

## **..TITLE**

Request by Douglas Roberts to rezone Parcel Number 74741, being all of the approximate 1.21 acre tract, located at 577 Half Dollar Road., from Conditional Use Compact Community (CCO) to Residential-1 (R-1).

## **..ABSTRACT**

### **Action Requested:**

Request by Douglas Roberts to rezone Parcel Number 74741, being all of the approximate 1.21 acre tract, located at 577 Half Dollar Road., from Conditional Use Compact Community (CCO) to Residential-1 (R-1).

### **Introduction & Background:**

A legislative public hearing was held on this request on June 17, 2013. Planning staff presented the background when the Briar Chapel Compact Community was approved and rezoned to the CCO district. Mr. Robert's parents (The Dollar's) had entered into an agreement with Newland Communities to include this property into the overall master plan for the development. As time has passed, Mr. Robert's, who now owns the property with his sister, wishes to have the property removed from the Compact Community District and the conditional use permit for Briar Chapel. He and his family wish to complete equitable distribution between them if the rezoning is approved.

Mr. Robert's and Attorney Nick Robinson, representing Newland Communities, both spoke on the issue.

**(Planning Board review and comments are noted in "bold" below)**

### **Discussion & Analysis:**

This is an application for a general use rezoning district from Compact Community (CCO) to Residential (R1). Based on Section 19.4.B and C, the applicant is not claiming any error in the zoning ordinance that would be corrected by this request.

The applicant states in his summary the changing conditions that led him to apply for the rezoning are that the property can't be developed to the Compact Community standards, the property does not have access to county water, and no access to the wastewater treatment facility within Briar Chapel. There is an approved septic system on this property and water source both in good working order. The applicant stated at the public hearing he does not need those facilities in order to continue to enjoy the property as currently developed. The property currently has a residence.

This request continues to carry out the intent and purpose of the Land Conservation and Development Plan by retaining its rural character.

There were no objections to the rezoning of the property from staff, adjacent landowners, Briar Chapel, or Newland Communities.

**The Planning Board met at their regularly scheduled meeting on July 9, 2013. The applicant was also available to answer any questions they may have. Planning staff presented the rezoning request and gave a recap of any issues from the public hearing; which were none.**

**One Planning Board member asked the applicant if he had sufficient water to which he stated yes, he has spring fed well that serves both properties and works very well. There was no other discussion. *The Planning Board voted 7-0 to approve the request.***

**Recommendation:**

The Planning Board recommends adoption of the following consistency statement – The rezoning request is consistent with the adopted land use plan.

Planning staff and Planning Board recommends approval of the rezoning and adoption of an Ordinance Amending the Zoning Ordinance of Chatham County.