



NEW HANOVER COUNTY

PLANNING BOARD AGENDA

Assembly Room, New Hanover County Historic Courthouse

24 North Third Street, Room 301 Wilmington, NC 28401

Members of the Board

Donna Girardot, Chair | **Paul Boney**, Vice-Chair

Thomas 'Jordy' Rawl | **Ernest Olds** | **Jeffrey B. Petroff** | **H. Allen Pope** | **Colin J. Tarrant**

Rebekah Roth, Interim Director of Planning & Land Use | **Ken Vafier**, Planning Manager

JANUARY 7, 2021 6:00 PM

Meeting Called to Order by Chair, Donna Girardot

Pledge of Allegiance by Planning Manager, Ken Vafier

Approval of Minutes

REGULAR ITEMS OF BUSINESS

The Planning Board may consider substantial changes in these petitions as a result of objections, debate, and discussion at the meeting, including rezoning to other classifications.

- 1 **Rezoning Request (Z20-23) – Request by Hamilton Hicks, Jr. on behalf of the property owners, Dora Lee E. and David Earl Raines Heirs to rezone approximately 8.28 acres of land located east of Marjoram Way, near the 900 block of North Kerr Avenue from R-15, Residential District, to RMF-L, Residential Multi-Family Low Density District.**

OTHER ITEMS

- 1 Election of Planning Board Officers by Deputy County Attorney, Sharon Huffman

NEW HANOVER COUNTY PLANNING BOARD
REQUEST FOR BOARD ACTION
MEETING DATE: 1/7/2021

Regular

DEPARTMENT: Planning **PRESENTER(S):** Gideon Smith, Current Planner

CONTACT(S): Gideon Smith, Brad Schuler, Senior Planner, Rebekah Roth, Planning and Land Use Interim Director

SUBJECT:

Rezoning Request (Z20-23) – Request by Hamilton Hicks, Jr. on behalf of the property owners, Dora Lee E. and David Earl Raines Heirs to rezone approximately 8.28 acres of land located east of Marjoram Way, near the 900 block of North Kerr Avenue from R-15, Residential District, to RMF-L, Residential Multi-Family Low Density District.

BRIEF SUMMARY:

The applicant is proposing to rezone approximately 8.28 acres from R-15 to RMF-L. The subject property is located on the eastern side of N. Kerr Avenue, between Martin Luther King Jr. Parkway and New Centre Drive. The subject property consists of four parcels and is within a portion of unincorporated land that is surrounded by the City of Wilmington. The zoning of the surrounding properties within the City includes MF-M, MF-L, R-10, R-7, and RB.

The subject site does not have any frontage on Marjoram Way as the City limits begin slightly east of that road. However, the property owner does own this frontage, as well as the land west of Marjoram, and is currently considering the rezoning of that property to multi-family, as well. According to City Staff and the applicant, the potential City rezoning is on hold at this time. City Staff has indicated a preference for a conditional rezoning request and application for annexation.

The subject site can still be developed under the County's RMF-L standards even if a rezoning request is not pursued within the City's jurisdiction. In addition, the applicant's remaining property within the City could still be developed under the current zoning designation (R-10) if this proposal was approved.

Under the current R-15 zoning designation, the County's performance residential standards would allow up to 21 dwelling units at a maximum density of 2.5 dwelling units per acre (du/ac) on the subject property. The applicant is proposing to rezone the subject property to RMF-L which would allow up to 83 dwelling units at a maximum density of 10 du/ac.

Traffic Impact Analyses are not required for straight rezonings, as a specific development proposal is required to analyze access, potential trip generation, and possible roadway improvements. However, before any major development can occur on this site, the Technical Review Committee (TRC) will review all plans for compliance with applicable County and State regulations.

A by-right residential development on the site under the current zoning (R-15) would allow 21 dwelling units, which is estimated to generate about 20 trips in the AM and 23 trips in the PM peak hours. Because the RMF-L zoning is intended for a range of housing types, including attached housing, Staff has provided trip generation estimates for the site if it were developed with multi-family or townhomes. If 83 multi-family dwelling units are constructed on the site, it is estimated to generate about 29 trips in the AM and 37 trips in the PM peak hours, with an expected net difference

in traffic of an increase of 9 AM and 14 PM peak trips when compared to current zoning. If 83 townhome units are constructed on the site, it is estimated to generate about 40 trips in the AM and 50 trips in the PM peak hours, with an expected net difference in traffic of an increase of 20 AM and 27 PM peak trips when compared to current zoning.

Based on a generalized historic generation rate, staff would estimate that the increase in homes would result in approximately 16 additional students than would be generated under current zoning. County Planning staff has worked with Schools staff to analyze recent trends related to development patterns and student generation. Because an increase in new residential units throughout the entire county is not reflected in the enrollment data, recent trends indicate new residential development may be generating much less student population than the historic generation rate would have indicated, and the student generation estimates included in this report may be greater than actual resulting student growth. Please refer to the Schools section included in this report for additional information on school enrollment and capacity.

The adjacent property to the north within the City is zoned Multiple-Family Residential Low Density, which has the same maximum density as the subject request (10 du/ac). However, the development consists of 60 multi-family dwelling units at a density of 9 du/ac. In addition, the adjacent property to the east within the City is zoned Multiple-Family Residential Medium Density, which has a density maximum of 17 du/ac. The recent roadway improvements to Kerr Avenue, a major roadway, and the site's proximity to Market Street and commercial services make the area more appropriate for higher densities.

One of the goals of the New Hanover County Strategic Plan for 2018-2023 is to encourage the development of complete communities in the unincorporated county by increasing housing diversity and access to basic goods and services. The proposed RMF-L district would allow for attached housing types that would be less likely under the current R-15 zoning and could increase the diversity of housing types in New Hanover County's planning jurisdiction.

The 2016 Comprehensive Plan classifies the site as General Residential. The proposed R-15 rezoning is generally **CONSISTENT** with the goals of the 2016 Comprehensive Plan because the residential uses allowed are in line with the lower density multi-family housing outlined for General Residential areas and the potential development patterns and density are consistent with the surrounding neighborhoods.

STRATEGIC PLAN ALIGNMENT:

Intelligent Growth & Economic Development Encourage development of complete communities in the unincorporated county
Ensure NHC has appropriate housing to support business growth

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RECOMMENDED MOTION AND REQUESTED ACTIONS:

Staff recommends approval and suggests the following motion:

I move to **APPROVE** the proposed rezoning to an RMF-L district. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the residential uses allowed are in line with the lower density multi-family housing outlined for General Residential areas and the potential development patterns and density are consistent with the surrounding neighborhoods. 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, is an appropriate application of infill development due to its proximity to major roadways, commercial services, and other existing multi-family developments and zoning, and it is unlikely to be developed as single-family because of the recent and future roadway improvements along North Kerr Avenue and Martin Luther King Jr. Parkway.

Example Motion for Denial

I move to **DENY** the proposed rezoning to an RMF-L district. While I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the residential uses allowed are in line with the lower density multi-family housing outlined for General Residential areas and the potential development patterns and density are consistent with the surrounding neighborhoods, I find **DENIAL** of the rezoning request is reasonable and in the public interest since a rezoning application for the remainder of the applicant's land within the City's jurisdiction is not being reviewed at this time, reducing the ability to create a viable and consistent unified development that each jurisdiction's Board can consider concurrently.

COUNTY MANAGER'S COMMENTS AND RECOMMENDATIONS: (only Manager)

SCRIPT for Zoning Map Amendment Application (Z20-23)

Request by Hamilton Hicks, Jr. on behalf of the property owners, Dora Lee E. and David Earl Raines Heirs to rezone approximately 8.28 acres of land located east of Marjoram Way, near the 900 block of North Kerr Avenue from R-15, Residential District, to RMF-L, Residential Multi-Family Low Density District.

1. This is a public hearing. We will hear a presentation from staff. Then the applicant and any opponents will each be allowed 15 minutes for their presentation and additional 5 minutes for rebuttal.
2. Conduct Hearing, as follows:
 - a. Staff presentation
 - b. Applicant's presentation (up to 15 minutes)
 - c. Opponent's presentation (up to 15 minutes)
 - d. Applicant's rebuttal (up to 5 minutes)
 - e. Opponent's rebuttal (up to 5 minutes)
3. Close the public hearing
4. Board discussion
5. **Vote on the application.** The motion should include a statement saying how the change is, or is not, consistent with the land use plan and why approval or denial of the rezoning request is reasonable and in the public interest.

Example Motion of Approval

I move to **APPROVE** the proposed rezoning to an RMF-L district. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the residential uses allowed are in line with the lower density multi-family housing outlined for General Residential areas and the potential development patterns and density are consistent with the surrounding neighborhoods. 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, is an appropriate application of infill development due to its proximity to major roadways, commercial services, and other existing multi-family developments and zoning, and it is unlikely to be developed as single-family because of the recent and future roadway improvements along North Kerr Avenue and Martin Luther King Jr. Parkway.

Example Motion of Denial

I move to **DENY** the proposed rezoning to an RMF-L district. While I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the residential uses allowed are in line with the lower density multi-family housing outlined for General Residential areas and the potential development patterns and density are consistent with the surrounding neighborhoods, I find **DENIAL** of the rezoning request is reasonable and in the public interest since a rezoning application for the remainder of the applicant's land within the City's jurisdiction is not being reviewed at this time, reducing the ability to create a viable and consistent unified development that each jurisdiction's Board can consider concurrently.

Alternative Motion for Approval/Denial:

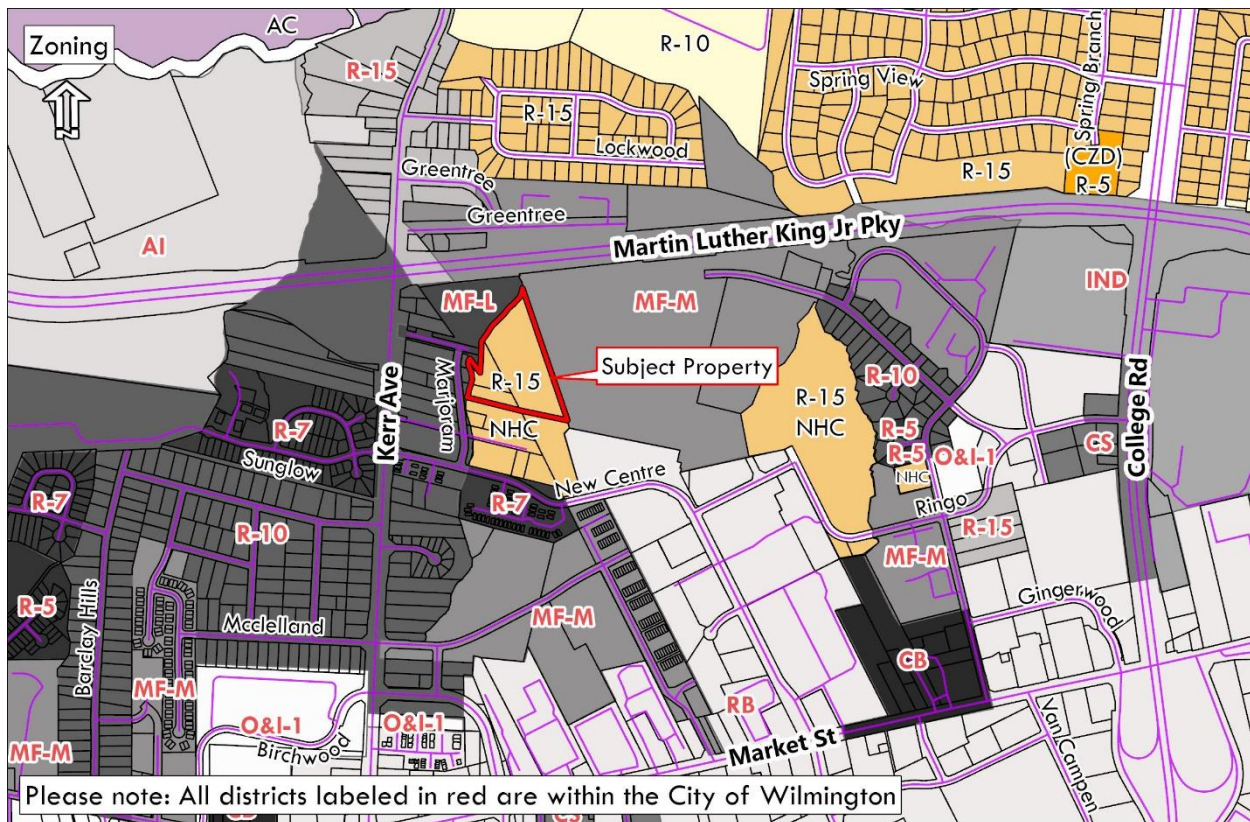
I move to [Approve/Deny] the proposed rezoning to an RMF-L district. I find it to be [Consistent/Inconsistent] with the purposes and intent of the Comprehensive Plan because [insert reasons]

I also find [Approval/Denial] of the rezoning request is reasonable and in the public interest because [insert reasons]

STAFF SUMMARY OF Z20-23

ZONING MAP AMENDMENT APPLICATION

APPLICATION SUMMARY	
Case Number: Z20-23	
Request: Rezoning to an RMF-L district	
Applicant: Hamilton Hicks, Jr.	Property Owner(s): Dora Lee E. & David Earl Raines Heirs
Location: 900 block of North Kerr Avenue	Acreage: 8.28
PID(s): R04900-001-001-000 & Portions of R04906-002-008-000, R04907-003-004-000, & R04907-003-005	Comp Plan Place Type: General Residential
Existing Land Use: Undeveloped	Proposed Land Use: The property would be allowed to be developed in accordance with the RMF-L district
Current Zoning: R-15, Residential	Proposed Zoning: RMF-L, Residential Multi-Family Low Density



SURROUNDING AREA		
	LAND USE	ZONING
North	Multi-Family Residential (Cornerstone Condos), Undeveloped	MF-L (City of Wilmington) MF-M (City of Wilmington)
East	Single-Family Residential, Marjoram Way Right-of-Way, Undeveloped	R-10 (City of Wilmington)
South	Electric Substation	R-15
West	Undeveloped	MF-M (City of Wilmington)



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

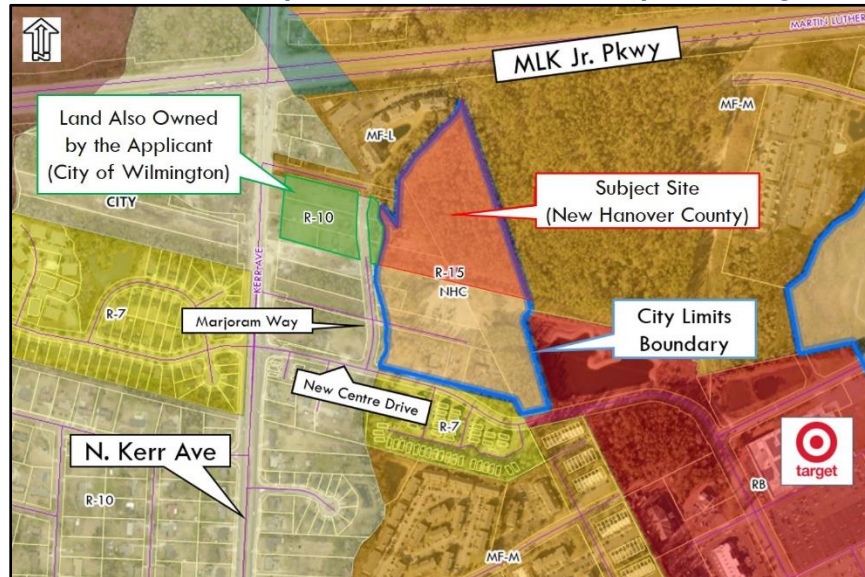
COMMUNITY SERVICES	
Water/Sewer	Water and sewer services are available through CFPUA.
Fire Protection	New Hanover County Fire Services, New Hanover County Northern Fire District, New Hanover County Wrightsboro Station
Schools	College Park Elementary, Noble Middle, and New Hanover High Schools
Recreation	Kings Grant Park, Maides Park, Beaumont Park

CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES	
Conservation	No known conservation resources
Historic	No known historic resources
Archaeological	No known archaeological resources

ZONING CONSIDERATIONS

- The applicant is proposing to rezone approximately 8.28 acres from R-15 to RMF-L.
- The subject property is located on the eastern side of N. Kerr Avenue, between Martin Luther King Jr. Parkway and New Centre Drive.

Below: Subject Site in Relation to the City of Wilmington



- The subject property consists of four parcels and is within a portion of unincorporated land that is surrounded by the City of Wilmington. The zoning of the surrounding properties within the City includes MF-M, MF-L, R-10, R-7, and RB.
- The subject site does not have any frontage on Marjoram Way as the City limits begin slightly east of that road. However, the property owner does own this frontage, as well as the land west of Marjoram, and is currently considering the rezoning of that property to multi-family, as well. According to City Staff and the applicant, the potential City rezoning is on hold at this time. City Staff has indicated a preference for a conditional rezoning request and application for annexation.
- The subject site can still be developed under the County's RMF-L standards even if a rezoning request is not pursued within the City's jurisdiction. In addition, the applicant's remaining property within the City could still be developed under the current zoning designation (R-10) if this proposal was approved.

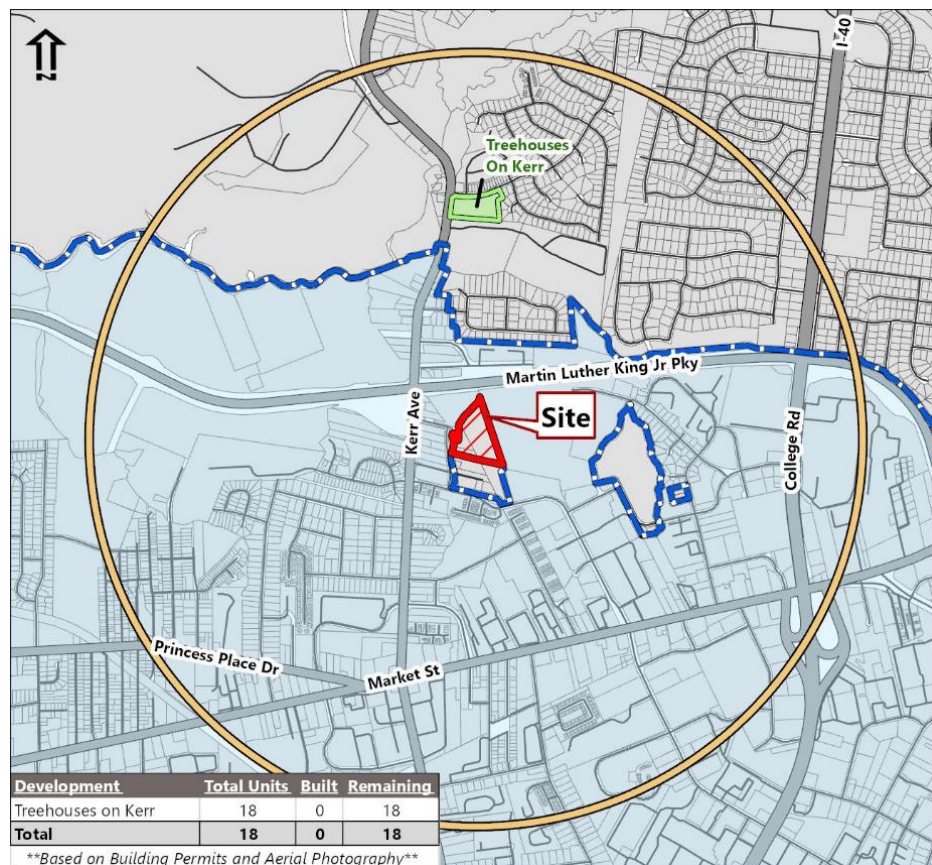
Below: Additional Land Owned by Applicant



- Because this is a general use rezoning, a conceptual plan is not included within the application. If the rezoning is approved, County Staff will coordinate with the City's Planning Department throughout the development review process.
- Under the current R-15 zoning designation, the County's performance residential standards would allow up to 21 dwelling units at a maximum density of 2.5 dwelling units per acre (du/ac) on the subject property. The applicant is proposing to rezone the subject property to RMF-L which would allow up to 83 dwelling units at a maximum density of 10 du/ac.
- Any proposed development would be reviewed by the Technical Review Committee (TRC) to ensure compliance with applicable County and State regulations, including applicable site design and approval provisions within the Unified Development Ordinance (UDO).

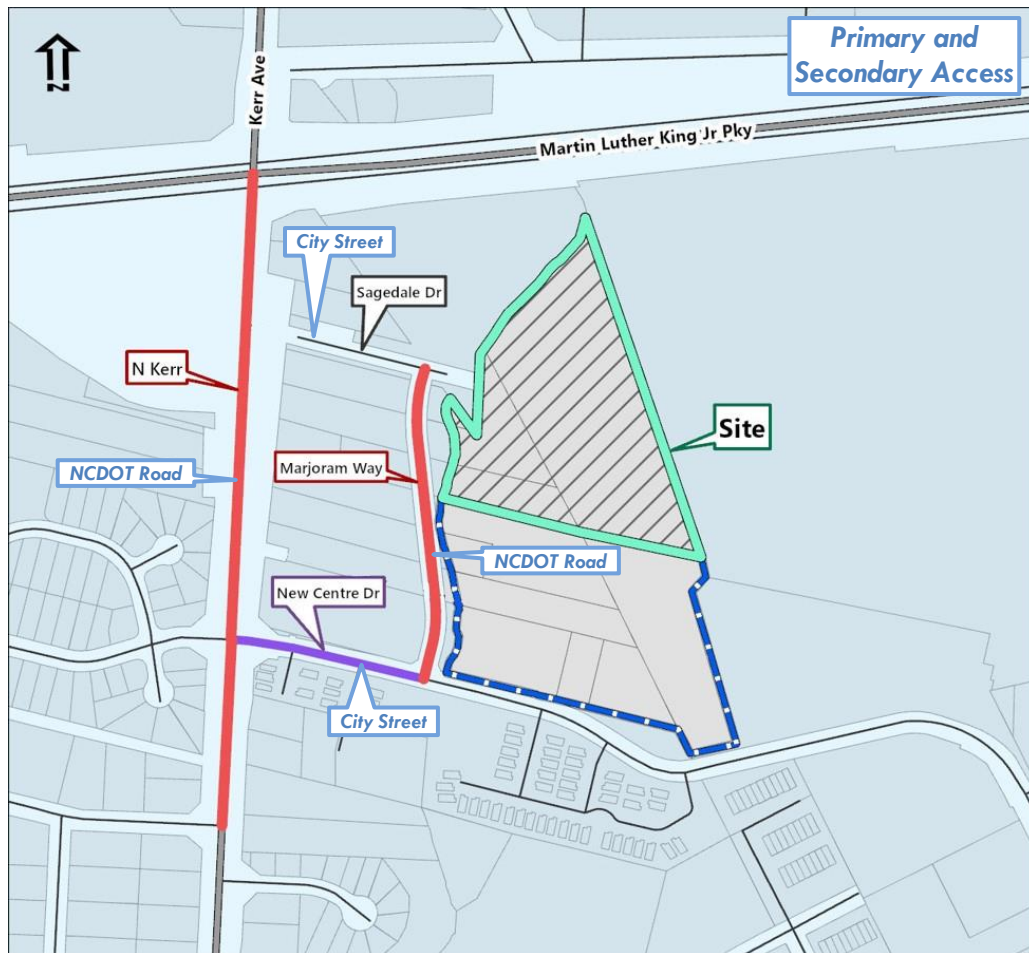
	R-15	RMF-L
Min Lot Size (Conventional)	15,000 sf	5,000 sf
Max Density (Performance)	2.5 du/ac (21 total units)	10 du/ac (83 total units)
Permitted Housing Types	Single-family, mobile home, duplex, townhomes, multi-family	Single-family, mobile home, duplex, townhomes, multi-family
Nonresidential Uses	<p>≈ 26 uses w/ SUP (child care, recreation establishments, convenience stores, kennels)</p> <p>≈ 20 uses by-right (wholesale nurseries, stables, libraries, churches, schools, EMS)</p>	<p>≈ 15 uses w/ SUP (senior living, nursing & rehab facilities, child care, schools, recreation establishments,)</p> <p>≈ 15 uses by-right (parks, libraries, churches, EMS)</p>

AREA SUBDIVISIONS UNDER DEVELOPMENT



TRANSPORTATION

- Access is provided to the subject property via Marjoram Way (SR 3300) which connects to New Centre Drive. Due to recent improvements to N. Kerr Avenue, the roadway connection to Sagedale was removed, requiring motorists to use New Centre Drive to get to the subject property. According to NCDOT, a driveway permit will be required for any proposal on this site.



- Traffic Impact Analyses are not required for straight rezonings, as a specific development proposal is required to analyze access, potential trip generation, and possible roadway improvements. However, before any major development can occur on this site, the Technical Review Committee (TRC) will review all plans for compliance with applicable County and State regulations.
- A by-right residential development on the site under the current zoning (R-15) would allow 21 dwelling units, which is estimated to generate about 20 trips in the AM and 23 trips in the PM peak hours.
- Because the RMF-L zoning is intended for a range of housing types, including attached housing, Staff has provided trip generation estimates for the site if it were developed with multi-family or townhomes.

	Intensity	Approx. Peak Hour Trips
Existing Development:	Undeveloped	0 AM / 0 PM
Typical Development under Current Zoning:	21 Single-Family Homes	20 AM / 23 PM
Typical Multi-Family Development under Proposed RMF-L Zoning:	83 Multi-Family Units	29 AM / 37 PM
<i>Net Change with Multi-Family:</i>		+9 AM / +14 PM
Typical Townhome Development under Proposed RMF-L Zoning:	83 Townhomes	40 AM / 50 PM
<i>Net Change with Townhomes:</i>		+20 AM / +27 PM

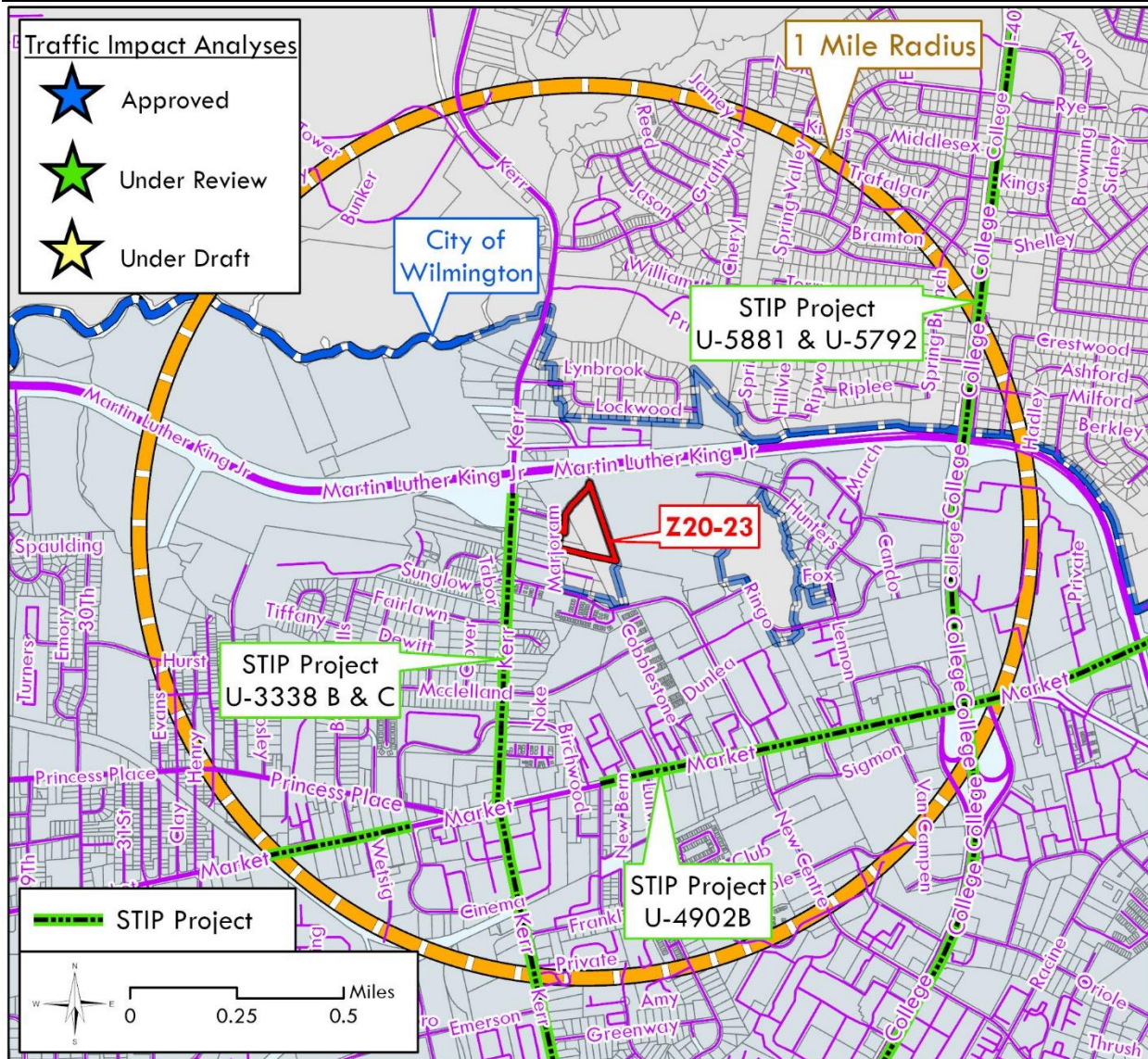
- Because a TIA is not required to analyze transportation impacts at this time, Staff has provided the volume to capacity ratio for the adjacent roadways near the subject site. While volume to capacity ratio, based on average daily trips, can provide a general idea of the function of adjacent roadways, 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. However, the available volume to capacity data indicates capacity currently exists in this area.

NCDOT Average Annual Daily Traffic (AADT) - 2019

Road	Location	Volume	Capacity	V/C
N. Kerr Avenue	1100 Block (north of MLK)	16,500	36,000	0.46
N. Kerr Avenue	900 Block (south of MLK)	21,500	39,200	0.55
Martin Luther King Jr. Parkway	East of N. Kerr Avenue	37,000	51,000	0.73
New Centre Drive*	East of N. Kerr Avenue	6,309	14,100	0.45

*WMPO 2019 Traffic Counts

Nearby Planned Transportation Improvements and Traffic Impact Analyses



Nearby Traffic Impact Analyses:

There are no pending or approved Traffic Impact Analyses within the proximity of the subject property that are anticipated to affect this request.

Nearby NC STIP Projects:

- **STIP Project U-3338B**
 - Project to widen Kerr Avenue from Randall Parkway to MLK Parkway. Construction was completed in December of 2019.
- **STIP Project U-3338C**
 - Project to convert the intersection of N. Kerr Avenue and MLK Parkway into an interchange.
 - The project is currently scheduled to begin construction in 2029. According to NCDOT, the project design is estimated to be about 90% complete and is not anticipated to impact the land in the southeast quadrant of the intersection.

- STIP Project U-4902B (Market Street Median)
 - Project to install a center median and pedestrian accessways along Market Street from north of College Road to Jacksonville Street, and from Cinema Drive to the CSX Railroad. 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 scheduled to begin construction in 2029.
- U-5792 (College/MLK Interchange) & U-5881 (College Road Improvements)
 - 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.

ENVIRONMENTAL

- The property does not contain any Special Flood Hazard Areas or Natural Heritage Areas.
- The property is within the Smith Creek (C; Sw) watershed.
- Per the Classification of Soils in New Hanover County for Septic Tank Suitability, soils on the property consist of Class III (unsuitable). However, the site is expected to be served by CFPWA when developed.

OTHER CONSIDERATIONS

SCHOOLS

- Students living in a development on the subject site would be assigned to College Park Elementary, Noble Middle School, and New Hanover High School. Students may apply to attend public magnet, year-round elementary, or specialty high schools.
- A maximum of 21 dwelling units would be permitted under the current R-15 zoning base density, and 83 units could potentially be developed under the proposed zoning for an increase of 62 dwelling units.
- Based on a generalized historic generation rate*, staff would estimate that the increase in homes would result in approximately 16 additional students than would be generated under current zoning.
- County Planning staff has worked with Schools staff to analyze recent trends related to development patterns and student generation. From 2015 to 2019, student enrollment remained at a generally stable rate of just over 27,000 students enrolled despite the issuance of approximately 11,000 permits for new residential units throughout the entire county. Using the generalized historic generation rate, staff would have estimated that about 3,000 students would have been generated from the new homes over the 5-year period. However, this increase is not reflected in the actual enrollment data. As a result, recent trends indicate new residential development may be generating much less student population than the historic generation rate would have indicated, and the student generation estimates for this proposal are likely much larger than the student growth that can be anticipated to result from the proposed rezoning.

Development Type	Intensity	Estimated Student Generation (generalized historic student generation rate)*
Existing Development	Undeveloped	Total: 0 (0 elementary, 0 middle, 0 high)
Typical Development under Current Zoning	21 residential units	Total: 6 (3 elementary, 1 middle, 2 high)
Typical Development under Proposed Zoning	83 residential units	Total: 22 (10 elementary, 5 middle, 7 high)

*Generalized historic 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. Currently, 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. These numbers are updated annually and include students attending out-of-district specialty schools, such as year-round elementary schools, Isaac Bear, and SeaTECH. Generation rates do not take into account different housing types and different locations, which typically yield different numbers of students.

- Since the proposed rezoning is for a general use district with no site-specific development plan, it is more likely to have a build-out date approximately 5+ years away, and existing school enrollment is not likely to be as relevant for capacity considerations as projected future enrollment. However, school enrollment projections have not been updated since the school redistricting that went into effect in school year 2020-2021.
- Staff has provided information on existing school capacity to provide a general idea of the potential impact on public schools, but these numbers do not reflect any future capacity upgrades that may occur over the next five years or changes to student populations.
- New Hanover County Schools is anticipated to release its 2020-21 DPI (Department of Public Instruction) Facility Needs Survey to the New Hanover County School Board on January 5, 2021, which will include NCDPI student projections, anticipated school capacity, and potential facility upgrades.

School Enrollment* and Capacity – 2021-2022 Estimates**

Level	Total NHC % Capacity	School	Enrollment of Assigned School	Capacity of Assigned School w/ Portables	% of Capacity of Assigned School	Funded Capacity Upgrades
Elementary	97%	College Park	553	492	112%	None
Middle	107%	Noble	720	664	108%	None
High	105%	New Hanover	1,532	1,648	93%	None

*Enrollment is based on the New Hanover County Schools enrollment that was projected 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 COMPATABILITY

- The subject property is located along Marjoram Way, a local road that has direct access to New Centre Drive, which is identified as a Major Collector road on the WMPO Functional Classification Map.
- The adjacent property to the north within the City is zoned Multiple-Family Residential Low Density, which has the same maximum density as the subject request (10 du/ac). However, the development consists of 60 multi-family dwelling units at a density of 9 du/ac.
- The adjacent property to the east within the City is zoned Multiple-Family Residential Medium Density, which has a density maximum of 17 du/ac.
- The adjacent single-family zoning in the City (R-10) is mostly undeveloped except for land to the south that is occupied by overhead power lines (utilities).
- The recent roadway improvements to Kerr Avenue, a major roadway, and the site's proximity to Market Street and commercial services, make the area more appropriate for higher densities.

Representative Developments of RMF-L:



*Cornerstone Condominiums
(Adjacent to the North of Subject Site)*



Villages at Plantation Landing



Sun Coast Condos and Sun Coast Villas off Gordon Road

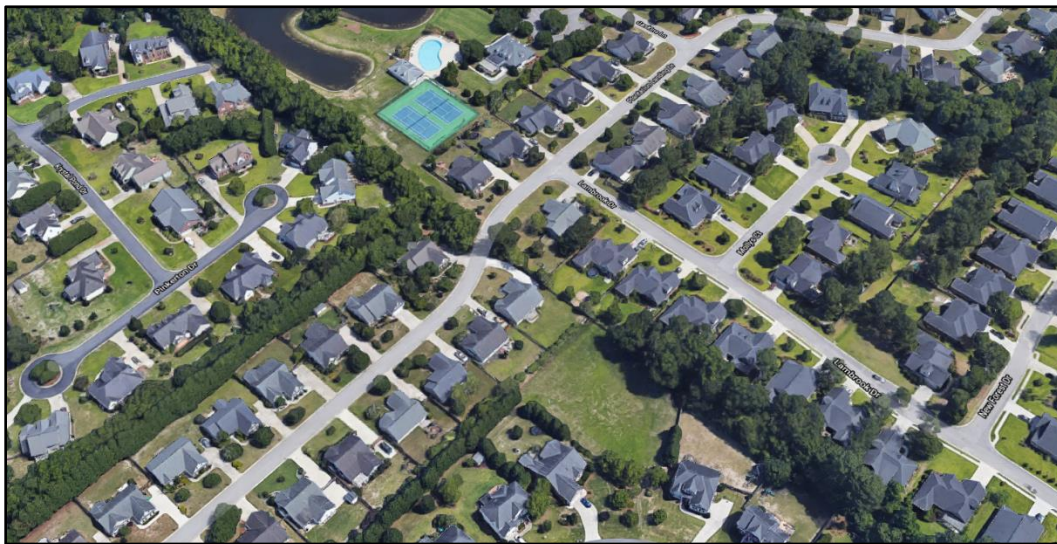
Representative Developments of R-15:



Grayson Park



Clay Crossing



Plantation Landing

NEW HANOVER COUNTY STRATEGIC PLAN

- One of the goals of the New Hanover County Strategic Plan for 2018-2023 is to encourage the development of complete communities in the unincorporated county by increasing housing diversity and access to basic goods and services.
- Because the subject property is surrounded by the City of Wilmington's jurisdiction, it is not in a specific community area. However, detached single-family homes make up 80% of residential units in the unincorporated county.
- The proposed RMF-L district would allow for attached housing types that would be less likely under the current R-15 zoning and could increase the diversity of housing types in New Hanover County's planning jurisdiction.

2016 COMPREHENSIVE 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	General Residential
Place Type Description	<p>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 near the intersection of N. Kerr Ave and Martin Luther King Jr. Parkway. Recent improvements have widened the roadway and impacted driveway access to N. Kerr Ave. While portions of this area are zoned for single-family development, the recent improvements and upgrades to N. Kerr Ave make future single-family development less likely. The site is immediately adjacent to MF-L and MF-M multi-family zoning within the City of Wilmington to the north and east and is largely separated from undeveloped single-family zoned properties by Marjoram Road to the west.</p> <p>The intent of designating this area as General Residential was to provide development consistent with the existing neighborhoods in a place where a mix of uses is less appropriate because of its location in the middle of a residentially zoned area. The Comprehensive Plan indicates that a variety of housing types, including lower density multi-family, are typical and encouraged in the General Residential place type. While the proposed zoning district would allow for up to 10 units per acre, which would be on the higher end of the density range of up to eight units per acre outlined for General Residential areas, RMF-L is the lowest density multi-family zoning designation and would serve as an appropriate transition between</p>

	<p>higher intensity development and zoning to the east and the lower density zoning still applied to the properties to the west. The densities and range of housing types permitted by the proposed district would also allow for a consistent development pattern in this area.</p> <p>In addition to being generally in line with the goals in the County's Comprehensive Plan, the City of Wilmington's Comprehensive Plan designated the area between Martin Luther King Jr. Parkway and New Centre Dr as a Higher Intensity Area of Opportunity. This designation represents those parts of the city that have the greatest potential to accommodate future growth, infill, and new development.</p>
Consistency Recommendation	<p>The proposed RMF-L rezoning is generally CONSISTENT with the 2016 Comprehensive Plan because the residential uses allowed are in line with the lower density multi-family housing outlined for General Residential areas and the potential development patterns and density are consistent with the surrounding neighborhoods.</p>

STAFF RECOMMENDATION

Staff recommends **approval** of this application and suggests the following motion:

I move to **APPROVE** the proposed rezoning to an RMF-L district. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the residential uses allowed are in line with the lower density multi-family housing outlined for General Residential areas and the potential development patterns and density are consistent with the surrounding neighborhoods. 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, is an appropriate application of infill development due to its proximity to major roadways, commercial services, and other existing multi-family developments and zoning, and it is unlikely to be developed as single-family because of the recent and future roadway improvements along North Kerr Avenue and Martin Luther King Jr. Parkway.

Alternative Motion for Denial

I move to **DENY** the proposed rezoning to an RMF-L district. While I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the residential uses allowed are in line with the lower density multi-family housing outlined for General Residential areas and the potential development patterns and density are consistent with the surrounding neighborhoods, I find **DENIAL** of the rezoning request is reasonable and in the public interest since a rezoning application for the remainder of the applicant's land within the City's jurisdiction is not being reviewed at this time, reducing the ability to create a viable and consistent unified development that each jurisdiction's Board can consider concurrently.

Case:

Z20-23

Site Address:

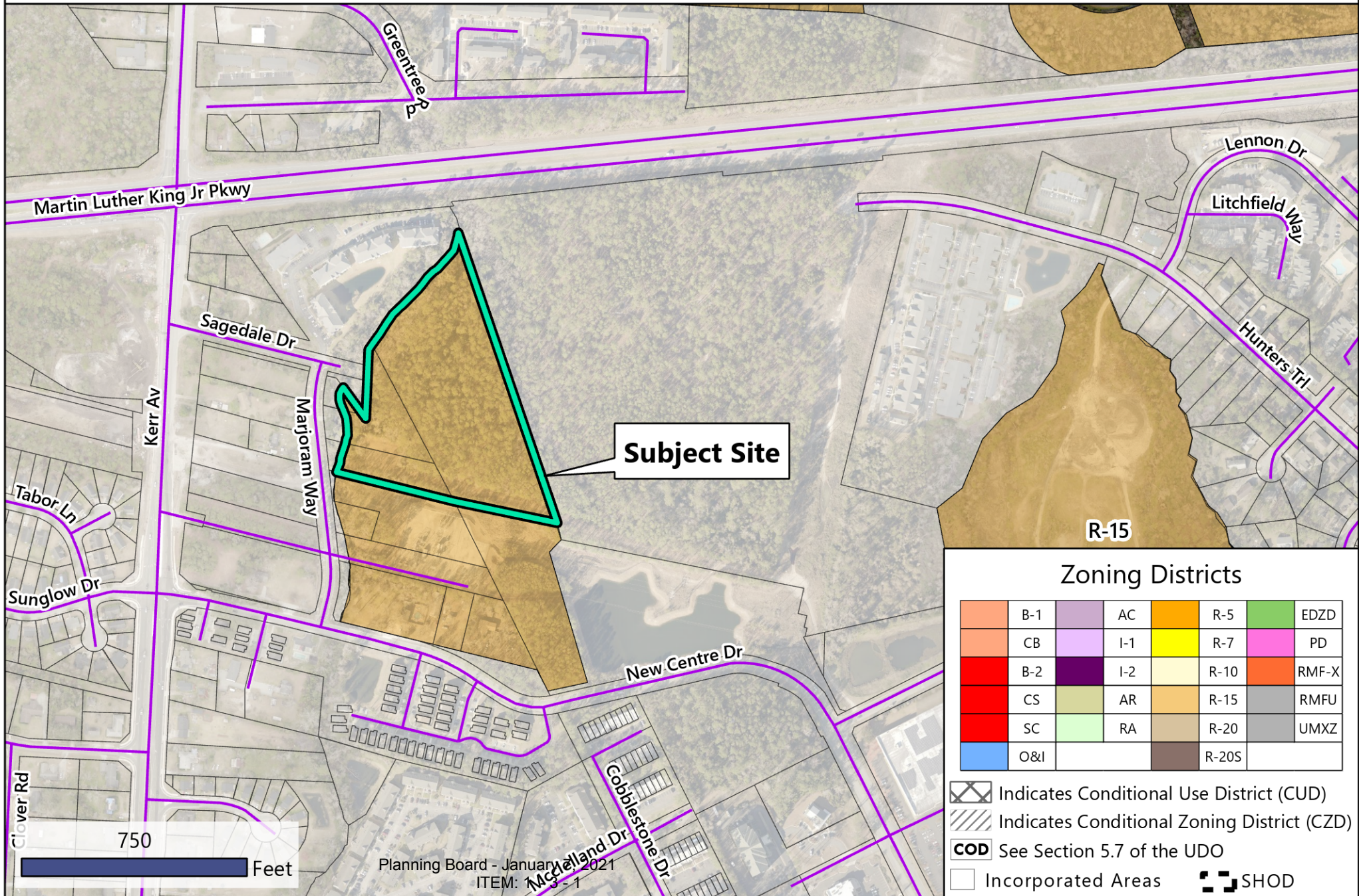
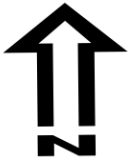
**900 block
N Kerr Ave**

Existing Zoning/Use:

R-15/Undeveloped

Proposed Zoning

RMF-L



Case:

Z20-23

Site Address:

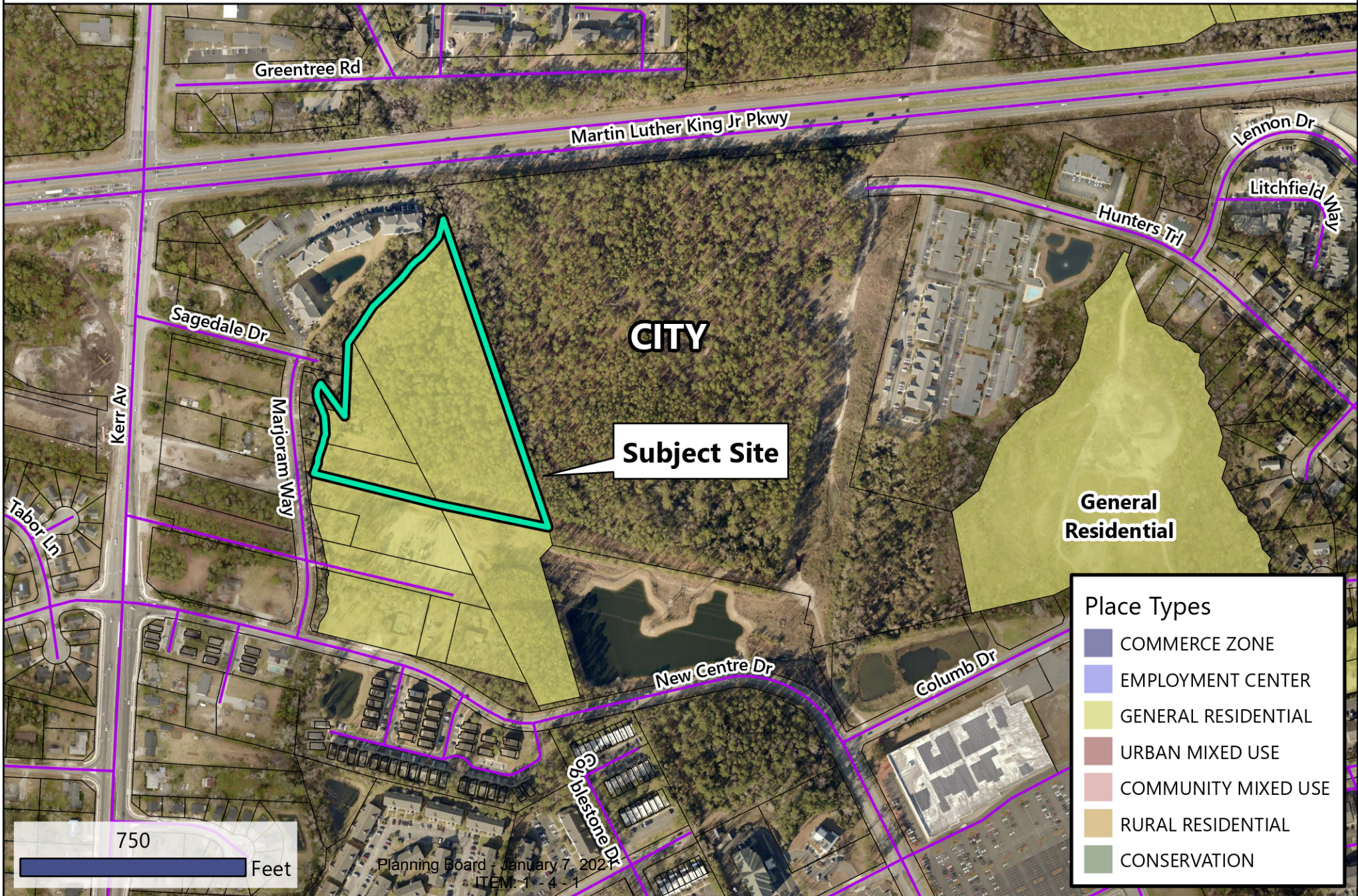
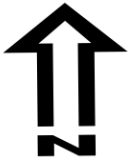
900 block
N Kerr Ave

Existing Zoning/Use:

R-15/Undeveloped

Proposed Zoning

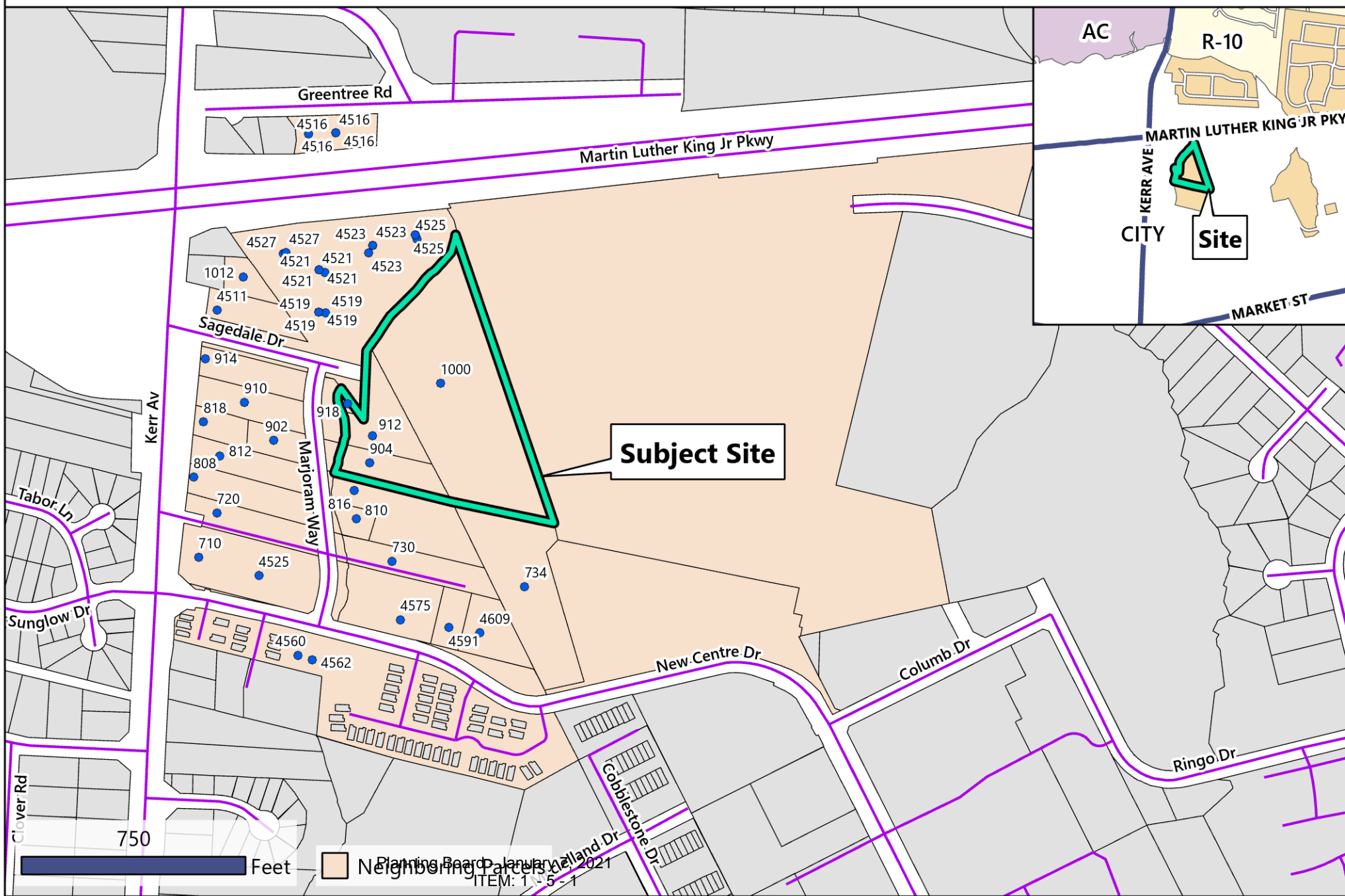
RMF-L



Z20-23

**900 block
N Kerr Ave**

R-15/Undeveloped

RMF-L

APPLICANT MATERIALS

NEW HANOVER COUNTY

DEPARTMENT OF PLANNING & LAND USE

230 Government Center Drive, Suite 110

Wilmington, North Carolina 28403

Telephone (910) 798-7165

FAX (910) 798-7053

planningdevelopment.nhcgov.com



ZONING MAP AMENDMENT APPLICATION

This application form must be completed as part of a zoning map amendment application submitted through the county's online COAST portal. The main procedural steps in the submittal and review of applications are outlined in the flowchart below. More specific submittal and review requirements, as well as the standards to be applied in reviewing the application, are set out in Section 10.3.2 of the Unified Development Ordinance.



1. Applicant and Property Owner Information

Applicant/Agent Name HAMILTON HICKS, JR	Owner Name (if different from Applicant/Agent) DORA LEE E. RAINES HEIRS
Company INTRACOASTAL REALTY, INC	Company/Owner Name 2 DAVID EARL RAINES HEIRS
Address 1900 EASTWOOD RD., Ste 38	Address 514 CHESTNUT STREET
City, State, Zip WILMINGTON, NC 28403	City, State, Zip WILMINGTON, NC 28401
Phone 910-520-4678	Phone 910-763-3416
Email hamilton@intracoastalrealty.com	Email culbrethlaw@juno.com

2. Subject Property Information

Address/Location 904/912/914/1000 N. KERR AVE		Parcel Identification Number(s) SEE ATTACHMENT A	
Total Parcel(s) Acreage 8.69	Existing Zoning and Use(s) R-15, ACREAGE	Proposed Zoning District(s) MF-L	Future Land Use Classification MF-L

Applicant Tracking Information (This section completed by staff)

Case Number: 220-23	Date/Time Received: 12/4/2020 5PM	Received by: GHS
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Raines Application - Attachment A - PINs

R04907-003-005-000 PT Lot 27 POEZOLT , 904 N. Kerr Ave

R04907-003-004-000 PT Lot 29 POEZOLT , 912 N. Kerr Ave

R04900-001-001-000 PT POEZOLT/SPRING, 1000 N. Kerr Ave

R04906-002-008-000 LOT 31 POEZOLT , 914 N. Kerr Ave / This is only for the portion across Marjorm Road. The remainder is City of Wilmington zoning


AGENT

3. Zoning Map Amendment Considerations

Requests for general rezonings do not consider a particular land use but rather all of the uses permitted in the requested zoning district for the subject property. Rezoning requests must be consistent with the New Hanover County 2016 Comprehensive Plan and the Unified Development Ordinance. Zoning Map amendments reclassify the land that is subject of the application to the requested zoning district classification(s) and subjects it to the development regulations applicable to the district(s).

The applicant must explain, with reference to attached plans (where applicable), how the proposed Zoning Map amendment meets the following criteria. (attach additional pages if necessary)

1. How would the requested change be consistent with the County's policies for growth and development, as described in the 2016 Comprehensive Plan, applicable small area plans, etc.?

This area has not been specifically identified as a Growth Node in the Future Land Use Map. However, it encompasses some of the desired characteristics. It is close to a major shopping complex, Costco, and has close access to Kerr Avenue, a major traffic artery.

2. How would the requested zoning change be consistent with the property's classification on the 2016 Comprehensive Plan's Future Land Use Map?

The 2016 PLAN classifies the subject land as "general residential". A zoning change to MF-L still meets that criteria.

The adjacent CORNERSTONE CONDOMINIUM complex to the North, is zoned MF-L.

3. What significant neighborhood changes have occurred to make the original zoning inappropriate, or how is the land involved unsuitable for the uses permitted under the existing zoning?

The North Kerr Avenue improvements directly affected the property by eliminating ingress and egress from Kerr Avenue and Sagedale Avenue. Furthermore, the property is now bisected by Marjorm Road, a newly constructed road.

thus, the continuity of a single family development has been lost.

4. How will this zoning change serve the public interest?

The change from R-15 to MF-L zoning will provide significantly more living space opportunities. There is an increasing need for land with a multi-family classification.

Staff will use the following checklist to determine the completeness of your application. Please verify all of the listed items are included and confirm by initialing under "Applicant Initial". Applications determined to be incomplete must be corrected in order to be processed for further review.

Application Checklist	Applicant Initial	Staff Initial
<input checked="" type="checkbox"/> This application form, completed and signed	_____	<u>GHS</u>
<input checked="" type="checkbox"/> Application fee: <ul style="list-style-type: none">• \$500 for 5 acres or less✓ • \$600 for more than 5 acres	_____	<u>GHS</u>
<input type="checkbox"/> Legal description (by metes and bounds) or recorded survey Map Book and Page Reference of the property requested for rezoning	_____	<u>To be provided GHS</u>
<input checked="" type="checkbox"/> One (1) hard copy of ALL documents	_____	<u>GHS</u>
<input checked="" type="checkbox"/> Acknowledgment and Signatures Form (if applicable)	_____	<u>GHS</u>
<input checked="" type="checkbox"/> One (1) digital PDF copy of ALL documents AND plans	_____	<u>GHS</u>

4. Acknowledgement and Signatures

By my signature below, I understand and accept all of the limitations and obligations of the Zoning Map amendment for which I am applying. I understand that the existing Official Zoning Map is presumed to be correct. I certify that this application is complete and that all information presented in this application is accurate to the best of my knowledge, information, and belief.

If applicable, I also appoint the applicant/agent as listed on this application to represent me and make decisions on my behalf regarding this application during the review process. The applicant/agent is hereby authorized on my behalf to:

1. Submit an application including all required supplemental information and materials;
2. Appear at public hearings to give representation and comments; and
3. Act on my behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of this application.

✓ Michael E. Ramin

Signature of Property Owner(s)

Michael E Ramin

Print Name(s)

Hamilton Hicks

Signature of Applicant/Agent

HAMILTON HICKS, JR

Print Name

Note: This form must be signed by the owner(s) of record. If there are multiple property owners, a signature is required for each owner of record.

✓

If an applicant requests delay of consideration from the Planning Board or Board of County Commissioners before notice has been sent to the newspaper, the item will be calendared for the next meeting and no fee will be required. If delay is requested after notice has been sent to the newspaper, the Board will act on the request at the scheduled meeting and are under no obligation to grant the continuance. If the continuance is granted, a fee in accordance with the adopted fee schedule as published on the New Hanover County Planning website will be required.

4. Acknowledgement and Signatures

By my signature below, I understand and accept all of the limitations and obligations of the Zoning Map amendment for which I am applying. I understand that the existing Official Zoning Map is presumed to be correct. I certify that this application is complete and that all information presented in this application is accurate to the best of my knowledge, information, and belief.

If applicable, I also appoint the applicant/agent as listed on this application to represent me and make decisions on my behalf regarding this application during the review process. The applicant/agent is hereby authorized on my behalf to:

1. Submit an application including all required supplemental information and materials;
2. Appear at public hearings to give representation and comments;
3. Act on my behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of this application.

✓ Michael E. Ramer
Signature of Property Owner(s)

Michael E. Ramer
Print Name(s)

Hamilton Hicks, Jr.
Signature of Applicant/Agent

HAMILTON HICKS, JR.
Print Name

Note: This form must be signed by the owner(s) of record. If there are multiple property owners, a signature is required for each owner of record.

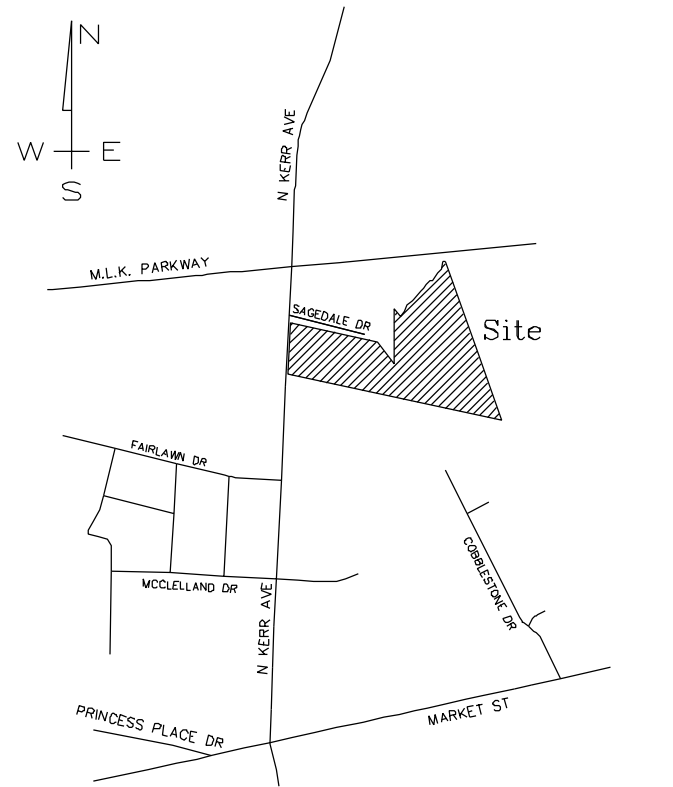
✓ James Ray Harrison, Jr. POA
Gloria Harrison, sole heir of James Harrison

consideration from the Planning Board or Board of County Commissioners before notice has been published. If notice is not published, the Board will be calendared for the next meeting and no fee will be required. If delay is requested in publication, the Board will act on the request at the scheduled meeting and are under no obligation to grant the request. If the continuance is granted, a fee in accordance with the adopted fee schedule as published on the County Planning website will be required.

If an application has been submitted after the deadline, the applicant is obligated to publish notice.

Other Owners
sign here

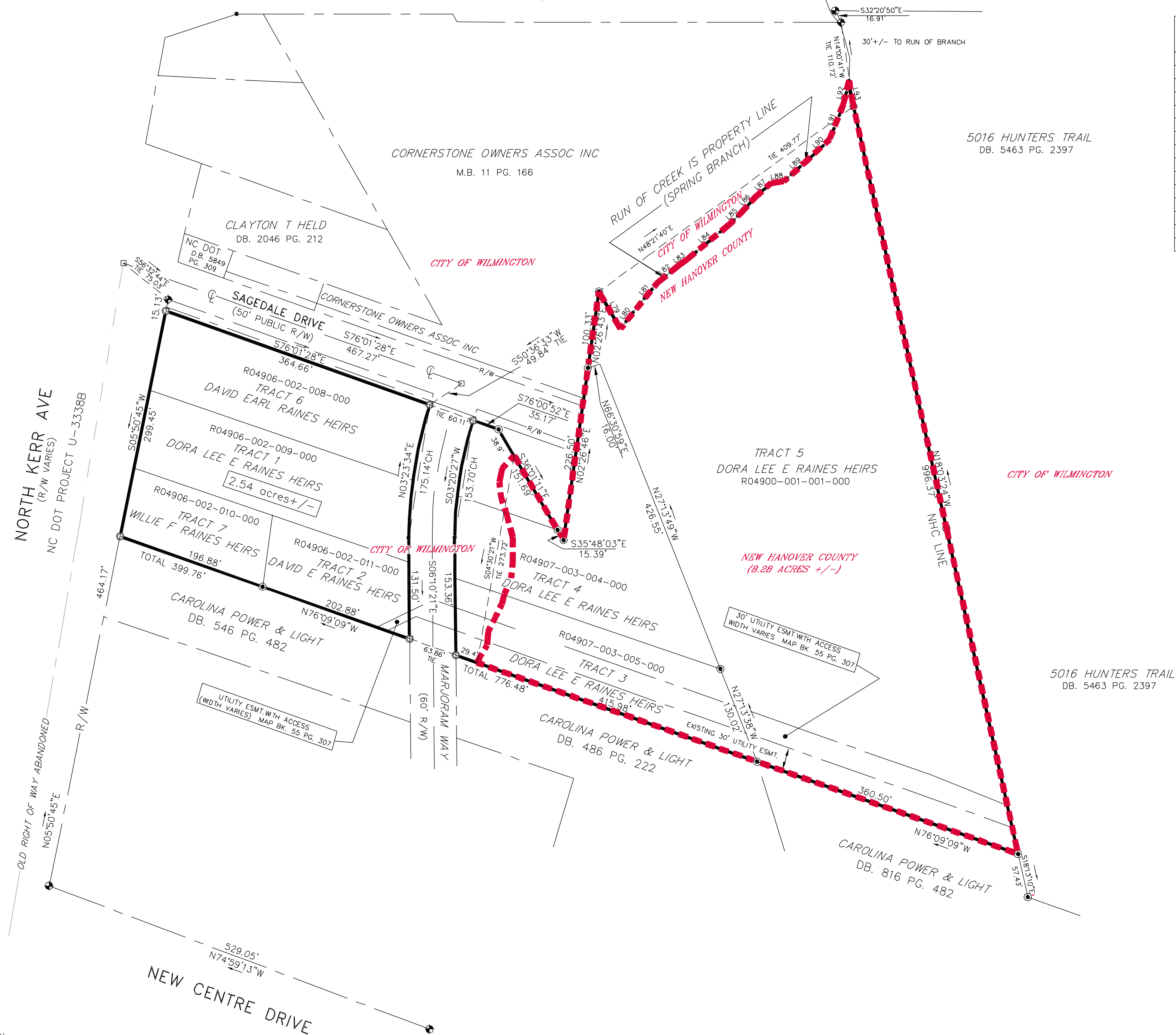
EXHIBIT MAP



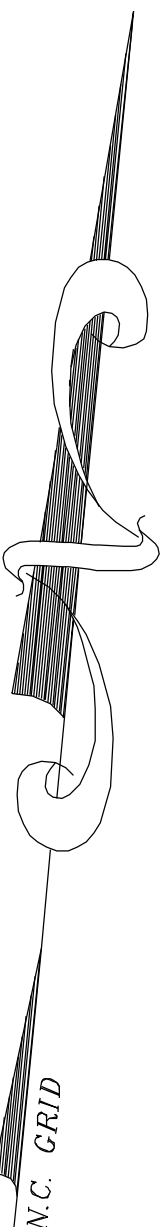
LOCATION MAP

M.L.K. PARKWAY

RIGHT OF WAY VARIES
PROJECT # U-92C



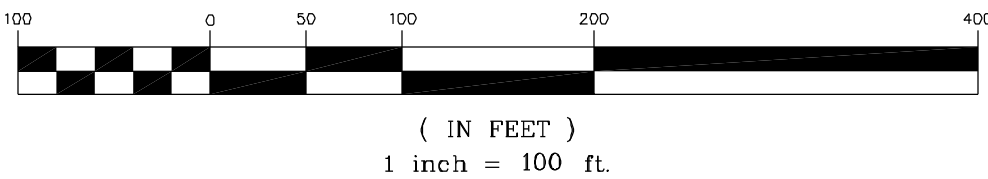
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L80	39.62	N32°21'08"E
L81	37.63	N33°54'26"E
L82	36.19	N45°26'22"E
L83	11.35	S49°03'14"W
L84	74.20	N44°47'32"E
L85	21.10	N39°28'18"E
L86	29.59	S36°41'42"W
L87	25.01	N43°28'19"E
L88	16.51	N76°40'11"E
L89	53.18	N42°21'21"E
L90	27.78	N40°42'25"E
L91	48.78	N15°44'27"E
L92	27.61	S08°03'33"W
L93	30.40	S18°06'15"E



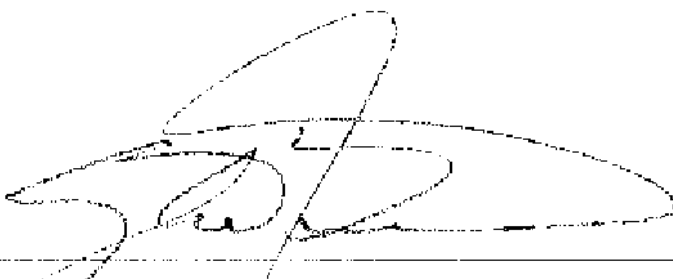
SURVEY AND
EXHIBIT FOR REZONE FOR
RAINES HEIRS

11.23 ACRES +/-
WILMINGTON TOWNSHIP & HARNETT TOWNSHIP
NEW HANOVER COUNTY, NORTH CAROLINA
MARCH 28, 2019
MAP BOOK PAGE 132

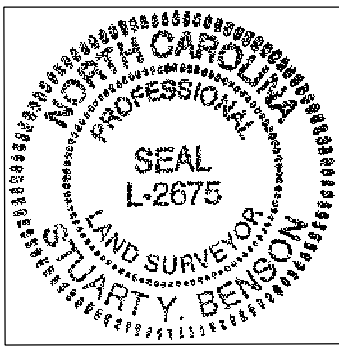
GRAPHIC SCALE



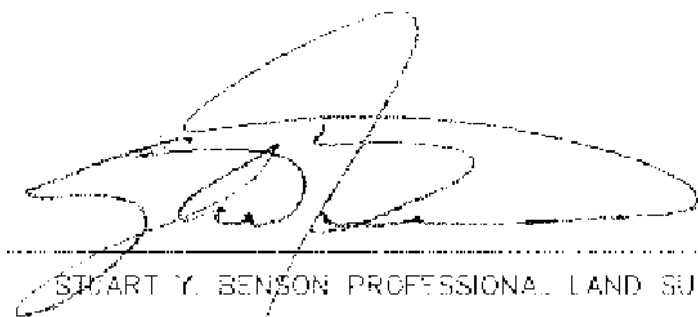
I, STUART Y. BENSON, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION SHOWN HEREON). THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND AS NOTED HEREON: THAT THE RATIO OF PRECISION AS CALCULATED IS 1 : 20,000+/-; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL, THE 16TH DAY OF DECEMBER, 2020 A.D..


STUART Y. BENSON PROFESSIONAL LAND SURVEYOR NO. L-2675

CAPE FEAR SURVEYING, PC
ONE NORTH 6th ST., WILMINGTON, NC 28401
(910) 762-9496 FAX: (910) 762-5949
EMAIL: capefearsurveying@yahoo.com
LICENSE # C-3199
Planning Board - January 7, 2021
ITEM: 1-9-1



I, STUART Y. BENSON, PROFESSIONAL LAND SURVEYOR CERTIFY THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.


STUART Y. BENSON PROFESSIONAL LAND SURVEYOR NC L-2675

LEGEND:

- I.P.S. OR I.R.S. ○ IRON PIPE OR ROD SET
- E.I.P. OR E.I.R. ● EXISTING IRON PIPE OR ROD
- C.M. □ CONCRETE MONUMENT
- C/L ○ CENTER LINE
- R/W ○ RIGHT OF WAY
- P.K. △ P.K. SURVEY NAIL
- NON-MONUMENTED CORNER
- NC DOT R/W DISK