

# STAFF REPORT FOR Z19-13

## CONDITIONAL ZONING DISTRICT APPLICATION

APPLICATION SUMMARY	
<b>Case Number:</b> Z19-13	
<b>Request:</b> Rezone from R-15 to (CZD) B-2 for an office building	
<b>Applicant:</b> Mihaly Land Design, PLLC	<b>Property Owner(s):</b> Chase & Dylan Mihaly, LLC
<b>Location:</b> 7031 Market Street	<b>Acreage:</b> 0.34 acres
<b>PID(s):</b> R04400-002-015-000	<b>Place Type:</b> Urban Mixed Use
<b>Existing Land Use:</b> Undeveloped	<b>Proposed Land Use:</b> Office for Private Business & Professional Activities, Personal Services
<b>Current Zoning:</b> R-15	<b>Proposed Zoning:</b> (CZD) B-2



SURROUNDING AREA		
	LAND USE	ZONING
<b>North</b>	Single Family Residential	R-15
<b>East</b>	Commercial (restaurant, future auto wash)	B-2
<b>South</b>	Commercial (nursery, retail)	B-2
<b>West</b>	Undeveloped	B-2



## ZONING HISTORY

July 7, 1972	Initially zoned R-15 (Area 8B)
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## COMMUNITY SERVICES

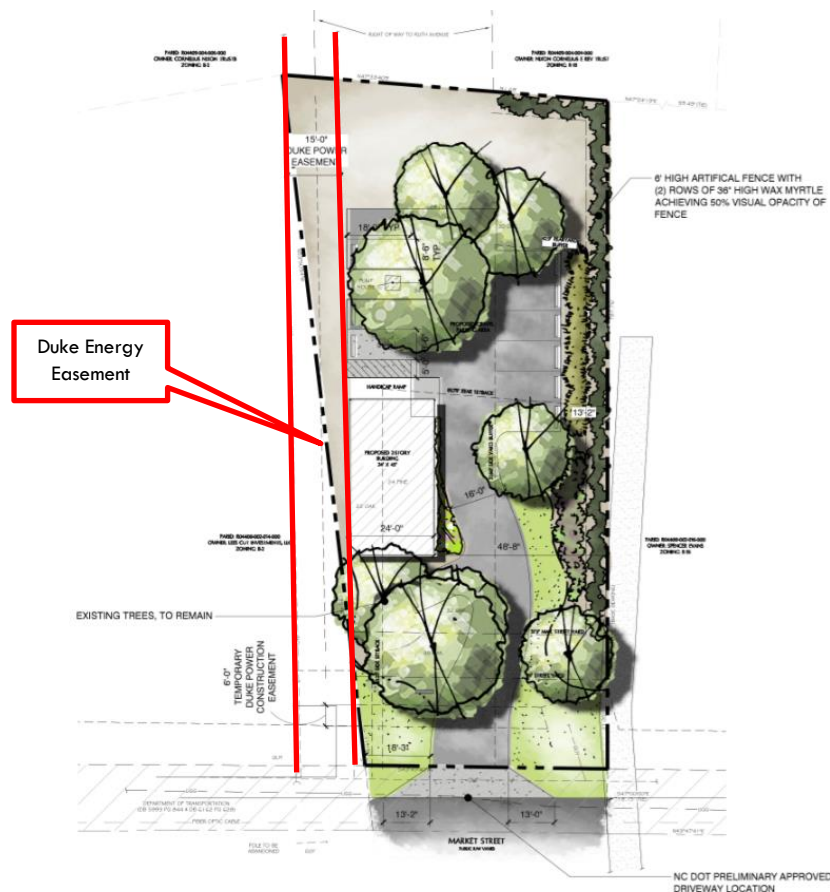
Water/Sewer	Water and Sewer is available through CFPUA
Fire Protection	New Hanover County Fire Services, New Hanover County Northern Fire District, Ogden Station
Schools	Blair Elementary, Trask Middle, and New Hanover High schools
Recreation	Ogden Park

## CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES

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

## PROPOSED USE AND CONCEPTUAL PLAN

- The applicant is proposing to construct a two-story, 2,000 square foot office building with associated parking and landscaping on the site.
- The building is proposed to serve primarily as an office building for the applicant's landscape architecture firm. In addition, the applicant has requested that the land use *personal services* be included as part of the conditional rezoning request in order to accommodate a potential yoga/fitness studio. *Personal Services* typically includes fitness or other instructional studios, barber/beauty shops, salons, and other similar uses.
- The site contains significant live oak trees measured at 24", 30", and 34" on the northern side of the property, as well two 32" and one 38" oak tree on the southern corner of the property. The applicant has designed a site plan that retains all the significant live oak trees on site.
- The applicant received a variance from the minimum side yard setback and minimum buffer width requirements on the northeastern property boundary from the Board of Adjustment at their September 24, 2019 meeting. The variance was issued due to factors on the site including a limited buildable area to develop the site with a commercial use, the intent to preserve several mature live oak trees on site, and the presence of a 15' wide utility easement which traverses the southwestern portion of the parcel.
- The proposal shows 1,056 sf of building footprint, with 4,593 sf of a gravel parking lot and drive area, for a total impervious area of 5,649 sf. As the impervious area is below 10,000 sf, provisions within the county's Stormwater Ordinance do not apply.



*Conceptual rendering and site plan for the proposed development*

## TRANSPORTATION

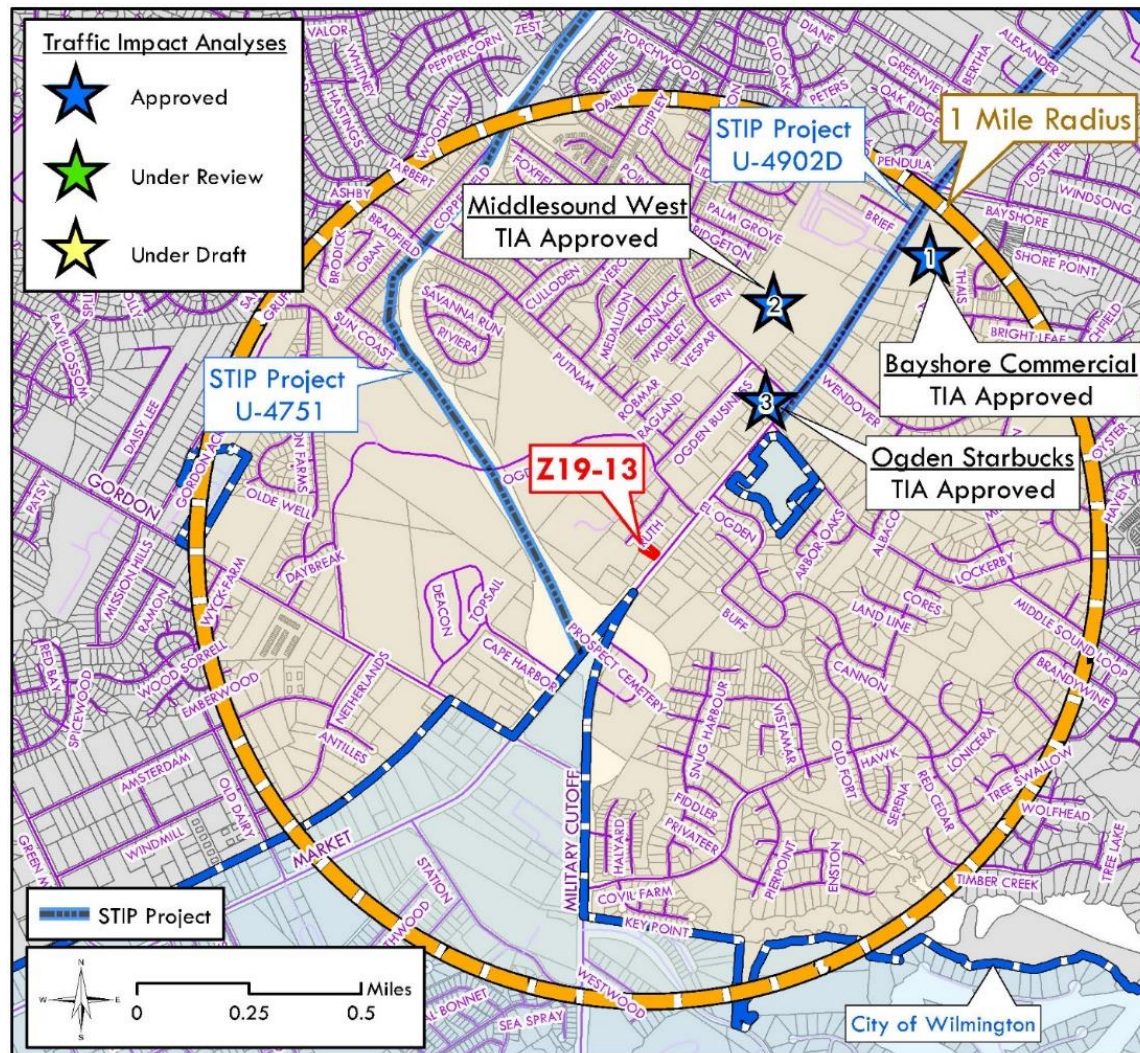
- Direct access to Market Street is proposed to the site via a controlled access (right-in, right-out) driveway with a concrete island to ensure control of these movements.
- The proposed development is anticipated to generate approximately 10 AM and 10 PM peak hour vehicular trips, which is below the 100 AM or PM peak hour threshold required to perform a Traffic Impact Analysis (TIA). NCDOT has indicated a driveway permit will be required to access Market Street, and no other improvements are being required for this development.
- Because a TIA is not required to analyze transportation impacts, staff has provided the volume to capacity ratio for Market Street near the subject site. While volume to capacity ratio, based on average daily trips, can provide a general idea of the function of adjacent roadways, the delay vehicles take in seconds to pass through intersections is generally considered a more effective measure when determining the Level of Service of a roadway. The volume to capacity ratio indicates that this segment of Market Street is over capacity, however, the Military Cutoff extension improvements are expected to improve the volume to capacity ratio at this location.
- Roadway improvements in the immediate vicinity anticipated to be completed with the Military Cutoff extension project include a center median on Market Street, a southbound left turn lane at Cardinal Lanes North, a northbound left turn lane to access Ogden Park Drive, and a multi-use path on the eastern side of Market Street.

### Traffic Count – July 2018

Road	Location	Volume	Capacity	V/C
Market Street	7100 block	56,845	43,700	1.3



## Nearby Planned Transportation Improvements and Traffic Impact Analyses



### Nearby NC STIP Projects:

- STIP Project U-4751 (Military Cutoff extension)
  - Project to extend Military Cutoff Drive from Market Street to I-140.
  - The project is currently under construction and is expected to be completed in early-2023.
  - The extension of Military Cutoff Drive will run west of the subject site, with the southbound on-ramp approximately 800' southwest of the site.
  - The project will install a multi-use path along the extension of Military Cutoff and the eastern side of Market Street at this location. The multi-use path will cross Market Street at a signalized intersection with Middle Sound Loop, approximately 2,000' northeast of the site.
  - The project will install a center median on Market Street north to Middle Sound Loop Road, with a southbound left-over to access Cardinal Lanes North and a northbound left-over accessing Ogden Park Drive.

- STIP Project U-4902D (Market Street Median)
  - Project to install a center median and pedestrian accessways along Market Street from Middle Sound Loop Road to Marsh Oaks Drive. The pedestrian accessways will consist of a 10-foot multi-use path on the eastern side of the street, and a 5-foot sidewalk on the western side of the street.
  - The project is currently under construction and is expected to be completed in early-2023.

**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.*

<b>1. Bayshore Commercial Development</b>	<ul style="list-style-type: none"> <li>• 20,000 square feet of Medical/Dental Office</li> <li>• 70,000 square feet of Shopping Center</li> <li>• 8,000 square feet of High Turnover Sit Down Restaurant</li> <li>• 4,000 square feet of Fast Food Restaurant</li> </ul>	<ul style="list-style-type: none"> <li>• TIA approved September 11, 2019</li> <li>• 2022 Build Out Year</li> </ul>
<p>The TIA requires improvements be completed at certain intersections in the area. The notable improvements consisted of:</p> <ul style="list-style-type: none"> <li>• Installation of an additional westbound left turn lane on Bayshore Drive to Market Street</li> <li>• Extension of existing northbound right turn lane on Market Street from Bayshore Drive to the site's access points</li> </ul>		
<u>Nearby Proposed Developments included within the TIA:</u>		
<ul style="list-style-type: none"> <li>• None</li> </ul>		
<p><b>Development Status: The property is zoned B-2, which allows for this development by-right. However, no site plan or permit application have been submitted to County staff for review at this time.</b></p>		

<b>Proposed Development</b>	<b>Land Use/Intensity</b>	<b>TIA Status</b>
<b>2. Middle Sound West</b>	<ul style="list-style-type: none"> <li>• 288 multi-family units</li> <li>• Small office with 32 employees</li> </ul>	<ul style="list-style-type: none"> <li>• Approved August 14, 2019</li> <li>• 2021 Build Out Year</li> </ul>
<p>The TIA required installation of a westbound right-turn lane at the site's access on Lendire Road.</p>		
<u>Nearby Proposed Developments included within the TIA:</u>		
<ul style="list-style-type: none"> <li>• Ogden Starbucks</li> </ul>		

**Development Status: Special Use Permit request under review.**

Proposed Development	Land Use/Intensity	TIA Status
3. Ogden Starbucks	<ul style="list-style-type: none"><li>2,200 square foot coffee shop with drive thru</li></ul>	<ul style="list-style-type: none"><li>Approved May 10, 2019</li><li>2021 Build Out Year</li></ul>
<p>The TIA required improvements be completed at certain intersections in the area. The notable improvements consisted of:</p> <ul style="list-style-type: none"><li>Installation of an additional exclusive eastbound right-turn lane on Lendire Road at Market Street (improvement installation to be coordinated with the Military Cutoff Extension project U-4751). Modification of the signal timing at the same intersection to incorporate the new dual right-turn lanes.</li></ul>		
<p><u>Nearby Proposed Developments included within the TIA:</u></p> <ul style="list-style-type: none"><li>None</li></ul>		
<p><b>Development Status: Construction is near completion.</b> The installation of right-turn lane will be completed with the Military Cutoff extension project.</p>		

## ENVIRONMENTAL

- The site does not contain any Special Flood Hazard Areas, wetlands, or Natural Heritage Areas.
- The subject property is located within the Howe Creek watershed, which drains to the Intracoastal Waterway.



## 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.



<b>Future Land Use Map Place Type</b>	Urban Mixed Use
<b>Place Type Description</b>	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.
<b>Consistency Analysis</b>	<p>The subject site is located in an area that the Comprehensive Plan ultimately envisions as an Urban Mixed Use node that would provide goods and services for nearby residents. Currently, the site is immediately adjacent to existing commercial to the west along Market St. and existing single-family residential to the north and east. Due to its proximity to a major power line easement, the right-of-way for the Military Cutoff extension, and existing commercial, it is unlikely that a new single family residence will be constructed on the site.</p> <p>The proposed B-2 conditional district's office and personal services uses are consistent with the types of commercial uses that would be encouraged in the Urban Mixed Use place type. In addition, they, according to the proposed site plan, would serve as an appropriate transition between existing commercial development and adjacent residential neighborhoods.</p>
<b>Consistency Recommendation</b>	The proposed conditional B-2 rezoning district is generally <b>CONSISTENT</b> with the types of commercial uses encouraged in the Urban Mixed Use place type.



## PLANNING BOARD ACTION

The Planning Board considered this application at their November 7, 2019 meeting. No one from the public spoke in support or in opposition to the request.

The Planning Board recommended approval of the application, finding it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposed uses are consistent with the types of commercial uses that would be encouraged in the Urban Mixed Use place type. In addition, these uses would serve as an appropriate transition between existing commercial development and adjacent residential neighborhoods. The Board also found that recommending **APPROVAL** of the rezoning request is reasonable and in the public interest because the site is in close proximity to a major power line easement, the right-of-way for the Military Cutoff extension, and existing commercial, therefore it is unlikely that a new single family residence will be constructed on the site.

In addition, the Board recommended the following condition proposed by the applicant be placed on the approval:

The 6 significant live oak trees on the site will be retained.

## STAFF RECOMMENDATION

**Staff concurs with the Planning Board's recommendation** with the applicant's proposed condition. The proposal is generally consistent with the goals and objectives of the Comprehensive Plan and the Urban Mixed Use place type as it is located in an area that the Plan ultimately envisions as an Urban Mixed Use node that would provide goods and services for nearby residents.