



## Chatham County Planning Board Agenda Notes

Date: March 5, 2019

Agenda Item: IX-2

Attachment #: 1

Subdivision

Conditional Use Permit

Rezoning Request

Other:

<b>Subject:</b>	A Legislative public hearing request by Charles Walker for conditional district rezoning from R-1 Residential to CD-RB Conditional District Regional Business on property located off Hillside Dairy Rd., Parcel No. 12236, being approx. 29.594 acres, for grounds and facilities for open air games or sports specifically for regulation size cricket fields.
<b>Action Requested:</b>	See Recommendation
<b>Attachments:</b>	1. Minutes from the Chatham County Appearance Commission meeting

### **Introduction & Background:**

A legislative public hearing was held on February 18, 2019. Planning staff presented the request. Also speaking were adjacent/adjoining landowners Linda Smith, Mark Whitesall, Mary Ellen Spivey, and Marty Raynor. Charles Walker presented for the applicant.

### **Discussion & Analysis:**

Conditional Zoning districts are districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of a legislative decision creating the district and applying it to the particular property.

Some land uses are of such a nature or scale that they have significant impacts on both the immediate surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. The review process established in this Ordinance provides for accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions, which ensure compatibility of the use with neighboring properties. A conditional zoning district is not intended for securing early zoning for a proposal, except when that proposal is consistent with an approved land use plan or the proposal can demonstrate that public infrastructure needed to serve the development will be made available within a reasonable time period.

A community meeting was held on January 2, 2019. One adjoining neighbor attended, Mary Spivey. Questions were about driveway improvements, drainage questions, and buffering. Mr. Walker also met with the owner of M and M Alpaca Farm on December 4, 2018 on site prior to this official community meeting.

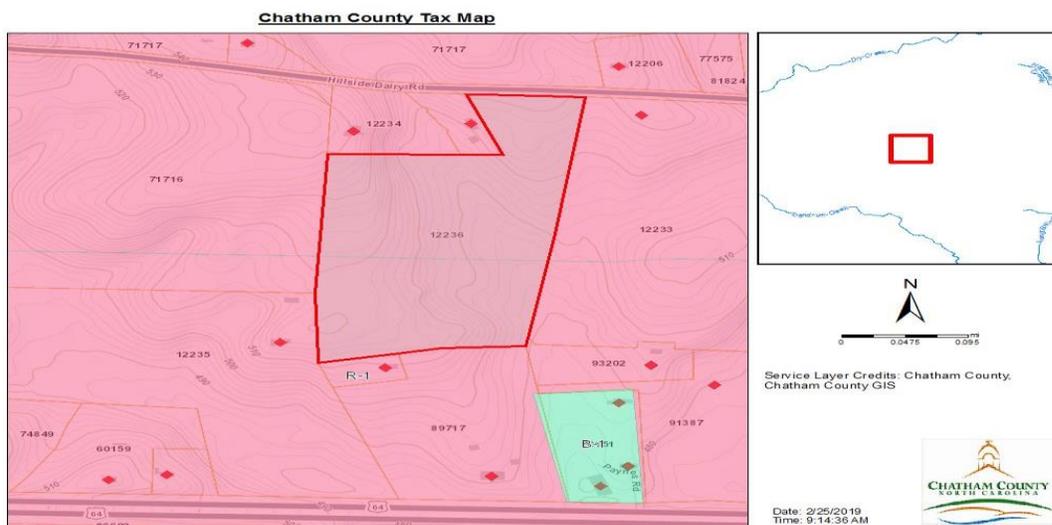
A meeting with the Chatham County Appearance Commission (CCAC) was held November 28, 2018. There was a concern about the buffering along the western property boundary and the commission recommended a minimum 30 foot wide strip to be left unmowed and undisturbed to protect the adjacent property owner.

There are five standard items listed in the Zoning Ordinance that must be addressed by an applicant when submitting a rezoning application. The applicant has addressed those items in the application materials or in supplemental material and they are also discussed below.

**Item #1: The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed description of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.** The applicant is claiming no errors in the Ordinance.

**It is planning staff opinion this standard is met.**

**Item #2: The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.** The applicant states based on an interest in creating an area that could offer recreation for outdoor sports, specifically international sports such as Cricket, that would be run by charitable organizations and volunteers makes this location suitable to promote public health, welfare and safety in privately-owned designated area.



*The zoning map above displays the R-1 Residential zoning district the property is located in and the surrounding zoning classification.*

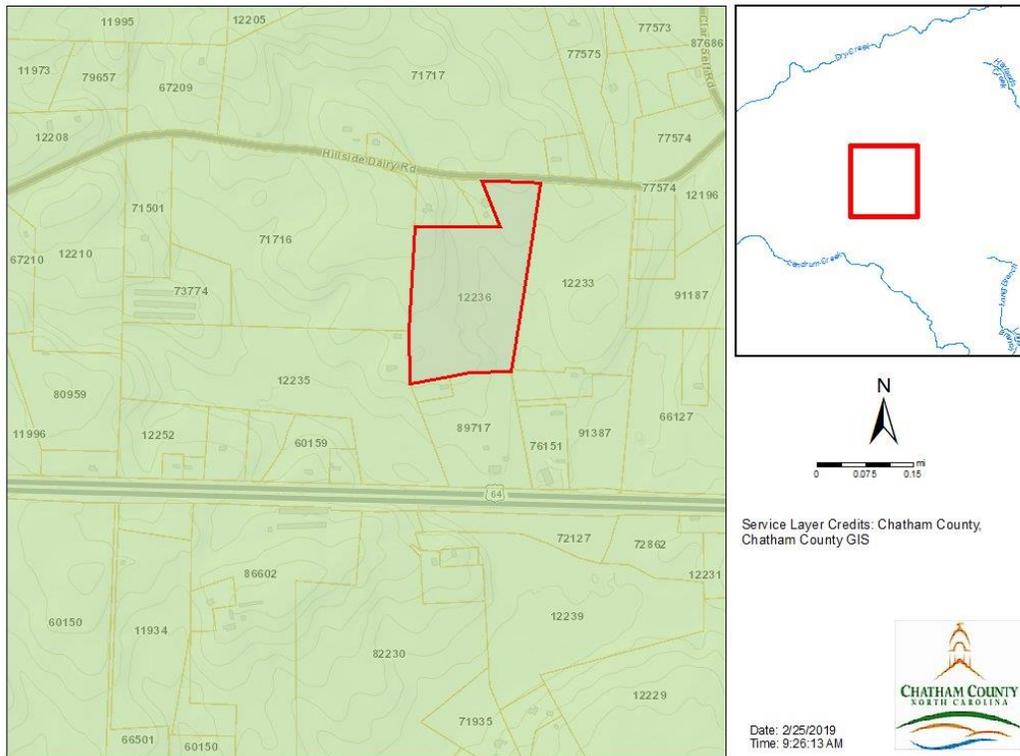
**It is planning staff opinion this standard has not been met. The majority of these parcels are residential or are currently being used for agricultural purposes. At the public hearing an adjoining property owner commented that the property is adjacent to an Alpaca farm. The increase in traffic on a private easement, if it were to be allowed, would disturb the animals and disrupt the residential nature of the immediate area.**

**Another adjacent landowner expressed concerns over the parking that would be adjacent to her residential home and the traffic that would be associated with the proposed entrance into the parcel. She also commented that there was no landscaping or screening proposed adjacent to her property, which is the location of the parking area. It is not clear if the private easement provided by Parcel No. 89717, belonging to M & M Developments LLC, permits the use for non-residential traffic or extends to the parcel under consideration for rezoning.**

**There was also concern noted about the location of port-a-potties that would be utilized for the property instead of permanent restrooms and how those would be maintained and buffered from view.**

**Item #3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.**

### Chatham County Tax Map



*The map above shows the Future Land Use and Conservation Map and the property is located in an area identified as Agriculture. The map is a guide showing the intended future land use pattern using various land use areas. Strict adherence to the map in making land use decisions is not recommended but should be used as a guide.*

The applicant states the Comprehensive Land Use Plan shows the property within the Agricultural areas. Chapter 4, page 80 of the Plan encourages a diverse range of uses, amenities, services, and programs that can contribute to a healthier community. One main goal of the recreation area is to promote this concept.

The applicant states the Plan also encourages the conservation of rural landscapes as noted in Chapter 3, page 41. They are proposing to preserve the old silo located at the corner of the property that would restore a cultural and historic resource of the area. It has not yet been determined what, if anything, will be done to the silo. The applicant also states by limiting the amount of ground disturbance, not adding any buildings or structures, and utilizing grass parking, will aide in the continued preservation of the rural landscape.

**It is planning staff opinion this standard has been addressed but not supported. Chapter 3, page 41 of the Plan also states there should be preservation and protection of existing agricultural uses. The owner of the adjacent alpaca farm stated at the public hearing this activity, because of the increase in traffic, noise, etc., would potentially disrupt the animals and related activities associated with his agricultural business. The owner stated he is not opposed to the cricket fields, but**

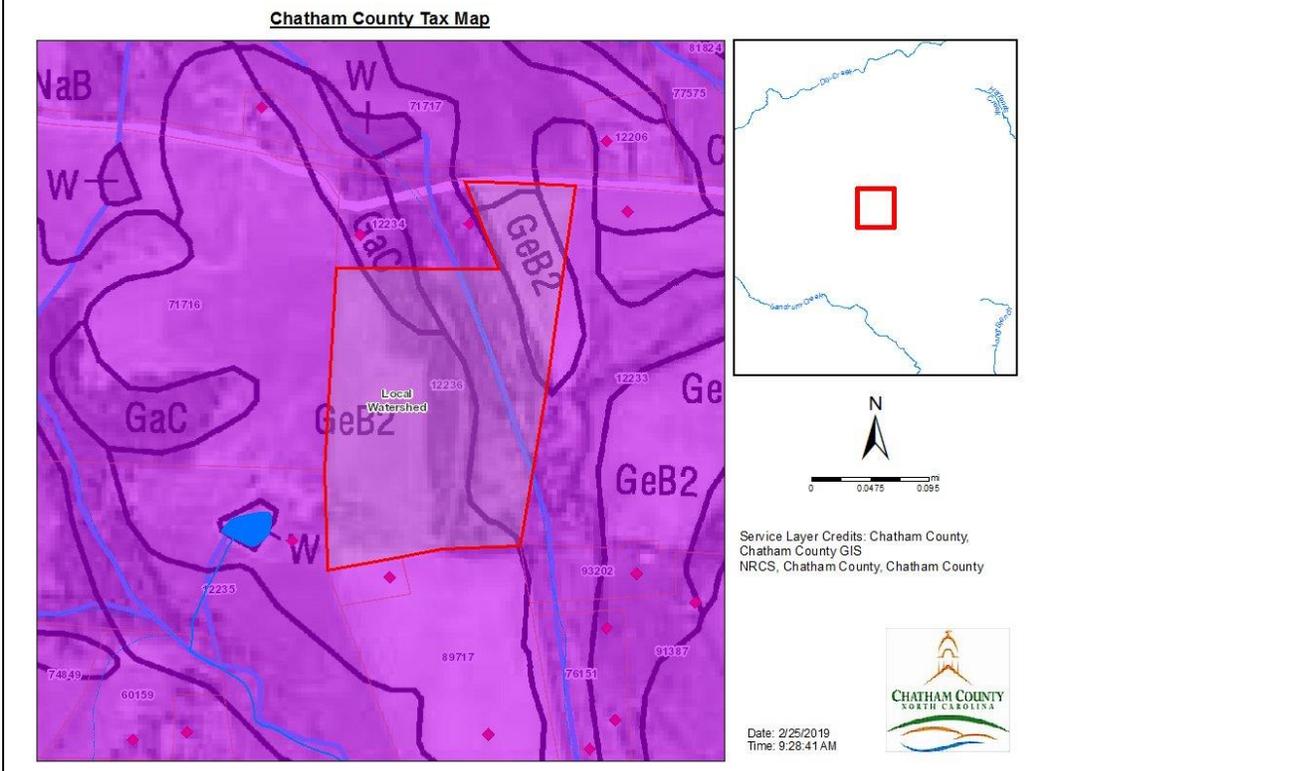
is opposed to the proposed access via the private easement that would bring the traffic by his farm is the issue.

**Item #4: The requested amendment is either essential or desirable for the public convenience or welfare.** The applicant notes 3 goals of the comprehensive plan lend support to the request as noted on page 40. They area goal 1 to preserve the rural character and lifestyle of the county, goal 6 to provide recreational opportunities and access to open space, and goal 10 to foster a healthy community.

**It is planning staff opinion this standard has not been met. Based on concerns raised by the adjacent and adjoining landowners, the use of the private easement for access, and the undetermined use or changes to be made to the existing silo do not support that the use is convenient or desirable for the public welfare in this particular location.**

**Item #5: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment include:**

*The map below shows the property in the Local Watershed outside of the Jordan Lake Buffer rule area and the Natural Resources Conservation Service soils map below shows one potential blueline stream on the property. An on-site inventory of the water features on the property would be required if the property is subdivided or accessed from Hillside Dairy Road, to determine applicable riparian buffers. There is no special flood hazard area identified on the property.*



The property is located within the Local Watershed classification that allows up to 36% impervious surface. Other than installing a driveway onto the property, the site plan calls for grass parking and no proposal for buildings or structures so the ISA limit is not a concern.

Currently the applicants are proposing no land disturbance within 100 feet of the existing creek that runs through the property as shown on the above soils map.

**It is planning staff opinion this finding may be met.**

**It is planning staff opinion this request be recommended for denial based on Standards 2, 3, and 4 not being met. Also, it is not clear if the private easement can be utilized for the parcel for non-residential traffic. Planning staff has asked for the applicant's attorney to provide an opinion regarding the legality of the easement and access to the parcel.**

**Based on the concerns from the adjacent landowners as noted above, it is planning staff opinion the public convenience and welfare has not been protected.**

**Recommendation:**

The planning staff recommends denial of the conditional district regional business rezoning request. The Planning Board has up to three meetings in which to make a recommendation for approval or denial to the Board of Commissioners.

A proposed consistency statement has been provided below in support of the denial of the rezoning request:

It is the Planning Board recommendation that the rezoning of parcel 12236 is not consistent with Plan Chatham by being located within an agricultural land use designation which recommends protection of rural character and existing agricultural activities.