



# Chatham County, NC

## Legislation Text

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**File #:** 19-3295, **Version:** 2

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Vote on a request by Paul Brewer for a conditional district rezoning from R-1 Residential to CD-CB for indoor/outdoor storage facility, Parcel No. 80765 being 15.52 acres and Parcel No. 5421 being 1.4 acres for a total of 16.92 acres, located off Dickens Road, Cape Fear Township.

### **Action Requested:**

Vote on a request by Paul Brewer for a conditional district rezoning from R-1 Residential to CD-CB for indoor/outdoor storage facility, Parcel No. 80765 being 15.52 acres and Parcel No. 5421 being 1.4 acres for a total of 16.92 acres, located off Dickens Road, Cape Fear Township.

### **Introduction & Background:**

A legislative public hearing was held on November 18, 2019. Planning staff presented the rezoning request and the applicant Paul Brewer also presented to the Board. Graham White signed up to speak, and David Orringer (business partner of Paul Brewer) was available to answer questions as well.

### **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.

Both parcels are zoned R-1 Residential and are vacant. All surrounding properties are residential, with a place of worship on the south east side of HWY 42. There are four dwellings located on adjacent properties.

A community meeting was held on September 26, 2019 and 8 people attended. The attendees had questions about traffic, access, hours, light, and impervious limits. The community report is included in the application packet and no changes were made to the site plan based on the meeting.

A meeting with the Chatham County Appearance Commission (CCAC) was held on September 25, 2019. There was one shortcoming in the tree planting plans which required specification of which species would be in the wet and dry areas. The members were assured that the plans would be amended to reflect this. The size of the signage was agreed that the maximum would be 150 square feet as allowed by the Zoning Ordinance.

Commissioner Crawford inquired about if there would be any waste water tanks to service RV's. Mr. Brewer stated this is just a storage facility, not a RV park, so there would not be any. Commissioner Hales asked if this would be a manned site. Mr. Brewer stated it wouldn't be initially, but they do have employees go to their current sites several days each week. Mr. Brewer also mentioned that the developed part of the property would be mainly gravel, but some pavement may be required.

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 Board and 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 that traffic counts by this site are increasing. They propose that they will be taking approximately 20 boat trailers per day off Chatham County main roads and from driving longer distances to the boat ramp. This will help make NC HWY 42 a safer route.

During the hearing Mr. Graham White, a landowner roughly 1,000 feet from the site, stated there were concerns about the speed limit. He wanted to be assured steps would be taken to make sure travelers on the road would abide by this 35 MPH speed limit in order to avoid possible accidents at the intersection of Dickens Rd and NC HWY 42. After the hearing, planning staff contacted the NCDOT District office service Chatham Count about the concerns raised during the hearing. Jennifer Britt, PE, Assistant District Supervisor, District 8, Division 1, replied with the following:

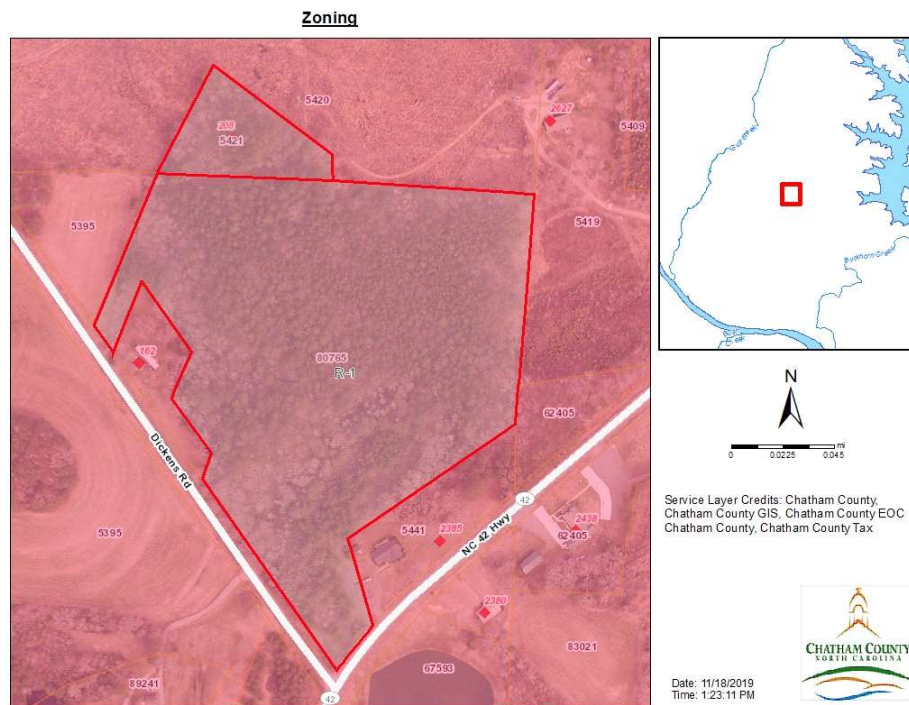
“Thank you for bringing the public's concerns over the safety of NC 42 at SR 1918 Dickens Rd to NCDOT. If the new development warrants improvements to NCDOT roadways, those improvements would be addressed in the Driveway permit review process. For a complete review of any needed safety improvements for this site, we will need a driveway permit submittal. Since we have not received the driveway permit yet for this site, the District can conduct a preliminary review of the site and will consider the request for flashing and non-flashing beacons and any other needed

improvements based on the attached site plan.

The site plan looks like it is of a first phase of this development. If this is true, we would like the opportunity to comment on the entire phasing plans at full build-out to capture the complete picture if possible.”

**It is Planning Board and planning staff opinion this standard can be met.**

*The following map shows the current zoning of property in the area of the rezoning request.*

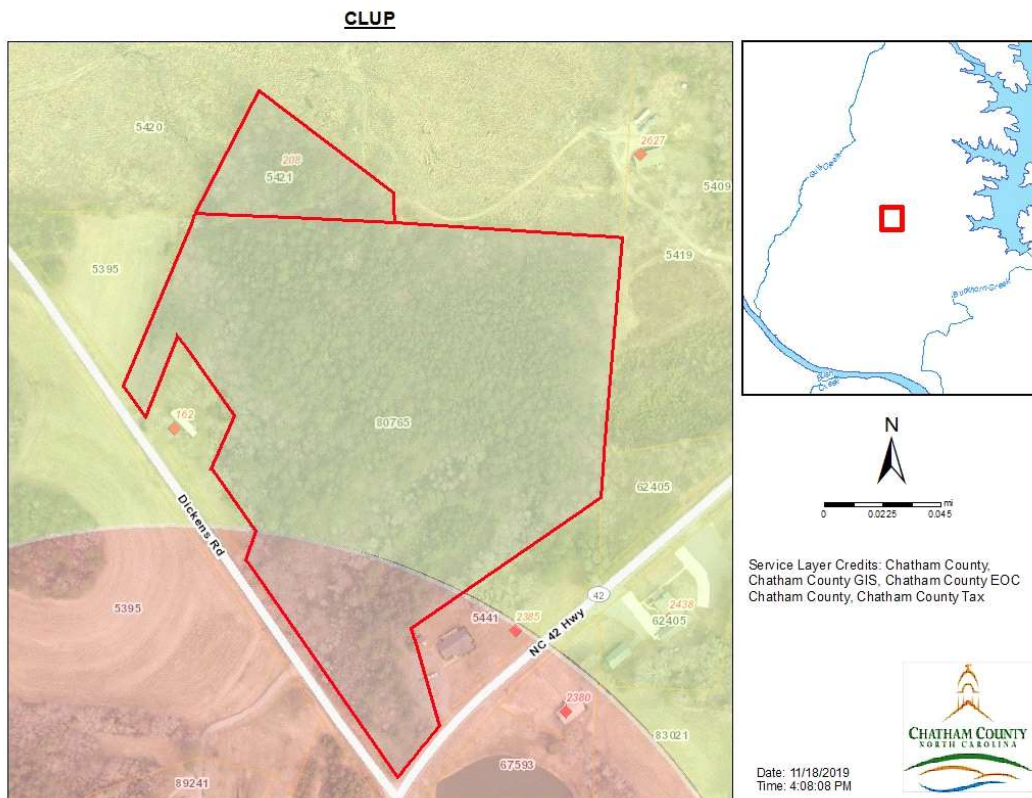


**Item #3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.** The property is partially located within a Crossroads Community. Strategy 2.3 on page 63 states “allow areas designated as Village Centers and Crossroad Communities, as shown on the Future Oland Use Map, to be developed for residential, commercial, and some light industrial purposes if appropriately designed to be in keeping with historic development patterns”.

The applicant claims to meet the expectations of page 60 of the Land Use Plan by “integrating new development into the rural landscape in a seamless manner”. This facility will have a minimum impact on the surrounding neighbors as it will be very well buffered, won’t be visible, and it is an extremely quiet and low traffic business.

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

*The following map shows the Future Land Use and Conservation Map and the property is located in an area identified as Compact Community and Rural. The map is a guide showing the intended future land use pattern using various land use areas. Strict adherence to the map in making land use decisions is not recommended but should be used as a guide.*



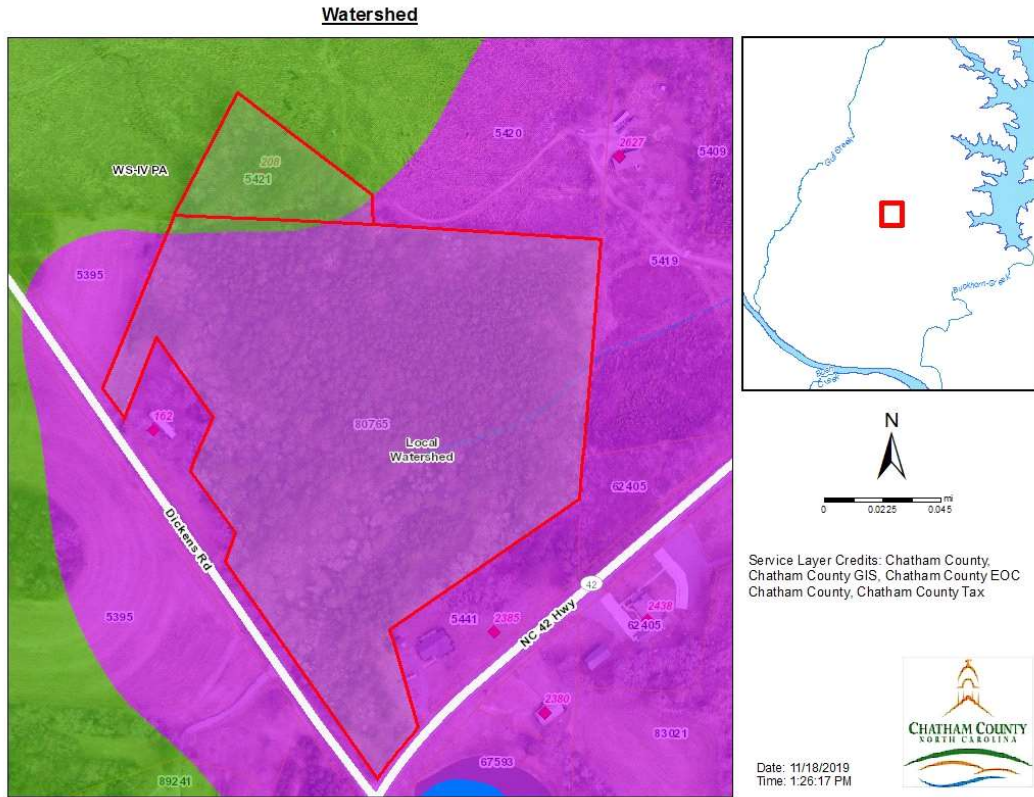
**Item #4: The requested amendment is either essential or desirable for the public convenience or welfare.** The applicant states that there will not be as many boat trailers and RV's travelling long distances across the county to go to Harris Lake. Fuel emissions and traffic counts will be reduced by having this storage facility. Not only can boats and RV's be stored here, but other residents and businesses may be able to benefit from storing other items here. This facility will increase tax dollars and property value for the county.

The property is located within both the WS-IV Protected Area Watershed and Local Watershed, but is not located within the Jordan Lake Buffer rule area. Built upon area in these watershed districts is 36% without curb and gutter, and the applicant is proposing 35.81% built upon area.

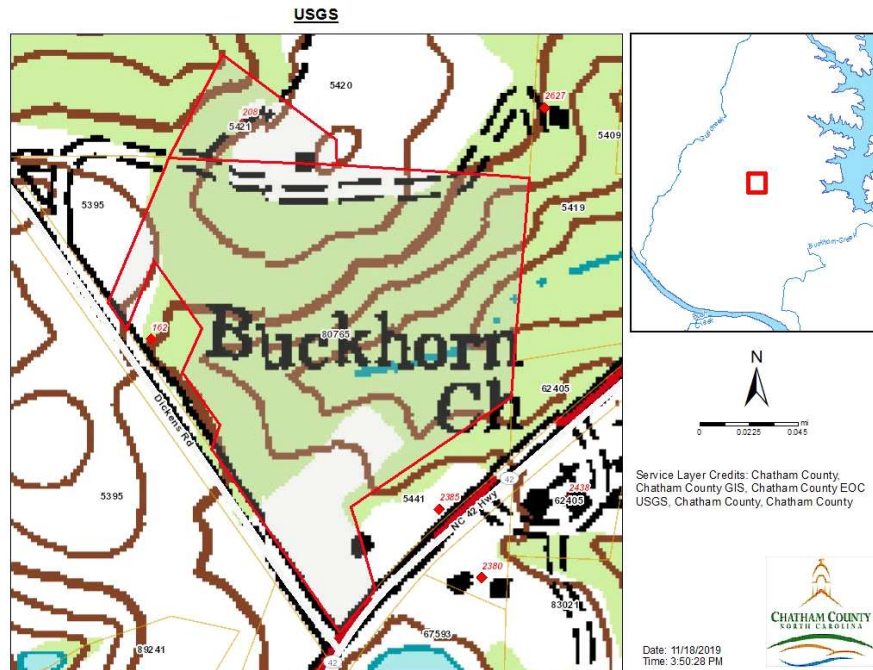
The applicant is only developing in the northernmost portion of the property in order to protect the

blueline feature shown on the following maps.

*The following map shows the watershed classification, which is split. The majority is Local Watershed, and remaining is WS-IV PA, outside of the Jordan Lake drainage.*



*The next map is a USGS map that shows a blue line stream. The applicant has already had a soils scientist on site to generate a report about water features on the property.*



It is Planning Board and planning staff opinion this standard has been met.

**Item #5: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment include:** The applicant states that the Harris Lake Boat Storage is full and has a waiting list, therefore, creating a need for boat, RV, and indoor/outdoor storage.

The applicant's site plan shows that all identified water features will be protected. Dickens Road may be required to become a commercial drive and NCDOT will review the driveway permit application submittal and determine if any additional road improvements are needed.

Currently, water and sewer will not be required as this is proposed to be an unmanned facility. Lighting was not mentioned in the application.

It is Planning Board and planning staff opinion this standard has been met.

The Planning Board reviewed the item at their regularly scheduled meeting on December 3, 2019. Discussion points included the following:

- 1. Will there be gravel and a bathroom?** The applicant stated that around the indoor storage there may be paving, but the rest will most likely be gravel. A bathroom can be installed if needed, and there is already a septic area identified.
- 2. What will the lighting be?** The applicant states there will be wall packs on the

buildings, pole lights by Duke, and the sign will be lighted externally.

3. **What is meant by ‘other storage’?** The applicant states that they will provide mini storage facilities, and that contractors may store items, but all materials must have wheels; either the item itself or on a trailer.
4. **What retail sales are included?** The applicant states that they will sell moving supplies in the office. This is an ancillary use to the uses proposed.

**The Planning Board by unanimous vote (9-0) and planning staff recommends approval of the rezoning request based on all five standards can be met.**

**How does this relate to the Comprehensive Plan:** This site is partially located within a Crossroads Community node and rural designation. Strategy 6.3 of the Comprehensive Land Use Plan on page 58 states: “support increased tourism and recreation opportunities and amenities...build infrastructure for outdoor recreation, such as parking areas...”.

**Recommendation:**

The Planning Board, by vote of 9-0, recommends adoption of an ordinance approving a request by Paul Brewer for a rezoning of Parcel No’s. 80765 and 5421, located off Dickens Rd and NC HWY 42, being approximately 16.92 acres combined, from R-1 Residential to Conditional District Community Business 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 the conditional use permit becomes null and void.
3. No electronic message center signage is permitted.

**Standard Site Conditions**

4. 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.
5. 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:**

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 conditional listed above.
8. Non-Severability - If any of the above conditions is held to be invalid, this approval in it's 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.

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

**The request to rezone Parcel No. 80765, being 15.52 acres, and Parcel No. 5421, being 1.4, a total of 16.92 acres located on Dickens Rd, 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 Crossroad Community nodes.**