



Chatham County Planning Board Agenda Notes

Date: February 7, 2012

Agenda Item: IX. 2.

Attachment #3

☐ Subdivision ☒ Conditional Use Permit - Revision ☐ Rezoning Request
☐ Other:

Subject:	Request by Warren Mitchell dba Iron Clad Storage for a revision to the existing conditional use permit on Parcel No. 71691 to add the additional five (5) acres from Parcel No. 18872 to the permit for the uses of self-storage facility/mini warehouse storage facility with related retail and services (i.e. moving truck rental), recreational vehicle storage facility, and boat storage facility.
Action Requested:	See Recommendations
Attachments:	<ol style="list-style-type: none">1. Application Packet distributed prior to January 17, 2012 public hearing2. Cover letter with a revised landscaping plan3. Revised sign plan with photo renderings

Introduction & Background

A quasi-judicial hearing was held on January 17, 2012. Attorney Patrick Bradshaw with Bradshaw and Robinson presented the request. There were some concerns by adjacent landowners that are addressed below.

On August 18, 2003, the applicant was granted a conditional use permit for a mini-warehouse storage facility. On August 21, 2006, the applicant was granted a revision to add a mixed use structure with the commercial office and residence, which he resides in. Since that time, the classifications and descriptions have been modified within the Zoning Ordinance Table of Permitted Uses (Section 10.13). Mr. Mitchell wishes to add more flexibility as allowed in the current zoning regulations to be able to have boat and recreational vehicle storage as well as incorporate the new wording which is "self storage facility/mini-warehouse storage facility with related retail and services (i.e. moving truck rental)". In order to do this, the applicant had to also submit for a conditional use rezoning to the designated zoning classification from CU-Light Industrial to CU-Regional Business (CU-RB).

Discussion & Analysis

A conditional use permit must meet the required five findings as required by the Chatham County Zoning Ordinance. Those findings are addressed 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. All three uses being proposed by the applicant are listed as permitted uses within the conditional use district applied for. It is Planning staff opinion this finding may be met.

FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare. The applicant has stated in the application materials that he receives calls from citizens wanting space to store recreational vehicles and boats, as well as have a location to rent moving trucks/vans. In a survey of similar uses in this area, there are no known moving truck rental companies or outlets and the closest approved RV and boat storage facility is located at Hatley Rd. off Mt. Gilead Church Rd. near US 64 E. The applicant has stated his customers wish to store their RVs or boats at the same location where they utilize a mini-warehouse space unit.

Briar Chapel is approved for approximately 2400 homes in close proximity to this project. The majority of lots do not have adequate space for storing RVs or boats. This facility is located directly across from the main entrance into Briar Chapel possibly providing a service to those residents. It is Planning staff opinion this finding may be met.

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. There were concerns raised at the public hearing regarding a possible decline in property values, the creation of excess trash accumulation on the roadways, view from the public roadway issue, increased traffic, and location of new accesses. The applicant addressed these concerns at the public hearing, as well as within the application materials. Mr. Mitchell has also provided a revised landscaping plan that increased the amount of plantings which had already been approved by the Chatham County Appearance Commission. The activity, per the submitted site plan, will be internal to the property surrounded by existing vegetation.

NCDOT has already approved an additional commercial driveway application and issued a permit to the applicant. They were satisfied with the new driveway location and the traffic that would be utilizing the drive. In addition, a traffic signal is proposed at the intersection of US 15-501 N and Vickers Road as part of the improvements for Briar Chapel and is being coordinated with NCDOT. There already exists turning lanes so no other improvements are needed for these additional uses.

Any new lighting will conform to the existing regulations as stated in the Zoning Ordinance and will be full cut off per the application materials. There should be minimal noise associated with the expanded uses and are primarily used during the daytime hours. The property will remain fenced with locked gates.

The applicant proposed a sign that would be approximately 30 feet tall and approximately 140

square feet in size. The CCAC reviewed the sign plan and was not in favor of a sign of this size in this location. There concern was that there are no other signs this size along this stretch of highway and this type of use isn't associated with the amount of traffic you would notice or need with a retail establishment. They requested the applicant provide a revised site plan for their review. Staff has reviewed other signs along the US 15-501 corridor in the general vicinity of this project. Other than billboards, the largest signs would be the Fearrington Village and Galloway Ridge entrance signs. For those signs, the sign area square footage is 64 square feet and they are approximately 15 feet from the ground to the top of the sign. Additionally, signs for other businesses near the intersection of US 15-501 and Vickers Road are either monument or have a limited height. Staff has recommended a condition on the sign size as noted below under "Site Specific Conditions".

One additional storage structure will be constructed on the property as noted on the site plan. Also noted on the site plan is "truck" parking in the front of the property. It is Planning staff opinion in order to maintain and protect the "rural" character the applicant has based his project on, having moving trucks parked at the front of the property facing US 15-501 will diminish the view. The applicant has constructed a mixed use building on the property that resembles a single family dwelling and the majority of the business property is behind this area. The applicant has stated his site has received many compliments because it can't be seen from the main roadway and looks very residential. It is Planning staff opinion this finding may be met and additional conditions have been provided in the recommendation.

FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan.

On page 27 of the Plan, continuation of current activities is supported. Mr. Mitchell is requesting a change in the current zoning district to a classification that will allow the current use/s and the proposed additional uses in the conditional use permit portion of this request.

Page 12 of the Plan encourages the sighting of commercial uses along major highways in clusters at specific areas where the design helps to retain a rural crossroads or village character and to integrate the uses with other nearby development. Briar Chapel, an approved compact community, has approximately 200 occupied homes of the approved 2,389. The Plan also encourages those uses to extend along side roads, off main thoroughfares, rather than along the major thoroughfare.

On August 21, 2006, the applicant received an approval for an amendment to the conditional use permit to add a structure that resembled a single family dwelling thus assisting in maintaining the rural landscape of the property as discussed on page 16 of the Plan. It is Planning staff opinion this finding may be met.

FINDING #5 – Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the county's plans, policies, and regulations. This expansion will not require an additional water services or wastewater expansions.

The property is located within a WSIV-PA watershed where up to 36% impervious surface is allowed. The project, when complete, will be approximately 35.5%. A stormwater management

plan will be required per the Environmental Quality Director and installed per the regulation. All other general permitting and site regulations are noted in the below standard conditions. It is Planning staff opinion this finding may be met.

Recommendation

It is the recommendation of the planning staff to approve this request. The Planning Board has up to three (3) meetings in which to make a recommendation to the Board of Commissioners. Should your recommendation be a favorable one, we request you review the following conditions to be included in the approval.

Site Specific Conditions

1. Replacement advertising/identification signs may be installed as shown on the revised sign plan with the following modifications. There shall be a limit of one (1) sign, no taller than 15 feet from the ground to the top of the sign with a primary sign area no larger than 64 square feet (sign area #1) plus an additional 32 square foot secondary sign(sign area #2) for additional advertising of the property fronting US 15-501. Additionally, there may also be one (1) additional sign at the new driveway entrance on Vickers Road no taller than 7 feet from the ground to the top of the sign and no larger than 32 square feet. All signs shall comply with the lighting requirements of the Zoning Ordinance.
2. The proposed 2,400 square foot truck parking facing 15-501 North is not allowed. There shall be no additional advertising displays or rental truck, RV's, or boat storage in the front of the property facing US 15-501. A revised site plan removing the 2,400 square foot truck parking area shall be provided prior to land disturbance.
3. Landscaping shall comply with the recommendations of the CCAC and shall be conducted at the next optimal planting season following the approval of this request.

Standard Site Conditions

4. Signage, parking, and lighting shall conform to the Chatham County Zoning Ordinance unless otherwise stated in a specific condition noted above.
5. The application and approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place.
6. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Storm water Management, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.

Standard Administrative Conditions:

7. 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.

8. 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.
9. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
10. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
11. 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.