



# Chatham County, NC

## Legislation Details (With Text)

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**Title:** Vote on a request by George Farrell for a rezoning on approximately .13 acres on Parcel No. 70347 from R1, Residential, to CD-CB, Conditional District Community Business, to add a 5,500 sq. ft. self-storage building to the property located at 354 McGhee Rd.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. More Information from Planning Department Website

| Date       | Ver. | Action By              | Action   | Result |
|------------|------|------------------------|----------|--------|
| 11/21/2016 | 2    | Board of Commissioners | adopted  | Pass   |
| 11/21/2016 | 2    | Board of Commissioners | adopted  | Pass   |
| 9/19/2016  | 1    | Board of Commissioners | referred |        |

Vote on a request by George Farrell for a rezoning on approximately .13 acres on Parcel No. 70347 from R1, Residential, to CD-CB, Conditional District Community Business, to add a 5,500 sq. ft. self-storage building to the property located at 354 McGhee Rd.

**Action Requested:**

Request by George Farrell for a rezoning on approximately .13 acres on Parcel No. 70347 from R1, Residential, to CD-CB, Conditional District Community Business, to add a 5,500 sq. ft. self-storage building to the property located at 354 McGhee Rd.

**Introduction & Background:**

A legislative public hearing was held on September 19 2016. Planning staff presented the request and no one spoke on the request. There were questions from the Commissioners related to BUA (built upon area) and parking that are addressed below.

This parcel has a single family dwelling and has been the residence for the applicant for many years and the property is surrounded by land owned by another family member. In 2012, the applicant received approval for Conditional Use Neighborhood Business (CD-NB) with a Conditional Use Permit for a boat and RV storage facility on the front portion the surrounding property identified as Parcel No. 74986. The remaining property in this area is zoned R1, Residential. This request is centered between the existing CD-NB zoned areas on the existing driveway through the project and is also the access to the dwelling. A new driveway is being proposed to access the residence.

Planning Board review is in **BOLD**

**The Planning Board met October 4, 2016. There were questions to clarify that impervious surface limits would continue to be met and how the calculations were made. The board also**

**discussed why this request was for conditional district community business when the adjoining property was zoned conditional district neighborhood business. Staff explained that the self-storage component was not allowed within the neighborhood business district, so the applicant was limited to the community business district for the proposed use. There was discussion that storage for boats and RV's was no different than self-storage and that a text amendment may be needed in the future to address this inconsistency. There was also discussion that the proposed use is located within the WS-IV Critical Area watershed that drains to Jordan Lake.**

#### **Discussion & Analysis:**

The property under consideration for rezoning is currently zoned R-1, Residential and the uses allowed are primarily residential with a minimum lot size of one dwelling unit per 40,000 square feet. The requested zoning of Conditional District - Community Business is "similar to the Neighborhood Business District, but at a slightly larger scale, roughly equivalent to a 80,000 square foot grocery store and ancillary services. No building within this district shall exceed 80,000 square feet and the cumulative building square footage shall not exceed 320,000 square feet."

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 July 10, 2016. Two adjacent landowners attended and the only concern noted was the need to replace any dead trees that exist within the current landscaping.

The applicant met with the Chatham County Appearance Commission (CCAC) on June 22, 2016. The CCAC recommended plantings around the perimeter of the new structure even though the adjacent landowners were related to the applicant. Plantings along the western boundary of the property was also requested. The applicant stated he had already started planting Magnolias in that area and agreed to extend those along the remaining length of the boundary. Other planting recommendations were agreeable to the applicant and are noted in the CCAC minutes which are available on the Planning Department website.

**There was also a question from the Planning Board about one of the proposed landscaping plants, wax leaf ligustrum, being invasive and should not be used. The applicant agreed not to include it and would replace it with another more suitable species.**

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. The applicant states he is in need of more storage space to service existing customers and future boat and RV storage customers. The applicant stated customers are requesting to have a self-storage unit in order to keep fishing gear, boating equipment, camping equipment, and other recreational accessories in a secure location and not on the boat or in the RV. The applicants states his current facilities stay 90% to 100% full and owners in need of more space live in Governor's Club properties, Westfall, The Preserve at Jordan Lake and other developments.

This property is located in an area that is primarily zoned R-1, Residential, with Conditional Use Neighborhood Business (CU-NB) located on either side of the proposed area for rezoning. The CU-NB property is approved for boat and RV storage. The applicant is requesting CD-CB zoning instead of CD-NB for this rezoning because self-storage is not allowed in the CD-NB district.

It is planning staff opinion this standard is supported based on the applicant's existing need as stated in the application and expansion of an existing business.

**One planning board member did not support this finding as being met citing this is not needed by the public.**

*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. The Land Conservation and Development Plan encourages the continuation of existing businesses. At times those businesses need to modify their services to meet the demands of their customers, which is part of the justification for the request. This property is also approximately .3 miles from the intersection of McGhee Road and Farrington Point Road, which is considered a crossroads commercial node. The intersection has a convenience store owned and operated by the applicant and provides fishing, camping, boating, recreational accessories, as well as fuel and groceries .

This facility is located approximately 1 ½ miles from the Farrington boat ramp which is a draw for tourism to the county and to this area in particular. The applicant can provide all the basic needs of visitors to the lake, and the storage facility will provide an additional service to customers who store their boats and RVs at the existing storage facility.

It is planning staff opinion this standard is supported by the continuation and expansion of existing businesses as encouraged by the Plan. The Plan also includes that "tourism is established as an important component of the County's economy." Economic centers by definition include crossroads commercial centers and extension up side roads in order to maintain connectivity to the uses, which in turn reduces traffic off main thoroughfares for recreational uses.

*Item #4:* The requested amendment is either essential or desirable for the public convenience or welfare. The applicant states when the original approval for the adjacent boat and RV storage facility was approved in May 2012, the site was 85% full in just a few months and has maintained 85% to 100% occupancy. Current and future customers are requesting more spaces and self-storage for their personal goods. The new facility would also provide a few additional covered spaces that the adjacent site is lacking that are being requested by customers.

It is Planning staff opinion this standard is supported based on the application materials indicating that the applicant receives on-going requests from current and future customers for these services. By providing additional spaces and self-storage, the applicant may hold his current client base and have room to expand to a few more customers.

*Item #5:* All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment include that the site is restricted to 24% built upon area. This property is located within the WSIV-Critical Area watershed and Jordan Lake drainage and the property is 1.73 acres in size. Although the property currently has a dwelling, the site is being evaluated under the built upon area calculation because of the proposed mix of residential and non-residential uses. Brian Burkhart, Environmental Quality Director, has also reviewed the request with Julie Ventaloro with the Water Supply Watershed Program under NCDEQ and agree that the built upon area calculation should be used for the site plan. All existing and proposed impervious surface has been calculated on the parcel and does not exceed the 24% maximum allowed.

Because the applicant will be removing the access driveway to his residence with the placement of the new structure, a new residential driveway has been proposed. This will require an easement agreement from the adjacent landowner. A new address for the residence will also be needed per the E911 Addressing office.

**Recommendation:**

**The Planning Board, by a vote of 7-2, recommends adoption of a resolution approving the following consistency statement to the Board of Commissioners.**

It is the opinion of the Planning Board that the rezoning request for Parcel No. 70347, being approximately 1.73 acres, is consistent with the goals and objectives of the Land Use Plans of Chatham County by supporting the continuation of existing business, encouraging the continued support for tourism, and protecting ground and surface waters with no more than 24%.

Vote on a request to approve by George Farrell for a rezoning on approximately .13 acres on Parcel No. 70347 from R1, Residential, to CD-CB, Conditional District Community Business, to add a 5,500 sq. ft. self-storage building to the property located at 354 McGhee Rd.

**The Planning Board, by a vote of 7-2, recommends adoption of an ordinance amending the zoning ordinance to rezone approximately .13 acres of parcel no. 70347 (354 McGhee Rd.) from R1, Residential, to CD-CB, Conditional District Community Business, to add a 5,500 sq.**

**ft. self-storage building with the following conditions:**

**Site Specific Conditions**

1. The recommendations of the Chatham County Appearance Commission shall be followed, with the exception as noted by the Planning Board above. Required plantings shall be installed by the next optimal planting season following the issuance of the first building permit.
2. 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**

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 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.