AGENDA

NEW HANOVER COUNTY PLANNING BOARD
Assembly Room, New Hanover County Historic Courthouse
24 North Third Street, Room 301
Wilmington, NC

MARCH 2, 2017     6:00 PM
MEETING CALLED TO ORDER (Chairman Donna Girardot)
PLEDGE OF ALLEGIANCE  (Ken Vafier)
APPROVAL OF MINUTES

REGULAR ITEMS OF BUSINESS

The Planning Board may consider substantial changes in these petitions as a result of objections, debate, and discussion at the meeting, including rezoning to other classifications.

1 Public Hearing
Zoning Ordinance Amendment Request (TA17-01) - Request by Design Solutions to amend Article VI and Article VII of the Zoning Ordinance regarding the setback, height, and buffer requirements for high density developments.

2 Public Hearing
Rezoning Request (Z-958M, 3/17) - Request by Design Solutions on behalf of the property owner, Lawrence Lawson Heirs, to rezone 6.9 acres located at 4713 Carolina Beach Road, from (CUD) R-10, Conditional Use Residential District, to (CUD) R-10, Conditional Use Residential District, and for a Special Use Permit for a high density development consisting of 96 dwelling units.

3 Public Hearing
Rezoning Request (Z17-01) – Request by Design Solutions on behalf of the property owner, College Road Development Partners, LLC, to rezone 8.04 acres located at the 2600 block of N. College Road, from (CUD) R-10, Conditional Use Residential District, to (CZD) B-2, Conditional Highway Business District, in order to develop a mini-warehouse use.

4 Public Hearing
Special Use Permit Request (S17-01) – Request by Design Solutions on behalf of the property owner, Church of God of Prophecy, for a Special Use Permit in order to operate a personal care facility on 6.87 acres of land located at 1380 N. College Road.

TECHNICAL REVIEW COMMITTEE REPORT

1 TRC Report for February 2017

OTHER ITEMS
REQUEST FOR BOARD ACTION
MEETING DATE: March 2, 2017

REGULAR
ITEM:

DEPARTMENT: PRESENTER(S): Brad Schuler, Current Planner

CONTACT(S): Brad Schuler; Ben Andrea, Current Planning & Zoning Supervisor

SUBJECT:

Public Hearing
Zoning Ordinance Amendment Request (TA17-01) - Request by Design Solutions to amend Article VI and Article VII of the Zoning Ordinance regarding the setback, height, and buffer requirements for high density developments.

BRIEF SUMMARY:

The applicant is seeking to amend certain regulations for high density developments. A high density development is a residential development that exceeds the density limits of the applicable zoning district. These developments are permitted in the R-10, R-15, R-20, and O&I zoning districts with a special use permit, and in the PD zoning district by-right. In order to mitigate potential impacts high density developments may have on the surrounding area, the Zoning Ordinance contains specific regulations for the use. These regulations include requiring increased setbacks and additional bufferyards.

The application proposes to reduce the setbacks/density fringe area, height, and bufferyard requirements of high density developments. The proposed changes, along with staff's recommendations, are detailed in the staff summary.

STRATEGIC PLAN ALIGNMENT:

Intelligent Growth and Economic Development
• Implement plans for land use, economic development, infrastructure and environmental programs
• Understand and act on citizen needs

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Staff recommends approval and suggest the following the motion:

Motion to recommend approval of the amendment as presented by Staff, as the Planning Board finds that this request as described is:

1. Consistent with the purposes and intent of the 2016 Comprehensive Plan because it promotes mixed use development patterns that are encouraged throughout the Plan.
2. Reasonable and in the public interest because the proposal updates outdated requirements that may
hinder mixed use development patterns; which promote business success, maximize the efficient use of land, and support alternative modes of transportation, reducing the dependency on the automobile.

**Example Motion for Approval:**

Motion to recommend approval, as the Planning Board finds that this request for a zoning ordinance amendment is:

1. Consistent with the purposes and intent of the 2016 Comprehensive Land Use Plan because *[Describe elements of controlling land use plans and how the amendment is consistent].*
2. Reasonable and in the public interest because *[Briefly explain why. Factors may include public health and safety, applicable plans, or balancing benefits and detriments].*

**Example Motion for Denial:**

Motion to recommend denial, as the Planning Board finds that this request for a zoning ordinance amendment is:

1. Not Consistent with the purposes and intent of the 2016 Comprehensive Land Use Plan because *[Describe elements of controlling land use plans and how the amendment is not consistent].
2. Not reasonable or in the public interest because *[Briefly explain why not. Factors may include public health and safety, applicable plans, or balancing benefits and detriments].

**ATTACHMENTS:**
TA17-01 Script for PB
TA17-01 Staff Summary
Applicant Materials Cover Sheet
TA17-01 Application
SCRIPT FOR Zoning Ordinance Text Amendment (TA17-01)

Request by Design Solutions to amend Article VI and Article VII of the Zoning Ordinance regarding the setback, height, and buffer requirements for height density developments.

1. This is a public hearing. We will hear a presentation from staff. Then the applicant and any opponents will each be allowed up to 15 minutes for their presentation and an additional 5 minutes for rebuttal.

2. Conduct Hearing, as follows:
   a. Staff presentation
   b. Applicant’s presentation (up to 15 minutes)
   c. Opponent’s presentation (up to 15 minutes)
   d. Applicant’s cross examination/rebuttal (up to 5 minutes)
   e. Opponent’s cross examination/rebuttal (up to 5 minutes)

3. Close the Public Hearing

4. Board Discussion

5. Vote on amending Articles VI and VII. The motion should include a statement saying how the amendment is or is not consistent with the land use plan and why it is or is not reasonable and in the public interest.

   Options for Motions:
   - Motion to recommend approval of the text amendments as presented in the staff summary or a modified version of the text amendments
   - Motion to "table" the item in order to receive more information
   - Motion to recommend denial of the amendment proposal based on specific reasons, such as the proposal is not consistent with the land use plan and/or the proposal is not reasonable and/or the proposal is not in the public interest

Staff Suggested Motion:
Motion to recommend approval of the amendment as presented by Staff, as the Planning Board finds that this request as described is:

1. Consistent with the purposes and intent of the 2016 Comprehensive Plan because it promotes mixed use development patterns that are encouraged throughout the Plan.

2. Reasonable and in the public interest because the proposal updates outdated requirements that may hinder mixed use development patterns; which promote business success, maximize the efficient use of land, and support alternative modes of transportation, reducing the dependency on the automobile.

Example Motion for Approval:
Motion to recommend approval, as the Planning Board finds that this request for a zoning ordinance amendment is:

1. Consistent with the purposes and intent of the 2016 Comprehensive Land Use Plan because [Describe elements of controlling land use plans and how the amendment is consistent].
2. Reasonable and in the public interest because [Briefly explain why. Factors may include public health and safety, applicable plans, or balancing benefits and detriments.].

Example Motion for Denial:
Motion to recommend denial, as the Planning Board finds that this request for a zoning ordinance amendment is:

1. Not Consistent with the purposes and intent of the 2016 Comprehensive Land Use Plan because [Describe elements of controlling land use plans and how the amendment is not consistent].

2. Not reasonable or in the public interest because [Briefly explain why not. Factors may include public health and safety, applicable plans, or balancing benefits and detriments].
APPLICATION SUMMARY

Case Number: TA17-01

Request:
To amend the setback, density fringe area, height, and buffer requirements of high density developments.

Applicant: Cindee Wolf of Design Solutions

Subject Ordinance: Zoning Ordinance

Subject Article(s) and Section(s):
- Article VII: Provisions for Uses Allowed as Special Uses
  - Section 72-43: High Density Development
- Article VI: Supplementary District Regulations
  - Section 62.1-4: Additional Requirements for Berms and for Yards in which Buffers are Required

BACKGROUND

The applicant is seeking to amend certain regulations for high density developments. A high density development is a residential development that exceeds the density limits of the applicable zoning district. These developments are permitted in the R-10, R-15, R-20, and O&I zoning districts with a special use permit, and in the PD zoning district by-right. Also, high density developments are only permitted in the Urban Mixed Use, Community Mixed Use, and Employment Center place types, and must have access to major or minor arterial street.

In order to mitigate potential impacts high density developments may have on the surrounding area, the Zoning Ordinance contains specific regulations for the use. These regulations include requiring increased setbacks and additional bufferyards.

The application proposes to reduce the setbacks/density fringe area, height, and bufferyard requirements of high density developments. Below, staff examines each requirement individually and offers a recommendation on each.

PART 1 – SETBACKS/DENSITY FRINGE AREA

Proposed Text

Red and Underline/Strikethrough – Petitioner’s Proposed Additions/Deletions

Article VII: Provisions for Uses Allowed as Special Uses – Section 72-43: High Density Development

1 (5) Setbacks and Uses

(A) The required minimum setback for High Density development shall not be less than twenty-five (25) feet. (7/5/95) When such projects are located and adjacent to any existing detached residential development (not including Mobile Home Parks or other High Density or Planned Developments), structures over twenty-five (25) feet in height shall be setback a distance equal to the height of the structure.
1. Required setback = (Building Height) x (2.75)

2. Reductions in setbacks
   (i) The required setbacks may be reduced as specified in Section 62. In no case, however, shall the minimum setback be less than 25 feet.

3. Uses in the yards
   (i) The part of the yard adjacent to the residential uses shall be used only for buffer strips and as specified in Section 62.

(B) Attached Residential development adjacent to any existing detached residential structure or platted lot (not including Mobile Home Parks, Planned Developments, or other High Density developments, shall meet the following additional requirements:

1. The density within the 200 foot wide strip in the High Density development adjacent to the existing detached residential development shall be no greater than three times the maximum performance residential density permitted within the existing detached residential development.

2. The minimum required setback for attached dwelling units within this strip from the existing detached residential development shall be calculated as follows:
   a. Required setback = (Building Height) x (3.73)
   b. The required setbacks may be reduced as specified in Section 62. In no case, however, shall the minimum setback be less than 50 feet.
   c. The part of the yard adjacent to the existing detached residential use shall be used only for buffer strips and as specified in Section 62. (3/5/90)

(C) In no case shall any part of a detached single-family dwelling unit be located closer than ten (10) feet to any part of any other detached single-family dwelling, and in no case shall any part of a multiple dwelling unit be located closer than twenty (20) feet to any part of another dwelling unit. (6/1/92)

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**Staff’s Position**

Currently, when high density developments are located adjacent to a detached single-family development, the setback is based on the height of the structure and the housing type. Specifically, the required setbacks are calculated by multiplying the structure’s height by either 2.75 or 3.73. For a typical 35-foot-tall, three-story apartment building, the Zoning Ordinance would require a setback of 130 feet.

When comparing the setback requirements to other similar or nearby communities’ multi-family standards, staff found that the county’s requirements are by far the strictest:

<table>
<thead>
<tr>
<th>Community</th>
<th>Required Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wilmington</td>
<td>Setbacks range from 5 to 35 feet depending on property line (front, side, or rear) and zoning district. Setbacks are increased when</td>
</tr>
<tr>
<td>County</td>
<td>Setbacks and Building Heights</td>
</tr>
<tr>
<td>------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Guilford County</td>
<td>Sides: 10 feet. Rear: 25 feet. Front: 25-95 feet depending on the street classification, zoning district, and height of the structure.</td>
</tr>
<tr>
<td>Wake County</td>
<td>No additional setbacks for multi-family developments. However, multi-family developments generally only consist of only 2-4 unit buildings and require additional land area. Large apartment complexes generally must annex into a municipality in order to obtain access to utilities.</td>
</tr>
<tr>
<td>Greenville, NC</td>
<td>20 foot setback along all property lines. The setback increases by one foot for each foot in height the structure is over 35 feet tall.</td>
</tr>
<tr>
<td>Pender County</td>
<td>Setbacks are determined by the Planning Board and Board of Commissioners through the rezoning process.</td>
</tr>
</tbody>
</table>

The current text also limits the density of high density developments containing attached housing units when they are located within 200 feet of an existing detached residential structure or platted lot. Specifically, the density within this area must be no greater than three times the maximum density allowed in the adjacent detached residential development. For example, a high density development would only permit 7.5 dwelling units per acre in the 200 foot “density fringe area” abutting a detached residential development in the R-15 zoning district, which permits 2.5 dwelling units per acre.

The proposed text would reduce the setback requirement and completely remove the “density fringe area”. The proposed setbacks would be from 25 feet up to the height of the structure, which is currently a maximum of 35 feet. However, the applicant is requesting the maximum height requirement of the high density developments to be increased to 40 feet as explained in Part 2 of this summary.

With the adoption of the 2016 Comprehensive Plan, high density mixed use developments are encouraged in many areas of the county. As previously stated high density developments are permitted in areas classified as Employment Center, Urban Mixed Use, and Community Mixed Use on the county’s Future Land Use Map. These classifications, or place types, promote compatible uses to be located next to one another in order to make alternative modes of transportation more viable.

The current setbacks and density requirements may hinder the type of development promoted in the Comprehensive Plan from locating in the areas where they are most appropriate. Suitable areas would include the infrastructure (transportation network, utilities, and supporting nonresidential uses) to support multi-family development and overall, the mixed use development pattern which promotes alternative modes of transportation and maximizing the efficient use of land.

Further, these high density developments require review from the Planning Board and Board of Commissioners, either through the special use permit process or through a rezoning to the PD zoning district. These processes provide for the opportunity for potential impacts of the proposed development to be closely examined, and if determined to be necessary, additional conditions like increased setbacks can be added.

Therefore, staff is supportive of this portion of the proposed amendment.
PART 2 – MAXIMUM HEIGHT

Proposed Text

Red and Underline/Strikethrough – Petitioner’s Proposed Additions/Deletions

Article VII: Provisions for Uses Allowed as Special Uses – Section 72-43: High Density Development

1 (11) Maximum allowable height for structures shall be forty (40) 35 feet. However, the maximum allowable height for piling supported primary structures which are located in "Coastal High Hazard Areas, V-Zones" and/or Ocean Hazard Areas as defined by the Coastal Resources Commission shall be 44 feet. (10/5/92)

Staff’s Position

Currently, the Zoning Ordinance limits the height of structures depending on the type of development or the zoning district in which it is located. The current maximum height standards of the county’s zoning districts are as follows:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Residential Districts*</th>
<th>B-1</th>
<th>B-2</th>
<th>O&amp;I</th>
<th>SC</th>
<th>AI</th>
<th>I-1</th>
<th>I-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Height in Feet</td>
<td>35</td>
<td>35</td>
<td>40</td>
<td>40</td>
<td>none</td>
<td>35</td>
<td>40</td>
<td>none</td>
</tr>
</tbody>
</table>

*AR, RA, R-20S, R-20, R-15, R-10, & R-7

Typically, local governments have established maximum height standards to ensure adequate fire protection. Some firefighting apparatuses may only be able to effectively serve a 35-foot-tall structure, hence the requirement. Staff has confirmed with the county’s Fire Services Department that the county’s fire departments can provide fire protection to 40-foot-tall structures.

The 2016 Comprehensive Plan encourages structures of up to seven stories in height in certain areas. Therefore, staff is supportive of this portion of the proposed amendment.

PART 3 – Buffer Strips

Proposed Text

Red and Underline/Strikethrough – Petitioner’s Proposed Additions/Deletions

Article VI: Supplementary District Regulations – Section 62.1-4: Additional Requirements for Berms and for Yards in which Buffers are Required

1 (1) Location of Buffer Strips – Buffer strips shall be required to screen any non-residential use from any residential use or district. Buffer strips shall also be required to screen any residential use or district from any attached housing development or mobile home park or High Density Development or Planned Development Buffers strips shall also be required to screen the below developments from the adjacent land uses:
### New Development of Subject Site Must Provide Buffer Strips From:

- **Attached residential developments;**
- **Mobile home parks;**
- **High density developments; or**
- **Planned developments.**

- **Detached or duplex residential structure;**
- **Undeveloped residentially zoned land within the General Residential or Rural Residential place types;**
- **Platted residential lots; or**
- **Proposed residential lots included within an approved and valid preliminary plat for a major subdivision.**

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In addition, staff noticed potentially confusing organization of the screening standards in the Zoning Ordinance. These standards require items like dumpsters and HVAC units to be screened from adjacent properties or right-of-ways. Currently, these standards are located in the buffer strip section, however the required screen is technically not a buffer strip. In an effort to provide better clarity to the applicability of these standards, staff is proposing to relocate them to their own section of the Zoning Ordinance:

**Red and Underline/Strikethrough – Petitioner’s Proposed Additions/Deletions**

The following subsections of section 62.1-4 shall be relocated to a new section: **62.1-4.1: Additional Screening Requirements**

**51** Uses in the rear and side yards abutting a residential use - The following uses shall be shielded from view from the property line of the residential use by means of a 100% opaque solid wall.

1. dumpsters or other trash holding areas
2. outside storage areas
3. loading/unloading areas
4. heating/air conditioning units, including roof mounted units.

In addition, all lights shall be shielded in such a manner that light from the fixture will not directly radiate into the buffer strip or beyond adjacent property.

**72** Screening for Dumpsters and Outside Storage along Public Right-Of-Ways The following uses shall be screened from the view of any public right-of-way or adjacent property. Screening shall be at least 8 ft. in height and may consist of living and nonliving material as specified in this section.

1. The rear side of a building where that side abuts a street right-of-way, or any dumpster or trash receptacle storage area used in connection with any business establishment.
2. Any outside storage area for vehicles awaiting repair in connection with any automotive or motor vehicle repair business, where the number of such vehicles exceeds five.
3. Any outside storage area for any equipment used in excavation, building site preparation, or construction. No part of any New Hanover County Zoning Ordinance Page 138 equipment stored in such area may project above the screen. (7/01)
Staff’s Position

Currently, the Zoning Ordinance requires high density developments to install a buffer strip along all property lines that abut a residential land use or a residential zoning district. The intent of buffering requirements is to mitigate the potential impacts a more intensive land use would generate on a less intensive land use. However, as written, the Zoning Ordinance requires bufferyards between certain like uses: high density, attached residential, mobile home parks, and planned developments.

The proposed text would help clarify when buffer strips are to be required for these types of developments. Specifically, a buffer must be installed when the subject property is adjacent to existing or approved detached or duplex residential structures, or undeveloped residentially zoned land within the General Residential or Rural Residential place types. These two place types allow for lower density developments consisting of 1-6 dwelling units an acre.

It is important to note that the Zoning Ordinance limits the intensity of high density, mobile home parks, and planned developments depending on the place type in which they are located. As previously stated, high density developments are only permitted in the Urban Mixed Use, Community Mixed Use, and Employment Center place types, and must have access to major or minor arterial street.

Overall, the proposed text moves closer to meeting the intent of buffer strips, which again is to mitigate the potential impacts a more intensive land use would generate on a less intensive use. Also, there is the opportunity for additional buffering to be required through the special use permit and rezoning process.

Therefore, staff is supportive of this portion of the proposed amendment.

STAFF RECOMMENDATION

Staff recommends approval of the requested amendments. Staff concludes that the application is:

1. Consistent with the purposes and intent of the 2016 Comprehensive Plan because it promotes mixed use development patterns that are encouraged throughout the Plan.

2. Reasonable and in the public interest because the proposal updates outdated requirements that may hinder mixed use development patterns; which promote business success, maximize the efficient use of land, and support alternative modes of transportation, reducing the dependency on the automobile.
APPLICANT MATERIALS
NEW HANOVER COUNTY
PLANNING & INSPECTIONS
DEPARTMENT

TEXT AMENDMENT

<table>
<thead>
<tr>
<th>Name of Petitioner</th>
<th>Date</th>
<th>Application Number (Staff Use Only):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cindee Wolf / Design Solutions</td>
<td>Feb 2, 2017</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address</th>
<th>Email Address</th>
<th>Name of Text to be changed</th>
<th>Section of Text to be changed</th>
</tr>
</thead>
<tbody>
<tr>
<td>P.O. Box 7221</td>
<td><a href="mailto:cwolf@lobodemar.biz">cwolf@lobodemar.biz</a></td>
<td>Article VI: Section 72-43</td>
<td>Minimum Setbacks &amp; Height</td>
</tr>
</tbody>
</table>

**SUBMISSION REQUIREMENTS**

- Petition must be reviewed by Planning & Zoning for completeness prior to acceptance. A **$400.00 fee** payable to New Hanover County **MUST** accompany the petition. No supplemental information is required as part of the application. However, Planning & Zoning, Planning Board, and Board of County Commissioners reserve the right to require additional information, if needed, to assure that the proposed text amendment is in accordance with all County plans and policies.

**REVIEW PROCEDURES**

- Petitions for a text amendment are first referred to the New Hanover County Planning Board and then acted upon by the New Hanover County Board of Commissioners. The owner/applicant and or authorized agent should plan to attend all meetings at which this request will be heard.

- Complete petitions and supplementary information **must be accepted by** Planning & Zoning **twenty (20) working days** before the Planning Board meeting to allow adequate time for processing and advertisement as required by the North Carolina General Statutes. All amendments must be consistent with the comprehensive plan, reasonable and in the public interest. Please explain how the proposal meets those requirements. (Add pages as needed).

- Planning Board meetings are held at **5:30PM** in the Commissioner's Assembly Room in the Old County Courthouse, at Third and Princess Streets, Wilmington, North Carolina, on the first Thursday of each month. If the Planning Board approves your petition, the request will automatically be referred to the Board of County Commissioners.

- If your petition is denied, you may appeal to the Board of Commissioners. Planning & Zoning can advise you regarding appeal procedures.

**PROPOSED TEXT CHANGE** *(attach additional pages as needed)*

Reference attached Action Requested, Justification & Impacts statements.

Signature (Print and Sign) __________________________

Planning Board - March 2, 2017
ITEM: 1 - 4 - 1

TA (5/10)
Proposed Text Amendment

Action Requested

Article and Section of the Land Development Code to be amended:

Article VI: Supplementary District Regulations / Section 72-43: High Density Development

(5) Setbacks and Uses

(A) The required minimum setback for High Density development shall not be less than twenty-five (25) feet. (7/5/95) When such projects are located and adjacent to any existing detached residential development (not including Mobile Home Parks or other High Density or Planned Developments), structures over twenty-five (25) feet in height shall be set back a distance equal to the height of the structure, calculated from the following formula:

1. Required setback = (Building Height) x (2.75)
2. Reductions in setbacks
   (i) The required setbacks may be reduced as specified in Section 62. In no case, however, shall the minimum setback be less than 25 feet.
3. Uses in the yards
   (i) The part of the yard adjacent to the residential uses shall be used only for buffer strips and as specified in Section 62.

(B) Attached Residential development adjacent to any existing detached residential structure or platted lot (not including Mobile Home Parks, Planned Developments, or other High Density developments, shall meet the following additional requirements:

1. The density within the 200 foot wide strip in the High Density development adjacent to the existing detached residential development shall be no greater than three times the maximum performance residential density permitted within the existing detached residential development.
2. The minimum required setback for attached dwelling units within this strip from the existing detached residential development shall be calculated as follows:
   a. Required setback = (Building Height) x (3.73)
   b. The required setbacks may be reduced as specified in Section 62. In no case, however, shall the minimum setback be less than 50 feet.
   c. The part of the yard adjacent to the existing detached residential use shall be used only for buffer strips and as specified in Section 62. (3/5/90)
Justification

The existing Code requirements are arbitrarily based on multipliers to building heights with no consideration of the structure type(s). Adherence to the current minimum requirements result in excessive setbacks, even when the proposed project has a similar character to the adjacent housing. For example, a two-story / twenty-five (25) foot high detached home must set back over sixty-eight (68) feet from the perimeter boundary, simply because it is in a high-density development. If that same structure had attached units, the setback could be as much as ninety-three (93) feet.

New Hanover County’s “high-density development” provision is comparable to most jurisdiction’s “multi-family” zoning districts. I found no other Ordinances, in comparable jurisdictions, that used a multiplier for calculating setbacks. The suggested amendment gives clear guidance and still adjusts setback to increased height beyond what would be normal in a single-family residential structure.

Likewise, the “fringe” requirements have no logical basis. The specific project density can be determined based on the location and layout of the development proposal when being reviewed for consistency during the special use permit process.

Impact

New Hanover County has become a much more suburban area, and there are more high-density housing projects being proposed. However, high-density development is only permitted by Special Use Permit, and therefore can be subject to more specific conditions dependent on the particular project location or character, and other criteria for consistency and harmony with the area in which it is to be located.

The Ordinance still provides buffer requirements for the protection of adjoining land uses when high-density development is proposed. It is the natural vegetation, fenced and planted, or more heavily planted landscaping along perimeter boundaries with lesser-density uses that provides that physical separation and visual opacity. Reducing the setbacks would allow more versatility in the layout, such as not having to place the parking areas adjacent around the perimeter of the site since that would be the only way to avail the land areas within the extensive setbacks.

AND

(11) Maximum allowable height for structures shall be forty (40) 35 feet. However, the maximum ...

Justification

Architectural trends have raised interior ceiling heights for most residential structures, and hence it is extremely difficult to design a three-story structure - typical of high-density development - and still maintain the 35-maximum height without creating a virtually flat roof, which is less consistent with the residential character generally sought in the project aesthetics.
High-density developments have prescribed conditions for locations specific to Comprehensive Land Use Plan land classifications, and with direct access to a major of minor arterial streets. Multi-family development is a reasonable transitional use between busy road corridors and lower-density established neighborhoods. The Office & Institutional (O&I) district is similarly a transitional use, and provides for a maximum height allowance of forty (40) feet.

**Impact**

Since this provision is exclusive to high-density development, which is only permitted by Special Use Permit, it would have no impact on conventional residential housing, or even performance residential attached housing. Both of those would still be limited to 35' as by-right uses in all residential districts.

AND

**Article VI: Supplementary District Regulations / Section 62.1-4**

(1) **Location of Buffer Strips** – Buffer strips shall be required to screen any non-residential use from any residential use or district. Buffer strips shall also be required to screen any residential use or district from any attached housing development or mobile home park or High density Development or Planned Development attached residential development, mobile home park, high density development, or planned development from any existing detached or duplex residential structure(s) or platted residential lots, or proposed residential lots included within an approved and valid preliminary plat for a major subdivision.

**Justification**

The existing Code requirement is confusing and can be interpreted to suggest that a buffer is necessary between like uses, or penalize a permitted commercial use because an adjacent commercial use happens to maintain a grand-fathered / non-conforming residential use along with their primary use.

New Hanover County’s “high-density development” provision is comparable to most jurisdiction’s “multi-family” zoning districts. However, the wording of the current code mandates a buffer based on a description of an adjacent property being in a “residential” district, even if that land use is the same development type.

The purpose of buffer strips is the protect adjoining land uses, particularly residential, from the impacts of more intense land uses.

**Impact**

Buffer requirements are absolutely necessary for the protection of existing residential development and of lower intensity districts not yet developed. The proposed changes to the wording do not negate the requirement to provide preservation of the character of those areas. It simply clarifies the situations for which the buffer should be mandated.
NEW HANOVER COUNTY PLANNING BOARD
REQUEST FOR BOARD ACTION
MEETING DATE: March 2, 2017

REGULAR
ITEM:

DEPARTMENT: PRESENTER(S): Brad Schuler, Current Planner

CONTACT(S): Brad Schuler; Ben Andrea, Current Planning & Zoning Supervisor

SUBJECT:

Public Hearing
Rezoning Request (Z-958M, 3/17) - Request by Design Solutions on behalf of the property owner, Lawrence Lawson Heirs, to rezone 6.9 acres located at 4713 Carolina Beach Road, from (CUD) R-10, Conditional Use Residential District, to (CUD) R-10, Conditional Use Residential District, and for a Special Use Permit for a high density development consisting of 96 dwelling units.

BRIEF SUMMARY:

The subject property includes approximately 6.9 acres located along Carolina Beach Road. Sikes Drive also connects directly into the property. The property is in an area that transitions into the City of Wilmington. Properties to the north and south of the subject property have been annexed by the City of Wilmington in recent years. A multi-family development, Belle Meade Apartments, has been constructed on the adjoining property to the north. Properties within the unincorporated areas are zoned predominately residential.

On May 2, 2016, the property was rezoned to a (CUD) R-10 district in order to allow for the development of an 80 unit apartment complex. The owner of the adjacent apartments (Belle Meade) is currently in the process of obtaining ownership of the subject property and is seeking to incorporate it into Belle Meade Apartments. In order to do so, major modifications are being proposed for the development, including changes to the site layout and density. The new proposal would eliminate the driveway to Carolina Beach Road and increase the number of units to 96.

In addition, changes are being proposed to the site plan that do not currently comply with the standards of the Zoning Ordinance. Specifically, the site plan does not comply with the height and buffer requirements for height density developments. In order to address this, the applicant has also submitted a text amendment application (TA17-01) which will modifies these standards. Therefore, the proposed site plan's compliance with the Zoning Ordinance is contingent on the text amendment application being approved by the Board of Commissioners.

The high density development will generate 49 trips in the AM peak, and 60 trips in the PM peak. Because the trips do not exceed 100 in the peak hours, a Traffic Impact Analysis (TIA) was not required to be completed.

The 2016 Comprehensive Land Use Plan classifies the subject property as Community Mixed Use and General Residential. The proposed development is consistent with the recommended place types. Higher density residential is an appropriate use in the Community Mixed Use place type, and recreational areas, such as the one northeast of Sikes Dr., are encouraged in General Residential designated places.

Conditional Use Zoning Districts shall be considered for approval or denial as a two-part process. The proposed Conditional Use District rezoning is considered first, then the companion Special Use Permit
STRATEGIC PLAN ALIGNMENT:

Intelligent Growth and Economic Development
- Implement plans for land use, economic development, infrastructure and environmental programs
- Understand and act on citizen needs

RECOMMENDED MOTION AND REQUESTED ACTIONS:

CONDITIONAL USE ZONING DISTRICT
Staff recommends approval and suggests the following motion:

Motion to recommend approval, as the Planning Board finds that this request for a zoning map amendment of 6.9 acres from (CUD) R-10, Conditional Use Residential District, to (CUD) R-10, Conditional Use Residential District, as described is:

1. Consistent with the purposes and intent of the 2016 Comprehensive Plan because multi-family residential is encouraged within the Community Mixed Use place type. The proposed density is consistent with the Plan and supports the small-scale, compact, mixed use development patterns that this place type promotes.
2. Reasonable and in the public interest because the development provides for increased density in an area best suited for development. The property is located in close proximity to water and sewer utilities, and pedestrian amenities. The development also supports efficient travel by providing interconnectivity to the surrounding properties.

SPECIAL USE PERMIT
Example Motion for Approval

Motion to recommend approval, as the Planning Board finds that this application for a Special Use Permit to develop a high density development:

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; and
4. Will be in harmony with the surrounding area, and is in general conformity of the plans of development for New Hanover County.

[OPTIONAL] Also, that the following conditions be added to the development:

[List Conditions]

Staff suggested conditions:

1. Prior to issuance of a Certificate of Occupancy, Sikes Drive on the subject property, Tract 7 Biddle Subdivision, shall be platted as a public right-of-way.
2. A 10’ multi-use path shall be installed along Carolina Beach Road in accordance with the Wilmington/New Hanover County Comprehensive Greenway Plan. The multi-use path shall be constructed to the adjoining property lines and shall include any necessary crosswalks, boardwalks, or bridges.

Example Motion for Denial:
Motion to recommend denial, as the Planning 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 surrounding area, and is in general conformity of the plans of development for New Hanover County.

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

ATTACHMENTS:
Z-958M Script for PB
Z-958M Staff Summary
Z-958M Neighbor Properties Map
Z-958M Future Land Use Map
Z-958M Zoning Map
Applicant Materials Cover Page
Z-958M Application Package
Proposed Site Plan Cover Page
Z-958M Proposed Site Plan
SCRIPT for CONDITIONAL USE Zoning District Application (Z-958M, 3/17)

Request by Design Solutions on behalf of the property owner, Lawrence Lawson Heirs, to rezone 6.9 acres located at the 4713 Carolina Beach Road, from (CUD) R-10, Conditional Use Residential District, to (CUD) R-10, Conditional Use Residential District, and for a Special Use Permit for a high density development consisting of 96 dwelling units.

1. Swear witnesses: Announce that "the Conditional Use District process requires a quasi-judicial hearing; therefore, any person wishing to testify must be sworn in. All persons who signed in to speak or who want to present testimony please step forward to be sworn in. Thank you."

2. This is a public hearing. We will hear a presentation from staff. Then the applicant and any opponents will each be allowed 15 minutes for their presentation and additional 5 minutes for rebuttal.

3. Conduct Hearing, as follows:
   a. Staff presentation
   b. Applicant’s presentation (up to 15 minutes)
   c. Opponent’s presentation (up to 15 minutes)
   d. Applicant’s cross examination/rebuttal (up to 5 minutes)
   e. Opponent’s cross examination/rebuttal (up to 5 minutes)

4. Close the public hearing

5. Board discussion

6. Ask Applicant whether he/she agrees with staff findings and any condition proposed to be added to the Special Use Permit.

7. At this time, you may ask to either continue the application to a future meeting, or to proceed with this Board deciding whether to recommend approval or denial of the application. What do you wish to do?

8. Vote on rezoning (first vote). The motion should include a statement saying how the change is, or is not, consistent with the land use plan and why it is, or is not, reasonable and in the public interest.

Staff Suggested Motion:

Motion to recommend approval, as the Planning Board finds that this request for a zoning map amendment of 6.9 acres from (CUD) R-10, Conditional Use Residential District, to (CUD) R-10, Conditional Use Residential District, as described is:

1. Consistent with the purposes and intent of the 2016 Comprehensive Plan because multi-family residential is encouraged within the Community Mixed Use place type. The proposed density is consistent with the Plan and supports the small-scale, compact, mixed use development patterns that this place type promotes.

2. Reasonable and in the public interest because the development provides for increased density in an area best suited for development. The property is located in close proximity to water and sewer utilities, and pedestrian amenities. The development also supports efficient travel by providing interconnectivity to the surrounding properties.
9. Vote on the companion Special Use Permit (second vote).

☐ Motion to recommend approval of the permit - All findings are positive.

☐ Motion to recommend approval of the permit, subject to conditions specified below:
(State Conditions)

☐ Motion to recommend denial of the permit because the Board cannot find:

☐ a. That the use will not materially endanger the public health or safety if located where proposed for the following reason:

☐ b. That the Use meets all required condition and specifications:

☐ c. That the use will not substantially inure the value of adjoining or abutting property, or that the use is a public necessity:

☐ d. That the location and character of the use if developed according to the plan submitted and approved will be in harmony with the area in which it is located and is in general conformity with the plan of development for New Hanover County:

Example Motion for Approval:

Motion to recommend approval, as the Planning Board finds that this application for a Special Use Permit to develop a high density development:

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; and
4. Will be in harmony with the surrounding area, and is in general conformity of the plans of development for New Hanover County.

[OPTIONAL] Also, that the following conditions be added to the development:

[List Conditions]

Staff suggested conditions:

1. Prior to issuance of a Certificate of Occupancy, Sikes Drive on the subject property, Tract 7 Biddle Subdivision, shall be platted as a public right-of-way.
2. A 10’ multi-use path shall be installed along Carolina Beach Road in accordance with the Wilmington/New Hanover County Comprehensive Greenway Plan. The multi-use path shall be constructed to the adjoining property lines and shall include any necessary crosswalks, boardwalks, or bridges.
Example Motion for Denial:
Motion to recommend denial, as the Planning 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 surrounding area, and is in general conformity of the plans of development for New Hanover County.

[State the finding(s) that the application does not meet and include reasons to why it is not being met]
STAFF SUMMARY
CONDITIONAL USE ZONING DISTRICT APPLICATION

APPLICATION SUMMARY

Case Number: Z-958M, 3/17

Request:
Modification of an existing Conditional Use District in order to increase the number of units from 80 to 96.

Applicant: Cindee Wolf of Design Solutions
Property Owner(s): Lawrence Lawson Heirs

Location: 4713 Carolina Beach Road
Acreage: 6.9 acres

PID(s): R07100-003-009-000
Comp Plan Place Type: Community Mixed Use & General Residential

Existing Land Use: Undeveloped
Proposed Land Use: High Density Development

Current Zoning: (CUD) R-10
Proposed Zoning: (CUD) R-10

SURROUNDING AREA

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>ZONING</th>
</tr>
</thead>
<tbody>
<tr>
<td>North  Belle Meade Apartments, Belle Meade Village</td>
<td>Community Business (CB), R-10 (Wilmington)</td>
</tr>
<tr>
<td>East Undeveloped</td>
<td>R-15, Multi-Family – Low Density (MF-L)</td>
</tr>
<tr>
<td>South Silver Lake Baptist Church</td>
<td>R-15</td>
</tr>
<tr>
<td>West Office Uses</td>
<td>(CZD) O&amp;I</td>
</tr>
</tbody>
</table>

Z-958M, (3/17) Page 1 of 9
ZONING HISTORY

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 7, 1971</td>
<td>Initially zoned R-15</td>
</tr>
<tr>
<td>December 1, 2008</td>
<td>4.5 acres of the property were rezoned to (CZD) B-1 (Z-891)</td>
</tr>
<tr>
<td>May 2, 2016</td>
<td>Rezoned to (CUD) R-10 in order to allow for the development of a high</td>
</tr>
<tr>
<td></td>
<td>density development consisting of 80 units.</td>
</tr>
</tbody>
</table>

COMMUNITY SERVICES

Water/Sewer
- The development will connect to CFPUA water and sewer services.

Fire Protection
- New Hanover County Fire Services, New Hanover County Southern Fire District, New Hanover County Myrtle Grove Station

<table>
<thead>
<tr>
<th>School</th>
<th>Total</th>
<th>Capacity w/Mobiles</th>
<th>+/- Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>CREEC</td>
<td>114</td>
<td>115</td>
<td>-1</td>
</tr>
<tr>
<td>Bellamy</td>
<td>630</td>
<td>524</td>
<td>106</td>
</tr>
<tr>
<td>Codington</td>
<td>594</td>
<td>481</td>
<td>113</td>
</tr>
<tr>
<td>Myrtle Grove</td>
<td>746</td>
<td>674</td>
<td>72</td>
</tr>
<tr>
<td>Ashley</td>
<td>1971</td>
<td>1786</td>
<td>185</td>
</tr>
</tbody>
</table>

Schools

Recreation
- Arrowhead Park & Southgate Park

CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES

Conservation
- No known conservation resources

Historic
- No known historic resources

Archaeological
- No known archaeological resources
**TRANSPORTATION**

- Access is provided to the subject property by Sikes Drive. Sikes Drive has been dedicated as a public street, however, it has not at this time been accepted into Wilmington’s maintenance system.
- The proposed development will also provide two parking lot cross-accesses to the existing Belle Meade apartment complex.
- The development will install sidewalks along all drives and Sikes Drive, connecting to the existing sidewalks along the street. Also, the development will install a multi-use path in accordance with the Wilmington/NHC Comprehensive Greenway Plan.
- A bus stop for Route 201 is located north of the subject property.

**Traffic Count - 2015**

<table>
<thead>
<tr>
<th>Road</th>
<th>Location</th>
<th>Volume</th>
<th>Capacity</th>
<th>V/C</th>
<th>LOS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carolina Beach Road</td>
<td>5000 Block</td>
<td>29,430</td>
<td>29,300</td>
<td>1.004</td>
<td>F</td>
</tr>
</tbody>
</table>

**Trip Generation**

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>INTENSITY</th>
<th>AM PEAK</th>
<th>PM PEAK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartments (220)</td>
<td>96 dwelling units</td>
<td>49</td>
<td>60</td>
</tr>
</tbody>
</table>

- Traffic Impact Analysis are required to be completed for proposals that will generate more than 100 peak hour trips in either the AM or PM peak hours.

**ENVIRONMENTAL**

- The property does not contain any Special Flood Hazard Areas, wetlands, or Natural Heritage Areas.
- The subject property is within the Bernards Creek (C;Sw) watershed.
- Soils on the property consist of Class I (Suitable/Slight Limitation) Class II (Moderate Limitation), and Class III (Severe Limitation) soils, however, this project will be required to install public water and sewer service in accordance with the standards of the CFPUA and the County’s Zoning Ordinance.

**CURRENT APPROVED SITE PLAN & CONDITIONS**
The current approval allows for the development of a high density development consisting of 80 units (11.6 du/ac).

The following conditions were placed the current approval:

1. Prior to issuance of a Certificate of Occupancy, Sikes Drive on the subject property, Tract 7 Biddle Subdivision, shall be platted as a public right-of-way.
2. A 10' multi-use path shall be installed along Carolina Beach Road in accordance with the Wilmington/New Hanover County Comprehensive Greenway Plan. The multi-use path shall be constructed to the adjoining property lines and shall include any necessary crosswalks, boardwalks, or bridges.
3. Sikes Drive from Tract 7 Biddle Subdivision to St. Andrews Drive shall not be opened for access for the benefit of the subject property until a Certificate of Occupancy has been issued pertaining to the development on the subject property.

Proposed Site Plan

The proposed site plan modifies the layout and increases the number of units to 96, for a density of 13.9 du/ac.

The site plan's compliance with the Zoning Ordinance is contingent on a related text amendment application (TA17-01) being considered by the Board of Commissioners. The site plan does not comply with the height and buffer requirements of the current regulations.
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. Specific goals of the comprehensive plan are designated to be promoted in each place type, and other goals may be relevant for particular properties.

- The subject parcel is classified as two different place types on the Future Land Use Map—Community Mixed Use and General Residential. The map’s place type designations are not parcel specific, and in general, Community Mixed Use areas abut major transportation corridors while General Residential areas are near existing lower density residential development. For the proposed development, staff has reviewed the section southwest of Sikes Dr. for consistency with Community Mixed Use and the northeast section with General Residential. Because the majority of the development is Community Mixed use and the subject site abuts Carolina Beach Rd, the application was reviewed for consistency with goals relevant for the Community Mixed Use place type.

### Place Types

<table>
<thead>
<tr>
<th>Future Land Use Map Place Type</th>
<th>Community Mixed Use &amp; General Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Place Type Description</td>
<td></td>
</tr>
<tr>
<td><strong>Community Mixed Use</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>General Residential</strong></td>
<td>Focuses on lower-density housing and associated civic and commercial services. Housing for the area is typically single-family or duplex. Commercial uses should be limited to strategically located office and retail spaces, while recreation and school facilities are encouraged throughout. Recommended types of uses include single-family residential, low-density multi-family residential, light commercial, civic, and recreational.</td>
</tr>
</tbody>
</table>
### Consistency Analysis

The proposed development is consistent with the recommended place types. Higher density residential is an appropriate use in the Community Mixed Use place type, and recreational areas, such as the one northeast of Sikes Dr., are encouraged in General Residential designated places.

### Relevant Goals of the Comprehensive Plan

<table>
<thead>
<tr>
<th>Goal I: Support business success</th>
<th>Desired Outcome: A vibrant economy for New Hanover County based on business success</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Consistency Analysis:</strong> Higher density residential development provide nearby consumer support of office and retail businesses, which are encouraged in the Community Mixed Use place type and growth nodes of the county.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Goal III: Promote fiscally responsible growth</th>
<th>Desired Outcome: Growth patterns that achieve efficient provisions of services and equitable distribution of costs between the public and private sectors</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Consistency Analysis:</strong> The infill location and density of the proposed development efficiently uses existing infrastructure. The site’s design includes connections with an existing street network and provides for a portion of the multi-use path recommended along Carolina Beach Rd. The subject property is adjacent to the Monkey Junction growth node, and the higher density proposed will assist in meeting the densities required to support future transportation infrastructure and networks in this area.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Goal VIII: Integrate multi-modal transportation into mixed land uses that encourage safe, walkable communities</th>
<th>Desired Outcome: A community with a mixture of land uses that allows for individuals to perform daily tasks without the use of an automobile. A community where individuals can safely walk, bike, and access transit.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Consistency Analysis:</strong> The proposed site design includes street connectivity, provides sidewalks, and includes provisions for the multi-use path recommended along Carolina Beach Rd. These connections can encourage bicycle and pedestrian transportation modes of travel to the Monkey Junction growth node and other areas identified for targeted growth. Higher density multi-family in this location will also assist in providing the densities that could support transit improvements in the future.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Goal IX: Promote environmentally responsible growth</th>
<th>Desired Outcome: Development that accommodates population growth while minimizing negative impacts on natural resources</th>
</tr>
</thead>
</table>
Consistency Analysis: The recommendation strategies and guidelines for this goal include encouraging infill and redevelopment to strengthen existing communities and maximize the use of properties for the highest and best use. The increased residential density on the subject site maximizes the use of the property, while the siting of recreational areas adjacent to existing lower density residential increases the project’s compatibility with that development pattern.

<table>
<thead>
<tr>
<th>Goal XVI: Increase public safety by reducing crime through the built environment</th>
<th>Desired Outcome: New development patterns that focus on increased public safety</th>
</tr>
</thead>
</table>

Consistency Analysis: The proposed sidewalks and multi-use path will assist in meeting this goal’s implementation strategy of encouraging a walkable community that creates more human interaction between neighbors (eyes on the street/social space) to increase public safety.

<table>
<thead>
<tr>
<th>Goal XVIII: Increase physical activity and promote healthy active lifestyles</th>
<th>Desired Outcome: A built environment that encourages active lifestyles and increased health through walking and biking.</th>
</tr>
</thead>
</table>

Consistency Analysis: The sidewalk, multi-use path, and recreation area components of the proposed site design all assist in encouraging an active lifestyle. An indoor recreational area is also indicated on the application.

<table>
<thead>
<tr>
<th>Goal XXI: Ensure NHC remains in attainment for air quality, in support of clean air and improved health outcomes in support of continued growth</th>
<th>Desired Outcome: New Hanover County to remain in attainment for air quality to protect public health and retain and attract development and industries</th>
</tr>
</thead>
</table>

Consistency Analysis: Two of the primary strategies for this plan goal are promoting compact development and encouraging development patterns conducive to pedestrian and bicycle use in order to reduce motor vehicle trips. This compact, multi-family residential infill development is adjacent to existing commercial areas including the Monkey Junction growth node. The infrastructure provided in the proposed site design will allow residents of this and nearby developments to access commercial services by foot or bicycle.

Staff Consistency Recommendation
The Belle Meade III application is consistent with the goals of the 2016 Comprehensive Plan. The proposed site design provides higher density residential infill and multi-modal connections to a designated growth node, which will assist in meeting the plan’s goals for business success, economic efficiencies for infrastructure, transportation alternatives, public health improvements, and reduction in vehicle miles traveled.
Staff recommends approval of the Conditional Use Zoning District. Staff concludes that the application is:

1. Consistent with the purposes and intent of the 2016 Comprehensive Plan because multi-family residential is encouraged within the Community Mixed Use place type. The proposed density is consistent with the Plan and supports the small-scale, compact, mixed use development patterns that this place type promotes.

2. Reasonable and in the public interest because the development provides for increased density in an area best suited for development. The property is located in close proximity to water and sewer utilities, and pedestrian amenities. The development also supports efficient travel by providing interconnectivity to the surrounding properties.

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 March 2, 2017 Planning Board meeting.

These findings are contingent on a related text amendment application (TA17-01) being approved by the Board of Commissioners.

Finding 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 Cape Fear Public Utility Authority’s standards.
B. The subject property is located in the New Hanover County South Fire Service District.
C. Access to the site will be provided by Sikes Drive, and through the existing Belle Meade apartment complex, which connects to Carolina Beach Road, an arterial street.
D. The development will install sidewalks and a multi-use path, and will provide interconnectivity to the surrounding properties.
E. The subject site does not host any known conservation, cultural, historic, or archaeological resources.

Staff Suggestion: Evidence in the record at this time supports a finding that the use will not materially endanger the public health or safety where proposed.

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

A. High density developments are allowed by Special Use Permit in the R-10 zoning district.
B. The site design complies with the standards of Section 72-43 of the Zoning Ordinance.
Staff Suggestion: Evidence in the record at this time supports a finding that the use would meet all of the required conditions and specifications of the Zoning Ordinance, provided text amendment application TA17-01 is approved.

Finding 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 location of the proposed high density development is classified as Community Mixed Use and General Residential in the 2016 Comprehensive Plan.
B. The surrounding land uses predominately include residential, including single-family and multi-family housing.
C. No evidence has been submitted that this project will decrease the property values of adjacent or nearby properties.

Staff Suggestion: The evidence in the record at this time supports a finding that the use will not substantially injure the value of adjoining or abutting property.

Finding 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 2016 Comprehensive Plan classifies the area proposed for the high density development as Community Mixed Use and General Residential, and the proposal aligns with the intent of both classifications. Additionally, the proposal supports other policies of the 2016 Comprehensive Plan, including business success, economic efficiencies for infrastructure, transportation alternatives, public health improvements, and reduction in vehicle miles traveled.
B. The proposed development will provide for alternative forms of transportation in compliance with the Wilmington/NHC Comprehensive Greenway Plan.

Staff Suggestion: Evidence in the record at this time supports a finding that the use is general conformity with the plan of development for New Hanover County.

<table>
<thead>
<tr>
<th>Staff Suggested Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Prior to issuance of a Certificate of Occupancy, Sikes Drive on the subject property, Tract 7 Biddle Subdivision, shall be platted as a public right-of-way.</td>
</tr>
<tr>
<td>2. A 10' multi-use path shall be installed along Carolina Beach Road in accordance with the Wilmington/New Hanover County Comprehensive Greenway Plan. The multi-use path shall be constructed to the adjoining property lines and shall include any necessary crosswalks, boardwalks, or bridges.</td>
</tr>
</tbody>
</table>
Case: Z-958M

Site Address: 4700 block Carolina Beach Rd

Conditional Use District

Request: Conditional Use District

Existing Zoning/Use:
(CUD) R-10/ Undeveloped
High Density Residential

Proposed Use:
(CUD) R-10/ Undeveloped

Neighboring Parcels (within 500 feet)
Case:
Z-958M

Request:
Conditional Use District

Site Address:
4700 block Carolina Beach Rd

Proposed Use:
(CUD) R-10/ High Density Residential

Existing Zoning/Use:
(CUD) R-10/ Undeveloped

Case:
Z-958M

Request:
Conditional Use District

Site Address:
4700 block Carolina Beach Rd

Proposed Use:
(CUD) R-10/ High Density Residential

Existing Zoning/Use:
(CUD) R-10/ Undeveloped

Place Types
- Commerce Zone
- Employment Center
- General Residential
- Urban Mixed Use
- Community Mixed Use
- Rural Residential
- Conservation
Case: Z-958M

Site Address: 4700 block Carolina Beach Rd

Request: Conditional Use District

Existing Zoning/Use: (CUD) R-10/Undeveloped

Proposed Use: (CUD) R-10/High Density Residential
APPLICANT MATERIALS
# Application for Conditional Use Zoning District

**Petitioner Information**

<table>
<thead>
<tr>
<th>Name</th>
<th>Owner Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cindee Wolf</td>
<td>Lawrence Lawson Heirs</td>
<td>4713 Carolina Beach Rd</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Company</th>
<th>Owner Name 2</th>
<th>Parcel ID(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design Solutions</td>
<td></td>
<td>313517.00.9136</td>
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<table>
<thead>
<tr>
<th>Address</th>
<th>City, State, Zip</th>
<th>Existing Zoning and Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>P.O. Box 7221</td>
<td>Wilmington, NC 28406</td>
<td>Valparaiso, FL 32580</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phone</th>
<th>Email</th>
<th>Proposed Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>910-620-2374</td>
<td><a href="mailto:cwolf@lobodemar.biz">cwolf@lobodemar.biz</a></td>
<td>(CUD) R-10 Modification</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Application Tracking Information (Staff Only)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Number</td>
</tr>
<tr>
<td>Z-958M</td>
</tr>
</tbody>
</table>

## APPLICATION OVERVIEW

In order to assist petitioners through the conditional use rezoning process, petitioners are highly encouraged to attend a pre-application conference prior to application submittal. Petitioners are requested to review the sections of the Zoning Ordinance specific to zoning amendments, conditional use zoning districts, and Special Use Permits prior to submission, and advised to contact Planning Staff with any questions. The following sections of the Zoning Ordinance pertain specifically to zoning amendments, conditional use zoning districts, and Special Use Permits:

- Section 55.3: Conditional Zoning Districts
- Section 70: Objectives and Purposes of Special Use Permits
- Section 71: General Requirements of Special Use Permits
- Section 72: Additional Restrictions Imposed on Certain Special Uses
- Section 110: Amending the Ordinance
- Section 111: Petitions
- Section 112: Approval Process

Applications for zoning amendments must first be considered by the New Hanover County Planning Board at a public hearing. The Planning Board will make a recommendation to the County Commissioners which will take final action on the permit application in a quasi-judicial public hearing. Attendance at all public hearings is required. The public hearings will allow staff, the applicant, proponents and opponents to testify in regards to the request.
# Application for CONDITIONAL USE ZONING DISTRICT

<table>
<thead>
<tr>
<th>Petitioner Information</th>
<th>Property Owner(s) If different than Petitioner</th>
<th>Subject Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Owner Name</td>
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</tr>
<tr>
<td>Cindee Wolf</td>
<td>Belle Meade Dev Ptnrs II, LLC</td>
<td>4713 Carolina Beach Rd</td>
</tr>
<tr>
<td>Company</td>
<td>Owner Name 2</td>
<td>Parcel ID(s)</td>
</tr>
<tr>
<td>Design Solutions</td>
<td></td>
<td>313517.00.9136</td>
</tr>
<tr>
<td>Address</td>
<td>Address</td>
<td>Area</td>
</tr>
<tr>
<td>P.O. Box 7221</td>
<td>6626-C Gordon Road</td>
<td>6.66 ac.+/-</td>
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<tr>
<td>City, State, Zip</td>
<td>City, State, Zip</td>
<td>Existing Zoning and Use (CUD) R-10 / Vacant</td>
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<tr>
<td>Wilmington, NC 28406</td>
<td>Wilmington, NC 28411</td>
<td>Proposed Use (CUD) R-10 Modification</td>
</tr>
<tr>
<td>Phone</td>
<td>Phone</td>
<td>Land Classification</td>
</tr>
<tr>
<td>910-620-2374</td>
<td>910-799-3006 / Contact: Adam Sosne</td>
<td>Comm Mixed-Use &amp; Gen Res</td>
</tr>
<tr>
<td>Email</td>
<td>Email</td>
<td></td>
</tr>
<tr>
<td><a href="mailto:cwolf@lobodemar.biz">cwolf@lobodemar.biz</a></td>
<td><a href="mailto:adamsosne@yahoo.com">adamsosne@yahoo.com</a></td>
<td></td>
</tr>
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**Application Tracking Information** *(Staff Only)*

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<tr>
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<th>Date/Time received:</th>
<th>Received by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Z-958M</td>
<td>2/2/2017</td>
<td>Brad Schuler</td>
</tr>
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</table>

**APPLICATION OVERVIEW**

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APPLICATION OVERVIEW (continued)

Unless otherwise published or announced, Planning Board meetings are held on the first Thursday of each month at 6:00PM in the Commissioner's Assembly Room at the Historic County Courthouse located at Third and Princess Streets, Wilmington, North Carolina. All meeting dates and application deadlines are published on the New Hanover County Planning website.

APPLICATION REQUIREMENTS

In order to assist petitioners through the process for a conditional use rezoning, petitioners are highly encouraged to attend a pre-application conference prior to application submittal. Applications must be reviewed by Planning Staff for completeness prior to being officially accepted. Applications must be submitted to Planning Staff at twenty (20) working days before the Planning Board meeting at which the application is to be considered. In order to allow time to process, fees and review for completeness, applications will not be accepted after 5:00 PM on the deadline day. Once accepted, the Planning Board will consider the application at the assigned meeting unless the applicant requests a continuance.

For High Density Residential projects, a High Density Residential application and High Density Checklist must also accompany this application. The New Hanover County Technical Review Committee (TRC) must also review a High Density Residential project prior to submitting this application.

For all proposals, in addition to this application, the following supplemental information and materials are required:

<table>
<thead>
<tr>
<th>Required Information</th>
<th>Applicant Initial</th>
<th>Staff Initial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Narrative of Proposed Use</td>
<td>CAW</td>
<td>BS</td>
</tr>
<tr>
<td>Traffic Impact Worksheet</td>
<td>CAW</td>
<td>BS</td>
</tr>
<tr>
<td>Traffic Impact Analysis (if applicable)</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Copy of the New Hanover County Tax Map, which delineates the property requested for rezoning.</td>
<td>CAW</td>
<td>BS</td>
</tr>
<tr>
<td>Legal description (by metes and bounds) of property requested for rezoning.</td>
<td>CAW</td>
<td>BS</td>
</tr>
<tr>
<td>Copy of the subdivision map or recorded plat which delineates the property.</td>
<td>CAW</td>
<td>BS</td>
</tr>
<tr>
<td>Site Plan (8-24x36 copies for Planning Board; 8-24x36 copies for Commissioners)</td>
<td>CAW</td>
<td></td>
</tr>
<tr>
<td>• Tract boundaries and total area, location of adjoining parcels and roads</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Proposed use of land, structures and other improvements. For residential uses, this shall include number, height and type of units and area to be occupied by each structure and/or subdivided boundaries. For non-residential uses, this shall include approximate square footage and height of each structure, an outline of the area it will occupy and the specific purpose for which it will be used.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Development schedule including proposed phasing.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Traffic and Parking Plan to include a statement of impact concerning local traffic near the tract, proposed right-of-way dedication, plans for access to and from the tract, location, width and right-of-way for internal streets and location, arrangement and access provision for parking areas.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• All existing and proposed easements, reservations, required setbacks, rights-of-way, buffering and signage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• The one hundred (100) year floodplain line, if applicable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Location and sizing of trees required to be protected under Section 62 of the Zoning Ordinance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Any additional conditions and requirements, which represent greater restrictions on development and use of the tract than the corresponding General Use District regulations or other limitations on land which may be regulated by State law or Local Ordinance.</td>
<td></td>
<td>BS</td>
</tr>
</tbody>
</table>
CRITERIA REQUIRED FOR APPROVAL OF A CHANGE OF ZONING

Conditional Use District Zoning is established to address situations where a particular land use would be consistent with the New Hanover County Land Use Plan and the Zoning Ordinance objective but for which none of the general zoning classifications which would allow that use are acceptable. The applicant should explain, with reference to attached plans (where applicable), how the proposed use satisfies these requirements. The applicant has the burden of proof and must provide sufficient evidence in order for the required findings to be met.

You must explain in the space below how your request satisfies each of the following requirements (attach additional sheets if necessary):

1. How would the requested change be consistent with the County’s Policies for Growth and Development?

The policies for growth and development encourage safe and affordable housing to be available to every citizen. Sustainability of the County depends on sensible in-fill and maximizing use of lands already accessible to urban services. A higher density of residential development not only increases tax base, but makes better use of the existing infrastructure.

2. How would the requested zone change be consistent with the property’s classification on the Land Classification Map?

The new Comprehensive Land Use Plan identifies this tract as being in both the Community Mixed-Use and General Residential Land Classifications. Those classifications are intended to provide for future intensive urban development on lands that have been, or will be provided with necessary urban services. The location of these areas in based upon land use planning policies requiring optimum efficiency in land utilization and public service delivery.

3. What significant neighborhood changes have occurred to make the original zoning inappropriate, or how is the land involved unsuitable for the uses permitted under the existing zoning?

A previous plan for tax-credit housing has not come to fruition. The logical development is for the adjacent existing apartmetn complex to expand. There is a mix of multi-family and commercial projects developed along this stretch of Carolina Beach Road. High-density residential development serves as a good transitional use along busy thoroughfare corridors, locating them near the services they need.

4. List proposed conditions and restrictions that would mitigate the impacts of the proposed use(s).

The area along the northern boundaries with the single-family uses is only being used for the stormwater management facility and will also be planted to provide adequate screening & buffering. Lighting will be strategically placed limited such that no light will shine beyond the limits of the property boundary. Since the property to the northwest is a multi-family development, and the property to the southeast is a church, no additional provisions are necessary other than standard building setbacks.
The applicant should explain, with reference to attached plans (where applicable), how the proposed use satisfies these requirements (please use additional pages if necessary). The applicant has the burden of proof and must provide sufficient evidence in order for the required findings to be met. Planning Staff, the Planning Board, and the Board of County Commissioners reserve the right to require additional information, if needed, to assure that the proposed Special Use Permit meets the following requirements:

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

The project would be accessed from both Mateo Drive and Sikes Drive, but with access to Carolina Beach Road, a major arterial public right-of-way, maintained by NCDOT. The project layout has been approved by the County Technical Review Committee. Water and sanitary sewer service will be provided by extension of private mains from the CFPUA system. Permitting by all State and County agencies will be required prior to onset of construction. The housing facilities will have management and maintenance services to assure quality of the project and safety of the residents.

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

The development has direct access to Carolina Beach Rd., an existing major arterial roadway, thereby meeting the requirement of Section 72-43(1).

The CAMA Land Classification is Urban, also meeting the requirements. The Urban classification is intended for more intensive development. Environmental impacts are minimized and more than adequate open space is provided.

Public water & sewer service will be provided. Stormwater management for both quality & quantity control is proposed. Impervious coverage is less than the maximum 50%.

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.”

The project is proposed along a commercial corridor where there is a variety of intensive business uses and multi-family housing. The adjacent existing single-family parcels will be buffered by landscape plantings to provide screening & use separation. Conditions including adequate buffering, and upgraded building materials add to the quality of the project. These & the location of the buildings removed from direct adjacency to the single-family homes should assure that there will be no adverse impact to those property values.

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.”

The location of this project adheres to land use planning policies for optimum efficiency in land utilization and public service delivery. It is located with easy access to the interstate highway & downtown Wilmington.

The policies for growth and development encourage safe and affordable housing to be available to every citizen. Approval of this property for a higher-density of residential development would be consistent with the concept of transitioning uses, and infilling vacant parcels where existing utilities can readily be extended and urban services are available.
Section 72 of the Zoning Ordinance provides additional requirements for the following Special Use Permits. Please supplement your application with all necessary material to meet any additional requirements if your use is any of the following:

- Cemetery
- Convenience Food Store
- Hospital or Nursing and Personal Care Facilities
- Private Club or Lodge and Fraternal and Social Organizations
- Sanitary Landfill
- Travel Trailer Park
- Family Child Care Home
- Kennel
- Mobile Home
- Non-Residential Off-Street Parking
- Commercial Marina
- Septage and Sludge Disposal
- Outdoor Shooting Ranges
- Adult Entertainment Establishment
- Indoor/Outdoor Recreation Establishments
- Community Boating Facility
- Residential Uses within Commercial Districts
- Bed and Breakfast Inn
- Electronic Gaming Operation
- Farmers Market or Produce Stands in Residential Zoning Districts
- Mining
- High Density Development
- Senior Living Options

If an applicant requests delay of consideration from the Planning Board or Board of County Commissioners before notice has been sent to the newspaper, the item will be calendared for the next meeting and no fee will be required. If delay is requested after notice has been sent to the newspaper, the Board will act on the request at the scheduled meeting and are under no obligation to grant the continuance. If the continuance is granted, a fee in accordance with the adopted fee schedule as published on the New Hanover County Planning website will be required.

By my signature below, I understand and accept all of the conditions, limitations and obligations of the Conditional Use District zoning for which I am applying. I understand that the existing official zoning map is presumed to be correct. I understand that I have the burden of proving why this requested change is in the public interest. I certify that this application is complete and that all information presented in this application is accurate to the best of my knowledge, information, and belief.

Cindie Wolf / Design Solutions

Signature of Petitioner and/or Property Owner

Print Name
NEW HANOVER COUNTY
PLANNING & INSPECTIONS

AUTHORITY FOR
APPOINTMENT OF AGENT

Please note that for quasi-judicial proceedings, either the land owner or an attorney must be present for the case at the public hearing.

The undersigned owner does hereby appoint an authorized the agent described herein as their exclusive agent for the purpose of petitioning New Hanover County for a variance, special use permit, rezoning request, and/or an appeal of Staff decisions applicable to the property described in the attached petition. The Agent is hereby authorized to, on behalf of the property owner:

1. Submit a proper petition and the required supplemental information and materials
2. Appeal at public meetings to give representation and commitments on behalf of the property owner
3. Act on the property owner’s behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition applicable to the New Hanover County Zoning Ordinance.

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<td>Owner Name</td>
<td>Address</td>
</tr>
<tr>
<td>Cindee Wolf</td>
<td>Belle Meade Dev. Ptnrs. II, LLC</td>
<td>4713 Carolina Beach Road</td>
</tr>
<tr>
<td>Company</td>
<td>Owner Name 2</td>
<td>City, State, Zip</td>
</tr>
<tr>
<td>Design Solutions</td>
<td>Barry Amos - Manager</td>
<td>Wilmington, NC</td>
</tr>
<tr>
<td>Address</td>
<td>Address</td>
<td>Parcel ID</td>
</tr>
<tr>
<td>P.O. Box 7221</td>
<td>6626-C Gordon Road</td>
<td>313517.00.9136</td>
</tr>
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<tr>
<td>Wilmington, NC</td>
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<tr>
<td>910-620-2374</td>
<td>910-799-3006 / Contact: Adam Sosne</td>
<td></td>
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<td><a href="mailto:cwolf@lobodemar.biz">cwolf@lobodemar.biz</a></td>
<td><a href="mailto:adamsosne@yahoo.com">adamsosne@yahoo.com</a></td>
<td></td>
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</table>

This document was willfully executed on the 31st day of January, 2017.

Owner 1 Signature

Owner 2 Signature
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</tr>
<tr>
<td>Cindie Wolf</td>
<td>Lawrence Lawson Heirs</td>
<td>4713 Carolina Beach Road</td>
</tr>
<tr>
<td>Company</td>
<td>Owner Name 2</td>
<td>City, State, Zip</td>
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<td>Wilmington, NC</td>
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<td>910-620-2374</td>
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Owner 1 Signature

Planning Board - March 2, 2017
ITEM: 2 - 7 - 8

04/14
The subject property was previously approved as a high-density development, but that proposed project never went forward into design and permitting. It had eighty (80) units with a total of 182 bedrooms.

The modified project is an up-scale apartment complex with ninety-six (96) units, but limited to only one- and two-bedroom units for a total of 156 bedrooms. A recreation amenity is included in one of the building. There are of course the associated parking areas and open spaces. Also, this project is an expansion of an already existing apartment complex with a pool facility.

This area of the County, along Carolina Beach Road, has become a major growth corridor. The location of services along the corridor is just one of the various reasons. The project area is classified by the County Comprehensive Plan as a split of “Community Mixed-Use” along the road frontage, and “General Residential” towards the rear.

The Community Mixed-Use is an urban classification intended to provide for future intensive development on lands that have been, or will be provided with necessary urban services. The location of these areas is based upon land use planning policies requiring optimum efficiency in land utilization and public service delivery.

Demographic studies are suggesting that aging, empty-nester, and single-person households will dominate America’s future housing markets. This all adds up to the potential for important changes in housing demand that planners need to anticipate. Shifting housing preferences and tightening of financial regulations suggest that higher-density housing options appear to be outpacing the demand for detached houses. Having a mixture of uses in the same vicinity provides innovative opportunities for integrating diverse but compatible uses. Providing convenient services in proximity of housing facilities increases pedestrian activity and decreases reliance on individual vehicles. Building up instead of sprawling out with vast land coverage of a site enhances environmental quality.

Utilities will be connected to the public system. The buildings will have a fire sprinkler system. Storm water management will be provided by a detention pond at the rear of the project.

Buffers will be installed as required around the tract perimeter adjacent to single-family housing. Streetyard, interior parking area and foundation plantings will add to the visual appeal of the project.

The County’s policies for growth and development encourage safe and affordable housing to be available to every citizen. Infill of vacant properties where services, jobs, and easy traffic circulation to other points in the County is an excellent opportunity for good economic development and increased tax base. We believe that this project meets those criteria and presents sensible density with an attractive design.
Applications must be reviewed by the Technical Review Committee prior to submission for Planning Board consideration. A fee of $300.00 per application will be charged. This fee is payable to New Hanover County and MUST accompany this application. The application must also be accompanied by a site plan conforming to the requirements of Section 69.2, Section 69.4 of the Zoning Ordinance and a special use permit application.

Applications for High Density Development are received and reviewed by New Hanover County Planning & Zoning and applicable to State, County, and Federal agencies.

You are encouraged to arrange an informal pre-application conference with Planning & Zoning Staff at least two weeks prior to the date upon which you intend to submit an application for TRC review. By attending this conference, you will improve your chances of submitting a complete and acceptable application. You should bring a rough sketch of your proposal to the conference. Planning & Zoning staff will proceed to:

1. Advise you of possible environmental concerns.
2. Generally describe the required improvements.
3. Point out significant design problems.
4. Advise you regarding the required approval letters.
5. Generally guide you in preparing the TRC submission.
6. Once completed, the High Density application and 15 copies of the site plan are submitted. New Hanover County Planning & Zoning will send a copy to each appropriate reviewing agency. When written agency comments have been received along with water and sewer letters, the site plan will be placed on the agenda for the next regularly scheduled Technical Review Committee (TRC) meeting. Written agency comments must be received three (3) weeks prior to the TRC meeting.
7. The required special use permit application may be submitted for Planning Board consideration at the next published deadline following TRC recommendation on the site plan. A site plan checklist is available to guide you through this process.

I certify that all information presented in this application is accurate to the best of my knowledge.

__________________________  __________________________
Signature of Petitioner or Property Owner  Print Name
Traffic Impact Worksheet

Prior to submission of nonresidential site plan, this worksheet must be prepared. A Traffic Impact Analysis will be required for all projects generating 100 peak hour trips or more. The scope of the TIA shall be determined by concurrence of the Planning Director, the MPO coordinator and NCDOT traffic engineer. Any mitigation measures required must be included in the final site plan submitted for review.

PROJECT NAME __________________________________

PROJECT ADDRESS _______________________________

DEVELOPER/OWNER _____________________________

EXISTING ZONING _______________________________

GROSS FLOOR AREA ________________________ sq. ft.

NEAREST INTERSECTION _________________________

BEFORE PROPOSED PROJECT

Average Daily Traffic (Date) 29,430 (2015)

LEVEL OF SERVICE (LOS) F

ITE MANUAL TRAFFIC GENERATION ESTIMATE:

*ITE Manual available at Planning Department

USE AND VARIABLES: ITE 8th Ed.Apartments (220)

(Example: Racquet Club; 8 courts; Saturday peaks)

AM PEAK HOUR TRIPS 49  PM PEAK HOUR TRIPS 60

(Traffic generation of 100 peak hour trips will require Traffic Impact Analysis Scoping meeting with Planning Department)

Person Providing Estimate ________________________

Signature ________________________

Peak Hour estimate confirmed by Planning & Zoning on ________________________ (Date)

By ________________________

Cindee Wolf from ITE Manual

Planning Board - March 2, 2017
ITEM: 2 - 7 - 11
Legal Description

for

4713 Carolina Beach Rd -- approx. 6.9 acres
PID: R07100-003-009-000

BEGINNING at a point in the Eastern line of State Highway #40 1265 feet southwardly (as measured along the eastern edge of the pavement on said Highway at right angles, then turn to the point of beginning) from the center of the eastern headwall of the culvert accommodating the waters of Barnard’s Creek, the said beginning point being the south-west corner of Lot #6 of the Division of part of the Biddle lands made by J. L. Becton, C. E., July 1934, and runs thence from said beginning point South 35 degrees 40 minutes East with and along the Eastern line of said Highway 200 feet to the Northwestern corner of Lot #8; thence North 54 degrees 20 minutes East along the dividing line between tracts 7 & 8, 1400 feet to the back line; thence North 11 degrees 55 minutes East with the back line about 250 feet more or less to the point that is exactly North 54 degrees 20 minutes East 1620 feet from the point of beginning; thence South 54 degrees 20 minutes West with a line at right angles to Highway #40 and along the Southern line of Tract #6 a distance of 1620 feet to the point of beginning, containing 6.9 acres, and being all of Tract #7 of the said subdivision of the Biddle Lands.
REPORT OF COMMUNITY MEETING REQUIRED BY
NEW HANOVER COUNTY ZONING ORIDINANCE
FOR CONDITIONAL DISTRICT REZONINGS

Location: 4713 Carolina Beach Road

Proposed Zoning: Conditional Use District / (CUD) R-10 / Modification

The undersigned hereby certifies that written notice of a community meeting on the above zoning application was given to the adjacent property owners set forth on the attached list by first class mail, and provided to the Planning Department for notice of the Sunshine List on January 12, 2017. A copy of the written notice is also attached.

The meeting was held at the following time and place: Thursday, January 26, 2017
6:00 – 7:00 p.m.; at the Silver Lake Baptist Church, 4715 Carolina Beach Road

The persons in attendance at the meeting were: Reference attached sign-in List

The following issues were discussed at the meeting: A brief synopsis of the past petition and the withdrawal of the group originally seeking tax credit funding for affordable housing was given, along with an introduction to the current site plan. There were questions about whether the developer would consider pricing some percentage of the units to meet the criteria for affordable housing. The status of the extension of Sikes Drive was discussed. Although it will be dedicated for public use, it would not be eligible for NCDOT acceptance and the City of Wilmington would not accept it until that underlying land area was annexed. The developers will be required to maintain the street until such time as other arrangements could be coordinated.

As a result of the meeting, the following changes were made to the rezoning petition: None

Date: January 28, 2017
Applicant: Design Solutions
By: Cindee Wolf
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email (Optional)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert Buyley</td>
<td>1202 Mateo Dr.</td>
<td><a href="mailto:robertbuyley@msn.com">robertbuyley@msn.com</a></td>
</tr>
<tr>
<td>Pam King</td>
<td>4304 Sunset Woods Dr.</td>
<td>pamela@<a href="mailto:therapeuticmassage@yahoo.com">therapeuticmassage@yahoo.com</a></td>
</tr>
<tr>
<td>Nancy Hawk</td>
<td>4126 Breezewood #203</td>
<td><a href="mailto:nancyhawk@att.net">nancyhawk@att.net</a></td>
</tr>
<tr>
<td>Steve Gasque</td>
<td>Pastor of Silver Lake Baptist</td>
<td><a href="mailto:sgasque.prv556@aol.com">sgasque.prv556@aol.com</a></td>
</tr>
</tbody>
</table>
Transmittal

January 12, 2017

To:    Adjacent Property Owners

From:  Cindee Wolf

Re:    Belle Meade Apartments – Phase III

You may recall that a plan for an 80-unit tax-credit housing apartment complex was approved for this property in May, 2016. The project did not receive the proposed funding opportunity and has not yet proceeded into detailed design and permitting.

The owners of the Belle Meade Apartments complex are now interested in expanding their existing project into this parcel. A modification of the existing approval would be required from the New Hanover County Board of Commissioners.

The Conditional Use District allows only a particular use to be established in accordance with specific standards and conditions pertaining to each individual development project. Essentially, this means that only that use, structures and layout of an approved proposal can be developed. A plan of the new project is attached. It includes a total of 96 units.

The County requires that the developer hold a meeting for all property owners within 500 feet of the tract boundary, and any and all other interested parties. This provides neighbors with an opportunity for explanation of the proposal and for questions to be answered concerning project improvements, benefits and impacts.

A meeting will be held on Thursday, January 26th, at the Silver Lake Baptist Church, 4715 Carolina Beach Road, 6:00 – 7:00 p.m. If you cannot attend, you are also welcome to contact me at telephone # 620-2374, or email cwolf@lobodemar.biz with comments and/or questions.

We appreciate your interest in the project and look forward to being a good neighbor and an asset to the community.
PROPOSED SITE PLAN
REGULAR
ITEM:

DEPARTMENT: PRESENTER(S): Ben Andrea, Current Planning & Zoning Supervisor

CONTACT(S): Ben Andrea, Current Planning & Zoning Supervisor; Ken Vafier, Planning Manager; and Chris O'Keefe, Planning & Land Use Director

SUBJECT:

Public Hearing
Rezoning Request (Z17-01) – Request by Design Solutions on behalf of the property owner, College Road Development Partners, LLC, to rezone 8.04 acres located at the 2600 block of N. College Road, from (CUD) R-10, Conditional Use Residential District, to (CZD) B-2, Conditional Highway Business District, in order to develop a mini-warehouse use.

BRIEF SUMMARY:

The subject property consists of 8.04 acres and was rezoned from B-2 and R-15 to (CUD) R-10 in May 2016 for a high density project of 88 units in four apartment buildings. Staff recommended approval of the 2016 rezoning request, finding it consistent with the 2016 Comprehensive Plan.

The property to the north hosts Laney High School. Single family residential lies to the east of the subject property, and adjacent to the south is a fast food restaurant within B-2 zoning. Land across the street is mostly vacant and undeveloped R-15 zoned property, with a small area of O&I zoning hosting a barber shop and electronics repair shop.

The current request is to rezone the property to (CZD) B-2 for 72,850 square feet of self-storage units in four buildings, along with access drives and parking to serve the development. Total impervious surface coverage decreases with the current proposal by 4,165 square feet, while the width of the buffer strip on the rear of the property between the homes on Long Ridge Drive and the developed area decreases from 48' and 65' widths to 22.5' in width.

The proposal would generate 11 AM peak hour trips and 19 PM peak hour trips, a reduction from the 45 AM peak hour trips and 55 PM peak hour trips projected to result from the approved 88-unit apartment complex. Due to the peak hour trip generation figures being less than 100, a Traffic Impact Analysis is not required to be performed.

The subject property is classified as Community Mixed Use by the 2016 Comprehensive Land Use Plan. This place type 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. A mini-storage development would not be consistent with this place type at this location because it does not serve as a commercial attractor for residents and visitors and does not support multi-modal travel. This type of low-density commercial operation also does not capitalize on existing and planned services, such as sidewalks and trails, and increases the distance between nearby residential neighborhoods and services that can be accessed by foot or bicycle.
STRATEGIC PLAN ALIGNMENT:
Intelligent Growth and Economic Development
• Attract and retain new and expanding businesses
• Understand and act on citizen needs

RECOMMENDED MOTION AND REQUESTED ACTIONS:
Staff recommends denial and suggest the following motion:

Motion to recommend denial, as the Planning Board find that this application for a zoning map amendment is:

1. **Inconsistent** with the purposes and intent of the Community Mixed Use place type in the 2016 Comprehensive Plan because the proposed development of a mini-warehouse use does not contribute to the creation of small scale, compact, mixed use development patterns that serve multi-modal travel and act as an attractor for county residents and visitors.

2. **Not reasonable and not in the public interest** because the proposed mini-warehouse use will not maximize the available and planned services and infrastructure in the area, and because it does not encourage other modes of transportation that would reduce the dependency on the automobile.

ATTACHMENTS:
Z17-01 Script
Z17-01 Staff Summary
Z17-01 Neighbor Properties Map
Z17-01 Zoning Map
Z17-01 Future Land Use Map
Applicant Materials Cover Page
Z17-01 Application Package
Proposed Site Plan Cover Page
Z17-01 Proposed Site Plan
SCRIPT FOR Conditional Zoning District Application (Z17-01)

Rezoning Request (Z17-01) – Request by Design Solutions on behalf of the property owner, College Road Development Partners, LLC, to rezone 8.04 acres located at the 2600 block of N. College Road, from (CUD) R-10, Conditional Use Residential District, to (CZD) B-2, Conditional Highway Business District, in order to develop a mini-warehouse use.

This is a public hearing. We will hear a presentation from staff. Then the applicant and any opponents will each be allowed 15 minutes for their presentation and additional 5 minutes for rebuttal.

1. Conduct Hearing, as follows:
   a. Staff presentation
   b. Applicant’s presentation (up to 15 minutes)
   c. Opponent’s presentation (up to 15 minutes)
   d. Applicant’s cross examination/rebuttal (up to 5 minutes)
   e. Opponent’s cross examination/rebuttal (up to 5 minutes)

2. Close the Public Hearing

3. Board discussion

4. At this time, you may ask to either continue the application to a future meeting, or to proceed with this Board deciding whether to recommend approval or denial of the application. What do you wish to do?

5. Vote on the conditional zoning district application. The motion should include a statement saying how the change is, or is not, consistent with the land use plan and why it is, or is not, reasonable and in the public interest.

Staff Suggested Motion:
Motion to recommend denial, as the Planning Board find that this application for a zoning map amendment of is:

1. Inconsistent with the purposes and intent of the Community Mixed Use place type in the 2016 Comprehensive Plan because the proposed development of a mini-warehouse use does not contribute to the creation of small scale, compact, mixed use development patterns that serve multi-modal travel and act as an attractor for county residents and visitors.

2. Not reasonable and not in the public interest because the proposed mini-warehouse use will not maximize the available and planned services and infrastructure in the area, and because it does not encourage other modes of transportation that would reduce the dependency on the automobile.
**APPLICATION SUMMARY**

**Case Number:** Z17-01

**Request:**
Rezoning to establish a Conditional Zoning District in order to allow for the development of a mini-warehousing use.

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Property Owner(s):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cindee Wolf of Design Solutions</td>
<td>College Road Development Partners, LLC</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Location:</th>
<th>Acreage:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2608 N. College Road</td>
<td>8.04 acres</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>PID(s):</th>
<th>Place Type:</th>
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<tr>
<td>R03408-001-002-000</td>
<td>Community Mixed Use</td>
</tr>
<tr>
<td>R03408-001-003-000</td>
<td></td>
</tr>
<tr>
<td>R03408-001-004-000</td>
<td></td>
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</table>

**Existing Land Use:**
Undeveloped

**Proposed Land Use:**
Self-Storage Facility

<table>
<thead>
<tr>
<th>Current Zoning:</th>
<th>Proposed Zoning:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(CUD) R-10 Conditional Use Zoning District</td>
<td>(CZD) B-2</td>
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**SURROUNDING AREA**

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>ZONING</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Institutional (Laney High School)</td>
</tr>
<tr>
<td>East</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>South</td>
<td>Commercial (Taco Bell)</td>
</tr>
<tr>
<td>West</td>
<td>Mostly Undeveloped; Barber Shop, Electronics Repair Shop</td>
</tr>
</tbody>
</table>
ZONING HISTORY

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 7, 1972</td>
<td>Initially zoned R-20</td>
</tr>
<tr>
<td>July 13, 1998</td>
<td>300' strip adjacent to N. College Rd rezoned to B-2</td>
</tr>
<tr>
<td>May 2, 2016</td>
<td>Rezoned from B-2 and R-1.5 to (CUD) R-10 for 88 apartments</td>
</tr>
</tbody>
</table>

COMMUNITY SERVICES

<table>
<thead>
<tr>
<th>Service</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water/Sewer</td>
<td>Water and Sewer is available through CFPUA</td>
</tr>
<tr>
<td>Fire Protection</td>
<td>New Hanover County Fire Services, New Hanover County North Fire District</td>
</tr>
<tr>
<td>Schools</td>
<td>Castle Hayne Elementary, Eaton Elementary, Trask Middle, and Laney High schools</td>
</tr>
<tr>
<td>Recreation</td>
<td>Olsen Park</td>
</tr>
</tbody>
</table>

CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES

<table>
<thead>
<tr>
<th>Resource</th>
<th>Information</th>
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</thead>
<tbody>
<tr>
<td>Conservation</td>
<td>No known conservation resources</td>
</tr>
<tr>
<td>Historic</td>
<td>No known historic resources</td>
</tr>
<tr>
<td>Archaeological</td>
<td>No known archaeological resources</td>
</tr>
</tbody>
</table>
CURRENT APPROVED SITE PLAN & CONDITIONS

- The (CUD) R-10 Conditional Use Zoning District was approved on May 2, 2016 and allows for an 88-unit apartment complex in four buildings on the site.
- The following conditions were placed on the approved rezoning:
  1. A 10' multi-use path shall be installed along N. College Road in accordance with the Wilmington/New Hanover County Comprehensive Greenway Plan. The multi-use path shall be constructed to the adjoining properties and shall include any necessary crosswalks, boardwalks, or bridges.
  2. Existing vegetation must remain within the rear buffer and be supplemented as necessary to provide the 100% visual opacity requirement.
The proposal includes 72,850 square feet of self-storage units in four buildings, along with access drives and parking to serve the development.

Total impervious surface area decreases from 123,750 SF with the approved high density development project to 119,585 SF with the current proposal for self-storage.

The width of the buffer strip between the subject site and the existing single family residential along Long Ridge Drive decreases from 48’ and 65’ widths in some areas on the approved high density development plan to 22.5’ in width with the current proposal.

PROPOSED SITE PLAN
TRANSPORTATION

- Access will be provided via an existing driveway serving the subject site as well as the existing fast food restaurant (Taco Bell).
- This driveway was installed in addition to offsite improvements recommended by an approved TIA for a 2013 development proposal that included a fast-food restaurant and a mixed-use building consisting of 120 dwelling units and office/retail space.
- A 10' wide multi-use path is proposed in front of the subject property along N. College Road within the NC DOT right-of-way.
- A bus stop for WAVE Transit route 204 is located on southbound N. College Road just north of the property near New Village Way.

Traffic Count – February 28, 2015

<table>
<thead>
<tr>
<th>Road</th>
<th>Location</th>
<th>Volume</th>
<th>Capacity</th>
<th>V/C</th>
<th>LOS</th>
</tr>
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<tbody>
<tr>
<td>N. College Road</td>
<td>Near Long Ridge Lane</td>
<td>28,020</td>
<td>17,060</td>
<td>1.64</td>
<td>F</td>
</tr>
</tbody>
</table>

Trip Generation

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>INTENSITY</th>
<th>AM PEAK</th>
<th>PM PEAK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mini-storage (151)</td>
<td>72,850 SF</td>
<td>11</td>
<td>19</td>
</tr>
</tbody>
</table>

- Traffic Impact Analysis are required to be completed for proposals that will generate more than 100 peak hour trips in either the AM or PM peak hours.
- A Traffic Impact Analysis was completed for a development proposal on this property in 2013, which included a fast-food restaurant and a mixed-use building consisting of 120 dwelling units and office/retail space.
- The improvements required as part of that TIA have been installed, including the addition of a center turn lane along N. College Road.
- An updated TIA was not required for the 2016 rezoning proposal, nor is one required for the current rezoning proposal.

ENVIRONMENTAL

- Portions of the property are located within an AE Special Flood Hazard Area, with a Base Flood Elevation of 32 feet. The preliminary flood map places the entire property within the AE Special Flood Hazard Area with a Base Flood Elevation of 35 feet, and also includes the area around the stream as AE Floodway.
- Stormwater management will be reviewed by the New Hanover County Engineering Department and by the NC Department of Environmental Quality. The development will utilize, and improve as required, the existing stormwater pond located on the site and create a second pond to manage runoff.
- The stream on the property may be subject to additional buffering standards required by the NC Division of Water Resources.
- The subject property is within the Smith Creek (C7Sw) watershed.
2016 COMPREHENSIVE 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. Specific goals of the comprehensive plan are designated to be promoted in each place type, and other goals may be relevant for particular properties.

<table>
<thead>
<tr>
<th>Future Land Use Map Place Type</th>
<th>Community Mixed Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Place Type Description</td>
<td>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.</td>
</tr>
<tr>
<td>Consistency Analysis</td>
<td>A mini-storage development would not be consistent with this place type in at this location because it does not serve as a commercial attractor for residents and visitors and does not support multi-modal travel. This type of low-density commercial operation also does not capitalize on existing and planned services, such as sidewalks and trails, and increases the distance between nearby residential neighborhoods and services that can be accessed by foot or bicycle.</td>
</tr>
</tbody>
</table>

Relevant Goals of the Comprehensive Plan

<table>
<thead>
<tr>
<th>Goal I: Support business success</th>
<th>Desired Outcome: A vibrant economy for New Hanover County based on business success</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consistency Analysis: A low-density use such as mini-storage, which serves a small portion of the community, does not allow for the desired commercial and office uses that could capitalize on the close proximity of residential neighborhoods, schools, and other commercial services or for residential uses that could support existing businesses.</td>
<td></td>
</tr>
<tr>
<td>Goal III: Promote fiscally responsible growth</td>
<td>Desired Outcome: Growth patterns that achieve efficient provisions of services and equitable distribution of costs between the public and private sectors</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Consistency Analysis:</strong> Because of the location of the subject property along a major road, near an intersection, and immediately adjacent to a school, utility and transportation infrastructure to serve the location have already been provided or are planned. Locating low-density uses, such as mini-storage facilities, in locations with these types of existing services decreases the fiscal efficiencies of their provision.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Goal VIII: Integrate multi-modal transportation into mixed land uses that encourage safe, walkable communities</th>
<th>Desired Outcome: A community with a mixture of land uses that allows for individuals to perform daily tasks without the use of an automobile. A community where individuals can safely walk, bike, and access transit.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Consistency Analysis:</strong> While the proposed site plan does include a sidewalk along N. College Rd., the use itself, which is low-density and automobile-oriented, does not encourage alternative modes of transportation. Instead of providing a destination for pedestrians and bicyclists, including students, it will preserve an existing gap between residential neighborhoods, the high school, and services.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Goal IX: Promote environmentally responsible growth</th>
<th>Desired Outcome: Development that accommodates population growth while minimizing negative impacts on natural resources</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Consistency Analysis:</strong> The implementation guidelines for this goal recommend encouraging incremental inclusion of mixed uses into areas that are single-use dominated and encouraging infill development to maximize use of previously developed sites for highest and best uses. The low-density single-use proposed, while technically infill, is not consistent with either of these guidelines. The proposal would not provide the optimum return on the public investments on the current and planned infrastructure.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Goal XVI: Increase public safety by reducing crime through the built environment</th>
<th>Desired Outcome: New development patterns that focus on increased public safety</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Consistency Analysis:</strong> One of the strategies to achieve this goal is encouraging a walkable community that creates more human interaction between neighbors (eyes on the street/social space). The low-density nature of this use decreases potential eyes on the street, which are especially valuable on the subject property due to its proximity to the high school and a planned greenway along the creek.</td>
<td></td>
</tr>
</tbody>
</table>

| Goal XVIII: Increase physical activity and promote healthy active lifestyles | Desired Outcome: A built environment that encourages active lifestyles and increased health through walking and biking. |
Consistency Analysis: While the proposed site design does include a sidewalk, low-density uses, such as a mini-storage facility, do not encourage individuals to walk rather than relying on vehicles. Because mini-storage facilities are automobile-oriented uses, the proposed development will preserve an existing gap between potential pedestrians and bicyclists and existing commercial services.

<table>
<thead>
<tr>
<th>Goal XXI: Ensure NHC remains in attainment for air quality, in support of clean air and improved health outcomes in support of continued growth</th>
<th>Desired Outcome: New Hanover County to remain in attainment for air quality to protect public health and retain and attract development and industries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consistency Analysis: The comprehensive plan outlines strategies on encouraging compact development, mixture of uses, and other development patterns that minimize automobile trips and are conducive to pedestrian and bicycle use. The proposed low-density, automobile-oriented use retains an existing gap between potential pedestrians and bicyclists and existing commercial services.</td>
<td></td>
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</tbody>
</table>

Staff Analysis of Comprehensive Plan Consistency

The proposed mini-storage development is not consistent with the goals of the 2016 Comprehensive Plan, which calls for compact, mixed use development providing services that can be accessed by foot or bicycle. Mini-storage facilities are low-density and automobile-oriented and are more appropriately sited in areas without existing and planned utility and bicycle/pedestrian infrastructure. Because they do not use utilities and do not support bicycle or pedestrian travel, these types of uses do not provide a high return on public infrastructure investment, and are not consistent with the strategies for mixed use development in the Comprehensive Plan.

COMMUNITY MEETING NOTES

- A community meeting was held on Wednesday, January 25, 2017 in accordance with the requirements for such an application.
- The applicant has provided a summary of the meeting in the application. No opposition was presented by the only meeting attendee.
- No modifications were made to the proposed site plan after the community information meeting.

STAFF RECOMMENDATION

Staff recommends denial of the application. Staff concludes that the application is:

1. Inconsistent with the purposes and intent of the Community Mixed Use place type in the 2016 Comprehensive Plan because the proposed development of a mini-warehouse use does not contribute to the creation of small scale, compact, mixed use development patterns that serve multi-modal travel and act as an attractor for county residents and visitors.
2. Not reasonable and not in the public interest because the proposed mini-warehouse use will not maximize the available and planned services and infrastructure in the area, and because it does not encourage other modes of transportation that would reduce the dependency on the automobile.
Case: Z17-01

Site Address: 2600 block N College Rd

Existing Zoning/Use:
(CUD) R-10/Undeveloped

Request:
Conditional Zoning District

Proposed Zoning:
(CUD) B-2/Self-Storage

Existing Zoning/Use:
(CU) R-15

Proposed Zoning:
(CU) R-10

Conditional Zoning District (CUD)
Indicates Conditional Use District (CUD)

General Zoning Districts
Indicates General Zoning District (GZD)

See Section 55.1 of the Zoning Ordinance

Area Zoned
See Section 55.2 of the Zoning Ordinance

Incorporated Areas

Planning Board - March 2, 2017
ITEM: 3 - 4 - 1
Case: Z17-01

Existing Zoning/Use:
(CUD) R-10/ Undeveloped

Proposed Zoning:
(C2D) B-2/ Self-Storage

Request:
Conditional Zoning District

Site Address:
2600 block N College Rd

Place Types
1. Commerce Zone
2. Employment Center
3. General Residential
4. Urban Mixed Use
5. Community Mixed Use
6. Rural Residential
7. Conservation

Neighboring Parcels

Planning Board - March 2, 2017
ITEM: 3 - 5 - 1
APPLICANT MATERIALS
### Application Information

<table>
<thead>
<tr>
<th>Petitioner Information</th>
<th>Property Owner(s)</th>
<th>Subject Property</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name</strong></td>
<td><strong>Owner Name</strong></td>
<td><strong>Address</strong></td>
</tr>
<tr>
<td>Cindee Wolf</td>
<td>College Road Dev. Ptnrs, L.L.C.</td>
<td>2608,2618&amp;2624 N College</td>
</tr>
<tr>
<td><strong>Company</strong></td>
<td><strong>Owner Name 2</strong></td>
<td><strong>Parcel ID(s)</strong></td>
</tr>
<tr>
<td>Design Solutions</td>
<td></td>
<td>324017.00.8285,5059&amp;5301</td>
</tr>
<tr>
<td><strong>Address</strong></td>
<td><strong>Address</strong></td>
<td><strong>Area</strong></td>
</tr>
<tr>
<td>PO Box 7221</td>
<td>6626-C Gordon Road</td>
<td>8.04 ac. +/-</td>
</tr>
<tr>
<td><strong>City, State, Zip</strong></td>
<td><strong>City, State, Zip</strong></td>
<td><strong>Existing Zoning and Use</strong></td>
</tr>
<tr>
<td>Wilmington, NC 28406</td>
<td>Wilmington, NC 28411</td>
<td>(CUD) R-10</td>
</tr>
<tr>
<td><strong>Phone</strong></td>
<td><strong>Phone</strong></td>
<td><strong>Proposed Use</strong></td>
</tr>
<tr>
<td>910-620-2374</td>
<td>910-799-3006 / Contact: Adam Sosne</td>
<td>(CZD) B-2 Self-Storage</td>
</tr>
<tr>
<td><strong>Email</strong></td>
<td><strong>Email</strong></td>
<td><strong>Land Classification</strong></td>
</tr>
<tr>
<td><a href="mailto:cwolf@lobodemar.biz">cwolf@lobodemar.biz</a></td>
<td><a href="mailto:adamsosne@yahoo.com">adamsosne@yahoo.com</a></td>
<td>Community Mixed-Use</td>
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</tbody>
</table>

### Application Tracking Information (Staff Only)

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Date/Time received:</th>
<th>Received by:</th>
</tr>
</thead>
</table>

### APPLICATION OVERVIEW

In order to assist petitioners through the rezoning process, petitioners are highly encouraged to attend a pre-application conference prior to application submittal. Petitioners are requested to review the sections of the Zoning Ordinance specific to zoning amendments and conditional zoning districts prior to submission, and advised to contact Planning Staff with any questions. The following sections of the Zoning Ordinance pertain specifically to zoning amendments and conditional zoning districts:

- **Section 55.3**: Conditional Zoning Districts
- **Section 110**: Amending the Ordinance
- **Section 111**: Petitions
- **Section 112**: Approval Process

Applications for zoning amendments must first be considered by the New Hanover County Planning Board at a public hearing. The Planning Board will make a recommendation to the County Commissioners which will take final action on the permit application in a quasi-judicial public hearing. Attendance at all public hearings is required. The public hearings will allow staff, the applicant, proponents and opponents to testify in regards to the request. Unless otherwise published or announced, Planning Board meetings are held on the first Thursday of each month at 6:00PM in the Commissioner's Assembly Room at the Historic County Courthouse located at Third and Princess Streets, Wilmington, North Carolina. All meeting dates and application deadlines are published on the New Hanover County Planning website.
APPLICATION REQUIREMENTS

In order to assist petitioners through the rezoning process, petitioners are highly encouraged to attend a pre-application conference prior to application submittal. Applications must be reviewed by Planning Staff for completeness prior to being officially accepted. Applications must be submitted to Planning Staff at least twenty (20) working days before the Planning Board meeting at which the application is to be considered. In order to allow time to process, fees and review for completeness, applications will not be accepted after 5:00 PM on the deadline day. Once accepted, the Planning Board will consider the application at the assigned meeting unless the applicant requests a continuance.

For all proposals, in addition to this application, the following supplemental information and materials are required:

<table>
<thead>
<tr>
<th>Required Information</th>
<th>Applicant Initial</th>
<th>Staff Initial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copy of the New Hanover County Tax Map, which delineates the property requested for rezoning.</td>
<td>CAM</td>
<td></td>
</tr>
<tr>
<td>Legal description (by metes and bounds) of property requested for rezoning.</td>
<td>CAM</td>
<td></td>
</tr>
<tr>
<td>Copy of the subdivision map or recorded plat which delineates the property.</td>
<td>CAM</td>
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<tr>
<td>Site Plan (8-24x36 copies for Planning Board; 8-24x36 copies for Commissioners)</td>
<td>CAM</td>
<td></td>
</tr>
<tr>
<td>• Tract boundaries and total area, location of adjoining parcels and roads</td>
<td>CAM</td>
<td></td>
</tr>
<tr>
<td>• Proposed use of land, structures and other improvements. For residential uses, this shall include number, height and type of units and area to be occupied by each structure and/or subdivided boundaries. For non-residential uses, this shall include approximate square footage and height of each structure, an outline of the area it will occupy and the specific purpose for which it will be used.</td>
<td>CAM</td>
<td></td>
</tr>
<tr>
<td>• Development schedule including proposed phasing.</td>
<td>CAM</td>
<td></td>
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<tr>
<td>• Traffic and Parking Plan to include a statement of impact concerning local traffic near the tract, proposed right-of-way dedication, plans for access to and from the tract, location, width and right-of-way for internal streets and location, arrangement and access provision for parking areas.</td>
<td>CAM</td>
<td></td>
</tr>
<tr>
<td>• All existing and proposed easements, reservations, required setbacks, rights-of-way, buffering and signage</td>
<td>CAM</td>
<td></td>
</tr>
<tr>
<td>• The one hundred (100) year floodplain line, if applicable</td>
<td>CAM</td>
<td></td>
</tr>
<tr>
<td>• Location and sizing of trees required to be protected under Section 62 of the Zoning Ordinance</td>
<td>CAM</td>
<td></td>
</tr>
<tr>
<td>• Any additional conditions and requirements, which represent greater restrictions on development and use of the tract than the corresponding General Use District regulations or other limitations on land which may be regulated by State law or Local Ordinance.</td>
<td>CAM</td>
<td></td>
</tr>
<tr>
<td>• Any other information that will facilitate review of the proposed change (Ref. Article VII, as applicable)</td>
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<tr>
<td>A report of the required public information meeting outlined in Section 111-2.1.</td>
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<td>Authority for Appointment of Agent Form (if applicable)</td>
<td>CAM</td>
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<tr>
<td>Fee - For petitions involving 5 acres or less, $600. For petitions involving greater than 5 acres, $700</td>
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CRITERIA REQUIRED FOR APPROVAL OF A CHANGE OF ZONING

Conditional Use District Zoning is established to address situations where a particular land use would be consistent with the New Hanover County Land Use Plan and the Zoning Ordinance objective but for which none of the general zoning classifications which would allow that use are acceptable. The applicant should explain, with reference to attached plans (where applicable), how the proposed use satisfies these requirements. The applicant has the burden of proof and must provide sufficient evidence in order for the required findings to be met.

You must explain in the space below how your request satisfies each of the following requirements (attach additional sheets if necessary):

1. How would the requested change be consistent with the County’s Policies for Growth and Development?

   Policies for growth encourage continued efforts to attract & retain businesses. The proposal is to develop a self-storage facility along a busy commercial thoroughfare. Extending the business zone, but with conditional regulations is consistent with the concept of in-filling parcels where urban services are available.

2. How would the requested zone change be consistent with the property’s classification on the Land Classification Map?

   The site is in a “Community Mixed-use” land classification. The classification is intended for more intensive development where urban services are already in place. The provision of services for the existing or proposed residential neighborhoods in the vicinity maximizes the effectiveness in close proximity with the market it would serve.

3. What significant neighborhood changes have occurred to make the original zoning inappropriate, or how is the land involved unsuitable for the uses permitted under the existing zoning?

   This section of N College Road is a busy corridor with a mixture of commercial uses. The existing plan for this parcel is an apartment complex. This proposal should have less impact on the surrounding area. Use of the tract will require full permitting & meeting Ordinance requirements.

4. List proposed conditions and restrictions that would mitigate the impacts of the proposed use(s).

   The trip generation for a self-storage facility is much lower than many of the more intense business and residential uses that could be appropriate for this location. Bufferyards will mitigate any impacts to the adjacent residential uses. Streetyard plantings will meet the landscape requirements. The rezoning would maximize the effectiveness of commercial uses by assuring that land is available in proximity to the markets they serve.

If an applicant requests delay of consideration from the Planning Board or Board of County Commissioners before notice has been sent to the newspaper, the item will be calendared for the next meeting and no fee will be required. If delay is requested after notice has been sent to the newspaper, the Board will act on the request at the scheduled meeting and are under no obligation to grant the continuance. If the continuance is granted, a fee in accordance with the adopted fee schedule as published on the New Hanover County Planning website will be required.

By my signature below, I understand and accept all of the conditions, limitations and obligations of the Conditional Use District zoning for which I am applying. I understand that the existing official zoning map is presumed to be correct. I understand that I have the burden of proving why this requested change is in the public interest. I certify that this application is complete and that all information presented in this application is accurate to the best of my knowledge, information, and belief.

Cynthia Wolf / Design Solutions

Signature of Petitioner and/or Property Owner

Print Name
Please note that for quasi-judicial proceedings, either the land owner or an attorney must be present for the case at the public hearing.

The undersigned owner does hereby appoint an authorized the agent described herein as their exclusive agent for the purpose of petitioning New Hanover County for a variance, special use permit, rezoning request, and/or an appeal of Staff decisions applicable to the property described in the attached petition. The Agent is hereby authorized to, on behalf of the property owner:

1. Submit a proper petition and the required supplemental information and materials
2. Appeal at public meetings to give representation and commitments on behalf of the property owner
3. Act on the property owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition applicable to the New Hanover County Zoning Ordinance.

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<tr>
<th>Agent Information</th>
<th>Property Owner(s)</th>
<th>Subject Property</th>
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<tr>
<td>Name</td>
<td>Owner Name</td>
<td>Address</td>
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<tr>
<td>Cindee Wolf</td>
<td>College Road Dev. Pttrs., LLC</td>
<td>2608,2618 &amp; 2624 N College</td>
</tr>
<tr>
<td>Company</td>
<td>Owner Name 2</td>
<td>City, State, Zip</td>
</tr>
<tr>
<td>Design Solutions</td>
<td>Barry Amos - Manager</td>
<td>Wilmington, NC</td>
</tr>
<tr>
<td>Address</td>
<td>Address</td>
<td>Parcel ID</td>
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<tr>
<td>P.O. Box 7221</td>
<td>6626-C Gordon Road</td>
<td>324017.00.8285,5059 &amp; 5301</td>
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<tr>
<td>City, State, Zip</td>
<td>City, State, Zip</td>
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<tr>
<td>Wilmington, NC 28406</td>
<td>Wilmington, NC 28411</td>
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<tr>
<td>Phone</td>
<td>Phone</td>
<td></td>
</tr>
<tr>
<td>910-620-2374</td>
<td>910-799-3006 / Contact: Adam Sosne</td>
<td></td>
</tr>
<tr>
<td>Email</td>
<td>Email</td>
<td></td>
</tr>
<tr>
<td><a href="mailto:cwolf@lobodemar.biz">cwolf@lobodemar.biz</a></td>
<td><a href="mailto:adamsosne@yahoo.com">adamsosne@yahoo.com</a></td>
<td></td>
</tr>
</tbody>
</table>

This document was willfully executed on the __ day of Jan, 2017.

[Signatures]

Owner 1 Signature  Owner 2 Signature
Legal Description
for Conditional Use District Rezoning
of 2608, 2618 & 2624 N. College Road

Beginning at a point in the eastern boundary of N. College Road (NC Hwy. 132), a 200' public right-of-way; said point being located North 18°21'47" West, 370.42 feet from its intersection with the northern boundary of Long Ridge Drive, a 60' public right-of-way; and running thence with the N. College Road right-of-way, North 18°21'47" West, 602.01 feet to a point; thence North 78°22'26" East, 601.05 feet to a point; thence South 00°28'59" East, 139.50 feet to a point; thence North 67°37'59" East, 66.67 feet to a point; thence North 73°19'43" East, 33.87 feet to a point; thence North 65°10'37" East, 17.69 feet to a point; thence North 53°59'58" East, 31.06 feet to a point; thence North 61°31'50" East, 20.98 feet to a point; thence South 13°04'48" West, 652.92 feet to a point; thence South 71°34'16" West, 81.62 feet to a point; thence North 18°21'47" West, 140.00 feet to a point; thence South 71°34'16" West, 300.04 feet to the point and place of beginning, containing 8.04 acres, more or less.

Also being defined as “Tract 2, Pond Tract & Remaining Tract,” on a plat entitled “Clayton Long - Recombination & Easement Plat,” recorded among the land records of the New Hanover County Registry in Map Book 59, at Page 92.
Traffic Impact Worksheet

Prior to submission of nonresidential site plan, this worksheet must be prepared. A Traffic Impact Analysis will be required for all projects generating 100 peak hour trips or more. The scope of the TIA shall be determined by concurrence of the Planning Director, the MPO coordinator and NCDOT traffic engineer. Any mitigation measures required must be included in the final site plan submitted for review.

PROJECT NAME __________________________________
PROJECT ADDRESS _______________________________
DEVELOPER/OWNER _____________________________
EXISTING ZONING _______________________________
GROSS FLOOR AREA ________________________ sq. ft.
NEAREST INTERSECTION _________________________

BEFORE PROPOSED PROJECT
Average Daily Traffic (Date) ____________________
LEVEL OF SERVICE (LOS) _____ AM - E / PM - D _____

ITE MANUAL TRAFFIC GENERATION ESTIMATE:
ITE Manual available at Planning Department

USE AND VARIABLES: __________________________
(Example: Racquet Club; 8 courts; Saturday peaks)

AM PEAK HOUR TRIPS _____ 11 _____ PM PEAK HOUR TRIPS _____ 19 _____
(Traffic generation of 100 peak hour trips will require Traffic Impact Analysis Scoping meeting with Planning Department)

Person Providing Estimate Cindee Wolf from ITE Manual ___________ Signature ___________

Peak Hour estimate confirmed by Planning & Zoning on ______________________ (Date)

By ________________________________

Planning Board - March 2, 2017
ITEM: 3 - 7 - 8
REPORT OF COMMUNITY MEETING REQUIRED BY NEW HANOVER COUNTY ZONING ORIDINANCE FOR CONDITIONAL DISTRICT REZONINGS

Location: 2608, 2618 & 2624 N College Road

Proposed Zoning: Conditional Zoning District / (CZD) B-2

The undersigned hereby certifies that written notice of a community meeting on the above zoning application was given to the adjacent property owners set forth on the attached list by first class mail, and provided to the Planning Department for notice of the Sunshine List on January 12, 2017. A copy of the written notice is also attached.

The meeting was held at the following time and place: Wednesday, January 25, 2017
6:00 – 7:00 p.m.; at the New Hanover Co Fire Station #17; 5901 Murrayville Road

The persons in attendance at the meeting were: Reference attached sign-in List;
An email from a notification recipient is also attached.

The following issues were discussed at the meeting: The only gentlemen to attend asked questions about whether there would be exterior access doors adjacent to the Long Ridge neighborhood. There will not be. He commented that this would be a better use than the apartments as far as traffic generation and potential noise after business hours.

As a result of the meeting, the following changes were made to the rezoning petition: None

Date: January 26, 2017
Applicant: Design Solutions
By: Cindee Wolf
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email (Optional)</th>
</tr>
</thead>
<tbody>
<tr>
<td>W. Lawrence</td>
<td>136 Long Ridge</td>
<td></td>
</tr>
<tr>
<td>Brad Schuler</td>
<td>NHDO Planning</td>
<td></td>
</tr>
<tr>
<td>Adam Sosne</td>
<td>Developer</td>
<td></td>
</tr>
<tr>
<td>Candee Wolf</td>
<td>Land Planner</td>
<td></td>
</tr>
</tbody>
</table>
Ms. Wolf,

I am unable to attend the meeting on Jan. 25th to discuss the proposed storage unit, next to Taco Bell, on North College Road.

As a resident of Northchase, and a frequent traveler on this roadway, I oppose this building. While our area is currently more rural than most of New Hanover County, it is an area of families and homes. I would prefer to see some building that reflects this family oriented area, instead of another bunch of metal buildings.

Currently, in a five mile radius of your proposed site, there are six storage facilities already built or in the process of building:
2 on Gordon Road, 1 in Murrayville Station, 2 next to and behind the Food Lion, 1 in Castle Hayne. I question the need of another.

Thank you for allowing me to state my concern.
Paula Tayson
<table>
<thead>
<tr>
<th>MAPID</th>
<th>PARID</th>
<th>OWN1</th>
<th>ADD_STR</th>
<th>CITY_ST</th>
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<td>ATLANTA GA 30309</td>
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<td>R03408-001-006-000</td>
<td>WRIGHTSBORO UNITED METHODIST</td>
<td>3300 KERR AVE N</td>
<td>WILMINGTON NC 28405</td>
</tr>
</tbody>
</table>
Transmittal

January 12, 2017

To: Adjacent Property Owners

From: Cindee Wolf

Re: North College Storage Facility

You may recall that a plan for an 88-unit apartment complex was approved for this property in May, 2016. The traffic generation from that kind of use was certainly a topic of much of the discussion. The project has not yet proceeded into detailed design and permitting.

The owner has re-evaluated the highest and best use for the property, and is now interested in the alternative of developing a self-storage facility. The trip generation for a self-storage facility would be much lower than the current plan or than many of the more intense business uses that might be appropriate for this location. This modification of the existing approval would require a new Conditional Zoning District approval from New Hanover County.

Again, conditional zoning allows only a particular use to be established in accordance with specific standards and conditions pertaining to each individual development project. Essentially, this means that only that use, structures and layout of an approved proposal can be developed. A plan of the new project is attached.

The County requires that the developer hold a meeting for all property owners within 500 feet of the tract boundary, and any and all other interested parties. This provides neighbors with an opportunity for explanation of the proposal and for questions to be answered concerning project improvements, benefits and impacts.

A meeting will be held on Wednesday, January 25th, at the Murrayville Fire Station #17, 5901 Murrayville Rd., 6:00 – 7:00 p.m. If you cannot attend, you are also welcome to contact me at telephone # 620-2374, or email cwolf@lobodemar.biz with comments and/or questions.

We appreciate your interest in the project and look forward to being a good neighbor and an asset to the community.
PROPOSED SITE PLAN
REGULAR
ITEM:

DEPARTMENT: PRESENTER(S): Ben Andrea, Current Planning & Zoning Supervisor

CONTACT(S): Ben Andrea, Current Planning & Zoning Supervisor; Ken Vafier, Planning Manager; and Chris O'Keefe, Planning & Land Use Director

SUBJECT:

Public Hearing
Special Use Permit Request (S17-01) – Request by Design Solutions on behalf of the property owner, Church of God of Prophecy, for a Special Use Permit in order to operate a personal care facility on 6.87 acres of land located at 1380 N. College Road.

BRIEF SUMMARY:

Design Solutions, applicant, on behalf of Church of God of Prophecy is requesting a Special Use Permit for the operation of a Personal Care Facility on a 6.87 acre site located at 1380 N. College Road. The site has historically been used as a church and included a day care facility for the past several years. The site has three existing buildings that will be used. Additional improvements to the site will include one building expansion, and improved driveway, increased parking supply, improved internal vehicular circulation, stormwater management, improved landscaping and buffering, and provisions for a future bicycle and pedestrian path along N. College Road.

The use consists of a facility offering a multitude of care and recreation for senior citizens aged 55 and over. Daily participation will include up to 112 participants, many of which are brought to the facility by vans that provide home pick up and drop off. Around 70 regular employees will be on site daily. Services that would be provided include medical care, adult day care, recreational therapy, social work counseling, nutritional counseling, and prescription drugs.

The site is zoned R-10 and R-15 residential zoning districts. Personal Care Facilities are allowed by Special Use Permit in both the R-10 and R-15 districts.

Trips from the use are projected to be 64 AM peak hour trips and 82 PM peak hour trips. The trip generation from the project does not trigger the requirement for a Traffic Impact Analysis (TIA) to be performed.

The 2016 Comprehensive Land Use Plan classifies the subject property as General Residential. This place type focuses on lower-density housing and associated civic and commercial services. The proposal is consistent with the goals of the 2016 Comprehensive Plan, as it re-uses and expands an existing non-residential site along a major highway with a use that can provide community services. The proposed site design also includes features supporting the recommended bicycle and pedestrian infrastructure recommended in the plan, including a 20’ wide pedestrian and non-vehicular access easement for a future multi-use path as recommended in Wilmington/New Hanover County Comprehensive Greenway Plan, and also a pedestrian access point to the property that provides multimodal integration into the surrounding community.

STRATEGIC PLAN ALIGNMENT:
Intelligent Growth and Economic Development

- Attract and retain new and expanding businesses
- Implement plans for land use, economic development, infrastructure and environmental programs
- Understand and act on citizen needs

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Staff has conducted an analysis of the proposed use and the information provided as part of the application package, in addition to supplemental information provided by the applicant, and has created preliminary findings of fact to support 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 Planning Board meeting. Staff concludes that based on the information presented with the application and supplemental correspondence, the four required conclusions could be met to approve the special use permit request.

ACTION NEEDED (Choose one):

1. Motion to recommend approval (with or without conditions)
2. Motion to table the item in order to receive additional information or documentation (Specify).
3. Motion to recommend denial based on specific findings in any of the 4 categories listed in the Staff Summary, such as lack of consistency with adopted plans or determination that the project will pose public hazards or will not adequately meet requirements of the ordinance.

Staff Recommended Condition:

1. Hours of operation are limited to 7:30am to 5:30pm, Monday through Friday only.

ATTACHMENTS:
S17-01 Script
S17-01 Staff Summary
S17-01 Neighbor Properties Map
S17-01 Zoning Map
S17-01 Future Land Use Map
Applicant Materials Cover Page
S17-01 Applicant Materials
Proposed Site Plan Cover Page
S17-01 Proposed Site Plan
SCRIPT FOR Special Use Permit Application (S17-01)

Request by Design Solutions on behalf of the property owner, Church of God of Prophecy, for a Special Use Permit in order to operate a personal care facility on 6.87 acres of land located at 1380 N. College Road.

1. Swear witnesses. Announce that “the special use process requires a quasi-judicial hearing; therefore any person wishing to testify must be sworn in. All persons who signed in to speak or who want to present testimony please step forward to be sworn in. Thank you.”

2. This is a public hearing. We will hear a presentation from staff. Then the applicant and any opponents will each be allowed 15 minutes for their presentation and additional 5 minutes for rebuttal.

3. Conduct Hearing, as follows:
   a. Staff presentation
   b. Applicant’s presentation (up to 15 minutes)
   c. Opponent’s presentation (up to 15 minutes)
   d. Applicant’s cross examination/rebuttal (up to 5 minutes)
   e. Opponent’s cross examination/rebuttal (up to 5 minutes)

4. Close the Public Hearing

5. Board discussion

6. A Special Use Permit which is denied may only be resubmitted if there has been a substantial change in the facts, evidence, or conditions of the application as determined by the Planning Director. At this time, you may ask to either continue the application to a future meeting, or to proceed with this Board deciding whether to grant or deny the application. What do you wish to do?

7. Ask Applicant whether he/she agrees with staff findings and any proposed conditions.

8. Vote on the special use permit application.
   - Motion to recommend approval of the application - All findings are positive.
   - Motion to recommend approval of the application, subject to conditions specified below:
     (State Conditions)

   - Motion to recommend denial of the application because the Board cannot find:
     a. That the use will not materially endanger the public health or safety if located where proposed for the following reason:

     b. That the use meets all required condition and specifications:
c. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity:

________________________
_________________________________________
_________________________________________________________________

d. That the location and character of the use if developed according to the plan submitted and approved will be in harmony with the area in which it is located and is in general conformity with the plan of development for New Hanover County:

_________________________________________________________________
_________________________________________________________________

Example Motion for Approval:

Motion to recommend approval, as the Planning Board finds that this application for a Special Use Permit meets the four required conclusions based on the findings of facts included in the Staff Summary, and with the condition recommended by staff.

Example Motion for Denial:

Motion to recommend denial, as the Planning Board cannot find that this application for a Special Use Permit:

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 surrounding area, and is in general conformity of the plans of development for New Hanover County.

[State the finding(s) that the application does not meet and include reasons to why it is not being met]
S17-01 STAFF SUMMARY
SPECIAL USE PERMIT REQUEST

APPLICATION SUMMARY

Case Number: S17-01

Request:
Special Use Permit to establish a Personal Care Facility

 Applicant: Property Owner(s):
Cindee Wolf of Design Solutions Church of God of Prophecy

Location: Acreage:
1380 N. College Road 6.87 acres

PID(s):
R04213-019-019-000
R04200-004-001-000
R04313-022-001-000
R04313-022-003-000
R04313-022-002-000
R04309-003-001-000
R04216-019-020-000
R04212-010-001-000

Place Type: General Residential

Existing Land Use: Proposed Land Use:
Church w/ child day care Personal Care Facility

Current Zoning: R-15 & R-10

SURROUNDING AREA

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>ZONING</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>R-15, R-10</td>
</tr>
</tbody>
</table>

Institutional (Church) and Single-Family Residential
<table>
<thead>
<tr>
<th>East</th>
<th>Single-Family Residential</th>
<th>R-10</th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td>Single-Family Residential</td>
<td>R-10</td>
</tr>
<tr>
<td>West</td>
<td>Institutional (Church/School)</td>
<td>R-15</td>
</tr>
</tbody>
</table>

**ZONING HISTORY**

| June 1, 1972 & July 7, 1972 | Initially zoned R-10 (Area 9A) and R-15 (Area 8B) |

**COMMUNITY SERVICES**

| Water/Sewer                  | Water and Sewer is available through CFPUA |
| Fire Protection              | New Hanover County Fire Services, New Hanover County North Fire District |
| Schools                      | Eaton Elementary, College Park Elementary, Trask Middle, and Laney High schools |
| Recreation                   | Kings Grant Park and Smith Creek Park |

**CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES**

| Conservation | No known conservation resources. |
| Historic     | No known historic resources.     |
| Archaeological | No known archaeological resources. |
PROPOSED SITE PLAN

- The application proposes to utilize three existing buildings with one building expansion, as well as develop new parking areas and internal circulation:

TRANSPORTATION

- Access will be provided via an improved driveway to Kings Grant Road, a state-maintained road, on the north side of the project.
- The NHC/City of Wilmington Greenway Plan proposes that greenways be installed along both sides of this portion of N. College Road.
- A bus stop for route 104 is located across N. College Road at the intersection of southbound N. College Road and Kings Drive.

Traffic Count - 2015

<table>
<thead>
<tr>
<th>Road</th>
<th>Location</th>
<th>Volume</th>
<th>Capacity</th>
<th>V/C</th>
<th>LOS</th>
</tr>
</thead>
<tbody>
<tr>
<td>N. College Road</td>
<td>0.15 Mile North of Site</td>
<td>27,643</td>
<td>36,400</td>
<td>0.75</td>
<td>D</td>
</tr>
</tbody>
</table>
### Trip Generation

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>INTENSITY</th>
<th>AM PEAK</th>
<th>PM PEAK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Office (720)</td>
<td>16,650 square feet</td>
<td>64</td>
<td>82</td>
</tr>
<tr>
<td>Recreational Center (495)</td>
<td>16,650 square feet</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Traffic Impact Analysis are required to be completed for proposals that will generate more than 100 peak hour trips in either the AM or PM peak hours.

### ENVIRONMENTAL

- The property does not contain any Special Flood Hazard Areas.
- Stormwater management will be reviewed by the New Hanover County Engineering Department and by the NC Department of Environmental Quality. The development will include a new stormwater pond on the site.
- The property does not host any wetlands.
- The subject property is within the Smith Creek (C;Sw) watershed.
- Soils on site include Seagate Fine Sand and Baymeade Fine Sand according to the Soil Survey for New Hanover County.

### 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. Specific goals of the comprehensive plan are designated to be promoted in each place type, and other goals may be relevant for particular properties.

<table>
<thead>
<tr>
<th>Future Land Use Map Place Type</th>
<th>General Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Place Type Description</td>
<td>Focuses on lower-density housing and associated civic and commercial services. Housing for the area is typically single-family or duplexes. Commercial uses should be limited to strategically located office and retail spaces, while recreation and school facilities are encouraged throughout. Recommended types of uses include single-family residential, low-density multi-family residential, light commercial, civic, and recreational.</td>
</tr>
<tr>
<td>Consistency Analysis</td>
<td>A personal services use is consistent with the place type description, providing community services in an existing non-residential site located along a major highway.</td>
</tr>
</tbody>
</table>
### Relevant Goals of the Comprehensive Plan

<table>
<thead>
<tr>
<th>Goal III: Promote fiscally responsible growth</th>
<th>Desired Outcome: Growth patterns that achieve efficient provisions of services and equitable distribution of costs between the public and private sectors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consistency Analysis: One strategy to achieve this goal is to encourage development where existing infrastructure is available. The proposed use expands upon an existing development in an area with existing infrastructure.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Goal V: Revitalize commercial corridors and blighted areas through infill and redevelopment</th>
<th>Desired Outcome: Strong existing neighborhoods and corridors where the highest and best uses are promoted in an effort to increase economic revitalization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consistency Analysis: The proposed development re-uses and redevelops an existing non-residential property in an appropriate area, immediately adjacent to a major highway.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Goal VIII: Integrate multi-modal transportation into mixed land uses that encourage safe, walkable communities</th>
<th>Desired Outcome: A community with a mixture of land uses that allows for individuals to perform daily tasks without the use of an automobile. A community where individuals can safely walk, bike, and access transit.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consistency Analysis: One of the guidelines outlined for this goal includes providing alternatives to automobile transportation by providing a network of bicycle and pedestrian facilities. A pedestrian and bicycle linkage to the adjacent residential neighborhood is proposed, and provisions for the recommended greenway along N. College Rd. are included in the proposed site design.</td>
<td></td>
</tr>
</tbody>
</table>
Goal IX: Promote environmentally responsible growth  
**Desired Outcome:** Development that accommodates population growth while minimizing negative impacts on natural resources.

**Consistency Analysis:** The comprehensive plan recommends encouraging infill and development as one method of strengthening and directing development toward existing communities. The proposed use is a re-use and redevelopment of an existing non-residential property and could provide services to the community.

Goal VI: Increase public safety by reducing crime through the built environment  
**Desired Outcome:** New development patterns that focus on increased public safety.

**Consistency Analysis:** The comprehensive plan recommends encouraging design strategies to reduce crime and encouraging a walkable community to create more human interaction between neighbors. The proposed site design limits access to the property to the one entrance/exit along Kings Grant Rd., removing an existing informal drive from W. Rye Lane that could otherwise provide access to the rear of the facility. Limitation of access is one method of reducing crime through design features, but this element can further limit integration with the existing community via pedestrian and bicycle infrastructure as recommended in this and other plan goals. An access point across from the covered drop-off area could provide pedestrian access in a high-visibility location.

Goal XVIII: Increase physical activity and promote healthy active lifestyles  
**Desired Outcome:** A built environment that encourages active lifestyles and increased health through walking and biking.

**Consistency Analysis:** The proposed site design includes elements linking the property to the adjacent residential area and provisions for the recommended greenway along N. College Rd.

**Staff Analysis of Comprehensive Plan Consistency**

The application is consistent with the goals of the 2016 Comprehensive Plan, as it re-uses and expands an existing non-residential site along a major highway with a use that can provide community services. The proposed site design also includes features supporting the recommended bicycle and pedestrian infrastructure recommended in the plan, including a 20' wide pedestrian and non-vehicular access easement for a future multi-use path as recommended in Wilmington/New Hanover County Comprehensive Greenway Plan, and also a pedestrian access point to the property that provides multimodal integration into the surrounding community.
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 Planning Board meeting.

Finding 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. The site has been historically used for institutional purposes, including a church and child day care facility.
B. The site is located adjacent to N. College Road, a major thoroughfare.
C. Access to the site will be from an existing driveway that will be improved in coordination with NC DOT during the driveway permit process.
D. The site is not within any Special Flood Hazard Area or CAMA Area of Environmental Concern.
E. Improvements to the site will include stormwater management, increased parking supply, bicycle and pedestrian improvements, and improved internal vehicular circulation within the site.

Staff Suggestion: Evidence in the record at this time supports a finding that the use will not materially endanger the public health or safety where proposed.

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

A. The site is zoned R-10, Residential District, and R-15, Residential District
B. Personal Care Facilities are allowed by Special Use Permit in the R-10 and R-15 zoning districts.
C. The site shall comply with the landscaping and buffering requirements of Section 62 of the Zoning Ordinance.
D. A site plan has been included as part of the Special Use Permit application and demonstrates that the building setback requirements Section 72-9 will be met.
E. The site is served by public water and sanitary sewer.
F. Total impervious surface coverage is proposed at 33.9% of the site acreage.

Staff Suggestion: Evidence in the record at this time supports a finding that the use meets all of the required conditions and specifications of the Zoning Ordinance.

Finding 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 property has historically been used for institutional uses, including churches and a child day care center.
B. The site is nonconforming in regards to landscaping and buffering, and will be required to be brought into current standards for landscaping and buffering with the current proposal, thereby enhancing overall aesthetics of the site and vicinity.
C. Institutional uses are located adjacent and nearby to residential uses elsewhere in the county.

**Staff Suggestion:** The evidence in the record at this time supports a finding that the use will not substantially injure the value of adjoining or abutting property.

**Finding 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 2016 Comprehensive Land Use Plan classifies the subject property as General Residential.
B. Institutional uses are consistent within the General Residential place type
C. The proposal would be providing community services in an existing non-residential site located along a major highway.
D. The proposal includes a 20' wide pedestrian and non-vehicular access easement for a future multi-use path, consistent with the Wilmington/New Hanover County Comprehensive Greenway Plan.

**Staff Suggestion:** Evidence in the record at this time supports a finding that the use is general conformity with the plan of development for New Hanover County.

**Staff Suggested Condition**

1. Hours of operation are limited to 7:30am to 5:30pm, Monday through Friday only.
Case: S17-01

Neighboring Parcels (within 500 feet) Case Site

Request:
Special Use Permit

Existing Zoning/Use:
R10 & R-15/Church

Proposed Use:
Personal Care Facility

Site Address:
1300 block N College Rd

Case Site

Request:
Special Use Permit

Existing Zoning/Use:
R10 & R-15/Church

Proposed Use:
Personal Care Facility

Site Address:
1300 block N College Rd

Case Site

Planning Board - March 2, 2017
ITEM: 4 - 3 - 1
Case: S17-01
Site Address: 1300 block N College Rd
Request: Special Use Permit
Existing Zoning/Use: R10 & R-15/Church
Proposed Use: Personal Care Facility

Zoning Districts
- A-1
- AR
- B-1
- B-2
- I-1
- I-2
- R-7
- R-10
- R-15
- RA
- O&I
- R-20
- RFMU

Sewer Collector
Water Distribution Main

1,000 Feet

Indicates Conditional Use District (CUD)
Indicates Conditional Zoning District (CZD)
COD See Section 55.1 of the Zoning Ordinance
Incorporated Areas
SHOD

Planning Board - March 2, 2017
CASE: S17-01

Existing Zoning/Use: R10 & R-15/Church

Request: Special Use Permit

Site Address: 1300 block N College Rd

Proposed Use: Personal Care Facility

Item: 4

Planning Board - March 2, 2017
APPLICANT MATERIALS
**APPLICATION OVERVIEW**

In order to assist petitioners through the process for obtaining a Special Use Permit, petitioners are highly encouraged to attend a pre-application conference prior to application submittal. Petitioners are requested to review the sections of the Zoning Ordinance specific to Special Use Permits prior to submission, and advised to contact Planning Staff with any questions. The following sections of the Zoning Ordinance pertain specifically to Special Use Permits:

- Section 70: Objectives and Purposes of Special Use Permits
- Section 71: General Requirements of Special Use Permits
- Section 72: Additional Restrictions Imposed on Certain Special Uses
- Section 111: Petitions

Applications for Special Use Permits (with the exception of single family dwellings on individual lots) must first be considered by the New Hanover County Planning Board at a public hearing. The Planning Board will make a recommendation to the County Commissioners which will take final action on the permit application in a quasi-judicial public hearing. Attendance at all public hearings is required. The public hearings will allow staff, the applicant, proponents and opponents to testify in regards to the request. Unless otherwise published or announced, Planning Board meetings are held on the first Thursday of each month at 6:00PM in the Commissioner's Assembly Room at the Historic County Courthouse located at Third and Princess Streets, Wilmington, North Carolina. All meeting dates and application deadlines are published on the New Hanover County Planning website.
APPLICATION REQUIREMENTS

In order to assist petitioners through the process for obtaining a Special Use Permit, petitioners are highly encouraged to attend a pre-application conference prior to application submittal. Applications must be reviewed by Planning Staff for completeness prior to being officially accepted. Applications must be submitted to Planning Staff at least twenty (20) working days before the Planning Board meeting at which the application is to be considered. Once accepted, the Planning Board will consider the application at the assigned meeting unless the applicant requests a continuance.

Applications for single-family dwellings, including mobile homes, on individual lots do not require Planning Board review and must be submitted to Planning Staff twenty (20) working days before the Commissioners meeting. For High Density Residential projects, a High Density Residential application and High Density Checklist must also accompany this application. The New Hanover County Technical Review Committee (TRC) must also review a High Density Residential project prior to submitting this application.

For all proposals, in addition to this application, the following supplemental information and materials are required:

<table>
<thead>
<tr>
<th>Required Information</th>
<th>Applicant Initial</th>
<th>Staff Initial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Narrative of Proposed Use</td>
<td>CW</td>
<td>N/A</td>
</tr>
<tr>
<td>Traffic Impact Worksheet</td>
<td>CW</td>
<td></td>
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<tr>
<td>Traffic Impact Analysis (if applicable)</td>
<td></td>
<td></td>
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<tr>
<td>Site Plan (8-24x36 copies for Planning Board; 8-24x36 copies for Commissioners)</td>
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<td></td>
</tr>
<tr>
<td>• Tract boundaries and total area, location of adjoining parcels and roads</td>
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<tr>
<td>• Proposed use of land, structures and other improvements. For residential uses,</td>
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<tr>
<td>this shall include number, height and type of units and area to be occupied by</td>
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<tr>
<td>each structure and/or subdivided boundaries. For non-residential uses, this</td>
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<tr>
<td>shall include approximate square footage and height of each structure, an</td>
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<tr>
<td>outline of the area it will occupy and the specific purpose for which it will</td>
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<tr>
<td>be used.</td>
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<tr>
<td>• Development schedule including proposed phasing.</td>
<td></td>
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</tr>
<tr>
<td>• Traffic and Parking Plan to include a statement of impact concerning local</td>
<td></td>
<td></td>
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<tr>
<td>traffic near the tract, proposed right-of-way dedication, plans for access to</td>
<td></td>
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<tr>
<td>and from the tract, location, width and right-of-way for internal streets and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>location, arrangement and access provision for parking areas.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• All existing and proposed easements, reservations, required setbacks, rights-of-</td>
<td></td>
<td></td>
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<tr>
<td>way, buffering and signage</td>
<td></td>
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</tr>
<tr>
<td>• The one hundred (100) year floodplain line, if applicable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Location and sizing of trees required to be protected under Section 62 of the</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zoning Ordinance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Any additional conditions and requirements, which represent greater restrictions</td>
<td></td>
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</tr>
<tr>
<td>on development and use of the tract than the corresponding General Use District</td>
<td></td>
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</tr>
<tr>
<td>regulations or other limitations on land which may be regulated by State law</td>
<td></td>
<td></td>
</tr>
<tr>
<td>or Local Ordinance</td>
<td></td>
<td></td>
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<tr>
<td>• Any other information that will facilitate review of the proposed change</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Ref. Article VII, as applicable)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Authority for Appointment of Agent Form (if applicable)</td>
<td>CW</td>
<td></td>
</tr>
<tr>
<td>Fee - $500; $250 if application pertains to a residential use (i.e. mobile home,</td>
<td>CW</td>
<td></td>
</tr>
<tr>
<td>duplex family child care home)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
CRITERIA REQUIRED FOR APPROVAL OF A SPECIAL USE PERMIT
(As Outlined in Section 71 of the New Hanover County Zoning Ordinance)

The applicant should explain, with reference to attached plans (where applicable), how the proposed use satisfies these requirements (please use additional pages if necessary). The applicant has the burden of proof and must provide sufficient evidence in order for the required findings to be met. Planning Staff, the Planning Board, and the Board of County Commissioners reserve the right to require additional information, if needed, to assure that the proposed Special Use Permit meets the following requirements:

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

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

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.”

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.”

The site is located just off of North College Road, a major thoroughfare. Direct access will be at an existing driveway onto Kings Grant Road, a public right-of-way. Widening of the driveway for full turning movements will be coordinated with NCDOT. The tract is already serviced with public water and sanitary sewer. Fire service is by NHCo Murrayville Station #17. Detailed design and permitting would be required prior to the onset of improvements construction. The existing church had no stormwater management. The upgraded facility will have means for water quality enhancement and detention of surface runoff.

The proposed use as a daytime senior medical care and recreation facility is permitted by Special Use in the residential districts. A site plan showing both the existing conditions and proposed improvements has been prepared in accordance to Ordinance requirements and technical standards. There are no other specific conditions.

The subject tract has been a church for many years, and included a child daycare facility within the last couple. There has been no evidence of an adverse effect on the land values of surrounding properties. The proposed facility will be bringing site landscaping into compliance with current regulations and generally enhancing the overall aesthetics.

The tract is located in the General Residential land classification, which is intended to support lower-density housing and associated civic and commercial services. Access to services such as the senior care facility proposed need to be located conveniently to the residents that will use them. Its driveway access to Kings Grant Drive from N College Road does not encroach into the residential neighborhoods further along Kings Grant Drive.
Section 72 of the Zoning Ordinance provides additional requirements for the following Special Use Permits. Please supplement your application with all necessary material to meet any additional requirements if your use is any of the following:

- Cemetery
- Convenience Food Store
- Hospital or Nursing and Personal Care Facilities
- Private Club or Lodge and Fraternal and Social Organizations
- Sanitary Landfill
- Travel Trailer Park
- Family Child Care Home
- Kennel
- Mobile Home
- Non-Residential Off-Street Parking
- Commercial Marina
- Septage and Sludge Disposal
- Outdoor Shooting Ranges
- Adult Entertainment Establishment
- Indoor/Outdoor Recreation Establishments
- Community Boating Facility
- Residential Uses within Commercial Districts
- Bed and Breakfast Inn
- Electronic Gaming Operation
- Farmers Market or Produce Stands in Residential Zoning Districts
- Mining
- High Density Development
- Senior Living Options

If an applicant requests delay of consideration from the Planning Board or Board of County Commissioners before notice has been sent to the newspaper, the item will be calendared for the next meeting and no fee will be required. If delay is requested after notice has been sent to the newspaper, the Board will act on the request at the scheduled meeting and are under no obligation to grant the continuance. If the continuance is granted, a fee in accordance with the adopted fee schedule as published on the New Hanover County Planning website will be required.

In granting a Special Use Permit, conditions may be designated to assure that the use in its proposed location is harmonious with the spirit of the Zoning Ordinance, CAMA Land Use Plan and any other adopted plans that are applicable. All conditions become part of the special use permit and run with the land. A Special Use Permit shall become null and void if construction or occupancy of the proposed use as specified and approved is not commenced within 24 months of the date of issuance.

By my signature below, I certify that this application is complete and that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Design Solutions / Cindee Wolf

Signature of Petitioner and/or Property Owner

Print Name
NEW HANOVER COUNTY  
PLANNING & INSPECTIONS

AUTHORITY FOR 
APPOINTMENT OF AGENT

Please note that for quasi-judicial proceedings, either the land owner or an attorney must be present for the case at the public hearing.

The undersigned owner does hereby appoint an authorized agent described herein as their exclusive agent for the purpose of petitioning New Hanover County for a variance, special use permit, rezoning request, and/or an appeal of Staff decisions applicable to the property described in the attached petition. The Agent is hereby authorized to, on behalf of the property owner:

1. Submit a proper petition and the required supplemental information and materials
2. Appeal at public meetings to give representation and commitments on behalf of the property owner
3. Act on the property owner’s behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition applicable to the New Hanover County Zoning Ordinance.

<table>
<thead>
<tr>
<th>Agent Information</th>
<th>Property Owner(s)</th>
<th>Subject Property</th>
</tr>
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<tbody>
<tr>
<td>Name</td>
<td>Owner Name</td>
<td>Address</td>
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<tr>
<td>Cindie Wolf</td>
<td>Church of God of Prophecy</td>
<td>1380 N College Dr</td>
</tr>
<tr>
<td>Company</td>
<td>Owner Name 2</td>
<td>City, State, Zip</td>
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<tr>
<td>Design Solutions</td>
<td></td>
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<tr>
<td>P.O. Box 7221</td>
<td>4476 William Louis Drive</td>
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<td><a href="mailto:cwolf@lobodemar.biz">cwolf@lobodemar.biz</a></td>
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<tr>
<td>Application Tracking Information</td>
<td>(Staff Only)</td>
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This document was willfully executed on the 24th day of January, 2017.

Lawrence Brewer  
Owner 1 Signature

Owner 2 Signature
Elderhaus is an organization that provides total senior care for those 55 years of age and older. It supports independent living while at the same time promoting community and quality of life by providing medical care, adult day care, on-going rehabilitative therapies, in-home care services, transportation and counseling.

The subject site was previously used as a church and child daycare. The existing buildings fronting South College Road will be retained and renovated into administration offices, meeting rooms, and supply storage. The existing building on the western side of the property will be expanded by approximately 5000 s.f. and a covered drop-off area provided. The existing parking area will be improved and additional staff and client parking will be added around the site. Landscaping for buffers, streetyards and interior aesthetics will be upgraded to current standards.

The facility is open from 7:30 a.m. to 5:30 p.m., Monday through Friday only. There are no operations on weekends or holidays. Nor is there any residential living component to the use. It is strictly a day care facility for seniors only.

There are around 70 regular employees and up to 112 participants on a daily basis. Many of those are transported via the eleven (11) facility buses that provide home pick-up and drop-off service.

The program is called PACE – Program of All-Inclusive Care for the Elderly. Additional information is attached.

This permit will allow a much needed community service.
WHAT IS PACE?

PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE)

WE ARE HERE TO HELP
Given the option, the majority of seniors would rather age in place, choosing to receive care in the comfort of their homes over assisted living and nursing facilities.

That is where Elderhaus PACE steps in. PACE services are provided by Elderhaus and covered by Medicare and Medicaid. Our overall goal is to manage all the health and medical needs of our elderly clients. Our work prevents premature hospitalizations and nursing facility placements, enabling our seniors to live in the community for as long as possible.

YOU ARE ELIGIBLE FOR PACE IF YOU:
- Are 55 years of age or older
- Can live safely in the community
- Meet the State of NC requirements for nursing home level of care
- Live in the Elderhaus PACE Service Area: (SEE SERVICE AREA MAP ON BACK)

TO SPEAK WITH US TODAY,
call Elderhaus PACE at (910) 343-8209 or visit us online at www.elderhaus.com
TTY 1-800-735-2962

YOUR HEALTH IS OUR MISSION
It is the mission of Elderhaus Inc. to provide coordinated, community-based healthcare and socialization for adults.

YOUR PACE DIRECT CARE TEAM IS MADE UP OF THE FOLLOWING:
- Medical Provider & Nursing Staff
- Medical Social Worker
- Dietician
- Activities & Recreation
- Physical and Occupational Therapy
- Home Care Coordinator & Aides
- Durable Medical Equipment & Pharmacy
- Transportation Department
- 24 Hour Emergency On Call

In addition to care administered by our on-site health professionals, PACE will provide any specialist or secondary care determined medically necessary by our Interdisciplinary Team.

YOUR COST FOR PACE SERVICES
Seniors who are eligible for Medicare and Medicaid will receive Elderhaus PACE services at no cost. If you have Medicare but do not meet financial eligibility requirements for Medicaid, you may be responsible for the portion of your bill that Medicaid would otherwise cover.

Long Term care insurances may pay for a portion of PACE services through direct negotiation with the PACE organization.

For seniors without supplemental state or federal assistance, we will work with you to arrange an out-of-pocket plan to best meet your individual needs.

Once you enroll in Elderhaus PACE we become your Health Care Provider. There is never a deductible or co-payment for any drug, service, or care approved by the PACE care team. If a PACE participant receives medical services from an out-of-network provider without prior authorization (with the exception of emergency services), the participant may be liable for the full cost of those services.

Elderhaus PACE complies with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, or sex.

ATENCIÓN: si habla español, tiene a su disposición servicios gratuitos de asistencia lingüística. Llame al 1-910-343-8209. TTY 1-800-735-2962
Quick Facts about Programs of All-Inclusive Care for the Elderly (PACE)

What are Programs of All-inclusive Care for the Elderly (PACE)?

PACE is a Medicare program and Medicaid state option that provides community-based care and services to people age 55 or older who otherwise would need a nursing home level of care. PACE was created as a way to provide you, your family, caregivers, and professional health care providers flexibility to meet your health care needs and to help you continue living in the community.

A team of health care professionals will give you the coordinated care you need. These professionals are also experts in working with older people. They will work together with you and your family (if appropriate) to develop your most effective plan of care.

PACE provides all the care and services covered by Medicare and Medicaid, as authorized by the health care team. They also cover additional medically-necessary care and services not covered by Medicare and Medicaid that the team may decide you need. PACE provides coverage for prescription drugs, doctor care, transportation, home care, checkups, hospital visits, and nursing home stays when necessary.

Who can join PACE?

You can join PACE if you meet the following conditions:

• You’re 55 years old or older.
• You live in the service area of a PACE organization.
• You’re certified by the state in which you live as needing a nursing home level of care.
• You would be able to live safely in the community if you get PACE services.

Note: You can leave a PACE program at any time.
PACE services include (but aren’t limited to) the following:

- Adult Day Care
- Recreational Therapy
- Meals
- Dentistry
- Nutritional Counseling
- Social Services
- Laboratory/X-ray Services
- Social Work Counseling
- Transportation
- Primary Care (including doctor and nursing services)
- Hospital Care
- Medical Specialty Services
- Prescription Drugs
- Nursing Home Care
- Emergency Services
- Home Care
- Physical Therapy
- Occupational Therapy

PACE also includes all other services that are available in your area and determined necessary by your team of health care professionals to improve and maintain your overall health.

What do I need to know about PACE?

PACE Provides Comprehensive Care

PACE uses Medicare and Medicaid funds to cover all of your medically-necessary care and services. You can have either Medicare or Medicaid, or both, to join PACE. You can also pay for PACE privately, if you do not have Medicare or Medicaid.

The Focus is on You

You have a team of health care professionals to help you make health care decisions. Your team is experienced in caring for people like you. Usually they care for a small number of people. That way, they get to know you, what your living situation is, and your preferences. You and your family participate as the team develops and updates your plan of care and your goals in the program. When you enroll in PACE, you may be required to use a PACE preferred physician. These physicians are best suited to help you make health care decisions.

PACE Covers Prescription Drugs

PACE organizations offer Medicare prescription drug coverage (Part D). If you join a PACE program, you’ll get your Part D-covered drugs and all other necessary medication from the PACE program.

Note: If you’re in a PACE program, you don’t need to join a separate Medicare drug plan. If you do, you will be disenrolled from your PACE health and prescription drug benefits.
What do I need to know about PACE? (continued)

**PACE Supports Family Caregivers**
PACE organizations support your family members and other caregivers with caregiving training, support groups, and respite care to help families keep their loved ones in the community.

**PACE Provides Services in the Community**
PACE organizations provide care and services in the home, the community, and the PACE center. They have contracts with many specialists and other providers in the community to make sure that you get the care you need. Many PACE participants get most of their care from staff employed by the PACE organization in the PACE center. PACE centers meet state and federal safety requirements and include adult day programs, primary care from physicians and nurses, activities, and occupational and physical therapy facilities.

**Preventive Care is Covered and Encouraged**
Every PACE organization is focused on helping you live in the community for as long as possible. To meet this goal, PACE organizations focus on preventive care.

**PACE Provides Medical Transportation**
PACE organizations provide all medically-necessary transportation to the PACE center for activities or medical appointments. You may also be able to get transportation to some medical appointments in the community.

**What You Pay for PACE Depends on Your Financial Situation**
If you have Medicaid, you will not have to pay a monthly premium for the long-term care portion of the PACE benefit. If you don’t qualify for Medicaid but you have Medicare, you will be charged a monthly premium to cover the long-term care portion of the PACE benefit and a premium for Medicare Part D drugs. However, in PACE there is never a deductible or copayment for any drug, service, or care approved by the PACE team.
Traffic Impact Worksheet

Prior to submission of nonresidential site plan, this worksheet must be prepared. A Traffic Impact Analysis will be required for all projects generating 100 peak hour trips or more. The scope of the TIA shall be determined by concurrence of the Planning Director, the MPO coordinator and NCDOT traffic engineer. Any mitigation measures required must be included in the final site plan submitted for review.

PROJECT NAME  Elderhaus Day Facility

PROJECT ADDRESS  1380 N College Road

DEVELOPER/OWNER  Elderhaus, Inc.

EXISTING ZONING  R-10 & R-15

GROSS FLOOR AREA  32,900 s.f./- sq. ft.

NEAREST INTERSECTION  Kings Grant Drive

BEFORE PROPOSED PROJECT

Average Daily Traffic (Date) ______________________

LEVEL OF SERVICE (LOS) ______________________

ITE MANUAL TRAFFIC GENERATION ESTIMATE:

ITE Manual available at Planning Department

USE AND VARIABLES: 16,650 sf Med Office (720)/16,250 sf Rec (495)
(Example: Racquet Club; 8 courts; Saturday peaks)

AM PEAK HOUR TRIPS  64  PM PEAK HOUR TRIPS  82

(Traffic generation of 100 peak hour trips will require Traffic Impact Analysis Scoping meeting with Planning Department)

Cindee Wolf from ITE Manual  
Person Providing Estimate  
Signature  

Peak Hour estimate confirmed by Planning & Zoning on ____________________ (Date)

By ________________________
From: Amy Kimes  
Sent: Friday, January 27, 2017 3:28 PM  
To: Mike Kozlosky <Mike.Kozlosky@wilmingtonnc.gov>  
Subject: RE: Elderhaus PACE Program Information

Mike,

The trip generation (based on my understanding) does not exceed the 100 peak hour requirement or the 3,000 ADT NCDOT requirement. A TIA will not be needed.

This is based on the limited information in the email trail below. If the use is greater than shown below or distributed in a different method the results will change. The trips were based on 15,000 square foot of medical office and 15,000 square foot of recreational center. If this is not the correct distribution of square footage or is not the correct total square footage please provide updated numbers so that I can verify the trip gen for the correct use/size of the development. I also did not reduce for the current use as I do not have a breakdown for that.

Thanks,

Amy Kimes, PE  
Construction Project Manager  
Wilmington Metropolitan Planning Organization (WMPO)  
City of Wilmington  
305 Chestnut Street, 3rd Floor  
Wilmington, NC  28401  
910-473-5130
PROPOSED SITE PLAN
TECHNICAL REVIEW COMMITTEE REPORT

ITEM:

DEPARTMENT: PROFESSION: Brad Schuler, Current Planner

CONTACT(S): Brad Schuler; Sam Burgess, Senior Planner; and Ben Andrea, Current Planning/Zoning Supervisor

SUBJECT:

TRC Report for February 2017

BRIEF SUMMARY:

The New Hanover County Technical Review Committee met twice during the month of February and reviewed four preliminary site plans. The detailed report is attached.

STRATEGIC PLAN ALIGNMENT:

Intelligent Growth and Economic Development
  • Implement plans for land use, economic development, infrastructure and environmental programs
  • Understand and act on citizen needs

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Hear report. No action required.

ATTACHMENTS:
February 2017 TRC Report

Planning Board - March 2, 2017
ITEM: 5
The New Hanover County Technical Review Committee (TRC) met twice in February and reviewed four (4) preliminary site plans.

**Clay Crossing aka Middle Grove (Performance Plan)**
Clay Crossing is located near the northeastern portion of New Hanover County (7300 block of Darden Road, Middle Sound Community) and is classified as General Residential on the County’s adopted 2016 Land Classification Plan. The 21 lot residential enclave has direct access to Darden Road. The developer for the project requested TRC to extend the preliminary validity period for one (1) year in accordance with the County’s Subdivision Ordinance. Preliminary site plans are valid for a period of two years unless a final plat for all or a portion of the project is approved by the County.

**Site Plan Attributes**
- Zoning District: CZD (R-15 Residential)
- Water Service: Public (CFPUA)
- Sewer Service: Public (CFPUA)
- Lots: 21
- Acreage: 8.52
- Transportation Impact: None
- Conservation Resources: None
- Road Designation: Private (to be maintained by Developer/ HOA)
- Area Schools: Eaton/Castle Hayne Elementary (over-capacity) Noble Middle (over-capacity) Laney High (over-capacity)

In a vote of 5-0, the TRC approved a one-year preliminary extension request for Clay Crossing with conditions of the original approval to remain in force:
1) No gates, traffic calming devices or on-street parking permitted unless reviewed by TRC.
2) A NCDOT Driveway Permit and encroachment agreements be in place prior to final plat approval.
3) All other local, State, and Federal mandates if applicable.

- A waiver was granted by the TRC on the cul-de-sac length exceeding 500’ due to topographical conditions.

**Belle Meade: Phase 3 (High Density Plan)**
Belle Meade is located near the central portion of New Hanover County (4700 block Carolina Beach Road) and is classified as Community Mixed Use and General Residential on the County’s adopted 2016 Land Classification Plan. The 96 unit campus has access thru Matteo and Sikes Drives.

**Site Plan Attributes**
- Zoning District: (CUD) R-10
- Water Service: Public (CFPUA)
• Sewer Service: Public (CFPUA)
• Acreage: 6.9
• Transportation Impact: None
• Conservation Resources: None
• Area Schools: Bellamy & Codington Elementary (over-capacity)
               Myrtle Grove Middle (over-capacity)
               Ashey High (over-capacity)

In a vote of 4-0, the TRC approved Belle Meade: Phase 3 for 96 units with the following conditions:
   1) An updated site plan be presented for TRC Chairman signature.
   2) Approval of the site plan be contingent on the Board of Commissioners approving related text
      amendment applications regarding buffer and height requirements for high density
      developments.
   3) Adhere to all local, State, and Federal regulations as applicable.

**Middle Sound Village (EDZD Plan)**

Middle Sound Village is located near the Northeastern portion of New Hanover County (600 block of
Middle Sound Loop Road, Middle Sound Community) and is classified as General Residential on the
County’s adopted 2016 Land Classification Plan. The 45 unit development has direct access to Middle
Sound Loop Road. The developer for the project requested TRC to re-approve the preliminary site plan
for two years in accordance with the Subdivision Ordinance. Preliminary site plans are valid for a period
of two (2) years unless a final plat for all or a portion of the project is approved by the County. Plan
expiration was July, 2015.

**Site Plan Attributes**

• Zoning District: EDZD
• Water Service: Public (CFPUA)
• Sewer Service: Public (CFPUA)
• Units: 44 requested (patio homes)
• Acreage: 9.93
• Transportation Impact: None
• Conservation Resources: Small area of Swamp Forest
• Road Designation: Private (to be maintained by Developer/HOA)
• Area Schools: Eaton/Castle Hayne Elementary (over-capacity)
               Noble Middle (over-capacity)
               Laney High (over-capacity)

In a vote of 5-0, the TRC re-approved the Middle Sound Village project for 44 patio homes for a period of
two years ending February, 2018 and the Low Impact Development criteria. Conditions of re-approval
included:
   1) LID application approval between County Engineering and Planning staff.
   2) No gates, traffic calming devices, or on-street parking permitted unless reviewed by TRC.
   3) Three to four significant trees on site be mitigated thru the Planning staff.
   4) A sidewalk/multi-use path be displayed on the site plan along Middle Sound Loop Road.
   5) Lots 22 & 10 be adjusted on the site plan to accommodate emergency vehicle turn-around.
Murrayville Farms (Performance Plan)

Murrayville Farms is located near the north central portion of New Hanover County (6100 block of Murrayville Road) and is classified as General Residential on the County’s adopted 2016 Land Classification Plan. The project has direct access from Murrayville Road and Candlewood Drive.

Site Plan Data

- Zoning District: R-15 Residential
- Water Service: Public (CFPUA)
- Sewer Service: Public (CFPUA)
- Lots: 97
- Acreage: 45.9
- Transportation impact: None (off-site road improvements Murrayville Road)
- Conservation Resources: Yes (Swamp Forest)
- Road Designation: Private (to be maintained by Developer/HOA)
- Area Schools: Eaton Elementary (over-capacity)
  - Trask & Murray Middle (over-capacity)
  - Laney High (over-capacity)

In a vote of 5-0, the TRC approved the preliminary site for Murrayville Farms for 97 lots with the following conditions:

1) No gates, traffic calming devices or on-street parking permitted unless reviewed by TRC.
2) Conservation resource verification be made by Planning staff.
3) Unduplicated street names be submitted for review and approval.
4) A tree survey be submitted for review by Planning staff.
5) NCDOT Driveway Permit and encroachment agreements along with off-site road improvements be completed prior to final plat approval.