



Chatham County Planning Board Agenda Notes

Date: December 2, 2014

Agenda Item: VII. 4

Attachment #: Online

Subdivision

Conditional Use Permit

Rezoning Request

Other:

Subject:	A request for a new Conditional Use Permit by The Parlour, LLC on property currently zoned CU-B1, located at 175 Poythress Rd., old Mann's Chapel Church, Parcel No. 62230, for an event center venue specializing in small-scale weddings, seasonal marketplace, workshops, meetings, etc., Baldwin Township.
Action Requested:	See Recommendation
Attachments:	<p>The application packet was provided at the November 3, 2014 Planning Board meeting.</p> <p>The following can be viewed from the Planning Department webpage under Rezoning and Subdivision Cases, 2014:</p> <ol style="list-style-type: none">1. PowerPoint presentation from the applicant2. Photos provided by the adjacent neighbor, Michael Lustig, Parcel No. 85413

Introduction & Background

A quasi-judicial hearing was held on this request November 17, 2014. Planning staff presented the application. The applicant made a presentation that has been posted on the county website. An adjacent neighbor, Mr. Lustig, also spoke and voiced concerns over adequate parking being provided on-site.

The church that is located on the property was decommissioned in 1986 and has been sitting vacant since that time. In 2008, the property received an approval to change the zoning from Office & Institutional to Conditional Use District B-1 Business District with a Conditional Use Permit for an event center. This event center was also going to include a restaurant and retail area. However, the owner of the property never started the project. The Conditional Use Permit, which contained the specific uses to be allowed on the property, became null and void. The zoning classification, which was a legislative approval, remains but there are no approved uses for the site.

This application is for a new conditional use permit for the uses as described. It is a smaller venue

than was originally approved with no restaurant or retail shop area. It will be a mixed use building for general and professional offices and an event venue for small scale gatherings such as weddings, corporate meetings, reunions, etc.

Discussion & Analysis

A conditional use permit 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. A mixed use building is listed as a permitted use within the Table of Permitted Uses located in Section 10.13 of the Chatham County Zoning Ordinance to be utilized for general and professional office and small scale events

FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare. The applicant believes with the continued growth happening in Chatham County, specifically existing approved developments and the forecasted 7,000 acre Chatham Park project, it will be critical to preserve history and protect the character of the county in an historical setting. They will be remodeling the existing church, upgrading the parking, and adding improvements to the landscaping. There have been concerns expressed by neighbors about the vacancy of the church and how vulnerable it is to becoming an eyesore, unless it is preserved with a use that would complement the surrounding area.

The applicant has reviewed other similar uses near to this proposed location. There are no currently operating small scale venue options available. The larger venues are The Carolina Inn in Chapel Hill and Fearington Village in Pittsboro. This project would sit between those two locations.

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 has proposed to preserve the existing character of the building/church that has been a staple in the community since its construction in 1887. They do not propose any changes to the existing footprint of the building, but will be bringing the structure up to current building code, enhancing the outside appearance, and remodeling inside.

NCDOT will be issuing a revised commercial driveway permit for the project and do not have any issues with the use being proposed.

The applicants held a community meeting on July 14, 2014. Some topics of discussion included concerns over the chapel restoration, parking, illegal dumping in the past due to the site being vacant, and noise. The applicant states in the report, overall, the neighbors were excited about the potential for new life at the chapel and happy to have activity again.

The applicants met with the Chatham County Appearance Commission who were very impressed

with the details presented for the renewing of the site. There was one concern noted on the rear of the property and protecting that landowner from view of the new parking areas. The applicant has proposed fencing in that particular area to address that concern. The minutes from the CCAC meeting and their recommendations of approval can be viewed in the packet materials and on the Planning Department webpage under this item.

FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan. A component of the Land Conservation and Development Plan is to encourage the protection of rural and historical areas. The restoration of this property will do that, as well as provide a mix of services not currently found in the community. Preserving the area’s character and building’s historic features are at the core of this proposal.

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. The property will utilize a new well that is to be located on site, as well as on-site septic. The applicant has secured approval from the Chatham County Environmental Health Department for these items.

The property fronts on a state maintained roadway and will be issued a new commercial driveway permit for the use.

The property is located within the WSIV-Protected Area of Jordan Lake Buffer Rule watershed designation. Impervious surface is allowed to cover up to 36% of the tract. The ordinance also allows an exemption for the pre-existing impervious surface, which could allow more than 36% impervious surface. The impervious surface area will have to comply with the county watershed requirements and will be verified by the Environmental Quality Director.

Based on the application materials, testimony, and the above stated five findings, it is the Planning staff opinion the request may be recommended for approval.

Recommendation

Planning staff recommends approval of the request with the conditions listed below. The Planning Board has up to three meetings in which to make a recommendation to the Board of Commissioners. Should the Planning Board recommendation be to approve the request as submitted, the conditions listed below are provided for consideration:

Site Specific Conditions

1. 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.
2. All event parking shall be controlled and maintained on the project site.

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.
5. A Certificate of Occupancy shall be obtained within two years of the date of this approval unless other approval/s has been given for an extension, or this approval becomes null and void.

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.