



Chatham County Planning Board Agenda Notes

Date: March 7, 2023

Agenda Item: VII-1

Attachment #: None

Subdivision

Special Use Permit

Rezoning Request

Other:

Subject:	A legislative public hearing requested by The Leads Group, PA on behalf of Aaron Horton Toothbrush LLC to rezone Parcel 18493 from R-1 Residential to General Use Light Industrial being approximately 4.04 acres, located at 27 Mt View Church Rd., Oakland Township.
Action Requested:	See Recommendation
Attachments:	All documents are available on the Planning website at www.chathamcountync.gov/planning under Rezoning and Subdivision Cases, 2023

Introduction & Background:

A legislative public hearing was held January 17, 2023. Planning staff presented the request and Chad Huffine, representative for the applicant, addressed the Board. Planning staff stated compliance with the land use designation on the future land use map in the comprehensive plan may not be supportive of light industrial zoning but the Commissioners would have the final decision.

Two residents spoke in opposition to the rezoning request stating the property is in a residential area in a tightly knit neighborhood and had concerns about potential environmental impacts to the Rocky River.

The Planning Department and County Manager's offices have received several emails from landowners in the vicinity that oppose a light industrial rezoning of the property. That information can be viewed on the webpage for this item.

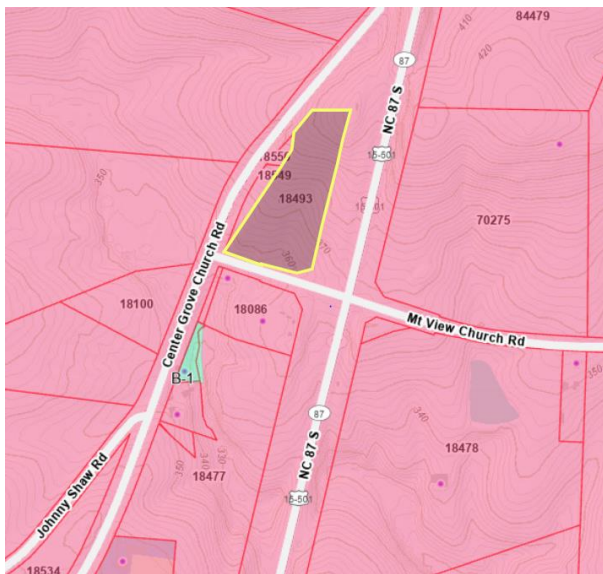
Following the public hearing, the applicant's representative stated they would be holding another community meeting to see if they can get agreement from the landowners in the area for the rezoning. Planning staff has not received an update about the community meeting from the applicant or their representative.

Discussion & Analysis:

When considering a general use rezoning, all uses listed in Section 10.13 of the Chatham County Zoning Ordinance listed under the proposed zoning classification are permitted. However, due to possible limitations such as wastewater capacity, access to public utilities, impervious surface limits, etc., not all uses are feasible. The decision to approve a general use rezoning shall be determined by the following criteria.

Any alleged error in the Ordinance, if any, which would be remedied by the proposed amendment. No errors in the Ordinance are being claimed.

Below is the Zoning map of the area with a majority of the area zoned R-1, Residential. The B-1 zoned property was used for a business prior to zoning being adopted in this area.

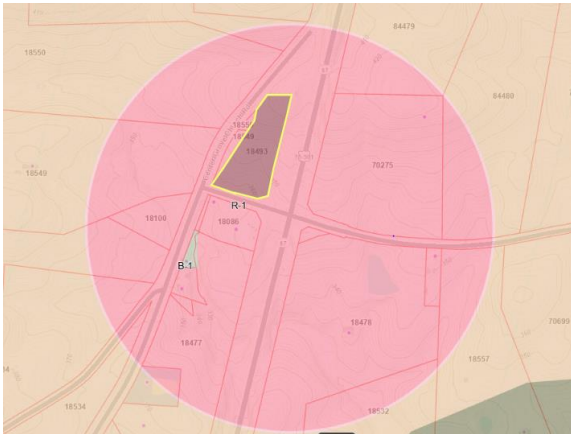


The changed or changing conditions, if any, which make the proposed rezoning reasonably necessary. The Board of Commissioners adopted the comprehensive plan, Plan Chatham, in 2017. This property is included in a node designated as having potential for some non-residential development. The Chatham County Collection Center is on the south side of Mt. View Church Road opposite this site and the properties on the east side of NC 87 S are vacant.

The applicant contends the rezoning may provide much needed non-residential space to assist in the mass of development happening in and around Pittsboro and the Moncure area. This parcel sits on one of the major corridors and generally may not be suitable for residential use.

The manner in which the proposed rezoning will carry out the intent and purpose of the adopted Land Use Plan or part thereof.

The below map shows the property within the Crossroads Community node of the Comp Plan



The applicant contends the following support of the Comp Plan:

- 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.

The Comp Plan defines Crossroads Community as “smaller than villages, are within rural areas, and typically have a minimal amount of retail and institutional uses. Mix of uses include single-family residential, some agricultural support services, limited supporting retail, and institutional uses. Locations mentioned are Haywood, Brickhaven, Corinth, Griffins Crossroads, Wilsonville, Bear Creek, and Harper’s Crossroads”.

Also noted under Strategy 2.1 and 2.3, pg 55, there is encouragement of small scale development, service, office, “flex space”, and other small development by designing Village Center and Crossroads Community in appropriate locations. Also, as demands warrant, to consider zoning to allow distribution and warehouse uses along major transportation corridors.

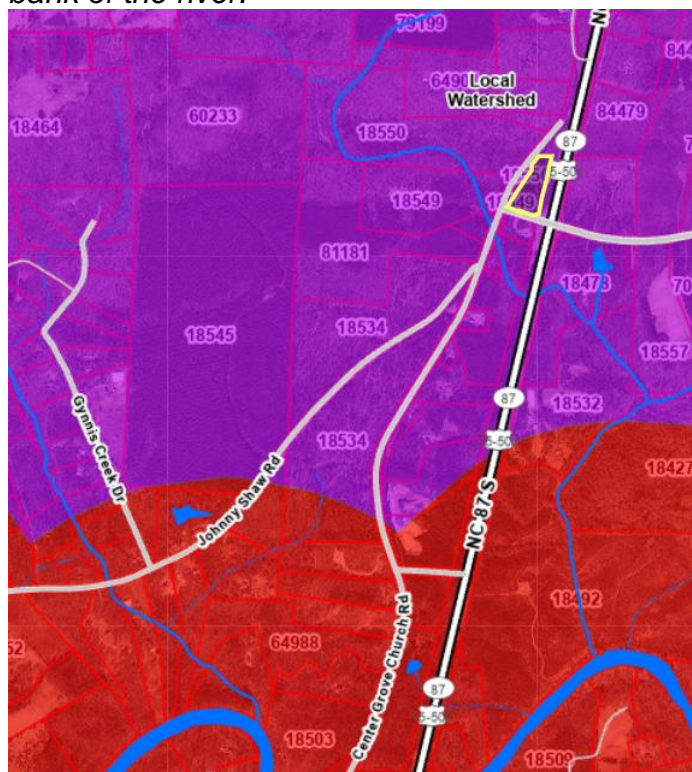
Other factors/reasons for rezoning request that make it essential or desirable for the public convenience or welfare. The applicant states this site will provide quick and easy access to a major corridor keeping traffic away from the residential area. The property boundary is approximately 155 feet from the edge of the highway which is dedicated to the NCDOT right-of-way. The use of the property for non-residential use is the best fit for the location in that it is not likely someone would build a residence right on the highway.

The property is located within the Local watershed area where development of the site is limited to a maximum of 36% so out of the 4.04-acre tract, only 1.45 acres can be developed.

NRCS and USGS maps show no water features existing on the property



The below Watershed map shows that the parcel is approximate 1.29 miles from the closest bank of the river.



All other information required on this application or as offered by the applicant in support of the request. The applicant provides the following:

- 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.

As mentioned in the Introduction & Background, comments were provided during the public hearing and emails sent to staff recommending denial of the rezoning. Concerns raised include the following:

- Concern about stormwater runoff impacting the Rocky River and localized flooding of a stream in close proximity to the site.
- Concern about the adequacy of the soils to support a septic system.
- Has NCDOT evaluated the site to determine if the site can be accessed for heavy equipment and trucks?
- If approved, the rezoning will set a precedent for additional light industrial rezoning applications.
- The property owner was aware of the residential zoning when it was purchased.
- There is a county collection center located opposite this parcel, but it provides a necessary service to the community whereas this proposal will provide no services to the surrounding community.
- Potential increase in accidents involving heavy truck traffic due to the warehousing operation, whereas the collection center has limited heavy truck traffic.
- Industrial uses are listed in some nodes in the comprehensive plans, such as Employment Centers, but there is no reference to industrial in the Crossroads Community node.

Recommendation:

The Planning Board has up to three meetings in which to make a recommendation to approve or deny the request to the Board of Commissioners.

If approval is recommended, the following Consistency statement has been provided for consideration:

- The rezoning request supports the Comprehensive Plan by being located within a Crossroads Community node, located on a major corridor, and will provide economic growth in relation to the tax base and employment opportunities.

If denial is recommended, the following Consistency statement has been provided for consideration:

- The rezoning request does not support the Comprehensive Plan with respect to not providing protection for environmentally sensitive areas, does not maintain rural character and preservation of safe, healthy activities of local residents, and is not consistent with the intent of a Crossroad Community node.