# STAFF SUMMARY FOR S17-02
## SPECIAL USE PERMIT APPLICATION

## APPLICATION SUMMARY

<table>
<thead>
<tr>
<th>Case Number:</th>
<th>S17-02</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request:</td>
<td>SUP application in order to develop a convenience food store.</td>
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</tbody>
</table>

### Applicant:
- Cindee Wolf of Design Solutions

### Property Owner(s):
- Yosef, Inc.

### Location:
- 7900 block of Market Street

### Acreage:
- 1.78 acres

### PID(s):
- R03600-003-042-005

### Comp Plan Place Type:
- Community Mixed Use

### Existing Land Use:
- Undeveloped

### Proposed Land Use:
- Convenience food store (with gas sales)

### Current Zoning:
- O&I

## SURROUNDING AREA

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>ZONING</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Liberty Baptist Church, The East Carolina Bank</td>
<td>O&amp;I</td>
</tr>
<tr>
<td>East General Commercial Uses (Retail, Office)</td>
<td>B-2</td>
</tr>
<tr>
<td>South Amberleigh Shores Apartments</td>
<td>MF-M (City of Wilmington)</td>
</tr>
<tr>
<td>West Single-Family Residential (Brickstone Estates)</td>
<td>R-1.5</td>
</tr>
<tr>
<td>ZONING HISTORY</td>
<td></td>
</tr>
<tr>
<td>-----------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>July 6, 1971</strong></td>
<td>Initially zoned R-15 (Area 5)</td>
</tr>
<tr>
<td><strong>February 21, 2011</strong></td>
<td>Rezoned to O&amp;I (Z-909)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMMUNITY SERVICES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Water/Sewer</strong></td>
</tr>
<tr>
<td><strong>Fire Protection</strong></td>
</tr>
<tr>
<td><strong>Schools</strong></td>
</tr>
<tr>
<td><strong>Recreation</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CONSERVATION, HISTORIC, &amp; ARCHAEOLOGICAL RESOURCES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Conservation</strong></td>
</tr>
<tr>
<td><strong>Historic</strong></td>
</tr>
<tr>
<td><strong>Archaeological</strong></td>
</tr>
</tbody>
</table>

Aerial view of S17-02 with marked boundaries.
PROPOSED SITE PLAN

TRANSPORTATION

- Access is provided to the subject property by Bump Along Road, a private road, from Market Street (BUS 17), and Raintree Road (SR 2146). The site plan currently limits the access from Raintree Road to an entrance only. As shown, all traffic must exit on Bump Along Road/Market Street. The development will also install a sidewalk to Raintree Road.
- The NC State Transportation Improvement Program includes a project (U-4902D) that will install a median and pedestrian improvements along the adjacent portion of Market Street. This project will require right-of-way dedication from the subject property and construction is expected to begin in late 2018.
- The NHC/City of Wilmington Greenway Plan recommends that a greenway be installed along Market Street.
- A Traffic Impact Analysis (TIA) for the project has been completed and approved by the MPO and NCDOT. Below is information taken from the analysis. The TIA and approval letter can be found online at the County’s Development Activity Page:
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>Gas Station with Convenience Mart and Car Wash (946)</td>
<td>16 Vehicle Fueling Positions</td>
<td>189</td>
<td>222</td>
</tr>
</tbody>
</table>

- The proposed development will generate 2,445 trips during the course of a 24-hour period.
- The TIA expects that 5% of the trips generated by the proposed development will utilize Raintree Road for access. This equates to 9 trips in the AM peak, 11 trips in the PM peak, and 122 trips over the course of a 24-hour period.

Level of Service

- The Level of Service summary includes two alternatives for the proposed development. Alternative 1 (Table A) includes a two-way connection to Raintree Road. Alternative 2 (Table B) illustrates the proposed development without the access to Raintree Road.

**Table A - Level of Service Summary**

<table>
<thead>
<tr>
<th>AM Peak</th>
<th>2016 Existing</th>
<th>2018 No Build</th>
<th>2018 Build Alternative 1</th>
<th>2018 Build with Improvements Alternative 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market Street at Marsh Oaks Drive</td>
<td>C (20.6)</td>
<td>C (31.3)</td>
<td>D (36.4)</td>
<td></td>
</tr>
<tr>
<td>Market Street at Bump Along Road</td>
<td>A (9.9)</td>
<td>B (10.5)</td>
<td>B (12.4)</td>
<td>EB Approach</td>
</tr>
<tr>
<td>Bump Along Road at Site Access 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bump Along Road at Site Access 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Raintree Road at Site Access 3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Market Street at U-turn</td>
<td></td>
<td>B (14.4)</td>
<td>C (16.6)</td>
<td>EB Approach</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PM Peak</th>
<th>2016 Existing</th>
<th>2018 No Build</th>
<th>2018 Build Alternative 1</th>
<th>2018 Build with Improvements Alternative 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market Street at Marsh Oaks Drive</td>
<td>C (20.4)</td>
<td>D (35.2)</td>
<td>D (42.3)</td>
<td></td>
</tr>
<tr>
<td>Market Street at Bump Along Road</td>
<td>B (10.2)</td>
<td>B (10.5)</td>
<td>B (14.3)</td>
<td>EB Approach</td>
</tr>
<tr>
<td>Bump Along Road at Site Access 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bump Along Road at Site Access 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Raintree Road at Site Access 3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Market Street at U-turn</td>
<td></td>
<td>C (23.7)</td>
<td>F (50.4)</td>
<td>EB Approach</td>
</tr>
</tbody>
</table>

Note for unsignalized conditions, LOS and delay indicates only minor street approach with longest delay

*Alternative 1 includes a connection to Raintree Road.*
Alternative 2 does not include a connection to Raintree Road.

**Required Improvements**

The TIA approval includes the following improvements for the studied intersections:

- **Market Street at Bump Along Road**
  - Installation of a dedicated southbound right-turn lane from Bump Along Road to Mendenhall Drive.

- **Market Street at the southbound to northbound U-turn (approx. 800 feet south from Alexander Road)** – constructed with U-4902.
  - Installation of an exclusive southbound U-turn lane on Market Street with 300 feet of storage and appropriate taper.
  - Installation of a traffic signal for the U-turn Movement.

- **Raintree Road and Site Access 3**
  - Installation of a two-way, two lane road connection to Raintree Road.

**ENVIRONMENTAL**

- The property does not contain any Special Flood Hazard Areas or Natural Heritage Areas.
- The property does contain wetlands regulated by the US Army Corps of Engineers. Consisting of less than 0.5 acres, these wetlands are proposed to be filled in accordance with the US Army Corps of Engineers standards.
- The wetlands have the characteristics of swamp forest under the Conservation Overlay District, however it is not of a sufficient size for conservation space to be required.
- The property is within the Pages Creek (SA;HQW) watershed.
- Soils on the property consist of Murville Fine Sand, Kureb Sand, and Johnston soils.
- The development is subject to state and county stormwater regulations.

## 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>Community Mixed Use</th>
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<tbody>
<tr>
<td><strong>Place Type Description</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>Consistency Analysis</strong></td>
<td>A convenience store with fueling station is an appropriate use for this place type, especially given its location along Market St. Its provision of sidewalk access for nearby residents supports the multi-modal goals of this place type. Also, the connection to Raintree Road is consistent with and supportive of the policies of the plan and will help reduce emergency response time and traffic on Market Street, while also providing integration into the neighboring community.</td>
</tr>
</tbody>
</table>
COMMUNITY MEETING NOTES

- A community meeting was held on Tuesday, August 30, 2016.
- The applicant has provided a summary of the meeting in the application.
- Modifications were made to the proposed site plan presented during the meeting. These changes included reducing the scope of the proposal.

PLANNING BOARD ACTION

The Planning Board considered this application at their April 6, 2017 meeting. One resident spoke in opposition to the application, citing concerns over crime, stormwater management, and environmental protection. In addition, the Planning Board discussed concerns regarding the location of the proposed development and conditioning a vehicular connection to Raintree Road.

The Planning Board recommended approval (5-2) of the application with the following conditions:

A. The improvements required as part of the approved Traffic Impact Analysis must be completed prior to issuance of a Certificate of Occupancy.
B. A two-way vehicular connection must be made to Raintree Road and extend to Bump Along Road. This vehicular travelway must comply with the County’s construction standards for private roads and must be included within a 30 foot access easement that is dedicated for public use.
C. The portion of Bump Along Road adjoining the subject property must be able to be used for public use for the convenience food store.
D. A 20 foot wide easement shall be dedicated to the County along Market Street for the purposes of installing a future multi-use path or sidewalk in accordance with the Wilmington/NHC Comprehensive Greenway Plan.
E. The development must include bicycle parking facilities consisting of at minimum four bicycle parking spaces.
F. Solid fencing and evergreen landscaping shall be installed within the buffer strips along residential areas.

Since the Planning Board meeting, the applicant updated the site plan to include a two-way connection to Raintree Road. In addition, during the TIA review, NCDOT noted that a fee may be required in lieu of the development installing the required improvements on Market Street due to the upcoming median project (U-4902). NCDOT would then use the fee to install the required improvements with the median project. Staff has modified the suggested conditions to reflect these updates.

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.
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 Utilities Authority standards.
B. The subject property is located in the New Hanover County North Fire Service District.
C. The main access to the site will be provided by Market Street, an arterial street.
D. A Traffic Impact Analysis was completed for the proposed development. The TIA found that with the recommended improvements, the area's street network will operate from an “A” to “D” Level of Service.
E. The subject site does not host any known conservation, cultural, historic, or archaeological resources.
F. Any disturbance to the wetlands on the subject site must comply with the standards and regulations of the US Army Corps of Engineers.
G. The proposed development must comply with the stormwater standards and regulations of the county and state, including controlling additional runoff generated by the development up to a 25-year storm event.
H. The development will provide interconnectivity to the surrounding area which will reduce emergency response time and traffic on Market Street.

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. Convenience Food Stores are allowed by Special Use Permit in the O&I zoning district.
B. The site design complies with the standards of the Zoning Ordinance.

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 location of the proposed development is classified as Community Mixed Use in the 2016 Comprehensive Plan.
B. The surrounding land uses include residential, institutional, and commercial uses.
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 development as Community Mixed Use, and the proposed use aligns with the intent of the Community Mixed Use land use classification.

B. Guideline III.A.2 of the Comprehensive Plan promotes connectivity between transportation modes within new developments.

C. Guideline III.A.4 of the Comprehensive Plan promotes connections to existing streets that improve accessibility and safety to development sites.

D. Guideline IV.B.3 of the Comprehensive Plan promotes street connectivity and discourages cul-de-sacs and gated communities that impede connectivity and emergency response.

E. Guideline I.C.2 of the Comprehensive Plan promotes strategies for encouraging light intensity nonresidential uses within existing residential areas to provide community level service.

F. Strategy XXI.A of the Comprehensive Plan promotes minimizing vehicle miles traveled.

G. With the connection to Raintree Road, the proposal supports the above goals, guidelines, and strategies of the Comprehensive Plan.

H. Goal VIII of the Comprehensive Plan encourages multi-modal transportation where individuals can safety walk and bike.

I. The proposed development will provide for alternative forms of transportation consistent 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.

Staff Suggested Conditions

The following conditions have been updated since the Planning Board meeting to reflect updates made to the site plan.

1. The improvements required as part of the approved Traffic Impact Analysis must be completed in accordance with NCDOT’s standards prior to issuance of a Certificate of Occupancy.

2. The two-way vehicular connection to Raintree Road, extending to Bump Along Road, must be included within a 30 foot wide access easement that is dedicated for public use.

3. The portion of Bump Along Road adjoining the subject property must be dedicated for public use, either by dedicating an easement or right-of-way.

4. A 20 foot wide easement shall be dedicated to the County along Market Street for the purposes of installing a future multi-use path or sidewalk in accordance with the Wilmington/NHC Comprehensive Greenway Plan.

5. The development must include bicycle parking facilities consisting of at minimum four bicycle parking spaces.

6. Solid fencing and evergreen landscaping shall be installed within the buffer strips along residential areas.