

PLANNING & ZONING REVIEW NOTES

V. D.

SUBJECT:

Request by **Redd Dog LLC** for a conditional use permit on Parcels #2684 and #2683 (to be recombined) consisting of 1.83 acres collectively, located at the corner of US 15-501 N and Woodbridge Dr., for a “Veterinary clinics and hospitals with dog runs or equivalent facilities” business.

ATTACHMENTS:

The following was submitted at the December 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, 2009:

2. Appearance Commission recommendations
3. Consultants responses to public hearing questions
4. Revised site plans as response to public hearing questions
5. Emails from Tom Bender, Fire Marshal and Andy Siegner, EH Supervisor
6. Letter from Pagel-Smith DVM

INTRODUCTION & BACKGROUND:

A quasi-judicial public hearing was held on this request on January 26, 2009 and continued until the February 16, 2009 public hearing. No one spoke in opposition of the conditional use permit. Planning staff presented some concerns or clarification requests with regards to signage as requested by the Chatham County Appearance Commission (CCAC), noise, dumpster locations, lay down areas for materials during the construction phase, waterline size, and the number of dogs that could be boarded at one time. These have been addressed in the below notes and/or conditions.

The conditional use permit request cannot be approved unless, in this case, the request for conditional use rezoning of the property has been recommended for approval.

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.

DISCUSSION & ANALYSIS – cont.

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 conditional use rezoning district is approved. The proposed use is a permitted use within the district being sought.

It is the opinion of the planning staff **Finding #2** has been made. Cole Park Veterinary Hospital has been in business for over 20 years. It began in 1986 and was purchased by the current owners, the applicants, in 1993. The applicants stated they have made two expansions of their clinic space so they could meet the need of their established customer base. Since this business has been in existence in the northern Chatham area, there have been two other veterinary clinics/hospitals approved between Pittsboro and the county line. They are Hope Crossing Animal Hospital and Dogwood Animal Hospital. Due to the increase in residential uses via approved subdivisions, the need for increased services was met and approved. This is a relocation of an existing business that needs further expansion to serve its customers. There were other similar facilities listed in the application that are located in an adjacent county.

The project will utilize the county water system and have submitted to the NCDOT for the commercial driveway permit that will be accessed off Woodbridge Drive. There is already a median cut and road islands to direct traffic flow.

It is the opinion of the planning staff that **Finding #3** has been made through the application materials and by supporting conditions. With regards to traffic, a report by Greene Transportation can be viewed on the website. Basically the report has calculated a traffic increase of ½ to 1% with approximately 110 trips per day. The report also states that there is capacity on US 15-501 to accommodate this proposed development traffic. If approved the owners will remove the exiting residential driveway on US 15-501 and extend the existing curb and gutter along this portion. Mr. Fiocco, representing the applicant to NCDOT, stated in their letter the applicant will be creating a new sidewalk termination point along this development area of these parcels.

The applicants met with the Chatham County Appearance Commission (CCAC) on December 10, 2008. There were several concerns raised at their meeting and concerns were also noted at the public hearing. Some of those concerns were buffering between the proposed business and the residential properties behind these parcels, plantings in and around the stormwater retention pond to encourage a “rain garden” affect, and the fact a dumpster site had not been noted. The CCAC made several recommendations to address all of the concerns and are incorporated into the below conditions and can be viewed in their entirety on the website. The CCAC state the proposed signage appears to meet the intent and design standards as described in the ordinance.

DISCUSSION & ANALYSIS – cont.

The applicant has proposed minimal lighting for the facility and state that it will comply with the lighting requirements as stated in the Zoning Ordinance. Preliminary review of the site plan by planning staff shows compliance. The applicant provided a description sheet from Progress Energy on the shoebox lighting that will be used to light the parking lot areas and they comply with the lighting requirements.

A concern for noise was raised at the public hearing and the applicant stated they would bring back information that would address the concern. This can be viewed on the website under “consultant responses to public hearing questions”. Planning staff are satisfied the concern can be resolved.

The new facility will use digital radiology technology instead the traditional x-ray equipment. Also, a letter from MHA Works stated the design of the building will be in keeping with a “genuinely green design”. They will be using renewable resources such as wood and wood byproducts, materials with recycled content, and cementitious materials. Others measures can be viewed under the “design narrative” on the website.

It is the opinion of planning staff that **Finding #4** has been made. The Plan specifically mentions US 15-501 North of Pittsboro as a Compact Community Corridor. These are lands that accommodate a mix of homes, shops, offices, institutions, and civic spaces; not “strip” development. The applicant has proposed a single occupancy structure for their business on its own individual lot. This property is across from the property for the existing park and ride facility for UNC and just south of the commercial development for the County Line project. Approximately 330 feet south of this property is a contractor’s business and a church.

Page 12 also encourages sighting commercial uses so that they extend up side roads off main thoroughfares rather than as strips along main roads. The entrance to this property will be accessed from Woodbridge Dr. and not US 15-501. There will actually be the removal of driveway from US 15-501. You can view additional information from the conditional use rezoning request.

It is the opinion of planning staff that **Finding #5** has been supported through the application and by supporting conditions. The existing wells on the site will be abandoned and the project will install a new water service tap into the county water system. A ¾” line will be supplying the site and because the building is not required to have a sprinkler system, per the Chatham County Fire Marshal, this size tap is sufficient.

The wastewater system will be a subsurface, drip system as described in the report from The Catena Group, Inc. The report can be viewed on the website. The Chatham County Environmental Health Division has reviewed the materials and had several concerns that the applicant has addressed. Environmental Health provided an email stating they did not have any issues with the applicant continuing on through the process.

The total amount on impervious surface is projected to be 31% which is less than the 36% the Watershed Protection Ordinance allows.

DISCUSSION & ANALYSIS – cont.

Erosion and Sedimentation Control as well as Stormwater Management preliminary plans have been reviewed by the respective agencies and concerns addressed as can be seen in the consultant's responses from the public hearing.

It is the opinion of the Planning Department staff this request meets the five findings as described above.

RECOMMENDATION:

It is the recommendation of the Planning staff that this application be approved. The Planning Board has up to three meetings to make a recommendation to the Board of Commissioners on this request. It is requested the Planning Board review any additional conditions imposed upon the request at this time should their recommendation be for approval of the request:

Site Specific Conditions:

1. All recommendations from the CCAC shall be followed as stated from their December 10, 2008 meeting. Plantings shall be made after site preparations (grading and clearing) have been completed and at the next optimal planting season. Annual inspections of landscaping may be made by Planning Department personnel and/or the CCAC to ensure the intent of the buffers remain to be met.
2. The revised site plans submitted February 12, 2009 shall be the plan incorporated into the design of this project.

Standard Site Conditions:

3. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Stormwater Management, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the issuance of the first building permit.
4. An "as-built" impervious surface calculation shall be submitted to the Planning Department prior to issuance of a certificate of occupancy.
5. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
6. A building permit, on the primary structure, shall be obtained and remain valid at all times, with an approved, passing inspection within 24 months of this approval or the permit becomes void; or from the time of the expiration of an appeal period or any court decision, whichever is later.

RECOMMENDATION – cont.

Standard Administrative Conditions:

7. 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.
8. 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.
9. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
10. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
11. 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.