



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
11-20-06

PART A

Subject: Request by George Farrell, Jr. to rezone approximately 17.46 acres at the corner of Farrington Point Rd (SR 1008) and McGhee Rd. (SR 1717), Williams Township from RA-40 Residential Agricultural to Conditional Use B-1 Business.

Action Requested: See Recommendations.

Attachments: *The following was distributed prior to the September 18, 2006 Public Hearing:*

1. Application Packet

The following can be viewed on the Planning Department webpage at www.co.chatham.nc.us under Planning, Rezoning & Subdivision Cases, 2006:

2. Arcview map
3. Kimberly Lane letter dated September 15, 2006
4. Ollen Lane letter dated September 14, 2006
5. Linda Heinrichs letter dated September 11, 2006

Submitted By:

Keith Megginson, Planning Director

Date

County Manager Review:

Charlie Horne, County Manager

Date

This abstract requires review by:

County Attorney

Date Reviewed

Finance Officer

Date Reviewed

Budget Officer

Date Reviewed

PART B

Re: George Farrell, Jr. – district request

Introduction / Background / Previous Board Actions: A public hearing was held on this request September 18, 2006. Minutes can be viewed on the Chatham County website. On October 3, 2006 the Planning Board made a recommendation to approve the rezoning request by a unanimous vote. However, the rezoning request was not forwarded to the Board of Commissioners because the request for a conditional use permit was tabled. The Board of Commissioners is required to make a decision on the requested change of the zoning district from RA-40 to Conditional Use B-1 Business District prior to considering the request for a conditional use permit. Such a recommendation is partially based on adopted land use plans and policies. The applicant has addressed this issue in his application under Item #5 Reference to Existing County Plans and Land Use Objectives.

The Chatham County Land Conservation and Development Plan is a general policy plan. A specific plan map was not adopted but a draft map was prepared. The subjective nature of a general policy plan may be seen by review of the chart of uses on page 6 of the Plan. Non-residential development is addressed under the heading of Economic Center beginning on page 28 of the Plan. Under the heading of Overview, the text explains the six types of economic development as follows:

1. Agriculture and home based businesses in rural areas
2. Commercial and industrial development within the county's towns
3. Neighborhood activity centers in compact community corridors
4. Cross-road commercial centers in designated rural locations
5. Economic development centers in carefully designated and planned locations
6. Continued development within other areas currently zoned commercial or industrial.

The text reads as follows: "To focus economic development in these six settings, the County will discourage industrial and commercial development in other places, especially as strip development along the major highways, in environmentally sensitive areas, and in agricultural areas. Continuation of current activities will be supported in existing industrial and commercial areas." You are encouraged to read the entire Land Conservation and Development Plan of 68 pages, which is on the Planning page of the County web site.

Issues for Further Discussion and Analysis: The Land Conservation and Development Plan, hereinafter referred to as "the Plan", outlines many plan objectives towards approving areas that reflect balanced growth while maintaining the form and function of rural character. The Plan refers to a "Plan Map" not yet adopted but is referenced within the document. Page 10 of the Plan describes "balanced growth" as welcoming and accommodating new development in ways that ensure benefits and burdens of growth are shared as much as possible, growth consists of a mix of types of development, and development is guided to appropriate locations and is designed appropriately for its setting.

Commercial uses are located on two of the four corners of the signalized intersections of Farrington Point Road, Lystra Road, and McGhee Road. Farrell & Son Grocery was located there in 1974 and has been expanded to include a grill and a self storage facility. Across from the grocery business is a computer repair & sales business that was approved in 1999 and a

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concrete contractor's office. Page 12 of the plan encourages sighting commercial uses along major highways in clusters at specific, designated locations; design the commercial sites to retain a rural character or village character; and integrate these uses with other nearby development. The Chatham County Thoroughfare Plan classifies Farrington Point Road as a major collector and Lystra Road as a minor collector.

Page 45 of the Plan encourages the reuse of reclaimed water. A report given by SWE, Soil, Water, and Environment Group, LLC states the permit application for NCDWQ will involve a proposed non-discharge and reuse water distribution system located on property across McGhee Rd. (SR 1717). This has since been corrected and information was given at the November 6 Planning Board meeting in a report by Agri-Waste Technology noting suitable soils are located on the site for the proposed project.

Recommendation: In reference to Section 17.1 of the Chatham County Zoning Ordinance, because of changed or changing conditions in a particular area, the Planning Department staff and Planning Board recommend approval of the rezoning request. Public water is now available to serve the area; the intersection is now signalized; and surrounding lands are zoned business or have obtained conditional use rezoning.