

## ..Title

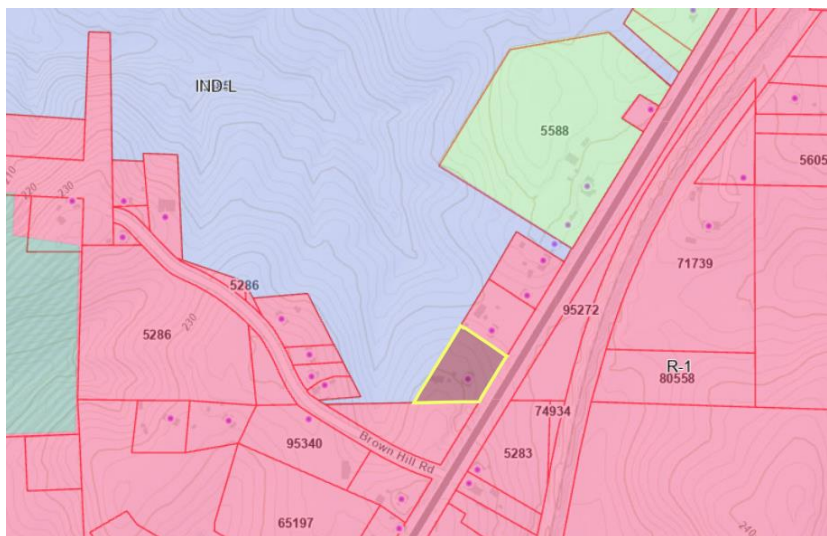
Vote to approve a legislative public hearing requested by Drafting and Design Services, Inc on behalf of BOHG Financial, LLC, to rezone Parcel 5132, located at 4133 Old US 1, being approximately 1.331 acres, from R-1 Residential to General Use Neighborhood Business (NB), Cape Fear Township.

## ..Abstract

Introduction & Background:

A legislative public hearing was held June 17, 2024. Planning staff presented the request and no additional comments were provided.

*Current Zoning Map (parcel is outlined in yellow)*



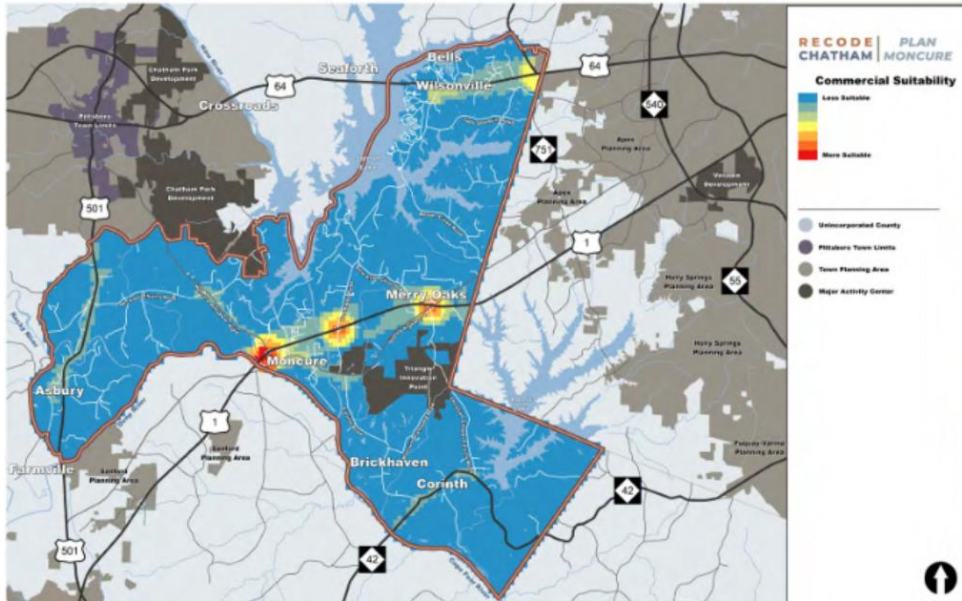
## Discussion & Analysis:

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.** The adjacent 193-acre parcel 5585, was rezoned to Light Industrial in 2022 as well as parcel 5588 to Neighborhood Business. This parcel could also be utilized to provide smaller scale supporting services to the area where growth in non-residential development is planned. Due to the other

rezonings in this area, it is no longer suitable for residential use. Although the commercial suitability map in Plan Moncure does show this just outside commercial suitability, due to the rezonings adjacent to this parcel, commercial use would be more consistent.

### Plan Moncure Commercial Suitability 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.** The land use plan shows this parcel within the Rural designation and Plan Moncure has it within an Employment Center designation.

Page 14-Economics and Growth- encourages supporting commercial uses to be located within Employment Center designated areas. With the rezonings of several parcels in this area in the past two years, small scale commercial will provide that opportunity.

Page 18-Land Use- designates these growth areas employment opportunities for residents and commercial use needs within a centralized area. This helps to ensure the heavy residential areas remain rural.

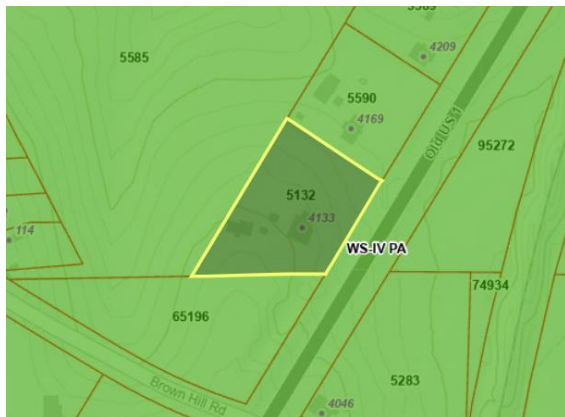
Page 39-Goals- Goal 4 is met by providing additional jobs in the support industry of the manufacturing type uses.

### Land Use Plan Map and Plan Moncure Map



**4. Other factors/reasons for supporting the rezoning request.** Old US 1 can support 14,000 vehicles per day. In 2020, the ADT was 3,700. The proposed rezoning of this parcel could generate 300-400 vehicular trips per day keeping the use well below the allowable capacity. Landscaping, lighting, signage, and parking will comply with the zoning ordinance minimum requirements.

**5. All other information required on this application or as offered by the applicant in support of the request.** The property will have access to the county water system. On-site private septic is planned to be utilized with a projection of 2,900 gpd needed for peak build out. The property is located within the WSIV-Protected Area watershed not within the Jordan Lake buffer area. Up to a maximum of 36% built upon area without curb and gutter can be utilized for development of the site.



Per FEMA map 3710969800J dated 2/2/2007, there are no floodable areas on the parcel.

The residence and other buildings on the parcel are to be removed. Proper abandonment of any existing septic and/or well will be permitted through the county Environmental Health Department.

There are no streams on this parcel per the below NRCS and USGS maps



The Planning Board reviewed the rezoning application during their regular meeting on July 2, 2024. Discussion included whether the neighboring property owners had expressed any concerns and staff responded that no-one had commented and mailed notice was provided to adjoining property owners and a public hearing sign was posted. Members also discussed that properties in the vicinity had also recently been rezoned to light industrial and neighborhood business. After a brief discussion the board voted unanimously (8-0) to recommend approval.

How does this relate to the Comprehensive Plan:

The land use plan shows this parcel within the Rural designation and Plan Moncure has it within an Employment Center designation.

Budgetary Impact: N/A

Recommendation/Motion:

The Planning Board, by a vote of 8-0, recommends approving an Ordinance amending the Zoning Ordinance for a legislative public hearing request by Drafting and Design Services, Inc on behalf of BOHG Financial, LLC, to rezone Parcel 5132, located at 4133 Old US 1, being approximately 1.331 acres, from R-1 Residential to General Use Neighborhood Business (NB), Cape Fear Township.

The Planning Board, by a vote of 8-0, recommends adoption of a resolution approving the following consistency statement:

- This rezoning is consistent with Plan Moncure by being located within an Employment Center node that encourages a mix of uses being office, industrial and supporting retail and industrial uses.