

PLANNING & ZONING REVIEW NOTES

VI. E.

SUBJECT:

A request by **Chatham Development Corporation** for a Conditional Use B-1 Permit located on Parcel No. 80203, located off US 64 E, New Hope Township, on approximately 15.16 acres for a boat and recreational vehicle storage facility.

ATTACHMENTS:

The following was submitted at the May 7, 2008 Planning Board meeting:

1. Application packet

The following may be viewed on the Planning Department website at www.chathamnc.org under Rezoning & Subdivision Cases, 2008:

2. Arcview map
3. Comments from the May 14, 2008 Appearance Commission meeting
4. Email correspondence dated May 19, 2008 from Justin Bullock, Asst. District Engineer, with NCDOT

INTRODUCTION & BACKGROUND:

A quasi-judicial public hearing was held on this request May 19, 2008. The conditional use permit cannot be approved unless the zoning district change is approved. If the recommendation of the Planning Board is 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.

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.

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It is the opinion of the planning staff **Finding #1** may be made provided the zoning classification is changed to 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 has constructed another facility. Planning staff has contacted three of these businesses. None of these facilities are at capacity and most do not have reservations for occupancy for units that are ready or not yet constructed. One stated their facility is approximately at a 20% capacity; one stated their facility is approximately at a 90% capacity for one facility and at a 50% capacity at another; a third facility stated he has held at an approximate 90% capacity. Staff calculates there to be approximately 130 +/- available spaces just within these three facilities. There are other boat and rv storage facilities located around the area of Jordan Lake. A marketing analysis was not provided with the application.

Though a detailed analysis has not been supplied from the Tax Office, it is expected the tax value of the property and tax revenue will increase. However, there will be no employment opportunities afforded with this development.

The application states that tourism to Jordan Lake is expected to reach over one million people this year. However, there is no documentation on how many of these people are boaters, how many boats can the various loading dock areas support, and how many store their boats in such a facility as is proposed with this request in Chatham County.

It is the opinion of the planning staff **Finding #3** is arguable but is not adequately supported in the application. The site plan shows adequate buffering along creeks/streams and wetland areas as required by the Watershed Protection Ordinance new buffer requirements. 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%.

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 requested to be located in. The building setback along the front property line/ public right-of-way is 50 feet. The applicant states in the application it intends on retaining the existing trees and shrubs to allow for a natural buffer. Landscaping will also be added to "fill-in" areas to improve the site from the highway. The Appearance Commission has reviewed the landscaping plan and made recommendations that may be viewed on the webpage. These recommendations are also being made as part of the conditions listed below. Overall, the landscaping and screening is acceptable with staff and the Appearance Commission.

The application and site plan shows a "wash down bay". The applicant states only water collected by underground rain cisterns will be available for customers to use and that no "detergent" use will be allowed. However there are no enforcement mechanisms to

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assure this will not happen. A storm water detention basin is being constructed on the south side of the property. The general runoff plus the runoff from the wash down bay will be diverted to this basin. A spillway has also been mentioned as proposed to be installed for heavier rain events. The concern now becomes, if anything other than rain water is used in rinsing off the boats and rv's, which will also have fuel and oil deposits on them, what environmental impact could there be on this property and on adjacent properties affected by such runoff. This was a concern made at the public hearing as well.

The NC Heritage Program does show possible occurrences for a Loggerhead Shrike habitat. The Carolina Ladle Crayfish habitat is in close proximity to the project but does not touch it.

A traffic assessment by Ramey Kemp & Associates has been performed and may be viewed on the web page. There isn't an expected significant impact projected for this use on US 64 Highway. However, there is currently a study being conducted by the NCDOT called the US 64 Phase 2A Study. In this study, this area of US 64 is being proposed as a "freeway" type road system. This could involve the creation and implementation of a "side road" or "service road" connection system being installed. Should that happen, a portion of this development may have to be removed. Should that happen, the appearance and screening factor is lost. There were also concerns of the requirement to make u-turns at the crossover, un-signalized intersections leaving or coming to the property while hauling a boat or RV. The traffic assessment provided states there would be minimal conflicts because the use of the site would generally be during non-peak hours being weekends when US 64 traffic is lower.

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. This will be addressed in the below conditions.

The application states the facility will be unmanned but will have security measures provided through gating, fencing, and surveillance cameras. It is unclear if the fencing will encompass the entire property or be added just along the front areas of the development.

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 but could be made through conditions. The site will not be served by private well or the county water system per the application. Water used on the site will be made available through cisterns used to catch runoff from roof tops during rain events.

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Wastewater is limited to that of the wash down bay area. There will be no conventional restroom facilities available. A restroom may be provided utilizing an incinerator toilet. Specifications on the system can be viewed on the webpage. The Extra Garage Storage facility east of this proposal utilizes such as system. There are no environmental impact concerns noted in the specifications.

The application proposes a storm water detention basin being constructed on the south side of the property. The general runoff plus the runoff from the wash down bay will be diverted to this basin. A spillway has also been mentioned as proposed to be installed for heavier rain events. The location and mechanism of the spillway is not noted in the application or on the submitted plans.

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:

Site Specific Conditions:

1. Existing trees and shrubs shall remain except for what clearing is necessary to install the entrance drive and clear for the buildings themselves. Per the Appearance Commission, additional landscaping (approximately 32 of the recommended plants) along the front of the property shall be installed at approximately 20 foot intervals to provide additional natural screening. Plant material should be in minimum of five to seven gallon size containers. All other visual impact protections as listed in the application shall be made as well. . 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. Signage is limited to one monument style sign as drawn on the site plan. The sign area itself shall not exceed 150 square feet as described in Section 13.7 of the Zoning Ordinance.
3. Storm water detention basins shall be constructed at a minimum to meet the 2 year 24 hour storm event. The spillway shall be designed and approved by the appropriate agency prior to issuance of the first land disturbing permit.

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Standard Site Conditions:

4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, etc.) shall be obtained and copies submitted to the Planning Department prior to the issuance of a certificate of occupancy.
5. Lighting shall be installed and maintained as per the adopted lighting regulations located in Section 11A of the Chatham County Zoning Ordinance. Any lighting or fixtures found to be non-compliant with the regulations shall be replaced at the expense of the landowner/operator and shall hold no liability against Chatham County for the compliance measures.
6. An “as-built” impervious surface calculation shall be submitted to the Planning Department prior to issuance of a certificate of occupancy.
7. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
8. A building permit shall be obtained and remain valid at all times or this permit shall become void. The first building permit for the first storage structure shall be approved and submitted within 24 months of this approval or the permit becomes void; or the expiration of the appeal period or any court decision, whichever is later.

Standard Administrative Conditions:

9. 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.
10. 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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11. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
12. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
13. 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.