

..TITLE

Vote on a request to approve rezoning for Parcel No. 78290, being all of 14.23 acres, located at 7733 Moncure Pittsboro Rd., Haw River Township, from R-1 Residential to NB Neighborhood Business.

..ABSTRACT

Action Requested:

Rezoning request by Par 5 Development Group, LLC for Parcel No. 78290, being all of 14.23 acres, located at 7733 Moncure Pittsboro Rd., Haw River Township, from R-1 Residential to NB Neighborhood Business.

Introduction & Background:

A legislative public hearing was held October 19, 2015 on the request. Planning staff presented the application and noted that the Boards could not consider the proposed use and plan submitted with the general rezoning request due to the potential for illegal contract zoning. The property must be examined as a whole for general use Neighborhood Business zoning and all of the uses available in that district and that any information provided for specific use should be disregarded. Planning staff indicated there were no issues at the time for consideration of general rezoning of the entire tract. A resident of the Moncure area, Ms. Mary Ann Perkins, spoke in favor of the request stating it is needed to keep revenues generated inside Chatham County and to support the Moncure area.

Mr. Scott Brown, applicant, also spoke and presented the application to the Boards. Questions from the Commissioners were if a traffic study had been performed. The applicant stated NCDOT was favorable with the addition of turning lanes to serve the site with one entrance construction and did not require any further traffic study to be conducted.

Commissioners asked about neighboring properties and their proximity to the commercial rezoning request. There are residential uses across Pittsboro Moncure Road but not adjacent or adjoining the site. Mr. Harold Taylor, resident across Moncure-Pittsboro Road, and Ms. Janet Dickson, daughter of a resident across Moncure-Pittsboro Road, also spoke. Their questions were about right of way and the taking of land to improve that section of road for the turning lanes and if there would be an increase in their property taxes. The applicant stated that according to NCDOT any additional right of way would be taken from the project side of the roadway, not across the road. Mr. Cross addressed the tax increase question stating properties are re-evaluated every 4 to 8 years and the county could not say at this time what increase or decrease could result from the development of this site.

The Planning Board met at their regularly scheduled meeting on November 2, 2015. Planning staff presented the request and recapped comments from the public hearing that was held on October 19, 2015.

Discussion among Board members was this appears to be a strategically placed opportunity for commercial development, general use zoning would fit in this location, and the people of the community welcome the opportunity for commercial activity. The Board vote is noted below under recommendations.

Discussion & Analysis:

This is a general rezoning request. Section 19 of the Chatham County Zoning Ordinance sets the standard for which a general rezoning map amendment is to be processed.

1. In response to any alleged error in the Ordinance, if any, which may be remedied by this proposed amendment, none are being claimed by the applicant nor the landowner.
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. The applicant stated the area has been viewed as potential for commercial and business use for many years. The northern property adjacent to this tract has been zoned B-1 Business since 2009, but has not been developed. This property is located within approximately 300 feet of the interchange with US 1, which is a controlled access four-lane highway. The applicant also stated out of the zoning classifications that could have been selected the Neighborhood Business would be the best fit as it limits the overall size of buildings and accumulation of building square footage that could locate on the site.
3. The manner in which the proposed amendment will carry out the intent and purpose of the adopted Land Use Plan or part thereof is to reinforce that the Moncure-Haywood area is designated as an Economic Development Center as shown on page 34. The applicant also worked with the Economic Development Corporation to obtain a marketing report where they focused on a five mile radius that showed a retail gap of \$19,086,000.00 in this area. There are currently four convenience stores in the area with estimated sales of \$2,610,000.00. Protecting environmental resources, rural character, and groundwater resources can be met, as outlined in the Land Conservation and Development Plan, due to the 5.12 acre limitation of impervious surface.
4. Other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment are connection to the county water system will be available. The property is located within the WSIV-Protected Area watershed district which will allow up to 36% of developed, impervious surface. Therefore, out of the 14.23 acres, approximately 5.12 acres can be impervious surface. The

landowner will have the option to create non-residential subdivisions of land as may be needed for individual tenants.

Based on the supporting documentation provided with the application, information provided at the public hearing, and support with the Land Conservation and Development Plan and Economic Development Corporation study, planning staff recommends the Board consider approving the request.

Recommendation:

The Planning Board, by unanimous vote, recommends the adoption of a resolution approving the following Consistency Statement:

The rezoning request for Parcel No. 78290, being approximately 14.23 acres, is consistent with the goals and objectives of the Land Use Plans of Chatham County by reinforcing that the Moncure-Haywood area is shown as a designated Economic Development Center, specifically for its commercial potential along with access to transportation and infrastructure.

The Planning Board, by unanimous vote, recommends approving the rezoning and adoption of an Ordinance Amending the Zoning Ordinance to rezone Parcel 78290 from R-1, Residential to NB-Neighborhood Business.