



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Planning &
Development

MEETING: Town Council July 9, 2024

SUBJECT: Conditional Zoning to consider a 2-unit PUD at 2 North Carolina Avenue to reduce the 15' separation requirement

Applicant: Michael Rose Properties, LLC

BACKGROUND:

Michael Rose Properties, LLC, has applied for a Conditional Zoning application for a Planned Unit Development project in the MF, Multi-Family Residential District, proposing two units. While Planned Unit Developments with four units or fewer are permitted by right, the applicant seeks to reduce the 15' separation requirement to 12.5', necessitating conditional zoning approval.

The Conditional Zoning District allows a particular use to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediately surrounding area and on the entire community which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, the review process provides for the accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions which ensure compatibility of the use with the use and enjoyment of neighboring properties.

All applications shall include a site plan and any development standards to be approved concurrently with the rezoning application. Development standards may include such things as parking, landscaping, design guidelines, and buffers. When evaluating an application for the creation of a conditional zoning district, the Planning & Zoning Commission shall consider the following:

1. The application's consistency to the general policies and objectives of the Town's CAMA Land Use Plan, any other officially adopted plan that is applicable, and the Zoning Ordinance.
2. The potential impacts and/or benefits on the surrounding area, adjoining properties.
3. The report of results from the public input meeting.

Prior to scheduling a public hearing on the rezoning application, the applicant shall conduct one (1) public input meeting and file a report of such results with the Zoning Administrator. In approving a petition for the reclassification of property to a conditional zoning district, the Planning and Zoning Commission may recommend that the applicant add reasonable and appropriate conditions to the approval of the petition. Any such conditions should relate to the relationship of the proposed use to the impact on the following:

1. Town services
2. Surrounding properties
3. Proposed support facilities such as parking areas and driveways
4. Pedestrian and vehicular circulation systems
5. Screening and buffer areas
6. Timing of development
7. Street and right-of-way improvements
8. Infrastructure improvements (i.e. water)
9. Provision of open space
10. Other matters that the participants in the public input meeting, staff, Planning and Zoning Commission, and the Town Council find appropriate, or the petitioner may propose

If the applicant does not agree with the Planning and Zoning Commission or staff's recommendations of additional conditions, the Town Council shall have the authority to accept none, any, or all of the conditions forwarded from the review process.

No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and applicable site plan, subdivision plat, and/or permit for the district.

Proposal:

The applicant is proposing to construct an additional home on the property at 2 North Carolina Avenue. The project will include 2 single family homes. The existing home is a 1 story cottage with 3 bedrooms that was built in 1964. The additional home would be 2-3 stories with 3 bedrooms. The purpose of the MF, Multi-Family Residential District is to provide for moderate to high-density single-family and multifamily residential uses and other compatible uses of varying types and designs. It functions as an alternative housing type near or in direct relationship to single-family detached housing while in harmony with and maintaining the integrity of the residential district.

Residential planned unit developments are conditional zoning uses intended to encourage innovation, flexibility of design, and better land use by allowing deviations from the standard requirements of the Town's specific zoning districts. 2-unit PUDs are permitted by right; however, the applicant proposes a departure from the minimum required setback. Any departure from the required setbacks for a planned unit development must be approved with conditional zoning.

The maximum lot coverage is 40%, which includes the footprint of the building, decks, and steps. The applicants proposed total lot coverage equals 1,973 square feet or 36.46%. Twenty five percent of the gross acreage of a residential planned unit development shall be permanent open space. The applicant is providing 2,527 square feet or 50.54%. The structures will not exceed the 50' height limit.

The applicant does not meet the minimum separation between structures because structures are defined as anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. The applicant proposes stairs and landings between the two buildings on site. The face of each building meets the 15' separation requirement, but the setback between the stairs is 12.5'. The ordinance states that setbacks may depart from the minimum requirement if there is a recommendation for approval by the Town's fire marshal and meet extra provisions as provided by the fire marshal. The departure from the required setback must be recommended for approval or denial by the Planning and Zoning Commission and formally approved by the Town Council.

The fire marshal recommends approval of the staircases in the 15' setback area if they are constructed with a non-combustible material. This addresses safety concerns associated with the proximity of structures and ensures compliance with fire safety.

Setbacks in the MF district are 10' (front), 10' (rear), and 7.5' (sides). HVAC and stairs are permitted to encroach in the minimum setbacks. The proposed structure meets all minimum setbacks for the district. The applicant is providing the minimum required 3 parking spaces per unit for a total of 6 parking spaces. No landscape buffer is required for a 2-unit PUD. The maximum density in the MF district is 17 units/acre. The total density allowed on this 5,000 square foot lot is 2 units. The driveway width at the property line may not exceed 36'.

Conditional Zoning Process:

As part of the application process a community meeting is required. The applicant held the required meeting on April 23, 2024. The applicant has provided summary comments from the meeting. Based off the comments from the meeting, the applicant can place conditions on the project to help mitigate the impacts and concerns from the neighboring properties.

Proposed Conditions:

1. All federal, state, and local ordinances shall be met.
2. Stairs and landing shall be constructed of non-combustible materials.

Recommendation:

Staff recommend approval of the project as proposed.

Planning and Zoning recommended unanimous approval.

Land Use Plan:

The project is in general conformity with the 2020 Land Use Plan for Medium Density Residential. Mostly medium-sized lots (min. 5,000 sq ft) with primarily single-family detached residences.

ACTION REQUESTED:

Consider recommending approval or denial of a conditional zoning for a 2-unit PUD at 2 North Carolina Avenue.

MOTION:

Approval – whereas in accordance with provisions of the NCGS, the Council does hereby find and determine that the adoption of the Conditional Use District to allow for a 2-unit PUD located at 2 North Carolina Avenue is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

Denial – based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range plans and the potential impacts on the surrounding areas.