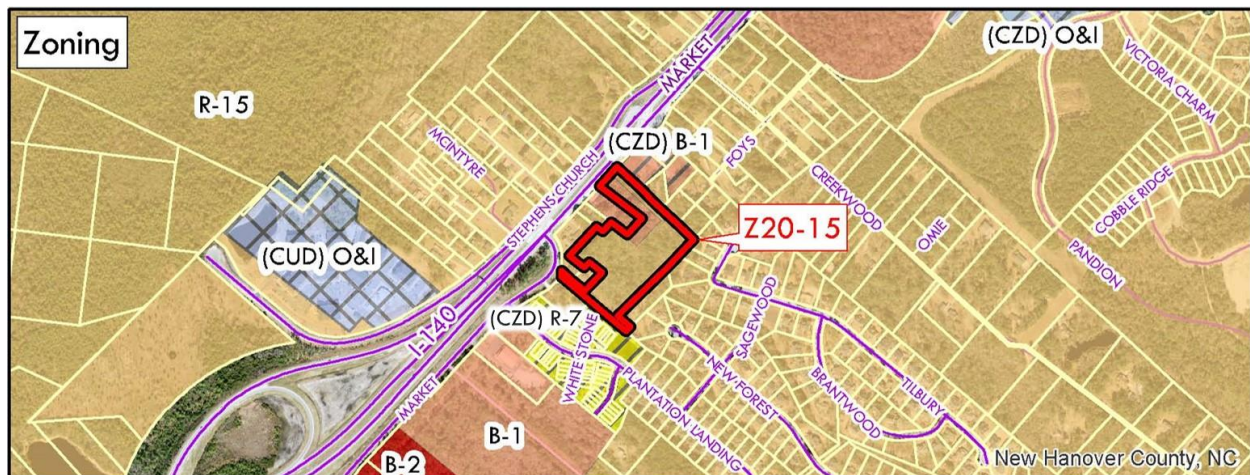


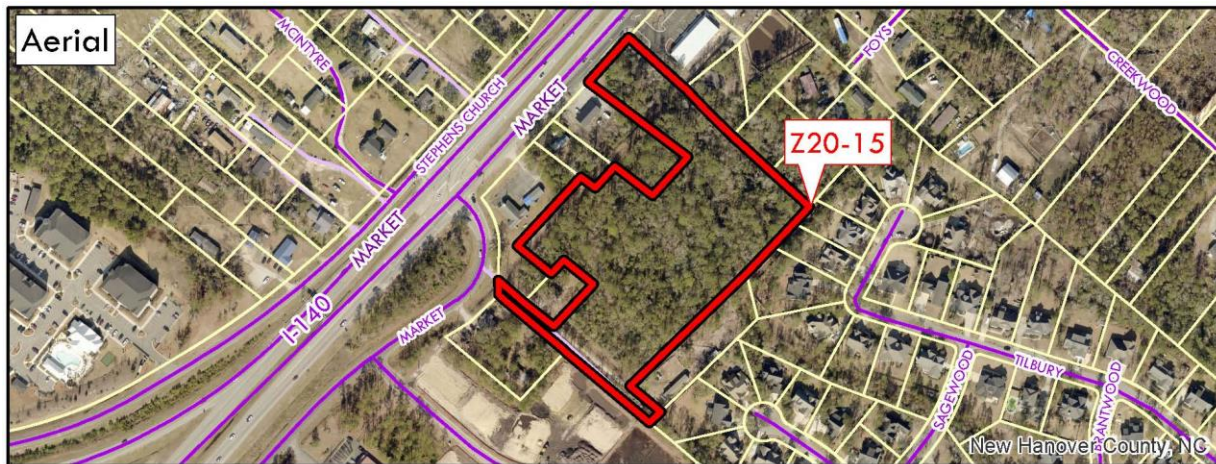
STAFF REPORT FOR Z20-15

CONDITIONAL ZONING DISTRICT APPLICATION

APPLICATION SUMMARY	
Case Number: Z20-15	
Request: Rezoning to conditional RMF-L and conditional CB districts	
Applicant: Cindee Wolf with Design Solutions	Property Owner(s): Redland Development Incorporated
Location: 8800 block of US 17	Acreage: 7.15
PID(s): R02900-003-032-000	Comp Plan Place Type: Community Mixed Use
Existing Land Use: Undeveloped	Proposed Land Use: 60 Townhome Units (Row-Style) and 8,000 sf Retail/Office/Personal Services
Current Zoning: R-15 and B-1	Proposed Zoning: (CZD) RMF-L Residential Multi-Family Low Density & (CZD) CB Community Business



SURROUNDING AREA		
	LAND USE	ZONING
North	Professional Office, Commercial, and Institutional	B-1, (CZD) B-1, R-15
East	Single-Family Residential	R-15
South	Single-Family Residential, Commercial, Undeveloped	R-15, R-7, B-1
West	US 17 Right-of-Way, Single-Family Residential, Multi-Family Residential, Undeveloped	R-15, (CUD) O&I



ZONING HISTORY

July 6, 1971	Initially zoned R-15 and B-1 (Area 5)
---------------------	---------------------------------------

COMMUNITY SERVICES

Water/Sewer	Water and sewer services are available through CFPUA. Specific design will be determined during site plan review.
Fire Protection	New Hanover County Fire Services, New Hanover County Northern Fire District, New Hanover County Station Porters Neck
Schools	Porters Neck Elementary, Holly Shelter Middle, and Laney High schools For more information, see the full School statistics below.
Recreation	Ogden Park

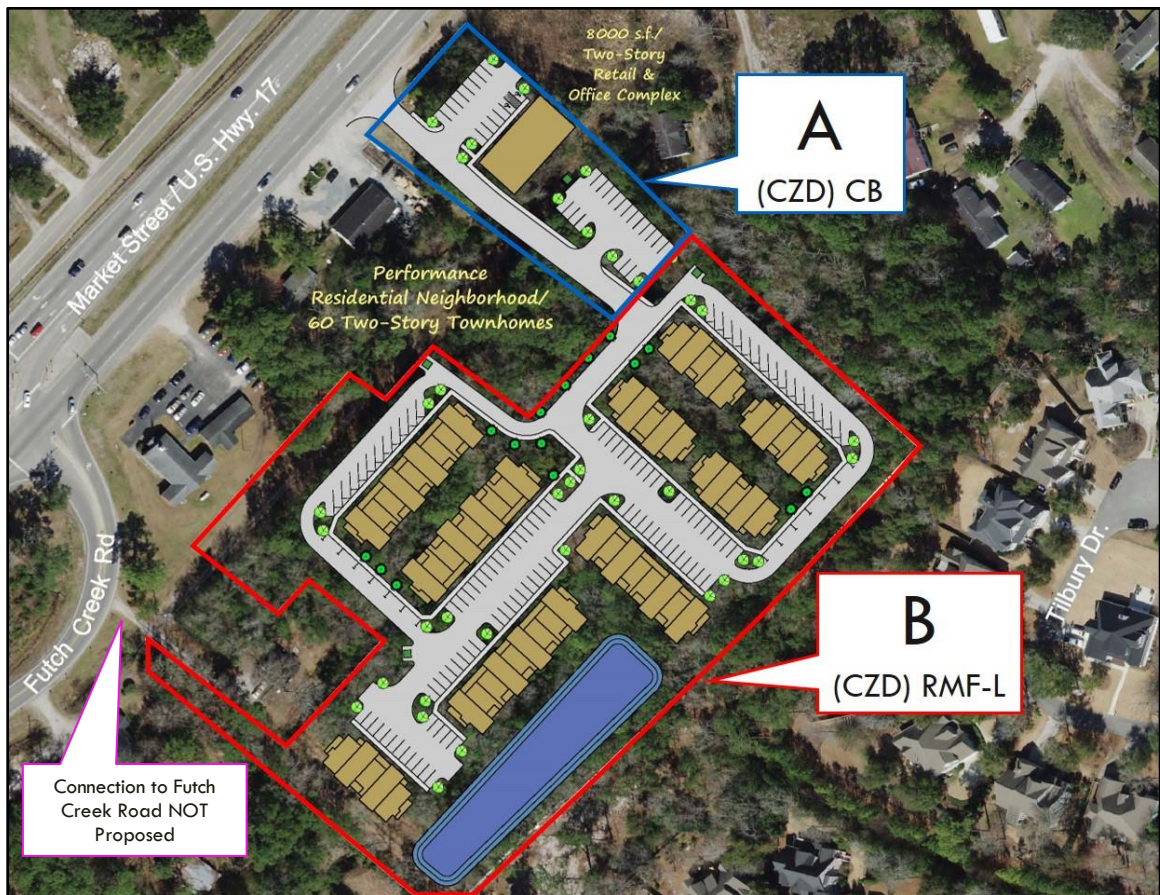
CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES

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

APPLICANT'S PROPOSED CONCEPTUAL PLAN

- The applicant is proposing to rezone approximately 7.15 acres from R-15 (approximately 6.07 acres) and B-1 (approximately 1.08 acres) to (CZD) RMF-L and (CZD) CB to construct a 60-unit townhome development and a mixture of retail sales, office, and personal services in an 8,000 square foot building. As proposed, the RMF-L portion of the site would be 6.11 acres and the CB portion would be 1.04 acres.
- The conceptual plan indicates there will be nine groups of townhomes with three buildings containing nine units each (27 total units), one building containing eight units (8 total units), and five buildings containing five units each (25 total units) for a total of 60 units. Each of the townhome buildings will be two-stories and limited to 35 feet in height. The commercial component of this proposal will be a two-story/8,000 square foot retail sales/office/personal services building and will share access with the residential portion of the site, as well as the Benjamin Moore Paint commercial development to the north.

Below: Applicant's Conceptual Plan with Staff Markups.





Above: Commercial (CB) Component of the Applicant's Conceptual Plan with Staff Markups

Below: Townhome (RMF-L) Component of the Applicant's Conceptual Plan with Staff Markups



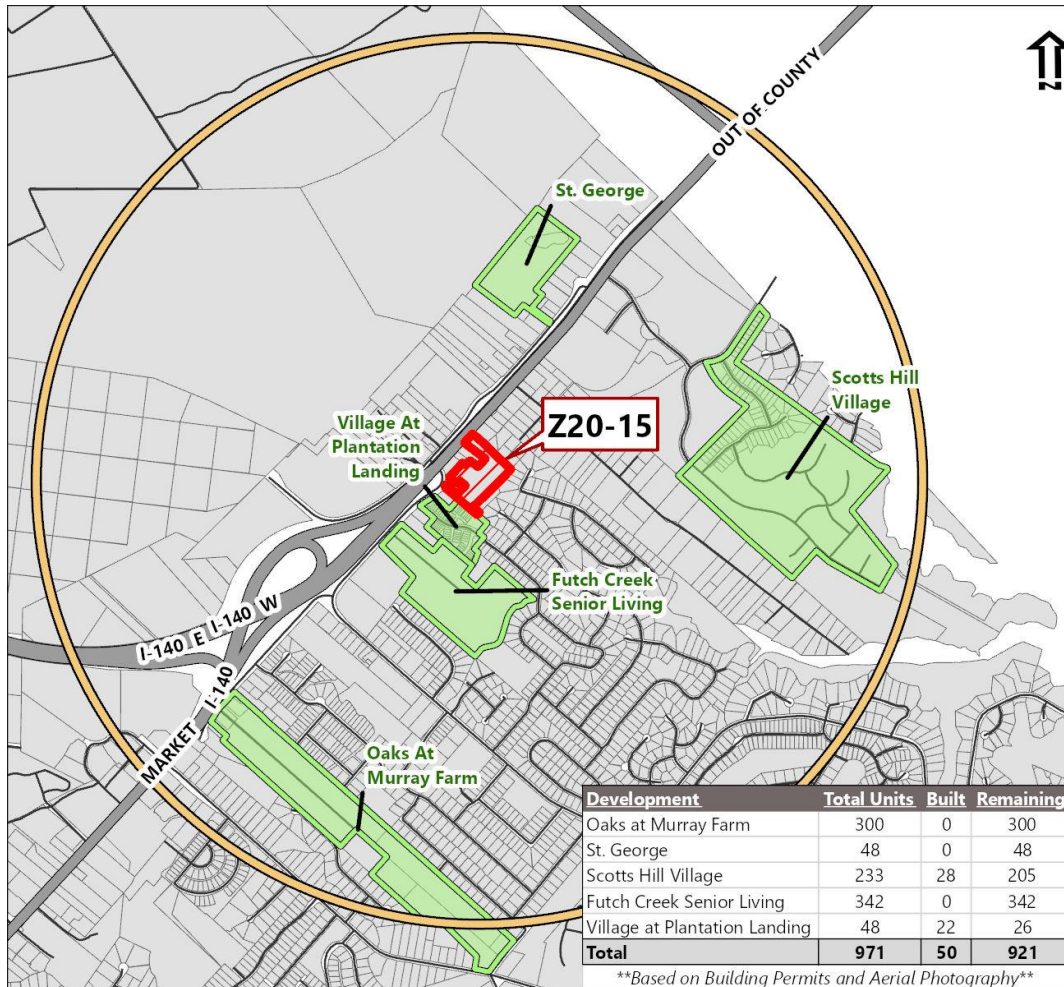
- According the County's general watershed data, the downstream outfall of the site flows southeast to a tributary of Futch Creek. If this request is approved, direction of the downstream flow will be verified during the TRC review process when more detailed engineering design is completed. The applicant is proposing to design the stormwater facilities for the project to meet the County's requirement to a handle a 25-year storm event (≈ 8 inches of rain over a 24-hour period).
- If approved, the applicant will be required to obtain both a State and County Stormwater Permit prior to construction. New Hanover County Engineering will require a Stormwater Authorization-to-Construct and stormwater control measures are required to maintain the pre-development runoff rate for the 2-, 10-, and 25-year storms. In addition, analysis for the 100-year storm is required to verify that no buildings are flooded. Other New Hanover County stormwater requirements will be reviewed and verified during the TRC review process.
- The open ditch that currently runs across the northeast portion of the subject site is proposed to be filled and piped to the same discharge point where it currently flows, which is to the east towards a ditch behind the homes on the northern side of New Forest Drive. The applicant has indicated that the proposed stormwater pond's outfall will also be in this location.
- County development regulations require measures to ensure the development does not erode the existing channel. Engineering staff will ensure compliance with these provisions during the technical review and stormwater permitting process if the rezoning is approved.

ZONING CONSIDERATIONS

- The subject site is currently split zoned. Approximately 6 acres on the eastern side of the site is zoned R-15 and the remaining 1.08 acres along Market Street/US 17 is zoned B-1.
- Under the County's performance residential standards, the current residentially zoned portion of the property (R-15/6.07 acres) would allow up to 15 dwelling units at a maximum density of 2.5 dwelling units per acre (du/ac). The applicant is proposing 60 townhome units on 6.11 acres at a net density of 9.82 du/ac.
- The portion of the property zoned B-1 (approximately 1.08 acres) is generally estimated to support about 11,000 square feet of traditional commercial uses (restaurants, offices, and retail establishments) based on a typical 25% building area for this type of zoning. Alternatively, the B-1 portion of the site could be developed residentially if a special use permit is obtained. However, any dwelling units would have to be part of a mixed use development.
- A 20-foot opaque bufferyard is required between the townhomes and the abutting single-family housing.

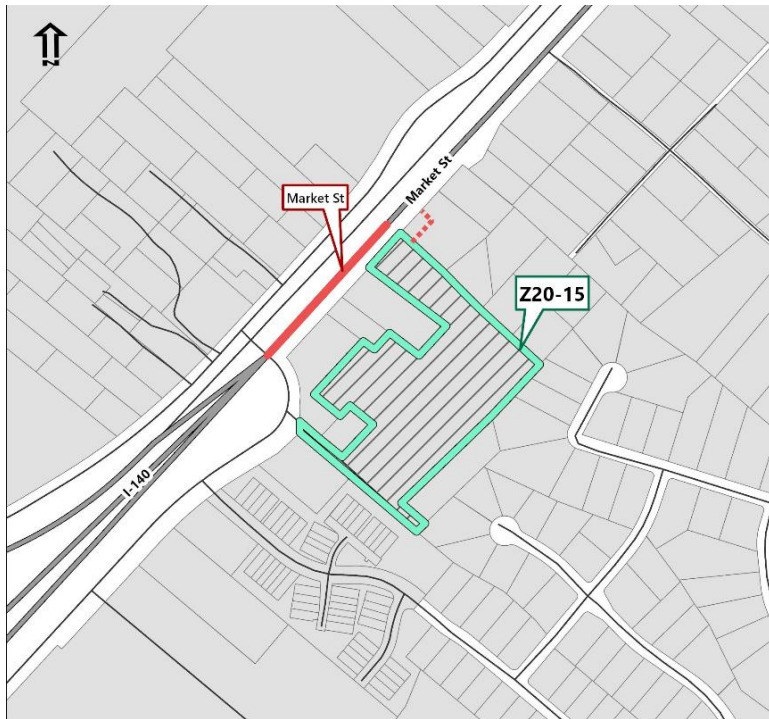
	Residential	Commercial
Typical Development under Current Zoning:	R-15: 15 Single-Family Dwelling Units	B-1: $\sim 11,000$ sf
Proposed Development:	RMF-L: 60 Townhome Dwelling Units	CB: 8,000 sf
Net Change:	+45 Dwelling Units	-3,000 sf

AREA SUBDIVISIONS UNDER DEVELOPMENT



TRANSPORTATION

- Access is provided to the subject property by US 17, just north of Futch Creek Road. As proposed, the commercial and residential uses will share one driveway off US 17. Preliminary NCDOT comments indicate a right turn lane will be required and specific details will be determined during the driveway permitting process. In addition, the applicant has agreed to connect the proposed commercial parking lot to the existing commercial lot to the north (Benjamin Moore Paint).
- There is an unimproved private drive on the southwestern portion of the subject property, however, the applicant is not proposing to make this roadway connection to Futch Creek Road. The Market Street driveway is sufficient to meet the UDO requirements and preliminary Fire Services' comments indicate that driveway is sufficient to meet access and circulation requirements for a development of this scale. The area where another connection could be possible is very narrow which would likely only accommodate one-way traffic. In addition, nearby residents have expressed a preference that a driveway connection is not made to Futch Creek Road.



- Turning movements associated with the proposed driveway are limited to right-in/right-out because of the median along US 17. Motorists leaving the subject site would be required to travel northbound approximately 400 feet to the nearest signalized u-turn.
- The portion of the site currently zoned R-15 would be permitted a maximum of 15 dwelling units, which is estimated to generate about 16 trips in both the AM and PM peak hours. Under the proposed RMF-L zoning, 60 townhomes could be constructed on the site, which is estimated to generate about 30 trips in the AM and 38 trips in the PM peak hours.
- The expected net difference in traffic associated with the residential development would be an increase of 14 AM and 22 PM peak trips when compared to current zoning.
- The trips generated from existing B-1 portion of the property would vary based on the commercial use of the site. However, if the B-1 portion of the site was developed with a typical approximate 25% building footprint, an 11,000 square foot shopping center or comparable development could be built that would generate about 158 AM and 106 PM peak hours. Under the proposed conditional CB zoning, the site would be limited to 4,000 square feet of retail and 4,000 square feet of office/personal services which is estimated to generate about 25 AM trips and 32 PM trips in the peak hours.
- The expected difference in traffic associated with the commercial development would be a decrease of 133 AM and 74 peak trips when compared to current zoning.
- The total trips estimated to be generated from the site as currently zoned is about 174 in the AM peak and 122 in the PM peak hours.
- The proposed townhome development and retail/office/personal services building is estimated to generate about 55 trips in the AM peak and 70 trips in the PM peak. When comparing the proposed rezoning to the current zoning, the cumulative impact is expected to decrease traffic by 119 trips in the AM and 52 trips in the PM peak primarily due to the limitations on size and number of commercial uses proposed.
- Any development proposed on the subject site would add traffic to the nearby roadways when compared to the currently undeveloped site, but the proposed townhomes and

commercial component are expected to generate fewer trips than if the site was developed under current zoning.

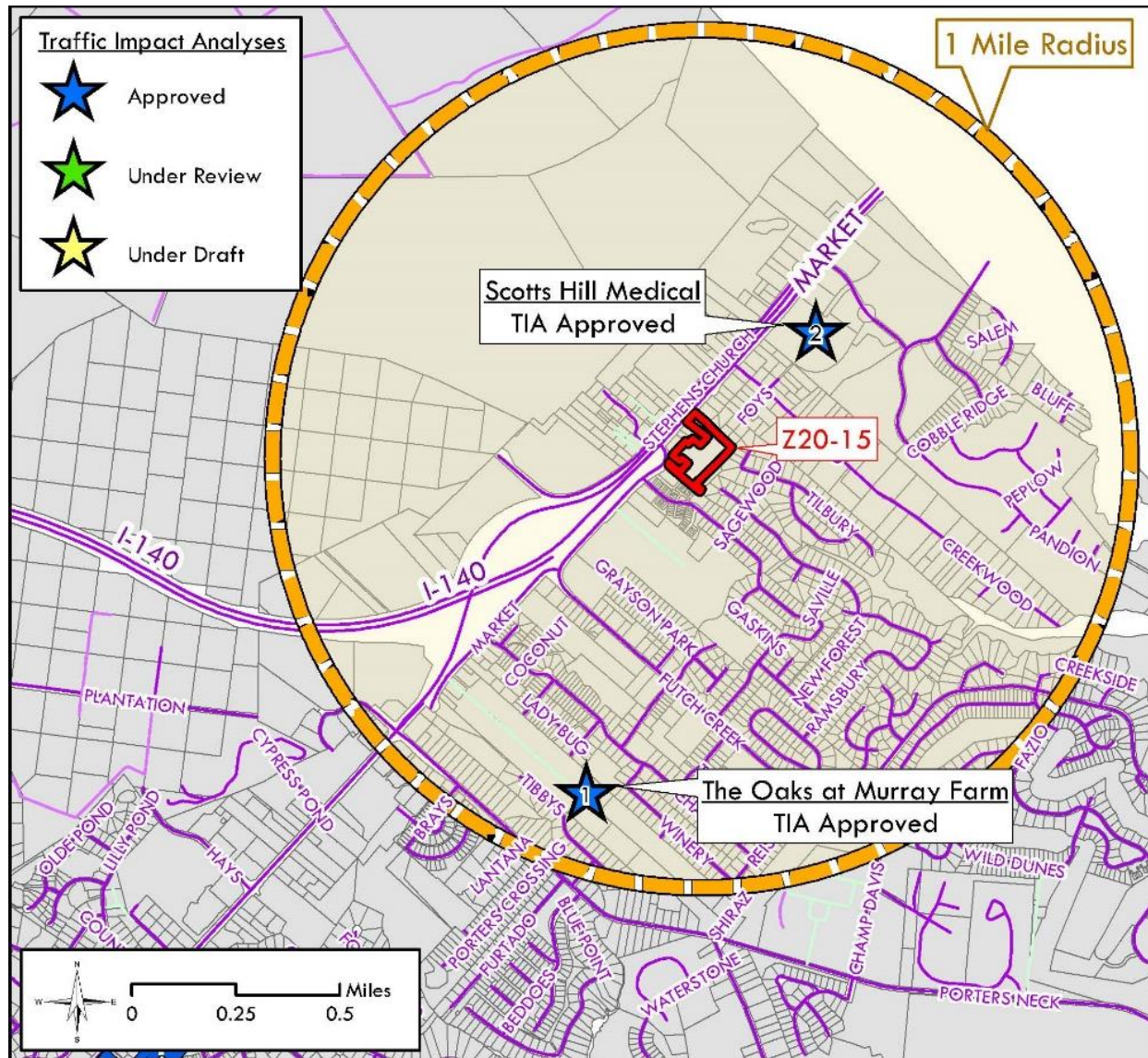
	Intensity	Approx. Peak Hour Trips
Existing Development:	Undeveloped	0 AM / 0 PM
Typical Development under Current Zoning:	15 single-family homes 11,000 sf shopping center	174 AM / 122 PM
Proposed Development under Proposed RMF-L/CB Zoning:	60 townhome units 4,000 sf of retail 4,000 office/personal services	55 AM / 70 PM
Net Change under Proposed RMF-L/CB Zoning:	—	-119 AM / -52 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 US 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 US 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 development under the existing zoning.
- A 342-unit mixed-use/Senior Living development was recently approved on a site approximately 800 feet south of the subject property along “Old” Market Street/Futch Creek Road. Although the mixed-use development would increase the number of units in the vicinity, it is estimated to decrease the trips generated from that site than if the site was developed as currently zoned.
- Staff has also provided the volume to capacity ratio for Market Street/US 17 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.

NCDOT Average Annual Daily Traffic (AADT) - 2018

Road	Location	Volume	Capacity	V/C
US 17	10000 Block (north of Sidbury Road in Pender County)	38,500	31,900	1.21
Market Street	8000 Block (north of Sweetwater Drive)	42,000	43,700	0.96

Nearby Planned Transportation Improvements and Traffic Impact Analyses



Nearby NC STIP Projects:

- **STIP Project U-4751 (Military Cutoff Extension)**
 - Project to extend Military Cutoff from Market Street to I-140.
 - The project is currently under construction and is expected to be completed in late 2022/early 2023.
 - The project will also install a sidewalk and multi-use path along the extension of Military Cutoff and the sections of Market Street included in the project.
- **STIP Project U-4902D (Market Street Median)**
 - Project to install a center median and pedestrian accessways along Market Street from Middle Sound Loop Road to Marsh Oaks Drive. The pedestrian accessways will consist of a 10-foot multi-use path on the eastern side of the street, and a 5-foot sidewalk on the western side of the street.
 - The project is currently under construction and is expected to be completed 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 December 6, 2019 • Full Build 2023
<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 US 17 • Revising signal plan to modify phase at the US 17 and “Old” Market Street intersection. 		
Nearby Proposed Developments included within the TIA:		
<ul style="list-style-type: none"> • Waterstone 		
Development Status: No construction has occurred at this time.		

**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 Scotts 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. 		
Nearby Proposed Developments included within the TIA:		
<ul style="list-style-type: none"> • Scotts Hill Village • Coastal Prep Academy 		
Development Status: Phase 1 of the medical park has been platted consisting of 3 lots. Currently, one office building is open. No roadway improvements have been completed at this time.		

SCHOOLS

- Students generated from this development would be assigned to Porters Neck Elementary, Holly Shelter Middle, and Laney High schools. Students may apply to attend public magnet, year-round elementary, or specialty high schools.
- Fifteen dwelling units would be permitted under the current R-15 zoning base density, and 60 units would be allowed under the proposed zoning for an increase of 45 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 14.5 (6.5 elementary, 3.3 middle, and 4.7 high) students, which is approximately 10.9 more than if developed under existing zoning.

<i>Development Type</i>	<i>Intensity</i>	<i>Estimated Student Generation</i>
Existing Development	Undeveloped	Total: 0 (0 elementary, 0 middle, 0 high)
Typical Development under Current Zoning	15 residential units	Total: 3.6 (1.6 elementary, 0.8 middle, 1.2 high)
Proposed Development under Proposed (CZD) R-5 Zoning	60 residential units	Total: 14.5 (6.5 elementary, 3.3 middle, 4.7 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**

<i>Level</i>	<i>Total NHC % Capacity</i>	<i>School</i>	<i>Enrollment of Assigned School</i>	<i>Capacity of Assigned School w/ Portables</i>	<i>% of Capacity of Assigned School</i>	<i>Funded Capacity Upgrades</i>
Elementary	97%	Porters Neck	475	552	86%	None
Middle	107%	Holly Shelter	917	934	98%	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 does not contain any Special Flood Hazard Areas or Natural Heritage Areas.
- 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 III (severe limitation) soils, however, the site will be served by CFPWA water and sewer.

CONTEXT AND COMPATIBILITY

- The subject property is located along US 17, just east of the intersection with the I-140 Bypass and the Porters Neck growth node.
- The site is immediately adjacent to existing commercial and single-family residential developments fronting US 17. An existing single-family neighborhood also directly abuts the subject site to the east.
- The proposed townhome units adjacent to the existing single-family neighborhood are rotated so the ends of the units face these nearby homes to limit the visibility from windows and balconies into the existing neighborhood.
- The townhome buildings will be similar to the buildings in the Villages at Plantation Landing south of the subject site.
- The proposed townhomes will function as a transition from the high intensity adjacent highway to the existing single-family neighborhood directly abutting the subject site to the east.
- The proposed townhome development will be two stories and restricted to the same maximum 35-foot height that applies to the existing and adjacent areas zoned R-15.
- The commercial component of the site will share a driveway with an existing commercial development to the north, which consists of two structures that are approximately 7,000 and 4,000 square feet in area. In addition, there is an approximately 2,500 square foot contractor's office to the immediate south.

Representative Developments of RMF-L:



Woodlands at Echo Farms



Villages at Plantation Landing



Sun Coast Condos and Sun Coast Villas off Gordon Road

Representative Developments of CB:



*Benjamin Moore Paint Store
off Market Street/US 17*



*Multi-Tenant Building
off Market Street*

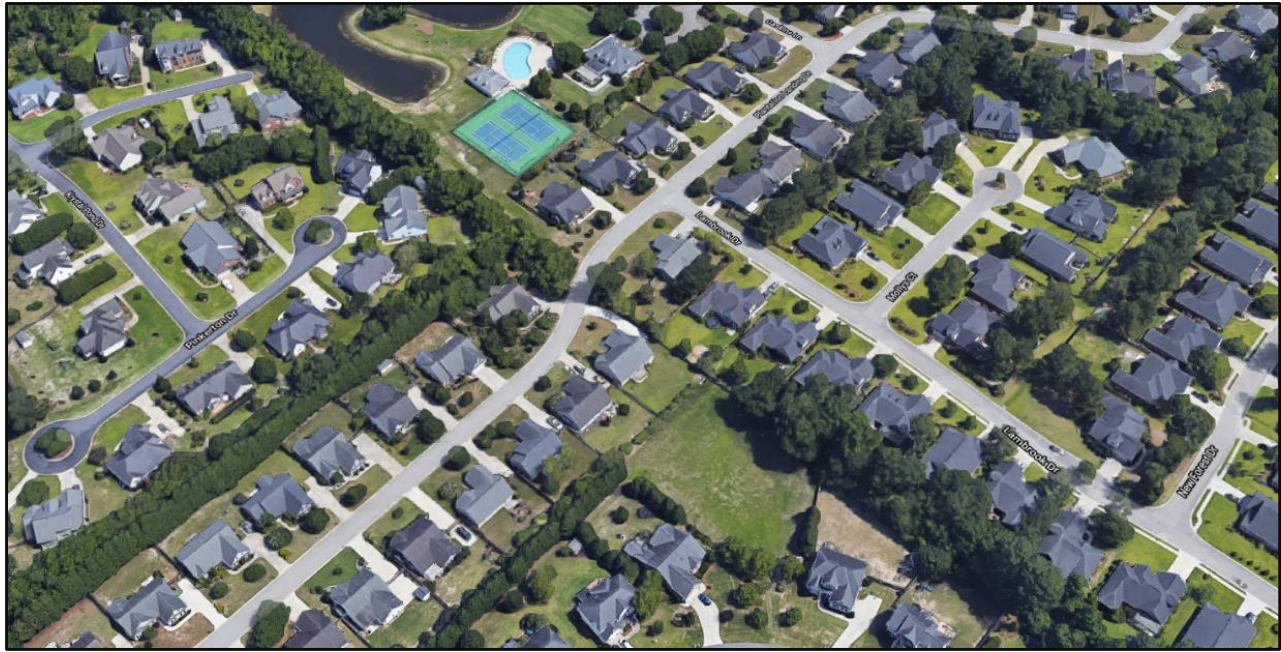
Representative Developments of R-1.5:



Grayson Park



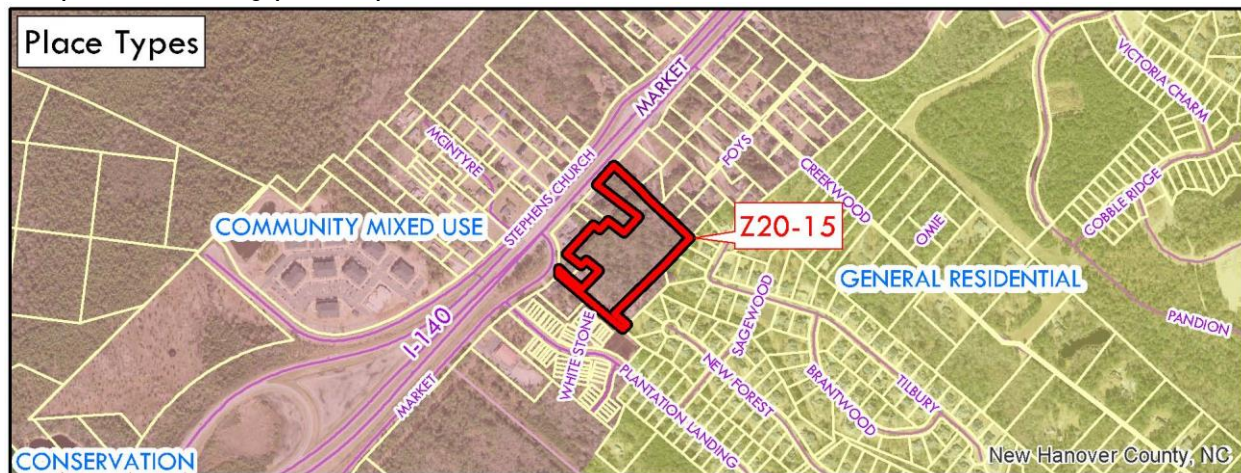
Clay Crossing



Plantation Landing

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	<p>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>
Analysis	<p>The subject property is located along US 17, just east of the intersection with the I-140 Bypass and the Porters Neck growth node. It is immediately adjacent to existing commercial and single-family residential developments fronting the highway and rear of the property. It also borders the Villages at Plantation Landing townhomes to the south with single-family homes and vacant land to the east.</p> <p>The site is designated as a Community Mixed Use place type, a common designation for areas along major roads, which is intended to provide a transition to lower density residential properties located away from the roadway.</p> <p>The rezoning request consists of a 1.04-acre portion of Community Business zoning located immediately adjacent to US 17 with the remaining 6.11 acres designated as RMF-L zoning located next to existing single-family homes and townhouse neighborhoods. Commercial districts, like CB, are identified as typical zoning categories for uses in the Community Mixed Use place type. The CB zoning would allow for a variety of office, retail, and personal service uses that would be appropriate in this area. The RMF-L zoning includes a townhome component with a moderate project density of 9.8 units per acre, in-line with the preferred density range for the Community Mixed Use place type (up to 15 units per acre).</p> <p>The design of the proposed project supports the transitional nature of the Community Mixed Use place type, locating the two-story commercial building immediately adjacent to the highway and existing commercial uses and limiting the height of the proposed townhomes so they are more in-line with the surrounding single-family and townhome developments. In addition, the increased land use efficiency of the proposed townhouse product supports the Comprehensive Plan's goal to provide for a range of housing types, opportunities, and choices for households of different sizes and income levels.</p>
Consistency Recommendation	<p>The proposed conditional RMF-L and CB rezoning is generally CONSISTENT with the 2016 Comprehensive Plan because it will provide for the types of retail and office uses recommended for Community Mixed Use areas, the residential densities proposed for the townhome portion of the project are in-line with those suggested for that place type, and the project will provide an appropriate transition between a major highway corridor and existing lower density residential development.</p>

PLANNING BOARD ACTION

The Planning Board considered this application at the September 3, 2020 meeting. At the meeting, one resident of the adjacent neighborhood spoke in opposition to the request citing concerns regarding possible downstream erosion from the stormwater outfall, buffer width, and possible wildlife impacts.

The Planning Board recommended approval of the application (7-0), finding the application to be:

CONSISTENT with the purposes and intent of the Comprehensive Plan because the proposed CB portion of the project will provide for the types of retail and office uses recommended for Community Mixed Use areas, the residential densities proposed for the townhome portion of the project are in-line with those suggested for that place type, and the project will provide an appropriate transition between a major highway corridor and existing lower density residential development. The Planning Board also found **APPROVAL** of the rezoning request is reasonable and in the public interest because the proposal has potential to provide services to the adjacent residential neighborhoods and could reduce the need to travel on Market Street, and would align with the Comprehensive Plan's goal of providing more diversity of housing types.

STAFF RECOMMENDATION

The proposed (CZD) RMF-L and (CZD) CB rezoning is generally **CONSISTENT** with the 2016 Comprehensive Plan because the proposed CB portion of the project has potential to provide services to the adjacent residential neighborhoods and could reduce the need to travel on Market Street. The community scale commercial and moderate density residential would provide an orderly transition between existing lower density residential neighborhoods and development adjacent to Market Street, and would align with the Comprehensive Plan's goal of providing more diversity of housing types.

Staff concurs with the Planning Board's recommendation and suggests the following motion:

I move to **APPROVE** the proposed rezoning to a (CZD) RMF-L and (CZD) CB district. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposed CB portion of the project will provide for the types of retail and office uses recommended for Community Mixed Use areas, the residential densities proposed for the townhome portion of the project are in-line with those suggested for that place type, and the project will provide an appropriate transition between a major highway corridor and existing lower density residential development. I also find **APPROVAL** of the rezoning request is reasonable and in the public interest because the proposal has potential to provide services to the adjacent residential neighborhoods and could reduce the need to travel on Market Street, and would align with the Comprehensive Plan's goal of providing more diversity of housing types.

Alternative Motion for Denial

I move to **DENY** the proposed rezoning to a (CZD) RMF-L and (CZD) CB district. While I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposed CB portion of the project will provide for the types of retail and office uses recommended for Community Mixed Use areas, the residential densities proposed for the townhome portion of the project are in-line with those suggested for that place type, and the project will provide an appropriate transition between a major highway corridor and existing lower density residential development, 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.