



**EDENTON-CHOWAN
PLANNING AND INSPECTIONS DEPARTMENT**

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Chowan County Planning Board

January 16, 2007

Chowan County Courthouse

Broad Street

7:00pm

MINUTES

Chairman Spivey called the meeting to order. He then asked for a moment of silence. Ms. Bryant then noted that Lia McDaniel, Jack Held, Roger Spivey, Jim Leggett and Fred Smith were present.

Mr. Spivey asked for any additions or corrections to the minutes from August 31, 2006.

Mr. Smith asked that he be added to the roll because he was present. There being no further corrections the minutes were approved (5-0).

Mr. Spivey asked for any addition or corrections to the minutes to the September 19, 2006 minutes. Being none, Chairman approve the minutes as submitted.

Chairman Spivey noted the item on the agenda,

- (1) Case No. CC-CURZ -07-01:** A conditional use rezoning application from Cypress Landing Development Company requesting rezoning of property located at 251 & 233 Cowpen Neck Road, from A-1 Agricultural to CU-R-5, Conditional Use R-5 Residential District (PIN 6886-00-36-9332 and 6886-00-46-4021).
- (2) Case No. CC-CUP- 07-01:** A conditional use permit application from Cypress Landing Development Company, for proposed 48 unit multi-family condominium development the property is located at 251 & 233 Cowpen Neck Road (PIN 6886-00-36-9332 and 6886-00-46-4021).

Ms. Bryant said the developer was requesting a continuance until the February meeting.

Mr. Smith moved the applications be continued. Mr. Leggett seconded the motion. (5-0)

Chairman Spivey then noted the next application,

(3) **Case No. CC-RZ-07-01:** A rezoning application from Dossey Pruden, requesting an amendment to the zoning map, rezoning a forty-six point 8 (46.8) acre tract located at 405 Soundside Road from A-1 Agricultural District to B-1 General Business District (Tract 1 of 7813-00-48-1273).

Ms. Bryant then read the staff report into the record.

Applicant: Dossey Pruden
306 Colony Drive
Edenton, NC 27932
(252) 482-8130

Owner: Dossey & Mark Pruden
Same as Above

Property Owners: (SEE ATTACHED LIST)

Requested Action: Rezoning from A-1, Agricultural District to B-1, General Business District

Tax PIN #: 7813-00-48-1273

Location: 405 Soundside Road

Size: 46.8 acres

Existing Zoning: A-1, Agricultural District

Existing Land Use: "Rural with Services and Limited Transition;" Vacant/Farmland

Surrounding Land Use & Zoning:

North- Rural with Services; A-1, Agricultural, Farmland/Woodland/Residential

South- Limited Transition; IW, Industrial Warehouse (Town), Industrial Park & Airport

East- Limited Transition; I-1, Industrial, Industrial Park

West- Rural with Services; A-1, Agricultural and R-15 Residential, Farmland/Woodland/Residential (Cape Colony Subdivision to Southwest)

Land Use Plan:

Major Goals & Objectives: *LAND USE*

- Reserve suitable areas for commercial, office, research and economic development uses to provide tax revenues to balance the cost of providing services for anticipated residential development.
- Identify and promote new land development opportunities, which are compatible with and sensitive to the preservation of stable and desirable neighborhoods.
- Ensure that new development can be adequately supported by existing or planned public services and infrastructure.

Land Classification: *LIMITED TRANSITION & RURAL WITH SERVICES*

- Areas meeting the intent of the Limited Transition Classification will experience

increased development pressure during the current 5-year planning period that will be in a state of development necessitating some municipal infrastructure, facilities and/or services.

- Currently, some areas exist under the Limited Transition classification which contain mixed uses including commercial, light industrial and small business; the County feels this is appropriate...provided that the development meets all other density and zoning requirements.
- The Rural with Services category is designed to compliment the Rural Areas category by recognizing that limited residential development may occur without threatening the agricultural environment with potential suburban expansion.

Zoning History: None on Record.

Applicable Regulations: Chowan County Development Codes: Zoning Ordinance; Article IV Zoning District and Zoning Map. Article XIV. Amendments.

SPECIAL INFORMATION

Public Utilities: County water is available and sewer services may be extended to the site.

Public Services: The property is located within Chowan County's general jurisdiction; County protection services are available.

Transportation: The subject property has frontage on Soundside Road.

Physical Characteristics: Vacant/Farmland

ANALYSIS

The request is for a "general use" rezoning to B-1, General Business District.

The B-1, General Business District is established as a district designed to accommodate retail or service establishments customarily patronized by transient traffic as well as non-transient traffic. This district allows a range of retail, service, office, limited wholesale and moderate density residential uses that have access to major roads and the necessary utilities to support such Development.

This application is a general use request, **not** a conditional use permit or conditional district rezoning request, therefore, recommendation to the Board of Commissioners should be given based on all the available uses for the property in the proposed zoning and if the rezoning advances the general public health, safety and welfare. The NC General Statutes and Chowan County Development Codes (CCDC) do not allow specific development conditions to be attached to a "general use" rezoning application.

RECOMMENDATION

The property in question is zoned A-1, Agricultural. The property has close proximity to existing commercial and industrial property contained within the Edenton-Chowan Industrial Park. The B-1, General Business District would provide medium intensity commercial service (***please note the uses allowed within this zoning district in your Table of Uses in Article V, Table 5-1 of your CCDC***) in

companion with the commercial, industrial, and agricultural uses surrounding this property; therefore, staff recommends approval of the rezoning application.

Dossey Pruden said he was requesting a rezoning. He said the reason is for an extension of the industrial park. He said there is a need for increased area of commercial application. He said the property has a 6 inch gas line close in proximity to the sewer system. He said he would like some type of retail in that area. He said he would like a boat builder in that area. He said he did not want a strip mall. He said there is a need for retail service and it will be in demand as the area grows.

Chairman Spivey asked about boat building and the industrial classification.

Ms. Bryant addressed zoning.

Mr. Pruden stated his interest in support of marine businesses and jobs to the community.

Mr. Leggett asked for clarification on zoning and land use classification. He asked for clarification on property size and road details/ traffic impact.

Ms. Bryant clarified that development specifics are not to be addressed as part of a general use rezoning application.

Mr. Held also asked for clarification on location.

Peter Rascoe addressed the need for the Board to make a vote on the consistency with the land use plan.

Mr. Pruden addressed the location (across from Albemarle Baptist Church). He added that the site is in the Highway Corridor Overlay District.

Ms. Bryant explained the HCOD and the need to meet stricter guidelines.

Mr. Held asked about the Highway NC 94 extension status.

Mr. Rascoe said it has not materialized but is being discussed by NC DOT.

Mr. Smith asked about setting precedence when deciding if consistent/inconsistent with the LUP.

Mr. Rascoe clarified that the finding must be made; he said the Board can still make a recommendation in the affirmative or negative.

Chairman Spivey then opened the floor to public comment.

Nancy Wood asked if Planning to develop themselves and place restrictive covenants.

Mr. Pruden said no, they will not develop these themselves.

Ms. Wood also spoke regarding the notification of property owner across the street, which is for sale and impact on the value of that property.

Mr. Rascoe gave note/legal issue of notification as did Ms. Bryant.

Janet Mackenzie spoke on behalf of potential buyer for property listed by Ms. Wood with concern for B-1 General Business use possibilities, style of buildings, HCOD, concern with consistency of the area.

Ms. Bryant clarified that Chowan County doesn't regulate building design.

Mr. Rascoe stated again the consistency is with the LUP not necessarily zoning; transition vs. rural with services.

Mr. Leggett asked for clarification on "consistency" and property owner notification.

Brian Ward stated concern with proximity to residential area.

Ms. Bryant remarked on zoning, rights to property owners, and decision/recommendation of all uses in A-1 versus all uses in B-1, General Business.

Mr. Pruden said that the current zoning is a hard living.

Chairman Spivey stated his concern with notification of adjoining property owner and suggested that the application be continued until February 2007.

The Board showed support in that decision.

Mr. Leggett moved that the application be continued.

Ms. McDaniel seconded the motion.

The motion carried unanimously, (5-0).

There being no further business, the meeting was adjourned.