

PLANNING & ZONING REVIEW NOTES

V. C.

SUBJECT: A request by **Winter Custom Yachts, Inc.** on behalf of Apex Nurseries, Inc., located off Holland's Chapel Road, New Hope Township, to rezone approximately 11.54 acres from an RA-40 (residential/agricultural) district to a CU-Ind-L (conditional use light industrial) district.

ATTACHMENTS: *The following was submitted at the March 4, 2008 Planning Board meeting:*

1. Application packet

The following may be viewed on the Planning Department website at www.chathamnc.org under Rezoning & Subdivision Cases, 2008:

2. Arcview map
3. Legal description of property
4. Town of Cary comments dated March 14, 2008

INTRODUCTION & BACKGROUND:

A legislative public hearing was held on March 17, 2008. The minutes may be viewed on the County webpage after their approval on April 7, 2008. Mr. Nicolas Robinson presented the request. No one else spoke on the rezoning request.

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 CU-B1 (Conditional Use Business District). 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 their application.

DISCUSSION & ANALYSIS:

The Chatham County Land Conservation and Development Plan, hereafter referred to as the "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.

The application for conditional use rezoning has made reference to this area supporting the Economic Development Center aspect of the Plan. Economic Development Centers are described beginning on Page 27 of the Plan. The Plan encourages development in six settings. They are:

DISCUSSION & ANALYSIS

- Agriculture and home –based businesses in rural areas
- Commercial and industrial development within the county’s towns
- Neighborhood activity centers in compact community corridors
- Cross-road commercial centers in designated rural locations
- Economic development centers in carefully designated and planned locations
- Continued development within other areas currently zoned commercial or industrial

The application states this property is located in an area where the near surrounding area is in commercial use. There are two “commercial” uses in the immediate area that are “agricultural” in nature; Apex Nurseries and Jean’s Strawberry Patch. Jean’s is an agricultural use stemming from horticulture; also owned by the Copeland family. What is sold is grown on site with no other materials or supplies available for sale. Apex Nurseries is a plant grower that sells primarily to landscaping contractors but can accommodate the general retail customer. Sale of items other than the plants grown on site is covered under the zoning ordinance for a non-conforming use. The bulk of this property is a permitted use under the zoning regulations as horticulture and agriculture. The application states Economic Centers should allow for “continued development within other areas currently zoned for commercial or industrial” as seen on page 27. There are no properties within this immediate area zoned commercial or industrial.

The Plan goes on to state that industrial and commercial development is discouraged in agricultural areas and encourages development that sustains the county’s rural character and environmental quality. It is planning staff opinion that within a residential/agricultural district it would be customary to find churches, other agricultural businesses, a local convenience store, etc. in keeping with the harmony and characteristics of “rural” character. These are types of businesses that would serve the immediate area.

Page 47 of the Plan encourages tourism. The application makes reference to enhancement of tourism to Jordan Lake by stating this proposal would be a tourism business. The Jordan Lake State Park staff has advised this office there are no boat ramps nor lifting equipment available to support the larger water craft. The Plan encourages development that links together the current tourism areas with new areas that would improve such opportunities. It is the planning staff opinion a yacht/boat building operation is not compatible with the surrounding area and would not be in harmony with the immediate area for tourism.

The application also states even though a map has not been adopted for the Land Conservation and Development Plan, an Economic Development Center is specified as being located just west of the Chatham/Wake County line near the intersection of US 64 and NC Hwy 751 as seen on page 34 of the Plan. The proposed site is over 3 miles from the noted intersection. The proposed property is approximately 6 miles from the area on NC Hwy 751 near the Durham/Chatham County line that is referenced on page 34 of the Plan. It is planning staff opinion this property is not located within an area close to an Economic Development Center as outlined in the Plan.

Re: Winter Custom Yachts, Inc.

RECOMMENDATION:

The planning staff recommends denial of this rezoning request based on the information provided above. The Planning Board has up to three meetings to make a recommendation to the Board of Commissioners.