

DEPARTMENT OF PLANNING & DEVELOPMENT

PLANNING STAFF REPORT

REZONING CASE # RZ1511-3

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: Joyce Duke
6336 Hwy 39 South
Henderson, NC 27537

Applicant: Sunlight Partners, LLC
27 Pearl Street FL 4
Portland, ME 04101

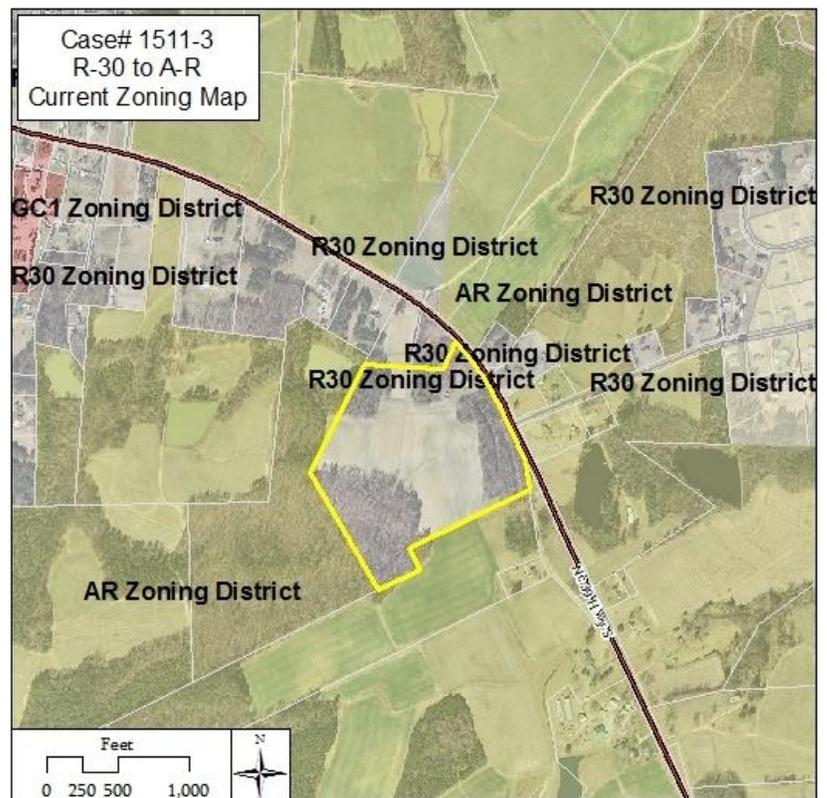
PROPERTY INFORMATION

LOCATION: Intersection of NC 39 Hwy South and Walter Bowen Road; more specifically identified as tax parcel 0550 01015A.

EXISTING LAND USE: The parcel is currently zoned R-30 and consists of approximately 65% open, agricultural land and 45% woodland.

SURROUNDING LAND USE: The surrounding land use is predominantly Agricultural Residential with a mix of smaller residential properties along NC 39 Hwy South. The properties to the east, west and south are all zoned agricultural residential.

SIZE: The existing parcel is 38 acres and if successfully rezoned would be recombined with the parcel to the west making a parcel of approximately 71 acres.



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 38 acres and is proposed to be recombined with the neighboring parcel to create a 71 acre parcel. The property is currently being used for agricultural purposes and is located in a rural part of the County.

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.

When considering the surrounding land, the size of the parcel, and the use of the surrounding parcels, it appears reasonable that the property could be rezoned from R-30 to A-R with limited impacts. Whether the property is used for a solar farm or any other use permitted within the A-R zoning category there is some concern that a concentration of conditional uses could have a great impact on an area. This property if recombined with the neighboring parcel would be located within 1,000 feet of another conditional use previously permitted for a solar farm at 5859 NC 39 Hwy South. With this in mind this proposed use would not be permitted within 1,000 feet of the other solar farm. This is a consideration that would be looked at during any subsequent conditional use approval hearings.

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



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:

Case #	
Fee Paid	
PB Date	
BOC Date	

Property Owner Information

Property Owner: Mrs. Joyce Duke

Mailing Address: 6336 Highway 39 South

City: Henderson State: NC Zip Code: 27537

Phone #: (252) 438 - 8861 Fax #: () -

E-mail Address: imaduke@centurylink.net

Applicant Information

Applicant: Sunlight Partners, LLC - Michael Wallace

Mailing Address: 27 Pearl Street FL 4

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 6300 NC 39 Henderson, NC (E911 not yet assigned).

Tax Map Number: _____ PIN (parcel identification #): 055001015 & 055001015A

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

Acreage: Gross = 71. Site = 28. Road Frontage: 1151 feet

Existing Use: Agricultural Farm Fields

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 off the road, protected by existing vegetation and a robust landscape buffer which is approximately three times the current Vance County requirement. There is also an existing solar farm located approximately 1/2 miles west on Highway 39 South.

3. What factors justify the proposed amendment?

The solar farm is proposed on an existing field which is protected from view of highway 39 South by existing timber. 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 Izia 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

Joyce Duke
Please sign in blue or black ink

Date 8-22-2015

Applicants' Signature

Matthew Kibbler
Please sign in blue or black ink

Date 8-24-2015



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

OWNER'S CONSENT FORM

Name of Project: Izia 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.

Joyce Duke Joyce Duke 2-2-2015
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# 1511-3
R-30 to A-R
Current Zoning Map

GC1 Zoning District

R30 Zoning District

R30 Zoning District

AR Zoning District

R30 Zoning District

R30 Zoning District

R30 Zoning District

AR Zoning District

Lindy Ln

Nc39 Hwy S

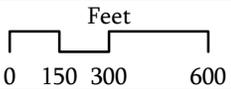
Walter Bowen Rd

Fowler Ln

Meredith Ln

Catherine Weldon Ln

Libano Ln





- SCHEDULE B-II EXCEPTIONS (FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. NCS-745112-CHIR DATED 06/02/15)**
- TAXES FOR THE YEAR 2015 AND SUBSEQUENT YEARS, NOT YET DUE AND PAYABLE, AND ALL SUBSEQUENT YEARS.
 - EASEMENTS AND ANY OTHER FACTS AS SHOWN IN PLAT BOOK T, PAGE 956, VANCE COUNTY REGISTRY.
 - EASEMENT TO CAROLINA POWER AND LIGHT COMPANY RECORDED IN BOOK 135, PAGE 208; BOOK 187, PAGE 611; BOOK 236, PAGE 882; BOOK 281; BOOK 285, PAGE 155; AND BOOK 449, PAGE 451, VANCE COUNTY REGISTRY.
BOOK 187, PAGE 611 AND BOOK 261, PAGE 324 DO NOT APPEAR TO APPLY TO THE PREMISES
BOOK 285, PAGE 155 COULD NOT BE FOUND FROM THE VANCE COUNTY REGISTRY.
 - EASEMENT TO CAROLINA TELEPHONE & TELEGRAPH COMPANY RECORDED IN BOOK 337, PAGE 634 AND BOOK 453, VANCE COUNTY REGISTRY.
 - EASEMENT TO STATE HIGHWAY COMMISSION RECORDED IN BOOK 454, PAGES 320 AND 321, VANCE COUNTY REGISTRY.
 - RIGHTS OF PARTIES IN POSSESSION AS TENANTS ONLY, UNDER UNRECORDED LEASE(S) OR RENTAL AGREEMENT(S).
 - ENCROACHMENTS, OVERLAPS, BOUNDARY LINE DISPUTES, DEFICIENCY IN AMOUNT OF AREA, RIGHTS, EASEMENTS, DITCHES, CARTWAYS, SETBACKS, RIGHTS OF PARTIES IN POSSESSION, INTEREST OR CLAIMS WHICH WOULD BE REVEALED BY A CURRENT AND ACCURATE SURVEY AND INSPECTION OF THE LAND.

LEGEND
 * EP EXISTING IRON PIPE
 ○ PP POWER POLE
 * DENOTES REVISION

REFERENCES
 PLAT BOOK T, PAGE 956
 WILL BOOK 80-E-282
 DEED BOOK 118, PAGE 238

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.
 POND AND WETLAND FLAGS BY PLOT ENVIRONMENTAL, INC.
 UNADJUSTED RATIO OF PRECISION: 1/188,100

NOTE:
 DASHED LINES NOT SURVEYED
 TAKEN FROM PLAT BOOK T, PAGE 956

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 1,4,8,11,13,14,18,19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 08/05/15.

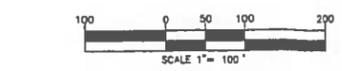
08/19/15
 DATE
 SURVEYOR: CHARLES W. RUSHTON, P.L.S. L-2765



REVISED 08/19/15: LEASE PERIMETER, LEASE AREA, ACCESS ROAD

JOYCE DUKE
 P.B. T, PG. 956
 TRACT 2
 PIN 0550 01015

LEASE SITE
 1,211,542 S.F. +
 27.813 AC. +



ALTA/ACSM LAND TITLE SURVEY FOR IZIA SOLAR, LLC

THOMPSON & ASSOCIATES CO. LICENSE NO. 0343 1149 EXETER DRIVE SUITE 0 UNIT 2 CARRBORO 27811 (919) 549-1868 FAX (919) 549-1585	SANDY CREEK TOWNSHIP VANCE COUNTY NORTH CAROLINA	OWNER: JOYCE DUKE DATE 08/12/15 SCALE 1" = 100'	ZONED DRAWN CWR JOB NO. 15-064 SURVEYED GRW DWG IZIA SOLAR
REVISIONS		PIN 0550 01015/01015A	