



Board of Commissioners Meeting Agenda Item Submittal

Revised 4/23/2024
Parcel removed by applicant

Item To Be Considered: **Re-zoning Request- 140, 144, ~~150~~, 160 Queens Creek Road**

Board Meeting Date: **April 23, 2024**

Prepared By: **Rebecca Brehmer, Projects/Planning Coordinator, CFM, CZO**

Overview: Emerald Coast, Inc., on behalf of themselves and other property owners have submitted a rezoning request for four parcels located on Queens Creek Road from O/I (Office and Institutional) to B-1 (Business). The areas are further identified as 140 Queens Creek Road containing 0.48 acres (tax parcel ID 1313-88), 144 Queens Creek Road containing one acre (tax parcel ID 1313-87), ~~150 Queens Creek Road containing 1.35 acres (tax parcel ID 1313-85)~~, and 160 Queens Creek Road containing 5 acres (tax parcel ID 1313-85.1). The total acreage requested for rezoning is +/-~~7.83~~ **6.49** acres.

The applicant is interested in commercial/office/flex space/condos/townhouse. However, the applicant has not requested conditional rezoning and therefore, any uses permitted in the B-1 Zoning District would be applicable if approved.

History:

The applicant submitted similar applications in 2017 and 2019 for 3 parcels, and as of July 28, 2021, tax parcel ID 1313-85 has been further subdivided into 2 lots and an additional application for rezoning was submitted in 2022 and 2024. Below is a summary of the history.

2017

- On August 7, 2017, the Planning Board unanimously recommended denial for B1 rezoning request because it was not consistent with the CAMA Land Use Plan (LUP) of 2009 because of the lack of infrastructure supporting it. The Board considered the density for a B1 (and O/I zoning) and the effect it would have on the traffic on Queens Creek Road.
- At the September 12, 2017, BOC Public Hearing, Planner Andrea Correll summarized excerpts from the CAMA LUP on street deficiencies and land suitability. It was noted that multiple improvements to Queens Creek Road were under review by NCDOT.

Action: _____

The following summarizes existing street deficiencies:

Excerpt for 2009 CAMA LUP (page 7)

Lack of access connecting subdivisions, business apartments, etc., without having to go back on Highway 24 through areas southeast of Highway 24; i.e., connector road from Old Hammock (SR 1512) to Shore Drive area; from Queens Creek Road (SR 1512) to Hammocks Beach Road (SR 1511).

In addition to the CAMA LUP, the Town of Swansboro commissioned a traffic study in November 2015. Over the five-year time span, the greatest number of reported accidents (42) occurred at the intersection of NC-24 (W Corbett Avenue) / Queens Creek Road / Swansboro Middle School Driveway.

There was also discussion/clarification that O/I zoning was no more/less restrictive than B1, Property owners were agreeable to O/I if B1 was not approved.

The Board of Commissioners voted 3 to 2 in favor of the O/I rezoning. However, the vote required a 2/3 approval (4) to pass on the first reading. A second reading was required at the next meeting and approval could then be granted with a simple majority vote.

- At the October 10, 2017, Board of Commissioners meeting where a second reading was to take place, no motion was made for O/I zoning therefore, the property zoning remained R20 (Single Family).

2019/2020

- On September 23, 2019 (Special Meeting), the Planning Board voted 4-1 recommending approval for the B1 rezoning request deeming it consistent with the 2019 CAMA Land Use Plan. As part of their recommendation, the Planning Board noted that there were potential negative traffic impacts of developing the proposed property and recommended renewed efforts by Swansboro officials to engage NCDOT regarding traffic improvement recommendations to NC 24 (W. Corbett Avenue/Queens Creek Road/Middle School driveway) contained in Section 6 of the Town of Swansboro's Traffic Impact Analysis from November 4, 2015.
- At their October 22, 2019, Public Hearing, the Board of Commissioners reviewed/discussed traffic issues along Queen Creek Road and the idea that O/I zoning may be a better zoning district. The vote was unanimous to table the request.
- Mr. Freeman subsequently withdrew his application and submitted a request to rezone the properties O/I - Office Institutional.
- At their December 2, 2019, regular meeting, the Planning Board voted unanimously to recommend approval for O/I zoning; stating that it was consistent with the approved Comprehensive Plan, specifically the CAMA Land Use Plan.
- At their January 13, 2020, Public Hearing, the Board of Commissioners voted unanimously to rezone parcels 1313-85, 1313-87 and 1313-88 located on Queens Creek Road from R-20SF to O/I.

2022

- On their September 6, 2022, regular meeting, the Planning Board voted unanimously to recommend denial for B-1 rezoning request because it was not consistent with the Future Land Use Plan.
- After this recommendation, Mr. Freeman subsequently withdrew his application to rezone from O/I to B-1 before the Board of Commissioners could review.

2024

- On their April 2, 2024, regular meeting, the Planning Board voted unanimously to recommend denial for B-1 rezoning request because it was not consistent with the Future Land Use Plan.
- On their April 9, 2024, regular meeting, the Board of Commissioners approved to hold the public hearing and hear the rezoning application at their April 23, 2024 regular meeting.

(All meeting minutes for the Planning Board and Board of Commissioners above are available on the website if more in-depth review on discussions is needed. The history above is meant to simply show the actions taken.)

Additional Notes:

In conversation with the Town's Traffic Engineer Jeff Hochanadel, he shared that the traffic study conducted in 2019 would most likely not hold the same results today. However, there is no such requirement for a Traffic Impact Analysis when rezoning is requested. A TIA only applies when a *project* is proposed, and in some instances when a special use is requested.

It is also noted that some recent traffic movement improvements have been made along Queens Creek Road at the High School and NCDOT has installed a traffic light at the Swansboro High School/Queens Creek Elementary entrance.

Background Attachment(s):

1. Expanded Overview
2. Application
3. 2019 Timmons Traffic Analysis
4. Ordinance 2024-O6
5. Comprehensive Plan Consistency Statement

Recommended Action:

1. Hold a public hearing
2. Motion to approve or deny Ordinance 2024-O6 to rezone the four parcels identified along Queens Creek Road from O/I (Office Institutional) to B-1 (Business).