



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
6-16-08

PART A

Subject: A request by **Chatham Development Corporation** for a Conditional Use B-1 District located on Parcel No. 80203, located off US 64 E, New Hope Township, on approximately 15.16 acres.

Action Requested: See Recommendations.

Attachments: *The following was submitted prior to the May 19, 2008 Public Hearing – may be viewed on the website noted below.*

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. Comments received at the May 19, 2008 public hearing
4. Specifications on incinerator toilets-EcoJohns

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: Chatham Development - District

Introduction / Background / Previous Board Actions: (*Planning Board notes can be seen in the "italic" wording*)

The property of concern is zoned RA-40 and has had a residential designation since zoning was extended to New Hope Township about 1985. According to property records it appears that the 15 acres was purchased from the Harris Estate by Chatham Development Corporation along with property developed by said company into the residential subdivision of Heritage Point on the north side of US 64.

A legislative public hearing was held on May 19, 2008. Several people spoke requesting the rezoning not be approved. The applicant was the only one who spoke in favor of the request. The minutes may be viewed on the County webpage after their approval on June 16, 2008 from the county home page under Commissioner Agenda.

The Planning Board reviewed this request at their regular meeting on June 3rd. The Planning Board supported a staff recommendation to deny the request by a 7-0-2 vote (7 for the denial and 2 abstentions). Mr. Pat O'Neil and Mr. Kevin O'Neil gave a presentation supporting their request. They provided the Board with other options for permitted uses should this request be denied. They included uses such as breeding kennels with possibly 200 dogs, nursery facility, agricultural uses such as poultry houses, livestock, etc. Uses that are permitted that require a restroom cannot be allowed because, per the applicant, the property cannot handle a septic system.

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 her application.

A public hearing on this same conditional use rezoning request was made September 17, 2007. Following the public hearing the applicant withdrew the request. Section 17.10 of the Chatham County Zoning Ordinance allows for one additional submission within a one year time period for the same property.

Issues for Further Discussion and Analysis:

The Chatham County Land Conservation and Development Plan, here after 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.

Economic Development Centers are described beginning on Page 27 of the Plan. The Plan encourages development in six settings. They are:

- 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

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Issues for Further Discussion and Analysis – con't

The Plan goes on to say on page 35, commercial and industrial development in other settings, especially as “strip commercial development” along major highways and in environmentally sensitive areas is discouraged. There exists a “quadrant” of commercial uses at the intersection of US 64 and Bob Horton Rd. The Plan states there is to be an economic development center just west of the US 64/NC 751 intersection. A draft map was prepared in connection to the Plan. This parcel could be considered “near” the proposed intersection where this type of development could occur since there was not a map adopted strictly outlining where a boundary may be placed. However, this property has residential subdivisions on two of its three sides and a landscaping contractor which has operated under a Conditional Use B-1 Business use since June 1997. Residents adjoining or adjacent to this proposed use have spoken in opposition of the rezoning as they stated it would not be in keeping with the rural character associated with this section of highway. *The applicant stated the proposed rezoning of this property would be in keeping in consistency with the character of the area. He stated the area commercial properties to the east and west of this site noting that there were residential subdivisions in between. Mr. O’Neil stated there is no clear picture of zoning conformity with what has already been approved. He also noted that the proposed “node” for the intersection of US 64/NC 751 will encompass all the area to the east in a “hub” type design and this property would fall into that area.*

Page 38 of the Plan addresses ground and surface water resources. The County is directed to ensure sustainable management and protection of surface water and that ground water resources are protected. The site plan and application provided by the applicant details a “rinse off area” on the eastern side of the property. Water will be supplied by underground cisterns that collect rain water. The waste water will then be processed through a filtration system and then sent to the storm water detention basin. The application states there will be no “detergent” use permitted. Enforcement measures for this have not been supplied by the applicant. There are perennial streams, intermittent streams, and wetland areas on this property. There is a proposed 100 foot buffer along the perennial stream and a proposed retaining wall behind the wash down area to protect runoff from this activity. This activity will produce wastewater and as stated on page 38 of the Plan non-point source pollution is reported to be the major cause of water quality impairment, but point source wastewater discharges also contribute significantly to water quality impairment in some streams. Storm water will be collected by cisterns from the roof tops and, along with general runoff, will be collected and deposited into the storm water basin area. There is also noted an emergency spillway. The plans do not show where the detention water would go but the topography shows lower elevations leading across an adjacent property to the United States Corps of Engineers property south of the proposed development. *The applicant stated there has been extra buffering put in place to protect the streams and wetlands on the property than what is currently required by the county ordinances. The applicant also stated “enforcement” measures would include surveillance cameras and sign postings for the non-use of detergents. It is staff opinion this would not protect surface waters from contamination in an area surrounded by streams and wetlands. At this time, staff is correcting an error in this section of notes. The property to the south of this parcel **is not** US Army Corps of Engineers. The southern adjoining property owner is Donald Goodwin.*

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Issues for Further Discussion and Analysis – con't

The Plan also addresses protection of water supply watersheds. The application indicates there will be a 23.3% impervious surface calculation for this project. The allowable impervious surface percentage is 36%. *The applicant stated they are disturbing 6 acres of usable land for the proposal.*

Page 47 of the Plan addresses the needs and concerns for open space, recreation, historic assets, and tourism. The application indicates this project has met the goals of the Plan. The application states there is an area to the west of the proposed structures as “no disturbance”. This could be the designated open space. However, the applicant is requesting to reserve the right for “future” development of this area. This would not preserve the open space objective. The application states that the development supports tourism and recreation in connection with Jordan Lake. However, as stated on Page 27, this development does not contribute to the County’ employment rate and would not be in keeping with the rural character of the area. *The applicant stated there were no plans for reserving any open space for “future development” as stated in these notes. This information was noted in the application under the title page “Description of Use”; “Site Plan Drawing”; Item I.*

Some Planning Board members stated the proposal was not consistent with the Land Conservation and Development Plan. There were also concerns from the Board on environmental issues not adequately addressed and the appearance of a “perpetual” strip development which the Plan specifically discourages.

Recommendation: The Planning Department and Planning Board by vote of 7-0-2 (7 for the denial and 2 abstentions) recommend denial of this rezoning request based on the information provided above.