

City of Thomasville
Rezoning Case # Z-22-01
Staff Report: Chuck George, Planning Director

Applicant Owner: Martha White

Location: Payne Road

Tax Parcel ID Number: 16313000000004A

Request: Rezoning from R-10 to M-1

Conditions: NA

Requested Zoning District Characteristics:

The current zoning is R10 Low Density Residential - This district is defined as low density residential areas of mostly single-family dwellings plus open areas where similar residential development will likely occur. The uses permitted in this district are designed to stabilize and protect the essential characteristics of the area and to prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.

The proposed zoning is M-1 light industrial - This district is defined as certain areas more suited for industrial use than residential use, but situated where residential development, or prospective development, is in close proximity on one or more sides of the district. The uses which are permitted in this district are those characterized by low traffic density, low land coverage, and absence of objectionable external effects. Large setbacks are required in this district and landscaping in keeping with residential areas encouraged.

Site Information

Size of Parcel	3.13 Acres		
Existing Land Use	Low Density Residential		
Proposed Land Use	Light Industrial		
Surrounding Property Zoning and Use	Direction	Zoning	Use
	N	R-10	Residential
	E	M-1	Light Industrial
	S	M-1	Light Industrial
	W	R-10	Residential
General Site Information	The site is currently undeveloped.		
Historic Properties	NA		

History of Denied Cases: N/A

Compatibility with Adopted Plans

The 2035 Land Development Plan indicates the areas that have not been identified for development or redevelopment are suitable for infill development that is consistent with the existing surrounding land uses. Development or redevelopment in these areas should not be discouraged, and as land development market changes occur, this plan should be updated to reflect the changing conditions.

Staff Comment

The site is currently undeveloped with access easement in the business park. The proposed zoning would allow for light industrial use. The requested district is consistent with the Land Development Plan and consistent with the existing surrounding land uses.

Attachments

- Application
- Legal description
- Site map
- DC GIS Map
- Zoning map
- 2035 Land use map
- Table of permitted uses
- Consistency statement to approve or deny request

Public Notice

<i>Notification</i>	<i>Zoning Board</i>	<i>City Council</i>
Public Hearing Notice	1-14-2022 & 1-18-2022	2-8-2022 & 2-15-2022
Property Posted	1-13-2022	2-4-2022
Notification Letter Sent	1-13-2022	2-4-2022

Zoning Board Recommendation

A public hearing was conducted, and the board voted 7-0 to approve the request for the following reason:

Motion to approve the rezoning request because it's consistent with the Land Use Plan and the surrounding parcels.

CITY OF THOMASVILLE

Planning & Zoning Department

PO BOX 368 • THOMASVILLE, NC 27360 • (336) 475-4255

REZONING APPLICATION

File No. Z- 22-01

Date 12-17-21

Applicant Martha White, LLC (Christopher Corp) Phone 336-240-0986

Applicant's Address 528 S. Main St

Property Owner Martha White, LLC Phone Same

Property Owner's Address Same

Existing Zoning Rural A-10 Requested Zoning Industrial M-1

Address or Location of Property to be Rezoned Payne Rd.

Description of Property VACANT LAND, industrial section 3.13 Acres

Fee Received \$ 500. Map No 16-313-000-000-04A

(PLEASE MAKE CHECK PAYABLE TO "CITY OF THOMASVILLE")

Applicant's Signature C Corp

Planning Board Hearing Date 1-25-2022

Planning Board Action ☒ Approved ☐ Denied Vote of: 7-0

City Council Hearing Date 2-21-2022

City Council Action ☐ Approved ☐ Denied Vote of: _____

Signed _____

Secretary to Planning Board

2021029330

DAVIDSON COUNTY NC FEE \$26
NO TAXABLE CONSIDERATION
PRESENTED & RECORDED
11/17/2021 12:23:15 PM
MICHAEL HORNE
REGISTER OF DEEDS
BY: SHERRY KEPLEY
DEPUTY
BK: DE 2515
PG: 743 - 746

Submitted electronically by "Douglas B. Elliott PA"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Davidson County Register of Deeds.

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 0.00 (NTC)

Parcel Identifier No. Part 1631300000004A

All or a portion of the property herein conveyed _____ includes or X does not include the primary residence of a Grantor.

This instrument prepared by: Douglas B. Elliott, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

Mail/Box to: Record/E-Record; mail to Grantee: 528 S. Main St., Lexington NC 27292

This instrument was prepared by: Douglas B. Elliott, P.A. Without Title Examination

THIS DEED made this _____ day of November, 2021, by and between

GRANTOR (name and address)

GRANTEE (name and address)

Lexington Investment Properties, LLC

Martha White, LLC

528 S. Main Street
Lexington, NC 27292

528 S. Main Street
Lexington, NC 27292

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in:

Thomasville Davidson
Township, County, North Carolina and more particularly described as follows:

SEE EXHIBIT "A", attached hereto and incorporated herein by reference

Back Deed Reference: Book at Page .

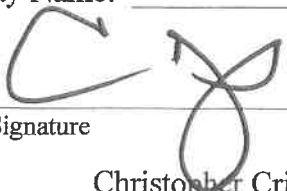
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

- 1) Restrictions, Easements and Rights of Way of record

SIGNATURES:

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Entity Name: Lexington Investment Properties, LLC OR
By:  (SEAL)
Signature
Christopher Crisp, Manager
Printed Name and Title:

Individuals:
Name: (SEAL)
Name: (SEAL)

NOTARY ACKNOWLEDGEMENT(S):

STATE: NC

COUNTY: Davidson

I, the undersigned notary public in the above County and State certify that the following person(s) personally appeared before me this day and acknowledged the due execution of the foregoing instrument, in the capacity (individually, on behalf of the entity, or otherwise) as indicated above:

Christopher Crisp, Manager of Lexington Investment Properties, LLC

WITNESS my hand and official stamp or seal, this the 15th day of Nov,
20 .

NOTARY PUBLIC:

Signature and Printed Name

Allison Smith
Allison Smith

[SEAL]

My commission expires: 7-17-2025 APB

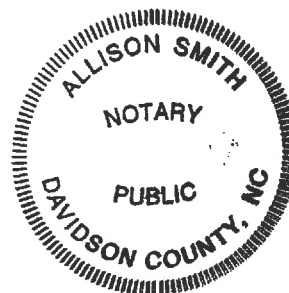
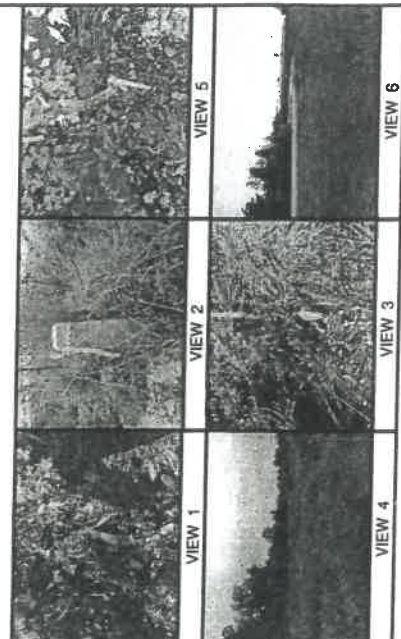
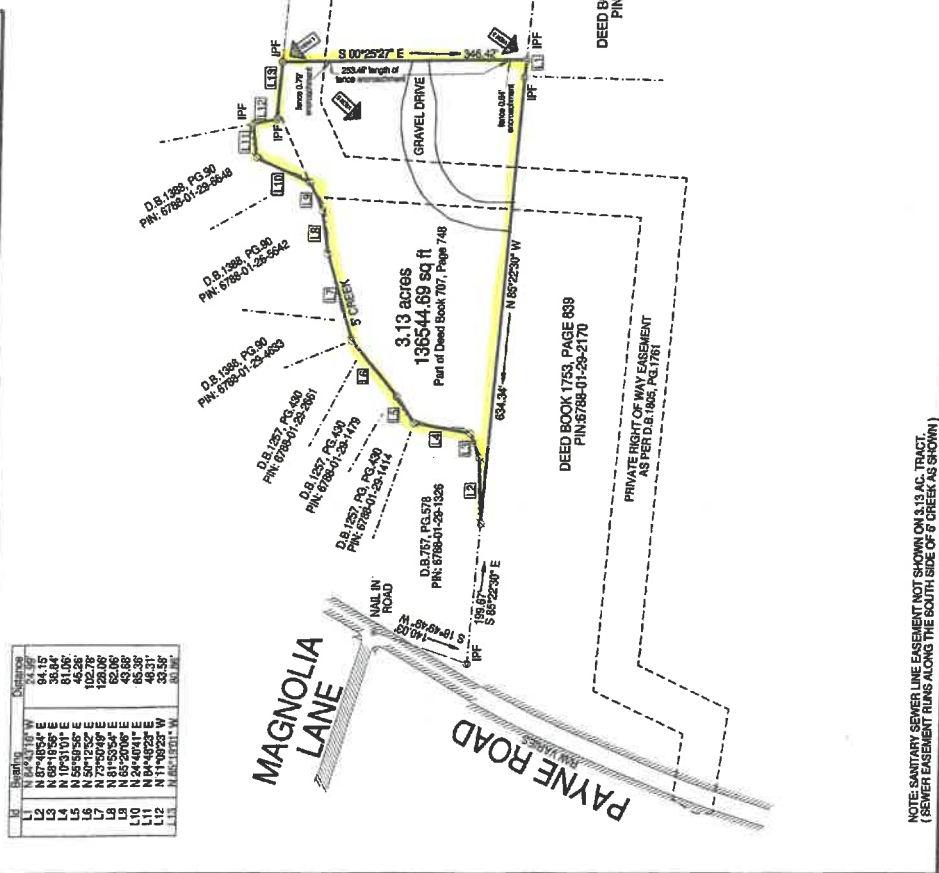


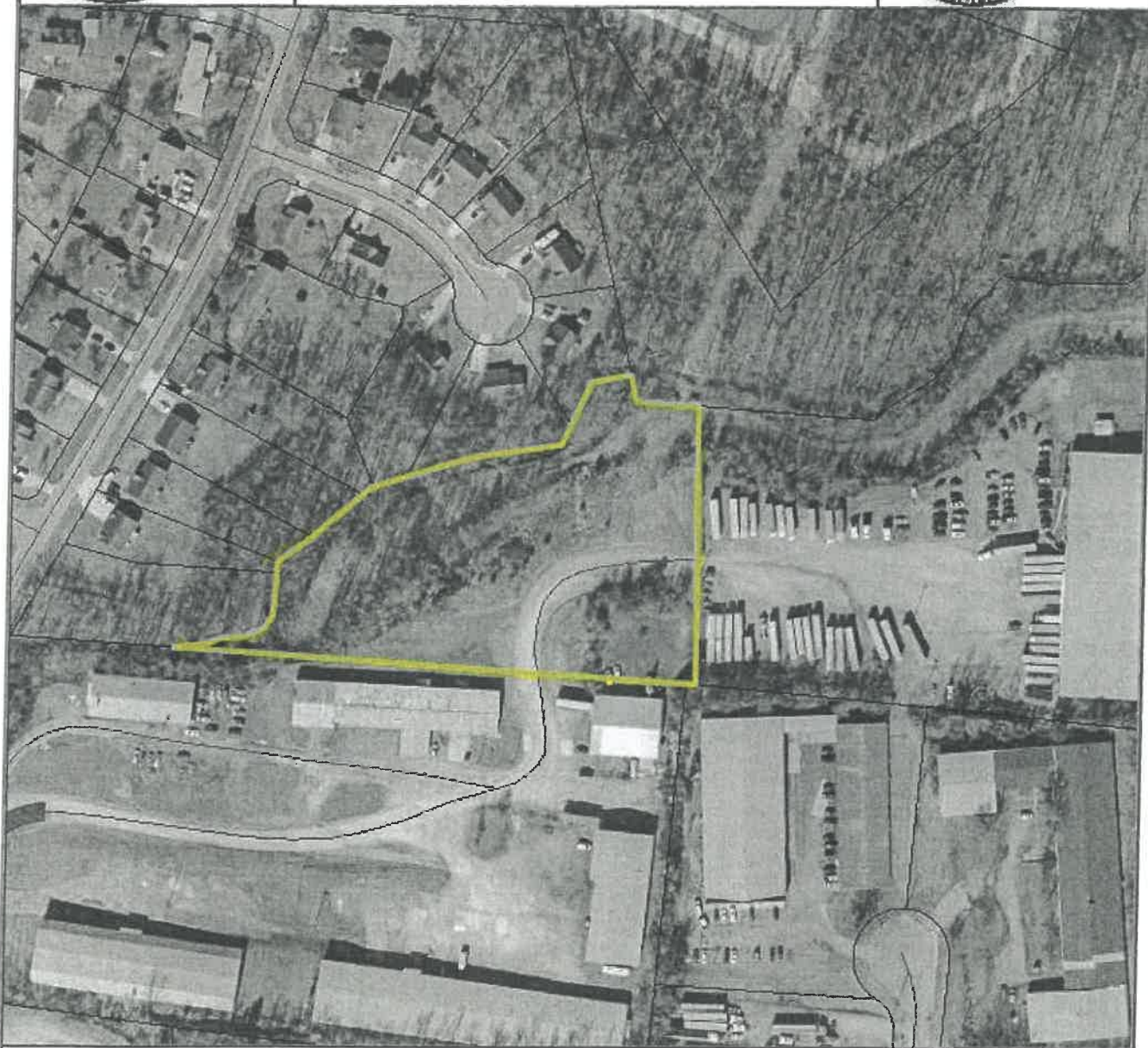
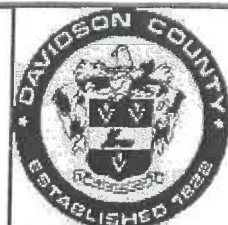
EXHIBIT "A"

Beginning at an iron pin found at the southwest corner of Book 1805, Page 1761, and also being in the northern line of Book 1487, Page 1712, thence from said beginning point North 84 degrees 43 minutes 16 seconds West 24.99 feet to an iron pin found; thence North 85 degrees 22 minutes 30 seconds West 634.34 feet to a computed point in the northern line of Book 1753, Page 839, and the southern line of Book 757, Page 578; thence the following courses and distances along the eastern and/or southern lines of Book 757, Page 578, Book 1257, Page 430, Book 1388, Page 90, and Book 842, Page 38: North 87 degrees 48 minutes 54 seconds East 94.15 feet; North 68 degrees 19 minutes 58 seconds East 36.84 feet; North 10 degrees 31 minutes 01 seconds East 81.06 feet; North 55 degrees 59 minutes 56 seconds East 45.26 feet; North 50 degrees 12 minutes 52 seconds East 102.78 feet; North 73 degrees 50 minutes 49 seconds 128.06 feet; North 81 degrees 53 minutes 54 seconds East 62.06 feet; North 65 degrees 20 minutes 06 seconds East 43.68 feet; North 24 degrees 40 minutes 41 seconds East 85.36 feet; North 84 degrees 48 minutes 23 seconds East 48.31 feet; North 11 degrees 09 minutes 23 seconds West 33.58 feet; North 85 degrees 19 minutes 01 seconds West 80.86 feet to an iron pin found in the southern line of Book 842, Page 38, and the northern line of 1805, Page 1761; thence South 00 degrees 25 minutes 27 seconds East 346.42 feet to the point and place of beginning. This property contains approximately 3.13 acres and is shown on the Map of Survey for Brokers, Inc. entitled "118 Payne Road" prepared by Four Points Surveyors dated October 18, 2011. For access to Payne Road, see the private right of way easement in Book 1805, Page 1761.





Davidson County GIS



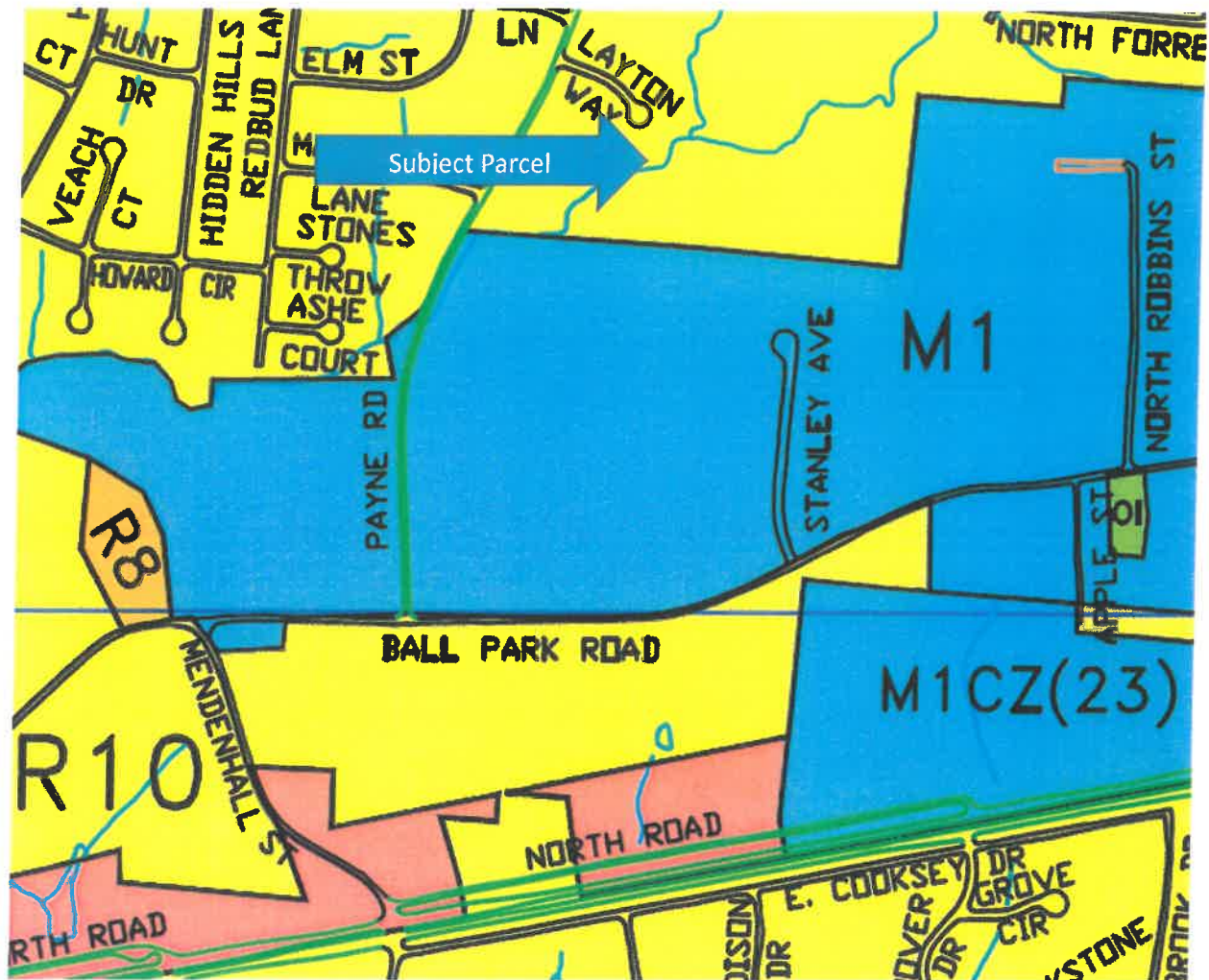
Parcel Number :	1631300000004E	Land Units:	3.13 AC
Pin Id :	6788-01-29-5472	Deed Book:	2515 Pg: 0743
Owner :	MARTHA WHITE LLC 528 SOUTH MAIN ST LEXINGTON NC 27292	Deed Date:	11/17/2021
Property Address:	PAYNE RD	Account Number:	9210829
Township:	16	Exempt Code:	
Building Value:	\$0	Other Building Value:	\$0
Land Value:	\$35,890	Market Value:	\$35,890
Assessed Value:	\$35,890	Deferred Value:	\$0
Legal Description : L4E BK2515-743 PAYNE			

Rezoning Case: Z-22-01

Payne Road

Parcel ID: 1631300000004A

Zoning Map



Legend

Blue: M-1 Light Industrial District

Yellow: R-10 Low Density Residential District

Orange: R-8 Medium Density Residential District

Pink: C-2 Highway Commercial



City of Thomasville Land Development Plan

DEVELOPMENT & RE-DEVELOPMENT AREAS



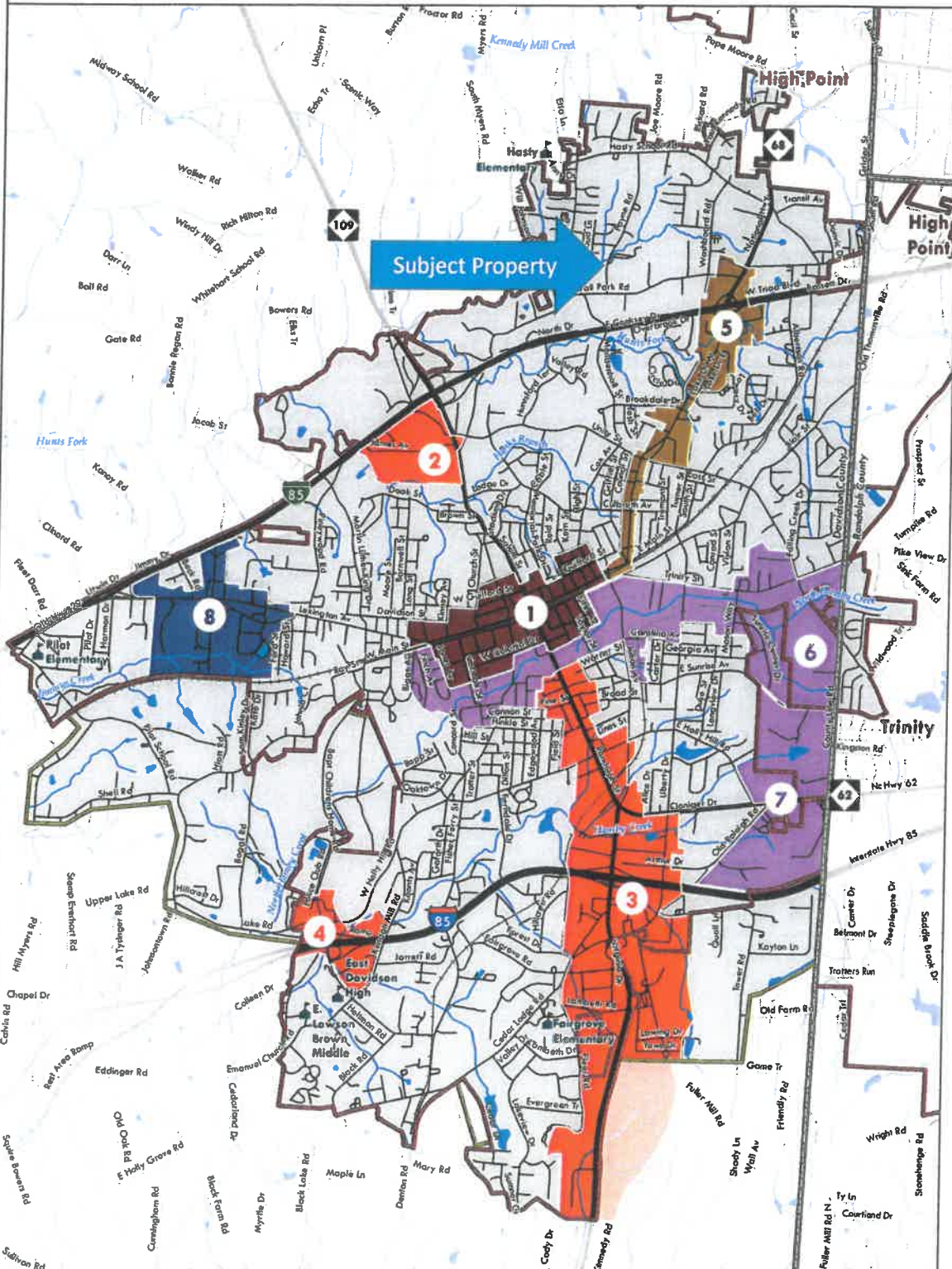
- Highway
- Road
- Railroad
- Stream
- Municipal Limits
- ETJ Boundary
- County Boundary
- Downtown Business District
- Commercial & Mixed-use
- National Highway Commercial Corridor
- Industrial
- Medical & Mixed-use



Mapping provided by the
Piedmont Triad Regional Council
Planning Department
Date: February 20, 2018



1 Inch = 3,000 feet



Section 2. - Table of permitted uses.

Districts in which particular uses are permitted as a use by right are indicated by "X." Districts in which particular uses are permitted as a use by right with certain conditions are indicated by "X" with a reference to a footnote to this table [see section 3]. Districts in which particular uses are prohibited are indicated by a blank.

Permitted Uses	R-20	R-15	R-10	R-10M	R-8	R-6	O-I	C-1	C-2	C-3	C-4	M-1	M-2	Special Requirements
Accessory building, including but not limited to fallout shelters, garages, guesthouses, toolsheds, swimming pools	X	X	X	X	X	X	X	X	X	X	X	X	X	See note 1.
Agencies, including but not limited to travel, brokers, insurance, loan, employment							X	X	X	X	X	X	X	
Agricultural uses, nurseries, truck farms, greenhouses, etc.								X	X	X	X	X	X	
Antiques and gift retail sales								X	X	X	X	X	X	
Any industrial use not otherwise prohibited by law or by this ordinance which would not create a nuisance or a hazard								X	X	X	X			
Amusements, commercial, including but not limited to bowling alleys, roller skating rinks; not including drive-in theaters, commercial stables, roller coasters, carousels, fairgrounds, automobile racetracks, circuses or the like								X	X	X	X	X	X	See notes 5 and 7.
Appliance distributors for wholesale														
Arts and crafts supply and retail sales								X	X	X	X	X	X	
Assembling of electrical appliances, electronic instruments and devices, radios and phonographs, including electroplating; and the manufacturing of small parts only such as coils, capacitors, transformers, crystal holders and the like								X	X	X	X	X	X	
Athletic fields, recreational buildings, playgrounds, no commercial gain, no automobile or motorcycle racing	X	X	X	X	X	X	X	X	X	X	X	X	X	
Auditoriums, indoor theaters, assembly halls														
Automobile accessories sales									X	X	X	X	X	
Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, and similar uses								X	X	X	X	X	X	
Automobile repair shops including body and fender work conducted within a completely enclosed building														See note 9.
Automobile sales, new and used									X		X	X	X	See note 9.
Automobile laundry									X		X	X	X	See note 9.
Automobile parking lots, commercial, may be for monetary gain							X	X	X	X	X	X	X	

Permitted Uses	R-20	R-15	R-10	R-10M	R-8	R-6	O-1	C-1	C-2	C-3	C-4	M-1	M-2	Special Requirements
Automobile parking lots serving uses permitted in district in which lot is located	X	X	X	X	X	X	X	X	X	X	X	X	X	See note 10.
Automobile parking lots, serving uses in another district							X	X	X	X	X	X	X	
Automobile service station, not including outside storage of used, wrecked, inoperable or dismantled automobiles								X	X	X	X	X	X	See note 3.
Bakeries selling at retail products produced on premises								X	X	X	X	X	X	
Banks, savings and loan and similar financial institutions							X	X	X	X	X	X	X	
Bed and breakfast inns	X	X	X	X	X	X	X	X	X	X	X	X	X	See note 21.
Bicycle and motorbike sales and repair								X	X	X	X	X	X	
Blacksmith and horseshoeing shop									X	X	X	X	X	
Book and stationary stores								X	X	X	X	X	X	
Broadcasting studios, radio, TV								X	X	X	X	X	X	
Boardinghouse, roominghouse					X	X	X	X	X	X	X	X	X	
Carpet, rug, bag [rag] cleaning establishments								X	X	X	X	X	X	
Catering establishments								X	X	X	X	X	X	
Cemetery or mausoleum	X	X	X	X	X	X	X	X	X	X	X	X	X	See note 11.
Churches, synagogues, temples, and other places of worship, rectories, Sunday schools	X	X	X	X	X	X	X	X	X	X	X	X	X	
Cleaners and dyers								X	X	X	X	X	X	See note 4.
Cleaners, self-service								X	X	X	X	X	X	See note 4.
Clothing sales								X	X	X	X	X	X	
Clubs, lodges, community buildings, public or private nonprofit	X	X	X	X	X	X	X	X	X	X	X	X	X	See note 12.
Coal, coke, wood lots												X	X	
Colleges, universities, including fraternity, sorority houses, dormitories, and incidental uses when on the same unit of property							X	X	X	X	X	X	X	
Compartmentalized storage for individual storage of residential and commercial goods								X	X			X	X	
Construction storage yards, lumberyards												X	X	
Correctional, penal institutions, jails											X	X	X	
Day care accessory use, child	X	X	X	X	X	X	X	X	X	X	X	X	X	See note 20.
Day care, adult as a home occupation (for not more than 5 persons)			X	X	X	X	X	X	X	X	X	X	X	See note 2.
Day care, child (small home)	X	X	X	X	X	X								See note 20.
Day care, child (large home)				X	X	X	X	X						See note 20.

Permitted Uses

	R-20	R-15	R-10	R-10M	R-8	R-6	O-I	C-1	C-2	C-3	C-4	M-1	M-2	Special Requirements
Day care center, child								X	X	X		X	X	See note 20.
Day care facility, adult, (for six or more persons)								X	X	X		X		
Drive-in restaurants								X	X	X		X		
Drive-in theaters								X	X	X		X		
Dwellings, single-family detached	X	X	X	X	X	X	X						X	
Dwellings, single-family attached, two-family, and multifamily including townhouses, patio homes and other styles					X	X	X				X		X	See note 18.
Dwellings for caretaker or domestic employee on premises where employed	X	X	X	X	X	X	X				X			See notes 13 and 18.
Electrical shops														See note 14.
Exhibition buildings, galleries or showrooms								X	X	X		X	X	
Facilities within a physician's or dentist's office building or within a convalescent home or hospital, not to exceed 50 percent of the ground floor area of such office or building, for the dispensing, and sale, on and within the premises, of prescription medicines and medical appliances customarily prescribed by licensed physicians and dentists and dispensed upon such prescription by licensed pharmacists under the laws of the state							X							
Family care home	X	X	X	X	X	X								
Fairgrounds, carousels, roller coaster, Ferris wheels, super slides and the like of a permanent nature								X						
Fences and walls												X	X	
Flammable liquids or gases, bulk storage in quantities less than 100,000 gallons	X	X	X	X	X	X	X	X	X	X		X	X	
Flea markets, open air sales not incidental to the operation of an otherwise permitted use, farmers' markets, antique fairs, craft fairs, used or new merchandise promotion								X				X	X	
Flower, plant sales, not enclosed														
Foundry casting, lightweight, nonferrous metal not causing noxious fumes, noise or odors							X	X	X	X		X	X	
Frozen food lockers												X	X	
Funeral homes								X						
Furniture, retail sales							X	X				X	X	
Golf courses, except par three or miniature courses	X	X	X	X	X	X	X	X	X	X		X		
Golf courses, par three or miniature courses													X	
								X				X	X	

Permitted Uses	R-20	R-15	R-10	R-10M	R-8	R-6	O-1	C-1	C-2	C-3	C-4	M-1	M-2	Special Requirements
Storage, outdoor, not including junkyards or storage of petroleum products in quantities over 100,000 gallons, not otherwise listed herein									X			X	X	See note 6.
Stores or shops, retail, but not automobile sales or repair and not otherwise listed herein								X	X	X	X	X	X	
Telephone exchanges, radio and television towers, cell towers									X	X	X	X	X	See note 17
Temporary buildings incidental to a construction project, a temporary permit for which has been issued concurrent with the permit for the permanent building(s) or construction	X	X	X	X	X	X	X	X	X	X	X	X	X	
Temporary events, uses and structures including but not limited to: circuses, carnivals, fairs, rides, sideshows, open air exhibits, musicals, dramas, religious events, stage shows, art and craft shows, sales and displays, all of a nonpermanent nature, whether held in conjunction with permanent or temporary buildings, in the open air or any combination thereof								X	X	X	X	X	X	See note 8.
Tobacco processing and storage												X	X	
Tourist homes							X	X						
Transportation terminals, freight									X			X	X	
Transportation terminals, passengers									X	X	X	X	X	
Travel trailer parks									X	X	X	X		
Upholstery, paper hanging, and decorator shops									X	X	X	X		
Veterinary establishments									X	X	X	X	X	
Wholesale establishments									X	X	X	X	X	
Warehouses, sales or service									X			X	X	
Woodworking shops												X	X	

(Ord. of 11-18-96, § II; Ord. of 9-20-05, § 1; Ord. of 5-19-08, § 1)

MOTION TO REZONE INCLUDING NCGS 160D-604(d); -605(a); -701 LANGUAGE

I move to rezone the property from _____ to _____
for the following reasons:

Further, I move that the City Council find that this rezoning is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

MOTION TO DENY INCLUDING NCGS 160D-604(d); -605(a); -701 LANGUAGE

I move to deny the rezoning of the property from _____ to _____
_____ for the following reasons:

Further, I move that the City Council find that this rezoning is unreasonable and not in the public interest due to its inconsistency with the comprehensive plan and, as a result, is a hindrance to the goals and objectives of the comprehensive plan.