

PLANNING & ZONING REVIEW NOTES

SUBJECT: Request by **Jesse Fearington** for a Conditional Use B-1 Business District on approximately 29.63 acres of a 59.58 acre tract located at the NW corner of US 15-501 N and Morris Rd. (SR 1527), Baldwin Township.

ATTACHMENTS: *The following was distributed at the May 1, 2006 Planning Board Meeting.*

1. Fearington Place application booklet

Included in this packet:

2. A revised application and statement of purpose received May 1, 2006.
3. Portion of minutes regarding the Fearington Place request from the May 15, 2006 Public Hearing.
4. Market Analysis by Don Waltz of Parker & Associates

INTRODUCTION / BACKGROUND / PREVIOUS BOARD ACTIONS:

A public hearing was held on this request May 15, 2006. Minutes are on the Chatham County website 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 on page 11, **Reference to Existing County Plans**. The applicant's information is not repeated in these notes. The zoning change request is also addressed in the minutes of the May 15, 2006 public hearing. Comments from both supporters and opponents of the zoning change are reflected in said minutes. Aerial photos and site plans within the application booklet and on-line show the area of concern.

DISCUSSION AND ANALYSIS:

The Chatham County Land Conservation and Development Plan (continuing to be referred to as the 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. The Plan objectives are to reflect balanced growth through shared responsibility of the benefits and burdens of growth, having a mix of different types of development, and to guide development to appropriate locations and have those developments designed appropriately for its setting. Under the title of "Choices for Chatham County" beginning on page 32 the Plan addresses economic development. It lists six principles as follows:

1. Encourage agriculture and home-based businesses throughout the county.
2. Encourage development within Chatham County towns.
3. Create Economic Development Centers to provide the elements necessary to compete in an increasingly competitive market for recruiting new business and industry; a portion of the county's economic development efforts will explore the feasibility of pursuing environmentally and community compatible business enterprises.
4. Encourage shops and offices in Neighborhood Activity Centers.
5. Encourage appropriate Cross-roads Commercial Centers to serve rural areas.
6. Discourage commercial and industrial development in other settings, especially as strip commercial development along major highways and in environmentally sensitive and agricultural areas.

This proposal joins existing residential and non-residential uses at the intersection of US 15-501, Morris Rd. and Village Way. The non-residential uses are Fearington Village Retail Center, North Chatham Volunteer Fire Department, Sawyers Exterminators, and the Sprint PCS tower site. Page 6 of the Plan outlines the areas of Compact Community Corridors, Economic Development Centers, and Towns as suitable locations for shopping centers. The "draft" Plan map shows US 15-501 as a Compact Community Corridor. The area described in the adopted Compact Communities Ordinance for compact communities is a smaller area and does not include the proposed site. The applicant's proposal supports aspects of a Compact Community by maintaining the current rural character by having a design similar to that of the Fearington Village project located east of US 15-501, the development is suitable for future transit services along US 15-501, and sights commercial uses along major highways in clusters. (Per page/s 12-13 of the application) By definition, this proposal is not a "strip mall". A "strip mall" is a shopping complex of a "row" of various stores and businesses. (On-line search at www.dictionary.com) The application addresses the site being at a signalized intersection. The intersection of US 15-501 and Jack Bennett Road is also signalized and may be considered by some as appropriate for non-residential use. The western side of said intersection is already used for a Progress Energy substation and Chatham County water tank. The intersection of major roads is often considered appropriate for non-residential use. These are the intersections of arterials and/or collector roads that move large amounts of traffic such as US 64 and NC 751, US 15-501 and Mt. Gilead Church Road, US 15-501 and Mann's Chapel Road, and US 15-501 and Lystra Road. Morris Road is not classified as a collector road however there is a large potential client base nearby at Fearington Village.

This proposal is supportive of an Economic Development Center for an increase in job opportunities and the tax base. It could decrease one major trend which is the economic well being going outside our county borders per Page 28 of the Plan. However the site is not located in an area described in the Plan on page 35 as one of the eight areas to be considered for designation as an economic development center. The discussion of Economic Development Centers in general begins on page 33 of the Plan.

This proposal does not appear to support the form and function of Rural Character per Page 12 of the Plan.

This proposal supports the use of reused, reclaimed water for efficiency in its water usage as described on Pages 39 and 46 of the Plan. You are encouraged to read the entire Land Conservation and Development Plan of 69 pages which is on the Planning page of the Chatham County website at www.co.chatham.nc.us.

The Chatham County Land Conservation and Development Plan addresses overall goals and recommendations which provides for subjective judgment but it also contains specific objective guidance on various issues including the location of commercial and industrial land uses. After reviewing the entire Plan and the referenced sections, it is the Planning Department staff opinion that the proposal change from RA-40 to Conditional Use B-1 Business District is not supported by the majority of the Land Use Plan as written.

RECOMMENDATION

The Planning Department recommends denial of the rezoning request. The Planning Board has three meetings to make a recommendation to the Board of County Commissioners.