



Legislation Text

File #: 22-2935, Version: 1

TO: Mayor and Members of City Council

THRU: Telly C. Whitfield, Ph.D. - Assistant City Manger
Dr. Gerald Newton, AICP - Development Services Director
Jennifer C. Baptiste - Planning & Zoning Manager

FROM: Heather Eckhardt, CZO - Planner II

DATE: September 26, 2022

RE:
P22-30. Rezoning from Mixed Residential 5 (MR-5) to Limited Commercial (LC) of 5.91 acres ± located to the north of Raeford Road and east of Clifdale Road (REID 9476879366000), being the property of Robert Gregory Family LLLP, represented by Charles Morris.

COUNCIL DISTRICT(S):
8 - Courtney Banks-McLaughlin

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2026

Goal II: Responsive City Government Supporting a Diverse and Viable Economy

- Objective 2.1 - To ensure a diverse City tax base
- Objective 2.4 - To sustain a favorable development climate to encourage business growth.

Goal III: City invested in Today and Tomorrow

Objective 3.2 - To manage the City's future growth and strategic land use

Executive Summary:

The applicant is seeking to rezone 5.91 acres ± of a 27.02 acre ± property from Mixed Residential 5 (MR-5) to Limited Commercial (LC). The entire parcel is currently undeveloped. The property is currently split zoned with LC along Raeford Road and MR-5 in the rear.

The LC zoning district is established and intended to accommodate a wider range of moderate-intensity general retail, business, and service uses that serve groups of neighborhoods.

The Zoning Commission held a legislative meeting on August 9, 2022. The Zoning Commission voted unanimously (5-0) to recommend approval of the proposed map amendment.

Background:

The property is located to the north of Raeford Road, east of Hoke Loop Road, and west of Cliffdale Road and is currently undeveloped.

Applicant: Charles Morris

Owner: Robert Gregory Family LLLP

Requested Action: MR-5 to LC

REID: 9476879366000

Council District: 8 - Courtney Banks-McLaughlin

Status of Property: Undeveloped

Size: 5.91 acres ± requested of total 27.02 acres

Adjoining Land Use & Zoning:

- North: SF-10 - Vacant & Single-Family Residential Subdivision
- South: AR, CC, and MR-5/CZ - Vacant & Utility Substation
- East: CC & OI - School & Automotive Repair Store
- West: MR-5 - Apartments

Letters Mailed: 31

Land Use Plans:

With the adoption of the 2040 Comprehensive Plan: Future Land Use Map & Plan on May 26, 2020, all properties within the city limits as well as properties identified as being in the Municipal Influence Area (MIA) are subject to this plan.

According to the Plan, it is recommended that this portion of the city should be developed as High Density Residential (HDR).

High Density Residential is best described as townhomes and apartments in 3-5 story buildings with some very small single-family lots possible. Typically, 5-16 dwellings per acre are encouraged with active, compact walkable neighborhoods adjacent to commercial centers.

According to the Plan, the parcels situated to the east of the subject property are recommended to be developed as Office/Institutional and Highway Commercial and have been developed in a manner that aligns with the Future Land Use Plan. The development of the subject property as moderate-intensity general retail, business, and service uses would match the development to the east and support the residential developments in the surrounding area.

Issues/Analysis:

History:

This site is currently vacant. The subject property is currently split zoned - Limited Commercial (LC) & Mixed Residential 5 (MR-5). In 2020, the southernmost 15 acres ± along Raeford Road were rezoned from Mixed Residential 5 (MR-5) to Limited Commercial (LC). In 2020, the 2010 Future Land Use Plan called for this area to be developed as a mixture of heavy to moderate commercial as well

as multi-family.

Surrounding Area:

The Highcroft Subdivision and Heathcliff at Westpoint Subdivision are located to the north of the subject property. Lake William Subdivision and West Cumberland Apartments (under construction) are located to the south of the subject property. Westpark Apartments and vacant land are located to the west. A school, utility substation, and various retail stores are located to the east of the subject property. There are also various undeveloped parcels surrounding the subject property.

Rezoning Request:

The applicant is requesting to rezone an area currently zoned Mixed Residential 5 (MR-5) to Limited Commercial (LC) which would allow the development of commercial, office and multi-family.

If the property is rezoned, any development on the site would be required to install a Type D (Opaque) buffer adjacent to any residentially zoned property. The Type D buffer is the heaviest buffer defined by the Unified Development Ordinance. This perimeter buffer functions as an opaque 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 many base zoning districts. Land may be reclassified to one of several comparable zoning districts in accordance with Section 30-2.C.

Straight Zoning:

The request is for a straight zoning from Mixed Residential 5 (MR-5) to Limited Commercial (LC).

The LC District is established and intended to accommodate a wider range of moderate-intensity general retail, business, and service uses that serve groups of neighborhoods instead of just an individual neighborhood-e.g., grocery stores, drugstores, large restaurants, gas stations, and higher order retail uses like specialty stores. The district is not intended to accommodate intensive commercial or other business uses. Residential uses are encouraged on the upper floors of nonresidential establishments. The district is subject to standards intended to ensure development is compatible with surrounding residential neighborhoods.

The proposed zoning district is contrary to the City's Future Land Use Plan. However, this rezoning would coincide with the commercial development to the east and be in harmony with the commercially zoned parcels along Raeford Road.

The reclassification of land to a straight zoning district allows all of the 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 applicable regulations.

Land Use Plan Analysis:

According to Future Land Use Map & Plan, this area is recommended to be developed as High Density Residential (HDR). High Density Residential is best described as townhomes and apartments in 3-5 story buildings with some very small single-family lots possible. Typically, developed with 5-16 dwellings per acre that support active, compact neighborhoods walkable to adjacent commercial centers. The proposed rezoning is contrary to the Future Land Use Plan and if approved, an amendment to the Future Land Use Plan will be required.

Consistency and Reasonableness Statements:

The Future Land Use Plan also sets forth written goals, policies, and strategies. This application looks to follow the City's strategic, compatible growth strategies by meeting the goals of the Land Use Plan found on the attached Consistency and Reasonableness form

Budget Impact:

There is not an immediate budgetary impact but there will be an economic impact associated with this rezoning that will occur due to taxes collected in the future.

Options:

1. Approval of the map amendment to LC (recommended);
2. Approval of the map amendment to a more restrictive zoning district; or
3. Deny the map amendment request.

Recommended Action:

The Professional Planning Staff and Zoning Commission recommends that the City Council move to APPROVE of the map amendment to LC based on the following:

- The proposed zoning map amendment implements the policies adopted in the Future Land Use Plan (FLUP), and those policies found in the Unified Development Ordinance (UDO). The Future Land Use Plan calls for the subject property to be developed as High Density Residential.
- The uses permitted by the proposed change in zoning district classification and standards apply to such use and will be appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property; and

There are no other factors that will substantially affect public health, safety, morals, or general welfare.

Attachments:

1. Plan Application
2. Aerial Notification map
3. Zoning Map
4. Land Use Plan Map
5. Subject Property
6. Surrounding Property Photos
7. Consistency and Reasonableness Statements