



## AGENDA ITEM COVERSHEET

---

**PREPARED BY:** Gloria Abbotts, Sr Planner

**DEPARTMENT:** Planning &  
Development

**MEETING:** Town Council – 11 January 2022

**SUBJECT:** Conditional Zoning to consider a multifamily project consisting of 9 townhome units located at 406, 408, & 410 Canal Dr in the Tourist (T-1) zoning district.  
Applicant: Tank Construction Supplies LLC

---

### **BACKGROUND:**

The applicant, Tank Construction Supplies LLC, applied for a Conditional Zoning application for a multifamily project in the Tourist District. The proposal includes 9 townhome units. Multifamily dwellings greater than 4 units are allowed through the approval of a conditional zoning district in the Tourist 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 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, Town 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 a file a report of the results with the Zoning Administrator. In approving a petition for the reclassification of property to a conditional zoning district, Town Council 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 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 a multifamily structure consisting of 9 townhome units located on the vacant properties at 406, 408, 410 Canal Drive. The purpose of the Tourist (T-1) district is to provide land for the Town's tourist industry, and as a complimentary district to the Central Business District. The primary land uses intended for this zoning district are moderate-to high-density residential development, as well as hotels, motels, and restaurants.

Maximum lot coverage is 40%, which includes the footprint of the building, decks, and steps. The applicant's proposed total lot coverage equals 6,800 square feet to meet 40% lot coverage. The structures will not exceed the 50' height limit. Setbacks in the T-1 district are 20' (front), 10' (rear), 7.5' (sides). The applicant is meeting all minimum setback requirements. The applicant is providing the required 3 parking spaces per unit for a total of 27 parking spaces. The applicant is providing the required Type B 10' Landscape buffer. Maximum density in the T-1 district for

Single/Multi-family is 29 units/acre. The combined square footage of the 3 properties is 17,000 square feet, equaling a maximum of 12 units. The applicant is proposing 9 townhome units.

### **Conditional Zoning Process**

As part of the application process a community meeting is required. The applicant held the required meeting on October 29, 2021. 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. The main concern from the community meeting was stormwater. The following condition was proposed by the applicant:

1. The project includes an on-site stormwater control system per Town Stormwater Ordinance.

### **Land Use Plan**

The project is in general conformity with the 2020 Land Use Plan for higher density residential/light commercial in this area.

### **ACTION REQUESTED:**

Consider recommending approval or denial of a conditional zoning to approve a multifamily project consisting of 9 townhome units located at 406, 408, & 410 Canal Drive.

Staff recommends approval. P&Z recommend unanimous approval of the project, including the conditions proposed by TRC and proposed by the applicant:

1. Utilities must be installed in accordance with Town requirements.
2. All relevant requirements of the fire code must be met i.e. installation of fire hydrants, sprinklers.
3. The project includes an on-site stormwater control system per Town Stormwater Ordinance.

### **RECOMMENDED MOTION:**

Approval – whereas in accordance with the provisions of the NCGS, Town Council does hereby find and determine that the adoption of the Conditional Use District to allow for a multifamily project consisting of 9 townhome units located at 406, 408, & 410 Canal Drive 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.