



Chatham County Planning Board Agenda Notes

Date: March 4, 2014

Agenda Item: VIII. 2

Attachment #: 1-2

Subdivision

Conditional Use Permit

Rezoning Request

Other:

Subject:	Public hearing request by Walter Lewis dba The Extra Garage to rezone Parcel No. 74879 and 5131 totaling approximately 11.46 acres, located at 41 W H Jones, Rd., New Hill, from R-1 Residential to CD-NB for a boat and RV storage facility.
Action Requested:	See Recommendation
Attachments:	1. Application packet provided at the February 4, 2014 Planning Board meeting. 2. Letters of support

Introduction & Background

A legislative public hearing was held on February 17, 2014. Planning staff presented the request. Mr. Walt Lewis read two letters he had received in support of the application. No other persons spoke.

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, which is now required prior to submittal of an

application to the Planning Department, on December 19, 2013 at The Extra Garage II facility on Beaver Creek Road. A report of that meeting was included in the application packet and is subject to consideration by the Board. No changes to the plan were recommended.

The applicant met with the Chatham County Appearance Commission on January 22, 2014 as required for pre-submittal of the application. The CCAC approved the plan as submitted with the exception of replacing *Ligustrum Recurvifolia* with *Viburnum Awabuki* "Chindo". The applicant agreed to the change.

The Conditional Zoning Neighborhood Business (CD-NB) district does permit the use of the site as a boat and RV storage facility. The site plans submitted, along with recommendations from the CCAC, meet the standards as approved in the zoning ordinance.

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 error 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.

Mr. Lewis has stated in his application there remains a continued unmet need for "covered" recreational boat and RV storage facilities. Jordan Lake is a major recreational attraction for the county and surrounding areas. The applicant stated the appearance of this facility will be in same conformity with his other two locations. This facility is located within approximately 900 feet from the New Hope boat ramp. Customers will not be required to get onto Pea Ridge Road to utilize the facility.

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

Although the zoning of the area is residential, recreational opportunities are often a part of those districts. The Land Use and Development Plan encourages the support of tourism and recreational activities in the county. The applicant states by locating a facility as close to these recreational areas as possible aids in decreasing traffic and driving distances. He further states this use is not a traffic generator as it only serves traffic already going to the lake. The Plan also encourages maintaining the rural character of areas with supporting uses located up side roads if possible. The storage facility is all internal and the storage

cannot be seen from the roadway. The access will be off W H Jones Rd. which is off the main thoroughfare of Pea Ridge Rd.

The applicant states there are no plans to bring sewer to this area where the soils are already compromised. The uses are limited to those that would not require sewer or septic. This facility will not need either or water services.

There were a couple of issues raised at the Technical Review meeting (TRC) that the applicant has been asked to address. One is the access to the stormwater detention pond and the amount of impervious surface being proposed. Stormwater measures will be reviewed by the Environmental Quality Department and will review a revised plan showing the access to the pond. The property is located within a WSIV-Critical Area Watershed within the Jordan Lake Buffer rule area. The applicant is proposing 24% impervious surface which is the maximum allowed by ordinance. An as-built plan will be required at time of construction to ensure the 24% is not being exceeded. The applicant has been advised of this request and has agreed. This item has been conditioned below.

There is an outside storage area shown on the site plan for uncovered storage. The applicant states the access will be from within the facility. Planning staff has asked for a revised plan clearly marking the access area.

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

The facility will provide additional tax revenue to the county. The facility is a supporting use of the recreational activities in the county and does not damage the area rural attractiveness as could be seen with other commercial businesses that would have high volumes of traffic.

Recommendation

Planning staff recommends approval of the request. The Planning Board has up to three (3) meetings in which to make a recommendation to the Board of Commissioners. It is asked that a review of the conditions below be made at this time to be incorporated with the recommendation of the Planning Board.

Also, it is requested the Planning Board review and recommend the **Consistency Statement** as follows:

The request to rezone Parcel No. 74879 and Parcel No. 5131 from R-1 Residential to CD-NB is consistent with the adopted land use plans and regulations of the County, and therefore is approved as requested.

Site Specific Conditions

1. The recommendations of the Chatham County Appearance Commission shall be followed and amended as agreed. The applicant should ensure the maintenance and survival of all plantings which shall be installed at the next optimal planting

season following the issuance of the building permit.

2. The applicant shall provide an “as-built” plan detailing all impervious surfaces areas in compliance with the Watershed Protection Ordinance not exceeding 24%.

Standard Site Conditions

3. 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.
4. 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.
5. 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:

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