

CONDITIONAL ZONING DISTRICT APPLICATION

CASE: Z-954, 4/16

PETITIONER: Cindee Wolf of Design Solutions, applicant
Nix Investments 2 LLC, property owner

REQUEST: Rezone from R-15, Residential District, to (CZD) B-2, Conditional Highway Business District

ACREAGE: 0.58 acres

LOCATION: 2415 Castle Hayne Road
PID: R03315-005-003-000

LAND CLASS: Transition

PLANNING BOARD ACTION:

This application was heard at the April 14, 2016 Planning Board meeting. The Planning Board discussed how the proposed storage building would be operated. They noted that the proposal should not have substantial impact on the surrounding area and voted 7-0 to recommend approval of the rezoning with one condition, 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.

Condition:

1. Existing vegetation must remain within the bufferyards and be supplemented as necessary to provide the 100% visual opacity requirement.

EXISTING CONDITIONS:

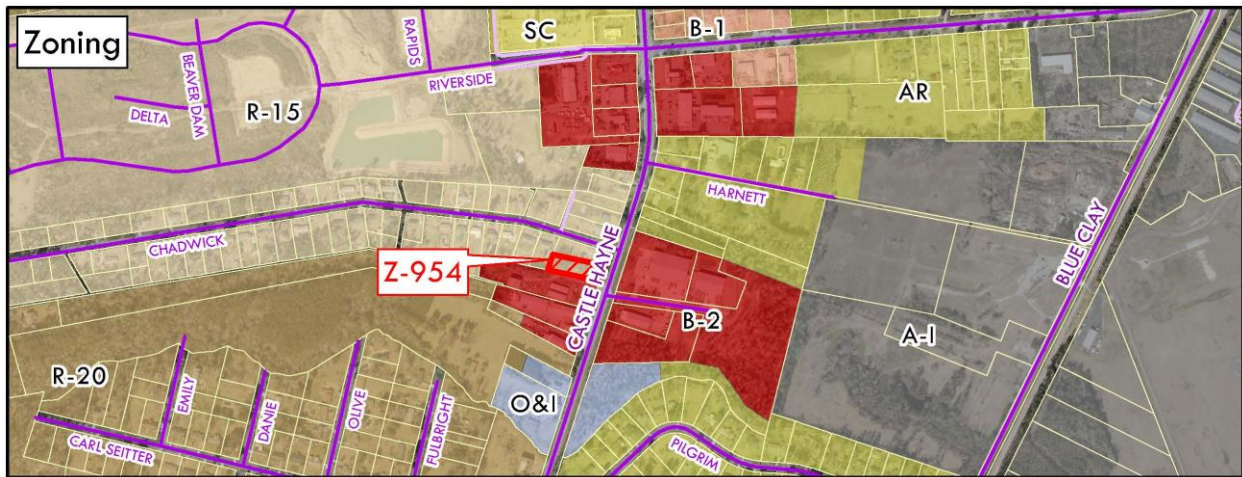
Existing Zoning and Land Uses

The property proposed to be rezoned is a 0.58 acre parcel of land located at 2415 Castle Hayne Road, approximately one quarter mile south of the intersection with N. Kerr Avenue. The property was zoned R-15 when zoning was initially applied to this area in 1974.

The zoning in the vicinity consists of a mixture of commercial and residential districts. The commercial districts, including B-2, B-1, and O&I, are located along Castle Hayne Road, and create a commercial node

around the road's intersection with N. Kerr Avenue. The subject property is adjacent to land currently zoned B-2. The commercial uses include a mixture of office, warehouse, retail, and restaurant uses.

Residential zoning is located directly north and west of the subject property, containing existing and proposed residential subdivisions. The subject property abuts Chadwick Acres, while Riverside, a proposed performance residential subdivision, is located further north.



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 service is located within the nearby vicinity. However, the applicant does not intend to connect the proposed building to any water or sewer service (including well and septic).

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, 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 the 0.58 acres currently zoned R-15, Residential District, to (CZD) B-2, Conditional Highway Business District, in order to develop a 9,000 square foot mini-warehouse building.

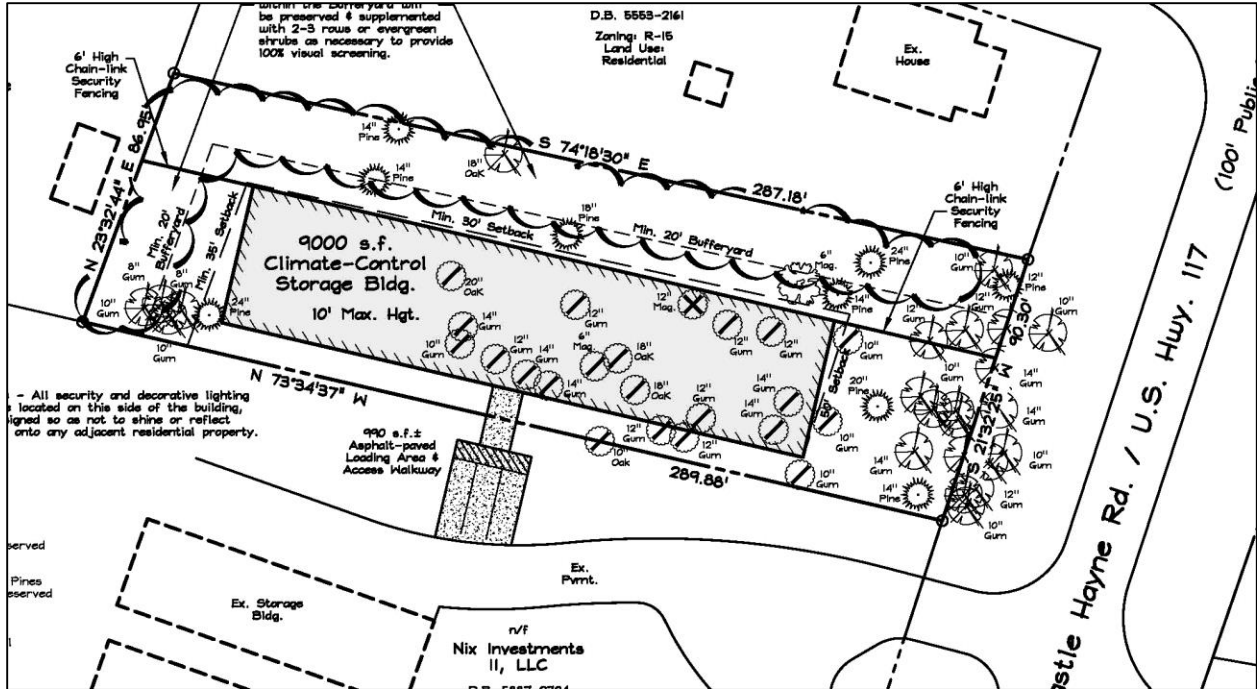
STAFF POSITION:

Zoning and Subdivision Ordinance Considerations

The purpose of the Highway Business District shall be to provide for the proper grouping of development of roadside business uses which will best accommodate the needs of the motoring public and businesses demanding high volume traffic. 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 the site plan. The applicant is proposing to develop a 9,000 square foot mini-warehouse building.

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 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 development will generate one trip in the AM peak, and two trips in the PM peak. Because the trips do not exceed 100 in the peak hours, a Traffic Impact Analysis (TIA) is not required to be completed.

A traffic impact analysis (TIA) was recently completed for the proposed Riverside subdivision, which is located to the north of the subject property. That TIA examined Castle Hayne Road’s intersection with N. Kerr Avenue, and determined that it will operate at a Level of Service (LOS) of “C” in the AM peak and “D” in the PM peak when the subdivision is expected to be completed in 2019. The TIA based the LOS on delay per vehicle in seconds. 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 2400 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.

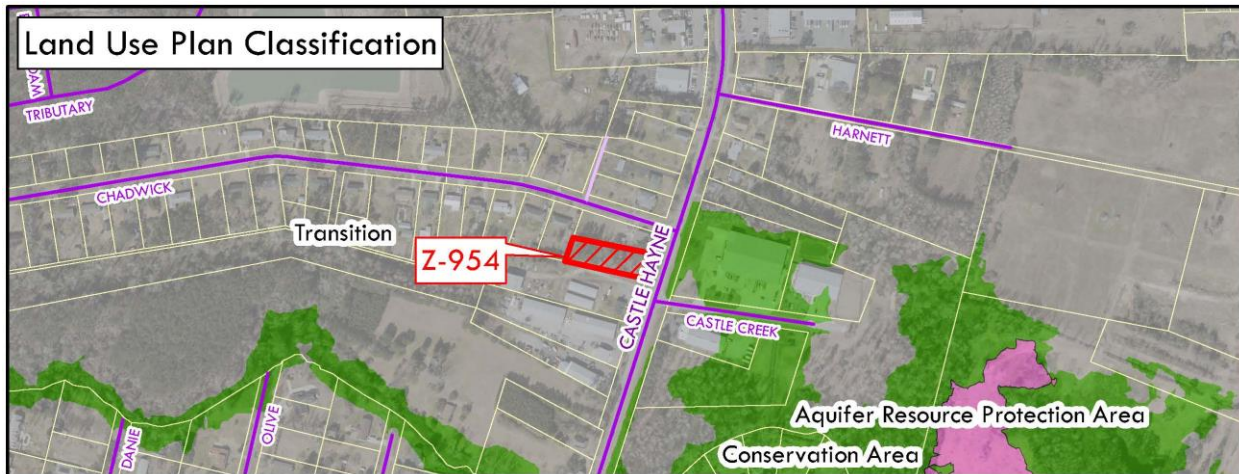
The North Carolina State Transportation Improvement Program has identified a project (U-5863) to widen Castle Hayne Road to multi-lanes. The project is currently funded with right-of-way acquisition tentatively scheduled to begin in 2020 and construction in 2023.

Environmental

The property does not contain any Special Flood Hazard Areas or Natural Heritage Areas. Stormwater management will be reviewed by New Hanover County Engineering.

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.

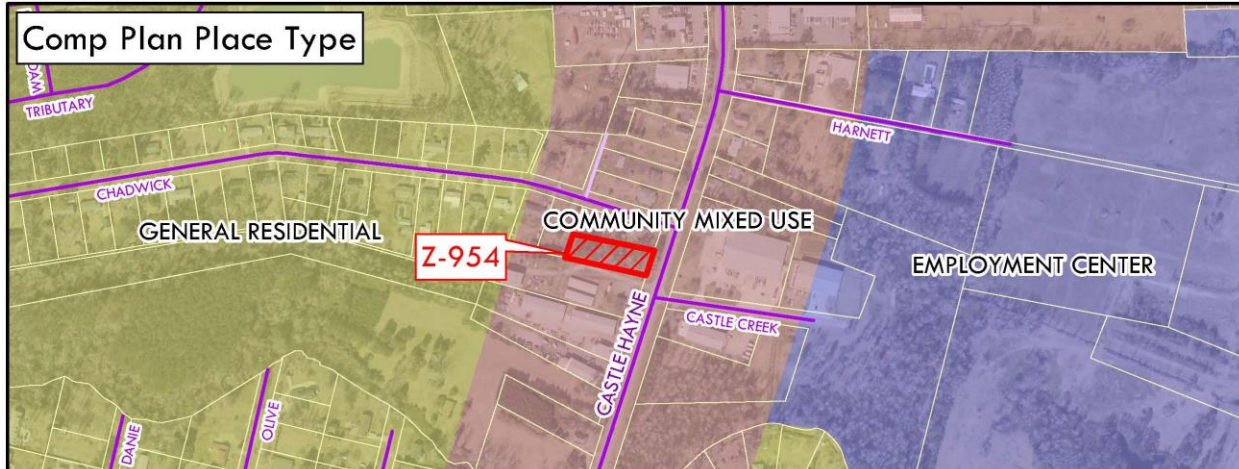


Draft Comprehensive Plan

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.

Commercial 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 10 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 Tuesday, March 1, 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 Ordinance 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 proposal is essentially expanding an existing B-2 district and business. 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 0.58 acres from R-15, Residential District, to (CZD) B-2, Conditional Highway Business 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 0.58 acres from R-15, Residential District, to (CZD) B-2, Conditional Highway Business 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 0.58 acres from R-15, Residential District, to (CZD) B-2, Conditional Highway Business District as described is:

1. Consistent with the purposes and intent of the 2006 CAMA Land Use Plan because the Transition classification provides for intense urban development in areas with urban services and because the plan encourages commercial development to occur on major thoroughfares in the County.
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.

Condition:

1. Existing vegetation must remain within the bufferyards and be supplemented as necessary to provide the 100% visual opacity requirement.