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

ATTENDANCE

Members Present: Raeford Bland, Alfreda Alston, Shannon Plummer, Bob McConnaughey, Carolyn Elfland, Brian Taylor.

Staff Present: Stuart Bass, Planning Director, Ileana Platon, Administrative Support Specialist, Paul Messick, Town Attorney.

A. CALL TO ORDER

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

B. APPROVAL OF MINUTES

Chairman Bland asked for motion to approve the minutes of March 3, 2014.

Ms. Alston made motion for approval.

Motion seconded by Mr. Taylor.

Motion carried unanimously.

C. NEW BUSINESS

1. REZ-2014-01

Green / McConnaughey Rezoning

Action Needed – Discussion, Recommendation to Town Board

Mr. Bass: Ruth L. Green and Robert (Bob) McConnaughey are proposing to rezone approximately 1.3 acres at 175 East Salisbury Street and 129 North Small Street from C-2 (Highway Commercial) to O&I (Office and Institutional). The existing use is Converted Single Family Residence & Single Family Residence with Storage Building. To the North is Commercially Zoned Property, C-2 fronting Thompson Street on both sides. To the South is also Commercially Zoned Property, C-2. Highway 64 East is one block from the property. West is Commercially Zoned Property, C-2. One block away is Central Commercial District Zoning C-4. East is single Family residential, zoned R-10. The C-1 zoning shown is reflected on the 1989

zoning map. There is also a letter from Ms. Ruth L. Green detailing her request of the proposed rezoning. There was recently a similar rezoning from C-2 to O&I at 117 East Salisbury Street.

The Subject properties are designated as Mixed Used Town Center on the Future Land Use Map (October 2012). This category includes the traditional central business district of Pittsboro and its surrounding adjacent blocks. A mix of uses, including both businesses and residences, is encouraged as is infill development and the adaptive reuse of existing buildings. The current zoning is C-2 which is the Town's most intense Commercial district; it allows a vast majority of retail uses. It is primarily designed for commercial uses such as shopping centers and strip centers as well as free-standing, highway-oriented business establishments and warehousing.

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

All public facilities and services rendered by the Town are available and currently applied to both properties. Population change: Office and Institutional district does allow for single family residences. Transportation patterns: The property is located off on Salisbury Street and off of Thompson Street and bordered by Small Street. These are local streets within the older part of the Town. Access is by an individual driveway entrance. On street parking is permissible.

Staff Recommendation: 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. Although the area is zoned C-2 (Highway Commercial) the character of Salisbury Street within the immediate vicinity is residential.

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-2 or R10 zoning districts. Such a small scale zoning is by definition spot zoning.

Sport Zoning is legal in North Carolina given the following considerations:

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. Size of the parcel is relative but in this instance the sizes of the parcels are similar to those around it.

2. Compatibility with existing plans. As stated earlier, 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. This would be considered a "downzoning" from the current zoning district, and would provide for less intensive uses than are currently allowed with the C2 zoning.
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, while making a single family residence a permitted use.

Staff recommendation is for approval of the proposed rezoning. and advises that it is consistent with the Land Use Plan and other applicable plans and policies, and recommended to adopt the staff report which addresses plan consistency and other matters.

Mr. McConnaughey stated that in 1985 the entire plot was mixed use, but in the mid 80's without any knowledge to the residents it was rezoned to C-2. Everyone in that block and the block across the street with the exception of Mr. Atwater had signed a petition requesting that the zoning be reheard, but it was advised that it was a done deal and it would not be changed.

Ms. Green stated that they moved into the home in 1976 and lived there for 25 years until it was struck by lightning. In the time it took to repair the home she was told that she could not reside in it again because it was a non conforming use and it was vacant for too long. She was also advised that she had to meet Commercial codes. She has been lucky to have kept it rented for all these years but now to get a new tenant she has to go thru all the ABA upgrades. There are more properties available in the downtown area and selling it is hard since business loans are difficult to get, it is impossible for any prospected buyer to get approved.

Ms. Elfland asked about the condition of the property on 73 Salisbury Street. She also stated that the yellow house on the corner used to be a business and it has been converted to residential and rezoned last year. When there is a situation like this wouldn't it be better for the Town to rezone the entire block?

Ms. Green stated that they had reached out to the adjoining residents and that there is a resident that is opposed to change the zoning from C-2 to O&I and is under the perception that her home would always be a residence under the C-2 zoning.

Mr. Plummer stated he was in favor of the proposed rezoning but would be opposed to the Town initiating zoning the entire block, doing it on a case by case basis would be more appropriate.

Chairman Bland requested motion.

Mr. Taylor made motion to forward to the Board of Commissioners with a recommendation for approval, and to adopt Staff Recommendation, which addresses plan consistency and other matters. Motion seconded by Ms. Alston.

Motion carried unanimously. (Mr. McConnaughey recused himself from the vote.)

D. BOARD MEMBER CONCERNS

None

E. REPORTS AND ANNOUNCEMENTS

1. Informational Item – Accessory Uses

Mr. Bass provided the Board with Information on Accessory Uses and Structures in the Zoning Ordinance from the UNC School of Government.

F. ADJOURNMENT

Chairman Bland asked for motion to adjourn.

Ms. Alston made motion to adjourn.

Motion seconded by Mr. Taylor.

Motion carried unanimously

Planning Board meeting adjourned at 7:27pm.

Next Planning Board Meeting is scheduled for Monday, May 5, 2014 at 7:00pm

Aleana H. Platon

Administrative Support Specialist