



# Chatham County Planning Board Agenda Notes

Date: October 1, 2024

Agenda Item: VII-2

Attachment #: None

Subdivision

Special Use Permit

Rezoning Request

Other:

<b>Subject:</b>	A legislative request by Qunity, PA to rezone Parcels 2752, 93852, 18909 from CD-CC Conditional District Compact Community to R-1 Residential, being a total of approximately 46.607 acres, located of US 15-501 N, Baldwin Township.
<b>Action Requested:</b>	See Recommendation
<b>Attachments:</b>	All required documents can be reviewed on the Planning Department's webpage under Rezoning & Subdivision Cases, 2024.

### **Introduction & Background:**

A legislative public hearing was held on August 19, 2024. Planning staff presented the request. One person spoke and expressed concern about larger areas of the county being developed and commented that the county didn't need more churches.

These parcels were historically zoned R-1 Residential. In February 2022, they were rezoned for Conditional District Compact Community for a project called Herndon Farms. These parcels were slated to be utilized for the wastewater treatment facility that was to serve the 151 - 55+ residential units, congregate care facility, one-story daycare/office, community gardens, and barn for events on the opposite side of US 15-501 where the actual compact community was to be located.

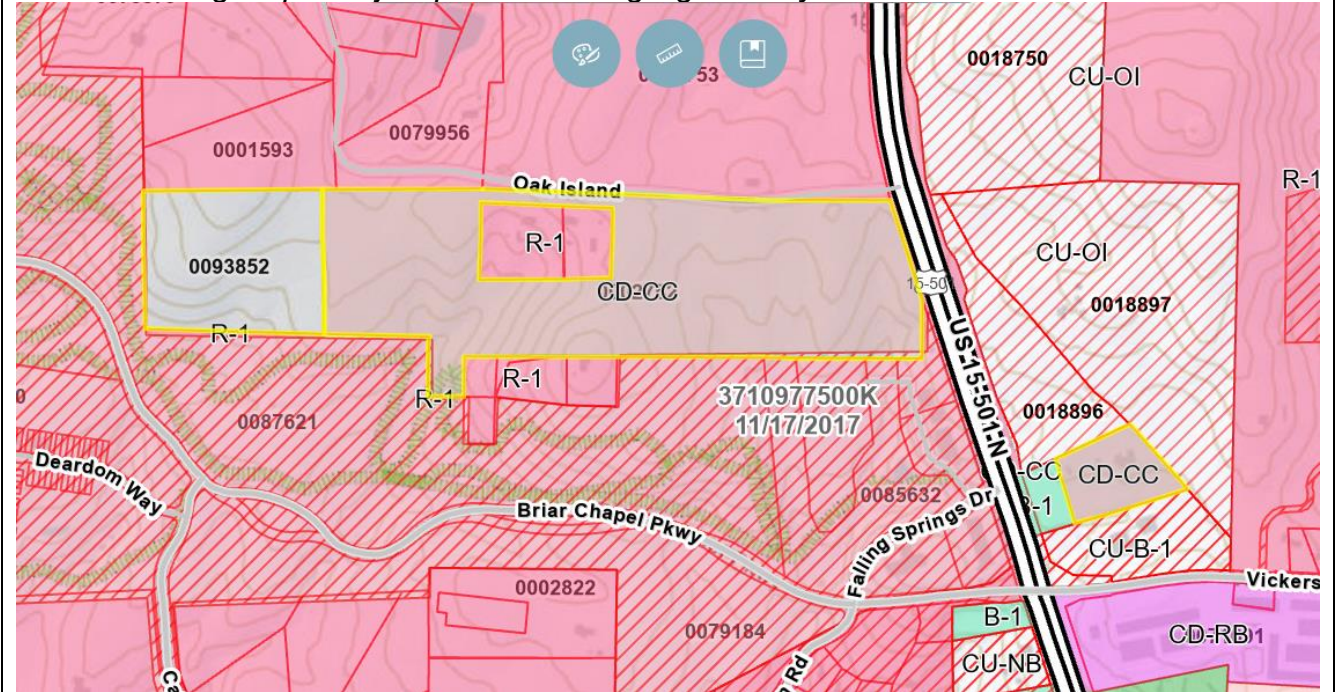
These parcels would not be needed for the proposed conditional district rezoning case submitted by the applicant. Therefore, they wish to rezone these parcels, 2752 and 93852 on the west side of US 15-501 and 18909 on the east side, back to R-1 Residential zoning.

**During the September 3<sup>rd</sup> Planning Board meeting, the Board decided to review this application in conjunction with the Conditional District rezoning for the site proposed for the church and reversed the order the items were placed on the agenda. The discussion around the General Use rezoning remained around the Conditional District rezoning and there was little discussion regarding the rezoning of these parcels to R-1 Residential.**

**The approval for the Herndon Farms compact community has expired, so rezoning**

these parcels to R-1 Residential essentially plays no part in the Conditional District rezoning for the church on the opposite side of US 15-501. For consistency this discussion on this item was continued to the October 1<sup>st</sup> meeting by vote of 8-1.

*Current Zoning Map. Subject parcels are highlighted in yellow.*

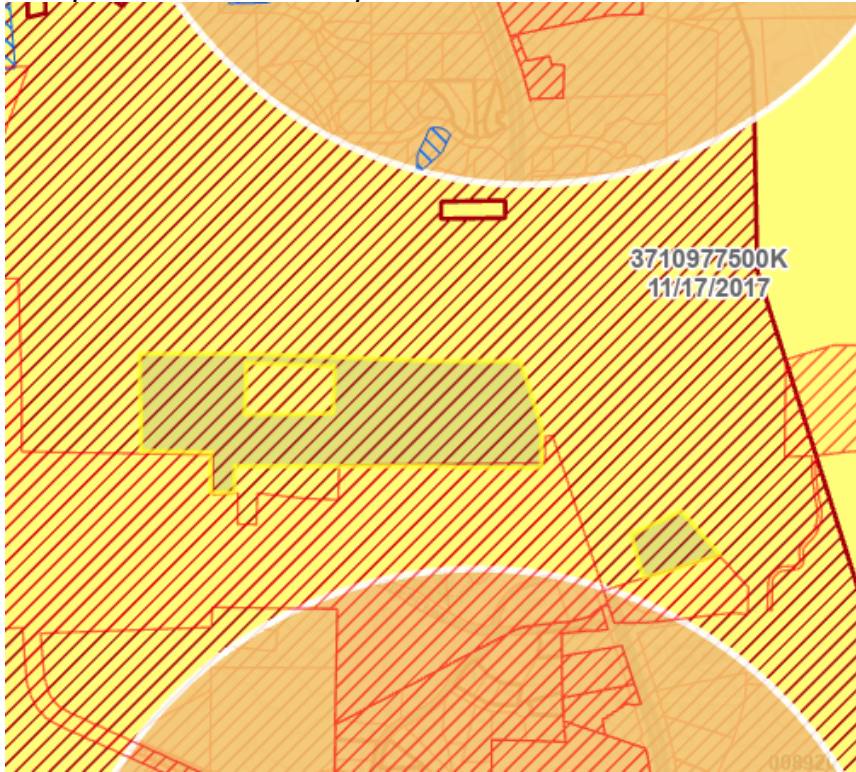


### **Discussion & Analysis:**

When considering a general use rezoning, all uses listed in Section 10.13 of the Chatham County Zoning Ordinance listed under the proposed zoning classification are permitted by right or require a special use permit. Uses listed as SUP<sup>3</sup> are permitted uses by right if connected to public water and sanitary sewer. However, due to possible limitations such as wastewater capacity, access to public utilities, built upon area limits, etc., not all uses are feasible. The decision to approve a general use rezoning shall be determined by the following criteria.

- 1. Any alleged error in the Ordinance, if any, which would be remedied by the proposed amendment.** No errors in the Ordinance are being claimed.
- 2. The changed or changing conditions, if any, make the proposed rezoning reasonably necessary.** Since the approved compact community, Herndon Farms, is no longer going to be developed, the applicants wish to revert these parcels to their original zoning of R-1 Residential. These properties would not be needed in connection with their other conditional district rezoning request. The adjacent parcels are zoned R-1 Residential and Conditional District Compact Community (Briar Chapel) and across the highway is Conditional District Compact Community. There is no development planned for these properties.

*Comprehensive Plan Map*



**3. The manner in which the proposed rezoning will carry out the intent and purpose of the adopted Land Use Plan or part thereof.**

- Chapter 2, page 18, encourages preserving rural character as one of the most important goals during the planning process. Returning to R-1 Residential would steer potential future use to residential, lower density development.
- Chapter 3, Goals & Objectives, encourages helping to preserve rural character as well as conserve natural resources. These parcels are undeveloped, undisturbed areas therefore maintaining rural character.
- Chapter 4, page 61, land use goal is to preserve rural character and lifestyle in the county. Returning these properties back to R-1 Residential is consistent with the majority of the surrounding parcels and will help maintain that rural character. These parcels are also within the Compact Community node of the Comprehensive Plan Map where a mix of uses could effectively be approved. Future development of the site should be encouraged to preserve as much open space and natural areas as possible. The property has access from US 15-501 and Oak Island Drive. There is no development planned for these parcels.

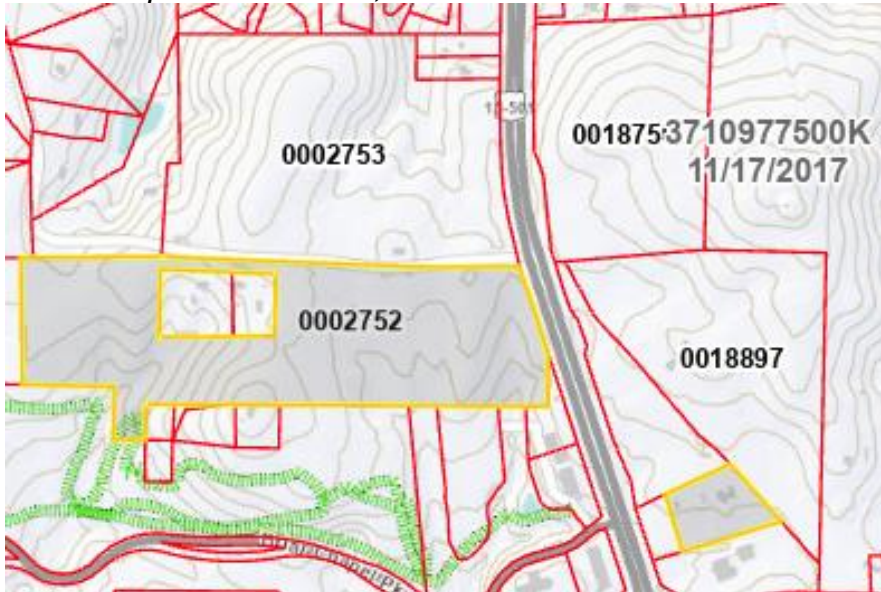
**4. Other factors/reasons for supporting the rezoning request.** There is no development planned for these parcels therefore no visual impacts or changes to the



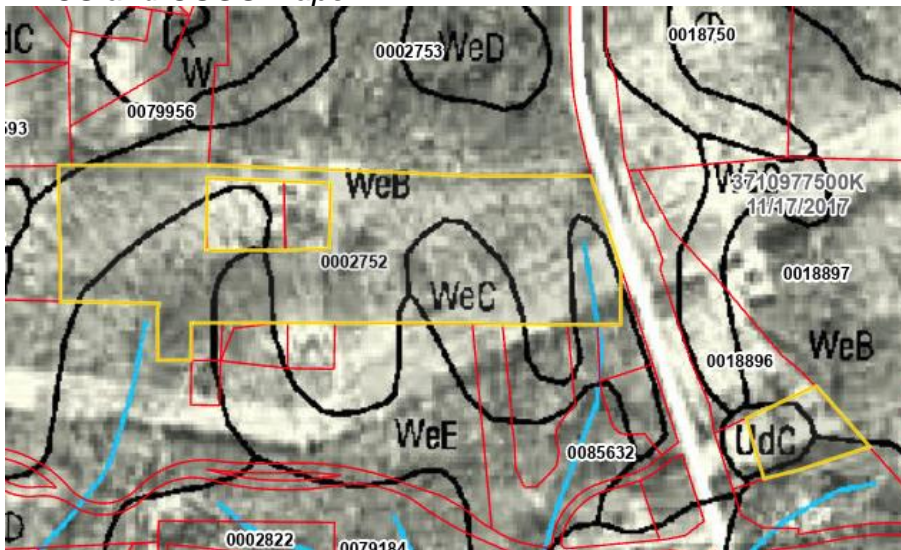
undisturbed state at this time.

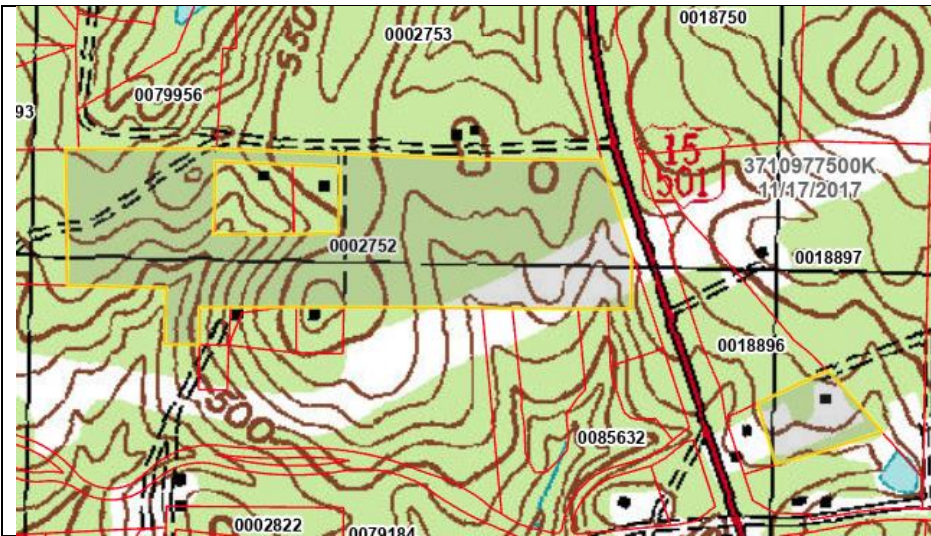
- 5. All other information required on this application or as offered by the applicant in support of the request.** There are no water or sewer needs, access roads, stormwater control measures, etc. required or needed as these are being rezoned back to R-1 Residential and no development of the parcels is planned at this time.

*FEMA Map 3710977500K, dated 11-17-2017*



*NRCS and USGS Maps*





**Recommendation:**

The Planning Board has up two meetings in which to make a recommendation to approve or deny to the Board of Commissioners. Should there be a recommendation to approve, a consistency statement has been provided for consideration. The item was tabled at the September 3<sup>rd</sup> meeting by vote of 8-1.

- The general use rezonings are consistent with the Comprehensive Plan by preserving rural character and protecting environmental resources as outlined in Chapters 2 and 3.