

PLANNING & INSPECTIONS DEPARTMENT
Craig N. Benedict, AICP, Director

Administration
(919) 245-2575
(919) 644-3002 (FAX)
www.orangecountync.gov



131 W. Margaret Lane
Suite 201
P. O. Box 8181
Hillsborough, NC 27278



August 20, 2015

RE: NOTIFICATION of PUBLIC HEARING to review an application to amend the ORANGE COUNTY ZONING ATLAS.

4915 Hillsborough Road/US Highway 70 East (PIN 0803-30-5174)

To Whom it May Concern:

This letter is being sent to inform you that the Orange County Board of Commissioners and the Planning Board have scheduled a **JOINT PUBLIC HEARING** to review an application submitted by LR Jacobs LLC to rezone a portion of their property located at 4915 Hillsborough Road/US Highway 70 East in the Eno Township of Orange County.

In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Orange County Unified Development Ordinance (UDO), the property owners LR Jacobs (owners of Jacobs Glass Company) have submitted an application seeking to rezone 7.7 acres of their 9.87 acre parcel of property, further identified utilizing Orange County Property Identification Number (PIN) 0803-30-5174:

FROM: Economic Development Eno Lower Intensity (EDE-1), Economic Development Eno Higher Intensity (EDE-2), Lower Eno Protected Watershed Protection Overlay District, and Major Transportation Corridor (MTC) Overlay District

TO: Economic Development Eno Higher Intensity (EDE-2), Lower Eno Protected Watershed Protection Overlay District, and Major Transportation Corridor (MTC) Overlay District

The property is currently split zoned with approximately 2 acres zoned EDE-2 and 7.7 acres zoned EDE-1. The portion of property zoned EDE-2 is currently developed and used to support a glass manufacturing and installation business, specifically Jacobs Glass. The applicant wishes to extend the existing EDE-2 general use zoning district over the entire property.

The property is located within the Economic Development Transition Activity Node as denoted on the Future Land Use Map of the Comprehensive Plan and the Urban Designated Area as denoted on the Growth Management System Map.

In accordance with County and State law, we are obligated to notify all property owners within 500 feet of a parcel being rezoned of the public hearing date and time. You are receiving this notice because your property falls within this prescribed area. Interested persons are invited to address the boards with their comments regarding the proposed rezoning at this Joint Public Hearing.

The full text of the public hearing items may be obtained no later than August 28, 2015 at the County website www.orangecountync.gov at the County Commissioners Agendas link (http://www.orangecountync.gov/departments/board_of_county_commissioners/agendas.php#) by clicking on the September 8, 2015 meeting link.

The PUBLIC HEARING will be held at the Orange County Whitted Building, located at 300 West Tryon Street, Hillsborough North Carolina on **Tuesday September 8, 2015 at 7:00 p.m.**

If you require additional assistance, or have questions, please contact staff at (919) 245-2577.

Sincerely,



Patrick R. Mallett
Planner II
Orange County Planning

CC: File; and Michael Harvey, Current Planning Supervisor

Attachments: Vicinity Map of property;
Site Assessment of Property; and
Vicinity Map of Public Hearing Location - Whitted Building and Parking Areas.

**ORANGE COUNTY
BOARD OF COMMISSIONERS AND
PLANNING BOARD
QUARTERLY PUBLIC HEARING ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 8, 2015**

Action Agenda
Item No. C.1

SUBJECT: Zoning Atlas Amendment - Jacobs Glass Rezoning

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENTS:

INFORMATION CONTACT:

- 1. Zoning Application Packet
- 2. Vicinity Map
- 3. Notification Materials and Certification

Patrick Mallett, Planner II (919) 245-2577
 Michael Harvey, Planner III (919) 245-2597
 Craig Benedict, Director (919) 245-2592

PURPOSE: To hold a public hearing on an owner-initiated general use rezoning petition in accordance with the provisions of Section 2.8 of the Unified Development Ordinance (UDO).

BACKGROUND: On April 24, 2015 an application was submitted by, LR Jacobs LLC, seeking to rezone an approximately 7.8 acres of a 9.8 acre parcel of property located at 4915 Hillsborough Road:

FROM: Economic Development Eno Lower Intensity (EDE-1), Economic Development Eno Higher Intensity (EDE-2), Lower Eno Protected Watershed Protection Overlay District, and Major Transportation Corridor (MTC) Overlay District

TO: Economic Development Eno Higher Intensity (EDE-2), Lower Eno Protected Watershed Protection Overlay District, and Major Transportation Corridor (MTC) Overlay District

The property is currently split zoned with approximately 2 acres zoned EDE-2 and 7.8 acres zoned EDE-1. The portion of property zoned EDE-2 is currently developed and used to support a glass manufacturing and installation business, specifically Jacobs Glass. The 7.8 acre portion of property was recently purchased from Duke University and recombined with the parcel.

Pertinent facts of the application include the following:

Applicant: LR Jacobs LLC
Jacobs Glass
4915 Hillsborough Road
Durham, NC 27705

Agent: Chad Abbot, PE
Summit Consultants
504 Meadowview Drive
Hillsborough, North Carolina 27278-8551

Rezoning Location:

The southeastern quadrant of the NC 751 and US70E / Hillsborough Road intersection; Adjacent to the Orange County Durham County boundary line; and north of the railroad.

Please see the map contained within Attachment 2 for additional information.

Parcel Information:

- a. **PIN** – 0803-30-5174 (Legally described as “Lot B” of the Recombination Plat recorded within Plat Book 114 Page 65 of the Orange County Registrar of Deeds office).
- b. **Size of Parcel** – 9.87 acres (Rezoning area is a 7.7 acre portion of the total parcel).
- c. **Current Zoning of Parcel** – Economic Development Eno – Lower Intensity (EDE-1); Economic Development District Higher Intensity (EDE-2); Lower Eno Protected Watershed Protection Overlay District; Major Transportation Corridor Overlay District (MTC).
- d. **Township** -- Eno
- e. **Future Land Use Map Designation** – Economic Development – Transition; Resource Protection.
- f. **Growth Management System Designation** – Urban.
- g. **Existing Conditions** – As previously indicated approximately 2 acres of the property is already developed as a glass manufacturing and installation business.

The remaining land area is currently undeveloped with existing vegetation and varying topography.

The applicant purchased the 7.8 acres proposed for this rezoning from Duke University when it was designated as surplus property.

- h. **Access** – An existing driveway off of US Highway 70 East. There is a deed restriction prohibiting vehicular ingress/egress from NC Highway 751 (western property line).

Surrounding Land Uses:

- a. **North** – US Highway 70 East, several properties approximately 1 acre in size zoned EDE-1;
- b. **South** – Southern Railroad right-of-way, property owned by Duke University, approximately 400 acres in area zoned Rural Residential (R-1);
- c. **East** – County line (Durham County’s planning jurisdiction);
- d. **West** – NC Highway 751, property ranging in size from 2 to 5 acres in area zoned EDE-1.

Proposal: As detailed within Attachment 1, the purpose of the amendment is to extend the existing EDE-2 zoning throughout the entire property to accommodate a proposed expansion of the existing window glass and frame assembly business. The use is permitted as a “by right”

within the EDE-2 general use zoning district in accordance with Section 5.2 *Table of Permitted Uses* of the UDO. Such a land use, however, is not permitted within the EDE-1 general use district.

Currently, the EDE-1 and EDE-2 zoning district boundaries do not coincide with existing lot lines creating problems for the property owner with respect to compliance with established landscape standards as well as limiting the ability to integrate supporting uses. Please refer to the vicinity map within Attachment 2 for additional detail. Approval of the zoning atlas amendment would align the EDE-2 zoning district boundaries with the boundaries of the recorded lot and allow for the proposed expansion.

It should be noted that further development of the property would be required to comply with established land use buffers, including the 100 ft. perimeter EDD buffer required under Section 6.8.12 (C) (1) of the UDO along the eastern property line, as well as applicable setbacks/land use buffers from NC 751 and the existing railroad right-of-way. Approval of the zoning atlas amendment would not eliminate the applicant's responsibility to apply for a Zoning Compliance Permit to allow for the expansion as required within Section 2.5 of the UDO.

Staff Analysis: In accordance with Section 2.8 of the UDO, the Planning Director is required to 'cause an analysis to be made of the application' and pass that analysis on to the reviewing body. In that respect the Planning Director states the following:

1. The application has been deemed complete in accordance with the requirements of Section 2.8 of the UDO.
2. The property is of sufficient size, and location, to be rezoned to EDE-2.
3. The request will allow for the logical extension of the EDE-2 zoning district.
4. The proposal is consistent with the Orange County 2030 Comprehensive Plan Future Land Use Map (FLUM) and the Eno EDD Small Area Plan.
5. The site has no environmental encumbrances or significant features. Note, however, the site was designated as "Resource Protection" on the Future Land Use Map because it had been a portion of Duke Forest. It was sold by the University because it does not contain any resources value and is physically separated from the remainder of Duke Forest properties by the Southern Railroad.
6. The proposed zoning would complement the existing adjacent uses.
7. Staff is supportive of eliminating the split zoning of the property, which creates zoning, land use, enforcement and permitting difficulties. The request is also consistent with the adopted Comprehensive Plan and Eno EDD Small Area Plan.

Notification Procedural Requirements: In accordance with Section 2.8.7 of the UDO, the public hearing for this item was advertised consistent with the requirements of the UDO. Legal ads were placed in two newspapers of general circulation in the County for two (2) successive weeks; notices were mailed to property owners within 500-feet of affected properties; and a sign was posted on the US Highway 70 frontage of the affected property in accordance with applicable regulations. Attachment 3 includes the following:

- A copy of notification letters for property owners within 500-feet of subject property; and
- An affidavit attesting to the mailing of the notification materials.

FINANCIAL IMPACT: This rezoning request has been reviewed by County departments who have determined that the approval or denial of the request would not create the need for additional funding for the provision of County services.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

RECOMMENDATION(S): The Manager and Planning Director recommend that the Board:

1. Receive the proposal to amend the Zoning Atlas;
2. Conduct the Public Hearing and accept public, BOCC, and Planning Board comment on the proposed amendment;
3. Refer the matter to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the **November 5, 2015** BOCC regular meeting; and
4. Adjourn the public hearing until **November 5, 2015** in order to receive and accept the Planning Board's recommendation and any submitted written comments.



Orange County Planning and Inspections Department

APPLICATION FOR
ZONING ATLAS AMENDMENT
GENERAL USE REZONING REQUEST

APPLICANT INFORMATION:

Date: 4/24/2015

Applicant: Summit Design & Engineering

Phone: (919) 732-3883

Address: clo Chad E. Abbott

Cell Phone: _____

504 Meadowland Drive
Hillsborough, NC 27278

E-mail: chad.abbott@summitde.net
kellysue.woody@summitde.net

PROPERTY SUBJECT TO REQUEST:

Parcel Identification Number (PIN): 0803-30-5174

Address of property: 4915 Hillsborough Road Owner of property: L R Jacobs LLC

Current Zoning Designation: EDE-2 & EDE-1 Requested Zoning Designation: EDE-2

**** If Applicant/Owner are different people, include a signed, notarized, statement indicating that the owner has authorized the applicant to submit the request. In cases where there are multiple property owners, please attach an additional document containing their signatures authorizing the submission of the application or other legal documentation establishing the applicants right to file on their behalf. ****

SUBMITTAL INFORMATION - Section 2.8.3 of the Unified Development Ordinance (UDO)

- A Map, at a legible scale, showing the property(s) subject to the request. A map may be procured at the Planning Department for a fee in accordance with the adopted Orange County Fee Schedule
- A legal description of the property(s) proposed for rezoning
- A list showing the names and addresses of all adjacent property owners within 500' feet of the subject property.
- A detailed narrative denoting the following:
 - The alleged error in the Zoning Atlas (if any) that will be corrected by the proposed request.
 - The changed, or changing, conditions (if any) that makes the proposed amendment reasonable necessary to promote the public health, safety, and general welfare.
 - How the proposed amendment is consistent with, or carries out the intent and purpose of, the Orange County Comprehensive Plan,
- In cases involving amendments to the Special Flood Hazard Area Overlay District, applicants shall supply the following additional information in accordance with Section 2.8.3 (G) of the UDO:
 - An elevation certificate with either an MT-1, MT-2, or MT-EZ (forms available through FEMA) or
 - A 'No-impact' analysis for a letter of map revision
- The filing fee per the adopted Orange County fee schedule in affect as of the date of the application.

I (we), the undersigned, have been made aware of the process for the review and action associated with a UDO Zoning Atlas Amendment application and understand only completed applications, containing all information required by the Orange County UDO shall be reviewed and acted upon by the County. Further I (we) understand that any assistance I (we) may receive from County staff in preparing this application in no way guarantees a favorable recommendation by staff on the merits of this proposal nor does it guarantee an approval of the proposed atlas amendment by the County.

[Signature]
Applicant

4/24/15
Date:

Applicant

Date:

JACOB'S GLASS
REZONING NARRATIVE

1. The alleged error in the Zoning Atlas (if any) that will be corrected by the proposed request.

There is no alleged error in the Zoning Atlas.

2. The changed, or changing, conditions (if any) that makes the proposed amendment reasonable necessary to promote the public health, safety, and general welfare.

The existing Jacobs Glass Company recently acquired additional land behind their existing building and a recombination of the properties was conducted. The Parcel Identification Number for this site is 0803-30-5174, located at 4915 Hillsborough Road, Durham NC 27705 and is within the Orange County Planning Jurisdiction. The northern portion of the property is currently zoned EDE-2 and the southern portion (the recently acquired parcel) is currently zoned EDE-1. The owner is requesting a general rezoning so the entire property maybe EDE-2 and he can expand his business and use on said area. The existing condition of the area is undeveloped/vacant and fully wooded. No changes in the conditions or zoning of the site are anticipated to adversely impact the public health, safety, and general welfare.

3. How the proposed amendment is consistent with, or carries out the intent and purpose of, the Orange County Comprehensive Plan:

The Orange County Future Land Use Map shows this property as being in the Economic Development Transition area. Per the Orange County Comprehensive Plan, the Economic Development Transition area "Identifies areas in Transition areas of the County which have been specifically targeted for economic development activity consisting of light industrial, distribution, flex space, office, and service/retail uses. Such areas are located adjacent to interstate and major arterial highways, and subject to special design criteria and performance standards. The applied zoning district is ED (Economic Development)." Since the entire parcel is already within the ED district the amendment would only be revising the possible density of the site (from lower intensity non-residential uses to higher intensity non-residential – for a range of light industrial, distribution, retail, office, etc.).