

CONDITIONAL ZONING DISTRICT APPLICATION

CASE: Z-952, 5/16

PETITIONER: Wilmington Builders, applicant
The Stokley Family Trust and Noelle Holdings, LLC property owners

REQUEST: Rezone from R-15, Residential District, to (CZD) O&I, Conditional Office and Institutional District

ACREAGE: 0.45 acres

LOCATION: 2 Silva Terra Drive
PID: R07016-002-001-000

LAND CLASS: Urban

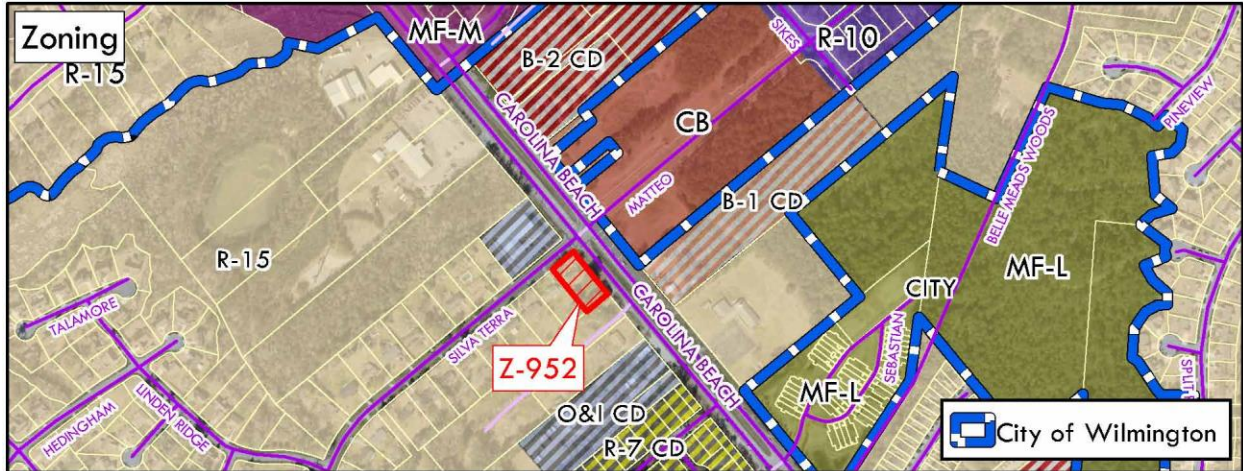
EXISTING CONDITIONS:

Existing Zoning and Land Uses

The property proposed to be rezoned is a 0.45 acre parcel of land located at 2 Silva Terra Drive, at the intersection of Silva Terra Drive and Carolina Beach Road. The property was zoned R-15 when zoning was initially applied to this area in 1971.

The zoning in the vicinity consists of a mixture of commercial and residential zoning districts. On the southwest side of Carolina Beach Road, the zoning is predominately R-15, including Silva Terra and the surrounding parcels. An area of conditional R-7 exists in the 4800 block of Carolina Beach Road known as Adams Landing. Across Silva Terra Drive from the subject site is a 1.06 acre conditional Office and Institutional district that was approved in 2005 and consists of a multi-tenant office building. Another conditional O&I district was approved in December 2002 and is conditioned to several uses including computer audio/video service, recording studio, personal real estate rental office, barber shop, service station, lawn mower repair shop, rental tool business, and real estate business.

The area across Carolina Beach Road is a variety of zoning types under either city or county jurisdiction. A large area along Belle Meade Drive was subject to a conditional zoning district approval in 2008, however, areas of that site have been annexed into Wilmington and are under development with multi-family residential projects. A remnant of the 2008 conditional zoning approval site is the subject site for a proposed multi-family residential project recently heard by the Planning Board (Case Z-958 – Aaronfield Cove). Other zoning across Carolina Beach Road from the subject site includes MF-L (City), R-10, and R-15.



Existing Site Conditions

The property proposed to be rezoned hosts a brick ranch style house that was constructed in 1970 and is proposed by the petitioner to be repurposed for use as an office building.



Community Services

Water and Sewer:

The property is within the Urban Services boundary, and water and sewer service is available to serve the structure.

Fire Protection:

The property is served by New Hanover County Fire Services and located in the New Hanover County South Fire District.

Schools:

The property is located within the school districts for Williams and Codington Elementaries, Myrtle Grove Middle, and Ashley High schools, however the proposed use will not have any impacts on the school system.

Conservation, Historic, and Archaeological Resources

The subject property does not host any known conservation, historic, or archaeological resources.

PETITIONER'S REQUEST:

The petitioner is seeking to rezone a 0.45 acre parcel from R-15, Residential District, to (CZD) O&I, Conditional Office and Institutional District, in order to repurpose the existing 1425 sq. ft. residential structure for use as an office.

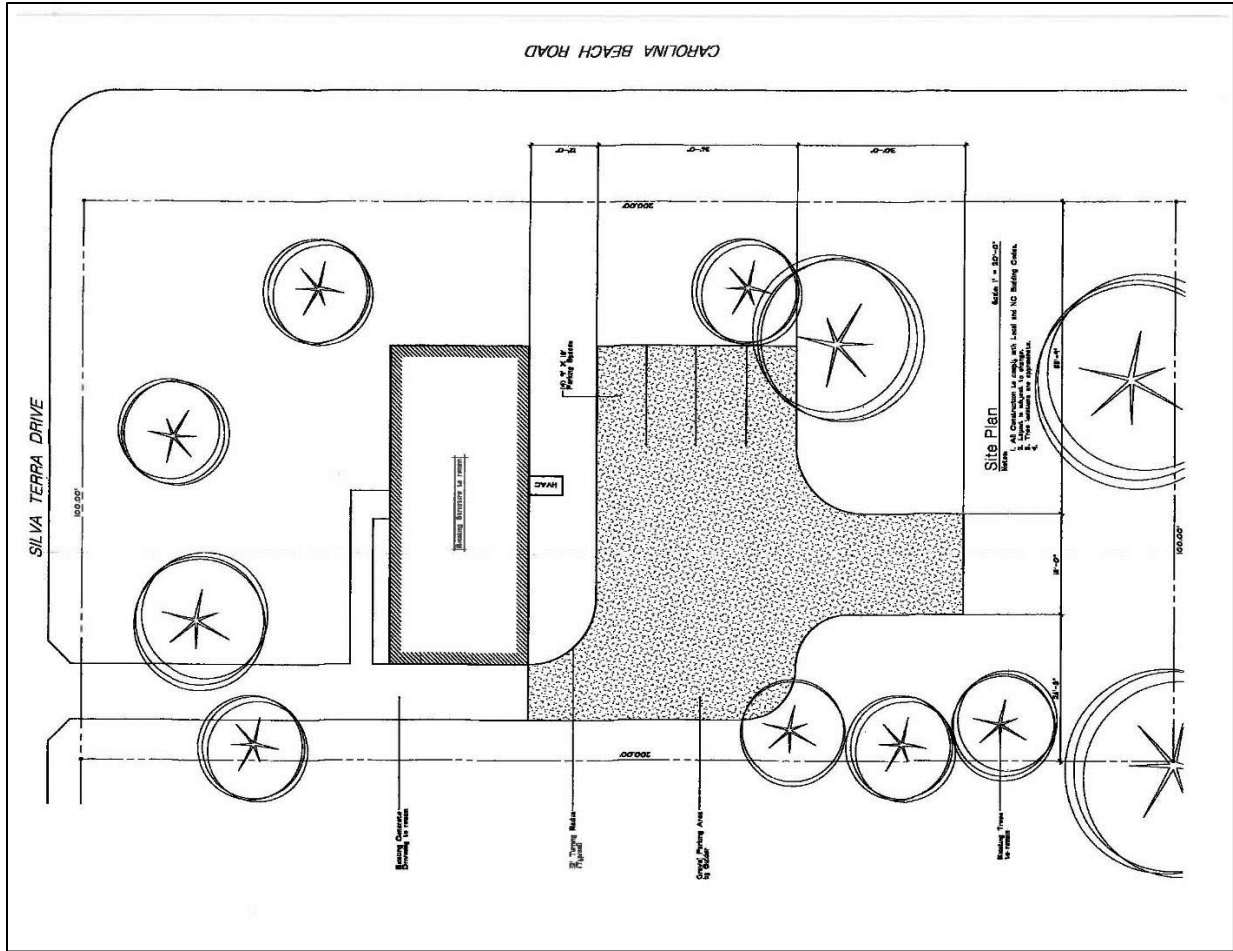
STAFF POSITION:

Zoning and Subdivision Ordinance Considerations

The purpose of the Office and Institutional (O&I) District is to provide areas where institutional uses, professional office uses, and other uses compatible to uses of an office or institutional nature are encouraged to locate and to provide protection for this type of land use from encroachment by other less desirable uses. The district's principal means of ingress and egress should be along collector roads, minor arterial streets, and/or major arterial streets.

A conceptual site plan is included as part of the application and is shown below. If the rezoning is approved, the proposed development must also go through the County's site plan/building permit review process. The process includes the review of the technical standards of the County's development regulations, including landscaping, buffering, stormwater, and building code requirements.

Comments on the site plan were solicited from key agencies that would be part of the development review process. Zoning staff noted that additional landscaping that is not shown on the site plan will be required, including streetyard plantings along both Silva Terra Drive and Carolina Beach Road, foundation plantings around the building perimeter, and interior parking lot landscaping. A variance from the nonresidential structure setback and buffer yard requirements was approved by the Zoning Board of Adjustment on April 26, 2016 and was necessary because the existing structure and driveway location would not have met the requirements of Section 60.3 and Section 62.1-4.



Conceptual Site Plan

Traffic and Transportation Considerations

The uses proposed as part of the conditional zoning district would not generate near the 100 peak hour trip generation threshold that would require a Traffic Impact Analysis (TIA) to be performed.

The Wilmington Metropolitan Planning Organization (WMPO) conducted a traffic count at the 5000 block of Carolina Beach Road in 2015. The count yielded an Average Daily Traffic (ADT) of 29,430 trips. Carolina Beach Road has a design capacity of 29,300 daily trips, and therefore it is classified as having an "F" Level of Service (LOS) with a Volume to Capacity Ratio of 1.004.

WMPO staff provided comments on the proposal and site plan and indicated concerns about the driveway location and width. The existing driveway is proposed to serve the new use, and WMPO staff noted that the driveway is within the functional area of the traffic signal for the intersection of Silva Terra Drive and Carolina Beach road, and that the site may be subject to turn restrictions and improvements to Silva Terra Drive. These issues will be examined further in the NC DOT Driveway Permit process. WMPO staff also noted that the 10' wide driveway is not wide enough for two way traffic and advised increasing the driveway width to 16'.

Environmental

The property does not contain any Special Flood Hazard Areas or Significant Natural Heritage Areas. If the amount of impervious surface area warrants, stormwater management will be reviewed by New Hanover County Engineering; however, a cursory review of the proposal by New Hanover County Engineering staff was performed and the amount of impervious surface area proposed appears to be under the maximum amount of impervious surface area that would require a stormwater permit.

Land Use Plan Considerations

According to the 2006 CAMA Plan, the site is classified as Urban. The purpose of the Urban classification is to provide for continued intensive development and redevelopment of existing urban areas. With the changes that have occurred to the area surrounding the site since residential zoning was applied and a residential use established on the site in the early 1970s, Staff concludes that non-residential zoning would be appropriate for the site and consistent with the 2006 CAMA Land Use Plan.



Draft Comprehensive Land Use Plan Considerations

The County is currently going through a process to create a new comprehensive land use plan. The current draft of the new Comprehensive Plan classifies the area of the property subject to development as Community Mixed Use on the Future Land Use Map.

The Community Mixed Use placetype focuses on small-scale, compact, mixed use development patterns that serve multimodal travel and act as an attractor for county residents and visitors. These areas share several qualities with higher-intensity mixed use placetypes, including a combination of retail with office and housing above, wider sidewalks, and an emphasis on streetscaping. However, these centers are generally small, no more than a few square blocks. Civic uses, particularly recreation and public gathering places, are particularly encouraged here. Ideally, large-scale, lower density commercial and industrial developments are prohibited.

The proposed rezoning and change of land use from residential to office use is supportive of the Community Mixed Use place type.



REVIEW AND ACTION:

This request is being facilitated by *Section 55.3 – Conditional Zoning District* of the County’s Zoning Ordinance, and has been processed and reviewed per *Section 110 – Amending the Ordinance*. A community meeting was held on February 8, 2016 in accordance with the requirements for such an application. The meeting had minimal attendance and no changes were made to the proposal as a result of the community information meeting.

Staff recommends approval of the application. Staff concludes that the application is consistent with the requirements of the Zoning Ordinance and the additional zoning requirements for landscaping and buffering can be met. Staff concludes that the application is also consistent the 2006 Wilmington-New Hanover County CAMA Land Use Plan and the intent of the Urban land use classification.

Action Needed

- **Motion to recommend approval of the petitioner’s application [with or without agreed upon conditions]**
- **Motion to “table” the application in order to receive more information**
- **Motion to recommend denial of the petitioner’s application based on specific reasons**

Example Motion for Approval:

Motion to recommend approval, as the Planning Board finds that this application for a zoning map amendment of 0.45 acres from R-15, Residential District, to (CZD) O&I, Conditional Office and Institutional District as described is:

1. Consistent with the purposes and intent of the 2006 CAMA Land Use Plan because [Describe elements of controlling land use plans and how the amendment is consistent].
2. Reasonable and in the public interest because [Briefly explain why. Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments].

Conditions:
[List any agreed upon conditions]

Example Motion for Denial:

Motion to recommend denial, as the Planning Board finds that this application for a zoning map amendment of 0.45 acres from R-15, Residential District, to (CZD) O&I, Conditional Office and Institutional District as described is:

1. Not Consistent with the purposes and intent of the 2006 CAMA Land Use Plan because [Describe elements of controlling land use plans and how the amendment is not consistent].
2. Not reasonable or in the public interest because [Briefly explain why not. Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.].

Staff Suggested Motion:

Motion to recommend approval, as the Planning Board finds that this application for a zoning map amendment of 0.45 acres from R-15, Residential District, to (CZD) O&I, Conditional Office and Institutional District as described is:

1. Consistent with the purposes and intent of the 2006 CAMA Land Use Plan because the Urban classification calls for continued development and redevelopment of urban areas.
2. Reasonable and in the public interest because it maximizes the effectiveness of commercial uses by locating them within close proximity to the markets they serve and by ensuring that such commercial uses do not diminish the quality of life of the existing residential communities.