TOWN OF FLETCHER

PRESTON BLAKELY
MAYOR

MARK E. BIBERDORF
TOWN MANAGER

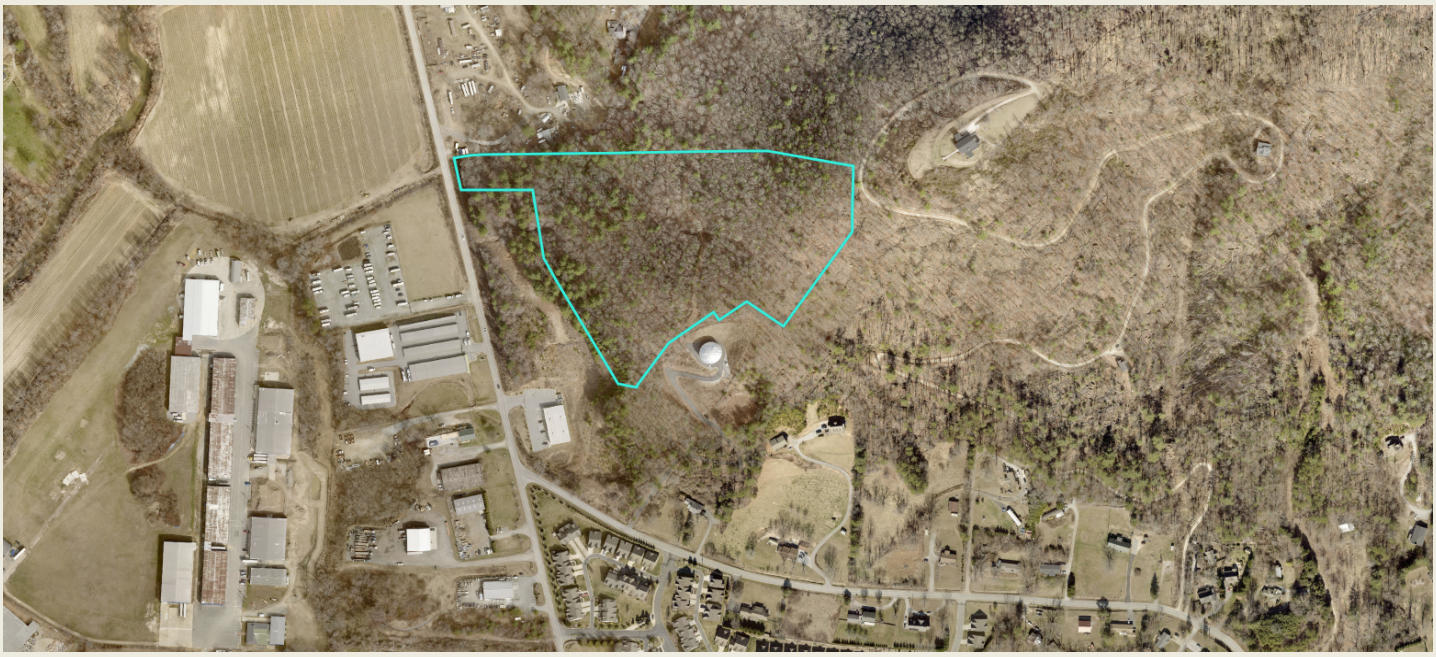
COUNCIL MEMBERS:
TREVOR LANCE
JIM PLAYER
KEITH REED
AMBER MCKINNEY

Standard Rezoning
PIN: 9663-54-5612 (Dirt and Sticks Inc)
No Address Assigned (Mills Gap Road)
(26-20-RZO)

Planning Department Staff Report
Tyler Morrow, Planning and Zoning Director

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Project Summary

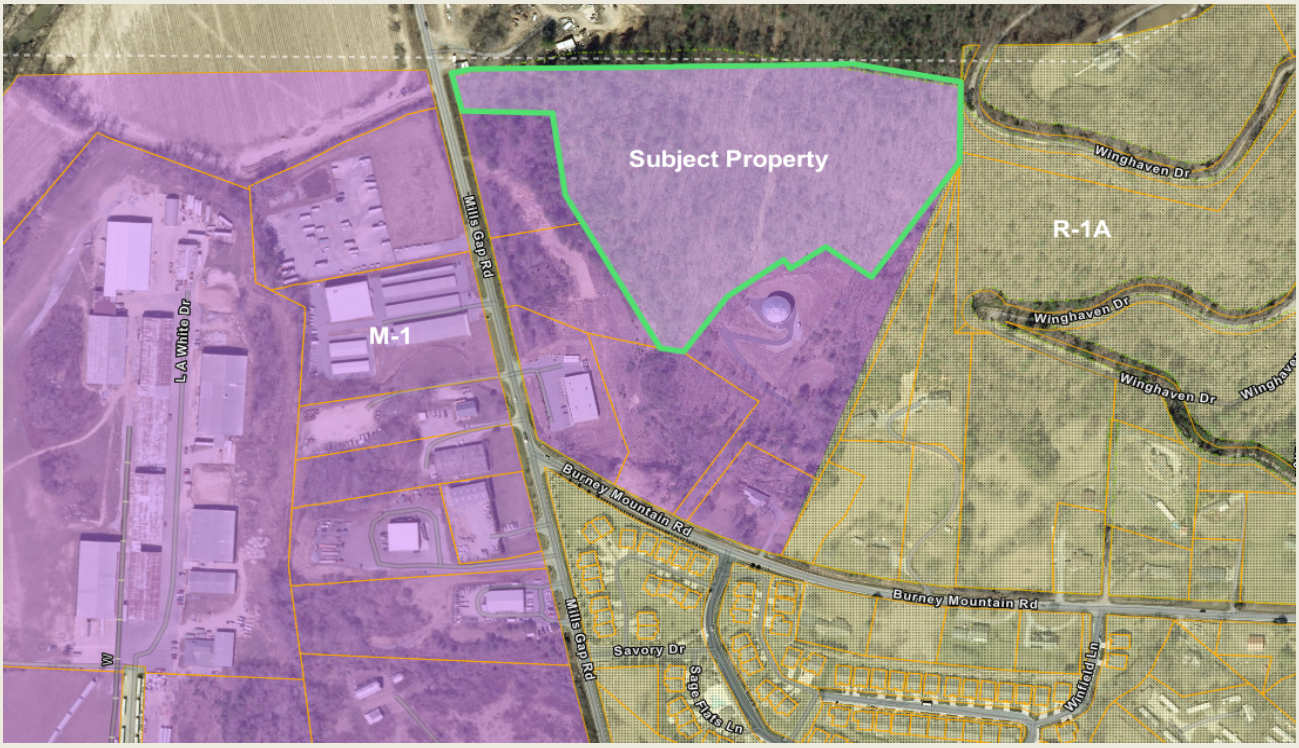


SITE VICINITY MAP

- **Project Name & Case #:**
  - PIN: 9663-54-5612 Standard Rezoning
  - 26-20-RZO
- **Applicant:**
  - Barry Bialik of Dirt and Sticks Inc.
- **Property Owner:**
  - Dirt and Sticks Inc.
- **Property Address:**
  - No addressed assigned (Mills Gap Road)
- **Project Acreage:**
  - 16.459 Acres

- **Parcel Identification (PIN):**
  - 9663-54-5612
- **Current Parcel Zoning:**
  - M-1 Manufacturing District
- **Requested Zoning:**
  - R-1A Low Density Development District (2 Units/Acre Residential)
- **Land Use Plan Designation:**
  - "Not in Use"

Map Amendment Process and Request:

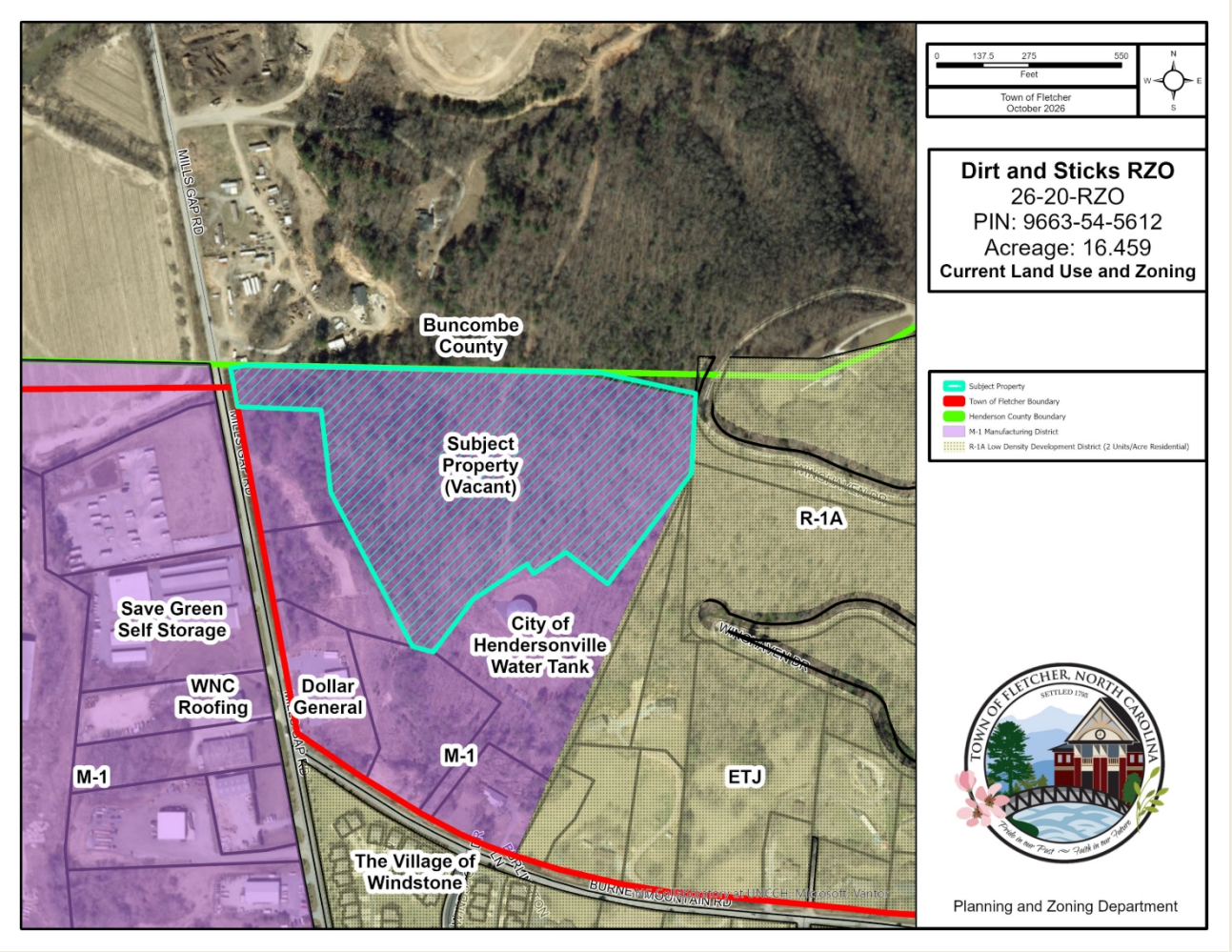


The Planning Board shall review the rezoning request and make a recommendation to the Town Council by majority vote. In its recommendation, the Planning Board shall consider the Comprehensive Plan (Land Use Plan) and state whether the proposed rezoning is consistent with the Plan. Following the Planning Board's recommendation, the Town Council will hold a public hearing and render a decision by majority vote. The Town Council's action shall include findings regarding the proposal's consistency with the Comprehensive Plan and a statement addressing the reasonableness of the proposed rezoning in accordance with N.C.G.S. 160D-605.

The proposed rezoning would be considered a downzoning under North Carolina law, as it would significantly reduce the range and intensity of uses permitted on the subject property. However, the rezoning can proceed because it was initiated and requested by the property owner rather than the Town.

In discussions with staff, the property owner indicated that the site may be better suited for residential development than industrial or commercial uses due to its steep topography. As illustrated in the use comparison later in this report, the proposed rezoning would substantially limit the permitted uses and would likely result in some form of residential development. However, because this is a standard rezoning request, all uses permitted within the proposed zoning district must be considered when evaluating the application, rather than focusing solely on the property owner's anticipated development plans.

Existing Zoning & Land Use Map and Description



The subject property is currently zoned M-1, Manufacturing District, a designation prevalent along Mills Gap Road and throughout the Town's industrial corridor. This area accommodates many of Fletcher's larger manufacturing operations and more intensive land uses, which contribute significantly to the Town's industrial character and economic base. The subject property is located across Mills Gap Road from the more established industrial core and appears to serve as a transition between industrial uses to the west and residential to the east. As illustrated on the accompanying zoning map, the M-1 and R-1A zoning districts directly abut one another, despite substantial differences in their permitted uses and development intensities. While the M-1 District allows some of the Town's most intensive uses, the R-1A District is among its most restrictive residential districts. Fortunately, the existing development pattern has provided a relatively gradual transition, with no large manufacturing operations immediately adjoining the residential properties in this area.

The R-1A District was established several years ago to preserve the rural character of the Hoopers Creek community. With a maximum density of two dwelling units per acre, the district allows substantially less residential development than the R-3 zoning designation previously in place. This distinction highlights the importance of considering land use compatibility along the boundary between these two significantly different zoning districts.

Site Images

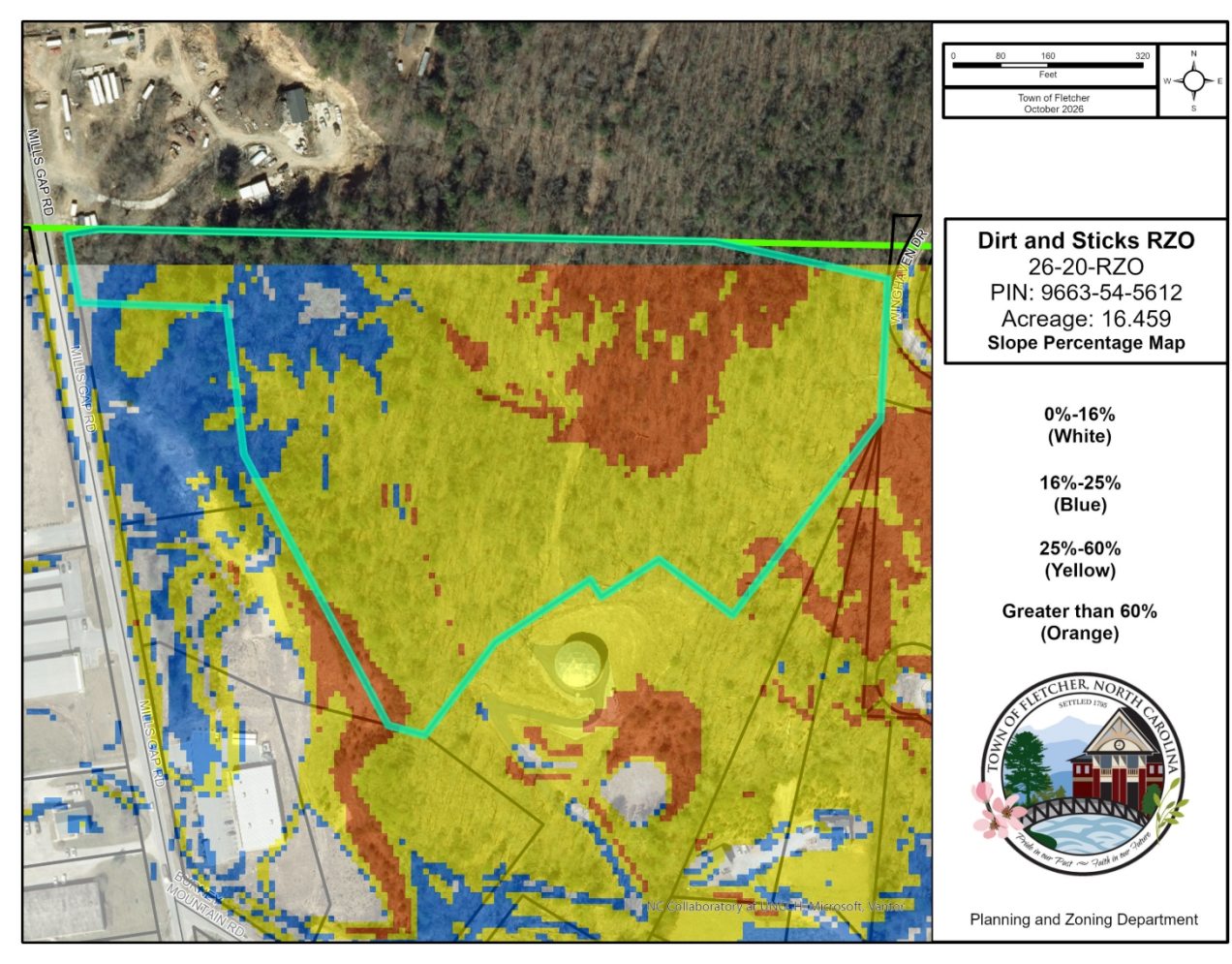


This site photograph illustrates the existing road frontage of the subject property along Mills Gap Road.



This photograph illustrates the steep grade change between the Dollar General on Mills Gap Road and the subject property, looking uphill toward the site.

Property Slope Map and Description



The subject property presents significant topographical challenges that may limit its development potential in the future. As illustrated in the accompanying slope map, the majority of the site has slopes exceeding 16%, with much of the property falling between 25% and 60%. Some portions even exceed 60% slope.

The Town's Land Development Code (LDC) defines steep slope areas as properties with an average slope of 33% or greater or those identified as having a moderate or high landslide hazard by the North Carolina Geological Survey. Properties meeting these criteria are subject to additional restrictions on minimum lot sizes, land disturbance, and impervious surface coverage. These standards are intended to protect environmentally sensitive areas and preserve natural topography.

The site's significant topographical constraints and applicable development regulations would likely limit its overall development potential regardless of zoning designation.

Land Use Plan Consistency:



The proposed development is consistent with the Land Use Plan's 3rd and 6th goals "To prevent inappropriate development of identified flood hazard areas or other environmentally sensitive areas that might endanger lives, property or health" and "To encourage low-density, single-family residential development west of US 25, and to a limited extent east of the industrial park"

The proposed rezoning would significantly reduce the range and intensity of allowable uses on the property, primarily limiting future development to lower density residential uses. This would provide additional residential zoning east of the existing industrial park while reducing the potential development impacts on one of the Town's environmentally sensitive steep slope areas.

Permitted Use Comparison:

P Permitted

PS Permitted subject to Additional Standards in Chapter 3

SUP Special Use Permit Required (See Chapter 3 and Chapter 15)

CZ Conditional Zoning (See Chapter 15)

— Not Permitted

Uses not listed as a permitted (P), permitted with additional standards (PS) or requiring a special use permit (SUP) or Conditional Zoning District (CZ) are presumed to be prohibited from the applicable zoning district.

Use	R-1A (Proposed)	M-1 (Current)
Residential		
Dwelling-Single Family (Not part of a PRD)	P	—
Dwelling-Duplex (Not part of a PRD)	P	—
Dwelling-Multifamily 4 units/building or less (Not part of a PRD)	—	—
Dwelling-Multifamily more than 4 units/building	—	—
Dwelling-Secondary	PS	—
Family Care Home (6 or fewer residents)	PS	—
Home Occupation	PS	—
Housing Service for the Elderly	—	—
Live-Work Units	—	—
Manufactured Housing, Individual Lots	PS	—
Manufactured Housing, Parks	—	—
Planned Residential Development (PRD)	SUP	—
Lodging		
Bed and Breakfast Inns	PS	—
Hotels/Motels/Inns	—	P
Rooming or Boarding House	—	—
Office/Service		
Animal Services	—	P
ATM	—	P
Banks, Credit Unions, Financial Services	—	P
Business Support Services	—	P
Child/Adult Day Care Home (6 –15 persons)	P	P
Child/Adult Day Care Center (16 or more persons)	PS	PS
Community Service Organization	—	—
Drive Thru Service	—	—
Funeral Homes	—	P
Group Care Facility (More than 6 residents)	—	—
Government Services	—	—
Medical Services - Clinic, Urgent Care Center	—	—

Use	R-1A (Proposed)	M-1 (Current)
Medical Services – Doctor office	—	—
Outdoor Kennels	—	PS
Post Office	—	—
Professional Services	—	P
Studio – Art, dance, martial arts, music	—	P
Vehicle Services – Major Repair/Body Work	—	PS
Vehicle Services – Minor Maintenance/Repair	—	PS
Retail/Restaurants		
Auto Parts Sales	—	P
Bar/Tavern/Night Club	—	—
Drive-Thru Retail/Restaurants	—	P
Gas Station with Convenience Store	—	P
General Retail – 10,000 sf or less	—	P
General Retail – 10,001 sf – 50,000 sf	—	P
General Retail – 50,001 – 100,000 sf	—	SUP
Restaurant	—	P
Shopping Center – Neighborhood Center	—	PS
Shopping Center – Community Center	—	CZ
Vehicle/Heavy Equipment Sales, Service, & Rental	—	PS

Use	R-1A (Proposed)	M-1 (Current)
Entertainment/Recreation		
Adult Establishment	—	—
Amusements, Indoor	—	—
Amusements, Outdoor	—	—
Cultural or Community Facility	SUP	—
Electronic Gaming Operations/Internet Sweepstakes	—	—
Meeting Facilities	SUP	—
Recreation Facilities, Indoor	—	—
Recreation Facilities, Outdoor	P	—

Use	R-1A (Proposed)	M-1 (Current)
Shooting Range, Outdoor	—	SUP
Theater, Movie	—	—
Theater, Live Performance	—	—
Manufacturing/Wholesale/Storage		
Agribusiness	P	P
Agricultural Products	PS	P
Asphalt Plant	—	—
Construction Services	—	P
Cryptocurrency Mining Operations	—	—
Data Centers	—	—
Laboratory - Medical, analytical, research & development	—	P
Laundry, dry cleaning plant	—	P
Manufacturing, Light	—	P
Manufacturing, Neighborhood	—	P
Manufacturing, Heavy	—	P
Media production	—	—
Metal products fabrication, machine or welding shop	—	P
Mini-Warehouses	—	P
Research and development	—	P
Storage - Outdoor storage yard, primary use	—	PS
Storage - Warehouse, indoor storage	—	P
Wholesaling and distribution	—	PS
Civic/Institutional		
Campground	—	—
Cemeteries	P	—
Colleges/Universities	—	—
Hospital	—	—
Public Safety Station	SUP	P
Religious Institutions	SUP	—
Schools – Elementary & Secondary	SUP	—
Schools – Vocational/Technical	—	—

Use	R-1A (Proposed)	M-1 (Current)
Infrastructure		
Airport	—	SUP
Wireless Telecommunication Facility-Stealth	PS	PS
Wireless Telecommunication Facility-Tower	—	SUP
Utilities-Class 1	P	P
Utilities-Class 2	—	PS
Utilities-Class 3	—	PS
Utilities-Class 4	—	PS

Planning Board Recommendation:

The Planning Board voted 8-0 to recommend approval of the Standard Rezoning Request.

Motion by the Planning Board:

I move the Planning Board recommend Town Council **adopt** an ordinance amending the official zoning map of the Town of Fletcher, changing the zoning designation of the subject property from M-1 Manufacturing District to R-1A Low Density Development District finding:

1. The petition is found to be consistent with the Town of Fletcher Land Use Plan based on the information from the staff analysis and the public hearing, and because:

The proposed rezoning would accommodate lower density residential development east of the existing industrial park while reducing the potential intensity of uses within an environmentally sensitive area.

2. We find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:

1. The proposed rezoning would reduce the intensity of allowable uses on the east side of Mills Gap Road while establishing a larger area of low-density residential zoning that serves as a transition between the industrial uses to the west and the existing residential along Burney Mountain Road.
2. The proposed rezoning would significantly reduce the range and intensity of permitted uses on the subject property, potentially limiting development impacts within an environmentally sensitive area characterized by steep slopes

Vote

Motion: Julia Fogel

Second: Doug Ferguson

For: Robyn Mondin, Mike Franklin, Doug Ferguson, Julia Fogel, Lee Bowser, Jacob Compher, Leslie Cuevas, Bryan Gilbert

Against: None