



MEMORANDUM

TO: City Council

FROM : Rich Olson, City Manager

DATE: May 28, 2013

REF: RZ 02-13 Call a public hearing to rezone 300 Forest Park Road from Residential R-15 to Office & Institutional, O&I

PREPARED BY: June C. Brooks, Planning & Community Development

Background:

This request is for City Council to Call a Public Hearing on June 10, 2013 for RZ 02-13. Forest Park Church of God requests to rezone the 16.5 acre site at 300 Forest Park Road from Residential R-15 to Office & Institutional O&I.

Analysis:

Forest Park Church requests a rezoning to O&I in order to reduce the rear setbacks requirements for an addition that the church wishes to be constructed behind the existing sanctuary. Churches are permitted in the R-15 zoning district; however a minimum of a 50 foot rear setback is required. The applicant's desire is to keep the structures compact instead of building a lineal site. Staff discussed the option of seeking a variance from the BZA instead of rezoning. The applicant was of the opinion that the Church could not meet the criteria that *"if the applicant complies strictly with the provisions of the ordinance, he can make no reasonable use of his property"*. Due to not being able to meet this variance criterion, they choose to rezone the property.

Staff evaluated the proposed rezoning request and found that it is compatible with the joint Pasquotank County and Elizabeth City Land Use Plan and is an extension of the adjacent O&I zoning.

The Planning Commission considered this application at their regularly scheduled meeting on May 7, 2013. Planning Commission recommended approval with input from NCDOT during the review process.

The Staff analysis is attached for further information.

Recommendation:

Hold a public hearing to consider rezoning application RZ 02-13 at your June 10, 2013 meeting.

STAFF ANALYSIS

CASE NO.

RZ 02-13

MEETING DATE

May 7, 2013

DESCRIPTION/LOCATION

The 16.5± acre tract is located at 300 Forest Park Road on the east side road at the intersection with Well Field Road, approximately 50 feet south of Main Street Extended.

PARCEL INFORMATION

Tax Map P120, Parcel 3

OWNER

Elizabeth City Forest Park Church of God
300 Forest Park Road
Elizabeth City, NC 27909

APPLICANT

Hyman & Robey, PC
PO Box 339
Camden, NC, 27921

EXISTING ZONING & LAND USE

Residential (R-15) - Church

PROPOSED ZONING & LAND USE

Office & Institutional (O&I) - Church

FLOOD PLAIN

The far northeastern corner and the southernmost portions are located within the 100 year flood zone. There are some wetlands located on the southern most portion of the site.

ADJACENT ZONING & LAND USE

North: Residential (R15) - Improved and vacant single family residential lots, City power substation
South: Residential (R-15) - Improved single family residential lots
East: Office & Institutional (O&I), Residential (R15) – Westlawn Cemetery
West: General Business (GB), Residential (R15) – Auto restoration and framing shops, retail tile store, cropland, and single family residence

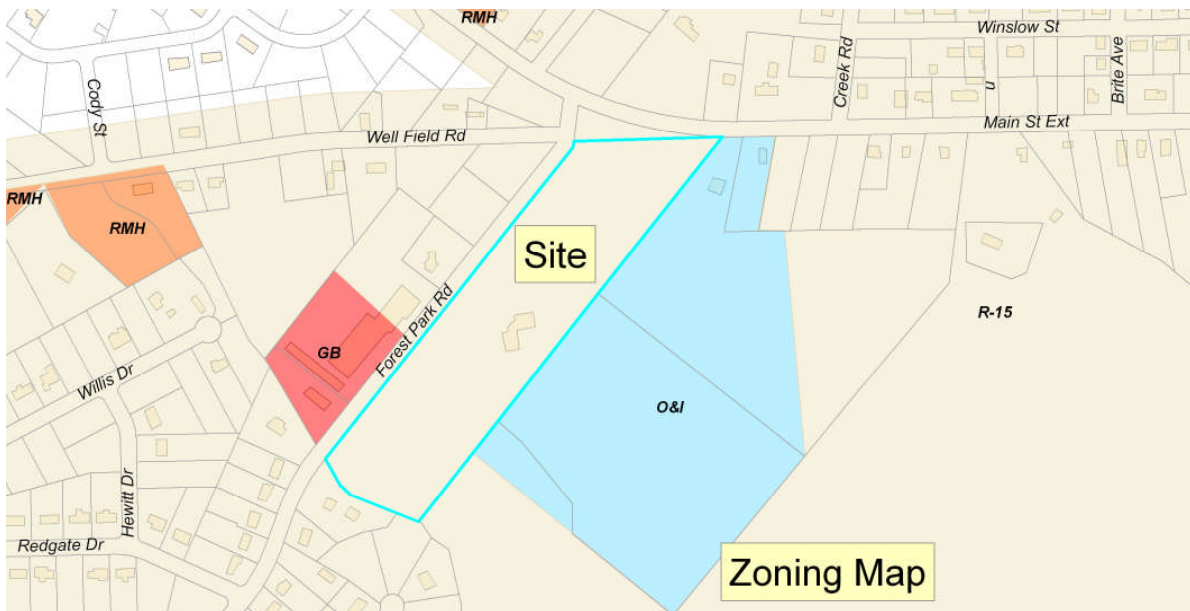
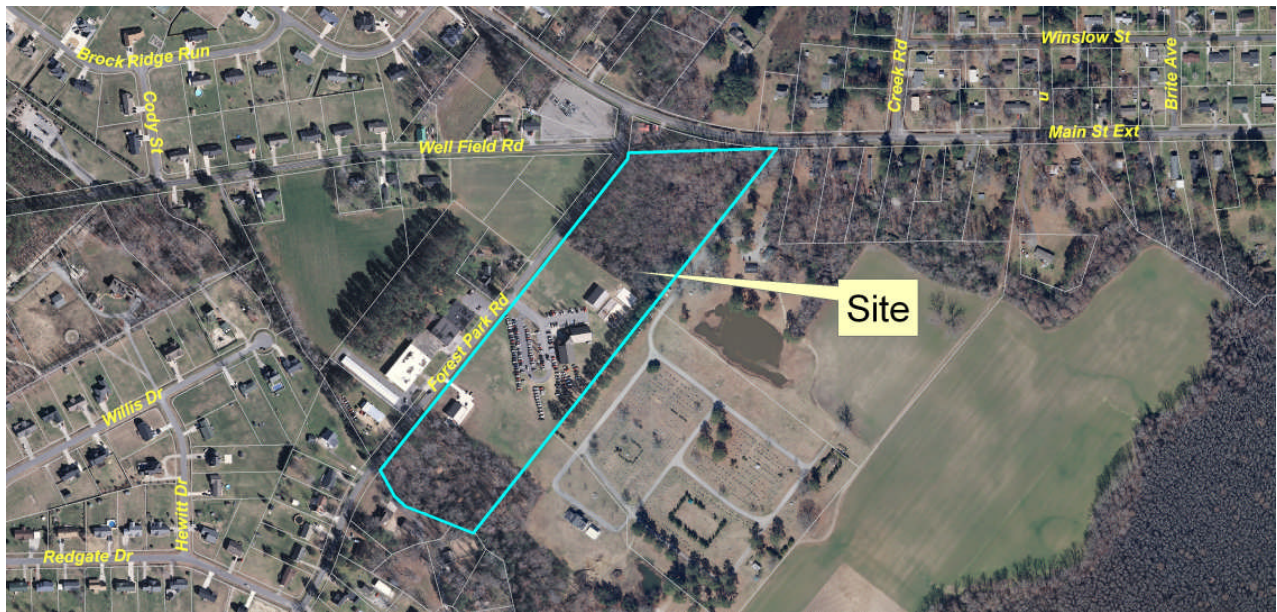
ZONING SUMMARY

This site is located within the City's extraterritorial jurisdiction (ETJ) and is outside of any overlay districts. Prior zoning maps and the Official 1999 Zoning Map show that the property has maintained an R-15 residential zoning since the City established zoning regulations in the mid 1970's.

The existing R-15 zoning district is intended to primarily accommodate a variety of low

density single family detached dwellings. Non-residential uses permitted in this district include customary accessory, recreational, church, educational and institutional land uses that are compatible with the low density residential character. Much of the city's extraterritorial jurisdiction is transitioning from a rural character to an urban character and is included in the R-15 District.

The proposed Office & Institutional (O&I) zoning district is primarily intended to provide for the development of offices and community institutions that have similar development characteristics and require locations close to the more intensive commercial districts. In support of the offices and institutional uses, this district also allows for business, professional and personal services along with limited support retail uses. The maximum



density, setbacks, and on-site parking requirements will be determined by the City Council. An objective of this district is to serve as a buffer between intensive non-residential uses and residential uses.

This rezoning request will be an extension of the existing O&I zoning found at the Westlawn Cemetery to the east. The existing land use as a church is a use permitted by right within the O&I district.

TRANSPORTATION

Access to the property is via Forest Park Road. The Elizabeth City Thoroughfare Plan, adopted in January 1997, designates Forest Park Road as a minor thoroughfare. The function of a minor thoroughfare is to collect traffic from the surrounding local streets and connect them with the major thoroughfares. Forest Park Road connects Main Street Extended with US Highway 17 South. Minor thoroughfares may supplement the major thoroughfare system by facilitating minor through traffic movements. Streets with this classification are also used to connect abutting properties.

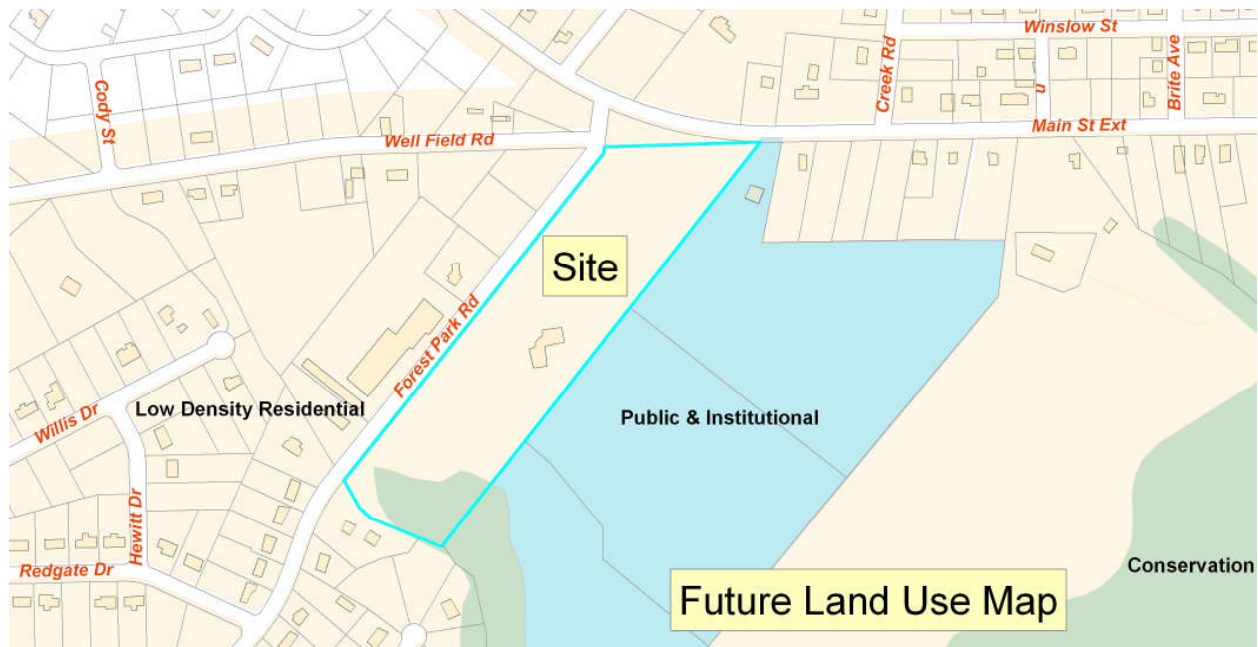
PUBLIC UTILITIES

Public water is provided by Pasquotank County and electric services are provided by the City of Elizabeth City. There is no City or County sanitary sewer available in the area so the site is serviced by a septic system.

LAND USE PLAN

The joint Elizabeth City & Pasquotank County Land Use Plan (LUP) has the site classified as "*Low Density Residential*". The Low Density Residential classification is intended to delineate lands where the predominant land use is low density detached residences. The residential density within this classification is generally two to four dwelling units per acre. Single-family detached residences and manufactured homes on individual lots are the predominant types of dwellings within these areas. Public water service is generally available throughout the Low Density Residential classified areas. Land uses within the Low Density Residential are compatible with the Residential zoning designation. Commercial and industrial land uses are considered incompatible with this land use classification.

The City's goals and policies support the continued use of land in Low Density classified areas for low density dwellings and for public and institutional land uses that support, and that are compatible with, this type of residential development. Generally, the non-residential density is anticipated to average one public or institutional use per five acres. Limited light commercial use is not considered acceptable for this classification.



The O&I zoning designation is considered to be conditionally consistent with the Future Land Use Map (FLUM) classification of Low Density Residential. Zoning classifications are 'Conditionally Consistent' with the FLUM categories when the use or intensity of development permitted in the zoning classification would, under prescribed conditions and safeguards, be compatible with the uses anticipated in the FLUM category. The institutional use of the site as a church is compatible with the Low Density FLUM designation.

PUBLIC SCHOOLS

The Pasquotank-Elizabeth City has been duly notified of the proposed rezoning. No comments have been received.

STAFF COMMENTS and RECOMMENDATION

When making a determination, as to whether to approve or deny a rezoning, Planning Staff considers the area's zoning pattern, adjacent land uses, the Joint Pasquotank County and Elizabeth City Land Use Plan (LUP), as well as the impact on roads and City services such as utilities and fire protection. Planning Staff also takes into account the impact the rezoning will have on the adjacent property owners and neighbors.

The existing church is nestled in a cleared area of approximately 7.5 acres on a 16.5 acre lot. The northern portion of the site is approximately 5.5 acres of woodlands while the southern portion is approximately 3.5 acres of woodlands and wetlands. The site is surrounded by a variety of land uses and zonings with the Westlawn Cemetery along the eastern border; residential properties at the north and south end; while across the street are various commercial uses, car restoration and a flooring retail business in

addition to active cropland and a city power substation. The cemetery has an O&I, Office & Institutional zoning; a portion of the commercial uses are zoned General Business (GB) with the remaining commercial, cropland and residential uses with a residential R-15 designation.

Due to increased membership, the church has outgrown its existing facility and needs to expand. The church desires to construct a 100' x 100' and a 40' x 70' addition to house a new sanctuary, offices and restrooms behind the existing structure. Once the construction has been completed, the original sanctuary will be converted into a larger nursery and an area for youth activities.

It is the church's vision to construct the addition behind the existing church. This configuration would optimize the connectivity between the two buildings. Furthermore, the placement of the addition behind the existing building will screen the expansion from being viewed from Forest Park Road. Keeping the addition at the rear of the property would leave the existing woodlands undisturbed and continue to provide a heavy vegetative buffer to the adjacent residential properties. .

Due to the restrictive 50 foot rear setback for churches in the R-15 district, the church is requesting that the property be rezoned to O&I with a 10 foot rear setback along the property line shared with the cemetery. The O&I zoning with the reduced setback is essential to facilitate their dream of building the addition behind the existing church.

If the rezoning request is denied, the addition could not be placed at the rear of the existing structure as proposed. Instead, it would require that the addition be placed alongside the existing church and the construction and would most likely encroach into the existing woodlands thereby reducing the existing vegetative buffer to the residential properties. Placing the addition alongside the existing church will give the facility a sprawling appearance from the street.

With the exception of Sunday mornings and Wednesday evenings when there are church services and functions, the infrequent use of the property as a place of worship results in low traffic impact to the residential neighborhood. The dense existing vegetative buffers found at the northern and southern portions of the site aid in minimizing possible land use conflicts by creating both a visual screen and aids in the reduction of church's traffic noise.

A review of the Unified Development Ordinance (UDO) regulations indicates that when a property is reclassified as O&I, the City Council will determine the land development criteria for the site. As allowed by the Ordinance, Council shall establish the maximum density, minimum setbacks and the on-site parking requirement.

The O&I zoning designation is considered to be conditionally consistent with the Future Land Use Map (FLUM) classification of Low Density Residential. While the institutional use of the site as a church is in compliance with the Low Density FLUM designation.

The proposed O&I rezoning is compatible with the joint Elizabeth City & Pasquotank County Land Use Plan and is an extension on the existing O&I zoning district found at Westlawn Cemetery to the east. As proposed, staff is of the opinion that the proposed zoning is appropriate for the area and recommends **APPROVAL** of this application together with the requested 10' rear setback. Furthermore, staff recommends that the parking requirements be based on the Off-Street and Stacking Requirements for churches found in UDO Table 11-2-1.



WOODED AREA

JEHOVAH WITNESS
PROPERTY
AGRICULTURAL USE

10' tree and shrub buffer

WESTLAWN CEMETERY

MANFIELD PROPERTY
RESIDENTIAL USE

PROPOSED EXPANSION

50' min. building line

10' min. building line

POBEST PARK ROAD

STANDARD TILE
COMMERCIAL RETAIL
USE

AUTO RESTORATION
SHOP AND
FRAMING SHOP
COMMERCIAL RETAIL
USE

WOODED AREA

AIR EXHAUST

AIR EXHAUST

WATER