

PLANNING & ZONING REVIEW NOTES

VII. A

SUBJECT: A request by Carter Crawford for **Paul Austin** to rezone approximately 17.37 acres of Parcel No. 73961 consisting of 77.62 acres located within an RA-40 (residential/agricultural) zoning district to Conditional Use Light Industrial, located at 245 Buckhorn Rd. (SR1921), Cape Fear Township.

ATTACHMENTS: *The following was submitted at the May 1, 2007 Planning Board meeting:*

1. Application packet

The following can be viewed on the Planning Department's webpage at www.co.chatham.nc.us under Planning, Rezoning & Subdivision Cases, 2007:

2. Arcview map
3. Public hearing sign up sheet
4. Signed petition against land use proposal

INTRODUCTION & BACKGROUND:

A public hearing was held on May 21, 2007. Ten (10) people signed up to speak on the rezoning issue. Seven (7) people spoke against the request. The Planning Board did not receive notes on the Planning Department's recommendation at last month's meeting due to time constraints on other issues.

The Planning Department staff and Planning Board are required to make a recommendation on the requested change of the zoning district from RA-40 (Residential/Agricultural) to a Conditional Use Light Industrial (CU Ind-L) zoning. Such a recommendation is partially based on adopted land use plans and policies as well as changing conditions as noted in the Chatham County Zoning Ordinance under Section 17. The applicant has addressed this issue in his application.

DISCUSSION & ANALYSIS:

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. 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.

On page 1 of the Land Conservation and Development Plan, hereinafter referred to as "the Plan", several policies define specific issues geared towards balanced growth. One

of those issues is to develop an integrated approach to protecting and promoting high-quality open space, recreation, historic and tourism locations. Page 10 of the Plan encourages development to be guided to appropriate locations and is designed appropriately for its setting. This property is located in a portion of Chatham County zoned Residential Agricultural. It is also located down a dead end road where traffic is minimal. Mr. Austin owns approximately 70 acres off Buckhorn Road and the proposed rezoning is requested for approximately 17 acres, to the rear portion of the property. Due to the topography of this land, this use would not be visible from any street or adjacent/adjoining property owner at this time. The rear property lines adjoin game lands owned by Carolina Power & Light Co. and no residential development is proposed for the property.

On page 11 of the Plan, one objective is to preserve both the form and function of rural character being the landscape, agriculture, and home-based businesses. Mr. Austin lives on the property and therefore would be available to ensure the property is maintained and controlled by ordinance's guidelines, and restrictions. On Page 16 of the Plan the definition of rural character can be viewed. A portion of that definition says "physical features that support traditional rural activities such as farming, lumbering, craft making, and outdoor recreation have been practiced for generations. Homes in rural areas are either scattered at low densities or clustered together in small communities". This property and the lands surrounding the area fit within this definition.

Page 38 of the Plan lists ways to ensure ground and surface water resources are protected. There are two headwater creeks/streams located on this property as well as a pond which is fed by the northern creek/stream. The watershed regulations currently require a fifty foot (50') buffer on each side of creek/stream areas. The applicant is proposing a one hundred foot (100') buffer on each side of any creeks/streams and around the pond area located on Mr. Austin's property.

Page 61 of the Plan gives an overview of the essential need that every new residence, business, industry, and public facility has adequate, reliable, economical and sustainable means of wastewater disposal. This is a key component to protect public health and safety, environmental quality, and economic vitality. Page 68 of the Plan states the County should protect water resources by promoting the reuse of reclaimed water. The application does not satisfy this request nor do the reports given by Agri-Waste Technologies, Inc. or Dr. Hal House. Water features such as Jordan Lake, Haw River, Cape Fear River, and Deep River have shown signs of stress for several years. The Plan has been developed to protect these water areas from further destruction and contamination by including such requirements of applicants in order to approve rezoning and conditional use permit requests. It is staff opinion this has not been done and therefore the rezoning request should be denied.

No further studies are required at this time from the Office of State Archaeology or the Natural Heritage Program.

RECOMMENDATION:

It is the recommendation of the Planning Staff that approval of the request not be made. The Planning Board has three (3) meetings including this one to give a recommendation to the Board of Commissioners.