



CONDITIONAL USE PERMIT STAFF REPORT

Case Number: **ZCR1057**

Applicant: **Maynard Gregory**

Zoning: RA

Applied For: Resumption/Change of a Nonconformity

Tax Parcel ID Number(s): 4992-00-32-4288

Nature of the Request

Overview: The applicant proposes to occupy an existing 16,500-square-foot industrial structure on the property, and tentatively plans a future expansion that may potentially double the interior space. The original use of the structure had been for manufacturing; that use has been abandoned for more than 365 days, triggering the ordinance requirement of a conditional use permit for resumption. The proposed use would be a rail freight terminal and storage facility. It is expected that the proposed use would be of similar intensity and have similar impact on surrounding properties as the original use.

The Zoning Ordinance, in Article 15. Nonconforming Uses, provides that a Conditional Use Permit may be obtained from the Planning Board to resume and/or change a nonconforming use, and provides that certain findings, attached, shall be made by the Planning Board before granting such a permit

Minimum Yard Setbacks: Front: 80-feet Side: 24-feet Rear: 50-feet

Screening Devices Required: Yes

Perennial Stream Buffers: 50-foot undisturbed natural buffer is required

Parking Required: No Number of Spaces:

Loading Required: Number of Spaces:

Required Development Conditions:

Article 15, Section 4 of the Zoning Ordinance does not require any up-front development conditions for this type of Conditional Use permit.

The following are additional development conditions offered by the applicant:

n/a

Property Specifics

Property Owner: Jeremy G. Childress

Property Location: 10343 US 601

Township: Marsh **Acreage:** 32.74

Deed Book: 1191 **Page:** 1066

Zoning History of Parcel(s): Has been zoned RA since 2001.

Character of the Area

Overview: The property in question is located in an area that is a mixture of commercial and residential uses, with agricultural uses intermingled. Properties to the west of this area are zoned HB (Highway Business) and property to the northwest is zoned RB (Rural Business).

Existing Land Use(s) on the Property: Industrial structure, 16,500 square feet. Structure and industrial use predates county zoning of the property.

Surrounding Land Use(s) and Zoning:

Location	Land Use	Zoning
North	Residential, Agricultural, Business	RA, RB
South	Agricultural	RA
East	Residential, Agricultural	RA
West	Residential, Agricultural, Business	RA, HB

Historic Properties: There are no inventoried properties located on or relatively near the property in question.

Infrastructure and Community Facilities

Fire District: CC Camp

Water and Sewer Services:

Private Well Private Septic Public Water Public Sewer

Public Water/Sewer Provider: n/a

Public Water/Sewer Planning: No public water and sewer plans are proposed for this area according to the Capital Improvement Plans.

Transportation:

Property Access: Access can be found along an existing easement, off of US Hwy 601.

ADT: 3,400 trips per day Year: 2003

Proposed Improvements: None

Projected Traffic Generation: Unknown

Thoroughfare Plan Consistency: This road is specifically addressed within the plan. It is labeled as a minor arterial road.

Environmental Assessment

Topography: The property for the most part is level farmland, with cleared land around the immediate area of the existing industrial structure.

Flood Hazard: 100-year flood

Streams: Yes **Perennial:** Yes

Wetlands: Unknown

Watershed: None

Watershed Development Density: n/a

Land Use Planning Consistency

Applicable Land Use Plan(s): Land Use Plan 2015

Future Land Use Classification(s): Rural Areas**Consistency Principle(s):****Land Use Plan 2015**

- 5.3.1 Seek a balance among the many diverse interests in the County, especially between the economic and environmental concerns.
- 5.3.2 Encourage sustainable economic development that offers improved employment opportunities.
- 5.3.3 Encourage economic and commercial development that does not detract from the rural environment
- 5.4.4.1 Industrial development shall not be located in areas that would diminish the quality of life of neighboring communities.
- 5.4.4.2 Industrial development should be located in areas that are physically suitable and have a unique locational advantage for industry. Advanced planning for identification of such land shall be encouraged.
- 5.4.4.5 Industrial use should be compatible with surrounding land uses and should make an effort to blend harmoniously with the community.
- 5.4.4.7 Economic development efforts should encourage the revitalization and reuse of currently unused structures and sites in appropriately located commercial and industrial sites.

Pre-application Meeting

The Planning staff conducted a preliminary meeting with the petitioner on January 20, 2010. Options were discussed and the Conditional Use process was determined to be the appropriate public presentation and process for the development proposal. Application was accepted on that date.

Note that application was received after the normal deadline of 21 days prior to the Planning Board meeting. Foreclosure proceedings on the present owner were unexpectedly expedited, resulting in applicant's need to obtain zoning approval as soon as possible. A delay of the process until March 2010 would likely prevent development as proposed.

Review Criteria

Since this process is quasi-judicial and only facts acquired during the hearing from testimony may be considered, staff does not provide a recommendation. Staff will present facts and answer any questions from the Board during the hearing.

Attachment(s)

Maps, aerial photos, Zoning Article 15, Sections 4 and 5.