

## **..TITLE**

Request by Jason Rivenbark to rezone a portion of Parcel No. 83841, located on Pea Ridge Rd., being approximately 6 acres out of 11.49 from R1 Residential to CD-NB for an open boat and RV storage facility.

## **..ABSTRACT**

### **Action Requested:**

Request by Jason Rivenbark to rezone a portion of Parcel No. 83841, located on Pea Ridge Rd., being approximately 6 acres out of 11.49 from R1 Residential to CD-NB for an open boat and RV storage facility.

### **Introduction & Background:**

A legislative public hearing was held on March 17, 2014 on this request. The Planning Department presented the application for review to the Board. The applicant, Mr. Rivenbark was present and a neighboring property owner Michael Fox. Mr. Fox voiced concerns over not knowing the size of the proposed sign, whether or not it would be lit and security lighting for the storage lot area. No other concerns were addressed or discussed.

**The Planning Board met at their regularly scheduled meeting on April 1, 2014. There were some clarifying questions asked of staff from some Board members since the applicant was not present. First, had the applicant agreed to all the conditions noted below? Staff stated yes. Second, the sign was noted as "TBD". What did that mean? Planning staff stated it simply means the exact location had not been determined but the plans show a 35 sq. ft. cedar post sign with a barn style light on each side. This is smaller than is allowed in the Zoning Ordinance. Lastly, an inquiry on whether or not the gate would be locked. Staff stated it was assumed it would be since it is to be a fenced in area for security purposes. No other discussion or concerns were noted. See recommendation 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 and a report of that meeting was included in the application packet and is subject to consideration by the Board. Concerns noted in the report were the general layout, security, fence height, and screening. A revision to the general layout site plan was submitted to the Planning Department based on those discussions.

The applicant met with the Chatham County Appearance Commission on January 22, 2014 as required for pre-submittal of the application. The CCAC recommended approval of the plan as submitted with modifications as noted in the minutes of that meeting. The applicant agreed to the recommendations. The recommendations were as follows:

- The CCAC recommended that northern boundary line extending to Pea Ridge Rd be buffered by a 20ft wide area planted with a diverse variety of evergreen shrubs in a staggered fashion. The western boundary abutting the property line of Layton Stevens should be buffered in this same manner. The eastern boundary adjoining Scott Patten shows a proposed landscaping cluster of White Pines (*Pinus strobus*), which the CCAC recommended be replaced by Virginia Pine (*Pinus virginiana*).

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 in the application that given the continued growth of the region & housing models currently employed in neighboring communities such as east Apex, Holly Springs, Fuquay Varina (housing developments, multi-family housing, etc.), an increase in demand for storage facilities and locations for the storage of property is evident. Storage facilities/ boat and RV storage lots are located east of Jordan Lake, but significantly less are located south and west of the lake. The applicant proposes this

zoning amendment based on the location of this property being on a main artery (Pea Ridge Road) serving Jordan Lake, within 1.5 miles of the nearest boat launch, and less than five (5) miles to several campgrounds operated by the Corps of Engineers that will serve property owners from Raleigh to Sanford and locations between.

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

Currently, the property is undeveloped, outside of a driveway extending from Pea Ridge Road to the field, which is approximately 300 feet from Pea Ridge Road. The wooded areas on each side of this driveway are planned to remain as buffer, outside of widening of the drive itself. Work will occur within the confines of the existing field, leaving the remaining five (5) acres (eastern side) undeveloped. Although the geographical location of this property is primarily residential, many people, local and not, venture to Chatham County for recreation at the county's many water and camping areas. The applicant states It is their intent to follow The Land Conservation and Development Plan by providing a storage facility that is in close proximity to these recreational areas while working to maintain the residential appearance of the area. This site will remain primarily wooded in order to maintain the natural appearance.

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

The applicant states he plans to partner with local Chatham County businesses to provide avenues for required services such as winterization and minor maintenance to the recreational vehicles to help promote other small businesses in our area. The watershed classification for this property will allow 36% impervious surface where curb-and-gutter is not used for parking areas. The property size is 11.49 acres of which six (6) acres will be set aside for the commercial operation with only 1.3 acres being disturbed for the storage facility itself. The impervious surface will fall below this threshold with the current plan. A storm water retention area is marked on the preliminary drawings but will be further developed upon approval of this request.

**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. 83841 being approximately six (6) acres out of the 11.49 acre tract, 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.**

Planning staff and the Planning Board (by unanimous vote) recommends approval of the request and adoption of an Ordinance Amending the Zoning Ordinance to rezone a

portion of Parcel No. 83841 being approximately six (6) acres out of the 11.49 acre tract, from R-1 Residential to CD-NB with the conditions provided below.

**Site Specific Conditions**

1. The recommendations of the Chatham County Appearance Commission shall be followed as revised and agreed to by the applicant. 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 revised site plans along with the sign and lighting locations dated March 10, 2014 are to be the approved site plan for purposes of development of this property in connection with the conditional district rezoning request.

**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.