



Chatham County, NC

Legislation Text

File #: 18-2833, **Version:** 2

Vote on a Legislative request to consider County-initiated rezonings of 12 selected businesses in the formerly unzoned portion of Chatham County.

Action Requested:

Vote on a Legislative request to consider County-initiated rezonings of 12 selected businesses in the formerly unzoned portion of Chatham County.

Introduction & Background:

After nearly two years of discussion and study, on August 15th, 2016, the Chatham County Board of Commissioners voted to zone the formerly unzoned portions of the county to R-1 and R-5 residential. The Comprehensive Land Use Plan specifically supports "rezonings for businesses uses or properties made non-conforming by the extension of zoning in 2016." (Land Use Policy #7, Strategy 7.2). Consequently, prior to the adoption of county-wide zoning, the Chatham County Planning Department sent a business listing form to every property owner in the unzoned portion of the county. Nearly 13,000 forms were mailed. The business listing form asked property owners to list any non-residential use of their land, so the Planning Department could properly document any non-conforming uses and prepare for future rezonings. The Planning Department received over 1,000 forms. Approximately 300 forms described non-conforming businesses, while the remaining 700 listed either agricultural uses of the land (which were exempted from zoning regulations via the bona fide farm exemption) or otherwise permitted uses, such as a residence. Aerial images of these 300 businesses were captured, as well, in order to further establish non-conforming status.

Discussion & Analysis:

In addition to mailing and documenting business listing forms, Planning staff compiled tax and fire inspection records to determine if there were any other businesses in the formerly unzoned portions of the county. After combining tax and fire inspection records, along with the business listing forms, staff determined that 524 parcels in the formerly unzoned part of the county may contain non-conforming uses or businesses. In order to confirm that these non-conforming uses actually existed, staff performed site visits to each parcel, spoke with the property owners, and documented the current use of the property. After several months of visiting properties, the following observations were made by staff:

- 204 parcels appear to be eligible for rezoning to a non-residential zoning district
- 48 parcels are eligible for the issuance of a home occupation permit (HOP)

- 272 parcels are not eligible for rezoning or issuance of a home occupation permit

During the site visiting process, the interior of multiple parcels were inaccessible to staff due to “No Trespassing” signage, the presence of loose dogs, or physical barriers, such as locked gates, fences, or washed out roads. However, the tax data, aerial imagery, and some visual confirmation from the site visits allowed staff to recommend rezonings, issuance of HOPs, or maintenance of the status quo for these parcels.

Based on the observed use, staff determined which zoning classification would be most appropriate to consider to use for rezoning the property. Since many uses are permitted in multiple zoning classifications, staff recommended that the parcels be eligible for rezoning to the least intensive permitted zoning classifications possible. For example, if a use were allowed in both light and heavy industrial zoning district, then staff recommended that the parcel should be eligible to be rezoned to the light industrial classification. Furthermore, some uses are permitted in an R-1 or R-5 district with the issuance of Conditional Use Permit. It should be noted that many of the non-conforming uses on parcels eligible for rezoning do not occur across the entirety of the parcels. Many uses are limited to a single building or small portion of the parcel.

After the inventory of businesses was completed, the next step was to meet with property owners eligible for a rezoning to determine if they wish to rezone their property, and if so, how much of the property they would like to rezone. Planning staff contacted property owners and scheduled these meetings. Additionally, planning staff coordinated with representatives from the Chatham County Tax Department, as the issue of changes in tax value was likely to arise. In addition, on March 1st, at the direction of the Board of Commissioners, Planning staff also sent a letter to 35 property owners who have vacant buildings on their property in the formerly unzoned portion of the county, offering them the opportunity to request a rezoning to any zoning district. These vacant buildings had been previously identified by Planning staff during site visits in the summer of 2017.

For the first round of business rezoning cases that were processed earlier this year, 52 parcels were requested by their owners to be rezoned, 20 parcels were requested to remain in their current zoning district, and 180 parcels’ owners did not respond to the letter regarding rezoning. Out of 51 Home Occupation permit applications sent out to properties that qualified for an HOP, 17 have been completed and returned to Planning staff. Of the 52 properties considered for rezoning 49 were approved and 3 were denied (click the following link for more information about those rezoning cases

- <http://www.chathamnc.org/government/departments-programs/planning/rezonings-subdivision-cases/2018-items/businesses-rezoning-52-properties>).

Since the first round of business rezonings cases was initiated, staff has received requests to rezone an additional 17 properties.

Planning staff is now ready to move forward with a County-initiated rezoning of the additional 17

business properties and this request includes 12 parcels that are used for business purposes or have been in the past. A GIS web application (<https://chathamncgis.maps.arcgis.com/apps/webappviewer/index.html?id=8a3a205b2dbd41459379332f46537df3>) has been created identifying the properties that have the potential for rezoning, and the list of the 17 parcels requested to be rezoned has been included as an attachment. It should be noted that Planning staff may receive more requests for eligible business properties to be rezoned in the future and we will bring those forward for a third and final round of county initiated rezonings. Based on staff's prior conversations with the board, we will be contacting the property owners who have not responded to the offer to rezone their property and offer them one final chance to have their property rezoned at no cost to them.

The 12 properties under consideration for rezoning include 9 for Neighborhood Business, 1 for Regional Business, 1 for Light Industrial, and 1 for Heavy Industrial. Of the 9 Neighborhood Business properties, 6 are contiguous and located in the Bonlee community at the intersection of Bonlee Bennett Road and Old US 421 S and 2 others are contiguous and located at the intersection of Siler City Snow Camp Road and Silk Hope Liberty Road. The properties proposed for Light and Heavy Industrial zoning are existing businesses that are used for machinery repair and plastics manufacturing. The property proposed for Regional Business is located at 1815 Mays Chapel Road and was previously considered for Light Industrial zoning, but the request was denied by the Board of Commissioners on August 20, 2018. During that meeting the Commissioners directed staff to offer the property owners' the option to request a rezoning to another district which was accepted.

A public hearing was held on this item during the November 17, 2018 Commissioners meeting with staff presenting the request. One person spoke during the hearing and two written comments were provided prior the hearing and are posted on the county website. All of the comments were specific to the rezoning request at 1815 Mays Chapel Road. Bob Hornik, attorney representing the owners of 1815 Mays Chapel Road, spoke in favor of the rezoning request to Regional Business and said it was the best fit since Light Industrial zoning was denied. Two written comments from property owners in the neighborhood were provided in support of the rezoning request to Regional Business. The Planning Board reviewed the request during their December 4, 2018 meeting and there was a brief discussion about the properties. Discussion included clarification about the uses currently occurring on several parcels. There was also a question if there were any concerns raised about the proposed zoning of 1815 Mays Chapel Road, which was previously under consideration for Light Industrial zoning that was denied by the Board of Commissioners. Staff answered the specific questions about the various uses and explained that all of the comments received in regards to the Mays Chapel Road rezoning to Regional Business were in support. Bob Hornik, attorney representing the owners of 1815 Mays Chapel Road, addressed the board and reconfirmed his clients support for the business rezoning.

The Planning Board by a vote of 9-0 recommends approval of rezoning the 12 properties from residential to the corresponding zoning classification matching the use of the property and also recommends approval by a vote of 9-0 of the following consistency statement:

How does this relate to the Comprehensive Plan:

The request for the rezoning of 12 listed parcels is consistent with the comprehensive plan of Chatham County, Plan Chatham, by supporting the diversification of the tax base and generation of more high-quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting. Specifically, this request supports Land Use Policy #7, Strategy 7.2 which encourages support for "rezonings for businesses uses or properties made non-conforming by the extension of zoning in 2016.

Recommendation:

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

The request for the rezoning of the 12 listed parcels is consistent with the comprehensive plan of Chatham County, Plan Chatham, by supporting the diversification of the tax base and generation of more high-quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting. Specifically, this request supports Land Use Policy #7, Strategy 7.2 which encourages support for “rezonings for businesses uses or properties made non-conforming by the extension of zoning in 2016.

The Planning Board by a vote of 9-0 recommends adoption of an ordinance amending the Zoning Ordinance approving the request by the Chatham County Board of Commissioners to rezone 12 parcels as described in “Attachment #1”.