



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

**Date: June 5, 2012**

**Agenda Item: VII. 2.**

**Attachment: #2**

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

<b>Subject:</b>	Request by GV Commercial, LLC for a revision to the existing conditional use permit under the Governor's Club PUD to change the use of Parcel No. 76561 (GV Parcel B-3), approximately 1.213 acres from commercial use to residential use, to change the maximum number of residential units from 1,975 to 1,981, to allow three (3) residential units approved for condominium or apartment units over retail and office uses to be used for residential condos on Parcel B-3, and to allow up to 15 residential condos on GV Parcel B-3.
<b>Action Requested:</b>	See Recommendations
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Application packet provided at the May 1, 2012 Planning Board meeting.</li><li>2. Public hearing comments by Patrick Bradshaw</li><li>3. Email from Mark Ashness and Chief Strowd regarding follow up information with Site Utility Plan revision</li><li>4. Letter from NCDENR approving stormwater management plan</li></ol>

### **Introduction & Background**

A quasi-judicial public hearing was held on May 21, 2012. Planning staff presented the request and voiced any concerns that may have needed further clarification. Also speaking was Attorney Patrick Bradshaw, representing the applicant; Chris Ehrenfeld, general manager for the applicant; and Mark Ashness, engineer with CE group. There was no opposition of the request.

A Technical Review Committee meeting was held on May 16, 2012. Planning staff stated there were only two issues raised, which were the distance between the row of garages and possibility of moving an existing fire hydrant across the parking to the parcel for the condo units. Currently the plan shows the distance between the garages as being 25 feet. Chief Strowd with the NCFD stated he would like to see at least 10 more feet added making the roadway 35 feet wide to allow for better movement of vehicles and emergency vehicles should they be needed. Planning staff noted that further discussion after the public hearing would be needed to clarify the issues. Mark Ashness met with Chief Strowd on May 30, 2012 to inspect the site and it was decided the current drive between the row of garages would be sufficient provided "No Parking" signs were placed in the area. It was also decided that relocating the fire hydrant would not be necessary provided the FDC connection is placed on the front side of the building in a location not obstructed by parking. Both of these items are conditioned below.

## 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.** Planned residential developments continue to be a permitted use with the residential zoning districts pursuant to a conditional use permit. The CUP is currently valid and continues to govern this development. This finding is met.

**FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare.** The application states there is currently a market for one-level living. However, there are no such units available under the Governor’s Club PUD which includes Governor’s Club, Governor’s Village, Governor’s Lake, Governor’s Lake Townhomes, Governor’s Park, and Governor’s Forest. There are over 2,000 homes with all combined but none that offer housing diversity of this type.

Parcel B-3 was originally plotted for future non-residential use for offices. Currently there is about 45% of the current office building being utilized and there isn’t much need for additional space over what has already been constructed and remains vacant which is about 30,000 sq. ft. Within the past year, “Parcel C” has just completed building construction. “Parcel D” remains to be developed for non-residential purposes. 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.** A residential use on this tract will create no undue burden on the existing public road infrastructure and generally generates less traffic per volume than commercial uses.

There is currently a significant buffer along the front perimeter of the site that also has an established berm. The main condo building will be located approximately 120 feet from the front property line. The one-story garages will be located 40 feet from the front property line. The garages will be located behind an existing berm as well.

**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.

One of the Plan’s objectives as seen on page 10 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. This property continues to offer a mix of uses of residential, retail, and office uses and the new proposed housing option will further allow for support of the existing and future commercial uses within the development.

Page 9 encourages a wide variety of housing options be made available. Since there are no other such units currently in this development, the condos will be providing more diversity for housing.

Pages 38 – 46 address ground and surface water resources protection. NCDENR has submitted an approval of the revision to the Storm Water Management Plan. Water and wastewater will continue to be supplied and controlled by Chatham County and Aqua NC. This finding has been 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.** All utilities, access roads, stormwater measures, open space, etc. will continue as approved. Existing stormwater ponds will continue to be monitored as approved by NCDENR and meets all county requirements.

### **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. “No Parking” signs shall be placed along the entrance drive leading into and within the access of the garage units.
2. A Fire Department Connection must be placed on the front of the condominium building in a location not obstructed by parking or other unmovable structures, or as needed to meet fire code requirements.

#### **Standard Site Conditions**

3. Signage, parking, and lighting shall conform to the Chatham County Zoning Ordinance unless otherwise stated in a specific condition noted above.
4. 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.
5. 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.
6. A certificate of occupancy shall be issued within two (2) years from the date of this approval or this permit becomes null and void.

#### **Standard Administrative Conditions:**

7. 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.
8. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
9. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
10. 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.