

PLANNING & ZONING REVIEW NOTES

VII. B.

SUBJECT: A request by **Andrea Snyder** for a conditional use permit for a beauty salon on approximately 1.137 acres, Parcel No. 82736 located at 587 Old Farrington Rd. (SR 2053), Williams Township.

ATTACHMENTS: *The following was submitted at the July 10, 2007 Planning Board meeting:*

1. Application packet

The following may be viewed on the Planning Department website at www.chathamnc.org under Rezoning & Subdivision Cases, 2007:

2. Arcview map

INTRODUCTION & BACKGROUND:

A quasi-judicial public hearing was held on this request July 16, 2007. No one spoke on the issue. The conditional use permit cannot be approved unless the zoning district change is approved.

This tract of land was created in 2005 as lot 3 of a 3 lot minor subdivision for Matthews-Wagner Enterprises, LLC. A tennis court previously existed on the site which was removed once the subdivision was completed. In 2006, the current landowner moved a house onto the property for which a certificate of occupancy was issued March 6, 2007 for a single family dwelling.

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 requested 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.

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DISCUSSION & ANALYSIS – con't

It is planning staff opinion **Finding #1 could be made** if the zoning district is changed to conditional use business district. A beauty salon falls under the description of retail stores and personal service shops similar to those listed dealing in direct consumer and personal services as outlined in the list of permitted uses under the B-1 Business District of the Chatham County Zoning Ordinance.

It is planning staff opinion **Finding #2 may be made**. The use requested would be located within a densely populated area of Chatham County. There are four (4) major subdivision located within a 2 ½ mile radius; Governors Club, Governors Village, Governors Lake, and Carolina Meadows. There are currently 3 other like salons within the 2 ½ mile radius. They are:

- Governors Hair Boutique @ 10100 Governors Dr.
- Professional Beauty Salon @ 2466 Farrington Point Rd.
- A privately owned salon within Carolina Meadows

With the major subdivisions, along with the individually owned properties, there are well over 1,600 homes within the 2 ½ mile radius. Therefore the need may be met. Tax revenue generally increases with commercial property verses residential property. The Chatham County Tax Administrator's Office advised the tax value of the property would be increased by over \$16,000 based on today's calculations. Sales tax to the county could increase by keeping services within Chatham County and employment opportunities will be available as well.

It is planning staff opinion **Finding #3 cannot be made**. As stated in the application, the salon will house four (4) chairs for clients and will employ 4 stylists. The days of operation will be Monday through Saturday with hours of operation generally beginning around 10am to 7pm with peak hours between 10am and 3pm. Not all stylists work full time every day.

As stated in the conditional use rezoning request, The NCDOT Traffic Count Study does not present an issue with increased traffic generation on Old Farrington Road. This road over the last few years has become a commuter area into RTP, I40, and The Streets at Southpoint Mall which was open for business in early 2004. The study count in 2005 was 4,600 trips per day. The allowance is 28,000 trips per day.

Visual impact and screening is minimal. The Appearance Commission provided a tentative approval on the landscaping and screening project on April 11, 2007. There is to be 8 parking spaces provided as stated by the applicant and one sign no larger than 5' x 5' (25 square feet) per the application. Lighting is to involve the use of 2-3 flood lights attached to the corners of the structure, solar style patio lighting along the walkway and a ground flood light for the sign. No noise will be generated from this site uncustomary to a residential district.

This finding cannot be met due to the chemicals associated with this type of business. The specific chemicals used will be managed according to state and county health regulations. However, notice from Aqua NC, the service agent for the Governor's Club municipal wastewater filtration system, has not been received providing approval for the change in occupancy from residential to commercial use and allowing for such chemicals to be discharged into their system.

It is planning staff opinion **Finding #4 may be made**. It is staff opinion that it is consistent with the specific recommendations of the Plan. Please refer to the notes for the request for rezoning to Conditional Use Light Industrial from Residential Agricultural for clarification.

It is planning staff opinion **Finding #5 has not been made**. The property is currently served by county water and will continue as such. There exists on the property a utility easement for a 10 foot private sanitary sewer to connect into the Governor's club municipal wastewater system. The residence is currently hooked into this system. One could assume since other commercial properties are on this system, there would not be a denial for this project to utilize the system in this manner. However, documentation has not been received from Aqua NC stating they would allow this commercial use to be added to the system. Notification from NCDWQ has not been received providing authorization to change the use of this structure on the system and the conditions of such an approval.

NCDOT is reviewing the request to obtain a commercial driveway permit but has not provided the preliminary approval notice for the project.

There is no grading or land disturbance required to upgrade the use requested. Stormwater detention areas are not needed at this time.

Impervious surface calculation of the existing structure and the proposed requirements for the parking area are approximately 8%. The watershed designation of WSIV-PA allows for up to 36% impervious surface area.

It is planning staff opinion the application for conditional use permit be denied. Finding #3 has not been met to satisfy the protection, health, and safety with regards to the discharge of chemical into the wastewater system that uses spray irrigation as the discharge means for such system. Finding #5 has not been met due to lack of authorization or preliminary permitting for use of the wastewater system for the commercial use from NCDWQ or Aqua NC. The application states several chemicals that will be used on the property in connection with the business. The state does provide these types of businesses with a list of permitted chemicals it can use in connection with these types of wastewater systems. However, that information has not been provided.

RECOMMENDATION:

The Planning Board has up to three (3) meetings to make a recommendation to the Board of Commissioners on this request. It is the recommendation of the Planning staff that this application request has not met the five findings required and should not be approved. If the Planning Board's recommendation is to be a favorable one, it is requested the Planning Board review any additional conditions imposed upon the request at this time:

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

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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.

1. 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 a certificate of occupancy.
2. Letters of approval from Aqua NC and NCDWQ shall be provided for the commercial connection for this use to the Governor's Club wastewater municipal filtration system prior to issuance of a certificate of occupancy.
3. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
4. The parking lot area shall meet the guidelines of the zoning ordinance for 2 spaces per operator. Adequate area shall be provided to ensure no backward movement onto Old Farrington Road.
5. Any and all lighting shall comply with the "draft" lighting guidelines applicable at the time of approval as described in the application.
6. Utility and Access Easements – Easement documents as required by the County for any public utilities used or furnished to the project area shall be recorded prior to the issuance of a certificate of occupancy.
7. 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.
8. 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.
9. 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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10. 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.
11. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued Determination with the plans and conditions listed above.
12. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
13. 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.