



# Rezoning and Special Use Permits

By: Chatham County Planning Department



# Agenda

General Use Rezoning request by Hardip Dhillon (four parcels)

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General Use Rezoning request by The Leads Group on behalf of Aaron Horton Toothbrush LLC

Special Use Permit request by Sears Design Group on behalf of Fitch Creations for a Planned Residential Development (PRD)



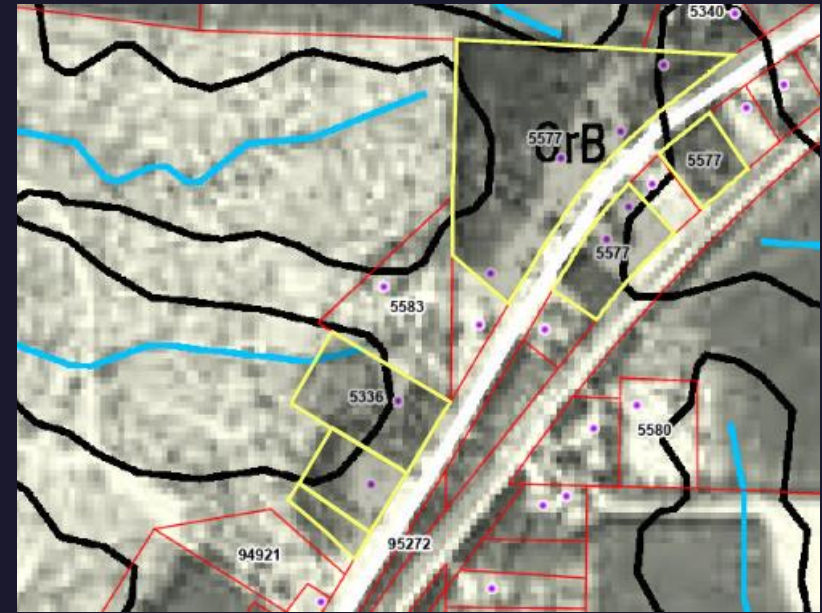
# Topic one

**(This must follow the Legislative process)**

**A legislative public hearing requested by  
Hardip Dhillon on Parcels 5336, 5584,  
84340, 5577 from R-I Residential and  
MH-NC to Neighborhood Business (NB)**

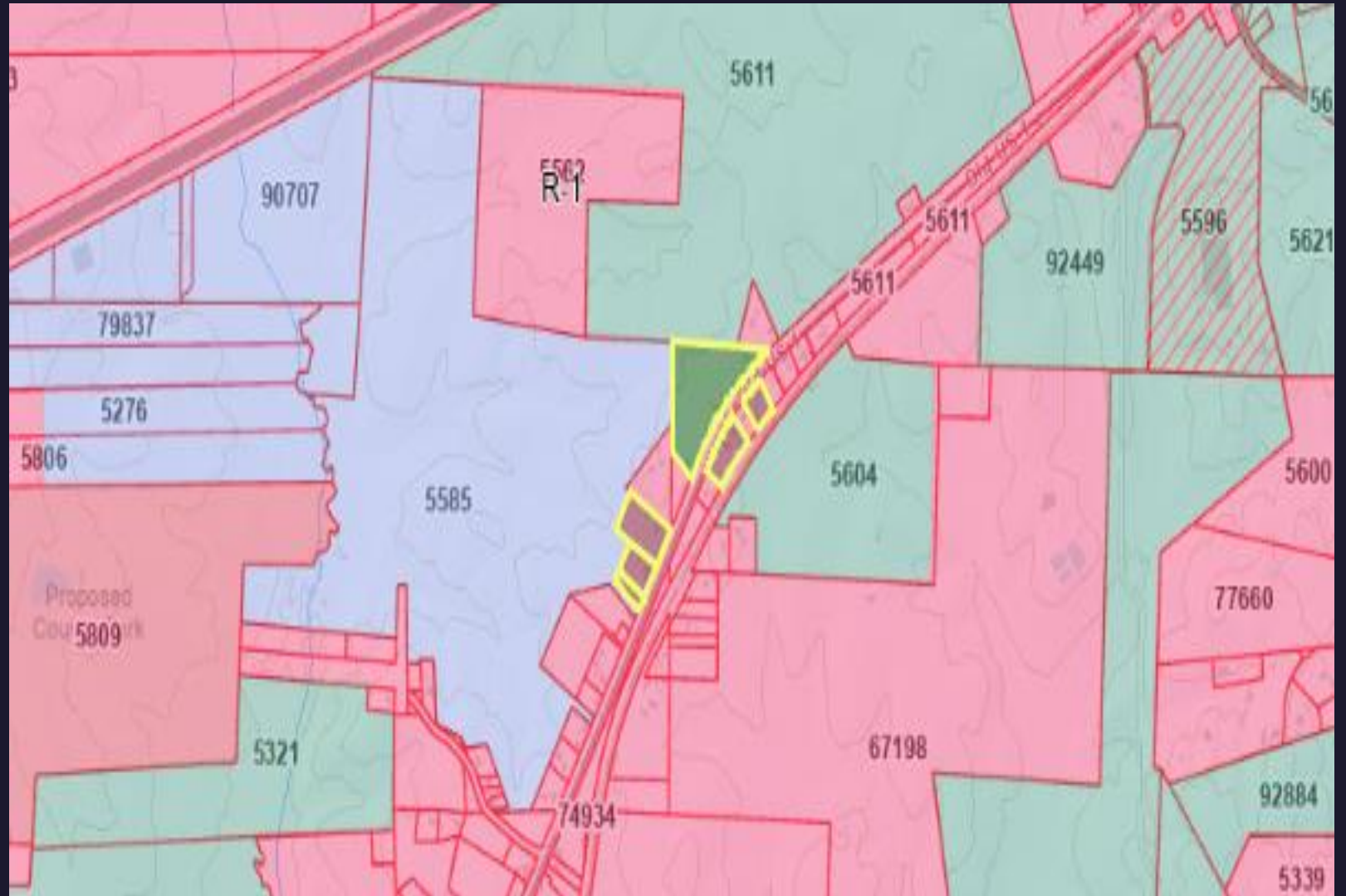
# What we know

- Parcels currently zoned R-1 Residential and Mobile Home Park Non-Conforming
- FEMA map 3710969800J, dated 2/2/2007. No floodable area on the parcels.
- Watershed – WSIV-Protected Area; not in the Jordan Lake Buffer area
- BUA limited to 36% without curb and gutter
- NRCS and USGS show on blueline stream at the northern corner of Parcel 5336. Delineation of required buffering will be required.



# What we know

- These parcels are located on Old US 1
- Historically have been used for residential purposes
- Total acreage to be rezoned is 15.257 (only 10.447 of the 14.6 acre tract #5577 being considered)
- Properties adjacent are or have been rezoned to Light and Heavy Industrial
- County Water is available



# Application Requirements: Findings of fact

FINDING NO 1- Errors in the Zoning Ordinance: No errors in the Ordinance are being claimed. Removing a non-conforming situation from the Zoning map would be achieved.

FINDING NO 2- Need and desirability:

A. With the recent industrial rezonings of the Moncure Mega site, TIP West and East, the Midpoint Logistics, and approvals of FedEx and VinFast, the applicant wishes to provide property for complementing small scale business, retail, or office.

B. Rezoning to NB could bridge a gap between residential and industrial uses to help the commercial center to expand in the Moncure area.

C. There are no public improvements required at this time, employment opportunities would increase, and the tax revenue will help diversify the dependence on residential taxes.

FINDING NO 3- The manner in which the proposed rezoning will carry out the intent and purposed of the adopted Land Use Plan or part thereof:

A. Chapter 2 – Issues and Opportunities - Even though the parcels are located within the Rural designation area of the Comp Plan, the surrounding area has and is being marketed as industrial and business development. These rezoning would lend to a different demographic of employment needed in order to support the other much larger development projects already approved or that will be locating here. This type of rezoning will help retail leakage going outside of the county.

B. Chapter 3 – Goals and Objectives – Pg 41-42 encourage diversifying the tax bases and providing employment opportunities especially based on the location, demands, and needs of the county residents.

These parcels site between two Economic Center nodes of the Comp Plan, are located on a highway road, and wedged between industrially zoned properties.

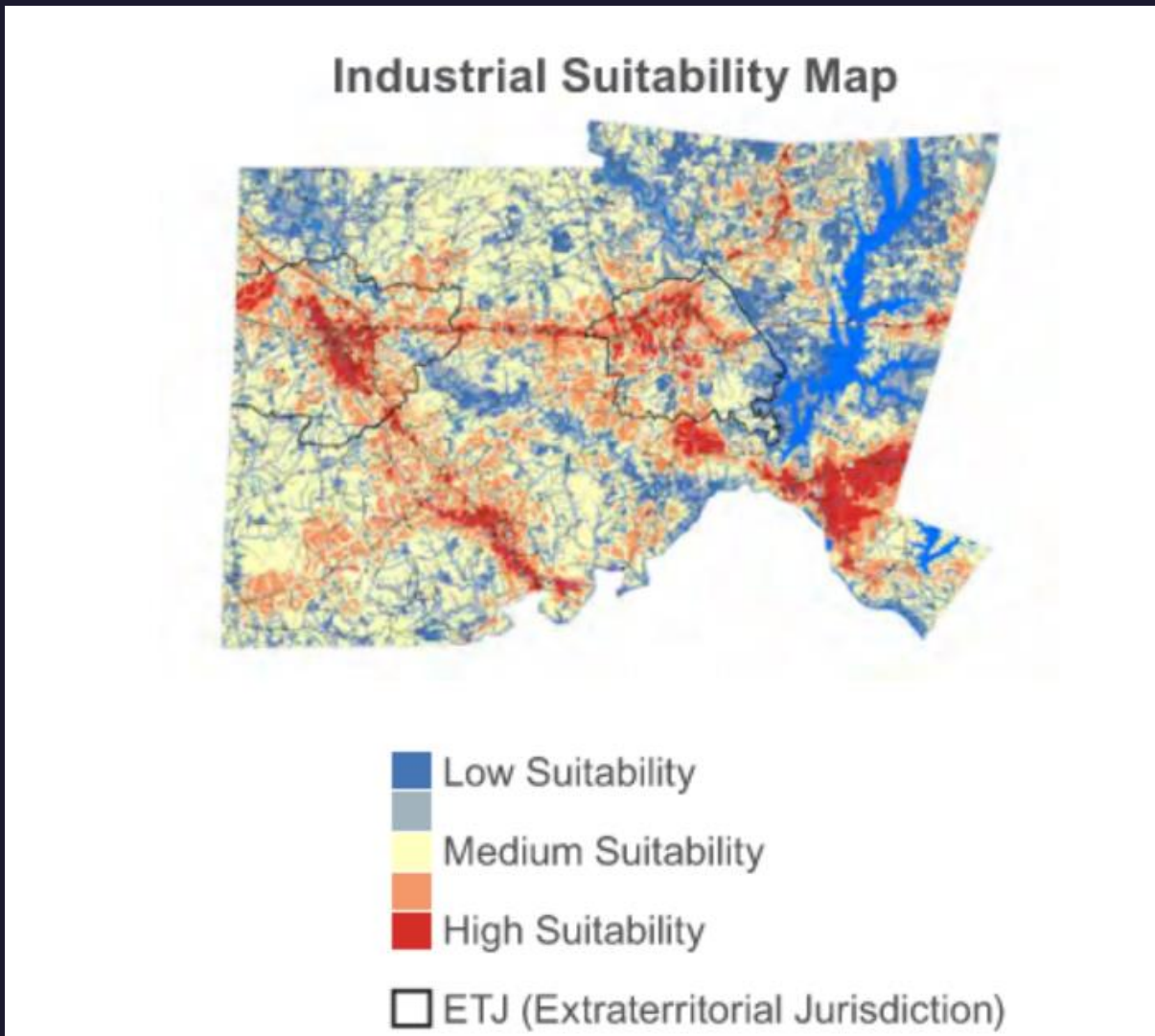
# Application Requirements: Finding 3 con't.



Areas in “purple” are all Economic Center nodes

Economic Center nodes are to include a range of uses being industrial, office, and supporting retail, restaurants, services, recreation, and others (Pg 47)

The Industrial Suitability map (Pg 21) shows this area as “high” for industrial/commercial uses



## Application Requirements: Finding 4

### Other circumstances, factors, and reason to support the proposed amendment

- Traffic: no significant traffic impact anticipated by the proposed rezonings
- Visual Impact & Screening: once an end user is identified, they will be required to develop a site plan that will be reviewed for consistency with the Zoning Ordinance and a review by other various departments
- Lighting, noise, emergency services, and signage will all go through reviews and permitting once a site plan has been developed.

## Application Requirements: Finding 5

### Other information provided by the applicant in support of the proposed amendment

- A. This site will be served by county water
- B. Sanitary sewer will be designed and permitted by county and/or state agencies
- C. Access will be directly from Old US 1
- D. Stormwater is planned to be managed on-site as required by the Chatham County Stormwater Ordinance and the NC Department of Environmental Quality (NCDEQ)





# Staff Comments

1. If approved, a complete site plan for the end user will be required prior to any land disturbing activity with a review by the Chatham County Appearance Commission.

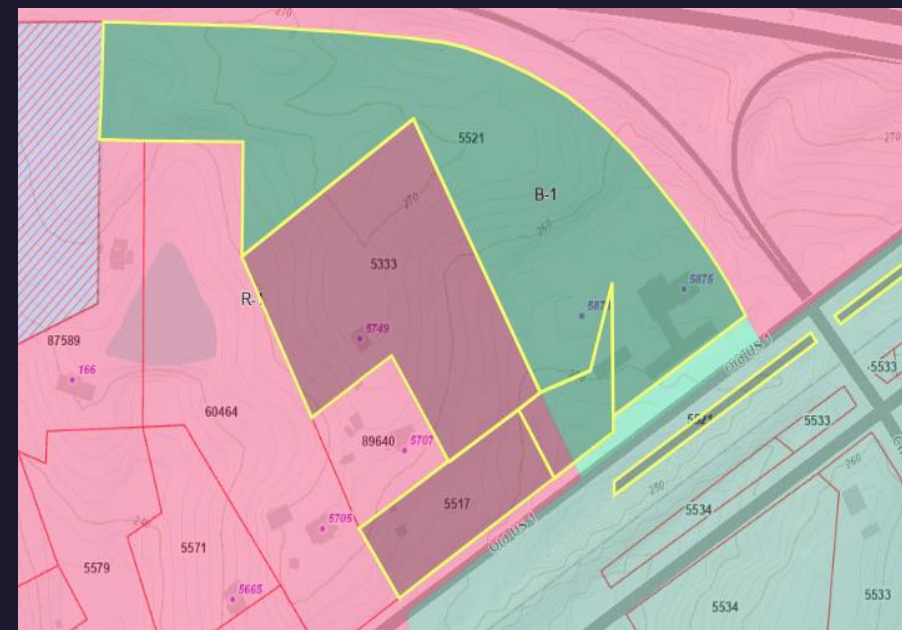


# Topic two

A legislative public hearing requested by Hardip Dhillon to rezoned Parcels 5333, 5517, 5521, 5520 from B-I Business and R-I Residential to General Use Neighborhood Business

# What we know

- Current zoning is B-1 Business and R-1 Residential
- Located within the Employment Center node of the Comprehensive Land Use Plan
- Parcels 5521 and 5520 currently operating a convenience store with fueling stations
- Is adjacent to the US 1 and Old US 1 interchange
- Across from Heavy Industrial zoning specifically Triangle Brick
- NRCS/USGS show no water features requiring buffers



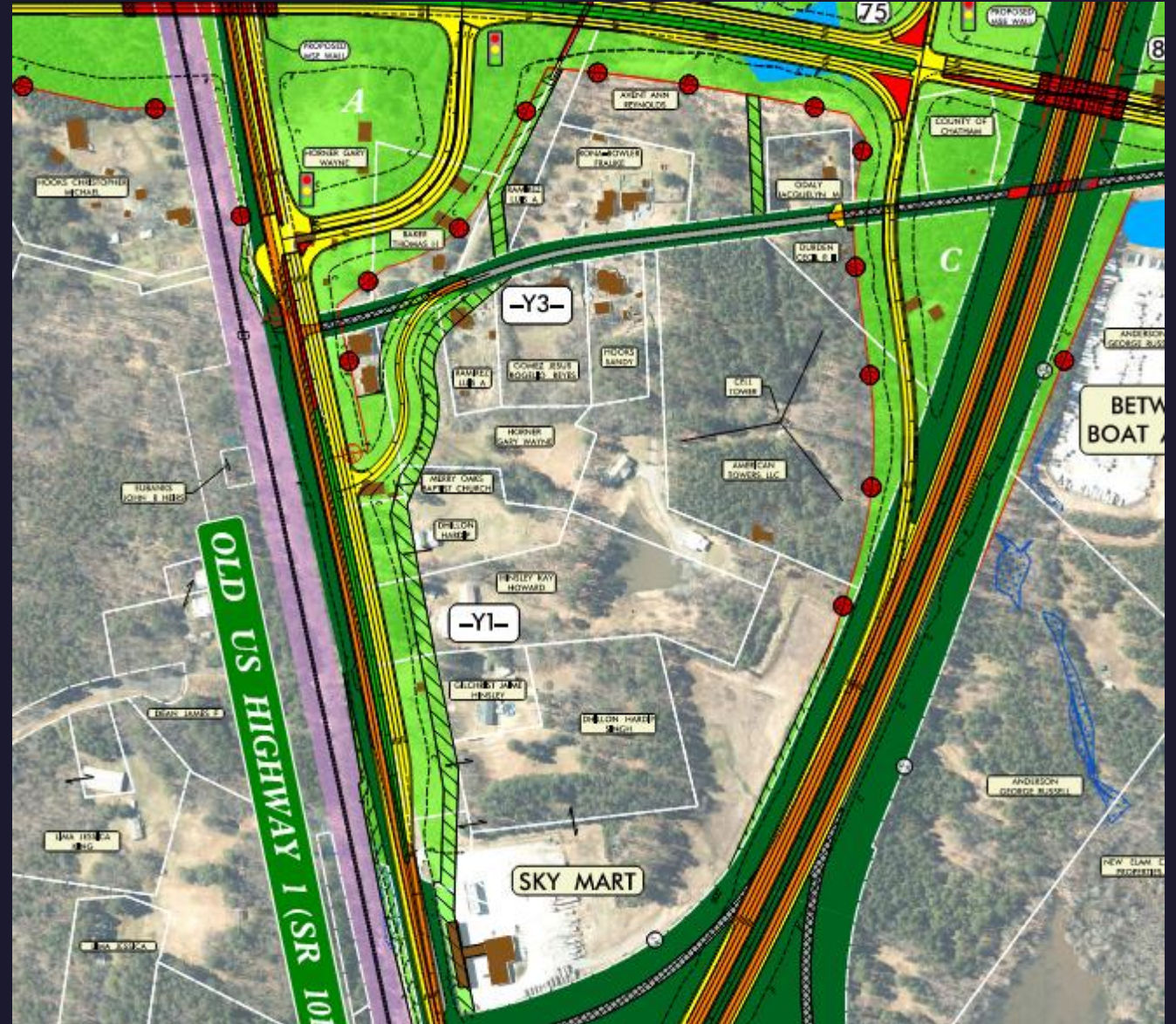
# What we know

- FEMA map 3710969800J, dated 2/2/2007, shows no floodable areas on or near the properties
- BUA is limited to 36% without curb and gutter. Any impervious surface (BUA) located on the property prior to 1994 is exempt from BUA calculations and may continue to be used. Photo from 1997. Per county tax records, the store has been there at least since 1988.



# Application Requirements

- FINDING NO 1- Errors being claimed in the Zoning Ordinance: No errors are being claimed with respect to this request. The B-1 Business zoning district is an historical zoning that was replaced with Neighborhood Business (NB), Community Business (CB), and Regional Business (RB) in 2008. This proposal will bring the properties into conformity with the existing zoning districts.
- FINDING NO 2- Changed or changing conditions that make this request reasonably necessary:
  - NCDOT has issued its plans to reconfigure several areas considering the VinFast car manufacturer announcement. The applicant's existing business will be directly affected by the new interchange proposed in the map.
    - Gray – removal of interchange
    - Green- proposed easement
    - Yellow- proposed new roadway



# Application Requirements con't...

- Finding No 2 con't:
  - The applicant needs these parcels in order to be able to reconfigure and reconstruct his business property to accommodate the potential taking by NCDOT
  - This is existing sales revenue the county is already getting, and the applicant would like to continue providing these services to the area
  - Employment opportunities will continue
- FINDING NO 3- Proposed amendment will carry out the intent and purpose of the adopted Land Use Plan or part thereof:
  - Chapter 2, pg 16, encourages keeping retail leakage from going outside the county. This is an existing business that wishes to stay operating in the county
  - Chapter 3, pg 40, encourages generating non-residential tax base and employment opportunities which the applicant's business is doing and wishes to continue doing.
  - Pg 47 shows the area within the Employment Center node to include a mix of uses including retail, services, restaurants, etc.
  - Chapter 4, pg 54, is supported in the Economic Development recommendations to generate in-county jobs and reduce the dependence on residential tax base. ED strategies also support development of small-scale retail, services, and restaurants per Ed Policy 2, pg 55.

# Application Requirements con't...

- FINDING NO 4- Amendment is either essential or desirable for public convenience or welfare:
  - No significant traffic impacts outside of the new NCDOT roadway reconfigurations are anticipated
  - Development of a new site plan will require meeting all the zoning regulations regarding landscaping, signage, lighting, and parking that were not available when the original store was constructed. This should lend to a more appealing site.
  - The properties are adjacent to a major four-lane highway and can continue to be beneficial to the area
- FINDING NO 5- Additional information in support of the amendment request
  - County water will serve the property
  - Sanitary sewer will be designed and permitted by county or state regulatory departments
  - Storm water will comply with County and NCDEQ regulations
  - The site will continue to be accessed via Old US 1





# Staff Comments

Potential uses and site planning will be reviewed by all required county departments prior to any land disturbing activity

A review by the CCAC will be required once a site plan has been developed



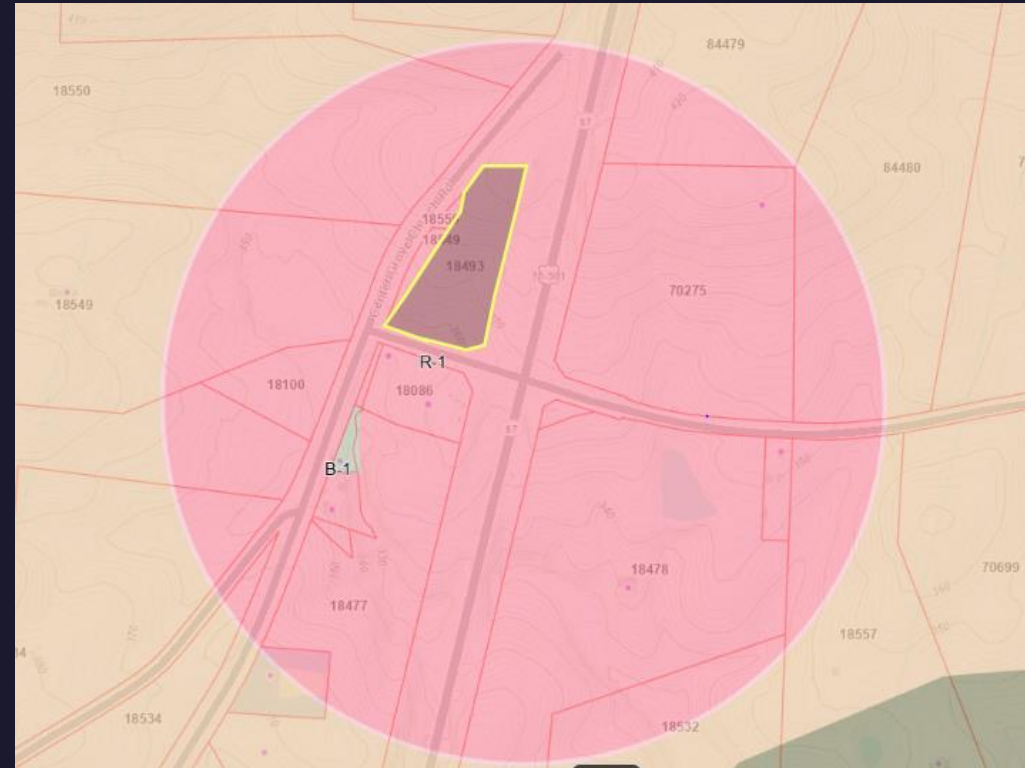


# Topic three

A legislative public hearing requested by The Leads Group on behalf of Aaron Horton Toothbrush LLC to a General Use rezoning from R-1 Residential to Light Industrial on Parcel 18493

# What we know

- Current zoning is R-1 Residential
- Located within the Crossroads Community node of the Comprehensive Land Use Plan
- Is adjacent to the US 15/501 S/NC 87 S highway
- Across the roadway from the Chatham County Collection Center
- NRCS/USGS maps show no water features on the parcel
- FEMA map 3710964800L, dated 11/17/2017, show no floodable areas on or near the parcel
- Watershed is Local (LWA)



# Application Requirements

- FINDING NO 1- No error is being claimed in the ordinance
- FINDING NO 2- Changed or changing conditions that make this request reasonably necessary:
  - There are no similar uses or zoned properties adjacent to this parcel with the exception of the Chatham County Collection Center which was approved before zoning was implemented in 2007.
  - In 2017, the Board of Commissioners identified this intersection as an opportunity zone for non-residential uses
    - by locating it within the Crossroad Community node.

## CROSSROAD COMMUNITY

- Smaller than villages, these communities are within rural areas and typically have a minimal amount of retail and institutional uses.
- Mix of uses include single-family residential, some agriculture support services, limited supporting retail, and institutional uses.
- Residential uses are designed in a context sensitive manner, in keeping with historic development

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# Application Requirements con't...

- FINDING NO 3- Proposed amendment will carry out the intent and purpose of the adopted Land Use Plan or part thereof:
  - Chapter 2 – contributes to the diversity for non-residential tax base and employment leakage
  - Chapter 3 – locating near existing infrastructure while increasing employment opportunities within the county. The parcel has access to the county water system.
  - Chapter 4, Strategy 2.1- creates flex type small industrial and economic spaces for in county jobs.
- FINDING NO 4- Amendment is either essential or desirable for public convenience or welfare:
  - Corner lot adjacent to a major corridor
  - Property boundary is approximately 155 feet from the edge of the highway which is dedicated to the NCDOT right-of-way
  - Property is surrounded by existing mature wooded areas which are proposed to remain in order to screen from residential uses
  - Development of the site will provide quick and easy access to the main major corridor keeping traffic away from residential area
- FINDING NO 5- Additional information in support of the amendment request
  - Property is within the Local (LWA) watershed which allows for a maximum of 36% BUA. The property is 4.04 acres therefore, only 1.45 acres can be developed
  - Although, the application states will use on-site well, county water is available in this area and will be required to tap into that system.
  - On-site stormwater measures will be required to meet the Chatham County Stormwater Ordinance
  - On-site septic is proposed



# Staff Comments

Potential uses and site planning will be reviewed by all required county departments prior to any land disturbing activity

A review by the CCAC will be required once a site plan has been developed



# Topic four

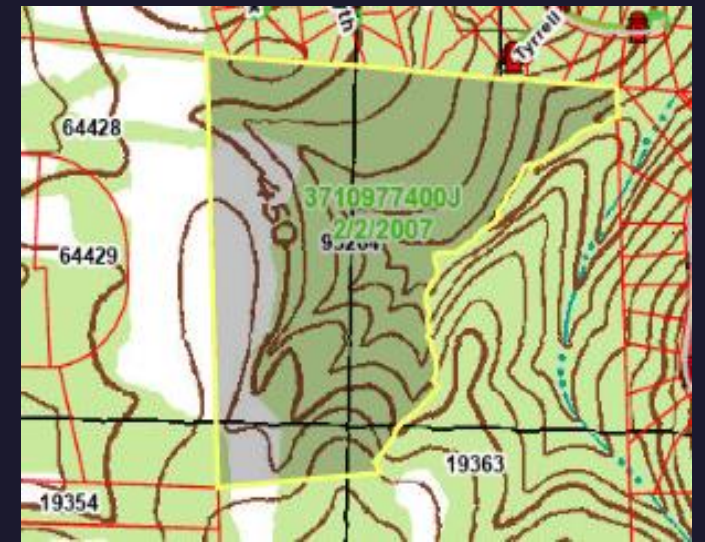
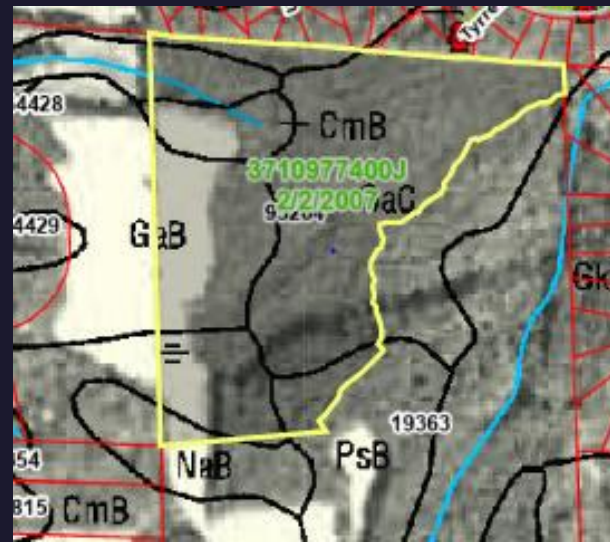
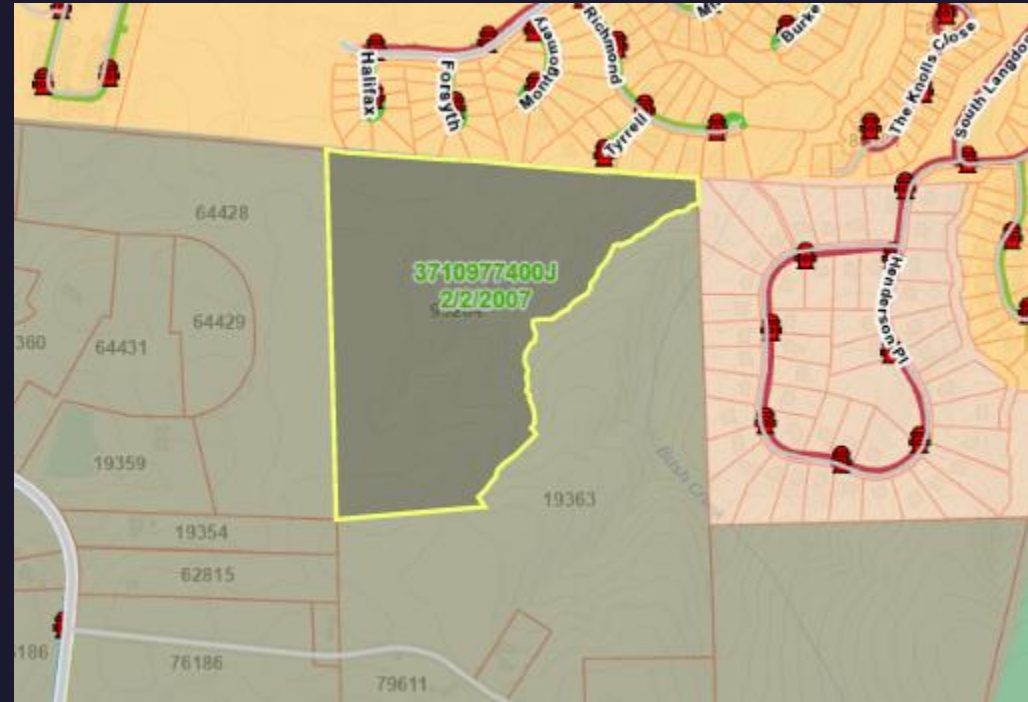
## THIS MUST FOLLOW QUASI-JUDICIAL REVIEW

A request by Sears Design Group on behalf of Fitch Creations for a Special Use Permit for a Planned Residential Development (PRD) on Parcel 95264

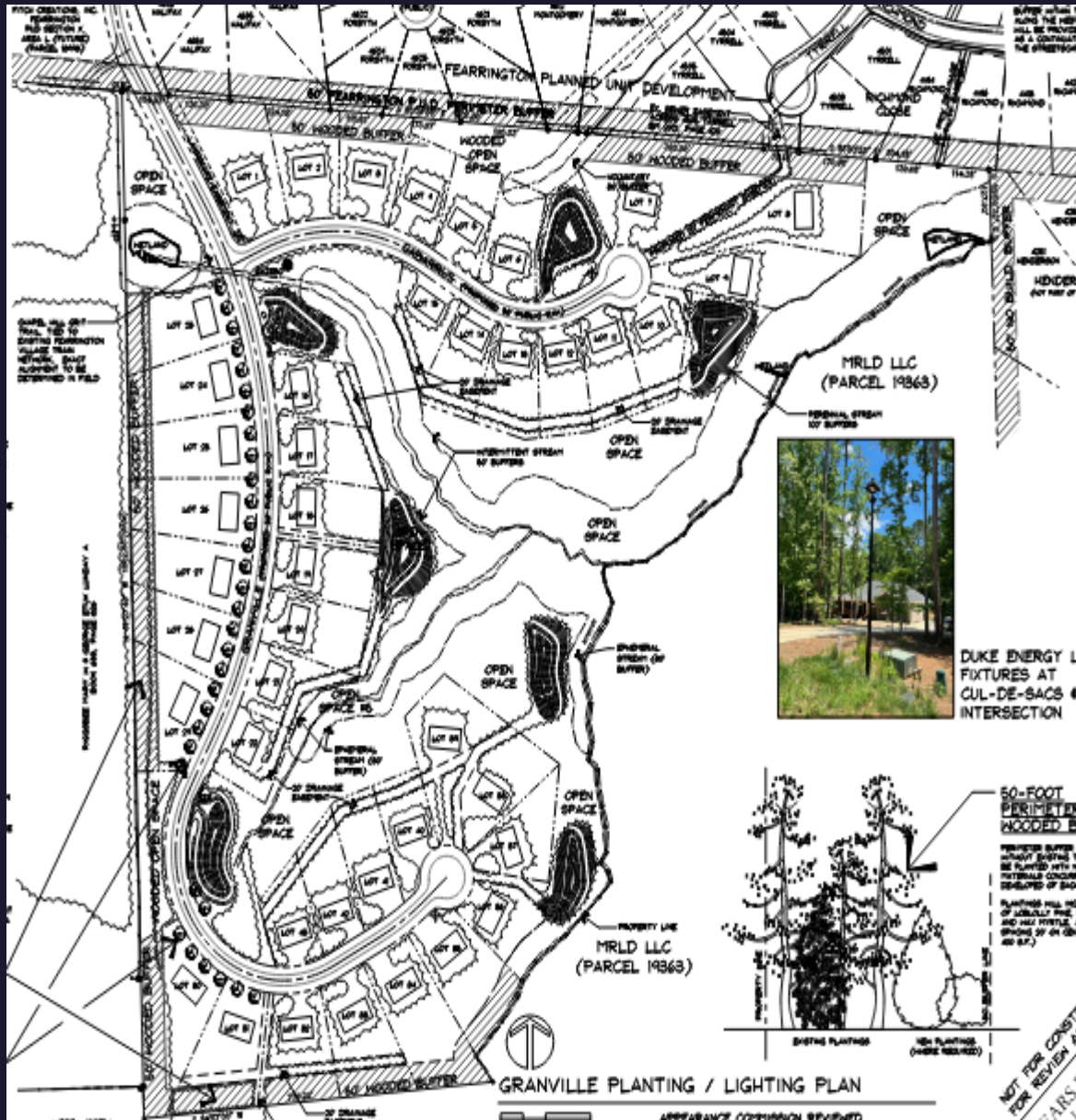


# What we know

- Current zoning is R-1 Residential, PRDs are allowed via an SUP application
- Located within the Conservation zone of the Comprehensive Land Use Plan
- Is adjacent to Farrington Village where access to the section will be developed
- This is a land-locked property
- NRCS/USGS maps show blueline stream on northwestern corner of property
- FEMA map 3710977400J, dated 2/2/2007, show no floodable areas on or near the parcel
- Watershed is WSIV-Protected Area, Jordan Lake Buffer area



# What we know



- Parcel is 51.765 acres and proposes 43 residential lots
- A community meeting was held June 28, 2022, for the SUP and the subdivision processes
- The Chatham County Appearance Commission reviewed the perimeter landscaping October 25, 2022
- A 50-foot perimeter landscape buffer is proposed
- Access road, trail systems, and emergency access will connect to the existing Fearington Village development
- Through the EIA review, wetland and additional water features were noted which require buffering as shown
- The subdivision submittal has been received and will be presented at the February Planning Board meeting following this public hearing
- A TIA was provided and stated NCDOT does not feel this additional use would impair existing roadways or traffic serving this area



# Application Requirements

- FINDING NO 1- No error is being claimed in the ordinance.
- FINDING NO 2- Request is either essential or desirable for the public convenience or welfare:
  - Granville will set up its own sub-HOA association from the larger Fearington Village HOA
  - In keeping with the aesthetics of FV, signage will continue in design appearance, only three streetlights are proposed at cul-de-sacs and intersection, and all other zoning requirements will be complied with
    - The FV HOA will provide membership and access for the recreational offerings within the larger FV PUD
  - With FV nearing full build-out, more land opportunity is requested to continue to serve those looking to located in or near FV
- FINDING NO 3- Request will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety, or welfare of the community:
  - Will give residents the opportunity to access existing FV amenities by walking and biking
  - Will residents the opportunity to live in a rural setting designed in compliance with county requirements for stream corridor protection and additional preserved wildlife corridors

# Application Requirements con't...

- FINDING NO 3 con't
  - Development will be with the same developer as FV, Fitch Creations
  - The lots will utilize the existing, privately held sewer treatment facility and connect to county water
  - Will provide needed housing for the northeastern portion of the county near to supporting non-residential uses
- FINDING NO 4: Manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof:
  - Chapter 2, pg 16- An increased higher income population along the US 15/501 corridor will continue to expand and support local retail, restaurants, and other businesses helping to reduce sales leakage outside the county
    - Pg 18- Rural character is being preserved by an extensive perimeter landscaped wooded buffer and protected open space
    - Pg 21-Land Use Suitability- the Comp Plan identifies this area as high residential and high to medium suitability for commercial and medium to high for conservation
  - Chapter 3- by being a modest expansion of FV, it is not visible to the surrounding general public, a wooded buffer, open space with buffered streams, and the preservation of tree cover on proposed lots are keeping with the rural character and preservation of natural resources

# Application Requirements con't...

- FINDING NO 4 con't:
  - Chapter 4 Economic Development, ED Policy 4, pg 56: additional housing for the area will increase demand for existing restaurants and service-based businesses
  - Compact growth near existing developments promotes Policy 3, pg 63 Land Use Goals and pg 66 helps to preserve rural character.

FINDING NO 5 – Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies, and regulations.

County water

Private sewer treatment facility

Access is through the existing FV development

Stormwater measures to be complied with the Chatham County Stormwater Ordinance

Open space is being provided above the minimum required with 21.88% more

Recreation with a wooded park and a gazebo will be with a walking trail network that will connect the two developments

# Thank You

Angela Plummer, CZO/Zoning Administrator

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