

Chatham County Planning Board Agenda Notes

Date: November 10, 2020

Agenda Item: VIII-1

Attachment #: None

Subdivision: **Conditional Use Permit:** **Rezoning Request: X** **Other:**

Subject: A legislative public hearing was held on February 17, 2020. The A legislative rezoning public hearing for a request by 919 Storage LLC on Parcel No. 3080, located at 72 Marvin Edwards Lane, from R-2 Residential to Conditional Regional Business District (CD-RB) on approximately 7.93 acres out of the 17.64 acre tract for selfstorage mini warehouse facility, William's Township.

Introduction & Background:

A legislative public hearing was held on August 27, 2020. Planning staff presented the application. Also speaking was Mark Ashness with CE Group, Nick Kirkland to discuss the marketing analysis, as well as adjacent or adjoining property owners Michael Mansson, in opposition, Robert Midair in support, and Marjorie Gates in support. Mr. Mansson stated he had obtained a third party study of the need of the proposed use and noted there are 11 such facilities within five miles. He also stated a petition has been signed by 29 people stating the project does not meet the Land Use Plan. These documents are on the Planning webpage as noted above.

Prior to the first scheduled Planning Board meeting, the applicant requested to postpone their review until they could address some of the concerns raised at the public hearing and by staff. The Planning Board agreed to postpone to their November 10, 2020 meeting.

Additional information has been provided by the applicant addressing standards 2, 3, and 4. Due to county network closures, staff will review the information and provide their opinion based on support or non-support of the standards at the meeting.

Discussion & Analysis:

Conditional Zoning districts are districts in which the development and use of the property is subject to predetermined ordinance standards and 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.

On January 22, 2020 the Chatham County Appearance Commission (CCAC) reviewed the proposed site plan. The overall plan satisfied the requirements of the ordinance. The recommended changes were to leave the grassy slopes on the property in a natural state, for

lighting to be motion censored, and to move one light on the southern side of the property as to not disturb the adjacent landowner. The applicant agreed.

On June 24, 2020 the applicant held the required community meeting. The applicant held a community meeting on January 28, 2020, but due to an error in the first notice filing the meeting had to be held again. The applicant scheduled the second meeting in March but covid related restrictions caused the applicant to hold a third meeting. Several attended the meeting concerns were raised as to need for another self storage facility in the area, lighting, stormwater runoff, hours of operation, building height and square footage, and building colors.

Mr. Ashness noted the following changes to be incorporated into the site plan and referred to them during the public hearing:

- A gate will be installed restricting access to the facility from 11pm to 6am
- The building colors have been replaced with solid neutral colors such as blue or gray
- Building height has been reduced from three-story to two-story and overall square footage is limited to 100,000 sq. ft.
- Trees along US 15-501 N will remain and be supplemented as needed

At the public hearing, Nick Kirkland addressed the findings of the market analysis stating there is harmony between uses with the location being within the typical distance to residential and close to town. He also stated this project would not affect current property values.

Planning Board Chair, George Lucier, questioned if CD-RB was the most appropriate zoning classification for the use. Mr. Ashness stated it is consistent with the zoning for the storage facility on the opposite side of 15-501 from this site. Commissioner Jim Crawford asked about a right turn lane or whether widening of US 15-501 would be required by NCDOT. Mr. Ashness stated they will follow whichever method is required by NCDOT.

The standards are addressed as follows:

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. The property is zoned R-2 Residential and an application for conditional district rezoning is allowed. It is planning staff opinion this standard is met.

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 application includes support from the Comprehensive Plan, but it does not necessarily address the items as described for Standard No. 2. A limited feasibility study prepared by BKB Properties was included with the application and it was noted that they were not aware of any new storage development near this site. On the opposite side of US 15-501 there is a threestory climate controlled storage facility (Countyline Storage), across the county line approximately 1500 feet is another mini storage facility (Star Point) and approximately .38 miles south is another facility (Akridge) which is located off of Old Lystra Road. Planning staff does not know the existence of other facilities in Orange County in close proximity.

As for the public health, safety, and general welfare, the development will only occupy 7.93 acres out of the almost 18 acre tract leaving the remaining R-2 zoned property to be left as open

space or used for residential purposes in the future. They will be utilizing a security gate, time restrictions on access, and minimal lighting. No other support was provided by the application for this finding. It is the planning staff opinion that this standard has not been completely supported and request the Planning Board make the determination in support or if additional information is needed.

Item #3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof. The minimums to be addressed for Standard No. 3 as listed on page 3 of the rezoning application have not been addressed or supported. The application does state that Page 47 of the Comp Plan encourages service uses near residential. The front area of the parcel where the storage unit is proposed is located within an Economic Center node.

It is the planning staff opinion that this standard has not been met with specific support but does fall within the required node for consideration of the comprehensive plan. It is requested the Planning Board make the recommendation that it supports or does not support.

Item #4: The requested amendment is either essential or desirable for the public convenience or welfare. The limited feasibility study notes that the need for self mini storage continues to rise as more residential development in the surrounding area continues. Chatham County remains one of the fastest growing bedroom communities in the state. With new developments that allow smaller lot sizes, many property owners do not have the space available for accessory structures on their lots. Self mini storage can be viewed as a needed amenity and offers one of the lowest impact uses that allows a property owner to utilize their property to bring revenue not only for themselves but an increase in the tax base.

As noted in the Introduction, Michael Mansson with Starpoint LLC provided a market analysis from Self Storage 101 that included "that the market is at current over-supplied and will become even more so if any new self storage facilities are developed in the near future." The report also included that "the report relies heavily on written and verbal information provided by others" and "in some cases, these sources are competitors, who may have a vested interest in skewing the data."

The applicant held the required community meeting and attempted to address the concerns regarding landscaping, lighting, security, stormwater and building elevations and modified their proposal accordingly. The plan will comply with all current local, state, and federal regulations pertaining to development.

This is a low impact use for the property and over $\frac{3}{4}$ of the parcel is to remain residential. NCDOT has reviewed the preliminary plans and due to the low traffic intensity they have no issues with the layout. If any modifications are needed on US 15-501 they will advise and permit accordingly.

It is the planning staff opinion this standard can be met, but the Planning Board needs to weigh the application materials against material provided during the public hearing.

Item #5: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment include the property is located in a split Watershed designation. The road frontage portion of the property, where this proposed business is to be located, is within the WSIV-Protected Area Jordan Lake watershed drainage area and the area to remain

residential in the WSII-Balance of Watershed Jordan Lake district. There are no noted water features on this property per USGS and NRCS maps.

There is a small office proposed for an attendant during operating hours so wastewater and county water usage will be low; less than 100 gpd.

The layout was reviewed by the Technical Review Committee which included building inspections and the fire marshal's offices. No issues were found. It is the planning staff opinion that this standard is met.

Planning staff finds Standards 2 and 3 have not been sufficient in order to make a recommendation on approval or denial and requests the Planning Board to evaluate whether additional information is needed or if there is sufficient information to make a recommendation to the Board of Commissioners.

Recommendation:

It is the opinion of planning staff that the Planning Board recommend approval or denial of the conditional rezoning request. The Planning Board has up to three meetings in which to make a recommendation to the Board of Commissioners.

Should you recommend approval or denial of the request, a consistency statement is required.

Should you recommend approval, the following conditions are requested to be reviewed, approved, and modified, if needed:

Site Specific Conditions:

1. The recommendations from the Chatham County Appearance Commission (CCAC) shall be followed as stated in the minutes and a revised site plan is required. 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 years of the date of this approval or the site plan and approved uses becomes null and void.

Standard Site Conditions:

3. 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.
4. 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:

5. 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.

6. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.

7. Non-Severability – If any of the above conditions is held to be invalid, this approval in its entirety shall be void.

8. 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.