

# CONDITIONAL ZONING DISTRICT

## APPLICATION FOR CHANGE OF ZONING OF PROPERTY

Chatham County  
Planning Department

P. O. Box 54, 80-A East St, Pittsboro, NC 27312  
Telephone: (919) 542-8204 FAX: (919) 542-2698

### **Section A.** APPLICANT INFORMATION

NAME OF APPLICANT: Raleigh Industrial Partners, LLC (David Durham and Warren Mitchell)

MAILING ADDRESS OF APPLICANT: PO Box 58071, Raleigh NC, 27658

PHONE NUMBER/E-MAIL OF APPLICANT: 919-593-1916 warrendmitchellpe@gmail.com

PROPERTY OWNER INFORMATION (If different from the applicant): \*Owner Authorization Signature Required; See end of application.

Name(s) Warren Mitchell and David Durham

Address: P O Box 58071

Raleigh NC

ZIP 27658

Telephone: 919-593-1916

FAX: na

E-Mail Address: warrendmitchellpe@gmail.com

**PROPERTY INFORMATION:** The following information is required to provide the necessary information to process the rezoning request:

ADDRESS OF SUBJECT SITE: 13144 and 13146 US Hwy 64 E, Apex, NC 27523

CHATHAM COUNTY PROPERTY PARCEL NUMBER (AKPAR #): 17890, 17891

CURRENT ZONING DISTRICT/CLASSIFICATION(S): CD-RB

PROPOSED ZONING DISTRICT(S): ☐ CD-NB ☐ CD-CB ☐ CD-RB ☐ CD-O&I ☐ CD-IL ☐ CD-IH

TOTAL SITE ACRES/SQUARE FEET: 45.69 Acres / 1,990,256.40 sf

PROPOSED USE(S) AND PROPOSED CONDITIONS FOR THE SITE: (1) Self-storage facility / mini-warehouse storage facility with related retail and services (i.e. moving truck rental). (2) Boat, trailer and other utility vehicle sales and service. (3) Boat Storage Facility and (4) Recreational Vehicle Storage Facility.

It is important that the applicant provide information to explain how the rezoning request satisfies the following questions. All applications shall contain the following information. Please use attachments and/or additional sheets if necessary to fully explain and detail this project. If you feel any of the below standards do not apply to this application, mark with "N/A" and explain if necessary.

1. The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.

There is no error in the ordinance being remedied with the application of this rezoning proposal.

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.

No changes

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

We are asking for a 1-year time extension to the standard site condition #4 in the approval that requires "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". We offer a letter written to the County Commissioners as our justification for this request.

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

Please see the attached letter as our justification for this request for the time extension.

**STOP!**

**You must meet with the Chatham County Appearance Commission and hold the Community Meeting BEFORE you can submit the application to the Planning Department. Please check the boxes below once these meetings have been held:**

- |   |                           |
|---|---------------------------|
| <input type="checkbox"/> Chatham County Appearance Commission | Date of Meeting <u>NA</u> |
| <input type="checkbox"/> Held Community Meeting               | Date of Meeting <u>NA</u> |

## **Section B. SUBMITTAL INFORMATION AND PROCEDURE**

- (1) Sixteen (16) completed application packets and all supporting information shall be submitted to the Planning Department at least forty-five (45) days prior to the Public Hearing. **(PLEASE SEE ATTACHED CALENDAR FOR ALL SUBMITTAL AND DEADLINE DATES)** A digital copy of the application packet shall be submitted pursuant to the Planning Department Digital Document Submission Guidelines.
- (2) The Planning Department shall, before scheduling the public hearing, ensure that the application contains all the required information as specified in **Section 5 of the zoning ordinance**.
- (3) The Planning Department shall have fifteen (15) days from the date of submittal to notify the applicant that the application is complete for scheduling the public hearing.
  - a. If the Planning Department determines the information is not sufficient for review, the Department shall notify the applicant of the specific information that is required for review.
  - b. The Planning Department shall take no further action on the application until the applicant submits the required information.
  - c. Once the applicant corrects the identified deficiencies, the applicant shall resubmit to the Planning Department at least 45 days prior to the next Public Hearing meeting, and the Department shall have 15 days to review the information and notify the applicant that the information is sufficient for review.
  - d. A determination that an application contains sufficient information for review as provided in this subsection (b) does not limit the ability of other county agencies, the Planning Board or the Board of Commissioners to request additional information during the review process.
- (4) The application is reviewed by the Technical Review Committee prior to the Public Hearing for comments and recommendations from other agencies.

## **Section C. SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION and REQUIRED INFORMATION TO BE INCLUDED ON THE SITE PLAN**

**PLEASE INCLUDE ALL OF THE FOLLOWING (CHECK OFF).** Please check the list below carefully before you submit:

**NO CHANGES**

- (1) The application shall include a **site plan**, drawn to scale, with supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to the predetermined ordinance requirements, will govern the development and use of the property. The following information must be provided, if applicable:
  - ☐ a. Information showing the boundaries of the proposed property as follows:
    1. If the entire parcel will be zoned, a GIS or survey map and parcel number of the subject property.
    2. If only a portion of the parcel will be zoned, a boundary survey and vicinity map showing the property's total acreage, parcel number, current zoning classification(s) and the general location in relation to major streets, railroads, and/or waterways,
  - ☐ b. Legal Description of proposed conditional zoning district;
  - ☐ c. All existing and proposed easements, reservations, and rights-of-way;
  - ☐ d. Proposed number and general location of all building sites, their approximate location, and their approximate dimensions;

- ☐ e. Proposed use of all land and structures, including the number of residential units and the total square footage of any non-residential development;
- ☐ f. All yards, buffers, screening, and landscaping required by these regulations or proposed by the applicant; **(SECTION 12 LANDSCAPING & BUFFERING REQUIREMENTS)**
- ☐ g. All existing and proposed points of access to public and/or private streets;
- ☐ h. Stream buffers required through this or other Chatham County Ordinances or Regulations, and other Local, State, or Federal regulatory agencies. Delineation of areas within the regulatory floodplain as shown on the Official Flood Insurance Rate Maps for Chatham County;
- ☐ i. Proposed phasing, if any; **NO CHANGES**
- ☐ j. Generalized traffic, parking, and circulation plans; **(SECTION 14 OFF STREET PARKING)**
- ☐ k. Proposed provision of utilities;
- ☐ l. The location of known sites of historic or cultural significance within or adjacent to the project area, including any structure over 50 years old;
- ☐ m. The approximate location of any cemetery;
- ☐ n. Proposed number, location, and size of signs; **(SECTION 15 SIGN REGULATIONS)**
- ☐ o. Location and description of any proposed lighting on the project site with a note that any lighting will comply with Section 13; **(SECTION 13 LIGHTING STANDARDS)**
- ☐ p. The location of existing and/or proposed storm drainage patterns and facilities intended to serve the proposed development, and impervious surface calculations; and
- ☐ q. Environmental Impact Assessment pursuant to **Section 11.3** of the Zoning Ordinance, if applicable. If you are or will be disturbing two or more acres in connection with this application, you are required to submit an EIA with this application. Failure to do so will result in the delay of scheduling your request for public hearing or may be returned completely for re-submission.

**The above information is required to be shown on the site plan submitted with this application. If, for some reason, any of the required items above are not included on the site plan, reasons for excluding those requirements must be given.**

- (2) In the course of evaluating the proposed use, the Zoning Administrator, Planning Board, Chatham County Appearance Commission, or Board of Commissioners may request additional information from the applicant. This information may include, but not be limited to, the following:

- ☐ a. Proposed screening, buffers, and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;
- ☐ b. Existing and general proposed topography;
- ☐ c. Scale of buildings relative to abutting property;
- ☐ d. Height of structures;
- ☐ e. Exterior features of the proposed development;
- ☐ f. A traffic impact analysis of the proposed development prepared by a qualified professional. The traffic impact analysis shall follow the NCDOT TIA Analysis Guidelines, and shall also include consideration for non-motorized and public transportation;
- ☐ g. Any other information needed to demonstrate compliance with these regulations.

**NOTE: The Zoning Administrator has the authority to waive any application requirement where the type of use or scale of the proposal makes providing that information unnecessary or impractical.**

**SECTION D.****SIGNATURE STATEMENTS**

**OWNER'S SIGNATURE\*:** In filing this application, I/we as the property owner(s), hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I hereby designate \_\_\_\_\_ to act on my behalf regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to speak for me in any public meeting regarding this application.

Signature: Warren Mitchell  
Warren Mitchell

Date: 9-30-16

**APPLICANT SIGNATURE:** I hereby acknowledge that I am making this application on behalf of the above owner's statement or myself as the owner and that all the information presented in this application is accurate to the best of my knowledge, information, and belief. I acknowledge understanding of the requirements set out in this application and in the ordinances and/or guidelines used to determine the completeness of this submittal and to proceed as determined.

Signature: Warren Mitchell  
Warren Mitchell

Date: 9-30-16

**OFFICE USE ONLY:**

Date Application Received: \_\_\_\_\_

Received By: \_\_\_\_\_

Fee Paid: \$ \_\_\_\_\_

☐ Check No. \_\_\_\_\_ ☐ Cash ☐ Credit Card ☐ Money Order

Application No. PL 20 \_\_\_\_\_

September 30, 2016

Chatham County Commissioners  
P O Box 1809  
Pittsboro, NC 27312

Dear County Commissioners:

We are writing this letter to request more time to complete our project called Space Station on Highway 64. Our construction schedule has been affected by the rainfall that we experienced in 2015 and 2016. The rainfall average annual total is 43.35 inches at RDU (Raleigh Durham Airport). From the period of August 2015 to August 2016 we received 62.29 inches of rain according to the data published by WRAL.

The grading contractor began clearing the site in July 2015. They were able to clear about 10 acres and install the sediment basin from the end of July to the end of September. Beginning at the end of September, significant rainfall began and did not slow down until the spring of 2016. They were able to begin working again in April even though the rain continued. The clearing and grading started again in April but was delayed further from the continuous rainfall. During most summer months, rainfall tends to decrease. This past summer, there was measurable rainfall almost every week and July rainfall was considerable with several rainfall events dropping more than 3 inches in just an hour or two.

We are asking to have more time to complete our first Certificate of Occupancy. Even with the weather delays, we are still striving to get our first C.O. before November 17, 2016. The material for the storage buildings will be delivered on October 12. Building erection will occur in October and we hope to be finished with the first building in early November. We are asking for additional time to get our buildings completed because of the uncertainty of the weather this year. Thank you very much for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Warren Mitchell", written in a cursive style.

Warren Mitchell

Adjacent Landowners (property owners across a public or private road, easement, or waterway are considered adjacent landowners)

Legal notices are mailed to these owners, please type or write neatly.

- (1) GOLDSTON APEX PROPERTIES LLC  
11305 DERBY LANE  
RALEIGH, NC 27613
- (2) ANDREW CLARK and STALEY SMITH  
PO BOX 457  
APEX NC 27502
- (3) KATHY BOOTH STEWART  
114 PALACE GARDEN  
CARY NC 27518-9749
- (4) KATHRYN B STEWART  
404 WOODED LAKE DR  
APEX NC 27523
- (5) JOHN D AND MARY E MAGNIN  
2326 VIA VENETO DR  
PUNTA GORDA FL 33950-6334
- (6) MICHAEL KALEN BERKUT  
807 OLD MILL RD  
CHAPEL HILL NC 27514-3931
- (7) JOHN S AND ELIZABETH D GASIOROWSKI  
8216 HUMIE OLIVE ROAD  
APEX NC 27502
- (8) EMPIRE CONTRACTORS INC.  
P O BOX 162  
APEX, NC 27502
- (9) MARK G AND DONNA O ESPOSITO  
1057 OLIVES CHAPEL ROAD  
APEX, NC 27502