

## **..TITLE**

Vote on 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.

## **..ABSTRACT**

### **Action Requested:**

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.

### **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), 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. The Watershed Review Board (Environmental Review Advisory Committee) reviewed the application on April 14, 2016.

### **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.

The text amendment was also forwarded to the NC Department of Environmental Quality Stormwater Permitting Program for review. Julie Ventaloro with the permitting program stated that the amendments "...will not cause a conflict with the state's minimum water supply watershed requirements."

The Watershed Review Board (WRB) considered the application during their April 14, 2016 meeting and their discussion included the following: whether there were square footage limitation on other uses in attachment A; the built upon area limit already provides a limitation on the footprint of a proposed use and is more restrictive in the watershed districts where attachment A is applicable; that bed and breakfast inns with six rooms, schools, and churches are currently allowed in attachment A and can have more an impact than the proposed use; and that boarding stables, etc., which are already allowed, can have more of an impact than the proposed use. The WRB by unanimous vote (8-0) recommends approval of the addition of both uses without a square footage limitation.

**Recommendation:**

The Watershed Review Board by unanimous vote (8-0) recommends approving the addition of Office – Business and Professional and Events Center Limited to Attachment A with no square footage limitation and adoption of an Ordinance Amending the Watershed Protection Ordinance of Chatham County.