



## **Chatham County Planning Board Agenda Notes**

**Date:** September 6, 2016

**Agenda Item:** VII. 1

**Attachment #:** None

- ☐ **Subdivision**      ☐ **Conditional Use Permit**      ☐ **Rezoning Request**  
☐ **Other:**
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<b>Subject:</b>	A quasi-judicial request from Robert Kapp for a Conditional Use Permit revision at American Self Storage located at 30 Mt. Gilead Church Rd., Parcel No. 17454, to remove three existing structures currently used for boat and RV storage to be replaced with two bi-level, climate controlled self-storage mini storage units.
<b>Action Requested:</b>	See Recommendation
<b>Attachments:</b>	None

### **Introduction & Background:**

A quasi-judicial hearing was held on August 15, 2016 on the request for a conditional use permit (CUP) revision. Planning staff provided an overview and discussed the proposed changes to the site. Planning staff also noted the applicant had met with the Chatham County Appearance Commission (CCAC) and they had recommended approval of the revised site plan. The applicant also held a community meeting which was not required with a CUP revision. There were four landowner's who attended and one issue was noted. The applicant will work with one adjacent owner on an existing drainage issue to resolve a lingering problem with the current facility.

The applicant, Mr. Robert Kapp, and his representative, Mr. Taylor Blakely, spoke to the Board. Mr. Kapp touched on a couple of the changes stating the current chain link fence would be removed and is to be replaced with a new wrought iron fence and the landscaping will be improved based on the approval of the CCAC.

### **Discussion & Analysis:**

The property that is the subject of this revision is located on the northeast corner of Mt. Gilead Church Rd. and US 64, which is a 4-lane highway. The property is zoned Conditional Use Light Industrial (CU-IND L) with a conditional use permit for mini-storage facilities and boat and recreational vehicle storage, which was approved in 1995. The property to the east (parcel 69237), to the west (parcel 66862) on the opposite side of Mt. Gilead Church Road, and on to the south (parcel 17461) on the opposite side of US 64 are zoned B-1, Business. The properties to the north and diagonally across US 64 are

zoned R-1, Residential. The property is also located in the WS-IV Protected Area watershed within the Jordan Lake drainage. This request is to remove three existing structures currently used for boat and RV storage to be replaced with two bi-level, climate controlled self-storage mini storage units

In reviewing and considering approval of a Conditional Use Permit revision, the Board shall find that all of the following stated Findings of Facts shall be supported. Per the Zoning Ordinance “In considering an application for a conditional use permit the Board of Commissioners shall give due regard that the purpose and intent of this Ordinance shall be served, public safety and welfare secured and substantial justice done. If the Board of Commissioners should find, after public hearing, the proposed conditional use permit should not be granted, such proposed permit shall be denied.” This applies to revisions to existing CUPs as well. The findings are as follows:

**Finding 1 – The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.** The additional use of a self-storage, mini warehouse storage, is an allowed use in the Light Industrial zoning district. This property is currently zoned CU-Light Industrial which was approved in 1995 for boat and RV storage and a communications tower site.

**Finding 2 – The requested conditional use permit or revision to the existing permit is either essential or desirable for the public convenience or welfare.** The application states that two storage sheds will be removed to accommodate the construction of the two new bi-level, climate controlled self mini storage buildings. There are actually three structures to be removed. The applicant states they have had an increase in requests from customers to provide this type of storage on the property. They believe it will benefit not only their current customers, but allow expansion of that customer base by providing another type of storage on the property.

**Finding 3 – The requested permit or revision to the existing permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.** The applicant has proposed an increase in landscape plantings, new fencing, and uniformity with the current buildings on the site in order to improve the overall appearance of the site.

The current driveway is on Mt Gilead Church Road and approved by NCDOT. No changes are needed for this additional use.

Also noted is no increase in noise or pole lighting. Lighting will be placed on the buildings above the doors that meet the lighting regulations. A new sign is proposed on the US 64 side and will meet the signage requirements and limitations of the Zoning ordinance.

**Finding 4 – The requested permit will be or remain consistent with the objectives of the Land conservation and Development Plan.** The Plan encourages the continuation of existing business or industry. Because this is a replacement of types of structures, there will be no net change or increase in impervious surface. This site was allowed to

exceed the maximum amount of impervious surface on the site, which is 36%, because impervious surface pre-dated the implementation of watershed regulations in 1994. The property currently is at approximately 85% and cannot increase.

**Finding 5 – Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County’s plans, policies, and regulations.** All utilities, access roads, storm drainage, and other services will continue. A new septic field has been identified at the western boundary of the site for the restroom to be provided for the office of the new structures. A new well is also proposed to be added to serve the restroom. County water is not available to this site.

**It is the opinion of the Planning Department all five findings are met or will be met through the permitting process and therefore the request is recommended for approval.**

**Recommendation:**

The Planning Board has up to three meetings in which to make a recommendation for approval or denial to the Board of Commissioners. Should your recommendation be for approval, the following conditions are provided for consideration:

**Site Specific Conditions**

1. All previously approved conditions shall remain in effect, except as modified by this application.
2. The landscaping plan shall be implemented at the first optimal planting season when building construction begins and shall follow the approved plan reviewed by the CCAC.

**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 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.
4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, Environmental Health Division, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department 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 conditional listed above.
7. Non-Severability – If any of the above conditions is held to be invalid, this approval in it's 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.