



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

**Date: December 6, 2011**

**Agenda Item: VIII. 2.**

**Attachment #4**

☐ Subdivision      ☒ Conditional Use Permit - Revision      ☐ Rezoning Request  
☐ Other:

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<b>Subject:</b>	Request by Cindy Perry, Attorney, on behalf of Jeffrey House dba Jordan Dam RV Park, for a revision to the existing conditional use permit on Parcel No. 11257, located at 284 Moncure School Rd., Haw River Township, for an expansion to the existing campground area.
<b>Action Requested:</b>	See Recommendations.
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Application packet was provided prior to the November 21, 2011 public hearing.</li><li>2. Recommendations w/ marked site plan from the Appearance Commission.</li><li>3. Letter from adjacent landowner William Brown provided by Attorney Perry at the public hearing</li></ol>

### **Introduction & Background**

A quasi-judicial public hearing was held November 21, 2011. Attorney Cindy Perry, neighbor Mr. Jeffries, and owner, Mr. Jeff House, were present. Mrs. Perry presented the request and Mr. Jeffries spoke in support of the use. He stated Mr. House had made the pond look better, stocked it with fish, and had no issues with the day-to-day operations of the campground. No one else spoke on the issue.

A conditional use permit for a public and private campground was approved on this property in 2007. Mr. House has and continues operate the campground as approved. There were some landscaping issues that have been addressed and corrected as part of the original approval. There has also been a pier added to the pond for the tenant's recreation, as well as the expansion of area for campers with hookup capabilities. This conditional use permit revision, if approved, will bring the property into compliance with the Chatham County Zoning Ordinance and the current permit on the property.

A conditional use permit revision 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 use of the additional acreage will remain the same as the original approval. The use continues to be an approved use within the district in which it has been approved. It is planning staff opinion this finding is met.

**FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare.** Since its approval, Mr. House's campground, which is also permitted for boat storage, continues to run at or almost full capacity. He is not requesting an increase in spaces above the 44 he was originally approved. The expanded area is only to spread the units over more area and provide more open space. It is also needed to incorporate the dam for the pond onto Mr. House's property so he can maintain it. It is planning staff opinion this finding is met.

**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.** The additional lands to be added to space out the camper units is located in the back southeast corner of the property not visible from the public roadway. Mr. House has agreed to add a shrubs and trees along the property line area at the pond dam. He will also add some small shrubs between the pond and the unit spaces to provide a visual buffer and for runoff and erosion protection. There remains a great deal of natural vegetation and buffering around the perimeter of the site.

At all times, members of the House family supervise the campground and boat storage facility. Lighting currently meets the requirements set forth in the zoning ordinance and will continue to do so. It is planning staff opinion this finding is met.

**FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan.** As noted in the recommendation for approval for the Conditional Use B-1 Business District, the continuation of existing businesses is strongly encouraged. The Plan also recommends a mix of different uses and types of development that include preserving the form and function of rural character. This site is located behind the House's personal residence. It is screened by natural vegetation as well as incorporating new plantings. This site adds in assisting with a varying housing selection and helps to improve tourism and attraction to the county. It is planning staff opinion this finding is met.

**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.** No additional wastewater is needed as there is no increase in the number of approved units being applied for. Proper permitting for electrical and wastewater hookups will be required. The current commercial driveway permit remains in effect with no modification required.

The owner has shown on the site plan the revised impervious surface amount will be approximately 17%, which is under the allowed 36% by the Watershed Protection Ordinance. Staff will require a survey for the exact amount.

There is a pond on the property that may require buffering per the Environmental Quality Department. An on-site inspection will need to be conducted to determine what is needed. Should there be a requirement for buffering, it may be necessary to relocate the unit spaces closest to the pond. This has been conditioned below.

All other measures continue to be met as originally approved. It is staff opinion this finding may be met with the additional conditions as stated below.

### **Recommendation**

It is planning staff recommendation to approve this request along with the conditions listed below. The Planning Board has up to three (3) meetings to make a recommendation to the Board of Commissioners. If your recommendation is to approve, please review the conditions below.

### **Site Specific Conditions**

1. All previous conditions not expressly stated hereinafter shall remain in effect and shall be complied with. They are:
  - There shall be allowed one (1) sign, non-illuminated, no larger than 32 square feet and no taller than 6 feet at the entrance to the property.
  - Recommendations from the Appearance Commission shall be followed. Any additional plantings shall be done at the next optimal planting season following the approval date and shall be maintained to thrive and provide the appropriate screening as required. The Appearance Commission, with the Planning Department, may review the landscaping and screening after one year of the initial planting to verify appropriate measures have been taken as requested. Should there be any changes in the landscaping for effectiveness of screening and environmental protections, they shall be given to the applicant at that time and the applicant will be given ample opportunity to take the corrective measures.
  - There is to remain and be maintained a 50 foot vegetated, screening buffer around the perimeter of the campground area.
  - Any stormwater measures that may be required shall conform to the 2 year, 24 hour storm event and a plan submitted to the Planning Department prior to its construction.
  - There shall be no more than 44 units on this property as stated in the application. The spaces may be completed in phases as stated in the application. A building permit shall not be issued for any phase without the required permits from the Chatham County Environmental Health Department.
  - Campground use is for temporary use only. "Temporary" is defined in this instance as up to two (2) years per unit. No permanent structures or tents are allowed, only campers, travel trailers, recreational vehicles and motor homes.
  - Units must be spaced a minimum distance of 30 feet apart.
  - There shall not be any trash accumulation on the campground property. Trash removal shall

be the responsibility of the campground owner.

- The property owner shall maintain a log of record on the occupants of the campground. This information is to include the name of the temporary resident, the tag number of the camper, motor home, travel trailer, or recreational vehicle, and the dates they checked into the campground as well as the dates they checked out. A copy of this log shall be available to the Planning Department and a copy filed in the Planning Department office every twelve months.
- 2. A survey shall be provided to the Planning Department the amount of impervious surface for all areas being used for the campground and boat storage areas.
- 3. Documentation on any buffering requirements from the Environmental Quality Department shall be provided before the Certificate of Occupancy is issued on the new expansion area and the pier.
- 4. Should buffering be required around the pond, a revised site plan showing the relocation of the spaces shall be provided to the Planning Department before any permits are issued to relocate the electrical and/or wastewater hookups.

**Standard Site Conditions**

- 5. Signage, parking, and lighting shall conform to the Chatham County Zoning Ordinance.
- 6. 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.
- 7. 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, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.

**Standard Administrative Conditions:**

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

12. 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.