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**TOWN OF PITTSBORO
PLANNING BOARD MEETING
MINUTES
Monday, August 4, 2014, 7:00 PM**

ATTENDANCE

Members Present: Raeford Bland, Shannon Plummer, Brian Taylor, Oakley Bennett

Staff Present: Stuart Bass, Planning Director, Ileana Platon, Administrative Support Specialist

A. CALL TO ORDER

Chairman Bland called the meeting to order at 7:00 pm

B. APPROVAL OF MINUTES

- **Mr. Taylor made motion to approve the minutes for June 18, 2014 and July 16, 2014.**
- **Seconded by Mr. Plummer.**
- **Vote: Unanimous**

C. NEW BUSINESS

**1. REZ-2014-02
Hughes Rezoning
*Action Needed - Discussion***

Mr. Bass stated that this is a rezoning request. William D. Hughes is proposing to rezone approximately 8.3 acres off of West Cornwallis Street from R-15 (Residential) to R-10 (Residential).

It is vacant, undeveloped land. The adjacent land uses is Residential, R-15 to the North (Town Lake Park), residential, R-15 to the South (Willow Springs Subdivision), residential, R-15 to the west and residential, R-15 to the east (Willow Springs Subdivision).

The R-15 zoning shown is reflected on the 1989 zoning map. The Subject properties are designated as a Medium Density Residential Neighborhood on the Future Land Use Map

(October 2012). The medium-density residential neighborhood category would include residential developments with access to both public water and sewer services.

Development in this area could include single-family homes, accessory apartments, churches, parks, community buildings, schools, swim or tennis clubs, and other neighborhood facilities. clustering of lots, particularly in water supply watersheds is encouraged as a way to provide common open space and recreation facilities.

The current zoning is R-15, Low Density Residential. The minimum lot size is 15,000 square feet. This district is defined as low-density residential areas of mostly single family dwellings plus open areas where similar residential development will likely occur. The uses permitted in this district are designed to stabilize and protect the essential characteristics of the area and to prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.

The proposed zoning, R-10 High-Density Residential, is defined as medium to high density residential areas where single-family and multi-family dwellings are commingled and certain open areas where similar residential development will likely occur. The minimum lot size is 10,000 square feet. The uses permitted in this district are designed to stabilize and protect the essential characteristics of the area and prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.

Both zoning districts are residential, but the R-10 district allows for duplexes and a Pocket Neighborhood subdivision by right, and multi-family dwellings by Special Use Permit.

All public facilities and services rendered by the Town of Pittsboro are available and currently applied to the site.

Given the size and location of the property in question, it is not anticipated that there would be a significant difference between the two zoning districts.

The property is located off West Cornwallis Street, which is a local street. There is a fifty foot private easement that provides access to the property from the east, and a sixty foot private access easement providing access from the west.

Staff recommendations:

An important issue for consideration is the location of the proposed parcel in relation to the surrounding zoning district. In this instance the parcel would be bounded on all sides by the R-15 zoning districts. Such a small scale zoning, i.e. the zoning of one or two parcels, could be considered spot zoning. Spot zoning in North Carolina is permissible if reasonable.

The courts have set forth the following factors to be used in an analysis;

- (1) The size and nature of the tract. Generally, the larger the area, and the greater the number of property owners, the higher a likelihood of validity, although the size of the parcel is relative.
- (2) Compatibility with existing plans. Does the existing plan provide a public purpose? The proposed rezoning is compatible with the Town's Land Use Plan
- (3) Consideration of impacts on the landowner, the immediate neighbors, and the surrounding community. What are the benefits and to what extent are they.
- (4) The relation between the differences in uses from the two districts. The greater the difference in permitted uses, the more likely the rezoning will be found unreasonable. In this instance, the primary difference would be the allowance of duplexes, the Pocket Neighborhood subdivision. And a multifamily dwelling by Special Use Permit.

The Planning Boards members inquired about the easement and also about the other parcel adjacent to the property.

Mr. Hughes, owns the entire property, his personal home sits on the other parcel. He is requesting the rezoning on 8.3 acres because he would like to sell it in the future and believes that the rezoning would be beneficial and is better to do it now than later.

- **Mr. Bland asked for a motion**
- **Mr. Taylor made motion to approve the rezoning**
- **Mr. Plummer seconded**

At this time it was asked why Mr. Hughes does not rezone the entire 10 acres.

Mr. Hughes said that the cost was the reason.

Mr. Bass explained that there would not be any additional cost to rezone all the property and asked the applicant if he would like to amend the application to include the additional acres.

Mr. Hughes stated that he wished to amend his application to include both of his parcels.

Mr. Bass said that he will note the amended application and revise as necessary, and include the request for the next Planning Board meeting.

- **Due to the modification Mr. Taylor withdrew his motion.**
- **Mr. Bennett then made motion to table this until next month**
- **Mr. Plummer seconded**
- **Vote: Unanimously**

D. OLD BUSINESS

None

F. BOARD MEMBER CONCERN

None

G. REPORTS AND ANNOUNCEMENTS

None

H. ADJOURNMENT

- **Chairman Bland asked for motion to adjourn.**
- **Mr. Taylor made motion to adjourn.**
- **Motion carried unanimously**

Planning Board meeting adjourned at 7:25pm

Next Planning Board Meeting was not scheduled at this time. The first Monday in September falls on the Labor Day Holiday.

Keana H. Paton

Administrative Support Specialist