

## **..TITLE**

Vote on a request to approve the Golf Cart Guys, LLC to rezone Parcel No. 5258 being all of 6.74 acres located at 1213 Pea Ridge Road from R-1 Residential to CD-CB Conditional District Community Business for multiple uses. Uses area golf cart sales, service and rentals; boat, trailer, and other utility vehicle sales and service; and boat and RV storage.

## **..ABSTRACT**

### **Action Requested:**

A request by the Golf Cart Guys, LLC to rezone Parcel No. 5258 being all of 6.74 acres located at 1213 Pea Ridge Road from R-1 Residential to CD-CB Conditional District Community Business for multiple uses. Uses area golf cart sales, service and rentals; boat, trailer, and other utility vehicle sales and service; and boat and RV storage.

### **Introduction & Background:**

A legislative public hearing was held on this request March 7, 2016. Planning staff presented the application. The applicant and project engineer also spoke during the hearing to address questions by the Board. No one else spoke on the matter

This property is located on the southwest corner of the interchange of US 1 and Pea Ridge Road. The zoning of the property on the southern property line is heavy industrial and R-1, residential, and R-1 and R-5, residential, on the opposite side of Pea Ridge Road and US 1. There is also other industrial zoning in the vicinity of this project site. The property is also located in a River Corridor Special Area watershed district, which allows between 24% and 50% built upon area.

**The Planning Board met on the request April 5, 2016. Discussion included spill containment areas; water features on the tract and the utility crossing the stream noted on the property; the type of lighting for the signs and discussion about the types of soils found on the property and the suitability for the proposed use. No other discussion or concerns were noted.**

### **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 December 21, 2015 and a report of that meeting was included in the application packet and is subject to consideration by the Board. One adjacent landowner attended the meeting and one sent the applicant an email supporting his proposal. Neither expressed concerns but the one in attendance wanted to know about utilities and the proposed driveway location.

The applicant met with the Chatham County Appearance Commission on December 16, 2015. They recommended approval the landscaping plan and suggested a clearing line be shown on a revised plan so that it is evident what is to be disturbed and what may need supplementing with more plantings as discussed. Those minutes are available for viewing on the Planning website under this rezoning case.

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.

**It is Planning staff opinion this standard is supported as outlined in the zoning ordinance of Chatham County.**

**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.** Many municipalities, including Pittsboro in September 2015, have adopted golf cart ordinances allowing their use on municipal streets. The Golf Cart Guys would be the only company in Chatham County to make alterations adding safety features to be compliant for Pittsboro Police inspection. The Golf Cart Guys would also use the property for boat and RV storage. The site is located south of Jordan Lake on the "Pea Ridge Road /Jordan Lake" off ramp and is in close proximity to both Moncure Dam and New Hope Overlook boat ramps. The site is also close to Harris Lake. This would be a convenient location for boaters and campers in the surrounding areas. With neighborhood

Homeowners Associations becoming more prevalent and restrictive, these services are in demand.

**It is Planning staff opinion this standard is supported based on the standards outlined in the zoning ordinance of Chatham County.**

**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.**

Property in this area have been rezoned from residential to non-residential use and reverted back to residential over the years. The Land Conservation and Development Plan identifies the Moncure-Haywood area as having industrial potential due to the transportation and utility infrastructure. There are several commercial and industrial properties nearby, including 60 acres that was rezoned in 2015 (parcel# 5213) as Light Industrial and is being permitted for a truss manufacturing company (see Zoning Map for reference). Other nearby non-residential parcels are 68322, 5814, 78135, 65327. Being at the off ramp of Hwy US-1, the property is located adjacent to an optimal transportation route, and commercial zoning is suited for this property.

The Land Conservation and Development Plan also encourages the protection of ground and surface water. There is a stream that crosses the property that will be buffered as shown on the site plan. An Environmental Impact Assessment was completed and can be viewed from the Planning Department website. The applicant shifted his project site to the Pea Ridge Road side of the property to avoid impacts to the stream. The applicant does anticipate having to cross the water feature with a utility connection for the septic system. There is a wetland also documented on the site which lies within the 100 foot stream buffer area.

To further protect ground water resources, the property is located within the River Corridor Special Area (RCSA). Per the Watershed Protection Ordinance, without curb and gutter the project can develop 36% of the property in impervious surface or 50% impervious surface with a special non-residential intensity allocation. The proposed impervious surface for this project is 17.88%.

**It is Planning staff opinion this standard is supported based on the recommendations outlined in the land development plan of Chatham County.**

**Item #4: The requested amendment is either essential or desirable for the public convenience or welfare.** This project will bring a small business and needed revenue to the county in the form of higher property taxes and sales tax. There will be approximately 4-6 employees at this site, which is strategically located just a few miles from Wake County and Lee County lines; again,

increasing the revenues coming into Chatham since they service all areas. A majority of the property fronts Hwy US-1 to the north, Pea Ridge Road to the east, and heavy industrial (ST Wooten Corporation) to the south. This property is not well suited for residential development due to noise from the highway and neighboring industrial uses.

**It is Planning staff opinion this standard is supported based on the information provided.**

**Item #5: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment include** installing a fire hydrant at the entrance into the property at the request of the Chatham County Fire Marshal's office. The property will utilize the county public water system and obtain a commercial driveway permit from NCDOT.

There are two signs proposed for the site. One monument sign, seven feet in height with ground lighting (75 sq. ft.) at the entrance on Pea Ridge Road and one freestanding 150 sq. ft. sign, 30 feet tall at the west end of the property facing US 1 with solar LED top mounted lighting shining down onto sign. The Chatham County Appearance Commission recommended approval of the signage as part of the landscaping plan.

Parking lot lighting is proposed to be six (6) pole lights that will comply with the lighting regulations of the zoning ordinance of Chatham County.

**It is Planning staff opinion this standard is supported based on the information provided.**

**It is planning staff opinion based on all standards being supported that the request be recommended for approval.**

**Recommendation:**

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

**It is the opinion of the Planning Board that the rezoning request for Parcel No. 5258, being approximately 6.74 acres, is consistent with the goals and objectives of the Land Use Plans of Chatham County by reinforcing that the Moncure-Haywood area is shown as a designated Economic Development Center, specifically for its commercial potential along with access to transportation and infrastructure.**

The Planning Board, by unanimous vote (9-0), recommends approving the rezoning and adoption of an Ordinance Amending the Zoning Ordinance to rezone parcel 5258 from R-1, Residential to CD-CB, Conditional District Community Business, with the following conditions:

**Site Specific Conditions**

1. The recommendations of the Chatham County Appearance Commission shall be followed as recommended. Required plantings shall be installed by the next optimal planting season following the issuance of the first building permit.
2. Properly permitting spill containment measures as required by NCDEQ and any local ordinance or regulation shall be implemented.
3. A building permit shall be obtained and remain valid at all times within two (2) years of this approval or it shall become null and void.

**Standard Site Conditions**

4. The application, standards and adopted regulations of the applicable ordinances and policies, and the stated conditions of approval shall be complied with by the applicant. 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.