

## ..Title

Vote to approve a quasi-judicial public hearing requested by Jordan Lake Business Park, Parcel 17706, located at 1434 Farrington Rd., being approximately 5.701 acres, for a Special Use Permit revision to remove Condition No. 5 from the original approval which prohibits schools from locating in the facility when there are any industrial uses operating at the same time.

## ..Abstract

Introduction & Background:

A quasi-judicial public hearing was held June 17, 2024. Planning staff presented the request and no-one else spoke on the request.

This property was home to Bell's School in 1922. A new school building was constructed in or around 1965 per tax records. Jordan Lake Business Park was originally approved as conditional use district light industrial with a conditional use permit for assembly of machinery and goods from previously prepared parts and light manufacturing or processing not otherwise named in 1995. In 2003 there was an amendment to add additional uses to the list of approved uses that could locate on the property. For reasons not noted in the files, a condition was placed on the approval to not allow a school, whether public or private, to be able to locate in any of the suites if there were any industrial uses operating at the same time.

However, the Jordan Lake School of Arts has been in this building since around 2009 and at the time was not identified as a public or private school in the sense of education that follows the North Carolina curriculum. The revision to the approval would clear the path for public and private schools to be located in the building. The school has and continues to be inspected by the county departments.

Discussion & Analysis:

When determining whether a Special Use Permit revision request should be approved as per Section 5 Conditional Zoning Districts, the following findings must be supported.

- 1. The alleged error in the Ordinance, if any, would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.** No error in the Ordinance is being claimed.
- 2. The requested special use permit is either essential or desirable for the public's convenience or welfare.** There are no requested changes to the appearance of the site for this revision request. The applicant needs to have more flexibility in allowing the use of a school to serve the area.
- 3. The requested permit 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.** No outward changes are requested or

needed for this revision. With the restrictions on wastewater capacity already in place, limits on the level of activity will be restricted. There are no public improvements needed.

- 4. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.** The property is within the Rural designation of the land use plan.



Pg. 55, Strategy 1.2 encourages the county to allow for more flexibility for rural businesses that have minimal impact on adjacent properties, traffic, and rural character. Pg. 56, Strategy 4.4 encourages permitting existing businesses that are appropriately zoned to continue to operate, and allow for reasonable expansions, contingent upon meeting environmental and transportation requirements.

- 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.** This facility has been permitted by the state for a recycled community wastewater system and was one of the first permitted in the state. The system limits capacity so there can only be so many people in the building at one time. They will continue to utilize the permitted system for water usage and wastewater. The property is within the WSIV-Critical Area watershed where only 24% of the site can have built upon area so no new development is proposed.





The Planning Board reviewed the request during their regular meeting on July 2, 2024, and voted 5-0-2 to recommend approval of the SUP modification. Discussion included what type of uses have been in the building, configuration of the interior and separation between the school children and other businesses, and wastewater capacity. The applicant responded that the building was converted to non-residential condominiums and that the uses are physically separated, a prior weapons parts supplier was no longer in operation, and that the wastewater system was specialized and limited the occupancy of the entire building.

How does this relate to the Comprehensive Plan:

Pg. 55, Strategy 1.2 encourages the county to allow for more flexibility for rural businesses that have minimal impact on adjacent properties, traffic, and rural character. Pg. 56, Strategy 4.4 encourages permitting existing businesses that are appropriately zoned to continue to operate, and allow for reasonable expansions, contingent upon meeting environmental and transportation requirements.

Budgetary Impact: N/A

Recommendation/Motion:

The Planning Board by a vote of 5-0-2 recommends approval of the request by Jordan Lake Business Park, Parcel 17706, located at 1434 Farrington Rd., being approximately 5.701 acres and adoption of a resolution approving an amendment for a Special Use Permit revision to remove Condition No. 5 from the original approval which prohibits schools from locating in the facility when there are any industrial uses operating at the same time.