



# Chatham County, NC

## Legislation Text

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**File #:** 19-3225, **Version:** 2

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Vote on a request to approve a legislative request by Warren Mitchell dba Hwy 64 Boat & RV Storage for an amendment to the Conditional District Regional Business zoning district to revise the existing site plan on Parcel No. 17891, located at 13144 US 64 E; revise the uses to remove boat, trailer, and other utility vehicle sales and service facility; and relocate the approved mini warehouse storage facility on the project site.

### **Action Requested:**

Vote on a request to approve a legislative request by Warren Mitchell dba Hwy 64 Boat & RV Storage for an amendment to the Conditional District Regional Business zoning district to revise the existing site plan on Parcel No. 17891, located at 13144 US 64 E; revise the uses to remove boat, trailer, and other utility vehicle sales and service facility; and relocate the approved mini warehouse storage facility on the project site.

### **Introduction & Background:**

A legislative public hearing was held September 16, 2019. Planning staff presented the request. The applicant was present to answer questions and there were two citizens who also spoke.

The original approval for this property in connection with Parcel 17890 which makes up the entire project area, was given in 2014. At that time a boat dealership and service area was projected to be constructed as part of phase two. Since that time the applicant states the market for additional boat dealerships and/or service areas has decreased but the demand for storage has continued to increase along with mini self-storage. This revision request is due to those changing market considerations.

Conditional zoning districts are 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 the legislative decision creating the district and applying it to the particular property.

Per Section 5.9.A of the Zoning Ordinance - Alterations to Approval, states that changes to the approved conditional zoning district application or to the conditions attached to the approval shall be treated the same as a new application for a conditional zoning district and shall be processed in accordance with the procedures in Section 5.7. This includes significant changes to the approved site plan.

### **Discussion & Analysis:**

There are five standard items listed in the Zoning Ordinance under section 5.3 that must be addressed by an applicant when submitting a revision to a rezoning application. The applicant has addressed those items in the application materials or in supplemental materials and they are also

discussed below.

There was a community meeting held on July 2, 2019. The applicants and one adjoining neighbor were present. The main issue discussed during the meeting was the wall pack lighting on the buildings that can be seen during the winter months when no leaves are present. The applicant agreed to further shield these lights from view of the adjoining neighbor. The neighbor stated per the minutes of the meeting that the addition of the structures should help with the US 64 traffic noise he currently experiences. No other concerns were noted or reported.

The Chatham County Appearance Commission (CCAC) reviewed the revised site plan on July 24, 2019. The site plans presented had some vague boundary notations. Commission members requested and Mr. Mitchell agreed to amend the plans to show a 500 foot boundary line marking the area that will be disturbed on the southern side of the property. Plans will also be amended to include notation that there will be an undisturbed 30' buffer on the East side of the property. Members voted unanimously to approve the plant list, signage, and lighting that was submitted.

**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 standard is satisfied.**

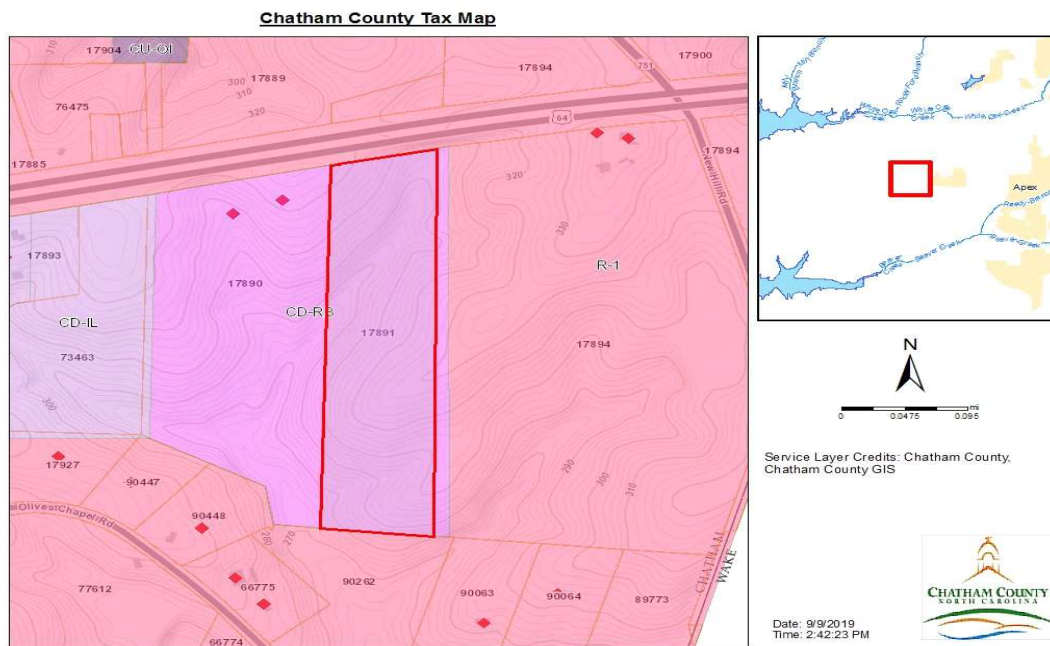
**Item #2: The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.** The applicant states the following market changes warrant the revision request to the current site plan and uses:

- The boating season is short and it can be a difficult business since the sales are slow for over half of the year. There were no interested parties to open up a boat sales and service center at this time.
- The site has operated as a boat and rv storage business for three years and have a continued need from customers to expand.
- The approved self-storage use is being relocated on the site as shown on the submitted plans.

The applicant states in the narrative of the application materials that the self-storage facility was proposed at 92,700 square feet in two buildings, one three-story, and one one-story. The new plan showing the relocation of this use shows four buildings totaling 90,000 square feet in size reducing the footprint of the use. One building per the applicant will be a bi-level that will give the appearance of a one-story structure. This building will not be on the highway side of the project.

The original approval was for 254 spaces. The new proposal will provide for a total of 658 spaces.

The zoning map below shows the property located in the CD-RB Conditional District Regional Business zoning district.



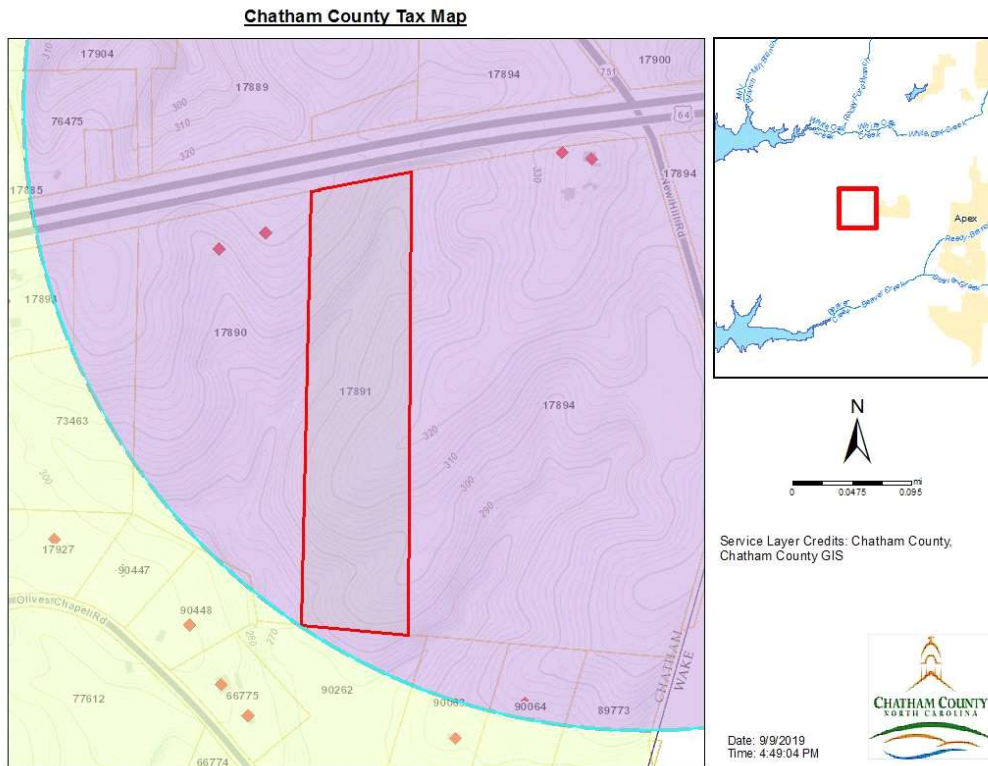
It is planning staff opinion this standard is satisfied.

**Item #3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.** The Comprehensive Plan identifies the area around and including this property suitable for industrial and commercial development (p21). Page 61 reads “in the future more growth and development should occur within and near established and planned centers of activity.

The US 64 and NC 751 intersection is noted as an Employment Center. Strategy 4 on page 56 reads “permit existing commercial and industrial uses that are appropriately zoned to continue to operate, and allow for reasonable expansion, contingent upon meeting environmental and transportation requirements”. This project is located within the Employment Center node of the Plan.

By allowing and meeting the demand for additional boat and RV storage, Strategy 6 on page 58 encourages increasing tourism and recreational opportunities and amenities. Residents and visitors accessing Jordan Lake and other recreation areas are increasingly seeking places in close proximity to those locations to keep their boats and recreational vehicles.

*The Future Land Use and Conservation Plan Map shows the location of the property within the Employment Center node*



**It is planning staff opinion this standard has been satisfied.**

**Item #4: The requested amendment is either essential or desirable for the public convenience or welfare.** The applicant states the business has been open for three years and there is a continued request for more storage space from customers residing in and out of the county. With more housing developments creating smaller lots and restrictive private covenants, customers are not able to store their recreational vehicles and boats on their property.

The site has already been supported as the appropriate area for this use so expansion will further support the anticipated need for this service. **It is planning staff this standard is satisfied.**

**Item #5: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment include:** As a result of removing the boat dealership and service facility the need for a larger septic area for the dealership will no longer be needed. The septic area for the small office use will be maintained as noted on the plans.

Per the Chatham County Tax Office, the county receives the taxes for the boats and recreational vehicles from the storage sites. Property tax is paid to the jurisdiction where the recreational vehicle or boat is stored.

The facility is located within close proximity to other businesses ranging from general retail to light



stream buffer widths and commented that the site is subject to the pre-2008 standard because there was no subdivision involved and the site is grandfathered under the old standard. The applicant did agree to show a continuous 50' buffer along the length of the stream that bisects the property. It was also noted that a 30' landscape buffer was shown on the plan and this was important because the property is a gateway into the county. The Planning Board voted 9-0 to recommend approval of the staff prepared consistency statement and 9-0 to recommend approval of the rezoning amendment.

**How does this relate to the Comprehensive Plan:** The Comprehensive Plan identifies the area around and including this property suitable for industrial and commercial development (p21). Page 61 reads "in the future more growth and development should occur within and near established and planned centers of activity. The US 64 and NC 751 intersection is noted as an Employment Center. Strategy 4 on page 56 reads "permit existing commercial and industrial uses that are appropriately zoned to continue to operate, and allow for reasonable expansion, contingent upon meeting environmental and transportation requirements". This project is located within the Employment Center node of the Plan.

### **Recommendation:**

The Planning Board by unanimous vote (9-0) recommend adoption of a resolution approving the following consistency statement :

**The request to revise the existing Conditional Rezoning District and modify the approved site plan as submitted is hereby supported based on following items listed in the adopted comprehensive plan:**

- **the property is located within an Employment Center as identified on the Future Land Use and Conservation Plan Map;**
- **Strategy 4.4 under the Economic Development element that includes permitting existing commercial and industrial uses to continue to operate and expand contingent upon meeting environmental and transportation requirements;**
- **and Strategy 6.3 under the Economic Development element that encourages support for tourism and recreational opportunities within the county.**

The Planning Board recommends by unanimous vote (9-0) approval of a legislative request by Warren Mitchell dba Hwy 64 Boat & RV Storage and adoption of an ordinance amending the Conditional District Regional Business zoning district to revise the existing site plan on Parcel No. 17891, located at 13144 US 64 E; revise the uses to remove boat, trailer, and other utility vehicle sales and service facility; and relocate the approved mini warehouse storage facility on the project site. Based on all standards being satisfied, it is planning staff's opinion the revision request as

submitted and detailed above and in the following conditions be approved.

The following conditions are recommended for approval:

**Site Specific Conditions**

1. A continuous 50' buffer shall apply on both sides of the stream and be shown on the final site plan.
2. 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.
3. A building permit shall be obtained and remain valid at all times within two years of the date of this approval or the site plan and approved uses becomes null and void.
4. All previous conditions not amended with this request shall remain valid at all times.

**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 to or variations from any requirements of this permit must be approved through the Planning Department or other approving board before any such changes can take place.
6. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, and Environmental Health Division, etc.) shall be obtained, if required, and copies submitted to the Planning Department as part of the platting process.

**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 conditions listed above.
9. Non-Severability - If any of the above conditions is held to be invalid, this approval in its 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.