



ZONING AMENDMENT STAFF REPORT

Rezoning Case Number: **ZCR1053**

Applicant: **Howard Lichtenberger**

Current Zoning: RA Proposed Zoning: HB-C

Tax Parcel ID Number(s): 5967-00-71-0184

Nature of the Request

Overview: The request is to zone a 1.03 acre lot for business purposes

General Use Rezoning Conditional Rezoning

If the nature of the request is a Conditional Rezoning, the following uses shall be permitted in this proposed conditional zoning district:

See attached list. List includes 68 of the 231 permitted-by-right uses in the HB district, and two (2) of the 32 listed conditional uses permitted in the district.

The following development conditions have been offered by the applicant:

Applicant identifies in the above referenced list two (2) conditional uses. If the list is adopted as is with the conditional rezoning, the Article 16 standards and permitting process will still be necessary to obtain zoning approval for either of these two uses.

Property Specifics

Property Owner: Howard Lichtenberger

Property Location: Old Westfield Road at Matthews Road, SW corner

Township: Pilot

Acreage: 1.03

Deed Book: 0643

Page: 0490

Zoning History of Parcel(s): Has been zoned RA since 2001.

Character of the Area

Overview: Property is just north of Pilot Mountain ETJ; business district approx. 1.5 mile south is nearest commercial use. New middle school planned on Old Westfield Road 1500 feet south. Surrounding uses are residential and agricultural.

Existing Land Use(s) on the Property: A 3,000 sq.ft. one-story non-residential building has housed a light industrial facility; is structurally suitable for that or for similar uses.

Surrounding Land Use(s) and Zoning:

Location	Land Use	Zoning
North	Residential, Agricultural	RA
South	Residential, Agricultural	RA, ETJ
East	Residential, Agricultural	RA
West	Residential, Agricultural	RA

Historic Properties: None within 1.5 mile radius

Infrastructure and Community Facilities

Public Schools:

District	Enrollment	Existing Capacity
Westfield	500	408
Pilot Middle	514	452
East Surry High	623	695

Fire District: Town of Pilot

Water and Sewer Services:

Private Well Private Septic Public Water Public Sewer

Public Water/Sewer Provider: None

Public Water/Sewer Planning: Public water and sewer projected available by 2027.

Transportation:

Property Access: The property is a corner lot with access currently available on both Matthews Road and Old Westfield Road.

ADT: 3200 trips per day **Year:** 2008

Proposed Improvements: None

Projected Traffic Generation: None

Thoroughfare Plan Consistency: Traffic impact would depend on the specific development proposal. Minimal impact expected due to small lot size and floodplain.

Environmental Assessment

Topography: Level to rolling

Flood Hazard: 100-year flood

Streams: Yes **Perennial:** Yes

Wetlands: No

Watershed: Toms Creek WS-II

Watershed Development Density: 12% built-upon

Land Use Planning Consistency

Applicable Land Use Plan(s): Land Use Plan 2015

Future Land Use Classification(s): Rural Areas (LUP 2015)

Consistency Principle(s):

Land Use Plan 2015

5.3.3 Encourage economic and commercial development that does not detract from the rural environment.

5.4.5.1 Commercial development shall be encouraged to occur in clusters or Planned Shopping Centers to minimize strip development and allow for more efficient delivery of services.

5.4.5.4 New commercial development should be encouraged to locate within existing areas of commercial activity.

5.4.5.7 Highway-oriented commercial uses shall be clustered along segments of principal and minor arterials, as described in the Thoroughfare Plan, in existing areas of similar development or around intersections; they should contain land uses that are mutually compatible and reinforcing in use and design; interchanges along major thoroughfares serve as excellent locations for this type of development.

Meeting Summaries

Applicant met with staff in early November 2009, and was advised that original general-use rezoning petition should be revised to a conditional district request.

Recommendation

Drinking Establishments and Night Clubs/Places of Entertainment are allowed as Conditional Uses under Article 16 of the Zoning Ordinance. As such these two uses have prescribed setback requirements that cannot be met by the use of the existing building as proposed. On the principle of consistency with prescribed ordinance provisions, staff recommends exclusion of these two uses from the proposed list of permitted uses.

The Planning Board may recommend these or other changes in the permitted use list, and may address issues like parking/access, buffering/screening and preservation of natural features and/or public safety and welfare.

General ordinance criteria for planning board review (Article 4, Section 3):

- ~Will the proposal place all property similarly situated in the area in the same category, or in appropriate complementary categories?
- ~Is there 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 an individual or small group?
- ~Is there 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 that they intend to make of the property involved.)
- ~Is there convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change?
- ~Is the proposal in accord with the Land Use Plan and sound planning principles?

Attachment(s)

Maps, pictures, site plan and use list