



## Chatham County Planning Board Agenda Notes

**Date: November 13, 2018**

**Agenda Item: VIII-1**

**Attachment #: See Below**

- Subdivision**     
  **Conditional Use Permit**     
  **Rezoning Request**  
 **Other:**

<b>Subject:</b>	A Quasi-Judicial request by Carolina Meadows Inc., for a Conditional Use Permit revision to construct 40 residence units in four buildings, 3 stories each. In Area C, replace the existing Skilled Nursing Facility with a new four story facility and replace existing one story villas with 3 story unit. Also replace the existing Independent Living apartments with four story Independent Living apartments. This will complete the total number of 750 residential units allowed per the CUP. Parcels 62114, 64734, 20033, and 74450, Williams Township.
<b>Action Requested:</b>	See Recommendation
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. The application packet was provided at the October 2, 2018 Planning Board meeting.</li> <li>2. Email correspondence from Attorney Nick Robinson provided at the public hearing can be viewed on the Planning Department's webpage at <a href="http://www.chathamnc.org/government/departments-programs/planning/rezonings-subdivision-cases/2018-items/carolina-meadows-cup">http://www.chathamnc.org/government/departments-programs/planning/rezonings-subdivision-cases/2018-items/carolina-meadows-cup</a></li> </ol>

**Introduction & Background:**

A quasi-judicial hearing was held October 15, 2018. Planning staff, the applicant's attorney, Nick Robinson, and civil engineer Mark Ashness presented the request.

Planning staff indicated all the requested changes as noted in the application materials that were not reflected completely in the legal notification. The request also includes 40 residential units being located in Area B, which is currently approved for a new health care facility, and the health care facility is proposed to be relocated within Area C. Area C will also include the demolition of the existing villas that will be replaced with three-story units and replacing the existing independent living apartments with four-story units. The maximum buildout for residential units will not exceed the approved 750 units.

Carolina Meadows was originally approved on February 7, 1983 and there have been several modifications over the years, all of which have been approved with latest approval occurring in 2014. Due to increasing demands, this revision incorporates more housing options for residents and reconstruction of the skilled nursing facility as noted in the statement of purpose.

**Discussion & Analysis:**

In reviewing and considering approval of a revision to a Conditional Use Permit, the Board must find that all of the Findings of Facts shall be supported. Per the Zoning Ordinance “In considering an application for a conditional use permit the Board of Commissioners shall give due regard that the purpose and intent of this Ordinance shall be served, public safety and welfare secured and substantial justice done. If the Board should find, after public hearing, the proposed conditional use permit should not be granted, such proposed permit shall be denied.”

This property is currently zoned R-1 Residential with a Conditional Use Permit for a planned unit development and has remained a valid use to date. The adjoining properties are zoned R-1, R-1 with a conditional use permit for a planned unit development (i.e. Governors Club, and R-5(Corps property associated with Jordan Lake. The northern property boundary adjoin Orange County. The property is located within the WSIV-Protected Area district and the Jordan Lake buffer rule area.

The findings are 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.** The requested uses are all allowed uses within the conditional use district and, as such, are eligible conditional uses within the district.

**It is planning staff’s opinion this finding is met.**

**Finding 2 – The requested conditional use permit or revision to the existing permit is either essential or desirable for the public convenience or welfare.** Carolina Meadows continues to thrive as a continuing care retirement center. A more modern, up-to-date facility and overall project is needed to incorporate better accessibility and care for the residents of Carolina Meadows.

The plan presented incorporates some new design elements starting with the green space to be developed over underground parking. There will also be parking for residents under the multi-level units.

No additional public improvements are needed to redesign this site. The site will continue to be served by the county water system and Aqua will maintain the wastewater treatment plant.

**It is planning staff’s opinion this finding is met.**

**Finding 3 – The requested permit or revision to the existing 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.** No additional property is being added to the project, but the applicant may request a watershed density transfer to areas B and C. A density transfer is authorized under the general statutes and local governments must allow them if the application meets the statutory requirements. A density transfer request would have to be submitted to the Watershed Review Board for review and approval. The project is located within the WSIV-Protected Area watershed and the Jordan Lake buffer rules apply.

The Appearance Commission (CCAC) reviewed the proposed site plans July 25, 2018 and unanimously recommended approval for all phases as submitted. The intended vegetative buffers will be installed and protected and the impervious coverage is not being increased. Should the impervious surface need to be increased due to design of the sites, specifically Area B, an offsite allocation (density transfer) will be necessary to compensate for the increase. With no change in the overall density, nor any revision of the vegetative buffers, the proposed revision should have no negative impacts to adjoining properties.

**It is planning staff's opinion this finding is met.**

**Finding 4 – The requested permit will be or remain consistent with the objectives of the Plan Chatham comprehensive land use plan.** On page 43, one of Plan Chatham's objectives is to foster a healthy community. Carolina Meadows offers health care, a health center facility, and other opportunities for its residents to engage in healthy living.

Carolina Meadows is located in a Compact Residential designation as shown on the Future Land Use Map that was adopted as part of Plan Chatham. The description of compact residential areas includes single family detached and attached units and some multi-family; community centers, amenities, and recreational uses, buildings that are 1-3 stories; wastewater service, which is approved for this facility; and in close proximity to Employment Centers. Carolina Meadows is also a large employer for the county, as well as supportive of the nearby businesses in Governor's Village and the surrounding area.

**It is planning staff's opinion this finding is met.**

**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 existing project is currently served by the Chatham County Water System and by Aqua NC for sanitary sewer. There will no significant increase in water or sanitary sewer demand beyond what would be needed for the number of currently approved residential units and the currently approved health center. The proposed changes are neutral on built upon, unless as otherwise stated in Finding 3 a density transfer is needed. If a density transfer is needed in areas B or C, the application notes that water quality features will be added that will meet county stormwater requirements.

**It is planning staff opinion this finding is met.**

During the public hearing there were no comments received other than those provided by staff and the applicant's representatives. There were questions from Commissioners regarding building heights, on-site amenities, design elements for new structures, and stormwater controls. Representatives for the applicants addressed those questions and noted that the build-out would likely occur over several decades and they were providing the long-range vision for the future.

**Recommendation:**

The Planning Board has up to three meetings in which to make a recommendation to the Board of Commissioners. The following conditions are provided for consideration if recommended for approval:

**Site Specific Conditions**

1. The recommendations from the Chatham County Appearance Commission (CCAC) shall be followed as stated in the minutes and as shown on the submitted site plan that reflects the adopted design guidelines. The planning staff and CCAC may conduct routine inspections of the property to ensure compliance with the landscaping requirements.
2. A building permit shall be obtained and remain valid at all times within five (5) years of the date of this approval or the conditional use permit becomes null and void.
3. Before the 60 foot height restriction can be exceeded, the Planning Department must have written authorization from the Chatham County Fire Marshal and the responding Fire Department.
4. All existing conditions shall remain in effect, except as modified by this conditional use permit amendment.

**Standard Site Conditions**

5. 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.
6. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, Environmental Health Division, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department to the initiation of the operation/business.

**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 conditional listed above.
9. Non-Severability – If any of the above conditions is held to be invalid, this approval in it's entirety shall be void.
10. 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.