



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 19-2896 **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 a general use rezoning by Michael and Amanda Gress to rezone Parcel No. 5537 being 30.41 acres, from R-1 Residential to IL Light Industrial, located off Old US 1 and US 1, 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 a general use rezoning by Michael and Amanda Gress to rezone Parcel No. 5537 being 30.41 acres, from R-1 Residential to IL Light Industrial, located off Old US 1 and US 1, Cape Fear Township.

### Action Requested:

Vote on a Legislative request for a general use rezoning by Michael and Amanda Gress to rezone Parcel No. 5537 being 30.41 acres, from R-1 Residential to IL Light Industrial, located off Old US 1 and US 1, Cape Fear Township.

### Introduction & Background:

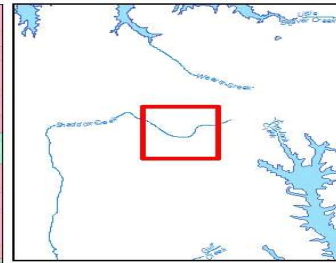
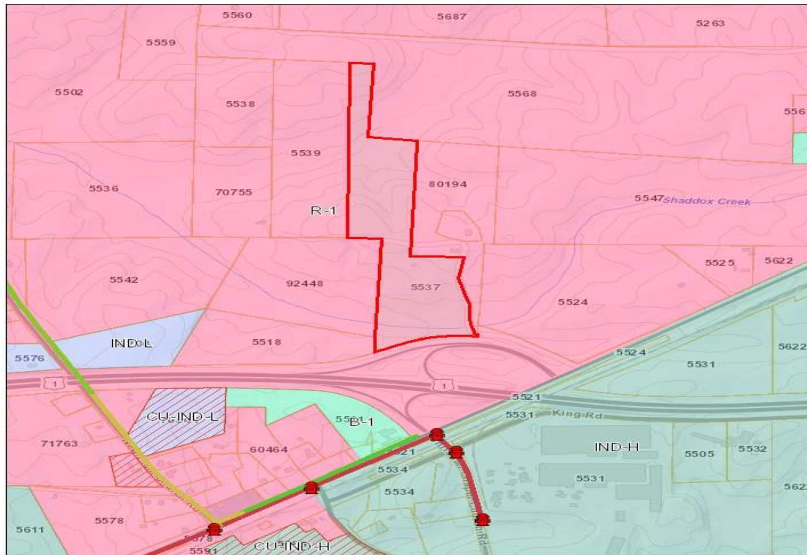
A legislative public hearing was held on January 22, 2019. Planning staff presented the rezoning request and the representative for the applicant, Attorney Patrick Bradshaw, also presented to the Board. No-one signed up to speak.

### Discussion & Analysis:

This parcel is zoned R-1 Residential and has a mobile home space, as noted on the property tax card. The areas surrounding the parcel are zoned R-1 Residential and there is one occupied dwelling adjacent to the tract located on Parcel 80194.

*The map below shows the current zoning of property in the area of the rezoning request. The properties on the opposite side of Old US 1 and US 1 are zoned Heavy Industrial and there are Light Industrial and Business zoned parcels within close proximity of the tract.*

**Chatham County Tax Map**

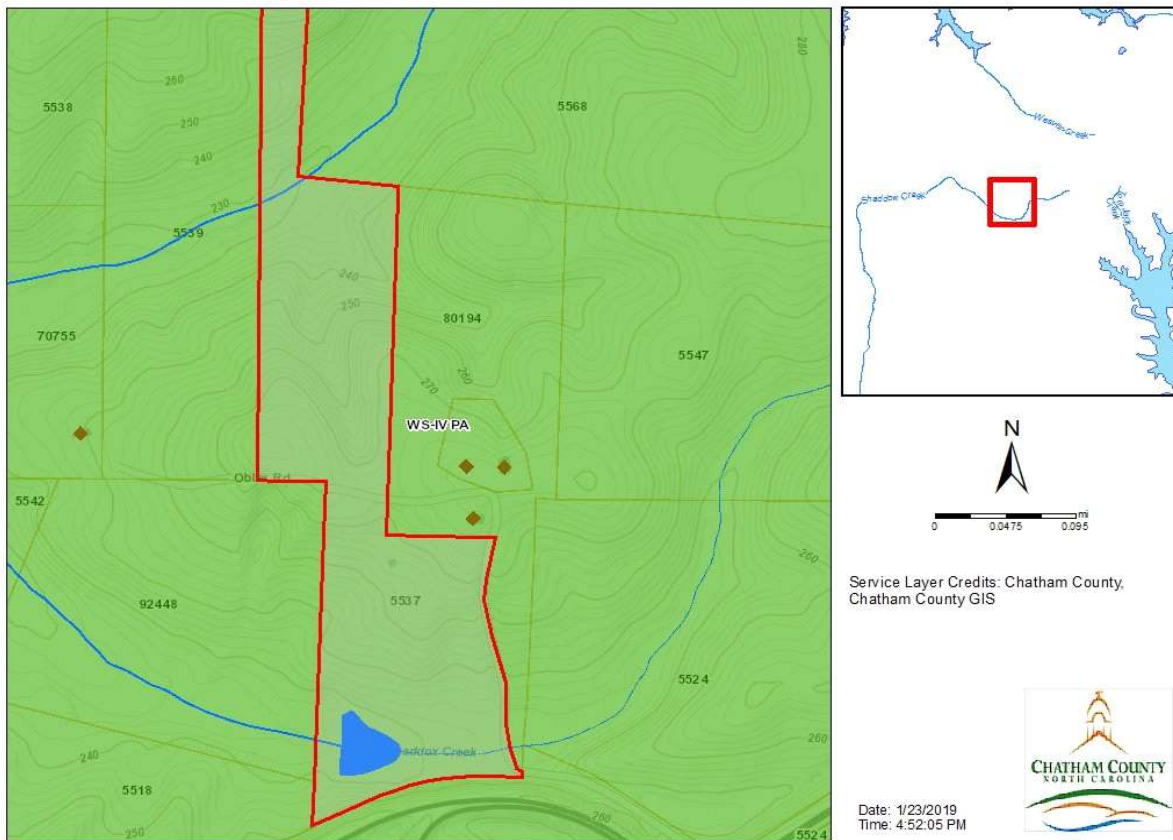


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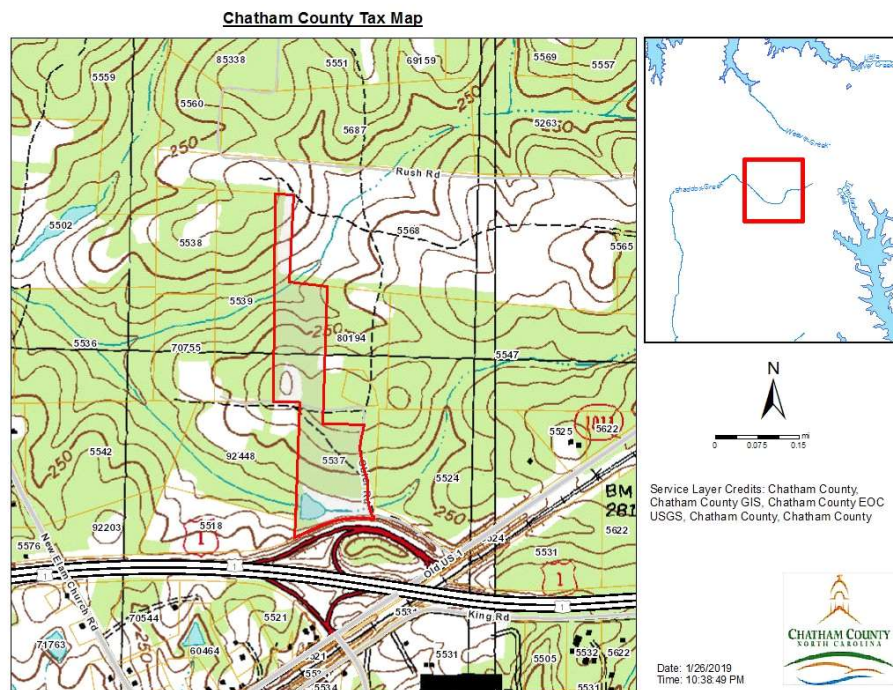
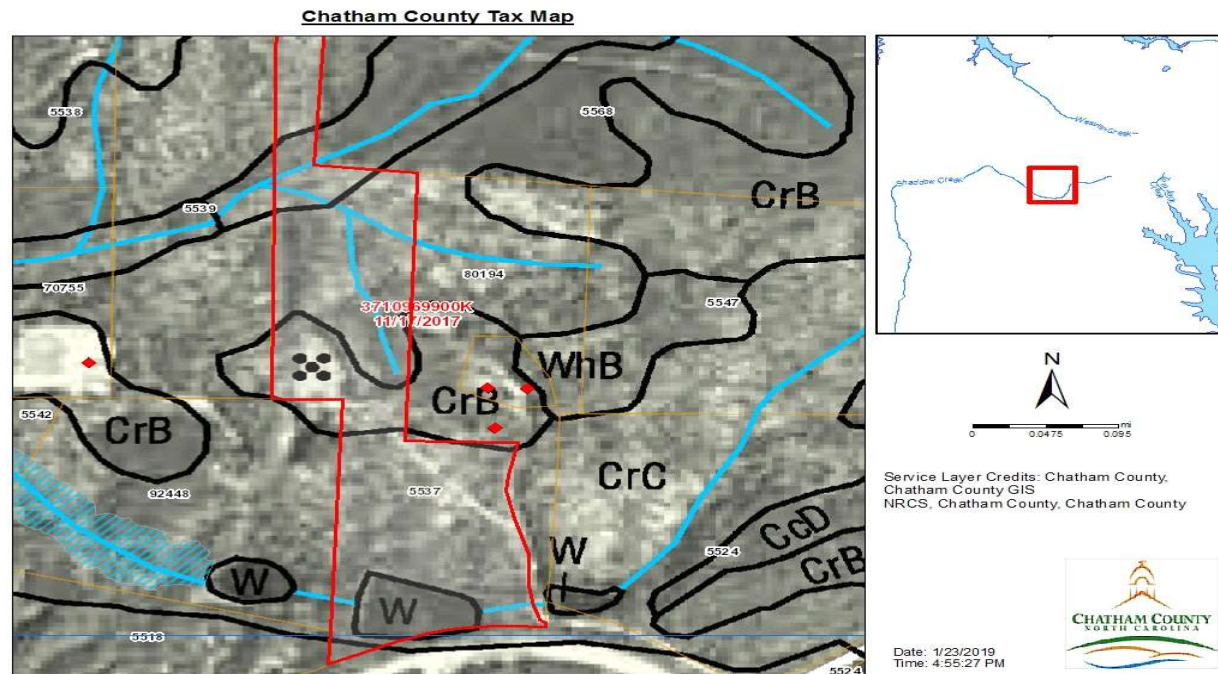
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**Chatham County Tax Map**



*The image above shows the watershed classification, which is WS-IV Protected Area and outside of the Jordan Lake drainage.*

The property is located within the WSIV-PA Protected Area Watershed designation, but is not located within the Jordan Lake Buffer rule area. Built upon area within this watershed district is limited to 36% without curb and gutter.



*The images above show the Natural Resources Conservation Service soils map and USGS map both of which indicate streams on several areas of the property. These streams may require buffering*



*and/or permits in order to cross or develop areas near them.*

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 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: The application notes that the Future Land Use and Conservation Plan Land Use Map identifies the area where this property is located as an Employment Center node. The node recommends allowing for a mix of uses including industrial, office, and supporting retail, restaurant, service, recreation, and other uses. **It is planning staff opinion this standard is met.**

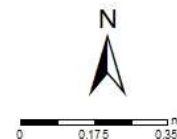
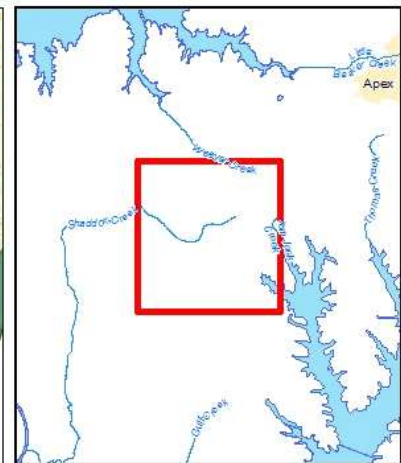
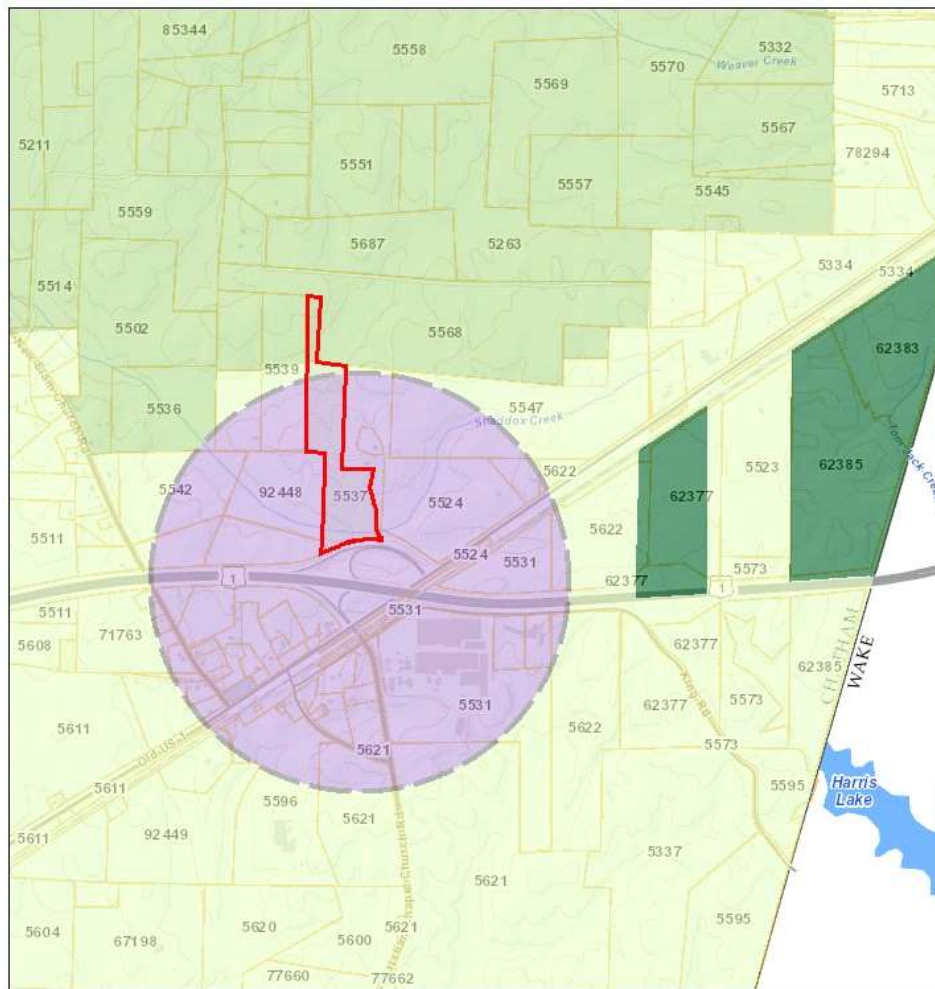
**Standard No 2** - The changed or changing conditions, if any, in the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare are: This area of the county has several industrial and business uses and this property is located adjacent to an interchange with US 1. Additionally, a large area on the opposite side of US 1 is zoned Heavy Industrial. The applicant's representative stated the property is not suited for residential use due to the proximity of US 1 and other industrial uses.

The comprehensive plan also identifies this area as an Employment Center. Although a prospective tenant or pre-designed site plan have not been determined, this area has been identified as an area for economic development within the county. **It is 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 Future Land Use and Conservation Plan Map show this area an Employment Center. The Employment Center node encourages a mix of uses including industrial, office, and supporting retail, restaurant, service, service, recreation, and other uses. The current R-1 Residential zoning classification does not allow the mix of uses that would be encouraged for an Employment Center. **It is planning staff opinion this standard is met.**

*The following map shows the property in relation to the Future Land Use and Conservation Map*

### Chatham County Tax Map



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**Standard No. 4** - All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment are: The property has convenient access to Old US 1 and US 1 that are unique to this property. There are other heavy and light industrial operations within close proximity which create an area that is unlikely to have substantial residential growth due to noise from traffic and industrial operations.

Because the watershed district limits built upon area to 36% a large portion of the property will undeveloped.

The access to the site is via a private road, Obler Rd., which has an access easement to Old US 1. A commercial driveway permit will be required to connect to Old US 1. **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 request during their regularly scheduled meeting on February 5, 2019. Board discussion included the proximity of the property to US 1, existing industrial zoned property in the area, and the recommendation of the Future Land Use and Conservation Map. One area of concern was the stream located near the northern portion of the property where the parcel narrows. The Planning Board recommended the zoning line not extend north of the stream. The applicant's attorney stated he had discussed the matter with the applicant and they have no issue with zoning boundary change. A proposed map has been provided for reference and the applicant will

be required to provide a new site plan to the Planning Department, if approved, detailing the new zoning line.

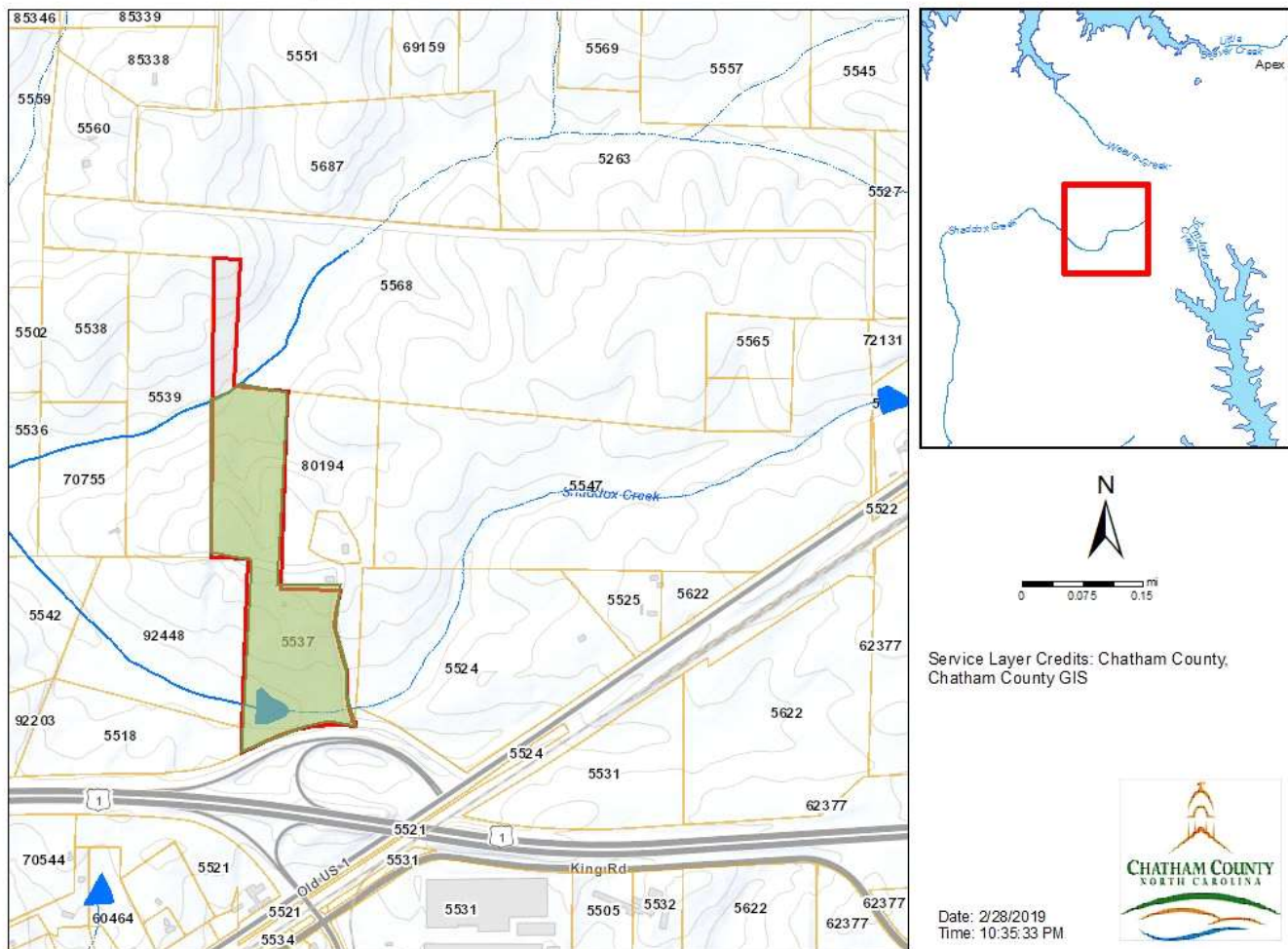
### How does this relate to the Comprehensive Plan:

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.

### Recommendation:

The Planning Board by unanimous vote (9-0) recommends adoption of an ordinance approving a request by Michael and Amanda Gress to rezone the portion of Parcel No. 5537 south of the tributary located on the northern portion of the property from R-1 Residential to IL Light Industrial, to the Board of Commissioners:

**Chatham County Tax Map**



**The entire parcel is outlined in red. The green area would be rezoned to Light Industrial zoning district (approximately 26 acres) and the northern portion would remain R-1 Residential (approximately 4.4 acres)**

The Planning Board by unanimous vote recommends adoption of resolution approving the following consistency statement in support of the rezoning request:

**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 being located within a node designated as an Employment Center that recommends allowing a mix of uses to include industrial and therefore should be approved.**