

## **..TITLE**

A request by Michael Gress to rezone Parcel No. 89671 from R-1 Residential to Conditional District Community Business (CD-CB), located off Beaver Creek Rd., being approximately 6.76 acres for a self-storage facility including boat and RV storage, New Hope Township.

## **..ABSTRACT**

### **Action Requested:**

A request by Michael Gress to rezone Parcel No. 89671 from R-1 Residential to Conditional District Community Business (CD-CB), located off Beaver Creek Rd., being approximately 6.76 acres for a self-storage facility including boat and RV storage, New Hope Township.

### **Introduction & Background:**

A legislative public hearing was held on this request August 18, 2014. Planning staff presented the request. The applicant's attorney, Ms. Cindy Perry, presented the rezoning application and one adjacent landowner, Mr. Whitfield spoke in opposition of the request.

The parcel is located approximately 550 feet from the intersection of Beaver Creek Road and US 64. Adjacent to this property on the northern boundary is Mitch Gardens nursery that is zoned conditional use business and adjacent to the southwestern boundary is the Chatham County water treatment plant that is zoned conditional use light industrial. There are residences immediately to the south and across Beaver Creek Road that are zoned residential. Beaver Creek Road is a highly used thoroughfare for those accessing Jordan Lake at several designated boat ramps and campground areas. The intersection of Beaver Creek and US 64 has experienced increased business growth based on the growth of tourism and recreation offered from Jordan Lake and other surrounding attractions. This property is currently vacant.

Due to planning staff requesting more time to review the application submittal in connection with other similar facilities in the area and the comments received at the public hearing, the Planning Department utilized its option to hold the matter for one month before being forwarded to the Planning Board for review.

**The Planning Board met at their regularly scheduled meeting on October 7, 2014. The only question raised was what was planned for the remainder of the property which is nothing. Due to the built upon area limits, the applicant/owner cannot develop any additional area that would exceed 24% impervious surface. As stated below, this project is anticipated to be 23%.**

**The Planning Board voted to recommend approval of this request as noted below.**

**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.

The applicant held the community meeting as required by ordinance on April 30, 2014. There were several concerns raised which included lighting of the facility, lights from headlights of patrons, security alarms, traffic, fencing, and supervision of the facility. Mr. Gress addressed each concern stating there would be no pole lighting on the site. Lighting is limited to wall mount, full cutoff lighting internal to the structure. No lighting will be located on the outside of the buildings. The applicant also stated he would be limiting the hours of operation into the facility in an effort to keep headlight glare to a minimum. This will be an unmanned facility and users will be provided a gate entry passcode to be accessible during business hours only. Mr. Gress stated there will be no security alarm installed. Those wishing to rent one of these spaces, whether the boat and RV storage lot in the rear of the project or one of the mini-warehouse spaces, will be required to do so by phone or internet. There will not be an office on-site. Mr. Gress and his family will monitor the property and ensure its upkeep and harmony with the surrounding properties.

The applicant met with the Chatham County Appearance Commission on March 26, 2014. The landscaping will consist of a Type A, opaque buffer along the southern boundary of the project and a Type B, semi-opaque buffer along the eastern and northern boundary of the project. There will be no dumpsters and he will be installing a six (6) foot high fence around the entire project. There was a request to enhance some of the buffer areas and they needed more detail on the proposed signage. The applicant made said revisions and submitted a revised plan.

During Planning staff's Technical Review Committee meeting on July 16, 2014, there was concern whether emergency vehicles could adequately reach all areas of the

structures should they be needed. The applicant agreed to redesign the site to show this access area and provided a turnaround in the rear of the project. That plan also shows an increase in the fence height of eight (8) feet. A revised plan was received on June 30, 2014 addressing concerns from the CCAC, Planning staff, and citizen comments.

There are four items listed in the Zoning Ordinance that must be addressed by an applicant when submitting a rezoning application. The applicant has addressed those items in the application materials and they are also discussed below.

**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. The applicant is not claiming any errors in the ordinance.

**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. Since the establishment of Jordan Lake, there has been little development that would attract tourist and recreationalist to utilize the facility. The application states it has been a goal of Chatham County to encourage recreation, tourism, and commercial enterprise in hopes of bringing revenue into the county. This particular location will serve the recreation needs of the public, there will be no health and safety concerns connected with this business, it will reduce the commuting time for boaters, campers, and others using the lake, and there will be no water or septic usage. It will serve as a nearby repository for those using the lake for recreation. Although there are other facilities, approximately seven (7), that have been approved within a 10 mile radius of this project site, they are either at capacity, almost at capacity, have a waiting list, or are under construction.

**Item #3:** The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts thereof. In relation to the Land Conservation and Development Plan (LCDP), the Chatham County Watershed Protection Ordinance, and the Chatham County Zoning Ordinance, the property will be developed with approximately 23% built upon area. The property is located within a WS-IV Critical Area watershed classification that allows up to 24% built upon area. This classification also allows for the use of property as boat and RV storage and mini-warehouse storage facilities.

The rural integrity, which has long been a primary goal of the LCDP, will be preserved by the use of berms and the design of the project to keep it self-contained and shielded from adjacent landowners. This project is in close proximity to other small family

businesses that also serve the Jordan Lake recreational public. This promotes a diversified and sustainable business community.

**Item #4:** All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment. The applicant has made several modifications to the site plan in an effort to make this a more rural friendly and neighbor sensitive project. He has addressed emergency access, enhanced the vegetative screening, utilizing limited lighting on the structure, and modified the layout so that it is self-contained within itself.

The applicant states the project will build out to a value of approximately \$500,000.00 which will bring tax revenue back into the county.

Due to the restriction on the built upon area due to the watershed classification, approximately 76% of the parcel will remain in its natural state, undeveloped.

It is planning staff opinion the standards of the ordinance may be made and are being complied with and recommend approval of the rezoning request.

**Recommendation:**

The Planning Board, by a vote of 8-1, recommends adoption of a resolution approving the first sentence of the Consistency Statement below. Based on new information from the UNC School of Government since the Planning Board meeting, a consistency statement must provide supporting information. The wording in **BOLD** is additional information added by staff since the meeting and is recommended for adoption for the resolution, in addition to the recommendation of the Planning Board.

The request to rezone Parcel No. 89671 being approximately 6.76 acres, from R-1 Residential to CD- CB is consistent with the adopted land use plans and regulations of the County **by supporting the goal of Chatham County to encourage recreation, tourism, and commercial enterprise in hopes of bringing revenue into the county. This particular location will serve the recreation needs of the public, there will be no health and safety concerns connected with this business, it will reduce the commuting time for boaters, campers, and others using the lake, and there will be no water or septic usage. It will serve as a nearby repository for those using the lake for recreation,** and therefore is approved as requested.

The Planning Board, by unanimous vote, recommends approval of the rezoning request and adoption of an Ordinance Amending the Zoning Ordinance to rezone Parcel No. 89671 from R-1 Residential to Conditional District Community Business (CD-CB), located off Beaver Creek Rd., being approximately 6.76 acres for a self-storage facility including boat and RV storage with the following conditions.

### **Site Specific Conditions**

1. The revised site plans dated June 20, 2014 shall be the official site plans for construction of the project.

### **Standard Site Conditions**

2. The application, standards and adopted regulations of the applicable ordinances and policies, and the 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. These include but are not limited to landscaping, lighting, signage, parking, building construction, etc.
3. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Stormwater 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.
4. A Certificate of Occupancy shall be obtained within two years of the date of this approval unless other approval/s has been given for an extension, or this approval becomes null and void.

### **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 inspections.
6. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance 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.