

**MA22-10 - Arden  
3<sup>rd</sup> Submittal  
Planning Comments  
May 31, 2023**

**Project Background**

The following comments are from the planning review of the zoning map amendment (rezoning) application completed by applicant and property owner, Brothers Forty-Six, LLC, dated November 29, 2022. The most recent version of the concept plan was submitted on May 1, 2023. The application requests the subject property, located at 4724 Burlington Mills Road (PIN 1758486155), be rezoned from GC-CZ, General Commercial, Conditional Zoning to Residential High Density, Conditional Zoning (RH-CZ). Proposed conditions are included as a portion of the application.

The applicant proposes a maximum of one hundred and sixty (164), multi-family units as a portion of a Residential Care facility. A concurrent text amendment application (TA22-01) has also been submitted, which proposes changes to the ***Independent Living Facility*** zoning use.

This application has been reviewed for compliance with the Land Development Ordinance (LDO).

**Planning Comments (Map Amendment):**

**1. Application**

- a. To ensure that new development and redevelopment does not adversely affect the capacity of streets and intersections to accommodate vehicular traffic safely and efficiently, a Traffic Impact Analysis (TIA) is required to be submitted with the rezoning application per LDO Section 8.C.
- b. The concept plan indicates the current zoning is GC-CZ, General Commercial, Conditional Zoning. The application indicates the current zoning is GI-CZ, General Industrial, Conditional Zoning. The applicant should revise the concept plan to indicate BOTH zoning districts, as the GI-CZ is the portion of the property recently added with this application.

**2. Zoning, Comprehensive Plan, and Future Land Use Map Consistency**

a. Consistency Statements Required

Appendix A, Section 2.3 of the LDO discusses the process for rezoning and specifically requires statements of consistency with the adopted Town Plans by both the Planning Board and the Governing Body, in accordance with the standards of NCGS 160D-604 and 605. It should be noted that if the map amendment is adopted and the action is deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan.

b. Consistency with Comprehensive Plan

As mentioned previously, the applicant is proposing to rezone the subject parcel to RH-CZ. The 2017 Comprehensive Plan and Future Land Use Map designates this parcel as *Commercial*, which is described as, "Suburban commercial centers serving the daily needs of surrounding residential neighborhoods. They typically are located near roads with a high volume of traffic and key intersections that are designed to be accessed primarily by automobile. These consider other modes of transportation in design choices as well, both internally and externally of the commercial neighborhood. Common types

include single tenant buildings on individual lots, single and multi-tenant buildings normally found in shopping centers, or multi-tenant units with big box or anchor retail businesses in commercial shopping facilities.”

However, surrounding properties are shown as Medium Density Residential. The proposed RH-CZ conditional zoning would not necessarily be considered consistent as the property as shown as commercial but may fit with the intent of this area as shown on the Town’s Future Land Use Map.

On the current Future Land Use Map, no adjacent parcels are shown as High Density Residential. To best support the application, the applicant must address how the development will blend into the character of the future designated uses. The applicant has included a Rezoning Justification which is reviewed below.

c. Rezoning Justification

The applicant has provided a rezoning justification and support for the proposed change. Many of the statements correctly and strongly support the proposal. We have no further comments on the information provided. Regarding formatting, we would advise the applicant to title the document as it was done in the second submittal (i.e. **Exhibit B**).

3. **Concept Plan**

***Responses to the concept plan comments were not received from the applicant and a completely new drawing was provided given the change in the location of the site access. It will be at the discretion of the applicant to address these comments prior to the rezoning or wait and address at the next stage of development (preliminary subdivision or Site Development Plan), should the rezoning be approved. It should be noted that additional review and comments will be provided during the review of subsequent development applications.***

- a. Update Site Data Table to include the Existing/Proposed impervious surface, if known.
- b. Revise plan/ Site Data Table to include the minimum building setbacks (LDO Table 3.1.3).
- c. Label the zoning district and use of any adjacent properties that share a property line and thus will trigger buffer requirements.
- d. Revise plan/Site Data Table to clarify the proposed housing type, the quantity of each, and proposed Density. Previously, cottage homes in detached structures were labeled. The Site Data Table indicates ***single-family, attached***. Are the rest of the housing units in the main building supposed to be Multi-family Dwelling units aka apartment style?
- e. Revise Plan to show building separation; per Table 3.1.3, for “Single family Attached” a minimum width between structures of 30 feet is required.
- f. Required Open Space shall include at least one (1) Small open space type and one (1) Medium open space type, as defined in LDO 6.2.1.D.1. Please indicate the acreage and type of Open Spaces to be provided as well as proposed programming and improvements to demonstrate compliance with these requirements.
- g. Provide/ show the width of any existing and/ or proposed Public right-of-way – along Burlington Mills Road, and if there is any new public right-of-way proposed on the development site.

- h. Indicate the total number of units and/or beds as well as an accurate accounting of the number of parking spaces to demonstrate compliance with the LDO. This includes any proposed ADA compliant spaces, bicycle parking, EV parking, as well as parking proposed within garages.
  - (1) The applicant may provide an Alternative Parking Plan (APP) as outlined in LDO section 6.4.3.K if the applicant believes that the requirements set forth by the town are not suited for the intentions of the proposed use of the land.
- i. Per LDO Section 6.2.4.2.A., a tree and/or vegetative survey is required and compliance with the preservation standards of 6.2.4.5. must be demonstrated. IF Applicant wishes to provide this as the next Step of Development, clarify that, but Concept Plan indicates ZERO vegetation preservation, which may not be in compliance with LDO and only determined at that next stage of review when (the above is provide, reviewed, and approved).