

**JACKSONVILLE PLANNING BOARD  
REGULAR MEETING AGENDA  
February 14, 2011, 6 P.M.**

**COUNCIL CHAMBERS  
JACKSONVILLE CITY HALL**

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. INVOCATION**
- IV. APPROVAL OF THE AGENDA**
- V. REVIEW & APPROVAL OF THE MINUTES – Regular Meeting – January 24, 2011**
- VI. CITY COUNCIL UPDATE – Councilman Michael Lazzara**
- VII. OLD BUSINESS – None**
- VIII. NEW BUSINESS**
  - A. Future Land Use Amendments
    - 1. 838 Gum Brach Road – LDR to NC
  - B. Rezoning
    - 1. 838 Gum Branch Road – R-7 to NB
  - C. Conditional/Special Use Permits & Site Plans
    - 1. Stevenson Toyota – McKim and Creed
    - 2. Hampton Inn – Parker and Associates
  - D. Preliminary and General Plans
    - 1. Emerson Park, Section 2 – John L. Pierce and Associates
  - E. Text Amendments
    - 1. Zoning Text Amendment – Arcades
    - 2. Zoning Text Amendment – Ice Houses
    - 3. Zoning Text Amendment – Handicap Ramp Encroachments within Front Yard Setbacks
- IX. REPORTS**
  - 1. Planning Administrator
  - 2. Development Services Director
- X. ADJOURNMENT**

JACKSONVILLE PLANNING BOARD  
REGULAR MEETING AGENDA  
January 24, 2011, 6:00 p.m.

COUNCIL CHAMBERS  
JACKSONVILLE CITY HALL

Chairman Doug Lesan, Vice Chairperson Sandra Wyrick, Pauline Joos, Alfred Keyes,  
Present: Thomasine Moore, Chuck Quinn, Homer Spring, Theresa VanderVere, and Danny  
Williams.

Reginald Goodson, Development Services Director, Ryan King, Planning  
Others Administrator, Mary Sertell, Senior Planner, Jeremy Smith, Senior Planner, Abigail  
Present: Barham, Planner, Jim Dorn, Shadow Member, and Debbie Jefferson, Administrative  
Assistant and Aaron Spencer, Onslow County Chamber of Commerce Shadow Leader.

I. [CALL TO ORDER](#)

The regularly scheduled Jacksonville Planning Board Meeting was called to order by  
Chairman Doug Lesan at 6:00 p.m. on Monday, January 24, 2011 in Council Chambers at  
Jacksonville City Hall.

II. [PLEDGE OF ALLEGIANCE](#)

Homer Spring led the Board in reciting the Pledge of Allegiance.

III. [INVOCATION](#)

Danny Williams gave the invocation.

IV. [APPROVAL OF THE AGENDA](#)

Vice Chairperson Sandra Wyrick moved to approve the agenda. Pauline Joos seconded  
the motion.

The motion to approve the agenda was unanimously approved by the Board Members  
present.

V. [REVIEW & APPROVAL OF THE MINUTES - Regular Meeting - December 13, 2010](#)

Homer Spring moved to approve the minutes as presented. Theresa VanderVere seconded  
the motion.

The motion to approve the minutes as presented was unanimously approved by the Board  
Members present.

VI. [CITY COUNCIL UPDATE - Councilman Michael Lazzara](#)

Councilman Lazzara gave the report

VII. [OLD BUSINESS - None](#)

VIII. [NEW BUSINESS](#)

A. [Rezoning](#)

1. [Rezoning of Flight Path Overlay District](#)

Marine Corps Base Camp Lejeune and Marine Corps Air Station New River have requested the City of Jacksonville adopt a Flight Path Overlay District (FPOD). A text amendment creating the Flight Path Overlay District was adopted by City Council and added to the Zoning Ordinance. To implement the District, a zoning overlay must be adopted for the properties within the designated Flight Path Overlay District.

The primary purpose of the district is to ensure compatibility between future development and air operations associated with Marine Corps Base Camp Lejeune and Marine Corps Air Station New River (the base). The FPOD is necessary to ensure safe aircraft operations while protecting the public's health, safety, and welfare along these routes.

Staff recommends approval of the rezoning request based on the findings of Facts A, B, C, and D being found in the affirmative and that the rezoning advances the public interest.

Ms. Moore asked would any of the towers need to be removed. Abigail replied no they fall under our non-conforming section which states they would stay as they are unless there is a change. (Section 96 of the zoning code). Mr. Keyes asked what the heights of the towers are and do these towers exceed the height of the new ones to be put in? Abigail replied yes they range from 175 ft. to 120 ft.

Mr. Williams asked about a grocery store and if it moved and another one came in will they be able to have that grocery store? Abigail replied as far as commercial grocery store buildings the sq. ft. is 500,000. It would still be able to exist but it would have to go through the Special Use process.

Ms. Vandervere asked what would happen if some of these existing towers needed improvements. Abigail replied according to Section 96, it states

regular maintenance is permitted but if it needs to come down then it would need to come into conformity with our current code.

Mr. Quinn states if a hurricane knocked a tower down we would not be able to replace it to its existing height. We would have to come back and conform to 100ft. Mr. Quinn stated he feels the we did ourselves a disservice rushing through this last month and council needed to slow it down.

Councilman Lazzara replied there was no problem with the text amendment as a text amendment was needed for encroachment issues. A discussion continued between Mr. Quinn and Councilman Lazzara about the text amendment and the concerns of where it's about to be applied to. The conversation continued and Councilman Lazzara stated the zoning text amendment was part of the **JLUS** study, and we all know across the country that encroachment has been an issue for many of the bases and causing the Federal Government to do some realigning.

As a community we realize how important our military neighbors and friends are. As a governing body we want to ensure that we are proactive and not reactive and ensure their ability to train safely and efficiently is looked at and that is what this involves. We know they have flight patterns and there are effects of that and we have to ensure as elected officials we protect those areas while finding a balance for our communities.

**A.** The Text Amendment is needed and approved unanimously. Now this process is are we ok with what is being presented? Are we ok of how the process will go? Anything above 25,000 sq. ft. will have to have a special use permit. It will still have to come through that process and Council has the right to approve or disapprove that use. Your example of a shopping center is a special use so it has to come to Council. It doesn't prohibit Council just because it's in a overlay district form approving or disapproving it.

Mr. King stated that adding this layer also adds a bit of protection for a future buyer that is looking to build a cell phone tower or something like that within these areas.

Mr. King referred to the status of the towers in the area. The tower in the Far East is 120 ft tower that was built in the last 10 years; so you are talking about 20 ft. over. That is when the old text limited the cell towers to 120ft. The two green dots in the middle (map on screen) those are two city water towers. It's at the Northwood's Park location and the Downtown location. The three towers to the West have all been here for ten plus years so those are not new towers.

Ms. Vandervere asked in addition to the cell towers; the water towers are they over the limit? Abigail replied yes. Ms. Vandervere asked do water

towers need to be that height? What happens if they have to be replaced? Mr. Quinn replied in a catastrophic failure like a hurricane by this you can't replace it. Abigail replied both the 100ft. height limits and these lines came out of the joint use study.

Chairman Lesan asked Councilman Lazzara during any of these discussion were any military representatives there? Councilman Lazzara replied no. Mr. King replied Mr. Joe Ramirez is here and he may be able to answer any questions as to how they formulated the 100 ft. height when they proposed the text amendment.

Mr. Ramirez who is the Marine Corps Liaison for Government affairs. Mr. Ramirez explains the flight paths that have been in existence for years. What is displayed on the screen are the primary entry and exit points for Marine Corps Air Station New River. Prior to the joint land use study (JLUS) we weren't too concerned about towers or height limits because at that time cell towers were not becoming as prolific as they may be come now or later. As the towers grew, our aviators became concerned about the flight paths. As far as the height is concerned the aircraft do not come in at 100ft. They come in higher than that to minimize the noise to the residents, however if there is bad weather the pilots come in on instrument landings. That is when we want to drop the ceilings so they have a clear path in when they are flying instrumental. That is the summary explanation of why the bottom ceiling is at 100ft. It is to protect the pilot when they have to come in on bad weather and using instruments only.

Ms. Moore asked how often does this happen? Mr. Ramirez replied more often than we realize. Chairman Lesan asked does it mostly pertain to the pilots with the helicopters. Mr. Ramirez replied yes. Mr. Spring asked Mr. Ramirez referring to the map on the screen; the four fingers in yellow are formed by the path of runways that are currently on the air station. Mr. Ramirez replied yes if you match up New River's primary concrete runways they would match with the fingers you are speaking of. Mr. Spring replies so it will take a bit to change one of these or create a new finger and you would have to see a new runway and you would come back before us again for another area to be rezoned, is that correct Mr. Lazzara. Mr. Spring states if there were a new runway it would create a new possible overlay district and it would go through this process again and to try and get that district zoned according to the restrictions.

Mr. Ramirez replied the runways that currently exist have been there for a long time and there are no anticipated realignments, they are aligned with the typical winds. Chairman Lesan responds that the towers are going to control that, they bring them in from a different direction.

Mr. Quinn explained his concerns of the safety of the Military and the

citizens. Councilman Lazzara replied that the Board may want a workshop to gain more knowledge and ask for additional information in which you need to make your decisions. If you haven't been provided the information you need to make your decisions it is your option to request that information. The approval that was already issued was the text amendment that we felt strongly about that is needed. We can't put our citizens in harms way and we can't inhibit the ability for our military partners and neighbors to train. That language has to be there now and we have to understand what that means and how that affects these areas. You have those options before you as you make that decision and that is strictly your option as a board. Councilman Lazzara asked Mr. Ramirez could he answer in relation to the base putting up towers in access of 100ft. Mr. Ramirez replied yes, within the interior of the base, we do set up cell towers because we have a need for communications aboard the base. Within the base we go through the same process of identifying the flight paths of the rotary aircraft. Where those flight paths exist we do not allow the construction of towers.

Mr. King remarked on what has been said; you may want to consider deferral and let us know what kind of information you want to get back from us or representatives from Camp Lejeune. As a result of the questions the council has brought up there are six items that are within these Flight Path Overlay areas that will have to be dealt with and that may result in a raised ceiling. If they are going to have to deal with two flight hazards, we adjust that within that area to 120 ft. or 140 ft. Those are the discussion we can have with representatives from the base.

Chairman Lesan responded saying we can go back and modify the text amendment even though it has been approved by the City Council. Mr. King replies yes that was a text amendment we processed in accordance of the request made like we would do in any other text amendment. Now if looking at the information we have before us if that creates some concerns we can go back and revise the text if that needs to happen.

Mr. Goodson replied amending our text will have some effect on the county text. If you look at the map, the gray areas are in the counties planning jurisdictions. This Flight Path Overlay District has been approved in the county with the same language we have with 100 ft. requirement. So if we change ours to 140 ft., they will have to go back and change theirs. All of this came from a 2002 joint land use study that was done with the county and area municipalities. The county adopted it in 2006, the city did not. What brought this back up was a telecommunication tower in the Piney Green area with a height of 178 ft. That got the attention of the base and they saw a problem with that. I believe the base thought all of this Flight Path Overlay District was approved. I'm not sure if they completely understand that there is county

planning jurisdiction and then the city's planning jurisdiction. We can make changes if we have facts, do some studying and find out we need to change. It will also going to take a change in the Counties ordinance.

Ms. Joos asked what happens if we don't approve it. Mr. Goodson replied it makes the counties ordinance ineffective if the city does not approve it. Mr. King replied it also impacts the aviators.

Ms. Vandervere stated the towers have been functioning for a while and if a hurricane takes them down and they could not be rebuilt. Is there a way they can be grandfathered in. Mr. King replied if we don't adopt this overlay zone.

Chuck Quinn moved to approve the Rezoning of Flight Path Overlay District findings of fact A through D to be in the affirmative . Pauline Joos seconded the motion.

Mr. Williams asked if council decides a shopping center could be built can the Marine Corps override you. Councilman Lazzara replied he will ask staff to clarify that. If you read the text amendment, these are special use approvals if any of these fall into these categories, it will all come before council.

Chairman Lesan replied it seems like all this is coming down to cell use towers. If we are locked into 100 ft. limit that is it. Everything else is within special use permits is changeable. These flight paths are not going to change and we need to have something in place out of respect of our citizens and respect for the military. The towers have become an issue.

Ms. Wyrick asked since there is a limit on the height of the tower is there a limit to how many towers we can have. Mr. Quinn replied that is what would occur if we capped down the 100 ft. height. Ms. Wyrick asked is there something that says this? Mr. King replied I will read you the language of separation from other towers. It says new telecommunications towers shall not be located within 1,500 ft. of an existing telecommunications tower. This standard shall not apply to replacement towers or to a telecommunications tower placed out of view in a building or other structure. If my memory serves me correctly it used to be 3,000 ft. and we reduced that. Mr. King asked Mr. Quinn if you went to a higher height along the peripheral of the overlay, would that accomplish anything? Mr. Quinn replied in some cases it might.

Mr. Woodruff, City Manager replied that one of the things we need to make sure is the regulations we adopt can be counted upon. When the staff brought the item to you and the City Council in the first round we assumed that 100 ft. was working. One of the problems we have now that the staff has done the research, if we adopt any standard that does not meet reality; that could jeopardize the lives of the people we are trying to protect. If we

have structures that over 100 ft. and we adopt anything with all good intentions and you have pilots flying in and someone is aware there is 100 height ft. limit. What I am suggesting is that you allow us to work with the base and whatever regulations we adopt reflects certain realities. The reality is the water tanks are there and the reality is even in a category three hurricane the water tanks will stand. The water tanks will be there another 30-50 years. If those are the realities I would hate to see us adopt a standard that a pilot, even though he has many other safeguards through air traffic controllers. I would hate to see us adopt a standard we know in fact we have penetrations above those standards.

Between now and the time this goes before Council the staff will take the necessary time to work with the base to identify what options we have, how can we recognize the realities of the current penetrations.

The other thing is the water towers need to serve as multiple functions, we need to be able to put communication antennas there. It eliminates the need to have multiple towers throughout the community. If you want to proceed with the motion, the staff pledges to you if you move forward with the item before it comes to City Council we will do the items I just mentioned.

Ms. Moore asked can we table this item and have staff investigate it further and then bring it back for our vote. Chairman Lesan stated there is a motion and it has to be voted on if the motion is denied then we can entertain another motion.

Mr. Goodson replies we are talking about the actual text if you are talking about changing the 100 ft. requirement. That would take getting with the base and finding out if they can live with something over 100 ft. and if we come to that agreement we would have to open up the text change. This would require another advertising and if we change ours then the county would have to change theirs. This would require two text changes amendments if we are going to change the 100 ft. requirement.

Mr. Woodruff replies we are not talking about the code tonight we are talking about the application of the code. If you want to go ahead and approve the application of the code which puts the land under that regulation you could do it. Then we could come back and amend the text so the standards in that text would be modified as we discussed. Then you would not have to go through the additional step. You can go ahead with the rezoning of the property and then the staff will work with the base relative to future text changes.

Mr. Quinn asked what would work best for staff if we did go ahead and approve. Would we put them on a clock? Mr. Woodruff replied since this

is an application, you are not putting us in any bind unless you do not approve it. You would be better to approve this tonight and have the City Council approve it. Then the staff can work with the base on the height issue.

Mr. King mentioned the notices have already been mailed out for the public hearing that will be held Wednesday, February 9, 2011 at 7:00 p.m. We can move forward with the rezoning and then follow it up with a text amendment.

The motion to approve the Rezoning of Flight Path Overlay District findings of fact A through D to be in the affirmative was approved by the Board Members present. The motion was voted for by Pauline Joos, Alfred Keyes, Chuck Quinn, Homer Spring, Theresa VanderVere, and Danny Williams and against by Thomasine Moore.

B. [Site Plan with Approved Conditional Use Permit](#)

1. [River of Life Church - John L. Pierce and Associates](#)

John L. Pierce and associates has submitted an application for a site plan with an approved Conditional Use Permit for an existing 13,424 square foot church with a proposed 864 square floor expansion, the combined total is 14,388. The property is zoned Conditional Use-Business-1 (CU-B-1) and within this zoning district any use requires a Conditional Use Permit which was granted by City Council on June 9, 1998.

The project site is located within the City limits and served by existing infrastructure; therefore, these proposed uses will not impact the City's Sewer Allocation Policy.

Staff recommends Planning Board move to approve the site Plan with approved Conditional Use Permit.

Ms. Joos asked, the site plan said this is a temporary classroom. Jeremy replied yes that is how it is being called. Ms. Joos replied like the schools. Jeremy stated yes.

Chuck Quinn moved to approve the River of Life Church with the already approved conditional use permit. Vice Chairperson Sandra Wyrick seconded the motion.

The motion to approve the River of Life Church with the already approved conditional use permit was unanimously approved by the Board Members present.

C. [Preliminary and General Plans](#)

1. [Padgett Tract - Parker and Associates](#)

Parker and Associates has submitted an application for a proposed preliminary and general plan that indicates 9.87 acres being divided into 5 commercial lots (1 for stormwater) at the southern corner of Branchwood Drive and Western Boulevard. The plan also depicts an unnamed private drive that will connect Gateway Drive South to Branchwood Drive (future Northwest Parkway).

The proposed development is located in the City's ETJ, however an annexations hearing is currently scheduled for January 18, 2011. Annexation of this development will need to occur before sewer allocation is considered. Sewer Allocation requests will be processed in accordance with the adopted policy.

City Staff recommends the Planning Board move to approve the Preliminary and General Plan with 1 condition identified within the Staff Report.

Mr. Keyes states he understands this is a development of a piece of property where there is no building proposed for it. Jeremy replied yes the only actual construction will be the private drives and sidewalks that go along with that. Mr. Keyes asked how will they access the new roadway coming through there? Jeremy replied they are proposing to tie into the Western Parkway. Mr. Keyes states there would have to be some kind of access road in there, I don't see a lot of curve cuts into a Parkway.

Mr. Spring asked Mr. Parker about the back of Branchwood if it would not have access to the Parkway. Mr. Parker states he does not have the answer to that question. Mr. Spring asked is Branchwood Drive going to complete, because the way this looks (referring to the map) if you are allowing this property to the expressway and you are not allowing the back of Branchwood access to the expressway, then I would recommend you rename that Road and not call it Branchwood.

Mr. King replied there have been some discussions that have come up at staff's level about not calling it Branchwood. Our NPO Division is working on that. Mr. Parker replied this portion of the roadway is going to be called Western Parkway. Mr. King replied it is listed on the General Plan prepared by Parker & Associates which is stating the new name Western Parkway. Mr. Parker states we would be connecting to what is currently Branchwood Dr. in the future Parkway (referring to the map) and our internal Drive connects out to Western Blvd. That connection to the future Parkway currently Branchwood Dr. is the pre designated location that DOT has set.

Ms. VanderVere asked will the Parkway have a lot of exits or will this be the first exit after Highway 17? Mr. Parker replied I have seen some of the access points from 17 over to Western and they are probably located to every 600 ft. Mr. King replied once you cross 17 you will have a new road that goes between the State Employee Credit Union and the Ruby Tuesday's; that will be your first cut. Then you can go past that and you can do a u-turn and go back that way because the Super Streets will be designed will be utilized so it will not be like a full (T) intersection. You will have to go east to come back West. Then you go down and the next cut is between the Lowe's and Bed Bath & Beyond.

Chuck Quinn moved to approve the Preliminary and General Plan for the Padgett Tract. Homer Spring seconded the motion.

The motion to approve the Preliminary and General Plan for the Padgett Tract was unanimously approved by the Board Members present.

#### D. [Text Amendments](#)

##### 1. [Zoning Text Amendment - Section 103 Landscaping - Staff Initiated](#)

At the consensus of City Council, Staff has drafted a zoning text amendment to create standards that would allow stormwater ponds to be configured as a site amenity and additional standards when they are designed as a utility. In Conjunction with these changes, staff is also recommending wholesale changes to Section 103 Landscaping that will simplify how the landscaping requirements are calculated.

Staff has utilized the 2nd module of the proposed Unified Development Ordinance (UDO), institutional knowledge and discussions with local planners in drafting the proposed text.

Staff recommends the Planning Board move to approve the zoning text amendment found in Attachment A.

Mr. Quinn chuck asked what the odds of that plant surviving; with 2" caliper, does it have good odds to mature. Mr. King replied the landscaping company we had a conversation with did not seem concerned. Two inch caliber is what we have been using for over ten years and I have not heard of any concerns.

Ms. Wyrick asked about the Bradford Pear Trees; when the trees grew up a lot of the business owners were not pleased with the trees because it blocked their businesses. People were having trouble seeing their signs. Mr. King replied that is the struggle between beautification and signage/branding. The ordinance is very specific; it states they are not allowed to cut the trees down in order to gain visibility for signage.

Ms. VanderVere asked will this pertain to any of the older businesses, will they have to come up to these standards? Mr. King replied that unless a site plan is required, landscape applicability would not be triggered. It will take something like a decent sized expansion to trigger that type of application.

Chuck Quinn moved to approve the Zoning Text Amendment as presented. Thomasine Moore seconded the motion.

The motion to approve the Zoning Text Amendment as presented was unanimously approved by the Board Members present.

## IX. [REPORTS](#)

### 1. [Planning Administrator](#)

Mr. King stated he would like to thank the Chairman and the Board Members for their willingness to have this makeup meeting so we stay on our normal Planning Board & City Council schedule. Mr. King informed the Planning Board that at their seats they should find their copy of Module #2, the final Public Hearing Draft, and Module # 3 of the UDO. On February 22, 2011 at 12:00 p.m. we will be kicking off the Module #3 review. We will be sending a new email updating you of this kick off meeting if we haven't already done so. In addition, Council will hear the presentation on Module #2 from Clarion at their 5 pm workshop. We encourage you to attend if possible.

### 2. [Development Services Director](#)

Mr. Goodson stated Mary Sertell has been working with city staff and the residents of Country Club & Sandy Run neighborhoods to prepare for the neighborhood plan. There is a draft plan and there will be two meetings tomorrow (January 25, 2001) one is at 2:00 p.m. and one is at 6:00 p.m. at the Sandy Run Missionary Baptist Church so if you can make one of the meetings it would be good to come in and hear about the plan.

### 3. [City Manager](#)

Mr. Woodruff made a presentation about the Freedom Fountain that the City wants to bring back. Mr. Woodruff stated when the first Golf War occurred; there was a connection between Jacksonville and Morehead City. That connection was the route the troops took from the bases here to the boarding points at Morehead City. That route became Freedom Way. Technically it began in Downtown Jacksonville. At that time there was a Freedom Fountain built, it was not built relative to that particular War. Mr. Woodruff read the wording on the fountain.

Mr. Woodruff talked about the decision of building a Justice Center and that resulted in the Fountain being dismantled. The Civic Affairs Committee brought

to the City Council a request to re-establish the Freedom Fountain and authorize it to be built on City property next door. The intersection of Johnson and New Bridge is the location that is being proposed for the Freedom Fountain. The City's Beautification and Appearance Committee have endorsed the concept of bringing back the Fountain.

Mr. Woodruff presented three graphics of what the Fountain will look like. These are based upon certain design standards and one of them is when you are designing a fountain. Whatever the height of the tallest bubbler is, that becomes the radius of the basin. Mr. Woodruff continued to explain the different heights and measurements of the designs.

Mr. Woodruff stated he would like everyone who values freedom to purchase a brick paver. Mr. Woodruff stated whatever the price of the brick with the engraving on it that is what we will sell the brick for. The concept is to encourage every person to buy a brick and put their name there. That is the first concept.

The second concept will be shaped like the Pentagon. The fountain is no longer round and has one bubbler and fifty flags representing one for each state.

The third concept will have the Freedom Fountain with one inch water jets that arch in supporting freedom with fifty of them representing one for each state. You only have one exterior basin, with a knee wall in the back drop. Then you have the Flags for the Federal and State and the flags of the five Military's.

Mr. Woodruff is asking for individuals to give input of the various elements of each concept. You can go to the City of Jacksonville website look under Freedom Fountain. Then we are asking to send an email telling us which concept you like. When you look at this and you have other ideas let us know. Mr. Woodruff insists this is not a fountain celebrating any particular war. It is a fountain that celebrates freedom; it is a fountain that thanks all Americans in protecting that freedom.

Mr. Woodruff asked the Planning Board to discuss and decide individually what elements you would like to support.

Mr. Woodruff discuss the plans:

**February**

1. City Council will select the Final Concept
2. An Opinion of probable cost
3. Detail fundraising program

**Future:**

1. **Design:** February - April
2. **Construction:** May - August
3. **Dedication :** September 11, 2011 (the 10th Anniversary of the attack on the World Trade Center)

Mr. Woodruff continues with the importance of putting the Freedom Fountain back in Jacksonville. He stresses the importance of having this fountain in place on September 11, 2011. All of the elements will not be there, the statues will take a long time to decide which era the soldier stands for and the concept of stone versus bronze. The main goal is to have the Fountain and the footprint around the fountain in place around September 11, 2011.

Mr. Keyes stated he's on the Beautification and Appearance Commission. He stated most of them have made their comments and input. The Commission would like to present some of the trees, historic type trees. One of the things we would like to see is the curbing revised and some kind of vegetation placed.

Mr. Woodruff continued to explain some ideas for the median. Mr. Keyes states one of the things the Beautification and Appearance Commission agree on is the placement of the statues being behind the fountain and perhaps some benches with that same area.

X. [ADJOURNMENT](#)

The motion to approve the meeting at 7:50 p.m. was unanimously approved by the Board Members present



# Request for Planning Board Recommendation

Agenda Item: <b>A-1</b> Date: 2/14/2011
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**Subject:** *Growth Management Element Plan* Land Use Map Amendment – 838  
Gum Branch, Spa Place LLC

**Department:** Planning & Development Services

**Presented by:** Mary Sertell, Senior Planner

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## Issue Statement

A request to amend the *Growth Management Element Plan* by changing the Future Land Use (FLU) designation of one parcel from Low Density Residential (LDR) to Neighborhood Commercial (NC).

## Financial Impact

None

## Action Needed

Recommendation of the Amendment to the *Growth Management Element Plan*

## Recommendation

Staff recommends approval of the request to amend the Land Use Map from Low Density Residential (LDR) to Neighborhood Commercial (NC).

## Attachments:

- A Proposed Resolution
- B Existing GME Land Use Map
- C Existing Draft CAMA Land Use Map
- D Proposed GME Land Use Map



# Staff Report

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*Growth Management Plan Element* Land Use Map Amendment from LDR to NC– 838 Gum Branch Road, Spa Place LLC

## **Introduction**

Spa Place LLC/ Juliana Norris has submitted a request to amend the *Growth Management Element* Plan pursuant to a rezoning request. The future land use request is to change the Future Land Use (FLU) designation of one parcel consisting of 0.40 acres within the City of Jacksonville limits from Low Density Residential (LDR) to Neighborhood Commercial (NC). The parcel is located at 838 Gum Branch Road, northwest of the Gum Branch Road and Marine Boulevard intersection.

## **Procedural History**

- On January 10, 2011, the applicant submitted a rezoning request and a formal request to amend the *Growth Management Element* Plan.
- On February 14, 2011 the Planning Board will make a recommendation on amending the Land Use Plan.
- On March 8, 2011 City Council will conduct a public hearing to consider this request to amend the Land Use Plan.

## **Stakeholders**

- Spa Place LLC/ Juliana Norris – Property Owner/Applicant
- Surrounding property owners - Owners within 100 feet of the area proposed for rezoning will be notified via first class mail of the upcoming public hearing. In addition, a courtesy notification was sent out informing these same owners about the Planning Board meeting.

## **Growth Management Policies & Goals Assessment**

Staff has reviewed the adopted Growth Management Element Plan (GME), as well as the proposed CAMA Land Use Plan Update and has determined that the amendment is applicable to several of the goals and policies established in each document. They are summarized as follows:

- Maintain a sustainable mix of land uses in and around the City through effective, coordinated growth management (GME Goal 1).
- Promote land use compatibility (GME Goal 2)
- Ensure that neighborhood commercial facilities are located so as to serve residential areas without disrupting the integrity of the residential areas (GME Policy 2.1)
- Encourage a mixture of retail, office civic and public benefit uses to promote convenience, efficiency and long-term vitality of commercial areas (GME Policy 2.3)

- Protect critical neighborhood commercial and regional commercial corridors and gateways to encourage land use compatibility and improve corridor function and appearance (GME Goal 6)
- Protect stable single-family neighborhoods from the intrusion of incompatible residential and non-residential buildings (GME Policy 7.3)
- Ensure that new development and redevelopment projects within and near neighborhoods are designed to protect residents from unsafe or congested streets, noise, and other impacts that reduce neighborhood stability (GME Policy 7.6)
- Encourage development that uses existing facilities and is compatible with existing development (GME Policy 16.3).

## **Land Use Assessment**

### **Adopted CAMA Land Use Plan (1999)**

The adopted CAMA Plan from 1999 identifies the area's land classification as "Developed." Areas that are identified as "developed" are urban in character with no or minimal undeveloped land remaining. "Developed" land accommodates a variety of uses from residential, commercial, industrial and other land uses at high or moderate densities in excess of 3 units per acre.

While the 1999 Plan is the City's only adopted CAMA Plan at this time, the age of the plan should be recognized and as such, the Plan is not entirely indicative of current growth trends. Because of the significant changes in growth patterns within the City and the ETJ, the 1999 Plan should be viewed as a historical document instead of a true guide for future growth and development.

### **The Growth Management Element Plan Future Land Use Map (2007)**

The Growth Management Element identifies the subject parcels as Low Density Residential (LDR) in its Future Land Use Map.

LDR represents primarily single family detached residential development with home occupations, schools, churches and other non-profit organizations.

The amendment request is to change the entire parcel, comprising 0.40 acres to Neighborhood Commercial (NC). NC provides small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses.

The GME Future Land Use designations of nearby properties are LDR to the North, East and West and LDR and Office (O) to the South.

The GME Future Land Use Map is sometimes an accurate depiction of current land uses in Jacksonville, but it often does not take in to consideration future growth patterns and trends. Because of this short-term land use approach, all Future Land Use Amendments should consider previously adopted plans, the GMP Map and the Draft CAMA Future Land Use Map.

### **Draft CAMA Land Use Plan (2010)**

While not formally approved yet, the Draft CAMA Plan represents a long range vision for community growth 20 to 30 years in to the future. Created by staff, professional consultants and community stakeholders, the Draft CAMA Plan is the most comprehensive depiction of future growth for the City and its ETJ.

The Draft CAMA Plan identifies the area as Neighborhood Commercial (NC). Neighborhood Commercial areas are those that provide small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses.

The Draft CAMA Map identifies adjacent and other nearby parcels which front on Gum Branch Road as Neighborhood Commercial. These parcels are intended to develop in a manner that serves the surrounding neighborhoods and are part of an identified Community Commercial Node which are located at the intersections of principal thoroughfares. These nodes are expected to attract moderate density development. Community Commercial nodes are the most desirable location for land uses including: Mixed Use, Moderate Density Residential, Office, Public/ Institutional and Neighborhood Commercial.

### **Evaluation**

As an identified Community Commercial Node in the draft CAMA Plan, it is expected that the area surrounding the Gum Branch Road and Marine Boulevard intersection will attract continued growth and development interest. While growth is expected, it will be imperative that development along the Gum Branch corridor be in scale and character to the nearby, established single family neighborhoods.

Staff believes that the Neighborhood Commercial recommendation of the draft CAMA Plan reflects the most appropriate future land use pattern for the area. The subject parcel, along with the other parcels which front on Gum Branch Road and are located in the same Community Commercial Node, are expected to redevelop in the upcoming years to neighborhood serving, small scale office and business uses.

While a business enterprise in this location differs from the immediately adjacent existing environment, it is not dissimilar from many properties in the general area on Gum Branch Road. Certain mitigation efforts of the proposed development lead to a level of comfort among staff for the rezoning proposal:

- The applicant is proposing to maintain the existing house and retrofit it to create a medical spa. Parking will be located behind the principal structure. Maintaining a residential appearance with these two design features will help the business to blend in with the surrounding neighbors.
- Ingress and egress to the site will occur on Nottingham Road with a relatively low volume of traffic. Trip Generation software estimates eight average daily trips for the proposed use.
- Signage for the business will be small and consist of two signs, a small painted wood sign on the building and a small monument style sign in the front yard on Gum Branch Road.

Further, given the traffic patterns of Gum Branch Road and its continued development, staff expects this area to transition to low scale neighborhood-oriented businesses in the future. Uses such as offices and personal services that are similar to land uses to the East and West of the subject property along Gum Branch Road are expected to transition in this small area.

As the current, adopted guiding policy for future growth for the City and its ETJ, staff considers the most appropriate GME future land use designation to be Neighborhood Commercial. Further, the prevalence of other Office, Public/ Institutional and Neighborhood Commercial designations to the North and South allow for compatible land uses at this node.

### **Options**

Approve the Amendment as requested by the Applicant **(RECOMMENDED)**.

- Pros: The amendment request will create a designation that will allow small scale commercial land uses that are in character with both the road network and the surrounding land uses. The proposed change, as designated by the applicant, will be mitigated through the retention of the existing building, limited parking, limited visibility of the parking areas from the roadways and surrounding neighborhood, increased landscaping and limited signage.
- Cons: The amendment request allows for a moderately significant change in land use. The request does not guarantee that the above mitigation efforts will be fulfilled.

Deny the Amendment Request.

- Pros: Denial of the amendment request would ensure that zoning in the area would remain consistent and compatible with existing land uses.
- Cons: Denial of the amendment request will not allow the property owner to develop the property in a desired manner.

Defer Consideration of the Amendment Request – (Provide staff with direction on the specific information Planning Board would like to receive).

- Pros: Would allow Staff sufficient time to address any concerns the Board, nearby property owners or applicants may have.
- Cons: None.

RESOLUTION (2011-)

RESOLUTION IN SUPPORT OF AMENDING THE GROWTH MANAGEMENT PLAN FUTURE LAND USE MAP BY CHANGING THE LOW DENSITY RESIDENTIAL (LDR) FOR PARCEL ID NUMBER 430-98 TO NEIGHBORHOOD COMMERCIAL (NC).

WHEREAS, the Growth Management Plan was approved by City Council on May 8, 2007; and

WHEREAS, the Growth Management Plan is a document that includes goals, policies, and a Future Land Use map that it will guide the growth of the City over the next 20 years; and

WHEREAS, the Growth Management Plan Future Land Use map designates parcel 430-98 as LOW DENSITY RESIDENTIAL (LDR); and

WHEREAS, an applicant, on behalf of property owners of parcel ID number 430-98 has submitted a rezoning request identifying commercial uses on a portion of the parcels; and

WHEREAS, the policies of the Growth Management Plan support the intended uses identified by the applicant;

NOW THEREFORE, BE IT RESOLVED that the City Council does hereby amend the Growth Management Plan Future Land Use Map by changing the designation of parcel ID number 430-98 from Low Density Residential (LDR) to Neighborhood Commercial (NC).

Adopted by the Jacksonville City Council the 8<sup>th</sup> day of March, 2011

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Sammy Phillips, Mayor

ATTEST:

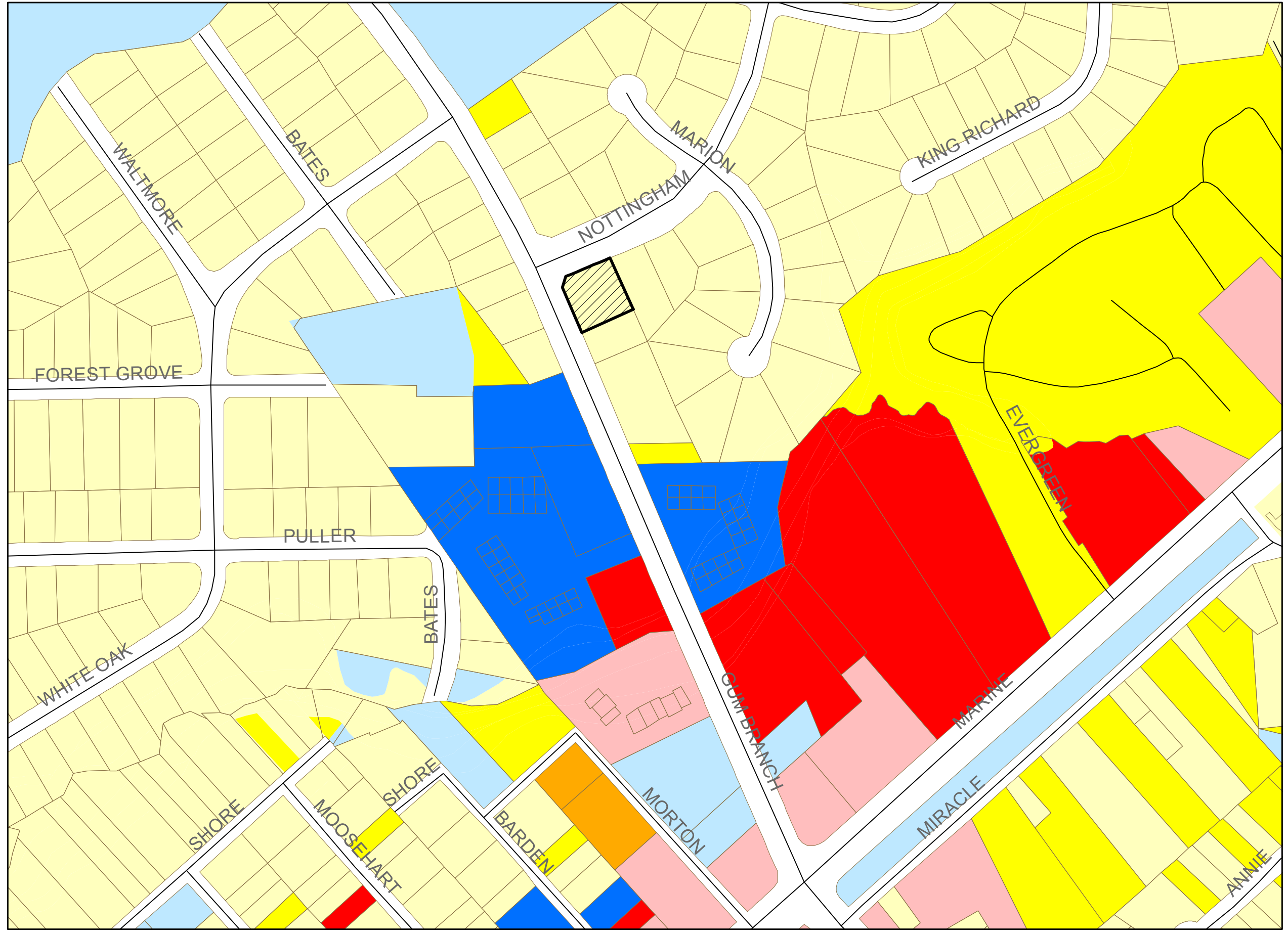
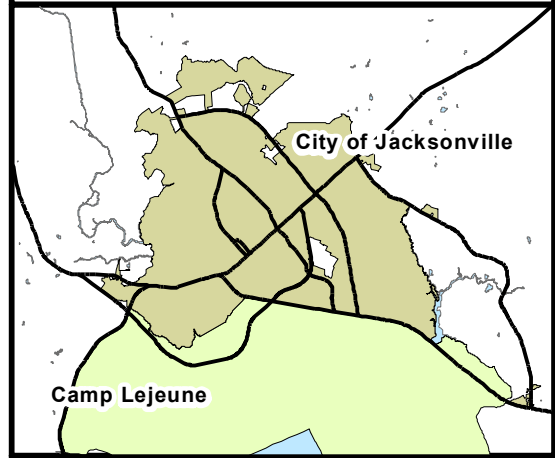
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Carmen K. Miracle, City Clerk















Attachment

**A**

# 838 Gum Branch Road FLU Amendment- Existing GME Future Land Use



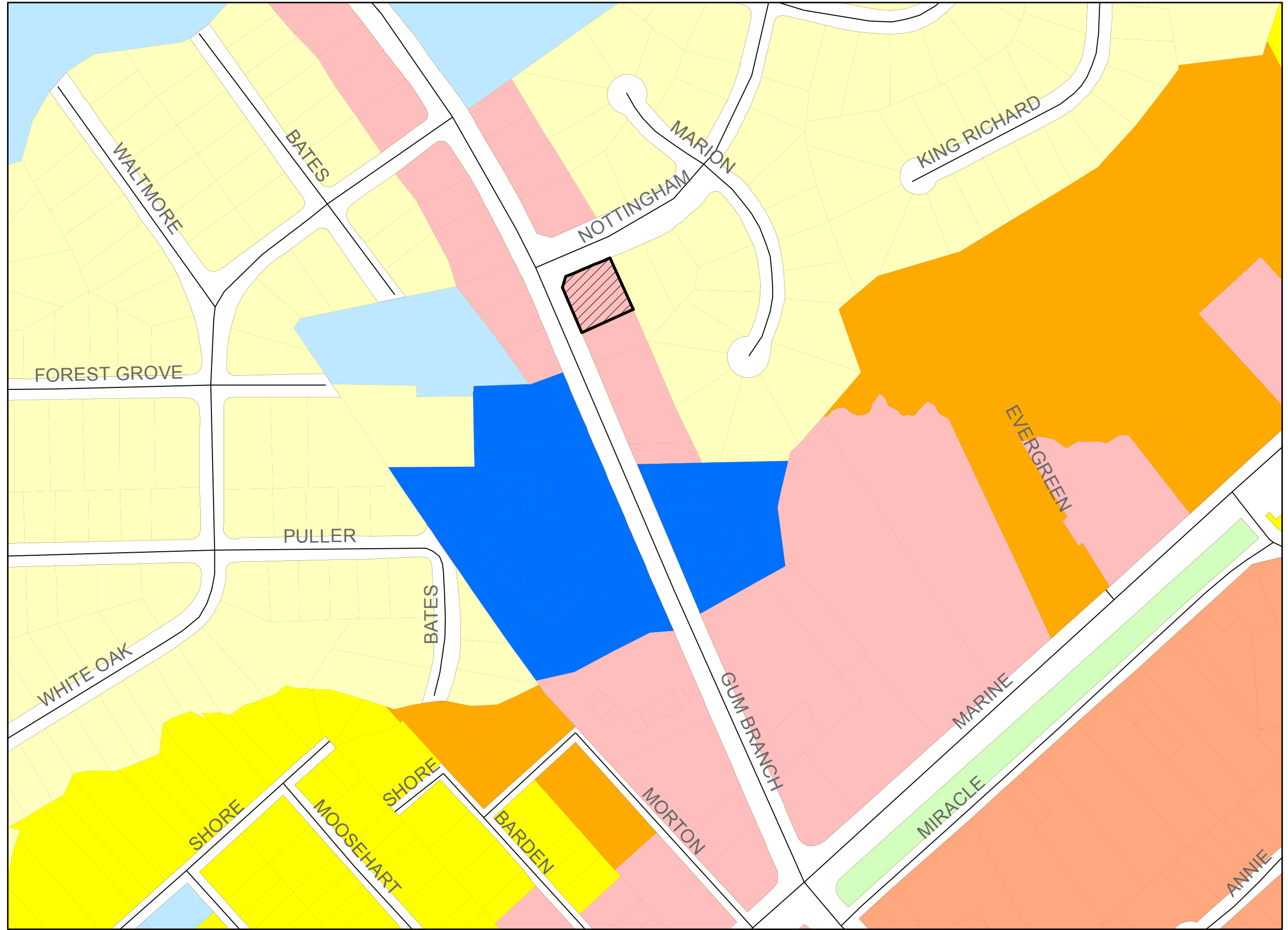
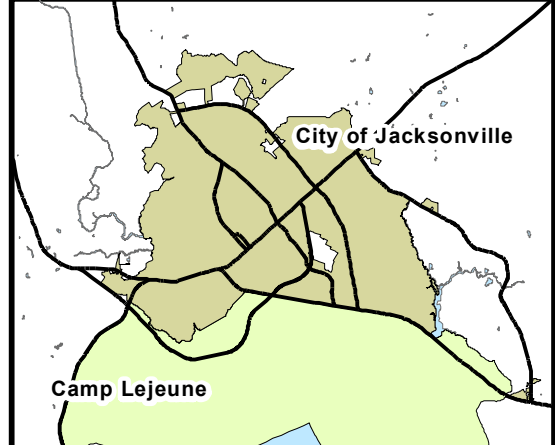
**Legend**

-  838 Gum Branch Road
- gisdata.GISADMIN.Future\_Land\_Use**
- FLU**
-  Camp Lejeune
-  Conservation
-  Park
-  Low Density Residential
-  Moderate Density Residential
-  High Density Residential
-  Institutional/Public
-  Public
-  Office
-  Mixed Use
-  Neighborhood Commercial
-  Regional Commercial
-  Industrial














Attachment

# B

# 838 Gum Branch Road FLU Amendment- DRAFT CAMA Future Land Use



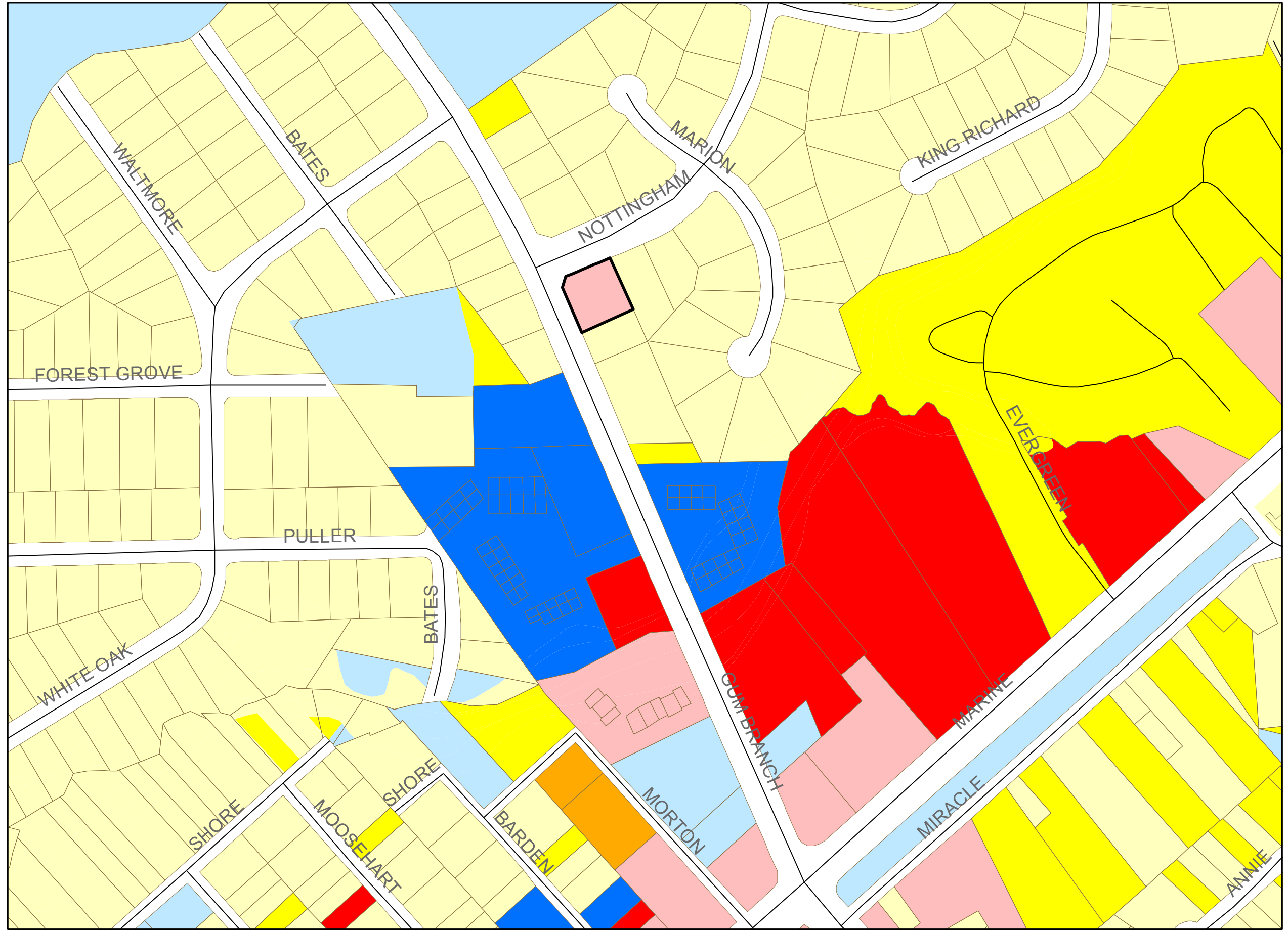
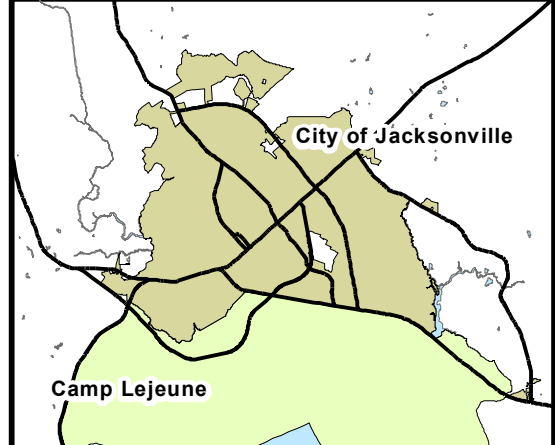
**Legend**

-  838 Gum Branch Road
- DRAFT CAMA Future Land Use**
- FLU**
-  Camp Lejeune
-  Conservation
-  Park
-  Low Density Residential
-  Moderate Density Residential
-  High Density Residential
-  Institutional/Public
-  Office
-  Mixed Use
-  Neighborhood Commercial
-  Regional Commercial
-  Industrial

Attachment

**C**

# 838 Gum Branch Road FLU Amendment- Proposed GME Future Land Use



**Legend**

- 838 Gum Branch Road
- gisdata.GISADMIN.Future\_Land\_Use**
- FLU**
- Camp Lejeune
- Conservation
- Park
- Low Density Residential
- Moderate Density Residential
- High Density Residential
- Institutional/Public
- Public
- Office
- Mixed Use
- Neighborhood Commercial
- Regional Commercial
- Industrial

Attachment  
**D**



# Request for Planning Board Recommendation

Agenda Item: <b>B-1</b> Date: 2/14/2011
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**Subject:** Rezoning from R-7 to NB – 838 Gum Branch Road, Spa Place LLC

**Department:** Planning & Development Services

**Presented by:** Mary Sertell, Senior Planner

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## Issue Statement

Spa Place LLC/ Juliana Norris has submitted a request to rezone one parcel totaling 0.40 acres from Residential 7 (R-7) to Neighborhood Business (NB). This site is located at the corner of Gum Branch Road and Nottingham Road within city limits.

## Financial Impact

None

## Action Needed

Recommendation of the Proposed Rezoning

## Recommendation

Staff recommends approval of the rezoning request based on the Findings of Facts A, C, and D being found in the affirmative and that the rezoning advances the public interest. However, B is in the negative and staff recommends that the existing Growth Management Element be amended to reflect the land use designations requested as a part of the rezoning request.

## Attachments:

- A Rezoning Worksheet
- B Proposed Ordinance
- C Section 31, R-7 of the Zoning Ordinance
- D Section 64, NB of the Zoning Ordinance
- E Existing Zoning Map
- F Site Survey
- G Proposed Zoning Map



# Staff Report

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Rezoning from R-7 to NB – 838 Gum Branch Road, Spa Place LLC

## Introduction

Spa Place LLC/ Juliana Norris has submitted a request to rezone one parcel totaling 0.40 acres from Residential 7 (R-7) to Neighborhood Business (NB). This site is located at the corner of Gum Branch Road and Nottingham Road within city limits.

## Procedural History

- On January 10, 2011 the applicant submitted a rezoning request to rezone the property to NB.
- On February 14, 2011 the Planning Board will make a recommendation on the rezoning request.
- On March 8, 2011 City Council will conduct a public hearing and consider the rezoning request.

## Stakeholders

- Spa Place LLC/ Juliana Norris - property owner and business proprietor owner who submitted the zoning request.
- Surrounding property owners - In accordance with General Statutes, property owners within 100 feet of the area proposed for rezoning will be notified via first class mail. In addition, a courtesy notification was sent out informing these same owners about the Planning Board meeting.

## Zoning Assessment

The parcel proposed for rezoning is located at 838 Gum Branch Road, on the southeast corner of Gum Branch Road and Nottingham Road, just north of the Gum Branch and Marine Boulevard intersection. The property is bordered to the North, East and South by single family houses zoned R-7, and to the West by single family houses zoned RM-6.

The Residential 7 zoning district is intended for residential use and to prohibit any business other than home occupation. The Neighborhood Business zoning district is intended to allow for businesses oriented to serve adjoining residential areas with their needs and not adversely affect neighborhoods. Vehicular access is limited to side streets in this district.

## Merits of Rezoning

In determining the merits of the rezoning request the City Council should consider the following: 1) is the proposal consistent with an adopted land use plan, 2) does the rezoning advance the public interest, and 3) is the rezoning reasonable.

The following criteria must be applied to the proposal in determining the reasonableness of the rezoning:

- *The size of the tract- The larger the area proposed for rezoning the more likely it is to be reasonable. An individual lot that is within a large zoning district is more suspect than creating a new zoning district involving multiple parcels and owners.*

The area proposed for rezoning includes one parcel totaling 0.40 acres. The proposed rezoning area is adjacent to similarly sized parcel sizes including parcels. Other parcels in the area, which have office and institutional uses have parcel sizes range from approximately one and a half acres to six and a half acres.

- *Compatibility with an existing comprehensive plan- An action that is inconsistent with the plan may indicate special treatment that is contrary to the public interest.*

The adopted CAMA Plan from 1999 identifies the area's land classification as "Developed." Areas that are identified as "developed" are urban in character with no or minimal undeveloped land remaining. "Developed" land accommodates a variety of uses from residential, commercial, industrial and other land uses at high or moderate densities in excess of 3 units per acre.

The Growth Management Element (2007) recommends a Low Density Residential (LDR) designation. Low Density Residential designations are intended for detached residential development with home occupations, schools, churches and other non-profit organizations.

However, the Draft CAMA Plan (2010) identifies the parcel as Neighborhood Commercial (NC). Neighborhood Commercial is intended to provide small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses. The CAMA Plan (2010) identifies the existing single family homes which front on Gum Branch Road as NC as well.

Staff has reviewed the current (1999) and Draft CAMA Land Use Plan Update (2010) as well as the Growth Management Plan (2007) and has determined that approving the rezoning request and amending the Growth Management Plan, will not provide special treatment that is contrary to the public interest. The request would allow for uses that will be compatible with current growth and development patterns on Gum Branch Road.

- *The impact of the zoning decision on the landowner, the immediate neighbors, and the surrounding community- An action that is of great benefit to the owner and only a mild inconvenience for the neighbors may be reasonable, while a zoning decision that significantly harms the neighbors while only modestly benefiting the owner would be unreasonable.*

The subject parcel is bordered to North, East and South by detached single family homes, zoned R-7. While a business enterprise in this location differs from the immediately adjacent existing environment, it is not dissimilar from many properties in the general area on Gum Branch Road. Certain mitigation efforts of the proposed development lead to a level of comfort among staff for the rezoning proposal:

- The applicant is proposing to maintain the existing house and retrofit it to create a medical spa and parking will be located behind the principal structure. Maintaining a residential appearance with these two design features will help the business to blend in with the surrounding neighbors.
- Ingress and egress to the site will occur on Nottingham Road with a relatively low volume of traffic. Trip Generation software estimates eight average daily trips for the proposed use.
- Signage for the business will be small and consist of two signs, a small painted wood sign on the building and a small monument style sign in the front yard setback on Gum Branch Road.
- The intensity of the use of the land is expected to limited as the

Further, given the traffic patterns of Gum Branch Road and its continued development, staff expects this area to transition to low scale neighborhood-oriented businesses in the future. Uses such as offices and personal services that are similar to land uses to the East and West along Gum Branch Road are expected to transition in this small area.

Given the above considerations, Staff believes the rezoning request to be reasonable.

- *The relationship between the newly allowed uses and the previously allowed uses- The greater the difference in allowed use, the more likely the rezoning will be found unreasonable.*

Section 31 (R-7), Section 64 (NB) of the Zoning Ordinance can be found in Attachments C and D.

The NB zoning district is more intense than the R-7 district however, the NB district is the least intensive commercial zoning district in Jacksonville and intended to serve neighborhoods with small scale commercial enterprises.

## **Options**

Approve the Rezoning as requested by the Applicant (**RECOMMENDED**).

- Pros: The rezoning request will create a designation that will allow small scale commercial land uses that are in character with both the road network and the surrounding land uses. The proposed change, as designated by the applicant, will be mitigated through the retention of the existing building, limited parking, limited visibility of the parking areas from the roadways and surrounding neighborhood, increased landscaping and limited signage.
- Cons: The rezoning request allows for a moderately significant change in land use. The request does not guarantee that the above mitigation efforts will be fulfilled.

Deny the Rezoning Request.

- Pros: Denial of the rezoning request would ensure that zoning in the area would remain consistent and compatible with existing land uses.
- Cons: Denial of the rezoning request will not allow the property owner to develop the property in a desired manner.

Defer Consideration of the Rezoning Request – Provide staff with direction on the specific information the Board would like to receive.

- Pros: Would allow the property owner, staff and the residents to try and work out any concerns raised, if any.
- Cons: None.

\*Any rezoning application, other than those initiated by Council or City Staff, which is denied by City Council may not be resubmitted within 12 months of the City Council decision unless the application is determined to be substantially changed under the procedures set forth in Section 136 of the City of Jacksonville Zoning Ordinance.

## **Public Hearing Notification**

In accordance with the North Carolina General Statutes, all property owners within 100 feet of the subject parcels will be notified of the proposed rezoning. In addition, Public Hearing Notifications will be posted in the Jacksonville Daily News advertising the public hearing of the rezoning. A courtesy notification was sent out informing these same owners about the Planning Board meeting.

## **Legal Descriptions of Proposed Rezoning Boundaries**

Spa Place, LLC (Juliana Norris)

0.40 acre parcel

Jacksonville Township, Onslow County

Being all of Lot 8, Block B, Sherwood Forest, Section I, as shown on a map recorded in Map Book 9, Page 56, Onslow County Registry; more particularly described as follows: Beginning at the northeasternmost corner of Lot 8, Block B, Section I, Sherwood Forest Subdivision, as shown on a map recorded in Map Book 9, Block 56, of the Onslow County Registry; thence from the above described point of beginning South 16 degrees 19 minutes East 144.26 feet to an iron stake; thence South 73 degrees 41 minutes West 139.23 feet to an iron stake in the eastern new right of way of Gum Branch Road (NCCR 1308); thence with said new right of way North 16 degrees 19 minutes West 124.26 feet to a concrete right of way monument in the southern right of way Nottingham Drive; thence with said right of way North 72 degrees 03 minutes East 124.02 feet to the point and place of beginning, being all of Lot 8, Block b, Section I, Sherwood Forest, except for that portion conveyed to the North Carolina Department of Transportation along Gum Branch Road (NCSR 1308).

Subject to Restrictive Covenants recorded in Book 350, Page 160, Onslow Count Registry.

## WORKSHEET FOR REZONING REQUESTS

Applicant: Spa Place, LLC  
Property Location: 838 Gum Branch Road  
Tax Map and Parcel ID: 430-98  
Existing zoning designation: Residential 7 (R-7)  
Proposed zoning designation: Neighborhood Business (NB)

### REASONABLENESS FINDINGS OF FACT:

<b>A. Size of the tract-</b> The overall size of the tract of land proposed for rezoning is reasonable when compared to the size of the zoning district in which the subject property is located.	Yes	No
<b>B. Compatibility with a comprehensive plan-</b> The proposed rezoning is consistent with any comprehensive plan, small area plan or elements thereof.	Yes	No
<b>C. Impact-</b> The impact to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community.	Yes	No
<b>D. Comparison of uses-</b> The allowed uses within the proposed zoning district are similar or comparable to uses permitted as currently zoned.	Yes	No

### GRANTING THE REZONING REQUEST

Motion to grant the rezoning upon finding that the rezoning is reasonable considering one or more of the above findings of fact A-D 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:

- A. The size of the tract
- B. Incompatibility with the comprehensive plan
- C. Impact to surrounding community and immediate neighbors
- D. Proposed uses are dissimilar to those currently permitted

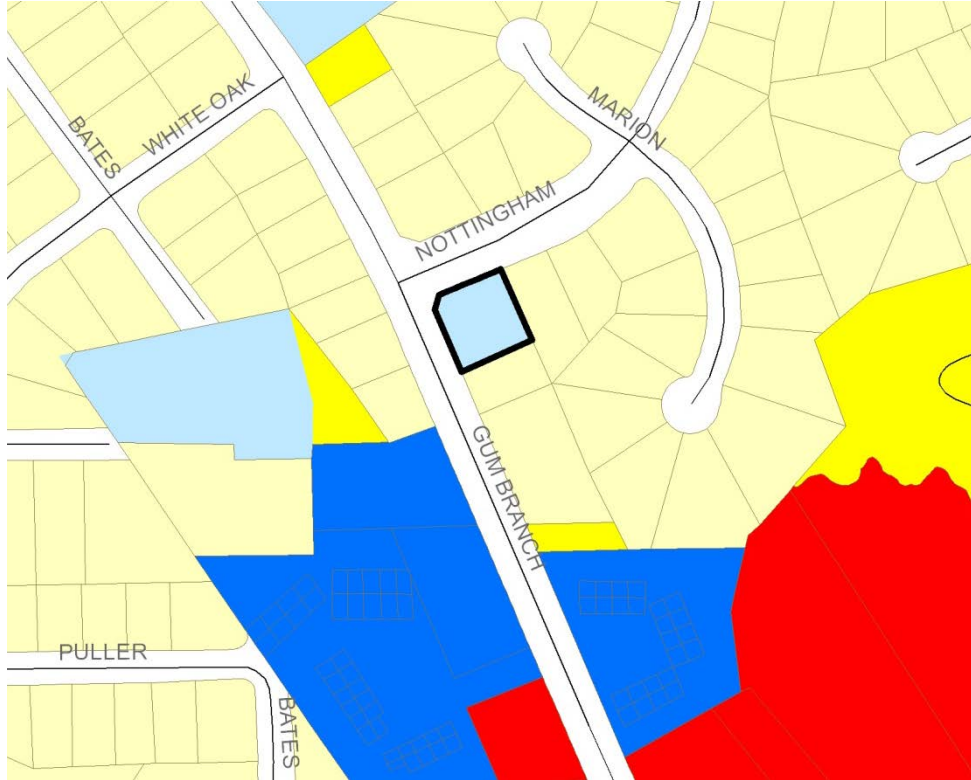
Attachment

**A**

ORDINANCE (2010-)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP

BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina, that the Official Zoning Map for the City of Jacksonville and its Extraterritorial Jurisdiction, an element of the City of Jacksonville Zoning Ordinance, is hereby amended to reflect the rezoning of the subject parcel to Neighborhood Business as shown on the below map (Tax map and parcel id #430-98) and as described in the attached legal description:



This ordinance shall be in full force and effective upon its adoption. Adopted by the Jacksonville City Council in regular session on this 8<sup>h</sup> day of March 2011.

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Sammy Phillips, Mayor

ATTEST:

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Attachment

**B**

## **Section 31. Residential 7 (R-7) Zone**

*(Amended 9/18/90)*

The R-7 Zone is primarily intended for residential use. The intention of this zone is to prohibit any business other than home occupation. Schools, churches and institutions of like nature are a permitted use because it is felt that they would not be detrimental to the residential atmosphere.

### **A. Area requirements.**

1. **Building site area required, residences.** The minimum building site area shall be 1 lot or parcel of land 7,000 square feet in area. Such parcel of land shall have an average width of at least 70 feet.

When a lot or parcel of land has an area of less than the above required minimum area and width and was of record April 8, 1952, such lot may be occupied by 1 family, provided, however, that the minimum setback requirements set out in this section are observed.

2. **Right-of-way setback.** No primary or accessory structure shall be placed within 35 feet of any right-of-way of any public or private street.
3. **Setbacks, Side and Rear**
  - a. **Interior Lots.** Each side of the primary structure of an interior lot shall have a side yard not less than 10 feet wide. No primary structure shall be built within 15 feet of the rear property line. No accessory building shall be built or placed within 5 feet of the rear or side property line. *Amended 11/18/03*
  - b. **Corner Lots.** The designed front of the primary structure of a corner lot shall comply with right-of-way setback standards of this chapter. The designated side adjacent to a road right-of-way shall be set back no less than 15 feet from the property line. All other sides shall be set back no less than 10 feet from the property line. The designated rear setbacks shall be no less than 15 feet from the property line. No accessory building may be placed or built within 5 feet of rear or side of the property lines.

*(Amended 1/7/97)*

Attachment

**C**

**Section 31. Residential 7 (R-7) Zone**

Zone	Designated Front Setback	Designated Side (R\W) Setback	Side Setback	Rear Setback
R-7	35'-0"	15'-0"	10'-0"	15'-0"

- c. **Double Frontage Lots.** Each side of the primary structure of a double frontage lot that fronts either an approved public or private street shall comply with right-of-way setback standards of this chapter. All other side yards shall be set back no less than 10 feet from the property line. Accessory buildings may be built or placed within 5 feet of the side property lines. *(Amended 1/7/97)*

Zone	Designated Front Setback	Designated Side (R\W) Setback	Side Setback	Rear Setback
R-7	15'-0"	15'-0"	10'-0"	20'-0"

**B. Permitted Uses:**

- Churches
- Community Docking Facility (Minor) *(Amended 6/5/07)*
- Day care centers, nurseries
- Dwellings, single
- Family Care Homes *(Amended 7/17/07)*
- Family Childcare Home *(Amended 3/16/04)*
- Golf courses
- Governmental uses and operations such as fire stations, maintenance or operation facilities and similar governmental facilities *(Amended 4/20/10)*
- Home occupations *(Amended 3/16/04)*
- Library, public
- Parks, playgrounds, public & private
- Schools, public
- Telecommunications Antenna, Collocation on Existing Tower *(Amended 10/6/09)*
- Telecommunications Antenna, Placement on Existing Building *(Amended 10/6/09)*
- Telecommunications Tower, Stealth *(Amended 10/6/09)*
- Utility, Minor *(Amended 4/20/10)*

**C. Special Uses**

## **Section 31. Residential 7 (R-7) Zone**

Clubs, lodges, other civic organizations, operation on a non-profit basis  
Community Docking Facility (Major) *(Amended 6/5/07)*  
Schools, private, with same curriculum as public schools  
Telecommunications Tower, Freestanding *(Amended 10/6/09)*  
Temporary convalescent housing  
Temporary real estate/construction offices  
Temporary refreshment stands

## **Section 64. Neighborhood Business (NB) Zone.**

**Intent:** This business zone is established primarily to serve those people living in the immediate area. The size and types of the businesses in this zone are restricted so as to alleviate major traffic and congestion in this area. It is the intent of this zone to restrict vehicular access to side streets and prohibit access to major and minor thoroughfares. It does allow numerous businesses oriented to serve adjoining residential areas with their needs and not adversely affect neighborhoods. Adequate parking areas are required. *(Amended 1/7/03)*

### **A. Area Regulations.**

1. Buildings erected in the Neighborhood Business Zone for single dwelling purposes exclusively shall comply with the front and side yard requirements of the RM-5 Residential Multi-Family Zone. *(Amended 2/3/98)*

All lots shall comply with the applicable Areas of Environmental Concern (AEC) Standards, as amended, in accordance with the State Guidelines for AECs (15 NCAC 7H) pursuant to the Coastal Area Management Act of 1974.

*(Amended 10/2/79)*

2. Where a building is erected for mixed uses, namely, for both dwelling and business purposes, each story of such building used in any part for dwelling purposes shall, if more than 2 rooms in depth, be provided with 2 side yards, 1 on each side of the building, neither of which shall be less than 6 feet in width; provided, however, that this regulation shall not apply to the street side of a corner lot.
3. Where a lot abuts upon the side of a lot zoned residential there shall be a side yard of not less than 6 feet in width.
4. Any use or combination of uses (listed below), which involves a building or combination of buildings that equals 10,000 square feet but does not exceed 25,000 square feet on any lot or combination of lots under single ownership, use or management shall require a special use permit. *(Amended 1/7/03)*
5. Right-of-way Setback. Buildings shall be set back at least 50 feet from the right-of-way of all major or minor thoroughfares, as depicted on the amended City of Jacksonville Thoroughfare Plan. When fronting on any other private or public roads, buildings shall be set back at least 25 feet

Attachment

**D**

## **Section 64. Neighborhood Business (NB) Zone**

from the right-of-way. An existing building that intrudes into the required setback may expand, but no additional construction shall be placed in any required setback. *(Amended 7/7/98)*

### **B. Driveway Limitations**

1. Two driveways entering the same street from a single lot shall be permitted only if the minimum distance between the closest edges of the driveways equals or exceeds 50 feet.
2. Three driveways entering the same street from a single lot shall be permitted only if the minimum distance between the closest edges of the driveways equals or exceeds 150 feet.
3. Four or more driveways entering the same street from a single lot shall be prohibited.
4. In no case may the total width of all driveways exceed 50% of the total property frontage.
5. No driveway (nearest edge) shall be located within 10 feet of a side lot property line except in the case of a shared driveway (single curb cut/access point) utilized by two or more lots.
6. No driveway (nearest edge) shall be located within 50 feet of an intersection except in the case where no other lot access to a public street or City approved private road is available. *(Amended 9/8/87)*

### **C. Permitted Uses:**

*(Amended 1/7/03)*

- Accessory uses
- Alcoholic beverages, package sales
- Apartments
- Art galleries
- Bakery, retail
- Churches
- Clinics
- Convenience food store, including gasoline sales (not to exceed 4 fueling positions)
- Day care centers and nurseries
- Dry cleaning and laundry facilities
- Dwellings, multiple
- Dwellings, single
- Family Childcare Homes *(Amended 3/16/04)*
- Florist

## **Section 64. Neighborhood Business (NB) Zone**

Funeral homes and mortuaries  
Greenhouses or horticultural gardens, commercial  
Greenhouses or horticultural gardens, non-commercial  
Home occupations  
Library, public and/or private  
Museums, public and/or private  
Offices - business, professional and public  
Parking garages, private  
Parking lot, private  
Parking lot, public  
Parks and playgrounds, public and/or private  
Pet shops  
Pets, not objectionable because of odor, noise, or health hazard  
Pharmacy (drive-thru not permitted)  
Photographic studios and camera supply  
Recreation centers  
Rest homes/nursing homes  
Restaurants (drive-thru not permitted)  
Retail sales  
Service shops, such as beauty, barber, shoe repair, and electronic repair  
Tailor, dressmaking and millinery shops  
Telecommunications Antenna, Collocation on Existing Tower *(Amended 10/6/09)*  
Telecommunications Antenna, Placement on Existing Building *(Amended 10/6/09)*  
Telecommunications Tower, Stealth *(Amended 10/6/09)*  
Utility, Minor *(Amended 4/20/10)*  
Vegetable gardens, non-commercial

### **D. Special Uses**

*(Amended 1/7/03)*

Animal Hospitals

Any use or combination of uses, which involves a building or combination of buildings that equals 10,000 square feet but does not exceed 25,000 square feet on any lot or combination of lots under single ownership, use or management shall require a special use permit

Banks

Clubs, lodges, and other civic organizations, operating on a non-profit basis

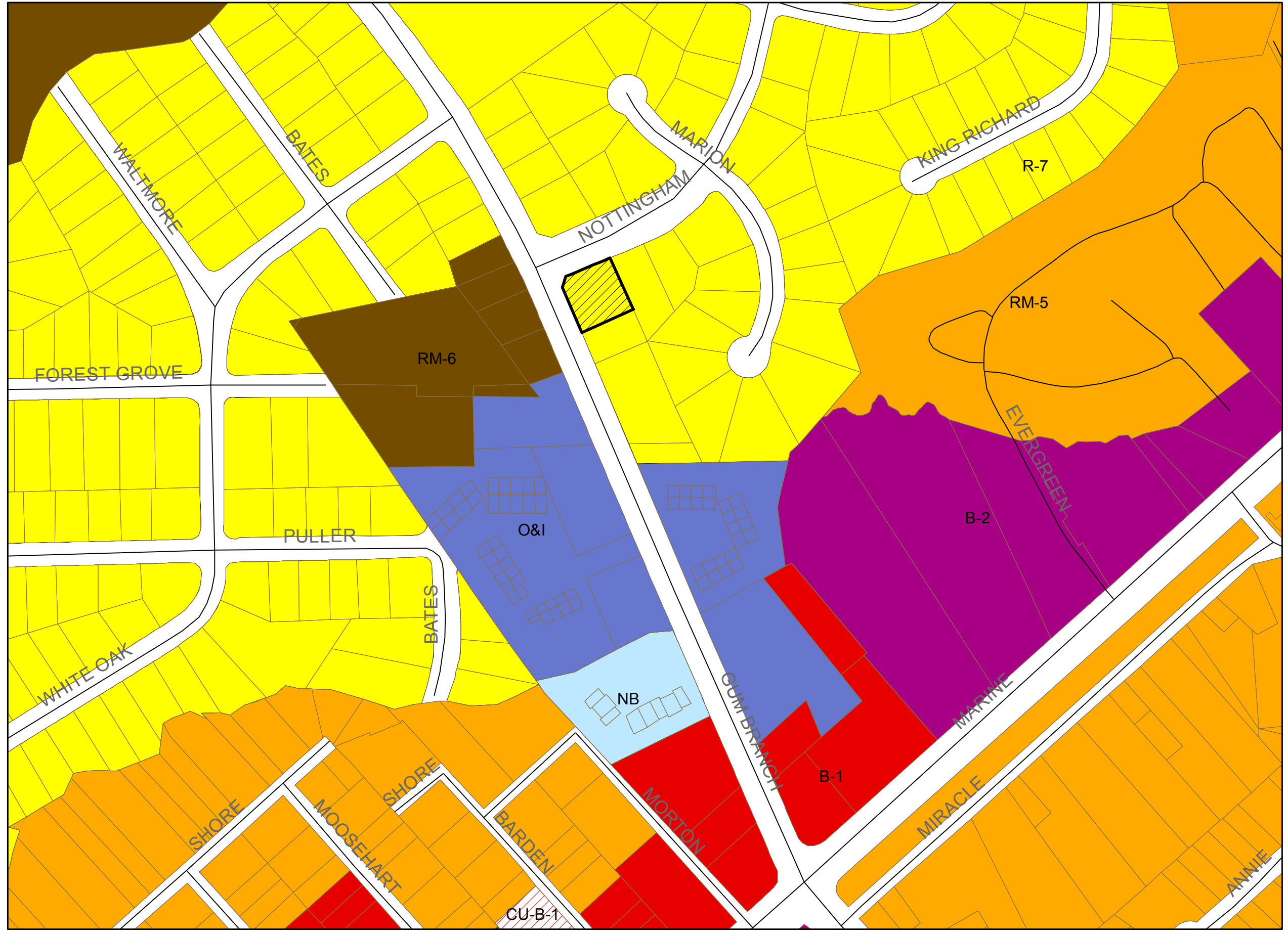
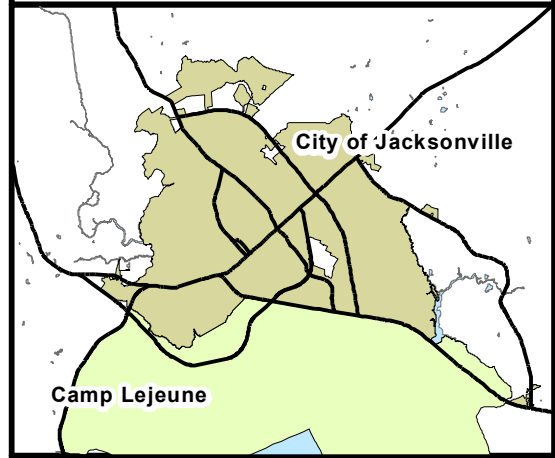
Nightclubs/dance halls/discotheques

Public/Private storage service yards, fire stations, maintenance and operations facilities, and similar governmental facilities

Taverns/bars

Telecommunications Tower, Freestanding *(Amended 10/6/09)*

# 838 Gum Branch Road Rezoning- Existing Zoning



### Legend

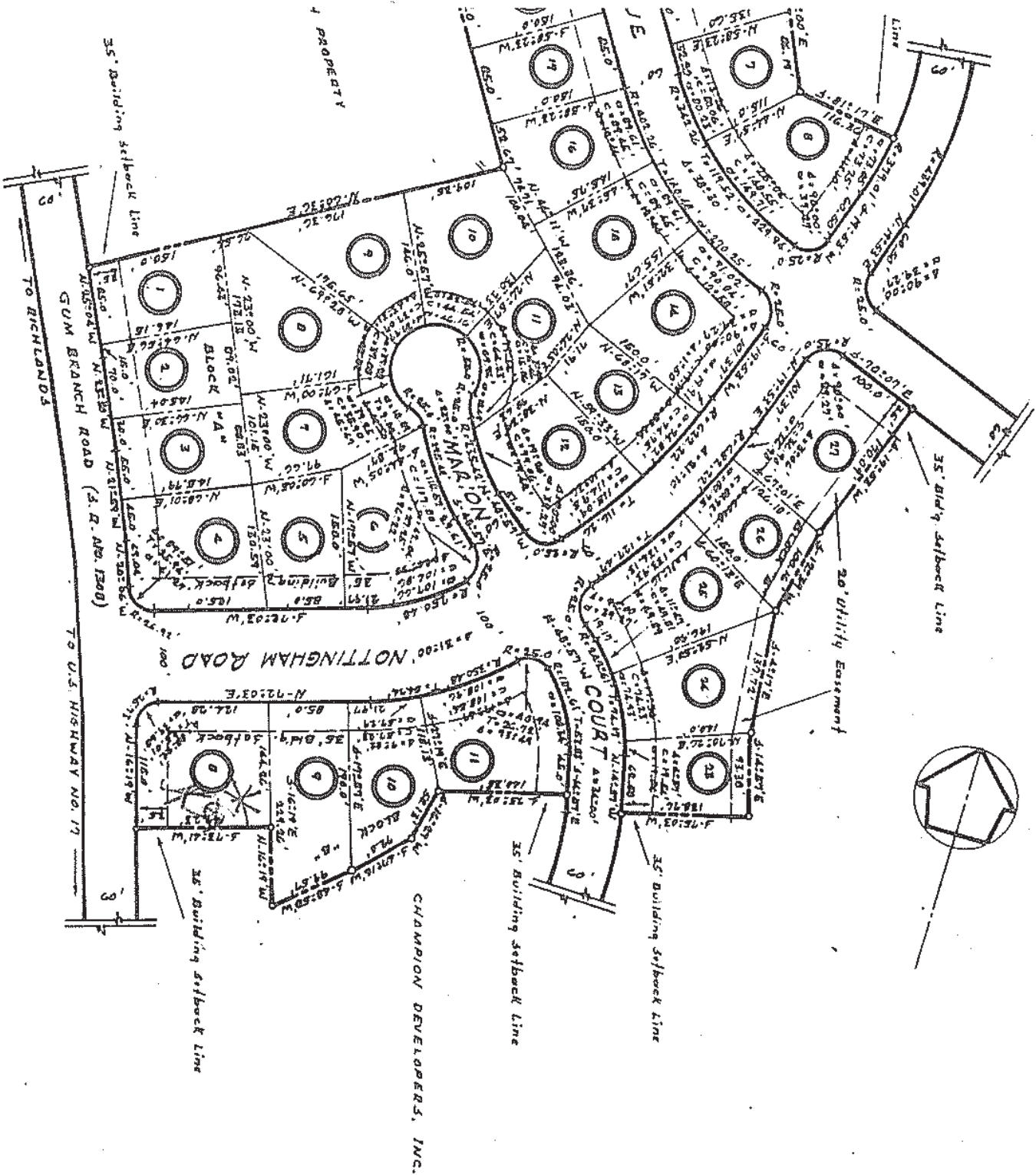
838 Gum Branch Road  
 <all other values>

### Zoning Districts

- B-1
- B-2
- CBD
- CU-B
- CU-B-1
- CU-B-2
- CU-NB
- CU-O&I
- CU-RA-20
- CU-TCA
- IND
- MR
- NB
- O&I
- O&I
- O&I
- R-7
- R-O
- RA-20
- RD-3
- RD-5
- RM-5
- RM-6
- RS-10
- RS-12
- RS-5
- RS-6
- RS-7
- TCA
- WATER

Attachment

# E



JACKSON COUNTY  
 JACSONVILLE

I, John L. Zang, the City Clerk of Jacksonville North Carolina do hereby certify that the City Council of the City of Jacksonville approved the plat map and accepted the dedication of the streets, easements, rights-of-way and public parks shown thereon, but assume no responsibility to open or maintain the same nor in the opinion of the governing body of the City of Jacksonville, it is in the public interest to do so.

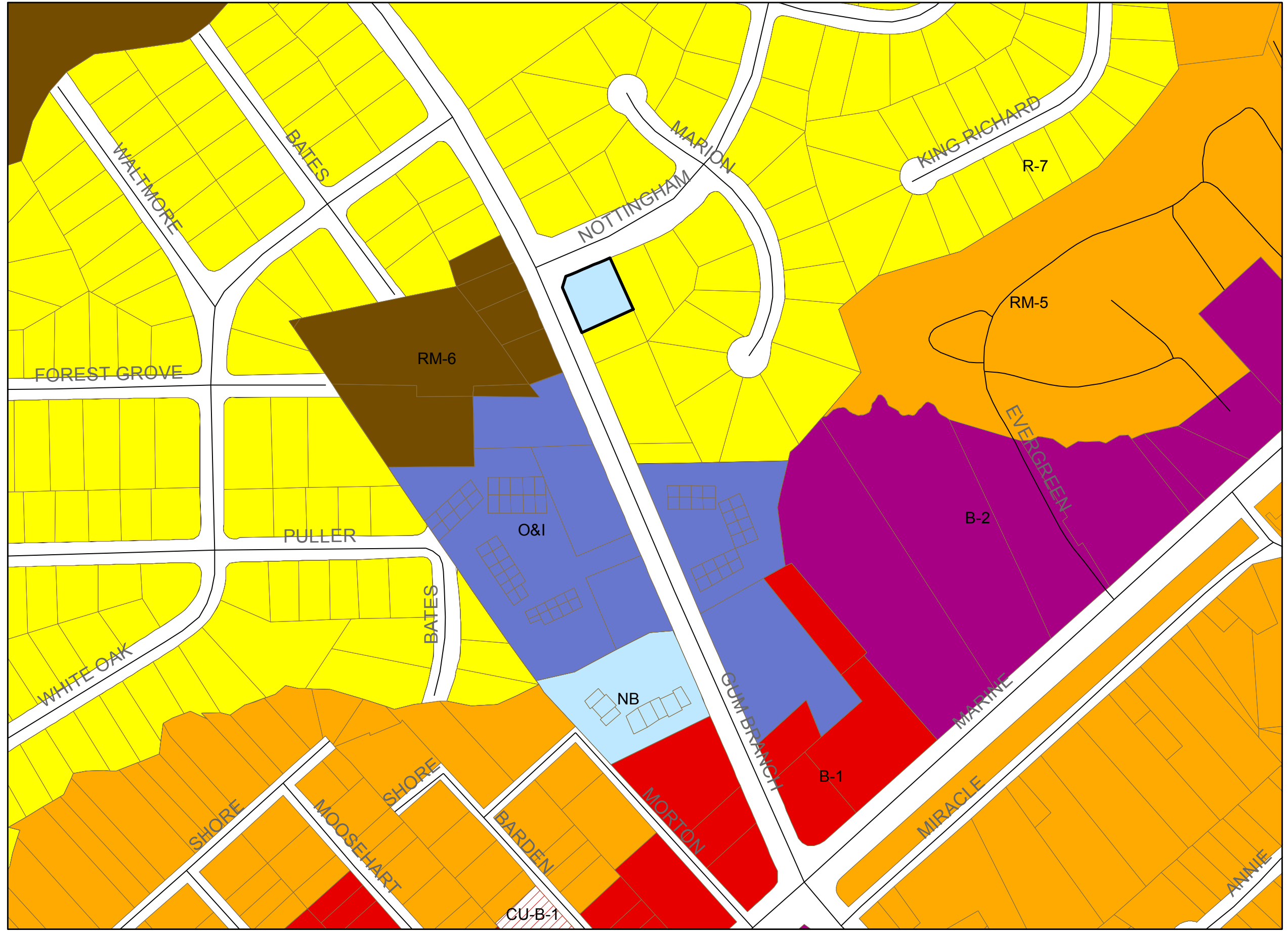
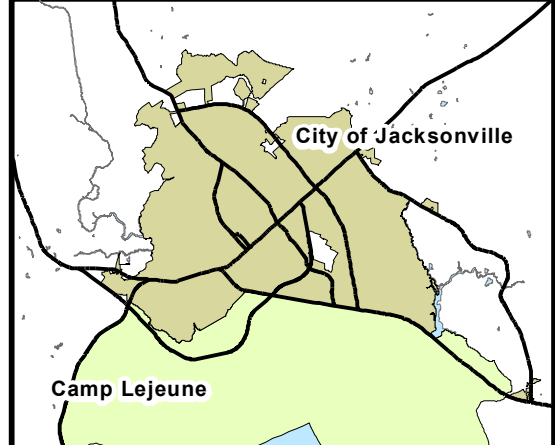
REC'D FOR RECORD MAR. 8, 1906  
 John L. Zang  
 City Clerk

SECTION ONE  
 SHERWOOD FOREST  
 OF JACKSONVILLE  
 PROPERTY OF  
 CHAMPION DEVELOPERS, INC.  
 JACKSONVILLE,  
 JACKSON COUNTY,  
 N. C.  
 SCALE 1" = 100'  
 50' 100' 200' 300' 400' 500'

Attachment  
**F**

BR 6  
 P 5  
 G 5  
 W 6

# 838 Gum Branch Road Rezoning- Proposed Zoning



### Legend

838 Gum Branch Road  
 <all other values>

### Zoning Districts

- B-1
- B-2
- CBD
- CU-B
- CU-B-1
- CU-B-2
- CU-NB
- CU-O&I
- CU-RA-20
- CU-TCA
- IND
- MR
- NB
- O&I
- OMU
- R-7
- R-O
- RA-20
- RD-3
- RD-5
- RM-5
- RM-6
- RS-10
- RS-12
- RS-5
- RS-6
- RS-7
- TCA
- WATER

Attachment

# G