



Chatham County Planning Board Agenda Notes

Date: May 3, 2016

Agenda Item: VIII. 4

Attachment #: 1

☐ **Subdivision** ☐ **Conditional Use Permit** ☒ **Rezoning Request**
☐ **Other:**

Subject:	Request by Walt Lewis for The Extra Garage Self Storage Center IV, to consist of two structures for enclosed building storage facility for dry boat storage and RV storage, located off Beaver Creek Road, parcel #'s 88772 and 17696.
Action Requested:	See Recommendation
Attachments:	1. GIS Map

Introduction & Background:

A legislative public hearing was held on March 21, 2016 for this item. Planning staff provided an overview of the application and the applicant provided a more detailed explanation. There were four citizens who spoke in opposition to the proposal with concerns about need, lighting, traffic and decreased property values.

Both properties are currently zoned R-1 Residential and are located within the WSIV-Critical Area watershed which limits impervious surface area to a maximum of 24%. Parcel No. 17696 is to be deed restricted as undevelopable area in order to offset the impervious surface limit on Parcel 88772 where the facility is proposed to be located. This is allowed per NCGS 143-214.5(d2) for Water Supply Watershed regulations.

This area of the county has limited soils suitable for septic systems, which makes it more desirable for development of uses such as the one proposed. However, the proposed use must meet all the standards as discussed 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 met the pre-submittal requirements and therefore was permitted to submit the proposed application request.

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 and no errors 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 applicant states in the supporting application that the property has been on the market for at least four years. He stated this was mostly in part to lack of suitable soils for a septic system for a build a home or other business. The applicant also stated at the public hearing he received no opposition four years ago when he built another facility which is three parcels south from this proposed facility and is also at capacity. He also stated the property was marketed as potential boat and RV storage due to its proximity to Jordan Lake and access to boat launches and campgrounds.

The applicant states due to growth in the areas outside of Chatham County, there continues to be a need for these types of facilities in close proximity to areas that promote tourism and travel; in this case Jordan Lake.

Planning staff has received emails and letters from several citizens, two of whom are adjacent landowners, stating the use is not needed when there are other facilities that have been approved and not yet built (these letters can be viewed on the Planning Department's website). This would include Beaver Creek Storage (under construction) on Beaver Creek Road and Space Station Storage (under construction) on US 64 East. There are approximately six other boat and RV storage facilities within five miles of this location. Two of facilities are owned by the applicant and he has indicated that both are all at capacity.

The applicant also states that having storage facilities close to the lake keeps traffic off the main thoroughfares and reduces risks of traffic related problems. From this facility, patrons could make a left turn out of the facility and then left onto Poplar Point Rd. This would keep some of the boat and RV traffic south of the area that would, in his opinion, have more congestion coming from US 64. When leaving the park area patrons would take a right turn onto Beaver Creek Road and another right turn into the storage facility thus keeping traffic in the opposite direction of the bulk of traffic leaving the lake at this location. However, citizens were still concerned about the increase in traffic from boat owners queuing to make the left turn into Poplar Point after leaving this facility.

It is the opinion of Planning staff the application does not support the standard of need and desirability for additional storage in this area and therefore the standard has not been met.

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 businesses located within the county. The applicant proposes that the use supports the Land Conservation and Development Plan by locating facilities within the travel and tourism areas such as Jordan Lake. Further support comes by locating these facilities up side roads off major thoroughfares. The current Plan is at best subjective to what supports which types of uses in certain areas of the county especially since there is no map designating official areas for residential and non-residential development. This area has been historically zoned residential and agricultural, which was done in part to protect our water resources. This project can utilize up to 24% built upon area. With the total acreage of 20.55, that means 4.9 acres total can be developed with impervious surface. The tract where the facility is being proposed is 16.55 acres where he could develop 3.97 acres but is utilizing the general statute provision for density transfers to cover an additional approximately one acre to maximum the available building footprint.

It is the opinion of Planning staff this standard may be met by the supporting documentation in the application submittal as it relates to the Land Conservation and Development Plan.

Item #4: The requested amendment is either essential or desirable for the public convenience or welfare by reducing traffic on major roadways and by locating accessory boat and RV storage in close proximity to Jordan Lake, which supports convenience and safety. Those opposing the use stated it was not desirable for the area as there are currently other similar uses within just a few miles of this proposed location. Those in opposition also do not believe this to be essential for the area stating reduced land values as a concern, increased light pollution, and increased traffic congestion stemming from the high peak season activities associated with the recreational facilities at Jordan Lake. A letter from a NC Licensed Real Estate Broker was provided stating that the existing boat storage facility at the intersection of Tody Goodwin and Beaver Creek Roads had negatively impacted the sale of a home at that intersection.

There was also concern over the fueling station being proposed on site. Per the Fire Marshal's office, these types of fueling stations are permitted through their department and must be installed to meet state requirements for installation and containment should there be any spills or leaks. If approved, they are inspected based on a schedule outlined by the NC Department of Insurance. The Land and Water Resources Director has reviewed the proposed fuel storage tank within the WSIV-Critical Area watershed.

There are currently at least two other facilities under construction for this same type of use and one proposing expansion of an existing facility. There are approximately six other facilities of varying sizes within five miles of this site. A gis map has also been provided showing the zoning of the surrounding area. As indicated on the map, the existing non-residential uses are clustered at or near the intersection of Beaver Creek Road and US 64 and one non-residential rezoning at the intersection of Tody Goodwin and Beaver Creek Roads. The proposed rezoning would span approximately .34 miles along Beaver Creek Road with approximately ¼ mile of building façade within 68 feet of the Beaver Creek Road right-of-way. It is staff opinion this rezoning would have a destabilizing effect on the residential uses in the surrounding area.

It is the opinion of Planning staff this standard has not been met due to the already existing approved facilities not yet completed and disruption to neighboring residentially zoned properties. The need for the facility also appears to be driven by

boat and RV owners outside of Chatham County and therefore is considered non-essential for this area.

Item #5: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment include proposing a use that the applicant deems is not a traffic generator, which may be true when compared to a retail or office type use. Traffic would be limited to four trips in and out of the facility which could be up to 1600 in a day if all slots were full and everyone came to the site on the same day. This is very unlikely to happen so it could be expected to see approximately 400 in a day during peak season.

The actual storage area is internal to the buildings. No storage would be seen from the outside. Access would be by coded gate.

The use does not require the installation or use of county water or other such public facilities and there are no plans for the county to provide sewer service in this portion of the County.

Lights and noise from the facility and headlights were a concern of the adjacent landowners. The use generates limited noise and lighting will be installed on the interior of the structures. The proposal does include internally illuminated signage that will be visible along Beaver Creek Road. Most activity will take place during daylight hours which decreases the amount of disturbances from headlights leaving the facility.

The applicant conducted an Environmental Impact Assessment which was reviewed by the Environmental Review Advisory Commission. No issues were raised with the facility or the accessory fueling station to be installed on the site. The only items noted were adding a notation about areas that will not be disturbed to the site plan and including a comment a fuel storage being above ground with a containment wall.

It is the opinion of Planning staff this standard may be met with the supporting information in the application submittal and due to no complaints being received from any other facility in the county about these uses.

It is the opinion of the Planning staff this request be recommended for denial for reasons of not supporting all the standards as required by the Chatham County Zoning Ordinance Conditional District Rezoning standards.

Recommendation:

The Planning Board has up to three (3) more meetings in which to provide a recommendation to the Board of Commissioners. **It is Planning staff opinion the use for a boat and RV storage facility is not supported. Should your recommendation be in support of the proposal, the conditions provided below are requested to be reviewed and also recommended for approval at this time.**

Should your recommendation be in support of the rezoning request, the following **Consistency Statement** is also provided for consideration:

It is the opinion of the Planning Board that the rezoning request for Parcel Nos. 88772 and 17696, being approximately 20.55 acres collectively, located at 896 Beaver Creek Road is consistent with the goals and objectives of the Land Use Plans of Chatham County by supporting a mix of development that encourages and supports growth in designated tourism and travel areas and extends up side roads off main highways and thoroughfares as encouraged.

Should your recommendation be for approval, the following conditions are provided for your consideration:

Site Specific Conditions

1. The recommendations of the CCAC shall be followed and required plantings shall be installed by the next optimal planting season following the approval of the request. Additional plantings or other screenings shall also be installed to fill in any areas between adjoining properties where the existing vegetation does not provide coverage for a Type A opaque buffer. Existing vegetation around the perimeter of the property for the facility should remain undisturbed as much as possible in order to reduce risk of runoff, erosion, and aide in meeting the screening requirements as directed in the Zoning Ordinance.
2. A Certificate of Occupancy for the boat and RV storage facility use shall be issued within two (2) years of this approval or it shall become null and void.

Standard Site Conditions

3. 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. 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.
4. 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:

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.