

PLANNING & ZONING REVIEW NOTES

VII. D.

SUBJECT:

A request by **William Jeffrey House** for a Conditional Use B-1 Business permit for a public and private recreational camps and grounds and boat, motor home, camper, trailer, and recreational vehicle storage on approximately 10.35 acres, Haw River Township, located at 284 Moncure School Rd.

ATTACHMENTS:

The following was submitted at the July 8, 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. Aerial photos of property from 1997, 2002, and 2007

INTRODUCTION & BACKGROUND:

A quasi-judicial public hearing was held on this request July 21, 2008. No spoke in opposition of the request. 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.

A conditional use permit was approved on this property June 18, 2007 for a public and private recreation camps and grounds facility for up to 44 spaces. During this time the owner/operator has been storing boats and other recreational vehicles on the property without proper permitting. The applicant has stated the storage is an accessory to the campground but would also be for those needing storage spaces close to the lake for their recreational vehicles. A barn has been remodeled to aid in the storage of these boats and RVs as well as a shelter extension added with approximately 8 stalls for storage. There were no building permits issued for this construction or any other approvals given. The applicant thinks this is a viable part of their business and so has applied to have the property brought into compliance.

DISCUSSION & ANALYSIS:

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

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.

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 been supported. The application states to incorporate material from the approved conditional use permit approved in June 2007 for these findings as well. The convenience and welfare of the general public may be served by providing temporary lodging facilities to out of town workers for the power plants as well as vacationers and tourist coming in and around Jordan Lake. Currently there are only two other campgrounds within close proximity to this property and they are Goodwin's and Cotton Acre RV Park. Dickens RV Park is more than 3 miles away located on Corinth Road but all three parks appear to be consistent in occupying of spaces. None of these three campgrounds have an approved storage area for boats or recreational vehicles. There were letters of support provided in the last approval as well as this request with 62 signatures presented at the public hearing.

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. Some other nearby local business could profit as well with the added amenity to the campground. However, employment opportunities have not been identified with this development.

It is the opinion of the planning staff that **Finding #3** is supported. Planning staff has spoken to Reuben Blakely, District Engineer, NCDOT and he has advised traffic counts still remain well below what is considered the maximum for the road classification of Moncure School Road. A commercial driveway permit was issued for the campground in the last approval and he advised no revision to that permit is needed. It will suffice for the additional use. The first 50 feet of the drive is to be paved and the remainder gravel per previous approval.

The site will be monitored and supervised at all times by the House family. Buffer and screening for both uses, the campground and the storage area, are adequate at this time per the Appearance Commission's comment on the last approval. Supplemental plantings may be required to "fill-in" areas of concern. Gates are provided for each stall and, though already constructed, it is located in an area reserved as "Phase 2" of the campground approval site. There is to be a total of 15 spaces for storage for the addition

of seven (7) more stalls will require site approval and permitting before they are constructed.

Lighting will be used for security purposes and will be downward facing with no trespass onto adjacent property or the roadways.

All previous conditions relating to the campground approval will be incorporated into this approval as well and as listed below under recommendations

It is the opinion of planning staff that **Finding #4** has been supported for reasons provided in the agenda notes for the Conditional Use B-1 Business District. The Land Development and Conservation Plan addresses several, subjective aspects, encouraging continued growth in Chatham County. One area specifically can be seen on Page 11 under goals and objectives. It encourages the preservation of rural character by way of landscape, agriculture, and home base businesses. It guides applicants to meet performance standards to guard against nuisance conditions and to seek conditional use permits. The development area is set behind their residence, off the road approximately 325 feet.

The applicant thinks this is in accordance with the advancement of tourism for the county as stated on Page 10 of the Plan as well as providing temporary housing options for workers for the surrounding industrial plants.

It is the opinion of planning staff that **Finding #5** has been supported. The Environmental Health Section of the Chatham County Health Department has issued permitting for Phase 1 of the campground for 10 spaces. There are two more phases yet to be completed but will do so with the demand for services. The applicant currently utilizes a well on the property but county water is also available to the site. The storage area will not require the use of water or septic expansion.

The watershed classification is WSIV-PA and allows for up to 36% impervious surface. The previously approved site plan showed a total impervious surface under 10%. A condition may be made to recalculate this area with a new approved use.

Due to the lay of the land, the Erosion Control & Sedimentation Control Office stated in the campground approval during a preliminary site inspection that no plan approval or permit issuance is required.

The Natural Heritage Program and Office of State Archeology do not require any further study at this time.

As a side note, this property is located within the 1500 foot “proposed” scenic overlay district of the Major Corridor Ordinance. It is labeled as “special node” where a use would not fit a standard mix of non-residential uses but would be primarily non-retail. The campground and storage areas are situated approximately 324 feet from the edge of the right-of-way of Moncure School Road. There exists mature vegetation preventing

much of the view from Moncure School Road and US 1. There is only one sign located on the property at the entrance off Moncure School Road and it is no larger than 32 square feet and no taller than six feet in height.

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 approved. It is requested the Planning Board review any additional conditions imposed upon the request at this time:

Site Specific Conditions:

1. There shall be allowed one (1) sign, non-illuminated, no larger than 32 square feet and no taller than 6 feet at the entrance to the property, outside of the right-of-way. A permit shall be issued for signage.
2. Recommendations from the Appearance Commission on the original campground approval shall also be continued and followed in this approval. 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 screenings after one year of the approval to verify appropriate measures have been taken as directed. Should there be any changes in the landscaping for effectiveness of screening and environmental protections, they shall be given to the applicant at that time and the applicant will be given ample opportunity to take the corrective measures.
3. There is to remain and be maintained at fifty (50) foot vegetated, screening buffer around the perimeter of the campground and storage area/s.
4. Any stormwater measures that may be required shall conform to the 2 year, 24 hour storm event and a plan submitted to the Planning Department prior to its construction.
5. There shall be no more than 44 units on this property as stated in the application. The spaces may be completed in phases as stated in the application. A building permit shall not be issued for any phase without the required permits from the Environmental Health Section of the Chatham County Health Department.
6. Campground use is for temporary use only. "Temporary" is defined in this instance as up to two (2) years per unit. No permanent structures or tents are allowed, only campers, travel trailers, recreational vehicles and motor homes.
7. Units must be spaced a minimum distance of 30 feet apart. An approved plan signed by the Chatham County Fire Marshal shall be provided to the Planning Department prior to the first campground occupant.

RECOMMENDATION

Site Specific Conditions - con't

8. There shall not be any trash accumulation on the campground property. Trash removal shall be the responsibility of the campground owner.
9. The property owner shall maintain a log of record on the occupants of the campground. This information is to include, the name of the temporary resident, the tag number of the camper, motor home, travel trailer, or recreational vehicle, and the dates they checked into the campground as well as the dates they checked out. A copy of this log shall be available to the Planning Department and a copy filed in the Planning Department office every twelve months.
10. A letter from the Chatham County Public Utilities Department shall be provided to the Planning Department prior to the first occupant to the campground for the requirement to tie into the county public water system.
11. An inspection by Building Inspections, Fire Marshal, and Environmental Health must be made and documentation provided to the Planning Department for any new construction as well as the existing storage bays and the structural integrity of the "refurbished" barn as stated in the application.

Standard Site Conditions:

12. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Section, etc.) shall be obtained and copies submitted to the Planning Department prior to the issuance of a certificate of occupancy.
13. 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.
14. An "as-built" impervious surface calculation shall be submitted to the Planning Department prior to issuance of a certificate of occupancy.
15. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
16. 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 12 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:

17. 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.
18. 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.
19. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
20. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
21. 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.