

STAFF REPORT FOR **Z20-01** ZONING MAP AMENDMENT APPLICATION

APPLICATION SUMMARY

Case Number: Z20-01

Request:

Zoning Map amendment to rezone 2.75 acres from R-15 to O&I

Applicant:

Matt Nichols

Property Owner(s):

Caroland Development, LLC as receiver

Location:

216 Porters Neck Road

Acreage:

2.75

PID(s):

R03600-005-002-000

Comp Plan Place Type:

Urban Mixed Use

Existing Land Use:

Undeveloped

Proposed Land Use:

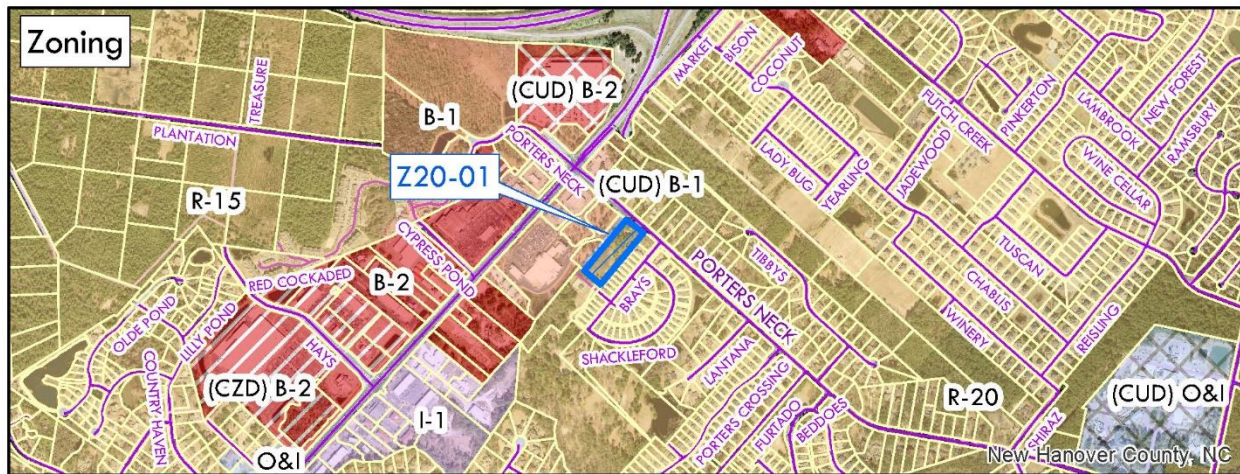
The property would be allowed to be developed in accordance with the O&I district

Current Zoning:

R-15

Proposed Zoning:

O&I



SURROUNDING AREA

	LAND USE	ZONING
North	Single-Family Residential	R-15
East	Single-Family Residential	R-15
South	Single-Family Residential	R-15
West	Oak Landing Shopping Center (Harris Teeter)	O&I, B-1



ZONING HISTORY

July 6, 1971	Initially zoned R-15 (Area 5)
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COMMUNITY SERVICES

Water/Sewer	Water and sewer services are available through CFPUA. Specific design will be determined during site plan review.
Fire Protection	New Hanover County Fire Services, New Hanover County Northern Fire District, New Hanover County Station Porters Neck
Schools	Blair Elementary, Holly Shelter Middle, Laney High Schools
Recreation	Ogden Park

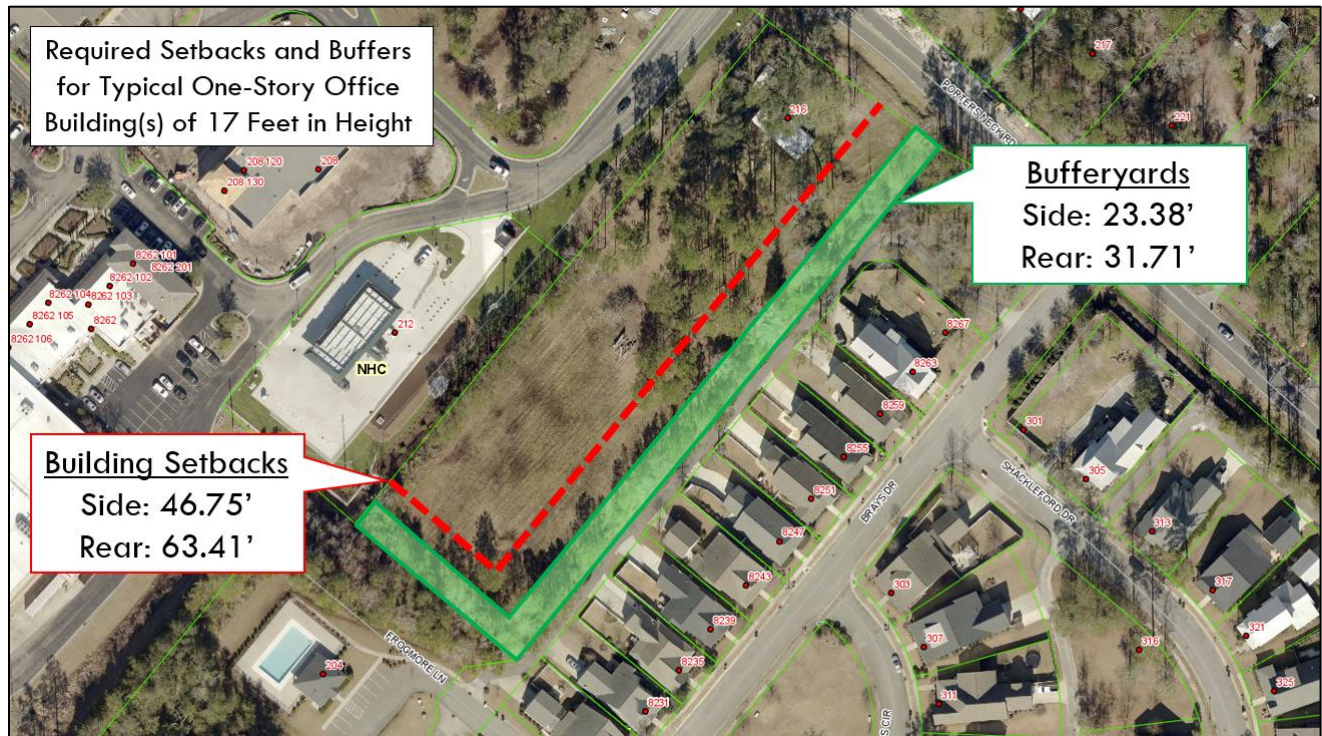
CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES

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

ZONING CONSIDERATIONS

- The property is currently zoned R-15, Residential District. R-15 Zoning is primarily a residential zoning district, however, the Zoning Ordinance allows limited commercial uses via Special Use Permit (for example, government and emergency services, convenience stores and recreation establishments).

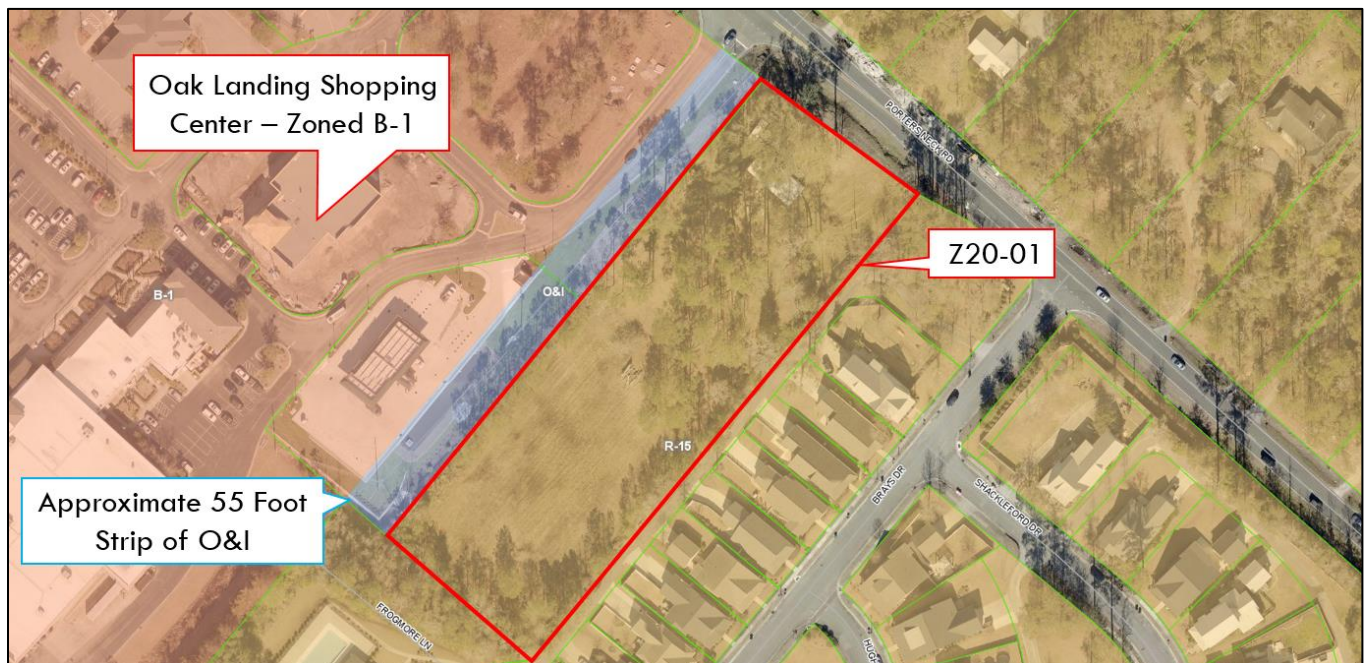
- Under the R-15 performance residential standards, the property is allowed to be developed with up to 7 dwelling units at a maximum density of 2.5 dwelling units per acre (du/ac).
- Because this is a general map amendment and not a conditional rezoning, uses that would be allowed on the property are those allowed by right or by Special Use Permit in the O&I district. A conceptual site plan is not included with this application, however, if approved, the development of the site must comply with the standards of the O&I district and other applicable regulations, including buffering and stormwater standards. Compliance with these provisions will be reviewed by the Technical Review Committee during the development review process.
- Required setbacks and buffers for structures in the O&I district vary by building height and abutting use type. For non-residential structures abutting residential zoning and uses, the required side setback is the height of the structure multiplied by 2.75 and the rear setback is the height of the structure multiplied by 3.73. In addition, an opaque buffer is required between the nonresidential use and the abutting residentially zoned property of a distance equal to half the required setback and no less than 20 feet.



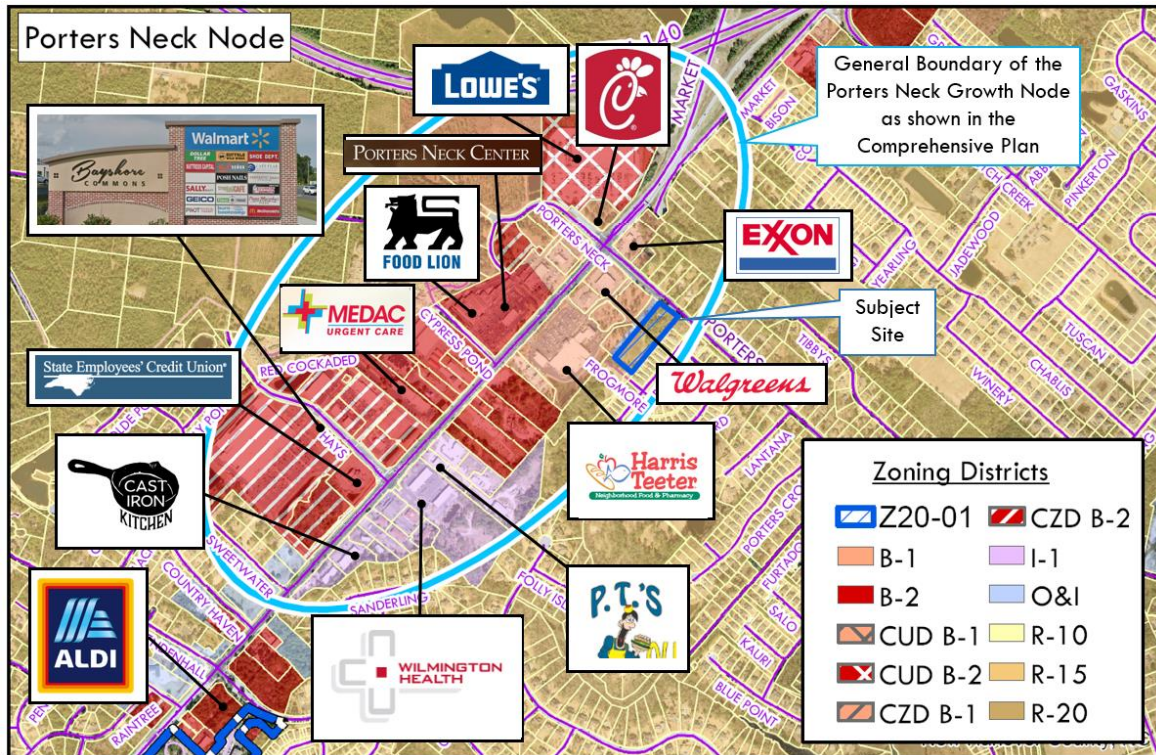
- The proposed O&I district also allows for residential development at the same maximum density as R-15 at 2.5 du/ac, however, the district is intended to primarily permit office and institutional related uses (like medical and professional offices, religious institutions, and schools). Traditional retail establishments and restaurants are prohibited in the O&I district, and it is generally considered to be an appropriate transitional zoning district between commercial and residential development.

	R-15	O&I
Min Lot Size (Conventional)	15,000 sf	15,000 sf
Nonresidential Uses	≈ 29 uses w/ SUP (Bed and Breakfast Inn, kennels, and camping) ≈ 20 uses by-right (Golf Courses, stables)	≈ 10 uses w/ SUP (kennels, convenience store, recreation establishments, residential high density,) ≈ 40 uses by-right (medical/professional offices, religious institutions, schools)
Base Density (Performance Residential)	2.5 du/ac (7 total units)	2.5 du/ac (7 total units)
Permitted Housing Types	Single-family, mobile home, duplex, townhomes, multi-family	Single-family, duplex, townhome, multi-family

- According to the applicant, they intend to incorporate the subject site into the adjacent Oak Landing Shopping Center, which contains a Harris Teeter grocery store. While the vast majority of the center is zoned B-1, an approximately 55 feet located on the eastern side of the property abutting the subject site is zoned O&I. This strip of O&I was created as part of a rezoning application in 2004 with the intent of providing a transition to the adjacent residential zoning.



- The property is located in the Porters Neck community which is the major commercial node of the northern portion of the County, containing big box retailers (Wal-Mart and Lowes), grocery stores (Harris Teeter and Food Lion), restaurants (Cast Iron Kitchen, Slice of Life, Buffalo Wild Wings, etc.), and medical offices (Wilmington Health, Medac).



TRANSPORTATION

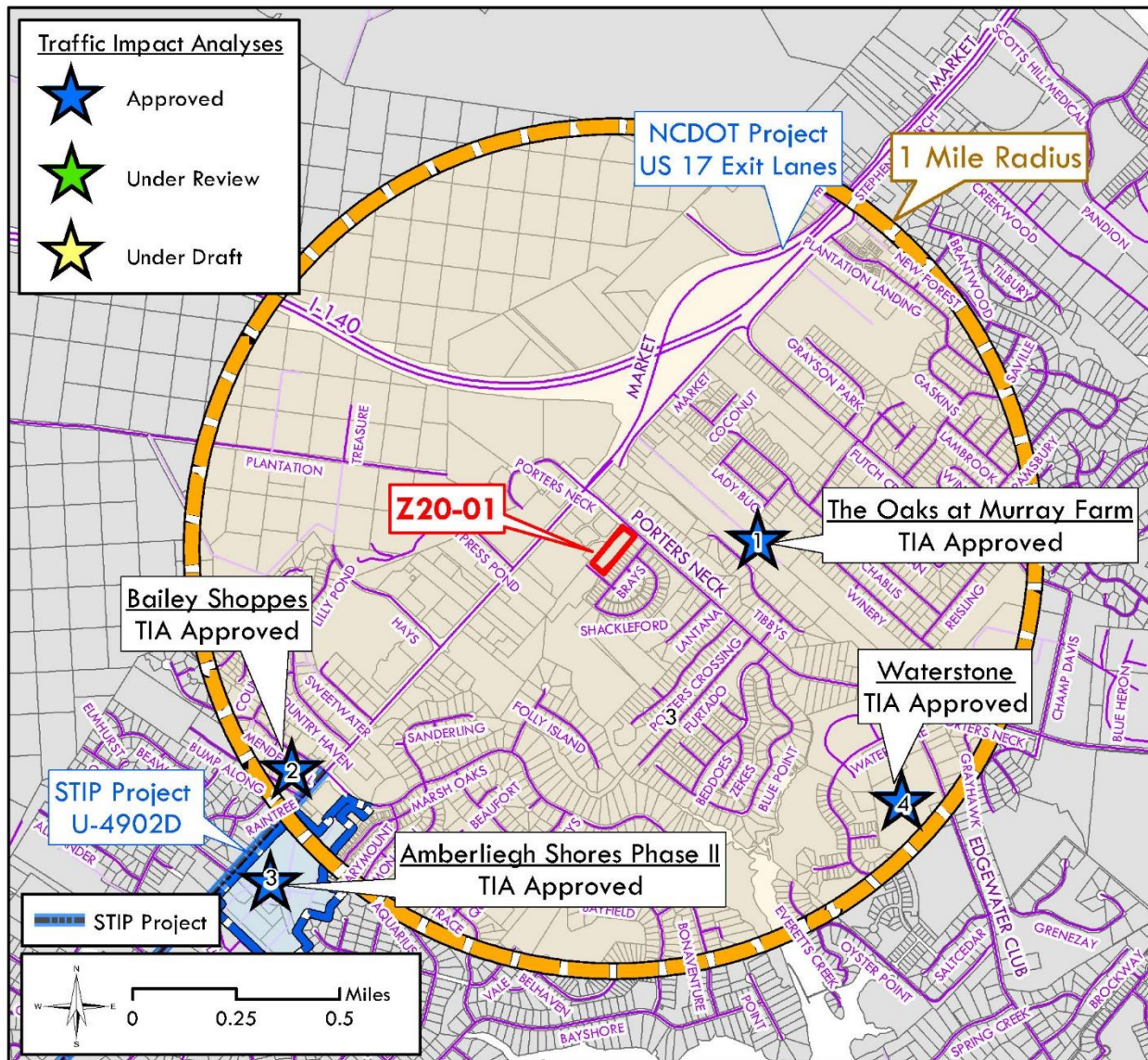
- As currently zoned, the subject site would be permitted a maximum of 7 dwelling units under the performance residential standards for the R-15 zoning district. A detached single-family dwelling typically generates about one trip during the PM peak hours.
- The trips generated from the proposed O&I zoning of the property would vary based on the commercial use of the site. For reference, a general office development, based on a one-story building with a typical 25% building area, would generate about 35-55 trips during the peak hours. A two story office building is estimated to generate about 70-80 trips during the peak hours.

	Intensity	Approx. Peak Hour Trips
Existing Development:	Undeveloped	0 AM / 0 PM
Typical Development under Current Zoning:	7 single-family homes	5 AM / 7 PM
Typical Development under Proposed O&I Zoning:	30,000sf of general office	55 AM / 36 PM

- Traffic impacts are analyzed at the time a development is proposed. Any use that increases the trips generated by 100 in the AM or PM peak hours will be required to conduct a Traffic Impact Analysis (TIA). Even if a TIA is not required, improvements may be required when any proposed use is reviewed by NCDOT during the driveway permitting process.
- A recent TIA completed for a nearby proposed development, The Oaks at Murray Farms, studied the intersection of Porters Neck Road and Market Street. The TIA concluded that that intersection currently operates at an overall Level of Service (LOS) of D, and will continue to do so in 2023 when that project was projected to be completed.
- Access is provided to the subject property by Porters Neck Road. The applicant intends to incorporate the site into the Oak Landing Shopping Center and it is anticipated the site will share access with the center and also utilize the existing driveway connection to Porters Neck Road.



Nearby Planned Transportation Improvements and Traffic Impact Analyses



Nearby NC STIP Projects:

- STIP Project U-4751 (Military Cutoff Extension)
 - Project to extend Military Cutoff from Market Street to I-140.
 - The project is currently under construction and is expected to be completed in late 2022/early 2023.
 - The project will also install a sidewalk and multi-use path along the extension of Military Cutoff and the sections of Market Street included in the project.

- 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 late 2022/early 2023.
- NCDOT Project – Installation of an Additional Southbound Exit Lane on US-17 onto Market Street
 - The Board of Commissioners recently adopted a resolution to support the installation of an additional southbound exit lane at the US 17/Market Street Interchange. The project is a candidate for funding through the State's High Impact Low Cost program.
 - While funding for this program is currently on hold due to NCDOT's cash flow balance, NCDOT Division 3 has been requested to submit everything needed for the fund requests to the Board of Transportation so there is no delay when funding becomes available.

Nearby Traffic Impact Analyses:

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

Proposed Development	Land Use/Intensity	TIA Status
1. The Oaks at Murray Farm*	<ul style="list-style-type: none"> • 348 Multi-Family Housing • 58 Single-Family Housing 	<ul style="list-style-type: none"> • December 6, 2019 • 2023 Build Out Year
<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"> • Installation of a second westbound right turn lane on Futch Creek Road at US 17, and revising the signal timing plan at that intersection. 		
<u>Nearby Proposed Developments included within the TIA:</u>		
<ul style="list-style-type: none"> • Waterstone 		
Development Status: Development pending rezoning approval.		

**The current proposed number of units being considered by the Board of Commissioners has been reduced since the TIA. The above figures reflect the density analyzed with the TIA.*

2. Bailey Shoppes on Market	<ul style="list-style-type: none"> • 4,800 sf of Office • 6,600 sf of Shopping Center • 1,200 sf of Fast Food Restaurant with Drive-Thru • 2,400 sf of High-Turnover Restaurant 	<ul style="list-style-type: none"> • Approved February 20, 2018 • 2018 Build Out Year
<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"> • Installation of a southbound right-turn lane from Bump Along Road to Mendenhall Drive • Installation of a traffic signal at a future u-turn movement to be located approximately 800 feet south of Alexander Road 		
<u>Nearby Proposed Developments included within the TIA:</u>		
<ul style="list-style-type: none"> • Aldi at Marsh Oaks • Amberleigh Shores Phase II 		
Development Status: Initial site work has been completed, however, no structures have been constructed at this time.		

3. Amberleigh Shores – Phase II	<ul style="list-style-type: none"> • 288 Apartments 	<ul style="list-style-type: none"> • Approved November 3, 2016 • 2023 Build Out Year
<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"> • Extension of an existing southbound left turn lane on Market Street at Marsh Oaks Drive. 		
<u>Nearby Proposed Developments included within the TIA:</u>		
<ul style="list-style-type: none"> • None 		
Development Status: The project is currently under construction. The roadway improvement has not been completed at this time.		

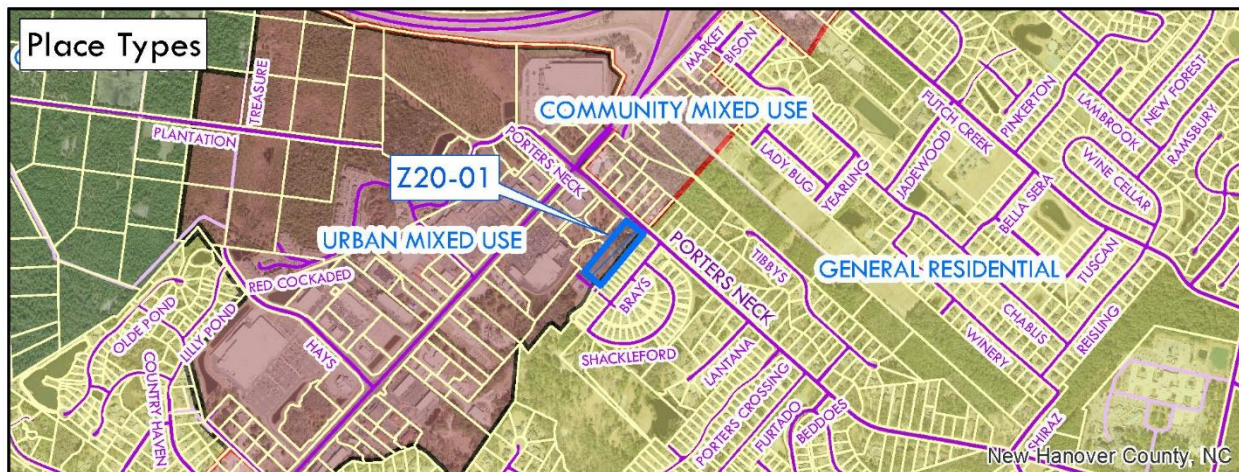
4. Waterstone	<ul style="list-style-type: none"> • 151 Single-Family Dwellings 	<ul style="list-style-type: none"> • Approved June 18, 2015 • 2020 Build Out Year
<p>The TIA required improvements be completed at certain intersections in the area. The notable improvements consisted of:</p> <ul style="list-style-type: none"> • Installation of a southbound right turn lane on Edgewater Club Road at the site's northern access. 		
<u>Nearby Proposed Developments included within the TIA:</u>		
<ul style="list-style-type: none"> • Porters Neck Elementary 		
Development Status: 98 lots have been platted at this time. The right turn lane has been installed.		

ENVIRONMENTAL

- The property does not contain a Special Flood Hazard Area or Natural Heritage Areas.
- The property is within the Pages Creek (SA;HQW) watershed.
- Per the Classification of Soils in New Hanover County for Septic Tank Suitability, soils on the property consist of Class III (severe limitation) soils, however, the site is expected to be served by CFPWA water and sewer.

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	Urban Mixed Use (and Porters Neck Growth Node)
Place Type Description	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.

Analysis	<p>The subject site is located along Porters Neck Road near the intersection with Market Street. It is designated as an Urban Mixed Use place type, where a variety of higher intensity commercial services are intended, especially within a designated growth node like Porters Neck.</p> <p>Due to the property's location immediately adjacent to the Oak Landing Shopping Center to the northwest and Porters Pointe subdivision to the southeast, uses that provide for the needs of adjacent residential neighborhoods and provide an orderly transition to the adjacent residential areas would support the integration of uses and development patterns encouraged in the Comprehensive Plan. The requested O&I rezoning could allow for the types of commercial, civic, office, and residential uses that could be appropriate in this area, and O&I is one of the typical zoning categories identified for the Urban Mixed Use place type.</p>
Consistency Recommendation	<p>The proposed O&I rezoning is generally CONSISTENT with the Urban Mixed Use Place type because it allows the types of office, civic, and residential uses recommended in the Comprehensive Plan and is identified as a typical zoning category in the Urban Mixed Use place type.</p>

PLANNING BOARD ACTION

The Planning Board considered this application at their February 6, 2020 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 it allows the types of office, civic, and residential uses recommended in the Comprehensive Plan and is identified as a typical zoning category in the Urban Mixed Use place type. The Board also found that recommending **APPROVAL** of the rezoning request is reasonable and in the public interest because the proposal is immediately adjacent to existing commercial uses and will provide an appropriate transition to the adjacent residential neighborhoods.

STAFF RECOMMENDATION

Staff concurs with the Planning Board's recommendation and recommends approval of the request. The proposal is generally consistent with the goals and objectives of the Comprehensive Plan, the Urban Mixed Use place type, and the Porters Neck Growth Node. The proposal will allow for potential uses that provide for the needs of adjacent residential neighborhoods and provide an orderly transition to the adjacent residential areas. Uses permitted in the O&I district would support the integration of uses and development patterns encouraged in the Comprehensive Plan.