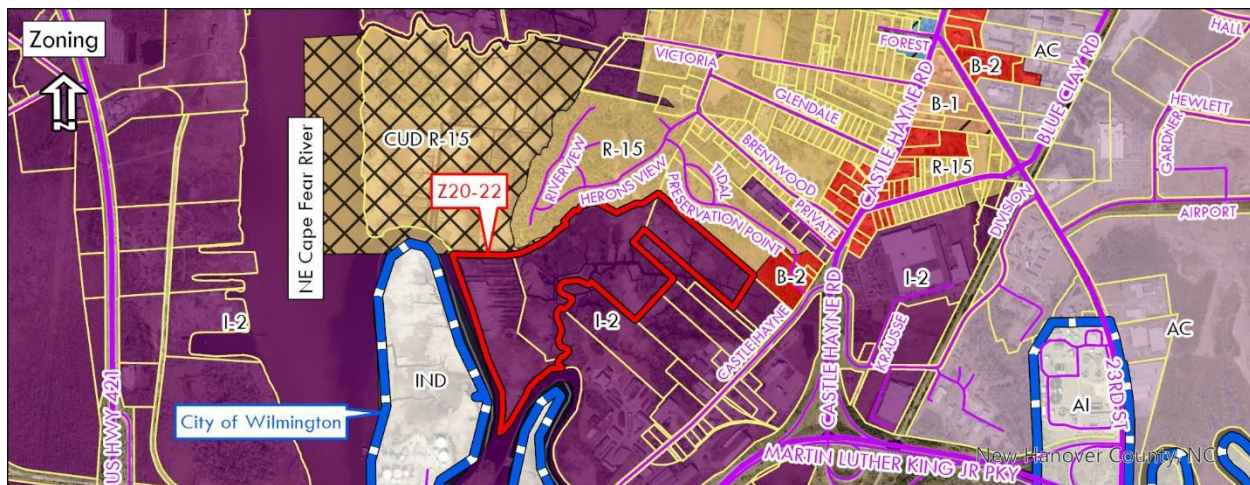


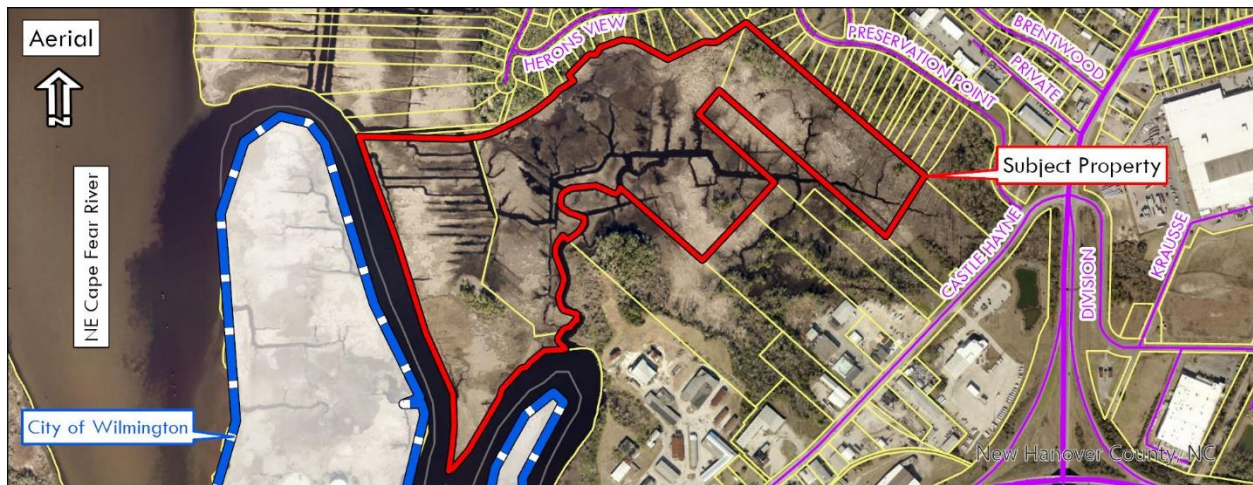
STAFF SUMMARY OF Z20-22

ZONING MAP AMENDMENT APPLICATION

APPLICATION SUMMARY	
Case Number: Z20-22	
Request: Rezoning to an R-15 district	
Applicant: Frank Braxton of Coastal Land Design	Property Owner(s): Preservation Point Partners, LLC
Location: 1500-1600 block of Castle Hayne Road	Acreage: 71.36
PID(s): Portions of R04100-001-150-000, R04100-001-002-000, & R04100-001-003-000	Comp Plan Place Type: Conservation
Existing Land Use: Undeveloped	Proposed Land Use: The property would be allowed to be developed in accordance with the R-15 district. However, it is subject to an existing conservation easement that prohibits development within the property.
Current Zoning: I-2, Heavy Industrial	Proposed Zoning: R-15, Residential



SURROUNDING AREA		
	LAND USE	ZONING
North	Single-Family Residential (Future Preservation Point Subdivision & Community Boating Facility), Utility Lines	R-15, (CUD) R-15
East	Vehicle Service Station, Electric Substation	I-2
South	Telecommunication Tower, Undeveloped, Vehicle Service Station, Contractor Office, Building and Construction Supplies Retail Sales, Commercial Services	I-2, IND (City of Wilmington)
West	Future Preservation Point Subdivision & Community Boating Facility, Smith Creek, NE Cape Fear River, Undeveloped	R-15, (CUD) R-15, IND (City of Wilmington)



ZONING HISTORY

July 1, 1972	Initially zoned I-2 (Area 9A)
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COMMUNITY SERVICES

Water/Sewer	Water and sewer services are available through CFPWA.
Fire Protection	New Hanover County Fire Services, New Hanover County Northern Fire District, New Hanover County Wrightsboro Station
Schools	Wrightsboro Elementary, Holly Shelter Middle, and New Hanover High Schools
Recreation	Optimist Park

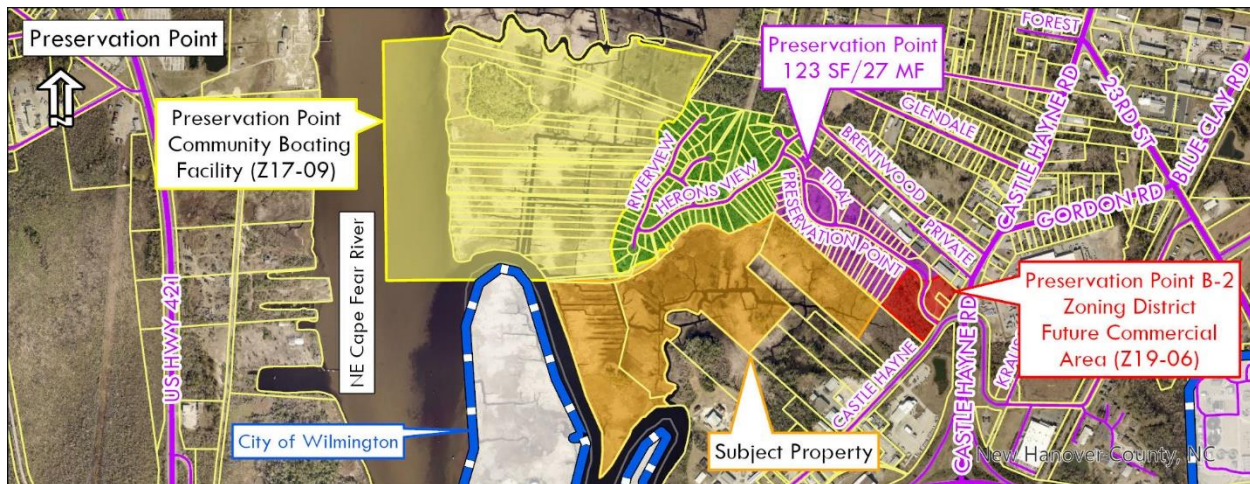
CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES

Conservation	Conservation resource maps indicate that the subject property contains both swamp forest and brackish marsh, which are subject to the conservation resources standards. Although the residential lots will extend into these conservation resources, this entire area was recorded as a Conservation Easement (MB 68/PGs 388-389) and is subject to conservation covenants, conditions, and restrictions (DB 6375/PGs 2757-2764) that limit development on the subject property.
Historic	The marsh areas of the property were once used for rice production.
Archaeological	No known archaeological resources

HISTORY OF PRESERVATION POINT

- In 2017, a preliminary plan for a performance residential development consisting of 98 lots (Preservation Point – formerly River Breeze) was approved for multiple parcels directly to the north of the subject site. Later that same year, the area to the northwest of the subject site was rezoned to a Conditional Use R-15 district and a Special Use Permit was issued for a community boating facility located in the Northeast Cape Fear River consisting of 98 boat slips (Z17-09).
- Following the approval of the community boating facility, the area to the northeast of the subject site was rezoned from I-2 to R-15 and B-2 in 2019 to expand the development, establish an additional access point, and provide commercial uses to the Preservation Point residents and surrounding community.

Below: Subject Site and the Adjacent Subdivision.

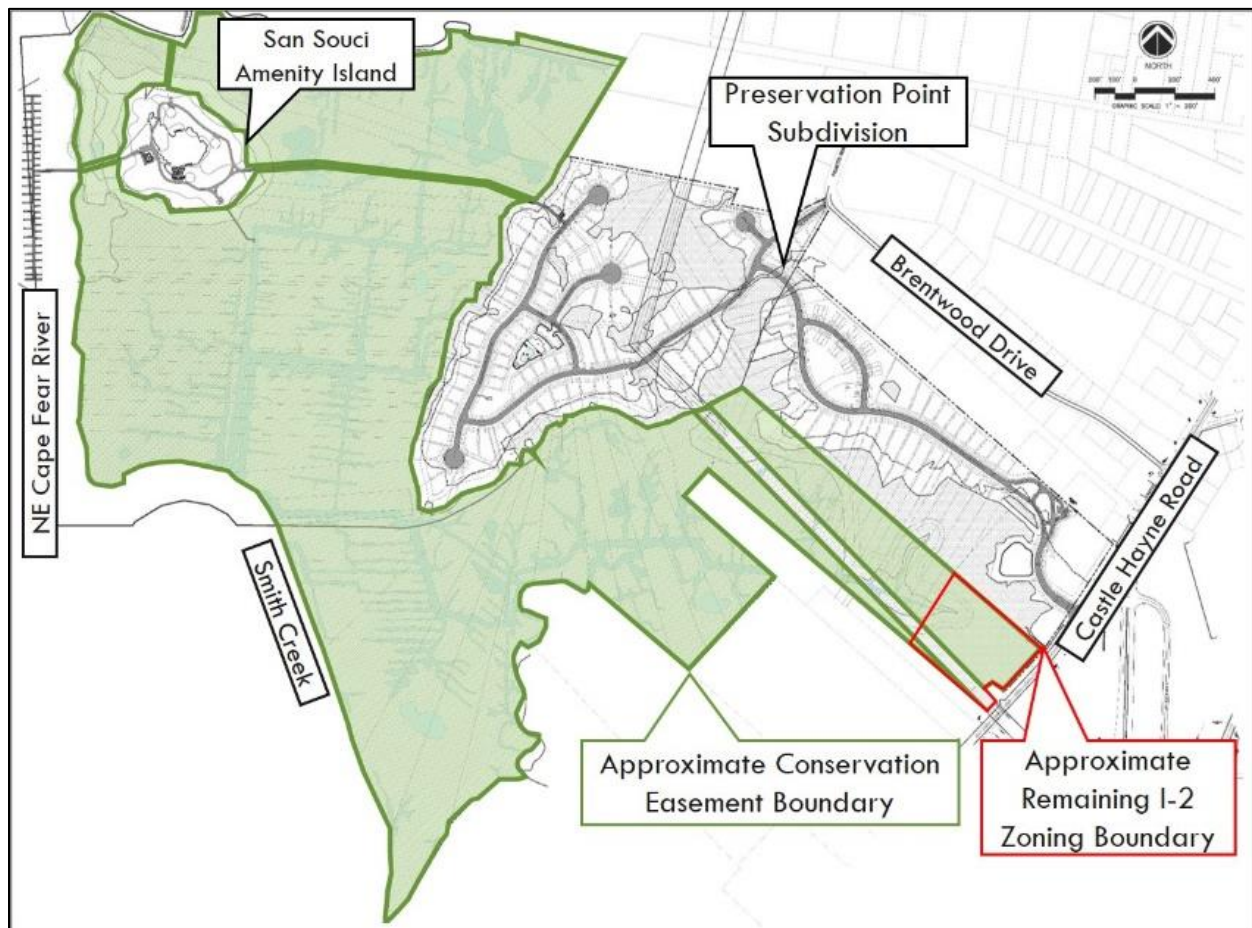


ZONING CONSIDERATIONS

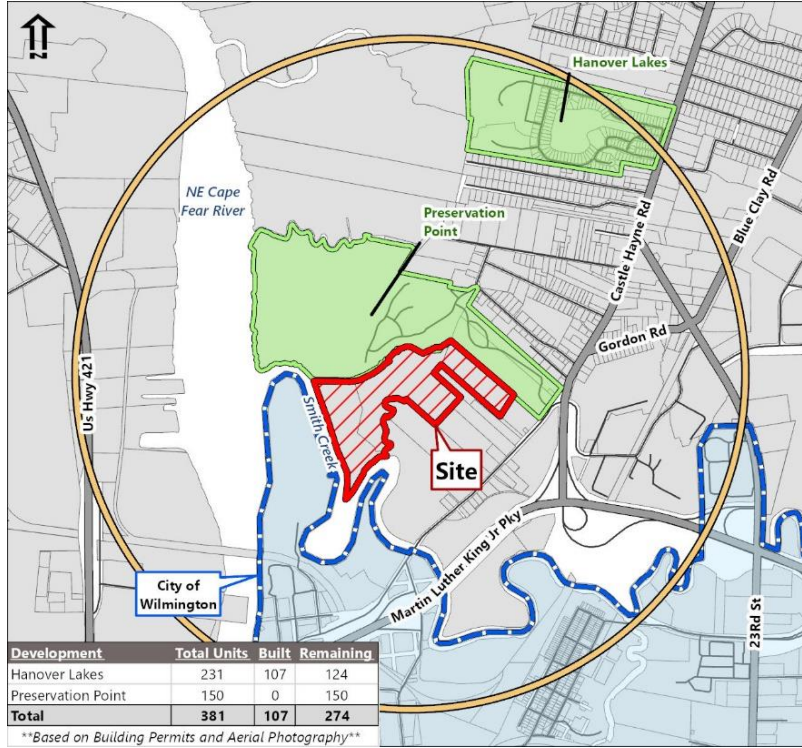
- The applicant is proposing to rezone the subject property, approximately 71.36 acres, south of the Preservation Point Subdivision from I-2 to R-15 in order to include it within the subdivision, as residential uses are not permitted in the I-2 district. According to the applicant, the existing lots adjacent to the subject property will be extended to the creeks and canals that connect to Smith Creek, and no additional lots will be added to the subdivision if this rezoning is approved.
- The conservation resource map indicates that the subject property contains both swamp forest and brackish marsh. Due to these environmental features, additional restrictions have been placed on development, including a conservation easement that encompasses the entire property.
- According to the Conservation Declaration, the purpose of the conservation easement (“area”) is to maintain wetland and/or riparian resources and other natural values within the area and to prevent the use or development of the area. The Conservation Declaration does, however, exempt the construction and related use to the boardwalk, kayak/canoe launches, and boat slip accesses that are associated with the community boating facility and amenity island for the subdivision. The conservation easement does not restrict the public from accessing navigable waters of the United States or any surface waters within the area.

- In addition, the County's performance residential standards do not allow marshlands to be included within the net area of subdivisions when determining the maximum units allowed for the development. The area that could be used for net area would be determined if a modification of the existing subdivision plat were proposed. However, it would be unlikely to result in a significant change to the existing subdivision as 123 lots have been platted and roadway infrastructure has been installed.
- The applicant excluded approximately 5 acres of the I-2 zoning designation on the subject property from this request in order to limit potential impacts and additional regulations on the adjacent remaining industrial land, as under current county zoning regulations, industrial uses next to residential land are subject to additional structure setbacks.
- The areas where the proposed residential zoning abuts industrial land generally consist of environmental constraints similar to the subject site, making any potential industrial development more likely to be closer to Castle Hayne Road and to exceed any required setback from the new R-15 district.

Below: Approximate Location of Conservation Easement and Remaining I-2 Zoning

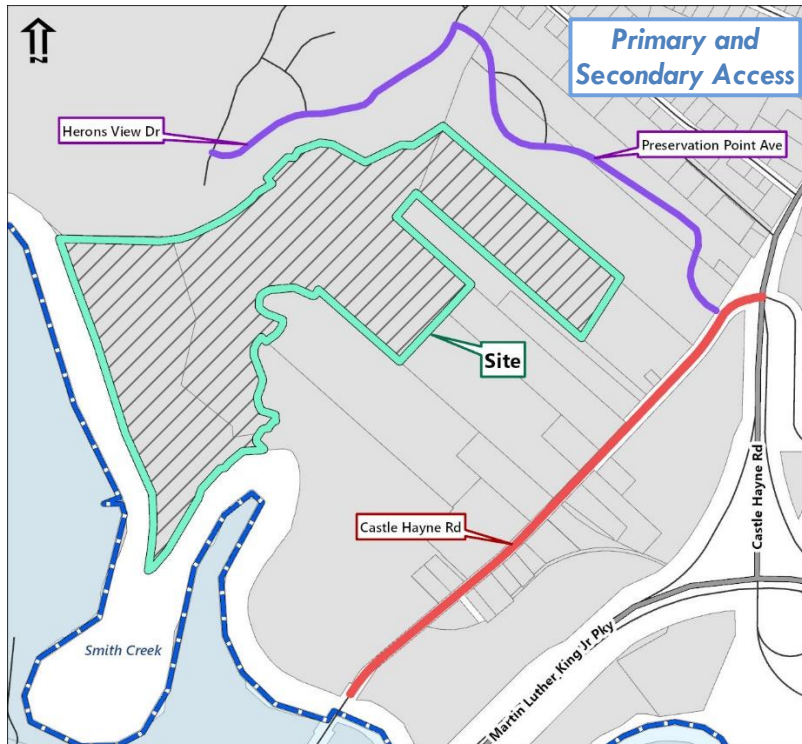


AREA SUBDIVISIONS UNDER DEVELOPMENT



TRANSPORTATION

- Access is provided to the subject property via the Preservation Point Subdivision that connects to Castle Hayne Road (NC 133). In addition, there is a point of egress using Brentwood Drive (SR 1313) which connects to Castle Hayne Road approximately 900 feet to the north of the entrance to the subdivision.



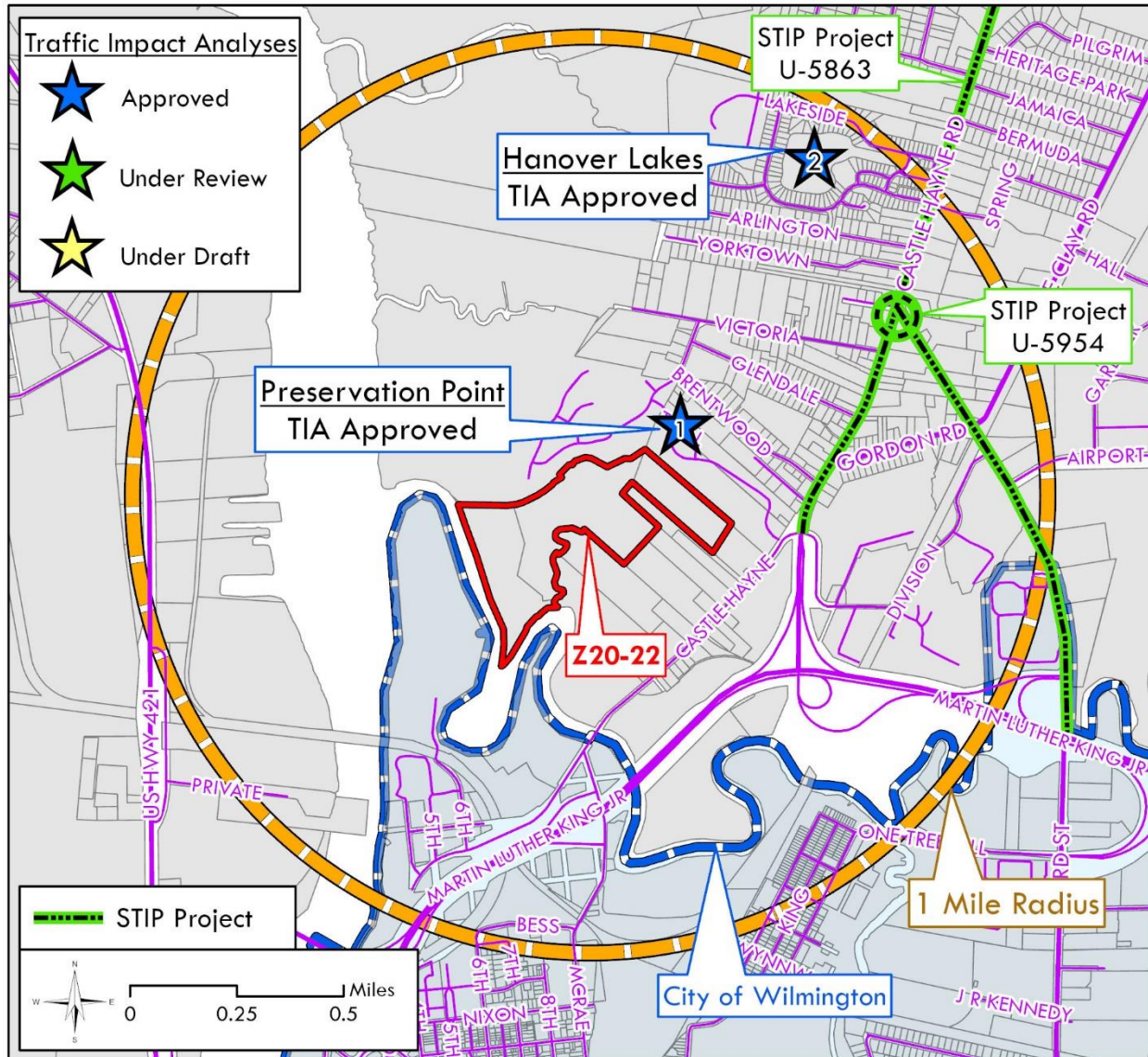
- As no additional lots are being created or added to the subdivision, the estimated number of peak hour trips anticipated with the proposed request is below the 100 peak hour trip threshold that triggers the ordinance requirement for a Traffic Impact Analysis (TIA). In addition, the request is not expected to generate any additional trips outside of those generated by the Preservation Point residents and guests.
- Because a TIA is not required to analyze transportation impacts, Staff has provided the volume to capacity ratio for Castle Hayne Road near the subject site. While volume to capacity ratio, based on average daily trips, can provide a general idea of the function of adjacent roadways, the delay vehicles take in seconds to pass through intersections is generally considered a more effective measure when determining the Level of Service of a roadway. However, the available volume to capacity data indicates capacity currently exists in this area.

NCDOT Average Annual Daily Traffic (AADT) - 2019

<i>Road</i>	<i>Location</i>	<i>Volume</i>	<i>Capacity</i>	<i>V/C</i>
Castle Hayne Road	1600 Block (south of Brentwood Drive)	13,000	16,700	0.78

- A Traffic Impact Analysis (TIA) for the Preservation Point Subdivision was approved by NCDOT and the WMPO in August 2019. Per the approved TIA, Phase 1 will consist of 123 single-family detached residential dwellings (including the existing 98 lots approved in 2017) and 27 multi-family attached residential dwellings. The full build out of the site (2023) will consist of the above mentioned residential dwellings, a 5,000 square foot day care center, a 3,000 square foot high-turnover sit-down restaurant, a 2,000 square foot coffee/donut shop with drive-thru uses, and a small office building for 20 employees. These nonresidential uses will be located in the commercial zoned land at the front of the subdivision adjacent to Castle Hayne Road.
- The TIA required the developer to install roadway improvements including a driveway at the entrance of the subdivision with one lane for ingress and left- and right-turn lanes for egress. The developer is currently in the process of constructing these improvements, which must be installed prior to the development being completed. Prior to the commercial uses being developed, a right-turn lane at the intersection of Castle Hayne Road and Division Drive will be required.

Nearby Planned Transportation Improvements and Traffic Impact Analyses



Nearby NC STIP Projects:

- **STIP Project U-5863**
 - Project to widen Castle Hayne Road from I-140 to Division Drive.
 - Right-of-Way acquisition for the project is scheduled for 2025, with potential construction to begin as early as 2030.
- **STIP Project U-5954**
 - Project to construct a roundabout at the intersection of Castle Hayne Road and 23rd Street.
 - Right-of-Way acquisition for the project is scheduled for 2025, with construction to begin in 2027.

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. Preservation Point (Subject Site)	Phase 1 <ul style="list-style-type: none">• 123 single-family dwellings• 27 multi-family dwellings	<ul style="list-style-type: none">• Approved August 21, 2019• Phase 1 – 2022 Build Out Year• 2023 Full Build Out Year
	Full Build <ul style="list-style-type: none">• 123 single-family dwellings• 27 multi-family dwellings• 5,000 sf of day care• 3,000 sf of high-turnover sit-down restaurant• 2,000 sf of coffee/donut shop with drive-thru• Small office building with 20 employees	
The TIA required improvements must be completed at certain intersections in the area. The notable improvements consisted of: <ul style="list-style-type: none">• Phase 1: Construct a driveway at the entrance of the subject site and Castle Hayne Road that has one ingress and two egress lanes, with one continuous eastbound left turn lane, and construct a right turn lane to exit the site. Install a stop control at the entrance of the subject site and Castle Hayne Road.• Full Build: Construct a right turn lane at the intersection of Castle Hayne Road and Division Drive.		
Nearby Proposed Developments included within the TIA:		
<ul style="list-style-type: none">• None		
Development Status: The developer is currently in the process of constructing the Phase 1 required roadway improvements. A total of 123 lots have been platted, and site work is currently underway.		

Proposed Development	Land Use/Intensity	TIA Status
2. Hanover Lakes	<ul style="list-style-type: none"> • 231 single-family dwellings 	<ul style="list-style-type: none"> • Approved August 13, 2015 • 2018 Build Out Year (per NCDOT, an update to the TIA is not required).
<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 left turn lane, southbound left turn lane, and southbound right turn lane on Castle Hayne Road at the subdivision's entrance. 		
<u>Nearby Proposed Developments included within the TIA:</u>		
<ul style="list-style-type: none"> • None 		
Development Status: The subdivision is under construction with 188 lots platted. The required roadway improvements have been installed.		

ENVIRONMENTAL

- The entire subject property is located within a Special Flood Hazard Area, specifically the AE flood zone (100-year floodplain).
- The property contains regulated wetlands which will be preserved in conservation space. The vast majority of the subject property contains brackish marsh, which is subject to the standards of the conservation resources.
- The property is located within the Northeast Cape Fear River Floodplain, a Natural Heritage Area. This Natural Heritage Area is classified as exceptional, meaning it may contain at minimum 10 rare plant and animal species.
- 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 IV (unsuitable). However, Preservation Point will be served by public water and sewer.

OTHER CONSIDERATIONS

CONTEXT AND COMPATABILITY

- The property is located along “Old” Castle Hayne Road, a local road that has direct access to Castle Hayne Road, which is identified as Minor Arterial road on the WMPO Functional Classification Map.
- The subject property has been placed into a conservation easement to preserve the wetlands and riparian resources and to prohibit development within its boundaries. In addition, the area is required to be maintained in its natural, scenic, and open condition further aligning the site with the Comprehensive Plans goal for the Conservation place type. Please refer to the 2016 Comprehensive Plan section included in this report.
- Due to the environmental features that exist on the site, additional restrictions apply that place protections for the site’s natural environment, water quality, and wildlife habitats and prohibit any development of the site.
- This rezoning request is not expected to increase the number of trips generated along the adjacent roadways because no additional lots are proposed to be created.
- Approximately 71 acres of I-2, Heavy Industrial zoned land is being removed from New Hanover County’s zoning districts, eliminating the potential for heavy industrial uses in this area.
- The proposed zoning boundary was designed to limit potential negative impacts on the use of adjacent properties.
- This expansion of land area within the Preservation Point Subdivision will have no impact on the school system as no additional lots will be created nor will development take place in the area per the conservation easement restrictions.



*Driveway to Preservation Point
Adjacent Castle Hayne Road*



*Entrance to Preservation Point
(Castle Hayne Road to Rear)*



*Preservation Point Avenue
Looking Southwest to Subject Site*



*Riverview Terrace Looking
South to Subject Site*



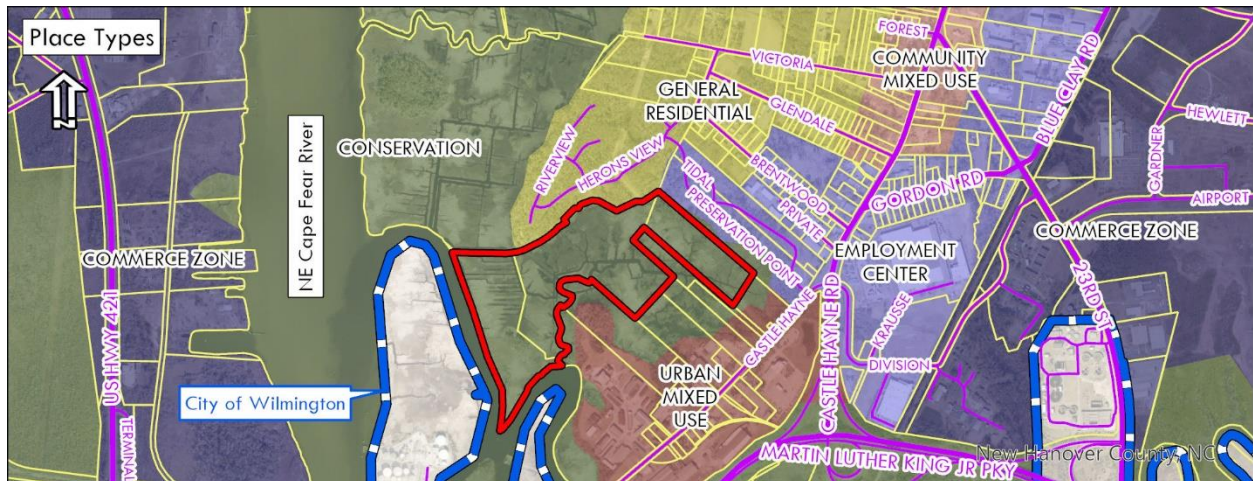
*Preservation Point Amenity Center
on Egret Crossing Way*



*Boardwalk Connecting Preservation Point
to San Souci Amenity Island*

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	Conservation
Place Type Description	Covers areas of natural open space and is intended to protect the natural environment, water quality, and wildlife habitats that serve the public through environmental education, low-impact recreation, and in their natural beauty. In areas where zoning allows other uses, such as single family residential, increased density would be discouraged, and low impact development methods would be required. Such requirements place limits on development to ensure the protection of resources.

<p>Analysis</p>	<p>The intent of the Conservation place type is to highlight areas where development and land uses may need to be limited in order to protect natural resources. The majority of the area included in the rezoning request is identified as a Potential Significant Natural Heritage Area in the Comprehensive Plan. These areas are designated by the North Carolina Natural Heritage Program (NCNHP) based on features such as the presence of rare species, exemplary natural communities, or important animal assemblages, such as the exceptional coastal wetlands on the subject site.</p> <p>Many of the types of industrial uses allowed in the I-2, Heavy Industrial district are not in line with the Comprehensive Plan's intent to protect the resources on the subject site. While an R-15 zoning designation could generally allow the type of increased density discouraged by the plan, the conservation easement associated with the site would not allow additional residential units to be built in this area and would protect the site's natural environment, water quality, and wildlife habitats.</p>
<p>Consistency Recommendation</p>	<p>The proposed R-15 rezoning, in conjunction with the conservation easement on file for the subject property, is generally CONSISTENT with the goals of the 2016 Comprehensive Plan because it is a more appropriate designation than the existing I-2, Heavy Industrial zoning, would not allow additional residential units to be built in this area, and would protect the site's natural environment, water quality, and wildlife habitats.</p>

PLANNING BOARD ACTION

The Planning Board considered this application at the December 3, 2020 meeting. No one from the public spoke in opposition to, or in favor of, the proposal.

The Planning Board recommended approval of the application (5-0), finding it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because it is a more appropriate designation than the existing I-2 zoning and, with the conservation easement on record for the property, additional protections are provided for the site's natural environment, water quality, and wildlife habitats which restrict development on the subject site. The Board also found **APPROVAL** of the rezoning request is reasonable and in the public interest because the request removes an industrial zoning designation from land that is environmentally sensitive and offers increased protection to the adjacent residential property and wetlands. In addition, the boundary of the proposed rezoning was designed to limit additional regulations on the adjacent remaining industrial property.

STAFF RECOMMENDATION

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

I move to **APPROVE** the proposed rezoning to an R-15 district. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because it is a more appropriate designation than the existing I-2 zoning and, with the conservation easement on record for the property, additional protections are provided for the site's natural environment, water quality, and wildlife habitats which restrict development on the subject site. I also find **APPROVAL** of the rezoning request is reasonable and in the public interest because the request removes an industrial zoning designation from land that is environmentally sensitive and offers increased protection to the adjacent residential property and wetlands. In addition, the boundary of the proposed rezoning was designed to limit additional regulations on the adjacent remaining industrial property.

Alternative Motion for Denial

I move to **DENY** the proposed rezoning to an R-15 district. While I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because it is a more appropriate designation than the existing I-2 zoning and, with the conservation easement on record for the property, additional protections are provided for the site's natural environment, water quality, and wildlife habitats which restrict development on the subject site, I find **DENIAL** of the rezoning request is reasonable and in the public interest because the proposal is not consistent with the surrounding community and the use will adversely impact the adjacent properties.