

STAFF REPORT FOR **Z-965M** CONDITIONAL ZONING DISTRICT MODIFICATION APPLICATION

APPLICATION SUMMARY

Case Number: Z-965M

Request:

Modification to an existing CZD B-2 zoning district to allow outdoor boat/RV storage

Applicant:

Michael V. Lee, Esq. with Lee Law Firm

Property Owner(s):

Inlet Watch Development Partners, LLC

Location:

7200 block of Carolina Beach Road

Acreage:

±7.08

PID(s):

R08500-003-003-000

Comp Plan Place Type:

Community Mixed Use

Existing Land Use:

Mini-warehouse use consisting of three structures and outdoor storage

Proposed Land Use:

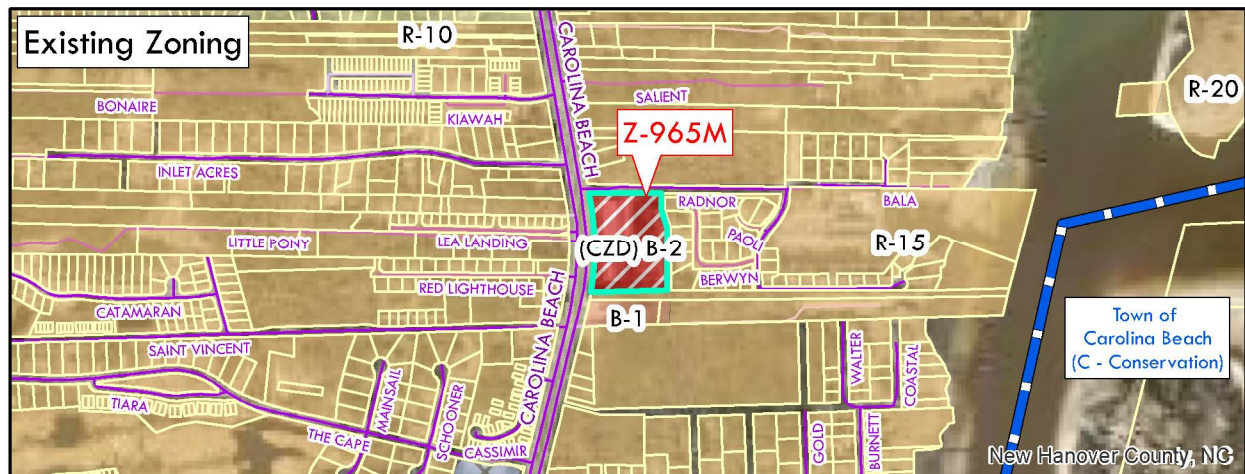
The property would be allowed to be used as a mini-warehouse and outdoor boat/RV storage lot.

Current Zoning:

CZD B-2

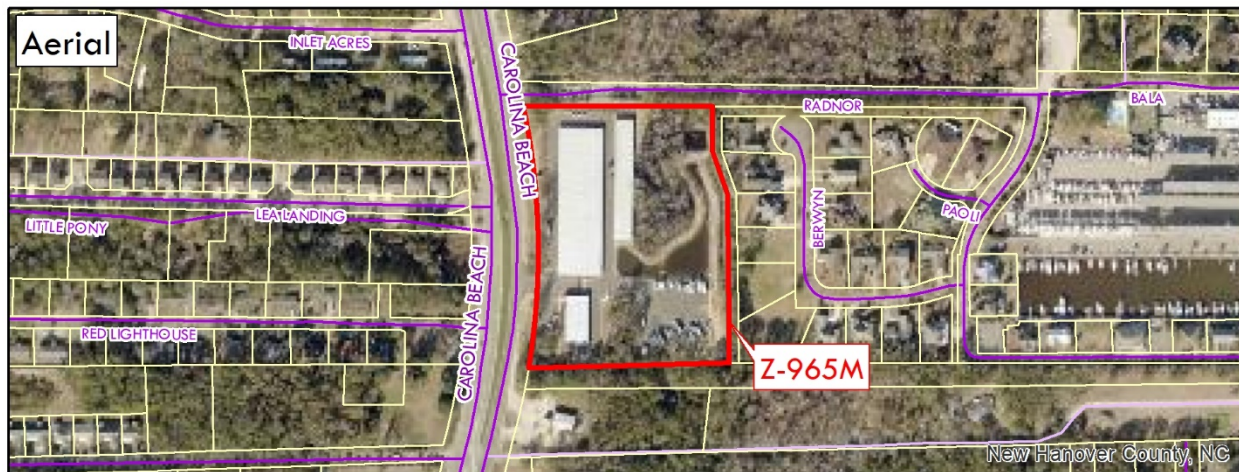
Proposed Zoning:

CZD B-2



SURROUNDING AREA

| | LAND USE | ZONING |
|--------------|--|-----------|
| North | Single-family Residential, Undeveloped Land | R-15 |
| East | Single-family Residential, Marina, Conservation | R-15, C |
| South | Retail Establishment/Carolina Video, Single-family Residential, Undeveloped Land | B-1, R-15 |
| West | Single-family Residential, Undeveloped Land | R-15 |



ZONING HISTORY

| | |
|-------------------------|--|
| April 7, 1971 | Initially zoned R-15 (Area 4) |
| May 7, 1984 | Rezoned approximately 3.0 acres of the front/western portion of parcel to B-1 for neighborhood oriented commercial development (Z-185) |
| October 5, 1987 | Rezoned the remaining portion of the property (± 3.37 acres) to B-1 for commercial development (Z-319) |
| November 3, 2014 | Special Use Permit granted for a mixed-use development with 93 multi-family units and 2,500 square feet of commercial space (S-619) |
| January 9, 2017 | Rezoned to CZD B-2 district to develop a mini-warehouse consisting of four buildings totaling 77,650 square feet. The SUP for the mixed-used development (S-619) was rendered void with this approval (Z-965). |

COMMUNITY SERVICES

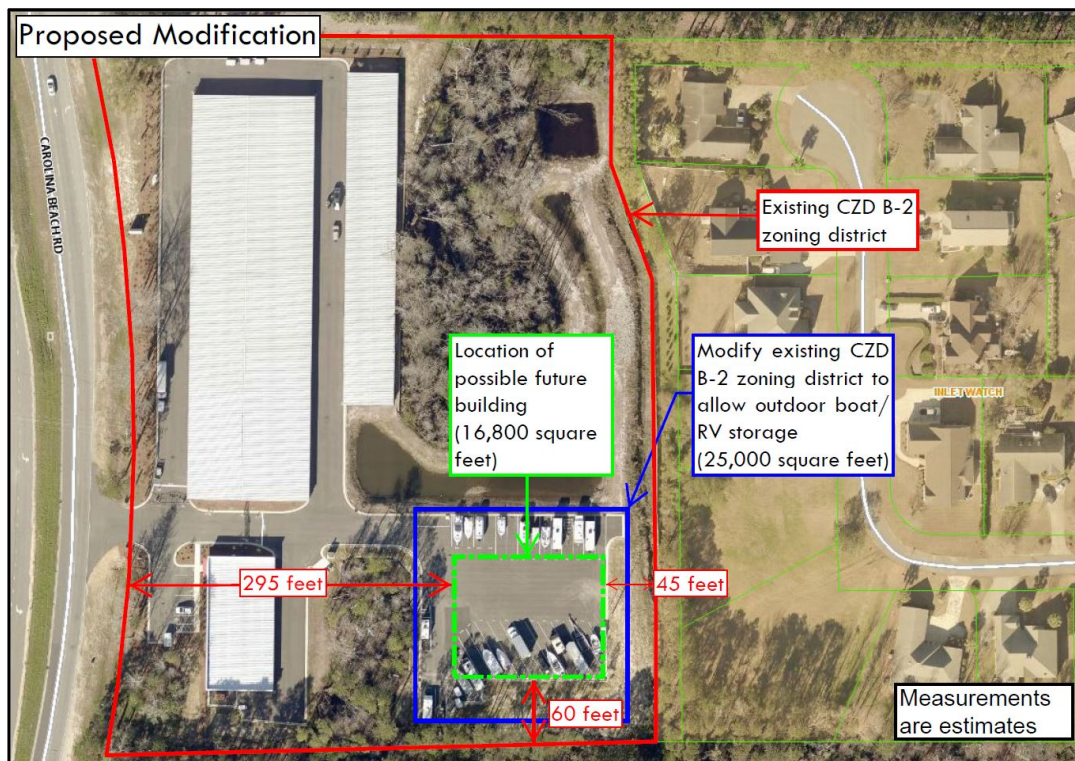
| | |
|------------------------|---|
| Water/Sewer | The buildings are served by Aqua water and sewer services. |
| Fire Protection | New Hanover County Fire Services, New Hanover County Southern Fire District, New Hanover County Station Federal Point |
| Schools | Anderson Elementary, Codington Elementary, Murray Middle, and Ashley High School. This use will not impact NHC Schools. |
| Recreation | Veterans Park, Monterey Heights Park, and Snows Cut Park |

CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES

| | |
|-----------------------|---|
| Conservation | The applicant obtained a Jurisdictional Determination from the U.S. Army Corps of Engineers that identified approximately 1.12 acres of wetlands on the site. All work completed to date at the location of the proposed outdoor storage has been in accordance with these standards. The proposed modification is not expected to impact any wetlands. |
| Historic | No known historic resources |
| Archaeological | No known archaeological resources |

ZONING CONSIDERATIONS

- The property is currently zoned CZD B-2, Conditional Highway Business zoning district allowing for the development of four mini-warehouse structures. To date, three of the four buildings have been constructed. The area designated for the fourth building is currently being used for outdoor boat/RV storage, which is not consistent with the approved conceptual plan.
- The proposed modification allows the option to utilize the area designated for the fourth building as outdoor boat/RV storage. The applicant also requests to reserve the right to construct the fourth building at that location in the future.
- The Zoning Ordinance requires this modification to be processed under the same review procedure as the original Conditional Zoning District, including Planning Board and Board of Commissioners consideration.



- The additional use is classified as a recreational vehicle and boat trailer storage lot. Specific use standards apply to this use, such as it shall be solely open-air and ground level with no enclosed or overhead covering structures, and the lot shall not be used for any repair, maintenance, or habitation of any boat/RV.
- The proposed modification requires additional landscape buffering on the eastern portion of the subject property. The approved landscape plan for the original Conditional Zoning District illustrates the required buffer. This landscape buffer has not been installed because the fourth mini-warehouse building has not been constructed but this modification would trigger the requirement. The landscaping provisions in the Zoning Ordinance require a fully

opaque buffer between commercial and residential uses. Below are photographs showing the current state of the landscaping buffer, including the approximately 8' fence that the applicant installed.

- If it is constructed in the future, the mini-warehouse structure must comply with all applicable B-2 zoning district building setbacks and landscaping buffers. Specifically:
 - The building setback required along Carolina Beach Road (U.S. Highway 421) would be a minimum of 50'.
 - The building setback required along any side property line adjacent to the R-15 zoning would be a minimum of 30' or $2.75 \times \text{Building Height}$, whichever is greater.
 - The building setback requirement along any rear property line adjacent to the R-15 zoning would be a minimum of 35' or $3.73 \times \text{Building Height}$, whichever is greater.
 - Landscaping buffers would be required between the development and the residential properties. The buffers must be a minimum of 20' in width and provide 100% opacity.
 - In addition, all lights must be shielded in a manner so that light from the fixture does not directly radiate into adjacent property.



Existing landscape buffer looking west from adjacent property (Inlet Watch)



Existing 8' fence and landscaping looking north (Inlet Watch to the right of the photo)



Looking south at the location where additional landscaping is required

Z-965 CONDITIONS OF APPROVAL - 2017

- The conditions of the original approval from January 9, 2017 (Z-965) shall remain in effect and are as follows:
 1. The business shall be subject to the following hours of operation:
 - a. Staff Office
 - i. 9:00 a.m. to 6:00 p.m. – Weekdays
 - ii. 9:00 a.m. to 4:00 p.m. – Saturdays
 - iii. 10:00 a.m. to 2:00 p.m. - Sundays
 - b. Gate Access by Security Code
 - i. 6:00 a.m. to 10:00 p.m. – Daily
 2. Freestanding signage shall be limited to monument signs, in that the sign must have a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick. Freestanding signs supported by poles and any flashing, digital signs shall be prohibited.
 3. The yards along Carolina Beach Road and Radnor Road shall be bordered with min. 6' high decorative aluminum fencing. The required streetyard plantings along Carolina Beach Road shall be supplemented by an evergreen low buffer consistent with the parking lot screening requirements of Section 62.1-5 of the Zoning Ordinance. In addition, a 20' wide buffer strip, consistent with Section 62.1-4 of the Zoning Ordinance, shall be planted along Radnor Road.

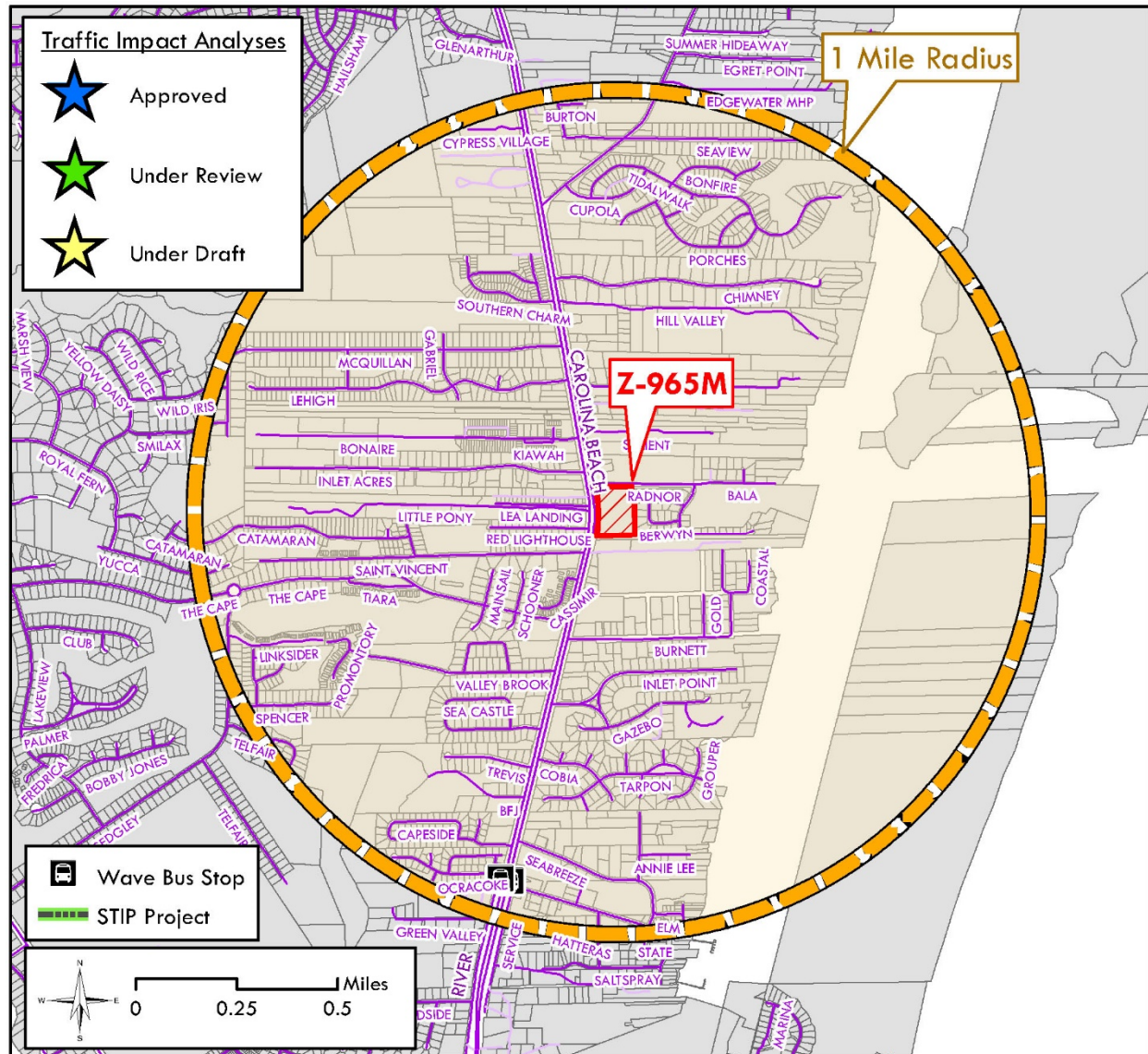
TRANSPORTATION

- One existing driveway provides access to the subject property from Carolina Beach Road (U.S. Highway 421).
- Per trip generation data provided by NCDOT, the currently approved four building mini-warehouse use ($\pm 77,650$ square feet) is estimated to generate 8 trips in the AM peak and 13 trips in the PM peak. The proposed modification still allows the construction of the fourth building, and according to NCDOT data, the outdoor storage use does not generate more traffic than enclosed storage. Therefore, the proposed modification is not expected to have an impact on traffic.

Traffic Counts – March 2019

| Road | Location | Volume | Capacity | V/C |
|---------------------|---|--------|----------|------|
| Carolina Beach Road | 6700 Block (north of Myrtle Grove Road) | 35,789 | 40,900 | 0.88 |
| Carolina Beach Road | 7800 Block (north of Snows Cut Bridge) | 32,243 | 40,400 | 0.80 |

Nearby Planned Transportation Improvements and Traffic Impact Analyses



Nearby Traffic Impact Analyses:

There are no pending or approved Traffic Impact Analyses within the proximity of the subject property that are anticipated to affect this requested modification.

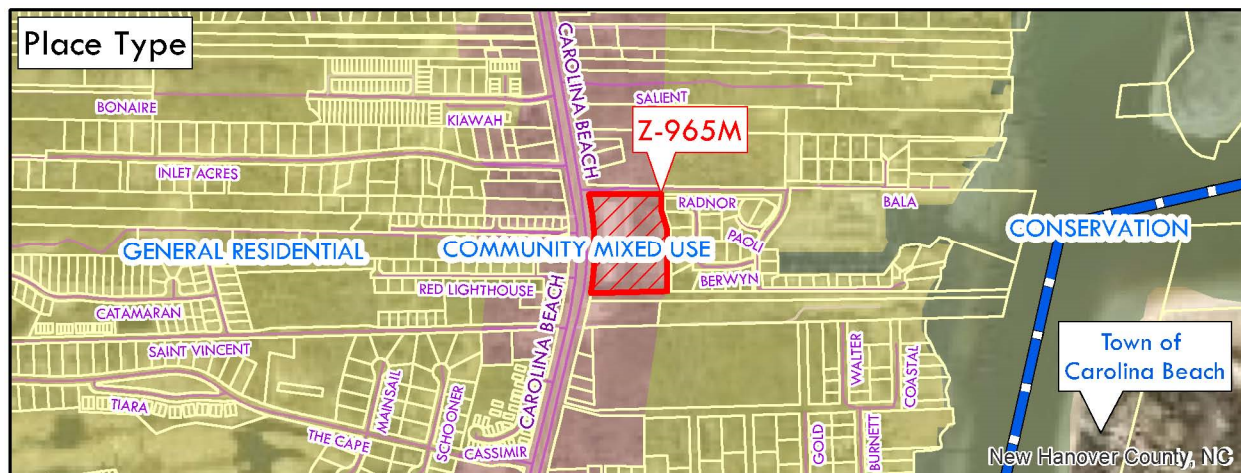
ENVIRONMENTAL

- The property does not contain any Natural Heritage Areas.
- The subject property is not within a Special Flood Hazard Area (SFHA), however, approximately 5.9 acres of the subject property is within the 500-year flood zone. Development is permitted, without regulation, within this flood zone because it is not classified as a SFHA.

- The subject property lies within the White Oak watershed and drains to the Intracoastal Waterway (SA; HWQ).
- Per the Classification of Soils in New Hanover County for Septic Tank Suitability, soils on the property consist of Class I (Suitable/slight limitation), Class II (Moderate limitation), and Class III (severe limitations) soils. However, all structures are currently served by water and sewer services through Aqua.
- Conservation Overlay maps indicated possible wetlands on the site and the applicant received the required U.S. Army Corps of Engineers permit. Currently, the site is built to the standards outlined in the permit and plan. The proposed modification does not impact the resources further as the storage exists on site in the location of the originally planned building.
- Stormwater management was reviewed by the New Hanover County Engineering Department and by the NC Department of Environmental Quality during the development of the subject property. Since the stormwater management review considers the total impervious surface on the site, the difference between the size of the fourth building and the storage lot is negligible. Therefore, the proposed change will not negatively impact the stormwater facility.

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. These place types are intended to identify general areas for particular development patterns and should not be interpreted as being parcel specific.



| | |
|---------------------------------------|--|
| Future Land Use Map Place Type | Community Mixed Use |
| Place Type Description | Community Mixed Use areas focus 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. |
| Analysis | The existing storage facility was determined to be generally consistent with the 2016 Comprehensive Plan as part of the 2017 conditional rezoning of this property, as commercial uses, such as the proposed storage facility, are allowed within the Community Mixed Use place type. The recreational vehicle and boat storage area proposed in this application request is not specifically addressed in the Comprehensive Plan, but is a similar use. |
| Consistency Recommendation | The proposed modification is generally CONSISTENT with the 2016 Comprehensive Plan because commercial uses, such as the existing storage facility, are allowed within the Community Mixed Use place type, and the proposed recreational vehicle and boat storage area is a similar use. |

PLANNING BOARD ACTION

The Planning Board considered this application at their July 11, 2019 meeting. At the meeting, four members of the public voiced concerns regarding the vegetative buffers and the lighting on the rear of the existing buildings. The Board recommended approval (5-0), finding it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because commercial uses are appropriate within the Community Mixed Use place type, and the proposed use is similar to the existing facility already approved for the site. The Board also found **APPROVAL** of the modification request is reasonable and in the public interest because the proposal would minimize the visual impact of the business by providing additional landscaping and buffering, and provide services to the nearby residents that will minimize vehicle trips and miles traveled.

The Planning Board recommended that the existing conditions placed on the Conditional Zoning District remain in effect, and the following **conditions be added** to the District:

1. In addition to the required opaque landscape buffering, the property owner shall buffer the eastern side of the boat/RV lot by:
 - a. Retaining the existing 8-foot-high wood fence, and
 - b. Planting an additional evergreen hedge between the boat/RV lot and adjacent residential properties that will provide a continuous screen and be of a species that reaches at least 15 feet tall at full maturity, such as wax myrtles or other similar species.

2. The property owner shall minimize the visual impact of the subject property by limiting the height of the boats/RVs stored on site, as indicated below. Measurement shall be taken from the established grade to the highest point of the boat or vehicle, excluding any antennas.
 - a. No boat/RV exceeding 14 feet in height shall be stored within the outdoor storage area.
 - b. No boat/RV exceeding 12 feet in height shall be stored within 45 feet of the eastern fence line.
3. The required landscape buffer along Radnor Road shall be supplemented with additional vegetation to reach 100% opacity by November 1, 2019. The additional landscaping shall consist of Red Tips, Oleanders, or other fast growing shrubs, be a minimum of four feet in height at the time of planting, and be planted close together to ensure opacity.
4. The property owner shall continue to maintain, and keep in good condition, the fencing and landscaping on the eastern side of the boat/RV storage lot.
5. No dry stacking of boats shall be permitted on the subject property.
6. No repairing, washing, cleaning, or any other maintenance, or occupancy of vehicles, RVs, trailers, boats, or trucks shall be permitted on the site.
7. All lights must be shielded in a manor so that light from the fixture does not directly radiate to adjacent properties.

STAFF RECOMMENDATION

Staff recommends approval of the Conditional Zoning District modification as stated in the Planning Board's action with the conditions recommended by the Planning Board. Staff concurs with the Planning Board's statements that the application is consistent with the Comprehensive Plan.