

## **..TITLE**

Vote on a request to approve the Chatham County Alcoholic Beverage Control Board for a general legislative rezoning on Parcel No. 11417 located on the Moncure Pittsboro Road from R-5 and R-1 Residential zoning to NB Neighborhood Business, being approximately 0.957 acres, Haw River Township.

## **..ABSTRACT**

### **Action Requested:**

A request by the Chatham County Alcoholic Beverage Control Board for a general legislative rezoning on Parcel No. 11417 located on the Moncure Pittsboro Road from R-5 and R-1 Residential zoning to NB Neighborhood Business, being approximately 0.957 acres, Haw River Township.

### **Introduction & Background:**

A legislative public hearing was held on February 20, 2017. Planning staff introduced the request and the applicant's attorney, Patrick Bradshaw, provided a presentation. No one signed up for public input.

**The Planning Board discussed this item during their regularly scheduled meeting on March 7, 2017. Planning staff provided them with comments received from a resident in the community opposing the rezoning. It was noted the citizen was not an adjacent landowner but did live in the area. The opposition to the rezoning was specific to an ABC store. It was explained that the request was for a general use rezoning and the board had to consider all of the uses that are allowed in the Neighborhood Business district. The board also discussed that two parcels were rezoned to the same designation in 2016 and this was adjacent to that property.**

### **Discussion & Analysis:**

The property under consideration for rezoning is currently zoned R-5 and R-1, Residential with a majority of the property zoned R-5. 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, in the R-5 district and one dwelling unit per 40,000 square feet in the R-1 district. 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.

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.

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. There are currently five other parcels in this immediate area that have received non-residential rezoning approvals that include B-1, Business and NB, Neighborhood Business. Because the area in which this property is located has been viewed as having potential for business use, as noted in the Land Use Development Plan, properties have been rezoned to business classifications.

Mr. Bradshaw stated at the public hearing the applicant's attempted to negotiate a contract for this property when the other two properties were placed under contract but the landowner was not ready to sell. This parcel could be used as an access drive, which would move it further from the US 1 interchange which is safer and provides better traffic flow.

3. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans. The adopted Land Conservation and Development Plan encourages the creation of Economic Development Centers. The Moncure-Haywood area is specifically noted as a location to build on access to highways and existing industry, and commercial uses. This property is adjacent to the property that was rezoned to Neighborhood Business in October 2016 and that fronts on US 1, and has access to the county water system.

**Planning Board member Elza noted the location to the interchange with US 1 makes this a prime area for commercial development and the impervious surface limit is fine.**

The property is also located within the RCSA (River Corridor Special Area) watershed district and is limited to 36% impervious surface without the use of curb and gutter. The RCSA district does allow for up to 50% impervious surface 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 a 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.

**Planning Board member Weakley still had concerns about ground water protection and impervious surface limit being too high due to the proximity to the Deep River.**

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 of expanding businesses in the Moncure-Haywood area, as provided in the Land Conservation and Development Plan.

It is the opinion of the Planning Department all standards are being or will be met through permitting requirements and therefore the rezoning request should be approved. The Planning Board by a 7-1 vote recommends approval of the following consistency statement – “It is the opinion of the Planning Board that the rezoning request to rezone Parcel No. 11417, being 0.957 acres, is consistent with the goals and objectives of the Land Use Plan of Chatham County. Specifically, the Plan seeks to support the creation of Economic Development Centers in the Moncure-Haywood area and further supports efforts in the protection of surface and ground waters by limiting the amount of impervious surface allowed on the properties.” The Planning Board by a 7-1 vote recommends approval the rezoning from R1, Residential, to NB, Neighborhood Business.

**Recommendation:**

The Planning Board (by 7-1 vote) recommends adoption of a resolution approving the following consistency statement:

**It is the opinion of the Planning Board that the rezoning request to rezone Parcel No. 11417, being 0.957 acres, is consistent with the goals and objectives of the Land Use Plan of Chatham County. Specifically, the Plan seeks to support the creation of Economic Development Centers in the Moncure-Haywood area and further supports efforts in the protection of surface and ground waters by limiting the amount of impervious surface allowed on the properties.**

The Planning Board (by 7-1 vote) recommends adoption of an ordinance approving the request by the Chatham County Alcoholic Beverage Control Board for a general legislative rezoning on Parcel No. 11417 located on the Moncure Pittsboro Road from R-5 and R-1 Residential zoning to NB Neighborhood Business, being approximately 0.957 acres, Haw River Township.