STAFF SUMMARY OF Z18-04
ZONING MAP AMENDMENT APPLICATION

APPLICATION SUMMARY

Case Number: Z18-04

Request:
Zoning Map Amendment to rezone 1.1 acres from R-15 to B-2

Applicant:  Property Owner(s):
Cindee Wolf of Design Solutions  Thelma A. Moore

Location:  Acreage:
7640 Market Street  1.1

PID:  Comp Plan Place Type:
R03600-005-038-000  Community Mixed Use

Existing Land Use:  Proposed Land Use:
Undeveloped  N/A – B-2 Permitted Uses Subject to
  Proposed Approval Process

Current Zoning:  Proposed Zoning:
R-15  B-2

SURROUNDING AREA

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>ZONING</th>
</tr>
</thead>
<tbody>
<tr>
<td>North  Boat Repair, Small Engine Repair, Flex Space</td>
<td>B-2</td>
</tr>
<tr>
<td>East   Landscaping and Plumbing Contractor Offices</td>
<td>B-2</td>
</tr>
<tr>
<td>South  Undeveloped; Single Family Detached Residential</td>
<td>R-15</td>
</tr>
<tr>
<td>West   Automotive Sales</td>
<td>B-2</td>
</tr>
</tbody>
</table>
ZONING HISTORY

July 6, 1971  Initially zoned R-15 (Area 3)

COMMUNITY SERVICES

<table>
<thead>
<tr>
<th>Service</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water/Sewer</td>
<td>CFPUA water and sewer services are available</td>
</tr>
<tr>
<td>Fire Protection</td>
<td>New Hanover County Fire Services</td>
</tr>
<tr>
<td>Schools</td>
<td>Ogden Elementary, Eaton Elementary, Noble Middle, and Laney High Schools</td>
</tr>
<tr>
<td>Recreation</td>
<td>Ogden Park</td>
</tr>
</tbody>
</table>

CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES

<table>
<thead>
<tr>
<th>Type</th>
<th>Details</th>
</tr>
</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>

ZONING ORDINANCE CONSIDERATIONS

- The purpose of the B-2, Highway Business zoning district is to provide for the proper grouping and development of roadside business uses which will best accommodate the needs of the motoring public and businesses demanding high volume traffic. The district’s principal means of ingress and egress shall be along collector roads, minor arterials, and/or major arterials as designated on the County’s Thoroughfare Classification Plan.
- B-2 zoning districts must be at least 5 acres in size; this rezoning would be an expansion of an already established B-2 zoning district that includes 12 parcels and 17.5 acres.
- Because this is a general map amendment and not a conditional rezoning, uses that would be allowed on the property are those allowed by right or by Special Use Permit in the B-2 district based on the Table of Permitted Uses in the Zoning Ordinance.
Although the applicant currently plans to use this property to extend the existing auto sales use, the range of commercial uses permitted in the B-2 zoning district are appropriate on the subject property due to its location off a major arterial in a transitional area between major intersections and higher density Urban Mixed Use areas. Development regulations would require landscaping buffers along residential properties, visually separating and mitigating effects for the adjacent neighborhood.

The property is located within a Special Highway Overlay District (SHOD) that extends 500' from the right-of-way of Market Street. Ares of parcels within the SHOD, including the entirety of the subject parcel, are subject to additional regulations for site design per Section 55.4 of the Zoning Ordinance, including a minimum building setback of 25' from the northern and eastern property lines, limitation on signage to 6’ in height and 150 sq. ft. in area, and lot coverage limit for buildings of 50%.

The building setback required along the southern property line that is adjacent to R-15 zoning would be a minimum of 30’ or 2.75 x Building Height, whichever is greater.

The buffer required along the southern property line that is adjacent to R-15 zoning would be a minimum of 20’ wide and must provide 100% opacity using vegetation, vegetation with fencing, or vegetation with a berm.

All lights must be shielded in a manner so that light from the fixture does not directly radiate into adjacent property.

**TRANSPORTATION**

- Access is currently provided by a dirt driveway from Market Street across the property adjacent to the south.
- Traffic impacts will be analyzed at the time a development is proposed. Any use that exceeds 100 AM or PM peak hour trips will be required to have an approved TIA prior to development. Even if a TIA is not required, improvements may be required when any proposed use is reviewed by NCDOT during the driveway permitting process.

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

**Regional Transportation Plans:**

- STIP Project U-4751
  - Extension of Military Cutoff Road from Market Street to I-140. Construction began this year for this project.
- STIP Project U-4902D
  - Installation of a center median on Market Street from Middle Sound Road to Marsh Oaks Drive. Also includes the installation of a sidewalk on the western side of Market Street and a multi-use path on the eastern side. Construction is expected to begin in early 2019.
- The NHC/City of Wilmington Greenway Plan recommends that a greenway along the western side of Market Street; STIP Project U-4902D will install a multi-use path on the southeastern side of Market Street and sidewalk along the northwestern side of Market Street near the subject site.
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>
</table>
| 1. Ogden Starbucks   | • 2,200 sq. ft. coffee shop with drive through | • Under Review  
• 2019 Build Out Year |
The TIA recommends improvements be completed at certain intersections in the area. The major improvements consisted of:

- Convert existing eastbound through lane on eastbound Lendire Road to a through/right turn lane
- Extend existing right-turn lane on southbound Market Street

The improvements required for the project may include additional improvements since the TIA approval is still pending.

Nearby Proposed Developments included within the TIA:

- None

Development Status: Pending application after TIA approval.

<table>
<thead>
<tr>
<th>Proposed Development</th>
<th>Land Use/Intensity</th>
<th>TIA Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Bailey Shoppes</td>
<td>Commercial center with 14,800 sq. ft. for office, retail, and restaurant uses</td>
<td>TIA approved February 20, 2018, 2018 Build Out Year</td>
</tr>
</tbody>
</table>

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

- Installation of southbound right-turn lane on Market Street
- Signalization of future U-turn at Market Street as part of U-4902D project

The improvements have not been completed at this time.

Nearby Proposed Developments included within the TIA:

- Aldi at Marsh Oaks
- Amberleigh Shores Apartments

Development Status: Rezoning heard at 4/2/2018 Board of Commissioners meeting (after press date for this staff summary)

<table>
<thead>
<tr>
<th>Proposed Development</th>
<th>Land Use/Intensity</th>
<th>TIA Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Aldi at Marsh Oaks</td>
<td>18,900 square foot discount supermarket</td>
<td>TIA approved July 6, 2016</td>
</tr>
</tbody>
</table>

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

- Installation of an eastbound right turn lane on Marsh Oaks Drive to a site access

Per NCDOT, the improvements required at this time have been installed in accordance with their standards.

Nearby Proposed Developments included within the TIA:

- US 17 retail – Walmart Shopping Center (accounted for in annual growth rate)
Development Status: Completed

4. Amberleigh Shores – Phase 2

- 288 apartment units
- TIA Approved November 3, 2016
- 2018 Build Out Year

The TIA required improvements be completed at certain intersections in the area. The major improvements consist of:
- Installation of a southbound left turn lane on Market Street to Marsh Oaks Drive
- Installation of an eastbound right turn lane on Marsh Oaks Drive to a site access
- Extension of an existing right-turn lane on Market street to serve an existing site access

In addition, improvements will be made with STIP Project U-4902D (Market Street median) that will support the traffic generated by the development. Construction of the development and required transportation improvements have not started at this time.

Nearby Proposed Developments included within the TIA:
- None

Development Status: No construction has started at this time

<table>
<thead>
<tr>
<th>Proposed Development</th>
<th>Land Use/Intensity</th>
<th>TIA Status</th>
</tr>
</thead>
</table>
| 5. Middle Sound Market Place (Publix) | • 32,830 sq. ft. of retail, 49,100 sq. ft. supermarket, 720 sq. ft. fast food restaurant | • TIA Approved February 16, 2015  
  • 2019 Build Out Year |

The TIA required improvements be completed at certain intersections in the area. The major improvements consisted of:
- Continuous right-turn lane on northbound Market Street
- Realignment of Lendire Road intersection at Market Street with Middle Sound Loop Road
- Extend left-turn lane on southbound Market Street
- Extend right-turn lane on southbound Market Street
- Extend existing dual-left turn lane on westbound Middle Sound Loop Road
- Restriping of eastbound Middle Sound Loop Road for left-turn lane, thru lane, and right-turn lane
- Construct an additional thru-lane on southbound Market Street

Some improvements have been completed at this time and some improvements will occur with the U-4751 TIP project.

Nearby Proposed Developments included within the TIA:
- None

Development Status: Partially built-out.
### 6. Market Street Retail Center (Wal-Mart)

<table>
<thead>
<tr>
<th>Features</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>245,500 square feet retail space</td>
<td>TIA approved May 2, 2013</td>
</tr>
<tr>
<td>Drive-in bank with 5 drive-thru lanes</td>
<td>2015 Build Out Year</td>
</tr>
<tr>
<td>4,000 square feet fast food restaurant w/ drive-thru</td>
<td></td>
</tr>
<tr>
<td>4,000 square feet fast food restaurant w/ drive-thru</td>
<td></td>
</tr>
</tbody>
</table>

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

- Installation of center median on Market Street from Marsh Oaks Drive to site’s main access (Hays Lane), and continuing the median to the existing concrete median to the north.
- Installation of a traffic signal at the site’s main access on Market Street (Hays Lane).
- Installation of multiple turn lanes at the site access points along Market Street.

Per NCDOT, the improvements required at this time have been installed in accordance with their standards.

<table>
<thead>
<tr>
<th>Nearby Proposed Developments included within the TIA:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amberleigh Shores Apartments</td>
</tr>
</tbody>
</table>

**Development Status: Completed**

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### ENVIRONMENTAL

- The property does not lie within any Special Flood Hazard Area or CAMA Area of Environmental Concern.
- Soils on the property consist of Murville fine sand and Leon sand.
- The subject property is within the Pages Creek (SA; HQW) watershed.

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### 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.
### Place Types

<table>
<thead>
<tr>
<th>Future Land Use Map Place Type</th>
<th>Community Mixed Use</th>
</tr>
</thead>
<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>Analysis</strong></td>
<td>Community Mixed Use areas are generally intended to include a mixture of uses. The subject property is located near the intersection of Market St. and Alexander Rd., immediately adjacent to both existing auto-oriented businesses and a residential neighborhood. It is located in a transitional area between two Urban Mixed Use areas where higher densities are encouraged. Ideal uses for this property would provide for the needs of adjacent residential neighborhoods and/or provide higher density residential housing to transition to the adjacent lower density residential areas.</td>
</tr>
<tr>
<td><strong>Consistency Recommendation</strong></td>
<td>The proposed B-2 rezoning is generally CONSISTENT with this place type because the B-2 district allows for the types of services for nearby residents recommended in the comprehensive plan. Although the applicant currently plans to use this property to extend the existing auto sales use, the range of commercial uses permitted in the B-2 zoning district are appropriate on the subject property due to its location off a major arterial in a transitional area between major intersections and higher density Urban Mixed Use areas. Development regulations would require landscaping buffers along residential properties, visually separating and mitigating effects for the adjacent neighborhood.</td>
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PLANNING BOARD ACTION

The Planning Board considered this application at their April 5, 2018 meeting. At the meeting, four members from the public spoke in opposition to the request, citing various concerns about noise, lighting, safety, and reduction in property values.

The Board recommended approval (5-2) of the application, finding that it is:

1. **Consistent** with the purposes and intent of the 2016 Comprehensive Plan because the commercial uses permitted in the B-2 zoning district are appropriate on the subject property due to its location off a major arterial in a transitional area between major intersections and higher density Urban Mixed Use areas.

2. **Reasonable and in the public interest** because the rezoning provides a reasonable extension to an existing B-2 zoning district while protecting adjacent residential areas through Zoning Ordinance site design requirements for any use proposed in the district.

STAFF RECOMMENDATION

Staff recommends approval of the application as stated in the Planning Board’s action. Staff concurs with the Planning Board’s statements that the application is consistent with the Comprehensive Plan and is reasonable and in the public interest.