



Chatham County Planning Board Agenda Notes

Date: August 2, 2011

Agenda Item:

Attachment #:

☐ Subdivision

☒ Conditional Use Permit

☐ Rezoning Request

☐ Other:

Subject:	Request by Michael Gress, Parcel No. 80117, located at 56 Weaver Trail, on one (1) acre out of a 5.490 acre tract, for a conditional use permit specifically for a contractor's storage facility.
Action Requested:	See Recommendations
Attachments:	1. Application packet – Application materials provided by hand delivery July 7, 2011

Introduction & Background

A quasi-judicial hearing was held July 18, 2011. Cindy Perry, attorney for the applicant, and Mr. Gress were present and presented the request. Mr. John Lechner from 53 Weaver Trail, across the road from the applicant spoke in support of the application. Commissioner Kost asked if there had been any opposition from the neighbors to which Mr. Gress stated no. He stated he had been asked to amend the Homeowner's Association Rules, which he did, and everyone signed it in agreement with his proposal.

Discussion & Analysis

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.

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 may be made. In Section 10.13 Table of Permitted Uses of the Chatham County Zoning Ordinance, a contractor's facility listed as a contractor's plants or storage yards and staging areas, is permitted as a conditional use permit. It does not require a conditional use rezoning district.

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 may be made. In today's changing economy, the county has been creating ways for citizens to utilize their property for residential and non-residential uses. Mr. Gress also lives on this parcel and has built a landscaping and pool

contracting business in Wake County that serves a multi-county area. In a time when the county is looking for ways to increase business opportunities for citizens, this use would provide services that would generate employment opportunities and property tax value increases. Currently there are 10 employees, most of whom are Chatham County residents, and the business' gross sales for the 2010 year were approximately \$1.8 million.

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 may be made. During the Technical Review Committee (TRC) meeting, the Fire Marshal stated there is a fire hydrant located within the 400 feet distance requirement for use in emergency situations. Per the site plan there is adequate ingress/egress and turn around areas for large emergency response vehicles. All other emergency services will continue to be provided to the property.

Traffic to the site will be limited to residents and employees. The applicant has stated, on average of once a month, he will receive a delivery of mulch which is generally delivered via a tractor trailer. Mr. Gress does not use large trucks such as dump trucks with his business. A commercial driveway permit will be required by NCDOT. Access to the site will be off Lower Thrift Road and will not go through the subdivision to the Weaver Trail driveway access.

The structure is a 4,000 square foot, brick and metal building. This will be a mixed use building with approximately 2/3 used for the business and the rest used for his own personal residential use as well as a two-horse stall area. The building was made to match the residence. Per the Chatham County Appearance Commission (CCAC), adequate landscaping has also been installed to buffer and shield from the public roadway areas and any adjoining or adjacent properties. The CCAC did recommend in the future if Mr. Gress plants more grasses that he not use *Miscanthus* which is considered invasive to the area.

Mr. Gress has stated in his application there will not be any signage noted with the business and parking and lighting will comply with regulations as required.

There will be gas, oil, fertilizers, baking soda, and weed sprays stored at the site but in quantities associated with residential use. MSDS sheets must be maintained on all products as required by the Fire Marshal's Office and Environmental Health.

FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan. It is Planning staff opinion this finding may be made. The Land Conservation and Development Plan of Chatham County, hereafter referred to as "the Plan", provides a general outline of the types of developments encouraged in different parts of the county. One of the Plan's objectives is for balanced growth with different types of development guided to suitable locations while maintaining the rural character and quality of life of the county as seen on Page 10. This property is screened with existing vegetation and newly planted landscaping material which has been approved by the CCAC.

A second concept is to encourage home-based businesses. Page 32 encourages the county to examine its home occupation standards to ensure that they promote the opportunity to work from home while requiring appropriate performance standards to prevent adverse impacts on neighbors or the environment. Planning staff believes this concept has been met.

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 may be met. Currently the property is served by private well. The applicant anticipates utilizing the well for this building as well. A separate septic system permit will be required by Environmental Health for the handicap restroom to be installed.

The Erosion and Sedimentation Control Division of the Environmental Quality Department has stated the amount of disturbance appears to be under 20,000 sq. ft. and therefore would not require an erosion control permit or a stormwater plan and permit. Since the structure has already been constructed, a plan showing all old and any new disturbed areas will be required. At that time it will be determined if any further permitting is necessary.

This property is located within a WSIV-CA watershed and required to follow the new Jordan Lake buffer rules if applicable. This watershed classification allows for 24% impervious surface. The parcel is approximately 5.490 acres in size. The non-residential area will be one (1) acre and the existing impervious appears to be less than 12%. Over 70% of the parcel will remain in open space.

It is Planning staff opinion that all five (5) findings have been met.

Recommendation

The Planning staff recommends approval of this request. The Planning Board has up to three (3) meetings in which to make a recommendation to the Board of Commissioners. Should the Planning Board also recommend approval, staff requests consideration and approval of the following conditions:

Site Specific Conditions

1. A map detailing the existing disturbed areas and impervious surface as well as a map detailing any proposed additional disturbed areas and impervious surface shall be provided to the Planning Department and the Environmental Quality Department prior to beginning any further land disturbing activities.

Standard Site Conditions

2. Signage, parking, and lighting shall conform to the Chatham County Zoning Ordinance.

3. 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.
4. 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:

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.