



CHATHAM COUNTY BOARD OF COMMISSIONERS AGENDA ABSTRACT

ITEM NUMBER:
MEETING DATE:
8-15-05

PART A

Subject:

Request by **Rode Enterprises, Inc** to add .311 acres (13,548 square feet) to the existing B-1 Business District, located at the intersection of US Hwy 1 and S. R. 1012, Pittsboro-Moncure Road in Haw River Township.

Action Requested: See Recommendations.

Attachments:

The following was distributed prior to the July 18, 2005 public hearing:

1. Application for Zoning Districts / Conditional Use Districts / Conditional Use Permits, attachments, text, and maps.

Included in this packet:

2. Arc View map, parcel #61969
3. Existing and proposed impervious surface calculations provided by Bracken & Associates, Engineering – Surveying.

Submitted By:

Keith Megginson, Planning Director

Date

County Manager Review:

Charlie Horne, County Manager

Date

This abstract requires review by:

☒ **County Attorney**

Date Reviewed

☒ **Finance Officer**

Date Reviewed

☐ **Budget Officer**

Date Reviewed

PART B

Re: Rode Enterprises, Inc.

Introduction / Background / Previous Board Actions:

See application, attachments, text and maps for background information.

Current zoning of parent tract: B-1 Business

Watershed District: RCSA

Flood Map #3710967800J, Preliminary, effective date July 13, 2005, Zone X

A public hearing on this request was held on July 18, 2005. Carl Rode, applicant, addressed the Board regarding his zoning request. One adjacent owner, Jerry Taylor, spoke regarding his concern about potential dust problems caused by Mr. Rode's business being expanded.

Issues for Further Discussion and Analysis: The Chatham County Zoning Ordinance, Section 17, Amendment to Zoning Ordinance, Item 17.1, Statement of Intent states *"For the purpose of establishing and maintaining sound, stable and desirable development within Chatham County this Ordinance shall not be amended except to correct an error in the Ordinance or, because of changed or changing conditions in a particular area or in the County generally, or to extend the boundary of an existing zoning district or to rezone an area to a different zoning district, or to change the regulation and restrictions of the Zoning Ordinance. These amendments shall be reasonably necessary to promote the public health, safety and general welfare and to achieve the purposes of the adopted Land Development Plan."* Section 17.3 Conditional Use Districts Rezoning, states in part *"It is the intent of this section that the applicant for rezoning to any district other than a conditional use district shall be prohibited from offering any testimony or evidence concerning the specific manner in which he intends to use or develop the property."* Please refer to Section 17 in its entirety for further information.

As stated in the applicant's text, Jordan Dam Mini Mart was opened in 1985, prior to zoning of that portion of Haw River Township. On December 31, 1990, zoning was extended to portions of Haw River Township. Since this business was already established at the time zoning was extended, the property was zoned for its existing use, B-1 Business. The surrounding properties south of US Hwy 1 were zoned RA-40 and the portion of properties north of US Hwy 1 within 2500 feet of Deep River were zoned RA-5. The B-1 Business District will allow all the permitted uses as shown in the Chatham County Zoning Ordinance, Section 10.5, B-1 Business District, A, Permitted Uses. Mr. Rode stated in his application and at the public hearing that he expanded his business, both in 1990 and 1997, to more than double the size of the store and to rebuild the gas pumps area to accommodate the growth of the area. At the public hearing he stated that his business started out with five (5) employees and has now expanded to 17.

Re: Rode Enterprises, Inc.

Issues for Further Discussion and Analysis – con't

Mr. Rode has purchased the property adjacent to his existing business and is requesting to add a portion of that property (.311 acres / 13,548 square feet) to his existing B-1 Business property. The adjacent property is currently zoned RA-40 and has an existing residence, septic system and repair area. The house is proposed to be removed and the septic system and repair area will be abandoned. The balance of the tract is to be labeled as a non-building lot, not to be used for building development and not meeting the requirements of the Chatham County Subdivision Regulations but for recording purposes only.

Per Mr. Rode's application, the location of the existing business, at the intersection of US Hwy 1 and SR-1012, is ideal for an expanding business such as Jordan Dam Mini Mart. This business offers, among other uses, a convenience store with a grill, and fuel (both diesel and gas) to motorists and truckers. As stated above, the business was previously expanded in 1990 and 1997 to accommodate the growth in the area and the increased traffic on U S Hwy # 1.

The existing B-1 Business property, 2.55 acres, currently covers 57% impervious surface area and was developed prior to the adoption of the Watershed Ordinance. Per the Watershed Protection Ordinance, adopted in 1994, this property is located in a River Corridor Special Area, which allows non-residential development not to exceed twenty-four percent (24%) built-upon area on a project-by-project basis and thirty-six percent (36%) for projects without a curb and gutter street system. Since this property was developed prior to Chatham County adopting a Watershed Protection Ordinance and does not involve a curb and gutter street system, it may now develop up to 36% of its remaining pervious area. Per Robert J. Bracken, Bracken & Associates, the additional proposed impervious is approximately 22 %. See attachment # 3 for existing and proposed impervious surface calculations.

At the Planning Board meeting, several adjacent property owners spoke regarding their concerns about the current and future dust problem(s) created by truck traffic on the Jordan Dam Mini Mart property. Mr. Rode spoke and stated that he planned to pave a portion of the existing property and the .311 acre additional land and that he had stated to the neighbors that he would also provide some additional landscaping / buffering along the boundary of the .311 acre tract to help with the dust problem. Although this request is not a conditional use request which would allow the Board to place conditions on the property, the Chatham County Zoning Ordinance, Section 12.2 (Parking Lot Improvement, Design and Locational Requirements), item # 4 requires that *"All off-street parking lots including exits, entrances, drives and parking areas shall: Be graded, properly drained, stabilized and maintained to prevent dust and erosion"*. This section goes on to read, *"When a parking lot with space for more than 10 cars adjoins any plot zoned for residential purposes, a buffer shall be provided to protect residences from light, glare, noise and fumes. This buffer shall be a five foot wide strip of land on which is placed a four foot high, at least 50% opaque fence or a dense evergreen screen of equal height and opaqueness, provided that smaller evergreen plantings may be permitted where in the opinion of the Zoning Enforcement Officer there is a reasonable expectation that such plantings will reach the required height and opaqueness within a*

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two-year period.” Please refer to Section 12.2 in its entirety for the complete language. Since the portion of land Mr. Rode requests to be added to the business district is proposed to have drives and is adjacent to residentially zoned property, the ordinance requires the buffering and stabilization to prevent dust. The approval of the addition of .311 acres to business district would provide for buffering and dust suppression that is not now required since the business was in existence when zoning was extended into the area.

Recommendation: The Planning Department recommends granting approval of the request to zone .311 acres (13,548 square feet) B-1 district to be added to the existing B-1 Business District, located at the intersection of US Hwy 1 and S. R. 1012, Pittsboro-Moncure Road in Haw River Township. The Planning Board voted on this request twice. A motion to approve the request failed by a vote of 3-4 and then a motion to deny the request passed by a vote of 4-3.

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