



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 23-5013      **Version:** 2

**Type:** Agenda Item      **Status:** Passed

**File created:** 11/2/2023      **In control:** Planning

**On agenda:** 3/18/2024      **Final action:** 3/18/2024

**Title:** Vote to approve a legislative request by Walt Lewis to rezone Parcels 88772 (16.54 ac) and 17696 (4 ac) from R-1 Residential to CD-NB Neighborhood Business for a boat and RV storage facility located at 896 Beaver Creek Rd, New Hope Township

**Sponsors:**

**Indexes:** Comp Plan Goal 6: Provide recreational opportunities and access to open space.

**Code sections:**

**Attachments:** 1. More information from the Planning department website, 2. Nov 20 Catalyst\_Womble Property\_Viridian Holdings\_Walt Lewis, 3. Walt Lewis TEG Storage IV CZ-NB Final presentation

Date	Ver.	Action By	Action	Result
3/18/2024	2	Board of Commissioners	approved	Pass
11/20/2023	1	Board of Commissioners	referred	

Vote to approve a legislative request by Walt Lewis to rezone Parcels 88772 (16.54 ac) and 17696 (4 ac) from R-1 Residential to CD-NB Neighborhood Business for a boat and RV storage facility located at 896 Beaver Creek Rd, New Hope Township

**Action Requested:**

Vote to approve a legislative request by Walt Lewis to rezone Parcels 88772 (16.54 ac) and 17696 (4 ac) from R-1 Residential to CD-NB Neighborhood Business for a boat and RV storage facility located at 896 Beaver Creek Rd, New Hope Township.

**Introduction & Background:**

A legislative public hearing was held November 20, 2023 for this request. Planning staff presented the item and representatives for the applicant and members of the public provided comments. Due to the number of written comments received prior to and after the public hearing, staff exercised the one-month postponement to the Planning Board to review all the additional information.

Mr. Lewis previously applied for a rezoning of these parcels for boat and RV Storage in 2016 and that request was denied by the Board of Commissioners. He currently owns the Extra Garage II which is located approximately 500 ft from this proposed site. There have been no known issues with this facility, and it is currently full. It was stated this property could be used for residential purposes and even though it doesn't have suitable soils for conventional septic system, a state approved system may work. No information has been provided to support that concern.

These parcels adjoin the US Army Corp of Engineers property for Jordan Lake; specifically, Poplar Point, one of several campgrounds in the area. It is also in close proximity to the Poplar Point boat ramp and five others, all within 3.5 miles from this location.



*The Zoning map above shows the area of the property (R-1 Residential) and surrounding uses. Note: a place of worship is currently under construction on Parcel 88773 and an existing place of worship is located on parcel 62789*

The Planning Department received comments in support of and opposed to the rezoning request and those documents are posted online. Concerns included concerns about property value depreciation, traffic during peak season, and the use of a refueling tank on the property.

## 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.** Regarding the refueling tank, the applicant has offered that service at his Extra Garage III location with no issues. It is a service that is offered to customers to avoid additional travel time on the main thoroughfares and reduce congestion of gas stations.

The residential growth in the county has continued to rise and more developments have smaller lots and restrictive covenants that prohibit storing boats and recreational vehicles on site. These facilities provide a service to residents that choose to be involved in this type of recreation. The applicant states there are 13 other facilities around Jordan Lake that are full. There have been several that have been approved for expansion supporting the need for more, low activity uses.

Property tax is collected from these facilities for the boats and RVs in the county in which they are stored. This facility which is proposed for 198 units would generate approximately \$140,000 in tax revenue. The other facilities Mr. Lewis owns in the county generate approximately \$185,000 in tax revenue.

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

*The map below shows the parcels outlined in yellow and the area is designated as Rural on the Future Land Use and Conservation Map. Note this property is approximately ½ mile from a Crossroads Community node at the intersection of Beaver Creek Rd. and US 64.*



## RURAL

- Low density development is comprised of single family homes on large lots or in conservation subdivisions as well as some commercial buildings designed to protect function and form of rural character. Pastures, farms and forests dominate the landscape.
- Mix of uses include agriculture, large lot residential, supporting service uses, and home-based & small scale businesses
- Buildings: 1- and 2-story, more for farm buildings
- Streets: rural two-lane ("farm-to-market") roads
- Public open space: conservation easements, protected lands, regional greenway trails, preservation sites (historic and cultural), private space in large lots (POA/HOA)
- Locations:
  - Outside of Centers and Compact Residential
  - Residential areas

## CROSSROAD COMMUNITY

- Smaller than villages, these communities are within rural areas and typically have a minimal amount of retail and institutional uses.
- Mix of uses include single-family residential, some agriculture support services, limited supporting retail, and institutional uses.
- Residential uses are designed in a context sensitive manner, in keeping with historic development

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patterns, which may include smaller lot sizes and setbacks than typically rural and suburban development.

- Buildings: 1- and 2-story, more for farm buildings
- Streets: rural two-lane ("farm-to-market") roads
- Public/open space: informal greens at centers, regional greenway trails
- Locations:
  - Haywood, Brickhaven, Corinth, Griffins Crossroads, Wilsonville, Bear Creek, Harper's Crossroads

The Rural designation is primarily encourages residential uses but also includes supporting service uses.

Plan Goal, pg 42, goal 6 encourages the supporting of tourism by providing the expansion of recreational opportunities and improving access. Page 56, Strategy 4.4 support the expansion of new and existing businesses that diversify the local economy while capitalizing on the county's unique assets.

Page 57, ED Policy 6 - encourages businesses that increase tourism and recreation opportunities. The county 2023-2024 budget includes plans to reinvest in Jordan Lake with a proposed new western water intake project currently under review. Currently approximately 2 million people visit the lake annually.

Page 40-41, Goal 5 - encourages conserving natural resources. By locating near accesses to the lake aids in reducing fuel usage for larger vehicles with shorter trips to and from the amenities of the lake.

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

Based on the applicant's research, 13 other facilities around or near Jordan Lake and Harris Lake are at capacity including the applicant's three other facilities. Many residents or customers are on waiting lists.

The applicant held a community meeting on October 9, 2022. Nine residents attended and concerns included traffic on Beaver Creek Road, fuel storage on site, lighting and visual impacts to adjoining residences, and size of the facility. The applicant provided a traffic analysis at the public hearing that states Beaver Creek Road operates below capacity and the proposed use is not expected to have a significant impact on the road network. The report also states that turning lanes would not be warranted but the applicant has discussed the issue with NCDOT and a revised site plan with a proposed turning lane has been provided.

A property valuation report was also provided at the public hearing that shows residential properties in the immediate area all increased in value from 49% to 198% therefore the existing facility has not reduced property values.

Other uses in the Zoning Ordinance that would be permitted without the requirement of a rezoning or special use permit include family care homes, fire stations, government offices and facilities, solar farms, and owner-occupied bed and breakfast. These uses would generate more traffic than a storage facility with the exception of the solar farm.

The applicant met with the Chatham County Appearance Commission on December 14, 2022. Some slight modifications were suggested by the commission to include a 25 ft buffer where the tree line begins at the street inwards towards the property line due to the power line crossing. Some plant substitutions were suggested to present a more native, diverse plant species. Most of the lighting will be with full cutoff fixtures inside the facility with just a few external that will also be full cutoff. One, illuminated sign will be present. The commission approved the plan as amended.

**5. All other circumstances, factors, and reason which the applicant offers in support of the proposed amendment.** The facility will not need water or sewer as no bathrooms or washing of vehicles will be allowed or provided.

There is a fire hydrant on Beaver Creek Road approximately 150 ft away. NCDOT has approved two access entrance driveways for the facility.

The property is located within the WSIV-Critical Area watershed of Jordan Lake which limits built upon area to no more than 24%. The offset parcel #17696, being four acres, will remain undeveloped.





*The FEMA Map 3710978000K, dated 11/17/2017 shows no floodable areas on the parcels*

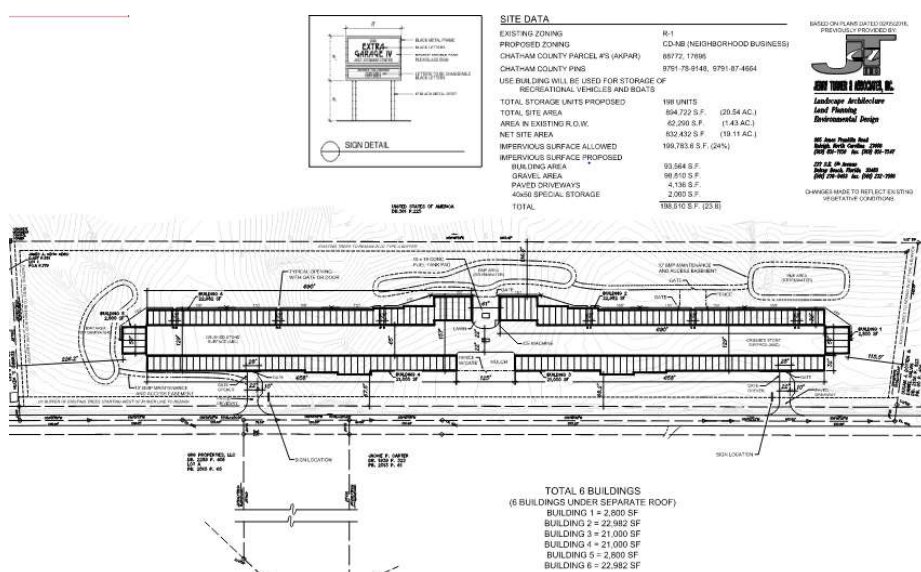


*NRCS and USGS maps noted below.*



### ***Proposed Site Plan***





Since the public hearing, additional information has been provided regarding this application including a letter from the applicant's attorney, revised site plan with turn lane, and petition signed by residents in the community near this property in opposition to the rezoning. All these documents are available on the website with other documents for this application.

The Planning Board reviewed and discussed the request at their February 6, 2024 meeting. Five people spoke in favor of the rezoning and one in opposition. The applicant and their legal representative provided their presentation and were available for questions. Some concerns that were discussed were potentiaion pollution to Jordan Lake, the refueling amenity, additional buffer needed on North side adjacent to an existing residence, and how this helps the county.

The applicant and his legal representative stated that the refueling amenity has been in operation at one of his other facilities for 8 ½ years with no incidents and has all the required state and local permits to operate it. These refueling tanks will only allow up to 25 gallons per use to be pumped, auto shut-off, and are used via credit card so no requirement for staffing. A double-walled, above ground tank will be used.

The adjacent landowner, who opposes the development, expressed concern about the landscaping and felt there were other possible residential uses that could be explored on the site utilizing alternative septic systems. The applicant has stated they agreed at the Appearance Commission meeting to double the North property line landscaping for the adjacent residence and to apply that as a condition of this approval.

**The Planning Board voted 5-3 to recommend approval of the request and consistency statement.**

### **How does this relate to the Comprehensive Plan:**

The Rural designation is primarily encourages residential uses but also includes supporting service uses.

Page 57, ED Policy 6 - encourages businesses that increase tourism and recreation opportunities. The county 2023-2024 budget includes plans to reinvest in Jordan Lake with a proposed new western water intake project currently under review. Currently approximately 2 million people visit the lake annually.

### **Recommendation:**

The Planning Board by a vote of 5-3 recommends adoption of a resolution approving the following consistency statement:

- The development is low activity and has been designed to keep in the spirit of the Rural designation and is located within ½ mile of a Crossroads Community activity node. Additionally, the property is designed for very low traffic volume and is landscaped for virtually no visibility from the road.

The Planning Board recommends by vote of 5-3 adoption of an Ordinance Amending the Zoning Ordinance to approve a legislative request by Walt Lewis to rezone Parcels 88772 (16.54 ac) and 17696 (4 ac) from R-1 Residential to CD-NB Neighborhood Business for a boat and RV storage facility located at 896 Beaver Creek Rd with the following conditions.

### **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.
3. The landscaping buffer shall be doubled (20 ft to 40 ft) with opaque, native, vegetative plantings to shield the adjacent residence from the project site.

### **Standard Site Conditions**

4. 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.

5. 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:**

6. 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.
7. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
8. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
9. 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.