

## **..TITLE**

Vote on a request to approve the Chatham County Alcoholic Beverage Control Board for a rezoning of Parcels No. 11503 being all of 1.57 acres and No. 11505 being all of 1.46 acres, totaling 3.03 acres, located at the corner of Moncure Pittsboro Rd. and the US 1 off ramp, from R-5 and R-1 Residential zoning to NB Neighborhood Business.

## **..ABSTRACT**

### **Action Requested:**

A request from the Chatham County Alcoholic Beverage Control Board for a rezoning of Parcels No. 11503 being all of 1.57 acres and No. 11505 being all of 1.46 acres, totaling 3.03 acres, located at the corner of Moncure Pittsboro Rd. and the US 1 off ramp, from R-5 and R-1 Residential zoning to NB Neighborhood Business.

### **Introduction & Background:**

A legislative public hearing was held on this request August 15, 2016. Planning staff presented the proposal. Attorney Patrick Bradshaw spoke on behalf of the applicant, as well as a representative from the Chatham County Alcoholic Beverage Control (ABC) Board.

**The Planning Board reviewed the request at their September 6, 2016 regular meeting and there discussion is noted below in BOLD.**

### **Discussion & Analysis:**

The properties that are under consideration for rezoning are currently zoned R-5 and R-1, Residential with a majority of the properties zoned R-5. The uses allowed 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.

Since this is a general use rezoning request, 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. These properties are located at the interchange of Moncure-Pittsboro Road and US 1, which is 4-lane controlled access highway. The parcel across US 1 (southwest corner of the interchange) from the subject property is zoned B-1 General Business and has been for many years. Parcel 60167, which is located on the opposite side of Moncure Pittsboro Road is zoned R-1, Residential and was part of the 2007 corridor zoning. Other parcels on the opposite side of Moncure Pittsboro Road include 78285 that was zoned B-1 General Business in 2009. Parcel 78290, adjacent to 78285, was rezoned to NB Neighborhood Business, one of the new commercial zoning districts, in December 2015. This area has been viewed as having a high potential for business uses for many years. Rezoning the subject property would make the uses on this property consistent with the changing conditions in this particular area.

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, industry, and commercial sustainability. This property fronts on US 1 and has access to the county water system.

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 watershed district 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 protections.

**There was concern from a Planning Board member regarding the water feature (spring and draw) that was shown on the survey map for the westernmost property identified as Parcel No. 11505. This part of the project area is to be utilized for the septic system and repair area. The actual building site area will be located on the upper Parcel No. 11503 that fronts on the Moncure Pittsboro Road. Neither USGS nor NRCS mapping show the feature and the property is not within the Jordan Lake Watershed Buffer Area.**

4. Other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment. NB Neighborhood Business is the least intensive business district established in the Zoning ordinance and is more compatible to the other

business zoned properties surrounding or near this site. The standards of the zoning ordinance include protections for nearby or adjacent residential properties through landscaping and lighting standards that are intended to shield and limit impacts.

**It is the opinion of the Planning Department all standards are being or will be met through proper permitting requirements and therefore the rezoning request should be approved.**

**Recommendation:**

The Planning Board by vote of 6-2 recommend adoption of resolution approving the following consistency statement: The rezoning request to rezone Parcels No. 11503 being all of 1.57 acres and No. 11505, being 1.46 acres totaling 3.03 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 vote of 7-1 recommend approving the rezoning and adoption of an ordinance amending the zoning ordinance to rezone Parcels No. 11503 being all of 1.57 acres and No. 11505 being all of 1.46 acres, totaling 3.03 acres, located at the corner of Moncure Pittsboro Rd. and the US 1 off ramp, from R-5 and R-1 Residential zoning to NB Neighborhood Business.