

REZONING STAFF REPORT

Case: PLAN2410-0001

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Planning Board: November 4, 2024

County Commissioners: November 18, 2024

Rezoning Request : Industrial to RA-20R

Applicant Information

Owner of Record:

Name: Weeks Farms, Inc.
 Address: PO Box 787
 City/State/Zip: Dunn, NC 28335

Applicant:

Name: Seth Thompson
 Address: 510 N. Powell Avenue
 City/State/Zip: Dunn, NC 28334

Property Description

PIN(s): 0558-99-8986.000 & 0558-97-3688.000 Acreage: +/-50 & +/-28.11
 Address/SR No.: US 401 S. Lillington, NC

Township:

- | | | |
|--|---|---|
| <input 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 checked="" 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



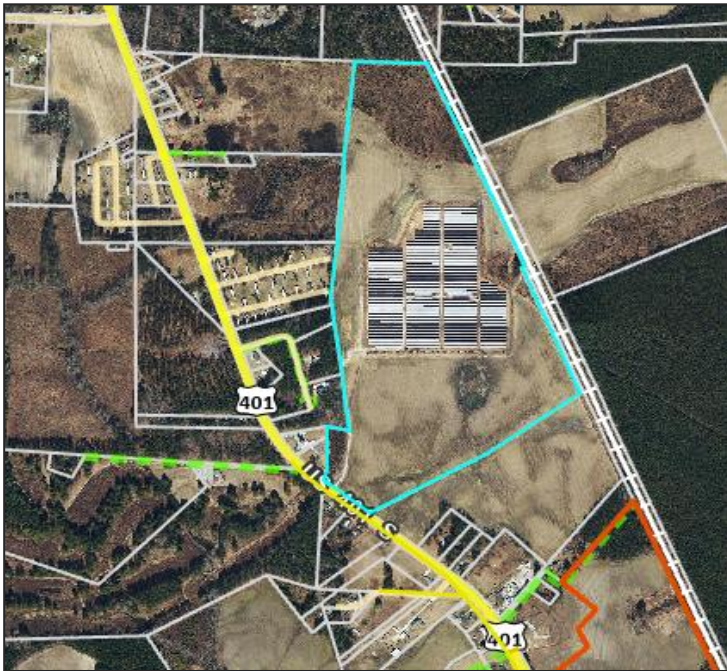
Site Description: The rezoning request is for two properties described below:

Property PIN# 0558-99-8986.000 is a +/-50 acre property used for agricultural purposes. The property is landlocked and accessed by a small farm road from the property to the west. The property is bound by the railway tract on the western property line.

Property PIN# 0558-97-3688.000 is a +/-28.11 acre property used for agricultural purposes. The property's eastern property line is bound by the railway tract.

Background: The properties represent two of three properties that the applicant has petitioned Planning Services to rezone from Industrial to RA-20R. The third property involved in the rezoning petition (shown below) is on a separate application due to the applicant's error. Additionally, due to the condition of the farm road, staff was unable to access the property east of the railway for site photos.

Separate Rezoning Petition



Farm Road



Surrounding Land Uses: Surrounding land uses consist of single-family residences, a manufactured home park, agricultural activities, and forestland.

Services Available

Water:

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

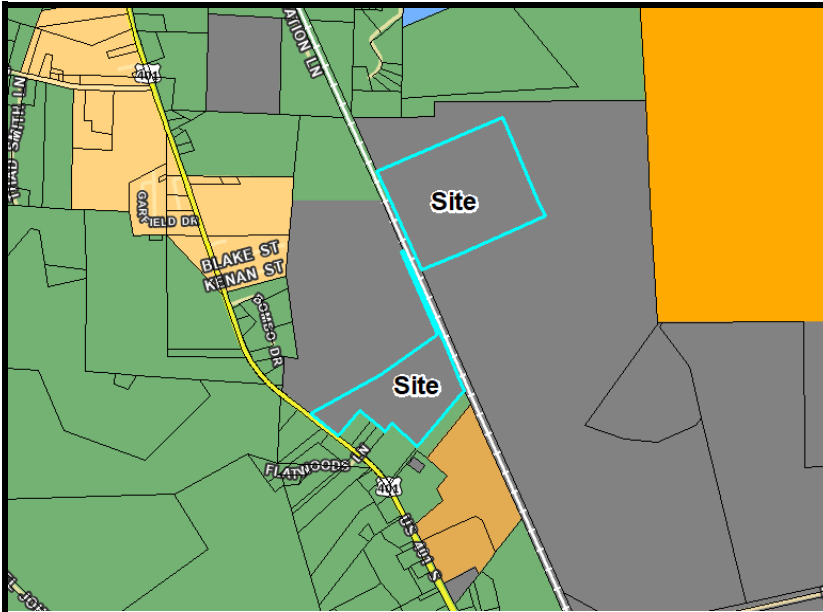
Sewer:

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






Transportation:

Annual Average Daily Counts: **6,000**
Site Distances: **Fair**

Zoning Compatibility



Zoning Districts

	RA-20R
	Industrial
	RA-30
	RA-20M
	Town of Lillington - Residential

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

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.

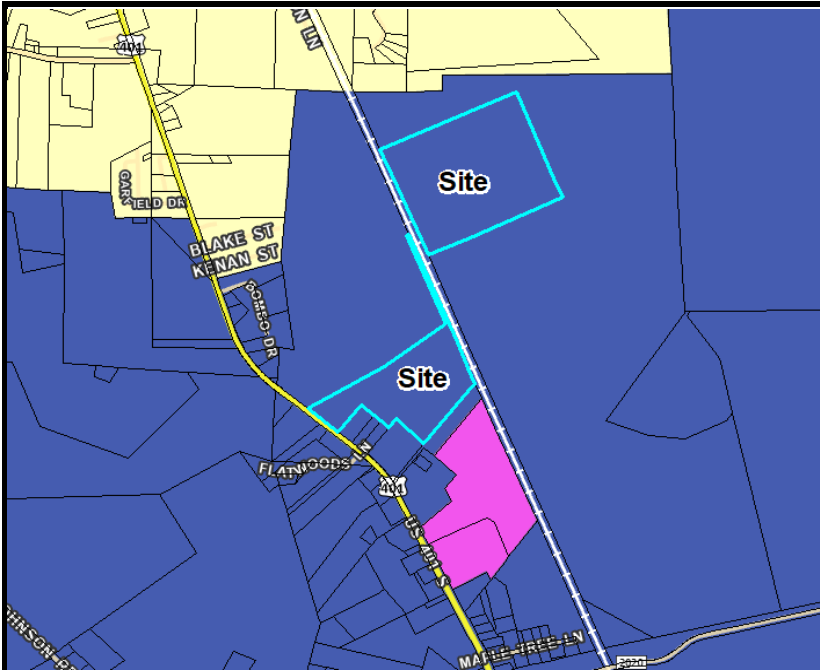
RA-20R:

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

Industrial:

The purpose of this district, Industrial (IND), is to promote and protect both existing industrial activities and potential sites which are considered suitable for industrial use, to prohibit uses of land which would substantially interfere with the continuation of uses permitted in the district, and to promote the operation of well-planned and maintained industrial facilities.

Land Use Classification Compatibility



- Low Density Residential**
- Agricultural/ Rural Residential**
- Town of Lillington**

	ZONING	Land Use
	RA-20R	Agricultural/ Rural Residential
Parks & Rec	X	X
Natural Preserves	X	X
Bona Fide Farms	X	X
Single Family	X	X
Manufactured Homes, Design Regulated	X	X
Manufactured Homes	X	X
Multi-Family	Special Use	Special Use
Institutional	X	X
Commercial Service	Special Use	Special Use
Retail		
Wholesale		
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.

Agricultural/Rural Residential:

Primarily agricultural and forestry uses with some rural residential areas. These areas are located outside of existing and future sewer service areas and rely on septic systems for wastewater treatment. They have a limited road network and in some cases lie within High Quality Watershed or Water Supply Watershed areas. The lack of utility and transportation infrastructure, the established low density development pattern and ongoing agricultural activities in these areas contribute to their rural character. This character can be enhanced by encouraging only low intensity uses, single family residential up to one unit per acre and context sensitive rural design.

Site



Across Road



Road View



Evaluation Property PIN 0558-99-8986.000



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

The proposal will not place all property similarly situated in the area in the same category, or in appropriate complementary categories. The railway serves as a physical division between existing and planned residential development along US 401 and an area designated for industrial development. A pocket of residential development would be intrusive within the otherwise Industrial zoned area and may inhibit future industrial development.

- 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 not 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.

The proposed rezoning of the parcel east of the railway to RA-20R could introduce residential uses in an area that the county has designated for industrial development. The intensity of the uses permitted in the surrounding Industrial district is incompatible with residential land uses. It is not in the public's interest to allow for residential uses to occur within this area designated for industrial development or with the access issues posed by the railway.

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 not a convincing demonstration that all uses permitted in the proposed district classification would be appropriate in the area included in the proposed change. Residential uses on the property located east of the railway would not be appropriate due the surrounding Industrial zoning district and access issues posed by the railway.

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 not 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. Use of the property for residential purposes would be incompatible with the uses permitted in the surrounding Industrial zoning district. Further, a change of zoning to the RA-20R would adversely affect the character of the neighborhood by reducing the potential for industrial development and economic growth.

Yes No

E. The proposed change is in accordance with the comprehensive plan and sound planning practices.

While the proposed zoning change to RA-20R is compatible with the underlying land use, the proposed zoning change would result in loss of finite land designated for industrial use, which is essential for supporting economic development and job creation. A reduction of available industrial land conflicts with the following Land Use and Economic Development policy outlined in the comprehensive land use plan:

Policy LU-1.2 Identify prime locations for industrial and distribution operations and protect these locations from incompatible development.

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

As stated in the evaluation, the requested rezoning to **RA-20R** is unreasonable. The requested zoning is incompatible with the uses permitted in the surrounding zoning district and conflicts with Policy LU-1.2 from the comprehensive land use plan. It is recommended that this rezoning request be **DENIED**.

Evaluation Property PIN 0558-97-3688.000



- 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 properties zoned RA-20R. The request 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 public and not merely in the interest of the individual group. A zoning change to the RA-20R zoning district would allow for residential use of the property, which is more compatible with the surrounding land uses than the uses permitted in the current zoning district.

- 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 RA-20R zoning district are more appropriate than the more intensive uses permitted in the current zoning designation.

- 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.

Use of the property for residential purposes is more compatible with the surrounding land uses and poses a smaller risk of materially or adversely affecting the neighborhood than the uses permitted in the current zoning designation.

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

The request to change the zoning from the Industrial zoning designation to the RA-20R is in accordance with the comprehensive land use and sound planning practices. The underlying land use of the property is Agricultural/Rural Residential, a land use designation which primarily supports agriculture, forestry, and low-density residential uses.

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

As stated in the evaluation, the requested rezoning to **RA-20R** is reasonable. The requested zoning is more compatible with the surrounding land uses and the underlying future land use, Agricultural/Rural Residential. 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