

Public Hearing

3/20/06

Item #17

Conditional Use B-1 Business District

"ZONING" LEGISLATIVE HEARING on a request by John W. Blair

Each Speaker must sign up in advance of the hearing and his comments shall be limited to not more than three minutes. No speaker may yield unused time to any other speaker. The maximum length of any legislative hearing shall be not more than 30 minutes for the proponents in support of a request and not more than 30 minutes for those in opposition

Check One		Name	Complete Address with zip code	Phone Number
For	Against	X		
	✓	DAVE KLARMAN	380 HATLEY RD Pittsboro, NC 27312	542-5042 548-0209
	✓	Vance Reece	100 Twin Lakes Dr. Jordan Woods Pittsboro	542-3906
	✓	Daniel Sentins	124 Country rock rd Pittsboro NC 27312	542-5262
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	✓	Patrick Bradshaw	128 Hillsboro St PO Box 602 Pittsboro	542-2400
	✓	JERRY BARNES	7 JORDAN DR PITTSBORO, NC	542-6316
	✓	Raymond Caraballo	2 Jordan Dr	542-5483
	✓	Laura Lauffer	330 Hatley Rd.	542-6067
	✓	Pierre Lauffer	" " "	542-6067

STATEMENT ON CONTENT OF APPLICATION FOR CHANGE IN ZONING STATUS FROM RESIDENTIAL R-40 TO A B-1 CONDITIONAL USE DISTRICT FOR PROPERTY LOCATED AT SE CORNER OF MT. GILEAD CHURCH/HATLEY ROADS INTERSECTION, CHATHAM COUNTY, NC - (Blair Application) Presented at meeting of Chatham County Commissioners, March 20, 2006 by residents of affected areas, as a statement of opposition to the proposal.

The focal point of a request for re-zoning and/or the creation of a conditional use district within the framework of the Chatham County "Land Development And Conservation Plan" (LDP, hereafter, in citations) and the Chatham County Zoning Ordinance would appear to be satisfactory responses to a "findings" requirement. These "findings" are five (5) in number.

While we don't believe it would be necessary for us to deal with all of the applicant's "findings" statements in order to demonstrate the weakness of the application, or the soundness of our opposition, we do consider it necessary to highlight statements by the applicant that we believe do not satisfy the requirements, and in some instances are at variance with the facts.

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 use proposed by the applicant is not on a list of appropriate uses for Residential-Agricultural areas. (Chatham County Zoning Ordinance - pp.18-28). It would be on an approved list *if and only if* approval is first granted for the zoning change from R-40 Residential - Agricultural District to a B-1 Conditional Use Business District. The applicant's response to this requirement is then nothing more than a statement that says, 'if the re-zoning is approved, then it's an eligible use'.

Finding # 2: The requested conditional use permit is either essential or desirable for the public convenience or welfare.

To establish need under this category, statements from the "...owners of three retail stores in the Jordan Lake area..." are cited, along with the applicant's statement, as the entire data base for drawing the conclusion, "...that there is a large, unmet demand for ...storage space for boats, recreational vehicles and self storage near Jordan Lake..." Two of these owners' businesses are located East of Jordan Lake, several miles from the area that would be affected by the proposed facility.

To suggest that this kind of information (no hard data, just opinion or anecdotal statements, at best) warrants the conclusion put forward in the application seems - well, just a bit far-fetched, and certainly not within the acceptable bounds of fact-based decision-making.

The applicant also cites "...an ongoing Department of Transportation study..." concerning the US 64 corridor as a factor in the county's "...discouraging commercial... development directly on US Highway 64..." and "...encourag[ing] development at existing

crossroads...” Here, again, there’s no hard data given, not even a name or a stated purpose of the study. We would assume that since it is an “ongoing” study no final conclusions have been drawn and its relevance to the application presented would be highly problematic. In short, this statement in the application presents no evidence whatsoever that would support the appropriateness of the proposal.

There’s another reference in this section of the application (p. 12, 3rd paragraph) that merits highlighting, viz., “Being near the lake, at a crossroads off US Highway 64, having high demand for the proposed service...” touches on two of the themes found throughout the application - high demand for the service, and businesses at rural crossroads (The other one: promotion of recreation and tourism) The use of the “crossroads” theme appears to be an attempt to dress up the application with the notion that the proposal is in keeping with a stated objective of the Land Use Plan. In the application, this objective is given, in one variant or another, as the promotion of small cross-road commercial businesses in forms that support rural character. What is missing from this (partial) formulation, though, is what is perhaps the most important part: While the “Plan” calls for encouragement of cross-roads commercial centers to serve ‘surrounding rural areas’ it goes on to say they “...should be designed, built and operated primarily to accommodate the needs of the residents of the surrounding area.” [Emphasis ours] (PP.4 & 36 LDP)

Building a facility where *visitors* can park their boats and other recreational vehicles hardly seems to be directed toward achieving this desired outcome. Thus the project is neither essential nor desirable and is not consistent with the objectives of the Land Use Plan.

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.

When Chatham County’s Land Use Plan discusses development in rural areas, it is consistently noted that commercial development should occur in “designated cross-road commercial center locations to serve the needs of the surrounding rural areas.” This essentially means, we believe, that a country store, convenience store, gas store, or the like, to serve area residents, would be encouraged. The proposed storage facility, however, would NOT be encouraged since it is NOT designed to serve area residents. (Note: a facility that serves the real needs of area residents already exists within 3/4 mile of the site proposed for re-zoning.)

It is also the case that in the listings of allowable uses in the various defined districts in the Chatham County Zoning Ordinance **this type of facility is not listed as appropriate for Agricultural/Rural areas, not even under a conditional use provision.** (Chatham County Zoning Ordinance - P.18 ff)

When the Land Use Plan pointed out that the majority of land in Chatham County was designated for agricultural or rural development, it was also stated that the Plan would be the "single greatest determinant of what kind of place Chatham County becomes a generation from now." (LDP - p. 3)

We believe the Plan was designed to protect from encroachment, areas like that being proposed for re-zoning.

We also believe that there could hardly be any question about the integrity or character of the area being impaired if the facility is approved. And approval would be contrary to what the Plan envisions for Chatham County since the facility would not be for the purpose of serving area citizens.

Even though the above clearly demonstrates the proposal's lack of consistency with the Land Use Plan, and the Zoning Ordinance, in dealing with this finding (#3) the applicant, as in prior responses, puts out fuzzy numbers: On projected traffic in the area, it is stated there is no traffic count available from DOT. The reason: "...because the expected impact is minimal."

And while the above statement is made that DOT has no traffic counts available for the area, the applicant refers to a "2002 traffic analysis" (BY WHOM?) that allows him to estimate "that current peak daily traffic on Mt. Gilead Church Road is about 1055 trips, and on Hatley Road about 75 trips."

On usage of the storage facility, the applicant estimates that on peak days unit usage would run about 15%. (ANY CONCRETE DATA TO SUPPORT THIS ESTIMATE?) At full build out (160 units) the projected in and out traffic would be approximately 24 trips per day. This is about the same traffic as would be generated by five (5) single family homes, on a daily basis, says the applicant. Extrapolating this latter figure using the minimum number of residences (31) presently using Hatley Road, we would get 149 trips per day rather than the 75 estimated in the applicant's response. And this does not even consider the additional traffic that will be generated once the Windfall community (already under construction) reaches completion and also that of Cooper Farms, approval of which is now in progress. And, of course, this additional growth will also affect the volume of traffic on Mt. Gilead Church Road.

And in respect to traffic on Mt. Gilead, it has become progressively more hazardous over the last few years, with increases in usage and as most of the locals would attest, higher speeds.

Finding # 4 The requested permit will be consistent with the objectives of the Land UsePlan.

As demonstrated above, the requested re-zoning and the establishment of a Conditional Use B-1 Business District would not be consistent with the objectives of the Land Use

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Plan, in several respects, but most particularly in the failure of the proposed project, if approved, to meet the needs of area residents.

Finding # 5 Adequate utilities, access roads, drainage, sanitation and/or other facilities have been or are being provided.

No comment on this item.

Respectfully submitted by residents in areas that will be impacted by approval of proposed re-zoning and establishment of a conditional use B-1 Business District on property at the intersection of Mt. Gilead and Hatley Roads. (SR s 1700 and 1714)

(Signed petitions also presented.)