



### STAFF REPORT

**TO:** Town Council

**FROM:** Justin Westbrook, Community Development Director

**SUBJECT:** Zoning Map Amendment (ZA-24-01) – Jean Colley

**DATE:** March 19, 2024

**Background:** The applicant, Mike Flannery of Boats & Tows, has applied for a Zoning Map Amendment (ZA-24-01) for two (2) parcels, owned by Jean Colley (TMS # 143-09-04-034 & 143-09-04-033). The applicant is seeking the parcels to be zoned from **C-1 – Office & Institutional** to **C-2 – General Commercial**.

**Existing Zoning:** The subject parcels are currently in the **C-1 – Office & Institutional** zoning district. Per the Town’s Zoning Ordinance, the Office & Institutional zoning district is intended to:

*“..accommodate a variety of general light commercial uses characterized primarily by professional office and service establishments, as well as boutique retail and restaurants, and oriented primarily to major traffic arteries or extensive areas of predominately commercial usage and characteristics.”*

	Adjacent Zoning	Adjacent Land Use
North	C-2	VACANT
South	C-2	Retail
	C-2	Bowling Alley
East	R-1	Single-family Detached Dwelling
West	C-2	Retail

**Existing Site Conditions:** The subject parcels comprise approximately 2.2 acres, which are currently vacant. Per the National Wetlands Inventory map there does not appear to be any wetlands on the subject parcels. One front subject parcel (TMS# 143-09-04-034) is currently accessible by Rembert C. Dennis Boulevard, with approximately 180-feet of frontage, while the back subject parcel (TMS# 143-09-04-033) is currently landlocked. The parcels are largely cleared with some trees to the rear of the rear subject parcel.

**Proposed Zoning Request:** The applicant has requested to amend the Zoning Map apply the **C-2 – General Commercial** zoning district to the subject parcels. Per the Town’s Zoning Ordinance, the **C-2 – General Commercial** district is intended to:

*“...accommodate a variety of general commercial and nonresidential uses characterized primarily by retail, office and service establishments and oriented primarily to major traffic arteries or extensive areas of predominately commercial usage and characteristics.”*

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

**Transportation:** Staff may require a separate Traffic Impact Analysis (TIA) for the subject parcels, depending on certain applied-for uses, prior to Site Plan approval. Staff will commission the TIA with recommendations from the traffic engineer being installed by the applicant at the time of development.

**Consistency with Plans:** Adopted in 2017 as part of the Town’s Comprehensive Plan, the Future Land Use Map identifies the subject parcels as “Commercial”. The current zoning designation is in line with the designated future land use; however, the requested zoning designation is also congruent with the “Commercial” designation of the Future Land Use Map.

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 generally not concerned with the requested zoning, due to the proximity of existing **C-2 – General Commercial** zoned parcels adjacent to the subject parcels. However, Staff does have concern with the proximity of the adjacent, developed single-family **R-1** zoning to the east. In talking with the applicants from Boats & Tows, Staff is weary of the anticipated request for a **Special Exception** for the intended use, “mini-warehouses and vehicle storage”. Staff are aware of another existing **Special Exception** application for the same “min-warehouse and vehicle storage” use on the adjacent property to the north and is concerned about the number and compatibility of these use types adjacent to single-family residential uses. Staff most likely will recommend denial to those Special Exception requests, without more information provided on mitigating the impacts such a use would have on an adjacent residential neighborhood.

As with any **Zoning Map Amendment**, the request has limited to do with the planned use; mainly as other mechanisms are in place for review of those specific requests, as well as the flexibility to change and amend the

uses based on the prescribed zoning. While this request should not be decided based upon a specific proposed use, the Planning Commission and Town Council should be mindful the request is for **C-2 – General Commercial** and any use allowed by-right and any use requiring a **Special Exception**.

**Staff Recommendation:** Staff recommends approval of the requested **C-2 – General Commercial** zoning district designation for the subject parcels. Staff has reached this recommendation due to the existing adjacent **C-2 – General Commercial** parcels, cohesion with the Future Land Use Map from the 2017 Comprehensive Plan, and the two (2) Land Use Policies the request appear to meet. While not promoting compatible uses adjacent to single-family residential, the request does appear to maximize efficient use of existing infrastructure and guide growth to adjacent existing zoning boundaries.

**Planning Commission Recommendation:** The Planning Commission heard the request at their February 27<sup>th</sup> meeting. The Commission voted to recommend approval of the requested **General Commercial (C-2)** zoning district designation for the subject parcels. Conversation centered around potential uses for the property should it be rezoned to **C-2**. The applicant spoke in favor of the request; no one else spoke on the request. The Planning Commission voted 4-0 in favor of recommending approval.

*Attachments:                    Location Maps (Aerial, Zoning, Future Land Use Map)  
    SIGNED - Application (Jean Colley, Property Owner)(20240122)*