

## **..TITLE**

Vote on a request to approve a conditional district rezoning by Kevin Davis from R-1 Residential to Conditional District Neighborhood Business (CD-NB) on Parcel No.11441 being approximately 11.587 acres, located at 8169 Moncure Pittsboro Rd., Haw River Township specifically for a campground with accessory uses, boat and RV storage.

## **..ABSTRACT**

### **Action Requested:**

A conditional district rezoning by Kevin Davis from R-1 Residential to Conditional District Neighborhood Business (CD-NB) on Parcel No.11441 being approximately 11.587 acres, located at 8169 Moncure Pittsboro Rd., Haw River Township specifically for a campground with accessory uses, boat and RV storage.

### **Introduction & Background:**

A legislative public hearing was held on November 17, 2014. Planning staff presented the request and Chad Riggsbee, applicant's attorney, and Peter Bochenek, landscape architect, provided application details and additional renderings. No one else spoke on the issue. The item was referred to the Planning Board for review and recommendation.

**The Planning Board met at their regularly scheduled meeting on December 2, 2014. Results and/or comments from this meeting can be seen in BOLD 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 September 4, 2014 and a report of that meeting was included in the application packet and is subject to consideration by the Board. There were two concerns noted being the increase in traffic and parking along the Moncure Pittsboro Road. Mr. Davis stated the project would be phased with about 10 RV spaces available first and parking will be provided

on the property, as well as access to the site, so there will be no issue with roadside parking.

The applicant met with the Chatham County Appearance Commission on September 24, 2014. They recommended approval of the landscaping plan and suggested a few changes in plant material. A rendering of the proposed sign was not available or a rendering how the dumpsters would be screened. The applicant will provide a copy to planning staff who will forward those to the CCAC for review.

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. Due in part to the potential growth industrial uses in Moncure, as well as the increase in traveling, temporary workers at local jobsites and Jordan Lake Dam, the applicant finds this facility to meet a convenient, comfortable, and aesthetically pleasing contribution to the area for temporary housing. By allowing on-site boat and RV storage, travelers will be able to keep their recreational equipment near their lodging area, as well as be conveniently located to the lake's access areas keeping traffic off main roads as much as possible.

**Item #3:** The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts thereof. In relation to the Land Conservation and Development Plan (LCDP), the applicant states this project will make a prudent, conservative use of the land. No large scale clearing of trees, utilizing as much of the rural character in order to preserve it, and protection of the viewshed from the main traveled roadway, makes this an ideal development for the area. The project will strive to protect surface and ground water by installing a pond, utilizing the county water system, and implementing a septic system for use with the temporary lodging as well as the applicant's permanent residence to be phased in at a later date.

**Item #4:** All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment. The applicant anticipates the uses proposed for this property will help stimulate the local economy, specifically convenience stores and gas stations. He also plans to provide a small provisions store on-site specifically for RVs campers and boaters.

The applicant is proposing to construct an attractive landscape, water garden, and complementary signage that will further enhance the welcome feeling to the project. Lighting will be minimal and parking will be managed on-site.

This project can develop up to 36% impervious surface. Impervious surface includes rock, gravel, concrete, asphalt, and anything under roof. The proposed development is projected to develop 23.92% of impervious surface. This helps to better protect surface and groundwater for the area.

It is planning staff opinion all the standards of the ordinance can be made. **The Planning Board made a few minor changes to the conditions which are reflected in the recommendation. They voted to recommend approval of the request based on the information provided in the record to address the standards as outlined above. There was no other discussion or concerns.**

**Recommendation:**

The Planning Board, by unanimous vote (9-0), recommends adoption of a resolution approving the following Consistency Statement:

**The request to rezone Parcel No. 11441 being approximately 11.587 acres, from R-1 Residential to CD- NB is consistent with the adopted land use plans and regulations of the County by providing adequate information for the protection of ground and surface water, by the minimal amount of disturbance needed to develop the project, keeping impervious surface below the allowed percentage, further encouraging travel and tourism to the county; and therefore is recommended for approval as requested.**

The Planning Board, by unanimous vote (9-0), recommends approval of the rezoning request and adoption of an Ordinance Amending the Zoning Ordinance to rezone parcel No. 11441 from R-1, Residential, to CD-NB, Conditional District Neighborhood Business, with the following conditions:

**Site Specific Conditions**

1. The recommendations of the CCAC shall be followed as agreed upon. Required plantings shall be installed by the next optimal planting season prior to the completion of Phase One.

**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. Phase One for RV camp sites shall be completed 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.