



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
6-19-06

PART A

Subject: Request by John W. Blair for a Conditional Use B-1 Business District on 10.613 acres, located at the southeast intersection of SR-1700, Mt. Gilead Road, and S. R. 1714, Hatley Road, New Hope Township.

Action Requested: See Recommendations.

Attachments: See Attachments – Last Page

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: Request by John W. Blair for a Conditional Use B-1 Business District Introduction / Background / Previous Board Actions:

A public hearing was held on this request March 20, 2006. Minutes are on the County's web site and attached as item #3.

Before evaluating the details of the developer's site plan the Planning staff and Planning Board are required to make a recommendation on the requested change of the zoning district from RA-40 to Conditional Use Business District. Such a recommendation is partially based on adopted land use plans and policies. The applicant has addressed this issue in their application beginning at the bottom of page 10 under the heading of Finding #1. See attachment # 1. The zoning change request is also addressed beginning on page 5 in the minutes of the March 20, 2006 public hearing. Comments from both supporters and opponents of the zoning change are reflected in said minutes and attached letters. See attachments 4, 5, 6, 7 and 8.

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.

The economic development centers referenced in item 5 are described on page 35 at eight separate locations. The location of S.R. 1700 and Hatley Road is not one of the locations specified. Page 36 of the Plan addresses the cross-roads commercial centers to serve rural areas. The draft land development plan map did not designate the intersection of concern as a cross-roads commercial center location. The Plan states that, "These cross-roads centers should be designed, built and operated primarily to accommodate the needs of the residents of the surrounding rural area." The proposed use would create one job and would address the needs of boaters and persons with campers and recreational vehicles both outside and within Chatham County.

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 at

www.co.chatham.nc.us and specifically pages 28-38 which address Economic Centers.

The attached County property map shows the surrounding property design. See attachment # 7. The surrounding property is zoned RA-40. The developer's property is approximately 2/3 mile from the intersection of US 64 and SR 1700. There are subdivisions about 1/4 mile north of the

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intersection of US 64 and SR 1700 where business zoned property is located. SR 1700 is classified as a collector road because it connects the two arterials of US 64 and US 15-501. Hatley Road is a public road that is not a through road. To the west of the proposed intersection about ¼ mile is the entrance to the non-conforming industrial use of the S.T. Wooten asphalt plant.

After reviewing the entire Plan and the referenced section, it is the Planning Department staff opinion that the proposed change from RA-40 to Conditional Use Business District is not in conformity with the Plan. The applicant's proposal speaks for itself, but it appears that their argument is that due to the residential growth the use is needed and the US 64 study for potential improvements to limit access makes this an appropriate location for a zoning change. As addressed above the property is not adjacent to the US 64 commercial uses so it cannot be considered an expansion of such and is not within proximity of US 64 to be accessed by future frontage roads. If this district change is approved the Board needs to consider what its position will be if requests are submitted for the other three quadrants of the intersection being zoned for commercial use.

The Planning Board discussed this issue at length and appears to support having non-residential use on an intersection of a collector road that connects two arterial highways, i.e. US 15-501 and US 64.

Recommendation: The Planning Department does not think that the zoning change request is consistent with the Chatham County Land Conservation and Development Plan as described above and does not recommend approval of the request. The Planning Board by a vote of 6 in favor, one against and two abstentions, to recommend that the request be approved.

ATTACHMENTS

Note: Attachments were previously distributed as noted below. Please contact the Planning Department to request additional copies.

Re: John W. Blair – Conditional Use B-1 Business District request

The following was previously distributed prior to the January 17, 2006 public hearing:

1. John W. Blair, Request for Conditional Use District and Conditional Use Permit, dated December 19, 2005

The following was previously distributed prior to the March 20, 2006 public hearing:

2. Supplement to John W. Blair Request for Conditional Use District and Conditional Use Permit.

The following attachments were previously distributed prior to the May 15, 2006 Commissioner's meeting:

3. Public hearing (3-20-06) sign-up sheet for Conditional Use B-1 Business District "Zoning" Legislative Hearing
4. "Statement on content of application for change in zoning status from residential R-40 to a B-1 conditional use district for property located at SE corner of Mt. Gilead Church/Hatley Roads intersection, Chatham County, NC – (Blair Application) presented at meeting of Chatham County Commissioners, March 20, 2006 by residents of affected areas, as a statement of opposition to the proposal", submitted by Mr. Vance Reece.
5. Portion of minutes regarding Blair request from March 20, 2006 Public Hearing.
6. Petition from adjoining property owners submitted during March 20, 2006 Public Hearing.
7. Letter dated March 13, 2006 from Clyde Ward, submitted during March 20, 2006 Public Hearing.
8. Letters from adjoining property owners, John M. Boggess & Family, dated January 17, 2006, Ina M. Hatley and Family, dated March 6, 2006 and Jane U. Hatley, dated March 20, 2006.
9. ArcView map, parcel #64556