



## Agenda Abstract

Department: Planning

Authorizing Signature: \_\_\_\_\_

Submitting Official: Jason Sullivan

Meeting Date:	May 21, 2012
Subject:	Request by Scott Thomas, on behalf of Jessie Fearington, for property located at the corner of US 15-501 N and Morris Road, Parcel No. 65232, to remove approximately .322 acres from the existing conditional use permit to be recombined with property owned by the North Chatham Fire Department.
Action Requested:	See Recommendations
Attachments: (List Individually)	Application packet is available on the webpage at <a href="http://www.chathamnc.org/planning">www.chathamnc.org/planning</a> under Rezoning and Subdivision Cases, 2012

Introduction & Background:	<p>A public hearing was held on this request March 19, 2012. Planning staff presented the request for discussion and noted that several corrections or clarifications were needed, which are discussed below. Scott Thomas was also present and answered a question from the board. Fire Chief, John Stroud, was also present to address a question from the board. No one else spoke on the matter.</p> <p><b>**Planning Board comments or discussion, if applicable, are noted in BOLD below**</b></p> <p><b>The Planning Board met at their regularly scheduled meeting on April 3, 2012. There were a couple of clarifying questions for staff as to what happens to the conditional use rezoning on the portion that is being subdivided out of the conditional use permit for Fearington Place. Staff advised, with county attorney approval, there will remain a conditional use B-1 zoning district with no approved uses. The NCFD is aware that before they can utilize the .322 acres, they must first file for a conditional use permit revision to have that area incorporated into their permit. There was no other major discussion on the request. The Planning Board voted to recommend approval of the application.</b></p>
Discussion & Analysis:	First, the response in the application under Finding No. 1 is incorrect.



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	<p>This portion of property is part of the Fearrington Place development that was approved July 17, 2006 as Conditional Use B-1 district with a conditional use permit for a specialty retail center with outparcels. Planning staff stated the conditional use business zoning (CU-B1) will remain on this portion of the tract as approved with the Fearrington Place approval. However, the portion proposed to be transferred to the North Chatham Fire Department will not have any approved uses since the request is to remove the conditional use permit from the .322 acres. The portion that will remain as part of the original parcel for the Fearrington development will continue to be used for a monument sign as approved on the site plan and in the original application approval.</p> <p>Planning staff also confirmed with Dan LaMontagne, Environmental Quality Director, that the removal of the .322 acres will not adversely affect the impervious surface calculations. The Fearrington project was projected to be below the allowable 36% impervious surface at 26%.</p> <p>Commissioner Kost asked the applicant to state again why this was being requested. Mr. Thomas stated a possible safety issue. Mr. Stroud then stated that when NCDOT realigned Morris Road, it left the old portion intact and he feels it has become, one, a safety issue and two, remains a public road right-of-way. He stated they wish to close that portion and at this time they have no intended use/s for the area. The fire department is petitioning NCDOT to close this portion of the old road.</p>
Budgetary Impact:	
Recommendation:	Planning staff and Planning Board (by unanimous vote of 7 members) recommend approval of this request as submitted.