



## Legislation Details (With Text)

**File #:** 22-2901      **Version:** 1      **Name:** P22-35. Rezoning  
**Type:** Consent      **Status:** Agenda Ready  
**File created:** 8/12/2022      **In control:** City Council Regular Meeting  
**On agenda:** 9/26/2022      **Final action:**  
**Title:** P22-35. Rezoning from Single-Family Residential 6 (SF-6) to Mixed-Residential 5 (MR-5), located at the intersection of 712 Miller Avenue (REID # 0416681081000), containing 1.57 acres ± and being the property of Miller Apartment LLC and represented by R. Jonathan Charleston, Esq.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. P22-35 Complete Application, 2. P22-35 Notification Map, 3. P22-35 Zoning Map, 4. P22-35 Land Use Map, 5. Subject Property, 6. Surrounding Property, 7. Consistency and Reasonableness Statement

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

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

**FROM:** Craig M. Harmon, CZO - Senior Planner

**DATE:** September 26, 2022

**RE:**  
**P22-35.** Rezoning from Single-Family Residential 6 (SF-6) to Mixed-Residential 5 (MR-5), located at the intersection of 712 Miller Avenue (REID # 0416681081000), containing 1.57 acres ± and being the property of Miller Apartment LLC and represented by R. Jonathan Charleston, Esq.

**COUNCIL DISTRICT(S):**  
5 - Johnny Dawkins

### 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.
- Objective 3.3 - To sustain a favorable development and business climate through timely and accurate construction review and building inspection services

Goal IV: Desirable Place to Live, Work and Recreate

- Objective 4.3 - To improve mobility and connectivity through sidewalk, trail, and bike lane investments
- Objective 4.4 - To provide a clean and beautiful community with increased green spaces
- Objective 4.5 - To ensure a place for people to live in great neighborhoods

**Executive Summary:**

This property is currently split zoned Single-Family Residential 6 (SF-6) and Mixed-Residential 5 (MR-5). The owner is requesting a rezoning to unify the zoning to all Mixed-Residential 5 (MR-5). This property is already developed as The Greenwood Villa Quadplexes. There are six (6) existing buildings with 24 units all together. The surrounding properties are zoned a mix of Mixed-Residential 5 (MR-5), Single-Family Residential 6 (SF-6) and Single-Family Residential 10 (SF-10), with uses including, multi-family and single family residential.

The MR-5 zoning district is established and intended to meet the diverse housing needs of City residents by accommodating a wide variety of residential housing types.

On August 9, the Zoning Commission held a legislative hearing regarding this case. There was one speaker in favor and none in opposition. The Commission voted 5-0 to recommend approval.

**Background:**

The property is located on Miller Avenue, which runs parallel to Ireland Drive, just south of Raeford Road.

Applicant: R. Jonathan Charleston, Esq

Owner: Miller Apartments LLC

Requested Action: Rezoning from SF-6 to MR-5

Property Address: 712 Miller Avenue

Council District: 5

Status of Properties: Greenwood Villa Quadplexes

Size: 1.57 acres ± total acreage

Adjoining Land Use & Zoning:

- North: MR-5 - Greenwood Villa Quadplexes
- South: SF-6 & SF-10 - Single-Family Detached Residential

- East: SF-10 - Single-Family Detached Residential
- West: SF-10 - Single-Family Detached Residential

Traffic Count: No traffic count available for the streets in question.

Letters Mailed: 84

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 Medium Density Residential (MDR).

Medium Density Residential (MDR) is best described as primarily single-family residential neighborhoods with small lots (3-6 dwellings per acre). Duplex or townhomes interspersed; low-rise apartments possible. Mostly auto-oriented, but some walkable neighborhoods and destinations.

Additional Reviews:

A Technical Review Committee (TRC) was conducted with no significant comments given.

### **Issues/Analysis:**

History:

The property in question was built as a quadplex style apartment development in 2004.

Surrounding Area:

The property is located on Miller Avenue, which runs parallel to Ireland Drive, just south of Raeford Road. The surrounding properties are zoned a mix of Mixed-Residential 5 (MR-5), Single-Family Residential 6 (SF-6) and Single-Family Residential 10 (SF-10), with uses including, multi-family and single family residential.

Rezoning Request:

The applicant is requesting to rezone a portion of one lot currently zoned SF-6 and MR-5 to all MR-5, which would more closely fit with the existing development.

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 SF-6 to MR-5.

The MR-5 District is established and intended to meet 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. All development in the district shall comply with the design standards in Article 30-5: Development Standards. MR-5 districts may

also include centrally-located open space, complementary institutional uses (e.g., religious institutions, post offices, police sub-stations), day care facilities, and limited small-scale neighborhood-serving convenience retail uses (See 30-4.D. Accessory Uses).

The proposed zoning district is compatible with the area, as this district requires lots in keeping with most of the City's Future Land Use Plan. This rezoning would not present the issue of spot-zoning.

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.

The proposed zoning district is compatible with the area, as this district matches the City's Future Land Use Plan. There is a mix of mostly single-family detached, commercial, and some multi-family in the area.

### **Land Use Plan Analysis:**

According to Future Land Use Map & Plan, this area is recommended to be developed as Medium Density Residential (MDR). Medium Density Residential (MDR) is best described as primarily single-family residential neighborhoods with small lots (3-6 dwellings per acre). Duplex or townhomes interspersed; low-rise apartments possible. Mostly auto-oriented, but some walkable neighborhoods and destinations.

### **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 Statements 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. Recommend approval of the map amendment/rezoning to MR-5 (recommended);
2. Recommend approval of the map amendment/rezoning to a more restrictive zoning district; or
3. Recommend denial of the rezoning request.

### **Recommended Action:**

The Zoning Commission and Professional Planning Staff recommend APPROVAL of the map amendment to MR-5 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 Medium Density

Residential (MDR) which allows duplex, townhomes and low-rise apartments.

- 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