

ORDINANCE: ZONING MAP AMENDMENT: JAMES DRAKE: REZONING APPROXIMATELY 9.12 ACRES FROM RURAL AGRICULTURAL (RA) TO HIGHWAY BUSINESS (B-2):LOCATED ON THE NORTHWEST CORNER OF U.S. HWY. 117 NORTH AND CAMP KIRKWOOD ROAD INTERSECTION, UNION TOWNSHIP.

SUBJECT AREA: Legal/Community Development

ACTION REQUESTED: First, conduct a public hearing to take comments concerning the request for the zoning map amendment mentioned above. Second, to approve the request mentioned above.

HISTORY/BACKGROUND:

According to the applicant's letter:

He may wish to establish some businesses and conduct activities on the site that are permitted by right in the Highway Business District. According to the applicant, his intent is not to build anything that would be harmful to the surrounding property owners.

The nine acres are vacant and has some vegetation along the general boundaries. The corner lot has approximately 380 feet fronting U.S. Hwy 117 North and approximately 790 feet fronting Camp Kirkwood Road. According to the map submitted the applicant has split or proposes to split several one (1) to two (2) acre tracts north of this site.

EVALUATION:

- I. According to the Pender County Zoning Ordinance Section 8.6.E., the B-2 Business District (Highway) requires the following:

The purpose of this district shall be to provide for the proper grouping and development of roadside business uses which will best accommodate the needs of the motoring public and businesses demanding high volume traffic. No B-2 District shall be less than one-half (1/2) acre in area.

Dimensional Requirements

- | | |
|---------------------------------|----------|
| 1) Minimum Developable lot area | ½ acre |
| 2) Minimum front yard | 100 feet |
| 3) Minimum side and rear yard | 25 feet |
| 4) Maximum building height | 35 feet |
| 5) Minimum lot width | 100 feet |

- II. According to Subsection 5.3, Action by the Planning Board, the following policy guidelines shall be followed by the Planning Board concerning zoning amendments and no proposed zoning amendment will receive favorable recommendation unless:

A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

There is a general store located directly across from this site on the east side of U. S. Hwy. 117 North. A car repair shop is located on the property adjoining the westernmost property line along Camp Kirkwood Road.

B. There is convincing demonstration that all uses permitted under the proposed district classification will not adversely affect the health and safety of residents or workers in the area and will not be detrimental to the natural environment or to the use or development of adjacent property or general neighborhood.

Please see the Table of Permitted Uses attached.

C. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved).

This is a low growth area. The growth trend of the area is predominantly residential with limited commercial services.

D. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

An analysis of the uses prohibited, permitted by right, and allowed with a Special Use Permit indicate that most of the activity is allowed in both districts.

E. The proposed change is in accord with any land use plan and sound planning principles.

According to the Land Use Plan, the area is classified as Rural.

“Although specific areas are outlined on a land classification map, it must be remembered that land classification is merely a tool to help implement policies and not, in a strict sense of the term, a regulatory mechanism.

The land classification system provides a framework to be used by the local government to identify the future use of all lands. The designation of land classes allows the local government to illustrate their policy statements as to where and to what density they want growth to occur, and where they want to conserve natural and cultural resources by guiding growth.”

Rural:

- a. The rural class is to provide for agriculture, forestry, mineral extraction and other allied uses traditionally associated with an agrarian region. Other land uses, due to their noxious or hazardous nature and negative impacts on adjacent uses, may also be appropriate here if sited in a manner that minimizes their negative effect on surrounding land uses or natural resources. Examples include energy generating plants, refining plants, airports, sewerage treatment facilities, fuel storage tanks and other industrial type

uses. Very low density dispersed residential uses on large lots with on site water and sewer are consistent with the intent of the rural class. Development in this class should be as compatible with resource production as possible.

- b. Description and characteristics: Areas meeting the intent of this classification are appropriate for or presently used for agriculture, forestry, mineral extraction and other uses, that due to their hazardous or noxious nature, should be located in a relatively isolated and undeveloped area. Very low density dispersed, single family residential uses are also appropriate within rural areas where lot sizes are large and where densities do not require the provision of urban type services. Private septic tanks and wells are the primary on-site services available to support residential development, but fire, rescue squad and sheriff protection may also be available. Population densities will be very low.”

III. PLANNING STAFF ACTION: The legal notice was published in the local newspaper, adjacent property owners were notified by mail, and the property was posted with public hearing notice signs.

Most of the uses allowed in the Rural Agricultural (RA) District are allowed in Highway Business (B-2) District. An analysis of the uses allowed in the Rural Agricultural and Highway Business Districts indicate that more agricultural uses are permitted in the Rural Agricultural District than in the B-2 District.

No mining activity is allowed in the B-2 District. A special use permit is required for mining and quarry including stone, marl, ore, and other material and borrow pits’ in the Rural Agricultural District.

Construction related activity is allowed in the Rural Agricultural and B-2 Districts.

Although most Manufacturing Uses require a Special Use Permit if allowed in a Rural Agricultural District most are not permitted in a B-2 District while bakery and beverage manufacturing is permitted by right in the B-2 District.

Transportation, communication, and utility uses are the same for both the Rural Agricultural and B-2 District.

Air Transportation, motor freight transportation, and warehousing and recycling are allowed in the Rural Agricultural District with a Special Use Permit but are not allowed in the B-2 District.

Trade activity is compared similarly.

Farming Implement Sales are permitted in Rural Agricultural but require a Special Use Permit in the B-2 District.

More service activity is allowed by right in the B-2 District than in the Rural Agricultural District. Auto and boat repair and rentals, campgrounds, theatres, membership club, and mini-warehouses are permitted by right in the B-2 District, yet require a Special Use Permit in the Rural Agricultural District.

However, racetracks, septic services, and shooting ranges are not allowed in the B-2 District but require a Special Use Permit in the Rural Agricultural District.

A medical center, college, and school require a Special Use Permit in a B-2 District, while permitted by right in the Rural Agricultural District.

Duplexes, salvage yards, transfer stations, sewage and sludge disposes are not allowed in a B-2 District, while requiring a Special Use Permit in a Rural Agricultural District.

IV. PLANNING BOARD ACTION: On May 4, 1999, the Planning Board unanimously approved the Zoning Map Amendment. James Hynes, Horace Thompson, James Connor, Thurman Lewis, and Jack Swann were present. Leslie Green was absent.

V. PUBLIC COMMENT: There was no one present who opposed the request.

VI. MANAGER'S RECOMMENDATION: Recommends approval.

MB
Initials

ORDINANCE: NOW THEREFORE BE IT ORDAINED that on June 21, 1999, the Pender County Board of Commissioners approved a request for a Zoning Map Amendment submitted by James Drake, landowner, to rezone approximately 9.12 acres from Rural Agricultural (RA) to Highway Business (B-2). The property is located on the northwest corner of the U.S. Highway 117 North and Camp Kirkwood Road intersection in Union Township. The vote is as follows:

MOVED Holland **SECONDED** Rivenbark

APPROVED **DENIED** **UNANIMOUS**

VOTES: STRICKLAND RIVENBARK SIMPSON JUSTICE HOLLAND

Walt H. Drake 6/21/99
ATTESTED **DATE**

Dwight Strickland 6/21/99
D. STRICKLAND, **DATE**
CHAIRMAN

AMENDMENTS:

rz:RA to B-2 Drake I
DSE/BJ



U.S. HIGHWAY
NO. 117

↑ TO WALLACE

U.S. HWY. 117 N.

RA

RICHARD
C. HALL

RA

MRS. BRADIE R. SPELL
321-92

RA

RA (1)

RA (2)

RA (3)

RA (4)

RA (5)

RA (6)

(10)

9.66-Ac. ± Gross
.54-R/W S.A. 1318
9.12 A. ± NET

AREA TO BE
REZONED
FROM RA to
B-2

CAMP KIRKWOOD RD.
795.67'
S 63°33'50" W

SECONDARY ROAD NO. 1318

RA

RA

RA

UNION T.

THOMAS
BURGER

March 15, 1999

Pender County Planning Department

Gentlemen:

I wish to apply for a Rezoning on my 9.12 acres located at the west side of the crossroads of U.S. Highway 117 North and State Road 1318. This property lies between Jeffrey Royal's Garage and Terry's Grocery.

I wish this Rezoning because I may want to build a variety of buildings such as a Mini Storage Warehouse, a Mobile Home Sales Lot, a Hardware and/or Sporting Goods Store, a Gas Station, Business Offices or other commercial ventures that are allowed. It is my intent not to build anything that would be harmful to the surrounding property owners.

I may change my mind several times during this process, and I don't want to have to wait a length of time to have each application approved. With the Rezoning, I understand that I may apply for a permit with the Planning Department for each thing I want to do that is permitted.

Thank you for your consideration. I look forward to hearing from you soon.

Respectfully,

A handwritten signature in cursive script that reads "James F. Drake". The signature is written in dark ink and is positioned above the printed name.

James F. Drake