

NEW HANOVER COUNTY

DEPARTMENT OF PLANNING & LAND USE

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Wilmington, North Carolina
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planningdevelopment.nhcgov.com



CONDITIONAL USE ZONING DISTRICT Application

Applicant/Agent Information		Property Owner(s) <i>If different than Applicant/Agent</i>
Name David DeSpain	Owner Name Bennett Commercial Prop, LLC	
Company College Acres Development, LLC	Owner Name 2	
Mailing Address 4702 Oleander Drive	Mailing Address 6601 Myrtle Grove Road	
City, State, Zip Myrtle Beach, SC 29577	City, State, Zip Wilmington, NC 28409	
Phone	Phone	
Email	Email	
Subject Property Information		
Address/Location 5308 Carolina Beach Road		
Parcel Identification Number(s) R07600-006-044-000		
Total Parcel(s) Acreage 9.14 acres		
Existing Zoning and Use(s) R-15,B-2		
Future Land Use Classification Urban Mixed/General Residential		
Application Tracking Information (Staff Only)		
Case Number Z18-16	Date/Time received: 9/6/2018	Received by: BS

Proposed Zoning, Use(s), & Narrative

Proposed Conditional Use Zoning District: R-10 (High Density) Total Acreage of Proposed District: 9.14

Only uses allowed by right or by Special Use Permit in the corresponding General Use District are eligible for consideration within a Conditional Use Zoning District. Please list the uses that will be allowed within the proposed Conditional Use Zoning District, the purpose of the district, and a project narrative (please provide additional pages if needed).

See Attached.

Traffic Impact

Please provide the estimated number of trips generated for the proposed use(s) based off the most recent version of the Institute of Transportation Engineers (ITE) Trip Generation Manual. A Traffic Impact Analysis (TIA) must be completed for all proposed developments that generate more than 100 peak hour trips, and the TIA must be included with this application.

ITE Land Use: Town Homes

Trip Generation Variable (gross floor area, dwelling units, etc.): 230 (See chart on Site Plan)

AM Peak Hour Trips: 51

PM Peak Hour Trips: 72

CONSIDERATION OF A CONDITIONAL USE ZONING DISTRICT

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 must explain, with reference to attached plans (where applicable), how the proposed Conditional Use Zoning District meets the following criteria.

1. How would the requested change be consistent with the County's policies for growth and development? (For example, the Comprehensive Plan and applicable small area plans)

See Attached

2. How would the requested Conditional Use Zoning District be consistent with the property's classification on the Future Land Use Map?

See Attached

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?

See Attached

4. How will this change of zoning serve the public interest?

See Attached

CRITERIA REQUIRED FOR APPROVAL OF A SPECIAL USE PERMIT

Within a Conditional Use Zoning District, no use is allowed except by Special Use Permit. In order for a Special Use Permit to be issued, the Board of Commissioners must find that the application is meeting the following findings of fact. The applicant must explain, with reference to attached plans (where applicable), how the proposed use meets these required findings (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 required findings.

1. The use will not materially endanger the public health or safety if located where proposed and approved.

Considerations:

- Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersections with curb cuts
- Provision of services and utilities, including sewer, water, electrical, garbage collections, fire protection
- Soil erosion and sedimentation
- Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater
- Anticipated air discharges, including possible adverse effects on air quality

See Attached

2. The use meets all required conditions and specifications of the Zoning Ordinance.

See Attached

CRITERIA REQUIRED FOR APPROVAL OF A SPECIAL USE PERMIT

(continued)

3. The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

Considerations:

- The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved (i.e. buffers, hours of operation, etc)
- Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or County as a whole as to justify it regardless of its impact on the value of adjoining property

See Attached

4. 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 New Hanover County Comprehensive Land Use Plan.

Considerations:

- The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved (i.e. buffers, hours of operation, etc)
- Consistency with the Comprehensive Plan's goals, objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its locational standards

See Attached

APPLICATION REQUIREMENTS

Staff will use the following checklist to determine the completeness of your application. Please verify all of the listed items are included and confirm by initialing under "Applicant Initial". Applications must be determined to be complete in order to process for further review.

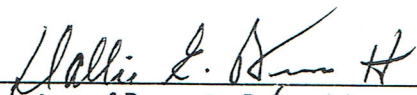
Required Information		Applicant Initial	Staff Initial
1	Complete Conditional Use Zoning District application	DP	BS
2	Application fee – (\$600 for 5 acres or less, \$700 for more than 5 acres. An additional \$300 fee must be provided for applications requiring TRC review)	DP	BS
3	Community meeting written summary	DP	BS
4	Traffic impact analysis (for uses that generate more than 100 peak hour trips)	n/a	N/A
5	Legal description (by metes and bounds) or recorded survey Map Book and Page reference of the property requested for rezoning.	DP	BS
6	<u>Site Plan including the following elements:</u> <ul style="list-style-type: none"> • Tract boundaries and total area, location of adjoining parcels and roads • 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. • Development schedule including proposed phasing. • 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. • All existing and proposed easements, reservations, required setbacks, rights-of-way, buffering and signage • The one hundred (100) year floodplain line, if applicable • Location and sizing of trees required to be protected under Section 62 of the Zoning Ordinance • 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. • Any other information that will facilitate review of the proposed change (Ref. Article VII, as applicable) 	DP	BS
7	1 hard copy of ALL documents AND 8 hard copies of the site plan. Additional hard copies may be required by staff depending on the size of the document/site plan.	DP	BS
8	1 PDF digital copy of ALL documents AND plans on a Compact Disk (CD).		BS

ACKNOWLEDGEMENT AND SIGNATURES


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.

If applicable, I also appoint the applicant/agent as listed on this application to represent me and make decisions on my behalf regarding this application during the review process. The applicant/agent is hereby authorized on my behalf to:

1. Submit an application including all required supplemental information and materials;
2. Appear at public hearings to give representation and commitments; and
3. Act on my behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of this application.


Signature of Property Owner(s)

DALLIE E. BENNETT
Print Name(s)


Signature of Applicant Agent

David Despain
Print Name

NOTE: Form must be signed by the owner(s) of record. If there are multiple property owners a signature is required for each owner of record.

***The land owner or their attorney must be present for the application at the public hearings.**

If an applicant requests delay of consideration from the Planning Board or Board of County Commissioners before notice has been sent to the newspaper (approximately 2-3 weeks before the hearing), 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.

For Staff Only

Application Received:	Completeness Determination Required By (date):	Determination Performed on (date):	Planning Board Meeting:

Conditional Use Zoning District Application
Supplemental information for 5308 Carolina Beach Road Tract
Date: September 6, 2018

Proposed Zoning Use & Narrative:

Only uses allowed by right or by Special Use Permit in the corresponding General Use District are eligible for consideration within a Conditional Use Zoning District. Please list the uses that will be allowed within the proposed Conditional Use Zoning District, the purpose of the district, and a project narrative (please provide additional pages if needed).

The proposed development, located off of Carolina Beach Road near the Carolina Beach Rd/College Rd. intersection, is 9.14 acres currently zoned R-15 and B-2. The proposed zoning is R-10 High Density. This R-10 High Density designation is fitting of the County's Future Land Use Plan designation of Urban Mixed Use applicable to the front half of the site and the general residential designation applicable to the rear of the property. By allowing a denser residential use on the site, it allows the applicant to make better use of a long and skinny piece of property. The R-10 High Density affords the opportunity to create a cohesive development of 100 townhomes in one of the main hubs in the middle/southern part of the county. The narrow shape of the parcel limits much the size and shape of the lots of a traditional single family development as allowed in R-15. Also, the land is oddly shaped for the B-2 portion of the land. The parcel lacks the road frontage that typically makes business/office uses associated with B-2 development successful. The R-10 High Density option allows the applicant to make a better use of the land. College Acres Development, LLC proposes a townhome community, and this allows units to line the main road through the development. The shallower and narrower attached residential product affords the site a greater amount of opens space and undisturbed buffer areas. This design also allows room to meet with the County's required road connection to adjacent road stub outs. The applicant brings this project to the County as a good land use compatible with the surrounding properties and furthering many of the goals of the County.

Consideration of a Conditional Use Zoning District Supplemental Information:

1. How would the requested change be consistent with the County's policies for growth and development?

The County promotes growth and varied housing products. This is an infill project in a primarily commercial corridor of Carolina Beach Road. The project offers a townhome community large enough to offer a housing choice to folks looking for a smaller home with less maintenance. The proximity to shopping, dining, and entertainment makes the location of this parcel desirable and the townhome product is appropriate to vary housing products.

2. How would the requested Conditional Use Zoning District be consistent with the property's classification on the Future Land Use Map?

The site is split on the County's Future Land Use Map. The front portion of the property is designated Urban Mixed Use. The rear is the General Residential. This proposed project is residential, and, therefore compliant with the General Residential Section. The townhomes are a denser housing product type that will transition nicely to the primarily commercial corridor along Carolina Beach Road; therefore, making the project consistent with the Urban Mixed Use designation.

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?

While there is an older residential community adjacent to the subject parcel, the majority of the area is developed as commercial or mobile homes. Obviously, the commercial portions of development front along the busy Carolina Beach Road Corridor. This commercial section is roughly 300'-500' deep and then land behind the properties is either undeveloped or small, ranch-style homes or mobile homes. The

commercial properties as a front door to this subject parcel certainly set it up to be a transition development of higher density before backing down to some of the residential developments nearby. The proposed townhome use is more in line with the busy commercial node in this portion of the county whereas, a large single family home in an R-1.5 neighborhood is less expected or desirable in the back of a shopping center.

4. How will this change of zoning serve the public interest?

The zoning will provide a transition zone between existing commercial and traditional single family neighborhoods. It will create a community that may be underserved in this section of the County and it will serve as a good infill to an existing vacant piece of property.

Criteria Required for Approval of a Special Use Permit:

1. The use will not materially endanger the public health or safety if located where proposed and approved.

Considerations:

☐ Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersections with curb cuts

The traffic generated by this development will be residential in nature as opposed to the commercial uses on adjacent properties and along the entire Carolina Beach Road corridor. If deemed necessary by the NCDOT, the developer will be required to install traffic improvements to aid in public safety. See the site plan for additional traffic information.

☐ Provision of services and utilities, including sewer, water, electrical, garbage collections, fire protection

The site is serviced by CFPUA and the townhomes will connect to those services. Power, trash and fire protection services are available in this location and will service the site when the project comes on line.

☐ Soil erosion and sedimentation

The soil and erosion and sedimentation will be controlled through the state and county regulatory oversight and permitting process, so the construction or finished product will not endanger anyone or cause harm to public health.

☐ Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater

The water supply and surface waters will be protected by the state and County regulatory actions and construction methods dictated by the storm sewer and water utility permitting. For instance, backflow preventers will be required on site to protect the public water supply. The water service will be installed per the required utility provider, CFPUA, and their approval process. The surface waters will be protected by silt fence and by methods consistent with an approved stormwater and erosion control permit. These methods will prevent water running off the site without sufficient water treatment on the site.

☐ Anticipated air discharges, including possible adverse effects on air quality

No air quality will be adversely affected. The construction methods will comply with state and federal laws governing air quality.

2. The use meets all required conditions and specifications of the Zoning Ordinance.

The plan for the subject property has gone through the County's TRC process, and there were no issues with the design or plans at that time. It is our understanding that the plan meets all required conditions and specifications of the Zoning Ordinance.

3. The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

Considerations

The relationship of the proposed use and the character of development to surrounding uses and development, including the possible conflicts between them and how these conflicts will be resolved (i.e. buffers, hours of operation, etc.)

- The relationship and character for this development is to be a good neighbor for the surrounding properties. While this development proposed townhomes as the primary use, the character of the buildings themselves and the land the units sit on will be maintained as aesthetically pleasing and to ensure safety and a clean neighborhood. This is a residential area and has been for some time prior. With the proposed development, additional density will be added that is higher than the surrounding neighborhoods. Therefore, there are buffers in place, along with additional setbacks (35') that will provide separation from existing adjacent properties and screen those neighbors from both audible and visual impacts.
- Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or County as a whole as to justify it regardless of its impact on the value of adjoining property.
 - The local area surround this proposed development has grown dramatically in recent years to include many different types of housing. Some recent additions are the townhomes located at Magnolia Trace and the apartments located within the Belle Meade development. Both cases are attracting similar end users that prefer a higher density neighborhood with more affordable options that may not necessarily include the maintenance responsibility that comes with a single family home.

4. 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 New Hanover County Comprehensive Land Use Plan.

Considerations:

- ☐ The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved (i.e. buffers, hours of operation, etc)

The primary use for the project is townhome residential. The surrounding area is primarily single family residential. These two uses, while different in definition, are very similar in regards to this project. These townhomes are for individual sale, much like single family residential within the area. This project is however a higher density that the surrounding development and in light of that we propose the use of buffers along the property boundaries that include the existing vegetation to the greatest extent possible. By utilizing the existing vegetation we are able to instantly increase the quality of the buffer and provide additional height and character that would not be possible through the use of a newly planted buffer alone.
- ☐ Consistency with the Comprehensive Plan's goals, objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its locational standards

The project is consistent with the Comprehensive Plan's goals and objectives. Many of those goals and objectives promote growth and varied housing types. Goals also promote infill. For instance, the Comprehensive Plan states, *"Infill – already developed areas that have future development potential through additional density or vacant/unoccupied parcels."* Furthermore, these policies promote more affordable housing. Townhomes represent a more affordable housing type for a variety of home buyers. The townhomes are a lower maintenance and less expensive housing type. This helps both first time home buyers and older home buyers looking to downsize or spend less money on a mortgage or to have less maintenance on a home and yard. The project is currently one of the only large undeveloped tracts left this area of Carolina

Beach Road. That makes this project an infill project and desirable to complete long planned road connections through neighborhoods among other things. The buffers of the project will protect adjacent home owners from seeing the full view of the townhomes. The residential nature of the development makes it less intense than the adjacent commercial sites. For these reasons, the applicant presents this project for consideration because it is consistent with the Comprehensive Plan and an appropriate use for this area of the County.

PARAMOUNT

ENGINEERING, INC.

Community Meeting Summary

Project: Carolina Beach Rd Tract
Project No.: 18327.PE
Meeting Date: September 4, 2018
Place: Best Western Plus, 5600 Carolina Beach Rd
Attendees: Robert Jackson, American Homesmith, Presenter
George Johnson, Developer
David Despain, Developer
Clay Matthews & Tim Clinkscales, Paramounte Engineering
See attachment (sign-up sheet)

A community meeting was held at the Best Western Plus located at 5600 Carolina Beach Rd. on September 4, 2018 at 6:00 pm to discuss the proposed Conditional Use District of the subject property on Carolina Beach Rd. (+/- 9.14 ac) from B-2 and R-15 to R10 Conditional Use District. The following is a listing of comments made during the meeting:

- Is housing subsidized
- Rental units – these are for sale
- Bar owner - issue with townhomes beside the fence
- Need an elevation for planning board & buffer – neighborhood next door
- Traffic issues
- Raises property values
- NCDOT Antoinette Drive
- Can community have an input on things
- Traffic, site
- Accidents on weekly bases
- How many units – 100
- Brewster have buffer
- Define buffer – Clay did such
- Stormwater / water quality
- Buffer
- Housing types
- Privacy in back yards
- Existing ditch
- Unit size
- Fence option at Scotchman

PARAMOUNT

ENGINEERING, INC.

This summary represents the writer's understanding of the public meeting. Any correction and/or clarifications should be directed to the writer's attention within three days of receipt of these meeting minutes.

Written by: Clay Matthews

cc: New Hanover County Development Services, file

PARAMOUNT

E N G I N E E R I N G , I N C .

Carolina Beach Tract New Hanover County, North Carolina

September 6, 2018
18327.PE

Being a portion of the certain tract or parcel of land described as tract 1 in deed book 2793, page 721 as recorded in the New Hanover County Register of Deeds. Said parcel being further described as a portion of the northern 166 ½ feet of farm no. 4 of Home Farms road as recorded in map book 1, page 9. Being further described as follows:

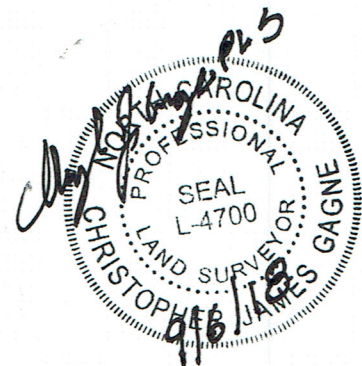
Beginning at an iron road found on the southwestern margin of Carolina Beach Road (U.S. Highway 421) being a 100 foot wide public right of way. Said iron being South 38°22'46" East a distance of 190.15 feet from an existing iron rod at the intersection of the southeastern margin of Antoinette Drive and said Carolina Beach Road. Thence with the margin of Carolina Beach Road South 35°39'25" East a distance of 165.95 feet to an iron pipe found;

Thence with the northwestern boundary of lots shown in map book 52, page 262 South 50°08'26" West a distance of 2,347.29 feet to an iron rod set on the southern boundary of farm no. 4 as shown on map book 1, page 9;

Thence with lots 26, 25, and 24 North 72°21'16" West a distance of 196.22 feet to an iron pipe found being South 72°21'16" East a distance of 134.27 feet from an existing concrete monument;

Thence with southern boundary of Marquis Hills subdivision North 50°08'26" East a distance of 2,464.87 feet to the point of beginning.

Containing 398, 206 square feet or 9.14 acres more or less.



Name

Address

E-mail

Pat & Donna Mullen 25 Antoinette Drive

Philip H. Worman

29 ANTOINETTE DR.

Vernie Mints

36 Antoinette Dr.

Ram Ulrich

101 Antoinette Dr.

Tam Mole

30 Antoinette Dr.

Gary Matava

5314 Carolina Beach Rd

Harri Quings

6500 Myrtle Grove Rd.

John Tansley

Pam & Fred Davis

221 Normandy Dr

TARA Day

5504 Tassels Dr. & 723 Brentix

(+sunday@bellsouth.net) with me