

PETITION FOR A ZONING MAP AMENDMENT

1. Please state the consistency of the proposed zoning map amendment with the Town's Land Use Plan and any other applicable Town-adopted plan(s).

On September 8th, 2020, Resolution No. 20-2232 formally adopted the 2020 Land Use Plan. Whereas, "the Town Council determined that the policies and future land use map in the CAMA Land Use Plan represent the Town's desired vision for the future". This was after "significant public input, including a citizen steering committee, a series of public meetings and workshops, a Town Survey, and more".

Rezoning 601 Augusta Avenue to R1B is consistent with the Town's 2020 Land Use Plan ("LUP") for the following reasons:

- A. LUP Slide #48 & 49 (Page 43 & 44) identifies 601 Augusta Avenue as "**Medium Density Residential**". This classification is described as "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. Some small-scale commercial, restaurants, or offices are encouraged at select locations with good access. Low- to medium-traffic streets with pedestrian facilities." (Exhibit A)
- B. LUP Slide # 100 & 101 (Page 95 & 96) rates the development suitability of property in the Town on an eight-level scale ranging from High Suitability to Not Suitable. 601 Augusta Avenue is valued at the **second highest level of suitability - between moderate and high suitability**. This is the **same** value given to surrounding properties that are currently zoned R1 and R1B. (Exhibit B)
- C. LUP Slide # 100 & 101 (Page 95 & 96) describes the physical, economic, and environmental factors considered in the Land Suitability Analysis for the values assigned. Using this Land Suitability Analysis, the Town has determined that 601 Augusta Avenue is **moderately to highly suitable for development**. (Exhibit B)

The proposed rezoning is one hundred percent consistent with the Town's current LUP and is warranted in order to bring the property in line with the development potential promoted in the Town's LUP.

2. Please describe the compatibility of the proposed rezoning with the property and surrounding area.

The proposed rezoning of 601 Augusta Avenue to R1B is compatible with the property and surrounding area because it is bordered by R1 zoning to the north and east (approximately 287'), R1B to the south (approximately 234' along the Carolina Sands community), and by C to the west (approximately 122' along the government owned MOTSU land). **Nearly 80% of 601 Augusta Avenue is bordered by medium density residential zoning with a 5,000 square foot minimum.**

Allowing the proposed rezoning will create a harmonious land-use pattern with the surrounding area and will allow the most appropriate use of the property.

3. Please discuss the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.

The proposed rezoning benefits the landowner by allowing development of the property in a manner that is consistent with the LUP and compatible with the surrounding area.

The immediate neighbors will benefit from the chance to welcome new families to the Town of Carolina Beach.

The surrounding community will benefit from the addition of land zoned for single family homes because developable land for residential use is in low supply in the Town of Carolina Beach, while the demand is high.

The proposed rezoning benefits the surrounding community, and all residents and property owners in the Town by giving them confidence that their elected officials are committed to following the policies established by the LUP.

There is no evidence that the proposed rezoning of the property to R1B will cause the character of the existing neighborhood – which is zoned R1 and R1B - to be harmed. Because there will be no disparity between zones- only consistency -, there will be no change of character and no disturbance of the tenor of the existing neighborhood.

4. Please explain the public need for additional land to be zoned to the classification requested.

Carolina Beach is a family-oriented community and land available for development with single-family homes is becoming increasingly scarce. The proposed rezoning of 601 Augusta Avenue will help provide additional single-family housing for new residents. In areas like the Town of Carolina Beach where demand for housing exceeds supply, existing limits make it difficult to correct the imbalance and thus contribute to higher rents and home purchase prices. As discussed below, the Town has a rare opportunity to help correct this imbalance without any investment in infrastructure and without changing the character of the neighborhood.

5. Please discuss the impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.

Public services, facilities and infrastructure are already in place for the proposed rezoning of this property, including public water and sewer services (with a tap already in place), and access to fire and safety services via existing infrastructure. The proposed rezoning will allow development that will add to the Town's tax base to help pay for these services. The LUP, Slide # 100-101 (page 95 & 96), indicates zero environmental deterrents for development of 601 Augusta Avenue. (Exhibit B)

6. Please include a description of the existing zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards).

The surrounding properties to the north, east and south are developed with single family homes built in zoning districts R1 and R1B. Densities, building heights, setbacks and tree cover all conform with R1 and R1B zoning. A small portion to the west borders Government owned MOTSU land that is zoned C and outside of the ETJ. Since MOTSU is a Federal institution, they would not have to conform to any Town of Carolina Beach Zoning Ordinances including densities, building heights, setbacks, tree cover etc...

7. Include any additional arguments on behalf of the map amendment requested.

It is a well-established principle of property law that zoning ordinances are strictly construed in favor of the free use of real property. Where there is ambiguity, the law requires the interpretation that allows the most unrestricted use of land.

The applicant believes 601 Augusta Avenue was improperly designated "C" Conservation and agrees with the Town Staff assessment that "it was an oversight". This was a simple human error made by a third-party company when the map was digitized. In 2008 the zoning map with the error was adopted, effectively changing the zoning. There was no notice mailed to the landowner, nor surrounding landowners, because this was an unintentional error. According to the LUP, Conservation zoning is intended for government-held land, dunes, or marsh. 601 Augusta Ave. is the only piece of privately-owned land currently zoned C that does not fit the definition of C zoning. Furthermore, when the Conservation Zone District was established it was described in the summary of the proposed changes to the Zoning Map and Zoning Ordinances as "C (Conservation) Zone District is a renaming of the RA-20 within the Sunny Point Buffer area of the State Park, the RA-6B marsh area at the far north end west of Canal Dr., and the RA-20 area comprising the far north end within the Town's extraterritorial area." There is simply no intention or mention of 601 Augusta Ave.

LUP Slide #51 (page 46) describes "recreation, civic and conservation" as "areas not likely to be developed due to location, risk of flooding, environmental resources, or recreational importance. Prevents development in unsuitable areas. Potential uses include boating and related infrastructure (boat houses, docks, lifts, etc.), recreational and commercial water access, parks, beachfront, trails, parking, etc." Examples of current zoning district "C" properties are Carolina Beach Lake, MOTSU land, Carolina Beach State Park and Freeman Park. 601 Augusta Ave. does **NOT** fit any of the uses described for C zoning and is **privately owned**. (Exhibit C)

With **support** from the Planning and Zoning Commission, Town Staff, the Technical Review Committee and adherence to the Land Use Plan, we respectfully request Town Council to rezone 601 Augusta Ave. to R1B.