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Request by Dale & Mary Stansell to rezone approximately .328 acres out of the 4.81 acre tract of Parcel No. 5248, located at 1060 New Elam Church Rd., New Hill, from R-1 Residential to CD-NB for a boat and RV storage facility.

..ABSTRACT

Action Requested:

Request by Dale & Mary Stansell to rezone approximately .328 acres out of the 4.81 acre tract of Parcel No. 5248, located at 1060 New Elam Church Rd., New Hill, from R-1 Residential to CD-NB for a boat and RV storage facility.

Introduction & Background:

A legislative public hearing was held on this request February 17, 2014. Planning staff presented the application. No other persons spoke on the request.

The Planning Board met on their regularly scheduled meeting March 4, 2014 to review the request. There was minimal discussion and a unanimous vote for the Conditional District Rezoning and the Consistency Statement was made (9-0). The recommendations of approval with associated conditions are as presented 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, which is now required prior to submittal of an application to the Planning Department, on November 9, 2013 at the facility at 1060 New Elam Church Road. A report of that meeting was included in the application packet and is subject to consideration by the Board. Other than the two owners, there were four other residents that attended the meeting. The report states all those present were in support of the project.

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 with their recommendations as noted. The applicant agreed to their recommendations.

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.

The applicant states the tourism for Jordan and Harris Lakes is increasing creating more need for these type facilities. Also lending to the need of the facility are the restrictive covenants in many subdivisions that do not allow homeowners to park their boat or RV on their lot. The closeness to both lakes keeps road traffic down and less miles to travel for recreation.

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

The area surrounding the lakes consists of residential, recreation, picnic areas and camping. This property is in close proximity to those activities. The Land Conservation and Development Plan encourages the support of tourism and recreational areas. One aspect of that is to provide facilities in close proximity to such areas which in turns helps keep traffic off main roads. The Plan also encourages maintaining the rural character of the area when siting non-residential uses in residential areas. This facility will be screened in such a way as not to be visible from the residential component of the area. The facility will help encourage recreation, continue growth and business opportunities in the county per the applicant. There will be no water or septic needed for this site or

buildings. Mr. Stansell will be making application with NCDOT for a commercial driveway permit.

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

Per the applicant, this business will provide a needed service conveniently located between two major attractions being Jordan and Harris Lakes. Applicant states they will be able to operate in full compliance with all zoning ordinances and regulations.

During the staff technical review committee process, the Fire Marshal's office wanted to make sure there was a 20 foot wide access road into the commercial area as required by code. Mr. Stansell has measured his drive and states there is 20 feet of clearance and will be glad to add more gravel to meet the code. It was also discovered the existing lighting that has already been installed on the site will not comply with the county lighting regulations. Mr. Stansell stated he believes he can make shields for those lights that will bring them into compliance. If not, the lights will be required to be replaced with compliant fixtures.

Mr. Stansell has also been advised that on the currently adopted FEMA maps, the proposed storage lot is outside of any noted floodable areas. In January 2014, letters were mailed to landowners advising new maps were being drawn and they may need to verify whether or not their properties were going to be affected. It appears, once the new FEMA maps are adopted by the end of 2014, the majority of the storage lot will be located in a floodable area. Mr. Stansell has been advised although there is no enforcement that can be done at this time.

The property is located within a WSIV-PA Watershed where he can develop up to 36% impervious surface on the tract. The tract is approximately 4.81 acres in size and the storage facility lot is proposed to be .328 (14,320 sq ft including driveway) of area; well under the 36% allowance.

Recommendation:

The Planning Board, by unanimous vote, recommends adoption of a resolution approving the following consistency statement.

The request to rezone a portion of Parcel No. 5248 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.

It is also the Planning staff and Planning Board, by unanimous vote, recommendation to adopt an Ordinance Amending the Zoning Ordinance to rezone approximately .328 acres out of the 4.81 acre tract of Parcel No. 5248, located at 1060 New Elam Church Rd., New Hill, from R-1 Residential to CD-NB for a boat and RV storage facility with

conditions listed below. The applicant has agreed to all noted conditions on this approval.

Site Specific Conditions

1. The recommendations of the Chatham County Appearance Commission shall be followed and implemented by the end of the next optimal planting season following the issuance of this approval. It shall be the applicant's responsibility to ensure the survival and maintenance of all landscaping required. Inspections will be conducted as needed to ensure compliance is being met.

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 or a Certification of Compliance if not structures are being built, 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.