



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 21-3733      **Version:** 2

**Type:** Resolution      **Status:** Passed

**File created:** 2/11/2021      **In control:** Planning

**On agenda:** 1/19/2021      **Final action:** 1/19/2021

**Title:** Vote on a request to approve a legislative request by K&B Investment Corp, for a general use rezoning from B-1 Business to IND-L, Light Industrial, Parcel No. 60705 being approximately 13.154 acres, located at 144 Old Lystra Rd, Williams Township.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. More information from planning website, 2. 144 Old Lystra Re-Zone Presentation

Date	Ver.	Action By	Action	Result
1/19/2021	2	Board of Commissioners	adopted	Pass
1/19/2021	2	Board of Commissioners	adopted	Pass
11/16/2020	1	Board of Commissioners		

Vote on a request to approve a legislative request by K&B Investment Corp, for a general use rezoning from B-1 Business to IND-L, Light Industrial, Parcel No. 60705 being approximately 13.154 acres, located at 144 Old Lystra Rd, Williams Township.

**Action Requested:**

Vote on a request to approve a legislative request by K&B Investment Corp, for a general use rezoning from B-1 Business to IND-L, Light Industrial, Parcel No. 60705 being approximately 13.154 acres, located at 144 Old Lystra Rd, Williams Township.

**Introduction and Background:**

A public hearing was held on November 16, 2020. Planning staff, Justin Booth, representative for the applicants, and Sam Rauf, EDC all presented the request. The president of the nearby Arbor Lea subdivision HOA also spoke in opposition of the request. There were several letters received from adjacent landowners and representatives from the Arbor Lea subdivision in opposition to the request and they have been posted on the Planning Department webpage under Rezoning and Subdivision Cases, 2020. Some of the concerns raised are:

- Increased traffic on Old Lystra Road near the residential areas should drivers miss the turn into the facility.
- The property being an eyesore as it currently sits.
- Potential uses that could devalue property values.
- Increased noise, lighting, landscaping and signage all insufficient currently.

This property was zoned B-1 Business (which is now a legacy zoning district) in 1986 when the owners of Performance Bike requested a rezoning of the property. There was a store front for the bicycle business as well as the warehousing and assembly of various types of bikes. The building has expanded over the years to become the 143,000 square feet it is today. The prior use was subject to bankruptcy and the building has been vacant since.

Several properties adjacent to this property are non-residential uses consisting of the UNC park and ride lot (allowed use in a R1, Residential, district, NC State Employees Credit Union (conditional use business district), a business park, and a small storage facility (conditional use light industrial district). It is situated approximately 1/10 of a mile from the signalized intersection of US 15-501 N and Old Lystra Road. Over the last few decades the only zoning violation consisted of a lighting issue and no other issues have been presented to the Planning Department.

### **Planning Board discussion are noted below Discussion and Analysis**

#### **Discussion and Analysis:**

When considering a general use rezoning, all uses listed in Section 10.13 of the Chatham County Zoning Ordinance listed under the proposed zoning classification are permitted. However, due to possible limiting situations such as wastewater capacity, access to public utilities, impervious surface limits, etc., not all uses are feasible. The decision to approve a general use rezoning shall be determined by the following criteria.

**1. Any alleged error in the Ordinance, if any, which would be remedied by the proposed amendment.** The applicant is not claiming any error in the ordinance.

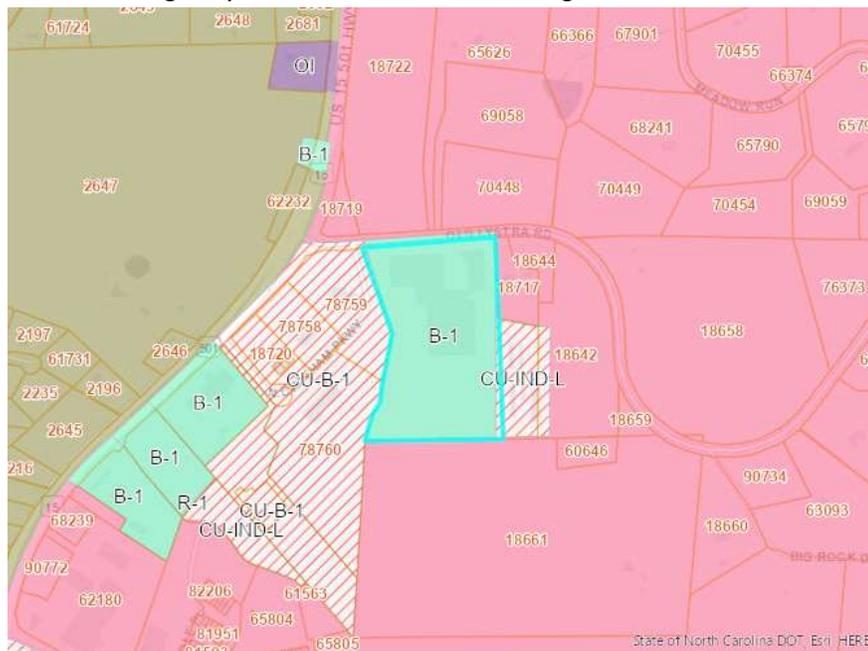
**It is the planning staff opinion and Planning Board recommendation, that this standard has been met.**

**2. The changed or changing conditions, if any, which make the proposed rezoning reasonably necessary.** The current zoning classification of B-1 Business is a historic district which limits the number of possible uses to meet today's market. There have been multiple requests from potential occupants to both the current owner and Chatham EDC about potential investment and employment opportunities for the property. However, those requests have not been allowed under the current zoning. A General Use rezoning to Light Industrial increases the chance of a new business occupying a vacant warehouse type building in the county with a similar previous use, while still fitting in with surrounding parcel uses.

The building is in between two Neighborhood Centers identified on the Future Land Use and Conservation Plan, is an existing building with a previous business use that was occupied for decades, next to a Conditional Use-Light Industrial Zoning, and adjacent to an important transportation corridor for the county. US 15-501 is a primary transportation corridor in the county which is part of the reason a distribution and warehouse business was located on the subject property. Apart from this, the building is existing and no other improvements are needed. Specific job numbers would depend on the type of future occupant.

**It is the planning staff opinion and Planning Board recommendation, that this standard has been met.**

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



3. **The manner in which the proposed rezoning will carry out the intent and purpose of the adopted Land Use Plan or part thereof.** With a growing population and projected increase in population from 70,928 (page 14) to 128,327 (page 14) in 2040, the building will provide an employment hub for those moving to Chatham County. As it currently stands, the building could present an eye-sore to future residents and deter Community growth. Being located close to US 15-501, one of Chatham County’s most heavily used transportation corridors, the rezoning fits the Economic Development Strategy 2.3 from the Land Use Plan that states, “As demand warrants, consider zoning to allow distribution and warehouse uses along major

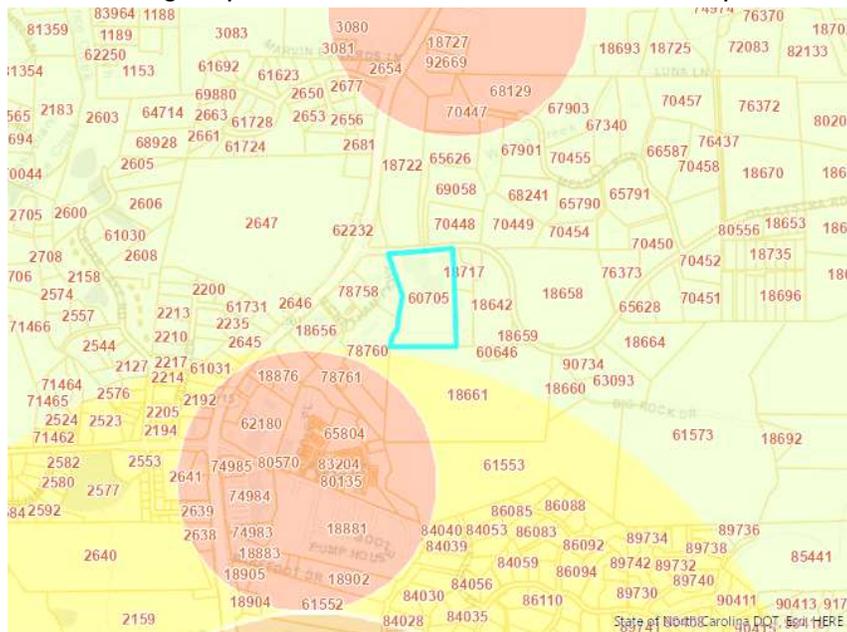
transportation corridors.

The goal and objective of this rezoning would be to utilize existing infrastructure to support economic objectives. Given the building currently exists, the impact of development would not change, but the potential for job growth would increase to create a diverse tax base as outlined in item 4, of page 41 of the Chatham plan.

On page 53, the big idea is to have 14,000 new jobs in Chatham County by 2040 (page 53) and this rezoning supports Economic Development Recommendation 02 from the Land Use Plan to “increase employment opportunities across the County.” Additional support is provided with Strategy 7.3 under the Land Use Plan Element that reads “Support rezonings for the adaptive reuse of existing industrial sites that are not being used (i.e. feedmill and truck maintenance facility for the poultry industry).”

**It is the planning staff opinion and Planning Board recommendation, that this standard has been met.**

*The following map shows the Future Land Use Plan map*



4. List all other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment. The site will be virtually unchanged. The building is existing and no new additions are proposed. There are currently 90 parking spaces and no additional are proposed. The property is limited in built upon area and this project is or has already exceeded the maximum over the years because it was developed prior to adoption of the Watershed Protection Ordinance.

The access drives are already in place and traffic will continue to follow the existing roadway services. Being close to the intersection of the US 15-501 highway corridor limits use further down Old Lystra Road away from residential areas.

The site will continue to utilize the existing septic system. Because of the size of the system, there are many uses in the Table of Permitted uses that could not locate on the site. The county water system will continue to serve the property.

Landscaping, noise, lighting, and signage location are existing and will be utilized for any new business locating on the site.

**Planning Board discussion and/or concerns were as follows:**

- **Concern over the number of permitted uses in the Table of Permitted Uses, Section 10.13 of the Zoning Ordinance that could potentially locate on the property. It was stated again, the septic system and current built upon area are existing limitations already on the property that would prohibit approximately 40-50 uses not allowed.**
- **Concern over the building continuing to sit vacant which causes all other types of health and safety issues.**
- **Concern over increased uses if public wastewater was ever made available.**

**The positives for approving the project included:**

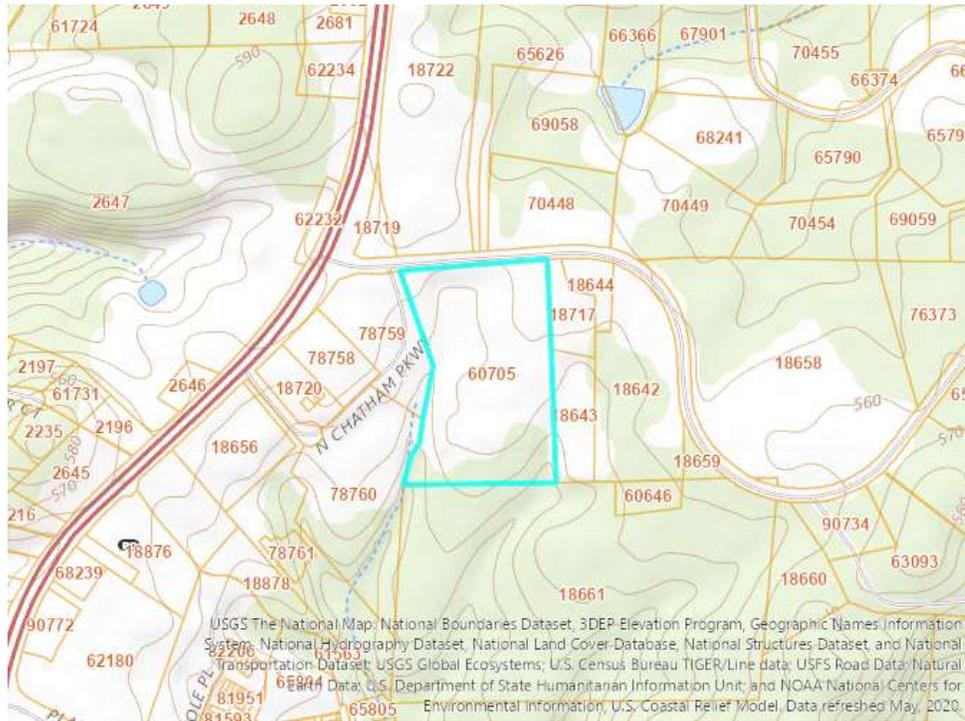
- **Reuse of existing buildings for economic growth.**
- **Smart opportunity for the county to bring revenue and jobs and limitations on the number of uses a plus.**
- **Location away from residential and close to the signalized intersection of a major highway.**

It is the planning staff opinion and Planning Board recommendation, that this standard has been met.

*The following map shows the watershed classification*



The following map shows USGS topographic information



5. All other information required on this application or as offered by the applicant in support of the request. A focus between the County and Economic Development has been trying to utilize existing, vacant buildings so the county can continue to meet demands for employment, increase the tax base revenues, and offset tax burden on residential development that continues to grow. It's better for the environment to use existing structures to help in meeting these needs.

**It is the planning staff opinion and Planning Board recommendation, that this standard has been met.**

**Based on all standards being met, it is the opinion of the planning staff and recommendation of the Planning Board by vote of 8-1, the request for general use rezoning be approved.**

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

The goal and objective of this rezoning would be to utilize existing infrastructure to support economic objectives. Given the building currently exists, the impact of development would not change, but the potential for job growth would increase to create a diverse tax base as outlined in item 4, of page 41 of the Chatham plan.

**Recommendation:**

The Planning Board recommends by vote of 8-1 approval and adoption of resolution approving the following consistency statement:

The rezoning of Parcel 60705 is consistent with the Comprehensive Land Use Plan of Chatham by utilizing existing infrastructure to support economic objectives and giving the potential for job growth that would increase to create a diverse tax base as outlined in item 4, of page 41 of the Chatham plan. On page 53, the big idea is to have 14,000 new jobs in Chatham County by 2040 (page 53) and this rezoning supports Economic Development Recommendation 02 from the Land Use Plan to “increase employment opportunities across the County.” Additional support is provided with Strategy 7.3 under the Land Use Plan Element that reads “Support rezonings for the adaptive reuse of existing industrial sites that are not being used (i.e. feedmill and truck maintenance facility for the poultry industry).”

The Planning Board recommends by a vote of 8-1 adoption of an ordinance to approve a legislative request by K&B Investment Corp, for a general use rezoning from B-1 Business to IND-L, Light Industrial, Parcel No. 60705 being approximately 13.154 acres, located at 144 Old Lystra Rd, Williams Township..