



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Jeremy Hardison, Planning &  
Development Director

**DEPARTMENT:** Planning

**MEETING:** Planning and Zoning – 12 AUG 2021

**SUBJECT:** Consider amending the Land Use Plan & Article IX to allow standalone residential buildings within a Mixed Use commercial-residential development and the Mixed use classification. Applicant: Cape Fear four, LLC

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### **BACKGROUND:**

The applicant Cape Fear Four, LLC would like to amend the ordinance to allow for standalone residential structures for Commercial-Residential Mixed Use. As part of the text amendment process the amendment would need to be consistent with the Land Use Plan(LUP). If the Commission voted to change the Ordinance, it would also change the LUP policy.

Commercial-Residential Mixed Use Buildings are allowed in the Highway Business (HB) and Central Business Districts (CBD). Commercial-Residential Mixed Use allows for mixed use buildings, but not for mixed use developments with standalone residential buildings. The ordinance requires residential on upper floors and commercial on the ground or first habitable floor for all buildings. The proposed amendment would allow for a 10 acre or greater lot to have stand-alone residential buildings. To protect the commercial corridor any standalone residential building shall not be located any closer than three times the setback distance to a major thoroughfare (Lake Park and Dow). The amendment also includes a minimum of 1,500 square feet per acre of commercial uses (see proposed amendment). The Highway Business requires a minimum front setback of 30'. The applicant would like to apply the proposed amendment to a project in the HB district. Their proposal would combine two parcels to equal the 10-acre requirement. Only one lot in the HB and CBD that is close or over 10 acres and that is the Publix property.

The Landuse Plan states that this area is classification as Higher density area with a mix of uses, within the district and individual buildings. Residential uses are allowed only on upper stories. The LUP amendment would add a sentence that stated unless associated with a mixed commercial-residential use on a 10 acre or greater lot.

### **ACTION REQUESTED:**

Consider the amendment and make a motion for recommendation.

**RECOMMENDED MOTION:**

Approval - whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of the following ordinance amendment to Chapter 40 Article XII Section 40-354 Review Criteria, to update standards related to Major and Minor PUD applications is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Or - A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.

Denial - based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents.