

STAFF ANALYSIS
REZ-2013-03
Public Hearing December 9, 2013

APPLICANT: James & Susanna Stewart
283 Quartz Hill Road
Pittsboro, NC
27312

**RELATIONSHIP
TO PROPERTY:** Property Owner

LOCATION: 117 East Salisbury Street.

EXISTING USE: Office (Converted Single Family Residence)

AREA: Approximately .244 acres.

**EXISTING
ZONING:** C-2 (Highway Commercial)

**PROPOSED
ZONING:** O&I (Office and Institutional)

**ADJACENT
LAND USES:** North – Commercially Zoned Property, C-2 fronting Thompson Street on both sides.

South – Commercially Zoned Property, C-2. US Highway 64 East is one block from the property.

West – Central Commercial District Zoning C-4.

East – Continuation of commercial Zoning C-2. Then single family residences, zoned R-10, Residential.

**ZONING
HISTORY:** The C-2 zoning shown dates back to at least 1989.

ANALYSIS: The following staff analysis is structured to address the information that should be considered for a map amendment as outlined in the Zoning Ordinance and city zoning enabling statutes for the State of North Carolina.

1. Relationship of the proposed map amendment to the Land Use Plan and Future Land Use Map.

The Subject property is designated as Mixed Use Town Center on the on the Future Land Use Map (October 2012). This category includes the traditional central business district of Pittsboro and its surrounding adjacent blocks. Setback and on-site parking requirements are generally minimal in this area. A mix of uses, including both businesses and residences, is encouraged, as is infill development and the adaptive reuse of existing buildings.

2. Suitability of proposed zoning district classification.

The current zoning C-2, is defined as certain areas that are primarily designed for citizens using the major highways that run through or around the City. The district is customarily located along the major arterial highways. This district is intended to provide retail, office and service areas for the benefit of residents in nearby areas and non-residents. This district accommodates intensive commercial uses such as shopping centers and strip centers as well as free-standing, highway-oriented business establishments. Included also are certain functions, such as warehousing, that are compatible with the primary uses.

The proposed zoning, O&I, is defined as certain land areas with structures that provide office spaces for professional services and for certain institutional functions; and residential accommodations, usually medium or high density. The district is normally small, and may include older homes undergoing conversion. The district is usually situated between business and residential districts, and the regulations are designed to permit development of the enumerated functions and still protect and be compatible with nearby residential districts. The district can also include lager, campus settings.

3. Availability of public facilities.

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

4. Population change.

The Office and Institutional district does allow for single family residences.

5. Transportation patterns.

The property is located off on Salisbury Street, a local street within the older part of the Town. Access is by an individual driveway entrance. On street parking is permissible.

East Street (US Business 64), one block to the south, is a Major Thoroughfare. The most recent NCDOT traffic count near the property shows an average daily traffic volume of 12,000 (in 2012).

STAFF RECOMMENDATION:

Staff recommends approval of the proposal, and offers the following comments.

The proposed rezoning is consistent with the Town's Land Use Plan. The Office & Institutional District provides for uses that the Mixed Use Town Center area contemplates being located within the designated area. It is a reasonable location for such zoning and would be suitable for those uses permitted within the proposed district. And although zoned C-2 Highway Commercial, the character of Salisbury Street within the immediate vicinity is residential, as is the existing structure on the property.

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 either C-4 or C-2 zoning districts. Such a small scale zoning, i.e. the zoning of one parcel, is by definition 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. In this instance, the parcel is similar to those around it.

(2) Compatibility with existing plans. Does the existing plan provide a public purpose? The Town's Land Use Plan is not inconsistent with the proposed zoning.

(3) Consideration of impacts on the landowner, the immediate neighbors, and the surrounding community. What are the benefits and to what extent

are they. This would be considered a “downzoning” from the current zoning district.

(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 elimination of a number of retail allowances, which could be argued, are unsuitable in this location.

PLANNING BOARD RECOMMENDATION:

The Planning Board did not recommended approval of the proposed rezoning, citing concerns with spot zoning. However, the Board did suggest that the entire block area be considered for possible rezoning.