DEPARTMENT OF PLANNING & DEVELOPMENT

PLANNING STAFF REPORT
REZONING CASE # RZ1310-1
STAFF PROJECT CONTACT: Jordan McMillen

EXPLANATION OF THE REQUEST

This is a request to amend the zoning map and to rezone 1 parcel from Residential Low Density (R-30) to General Commercial (G-C-1). The area to be rezoned totals 1.15 acres and includes an existing modular that is being utilized for a commercial business.

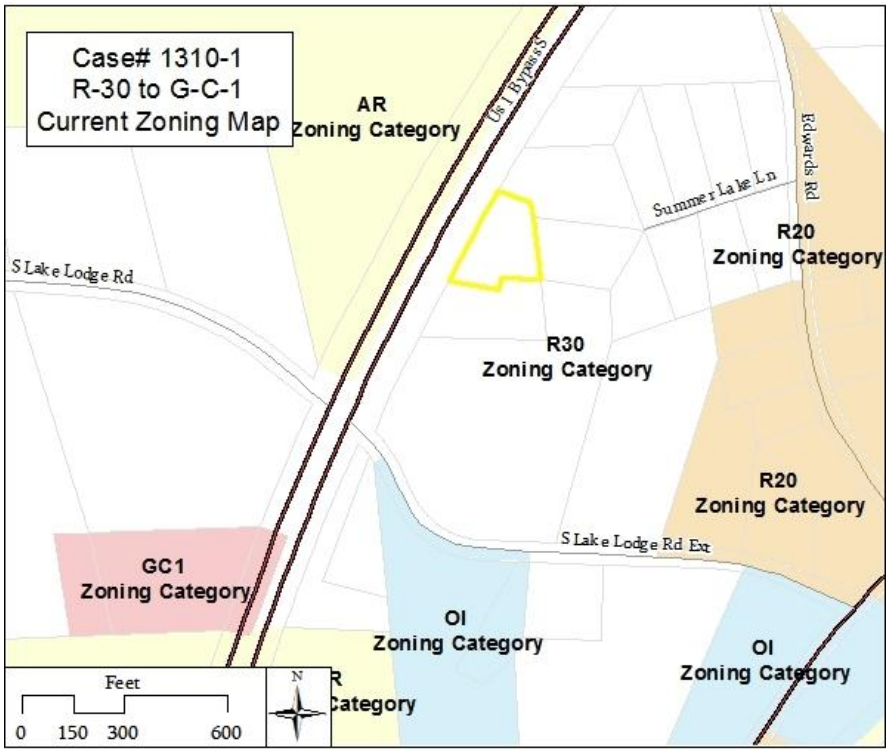
OWNER/APPLICANT

OWNER: David S. Arner
5799 US 1 Bypass South
Henderson, NC 27537

Applicant: Worth Taylor Const. Co. Inc.
71 Hedrick Drive
Henderson, NC 27537

PROPERTY INFORMATION

LOCATION: 5799 US 1 Bypass South; more specifically identified as tax parcel 0462B01011.



EXISTING LAND USE: The parcel is currently zoned R-30 and has a modular that currently is the location of a security business. The home has been used as residential and commercial in the past.

SURROUNDING LAND USE: The property is located adjacent to and accessed from US 1 South. The east side of the property adjoins the Summer Lake Subdivision which is zoned R-30. Although adjoining this subdivision, adequate vegetation and separate access clearly divides it from the subdivision.

SIZE: The existing parcel is 1.15 acres.

ZONING HISTORY: All lots to date in this area have been zoned as they were since countywide zoning was established in November 2011. Although this lot has been used for residential purposes in the past, General Commercial, fits the pre-existing use of the property.

IMPACTS

This rezoning would allow additional uses particularly of the commercial nature while allowing for an expansion to an existing business. The location relative US 1 South lends itself to commercial uses – even though the nature of the existing business has very limited public traffic or customers.

STAFF COMMENTS

The rezoning request, although creating a parcel that is zoned differently than the surrounding parcels appears to be justifiable. As identified and located within the county land use plan, the property is situated within a transitional development area. A transitional development area is characterized as an area located along a transportation corridor that has experienced a limited amount of mixed growth previously and has the potential for such growth in the future. This property is located within the South Vance Transitional development area that extends from the edge of the City of Henderson's Extra Territorial Jurisdiction along US 1 South to the southernmost intersection with Raleigh Road and US 1 South. Due to this location, the use of the property is amenable to being zoned of a commercial nature.

Additionally, it is important to note that this property while historically being residential in nature has made a transition within the last decade from being fully residential to having partial residential and partial commercial to now being a fully commercially used structure and parcel. The existence of a pre-existing security company provides additional justification for allowing a rezoning to the appropriate commercial zoning category. In consultation with the applicant it was decided that the property fit better within a General Commercial zoning designation than within the highway commercial zoning designation. During the consultation, the applicant also weighed the various options against any future plans for the property and decided it was better to move in a commercial direction instead of residential one in the future. As such the applicant has requested this change to match the pre-existing use of the property and to allow a commercial expansion that will be utilized by the existing business.

Overall, the rezoning is consistent with the land use plan and fits the future character of this area. Staff recommends approval of the rezoning request and advises that if future development takes place the current zoning ordinance will require that appropriate buffers and screens be provided and maintained between the property and surrounding residential areas.

Attachments: Rezoning Application and Justification, Property survey, Site Plan, Aerial View Map.

Vance COUNTY
NORTH CAROLINA

Rezoning Process

Vance County Planning & Development Department
156 Church Street, Suite 3
Henderson, NC 27536
Ph: (252) 738-2080
Fax: (252) 738-2089

For Administrative Use Only:

Case #	20131010 - 1
Fee Paid	Ck# 582 $250
PB Date	10-10-2013
BOC Date	11-4-13

Property Owner Information

Property Owner: DAVID S. ARNER
Mailing Address: 5799 US 1 ~~North~~ BYPASS SOUTH Mailing PO Box 207
City: HENDERSON State: NC Zip Code: 27537
Phone #: (252) 438-7181 Fax #: (252) 433-4676
E-mail Address: DAVIDARNER@HOTMAIL.COM

Applicant Information

Applicant: Worth Taylor Const. Co. Inc
Mailing Address: 71 HEDRICK DR.
City: HENDERSON State: NC Zip Code: 27537
Phone #: (252) 432-6654 Fax #: (252) 438-4934
E-mail Address: WORTHTAYLORCONSTRUCTION@EMBARQMAIL.COM

Property Information *For multiple properties please attach an additional sheet.*

Property Address: 5799 US 1 ~~North~~ BYPASS SOUTH
Tax Map Number: 0462B01011 PIN (parcel identification #): 0462B01011

Existing Zoning: R-30 Proposed Zoning: ~~HE~~ GC1
Acreage: 1.1 Road Frontage: 296 feet
Existing Use: Security Business

Deed Reference

- ☐ Metes and bounds description attached
- ☒ Site plan/sketch of proposal attached

Statement of Justification

1. Would the amendment correct an error in the zoning map? ☐ NO ☒ YES: *Please explain below:*
Business has existed there since 2000 (3/16/2001)
see attached statement

2. Have conditions changed in the area to justify the requested amendment? ☒ NO ☐ YES:
Please explain below:

3. What factors justify the proposed amendment?
Property had been used as combined commercial/residential from some time prior to December 2000 through 10/XX/2005, and has been used as a commercial property since 10/XX/2005.
(see attached statement)

Property Owners Signature

David S. Arner Date 9/20/13
Please sign in blue or black ink

Applicants' Signature

President Date 9-16-13
Please sign in blue or black ink

Statement of Justification for Rezoning

1) Steering a neighborhood in a certain direction:

There cannot be a quiet neighborhood environment created here, as it is on a noisy, well-traveled highway. There are many trees all around my property that isolate my property from the surrounding properties. My property is accessed from US 1. The 2 properties to my right are accessed from South Lake Lodge Rd. The property to my left is a long, 1.7 acre property, accessed from Summer Lake Lane. The house on that property is close to Summer Lake Lane. The back of the property, which borders my property, is all woods (as is that part of my property).

2) Maintaining an established character for a neighborhood:

I began looking at the property at 5799 US 1 Bypass South in December 2000, and purchased the property on 3/16/2001. My original plan was to immediately move our entire business operation from the place we rented in town to this property. One of the things that attracted me to this property was the presence of 1 small and 1 large storage building on the property. These buildings were filled with tables, display racks, model train brochures, and a few model train parts. It appeared to me that someone had been selling model train parts & supplies from this property. It was my intention to use the large building to store my company's supplies, and the small building to receive shipments when no one was in the office.

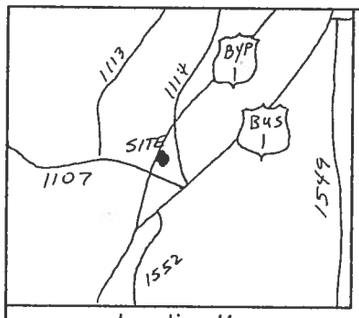
Shortly after buying the property, I had a conversation with my neighbor Ed Revis, who confirmed to me that the previous owner of the property was Robert Ritter, who had a shop and sold model train parts & supplies from the large building, while living full time in the house. He said Mr. Ritter had bought the property from a Terry couple, who used it as a residence only. A few years later I had a conversation with my mail carrier, Judy Jakeway, who told me she delivered many model train supplies for Mr. Ritter, & she confirmed that he had a model train business in the larger building, while living in the house.

After buying the property, I found a person eager to rent an apartment. I sealed off the room just inside the front door, renting that to my company as an office, & rented the rest of the house to the renter. I rented the 2 storage buildings to my company. In October 2005 the renter moved out, and we moved the rest of our operation to 5799 US 1 Bypass South. It has been our only place of business since November 2005.

Therefore the history is as follows: It has been a combination commercial/ residential since sometime prior to 12/2000, and commercial only since 10/xx/2005.

signed: David A. Arner date: 9/20/2013

@@ DAVE ARNER (252) 430-9694



Location Map
(Not To Scale)

North Relative to P.B. "U", Pg. 810

US 1

R/W

EIP

S 70°01'25"E 110.28'

N 30°05'36"E 94.34'

CP

N 29°18'16"E 102.91'

CP

N 28°27'17"E 103.08'

Gravel Drive

Tommie Williams
D.B. 705, Pg. 277
P.B. "U", Pg. 810
Lot 13

EIP

S 11°29'20"E 42.91'

EIP

Branch

Patricia Williams
D.B. 687, Pg. 144
P.B. "U", Pg. 810
Lot 12

S 05°49'25"E 182.67'

Frame Storage Buildings

1.15 Acres

D.B. 684, Pg. 201
D.B. 687, Pg. 602

37.4

DECK

EIP

EIP

S 89°52'19"W 138.83'

EIP

PP

15.0

N 76°26'26"W 135.50'

S 12°15'39"W 32.74'

EIP

73'

500'± from S.R. 1107

EDL

Edward P. Revis
D.B. 692, Pg. 95
D.B. 620, Pg. 434

FLOOD CERTIFICATE

This will certify that the subject property is not located in a Special Flood Hazard Area as determined by The Department of Housing and Urban Development.
Effective July 16, 1991
Community Panel # 370366 0100 B

This plat is subject to all easements, agreements, and rights of way of record prior to the date of this plat.

To the best of my knowledge, this survey is not located within 2000 feet of a Grid Monument.

All Areas Calculated By Coordinate Method

LEGEND

EIP	Existing Iron Pipe	NIP	New Iron Pipe
EIS	Existing Iron Spike	NIS	New Iron Spike
EPK	Existing PK Nail	NPK	New PK Nail
ERB	Existing Rebar	NRB	New Rebar
ERS	Existing Railroad Spike	CP	Computed Point
ECM	Existing Conc. Monument	PP	Power Pole
RCP	Reinforced Concrete Pipe	℄	Property Line
CMP	Corrugated Metal Pipe	℄	Center Line
EDL	Electric Distribution Line	R/W	Right of Way
ESL	Electric Service Line	MBL	Min. Bldg. Line
CM	Concrete Monument		

Alan's Surveying Company, P.A.
630 Corbitt Road
Henderson, N. C. 27536
(919) 492-9234

0 30 60 120 180

Scale 1" = 60' Date: 7/19/95

Tax Map 462B, Block 1, Parcel 11

I, Alan R. Rowland, certify that this plat was drawn under my supervision from an actual survey made under my supervision, that the ratio of precision as calculated before adjustment is 1:10000 +; that this survey and plat was prepared in accordance with the N. C. Standards of Practice for Land Surveying. Witness my original signature, seal, and registration number this 20th day of July , 1995.

Alan R. Rowland L-2897

NORTH CAROLINA REGISTERED SEAL L-2897 LAND SURVEYOR ALAN R. ROWLAND

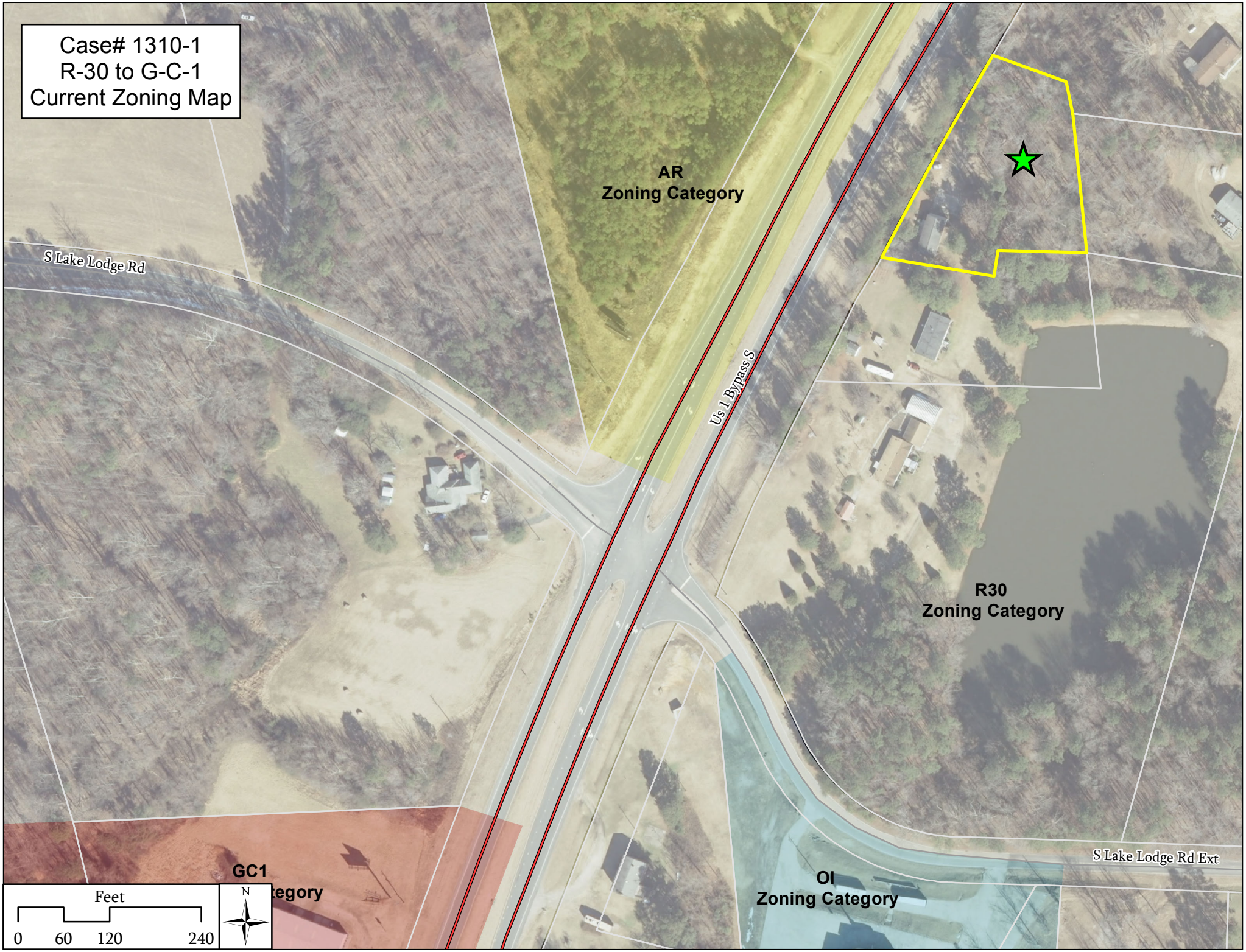
Survey For

Robert E. Ritter

Kittrell Township
Vance County, North Carolina
File # V95133-M

ARNER

US 1 North
Well
30'
EXISTING
110'
Proposed New
69'
Storage Sheds
Driveway


Case# 1310-1
R-30 to G-C-1
Current Zoning Map
AR
Zoning Category
S Lake Lodge Rd
Us 1 Bypass S
R30
Zoning Category
S Lake Lodge Rd Ext
GC1
OI
Zoning Category
Feet
0
60
120
240
N