



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 21-3735      **Version:** 2

**Type:** Agenda Item      **Status:** Passed

**File created:** 2/11/2021      **In control:** Planning

**On agenda:** 1/19/2021      **Final action:** 1/19/2021

**Title:** Vote on a request to approve a Legislative request by Scott Pearce of For Garden’s Sake, for a map amendment to the Chatham/Cary Joint Land Use Plan for Parcel 62824, being about two acres, located at 9245 NC 751, previous Old Kelly Chapel Church, from Very Low Density Residential, to change to a commercial/retail designation, Williams Township.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. More information from planning website

Date	Ver.	Action By	Action	Result
1/19/2021	2	Board of Commissioners	approved	Pass
11/16/2020	1	Board of Commissioners		

Vote on a request to approve a Legislative request by Scott Pearce of For Garden’s Sake, for a map amendment to the Chatham/Cary Joint Land Use Plan for Parcel 62824, being about two acres, located at 9245 NC 751, previous Old Kelly Chapel Church, from Very Low Density Residential, to change to a commercial/retail designation, Williams Township.

**Action Requested:**

Vote on a request to approve a Legislative request by Scott Pearce of For Garden’s Sake, for a map amendment to the Chatham/Cary Joint Land Use Plan for Parcel 62824, being about two acres, located at 9245 NC 751, previous Old Kelly Chapel Church, from Very Low Density Residential, to change to a commercial/retail designation, Williams Township.

**Introduction and Background:**

The Joint Chatham County Town of Cary Plan was adopted by both jurisdictions in June 2012 after a 7 year process involving the Joint Issues Committee composed of elected officials. The joint plan is a policy document that guides land use decisions in the area generally described as east of Jordan Lake to the Chatham/Wake line and north of White Oak Creek. The joint plan and map can be viewed on the following website - <https://www.chathamnc.org/government/departments-programs/planning/plans-and-guidelines> and the entire history of the joint plan can be viewed here - <https://www.chathamnc.org/government/departments-programs/planning/joint-planning-projects/joint-plan-with-cary> .

In addition to adopting the joint plan, both jurisdictions approved an interlocal agreement that outlines a number of items including the process for amending the plan. The interlocal agreement requires that any amendment be approved by both jurisdictions and that the county has to take action first on any amendment. Planning staff and Mr. Pearce contacted the Town of Cary Planning staff on separate occasions and town staff

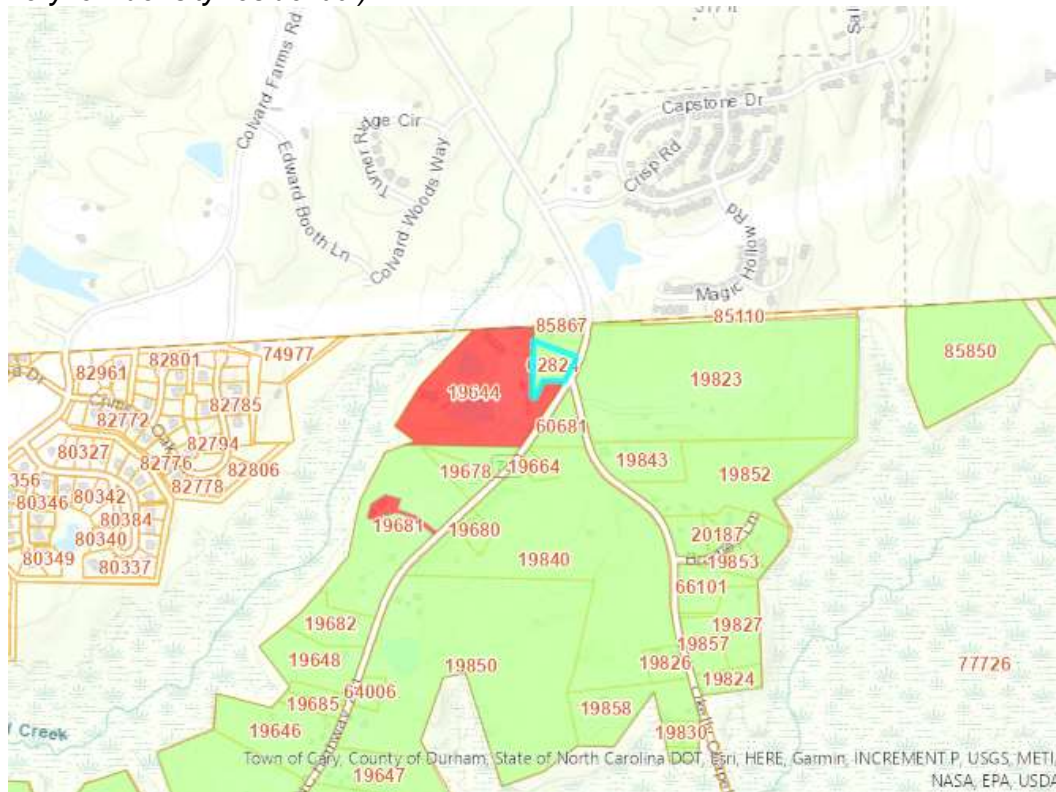
advised that he should start the process with the county because they were updating their application and their fee was more expensive than the county.

The request before the board is to amend the joint plan map to change the land use designation on parcel 62824 at 9245 NC Hwy 751 from Very Low Density Residential to Commercial/Retail. This would not change the zoning on the property, but would provide the applicant an opportunity to show plan consistency as part of a rezoning application. The property adjoins property that is designated as Commercial/Retail and is the location of For Garden's Sake landscape center. Planning staff posted a public hearing notice on the property, mailed letters to adjoining property owners, and ran a legal ad in the Chatham News in advance of the hearing.

**Discussion and Analysis:**

A public hearing was held on November 16, 2020 to introduce the request and receive public comment. Planning staff provided background information about the joint plan, interlocal agreement and the application. Scott Pearce, owner of For Garden's Sake Nursery, attended the meeting remotely and explained his interest in amending the plan and ultimately seeking a rezoning of the property. There were no other speakers and staff has received no comments from the public.

*The following map shows the joint plan land use designations (red indicated commercial/retail and green is very low density residential)*

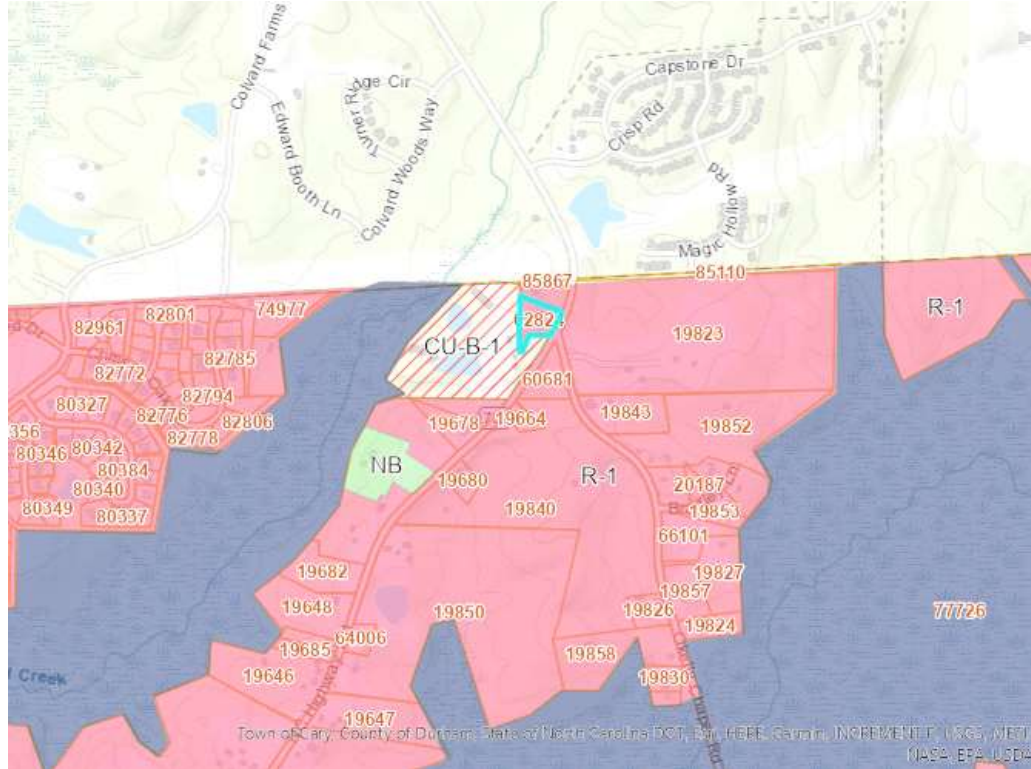


The property that is the subject of the joint plan amendment request is located adjacent to property that is currently zoned Conditional Use Business (CU-B1), which is the location of For Garden's Sake garden center, landscape company and small event venue (see map provided below). This property is the location of O'Kelly Chapel, which is listed on the Nation Register of Historic Places (see attached information and also can be viewed on the following website -

<https://www.ncdcr.gov/about/history/division-historical-resources/nc-state-historic-preservation-office/architectural-0>

<https://www.ncdcr.gov/about/history/division-historical-resources/nc-state-historic-preservation-office/architectural-0> <https://www.ncdcr.gov/about/history/division-historical-resources/nc-state-historic-preservation-office/architectural-0>). Members of the church approached the owners of For Garden's Sake to gauge their interest in purchasing the property in the hopes of having the church used for another use instead of being demolished, and in 2018 the church was decommissioned and ultimately purchased by For Garden's Sake.

The following map shows the current zoning of the property and surrounding area



Mr. Pearce has had the soils evaluated and they are not suitable for a conventional residential septic system and the property is located at the intersection of NC 751 and O'Kelly Chapel Road. This intersection has been improved by NCDOT several times and will likely need additional upgrades due to increasing traffic associated development by the Towns of Durham and Cary in close proximity to this property. If the joint plan amendment is approved and ultimately a rezoning, the property can be recombined with the adjoining property, which will improve the options for septic service. This is similar to The Parlour, which is located at the intersection of Poythress and Lamont Norwood Roads, and was approved for rezoning in 2014. In that situation the historic Manns Chapel Church was decommissioned by the church members and purchased by the current owners who converted it into office space and an event venue resulting in an upgrade and improvement of the historic property.

During the public hearing Mr. Pearce explained that if the plan amendment is approved he will seek a rezoning

of the property and might move the structure closer to the nursery, but not in the location that was originally considered when the conditional use permit for the nursery was approved in 2019. During the hearing Planning Board Chair Lucier asked if the church property would be used as additional access to the nursery. Mr. Pearce responded that the intersection is already dangerous and he would not consider using that property as additional access to the nursery and that it could be used by landscaping crews returning in the evening only.

The Planning Board discussed the application during their December 1, 2020 meeting and there were comments about the reuse of the former church building, that intersection has a lot of traffic that will only continue to increase, and the proposal is similar to the reuse of the former church on Poythress Road that was approved several years ago.

**How does this relate to the Comprehensive Plan:**

Goal 4: Diversify the tax base and generate more in quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting.

**Recommendation:**

The Planning Board by a 9-0 vote recommends adoption of an ordinance to approve a legislative request by Scott Pearce of For Garden's Sake, for a map amendment to change the Chatham/Cary Joint Land Use Plan for Parcel 62824, being about two acres, located at 9245 NC 751, previous Old Kelly Chapel Church, from Very Low Density Residential to a commercial/retail designation.