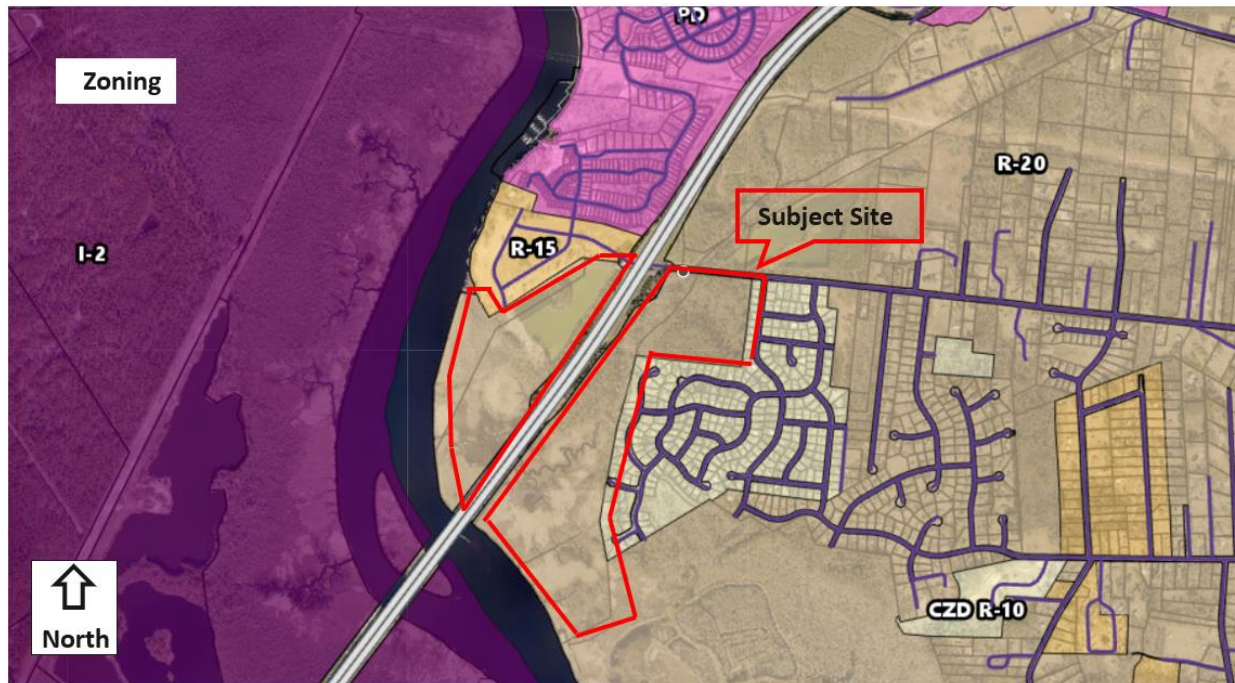


# STAFF REPORT FOR **Z21-12**

## ZONING MAP AMENDMENT APPLICATION

APPLICATION SUMMARY	
<b>Case Number:</b> Z21-12	
<b>Request:</b> Rezone 117.58 acres from R-20, Residential to R-15, Residential	
<b>Applicant:</b> James Yopp	<b>Property Owner(s):</b> Jack Carlisle and Rockhill Road Investments, LLC
<b>Location:</b> 1320, 1330, and 1340 Rockhill Road	<b>Acreage:</b> 117.58 acres
<b>PID(s):</b> R02400-002-017-000 R02400-002-013-000	<b>Comp Plan Place Type:</b> General Residential & Conservation
<b>Existing Land Use:</b> Undeveloped	<b>Proposed Land Use:</b> The site would be allowed to be developed in accordance with the R-15 district
<b>Current Zoning:</b> R-20, Residential	<b>Proposed Zoning:</b> R-15, Residential



SURROUNDING AREA		
	LAND USE	ZONING
North	Undeveloped	R-15, I-2
East	Undeveloped, Single-Family Residential	R-20, R-10
South	Undeveloped	R-20
West	Northeast Cape Fear River, Undeveloped	R-20, I-2



ZONING HISTORY	
July 1, 1985	Initially zoned R-20 (Castle Hayne)

COMMUNITY SERVICES	
Water/Sewer	Water and sewer services are available through CFPUA. May require a mainline extension.
Fire Protection	New Hanover County Fire Services, New Hanover County Northern Fire District
Schools	Castle Hayne Elementary, Holly Shelter Middle, and Laney High schools
Recreation	Northern Regional Park at Castle Hayne

## CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES

<b>Conservation</b>	The County's Conservation Resources Map indicates that swamp forest may be present on the site. Conservation space is required for swamp forest when at least five acres of the resource exists on the property. Verification of regulated swamp forests and pocosin wetlands will be required during the site plan review process.
<b>Historic</b>	No known historic resources
<b>Archaeological</b>	No known archaeological resources

## ZONING CONSIDERATIONS

- The applicant is proposing to rezone approximately 117.58 acres from R-20 to R-15.
- The subject site is bisected by the I-140 right-of-way, which is constructed above grade.
- The subject site consists of three parcels bordering the Walnut Hills subdivision to the east. Adjacent zoning includes Planned Development (PD), R-15, R-10, and R-20. There is also I-2 west of the site, across the Northeast Cape Fear River.
- Because this is a straight rezoning, a conceptual plan is not included as part of the application and site specific conditions cannot be placed as part of a rezoning approval. The subject site would be required to meet all of the Unified Development Ordinance's (UDO) requirements for development within the R-15 district.
- Dimensional differences for the current R-20 and proposed R-15 districts are outlined in the chart below.

<b>Conventional Subdivision</b>	<b>Dimensional Standards</b>	<b>R-20 (Existing)</b>	<b>R-15 (Proposed)</b>
	<b>Minimum lot size</b>	20,000 sq.ft. (single family)	15,000 sq.ft (single family)
		35,000 sq.ft. (duplex)	25,000 sq. Ft (duplex)
	<b>Minimum Lot Width</b>	90 ft.	80 ft.
	<b>Front setback (feet)</b>	30 ft	25 ft
	<b>Side Setback (street)</b>	22.5 ft	15 ft
	<b>Side setback (Interior)</b>	15 ft	10 ft
	<b>Rear setback</b>	25 ft	20 ft
<b>Performance Subdivision</b>	<b>Density</b>	1.9 du/ac	2.5 du/ac

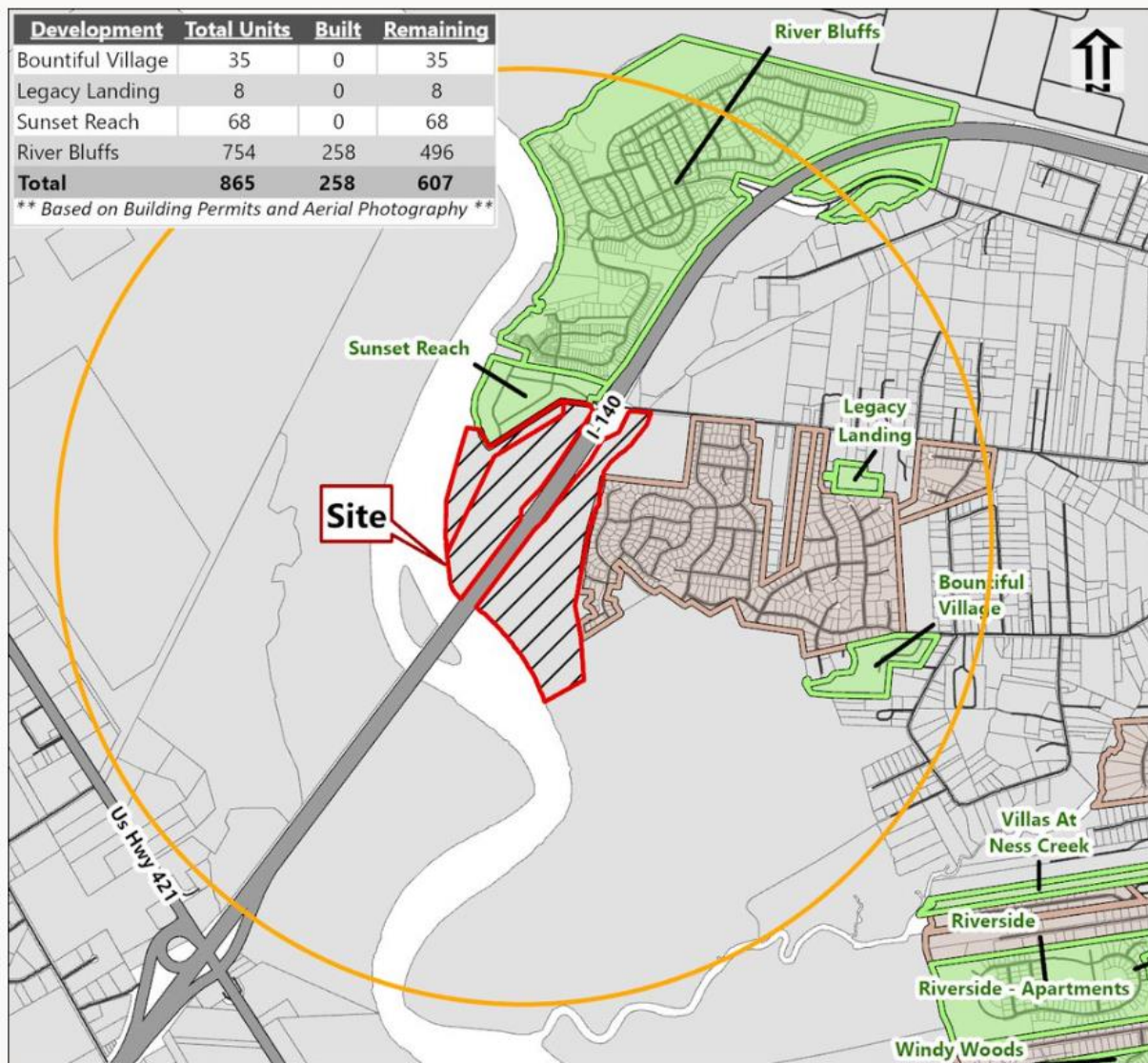
- The majority of uses are consistent between the two districts with the exceptions of duplexes and mobile homes require a special use permit in the R-20 district and are permitted by right in the R-15 district. Also, the rezoning to R-15 would allow for a mobile home park,



convenience store, and fuel sales to be developed with a special use permit, though residential uses are typical in both districts.

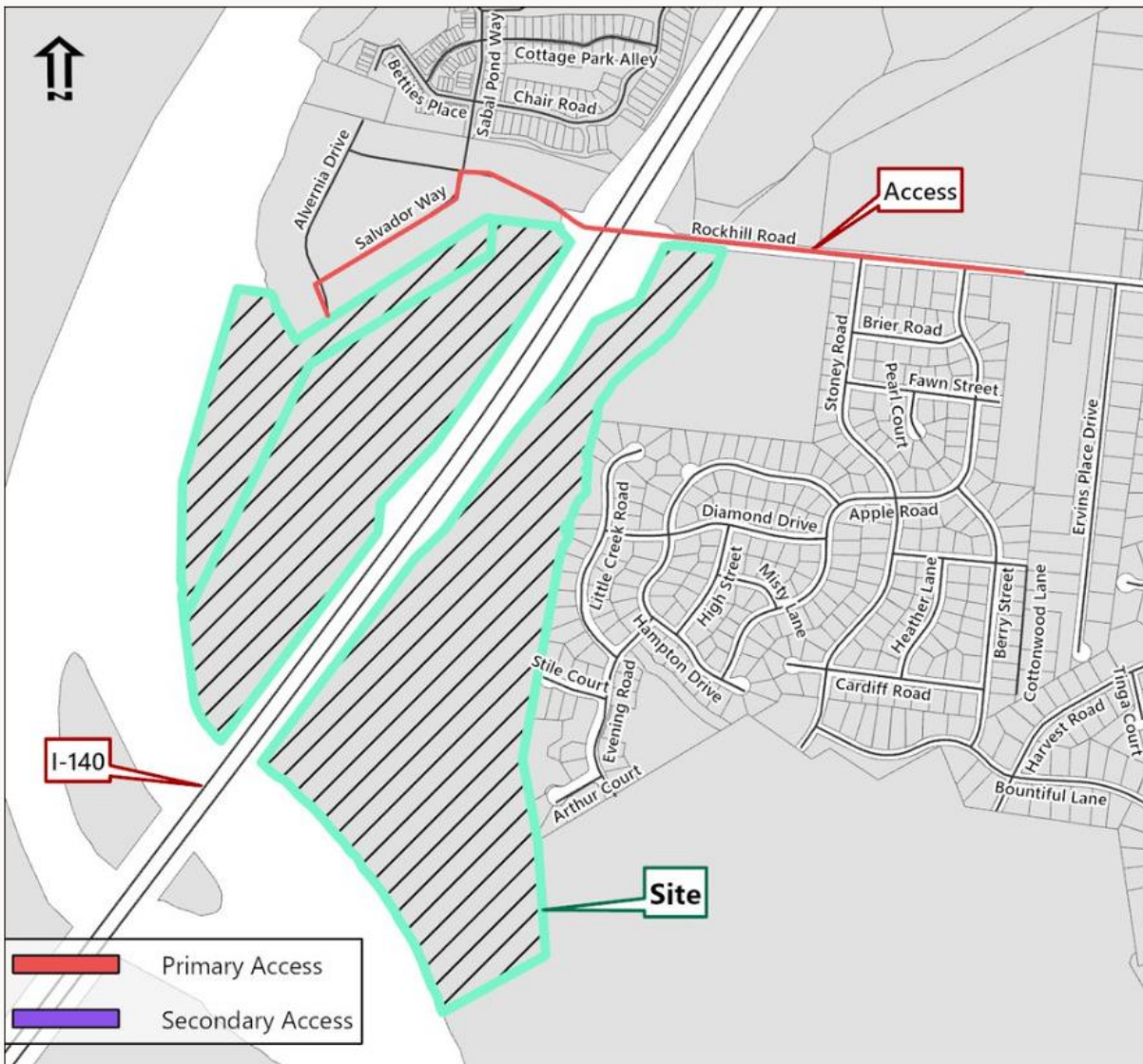
- The subject site is partially located within the Special Highway Overlay District (SHOD). Any building constructed within the SHOD limits would be required to be set back 25' from any property line and subject to a maximum lot coverage of 50%.
- Any proposed development would be reviewed by the Technical Review Committee (TRC) to ensure compliance with applicable County and State regulations, including applicable site design and approval provisions within the UDO.

## AREA SUBDIVISIONS UNDER DEVELOPMENT



*Area Subdivisions Under Development*

## TRANSPORTATION



### Access

- Access will be provided to the subject site, east of the NC I-140, by Rockhill Road, a local street. Access to the subject site, west of NC I-140, will be provided access off Alvernia Drive, a local street.
- Traffic Impact Analyses (TIAs) are not required for a straight rezoning, as a specific development proposal is required to thoroughly analyze access, potential trip generation, and roadway improvements.
- Before any development can occur on this site, the Technical Review Committee will review all plans for compliance with applicable land use regulations, including any recommended roadway improvements from traffic impact analyses to ensure adequate traffic safety and

distribution. Recommended roadway improvements will be completed as required by a TIA or through the NCDOT Driveway permitting process.

- Due to environmental constraints on the subject property, current zoning would permit up to 79 dwelling units at 1.9 du/ac under the performance residential standards. A development of this scale is estimated to generate between 61 and 81 trips during the peak hours. The proposed rezoning would increase density to a maximum of 104 dwelling units at 2.5 du/ac under the performance residential standards. A development of this scale is estimated to generate between 79 and 105 trips during the peak hours.

Development	Intensity	Approx. Peak Hour Trips
Existing Zoning (R-20):	79 dwelling units	61 AM/81 PM
Proposed Zoning (R-15):	104 dwelling units	79 AM / 105 PM
	<b>25 dwelling units</b>	<b>+ 18 AM / + 24 PM</b>

- Because a traffic impact analysis (TIA) is not required to analyze transportation impacts at this time, staff has provided the volume to capacity ratio for the adjacent roadway 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.

#### **NCDOT Average Annual Daily Traffic (AADT) - 2019**

Road	Location	Volume	Capacity	V/C
Rockhill Road	1300 Block	2,312	8,000	.28(B)

### **Nearby Planned Transportation Improvements and Traffic Impact Analyses**

#### **Nearby NC STIP Roadway Projects:**

- *STIP Project U58-63: A multi-lane widening project is scheduled along NC -133 (Castle Hayne Road), from I-140 to SR 1310 (Division Drive). The Right-of-way acquisition is expected to occur in 2025.*

#### **Nearby Traffic Impact Analyses:**

*Traffic Impact Analyses are completed in accordance with the WMPO and NCDOT standards. Approved analyses will expire if the proposed development is not completed by the build out date established within the TIA.*

There are no traffic impact analyses located within the typical one mile buffer.

## ENVIRONMENTAL

- The site does contain AE Special Flood Hazard Areas.
- The subject property is located within the Dock Creek 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) soils, Class II (moderate limitations), and Class III (Severe limitations) soils.
- The southern corner of the subject site appears to Staff to contain wetlands, and the County's Conservation Resources Map indicates that swamp forest areas may be present on the site. Conservation space is required for swamp forest when at least five acres of the resource exists on the property. Verification of regulated swamp forest area will be required during the site plan review process. If the site is deemed to contain a regulated resource, regulations can impact building envelope, limit density, and require additional setbacks.

## OTHER CONSIDERATIONS

### SCHOOLS

- Students living in the proposed development would be assigned to Castle Hayne Elementary, Holly Shelter Middle, and Laney High School. Students may apply to attend public magnet, year-round elementary, or specialized high schools.
- Under the current zoning, density would be limited to a maximum of 79 dwelling units. A maximum of 104 units could be developed under the proposed rezoning.
- Based on the current general student generation rate\*, the increase in homes would result in approximately 6 additional students than would be generated under current zoning.
- The general student generation rate provides only an estimate of anticipated student yield as different forms of housing at different price points yield different numbers of students. Over the past four years, staff has also seen a decline in the number of students generated by new development. Student numbers remained relatively stable between 2015 and 2020 (excepting the impacts of COVID-19pandemic), while 14,500 new residential units were permitted across the county. In addition, the student population is anticipated to only grow by approximately 1,300 students over the next 10 years based on the recent New Hanover County Schools Facility Needs Study.



<b>Development Type</b>	<b>Intensity</b>	<b>Estimated Student Yield (current general student generation rate)</b>
Existing Development	Undeveloped	Approximate**Total: 0 (0 elementary, 0 middle, 0 high)
Typical Development under Current R-20 Zoning	79 residential units	Approximate**Total: 19 (8 elementary, 4 middle, 6 high)
Typical Development under Proposed R-15 Zoning	104 residential units	Approximate**Total: 25 (11 elementary, 6 middle, 8 high)

\*The current general student generation rate was calculated by dividing the projected New Hanover County public school student enrollment for the 2021-2022 school year by the number of dwelling units in the county. Currently, there are an average of 0.22 public school students (0.09 for elementary, 0.05 for middle, and 0.08 for high) generated per dwelling unit across New Hanover County. These numbers are updated annually and include students attending out-of-district specialty schools, such as year-round elementary schools, Isaac Bear, and SeaTech.

\*\*Because the student generation rate often results in fractional numbers, all approximate student generation yields with a fraction of 0.5 or higher are rounded up to a whole number and yields with a fraction of less than 0.5 are rounded down. This may result in student numbers at the elementary, middle, and high school levels not equaling the approximate total.

- Given the size of the proposed development, it may have a build-out date within 5 years, so staff has outlined existing school capacity to provide a general impact of the potential impact on public schools. These numbers do not reflect any future capacity upgrades that may occur over the next five years or trends in student population changes.

#### ***School Enrollment\* and Capacity\*\* (2021-2022 School Year)***

<b>Level</b>	<b>Total NHC Capacity</b>	<b>School</b>	<b>Enrollment of Assigned School</b>	<b>Capacity of Assigned School w/ Portables</b>	<b>Capacity of Assigned School</b>	<b>Funded or Planned Capacity Upgrades</b>
Elementary	97%	Castle Hayne	483	529	91%	None
Middle	107%	Holly Shelter	917	934	98%	None
High	105%	Laney	2,063	1,903	108%	None

\* Enrollment is based on the New Hanover County Schools enrollment that was projected for the 2021-2022 school year.

\*\*Capacity calculations were determined based on the projected capacities for the 2021-2022 school year, and funded or planned capacity upgrades were those included in the Facility Needs Study presented by New Hanover County Schools to the Board of Education in January 2021. This information does not take into account flexible scheduling that may be available in high school settings, which can reduce the portion of the student body on campus at any one time.

- The recent facility needs survey that has been prepared by Schools staff indicates that, based on NC Department of Public Instruction (DPI) student growth projections and school



capacity data, planned facility upgrades, combined with changes to student enrollment patterns, will result in adequate capacity district wide over the next five years if facility upgrades are funded.

## REPRESENTATIVE DEVELOPMENTS

### Representative Developments of R-20:



## Representative Developments of R-15



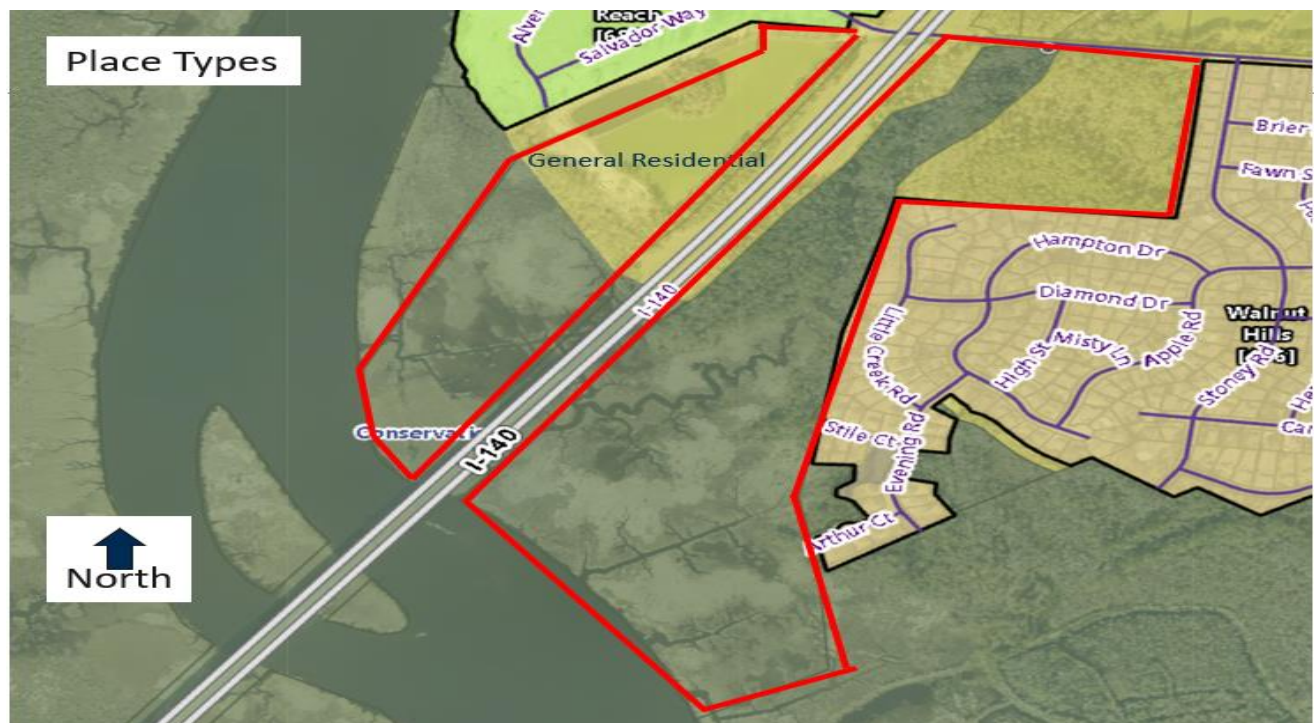


## CONTEXT AND COMPATIBILITY

- The property is bisected by NC I-140, which is built above grade.
- Higher density residential projects are anticipated for vacant properties along major roadways where they can serve as a transition between the roadway and existing single-family neighborhoods.
- There is a variety of zoning in the area, including R-15 and R-20 to the north. There is also I-2 to the west, across the Northeast Cape Fear River, and R-10 to the east. The development pattern in this area has continued to evolve over the last few years; at one time this area was all zoned R-20.
- The intent of the R-15 district is to serve as a transition between very low-density residential development patterns and smaller lot, more dense residential areas of the County.
- As part of the application materials, the applicant provided a conceptual plan illustrating the envelopes of the site that are developable given the environmental constraints. While this is a general rezoning and approval cannot be tied to a site-specific plan of development, the conservation resources will limit density and impact product design.

## 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.



<b>Future Land Use Map Place Type</b>	General Residential and Conservation
<b>Place Type Descriptions</b>	<p><u>General Residential</u></p> <p>Focuses on lower density housing ranging up to approximately 8 du/ac, typically consisting of single-family or duplexes. Types of appropriate uses include single-family residential, low-density multi-family residential, light commercial, civic and recreational.</p> <p><u>Conservation</u></p> <p>Covers areas of natural open space and are intended to protect the natural environment, water quality, and wildlife habitats. They serve the public through environmental education, low-impact recreation and in their natural beauty. Protection may also extend to important cultural or archaeological resources and to areas where hazards are known to exist.</p>
<b>Analysis</b>	<p>The subject site is located in an area the Comprehensive Plan generally envisions as General Residential, though places close to the Cape Fear River where environmental constraints are likely are designated as Conservation. The intent is to reflect the existing residential development pattern while protecting natural resources.</p> <p>While increased density is not encouraged in Conservation place types, the Comprehensive Plan is a bubble plan, so the boundaries between place types are flexible. More technical information, such as resource type and official delineations, is important to establish the actual line between Conservation and adjacent General Residential areas. In addition, there are code provisions that allow for a maximum density of 2.5 dwelling units per acre in areas paired with a Conservation place type and R-15 zoning. The exhibit included in the applicant's materials indicates a significant amount of wetlands are located on the property that would reduce the buildable envelope.</p> <p>The site is bisected by the NC I-140 interchange and is immediately adjacent to a variety of residential zoning. The northern properties contain R-15 and R-20 zoning. There is an R-10 subdivision to the east and the Northeast Cape Fear River to the west.</p> <p>The requested R-15 rezoning could allow for the types of uses that could be appropriate in this area, and R-15 is one of the typical zoning categories identified for the General Residential and Conservation place types.</p>
<b>Consistency Recommendation</b>	<p>The proposed R-15 rezoning is generally CONSISTENT with the Comprehensive Plan because it allows the types of uses recommended in the General Residential and Conservation place types and is identified as a typical zoning category in both place types.</p>



## PLANNING BOARD MEETING

The Planning Board considered this application at their October 7, 2021 meeting. No one spoke in support of or in opposition to the request. The Planning Board recommended approval of the petition (6-0).

The Planning Board found the application to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the district allows the types of uses that would be encouraged in the General Residential and Conservation place types and would serve as an appropriate transition between the river, interstate, and adjacent residential neighborhoods.

The Planning Board also found **APPROVAL** of the rezoning request is reasonable and in the public interest because the site is located in an area with a variety of zoning districts and densities and will be restricted due to the environmental constraints.

## STAFF RECOMMENDATION

Staff concurs with the Planning Board's recommendation and suggests the following motion:

I move to **APPROVE** the proposed rezoning to an R-15 district. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the district allows the types of uses that would be encouraged in the General Residential and Conservation place type and would serve as an appropriate transition between the river, interstate, and adjacent residential neighborhoods. I also find **APPROVAL** of the rezoning request is reasonable and in the public interest because the site is located in an area with a variety of zoning districts and densities and will be restricted due to the environmental constraints.

### Alternative Motion for Denial

I move to **DENY** the proposed rezoning to an R-15, Residential district. While I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the district allows the types of uses that would be encouraged in the General Residential and Conservation place types and would serve as an appropriate transition between the river, interstate, and adjacent residential neighborhoods, 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 intensity of the uses allowed within the proposed district will adversely impact the adjacent neighborhoods.