



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
2-18-08

PART A

Subject: Request by Nicolas P. Robinson, Attorney-at-Law on behalf of William R. Copeland for an extension of Conditional Use Permit deadline.

Action Requested: See Recommendations

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

1. Letter of request from Nicolas P. Robinson, dated December 19, 2007
2. Site map of Property
3. Description Of The Project from original application
4. Resolution No. 2006-10 with conditions

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; Copeland

Introduction / Background / Previous Board Actions:

A Conditional Use B-1 permit for an eating and drinking establishment (restaurant) was approved March 20, 2006. The applicant states that since that time, the continued development of The Preserve, new development of The Legacy, and other nearby residential development has caused him to need more time to obtain a clearer picture of the customer base he will be serving. The US Army Corps of Engineers is requiring a several month process to provide an encroachment agreement, on lands currently leased to the NCDOT, for the sewer permit modification from NCDENR that will supply the wastewater treatment for this property. This system is currently tied into the Preserve's facility. Please refer to the letter located on the Planning webpage.

When the zoning request was originally presented to the Board of Commissioners for approval, the Planning Department recommended that the request to rezone the property from RA-5 to Conditional Use Business District be denied for failure to support the Land Conservation and Development Plan and that the Conditional Use Permit be denied for failure to meet all five findings as described in the application materials. The five findings required in the Zoning Ordinance are 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.

The Planning Board recommended by a vote of 5-1-1 for approval to rezone the property from RA-5 to Conditional Use Business District stating it was consistent with the Land Conservation and Development Plan. The Planning Board also recommended approval of the Conditional Use Permit for an eating and drinking establishment with the 12 conditions outlined in the approval. The Board of Commissioners approved the district change and conditional use permit by a majority vote.

On February 4, 2008, at the regular meeting of the Board of Commissioners, Chairman Lucier, Commissioner Thompson, and Commissioner Vanderbeck stated they had not had ample time to review the request and previous approval documentation. The Board postponed action on this request until their February 18th meeting. The Board also approved a "temporary" extension for 6 weeks from the date of expiration. (Original approval was March 20, 2006 and the 6 week extension will be until May 1, 2008). Mr. Nick Robinson spoke on the extension by stating the request was being made as

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approved in the conditions stated in the original approval. He stated his client, Mr. Copeland, needed more time to allow the marketability to be more settled due to the housing slump and demand for services. He also stated the wastewater disposal system had not progressed due to easement clarifications with the US Army Corps of Engineers and The Preserve.

Issues for Further Discussion and Analysis: If the permit expires, which will be on March 20, 2008 the property will have Conditional Use B-1 Business zoning without the benefit of a Conditional Use B-1 Permit. The applicant will have to make a request for a new conditional use permit through the process provided in the Zoning Ordinance if the property is to be developed.

Recommendation: The decision on the extension request is a policy decision for the Board and not one in which the Planning staff is making a recommendation. Staff made a recommendation on the original request as referenced above.