



## Legislation Details (With Text)

<b>File #:</b>	17-494	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Agendas	<b>Status:</b>		Passed	
<b>File created:</b>	4/10/2018	<b>In control:</b>		Board of Aldermen	
<b>On agenda:</b>	4/17/2018	<b>Final action:</b>		4/17/2018	
<b>Title:</b>	Discussion and Requests to Set Public Hearings for Voluntary Annexation and Conditional Rezoning at 905 & 921 Homestead Road PURPOSE: The purpose of this item is for the Board to consider again requests to set public hearings on voluntary annexation and rezoning of property at 905 and 921 Homestead Road. The Board must receive public comment before considering these petitions. Resolutions setting public hearings are provided for the Board's use.				

### Indexes:

### Code sections:

**Attachments:** 1. Attachment A-1 - Resolution for Annexation\_4-17-2018, 2. Attachment A-2 - Resolution for Change of Zoning\_4-17-2018, 3. Attachment B - Vicinity Map, 4. Attachment C - Petition for Conditional Rezoning for 905 & 921 Homestead Rd\_3-19-2018, 5. Attachment D - Rezoning Exhibit, 6. Attachment E - Draft Conditions, 7. Attachment F - LUO Excerpts, 8. Attachment G - Petition for Annexation - 905and921Homestead

Date	Ver.	Action By	Action	Result
4/17/2018	1	Board of Aldermen	approved	Pass

### TITLE:

Discussion and Requests to Set Public Hearings for Voluntary Annexation and Conditional Rezoning at 905 & 921 Homestead Road

**PURPOSE:** The purpose of this item is for the Board to consider again requests to set public hearings on voluntary annexation and rezoning of property at 905 and 921 Homestead Road. The Board must receive public comment before considering these petitions. Resolutions setting public hearings are provided for the Board's use.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Christina Moon - 919-918-7325; Patricia McGuire - 919-918-7327; Bob Hornik - 919-929-3905; Marty Roupe - 919-918-7333

**INFORMATION:** The Board considered a request to set two public hearings for voluntary annexation and rezoning from Parker Louis, LLC, related to two parcels, 905 and 921 Homestead Road on March 20, 2018 and, after discussion, instructed staff to meet with the applicants regarding options for modifying the illustrative site plan for the rezoning, particularly the proposed street alignment in relation to a large oak tree. Staff met with Parker Louis, LLC (Adam and Omar Zinn) on April 4<sup>th</sup>, and the Zinns expressed their interest in continuing with the current design for the purposes of setting the public hearing.

The rezoning petition seeks to amend the zoning map for the two parcels, located along the south side of Homestead Road from R-15 to R-10-Conditional (R-10-CZ) for the purpose of developing a twenty-lot Architecturally Integrated Subdivision (AIS). Totaling just under 4.8 acres combined, the parcels are shown on

the attached vicinity map (*Attachment B*) and may be more specifically identified as Orange County PINs #9779-27-6322 and #9779-27-8209. Should the Board approve the rezoning, the Zinns would follow with an application for a Conditional Use Permit.

Materials submitted by the applicant (*Attachments C, D, and G*) include the formal petition for voluntary annexation, petition for change of zoning and answers to the four-part question seven, a short narrative of the project, and a conceptual site plan. Draft conditions are provided as (*Attachment E*), and it is anticipated that these may be further refined during advisory board review and the public hearing process.

The Board of Aldermen must receive public comment before taking action on a petition for voluntary annexation (*Attachment G*) and before adopting map amendments to the Land Use Ordinance. Planning Board review of the map amendment is also needed. Section 15-141.4 of the Land Use Ordinance, Conditional Zoning Districts, describes the procedure for the Board to consider a conditional rezoning and Section 15-322 describes the role of the Planning Board and other advisory boards in the review of rezonings (*Attachment F*).

The process for considering the petitions would be to hold both public hearings sequentially on the same night. The Board would open the hearing for the annexation first, followed by the rezoning.

**FISCAL & STAFF IMPACT:** The petitioner has submitted materials and fees, where applicable, for reviewing and processing these requests, including envelopes for mailed notice. Staff time will be necessary for public notice and agenda preparation for the public hearings.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen consider the attached resolution (*Attachment A-1*) setting a public hearing on May 22, 2018 on the voluntary annexation petition and the attached resolution (*Attachment A-2*) setting a public hearing on May 22, 2018 on the map amendment and referring the petition for change of zoning to the Planning Board and other advisory boards as appropriate.