



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Planning &
Development

MEETING: Town Council – December 13th, 2022

SUBJECT: **Conditional Zoning** to consider a Planned Unit Development consisting of 22 townhome units located at 205 and 211 Spartanburg Avenue in the Residential (R-1) zoning district.
Applicant: WB Coastal Development LLC

BACKGROUND:

The applicant, WB Coastal Development LLC, applied for a Conditional Zoning application for a Planned Unit Development project in the Residential R-1 District. The proposal includes 22 townhome units. Planned Unit Developments greater than 4 units are allowed through the approval of a conditional zoning district in the R-1 District.

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, Council 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 the results with the Zoning Administrator. In approving a petition for the reclassification of property to a conditional zoning district, the Planning & 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 details:

1. Town services
2. Surrounding property
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 & Zoning Commission, and Town Council find appropriate or the petitioner may propose

If the applicant does not agree with the Planning & 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 22 townhomes located on the properties at 205 and 211 Spartanburg Avenue. The project will include 10 two-unit buildings and 2 single-family buildings with 3-4 bedrooms each. There is currently one single-family home on the entirety of the property to be demolished. The purpose of the Residential (R-1) district is to provide for moderate-density, single-family and two-family residential use. The regulations of this district are intended to discourage any use which, because of its character, would not be in harmony with the residential community and which would be detrimental to the residential quality and value of this 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. Attachment 1 details the specific review

criteria for planned unit developments. The purpose of providing for these conditional zoning uses is to promote:

- (1) Improved compatibility of new development with existing residential neighborhoods, commercial enterprises, and industrial uses;
- (2) Flexibility of design to take greatest advantage of a site's natural and developmental qualities;
- (3) Accumulation of large areas of usable permanent open space to preserve important natural resources; and
- (4) Efficient use of land that may result in lower development and public service costs.

Maximum lot coverage is 40%, which includes the footprint of the building, decks, and steps. The applicant's proposed total lot coverage equals 19,235 square feet or 31%. Twenty-five percent of the gross acreage of a residential planned unit development shall be permanent open space. The applicant is providing 34,060 square feet or 54.5%. The structures will not exceed the 50' height limit. The applicant meets the minimum separation between on-site structures of fifteen feet. Cantilevers and HVAC units are permitted to encroach within the required setback. Setbacks in the R-1 district are 20' (front), 10' (rear), 7.5' (sides). The applicant is requesting a 10-foot front setback from Greenville Ave, Second St, and Spartanburg Avenue. A setback of ten feet, shall be the minimum allowed for a planned unit development. A written request must be made and submitted (attachment 2) along with the application for a conditional zoning for a departure from the standard district regulations and must be recommended for approval or denial by the Planning and Zoning Commission and formally approved or denied by Town Council.

The applicant is providing the required 3 parking spaces per unit for a total of 66 parking spaces. The applicant is providing the required Type B 10' Landscape Buffer. Existing trees to be maintained have not been identified on the landscaping plan. Maximum density in the R-1 district for Single-family/two-family is 15 units/acre. The combined square footage of the 2 properties is 1.43 acres (62,500 square feet) equaling a maximum of 22 units. A pool, pool house with bathrooms, pickleball court, and walking trail are also proposed on the site. The units fronting Second Street will have an interior drive aisle with a minimum of 24' for two-way traffic to access the units without disturbing the existing stormwater ditch. Per the attached letter (attachment 3), the Town's Stormwater Department has requested that the ditch remain open for volume capacity, ability to control velocity flow, and filtration to prevent pollution and sedimentation flow into the Lake Park stormwater retention pond.

Conditional Zoning Process

As part of the application process a community meeting is required. The applicant held the required meeting on September 6, 2022. 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.

Staff Proposed Conditions

1. All stormwater must meet state standards for containment on site
2. Utilities must be installed in accordance with Town requirements
3. Install new fire hydrant on the corner of Spartanburg Avenue and 2nd Street
4. Recombination plat required prior to issuance of a building permit
5. Outdoor lighting not to disturb neighboring properties
6. Type B Landscape buffer required
7. 2-year expiration date from TC approval

Applicant Proposed Conditions

1. Add sidewalks on Spartanburg Ave and Greenville Ave
2. Screening of existing stormwater pump on 2nd Street

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. Smaller-scale, attached residences (two-family homes and townhomes) allowed occasionally if contextually compatible.

ACTION REQUESTED:

Consider recommending approval or denial of a conditional zoning to approve a multifamily project consisting of 22 townhome units located at 205 and 211 Spartanburg Avenue.

Staff recommends approval of the project with the proposed conditions.

P&Z recommends approval with the additional condition of a 2" waterline installed along Spartanburg Avenue to eliminate multiple cuts to the street. Staff believes that this will be satisfied under the proposed condition that utilities must be installed in accordance with Town requirements.

MOTION:

Approval - whereas in accordance with the provisions of the NCGS, the Council does hereby find and determine that the adoption of the Conditional Use District to allow for a multifamily project consisting of 22 townhome units located at 205 and 211 Spartanburg 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 planning documents and the potential impacts on the surrounding areas.

REFERENCE ATTACHMENTS:

ATTACHMENT 1: Sec. 40-354. – Planned Unit Development Review Criteria

ATTACHMENT 2: Reduced setback request

ATTACHMENT 3: Stormwater ditch letter

SUPPLEMENTAL ATTACHMENTS:

Site Plans

Application

Public Meeting Mailing List

Public Meeting Minutes

Elevations & Floor Plans

Draft Grant Order