

**Town of Sylva, North Carolina
Zoning Map Amendment Request
Staff Report – February 13, 2025**

Applicant: Sylva Church of God – Property Owners; Hights, Inc. (purchaser)

Property Location: 130 Sunrise Park, 131 Sunrise Park, Sylva NC 28779; PIN 7641-37-9289 & 7641-47-1241

Current Property Zoning: High Density Residential - HDR

Ordinance Section for which the Text Amendment is requested: Article 3 - Procedures - Section 3.9.B – Zoning and Map Amendments

Description of Request:

The applicant is requesting a map amendment that would designate the subject properties as General Business (GB) District.

Background:

The General Business District (GB) is the largest district within Sylva’s commercially zoned jurisdiction. The GB District offers a broad range of permitted (use-by-right) and special uses (SUP) such as lodging, retail/commercial, restaurants, public/civil, accessory dwellings and recreational uses. Property improvements in this district are subject to development standards as set forth in the zoning ordinance including building setbacks, landscaping, architectural standards, sidewalk construction, parking, storm water treatment, etc.

The subject properties are located on both sides of Sunrise Park (road), approximately 720 If south of Highway 107/Sunrise Park intersection. The total land area for both properties is 0.72 acres with a main church structure, formally the Church of God (west side) and two accessory dwellings. Access to this property is from the public right-of-way of Sunrise Park (S.R. 1355), Ensley Street and Conley Street. This property is adjacent to properties to the northeast that are in the GB District and are not located within the 100-year flood plain. This property is served by Tuckasegee Water & Sewer Authority for public utilities.

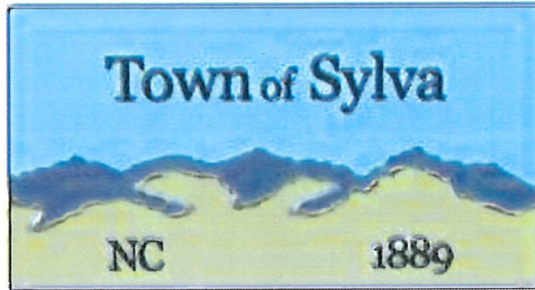
Application Response:

The applicant is requesting that the existing Town of Sylva Zoning Map be amended to designate the subject property (portion of the 0.72 acres after subdivision) to the General Business District.

Staff Findings:

The requested map amendment would not constitute “spot zoning” as the properties to the northeast are zoned GB District.

The Town’s adopted Land Use Plan for 2040 establishes that this property will be in the future *Civic and Cultural District* and the encouraged land uses for this future district include: Public and private green space; Recreation (passive or active); forested land; buildings, structures and/or commercial uses that support or activate parks and recreation facilities; government/social service facilities, places of worship, and educational facilities. However, if the map amendment request is approved (GB), these properties will be in the future *Community Corridor District* with encouraged land uses for this district being mixed-use buildings, institutional uses, walkable neighborhood commercial (retail, office, personal services), large scale commercial, business centers, community services and civic/educational services. In addition, this requested map amendment will create available property and opportunity in the current GB District that may be needed to serve the community during/after the proposed Highway 107 improvement project.



83 Allen Street, Sylva, NC 28779

APPLICATION FOR ZONING TEXT OR MAP AMENDMENT

Submit this completed application and all supporting documentation that may be helpful in the review process. In order to ensure that the proposed text amendment or map amendment complies with the Town of Sylva's regulations, we recommend that the applicant review the Town of Sylva Zoning Ordinance prior to application submittal. The request for a Zoning text or Zoning Map amendment may only be initiated by the Town Board of Commissioners, the Town Planning Board, Planning Staff, the owner of property in the Town of Sylva or a citizen of the Town of Sylva.

All responses in this application must be legible and filled out completely. Illegible and/or incomplete applications will be returned to the applicant. The application fee for a text amendment or map amendment is set forth in the Town of Sylva's fee schedule, is non-refundable and must be submitted with the completed application. For map amendment requests, a current survey prepared and sealed by an NC Registered Surveyor will be required. Applications are not accepted via facsimile or email. Please submit application, fees and supporting documentation to the Town of Sylva, 83 Allen Street, Sylva, NC 28779 via hand delivery or U.S. Mail.

Application deadlines are 30 days prior to the Town of Sylva's Planning Board next scheduled meeting. The applicant will be notified of scheduled hearing dates and times. The average text or map amendment petition timeline is 45 days from date of application to Town Hall. Depending on the complexity of the request, it is not unusual for a petition to take up to 6 months to be considered before the Town Board of Commissioners. Hearing schedules are not guaranteed and subject to change.

Conditional Zoning Districts (CD) are a zoning tool, permitted in accordance with NCGS 160D-703.b., which may be utilized to create new unique, site-specific districts for uses or developments that may have particular benefits and/or impacts on both the immediate area and the community as a whole. The development of these uses may require deviation of the general district standards. The applicant must provide an initial Master Site Plan and zoning proposal that includes all proposed uses and standards for the conditional zoning district being proposed. It is not the intention of Conditional Zoning to circumvent, reduce, or eliminate particular regulations as they would normally be applied to any particular district or use but rather provide flexibility and design standards unique to the subject property and use.

This negotiated approach between the applicant and the Town through a legislative decision allows maximum flexibility to tailor regulations to a particular site and project. Special restrictions have been placed on Conditional zoning. Conditional Zoning Districts occur at the owner's request and conditions cannot be imposed without the owner's agreement. The individual conditions and site-specific standards that can be imposed are limited to those that are needed to bring a project into compliance with town ordinances and adopted plans and to those addressing the impacts reasonably expected to be generated by the use of the site. The town must assure that all of the factors defining reasonable spot zoning are fully considered and that the public hearing record reflects that consideration.

Conditional Zoning shall be subject to the specific procedural rules located in Articles 3 and 5.

**PLEASE COMPLETE ALL SECTIONS OF THE APPLICATION;
INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT;
INDICATE "NOT APPLICABLE" OR "N/A" WHERE APPROPRIATE**

Contact Information:

Applicant/Agent: HIGHTS, Inc. (Paul Heckert)

(This person will be the contact person and will receive all mailings)

Address: PO Box 869 Callowhee NC 28723

Phone: 828.508.5669 Fax: 828.475.0400

Email: Paul@hights.org

Property Owner(s): Sylva Church of God (Tim Pressly)

(If the owner is different than the applicant)

Address: 32 Engley St. Sylva NC 28779

Phone: 828.226.0420 Fax: N/A

Email: Youth pastor@aol.com

Property Information:

Property Location/Address(es): (1) 131 Sunrise park ; (2) 130 Sunrise park
Sylva NC 28779

Tax Parcel Identification Number(s): (1) 7641-47-1241 ; (2) 7641-37-9289

Current Use of Property(ies): Church ; Rental Home

Acreage to be Rezoned: (1) .302 + ~~0.14~~ .242 (.41 current)

Deed Book: (1) 1778 (2) 2155 Page: (1) 221-223 (2) 764-779 Lot / Tract Size: (1) .32 (2) .242 (acres)

Property Street Frontage / Width: 550' (Street) Property Depth: 150'

Flood Plain: N/A FIRM Panel: N/A

Zoning Information:

Current Zoning District(s): R-3

Requested Zoning District(s): B-2

Purpose of Zoning Change (optional): To Allow For proposed
Commercial usage for Youth Mental Health
and Basic Needs services for low income
families

Spot Zoning Statement:

In the space below, please indicate whether the proposed rezoning *will* or *will not* constitute a spot zoning and explain *why* the proposed rezoning *will* or *will not* constitute a spot zoning. (For more information on spot zoning, refer to the attachment on spot zoning).

Proposed Rezoning is not Spot Zoning.
Parcels are adjacent to Commercial District

Town of Sylva LAND USE PLAN CONSISTENCY

All rezoning requests must be consistent with the Town of Sylva's *Land Use Map*

Current Land Use Classification(s): Civic : Parks

- This rezoning request is:
- Consistent with the Town's Land Use Map.
 - NOT consistent with the Town's Land Use Map.

IF THE REZONING REQUEST IS NOT CONSISTENT WITH THE LAND USE MAP:

A Land Use Map Amendment is *REQUIRED*. All rezoning requests **MUST BE CONSISTENT** with the Town of Sylva's *Land Use Map and/or the Town's Land Use Plan*. All Land Use Amendments must be consistent with one or more of the adopted Land Use Plan Policies located within the Town's Land Use Plan Update document and/or demonstrate a change in the character of the area that warrants a departure from the adopted Land Use Plan. In the space below, please explain *why* the proposed Land Use Amendment will be consistent with the Town of Sylva's Land Use Plan and how the character of the area has changed (A copy of the Town of Sylva's Land Use Plan and Map can be viewed at Town Hall).

proposed commercial usage is civic/non profit

Authorization:

Note: If the person requesting of The Town of Sylva, to take action on a particular piece of property is not the owner of the property, or under contract to purchase, then the actual owner of the land must complete this form with his/her signature notarized. If the property owner is the applicant please complete the section below and sign as indicated.

Fax, Scan or Copied images of the original document will not be accepted.

I, Sylva Church of God ^{By Tim Pressley} (Land owner name) am the owner of the property located in the Town of Sylva Zoning Jurisdiction at:

Street address: 32 Enslg St Property PIN: 7641-47-1241; 7641-37-9289

I hereby authorize HIGHTS, INC. (Paul Heckert) (owner or applicant's name) to appear with my consent before the Town of Sylva Planning Board and Board of Commissioners in order to request a rezoning for the above noted location. I authorize the Town of Sylva to advertise and the applicant to present this matter in my name as the owner of the property. I hereby authorize the Town Officials to enter my property to conduct relevant site inspections as deemed necessary to process the application. All information submitted and required as part of the approval process shall become public records. I, as the land owner, hereby CERTIFY THAT THE INFORMATION CONTAINED HERIN IS TRUE TO THE BEST OF MY KNOWLEDGE; AND BY ACCEPTING THIS REZONING, if approved, shall in every respect conform to the terms of this application and to provisions of the Statutes and Ordinances regulating development in the Town of Sylva. Any VIOLATION of the terms above stated and/or Town Ordinances or Regulations will result in civil penalties. If there are any questions, you may contact me at:

Street Address: 32 Enslg Street

City / State / Zip Code: Sylva NC 28734

Phone Number: 828 226 0420

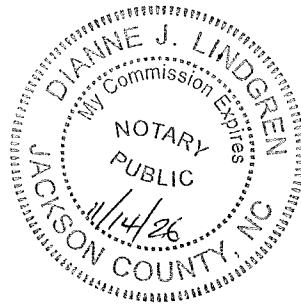
Email Address: youth pastor @ AOL.com

Owners Signature: Tim Pressley

Sworn to and subscribed before me, this the 20 day of DECEMBER, 2024

Dianne J. Lidger
Notary Public

My commission expires: 11/14/2026



130 and 131 Sunrise Park

- 1) In the attached Survey that has not yet been recorded we are requesting the rezone for labeled 130 & 131 Sunrise Park
- 2) Current Zoning is R-3 Requesting Change to B-2
- 3) Parcel adjacent directly north is zoned B-2, Adjacent parcels in all other directions are zoned R-3
- 4) Land and buildings are currently used for church and gathering space. Proposed Rezone is consistent with its usage since 1975. Rezone is very close to Highway 107 and with the expansion of the road this property is close by and makes consistent
- 5) HIGHTS Currently delivers weekly food boxes to 200 families and serves 600 at risk youth annually. The lack of available commercial zoned buildings in Sylva is hampering our growth to serve more families
- 6) Community impact would be minimal. Property is adjacent to a busy road. Building usage is currently 3-11pm Friday, Saturday, and Sunday. HIGHTS Usage would shift this to weekdays typically during normal business hours.
- 7) Infrastructure Impact would be limited. Road impact would be limited due to the already busy nature of the road adjacent to property. Rezone will allow for increased access to services for Jackson Counties low-income population.
- 8) Proposed Rezone directly lines up with the town's land use map that designates this lots as 'civic/ Park'