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Vote on a request by Nathan Glines, owner Harmony Gardens, to rezone a portion of property located at 5661 Beaver Creek Rd, Parcel No. 5727, from R1, Residential to CD-NB, Conditional District Neighborhood Business to develop an events center to hold weddings and other such gatherings.

..ABSTRACT

Action Requested:

A request by Nathan Glines, owner Harmony Gardens, to rezone a portion of property located at 5661 Beaver Creek Rd, Parcel No. 5727, from R1, Residential to CD-NB, Conditional District Neighborhood Business to develop an events center to hold weddings and other such gatherings.

Introduction & Background:

A legislative public hearing was held on August 21, 2017. Planning staff presented the request. No one spoke on the matter and the item was referred to the Planning Board for review and recommendation.

Discussion & Analysis:

Conditional Zoning districts are zoning districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of a legislative decision creating the district and applying it to the particular property.

Some land uses are of such a nature or scale that they have significant impacts on both the immediate surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. The review process established in this Ordinance provides for accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions, which ensure compatibility of the use with neighboring properties. A conditional zoning district is not intended for securing early zoning for a proposal, except when that proposal is consistent with an approved land use plan or the proposal can demonstrate that public infrastructure needed to serve the development will be made available within a reasonable time period.

The property is currently zoned R1, Residential and the surrounding properties are zoned R1 and R5, Residential. The R5 designation applies to property owned by the Corps of Engineers for Jordan Lake. The watershed designation is this area WS-IV Protected and Critical Area within the Jordan Lake drainage. The WS-IV Critical Area covers a small portion of the northern property boundary and adjoining properties to the north.

The applicant held the community meeting, as required by the zoning ordinance, on April 2, 2017 at the site. No adjacent or adjoining landowners attended. The applicant then made door to door visits with each landowner and no issues or concerns were expressed.

The applicant met with the Chatham County Appearance Commission (CCAC) on May 24, 2017. The CCAC unanimously supported the preliminary plans and recommended moving the vegetation along the western side of the property closer to the venue area and not along the property line to meet the Type A buffer requirement.

There are five standard items listed in the Zoning Ordinance that must be addressed by an applicant when submitting a rezoning application. The applicant has addressed those items in the application materials or in supplemental material and they are also discussed below.

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 claiming no error in the Ordinance. The use of an events center limited is an eligible conditional use under the requested CD-NB district. The Zoning Ordinance allows for uses that are listed as conditional to be considered as allowed uses when combined with a conditional zoning district rezoning application.

- This standard is supported and recommended for approval.

Item #2: The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare. The applicant states that due to the increased residential growth in the county, there is a lack of affordable event space for weddings and other events. The area will be in the rear of the property so that traffic will be pulled into the site. Open space will be utilized for gardens and tent areas when requested. Although not a necessary use, it is desirable for the public convenience. It is also in close proximity to Old US 1 (approximately 1 mile) and US 1 which can draw revenue in from adjoining Wake County.

- This standard is supported and recommended for approval.

Item #3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof by encouraging the expansion and support of current business located within the county. The site will not be visible from the public roadway or adjoining properties. The property will utilize the existing wooded areas along the perimeter of the site and add additional plantings for a Type A buffer along the eastern and western property lines.

A future reception hall will be constructed which is to be located in the furthest corner of the property. The current railed fencing will help to ensure guests do not trespass onto adjacent land.

- This standard is supported and recommended for approval.

Item #4: The requested amendment is either essential or desirable for the public convenience or welfare. This venue hopes to offer options that are up to 50% less than what the average wedding cost was in 2016 to make it more affordable for more people. This is to be a low intensity commercial operation with minimal impacts to the property.

Based on an ESRI report provided by the applicant, events such as weddings draw clients from a radius of about 30 miles or 1.5 million citizens. The offering of a gardens style event center offers a unique appeal compared to other venues in the area that are either farm or barnyard style based.

- This standard is supported and recommended for approval.

Item #5: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment include creating a low impact business that may bring business to other parts of the county. Traffic will be minimal usually on weekends when traffic is lower. The applicant plans to hold 2-3 events per week with staggered arrival and departure times.

A commercial driveway permit will be applied for and all other regulations will be adhered to.

The property will utilize well and private septic for the venue. No additional costs or infrastructure are needed from the county. The applicant will live on the parcel to ensure safety and design standards are maintained.

- This standard is supported and recommended for approval.

The Planning Board met on September 5, 2017. By vote of 7-2 they recommend approval of the conditional district rezoning request.

Some concerns noted were the property adjoining the US Corps of Engineers lands citing that hunting is allowed and controlled burns are conducted as part of a NC Forestry Service maintenance program, about the septic system being located next to Corps land and the possibility of overflow, music and the impact on neighboring properties and whether there were time limits, and lack of stormwater control devices. The applicant stated he was aware and would make sure his clients were also made aware; he has contacted Agri-Waste Technologies about designing a flow equalization system that the Chatham County Environmental Health Department would need to

approve; that music, whether indoors or outdoors, would stop by 10:30 pm; and that less 20,000 square feet of disturbance was needed to develop the site and would not require installation of stormwater devices.

There was encouragement to support this type of small business enterprise by several board members.

The planning board and planning staff, based on all standards being supported, recommend approval of the conditional zoning request with the following consistency statement and stated conditions as noted below.

Recommendation:

The Planning Board by vote of 7-2 recommends adoption of a resolution approving the following **Consistency Statement**:

It is the opinion of the Planning Board that the rezoning request for Parcel No 5727 is consistent with the goals and objectives of the Land Use Plans of Chatham County by supporting business growth that offers affordable options for services in a growing residential area and is approved. Due to minimal land disturbance on the site, the rural character of the property will be preserved by locating the event center activity in the rear of the property.

The Planning Board by a 7-2 vote recommends adoption of an ordinance amending the Zoning Ordinance approving the request by Stephen Gangemi to rezone property located at 10295 US 15-501 N, Parcel No. 66505, from R1, Residential to CD-NB, Conditional District Neighborhood Business with the following conditions:

Site Specific Conditions

1. The recommendations of the Chatham County Appearance Commission shall be followed as recommended. Existing vegetation should be preserved and maintained as reasonably necessary and as allowed by development of the site. Required plantings shall be installed by the next optimal planting season following the issuance of the first building permit.
2. Phasing of the project is allowed provided the event center begins operations within two (2) years of this approval or it shall become null and void.

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.

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.