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A request by Raleigh Industrial Partners, LLC to rezone Parcel No. 17890 and 17891 from R-1 Residential to Conditional District Regional Business, located off US 64 E, being approximately 45.69 acres total for a three-story self-storage facility, boat and RV storage area, and boat, trailer and other utility vehicle sales and service facility, New Hope Township.

..ABSTRACT

Action Requested:

A request by Raleigh Industrial Partners, LLC to rezone Parcel No. 17890 and 17891 from R-1 Residential to Conditional District Regional Business, located off US 64 E, being approximately 45.69 acres total for a three-story self-storage facility, boat and RV storage area, and boat, trailer and other utility vehicle sales and service facility, New Hope Township.

Introduction & Background:

A legislative public hearing was held on August 18, 2014. Planning staff presented the request and the applicant, Mr. Mitchell, presented the project. Mr. Walt Lewis, the owner of the Extra Garage boat and RV storage facilities, spoke in opposition of the rezoning citing dangerous traffic issues with the requirement of U-turns to and from the proposed facility. Mr. Jim Goldston, owner of Builder's First Source, spoke in support of the project.

Planning staff voiced concerns over traffic issues and the possibility of an issue with the building setbacks with the future construction of a service road as shown on the US 64 Corridor Study. It was recommended that the public hearing be continued one month to give staff time to discuss these issues further with the applicant and consult with other agencies in the matter, which the Board granted. All sign postings on the property remained until the next scheduled meeting. No other notifications are required to be mailed with this continuance.

A second legislative public hearing was held September 15, 2014. Mr. Mitchell addressed the various issues as noted below. A consultant with Ramey Kemp & Associates also spoke regarding the U-turn concerns. Cynthia Gigandet and Burton Carnegie, residents of Heritage Point subdivision and Mr. Andrew Petesch, attorney for Mr. Walt Lewis, all spoke in opposition of the rezoning citing traffic concerns with U-turns; that other facilities have been approved and not yet constructed for the same use; and the business would be located in or near a residential community.

The Planning Board met at their regularly scheduled meeting October 7, 2014. There were citizens from nearby subdivisions that spoke against the use of the property citing they do not want this portion of US 64 to look like Capital Boulevard in Raleigh. They also stated that several years ago another similar use

was proposed on a parcel of land west of this property, next to the Deer Run subdivision, and it wasn't approved

In 2007, Chatham Development proposed a boat and RV storage facility. However, because there were still many areas of the application that had not been properly addressed such as stormwater, wash down areas, and other factors, planning staff recommended denial of the request. The applicant subsequently withdrew their request and the matter never came before the Commissioners for decision. This applicant has addressed all environmental concerns and revised various components of the site to further protect such features, moved the buildings further away from US 64 for the future expansion of US 64, and have agreed to other various appearance concerns.

An attorney from the Petesch Law Firm, representing Walt Lewis, was also in attendance and voiced concern regarding the traffic generation and use of U-turns that will be required in order for patrons to access the site. Based on staff's discussions and reviews from NCDOT, the U-turn movements are not anticipated to create any problems with traffic flow. NCDOT will be looking at the two locations for U-turns and will make modifications as necessary to address any issues.

The Planning Board recommended approval of the request as noted below. They have also recommended approval of the Consistency Statement as stated 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 June 30, 2014 and a report of that meeting was included in the application packet and is subject to

consideration by the Board. No adjacent or adjoining landowners participated in the meeting.

The applicant met with the Chatham County Appearance Commission on June 25, 2014. The CCAC recommended supplemental vegetation be added to the front buffer, that the West buffer be kept in its natural state and that signage is limited to 18 feet height above the ground. The applicant has agreed to the landscape buffers and to maintain the 18 feet height limit on the two free-standing signs that are shown as 120 sq. ft. in sign area, internally illuminated. There will also be wall signs on each building. Sign 1 at the boat and RV and mini storage facility is proposed at 150 sq. ft. and Sign 2 at the boat sales and repair facility is proposed at 140 sq. ft. All square footage combined does not exceed the allowance for the property which would be 900 sq. ft. total. This project will have approximately 530 total square footage of signage.

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 applicants are 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. The applicant states due to increasing population, increase in recreation at Jordan Lake, and recreation in general, citizens within the Triangle area are looking for safe, secure facilities to store their recreational vehicles. With the majority of new development, smaller lots are being created which do not allow for residents to store such items on their properties, therefore a nearby storage facility offers that service. Smaller lots have also created a need for mini-warehouse storage when lots are being sized to only hold the residence with a small yard and driveway for one to two vehicles.

One of the concerns raised at the public hearing was a possible oversaturation of boat and RV facilities in the area in general. There have been approximately seven (7) boat and RV storage facilities approved by the Board over the last three (3) years. All seven were shown to meet the standards of the ordinances and were approved to meet the demand for the service. With the future Chatham Park and several dormant subdivisions beginning to start construction again, it is anticipated the need will increase.

The boat sales and repair portion of this approval is unique in that there is no other known such facility in this area of Chatham County. Revenue from this part of the business would come from adjoining counties and cities as well as those who live within Chatham County. With the amount of storage facilities for these vehicles, it is anticipated these services would be an asset.

Another concern raised at the public hearing was ingress and egress to the site when citizens are pulling their boat or RV to and from the site. The concern was that the property does not have a median crossing and customers will have to make U-turns depending on the direction of their travel. During the time between the two public hearings Planning staff, as well as the applicant, contacted NCDOT and met with several representatives to review the proposed access and travels to and from the site. Planning staff received a confirmation from the district engineer, Mr. Jeff Loflin, stating that they reviewed the U-turn movements and believe there will not be a traffic problem. He further stated they encourage these type of movements as part of the "Superstreet" design. The future US 64 Corridor Study shows US 64 switching to the superstreet configuration.

One other issue for planning staff was the US 64 Corridor Study and the location of a service road being proposed that bisected the site. Planning staff consulted with the applicant who then contacted the engineer at NCDOT overseeing that project, Mr. Dan Thomas. After meeting with him and reviewing the plans, Mr. Thomas sent an email stating there would be no problem with moving the service road to the eastern or western boundary areas of the property. The applicant also agreed and supplied a revised site plan showing the relocation of the service road, as well as moving the buildings an additional 25 feet from US 64 to make sure there would be ample access for the service road and still be able to meet other regulatory requirements.

Item #3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts thereof. One of the major recommendations noted in the Land Conservation and Development Plan (LCDP) is to guide development towards areas planned for urban and suburban development and away from areas with valued environmental or rural qualities. This project is adjacent to a lumber yard and concrete plant as well as nearby boat and RV storage facilities, mini-warehouse storage, and general office. This property does not have any special environmental features or historic value. All streams/creeks will be properly buffered as required by regulations.

Another goal is to encourage uses that require limited services from the county. The applicant states there is essentially zero demand on the school system and county and transportation infrastructure. The traffic to and from the storage facility are spread out during the day so the peak hours in the morning and afternoon are negligible. The boat

sales and repair generally will have peak hours on the weekends, not during regular peak rush hours. As of 2012, there were 17,000 cars per day on US 64 at this location. As growth continues, it is expected that business will also grow. The applicant has also been advised by NCDOT that they will be required to construct a deceleration lane on the east bound US 64 entering the site.

Overall, this project will not generate a continuous flow of traffic one would see with a retail establishment, office complex, or eating and drinking establishments.

Item #4: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment. The applicant has modified the site plan, made improvements to the site by buffering all required water features, moved structures further from the property to accommodate the future expansion of US 64, reduced the height of the freestanding signs proposed on the property, improved the landscaping, made access around the structures and storage for emergency vehicle access, and agreed to comply with all local, state, and federal regulations in constructing this project. The project is in a major transportation corridor where these types of uses are encouraged through the LCDP.

The project is allowed to be developed up to 36% impervious surface. The applicant is proposing approximately 28% total.

The Chatham County Public Utilities Department requires commercial projects that are within 2000 feet of an existing water line to tie into that line, the cost of which is paid by the applicant or landowner to cover. The applicant has agreed to extend the Chatham County Public Utilities water line approximately 720 feet from its current location which also requires a bore under US 64 in order to service this project.

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 8-2, recommends adoption of a resolution approving the following consistency statements:

The request to rezone Parcel Nos. 17890 and 17891, being approximately 45.69 acres, from R-1 Residential to CD- RB is consistent with the adopted land use plans and regulations of the County, and due to increasing population, increase in recreation at Jordan Lake, and recreation in general, citizens within the Triangle area are looking for safe, secure facilities to store their recreational vehicles, development is being guided towards areas planned for urban and suburban development and away from areas with valued environmental or rural

qualities, and the project is in a major transportation corridor where these types of uses are encouraged through the LCDP, therefore is approved as requested.

The Planning Board, by a vote of 8-1, recommends approval of the rezoning request and adoption of an Ordinance Amending the Zoning Ordinance to rezone parcel Nos. 17890 and 17891 from R-1 Residential to Conditional District Regional Business, located off US 64 E, being approximately 45.69 acres total for a three-story self-storage facility, boat and RV storage area, and boat, trailer and other utility vehicle sales and service facility with the following conditions.

Site Specific Conditions

1. The revised site plans 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.