



# Chatham County, NC

## Legislation Details (With Text)

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

**File created:** 10/30/2018      **In control:** Planning

**On agenda:** 1/22/2019      **Final action:** 1/22/2019

**Title:** Vote on a Legislative request from Holmes Oil Co. to rezone Parcel No. 70153 being approximately 5.783 acres, located off US 64 E, from R-1 Residential to General Use Neighborhood Business, New Hope Township.

**Sponsors:**

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
1/22/2019	2	Board of Commissioners	adopted	Pass
1/22/2019	2	Board of Commissioners	adopted	Pass
11/19/2018	1	Board of Commissioners	referred	

Vote on a Legislative request from Holmes Oil Co. to rezone Parcel No. 70153 being approximately 5.783 acres, located off US 64 E, from R-1 Residential to General Use Neighborhood Business, New Hope Township.

### Action Requested:

Vote on a Legislative request from Holmes Oil Co. to rezone Parcel No. 70153 being approximately 5.783 acres, located off US 64 E, from R-1 Residential to General Use Neighborhood Business, New Hope Township.

### Introduction & Background:

A legislative public hearing was held on November 19, 2018. Presenting the request were planning staff and Mark Ashness, PE with CE Group. No one signed up to speak on the matter. This parcel is part of the future expansion area for the existing property to the east that is zoned for business use and has been held by the landowner since 2006 per the recorded deed.

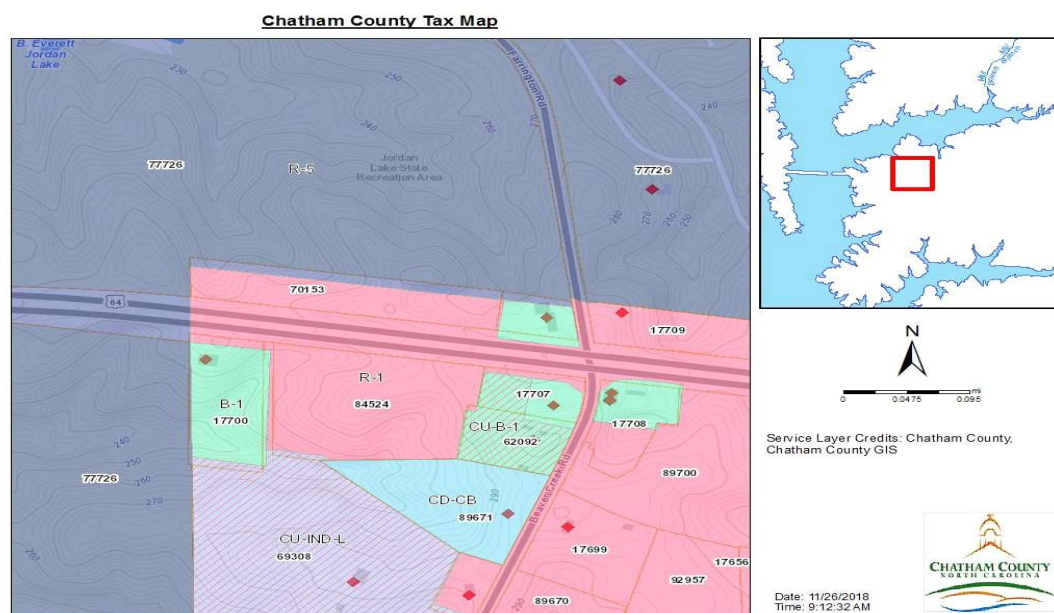
**The Planning Board reviewed the item at their regular meeting on December 4, 2018.**

**Recommendations and/or comments are noted in BOLD below each standard.**

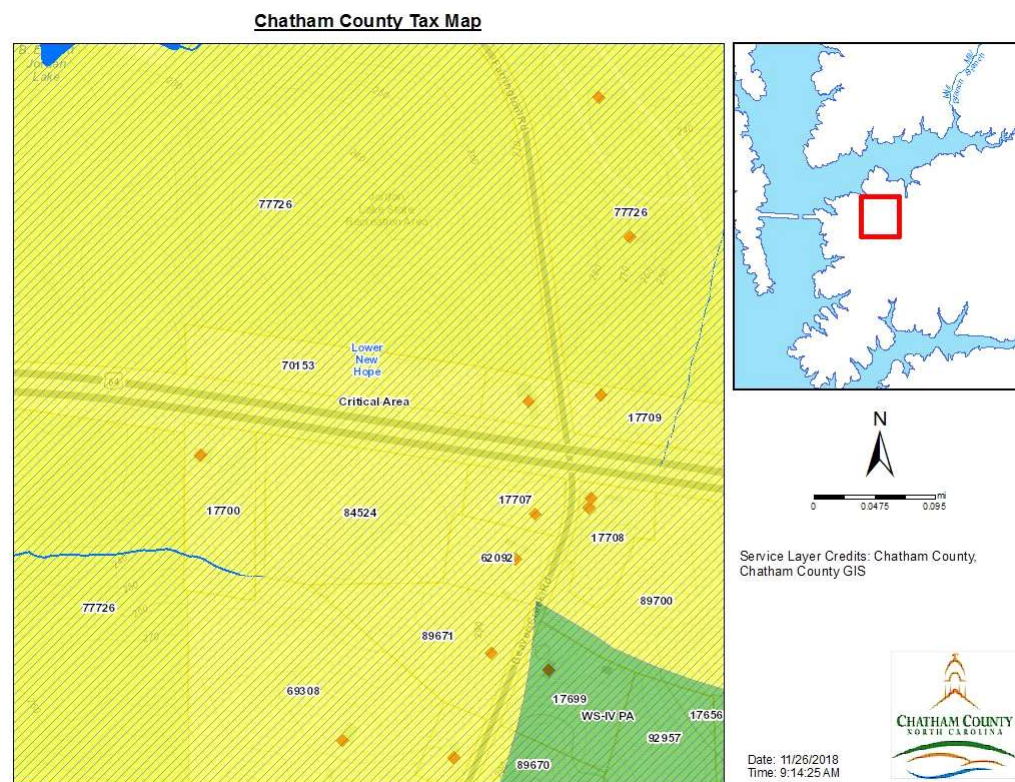
### Discussion & Analysis:

The property is currently zoned R1, Residential, and the adjoining properties are zoned B1, General Business, to the east and R5, Residential on the north and west. The properties on the north and west are owned by the US Army Corps of Engineers for Jordan Lake. The properties on the south

side of US 64 are zoned R1, Residential; B1, General Business; and Conditional Use B1 with a conditional use permit (see map below). The uses in the area include two convenience stores, a restaurant, and fire station. US 64 is a four lane divided median highway and the annual average daily traffic (AADT) county was 18,000 vehicles per day in 2017 at this location and 22,000 vehicles per day on the east side of intersection of NC 751.



The parcel is located within the WS-IV Critical Area watershed and also within the Jordan Lake drainage (see map below) and the built upon area is limited to 24%. There are limitations on non-residential uses within this watershed district; however there is an exception at the intersection of US 64 and NC 751. Non-residential uses within the WS-IV CA are limited to those listed in attachment A of the Watershed Protection Ordinance, except within 1,000 feet from the intersection where the uses listed in attachment B are also allowed. There are no water features identified on the USGS or NRCS maps and no floodplain.



In considering a general use rezoning request, Section 19 of the Chatham County Zoning Ordinance states the four standards listed under Section 19.4.C must be addressed and supported in order to be considered 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: No error in the ordinance is being alleged. However, Plan Chatham was adopted by the Board of Commissioners in 2017 and the future land use map identifies this intersection as an appropriate location for non-residential uses.

**It is the opinion of the Planning Board and planning staff that 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: the county's population is growing and there is an increasing need for additional services dealing in direct consumer retail and personal services. The parcel is also located within close proximity to Jordan Lake and potential tenants could provide services for visitors to the lake. There are several uses listed in Section 10.13 Table of Permitted Uses within the Zoning Ordinance and attachments A & B in the Watershed Protection Ordinance that could potentially locate on the site. A detailed site plan will be drafted when the owner has secured a tenant and received approval for the expansion area.

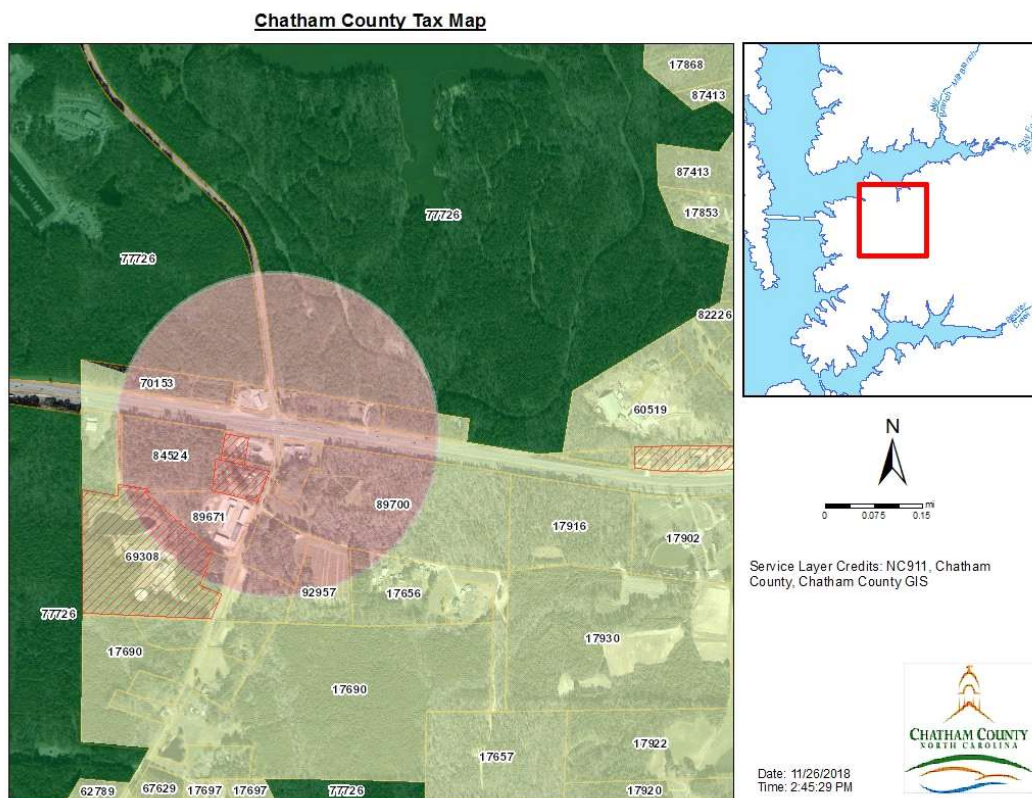


To mitigate traffic concerns, Mr. Ashness stated there will be a right-in, right-out only driveway access for the property per NCDOT requirements. The parcel adjoins property owned by US Corps of Engineers on two sides and there are a mix of non-residential uses in the area with no residential uses.

**The Planning Board discussed the limiting factors of the Watershed Protection Ordinance on development of the site stating there are restrictions in place on usage and size so they didn't think there were any issues with rezoning the property.**

**It is the opinion of the Planning Board and planning staff that 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 comprehensive plan, Plan Chatham, was adopted in November 2017 and the area where this parcel is located is designated as a Crossroads Community with a small portion of the western part of the property identified as Rural (see map below). The description of Crossroads Communities includes that they are located within rural areas and typically have a minimal amount of retail and institutional uses. A particular occupant has not been identified at this time, but future uses must be listed as a permitted use within the zoning and watershed ordinances.



**It is the opinion of the Planning Board and planning staff that this standard is met based on the proposed land use designation shown on the Future Land Use and Conservation Plan Map and supporting text within the comprehensive plan.**

**Standard No. 4** - All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment are: This property is located within the WSIV-Critical Area watershed within the Jordan Lake Buffer rules. All required built upon area limits (24% maximum), stormwater, erosion control measures, and environmental health standards will meet the current county and state standards. To accommodate other regulatory requirements will likely utilize a significant portion of the property. There are no floodable areas in close proximity to this tract.

This area is limited to uses from Attachments A & B of the Watershed Protection Ordinance because it is within 1000 feet of the intersection of US 64 and SR 1008 (Farrington Rd) which further limits the specific uses that can locate on the site.

Jordan Lake is a regional attraction that draws visitors year-round. US 64 has an AADT of approximately 18,000 VPD. The existing traffic volumes on US 64 and the lack of existing property that is zoned for retail or institutional uses around Jordan Lake make this property an ideal location for "Neighborhood Business" uses.

**It is the opinion of the Planning Board and planning staff that this standard is met. Planning Board discussion included the narrow width of the lot and required building setbacks limit the use of the property, driveway access is limited to US 64, and a majority of the adjoining property is owned by the US Army Corps of Engineers. Discussion also included that the Watershed Protection Ordinance limits built upon area in the WS-IV Critical Area watershed. Additionally, the ordinance allows additional non-residential uses within this watershed district for property located within 1000 feet of the intersection of the US 64 and SR 1008, a portion of which covers this property.**

**The Planning Board recommends approval of the rezoning (by a vote of 9-0) based on all standards being supported and also recommends approval of the following consistency statement (by a vote of 9-0):**

**How does this relate to the Comprehensive Plan:** The area where this parcel is located is designated as a Crossroads Community with a small portion of the western part of the property identified as Rural (see map below). The description of Crossroads Communities includes that they are located within rural areas and typically have a minimal amount of retail and institutional uses.

**Recommendation:**

The Planning Board by a vote of 9-0 recommends adoption of a resolution approving the following consistency statement:

**It is the opinion of the Planning Board that the general use rezoning of Parcel No. 70153, being approximately 5.783 acres, is consistent with the goals and objectives of the Comprehensive Plan because it is located within a node identified as Crossroads Community and there are existing businesses adjoining and adjacent to the tract.**

The Planning Board by a vote of 9-0 recommends adoption of an ordinance amending the Zoning Ordinance approving the request by Holmes Oil Co. to rezoning of Parcel No. 70153, containing approximately 5.783 acres, located off US 64 E, from R-1 Residential to General Use Neighborhood Business.