

STAFF REPORT FOR Z17-08M

SPECIAL USE PERMIT MODIFICATION

APPLICATION OVERVIEW

- This application proposes to modify the Special Use Permit for The Landing at Lewis Creek Estates development in order to add 17 single-family dwellings. The Special Use Permit for the development was issued in 2017 as part of the Conditional Use District (CUD) rezoning of the site. The approval allowed for 230 single-family dwellings and 192 multi-family units, totaling 422 dwelling units at 4.95 du/ac.
- The issuance of the Special Use Permit in 2017 determined the use met the four conclusions required for a special use permit, including that the use is in harmony with the area and in general conformity with the Comprehensive Plan. Consideration of the modification should relate to the impacts of the proposed 17 additional single-family dwellings and not the entire 439 dwelling units that would be included in the development.

APPLICATION SUMMARY

Case Number: Z17-08M

Request:

Modification to a Special Use Permit to allow 17 additional Single-Family dwellings in The Landing at Lewis Creek Estates Subdivision

Applicant:

Amy Schaefer of Lee Kaess, PLLC

Property Owner(s):

McAdams Homes, LLC

Location:

4700 block of Gordon Road

Acreage (Total Site)

85.19 acres

PID(s):

R04300-008-061-000, R04300-008-015-000, R04300-008-126-000, R04300-008-062-000, R04300-008-012-000, R04300-008-128-000, R04300-008-168-000, and R04300-008-127-000

Comp Plan Place Type:

Urban Mixed Use

Existing Land Use:

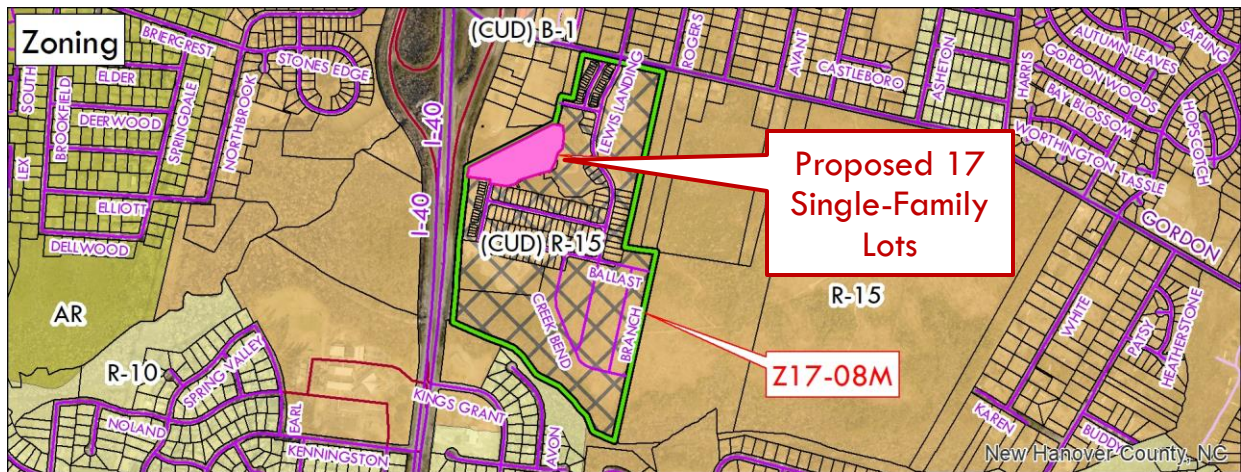
Residential Development consisting of single-family dwellings, townhomes, and multi-family units.

Proposed Land Use:

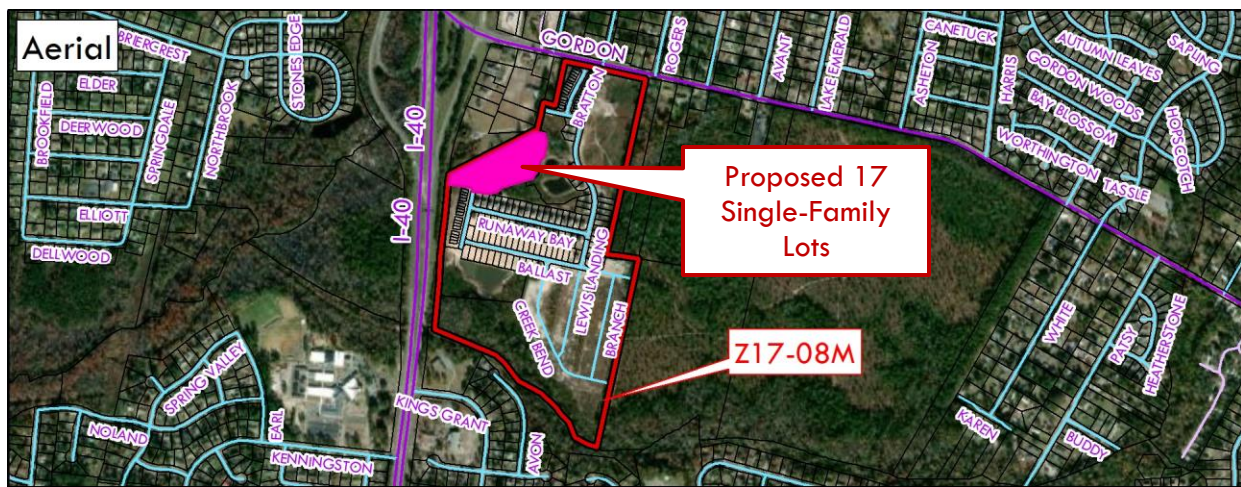
Addition of 17 single-family lots

Current Zoning:

(CUD) R-15



SURROUNDING AREA		
	LAND USE	ZONING
North	Single-Family Residential	R-15
East	Undeveloped/Single-Family Residential	R-15
South	Single-Family Residential, Religious Assembly	R-15, R-10
West	Interstate 40 Right-of-Way/Single-Family Residential	R-15



ZONING HISTORY	
July 7, 1972	Initially zoned R-15 (Area 8B)
April 7, 1986	The subject property was rezoned to O&I (front 300 feet) and B-2 (Z-262)
September 5, 2017	The subject property was rezoned to Conditional Use R-15 Zoning District, and an Additional Dwelling Allowance Special Use Permit was issued in order to develop 230 single-family lots and 192 apartment units.

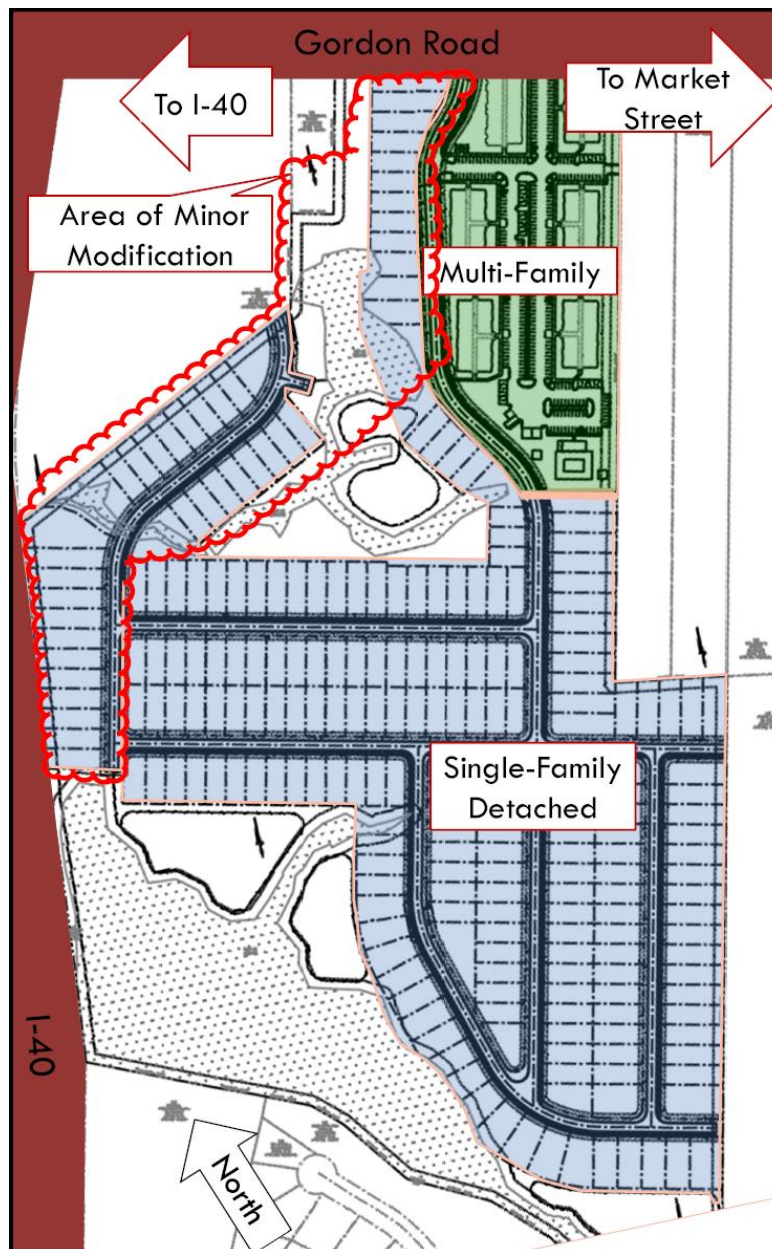
COMMUNITY SERVICES	
Water/Sewer	The development will connect to CFPUA water and sewer services.
Fire Protection	New Hanover County Fire Services, New Hanover County Northern Fire District, New Hanover County Murrayville Station
Schools	Blair Elementary, Eaton Elementary, Trask Middle, and New Hanover High schools For more information, see Schools section of this report
Recreation	Smith Creek Park & Ogden Park

CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES	
Conservation	The property contains swamp forest wetlands along Smith Creek. These wetlands are subject to the standards of the conservation resources. The proposed lots will not impact the wetlands subject to these standards.
Historic	No known historic resources
Archaeological	No known archaeological resources

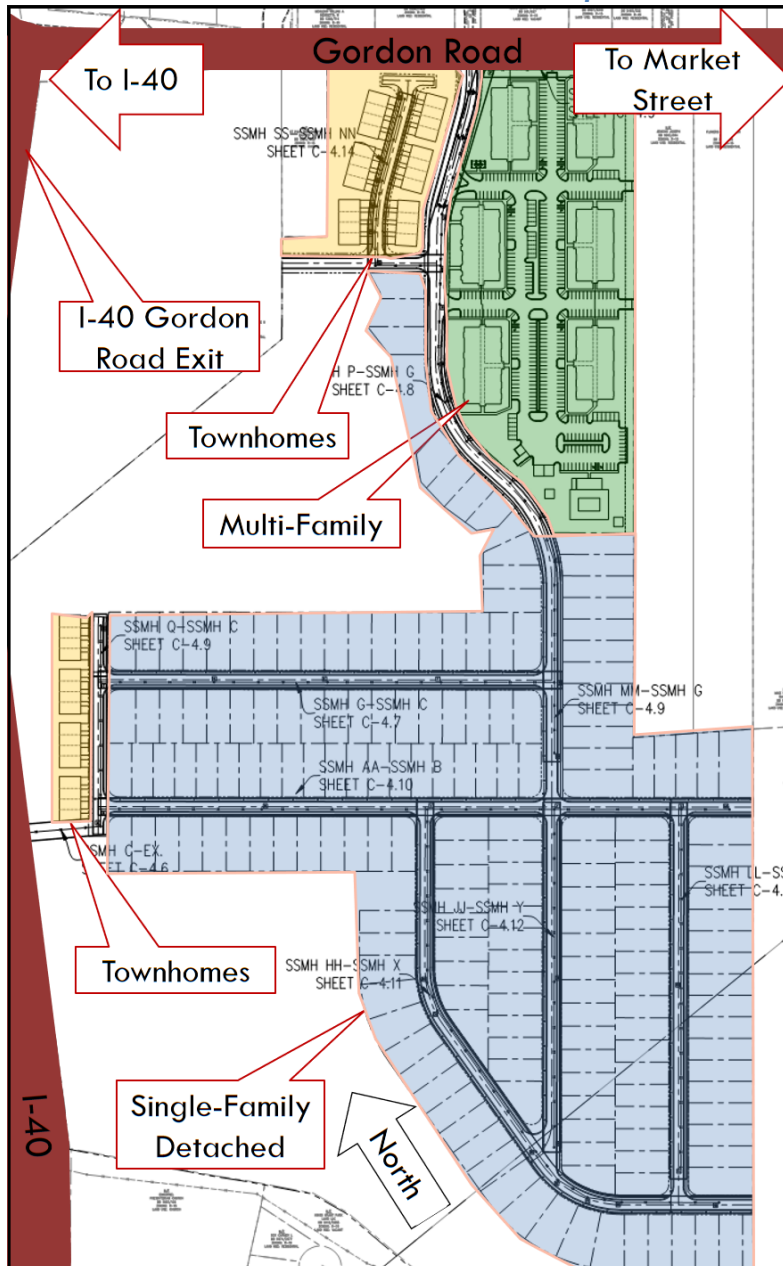
CURRENT SITE PLAN

- The Special Use Permit was approved in 2017 and allows for a total of 422 dwelling units (4.95 du/ac) consisting of 230 single-family dwellings and 192 multi-family units.
- A minor modification to the project was administratively approved in 2018 allowing 40 single-family dwellings to be reassigned as townhome dwellings. The maximum of 422 dwelling units did not change.

2017 Approved Site Plan with Staff Markups



2018 Site Plan with Staff Markups

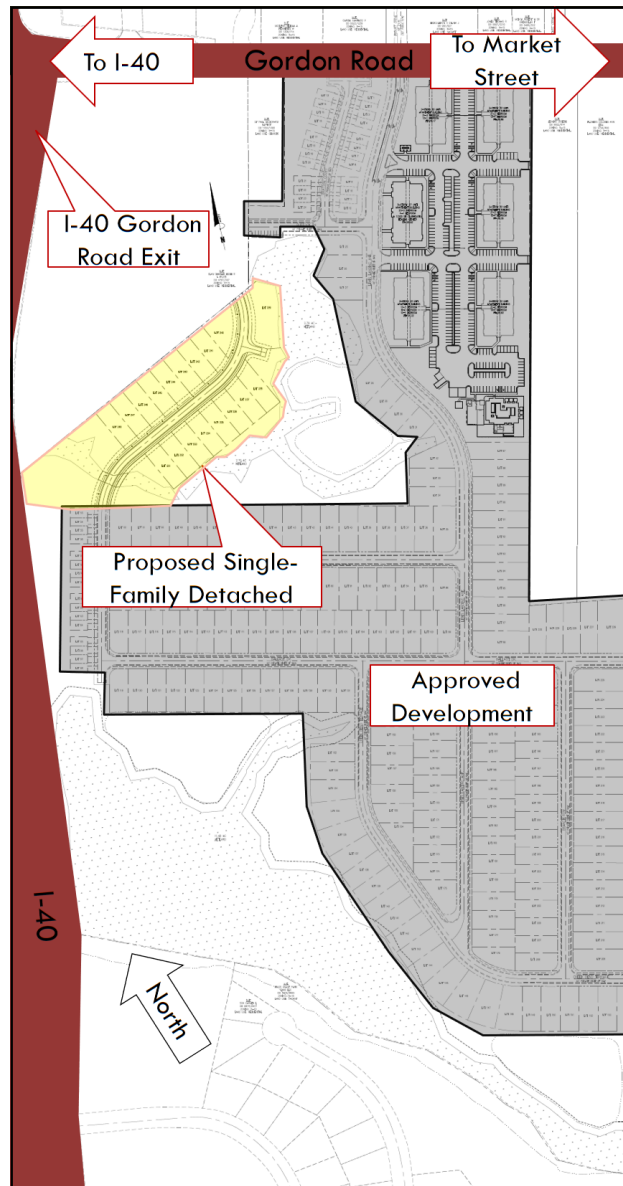


PROPOSED CONCEPTUAL PLAN

- This application proposes to modify the existing Special Use Permit to construct 17 additional single-family dwellings.
- The 17 dwellings are proposed to be placed in the same general location where single-family homes were initially approved in 2017, prior to the modification.
- The proposed expansion will bring the total number of dwelling units to 439 (5.15 du/ac) from 422 (4.95 du/ac).
- The Additional Dwelling Allowance standards in the R-15 district permit a maximum density of 10.2 du/ac, which equates to 869 dwelling units on the subject property. The applicant's current proposal is approximately 51% of the maximum allowable dwelling units.

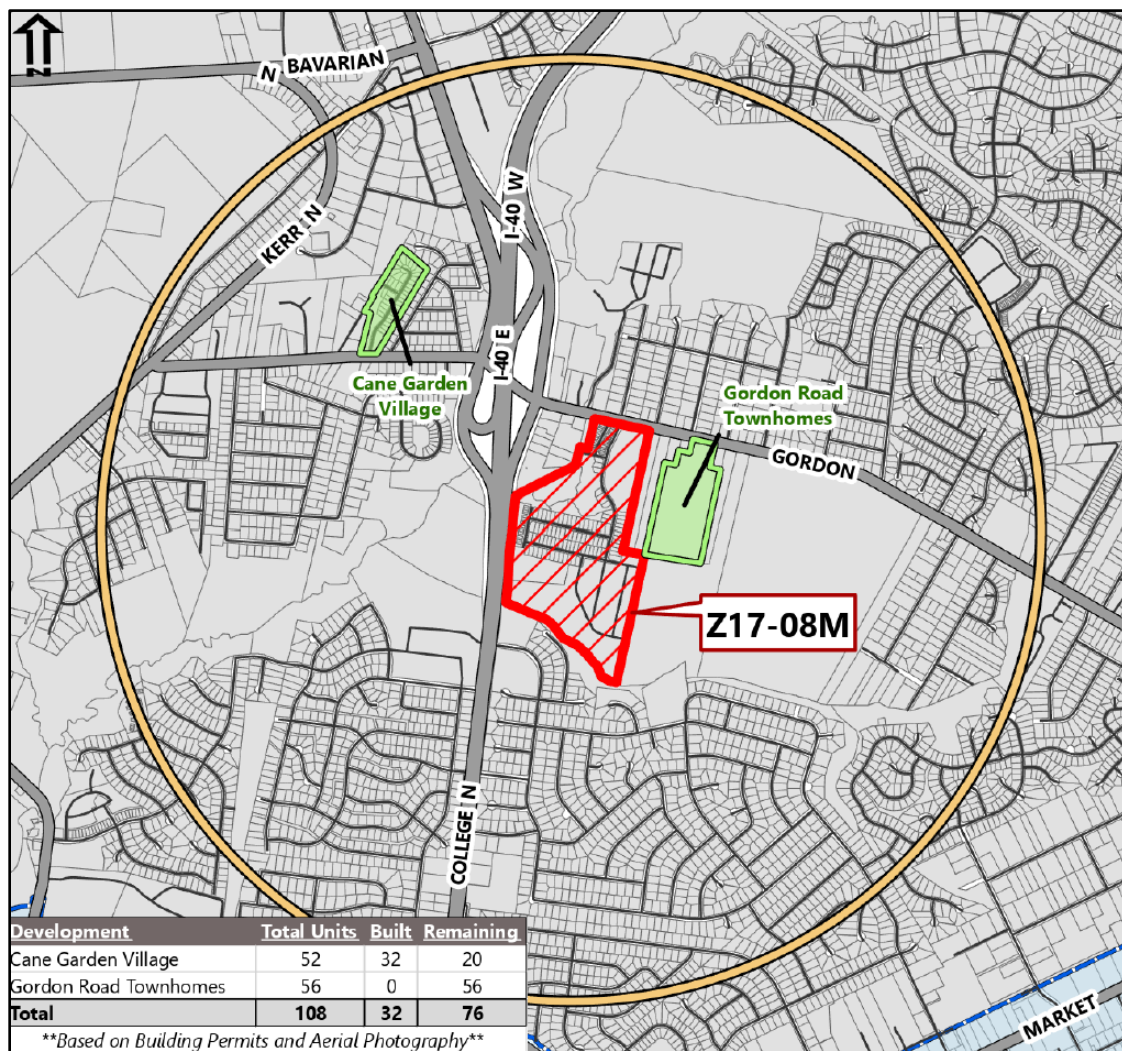
- The proposed site plan has been reviewed by the Technical Review Committee (TRC) and complies with the Additional Dwelling Allowance standards within the Unified Development Ordinance.

2020 Proposed Conceptual Plan with Staff Markups



LAND USE	CURRENT DWELLING UNITS	PROPOSED DWELLING UNITS	CHANGES IN DWELLING UNITS
Single-Family Dwellings	190	207	17
Apartments	192	192	No change
Townhome Units	40	40	No change
Increase of 17 dwellings			

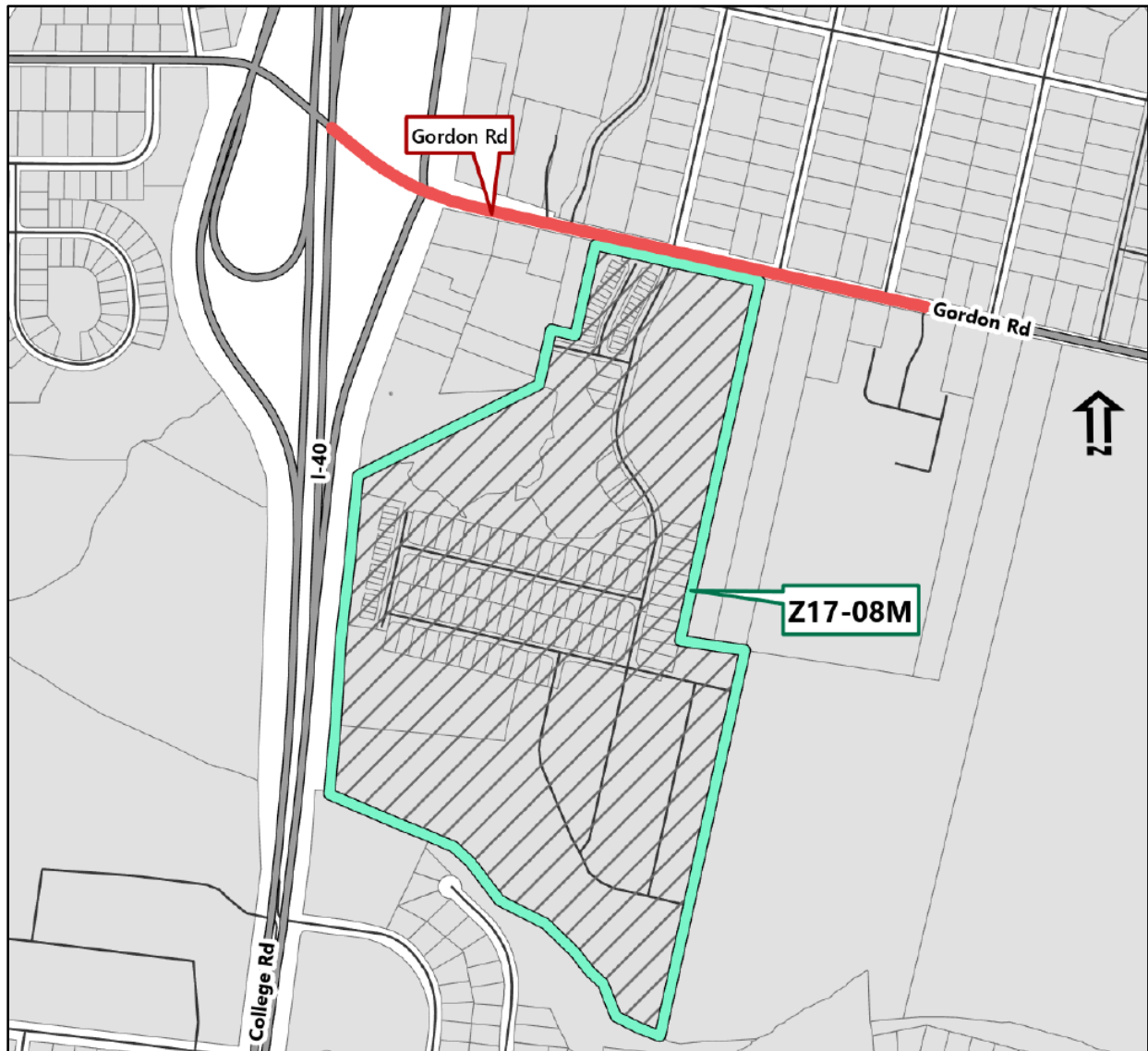
AREA SUBDIVISIONS UNDER DEVELOPMENT



TRANSPORTATION

- Access is provided to the subject property by Gordon Road (SR 2048), a minor arterial street.

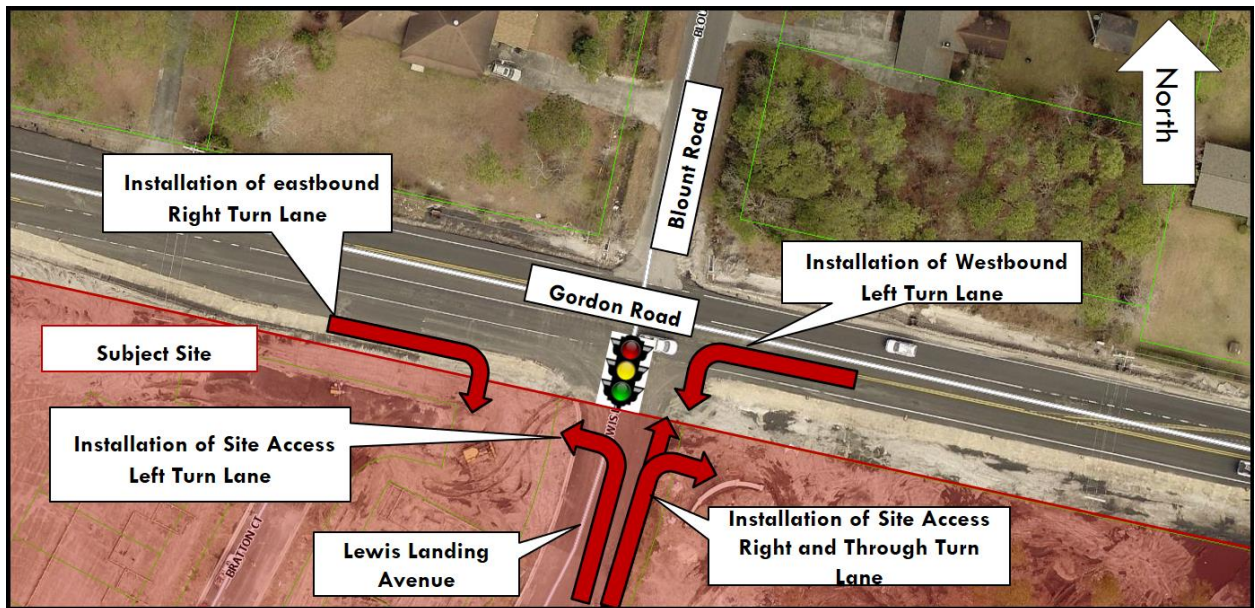
Primary Access Points to Major Roadways



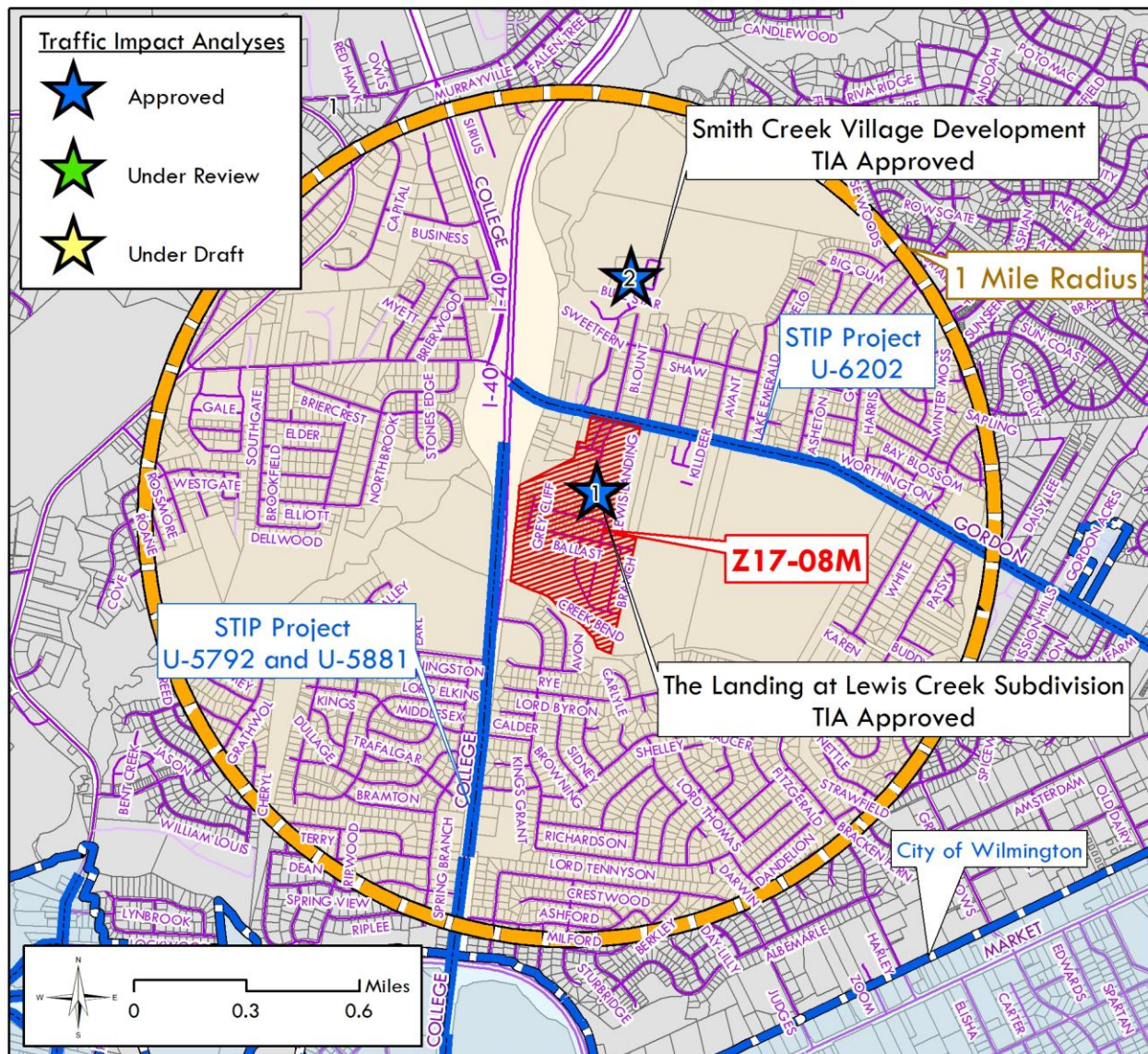
- Typically, single-family dwellings generate approximately one trip in the peak hours. The proposed addition would allow 17 more dwellings, which would generate about 17 trips in the AM peak hours and 19 trips in the PM peak hours.
- A Traffic Impact Analysis (TIA) was conducted for the proposed development in 2017 and approved by the WMPO and NCDOT. The applicant has completed the required traffic improvements including signal installation at the Gordon Road and Blount Drive (site access), light timing adjustments along Gordon Road, and turn lane modifications at the site access, Gordon/North College Road and Gordon/I-40.
- The WMPO and the NCDOT have determined an update to the Traffic Impact Analysis (TIA) is not required for this requested Special Use Permit modification and the completed

improvements are sufficient to handle the additional traffic generated by the 17 single-family dwelling units.

Notable improvements to Gordon Road at Lewis Landing Avenue



Nearby Planned Transportation Improvements and Traffic Impact Analyses



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.

Nearby NC STIP Projects:

- **U-6202 (Gordon Road Improvements)**
 - The NC State Transportation Improvement Program includes (U-6202) that will widen Gordon Road to multi-lanes from US HWY 17 (Market Street) to I-40. Currently this project is scheduled for right of way acquisition in 2025 and construction is currently not funded.

- **U-5792 (College/MLK Interchange) & U-5881 (College Road Improvements)**
 - The NC State Transportation Improvement Program includes two projects (U-5792 & U-5881) that will upgrade College Road from Gordon Road to New Centre Drive. NCDOT's recommended plans for these projects include converting certain intersections along College Road into interchanges, including at MLK Parkway and Kings Drive.
 - The production schedule for the College/MLK Interchange and College Road Improvements projects were to begin right-of-way acquisition in 2024 and 2025, respectively, and bidding of the projects in 2026 and 2028, respectively. However, both of these projects are currently on hold for the foreseeable future.

Proposed Development	Land Use/Intensity	TIA Status
1. The Landing at Lewis Creek (Subject Site)	<ul style="list-style-type: none"> • 207 single-family dwellings • 40 townhome units • 192 multi-family units 	<ul style="list-style-type: none"> • TIA approved September 6, 2017 • TIA approved September 16, 2020 • 2021 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"> • Extend the northbound turn lane on Gordon Road and North College Road/I-40 westbound ramps. • Extend the existing westbound left-turn lane and extend the existing southbound left turn lane on Gordon road and North College Road/I-40 eastbound Ramps. • Signalize the intersection of Gordon and Blount Drive (site access). Provide coordination with the signals along Gordon Road. Provide a westbound-left turn lane on Gordon Road and provide and eastbound right turn lane on Gordon Road at the site access. • At site access provide an internal protected stem, north bound approach a minimum left turn lane and through-right turn lane. 		
Nearby Proposed Developments included within the TIA:		
<ul style="list-style-type: none"> • Gordon Road Buy Quick 		
Development Status: 190 lots have been platted at this time. Currently all roadway improvements have been completed.		

Proposed Development	Land Use/Intensity	TIA Status
2. Smith Creek Village Development	<ul style="list-style-type: none"> 318 multi-family units 	<ul style="list-style-type: none"> TIA approved February 7, 2019 2020 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"> A revision of the signal plan at US HWY 117/NC132 (North College Road) and I-40. At site access construction of a right in right out only access and stop control for egress traffic. Gordon Road and Blount Drive, construction of a westbound and southbound turn lanes. Revision of signal plan at Gordon Road and Blount Drive. 		
<u>Nearby Proposed Developments included within the TIA:</u>		
<ul style="list-style-type: none"> The Landing at Lewis Creek Estates Subdivision 		
Development Status: Completed, Currently All Roadway Improvements Have Been Completed.		

ENVIRONMENTAL

- The southern portion of the property contains Special Flood Hazard Areas along Smith Creek. These flood areas include an AE floodway, AE flood zone (100-year floodplain), and Shaded X flood zone (500-year floodplain), however, the proposed 17 additional single-family dwellings are not located within any flood zones.
- The property contains regulated wetlands and access to the 17 dwelling units will require wetland crossing and impact permits from the U.S. Army Corps of Engineers. Most of the wetlands area is located in the southern portion of property along Smith Creek. These wetlands adjacent to Smith Creek are subject to the county's conservation resources standards.
- The property is not located within a Natural Heritage Area.
- The subject property is within the Smith Creek (SA;HQW) watershed.
- Soils on the property consist of Class II (moderate limitation), Class III (severe limitation) and Class IV (unsuitable) soils, however, this project must install public water and sewer service in accordance with the standards for Additional Dwelling Allowance developments and CFPUA.

OTHER CONSIDERATIONS

SCHOOLS

- Students generated from this development would be assigned to Blair Elementary, Trask Middle, and New Hanover High schools. Students may apply to attend public magnet, year-round elementary, or specialty high schools.
- 422 dwelling units are permitted under the current (CUD) R-15 zoning, and 439 dwelling units would be allowed under the proposed modification, for an increase of 17 dwellings.
- Based on average student generation rates,* there are an average of 0.24 public school students (0.11 elementary, 0.05 middle, and 0.08 high) generated per dwelling unit across New Hanover County. The proposed modification can be estimated to generate 4 (2 elementary, 1 middle, and 1 high) more students than currently allowed.

	<i>Intensity</i>	<i>Estimated Student Generation</i>
Existing Development:	422 residential units	Total: 101 (45 elementary, 23 middle, 33 high)
Proposed Development:	439 residential units	Total: 105 (47 elementary, 24 middle, 34 high)
Net change: + 4 students (2 elementary, 1 middle, 1 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%	Blair	526	554	95%	None
Middle	107%	Trask	717	662	108%	None
High	105%	New Hanover	1,532	1,648	93%	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.

CONTEXT AND COMPATIBILITY

- The subject property is located just east of the intersection of 1-40 and Gordon Road.
- The proposed addition is interior to an existing partially developed neighborhood. This phase is proposed to be built by the same developer and it is located in an area with a mixture of single-family homes and townhomes.

Representative Developments of R-15 with Additional Dwelling Allowance:



The Landing at Lewis Creek Estates



The Landing at Lewis Creek Estates



Townhomes Adjacent to Subject Site



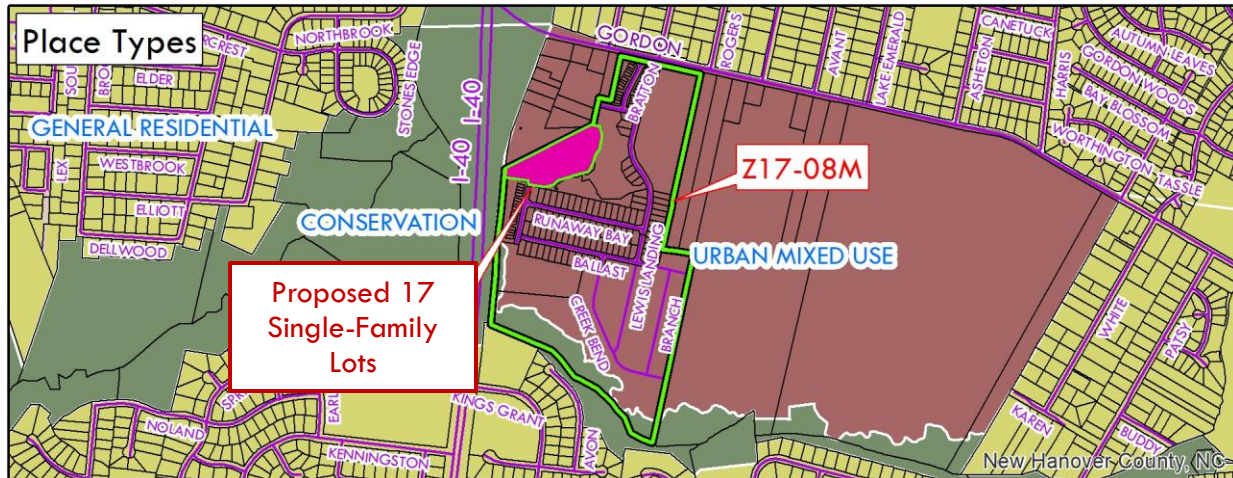
Townhomes Adjacent to Subject Site



Single-Family Homes Adjacent to Subject Site

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	Urban Mixed Use
Place Type Description	Promotes development of a mix of residential, office, and retail uses at higher densities. Types of uses encouraged include office, retail, mixed use, small recreation, commercial, institutional, single-family, and multi-family residential.
Analysis	<p>The proposed expansion is located in the existing Landing at Lewis Creek Estates subdivision which is located along Gordon Road just east of the I-40 and Gordon Road interchange. The area where the additional homes are proposed abuts a property used for a wireless telecommunications tower and two vacant, residential-zoned properties.</p> <p>The subject property is designated as Urban Mixed Use in the Comprehensive Plan, which supports a mix of uses at moderate- to high-intensities, including moderate- to high-density residential uses. The plan's intent is to allow more commercial options and higher residential densities in this area in order to take advantage of the proximity to nearby basic goods and services and to help reduce long travel distances and associated levels of traffic along Gordon Road and surrounding streets.</p> <p>During review of the existing Special Use Permit in 2017, the Board of Commissioners determined that the densities and housing types included in the Landing at Lewis Creek Estates subdivision were appropriate for this</p>

	<p>area because the project could provide affordable workforce housing. They also found that it increases the probability that commercial land uses would be developed on vacant land within the nearby area, thereby contributing to the mixed-use development pattern promoted by the plan.</p> <p>The proposed modification expands the residential use that currently exists on the site. It would allow for 17 new single-family lots, which would increase the total density (including existing units) from 4.95 units per acre to 5.15 units per acre. This is within the residential density range of approximately 16+ units per acre that is outlined for the Urban Mixed Use place type and the moderate- to high-densities recommended for Urban Mixed Use areas.</p>
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STAFF PRELIMINARY CONCLUSIONS AND FINDINGS OF FACT:

Staff has conducted an analysis of the proposed use and the information provided as part of the application package and has created preliminary findings of fact for each of the conclusions required to be reached to approve the special use permit request. These preliminary findings of fact and conclusions are based solely on the information provided to date, prior to any information or testimony in support or opposition to the request that may be presented at the upcoming public hearing at the Board meeting.

Finding 1: The Board must find that the use will not materially endanger the public health or safety where proposed and developed according to the plan as submitted and approved.

- A. The site is accessed from Gordon Road, a minor arterial street.
- B. Water and sewer services will be provided and designed in accordance with CFPUA's standards.
- C. The subject property is located in the New Hanover County Northern Fire Service District.
- D. The 17 additional single-family dwellings are not located within any flood zones and are not located within any Special Flood Hazard Area.
- E. A Traffic Impact Analysis (TIA) was completed for the proposed development in 2017 and approved by the WMPO and NCDOT. The applicant has completed the required traffic improvements including signal installation, light timing adjustments, and turn lane modifications.

Finding 2: The Board must find that the use meets all required conditions and specifications of the Zoning Ordinance.

- A. The site is zoned (CUD)R-15, Residential District with an Additional Dwelling Allowance Special Use Permit that allows a maximum of 422 dwelling units.
- B. The site plan has been reviewed by the Technical Review Committee and complies with all applicable technical standards including Unified Development Ordinance (UDO) Section 3.1.3.E.1: Additional Dwelling Allowance.

Finding 3: The Board must find that the use will not substantially injure the value of adjoining or abutting property or that the use is a public necessity.

- A. The surrounding area contains similar residential uses.
- B. No evidence has been submitted that this project will decrease the property values of adjacent or nearby properties.

Finding 4: The Board must find that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development for New Hanover County.

- A. The 2016 Comprehensive Plan classifies the area proposed for the development as Urban Mixed Use, and the proposal aligns with the intent of this land use classification. The proposal provides housing at densities consistent with what is encouraged in this place type and along with the adjacent land uses, allows for the desired mix of uses.

Existing Conditions

No changes to the existing 2017 Special Use Permit conditions (below) or additional conditions are proposed.

1. The proposed private right-of-ways shall be open for public use and placed within a public access easement.
2. Streetscape landscaping and buffering, consistent with that of which is required for high density developments adjacent to single-family developments, shall be installed around the multi-family structures to provide a screen from the single-family lots located within the development.
3. A 20-foot wide access easement shall be dedicated to the County along Smith Creek in order to allow for the future installation of a multi-use path in accordance with the Wilmington/NHC Greenway Plan.
4. Five feet of right-of-way shall be dedicated to NCDOT along Gordon Road for the purpose of allowing for future roadway improvements. This right-of-way dedication shall be in addition to any right-of-way dedication required as a result of the TIA and driveway permit.

PLANNING BOARD ACTION

The Planning Board considered this application at the October 1, 2020 meeting. Three people spoke in opposition to the Special Use Permit modification. People speaking in opposition cited concerns including traffic, previously approved apartments, and additional density associated with the request.

The applicant initially requested an additional 18 single-family dwellings for the October 1, 2020 Planning Board meeting, however, the applicant has since amended the proposal and reduced the request to 17 single-family dwellings.

The Planning Board recommended approval of the application (4-1; Absent – J. Rawl and P. Boney) based on preliminary findings of fact.

EXAMPLE MOTIONS

Example Motion for Approval:

Motion to recommend approval, as the Board finds that this application for a Special Use Permit meets the four required conclusions based on the findings of fact included in the Staff Report.

[**OPTIONAL**] Note any additional findings of fact related to the four required conclusions.

[**OPTIONAL**] Note any conditions be added to the development:

[List Conditions]

Motion to recommend denial, as the Board **cannot** find that this proposal:

1. Will not materially endanger the public health or safety;
2. Meets all required conditions and specifications of the Unified Development Ordinance;
3. Will not substantially injure the value of adjoining or abutting property;
4. Will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Land Use Plan for New Hanover County.

[State the finding(s) that the application does not meet and include reasons why it is not being met]