

PLANNING & ZONING REVIEW NOTES

VII. A.

SUBJECT: Request by **Belmeade Farms, LLC** to rezone approximately 194 acres, consisting of multiple parcel numbers located within the zoned portions of the subdivision plat for Belmeade Farms from RA-40 (residential/agricultural) to Conditional Use O & I (office and institutional) for a cemetery and memorial gardens, Center Township.

ATTACHMENTS: *The following was submitted at the October 7, 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. Boundary map
3. Letter from NCDOT dated September 9, 2004 regarding the US 15-501 Bypass
4. Map for bypass alternate routes

INTRODUCTION & BACKGROUND:

A legislative public hearing was held on this request November 17, 2008. No one spoke in opposition of the request. Attorney Nick Robinson represented the applicants.

This property was previously split between the county's jurisdiction and the Town of Pittsboro's jurisdiction. This property received subdivision sketch approval in September 2006 with a development schedule that stated 15 homes, Phase I, would be constructed by the end of 2008. No development has taken place at this time. At the time the subdivision submittal was submitted, the Town of Pittsboro had awarded all jurisdiction authority for planning and zoning matters over to the county. This in turn placed the property in an unzoned portion of the county's jurisdiction.

In November 2007, the Board of Commissioners adopted zoning along the unzoned portions of the major corridors with US 64 W being one of them. The zoning applies to 1500 feet on each side of this particular highway. The area proposed for the cemetery is located within the 1500 feet area being the 194 +/- acres and has a current zoning classification of RA-40 (residential/agricultural).

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-O & I (Conditional Use Office & Institutional District). Such a recommendation is partially based on adopted land use plans and policies as well

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as changing conditions as noted in the Chatham County Zoning Ordinance under Section 17. The applicant has addressed this in the application. As a reminder, this submittal was made prior to the December 2, 2008 effective date of the newly revised Zoning Ordinance, Subdivision Ordinance, Erosion and Sedimentation Control Ordinance, and the new Storm Water Management Ordinance.

DISCUSSION & ANALYSIS:

In keeping with the outline seen in Section 17 of the Chatham County Zoning Ordinance, changing conditions have taken place with and/or around this parcel taking it from an unzoned parcel of land to a residential/agricultural zoning classification. The application does not claim any error in the Zoning Ordinance related to this request at the time of its submittal. However, the Board may want to consider that the newly revised Zoning Ordinance would not require a rezoning of the property for a proposed cemetery. It would require a conditional use permit but the zoning classification would remain as RA-40 (residential/agricultural) or R1 as the new regulation shows.

The Chatham County Land Conservation and Development Plan, here after referred to as the “Plan”, is a general policy plan. Consistency between proposed projects and the objectives and guidelines of the Plan may be argued for or against. 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.

Page 1 of the Plan lists several policies that are to be considered when development is proposed. The Plan states growth should consist of a mix of different types of development and guided to suitable locations. Placing Office and Institutional locations within or near the town’s extra territorial jurisdictions would not be inconsistent with this objective as can be seen in the example table on page 6 of the Plan.

Page 12 of the Plan guides development so that non-residential sites retain rural character. This project is not considered for the purposes of the Plan to be commercial development and would not be considered “strip development”. Page 17 lists several major conditions and trends in maintaining rural character. “How we perceive a place is shaped in large part by what it looks like from the road”. (pg 17, 1st paragraph of the Plan) The applicant has provided site plans that depict consistency with the objective.

Page 27 of the Plan addresses Economic Centers. Economic development that would be supported by the Plan includes exploring the feasibility of pursuing community compatible business enterprises. There is one other public cemetery located in Chatham County which is located on US 64 W within the Town of Siler City’s ETJ named Chatham Memorial Park. Page 32 of the Plan encourages Chatham County to promote the siting of economic development activities within the towns, including their ETJ areas. This request meets that goal.

This application request is not inconsistent with the objectives of the Land Conservation and Development Plan. However, new zoning regulations became effective on December 2, 2008 that would not require a rezoning of the property before a conditional use permit could be sought. It is planning staff recommendation that the RA-40

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(residential/agricultural) or as the new district of R1 zoning should remain and the request to rezone to Conditional Use Office and Institutional should be denied. If a conditional use permit is not approved or becomes otherwise invalid, there would not be a conditionally rezoned parcel/s of land without a specific use but it could continue to be developed as a residential/agricultural property.

Page 38 of the Plan refers to the protection of surface and ground waters. Harland Creek is one creek/stream that flows through this property. There are approximately 12 -14 acres of creeks/streams located on this property that consist of “important Perennial streams, unimportant Intermittent streams, Ephemeral streams, and Jurisdictional wetland areas”. This report was provided by S & EC but a report from the County Environmental Resources Director has not been provided. The CCAC has concerns for the protection of surface and ground waters as it relates to the amount of turf grasses and the chemicals/fertilizers that will be required to maintain the “appearance” the applicant has stated it will have. The renderings provided, as seen on the website, show a considerable amount of grasses and vegetation. The application did not address protection of surface and ground waters.

Planning staff also notes the proposed US 15-501 Bypass proposal has not been fully decided or mapped by NCDOT. The letter and a copy of the map can be viewed on the website under this request. The alternate route furthest to the west of this property, coming from the US 64 Bypass connection, would place the bypass through this property.

RECOMMENDATION:

The Planning Department recommends denial of this rezoning request to conditional use office and institutional district based on the information provided above. The use could be sought through a conditional use permit request only and would not require a rezoning of land which would keep zoning designations in a more uniform pattern as intended with the new Zoning Ordinance revisions. The Planning Board has up to three meetings to make a recommendation to the Board of Commissioners.