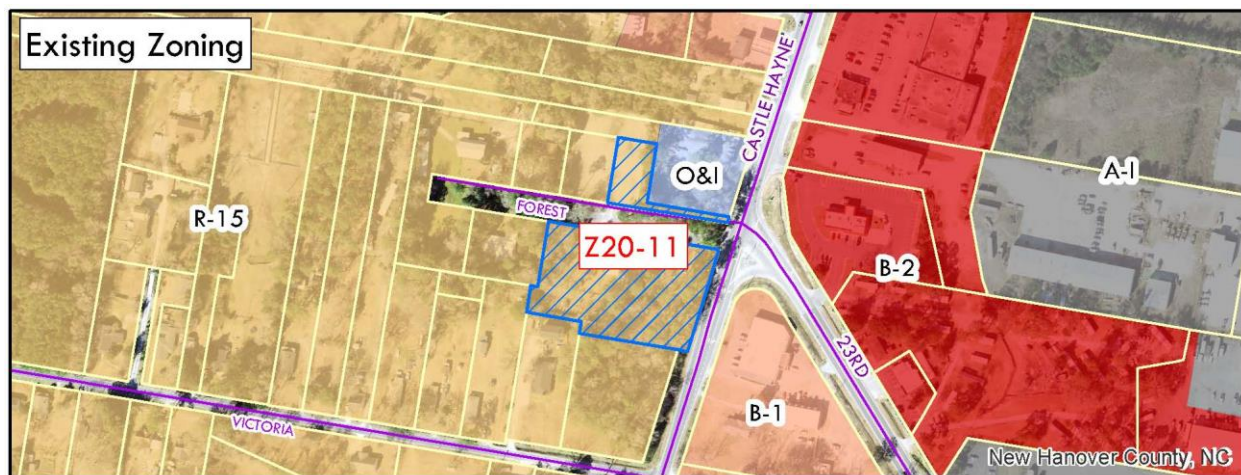


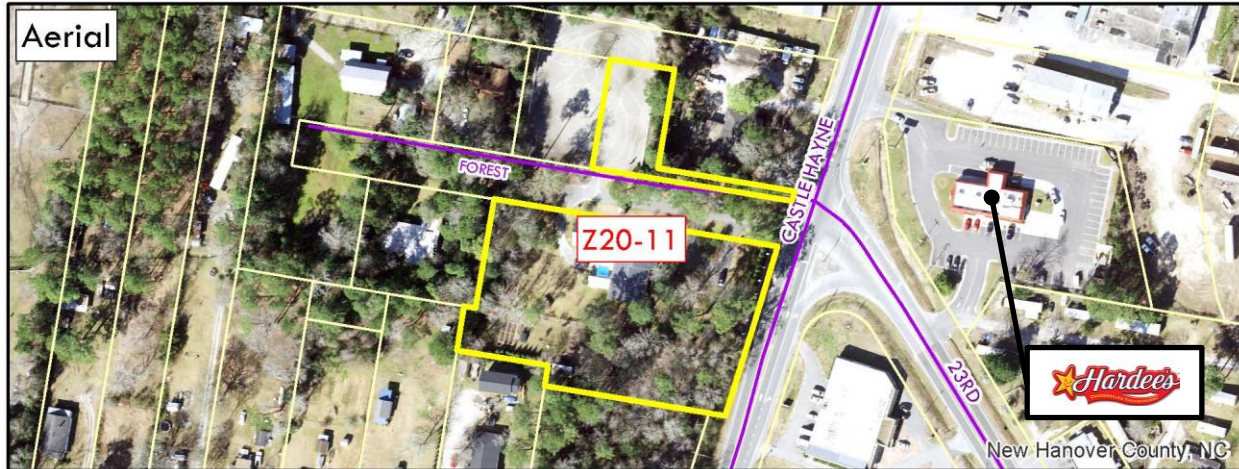
STAFF REPORT FOR Z20-11

CONDITIONAL ZONING DISTRICT APPLICATION

APPLICATION SUMMARY	
Case Number: Z20-11	
Request: Rezone from R-15 to (CZD) O&I for Personal Services and Offices for Private Business & Professional Activities	
Applicant: Amy Schaefer of Lee Kaess, PLLC	Property Owner(s): Lester and Suzanne Edwards
Location: 102 Forest Lane	Acreage: 2.18 acres
PID(s): R04107-006-001-000 R04107-007-001-000	Place Type: Community Mixed Use
Existing Land Use: Residential, Recreation	Proposed Land Use: Personal Services, Offices for Private Business & Professional Activities
Current Zoning: R-15	Proposed Zoning: (CZD) O&I



SURROUNDING AREA		
	LAND USE	ZONING
North	Commercial, Single Family Residential, undeveloped	R-15, O&I
East	Commercial (retail)	B-1, B-2, O&I
South	Residential, Undeveloped	R-15
West	Residential	R-15



ZONING HISTORY

July 1, 1972	Initially zoned R-15 (Area 9A)
---------------------	--------------------------------

COMMUNITY SERVICES

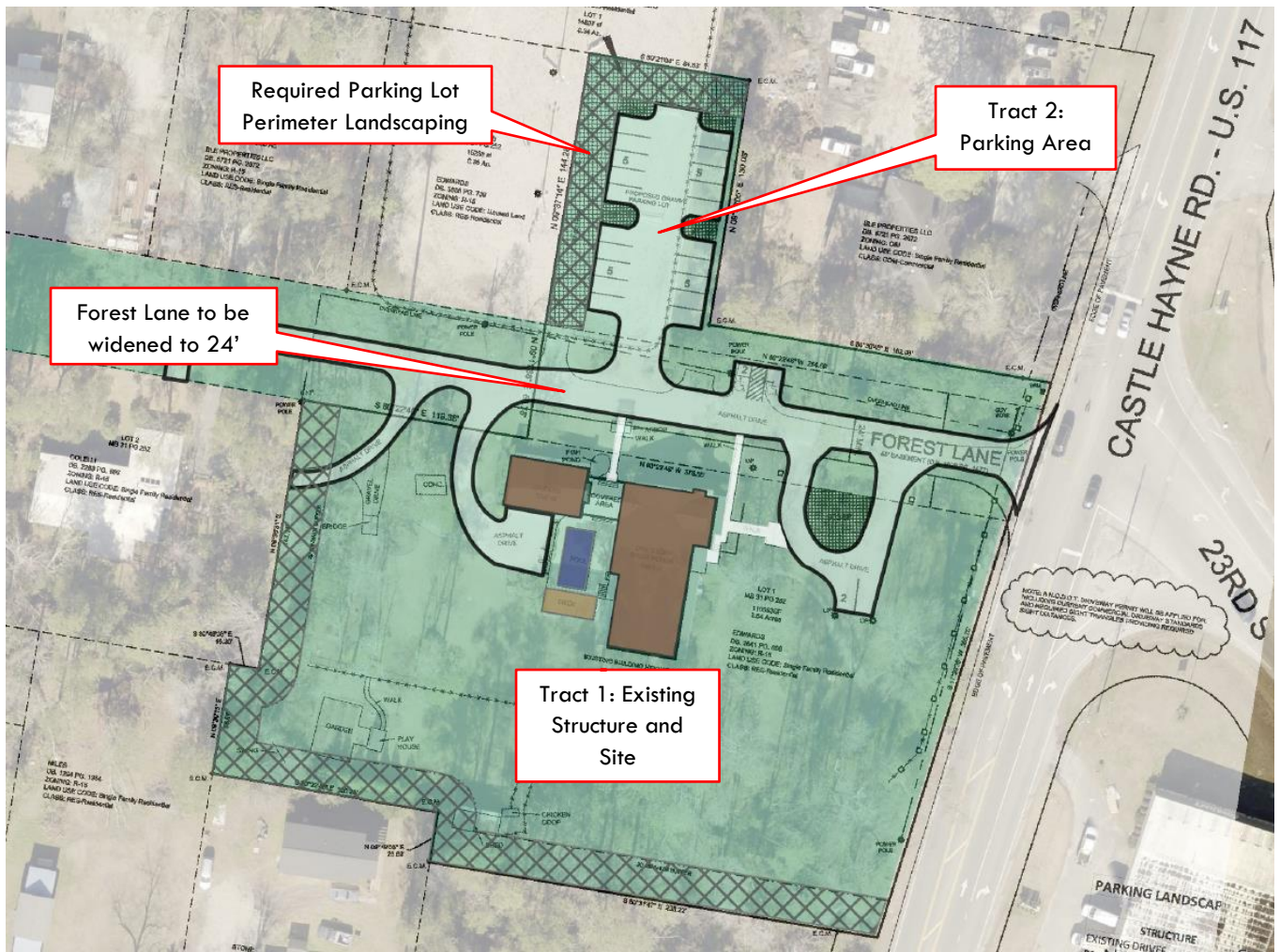
Water/Sewer	Water is available and connected through CFPUA; wastewater is on-site septic
Fire Protection	New Hanover County Fire Services, New Hanover County Northern Fire District, Wrightsboro Station
Schools	Wrightsboro Elementary, Holly Shelter Middle, and New Hanover High schools
Recreation	Optimist Park, Castle Hayne Park

CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES

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

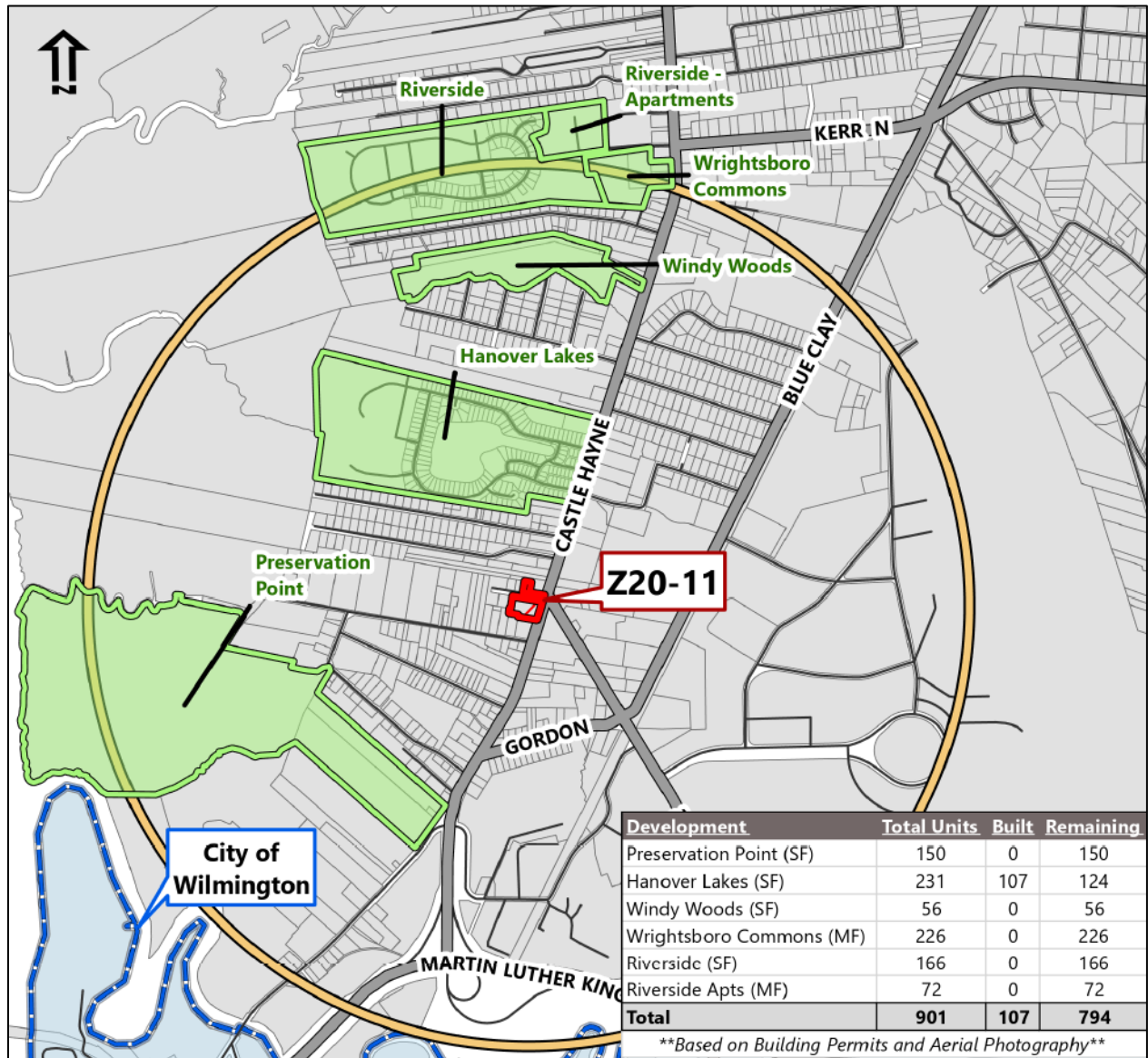
PROPOSED USE AND CONCEPTUAL PLAN

- The applicant is proposing to convert an existing single-family dwelling unit located on 1.84 acres for personal services and offices for private business and professional activities. The site is located just west of the intersection of Castle Hayne Road and N. 23rd St.
- The 3,601 sf structure is proposed to be used primarily for a spa, salon, and barber/beauty shop under the land use *Personal Services* as defined in the Unified Development Ordinance (UDO). In addition, the applicant has requested that the land use *Offices for Private Business and Professional Activities* be included as part of the conditional rezoning request in order to accommodate a potential private office in the future.
- An adjacent 0.34-acre tract on the north side of Forest Lane, currently used as an equestrian course, will be converted to a paved parking area to serve the salon. A landscaped strip with a minimum width of 10' will be installed on the boundaries of the parking lot parcel with the residentially zoned properties to the north and west.
- Streetyard landscaping will be installed along Forest Lane on both parcels as required by the UDO. In addition, a 31.08' wide side yard and 42.15' rear yard buffer will be installed or provided via existing vegetation on the remaining boundaries of the parcel containing the structure.
- The New Hanover County Stormwater Ordinance requires stormwater management for any new impervious area that exceeds 10,000 sf. As the addition of the parking area totals 9,208 sf of new impervious area, no stormwater improvements are required.
- The proposal is to utilize the existing structure in its current state with potential other modifications to make the structure compliant with commercial building code requirements. Should a proposal to replace or alter the building be proposed subsequent to approval of this conditional request, the proposal will be evaluated pursuant to Section 10.3.3 C (7)(b) of the UDO which governs modifications to conditional zoning districts. In the event that a future proposal to replace the structure with a building which exceeds 10% of 3,601 sf (360 sf maximum increase), the proposal would be classified as a major modification and would be subject to completing the full conditional rezoning process, which includes Planning Board recommendation and consideration by the Board of Commissioners.



Conceptual site plan for the proposed development with staff markings

AREA SUBDIVISIONS UNDER DEVELOPMENT



TRANSPORTATION

- Direct access to Castle Hayne Road is provided to the site via Forest Lane, which is a private drive consisting of a 15' asphalt travel surface within a 60' private right-of-way.
- NHC Fire Services has indicated that Forest Lane will need to be improved to 24' in travel width, and the sight triangle at the intersection with Castle Hayne Road will need to be improved. Similarly, NCDOT is requiring that the entrance to Forest Lane from Castle Hayne road be brought to commercial standards which include clearing obstructions within sight triangles to provide sufficient sight distance.
- NCDOT will also require a driveway permit to connect to Castle Hayne Road, and will require an encroachment agreement for any utility connections or installation within the NCDOT right-of-way, though no encroachments are proposed at this time.



Primary Routes to Arterial Roadways

- The primary proposal to use the building entirely as a salon is anticipated to generate approximately 4 AM peak hour and 5 PM peak hour vehicular trips. With the potential inclusion of a single-tenant office in the future, the use may generate approximately 23 AM peak hour and 33 PM peak hour trips. Either scenario falls below the 100 AM or PM peak hour threshold required to perform a Traffic Impact Analysis (TIA).

Comparison of Potential Trip Generation Scenarios

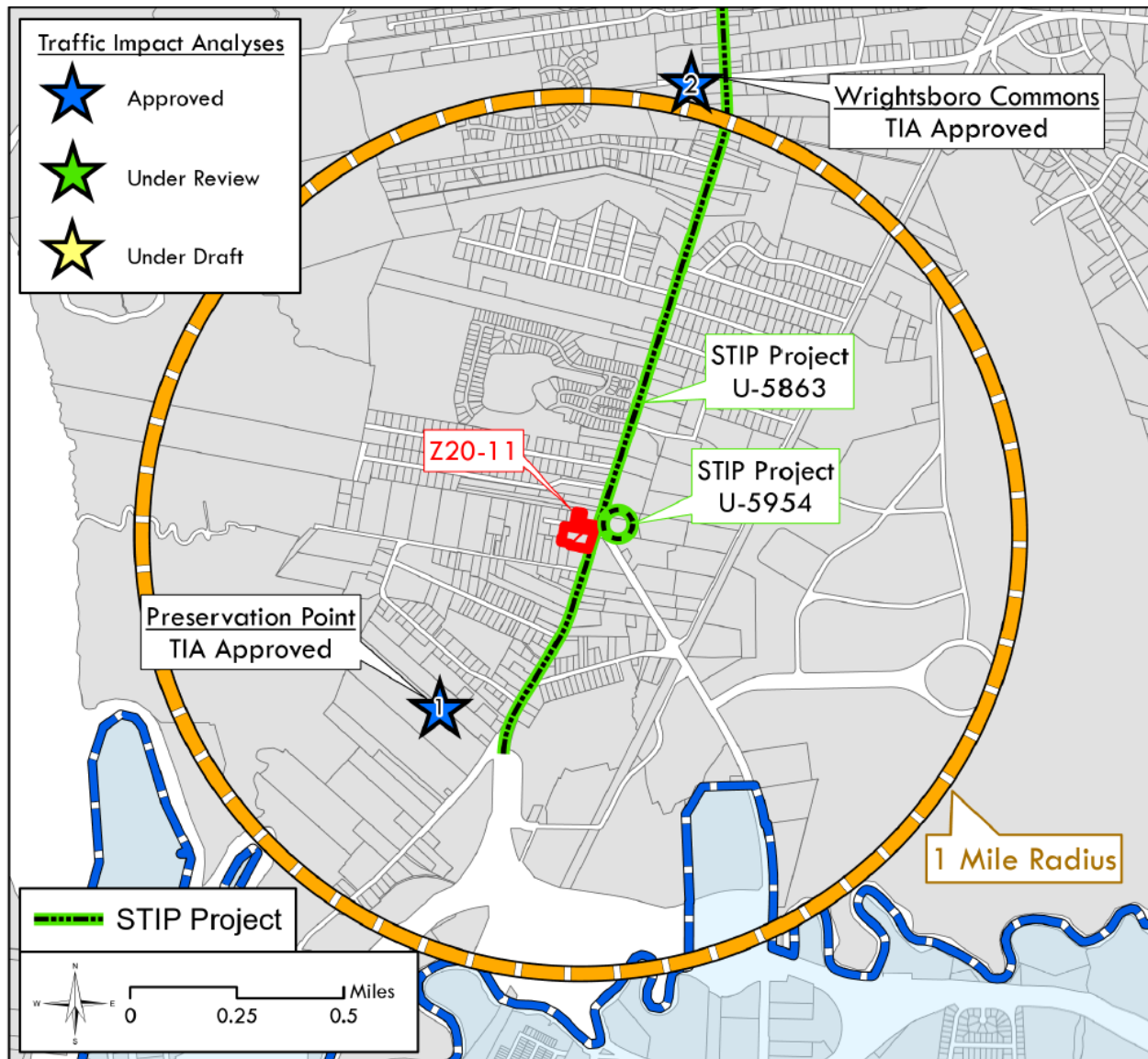
	Intensity	Approx. Peak Hour Trips
Existing Development:	Single-Family Residential	1 AM / 1 PM
Development under Proposed (CZD) O&I Zoning:	3,601 sf salon/spa	4 AM / 5 PM
Development under Proposed (CZD) O&I Zoning:	Salon/Spa w/ Single-tenant Office	23 AM / 33 PM
Net Change under Proposed (CZD) O&I Zoning:	Salon/Spa	+ 3 AM / + 4 PM
	Salon/Spa w/ Single-tenant Office	+ 22 AM / + 32 PM

- Because a TIA is not required to analyze transportation impacts, staff has provided the volume to capacity ratio for Castle Hayne Road 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.
- Traffic counts indicate that the roads south of the subject site (Castle Hayne Road and N 23rd St.) are operating below capacity, while the segment of Castle Hayne Road north of the subject parcel is over capacity. However, there have not been any recent Traffic Impact Analyses that have analyzed the intersection of Castle Hayne Road and N 23rd St. Future NCDOT improvements to the roadways in the near vicinity of this project are expected to accommodate the current and projected traffic volumes.

NCDOT Average Annual Daily Traffic (AADT) - 2018

Road	Location	Volume	Capacity	V/C
Castle Hayne Road	N of intersection of Forest Lane and Castle Hayne Road	15,000	14,400	1.04
	S of intersection of Forest Lane and Castle Hayne Road	9,300	14,440	0.64
N. 23 rd St.	SE of intersection with Castle Hayne Road	8,200	15,400	0.53

Nearby Planned Transportation Improvements and Traffic Impact Analyses



Nearby NC STIP Projects:

- STIP Project U-5863
 - Project to widen Castle Hayne Road from I-140 to Division Drive.
 - Right-of-Way acquisition for the project is scheduled for 2021, with construction scheduled to begin in 2024.
- STIP Project U-5954
 - Project to construct a roundabout at the intersection of Castle Hayne Road and N. 23rd Street.
 - Right-of-Way acquisition for the project is scheduled for 2022, with construction scheduled to begin in 2024.

- The production schedule for the Castle Hayne widening and N 23rd St. roundabout projects were to begin right-of-way acquisition in 2021 and 2022, respectively, with construction to begin in 2024. However, both of these projects are currently on hold for the foreseeable future due to the impacts of COVID-19.

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.

<p>1. Preservation Point</p>	<p>Phase I:</p> <ul style="list-style-type: none"> • 123 single-family dwellings • 27 multi-family dwellings <p>Full Build:</p> <ul style="list-style-type: none"> • 123 single-family dwellings • 27 multi-family dwellings • 5,000 sf day-care center • 3,000 sf high-turnover restaurant • 2,000 sf drive thru coffee/donut shop • 20-employee office building 	<ul style="list-style-type: none"> • TIA approved August 21, 2019 • Phase I – 2022 Build Out Year • 2023 Full Build Out Year
<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"> • Installation of a continuous eastbound left turn lane, installation of an eastbound right turn lane, and install stop controlled T-intersection at Castle Hayne Road and site access. • Installation of an additional eastbound right turn lane at the signalized intersection with Castle Hayne Road and Division Drive. 		
<p><u>Nearby Proposed Developments included within the TIA:</u></p>		
<ul style="list-style-type: none"> • None 		
<p>Development Status: Preliminary Plat for Phase I approved in October 2019. Site work is currently underway.</p>		

Proposed Development	Land Use/Intensity	TIA Status
2. Wrightsboro Commons (CBR Castle Hayne) – Residential Portion of Subject Site	<ul style="list-style-type: none"> Phase 1: 216 multi-family units Phase 2: 144 multi-family units 	<ul style="list-style-type: none"> Approved January 24, 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"> Updating the signal timing at the intersection of Castle Hayne Road and North Kerr Avenue 		
<u>Nearby Proposed Developments included within the TIA:</u>		
<ul style="list-style-type: none"> Riverside Development 		
Development Status: Conditional rezoning request approved for the project in October 2019. Construction of the project has not yet begun.		

ENVIRONMENTAL

- The site does not contain any Special Flood Hazard Areas, wetlands, or Natural Heritage Areas.
- The subject property is located within the Smith Creek watershed, which drains to the NE Cape Fear River.

CONTEXT AND COMPATIBILITY

- Forest Lane currently functions as a dead end private drive, and the applicant owns all parcels fronting it with the exception of one single family dwelling to the west of the proposed site.
- The O&I district is the least intense commercial zoning district and typically functions as a transition between residential areas and more intense commercial areas.
- The Comprehensive Land Use Plan anticipated that a number of single-family homes adjacent to Castle Hayne Road would transition to commercial uses in the future, and the proposal is a moderate transition to a salon and office use.
- Reuse of the existing structure as proposed maintains compatibility with the immediate area, and any future proposal to replace the structure would be classified as a major modification and would be subject to completing the full conditional rezoning process, which includes Planning Board recommendation and consideration by the Board of Commissioners.
- There are similar areas where homes have transitioned to low-intensity commercial uses in the City of Wilmington along Oleander Drive east of Pine Grove Drive and Wrightsville Avenue east of College Road.



Oleander Dr east of Pine Grove Dr



Converted Residential Structure – Oleander Dr



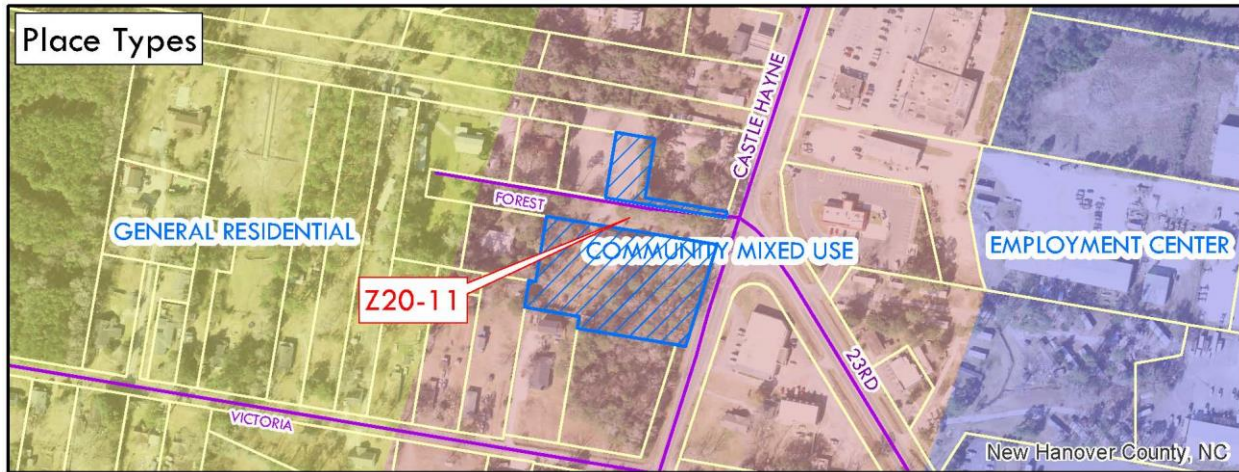
Converted Residential Structure – Wrightsville Ave



Converted Residential Structure – Wrightsville Ave

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	Focuses 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.
Consistency Analysis	<p>The subject site is located at the intersection of Castle Hayne Road and North 23rd Street, directly across from an existing commercial and retail node and immediately adjacent to residential properties to the west along Forest Lane. The property is also adjacent to existing residential properties to the south and west off Victoria Drive, and office/retail and vacant land to the north.</p> <p>The site is designated as a Community Mixed Use place type, which promotes community scale office and professional services and the revitalization of commercial corridors through infill and redevelopment. This designation was applied because the Comprehensive Plan anticipated the gradual conversion of existing single family homes to commercial and mixed use along the Castle Hayne Road corridor. Community Mixed Use is a common place type along major roadway corridors because it provides for a transition between existing lower intensity residential neighborhoods and highly traveled roads. Low intensity commercial and office uses that provide services for nearby residents are also appropriate in this area because of its location at an existing commercial node.</p>

	The proposed conditional zoning district would allow for office and service uses in line with the vision for this area and would be compatible with the adjacent commercial and retail operations. In addition, the Office and Institutional zoning district is identified in the 2016 Comprehensive Plan as one of the zoning districts typical for a Community Mixed Use area.
Consistency Recommendation	The proposed (CZD) O&I district is generally CONSISTENT with the goals of the 2016 Comprehensive Plan because it provides for the zoning designation and uses outlined for Community Mixed Use areas and provides an appropriate transition between adjacent single family neighborhoods and an existing commercial node.

PLANNING BOARD ACTION

The Planning Board considered this application at their June 4, 2020 meeting. No one from the public spoke in support or in opposition to the request. However, as a result of an ongoing dialogue between the applicant and an adjacent property owner, the applicant did propose the following conditions, which the Planning Board recommended approval (7-0) of:

1. The property shall not be used for a tattoo parlor, shoe or clothing repair, or a drop off laundry.
2. The hours of operation for all businesses other than the beauty salon shall be from 8am to 7pm with no Sunday hours.
3. There shall be no amplified outdoor music on the property.

STAFF RECOMMENDATION

The proposal is generally consistent with the goals and objectives of the Comprehensive Plan and the Community Mixed Use place type as it provides for the zoning designation and uses outlined for Community Mixed Use areas. Therefore, **staff recommends approval of this application** and suggests the following motion:

I move to **APPROVE** of the proposed rezoning to a (CZD) O&I district. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because it provides for the zoning designation and uses outlined for Community Mixed Use areas. In addition, the proposal provides for a transition between existing lower intensity residential neighborhoods and highly traveled roads. I also find **APPROVAL** of the rezoning request is reasonable and in the public interest because it would allow for office and service uses in line with the vision for this area and would be compatible with the nearby commercial and retail operations.

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

1. The property shall not be used for a tattoo parlor, shoe or clothing repair, or a drop off laundry.
2. The hours of operation for all businesses other than the beauty salon shall be from 8am to 7pm with no Sunday hours.
3. There shall be no amplified outdoor music on the property.

Example Motion for Denial

I move to recommend **DENIAL** the proposed rezoning to a (CZD) O&I district. While I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because it provides for the zoning designation and uses outlined for Community Mixed Use areas, I find recommending **DENIAL** of the rezoning request because the proposal is not consistent with the desired character of the surrounding community.