



Chatham County Watershed Review Board Agenda Notes

Date: April 14, 2016

Agenda Item:

Attachment #:

☐ **Subdivision**

☐ **Conditional Use Permit**

☐ **Rezoning Request**

☒ **Other: Text Amendment**

Subject:	A request from Jim Staples of Opus Financial Advisors for a text amendment to the Chatham County Watershed Protection Ordinance to add the use of Office – Business and Professional no larger than 4,000 sq. ft. gross and Events Center Limited with no more than 4,000 sq. ft. gross to Attachment A of uses permitted.
Action Requested:	See Recommendation
Attachments:	<ol style="list-style-type: none">1. Application to amend the Chatham County Watershed Protection Ordinance2. Watershed Protection Map identifying the watershed districts affected by the text amendment3. Copy of attachment A from the Watershed Protection Ordinance

Introduction & Background

Jim Staples with Opus Financial Advisors submitted an application for a text amendment to Attachment A in the Watershed Protection Ordinance. The initial public hearing was held on January 19, 2016, but was continued to allow the applicant to revise the application (see attachment #1), and a second public hearing was held on March 7, 2016. The applicant also has a pending rezoning case that is partially contingent on final action on this text amendment by the Board of Commissioners.

Discussion & Analysis

The Watershed Protection Ordinance includes Attachment A, which is a list of permitted uses for the following watershed districts – WS-II Balance of Watershed, WS-III Critical Area, WS-IV Critical Area, and River Corridor (see map included as attachment #2). The list of uses applies in both zoned and unzoned areas of the county. In the zoned areas of the county, a use must be permitted in both the Watershed Protection Ordinance and Zoning Ordinance to be considered allowable on a property within one of the applicable

watershed districts. There are also more stringent non-residential built upon area limits within these districts ranging from 12% (WS-II BW, WS-III CA, and RC) to 24% (WS-IV CA)

Attachment A includes a list of uses that are intended to have a limited impact within the applicable watershed districts (see attachment #3). Examples of uses include single family dwellings, day care centers, mini storage warehouses, and schools. The rationale behind the limitation is to reduce impacts on drainage areas to critical area water supply watersheds, which are ½ mile from the normal pool elevation of Jordan Lake or 1 mile from water supply intakes along the rivers. This also applies along the river corridors, which are drainage areas within 2,500 feet of the rivers or major waterways in the county.

The text amendment application requests the addition of the following uses: 1) Business and Professional Offices no larger than 4,000 sq. ft. gross and 2) Events Center Limited with no more than 4,000 sq. ft. gross. Planning staff provided an overview of the request during the public hearings and two people provided comments. The applicant provided a review of the application and the connection to their rezoning request. Cabell Regan, attorney representing several community members in the Mann's Chapel Road area, spoke in opposition to the application. Mr. Regan stated that the amendment would allow businesses to be placed in residential areas, would create drainage issues, and would negatively impact neighborhoods.

There are several items the Watershed Review Board should consider when discussing the request. First, the square footage limitation does not specify whether it only applies to buildings or to other areas associated with the use (i.e. parking, sidewalks, etc.). Second, if the intent is for the square footage limit to only apply to buildings there needs to be clarification of whether it applies to heated/unheated areas or building footprint. For example, a building could have a 4,000 square foot footprint with more than one-story. Third, the 4,000 square foot limitation does not specify whether it is for one building or one parcel. For example, it could be interpreted that the proposed uses allow multiple buildings, up to 4,000 square feet each, on the same parcel. Fourth, it is not clear if these uses could be included with other uses on the same parcel. Currently, multiple uses in attachment A can be permitted on a property under the built upon area cap.

Recommendation

If the Watershed Review Board recommends approval of the additional uses to attachment A of the Watershed Protection Ordinance, staff requests additional clarification as described in the Discussion & Analysis.