



Agenda Abstract

Department: Planning

Authorizing Signature: _____

Submitting Official: Jason Sullivan

Meeting Date:	April 16, 2012
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: (List Individually)	<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:	<p>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.</p> <p>The Planning Board met at their regularly scheduled meeting on February 7, 2012 and voted to postpone their recommendation to the BOC to allow time for staff to consult with the county attorney and revise conditions if applicable. Planning Board discussion and responses can be viewed below in BOLD.</p> <p>The Planning Board met on March 6, 2012 to continue discussion on this request. See notes at end.</p> <p>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</p>
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	<p>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 a request for a conditional use rezoning to the designated zoning classification from CU-Light Industrial to CU-Regional Business (CU-RB).</p>
Discussion & Analysis:	<p>A conditional use permit must meet the required five findings as required by the Chatham County Zoning Ordinance. Those findings are addressed as follows:</p> <p>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.</p> <p>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.</p> <p>Briar Chapel is approved for 2,389 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 and may provide a service to those residents. It is Planning staff opinion this finding may be met.</p> <p>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,</p>



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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. Their 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 Fearington 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".

During the public hearing, the Planning Director noted the CCAC had reviewed the landscaping plan, which included the proposed new signage, and they were not in favor of a sign this size. They had asked the applicant to submit another plan, which he agreed to do. Commissioner Kost expressed a concern regarding the sign size as well. The applicant's attorney addressed the concern by stating "the applicant is thinking of revising the sign and will go back before the CCAC with a new plan. That information will be presented later and he feels his client is meeting the ordinance standards with what he has proposed". The applicant did go back before the CCAC with a reduced sign height of 25 feet for the main sign on US 15-501 N. The CCAC did not recommend approval of this size sign stating "the size of the proposed sign was well out of proportion with other signs in the area including those mentioned above". This was not in keeping with the character and integrity of the surrounding properties. Their recommendation is seen in Condition No. 1. The applicant states on the site plan the second sign at the driveway entrance on Vickers Road will not change (currently 15 sq ft).

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 siting 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.

There were several concerns raised at the Planning Board meeting regarding the conditions listed in the recommendation. Condition #3 has been revised to clarify the timing of the installation of plantings. It was also requested that staff consult with the county attorney on removing the appeal condition and he advised that it should be removed, which has been done. There was further discussion about placing conditions for signage and truck parking on the conditional use permit. The Chatham County Zoning Ordinance provides in Section 17.1 that the “Board of Commissioners may impose such additional restrictions and requirements upon CUPs as it may deem necessary in order that the purpose and intent of the ordinance are served, public welfare secured, and substantial justice done”. Planning staff provides information as it relates to the five findings, as well as a

recommendation based on those findings. Should the applicant not agree to the conditions listed below the Planning Board may recommend different conditions, accept the applicant's proposal, or recommend denial of the permit. If the Planning Board recommends denial of the permit, per the county attorney, the recommendation to approve the conditional use rezoning should be rescinded.

At the March 6th meeting, the applicant's representative stated for the record the applicant does not agree with the conditions listed below. He stated the taller, larger sign is needed for business and the truck parking up front was needed for convenience to the applicant and the owner. The applicant was asked whether the truck parking up front was going to be for pick up or drop offs only or for permanent parking, he stated there would be trucks there at all times. One Planning Board member stated this would allow even more signage/advertising because it would not be fully screened from view. Mr. Mitchell stated he was willing to plant shrubs and screen more; however this has not been reviewed by the CCAC. One Planning Board member stated he didn't think we could tell someone where to park their trucks and requested Condition #2 be removed. The county has approved numerous conditional use permits where one reason for reviewing a site plan is to know where and how the site will be laid out so as to not be an intrusion to adjacent properties and traffic driving by the site. Most often, storage areas that include materials, equipment, and trucks, are kept in the least intrusive area generally located within the interior or rear of a site.

In regards to the sign, it was discussed that the sign was out of character for the surrounding properties. Mr. Mitchell has an internally illuminated 32 sq. ft. sign on his property now. County staff has never heard, before this submittal, of any issues with citizens not being able to find the facility. At this intersection, this sign is the only commercial sign that is internally illuminated. One Planning Board made a motion at this point to deny the CUP and rescind the conditional use rezoning district. The motion failed. The applicant stated he would agree to a 20 foot high sign with a 120 sq. ft. sign area but wanted to keep the truck parking up front. A motion was made to approve the new sign dimension as stated by the applicant and remove Condition No. 2 below. The motion carried 7-3. Planning staff recommends the conditions stay as

	recommended below.
Budgetary Impact:	
Recommendation:	<p>It is the recommendation of the Planning Board (by vote of 7-3-0) to approve this request with the following conditions:</p> <p><u>Site Specific Conditions</u></p> <ol style="list-style-type: none"> 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 20 feet from the ground to the top of the sign with a sign area no larger than 120 square feet. All signs shall comply with the lighting requirements of the Zoning Ordinance. The sign at the entrance on Vickers Road shall remain as existing. 2. Landscaping shall comply with the recommendations of the CCAC which requires the perimeter landscaping along Vickers Road and the property not owned by the applicant be installed before the certificate of occupancy of the property is approved and issued. The remaining landscaping along the property boundaries owned by the applicant may be installed at the next optimal planting season following the start of the new commercial area use. <p><u>Standard Site Conditions</u></p> <ol style="list-style-type: none"> 3. Signage, parking, and lighting shall conform to the Chatham County Zoning Ordinance unless otherwise stated in a specific condition noted above. 4. 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. 5. 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:

6. 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.
7. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
8. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
9. 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.

Planning staff recommends approval of the conditional use permit with the conditions listed above with a modification to condition #1 and an additional condition as follows:

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 not larger than 64 square feet (sign areas #1) plus an additional 32 square foot secondary sign (sign area #2) for additional advertising of the property fronting US 15-501. All signs shall comply with the lighting requirements of the Zoning Ordinance. The sign at the entrance on Vickers Road shall remain as existing.
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.