

DEPARTMENT OF PLANNING & DEVELOPMENT  
Planning Board Meeting 03/21/2019



PLANNING STAFF REPORT  
**REZONING CASE #RZ03212019-2**  
STAFF PROJECT CONTACT: Angie Blount

### EXPLANATION OF THE REQUEST

This is a request to rezone a proposed 21.61 acre tract currently zoned R30 (Residential Low Density) to AR (Agricultural Residential).

### OWNER/APPLICANT

**OWNER:** Second District Religious Educational  
and Charitable Development Projects, Inc.  
120 East Parrish Rd.  
Durham, NC 27705

**Applicant:** Same

### PROPERTY INFORMATION

**LOCATION:** 21.61 acres of an 80+ acre tract located on Kittrell College Rd., Parcel ID# 0468 01016

**EXISTING LAND USE:** The parcel is currently zoned R30 (low density residential) Property is vacant.

**SIZE:** The total tract of land is 80.21 deeded acres of which 21.61 acres is proposed for this rezoning. The proposed tract has approximately 700' lot width on Kittrell College Rd.

**SURROUNDING LAND USE:** The immediate area consists of residentially zoned property, AR, R30 and R20. Within close proximity is a parcel zoned EIA which contains Kittrell Job Corp. This property is less than a quarter mile from the Kittrell Town limits. The area is rural and consists of single family homes and farm land.

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

### IMPACTS

The proposed subdivision and rezoning of the 21.61 acre tract could be combined with a Conditional Use Permit issued by the Board of Adjustment and open the property up to more uses than Residential. The remaining 58+ acres would remain R30. The property contains a stream with a small amount of flood plain for which a 50' riparian buffer will be observed.

### STAFF COMMENTS

The lot currently meets or exceeds the road frontage requirement and minimum lot size for AR

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.

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

**PLANNING BOARD RECOMMENDATION:**

**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 land use plan by promoting, expanding and diversifying the economic base in Vance County while protecting important natural features and community values.

**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