

Chatham County Planning Board Minutes September 2, 2014



The Chatham County Planning Board met in regular session on the above date in the Agriculture Building Auditorium, Pittsboro, North Carolina.

Members present were as follows:

Present:

B. J. Copeland, Chair
Bill Arthur
Philip Bienvenue
James Crawford
Karl Ernst
Gene Galin
Mike Grigg
Tom Glendinning
Donna Kelly
Cecil Wilson

Absent:

Cathy Wright

Planning Department:

Jason Sullivan, Planning Director
Kimberly Tyson, Clerk to the Board

I. INVOCATION AND PLEDGE OF ALLEGIANCE:

Mr. Grigg delivered the invocation and afterwards the Chairman invited everyone to stand and recite the Pledge of Allegiance.

II. CALL TO ORDER:

Chair Copeland called the meeting to order at 6:30 p.m.

III. DETERMINATION OF QUORUM:

The clerk stated that a quorum was present to begin the meeting (10 members)

IV. APPROVAL OF AGENDA:

See Item V. below.

V. APPROVAL OF CONSENT AGENDA:

Minutes: Consideration of a request for approval of the August 5, 2014 Planning Board minutes.

Board members had no objections to above items IV. and V. and were considered approved as submitted.

VI. PUBLIC INPUT SESSION: Fifteen-minute time of public input for issues **not** on agenda. Speakers limited to three (3) minutes each.

There were no requests to speak at this time.

VII. ZONING AND ORDINANCE AMENDMENTS:

Legislative Request:

1. A legislative public hearing request by Jeff Cooper dba Furniture Follies to rezone Parcel No. 2639 from R-1 Residential to Conditional District Neighborhood Business, located at 11311 US 15-501 N, being approximately 1.67 acres for a furniture and general retail sales business with covered outdoor display of furniture, Baldwin Township.

Mr. Sullivan reviewed the agenda notes for Furniture Follies rezoning on parcel number 2639 from R-1 Residential to Conditional District Neighborhood Business. A legislative public hearing was held on August 18, 2014. The property is currently zoned R-1 Residential. The parcel has been used for residential purposes and had a site built home on it until April 2014. When the application was submitted the structure had been demolished and removed. The area surrounding and adjoining the subject property include residential, commercial/retail, and office and institutional. The larger properties were approved through conditional use rezoning including the adjoining property to the north which was conditionally zoned in October 2005 for a bank. Across US 15-501 is the Lowes grocery store complex and CVS approved under conditional use in 1988 for a shopping center. The applicants currently own a used furniture store in Orange County and are looking to relocate the business into Chatham County on family owned land.

There are four items listed in the Zoning Ordinance that must be addressed by an applicant when submitting a rezoning application.

Item #1: The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed description of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.

The applicant is not claiming any error in the ordinance.

Item #2: The changed or changing conditions, if any, in the area or in the County generally, which make the proposed amendment reasonably necessary for the promotion of the public health, safety, and general welfare.

As stated above, this area of Chatham County and specifically this portion of the US 15-501 corridor, has become historically a commercial, crossroads neighborhood. There has been no opposition to the use of the property for commercial purposes.

The applicant held the required Community Meeting for this project. There was one neighbor, Mr. McCoy, who attended the meeting and had concerns with the rezoning. The concerns were the “look” of the building where the neighbor wanted a brick building so it would be in harmony with his residence. Lighting and the amount of traffic were also discussed. At the public hearing, Mr. Crumley, who was representing the McCoy's,

stated the façade of the building was a concern and if allowed to construct a metal building, it was his opinion the property value would diminish. He also requested the dumpster and loading locations be moved to the north side of the building. Per the site plan, the dumpster must be screened and enclosed. The applicant has noted an eight foot (8') high opaque enclosure. Mr. Crumley also presented several photos, which are on the website as noted above, that depict the applicant's current location in Orange County. Those photos show the other items being stored outside the building that are not customary to a furniture store. This concern is addressed in the noted conditions below.

The applicant states in the application that lighting will comply with the Chatham County lighting regulations. He plans to install approximately seven (7) full cutoff wall packs on the building and have one (1) 32 sq. ft. double-sided sign for identification on the property. The applicant also met with the Chatham County Appearance Commission (CCAC) and additional suggestions were made to supplement more plantings along the area adjacent to the McCoy property. Those minutes can be viewed on the Planning Department webpage as noted above.

Item #3: The manner in which the proposed amendment will carry out the intent and purpose of the adopted Land Use Plan or part thereof.

The applicant states the project would be continuing to support the Designation of Economic Center Locations as noted on page 34 of the Plan. The US 15-501 corridor is specifically listed as an area that may link to infrastructure and build on the economic activity south of Chapel Hill.

The applicant states in the application the Chatham County Strategic Plan concentrates on a mix of commercial developments in the corridors that serve to reduce travel distances for residents. Per the applicant, there are no other similar retail establishments in the vicinity of this project site. He states he's meeting a local need and may also serve residents outside of Chatham County.

Item #4: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment are they plan to construct a neat and efficient metal building and further states pre-fabricated buildings create less construction waste. There would be some outside display which would remain under the eave of the building. This has been conditioned below. They state this is not a superstore or highly trafficked type of business as you would find with a convenience/grocery store.

The applicant has already obtained approval from the Chatham County Environmental Health Department for a new septic system. The system will support three (3) full time employees and traffic by patrons.

The applicant has received preliminary approval from NCDOT for a commercial driveway permit which will be brought up to their standards as required.

The property is located within the WSIV-Protected Area Jordan Lake Buffer rule watershed. When no curb and gutter is being installed, the property is limited to 36% impervious surface. Impervious surface includes anything under roof, gravel, concrete, and asphalt. This project is proposed to be developed to about 27%.

It is Planning staff opinion that the standards of the ordinance have been or can be met with conditions.

Site Specific Conditions

1. The recommendations of the Chatham County Appearance Commission and the Landscaping Standards, Section 12 of the Chatham County Zoning Ordinance shall be followed as recommended and agreed to by the applicant. The applicant should ensure the maintenance and survival of all plantings which shall be installed at the next optimal planting season following the issuance of the building permit.
2. Outdoor displays of furniture and accessory furniture items are permitted under the eaves of the building only and shall be taken inside at the end of each business day.

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.

Board discussion followed.

Cindy Perry, Attorney, spoke briefly on behalf of the owners. Jack Haggerty, architect spoke briefly about the project and provided a hand out to board members. Julie Cooper, owner was present for questions.

Motion to approve:

Mr. Ernst made a motion; seconded by Mr. Glendinning to approve the application as submitted with the exclusion of Site Specific Condition number two (2).

Board discussion followed.

Motion to amend:

Mr. Glendinning made a motion to amend; seconded by Mr. Crawford to amend Site Specific Condition number two (2) to state "Outdoor displays of furniture and accessory furniture items are permitted under the eaves of the building."

No further discussion and motion passed by vote of 9-1 (Ernst opposed).

Motion to approve with amend:

No further discussion and motion passed by vote of 9-1 (Arthur opposed).

Consistency Statement:

It is the opinion of the Planning Board the request to rezone Parcel No. 2639 in its entirety, from R-1 Residential to CD-NB is consistent with the adopted land use plans and regulations of the County, and therefore is approved as requested.

Motion to approve:

Mr. Crawford made motion; seconded by Mr. Wilson to adopt the consistency statement. No further discussion and motion passed unanimously (10 members).

2. A request by Donald Jordan to rezone a portion, being 1.5 acres out of the 7.42 acre tract of Parcel No. 1478, located at 15 Pine Terrace, from Mobile Home District – Non-conforming (MHD-NC) to R-1 Residential in order to subdivide said 1.5 acres and create separate parcel, Baldwin Township.

Mr. Sullivan briefly reviewed the agenda notes for the rezoning of a portion of parcel number 1478 from Mobile Home District – Non-conforming (MHD-NC) to R-1 Residential. A legislative public hearing was held on this request August 18, 2014. The applicant started the mobile home park in or around 1976. Chatham County did not have a Mobile Home Park Ordinance until 1985 making this a non-conforming mobile

home park. In 1992, the applicant was granted approval to add three (3) additional sites to the four (4) existing for a total of seven (7) approved sites of record.

In 2001, the applicant's son applied to replace the mobile home on the front portion of the lot with a modular home and to create a single lot of one acre in size. The applicant did not complete the subdivision process to remove the one acre lot from the MHP before the subdivision regulations changed to a minimum requirement of 1 ½ acres. In addition, the current zoning classification for the entire park is Mobile Home District. In order to remove the modular lot from under the MHPD and complete the subdivision process, the applicant was required to rezone the subject lot to R-1 Residential. Once completed, the applicant may finish the subdivision process creating the individual lot for his son.

This is a general rezoning request.

Planning staff recommends approval.

Board discussion followed.

Applicant wasn't present.

Motion to approve:

Mr. Wilson made a motion; seconded by Mr. Glendinning to approve the application as submitted. No further discussion and motion passed unanimously (10 members).

Consistency Statement:

It is the opinion of the Planning Board the request to rezone the 1 ½ acre portion that represents that area of the Mobile Home District to R-1 Residential District is consistent with the adopted land use plans and regulations of the County and therefore is approved as requested.

Motion to approve:

Mr. Wilson made a motion; seconded by Mr. Ernst to adopt the consistency statement. No further discussion and motion passed by vote of 9-0 (abstention by Glendinning).

Quasi-Judicial:

3. A request by Lenore Braford dba Piedmont Farm Animal Refuge, for a Conditional Use Permit on Parcel No. 78297, located at 7404 NC 87 N, being approximately 16.07 acres, for Animal Husbandry Specialized as a farm animal rescue facility, Hadley Township.

Mr. Sullivan reviewed the agenda notes for a conditional use permit on parcel number 78297. A quasi-judicial public hearing was held on August 18, 2014. This property was unzoned until R-1 Residential zoning was adopted with the corridor zoning of NC 87 in 2007.

A conditional use permit must meet the required five findings as required by the Chatham County Zoning Ordinance.

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 Chatham County Zoning Ordinance, Section 10.13, list Animal Husbandry Specialized as a use that may be allowed in the residentially zoned districts as a Conditional Use Permit. The applicant intends to phase in the various components of the project that will later involve associated and ancillary uses to include school groups, an educational component in connection with the farm animals she will be rescuing, the potential to host various outdoor events and a visitor's center. The project is planned to be phased in over a five (5) year period.

FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare. The applicant states one benefit to the community and the county is the creation of a unique destination for education and recreation. The applicant plans to offer tours of the refuge that will give individuals the opportunity to meet, touch, and interact with farm animals in a safe and educational environment.

The applicant states she may want to conduct a future summer camp program or after school program both centering on the educational component of the farming and animal keeping approvals.

This facility would be a refuge for unwanted farm animals and not those one would find in a customary animal shelter such as dogs, cats, and other domestic animals. The applicant states this facility would take the burden off the customary animal shelter with farming type animals or fowl.

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 states a maximum of ten (10) staff members and five (5) volunteers will travel to and from the site each day. An average projection of 25 visitors are anticipated each day as well as on Saturdays and Sundays. When available, there may also be buses of children visiting the site during the week or weekend. NCDOT has no known issues with traffic generation to and from this site and plan to issue a commercial driveway permit when needed.

The applicant held a community meeting with the surrounding neighbors as required by the Zoning Ordinance. General questions were raised but all in attendance supported the proposal.

The applicant met with the Chatham County Appearance Commission (CCAC) where some revisions were suggested. The applicant agreed to the suggestions, which were minimal, and has incorporated those into the new site plan attached. The boundary of the property still has a significant natural vegetated buffer where some areas needed supplementing.

The applicant states there will be hand washing stations with soap and disinfectant for use by all persons on the property. There will also be chemical agents used on site for care of the animals and for care of the pasture areas. The storage of such chemicals will follow guidelines as per the Fire Marshal's office.

FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan. The Land Use Plan list the preservation of rural character as an important objective for the county. The property will be farm-like in appearance with barns, ponds, hills, and open space consistent with the definition of rural character.

The Plan goes further to encourage tourism to the county for various attractions. The applicant anticipates the use of the property by visitors from and outside the county. The applicant states they will be conserving farmlands and offering improved recreational opportunities.

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 is located within the WSIV-Protected Area Jordan Lake Buffer Area which allows for up to 36% impervious surface be allowed on the site. The estimated impervious surface for this project is approximately 5.4%. Any streams or ponds that require buffering will follow watershed buffering guidelines.

The applicant has already begun securing permits from Environmental Health for septic and wells to serve the residential component and the business component.

The applicant was not required to obtain an Environmental Impact Assessment due to only disturbing approximately 1 acre total of land area. The site is approximately 16 acres in size.

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

Planning staff recommends approval of the request with the below listed conditions:

Site Specific Conditions

1. The applicant shall follow the recommendations of the Chatham County Appearance Commission and the Standards of Section 12 of the Chatham County Zoning Ordinance and install said plantings at the next optimal planting season following the issuance of the first building permit and as each phase is started.

Standard Site Conditions

2. 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.

3. 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.
4. 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:

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.

Motion to approve:

Mr. Arthur made a motion; seconded by Mr. Crawford to approve as submitted. No further discussion and motion passed unanimously (10 members).

4. A request by The Keith Corporation for a Conditional Use Permit Revision for Parcel No. 62180 located at 11500 US 15-501 N, currently known as Cole Park Plaza, to redesign the site, maintaining current uses and conditions currently approved, being approximately 8.58 acres, Williams Township.

Mr. Sullivan reviewed the agenda notes for a Conditional Use Permit revision for parcel number 62180 currently known as Cole Park Plaza. A quasi-judicial hearing was held on August 18, 2014. At the August 18, 2014, meeting Mr. John Dimos, owner of Dockside Seafood which is adjoining this parcel, voiced concerns that he would continue to have unrestricted access into his site during construction and the need for the dumpster receptacles to be better maintained and cleaned up. Cole Park Plaza was approved through the Conditional Use Permit process in 1988 as a shopping center. There have been no major improvements since its construction.

A conditional use permit revision must meet the required five findings as required by the Chatham County Zoning Ordinance.

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 property will continue to operate as originally approved as a shopping center.

FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare. The center has been in operation since its approval and continues to offer various shopping needs to the citizens of the county. The new owners plan to upgrade the facility with new facades, landscaping, and stormwater treatment. They plan to demolish the portion of the building that currently houses the restaurant as well as the existing standalone fast food restaurant. A new fast food restaurant is proposed to be constructed. Renovations to the old hardware store are also being proposed to relocate some uses and add new retail. The applicant states the retrofitting and upgrades will hopefully spark an increase in occupancy resulting in increased tax revenue and jobs.

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 met with the Chatham County Appearance Commission (CCAC) and proposed to install a new perimeter tree planting yard along with new landscape islands at the center, new light poles and new light fixtures are to be installed that will be “nighttime friendly”. A new monument sign also being proposed to achieve the same updated look of the new facility. The applicants were reminded to follow the standards noted in the Zoning Ordinance for landscaping and the requirement dumpsters are to be enclosed and shielded from view. The CCAC was pleased with their submittal and offered a minimal amount of suggestions. The applicant agreed with their recommendations.

FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan. This is a redevelopment of an existing commercial property. Water and sewer currently exist and will continue to be served by Aqua NC. The applicant also states this center is a logical “crossroads” for commercial development and continuation of existing commercial uses is encouraged by the Plan.

The redesign is expected to reduce the impervious surface. Currently the site has a drainage area of approximately 8.7 acres and is developed at approximately 81% impervious surface. The new owners will utilize a back portion of the property to redirect approximately 2.7 acres to a new stormwater wet detention basin. This will in effect reduce the amount of impervious surface to approximately 7.5 acres of the site. Because this facility and the impervious surface was created prior to watershed regulations being adopted, the property may continue to exceed the maximum limits in effect today.

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. Wastewater will continue to be

provided by Aqua NC and water by Chatham County Public Utilities. No new driveways or accesses are being added. All other necessary facilities will continue to be provided as currently approved.

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

Planning staff recommends approval of the request with the below listed conditions.

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.

Standard Site Conditions

4. 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.
5. 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.
6. 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:

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.

