

## CONDITIONAL ZONING DISTRICT APPLICATION

**CASE:** Z-956, 4/16

**PETITIONER:** Cindee Wolf of Design Solutions, applicant  
Clarence K. & Peggy W. Henry and Michael F. & Aleta J. Moser, property owners

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

**ACREAGE:** 2.77 acres

**LOCATION:** 5000 block of Carolina Beach Road  
PID: R07100-003-291-000  
R07100-003-029-000  
R07100-003-028-000  
R07100-003-029-001

**LAND CLASS:** Urban

### PLANNING BOARD ACTION:

This application was heard at the April 14, 2016 Planning Board meeting. At the meeting, the Planning Board discussed the site design of the proposed development. The 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 Urban classification provides continued intensive development and redevelopment of urban areas and because the plan encourages commercial development to occur on major thoroughfares and at major intersections 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.

### Conditions:

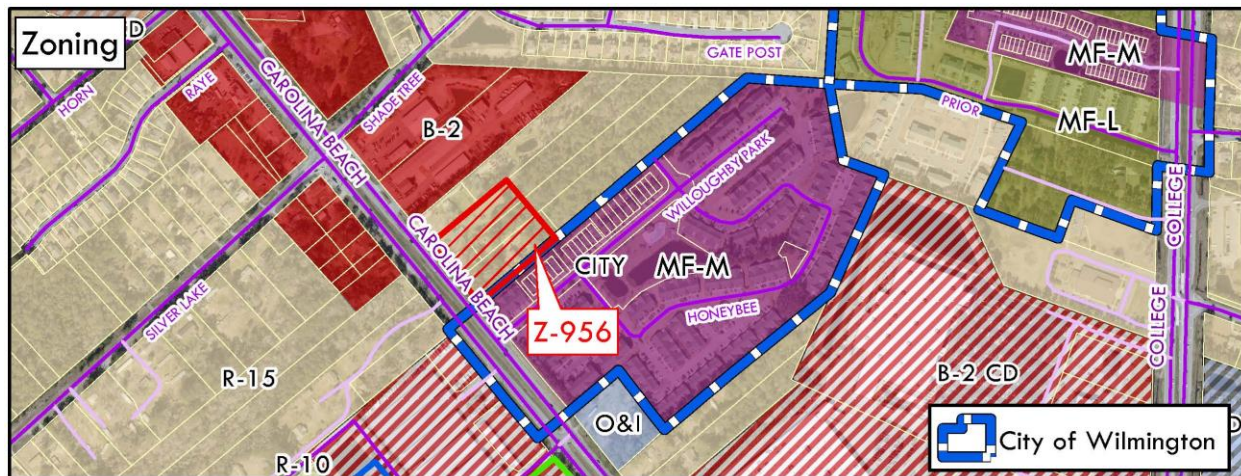
1. A sidewalk shall be installed along Carolina Beach Road. The sidewalk shall connect to and be constructed consistently with NCDOT's pedestrian safety improvements proposed for the Monkey Junction/Carolina Beach Road area.
2. A traffic impact analysis (TIA) shall be required if any combination of land uses which access from the 50' private access easement (including off-site uses) exceed 100 peak hour trips.

## EXISTING CONDITIONS:

### Existing Zoning and Land Uses

The property proposed to be rezoned consists of four parcels of land totaling 2.77 acres. It is located just north of Monkey Junction (intersection of College Road and Carolina Beach Road) and was zoned R-15 when zoning was initially applied to this area in 1971. The property adjoins land that has been annexed into the City of Wilmington.

The zoning in the vicinity consists of a mixture of commercial and residential districts. The commercial districts, including B-2, (CZD) B-2, and O&I, are located along Carolina Beach Road, and create a large commercial node around Monkey Junction. The commercial uses include a mixture of office, retail, and restaurant uses.



Residential zoning is located north and east of the property, and includes single-family and multi-family housing. The Lakes at Johnson Farms, a high density development, is located to the north. Willoughby Park, a multi-family development, is located adjoining the property to the east and is within the City of Wilmington. Other multi-family developments in the area include Myrtle Grove Village Apartments, Pleasant Grove Village Apartments, Madeline Place Townhomes, and Still Meadow Village Apartments.

### Existing Site Conditions

The property proposed to be rezoned currently contains four single-family dwellings. The dwellings will be removed as the property is developed for the proposed office use.



### Community Services

#### Water and Sewer:

The property is within the Urban Services boundary, and water and sewer services are located within the nearby vicinity. The development will connect to CFPWA water and sewer service.

#### 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 Bellamy Elementary, Codrington Elementary, Myrtle Grove Middle, and Ashley 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 2.77 acres currently zoned R-15, Residential District, to (CZD) O&I, Conditional Office and Institutional District, in order to develop two office buildings totaling 10,000 square feet.

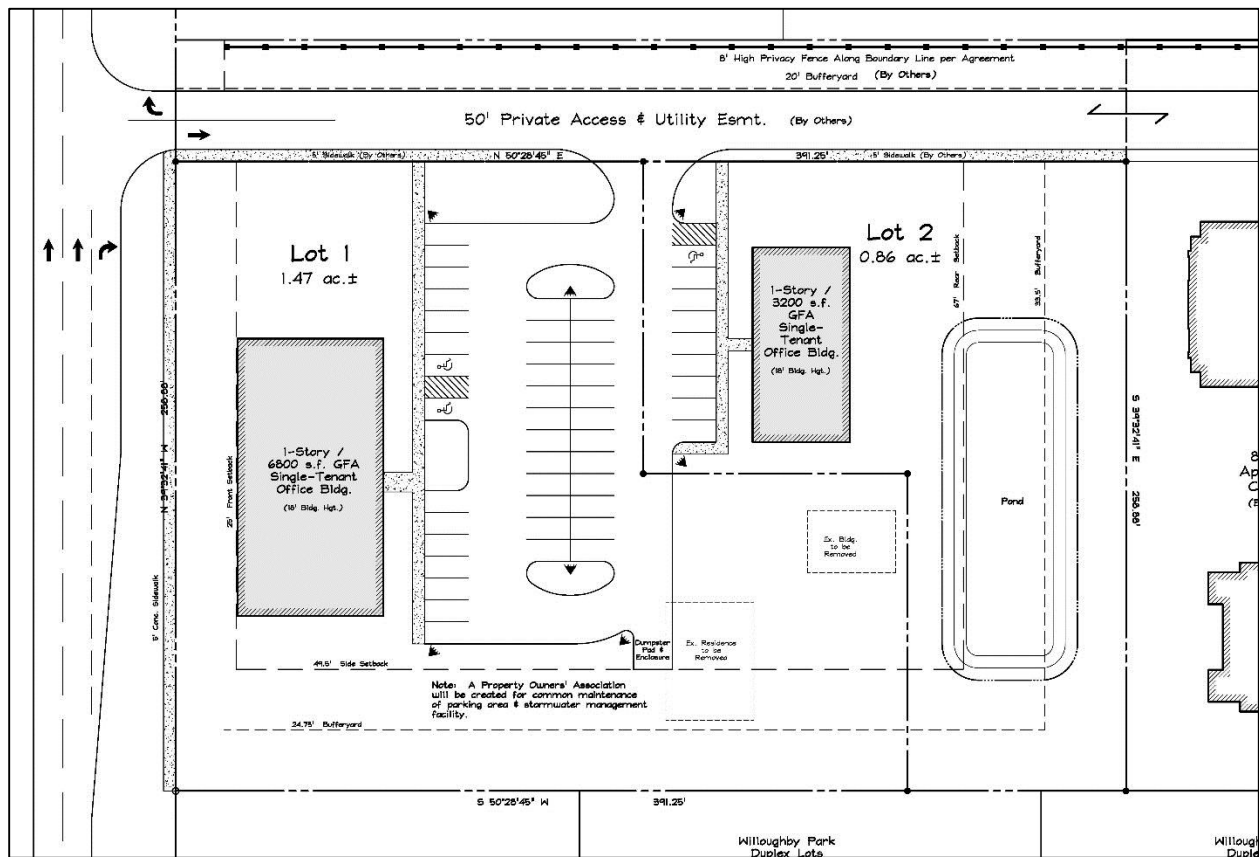
### **STAFF POSITION:**

#### 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 the site plan. The applicant is proposing to develop two office buildings totaling 10,000 square feet on two separate lots.

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

### Transportation

The proposed development will generate 18 trips in the AM peak, and 17 trips in the PM peak. In addition, a high density development (Z-957) is being proposed directly behind the property which will utilize the same access to Carolina Beach Road. That proposed development will generate 41 trips in the AM peak, and 50 trips in the PM peak. Because the combined trips from both projects do not exceed 100 in the peak hours, a Traffic Impact Analysis (TIA) is not required to be completed.

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 of Capacity Ratio of 1.004.

NCDOT is currently working on plans for a pedestrian safety project in the Monkey Junction area. Those plans include the installation of a sidewalk along Carolina Beach Road from the Burger King at Monkey Junction to Willoughby Park drive as illustrated in the graphic below. Therefore, staff is recommending a condition be added to the district that would require the proposed sidewalk be extended in front of the subject property. This will provide access to the proposed office buildings for the residents in the area, and it will also provide access for the residents of the proposed Woodridge Point apartment (located directly behind the proposed office buildings) to Monkey Junction.



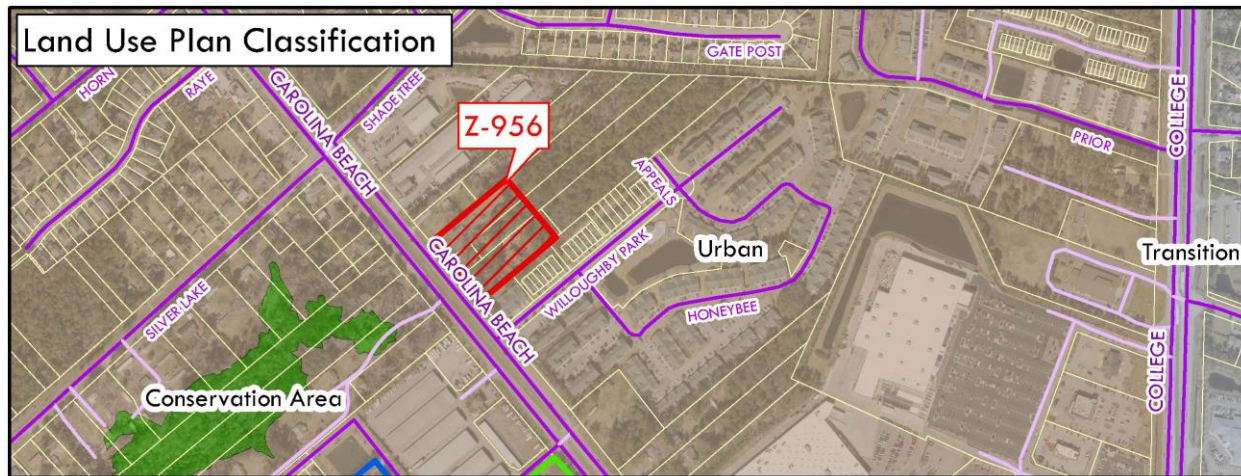
*Proposed NCDOT Safety Project*

### Environmental

The property does not contain any Special Flood Hazard Areas or Significant Natural Heritage Areas. Stormwater management will be reviewed by New Hanover County Engineering and by the NC Department of Environmental Quality. The applicant has examined the site and found no jurisdictional wetlands on the subject property. Additional verification of the location of regulated wetlands must be provided during the building permit review.

### 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.



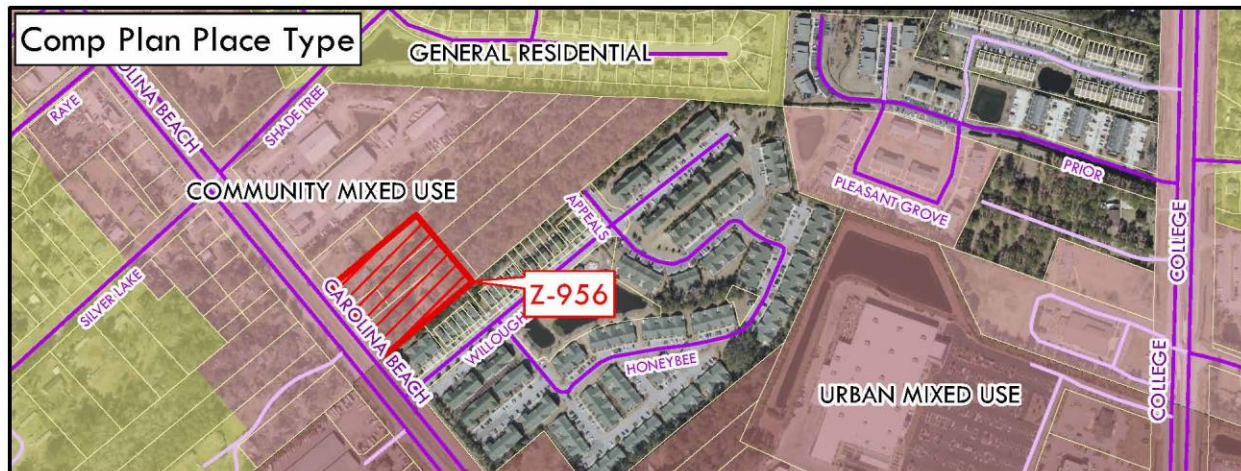
#### Draft Comprehensive Plan

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 uses are appropriate within the Community Mixed Use Place Type provided they are limited to a maximum of two stories and have a moderate density. The proposed building will be one story and have a 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, February 23, 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 and is located near a major intersection where nonresidential uses are encouraged to locate. 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 2.77 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 2.77 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 2.77 acres from R-15, Residential District, to (CZD) O&I, Conditional Office and Institutional District as described is:

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