



Franklin County Communique to the Planning Board

REQUEST FOR REZONING 15-REZ-05 5344 NC 56 HWY East Castalia

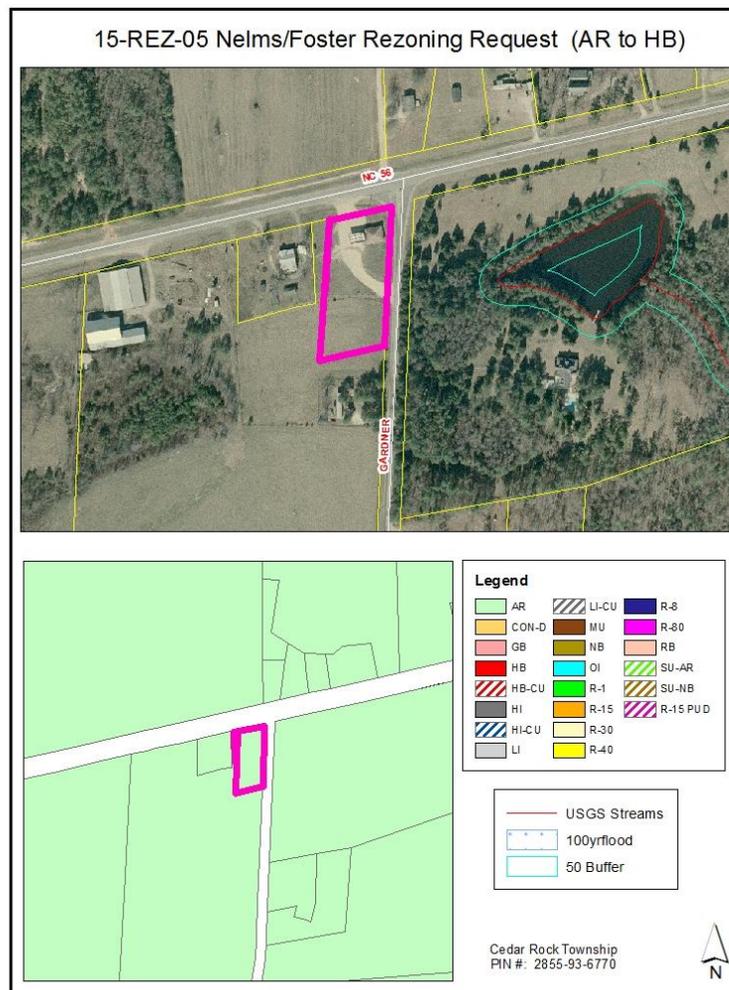
PETITIONER(S):

Name of Petitioner: Deria Foster
Address: P.O. Box 182
CityStateZip: Castalia, NC 27816

OWNER(S):

Name of Owner: T.O. Nelms
Address: 5158 NC 56 HWY E.
CityStateZip: Castalia, NC 27816

LOCATION:



ATTACHMENTS:

Rezoning Application
Map

PARCEL INFORMATION

OWNER	PARCEL #	ZONING	AREA
T.O. Nelms	2855-93-6770	Agricultural Residential	2.0
TOTAL			2.0 acres

ADJACENT PROPERTY SITE DATA

	ZONING	LAND USE
Subject Property	Agricultural Residential	Vacant Store Building
North	Agricultural Residential	Residential
South	Agricultural Residential	Agricultural
East	Agricultural Residential	Residential
West	Agricultural Residential	Residential

STAFF ANALYSIS

PROJECT OVERVIEW

Zone Map Change Request: Deria Foster is requesting to rezone 2.0 acres at 5344 NC 56 HWY E and in the Cedar Rock Township from Agricultural Residential (AR) to Highway Business (HB).

PLANNING & ZONING

Land Use Plan: The Future Land Use plan indicates that this property is intended for Agricultural Residential.

Zone Map Change Analysis: Deria Foster is requesting to rezone 2.0 acres at 5344 NC 56 HWY East in the Cedar Rock Township from Agricultural Residential (AR) to Highway Business (HB).

The petitioner has stated within the application that a store has operated at this location for years. The petitioner would like to reopen the existing store building and continue store/retail operations. This rezoning would allow for better use of the land and possibly permit the expansion of services. All of the surrounding properties are zoned Agricultural Residential (AR). The subject property is located at the intersection of NC 56 HWY and Gardner Rd. NC 56 HWY is a major thoroughfare.

Staff recommends that the Board use the provided rezoning checklist as a part of the decision making process. Board members are encouraged and required by general statute to consider all allowable uses under the district rather than only the proposed use as presented. In accordance with Section 26-8 (E) of the Unified Development Ordinance staff has sent mailed notices to the adjacent property owners.

Permitted Uses:

(AR) Agricultural-Residential District Zoning

This district is established to promote a compatible mixture of agricultural, forestry, conservation, and very low-density residential uses where few public services will be available. Protection of the environment, preservation of prime farm land, and the continuation of rural lifestyles are goals this district seeks to attain.

Abattoir/Slaughterhouse	S
Accessory Structure	X
Accessory Uses	X
Agricultural Production (crops)	X
Agricultural Production (livestock) Except intensive livestock operations (ILO)	X
Agricultural Supply Sales	C
Airport Operations, Aircraft Port, Heliports	S
Animal Aquaculture	X
Animal Hospitals / Veterinarians	S
Auction	S
Automobile Junkyard (including Automobile Graveyards)	S
Barber and Beauty Shops	C
Bed and Breakfast Inn (includes Boarding and Tourist Homes)	C
Bituminous Coal & Lignite Mining	S
Blacksmith or Horse Shoeing Services	X
Bona Fide Farms	X
Bulk Grain Storage	C
Cabinet / Woodworking Shop	C
Carnivals and Fairs	C
Catering Establishments	X
Cemetery, Church and Family	X
Cemetery, Commercial	C
Church	X
Club or Lodge, Public or Private	C
Conference Center / Retreat Facilities	C
Convenience Centers	C
Country Clubs, Private or Public	C
Craft and Gift Shops	C
Crude Petroleum & Natural Gas	S
Customary Home Occupation	X
Dairy Processing and Distribution	X
Day Care Center and Kindergarten	C
Detention Facilities	S
Dwelling, Single-Family (one per lot)	X
Dwelling, Two-Family/Duplex	X

Emergency Shelter	X
Family Care Home	X
Farm Equipment & Small Engine Repair	S
Feed & Grain Sales and Storage	C
Fire Station Operations	C
Flea Markets	S
Florist	C
Forestry	X
Golf Course	C
Golf Driving Range	C
Grocery and Convenience Stores	C
Grounds & Facilities For Open Air Games & Sporting Events	S
Hatcheries	C
Home for the Aged	C
Horse Shows	C
Inert Debris Reclamation	S
Kennel Operations, Care	C
Landscape and Horticultural Services	X
Law Enforcement Station	X
Manufactured Home (individual, for residential occupancy)	X
Manufactured Home Park but excluding any manufactured home sales	C
Marina	C
Mining Industries	S
Music Festival	S
Neighborhood Business	C
Nonmetallic Minerals, except fuels	S
Offices, Small/Low-Impact	C
Orphanage	X
Outdoor Fruit and Vegetable Markets	X
Paper Products, Sales	S
Parks and Open Space, Public or Private	X
Pet Cremation	C
Petroleum Products, Storage and/or Distribution	S
Planned Unit Development	S
Plant Nurseries/Lawn and Garden Stores	C
Public Buildings	C
Public Recreation (grounds and facilities for open air games and sporting events)	X

Radio or Television Studio Activities Only	C
Recreation Facility, Indoors	C
Rest Homes	C
Restaurants and Grills	C
Riding Stables / Riding Academy	C
Rural Family Occupation	X
Salvage and Recovery Yards	S
Sanitary Landfill	S
School, Business, Professional and Art	X
School, Public and Private	X
Septic System Contractor	S
Sewage/Water Pumping Stations	S
Sewage/Water Treatment Plants	S
Solar Energy Farms	S
Storage Facilities, Mini	S
Swimming Clubs	C
Swimming Pools	X
Telecommunication Towers	C
Telephone Exchange Cabinets	X
Veterinary Office/Hospitals	S

X = Permitted as use by right

S = Special Use Permit approved by Franklin County Board of Commissioners upon the recommendation by the Franklin County Planning Board.

C = Conditional Use Permit approved by Franklin County Board of Adjustments.

(HB) Highway Business District Zoning

The purpose of this district shall be to provide for and encourage the proper grouping and development of roadside uses which will best accommodate the needs of the motoring public, the reduction of highway congestion and hazard, and the minimization of blight. The following standards are established for this district and designed to promote sound permanent commercial development, and to protect nearby areas from undesirable aspects of commercial development: (1) outside storage must be screen from public view by opaque fencing, screening, or landscaping; (2) outside storage shall be limited to the rear and side of principal building; (3) storage of unsafe (corrosive, flammable, or explosive materials) or hazardous material shall comply with any local, state or federal requirements; and (4) outside storage must be on the premises of the business.

ABC Stores	X
Accessory Uses	X
Adult Businesses	S
Agricultural Production (crops)	X
Agricultural Production (livestock) except intensive livestock operations (ILO)	X
Agricultural Supply Sales	X

Animal Aquaculture	X
Animal Hospitals / Veterinarians	X
Antique Sales	X
Apparel and Accessory Sales	X
Appliance Store	X
Arts and Crafts	X
Assemblies (Coliseums, Gymnasiums and Similar Structures)	X
Auction	X
Automobile Junkyard (Including Automobile Graveyards)	S
Automobile Parts Sales (new only)	X
Automobile Repair Service	X
Automobile Service Station (including self-service gas pumps)	X
Automobile/Truck/Trailer Sales and Rental	X
Barber and Beauty Shops	X
Bar, Night Club, Tavern	X
Bed and Breakfast Inn (includes Boarding House and Tourist Homes)	C
Blacksmith or Horse Shoeing Services	X
Blueprinting and Photostatting Establishments	X
Boat Sales	X
Bookstore	X
Building Supply Sales	X
Bulk Mail and Packaging	X
Bus Terminal	X
Cabinet / Woodworking Shop	C
Car Washes	X
Catering Establishments	X
Church	X
Clothing Alteration and Repair	X
Club or Lodge, Public and Private	C
Cold Storage Plants	X
Communication or Broadcasting Facility	X
Computer Sales	X
Computer Services	X
Contractors, General Building	X
Contractors, Heavy Construction	X
Convenience Centers	C
Courier Service	X
Craft and Gift Shops	X
Daycare Center and Kindergarten	C
Department Stores	X
Drive-In Movies	X
Drugs, Legal Sales	X
Drug Store	X
Dry Cleaners and Laundries	X
Dwelling, Single-Family (one per lot)	X
Electrical Appliance Sales and Service	X
Emergency Shelter	X

Employment / Personnel Agency	X
Fabric or Piece Goods Store	X
Farm Equipment and Small Engine Repair	C
Feed and Grain Sales and Storage	X
Fertilizer Wholesale and Retail Sales	X
Financial Institutions (Bank, Savings and Loan, Credit Unions)	X
Flea Markets	X
Florist	X
Floor Coverings, Sales	X
Food Store	X
Forestry	X
Funeral Home	X
Furniture Store	X
Glass, Sales	X
Golf Course, Miniature	X
Golf Driving Range	X
Grocery and Convenience Stores	X
Grounds & Facilities For Open Air Games & Sporting Events	S
Hardware Stores	X
Heating, Equipment and Plumbing Fixtures	X
Home Furnishings, Miscellaneous	X
Homeless Shelter	S
Horse Shows	C
Industrial and Commercial Machinery, Sales	X
Jewelry Sales and Watch Repair	X
Kennel Operations, Care	C
Landscape and Horticultural Services	X
Laundromat, Coin-Operated	X
Law Enforcement Station	X
Locksmith, Gunsmith	X
Manufactured Home Sales but excluding any residential occupancy	X
Manufactured Home, Individual, For Office and Exhibition	C
Miscellaneous Retail Sales	X
Motels / Hotels	X
Motor Vehicle Sales (new and used)	X
Motorcycle Sales	X
Music Festival	S
Musical Instrument Sales	X
Neighborhood Business	X
Newsstand	X
Office for Business, Professional or Personal Services	X
Office Machine Sales	X
Optical Goods Sales	X
Outdoor Fruit and Vegetable Markets	X
Paint and Wallpaper Sales	X
Paper Products, Sales	X

Parks and Open Space, Public or Private	X
Pawnshop or Used Merchandise Store	X
Pest or Termite Control Services	X
Pet Cremation	X
Pet Store	X
Photocopying and Duplicating Services	X
Photographic Equipment	X
Plant Nurseries / Lawn and Garden Stores	X
Pottery and Related Products, Sales	X
Public Buildings	X
Public Recreation (grounds and facilities for open air games and sporting events)	X
Public Utility Stations (including electrical substations, water tanks/towers and telephone exchanges)	C
Record and Tape Store	X
Recreation Facility, Indoors	C
Recreational Vehicle Sales	X
Rest Homes	X
Restaurants and Grills	X
Restaurants (with drive-thru)	X
Restaurants (without drive-thru)	X
Salvage and Recovery Yards	S
School, Business, Professional and Art	X
Shoe Sales and Repair	X
Shopping Centers / Commercial Group Development	X
Soap and Cosmetics, Sales	X
Sporting Goods Shop	X
Storage Facilities, Mini	X
Swimming Pools	X
Tattoo Shops	C
Taxidermist	X
Telecommunication Towers	X
Telephone Exchange Cabinets	X
Tire Sales	X
Tobacco Products, Sales	X
Travel Agency	X
Truck Stop	X
Truck / Trailer Repair	C
Veterinary Office / Hospitals	X
Utility Building Sales	X
Video Tape Rental and Sales	X
Warehouse (general storage, enclosed)	X

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Setbacks and Lot Size:

Zoning District	Min. Square Footage	Min. Road Frontage	Min. Front Setback	Min. Side Setback	Min. Rear Setback
<i>Existing Zoning</i> Agricultural Residential	30,000 Sq. Ft.	100	30	10	25
<i>Proposed Zoning</i> Highway Business	30,000 Sq. Ft.	75	50	10	25

Water/Sewer Service: Public water is not available to this site. The site currently utilizes well and septic.

Transportation: The 2013 average daily traffic count along NC 56 HWY is approximately 1,700 vehicles per day.

Environmental Issues: The subject property is located within the Tar-Pamlico basin and is required to meet nutrient regulations for nitrates and phosphates for new improvements exceeding one-half acre.

REZONING GUIDE CHECKLIST

- (1) Does the proposed zoning classification conform to the County Land Use Plan

FINDING ___ Yes ___ No
- (2) Is there a public need for additional land to be zoned for this use/district?

FINDING ___ Yes ___ No
- (3) If there is a need for additional land to be zoned to this district, should it be in this area, or would the public interest be better served if the zoning were done in another area of the county?

FINDING ___ Yes ___ No
- (4) The granting of the rezoning request will not impose serious hardships on adjacent property owners in the form of noise, odors, signs, and/or other similar nuisances?

FINDING ___ Yes ___ No
- (5) The request does not raise any legal questions such as “spot zoning”, “violation of precedents”, and the rule of reasonableness?

FINDING ___ Yes ___ No
- (6) The granting of the rezoning request is of benefit to the general public and not solely for a private individual.

FINDING___ Yes ___ No

(7) The request will not result in the lessening the enjoyment of use of adjacent properties?

FINDING___ Yes ___ No

(8) The request would not have a serious impact on existing public facilities, such as schools, fire & rescue etc.

FINDING___ Yes ___ No

PLANNING STAFF RECOMMENDED PLANNING BOARD DISCUSSION ITEMS

Review proposed map amendment, solicit comments or questions, and make a recommendation regarding the rezoning request.

Zoning Consistency Statement: The Future Land Use plan indicates that this property and surrounding properties are designated as Agricultural Residential (AR). The property is located along a major thoroughfare. Public water and sewer are not available to this site. The adjacent parcels to the north, south, east, and west are currently zoned Agricultural Residential (AR). Staff is recommending that Neighborhood Business (NB) or Rural Business (RB) be considered as opposed to Highway Business (HB). Neighborhood Business (NB) and Rural Business (RB) allow stores/retail operations as a use by right. Highway Business (HB) allows uses that could result in a negative impact on adjoining property owners. Some of these uses include but not limited to sexually oriented businesses, bar, night club, tavern, and truck/trailer repair.

PLANNING STAFF RECOMMENDATION TO THE PLANNING BOARD

Recommend denial of the requested rezoning based upon the reasons stated in the above narrative.

Board of Commissioners meeting will be held on November 16, 2015 at 7:00 p.m.