

## **..TITLE**

Vote on a request to approve a general use rezoning from R-1 Residential to General Use Light Industrial by Jack Sanderford Jr. on property located at 538 Pea Ridge Rd. New Hill, Parcel No. 5295 & 66511, being approx. 3.26 acres.

## **..ABSTRACT**

### **Action Requested:**

Vote on a request to approve a general use rezoning from R-1 Residential to General Use Light Industrial by Jack Sanderford Jr. on property located at 538 Pea Ridge Rd. New Hill, Parcel No. 5295 & 66511, being approx. 3.26 acres.

### **Introduction & Background:**

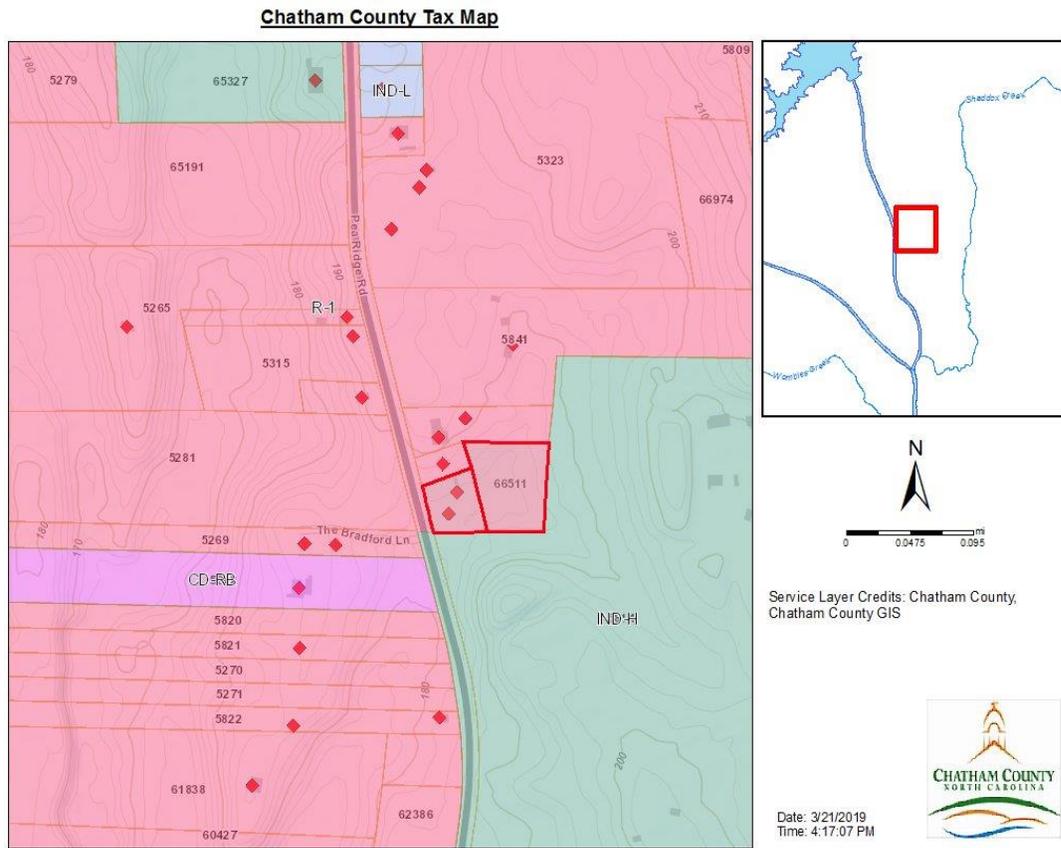
A legislative public hearing was held on March 18, 2019. Planning staff presented the request to the Board of Commissioners and the applicant was available for questions and comments.

Planning staff reviewed the history for this area in connection with a mass rezoning effort by the Board of Commissioners in 2007 that involved 49 parcels and 533 acres. Prior to 2007, this property, along with several others, were zoned Heavy Industrial along Pea Ridge Road from US 1 to Old US 1. Approximately 111 acres were found to be located within the flood plain and therefore could not be developed for any purpose. The owners of these properties were prohibited from constructing residential buildings due to the industrial zoning and also wanted lower taxes, and down zoning would help with both issues. The BOC approved rezoning from Heavy Industrial to R-1 Residential. This property, which does not have any floodable, was being used as a home based business for a sawmill, logging, and grading business in 2007. This use had been in operation for several decades by the applicant's father and grandfather. At the time of the rezoning in 2007, there was a limited amount of equipment and materials on the properties; however the applicant states the business never completely ceased operation and both parcels were being used for the family business. The applicant has continued to operate on some level continuously and wishes to be able to continue the business.

### **Discussion & Analysis:**

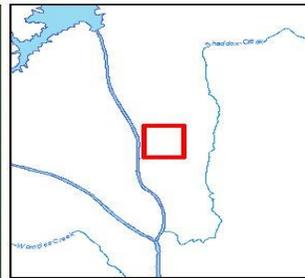
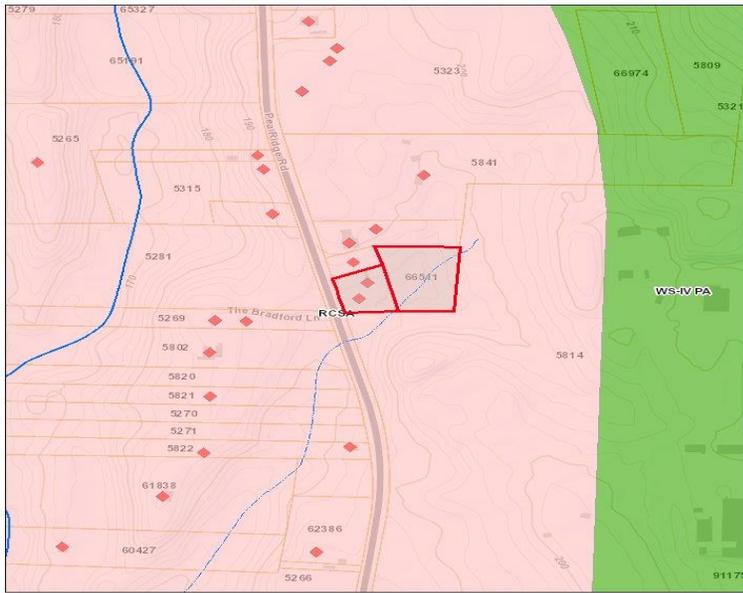
The property is currently zoned R1, Residential; the adjoining property to the south and east is zoned Heavy Industrial,; the property to the north and on the opposite side of Pea Ridge Road is zoned R1, Residential; and one parcel on the opposite side of Pea Ridge Road is zoned Conditional District Regional Business for an event venue. The parcel is located in a River Corridor Special Area watershed district (outside of the Jordan Lake drainage) and non-residential uses are allowed. There is one water feature located on parcel 66551 and no special flood hazard area.

The zoning map below shows the current zoning and the areas surrounding the parcel.



The map below shows the watershed classification (River Corridor Special Area)

**Chatham County Tax Map**



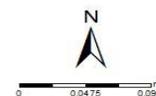
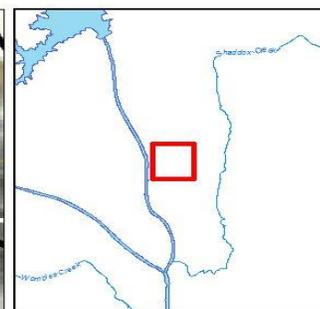
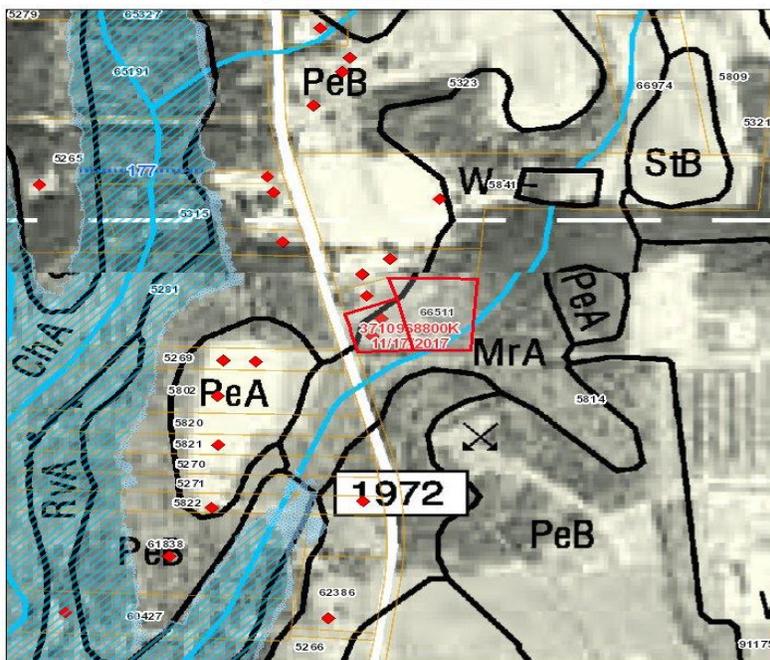
Service Layer Credits: Chatham County, Chatham County GIS



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The Natural Resources Conservation Service Soil Survey map below shows one potential blueline stream on the rear property and no floodable areas

**Chatham County Tax Map**



Service Layer Credits: Chatham County, Chatham County GIS, NRCS, Chatham County, Chatham County



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In considering a general use rezoning request Section 19 of the Chatham County Zoning Ordinance includes four standards that must be addressed and supported in order for a rezoning application to be approved. The standards are:

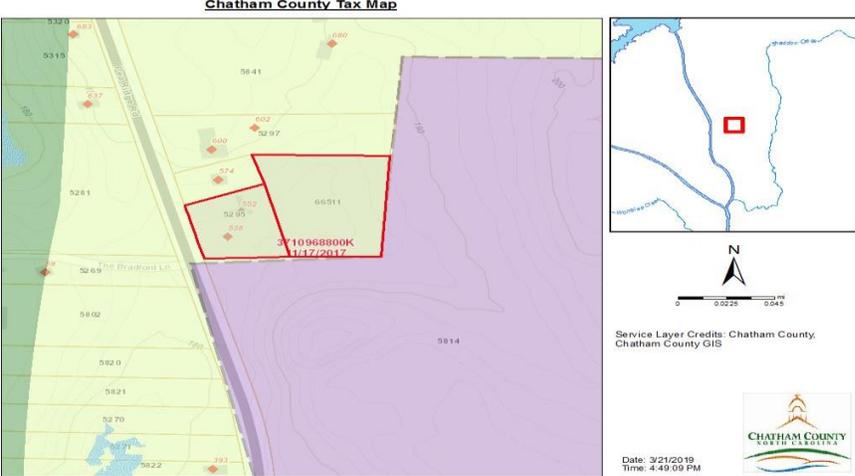
**Standard No 1** – The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment. No error in the ordinance is being alleged. The applicant contends the zoning ordinance does not allow him to continue with the family business as a small scale sawmill, logging, and grading business because they are not permitted uses in the R-1 zoning district. Light Industrial would accommodate the proposed use of the site even though it was zoned Heavy Industrial prior to 2007. **It is planning staff and Planning Board 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. The applicant contends that the family business has fluctuated over the years but has continued to operate in some manner since the 1950's. In 2007, when the land was rezoned by the BOC, the operation was small and the property was not identified as remaining in heavy industrial zoning and was subsequently rezoned to R-1 Residential. The county had no reason to question the rezoning until a complaint was filed with the Planning Department for a possible stream impact and appearance of the property. At the time of the rezoning in 2007, the applicant's parents owned the property and may not have realized they needed to contact the county to advise them of the existing business and request that the Heavy Industrial zoning remain in place. The adjoining property to the south and east is zoned Heavy Industrial and contains approximately 322 acres and was the site of Performance Fibers. The Performance Fibers property is now being marketed along with other properties in the area as part of the 2500+ acre Moncure Mega Site. **It is planning staff and Planning Board opinion this standard has been 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 property is located within a Rural designation, but is immediately adjacent to the Moncure Megasite Employment Center. The Rural designation recommends a mix of uses that includes residential, home based businesses, and small scale businesses. Employment Centers are recommended to include industrial, office, and supporting retail, restaurant, service, recreation, and other uses. The applicant's business is considered small scale in that he is limited on the size of the operation due to the acreage of the lots and built upon limitations. This property also abuts the Heavy Industrial zoned Moncure Mega site.

Under the Economic Development Plan Element Strategy 4.4 encourages the continuation and expansion of existing commercial and industrial uses that are appropriately zoned (p. 56). This properties were appropriately zoned until 2007 when they was changed to R-1 Residential. The applicant is seeking to regain the industrial zoning of the properties to continue the business.

The map below shows the Future Land Use and Conservation Map and the property is located in an area identified as Rural and adjoins the Moncure Megasite Employment Center. 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.



**It is planning staff and Planning Board opinion this standard is met.**

**Standard No. 4** – All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment. The rezoning of the properties will increase the tax base in the county. There have been other properties rezoned in close proximity to this location over the last few years with the most recent being Courtesy Towing (Residential to Light Industrial) in June 2018 located at 800 Pea Ridge Rd.

The applicant will adhere to all required regulations regarding developing the site and comply with all permitting. NCDOT indicated via email that a new commercial driveway permit is not needed and that the existing permit will continue to be valid since the driveway is not being relocated. **It is planning staff and Planning Board opinion this standard is met.**

**The Planning Board discussed this item during their regularly scheduled meeting on April 2, 2019. Planning staff reviewed the agenda notes and the information provided during the public hearing held March 18 2019. Discussion included the following: the site was zoned Heavy Industrial prior to being rezoned to R1, Residential as part of a mass rezoning initiated by the Board of Commissioners; the requested rezoning is Light Industrial; that it is still not clear what the remedy will be from the State with regards to the water feature that has been inadvertently disturbed by development of a driveway; and the conservation data viewer shows a pocket of “high confidence wetlands” that is part of the disturbed area. Staff commented that the site remains under Notice of Violation with the State but should be able to be resolved with the applicant.**

**Additional discussion included that wetland areas that have been disturbed are likely very wet, easily floodable, and parking of vehicles and equipment should not be located in those areas. The applicant contended there are not any wetlands and he has tried to be sensitive to those potential issues and that the area in question was built up 30-40 years ago in response to run-off from the Performance Fibers site. Several Planning Board members expressed support in making sure the business be permitted to continue as it has for several decades.**

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

Under the Economic Development Plan Element Strategy 4.4 encourages the continuation and expansion of existing commercial and industrial uses that are appropriately zoned (p. 56). These properties were appropriately zoned until 2007 when they were rezoned to R-1 Residential. The applicant is seeking to regain the industrial zoning of the properties to continue in his business.

**Planning staff and Planning Board recommends approval of the rezoning request based on all standards being met.**

**Recommendation:**

The Planning Board by vote of 10-1 recommends adoption of an ordinance approving a general use rezoning from R-1 Residential to General Use Light Industrial by Jack Sanderford Jr. on property located at 538 Pea Ridge Rd. New Hill, Parcel No. 5295 & 66511, being approx. 3.26 acres.

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

It is the recommendation of the Planning Board to approve the rezoning of Parcels 5295 and 66511, being approximately 3.26 acres total, located at 538 Pea Ridge Road for Light Industrial and finds that it is consistent with the Comprehensive Plan of Chatham by providing flexibility for rural business and increasing employment opportunities near the Moncure Mega site employment center.