STAFF SUMMARY OF S18-01
SPECIAL USE PERMIT APPLICATION

APPLICANT SUMMARY
Case Number: S18-01
Request: Special use permit in order to develop a high density development
Applicant: Stephanie Norris of Otter Creek Partners, LLC
Property Owner(s): GL & SM Limited Partnership
Location: 9533 & 9617 River Road
Acreage: 7.31
PID(s): R07600-002-068-000
R07600-002-016-000
Comp Plan Place Type: Urban Mixed Use
Existing Land Use: Undeveloped
Proposed Land Use: High density development
Current Zoning: O&I and R-15

SURROUNDING AREA

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>ZONING</th>
</tr>
</thead>
<tbody>
<tr>
<td>North: Single-Family Residential (Wood Duck Forest Subdivision)</td>
<td>R-15</td>
</tr>
<tr>
<td>East: Single-Family Residential (Highgrove Estates)</td>
<td>R-15</td>
</tr>
<tr>
<td>South: Undeveloped, Single-Family Residential, Myrtle Grove Presbyterian Church</td>
<td>O&amp;I, R-15</td>
</tr>
<tr>
<td>West: Undeveloped, Myrtle Grove Shopping Center</td>
<td>O&amp;I, B-2</td>
</tr>
</tbody>
</table>
ZONING HISTORY

April 7, 1971  Initially zoned R-15 (Area 4)
February 1, 1999  Vast majority of the subject property rezoned to O&I (Z-646)

COMMUNITY SERVICES

Water/Sewer  The project 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
Schools  Bellamy Elementary, Codington Elementary, Myrtle Grove Middle, and Ashley High Schools
Recreation  Myrtle Grove Athletic Complex

CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES

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

Proposed Site Plan

- This application proposes to construct a high density development consisting of 72 apartment units.
TRANSPORTATION

- Access is proposed to be provided to the subject property by Piner Road (SR 1521). Wood Duck Circle also ends in a cul-de-sac at the subject property, however when the property was rezoned to O&I in 1999, the property owner executed a dedication agreement which created a fifty-foot buffer easement along the northern property line shared with the Wood Duck Forest subdivision. The agreement states that no structures or roadways can be development within the buffer easement. As a result, the proposed plan does not include a street connection. Utilities are planned to connect to those already in Wood Duck Forest.

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>INTENSITY</th>
<th>AM PEAK</th>
<th>PM PEAK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>72 units</td>
<td>80</td>
<td>72</td>
</tr>
</tbody>
</table>
- According to Section 70-2 of the Zoning Ordinance, Traffic Impact Analyses (TIA) 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 TIA is not required for this project due to the projected peak hour trip generation figures being below the threshold.

- The traffic impact of the project was analyzed by NCDOT during the Technical Review Committee (TRC) process, and they have indicated that an eastbound left turn lane will need to be installed on Piner Road at the development’s access.

**Traffic Counts**

<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>Piner Road</td>
<td>700 Block</td>
<td>14,234</td>
<td>18,035</td>
<td>0.78</td>
<td>D</td>
</tr>
</tbody>
</table>

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

[Map showing nearby planned transportation improvements and traffic impact analyses]
**Regional Transportation Plans:**

- The NC State Transportation Improvement Program includes a project (U-5790) that will widen the adjacent portion of Carolina Beach Road and construct a flyover at the intersection of College Road and Carolina Beach Road. Construction of the project is expected to start in 2024.

**Nearby Traffic Impact Analyses:**

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

<table>
<thead>
<tr>
<th>Proposed Development</th>
<th>Land Use/Intensity</th>
<th>TIA Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Kaylies Cove</td>
<td>• 110 Single Family Homes</td>
<td>• Approved February 20, 2018&lt;br&gt;• 2019 Build Out Year</td>
</tr>
</tbody>
</table>

The TIA required improvements be completed at certain intersections in the area. The notable improvements consisted of:

- Installation of an eastbound right turn lane and westbound left turn lane on Piner Road at the site’s access.

**Nearby Proposed Developments included within the TIA:**

- None

**Development Status: Under construction. Phase 1, consisting of 27 lots has been platted.**

| 2. Tarin Woods II    | • 414 Single-Family Homes<br>• 360 Apartment Units | • Under Review<br>• Build Out Years:<br>o Phase 2A (214 single-family homes): 2018<br>o Phase 2B (total units): 2020 |

The TIA recommends improvement be completed at certain intersections in the area. The notable improvements consist of:

- Extension of the westbound duel right turn lanes at Kings Highway and Carolina Beach Road.
- Optimization of signal timing and conversion of the westbound movement to a right-turn only at Sanders Road and Carolina Beach Road.

**Nearby Proposed Developments included within the TIA:**

- River Lights (20%)
- Beau Rivage Update TIA

**Development Status: Under construction. Phase 1, consisting of 51 lots, has been platted.**
### 3. Trinity Landing

| • 220 senior adult housing dwelling units and amenities | • Approved June 23, 2017  
| • 2020 Build Out Date |

The TIA required improvements be completed at certain intersections in the area. The major improvements consisted of:

- Installation of a northbound right turn lane on Masonboro Loop Road at the site’s access.

**Nearby Proposed Developments included within the TIA:**

- None

**Development Status: No construction has started at this time**

### 4. Helms Port

| • 159 single-family dwellings | • Approved April 8, 2014  
| • 2016 Build Out Date |

The TIA required improvements be completed at certain intersections in the area. The major improvements consisted of:

- Installation of a northbound right turn lane on Masonboro Loop Road at the site’s access.
- Installation of a three lane cross-section with one ingress and two egress lanes at the site’s access.

**Nearby Proposed Developments included within the TIA:**

- None

**Development Status: Completed**

### 5. The Village at Mott’s Landing Phase I & II

| • 389 single-family dwellings  
| • 24 duplex homes | • Approved February 26, 2014  
| • 2018 Build Out Date |

The TIA required improvements be completed at certain intersections in the area. The major improvements consisted of:

- Installation of a southbound right turn lane and directional left-over on Carolina Beach Road at the site’s access.

**Nearby Proposed Developments included within the TIA:**

- None

**Development Status: Completed**
ENVIRONMENTAL

- The property does not contain any Special Flood Hazard Areas, wetlands, or Natural Heritage Areas.
- The subject property is within the Motts Creek (C;Sw) watershed.
- Per the Classification of Soils in New Hanover County for Septic Tank Suitability, soils on the property consist of Class I (suitable/slight limitation) soils.

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>Urban Mixed Use (and Monkey Junction Growth Node)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Place Type Description</td>
<td>Promotes development of a mix of residential, office, and retail uses at higher densities. Types of uses encouraged include office, retail, mixed use, small recreation, commercial, institutional, single-family, and multi-family residential.</td>
</tr>
</tbody>
</table>
Analysis

Urban Mixed Use areas, especially the three designated growth nodes, are intended to provide a mixture of commercial services and higher density housing at more urban scales. Moderate density residential developments, like the 10.2 units/acre proposed project, are recommended for this place type.

In addition, the subject property directly abuts the General Residential place type and an existing residential neighborhood. Higher density residential is appropriate in such transitional areas because it can serve as a transition between the higher-intensity commercial uses in an Urban Mixed Use area and adjacent residential neighborhood.

Consistency Recommendation

The proposed high density development is generally CONSISTENT with the Urban Mixed Use place type. It provides housing at densities consistent with what is encouraged in this place type and can serve to transition between the higher intensity commercial uses intended for this place type and existing residential neighborhoods.

PLANNING BOARD ACTION

The Planning Board considered this application at their March 1, 2018 meeting. Ten residents spoke in opposition to the application, citing concerns over traffic, property values, and access to the Wood Duck Forest subdivision.

The Planning Board recommended approval (4-0) of the application with the following conditions:

1. A sidewalk must be constructed along the driveway connecting the apartment buildings to the Piner Road right-of-way.
2. All traffic improvements required as part of NCDOT’s driveway permit must be installed in accordance with NCDOT’s standards prior to the issuance of a Certificate of Occupancy.
3. No street or vehicular connection shall be constructed to Wood Duck Circle. Utilities, however, may connect to the existing lines within Wood Duck Forest.
4. A six-foot-tall opaque fence must be installed between the built-upon areas of the development and the eastern, western, and northern property lines. The fencing along the northern property line must be installed either directly on the property line or outside of the 50-foot buffer easement existing on the property along the boundary with the Wood Duck Forest subdivision.

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 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 is accessed from Piner Road, a minor arterial street that is operating at an acceptable Level of Service.

B. Water and sewer services must be provided and designed in accordance with CFPUA’s standards.

C. The subject property is located in the New Hanover County South Fire Service District.

D. The site is not located within any Special Flood Hazard Area.

E. The proposed development is not estimated to generate enough traffic to require a Traffic Impact Analysis be conducted.

F. A driveway permit must be obtained from NCDOT.

**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 O&I, Office and Institutional District, and R-15, Residential District.

B. High density developments are allowed by special use permit in the O&I and R-15 zoning districts.

C. The site plan has been reviewed by the Technical Review Committee and complies with all applicable technical standards including Zoning Ordinance Section 72-43: High Density Development.

**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 surrounding area contains a mixture of land uses including residential, institutional, and commercial.

B. 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 Urban Mixed Use, and the proposal aligns with the intent of this land use classification. The proposal provides housing at densities consistent with what is encouraged in this place type and can serve to transition between the higher intensity commercial uses intended for this place type and existing residential neighborhoods.

B. The proposal includes the installation of a sidewalk to Piner Road, a roadway that the Wilmington/New Hanover County Comprehensive Greenway Plan recommends for a future multi-use path to be constructed.

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

1. A sidewalk must be constructed along the driveway connecting the apartment buildings to the Piner Road right-of-way.
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