



## Chatham County Planning Board Agenda Notes

Date: July 9, 2013

Agenda Item: VII. 3

Attachment #:     

Subdivision

Conditional Use Permit

Rezoning Request

Other:

<b>Subject:</b>	Request by Paul Smedberg on behalf of U-Haul, for a Conditional Rezoning Regional Business (CD-RB), on property located at 102 Vickers Road, Parcel No. 71691 and 79289, to add approximately .64 acres to the existing 10.4 acres to expand the storage area to include one additional self-storage building.
<b>Action Requested:</b>	See Recommendation
<b>Attachments:</b>	1. The application packet was distributed at the June 4, 2013 Planning Board meeting. 2. CCAC minutes from their April 24, 2013 meeting

### **Introduction & Background**

A legislative public hearing was held June 17, 2013. Planning staff and the applicant, Paul Smedberg, presented the request.

In April of 2012, the applicant was approved for a change in the zoning district from Conditional Use Light Industrial and Residential to a Conditional Use Regional Business District and a revision to an existing conditional use permit to expand uses from mini-warehouse storage to include moving truck rental and recreational vehicle and boat storage.

Since that time, the applicant acquired a small tract of land that adjoined the project area which they wish to include in the overall project. In order to get the property into conformity with the current regulations of the zoning ordinance, the applicant decided to rezone the entire project area to Conditional Zoning District Regional Business which eliminates the need for a conditional use permit. This was part of a streamlining approach approved in July 2012.

### **Discussion & Analysis**

Conditional Zoning districts are zoning districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of a legislative decision creating the district and applying it to the

particular property.

Some land uses are of such a nature or scale that they have significant impacts on both the immediate surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. The review process established in this Ordinance provides for accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions, which ensure compatibility of the use with neighboring properties. A conditional zoning district is not intended for securing early zoning for a proposal, except when that proposal is consistent with an approved land use plan or the proposal can demonstrate that public infrastructure needed to serve the development will be made available within a reasonable time period.

1. Item #1: The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed description of such error in the Ordinance and detailed, reasons how the proposed amendment will correct the same.

There is no alleged error in the ordinance that this proposal amendment would remedy.

2. Item #2: The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.

The changed or changing conditions that the applicant thinks warrants this request is related to acquiring the adjacent land and incorporating into the existing project by recombination, if approved.

Another changing condition is the newly adopted regulation regarding impervious surface/built upon area allocations to non-contiguous tracts of land which are located in the same watershed district and owned by the same landowner. This new regulation, as enforced and approved by the Chatham County Environmental Quality Department, may allow the project site to develop over the allotted maximum impervious surface provided a restriction is placed on a separate tract of land to offset the difference. These tracts do not have to be contiguous provided they are located within the same watershed district. Please refer to Senate Bill 229, Section 7 of General Statute 143-214.5 for specifics as included in the application packet. A condition as been placed in the recommendation to reflect what is needed.

3. Item #3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts thereof.

Based on prior approvals for the mini-warehouse storage and most recently the revised conditional use permit approval for boat and RV storage, the intent of the Land Conservation and Development Plan remains valid. Commercial uses are encouraged along major highways in clusters as specific designated located and up side roads if possible.

4. Item #4: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.

The applicant thinks that all previous approvals, design, conditions, and need continue to support the project.

If the rezoning request is approved, the applicant will submit a request to staff to surrender the conditional use permit associated with the conditional use zoning district pursuant to Section 23.1 of the Zoning Ordinance. Upon acceptance by staff, the conditional use permit is cancelled and a report is forwarded to the Board of Commissioners.

### **Recommendation**

Planning staff recommends approval of this request. The Planning Board has up to three meetings in which to make a recommendation to the Board of Commissioners. Please review the below conditions as part of your recommendation.

### **Site Specific Conditions**

1. As previously approved, replacement of the 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 area #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. As previously approved, landscaping shall comply with the recommendations of the CCAC which requires the perimeter landscaping along Vickers Road and the property now 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.
3. A review, approval, and recorded deed instrument and plat for the tract on Charlie Perkins Road shall be provided before any impervious surface/built upon area on the project site is installed. The Environmental Quality Director shall approve the wording of the deed restriction and the recorded plat for compliance with statutory requirements.

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