of the Land Conservation and Development Plan.

Finding #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. The zoning designation for this parcel is RA-40 (Residential Agricultural). Under the list of permitted uses are allowable conditional uses that require a conditional use permit. Public and private recreation camps and grounds is the category the applicant is seeking. Due to the text amendment made in September 2006, this property, being located within the portion of the Haw River Township that allows for 10 acre campgrounds, can apply for said permit.

It is staff opinion Finding #2 can be argued but may be made. There have been thirty-five (35) letters of support given for this project. One is from a company that has workers who need temporary lodging while under contract work. This could involve the outages that Progress Energy and Sharon Harris experience annually. There are two (2) other campgrounds in close proximity to this property, being Goodwin's and Cotten Acre RV Park. Dickens RV Park, which is over three miles away on Corinth Road, received an approval for a conditional use permit to add 84 more spaces to the 21 previously approved in August 2005. This park currently has 63 functioning spaces and has been at capacity since its approval.

It is staff opinion Finding #3 may be made. The area where the campground will be located is on property owned by the applicant and is the address of where he and his family live. Existing vegetation surrounds the area where the campground is to be located. The Appearance Commission has made recommendations to "fill" areas under tall trees with suitable screening. The applicant states there is to be no view of camper vehicles from Moncure School Rd. where existing vegetation is not as abundant. The north property line faces US 1 Highway with heavy, mature vegetation and will maintain a fifty foot (50') vegetated buffer, the property across Moncure School Rd. is not developed. The property behind the proposed area is not developed and the property to the south is owned by family members. There will be a continued fifty foot (50') vegetated buffer along these property lines as well.

It is staff opinion Finding #4 may be made. The Land Development and Conservation Plan address several, subjective aspects encouraging continued growth within Chatham County. One area specifically can be seen on Page 11 under goals and objectives. The Plan encourages preservation of both the form and function of rural character by way of landscape, agriculture, and home based businesses. It guides applicants to meet performance standards to guard against nuisance conditions and to examine the use of conditional use permits.

DISCUSSION & ANALYSIS – con't

It is staff opinion Finding #5 may be made. County water is available for use on this site. The Environmental Health Department has issued an improvements permit for 10 sites at this time with an on-site septic system. The application states the soils will support up to forty-four (44) units. The Chatham County Erosion Control & Sedimentation Control Office has conducted a preliminary site inspection and has stated no disturbance method of construction has been proposed. Therefore no permit is required at this time. NCDOT has reviewed and approved the driveway proposal.

The Natural Heritage Program and The Office of State Archaeology require no further study at this time.

RECOMMENDATION:

The Planning Board has up to three (3) meetings to make a recommendation to the Board of Commissioners on this request. If the recommendation is to be a favorable one, it is requested the Planning Board review any additional conditions imposed upon the request at this time. It is the recommendation of the Planning staff this application request has met the five findings required and be approved as submitted and with the following 21 conditions:

1. There shall be allowed one (1) sign, non-illuminated, no larger than 32 square feet and no taller than 6 feet at the entrance to the property.
2. Recommendations from the Appearance Commission shall be followed. Any additional plantings shall be done at the next optimal planting season following the approval date and shall be maintained to thrive and provide the appropriate screening as required. The Appearance Commission with the Planning Department may review the landscaping and screening after one year of the initial planting to verify appropriate measures have been taken as requested. Should there be any changes in the landscaping for effectiveness of screening and environmental protections, they shall be given to the applicant at that time and the applicant will be given ample opportunity to take the corrective measures.
3. There is to remain and be maintained a 50 foot vegetated, screening buffer around the perimeter of the campground area.
4. Any stormwater measures that may be required shall conform to the 2 year, 24 hour storm event and a plan submitted to the Planning Department prior to its construction.
5. There shall be no more than 44 units on this property as stated in the application. The spaces may be completed in phases as stated in the application. A building permit shall not be issued for any phase without the required permits from the Chatham County Environmental Health Department.
6. Campground use is for temporary use only. "Temporary" is defined in this instance as up to two (2) years per unit. No permanent structures or tents are allowed, only campers, travel trailers, recreational vehicles and motor homes.

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7. Units must be spaced a minimum distance of 30 feet apart.
8. There shall not be any trash accumulation on the campground property. Trash removal shall be the responsibility of the campground owner.
9. The property owner shall maintain a log of record on the occupants of the campground. This information is to include, the name of the temporary resident, the tag number of the camper, motor home, travel trailer, or recreational vehicle, and the dates they checked into the campground as well as the dates they checked out. A copy of this log shall be available to the Planning Department and a copy filed in the Planning Department office every twelve months.
10. Occupancy of the campground shall not commence until all required state or county approvals have been received.
11. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation 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 12 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.
14. Any and all lighting shall comply with the "draft" lighting guidelines applicable at the time of approval.
15. Watershed Management - An "as built" impervious surface calculation for all structures, gravel, concrete, and/or asphalt shall be provided to the Planning Department prior to the issuance of a certificate of occupancy.
16. Silt Control – The applicant and/or landowner shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
17. Appeal - The County shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the County concerning this resolution, or any action to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the County harmless from all loss, cost or expense, including reasonable attorneys fees, incurred in connection with the defense of or response to any and all known or unknown actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of or resulting from this decision. Nothing in this paragraph shall require the applicant to indemnify and hold the County harmless from any losses or costs associated with defense of the County's actions or procedures in considering and acting upon this application.

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18. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspection, established from time to time.
19. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued Determination with the plans and conditions listed above.
20. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
21. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.