

STAFF REPORT FOR Z20-12 ZONING MAP AMENDMENT APPLICATION

APPLICATION SUMMARY	
Case Number: Z20-12	
Request: Rezoning to an Urban Mixed Use Zoning District	
Applicant: Samuel B. Franck – Ward and Smith, P.A.	Property Owner(s): Ridgewood Gardens Health Investors, LLC
Location: 8704 “Old” Market Street/Futch Creek Road	Acreage: 29.96
PID(s): R02900-003-513-000	Comp Plan Place Type: Community Mixed Use/General Residential
Existing Land Use: Undeveloped	Proposed Land Use: Mixed Use Development
Current Zoning: B-1 and R-15	Proposed Zoning: UMXZ



SURROUNDING AREA		
	LAND USE	ZONING
North	Retail, Townhomes, Single-Family Residential	B-1, R-7, R-15
East	Single-Family Residential	R-15
South	Undeveloped, Single-Family Residential	B-2, R-15
West	Hwy 17/Market Street Interchange	N/A



ZONING HISTORY	
July 6, 1971	Initially zoned R-15 (Area 5)
August 1, 2005	Board of Commissioners voted to rezone a portion of the site to B-1, effective upon the opening of I-140 (Z-799)

COMMUNITY SERVICES	
Water/Sewer	Water and sewer will be provided by 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	Porters Neck Elementary, Holly Shelter Middle, and Laney High schools (No impacts expected due to age-restriction for senior housing)
Recreation	Ogden Park

CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES	
Conservation	The County's Conservation Resources Map indicates that pocosin wetlands may be present on the site. Previous evaluation of the site from the mid-2000s delineated approximately 2.2 acres of wetlands on the site. Verification of regulated wetlands will be required during the site plan review process. Conservation space is required for pocosin or swamp forest wetlands when at least five acres of the resource exists on the property.
Historic	No known historic resources
Archaeological	No known archaeological resources

APPLICANT'S PROPOSED CONCEPTUAL PLAN



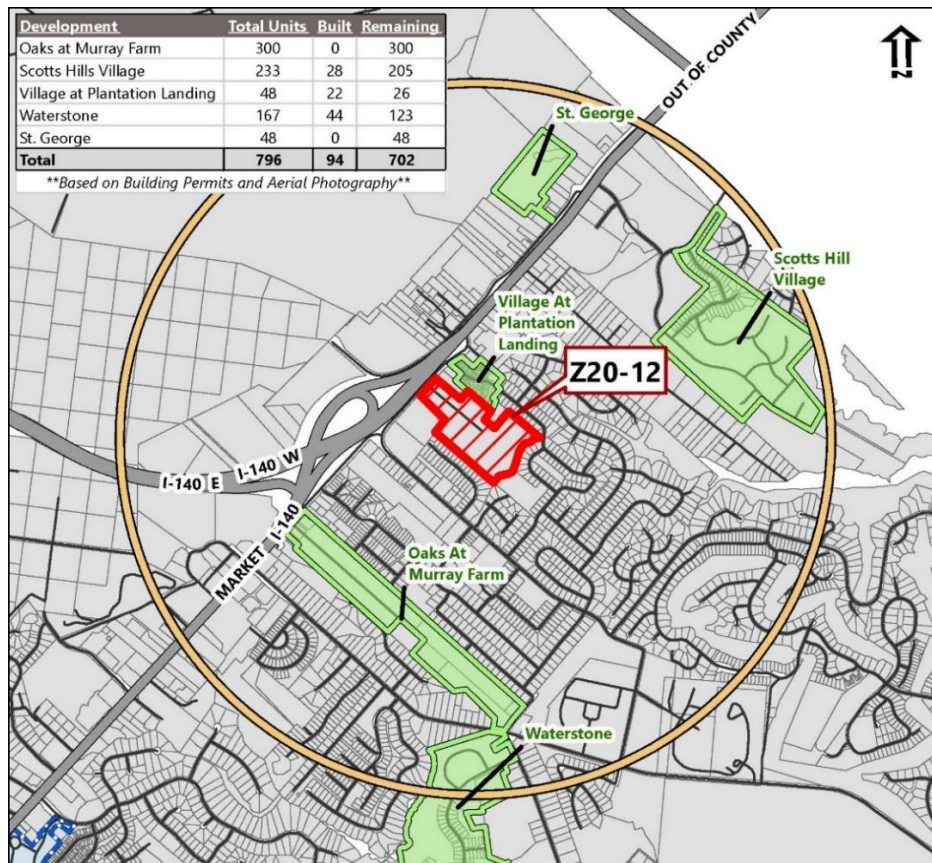
Includes Staff Markups

- The UMZX district is considered to be a type of conditional zoning district and includes a conceptual site plan illustrating the location and intensity of all major land uses. Conceptual site plans for UMZX districts are intended to be in a bubble format that illustrate the general location and intensity of the land uses within the development, similar to what is used for Planned Development zoning proposals.
- In addition to requiring a mix of residential and nonresidential uses, the UMZX district requires specific layout and design standards which will be verified by the Technical Review Committee (TRC) during the site plan review process. These standards include providing pedestrian access and connectivity, incorporating architectural design elements, and locating the parking to the rear and side of the buildings.
- The proposed mixed-use development includes a total of 342 units at an overall density of 11.4 du/ac. The proposal will consist of:
 - Independent Retirement Community
 - Maximum of 238 units. 186 units will be within a 280,000 square foot four-story multi-family building with a maximum height of 45 feet (however, the building height will be limited to 30 feet within 150 feet of the northern property line). 52 units will be within 16 one-story cottages. The cottages will have a maximum of 4 units within each structure.
 - Assisted Living Facility
 - Maximum of 100 units (110 beds) within a 90,000 square foot three-story assisted living facility with a maximum height of 45 feet.
 - Mixed-Use Building
 - 4,000 square feet of office/personal services space on first floor and 4 residential units totaling 8,000 square feet on the 2nd and 3rd floors with a maximum height of 45 feet.

ZONING CONSIDERATIONS

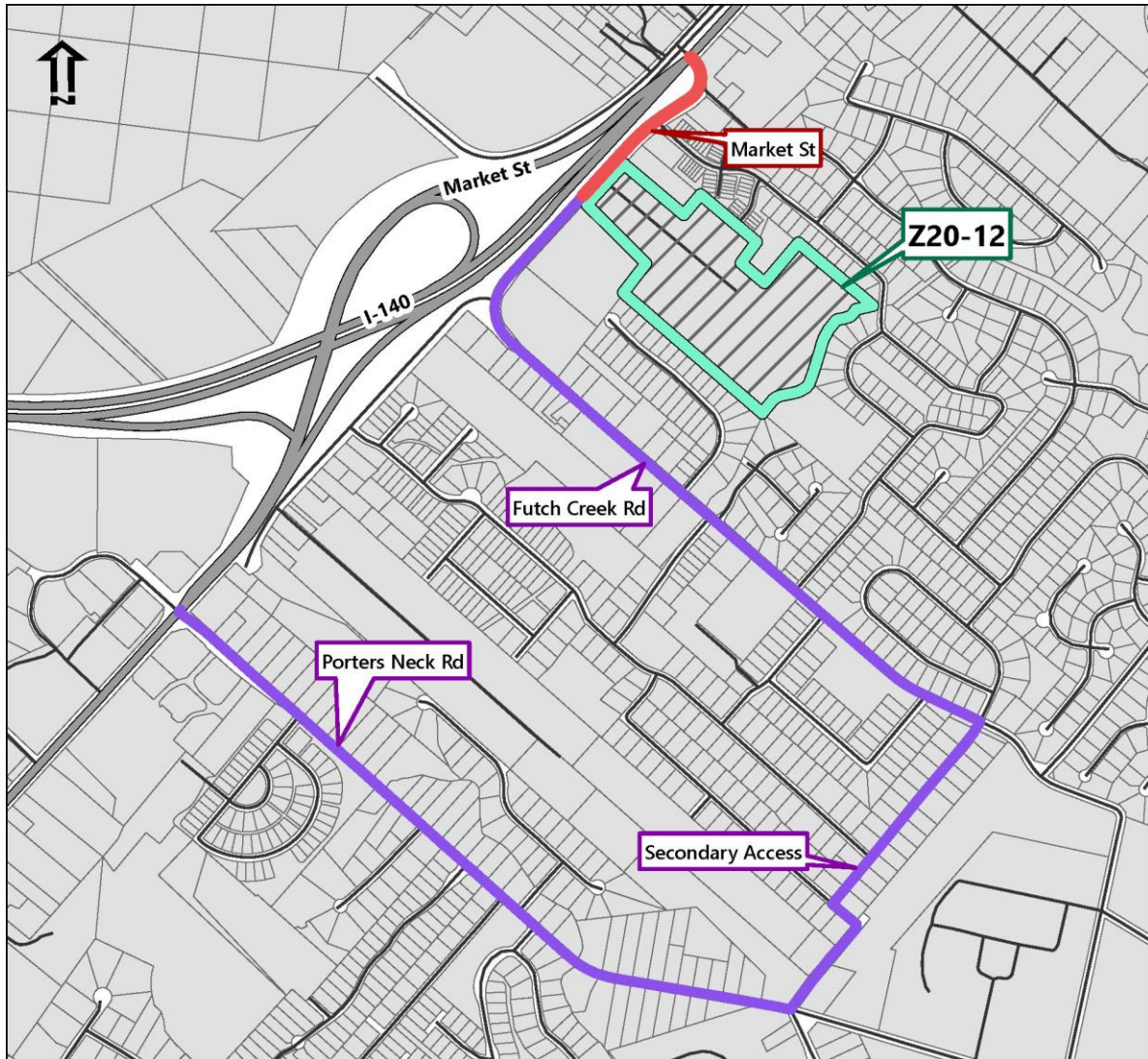
- The subject site is currently split zoned. Approximately 16 acres on the eastern side of the site is zoned R-15. The remaining 13.9 acres along “Old” Market Street is zoned B-1.
- Currently, the 16 acres zoned R-15 would be permitted up to 40 dwelling units under the County’s performance standards at a maximum density of 2.5 du/ac.
- The existing B-1 zoning is generally estimated to support about 150,000 square feet of traditional commercial uses (office, retail, and restaurant related uses) based on typical 25% building area for this type of zoning. The applicant also provided a potential estimate of commercial uses that are permitted by-right in the B-1 district and could be developed on the site. Those uses include a shopping center, fast food restaurant, and office building totaling 71,000 sf feet, which is a more conservative market estimate of development potential for the property.
- The proposed plan clusters the majority of the dwelling units and all of the multi-storied buildings closer to “Old” Market Street where there is existing commercial zoning, a commercial business (Scott’s Hill Hardware), and where townhomes are located north of the site (Villages at Plantation Landing). The one-story cottages and stormwater facilities are located in the south and east of the site closer to existing single-family housing (Plantation Landing and Grayson Park).
- A minimum 35-foot setback and 20-foot buffer is required along the existing single-family development. Many of the proposed cottages will exceed this requirement as a result of the location of the stormwater facilities.

AREA SUBDIVISIONS UNDER DEVELOPMENT



TRANSPORTATION

- The site is accessed by “Old” Market Street/Futch Creek Road, a NCDOT maintained collector road.



Primary Routes to Arterial Streets

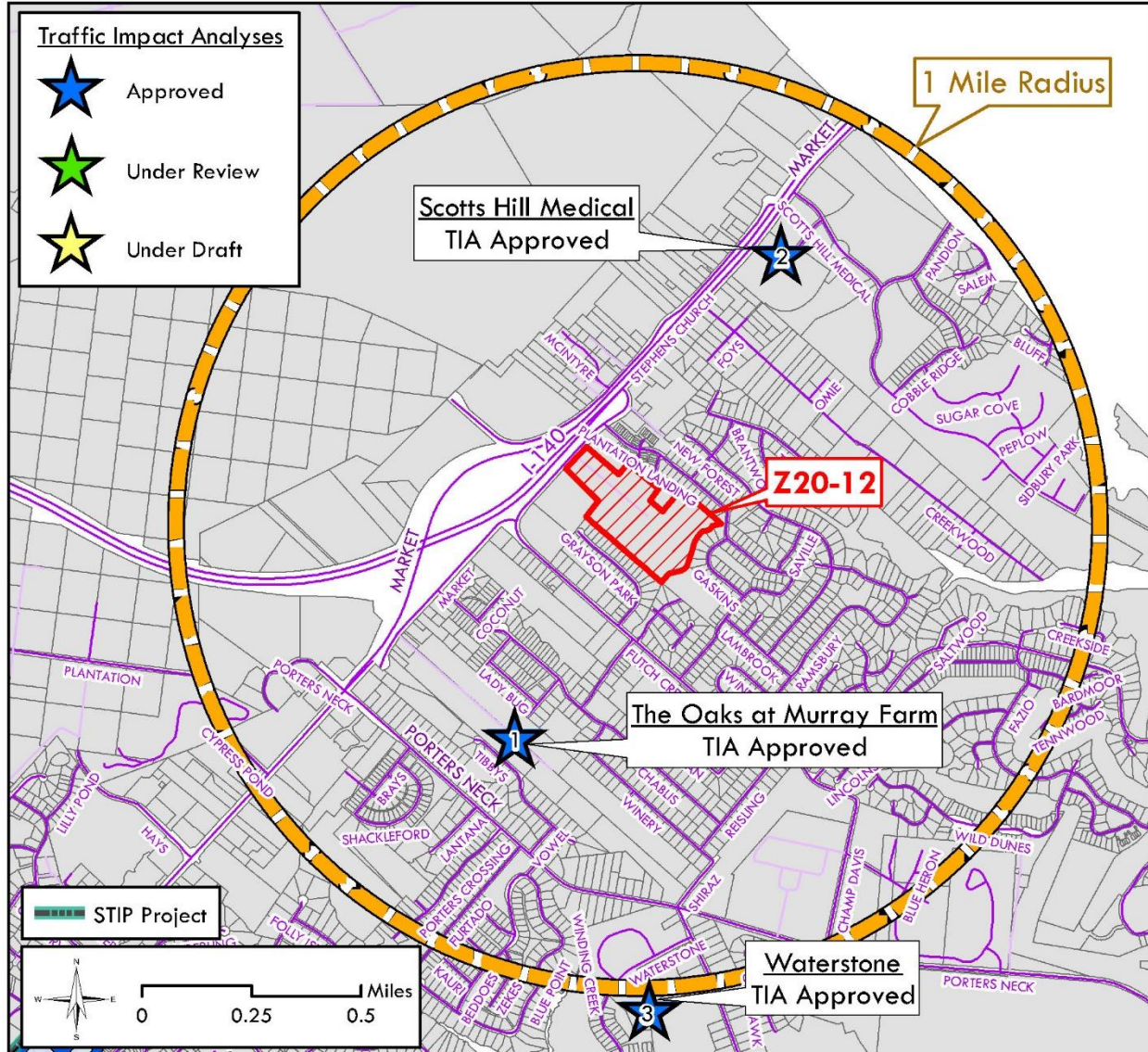
- As currently zoned utilizing the list of possible uses provided by the applicant, it is estimated the site would generate over 250 trips during the AM peak and over 200 trips in the PM peak. The proposed UMXZ development is estimated to decrease the projected trips by approximately 130-230 in the peak hours.

	Intensity	Approx. Peak Hour Trips
Existing Development:	<ul style="list-style-type: none"> ▪ Undeveloped 	0 AM / 0 PM
Possible Development under Current Zoning	<ul style="list-style-type: none"> ▪ 150,000 sf shopping center 	227 AM / 484 PM
Applicant's Estimated Development under Current Zoning:	<ul style="list-style-type: none"> ▪ 20,000 sf shopping center related uses ▪ 11,000 sf fast food restaurant ▪ 40,000 sf office ▪ 31 low rise multi-family housing (ex. Townhomes, condos) 	285 AM / 225 PM
Proposed UMXZ Development:	<ul style="list-style-type: none"> ▪ 56-unit Senior Attached Housing ▪ 186-unit Congregate Care Facility ▪ 100-unit Assisted Living Facility (110 beds) ▪ 4,000sf office/salon 	52 AM / 90 PM

Net Change from Applicant's Estimated Development: -233 AM / -135 PM

- The recently approved nearby development, The Oaks at Murray Farm, completed a Traffic Impact Analysis (TIA) which studied intersections within the general area.
 - That analysis found that the intersection of "Old" Market Street/Futch Creek Road at Hwy 17 will operate at a Level of Service (LOS) C when The Oaks at Murray Farm project is expected to be completed in 2023. In addition, The Oaks at Murray Farm project will install a second right turn lane at the intersection on "Old" Market Street/Futch Creek Road.
 - The TIA also found that the nearby u-turn lane on Hwy 17 to the north will also operate at a LOS C (AM) and B (PM) when The Oaks at Murray Farm project is completed in 2023.
 - This analysis generally indicates capacity is available at these intersections and the proposed use is projected to result in a decrease in traffic compared to by-right uses under the existing zoning.

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 by 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 by 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
1. The Oaks at Murray Farm	<ul style="list-style-type: none"> • 204 Apartments • 34 Duplex Units • 62 Single-Family Dwellings 	<ul style="list-style-type: none"> • Approved August 5, 2019 • Phase 1 & 2: 2020 Build Out Year • Full Build 2022
<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 “Old” Market Street at Hwy 17 • Revising signal plan to modify phase at the Hwy 17 and “Old” Market Street intersection. 		
<p>Nearby Proposed Developments included within the TIA:</p>		
<ul style="list-style-type: none"> • Waterstone 		
<p>Development Status: No construction has occurred at this time.</p>		

**The TIA analyzed 406 dwelling units on the subject site. Shown are the 300 units approved by the Board of Commissioners.*

Proposed Development	Land Use/Intensity	TIA Status
2. Scotts Hill Medical Park	<ul style="list-style-type: none"> • 132,000 sf Office • 18,000 sf Medical Office • 32,000 sf Shopping Center • 9,000 sf Pharmacy with Drive-Through 	<ul style="list-style-type: none"> • Approved August 5, 2019 • Phase 1 & 2: 2020 Build Out Year • Full Build 2022
<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 northbound U-turn lane on US 17 south of Scott Hill Loop Road. • Installation of a southbound left turn lane on US 17 at Scoots Hill Medical Drive. • Installation of a northbound right turn lane, removal of the barrier from the southbound left turn lane, and signalization of the intersection on US 17 at the site’s southern access point. 		
<p>Nearby Proposed Developments included within the TIA:</p>		
<ul style="list-style-type: none"> • Scotts Hill Village • Coastal Prep Academy 		
<p>Development Status: Phase 1 of the medical park has been platted consisting of 3 lots. Currently, one office building has been constructed. No roadway improvements have been completed at this time.</p>		

Proposed Development	Land Use/Intensity	TIA Status
3. 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. 		
<p><u>Nearby Proposed Developments included within the TIA:</u></p>		
<ul style="list-style-type: none"> Porters Neck Elementary 		
<p>Development Status: 98 lots have been platted at this time. The right turn lane has been installed.</p>		

ENVIRONMENTAL

- The property is not within a Natural Heritage Area or Special Flood Hazard Area.
- The property is within the Futch Creek (SA;HQW) watershed.
- Per the Classification of Soils in New Hanover County for Septic Tank Suitability, soils on the property consist of Class I (suitable/slight limitation), Class II (moderate limitation), and Class III (Severe limitation) soils, however, the project will connect to CFPWA sewer services.

CONTEXT AND COMPATIBILITY

- The western boundary of the project is located adjacent to "Old" Market Street and Hwy 17, a major arterial street.
- About half of the property is currently zoned for commercial uses. The proposed plan limits the amount of commercial uses that could be developed on the currently zoned B-1 portion of the site to office and personal services.
- The proposed master plan positions the taller buildings closer to existing commercial zoning and attached housing. Lower density housing and stormwater facilities are proposed along the existing adjacent single-family neighborhoods.
- Senior living retirement communities generally generate less traffic than non-age restricted residential developments. In addition, the proposal is estimated to decrease the trips generated from the site as currently zoned because it reduces the size and variety of commercial uses that are currently permitted on the commercially zoned portion of the site.
- Senior living retirement communities generally do not impact the school system.
- There are similar developments in the Porters Neck community (The Davis Community, Plantation Village) that have functioned effectively with nearby residential areas for many years.

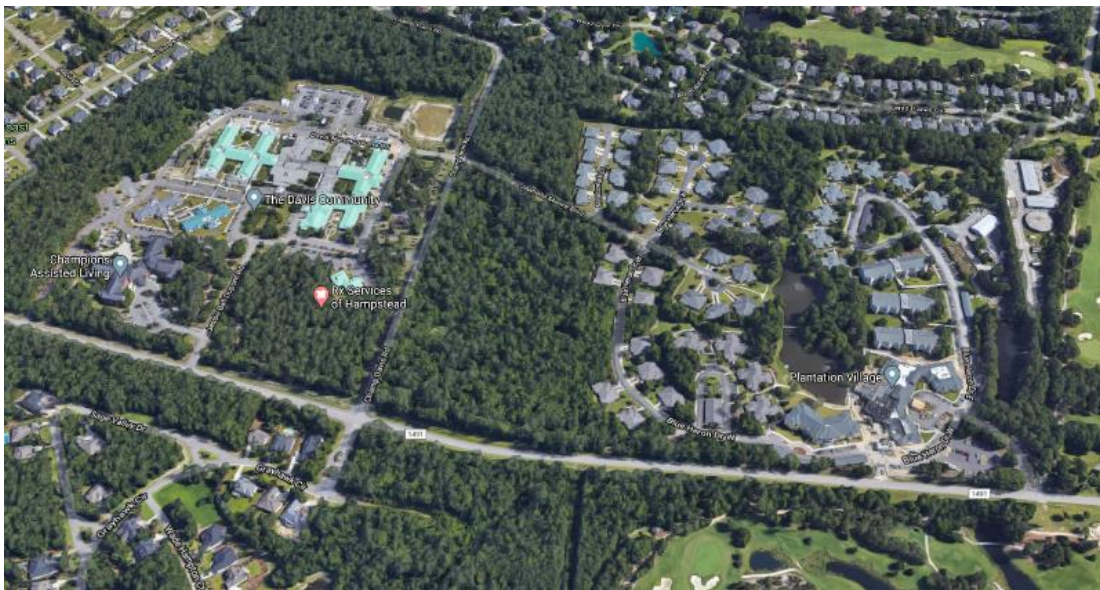
Representative Developments of Senior Living Projects:



Plantation Village – Multi-Family



Plantation Village - Quadplexes



The Davis Community/Plantation Village

Representative Developments of R-1.5:



Grayson Park



Clay Crossing



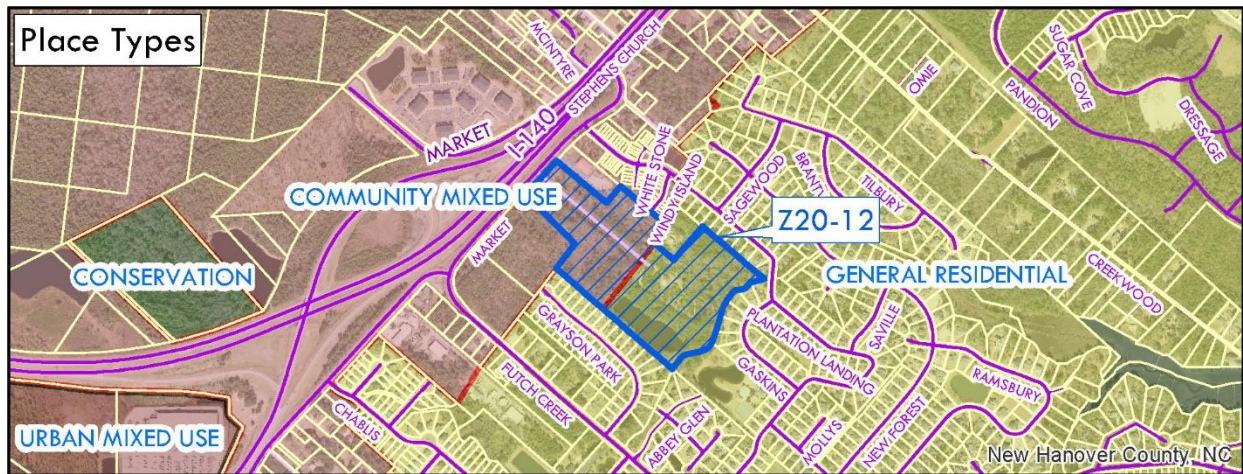
Plantation Landing

Representative Developments of B-1:



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.



<p>Future Land Use Map Place Type</p>	<p>Community Mixed Use and General Residential</p> <p>Because of the general nature of place type borders, sites located in proximity to the boundaries between place types could be appropriately developed with either place type, allowing site-specific features and evolving development patterns in the surrounding area to be considered.</p>
<p>Place Type Description</p>	<p>Community Mixed use 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.</p> <p>General Residential 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>

Analysis	<p>The subject property is located along the portion of Market St. that runs parallel to the I-140 interchange just north of Porters Neck. The only direct access to the site is off of Market St., which is approximately one quarter mile from the intersection at Highway 17. Existing development in the area is primarily single-family neighborhoods with a townhome development and some business and commercial zoning along Market Street. The subject property is just over one-mile north of the Porters Neck commercial node, allowing for access to basic goods and services. Additionally, the property is approximately one-mile south of the Scotts Hill Medical Center.</p> <p>The subject property of approximately 30 acres is designated Community Mixed Use (approx. 14 acres) along Market St. and General Residential (approx. 16 acres) further east, closer to the existing single-family residential. In general, the Comprehensive Plan designates areas along roadways for higher residential densities and a mix of uses and those near existing neighborhoods as General Residential in order to allow for an orderly transition of densities and intensities.</p> <p>The comprehensive plan is a guiding policy document and while it provides general direction, it does not regulate standards the same way as a development ordinance, allowing for some flexibility based on site specific conditions. The overall density, including the assisted living facility and independent retirement community, is 11.4 units per acre and is in line with the 15 units per acre recommended for Community Mixed Use areas.</p> <p>The site design of this proposed project locates the one-story cottages and stormwater facilities on the south and east of the site closer to existing single-family housing. While the taller multi-storied buildings are located on the western half of the site closer to existing commercial zoning. In addition, many of the proposed housing units will exceed the setback and buffers required by the ordinance.</p> <p>One of the proposed buildings is one story taller than preferred for the Community Mixed Use place but still within the building height limits of the zoning district. Due to the central location of the building on the site, the proposed height is appropriate for an independent living building. It is in line with the height of structures in the other senior living communities such as Plantation Village and the recently approved Davis Community expansion.</p> <p>The proposed rezoning to allow for the senior living facilities and mixed-used would be appropriate for the Community Mixed Use and General Residential areas. Additionally, the proposed project would allow for a mixture of housing types and land uses.</p>
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<p>Consistency Recommendation</p>	<p>The proposed UMXZ rezoning is generally CONSISTENT with the Community Mixed Use and General Residential place types because it allows for the types of support services and residential uses recommended in the Comprehensive Plan. The site is designed in a way that allows the orderly transition from higher density and mixed use near the major road corridor to lower density residential towards the rear adjacent to existing residential neighborhoods. It also allows for a range of housing types and land uses in the area.</p>
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STAFF RECOMMENDATION

Staff recommends **approval** of the application with and suggest the following motion:

I move to **APPROVE** the proposed rezoning to a UMXZ district. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because it allows for the types of support services and residential uses recommended in the plan. In addition, it provides an orderly transition from a major road corridor to lower density housing. 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 is expected to reduce the amount of traffic that could be generated under the existing zoning.

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

Example Motion for Denial

I move to **DENY** the proposed rezoning to a UMXZ district. While I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because it allows for the types of support services and residential uses recommended in the plan, 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.