



## ZONING AMENDMENT STAFF REPORT

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Rezoning Case Number: **ZCR1075**

Applicant: **Richard A. Atkins**

Current Zoning: RA          Proposed Zoning: HB-C

Tax Parcel ID Number(s): 5012-00-44-5502

### Nature of the Request

**Overview:** The request is to zone a 0.76-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:

Auto, truck and motorcycle sales; Insurance agency; Motor vehicle body and paint shop; Motor vehicle repair.

The following development conditions have been offered by the applicant:

Applicant identifies in the above referenced list two (2) conditional uses: Motor vehicle body and paint shop, and Motor vehicle repair. Specific conditions listed in Article 16, Section 8 are shared by these two uses. The double front setback requirement cannot be met by the existing structure, which is 42 feet from the road right-of-way; however, side and rear double setbacks can be met. Other listed conditions pertain to any potential increase in noise, traffic and other nuisance factors, from the "previous commercial use. While not required in the conditional rezoning process, these issues may be also addressed by the County in this case and possibly added to development conditions for this new proposed district. For example, since a double setback cannot be met in this case, the County may suggest a condition of the rezoning that mitigates the negative impact, such as landscaping/buffering or parking restrictions in front of the structure.

### Property Specifics

**Property Owner:** Richard A. "Tony" Atkins

**Property Location:** 2372 North Andy Griffith Parkway (Hwy 52 North), east side of highway, 1/2 mile north from Mount Airy ETJ and 1/2 south from Virginia state line.

**Township:** Mount Airy                      **Acreage:** 0.76

**Deed Book:** 1158                      **Page:** 1068

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

**Character of the Area**

**Overview:** Surrounding uses are highway business-oriented, with interspersed medium density residential uses behind the properties that adjoin the highway.

**Existing Land Use(s) on the Property:** A 4,000 sq.ft. one-story non-residential building was formerly a church.

**Surrounding Land Use(s) and Zoning:**

Location	Land Use	Zoning
North	Business, residential	HB,RA
South	Business, residential	HB,RA
East	Residential	RA
West	Business	HB

**Historic Properties:** N/A

**Infrastructure and Community Facilities**

**Public Schools:**

District	Enrollment	Existing Capacity
Franklin	646	908
Meadowbrook Middle	465	650
North Surry High	1042	1025

**Fire District:** Franklin

**Water and Sewer Services:**

Private Well       Private Septic       Public Water       Public Sewer

**Public Water/Sewer Provider:** None

**Public Water/Sewer Planning:** Public water projected available by 2027 (North hwy 52 project). No projection for sewer service within 1/2 mile.

**Transportation:**

**Property Access:** Property is accessed by US Highway 52 North, with 218 feet road frontage.

**ADT:** 8900 trips per day      **Year:** 2009

**Proposed Improvements:** None

**Projected Traffic Generation:** None

**Thoroughfare Plan Consistency:** Minimal impact expected.

**Environmental Assessment**

**Topography:** Level to rolling

**Flood Hazard:** n/a

**Streams:** No      **Perennial:** No

**Wetlands:** No

**Watershed:** Stewart's Creek WS-IV

**Watershed Development Density:** 24% 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

5.4.5.1 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.

5.4.5.3 Buffering and/or Landscaping shall be provided where commercial development adjoins existing or planned residential areas.

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.

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

5.4.5.10 Isolated businesses should have the ability to expand and grow if the proposed expansion does not drastically change the business’ impact on the surrounding community.

5.4.5.12 Businesses should be served by roads and streets of a capacity sufficient for safe traffic flow; large businesses should locate at major intersections.

**Meeting Summaries**

Applicant met with staff on December 14 2010, and was advised that a conditional district request is appropriate for the proposed isolated business use. Applicant had already done site planning.

**Recommendation**

Staff recommends approval of the conditional district based on the site plan submitted, which addresses buffering issues adequately and does not propose new construction or expansion of the existing facility. The proposed use is a transition from the former non-residential Church use to a commercial use of the property, but the proposed use as defined by the site plan appears to be consistent with surrounding uses and properties.

The Planning Board may recommend other changes in the permitted use list, and may address issues like parking/access, buffering/screening and preservation of natural features and/or public health, 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? [Staff response: Yes]
- ~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? [Staff response: Yes]

~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.) [Staff Response: Yes]

~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? [Staff Response: Yes]

~Is the proposal in accord with the Land Use Plan and sound planning principles? [Staff Response: Yes]

**Attachment(s)**

Maps, pictures, site plan and use list