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November 24, 2020

VIA EMAIL, planning@chathameoc.com
and jason.sullivan@chathamnc.org AND
REGULAR MAIL

Jason Sullivan, Planning Director
Chatham County Planning Department
P.O. Box 54
Pittsboro, NC 27312

Re: Legislative Rezoning Request by 919 Storage, LLC/
Parcel 3080/72 Marvin Edwards Lane

Dear Jason:

It was nice to see you virtually during the November 10, 2020 Planning Commission meeting. I am forwarding this letter to you at your email address, the temporary email address and also sending it by mail hoping it gets to you in a form that can be used by Chatham County regarding the legislative rezoning request by 919 Storage, LLC for Parcel No. 3080 at 72 Marvin Edwards Lane. Our thanks to you and everyone on the Planning Staff for your work as you address matters during this most recent cyber security issue and COVID-19.

Near the end of the meeting, some difficulties occurred when trying to allow neighbors to speak who had attempted to participate. There were also questions from one member of the Commission regarding the map provided to identify parcels owned by individuals either in support of the project or taking no position regarding the project. While I hope the interested neighbors can attend the December 1 meeting, at the suggestion of the Planning Commission, we are providing the written comments we have from property owners in support. We are also providing a copy of the map which identifies the parcels by the owner's name so the Commission can see where individuals providing support live or own properties. The dark green on the map represents people from whom we have letters. The light green represents people who have indicated they are not opposed but have not provided us written information.

I am also attaching the PowerPoint used by Mark Ashness during the meeting. It is part of the materials before the Planning Commission, so I want to be sure it is in the materials online that concern this application.

Finally, I think it would help to reiterate in writing for the Commission the rationale supporting the findings to be made in connection with the rezoning. I have identified each finding below in bold and information regarding underneath.

1. **The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.**

No alleged error claimed.

2. **The changed or changing conditions, if any, in 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 Chatham County Comprehensive Plan adopted in November of 2017 identifies this site and the surrounding area as a "Neighborhood Center." Adoption of the Comprehensive Plan reflecting a Neighborhood Center designation for this area is a changed condition. The current R-2 zoning does not include uses allowed in a Neighborhood Center as contemplated in the Comprehensive Plan. Neighborhood Center contemplates a mix of uses including grocery, restaurants, services, and office uses. (Comprehensive Plan Page 47). Grocery, retail, and other services are already approved and in operation in this area, including a similar use across the street. Self-storage facilities are a consistent service use within the Neighborhood Center designation. Conditional rezoning of this property to "Conditional District-Regional Business" achieves the goals and objectives of the Comprehensive Plan.

Because conditional zoning controls development to predetermined uses subject to ordinance standards and rules, regulations and conditions related to the identified use, a self-storage facility, will advance the goals of the Comprehensive Plan for development in this location and promote public health, safety and general welfare by providing a service use respectful of the surrounding uses with specific agreed upon plan elements that control and maintain the natural state of areas of the property, lighting and other factors. In this location a self-storage use is more compatible with surrounding uses than a broad range of possible business uses.

Feasibility studies undertaken for the applicant demonstrate the general welfare is promoted because self-storage is a service in strong demand. Except for an older, less sophisticated facility with limited modern features in Orange County, existing service providers are experiencing high occupancy at high rental rates. Class A facilities like the one proposed are in high demand and desired by consumers.

Current zoning does not afford the opportunity to construct facilities to meet this demand. The Comprehensive Plan recognizes the need for non-residential uses on this site and the conditional zoning proposed allows development sensitive to the transition to nearby residential uses while bringing a non-residential service use to the site as contemplated in the Comprehensive Plan.

The proposed facility promotes public health, safety, and welfare because the use proposed does not affect ground water (potable water service is available along the property frontage). The facility will generate less water and wastewater demand than two residential homes in this same location.

Stormwater runoff from the site is directed towards existing infrastructure within 15-501. The proposed development does not increase runoff onto any adjoining properties, again promoting the public health, safety and general welfare.

The proposal provides substantial natural vegetated and planted buffer between the facility and neighboring residential properties. The facility generates minimal daily traffic (not affecting neighbors or 15-501 ADT). The facility will be fenced and gated (limiting activity during the overnight hours).

A commercial appraiser reviewed the project and determined that the proposed plan will not adversely impact the value of adjoining residential property.

No public provided improvements will be required.

The changed and changing conditions reflected in the Comprehensive Plan and the proposals for this facility reflected in the Conditional Zoning proposal make the proposed amendment reasonably necessary to and consistent with the promotion of the public health, safety and general welfare.

3. The manner in which the proposed amendment will carry out the intent and purpose of the adopted Land Use Plan or part thereof.

Rezoning of the property to "CD-Regional Business" will allow development of the site for self-storage as described within this submission package. This is an example of a service use referenced for this area in the Comprehensive Plan. The proposed conditional zone meets the objectives of the Land Use Plan and ordinance requirements and the appropriateness of designating this area for business and service purposes is addressed in Chapters 2 and 3 of the Comprehensive Plan.

Chapter 2 of the Comprehensive Plan, and the provided feasibility studies show Chatham County is the 2nd fastest growing county in the State. Balancing residential development with job and business development, including meeting the demand for services created by growth, is key to Chatham County's long-term financial health. Provision of this service in Chatham County prevents "leakage" of business revenue to adjoining counties. Because of way the self-service storage market functions, this facility draws out of county dollars to Chatham County from residents and student in adjoining counties.

In Chapter 3 of the Comprehensive Plan, objectives identified include promoting compact growth patterns and diversification of the tax base by creating a larger non-residential share. This proposed conditional zoning meets these objectives. This development as proposed also meets the objectives in Chapters 3 and 4 of conserving natural resources and limiting unnecessary demand on existing infrastructure. Strategies proposed to address visual impact, lighting, noise, and other factors are included in the plans as proposed that are part of the application.

The Comprehensive Plan recognizes strong residential growth commands provision of associated non-residential services. Within this specific identified node (County Line) are a Walmart and an existing highly utilized storage facility. The node contains a mix of use (including retail and grocery). The existing mini-storage facility across the street received conditional rezoning which reflects a prior legislative determination that such a conditional use rezoning is consistent with the Comprehensive Plan and with all findings regarding consistency and appropriateness of use to be considered in the zoning approval process.

- 4. The requested amendment is either essential or desirable for the public convenience or welfare.**

The demand for high quality self-storage continues to increase as population and residential development occurs in Northern Chatham County. The feasibility reports provided by the applicant demonstrate the proposed use is desirable for the convenience of the public. The project complies with all County regulations including: Lighting, Landscaping, and Stormwater. Specific care has been taken to listen to the adjacent residential neighbors' concerns and the plans were modified to address those concerns. The project will provide additional tax base with no real burden on schools, water supply, wastewater, traffic impact etc. NCDOT has conducted a preliminary review and has no concerns given the low intensity of the proposed use.

- 5. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.**

Jason Sullivan, Planning Director
Chatham County Planning Department
November 24, 2020
Page 5

This parcel is surrounded by residential lands on three sides which suggests more intense uses available in the "Neighborhood Center" node are not best for this site. Significant discussion with many residential neighbors indicates the proposed self-storage use will be more harmonious than other more intense options contemplated in a Neighborhood Center node. Self-storage is a good neighbor. The site will be carefully graded to maximize retention of existing vegetation. In addition, a significant tree save is proposed along the 15-501 frontage. A third story was removed from the building adjacent to 15-501 because of comments at the neighborhood meeting, further reducing the impact of the project.

Given the low traffic impact of this proposed use and location directly fronting 15-501 (less than 25 peak hour trips); the proposed CD-RB for self-storage is supported at this specific location. Water and wastewater demand will be less than 100 GPO. An existing waterline adjoins the project allowing easy access. The existing septic field from the original residence will be used since wastewater flows are less than the equivalent of a single-family house. The project meets the watershed requirements for both impervious coverage and treatment of stormwater runoff. These circumstances, factors and reasons support the rezoning of this parcel to "CD-RB"

If there is further information needed from us, please let me or Mark Ashness know.

With my best personal regards, I remain

Sincerely,

BROWN & BUNCH, PLLC



LeAnn Nease Brown

LNB/mjl
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Attachments
cc: Mark Ashness (via email)
Jonathan Gindes (via email)
Peyton Anderson (via email)