

REZONING STAFF REPORT

Case: PLAN2405-0001

Sarah Arbour, Planner II

sarbour@harnett.org

Phone: (910) 814-6414 Fax: (910) 814-8278

Planning Board: July 1, 2024

County Commissioners: July 15, 2024

Requesting a Rezoning from Commercial to RA-20M

Applicant Information

Owner of Record:

Name: Gerardo Roman-Riyas
 Address: 2805 Cloverbrook Ln.
 City/State/Zip: Fuquay-Varina, NC 27526

Applicant:

Name: Gerardo Roman-Riyas
 Address: 2805 Cloverbrook Ln.
 City/State/Zip: Fuquay-Varina, NC 27526

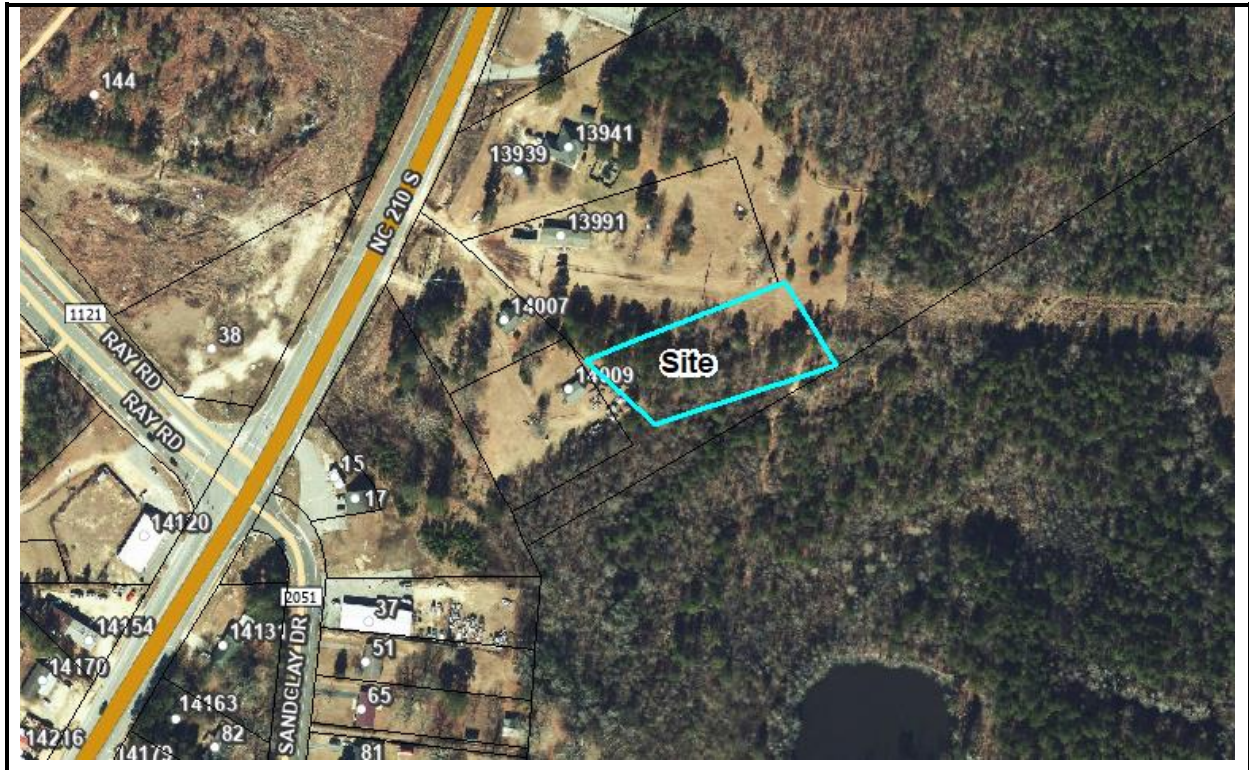
Property Description

PIN(s): 0513-96-1870.000 Acreage: 1.12
 Address/SR No.: NC 210 S. Spring Lake, NC

Township:

- | | | |
|---|---|--|
| <input type="checkbox"/> (01) Anderson Creek | <input type="checkbox"/> (05) Buckhorn | <input type="checkbox"/> (09) Johnsonville |
| <input checked="" type="checkbox"/> (02) Averasboro | <input type="checkbox"/> (06) Duke | <input type="checkbox"/> (10) Lillington |
| <input type="checkbox"/> (03) Barbecue | <input type="checkbox"/> (07) Grove | <input type="checkbox"/> (11) Neill's Creek |
| <input type="checkbox"/> (04) Black River | <input type="checkbox"/> (08) Hectors Creek | <input type="checkbox"/> (12) Stewart's Creek |
| | | <input type="checkbox"/> (13) Upper Little River |

Vicinity Map



Vicinity Map

Physical Characteristics

Site Description: The site is currently wooded and unimproved. The property is accessed via an unnamed easement with connection to NC 210 S. A 100' wide power line transmission right-of-way runs through the north corner of the property.

Background: The best available information provided through county records indicates that the property has never been used for commercial purposes. There are several other single-family residential homes located in the vicinity which also have a Commercial zoning designation that have not been used for any other purpose other than a residence. The owner of the property was unaware that the property was zoned Commercial until beginning the permitting process for a residence.

Surrounding Land Uses: Surrounding land uses consist of single-family residences, manufactured homes, vacant land, and some commercial uses in the vicinity.

Services Available

Water:

- Public (Harnett County)
- Private (Well)
- Other: Unverified

Sewer:

- Public (Harnett County)
- Private (Septic Tank)
- Other: unverified

Transportation:

Annual Daily Traffic Count is unavailable since the property is accessed via easement.

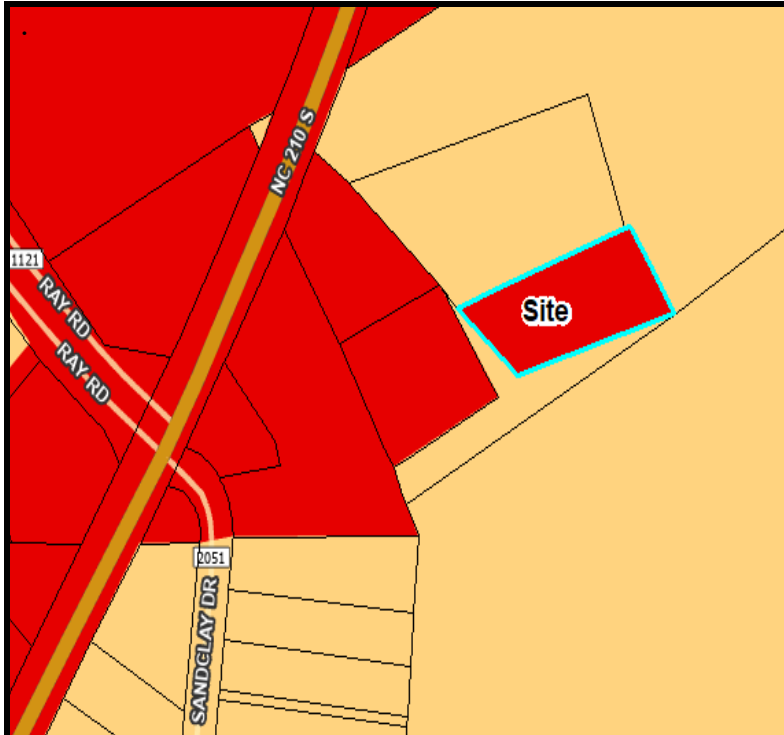
Site Distances: **Good**

Easement





Zoning District Compatibility



Zoning Districts

- Commercial
- RA-20M

	Current Commercial	Requested RA-20M
Parks & Rec	X	X
Natural Preserves	X	X
Bona Fide Farms	X	X
Single Family		X
Manufactured Homes, (with design criteria)		X
Manufactured Homes		X
Multi-Family		X
Institutional	X	X
Commercial Services	X	Special Use
Retail	X	
Wholesale	Special Use	
Industrial		
Manufacturing		

The following is a summary list of potential uses. For all applicable uses for each Zoning district please refer to the UDO's Table of Uses

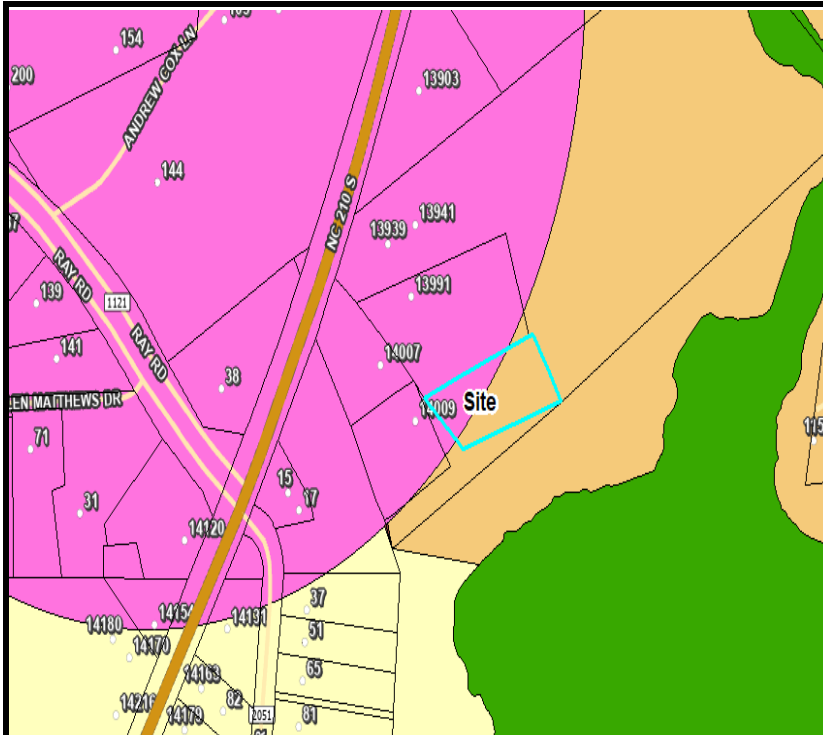
RA-20M:

The RA-20M Residential/Agricultural District (RA-20M) is established primarily to support agricultural and residential development. Inclusive in such higher density residential developments may consist of single family dwellings, multifamily dwellings, duplexes, and manufactured home parks.

Commercial:

It is the purpose of the Commercial/Business District (COMM) to accommodate the widest variety of commercial, wholesale, and retail businesses in areas that are best located and suited for such uses.

Land Use Classification Compatibility



Land Use Classifications

- Rural Center
- Medium Density Residential
- Low Density Residential
- Environmentally Sensitive Areas

	ZONING	LAND USE	
	RA-20M	Rural Center	Medium Density
Parks & Rec	X	X	X
Natural Preserves	X	X	X
Bona Fide Farms	X	X	X
Single Family	X	X	X
Manufactured Homes, Design Regulated	X	X	X
Manufactured Homes	X	X	X
Multi-Family	X	X	X
Institutional	X	X	X
Commercial Service	Special Use	X	Special Use
Retail		X	
Wholesale		Special Use	
Industrial			
Manufacturing			

The above is a summary list of potential uses. For all applicable uses for each Zoning district, please refer to the UDO's Table of Uses.

Medium Density Residential: Medium density residential with a mix of housing types including single family detached homes with average lot sizes, small-lot homes and patio homes. Gross densities of 2-5 dwelling units per acre. Located in areas served by current or planned utilities or in areas near the extra-territorial jurisdiction (ETJ) of towns. Additional housing types (including townhomes and apartments) and higher densities may be appropriate as part of planned developments or near Development Nodes.

Rural Centers: Small scale commercial centers. The exact location and extent of the Rural Centers will be market driven, however, the non-residential footprint will usually be less than 50,000 square feet in these areas.

Site Photographs





Surrounding Land Uses



Road View





Evaluation

Yes No **A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.**

The subject property is contiguous to the requested zoning district, RA-20M, and would not require an evaluation for reasonableness as a small-scale rezoning.

Yes No **B. There is a convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of the individual or small group.**

There is a convincing demonstration that all uses permitted under the proposed district would be in the interest of the general public and not merely in the interest of the individual group. This property is surrounded by residential land uses, and the uses permitted in the RA-20M zoning district are more compatible with the surrounding land uses than the uses in the current zoning classification.

Yes No **C. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)**

There is convincing evidence that all uses permitted in the proposed district classification would be appropriate in the area. The uses permitted in the RA-20M zoning district are more appropriate for the area than the uses permitted in the current zoning classification.

Yes No **D. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.**

There is a convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any of the uses permitted in the RA-20M zoning district. A change of zoning to the requested zoning district would ensure that the character of the neighborhood remains compatible with the surrounding residential land uses.

Yes No **E. The proposed change is in accordance with the comprehensive plan and sound planning practices.**

The requested zoning district is compatible with both future land use designations, Medium Density Residential and Rural Centers.

Due to the surrounding land uses, the location of the site, and conditions of site access, a change of zoning would be in accordance with sound planning practices.

Suggested Statement-of-Consistency (Staff concludes that...)

As stated in the evaluation, the requested rezoning to **RA-20M** is reasonable, and the uses permitted within this zoning district are more compatible with the future land use classification and the surrounding land uses than the current zoning classification. It is recommended that this rezoning request be **APPROVED**.

Standards of Review and Worksheet

TYPICAL REVIEW STANDARDS

The Planning Board shall consider and make recommendations to the County Board of Commissioners concerning each proposed zoning district. The following policy guidelines shall be followed by the Planning Board concerning zoning districts and no proposed zoning district will receive favorable recommendation unless:

- Yes No A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- Yes No B. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of the individual or small group.
- Yes No C. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)
- Yes No D. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
- Yes No E. The proposed change is in accordance with the comprehensive plan and sound planning practices.

GRANTING THE REZONING REQUEST

Motion to grant the rezoning upon finding that the rezoning is reasonable based on **All** of the above findings of fact A-E being found in the affirmative and that the rezoning advances the public interest.

DENYING THE REZONING REQUEST

Motion to deny the rezoning upon finding that the proposed rezoning does not advance the public interest and is unreasonable due to the following:

- The proposal will not place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- There is not convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of the individual or small group.
- There is not convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)
- There is not convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
- The proposed change is not in accordance with the comprehensive plan and sound planning practices.
- The proposed change was not found to be reasonable for a small scale rezoning