

REZONING STAFF REPORT

Case: PLAN2410-0002
 Sarah Arbour, Long Range Planner
sarbour@harnett.org

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

Planning Board: November 4, 2024
Rezoning Request: RA-20M to Commercial

County Commissioners: November 18, 2024
455 McKinney Pkwy., Lillington
2nd Floor | Resource Center and Library

Applicant Information

Owner of Record:

Name: Andrew Ruhland
 Address: 26 Mockingbird Ln.
 City/State/Zip: Spring Lake, NC 28390

Applicant:

Name: Andrew Ruhland
 Address: 155 Mockingbird Ln.
 City/State/Zip: Spring Lake, NC 28390

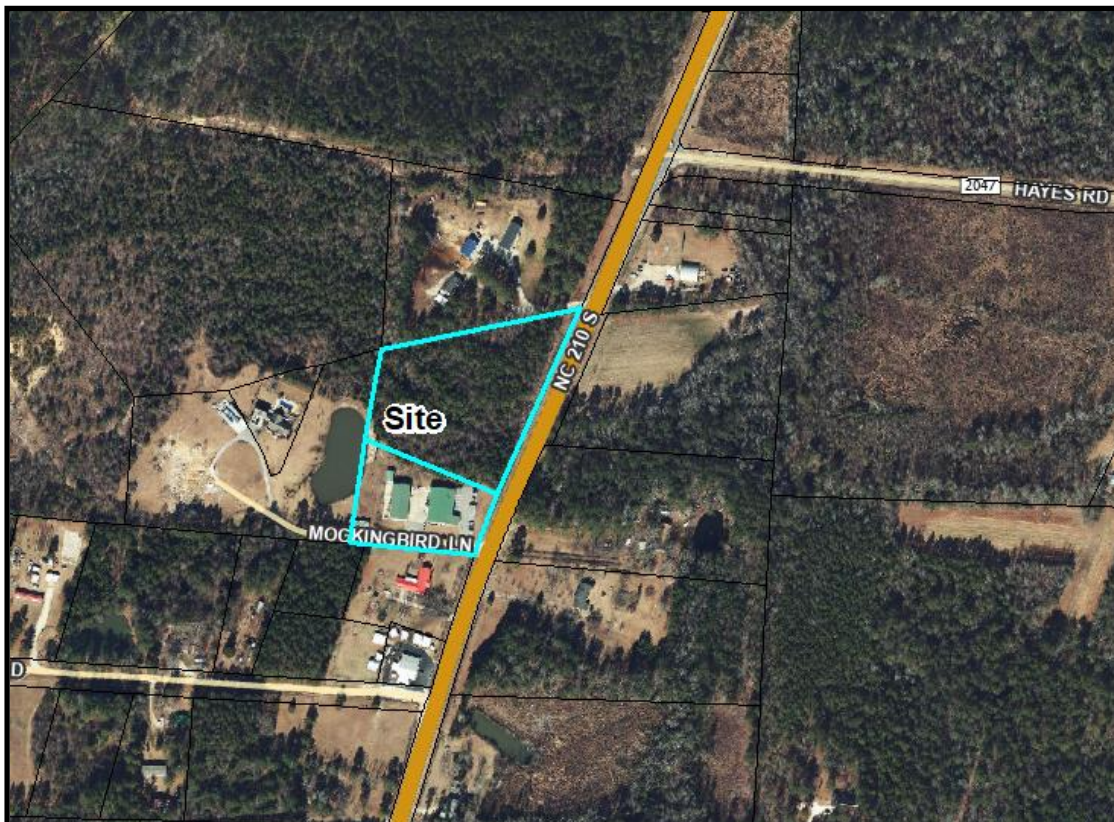
Property Description

PIN(s): 0524-17-6242.000 & 0524-17-6389.000 Acreage: +/- 6.41
 Address/SR No.: 26 Mockingbird Ln. Spring Lake, NC 28390

Township:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> (01) Anderson Creek | <input type="checkbox"/> (05) Buckhorn | <input type="checkbox"/> (09) Johnsonville |
| <input type="checkbox"/> (02) Averagesboro | <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



Site Description: The proposed rezoning is comprised of two parcels. The southern parcel, 26 Mockingbird Lane, is used as a multi-tenant commercial service establishment. The northern parcel is wooded and unimproved.

Background: The property obtained a conditional use permit to operate at a machine shop in 2004, and the property has been used for non-residential purposes since.

Surrounding Land Uses: Surrounding land uses consist of single-family residences, an automotive repair facility, a hardware store, and unimproved land.

Services Available

Water:

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

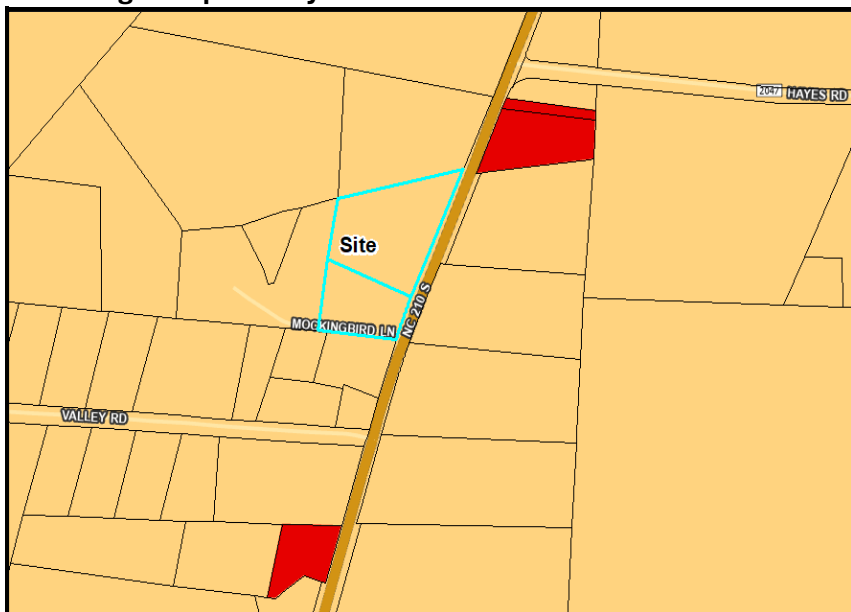
Sewer:

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

Transportation:

Annual Average Daily Counts: **9,500**
 Site Distances: Good to fair

Zoning Compatibility



Zoning Districts

- Commercial**
- RA-20M**

	Current RA-20M	Requested Commercial
Parks & Rec	X	X
Natural Preserves	X	X
Bona Fide Farms	X	X
Single Family	X	
Manufactured Homes	X	
Multi-Family	X (Special Use)	
Institutional	X	X
Commercial Services	Special Use	X
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.

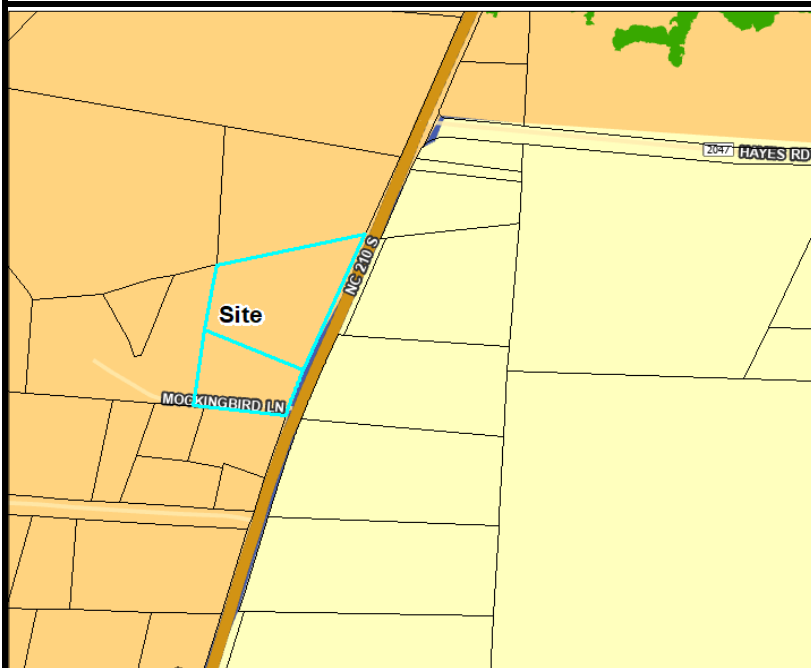
RA-20M:

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



Future Land Use

- Medium Density Residential**
- Low Density Residential**
- Environmentally Sensitive Areas**

	ZONING	Land Use
	Commercial	Low Density Residential
Parks & Rec	X	X
Natural Preserves	X	X
Bona Fide Farms	X	X
Single Family		X
Manufactured Homes, Design Regulated		X
Manufactured Homes		X
Multi-Family		Special Use
Institutional	X	X
Commercial Service	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.

Site



Across Road



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 properties are contiguous to a property zoned Commercial. The proposed rezoning will not require an evaluation for reasonableness.

- 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 public and not merely in the interest of the individual group. A zoning change from the RA-20M to the Commercial zoning district creates the potential for commercial development of the northern parcel, which could bring needed services to the community and present new economic development opportunities.

- Yes No **C. There is a 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 a convincing demonstration that all uses permitted in the proposed district classification would be appropriate in the area included in the proposed change. The uses permitted in the Commercial zoning district are compatible with the nearby non-residential land uses.

- Yes No **D. There is a 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 the uses permitted in the requested zoning district. The uses permitted in the Commercial zoning district are compatible with the nearby non-residential land uses. Further, the neighborhood may experience benefits from future commercial development such as an increase in employment opportunities and local investment.

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

The requested zoning district is not compatible with the Medium Density Residential land use classification; however, Planning Services is currently updating the comprehensive land use plan and is recommending a change to the future land use classification that will support the current non-residential activity in the area and encourage further commercial development.

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

As stated in the evaluation, the requested rezoning to **Commercial** is reasonable. The requested zoning is compatible with the surrounding land uses. 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