

PLANNING & ZONING REVIEW NOTES

VII. B.

SUBJECT:

A request by **New City Design on behalf of CRCED Treatment, Inc.** for a Conditional Use Permit to accommodate congregate care facilities, family care homes, hospital, health and welfare centers, and nursing homes and/or convalescent homes located on 10.14 acres, Parcel No. 73288, at 176 Lassiter Homestead Road, Williams Township and to remove a previously approved conditional use permit on 1.41 acres of this tract.

ATTACHMENTS:

The following was submitted at the January 8, 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. Arcview map

INTRODUCTION & BACKGROUND:

A quasi-judicial public hearing was held on this request January 22, 2008. Mr. Jon Wright, applicant, and Mr. Ray Lassiter spoke at the hearing. Mr. Lassiter accesses his property via Lassiter Homestead Road and voiced concerns regarding traffic impact, safety, and speed limits. He also had concerns regarding tax value for his property. These issues are addressed in these notes. The conditional use permit cannot be approved unless the zoning district change is approved. Should the recommendation of the Planning Board be to approve the rezoning request, a conditional use permit request is required to meet the findings as outlined in the zoning ordinance for approval.

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.

Re: CRCED Treatment, Inc. – Conditional Use Permit
DISCUSSION & ANALYSIS – con't

It is the opinion of the planning staff **Finding #1** may be made if the zoning district is changed and approved as a Conditional Use B-1 Business District.

It is the opinion of the planning staff **Finding #2** may be made. This property has been operating under its current limitation for over a year. The Division of Facility Services has provided a letter stating there is a need to expand these services. The applicant stated at the hearing there is a waiting list of 7 people needing these services. The order of events as described in the application and by the applicant, is once a person has completed their in-patient care at a hospital, there is a “residential” treatment component that should follow before they can be released on their own. This facility provides that service. There are no other facilities in Chatham County that offer such an opportunity. This facility works in conjunction with the in-patient care provided at UNC Hospitals and the out-patient care provided by Duke Hospital.

The application provides for a paved skirt access off NC Hwy 751 for which a commercial driveway permit has been applied for with the NCDOT office. The applicant stated they will be responsible for maintaining the gravel road to help with driver safety concerns.

Currently there are 32 staff members for this facility. The center operates 24 hours a day and has a maximum staff of 12 at any one time. This number of staff will continue to be sufficient for the increase in beds from 6 to 12 per the application.

The Chatham County Tax Office has indicated tax impacts based on the conditional use approval could not be evaluated until the change is made and a new appraisal of the property was conducted. Currently there have been no adverse effects on surrounding properties due to the facilities’ operations. It is possible, per the Tax Office, property values would increase.

It is the opinion of the planning staff **Finding #3** may be made. There is no anticipation of an increase in emergency services to this property as has been seen with the current use over the past year.

Traffic to the facility shall be as has been over the past year. Patients are not permitted to have their personal vehicles at the facility and visitations are limited to specific times with Sundays being the busiest. There is no increase in staff or current operations that would increase traffic to and from the site than has already been experienced over the past year. The application states Lassiter Homestead Road will be have a paved skirt access off NC Hwy 751 where a commercial driveway permit has been applied for and they will maintain the gravel road to aid in driver safety.

There is not new lighting or additional lighting proposed, no noise associated with the facility, and no signage changes.

DISCUSSION & ANALYSIS – con't

It is the opinion of planning staff **Finding #4** has supported and may be made. As encouraged in the Land Conservation and Development Plan, the form and function of rural character is being maintained at this facility. There are no other facilities such as this located in Chatham County to aid in growth with a mix of different types of uses as seen on page 1 of the Plan. The Land Conservation and Development Plan makes several references to “preserving rural character” as can be seen on pages 1, 11, and 16. Large lot development is also encouraged within certain rural areas as is noted on page 21 of the Plan. This property was built as a single family dwelling unit with an attached garage and a workshop on 10.137 acres of land in the northeastern section of the county. The house structure was constructed as a “farm house” design. There are no exterior alterations required to support this request to go from 6 beds to 12 and no additional structures proposed or alterations to existing conditions.

It is the opinion of planning staff **Finding #5** has been supported or may be supported through conditions. Water is currently provided to the facility by private well. It has been determined the current yield is 6 gallons per minute resulting in 4,320 gpd. For there to be 12 residents and 12 staff members, 1,440 gpd will be required.

Wastewater is currently handled by an above ground spray irrigation system approved and permitted by NCDWQ. A soils report conducted by Agri-Waste Technology, Inc. for a new sewage treatment and disposal system has been provided. The proposed system will be a subsurface drip with a pre-treatment septic system as recommended. This system could manage up to 28 residents and 21 personnel should it ever be required.

Storm water runoff or detention ponds are not required as there is no additional construction requested or approved for this request.

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 the conditional use permit for the landscaping business be removed and this application request be approved with the following conditions. 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:

1. A vegetative screening, in front of the staff and overflow parking area, shall be maintained. Where there is little vegetative screening, plantings shall be made at the direction of the Planning Department during optimal planting seasons. Acceptable plantings shall be approved by the Chatham County Appearance Commission and the Planning Department prior to installation.
2. 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 to any other structures on said property that is not currently used for the treatment facility.

Recommendations – con't

3. A new sewage treatment and disposal system shall be permitted, approved, and installed prior to increasing the numbers of patients at the facility.
4. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
5. 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.
6. 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.
7. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued Determination with the plans and conditions listed above.
8. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
9. 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.
10. This permit shall automatically expire on the first anniversary of its issuance unless (a) the increase in capacity has been established via the new sewage system and a certificate of occupancy is issued; or (b) a timely filed application for an extension of time has been approved by the county.