

## **..TITLE**

Vote on a request to approve Kunal Enterprises LLC c/o George Farrell, Jr., for a Conditional Use Permit revision to expand the uses currently on the property, Parcel No. 70029, located at 12820 US 64 E, and to deed restrict approximately 17.829 acres, Parcel No. 69707, located on Marshall Rd., as non-buildable to offset the impervious surface expansion on the commercial property.

## **..ABSTRACT**

### **Action Requested:**

A request by Kunal Enterprises LLC c/o George Farrell, Jr., for a Conditional Use Permit revision to expand the uses currently on the property, Parcel No. 70029, located at 12820 US 64 E, and to deed restrict approximately 17.829 acres, Parcel No. 69707, located on Marshall Rd., as non-buildable to offset the impervious surface expansion on the commercial property.

### **Introduction & Background:**

A quasi-judicial hearing was held on October 20, 2014. Planning staff presented the application and noted a few concerns that have been addressed through revised plans and documentation. The concerns involved traffic flow in and throughout the site, location of new structures to allow for emergency access, and other minor site plan issues. Revised plans were submitted along with a modified EIA as requested. Mr. Farrell spoke briefly about the expansion project and was available for questions. No one else spoke on the issue.

Mr. Farrell received original approval for this property in July 2004. Since then there have been several modifications to allow for business growth and opportunities.

**The Planning Board met at their regularly scheduled meeting on November 3, 2014. There was minimal discussion but some concerns were noted and the applicant was advised to make sure the site remains secure and maintained. The concerns were making sure the “dump station” was monitored and maintained as required, protection of the remote access into the storage facility, and traffic flow within the facility. No other issues were discussed and the applicant stated he would make sure the site remained in good working order.**

### **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 request for the expanded services are all listed as permissible uses within the zoning classification approved for the project site. The currently approved uses will continue as stated in prior approvals.

**FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare.** The current uses on the site have been successful and are in need of an opportunity to expand. Many of the applicant's clients come from nearby towns and adjoining counties due to its convenient location. This has also been one of the driving forces to approve other boat and RV storage locations in close proximity to this facility. Adequate services have already been supplied to the project site so no new road connections or public improvements will be needed.

**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 expansion of the current project site does not require the addition of any land. All expansion will take place within the existing perimeters of the site. In order to increase the impervious surface, the applicant has utilized North Carolina General Statute 143-214.5(d2) Water Supply Watershed Protection. This allows a landowner to shift the impervious surface allocation to another parcel that is located within the same watershed classification. In this case, the applicant has proposed to offset this project's impervious surface to Parcel No. 69707 located on Marshall Road. A deed restriction on that portion of the tract as "no build" will be required and must be recorded in the Chatham County Register of Deeds as such.

The Chatham County Appearance Commission has reviewed the revised landscape plan and made recommendations for perimeter landscape buffers to protect adjacent landowners. The applicant agreed with those recommendations. Lighting will comply with the adopted county regulations and existing signage will remain and any new building signage for new business will comply with the current CUP approval and county regulations.

**FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan.** This finding remains unchanged and will continue to link to current and nearby infrastructure and build on the economic activity in western Wake County and recreational use of Jordan Lake.

**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.** An expansion of the current septic system has been approved by the Chatham County Environmental Health Division of the Health Department. The expansion will allow up to 49 employees versus the current 18 employee limit. County water will continue to be utilized with the existing and additional businesses located in the site.

An approved dump station, permitted and monitored by NCDENR, will be located within the internal area of the project. This will allow RVs to dispose of waste before storing the unit. This station will not be visible from the surface as it is an underground tank with an above-ground connector equipped with an alarm to advise when the tank is full. A licensed contractor will be pumping the tank as needed approximately every six (6) months.

Stormwater measures will be installed as required in various locations within the project site. No new roads or accesses are requested or needed for this expansion.

It is staff opinion that all five (5) findings may be made.

**Recommendation:**

The Planning Board voted 10-0 to recommend approval of the request in that all five findings may be made with the conditions provided below.

**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.
4. A deed restriction on Parcel No. 69707, located on Marshall Road, being approximately 17.8 acres, will be labeled as a non-building lot to be used exclusively for the offset in impervious surface for Parcel No. 70029.

**Standard Site Conditions**

5. 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.
6. 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:**

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