

PLANNING & ZONING REVIEW NOTES

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**SUBJECT:**

Request by George Farrell, Jr. for a Conditional Use B-1 Business Permit for expansion of the self storage business located across McGhee Rd. and for flex office buildings (various business uses) with related storage located at the corner of Farrington Point Rd. (SR 1008) and McGhee Rd. (SR 1717), Williams Township.

**ATTACHMENTS:**

*The following was distributed at the September 5, 2006 Planning Board meeting:*

1. Application Packet

*The following can be viewed on the Planning Department webpage at [www.co.chatham.nc.us](http://www.co.chatham.nc.us) under Planning, Rezoning & Subdivision Cases, 2006:*

2. Arcview map
3. Appearance Commission report dated August 9, 2006
4. Email from Dolores Hall, Office of State Archaeology dated September 10, 2006
5. Email from Jason Sullivan dated August 30, 2006 reference Natural Heritage Program
6. Email from Jane Pyle, Chatham County Historical Society dated August 17, 2006
7. NCDOT Commercial Driveway Review letter dated August 8, 2006

**INTRODUCTION & BACKGROUND:**

A quasi-judicial public hearing was held on this project on September 18, 2006 and the minutes can be viewed on the county website at [www.co.chatham.nc.us](http://www.co.chatham.nc.us) under County Commissioners. One person spoke in favor of the request and two people spoke in opposition of the request. The conditional use permit cannot be approved unless the zoning district change is approved. It is recommended that you address the conditional use permit at this time regardless of your recommendation to the Board of Commissioners in regards to the conditional use rezoning request.

*Re: George Farrell, Jr. – permit request*

**DISCUSSION & ANALYSIS:**

Before a conditional use permit may be approved the Board of Commissioners is required to make five findings listed in the Chatham County Zoning Ordinance and shown below:

1. The use requested is among those listed as an eligible use in the district in which the subject property is located or is to be located.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare.
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.
4. The requested permit will be consistent with the objectives of the Land Development Plan.
5. Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities have been or are being provided.

The applicant has addressed the five (5) findings in the application.

It is the staff opinion that Finding #1 could be made if the zoning district is changed to conditional use business district.

It is the staff opinion that the applicant has not provided sufficient information to support Finding #2 or Finding #3.

Finding #4 is addressed in the request for a rezoning district and it is the staff opinion that it is consistent with the specific recommendations of the Plan.

It is staff opinion that Finding #5 has not been supported. Based on the report by SWE, adequate soils were located on property not contiguous to the property identified in the conditional use permit. The property is a separate tract of land. The property is not owned by the applicant. The applicant has not provided any documentation that said property is contractually available for the proposed use. The tract was not shown as a portion of the site plan request. Adjacent property owners were not notified of the property's inclusion in the zoning request. The area of suitable soils to be used for a reuse water distribution system is located within a WSIV-CA (Critical Area) watershed. The report goes on to say the soils located on the property seeking a conditional use permit are generally not suitable for subsurface wastewater systems but can be utilized with surface drip or spray irrigation systems as well as reclaimed water irrigation. It has not been made clear which type of system the applicant intends to use.

*Re: George Farrell, Jr. – permit request*

**RECOMMENDATION:**

The Planning Board has three meetings to make a recommendation to the Board of County Commissioners. It is the recommendation of the Planning Department staff that all five (5) findings could not be met and therefore should be denied. If the request is considered favorably the site plan and the application information with the following conditions are recommended and should be addressed at this time. Even with the conditions listed below, the issue of wastewater disposal on property not shown on the site plan nor referenced in the application is not satisfactorily addressed.

- 1) A fifty foot (50') opaque, vegetative buffer shall remain along the northern and eastern property lines. Should the existing vegetative buffer not provide a year round opaque screening, plantings as instructed by the Appearance Commission shall be installed at the next optimal planting season and maintained.
- 2) All parking areas shall conform to the parking requirements as set forth in the Chatham County Zoning Ordinance.
- 3) Two monument style signs are allowed, one (1) per each property, as shown on the site plan. Signage within the development shall conform to the B-1 Business signage requirements of the Chatham County Zoning Ordinance.
- 4) Landscaping shall be installed as instructed by the Appearance Commission and remain outside of the NCDOT site triangles. A list shall be provided to the Planning Department detailing the names of the plants used in specific areas as outlined on the site plan and as directed by the Appearance Commission.
- 5) All lighting shall conform to the Chatham County "Draft" Lighting Ordinance.
- 6) A re-evaluation of the storm water detention ponds shall be conducted. There are only two (2) located on the site plan for the entire project. Stormwater measures shall be designed and installed to detain the two (2) year twenty-four (24) hour storm. BMP's shall be used in all areas of development and a new site plan shall be provided with the updated information.
- 7) The drive for the flex office buildings located north of Lystra Rd. on Farrington Point Rd. shall be a right-in only drive. This drive shall also be extended to allow for emergency vehicles to continue straight through to the rear of the storage facility to allow for a second entry point in case of emergency. The turn around radius between storage facilities shall not be less than fifty-five feet (55'). It is the applicant's choice whether to install a security gate for access by emergency personnel only into the storage facility area.
- 8) The first drive proposed off McGhee Rd. to serve the flex office buildings shall be eliminated. The lower drive shall be utilized for full access egress and ingress. There is a separate drive entry and exit south of this drive approximately one hundred-eighty feet (180') away to serve the storage facility.

*Re: George Farrell, Jr. – permit request*

**RECOMMENDATION** – conditions con't

- 9) There shall remain a fifty foot (50'), undisturbed, vegetative buffer on each side of the creek located on the lower tract for the storage facility.
- 10) All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Erosion Control etc.) shall be obtained and copies submitted to the Planning Department prior to issuance of the first building permit.
- 11) A building permit shall be obtained within 24 months from the date of approval or the expiration date for appeals or the date of the court's decision, whichever is later, and shall remain valid at all times or the conditional use permit will be void.