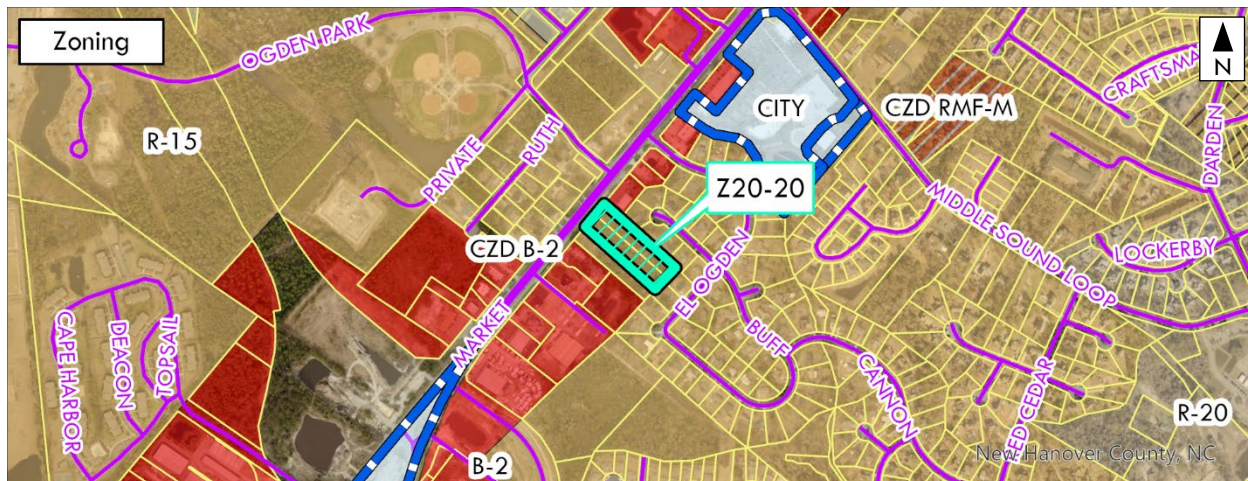


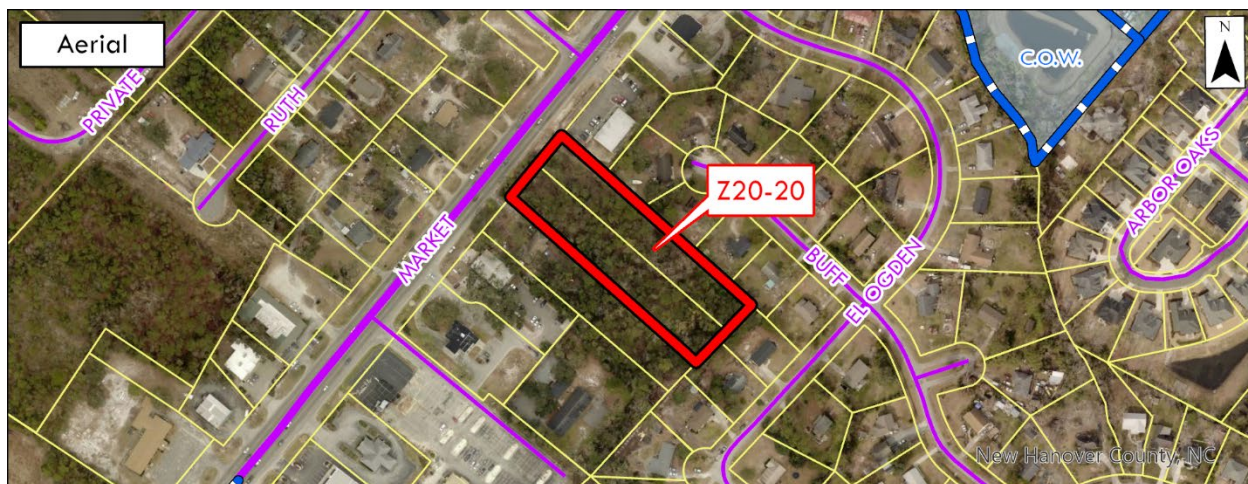
# STAFF REPORT FOR Z20-20

## CONDITIONAL ZONING DISTRICT APPLICATION

APPLICATION SUMMARY	
<b>Case Number:</b> Z20-20	
<b>Request:</b> Rezone 2.22 acres from R-15 Residential to (CZD) CB Community Business for Retail Sales and Personal Services	
<b>Applicant:</b> Cindee Wolf, Design Solutions	<b>Property Owner(s):</b> Edna F. Dupree Heirs (Karen Coley) Edward Foyles Heirs (Lewis Hines)
<b>Location:</b> 7036 & 7038 Market Street	<b>Acreage:</b> 2.22
<b>PID(s):</b> R04400-005-017-000 R04400-005-016-000	<b>Comp Plan Place Type:</b> Urban Mixed Use
<b>Existing Land Use:</b> Undeveloped	<b>Proposed Land Use:</b> General Retail Sales & Personal Services
<b>Current Zoning:</b> R-15	<b>Proposed Zoning:</b> (CZD) CB Community Business



SURROUNDING AREA		
	LAND USE	ZONING
North	Personal Services, Financial Institution, Single-Family Residential	B-2, R-15
East	Single-Family Residential	R-15
South	Restaurant, Car Wash, Kennel, Retail Nursery, Single-Family Residential	B-2, R-15
West	Single-Family Residential, Retail, Office, Religious Assembly	R-15, B-2, (CZD) B-2



## ZONING HISTORY

<b>July 7, 1972</b>	Initially zoned R-15 (Area 8B)
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## COMMUNITY SERVICES

<b>Water/Sewer</b>	Water and sewer services are available through CFPWA. Specific design will be determined during site plan review.
<b>Fire Protection</b>	New Hanover County Fire Services, New Hanover County Northern Fire District, New Hanover County Station Ogden
<b>Schools</b>	Ogden Elementary, Noble Middle, and Laney High schools
<b>Recreation</b>	Ogden Park

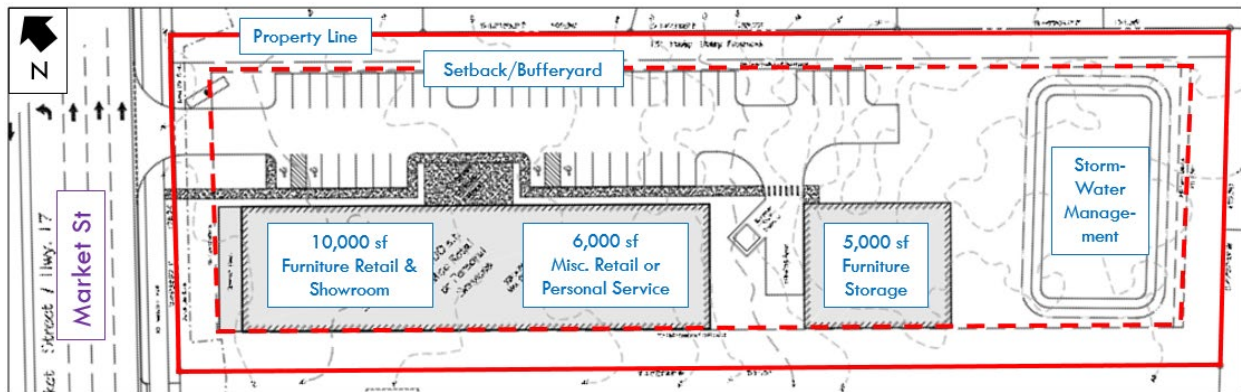
## CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES

<b>Conservation</b>	No known conservation resources
<b>Historic</b>	No known historic resources
<b>Archaeological</b>	No known archaeological resources

## APPLICANT'S PROPOSED CONCEPTUAL PLAN

- The applicant is proposing to rezone approximately 2.22 acres from R-15 Residential to (CZD) CB Conditional Zoning District Community Business in order to develop a retail and personal services establishment.
- The application indicates that the use of the subject property will be a one-story 16,000 square foot structure, which includes 10,000 square feet for a retail furniture business and showroom and 6,000 square feet of miscellaneous retail or personal services.
- A one-story 5,000 square foot warehouse serving as storage for furniture stock associated with the furniture retail component is also proposed. According to the applicant, the warehouse is intended to store customer orders for pick-up and/or delivery.

- The conceptual plan shows the main 16,000 square foot building toward the front of the property facing Market Street, with parking to the side. The warehouse and loading area are located immediately behind the principal structure, and the proposed stormwater management area is located to the rear of the property.
- The subject site is located on Market Street where future NCDOT improvements are planned as part of the Military Cutoff Extension project. To anticipate these improvements, the applicant has designed the site to reflect the completion of that project, which is expected by early 2023. Additional information is provided in the Transportation section of this report.



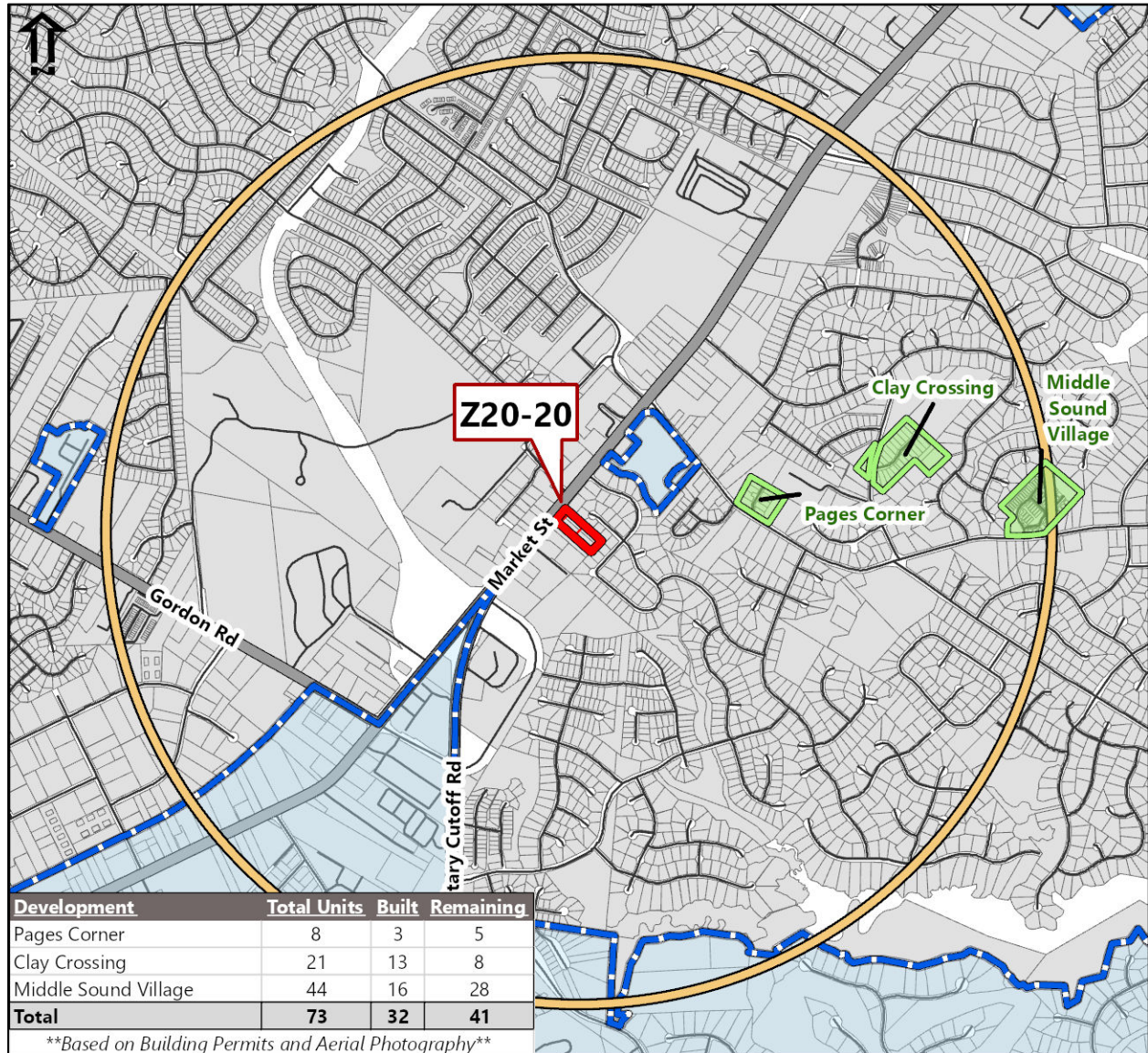
*Proposed Conceptual Site Plan with Staff Markups*

## ZONING CONSIDERATIONS

- General retail sales and general personal service uses are both allowed by-right in the CB Community Business district.
- While the CB district allows a range of commercial uses, the Conditional Zoning District designation would limit the types of uses on the site to retail and personal service.
- Under the County's performance residential standards, the current zoning (R-15/2.22 acres) would allow a maximum of five dwelling units at a density of 2.5 dwelling units per acre.
- In the CB district, a minimum 25-foot rear setback, 20-foot interior setback, and an opaque bufferyard are required where the development abuts existing single-family properties. Maximum height may not exceed 3 stories or 45 feet, though the structure proposed is one-story.
- Since its original zoning designation in 1972, this portion of the county and Market Street corridor have experienced a gradual shift from the original R-15 zoning to more commercial districts and uses, a trend that is expected to continue.

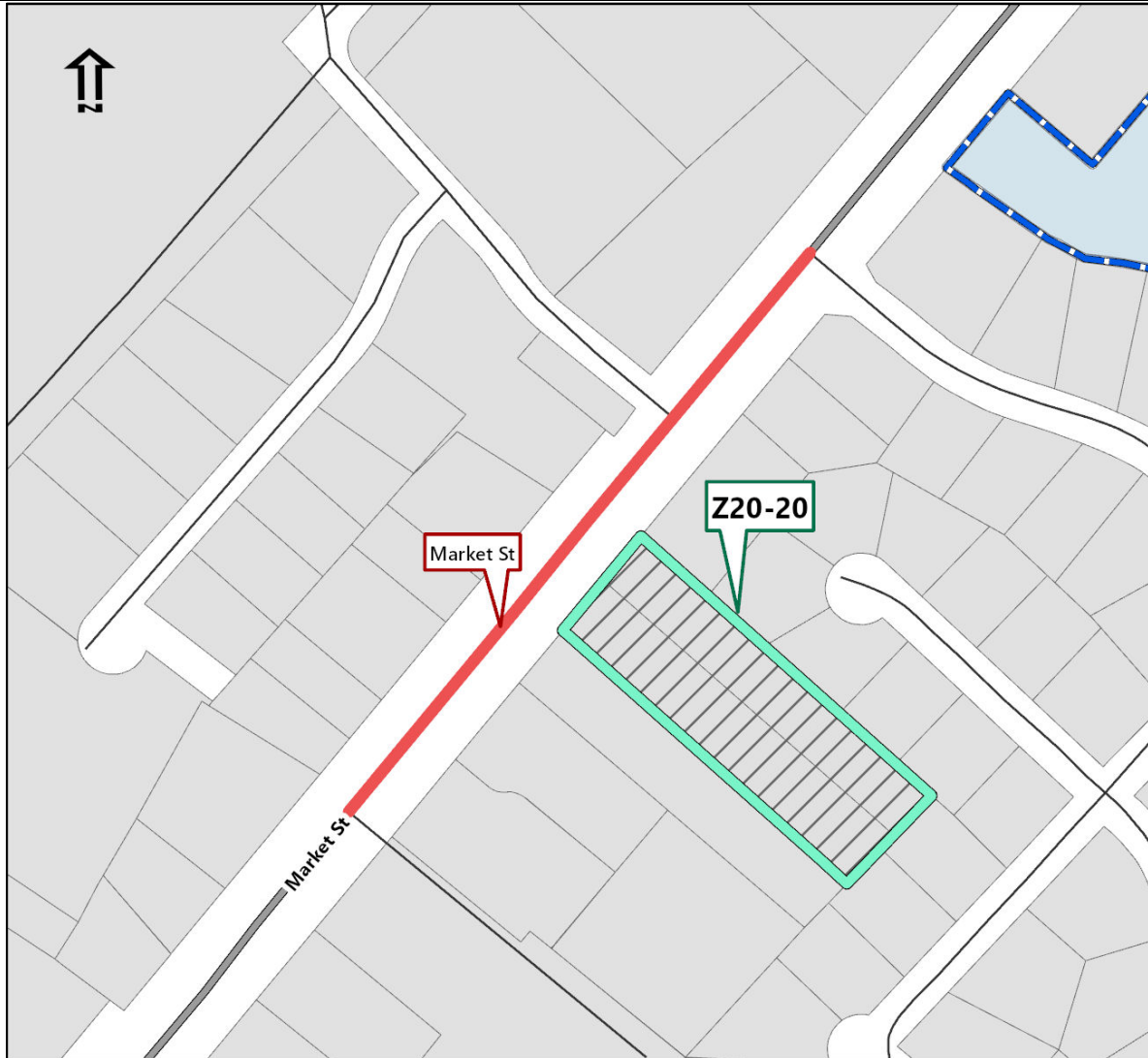


## AREA SUBDIVISIONS UNDER DEVELOPMENT



*Area Subdivisions Under Development*

## TRANSPORTATION



Access

- Access is provided to the subject property by Market Street, approximately  $\frac{1}{4}$  mile north of the Military Cutoff Road intersection. One driveway is proposed off of Market Street, which would be converted into a controlled access driveway (right-in, right-out) once the Military Cutoff Extension project is complete. No other access to the site is proposed.
- A by-right residential development on the site under the current zoning (R-15) would allow up to five dwelling units, which is estimated to generate about 8 trips in the AM and 6 trips in the PM peak hours.
- Under the proposed (CZD) CB zoning, approximately 16,000 square feet of commercial space and 5,000 square feet of storage would be constructed on the site, which is anticipated to generate approximately 16 vehicular trips in the AM peak hour, and approximately 39 trips in the PM peak hour. The net difference in traffic would be an increase of 8 AM and 33 PM peak trips when compared to current zoning.

<b>Development</b>	<b>Intensity</b>	<b>Approx. Peak Hour Trips</b>
Existing Development:	Undeveloped	0 AM / 0 PM
Typical Development under Current R-15 Zoning:	5 single-family homes	8 AM / 6 PM
Proposed Development under Proposed (CZD) CB Zoning:	16,000 square feet commercial space 5,000 square feet storage	16 AM / 39 PM
<b>Net difference between current R-15 and proposed (CZD) CB zoning</b>		<b>+8 AM / +33 PM</b>

- 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.

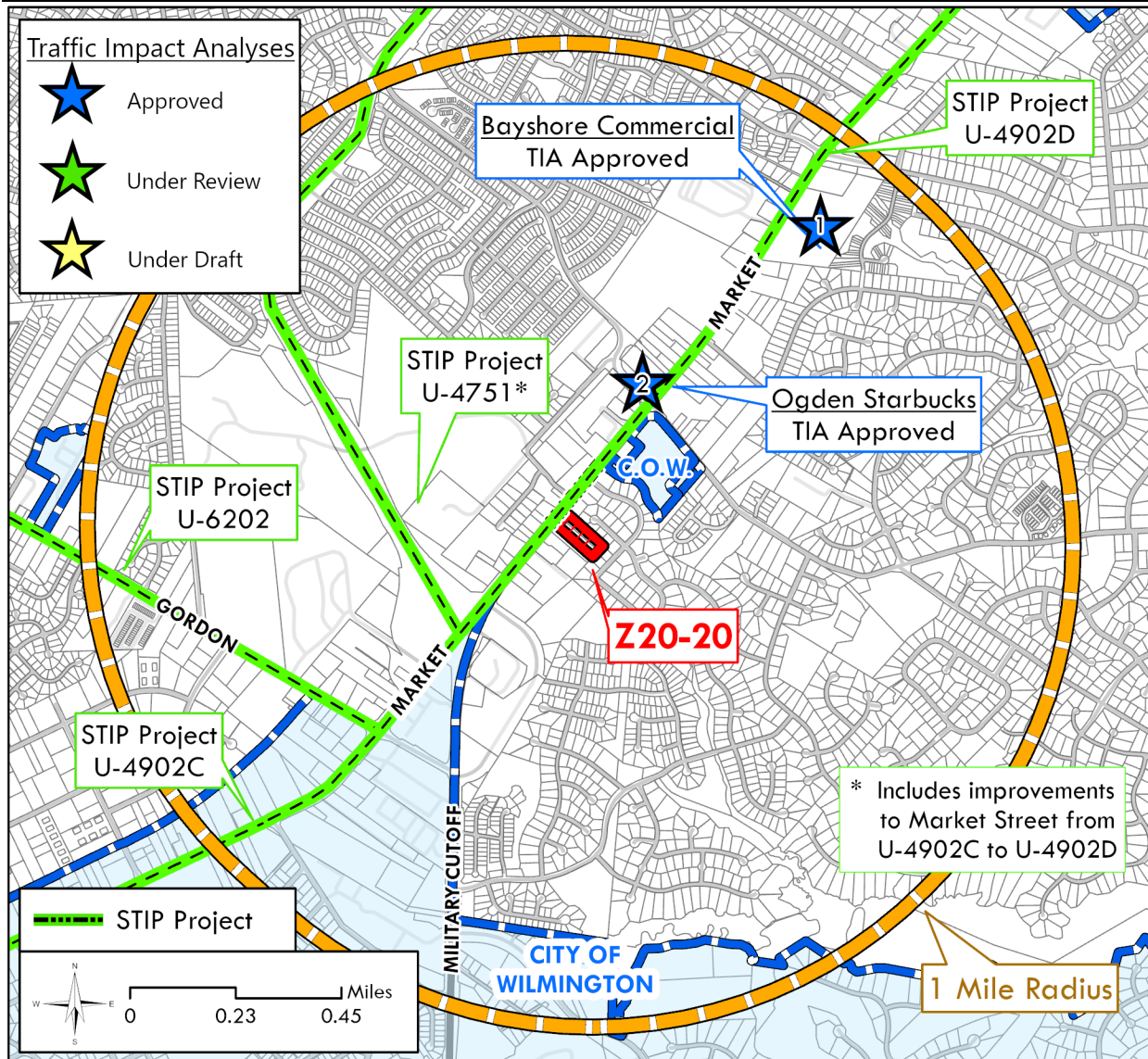
#### **NCDOT Average Annual Daily Traffic (AADT) - 2018**

<b>Road</b>	<b>Location</b>	<b>Volume</b>	<b>Capacity</b>	<b>V/C</b>
Market Street	7100 Block	50,500	44,324	1.14

- The Military Cutoff extension improvements are expected to improve the volume to capacity ratio by 30-50% at this location 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 Planned Transportation Improvements and TIAs

### Nearby NC STIP Roadway Projects:

- 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. See map on next page.
  - 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.



*Market Street portion of Military Cutoff Extension (U-4751)*

- STIP Project U-4902D (Market Street Median)
  - Project to install a center median and pedestrian accessways along Market Street from Middle Sound Loop Road to Marsh Oaks Drive. The pedestrian accessways will consist of a 10-foot multi-use path on the eastern side of the street, and a 5-foot sidewalk on the western side of the street.
  - The project is currently under construction and is expected to be completed by early 2023.
- STIP Project U-4902C (Market Street Median)
  - Project to install a center median and pedestrian accessways along Market Street from College Road to Station Road.
  - The project is currently in right-of-way acquisition but is on hold. Expected construction year has been delayed from 2024 to 2029.
- STIP Project U-6202 (Gordon Road Widening)
  - Project to widen Gordon Road from I-40 to Market Street. The project will also include the installation of a 10-foot multi-use path.
  - Currently in design and scheduled for right-of-way acquisition in 2022 and construction in 2024.



**Nearby Traffic Impact Analyses:**

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

Proposed Development	Land Use/Intensity	TIA Status
<b>1. Bayshore Commercial Development</b>	<ul style="list-style-type: none"> <li>• 20,000 square feet of Medical/Dental Office</li> <li>• 70,000 square feet of Shopping Center</li> <li>• 8,000 square feet of High Turnover Sit Down Restaurant</li> <li>• 4,000 square feet of Fast Food Restaurant</li> </ul>	<ul style="list-style-type: none"> <li>• TIA approved September 11, 2019</li> <li>• 2022 Build Out Year</li> </ul>
<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"> <li>• Installation of an additional westbound left turn lane on Bayshore Drive to Market Street</li> <li>• Extension of existing northbound right turn lane on Market Street from Bayshore Drive to the site's access points</li> </ul>		
<u>Nearby Proposed Developments included within the TIA:</u>		
<ul style="list-style-type: none"> <li>• None</li> </ul>		
<p><b>Development Status: A site plan application has been submitted but has not been approved by the Technical Review Committee.</b> No roadway improvements have been installed at this time.</p>		

Proposed Development	Land Use/Intensity	TIA Status
<b>2. Ogden Starbucks</b>	<ul style="list-style-type: none"> <li>• 2,200 square foot coffee shop with drive thru</li> </ul>	<ul style="list-style-type: none"> <li>• Approved May 10, 2019</li> <li>• 2021 Build Out Year</li> </ul>
<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"> <li>• Installation of an additional exclusive eastbound right-turn lane on Lendire Road at Market Street (improvement installation to be coordinated with the Military Cutoff Extension project U-4751). Modification of the signal timing at the same intersection to incorporate the new dual right-turn lanes.</li> </ul>		
<u>Nearby Proposed Developments included within the TIA:</u>		
<ul style="list-style-type: none"> <li>• None</li> </ul>		
<p><b>Development Status: Construction has been completed.</b> The installation of right-turn lane will be completed with the Military Cutoff extension project.</p>		

## ENVIRONMENTAL

- The site does not contain any Special Flood Hazard Areas, wetlands, or Natural Heritage Areas.
- The subject property is located within the Howe 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 subject site will be served by public water and sewer.

## OTHER CONSIDERATIONS

### CONTEXT AND COMPATABILITY

- The property is located along Market Street, which is identified as a Principal Arterial on the WMPO Functional Classification Map.
- The site is located adjacent to existing commercial retail and personal service uses along Market Street and abuts approximately seven single-family homes of the El Ogden subdivision to the east and south and an additional single-family home along Market Street to the southwest.
- The concept plan positions the principal structure near the Market Street corridor and further away from the homes along Buff Circle and El Ogden Drive. The parking area is sited next to the Live Oak Center commercial strip.
- The development would be required to meet all screening and landscaping requirements of the Unified Development Ordinance, which includes an opaque transitional buffer where the development abuts residential property. A full review of the buffer would be conducted by the Technical Review Committee.
- The development will have no impact on the school system.







Representative Developments in R-15 along Principal Arterials:



*Single-family homes in R-15 district along Market Street*



Representative Developments of Commercial and Furniture Retail along Principal Arterials:



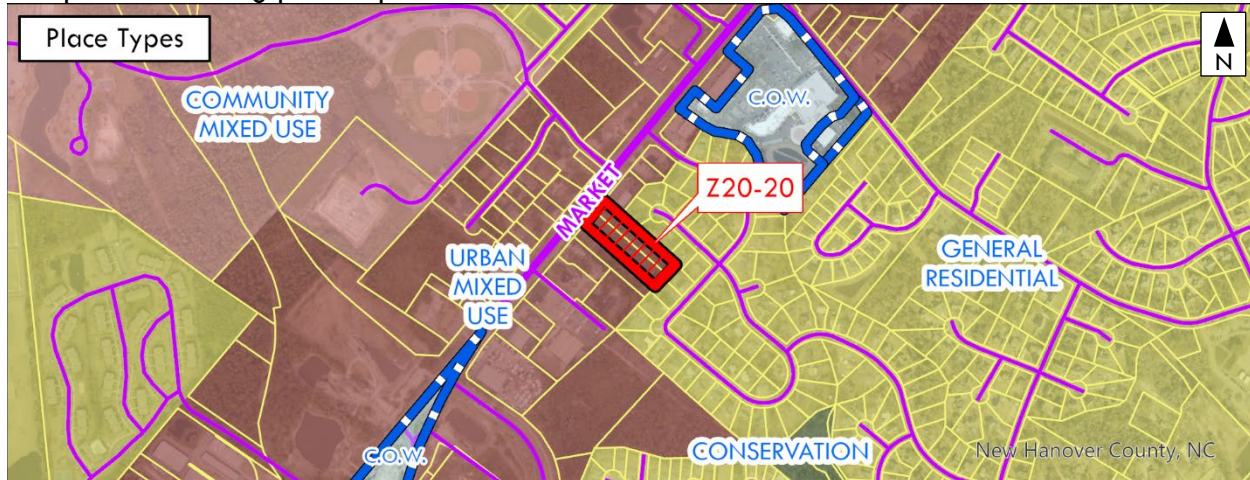
*Commercial and Furniture Retail along Market Street*

**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.
- The subject site is located in the Ogden community area, where 70% of residents currently live within one-mile of a provider of convenience needs (grocery stores, retail staples, pharmacies, etc.) and 94% of residents live within two miles. Provision of convenience needs at this location is unlikely to increase access for the community's residents.
- As detached single family homes typical in R-15 zoning districts are the predominant housing type and make up 92% of residential units in the Ogden community area, the conversion of these properties to commercial zoning will not decrease housing diversity.

## 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.



<b>Future Land Use Map Place Type</b>	Urban Mixed Use
<b>Place Type Description</b>	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.
<b>Analysis</b>	<p>The subject site is located at the eastern edge of an area that the Comprehensive Plan ultimately envisions as an Urban Mixed Use place that would provide goods and services for nearby residents and the larger community. This designation was applied to the area near Gordon/Market and Military Cutoff Extension/Market intersections because of the existing commercial development pattern and high traffic volume. This designation anticipates the gradual conversion of residential properties along the Market Street corridor to commercial and mixed use projects.</p> <p>The site is immediately adjacent to existing commercial to the northeast along Market St. and existing single-family residential to the north and south and west. The proposed conditional retail sales and personal services uses with accessory warehouse is consistent with the types of commercial uses that would be appropriate in an Urban Mixed Use place type and, as lower traffic generators, would also serve as an appropriate transition away from the higher intensity roadway intersections to the west.</p>
<b>Consistency Recommendation</b>	The proposed rezoning for the retail sales and personal services use with accessory warehouse is generally <b>CONSISTENT</b> with the types of commercial uses encouraged in the Urban Mixed Use place type.

## 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 Urban Mixed Use place type and would serve as an appropriate transition between existing commercial development and adjacent residential neighborhoods. The Planning Board also found **APPROVAL** of the rezoning request to be reasonable and in the public interest because the site is in close proximity to the Military Cutoff Extension and existing commercial services; therefore, it is unlikely that a new single family residence will be constructed on the site.

## STAFF RECOMMENDATION

The proposed rezoning is generally **CONSISTENT** with the goals and objectives of the Comprehensive Plan and the types of commercial uses encouraged in the Urban Mixed Use place type, as it is located in an area that the plan ultimately envisions as Urban Mixed Use that would provide goods and services for nearby residents.

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

I move to **APPROVE** the proposed rezoning to a (CZD) CB 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 Urban Mixed Use place type and 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 in close proximity to the Military Cutoff Extension and existing commercial services; therefore, it is unlikely that a new single family residence will be constructed on the site.

Alternative Motion for Denial:

I move to **DENY** the proposed rezoning to a (CZD) CB 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 Urban 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.