

STAFF ANALYSIS
REZ-2014-02
Public Hearing
October 27, 2014

APPLICANT: William D. Hughes, Jr.
250 West Cornwallis Street
Pittsboro, NC
27312

**RELATIONSHIP
TO PROPERTY:** Property Owner

LOCATION: Off of West Cornwallis Street

EXISTING USE: Vacant, undeveloped land. Existing home site.

AREA: Approximately 10.3 acres.

**EXISTING
ZONING:** R-15 (Low Density Residential)

**PROPOSED
ZONING:** R-10 (High Density Residential)

**ADJACENT
LAND USES:** North – Residential, R-15. Town Lake Park.
South – Residential, R-15, Willow Springs Subdivision.
West – R-15, Residential.
East – R-15, Willow Springs Subdivision.

**ZONING
HISTORY:** The R-15 zoning shown is reflected on the 1989 zoning map.

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 properties are designated as Medium Density Residential Neighborhood on the 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. Please note that the terms associated with the Land Use Plan are not synonymous with those of the Zoning Ordinance. The Land Us Plan defines a broader, more generic description and in this instance, would essentially include all those residential neighborhoods served by public water and sewer.

2. Suitability of proposed zoning district classification.

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.

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.

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.

5. Transportation patterns.

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.

RECOMMENDATION:

Discussion. 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 Board recommended approval of the proposed rezoning at its regular meeting on September 3, 2014.