



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

**Date: April 5, 2011**

**Agenda Item: VII. 4.**

**Attachment #: 6**

☐ **Subdivision**

☒ **Conditional Use Permit**

☐ **Rezoning Request**

☐ **Other:**

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<b>Subject:</b>	Request for a conditional use permit by Rocky McCampbell on Parcel No. 64812 located at 1115 Mt. Carmel Church Rd., for a dog grooming business on approximately 1 acre.
<b>Action Requested:</b>	See Recommendations
<b>Attachments:</b>	1. Application packet – provided prior to the March 21 public hearing 2. Copy of Power Point presented at the public hearing

### **Introduction & Background**

A quasi-judicial public hearing was held on March 21, 2011. Mr. McCampbell spoke and presented a power point as well. There was one adjacent landowner who spoke, Ms. Brenda Goodrich, who stated she was against the request. Her reason was mainly because of the possible noise from barking dogs. This issue is addressed in the following discussion.

A conditional use permit request is required to meet five findings when recommending an approval for the request. Each finding with Planning staff recommendations is noted below.

### **Discussion & Analysis**

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. It is Planning staff opinion this finding has been met. The requested use is a permitted use within the conditional use zoning district being sought by the applicant as seen in Section 10.13 Table of Permitted Uses. Although “dog grooming” is not a separate and distinct category in the table, it would fall under retail stores and personal service shops similar to those listed dealing in direct consumer and personal services.

FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare. It is Planning staff opinion this finding has been met. The applicant has gathered information as shown in the Power Point presentation on the number of households located within the area. There are approximately 5,000 residences and according to the American Veterinary Medical Association’s 2007 pet ownership report, an average of 37% of households has a dog. That would equate to approximately 1,850 dogs and averages about 300 dogs per establishment. There are 6 similar uses of which only one is an

independent dog grooming facility which is approximately 19 miles from this site. The others are associated with veterinary type services.

There are no public improvements needed for this project.

**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. It is Planning staff opinion this finding has been met. The applicant and Planning staff contacted NCDOT concerning increased traffic on Mt. Carmel Church. Currently the calculated maximum travel load is 15,000 vehicles per day. The 2009 NCDOT map showed at that time there are approximately 4,300 vehicles per day traveling the road. According to the NCDOT Assistant District Engineer, Jennifer Britt, to calculate the current travel load, add 10% (5% for each year thereafter), which is 4,730 vehicles per day. The applicant plans to treat up to 10 dogs per day maximum which equate to 20 trips. This does not appear to adversely affect the current traffic load for this road.

The Chatham County Appearance Commission reviewed the landscaping, signage, parking area, and lighting being proposed. They were very pleased with the design and recommended no changes. That recommendation can be seen on the website. There are site photos in the Power Point presentation provided Mr. McCampbell and on the county web ([www.chathamnc.org/planning](http://www.chathamnc.org/planning)).

A concern was raised concerning products being used that may be harmful to aquatic organisms. The toxicity referenced in some products is connected to the disposal of the container the product comes in and the MSDS provides disposal methods for the containers. The Chatham County Environmental Health Division was contacted by staff and they do not feel this to be an issue based on the minimal amounts being used and the fact they have a septic system designed especially for this type of business. The products the applicant is using are all common in any grooming or veterinary facility. Other Environmental Health information can be viewed on the webpage.

The concern regarding noise has been addressed by the applicant. They will be making some modifications and upgrades to the existing garage by adding new windows that carry a higher than average STC (sound transmission class) rating and an insulated 2 x 4 exterior wall. There will be no outside runs and dogs will remain inside at all times except during transport from the vehicle.

**FINDING #4** – The requested permit will be consistent with the objectives of the Land Use Plan. It is Planning staff opinion this finding has been met. The request for the conditional use neighborhood district is discussed in detail in the application for the conditional use district. As a recap, the Chatham County Land Development Plan (the Plan) outlines goals and objectives for guiding balanced growth to suitable locations while maintaining rural character. Although at times this is a difficult concept to develop, the property currently has a single family dwelling and a two-story, two-door garage on approximately four (4) acres. The proposed conditional use neighborhood business rezoning is being sought on approximately one (1) acre that includes the garage. The site is planned to stay the same with an upgrade to the garage therefore keeping the residential, rural appearance to the property.

Within an approximately ½ mile radius from the property are several non-residential uses. These include a recreation field for Mt. Carmel Baptist Church, Carolina Meadows, a conditional use interior design business, a general B-1 business area for Nature Trail MHP, a conditional use landscape design business, a conditional use contractors business, and conditional use mixed uses at Governor's Village. The Neighborhood Business district is designed to serve small retail markets, roughly equivalent to the trade area of a small grocery store

and limited ancillary services.

The impervious surface allowed on this property is 36%. The proposed project will require minimal grading for the increased size of the entrance/exit drive, walkway, and parking. The approximate combined areas will be 4.4% impervious surface.

FINDING #5 – Adequate utilities, access roads, storm drainage, recreations, open space, and other necessary facilities have been or are being provided consistent with the county's plans, policies, and regulations. It is Planning staff opinion this finding has been met. The applicant has applied for and been permitted for a new septic system designed for this type of business. A copy of that permit can be viewed in the application packet.

The property will continue to utilize the county water system and the Chatham County Public Works Department is requiring the installation of an additional water meter for the business. The projected usage is up to 100gpd. The applicant will be responsible for the cost of the improvement to connect the water line from the meter to the facility.

The NCDOT requested there be a drive separator in the circular drive since there is two points of access. This would only allow one entrance/exit for the business and one for the residence. The Chatham County Fire Marshal did not express any concerns with the mechanical barrier the applicant has proposed.

### **RECOMMENDATION**

The Planning staff recommends approval of this request. The Planning Board has up to three (3) meetings to make a recommendation to the Board Commissioners. Should your recommendation be in favor of the request, a list of conditions has been proposed for your consideration and support. They are:

#### **Site Specific Conditions:**

1. The mechanical barrier to be installed shall be reviewed and approved by the Chatham County Fire Marshal for emergency access requirements.

#### **Standard Site and Permit Conditions:**

2. Signage, parking, and lighting shall conform to the current regulations in the Chatham County Zoning Ordinance (December 2008 version).
3. All parts of the application, notes, 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.
4. 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.

**Standard Administrative Conditions:**

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.
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.