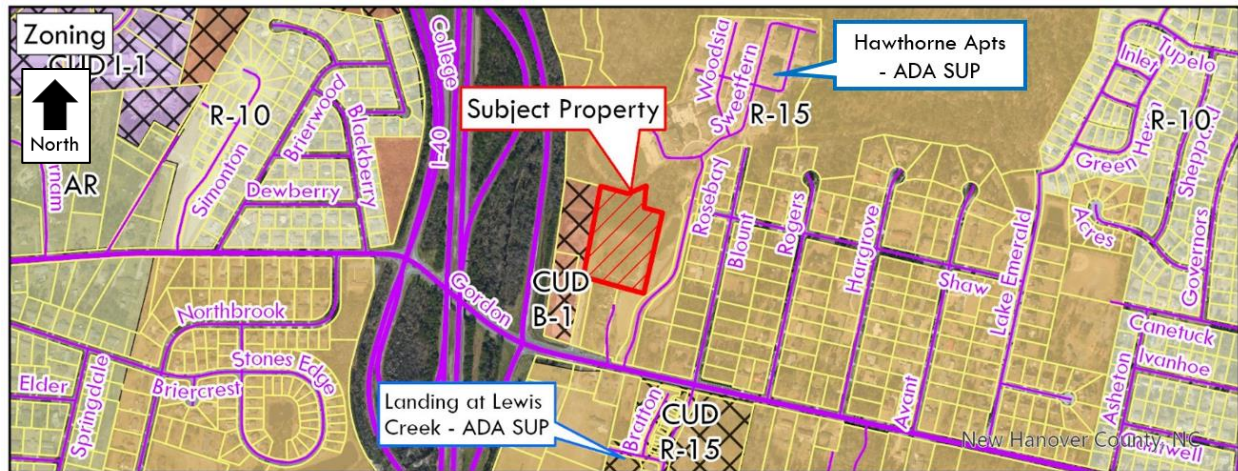


STAFF SUMMARY OF Z21-03 CONDITIONAL REZONING APPLICATION

APPLICATION SUMMARY	
Case Number: Z21-03	
Request: Rezoning to a Conditional RMF-M district	
Applicant: Stephanie Norris with Terroir Development, LLC	Property Owner(s): Charles R. Clay, Sr. and Essie W. Clay Revocable Living Trust
Location: 4615 Gordon Road	Acreage: 5.12
PID(s): R04300-001-007-000	Comp Plan Place Type: General Residential
Existing Land Use: Undeveloped	Proposed Land Use: Multi-Family
Current Zoning: R-15, Residential	Proposed Zoning: (CZD) RMF-M



ADA = Additional Dwelling Allowance Special Use Permit (SUP) for greater density than permitted by-right in base zoning district – formerly titled High Density SUP

SURROUNDING AREA		
	LAND USE	ZONING
North	Multi-Family Residential	R-15
East	Single-Family Residential	R-15
South	Single-Family Residential, Gas Station	R-15, (CUD) B-1
West	Storage, I-40	(CUD) B-1



ZONING HISTORY

July 7, 1972	Initially zoned R-15 (Area 8B)
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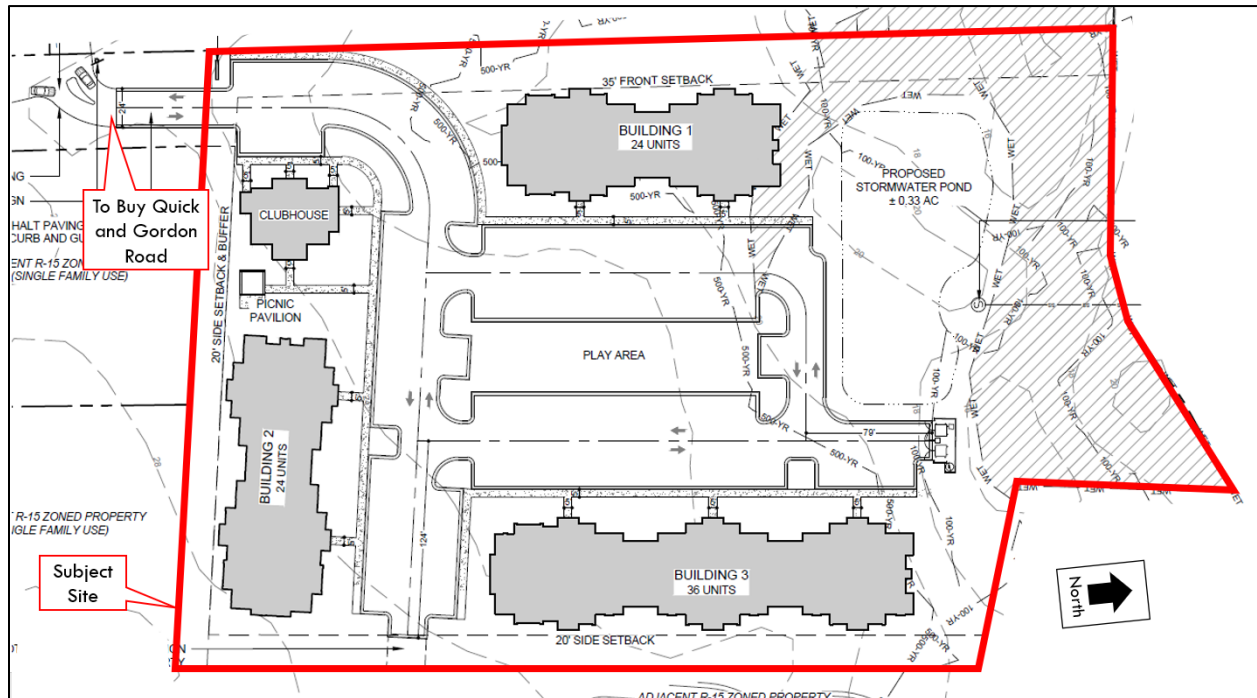
COMMUNITY SERVICES

Water/Sewer	Water and sewer services are available through CFPUA via mainline extension
Fire Protection	New Hanover County Fire Services, New Hanover County Northern Fire District, New Hanover County Murrayville Station
Schools	Murrayville Elementary, Trask Middle, and Laney High Schools
Recreation	Smith Creek Park, Parkwood Recreation Area, Ogden Park

CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES

Conservation	The Conservation Resources Map indicates that swamp forest wetlands may be present on the site. The applicant's conceptual site plan indicates that there are approximately 0.8 acres of wetlands on the site. Verification of regulated wetlands will be required during the site plan review process. Conservation space is required for pocosin or swamp forest wetlands when at least five acres of the resource exists on the property.
Historic	No known historic resources
Archaeological	No known archaeological resources

APPLICANT'S PROPOSED CONCEPTUAL PLAN



Includes Staff Markups

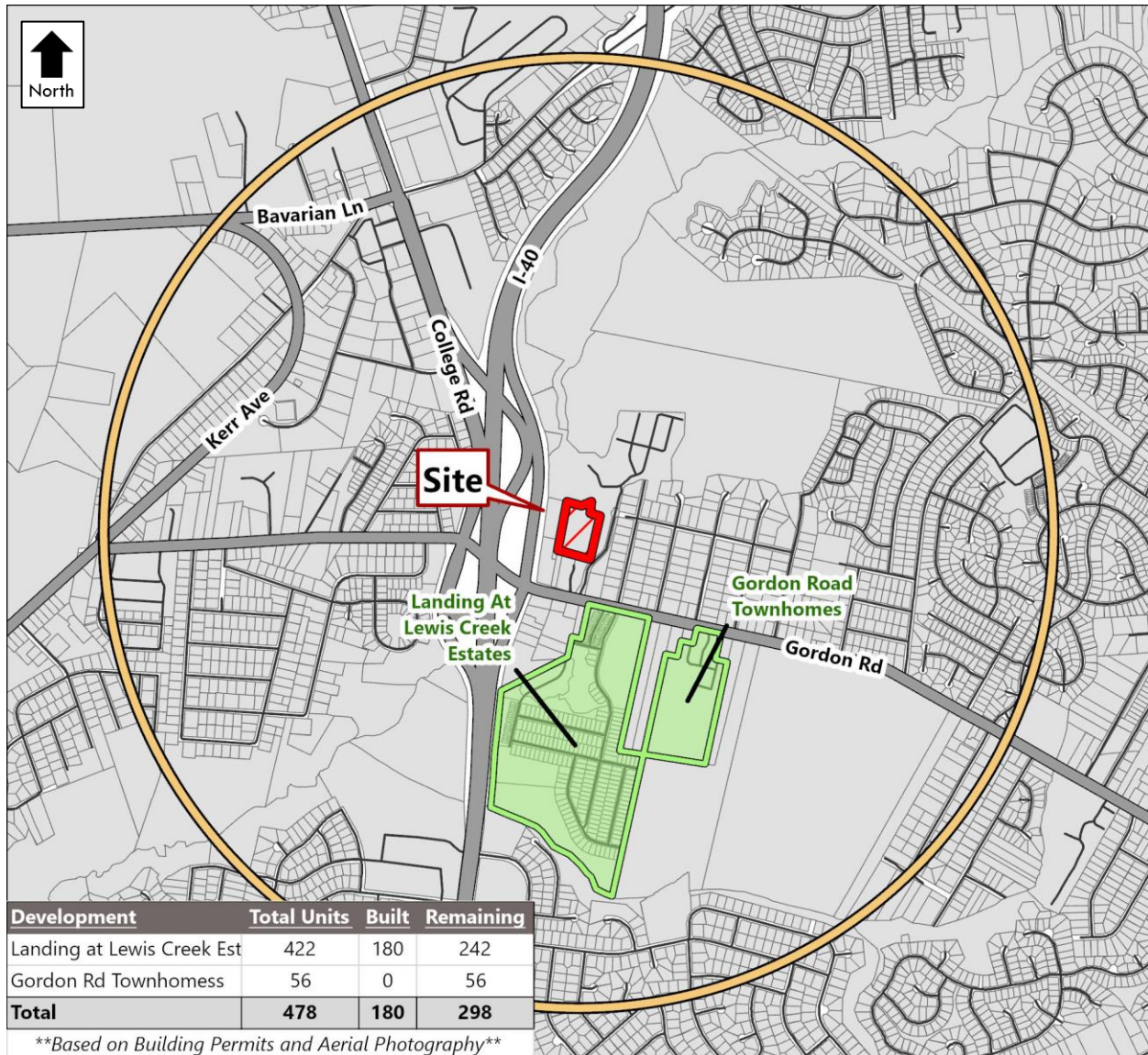
- The applicant is proposing to construct an 84-unit multi-family project. The units will be located within three buildings containing 24-36 units each. The buildings will be three stories with a maximum height of 45 feet.
- The applicant is seeking Low-Income Housing Tax Credits through the North Carolina Housing Finance Agency which would restrict the residents' incomes to under 80% area median income (AMI). In addition, 21 of the proposed units will be restricted to residents whose incomes are 30% or below AMI.
- The proposal would include about 1.7 acres of open space (34% of the site), which exceeds the County's requirement of providing 20% open space.

ZONING CONSIDERATIONS

- The R-15 district in this area was established in 1972. At the time, the purpose of the R-15 district was to ensure that housing served by private septic and well would be developed at low densities. Since that time, water and sewer services have become available to the surrounding area; however, the Gordon Road corridor is mostly zoned for low density housing.
- While the R-15 district is the predominant zoning in the surrounding area, two nearby developments obtained special use permits to exceed the maximum density of the base zoning district of 2.5 du/ac (Hawthorne at Smith Creek Apts - 7.72 du/ac, and The Landing at Lewis Creek Estates – 5.15 du/ac).
- Under the County's performance residential standards, the site would be permitted up to 13 dwelling units at a density of 2.5 du/ac. The proposed 84 units equate to an overall density of 16.4 du/ac.

- In 2018, the Board of Commissioners approved a Special Use Permit application that would have allowed for the development of an indoor/outdoor recreation center on the subject site. That permit has since expired.

AREA SUBDIVISIONS UNDER DEVELOPMENT

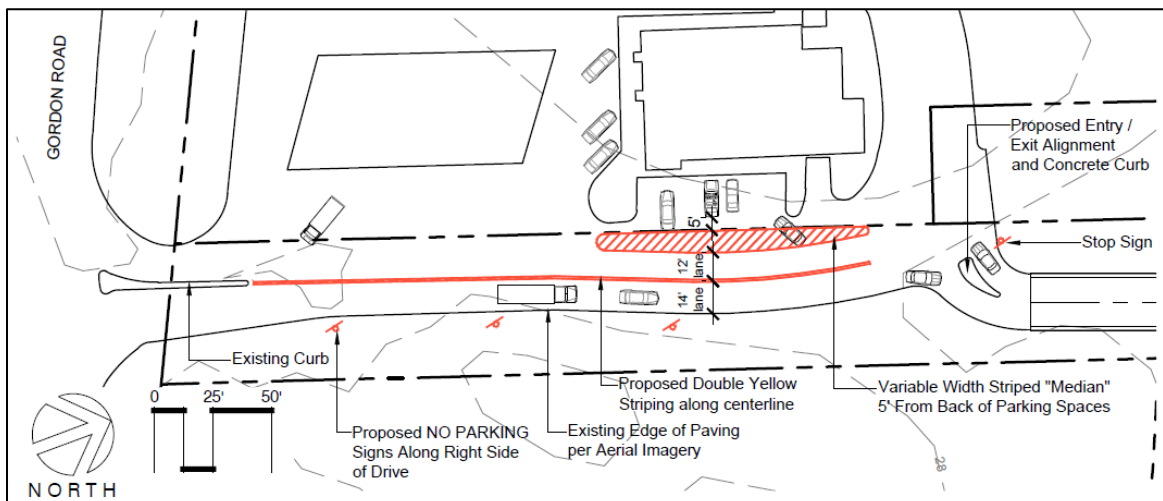


TRANSPORTATION

- Access is proposed to be provided to the subject property from Gordon Road, an NCDOT-maintained arterial street. The access is shared with the adjacent gas station and storage lot within an existing 60' access easement.



- The applicant has agreed to a condition that would require striping be installed along the shared access easement to delineate two lanes of travel. In addition, no parking shall be permitted within the easement and "no parking" signs shall be installed in accordance with the North Carolina Fire Code. The improvements shown below reflect the feedback received by the Planning Board when they considered this item at their March 4th meeting.



- The shared access does not permit left-out movements which requires motorists leaving the site seeking to travel east on Gordon Road to initially go west and then make a u-turn at the N. College Road intersection. This u-turn lane was recently extended with The Landing at Lewis Creek Estates development. According to the Traffic Impact Analysis (TIA) completed for that development, the N. College Road and Gordon Road intersection was estimated to operate at a “D” Level of Service (LOS) in 2021 when that project is expected to be completed. The improvements installed with The Landing at Lewis Creek Estates are estimated to have reduced the overall delay of the intersection.
- The applicant has also designed the site to allow for a future connection to Rosebay Terrace, a private road that accesses the neighboring Hawthorne at Smith Creek apartment complex. A connection to this road would allow motorists to travel to the signal on Gordon Road at Blount Drive, and for the neighboring residents to travel to the Buy Quick gas station without having to travel on Gordon. According to the applicant, the most recent correspondence from the owners of the Hawthorne projected has indicated that they have refused the connection request.
- As currently zoned, it is estimated the site would generate about 14 trips during the peak hours if developed at the permitted density. The proposed development would increase the estimated number of peak hour trips by about 15-25 trips during the peak hours. However, according to the applicant, residents who are earning 30% or less than average median income (AMI) are typically seniors or persons with disabilities who either generally drive outside of the peak hours or rely on other modes of transportation.
- The estimated trip generation for the proposal is less than the recreation center approved for the site in 2018. That center was estimated to have generated around 50-60 trips during the peak hours.
- The estimated traffic generated from the site is under the 100 peak hour threshold that triggers the ordinance requirement for a Traffic Impact Analysis (TIA).

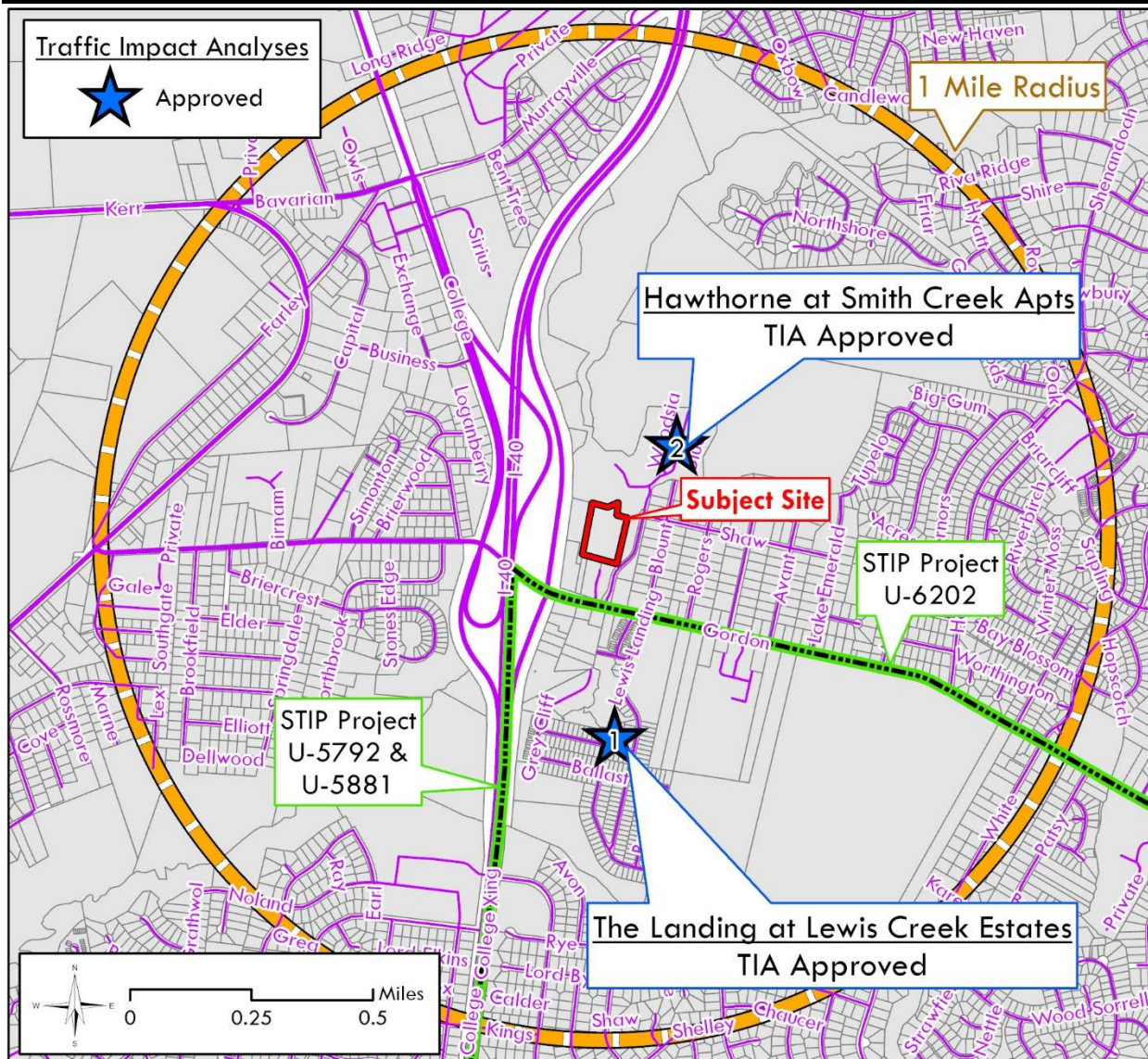
	Intensity	Approx. Peak Hour Trips
Existing Development:	Undeveloped	0 AM / 0 PM
Typical Development under Current Zoning:	13 Single-Family Dwellings	14 AM / 14 PM
Proposed Development:	84 Mid-Rise Multi-Family Units	29 AM / 37 PM

- Because a TIA is not required to analyze transportation impacts, 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.

NCDOT Average Annual Daily Traffic (AADT) - 2019

Road	Location	Volume	Capacity	V/C
Gordon Road	4400 Block	22,500	19,600	1.15

Nearby Planned Transportation Improvements and Traffic Impact Analyses



Nearby NC STIP Projects:

- STIP Project U-6202
 - Project to widen Gordon Road from the I-40 ramps to Market Street. The widening of Gordon Road will result in the road having four lanes and a center median. The project is currently scheduled to begin construction in the summer of 2024.
- U-5792 (College/MLK Interchange) & U-5881 (College Road Improvements)
 - Project to 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 College/MLK Interchange project is currently scheduled to begin in 2026, and the College Road Improvements project is scheduled to begin after 2030.

Nearby Traffic Impact Analyses:

Traffic Impact Analyses (TIAs) 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. The Landing at Lewis Creek	<ul style="list-style-type: none"> • 207 single-family dwellings • 40 townhome units • 192 multi-family units 	<ul style="list-style-type: none"> • TIA approved September 6, 2017 • 2021 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"> • Extension of the northbound turn lane on Gordon Road and North College Road/I-40 westbound ramps. • Extension of the existing westbound left-turn lane and extend the existing southbound left turn lane on Gordon road and North College Road/I-40 eastbound Ramps. • Signalization of the intersection of Gordon and Blount Drive (site access). Installation of a westbound-left turn lane on Gordon Road and eastbound right-turn lane on Gordon Road at the site access. 		
<u>Nearby Proposed Developments included within the TIA:</u>		
<ul style="list-style-type: none"> • Gordon Road Buy Quick 		
Development Status: 190 lots have been platted at this time. Currently all roadway improvements have been completed.		

Proposed Development	Land Use/Intensity	TIA Status
2. Smith Creek Village Development	<ul style="list-style-type: none"> • 318 multi-family units 	<ul style="list-style-type: none"> • TIA approved February 7, 2019 • 2020 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"> • At site access construction of a right-in/right-out only access and stop control for egress traffic. • Installation of a westbound right-turn lane and southbound left-turn lane at Gordon Road and Blount Drive. 		
<u>Nearby Proposed Developments included within the TIA:</u>		
<ul style="list-style-type: none"> • The Landing at Lewis Creek Estates Subdivision 		
Development Status: Completed. All roadway improvements have been completed.		

ENVIRONMENTAL

- The property contains an AE Special Flood Hazard Area along the northern boundary; however, no buildings are proposed within it.
- The property does not contain any 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 II (moderate limitation), Class III (severe limitation), and Class IV (unsuitable) soils. However, the site is expected to be served by CFPWA when developed.

OTHER CONSIDERATIONS

SCHOOLS

- Students living in the proposed development would be assigned to Murrayville Elementary School, Trask Middle School, and Laney High School. Students may apply to attend public magnet, year-round elementary, or specialty high schools.
- A maximum of 13 dwelling units would be permitted under the current R-15 zoning base density, and 84 units could be developed under the proposed zoning for an increase of 71 dwelling units.
- Based on a generalized historic generation rate*, staff would estimate that the increase in homes would result in approximately 18 additional students than would be generated under current zoning. However, affordable housing developments may be more likely to provide housing for families with school-age children, so the proposed rezoning may generate more students than would be estimated using the historic generation rate.

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 R-15 Zoning	13 residential units	Total: 2 (1 elementary, 0 middle, 1 high)
Proposed (CZD) RMF-M Zoning	84 residential units	Total: 20 (9 elementary, 4 middle, 6 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 development is likely to have a build-out date within 5 years, staff has outlined existing school capacity to provide a general idea of the potential impact on public schools.
- 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 - 2020-2021 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%	Murrayville	526	643	82%	None
Middle	107%	Trask	717	662	108%	None
High	105%	Laney	2,063	1,903	108%	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.

- The recent facility needs survey that has been prepared by Schools staff includes the most current NC Department of Public Instruction (DPI) student growth projections and school capacity data. It does not include student growth projections and available capacity for individual schools, but it appears that planned facility upgrades, combined with changes to student enrollment patterns, will result in adequate capacity district-wide over the next five years if facility upgrades are funded.

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 proposed RMF-M zoning district would allow for an increase in housing diversity and would allow those residents to utilize existing goods and services within one mile of the subject property.
- The predominant housing type is single family detached at 76%. Under the proposed RMF-M district the site would allow for multi-family (apartments) and increase housing type diversity by reducing the percentage of single family detached (76% to 74%), and increasing the percentage of multi-family residences (21% to 22%).
- In addition to increasing the housing type diversity of the community, the proposal would also provide housing at more affordable price points for residents earning less than 80% area median income (AMI). Income-restricted affordable housing, like the proposed LIHTC project, that are located in complete communities can create a more equitable, integrated and diverse community. Based on the findings of the Comprehensive Housing Study completed by the joint New Hanover County/City of Wilmington Workforce Housing Advisory Committee, there is a need for rental units serving the population at these income levels across the County.
- The subject property is located in the Gordon Road community area, where 30% of residents currently live within one-mile of a convenience need (grocery store, retail staples,

pharmacies, etc.), a support service (urgent care, primary doctor's office, child & adult care, etc.), and a community facility (public park, school, museum etc.). The proposed RMF-M district would increase the number of residences within one-mile of goods and services (30% to 31%).

REPRESENTATIVE DEVELOPMENTS

Representative Developments of R-15:



Grayson Park



Clay Crossing



Plantation Landing

Representative Developments of RMF-M:



Amberleigh Shores



Parks at Three Oaks



Hawthorne at Smith Creek

Context and Compatibility

- The property is located adjacent the Gordon Road/I-40 interchange and shares access with an existing gas station and storage lot.
- The timing of the Gordon Road widening project has been accelerated and is now scheduled to begin in 2024.
- Two nearby residential developments have obtained a Special Use Permit to exceed the maximum density of the base residential zoning district. These projects include multi-family housing that is similar in design to the proposed project (40 to 45-foot-tall three-story buildings).
- Due to the location and surrounding development pattern, the property is less likely to be developed with low density housing. The last development proposal for the site was for a recreation facility, for which a Special Use Permit was approved in 2018.

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	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	<p>The subject parcel is located along Gordon Road just east of the I-40 and Gordon Road interchange. The site is adjacent to a Buy Quick gas station, an outdoor boat storage facility, and the Hawthorne at Smith Creek apartments. The proposed development will share access to Gordon Road with the Buy Quick gas station and the outdoor boat storage facility.</p> <p>This area was designated as General Residential due to the primarily lower density residential development pattern along the Gordon Road corridor toward Market Street. Although non-residential and multi-family projects were approved and permitted in this area prior to the adoption of the Comprehensive Plan in 2016, these types of low intensity commercial and low-density multi-family uses could be appropriate in a variety of place types, including General Residential.</p> <p>As proposed, the density of this multi-family project is not consistent with the General Residential place type because it exceeds the density range of up to eight units per acre outlined for General Residential areas. However, the proposed project assists in meeting the goals of the Comprehensive Plan of providing affordable housing for residents with fewer existing housing</p>

	<p>options and of establishing higher densities along major roadways that provide a transition of densities and intensities. In this case, the project is located adjacent to an existing commercial development which allows direct access to a major arterial roadway and creates an orderly transition by placing higher density multi-family between the high intensity Interstate corridor where low density single-family housing is less likely to be developed and the existing low intensity residential uses along Gordon Road</p> <p>The General Residential place type may no longer be an appropriate designation in this area because the existing commercial and multi-family projects and close proximity to a major roadway suggest the need for higher densities. Generally, the Comprehensive Plan designates areas along major roadways with higher residential densities and a mix of uses as Community Mixed Use in order to allow for the orderly transition of densities and intensities. This place type also focuses on small-scale, compact mixed-use development patterns. This type of development pattern would assist with providing opportunities for affordability and a range of housing types, opportunities, and choices.</p> <p>In situations when the Board of Commissioners approve a request that is found to be inconsistent with the Comprehensive Plan, state statutes require a statement approving the request and that the plan be amended concurrently to reflect the specific place type that is most similar to the proposed development. The statement must also include an explanation of the change in conditions in the area that were taken into account in the decision.</p>
Consistency Recommendation	<p>The proposed development is INCONSISTENT with the General Residential place type because the proposed density is greater than the maximum density recommended for this place type.</p> <p>However, staff is supportive of the proposed development as it is aligned with the goals of the Comprehensive Plan for providing affordable housing and creating complete communities. It is also aligned with the Comprehensive Plan's intent of providing an orderly transition of uses from higher intensity to lower intensity areas and providing for a range of housing types. The proposed moderate density multi-family housing is also consistent with the existing development pattern of the surrounding area.</p> <p>As state law dictates, if the rezoning were to be approved even though inconsistent with the Comprehensive Plan, the Plan must be concurrently amended to reflect the specific place type that is most similar to the proposed development.</p> <p>Therefore, it is staff's recommendation to amend the place type for the subject site to Community Mixed Use because the proposal is in line with the recommended density of the place type. This place type is also more appropriate for the area because single-family homes are less likely to be built immediately adjacent to major thoroughfares, and because it would encourage the development of projects that would provide a buffer and serve as a transition to the existing single-family residences along Gordon Road.</p>

PLANNING BOARD ACTION

The Planning Board considered this application at their March 4th meeting. At the meeting, no one from the public spoke in opposition, or in favor of, the proposal. The Planning Board recommended approval of the application with conditions (5-0). While they found it to be:

INCONSISTENT with the purposes and intent of the Comprehensive Plan because the project exceeds the density recommended for the General Residential place type, the Planning Board found **APPROVAL** of the rezoning request is reasonable and in the public interest because the proposal would provide an appropriate transition from a major thoroughfare to existing single-family housing, is consistent with the development pattern of the surrounding properties, and supports the County's goals of providing for a range of housing types and opportunities for households of different sizes and income levels.

Conditions:

1. The development must be awarded Low-Income Housing Tax Credits through the North Carolina Housing Finance Agency.
2. Appropriate pavement markings shall be installed along the 60-foot access easement from Gordon Road to the subject site to identify two lanes of travel. In addition, no parking shall be permitted within the easement and "no parking" signs shall be installed in accordance with the North Carolina Fire Code.

In addition, the Planning Board recommended that the place type classification for the property be amended to Community Mixed Use.

STAFF RECOMMENDATION

Staff concurs with the Planning Board's recommendation for approval of the proposal and the reclassification of the subject site from General Residential to Community Mixed Use on the 2016 Comprehensive Plan's Future Land Use Map. Staff suggests the following motion:

I move to **APPROVE** the proposed rezoning to a Conditional RMF-M district. While I find it to be **INCONSISTENT** with the purposes and intent of the Comprehensive Plan because the project exceeds the density recommended for the General Residential place type, I find **APPROVAL** of the rezoning request is reasonable and in the public interest because the proposal would provide an appropriate transition from a major thoroughfare to existing single-family housing, is consistent with the development pattern of the surrounding properties, and supports the County's goals of providing for a range of housing types and opportunities for households of different sizes and income levels.

In accordance with the North Carolina General Statutes, I move to reclassify the property from the General Residential place type to the Community Mixed Use place type. I find the proposal is consistent with the recommended building types and densities of the Community Mixed Use classification. In addition, the Community Mixed Use classification would encourage the development of projects that would better serve as a transition between a major thoroughfare and single-family housing.

[Optional] Note any conditions to be added to the district:

1. The development must be awarded Low-Income Housing Tax Credits through the North Carolina Housing Finance Agency.
2. Appropriate pavement markings shall be installed along the 60-foot access easement from Gordon Road to the subject site to identify two lanes of travel. In addition, no parking shall be permitted within the easement and “no parking” signs shall be installed in accordance with the North Carolina Fire Code.

Alternative Motion for Denial

I move to **DENY** the proposed rezoning to a Conditional RMF-M district. I find it to be **INCONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposal exceeds the density recommended for the General Residential place type. I also find **DENIAL** of the rezoning request is reasonable and in the public interest because the proposal is not consistent with the desired character of the surrounding community and the density will adversely impact the adjacent neighborhoods.