

Public Hearing II Proposed Zoning Map Amendment

Parcel ID Number 233NA00101

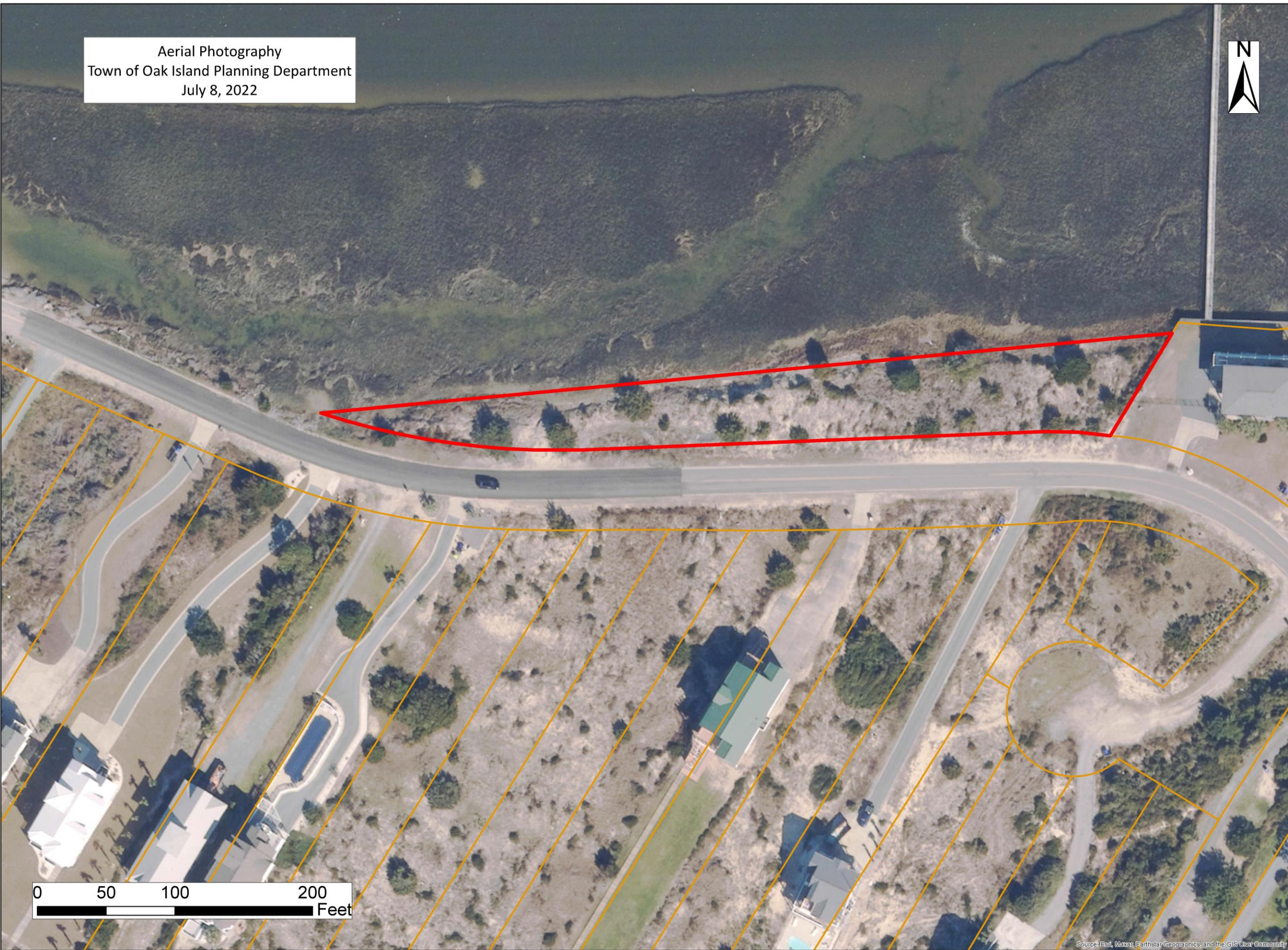


Matt Kirkland, AICP, CZO, CFM
Planning Director
August 16, 2022

Background

- The Town received an application for a zoning map amendment for Parcel ID Number 233NA00101 to change the zoning from R-7 Medium Density Residential District to CR Commercial Recreation District
- The parcel is approximately 0.64 acres and located on King's Lynn Drive
- The property was recorded in Map Book Z Page 328 of the Brunswick County Register of Deeds as being deeded to "The Harbors at King's Lynn Home Owners Association"
- The applicant is the property owner

Aerial Photography
Town of Oak Island Planning Department
July 8, 2022



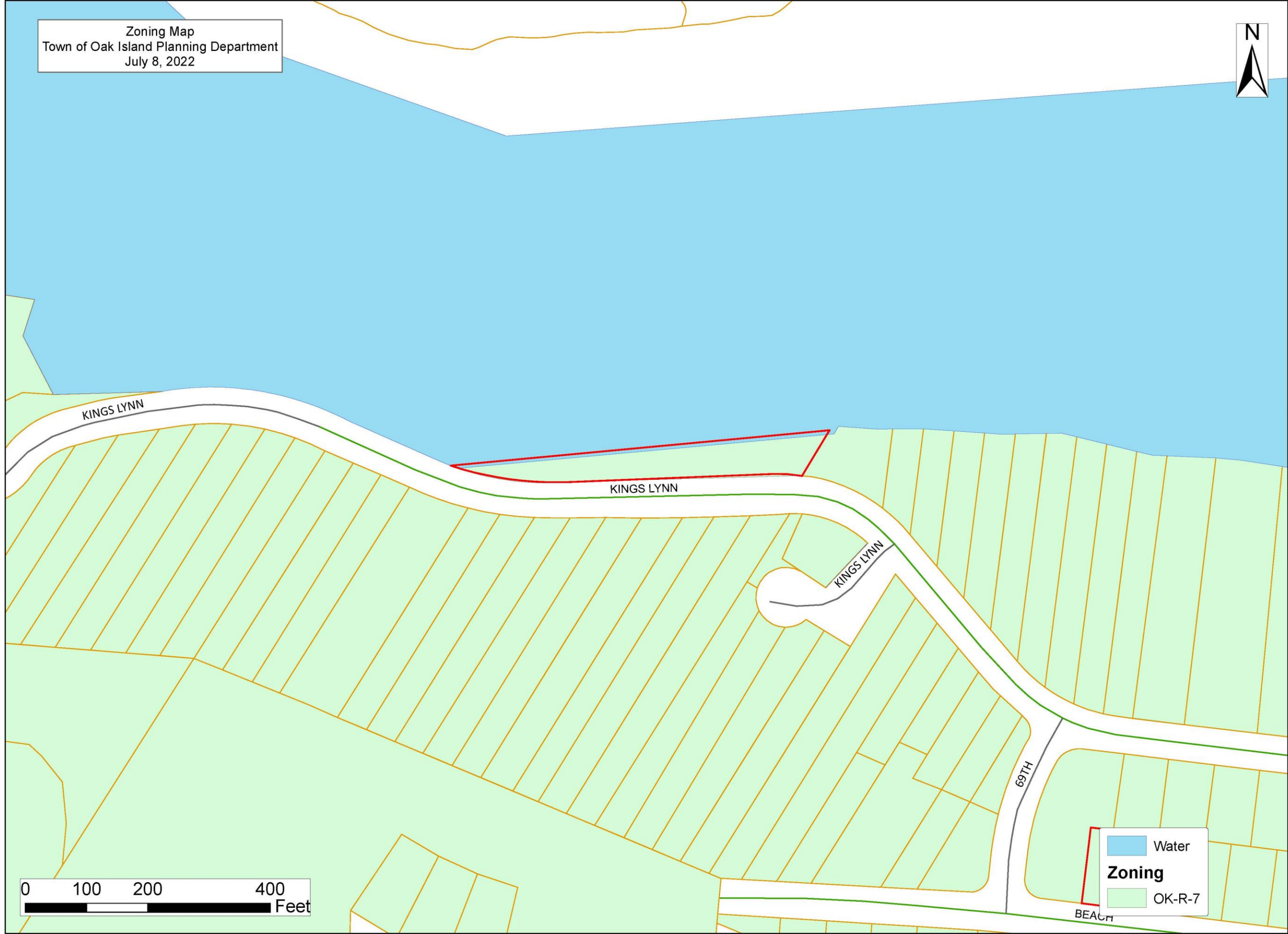
Background

- At the July 21, 2022 Planning Board meeting, the Board reviewed the applicant's request and forwarded a unanimous recommendation of denial to Town Council, finding that the proposed amendment was not consistent with the adopted plans of the Town and not reasonable and in the public interest

Current Zoning Summary

- The parcel is currently zoned R-7 Medium Density Residential
- The district is established to provide areas for the preservation and development of residential neighborhoods and for medium density residential development
- The predominant land use is medium density, single-family dwellings, two-family dwellings and their customary accessory uses

Zoning Map
Town of Oak Island Planning Department
July 8, 2022



0 100 200 400 Feet

Water
Zoning
OK-R-7

Proposed Zoning Summary

- The proposed zoning of the parcel is CR – Commercial Recreation
- The purpose of the CR district is to provide for, protect, and encourage a grouping of beachfront enterprises providing accommodation and recreation to persons wishing to lodge near the strand or participate in various water sports available to them

Proposed Zoning Summary

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Proposed Zoning Summary

- Section 4.6.4.6.1. of the Unified Development Ordinance also states the Town Council 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 Town Council 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

Proposed Zoning Summary

Permitted Uses

- Accessory structures (freestanding)
- Accessory uses
- Emergency management operations*
- Fraternal clubs and lodges, non-profit
- Government buildings/offices*
- Government postal facilities*
- Special Events*
- Bingo*
- Bowling Alleys*
- Community centers*
- Indoor tennis and squash courts*
- Outdoor athletic and exercise facilities, public*
- Publicly-owned and operated outdoor recreational facilities
- Skateboard parks*
- Dwelling, single-family (small)
- Floating homes*
- Condominium, non-residential*
- Drug Store*
- Florist/garden centers*

Proposed Zoning Summary

Permitted Uses

- Gift shops*
- Grocery/food store*
- Health spa*
- Ice cream stand or store*
- Rental of recreation equipment*
- Restaurants, excluding fast food & drive thru services*
- Shopping Center, less than 30,000 sq. ft. gross enclosed floor area*
- Sporting goods store*
- Vessel (boat) for hire*
- Off-street parking facilities
- Signs

Proposed Zoning Summary

Permitted Uses with Supplemental Standards

- Accessory buildings/structures
- Cemetery as an accessory use to a church
- Docks and piers, private
- Privacy walls
- Retaining walls and fences
- Satellite dish antennas
- Solar energy generating facility, accessory
- Swimming pools, commercial/community*
- Temporary storage facility (portable storage units)
- Walls
- Church, synagogue, temple, or other religious building, including accessory services
- Private clubs or lodges*
- Artisan's workshop (3,000 square feet or less)*
- Recreational campgrounds and RV parks*
- Marinas/boatominium*
- Temporary emergency, construction, and repair residences

Proposed Zoning Summary

Permitted Uses with Supplemental Standards

- Bed & breakfast
 - Commercial piers*
 - Commercial recreation establishments*
 - Food trucks*
 - Golf cart & low speed vehicles sales & rentals*
 - Microbrewery*
 - Outdoor sales and displays (accessory use)*
- Vendors*

Proposed Zoning Summary

Special Uses

- Community or municipal sewage and water treatment plants
- Athletic fields, public
- Miniature golf courses*
- Skating rinks*
- Dwelling, over a business*
- Hotels and motels*
- Night clubs and social clubs*

Proposed Zoning Summary

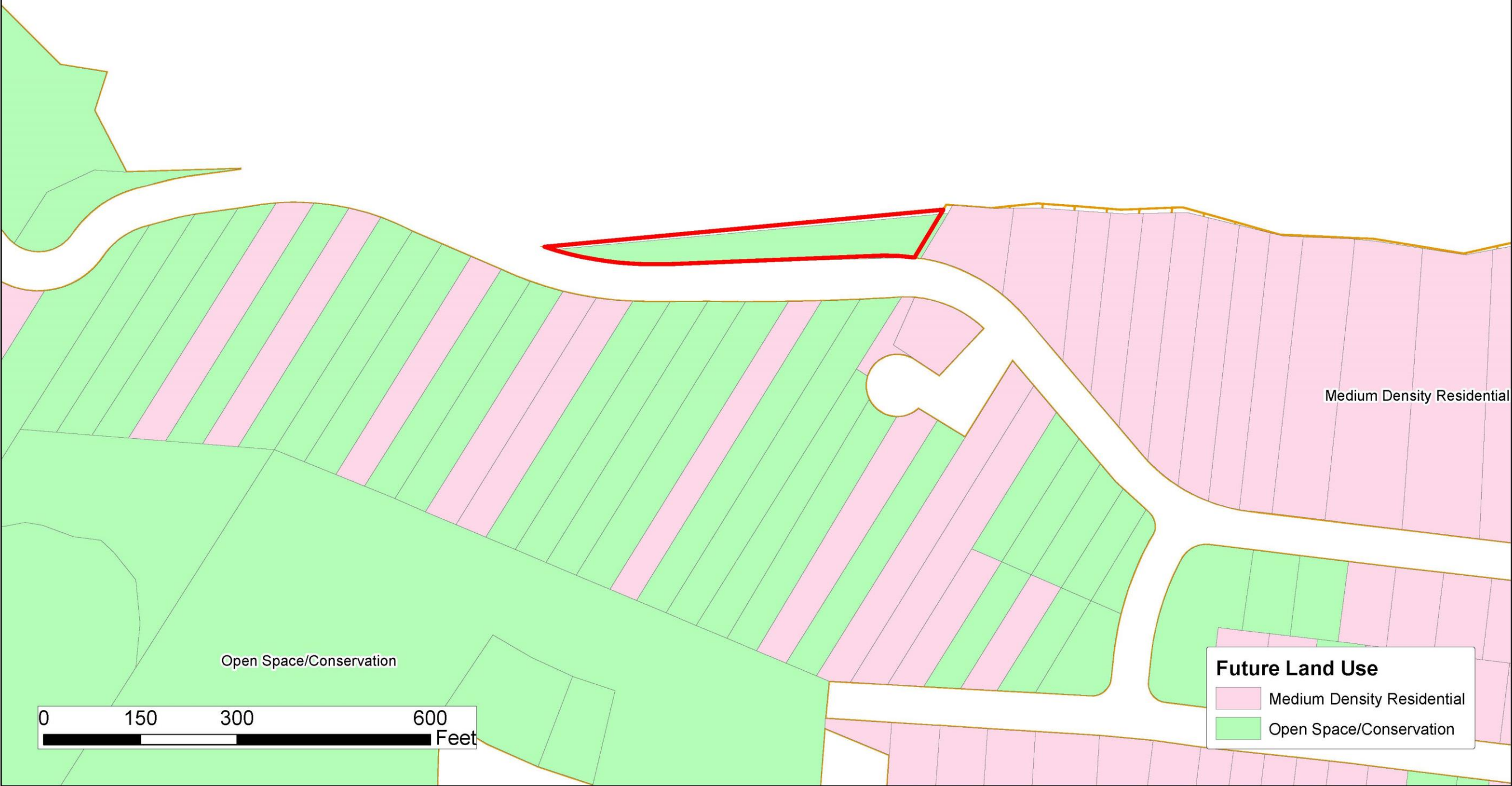
Special Uses with Supplemental Standards

- Wind energy generating facility, accessory*
- Public or private utility towers, substations, pumping stations and storage tanks
- Water slides*
- Dwelling, single-family (large)
- Condominium, mixed use*
- Farm, craft, produce markets*
- Outdoor sales and display (principal use)*
- Wireless communication facilities, 60' tall or less

Adopted Plan Consideration

- The Comprehensive Land Use Plan considers the Future Land Use Map as the foundational guide for decisions concerning zoning/rezoning of property
- The Town of Oak Island Comprehensive Land Use Plan's Future Land Use Map designates this parcel as being suitable for Open Space/Conservation land use.
- This land use category includes: Town-owned open space/recreation areas, protected lands, significant concentration of wetlands, portions of some natural heritage areas, and areas of environmental concern as defined by NCAC 7H.

Future Land Use
Town of Oak Island Planning Department
July 8, 2022



Reasonableness Standards

- Per Section 4.6.4.5.1. of the Unified Development Ordinance this consideration may include, among other factors,
- (i) the size, physical conditions, and other attributes of the area proposed to be rezoned,
- (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community,
- (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment;

Reasonableness Standards

- (iv) why the action taken is in the public interest; and
- (v) any changed conditions warranting the amendment.

Planning Board Action

At their July 21, 2022 meeting the Planning Board voted 5-0 to recommend Town Council deny the proposed zoning map amendment finding that it is:

1. Inconsistent with the Comprehensive Plan Future Land Use Designation of Open Space/Conservation, as well as
2. Not reasonable or in the public interest because the proposed amendment would create a small zoning inconsistent with the adopted plans of the Town

Recommendation

Motion to deny the proposed zoning map amendment to Tax ID Parcel Number 233NA00101 and adopt the Planning Board statement that it is not consistent with the adopted plans of the Town as well as not reasonable or in the public interest.