



Legislation Details (With Text)

File #: 18-658 **Version:** 1 **Name:** P19-02F. Rezoning a portion of property from Community Commercial (CC) to Mixed Residential (MR-5)

Type: Consent **Status:** Agenda Ready

File created: 2/7/2019 **In control:** City Council Regular Meeting

On agenda: 2/25/2019 **Final action:**

Title: P19-02F. Rezoning a portion of property from Community Commercial (CC) to Mixed Residential (MR-5), located at 322 E. Russell Street (Tax Map # 0437-72-5633), near the intersection of E. Russell and Alexander streets, containing 0.118 +/- acres of 0.44 acres and being the property of J. Duane Gilliam, Jr.

Sponsors:

Indexes:

Code sections:

Attachments: , , , , , , ,

Date	Ver.	Action By	Action	Result
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TO: Mayor and Members of City Council

THRU: Kristoff Bauer, Deputy City Manager
Gerald Newton, AICP - Development Services Director
Taurus Freeman - Planning & Zoning Divisional Manager

FROM: Craig Harmon, AICP, CZO - Senior Planner

DATE: February 25, 2019

RE:
P19-02F. Rezoning a portion of property from Community Commercial (CC) to Mixed Residential (MR-5), located at 322 E. Russell Street (Tax Map # 0437-72-5633), near the intersection of E. Russell and Alexander streets, containing 0.118 +/- acres of 0.44 acres and being the property of J. Duane Gilliam, Jr.

COUNCIL DISTRICT(S):
2 - Dan Culliton

Relationship To Strategic Plan:

2024 Goals, Goal II: Diverse and Viable Economy is achieved through the expansion of an existing local business and the redevelopment of a vacant commercial property.

Executive Summary:

This property is currently vacant, with some miscellaneous materials being stored there. The owner

is requesting to rezone a portion of this commercially zoned (CC) property to allow residential development.

Background:

This proposal would rezone a 0.118 section of a commercially zoned property to Mixed Residential (MR-5).

Applicant: J. Duane Gilliam, Jr.
Owner: J. Duane Gilliam, Jr.
Requested Action: CC to MR-5
Property Address: 322 Russell Street
Council District: 2
Status of Property: Vacant
Size: 0.118 of 0.44 +/- acres
Adjoining Land Use & Zoning:
North: CC - Vacant Commercial and E. Russell St.
South: MR-5 - Residential
West: MR-5 - Residential
East: HI - Vacant
Traffic Count: Russell Street - AADT 7,300
Letters Mailed: 28

2010 Land Use Plan: Downtown

This plan contains some recommendations which are broad concepts applicable to all development in Cumberland County. Developers are allowed some flexibility in selection of the type and location of development they wish to complete.

Issues/Analysis:

The property subject to this rezoning is located at the southwestern intersection of Russell Street and Alexander Street. Russell Street is identified as a Major road and Alexander Street is listed as a minor collector.

Currently, there are single-family residential homes located to the south and west of this rezoning. To the west of this property is a residentially zoned area that is undeveloped. To the north and east the properties are zoned and used commercially.

The parcels adjacent to the intersection are zoned Community Commercial (CC). Located to the north of this property is a uniform supply store, and Cumberland County Veterans Services. The property to the east is a vacant commercial lot and the Salvation Army. To the west of the property is a garden supply store and an auto repair business. Immediately adjacent to this property to the south is a small area of residential housing.

If rezoned, a perimeter buffer separating this rezoning from the remaining commercial portion of this property will have to be put in place when a business is built. An opaque Type D buffer is required and shall be located along the outer perimeter of the parcels under development and shall extend to the parcel boundary line. The opaque screen shall function as a screen from the ground to a height of at least six feet. This type of buffer prevents visual contact between uses and creates a strong impression of total separation.

Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within

one of a number of base zoning districts. Land may be reclassified to one of a number of comparable zoning districts in accordance with Section 30-2.C.

Map Amendment/Straight Rezoning:

The applicant is requesting to rezone the subject property from Community Commercial to Mixed Residential 5 Zoning for the purpose of converting this property for future residential uses.

The intent of the Mixed Residential 5 District is to “accommodate the diverse housing needs of City residents by accommodating a wide variety of residential housing types and arrangements at moderate to high densities, including single-family detached dwellings, two- to four-family dwellings, multi-family dwellings, and other residential development that may include single-family attached dwellings, and zero lot line development subject to the requirements of this Ordinance.”

The reclassification of land to a straight zoning district allows all of the residential uses that are shown on the attached Use Table taken from the UDO. The City Council may not consider conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations that are applicable.

Land Use Plan Analysis:

These properties are subject to 2010 Land Use Plan and the Downtown Renaissance Plan Update. According to the 2010 Land Use Plan, the recommended use for this parcel is Downtown. The plan calls for the Downtown area to accommodate a mix of uses, from residential to industrial. In the Downtown Renaissance Plan Update this property is located in focus area number 7 - Russell Street Design. This plan calls for improving the appearance and pedestrian attractiveness of roadways which can be a potent force in supporting residential and mixed-use development. But since Russell Street is a major opportunity site, this project would envision and help create a wide range of corridor improvements - further spurring the revitalization of Russell Street.

The Zoning Commission and Planning Staff recommend APPROVAL of the map amendment to MR-5 based on the following:

- This proposed zoning map amendment implements the policies adopted in the Unified Development Ordinance, 2010 Land Use Plan and the Downtown Renaissance Plan Update. This district type is intended to accommodate the diverse housing needs of City residents by accommodating a wide variety of residential housing types;
- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property;
- This proposed change is in accordance with the existing and proposed plans for the area; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Budget Impact:

There is not an immediate budgetary or economic impact this rezoning.

Options:

1. Approval of the map amendment/rezoning to MR-5 as presented by the Planning staff (recommended).
2. Approval of a more restrictive map amendment/rezoning.
3. Deny the request.

Recommended Action:

The Zoning Commission and City staff recommend that the City Council move to APPROVE of the rezoning to MR-5 - Mixed Residential 5 Zoning District, as presented by the staff and based on the information provided above. The Amendment is consistent with applicable plans because: 1) the City's Unified Development Ordinance, 2010 Land Use Plan and the Downtown Renaissance Plan Update all support residential development in this area and 2) that the uses near this property are other residential uses which are compatible with the proposed zoning and 3) the proposed zoning is reasonable and in the public interest because the proposed zoning does fit with the character of most of the development in this area. This proposed amendment is consistent with the 2010 Future Land Use Plan because the subject property is shown as a Downtown use classification and the proposed zoning and use is consistent with that classification.

Attachments:

1. Aerial Notification Map
2. Zoning Map
3. Land Use Plan Map
4. Map Amendment Application
5. Site Survey
6. Subject Property
7. Surrounding Properties
8. UDO Landscaping/Buffering Standards