

CONDITIONAL ZONING DISTRICT APPLICATION

CASE: Z-955, 4/16

PETITIONER: Cindee Wolf of Design Solutions, applicant
Mildred Wolff Futch, et al, property owner

REQUEST: Rezone from R-15, Residential District, to (CZD) B-1, Conditional Business District

ACREAGE: 1.95 acres

LOCATION: 2715 N. 23rd Street
PID: R04100-003-004-000

LAND CLASS: Transition

PLANNING BOARD ACTION:

This application was heard at the April 14, 2016 Planning Board meeting. At the meeting, the Board noted that the proposed development will be consistent with the surrounding area, and the traffic impact generated by it will be minimal. No one spoke from the public spoke in support or opposition to the request. The Planning Board voted 6-0 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 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:

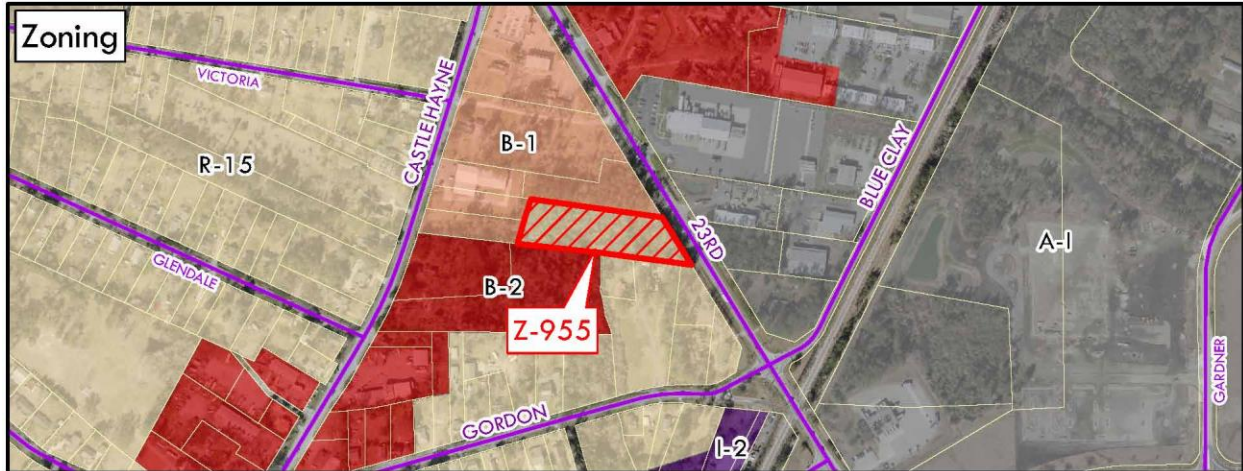
1. Existing vegetation must remain within the required bufferyard and be supplemented as necessary to provide the 100% visual opacity requirements.

EXISTING CONDITIONS:

Existing Zoning and Land Uses

The property proposed to be rezoned is a 1.95 acre parcel of land located at 2715 N. 23rd Street, approximately one quarter mile south of the intersection with Castle Hayne 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, residential, and industrial 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 Castle Hayne Road. Across N. 23rd Street is Airport Industrial (AI) zoning. Adjacent to the north of the subject property is B-1 zoning, and to the south is R-15. Land uses in the area consist of a mixture of office, warehouse, retail, restaurant, and single family residential uses.



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.

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 Eaton Elementary, Virgo 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 1.95 acres currently zoned R-15, Residential District, to (CZD) B-1, Conditional Business District, in order to develop a 5,000 square foot multi-tenant commercial building. The application includes a limited number of uses that could occupy the building:

- Special Trade Contractor & General Contractors (with no outside storage)
- General Merchandise
- Barber/Beauty Shop
- Business Services including Printing
- Indoor Recreational Establishments
- Personal Services
- Clock, Watch, & Jewelry Repair
- Offices for Private Business and Professional Activities

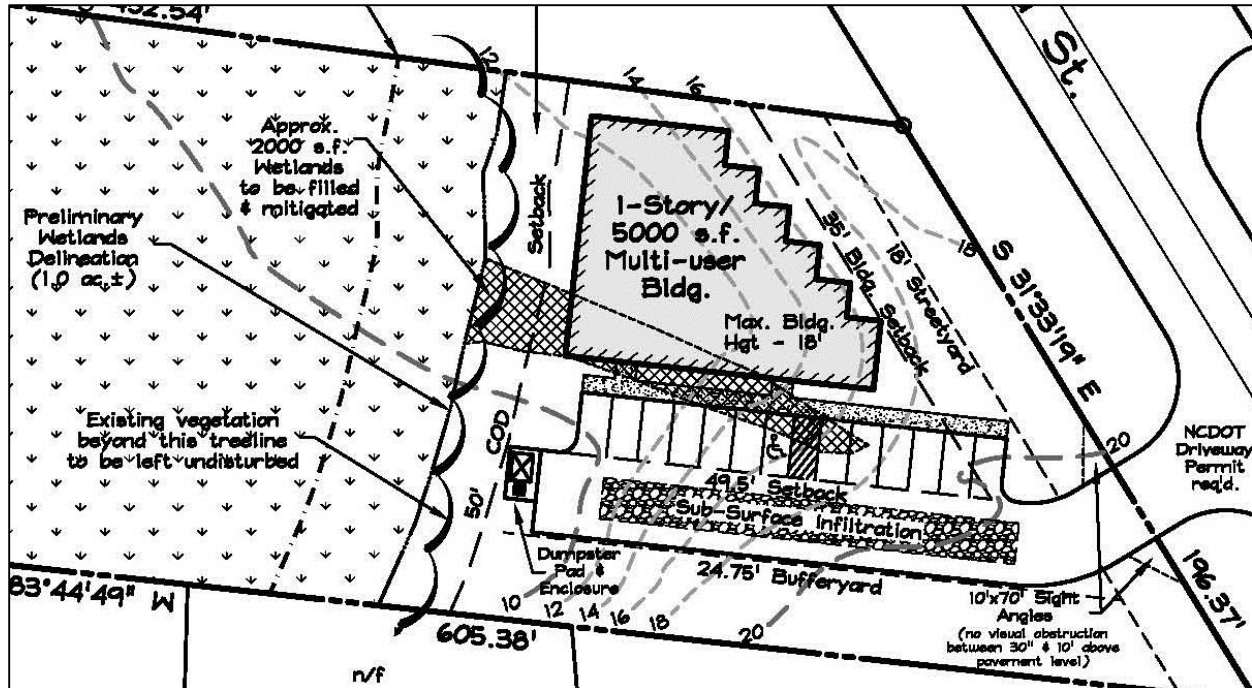
STAFF POSITION:

Zoning and Subdivision Ordinance Considerations

The purpose of the B-1 Business District shall be to provide convenient shopping facilities primarily of necessity goods and personal services required to serve a neighborhood. The district's principal means of ingress and egress shall be along collector roads, minor arterials, and/or major arterials as designated on the County's Thoroughfare Classification Plan.

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 5,000 square foot multi-tenant commercial 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 southern 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 uses proposed as part of the conditional zoning district, whether individually or combined in the 5,000 square foot lease area, would not generate near the 100 peak hour trip generation threshold that would require a Traffic Impact Analysis (TIA) to be performed.

A traffic impact analysis (TIA) was recently completed for the proposed Hanover Lakes subdivision, which is located to the near the subject property on Castle Hayne Road. That TIA examined Castle Hayne Road's intersection with N. 23rd. Street, and determined that it will operate at a Level of Service (LOS) of "A" in the AM peak and "B" in the PM peak when the subdivision is expected to be completed in 2018. The TIA based the LOS on delay per vehicle in seconds.

The table below shows the morning and evening peak hour trip generation for the proposed uses that would generate the most traffic. These figures are assuming each use occupies the entire building.

Peak Hour Trips for 5,000 SF Building		
Land Use	AM Peak	PM Peak
Contractor or Professional Office	9	9
General Merchandise	23	31
Personal Services	10	29

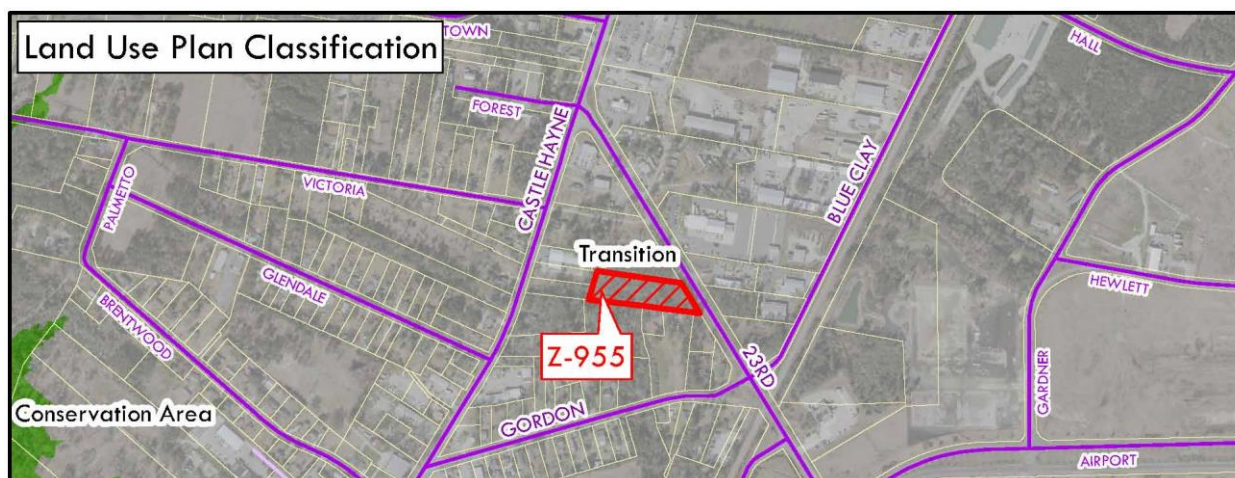
Environmental

The property does not contain any Special Flood Hazard Areas or Significant Natural Heritage Areas. However, the site has some poorly draining soils and potential wetlands that will need to be considered as part of the site development. A preliminary wetland determination yields approximately 1 acre of

wetlands on the western portion of the site. 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 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.

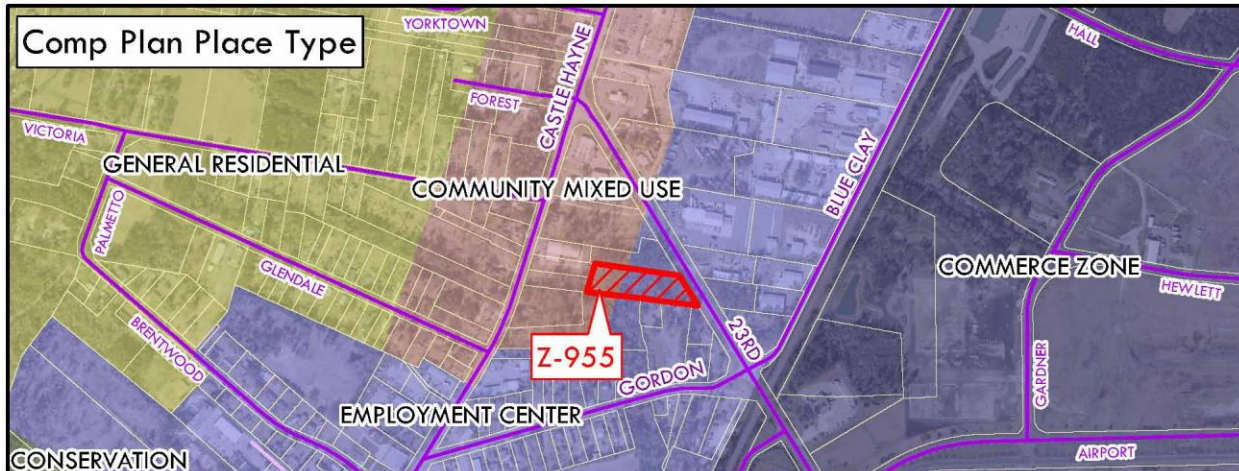


Draft Comprehensive Land Use Plan Considerations

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 Employment Center on the Future Land Use Map.

The Employment Center Place Type serves as employment and production hubs, with office and light industrial uses predominating. Densities are dependent in part on the type of industries located within the place type; office uses can be multi-story and nearer the street, while light industrial uses will likely be one story with large setbacks and ample room for trucks and other large vehicles. Employment Centers can also include residential, civic, and recreational uses, but should be clearly delineated from rural and conservation areas. Commercial uses designed to serve the needs of employment center are appropriate. Employment Centers require arterial or major collector road access connecting them to areas outside their boundaries.

The proposed building will be one story and a maximum height of 18 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-1 district in an area more suitable for non-residential uses than residential uses. 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 of the petitioner’s application**
- **Motion to “table” the application in order to receive more information**
- **Motion to deny of the petitioner’s application based on specific reasons**

Example Motion for Approval:

Motion to approve, as the Board of Commissioners Board finds that this application for a zoning map amendment of 1.95 acres from R-15, Residential District, to (CZD) B-1, Conditional 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 finds that this application for a zoning map amendment of 1.95 acres from R-15, Residential District, to (CZD) B-1, Conditional 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 finds that this application for a zoning map amendment of 1.95 acres from R-15, Residential District, to (CZD) B-1, Conditional Business District as described is:

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1. Existing vegetation must remain within the required bufferyard and be supplemented as necessary to provide the 100% visual opacity requirements.