

CONDITIONAL ZONING DISTRICT APPLICATION

CASE: Z-953, 4/16

PETITIONER: Edward H. Clark with Hanover Lakes LLC, property owner

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

ACREAGE: 2.2 acres

LOCATION: 2100 Block of Castle Hayne Road
PID: R03300-003-002-000

LAND CLASS: Transition

PLANNING BOARD ACTION:

This application was heard at the April 14, 2016 Planning Board meeting. At the meeting, the Board discussed ways to mitigate any potential impacts the proposed development may have on the residential dwellings in the area. The Planning Board voted 7-0 to recommend approval of the rezoning with conditions, finding that the application is:

1. Consistent with the purposes and intent of the 2006 CAMA Land Use Plan because the property is located on an arterial street and will be served by public water and sewer services, thereby making it suitable for intensive urban development which is encouraged in the Transition Classification.
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.

Conditions:

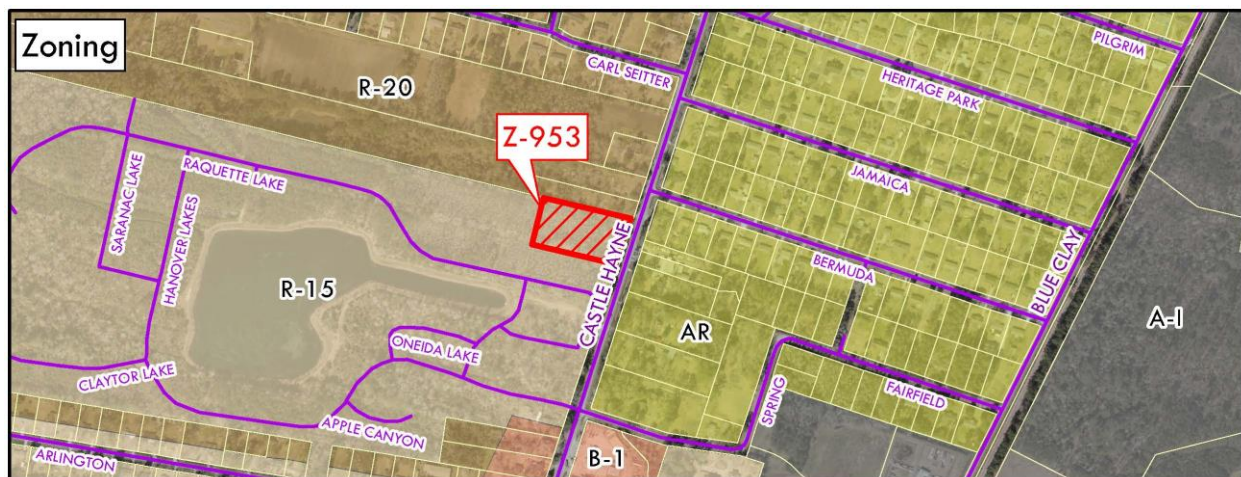
1. No more than a total of 100 peak hour trips can be generated from the use or combination of uses located within the zoning district. Change of use proposals must be reviewed and approved by the County in order to verify compliance with the zoning district standards.
2. The development shall comply with all provisions of an approved NCDOT driveway permit prior to issuance of the Certificate of Occupancy.
3. Freestanding signage shall be limited to monument signs, in that the sign must have a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick. Freestanding signs supported by poles and any flashing, digital signs shall be prohibited.
4. Existing vegetation must remain within the bufferyards and be supplemented as necessary to provide the 100% visual opacity requirement.

EXISTING CONDITIONS:

Existing Zoning and Land Uses

The proposed rezoning includes 2.2 acres of a 106.75 acre parcel of land located at the 2100 block of Castle Hayne Road, approximately three quarters of a mile south of the intersection with N. Kerr Avenue. The remaining 104 acres of land within the parcel have recently received preliminary plat approval in order to develop a 231 lot single-family performance residential subdivision currently named Hanover Lakes. The subject 2.2 acres will be split from the parcel and is not included within the approved subdivision. The property was zoned R-20 when zoning was initially applied to this area in 1974. In 2006, the property was rezoned to R-15.

The zoning in the vicinity consists mostly of residential districts including the R-20, R-15, and AR (Airport Residential) districts. The subject property will adjoin the planned Hanover Lakes subdivision to the south and west. Existing neighborhoods in the area include Sedgefield, which is directly east of the subject property, and Seitter Acres, located to the north. Commercial districts and uses can be found where Castle Hayne Road intersects with 23rd Street and N. Kerr Ave.



Existing Site Conditions

The property proposed to be rezoned is currently undeveloped.



Community Services

Water and Sewer:

The property is within the Urban Services boundary, and water and sewer infrastructure is located within the nearby vicinity and will be installed within the Hanover Lakes development.

Fire Protection:

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

Schools:

The property is located within the school districts for Wrightsboro Elementary, Holly Shelter Middle, and New Hanover High schools.

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 the 2.2 acres currently zoned R-15, Residential District, to (CZD) O&I, Conditional Office and Institutional District, in order to develop a 12,970 square foot commercial/office building.

STAFF POSITION:

Zoning and Subdivision Ordinance Considerations

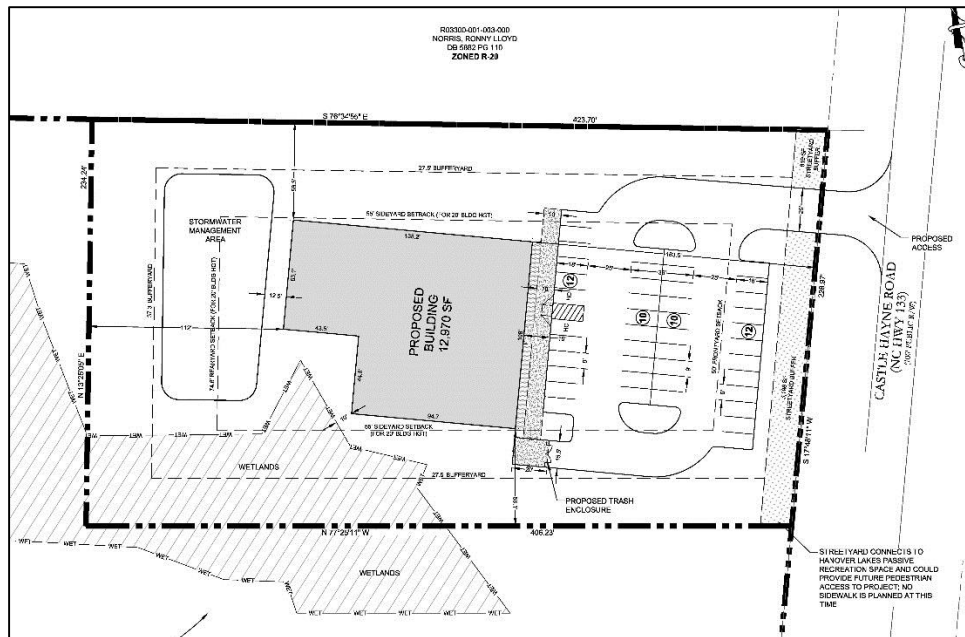
The purpose of the Office and Institutional District shall be to provide areas where institutional uses, professional uses, professional office uses and other uses compatible to uses of an office or institutional nature shall be encouraged to locate and to provide protection for this type land use from encroachment by other less desirable uses. The district’s principle means of ingress and egress shall be along collector roads, minor arterials, and/or major arterials.

A conceptual site plan is included as part of the application and is shown below. If this application is approved, the property must be developed in accordance with that plan. Any major modifications proposed to the site plan after it is approved, must be processed as a new rezoning application. The applicant is proposing to develop a 12,970 square foot commercial/office building that may contain multiple tenants. The proposed (CZD) O&I district would limit the number of uses permitted on the property, specifically to the following:

- Antenna & Towers less than 70 ft.
- Cellular & PCS Antennas
- Amateur Radio Antennas
- Barber/Beauty Shop
- Business Services including Printing
- Parks & Rec Area
- Adult Day Care
- Child Care Center
- Hospitals
- Residential Care
- Libraries
- Museums
- Churches
- Labor Organizations
- Accessory Buildings or Uses
- Christmas Tree Sales
- Evangelistic and Religious Assemblies not conducted in a church
- Government offices and buildings

- Offices for Private Business and Professional activities
- Pumpkin Sales
- Principal Use Sign
- Special Fund Raising for Non-Profit Organizations
- Temporary Sign
- Small and Large Recycle facilities

Further, 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, and stormwater requirements. A fully opaque buffer is required along the perimeter of the property to screen the commercial/office use from the adjoining residentially zoned land. As currently shown, the site plan complies with the standards of the Zoning Ordinance.



Conceptual Site Plan

Traffic

The proposed district will limit the allowable uses to ones that do not generate more than 100 peak hour trips. Below are the trip generation calculations for the proposed permitted uses. As the building may contain a combination of uses and tenants, staff is requesting a condition be added to the district that the total number of trips generated from the property cannot exceed 100 peak hour trips, and that change of uses must be reviewed and approved by planning staff. In the event that the trips do exceed this threshold, it would be considered a major modification to the district and will require that a Traffic Impact Analysis be completed and approval from the Board of Commissioners

Potential Zoning Uses & Corresponding Traffic Trip Generation Calculations				
Permitted Zoning Use in O&I	Code	Area for Use	AM Peak Trips	PM Peak Trips
Antenna & Towers less than 70' ht & Ancillary to Principal Use	N/A	0	0	0
Cellular & PCS Antennas	N/A	0	0	0
Amateur Radio Antennas (up to 90')	N/A	0	0	0
Barber/Beauty Shop	918	12,970 sf	0	25
Business Services Including Printing	867	12,970 sf	0	44
Parks & Recreation Area	412	2.2 ac	1	1
Adult Day Care	260	2.2 ac	29	24
Child Care Center	565	7,100 sf	96	99
Hospital (Medical-Dental Office)	720	12,970 sf	51	58
Residential Care	252	26 units	2	3
Libraries	590	11,250 sf	64	99
Museums	580	12,970sf	5	2
Churches	560	12,970 sf	17	22
Labor Organizations	591	100 members	3	3
Necessary Buildings or Uses, clearly incidental to the Permitted Use or Building	N/A	0	0	0
Christmas Tree Sales	N/A	0	0	0
Evangelistic and Religious Assemblies not Conducted at a Church	N/A	0	0	0
Government Offices & Buildings	730	9,000 sf	53	99
Offices for Private Business & Professional Activities	710	12,970 sf	37	93
Pumpkin Sales	N/A	0	0	0
Principal Use Sign	N/A	0	0	0
Single Family Dwelling	210	6	16	9
Single Family Dwelling- Attached	230	6	5	40
Special Fund Raising for Non-Profit Organizations	N/A	0	0	0
Temporary Sign	N/A	0	0	0

A traffic impact analysis (TIA) was recently completed for the proposed Hanover Lakes subdivision, which adjoins the property to the south and west. That TIA examined Castle Hayne Road's intersections with N. Kerr Avenue, Spring Road/Site Access, Arlington Drive, and 23rd Street. The TIA determined the Level of Service (LOS) of each intersection based off the delay per vehicle in seconds. The TIA found that only the minor street approaches of the site's access and Spring Road are expected to operate at a Level of Service (LOS) of E or F when Hanover Lakes is expected to be completed in 2018. The other intersections and approaches will operate at an acceptable LOS, ranging from A to D. The TIA was reviewed and approved by NCDOT, the WMPO, and county staff. It required the installation of a center turn lane along that portion of Castle Hayne Road and a deceleration turn lane into the proposed subdivision. The TIA can be found online here:

<http://laserfiche.nhcgov.com/weblink8/0/doc/3058601/Electronic.aspx>

The Wilmington Metropolitan Planning Organization (WMPO) also conducted a traffic count at the 2100 block of Castle Hayne Road in 2015. The count yielded an Average Daily Traffic (ADT) of 17,238 trips. Castle Hayne Road has a design capacity of 14,400 daily trips, and therefore it is classified as having an "F" Level of Service (LOS) with a Volume to Capacity Ratio of 1.19.

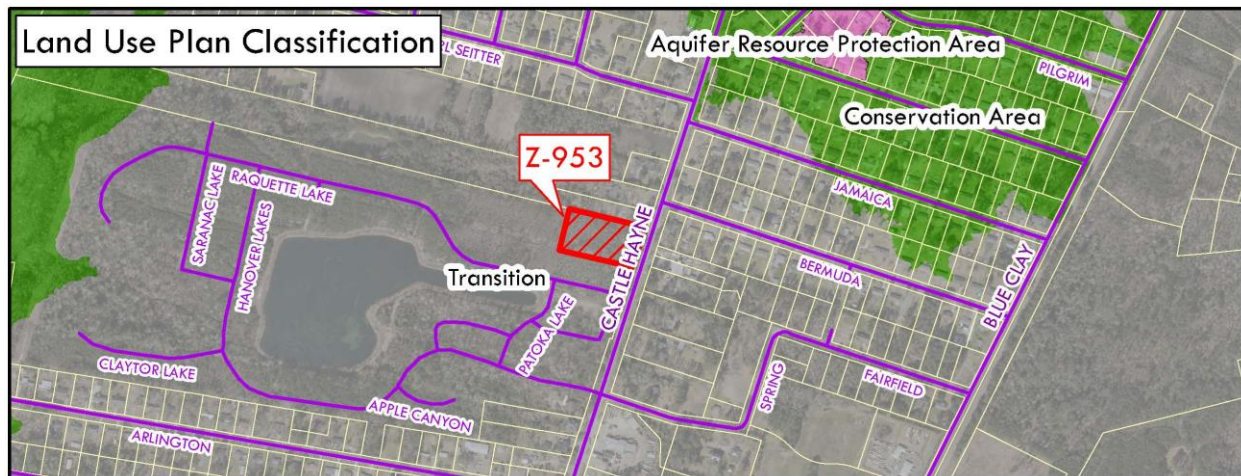
The North Carolina State Transportation Improvement Program has identified a project (U-5863) to widen Castle Hayne Road to multi-lanes. The project is currently funded with right-of-way acquisition tentatively scheduled to begin in 2020 and construction in 2023.

Environmental

The property does not contain any Special Flood Hazard Areas or Natural Heritage Areas. Possible regulated wetlands have been identified on the property by the applicant. The potential wetland area must be further delineated by the Army Corps of Engineers prior to building permit issuance, however it is outside of the proposed development area. Stormwater management will be reviewed by New Hanover County Engineering and by the NC Department of Environmental Quality.

Land Use Plan Considerations

According to the 2006 CAMA Plan, the site is classified as Transition. The purpose of the Transition classification is to provide for future intensive urban development on lands that have been or will be provided with necessary urban services.

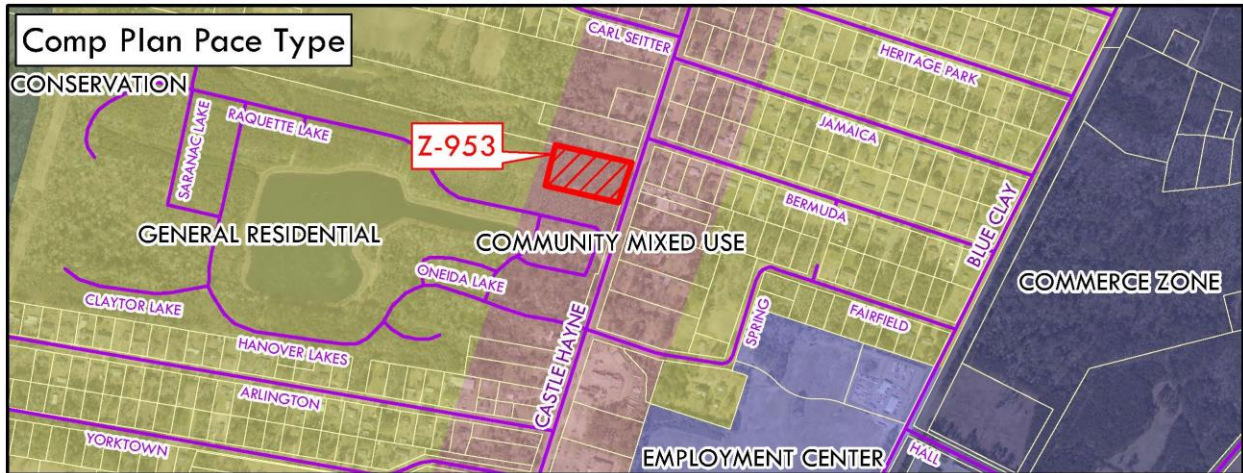


Draft Comprehensive Plan

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 property as Community Mixed Use on the Future Land Use Map.

The Community Mixed Use Place Type focuses on small-scale, compact, mixed use development patterns that promote multimodal travel and act as an attractor for county residents and visitors. These areas share several qualities with higher-intensity mixed use place types, including a combination of ground floor retail with officespace 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.

Office and retail uses are appropriate within the Community Mixed Use Place Type provided they are limited to a maximum of two stories and have a low/moderate density. The proposed building will be one story and have a height of 20 feet, and therefore it does not conflict with 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 Friday, March 4, 2016 in accordance with the requirements for such an application. The applicant has provided a summary of the meeting which includes the concerns and comments brought up by the attendees.

Staff recommends approval of the application. Staff concludes that the application is consistent with the requirements of the Zoning and Subdivision Ordinances and also the 2006 Wilmington-New Hanover County CAMA Land Use Plan. Specifically, the property is accessed by an arterial street where nonresidential uses are encouraged to locate. Also, the O&I district prohibits more intensive commercial uses (auto repair, restaurants, contractor services, etc.) that are permitted in the B-1 and B-2 zoning districts, and is therefore considered to be an appropriate district to transition into residential areas. This proposal also complies with Policy 4.3 of the Land Use Plan:

Maximize effectiveness of commercial uses by assuring that land is available for commercial uses within close proximity to the markets they serve and by ensuring that such commercial uses do not diminish the quality of life in nearby residential areas.

Action Needed

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

Example Motion for Approval:

Motion to approve, as the Board of Commissioners find that this application for a zoning map amendment of 2.2 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 deny, as the Board of Commissioners find that this application for a zoning map amendment of 2.2 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 approve, as the Board of Commissioners find that this application for a zoning map amendment of 2.2 acres from R-15, Residential District, to (CZD) O&I, Conditional Office and Institutional District as described is:

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