



# Chatham County, NC

## Legislation Details (With Text)

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**File #:** 23-4668      **Version:** 2

**Type:** Resolution      **Status:** Passed

**File created:** 2/3/2023      **In control:** Planning

**On agenda:** 4/17/2023      **Final action:** 4/17/2023

**Title:** Vote on a legislative request for approval by Derrick and Latanya Smith for a rezoning on Parcel 85396, located on Moncure Pittsboro Road, Moncure, being approximately 2.003 acres from Conditional Use Neighborhood Business back to R-1 Residential in order to construct a new residence, Haw River Township.

**Sponsors:**

**Indexes:** Comp Plan Goal 3: Promote a compact growth pattern by developing in and near existing towns, communities, and in designated, well planned, walkable, mixed use centers.

**Code sections:**

**Attachments:** 1. More information from the Planning department website

Date	Ver.	Action By	Action	Result
4/17/2023	2	Board of Commissioners	adopted	Pass
4/17/2023	2	Board of Commissioners	adopted	Pass
2/20/2023	1	Board of Commissioners	referred	

Vote on a legislative request for approval by Derrick and Latanya Smith for a rezoning on Parcel 85396, located on Moncure Pittsboro Road, Moncure, being approximately 2.003 acres from Conditional Use Neighborhood Business back to R-1 Residential in order to construct a new residence, Haw River Township.

**Action Requested:**

Vote on a legislative request for approval by Derrick and Latanya Smith for a rezoning on Parcel 85396, located on Moncure Pittsboro Road, Moncure, being approximately 2.003 acres from Conditional Use Neighborhood Business back to R-1 Residential in order to construct a new residence, Haw River Township.

**Introduction & Background:**

A legislative public hearing was held February 20, 2023. Planning staff presented the request. No one has spoken in opposition of this request.

In September 2012, the applicant's father, Derry Smith, applied for and was approved for a Conditional Use Neighborhood Business rezoning and Conditional Use Permit (CUP) for a car detailing operation. The project never materialized, and the CUP expired leaving a conditional use neighborhood business district with no allowed uses. However, the zoning designation cannot be changed without going through a formal rezoning process. The applicant, now property owner, wishes to revert the zoning to residential in order to build a single-family dwelling.

### Discussion & Analysis:

When considering a general use rezoning, all uses listed in Section 10.13 of the Chatham County Zoning Ordinance listed under the proposed zoning classification are permitted. However, due to possible limiting situations such as wastewater capacity, access to public utilities, impervious surface limits, etc., not all uses are feasible. The decision to approve a general use rezoning shall be determined by the following criteria.

**Any alleged error in the Ordinance, if any, which would be remedied by the proposed amendment.** No errors in the Ordinance are being claimed.

**The changed or changing conditions, if any, which make the proposed rezoning reasonably necessary.** There is no longer a need or desire for non-residential development on the parcel. The owner wishes to construct a single-family dwelling for him and his family. All adjacent properties are zoned R-1 Residential. There are no public improvements needed.

*The Zoning map is displayed below*



**The manner in which the proposed rezoning will carry out the intent and purpose of the adopted Land Use Plan or part thereof.**

- Chapter 2, Issues and Opportunities: Currently it is a vacant parcel of land. Once a single-family residence is constructed, the tax value will increase.
- Chapter 3, Goals and Objectives: To preserve rural character and natural resources.
- Chapter 3, Land Use Descriptions: Although partially located within a Village Center node, residential is still encouraged.

**Other factors/reasons for rezoning request that make it essential or desirable for the public convenience or welfare.** Residential use will require less traffic, the visual impacts will be rural, residential with residential lighting only.

**All other information required on this application or as offered by the applicant in support of the request.** The property will utilize the county water system and private septic system. There is an

existing driveway that will be utilized and the lot is currently vacant. See aerial map below.



The property is located within the RCSA River Corridor Special Area.

*NRCS and USGS maps show no water features on the parcel*



The Planning Board met March 7, 2023 at their regular meeting. This item was placed on their consent agenda for approval and there was no discussion.

#### **How does this relate to the Comprehensive Plan:**

Chapter 2, Issues and Opportunities: Currently it is a vacant parcel of land. Once a single-family residence is constructed, the tax value will increase. Chapter 3, Goals and Objectives: To preserve rural character and natural resources. Chapter 3, Land Use Descriptions: Although partially located within a Village Center node, residential is still encouraged.

#### **Recommendation:**

The Planning Board recommends, by unanimous vote (7-0), adoption of a Resolution Approving the following consistency statement to the Board of Commissioners:

- The rezoning to R-1 Residential is consistent with the Comprehensive Plan by supporting rural character, increasing the tax value of the property, and helping to preserve natural resources.

The Planning Board recommends, by unanimous vote (7-0), adoption of an Ordinance Amending the Zoning of Ordinance of Chatham County to approve a request by Derrick and Latanya Smith for a rezoning of Parcel 85396, located on Moncure Pittsboro Road, Moncure, being approximately 2.003 acres from Conditional Use Neighborhood Business to R-1 Residential, Haw River Township.