

Staff Report

Subject: Variance (Second District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: June 7, 2022
Item Description: **Chesterfield, LLC** as Agent for **Janis Z. Bevill et al.** requests a **variance** from *section 3.4*, to reduce the required buffer between industrial and various zoned parcels. Located on Hodgeville Road, zoned I-1. **[Map# 434 Parcels# 24,24A,26,26C]**

Summary Recommendation

Staff has reviewed the application, and recommends **denial** of the request for a **variance** from *section 3.4* to reduce required buffer between industrial and various zoned parcels.

Executive Summary/Background

- Pursuant to Section 7.1.8, variances may only be granted if the following findings are made:
 - That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness, of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not to circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located; and*
 - That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.*
- Warehouse Distribution Centers are a heavy industrial use. The 76.84-acre collection of parcels is bordered by industrial zoned land and by residential and commercial zoned properties.
- 434-26 & 434-26C were reviewed as a DRI for a proposed 840,000 sf warehouse in 2021. A variance for the buffer requirement along one undeveloped section of the property boundary was approved.
- The scale of the proposed warehouse development exceeds the threshold (500,000 gross sf) to be considered a Development of Regional Impact (DRI). The Coastal Regional Commission determined that the project (DRI # 3654) warranted regional review; requested comments; and completed a DRI report.
- The project is not consistent with the Regional Future Development Map, which shows the project site area as Rural. Rural areas are not expected to urbanize or require urban services in the next 20 years.
- The county Future Land Use map indicates the project site is in an Agriculture area, which includes uses such as farming, livestock, timber harvesting, or recreation.
- The required vegetative buffer between heavy industrial and AR/R zoning districts is 300'. The proposed buffer reduction is from 300' to 75' along all boundaries with AR and R zoning districts.
- 434-24 and 434-24A were rezoned to I-1 in 2021. The buffer requirements for heavy industrial development were discussed at those public hearings.
- The collection of parcels does not present any exceptional topographical features; the proposed 2.096 million sf of warehousing cannot be developed without significant reductions to the required buffers.
- Given the residential uses in the surrounding land, there is no case to be made for reducing the screening buffer on the industrial tract. The solution is to reduce the scale of the development and include a 300' vegetative buffer to screen the heavy industrial use and allow for stormwater filtration.
- At the May 16 Planning Board meeting Ryan Thompson recused himself from the vote. Peter Higgins, made a motion to **deny** the request for a **variance** from *section 3.4*.
- The motion was seconded by Brad Smith, and carried unanimously.

Alternatives

1. **Approve** the request for a **variance** from section 3.4 to reduce required setbacks.
2. **Deny** the request for a **variance** from section 3.4 to reduce required setbacks.

Recommended Alternative: 2

Other Alternatives: 1

Department Review: Development Services

FUNDING: N/A

Attachments: 1. Variance application 3. Deed 2. Ownership Certification 4. Aerial photography