



Chatham County Planning Board Agenda Notes

Date: June 5, 2012

Agenda Item: VII. 1.

Attachment: #1

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

Subject:	Request by Doug Piner on behalf of the Property Owner's Association for The Preserve for a revision to the existing conditional use permit to add an additional amenity area for the purpose of boat and recreational vehicle storage on Parcel No. 80601, on approximately 1-2 acres of the 63 +/- acre common, open space lands within the subdivision, located at the end of Broad Leaf Court adjacent to the WWTP.
Action Requested:	See Recommendations
Attachments:	1. Application packet provided at the May 1, 2012 Planning Board meeting

Introduction & Background

A quasi-judicial public hearing was held on May 21, 2012. Planning staff presented the request and summarized staff concerns that were addressed during the Technical Review Committee meeting on May 16, 2012. The two issues were (1) the Fire Marshal requested the access to the wastewater treatment plant (WWTP) not be blocked at any time and (2) a revised plat needs to be filed, if approved, showing the acceptance of the 50 foot perimeter buffer reduction as shown on the proposed site plan. No one spoke on the issues and the Commissioners had no further discussion.

The CUP revision is to legalize an additional amenity to The Preserve development. The Preserve received their original approval in May 1997, formerly known as Astoria. The original approval allowed a golf course, pro shop with eating establishment, pool, community center, and tennis court. The county was not notified of the need to add an additional amenity to the original approval before it was started, which resulted in the issuance of a notice of violation. Enforcement action has been postponed pending the outcome of this request.

Discussion & Analysis

In order for a matter to be considered for approval, there are five findings that must be addressed and proof given that each one can be supported. Should one condition not be supported, the entire application should be denied. Conditions may be placed in order to achieve a mutually agreeable alternative between the governing body and the applicant in order for the finding to be made. The five findings are addressed 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. The Preserve was approved under a conditional use permit for a Planned Unit Development. An area for the private uses by the residents would be an allowable accessory to the permitted PUD. The primary use is not changing and the proposed amenity area is within the CUP boundary. This finding continues to be met.

FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare. As stated in Finding No. 1, an approved development may allow various uses within that development that are suitable and commonly acknowledged as accessory to the principle use. All accessory uses are approved at the time the PUD is approved. The particular accessory use was not included with the original PUD application and is being requested at this time to remedy a Notice of Violation. The lots in this development are not large and generally would not allow for the storage of boats, trailers, and RVs on the property where the owner resides.

The storage area is located at the end of one of the public roads that runs off the main road through the development and is next to the WWTP and maintenance shop. As the applications mentions, this would allow the development to remain neat and clear. There will be no public improvements needed to accompany the use. This finding has been 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 site is located at the end of one of the main roads through the development. There are 36 spaces available for use and the application does not allow for any expansion or additional spaces. This keeps traffic through the development at a minimum per the applicant.

The lot is bordered by heavy tress on property owned by the US Corps of Engineers and a fence by Aqua on the other side. The storage area cannot be seen from any occupied dwelling. The only lighting associated with the area is two pole lights already installed. No new lighting is proposed.

There will be no signs, no noise, and no cleaning of boats or RVs allowed. Each resident will be responsible for removing all of their own trash. This finding has been met.

FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan. 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. The Plan was adopted in 2001. However, a map has not been adopted to outline where certain types of non-residential uses are guided or encouraged.

Although the Preserve is not and was not developed under the Compact Community Ordinance guidelines, it encourages communities such as these to offer a mix of activities as development occurs. This is a very small amenity that will serve a 500 +/- residential unit development therefore assisting in maintaining the rural character as described on page 1 of the Plan. This finding continues to be 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 water or septic will be allowed or required at the storage facility. The grading and graveling of the spaces is already in place and no further disturbance is needed per the applicant. This finding is met.

Recommendation

Planning staff recommends approval of this request. Planning Board has up to three meetings to make a recommendation to the Board of Commissioners. At this time, it is requested the following conditions be reviewed if the decision is to be in support of the application.

Site Specific Conditions

1. A revised plat shall be prepared, signed, and recorded in the Register of Deeds for the reduction in the 50 foot perimeter buffer for the boat, trailer, and RV storage area only. A copy shall be supplied to the Planning Department.

Standard Site Conditions

2. Signage, parking, and lighting shall conform to the Chatham County Zoning Ordinance unless otherwise stated in a specific condition noted above.
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, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.
5. A certificate of occupancy, if necessary, shall be issued within two (2) years from the date of this approval or this permit becomes null and void.

Standard Administrative Conditions:

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.