



Chatham County, NC

Legislation Text

File #: 18-2894, **Version:** 2

Vote on a Quasi-Judicial request for a conditional use permit revision to add additional storage units by Richard Veno on behalf of Robert Kapp and Brian Maginnis dba American Self Storage, located on Parcel No. 17454, 30 Mt. Gilead Church Rd., New Hope Township.

Action Requested:

Vote on a Quasi-Judicial request for a conditional use permit revision to add additional storage units by Richard Veno on behalf of Robert Kapp and Brian Maginnis dba American Self Storage, located on Parcel No. 17454, 30 Mt. Gilead Church Rd., New Hope Township.

Introduction & Background:

A conditional use district rezoning and conditional use permit (CUP) for a mini-storage warehouse and boat storage was approved on this parcel in August 1995. The CUP was amended in June 2016 to reconfigure the site and add additional storage units. A quasi-judicial hearing was held on this request on January 22, 2019 to consider amending the CUP to add additional self-storage units. Planning staff and the representative for the applicant, Richard Veno, presented the request and no one else provided input.

Planning staff advised that the site is currently under Notice of Violation (NOV) with the Planning Department for placing, locating, and/or erecting additional storage units on the site prior to receiving required approvals. The property is also under NOV with the Watershed Protection Department (WPD) for disturbing the required 50 foot stream buffer located to the east of the cell tower where some units were been placed. Per Mr. Veno, the riparian buffer restoration plan is approximately 75% complete and they are continuing to work with WPD staff to gain compliance.

It was noted by staff that a revised site plan was provided at the hearing showing the relocation of two units that were originally proposed to be located between the two bi-level, enclosed storage buildings. Planning staff advised that during Technical Review Committee (TRC) meeting, the Fire Marshal's Office and Building Inspections staff expressed concern about fire separation between the structures. The applicant agreed to relocate those structures as shown on the revised site plan.

Discussion & Analysis:

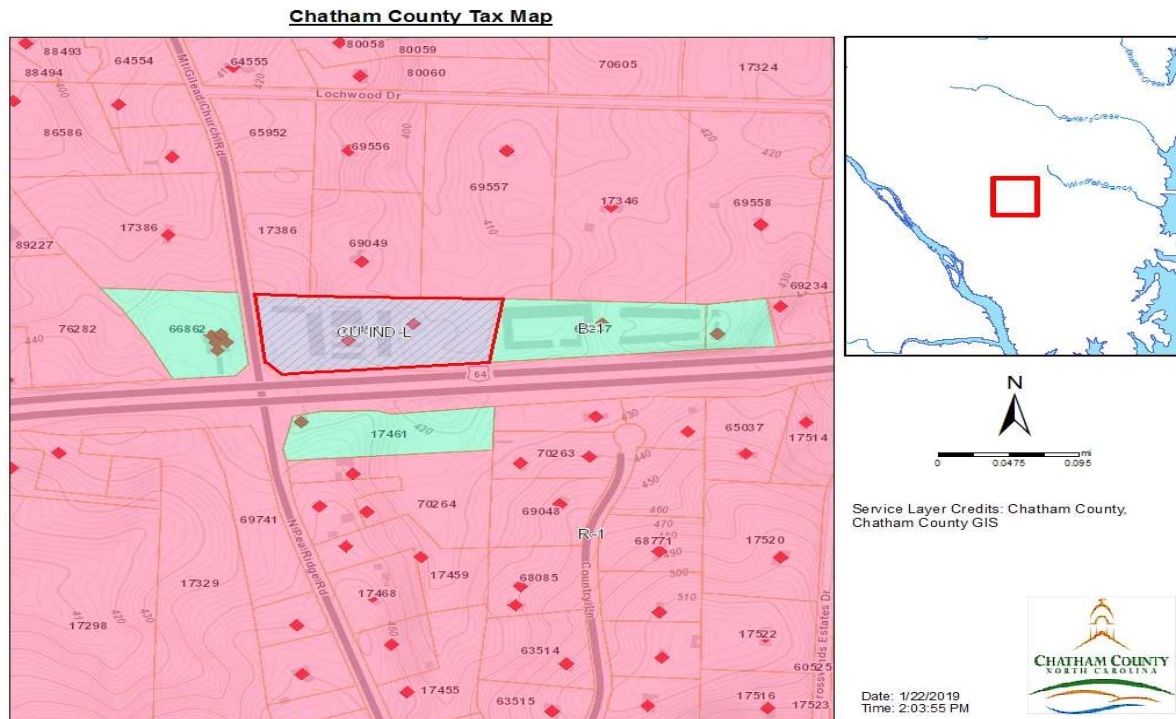
In reviewing and considering approval of a revision to a Conditional Use Permit, the Board must find that all of the findings of facts shall be supported. Per the Zoning Ordinance "In considering an application for a conditional use permit or revision to a CUP, the Board of Commissioners shall give due regard that the purpose and intent of this Ordinance shall be served, public safety and welfare secured and substantial justice done. If the Board should find, after public hearing, the proposed conditional use permit or revision thereof should not be granted, such proposed permit shall be

denied.”

A community meeting was held on November 16, 2018 and notice was provided to the adjoining property owners as required by the Zoning ordinance. Concerns noted during the meeting were stormwater runoff and outdoor lighting. No new pole lighting is proposed, but wall packs with full cut-off fixtures will be added over the storage entrance doors, if needed. No additional built upon area or land disturbance is proposed.

The site plan was presented to the Chatham County Appearance Commission (CCAC) on November 28, 2018. The CCAC recommended improvements to the current landscaping along the US 64 side of the property. Plant recommendations and sizes were noted for the landscape plan.

Finding 1 - The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located. The property is currently zoned conditional use light industrial with a conditional use permit for mini-storage warehouse and boat storage. The adjoining parcels are zoned B-1, General Business, on the east, the west side of Mt. Gilead Church Road, and south side of US 64. The property to the north is zoned R1, Residential. The uses in the area include single-family residential, service station, auto repair shop, boat storage, and motorsports sales. Mini warehouse storage is an allowable use in Industrial Light zoned properties and the additional structures are for expansion of mini warehouse storage. **It is planning staff opinion this finding has been met.**



The zoning map above shows the existing zoning classification on the subject property and surrounding area.

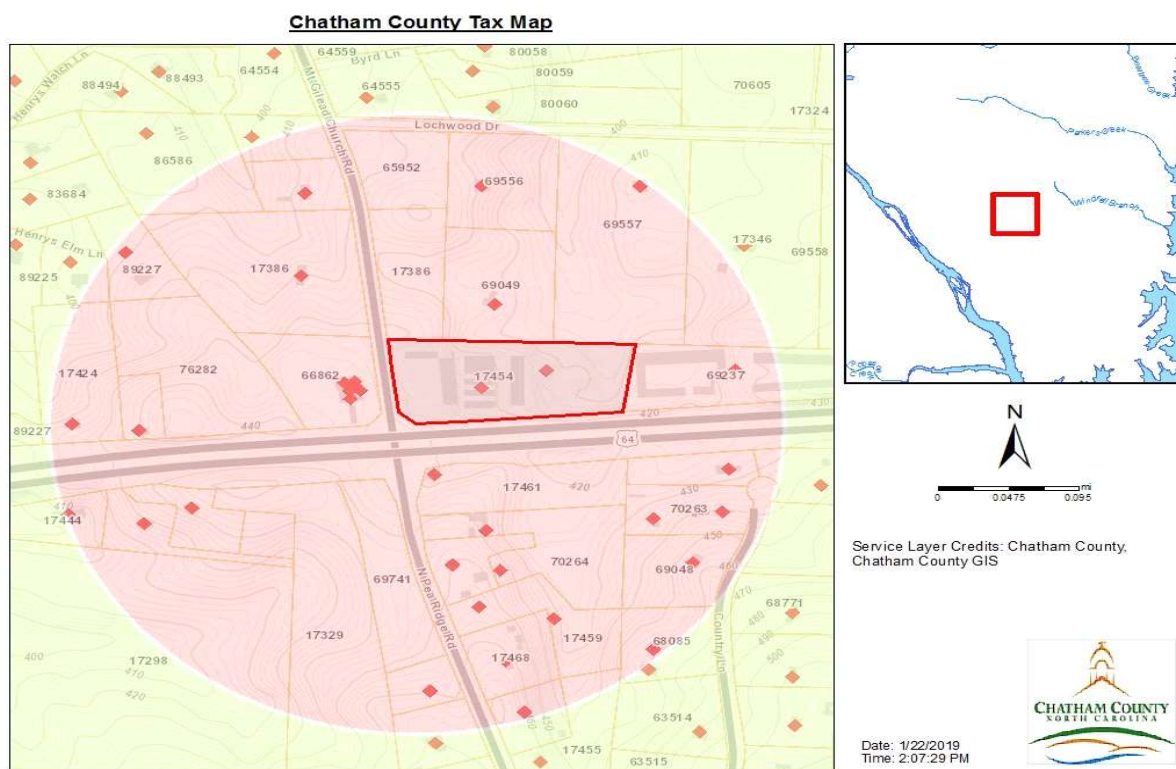
Finding 2 - The requested conditional use permit or revision to the existing permit is either essential or desirable for the public convenience or welfare. The applicant contends that they continue to have requests for enclosed storage. The additional storage structures will allow for enclosed space to be available to meet the demands of their clients and will be permanently fixed to the property. A question was asked about access to the telecommunication tower on the property in the event of an emergency and whether units would have to be moved. Mr. Veno stated they could access the tower by different methods depending on the issue. **It is planning staff opinion this finding has been met.**

Finding 3 - The requested permit or revision to the existing permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community. The additional structures are to be placed in areas within the existing boundaries of the project site. There will likely be no noticeable change in on-site traffic generation from the additional storage units. No additional pole lighting will be added, but full cut off wall packs may be installed on the entrances to the storage units. There will be no change in noise, chemical storage, or biological agents stored or associated with the use.

Planning staff also noted that some of the new units would be placed within the fall zone of the

existing cell tower. The Chatham County Wireless Telecommunications Ordinance does not address a separation distance for structures or buildings within the required fall zone area that are on the same site as a tower, but the owner of the cell tower has been contacted to determine if there are any issues. Mr. Veno stated they have requested a letter from American Tower allowing the new mini-storage unit placement in order to satisfy the county's concern about the cell tower fall zone. **It is planning staff opinion this finding has been met.**

Finding 4 - The requested permit will be or remain consistent with the objectives of the Plan Chatham comprehensive land use plan. The use that is currently occurring on the property will continue and is proposed to be expanded. The property is located in a Crossroads Community designation and the description includes a "Mix of uses [that] include single-family residential, some agriculture support services, limited supporting retail, and institutional use." Economic Development Policy 4 states "Support existing businesses, including small and medium-sized firms" and Strategy 4.4 states "Permit existing commercial and industrial uses that are appropriately zoned to continue to operate, contingent upon meeting the environmental and transportation requirements." **It is planning staff opinion this finding has been met.**



The Future Land Use and Conservation Plan Map above shows the subject property located within the Crossroads Community node.

The Planning Board reviewed the application during their regularly scheduled meeting on February 5, 2019. Board discussion focused on ensuring the project is in the process of seeking compliance with all county regulations and measures are being taken to correct any violations that exist. The applicant's representative stated they are at least 75% complete with the corrective plans for Watershed Protection and should have that resolved within the next few weeks. Discussion also included whether additional built upon area was proposed; outdoor lighting; how the fall zone for the cell tower impacted the location of the proposed storage units; and whether the use was better aligned with a neighborhood business rezoning. The applicant and staff commented that no additional built upon area was proposed; no additional area lighting was proposed, only lights above access doors; the applicant would have to comply with the requirements of the cell tower owner; and other zoning districts would be suitable for the current use, but the request was to amend the conditional use permit and that it couldn't be converted to another zoning district as part of this process.

If this revision is approved, they will begin the process of the bringing the property into compliance with the zoning violation.

How does this relate to the Comprehensive Plan:

Goal: 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. Strategy 4.4 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.

Recommendation:

The Planning Board by unanimous vote (9-0) recommends approval of a resolution approving an amendment to the conditional use permit to the Board of Commissioners 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. 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 (2) years of the date of this approval or the conditional use permit revision becomes null and void.
3. All existing conditions shall remain in effect, except as modified by this conditional use permit amendment.

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 Land and Water Resources, 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.