

..TITLE

A Legislative Public Hearing request by Scott Griffis dba Courtesy Towing to rezone Parcels 5150 and 5804 (2.91 acres collectively) from R-1 Residential to IL Light Industrial General Use located at 860 Pea Ridge Road, Cape Fear Township.

..ABSTRACT

Action Requested:

Vote on a Legislative Public Hearing request by Scott Griffis dba Courtesy Towing to rezone Parcels 5150 and 5804 (2.91 acres collectively) from R-1 Residential to IL Light Industrial General Use located at 860 Pea Ridge Road, Cape Fear Township.

Introduction & Background:

A legislative public hearing was held April 16, 2018. Planning staff as well as Stewart Jones, engineer for the applicant, presented the request. Also speaking in support of the rezoning was Doug Jacobs. He expressed his support of the applicant and his business of providing an impound lot for temporary vehicle storage for law enforcement.

Planning Board information noted under their heading below.

Discussion & Analysis:

In considering a general use rezoning request, Section 19 of the Chatham County Zoning Ordinance states the four standards listed under Section 19.4.C must be addressed and supported in order to be considered for the intended zoning designation change. The standards are:

The parcels are currently zoned R1, Residential, and the applicant is requesting to rezone both tracts to IL, Light Industrial. The property is located adjacent to Pea Ridge and within approximately 2,100 feet of the US 1 interchange. The adjoining properties to the north, south and west east are zoned R1, Residential and are primarily wooded or pasture with limited use and several dwellings located within 100' or less of the northern and southern property boundaries. The property on the west side of Pea Ridge Road is zoned Heavy Industrial and is occupied by heavy industrial use. There are also several parcels zoned Heavy and Light Industrial and Community Business, within ½ mile of this property on the south side of US 1 that include a mix of non-residential uses.

The parcel is located within a River Corridor Special Area watershed district, which are areas within 2,500 of the Haw River. Unlike the River Corridor watershed the RCSA allows non-residential uses and up to 50% built upon area with approval of special non-residential intensity allocation. There are no water features shown on the USGS topographic map or NRCS soil survey maps. Additionally, there are no special flood hazard areas identified on the property.

Standard No 1 – The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment is: No error in the ordinance is being alleged.

It is planning staff opinion this standard is met.

Standard No 2 – The changed or changing conditions, if any, in the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare are: The applicant contends this area of Pea Ridge Road is evolving from residential to non-residential due to heavy industrial zoning across the road from these properties and within a few hundred feet of other industrial operations such as the ST Wooten plant, warehouse storage, a truss manufacturer and the proposed Moncure Megasite.

It is planning staff opinion this standard is met.

Standard No 3 – The manner in which the proposed amendment will carry out the intent and purpose of the adopted land use plan, respectively Plan Chatham, or part thereof is: This property is located within an area noted as an Employment Center on the Future Land Use and Conservation Plan map that is included with Plan Chatham. In this designation per Page 47 of Plan Chatham, a mix of uses include industrial, office, and supporting retail. The applicant plans on employing several staff to operate and manage his towing and impound lot, although other types of uses may also be suitable for the zoning designation. Having the flexibility helps the owner meet the needs of the area. Under the Economic Development plan element ED Policy 2 states: “Encourage growth in designated Employment Centers, towns and other appropriate locations.”

It is planning staff opinion this standard is met.

Standard No. 4 – All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment are: There is a 12 inch county water line that runs along Pea Ridge Road and the applicant will be required to connect to the system and there is a fire hydrant with approximately 250 feet of the proposed location for the business.

The applicant’s towing business is largely dependent on contracts with law enforcement agencies and offer short term storage of impounded vehicles. Per the Chatham County Zoning Ordinance, this property could not be used as a junkyard. A separate process and approval would be required if that particular use was desired.

It is planning staff opinion this standard is met.

Planning Board

The Planning Board met at their regularly scheduled meeting on May 1, 2018. Staff provided an overview of the project and applicants response to the ordinance standards. There were a few concerns raised by board members, which were addressed by the applicant who was present. Concerns expressed included the following:

Is development of the parcel limited by impervious surface limits? The response was yes and the properties can only be developed with impervious surface being concrete, asphalt, gravel, and roofed structures up to 36% or 50% with approval of a special non-residential intensity allocation. The applicant also responded that he is proposing a 5000 – 7000 square foot storage lot and a small building for an office for the towing business.

A question about the storage of the vehicles and what the turnaround time normally is when the vehicles are unclaimed. The applicant stated his main customer is the NC State Highway Patrol and other law enforcement agencies, where he will tow impounded/seized vehicles or wrecked vehicles at their request. Once the enforcement issue is complete and the owner of the vehicle does not claim and retrieve it, it takes approximately 3-4 months to process ownership and then remove it from the property as salvage material. The applicant stated he will not create a junkyard and will be sending vehicles to a salvage yard.

There was also concern about vehicles that may leak fluids and allowing a general use rezoning in this area.

How does this relate to the Comprehensive Plan?

This property is located within an area noted as an Employment Center on the Future Land Use and Conservation Plan map that is included with Plan Chatham. In this designation per Page 47 of Plan Chatham, a mix of uses include industrial, office, and supporting retail.

Recommendation:

The Planning Board by a vote of 9-0 recommends adoption of a resolution approving the following consistency statement:

The rezoning request for Parcel Nos. 5150 and 5804 from R-1 Residential to General Use Light Industrial is consistent with the Plan Chatham comprehensive land plan by supporting an area in close proximity designated as an Economic Center where a mix of uses include industrial, office, and supporting retail.

The Planning Board by a vote of 8-1 recommends adoption of an ordinance amending the Zoning Ordinance approving the request by Scott Griffis dba Courtesy Towing to

rezone Parcels 5150 and 5804 (2.91 acres collectively) from R-1 Residential to IL Light Industrial General Use located at 860 Pea Ridge Road, Cape Fear Township.