

STAFF REPORT FOR Z20-16

CONDITIONAL ZONING DISTRICT APPLICATION

APPLICATION SUMMARY

Case Number: Z20-16

Request:

Zoning Map amendment to rezone 2.3 acres from (CUD) O&I to (CZD) B-2 to allow vehicle and boat sales/service

Applicant:

Hodges, Coxe, & Potter, LLP

Property Owner(s):

Stephen Clossick and WBP, LLC

Location:

7775 Market Street

Acreage:

2.3

PID(s):

R03600-004-025-000

Comp Plan Place Type:

Community Mixed Use

Existing Land Use:

Undeveloped

Proposed Land Use:

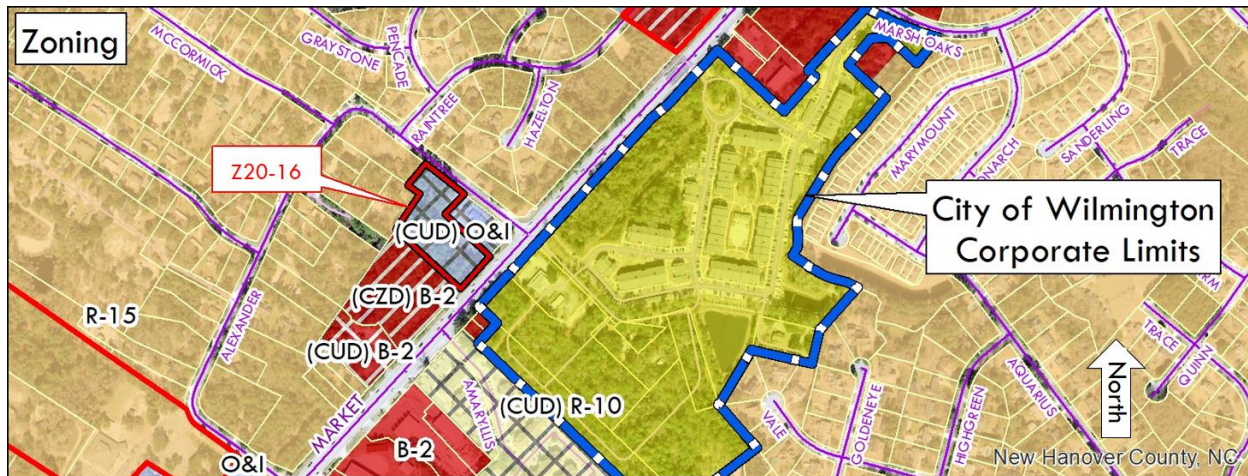
Boat Dealer & Vehicle Sales

Current Zoning:

(CUD) O&I

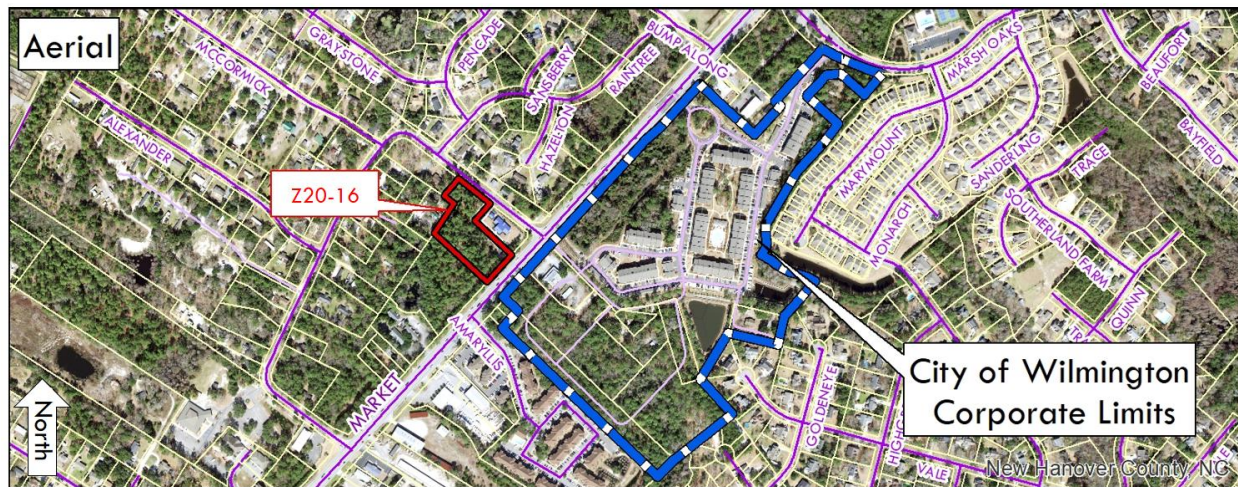
Proposed Zoning:

(CZD) B-2



SURROUNDING AREA

| | LAND USE | ZONING |
|-------|---|---------------------------|
| North | Single-Family Residential (Brickstone Estates), Veterinary Service (The Sound Cat Veterinarian Hospital) | R-15, (CUD) O&I |
| East | Market Street Right-of-Way, Multi-Family (Amberleigh Shores) | MF-M (City of Wilmington) |
| South | Mini-Warehouse/Self-Storage (CubeSmart Storage) | (CZD) B-2 |
| West | Single-Family Residential | R-15 |



ZONING HISTORY

| | |
|-------------------------|---|
| July 6, 1971 | Initially zoned R-15 (Area 5) |
| December 7, 1998 | Rezoned to (CUD) O&I/SUP (Z-635) for all uses within the O&I |
| December 6, 1999 | (CUD) O&I/SUP (Z-635) modified to allow for a building and parking layout change and dental use |
| May 3, 2004 | (CUD) O&I/SUP (Z-635) modified to allow veterinarian hospital use |

COMMUNITY SERVICES

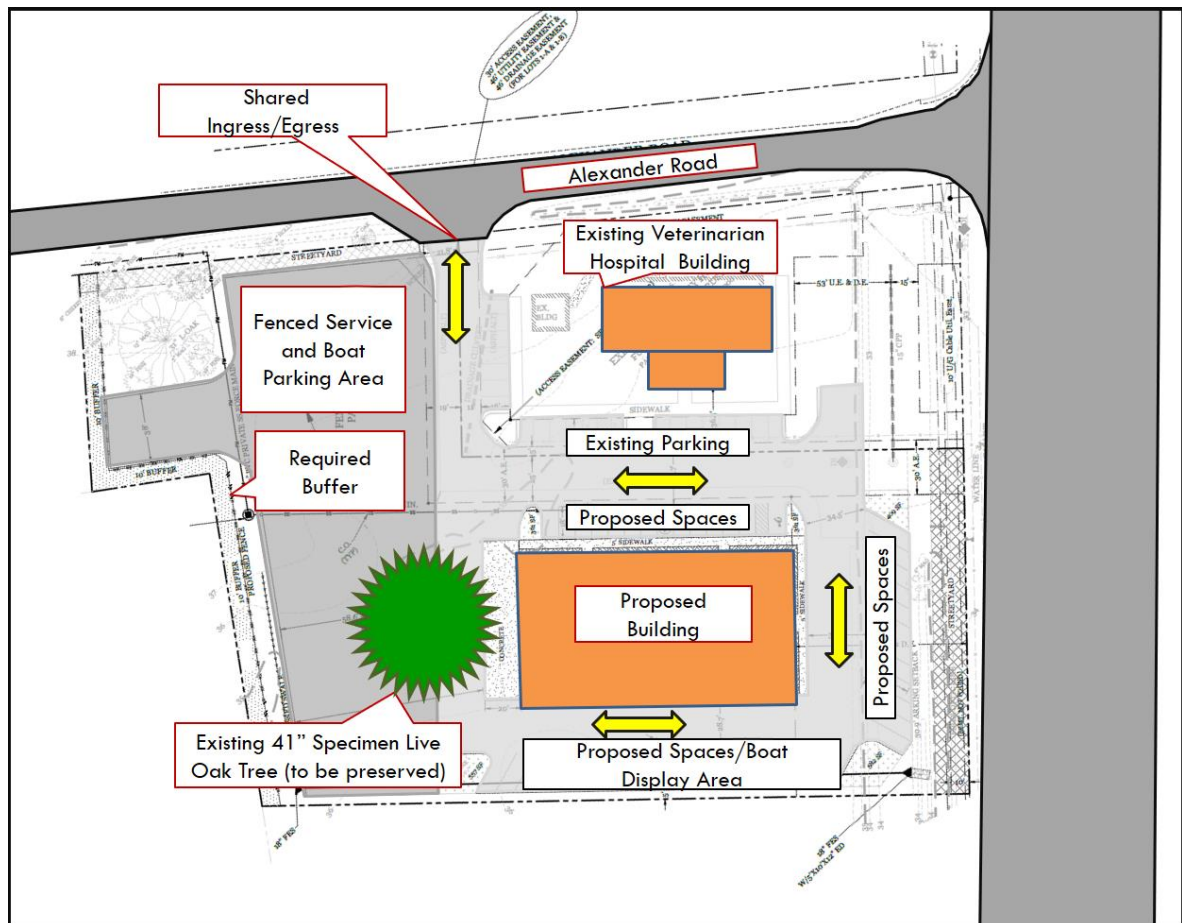
| | |
|------------------------|---|
| Water/Sewer | Water and sewer are available through CFPUA. Specific design will be determined during site plan review. |
| Fire Protection | New Hanover County Fire Services, New Hanover County Northern Fire District, New Hanover County Station Ogden |
| Schools | Porters Neck Elementary, Holly Shelter Middle, and Laney High Schools |
| Recreation | Ogden Park, Parkwood Recreation Area, Smith Creek Park Preserve, and Pages Creek Park Preserve |

CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES

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

APPLICANT'S PROPOSED CONCEPTUAL PLAN

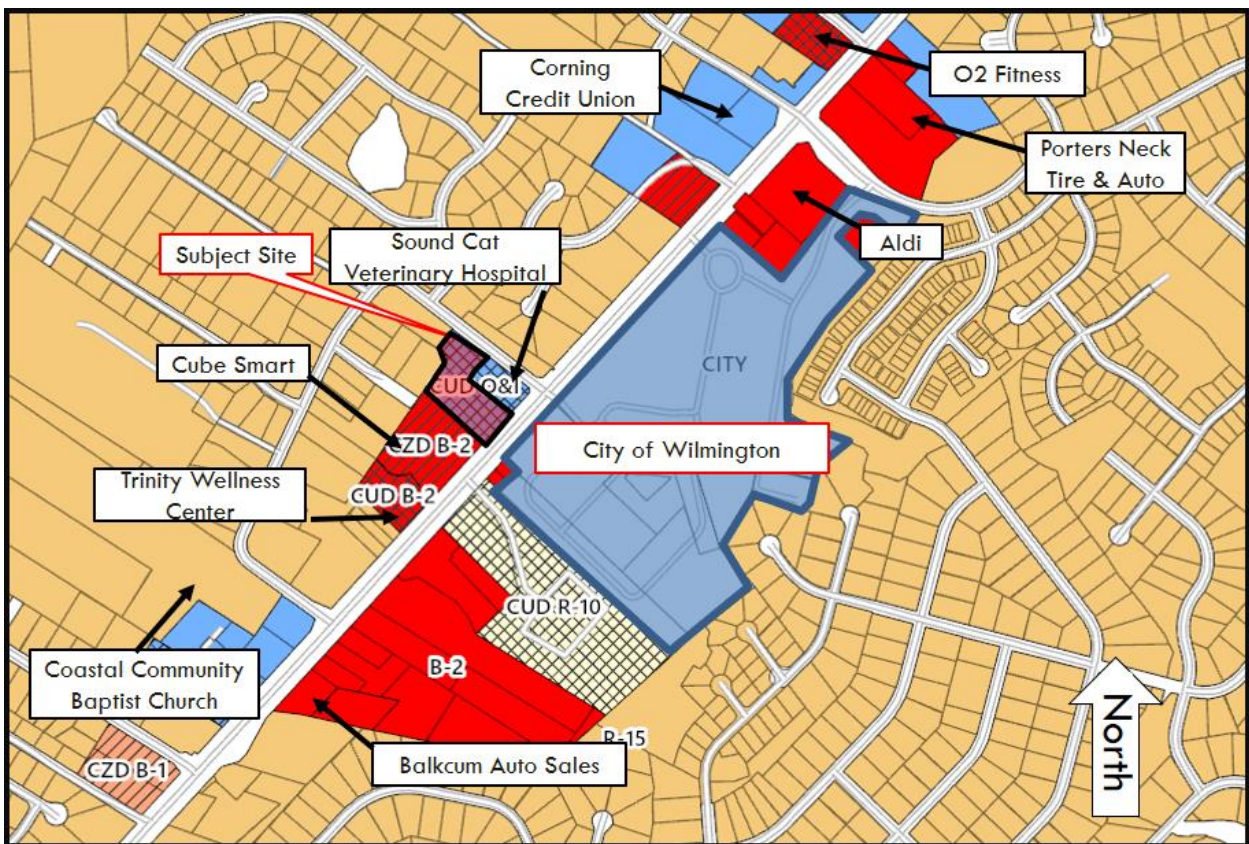
- The applicant is proposing to construct a one-story, 10,500 square foot office building with associated parking and landscaping on the subject site.
- The building is proposed to serve primarily as an office building, showroom, and service area for the applicant's vehicle and boat sales business (Battleship Marine).
- The subject site contains one specimen Live Oak tree measured at 41" in diameter at breast height (DBH). The applicant has designed a site plan that retains the specimen Live Oak tree on site.
- The applicant's proposed conceptual plan includes a 10,500 square foot building, 50,535 square feet of parking lot area (including a gravel parking area), and 2,685 square feet of concrete, for a total impervious area of 63,720 square feet.
- The subject site and adjacent property received approval for an underground infiltration system to treat stormwater runoff based on the May 2004 site plan. Any increase to the impervious area would need to be accounted for within the stormwater system and would require a modification to County and State stormwater permits. A full review of the stormwater requirements would be conducted during the Technical Review Committee (TRC) review process.
- The applicant is proposing to use some of the proposed parking spaces for boat display. The applicant will be required to meet the minimum parking standard outlined in the Unified Development Ordinance (UDO) excluding what has been used for display purposes, which will be verified during the Technical Review Committee (TRC) review.



Above: Applicant's Conceptual Plan with Staff Markups

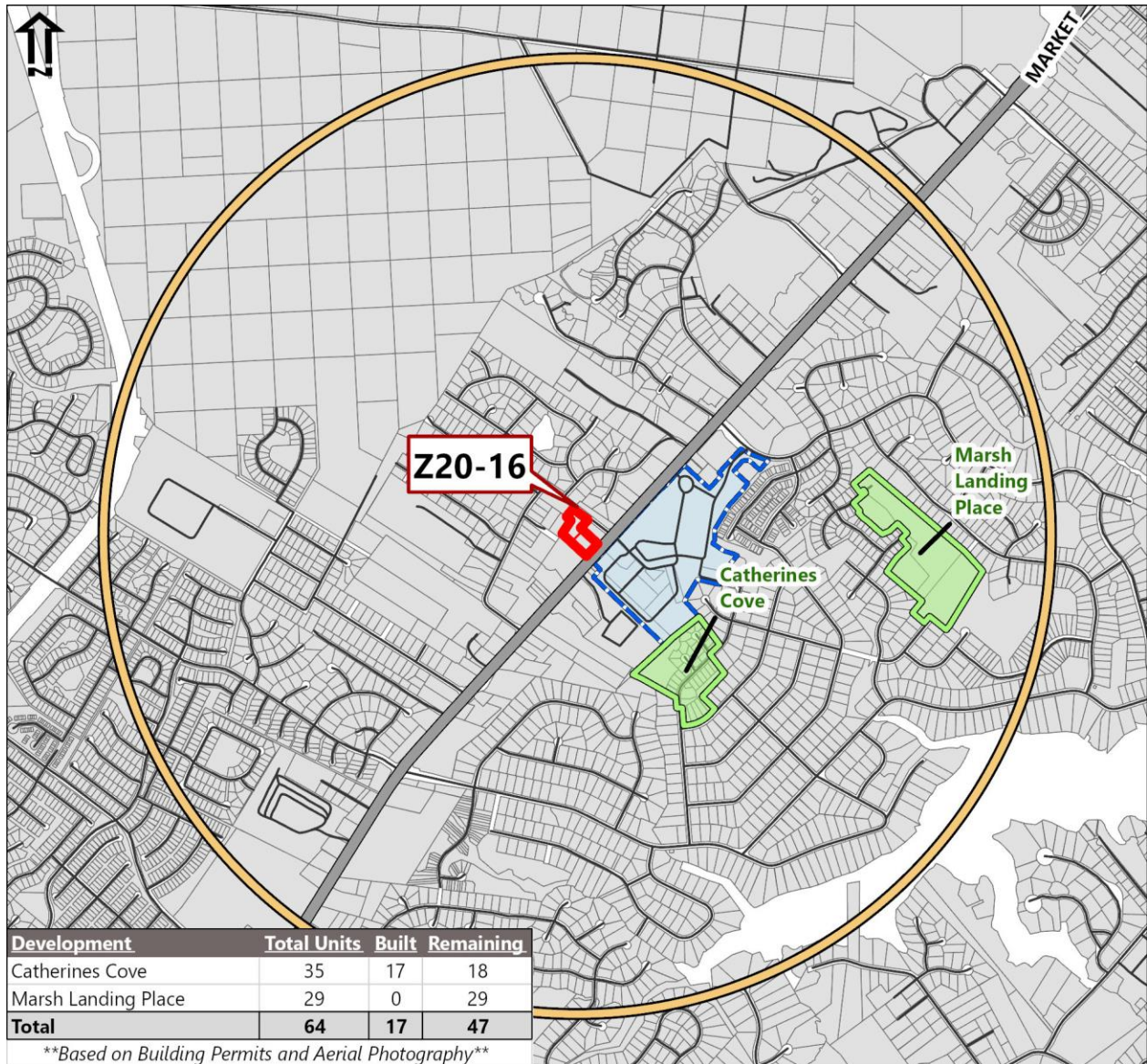
ZONING CONSIDERATIONS

- The applicant is proposing to rezone the subject property, approximately 2.3 acres from a (CUD) O&I district to (CZD) B-2 district to allow a vehicle and boat sales business.
- The subject site is located at 7775 Market Street between CubeSmart Storage and the Sound Cat Veterinary Hospital.
- The site is located to the north of the Middle Sound/Lendire commercial and service node and to the south of the Porters Neck commercial and service node.
- This area contains several commercial businesses as seen on the map below.
- The subject site is currently undeveloped and contains one specimen tree, which will be retained as reflected on the proposed site plan.
- The northern parcel within the existing (CUD) O&I zoning district has been developed (The Sound Cat Veterinarian Hospital).

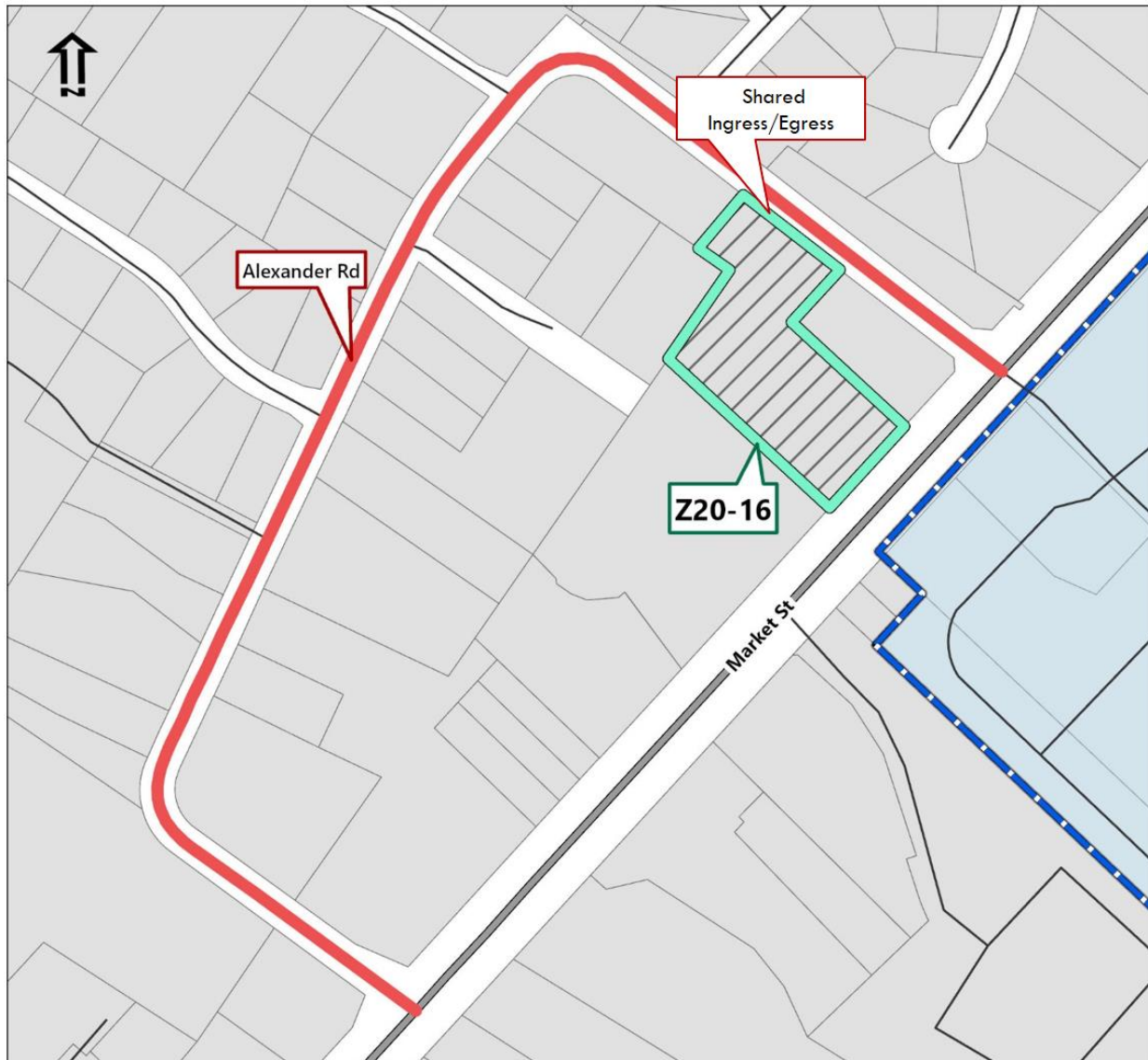


- The subject property is located entirely within a Special Highway Overlay District (SHOD) that extends 500' from the right-of-way of Market Street. Parcels within the SHOD are subject to additional regulations for site design, including a minimum building setback of 100' from the property line adjacent to Market Street and a 25' setback from all other property lines, a limitation on signage to 6' in height and 150 square feet in area, and a maximum of 50% lot coverage limit for buildings.
- Development within the proposed (CZD) B-2 zoning district would require additional building setbacks and landscaping buffers along the adjacent R-15 zoned property. As depicted in the site plan all building setbacks and landscape buffers meet the current standards.

AREA SUBDIVISIONS UNDER DEVELOPMENT

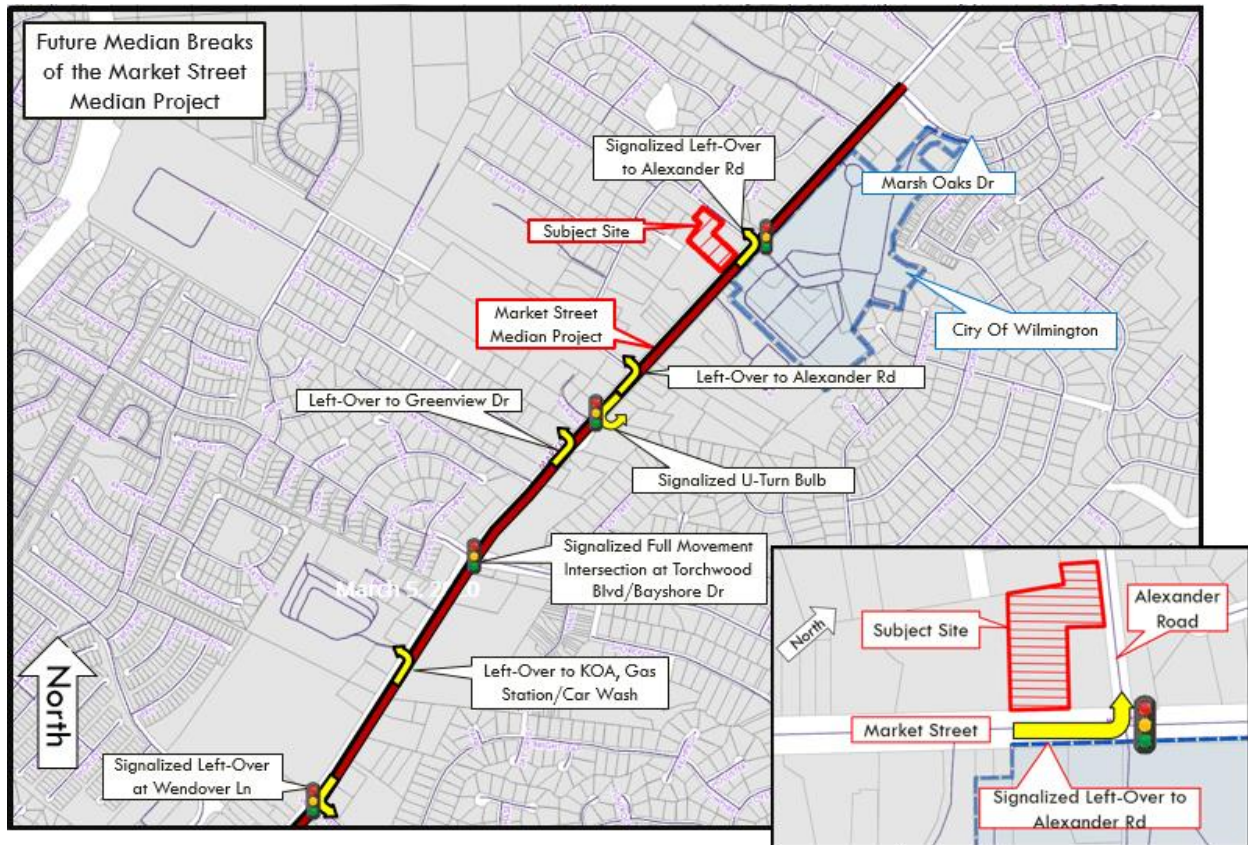


TRANSPORTATION



- As proposed, the project will be designed with interconnectivity to the adjacent veterinary hospital. Vehicles will enter and exit on the northern side of the property through a driveway shared with the veterinary hospital that connects to Alexander Road (SR 1345).

- Once the Market Street Median Project is completed in 2023, motorists will still have the option to utilize Alexander Road when entering the site from northbound Market Street with a traffic signal for the left movement only, as seen on the map below. When exiting the site using Alexander Road, motorists will be limited to a right hand turning movement.



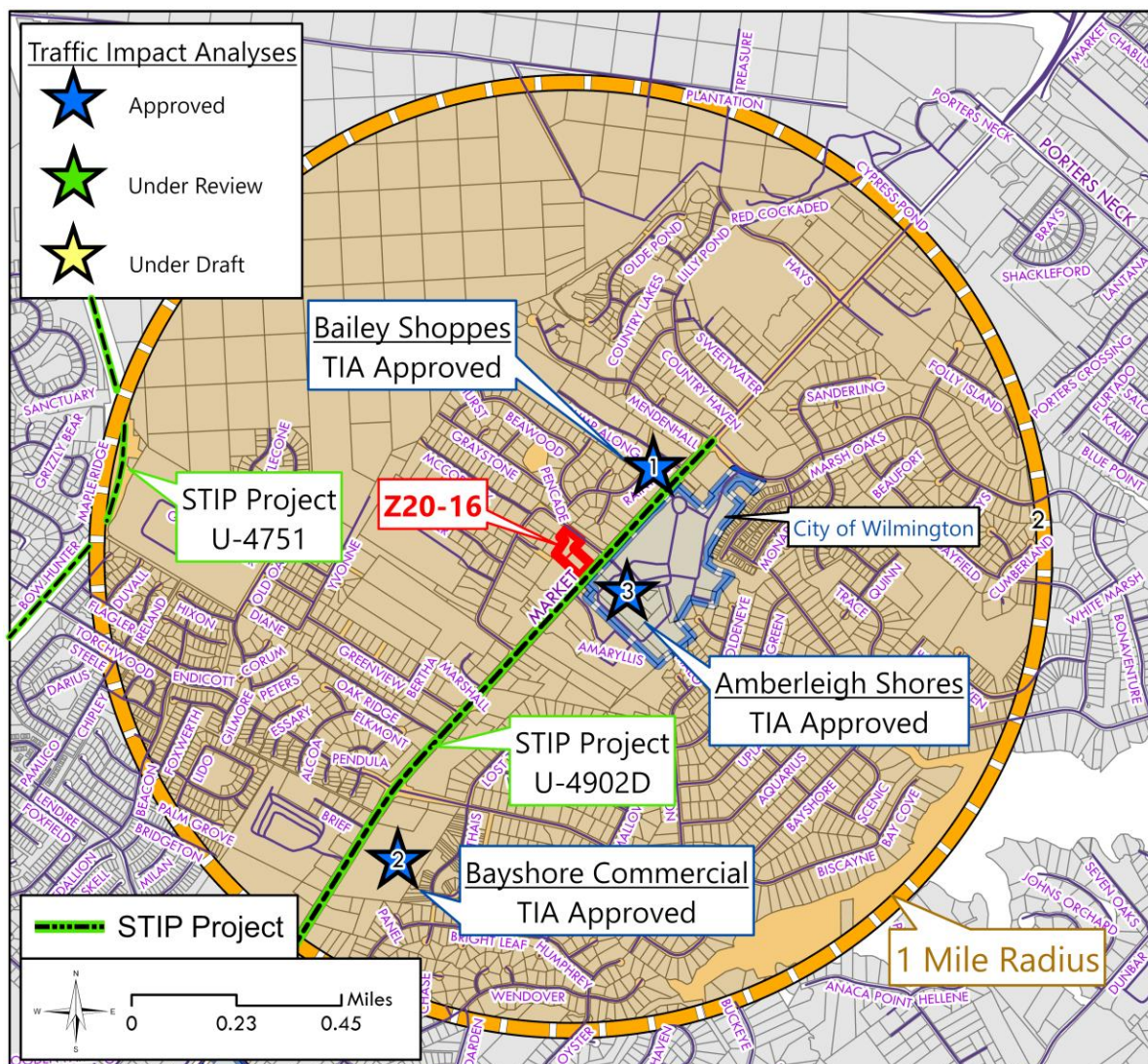
- Any modification to the existing driveway will be considered at the time of review by NCDOT during the driveway permitting process.
- As currently zoned, it is estimated the site would generate about 26-27 trips in the peak hours. The proposed development is estimated to generate approximately 28 trips in the AM peak hour and 38 trips in the PM peak hour. This is an increase of about 5-10 peak trips when compared to the current zoning. When including the adjacent veterinarian office (which will share access with the proposed development), it is estimated that about 45-55 trips will be generated from the site during the peak hours.
- The estimated number of peak hour trips anticipated with the proposed development is below the 100 peak hour trip threshold that triggers the ordinance requirement for a Traffic Impact Analysis (TIA).
- Because a TIA is not required to analyze transportation impacts, Staff has provided the volume to capacity ratio for Market Street near the subject site. While volume to capacity ratio, based on average daily trips, can provide a general idea of the function of adjacent roadways, the delay vehicles take in seconds to pass through intersections is generally considered a more effective measure when determining the Level of Service of a roadway.

NCDOT Average Annual Daily Traffic (AADT) - 2019

| Road | Location | Volume | Capacity | V/C |
|---------------|-------------------------------|--------|----------|-------|
| Market Street | Torchwood Boulevard to HWY 17 | 44,500 | 44,323 | 1.004 |

- The Military Cutoff Extension and Hampstead Bypass improvements are expected to divert approximately 30% to 50% of the future traffic away from Market Street based on the 2035 traffic forecast included in the Military Cutoff Extension and Hampstead Bypass Traffic Operations Analysis Report.

Nearby Planned Transportation Improvements and Traffic Impact Analyses



Nearby NC STIP Projects:

- STIP Project U-4902D (Market Street Median)
 - Project to install a center median and pedestrian accessways along Market Street from Middle Sound Loop Road to Marsh Oaks Drive. The pedestrian accessways will consist

- of a 10-foot multi-use path on the eastern side of the street, and a 5-foot sidewalk on the western side of the street.
- The project is currently under construction and is expected to be completed in early-2023.
- STIP Project U-4751 (Military Cutoff Extension)
 - Project to extend Military Cutoff from Market Street to I-140.
 - Includes improvements to Market Street (access management and widening) between Station Road and El Ogden Drive, which are expected to impact properties in the area.
 - The project will also install a sidewalk and multi-use path along the extension of Military Cutoff and the sections of Market Street included in the project.
 - The project is currently under construction and is expected to be completed by early 2023.

Nearby Traffic Impact Analyses:

Traffic Impact Analyses are completed in accordance with the WMPO and NCDOT standards. Approved analyses must be re-examined by NCDOT if the proposed development is not completed by the build out date established within the TIA.

| <i>Proposed Development</i> | <i>Land Use/Intensity</i> | <i>TIA Status</i> |
|---|---|--|
| 1. Bailey Shoppes | <ul style="list-style-type: none"> • 4,800 sf of Office • 6,600 sf of Shopping Center • 1,200 sf of Fast Food Restaurant with Drive-Thru • 2,400 sf of High-Turnover Restaurant | <ul style="list-style-type: none"> • Approved February 20, 2018 • 2018 Build Out Year (No Update Needed Per NCDOT) |
| <p>The TIA required improvements be completed at certain intersections in the area. The notable improvements consisted of:</p> <ul style="list-style-type: none"> • Installation of a southbound right-turn lane from Bump Along Road to Mendenhall Drive • Installation of a traffic signal at a future u-turn movement to be located approximately 800 feet south of Alexander Road | | |
| <u>Nearby Proposed Developments included within the TIA:</u> | | |
| <ul style="list-style-type: none"> • Aldi at Marsh Oaks • Amberleigh Shores Phase II | | |
| Development Status: Initial site work has been completed; however, no structures have been constructed at this time. | | |

| Proposed Development | Land Use/Intensity | TIA Status |
|---|---|--|
| 2. Bayshore Commercial Development | <ul style="list-style-type: none"> • 20,000 square feet of Medical/Dental Office • 70,000 square feet of Shopping Center • 8,000 square feet of High Turnover Sit Down Restaurant • 4,000 square feet of Fast Food Restaurant | <ul style="list-style-type: none"> • TIA approved September 11, 2019 • 2022 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"> • Installation of an additional westbound left turn lane on Bayshore Drive to Market Street • Extension of existing northbound right turn lane on Market Street from Bayshore Drive to the site's access points | | |
| <u>Nearby Proposed Developments included within the TIA:</u> | | |
| <ul style="list-style-type: none"> • None | | |
| Development Status: The property is zoned B-2, which allows for this development by-right. The proposed site plan for the project is currently under review by the TRC. | | |

| Proposed Development | Land Use/Intensity | TIA Status |
|--|--|---|
| 3. Amberleigh Shores Phase 2 (City of Wilmington) | <ul style="list-style-type: none"> • 288 multi-family units | <ul style="list-style-type: none"> • Approved November 3, 2016 • 2018 Build Out Year (No Update Needed Per NCDOT) |
| <p>The TIA required improvements be completed at certain intersections in the area. The notable improvements consisted of:</p> <ul style="list-style-type: none"> • Installation of a southbound left turn lane at Marsh Oaks Drive and Market Street • Signal Modification for traffic exiting Marsh Oaks Drive and Market Street • Marsh Oaks Drive and site access east bound right turn lane • Installation of a 100 foot protected stem at Marsh Oaks Drive and site access | | |
| <u>Nearby Proposed Developments included within the TIA:</u> | | |
| <ul style="list-style-type: none"> • None. | | |
| Development Status: Construction is in progress | | |

ENVIRONMENTAL

- The subject property is not within a Special Flood Hazard Area (SFHA) and does not contain any Natural Heritage Areas.
- The subject property is located within the Pages Creek watershed, which drains to the Intracoastal Waterway.
- Per the Classification of Soils in New Hanover County for Septic Tank Suitability, soils on the property consist of Class I (suitable/slight limitation) soils, however, the site will be served by CFPWA water and sewer services.

OTHER CONSIDERATIONS

CONTEXT AND COMPATIBILITY

- The property is located along Market Street, which is identified as a Principal Arterial on the WMPO Functional Classifications Map.
- The property is located on the northern end of Alexander Road (SR 1345) and connects to Market Street. Alexander Road (SR 1345) is a local road that serves the residential areas to the west of the subject parcel.
- The site is located between an established veterinary hospital and CubeSmart Storage facility and is east of platted R-15 residential lots.
- The proposed structure will be one story and will be positioned toward the center of the subject parcel away from the adjacent residential lots, closer to the adjacent commercial uses.
- The subject site will share a driveway with an existing commercial development to the north, which consists of one structure that is approximately 4,000 square feet in area.
- The development will have no impact on the school system.

Representative Developments in B-2



Atlantic Marine (Eastwood/Wrightsville Avenue)



Marker 17 (Market Street)

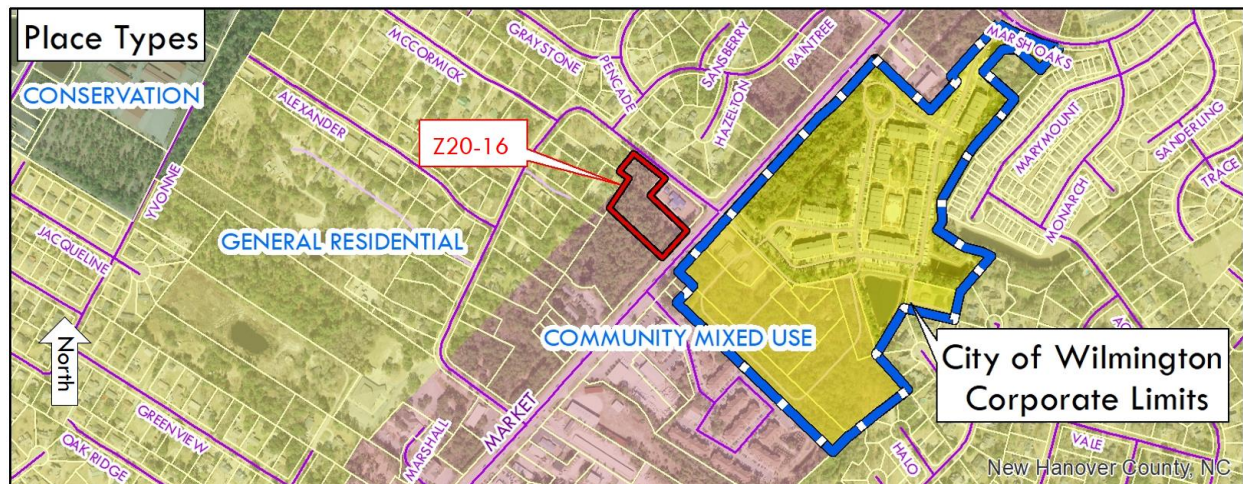


Existing Battleship Marine (Market Street)

2016 COMPREHENSIVE LAND USE PLAN

The New Hanover County Future Land Use Map provides a general representation of the vision for New Hanover County's future land use, as designated by place types describing the character and

function of the different types of development that make up the community. These place types are intended to identify general areas for particular development patterns and should not be interpreted as being parcel specific.



| | |
|---------------------------------------|--|
| Future Land Use Map Place Type | Community Mixed Use |
| Place Type Description | Focuses on small-scale, compact, mixed use development patterns that serve all modes of travel and act as an attractor for county residents and visitors. Types of appropriate uses include office, retail, mixed use, recreational, commercial, institutional, and multi-family and single-family residential. |
| Analysis | <p>The subject property is located along Market Street between two existing commercial service uses, a veterinary hospital and self-storage facility, and immediately abuts residential properties to the northwest. Like other properties along Market Street in this area—between the Porters Neck and Middle Sound/Lendire commercial and service nodes, it is designated as a Community Mixed Use place type.</p> <p>This designation is commonly applied to major roadway corridors to encourage their revitalization through infill and redevelopment and provide a transition to lower density residential properties located away from the roadway. The proposed conditional zoning district would provide for retail vehicle and boat sales, a lower intensity commercial use that can be appropriate in this type of transitional area between higher intensity nodes. This type of commercial use is compatible with adjacent office and commercial service uses.</p> |
| Consistency Recommendation | The proposed conditional rezoning to allow vehicle and boat sales is generally CONSISTENT with the goals of the 2016 Comprehensive Plan because it provides for appropriate infill development in a transitional area between two higher intensity commercial and service nodes and provides an appropriate transition between Market Street and adjacent single family neighborhoods. |

PLANNING BOARD ACTION

The Planning Board considered this application at their November 5, 2020 meeting. No members of the public spoke in opposition to, or in favor of, the request.

The Planning Board recommended approval of the application (4-0), finding the application to be:

CONSISTENT with the purposes and intent of the Comprehensive Plan because the proposed uses are consistent with the types of commercial uses that would be encouraged in the Community Mixed Use place type. In addition, these uses would serve as an appropriate transition between existing commercial development and adjacent residential neighborhoods. The Planning Board also found **APPROVAL** of the rezoning request is reasonable and in the public interest because the site is adjacent to existing commercial uses, the use would have limited traffic impacts, and approval supports the success of an existing small business.

STAFF RECOMMENDATION

Staff concurs with the Planning Board and suggests the following motion:

I move to **APPROVE** the proposed rezoning to a (CZD) B-2 district. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposed uses are consistent with the types of commercial uses that would be encouraged in the Community Mixed Use place type. In addition, these uses would serve as an appropriate transition between existing commercial development and adjacent residential neighborhoods. I also find **APPROVAL** of the rezoning request is reasonable and in the public interest because the site is adjacent to existing commercial uses, the use would have limited traffic impacts, and approval supports the success of an existing small business.

Alternative Motion for Denial

I move to **DENY** the proposed rezoning to a (CZD) B-2 district. While I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposed uses are consistent with the types of commercial uses that would be encouraged in the Community Mixed Use place type and would serve as an appropriate transition between existing commercial development and adjacent residential neighborhoods, 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 neighborhoods.