



**CHATHAM COUNTY  
BOARD OF COMMISSIONERS  
AGENDA ABSTRACT**

**ITEM NUMBER:**  
**MEETING DATE:**  
1-20-09

**PART A**

**Subject:**

Request by **Michael Foley** to rezone approximately 48 acres, Parcel No. 60167, located between US 1, Moncure School Rd., and the Pittsboro Moncure Rd., Haw River Township, from RA-40 (residential/agricultural) to B-1 Business.

**Action Requested:**

See Recommendations.

**Attachments:**

*The following was submitted at the October 7, 2008*

*Planning Board meeting:*

1. Application packet

*The following may be viewed on the Planning Department website at [www.chathamnc.org](http://www.chathamnc.org) under Rezoning & Subdivision Cases, 2008:*

2. Arcview map
3. Zoning map
4. Temporary NCDOT Commercial Driveway Permit issued June 2006.

**Submitted By:**

\_\_\_\_\_  
Keith Megginson, Planning Director

\_\_\_\_\_  
Date

**County Manager Review:**

\_\_\_\_\_  
Charlie Horne, County Manager

\_\_\_\_\_  
Date

**This abstract requires review by:**

**County Attorney**

\_\_\_\_\_  
Date Reviewed

**Finance Officer**

\_\_\_\_\_  
Date Reviewed

**Budget Officer**

\_\_\_\_\_  
Date Reviewed

## PART B

**Re: Michael Foley**

### **Introduction / Background / Previous Board Actions:**

A legislative public hearing was held on this request November 17, 2008. No one spoke in opposition to the request. Attorney Lundy Riggsbee represented the applicants.

The Planning Department staff and Planning Board are required to make a recommendation on the requested change of the zoning district from RA-40 (Residential/Agricultural) to B1 Business. Such a recommendation is partially based on adopted land use plans and policies as well as changing conditions as noted in the Chatham County Zoning Ordinance under Section 17. The applicant has addressed this in the application.

Until November 2007 when the Board of Commissioners approved zoning within 1500 feet of corridors that were “unzoned”, this property would not have been subject to zoning rules and regulations. The applicant has owned this property since 2005 and he states in the application that interest from possible purchasers has been for business uses. This property is located along US 1 at the off ramp onto the Pittsboro Moncure Road. It also has road frontage on the Jordan Dam Rd. and the Moncure School Rd.

### **Issues for Further Discussion and Analysis:**

The Chatham County Land Conservation and Development Plan, here after referred to as the “Plan”, is a general policy plan. A specific plan map was not adopted but a draft map was prepared. You are encouraged to read the entire Land Conservation and Development Plan of 68 pages, which is on the Planning page of the County web site.

Page 10 of the Plan states one policy objective is to guide development to appropriate locations. The majority of this parcel is adjacent to one of the county’s major highways where residential use may not be desired. NCDOT has issued a temporary commercial driveway permit for this property.

Page 12 of the Plan directs that commercial uses should be sited along major highways in clusters at specific, designed locations. There was not an approved map to show where this may be. Other non-residential properties adjacent to or near to this parcel include a telecommunications tower across US 1 on the same property with a non-conforming permitted RV campground and diagonally across the interchanges is the Jordan Dam Mini Mart. Within ½ mile of this property is the Moncure Business District.

The Board of Commissioners will be adopting amendments to the Zoning Ordinance with new design standards. Due to the application being received prior to the adoption of said ordinance the existing ordinance will govern this request if approved. There are also new ordinances for stormwater management and erosion and sedimentation control. Since these ordinances address general construction on any and all applicable sites it appears that the developer will have to comply with them.

*Re: Michael Foley*

### **Issues for Further Discussion and Analysis**

Page 11 of the Plan encourages the designation of economic development centers in order to promote a diversified, sustainable business community. A majority of the heavy industry is located in the Moncure area. The business zoning of this property could enhance further growth in this area by adding uses not otherwise available.

Per the Chatham County Tax Office, the property is currently taxed under residual for forestry land use. The current rate would be approximately \$3600/ac. If the property is changed to a commercial zoning classification, the rate would not change until areas began to be developed. Once an area is developed, that area will then be taxed at an approximate rate of \$40,000/acre. The areas remaining undeveloped would maintain the residual rate. Essentially the property value could go from approximately \$175,000 to over \$1.9 million.

**Recommendation:** The Planning Department and Planning Board (by unanimous vote) think that the request is consistent with the Land Conservation and Development Plan and other plans and recommends approval of this rezoning request to a business district based on the information provided above.