



Chatham County Planning Board Agenda Notes

Date: May 1, 2018

Agenda Item: VIII-5 Attachment #: 0

- Subdivision
 Conditional Use Permit
 Rezoning Request
 Other:

Subject:	A Legislative Public Hearing to consider County-initiated rezonings of businesses in the formerly unzoned portion of Chatham County.
Action Requested:	See Recommendation
Attachments:	Handouts provided during the public hearing are provided online at the following website link - http://www.chathamnc.org/government/departments-programs/planning/rezonings-subdivision-cases/2018-items/businesses-rezoning-52-properties

Introduction & Background:

After nearly two years of discussion and study, on August 15th, 2016, the Chatham County Board of Commissioners voted to zone the formerly unzoned portions of the county to R-1 and R-5 residential. The Comprehensive Plan specifically supports “rezonings for businesses uses or properties made non-conforming by the extension of zoning in 2016.” (Land Use Policy #7, Strategy 7.2). Consequently, prior to the adoption of county-wide zoning, the Chatham County Planning Department sent a business listing form to every property owner in the unzoned portion of the county. Nearly 13,000 forms were mailed. The business listing form asked property owners to list any non-residential use of their land, so the Planning Department could properly document any non-conforming uses and prepare for future rezonings. The Planning Department received over 1,000 forms. Approximately 300 forms described non-conforming businesses, while the remaining 700 listed either agricultural uses of the land (which were exempted from zoning regulations via the bona fide farm exemption) or otherwise permitted uses, such as a residence. Aerial images of these 300 businesses were captured, as well, in order to further establish non-conforming status.

Discussion & Analysis:

In addition to mailing and documenting business listing forms, Planning staff compiled tax and fire inspection records to determine if there were any other businesses in the formerly unzoned portions of the county. After combining tax and fire inspection records, along with

the business listing forms, staff determined that 524 parcels in the formerly unzoned part of the county may contain non-conforming uses or businesses. In order to confirm that these non-conforming uses actually existed, staff performed site visits to each parcel, spoke with the property owners, and documented the current use of the property. After several months of visiting properties, further research by staff, and meeting with property owners, the following observations were made by staff:

- 252 parcels are eligible for rezoning to a non-residential zoning district
- 53 parcels are eligible for the issuance of a home occupation permit (HOP)
- 268 parcels are not eligible for rezoning or issuance of a home occupation permit

During the site visiting process, the interior of multiple parcels were inaccessible to staff due to “No Trespassing” signage, the presence of loose dogs, or physical barriers, such as locked gates, fences, or washed out roads. However, the tax data, aerial imagery, and some visual confirmation from the site visits allowed staff to recommend rezonings, issuance of HOPs, or maintenance of the status quo for these parcels.

Based on the observed use, staff determined which zoning classification would be most appropriate to consider to use for rezoning the property. Since many uses are permitted in multiple zoning classifications, staff recommended that the parcels be eligible for rezoning to the least intensive permitted zoning classifications possible. For example, if a use were allowed in both light and heavy industrial zoning district, then staff recommended that the parcel should be eligible to be rezoned to the light industrial classification. Furthermore, some uses are permitted in an R-1 or R-5 district with the issuance of Conditional Use Permit. It should be noted that many of the non-conforming uses on parcels eligible for rezoning do not occur across the entirety of the parcels. Many uses are limited to a single building or small portion of the parcel.

After the inventory of businesses was completed, the next step was to meet with property owners eligible for a rezoning to determine if they wish to rezone their property, and if so, how much of the property they would like to rezone. Planning staff contacted property owners and scheduled these meetings. Additionally, planning staff coordinated with representatives from the Chatham County Tax Department, as the issue of changes in tax value was likely to arise. In addition, on March 1st, at the direction of the Board of Commissioners, Planning staff also sent a letter to 35 property owners who have vacant buildings on their property in the formerly unzoned portion of the county, offering them the opportunity to request a rezoning to any zoning district. These vacant buildings had been previously identified by Planning staff during site visits in the summer of 2017.

Out of 252 properties that were identified as having a non-conforming use, 52 parcels were requested by their owners to be rezoned, 24 parcels were requested to remain in their current zoning district, and 175 parcels’ owners did not respond to the letter regarding rezoning, yielding a response rate of 30%. Out of 51 Home Occupation permit applications sent out to properties that qualified for an HOP, 22 have been completed and returned to Planning staff. A GIS web application (<https://chathamncgis.maps.arcgis.com/apps/webappviewer/index.html?id=8a3a205b2dbd41459379332f46537df3>) has been created identifying the 52 properties, and the list of the

52 parcels requested to be rezoned has been included as an attachment. It should be noted that Planning staff will most likely receive more requests for eligible businesses to be rezoned in the future. Planning staff will follow up with the Board of Commissioners later this year to request a public hearing for those additional rezonings.

On April 16th, 2018, the Board of Commissioners held a Public Hearing on this item. Of the 52 parcels under consideration for rezoning, members of the public spoke only about 3 parcels:

The first property was parcel number 75968, located on 1565 Gulf Road in Gulf. The 1.04 acre parcel is under consideration for rezoning from R-1 to O & I – Office and Institutional. The current owner spoke and was apparently under the impression that the parcel was not under consideration for rezoning, when in fact, the parcel was part of the 52 businesses requesting a rezoning. He asked the BOC rezone the parcel to O & I.

The second property was parcel number 61829, a 0.90 acre parcel located on 17570 NC Hwy 902. Carolina Analytical Services, LLC, an independent agricultural analytical testing laboratory, currently operates on the property and is requesting a rezoning to IL-Light Industrial. Two neighboring property owners spoke out against rezoning the parcel. One neighbor alleged that Carolina Analytical Services had previously dumped arsenic, mercury, and other heavy metals in a nearby ditch and an adjoining pond, leading to a massive fish kill. The neighbor alleges that other neighbors had to discontinue the use of their wells due to the contamination. A petition signed by nearby residents to oppose rezoning this parcel, along with an opposition letter from a neighbor, as well as other documentation, is included in your packet.

The third property was parcel number 90745, a 6.27 acre parcel located at 1506 Mays Chapel Road. The parcel was formerly used as the Smith Water and Coffee Distribution center. Currently, the parcel has an active Notice of Violation from the Chatham County Planning Department for violation relating to a change in use that is not in compliance with the current R-1 zoning. 5 members of the public spoke out against the proposed rezoning of this parcel from R-1 to IL-Light Industrial. They shared concerns about a decrease in their property values resulting from the change in zoning, visual impacts of the materials being brought to the site, as well as the change in use that is occurring on the property. One resident was concerned about an increase in runoff onto his property. Two neighbors alleged that the change in use was occurring because the owner of the parcel was moving trash and debris from a parcel in Pittsboro's planning jurisdiction that is currently under an NOV and "dumping" it on the parcel in question. One resident also stated that such industrial activity should not be placed in a rural setting. Information provided during the public hearing, as well as a letter opposing the rezoning, is included in your packet.

How does this relate to the Comprehensive Plan:

Goal #4: Diversify the tax base and generate more high-quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-

commuting. Specifically, Land Use Policy #7, Strategy 7.2 supports “rezonings for businesses uses or properties made non-conforming by the extension of zoning in 2016.”

Recommendation:

The Planning Board is requested to review this rezoning and make a recommendation for approval or denial to the Board of Commissioners. You have up to three (3) meetings in which to provide that recommendation.

1) Planning staff recommends that you approve a recommendation for the rezoning of 50 of the 52 parcels listed in your packet, and that the Board further discuss parcels 61829 and 90745.

Should your recommendation be for approval of the rezoning of 50 of the 52 parcels, with the other parcels being parcel number 61829 and 90745, it is requested that you provide a recommendation using the following consistency statement:

The request for rezoning of all listed parcels, except for parcel number 61829 and 90745, is consistent with the comprehensive plan of Chatham County, Plan Chatham, by supporting the diversification of the tax base and generation of more high-quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting. Specifically, this request supports Land Use Policy #7, Strategy 7.2 which encourages support for “rezonings for businesses uses or properties made non-conforming by the extension of zoning in 2016.”

2) As for parcel number 61829 and 90745, we recommend you consider those parcels separately from the other 50. Should your recommendation be for approval of the rezoning of parcel number 61829 (17570 NC Hwy 902), it is requested that you provide a recommendation using the following consistency statement:

The request for rezoning of parcel number 61829 is consistent with the comprehensive plan of Chatham County, Plan Chatham, by supporting the diversification of the tax base and generation of more high-quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting. Specifically, this request supports Land Use Policy #7, Strategy 7.2 which encourages support for “rezonings for businesses uses or properties made non-conforming by the extension of zoning in 2016.”

3) Should your recommendation be for approval of the rezoning of parcel number 90745 (1506 Mays Chapel Road), it is requested that you provide a recommendation using the following consistency statement:

The request for rezoning of parcel number 90745 is consistent with the comprehensive plan of Chatham County, Plan Chatham, by supporting the diversification of the tax base and generation of more high-quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting. Specifically, this request supports Land Use Policy #7, Strategy 7.2 which encourages support for “rezonings for businesses uses or properties made non-conforming by the extension of zoning in 2016.”