



Chatham County Planning Board Agenda Notes

Date: April 3, 2012

Agenda Item: VIII. Quasi-Judicial 1.

Attachment: #4

☐ **Subdivision**

☒ **Conditional Use Permit**

☐ **Rezoning Request**

☐ **Other:**

Subject:	Request by George Farrell on property located at 306 McGhee Road, Parcel No. 74986, for a conditional use permit for a boat storage facility and recreational vehicle storage facility on approximately 2.096 acres of the 10.01 acre tract, Williams Township.
Action Requested:	See Recommendations
Attachments:	1. Application packet can be viewed on the webpage at www.chathamnc.org/planning under Rezoning and Subdivision Cases, 2012.

Introduction & Background

A public hearing was held on this request March 19, 2012. Planning staff had clarifying questions to ask of the applicant which is addressed below. There was one person, a family member to the applicant, Shelia Levinor, who spoke in opposition. Although her comments were more specific to the conditional use rezoning portion of the hearing, her concerns are addressed as part of these notes. The applicant also spoke.

Discussion & Analysis

In order for a matter to be considered for approval, there are five findings that must be addressed and proof given that each one can be supported. Should one condition not be supported, the entire application should be denied. Conditions may be placed in order to achieve a mutually agreeable alternative between the governing body and the applicant in order for the finding to be made. The five findings are addressed below.

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. The proposed uses are listed as eligible uses through a conditional use permit approval in the district which the applicant has applied. It is Planning staff opinion this finding is met.

FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare. To bring forward some information from the conditional use rezoning notes, at the intersection of Farrington Point Road and McGhee Road, is the GR Farrell's convenience store that has a pizza establishment and storage facilities. Across Farrington Point Road is a conditional use B-1 property for retail sales and personal service of computers, emails, and public internet access. On the opposite corner of McGhee Road is the conditional use B-1 properties for various uses including flex office space with associated warehouse/storage and self storage/mini-warehouse storage which extends down McGhee Road to cover two parcels. Behind the store on McGhee Road is another conditional use self storage/mini-warehouse storage facility. The applicant has stated in the application, he began his first storage facility in 1998. In 2008 that site was approved for approximately 40,000 square feet of storage space with 17 enclosed boat and RV spaces. The US 64 E facility is now 90% full. Within the last few months, Crosswinds Marina, approximately 5 miles south, has been sold and there has been some discussion that boats will no longer be allowed to be stored there. Mr. Farrell states he has received many calls from boat owners wanting some place closer to the lake and boat ramps to store their boats and RVs. The applicant feels this will provide a more convenient location in connection with the boat ramp, the store, food, and gas services already existing and would get the boats off main roads quicker.

Ms. Levinor stated there were already enough trucks and traffic related to the existing storage facilities on McGhee Road. They often have to wait until a truck can enter the pass code for entry and enter the site before they could continue up the roadway. The applicant stated based on current data from the US 64 E site with 90 boat spaces, there are approximately 1.5 trips average per day. It is Planning staff opinion this finding is 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. Ms. Levinor stated she is concerned about the narrow roadway where large storage trucks and landscaping trailers are already, at times, blocking the roadway. The applicant has submitted a preliminary review to NCDOT and applied for a commercial driveway permit. Any improvements that may be necessary will be installed by the applicant.

This is a 10.01 acre tract owned by the applicant's mother with his personal residence adjoining to the rear of the proposed zoned area. One concern raised at the public hearing by Ms. Levinor was she felt this would impair or damage the rural character of the area on this portion of McGhee Road. She further stated she had lived here her whole life, as well as other family members, and they wished to maintain land and its value. She stated she was representing 3 other family members who shared her views. Mr. Farrell stated he has spoken to two of the three and they are in agreement with the boat and rv storage area. He stated he too has lived here his entire life and he's trying to provide income in order to save his mother's land and home from foreclosure. This seemed to be a viable way to do so in his opinion.

To further protect the adjoining properties and keep with rural character, the applicant has received approval and recommendations for the landscaping and screening from the Chatham County Appearance Commission. He will also be utilizing some of the existing old, barn type structures that

are able to further enhance the appearance. Those structures that cannot be used are to be removed.

Planning staff asked for clarification of any new lighting. Specifically if there would be any new lighting installed whether security pole lighting or wall packs or lighting on the sign and the applicant stated no new lighting was proposed on the site. There is to be one 16 sq ft sign located at the entrance to the site.

The applicant feels with a boat storage facility so close to a boat ramp, tourism could be improved and enhanced while preserving family land, and increase in tax base. It is Planning staff opinion this finding is met.

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

Several of the supporting guidelines for Policy Objectives starting on page 12 of the Plan are to site commercial uses in clusters, integrate them with other nearby development, and to extend up side roads.

Approximately 1 ½ miles from this intersection is the Farrington Point boat ramp to Jordan Lake. Page 10 of the Plan encourages development consisting of a mix of types and guided to locations appropriate for its setting. Recently, the Crosswinds Marina has been sold. It is not clear at this time if boats will continue to be allowed to be stored on the site. Mr. Farrell states in the application he has been getting many calls with people wanting storage near the lake but he has had to direct them to his facility on US 64 E which is now 90% full.

Page 27 talks about rural character. Although this concept may be argued both ways, in several developments, homeowners are not permitted to keep a boat or recreational vehicle on their property. Mr. Farrell has applied for a CU Neighborhood Business district which is described as serving a small market. By having boat storage closer to the lake, there will be less traffic on the main thoroughfares.

The proposed zoning area is approximately 2.096 acres out of the 10.01. The impervious surface allowed on this site is 24% (WSIV-CA Jordan Lake). The proposed impervious surface is based on the acreage does not exceed 21%. An impervious surface calculation will be required as noted below in conditions. It is Planning staff opinion this finding is 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. The applicant has an approved setback compliance permit from Environmental Health stating the proposed storage site will not interfere with the existing wastewater system for the residence. There are no restrooms available at this site, no water access, and less than 20,000 square feet of grading will be done.

A commercial driveway permit has been applied for with NCDOT and any required improvements will be made by the applicant.

The applicant has provided an engineer's approval on the existing structures he plans to use as covered storage areas. This will be inspected and approved through the building inspections department. The remainder of storage is uncovered. It is Planning staff opinion this finding is met.

It is Planning staff opinion all five findings may be made and recommends approval of the request.

Recommendation

Planning staff recommends approval of the conditional use permit request. The Planning Board has up the three meetings in which to make a recommendation to the Board of Directors. It is requested the below conditions be reviewed at this time.

Site Specific Conditions

1. Landscaping and screening shall conform to the recommendations of the CCAC and the design guidelines as applied.

Standard Site Conditions

2. Signage, parking, and lighting shall conform to the Chatham County Zoning Ordinance unless otherwise stated in a specific condition noted above.
3. 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.
4. 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:

5. 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.
6. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
7. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
8. 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.