



## STAFF REPORT

**TO:** Planning Commission

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

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

**DATE:** March 26, 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
<b>New Minimum Lot Size</b>		<b>6,720</b>

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 Newell Street, off-site traffic calming devices (possibly on Merrimack Boulevard), ROW extension to adjacent parcels that may develop in the future, and other negotiated amenities.

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) lots, or 1.9 dwelling units per acre.

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:** Staff will require a separate Traffic Impact Analysis (TIA) for the subject parcel, prior to the Preliminary Plat 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 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 generally 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.

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. 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.

Staff requests the Planning Board consider the application and request and provide a recommendation to the Town Council.

*Attachments:                    Location Maps (Aerial, Zoning, Future Land Use Map)  
                                          SIGNED - Application (Elizabeth Watson, Property Owner)(20240122)  
                                          Concept Plan (20240220)*