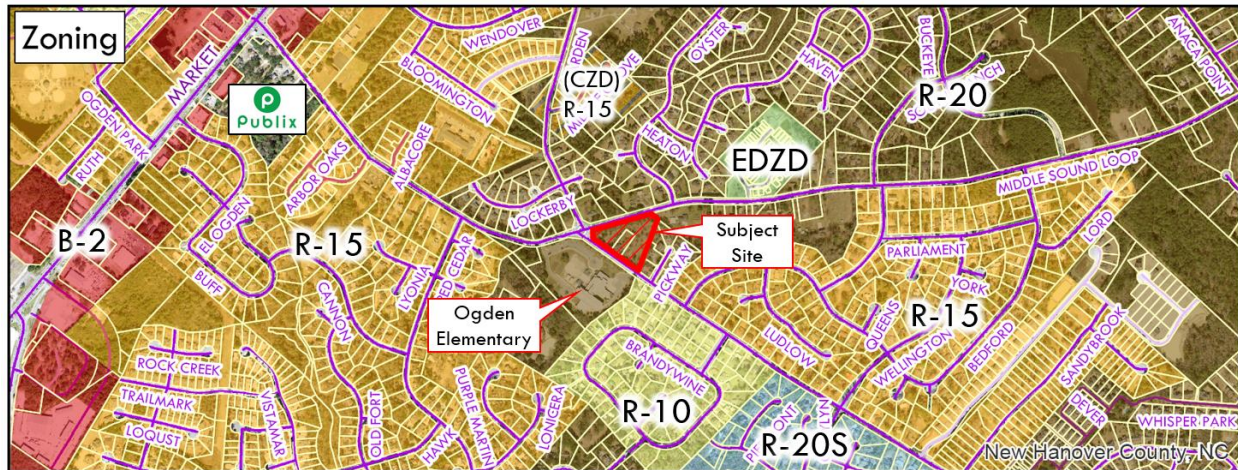


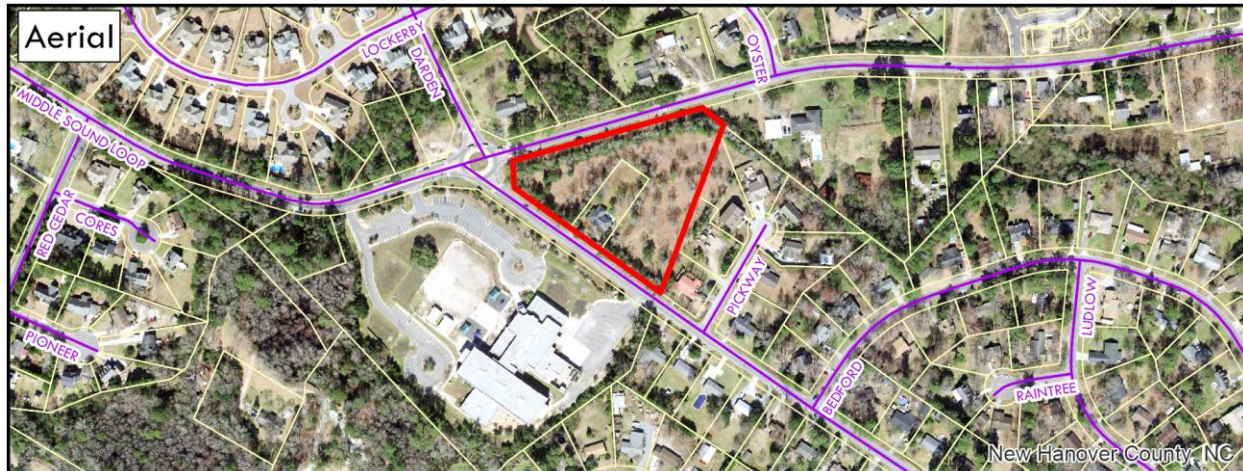
# STAFF REPORT FOR Z20-09

## ZONING MAP AMENDMENT APPLICATION

APPLICATION SUMMARY	
<b>Case Number:</b> Z20-09	
<b>Request:</b> Rezoning to a conditional R-5 district	
<b>Applicant:</b> Scott D Stewart, RLA, ASLA – Middlesound LLC	<b>Property Owner(s):</b> Same
<b>Location:</b> Near the 500 block of Middle Sound Loop Road, directly east of the Middle Sound roundabout	<b>Acreage:</b> 3.35
<b>PID(s):</b> R04400-008-001-000; R04400-008-011-000	<b>Comp Plan Place Type:</b> General Residential
<b>Existing Land Use:</b> Undeveloped, Single-Family Dwelling	<b>Proposed Land Use:</b> 24 Townhome Units
<b>Current Zoning:</b> R-20	<b>Proposed Zoning:</b> (CZD) R-5



SURROUNDING AREA		
	LAND USE	ZONING
<b>North</b>	Single-Family Residential	R-20
<b>East</b>	Single-Family Residential	R-20, R-15
<b>South</b>	Ogden Elementary, Single-Family Residential	R-20, R-10
<b>West</b>	Single-Family Residential	R-20, R-15



## ZONING HISTORY

<b>May 18, 1970</b>	The site was initially zoned R-15 (Area 3)
<b>July 5, 1988</b>	Rezoned to R-20 (Z-351)

## COMMUNITY SERVICES

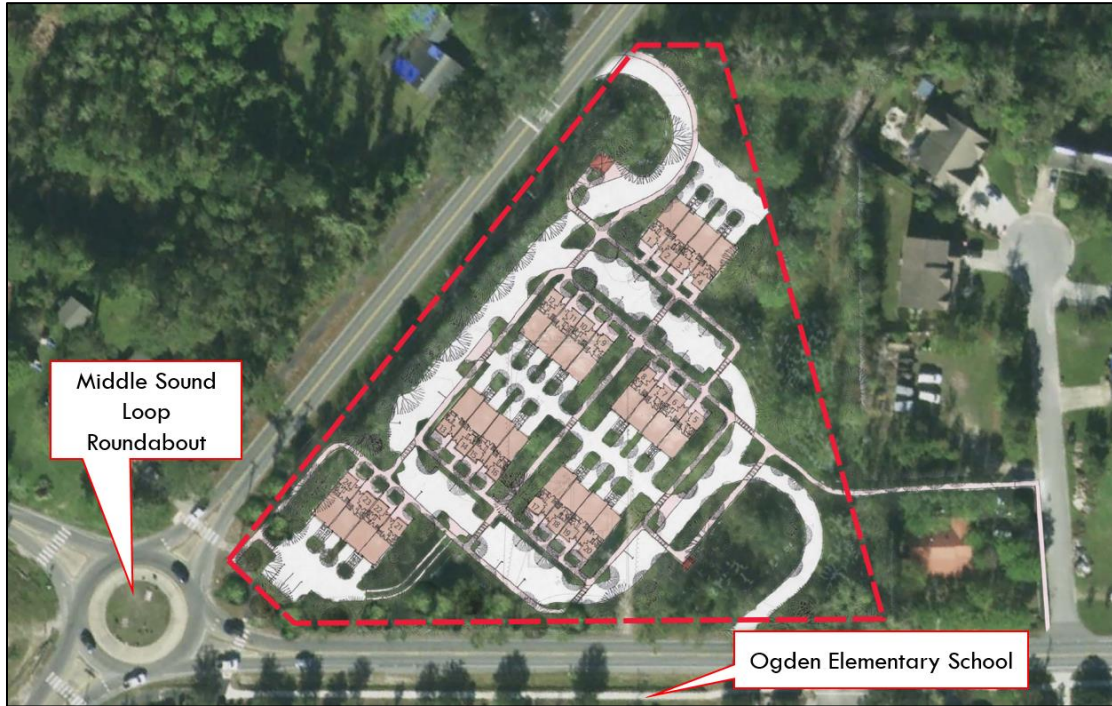
<b>Water/Sewer</b>	Water and sewer will be provided by CFPUA. Specific design will be determined during site plan review.
<b>Fire Protection</b>	New Hanover County Fire Services, New Hanover County Northern Fire District, New Hanover County Station Ogden
<b>Schools</b>	Ogden Elementary, Noble Middle, and Laney High schools  For more information, see the school data below.
<b>Recreation</b>	Ogden Park, Pages Creek Park Preserve

## CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES

<b>Conservation</b>	No known conservation resources
<b>Historic</b>	No known historic resources
<b>Archaeological</b>	No known archaeological resources



## APPLICANT'S PROPOSED CONCEPTUAL PLAN



*Includes Staff Markups*

- The applicant is proposing to construct a townhome development consisting of 24 units.
- The units will be located within 6 buildings containing 4 units each. The buildings will be 3 stories with a maximum height of 35 feet, which is the same maximum height allowed in the existing R-20 district.
- The buildings will be located at minimum 130 feet from existing single-family homes, which exceeds the 20-foot buffer requirement required between attached housing and single-family dwellings. The minimum setbacks from abutting single-family developments currently required in the R-20 district would range from 15-25 feet.





- The UDO requires a 20-foot opaque buffer between the proposed townhomes and the abutting single-family homes east of the site.
- Of the 3.35 acres included within the proposed rezoning, 1.5 acres (45%) will be improved with impervious surfaces and 1.85 acres (55%) will be open space.
- The applicant is proposing to design the stormwater facilities for the project to handle up to a 500-year storm event ( $\approx 18$  inches of rain over a 24-hour period). This exceeds the County's requirement of designing the facilities to handle a 25-year storm event ( $\approx 8$  inches of rain over a 24-hour period).
- The applicant provided two preliminary/conceptual stormwater evaluations. The first, prepared by CSD Engineering, analyzed the 500 and 1,000-year storm events using rainfall data published by NOAA (18.1 and 21.1 inches over a 24-hour period respectively). The analysis found that "...the proposed stormwater management system will decrease the flow from the developed site to a lower rate than if the site was left undeveloped..." The second report, prepared by Cape Fear Engineering also found that the "Demarest Pointe neighborhood is expected to reduce runoff for not only the NHC required design storms but also the 500-year (18.10") and 1,000-year (21.1") storms." The second report also provided information regarding water quality, flood zones, and watershed characteristics.
- The applicant previously obtained an access, utility, and drainage easement along the eastern boundary of the site which allows for the stormwater improvements to be installed outside of the area proposed for the rezoning.
- The site is located near the boundary line between the Pages Creek and Howe Creek watersheds. According to the applicant, the stormwater outfall flows east towards the Queens Point subdivision and eventually to Pages Creek.



*Includes Staff Markups*

- The applicant is proposing to retain several of the existing trees on the site. A tree survey provided by the applicant indicates that 95% of the trees located on the site will be preserved.



*Tree Removal/Retention Plan - Includes Staff Markups*

- In addition to the above graphics, the applicant has provided many exhibits with the application which provide additional information on the existing property and proposed development, including recorded plats, architectural elevations, floor plans and vehicular circulation and parking plans.

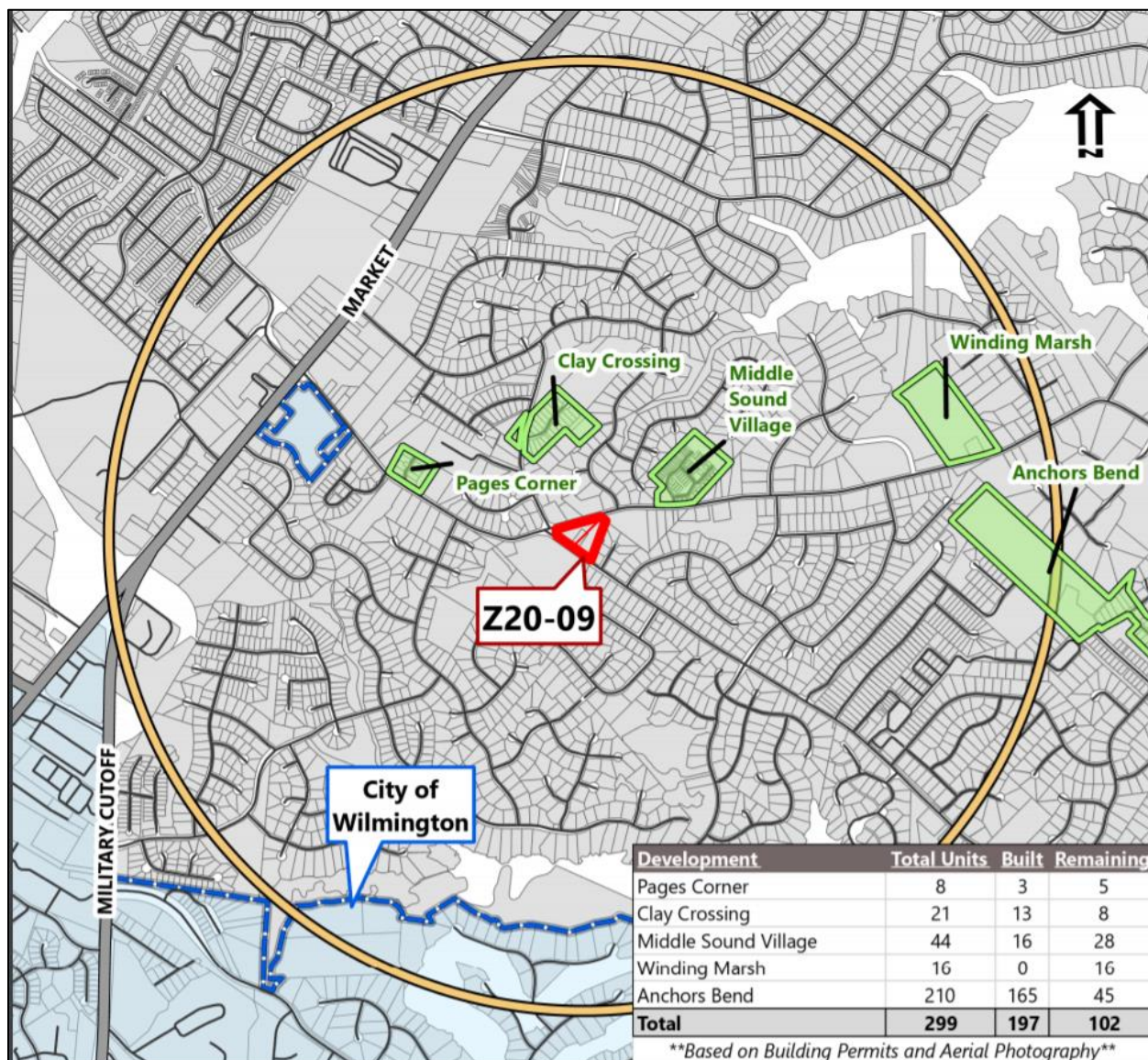
## **ZONING CONSIDERATIONS**

- Under the County's performance residential standards, the site would be permitted up to 6 dwelling units at a density of 1.9 du/ac. The proposed 24 units equates to an overall density of 7.2 du/ac.
- The site is located directly east of the Middle Sound Loop Road roundabout. Due to its unique shape and proximity to the looping collector road, the majority of the site directly abuts Middle Sound Loop Road. It is approximately  $\frac{3}{4}$  miles from the Market Street/Middle Sound commercial node. 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).



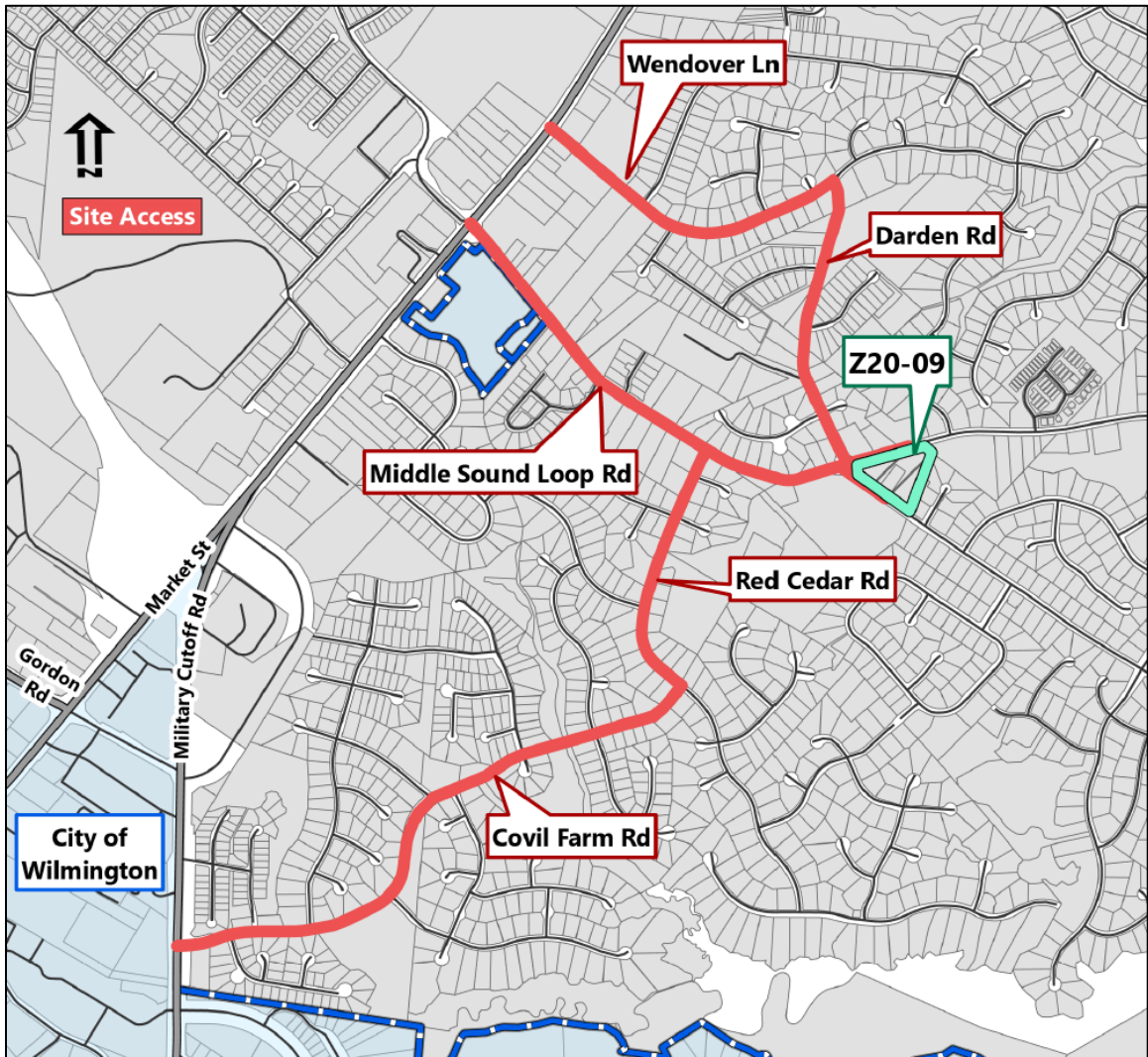
- The site was rezoned to R-20 in 1988 in response to a small area plan for the area adopted in 1987. That plan, written over 30 years ago, has not been updated since then. Conditions in the County have changed including the availability of water/sewer infrastructure and an expanded roadway network which connects Middle Sound to the south via Red Cedar Road and Covil Farm Road, and to the north via Darden Road and Wendover Lane. Small area and other planning documents that have not been consistently updated over this length of time are not generally considered current policy documents and the 2016 Comprehensive Plan is the most current plan used to provide guidance on development proposals in Middle Sound. When current plans conflict with older documents, it is typical that the most recent adopted policy prevails.
- The applicant provided a report prepared by JC Morgan, a real estate appraisal and consulting firm, which states that “the data indicates that proposed project would have no negative impact on the values of the adjoining or abutting properties.”

### AREA SUBDIVISION UNDER DEVELOPMENT



## TRANSPORTATION

- The site is accessed by Middle Sound Loop Road, a NCDOT maintained collector road.



- The project will be designed with interior one-way travel. Vehicles will enter on the northern side of the property through a right-in only driveway, and exit on the southern side of property through a right-out only driveway.





- As currently zoned, it is estimated the site would generate slightly under 10 trips during the peak hours if developed at the permitted density. The proposed R-5 development would increase the estimated number of peak hour trips by approximately 5-10 trips.

	<b>Intensity</b>	<b>Approx. Peak Hour Trips</b>
Existing Development:	1 single-family home	1 AM / 1 PM
Typical Development under Current Zoning:	6 single-family homes	9 AM / 7 PM
Proposed R-5 Development:	24 townhomes	12 AM / 17 PM

- Staff has provided the volume to capacity ratio for nearby sections of Middle Sound Loop Road. 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.

#### **NCDOT Average Annual Daily Traffic (AADT) - 2018**

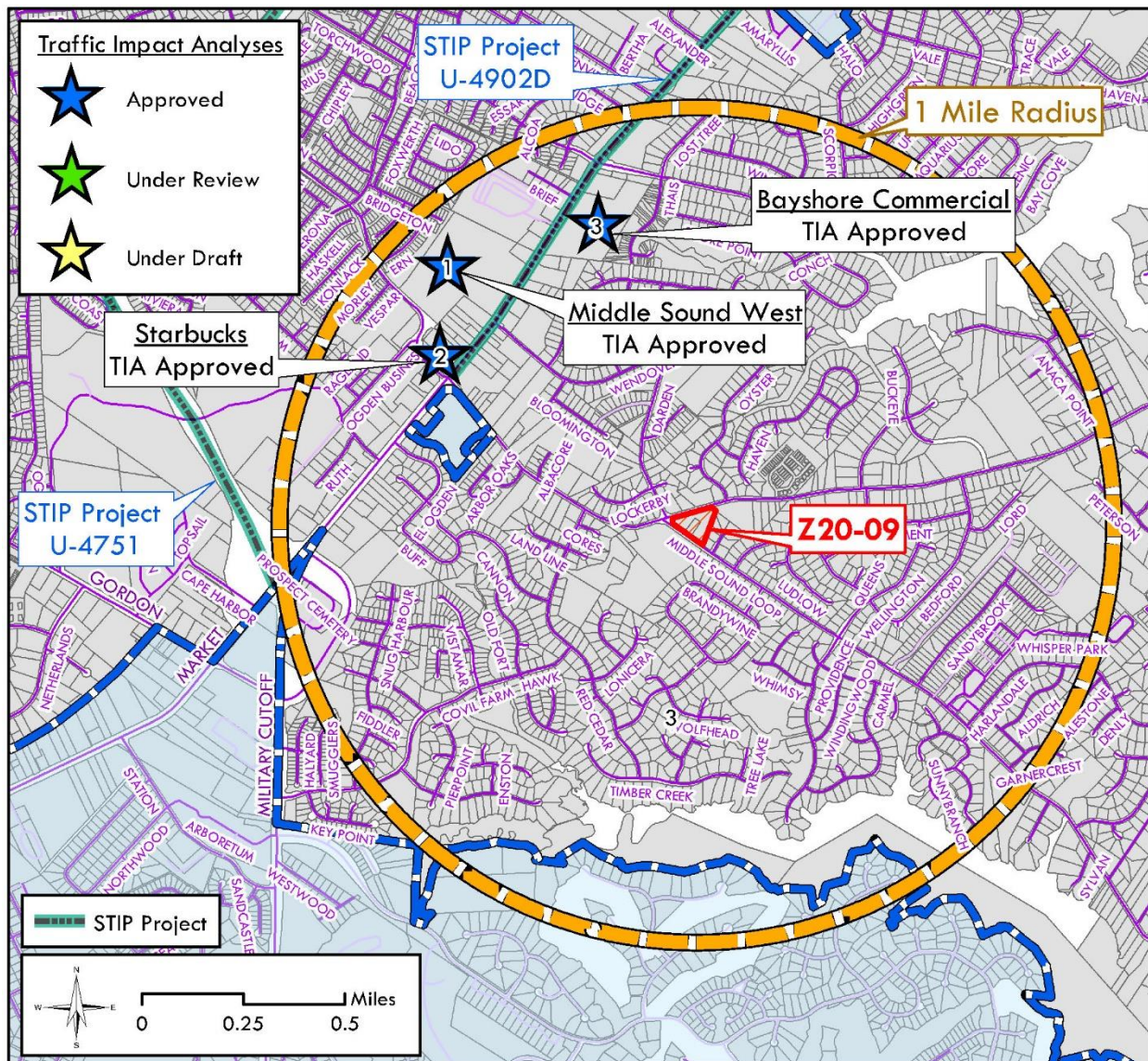
<b>Road</b>	<b>Location</b>	<b>Volume</b>	<b>Capacity</b>	<b>V/C</b>
Middle Sound Loop	West of Red Cedar Road to Market Street	8,900	9,600	0.92
	Northeast of the Roundabout along subject site	6,000	9,600	0.625
	Southeast of the Roundabout along subject site	7,200	9,600	0.75



- A group of local residents opposing the project, Middle Sound Lookout, provided a memorandum prepared by a Traffic Engineer (attached in the opposition materials) stating concerns about the Middle Sound Loop Roundabout Level of Service (LOS), conflicts with traffic generated by Ogden Elementary School, delays occurring at the Middle Sound Loop and Market Street intersection during the PM peak hour, and crash activity in the Middle Sound Loop community.
- The applicant's traffic consultant, Davenport Engineering, prepared a Technical Memorandum to determine the potential traffic impacts of the project at the Middle Sound Loop roundabout and to identify transportation improvements that may be required to accommodate the impacts of both background traffic and new development traffic. The report found that the roundabout currently operates at a LOS D in the AM peak hour and LOS B in the PM peak hour. According to the report, in 2022 it is expected the roundabout will operate at LOS E in the AM peak and LOS B in the PM peak without the proposed development. With the proposed the development, the delay of the vehicles is expected to increase by 1.9 seconds in AM peak and 0.3 seconds in the PM, resulting in no change to the LOS of the intersection. The report concludes that *"there is negligible impact from traffic generated by this development and no traffic mitigation measures are recommended."*
- In 2018, NCDOT examined the operation of the Middle Sound Loop roundabout and found that it was functioning at an appropriate Level of Service. Specifically, the analysis found that the average delay during the peak hours ranged from 10-20 seconds, however, the review found the roundabout is approaching capacity in the AM peak when larger delays are typical due to school drop-off occurring. The review estimates that the roundabout will serve at an acceptable LOS until about 2027.
- NCDOT has reviewed the conceptual plan and provided preliminary comments to the applicant. Overall, NCDOT is in agreement with the location and design of the proposed driveways. NCDOT further stated that the design provides for *"excellent access management with limited right-in and right-out turning movements instead of traditional full movement intersections"*, and that the nearby roundabout provides for u-turn type movements to accommodate left-in and left-out movements related to the site. NCDOT indicated that they do not have any concerns related to the development's exit access relative to the school driveways, and that no additional roadway improvements would be required for the project.
- The proposed conceptual plan also includes the installation of a sidewalk network within the interior of the development. These sidewalks will connect to the existing pedestrian pathway along the Middle Sound roundabout, allowing residents to utilize the existing crosswalks on Middle Sound Loop Road. In addition, a sidewalk is proposed to be extended to the adjacent residential subdivision to the east.



## Nearby Planned Transportation Improvements and Traffic Impact Analyses



- **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.

### **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.*

<b>Proposed Development</b>	<b>Land Use/Intensity</b>	<b>TIA Status</b>
<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>
<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 a westbound right-turn lane at the site's access on Lendire Road.</li> </ul>		
<b>Nearby Proposed Developments included within the TIA:</b>		
<ul style="list-style-type: none"> <li>• Ogden Starbucks</li> </ul>		
<b>Development Status: Special Use Permit request under review.</b>		

<b>Proposed Development</b>	<b>Land Use/Intensity</b>	<b>TIA Status</b>
<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>
<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>		
<b>Nearby Proposed Developments included within the TIA:</b>		
<ul style="list-style-type: none"> <li>• None</li> </ul>		
<b>Development Status: Complete, however the installation of right-turn lane will be completed with the Military Cutoff extension project.</b>		

<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>		
<u>Nearby Proposed Developments included within the TIA:</u>		
<ul style="list-style-type: none"> <li>• None</li> </ul>		
<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>		

## SCHOOLS

- Students generated from this development would be assigned to Ogden Elementary, Noble Middle, and Laney High schools. Students may apply to attend public magnet, year-round elementary, or specialty high schools.
- Six dwelling units would be permitted under the current R-20 zoning base density, and 24 units would be allowed under the proposed zoning for an increase of 18 dwelling units.
- Based on average student generation rates,\* there are an average of 0.24 public school students (0.11 for elementary, 0.05 for middle, and 0.08 for high) generated per dwelling unit across New Hanover County. The proposed development can be estimated to generate 5.8 (2.6 elementary, 1.3 middle, and 1.9 high), which is approximately 4.4 more students than if developed under existing zoning.

<i>Development Type</i>	<i>Intensity</i>	<i>Estimated Student Generation</i>
Existing Development	1 residential unit	Total: 0 (0.1 elementary, 0.05 middle, 0.08 high)
Typical Development under Current Zoning	6 residential units	Total: 1.4 (0.6 elementary, 0.3 middle, 0.5 high)
Proposed Development under Proposed (CZD) R-5 Zoning	24 residential units	Total: 5.8 (2.6 elementary, 1.3 middle, 1.9 high)



\*Average student generation rates are calculated by dividing the projected New Hanover County public school student enrollment for the 2020-2021 school year by the estimated number of dwelling units in the county. While different housing types and different locations typically yield different numbers of students, these average generation rates can provide a general guide for the number of students to anticipate. Total projected student enrollment was used, which includes students attending out-of-district specialty schools, such as year-round elementary schools, Isaac Bear, and SeaTECH.

***School Enrollment\* and Capacity\*\*—2021-2022 Estimates***

<b>Level</b>	<b>Total NHC % Capacity</b>	<b>School</b>	<b>Enrollment of Assigned School</b>	<b>Capacity of Assigned School w/ Portables</b>	<b>% of Capacity of Assigned School</b>	<b>Funded Capacity Upgrades</b>
Elementary	97%	Ogden	605	579	104%	None
Middle	107%	Noble	720	664	108%	None
High	105%	Laney	2063	1903	108%	None

\*Enrollment is based on projected New Hanover County Schools enrollment for the 2020-2021 school year.

\*\*Capacity calculations were determined by New Hanover County Schools for the 2020-2021 school year and are based on NC DPI Facility Guidelines & Class Size Requirements. Modifications refer to specific program requirements unique to a particular school. These may include exceptional children's classrooms beyond the original building design; classrooms to serve a unique population such as ESL; or classrooms designated for art and music if the building wasn't specifically designed with those spaces.

## **ENVIRONMENTAL**

- The property is not within a Natural Heritage Area or Special Flood Hazard Area.
- 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 II (moderate limitation) soils, however, the project will connect to CFPWA sewer services.

## CONTEXT AND COMPATIBILITY

- The property is a triangular corner lot with two sides directly abutting Middle Sound Loop Road.
- Attached homes like quadplexes, triplexes, duplexes are commonly seen as a transitional development between collector roads and single-family neighborhoods.
- Townhomes tend to generate less traffic per unit than traditional single-family homes because they are often occupied by smaller households (retirees or young adults without children).
- The site is located across Middle Sound Loop Road from Ogden Elementary School.
- The proposed townhomes will be three stories but are restricted to the same maximum 35-foot height that applies to the existing and adjacent areas zoned R-20.

### Representative Developments of R-5:

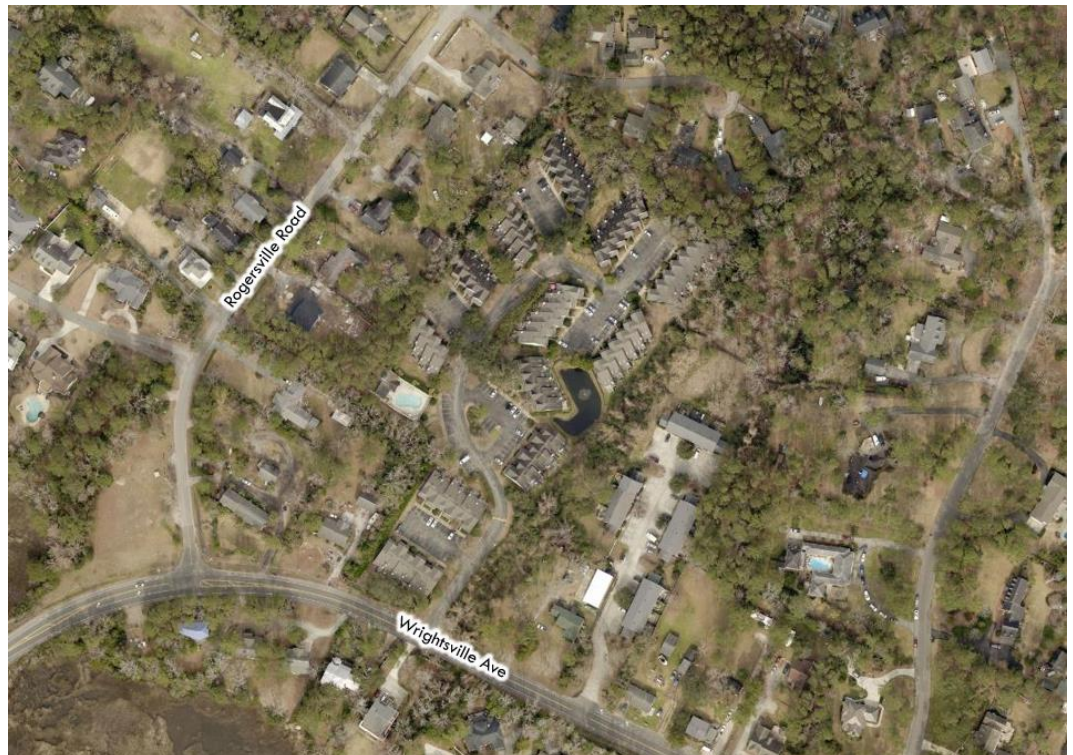


*Tidal Walk*



*Indie Ice*

*Wrightsville Place:*



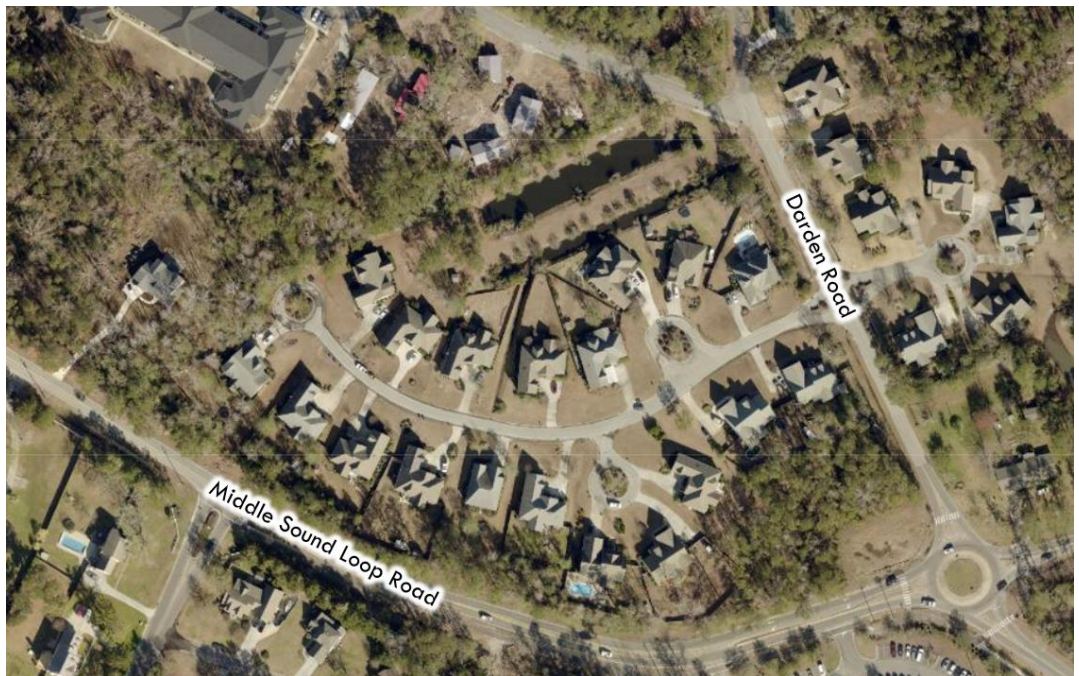


### Representative Developments of R-20:



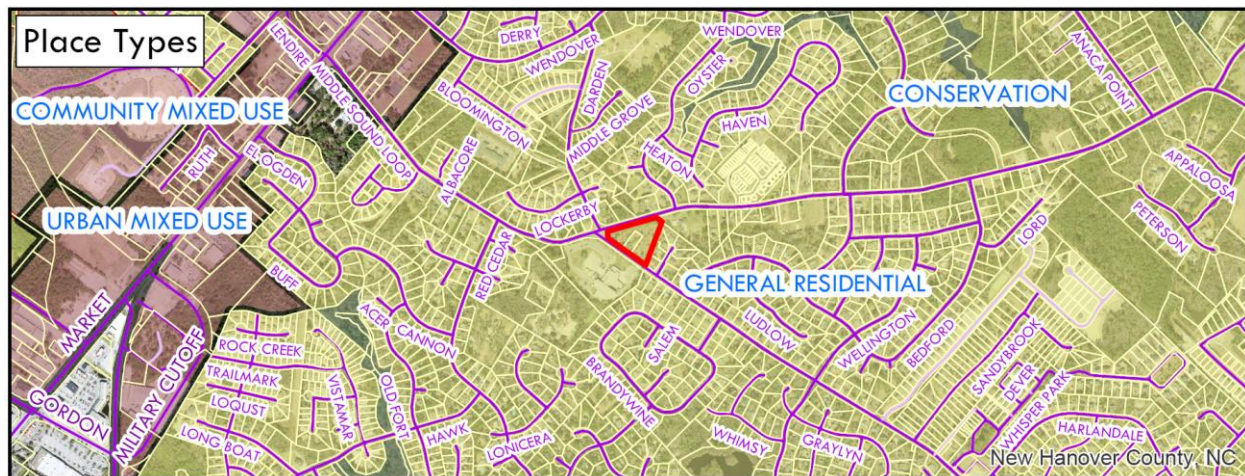
*Emerald Forest*

*Princeton Place:*



## **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>	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.
<b>Analysis</b>	The subject property is located on Middle Sound Loop Road on the eastern corner of the roundabout, across from Ogden Elementary School. The proposed project includes a crosswalk connection to the Middle Sound Greenway and close access to the bicycle and pedestrian infrastructure that runs by Ogden Elementary and will eventually provide a link to Ogden Marketplace shopping center.



<p><b>Analysis</b></p>	<p>The property is designated General Residential, a place type common for areas with established residential neighborhoods. This designation provides opportunities for lower-density housing (up to approximately eight units per acre) and associated civic and commercial services. The Comprehensive Plan does allow for higher densities than envisioned for this area in past plans, specifically the 1987 Middle Sound/Ogden Community Plan, which sought to maintain its then rural character. The 2016 plan allows for densities higher than the 1.9 to 2.5 units per acre common historically in much of unincorporated New Hanover County for infill and redevelopment projects in existing residential communities. This change in county policy was made in order to reduce sprawling development patterns and support greater housing affordability in the face of rising land and construction costs. In the Middle Sound area, upgrades to transportation systems, sanitary sewer utilities, and environmental regulations (i.e., stormwater standards) implemented over the past 30 years have made residential densities over the 1.9 units per acre recommended in the 1987 plan both suitable and more sustainable</p> <p>The density of the proposed CZD R-5 district (approximately 7 units per acre) is within the intended residential density range of up to approximately 8 units per acre, provided for by this place type. Its proximity to a school, bicycle and pedestrian infrastructure, major shopping center and a main intersection (roundabout on Middle Sound Loop Road) make the proposed density and design an appropriate infill development. Single family homes with individual driveways would be less appropriate in this location as the roundabout functions as a transitional area between higher and lower intensity uses. Additionally, the proposed development would support a diversity of housing types and range of price points by providing smaller units.</p>
<p><b>Consistency Recommendation</b></p>	<p>The proposed (CZD) R-5 rezoning is generally <b>CONSISTENT</b> with residential densities outlined as appropriate for General Residential places. The property's proximity to a school, multimodal infrastructure and shopping center make the site appropriate a project of this density, and it provides for the provision of a range of housing price points and diversity in housing types in the area.</p>

## PLANNING BOARD ACTION

The Planning Board considered this item at their June 4 meeting. At the meeting, three residents spoke in favor of the item and three residents spoke in opposition (one representing several people). It was noted there were several additional residents opposed to the project in attendance. Concerns included traffic conflicts with Ogden Elementary, drainage, building height, and density.

The Planning Board recommended approval (4-2) with the agreed upon conditions, finding that the application to be:

**CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposal provides for a diversity of housing types in the area, and it provides appropriate transitional infill development between the abutting roundabout/collector streets and the adjacent single-family homes. The Planning Board also found **APPROVAL** of the rezoning request is reasonable and in the public interest because the site is in close proximity to a school, multimodal infrastructure, collector streets, and a shopping center. In addition, the design of the project will assist with limiting traffic impacts to Middle Sound Loop Road.

### Conditions:

1. The development shall be limited to one right-in ingress and one right-out egress. Left turning movements will be prohibited on to, and from, Middle Sound Loop Road.
2. The project's stormwater facilities shall be designed to accommodate at minimum a 100-year storm event. The stormwater facilities may be located within the contiguous 0.72-acre access, utility, and drainage easement.
3. In addition to the County's tree retention standards, the property owner shall retain and preserve all trees as illustrated within the conditional rezoning exhibits, 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.
4. All buffers and fencing proposed within the conditional rezoning exhibits shall be installed prior to construction commencement of horizontal improvements.
5. All street and landscape lighting shall be LED. Street lighting shall be shielded in a downward direction, and the origination of the light shall not be visible. The street lighting location will be limited to within the street corridor and sidewalks. Landscape up lighting shall remain within the internal Demarest Pointe neighborhood streets, yard and parking spaces.
6. Construction ingress and egress will be in accordance with the vehicular circulation plan included in the conditional rezoning exhibits. Public utilities will be accessed from Middle Sound Loop Road and Pickway Court.



## STAFF RECOMMENDATION

Staff concurs with the Planning Board's recommendation and **recommends approval of the application** with the agreed upon conditions.

Since the Planning Board meeting, the applicant has updated the proposed conditions and added new conditions. The new conditions would require the stormwater facilities to be designed to accommodate a 500-year storm, restrict construction traffic during the AM peak hour, prohibit vehicular access to the site from Pickway Court upon development completion, require the installation of a pocket park adjacent to the roundabout, and require repair of any sidewalks or curbing damage during construction.

Staff suggested motion:

I move to **APPROVE** the proposed rezoning to a conditional R-5 district. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposal provides for a diversity of housing types in the area, and it provides appropriate transitional infill development between the abutting roundabout/collector streets and the adjacent single-family homes. I also find **APPROVAL** of the rezoning request is reasonable and in the public interest because the site is adjacent to a school, multi-use path, and collector streets. In addition, the restricted turning movements that are part of the design of the project will assist with limiting traffic impacts to Middle Sound Loop Road.

**[Optional]** Note any conditions to be added to the district (conditions 8-11 have been added since the Planning Board meeting. Specific language has been modified for some of the original conditions which are italicized below):

1. The development shall be limited to one right-in ingress and one right-out egress. Left turning movements will be prohibited on to, and from, Middle Sound Loop Road *in accordance with NCDOT right-in ingress and right-out egress standards.*
2. The development stormwater facilities shall be designed to accommodate at minimum a 500-year storm event. The stormwater facilities may be located within the contiguous 0.72-acre access, utility, and drainage easement.
3. In addition to the County's tree retention standards, the property owner shall retain and preserve all trees as illustrated within the conditional rezoning exhibits, 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, general public or residences.
4. All buffers, (*specifically tree spading*) and fencing proposed within the conditional rezoning exhibits shall be installed prior to construction commencement of horizontal improvements on the property. *The development shall be permitted to utilize the access, utility and drainage easement from Pickway Court to mobilize construction equipment, construction materials and construction personnel to install the buffers and fencing.*
5. All street and landscape lighting shall be LED. Street lighting shall be shield in a downward direction, and the origination of the light shall not be visible. The street

lighting location will be limited to within the street corridor and sidewalks. Landscape up lighting shall remain within the internal Demarest Pointe neighborhood streets, yard and parking spaces.

6. The development shall provide construction ingress and egress in accordance with the vehicular circulation plan included in the Conditional Rezoning Exhibits *and limited to the right-in ingress and right-out egress. The development shall be permitted to utilize the access, utility and drainage easement from Pickway Court to mobilize construction equipment, construction materials and construction personnel to install the construction ingress and egress from the development property to accommodate minimum interaction with Middles Sound Loop Road existing traffic patterns until the construction ingress and egress is complete. All construction traffic thereafter will be required to utilize the right-in and right-out ingress and egress.*
7. Public utilities will be accessed from Middle Sound Loop Road and Pickway Court (originally included as part of condition #6 in the Planning Board recommendation).
8. The development shall restrict all construction traffic ingress and egress to the development during the AM Peak Hour when Ogden Elementary School is in session during the calendar school year, including Ogden Elementary School calendar events until the development construction is completed.
9. A Vest Pocket Park shall be located on the corner of the round-a-bout as an additional buffer to include additional landscaping and fencing in place of the guest parking for the developments Town Home Residences numbers 21,22,23,24 which shall be removed or relocated during site plan review.
10. Upon the developments completion of construction, the development shall ensure all existing road, curb and sidewalks damaged during construction will be repaired to county standards, including Pickway Court.
11. Upon the developments completion, no development vehicular access shall be permitted from Pickway Court, only a pedestrian connection is permitted in accordance with the conditional rezoning exhibit sidewalk plan. Additional landscaping will be installed as a buffer between the Pickway Court Access, Utility and Drainage Easement and the development. The only vehicular access permitted with in the Access, Utility and Drainage Easement will be the resident of 3618 Middle Sound Loop Road.

#### **Example Motion for Denial**

I move to **DENY** the proposed rezoning to a conditional R-5 district. While I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposed provides for a diversity of housing types in the area, and it provides appropriate transitional infill development between the abutting roundabout/collector streets and the adjacent single-family homes, 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.