

..TITLE

Vote to approve a Legislative request for a general use rezoning request by Glandon Forest Equity, LLC to rezone Parcel No's. 5050, 4787, 4742, and portions of parcels 4653 and 76194, from R-1 Residential to NB Neighborhood Business, located off Old US 421 S, Bear Creek Township.

..ABSTRACT

Action Requested:

Vote to approve a Legislative request for a general use rezoning request by Glandon Forest Equity, LLC to rezone Parcel No's. 5050, 4787, 4742, and portions of parcels 4653 and 76194, from R-1 Residential to NB Neighborhood Business, located off Old US 421 S, Bear Creek Township.

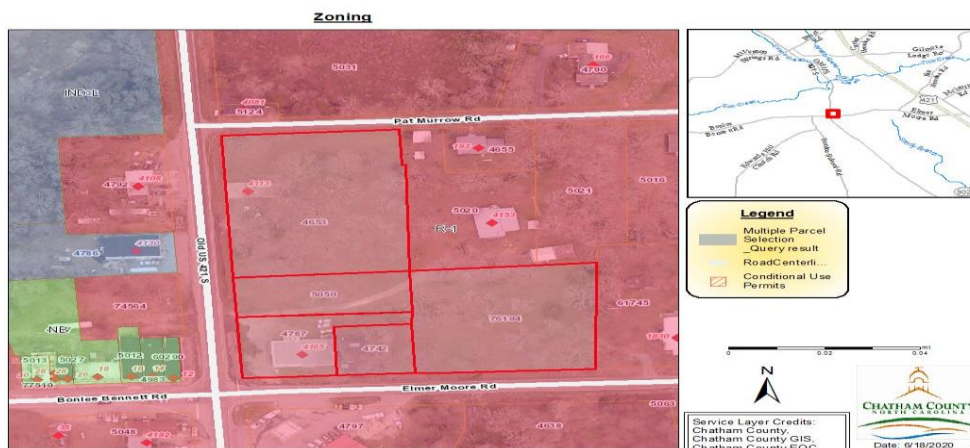
Introduction & Background:

A legislative public hearing was held on June 15, 2020. Planning staff presented the rezoning request and the applicants Brent Pardum and George Venters were available for questions. No one signed up to speak. Planning staff have received comments for support of the rezoning.

The Planning Board met July 7, 2020 and discussed the request. Members were encouraged and supportive of new business coming to the Bonlee area and agreed this is appropriate in support of the Comprehensive Plan and located in the proper designation as shown on the Plan map. Specific discussions are noted below.

Discussion & Analysis:

The property is currently zoned R-1, Residential, the properties to the west are zoned IND-L Light Industrial, NB Neighborhood Business, and R-1 Residential. All other adjacent properties are zoned R-1, Residential but currently have businesses on them that chose not to rezone to a commercial designation at the time the BOC zoned the remainder of the county in 2016. They are permitted legal non-conforming businesses. The properties adjacent to the west is the "Bonlee Mall" area, which are mostly vacant, and an auto repair business. The property diagonal from the proposed rezoning is an auto business and to the south, there is a gas station and convenience store. When considering a general use zoning classification, the boards must consider all of the uses that are allowed within the district.



The following map shows the current zoning and the areas

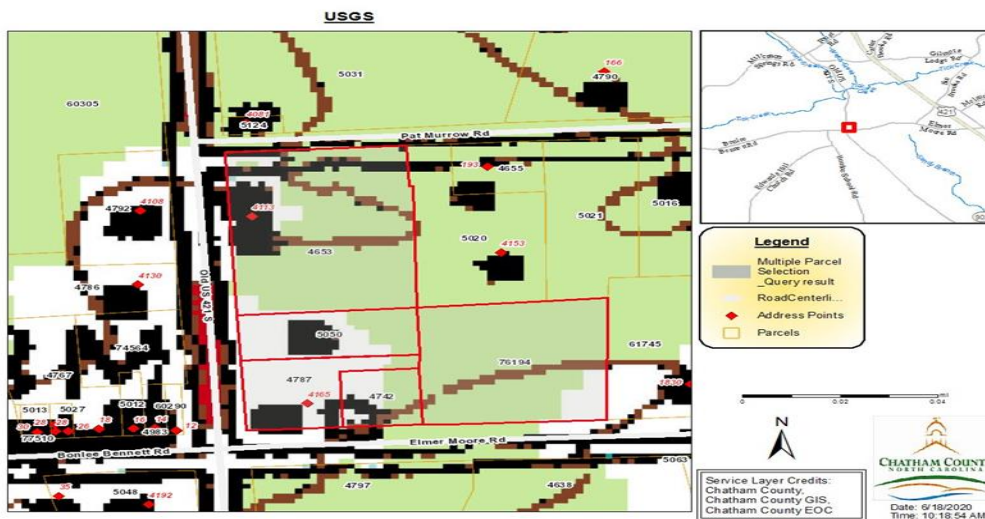
surrounding the parcel.

The property is in the Local Watershed district. There are no water features on the property and there is no special flood hazard area.

The following map shows the watershed classification.



The following map is the USGS map.



In considering a general use rezoning request Section 19 of the Chatham County Zoning Ordinance includes four standards that must be addressed and supported in order for a rezoning application to be approved. The standards are:

Standard No 1: The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment. No error in the ordinance is being alleged.

It is Planning Board and planning staff opinion this standard is met.

Standard No 2: The changed or changing conditions, if any, in 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. Historically, this

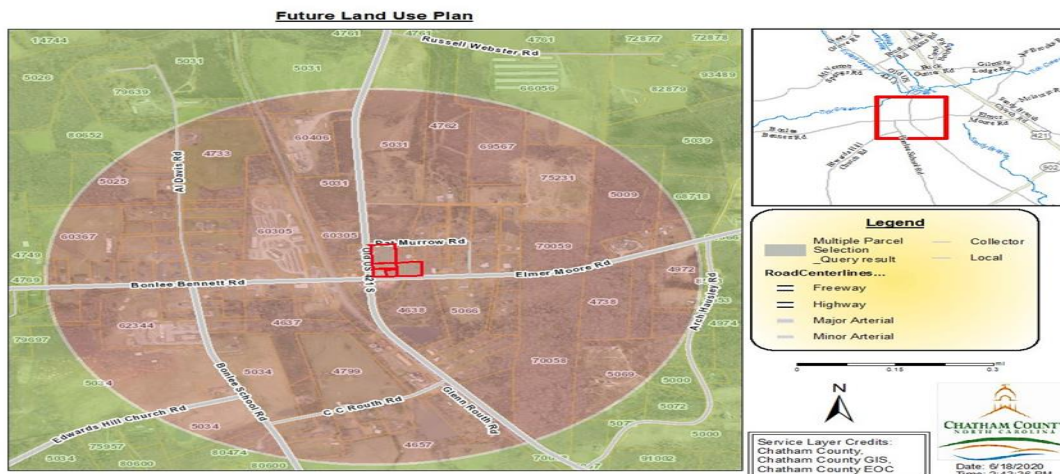
property's use was a gas station and convenience store. All tanks have been removed and it has since gone into disrepair and is utilized for the land owner's personal storage. The applicant states this does not benefit the community and is also an eyesore. These properties are an excellent location and opportunity to help revitalize Bonlee and the Village Center core.

It is Planning Board and planning staff opinion this standard is met.

Standard No 3: The manner in which the proposed amendment will carry out the intent and purpose of the adopted land use plan, or part thereof. In the Chatham County Comprehensive Plan adopted in 2017, Bonlee has been classified as a Village/Village Center which promotes development to “accommodate small-scale, local-serving retail, office, institutional, and service uses, restaurants, and some residential. Mix of uses include retail, restaurant, services, and office uses clustered near a village center (typically consisting of smaller commercial footprints)” in mostly one- and two-story buildings. Economic Development Policy 2, Land Use Policy Strategy 2.3 and 6.1 support the development of village centers to encourage growth.

The proposed Neighborhood Business zoning will allow the redevelopment of a currently vacant corner parcel, which was historically was used for commercial purpose into new and more vibrant commercial uses that will serve the local residents of the Village Center.

The following map is the Future Land Use Plan Map. The properties are in the center of the Village Node.



It is planning staff opinion this standard is met.

Standard No. 4: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment. Currently, residents of Bonlee must travel almost 10 miles to access a variety of retail services. The Neighborhood Business rezoning will create flexibility, as suggested in the

Chatham County Comprehensive Plan, allowing businesses to locate at this site to satisfy the convenience needs for the community. The proposed development would also offer employment opportunities, increased property and sales tax revenue for Chatham County.

The rezoning would pave the way to redevelop a prime corner which currently has two under-utilized buildings in disrepair that is not currently the highest and best use for the property. A new business coming to Bonlee could possibly re-energize the Village Center and bring further economic activity to the area. There are several older buildings across the street that are vacant but could be available for new businesses.

It is Planning Board and planning staff opinion this standard is met.

The Planning Board reviewed the item at their regularly scheduled meeting on July 7, 2020. Discussion points included the following:

1. Will the site be required to meet current stormwater requirements?

The general assembly approved changes in 2018 stating: “when a preexisting development is redeveloped, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment”. The potential developer of the site has this option, and the current built upon area is approximately 0.23 acres (10,200 square feet) of the total 1.65 acres for the rezoning request.

2. Support among members for the request as it meets the Comprehensive Land Use Plan.

It is Planning Board and planning staff opinion that the Zoning Ordinance standards for granting a rezoning request have been met for this property.

How does this relate to the Comprehensive Plan: Land Use Strategy 6.1: Limit shopping centers and highway commercial development only in areas indicated as suitable for commercial development on the Future Land Use Map: within Towns, Employment Centers, Community and Neighborhood Centers, Village Centers, and in Crossroad Communities.

Recommendation:

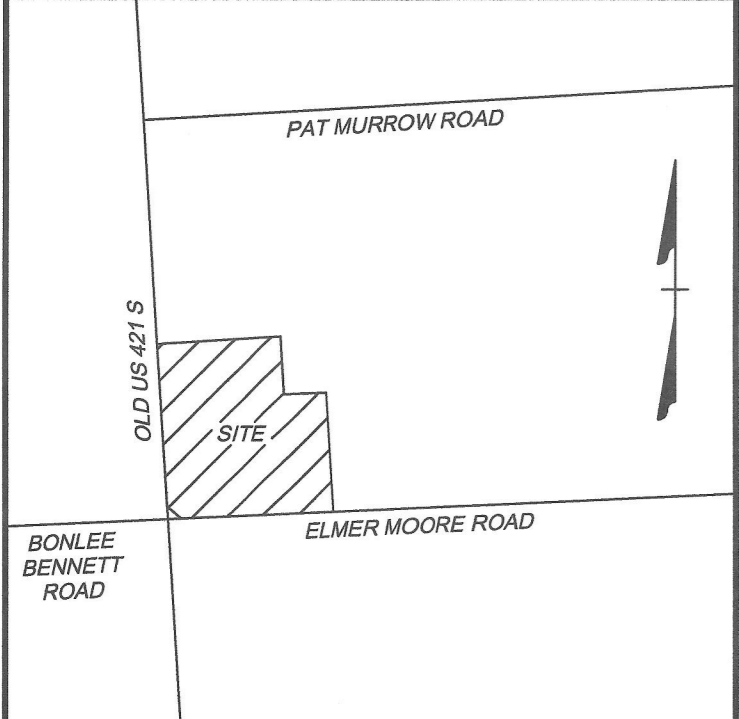
Consistency Statement:

The Planning Board by a unanimous vote (8-0) recommends adoption of resolution approving the following proposed consistency statement:

It is the opinion of the Planning Board the rezoning request is consistent with the Chatham County Comprehensive Land Use Plan based on meeting ED Policy 2 strategy 2.1 and Land Use Policy 2 strategy 2.3 of the Comprehensive Land Use Plan, and therefore is recommended for approval.

Legislative Rezoning:

The Planning Board by unanimous vote (8-0) and planning staff recommends adoption of an ordinance amending the Zoning Ordinance approving a general use rezoning request by Glandon Forest Equity, LLC to rezone parcels 4742, 4787, 5050, and portions of 4653 and 76194, from R-1 Residential to NB Neighborhood Business, located at 4165 Old US 421 S, Bear Creek Township. The area being rezoned is approximately 1.65 acres, shown in Attachment A.



VICINITY MAP
(NOT TO SCALE)

NOTES:

- 1.) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
- 2.) AREA COMPUTED BY USING COORDINATE METHOD.
- 3.) THE PROPERTY IS LOCATED IN FLOOD ZONE X AS SHOWN ON FLOOD MAP PANEL 3710866800J, DATED FEBRUARY 2, 2007.
- 4.) ELEVATIONS SHOWN ARE NAVD 88 DATUM BASED LEICA RTK NETWORK.
- 5.) UTILITY LOCATIONS SHOWN ARE BASED ON OBSERVABLE EVIDENCE AND REPORTS FROM MUNICIPALITIES. LOCATIONS SHOULD BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION ACTIVITIES.
- 6.) CURRENT OWNERS: HISHAM SABHA, ROBERT M. DIXON, ALEX GLENN DUNN, JR. & ALVIS EUGENE DUNN
- 7.) PINS: 8679 00 60 7587, 8679 00 60 8458, 8679 04 60 9314, 8679 04 70 1430, 8679 00 70 0362

SURVEYOR'S CERTIFICATE - TITLE COMMITMENT NO. 201901137CA

TO: GLANDON FOREST EQUITY, LLC AND INVESTORS TITLE INSURANCE COMPANY.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(B), 7(A), 7(B)(1), 7(C), 8, 9, 11(B), 13, 16, 17, 18, 19 AND 20A OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JANUARY 9, 2020.

DATE OF MAP: JANUARY 17, 2020

PRELIMINARY ONLY

JASON A. MIZELLE, PLS NC LICENSE: L-4917

LEGAL DESCRIPTION

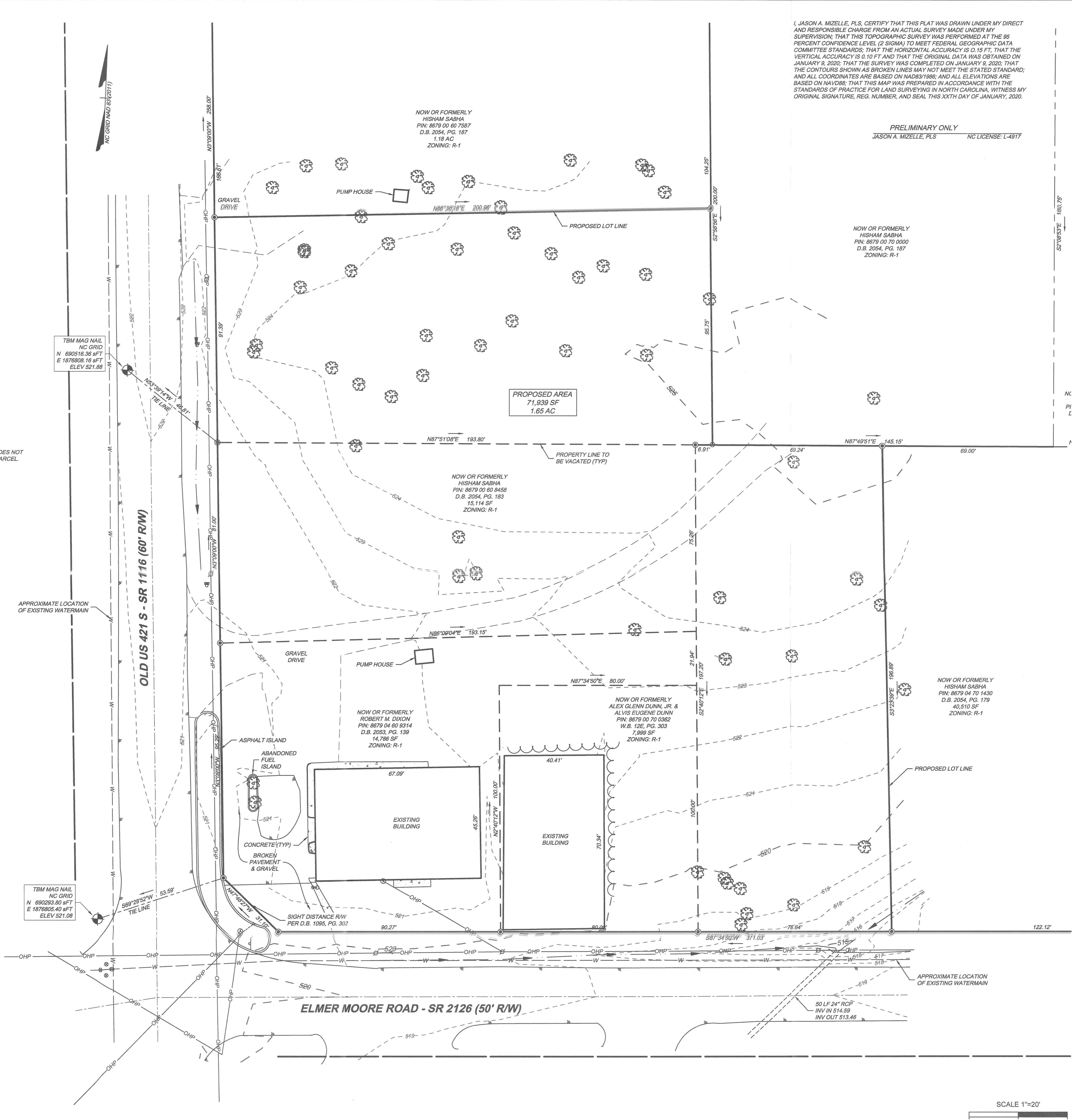
BEGINNING

EXCEPTIONS:

- 1) NOT A MATTER OF SURVEY.
- 2) BOUNDARY PER PLAT BOOK 2000, PAGE 44 AS SHOWN HEREON.
- 3) UNITED TELEPHONE COMPANY EASEMENT RECORDED IN BOOK 246, PAGE 257 DOES NOT AFFECT SUBJECT PROPERTY AS THE LINES NO LONGER EXIST ONTO THAT PARCEL.
- 4) RIGHT OF WAY DEDICATION PER BOOK 1695, PAGE 302 IS AS SHOWN HEREON.
- 5) CURRENT PHYSICAL SURVEY IS AS SHOWN HEREON AS OF JANUARY 9, 2020.
- 6) AREA IS AS SHOWN HEREON.
- 7) NOT A MATTER OF SURVEY.

LEGEND

- BENCHMARK
- IRON PIPE FOUND (IPF)
- IRON ROD FOUND (IRF)
- SET IRON ROD (SIR)
- CALCULATED POINT
- SIGN / MARKER
- UTILITY POLE
- GUY ANCHOR
- ELECTRIC METER
- PROPERTY BOUNDARY
- PROPERTY LINES TO BE VACATED
- PROPERTY TIES
- RIGHT OF WAY LINES
- PROPERTY EXTENSION LINES
- EDGE OF PAVEMENT
- CENTERLINE ROAD
- EDGE OF CONCRETE
- EDGE OF GRAVEL
- OVERHEAD POWER
- CENTER OF DITCH
- MAJOR CONTOUR
- MINOR CONTOUR
- WATERLINE
- STORM PIPE
- TREELINE
- TREE



I, JASON A. MIZELLE, PLS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY DIRECT AND RESPONSIBLE CHARGE FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THIS TOPOGRAPHIC SURVEY WAS PERFORMED AT THE 95 PERCENT CONFIDENCE LEVEL (2 SIGMA) TO MEET FEDERAL GEOGRAPHIC DATA COMMITTEE STANDARDS; THAT THE HORIZONTAL ACCURACY IS 0.15 FT, THAT THE VERTICAL ACCURACY IS 0.10 FT AND THAT THE ORIGINAL DATA WAS OBTAINED ON JANUARY 9, 2020; THAT THE SURVEY WAS COMPLETED ON JANUARY 9, 2020; THAT THE CONTOURS SHOWN AS BROKEN LINES MAY NOT MEET THE STATED STANDARD; AND ALL COORDINATES ARE BASED ON NAD83/1988; AND ALL ELEVATIONS ARE BASED ON NAVD88; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, WITNESS MY ORIGINAL SIGNATURE, REG. NUMBER, AND SEAL THIS XXTH DAY OF JANUARY, 2020.

PRELIMINARY ONLY
JASON A. MIZELLE, PLS NC LICENSE: L-4917

NOW OR FORMERLY HISHAM SABHA
PIN: 8679 00 70 0000
D.B. 2054, PG. 187
ZONING: R-1

NOW OR FORMERLY HISHAM SABHA
PIN: 8679 00 60 7587
D.B. 2054, PG. 187
1.18 AC
ZONING: R-1

NOW OR FORMERLY HISHAM SABHA
PIN: 8679 00 60 8458
D.B. 2054, PG. 183
15,114 SF
ZONING: R-1

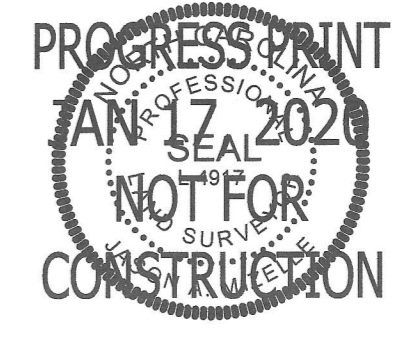
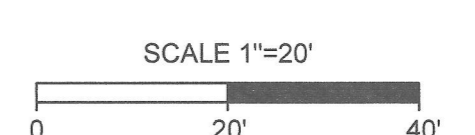
NOW OR FORMERLY ROBERT M. DIXON
PIN: 8679 04 60 9314
D.B. 2053, PG. 139
14,798 SF
ZONING: R-1

NOW OR FORMERLY ALEX GLENN DUNN, JR. & ALVIS EUGENE DUNN
PIN: 8679 00 70 0362
W.B. 12E, PG. 303
7,999 SF
ZONING: R-1

NOW OR FORMERLY HISHAM SABHA
PIN: 8679 04 70 1430
D.B. 2054, PG. 179
40,510 SF
ZONING: R-1

TBM MAG NAIL
NC GRID
N 690518.36 sFT
E 1876808.16 sFT
ELEV 521.88

TBM MAG NAIL
NC GRID
N 690293.80 sFT
E 1876905.40 sFT
ELEV 521.08



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1805 West City Drive, Unit E | Elizabeth City, NC 27909
TEL 252.621.5030 FAX 252.562.6974 www.timmons.com

YOUR VISION ACHIEVED THROUGH OURS.

DATE	REVISION DESCRIPTION
01-13-2020 <td></td>	

DESIGNED BY: JHS
CHECKED BY: JAM
SCALE: 1" = 20'

ALTA SURVEY FOR
TIMMONS GROUP
GLANDON FOREST EQUITY, LLC
BEING PROPERTIES DESCRIBED IN D.B. 2053, PG. 139, D.B. 2054, PG. 179, D.B. 2054, PG. 183, D.B. 2054, PG. 187, & W.B. 12E, PG. 303
BEAR, CREEK TOWNSHIP, CHATHAM COUNTY, NORTH CAROLINA
JOB NO. 41389.033
SHEET NO. ALTA

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