



# Franklin County Communique to the Planning Board

## REQUEST FOR REZONING

16-REZ-03

US 401 HWY Mixed Use (MU) to Highway Business (HB)

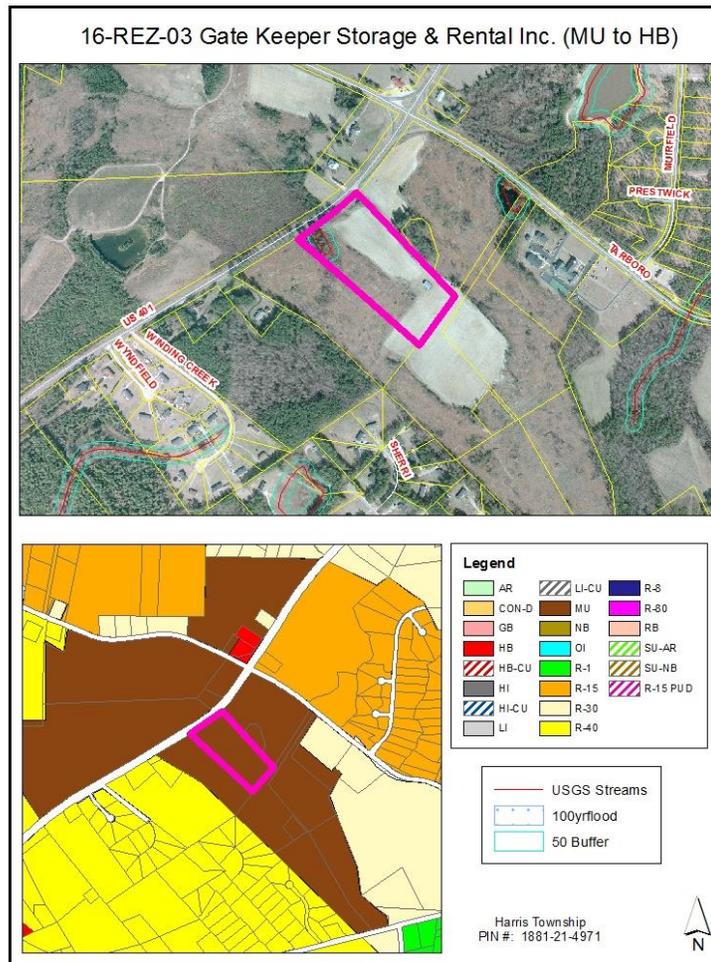
**PETITIONER(S):**

Name of Petitioner: Gate Keeper Investments, LLC  
Address: 28 Hayes Court  
CityStateZip: Franklinton, NC 27525

**OWNER(S):**

Name of Owner: Gate Keeper Storage and Rental  
Address: 28 Hayes Court  
CityStateZip: Franklinton, NC 27525

**LOCATION:**



**ATTACHMENTS:**

Rezoning Application  
Map

**PARCEL INFORMATION**

OWNER	PARCEL #	ZONING	AREA
Gate Keeper Investments, LLC	1881-21-4971	MU	10.627
<b>TOTAL</b>			<b>10.627 Acres</b>

**ADJACENT PROPERTY SITE DATA**

	ZONING	LAND USE
<b>Subject Property</b>	MU	Vacant/Agricultural
<b>North</b>	MU	Vacant
<b>South</b>	MU	Vacant
<b>East</b>	MU	Residential
<b>West</b>	MU	Vacant

**STAFF ANALYSIS**

**PROJECT OVERVIEW**

**Zone Map Change Request:** Gate Keeper Storage & Rental Inc. is requesting to rezone 10.627 acres off US 401 HW in Harris Township from Mixed Use (MU) to Highway Business (HB).

**PLANNING & ZONING**

**Land Use Plan:** The Future Land Use plan indicates that this property is intended for Office-Institutional.

**Zone Map Change Analysis:**

Gate Keeper Storage & Rental, Inc. is requesting to rezone 10.627 acres off US 401 HWY in the Harris Township from Mixed Use (MU) to Highway Business (HB).

The application states that the present zoning restricts the needed/proposed area of storage space required to construct a mini storage facility. According to the Future Landuse Plan, the subject property is intended for Office Institutional uses. However, the property is located within a commercial node. Commercial nodes will serve as commercial focus areas. In the attempt to avoid strip commercialization, commercial land uses have been provided in nodes located at the intersection of thoroughfares. There have been recent zoning amendments to parcels located at the intersection of US 401 HWY and Tarboro Rd. (SR 1100) from Mixed Use (MU) to Highway Business (HB). This property is approximately 1000 feet from the center of the commercial node, therefore staff feels that Neighborhood Business (NB) would provide a more appropriate transition to adjoining residential properties. Highway Business (HB) allows uses that could result in a negative impact on adjoining property owners. These uses include but not limited to sexually oriented business, bar/night club, tavern, and truck/trailer repair.

The amendment from Mixed Use (MU) to Neighborhood Business (NB) to the zoning map is supported by 1) the Franklin County Comprehensive Land Use Plan, including 2) the Future Lane Use Map dated November 17, 2006; and 3) the recent zoning map amendments for parcels in the area of the subject property.

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:**

**(MU) Mixed Use District Zoning**

***This district is to provide a transition between residential and commercial zoning districts. This district is specifically designed to incorporate low-medium residential uses with moderate commercial development. The following standards are established for this district and designed to protect adjoining areas from undesirable aspects of commercial development.***

- Shall apply to all nonresidential development and building groups.
- Miscellaneous Regulations
  - Maximum height 35'
  - Maximum gross floor area shall be as follows:

<u>Lot Area</u>	<u>GFA</u>
15,000 – 43,560 sq ft	4,000
43,561 – 100,000 sq ft	4,000 + .05 lot area over 43,561
Over 100,000 sq ft	9,000 + .01 lot area over 100,000
  - Twenty (20) percent of the total development shall remain as open space.
- Parking & Circulation
  - Parking shall be limited to fifty-four (54) spaces per development. Multi-family dwellings such as apartments, duplexes, and town houses will be limited to a maximum of one hundred and thirty-five (135) spaces per development. Developments that exceed the maximum parking restrictions shall reduce the size of the development to meet the parking standards. (Maximum occupant load according to the NC Building Code will be used to determine building occupancy.)
  - Parking shall face internal to the development and shall not be directed onto any residential lot.
  - No parking shall be located within ten (10) feet of any property line.
  - No development shall have more than two total points of access for ingress and egress per road frontage.
  - Trash receptacles shall be screened from public view.
- Outside Storage
  - Outside storage must be screened from public view by opaque fencing, screening, or landscaping.
  - Outside storage shall be limited to the rear and side of the principal building.
  - Storage of unsafe (corrosive, flammable, or explosive materials) or hazardous materials shall comply with any local, State or Federal requirements.
  - Outside storage must be on the premises of the business.
- Lighting

- All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line does not exceed 0.3 onto adjacent residential property.
  - Light sources shall be concealed and fully shielded from view off-site and shall feature sharp cut-off capability so as to minimize up-light, spill-light, glare and unnecessary diffusion on adjacent property.
  - Maximum height of light poles with a ninety (90) degree or less cutoff fixture, measured from the light stream to the ground, shall be thirty (30) feet. Maximum height of light poles without a full ninety (90) degree or less cutoff fixture, measured from the light stream to the ground, shall be sixteen (16) feet.
  - All exterior lighting, on or off the building, shall be either amber in color or turned off between 11:00 PM or one hour after closing, whichever is earlier, and 5:00 AM or one hour before opening, whichever is later, with the exception of low-wattage landscaping lighting, customer entrance, or service area lights aiming down and installed under a canopy of similar roof structure.
  - No flickering or flashing lights permitted.
- Signage
    - Signage shall follow the provisions of Article 17 and Table 17-3

Accessory Structure (See Note 4)	X
Accessory Uses – Incidental to any permitted use	X
Agricultural Production (crops)	X
Agricultural Supply Sales	C
Animal Hospitals/Veterinarians	S
Antique Sales	X
Apparel & Accessory Sales	X
Appliance Store	X
Arts and Crafts	X
Assemblies (Coliseums, Gymnasiums, & Similar Structures)	S
Automobile Parts Sales (New Only)	X
Automobile Repair Service	C
Automobile Service Station (including self-service gas pumps)	C
Bakeries & Food Product Production	X
Barber & Beauty Shops	X
Bed & Breakfast Inn (includes Boarding House & Tourist Homes)	C
Bona Fide Farms	X
Bookstore	X
Building Supply Sales	S
Cabinet/Woodworking Shop	C
Car Washes	C
Catering Establishments	X
Cemetery, Church & Family (See Note 6)	X
Church	X
Clinic Services, Medial & Dental	X
Clothing Alteration & Repair	X
Club or Lodge, Public or Private	C
Communication or Broadcasting Facility	C

Computer Services	X
Conference Center/Retreat Facilities	S
Convenience Centers	C
Country Clubs, Private or Public	C
Courier Service	C
Craft and Gift Shops	X
Customary Home Occupation (see Note 7)	X
Daycare Center & Kindergarten	C
Drug Store	C
Dry Cleaners & Laundries	C
Dwelling, Clustered Detached Single-Family	X
Dwelling, Multi-Family	X
Dwelling, Single-Family (one per lot)	X
Dwelling, Two-Family/Duplex	X
Emergency Shelter	X
Employment/Personnel Agency	X
Fabric or Piece Goods Store	X
Family Care Home (see Note 10)	X
Financial Institutions (Bank, Savings and Loan, Credit Unions)	X
Fire Station Operations	C
Flea Markets	C
Florist	X
Food Store	X
Funeral Home	X
Furniture Stores	X
Golf Course	C
Golf Course, Miniature	C
Golf Driving Range	C
Grocery and Convenience Stores	C
Group Care Facility	S
Grounds & Facilities for Open Air Games & Sporting Events	S
Hardware Stores	X
Home for the Aged	S
Home Furnishings, Miscellaneous	X
Homeless Shelter	S
Hospitals/Nursing Homes	S
Jewelry Sales & Watch Repair	X
Landscape & Horticultural Services	X
Laundromat, Coin-Operated	X
Law Enforcement Station	C
Locksmith, Gunsmith	X
Manufactured Home (Individual, For Office and Exhibition)	X
Manufactured Home (Individual, For Residential Occupancy)	X
Manufactured Home Park (but excl. any manufactured home sales)	C
Marina	C
Miscellaneous Retail Sales	X

Motels/Hotels	S
Music Festival	S
Musical Instrument Sales	C
Neighborhood Business	X
Newsstand	X
Off-Street Parking and Loading Facilities (in accordance with Article 16)	X
Office for Business, Professional or Personal Services	X
Office Machine Sales	X
Offices, Small/Low Impact	X
Optical Goods Sales	X
Orphanage	X
Outdoor Fruit and Vegetable Markets	X
Paint and Wallpaper Sales	X
Paper Products, Sales	X
Parks and Open Space, Public or Private	X
Photocopying & Duplicating Services	X
Planned Unit Development (In accordance with Article 11, Section 11-1)	S
Plant Nurseries/Lawn & Garden Stores	X
Post Office	C
Pottery & Related Products, Sales	X
Public Buildings	S
Public Utility Stations (including electrical substations, water tanks/towers, and telephone exchanges)	S
Record & Tape Store	X
Restaurants and Grills	C
Restaurants (with drive-thru)	C
Restaurants (without drive-thru)	C
Rural Family Occupation (see Note 12)	X
School, Business, Professional and Art	S
School, Public and Private	S
Shoe Sales and Repair	X
Shopping Centers/Commercial Group Development	S
Sporting Goods Shop	X
Storage Facilities, Mini	S
Swimming Clubs	X
Swimming Pools (see Note 14)	X
Tattoo Shops	S
Telecommunication Towers	C
Telephone Exchange Cabinets	X
Tire Sales	C
Townhouses	X
Travel Agency	X
Underground Electrical Power Distribution Lines; Water or Sewer Lines; Gas Distribution, and Liquid Fuel Transmission Lines	X
Veterinary Office/Hospitals	C

Video Tape Rental and Sales	X
-----------------------------	---

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

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 the Franklin County Board of Adjustment

## **(NB) Neighborhood Business District Zoning**

***This district is established for business development serving the business needs of the rural community. 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 screened from public view by opaque fencing, screening, or landscaping; (2) outside storage shall be limited to the rear and side of the 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.***

Agricultural Production (crops)	X
Agricultural Production (livestock) except intensive livestock operations (ILO)	X
Agricultural Supply Sales	C
Animal Aquaculture	X
Automobile Repair Service	C
Automobile Service Station (including self-service gas pumps)	C
Barber and Beauty Shops	X
Cabinet/Woodworking Shop	C
Church	X
Club or Lodge, Public or Private	C

Convenience Centers	C
Craft and Gift Shops	X
Daycare Center and Kindergarten	C
Drugs, Legal Sales	X
Drug Store	X
Dwelling, Single-Family (one per lot)	X
Emergency Shelter	X
Florist	X
Grocery and Convenience Stores	X
Group Care Facility	S
Laundromat, Coin-Operated	X
Law Enforcement Station	X
Manufactured Home, Individual, For Office and Exhibition	C
Miscellaneous Retail Sales	X
Music Festival	S
Neighborhood Business	X
Offices, Small/Low Impact	X
Outdoor Fruit and Vegetable Markets	X
Paper Products, Sales	X
Parks and Open Space, Public or Private	X
Pet Store	X
Plant Nurseries / Lawn and Garden Stores	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
Restaurants and Grills	X
Restaurants (with drive-thru)	X
Restaurants (without drive-thru)	X
Shopping Centers / Commercial Group Development	X
Sporting Goods Shop	X
Storage Facilities, Mini	X
Swimming Pools	X
Telephone Exchange Cabinets	X
Tobacco Products, Sales	X
Travel Agency	X
Utility Building Sales	X
Video Tape Rental and Sales	X

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 the Franklin County Board of Adjustment

**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> Mixed Use (MU)	20,000 Sq. Ft.	75	25	10	20
<i>Proposed Zoning</i> Highway Business (HB)	30,000 Sq. Ft.	75	50	10	25

**Water/Sewer Service:** Public water is approximately 900 feet away from this site.

**Transportation:** The 2013 average daily traffic count along this section of US 401 HWY is approximately 8,700 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. Franklin County GIS maps indicates a small pond with a riparian buffer on this parcel.

**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 Office Institutional (OI). The property is located at a commercial node. The property is located along a major thoroughfare. Public water is available to this site. The adjacent parcels to the north, south, east, and west are currently zoned Mixed Use (MU). Staff is recommending that Neighborhood Business (NB) be considered as opposed to Highway Business (HB). Neighborhood Business (NB) allows mini storage facilities 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. Consider recommending approval of Neighborhood Business (NB) based upon reasons stated in the above narrative.