



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
11-20-06

PART A

Subject:

Request by Jeff Goodwin by Attorney Cindy Perry to rezone 4.03 acres of property located on Martha's Chapel Road (SR 1752) to Conditional Use District B-1 Business for a boat, camper, and RV storage facility.

Action Requested:

See Recommendations.

Attachments:

The following was distributed in the July 17, 2006 Public Hearing packet:

1. The application packet

The following was included in the September 18, 2006 packet.

1. Two page email correspondence from Jason Sullivan.

The following can be viewed on the Planning Department webpage:

1. Copies of protective covenants for Farrell's Creek S/D, Wendy Hill S/D, and Old Thompson Creek S/D submitted by Attorney Cindy Perry
2. Letter from the Farrell's Creek Homeowners Association members.
3. Letter from Joe LaSala dated July 17, 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: Jeff Goodwin – CUD B-1 Business

Introduction / Background / Previous Board Actions:

The Commissioners postponed their decision of this request at their meeting on October 16, 2006.

The Chatham County Board of Commissioners is required to make a decision on the requested change of the zoning district from RA-40 to Conditional Use Business District prior to deciding on the conditional use permit request. Such a recommendation is partially based on adopted land use plans and policies. The applicant has addressed this issue in their application under Finding #4.

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 Centers 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." The applicant's proposal does not fit under the categories as items 1, 2, 3, 5, and 6. You are encouraged to read the entire Land Conservation and Development Plan of 69 pages, which is on the Planning page of the County web site.

Previously in 1995 the Board denied a request for a similar use off SR 1750, Holland Chapel Road and in 1999 a request for a mini warehouse self storage facility and enclosed recreational vehicle storage off SR 1727 Whippoorwill Lane was denied. In 1991 a request for a B-1 Business District on 13 acres at the intersection of SR 1008, Beaver Creek Road and SR 1900, Tody Goodwin Road was denied. In all three requests the location of the property in residential neighborhoods was a large concern of the neighbors and a factor in the decision.

A public hearing was held on this issue on July 17, 2006. Four persons, two of whom are the applicant and his attorney, spoke in favor of the rezoning and thirteen (13) persons spoke against the rezoning. Copies of the correspondence submitted at the hearing can be viewed on our website at www.co.chatham.nc.us under Planning, Rezoning and Subdivision Cases, 2006. The Board heard some information on this request September 18 and then postponed additional discussion and action until October 16.

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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. As noted on Page 12 of the Plan, “home based businesses” are a desired resource and are encouraged. The applicant states in his application this plan meets the criteria as outlined.

The Plan states, “home-based businesses are encouraged in rural areas as long as the business activities meet performance standards to guard against nuisance conditions”. The Chatham County Zoning Ordinance addresses home based businesses under Section 14, Home Occupations. This request would not qualify for approval under said section.

It is staff opinion this request does not meet the criteria in the Zoning Ordinance, Section 17 Amendment To Zoning Ordinance as outlined. This request is not alleging an error in the Ordinance, it has not proved the proposed change is necessary to the promotion of the public health, safety, and general welfare, and it does not encompass the over all intention of the Land Development Plan. Home-based businesses are one small part of the Plan that encourages commercial operations and business to be located in specific areas such as Compact Communities, Economic Centers, and Small Crossroads Commercial Areas. The site proposed for rezoning is not located in one of these areas. The property in question is accessed by an easement and does not front on a public maintained road where one would normally find commercial businesses.

Recommendation: The Planning Department and Planning Board recommend denial of the rezoning request. The Planning Board vote to deny the request was 7-1 with one abstention.