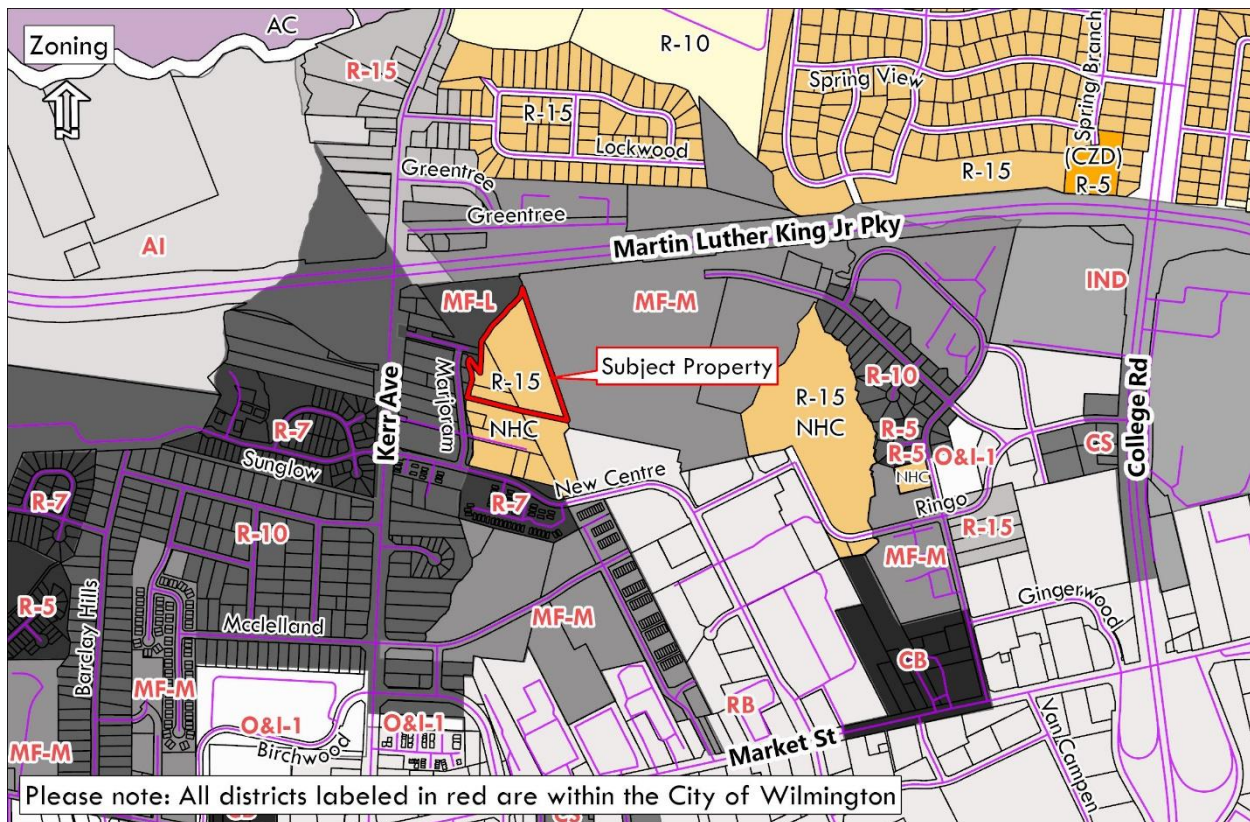


STAFF SUMMARY OF Z20-23

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)

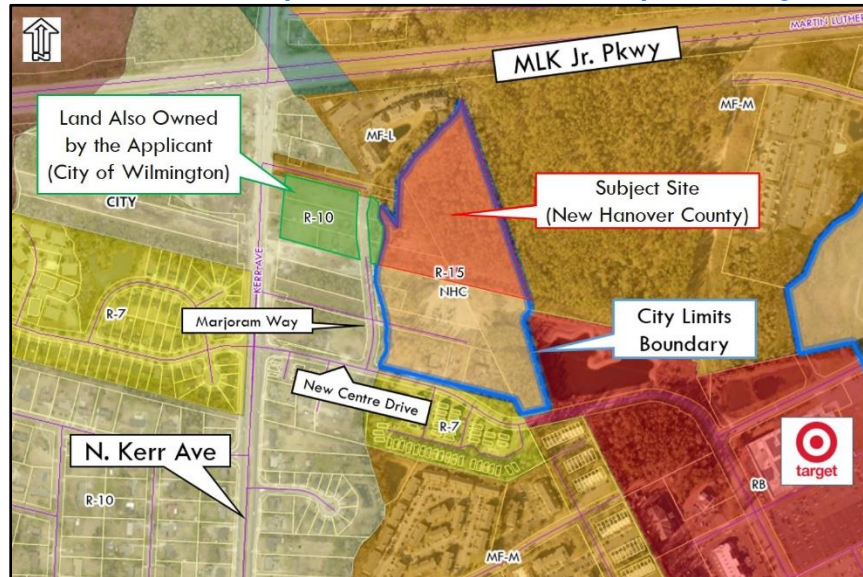
COMMUNITY SERVICES	
Water/Sewer	Water and sewer services are available through CFPUA.
Fire Protection	New Hanover County Fire Services, New Hanover County Northern Fire District, New Hanover County Wrightsboro Station
Schools	College Park Elementary, Noble Middle, and New Hanover High Schools
Recreation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

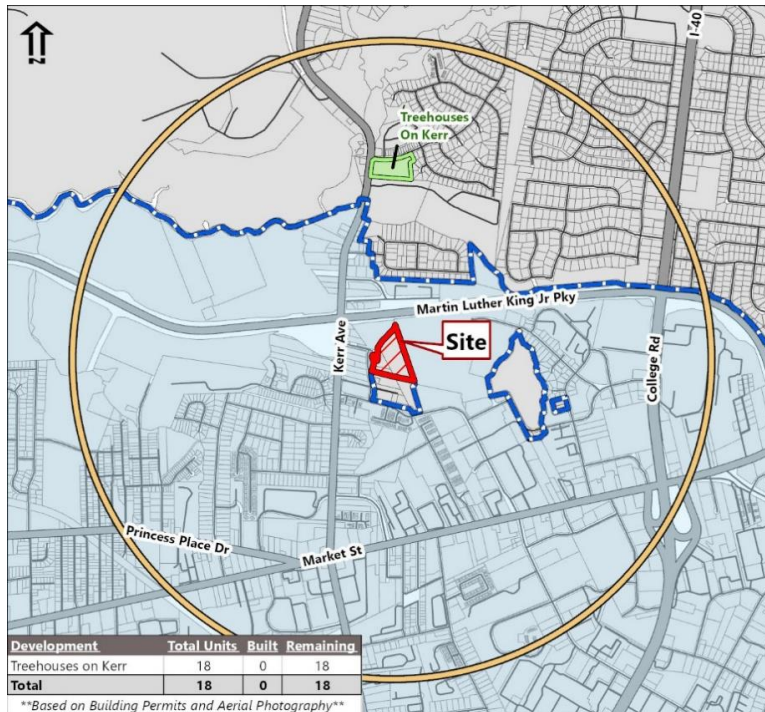


- Because this is a general use rezoning, a conceptual plan is not included within the application. If the rezoning is approved, County Staff will coordinate with the City's Planning Department throughout the development review process.
- Under the current R-15 zoning designation, the County's performance 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.

	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>

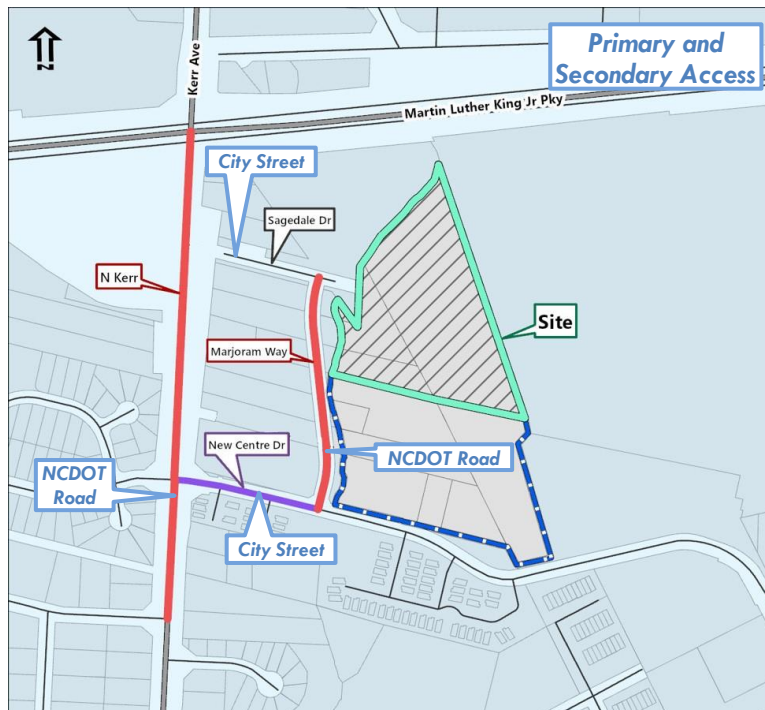
- The City of Wilmington adopted a "Gingerwood Collector Street Plan" in 1987. That plan was subsequently reviewed by City Transportation Planning and Traffic Engineering staff, resulting in a revision and adoption by the City of Wilmington in 1997. In 2009, the plan was further amended at the request of the adjacent property owner to the east of the property to include the extension of Hunters Trail through the subject site connecting just south of Sagedale Drive onto Marjoram Way.
- The plan provides a recommendation for this connection to be made and dedicated as public infrastructure; however, it does not define the specific roadway design nor the exact location or alignment through the subject property.
- As this is a straight rezoning, conditions cannot be applied to the approval of the request. A conditional rezoning would allow for conditions provided they were agreed upon by the applicant. However, the process of petitioning the roadway for acceptance into the State maintained road system typically occurs after the roadway has been constructed, and is ultimately at the discretion of the North Carolina Department of Transportation (NCDOT).
- A development under the proposed RMF-L district would not hinder any current authority by public agencies to implement the recommendations of the Gingerwood Collector Street Plan. Those same recommendations would be applied to any development under the current R-15 zoning.
- 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 UDO.

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

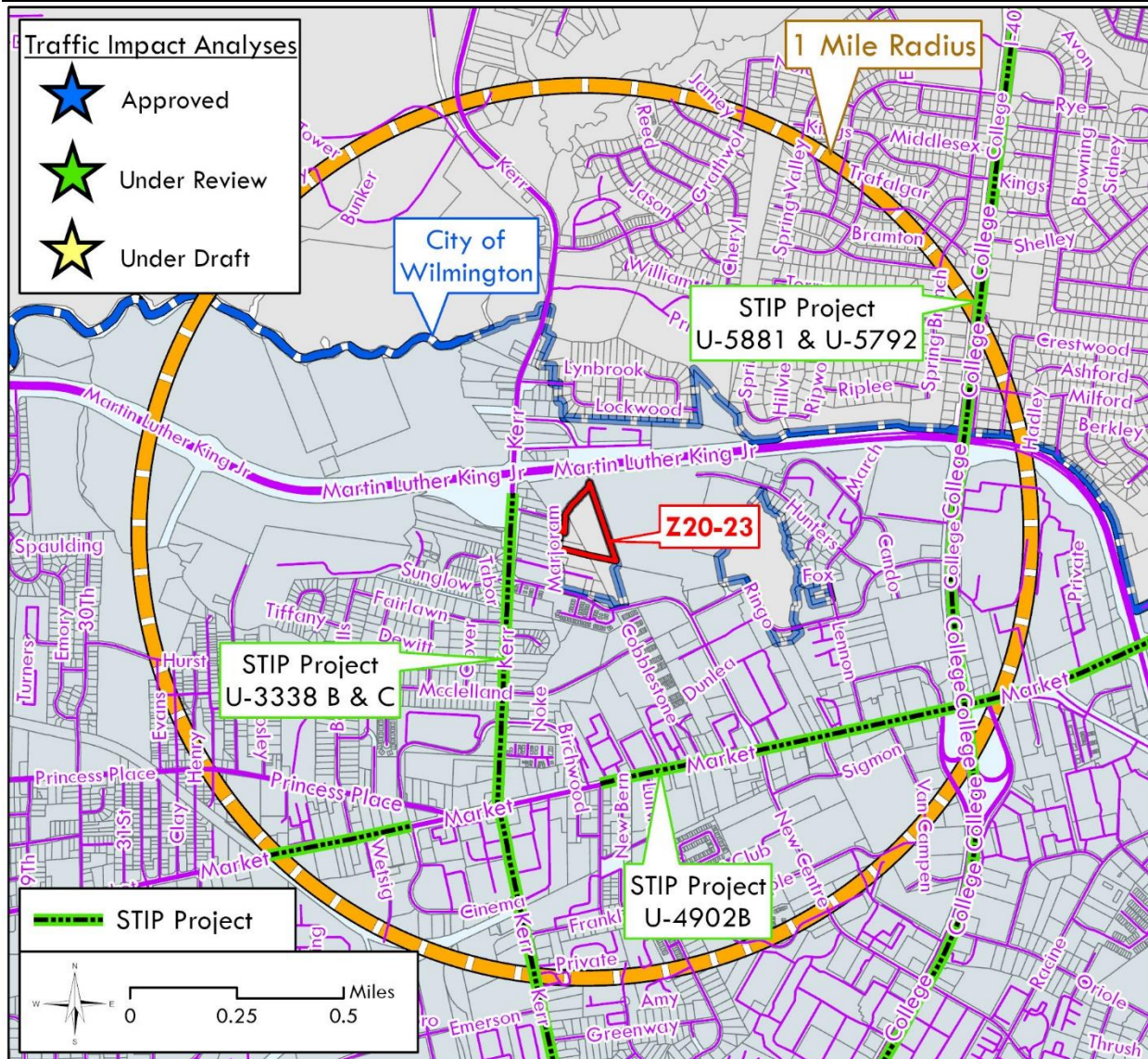
- Because a TIA is not required to analyze transportation impacts at this time, Staff has provided the volume to capacity ratio for the adjacent roadways near the subject site. While volume to capacity ratio, based on average daily trips, can provide a general idea of the function of adjacent roadways,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

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.

- School staff presented a facility needs survey to the Board of Education on January 5, 2021 that included updated NC Department of Public Instruction student growth projections and school capacity data. While Planning staff does not yet have information specific to the projected enrollment and capacity of the schools that would be affected by this request, it appears that planned facility upgrades, combined with changes to student enrollment patterns, will result in adequate capacity district-wide over the next five to ten years if facility upgrades are funded.

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

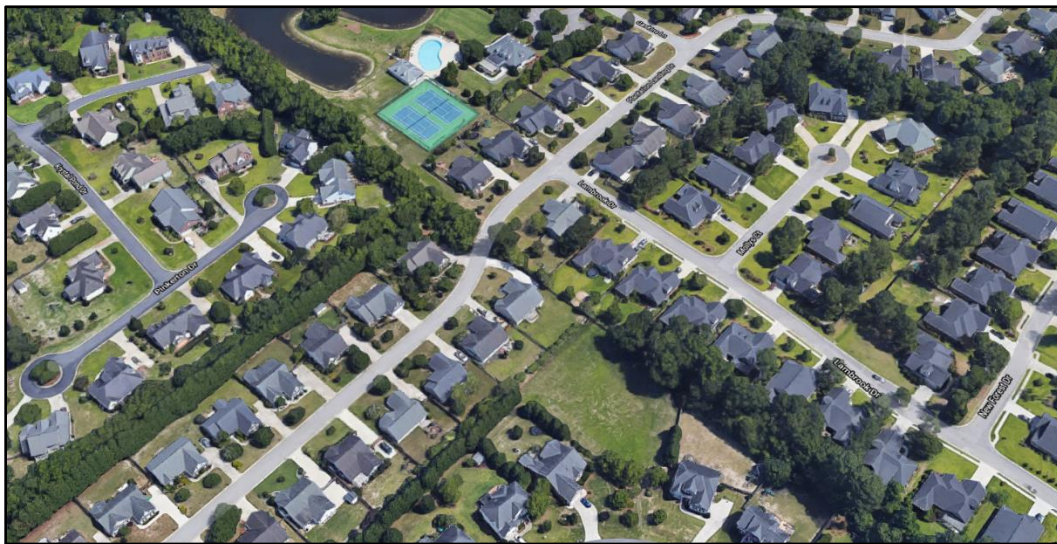
Representative Developments of R-15:



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>

PLANNING BOARD ACTION

The Planning Board considered this application at their January 7, 2021 meeting. At the meeting, a representative of the adjacent property owner presented information regarding the Gingerwood Collector Street Plan which included a potential roadway connection through the subject property.

The Planning Board noted that the proposed straight rezoning would not impact the potential extension of this roadway and recommended approval of the application (5-0), finding 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. The Board also found **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.

STAFF RECOMMENDATION

Staff concurs with the Planning Board's recommendation 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.