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A Legislative Public Hearing request by Dale & Mary Stansell to rezone an additional .25 acres of Parcel No. 5248 located at 1060 New Elam Church Road from R-1 Residential to CD-NB Conditional District Neighborhood Business to expand the existing boat and RV storage facility, Cape Fear Township.

..ABSTRACT

Action Requested:

Vote on a Legislative Public Hearing request by Dale & Mary Stansell to rezone an additional .25 acres of Parcel No. 5248 located at 1060 New Elam Church Road from R-1 Residential to CD-NB Conditional District Neighborhood Business to expand the existing boat and RV storage facility, Cape Fear Township.

Introduction & Background:

A legislative public hearing was held on April 16, 2018. Planning staff presented the request. No one else spoke on the rezoning request.

This parcel is currently split zoned between R-1, Residential and CD-NB, Conditional District Neighborhood Business. The CD-NB currently encompasses approximately .34 acres of the 4.81 acre tract. All of the adjoining properties are zoned R-1 Residential.

The property is located within the WSIV-PA watershed designation outside of the Jordan Lake Buffer rule area that would permit up to 36% impervious surface without curb and gutter. A majority of the property is also located in a special flood hazard area associated with Shaddox Creek. Approximately 2.75 acres is floodable and cannot be developed. When the original approval was granted the Flood Insurance Rate Maps (FIRMs) at that time did not show special flood hazard area on the property. Updated FIRMS were provided to the county in 2013 and adopted in November 2017. The new maps indicate that almost one half of the property within a flood hazard area. The new proposed area also has some floodable area but will not be permitted to be used for storage or construction of any kind based on the regulations of the Flood Damage Prevention Ordinance.

Planning Board meeting information noted below.

Discussion & Analysis:

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 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 original approval was granted on approximately .328 acres on April 21, 2014. The owners have contended they remain full and are in need of more space. This proposal will add approximately .25 acres making approximately .578 total of the 4.81 acres tract conditional district commercial zoning.

The applicant held the community meeting on February 3, 2018 at the site. They heard from two adjacent landowners who supported the expansion.

The applicant met with the Chatham County Appearance Commission (CCAC) on January 24, 2018. The CCAC reviewed photos of the proposed expansion area and noted that the submitted landscaping did not adequately buffer the site as required by the ordinance. The applicant made the suggested changes to the plan and approval was recommended. No additional lighting or signage was proposed.

There are five standard items listed in the Zoning Ordinance that must be addressed by an applicant when submitting a conditional district 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 error in the ordinance.

It is the opinion of planning staff this standard is met as stated.

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 contends that since they opened the current facility in 2014, their customer feedback on their affordable storage options has created the need for more spaces. With the pending growth in the Pittsboro area and increased use of Jordan Lake and associated campgrounds, they think the expansion is supported. This facility is 2.9 miles from the New Hope boat ramp which keeps traffic to a small area and off major roadways.

The applicant will also allow storage of cargo/utility and horse trailers on the site within the facility which were not previously allowed.

It is the opinion of planning staff this standard is met.

Item #3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof by encouraging the expansion and support of current business located within the county. Plan Chatham encourages the support of tourism by providing expansion of recreational opportunities and improving access to parks, community facilities, trails and open space. This is considered a facility that directly assists those traveling to Jordan Lake for boating and camping. See page 42, Goal 6 of Plan Chatham. It also encourages the continuation and expansion of existing businesses that are appropriately zoned and can continue to meet environmental and transportation requirements (refer to Page 56, Strategy 4.4).

It is the opinion of planning staff this standard is met.

Item #4: The requested amendment is either essential or desirable for the public convenience or welfare. Based on an internet search by the applicant, there are 14 similar storage facilities within 25 miles of Jordan and Harris Lakes. He has noted that on occasion he has had to call on some of these other locations to check on availability for a citizen to find they too are full. Pricing ranges from \$55 - \$385 monthly. As the county and surrounding areas continue to grow, the need for this type of affordable storage is likely to increase based on current trends.

It is the opinion of planning staff this standard is met.

Item #5: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment include the use does not require water or septic and no other major utilities are needed to support the facility. There is a fire hydrant on New Elam Church Rd within 150 feet of the property; NCDOT has approved the access drive for the facility; and all other regulations will be followed such as landscaping, screening, lighting, signage, sedimentation and erosion control, stormwater, etc. where required.

It is the opinion of planning staff this standard is met as stated or with the below conditions as noted.

Planning Board:

The planning board discussed this item during their regularly scheduled meeting on May 1, 2018 and the following items were discussed:

Will this increase in impervious surface require stormwater or erosion control permitting? It will not unless the additional area exceeds 20,000 square feet of disturbed area.

The planning board clarified condition No. 1 that no additional storage could occur within the additional property if it impacted the special flood hazard and that change is reflected in recommendation.

How does this relate to the Comprehensive Plan?

By encouraging the expansion and support of current business located within the county. Plan Chatham encourages the support of tourism by providing expansion of recreational opportunities and improving access to parks, community facilities, trails and open space. This is considered a facility that directly assists those traveling to Jordan Lake for boating and camping.

Recommendation:

The Planning Board recommends by a vote of 8-1 adoption of a resolution approving the following consistency statement.

The rezoning of an additional .25 acres of Parcel No. 5248 is consistent with Plan Chatham the comprehensive land plan by supporting and encouraging the expansion of current business located within the county, support of tourism, and the continuation and expansion of existing businesses that are appropriately zoned and can continue to meet environmental and transportation requirements.

The planning board recommends by a vote of 8-1 adoption of an Ordinance amending the Zoning Ordinance and approval of a request by Dale & Mary Stansell to rezone an additional .25 acres of Parcel No. 5248 located at 1060 New Elam Church Road from R-1 Residential to CD-NB Conditional District Neighborhood Business to expand the existing boat and RV storage facility, Cape Fear Township with the following conditions:

Site Specific Conditions

1. There shall be no construction, storage, or placement of any material, vehicles, structures, or accessories of any kind within any Special Flood Hazard Area as shown on the most recently adopted Flood Insurance Rate Maps for Chatham County within the additional .25 acres.
2. All recommendations by the Chatham County Appearance Commission (CCAC) shall be complied with. The planning staff or members of the CCAC may inspect said requirement when deemed necessary to ensure compliance and regulation requirements.

3. The expansion project area shall be completed within two (2) years of the date of this approval or the use becomes null and void.
4. All previously approved conditions shall remain in effect, unless otherwise modified by this approval.

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.