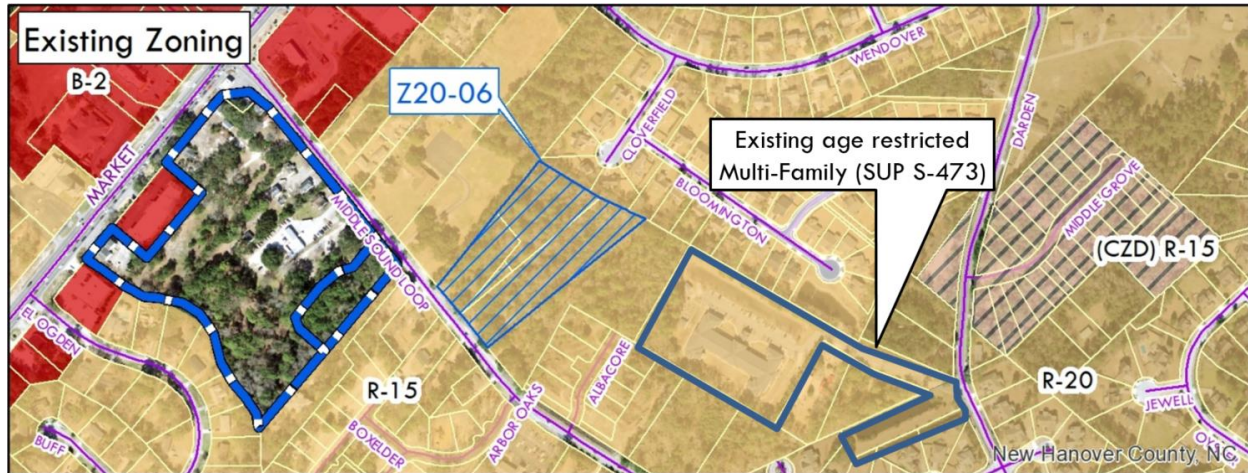


# STAFF REPORT FOR Z20-06

## CONDITIONAL ZONING DISTRICT APPLICATION

APPLICATION SUMMARY	
<b>Case Number:</b> Z20-06	
<b>Request:</b> Rezoning to the Residential Multi-Family Moderate Density Zoning District (RMF-M)	
<b>Applicant:</b> Christopher L. Elsenzimmer of Blue Ridge Atlantic Community Development	<b>Property Owner(s):</b> BHC Properties, LLC
<b>Location:</b> 205 & 217 Middle Sound Loop Rd	<b>Acreage:</b> 4.77
<b>PID(s):</b> R04410-001-008-000, R04410-001-007-000, R04410-001-009-000, and R04410-001-010-000	<b>Comp Plan Place Type:</b> General Residential
<b>Existing Land Use:</b> Undeveloped	<b>Proposed Land Use:</b> Multi-Family
<b>Current Zoning:</b> R-15	<b>Proposed Zoning:</b> (CZD) RMF-M



SURROUNDING AREA		
	LAND USE	ZONING
<b>North</b>	Single-Family Residential	R-15
<b>East</b>	Undeveloped, Multi-Family Residential, and Single-Family Residential	R-15, R-15 Additional Dwelling Allowance (8.92 du/ac )
<b>South</b>	Single-Family Residential	R-15
<b>West</b>	Religious Institution	R-15



## ZONING HISTORY

May 18, 1970 and July 7, 1972

Initially zoned R-15 (Area 3 and Area 8B)

## COMMUNITY SERVICES

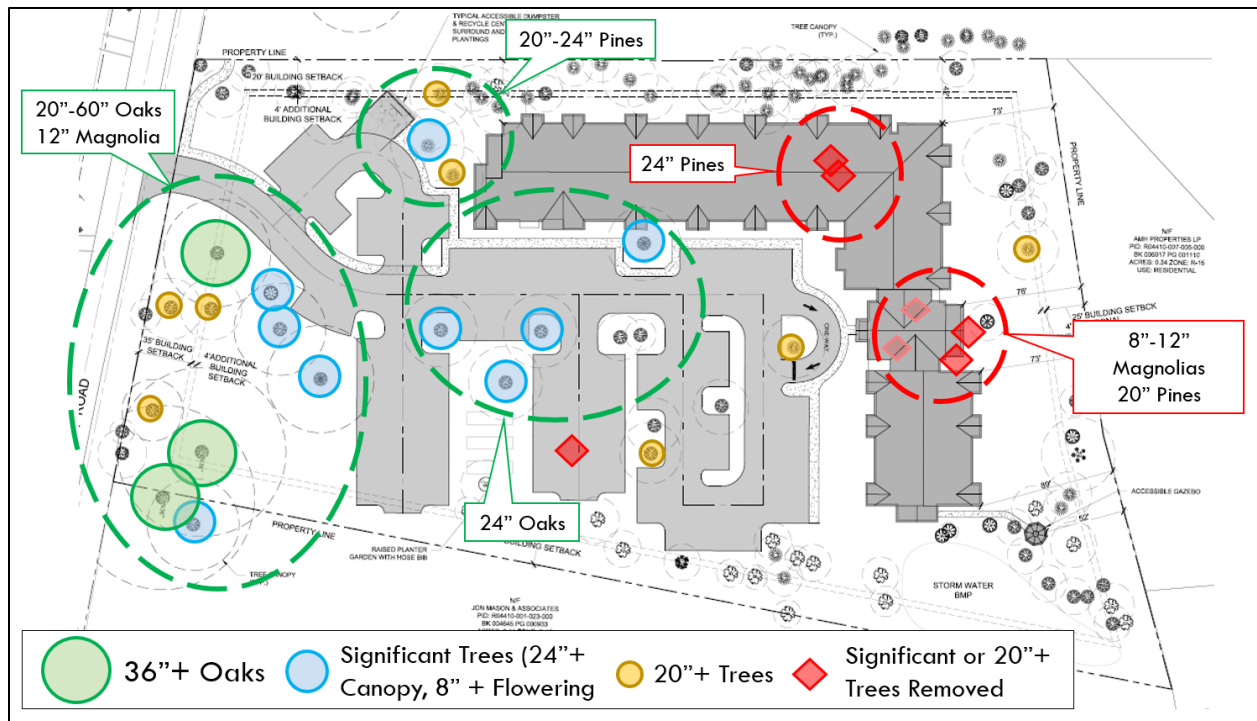
<b>Water/Sewer</b>	Water and sewer will be provided by CFPUA. Specific design will be determined during site plan review.
<b>Fire Protection</b>	New Hanover County Fire Services, New Hanover County Ogden Fire District Station 16
<b>Schools</b>	Castle Hayne Elementary, Ogden Elementary, Noble Middle, and Laney (No impacts expected due to age restricted condition)
<b>Recreation</b>	Ogden Park, Parkwood Recreation Area, Smith Creek Park ,Smith Creek Park Preserve, and Kings Grant Park

## CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES

<b>Conservation</b>	Conservation resource maps indicate that swamp forest wetlands may be present on the site. The location of wetlands will be verified and any impacts addressed through the TRC review process when any specific developments are proposed.
<b>Historic</b>	No known historic resources
<b>Archaeological</b>	No known archaeological resources

[illegible]

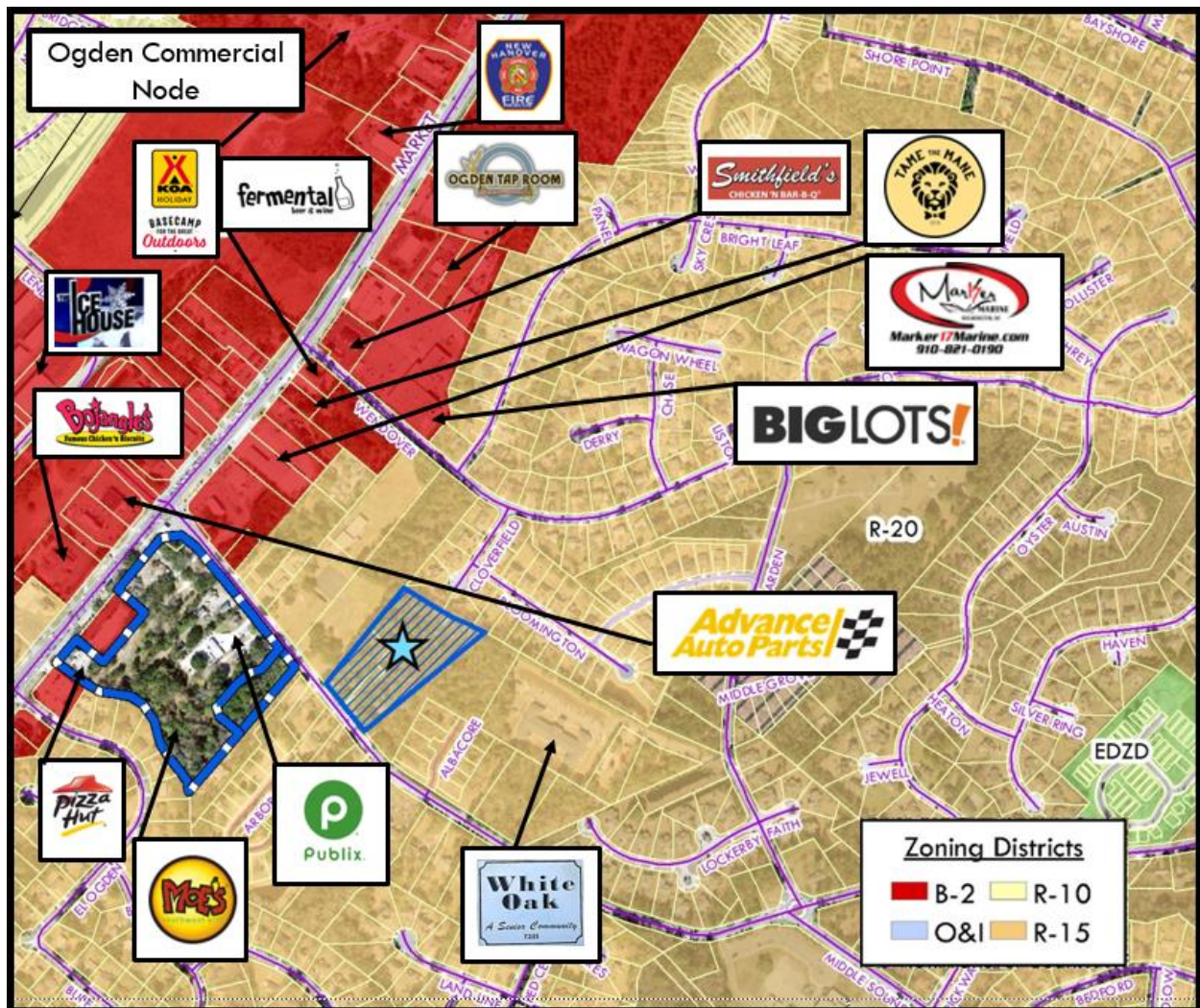
- Z20-06 Staff Report BOC 6.15.2020



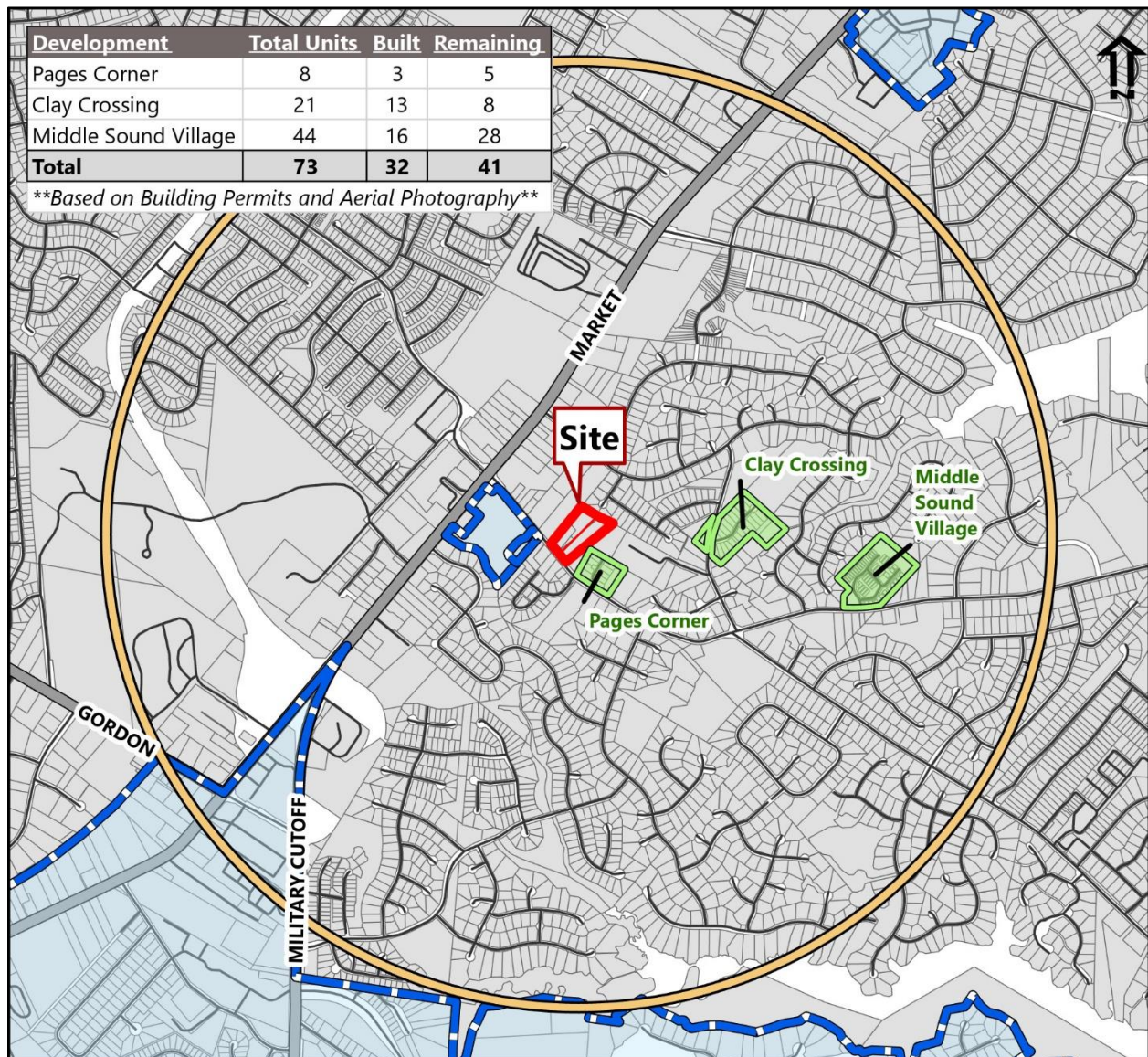
*Conceptual Site Plan w/ Staff Markups Highlighting the Large Trees to be Saved or Removed*

## ZONING CONSIDERATIONS

- Under the current zoning, R-15, the subject site would be permitted a maximum of 12 dwellings at a density of 2.5 du/ac. The proposed 72 units equates to a density of 15.1 du/ac.
- The proposed rezoning would increase the number of allowable units on the site by 60 units. However, impacts from senior living apartments are generally less than other multi-family housing (i.e., traffic, noise, schools).
- The site is located near the Market/Middle Sound commercial node, east of the intersection of Market Street and Middle Sound Loop Road.
- This node contains several commercial businesses including, but not limited to, retail establishments (Publix and Big Lots shopping centers), restaurants (Odgen Tap Room, Smithfields BBQ, Denny's, Bojangles), personal services (Tame The Mane, The Corner Buzz, dry cleaners), specialty restaurants (Casa Blanca Coffee, Starbucks), and craft beer establishments (Fermental Wine & Beer, The Sour Barn).

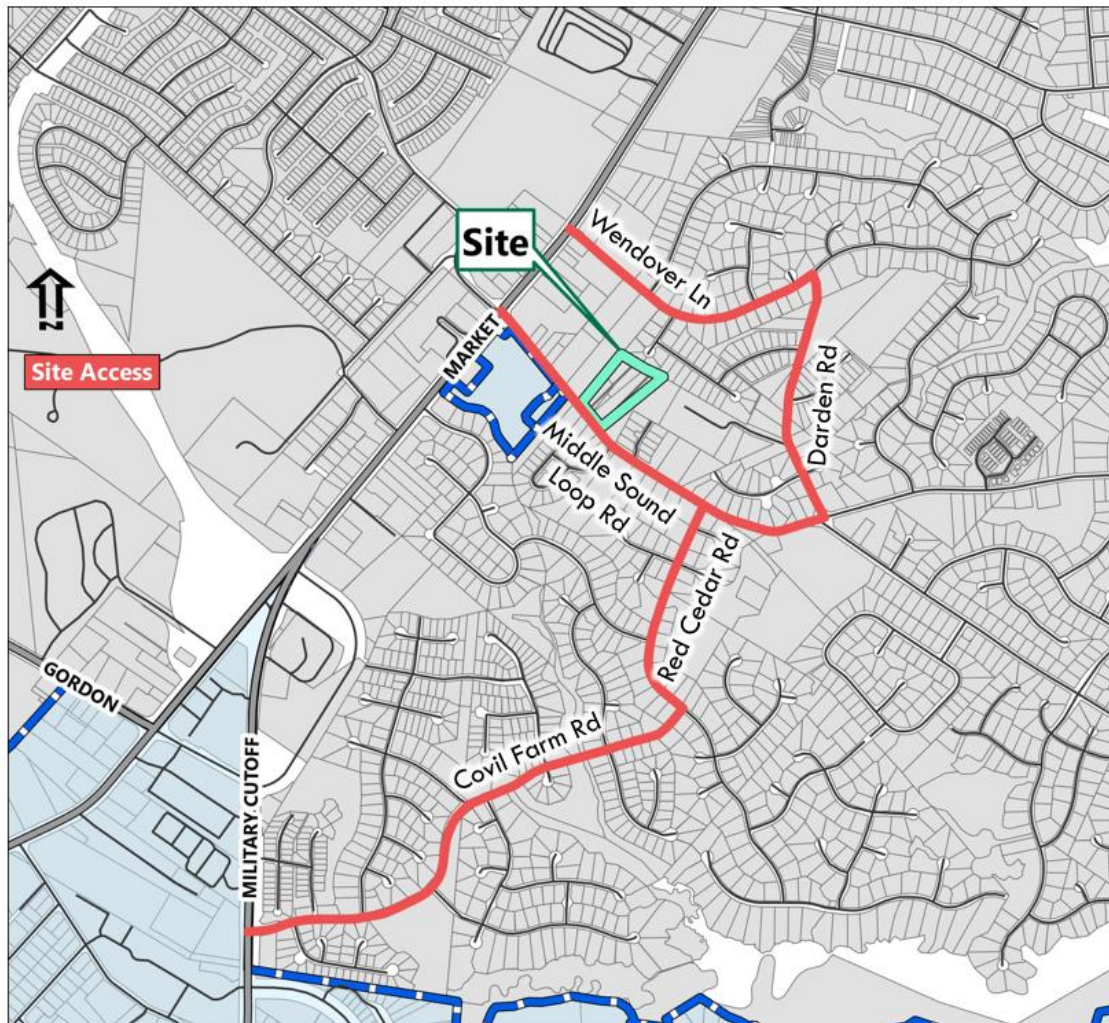


## AREA SUBDIVISIONS UNDER DEVELOPMENT



## TRANSPORTATION

- Access is provided to the subject property by Middle Sound Loop Road.



*Primary Routes to Arterial Streets*

- As currently zoned, the estimated total trips associated with 12 single-family homes is about 9 in the AM peak and 12 in the PM peak.
- As a result of their classification as attached Senior Adult Housing, the proposed 72 senior living apartments are estimated to generate about 14 trips in the AM peak and 20 trips in the PM peak. Therefore, the proposal would result in an estimated increase of 5 trips in the AM peak and 8 trips in the PM peak.

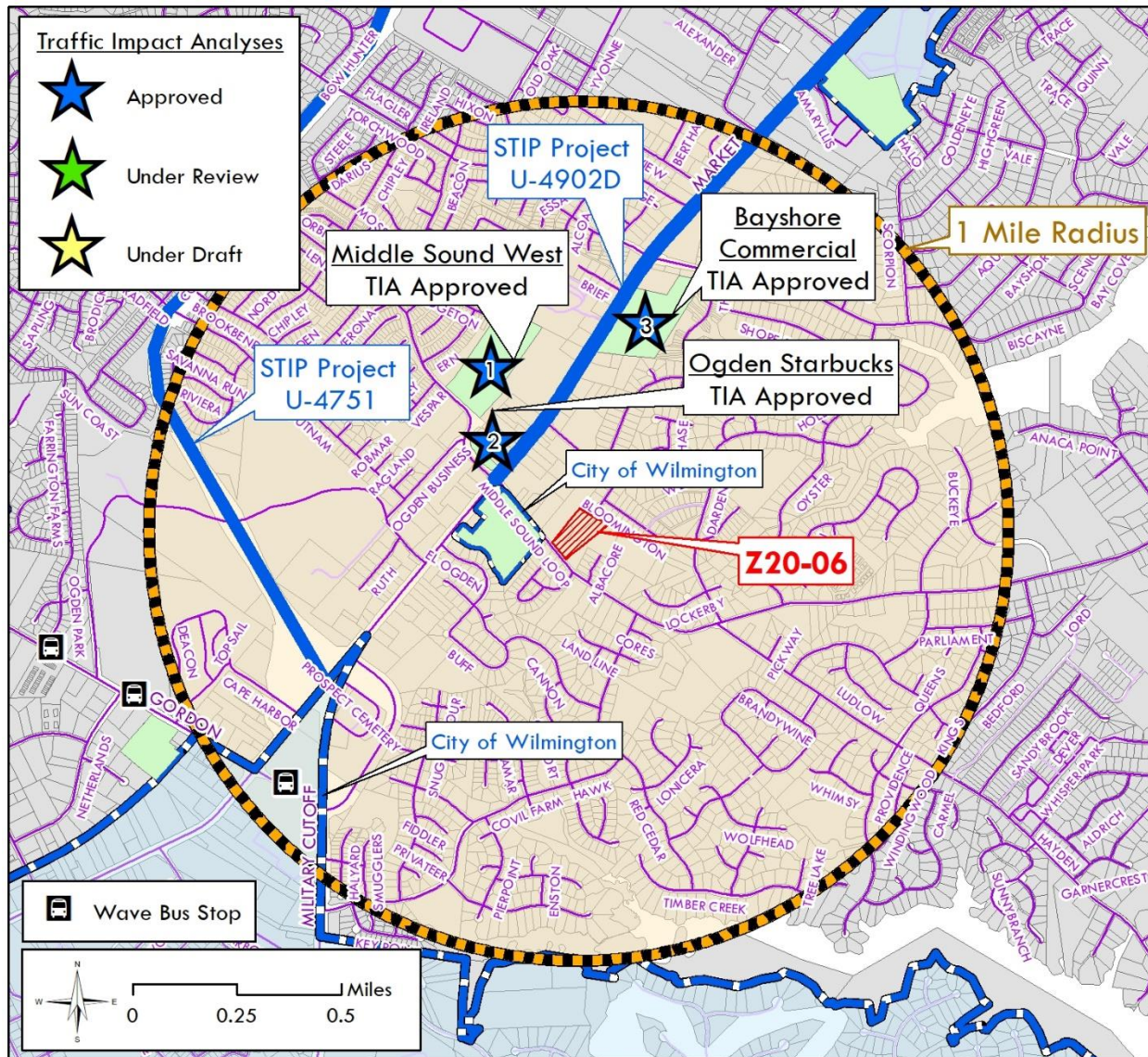
	Intensity	Approx. Peak Hour Trips
Existing Development:	Undeveloped	0 AM / 0 PM
Typical Development under Current Zoning:	12 single-family homes	9 AM / 12 PM
Proposed Development under Proposed (CZD) RMF-M Zoning:	72 age restricted units	14 AM / 20 PM

- While the proposal does not meet the 100 peak hour trip threshold to require a Traffic Impact Analysis, traffic impacts are analyzed and improvements may be required by NCDOT during the driveway permitting process.
- A recent Traffic Impact Analysis conducted for a proposed mixed-use project on Lendire Road found that the adjacent intersection of Middle Sound Loop Road and Market Street operates at an overall acceptable Level of Service (LOS) of D during the peak hours and is expected to operate at a LOS of E during those hours in 2021.
- 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. Recent daily traffic counts for Middle Sound Loop Road in the vicinity of the site indicate the average traffic volumes currently exceed the capacity of the road. However, the proposed development is not expected to significantly impact traffic more than when compared to a development under the existing zoning.

#### ***Traffic Counts – August 2018***

<b><i>Road</i></b>	<b><i>Location</i></b>	<b><i>Volume</i></b>	<b><i>Capacity</i></b>	<b><i>V/C</i></b>
Middle Sound Loop Middle Sound Loop	200 Block (directly in front of the site)	12,412	9,600	1.29

## Nearby Planned Transportation Improvements and Traffic Impact Analyses



### Nearby NC STIP Projects:

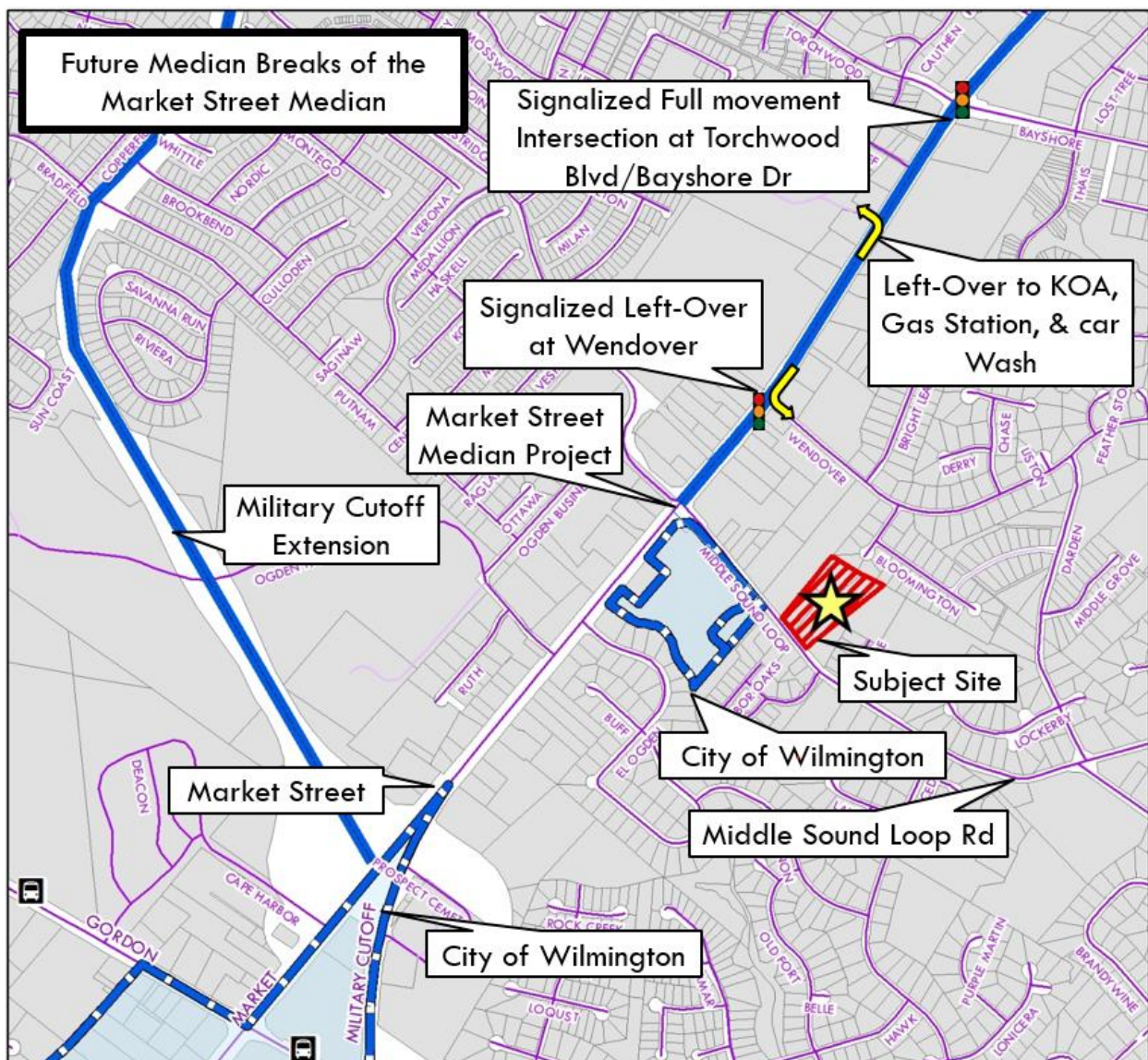
- **STIP Project U-4751 (Military Cutoff Extension)**
  - Project to extend Military Cutoff from Market Street to I-140.
  - The project is currently under construction and is expected to be completed by early-2023.
  - The extension of Military Cutoff will run about 1.15 miles west of the subject site. Lendire Road/Brittany Lakes Drive, Torchwood Boulevard, and Putnam Drive/Bradfield Court will connect to the Military Cutoff extension, allowing access to neighborhoods west Market Street.
  - 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.
  - Installation of an additional exclusive eastbound right-turn lane on Lendire Road at Market Street is required as part of the Ogden Starbucks development. The

installation of this improvement will be coordinated with the Military Cutoff Extension project.

- NCDOT also intends to perform widening and striping of Lendire Road in 2020. The widening will consist of the addition of 4 feet of asphalt to each side of the road for a total widening of 8 feet. The widening of the road will be from Ogden Business Lane to the Military Cutoff extension right-of-way.

- 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 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
<b>1. 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>
The TIA required improvements be completed at certain intersections in the area. The notable improvements consisted of: <ul style="list-style-type: none"><li>• Installation of a westbound right-turn lane at the site's access on Lendire Road.</li></ul>		
<u>Nearby Proposed Developments included within the TIA:</u>		
<ul style="list-style-type: none"><li>• Ogden Starbucks</li></ul>		
<b>Development Status: Special Use Permit request denied by the Board of Commissioners</b>		

Proposed Development	Land Use/Intensity	TIA Status
<b>2. Ogden Starbucks</b>	<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>
The TIA required improvements be completed at certain intersections in the area. The notable improvements consisted of: <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>		
<u>Nearby Proposed Developments included within the TIA:</u>		
<ul style="list-style-type: none"><li>• None</li></ul>		
<b>Development Status: Complete</b> , however the installation of right-turn lane will be completed with the Military Cutoff extension project.		

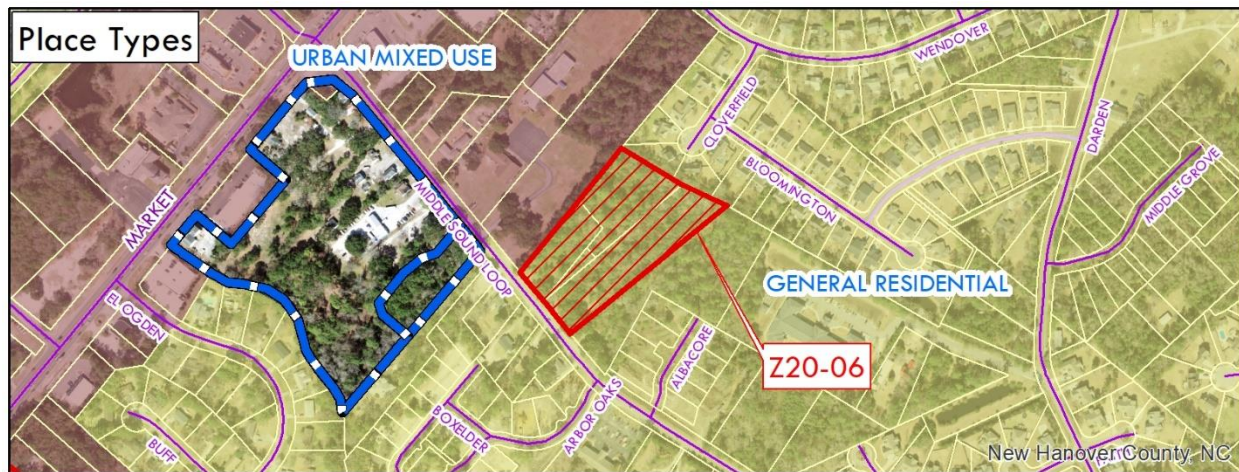
<b>3. Bayshore Commercial Development</b>	<ul style="list-style-type: none"> <li>• 20,000 square feet of Medical/Dental Office</li> <li>• 70,000 square feet of Shopping Center</li> <li>• 8,000 square feet of High Turnover Sit Down Restaurant</li> <li>• 4,000 square feet of Fast Food Restaurant</li> </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>		
<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: The property is zoned B-2, which allows for this development by-right. Preliminary plans have been reviewed by the TRC.</b></p>		

## ENVIRONMENTAL

- The property does not contain any Special Flood Hazard Areas or Natural Heritage Areas.
- Existence of wetlands will be verified during the development review process for the site.
- The property is within the Howe Creek (SA;ORW) watershed and the Pages Creek (SA;HQW) Watershed.
- Per the Classification of Soils in New Hanover County for Septic Tank Suitability, Class III (severe limitation, 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.



<b>Future Land Use Map Place Type</b>	General Residential
<b>Place Type Description</b>	<p>Focuses on lower-density housing and associated civic and commercial services. Typically, housing is single-family or duplexes. Commercial uses should be limited to strategically located office and retail spaces, while recreation and school facilities are encouraged throughout. Types of uses include single-family residential, low-density multi-family residential, light commercial, civic, and recreational.</p>
<b>Analysis</b>	<p>The subject property is located near the intersection of Market Street and Middle Sound Loop Road, near the Ogden Market Place shopping center. It is situated between Living Water Ministries Church to the west and an undeveloped lot to the east, with single family homes located to the north and across Middle Sound Loop Road to the south of the property.</p> <p>The overall project density of 15 units per acre is considered moderate according to the range of densities outlined in the Comprehensive Plan. While that is higher than the 0-6 units per acre recommended for General Residential, it is in line with the bordering Urban Mixed Use place type, which is intended for moderate to high (16+ units per acre) residential density. Additionally, the site layout concentrates a majority of the housing units along the western Urban Mixed Use border with approximately only a quarter of the units along the northern property line where the project is closer to existing single family homes.</p> <p>By placing the majority of the density along the adjacent Urban Mixed Use property, the requested CZD RMF-M zoning could assist in providing an orderly transition between the regional business district along Market Street, properties anticipated for higher intensity uses, and existing lower density residential areas. It also supports a range of housing opportunities and choices in the area, as the proposed project is intended, and will be conditioned, to provide affordable age-restricted homes.</p> <p>In addition, the design of this project orients the building along the northern and western side of the property in an effort to preserve a majority of the</p>

	significant trees. The existing natural vegetation in the required buffer along the property boundaries will remain undisturbed, as well, to aid in providing an appropriate buffer between the proposed development and existing residences.
<b>Consistency Recommendation</b>	While at a higher density than generally recommended for General Residential areas, the proposed development, which is located in a transitional area between the General Residential and Urban Mixed Use places, is generally <b>CONSISTENT</b> with the Comprehensive Plan's intent to transition between higher intensity uses and existing residential areas and providing a range of housing types, opportunities, and choices.

## PLANNING BOARD ACTION

The Planning Board considered this application at their March 5, 2020 meeting. At the meeting, one person spoke in opposition to the request citing concerns regarding drainage. The Planning Board recommended approval (6-0) with the following conditions:

1. The residents will be restricted to 55 years of age and older.
2. In addition to the County's tree retention standards, the property owner shall retain and preserve all trees as illustrated on the proposed conceptual site plan unless:
  - a. The tree has been proven to directly affect the installation, or cause damage to, any required infrastructure (i.e. water/sewer lines, stormwater, etc.);
  - b. The tree is proven to be dead, dying, or severely damaged; or
  - c. The tree is in an unsafe condition that may cause harm to the residents or general public.
3. The proposed conceptual plan shall be modified prior to the Board of Commissioners meeting to increase the rear setback along the northeastern property line.
4. A pedestrian pathway shall be provided within the property connecting the building to the street along the driveway to help facilitate future access to the businesses located within the Ogden commercial node.

## STAFF RECOMMENDATION

The proposed (CZD) RMF-M rezoning is generally **CONSISTENT** with the 2016 Comprehensive Plan because the proposal has potential to assist in providing an orderly transition between the regional business district along Market Street, properties anticipated for higher intensity uses, and existing lower density residential areas. It also supports a range of housing opportunities and choices in the area.

Since the Planning Board meeting, the applicant has updated the conceptual site plan to address the third and fourth conditions recommended by the Board. Therefore, these conditions are not included in staff's suggested motion because they are included in the proposal and will be required if approved.

**Staff recommends approval of this application** and suggests the following motion:

I move to **APPROVE** the proposed rezoning to a (CZD) RMF-M district. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposal provides an orderly transition between higher intensity uses and existing residential areas, preserves natural areas, and provides a range of housing types. I also find **APPROVAL** of the rezoning request is reasonable and in the public interest because the proposal would benefit the community by providing diverse housing options and will preserve existing large trees on the site.

**[Optional]** Note any conditions to be added to the district:

1. The residents will be restricted to 55 years of age and older.
2. In addition to the County's tree retention standards, the property owner shall retain and preserve all trees as illustrated on the proposed conceptual site plan unless:
  - a. The tree has been proven to directly affect the installation, or cause damage to, any required infrastructure (i.e. water/sewer lines, stormwater, etc.);
  - b. The tree is proven to be dead, dying, or severely damaged; or
  - c. The tree is in an unsafe condition that may cause harm to the residents or general public.

**Alternative Motion for Denial**

I move to **DENY** the proposed rezoning to a CZD RMF-M district. While I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposal provides an orderly transition between higher intensity uses and existing residential areas and provides a range of housing types. I find **DENIAL** of the rezoning request is reasonable and in the public interest because the proposal is not consistent with the desired character of the surrounding community and the density will adversely impact the adjacent neighborhoods.