



Chatham County, NC

Legislation Text

File #: 19-2955, **Version:** 2

Vote on a Legislative request for approval for general use rezoning from CU-Ind Heavy to R-1 Residential by Jim Saputo on property located at 148 Rush Rd. New Hill, Parcel No. 5545, being approx. 51.6 acres.

Action Requested:

Vote on a Legislative request for approval for general use rezoning from CU-Ind Heavy to R-1 Residential by Jim Saputo on property located at 148 Rush Rd. New Hill, Parcel No. 5545, being approx. 51.6 acres.

Introduction & Background:

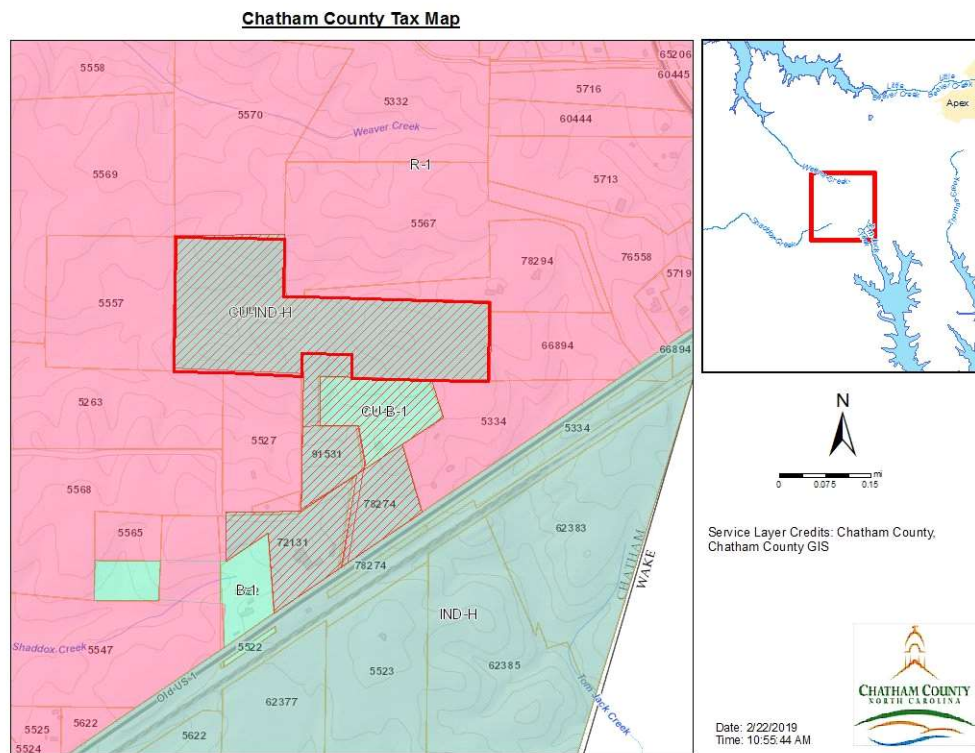
A legislative public hearing was held on February 18, 2019. Planning staff presented the request and Mark Ashness, representative for the applicant, provided input. No-one else spoke on the matter.

This property currently has a zoning designation of Conditional Use Heavy Industrial (CU-IH) which was approved in 1994 for a rock crushing operation. The conditional use permit (CUP) associated with the current zoning will be voided if the rezoning is approved. The property was never developed for the heavy industrial use and has remained vacant.

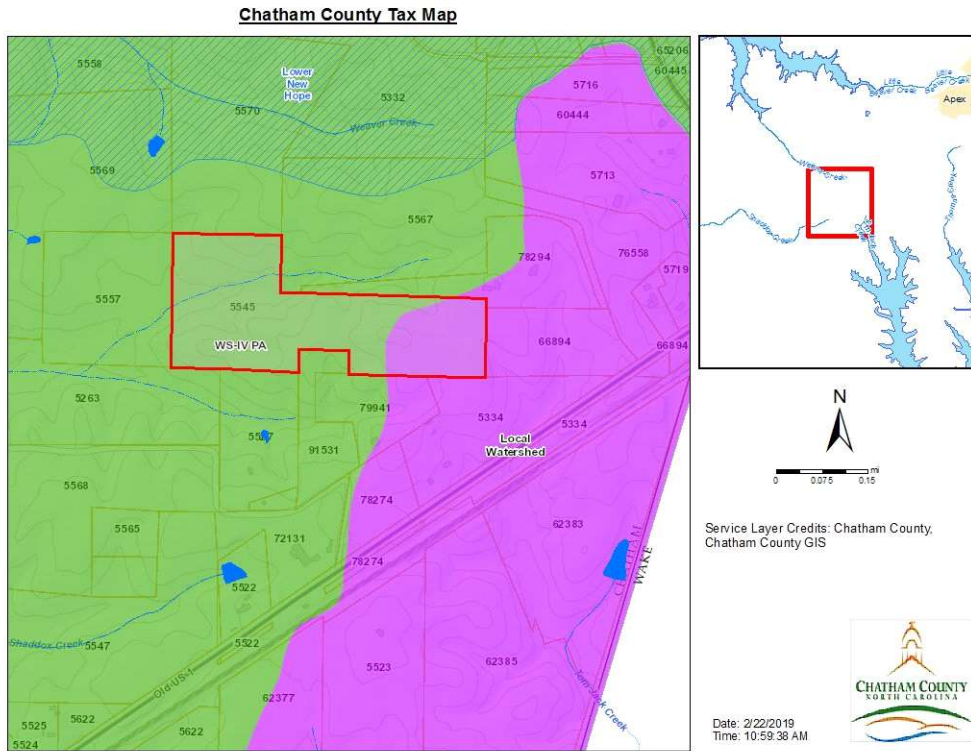
Discussion & Analysis:

The property is located in an area surrounded on three sides by R-1 Residential zoning. The properties to the south are zoned Conditional Use Heavy Industrial (CU-IH), Conditional Use Business (CU-B1), and Residential. The conditional use permit for the property zoned CU-IH is part of the CUP for the property under consideration for rezoning and will be voided. The CUP for the CU-B1 property is for a landscaping and nursery business. The applicant also owns the adjacent property to the east, Parcel No. 66894, which provides direct access to Old US 1.

The zoning map that follows shows the current zoning in the areas surrounding the parcel.

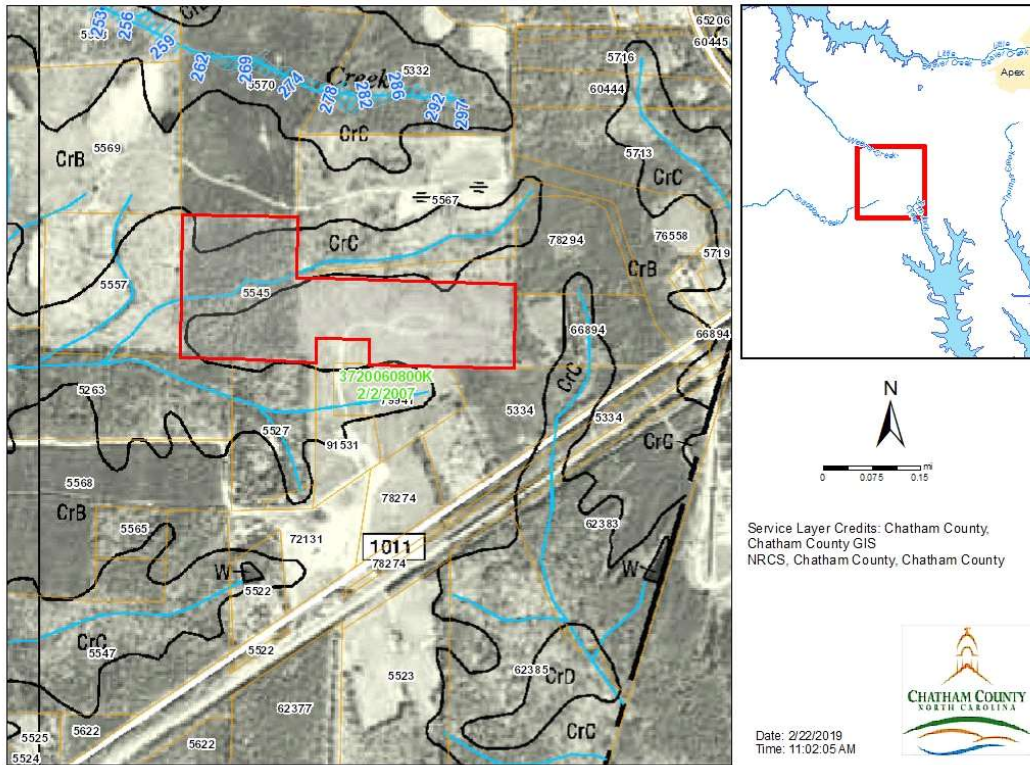


The map below shows the watershed classification and the majority of the parcel is located within the WSIV-PA (outside the Jordan Lake Buffer Rule area) and LWA Local.



The Natural Resources Conservation Service soils map below shows one potential blueline stream on the property. If the property is subdivided, an on-site inventory of water features will be required to determine applicable riparian buffer. There is no special flood hazard area identified on the property.

Chatham County Tax Map



In considering a general use rezoning request, Section 19 of the Chatham County Zoning Ordinance states the four standards must be addressed and supported in order to be approved for the intended zoning designation change. The standards are:

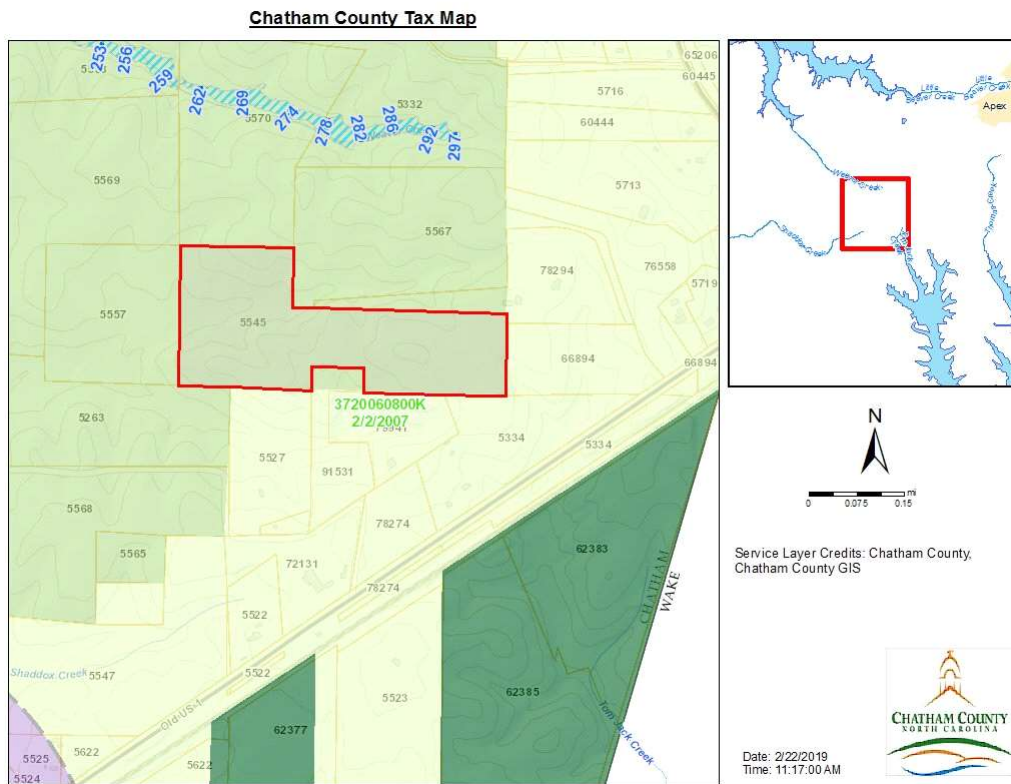
Standard No 1 - The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment is: The applicant is not claiming any errors in the ordinance. **It is Planning Board and planning staff opinion this standard is met.**

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 are: Chatham County adopted a comprehensive plan and map that now identifies this area as suitable for agriculture and residential uses. Since the property was never utilized for industrial use since the conditional use heavy industrial zoning approval in 1994, reverting back to residential zoning complies with the newly adopted plan. The area immediately surrounding this property has not experienced significant growth, but the county has recently approved several rezoning requests on the south side of US 1 associated with the Moncure Megasite (<https://www.chathamcdc.org/real-estate/moncure-megasite/>). If a major industry opens in the megasite additional residential development will be needed in that area to provide housing for employees. Additionally, development pressure is increasing in Wake County with the construction of

the Western Wake Wastewater Treatment Plant. **It is Planning Board and planning staff opinion this standard is 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 is: The adopted comprehensive plan identifies this area as agricultural. Within this designation the recommended uses include large-scale agriculture, related processing facilities, single family homes, farms, and some supporting commercial and service uses.

The map below shows the Future Land Use and Conservation Map and the property is located in an area identified as Agriculture. The map is a guide showing the intended future land use pattern using various land use areas. Strict adherence to the map in making land use decisions is not recommended but should be used as a guide.



Standard No. 4 - All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment are: The property, due to the location to other residentially zoned properties and the fact the property never utilized the heavy industrial zoning obtained in 1994,

supports rezoning to residential. **It is Planning Board and planning staff opinion this standard is met.**

The Planning Board reviewed the request during their regularly scheduled meeting on March 5, 2019. Planning staff presented the information from the application and agenda notes and advised there were no concerns expressed during the public hearing and no additional comments had been provided. There was general discussion during the meeting about future residential development of the property. Mark Ashness responded that the applicant has acquired additional property and that residential development is likely to be proposed in the future.

The Planning Board, by unanimous vote (11-0), recommends approval of the rezoning request based on all standards being met and adoption of the consistency statement provided in the recommendation.

How does this relate to the Comprehensive Plan:

The adopted comprehensive plan identifies this area as agricultural. Within this designation the recommended uses include large-scale agriculture, related processing facilities, single family homes, farms, and some supporting commercial and service uses.

Recommendation:

The Planning Board, by unanimous vote of 11-0, recommends adoption of an ordinance approving the request by Jim Saputo for general use rezoning from CU-Ind Heavy to R-1 Residential of property located at 148 Rush Rd. New Hill, Parcel No. 5545, being approx. 51.6 acres.

The Planning Board, by unanimous vote (11-0), recommends adoption of a resolution approving the following consistency statement in support of the rezoning request:

The rezoning of parcel 5545 is consistent with Plan Chatham by being located within an agricultural designation which recommends allowing large-scale agriculture, related processing facilities, single family homes, farms, and some supporting commercial and service uses. The current conditional use heavy industrial zoning classification is inconsistent with the adopted plan.