



**CHATHAM COUNTY  
BOARD OF COMMISSIONERS  
AGENDA ABSTRACT**

**ITEM NUMBER:**  
**MEETING DATE:**  
10-20-08

**PART A**

**Subject:**

A request by Carolina Meadows, Inc. for a revision to the existing conditional use permit, Parcel No. 62114, 64734, 20033, 74450, located off Whipoorwill Lane, Williams Township, to develop the residual land within the existing boundaries to add 35 duplex villas and relocate the maintenance facility, reconstruct a new health care facility, and various other changes to existing structures and parking areas.

**Action Requested:**

See Recommendations.

**Attachments:**

*The following was submitted prior to the 9-15-08 Public Hearing and may be viewed on our website referenced below:*

1. Application packet

*The following may be viewed on the Planning Department website at [www.chathamnc.org](http://www.chathamnc.org) under Rezoning & Subdivision Cases, 2008:*

2. Appearance Commission recommendations
3. Email from Gray Styers regarding flow data and roadway profile.
4. Marketing analysis dated September 12, 2008 by Erpelding & Associates
5. Traffic analysis dated May 7, 2008 by Ramey Kemp & Associates

**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: Carolina Meadows, Inc.*

### Introduction / Background / Previous Board Actions:

*(Planning Board recommendations can be viewed in the bold, italicized wording)*

A quasi-judicial public hearing was held on this request September 15, 2008. No one spoke in opposition of the request. Several professionals spoke regarding various issues such as roadway design, wastewater allocations, site design, etc. Attorney Gray Styers represented the applicants.

***The Planning Board reviewed the request at their regularly scheduled meeting October 7, 2008. There was some discussion regarding a diversion channel mentioned in an email by Fred Royal. It was not clear if this diversion channel was properly buffered or needed to be buffered. This is addressed in the following conditions. There were other discussions but there were no concerns that required further conditioning. The Board voted unanimously (10-0) to recommend approval of the request.***

A conditional use permit for a Planned Unit Development specifically for a continuing care retirement community for senior adults located on approximately 167 acres was approved on this property in 1983 for up to 1,000 residential units, a 100 bed nursing facility, limited commercial uses, and a series of recreation facilities for the residents. There have been five amendments to the permit since that time, all approved. The last amendment changed the number of residential units to 750. To date approximately one half of that number has been established. The applicants have stated the need to expand based on the demand and to provide and maintain a level of care associated with the community. A community meeting was held with the Governor's Village Home Owners Association on July 18, 2008. There were no adverse concerns addressed and the representative for the applicant stated it was well received.

The request has been broken down into three (3) sections. These notes represent most all proposed development areas as a whole with details regarding specific areas as stated.

### Issues for Further Discussion and Analysis:

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

***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

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**Issues for Further Discussion and Analysis – cont.**

necessary facilities have been or are being provided.

It is the opinion of the planning staff **Finding #1** may be made. This facility has had approval to operate since 1983 and has continued to do so as approved.

It is the opinion of the planning staff **Finding #2** has been supported. Since Carolina Meadows has been existence, it has operated as a continuing care retirement facility that offers amenities, independent living, assisted living, and skilled nursing care. There are approximately 600 residents currently living in the facility with more waiting to come in.

The facility is already established therefore no new state maintained roads will be needed. A traffic impact analysis was performed by Ramey Kemp & Associates which can be read in its entirety on the webpage. The report advised most intersections and access areas, except one, will continue to operate at a level of service (LOS) C or better under what NCDOT has listed for AM and PM peak hours. The one concern was for the southbound approach of Old Farrington Rd. and Whippoorwill Lane where it already operates at LOS F. This has not been tied to this facility nor has the increase in residential units made a significant impact on the already current delay. The report states a “one second” delay may result with combined conditions.

Carolina Meadows is currently the second largest tax payer and employer in Chatham County. A request was made by a member of the Board of Commissioners on how many of those employees are county residents. Out of 408 employees, 122 (about 30%) are Chatham County residents. An economic analysis by Milo Gallo & Associates was performed June 17, 2008 and may be viewed on the webpage. The total for the proposed capital improvements is approximately \$46 million as provided by Carolina Meadow’s architect, Calloway Johnson Moore & West, P.A. There are at least 14 new employment positions to be filled and an anticipated increase in retail spending of over \$1.5 million rising to about \$10 million overall. Approximately 60% of the consumer spending would be taxable sales according to Lucy Gallo.

It is the opinion of the planning staff that **Finding #3** is supported. A traffic study was performed and the results show the additional development will not have a significant impact on the roadway network. There was a concern raised at the public hearing regarding the need for a traffic light at the intersection of Old Farrington Road and Whippoorwill Lane. The report did not address this as a concern directly affected by the development but as an already impacted roadway. There was also a concern of steep roadways in the area and the possible need for an emergency access off Old Farrington Road. The slope maps did not get into the digital documents submitted with the application. Mr. Gray Styers has provided information and mapping on the grade allowance for this area. Those can be viewed on the webpage. The average grade is expected to be 2%. The low points will be places for the placement of water quality ponds used to manage storm water runoff. This is considered to be “level” per NCDOT standards. No new state maintained roads are proposed.

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**Issues for Further Discussion and Analysis – cont.**

The Chatham County Appearance Commission reviewed the landscaping and site plan and those recommendations can be viewed on the webpage. Area A is located in the southwestern side of the property that runs parallel with Old Farrington Road. There is a soccer field and the existing maintenance facility located here. The soccer field was not made part of the any condition in the original approval and has been there as a “good will” effort for the past 25 years or so. This field can be removed. The maintenance facility is to be relocated in the northern section of this area and the newly proposed 35 duplex units will be built there. Per existing conditions, the maintenance facility cannot be located closer than 25 feet to any state right-of-way or outside property line. There is a 100 foot vegetated buffer shown along Old Farrington Road as well as along this section of Whippoorwill Lane. For other buildings the current conditions require a 40 foot setback of all that are adjacent to a state right-of-way area. Where the existing soccer field is located, a landscape berm is proposed with intermittent visual obstruction ranging from five feet to 20 feet.

Area B is located on the eastern side of the facility parallel to Mt. Carmel Church Road. This is the area proposed for the 90 bed healthcare facility replacement. The healthcare facility will not exceed 98,000 square feet in size and shall meet the existing conditions for the 40 foot setback along Mt. Carmel Church Road and Whippoorwill Lane and a 25 foot setback from the adjacent property line with Mt. Carmel Baptist Church.

Area C is located within the existing community. This is the area the healthcare facility will be relocating from. Other work involves improvements to the entrance, expansion of the dining room, reconfigured parking areas, and additions to existing buildings.

New additional exterior lighting is proposed for the new healthcare facility location and the relocated maintenance facility. All new proposed lighting shall follow the ordinance as stated in the application.

There are no new signs proposed for the identification of the development. Only internal directional signs and service signs will be used as currently allowed by the ordinance and permitted as needed.

There were streams noted by S&EC and Fred Royal, Chatham County Director of Environmental Resources on and near Area A. Riparian buffers have been identified and approved along the streams and wetland areas and placed on the site plans. Those reports can be viewed on the webpage. There will also be a link of pedestrian trails already existing to include the new development areas. Mr. Ashness also advised there will be four water quality structures for the management of runoff as can be seen on the site plan. The overall impervious surface for the new development is approximately 20%.

It is the opinion of planning staff that **Finding #4** has been supported. This development has been in operation since 1983 and has the second largest employer and tax contributor in Chatham County. The development could also qualify under the definition of a “Compact Community” which is another objective of the Plan. It offers a mix of

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**Issues for Further Discussion and Analysis – cont.**

residential options, commercial, and recreation with an interconnected street system. The watershed classification for the property is WSIV-PA Protected Area where impervious surface is allowed up to 36%. Area A is anticipated to be below 24% which is the threshold for the development with curb and gutter. Area B will not have curb and gutter so 36% is allowed. The anticipated allowance for Area B is 35.7%. Mark Ashness with the CE Group stated at the public hearing the overall impervious surface will be below the allowances provided by the current ordinance.

It is the opinion of planning staff that **Finding #5** has been supported. The community will continue to be served by the Chatham County water system with an anticipated increase of 400gpd for the new residential units. Other replacement structures are already accounted for.

The project will continue to utilize the wastewater facility owned by Aqua NC located just north of the proposed maintenance building. The residential units will increase the usage by 360gpd. The Carolina Meadows WWTP has been remodeled and expanded from an 180,000gpd capacity to a 350,000gpd capacity therefore allowing for additional treatment. A copy of the average daily flows from January 2008 to July 2008 has been provided and can be viewed on the webpage. The highest reporting month was April with 135,100gpd and all months show compliance was met. ***There had been a concern raised by a Planning Board member regarding odors from the facility. Planning staff contact Roger Tubes, Operations Manager with Aqua NC, who stated there had been one complaint this year. He stated if there is ever a chance of odors from the facility, it would come once a quarter when the air vents are opened so the sludge can be removed and hauled away from the site. There have been no other complaints.***

Stormwater will be managed as stated in the application with existing ponds and new water quality features.

Two other concerns were raised at the public hearing. One was the collection of school impact fees for the new residential units. The Chatham County Educational Facilities Impact Fee Ordinance states under Section IV, Item F that construction of an elderly (persons 65 years or older) housing facility (whether assisted living or independent living) provided there are legal provisions for the prohibition of school age children living in the facility, are exempt from this ordinance. If such a facility were to change such that children are allowed then at said time the educational impact fee shall be paid in the amount applicable at the time of the conversion.

The other concern was for the collection of recreation fees. The Chatham County Subdivision Ordinance states in Section 6.5(2) that residential subdivisions shall either dedicate land for the purpose of recreation or pay a fee. This proposal is not a residential subdivision; there are not any individual lots being created. Therefore this fee does not apply.

The US Corps of Engineers owns the property adjacent to the northern section of this

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**Issues for Further Discussion and Analysis – cont.**

community. The Inventory of Natural Areas and Wildlife Habitats show that Morgan Creek Bottomland Forest is solely on the US Corps property. The application states the proposed new development will have no impacts to this area.

It is the Planning staff and Planning Board opinion that all five conditions have been met as stated above and therefore should be approved with conditions as stated.

**Recommendation:** It is the recommendation of the Planning staff and Planning Board, by unanimous vote (9-0), that this application be approved. It is requested the Commissioners review any additional conditions imposed upon the request at this time:

**Site Specific Conditions:**

1. All previous conditions not expressly listed in this approval shall remain valid.
2. The recommendations provided by the Appearance Commission, as stated in the application, and as shown on the site plans shall be followed. If at any time screening and buffering is not complying with the provision of this approval, the Appearance Commission, along with the Planning Department, shall make recommendations to bring said screening, plantings, or vegetation into compliance. The Chatham County Design Guidelines are incorporated into this approval as well. Landscaping shall be installed prior to issuance of a Certificate of Occupancy.
3. Signage is limited to that as stated in the application. Any illumination of signage shall follow the section on lighting in the Zoning Ordinance, Section 11A.
4. A plan for linking pedestrian trails shall be submitted to the Planning Department at each phase of the project before a Certificate of Occupancy can be issued.
5. The diversion channel noted by Fred Royal in his report dated June 19, 2008 shall be addressed detailing what its purposes is and how it will be constructed for such use. This document shall be provided to the Planning Department and approved by Mr. Royal before beginning any land disturbing activity or the issuance of the first building permit.

**Standard Site Conditions:**

6. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Section, etc.) shall be obtained and copies submitted to the Planning Department prior to the issuance of a certificate of occupancy.
7. Lighting shall be installed and maintained as per the adopted lighting regulations located in Section 11A of the Chatham County Zoning Ordinance. Any lighting or fixtures found to be non-compliant with the regulations shall be replaced at the expense of the landowner/operator and shall hold no liability against Chatham County for the compliance measures.

8. An “as-built” impervious surface calculation shall be submitted to the Planning Department prior to issuance of a certificate of occupancy for each phase of development.
9. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
10. A building permit shall be obtained and remain valid at all times or this permit shall become void. The first building permit for the first structure or renovation shall be approved and submitted within 24 months of this approval or the permit becomes void; or the expiration of the appeal period or any court decision, whichever is later.

**Standard Administrative Conditions:**

11. 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.
12. 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.
13. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
14. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
15. 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.