



# Chatham County, NC

## Legislation Details (With Text)

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**File created:** 9/29/2017      **In control:** Planning

**On agenda:** 12/18/2017      **Final action:** 12/18/2017

**Title:** Vote on a request by Russ Anderson for a general use rezoning of Parcel 92203 located at 414 New Elam Church Road, from R-1 Residential to IL Industrial Light on approximately 10 acres, Cape Fear Township.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. More Information from Planning Department Website

Date	Ver.	Action By	Action	Result
12/18/2017	2	Board of Commissioners	adopted	Pass
12/18/2017	2	Board of Commissioners	adopted	Pass
10/16/2017	1	Board of Commissioners	referred	

Vote on a request by Russ Anderson for a general use rezoning of Parcel 92203 located at 414 New Elam Church Road, from R-1 Residential to IL Industrial Light on approximately 10 acres, Cape Fear Township.

**Action Requested:**

Vote on a request by Russ Anderson for a general use rezoning of Parcel 92203 located at 414 New Elam Church Road, from R-1 Residential to IL Industrial Light on approximately 10 acres, Cape Fear Township.

**Introduction & Background:**

A legislative public hearing was held on October 16, 2017. Planning staff and the applicant presented to the boards. The applicant stated that he wanted to use approximately 4 acres initially and expand to other uses allowed in the Light Industrial district in the future. One neighbor spoke requesting setbacks and landscaping be enforced and ensure that the area stays quiet. No other concerns were presented.

**The Planning Board reviewed the request on November 7, 2017. Mr. Anderson was also present and made additional comments to the board based on their concerns about a general rezoning request.**

**Some of the concerns noted from board members included not being comfortable considering a rezoning without a proposed site plan to review, the number of uses allowed as "P" Permitted within the Table of Permitted Uses in Section 10.13 of the Zoning Ordinance, the need for future restrooms for some uses, drainage from the site into potential headwater on the adjacent tract, and this is the first non-residential zoning on the north side of US 1 in that**

area.

Other board members, as well as planning staff, stated the Table of Permitted Uses was amended earlier in 2017 after months of review by the Commissioners and Planning Board. The amendment converted an additional 37 uses in industrial districts from permitted by right to a conditional use permit in order to allow additional review of the uses. Those uses listed as “P” Permitted would be required to follow all the ordinance and regulations currently adopted for development. Reasons were this property is not ideal for residential development, it sits at a corner of New Elam and US 1, which is four-lane controlled access highway, its close proximity to other non-residential properties, the fact that the current adopted Land Use and Conservation Plan encourages continued growth in the industrial economy in the Moncure-Haywood area, and that the proposed new Comprehensive Land Use Plan also identifies this as potential area for non-residential growth. It was also noted that with no county water and poor soils for wastewater, the list of uses would be limited.

A minority report was also submitted by the Planning Board members voting in opposition to the motion and is included as an attachment.

#### **Discussion & Analysis:**

Section 19.4.C of the Chatham County Zoning Ordinance outlines four standards that must be addressed for this general use zoning map amendment. When considering a general use rezoning, all uses listed as “P” Permitted will be allowed provided other regulatory permits can be obtained and satisfied (i.e. Erosion Control, Stormwater, Building, Fire and Environmental Health) and uses listed as “CU” require that a conditional use permit be approved prior to starting the use.

The parcel is currently zoned R1, Residential, and the applicant is requesting to rezone the entire tract to IL, Light Industrial. The property is located adjacent to New Elam Church Road and US 1, a controlled access 4 lane divided median highway. The adjoining properties to the north, west, and east are zoned R1, Residential and are primarily wooded with limited use. The properties on the south side of US 1 are zoned R1, Residential and CU-IND-L, Conditional Use Light Industrial. There are also multiple parcels zoned IH, Heavy Industrial and B1, Business, within ¾ mile of this property on the south side of US 1 that include a mix of commercial and heavy industrial uses.

The parcel is located within a WS-IV Protected Area watershed district and is outside of the Jordan Lake drainage. This watershed designation allows up 36% built upon area unless a density transfer is requested and approved. There are no water features shown on the USGS topographic or NRCS soil survey maps. Additionally, there are no special flood hazard areas identified on the property.

1. In response to any alleged error in the Ordinance, if any, which may be remedied by this proposed amendment, the applicant claims none.
2. The changed or changing conditions, if any, in the area or in the County generally, which make the proposed amendment reasonably necessary for the promotion of the public health, safety, and general welfare. The applicants states in the application the new Chatham County Growth Plan identifies this area as future employment for business growth. The applicant thinks that because this property fronts on the US 1 Highway it would be less desirable for residential development.

The proposed Future Land Use and Conservation Plan in the draft Comprehensive Land Use Plan identifies this area as suitable as an employment center, which are intended for job generating uses and include a mix of use types. Some of the supporting factors are proximity to existing industrial land uses, and a four lane controlled access highway. The Moncure-Haywood area has historically been an industrial supporting area for the county and is specifically noted in the current Land Conservation and Development Plan.

County water is not yet available from Pea Ridge Road to this site. However, it is located further north on New Elam Church Road and across US 1 on the southern portion of New Elam Church Road. There are six residences, cell tower site, and a church between this property and Old US 1.

3. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans. This area has existing industrial and business zoned due to its proximity to US 1 and Old US 1. Within ¼ mile conditional use light industrial already exists and within three miles several large industrial operations remain active. They include Triangle Brick, Elkins Saw Mill, McGill Environmental and various parcels that are already zoned heavy industrial.

4. Other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment. Approximately four acres are initially proposed to be developed out of the 10.233 acre tract. The WSIV-PA watershed designation allows for up to 36% built upon area, which would apply to this site unless a density transfer were requested and approved. This requires that a majority of the property remain undeveloped.

Off street parking requirements will have to be met based on the proposed use, signage will have to conform to the regulations set out in the Chatham County Zoning Ordinance, and the zoning and current uses in the surrounding area lend support to continued industrial use. Additionally, noise associated with traffic on US 1 make this property less desirable for residential use.

Planning staff and Planning Board recommends approval of the rezoning request.

#### **Recommendation:**

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

**It is the opinion of the Board of Commissioners that the rezoning request to rezone Parcel No 92203, being acres 10.233 acres, is consistent with the goals and objectives of the Land Use Plan of Chatham County. Specifically, encouraging continued non-residential and industrial growth in the Moncure-Haywood area on property that is less desirable for residential use due to its proximity to a major four-lane highway and other industrial uses.**

The Planning Board by a vote of 5-3 recommends adoption of an ordinance amending the Zoning Ordinance approving the request by Russ Anderson for a general use rezoning of Parcel 92203 located at 414 New Elam Church Road, from R-1 Residential to IL Industrial Light on approximately

10 acres.