

PLANNING & ZONING REVIEW NOTES

VII. D.

SUBJECT:

A request by Irene Faircloth Gattis and Joseph Mosnier dba Historic Mann's Chapel Event Center & Café for a conditional use permit on approximately 4.545 acres, Parcel No. 62230 (1.4 acres) and Parcel No. 62254 (3 acres out of 6.61), Baldwin Township, located off Poythress Road and Lamont Norwood Road, for a eating and drinking establishment, a catering establishment, retail associated with the same, and for uses and structures customarily ancillary to such uses (including events and receptions).

ATTACHMENTS:

The following was submitted at the September 2, 2008 Planning Board meeting:

1. Application packet

The following may be viewed on the Planning Department website at www.chathamnc.org under Rezoning & Subdivision Cases, 2008:

2. Letter of support from Alison Hill & Tandy Jones
3. Letter of support from TLC, Triangle Land Conservancy
4. Letter of support from Carolina Farm Stewardship Association
5. Recommendations from the Chatham County Appearance Commission
6. Traffic assessment from Ramey-Kemp & Associates

INTRODUCTION & BACKGROUND:

A quasi-judicial public hearing was held on this request September 15, 2008. No one spoke in opposition of the request. The conditional use permit cannot be approved unless the zoning district change is approved. If the recommendation of the Planning Board is to approve the rezoning request, a conditional use permit request is required to meet the findings as outlined in the zoning ordinance for approval.

The old church located on the property was formerly named the Mann's Chapel United Methodist Church. The property was zoned Office and Institutional (O&I) for the church use where a conditional use permit wasn't required in the late 60's early 70's. The church itself has been closed for approximately 20 years when it was "de-sanctified" or "decommissioned" in 1987. At that time the Mann's Chapel Historic Preservation Society owned and maintained the property. Per the Chatham County Historical Association, the church was also placed in the Chatham County Historical Architectural Study but was not put into the National Register of Historic Structures.

DISCUSSION & 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 necessary facilities have been or are being provided.

It is the opinion of the planning staff **Finding #1** may be made provided the rezoning classification request is approved to Conditional Use B-1 Business where eating and drinking establishments, catering establishments, and associated retail are permitted in the list of permitted uses table.

It is the opinion of the planning staff **Finding #2** has been supported. Mr. Joe Mosnier and Ms. Irene Gattis both spoke on this issue. They both stated this structure is part of this community. It has and still has a presence that continues in the spirit of rural character and as a current gathering place for group meetings. The main farm to be used in the producing of products to be served in the café is located approximately one mile away from the site off Gilmore Road. This farm consists of about 220 acres where there would be some type of seasonal crops being grown. This would also promote the sale of local, organic produce and farm products for the area farmers and residents.

Tourism could increase to this area of the county by providing meeting places for small to medium groups, organizations, reunions, etc. where the county currently does not have an abundance of such facilities.

This project will be utilizing, as stated in the application, ways to protect the environment. Mr. Mosnier also stated at the public hearing they would be incorporating LEED standards for green initiatives in the remodel and design of existing and new areas. There are no new buildings proposed for this project. Remodeling of the existing structures with one addition of a commercial kitchen on the rear of the main structure (old church) will be developed.

The increase in employment is anticipated to be 20-25 new, permanent jobs.

The current tax value of the property where the old church is located according to the Chatham County Tax Office is \$151,376.00. It is anticipated the new development of the property will increase those taxes to \$500,000.00. The owner's have stated they will bear the cost of extending the Chatham County waterline to the property so there will be no expense to the County for resources or infrastructure.

It is the opinion of the planning staff that **Finding #3** is supported. It is anticipated there will be no need for additional emergency services provided to this property than already exists. A traffic analysis was conducted and can be viewed on the Planning's website. Per the site plan there are to be two relocated driveway locations at each end of the property. There is currently a third drive that will be abandoned as an entrance or exit. There was a concern raised about the curve on Poythress Road where Lamont Norwood Road turns to the right. The concern was the speed limit and how traffic exiting onto Poythress from the site closet to Mann's Chapel Road would be received. The site plan shows the driveway closet to Mann's Chapel Road as an "entrance" only access. The distance from Mann's Chapel Road to this driveway is approximately 717 feet before the hard turn in the curve. According to the traffic analysis all intersections and turning movements are expected to operate at a level of service (LOS) A during the AM and PM peak hours and be well below the capacity for this roadway.

The Chatham County Appearance Commission reviewed the site plan for the development and their comments can be viewed on the Planning webpage. The owners accepted the recommendations of the Commission. There was one concern raised by an adjacent property owner. Melissa Hill, who stated she attended the community meeting but didn't understand that there would be dumpsters located near her property. Mr. Mosnier addressed her concern by stating the dumpsters would be screened completely and secured as directed in the Chatham County Design Guidelines but that he would also look at other possible locations. Ms. Hill's residence is approximately 565 feet from the proposed location of the dumpster and her driveway is located about 116 feet from the site. There was also a concern made about odors that may come from the dumpsters. Staff feels that moving the dumpster further back on the property will put them closer the occupied dwellings and therefore possibly create a nuisance with odor. Mr. Gus Beck, landscape architect, stated at the public hearing the plan to save approximately 34-39 existing trees and deliveries will be conducted in the rear of the property out of sight of the general public

Parking was also mentioned as a concern at the public hearing. The application and site plan show there will be no more than 56 parking spaces which comply with the Zoning Ordinance regulations. Screening of those areas was reviewed by the Appearance Commission and the design guideline reviewed.

Lighting and noise will comply with their respective ordinances as stated in the application.

It is the opinion of planning staff that **Finding #4** has been supported. Some of the policies and objectives of the Land Conservation and Development Plan are to preserve the functioning and appearance of rural character, protect surface and ground water resources, increase tourism, contribute to environmental protections, and preserve historic features. In the application for the conditional use district change, staff feels all of these measures have been met by saving the existing historic structure on the property and incorporating remodeling and refurbishing of existing structures along with the addition of a commercial kitchen, by incorporating LEED standards in those designs, by utilizing

DISCUSSION & ANALYSIS – cont.

reclaimed water for use in flushing of toilets with an innovative system across the road, and by finishing with 20% impervious surface when the Watershed designation allows for up to 36%.

It is the opinion of planning staff that **Finding #5** has been supported. The property will be served by the County water system. The owner's have stated they will extend water lines necessary to accommodate that usage to their property. The anticipated use of county water is 4,500 +/- gpd with the anticipated amount of wastewater reclaimed and treated per day to be the same.

A system is being designed by Dr. Hal House as discussed in his letter on the webpage. The system will be designed to allow for 5,150 gpd but the usage is anticipated to be about 4,000 gpd. The wastewater will be sent to the treatment area across Poythress Road onto the three acres of Parcel No. 62254 where it will processed and sent back as reclaimed usage. What is not reclaimed will be discharged by sprinklers in the wooded area.

Other than clearing some underbrush, small grub trees, and leveling of the property for parking, there will be limited grading of the property creating minimal land disturbance.

There will be only two driveway locations; one and entrance only and the other full movement. A commercial driveway permit has been filed with the NCDOT Division office.

Stormwater has been discussed and is addressed in the conditions listed at the end.

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

RECOMMENDATION:

The Planning Board has up to three 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 be approved. It is requested the Planning Board review any additional conditions imposed upon the request at this time:

Site Specific Conditions:

1. The recommendations provided by the Appearance Commission 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.

2. Signage shall be limited to those specifically listed in the application and as shown on the site plan. Lighting of any sign shall comply with the provision of the lighting section of the Zoning Ordinance at all times. Refer to Section 11A of the Chatham County Zoning Ordinance for specifications. Signage and signage lighting shall be approved prior to the issuance of a construction permit.
3. The first one inch of runoff shall be captured for the new impervious surface areas. A copy of an approved stormwater management plan shall be provided to the Planning Department prior to issuance of a Certificate of Occupancy.
4. A letter of approval of the construction of the access drives and turning point areas for emergency vehicles from the Chatham County Fire Marshal's Office shall be provided prior to issuance of a Certificate of Occupancy.
5. These notes, application, and site plan in their entirety shall become part of these conditions and those specifications shall be met as applicable.

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, existing or new, 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.
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/renovation permit shall be approved within 24 months of this approval or the permit becomes void; or from the time of 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.