

## **..TITLE**

A Legislative Public Hearing request by Richard Broedell, Sr. to rezone Parcel No. 5576, being 5.92 acres, Cape Fear Township, located on New Elam Church Road, from R-1 Residential to Light Industrial.

## **..ABSTRACT**

### **Action Requested:**

Vote on a Legislative Public Hearing request by Richard Broedell, Sr. to rezone Parcel No. 5576, being 5.92 acres, Cape Fear Township, located on New Elam Church Road, from R-1 Residential to Light Industrial.

### **Introduction & Background:**

A legislative public hearing was held on March 19, 2018. Patrick Bradshaw, attorney for the applicant, made a presentation to the Board. No one else spoke on the matter and planning staff has had no calls or comments submitted.

This property is located within an R-1 zoning district adjacent to US 1 on New Elam Church Road. The property across New Elam Church Road on the opposite corner of New Elam Church Road and US 1 was recently (December 2017) rezoned to General Use Light Industrial.

### **Discussion & Analysis:**

Since this is a general use rezoning request, section 19.4.C of the Chatham County Zoning Ordinance outlines standards that must be addressed for this type of zoning map amendment. When considering a general use rezoning, all uses listed as "P" Permitted will be allowed provided other regulatory permits can be obtained and satisfied (i.e. Erosion Control, Stormwater, Building, Fire and Environmental Health) and uses listed as "CU" require that a conditional use permit be approved prior to starting the use.

The parcel is currently zoned R1, Residential, and the applicant is requesting to rezone the entire tract to IL, Light Industrial. The property is located adjacent to New Elam Church Road and US 1, a controlled access 4 lane divided median highway. The adjoining properties to the north and west east are zoned R1, Residential and are primarily wooded with limited use and one dwelling is located approximately 250' of the northern property boundary. The property on the east side of New Elam Church Road was rezoned to Light Industrial in December 2017. The properties on the south side of US 1 are zoned R1, Residential and CU-IND-L, Conditional Use Light Industrial. There are also multiple parcels zoned IH, Heavy Industrial and B1, Business, within ¾ mile of this property on the south side of US 1 that include a mix of commercial and heavy industrial uses.

The parcel is located within a WS-IV Protected Area watershed district and is outside of the Jordan Lake drainage. This watershed designation allows up to 36% built upon area unless a density transfer is requested and approved. There are no water features shown on the USGS topographic map; however a water feature is identified in the western portion of the property on NRCS soil survey maps. Additionally, there are no special flood hazard areas identified on the property.

1. In response to any alleged error in the Ordinance, if any, which may be remedied by this proposed amendment, it is stated in the application this area is noted as an employment center. The property is zoned R-1 Residential which would not allow the mix of uses that are appropriate in employment centers. The existing zoning map is in conflict with the stated purposes of the zoning ordinance which are to be pursued in accordance with the Comprehensive Plan (Plan Chatham or Plan) thus creating an error in the ordinance. Rezoning the property to the Light Industrial zoning district would make the zoning map consistent with the Plan and the error would be remedied.

The Plan includes a note that “This map is a guide showing the intended future land use pattern using various land use areas...Though each land use area is geographically delineated on the map, strict adherence to the Land Use and Conservation Plan in making land use decisions is not recommended. Instead, when making decisions about specific sites or contemplating new initiatives, decision makers are encouraged to use the map as a guide while taking into account economic, environmental, and social factors (p. 45).” It is the staff’s opinion that this property is within close proximity to an Employment Center and can be considered within that general area.

**It is the staff’s opinion that this standard can be 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 adoption of the new Plan in November 2017 identifies this area generally as an employment center and an adjacent property was approved for such a similar general use rezoning in December 2017. It is stated in the application this area has high potential for continued industrial and business development due to its close proximity to a major highway, rail, and other industrial zoned uses nearby.

**It is staff’s opinion that this standard can be met.**

3. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans. The Plan is an adopted policy that provides landowners opportunities to utilize the best and most appropriate uses of their property based on their location. The area has been identified as having the potential to expand

employment and the tax base in the county. It can also be considered an extension of the types of industries that are currently being supported in this area. An employment center needs to be able to allow a mix of uses in order to be viable for the area and the county as a whole. R-1 zoning does not allow that to happen therefore rezoning the property to a district that is consistent with an employment center is supported. The recent rezoning of the property on the opposite side of New Elam Church Road is an indicator that this area is appropriate for Light Industrial zoning.

**It is the staff's opinion that this standard can be met.**

4. Other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment. This property is adjacent to US 1 Highway and has convenient access to US 1 via Old US 1 less than one half mile away. The noise along from US 1 does not make this desirable for residential development.

The property is located within the WSIV-Protected Area Watershed that allows for up to 36% impervious surface without curb and gutter to be developed leaving the majority of the property undeveloped. It is not located within the Jordan Lake Buffer rule area of the county.

All site development must comply with all other regulations for development and land disturbances and required permitting.

**It is the staff's opinion that this standard can be met.**

**How does this relate to the Comprehensive Plan?** As seen on Page 45, the property is adjacent to a noted Employment Center and the objective as stated is not for strict adherence to the plan when making land use decisions. The property across the roadway was zoned General Use Light Industrial in December 2017 in support of this same objective.

**The Planning Board reviewed this request during their regularly scheduled meeting on April 3, 2018. Attorney Patrick Bradshaw provided a presentation noting the applicant is a 14 year resident, the business can employ up to 50 people, and one of the applicant's largest suppliers is Triangle Brick which is in close proximity to this property. The Planning Board had a brief discussion and items included that the property is adjacent to 4 lane highway, but a majority of the property in the area is zoned residential. There was also discussion about consistency with Plan Chatham and the property was in a transition area on the Future Land Use and Conservation Map. The Board recommended approval of the rezoning request.**

**Recommendation:**

The Planning Board by a vote of 8-2 recommends adoption of a resolution approving the following consistency statement:

**The request for rezoning of Parcel Number 5576, located on New Elam Church Road, being approximately 5.92 acres, from R-1 Residential to IL Light Industrial is consistent with the comprehensive plan of Chatham County, Plan Chatham, by supporting the goal of creating employment centers in an area designated on the adopted future land use map.**

The Planning Board by a vote of 10-0 recommends adoption of an ordinance amending the Zoning Ordinance approving the request by Richard Broedell, Sr. to rezone Parcel No. 5576, being 5.92 acres, Cape Fear Township, located on New Elam Church Road, from R-1 Residential to Light Industrial