

..TITLE

Vote on a request to approve Jason & Ashley Rivenbark to rezone Parcels No. 83841 and No. 83271, being 5.63 acres of Parcel No 83841 and 0.26 acres Parcel No. 83271, located approximately 1/3 of a mile south of the intersection of Pea Ridge and New Elam Church Road, from CD-NB (Conditional District – Neighborhood Business) to R-1 (Residential), Cape Fear Township.

..ABSTRACT

Action Requested:

A request by Jason & Ashley Rivenbark to rezone Parcels No. 83841 and No. 83271, being 5.63 acres of Parcel No 83841 and 0.26 acres Parcel No. 83271, located approximately 1/3 of a mile south of the intersection of Pea Ridge and New Elam Church Road, from CD-NB (Conditional District – Neighborhood Business) to R-1 (Residential), Cape Fear Township.

Introduction & Background:

A legislative public hearing was held on this request, April 18, 2016. Planning staff presented the application. The applicant stated that the parcels were zoned R-1 prior to 2014. On 05/19/2014, the prior owner had the property rezoned CD-NB (Conditional District – Neighborhood Business) in order to build a boat and RV storage facility. The facility was never built; hence, the applicant stated that he now wants the property to revert back to its original R-1 zoning district. No one else spoke.

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, 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. The applicant claims that no change will happen to the parcels with the approval of this general rezoning map amendment. The portion of the parcel currently zoned CD-NB was specifically created to allow for the construction of a small boat storage facility, which never took place. All parcels within a 1 mile radius of the parcels are currently zoned R-1, with the exception of a church, mobile home park, and a bed and breakfast. This parcel, and all of those surrounding it, have historically been zoned R-1 and/or have traditionally been used as residential

properties.

3. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans. The area is historically residential (specifically R-1). All nine adjacent or adjoining parcels to this property are currently zoned R-1. Furthermore, the parcels upon which this current CD-NB zoning exists is already nearly 50% zoned R-1.

4. Other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment. A coalition of four adjoining or adjacent property owners initiated this rezoning application with the express desire to remove the CD-NB zoning from this particular property.

It is Planning staff opinion based on all standards being supported that the request be recommended for approval.

The Planning Board reviewed this item during their May 3, 2016 meeting and there were no concerns. The Board voted to recommend approval of the rezoning and adoption of the consistency statement provided in the recommendation by unanimous vote (8-0).

Recommendation:

The Planning Board, by unanimous vote (8-0), recommends adoption of a resolution approving the following consistency statement:

It is the opinion of the Planning Board that the rezoning request to rezone Parcels No. 83841 and No. 83271, being 5.63 acres out of the 11.49 acre tract of Parcel No 83841 and 0.26 acres out of the 5.88 acre tract of Parcel No. 83271, is consistent with the goals and objectives of the Land Use Plan of Chatham County. Specifically, the Plan seeks to “preserve both the form and function of rural character” by creating “residential development patterns that retain the *form* of “ruralness” through large lot zoning, open space subdivisions, village clusters, or other design approaches.”

The Planning Board, by unanimous vote (8-0), recommends approving the rezoning and adoption of an Ordinance Amending the Zoning Ordinance to rezone parcel no. 83841, being approximately 11.23 acres, and a portion of parcel no. 83271, being approximately .26 acres, from CD-Neighborhood Business to R-1, Residential.