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Vote on a request by Goldston Apex Properties dba Builder's First Source – to rezone approximately 4.19 acres to be added to the current development for three new storage structures and laydown yard from Residential District (R1) to Conditional District Light Industrial (CD-IL) and to reclassify the existing zoning of Conditional Use Light Industrial District (CU-IL) to Conditional District Light Industrial (CD-IL), including all or a portion of parcels 17893 and 73463.

..ABSTRACT

Action Requested:

Request by Goldston Apex Properties dba Builder's First Source – to rezone approximately 4.19 acres to be added to the current development for three new storage structures and laydown yard from Residential District (R1) to Conditional District Light Industrial (CD-IL) and to reclassify the existing zoning of Conditional Use Light Industrial District (CU-IL) to Conditional District Light Industrial (CD-IL), including all or a portion of parcels 17893 and 73463.

Introduction & Background:

A legislative public hearing was held on June 15, 2015. The Planning Department presented the request and provided an overview. Speaking on behalf of the applicant was Karen Calloway, PE, from Mack Gay Associates, owner, Jim Goldston, and one adjacent landowner Ms. Jean Fish. No other testimony was given.

Goldston Apex Properties first located in Chatham County in 1997 with the first approval for conditional use district and a conditional use permit issued July 22nd on the 46 acre parcel with conditions which can be viewed on the Planning Department website. The business has continued to operate and expand its services to meet the growing building construction industry.

There has been one revision to the CUP to install an ATM machine that required an additional three conditions: (1) Facility to have secure surveillance cameras; (2) An alarm system be installed and maintained; and (3) The top of the structure not exceed ten (10) feet.

No violations have been observed or noted on this property since opening. The narrative provided in the original packet was incomplete and a revised narrative is located on the website under supplemental material. A copy was also provided in the packet provided to the Planning Board.

The Planning Board met at their regularly scheduled meeting on July 7, 2015 to review the request. Their discussion and recommendation are shown in "BOLD".

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 March 11, 2015 and a report of that meeting was included in the application packet and is subject to consideration by the Board. No citizens attended and no concerns raised as a result of the proposal.

The applicant met with the Chatham County Appearance Commission on April 22, 2015. They recommended approval of the landscaping plan and suggested a few changes in plant material. Those minutes are available for viewing on the Planning website under this rezoning case. The landscape and site plan submitted with this application were incorrect. A revised plan was provided as an attachment when the packets were provided to the Planning Board and are under supplemental material on the website.

There are five standard 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 or in supplemental material 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. No errors in the ordinance are being claimed.

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 business has been successful and is need of an expansion. Their property adjacent to the current facility will afford them the opportunity to do so. Because the site is located on a portion of US 64 that is named in the US 64 Corridor Study for future expansion, the applicant has worked with NCDOT to provide one additional access. The site plan is also designed with all proposed buildings further back from the property line than is currently allowed

by ordinance to accommodate a future service road should NCDOT require additional area for expansion in the future.

The applicant is also proposing to offset the impervious surface allocation with a deed restriction on additional property located within the same watershed district allowing more of the project site to be developed. This provision was adopted by the Legislature several years ago and has been utilized for other projects in the county. The applicant plans to utilize this statute allowance by allocating a portion of Parcel No. 11172 to be known as Parcel No. 90450 which is approximately 30 acres in size. Environmental Quality Director, Dan LaMontagne, has reviewed the proposed allocation and the Watershed Review Board will review the request if the rezoning is approved. A deed restriction will be recorded perpetually binding the tract to the Builder's First Source project area. A revised impervious surface impact calculation is included as Attachment No 3.

An Environmental Impact Assessment was prepared for the project as required by the Zoning Ordinance and reviewed by the Environmental Review Advisory Committee (ERAC). The ERAC comments are provided on the website and the Environmental Quality Director also reviewed the information. All required buffers and setbacks have been or will be met.

Bev Wiggins, with the Chatham County Historical Society visited the site and provided comments on the residence and barns and those comments are included on the planning website. There is no further action that needs to be taken as far as registry of these structures. Although old, there was no significant historical feature that needed preserving. The residence and other materials have been given to another party and will be removed.

Item #3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof by encouraging the expansion and support of current business located within the county. The Land Conservation and Development Plan lists several goals and objectives to support the economy in the county. The expansion of this business will be sited between the existing facility and the newly approved multi-level self-storage facility, boat and RV storage, and a boat retail and repair business. Page 34 of the Plan describes this area as an Economic Development Center location.

The Plan further encourages protection of ground and surface waters. All wetlands, streams, and other water features that are required to be protected are shown on the site plans. The current pond on the property will be relocated further south so that the laydown yard area can be established. The current pond is also used for the businesses' fire protection. The relocated pond will need to be designed to meet or exceed the current fire protection needs. A condition has been provided to ensure that this is approved before any land disturbing activity can take place on the expansion site. This has been reviewed and accepted by Environmental Quality, Fire Marshal's Office, and the North Chatham Fire Department via correspondence with the Planning staff.

Currently county water is not available to this site.

Since this project was originally approved, the Chatham County Zoning Ordinance has been updated with a new conditional zoning district process. This request also converts the current conditional use light industrial zoning for Builder's First Source to the corresponding conditional district light industrial zoning classification. This creates a uniformity with the ordinance and allows the new project area to be fully incorporated into the overall site so that the regulations governing the district are equal across the project.

Item #4: The requested amendment is either essential or desirable for the public convenience or welfare by the continuance of an existing business that provides building materials to projects located in the county and surrounding areas. There are many newly approved projects within the county and adjoining ETJ areas of Pittsboro and Apex that may also be supported by the materials supplied by this company helping to keep sales tax revenue in Chatham County.

Item #5: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment include supporting the local economy by hiring new employees, increasing the tax base of additional land, and anticipated increase in sales tax from materials purchased.

Based on the supporting material, application details, and review of the five standards in the ordinance, the Planning Department finds the request be supported for approval.

The planning staff presented the findings and the Planning Board supported those finding and there was minimal discussion. The Planning Board voted unanimously to recommend approval of this request. They also voted unanimously to recommend approval of the consistency statement as written below.

Recommendation:

The Planning Board recommends, by unanimous vote (11-0), adoption of a resolution approving the following Consistency Statement:

The request to rezone 4.19 acres of Parcel No. 17893 and the portions of 73463 for Builder's First Source, from R-1 Residential and CU-IL to CD- IL 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, allocating Parcel No. 11172 for the offset of impervious surface to be deed protected from development, further encouraging the continuance of existing business; and therefore is recommended for approval as requested.

The Planning Board, by unanimous vote (11-0), recommends approving the rezoning request and adoption of an Ordinance Amending the Zoning Ordinance to rezone approximately 4.19 acres to be added to the current development for three new storage

structures and laydown yard from Residential District (R1) to Conditional District Light Industrial (CD-IL) and to reclassify the existing zoning of Conditional Use Light Industrial District (CU-IL) to Conditional District Light Industrial (CD-IL), including all or a portion of parcels 17893 and 73463, with the following conditions:

Site Specific Conditions

1. All conditions of the original and revised conditional use permit for this project shall remain in effect, except as modified by the application and conditions incorporated in this approval.
2. The recommendations of the CCAC shall be followed as agreed upon. Required plantings shall be installed by the next optimal planting season following the issuance of the first building permit.
3. No land disturbing activity may commence until the design plans for the new stormwater/fire protection pond has been reviewed and approved by Environmental Quality, Fire Marshal, and North Chatham Fire Department respective to their areas of concern.

Standard Site Conditions

4. 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.
5. 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.

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.