

DEPARTMENT OF PLANNING & DEVELOPMENT

PLANNING STAFF REPORT
REZONING CASE #RZ20180208-1
STAFF PROJECT CONTACT: Angie Blount



EXPLANATION OF THE REQUEST

This is a request to rezone 62.51 acres, known as Huntstone Pines, Tax Parcel # 0412 02001, from R20 (Residential Medium Density) to R10 (Residential High Density). Some lots within the newly proposed phase of Huntstone Subdivision do not meet the minimum lot size requirement of 20,000 sq. ft., or the minimum lot width of 80’ for the R20 zoning. In order to comply with the R20 lot size requirement, several lots would have had to be eliminated. Rezoning the tract to R10 would allow the applicant to meet the lot size and the lot width requirements for R10 zoning (10,000 sq. ft., 75’ minimum width) and would also eliminate the need for a previously proposed pump station under R20.

OWNER/APPLICANT

OWNER: Old Oxford Road Partners, LLC
129 W. Belle St.
Henderson, NC 27537

Applicant: The Nau Company
PO Box 810
Rolesville, NC 27571

PROPERTY INFORMATION

LOCATION: Hwy 158 Business

EXISTING LAND USE: The parcel is currently zoned R20, requiring 20,000 sq. Ft. per parcel and 80’ of lot width/road frontage. One single family dwelling is allowed per lot.

SIZE: The tract consists of 62.51 acres. Applicant is proposing 119 lots under an R10 Zoning.

SURROUNDING LAND USE: The property is bordered on the west by property zoned AR, and on the east property zoned R20. Property to the north zoned GC1, or General Commercial, and property to the south is zoned R20 and is known as Huntstone Subdivision, consisting of phases I, II and III. These were established prior to Vance County adopting a zoning ordinance in 2011.

ZONING HISTORY: All parcels in the previous Huntstone Subdivision phases were established prior to Vance County adopting a Land Development Ordinance and may or may not meet the current zoning of R20.

IMPACTS

This rezoning will not change the use for the property or those adjacent. Rezoning the property will allow the developer to meet the zoning requirements for R10, 10,000 sq. ft. per lot, 75’ minimum lot width. Per the Vance County Subdivision and Zoning Ordinance, lots served by cul de sac will be allowed to meet the 75’ lot width requirement at the setback line versus the right of way line. (Section 3, 3.2, E., VC Zoning Ordinance)

STAFF COMMENTS

Applicant has demonstrated the ability to comply with an R10 zoning, evidenced by presentation of a preliminary plat on which lot size and lot width measurements are displayed and meet the requirements set forth by the GC Subdivision Ordinance and the VC Zoning Ordinance.

The planning board should consider the following factors in deciding this case:

- A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- B. There is convincing demonstration that all uses permitted under the proposed zone classification would be in the general public interest and not merely in the interest of an individual or small group.
- C. There is convincing demonstration that all uses permitted under the proposed zone classification would be appropriate in the area included in the proposed change. (When a new zone designation is assigned, any use permitted in the zone is allowable, so long as it meets zone requirements, and not merely uses which applicants state that they intend to make of the property involved.)
- D. There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change.
- E. The proposed change is in accord with the County Land Use Plan and sound planning principles.

Staff believes it is reasonable for the property to be rezoned from R20 to R10 to meet the neighborhood needs.

Attachments: Rezoning Application (A), Survey Map (B), Aerial map with surrounding zoning (C)

PLANNING BOARD RECOMMENDATION:

The planning board recommended in two motions the request by the applicant to rezone this portion of Huntstone Subdivision. The first motion was to recommend the rezoning, with the condition of having a boundary survey done of the area to be rezoned and to exclude lots 166, 167 and 195 from the rezoning request, to remain R20. The motion carried by a majority of the voting members.

The second motion was to recommend that lots 218, 217, 71 and 70 be included in the R10 rezoning. The second motion carried by a majority of the voting members.

BOARD OF COMMISSIONERS

Whenever the Board of Commissioners makes a decision to adopt or to reject a zoning amendment, the board must approve a written statement describing whether the action is consistent with an adopted comprehensive plan. The statement must also address why the board considers the action taken to be reasonable and in the public interest. The board is not required to follow its adopted plans in zoning decisions, but must consider its reasons for deciding to follow the plan or not.

Draft Motion and Rationale for Board of Commissioners Approval: Motion to approve the rezoning request on the basis that it is reasonable and consistent with the county's land use plan by promoting the county's agricultural character.

Draft Motion and Rationale for Board of Commissioners Disapproval: Motion to deny the rezoning request on the basis that the character of the neighborhood will be materially and adversely affected by uses allowed in the proposed zoning category.

Attachments: Rezoning Application, Survey Map, Aerial Zoning Map,