



Salisbury City Council



Consent Agenda Regular Agenda Manager's Comments Announcement

Meeting Date: 12/18/12

Submitting Dept: Community Planning Services

Title of Item:

Council to consider Land Development District Map Amendment LDOZ-08-2012, St John's Lutheran Church and Hedrick Realty at 200 W Innes St and Unnumbered W Council St, rezoning two (2) parcels, approximately 2.75 acres, from RESIDENTIAL MIXED-USE (RMX) to DOWNTOWN MIXED-USE (DMX) district.

- (a) Receive a presentation from staff regarding Planning Board recommendation
- (b) Hold a public hearing
- (c) Issue Statement of Consistency and Statement of Reasonableness, and consider adopting an ORDINANCE to rezone the properties

Explanation:

See title above. The Salisbury Planning Board considered this petition at their November 27, 2012 meeting and unanimously recommend approval.

Fiscal Note:

None

Recommended Action:

(Please note if item includes an ordinance, resolution or petition)

Consider adopting an ordinance to rezone the subject properties

Contact:

Preston Mitchell, Planning & Development Services Manager (5244)

If this item exceeds \$100,000 or is related to grant funds you must use Form B (Financial Signatures)



Salisbury Planning Board
Statement of Consistency & Zoning Recommendation
(As per NC General Statute 160A-383)

Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest. The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. (NCGS 160A-383)

ZONING MAP AMENDMENT: LDOZ-08-2012

Petitioner(s): St. John's Lutheran Church, Hedrick Realty & Investment
Owner(s): same
Representative(s): Gray Stout (St. John's), Jeff Goodman (Hedrick)
Address: 200 W. Innes St., Unnumbered W. Council St.
Tax Map and Parcel(s): 010-151, 010-148
Size / Scope: Approximately 2.75 acres (2 parcels)
Location: St John's Lutheran Church campus and the Hedrick parking lot (often used by St. John's members) along Council St.

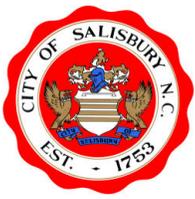
REQUEST:

Request to amend the Land Development District Map by rezoning approx. 2.75 acres (2 parcels) at 200 W. Innes St. & Unnumbered W. Council St. from RESIDENTIAL MIXED-USE (RMX) to DOWNTOWN MIXED-USE (DMX)

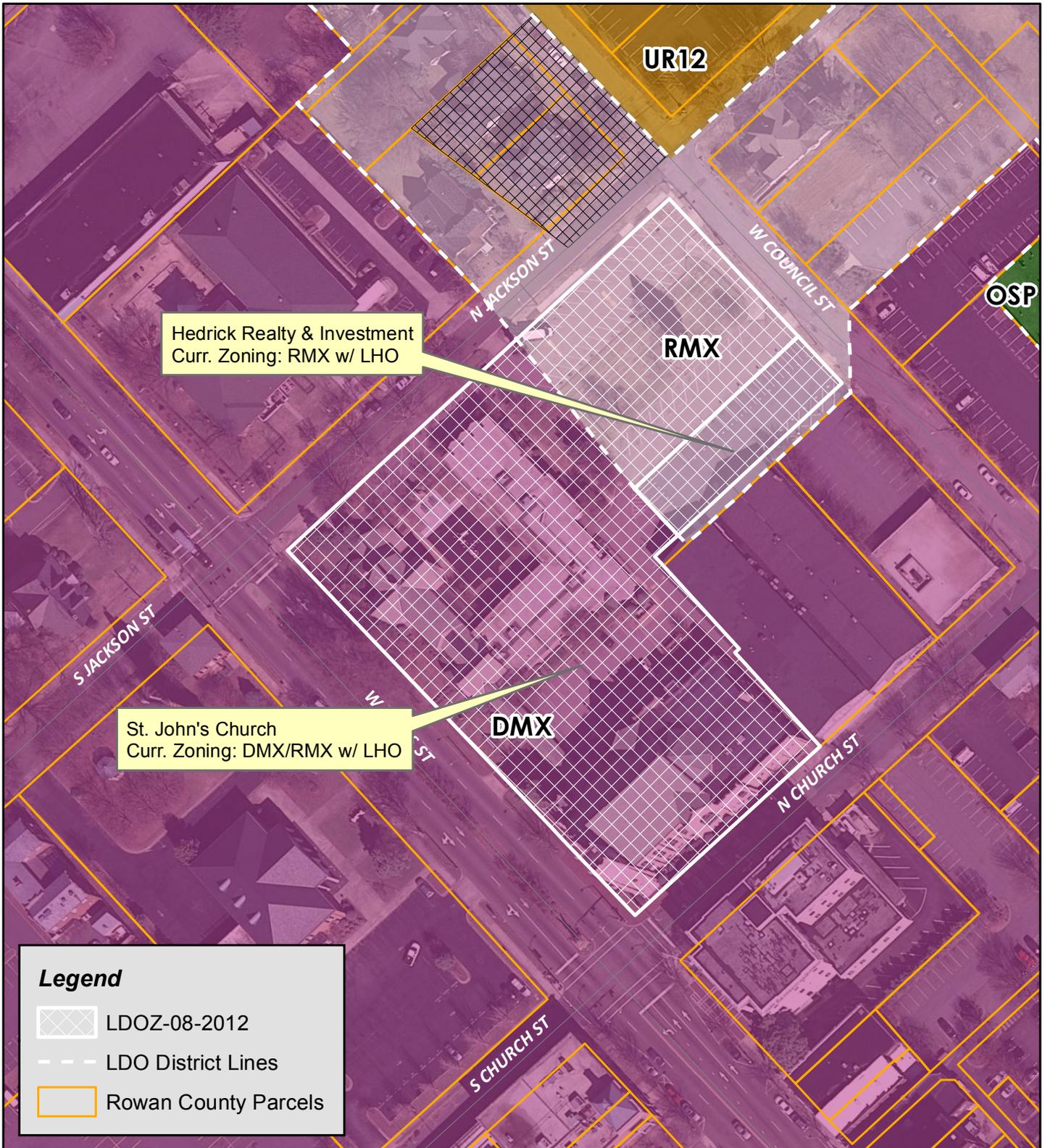
STATEMENT OF CONSISTENCY & RECOMMENDATION:

At their meeting of November 27, 2012 the Planning Board voted ***"to recommend to City Council approval of LDOZ-08-2012 on the basis that it is not inconsistent with the Vision 2020 Comprehensive Plan and the Downtown Master Plan."***

The statement and motion was seconded, and passed 8-0.



Petition to Rezone Property in the City of Salisbury Zoning Jurisdiction



Request to rezone the property indicated on the map (2 parcels) from RESIDENTIAL MIXED-USE (RMX) to DOWNTOWN MIXED-USE (DMX).
(NO CHANGE TO LOCAL HISTORIC OVERLAY)

Petitioner: St. John's Lutheran Church & Hedrick Realty Investment

Case #: LDOZ-08-2012

Questions? Call Development Services at 704-638-5207.



Planning & Zoning Analysis

CASE NO.

LDOZ-08-2012

Petitioner(s)

St John’s Lutheran, Hedrick Realty & Investment same

Owner(s)

Representative(s)

Gray Stout (St John’s), Jeff Goodman (Hedrick)

Address(s)

200 W Innes St and Unnumbered W Council St

Tax Map - Parcel(s)

010-151, 010-148

Size / Scope

Approximately 2.75 acres (2 parcels)

Location

St John’s Lutheran Church campus and the Hedrick parking lot (*often used by St. John’s members*) along Council St

PETITIONER REQUEST

Request to amend the Land Development District Map by rezoning approx. 2.75 acres (2 parcels) at 200 W. Innes St. & Unnumbered W. Council St. from RESIDENTIAL MIXED-USE (RMX) to DOWNTOWN MIXED-USE (DMX)

ZONING

Existing Base District Zoning:

Residential Mixed-Use (RMX) district

NOTE: *St John’s campus is split-zoned RMX, DMX (18 du/ac maximum residential density)*

RMX district is intended to provide for areas for higher density residential development in close proximity (within ½ - ¼ mile) to existing and planned commercial centers such as the Corridor Mixed-Use District (CMX) and the Downtown Mixed Use District (DMX). The intent is to create higher density residential areas that compliment commercial districts with physical proximity and pedestrian connectivity.

Existing Zoning Overlay(s):

Downtown Local Historic Overlay:

The historical heritage of Salisbury is one of our most valued and important assets. The Local Historic Overlay (LHO) District is created to encourage the restoration, preservation, rehabilitation, and conservation of districts, buildings, sites, and objects with historical and/or architectural significance and to prevent the decline, decay, and/or demolition of such districts, buildings, sites, and objects.

Proposed Base District Zoning:
Downtown Mixed-Use (DMX) district

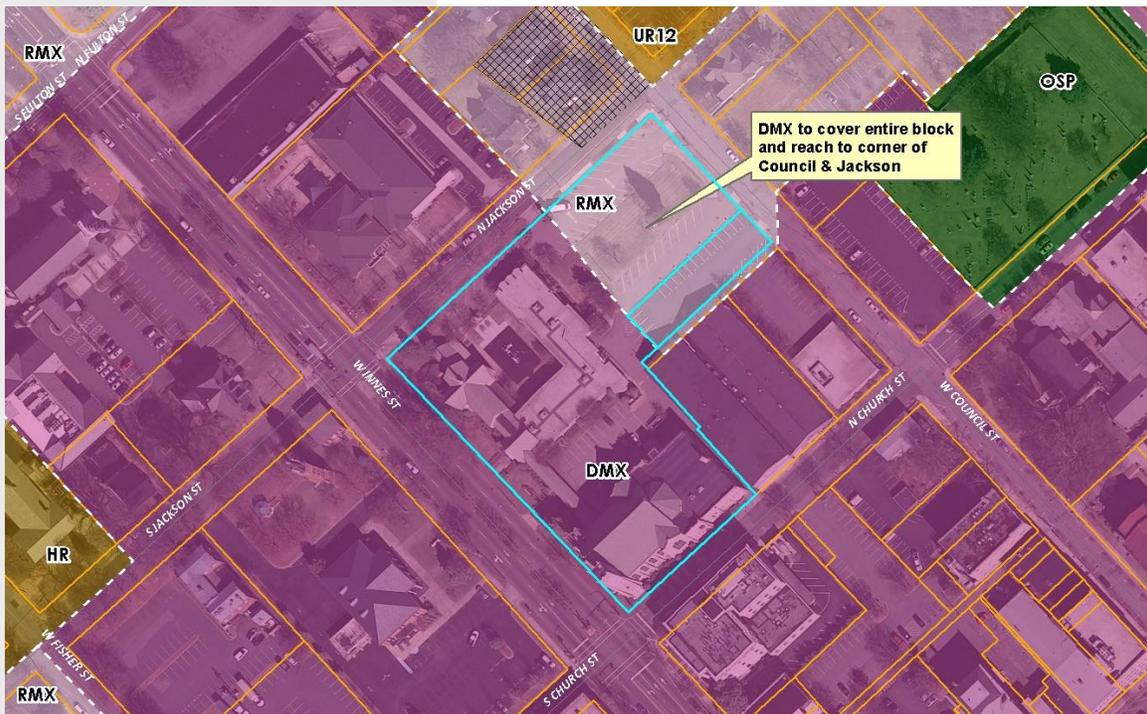
(No dwelling unit maximum per acre)

DMX district is coded for the traditional downtown area. Individual buildings are encouraged to be multi-story with uses mixed vertically, street level commercial and upper level office and residential. Higher densities of residential development are encouraged. It is the purpose of these regulations to encourage vitality by excluding certain activities which have a negative effect on the public realm through auto-dominated or non-pedestrian oriented design or uses.

Existing Zoning Overlay(s):
Downtown Local Historic Overlay:

The historical heritage of Salisbury is one of our most valued and important assets. The Local Historic Overlay (LHO) District is created to encourage the restoration, preservation, rehabilitation, and conservation of districts, buildings, sites, and objects with historical and/or architectural significance and to prevent the decline, decay, and/or demolition of such districts, buildings, sites, and objects.

ZONING W/ AERIAL IMAGERY





Planning & Zoning Analysis

LAND DEVELOPMENT ORDINANCE

Uses

See the Use Matrix in Ch. 2 of the LDO

Specific District Provisions

None in RMX or DMX

Building Types

The following building types are permitted in DMX:

- ❖ Apartment
- ❖ Mixed-Use
- ❖ Commercial
- ❖ Institutional
- ❖ Public Landmark

Recreational Open Space

All residential and mixed-use residential developments greater than 12 total dwelling units shall be required to allocate recreational open space:

- ❖ DMX: 18%

Landscaping

Development in the DMX is only required to provide a maximum of 15% of the total lot area required to meet the Planting Yard provisions. If this rezoning is successful, and the entire block is zoned DMX, the required Planting Yard will be an 8-foot Flex Yard.

Signage

The following sign types/sizes are permitted in DMX:

- ❖ Ground: Pole: 16sf / 8ft height
Monument: 40sf / 5ft height
- ❖ Wall: 2sf per linear foot of bldg. wall
- ❖ Canopy: 0.5sf per linear foot of bldg. wall
- ❖ Projecting: 12sf
- ❖ Marquee: 2sf per linear foot of bldg. wall
- ❖ Perm. Banner: 30sf

Existing Road Frontages

W Innes St: Major Thoroughfare
2009 AADT: ~20,000 vpd

W Council St: Local Road
AADT Unknown



Planning & Zoning Analysis

STAFF COMMENT

Members of St. John's Lutheran Church and their design team met with Development Services staff to discuss the construction of new Family Life Center to be constructed on the "grassy knoll" adjacent to the intersection of N Jackson St and W Council St.

It was discovered during this pre-application meeting that this "back" part of the St John's campus is split-zoned between DMX and RMX districts. As stated in previous cases, split zoning creates problems with the implementation of the Land Development Ordinance and is, in fact, a goal of the Planning Board to ultimately resolve all split-zoning cases throughout the Salisbury zoning jurisdiction.

This petition – brought to you by two entities – proposes to capture the entire church campus under DMX district, as well as bring an adjacent Hedrick Realty parking lot (used by the church) under DMX district. Although the Hedrick lot is a conforming lot size in the RMX district, it is important that this last remaining parcel in the block also convert to DMX because of its small size, limited development potential, and buffering problems that would arise if completely surrounded by DMX zoning.

Staff recommends this rezoning based on the fact that this block is only one block from the Square and has been developed in a manner consistent with DMX development characteristics. Although zoning district transitions can occur mid-block along rear property lines, this situation lends itself to district transitions occurring along the street centerline. Beyond this block, the development patterns are consistent with RMX; however, that transition needs to occur along the Council and Jackson centerlines, not "open field".



Planning & Zoning Analysis

POLICY

Vision 2020 Comprehensive Plan *Policy D-1*

The City shall encourage a compatible, diverse mixture of retail, office, institutional, residential, dining, services, entertainment, and public open space in the downtown area.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING TWO PARCELS, 200 WEST INNES ST. & UNNUMBERED WEST COUNCIL ST., FROM RESIDENTIAL MIXED-USE (RMX) DISTRICT TO DOWNTOWN MIXED-USE (DMX) DISTRICT.
(PETITION NO. LDOZ-08-2012)

WHEREAS, the Salisbury Planning Board, an advisory board to the Salisbury City Council, reviewed the rezoning petition on November 27, 2012 and voted unanimously to recommend that the proposal is not inconsistent with the Vision 2020 Comprehensive Plan nor the 2010 Downtown Master Plan, and hereby recommends its approval; and

WHEREAS, the City Council held a properly-noticed public hearing at the City Council meeting of December 18, 2012; and

WHEREAS, the City Council hereby finds and determines that adoption of an Ordinance to rezone the property as described herein is not inconsistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan nor the 2010 Downtown Master Plan, and that adoption of the Ordinance is reasonable and in the public interest;

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Salisbury, North Carolina:

SECTION 1. That property identified as Tax Map 010, Parcel(s) 148 and 151, including those abutting rights-of-way and reaching to the respective centerlines, as designated on the official property identification maps of Rowan County, is hereby rezoned from RMX district to DMX district;

SECTION 2. That the change be made on the Land Development District Map of the City of Salisbury to show the rezoning thereon as herein provided for;

SECTION 3. That all Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict;

SECTION 4. That this Ordinance shall be effective from and after its passage.