



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

**Date: April 5, 2011**

**Agenda Item: VII. 2.**

**Attachment #: 4**

☐ **Subdivision**

☒ **Conditional Use Permit - Revision  
Request**

☐ **Rezoning**

☐ **Other:**

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<b>Subject:</b>	Request for a revision to an existing conditional use permit for Windsong Muse, LLC, on property located at 2490 & 2492 Seaforth Rd., Parcel No. 17475, New Hope Township, to add an additional commercial driveway; reconfigure the use of the smaller, previously labeled two-vehicle garage area for additional recording space; interior parking and travel areas; and relief from the expectations for the generation of renewable energy on site.
<b>Action Requested:</b>	See Recommendations
<b>Attachments:</b>	1. Application packet – provided prior to the March 21 public hearing.

### **Introduction & Background**

A quasi-judicial public hearing was held on this request March 21, 2011. No one spoke on the request.

A conditional use permit was approved for this property in June 2007 for a recording studio as an additional use to the already approved uses for bed and breakfast and training and conference center. These uses were approved in June 2004. Since 2007, the applicant has been constructing the recording studio and accessory structure. Photos are available on the Planning webpage ([www.chathamnc.org/planning](http://www.chathamnc.org/planning) then select Rezoning and Subdivision Cases and 2011 cases).

In order to approve a conditional use permit or a revision to an existing conditional use permit, the application must make the five (5) findings as described in Section 17.1 of the Chatham County Zoning Ordinance. Those findings are addressed in the below discussion.

### **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. An expansion of recording services is being requested which has already been approved as a use. No other additional uses are being proposed.

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 stated in the application due to an evolving need to be able to have analog technology available as an option for recording and changing marketing information, they needed to re-examine the services they would be providing. The larger facility will continue to be used as stated but they wish to convert a portion of the two vehicle garage into a digital control room (annex) and a one vehicle garage. This will allow them to serve the full spectrum of various types of productions.

There is no another recording studio of this size located within Chatham County. There are no other public improvements requested or required for the changes being sought. The applicant paid for utility services to be provided to the site as well as approximately \$25,000 to have fiber optic internet service installed along US 64 E, south on Pea Ridge Road, and then west along Seaforth Road. This will allow an estimated 100 households an option to connect to the internet at 20x – 1000x faster than what was currently available.

There are revenue projections listed in the application packet as well as potential employment salaries that would be benefits to the county.

**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 has requested a commercial driveway permit from NCDOT to convert the existing construction entrance into the commercial entrance for the parking lot and recording studios. The existing commercial driveway for the bed and breakfast, training and conference center is to also remain as approved.

During construction, the applicant found the sidewalks needed to be a wider for pedestrian comfort. The west patio was used extensively during the winter because of the sunlight, so the applicant decided to add a northern patio for use in the summer months due to the shaded area. They have also proposed to add reflecting pools as an architectural reference to the existing pond to encourage people to be outside.

The wall construction of the annex was not built to the standard the main recording studio was, but the construction is double-masonry with rigid insulation gap making it soundproof. There are also no windows which will help with soundproofing.

**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 revision request for the use remains unchanged as it would pertain to the Land Development Plan. No substantial changes to the site are being made that would take away from the rural character being maintained and the mix of development and the continuation of existing development that are encourage to be maintained.

**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 granted a commercial driveway permit from NCDOT to convert the construction entrance into a formal access. The Chatham County Fire Marshall reviewed the site plan for the roadway area and recommended a widening of the roadway that leads up to the studios to a minimum of 20 feet with a "tear drop" turning radii a minimum of 50 feet as shown on the site plan. All other approvals for water and septic remain valid.

The applicant has asked for relief from a previous expectation to generate solar power on the site. At this time, with all their other expenses and delays with construction, it is not economically feasible to do.

### **Recommendation**

It is Planning staff recommendation to approve the request. The Planning Board has up to three (3) meetings to make a recommendation to the Board of Commissioners. Should the Planning Board recommendation be for approval, the following conditions have been added and/or updated from the previous approval for consideration. They are:

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

1. There shall be one (1) sign no larger than 32 square feet at the entrance to the property. Interior signage is permitted as described in the application for an illuminated sign at the new studio center but is to be no larger than 32 square feet.

#### **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). All recommendations as submitted by the Appearance Commission shall be followed. Plantings shall be done at the next optimal planting season upon this approval and prior to the certificate of occupancy. Landscaping shall be maintained and comply with the intent of the ordinance at all times.
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 or alterations permits.

#### **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.