



Chatham County, NC

Legislation Text

File #: 16-1889, **Version:** 2

Vote on a request to approve an amendment to the Conditional District Business rezoning for Michael Gress, specifically Condition No. 4, for a two year extension, Parcel No. 89671, located at 162 Beaver Creek Road, New Hope Township.

Action Requested:

A request by Michael Gress for an amendment to the Conditional District Community Business approval, specifically Condition No. 4, for a two year extension, Parcel No. 89671, located at 162 Beaver Creek Road, New Hope Township.

Introduction & Background:

A legislative public hearing was held on the request October 17, 2016. Planning staff presented the applicant's request and stated reasons why the extension has been requested. No one else spoke on the matter.

The Planning Board met on November 1, 2016 and voted unanimously to approve the consistency statement and extension request as proposed. They discussed that the applicant had made a substantial investment in construction and they considered it a vested right to continue completing his development.

Discussion & Analysis:

Mr. Gress obtained approval for the mini-storage and boat and RV storage facility on November 17, 2014. The approval included additional conditions that are to be complied with as the project advances, in addition to the standards set out in the Chatham County Zoning Ordinance and other regulations that govern the development of the site.

Condition No. 4 of the original approval states "A Certificate of Occupancy shall be obtained within two years of the date of this approval unless other approval/s has been given for an extension, or this approval becomes null and void."

Mr. Gress has been attempting to obtain the first building permits for the site for several months. During the time he was preparing for Land and Water Resources approval, it was discovered the area of disturbance was going to exceed two acres in size. The zoning ordinance at that time required an Environmental Impact Assessment (EIA) for non-residential development that exceeded two acres in size. Since one had not been done in the beginning, the project was halted in order for the review to be completed.

Once the EIA was submitted and reviewed, Mr. Gress applied for erosion control and stormwater permits. He also submitted the building permit application for the various structures on the property.

During the zoning compliance review it was discovered the applicant had not completed the subdivision process to remove the non-buildable status for the lot. The applicant began that process with the subdivision administrator which has now been completed. The applicant has also been permitted to obtain his building permits and zoning approvals.

The applicant also noted there have been delays throughout the time due to rain and other weather events that created issues with the site. The applicant has spent considerable funds on the development of this site and intends to complete the project, but is concerned that he will not have the Certificate of Occupancy by November 17, 2016.

Recommendation:

The Planning Board voted 11-0 to recommend adoption of a resolution approving the following consistency statement to the Board of Commissioners.

It is the opinion of the Planning Board that the request for an extension of time to complete the project is consistent with the goals and objectives of the Chatham County Land Conservation and Development Plan by supporting the continuation of current activities in existing commercial areas.

The Planning Board voted 11-0 to recommend adoption of an ordinance amending the previously adopted Ordinance Amending the Zoning Ordinance of Chatham County to recommend approval of the two year extension and modify Condition No. 4 as stated below:

A Certificate of Occupancy shall be obtained within two years of the approval of the revision date of December 19, 2016 unless other approval/s has been given for an additional extension, or this approval becomes null and void.