

STAFF SUMMARY OF Z17-09 SPECIAL USE PERMIT APPLICATION

APPLICATION SUMMARY

Case Number: Z17-09

Request:

SUP to develop a community boating facility consisting of 98 boat slips

Applicant:

Frank Braxton of Coastal Land Design

Property Owner(s):

Preservation Point Partnership, LLC

Location:

100 block of Brentwood Drive

Acreage:

134.9

PID(s):

R04100-001-002-000

Comp Plan Place Type:

Conservation

Existing Land Use:

Undeveloped

Proposed Land Use:

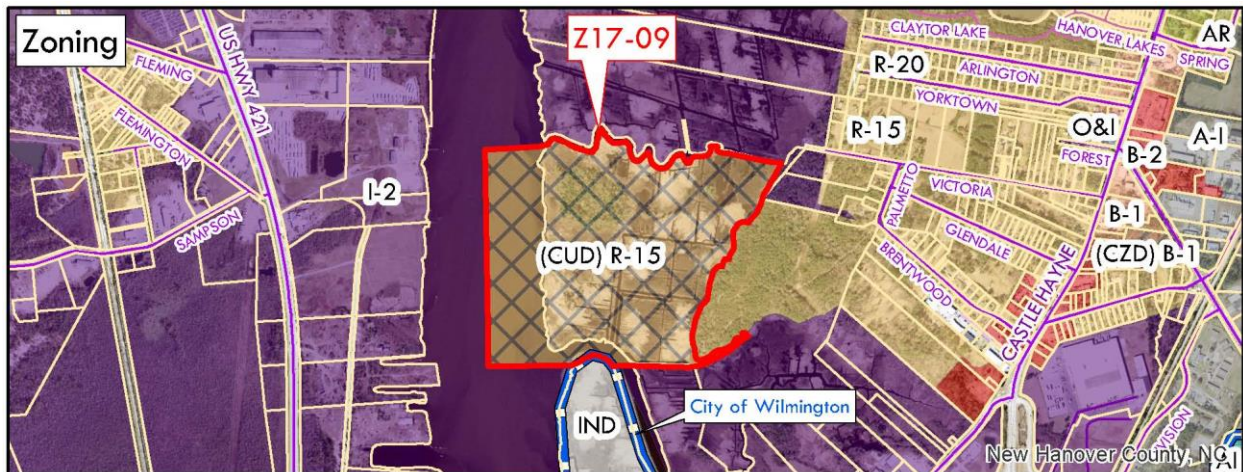
Community Boating Facility

Current Zoning:

(CUD) R-15

Proposed Zoning:

(CUD) R-15



SURROUNDING AREA

	LAND USE	ZONING
North	Undeveloped	I-2
East	Undeveloped, Future Preservation Point subdivision	R-15
South	Undeveloped, Industrial Uses	I-2, IND (City of Wilmington)
West	NE Cape Fear River/Manufacturing	I-2



ZONING HISTORY

July 1, 1972	Initially zoned I-2 (Area 9A)
August 21, 2017	(CUD) R-15 to develop a community boating facility consisting of 98 boat slips (Z17-09). The SUP expired on August 21, 2019.

COMMUNITY SERVICES

Water/Sewer	Private water and septic will be utilized for this development. The applicant is currently in communication with the New Hanover County Environmental Health department on the specific design of the private well and septic system.
Fire Protection	New Hanover County Fire Services, New Hanover County Northern Fire District, New Hanover County Wrightsboro Station
Schools	Wrightboro Elementary, Eaton Elementary, Holly Shelter Middle, and New Hanover High Schools
Recreation	Optimist Park

CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES

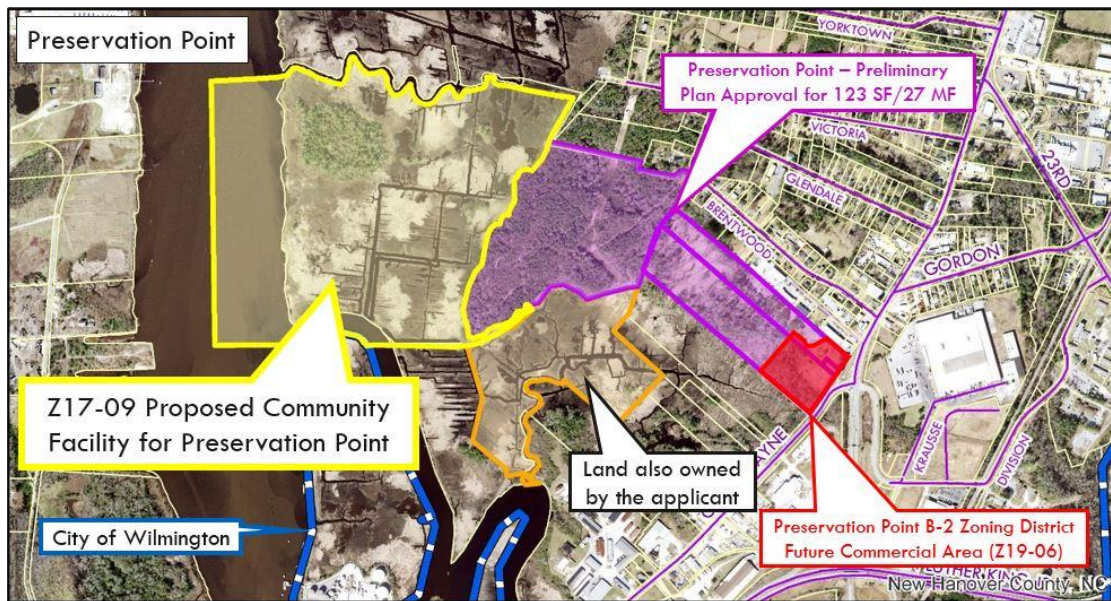
Conservation	The vast majority of the subject property contains brackish marsh, which is subject to the standards of the Conservation Overlay District. The applicant must obtain all necessary permits from the Division of Coastal Management and the US Army Corps of Engineers.
Historic	The marsh areas of the property were once used for rice production.
Archaeological	No known archaeological resources

HISTORY AND PURPOSE OF SUP RENEWAL

- In 2017, a preliminary plan for a performance residential development consisting of 98 lots (Preservation Point – formerly River Breeze) was approved for multiple parcels directly to the east of the subject site. Later that same year, the subject site was rezoned to a Conditional Use R-15 district and a Special Use Permit was issued for a community boating facility located in the Northeast Cape Fear River consisting of 98 boat slips (Z17-09).
- Since this approval, the applicant has conducted a hydrographic survey of the NE Cape Fear River at the request of the North Carolina Division of Coastal Management (NCDCM) and New Hanover County Fire Services, reestablished and verified the location of the mean high and low water lines and the coastal wetlands, and has completed the required scoping meeting with the NCDCM to be eligible to apply for a CAMA Major Permit, which is required to construct the facility. Due to these requirements and the permitting process, the applicant was unable to obtain the necessary permits to begin construction within two years of approval, and therefore, the Special Use Permit for the community boating facility expired in August 2019.

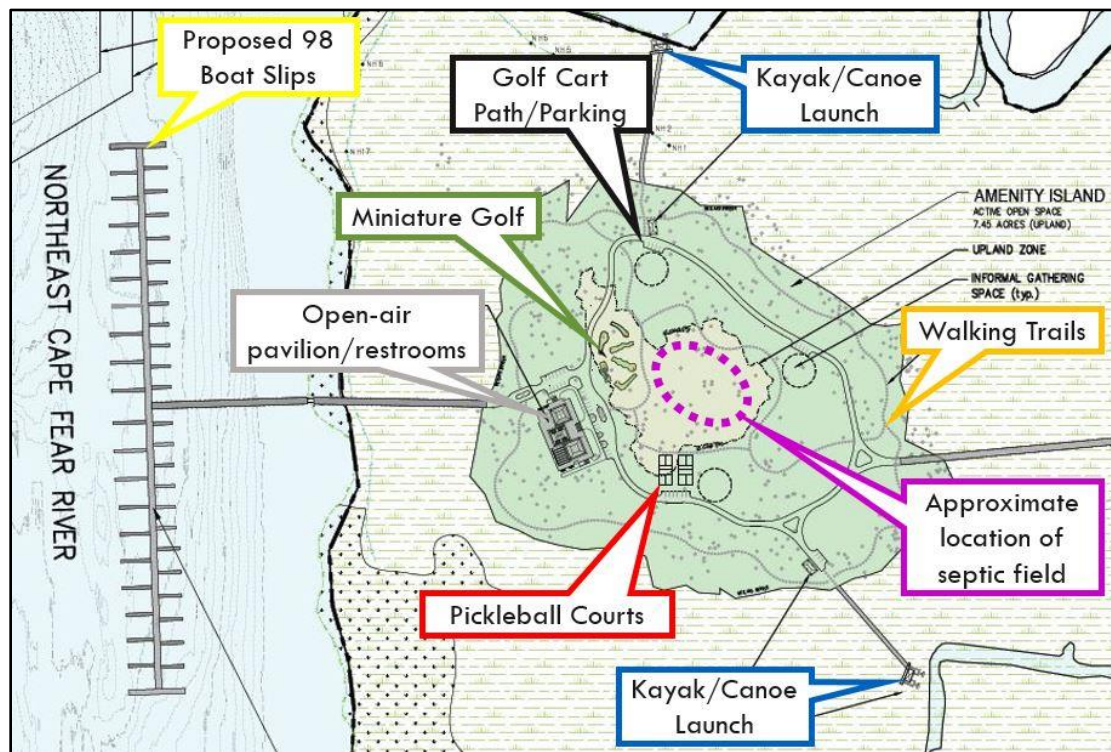
ZONING CONSIDERATION AND PROPOSED SITE PLAN

- The proposed development consists of an approximately 10-foot-wide, 800-foot-long boat dock containing 98 boat slips. The dock is connected to a 7.45-acre island of uplands (San Souci Island). Access to the island will be provided by a 10-foot-wide boardwalk which spans approximately 1,400 feet east to the future Preservation Point subdivision. The boardwalk will allow pedestrian and golf cart access to the island and the proposed community boating facility.
- The community boating facility is a private, non-profit facility with no commercial activities being permitted. Each boat slip will be reserved for the home owners within the proposed subdivision.
- The island will contain an open-air pavilion containing restroom facilities, bike/walking trails, group picnic areas, natural viewing areas, pickleball courts, a 6-hole miniature golf course, and kayak/canoe launches.
- Of the 134.9 acres included within the application, 127.45 acres will be preserved in conservation space.
- The future subdivision is located within land already zoned R-15, and therefore, it is not included within this SUP application. The subdivision was reviewed by the Technical Review Committee in June and received preliminary plan approval in October of this year.
- The proposed community boating facility and boardwalk must obtain applicable permits from the NC Division of Coastal Management and the US Army Corps of Engineers.



Above: Map highlighting the property included within the SUP application and the adjacent subdivision.

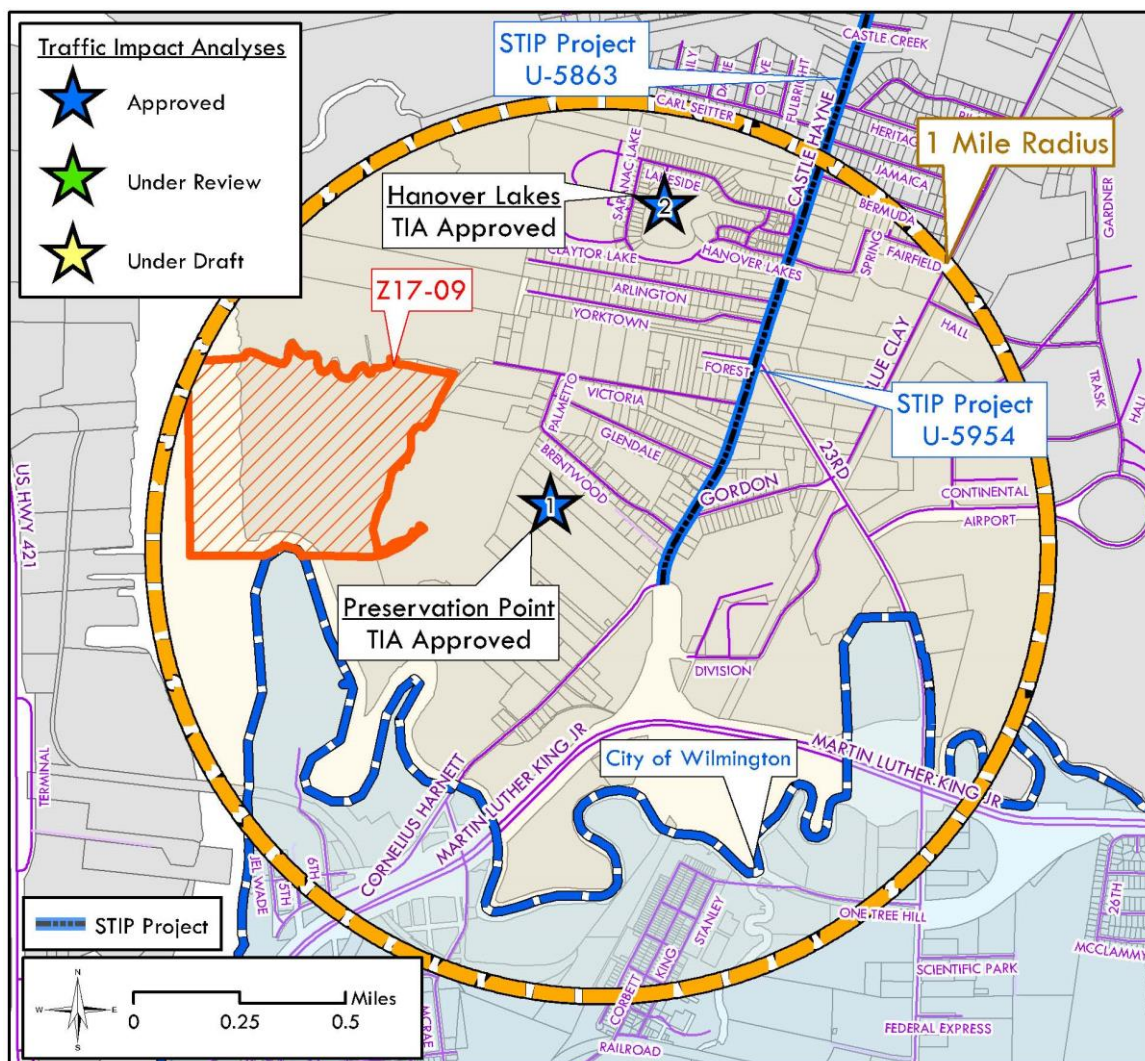
Below: Plan illustrating the proposed development on San Souci Island and the proposed boat slips. Please see Sheets SP-01 and UTIL-01 of the submitted plans for additional details.



TRANSPORTATION

- Access is provided to the subject property via the Preservation Point subdivision that connects to both Castle Hayne Road (N.C. HWY 133) and Brentwood Drive (SR 1313).
- As the community boating facility is a private facility with no commercial activities being permitted, it is not expected to generate any additional trips outside of those generated by the proposed subdivision. Therefore, a Traffic Impact Analysis (TIA) was not required to be completed for this application.
- A Traffic Impact Analysis (TIA) for the Preservation Point subdivision was approved by NCDOT and the WMPO in August 2019. Per the approved TIA, Phase 1 will consist of 123 single-family detached residential dwellings (including the existing 98 lots approved in 2017) and 27 multi-family attached residential dwellings. The full build of the site (2023) will consist of the above mentioned residential dwellings, a 5,000 square foot day care center, a 3,000 square foot high-turnover sit-down restaurant, a 2,000 square foot coffee/donut shop with drive-thru uses, and a small office building for 20 employees.

Nearby Planned Transportation Improvements and Traffic Impact Analyses



Nearby NC STIP Projects:

- STIP Project U-5863
 - Project to widen Castle Hayne Road from I-140 to MLK Parkway.
 - Current production schedule for this project is to begin right-of-way acquisition in 2020 and bidding of the project in 2022. However, the draft STIP, which will be finalized in September, has moved the dates for right-of-way acquisition to 2021 and bidding of the project to 2024.
 - This project will widen Castle Hayne Road by adding a center turn lane or median to certain sections of the Road.
- STIP Project U-5954
 - Project to install a roundabout at the intersection of Castle Hayne Road and 23rd Street.
 - Current production schedule for this project is to begin right-of-way acquisition in late 2019 and bidding of the project in 2022. However, the draft STIP, which was finalized in September, has moved the dates for right-of-way acquisition to 2022 and bidding of the project to 2024.

Nearby Traffic Impact Analyses:

Traffic Impact Analyses are completed in accordance with the WMPO and NCDOT standards. Approved analyses must be re-examined by NCDOT if the proposed development is not completed by the build out date established within the TIA.

Proposed Development	Land Use/Intensity	TIA Status
1. Preservation Point	Phase 1 <ul style="list-style-type: none">• 123 single-family dwellings• 27 multi-family dwellings	<ul style="list-style-type: none">• Approved August 21, 2019• Phase 1 – 2022 Build Out Year• 2023 Full Build Out Year
	Full Build <ul style="list-style-type: none">• 123 single-family dwellings• 27 multi-family dwellings• 5,000 sf of day care• 3,000 sf of high-turnover sit-down restaurant• 2,000 sf of coffee/donut shop with drive-thru• Small office building with 20 employees	
The TIA required improvements must be completed at certain intersections in the area. The notable improvements consisted of: <ul style="list-style-type: none">• Phase 1: Construct a driveway at the entrance of the subject site and Castle Hayne Road that has one ingress and two egress lanes, with one continuous eastbound left turn lane, and construct a right turn lane to exit the site. Install a stop control at the entrance of the subject site and Castle Hayne Road.• Full Build: Construct a right turn lane at the intersection of Castle Hayne Road and Division Drive.		
Nearby Proposed Developments included within the TIA:		
<ul style="list-style-type: none">• None		
Development Status: Applicant has applied for land disturbing permits. Site work is anticipated to begin by the end of the year.		

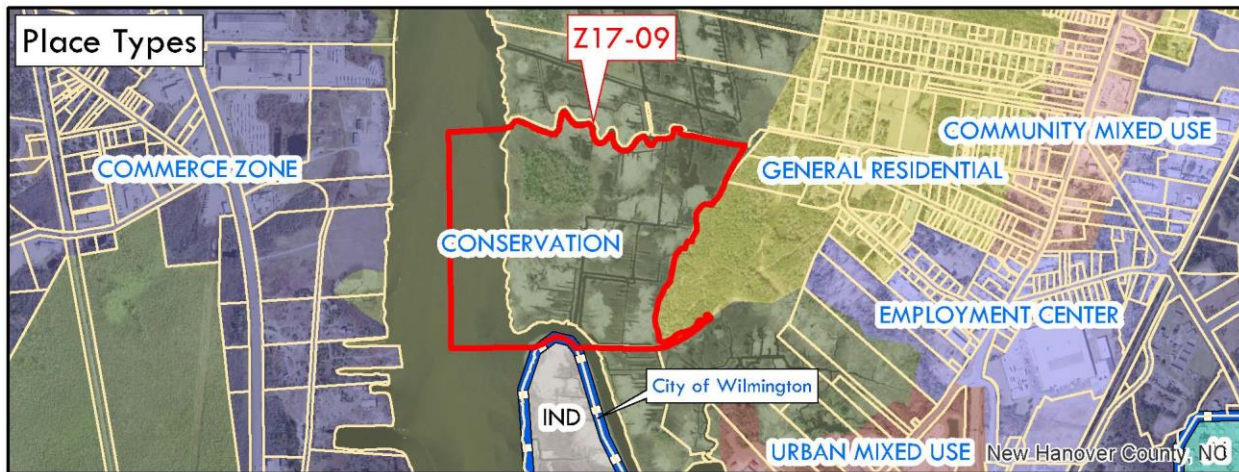
2. Hanover Lakes	<ul style="list-style-type: none"> • 231 single-family dwellings 	<ul style="list-style-type: none"> • Approved August 13, 2015 • 2018 Build Out Year
<p>The TIA required improvements be completed at certain intersections in the area. The notable improvements consisted of:</p> <ul style="list-style-type: none"> • Installation of a northbound left turn lane, southbound left turn lane, and southbound right turn lane on Castle Hayne Road at the subdivision's entrance. 		
<u>Nearby Proposed Developments included within the TIA:</u>		
<ul style="list-style-type: none"> • None 		
Development Status: The subdivision is under construction. The required roadway improvements have been installed.		

ENVIRONMENTAL

- The entire subject property is located within a Special Flood Hazard Area, specifically the AE flood zone (100-year floodplain).
- The property contains regulated wetlands which will be preserved in conservation space. The vast majority of the subject property contains brackish marsh, which is subject to the standards of the Conservation Overlay District.
- The property is located within the Northeast Cape Fear River Floodplain, a Natural Heritage Area. This Natural Heritage Area is classified as exceptional, meaning it may contain at minimum 10 rare plant and animal species. Potential impact to any endangered species will be reviewed during the CAMA Major permitting process for the facility.
- The property is within both the Smith Creek (C; Sw) and Ness Creek (C; Sw) watershed.
- Per the Classification of Soils in New Hanover County for Septic Tank Suitability, soils on the property consist of Class IV (unsuitable). The applicant is currently working with a soil scientist and New Hanover County Environmental Health on the specific design of the well and septic system.

2016 COMPREHENSIVE LAND USE PLAN

The New Hanover County Future Land Use Map provides a general representation of the vision for New Hanover County's future land use, as designated by place types describing the character and function of the different types of development that make up the community. These place types are intended to identify general areas for particular development patterns and should not be interpreted as being parcel specific.



Future Land Use Map Place Type	Conservation
Place Type Description	Covers areas of natural open space and is intended to protect the natural environment, water quality, and wildlife habitats that serve the public through environmental education, low-impact recreation, and in their natural beauty. In these areas, increased density would be discouraged, and low impact development methods would be required. Such requirements place limits on development to ensure the protection of resources.
Analysis	<p>The intent of the Conservation place type is to highlight areas of the county where development and land uses may need to be limited in order to protect natural resources. Lower impact uses such as environmental education and recreation are indicated to be appropriate in such areas.</p> <p>The proposed community boating facility would allow private property owners to access public water ways through a shared boating facility instead of individual boating docks, and development is limited to that shared boating facility, non-paved trails, recreational uses, and picnic areas. Its use is in keeping with the low-impact recreational uses indicated for this place type.</p> <p>During the August 21, 2017 original public hearing for this item, the Board of Commissioners found that this use was in general conformity with New Hanover County's plans for development.</p>
Consistency Recommendation	The proposed community boating facility is generally CONSISTENT with the goals of the 2016 Comprehensive Plan because it provides low-impact recreation in an environmentally sensitive area.

STAFF PRELIMINARY CONCLUSIONS AND FINDINGS OF FACT:

Staff has conducted an analysis of the proposed use and the information provided as part of the application package and has created preliminary findings of fact for each of the conclusions required to be reached to approve the special use permit request. These preliminary findings of fact and conclusions are based solely on the information provided to date, prior to any information or testimony in support or opposition to the request that may be presented at the upcoming public hearing at the Board meeting.

Conclusion 1: The Board must find that the use will not materially endanger the public health or safety where proposed and developed according to the plan as submitted and approved.

- A. Water and wastewater services must be provided and designed to comply with the New Hanover County Environmental Health Department's standards.
- B. The subject property is located in the New Hanover County North Fire Service District, and the community boating facility, and its access, must comply with Fire Services' standards, including the installation of a dry standpipe system and an equipped All-Terrain Vehicle.
- C. The community boating facility will not be used for commercial purposes and the sale or storage of gasoline products is prohibited.
- D. All structures must comply with the county's Flood Damage Prevention Ordinance.
- E. 127.45 acres of the property's 134.9 acres will be preserved in conservation space.
- F. The community boating facility must be reviewed and obtain applicable permits from the NC Division of Coastal Management and the US Army Corps of Engineers.

Conclusion 2: The Board must find that the use meets all required conditions and specifications of the Zoning Ordinance.

- A. Community boating facilities are allowed by Special Use Permit in the R-15 zoning district.
- B. The site design, as currently presented, complies with the standards of Section 72-37 of the Zoning Ordinance, and is subject to comments made during the October 9, 2019 Technical Review Committee meeting.
- C. A CAMA Major Permit will be required prior to any land disturbance on the site.

Conclusion 3: The Board must find that the use will not substantially injure the value of adjoining or abutting property or that the use is a public necessity.

- A. The surrounding land uses are mostly undeveloped land and industrial uses.
- B. The community boating facility is a private, non-profit facility with no commercial activities being permitted. Each boat slip will be reserved for the home owners within the proposed subdivision.
- C. The San Souci Island facilities will be owned, operated, and maintained by the Preservation Point Home Owner's Association.
- D. The applicant provided a report prepared by a real estate appraisal and consulting firm (*G. Brad White and Associates, LLC – G. Brad White, MAI*). In the report, Mr. White concluded that "the proposed Community Boating Facility WILL NOT substantially injure the value of adjoining or abutting properties.", and "that the proposed Community Boating Facility will be in harmony with the area in which it is to be located and in general conformity with the County's adopted plans for growth and development."

Conclusion 4: The Board must find that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development for New Hanover County.

- A. The site is classified as Conservation by the 2016 Comprehensive Land Use Plan. The Conservation place type is intended to protect the natural environment, water quality, and wildlife habitats that serve the public through environmental education, low-impact recreation, and in their natural beauty. A goal of the Conservation place type is to protect natural resources by limiting development, which is generally achieved in this application by limiting development to the upland area (San Souci Island) and only allowing Preservation Point residents and guests to access the community boating facility. Therefore, the proposal generally aligns with the intent of the Conservation land use classification because it provides for low-impact recreation in a limited area with no additional residences.
- B. During the August 21, 2017 original public hearing for this item, the Board of Commissioners found that this use was in general conformity with New Hanover County's plans for development.

PLANNING BOARD ACTION

The Planning Board considered this application at their November 7, 2019 meeting. No members of the public spoke in favor or in opposition of the proposed Special Use Permit. The Planning Board recommended approval of the application (7-0) and did not place any conditions on the proposal.

EXAMPLE MOTIONS

Example Motion for Approval:

Motion to recommend approval, as the Board finds that this application for a Special Use Permit meets the four required conclusions based on the findings of fact included in the Staff Report.

[**OPTIONAL**] Note any additional findings of fact related to the four required conclusions.

[**OPTIONAL**] Note any conditions be added to the development:

[List Conditions]

Example Motion for Denial:

Motion to recommend denial, as the Board **cannot** find that this proposal:

1. Will not materially endanger the public health or safety;
2. Meets all required conditions and specifications of the Zoning Ordinance;
3. Will not substantially injure the value of adjoining or abutting property;
4. Will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Land Use Plan for New Hanover County.

[State the finding(s) that the application does not meet and include reasons why it is not being met]