



STAFF REPORT

TO: Planning Commission

FROM: Justin Westbrook, Community Development Director

SUBJECT: Zoning Map Amendment (CZ-24-01) – Elizabeth Watson & Kathleen Robuck

DATE: May 21, 2024

Background: The applicant, DR Horton on behalf of Elizabeth Watson & Kathleen Robuck, has applied for a Conditional Zoning Map Amendment (CZ-24-01) for a parcel (TMS # 142-00-01-012). The applicant is seeking the parcel to be zoned from **Single-family Residential (R-2)** to **Conditional Zoning – Single-family Residential (CZ R-2)**.

Existing Zoning: The subject parcels are currently in the **Single-family Residential** zoning district. Per the Town’s Zoning Ordinance, the Office & Institutional zoning district is intended to:

“...as single-family residential areas with detached units with low to medium population densities.”

	Adjacent Zoning	Adjacent Land Use
North	TD	Berkeley County School
South	R-3	Single-family Attached Dwellings
East	R-1	Single-family Detached Dwellings
West	C-2	Electrical Contractor
	R-1	Single-family Detached Dwellings

Existing Site Conditions: The subject parcel comprises approximately 15.75 acres, which currently utilizes a single-family residence, but is primarily vacant. Per the National Wetlands Inventory map there does not appear to be any wetlands on the subject parcel. The subject parcel is currently accessible by US-17A with approximately 577-feet of frontage, Heatley Street with approximately 523-feet of frontage, and Newell Street with approximately 297-feet of frontage. The parcel is largely wooded.

Proposed Zoning Request: The applicant has requested to amend the Zoning Map apply the **Conditional Zoning – Single-family Residential (CZ R-2)** zoning district to the subject parcel. Per the Town’s Zoning Ordinance, a **Single-family Residential (R-2)** district is intended to provide:

“... single-family residential areas with detached units with low to medium population densities.”

Per the Town’s Zoning Ordinance, a **Conditional Zoning (CZ)** district is intended to:

“...encourage the development of various types of flexible, negotiated developments under master plans, where the traditional density, bulk, spacing and use regulations of other zoning designations, which may be useful in protecting the character of substantially developed areas, may impose inappropriate and unduly rigid restrictions upon the development of parcels or areas which lend themselves to a unified, planned approach.”

Per Section 6-12-8 of the Zoning Ordinance, the development is required to provide homeowner’s association maintained sidewalks, streetlights, street trees, stormwater facilities, customized street signs, crosswalks, amenities, and private streets where applicable. Private streets are not proposed for this development.

In an effort to allow for a reduction in lot size and an increase in density, the developer and applicant may negotiate with Staff to reduce the minimum lot size, from 12,000 square feet, down to 6,000 square feet, based upon density bonus percentages for eligible items. Those items include, but are not limited to a voluntary contribution to the Town’s Neighborhood Revitalization Program, rear access alleys/rear entry garages, wider side setbacks and minimal repetition of floor plans. In working with the applicant, Staff was able to finalize a density bonus chart indicating a number of improvements to the neighborhood to help reduce lot size and increase density.

Density Bonus Incentives		
Bonus Type	Bonus	Square Feet
Neighborhood Revitalization	20%	2,400
Type B Bufferyard/Increased Plantings	5%	600
Off-site Traffic Calming Devices	5%	600
Trail/Open Space/Playground	5%	600
Connectivity (ROW)	3%	360
Decorative Crosswalks	3%	360
On Street Parking	3%	360
New Minimum Lot Size		6,720

These incentives would include a \$1,500.00/lot donation to the Neighborhood Revitalization Program, an added Type-B (50-foot) planted buffer between the development and residences along Merrimack Boulevard and Monitor Circle, off-site traffic calming devices (potentially on Merrimack Boulevard), ROW extension to adjacent parcels that may develop in the future, and other negotiated amenities.

Staff is working on identifying the location and costs of off-site traffic calming devices, which *may* help to reduce the speed and intensity of through-traffic between US-17A and US-52.

On-street parking was discussed to help reduce congestion of parking on-site for each dwelling unit. The Zoning Ordinance requires two (2) parking spaces per dwelling unit, however recent trends and experiences have identified this to be lacking with the number of vehicles per household appearing to increase. The applicant has identified four (4) on-street parking spaces, within the right-of-way, per the Planning Commission meeting on March 26th. Planning Commission members did indicate four (4) spaces spread across thirty-seven (37) dwelling

units was not significant enough, and Staff concurred. Without more information from the applicant, Staff is unsure if this negotiated condition is worth the increase in density for the subject parcel.

All other additional elements as required by the Zoning Ordinance, specifically Section 6-12 of the Zoning Ordinances, must be met by the developer.

Density: Currently with **R-2** zoning and a recent concept plan utilizing a base 8,500 square foot minimum lot size, the subject parcel appears to max out at approximately thirty (30) dwelling units, or 1.9 dwelling units per acre. As this is by-right zoning, the applicant is free to develop the subject parcel with the entitlements of thirty (30) dwelling units, and has made clear their intention to do so should the **Conditional Zoning** request fail.

Pre the **Conditional Zoning** request, Staff has reviewed a sketch plan for the development of the subject parcel with the requested density bonus allowed by the **Conditional Zoning**. The concept shows approximately thirty-seven (37) lots, or 2.35 dwelling units per acre.

15.75 Acres	Proposed DUs	Density (DU/Acre)
R-2	30	1.9
Proposed CZ R-2	37	2.35

The proposed **CZ R-2** request is seeking a 23% increase in the proposed density from an original conceptual plan utilizing by-right **R-2** zoning district.

Transportation: Regardless of the outcome of the **Conditional Zoning** request, Staff will require a separate Traffic Impact Analysis (TIA) for the subject parcel, prior to the Preliminary Plat approval for any residential use types. Staff will commission the TIA with recommendations from the traffic engineer being installed by the applicant at the time of development.

There are some concerns by Staff of the current industrial use of Newell Street. An adjacent property owner utilizes the rear of their property via Newell Street, and has expressed concerns regarding their future access. With the neighborhood, by-right or with the **Conditional Zoning**, the adjacent property owner may still utilize this new residential street for their industrial truck traffic. This could cause congestion and noise complaints by the future residents. Staff has worked with the adjacent property owner and the applicant to help address the access, and future adjacent development *may* help provide access for the adjacent industrial use; however this may never materialize.

Newell Street is a county-maintained road, that does not appear to be within an easement or right-of-way. Staff has researched all plats within the immediate area to help identify any rights users of Newell Street may have. At this time, Staff cannot find any definitive granting of access outside for Newell Street, and in working with Berkeley County, Staff is fearful that the road is on private property, and therefore users would not have protected access in the future.

It is important to note, the industrial truck traffic and future access of Newell Street, will be a concern regardless if the applicant is granted the requested **Conditional Zoning**, or if the applicant moves forward with the by-right zoning already in place for thirty (30) dwelling units.

Consistency with Plans: Adopted in 2017 as part of the Town’s Comprehensive Plan, the Future Land Use Map identifies the subject parcel near the northern end as “High Density Residential Node”, with the remainder of the parcel classified as “Medium Density Residential”. The current zoning designation is somewhat in line with the designated future land use classifications; however, the requested zoning designation is also congruent with the “High Density Residential Node” and “Medium Density Residential” designation of the Future Land Use Map. The Plan calls for “Residential (medium density)” to be designated for:

“development of neighborhoods with a mix of residential uses, predominately single family detached or single family attached dwellings (aka townhomes), ranging from four (4) to eight (8) dwelling units per acre. These areas provide a transition from the low-density suburban neighborhoods to already developed residential and commercial areas with potential to serve as infill developments. New neighborhoods should strive to be walkable communities with a system of interconnected trails or sidewalks that provide access to parks, recreation and open space areas. These also should, to the extent possible, be within on-half mile of neighborhood centers of nonresidential development.”

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

- **Land Use Policy 1:** The Town will guide land use patterns, encourage new growth, in areas that maximize efficient use of existing infrastructure and investments in expanded infrastructure.
- **Land Use Policy 2:** The Town will continue efforts to guide the growth of land adjacent to existing boundaries.

Staff also believes the applicant and request generally does not follow the following policies listed in the plan:

- **Land Use Policy 3:** The Town will promote development that is appropriate and compatible with neighboring uses.

Procedural Issues: As part of any Zoning Map Amendment, the request must be at least two (2) acres, an extension of an existing district boundary, or additional C-1 zoning contiguous to existing commercial. In this case, the subject parcel exceeds two (2) acres in size and is adjacent to an existing district boundary.

Staff Analysis: Staff is concerned with the requested density. This area has seen newly constructed townhomes, even adjacent to the subject parcel. This has somewhat eroded the single-family detached nature of the immediate neighborhood, and while single-family detached homes would be welcomed, the increase in density *may* be too much for the already impacted neighborhood.

The applicant’s negotiated density bonuses are generally in-line with previous approvals by the Town for **Conditional Zoning** requests. Staff does have concerns about the off-street parking, as the applicant has stated more than four (4) parking spaces *may* be possible, however Staff has not seen any additional information at time of this report.

Staff believes this proposed use would be congruent with existing zoning and the adopted Future Land Use Map. However, the seven (7) additional lots, *may* not fit as in-fill development with the existing, traditional single-

family detached neighborhood, and *could* prove to be too much for the existing fabric and character of the community.

Staff Recommendation: Staff recommends the application be amended to reduce the number of dwelling units from the requested thirty-seven (37), closer to the by-right allowance of thirty (30) dwelling units. Staff believes the **Conditional Zoning** request can better provide a positive impact to the existing surrounding neighborhood than the by-right plan the applicant can develop. With a reduction in the requested number of lots, along with the density bonus incentives Staff has worked with the applicant on, this request may serve as strong in-fill development that allows for density but stays true to the existing single-family detached neighborhood it will impact.

Planning Commission Recommendation: The Planning Commission heard the request at their March 26th meeting. The Commission voted 4-0 in favor of recommending approval of the requested **Conditional Zoning – Single-family Residential (CZ R-2)** from **Single-family Residential (R-2)** designation for the subject parcels. Conversation centered around density, traffic in the immediate vicinity and on-street parking. The applicant spoke in favor of the request, while a resident spoke on the importance of attending public meetings.

Attachments:

- Location Maps (Aerial, Zoning, Future Land Use Map)*
- SIGNED - Application (Elizabeth Watson, Property Owner)(20240312)*
- Concept Plan (20240220)*
- Access Exhibit – BOCO Family, LLC (Red's Electric)*