



Chatham County Planning Board Agenda Notes

Date: November 3, 2014

Agenda Item: VIII. 1

Attachment #: Online and Attachment 2

Subdivision

Conditional Use Permit

Rezoning Request

Other:

Subject:	A request by F-L Legacy Owner, LLC for a Conditional Use Permit revision on the existing Planned Residential Development called The Legacy, located at Parcels 17378 and 89437, off Big Woods Rd., New Hope Township, to revise the site plan/sketch design to relocate the primary amenity area, relocate some residential lots, and to reconfigure some roads rights-of-way. This request will not be adding additional residential lots or new land areas.
Action Requested:	See Recommendation
Attachments:	<p>The following items can be viewed on the Planning Department webpage Rezoning and Subdivision Cases, 2014</p> <ol style="list-style-type: none"> 1. Public hearing sign in sheet and submitted written comments <p>The following is attached:</p> <ol style="list-style-type: none"> 2. Revised site plan moving the amenity area back to its original location.

Introduction & Background:

A quasi-judicial hearing was held on this request September 15, 2014. Planning staff presented the request. Also presenting were Patrick Bradshaw, attorney for the applicant and Mark Ashness, CE Group. There were also comments made by current landowners inside the development. Concerns raised by the residents were the moving of the amenity area, ample parking for the amenity, disrepair of the roads, construction traffic, and displeasure with the smaller lot configurations. There were several calls and complaints filed with the Planning Department stating the community meeting didn't reveal all the facts being presented in the application and they, the homeowners, wanted a voice in the development of the project.

Due to the amount of testimony and written and oral comments, as well as the current workload for staff, the Planning Department utilized its option to hold the matter for one month before forwarding the application to the Planning Board.

The Legacy was originally approved as a Planned Unit Development in March 2004. In the

Fall of 2005, an amendment was approved relocating the main amenity area to newly acquired property within the development. There are currently 463 lots in the 627 acre development. This amendment does not add any additional land to the project nor does it add any additional lots.

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. Planned residential developments continue to be an approved use within the R-1 Residential zoning district. This finding continues to be supported.

FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare. Although the original submission showed a relocated amenity center, after an additional community meeting with the residents following the public hearing, the applicant has agreed to leave the amenity area where it is currently shown on the master plan. The revised site plan shows the area as currently approved. The revised plan does eliminate two stream crossings, reduce the total projected road length, and will create a development that meets the demands of the housing market. The revision does not otherwise change the support of this finding from the previous submissions and therefore continues to be supported.

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. Due to no change in density and no change in the location of the amenity, no negative impacts have been identified. The proposed changes will reduce the area of development and create less impact in the environmental functions of the property. The development will continue to be developed within the existing conditions as currently approved with only the revisions as noted. The overall project is not changing. This finding continues to be supported.

FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan. To further enhance the connection between this project and the Land Conservation and Development Plan, this revision will create less environmental impact and will continue to support balanced growth by providing more housing options. The project will continue to support and encourage rural character and protection of surface and ground waters. This finding continues to be supported.

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 change to the wastewater requirements are needed. No additional lots are being proposed. The two approved access roads connected to Big Woods Road are unchanged. All other requirements will continue to be met. This finding continues to be supported.

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

Recommendation:

Planning staff recommends approval of the request with the conditions listed below. The Planning Board has up to three meeting in which to make a recommendation to the Board of Commissioners. Should the Planning Board recommendation be to approve the request as submitted, a review of the conditions is requested.

Site Specific Conditions

1. All previously approved conditions shall remain in effect with the exception of modifications included with this revision.
2. The revised site plan dated October 15, 2014 shall be the approved site plan for developing the project.

Standard Site Conditions

3. 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.
4. 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:

5. 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.
6. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
7. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
8. 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.