



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
8-17-09

PART A

Subject: Request to rezone a portion of parcel #18402 (consisting of approximately 30 acres), owned by Joanna Bright and Walter Anthony Bright, Trustees, from R-1, Residential, to Light Industrial.

Action Requested: See Recommendations.

Attachments: 1. Rezoning Map
May also be viewed on the Planning Department website at www.chathamnc.org under Rezoning & Subdivision Cases, 2009

Submitted By:

Keith Megginson, Planning Director

Date

County Manager Review:

Charlie Horne, County Manager

Date

This abstract requires review by:

☒ **County Attorney**

Date Reviewed

☐ **Finance Officer**

Date Reviewed

☐ **Budget Officer**

Date Reviewed

PART B

Re: Bright, Joanna and Walter Anthony

Introduction / Background / Previous Board Actions:

(Planning Board action/discussion can be viewed in bold *italicized* wording)

Previous actions for this property included, as part of the corridor business rezoning, staff contacting all business property owners affected by the initial business rezoning to determine if they wanted to rezone their property. Mr. Bright requested to have his entire property rezoned to Light Industrial in response to the letter. As the rezoning affidavits were processed, Mr. Bright's request was reduced to approximately 1 acre in area surrounding an existing telecommunications tower on the property. During the April 27 public hearing Mr. Bright requested that the entire tract be rezoned as originally requested. Due to notification requirements, the Board of Commissioners could not expand the area to be rezoned because the public hearing notices only included the approximately 1 acre portion of the property.

On May 5, 2009 the Planning Board recommended that the 1 acre portion of the property be rezoned to Light Industrial and that the balance of the zoned portion of the property go back to public hearing for consideration. On May 18 the Board of Commissioners rezoned the 1 acre portion of the property and requested that additional information be provided on the balance of the property for the June 1 Commissioners meeting. The Board agreed to schedule another public hearing for July 20 to consider rezoning the remaining R-1 zoned portion of the property to Light Industrial. The portion of the property that is unzoned was not included in the request for public hearing and will remain unzoned. The corridor area rezoning was to bring existing uses into compliance with the zoning ordinance to reduce the amount of non-conformities that were going to exist with the corridor rezoning. There were several other large tract properties that received partial rezoning based on the amount of area used for that particular business. If Mr. Bright wishes to continue with rezoning the balance of the property, currently not used for non-residential purposes, it would be more appropriate to request a conditional use rezoning request along with a conditional use permit for specific uses and go through the conditional use rezoning processes. This would give the Board more control. This property, along with several other parcels owned by Mr. Bright and others, is under a forestry land use management plan per the Chatham County Tax Office.

On June 1, 2009 the Board of Commissioners scheduled a public hearing to consider rezoning approximately 30 acres of a 42.5 acre tract of land at 8240 NC 87 South (parcel #18402) from R-1, Residential to Light Industrial. An approximately 1 acre portion of the property was rezoned as part of the corridor business rezoning that was considered by the Board on May 18, 2009. Anthony Bright, owner of the tract of land, requested the Board to reconsider their decision on his property based on the affidavit he submitted as part of the corridor business rezoning.

Re: Bright, Joanna and Walter Anthony

Introduction / Background / Previous Board Actions - cont.

A legislative public hearing was held on this request on July 20, 2009. Mr. Anthony Bright spoke on the request and four (4) citizens spoke in opposition of the request, Bill Causey, Kathleen Hundley, Sonny Kiesler, and Debbie Wakefield. Concerns addressed were the beautification of the US 15-501 S/NC 87 S corridor, the applicability to the proposed Major Corridor Overlay District that the Board of Commissioners is considering, increase in traffic for industrial use, and the depletion of rural character. Mr. Bright stated when the road was built to its current design 35 years ago the North Carolina Department of Transportation (NCDOT) purchased approximately 12 acres along the front of this property for the widening of the roadway. Mr. Bright stated NCDOT made the statement the property would be well suited for commercial uses. Up and until November 2007, the property was unzoned and could have been used for commercial, industrial, office & institutional or residential purposes. Mr. Bright stated at the public hearing there were no contracts or prospects for occupancy of the property for any uses as described with the exception of the 1 acre for the communications tower currently existing on the parcel.

On August 4, 2009, the Planning Board reviewed the request. By a vote of 6-3, they voted to uphold the recommendation of the Planning staff to deny this request. Board members stated it would be more beneficial for the applicant to come back with an application for conditional use rezoning and a conditional use permit. Reasons stated were a blanket zoning for light industrial could create possible environmental, appearance, and traffic concerns with the multitude of permitted uses in the light industrial zoning category as seen in the Table of Permitted Uses in the Chatham County Zoning Ordinance. Mr. Bright again stated they have no plans for developing the property in the immediate future and that should the property be taxed as industrial, they couldn't afford to keep it. The Board and staff agreed should an interest be made to locate a commercial/business type use on this property, they would be more in favor of a straight rezoning. The Land Use Development Plan does list this area specifically as an area to build economic centers. Through the conditional use process, this could be achieved.

Recommendation: The Planning Department and Planning Board (by vote of 6-3) recommend denial of this rezoning request Light Industrial.