

CASE SUMMARY

APPLICATION TYPE: PLANNED DEVELOPMENT



File Number: 9-A-20-PD **Related File Number:**
Application Filed: 7/27/2020 **Date of Revision:**
Applicant: BRIAN ROWE

PROPERTY INFORMATION

General Location: West side of Mars Hill Rd., east of N. Gallaher View Rd., south of Middlebrook Pk
Other Parcel Info.: formerly zoned RP-1
Tax ID Number: 119 D D 00302, 00303, &00304 **Jurisdiction:** City
Size of Tract: 1.5 acres
Accessibility: Access is via Mars Hill Rd, a local street with 19-20' of pavement within 40' of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Residential & Vacant
Surrounding Land Use:
Proposed Use: Three two-family dwelling (duplex) structures on individual lots **Density:** 4 du/ac
Sector Plan: Northwest County **Sector Plan Designation:** LDR (Low Density Residential)
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context: The site is located along a section of N Gallaher View Rd. that includes a mix of low and medium density residential development. The development along Mars Hill Rd include low density residential and the adjacent property to the north was recently approved for a small church.

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street: 633 , 639 & 0 Mars Hill Rd.
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: RN-2 (Single-Family Residential Neighborhood) / PD (Planned Development)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: The property was rezoned RP-1 < 5.99 du/ac in 2007 (10-C-07-RZ) and is currently zoned RN-2/PD.

PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge:

Mike Reynolds

Staff Recomm. (Abbr.):

WITHDRAW the application as requested by the applicant.

Staff Recomm. (Full):

The applicant has requested withdrawal of this Planned Development application so a Special Use application can be submitted for the October Planning Commission meeting.

Comments:

The applicant is proposing three two-family dwelling (duplex) structures on individual lots. The property is currently zoned RN-2/PD and the former zoning on the property was RP-1 < 5.99 du/ac. In 2015, the Planning Commission approved a Use on Review for an assisted living facility on this site. The transitional rules of the new zoning ordinance (Section 1.4.G) states that all previously approved planned districts remain in effect and are subject to all plans, regulations, and/or conditions of their approval, and that these developments are subject to the Planned Development (PD) amendment and/or development approval procedures. The PD amendment process requires a preliminary plan to be approved by both the Planning Commission and City Council, and then a final plan to be approved by the Planning Commission.

In April 2020, the Planning Commission recommended amendments to the transitional rules to remove the former commercial planned districts from those where the previously approved plans remain in effect. During the July 9, 2020 Council workshop, City Council recommended additional changes to the proposed amendments so that the former planned commercial districts are not removed from this section and that amendments to all previously approved development plans be subject to the Special Use approval procedures as they were under the old code. The Special Use (SU) process is what the former Use on Review (UOR) approval procedures were called.

The Planning Commission will consider the revised amendments to the transition rules at the September 2020 meeting and if recommended for approval, the City Council will consider the amendments in October 2020. If City Council approves the amendments on emergency at their October 6th meeting, the applicants new application for SU application for the October 8th Planning Commission could be considered for approval. If City Council does not approve the amendments on emergency then the SU application will need to be postponed until at least the November Planning Commission meeting to allow time for a final decision to be made by City Council.

Action:

Withdrawn

Meeting Date: 9/10/2020

Details of Action:

Summary of Action:

WITHDRAW the application as requested by the applicant.

Date of Approval:

Date of Denial:

Postponements:

Date of Withdrawal:

9/10/2020

Withdrawn prior to publication?: Action Appealed?:

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

Date of Legislative Action:

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case:

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Date of Legislative Appeal:

Amendments:

Effective Date of Ordinance: