

PLANNING & ZONING REVIEW NOTES

VII. B.

SUBJECT:

Request by **Chatham Development Corporation** for a Conditional Use B1 Business Permit for a boat and RV storage facility on approximately 15.16 acres located on the south side of US 64 E, 0.92 miles west of NC 751, New Hope Township.

ATTACHMENTS:

The following was submitted at the September 4, 2007 Planning Board meeting:

1. Application packet

The following may be viewed on the Planning Department website at www.chathamnc.org under Rezoning & Subdivision Cases, 2007:

2. Arcview map
3. Comments from Walt Lewis at the September 17, 2007 public hearing.
4. Comments from an adjacent property owner provided at the September 17, 2007 public hearing.
5. Comments from unknown source provided at the September 17, 2007 public hearing.
6. Comments from Rita Spina, CCEC Vice-President received at the September 17, 2007 public hearing.
7. Appearance Commission recommendations dated August 8, 2007.

INTRODUCTION & BACKGROUND:

A quasi-judicial public hearing was held on this request September 17, 2007. Six people spoke against the request. The conditional use permit cannot be approved unless the zoning district change is approved. Should the recommendation of the Planning Board be to approve the rezoning request, a conditional use permit request is required to meet the findings as outlined in the zoning ordinance for approval.

DISCUSSION & ANALYSIS:

A recommendation of this request is based on the five findings as set out in the ordinance. They are:

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.

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

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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.

Finding #4-The requested permit will be consistent with the objectives of the Land Conservation and Development Plan.

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

It is the opinion of the planning staff **Finding #1** may be made if the zoning district is changed and approved as a Conditional Use B-1 Business District.

It is the opinion of the planning staff **Finding #2** has not been supported. There are two other RV and boat storage facilities across US 64 at the Bob Horton Road intersection; Farrell's Storage and The Extra Garage. On the western side of Jordan Lake, American Self Storage is located at the intersection of US 64 and Mt. Gilead Church Rd. Next to this facility on US 64 Blair's Storage facility is located. On Mt. Gilead Church Road, Blair's Storage is constructing another facility. Farrell's Storage is also constructing another facility on McGhee Road off Farrington Point Road. None of these facilities are at capacity and most do not have reservations for occupancy for units that are ready or not yet constructed.

A marketing analysis was not provided with the application submittal.

It is the opinion of the planning staff **Finding #3** has not be supported. The application indicates enclosed storage bays and storage bays with open fronts. The structure with open fronts is shown closet to the road on the site plan. This structure is planned to be 650 feet long per the plans. The applicant stated at the public hearing the open side would face inward to the property and would not be visible from the roadway. Neither the application nor the site plans indicate how many units will be constructed with this unit or the project as a whole.

The site plan shows adequate buffering along creeks/streams and wetland areas as required by the Watershed Protection Ordinance. The site plan shows the existing vegetation is to remain in the stream buffers. The allowed impervious surface is 36%. The project anticipates 23.3%. The application indicates about 50% of the total site will remain in its existing natural condition. The area reserved for future development could alter this percentage if it is amended to allow more structures.

Per the site plan all structures appear to be over 100 feet from any side or rear property line which exceeds the requirement for the district in which it is requesting to be located in. The application indicates there will be approximately 425 feet from the nearest residence in the Deer Run subdivision to the west of this property. However, it does not indicate the distance to the nearest residence in the Heritage Point subdivision.

There is no study required from the Chatham County Historical Society or the State Office of Archaeology. The NC Heritage Program does show possible occurrences for a

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Loggerhead Shrike habitat. The Carolina Ladle Crayfish habitat is in close proximity to the project but does not touch it.

The application does not provide for runoff protection of wastewater from the wash down area noted on the site plan nor is it addressed in the application.

It is the opinion of planning staff **Finding #4** has not been supported for reasons provided in the agenda notes for the Conditional Use B-1 Business District.

It is the opinion of planning staff **Finding #5** has not been supported. The site plan shows a “wash down” area on the property. Though the site would be served by private well, there is no wastewater method included in the application or on the site plan.

The application indicates no additional parking is needed and lighting will conform to the Chatham County “Draft” Lighting Ordinance Guidelines”.

Access roads into the property are to be one right-in only on the western portion of the parcel and one right-out only on the eastern portion of the parcel with approximately 725 liner feet between the two. There is not a median cut directly in front of this proposed facility. Traffic leaving the facility with an RV, camper, or boat heading west towards the lake would be required to use the intersection at US 64 and Bob Horton Rd. east of the exit road and make a U-turn onto the westbound lane. Likewise, traffic heading from the eastern area would be required to make a U-turn at the median cut for the Deer Run Subdivision. There is also a US 64 Phase 2 Corridor Study presently being considered. Per Mr. David Wasserman, US 64 is envisioned as a future freeway. Access would be allowed at interchanges and those properties that did not have this feature available may be required to access US 64 by proposed service roads. The potential impact is the property and any associated structures may be affected. The NCDOT right-of-way could be increased 350 to 400 feet. The Board of Commissioners have also created a Major Corridor Task Force to review the areas along the major roadways in Chatham County to determine where possible “commercial nodes” may be located. This information is expected to be available within the year.

A storm water basin has been sited on the site plan but has not been addressed in the application.

One proposed monument style sign is proposed and is shown on the site plan. Dimensions of sign area have not been provided and it is not stated in the application.

Documentation has not been included regarding restroom facilities. The Environmental Health Division stated there are different types of facilities the applicant can seek to obtain, such as an incinerator type toilet. This would exclude the need for a septic system but must be approved through the Environmental Health Division.

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It is the opinion of the planning staff the findings for the proposal have not been met and therefore recommend denial of the conditional use permit request. Finding #1 has not been met if the conditional use district is not approved. Finding #2 has not been met because the need has not been verified in comparison to other similar business within close proximity to this proposal. The other facilities are not at capacity and not all units have been constructed. Finding #3 has not been met because potential runoff from the wash down area has not been addressed. This finding may be made with appropriate conditions. Finding #4 has not been met as described in the agenda notes for Conditional Use B-1 Business District. Finding #5 has not been met for the lack of information on storm water retention calculations, the need for rest room facilities, the traffic flow information is not favorable for this type of activity, complete signage information has not been provided, and the wastewater collection measures from the wash down area have not been provided. This could be made with conditions.

RECOMMENDATION:

The Planning Board has up to three meetings to make a recommendation to the Board of Commissioners on this request. It is the recommendation of the Planning staff that this application request be denied. If the Planning Board's recommendation is to be a favorable one, it is requested the Planning Board review any additional conditions imposed upon the request at this time:

1. Recommendations from the Appearance Commission shall be followed. Any additional plantings shall be done at the next optimal planting season following the approval date and shall be maintained to thrive and provide the appropriate screening as required. The Appearance Commission with the Planning Department may review the landscaping and screening after one year of the initial planting to verify appropriate measures have been taken as requested. Should there be any changes in the landscaping for effectiveness of screening and environmental protections, they shall be given to the applicant at this time and the applicant will be given ample opportunity to take the corrective measures.
2. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control etc.) shall be obtained and copies submitted to the Planning Department prior to issuance of a certificate of occupancy.
3. Information from the Chatham County Environmental Health Division regarding rest room facilities shall be provided to the Planning Department prior to any land disturbances.
4. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County. As stated in the traffic analysis, a larger stacking area may be required to manage traffic flow.

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5. Any and all lighting shall comply with the “draft” lighting guidelines applicable at the time of approval as described in the application.
6. The monument style sign shall have a sign area as described in the B-1 Business sign requirement section of the zoning ordinance. Any lighting of the sign shall be according to the “draft” lighting ordinance.
7. Stormwater detention areas shall be constructed to handle the 2 year 24 storm event. A detailed plan indicating the areas for detention and the requirement shall be provided to the Planning Department prior to any land disturbing activity.
8. Wastewater generated from the wash down area shall be as approved by the Chatham County Environment Health Division and any plans or permits associated with the management shall be provided to the Planning Department prior to issuance of the first building permit.
9. Utility and Access Easements – Easement documents as required by the County for any public utilities used or furnished to the project area shall be recorded prior to the issuance of a certificate of occupancy.
10. Watershed Management - An “as built” impervious surface calculation for all structures, gravel, concrete, and asphalt shall be provided to the Planning Department prior to the issuance of a certificate of occupancy.
11. Silt Control – The applicant and/or landowner shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
12. Appeal - The County shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the County concerning this resolution, or any action to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the County harmless from all loss, cost or expense, including reasonable attorneys fees, incurred in connection with the defense of or response to any and all known or unknown actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of or resulting from this decision. Nothing in this paragraph shall require the applicant to indemnify and hold the County harmless from any losses or costs associated with defense of the County’s actions or procedures in considering and acting upon this application.
13. 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 inspection, established from time to time.

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14. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued Determination with the plans and conditions listed above.
15. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
16. 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.
17. The first building permit shall be issued within 24 months from the date of approval or the permit becomes null and void without prior approval for an extension.