



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 20-3404      **Version:** 2

**Type:** Resolution      **Status:** Passed

**File created:** 1/31/2020      **In control:** Planning

**On agenda:** 4/20/2020      **Final action:** 4/20/2020

**Title:** Vote on a request to approve a legislative request by Paul Brewer for a conditional district rezoning from R-1 Residential to CD-CB, Conditional District Community Business, for an indoor/outdoor storage facility, Parcel No. 60167 being 38.4 of 48.8 acres, located off Jordan Dam Rd, Haw River Township.

**Sponsors:**

**Indexes:** Comp Plan Goal 4: Diversify the tax base and generate more high-quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting.

**Code sections:**

**Attachments:** 1. More information on the Planning department website.

Date	Ver.	Action By	Action	Result
4/20/2020	2	Board of Commissioners	adopted	Pass
4/20/2020	2	Board of Commissioners	adopted	Pass
2/17/2020	1	Board of Commissioners	referred	

Vote on a request to approve a legislative request by Paul Brewer for a conditional district rezoning from R-1 Residential to CD-CB, Conditional District Community Business, for an indoor/outdoor storage facility, Parcel No. 60167 being 38.4 of 48.8 acres, located off Jordan Dam Rd, Haw River Township.

**Action Requested:**

Vote on a request to approve a legislative request by Paul Brewer for a conditional district rezoning from R-1 Residential to CD-CB, Conditional District Community Business, for an indoor/outdoor storage facility, Parcel No. 60167 being 38.4 of 48.8 acres, located off Jordan Dam Rd, Haw River Township.

**Introduction & Background:**

A legislative public hearing was held on February 17, 2019. Planning staff presented the rezoning request and the applicant Paul Brewer and David Orringer presented to the Board. No one signed up to speak. The Planning Board reviewed the request during their March 3, 2020 meeting.

**Discussion & Analysis:**

Conditional Zoning districts are districts in which the development and use of the property is subject to predetermined ordinance standards and 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 was previously before the Planning Board for this same property on December 3, 2019 seeking a general use light industrial rezoning. Based on the discussion held, the applicant decided to withdraw the application and reapply for a conditional district rezoning reasons being to offer a site plan for review, meet with the Chatham County Appearance Commission, hold a community meeting, and incorporate some conditions that would better satisfy concerns that were raised by the Planning Board.

The property is currently zoned R-1, Residential, the property to the south of US 1 is a permitted Non-conforming Mobile Home Park, properties to the west are zoned General Use B-1, Business, and General Use NB, Neighborhood Business, and the property to the north and east is zoned R-1 Residential. Currently, the properties zoned NB are undeveloped, but are proposed to be an ABC store and convenience store. The property zoned B-1 is a RV park.

A community meeting was held on December 29, 2019 and there were no other attendees apart from the applicants.

A meeting with the Chatham County Appearance Commission (CCAC) was held on December 18, 2019. The overall plan was accepted with the following modifications being agreed to by the applicant:

- Redbuds to replace Crape Myrtles
- Wax Myrtle to replace variegated privet
- The buffers will be augmented if needed to comply with buffer requirements. The plan indicates all new plantings.
- There will be a sign on the Building No 4 facing the road
- There will be a pole sign on the Moncure Pittsboro Rd

Bev Wiggins with the Chatham County Historical Association did not see any areas of concern for this property.

At the public hearing, Commissioner Hales inquired about the number of entrances, in which Mr. Brewer stated they could possibly use one entrance. However, Mr. Brewer later stated that crossing the wetlands would be too difficult which would not allow the option of only one entrance. She also asked about the open storage on the northern part of the property and if boats would be stored there. Mr. Brewer stated that the clients will be able to store their items where they pay for storage.

Commissioner Howard asked about lighting and the applicants replied that it would meet county requirements.

Commissioner Dasher questioned if the buffer along Jordan Dam Rd was to remain undisturbed. The applicants stated that per the Army Corps requirements that each tree taken down would need to be

monetarily compensated. The applicants plan to take down the least amount of trees as possible. Because of the topography and vegetation, it is proposed that passerby will not see the facility from Jordan Dam Rd.

Commissioner Crawford asked where the closest boat ramp is, which is Poe Ramp and is roughly 1 mile from this proposed facility. He then made the comment that anytime boat storage is closer to ramps creates less traffic.

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.** The applicant is claiming no errors in the Ordinance.

**It is planning staff opinion this finding is met.**

**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.**

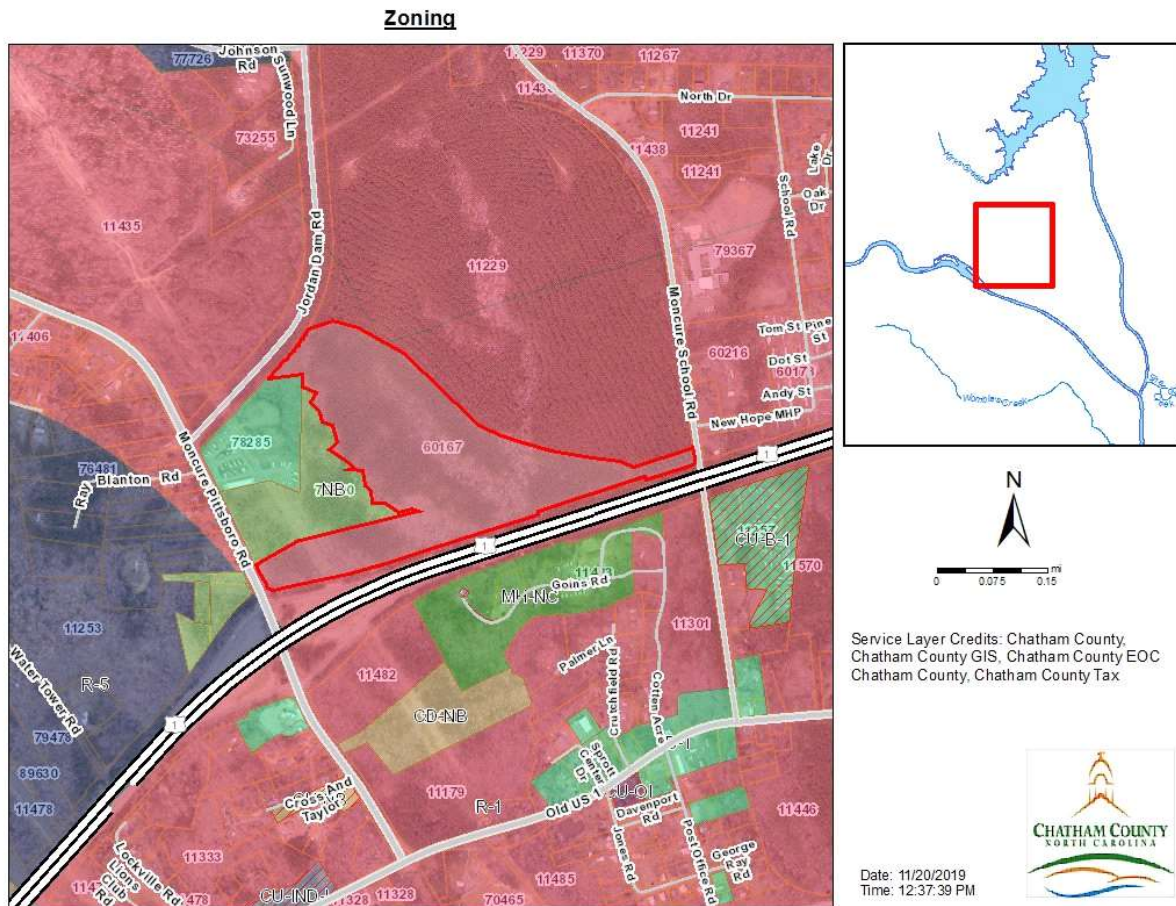
The applicant states they are promoting public health by reducing fuel emissions and public safety with shorter trips to Poe Ridge Boat Ramp, located approximately one mile from this property. Traffic counts per NCDOT on Highway 1 is 30,000+ cars per day and 2,700+ cars on Moncure Pittsboro Rd and growing.

The applicants are also keeping their development under the 36% built upon area. Because of Army Corp requirements, the applicant will be required to pay for each tree taken down/removed. The applicant states they will keep the most amount of trees as possible.

There are surrounding non-residentially zoned properties adjacent to the project area. Of the 48.8 acres, the applicant has applied to rezone 38.4 acres. The remaining 10.4 acres will remain residential which is the area closet to the residential area to the north.

**It is planning staff opinion this finding is met.**

The following map shows the current zoning and the areas surrounding the parcel.



**Item #3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.**

The property is partially located in a Village Center node on the comprehensive land use plan. A mix of uses include retail, restaurants, services, and office uses. The remainder of the property is located within a compact residential area.

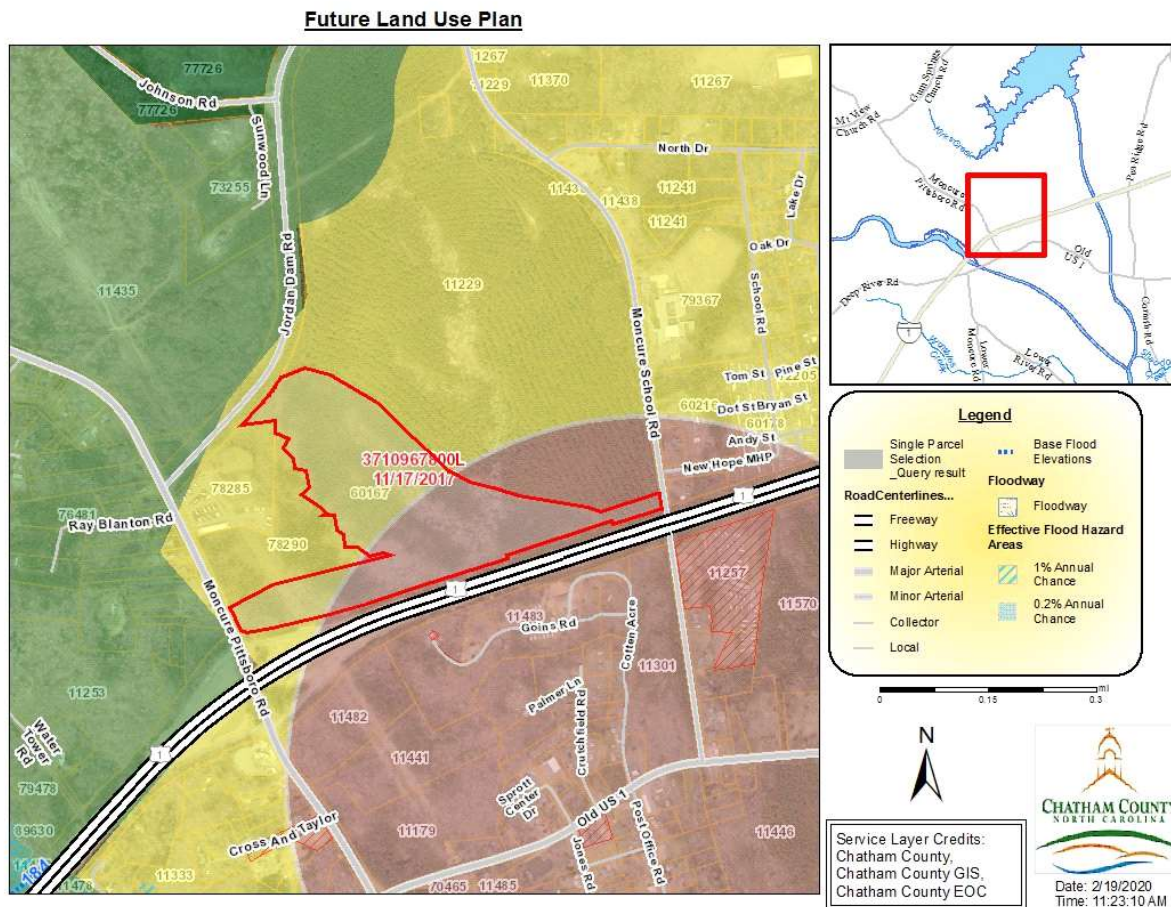
The applicant pulls multiple references from the comprehensive plan to address justification for development in a village center. These references are Page 55, strategy 2.1, “encourage small-scale retail development, service, office, “flex” space, and other small business development by designating Village Centers and Crossroads Communities at appropriate locations across the county”. Page 61, “...development should occur within and near established and planned centers of activity”. Page 63 strategy 2.3, “allow areas designated as Village Centers...to be developed for residential, commercial, and some light industrial purposes if appropriately designed to be in keeping



with historic development patterns". Page 67, "Commercial and mixed use development should be sited along major highways at key intersections".

It is planning staff opinion this finding is met.

The following map shows the Future Land Use Plan map.



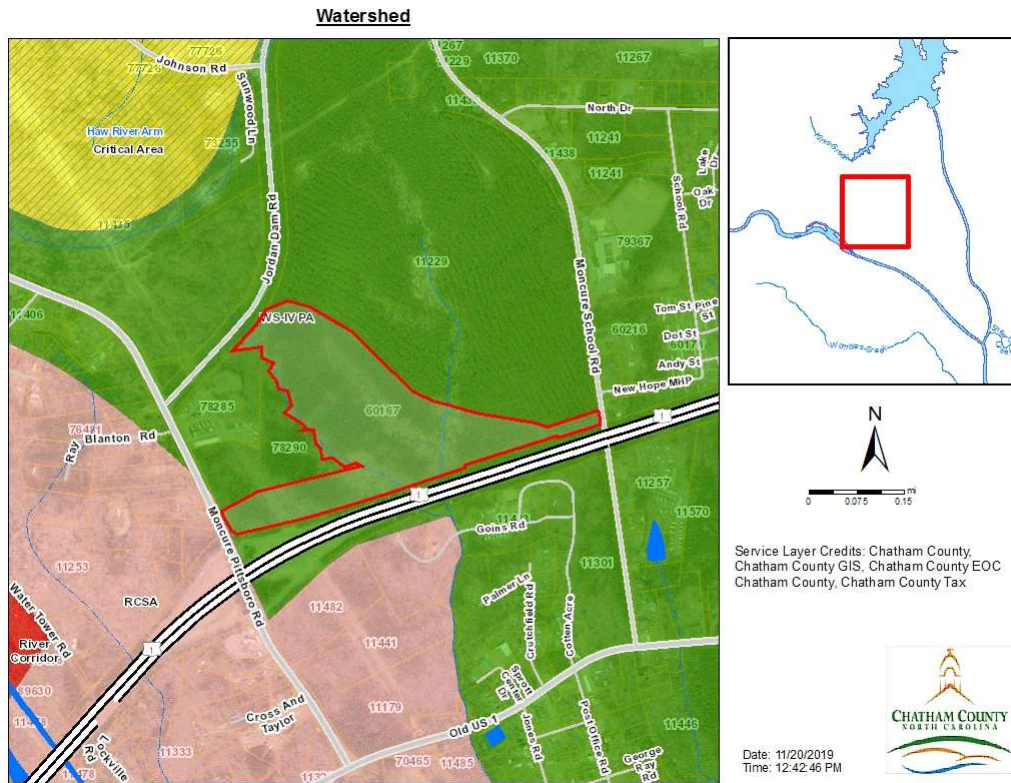
**Item #4: The requested amendment is either essential or desirable for the public convenience or welfare.**

The applicant cites references from the comprehensive plan on pages 32 and 57. The policies combined are to support entrepreneurship and new businesses to diversify the local economy and capitalize on the unique assets of Chatham County; one of the assets being the home to Jordan Lake State Recreation Area and three rivers that provide recreational and tourism opportunities.

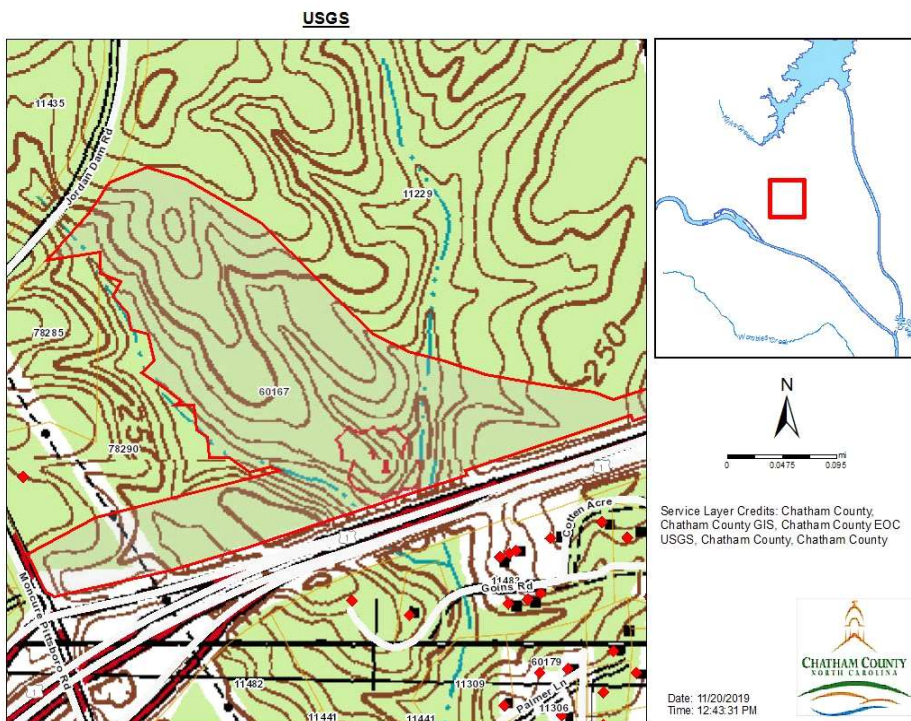
Providing a storage facility that is located roughly 1 mile from the closest boat ramp will reduce fuel emissions of larger vehicles pulling trailers/boats/RV's from long distances. With this project also having mini-storage/self-storage, this gives flexibility for other residents and small businesses storing their belongings here.

It is planning staff opinion this finding has been met.

The following map shows the watershed classification.



The following map is the USGS map showing the potential blueline streams on the property.



**Item #5: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment include**

The applicant states that by purchasing and developing this property as proposed will increase the tax value significantly and help produce more property tax for Chatham County through land, building, and personal property value stored on site.

Because Chatham County is home to Jordan Lake and three rivers, the new storage facility will complement these recreational opportunities.

Currently, the applicant's storage facility that is operating in Wake county is full and has a waiting list. The facility will be a nice, clean, secure storage facility.

Finally, the applicant states they will meet 6 goals located on page 40 of the Comprehensive Land Use Plan as follows:

- 1) Preserve the rural character and lifestyle of Chatham County; through building setbacks, light, and noise sensitivity
- 2) Preserve, protect, and enable agriculture and forestry; keeping the development below the 36% maximum built upon area
- 3) Promote a compact growth pattern by developing in and near existing towns, communities, and in designated, well planned, walkable mixed use centers; the proposed development is within a Village Center node
- 4) Diversify the tax base and generate more quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting; tax benefits to the county
- 5) Conserve natural resources; boat and RV storage reduce emissions by reducing mileage
- 6) Provide recreational opportunities and access to open space; making boating and camping easier.

**It is planning staff opinion this finding has been met.**

**Planning staff recommends approval of the rezoning request based on all five standards can be met.**

The Planning Board reviewed the rezoning application during their March 3, 2020 meeting and discussion included what the current demand for storage is in that part of the county and what would occur with the balance of the property that was on the west side of the water feature. The applicant advised that there is increasing demand, that their existing facility in Wake County was full within six months of opening, new neighborhoods are becoming more restrictive about boat and RV storage. They also commented that the portion of the property on the west side of the creek would be difficult to develop and is needed to meet the built upon area off-set. Planning Board members also discussed that they weren't in favor of the prior general use rezoning and the applicant met their request for a conditional district rezoning.

**How does this relate to the Comprehensive Plan:**

Goal 4. Diversify the tax base and generate more quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting.

**Recommendation:**

The Planning Board by unanimous vote (8-0) and planning staff recommends adoption of a an



ordinance amending the Zoning Ordinance approving a request by Paul Brewer for a conditional district rezoning from R-1 Residential to CD-CB, Conditional District Community Business, for an indoor/outdoor storage facility, Parcel No. 60167 being 38.4 of 48.8 acres, located off Jordan Dam Rd, Haw River Township with the following conditions:

**Site Specific Conditions**

1. The recommendations from the Chatham County Appearance Commission (CCAC) shall be followed as stated in the minutes and as shown on the submitted site plan or revised site plan as required that reflects the adopted design guidelines. The planning staff and CCAC may conduct routine inspections of the property to ensure compliance with the landscaping requirements.
2. A building permit shall be obtained and remain valid at all times within two years of the date of this approval or this approval becomes null and void.
3. Buildings/Structures will be one story and will not exceed 20 foot in height.
4. No electronic message center signage is permitted.

**Standard Site Conditions**

5. 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.
6. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Watershed Protection Division, 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:**

7. 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.
8. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditional listed above.
9. Non-Severability - If any of the above conditions is held to be invalid, this approval in it's entirety shall be void.
10. 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.

The Planning Board by unanimous vote (8-0) recommends adoption of a resolution approving the following consistency statement:

**The request to rezone Parcel No. 60167, 38.4 acres of the total 48.8 acres, from R-1, Residential to CD-CB Conditional District Community Business for indoor/outdoor storage facility and complies with the Chatham County comprehensive plan, Plan Chatham. The comprehensive plan includes supporting the expansion of small and medium businesses within Village Center nodes.**