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A request by Jim Anderson and Warren Mitchell dba Meadows Land Investment, LLC, for a rezoning on Parcel No. 18727 located at 12330 US 15-501 N, from R-1 Residential to CD-RB Conditional District Regional Business, on approximately 3.677 acres, for a four-story (4-story) self-storage facility.

..ABSTRACT

Action Requested:

A request by Jim Anderson and Warren Mitchell dba Meadows Land Investment, LLC, for a rezoning on Parcel No. 18727 located at 12330 US 15-501 N, from R-1 Residential to CD-RB Conditional District Regional Business, on approximately 3.677 acres, for a four-story (4-story) self-storage facility.

Introduction & Background:

A quasi-judicial public hearing was held June 16, 2014. Planning staff presented the application and reviewed some concerns and comments from the submittal process that the applicant had addressed and/or corrected. Those items have been addressed below.

Mr. Warren Mitchell, applicant, spoke briefly and was available for questions. No one else spoke on the issue.

Until the development over the last 8-10 years, this portion of the US 15-501 N corridor was rural, residential lands. The subject property is now located between the UNC Park and Ride lot and the newly opened Wal-Mart. It has been used for and is currently zoned for residential use only. With the increase in non-residential uses in the area, the owner is now requesting a rezoning on this property.

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 a 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. Other than the applicants, there were no other adjacent or adjoining residents present. There were no concerns or issues discussed.

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 applicants state the adjacent properties to this location are currently non-residential. Due to recent changes in land uses in this area, they feel this parcel is now better suited for non-residential use. Growth in this portion of the county has increased with the approval of new subdivisions as well as in Orange County and is expected to continue. Based on the current growth, the applicant is proposing a full enclosed, climate controlled, four-story self-storage facility. There is no other facility like the one proposed in this area Chatham County.

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

Page 1 of the Land Conservation and Development Plan, further known as the "Plan" encourages guiding development towards areas planned for urban and suburban growth and away from areas with valued environmental or rural qualities. This property does not have any special environmental features, streams, or historic structures.

Page 25 of the Plan encourages guiding growth along the US 15-501 corridor between Orange County and Pittsboro where growth is expected. This location is located within that recommended area.

One of the goals of the Plan is to protect surface and groundwater resources. In order to increase the amount of usable square footage the applicant is seeking, the four-story

structure helps to protect these resources. Two buildings are being proposed; one 72,000 square feet and one 50,400 square feet. If these were to be located in single story units, there could possibly be 4 or more buildings. By constructing multi-story, there are only two roofs with runoff to capture. The applicant has designed a stormwater pond that meets or exceeds the Chatham County Stormwater Ordinance requirements and that permit will be reviewed for approval by Dan LaMontagne with Environmental Quality. The applicant also completed an Environmental Impact Assessment (EIA) which Mr. LaMontagne has reviewed and determined to meet the requirements of the ordinance.

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

The subject property is located on a major transportation corridor in an area that is expected to grow. The project will create one to two full time positions to man the office located on the first floor.

During initial reviews and discussions with staff and the Chatham County Appearance Commission, a concern over the height of the building lighting, signage, and a portion of the perimeter landscaping were made. The height of the wall mounted lights on the building was originally submitted at 30 feet. Due to the elevations and topography of the southern property line boundary that is adjacent to the residents in Arbor Lea, the concern was they would be able to see the bottom of the light distribution. Since wall packs are required to be full cutoff, this could pose an issue. After discussion, the applicant agreed to drop the lights to no more than 20 feet.

There was a concern regarding the height of the original proposed freestanding sign. The applicant offered a height of 18 feet which the CCAC accepted.

Because of the topography of the southern property line that adjoins two properties in the Arbor Lea subdivision, the CCAC asked if the applicant would consider thickening the landscaping in those areas with trees and shrubs that would grow much taller to aid in making sure they are not affected by the building lights and buildings themselves. The applicant agreed and the current landscaping plan reflects those changes as well. It was discussed that even though the adjacent properties, being the UNC Park and Ride lot and the Wal-Mart lot, retained a large naturally vegetated buffer, if those buffers are ever removed, the applicant may be required to supplement landscaping to maintain the integrity of this project. This is stated in the condition below.

The Planning Board discussed this item during their July 1, 2014 meeting and there was a general question about zoning adjacent to 15-501. One member had a concern regarding rezoning requests continuing along 15-501 resulting in a strip of non-residential development. Staff explained that the land use plan was

general in nature and did not include a land use plan map to identify specific areas for non-residential development. Further, the board needs to rely on the general descriptions in the text of the land use plan for guidance. The board also discussed exterior lighting and the applicant addressed the proposed lighting and how it is designed to limit light spillover onto adjoining properties. The Planning Board voted unanimously to recommend approval of the rezoning and voted 8-1 to approve a consistency statement in support of the text amendment.

Recommendation:

The Planning Board, by a vote of 8-1, recommends adoption of a resolution approving the following consistency statement:

The request to rezone Parcel No. 18727, in its entirety, from R-1, Residential to CD-RB, Conditional District Regional Business 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 Parcel No. 18727 from R-1, Residential to CD-RB, Conditional District Regional Business with the following conditions:

Site Specific Conditions

1. The recommendations of the Chatham County Appearance Commission shall be followed as revised and agreed to by the applicant. Should adjacent properties remove their existing vegetation, this project will be required to supplement the landscaping according to the Zoning Ordinance Landscaping Guidelines in order to ensure this project remains in compliance. 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.

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.