



Franklin County Communique to the Planning Board

REQUEST FOR REZONING 19-REZ-01 NC 96 Hwy Mixed Use (MU) to Highway Business (HB)

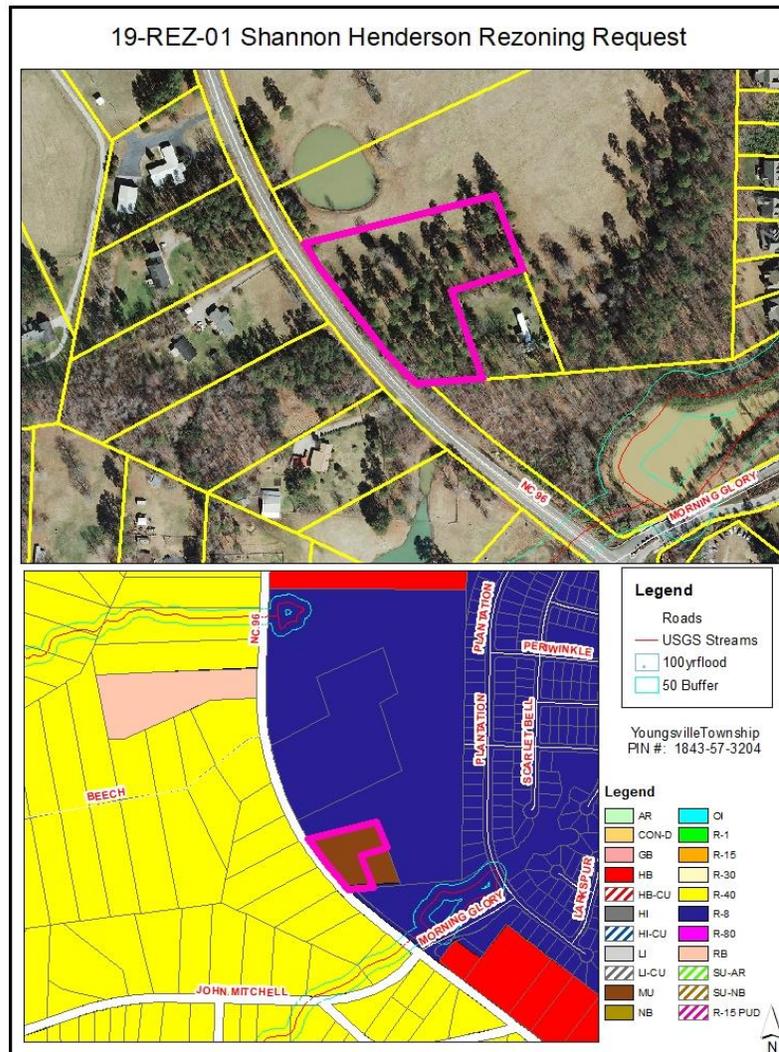
PETITIONER(S):

Name of Petitioner: Shannon Henderson
Address: 3195 Brassfield Rd
CityStateZip: Creedmoor, NC 27522

OWNER(S):

Name of Owner: Same
Address:
CityStateZip:

LOCATION:



ATTACHMENTS:

Rezoning Application
Map (MB 2017 PG 176)
Metes and Bounds Description

PARCEL INFORMATION

| OWNER | PARCEL # | ZONING | AREA |
|-------------------|--------------|--------|-------------------|
| Shannon Henderson | 1843-57-3204 | MU | 2.82 |
| TOTAL | | | 2.82 Acres |

ADJACENT PROPERTY SITE DATA

| | ZONING | LAND USE |
|-------------------------|--------------------|---------------------------|
| Subject Property | Mixed Use (MU) | Wooded/Vacant |
| North | Residential (R-8) | Freeman Subdivision |
| South | Mixed Use (MU) | Residential |
| East | Residential (R-8) | Winston Ridge Subdivision |
| West | Residential (R-40) | Residential |

STAFF ANALYSIS

PROJECT OVERVIEW

Zone Map Change Request: Shannon Henderson is requesting to rezone 2.82 acres off NC 96 Hwy in Youngsville 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 Commercial use.

Zone Map Change Analysis: Shannon Henderson is requesting to rezone 2.82 acres off NC 96 Hwy in Youngsville Township from Mixed Use (MU) to Highway Business (HB).

The application states that there is a need for Highway Business (HB) zoned property in this area. Within the narrative the applicant states that there is economic growth in the area. The surrounding properties are zoned Residential-8 (R-8) and Residential-40 (R-40). The Residential-8 (R-8) parcels to the North, South, and East allow for 5,000 square feet minimum lot sizes. The Residential-40 (R-40) parcels to the West allow for 40,000 square feet minimum lot sizes. Winston Ridge Subdivision (523 approved lots) and Freeman Farms (183 approved lots) are adjacent to this site. This property is located approximately (1) one-mile from the nearest 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. 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.

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'
- Parking & Circulation
 - Parking shall be limited to fifty-four (54) spaces per development. Townhomes and multifamily dwellings such as apartments and duplexes shall comply with Section 16-1: Off Street parking and Loading Requirements. 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 the 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 Dwelling Unit | X |
| Accessory Uses – Incidental to any permitted use | X |
| Agricultural Production (crops) | X |
| Agricultural Production (livestock) | X |
| Agricultural Supply Sales | C |
| Agri-Tourism | X |
| 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 |
| Boat Works/Repair | 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 |
| Contractors, General Building | X |
| Convenience Centers | C |
| Country Clubs, Private or Public | C |
| Courier Service | C |
| Craft and Gift Shops | X |
| Customary Home Occupation (see Note 7) | X |

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|---|---|
| Daycare Center & Kindergarten | C |
| Distilleries/Breweries/Wineries | S |
| 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/Rescue Station Operations | C |
| Flea Markets | C |
| Florist | X |
| Food Store | X |
| Funeral Home | X |
| Furniture Stores | X |
| Gatehouse/Guardhouse/Security Station | X |
| Golf Course | C |
| Golf Course, Miniature | C |
| Golf Driving Range | C |
| Grocery and Convenience Stores | C |
| Group Care Facility | 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 |
| Musical Instrument Sales | C |
| Neighborhood Business | X |
| Newsstand | X |
| Off-Street Parking and Loading Facilities (in accordance with Article 16) | X |

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| 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 |
| Outdoor Recreation/Entertainment/Events | S |
| 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 Recreation | X |
| 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 |
| Riding Stables/Riding Academy | 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 |
| Swine Farm | X |
| Tattoo Shops | S |
| Telecommunication Towers | C |
| Telephone Exchange Cabinets | X |
| Temporary Uses | X |
| Temporary Healthcare Structures | 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 |
| Zoos | 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.

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|---|---|
| ABC Stores | X |
| Accessory Structure | X |
| Accessory Uses | X |
| Agricultural Production (crops) | X |
| Agricultural Production (livestock) | X |
| Agri-Tourism | X |
| Ambulance Service/Rescue Squad | 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 |

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| Blueprinting and Photostatting Establishments | X |
| Boat Sales | X |
| Boat Works/Repair | 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 |
| Conference Center/Retreat Facilities | 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 |
| Distilleries/Breweries/Wineries | 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 |
| Family Care Home | 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 |
| Fire/Rescue Station Operations | X |
| Flea Markets | X |
| Florist | X |
| Floor Coverings, Sales | X |
| Food Store | X |
| Forestry | X |
| Funeral Home | X |
| Furniture Store | X |

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| Glass, Sales | X |
| Golf Course, Miniature | X |
| Golf Driving Range | X |
| Grocery and Convenience Stores | X |
| Hardware Stores | X |
| Heating, Equipment and Plumbing Fixtures | X |
| Home Furnishings, Miscellaneous | X |
| Homeless Shelter | S |
| Horse Shows | C |
| Indoor Shooting Range | 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 |
| 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 |
| Outdoor Recreation/Entertainment/Events | S |
| 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 |

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|--|---|
| 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 |
| Sexually Oriented Businesses | S |
| 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 |
| Swine Farm | X |
| Tattoo Shops | C |
| Taxidermist | X |
| Telecommunication Towers | C |
| Telephone Exchange Cabinets | X |
| Temporary Uses | X |
| Tire Sales | X |
| Tobacco Products, Sales | X |
| Travel Agency | X |
| Truck Stop | X |
| Truck / Trailer Repair | C |
| Utility Building Sales | X |
| Veterinary Office / Hospitals | X |
| Video Tape Rental and Sales | X |
| Warehouse (general storage, enclosed) | X |
| Zoos | 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 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) | 30,000 | 100 | 30 | 10 | 25 |
| <i>Proposed Zoning</i> Highway Business (HB) | 30,000 | 75 | 50 | 10 | 25 |

Water/Sewer Service: Public water is available to this site. Public Sewer is near this site.

Transportation: The 2018 average daily traffic count along this section of NC 96 Hwy is approximately 11,000 vehicles per day. A North Carolina Department of Transportation Driveway Permit is required for all commercial driveways.

Environmental Issues: The subject property is located within the Neuse River basin.

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 has this property designated as Commercial. However, the requested zoning map amendment is inconsistent with the existing development patterns. There are 706 approved residential lots adjacent to this parcel. The adjacent parcels to the North, South, East, and West are zoned Residential. The property is located along a major thoroughfare approximately (1) one-mile from a commercial node (intersection of NC 96 HWY and US 1 HWY). Public water is available to this site and public sewer is near this site. 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. The requested rezoning to Highway Business (HB) is not in the best interest of the public.

PLANNING STAFF RECOMMENDATION TO THE PLANNING BOARD

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