

..TITLE

Vote on a request by Elkins Sawmill, Inc. to rezone a portion of property, consisting of approximately 57.41 acres, located off of King Road, Parcel No. 5595, from R1, Residential to IH, Heavy Industrial.

..ABSTRACT

Action Requested:

A request by Elkins Sawmill, Inc. to rezone a portion of property, consisting of approximately 57.41 acres, located off of King Road, Parcel No. 5595, from R1, Residential to IH, Heavy Industrial.

Introduction & Background:

A legislative public hearing was held September 1, 2017. Planning staff opened the request for review. The applicant's attorney, Hayes Finley, presented the standards and reason for rezoning request.

Discussion & Analysis:

With a general use rezoning request, the Planning Board and Commissioners must consider all uses that are allowed by right or with a conditional use permit within the Heavy Industrial district. Section 19 of the Chatham County Zoning Ordinance outlines four standards that must be addressed for this type of zoning map amendment.

The property is approximately 71.775 acres with 57.41 zoned R1, Residential, and the balance zoned IH, Heavy Industrial (see attachment 1). The adjoining properties are zoned R1 and IH. The uses on this and the adjoining properties is primarily timber management and open fields with some properties containing Harris Lake, which is used as part of a nuclear power facility located within Wake County. The watershed designation for the property is Local on the north side of King Road and WS-IV Protected Area to the south. Neither watershed designation poses any issues with the IH zoning designation. There also no special flood hazard areas on the property under the currently approved floodmaps or the new floodmaps scheduled for adoption in November 2017.

1. In response to any alleged error in the Ordinance, if any, which may be remedied by this proposed amendment, the applicant is not making a claim of an error in the ordinance.

The applicant is not claiming an error in the Ordinance, but notes that the zoning is inadequate and unreasonable based on the existing heavy industrial zoning in the area and a nuclear power facility within close proximity that includes large tracts of land owned by Duke Energy.

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

2. The changed or changing conditions, if any, in the area or in the County generally, which make the proposed amendment reasonably necessary for the promotion of the public health, safety, and general welfare.

The applicant stated this area has historically been used for industrial uses or is zoned for those uses. The total acreage for the parcel is 71.775 and a portion of the property on the north side of King Road is zoned Heavy Industrial leaving approximately 57.41 acres zoned residential.

The applicant states the surrounding area is not desirable for residential use based on existing uses that include a nuclear power plant, brick manufacturer, and a sawmill. Additionally, large portions of the surrounding area were zoned industrial in the early 1990s. The uses for the adjoining properties appear to be primarily in forestry use, including property in Wake County. Those properties are owned by Duke Energy and include Sharon Harris Lake area and the nearby nuclear plant.

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

3. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans. The adopted Land Conservation and Development Plan directs development to areas suitable for different land use categories. The plan includes that “more intensive land uses, e.g. commercial, high density residential and industrial, are concentrated in or near Chatham’s existing towns, in designated economic centers and in clustered and mixed use developments.” The Moncure-Haywood area is listed on Page 34 as a location that “may take advantage of industrial potential in the area, together with extensive transportation and water/sewer infrastructure.”

The application also had information from the proposed, but not yet adopted, Comprehensive Land Use Plan Suitability Study that highlights this area as having higher suitability for industrial use.

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

4. Other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment. The applicant states that their current business operation needs to expand and their desire is to remain active in the county to support employment opportunities and revenue.

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

The Planning Board reviewed the request on October 3, 2017 and planning staff provided an overview of the application and public hearing comments and discussion. Staff also noted that they had researched the current Heavy Industrial zoning boundary and determined there was no specific factor why only a portion

of the property was zoned heavy industrial more than 25 years ago and not the entire tract.

The properties surrounding this tract are either zoned heavy industrial or residential and are undeveloped and appear to be under timber management. The lands to the east located in Wake County are owned primarily by Duke Energy and undeveloped and utilized for the Sharon Harris Nuclear Plant and/or under the NC Wildlife Resources Commission Game Lands Program.

Planning Board member comments included concern there might be a cemetery on the subject property; Duke Energy property is managed as game lands; controlled burns may occur on the Duke Energy property; and might be more appropriate for conditional district zoning. Other comments included that the portion of the property currently zoned heavy industrial on the north side of King Road was less suitable for industrial development and the balance under consideration for rezoning was more suitable. It was determined during the discussion that the supporting materials in the application depicted the cemetery on an adjacent tract on Duke Energy property per Plat 2002, Page 346.

The Planning Board by an 8-1 vote recommended approval of adoption of the consistency statement and approval of the rezoning request.

It is planning staff and Planning Board opinion based on all standards being met that this area is suitable for heavy industrial zoning and therefore is recommended for approval.

Recommendation:

The Planning Board by vote of 8-1 recommends adoption of a resolution approving the following consistency statement:

- **It is the opinion of the Chatham County Board of Commissioners that the rezoning request to rezone the remainder of Parcel No. 5595 being approximately 57.41 acres of the 71.775 acre tract, is consistent with the goals and objectives of the Land Use Plan of Chatham County. Specifically, the Plan seeks to support the continuation of existing business and industry in the Moncure-Haywood area.**

The Planning Board, by a vote of 8-1, recommends adoption of an ordinance amending the Zoning Ordinance approving the request by Elkins Sawmill, Inc. to rezone a portion of property, consisting of approximately 57.41 acres, located off of King Road, Parcel No. 5595, from R1, Residential to IH, Heavy Industrial.