



## Agenda Abstract

Department: Planning  
 Submitting Official: Jason Sullivan

Meeting Date: 6-21-10  
 Authorizing Signature: \_\_\_\_\_

<b>Subject:</b>	Request by Lauren Fitts dba Carolina Waterscapes for a revision to an existing conditional use permit for a landscape design, food and beverage retail, and general retail business, located at 781 Mt. Carmel Church Rd., Parcel No. 19430, Williams Township, to include personal service shop specifically for exercise instruction, massage and physical therapy, acupuncture, and Bodywork for physical health.
<b>Action Requested:</b>	See Recommendation
<b>Attachments (List Individually):</b>	<i>The following was provided prior to the March 15, 2010 Public Hearing:</i> 1. Application Packet

### **Introduction & Background**

A public hearing was held on this request on March 15, 2010 and continued to April 19, 2010 in order to ask questions of the applicant who was not present for the first public hearing. This property was granted a Conditional Use B-1 Business Rezoning with a Conditional Use Permit for a landscape design business and a lawn and garden shop on December 9, 2002. On April 7, 2003, the Commissioners approved a revision to the conditional use permit to add food stores, retail, specifically for retail sales of specialty coffee and baked goods. The business has continued without ceasing operation since these approvals.

There was no one who spoke in opposition of this request. There were questions asked by the Commissioners for clarification which have been addressed in the discussion and analysis section.

## **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 staff that finding #1 has been met. The uses currently being conducted on the property, as well as those being sought in this application, are permitted in the B-1, Business, district and this property is currently zoned as Conditional Use B-1. The original approval was granted in December 2002 and has continued to operate since.

It is the opinion of staff that finding #2 has been met. The uses currently approved for this project have continued since the original approval in 2002. The landowners have conducted research into programs that offer many benefits to healthy living. There are other studios located outside of Chatham County in Carrboro and Chapel Hill, but the landowners would like to keep business in Chatham County. There are no additional public improvements needed or required to add these requested uses and the operators believe offering these additional classes would increase the tax revenues within Chatham County because participants would not be going outside the county. There is to be a full-time employee as well as several independent contractors associated with serving the business.

It is the opinion of staff that finding #3 has been met. The landowners/operators have no plans to change the current state of the property. There is a brick home that was converted into the original business and nothing is to change with the structure. Other than changing the wording, the current sign will continue to be utilized and no other signs erected. Per the landowners/operators there will be not be an impact on the current traffic flow to and from the site. There are no noise impacts resulting from the activities or uses on this property.

It is the opinion of staff that finding #4 has been met. The Land Conservation and Development plan is a policy document to guide development in the county. The plan encourages the continuation of existing business and industry within many areas of the county. One of the six elements used to define locations for economic growth is to encourage shops and offices in Neighborhood Activity Centers. There are currently several businesses in the area where this

property is located that include Village Custom Homes (previously David Daniel Construction), the Nature Trail MHP, and the commercial areas of Governors Village. The property is located within the WSIV-PA Watershed area where up to 36% impervious surface is allowed per parcel. Approximately 10% is currently being used.

It is the opinion that finding #5 has been met. The property is currently connected to the county water system and also has a single well. Per the landowner/operator, the water usage does not exceed average residential amounts. A current on-site septic system is being utilized and will continue to do so. However, there will be a condition placed that will require a review by the Chatham County Environmental Health Division to ensure the system will handle the amount of students that may be using the site. All other improvements will continue to be met and maintained as permitted and approved.

It is the opinion of staff that all five (5) findings have been met based on the above reference information.

### **Recommendation**

It is the recommendation of the Planning Division staff and Planning Board (by unanimous vote at their May 3<sup>rd</sup> meeting) to recommend adoption of a resolution approving an amendment to the existing conditional use permit for this request with the addition of condition #7 below to the previous conditions. The Board of Commissioners may also consider additional conditions to be imposed upon the request at this time should their recommendation be for approval.

Please review the following conditions. All previous conditions (1 through 6) remain in effect with the addition of Condition No. 7 :

1. Required landscaping shall be as specified by the Chatham County Appearance Commission and shall be shown on a revised site plan. Required landscaping shall be completed on or before March 15, 2003.
2. Lighting shall be as shown on the site plan and as approved by the Chatham County Appearance Commission with all lights being shielded on top and sides to prevent glare and spillage onto adjacent properties. Lighting on sign shall be "down lighting".
3. The business must be in operation on the property within 12 months from approval by the Board of Commissioners and/or a building permit must be obtained within twelve (12) months from approval for any renovations to the structure and remain valid during the construction period or the conditional use permit will become null and void.
4. Prior to issuance of a building permit, an engineer's report on the structural integrity of the structure is to be provided to the Building Inspections Department.

5. Prior to issuance of a building permit, staff must receive a copy of the commercial driveway permit from NCDOT and a copy of the erosion control permit, if required, by NCDENR.
6. A seven-foot (7') high fence shall be constructed to screen the dumpster on the rear of the property prior to March 15, 2003.
7. A letter of approval from an inspection by Environmental Health shall be provided before any additional activities may commence on the property verifying the septic system will support additional uses as described in the application.