



## **Chatham County Planning Board Agenda Notes**

**Date: December 6, 2011**

**Agenda Item: VIII. 4.**

**Attachment #6**

☐ **Subdivision**      ☒ **Conditional Use Permit**      ☐ **Rezoning Request**

☐ **Other:**

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<b>Subject:</b>	Request by Courtney Hopper and Dana Kadwell dba CandD Events, for a conditional use permit for bed and breakfast inns as defined in Section 10.13, also banquets, conventions, and other similar events (i.e. weddings, reunions, etc.) on Parcel No. 5802, on 7.925 acres, located off Pea Ridge Rd., Cape Fear Township.
<b>Action Requested:</b>	See Recommendations
<b>Attachments:</b>	1. Application packet was provided prior to the November 21, 2011 public hearing. 2. Renderings for the proposed structures

### **Introduction & Background**

A quasi-judicial public hearing was held November 21, 2011. Courtney Hopper and Dana Kadwell were both present and presented their requests. No one else spoke on the issue.

This property is located across from a heavy industrial zoned property where Performance Fibers is located. This undeveloped property borders the Haw River to the west and approximately 2/3 of the parcel is located within the floodable area. All development will be outside floodable to the front of the property closest to Pea Ridge Road.

### **Discussion & Analysis**

A conditional use permit must meet the required five findings as required by the Chatham County Zoning Ordinance. Those findings are addressed 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.** The uses being sought are listed as eligible uses within the requested zoning district of Conditional Use Regional Business. It is planning staff opinion this finding may be made.

**FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare.** Although there is one other similar type business approximately 2 miles

north on the opposite side of US 1 (Shady Wagon), the applicant has demonstrated a difference in appearance and amenities that may appeal to a different audience.

The request, if approved, would add approximately two (2) full-time manager positions as well as several temporary/part-time employees in addition to the owners. The tax value on the property currently is \$59,437. This amount is expected to more than triple once the structures are built and the land has improvements.

Public improvements would consist of a commercial driveway permit from NCDOT and connection to the Chatham County public water supply. It is planning staff opinion this finding may be made.

**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.** Generally, weddings and similar events generate traffic during off peak hours (weekends and evenings). The Bed and Breakfast will have up to 7 bedrooms maximum so traffic will remain at a minimum. Per the applicant, not all bedrooms will be rented. A commercial driveway permit will be applied for with NCDOT and the project will comply with their requirements.

The applicants have met with the Chatham County Appearance Commission (CCAC). Their recommendations and a revised landscaping plan based on those recommendations can be viewed on the planning webpage. The applicants are also preparing to install a “deer” fence around the project area. All screening and buffering will comply with the Chatham County Zoning Ordinance, Section 12 and as recommended by the CCAC. The parking area (approximately 20,000 sq. ft) will be located in the front yard area of the project and is proposed to be grassed

Lighting will comply with the requirements set forth in Section 13 of the Chatham County Zoning Ordinance. The applicant states there will be a variety of lighting ranging from street lamps to landscape lighting. There will be one sign associated with identifying the property and it is proposed to be less than 32 sq. ft. in area.

At times there will be noise associated with an event such as receptions, parties, etc. The applicants state they will comply with the Chatham County Noise Ordinance enforced by the Chatham County Sheriff’s Office.

The site will not be permitted for on-site cooking, but will have a “prep” kitchen for the caterers serving the event. The Bed and Breakfast will have a kitchen in which to prepare meals for its patrons. It is planning staff opinion this finding may be made.

**FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan.** The Plan encourages the need to sustain the county’s rural character and environmental quality. On page 12, one of the policy objectives is to include housing diversity and affordability in rural areas. The bed and breakfast will provide temporary rental facilities for wedding parties, business travelers, as well as vacationers to the area. This activity also provides a service for lodging as

needed to promote tourism and recreation in various parts of the county.

Page 31 of the Plan encourages home-based businesses throughout the county. Ms. Hopper and her family also plan on living on-site in a detached single family dwelling.

The property is approximately 7.9 acres. Approximately two-thirds of this property is not usable for development purposes because of floodable and potential wetland areas. The watershed classification is River Corridor Special Area (RCSA) where up to 36% built upon area on a project by project basis is allowed. In addition, non-residential uses may occupy 50% when approved as a special non-residential intensity allocation (SNIA). This project is proposed to have less than 20% impervious surface. It is planning staff opinion this finding may be made.

**FINDING #5 – Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the county’s plans, policies, and regulations.** The residence for the owner will be served by a private well and they may also use it for maintaining landscaping. The B&B and event spaces will connect to the county water system. Per the GIS system, there is a fire hydrant located on Pea Ridge Rd. within 400 feet of the proposed structure. The applicants will need to work with the Fire Marshal’s Office to determine any further needs associated with fire protection.

The site will utilize more than one septic system. There will be one for the private residence of the owner and one for the seven (7) bedroom bed and breakfast and event facility. A preliminary approval has already been obtained by the Environmental Health Division of the Health Department. It is anticipated that the water usage required will be about 750 gallons per person per event once the site is fully developed.

The access road will require a commercial driveway permit from NCDOT. They have provided a preliminary review and do not see any issues at this time. Per the fire code, the drive must be at least 20 feet wide with a travelway constructed to support the weight of a 75,000 pound fire truck. The radius of the circle drive located in front of the main house also needs to meet fire code requirements (a minimum of 55 ft. radii).

Stormwater water measures are required for any land disturbances 20,000 feet or larger. The applicants stated they will comply with any regulation as directed. It is planning staff opinion this finding may be made and further supported with conditions listed below.

### **Recommendation**

It is the recommendation of the planning staff to approve this request. The Planning Board has up to three (3) meetings in which to make a recommendation to the Board of Commissioners. Should your recommendation be a favorable one, we request you review the below conditions at this time to be included in the approval.

**Site Specific Conditions**

1. Recommendations as provided by the Chatham County Appearance Commission shall be complied with and as required in Section 12 of the Zoning Ordinance. Plantings shall be installed at the next optimal planting season following the start of development and shall be complete before a certificate of occupancy is issued. The landscaping shall be maintained so as to thrive and survive at all times.
2. Once development of the commercial business starts, the project shall be completed within two (2) years of the date of approval of the building permit associated with the business portion.
3. A final survey for the site with final impervious surface calculations shall be provided to the Planning Department before the certificate of occupancy is issued.

**Standard Site Conditions**

4. Signage, parking, and lighting shall conform to the Chatham County Zoning Ordinance.
5. The application and approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place.
6. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Storm water Management, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.

**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.
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.