

STAFF REPORT FOR Z19-14

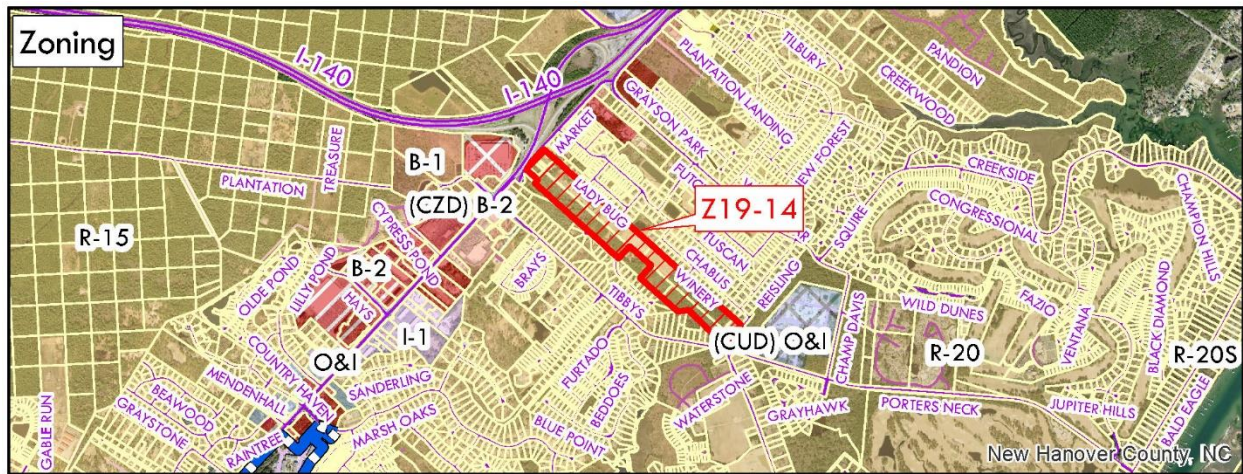
ZONING MAP AMENDMENT APPLICATION

APPLICATION SUMMARY	
Case Number: Z19-14	
Request: Rezoning to a Multi-Family Residential Low Density District	
Applicant: Logan Developers, Inc.	Property Owner(s): Murray, Spradley, Foy, et al
Location: Near the 8300 block of "Old" Market Street and the 8300 block of Shiraz Way	Acreage: 52.39
PID(s): Parcel ID numbers are listed in the application package.	Comp Plan Place Type: Community Mixed Use & General Residential
Existing Land Use: Low Density Residential, Agriculture	Proposed Land Use: Multi-Family, Duplex, and Single-Family Housing
Current Zoning: R-15 & R-20	Proposed Zoning: (CZD) RMF-L

APPLICATION BACKGROUND

The proposed conceptual site plan has been modified several times since it was originally proposed at a community meeting in September 2019. Each modification reduced the total number of units. The plan being considered by the Board of Commissioners has been reduced to 300 units from the original 406 units proposed, including the elimination of 108 apartments. Because of this, technical documents (primarily the Traffic Impact Analysis) included with the application may have studied the impacts of a more intense development on the property than is currently proposed. Where possible, staff and applicant have provided updated data.

Site Plan Version	Proposed Units
1. Studied in TIA/First Community Meeting	406 total - 312 apts, 36 duplex, 58 SFD
2. 2 nd Community Meeting	388 total - 288 apts, 34 duplex, 66 SFD
3. Initial Rezoning Application	384 total - 288 apts, 34 duplex, 62 SFD
4. January Planning Board Meeting	324 total - 228 apts, 34 duplex, 62 SFD
5. Feb BOC Version	300 total - 204 apts, 34 duplex, 62 SFD



SURROUNDING AREA		
	LAND USE	ZONING
North	Single-Family Residential (Vineyard Plantation)	R-15, R-20
East	Undeveloped, Porters Neck Fire Station, Davis Community	R-20, (CUD) O&I
South	Single-Family Residential (Tibbys Branch)	R-15
West	Market Street/I-140 Interchange, Lowe's Home Improvement	(CUD) B-2



ZONING HISTORY	
July 6, 1971	The site was initially zoned R-15 and R-20 (Area 5)

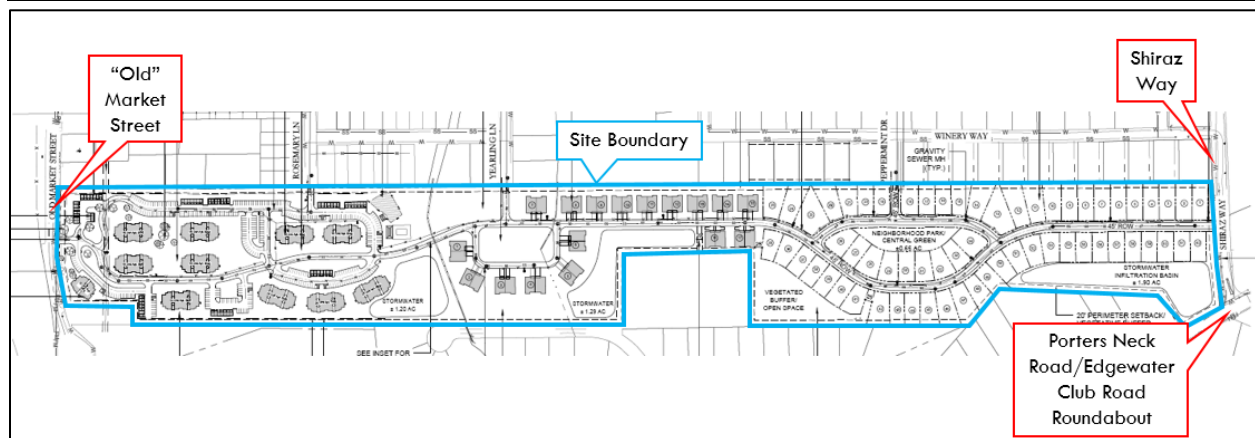
COMMUNITY SERVICES

Water/Sewer	Water and sewer will be provided by CFPUA. Specific design will be determined during site plan review.
Fire Protection	New Hanover County Fire Services, New Hanover County Northern Fire District, New Hanover County Station Porters Neck
Schools	Current: Blair Elementary, Holly Shelter Middle, and Laney High Schools. *See the attached New Hanover County Schools, NC Redistricting Study 2020: Options Statistics
Recreation	Ogden Park

CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES

Conservation	No known conservation resources
Historic	No known historic resources
Archaeological	No known archaeological resources

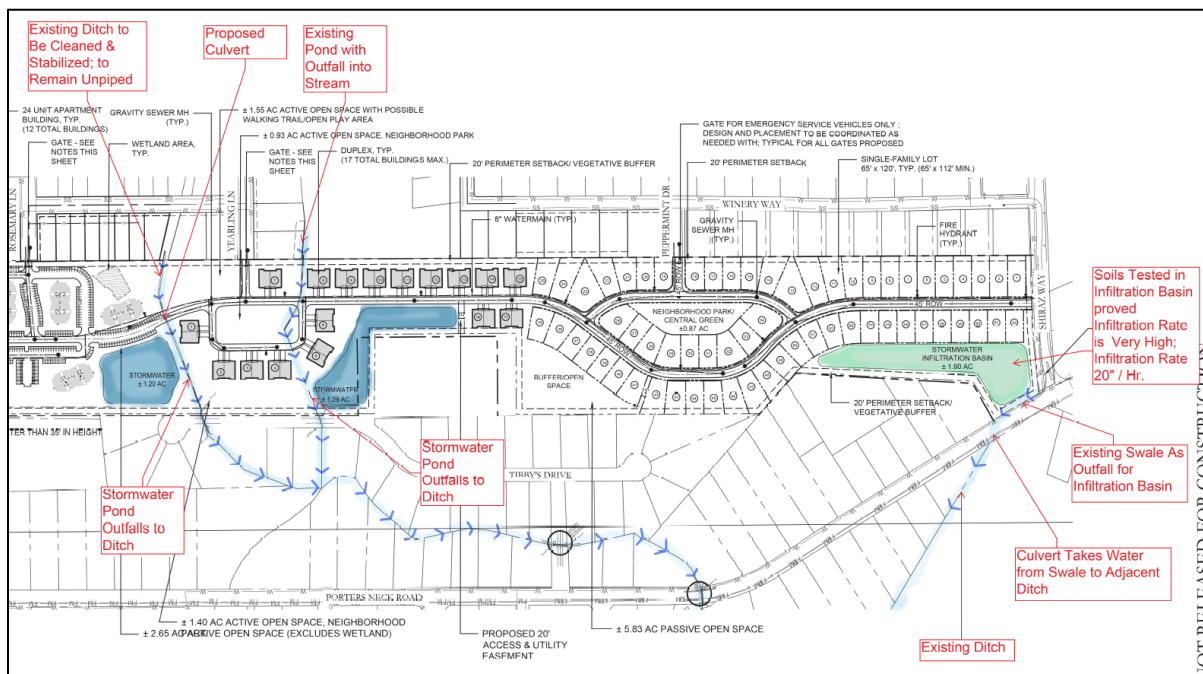
APPLICANT'S PROPOSED CONCEPTUAL PLAN



Includes Staff Markups

- The applicant's proposed conceptual plan indicates the residential development will consist of 204 multi-family units, 34 duplex units, and 62 single-family lots, for a total of 300 units.
- In addition to the density reductions made after the community meetings, the overall density for the project has been reduced twice since it was submitted to the County due to feedback received from the Planning Board. The original application submitted to the Planning Board proposed at total of 384 units. The current plan has eliminated 84 apartment units from the original application.
- The subject site is long and narrow (about 4,500 square feet long and 550 feet in width) impacting design options.
- The 204 multi-family units will be located within 11 buildings containing 12 to 24 units each. Six buildings located adjacent existing single-family residences along the northern property line are proposed to be limited to 2 stories, while the remaining buildings along the southern property are proposed to be 3 stories. A 20-foot opaque bufferyard is required between the multi-family buildings and the abutting single-family housing.

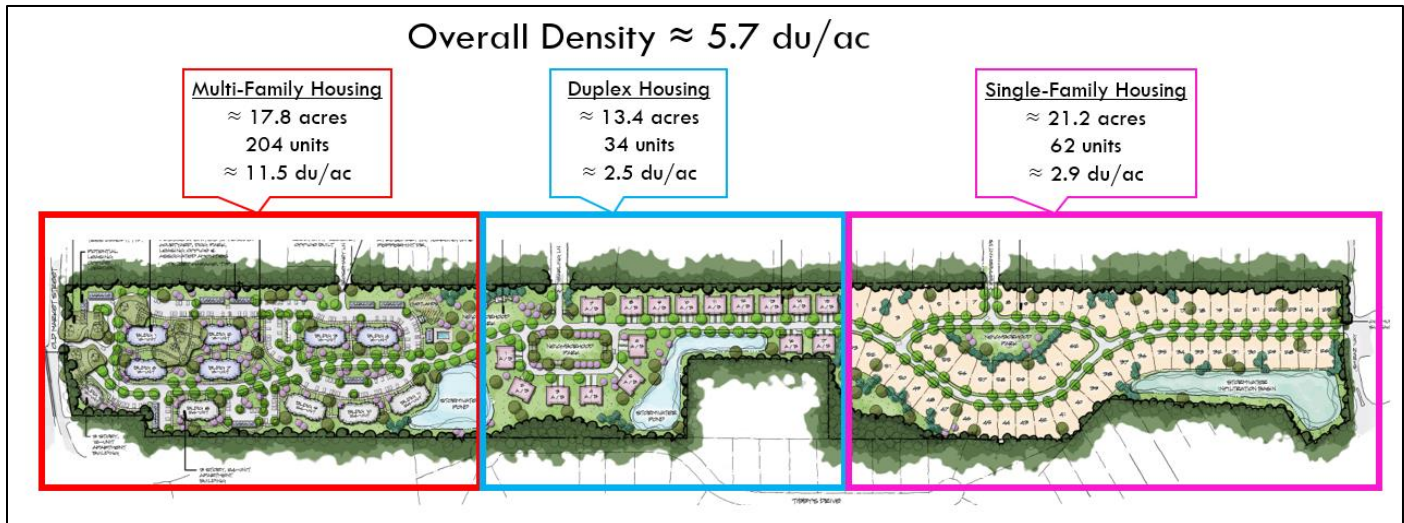
- Developments within the proposed RMF-L district may be constructed in accordance with the County's existing performance residential standards, which provides flexibility by allowing multiple housing types and not requiring minimum lot sizes. The flexibility of performance developments allows for additional land to be utilized for open space and stormwater purposes by clustering development on the site.
- The applicant's proposed conceptual site plan indicates approximately 11.8 acres of the site (22%) will be reserved for active and passive recreation space for the residents of the development. The total open space (undeveloped, stormwater, and buffer areas) is about 24 acres of the site (46%).
- The subject site does not directly access Market Street, requiring use of area collector roads. The primary access points will be to "Old" Market Street on the west side of the site and Shiraz Way on the east side of the site.
- Roadway connections will also be made to three road stubs located in the Vineyard Plantation subdivision abutting the site to the north. However, the applicant is proposing a condition to gate these accessways and limit access to emergency vehicles only.
- The applicant is proposing to design the stormwater facilities for the project to handle up to a 100-year storm event (≈ 10 inches of rain over a 24-hour period). This exceeds the County's requirement of designing the facilities to handle a 25-year storm event (≈ 8 inches of rain over a 24-hour period). According to the County's watershed data, the downstream outfall of the site flows south toward Pages Creek. However, if this request is approved, direction of the downstream flow will be verified during the TRC review process when more detailed engineering design is completed.
- According to the applicant, the stormwater will be controlled by a combination of wet detention ponds and an infiltration basin. The infiltration basin is proposed on the eastern end of the site near Shiraz Way. A soils test performed by the applicant where the basin is proposed indicated an infiltration rate of over 20 inches/hr. The applicant also provided an exhibit illustrating the downstream outfall. More information is provided in the applicant's submittal documents.



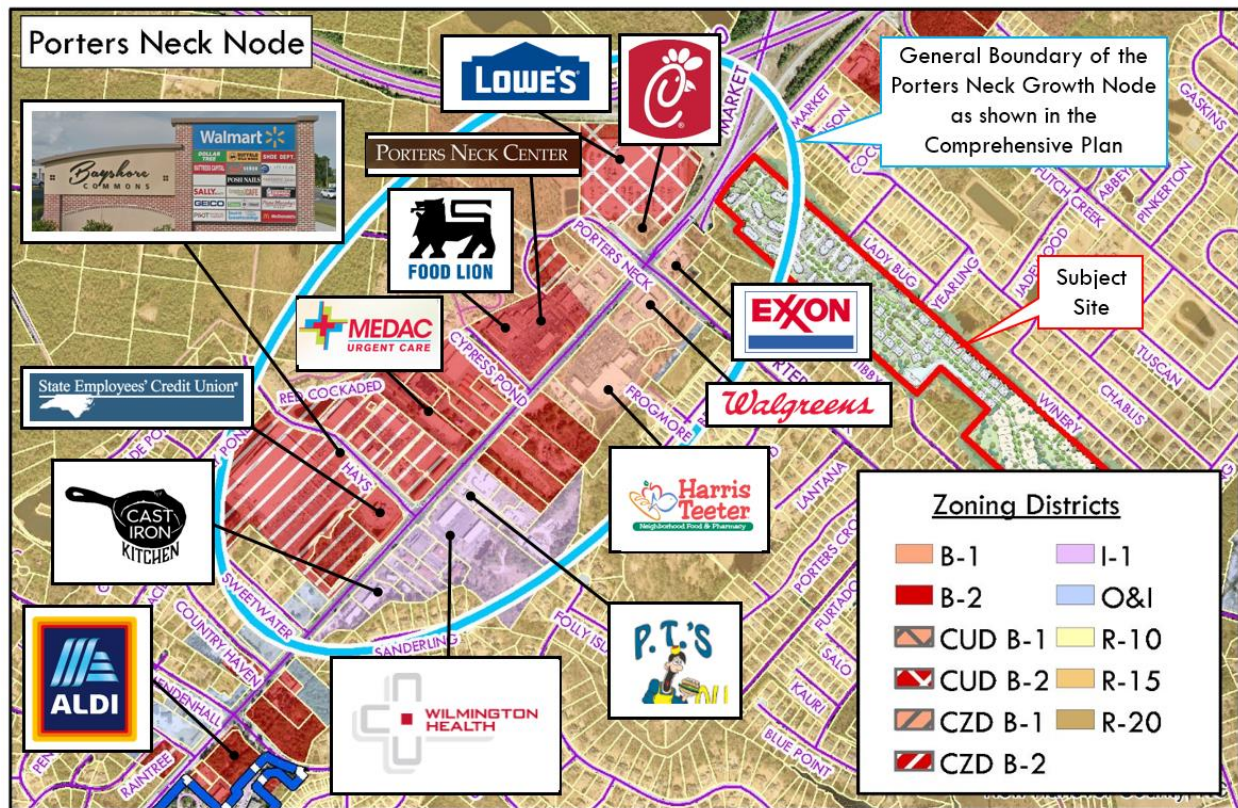
Applicant's Exhibit of the Proposed Stormwater Facilities

ZONING CONSIDERATIONS

- Approximately 40.5 acres of the site is zoned R-15 and the remaining 11.9 acres is zoned R-20. Under the County's performance residential standards, the portion zoned R-15 would be permitted up to 102 dwelling units at a density of 2.5 du/ac and the portion zoned R-20 would be permitted up to 22 dwelling units at a density of 1.9 du/ac. The total number of units permitted under the current zoning is 124.
- The proposed 300 units equates to an overall density of 5.7 du/ac, however, the majority of the units are contained within the multi-family buildings located on the western portion of the site closest to Market Street/US 17.



- The applicant's proposed conceptual plan shows a transition of housing types from multi-family on the western portion of the site to duplex and then single-family on the east end of the site. This transiting development pattern is similar to the Marsh Oaks area, located to the south along Market Street, which transitions from commercial/multi-family development (Aldi, Amberleigh Shores) to townhomes, and then single-family housing. A similar example in the City of Wilmington is Fairfield Park located along Carolina Beach Road. However, in both of these examples, the more intense development has direct access to an arterial road.
- The proposed multi-family housing, and the majority of the units for the project, are located closer to the Porters Neck commercial node. This node is identified in the Comprehensive Plan as one of three Growth Nodes in the County. Growth Nodes are intended to be focus areas of development, encouraging high-density development that promotes alternative transportation options. The intent is to cluster growth in these areas so that public transportation connections can be accomplished. The boundaries of these nodes are not site specific and are intended to be a general representation of the area.
- The Porters Neck community is the major commercial node of the northern portion of the County, containing big box retailers (Wal-Mart and Lowes), grocery stores (Harris Teeter and Food Lion), restaurants (Cast Iron Kitchen, Slice of Life, Buffalo Wild Wings, etc.), and medical offices (Wilmington Health, Medac). However, other than a gas station/convenience store, the existing commercial development in this node is primarily located west of Market Street or south of Porters Neck Road on the east side of Market Street.



TRANSPORTATION

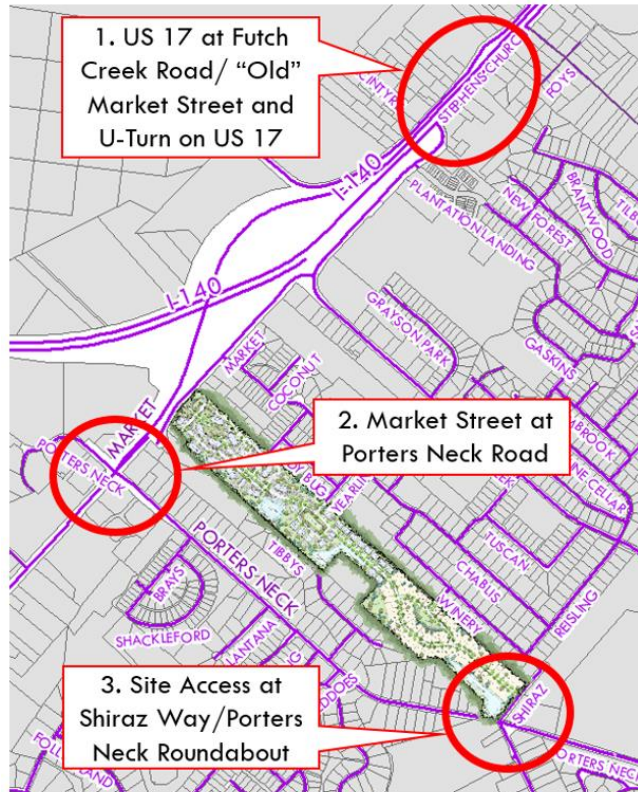
- The site is accessed by “Old” Market Street and Shiraz Way, both of which are maintained by NCDOT. In addition, roadway connections will be made to existing road stubs abutting the site to the north in the Vineyard Plantation subdivision, however, the applicant is proposing to gate these connections and limit access to emergency vehicles only.
- The applicant has completed a Traffic Impact Analysis (TIA) for the project which has been approved by NCDOT and the WMPO. The TIA analyzed the development of 58 single-family homes and 348 multi-family units on the subject property (406 total units – which exceeds the proposed 300 units). A development of this scale is estimated by the Institute of Traffic Engineers (ITE) to generate about 200 trips in the AM peak hour and 240 trips in the PM peak hour.
- As currently zoned, the subject site would be permitted a maximum of 124 single-family homes under the performance residential standards. A detached single-family dwelling typically generates about one trip during the PM peak hours. Therefore, the property could currently generate approximately 124 trips during the PM peak hours. The proposed development, as modified to reflect the 300 total units, is estimated to increase the number of trips by 65 in the AM peak and 70 in the PM peak.

Site Trip Distribution

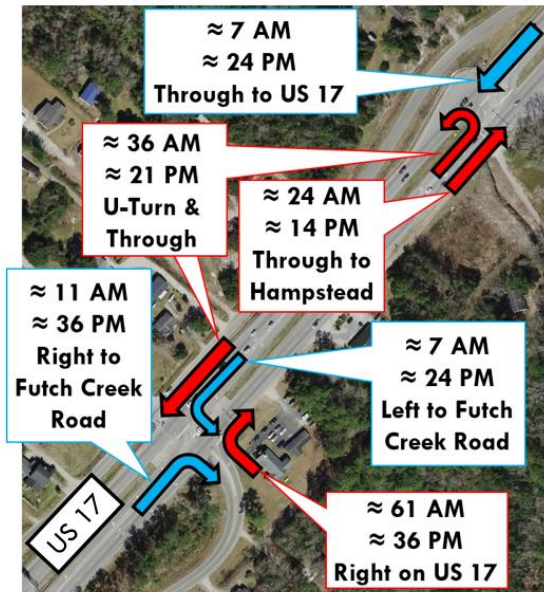
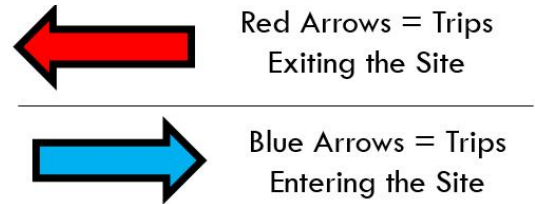
- The TIA estimates that distribution of traffic to and from the site will be split 50/50 with half of the trips utilizing Shiraz Way and half utilizing “Old” Market Street. This distribution was proposed by the applicant and approved by the WMPO and NCDOT.

Vehicle Trip Distribution at Notable Intersections During the Peak Hours

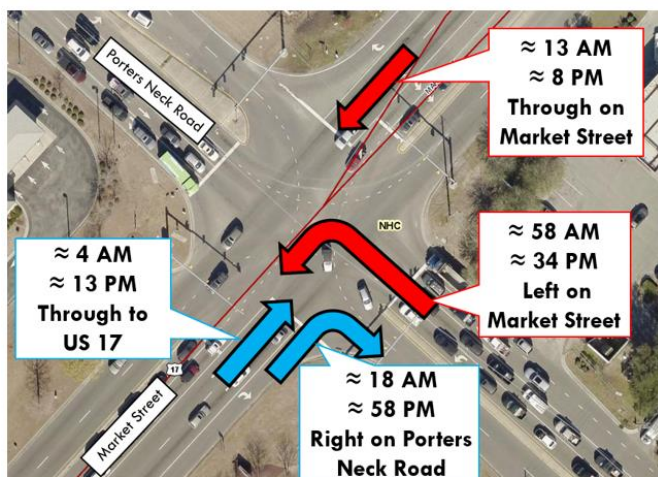
* Number values below indicate the number of estimated vehicular trips generated by the proposed development (based on the current proposal of 300 units) in the AM and PM peak hours.



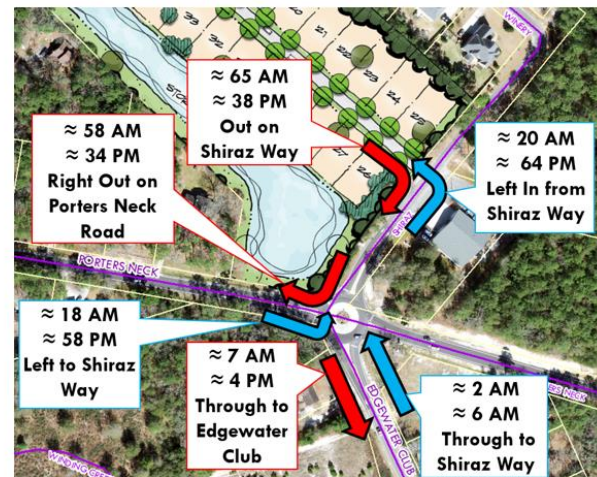
Area Map



1. US 17 at Futch Creek Road



2. Market Street At Porters Neck Road



3. Porters Neck Roundabout/Site Access

Source: Applicant's Traffic Impact Analysis (Ramey Kemp & Associates)

Level of Service

- The TIA analyzed the Level of Service (LOS) in vehicle delay per second at notable intersections in the area including the following:
 - Porters Neck Road at Edgewater Club Road/Shiraz Way (roundabout)
 - Market Street at Porters Neck Road
 - Futch Creek Road/Market Street at US 17
 - US 17 at U-turn Location (north of Futch Creek Road).
- Below is the LOS of the intersections described in the TIA. The data provides the overall LOS of the intersection, and was updated by the applicant's traffic engineer to reflect the conceptual plan presented at the Planning Board meeting that included 324 units. The current plan has 24 fewer units. The reduction is expected to slightly reduce the delays.
- The TIA, based on the original 406 total units, also provides data on all intersection movements (left turn, right turn, through movement, etc.). There are some current and future movements with a F LOS located at the intersection of Porters Neck Road and Market Street. These movements generally consist of the left turns and traffic crossing Market Street. The TIA indicated the proposed development will increase the delay of one of these movements (the westbound left on Porters Neck).
- The TIA did not include the impact of the improvements from the Military Cutoff extension project currently under construction. That project is expected to be completed around the proposed build out date for the requested development (late 2022/early 2023).

Porters Neck Road at Edgewater Club Road/Shiraz Way (roundabout)

Scenario	Overall LOS	Delay in Seconds
AM PEAK		
2019 Existing	A	8
2023 Future	A	9
2023 Future with Project	A	10
PM PEAK		
2019 Existing	A	7
2023 Future	A	8
2023 Future with Project	A	9

Market Street and Porters Neck Road

Scenario	Overall LOS	Delay in Seconds
AM PEAK		
2019 Existing	D	41
2023 Future	D	43
2023 Future with Project	D	45
PM PEAK		
2019 Existing	D	44
2023 Future	D	47
2023 Future with Project	D	48

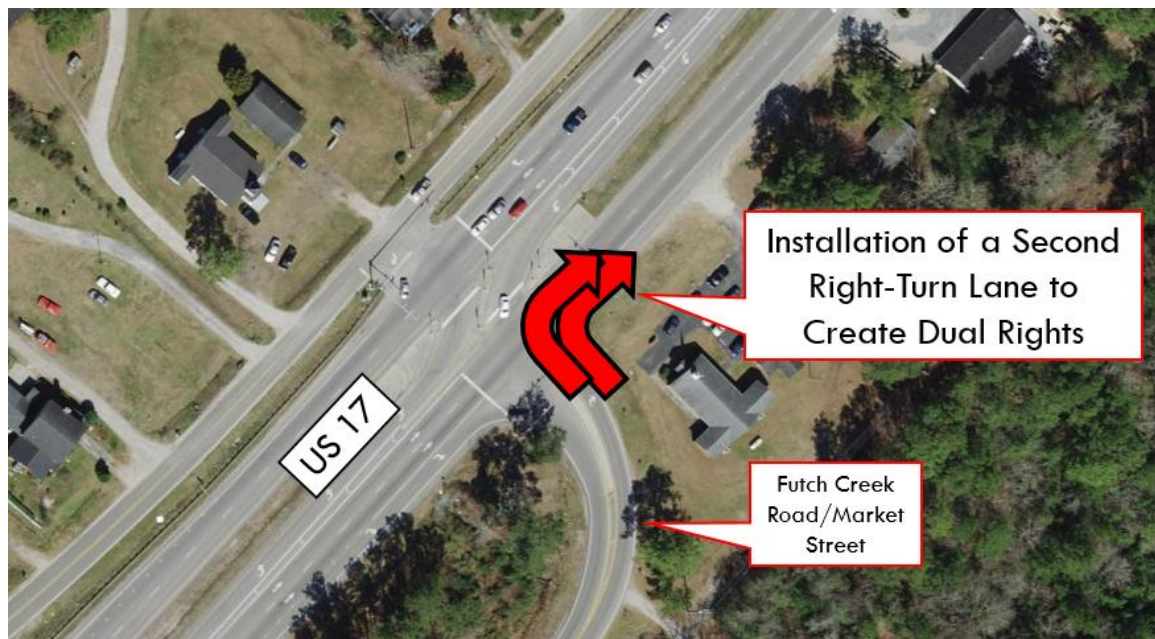
US 17 at Market Street/Futch Creek Road		
Scenario	Overall LOS	Delay in Seconds
AM PEAK		
2019 Existing	B	18
2023 Future	B	20
2023 Future with Project	C	24
PM PEAK		
2019 Existing	C	33
2023 Future	C	31
2023 Future with Project	D	37

US 17 at U-Turn (North of Futch Creek Road)		
Scenario	Overall LOS	Delay in Seconds
AM PEAK		
2019 Existing	C	22
2023 Future	C	26
2023 Future with Project	C	31
PM PEAK		
2019 Existing	A	9
2023 Future	B	10
2023 Future with Project	B	13

Required or Proposed Improvements

- The TIA has been approved by NCDOT and the WMPO. The notable roadway improvements required include the installation of a second right turn lane on Futch Creek Road/Market Street at its intersection with US 17. The application is also proposing to add this improvement as a condition on the development.

Notable Roadway Improvement:



Vineyard Plantation Traffic Calming Report

- The residents of Vineyard Planation recently commissioned a Traffic Calming Assessment due to speeding concerns in their neighborhood. The assessment, which was prepared by Kittelson & Associates, Inc., examined certain roads in the neighborhood and made the following findings:

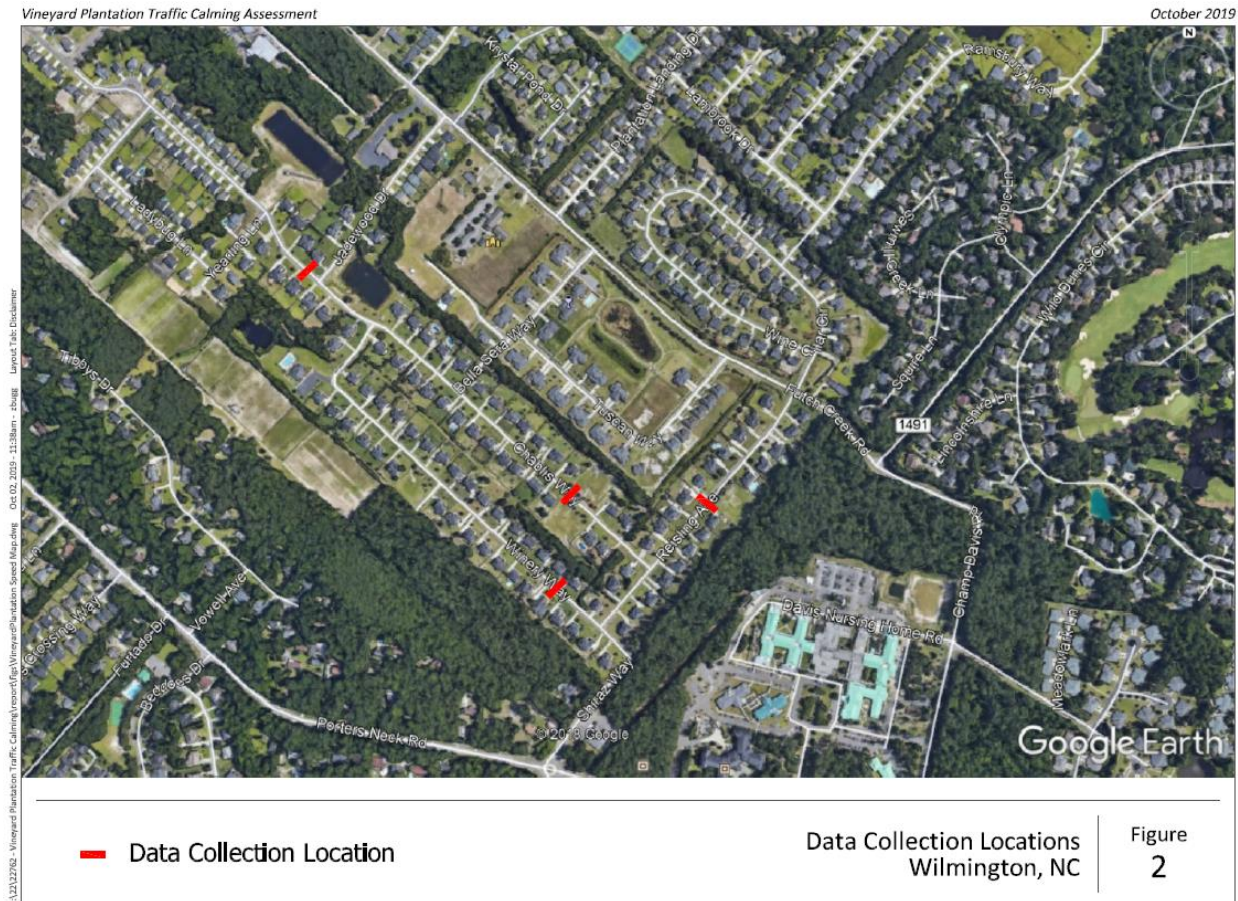


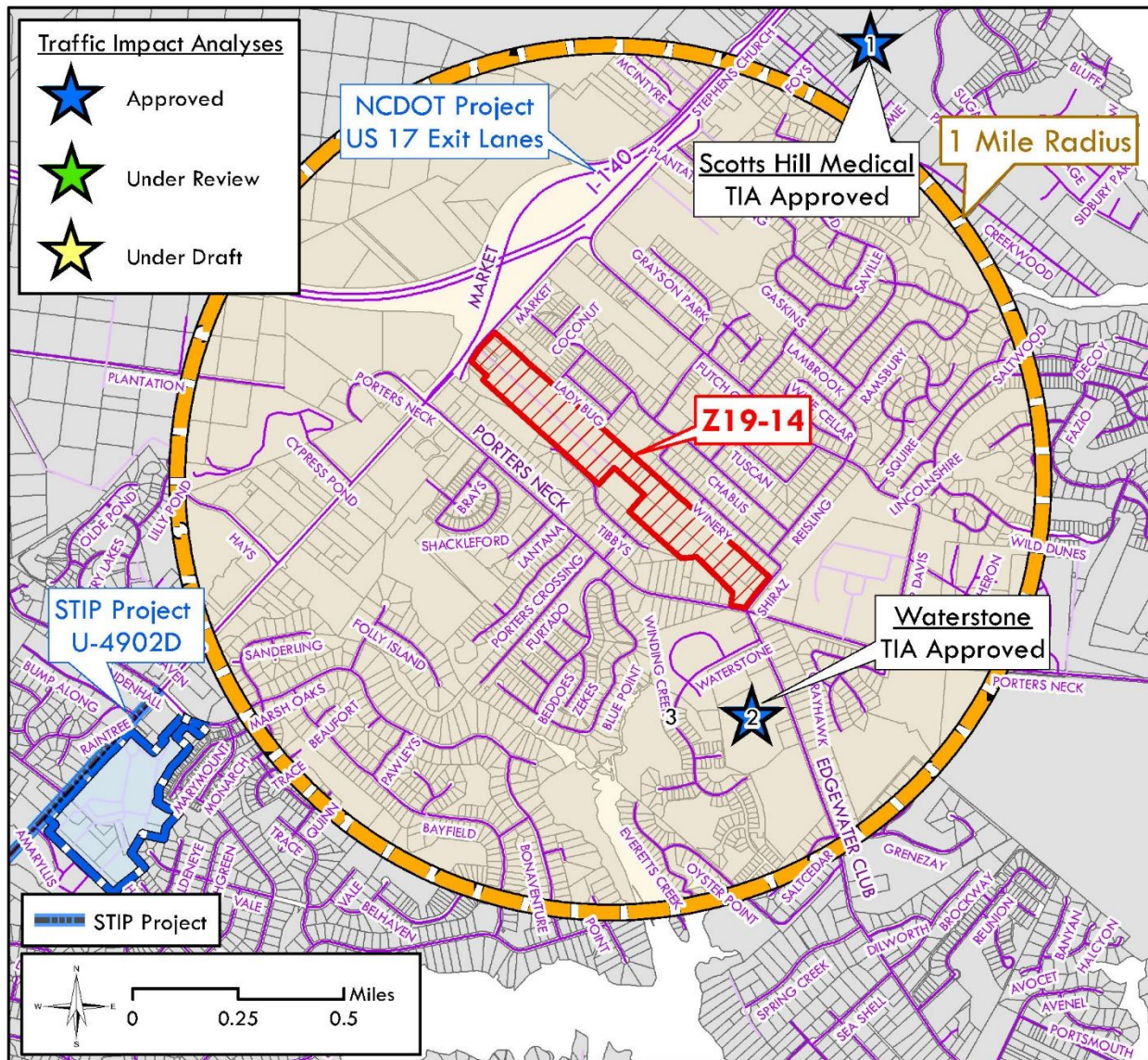
Table 1. Summary of Speed and Volume Data

Location	Posted Speed Limit	85th-percentile Speed	Percent of Speeds above 35 mph	Average Daily Traffic
Riesling Avenue	25 mph	32 mph	4.4	1,344
Chablis Way east of Bella Sera Way	25 mph	29 mph	<0.1	412
Chablis Way west of Jadewood Drive	25 mph	24 mph	0.1	424
Winery Way	25 mph	29 mph	2.5	512

- The assessment made recommendations to help reduce speeding in the area including but not limited to:
 - Installing speed humps on Riesling Avenue;
 - Using portable speed feedback signs on Riesling Avenue, Chablis Way, and Winery Way; and

- Using speed cameras to identify and fine residents who speed.
- NCDOT has reviewed the assessment and provided comments. The HOA can proceed with installing the recommended speed humps on Riesling Avenue pending receiving an encroachment agreement with NCDOT.

Nearby Planned Transportation Improvements and Traffic Impact Analyses



- STIP Project U-4751 (Military Cutoff Extension)
 - Project to extend Military Cutoff from Market Street to I-140.
 - The project is currently under construction and is expected to be completed in late 2022/early 2023.
 - The project will also install a sidewalk and multi-use path along the extension of Military Cutoff and the sections of Market Street included in the project.
- STIP Project U-4902D (Market Street Median)
 - Project to install a center median and pedestrian accessways along Market Street from Middle Sound Loop Road to Marsh Oaks Drive. The pedestrian accessways will consist of a 10-foot multi-use path on the eastern side of the street, and a 5-foot sidewalk on the western side of the street.
 - The project is currently under construction and is expected to be completed in late 2022/early 2023.
- NCDOT Project – Installation of an Additional Southbound Exit Lane on US-17 onto Market Street
 - The Board of Commissioners recently adopted a resolution to support the installation of an additional southbound exit lane at the US 17/Market Street Interchange. The project is a candidate for funding through the State's High Impact Low Cost program.
 - While funding for this program is currently on hold due to NCDOT's cash flow balance, NCDOT Division 3 has been requested to submit everything needed for the fund requests to the Board of Transportation so there is no delay when funding becomes available.

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. Scotts Hill Medical Park	<ul style="list-style-type: none"> • 132,000 sf Office • 18,000 sf Medical Office • 32,000 sf Shopping Center • 9,000 sf Pharmacy with Drive-Through 	<ul style="list-style-type: none"> • Approved August 5, 2019 • Phase 1 & 2: 2020 Build Out Year • Full Build 2022
<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 U-turn lane on US 17 south of Scott Hill Loop Road. • Installation of a southbound left turn lane on US 17 at Scoots Hill Medical Drive. • Installation of a northbound right turn lane, removal of the barrier from the southbound left turn lane, and signalization of the intersection on US 17 at the site's southern access point. 		
Nearby Proposed Developments included within the TIA:		

- Scotts Hill Village
- Coastal Prep Academy

Development Status: Phase 1 of the medical park has been platted consisting of 3 lots. Currently, one office building is being constructed. No roadway improvements have been completed at this time.

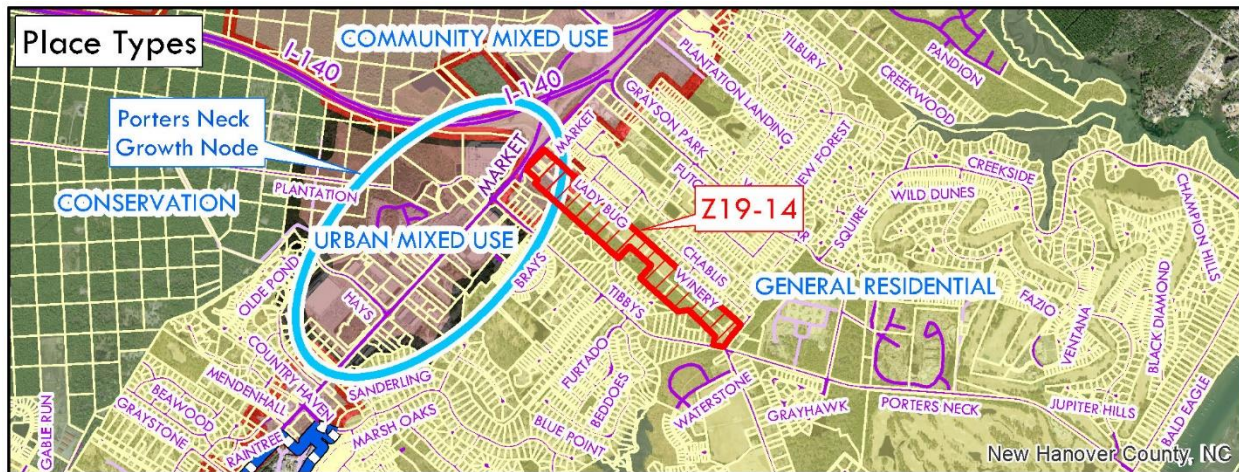
Proposed Development	Land Use/Intensity	TIA Status
2. Waterstone	<ul style="list-style-type: none"> • 151 Single-Family Dwellings 	<ul style="list-style-type: none"> • Approved June 18, 2015 • 2020 Build Out Year
<p>The TIA required improvements be completed at certain intersections in the area. The notable improvements consisted of:</p> <ul style="list-style-type: none"> • Installation of a southbound right turn lane on Edgewater Club Road at the site's northern access. 		
<u>Nearby Proposed Developments included within the TIA:</u>		
<ul style="list-style-type: none"> • Porters Neck Elementary 		
Development Status: 98 lots have been platted at this time. The right turn lane has been installed.		

ENVIRONMENTAL

- The property is not within a Natural Heritage Area or Special Flood Hazard Area.
- The property is within the Pages Creek (SA;HQP) watershed.
- Per the Classification of Soils in New Hanover County for Septic Tank Suitability, soils on the property consist of Class I (suitable/slight limitation), Class II (moderate limitation) and Class III (severe limitation) soils, however, the project will connect to CFPWA sewer services.

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.



<p>Future Land Use Map Place Type</p>	<p>General Residential & Community Mixed Use located partially within Porters Neck Growth Node.</p> <p>The subject parcel is primarily General Residential, with roughly 20% designated as Community Mixed Use.</p> <p>Because of the general nature of place type borders, sites located in proximity to the boundaries between place types could be appropriately developed with either place type, allowing site-specific features and evolving development patterns in the surrounding area to be considered.</p>
<p>Place Type Description</p>	<p>General Residential: Focuses on lower-density housing and associated civic and commercial services. Typically, housing is single-family or duplexes. Commercial uses should be limited to strategically located office and retail spaces, while recreation and school facilities are encouraged throughout. Types of uses include single-family residential, low-density multi-family residential, light commercial, civic, and recreational.</p> <p>Community Mixed Use: Focus on small-scale, compact, mixed use development patterns that serve all modes of travel and act as an attractor for county residents and visitors. Types of appropriate uses include office, retail, mixed use, recreational, commercial, institutional, and multi-family and single-family residential.</p>

<p>Analysis</p>	<p>The proposed RMF-L development is located between existing lower density residential neighborhoods and the Old Market St. corridor at the edge of the Porters Neck Growth Node. This growth node is one of the areas identified as where growth should be clustered and high-density developments encouraged.</p> <p>In general, the Comprehensive Plan designates areas along roadways for higher residential densities and a mix of uses and those near existing neighborhoods as General Residential in order to allow for an orderly transition of densities and intensities.</p> <p>The proposed RMF-L zoning, one of the new zoning tools adopted in July 2019 to provide for the development patterns outlined in the Comprehensive Plan, would provide a transition in density and intensity between future Community Mixed Use development along Old Market Street and the existing single family residential districts on either side of the subject site. Providing options for alternative housing types in direct relationship to single-family detached development is one of the stated intents for this district.</p> <p>The overall project density of 5.7 units per acre is generally consistent with the 6 dwelling units per acre characteristic of the General Residential place type. The majority of that density is proposed for the western portion of the site closest to the growth node and Community Mixed Use areas which promotes densities up to 15 dwelling units per acre. The density of the duplex and single-family detached portion of the project proposed for the eastern side is closer to 3 dwelling units per acre.</p>
<p>Consistency Recommendation</p>	<p>The proposed RMF-L zoning is generally CONSISTENT with the intent of the 2016 Comprehensive Plan because this zoning district is intended to provide alternative housing types in direct relationship to single-family detached development, the overall project density is in-line with those characteristic of General Residential and Community Mixed Use place types, the highest density portion of the project is located on the western end of the site which is part of the Porters Neck Growth Node and designated as Community Mixed Use, and the proposed development pattern provides for the orderly transition of densities and intensities.</p>

PLANNING BOARD ACTION

The Planning Board considered this application at their January 9, 2020 meeting. At the meeting, numerous residents attended in opposition to the request. Representatives of the opposition presented concerns including those relating to traffic, schools, stormwater, and compatibility with the surrounding neighborhoods.

The Planning Board recommended approval of the application (5-0), finding it to be consistent with the purposes and intent of the Comprehensive Plan because the proposal provides an orderly transition of uses from higher intensity to lower intensity areas, provides for a range of housing types, and is in-line with the recommended densities of the Community Mixed Use and General Residential place types. The Board also found their approval of the rezoning request is reasonable and in the public interest because, although it will increase traffic in the area, the proposal would benefit the community by providing diverse housing options.

The Planning Board, with agreement of the applicant, included the following conditions:

1. The project's stormwater facilities must be designed to accommodate a 100-year storm event.
2. As proposed and agreed to by the applicant, an additional westbound right turn lane shall be installed on Futch Creek Road/Market Street at its intersection with US 17. Installation of the turn lane requires approval from NCDOT and shall be constructed in accordance with NCDOT's standards.
3. The roadway connections to the three road stubs abutting the site to the north in the Vineyard Plantation subdivision shall be gated and limit access to emergency vehicles only.
4. A gate must be installed between the proposed multi-family section of the project and the duplex housing preventing eastbound travel from the apartments and only allowing westbound travel for residents of the duplex and single-family housing in the development. Emergency vehicles would be able to go in either direction.

STAFF RECOMMENDATION

Overall the project is generally consistent with the goals and objectives of the Comprehensive Plan because it contributes to providing a mix of housing options in the area, provides for the orderly transition of uses, and the overall project density is in-line with those recommended in the General Residential and Community Mixed Use place types.

As the unique location of the site does not have direct access to an arterial street, it is anticipated the development will increase traffic near established single-family neighborhoods. However, the review of the TIA, which studied the impact from 406 dwelling units (exceeding the 300 units proposed) indicates that the overall Level of Service of the major intersections in the area will operate at an acceptable level when the proposed development is expected to be completed in 2023.

The applicant is also proposing to design the stormwater facilities to accommodate the 100-year storm event, which exceeds the County's requirement of designing to the 25-year storm event.

Staff recommends approval of the application.

After the Planning Board meeting, further discussion with the applicant and community representatives opposing the application indicated both parties prefer the removal of condition #4 requiring a gate in the middle of the project because it is likely to reduce travel options resulting in traffic concentrating on fewer roads in the area. Staff recommends this condition be removed due to this concern.

Example Motion of Approval

I move to **APPROVE** the proposed rezoning to a conditional RMF-L district. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposal provides an orderly transition of uses from higher intensity to lower intensity areas, provides for a range of housing types, and is in-line with the recommended densities of the Community Mixed Use and General Residential place types. I also find **APPROVAL** of the rezoning request is reasonable and in the public interest because, although it will increase traffic in the area, the proposal would benefit the community by providing diverse housing options.

[Optional] Note any conditions to be added to the district:

1. The project's stormwater facilities must be designed to accommodate a 100-year storm event.
2. As proposed and agreed to by the applicant, an additional westbound right turn lane shall be installed on Futch Creek Road/Market Street at its intersection with US 17. Installation of the turn lane requires approval from NCDOT and shall be constructed in accordance with NCDOT's standards.
3. The roadway connections to the three road stubs abutting the site to the north in the Vineyard Plantation subdivision shall be gated and limit access to emergency vehicles only.

Example Motion of Denial

I move to **DENY** the proposed rezoning to a conditional RMF-L district. While I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposal provides an orderly transition of uses from higher intensity to lower intensity areas, provides for a range of housing types, and is in-line with the recommended densities of the Community Mixed Use and General Residential place types, I find **DENIAL** of the rezoning request is reasonable and in the public interest because the proposal is not consistent with the desired character of the surrounding community and the density will adversely impact the adjacent neighborhoods.