

PLANNING & ZONING REVIEW NOTES

VII. B.

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**SUBJECT:**

A request by applicant Absolute Land Survey for **Windsong Muse, LLC** for a revision to a conditional use permit for Windsong Retreat O&I for bed and breakfast facility and retreat and conference center for new owner (Windsong Muse, LLC) to include a professional recording studio on Parcel NO. 17475 consisting of 16.756 acres, located at 2540 Seaforth Rd (SR1941), New Hope Township.

**ATTACHMENTS:** *The following was submitted at the May 1, 2007 Planning Board meeting:*

1. Application packet

*The following can be viewed on the Planning Department's webpage at [www.co.chatham.nc.us](http://www.co.chatham.nc.us) under Planning, Rezoning & Subdivision Cases, 2007:*

2. Arcview map
3. Letter of support from United Church of Chapel Hill dated March 28, 2007
4. Statement by Michael Tiemann given at the Public Hearing

**INTRODUCTION & BACKGROUND:**

A public hearing was held on May 21, 2007. The landowner was the only person who spoke on the request.

This property applied for and was granted a conditional use permit in June 2004 for a CU O & I (Office and Institutional) zoning district for a retreat and conference center. It has operated as a bed and breakfast as well, which is an allowed use under the residential agricultural zoning, for approximately 7 years.

**DISCUSSION & ANALYSIS:**

A recommendation of this request is based on the five findings as set out in the ordinance. They are:

***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.

**DISCUSSION & ANALYSIS** – con't

It is the opinion of the Planning staff Finding #1 can be made. This application request is to add an additional facility to provide general and professional office space with additional training and conference areas. One use the landowner plans to make with this new structure is for technical support in audio and media education, training, and production (recording studio). Though the zoning ordinance does not specifically mention this type of activity, it is staff opinion the general, professional, medical, and governmental office category is the correct designation.

It is the opinion of the Planning staff Finding #2 can be argued but may be made. Chatham County currently does not have a facility of this type. Chatham County currently has a variety of “art” promotions it uses to attract visitors and give local residents an opportunity to use their creativity. Examples would be the Arts Incubator, the annual arts studio tours, Clydefest, etc. Once complete, the applicant is anticipating 3-5 full-time staff and 3-5 part-time staff. Lodging will remain an enhancement for the clients wishing to utilize the facility for longer than one (1) day. The property improvements will be an addition to the County tax base.

It is the opinion of the Planning staff Finding #3 can be made. This property has been operating as a bed and breakfast and a training and conference center for the past 7 years. The visual impact is projected to be approximately zero with the removal of one (1) tree. The use of existing, buffered tree lines will be utilized. A timber company owns the adjoining lands to the North and East and the land to the South and West are owned by an individual landowner and are also forested. The application states that this facility is designed to be soundproof. The facility will be designed with 16” – 20” inch thick, double-layer masonry walls and 4” inch acoustical insulation between the layers with airport double-pane glass. There is expected to be, on average, 3 passenger vehicles entering and leaving per day for use with this facility. Larger groups will be encouraged to use vanpools. There is an existing parking area previously constructed with the original conditional use permit that can accommodate full size buses should it be needed. This would be for church choirs or school children coming to the center. There will be one new, illuminated sign located on the property at the new structure for identification of the building only.

It is the opinion of the Planning staff Finding #4 can be made. Though the Land Development Plan, referred to as the Plan, is subjective in nature, staff finds this request meets guidelines and objectives as stated. A map has not been adopted to provide specific locations for economic development centers. One objective of the Plan is to designate such areas in order to promote a diversified, sustainable business community. (Pg 1) Our office has located no similar permitted uses. The application addresses utilizing environmental objectives by creating the use of “green” building materials, construction methods, and technologies. The building itself will be carbon neutral through the use of solar and geothermal technology. Page 17 of the Plan addresses maintaining the rural character already associated with lands in Chatham County. The applicant states this proposal will not change what has been customarily seen with respect to the previous Windsong B & B and Retreat Center. There will be the removing of one (1) tree and the new structure will be situated where an old barn was previously located. The Chatham County Historical Society has reviewed the request and finds no need for further study.

**DISCUSSION & ANALYSIS** – con't

It is staff opinion Finding #5 can be made. The new facility will be supplied water by the existing well. Additional usage is expected to be less than 100 gpd. An additional wastewater septic site has been mapped and proper permitting will be obtained for the construction of the septic system. The property is split between two different watershed designations; WSIV-PA and WSIV-CA. The structure appears to be proposed in the WSIV-PA which has a maximum impervious surface of 36%. The WSIV-CA has a maximum impervious surface of 24%. SR 1941, Seaforth Rd, currently serves the property and is maintained by NCDOT. There currently is not a statement from NCDOT this activity will or will not impair the integrity of this roadway. However, it will be addressed in the conditions. Existing and proposed impervious surface estimated at 3.9%. There is no water-hazard areas present on this property. The application states proper permits from the Chatham County Erosion and Sedimentation Control Office will be obtained. The Natural Heritage Program, the Office of State Archaeology, and the Chatham County Historical Society did not have any further actions needing to be addressed in connection with this property.

**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 14 conditions:

1. There shall be allowed one (1) sign, no larger than 32 square feet at the entrance to the property. Interior signage is permitted as described in the application for an illuminated sign at the new studio center but is to be no larger than 32 square feet.
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 this time and the applicant will be given ample opportunity to take the corrective measures.
3. 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.
4. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.

**RECOMMENDATION** – con't

5. 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.
6. The parking lot area shall meet the guidelines of the zoning ordinance for 1 space per 300 square feet of area for all retreat, conference, and studio floor area. The bed and breakfast shall have 1 space per unit plus 2 spaces per 3 employees on a normal shift as described in the ordinance. Turn around areas shall be provided in the largest parking lot and at the drop off/pick up point of the new structure. These parking areas shall show on a revised site plan provided to the Planning Department prior to beginning of construction.
7. Any and all lighting shall comply with the "draft" lighting guidelines applicable at the time of approval.
8. Watershed Management - An "as built" impervious surface calculation for all structures, gravel, concrete, and asphalt shall be provided to the Planning Department prior to the issuance of a certificate of occupancy.
9. 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.
10. 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.
11. 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.
12. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued Determination with the plans and conditions listed above.
13. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
14. 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.