



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
2-16-09

PART 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.

Action Requested:

See Recommendations.

Attachments:

The following was submitted prior to the 11-17-08 Public Hearing:

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

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: Belmeade Farms, LLC – rezone request

Introduction / Background / Previous Board Actions: (Planning Board and Board of Commissioner comments can be viewed in the bold, italicized wording)

On January 26, 2009, the Board of Commissioners postponed action on this request until February 16 to allow the Environmental Review Board to address specifics of surface water monitoring in the conditional use permit request. The following notes were distributed for the previous meeting.

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.

The Planning Board met at their regularly scheduled meeting on January 6, 2009. The Board recommended the request be approved by a vote of 8-2. The Planning Board discussed concerns regarding the proposed US 15-501 Bypass plans and how that could impact the property in the future. There were concerns voiced regarding surface and ground water protections not expressly mentioned in the application but thought those concerns could be addressed with the consideration of the request for a conditional use permit.

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 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 foot area being the 194 +/- acres and has a current zoning classification of R-1, previously 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 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. ***The Zoning Ordinance at the time of submittal should be the set of requirements to be considered in this request.***

Issues for Further Discussion and 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

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Issues for Further Discussion and Analysis – cont.

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.

If a conditional use permit is not approved or becomes otherwise invalid, there would be a conditionally rezoned parcel/s of land without a specific use.

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 except by the provision of buffer areas. ***As noted above, these concerns are generally addressed in a request for a conditional use permit and can be***

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Issues for Further Discussion and Analysis – cont.

satisfied through conditions of the permit.

Planning staff also notes the proposed US 15-501 Bypass location has not been decided or mapped by NCDOT. The letter and a copy of the map showing numerous alternatives 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: There has been no information presented to indicate that the proposal is inconsistent with the Land Use Plan. The Planning Department and Planning Board (by a vote of 8-2) recommend approval to rezone to conditional use office and institutional district based on the information provided above.