



Legislation Text

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File #: 18-534, Version: 1

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**TO:** Mayor and Members of City Council

**THRU:** Kristoff T. Bauer, Deputy City Manager

**FROM:** Sharon D. Williams, AICP - Senior Planner  
Gerald A. Newton, AICP - Development Services Director

**DATE:** December 10, 2018

**RE:**  
To rezone 9.09 acres of property from CD - Conservation District to AR - Agricultural Residential, located to the West of 3425 Amour Road (Tax Map # 9485-61-0037) near the intersections of Amour Drive and Thomas Wood Drive, containing 38.06+/- acres and being the property of Clyde T. Wood, Jr.

**COUNCIL DISTRICT(S):**  
6 - William Crisp

**Relationship To Strategic Plan:**

2024 Goals, Goal IV: A Desirable Place to Live, Work and Recreate. Objective B: To provide for a clean and beautiful community with increased green spaces.

**Executive Summary:**

The property is located on the western side of Stoney Point Road and one-half mile to the south of Barefoot Road near the Cumberland County line. The property is dual zoned Conservation District (CD) and Agricultural Residential (AR). The owner seeks to move the CD boundary to follow the contours of the onsite wetlands. If approved, 9.09+/- acres would be rezoned from CD to AR.

**Background:**

This property is currently vacant and contains 38.06+/- acres that are split zoned. The southern portion of the property contains 19.19+/- acres zoned Agricultural Residential (AR) and the northern portion of the parcel contains 18.87+/- acres zoned Conservation (CD).

The owner intends to develop the property as a 31-lot subdivision to be known as Westhaven Section 3. The new section will tie into Westhaven Section 2, near Lot 18, at the intersection of Amour Drive and Thomas Wood Drive.

On October 3, 2018, the applicant met with the City's Technical Review Committee (TRC) to discuss the preliminary site plan. At that meeting, the Chief Zoning Administrator informed the developer that

several of the proposed lots would need to be eliminated, as they did not meet the minimum lot area requirement of two-acres in the CD zoning district.

The purposes of the CD zoning district is to preserve and protect identifiable natural resources. While there are wetlands on the site, the CD boundary does not follow the lines of the environmentally sensitive areas. It was the recommendation of the Chief Zoning Administrator that the developer submit a Zoning Map Amendment to rezone the CD zoning district to follow the contours of the wetlands.

Applicant: Jimmy Kizer, Jr., P.E.

Owner: Clyde T. Wood, Jr.

Requested Action: Rezone 9.09 acres from CD to AR

Property Address: Vacant (Westward of 3425 Amour Dr)

Council District: 6

Status of Property: Vacant (31-lot subdivision proposed)

Size: 38.06 acres +/-

Adjoining Land Use & Zoning:

North: AR and CD - Residential and Vacant

South: AR - Residential and Vacant

West: AR and Open Space - Vacant and Residential subdivisions in Cumberland County

East: AR - Residential and Vacant

Letters Mailed: 12

### **2010 Cumberland County Land Use Plan: Low-Density Residential and Open Space**

1. The CD-Conservancy District is designed to protect and preserve open space areas along water courses. The owner intends to have 34% of the property designated as open space dedicate to the homeowners.
2. The Plan recommends preserving and protecting existing vegetation, natural areas and natural resources. The proposed CD boundary follows the natural contours of the wetlands and is drawn to protect environmentally sensitive area.
3. The overall goal of single-family development is to provide an array of adequate, low cost single-family housing and quality residential areas that meet the needs and desires of County residents; and provide, protect, and preserve as much open space, green areas, and natural areas as possible.
4. The Plan recommends that all single-family development provide recreation/open space areas for their residents.

### **Issues/Analysis:**

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.1.

### **Map Amendment/Rezoning:**

The applicant is requesting to rezone 9.09+/- acres from Conservation (CD) to Agricultural Residential (AR).

The Conservation District (CD) is established and intends to preserve and protect identifiable natural

resources from urban encroachment-i.e., to preserve water - courses and protect them from erosion and sedimentation; retain open spaces and greenways and protect their environmentally-sensitive character; preserve wildlife and plant life habitats and protect them from the intrusions of urbanization; provide air and noise buffers to ameliorate the effects of development; and preserve and maintain the aesthetic qualities and appearance of the community.

The Agricultural-Residential (AR) District is established and intends to accommodate rural uses, including agricultural uses, uses that complement or support agricultural uses, and very low-density residential uses. It encourages residential development that preserves farmland and other open space through flexibly-designed conservation subdivisions.

When the CD zoning district was created, it followed the general pattern of environmentally sensitive areas (wetlands, floodplains, hydraulic soils, etc.). However, a survey was not completed to definitely map those areas; thus rendering some open space areas on parcels as undevelopable.

The subject property is split zoned with approximately 18.87+/- acres in the Conservation District. However, only 9.78+/- acres are encumbered with wetlands. The preliminary development plan for Westhaven Section 3, depicts the CD boundary extending across seven (7) proposed lots and a stormwater basin. Yet, the wetlands do not extend into this area.

Zoning District	Acreage pre-Rezoning	Acreage post-Rezoning
Conservation District (CD)	18.87 acres	9.78 acres
Agricultural-Residential (AR)	19.19 acres	28.28 acres

At the recommendation of Staff, the developer has submitted a map amendment to reduce the CD boundary; thereby, establishing a boundary which follows the contours of the wetlands. The US Army Corp of Engineers has reviewed the request and stated the delineated wetland boundary appears to be very accurate when compared to LiDAR data. Therefore, they would not object to the request to realign the conservation boundary.

**Budget Impact:**

There is not an immediate budgetary impact, however there is an economic impact to this rezoning. As homes are built, the City can expect to receive additional funds from Ad Valorem taxes; building and trade permits; and Powell Bill revenue.

**Options:**

1. Approval of the map amendment/rezoning as presented by the Planning Staff (recommended).
2. Deny the request.

**Recommended Action:**

The Planning Staff and Zoning Commission recommends that the City Council move for APPROVAL

of the requested rezoning of 9.09± acres from Conservation (CD) to Agricultural Residential (AR). The proposed map amendment establishes a Conservation District based on actual site conditions.

**Attachments:**

Zoning Map

Current Land Use Map

Land Use Plan Map

Application

Preliminary Subdivision Plat

Site Photo

Adjacent Property Photo