

..TITLE

Vote on a request to approve a legislative request by Chatham County ABC Board to rezone parcel 83475, being approximately .80 acres, located off Moncure Pittsboro Rd, from R-5 Residential to General Use Neighborhood Business, Haw River Township.

..ABSTRACT

Action Requested:

Vote on a request to approve a legislative request by Chatham County ABC Board to rezone parcel 83475, being approximately .80 acres, located off Moncure Pittsboro Rd, from R-5 Residential to General Use Neighborhood Business, Haw River Township.

Introduction & Background:

A legislative public hearing was held on April 15, 2019. Planning staff introduced the request and Patrick Bradshaw, attorney for the applicant, provided a brief statement and summary of the request.

Patti Dukes also spoke representing the 3 Rivers District Group and presented a petition with approximately 50 signatures requesting a denial of the rezoning request. Reasons stated were an ABC store in this location would not be a good representation of the area, not the best use of the land, and there are school bus stops nearby. No-one else spoke on the request.

Discussion & Analysis:

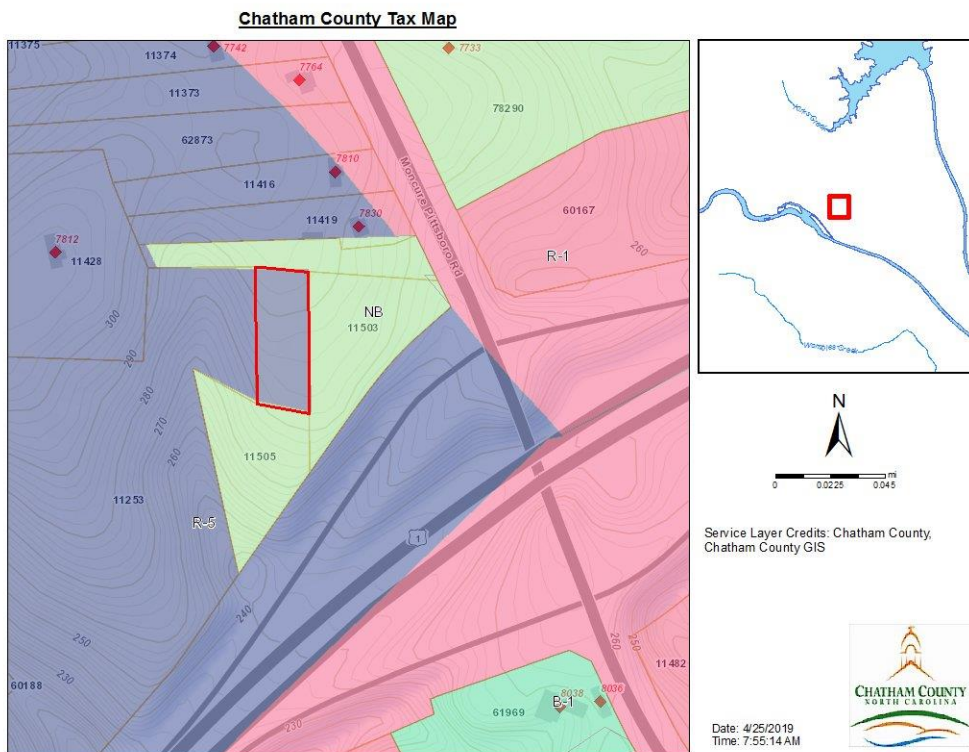
The property that is under consideration for rezoning is currently zoned R-5, Residential. The allowed uses in these districts are residential and the minimum lot sizes are one dwelling unit per five acres average, with no lot smaller than three acres. The requested zoning of Neighborhood Business (NB) is “meant to serve a small retail market, roughly equivalent to the trade area of a small (40,000 square foot) grocery store and limited ancillary services. No building within this district shall exceed 40,000 square feet and the cumulative building square footage shall not exceed 160,000.” Since this is a general use rezoning request, the Planning Board and Commissioners must consider all uses that would be allowed within the NB district.

The property is located off of Moncure-Pittsboro Road and approximately 100 feet from US 1, which is a 4 lane divided median freeway. The property has no structures and the adjoining properties to the north, south, and east are owned by the applicant for this rezoning request. The properties to the north, south, and east are zoned General Use Neighborhood Business and the parcel to the west is zoned R-5, Residential. The property is located within a River Corridor Special Area watershed district, which does not restrict non-residential uses. There are also no water features identified on the USGS Topographic or Natural Resource Conservation Service maps or special flood hazard areas.

Section 19 of the Chatham County Zoning Ordinance outlines four standards that must be addressed for this type of zoning map amendment.

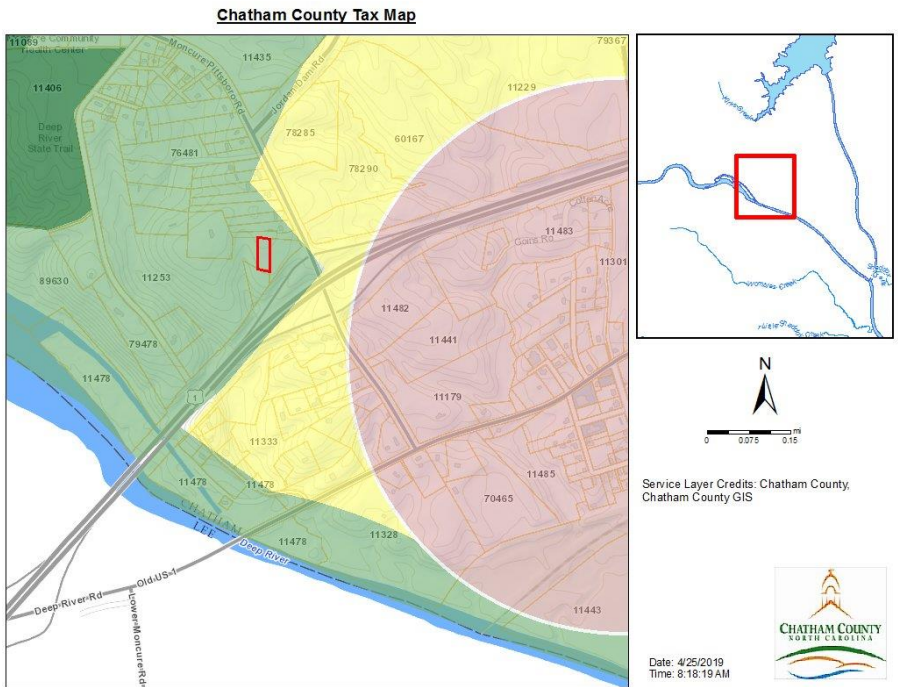
1. In response to any alleged error in the Ordinance, if any, which may be remedied by this proposed amendment, the applicant claims none. **It is planning staff and Planning Board's opinion this standard is met.**

2. The changed or changing conditions, if any, in the area or in the County generally, which make the proposed amendment reasonably necessary for the promotion of the public health, safety, and general welfare. The applicant owns three adjacent properties to the subject property that were rezoned to General Use NB in 2016 and 2017. There are other properties in close proximity that are zoned non-residential. This additional 0.8 acres is landlocked and has limited development potential due to lot size being less than what would be required for development. The applicant will utilize this property to offset built upon area requirements and add open space to the project already under consideration as noted in the rezonings from the previous two years.



*The zoning map above displays the R-5 Residential zoning district the property is located in and the surrounding zoning classification. **It is planning staff and Planning Board opinion this standard is met.***

3. The manner in which the proposed amendment will carry out the intent and purpose of the adopted Land Use Plan or part thereof. The property is located in an area designated as Conservation on the Future Land Use and Conservation Plan Map, which encourages development that is predominately residential, passive recreation areas, greenway trails and some tourism related uses allowed. The adopted Comprehensive Plan encourages commercial development in village, community, and employment center nodes. Although this property is not located in one of these nodes, it is within close proximity to the Village and Village Center node that is centered on the Moncure community. The adjoining properties on the north, east, and south are also zoned Neighborhood Business.

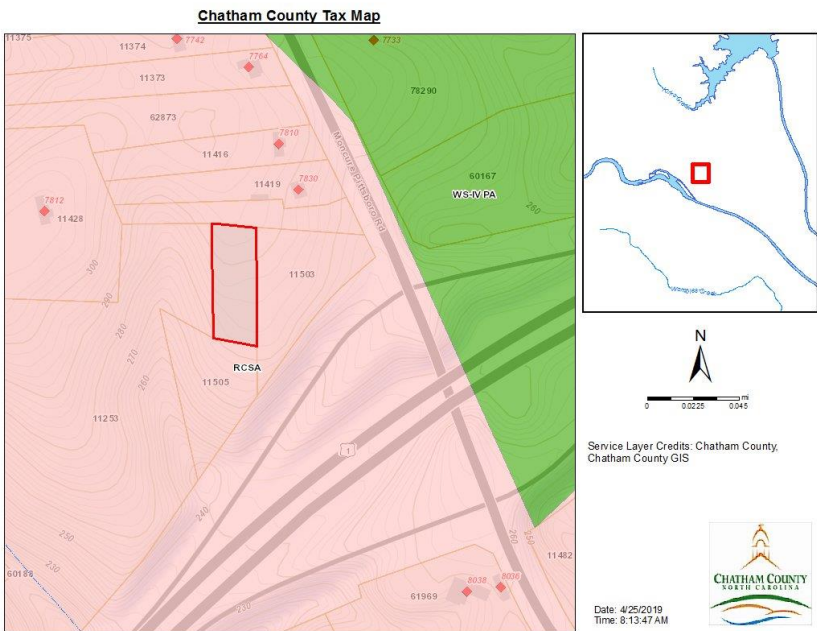


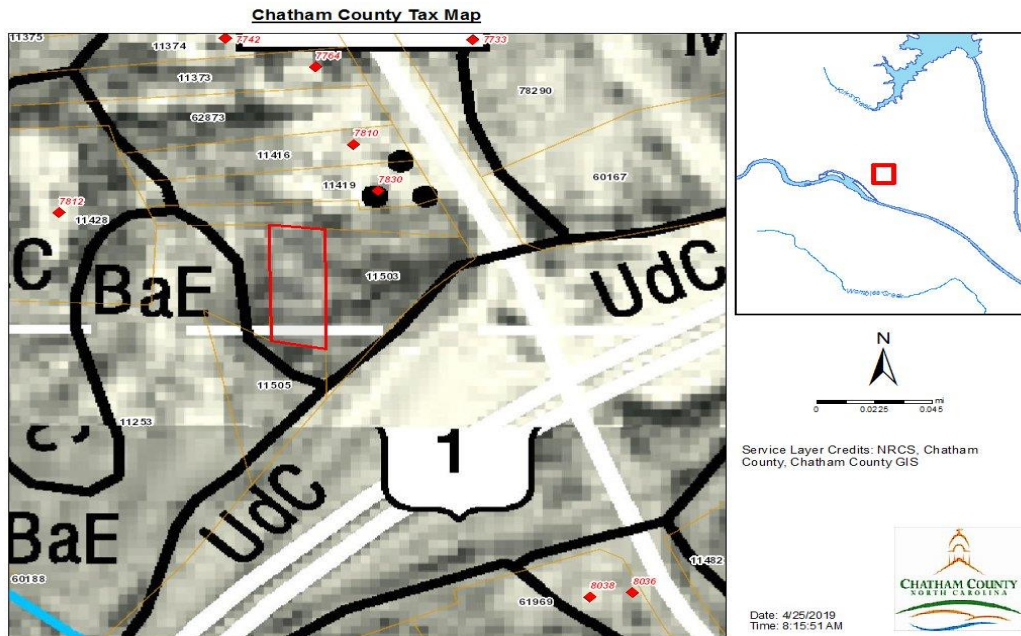
*The map above shows the Future Land Use and Conservation Map and the property is located in an area identified as Conservation. The map is a guide showing the intended future land use pattern using various land use areas. Strict adherence to the map in making land use decisions is not recommended but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

4. Other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment. Neighborhood Business is the least intensive business district provided in the Zoning Ordinance and the RCSA watershed district also allows more flexibility than River Corridor. The use also continues the promotion expanding businesses in the Moncure area as noted in the Comprehensive Plan under the

description of Villages on page 48. The description includes a “mix of uses including retail, restaurants, services, and office uses clustered near a village center (typically consisting of smaller commercial footprints than office centers (>30K SF), although can be more if appropriately designed).” Strategy 4.4 under the Economic Development Plan Element (see pg. 56) encourage “Permit[ing] existing commercial and industrial uses that are appropriately zoned to continue to operate, and allow for reasonable expansion, contingent upon meeting environmental and transportation requirements.” Although a use has not been established on the adjoining properties, the applicant intends to construct a neighborhood business use on the properties and this parcel will provide more flexibility for the overall site plan.

The property is also located within the RCSA (River Corridor Special Area) watershed district and is limited to 36% built upon area without the use of curb and gutter. The RCSA district does allow for up to 50% built upon area with approval of a special non-residential intensity allocation (SNIA). Although the properties are located within 2,500 feet of a major river, this is less restrictive than RC (River Corridor). As a result, there are fewer limitations on the types of non-residential uses allowed than are listed in River Corridor district. The impervious surface limitations aid in the protection of water resources and environmental protection.





The maps above shows the property in the RCSA River outside of the Jordan Lake Buffer rule area and the Natural Resources Conservation Service soils map below shows no potential blueline stream on the property. **It is planning staff and Planning Board opinion this standard is met.**

The Planning Board met at their regularly scheduled meeting on May 7, 2019 and voted 7-2 to recommend approval of the request. The two members opposed were concerned about rezoning more residential property into commercial that is located within a conservation area as shown on the Future Land Use and Conservation Map in Plan Chatham. Other comments included that multiple parcels has already been rezoned to Neighborhood Business and three of the four sides of this property adjoin the business zoning district. An attorney representing the current owners of the 0.8 acre tract commented that the property is landlocked and has no value to them and would better used as part of the larger neighborhood business zoned area. It is the opinion of the Planning Board that all standards are being or will be met through permitting requirements and therefore the rezoning request should be approved.

How does this relate to the Comprehensive Plan:

The adopted Comprehensive Plan encourages commercial development in village, community, and employment center nodes. Although this property is not located in one of these nodes, it is within close proximity to the Village and Village Center node that is centered on the Moncure community. The adjoining properties on the north, east, and

south are also zoned Neighborhood Business. The surrounding parcels have already been rezoned for the intended use and this property creates a better conformed parcel to be combined with the others. The applicant stated they had hoped to have this parcel included in the original rezoning of the other parcels but it has taken close to a year to finalize that purchase.

Recommendation:

The Planning Board recommends by a vote of 7-2 adoption of an ordinance amending the Zoning Ordinance approving a request by Chatham County ABC Board to rezone parcel 83475, being approximately .80 acres, located off Moncure Pittsboro Rd, from R-5 Residential to General Use Neighborhood Business.

The Planning Board by a vote of 7-2 recommends adoption of a resolution approving the following consistency statement in the support of the rezoning request:

The rezoning request to rezone Parcel No. 83475, being 0.80 acres, is consistent with the goals and objectives of the Comprehensive of Chatham County. Specifically, the property under consideration for rezoning is located adjacent to property that is zoned neighborhood business and Strategy 4.4 under the Economic Development Plan Element supports the expansion of existing business. The property is also located within close proximity to the Moncure Village and Village Center node.