



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 19-2895      **Version:** 2

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

**File created:** 12/31/2018      **In control:** Planning

**On agenda:** 3/18/2019      **Final action:** 3/18/2019

**Title:** Vote on a Legislative request for general use rezoning by Roy Brooks to rezone a portion (3.4 acres out of 19.9 acre tract) of Parcel No. 76558, from R-1 Residential to IL Light Industrial, located at 6814 Beaver Creek Road, Cape Fear Township.

### Sponsors:

### Indexes:

### Code sections:

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

Date	Ver.	Action By	Action	Result
3/18/2019	2	Board of Commissioners	adopted	Pass
3/18/2019	2	Board of Commissioners	adopted	Pass
1/22/2019	1	Board of Commissioners	referred	

Vote on a Legislative request for general use rezoning by Roy Brooks to rezone a portion (3.4 acres out of 19.9 acre tract) of Parcel No. 76558, from R-1 Residential to IL Light Industrial, located at 6814 Beaver Creek Road, Cape Fear Township.

### Action Requested:

Vote on a Legislative request for general use rezoning by Roy Brooks to rezone a portion (3.4 acres out of 19.9 acre tract) of Parcel No. 76558, from R-1 Residential to IL Light Industrial, located at 6814 Beaver Creek Road, Cape Fear Township.

### Introduction & Background:

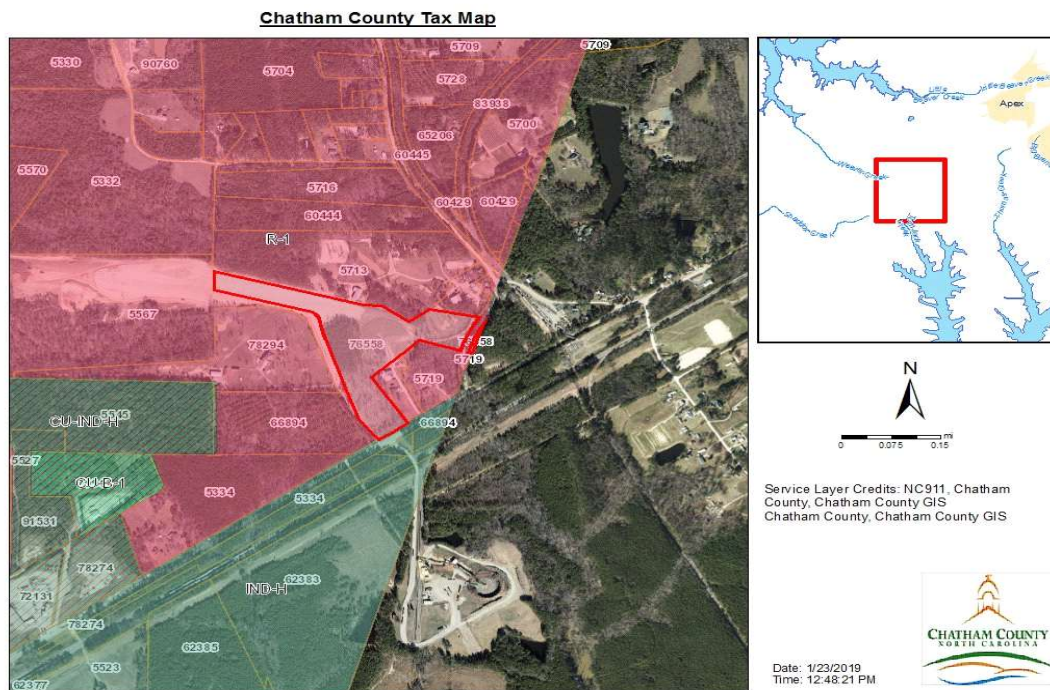
A legislative public hearing was held on January 22, 2019. Planning staff presented the request and no-one signed up to speak. The applicant was present, but there were no questions for the applicant.

Mr. Brooks has operated a machine shop in the county for over 20 years and obtained a Home Occupation Permit (HOP) for the machine shop to make parts for engines and firearms. The HOP was issued on November 5, 1997 on parcel 63859, which adjoins the property under consideration for rezoning. Since that time the business has continued to grow and the need for a separate shop is needed to expand the business thus prompting this request. Due to square footage limits on accessory buildings that can be used for a HOP, a recombination of the property and modification of the HOP is not an option.

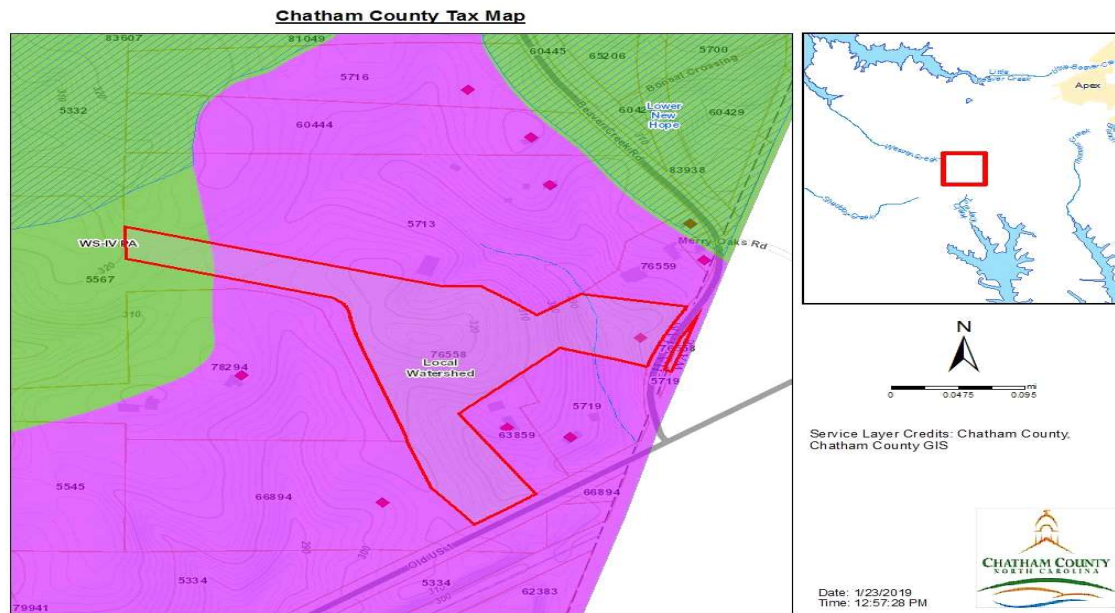
There have been no issues, violations, or complaints received by the Planning Department on this property or the business. The owner has obtained required fire inspections every two years based on a review of county records and no violations were noted.

### Discussion & Analysis:

The property is currently zoned R-1 Residential. The immediate surrounding property includes residential on each side, heavy industrial directly across Old US 1, and a non-conforming, permitted saw mill to the northwest. Within one mile are heavy industrial zoned properties, as well as business. The property is in close proximity to the US 1 interchange and fronts on Old US 1 where the bulk of heavy truck traffic travels between Chatham and Wake counties from US 1.

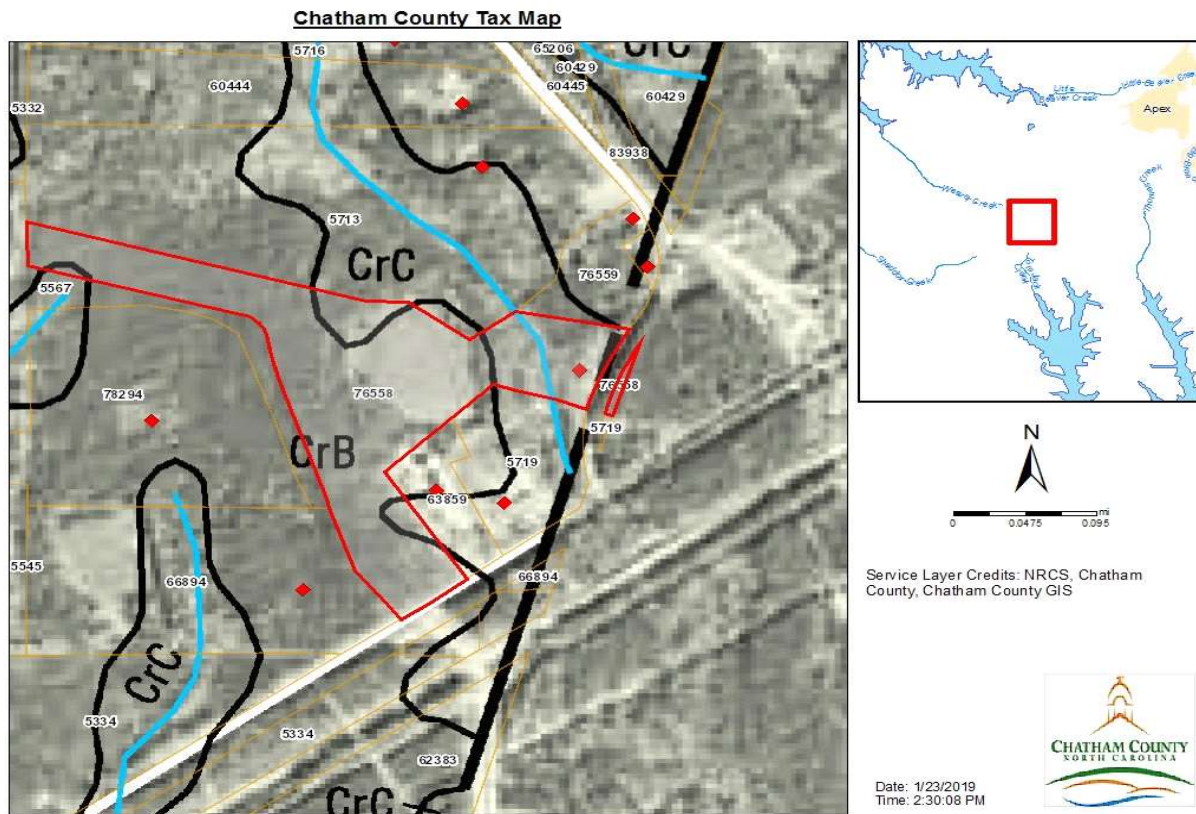


*The image above shows the current zoning in the area. The area not shaded is located within Wake County.*



*The image above shows the watershed classification and the property is located within a Local Watershed district.*

The property is located within the Local Watershed designation (LWA) and is not within the Jordan Lake Buffer Rule area. The limit on built upon area is 36% without curb and gutter and without an approved Special Non-Residential Intensity Allocation (SNIA), which could allow up to 70% impervious surface. The applicant is requesting to rezone a 3.4 acre portion of the 19.9 acre tract.



*The image*

*above shows the Natural Resources Conservation Service soils map shows one blue line stream on the property outside of the area under consideration for rezoning.*

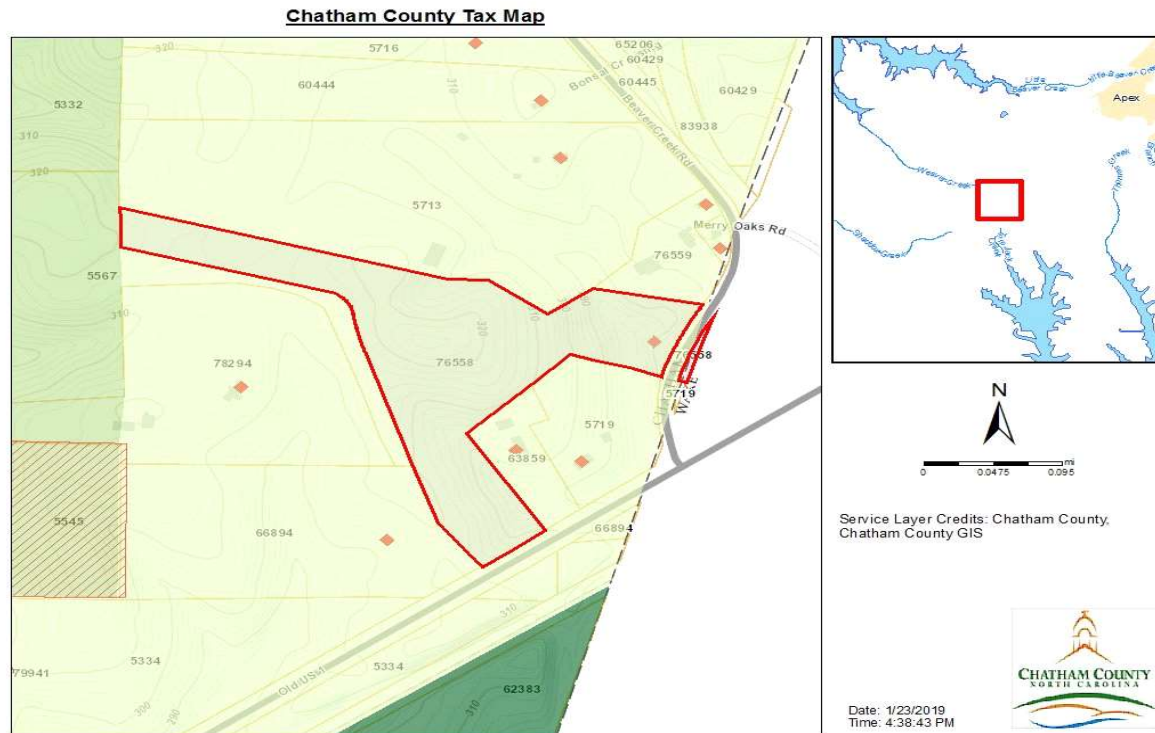
In considering a general use rezoning request, Section 19 of the Chatham County Zoning Ordinance states the four standards must be addressed and supported in order to be approved for the intended zoning designation change. The standards are:

**Standard No 1** - The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment is: No error in the ordinance is being alleged. Machine shops and Light manufacturing or processing not otherwise named herein are both Permitted uses for Light Industrial zoning. Please note that this is a general use rezoning request and if approved any of the uses that are allowed by right in the Light Industrial zoning district could locate on the property. **It is planning staff opinion this standard has been 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: This business has been in operation for over 20 years under a Home Occupation Permit. Based on the growth of the business, the applicant needs to expand to better serve his current and future customers. The applicant has been a good steward of his current business and there have been no issues or complaints received on the current site.



There are numerous properties within close proximity to the property under consideration for rezoning to Light Industrial that are zoned Heavy Industrial. The applicant will continue to live on the adjacent property where he has operated under a HOP since 1997. **It is planning staff opinion this standard has been met.**



*The map above shows the Future Land Use and Conservation Map and the property is located in an area identified as Rural. 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 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 Future Land Use and Conservation Plan Map identifies this area as Rural an Employment Center node located within close proximity. The Rural designation supports low density residential, supporting service uses, and home based & small scale business. Under the Economic Development Plan Element of Plan Chatham, 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."

**It is planning staff opinion the standard is supported under Strategy 4.4 of the Economic Development Plan Element.**

**Standard No. 4** - All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment are: The site will be accessed by Old US 1 with an approved commercial driveway permit required from NCDOT. Additionally, the applicant plans to utilize a 20 Kw solar production system in order to offer a carbon neutral building.

The applicant has restricted the size of the proposed rezoning in order to preserve the look and feel of the rural landscape. If the rezoning is approved a site plan will have to be reviewed by the Chatham County Appearance Commission to ensure that the county's design guidelines are met. **It is planning staff opinion this standard has been met.**

It is planning staff opinion that the rezoning application is consistent with the adopted comprehensive plan and that the rezoning should be approved.

The Planning Board reviewed the application during their regularly scheduled meeting on February 5, 2019. There were no concerns expressed by the board about the proposed rezoning based on the small area considered for rezoning, existing heavy industrial zoning on opposite side of Old US 1, and the possibility of expanding an existing business that started as a home occupation that is proposing to expand. Board discussion included that although the Future Land Use and Conservation Map identifies the property as Rural, the text includes support for expansion of existing businesses. Also, the owner has complied with all regulations, there have been no complaints or violations noted on the property in the 20 years it has been in existence.

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

Goal: 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. Strategy 4.4 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.

**Recommendation:**

The Planning Board by unanimous vote (9-0) recommends adoption of an ordinance approving the request by Roy Brooks to rezone a portion (3.4 acres out of 19.9 acre tract) of Parcel No. 76558, from R-1 Residential to IL Light Industrial, located at 6814 Beaver Creek Road.

The Planning Board by unanimous vote (9-0) recommends approval of a resolution approving the following consistency statement in support of the rezoning.

**It is the Planning Board recommendation that the rezoning is consistent with Plan Chatham under the Economic Development Plan Element, Strategy 4.4 which 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."**

