



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: June 10, 2024
Department: Community Services
Agenda Section: Regular
Public hearing: Yes
Date of public hearing: April 18, 2024

PRESENTER/INFORMATION CONTACT

Shannan Campbell, Planning and Economic Development Manager
Molly Boyle, Planner II

ITEM TO BE CONSIDERED

Subject: Rezoning request for 128 W. Margaret Lane from Neighborhood Business Special Use to Neighborhood Business (general use)

Attachments:

1. Rezoning application
2. Vicinity and Future Land Use maps
3. Existing special use permit (associated with the current zoning, Neighborhood Business Special Use)
4. Information on the proposed zoning district, Neighborhood Business general use (NB)
5. Conditional zoning alternative – proposed allowable land uses
6. Draft consistency statement
7. Draft ordinance

Proposal:

The applicant is requesting to rezone his property, 128 W. Margaret Lane, from Neighborhood Business Special Use (NBSU) to Neighborhood Business (NB). Further details on the property and request are as follows:

Rezoning Request Details – 128 W. Margaret Lane	
Parcel ID Number	9874-06-2054
Town Limits or ETJ	Town limits
Current Base Zoning	Neighborhood Business Special Use (NBSU)
Proposed Base Zoning	Neighborhood Business (general use)
Overlay District(s)	Historic District Overlay
Future Land Use Designation	Urban Neighborhood

Current zoning district:

Currently, this property is zoned Neighborhood Business Special Use (NBSU). As such, the allowable land uses for the property are outlined in a special use permit, which is enclosed for reference.

Effective July 1, 2021, special use zoning districts are no longer allowed in North Carolina per the General Statutes. Any special use district that existed prior to July 1, 2021, like this one, is now regulated as a conditional zoning district, the conditions for which are outlined under the existing special use permit.

Proposed rezoning:

The applicant maintains that the rezoning request to Neighborhood Business (general use) is appropriate for the following reasons:

- The provisions of the existing special use district are too restrictive since they allow only “office” use.
- A general use zoning classification would be appropriate for the property’s downtown location.
- The rezoning would resolve any administrative complications with the existing special use district.

The existing special use permit for the property is enclosed, as is information on the proposed zoning district.

Conditional Zoning alternative:

If the Board of Commissioners is not amenable to the general use rezoning request, the applicant requests that it consider amending the *de facto* conditional zoning district instead.

Even though the town’s Unified Development Ordinance does not have provisions for conditional zoning districts, the Board of Commissioners can entertain a conditional rezoning request for this property. Technically, under State law, the property is already considered a conditional zoning district, the conditions for which are outlined in the special use permit.

In this scenario, the Board of Commissioners is considering whether to expand the list of allowable land uses under the *de facto* conditional zoning district. The applicant’s list of proposed, allowable land uses is enclosed.

Comprehensive Sustainability Plan goals:

- Land Use and Development Goal 1:
Ensure that future growth and development, including infill and redevelopment, are aligned with smart growth principles and consider infrastructure constraints such as water and wastewater system capacity.
- Strategy:
Ensure that land use/development regulations are aligned with preferred future land use/growth patterns.

Financial impacts: None.

Joint public hearing:

The public hearing was held on April 18, 2024. The approved minutes for the hearing are available online:

<https://mccmeetings.blob.core.usgovcloudapi.net/hillsbronc-pubu/MEET-Minutes-149f3b7cd6f542f3a6bf8dbc6ac55f01.pdf>

Two residents spoke against the rezoning request at the public hearing. Another four residents submitted written public comment beforehand. Staff forwarded these comments to the Planning Board and Board of Commissioners prior to the hearing for consideration.

Planning Board recommendation:

On May 16, 2024, the Planning Board recommended *denial* of both rezoning requests (3-2 for denial).

Staff comments and recommendation:

Staff recommends *approving* the rezoning request to rezone the property to Neighborhood Business (general use).

Staff respects the concerns voiced by some of the neighbors at the public hearing. From a Planning and Economic Development perspective, rezoning to the Neighborhood Business general use district is reasonable given the property’s location in an urban neighborhood downtown.

Action requested on this item:

Approve the request to rezone the subject property to Neighborhood Business (general use).