



## Legislation Text

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**File #:** 19-773, **Version:** 1

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

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

**FROM:** Jennifer C Baptiste, CFM - Senior Planner

**DATE:** May 28, 2019

**RE:**  
**P19-18F.** Rezoning of property from a split zoning of Neighborhood Commercial (NC) and Single-Family Residential (SF-6) to Neighborhood Commercial (NC), located at 1047 Southern Avenue, containing .68 acres ± and being the property of The Salvation Army, represented by Major Tim Grider and Susan Evans.

**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:**

The applicant, The Salvation Army, originally submitted a request to rezone the property, 1047 Southern Avenue, from its current split zoning of Neighborhood Commercial (NC) and Single-Family Residential (SF-6) to a single Limited Commercial (LC) zoning.

During the April 9, 2019 Zoning Commission meeting, Planning Staff recommended that the Zoning Commission deny the request to rezone to LC. Staff recommended that the Zoning Commission remove the split zoning on the property and rezone the property to a consistent NC zoning. The Commission recommended approval of the rezoning to NC by a vote of 4-0 with one abstention.

The applicant has since submitted a letter requesting to amend their initial application request. The applicant requested to change their rezoning request from a straight zoning of LC to a straight NC zoning and removing the SF-6 split zoning.

**Background:**

The property is located in the northeastern intersection of Southern Avenue and Garvin Street. The subject property is .68 acres ± with a brick 4,200 sq. ft. brick building. According to Cumberland

County online tax record information, the building was built in 1977 and has been used as a commercial site.

Applicant: Susan Evans  
Owner: The Salvation Army, Major Tim Grider  
Requested Action: Rezoning from NC/SF - 6 to NC  
Property Address: 1047 Southern Avenue  
Council District: 2  
Status of Property: Vacant commercial building  
Size: .68 acres +/-  
Adjoining Land Use & Zoning:  
North: SF-6 - Residential  
South: NC & SF-6 - Vacant & Residential  
West: NC - Vacant & Commercial  
East: SF-6 & HI - Residential & Industrial  
Traffic Count: 9,900 on Southern Avenue per day (2016).  
Letters Mailed: 27

**Massey Hill Community Redevelopment Plan:**

The Massey Hill Community Redevelopment Plan was prepared in 2003. The plan roughly covered the area bounded by Martin Luther King Jr. Freeway to the north, Blount's Creek to the west, S. Eastern Boulevard to the east, and Owen Drive to the south.

According to the plan, this area should be encouraged to develop as 1) a neighborhood commercial center for local service and convenience retail and 2) as a village green community node for public open space, educational uses, public facilities, and community heritage.

**Issues/Analysis:**

The subject property is located at the northeastern intersection of Southern Avenue and Garvin Street. Currently, there is a Salvation Army commercial building located on the parcel. According to Cumberland County online tax record information, the building was built in 1977 and is 4,200 sq. ft. This property has been used as a Salvation Army social service office in the past.

There is a mixture of zoning districts in the area. The adjacent parcels to the north are zoned Single-Family Residential (SF-6), to the south are Neighborhood Commercial (NC) and Single-Family Residential (SF-6), to the west is Neighborhood Commercial (NC), and to the east is Single-Family Residential (SF-6) and Heavy Industrial (HI). Land Use located to the north of the property include residential homes and Massey Hill Baptist Church. The properties to the south are either vacant or developed with residential homes. To the west of the property across Southern Avenue, are various commercial uses. A vacant parcel and a heavy industrial site are located to the east of this parcel.

This parcel is in the center of an established residential neighborhood that is supported by various neighborhood commercial developments. The commercial uses in the area include offices and small retail uses that are incidental to the area and do not detract from the area.

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

**Straight Zoning:**

The original request was for a straight zoning from the Neighborhood Commercial (NC)/Single Family Residential (SF-6) to Limited Commercial (LC). After discussions with the applicant, the rezoning request was changed to Neighborhood Commercial (NC) for the full parcel. Essentially, the portion of the property zoned residential is changed to NC, creating one zone for the parcel.

The purpose of the NC zoning district is to “accommodate small-scale, low-intensity, and convenience retail and service uses that provide goods and services serving the residents of the immediately surrounding neighborhood (e.g., personal service uses, small restaurants, and limited retail). Development in the district should not include uses of a size that is out of scale with a residential neighborhood, or that attracts traffic from outside the surrounding neighborhood.”

On April 9, 2019, the Zoning Commission conducted a Public Hearing regarding the case. Five individuals appeared in support of the application. The Zoning Commission made inquiry of all individuals wishing to speak. The first speaker was Mr. Gabriel Swinney. Mr. Swinney spoke in favor of the rezoning and how he felt it would benefit the community by providing jobs. The next two speakers, Ms. Susan Evans and Major Tim Grider, represented the Salvation Army and address the company’s desire to sell the property to another business as soon as possible. Both speakers also stated their willingness to have the property rezoned to a straight NC zoning district if the LC zoning district was not approved by the commission. The next speaker, Mr. Neil Grant, echoed the statements of the previous two speakers. The last signed speaker, Archbishop John Mine declined to speak.

After hearing from all parties wishing to speak, the Zoning Commission discussed the item and closed the public hearing. The Zoning Commission voted 4 to 0 in favor of the Neighborhood Commercial rezoning with one member abstaining.

**Budget Impact:**

There is not an immediate budgetary impact but there will be an economic impact associated with this rezoning that will occur over the next decade.

**Options:**

1. Approval of the map amendment/rezoning to NC (recommended)
2. Approval of the map amendment/rezoning to NC with added conditions.
3. Deny the rezoning request.

**Recommended Action:**

Planning Staff recommends APPROVAL of the amended application to Neighborhood Commercial. The Zoning Commission recommends APPROVAL of rezoning the parcel to a straight Neighborhood Commercial (NC) zoning and removing the split zoning aspect of Single-Family Residential (SF-6) would be more appropriate for the area.

**Attachments:**

1. Plan Review Application
2. Aerial Notification map
3. Zoning Map
4. Land Use Plan Map
5. Site Photos
6. Use Table