



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
2-4-08

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:

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.

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.