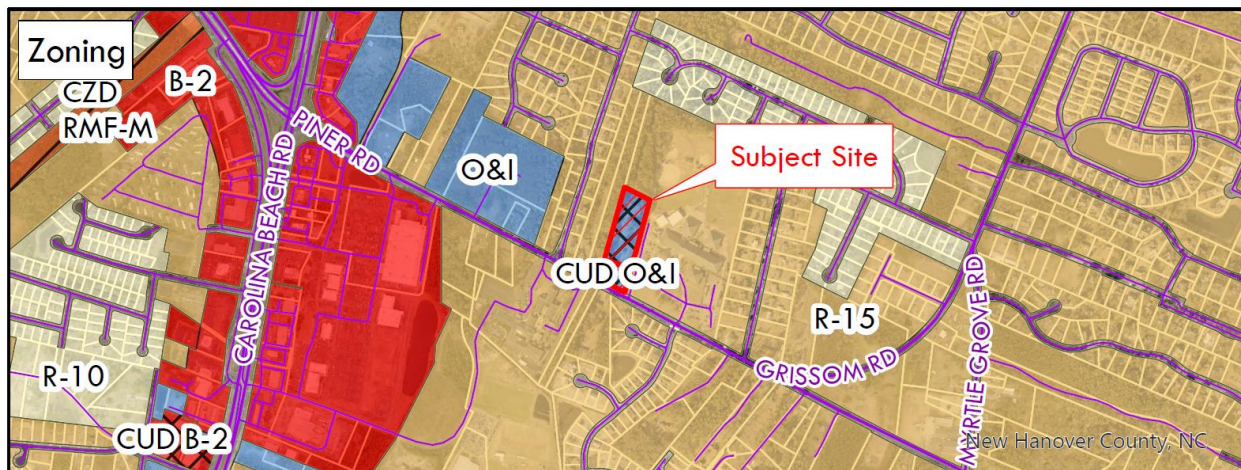
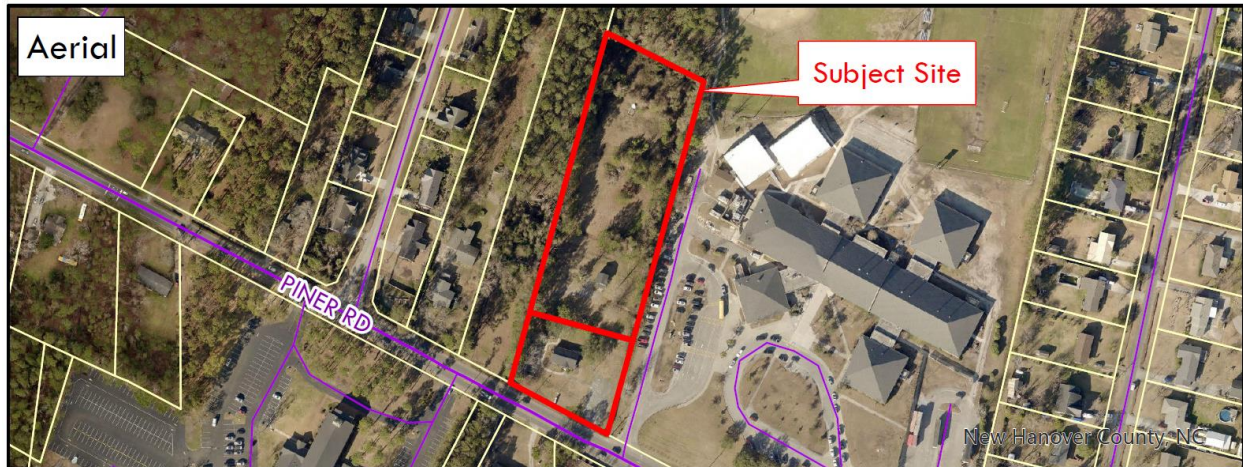


STAFF REPORT FOR **S20-04** SPECIAL USE PERMIT APPLICATION

APPLICATION SUMMARY	
Case Number: S20-04	
Request: Special Use Permit for a live/work or caretaker unit	
Applicant: Cindee Wolf – Design Solutions	Property Owner(s): William S. Hackney, Tara S. Hackney, and Proclaim Holdings, LLC
Location: 813 & 817 Piner Road	Acreage: 3.28
PID(s): R07600-002-190-000; R07600-002-020-000	Comp Plan Place Type: General Residential
Existing Land Use: Office/Recreation	Proposed Land Use: Live/Work or Caretaker Unit
Current Zoning: (CUD) O&I	Proposed Zoning: (CZD) CB - pending rezoning application Z20-21



SURROUNDING AREA		
	LAND USE	ZONING
North	Undeveloped, Myrtle Grove Middle	R-15
East	Myrtle Grove Middle School	R-15
South	Single Family Residential, Kaylies Cove Subdivision, Myrtle Grove Presbyterian Church	R-15
West	Single Family Residential, Highgrove Estates	R-15



ZONING HISTORY

April 7, 1971	The site was initially zoned R-15 (Area 4)
March 10, 1997	Rezoned to (CUD) O&I with a special use permit for a real estate office
March 9, 1998	(CUD) O&I district/SUP modified to allow for general and professional offices
October 7, 2002	(CUD) O&I district/SUP modified to allow for expansion of the existing structures and to permit an indoor/outdoor recreation establishment.

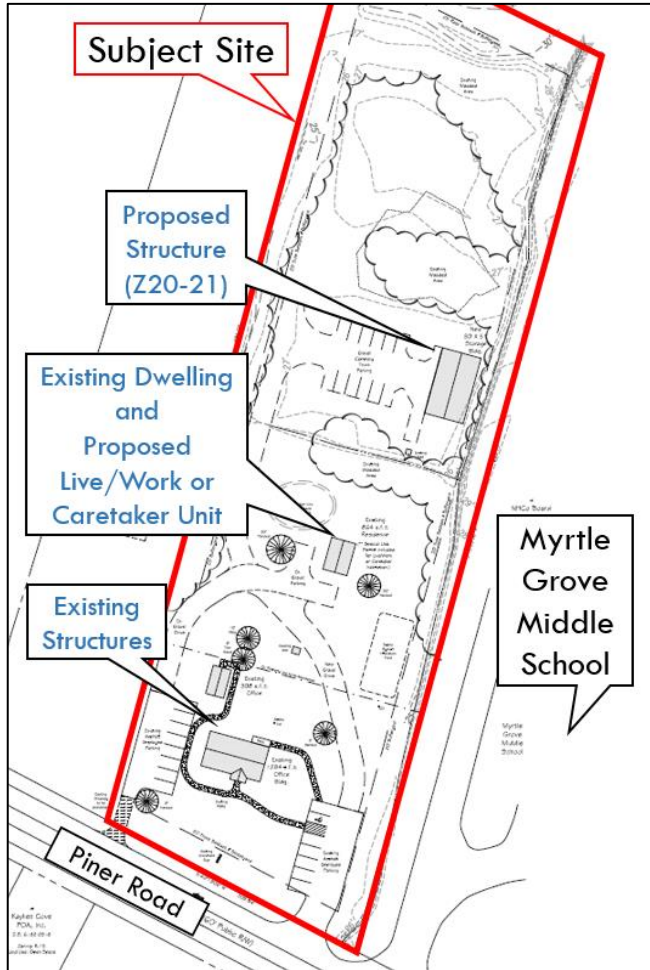
COMMUNITY SERVICES

Water/Sewer	Water and sewer (via force main connection) available through CFPUA. Existing buildings served by CFPUA water and private septic systems.
Fire Protection	New Hanover County Fire Services, New Hanover County Southern Fire District, New Hanover County Station Myrtle Grove
Schools	Bellamy Elementary, Myrtle Grove Middle, and Ashley High schools
Recreation	Myrtle Grove Athletic Complex

CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES

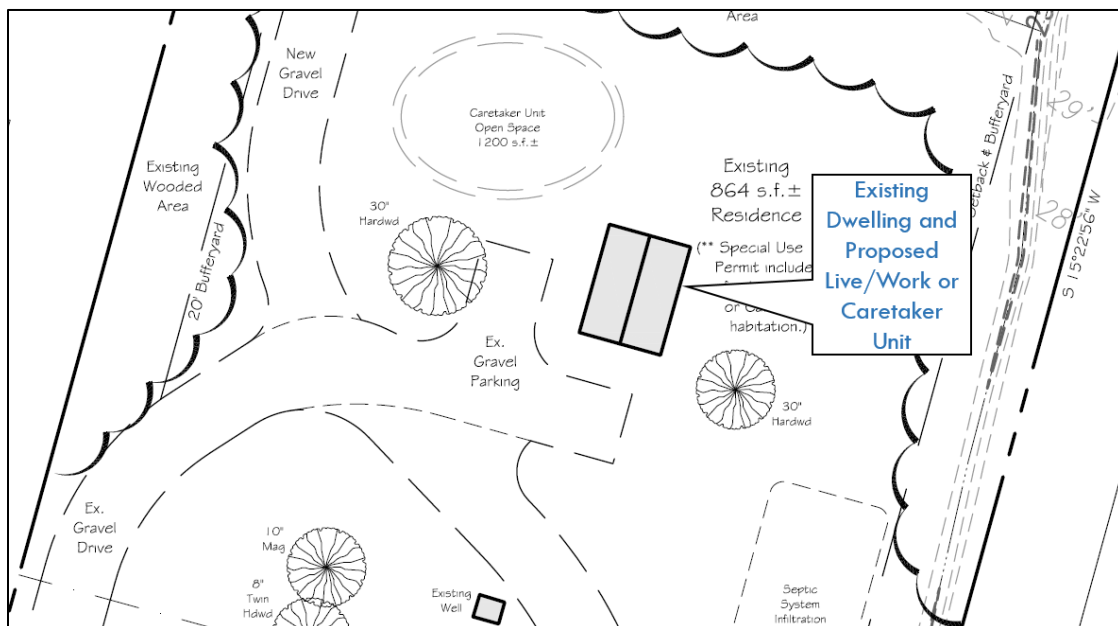
Conservation	No known conservation resources
Historic	No known historic resources
Archaeological	No known archaeological resources

APPLICANT'S PROPOSED CONCEPTUAL PLAN



Proposed Conceptual Plan

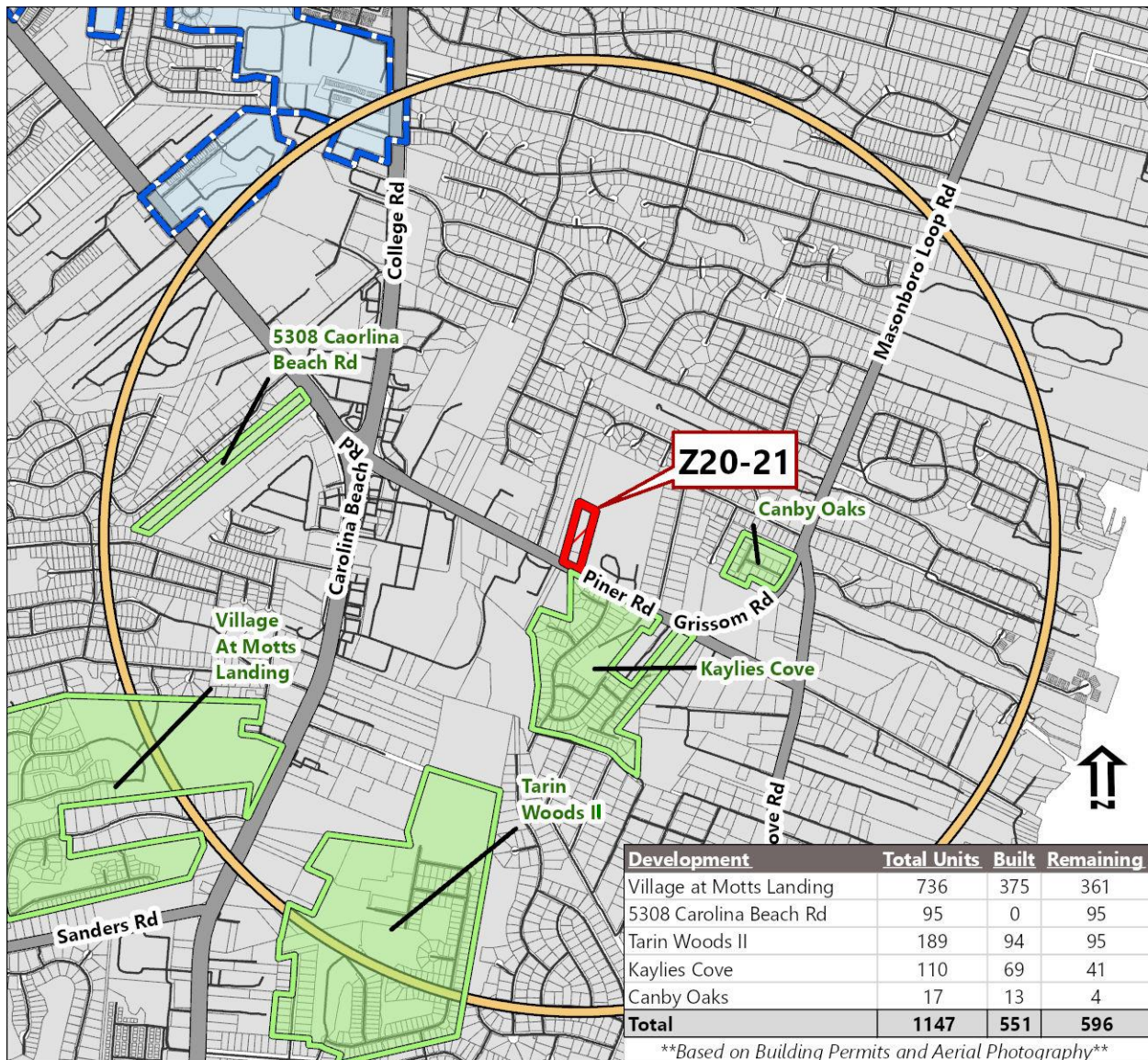
- Currently, the subject property contains two office buildings and one dwelling unit. The applicant has applied for a separate rezoning application (Z20-21) that would allow the for the expansion of a landscape contracting business on the site.
- The applicant is proposing to use the existing house on the site for a live/work or caretaker unit for the landscape business. Currently, the dwelling is considered to be a legal nonconformity and can be continued to be occupied provided use of the structure as a dwelling is not discontinued for a period of 180 consecutive days.
- Dwelling units are not permitted in the proposed CB district that the applicant is seeking to rezone the property unless they are used as a live/work or caretaker unit and also obtain a Special Use Permit.
- The dwelling is located in the center of the site, is 864 square feet in living space, and two stories (25 feet) in height.
- Two parking spaces and 1,200 square feet of open space have been provided for the dwelling unit in accordance with the zoning requirements for live/work units.



ZONING CONSIDERATIONS

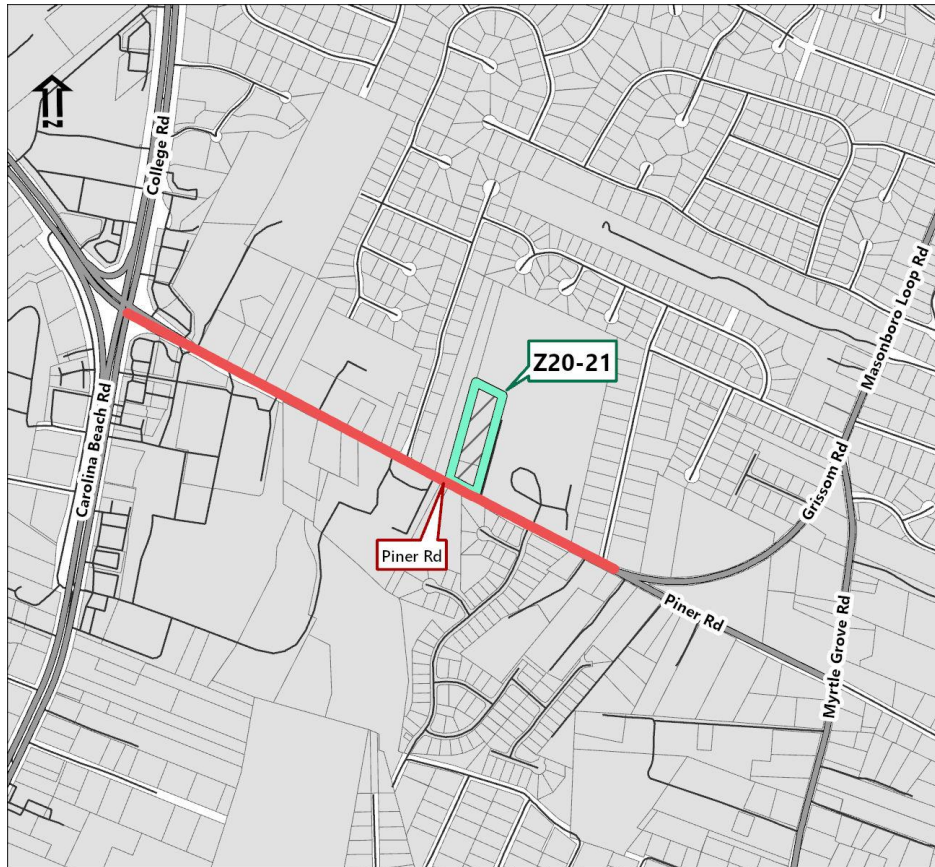
- The Unified Development Ordinance (UDO) contains specific standards for Live/Work or Caretaker Units. The dwelling must be occupied by a person engaged in the principal use or their family members residing with them. Open space equal to size of the dwelling must be provided on the site, and the dwelling cannot be more than 50 percent of the total floor area of the principal use.
- The proposed site plan complies with the technical standards for the use in the UDO.

AREA SUBDIVISIONS UNDER DEVELOPMENT



TRANSPORTATION

- The site is accessed by Piner Road, an NCDOT-maintained minor arterial road. The site is approximately one half mile from both the Carolina Beach Road/S. College Road intersection and the Myrtle Grove Road intersection.

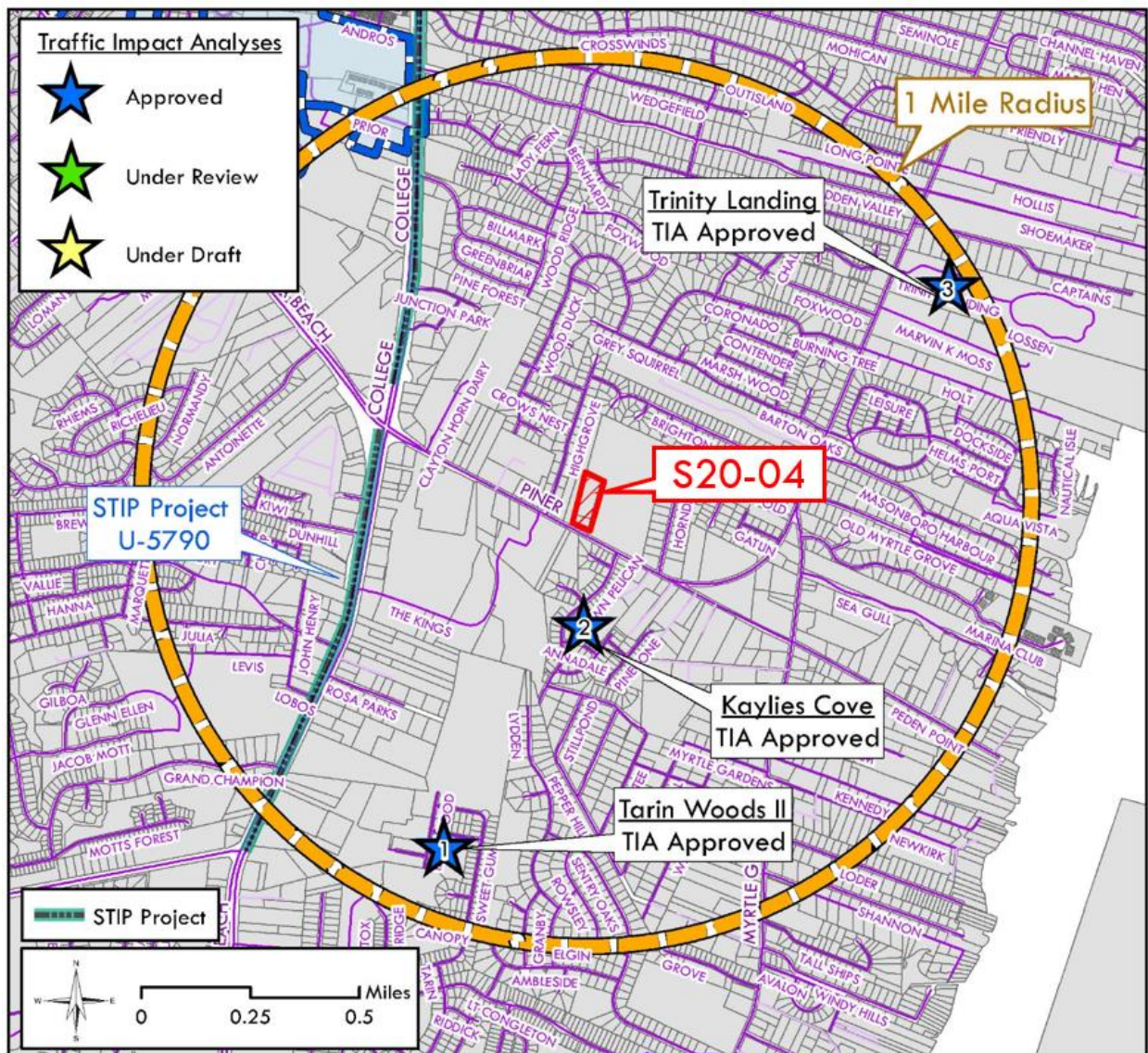


- The dwelling unit that will be used as the live/work unit is already located on the site. Therefore, it is estimated that there will be no change in the trips generated from this site with this proposal. The estimated number of peak hour trips anticipated with the proposed development is below the 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 for proposal generating less than 100 peak hour trips, staff has provided the volume to capacity ratio for Piner 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.

NCDOT Average Annual Daily Traffic (AADT) - 2019

Road	Location	Volume	Capacity	V/C
Piner Road	800 Block	17,500	19,604	0.89

Nearby Planned Transportation Improvements and Traffic Impact Analyses



Nearby NC STIP Projects:

- STIP Project U-5790
 - Project to convert the intersection of Carolina Beach Road and College Road to a continuous flow intersection and widen a portion of Carolina Beach Road south of that intersection. Continuous flow intersections permit more efficient travel movements and help alleviate congestion by allowing more of the main street's traffic to move through the intersection. Based on the preliminary plans, Piner Road will consist of the same lane configuration with slight realignment of the roadway and the westbound right turn lane to S. College Road. The project is currently on hold at this time.

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. Tarin Woods II	<ul style="list-style-type: none">• 219 Single-Family Homes• 458 Townhomes	<ul style="list-style-type: none">• Addendum approved March 26, 2020• 2020 Build Out Year
The TIA required improvements be completed at certain intersections in the area. The notable improvements consisted of: <ul style="list-style-type: none">• Installation of a northbound leftover/U-turn on Carolina Beach Road at the Harris Teeter driveway (required to be installed during the development of Phase 2A).• Installation of a second westbound right turn lane on Manassas Drive at Carolina Beach Road.• Includes additional point of egress to Carolina Beach Road		
<u>Nearby Proposed Developments included within the TIA:</u>		
<ul style="list-style-type: none">• Beau Rivage Update• Beau Rivage Townhomes		
Development Status: The total number of units studied by the TIA was based on a proposed rezoning of the development that was denied by the Board of Commissioners in June. The development currently has approval for 189 lots, 175 of which have been platted. The current required roadway improvements (northbound leftover/U-turn on Carolina Beach Road at Harris Teeter) have not been completed at this time.		

2. Kaylies Cove	<ul style="list-style-type: none">• 110 Single-Family Homes	<ul style="list-style-type: none">• Approved February 20, 2018• 2019 Build Out Year
The TIA required improvements be completed at certain intersections in the area. The notable improvements consisted of: <ul style="list-style-type: none">• Installation of a eastbound right turn lane and westbound left turn lane on Piner Road at the site's access.		
<u>Nearby Proposed Developments included within the TIA:</u>		
<ul style="list-style-type: none">• None		
Development Status: Homes under construction. 110 lots have been platted at this time, and both turn lanes have been installed.		

3. Trinity Landing	<ul style="list-style-type: none"> • 220 senior adult housing dwelling units and amenities 	<ul style="list-style-type: none"> • Approved June 23, 2017 • 2020 Build Out Date
<p>The TIA required improvements be completed at certain intersections in the area. The major improvements consisted of:</p> <ul style="list-style-type: none"> • Installation of a northbound right turn lane on Masonboro Loop Road at the site's access. 		
Nearby Proposed Developments included within the TIA:		
<ul style="list-style-type: none"> • None 		
Development Status: The development is currently under construction. The roadway improvement has not been installed at this time.		

ENVIRONMENTAL

- The property is not within a Flood Hazard Area.
- The property does not contain any Natural Heritage Areas.
- The property is within the Mott 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 (severe limitations). However, CFPWA sewer is available through a force main connection.

OTHER CONSIDERATIONS

Context and Compatibility

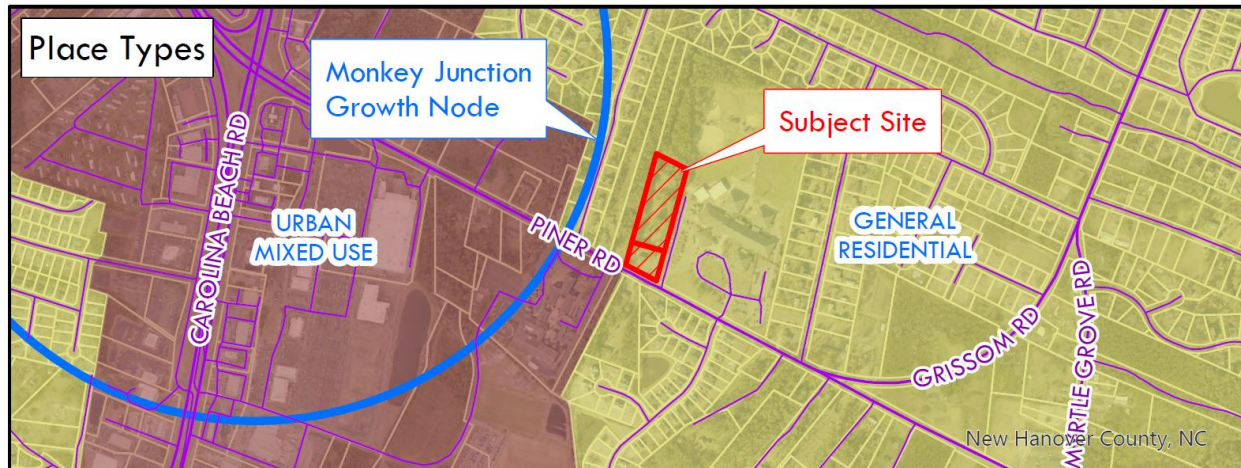
- An existing single-family dwelling is currently located and occupied on the site.
- Approval of the SUP would remove the dwelling's nonconforming status and allow for minor expansions in accordance with the standards of the UDO.
- It is estimated there will be no increase in traffic if the existing dwelling is allowed to be used as a Live/Work unit.

Existing Dwelling Located on the Property:



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	General Residential
Place Type Description	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.
Analysis	The intent of the General Residential place type is to provide opportunities for lower density residential development and supportive commercial, civic, and recreational development. While not specifically addressed by the Comprehensive Plan, the proposed live/work or caretaker unit is in line with the residential uses and low to moderate densities recommended for General Residential areas.

STAFF PRELIMINARY CONCLUSIONS AND FINDINGS OF FACT:

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

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

- A. Water currently provided by CFPWA, and wastewater is treated by a private septic system. Sewer service is available through CFPWA with a force main connection.
- B. The site will be accessed from Piner Road, an NCDOT-maintained Minor Arterial based on the WMPO Functional Classification Map.
- C. The dwelling that will be used as the live/work unit is already located and occupied on the site.
- D. It is estimated that allowing the existing dwelling to be used as a live/work unit will not increase the traffic generated from the site.
- E. The subject property is located in the New Hanover County Southern Fire Service District.
- F. The site is not located within the Special Flood Hazard Area.

Conclusion 2: The Board must find that the use meets all required conditions and specifications of the Unified Development Ordinance.

- A. The site is zoned (CZD) CB, Conditional Community Business District. (*pending rezoning application Z20-21*)
- B. Live/Work or Caretaker Units are an allowed use by Special Use Permit in the CB zoning district.
- C. Section 4.3.2.A.7 of the Unified Development Ordinance (UDO) sets forth specific use standards for Live/Work or Caretaker Units. Compliance with the applicable standards is shown on the conceptual plan.

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

- A. The surrounding area contains institutional uses, offices, and single-family dwellings.
- B. Bufferyards must be provided between the development and adjacent properties.
- C. The dwelling that will be used as the live/work unit is already located and occupied on the site.
- D. To date, no evidence has been provided to show that the proposed development will substantially injure the value of adjoining or abutting property.

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

- A. The property is located in the General Residential place type as classified in the 2016 Comprehensive Plan.
- B. The proposed live/work or caretaker unit is in line with the residential uses and low to moderate densities recommended for General Residential areas.

Suggested Conditions

No conditions proposed.

PLANNING BOARD ACTION

The Planning Board considered this application at their November 5, 2020 meeting. At the meeting, no one from the public spoke in favor of, or in opposition to, the proposal. The Planning Board recommended approval of the application (4-0).

EXAMPLE MOTIONS

Example Motion for Approval:

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

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

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

[List Conditions]

Example Motion for Denial:

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

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

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