



Chatham County Planning Board Agenda Notes

Date: October 4, 2011

Agenda Item: VII. 1.

Attachment #: 1

☐ **Subdivision**

☐ **Conditional Use Permit**

☒ **Rezoning Request**

☐ **Other:**

Subject:	Request by Withers & Ravenel on behalf of Jo Ann Davis, Parcel No. 19645, Williams Township, located at 9157 NC Hwy 751, to rezone the two (2) acre tract from R-1 Residential to CU-B1 Conditional Use Business.
Action Requested:	See Recommendations
Attachments:	1. Application packet provided prior to 9-19-11 public hearing 2. Photo of the front of the property

Introduction & Background

A legislative public hearing was held on September 19, 2011. No one spoke on the issue and the hearing was closed.

This property is located within an area of the county that received zoning in 1968 and 1973. The area was zoned to residential. On June 19, 1995, the adjacent parcel (No. 19644), consisting of 17.246 acres, received a Conditional Use B-1 Business zoning with a Conditional Use Permit for a landscape design business, lawn & garden shop, and horticulture. Since that time the business has expanded and additional space was needed. Current regulations would not require rezoning for horticulture, as an agriculture use, provided it met the acreage requirement of five acres minimum. All other current and proposed uses still require the proper zoning district classification in order to operate.

It is not clear when the two acre tract being considered for rezoning changed from residential use to commercial use. Tax records indicate a commercial use that began in 2005. Staff contacted the owner and occupants via certified mail regarding the violation and the measures to take in order to bring the property into compliance.

Discussion & Analysis

In order for a rezoning to be considered, support from the Land Conservation and Development Plan, hereinafter referred to as the "Plan", shall be provided. The Plan was adopted in 2001. However, a map has not been adopted to outline where certain types of non-residential uses are

guided or encouraged. Under the section titled “Economic Centers” on page 27 of the Plan, support for the continuation of current activities is encouraged. The Plan also encourages the need to sustain the county’s rural character and environmental quality. It is staff’s opinion this property has complied with this recommendation. The structure on the parcel still looks like a residential dwelling unit. Landscaping and buffers have been installed to buffer the view from the public roadway.

Page 34 of the Plan specifically lists NC 751 near Durham as area that may link to infrastructure and build on the economic activity in southern Durham County.

If approved, this parcel will be added to Parcel No. 19644 via a recombination plat.

This property also falls within the Chatham/Cary Joint Planning area. Email correspondence from the Town of Cary states they do not see any issues with the rezoning since it is an existing use.

Recommendation

It is Planning staff recommendation to approve this rezoning request. The Planning Board has up to three meetings in which to make a recommendation to the Board of Commissioners.