

..TITLE

Vote to approve a legislative request by Drafting and Design Services on behalf of Darryl Knight dba Knight Landscaping Supply to rezone Parcel 9808, located at 14959 US 421 S, Gulf Township, from R-1 Residential to Conditional District Regional Business for a landscaping supply, grading, and outdoor storage to include boat and RVs business.

..ABSTRACT

Action Requested:

Vote to approve a legislative request by Drafting and Design Services on behalf of Darryl Knight dba Knight Landscaping Supply to rezone Parcel 9808, located at 14959 US 421 S, Gulf Township, from R-1 Residential to Conditional District Regional Business for a landscaping supply, grading, and outdoor storage to include boat and RVs business.

Introduction & Background:

A legislative public hearing was held September 18, 2023. Planning staff presented the request. Michael Blakely spoke representing the applicant.

Current Zoning map of the area (R-1 Residential)



Discussion & Analysis:

When determining whether a rezoning request should be approved under Section 5 Conditional Zoning Districts, the following findings must be supported.

- 1. The alleged error in the Ordinance, if any, 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.** The applicant is not claiming any errors in the Ordinance pertaining to this request.

- 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 public health, safety, and general welfare.** The applicant is proposing a dual use site to provide varying services to the Goldston and Lee County area residents stating with the new growth, HOA rules, and the adopted Land Use Plan map, makes this a good location for the business.

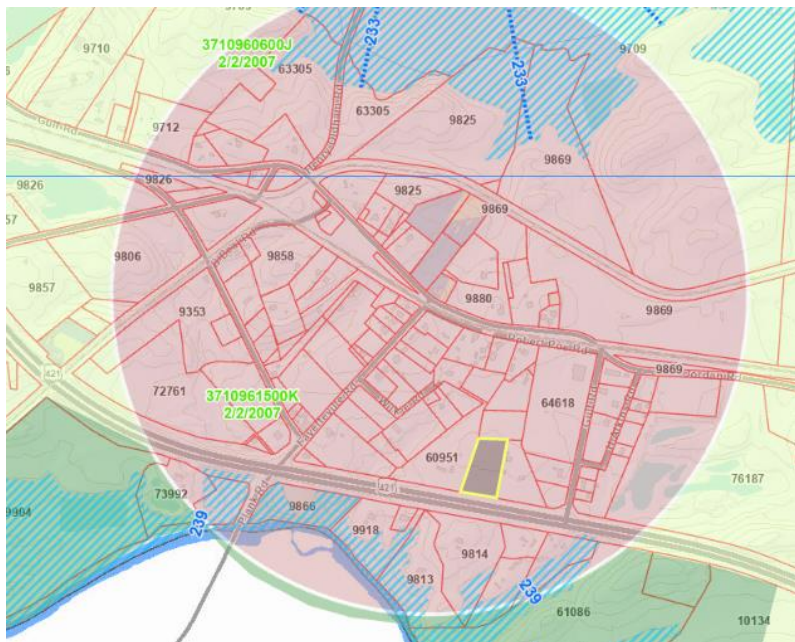
Similar uses are approximately 25 miles with one mini-outdoor storage facility approximately 8.5 miles away from this proposed site.

The property fronts on US 421 and has access to water from the Goldston-Gulf Sanitary District. A review of a commercial driveway permit will be completed with the NC Department of Transportation.

- 3. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.**

- The parcel is located with a Village Center node of the Land Use Plan where a mix of uses is encouraged (pg 14) (pg 40 Goals).
- This area has been designated for future growth per the Future Land Use and Conservation Plan map.
- The Town of Goldston has approved a new subdivision and other commercial uses with more on the horizon that this business can serve.

Below is the Land Use Map designation area



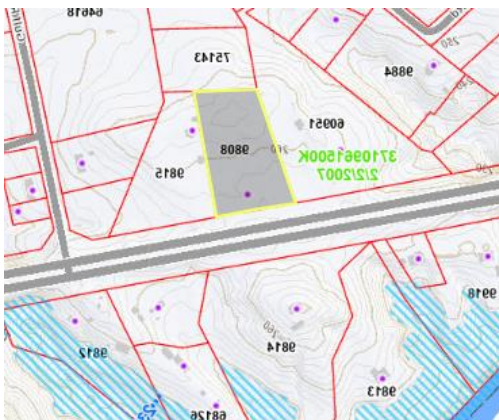
4. The requested amendment is either essential or desirable for the public convenience or welfare.

- The property fronts on US 421 S, a four-lane divided median highway and the daily vehicle trip general for this property is approximately 15 vehicles per day which will produce a minimal impact on traffic.
- The Chatham County Appearance Commission reviewed the proposed site plan on June 28, 2023, and think the site will be developed with keeping rural character through landscaping and buffering.
- The applicant held a community meeting on July 26, 2023. Three neighbors attended and had questions about visual impacts, property values, and general overall development timeline. No changes were recommended from this meeting.
- All other aspects such as lighting, noise, and signage will comply with the requirements of the Zoning Ordinance

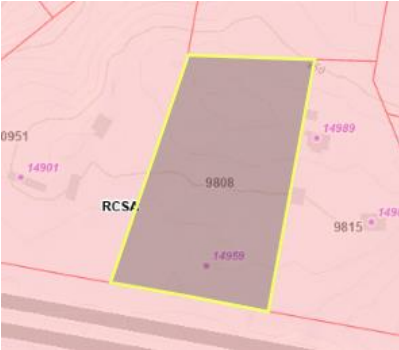
5. All other circumstances, factors, and reason which the applicant offers in support of the proposed amendment.

- Although public water is available, the property will be served by a septic system on-site. Both will require approximately 500 gpd.
- The Watershed Protection Ordinance allows for up to 36% built upon area (50% with an approved SNIA) and the applicant states 74% will be kept undeveloped.

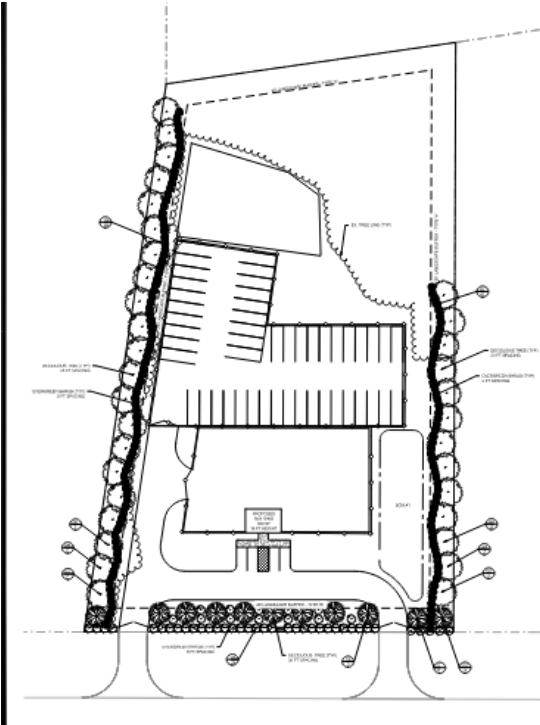
FEMA Map 3710961500K, dated 2/2/2007



Watershed RCSA Map



Proposed site plan



How does this relate to the Comprehensive Plan:

- The parcel is located with a Village Center node of the Land Use Plan where a mix of uses is encouraged (pg 14) (pg 40 Goals).

- This area has been designated for future growth per the Future Land Use and Conservation Plan map.

The Planning Board reviewed the request at their October 3, 2023 meeting.

Discussion included future road improvements by NCDOT for the conversion of US 421 into an interstate, future I-685. Staff discussed that they weren't aware of any specific planning for the road improvements, and it would likely be several years before the details emerge. There was also discussion about traffic entering and existing onto US 421 and the applicant stated it would be a right in/right out only entrance and the US 421 has a median and NCDOT would not approve cross access. The storage area for boat and RVs will be gated with a security gate system for access and would be graveled.

A Planning Board voted unanimously (8-0) to recommend approval of the consistency statement and rezoning.

Recommendation:

Vote by the Board of Commissioners for approval of the request.

The Planning Board, by a vote of 8-0, recommends adoption of a resolution approving the following Consistency statement:

- The development is consistent with the Comprehensive Land Use Plan by being located within a Village Center node where non-residential development has been encouraged.

The Planning Board recommends, by a vote of 8-1, adoption of an Ordinance Amending the Zoning Ordinance of Chatham County to approve a legislative request by Drafting and Design Services on behalf of Darryl Knight dba Knight Landscaping Supply to rezone Parcel 9808, located at 14959 US 421 S, Gulf Township, from R-1 Residential to Conditional District Regional Business for a landscaping supply, grading, and outdoor storage to include boat and RVs business:

Site Specific Conditions

1. The recommendations from the Chatham County Appearance Commission (CCAC) shall be followed as stated in the minutes and as shown on the revised site plan. 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 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.