

REZONING STAFF REPORT

Prepared by Marc Pages, Senior Planner

Rezoning Case#: Z-766

July 9, 2018



APPLICATION SUMMARY

The applicant requests to rezone Tax Parcel 0570007203 from RR (Rural Residential) to CLD (Commercial Low Density). This rezoning request is conventional therefore, no conditions or site plans are proposed. All owners and adjacent owners have been notified via first class mail.

Location

Hazels Branch Road SE (SR 1619) off of Ocean Highway East (US 17)

Tax Parcel(s)

0570007203

Current Zoning

RR

Proposed Zoning

CLD

Surrounding Zoning

RR

Current Use

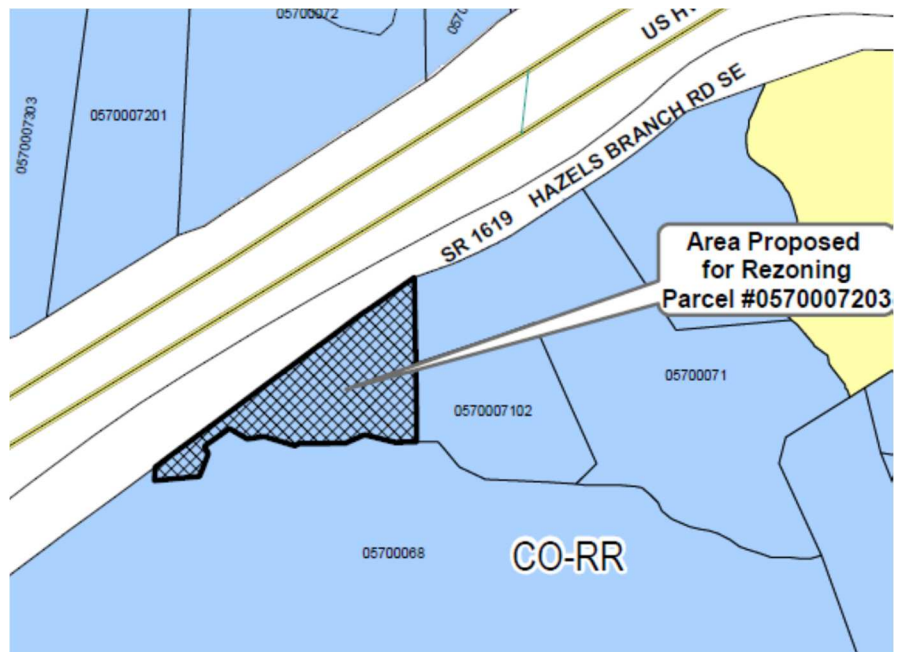
Vacant Land

Surrounding Land Uses

Residential, Vacant Lands

Size

1.15 acres



SITE CONSIDERATIONS

Zoning History: There are not any known zoning changes to the rezoning site since introduction of zoning in 1994. Tax Parcel 05700087 located approximately 650' to the northeast was rezoned to CLD as part of Rezoning Case Z-298 on January 16, 2001.

Buffers: If rezoned to CLD, all uses will require a 0.6 (vacant) or 0.8 (developed) opacity buffer to RR areas.

Traffic: The average annual daily traffic count for this section of Ocean Highway East is 34,000 vehicle trips per day. Traffic count information for Hazels Branch Road is not available.

Utilities: Water is available from Brunswick County Utilities along Ocean Highway East. Sewer is not available.

Schools: Town Creek Elementary School is currently out of capacity. Leland Middle School is currently near capacity.

CIP Projects in Area: Northwest Water Plant Expansion-Phase 3 (FY 2020). New Town Creek Middle School (FY 2019).

NCDOT Road Improvements in Area: US Interstate I-140 with Mt. Misery Rd interchange (completed 2017).

Environmental Impacts: Biodiversity & Wildlife Habitat Assessment Score: The entire rezoning site scores a 5 or 6 out of 10 due to wetlands classified as substantial. The site is also located in the Flood Hazard Area due to the proximity of Clay Mill Branch.

ANALYSIS

"This District is intended primarily to be used in outlying areas, adjacent to major thoroughfares, with yards and other provisions for reducing conflicts with adjacent residential uses, and with substantial setbacks to reduce marginal friction on adjacent major thoroughfares. Commercial uses in this District will serve the needs of residential neighborhoods for auto-dependent commercial facilities; and serve the needs of highway-oriented tourist business."

CAMA Land Use Plan Classification: *Conservation*

- Proposed Zoning is not consistent with CAMA Land Use Plan.
- Associated Land Use Plan Amendment (LUM-766):
Request to amend Tax Parcels 0570007203 from Conservation to Commercial.

Applicable CAMA Land Use Policies:

- **P.16** states that Brunswick County strongly supports commercial nodes, including town or village centers, and the prohibition of strip commercialization.
- **P.17** states that Brunswick County encourages/supports commercial development (nodes) at the intersections of major roads consistent with the County's future land use map.

STAFF RECOMMENDATION SUMMARY

Based on the information provided, size of the rezoning, surrounding area, current land uses, general planning principles and practices, and the Brunswick County CAMA CORE Land Use Plan policies, Planning Staff recommends **DENIAL** of the rezoning request to CLD (Commercial Low Density) for Tax Parcel 0570007203.

The following is the basis of the recommendation:

- The rezoning request is not consistent with the Brunswick County CAMA CORE Land Use Plan:
 - The rezoning request is not consistent with the Brunswick County CAMA CORE Land Use Plan Map which denotes the site as *Conservation*.
 - The rezoning request is not consistent with Brunswick County CAMA CORE Land Use Plan Policies:
 - **P.16** states that Brunswick County strongly supports commercial nodes, including town or village centers, and the prohibition of strip commercialization.
 - **P.17** states that Brunswick County encourages/supports commercial development (nodes) at the intersections of major roads consistent with the County's future land use map.

STAFF RECOMMENDATION SUMMARY (*CONTINUED*)

- This rezoning request consists of only one small parcel that encompasses 1.15 acres and is not located at a commercial node or at a major intersection or currently being used for commercial uses.
- The potential for this rezoning to be being classified as spot zoning is high due to small size of the parcel, the number of parcels and owners involved, not being located at an intersection, surrounding land uses, existing land uses, and not being consistent with the Brunswick County CAMA CORE Land Use Plan.
- The entire rezoning site scores 5 – 6 (out of 10) on the Biodiversity & Wildlife Habitat Assessment Score. This high score is reflective of existing wetlands on the site classified as substantial, the existing Flood Hazard Area as well as being located along Clay Mill Branch (A.K.A. Middle Mill Branch, Thornton's Branch).