

## Ordinance of the Chatham County Board of Commissioners

### AN ORDINANCE AMENDING THE ZONING MAP OF CHATHAM COUNTY, SPECIFICALLY THE APPROVED SITE PLAN

For Warren Mitchell dba Hwy 64 Boat & RV Storage

**WHEREAS**, the Chatham County Board of Commissioners has considered the request by Warren Mitchell dba Hwy 64 Boat & RV Storage to amend the site plan on approximately 20.01 acres, being all or a portion of Parcel No.17891, located at 13144 US 64 E, New Hope Township, from the uses boat, trailer, and other utility vehicle sales and service facility to relocate the approved mini warehouse storage facility on the project site and add additional boat and RV storage lots to the rear of the property, and finds that the amendment is consistent with the comprehensive plan of Chatham County as described in the Consistency Statement Resolution; and

**WHEREAS**, the Board finds that the revision to the rezoning request set forth in the Application and incorporated herein by reference, if approved as pursuant to the provisions of the zoning ordinance, would be suitable for the property proposed for its current zoning designation; and

**WHEREAS**, the Board finds the four (4) standards, as described below, from the Zoning Ordinance have been met as stated:

No. 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, and reasons how the proposed amendment will correct the same. The applicant is claiming no error in the ordinance. ; and

No. 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.; and

No. 3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts 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.; and

No. 4: The requested amendment is either essential or desirable for the public convenience or welfare. 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.

No. 5: All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. 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 industrial. Being located on a major highway further supports these types of activities. The structures will continue to be set back an additional 25 feet from the property line for a total of 75 feet to provide for a future service road that was included in the a US64 corridor study completed by NCDOT. With the change in the site plan, the build out for the project is expected to be at the maximum built upon area of 36% without curb and gutter.; and

**BE IT ORDAINED**, by the Board of Commissioners of Chatham County as follows:

1. The Application to amend the site plan of the property described as Parcel No. 17891 and being approximately 20.01 as depicted on Attachment "A", located at 13144 US 64 E, from the uses of boat, trailer, and other utility vehicle sales and service facility to relocate the approved mini storage facility in the project site and add additional boat and RV spaces to the rear of the property, New Hope Township is approved and the zoning map is amended accordingly.
2. The following Conditions shall also be approved as part of this Ordinance approving the rezoning. They are:

**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.
3. This ordinance shall become effective upon its adoption.

Adopted this 18 day of November, 2019

ATTEST:



Lindsay K. Ray, NCCCC, Clerk to the Board  
Chatham County Board of Commissioners



Mike Dasher, Chair  
Chatham County Board of Commissioners



ATTACHMENT "A"

Tax parcel 17891, being approximately 20.01 acres, located at 13144 US 64 E, approved as Conditional District Regional Business, with the below amended site plan.

