



CHATHAM COUNTY BOARD OF COMMISSIONERS AGENDA ABSTRACT

ITEM NUMBER:
MEETING DATE:
12-14-09

PART A

Subject:

Request by **Brian Sawyer** for a conditional use rezoning on Parcel 82735, located at 525 Old Farrington Rd., Williams Township, from R-1 Residential to Conditional Use Neighborhood Business (CU-NB), on approximately 1.16 acres.

Action Requested:

See Recommendations.

Attachments:

The following was submitted prior to the September 21, 2009 public hearing:

1. Application packet

The following may be viewed on the Planning Division's website at www.chathamnc.org under Rezoning & Subdivision Cases, 2009:

2. Arcview map

Submitted By:

Jason Sullivan, Acting 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

In Brian Sawyer - conditional use rezoning

Introduction / Background / Previous Board Actions: (*Planning Board notes can be seen in the bold, italicized wording*)

A legislative public hearing was initially held on this request September 21, 2009 and was continued to the October 19, 2009 public hearing, which was then continued a third time to November 16, 2009. Planning staff requested the Board keep this request open until they heard the request for the conditional use permit where several concerns were going to be brought before them. No one spoke in opposition of the rezoning request.

The Planning Division staff and Planning Board are required to make a recommendation on the requested change of the zoning district from R-1 (Residential/Agricultural) to Conditional Use Neighborhood Business District (CU-NB). Such a recommendation is partially based on adopted land use plans and policies as well as pursuant to the Chatham County Zoning Ordinance Section 19. The applicant has addressed this in the application.

The Planning Board reviewed the request at their regular monthly meeting on December 1, 2009. The issue was discussed and concerns were raised that the property may need to have a light industrial zoning, the building is not in keeping with the character of the neighborhood, and increased traffic.

The Planning Board voted 8-2 to approve the request for a Conditional Use Neighborhood Business District.

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 document. 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, which is on the Planning page of the County web site.

Page 2 and 34 of the Plan do not specifically list this area as a cross roads commercial or economic development center location. However, rezoning applications on other properties in the area have been approved in the past several years. The applicant has proposed a single occupancy, mixed use (residential & business) structure for his business on its own individual lot. This property is located next to property owned by Mr. R. L. Matthews who received a Conditional Use Neighborhood Business rezoning on March 16, 2009, which is adjacent to property owned by Andrea Snyder who received a Conditional Use B-1 Business rezoning August 20, 2007. This is the last of a three lot subdivision created in June 2005 by Matthews-Wagner Enterprises.

The Plan states commercial sites should be designed to retain the rural crossroads or village character and to integrate the uses with other nearby development. This can be seen on Page 12 of the Plan. The property is adjacent to the common area buffer zone for the Governors Village residential area. Up the roadway and at the SW corner of the intersection are open fields and a residence which faces Whippoorwill Lane. Approximately 400 feet north of the driveway is the

intersection with Whippoorwill

Lane. The SW corner is residential properties of the Governors Village subdivision. On the NE corner are residential properties of the Governors Forest subdivision. The NW corner of the intersection is the undeveloped area of Carolina Meadows. The structure to be used for the proposed business fits into the appearance of the residential neighborhood by utilizing a single family dwelling unit on the second floor of the two story multiuse building.

Page 57 of the Plan speaks of transportation. The 1994 NCDOT Traffic Count Report listed Old Farrington Road (SR 1726) with a count of 2,700 trips per day. The capacity was calculated to be 28,000 trips per day. The 2005 NCDOT Traffic Count Report, obtained from www.ncdot.org listed the traffic count to be 4,600 trips per day.

Recommendation: The Planning Department *and Planning Board, by vote of 8-2*, recommend approval of this rezoning request to Conditional Use Neighborhood Business (CU-NB). It is requested that the Board of Commissioners review the request for approval at this time.