

..TITLE

A request by The Keith Corporation for a Conditional Use Permit Revision for Parcel No. 62180 located at 11500 US 15-501 N, currently known as Cole Park Plaza, to redesign the site, maintaining current uses and conditions currently approved, being approximately 8.58 acres, Williams Township.

..ABSTRACT

Action Requested:

A request by The Keith Corporation for a Conditional Use Permit Revision for Parcel No. 62180 located at 11500 US 15-501 N, currently known as Cole Park Plaza, to redesign the site, maintaining current uses and conditions currently approved, being approximately 8.58 acres, Williams Township.

Introduction & Background:

A quasi-judicial hearing was held on August 18, 2014. Planning staff presented the application request. Chris Bostic with Kimley Horn presented on behalf of the applicant. Two other persons spoke one of which was Mr. John Dimos, owner of Dockside Seafood which is adjoining this parcel, voiced concerns of unrestricted access into his site during construction and the need for the dumpster receptacles to be better maintained and cleaned up. No other concerns were discussed.

Cole Park Plaza was approved through the Conditional Use Permit process in 1988 as a shopping center. There have been no major improvements since its construction.

PLANNING BOARD ACTION

The Planning Board met during their regularly scheduled meeting on September 2, 2014. There was minimal discussion by the Board. The Board did vote to remove a Standard Site Condition that stated “a certificate of occupancy shall be obtained within two years of the date of this approval unless other approvals/s have been given for an extension, or this approval becomes null and void”. Since Site Specific Condition No. 3 had already covered this issue, removal of Condition 6 was reasonable.

To address various concerns raised at the public hearing on the upkeep of the property and site plan approvals, Planning staff reiterates the project will be required to meet today’s standards as stated in the Zoning Ordinance and Design Guidelines. Dumpster enclosures are now required for non-residential projects which in turn helps to protect and maintain project sites and adjoining owners.

Discussion & Analysis:

A conditional use permit revision must meet the required five findings as required by the Chatham County Zoning Ordinance. Those findings are addressed as follows:

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 property will continue to operate as originally approved as a shopping center.

FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare. The center has been in operation since its approval and continues to offer various shopping needs to the citizens of the county. The new owners plan to upgrade the facility with new facades, landscaping, and stormwater treatment. They plan to demolish the portion of the building that currently houses the restaurant as well as the existing standalone fast food restaurant. A new fast food restaurant is proposed to be constructed. Renovations to the old hardware store are also being proposed to relocate some uses and add new retail. The applicant states the retrofitting and upgrades will hopefully spark an increase in occupancy resulting in increased tax revenue and jobs.

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 applicant met with the Chatham County Appearance Commission (CCAC) and proposed to install a new perimeter tree planting yard along with new landscape islands at the center, new light poles and new light fixtures are to be installed that will be “nighttime friendly”. A new monument sign also being proposed to achieve the same updated look of the new facility. The applicants were reminded to follow the standards noted in the Zoning Ordinance for landscaping and the requirement dumpsters are to be enclosed and shielded from view. The CCAC was pleased with their submittal and offered a minimal amount of suggestions. The applicant agreed with their recommendations.

FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan. This is a redevelopment of an existing commercial property. Water and sewer currently exist and will continue to be served by Aqua NC. The applicant also states this center is a logical “crossroads” for commercial development and continuation of existing commercial uses is encouraged by the Plan.

The redesign is expected to reduce the impervious surface. Currently the site, which has a drainage area of approximately 8.7 acres and is developed at approximately 81% impervious surface. The new owners will utilize a back portion of the property to redirect approximately 2.7 acres to a new stormwater wet detention basin. This will in effect reduce the amount of impervious surface to approximately 7.5 acres of the site. Because this facility and the impervious surface was created prior to watershed regulations being adopted, the property may continue to exceed the maximum limits in effect today.

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. Wastewater will continue to be provided by Aqua NC and water by Chatham County Public Utilities. No new driveways or accesses are being added. All other necessary facilities will continue to be provided as currently approved.

It is planning staff opinion all five (5) findings may be met.

Recommendation:

The Planning Board, by unanimous vote, and staff recommends approval of the request and adoption of a resolution approving a conditional use permit with the following conditions:

Site Specific Conditions

1. All previously approved conditions shall remain in effect with the exception of modifications included with this revision.
2. The applicant shall follow the recommendations of the Chatham County Appearance Commission and install said plantings at the next optimal planting season following the issuance of the first building permit.
3. The first building permit shall be issued within two (2) years of the date of this approval or this revision becomes null and void.

Standard Site Conditions

4. The application, standards and adopted regulations of the applicable ordinances and policies, and the 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. These include but are not limited to landscaping, lighting, signage, parking, building construction, etc.
5. 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.

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 inspections.
7. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance 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.