

PLANNING & ZONING REVIEW NOTES

VI. D.

SUBJECT:

Request by Lee-Moore Oil Co. to rezone a 63.3 acre tract into a 29.4 acre Conditional Use B-1 Business District and a 33.9 acre RA-40 Residential Agricultural District located off US 15-501 N south of the Chatham/Orange County line, Williams Township.

ATTACHMENTS:

The following was distributed at the September 5, 2006 planning board meeting:

1. Application packet.

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

2. Arcview map.
3. Zoning maps.
4. Comments received at the September 19, 2006 public hearing.

INTRODUCTION & BACKGROUND:

The planning staff and Planning Board are required to make a recommendation on the requested change of the zoning district to a 29.4 acre Conditional Use B-1 Business District with the remaining acreage of 33.9 be zoned an RA-40 Residential/Agricultural District. This property has had a straight B-1 Business zoning on a portion of the property since 1974. There have been several different types of businesses on this area of the property such as an antique shop, used car sales and modular home sales. A recommendation is partially based on adopted land use plans and policies. The applicant has addressed these issues in their application beginning on page 14.

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 27 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.

Re: Lee-Moore Oil Co. district request
INTRODUCTION & BACKGROUND – con't

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 69 pages, which is on the planning page of the county website.

A public hearing was held on September 19, 2006. Thirteen citizens spoke against the rezoning and two citizens (one of which was the attorney for the applicant) spoke in favor of the rezoning.

DISCUSSION & 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. Page 10 of the Plan lists several policy objectives to be used to define the outcomes and goals for developing specific criteria for development. One of those objectives addresses development that is to be guided to appropriate locations and designed for the area it is in. This property went before the Board of Commissioners back in 1974. An approval for a straight B-1 business district was approved. It was believed to be a proper location for a commercial site. The other three (3) quadrants of this signalized intersection are or have been used for non-residential use. Across US 15-501 on the western side of Smith Level Road is a children’s daycare; on the eastern side of Smith Level Road is a convenience store with other commercial uses as well; and on the property to the north of this parcel, there used to be an electronics store.

Page 24 of the Plan addresses compact communities. The plan map, not yet adopted, shows this area of US 15-501 N in a designated compact community. Some aspects of how this area is to serve the county is to reduce the need for costly infrastructure, protect farmland and open space, to facilitate travel on foot, by bike, and by transit. This rezoning would leave over half of the property in an open, non-developed state. This property is also located at or near bike lanes (wide paved shoulders) already in place leading north on US 15-501 and could be served by the transit services coming from the park and ride lot just south of this property. Since this property received a portion of B-1 business zoning, a large scaled development named Southern Village was created. This development, which is a mix of residential and commercial and described by our ordinance definition as a “compact community”, is located approximately 1 1/2 miles from this property. There is an older established residential development across US 15-501 on Booth Road. The Briar Chapel Planned Unit Development has an entrance on Mann’s Chapel Road 1 ½ miles southwest of this property. Page 12 of the Plan requests to site commercial uses along major highways in clusters at specific, designated locations; design these commercial sites to retain a rural crossroads or village character; and integrate these uses with other nearby development.

Re: Lee-Moore Oil Co. district request

DISCUSSION & ANALYSIS – con't

Page 27 of the Plan discusses “Economic Centers”. Continued development within other areas currently zoned commercial is encouraged. Page 34 describes the northern part of the county, within the US 15-501 corridor, to be used to link to infrastructure and build on the economic activity south of Chapel Hill when locating economic centers.

RECOMMENDATION:

It is the Planning Department opinion that request is in conformity with the majority of the Land Conservation and Development Plan. The planning staff recommends approval of the request. The Planning Board has up to three (3) meetings to make a recommendation to the Board of Commissioners.