

DEPARTMENT OF PLANNING & DEVELOPMENT



PLANNING STAFF REPORT
REZONING CASE # RZ1511-2

STAFF PROJECT CONTACT: Jordan McMillen

EXPLANATION OF THE REQUEST

This is a request to amend the zoning map and to rezone 1 parcel from Low Density Residential (R-30) to Agricultural Residential (A-R).

OWNER/APPLICANT

OWNER: Claude & Nancy Bobbitt
P.O. Box 1622
Henderson, NC 27536

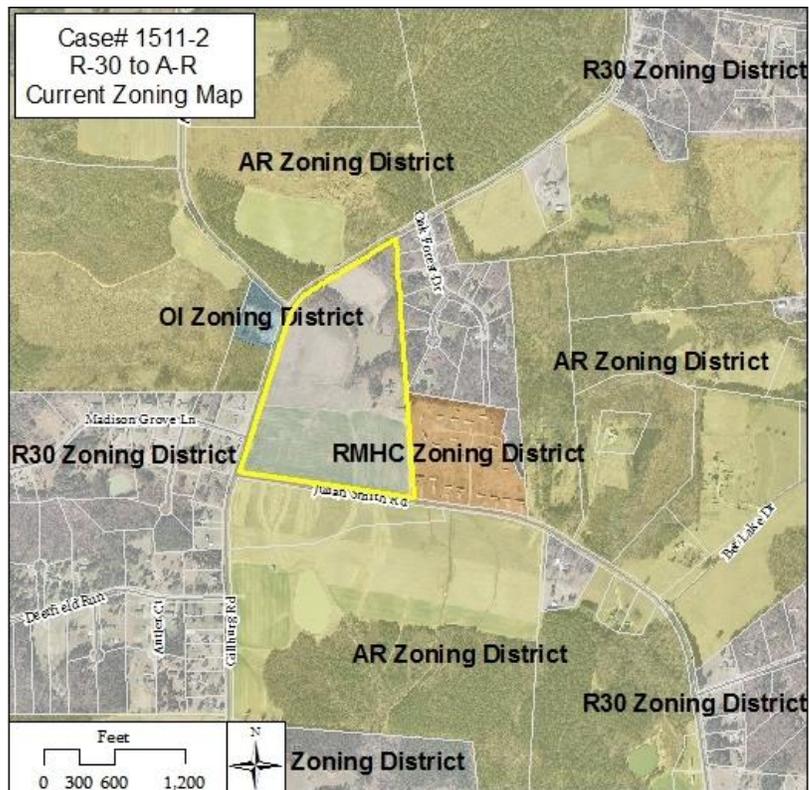
Applicant: Sunlight Partners, LLC
27 Pearl Street
Portland, ME 04101

PROPERTY INFORMATION

LOCATION: Intersection of Gillburg Road and Julian Smith Road; more specifically identified as tax parcel 0464 03001.

EXISTING LAND USE: The parcel is currently zoned R-30 and consists of mostly open, agricultural land. The property does have a 2.2 acre pond and an existing Double Wide Mobile Home.

SURROUNDING LAND USE: The subject property is situated in a pocket of residential subdivisions in a rural part of the county which is surrounded by agricultural lands. A total of 3 subdivisions and 1 mobile home park are adjacent and close to the subject property. To the west is Madison's Grove Subdivision and Deerfield Farms subdivision both of which consist primarily of double wide mobile homes and modular homes. To the east is the Oak Forest Subdivision which consists of single family homes. Also to the west is the Bobbitt Village mobile home park. Also Sandy Grove Missionary Church is located on the north eastern side of the property and is zoned office institutional.



SIZE: The existing parcel is 53 acres, as shown on Plat Book Q 64 as tract 1.

ZONING HISTORY: All parcels in this area are zoned as they were since countywide zoning was established in November 2011.

IMPACTS

This rezoning changes the allowable uses of the property from being residential in character to allowing uses compatible with rural, agriculture areas. The following uses which are not currently permitted in R-30 zoning would be permitted with the change to AR zoning: kennels. The following uses which are not currently permitted in R-30 would be permitted with a conditional use permit in the AR zoning: junkyards, recycling & storage, cell towers, shooting ranges, and solar energy systems. Overall the lot standards, setbacks and density requirements are similar between R-30 and AR.

STAFF COMMENTS & PLANNING BOARD RECOMMENDATION

The rezoning request as presented would change the property's zoning from A-R to R-30. According to the applicant, this request is being made as a first step to allow a large scale solar energy system to operate on the premises. If the rezoning is approved then the applicant will then proceed with the conditional use permit approval process with the Board of Adjustment. This is due to the fact that solar farms are not permitted within the A-R zoning category and are only permitted within the A-R zoning district with a conditional use permit.

In considering any rezoning request it is important to consider the overall impact that the new zoning category could have irrespective of any particular planned use in mind. The parcel to be rezoned consists of over 50 acres, is currently being used for agricultural purposes and is located in a rural part of the County. Although being used as an agricultural parcel, it is surrounded and in close proximity to 3 subdivisions and 1 mobile home park.

In reviewing this request the following should be considered prior to giving a favorable recommendation:

- A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- B. There is convincing demonstration that all uses permitted under the proposed zone classification would be in the general public interest and not merely in the interest of an individual or small group.
- C. There is convincing demonstration that all uses permitted under the proposed zone classification would be appropriate in the area included in the proposed change. (When a new zone designation is assigned, any use permitted in the zone is allowable, so long as it meets zone requirements, and not merely uses which applicants state that they intend to make of the property involved.)
- D. There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change.
- E. The proposed change is in accord with the County Land Use Plan and sound planning principles.

After having reviewed the proposal in light of the criteria above, it appears that all conditions can be met as long as there is a convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change. Staff believes the uses permitted with a conditional use permit in the A-R zoning district have the potential to visually impact the surrounding residential areas if they are not designed, planned, and maintained appropriately. This is applicable primarily because of the immediate proximity of the residential neighborhoods to the subject property. Additionally with the long open area along the frontage of Gillburg and Julian Smith Road, it will be critical that any proposed uses are buffered to reduce the visual impacts. These are all factors to be considered and reviewed thoroughly if the rezoning is approved and the project moves to the conditional use permit process.

Attachments: Rezoning Application, Owners Consent Form, Aerial Zoning Map, Survey Map, Property Survey



Vance COUNTY

NORTH CAROLINA

Rezoning Process

Vance County Planning & Development Department

156 Church Street, Suite 3
Henderson, NC 27536
Ph: (252) 738-2080
Fax: (252) 738-2089

For Administrative Use Only:

Casc #	
Fee Paid	
PB Date	
BOC Date	

Property Owner Information

Property Owner: Mr. Claude Bobbitt

Mailing Address: P.O. Box 1622

City: Henderson State: NC Zip Code: 27536

Phone #: (252) 438 - 4833 Fax #: () -

E-mail Address: nuxtonnancy@embarqmail.com

Applicant Information

Applicant: Sunlight Partners, LLC

Mailing Address: 27 Pearl Street

City: Portland State: ME Zip Code: 04101

Phone #: (207) 899 - 1123 Fax #: () -

E-mail Address: mwallace@catecapital.com

Property Information *For multiple properties please attach an additional sheet.*

Property Address: Roughly 399 Julian Smith Rd. Henderson, NC (E911 not yet assigned).

Tax Map Number: _____ PIN (parcel identification #): 0464 03001

Existing Zoning: R-30 Proposed Zoning: A-R

Acreage: Gross = 48. Site = 21. Road Frontage: 3167' (both roads)

Existing Use: Agricultural Farm Fields as well as a Duke Utility Easement.

Deed Reference

- Metes and bounds description attached
- Site plan/sketch of proposal attached



Vance COUNTY

NORTH CAROLINA

Rezoning Process

Vance County Planning & Development Department

Statement of Justification

1. Would the amendment correct an error in the zoning map? NO YES: *Please explain below:*

2. Have conditions changed in the area to justify the requested amendment? NO YES: *Please explain below:*

The existing site is used for farming consistent with properties in A-R zoning districts. The solar farm is located roughly 100' minimum off the Julian Smith Rd and the Gilburg Rd. The site is located behind an existing overhead utility line which runs parallel to Gilburg Rd and Julian Smith Rd. Sunlight Partners has added a more robust buffer which will shield the solar site as well as the overhead utility line from view.

3. What factors justify the proposed amendment?

The solar farm is proposed on an existing field at the corner of Gilburg Rd and Julian Smith Rd. The existing Vance County Landscape buffer calls for a 25 foot landscape screening with 3 canopy trees, 5 understory trees and 25 shrubs per 100 linear feet. Sunlight Partners is proposing a 50 foot landscape buffer for Brooke Solar including 8 canopy trees, 17 understory trees and 74 shrubs per 100 linear feet. Sunlight Partners has provided a site plan, a surveyed plan, an erosion control permit, a DOT permit, NCUC approval as well as an Interconnect Application with Duke Energy Progress.

Property Owners Signature

[Signature]
Please sign in blue or black ink

Date 8/18/15

Applicants' Signature

[Signature]
Please sign in blue or black ink

Date 8/18/2015



4115 East Valley Auto Dr. #204
Mesa, AZ 85206
480-582-1540
<http://sunlightpartners.com>

OWNER'S CONSENT FORM

Name of Project: Brooke Solar, LLC Submittal Date: 1/23/2015

OWNER'S AUTHORIZATION

I hereby give CONSENT to Keith Colson of Sunlight Partners to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify that I have full knowledge of the property's anticipated use. I have an ownership interest in the subject of this application. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town or County of jurisdiction to publish, copy or reproduce any copyrighted document submitted as part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

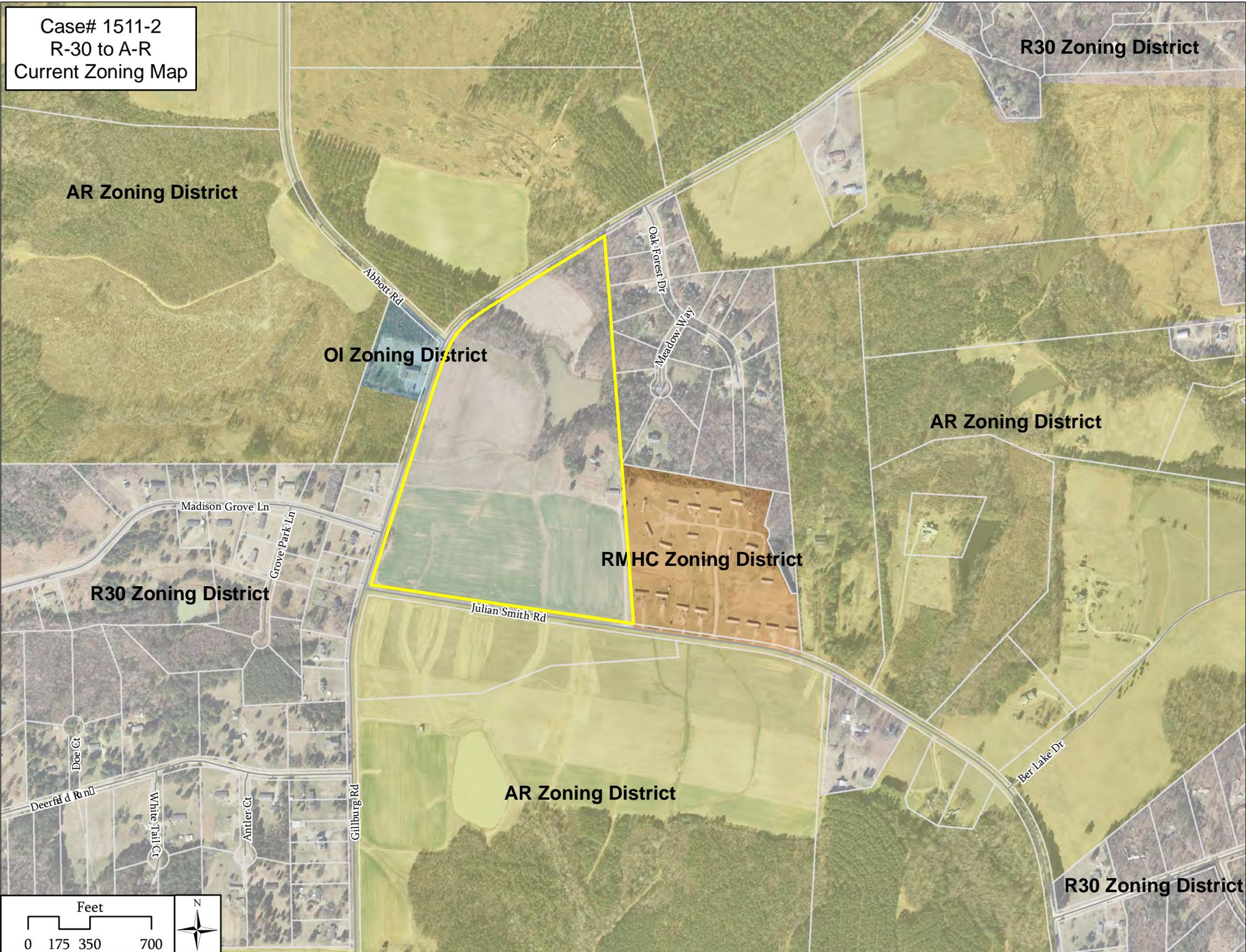
Claude Ruxton Bobbitt CLAUDE RUXTON BOBBITT 2/2/15
Signature of Owner Print Name Date

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town or County of jurisdiction, and will not be returned.

Keith Colson Keith Colson 1/23/2015
Signature of Owner/Applicant Print Name Date

Case# 1511-2
R-30 to A-R
Current Zoning Map



AR Zoning District

R30 Zoning District

OI Zoning District

AR Zoning District

R30 Zoning District

RMHC Zoning District

AR Zoning District

R30 Zoning District

NORTH CAROLINA
FRANKLIN COUNTY

PHIL H. INSCOE, Registered Surveyor, L279, being duly sworn states that the foregoing map was made from an actual survey of the property embraced thereupon by J. T. Incoe, Registered Surveyor, on May 30, 1934. That the same is true and correct to the best of my ability and is on file in my office.

This 15th day of December, 1966

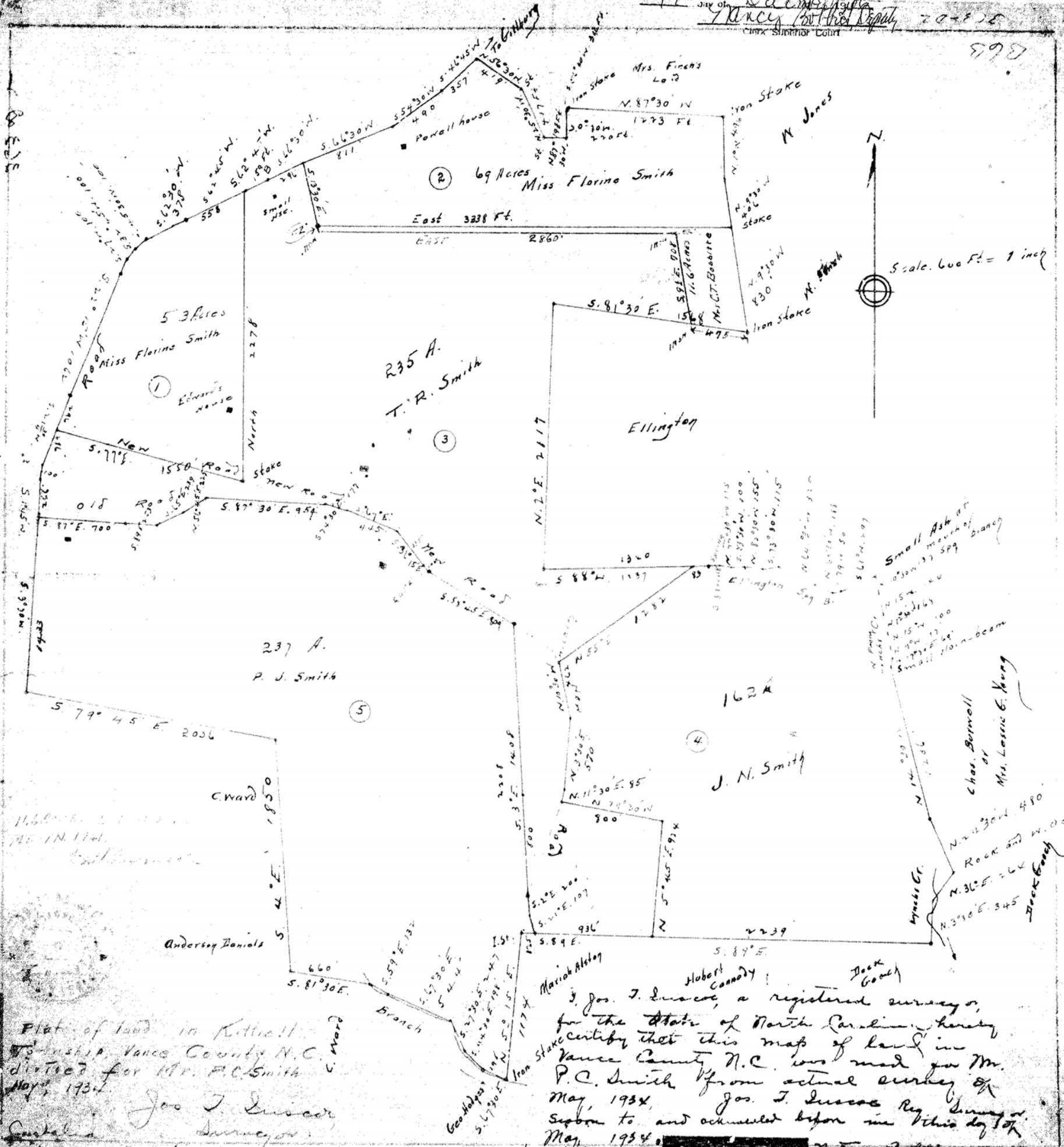
Phil H. Incoe
Phil H. Incoe

Sworn and subscribed to before me this 15th day of December, 1966.

Ruth Stearns
Notary Public
My commission expires 3/14/67
North Carolina
The foregoing Certificate of *Ruth Stearns*, Notary Public of Franklin County, is adjudged to be correct and sufficient. Let the instrument with the certificates be returned. Witness my hand this 19 day of December, 1966.
Franklin County Superior Court



4-64



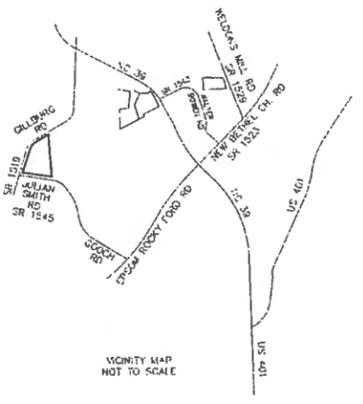
Plot of land in Kittling Township, Vance County, N.C. divided for Mr. P.C. Smith May, 1934.

Joe J. Incoe
Surveyor

Joe J. Incoe, a registered surveyor, for the State of North Carolina, hereby certifies that this map of land in Vance County, N.C. was made for Mr. P.C. Smith from actual survey of May, 1934. Witness my hand and subscribed before me this 15th day of May, 1934.
H. M. Robinson
Registrar & Deeds

Filed at 11 o'clock A.M. December 19, 1966.

Notary Public



VICINITY MAP
NOT TO SCALE

NC GRID NAD83(2011)

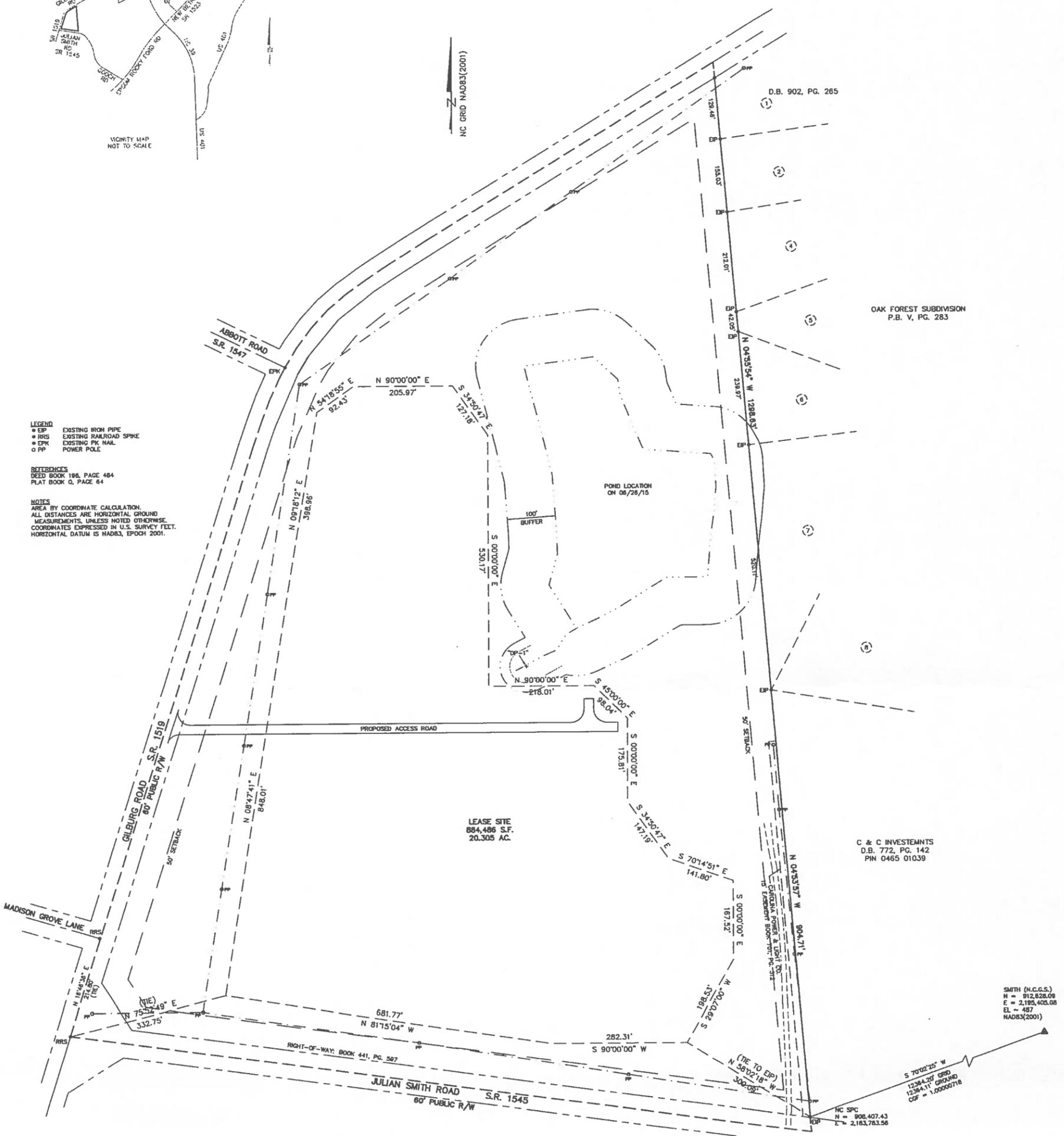
- LEGEND**
- EPK EXISTING IRON PIPE
 - RRS EXISTING RAILROAD SPIKE
 - EPK EXISTING PK. NAIL
 - PP POWER POLE

REFERENCES

DEED BOOK 196, PAGE 484
PLAT BOOK 0, PAGE 64

NOTES

AREA BY COORDINATE CALCULATION.
ALL DISTANCES ARE HORIZONTAL GROUND
MEASUREMENTS, UNLESS NOTED OTHERWISE.
COORDINATES EXPRESSED IN U.S. SURVEY FEET.
HORIZONTAL DATUM IS NAD83, EPOCH 2011.



C & C INVESTMENTS
D.B. 772, PG. 142
PIN 0465 01039

SMITH (N.C.G.S.)
N = 912,828.09
E = 2,195,405.08
EL = 487
NAD83(2011)

SCHEDULE B-3 EXCEPTIONS (FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. 2015002785CA DATED 05/08/15)

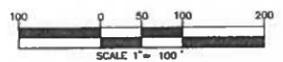
1. TAXES FOR THE YEAR 2015, AND SUBSEQUENT YEARS, NOT YET DUE AND PAYABLE.
2. SUBJECT TO THE FEE SIMPLE INTEREST OF CLAUDE RUXTON BOBBITT.
3. LOSS OR DAMAGE RESULTING FROM FAILURE TO COMPLY WITH THE TERMS AND PROVISIONS OF LEASE SET FORTH UNDER SCHEDULE A HEREOF, CREATING THE LEASEHOLD INSURED.
4. SUBJECT TO MATTERS SHOWN ON PLAT RECORDED IN PLAT BOOK 0 AT PAGE 64.
5. EASEMENT(S) TO CAROLINA POWER & LIGHT COMPANY RECORDED IN BOOK 701 AT PAGE 312.
6. EASEMENT(S) TO STATE HIGHWAY COMMISSION RECORDED IN BOOK 441 AT PAGE 597.
7. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND, THE TERM "ENCROACHMENT" INCLUDES ENCROACHMENTS OF EXISTING IMPROVEMENTS LOCATED ON THE LAND ONTO ADJOINING LAND, AND ENCROACHMENTS ONTO THE LAND OF EXISTING IMPROVEMENTS LOCATED ON ADJOINING LAND. PARAGRAPH 2 (c) OF THE COVERED RISKS IS HEREBY DELETED.
8. ANY INACCURACY IN THE AREA, SQUARE FOOTAGE, OR ACREAGE OF LAND DESCRIBED IN SCHEDULE A OR ATTACHED PLAT, IF ANY, THE COMPANY DOES NOT INSURE THE AREA, SQUARE FOOTAGE, OR ACREAGE OF THE LAND.

TO FIRST AMERICAN TITLE INSURANCE COMPANY
THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND ACSM, AND INCLUDES ITEMS 1.4, 8.11a, 13.14, 18.18, 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 08/28/15.

08/11/15
DATE
SIGNED: CHARLES W. RUSHTON, P.L.L.C. L-2765



REVISED 08/08/15: ADD "OP-1" LOCATED ON 08/05/15



ALTA/ACSM LAND TITLE SURVEY FOR BROOKE SOLAR, LLC			
THOMPSON ASSOCIATES CO. LICENSE NO. 0343 1148 E. QUINCY CIRCLE SUITE 101 CARY, NC 27511 (919) 483-1586 FAX (919) 465-1585		PITRELL TOWNSHIP VANCE COUNTY NORTH CAROLINA OWNER: CLAUDE R. & NANCY R. BOBBITT ZONED DATE: 08/30/15 DRAWN: CWR JOB NO. 15-063 SCALE: 1" = 100' SURVEYED: GRW DWG: BROOKE SOLAR REVISIONS: LEASE AREA 08/11/15 PIN: 0464 03001	