



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 20-3380      **Version:** 4  
**Type:** Resolution      **Status:** Passed  
**File created:** 1/2/2020      **In control:** Planning  
**On agenda:** 4/20/2020      **Final action:** 4/20/2020

**Title:** Vote on a request to approve a legislative request for a general use rezoning request by Jeff Wilson dba Wilson Brothers Milling Co., Inc to rezone Parcel No. 63839, from R-1 Residential to IL Light Industrial, located off NC HWY 902, Bear Creek Township.

**Sponsors:**

**Indexes:** Comp Plan Goal 4: Diversify the tax base and generate more high-quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting.

**Code sections:**

**Attachments:** 1. More information on the Planning Department website

Date	Ver.	Action By	Action	Result
4/20/2020	4	Board of Commissioners	adopted	Pass
4/20/2020	4	Board of Commissioners	adopted	Pass
2/17/2020	2	Board of Commissioners	referred	

Vote on a request to approve a legislative request for a general use rezoning request by Jeff Wilson dba Wilson Brothers Milling Co., Inc to rezone Parcel No. 63839, from R-1 Residential to IL Light Industrial, located off NC HWY 902, Bear Creek Township.

**Action Requested:**

Vote on a request to approve a legislative request for a general use rezoning request by Jeff Wilson dba Wilson Brothers Milling Co., Inc to rezone Parcel No. 63839, from R-1 Residential to IL Light Industrial, located off NC HWY 902, Bear Creek Township. The Planning reviewed this application during their March 3, 2020 meeting.

**Introduction & Background:**

A legislative public hearing was held on February 17, 2020. The public hearing was held open for an additional month by staff because of a misplacement of a public hearing sign on the adjacent property and not the property requested to be rezoned.

Planning staff presented the request to the Board of Commissioners and Ken Smith, Operations Manager in place of Jeff Wilson, was available to answer questions. No one signed up to speak.

Planning staff has received several comments on the proposed rezoning in favor of denial. Concerns include additional noise, traffic, dust, pollution, bicycle route on 902, and how the proposed rezoning relates to the comprehensive land use plan (copies of the comments are provided on the planning website).

**Discussion & Analysis:**

The property is currently zoned R-1, Residential, the property to the west is zoned IND-L, Light Industrial, all other adjacent properties are zoned R-1, Residential. The property adjacent to the west is the current Wilson Brothers Trucking operation. The property currently occupied by Wilson Bros. Trucking was initially zoned as residential in 2016. They were then rezoned to Light Industrial in June 2018 as part of the first round of business rezoning cases that were offered at no charge by the Board of Commissioners.

When considering a general use zoning classification, the boards must consider all of the uses that are allowed within the district.

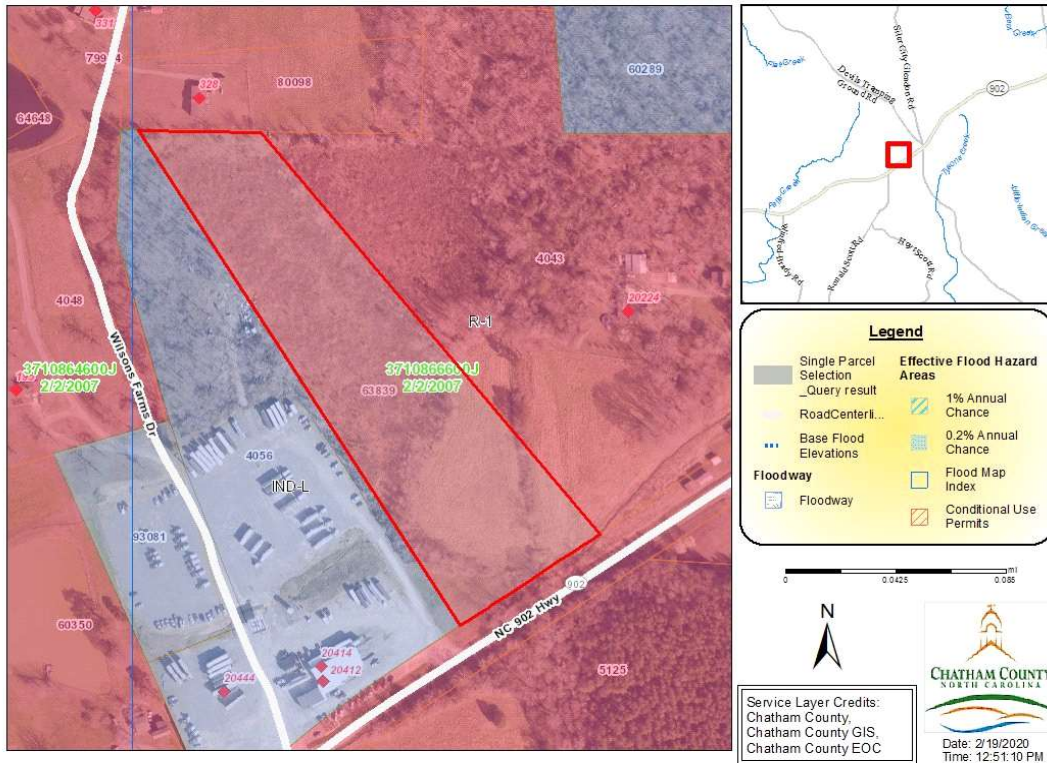
The company has been in existence in its current location for more than six decades. It operated in a portion of Chatham County that remained unzoned until 2016 at which time it became a legal non-conforming use/situation which allows continued operations.

Mr. Wilson had inquired about placing a new building on his business property and wanted to make sure what he had planned would be compliant with regulations. Planning staff discovered at this time that his current operation was in violation of the Watershed Protection Ordinance in that the allowable built upon area for the business had been exceeded. Mr. Wilson was informed and given options, of which he chose to purchase parcel 63839, so that his business can be compliant with Watershed Protection Regulations.

In an effort to work with adjacent landowners, a preliminary plat shows parcel 63839 being reduced by 2 acres in order to give a neighboring property a larger buffer from the business. The current built upon area, if parcel 63839 is approved for an IND-L zoning classification, will be at 31% of the maximum allowable 36%. This means that only 0.87 acres is available to be developed, and must also meet the setbacks of 50' from all property lines.

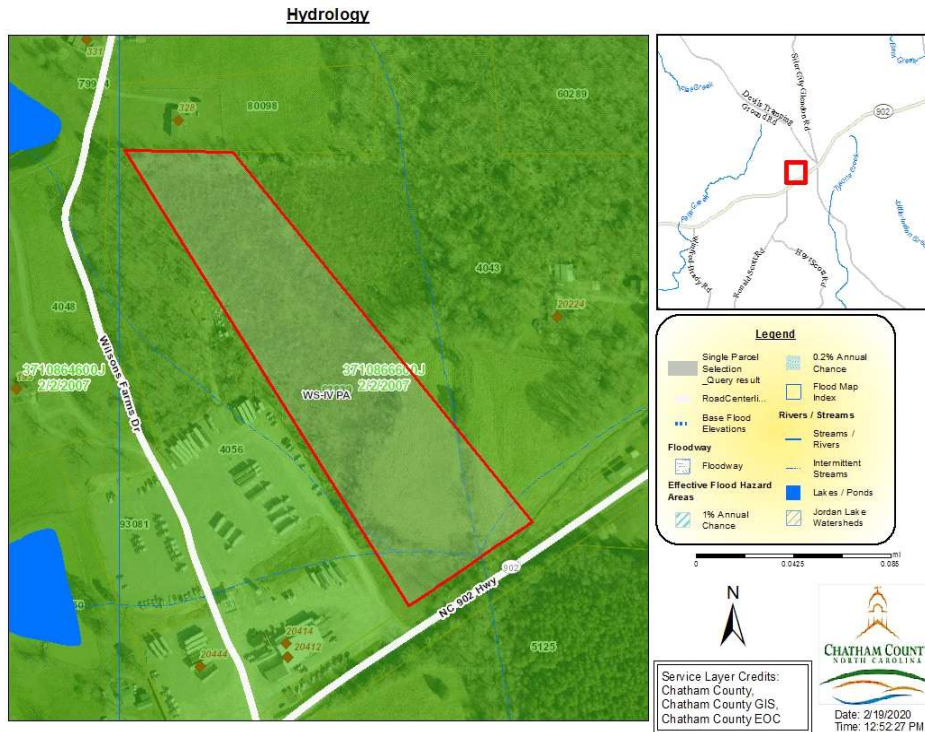
*The following map shows the current zoning and the areas surrounding the parcel.*

Zoning

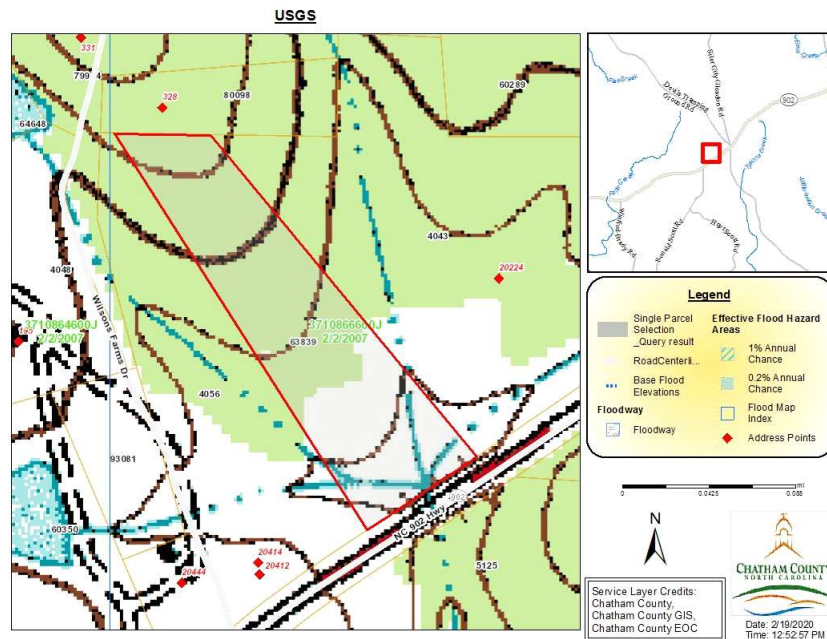


The property is in the WS-IV PA Watershed. There are water features on the property and there is no special flood hazard area.

The following map shows the watershed classification.



The following map is the USGS map showing the potential blueline streams on the property.



In considering a general use rezoning request Section 19 of the Chatham County Zoning Ordinance includes four standards that must be addressed and supported in order for a rezoning application to

be approved. The standards are:

**Standard No 1: The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment.** No error in the ordinance is being alleged.

**It is planning staff opinion this standard is met.**

**Standard No 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 applicant states that their company has expanded and increased its capacity by 45% in the past 12+ months. As a result, 30 new class 8 road tractors were added to the existing rolling stock inventory for a total of 85 trucks now parked onsite. Additionally, an increase in employees has occurred with this growth. Although the character of the area is rural, it is an important economic center that is providing employment for approximately 200 people in total for the 12 small businesses that are operating.

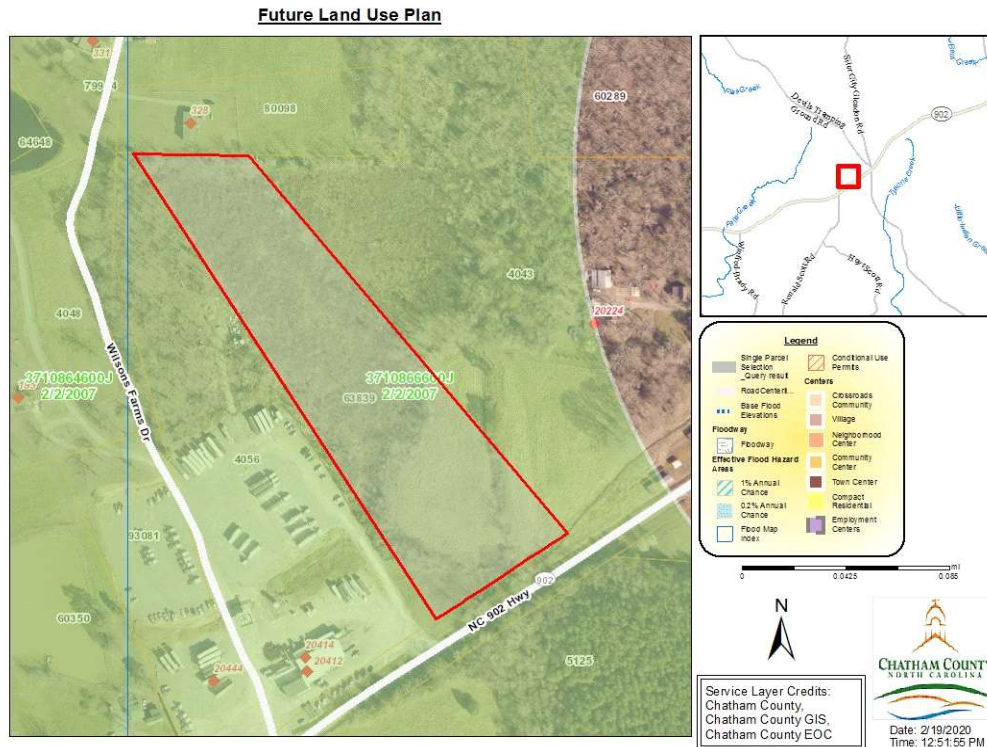
The applicant addresses promotion of general welfare, but does not address the public health and safety. However, the purpose of this application is to correct a Watershed Protection Ordinance violation of the applicant exceeding the allowable built upon area currently and also providing a small additional area of less than ½ acre to utilize for some future business need. In essence, by complying with the Watershed regulations, he will be protecting the public health of the area surrounding his property by providing natural areas for stormwater runoff.

**It is planning staff opinion this finding can be met.**

**Standard No 3: The manner in which the proposed amendment will carry out the intent and purpose of the adopted land use plan, or part thereof.** Page 56 ED policy 4 strategy 4.4 states, “permit existing commercial and industrial uses that are appropriately zoned to continue to operate, and allow for reasonable expansion, contingent upon meeting environmental and transportation requirements”. The applicant needs more property to offset the current built upon area so that they are compliant with all Chatham County regulations and ordinances.

Page 68, Land Use Policy 8 states, “support the viability of agricultural operations through land use policies and regulations”. Wilson Brothers is a commercial trucking company for hire. 90% of the business that it serves is supporting the agriculture industry. Primary hauling includes animal agriculture feed ingredients, finished poultry feed, and live poultry transport.

*The following map is the Future Land Use Plan Map. The property is in an area designated as agriculture, but is within close proximity to a Crossroads Community node.*



**It is planning staff opinion this standard is met.**

**Standard No. 4: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.** Wilson Brothers currently serves local/regional freight lanes within 100-mile radius of this location. They have been operating for 80 years. Because of rapid expansion that the company has experienced, this land will be utilized for their current and future growth so as to comply with all Chatham County regulations and ordinances.

This company provides a couple hundred jobs, higher property tax revenue, complies with NCDOT driveway requirements, requires no additional services from the county with respect to schools, water, etc. The Planning Department has had no complaints or investigations on this property in at least the last 30 years.

**It is planning staff opinion this standard is met.**

**It is planning staff opinion that the Zoning Ordinance standards for granting a rezoning request have been met for this property.**

The Planning Board reviewed the application during their March 3, 2020 meeting and discussion included that the request was primarily to correct a violation of the existing site where a parking area was expanded beyond the built upon area limits of the watershed regulations; that the existing business property was initially zoned R-1 in 2016 with the extension of zoning in the western part of the county; that the owner accepted the Commissioners offer to rezone the existing business property to Light Industrial to bring the property into conformity; and that the request supported the

expansion of an existing business. Additional discussion included what would happen to the area where the parking area was expanded. Staff commented that some of the gravel might have to be removed to meet setback requirements, but otherwise this rezoning request would correct the violation.

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

Goal 4. Diversify the tax base and generate more quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting.

**Recommendation:**

The Planning Board by unanimous vote (8-0) and planning staff recommends adoption of an ordinance amending the Zoning Ordinance approving a general use rezoning request by Jeff Wilson dba Wilson Brothers Milling Co., Inc to rezone a portion of parcel No. 63839, from R-1 Residential to IL Light Industrial, located off NC HWY 902, Bear Creek Township. The area being rezoned is approximately 5.56 acres as shown on a preliminary plat titled "Site Plan for Jeffrey D. Wilson" prepared by Van R. Vinch Land Surveys with a revised date of January 16, 2020.

The Planning Board by unanimous vote (8-0) recommends adoption of resolution approving the following proposed consistency statement:

It is the opinion of the Planning Board the rezoning request is consistent with the Chatham County Comprehensive Land Use Plan based on the property correcting a Watershed Protection violation to meet water supply protection measures, meeting ED Policy 4 Strategy 4.4 and Land Use Policy 8 of the Comprehensive Land Use Plan, and therefore is recommended for approved.