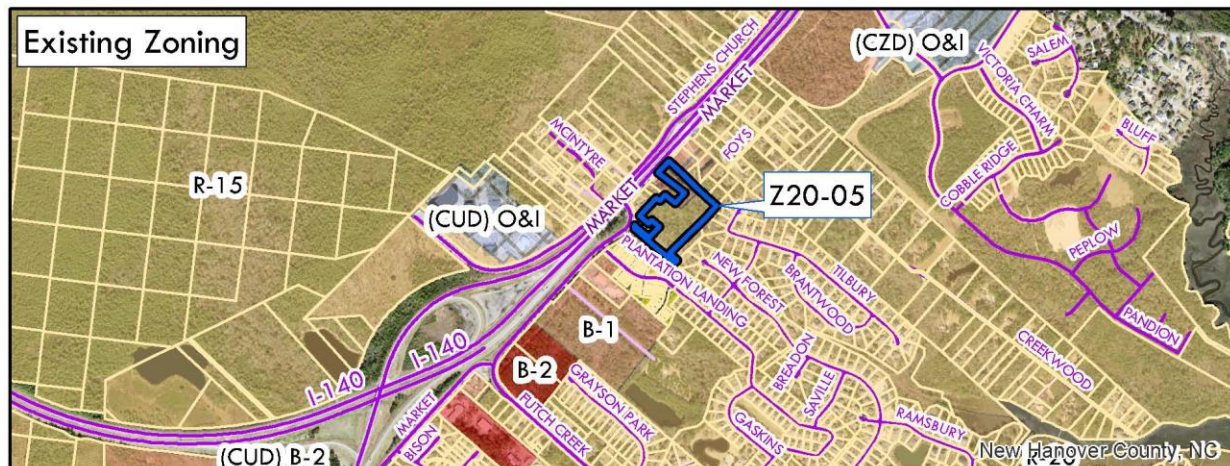


STAFF REPORT FOR Z20-05

CONDITIONAL ZONING DISTRICT APPLICATION

| APPLICATION SUMMARY | |
|--|--|
| Case Number: Z20-05 | |
| Request: Zoning Map amendment to rezone 7.15 acres from R-15 and B-1 to (CZD) RMF-M and (CZD) CB to develop 96 multi-family dwelling units and a 4,000 square foot retail sales/office building. | |
| Applicant: Cindee Wolf with Design Solutions | Property Owner(s): Redland Development Incorporated |
| Location: 8800 block of US 17 | Acreage: 7.15 |
| PID(s): R02900-003-032-000 | Comp Plan Place Type: Community Mixed Use |
| Existing Land Use: Undeveloped | Proposed Land Use: Multi-Family Dwellings & Retail/Office |
| Current Zoning: R-15 and B-1 | Proposed Zoning: (CZD) RMF-M Residential Multi-Family Moderate-Density & (CZD) CB Community Business |



| SURROUNDING AREA | | |
|------------------|--|----------------------|
| | LAND USE | ZONING |
| North | Professional Office, Commercial, and Institutional | B-1, (CZD) B-1, R-15 |
| East | Single-Family Residential | R-15 |
| South | Single-Family Residential, Commercial, Undeveloped | R-15, R-7, B-1 |
| West | US 17 Right-of-Way, Single-Family Residential, Multi-Family Residential, Undeveloped | R-15, (CUD) O&I |



ZONING HISTORY

| | |
|---------------------|---------------------------------------|
| July 6, 1971 | Initially zoned R-15 and B-1 (Area 5) |
|---------------------|---------------------------------------|

COMMUNITY SERVICES

| | |
|------------------------|--|
| Water/Sewer | Water and sewer services are available through 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 | Porters Neck Elementary, Holly Shelter Middle, and Laney High schools For more information, see the full School statistics below. |
| Recreation | Ogden Park |

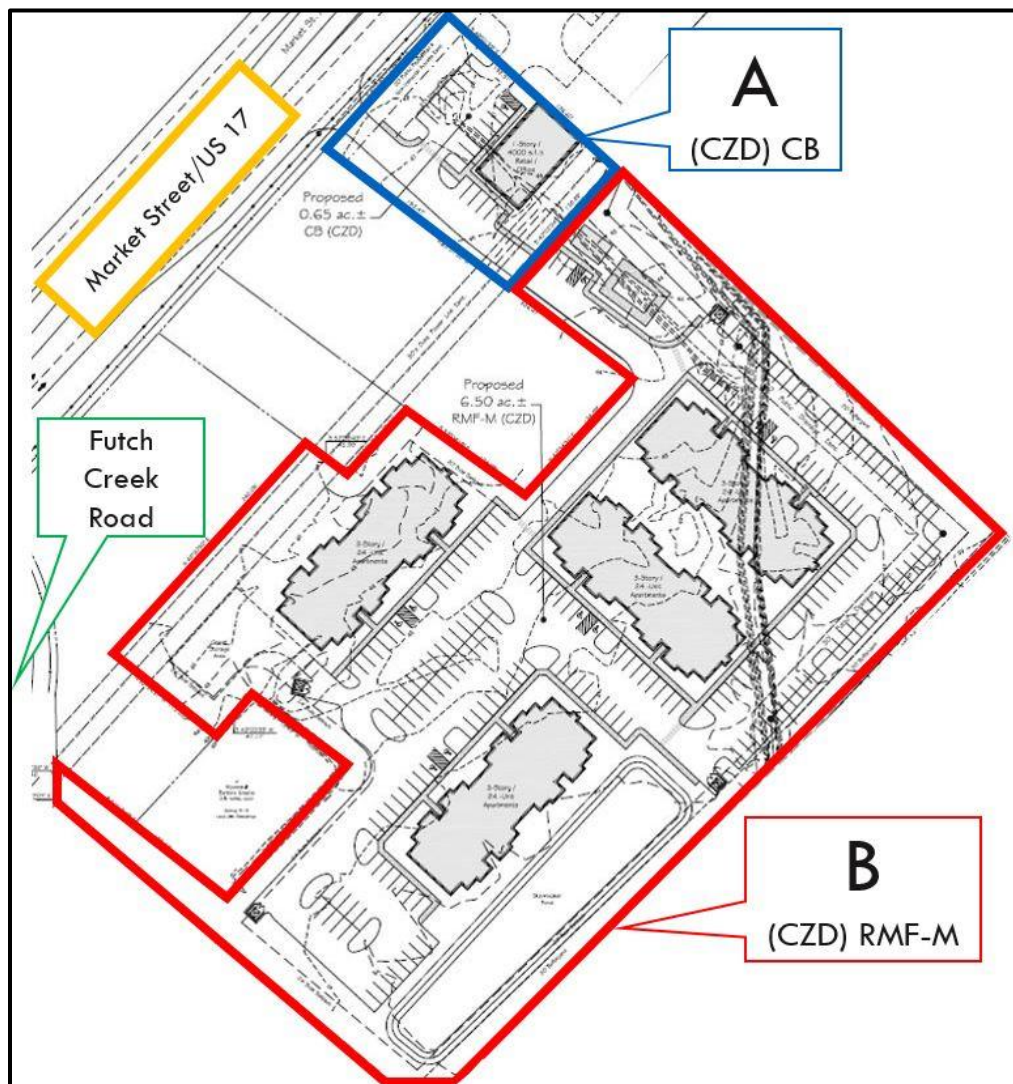
CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES

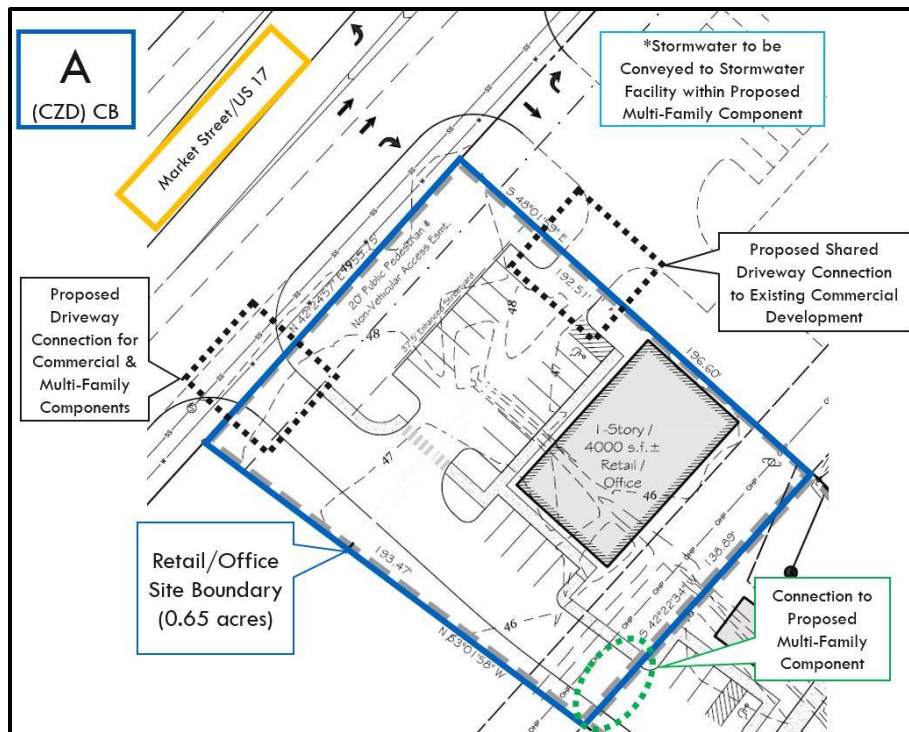
| | |
|-----------------------|-----------------------------------|
| Conservation | No known conservation resources |
| Historic | No known historic resources |
| Archaeological | No known archaeological resources |

APPLICANT'S PROPOSED CONCEPTUAL PLAN

- The applicant is proposing to rezone approximately 7.15 acres from R-15 (approximately 6.70 acres) and B-1 (approximately 0.45 acres) to (CZD) RMF-M and (CZD) CB for the development of multi-family dwellings (apartments) and a retail sales/office building. As proposed, the RMF-M portion of the site would be 6.50 acres and the CB portion would be 0.65 acres.
- The conceptual plan indicates the proposed apartments will consist of four 24-unit buildings (96 total units). Each of the apartment buildings will be three-stories and limited to 45 feet in height. The commercial component of this proposal will be a one story/4,000 square foot retail sales/office building and will share access with the residential portion of the site, as well as the Benjamin Moore Paint commercial development to the north.

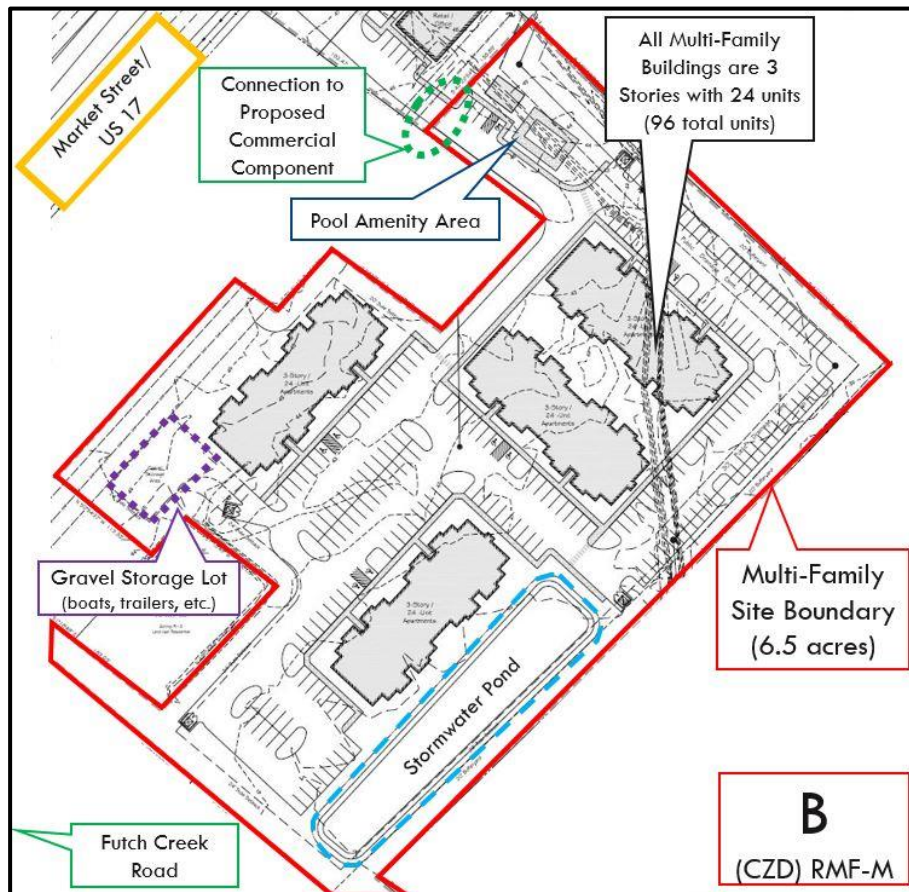
Below: Applicant's Conceptual Plan with Staff Markups.





Above: Commercial (CB) Component of the Applicant's Conceptual Plan with Staff Markups

Below: Multi-Family (RMF-M) Component of the Applicant's Conceptual Plan with Staff Markups



- According the County's general watershed data, the downstream outfall of the site flows southeast to a tributary of Futch Creek. 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. The applicant is proposing to design the stormwater facilities for the project to meet the County's requirement to a handle a 25-year storm event (\approx 8 inches of rain over a 24-hour period).
- If approved, the applicant will be required to obtain both a State and County Stormwater Permit prior to construction. New Hanover County Engineering will require a Stormwater Authorization-to-Construct and stormwater control measures are required to maintain the pre-development runoff rate for the 2-, 10-, and 25-year storms. In addition, analysis for the 100-year storm is required to verify that no buildings are flooded. Other New Hanover County stormwater requirements will be reviewed and verified during the TRC review process.

ZONING CONSIDERATIONS

- Under the County's performance residential standards, the current residentially zoned portion of the property (R-15/6.70 acres) would allow up to 17 dwelling units at a maximum density of 2.5 dwelling units per acre. The applicant is proposing 96 multi-family dwellings on 6.5 acres at a net density of 14.77 dwelling units per acre, which is an increase of 79 dwelling units over the current zoning, but is below the maximum density of the RMF-M district that would allow 111 dwelling units (17 dwelling units per acre).
- The portion of the property zoned B-1 would allow for the development of traditional commercial uses like restaurants, offices, and retail establishments. At approximately 0.45 acres, it is estimated that the portion of the property zoned B-1 could support about 5,000 square feet of commercial related uses based on a typical 25% building area. Alternatively, the B-1 portion of the site could be developed residentially if a special use permit is obtained. However, any dwelling units would have to be part of a mixed use development.
- A 20-foot opaque bufferyard is required between the multi-family buildings and the abutting single-family housing.

TRANSPORTATION

- Access is provided to the subject property by US 17, just north of Futch Creek Road. As proposed, the commercial and residential uses will share one driveway off US 17. Preliminary NCDOT comments indicate a right turn lane will be required and specific details will be determined during the driveway permitting process. In addition, the applicant has agreed to connect the proposed commercial parking lot to the existing commercial lot to the north (Benjamin Moore Paint).
- Turning movements associated with the proposed driveway are limited to right-in/right-out because of the median along US 17. Motorists leaving the subject site and wanting to travel south would be required to exit the site and travel north approximately 400 feet to the nearest signalized U-turn.
- As currently zoned, R-15, the subject site would be permitted a maximum of 17 dwelling units under the performance residential standards. The property could currently generate approximately 13 trips in the AM peak and 17 trips in PM peak hours. The trips generated from the B-1 portion of the property would vary based on the commercial use of the site.

- If the B-1 portion of the site was developed with a typical approximate 25% building footprint, a 5,000 square foot shopping/strip center or comparable development could be built and would generate an estimated 59 trips in both the AM and PM peak hours.
- The total trips estimated to be generated from the site as currently zoned is about 72 in the AM peak and 76 in the PM peak hours.
- The proposed application to conditionally rezone the subject property to a (CZD) RMF-M district is for 96 multi-family dwellings. This proposed multi-family use is estimated to generate about 33 trips in the AM peak and 43 trip in the PM peak. In addition, the proposed 4,000 square foot retail/office building is estimated to generate 50 AM and PM peak trips. As a result, the total number of trips estimated for the site under the proposed zoning is 83 trips in the AM peak and 93 trips in the PM peak. When comparing the proposed rezoning to the current zoning, the cumulative impact is expected to increase traffic by 11 trips in the AM peak and 17 trips in the PM peak.

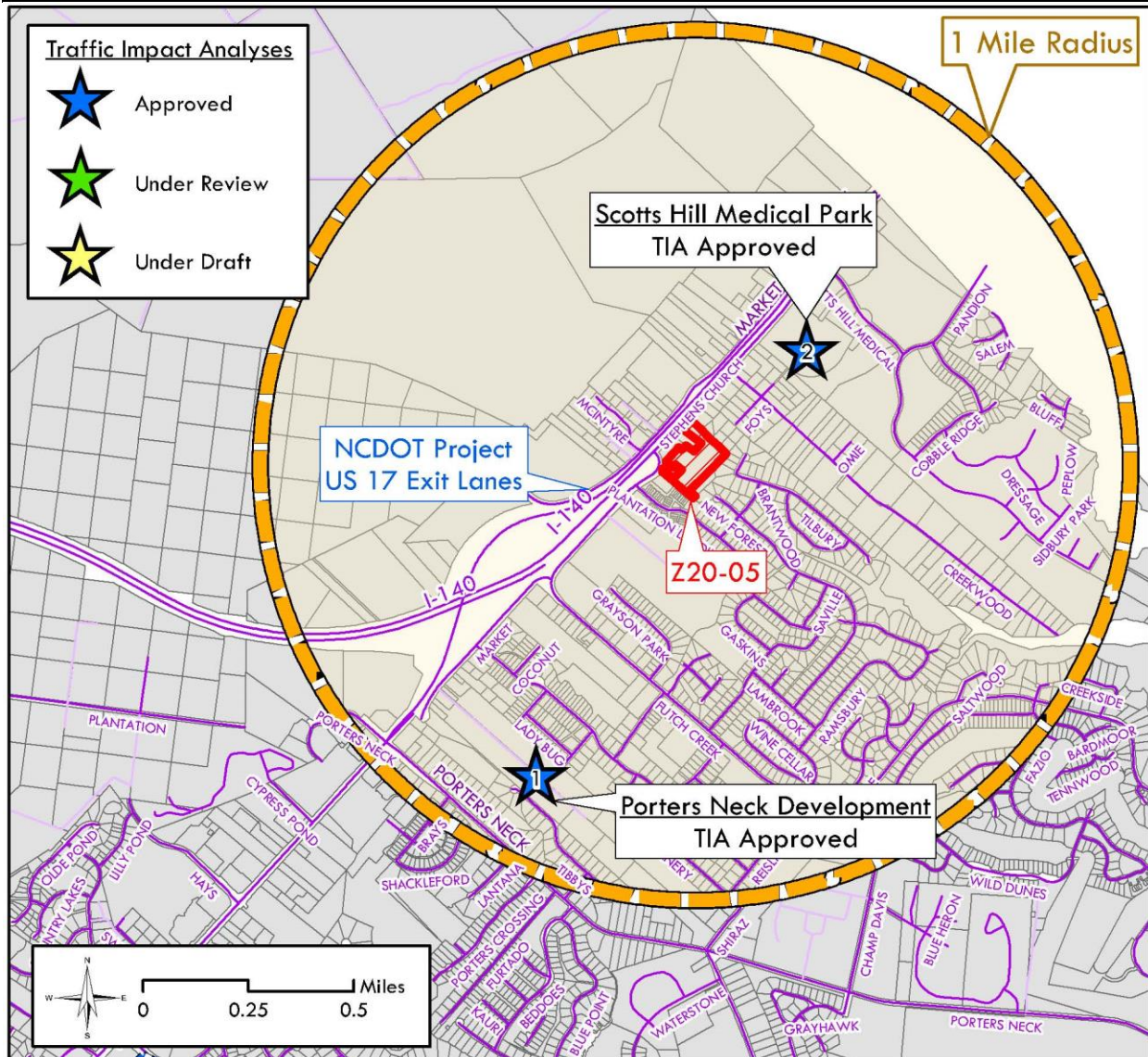
| | Intensity | Approx. Peak Hour Trips |
|--|--|--------------------------------|
| Existing Development: | Undeveloped | 0 AM / 0 PM |
| Typical Development under Current Zoning: | 17 single-family homes 5,000 sf shopping/strip mall | 72 AM / 76 PM |
| Proposed Development under Proposed RMF-M/CB Zoning: | 96 multi-family dwellings 4,000 sf of retail/office | 83 AM / 93 PM |
| Net Increase under Proposed RMF-M/CB Zoning: | — | 11 AM / 17 PM |

- Although the proposed use does not meet the 100 peak hour trips threshold to require a TIA, the TIA completed for the nearby Oaks at Murray Farms in December 2019 analyzed intersections near this proposed development. That TIA concluded that the intersections of US 17 at Market Street/Futch Creek Road and the US 17 u-turn north of Futch Creek Road are currently operating at acceptable levels of service and are projected to continue to be at acceptable levels in the future with or without the Oaks at Murray Farms project.
- Staff has also provided the volume to capacity ratio for US 17 near the subject site. While volume to capacity ratio, based on average daily trips, can provide a general idea of the function of adjacent roadways, the delay vehicles take in seconds to pass through intersections is generally considered a more effective measure when determining the Level of Service of a roadway.

Traffic Counts - 2019

| Road | Location | Volume | Capacity | V/C |
|---------------|--|---------------|-----------------|------------|
| US 17 | 10000 Block (north of Sidbury Road in Pender County) | 47,656 | 31,900 | 1.49 |
| Market Street | 8000 Block (north of Sweetwater Drive) | 46,539 | 43,700 | 1.06 |

Nearby Planned Transportation Improvements and Traffic Impact Analyses



Nearby NC STIP Projects:

- 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.
- 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. Porters Neck Development (Oaks at Murray Farm) | <ul style="list-style-type: none"> • 58 Single-family dwellings • 348 Multi-family dwellings | <ul style="list-style-type: none"> • Approved December 6, 2019 • Full Build: 2023 |
| <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 second right turn lane on Futch Creek Road/Market Street at its intersection with US 17. | | |
| <u>Nearby Proposed Developments included within the TIA:</u> | | |
| <ul style="list-style-type: none"> • Waterstone | | |
| <p>Development Status: Pending approval of the conditional rezoning. The item is scheduled to be heard at the April 6, 2020 Board of Commissioners meeting.</p> | | |

| Proposed Development | Land Use/Intensity | TIA Status |
|---|--|---|
| 2. 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 Scotts 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. | | |
| <u>Nearby Proposed Developments included within the TIA:</u> | | |
| <ul style="list-style-type: none"> • Scotts Hill Village • Coastal Prep Academy | | |
| <p>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.</p> | | |

SCHOOLS

- Students generated from this development would be assigned to Porters Neck Elementary, Holly Shelter Middle, and Laney High schools. Students may apply to attend public magnet, year-round elementary, or specialty high schools.
- Seventeen dwelling units would be permitted under the current R-15 zoning base density, and 96 units would be allowed under the proposed zoning for an increase of 79 dwelling units
- Based on average student generation rates,* there are an average of 0.24 public school students (0.11 for elementary, 0.05 for middle, and 0.08 for high) generated per dwelling unit across New Hanover County. The proposed development can be estimated to generate 18.9 (8.5 elementary, 4.3 middle, and 6.2 high) more students than if developed under existing zoning.

*Average student generation rates are calculated by dividing the projected New Hanover County public school student enrollment for the 2020-2021 school year by the estimated number of dwelling units in the county. While different housing types and different locations typically yield different numbers of students, these average generation rates can provide a general guide for the number of students to anticipate. Total projected student enrollment was used, which includes students attending out-of-district specialty schools, such as year-round elementary schools, Isaac Bear, and SeaTECH.

School Enrollment* and Capacity—2021-2022 Estimates**

| Level | Total NHC % Capacity | School | Enrollment of Assigned School | Capacity of Assigned School w/ Portables | % of Capacity of Assigned School | Funded Capacity Upgrades |
|------------|----------------------|---------------|-------------------------------|--|----------------------------------|--------------------------|
| Elementary | 97% | Porters Neck | 475 | 552 | 86% | None |
| Middle | 107% | Holly Shelter | 917 | 934 | 98% | None |
| High | 105% | Laney | 2063 | 1903 | 108% | None |

*Enrollment is based on projected New Hanover County Schools enrollment for the 2020-2021 school year.

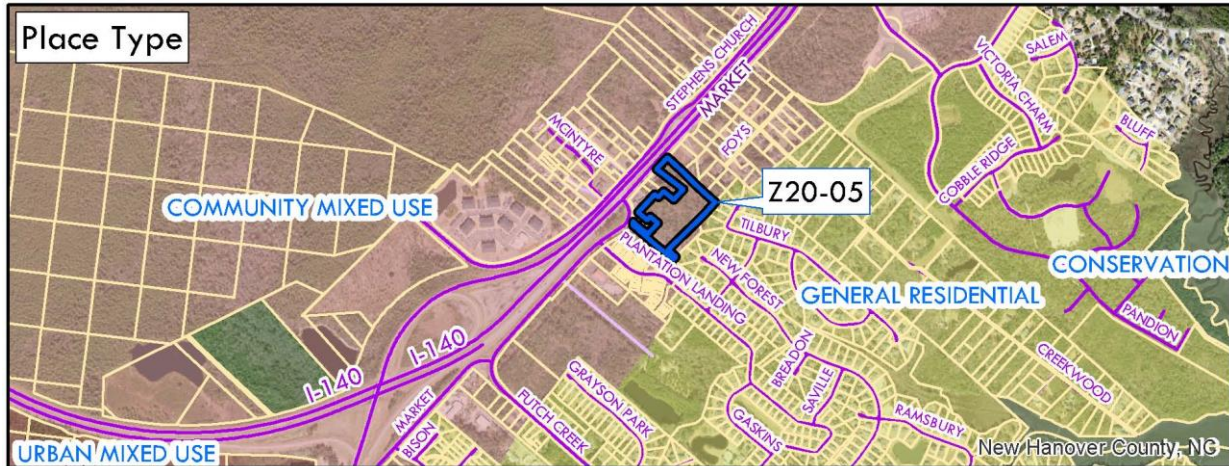
**Capacity calculations were determined by New Hanover County Schools for the 2020-2021 school year and are based on NC DPI Facility Guidelines & Class Size Requirements. Modifications refer to specific program requirements unique to a particular school. These may include exceptional children's classrooms beyond the original building design; classrooms to serve a unique population such as ESL; or classrooms designated for art and music if the building wasn't specifically designed with those spaces.

ENVIRONMENTAL

- The property does not contain any Special Flood Hazard Areas or Natural Heritage Areas.
- The property is within the Futch Creek (SA;HQW) watershed.
- Per the Classification of Soils in New Hanover County for Septic Tank Suitability, soils on the property consist of Class III (severe limitation) soils, however, the site will be served by CFPUA water and sewer.

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 | Community Mixed Use |
| Place Type Description | Focuses 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. |
| Analysis | <p>The subject property is located along U.S. Hwy 17 just east of the intersection with the I-140 Bypass and the Porters Neck growth node. It is immediately adjacent to both existing commercial and single family residential fronting the highway.</p> <p>The site is designated as a Community Mixed Use place type because the Comprehensive Plan anticipated the development of higher intensity uses along this corridor, as conversion of existing single family homes to commercial is likely and new single family homes are unlikely in the future. This place type designation is common for areas along major roads and provides a transition to lower density residential properties located away from the roadway.</p> <p>The proposed development would locate community-scaled retail and office immediately adjacent to the highway and existing commercial uses. The requested CB rezoning could allow for a variety of office, retail, housing, and recreational uses that would be appropriate in this area, and commercial districts, like CB, are identified as typical zoning categories for use in the Community Mixed Use Place type. In addition, the CB district was one of the new zoning tools added to the county's development ordinances in 2019 and is intended to serve as a buffer between higher intensity</p> |

| | |
|-----------------------------------|---|
| | <p>development (including major roadways) and lower density multi-family and single family neighborhoods.</p> <p>The proposal also includes moderate density multifamily (approximately 14.8 units per acre) to provide an additional transition between the commercial area along the corridor and existing residential development. The proposed residential densities for the project are in line with those recommended for residential developments in Community Mixed Use Areas (12-15 units per acre for multifamily).</p> |
| Consistency Recommendation | <p>The proposed conditional CB and RMF-M rezoning is generally CONSISTENT with the 2016 Comprehensive Plan because the proposed CB portion of the project will provide for the types of retail and office uses recommended for Community Mixed Use areas, the densities proposed for the multi-family portion of the project are in line with those suggested for that place type, and the project will provide an appropriate transition between a major highway corridor and existing lower density residential development.</p> |

STAFF RECOMMENDATION

The proposed (CZD) RMF-M and (CZD) CB rezoning is generally **CONSISTENT** with the 2016 Comprehensive Plan because the proposed CB portion of the project has potential to provide services to the adjacent residential neighborhoods and could reduce the need to travel on Market Street. The community scale commercial and moderate density residential would provide an orderly transition between existing lower density residential neighborhoods and development adjacent to Market Street, and would align with the Comprehensive Plan's goal of providing more diversity of housing types.

Therefore, **staff recommends approval of this application** and suggests the following motion:

I move to **APPROVE** the proposed rezoning to a (CZD) RMF-M and (CZD) CB district. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposed CB portion of the project will provide for the types of retail and office uses recommended for Community Mixed Use areas, the densities proposed for the multi-family portion of the project are in line with those suggested for that place type, and the project will provide an appropriate transition between a major highway corridor and existing lower density residential development. I also find **APPROVAL** of the rezoning request is reasonable and in the public interest because the proposal has potential to provide services to the adjacent residential neighborhoods and could reduce the need to travel on Market Street.

Alternative Motion for Denial

I move to **DENY** the proposed rezoning to a (CZD) RMF-M and (CZD) CB district. While I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposed CB portion of the project will provide for the types of retail and office uses recommended for Community Mixed Use areas, the densities proposed for the multi-family portion of the project are in line with those suggested for that place type, and the project will provide an appropriate transition between a major highway

corridor and existing lower density residential development, 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.