



AGENDA

Town of Southern Pines Planning Board Meeting, February 18, 2016, 7:00 PM, Douglass Community Center, 1185 W Pennsylvania Avenue

I. Call to Order

II. Public Hearing:

Z-01-16; Request to Rezone Property from RS-1 to NB-CD; 1650 W. New York Avenue; Petitioner, American Legion Post #177

On behalf of American Legion Post #177, Mr. Fenton Wilkinson is requesting to rezone property located at 1650 W. New York Avenue. The request is to rezone the parcel from RS-1 (Residential Single-Family – 1) to NB-CD (Neighborhood Business – Conditional District). The subject property is comprised of 1.69 acres. The property is identified by the following: PIN: 857216749214 (PARID: 00030850). Per the Moore County Tax records, the property owner(s) are listed as American Legion Post #177.

III. Continued Public Hearing from January 21 Planning Board Meeting: Comprehensive Long Range Plan Update

IV Adjournment

Agenda Item

To: Planning Board

Via: Bart Nuckols, Planning Director

From: Chris Kennedy, Senior Planner

Subject: Z-01-16; Request to Rezone Property from RS-1 to NB-CD; 1650 W. New York Avenue; Petitioner, American Legion Post #177

Date: February 18, 2016

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Analysis:

The subject property is identified as Residential in the CLRP. Per the *Comprehensive Long Range Plan 2010*: the Residential classification encompasses the majority of Southern Pines' residential land, providing for single-family and attached housing at development densities ranging from one unit per acre in areas that are less intensively developed up to twelve units per acre in places that are clearly more urban.

Staff Comments:

- The petitioner is seeking to rezone the property from RS-1 to NB-CD.
- The land use designation for the American Legion Post #177 would be classified under LBCS 6830 *Civic, Social, or Fraternal Organization*.
- The adjoining properties are zoned RS-1 to the North, South, East and West.
- Per UDO Section 3.5.3, the RS-1 zoning classification has a minimum lot size of 10,000 square feet and permits a density of approximately 4.3 dwelling units per acre.
 - The RS-1 zoning classification is established as a district in which to allow primarily medium-density single-family residential land uses. The regulation of the RS-1 district are intended to:
 - Preserve existing single-family residential neighborhoods that have developed at a medium-density; and,
 - Encourage new residential development that is compatible with that in the existing neighborhoods.

- Per UDO Section 3.5.10, the NB zoning classification is established as a mixed use district that allows small scale, limited retail and service land uses that provide goods and services primarily to surrounding residential neighborhoods, residential buildings and mixed-use building. The major objectives of this district are to:
 1. Encourage the location of convenience retail establishments, professional services and professional offices that are compatible with surrounding residential uses;
 2. Preclude large-scale buildings that are inconsistent with the neighborhood character;
 3. Limit major traffic generators to thoroughfares;
 4. Promote safe and convenient pedestrian access from surrounding residences; and,
 5. Allow for single-family dwellings in business corridors to be used for business or residential purposes.
 - Per Section 2.17.7 Planning Board Action; The Planning Board shall hold a legislative public hearing and shall render its recommendation in accordance with the procedures set forth in this chapter.
 - Per Section 2.17.8 Town Council Action;
- (A) Within thirty (30) days of the Planning Board recommendation, the application shall be submitted to the Council to review at a legislative public hearing.
- (B) The Council is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.
- (C) Following the hearing, the Council may approve, conditionally approve or deny the application. If the Application is denied, the Council shall advise the Applicant of the reason for denial.
- (D) The Council need not await the recommendations of the Planning Board before taking action on a proposed amendment, nor is the Council bound by any recommendations of the Planning Board that are before it at the time it takes action on a proposed amendment.
- (E) At the conclusion of the public hearing on a proposed amendment, the Council may proceed to vote on the proposed ordinance, refer it to a committee for further study or take any other action consistent with its usual rules of procedure.
- (F) Voting on amendments to this chapter shall proceed in the same manner as other ordinances, subject to the provisions for protests to zoning district changes as set forth herein.
- (G) Impacts. The council shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.
- Per Section 2.17.9 a Rezoning Application must satisfy the following criteria:

2.17.9 Criteria for Zoning Map Amendments

In its review of an application for a zoning map amendment, the Hearing Bodies shall consider the following criteria. No single factor is controlling; instead, each must be weighed in relation to the other standards.

- (A) Consistency. Rezoning shall be consistent with the adopted Comprehensive Plan.
- (B) Adverse Impacts on Neighboring Lands. The Hearing Body shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Town finds and

determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings may promote mixed uses subject to a high degree of design control.

- (C) Suitability as Presently Zoned. The Hearing Body shall consider the suitability or unsuitability of the Tract for its use as presently zoned. This factor, like the others, should be weighed in relation to the other standards, and instances can exist in which the land may be rezoned to meet public need, to reflect substantially changed conditions in the neighborhood, or to effectuate important goals, objectives and policies of the Comprehensive Plan or UDO.
- (D) Health, Safety, and Welfare. The amending ordinance must bear a substantial relationship to the public health, safety or general welfare, or protect and preserve historical and cultural places and areas. The rezoning may be justified, however, if a substantial public need or purpose exists, even if the private owner of the Tract will also benefit.
- (E) Public Policy. Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.
- (F) Size of Tract. The Hearing Body shall consider the size, shape, and characteristics of the Tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single Lot when there have been no intervening changes or other saving characteristics. Proof that a small Tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify ordinance rezoning.
- (G) Other Factors. The Hearing Body may consider any other factors relevant to a rezoning application under state law.
- (H) Applicant Representations. Except for rezoning requests submitted in accordance with the provisions herein for conditional use district rezonings, the Hearing Body shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Hearing Body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.

Attachments:

- GIS Location
- Application Materials
- Metes and Bounds
- Criteria Narratives
- Future Land Use Map

Planning Board Action:

The Planning Board shall vote on whether the proposed amendment is consistent with *Comprehensive Long Range Plan* that has been adopted and any other officially adopted plan that is applicable. The Planning Board could make one of the following motions for recommendations or any alternative they wish:

I move that we advise that:

1. The proposed amendment is consistent with those documents that constitute the officially adopted land development plan and other applicable plans; or
2. The proposed amendment is not consistent with the documents that constitute the officially adopted land development plan or other applicable plans, in that

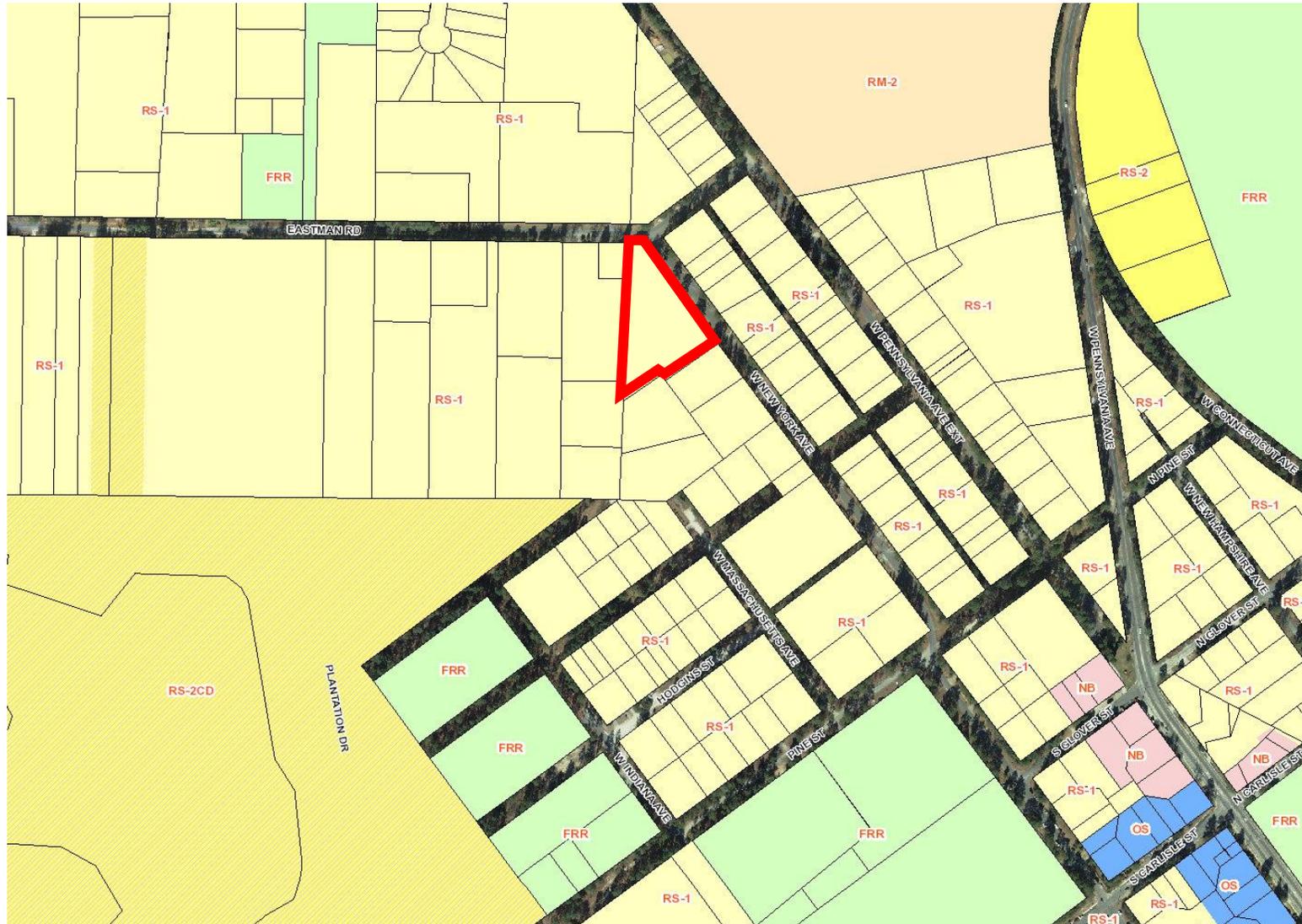
I move to recommend to the Town Council:

1. The approval of Z-01-16;
2. The denial of Z-01-16;
3. The approval of Z-01-16 with the following additional conditions...

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Z-01-16 Request to Rezone from RS-1 to NB

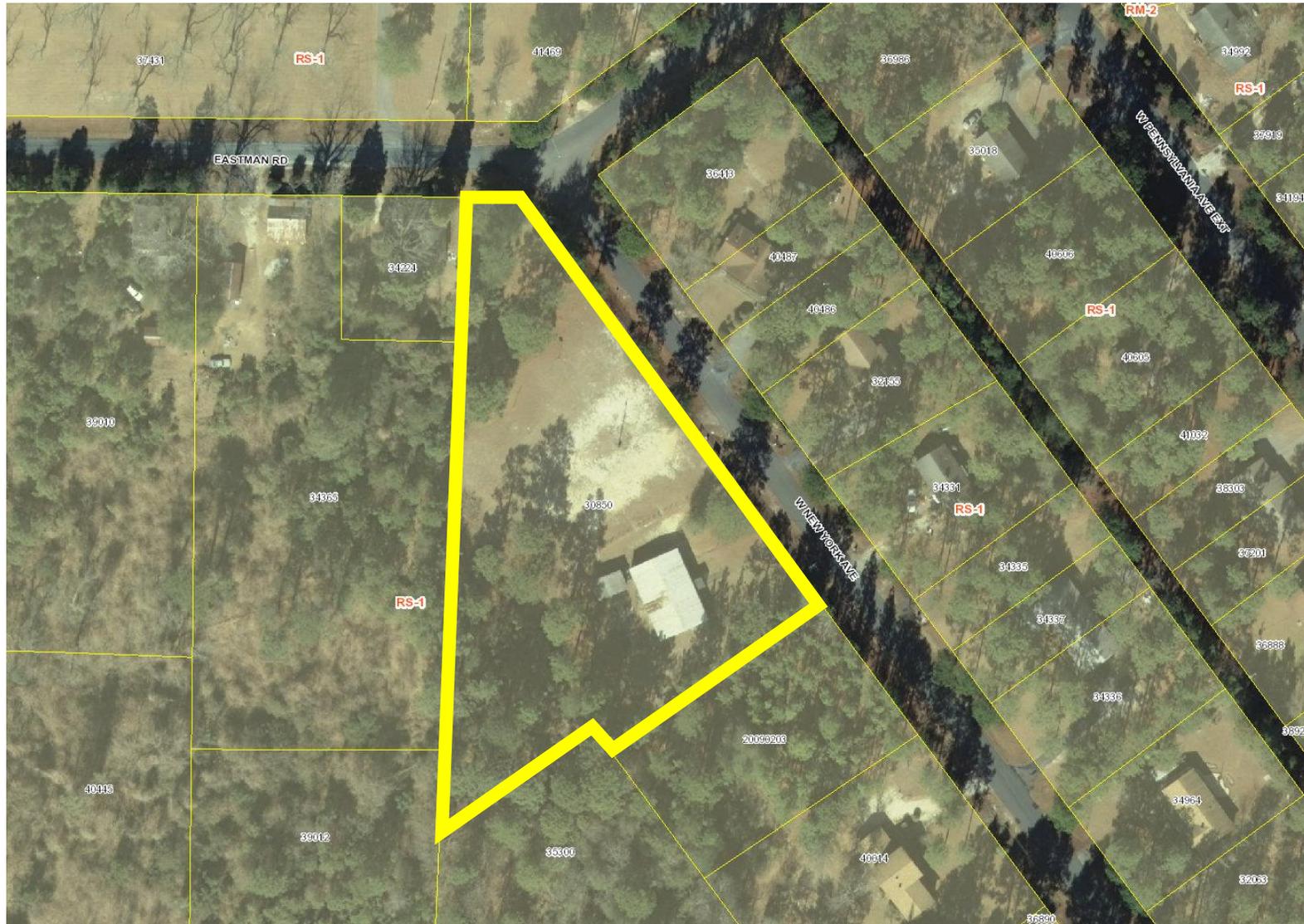
PIN: 857216749214 (PARID:00030850)



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Z-01-16 Request to Rezone from RS-1 to NB

PIN: 857216749214 (PARID:00030850)



Town of Southern Pines Rezoning Petition

Case: Z-_____

Date: _____

To the Planning Board and Town Council of Southern Pines, North Carolina:

I, the undersigned, do hereby make a petition to change the zoning map of the Town of Southern Pines as herein requested:

1. The property is located on the South side of West New York Ave (St., Ave., Dr., Ct.) between Eastman Rd (St., Ave., Dr., Ct.) and Glover St. (St., Ave., Dr., Ct.). The address is 1650 West New York Ave. and is identified as PIN Number 00030850 and LRK _____. It has a frontage of 390 feet and an average depth of 130 feet containing 1.9 acres.
2. It is desired and requested that the foregoing property be rezoned from RS-1 District to NB Conditional District for the following purpose: See Attachment A.
3. A metes and bounds description must be attached to this application.
4. List all individuals, firms or corporations owning property within 200 feet of the rezoning petition and within 200 feet of all other property contiguously owned by the property owner/petitioner or all pieces of land that were part of the property requesting rezoning or at least the ten (10) closest properties prior to the requested rezoning, and the property across the street from the property sought to be rezoned. It is required to furnish PIN and LRK numbers for each property, owner's name and address.

I certify that all information furnished in this petition is accurate to the best of my knowledge.

Petitioner's Name (Please Print or Type) Arthur Eugene Mason

Petitioner's Signature _____

Mailing Address 795 West New Hampshire Ave
Southern Pines, NC 28387

Phone Number () (910) 839-9852 Email arthurmasonsr@yahoo.com

Property Owner (Please Print or Type) Rufus McLaughlin American Legion Post 177

Mailing Address 1650 West New York Ave.
Southern Pines, NC 28387

Phone Number () (910) 684-8484 Email arthurmasonsr@yahoo.com

1. Property owners' name: Willie Richard Hamer, Sr
Mailing Address: 642 Michael Rd.
Carthage, NC 28387

LRK #: 34224 RI

Adjacent Property Address: 163 Eastman Rd
Southern Pines, NC

2. Property owners' name: Phylcia Marie Megachy
Mailing Address: PO Box 2612
Southern Pines, NC 28387

LRK #: 40014 RI

Adjacent Property Address: 1630 W New York Ave
Southern Pines, NC

3. Property owners' name: Paul McKoy
Mailing Address: 3695 Cascade Rd Ste V
Atlanta, Ga 30331

LRK #: 34365 RI

Adjacent Property Address: 157 Eastman Rd
Southern Pines, NC

4. Property owners' name: Mark Bouchard
Mailing Address: 1675 W. New York Ave
Southern Pines, NC 28387

LRK #: 32155 RI

Adjacent Property Address: 1675 W. New York Ave.
Southern Pines, NC

5. Property owners' name: Arlisa Turner
Mailing Address: 1622 Arnold Ave
Aberdeen, NC 28315
LRK #: 20150101 RV
Adjacent Property Address: _____
6. Property owners' name: Pentecostal Assembly of Jesus Christ
Mailing Address: PO Box 991
Southern Pines, NC 28387
LRK #: 41469 EX & 37431 EX
Adjacent Property Address: 132 Eastman Rd, Southern Pines
150 Eastman Road, Southern Pines
7. Property owners' name: Raecor, LLC
Mailing Address: 170 Mill Road
Southern Pines, NC 28387
LRK #: 34331 RI
Adjacent Property Address: 1657 W. New York Ave.
Southern Pines, NC
8. Property owners' name: Kathy Jones
Mailing Address: 115 Laurel Oak Lane
Pinebluff, NC 28373
LRK #: 40486 RI
Adjacent Property Address: 1759 W. New York Ave
Southern Pines, NC
9. Property owners' name: Betsy Harris
Mailing Address: PO Box 1034
Southern Pines, NC 28388

LRK #: 34377 RI

Adjacent Property Address: 1625 West New York Ave
Southern Pines, NC 28387

10. Property owners' name: Roy A McKoy

Mailing Address: PO Box 1394
Pinehurst NC 28374

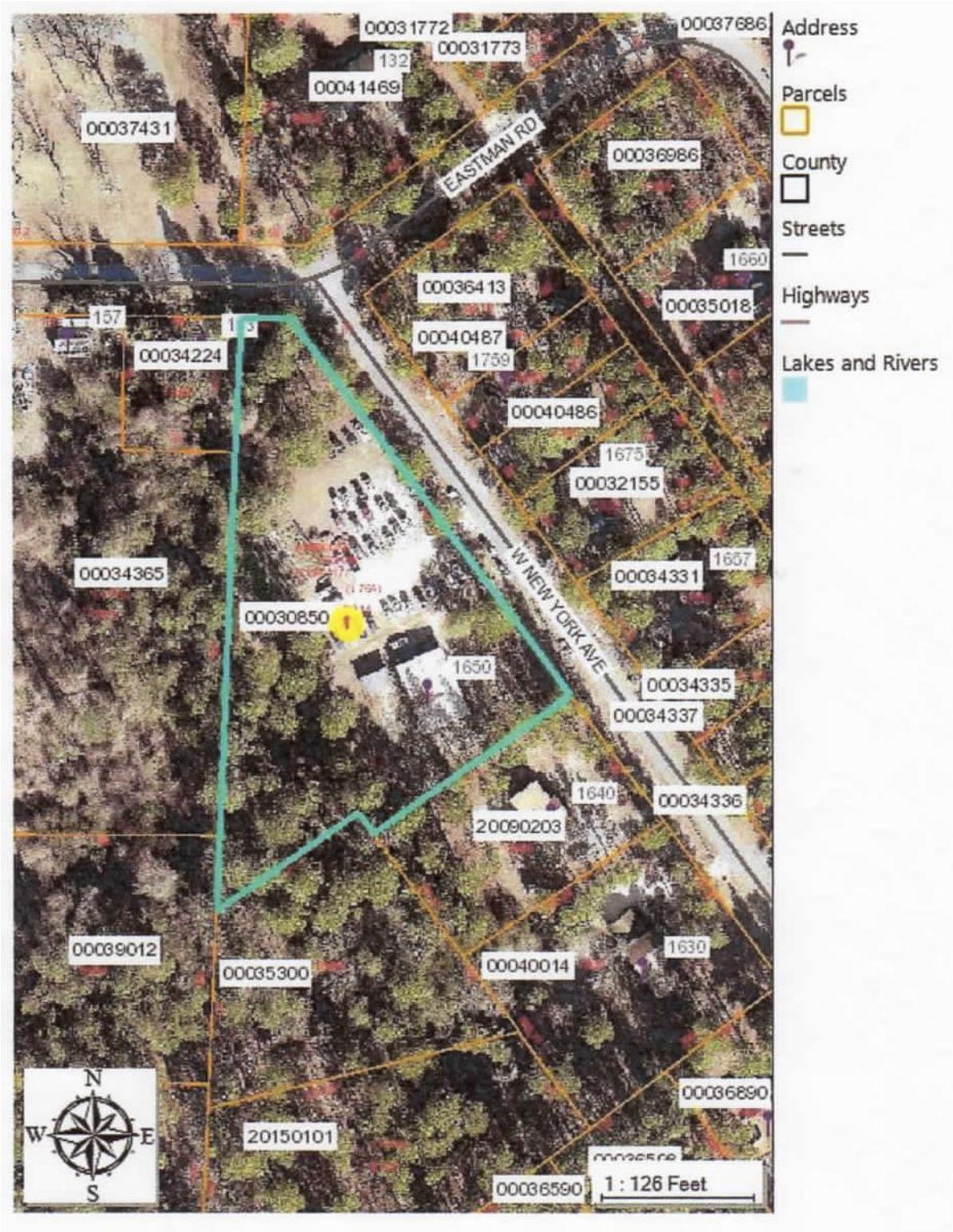
LRK #: 36413 RV

Adjacent Property Address: New York Ave
West Haven Lots 62 & 63

Please note that if you have more than (10) ten adjacent property owners, use another sheet for additional names, if necessary. Please include a stamped envelope addressed to each adjacent property owner with the following return address: Town of Southern Pines, Attn: Planning Department, 180 SW Broad Street, Southern Pines, NC 28387

Application Amended July 1, 2014

6



ATTACHMENT A
To Rufus McLaughlin Post 177 Rezone Request

Context for Requested Rezoning

The applicant, Rufus McLaughlin American Legion Post 177 ("Post") has been a pillar of the West Southern Pines (WSP) community since 1953. From the beginning, the Post's decisions and actions have been guided by the American Legion's threefold missions of being a wartime veterans service organization, mentoring youth, and sponsoring wholesome community programs.

For over 40 years the Post effectively followed this mission. It was an important civic hub where the fabric of the community was built and maintained. It was a place where vets could talk, laugh, serve and heal from shared past experiences. It was also where young and old mixed, mingled and interacted as a community. It was where people celebrated weddings and anniversaries, births and deaths. The West Southern Pines Civic Club, and other community groups, held meetings and public events. There were Post celebrations and fundraising barbecues and fish fries, dances and American Legion meetings and service projects.

In the late 1990's the Post's leadership of WSP natives was aging out, and someone who recently moved to WSP from New York City became Post Commander. Over time, as more non-WSP natives assumed control of the Post, the emphasis shifted from being an organization serving veterans and the community to a shell organization acting as a cover for private gain. Unfortunately selling alcohol and gambling assumed prominence, leading to violence and other issues that are intolerable in any community.

Fortunately, with police and community intervention, the alcohol was removed as an element, and the Post leadership responsible for the problems was removed. Unfortunately the old guard was dying and there was little young energy coming in. Post activity and the condition of the property declined.

Times have changed. A number of West Southern Pines natives who left the community after high school for careers on a wider stage, many military, have retired and returned home. They have been struck by the degradation in the vibrant WSP they remember from childhood. Today, the thriving commercial community has been decimated, the poverty is deeper and more persistent, and the rich community connections of yore to address real issues are too quiet and too often frayed.

As more returnees arrive, settle in and connect, a commitment and capacity is growing for the self-revitalization of West Southern Pines community improving the quality of life of the residents while increasing community self-reliance.

The Post is committed to being a valuable and active asset in this improvement process. Since 2013, Post membership is on the increase, the facilities have undergone significant renovation, yet more needs to be done. The Post is host partner with Good Foods Sandhills on a Youth Leadership Academy whose curriculum is operating the Urban Farm as a business that improves community health with good eating. The farm is also used by the Moore County K-12 Schools as an afterschool STEM lab. The Post is also well into the process to establish a cub scout boy scout troop. These are the types of community spirited projects the Post wants to be able to do legally.

The purpose of this rezone request and the list of requested uses is to allow

1. the Post to function as an American Legion Post;
2. the Youth Farm and Healthy Community Food enterprises to operate food buys, canning and cooking workshops;
3. the Post to serve as a fully catered event space for community education, celebration and cultural events;
4. the Post to host and support a wide range of services to address issues of veterans – Joblessness, PTSD; and
5. the Post to support the incubation of WSP home businesses – shared admin services, be a market,

There is currently activity and planning in categories 1-3. At this point the things listed in 4-5 are on the wish list and may become possible when 1-3 are successful.

**Uses to be allowed in the NB Conditional District
#’s from Town of Southern Pines UDO Table of Authorized Land Uses**

Youth Farm and Community Food

2141 – Florist – flowers are high value and may be raised and sold

2153 – Specialty Food Stores (Seafood) interest has been expressed in getting fresh NC Seafood available in the community.

2154 – Fruits and Veggies – community has done several successful community food buys which will become more regular.

2199 – Mkt farm produce and crafts – Youth Farm produce will be sold on-site.

6563 – community food services – collect, prepare, deliver for needy - food banks

9100 – crop production – all that are permitted in NB to cover the Youth Farm.

9371 – Bees – Not specified in NB but want to make clear it is permissible as an accessory to crop production.

Community Event Space

- 2560 – Caterer with an NC ABC special events alcohol license. There are a number of community churches and organizations with strict no alcohol practices that will use the Post as for their events. Like every community, there are those who would like for alcohol to be part of their wedding reception, or a fundraiser dinner and evening of jazz, or There will be no problems as a result of this special event permit. The Post leadership and membership is different. They are responsible people.
- 2530 – snack non-alcoholic bar – hot dog, ice cream stand building exists and could be used at picnics or flea market day.
- 5210 – museum – ability to show local art or historical exhibits.
- 5372 – fitness, rec sports, multipurpose – private: including yoga classes, step aerobics, or
- 6830 – civic, social, fraternal

Veterans Services

- 6567 - Veteran affairs
- 6568 – vocational rehabilitation
- 6565 - other family services – suicide crisis, self-help, job training. 22 vets a day are committing suicide in US. Very high homeless and jobless rates.

Entrepreneurial Support Services

- 2145 – Antique, Flea Mkt, - new community home businesses are being encouraged in WSP. This would provide a neighborhood “market”
- 2420 – Administrative Services – maybe once a week a bookkeeper comes to service a number of small businesses.
- 4221 – video production
- 5160 – independent artist, writer, performer

PIN:857216749214
PARID:00030850
NAME:RUFUS MCLAUGHLIN AMERICAN
NAME2:LEGION POST #177, INC
ADDRESS:1650 W NEW YORK AVE
CITY:SOUTHERN PINES
STATE:NC
ZIP:28387

PIN:857200738993
PARID:00035300
NAME:KELLY, MARGARET
ADDRESS:PO BOX 4436
CITY:PINEHURST
STATE:NC
ZIP:28374-4436

PIN:857200840045
PARID:20090203
NAME:MCGEACHY, PHYLCIA MARIE
ADDRESS:PO BOX 2612
CITY:SOUTHERN PINES
STATE:NC
ZIP:28387

PIN:857216736994
PARID:00039012
NAME:SMITH, JAMES L JR &
NAME2:OATES, DORIS
ADDRESS:715 MARSHA DR
CITY:NEPTUNE
STATE:NJ

PIN:857216747203
PARID:00034365
NAME:MCKOY, PAUL
ADDRESS:3695 CASCADE ROAD STE V
CITY:ATLANTA
STATE:GA
ZIP:30331

PIN:857216747462
PARID:00034224
NAME:HAMER, WILLIE RICHARD SR (HRS)
NAME2:C/O ELLA WILEY
ADDRESS:642 MICHAEL RD
CITY:CARTHAGE
STATE:NC
ZIP:28327

PIN:857216746701
PARID:00037431
NAME:PENTECOSTAL ASSEMBLY OF JESUS
NAME2:CHRIST
ADDRESS:PO BOX 991
CITY:SOUTHERN PINES
STATE:NC
ZIP:28388

PIN:857216748694
PARID:00041469
NAME:PENTECOSTAL ASSEMBLY OF JESUS
NAME2:CHRIST
ADDRESS:PO BOX 991
CITY:SOUTHERN PINES
STATE:NC
ZIP:28388

PIN:857216840418
PARID:00036413
NAME:MCKOY, ROY A
ADDRESS:PO BOX 1394
CITY:PINEHURST
STATE:NC
ZIP:28374-1394

PIN:857216840453
PARID:00040487
NAME:JONES, KATHY &
NAME2:WINFIELD, ALBERT G
ADDRESS:115 LAUREL OAK LANE
CITY:PINEBLUFF
STATE:NC
ZIP:28373

PIN:857216840388
PARID:00040486
NAME:JONES, KATHY &
NAME2:WINFIELD, ALBERT G
ADDRESS:115 LAUREL OAK LANE
CITY:PINEBLUFF
STATE:NC
ZIP:28373

PIN:857216841332
PARID:00032155
NAME:BOUCHARD, MARK & JENNIFER
ADDRESS:1675 W NEW YORK
CITY:SOUTHERN PINES
STATE:NC
ZIP:28387

PIN:857216735912
PARID:00040445
NAME:WILLIS, BETSY
NAME2:C/O MARY WILLIS SMITH
ADDRESS:1860 W NEW YORK AVE
CITY:SOUTHERN PINES
STATE:NC
ZIP:28387

PIN:857200831933
PARID:00040014
NAME:MCGEACHY, PHYLCIA MARIE
ADDRESS:PO BOX 2612
CITY:SOUTHERN PINES
STATE:NC
ZIP:28387

PIN:857216745311
PARID:00039010
NAME:SMITH, JAMES L JR (LE)
SALE VALID:
RECENT SALE:Null
NAME2:C/O DORIS OATES
ADDRESS:715 MARSHA DR
CITY:NEPTUNE
STATE:NJ
ZIP:07753

PIN:857200739737
PARID:20150101
NAME:TURNER, AULISA M
ADDRESS:622 ARNOLD AVE
CITY:ABERDEEN
STATE:NC
ZIP:28315

PIN:857216841295
PARID:00034331
NAME:RAECOR, LLC
ADDRESS:170 MILL RD
CITY:SOUTHERN PINES
STATE:NC
ZIP:28387

PIN:857216736796
PARID:00034225
NAME:HAMER, WILLIE RICHARD SR (HRS)
NAME2:C/O ELLA WILEY
ADDRESS:642 MICHAEL RD
CITY:CARTHAGE
STATE:NC
ZIP:28327

PIN:857216842138
PARID:00034335
NAME:HARRIS, BETSY
ADDRESS:PO BOX 1034
CITY:SOUTHERN PINES
STATE:NC
ZIP:28388

PIN:857216842174
PARID:00034337
NAME:HARRIS, BETSY
ADDRESS:PO BOX 1034
CITY:SOUTHERN PINES
STATE:NC
ZIP:28388

PIN:857216843018
PARID:00034336
NAME:HARRIS, BETSY
ADDRESS:PO BOX 1034
CITY:SOUTHERN PINES
STATE:NC
ZIP:28388

**Metes and Bounds Description for
1650 West New York Ave. Southern Pines, NC**

BEGINNING at an iron stake in the east line of the Eastman tract, at the south side of a 14 foot road leading through the Eastman tract, and running thence S. 87 deg. 43 min. E. 41.7 feet to a concrete monument in the southwesterly line of New York Avenue as extended northwesterly from Southern Pines through West Haven; thence with it, S. 36 deg. 45 min. E. 391 feet to a concrete monument; thence S. 53 deg. 15 min. W. 370.6 feet to a concrete monument in the aforesaid east line of the Eastman tract; thence with it, N. 2 deg. 17 min. E. 537.2 feet to the beginning, containing 1.9 acres, more or less, and being shown on a map of West Haven, made by J.B. Swett, C.E. said map being recorded in Moore County Registry in Map Book 2, page 125.

2.17.9 Criteria for Zoning Map Amendments

As related to Rufus McLaughlin American Legion Post 177 Rezone Request

A. **Consistency.** Rezoning shall be consistent with the adopted Comprehensive Plan

The property in question is in West Southern Pines, therefore the West Southern Pines Neighborhood Plan (WSPNP) is instructive for this application. Quotes from WSPNP relevant to consideration of this rezone request include:

- Once a free-standing incorporated community, the neighborhood has a rich history and cultural pride that could provide a foundation for private investment to restore the neighborhood's vitality. p.2
- Residents reported a prevailing sense of apathy about West Southern Pines. This is likely to be an ongoing problem unless there are some visible wins that raise residents' hopes for neighborhood change. p.9
- Internally generated change is unlikely to happen unless there are increased opportunities for local employment. Education, job training and business training programs are well beyond the scope of development regulations, but residents cited these as local needs. p.9
- While there is great pride in the neighborhood's heritage, many of the local residents lack the training to actively participate in economic rejuvenation of West Southern Pines. Specifically, residents have expressed the desire to learn the skills needed to secure meaningful employment or to operate small businesses. ... [T]he neighborhood and Town as a whole would benefit from efforts to make this training readily available.

The American Legion Post is one of a growing number of projects being undertaken by WSP residents assuming responsibility for improving the conditions in their community. In terms of the quotes from the WSPNP above

- The Post has a deep history in building and honoring the community's rich culture. The requested changes are to enable it to continue and grow this role.
- Increased number of events held in the refurbished building, the Youth Farm's impacts on community kids, and food buys have already been noticed in the community and interest is growing. The results of requested changes will really give people hope.
- The requested changes will increase opportunities for employment. The Youth Farm from one perspective is a job training, business training program for area youth. The ability to have a part time shared bookkeeper on-site.
- The requested changes would give the Post the ability to host GED classes, and offer classes in wealth building, basic accounting and finance.

Rufus McLaughlin American Legion Post 177 Rezone Request

- B. **Adverse Impacts on Neighboring Lands.** The Hearing Body shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive.

The Post does not feel that granting its rezone request will result in any significant adverse impact on the neighboring lands. About half of the lot's perimeter abuts unimproved forests. The rest is residential. The farm is small scale so poses no industrial farm adverse impacts. There will not likely be any more peak traffic than currently being experienced.

The activities asking to be permitted are not inconsistent with the uses of the surrounding area. Neighborhoods need open space, they need gathering spots. Gated community residents can pay dearly for their gathering places. Residential areas need places to engage the youth in healthy activities. The changes support the Youth Farm and Cub Scout Boy Scout troop. Would allow playground equipment for youth exercise.

- C. **Suitability as Presently Zoned.** The Hearing Body shall consider the suitability or unsuitability of the Tract for its use as presently zoned.

The current RM-1 would not allow a very large percentage of the requested uses.

- D. **Health, Safety, and Welfare.** The amending ordinance must bear a substantial relationship to the public health, safety or general welfare, or protect and preserve historical and cultural places and areas. The rezoning may be justified, however, if a substantial public need or purpose exists, even if the private owner of the Tract will also benefit.

As described above, the requested rezone directly allows and supports the community's addressing the health, safety and general welfare needs identified in the WSPNP, in ways identified in the Plan as optimal.

- E. **Public Policy.** Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.

The changes requested will help achieve numerous community fabric and economic development goals identified as important in the WSPNP.

- F. **Size of Tract.** The Hearing Body shall consider the size, shape, and characteristics of the Tract in relation to the affected neighboring lands.

The tract is essentially triangular shape and 1.9 acres in size. Opposite the East leg and half of the southern base are residential lots of varying sizes. Along the west leg and west half of the southern base are large parcels of unimproved forests. The northern tip touches a large parcel with a church and open space.

- G. **Other Factors.** The Hearing Body may consider any other factors relevant to a rezoning application under state law.

Unaware of any other relevant factors.

- H. **Applicant Representations.**

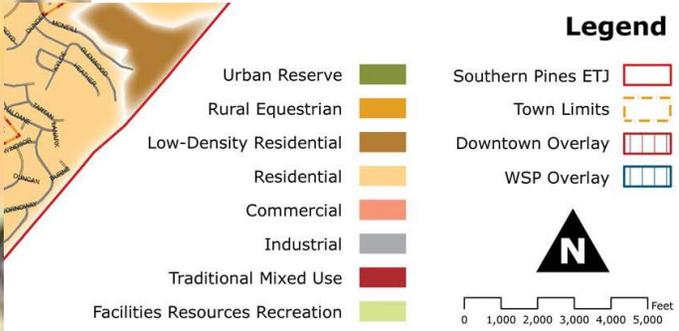
This is a request for a conditional district, therefore the limitations to the uses requested will be binding on the Post.

Future Land Use Map: Z-01-16 Request to Rezone from RS-1 to NB-CD

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 = Subject Property



Future Land Use Map
 Long-Range Comprehensive Plan – April, 2010
 Map Updated - September, 2010
 * Approved City Limits Additions (12/31/09)
 ** Area off Airport Road changed from Residential Use to Traditional Mixed Use

