



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 8 townhome units located at 905 Basin Rd in the Marina Business (MB-1) zoning district.
Applicant: Laurel Companies LLC

BACKGROUND:

The applicant, Laurel Companies LLC, applied for a Conditional Zoning application for a multifamily project in the Marina Business District. The proposal includes 8 townhome units. Multifamily dwellings greater than 4 units are allowed through the approval of a conditional zoning district in the Marina Business 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 redevelop the existing manufactured home park located at 905 Basin Rd with a multifamily project consisting of 8 townhome units. The purpose of the Marina Business (MB-1) district is to reserve areas along the water's edge for maritime uses, water dependent uses, and water-oriented uses. The district also provides for certain residential and non-water dependent uses.

Maximum lot coverage is 40%, which includes the footprint of the buildings, decks, and steps. The total square footage of the lot is 21,895. The applicant's proposed total lot coverage is 6,680 square feet for a total of 30.51%. The structures will not exceed the 50' height limit. Setbacks in the MB-1 district are 30' (front), and 10' (sides and rear). This lot is considered double frontage, and the applicant shall meet the 30' front setback requirement from both rights-of-way on Basin Rd and St. Joseph St. The applicant is meeting all setback requirements. The applicant is providing the required Type B 10' Landscape Buffer. The applicant is providing

the required 3 parking spaces per unit for a total of 24 parking spaces. The Town recently acquired a grant for a Multi-Use Path on St. Joseph St.

Conditional Zoning Process

As part of the application process a community meeting required. The applicant held the required meeting on October 22, 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 because this area supports Mixed Uses of Commercial and Residential.

ACTION REQUESTED:

Consider recommending approval or denial of a conditional zoning to approve a multifamily project consisting of 8 townhome units located at 905 Basin Road.

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, the Commission does hereby find and determine that the adoption of the Conditional Use District to allow for a multifamily project consisting of 8 townhome units located at 905 Basin Rd. 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.