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STAFF REPORT

TO: Town Council

FROM: Justin Westbrook, Community Development Director

SUBJECT: Zoning Map Amendment (ZA-25-06) – Nicholas Mastone

DATE: September 16, 2025

Background: The applicant, Nicholas Mastone, has applied for a Zoning Map Amendment (ZA-25-05) for the parcel (TMS # 142-07-01-001) addressed as 111 Heatley Street A. The applicant is seeking the parcel to be zoned **Office & Institutional (C-1)**.

In addition, it is the intention of Ms. Christine Richardson, the current owner of the parcel directly North of the subject parcel (TMS # 142-07-01-002), to seek rezoning to **Office & Institutional (C-1)** from the existing **Single Family Residential District (R-2)**. This gives additional weight the applicant's request, as Ms. Richardson request seeks similar zoning on her adjacent parcel, enhancing applicant's request to include a larger area and cohesion with Heatley Street's ongoing transformation into a neighborhood commercial corridor. Ms. Richardson's Zoning Map Amendment request was submitted on June 20th, 2025 and is to be heard at Planning Commission's August 26, 2025 meeting.

Existing Zoning: The subject parcel is currently in the **Single Family Residential District (R-2)** Zoning District. Per the Town's Zoning Ordinance, this zoning district is intended to:

"...as single-family residential areas with detached units with low to medium population densities. Use regulations for the single family districts are identical, but contain two (2) classes of lot width and lot area, and these dimensional differences are intended to be preserved"

Adjacent Zoning		Adjacent Land Use
North	R-2	Single Family Detached Dwelling
South	R-2	Single Family Detached Dwelling
		Church
East	R-2	Church
West	R-2	Single Family Detached Dwelling

Existing Site Conditions: The subject parcel comprises approximately 13939 square feet, which is currently

occupied by a single-family home. Per the National Wetlands Inventory map, there does not appear to be any wetlands delineated on the parcel. The subject parcel currently does not front any Right-of-Way.

Proposed Zoning Request: The applicant has requested to rezone the subject parcel to the **Office & Institutional (C-1)** Zoning District. Per the Town’s Zoning Ordinance, the **Office & Institutional (C-1)** Zoning District is intended to:

“accommodate commercial and professional offices uses typically found in single family areas. District land uses will preserve the area’s existing residential character, while permitting commercial uses that are not major traffic generators. Buildings originally constructed for residential use may be used as such by right. Such buildings may be converted to commercial use”

Staff is generally in support of increasing commercially zoned land along a corridor that is steadily transforming into a moderately traversed throughfare. With the proximity to existing **TD** and **C-2** zoning along Heatley St, the proposed zoning district and associated uses fit in the current character of the existing properties along the corridor.

Density: The subject parcels consist of approximately 0.23 acres. Per the Zoning Ordinance, the maximum lot coverage for **Office & Institutional (C-1)** zoning district is 60%. It is unclear currently if the existing structures exceed that standard. As the parcel currently has a single dwelling, any tenant that would convert the dwelling into an office without modifying the footprint of the building, would be deemed nonconforming and subject to the Town’s standards per Section 5-2. Any change in the building footprint, to include a complete demolition and new construction, would be required to meet the maximum lot coverage prescribed for the **C-1** zoning district.

Transportation: Staff will not require a separate Traffic Impact Analysis (TIA) for the subject parcel for this sized parcel. Should a more intensive use propose to establish on this parcel after the zoning has been amended to **Office & Institutional (C-1)**, Staff reserves our right to require a TIA prior to the establishment of the proposed use, per Section 5-9.D.

Environmental: Staff will ensure all environmental concerns are addressed per the Zoning Ordinance, Stormwater Ordinance, and all other Town adopted policies and procedures. As the parcel currently is developed, any tenant that would convert the dwelling into an office without increasing impervious area on the parcel, may be deemed nonconforming and subject to the Town’s standards per Section 5-2. Any increase in impervious area would be required to meet the standards of the Town’s Stormwater Design Standards Manual.

Consistency with Plans: Adopted in 2024 as part of the Town’s Comprehensive Plan, the Future Land Use Map identifies the subject parcel as “Town Character Residential”. The Plan calls for this land use to be designated for:

“Intended to promote and enhance smaller lot, town mixed residential type neighborhoods near the downtown, commercial corridors and transportation nodes. A mixture of densities should be promoted to include single-family houses, duplexes, triplexes, accessory dwelling units (ADUs), and small-scale apartments.”

The requested zoning designation does not appear to be congruent with this designation of the Future Land Use Map as the request includes a residential districts, however the subject parcel also appears to be within the aforementioned “Mixed Use Overlay”, which the Plan defines as:

“A 250 ft mixed-use buffer (500 ft in total width) along select roadways is intended to allow for a mixture of higher density residential and low intensity service-based commercial land uses. This overlay provides flexibility for the Town to expand economic opportunities beyond the traditional downtown or strip mall type commercial corridors. Common commercial uses could include professional or medical offices, salons, corner stores, and other uses that provide daily services to local residents. Prime examples of a Neighborhood Mixed Use Corridor are along Broughton Rd and Carolina Ave. Corridors, like these, have formed naturally by the pressures and demands of a growing economy. This Overlay also encourages higher density residential units such as du-tri- or quadruplexes, townhomes, condos and multi-family apartments to be located on or adjacent to these commercial businesses.”

The requested parcel shows the parcel entirely within the “Mixed Use Overlay”. This overlay promotes professional or medical offices, corner stores and other uses that provide daily services to residents; intended use types that are generally permitted by-right within the **Office & Institutional (C-1)** zoning district. As this request seeks **Office & Institutional (C-1)**, it does appear the request complies with the Town’s Comprehensive Plan.

The Comprehensive Plan also lays out various goals and implementation strategies to help in decision making for land use requests. Staff believes the applicant and request generally follow the following policies listed in the plan.

3. Enhance economic opportunities by improving the retention of businesses and encouraging a range of uses and services.
4. Re-establish the downtown as the focal point of the community by promoting a mixture of residential, commercial and recreational uses

Staff does not believe that any of the various goals and implementation strategies are in conflict with the request.

Procedural Issues: As part of any Zoning Map Amendment, the request must be at least two (2) acres, or an extension of an existing district boundary, or additional C-1 zoning contiguous to existing commercial. In this case, although divided by the public right-of-way, the subject parcel is adjacent to the Transitional District (TD) zoning designation which is considered commercial in nature.

Staff Analysis: Staff believes that the designated future land use is not consistent with the requested zoning district, however with the inclusion of the “Mixed Use Overlay” land use encompassing the subject parcel completely, the requested zoning district is closely aligned with the Future Land Use Map and subsequent overlay. The inclusion of two (2) of the implementation strategies of the Comprehensive Plan also lends credence to the requested zoning district.

Staff Recommendation: After analysis of the materials provided to Staff, the current zoning and proposed zoning impacts to the surrounding neighborhood, and the request's compatibility with the Town's Comprehensive Plan, Staff recommends approval for the requested **Office & Institutional (C-1)** zoning district designation for the subject parcel. Staff's recommendation is due to the intensifying commercial nature of Heatley Street and the request's compatibility with the goals and strategies of the 2024 Comprehensive Plan, specifically the Mixed Use Overlay.

Planning Commission Recommendation: The Planning Commission heard the request at their August 26th meeting. The Commission voted 7-0 in favor of recommending APPROVAL of the requested zoning of **Office & Institutional (C-1)** designation for the subject parcel. The applicant spoke in favor of the request, however no other attendees spoke regarding the application.

Attachments: SIGNED - Application (Nicholas Mastone)(20250701)
Location Maps (Aerial, Zoning, Future Land Use Map, Environmental)

