



## Chatham County Planning Board Agenda Notes

Date: August 7, 2012

Agenda Item: VII. 2.

Attachment #: 2

☐ Subdivision

☒ Conditional Use Permit

☐ Rezoning Request

☐ Other:

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<b>Subject:</b>	Request by Derry & Cathy Smith for a conditional use permit to construct an automobile service specifically for manual washing and detailing of vehicles on approximately 2.003 acres, Parcel No. 85396, located on the Pittsboro Moncure Rd., Haw River Township.
<b>Action Requested:</b>	See Recommendations.
<b>Attachments:</b>	1. Application packet distributed at July 10, 2012 Planning Board meeting. 2. Appearance Commission recommendation

### **Introduction & Background**

A quasi-judicial public hearing was held on July 16, 2012. Planning staff presented the application request to the Board. No other persons spoke.

### **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.** Within the Neighborhood Business district, automobile services are permitted. Under the Conditional Use Neighborhood Business district, it is permitted as specifically for the manual washing and detailing of automobiles as requested by the applicant. This finding is met.

**FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare.** The applicant has stated in the submission materials there are no similar businesses within the area, with the nearest facilities in Sanford and Liberty. The applicant feels this

would not only benefit the Moncure area but Chatham County as a whole.

The operation will create employment opportunities. Chatham County Environmental Health has issued a septic permit for up to three (3) employees. NCDWQ will be permitting a separate system for the wastewater from the automobile washing. This finding is 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.** Traffic is expected to be approximately 12 vehicles per day plus two (2) trips for employees for a total of approximately 30 trips per day. Normal hours of operation will be 8am to 5pm, six (6) days (Mon – Sat) per week. NCDOT has conducted a general review of the project and does not, at this time, have any issues with the layout and access areas. Due to the circular drive area, Mr. Smith is relocating the easement drive for the adjacent landowner to make it more accessible and separate from the operation.

The Chatham County Appearance Commission reviewed the landscaping, signage, parking, and lighting for the site. They were very pleased with the choices and layout of the landscaping. The only concern and reminder was for maintenance to make the landscaping thrive. Mr. Smith also operates a lawn care and landscaping company and stated he would make sure it was well maintained. The signage for the property will be located on the side of the building facing the Moncure Pittsboro Road. The applicant had proposed 24" lettering which would have been approximately 125 square feet of signage. This structure is in close proximity to the public roadway. The CCAC recommended the signage be reduced to 12" letters for a total of no more than 60 square feet of sign area. The applicant agreed since they will have good visibility. There will not be a dumpster on site.

Lighting will be installed as walk-path lighting and full cutoff fixtures on the building. Lighting is scheduled to be turned off by midnight per the applicant. This finding is met.

**FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan.** Page 9 of The Plan encourages commercial endeavors that have the potential to be a net long term asset to the community. The nearest detailing automobile shops are located in Sanford and Liberty. The applicant feels this would be a great asset not only to the Moncure area but to Chatham County. Please refer back to the CU-NB rezoning application for additional information. This finding is 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.** This site will have access to the existing county water system. There is a projection of approximately 315 gpd. The building will have one restroom with a shower. Environmental Health has issued a construction authorization for the septic system and approved these uses. Processed wastewater from the operation itself will be handled through a system designed and monitored by NCDWQ.

Stormwater management will be handled onsite via a stormwater piping system. No detention or treatment of stormwater is required due to not exceeding the threshold requirement for a detention pond. The Environmental Quality director has reviewed the site and accepts the proposed operation. This finding is met.

### **Recommendation**

Planning staff recommends approval of the conditional use permit request with conditions listed below. The Planning Board has up the three meetings in which to make a recommendation to the Board of Commissioners.

#### **Site Specific Conditions**

There are no additional site specific conditions being made that are not covered under the standard site and administrative conditions.

#### **Standard Site Conditions**

1. 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. This includes but is not limited to Appearance Commission recommendations, signage, lighting, parking, etc.
2. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Stormwater 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.
3. A Certificate of Occupancy shall be obtained within two years of the date of this approval or the conditional use permit becomes null and void.

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

4. 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.
5. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
6. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
7. 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.