



Chatham County Planning Board Agenda Notes

Date: September 11, 2012

Agenda Item: VIII. 2.

Attachment: #4

☐ **Subdivision**

☐ **Conditional Use Permit**

☒ **Rezoning Request**

☐ **Other:**

Subject:	Request by Walter Lewis to rezone approximately 3.415 acres, parcel #17717, located on Beaver Creek Road, New Hope Township, from Residential (R1) to Conditional Neighborhood Business Zoning District (CD-NB) to construct a RV and Boat Storage facility.
Action Requested:	See Recommendations
Attachments:	<ol style="list-style-type: none">1. Application packet distributed prior to August 20, 2012 public hearing2. Letter of support from Mr. Mike Poe3. Attachment "A" CCAC Recommendations

Introduction & Background

A legislative public hearing was held on this request August 20, 2012. Planning staff presented the application and reviewed the supporting documentation submitted. Mr. Jerry Turner, representative for the applicant, and Mr. Walt Lewis were present and spoke. One neighbor, Ms. Suzanne Dixon, spoke in opposition of the application. She asked the Board not to approve the request because, in her opinion, strangers will use the facility, a non-Chatham resident is developing the site, it lowers the curb appeal of the area, and they moved there expecting it to remain residential development only.

The applicant, Mr. Walt Lewis, took a moment to respond. He stated his current facility located at 25 Bob Horton Rd. and US 64 E intersection has been open for five (5) years. He stated he has remained at capacity for some time and has been looking for an area in Chatham County to expand. He stated, in his opinion, the location on Beaver Creek would provide a shorter distance for boaters to travel from storage to the boating ramp. He stated Ebenezer boat access is approximately 1 ½ miles south of the proposed facility and is adjacent to the area of the campground. He feels this will keep traffic off the main thoroughfare being US 64 and create better accessibility. Mr. Lewis also stated the parcel does not have suitable soils for a septic system so it could be cost prohibitive to develop residentially or for another use that would require septic and water. This facility will require neither.

Mr. Lewis also read a letter to the Board from a neighbor in support of the project. A copy of the letter from Mr. Mike Poe is attached.

Discussion & Analysis

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

The applicant held the community meeting, which is now required prior to submittal of an application to the Planning Department, on July 2, 2012 at his current facility at 25 Bob Horton Rd. A report of that meeting was included in the application packet and is subject to consideration by the Board.

The applicant met with the Chatham County Appearance Commission as required for pre-submittal of the application. There were some recommendations by the commission that have been agreed to by the CCAC and the applicant. The recommendations of the CCAC have been incorporated below as Condition No. 1.

The Conditional Zoning Neighborhood Business (CZ-NB) district does permit the use of the site as a boat and recreational vehicle storage facility. The site plans submitted, along with recommendations from the CCAC, meet the standards as approved in the zoning ordinance. The proposed stormwater plan has been preliminarily reviewed by the Environmental Quality Director, Dan LaMontagne and will follow the regulations required for implementation. This has also been conditioned below within the standard site conditions. Although new stormwater regulations were approved by the BOC August 20, 2012, this application was already in process and the plan they submitted falls under the previous stormwater regulations per Mr. LaMontagne.

There are four items listed in the Zoning Ordinance that must be addressed by an applicant when submitting a rezoning application. The applicant has addressed those items in the application materials and they are also discussed below.

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 stated this was not applicable.

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 applicant listed continued growth and development in the Triangle area and Chatham County and the unmet need for boat and RV storage; Jordan Lake is a major attraction for recreational and tourism activities; campgrounds on Corps of Engineers property are close to this property; and the project will have a limited visual impact based on the inverted design and on the recommendations from the CCAC. Bays will only be accessible from the inside of the facility.

Item #3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts thereof.

The applicant states even though this portion of the county is planned for residential uses, recreation is a major attraction to residential areas. The Land Conservation and Development Plan states a county recreation plan is under development as seen on page 52. However, that plan has not been completed. Page 47 shows that almost 14,000 acres of water in the county form one of the major attractions for the Jordan Lake State Recreation Area. Although the plan specifically encourages more stringent development practices around the lake, these are generally tied to the development of subdivisions. Subdivision development would require mass grading, septic and water installation, roadways, etc. This site will be leaving a large portion of the existing vegetation around the perimeter and installing new vegetation that is over and beyond what the regulations require.

The most recent county recreation master plan has not been adopted or a map for the Land Conservation and Development Plan that expressly states where such activities are best suited.

Item #4: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.

The applicant states the tax revenue will significantly increase. At present, the stated tax value is approximately \$85,000. The applicant projects based on his other facility's value, which is valued at \$1.1 million, to increase to approximately \$650,000.

The watershed classification for this site is WSIV-CAJL (Critical Area Jordan Lake) which only allows for up to 24% impervious surface. Two bio-retention basins will be provided to manage any stormwater runoff and collection requirements.

Recommendation

It is staff opinion that this request be approved and the Planning Board has up to three (3) meeting in which to make a recommendation to the Board of Commissioners. Should the Planning Board recommend approval, a consistency statement on how this request complies with the Land Conservation and Development Plan should be stated and/or listed. Planning staff will incorporate that statement into the recommendation to the Board.

Should the Planning Board recommend approval, staff has entered a set of conditions for review to be included in the recommendation to the Board. They are:

Site Specific Conditions

1. The recommendations of the Chatham County Appearance Commission shall be followed and implemented by the end of the next optimal planting season following the issuance of the building permit. This includes but is not limited to the extra planting area proposed by the applicant and the change in planting material, the change in the color of the building from beige to green to match the roof, and all other items as stated in the attached, approved minutes. (Attachment A) It shall be the applicant's responsibility to ensure the survival and maintenance of all landscaping required. Inspections will be conducted by planning staff and/or the CCAC as needed to ensure compliance.

Standard Site Conditions

2. 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 or variations must be approved through the Planning Department or other approving board before any such changes can take place.
3. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Stormwater Management, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.
4. A Certificate of Occupancy shall be obtained within two years of the date of this approval unless other approval/s has been given for an extension, or the conditional use permit becomes null and void.

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 inspection, established from time to time.
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.

ATTACHMENT "A"

Chatham County Appearance Commission Recommendations

The CCAC members expressed concerns that the landscaping at this existing site did not meet members' expectations and recommended that the new site plan should include in the front buffering a second inner row of alternating *Magnolia grandiflora* and *Cryptomeria japonica* in a staggered row with spacing of 15-20 feet between trees. This secondary buffering is to achieve some height to counteract the 32ft height at the entrance. It was also recommended that the proposed crepe myrtles on either side of the entrance be *Lagerstroemia* "Natchez" instead of L. "Muskogee", because the former will provide more buffering for Residential neighbors. The CCAC also recommended that the front (street) wall (and other walls if feasible) be painted a dark green or dark brown to minimize their appearance as the building was originally proposed to be a light beige. For comparison, the existing building on US64 is light beige. Any firebreaks protruding through sidewalls and roof should also be painted to match adjacent surfaces. Mr. Turner indicated that the existing sign at the US64 site will be moved to this new site. The CCAC recommended that the sign be turned off during evening hours in deference to Residential neighbors.

**Actual prepared minutes can be viewed from the website at www.chathamnc.org/planning under Rezoning & Subdivision Cases, 2012 or a copy obtained from the Planning Department.