



THE LAW FIRM OF

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April 22, 2016

Angela Birchett, CZO
Zoning Administrator
Chatham County Planning Department
PO Box 54
Pittsboro, NC 27312

Re: Extra Garage Self Storage Center IV – Opposition to Application for Rezoning

Dear Ms. Birchett:

My name is Daniel B. Titsworth and I reside at 973 Beaver Creek Road, Apex, NC with my family. I am writing in opposition to the application of Walt Lewis of Extra Garage Self Storage IV to rezone parcel numbers 88772 and 17696 from R-1 Residential to a Conditional Zoning District CD-NB (Neighborhood Business) in order to accommodate a massive (95,332 square foot, 200 space, .36 mile long) boat and RV storage facility on parcel number 88772, 896 Beaver Creek Road.

**1. THE PROPOSED STORAGE FACILITY VIOLATES THE PLAIN
LANGUAGE OF THE ZONING ORDINANCE**

A decision to rezone the property at issue would be contrary to the intent and language of The Zoning Ordinance. The property at issue is currently zoned R1 Residential District, which is defined in The Zoning Ordinance as primarily for low to moderate density residential development within the residential-agricultural areas of the jurisdiction. The classification is appropriate for the area. The overwhelming majority of current uses of adjacent and neighboring property fall within this classification. In fact, County citizens and residents that own land and houses in this area relied on this classification when purchasing. Allowing the application would result in three storage facilities within a one mile stretch on Beaver Creek Road (the proposed facility stretching over 1/3 of a mile along Beaver Creek Road) and effectively end the areas classification as a residential district.

The application is seeking a Conditional Use Permit to rezone the property to CD-NB (Neighborhood Business) The Zoning Ordinance defines Neighborhood Business District as “meant to serve a small retail market, roughly equivalent to the trade area of a small (40,000

square foot) grocery store and limited ancillary services. **No building within this district shall exceed 40,000 square feet and the cumulative building square footage shall not exceed 160,000.**" (Page 3) The application before the Board calls for two buildings (really one separated only by a few feet) totaling 95,332 total square feet, or 47,666 square feet per building. The facility contains over two hundred (200) proposed enclosed storage sites and upon information and belief would be the largest enclosed boat and RV storage facility in the entire triangle area. The proposal clearly falls outside the definition of a Neighborhood Business District contained in The Zoning Ordinance in that such a large facility is not meant to serve a small retail market (the largest enclosed such storage in the Triangle area) and the square footage exceeds the maximum allowed.

2. THE PROPOSED FACILITY IS NOT COMPATABLE WITH NEIGHBORING PROPERTIES

In order for the Board to rezone the property at issue, Section 5.1 of The Zoning Ordinance allows the review process to provide accommodation of a proposed use by reclassification of property into a conditional zoning district, but any such reclassification **shall ensure compatibility of the use with neighboring properties**. There is no compatibility with such a massive storage facility to any of the neighboring properties. All of the neighboring properties, except for the property housing The Extra Garage Self Storage II, are residential properties that will be detrimentally impacted by allowing the rezoning. The boat and RV storage facility will not be used by any of the neighboring property owners or tenants, the additional traffic caused by such a facility and others in the scenic Beaver Creek Road area will negatively impact neighboring properties and tenants, as addressed below, and will undoubtedly plummet current property values. By adding such a large facility there will be in excess of three hundred fifty (350) storage spots within The Extra Garage Self Storage II, III and IV and The Land Hunter Storage, all of which have to use Beaver Creek Road to access Jordan Lake recreational areas. The increased traffic will be detrimental to neighboring properties and tenants in addition to the thousands of cyclist that ride on Beaver Creek Road on weekends during RV and boating seasons.

Expert property appraisers and residential real estate agents familiar with the area consulted by the undersigned have unanimously opined that neighboring residential property values will substantially decrease with such a proposed facility. Proof of those opinions were provided by Mrs. Elizabeth Fridley, 30 Tody Goodwin Road, Apex, NC 27502, at the public hearing on this matter. Mrs. Fridley and her husband live directly across Beaver Creek Road from The Extra Garage Self Storage II. The Fridleys purchased parcel number 89665 with the intent of selling their current home and building a new home on the 12 acres of parcel number 89665. Mrs. Fridley stated they put their current home on the market with a real estate agent and showed the home over forty (40) times. Upon information and belief, Mrs. Fridley indicated that thirty seven (37) or thirty eight (38) of those showings resulted in prospects declining to have an interest in the property due to The Extra Garage Self Storage II facility directly across Beaver Creek Road. Mrs. Fridley stated they were still unable to sell their home given the storage facility across the road was "lit up like a Christmas tree."

Common sense also tells us the property values of neighboring property owners will plummet. There is not a board member, or any other Chatham County resident, that would want to live directly across from, or anywhere near, such a monstrosity of a storage facility. Given that current property owners and residents relied on the R1 classification when purchasing or moving into the area and that classification is being eroded by allowing storage facility after storage facility up, down and near Beaver Creek Road, the application to rezone the proposed property should be denied.

3. THE APPLICANT FAILED TO MEET THE REQUIREMENTS OF SECTION 5.3 OF THE ZONING ORDINANCE.

First, the application does not address the alleged error in The Zoning Ordinance which would be remedied by the proposed amendment with detailed reasons how the proposed amendment would correct the same. **Section 5.3.A.1.** The application simply provides N/A. The Ordinance zoned the area as R1 Residential and that classification is appropriate for the area and neighboring properties.

Second, Section 5.3.A.2 requires identification of the changed or changing conditions, if any, of the area or the County generally, which make the proposed amendment reasonable necessary to the promotion of public health, safety and general welfare. The Application simply states that continued growth has created a need for covered boat and RV storage facilities particularly on the east side of Jordan Lake. The EIA provides if approved, “[c]ustomers from Raleigh, Apex, Cary, Holly Springs, etc. will no longer have to drive to the lake towing boats, campers and motor homes” (EIA pg. 2) These responses in no way address the promotion of public health, safety and general welfare of Chatham County residents. To the contrary, Chatham County residents in and around the area and cyclist would be detrimentally impacted by approval of such a facility due to decreased property values and increased traffic and safety concerns on Beaver Creek Road. The general welfare that would be promoted by such a facility would be the financial welfare of a Wake County property owner and businessman who already has three other such smaller facilities in Chatham County, and Wake County residents from Raleigh, Apex, Cary, Holly Springs, etc.

Third, Section 5.3.A.3 asks for the manner in which the proposed amendment will carry out the intent and purpose of the adopted plans or any part thereof. The applicant cannot justify the proposed amendment in light of the intent and purpose of the adopted plans for the Beaver Creek Road area being residential. Allowing such a storage facility would be absolutely contrary to existing plans and current zoning classifications for the area.

Fourth, Section 5.3.A.4 requires demonstration of how the requested amendment is either essential or desirable for the public convenience or welfare. The applicant simply states that such facilities increases public convenience and safety. It should be noted that any such public convenience would be to Wake County residents that use the facility. Further, safety concerns over increased traffic on Beaver Creek Road were not addressed. As stated above, with Extra Garage Self Storage Center II, III and IV and The Land Hunter Storage, there would be 350+ storage space customers all having to use Beaver Creek Road to reach Jordan Lake

recreational areas. That increase would undoubtedly result in a significant increase in traffic and pose safety concerns to Chatham County residents and the thousands of cyclist that travel Beaver Creek Road during boat and RV season. The road is not wide enough to accommodate cyclist and the oversized vehicles, boats, and RVs traveling to and from the multiple facilities on Beaver Creek Road. This will create an inherently dangerously condition for the thousands of cyclists, visitors to the Jordan Lake recreational areas and local Chatham County residents.

Fifth, Section 5.3.A.5 requests all other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. The applicant states the intended use is not a traffic generator in that it only serves traffic that is already at the lake. As stated above, the applicant does not address the increased traffic and safety concerns on Beaver Creek Road. The Board should require a comprehensive traffic analysis of the proposed facility pursuant to Section 5.3.B(3)(f) of The Zoning Ordinance prior to allowing such an amendment. The safety of Beaver Creek Road residents and cyclist demand such an analysis.

4. THE APPLICANT DID NOT MEET THE PROCEDURAL REQUIREMENTS FOR REZONING TO A CONDITIONAL ZONING DISTRICT

Section 5.7.A.(1) of The Zoning Ordinance provides the applicant is required to hold a community meeting prior to the application deadline. Mailed notice of the meeting is required to be provided to owners of abutting property and properties directly across the street. The applicant stated a community meeting was noticed on October 1, 2015 and held on October 19, 2015. The applicant provided a copy of a letter allegedly sent to all owners of abutting property and properties directly across the street from the proposed facility. I live directly across the street from the property at issue and I did not receive any notice of the community meeting. Mrs. Elizabeth Fridley stated to me at the public meeting that they did not receive notice. Finally, a family member of an owner of abutting property told the Board the public hearing was the first they had heard about the proposed amendment.

Based on the above and the lack of any evidence that notice was in fact mailed to required recipients, that applicant failed to properly notice and hold a community meeting as required by The Zoning Ordinance.

5. THE ENVIRONMENTAL IMPACT ANALYSIS (EIA) FOR THE PROPOSED FACILITY IS INADEQUATE

First, in addressing how this project fits into the larger plans or connects with adjacent properties, the EIA does not address traffic and cyclist safety on Beaver Creek Road. It addresses traffic safety concerns for residents from Raleigh, Apex, Cary, Holly Springs, etc., but not for Chatham County or Beaver Creek Road residents. It mentions the other three facilities owned and operated by the applicant but does not address that in excess of 350+ boat and RV storage spaces will have to travel Beaver Creek Road to access Jordan Lake recreational areas.

Second, the square footage of the two buildings is listed as 95,332 square feet. The facility really consists of one building separated by just a few feet for access. The 95, 332 square feet clearly violates the definition of Neighborhood Business District within The Zoning

Ordinance. Even if the Board finds that there are in fact two buildings, the 47,666 square feet for each building still violates the maximum allowable square footage.

Third, the EIA did not discuss or compare any reasonable development alternatives such as site selection, facility layout, or any other pertinent alternative considerations.

Fourth, the EIA does not adequately discuss how the proposed use fits into the intended land use of the area. The area is currently zoned as R1 Residential and the largest covered boat and RV storage facility in the entire Triangle area does not fit into that classification.

Fifth, the EIA alleges none of the provided lighting is expected to impact the adjacent residence. There was no testing performed. The current lighting configuration on the applicant's Extra Garage Self Storage Center II located on Beaver Creek Road at Tody Goodwin Road, can be seen for over one mile away. There is no possible way the lighting of a facility over four times as large with two entrances and signs will not impact the adjacent residence – my residence.

Sixth, the EIA does not address how the marine fuel will be stored, dispensed or contained. There are no references to spill prevention or the effects such a spill would have on Jordan Lake watershed abutting State Park land and Jordan Lake. Since Jordan Lake is a regional water source, a detailed analysis and research of possible spills and leaks and their impact on Jordan Lake should be a significant topic covered by the EIA.

CONCLUSION

Based on all identified failures, deficiencies, discrepancies and arguments made hereinabove, including consideration of the best interest of existing Chatham County residents, the Board should reject the applicant's proposal for reclassification of the Beaver Creek Road property at issue.

IN THE EVENT THE BOARD ALLOWS THE PROPOSED REZONING, THEY SHOULD REQUIRE REASONABLE AND APPROPRIATE CONDITIONS BE ATTACHED TO APPROVAL.

Pursuant to Section 5.5 of The Zoning Ordinance, any such condition should relate to the relationship of the proposed use to surrounding property. The applicant's current proposal calls for the storage buildings to be 70 feet from Beaver Creek Road, leaving a narrow strip of pine trees between the buildings and the property line, and two 12 foot lighted signs at each entrance. As such, the storage facility will be prominently displayed on Beaver Creek Road with only a few feet of pine trees as a buffer that will adversely impact the area both in terms of scenery and neighboring property values. To lessen that impact there should be at least three conditions attached to approval.

First, the storage buildings should be required to be built as far as possible on the western most property line abutting the State Park land. The applicant contends it would be more expensive to do so given the slope of the land. The Board should require such to make the monstrous facility less visible from Beaver Creek Road and surrounding properties. This

condition would make the facility more compatible with the area and would help with diminished property values.

Second and for the same reasons stated above, a condition should be imposed requiring the applicant plant a living screen or wall the length of the proposed buildings of such thickness and height to hide the storage facility as much as possible from Beaver Creek Road.

Finally, a condition should be imposed to not allow any lighted signs along Beaver Creek Road. The applicant's plans call for two 12 foot lighted signs near each entrance. There is no need for either of the proposed signs to be lighted. The signs are to be located at or near each entrance and the plans call for additional lighting at the entrances. The size and color of the proposed signs, combined with existing lighting at the entrances, will make the signs readily apparent from Beaver Creek Road. The current sign at Extra Garage Self Storage II on Beaver Creek Road, combined with existing lighting for the entrance and on the buildings, can be seen for over one mile away. By allowing the proposed lighted signs, Beaver Creek Road will be lit up from Ebenezer United Methodist Church to Tody Goodwin Road. Allowing such lighting will turn that stretch of Beaver Creek Road into a strip mall.

Thanking you for your time and consideration, I am

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel B. Titworth', with a stylized, cursive script.

Daniel B. Titworth

cc: Jason Sullivan, Director, Chatham County Planning Department