

# DEPARTMENT OF PLANNING & DEVELOPMENT



## PLANNING BOARD

### PLANNING STAFF REPORT

Case# RZ20200409-1 Rezoning, 12996 NC Hwy 39 North, from R20 (Residential Medium Density) to HC (Highway Commercial). Pin# 0325C03002.

**STAFF PROJECT CONTACT:** Angie Blount

June 11, 2020

### EXPLANATION OF THE REQUEST

This request is to rezone one (1), 1.018 - acre parcel of land currently zoned Residential Medium Density (R20) to Highway Commercial (HC). The property consists of a former restaurant and accessory building. A recent recombination plat increased the property to the required 1 acre in order to seek a rezoning, which would allow the reopening of the restaurant.

### OWNER/APPLICANT

**Applicant:** James Thomas Jr. or Kelly S. Guill

### STAFF COMMENTS

The applicant recently made an inquiry regarding reopening a restaurant on this property, .74 acres, currently zoned R20 and has been since zoning was introduced in 2011. The business had been closed for over a year, resulting in loss of the grandfather, which had allowed the business to operate under R20 zoning. Since the business has been closed for over a year, it is necessary to rezone the property before it could be used for a commercial purpose. The property currently meets the 1 acre of land requirement due to a recent recombination. The structures on the property do not meet all setback requirements for the proposed zoning, and will continue to be non-conforming. That non-conformity will be acceptable as long as the structure is not increased in size.

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.

### PLANNING BOARD RECOMMENDATION: