

## DEPARTMENT OF PLANNING & DEVELOPMENT

### PLANNING STAFF REPORT

#### REZONING CASE # RZ1604-01

STAFF PROJECT CONTACT: Jordan McMillen



### EXPLANATION OF THE REQUEST

This is a request to amend the zoning map and to rezone one parcel from Low Density Residential (R-30) to Light Industrial (L-I).

### OWNER/APPLICANT

**OWNER:** Greg & Donna Edwards  
3838 US -1 South  
Kittrell, NC 27544

**Applicant:** Corey Edwards  
199 D&G Lane  
Kittrell, NC 27544

### PROPERTY INFORMATION

**LOCATION:** US-1 South; more specifically identified as tax parcel 0493 01003.

**EXISTING LAND USE:** The parcel is currently zoned R-30. The applicant is currently using the property to store cars and wishes to rezone to bring the property into compliance with the proper zoning category.

**SIZE:** The portion to be rezoned is 3.86 acres (see included survey).

**SURROUNDING LAND USE:** The property fronts along US-1. The adjacent property to the south is zoned L-I and is used as a self-storage business. The properties immediately behind the portion that is requesting rezoning are zoned R-30.



**ZONING HISTORY:** All parcels in this area are zoned as they were since countywide zoning was established in November 2011.

### IMPACTS

This rezoning will change the allowable uses of the property from being residential in character to allowing uses compatible with highway frontage: mini-storage, welding shops, lumber yards, vehicle sales and service, and other similar uses. The property is currently used to store automobiles and the general location along US-1 would be appropriate for such uses. The minimum lot size for L-I zoning is 80,000 sq. ft (1.83 acres) – The property meets the minimum lot size of the proposed zoning category. The applicant received a code compliance violation in May 2015 and the rezoning application is an effort by the applicant to come into compliance with the Code.

## STAFF COMMENTS & PLANNING BOARD RECOMMENDATION

The rezoning request is to change the zoning of this parcel from Low Density Residential (R-30) to Light Industrial (LI). The applicant began using the property as a storage lot for a towing business prior to receiving a zoning permit and is now working to bring the property into compliance. The applicant is aware that if the rezoning is successful, they will be required to receive a zoning permit and create a screening surrounding the property.

The planning board met on April 14, 2016 to consider the request from the applicant and noted that the property is located in an area consisting of other industrial and commercial uses. The adjacent property to the east is zoned L-I and includes a storage facility while the land use plan designates an area directly across US 1 for industrial development. The properties to the western side of the subject property are residential.

The board heard from the applicant and did not hear any additional public comments. In considering the request the planning board reviewed all potential uses resulting from the rezoning and discussed the potential impacts on the surrounding properties. The planning board considered the following factors in giving a favorable recommendation:

- 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 and the planning board believe it is reasonable for the property to be rezoned from R-30 to L-I understanding that adequate buffers will be required to reduce any visual impacts to neighboring properties or the travelling public.

**PLANNING BOARD RECOMMENDATION:** Recommended approval of rezoning on March 10, 2016 on the basis that the rezoning would be appropriate in this area along US-1.

**Attachments:** Rezoning Application, Survey Map, Aerial map with surrounding zoning

## 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 focusing industrial development within a designated development area.

**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.



# 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 #	
Fee Paid	
PB Date	
BOC Date	

### Property Owner Information

Property Owner: Greg Edwards, Donna Edwards  
Mailing Address: 3838 US 1 South  
City: Kittrell State: NC Zip Code: 27544  
Phone #: (252) 492-6535 Fax #: (252) 492-6804  
E-mail Address: dandg80@gmail.com

### Applicant Information

Applicant: Corey Edwards  
Mailing Address: 199 D + G Ln  
City: Kittrell State: NC Zip Code: 27544  
Phone #: (252) 226-2400 Fax #: (252) 654-2356  
E-mail Address: ncrecover@gmail.com

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

Property Address: \_\_\_\_\_  
Tax Map Number: \_\_\_\_\_ PIN (parcel identification #): 0493-01-003  
Existing Zoning: R 30 Proposed Zoning: LI  
Acreage: 3.86 Road Frontage: 200 +  
Existing Use: Vac.

### Deed Reference

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



# Vance COUNTY

NORTH CAROLINA

## Rezoning Process

Vance County Planning & Development Department

### Statement of Justification

1. Would the amendment correct an error in the zoning map? ☒ NO ☐ YES: *Please explain below:*

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

Storage lot

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3. What factors justify the proposed amendment?

right next to same zoning  
US-1 Front

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### Property Owners Signature



*Please sign in blue or black ink*

Date

9-14-15

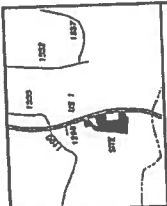
### Applicants' Signature



*Please sign in blue or black ink*

Date

3-1-16



Magnetic North August, 2001

Thurston E. Robertson, Sr.  
D.B. 515, Pg. 701  
D.B. 537, Pg. 787  
P.B. "A", Pg. 162

Steven Curtis Fisher  
D.B. 808, Pg. 752

Steven Curtis Fisher  
D.B. 838, Pg. 794  
P.B. "U", Pg. 718

Steven Curtis Fisher  
D.B. 833, Pg. 570  
P.B. "U", Pg. 695

Robert Earl Edwards  
D.B. 879, Pg. 499

Robert Earl Edwards  
D.B. 714, Pg. 111

Jody Edwards  
D.B. 781, Pg. 651

3.86 Acres  
D.B. 895, Pg. 187  
D.B. 895, Pg. 478

Waylon Edwards  
D.B. 743, Pg. 812

Waylon Edwards  
D.B. 825, Pg. 427

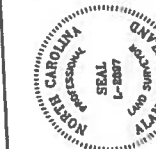
G.S. 47-300(1)(c)  
I certify that this survey is of an existing parcel of land and does not create a new street or change an existing street.

*Alan R. Edwards*  
Professional Land Surveyor

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

All Areas Calculated By Coordinate Method

- LEGEND
- EP Existing Iron Pipe
  - EP Existing Iron Stake
  - EP Existing Iron Nail
  - EP Existing Iron Rod
  - EP Existing Iron Bolt
  - EP Existing Iron Screw
  - EP Existing Iron Nut
  - EP Existing Iron Washer
  - EP Existing Iron Plate
  - EP Existing Iron Sheet
  - EP Existing Iron Lath
  - EP Existing Iron Mesh
  - EP Existing Iron Fencing
  - EP Existing Iron Gate
  - EP Existing Iron Post
  - EP Existing Iron Pole
  - EP Existing Iron Beam
  - EP Existing Iron Joist
  - EP Existing Iron Truss
  - EP Existing Iron Girder
  - EP Existing Iron Column
  - EP Existing Iron Wall
  - EP Existing Iron Foundation
  - EP Existing Iron Footing
  - EP Existing Iron Pier
  - EP Existing Iron Abutment
  - EP Existing Iron Arch
  - EP Existing Iron Bridge
  - EP Existing Iron Tunnel
  - EP Existing Iron Culvert
  - EP Existing Iron Drainage
  - EP Existing Iron Sewer
  - EP Existing Iron Water
  - EP Existing Iron Gas
  - EP Existing Iron Electric
  - EP Existing Iron Telephone
  - EP Existing Iron Cable
  - EP Existing Iron Conduit
  - EP Existing Iron Pipe
  - EP Existing Iron Stake
  - EP Existing Iron Nail
  - EP Existing Iron Rod
  - EP Existing Iron Bolt
  - EP Existing Iron Nut
  - EP Existing Iron Washer
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  - EP Existing Iron Conduit



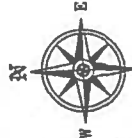
I, Alan R. Edwards, certify that this plot was drawn under my supervision from an actual survey of the land shown on the face of this plot. The survey was made in accordance with the rules and regulations of the State of North Carolina, and the rules of precision as indicated on the face of this plot. The survey was made on the 11th day of August, 2001, and the original signature, registration, and seal of this day of August, 2001.

*Alan R. Edwards*  
Registered Land Surveyor L-2887

Survey For

Alan's Surveying Company, P. A.  
1804 Oxford Road Henderson, N. C. 27536  
(252) 492-1382

Gregory S. Edwards  
Kittrell Township  
Vance County, North Carolina  
Tax PIN 493-01-003



Date: 10/17/15 Scale 1" = 60' File # PULLEY82 - L

License # C-1169



3838 US 1 South

EDWARDS GREGORY S

0493 01041  
EDWARDS ROY T. & ARLENE

0493 01003  
EDWARDS GREGORY S

0493 01002  
EDWARDS ROBERT EARL

0493 01025  
WW PROPERTIES & RENTALS LLC

0493 01001A  
ROBERTSON THURSTON E SR

0493 01001  
ROBERTSON THURSTON E SR

0493 01038  
FISHER STEVEN CURT S

0493 01033  
FISHER STEVEN CURTIS

0493 01032  
FISHER STEVEN CURTIS

## ~~R30~~ Zoning District

## LI Zoning District

0493 01024  
EDWARDS WAYLON J

0493 01003  
EDWARDS GREGORY S

0493 01023  
EDWARDS WAYLON J

0498 02012  
EDWARDS JODY T

0498 02011  
WW PROPERTIES & RENTALS LLC

## GC1 Zoning District

0498 02010  
WAKE ELECTRIC MEMBERSHIP CORP.

0493 02004  
CHAPPELL ROCK LLC  
**IM Zoning District**

0493 02004  
INGER TOBY D

0498 03003  
PULLEY TOMMY T

0498 03002  
WILLIAMS LARRY D. & WIFE

