

# STAFF REPORT FOR **Z21-09** CONDITIONAL REZONING APPLICATION

APPLICATION SUMMARY	
<b>Case Number:</b> Z21-09	
<b>Request:</b> Rezoning to a (CZD) RMF-MH, Conditional Residential Multifamily Medium-High Density District	
<b>Applicant:</b> Cindee Wolf with Design Solutions	<b>Property Owner(s):</b> WPE Holdings, LLC & Senca Properties, LLC
<b>Location:</b> 9000 Market Street	<b>Acreage:</b> 12.99
<b>PID(s):</b> R02900-002-068-000 R02900-002-008-000	<b>Comp Plan Place Type:</b> Community Mixed Use and General Residential
<b>Existing Land Use:</b> Undeveloped	<b>Proposed Land Use:</b> Multifamily development
<b>Current Zoning:</b> B-1, Neighborhood Business, (CZD) B-1 Conditional Neighborhood Business District & R-15, Residential	<b>Proposed Zoning:</b> (CZD) RMF-MH



SURROUNDING AREA		
	LAND USE	ZONING
North	Undeveloped	B-1
East	Undeveloped	R-15
South	Single-Family Residential and undeveloped	R-15
West	Undeveloped, Single-Family Residential, and Right-of-way	R-15



## ZONING HISTORY

<b>July 1, 1974</b>	Initially zoned R-15 (Area 5)
<b>January 8, 2007</b>	Portions of the property were rezoned from R-15 to (CUD) B-1 and (CUD) O&I (Z-853) to allow for office, retail, financing, and service-related uses (Scotts Hill Medical Park).
<b>August 11, 2014</b>	A portion of the medical park was rezoned from (CUD) O&I to (CZD) O&I (Z-934) as a result of a request to add an emergency helicopter landing pad to the New Hanover Medical Center.
<b>May 6, 2019</b>	Portions of the property were rezoned from (CUD) B-1, (CZD) O&I, and R-15 to B-1 (Z19-05), for Scotts Hill Medical Park.

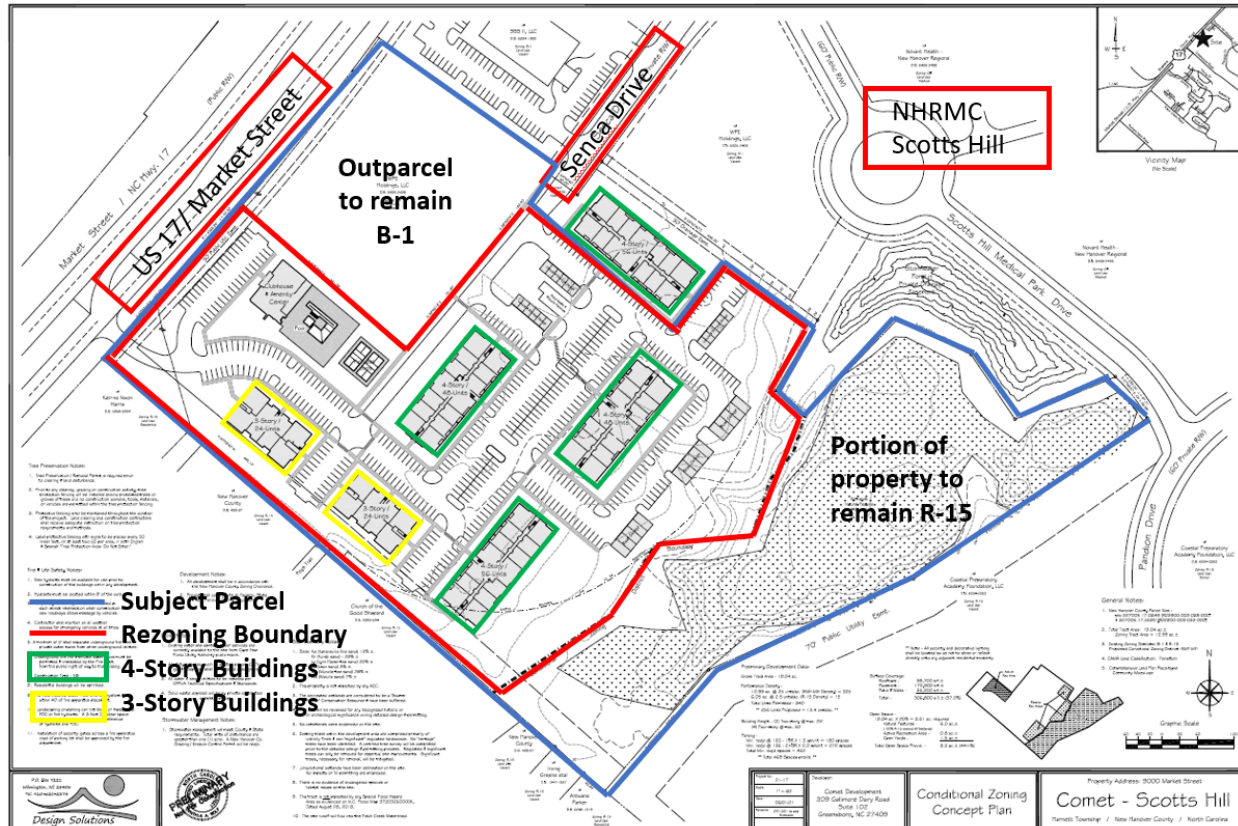
## COMMUNITY SERVICES

<b>Water/Sewer</b>	Water and sewer services are available through CFPWA.
<b>Fire Protection</b>	New Hanover County Fire Services, New Hanover County Northern Fire District, New Hanover County Porters Neck Station
<b>Schools</b>	Porters Neck Elementary, Holly Shelter Middle, and Laney High School
<b>Recreation</b>	Ogden Park, Pages Creek Park Reserve

## 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



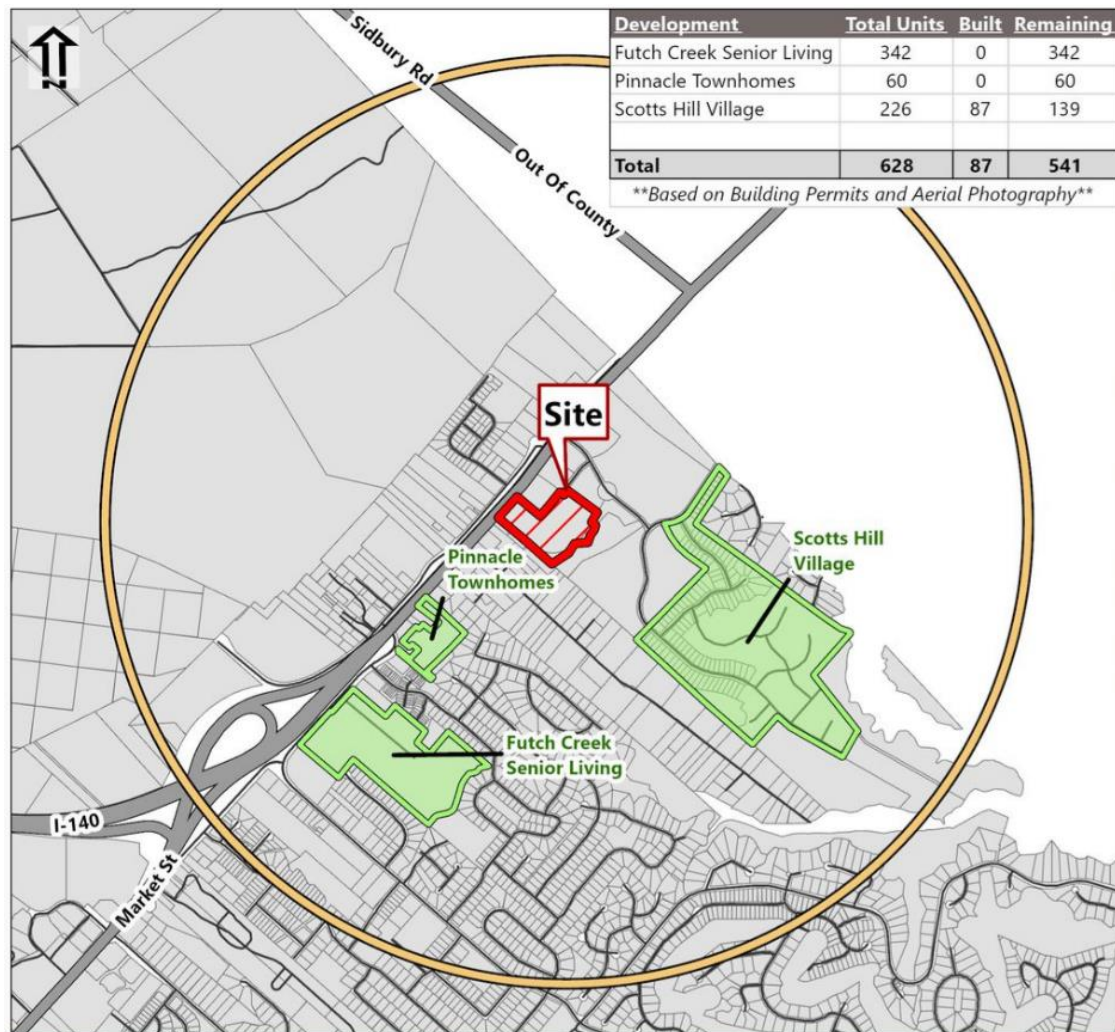
- The applicant is proposing to rezone 12.99 acres to (CZD) RMF-MH, Conditional Residential Multifamily Medium-High Density District. The remainder of both tracts will retain the current B-1 and R-15 zoning.
- The applicant is proposing to construct a 256-unit multifamily development. The units will be a combination of one, two, and three bedrooms.
- The proposal includes six residential buildings, a clubhouse and amenity center, with a pool, and six, one-story accessory buildings. Two residential buildings will be three stories tall, with twenty-four units each, and four residential buildings will be four stories tall, containing between forty-eight and fifty-six units each.
- Primary access to the development will be provided on Market Street at an existing left-over median break. Interconnectivity to the medical park will be provided with the extension of Seneca Drive.
- The development will be required to provide 20% open space, for a total of 2.6 acres, including the 0.8 acres dedicated to the amenity center and pool.
- The site will utilize the existing infiltration basin located on the adjacent parcel. The current master permit for the basin has an allocation of 14.11 acres of impervious surface.
- The development will be required to comply with both the county and state stormwater management requirements.



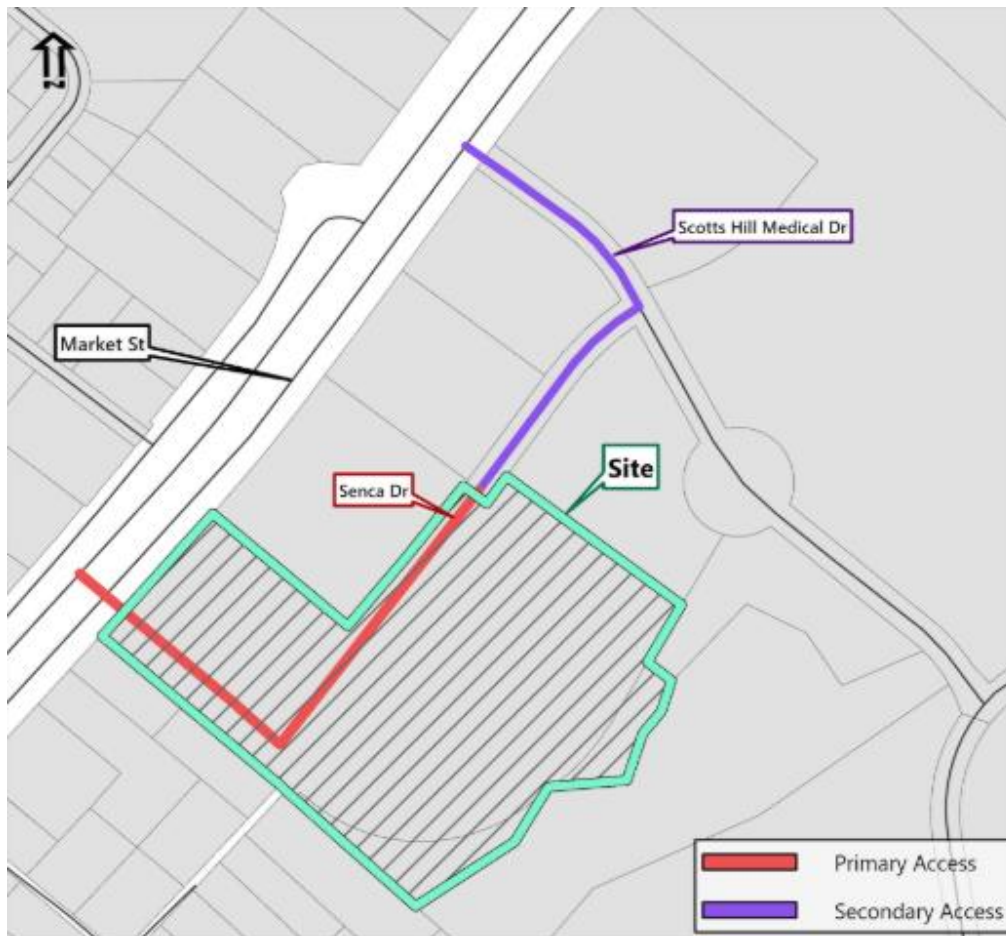
## ZONING CONSIDERATIONS

- The subject property is part of the Scott's Hill Medical Park development. To date one parcel of the development has been built, Wilmington Eye (medical office building). Future phases forecast retail, general office, and a drive-through pharmacy.
- The site has an extensive zoning history. The property was originally zoned for low-density residential in the early 1970s, rezoned for office and institutional uses in the late 2000s, and the current neighborhood business zoning was obtained in 2019. The B-1, Neighborhood Business Zoning District allows for multifamily dwellings with a special use permit as part of a mixed-use development; however, it limits the height to a maximum of 35 feet.
- The site has been zoned B-1 since May 2019. The intent of the B-1, Neighborhood Business District, is to provide lands that accommodate a range of small-scale, low-intensity, neighborhood serving commercial development that provide goods and services to residents of adjacent neighborhoods.
- The purpose of the RMF-MH, Residential Multifamily Medium-High Density District is to accommodate lands for medium to high density residential development with emphasis on midrise structures, near suburban shopping centers and employment centers. The intent of the district is to function as a transition between intensive nonresidential development and lower density residential development.
- Under the County's performance residential standards, the subject parcel would be permitted up to 32 units at a density of 2.5 du/ac. The RMF-MH, Residential Multifamily Medium-High Density District allows a maximum density of 25 units per acre. The applicant is proposing 256 units, for an overall density of 19.9 units per acre (13.4 dwelling units per acre for the parent tract, including the R-15 portion not subject to the rezoning request.)
- The site is situated between low-density residential to the south and east, a principal arterial roadway to the west, and commercially zoned property to the north.
- The proposal provides the required transitional buffer to the adjacent single-family zoning south of the request. Additionally, the design preserves 4.2 acres of wetlands, adjacent the vacant Coastal Preparatory Academy property, which would remain zoned R-15.

## AREA SUBDIVISIONS UNDER DEVELOPMENT

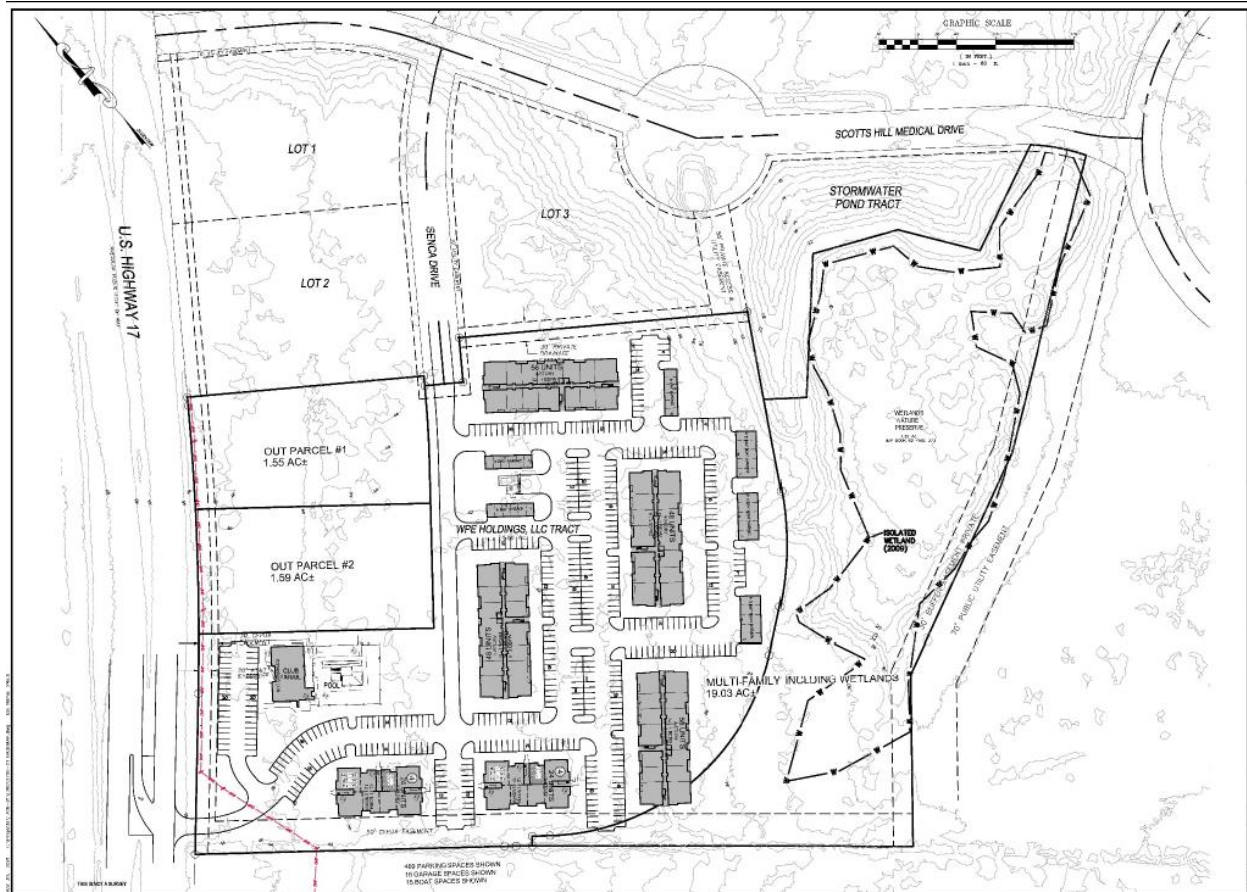


## TRANSPORTATION



- Primary access to the complex is directly from Market Street, an NCDOT-maintained principal arterial street, at an existing left-over median break. In addition, the interconnected street network of the medical park allows for a second access to Market Street with the extension of Senca Drive to Scotts Hill Medical Drive. Egress onto Market Street at the site access is limited to right-only. The intersection of Market Street and Scotts Hill Medical Drive will be signalized.
- A Traffic Impact Analysis (TIA) for the entire Scott's Hill Medical Park development was approved in June 2019 and studied the impacts of general office, medical office, retail and a drive-through pharmacy.
- The scope of the project has been modified to include general office, medical office, retail, a drive-through pharmacy, and 256 dwelling units.
- Due to the change in size and intensity of the land uses, the applicant's traffic engineer produced a technical memorandum, dated May 19, 2021, to serve as an addendum to the previously approved TIA. The memorandum has been reviewed and approved by both the NCDOT and the WMPO with the agreement the full build improvements are sufficient and replace the previous phased improvement schedule included in the 2019 TIA. All improvements would be required prior to the issuance of a certificate of occupancy of the apartment development.

## Proposed Scotts Hill Medical Park Development Site plan



### Comparison of Potential Trip Generation Scenarios

	<b>Intensity</b>	<b>Approx. Peak Hour Trips</b>
<b>Existing Development (B-1)</b>	<b>23,400 sf medical office</b>	<b>51 AM/58 PM</b>
<b>Approved Development (B-1)</b>	<b>132,000 sf general Office</b>	<b>187 AM/173 PM</b>
	<b>32,000 sf retail</b>	<b>104 AM/ 122 PM</b>
	<b>9,000 sf pharmacy with drive-through</b>	<b>18 AM/47 PM</b>
<b>Proposed Development (B-1 &amp; (CZD)RMF-MH)</b>	<b>256 dwelling units</b>	<b>90 AM/ 86 PM</b>
	<b>9,000 sf pharmacy with drive-through</b>	<b>18 AM/47 PM</b>
	<b>45,200 sf general office</b>	<b>73 AM/94 PM</b>
	<b>15,000 sf retail</b>	<b>99 AM/69 PM</b>
<b>Net Change</b>	<b>N/A</b>	<b>+5 AM/ -75 PM</b>



- The net difference in the total trip allocation for the previous land uses and the updated land uses, including the proposed multi-family development, is 5 additional AM peak hour trips and a decrease of 75 PM peak hour trips.

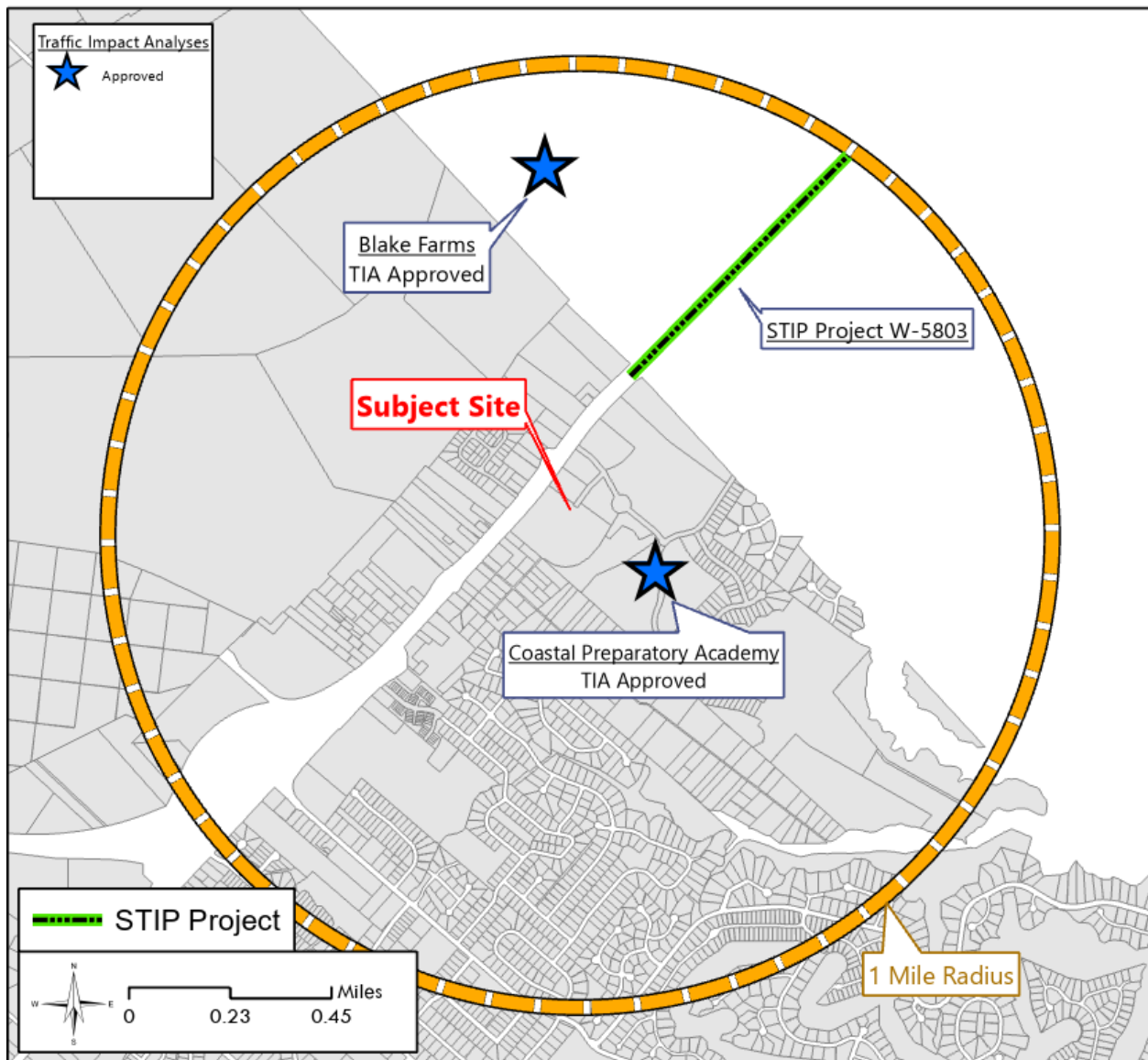


- The required roadway improvements, are outlined below:
  - **US 17 at the proposed North Bound (NB) to South Bound (SB) U-turn, south of SR 1571 (Scotts Hill Loop Road South)**
    - Provide a northbound U-turn lane with 200 feet of storage, 50 feet of full-width deceleration, and 200 feet taper.
    - The opening of the median break for the new U-turn will require a request for approval by the NCDOT State Traffic Engineer.
  - **US 17 at the NB to SB U-turn, south of SR 1571 (Scotts Hill Loop Road South)** (this U-turn is to be constructed with Phase 1)
    - Signalize the intersection.



- **US 17 at Scotts Hill Medical Drive** (Right in right out; proposed directional crossover)
  - Convert the existing RIRO to a directional crossover. Provide a southbound left-turn lane with 125 feet of storage, 50 feet of full width deceleration, and 200 feet of taper.
  - Provide westbound dual right-turn lanes by constructing an additional right-turn lane with 100 feet of storage, 25 feet of full width deceleration, and 75 feet of taper.
  - Signalize the intersection.
  - The opening of the median break for the new directional crossover will require a request for approval by the NCDOT State Traffic Engineer.
- **US 17 at the NB to SB U-turn, south of SR 1571 (Scotts Hill Loop Road South)**(this U-turn is to be constructed with Phase 1, and signalized with Phase 2)
- **US 17 at Site Access, located at existing closed off median break south of Scotts Hill Medical Drive** (Proposed signalized SB directional crossover)
  - Provide dual westbound right-turn lane with one lane full and one lane with 100 feet of storage, 25 feet of full width storage, and 75 feet of taper.
  - Provide northbound right-turn lane with 250 feet of storage, 50 feet of full width deceleration, and 200 feet of taper.
  - Remove barrier from southbound left-turn lane and repave/repair as determined by the District Office.
  - Signalize the intersection.
  - The re-opening of the median break for the new directional crossover will require a request for approval by the NCDOT State Traffic Engineer.

## Nearby Planned Transportation Improvements and Traffic Impact Analyses



### Nearby NC STIP Projects:

- STIP Project W-5803B
  - Project to install shoulder rumble strips between New Hanover County/ Pender County line and mile post 19.3 in Onslow County.
  - The safety project is scheduled to be constructed in 2022.

### 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
<ul style="list-style-type: none"> <li>Coastal Preparatory Academy</li> </ul>	<ul style="list-style-type: none"> <li>Phase 1 (2016-2017)- 490 students</li> <li>Phase 2 (2018-2019)- 587 students</li> <li>Phase 3 (2019-2020)- 664 students</li> <li>Phase 4 (2020-2021)731 students</li> </ul>	<ul style="list-style-type: none"> <li>TIA approved January 11, 2017</li> <li>Full Build 2021</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>Extension of the existing northbound left/u-turn lane at US 17 and Sidbury Road</li> <li>Modification of signal timing at traffic lights located on US 17 at Scotts Hill Loop Road and Sidbury Road</li> <li>Driveway improvements at the site's access with Pandion Drive</li> <li>Installation of a left turn lane into the site</li> <li>Installation of dual westbound right-turn lanes on Scott Hill Loop Road at the US 17 intersection</li> </ul>		
<u>Nearby Proposed Developments included within the TIA:</u>		
<ul style="list-style-type: none"> <li>Blake Farms</li> <li>New Hanover Regional Medical Center</li> <li>Scotts Hill Village</li> </ul>		
Development Status: Complete		

Proposed Development	Land Use/Intensity	TIA Status
<ul style="list-style-type: none"> <li>Blake Farms (Pender County)</li> </ul>	<ul style="list-style-type: none"> <li>111,925 sf Mini-Warehouse</li> <li>407 Townhomes</li> <li>15,600 sf Office</li> <li>34,500 sf Restaurant</li> <li>3,500 sf Restaurant w/ Drive-Thru (Fast Food)</li> <li>7,700 sf Aquarium</li> <li>8,400 sf Retail</li> <li>250 Senior Multi-Family Units</li> <li>50 Single-Family Homes</li> <li>10,000 sf Restaurant (Event Center)</li> <li>20,000 sf Medical Office</li> </ul>	<ul style="list-style-type: none"> <li>TIA Approved July 6, 2015</li> <li>TIA revision approved January 31, 2020.</li> <li>Full build 2025</li> </ul>



The TIA required improvements be completed at certain intersections in the area. The notable improvements consisted of:

- Installation of three (3) site accesses along US 17 in Pender County. Site Access 1 will include a signalized northbound directional crossover into the site. Site Access 2 and Site Access 3 will be right in-right out
- Installation of signalized southbound to northbound U-turn lane north of Sidbury Road
- Installation of signalized northbound to southbound U-turn lane north of Scotts Hill Loop Road (North)

**Nearby Proposed Developments included within the TIA:**

- None

Development Status: the site's main internal roadway (Blake farms Boulevard) has been constructed. No other roadway improvements have been completed at this time.

## **ENVIRONMENTAL**

- The property does not contain any Special Flood Hazard Areas or Natural Heritage Areas.
- The property is within the Futch Creek watershed.
- Per the Classification of Soils in New Hanover County for Septic Tank Suitability, soils on the property consist of Class I (slight limitation) and Class III (severe limitation). 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 Porters Neck Elementary, Holly Shelter Middle, and Laney High Schools. Students may apply to attend public magnet, year-round elementary, or specialty high schools.
- Because all but 0.05 acres of the subject site is zoned for non-residential use, no dwelling units would be permitted by right under the current zoning. A maximum of 256 units could be developed under the proposed rezoning.
- Based on the current general student generation rate\*, the increase in homes would result in approximately 56 additional students than would be generated under current zoning.
- The general student generation rate provides only an estimate of anticipated student yield as different forms of housing at different price points yield different numbers of students. Over the past four years, staff has also seen a decline in the number of students generated by new development. Student numbers remained relatively stable between 2015 and 2020 (excepting the impacts of the COVID-19 pandemic), while 14,500 new residential units were permitted across the county. In addition, the student population is anticipated to only grow by approximately 1,300 students over the next 10 years based on the recent New Hanover County Schools Facility Needs Study.

<b>Development Type</b>	<b>Intensity</b>	<b>Estimated Student Generation (generalized historic student generation rate)*</b>
Existing Development	Undeveloped	Approximate**Total: 0 (0 elementary, 0 middle, 0 high)
Typical Development under Current B-1 Zoning	0 residential units	Approximate**Total: 0 (0 elementary, 0 middle, 0 high)
Proposed (CZD) RMF-MH Zoning	256 residential units	Approximate**Total: 56 (23 elementary, 13 middle, 20 high)

\*The current general student generation rate was calculated by dividing the projected New Hanover County public school student enrollment for the 2021-2022 school year by the number of dwelling units in the county. Currently, there are an average of 0.22 public school students (0.09 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.

\*\*Because the student generation rate often results in fractional numbers, all approximate student generation yields with a fraction of 0.5 or higher are rounded up to a whole number and yields with a fraction of less than 0.5 are rounded down. This may result in student numbers at the elementary, middle, and high school levels not equaling the approximate total.

- Given the size of the proposed development, it may have a build-out date within 5 years, so staff has outlined existing school capacity to provide a general impact 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 trends in student population changes.

#### **School Enrollment\* and Capacity\*\* (2021-2022 School Year)**

<b>Level</b>	<b>Total NHC Capacity</b>	<b>School</b>	<b>Enrollment of Assigned School</b>	<b>Capacity of Assigned School w/ Portables</b>	<b>Capacity of Assigned School</b>	<b>Funded or Planned Capacity Upgrades</b>
Elementary	95%	Porters Neck	473	552	86%	None
Middle	108%	Holly Shelter	965	934	103%	None
High	100%	Laney	2,125	2,013	106%	None

\* Enrollment is based on the New Hanover County Schools enrollment that was projected for the 2021-2022 school year.

\*\*Capacity calculations were determined based on the projected capacities for the 2021-2022 school year, and funded or planned capacity upgrades were those included in the Facility Needs Study presented by New Hanover County Schools to the Board of Education in January 2021. This information does not take into account flexible scheduling that may be available in high school settings, which can reduce the portion of the student body on campus at any one time.

- The recent facility needs survey that has been prepared by Schools staff indicates that, based on NC Department of Public Instruction (DPI) student growth projections and school capacity data, 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-MH zoning district would allow for an increase in housing diversity and would allow those residents to utilize existing support services and community facilities within one mile of the subject property.
- The subject property is located in the Porters Neck community area, where 70% of residents currently live within one-mile of a support service (urgent care, primary doctor's office, child & adult care, etc.) and 43% live within one-mile of a community facility (public park, school, museum etc.) The proposed RMF-MH district would increase the number of residences within one-mile of support services (70% to 71%) and community facilities (43% to 47%).
- The predominant housing type in the area is single family detached at 80%. Under the proposed RMF-MH district the site would allow for multifamily housing (apartments) and increase housing type diversity by reducing the percentage of single family detached (80% to 75%) and increasing the percentage of multifamily (15% to 20%).



## REPRESENTATIVE DEVELOPMENTS

### Representative Developments of B-1



## Representative Developments of RMF-MH



Amberleigh Shores



Parks at Three Oaks

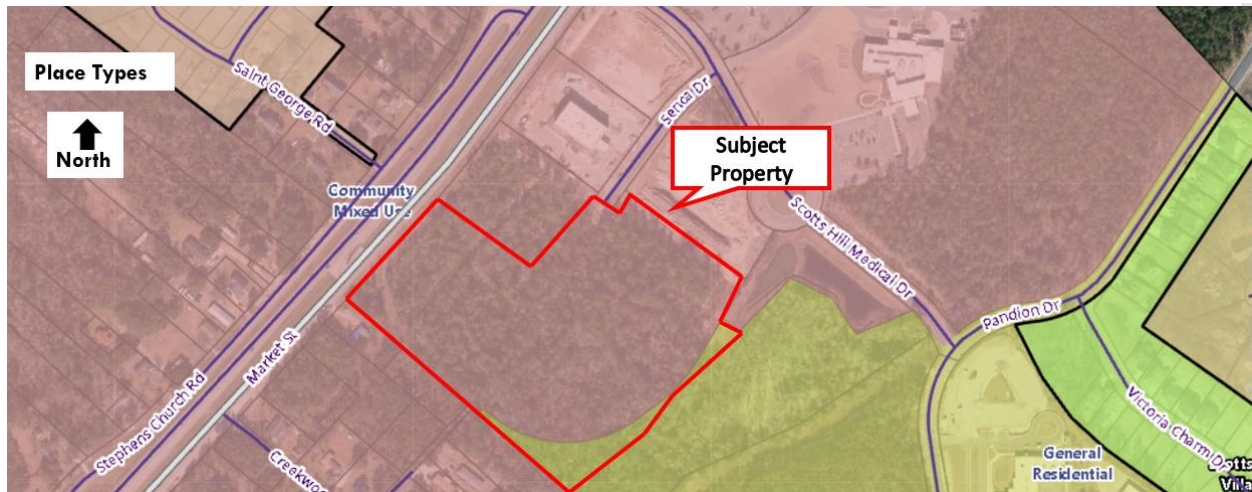


## Context and Compatibility

- The subject property is part of the Scott's Hill Medical Park development. The subject property is located between residential and non-residential zoning districts and will have direct access to US -17, a principal arterial roadway.
- The site is currently vacant; however, it's current zoning and TIA approval allow general office, medical office, retail, and a pharmacy with a drive-through.
- Adding a residential use to the subject site provides for a range of housing types in the unincorporated area and will support the Scott's Hill node.
- The three-story buildings will be closest to the existing R-15 zoning with the taller buildings on the Scott's Hill Medical Park side.

## 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 & Community Mixed Use

The subject parcel is primarily Community Mixed Use, with roughly 3 % designated as General Residential.

Because of the general nature of place type borders, sites located in proximity to the boundaries between place types could be appropriately developed with either place type, allowing site-specific features and evolving development patterns in the surrounding area to be considered.



<p><b>Place Type Description</b></p>	<p><u>Community Mixed Use:</u></p> <p>Focus 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.</p> <p><u>General Residential:</u></p> <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 appropriate uses include single-family residential, low-density multi-family residential, light commercial, civic and recreational.</p>
<p><b>Analysis</b></p>	<p>The proposed (CZD) RMF-MH development is located between low-density residential, a principal arterial roadway, and commercially zoned property.</p> <p>In general, the Comprehensive Plan designates areas along roadways for higher residential densities and a mix of uses and those near existing neighborhoods as General Residential in order to allow for an orderly transition of densities and intensities.</p> <p>The proposed (CZD) RMF-MH zoning would provide a transition in density and intensity between future Community Mixed Use development along US 17 and the existing single family residential districts on two sides of the subject site. Providing options for alternative housing types in direct relationship to single-family detached development is one of the stated intents for this district.</p> <p>The subject site is primarily classified as Community Mixed Use, which envisions moderate density residential development up to 15 dwelling units per acre. The applicant is proposing 256 units, for an overall density of 19.9 units per acre for the subject site and 13.4 dwelling units per acre for the parent tract, which includes the R-15 portion not subject to the rezoning request.</p> <p>The scope of the proposal is limited to multifamily; however, the site is located within the Scotts Hill Medical Park development and will be part of the mix of uses affiliated with the overall development pattern.</p>
<p><b>Consistency Recommendation</b></p>	<p>The proposed (CZD) RMF-MH, Conditional Residential Multifamily Medium-High Density District rezoning is generally <b>CONSISTENT</b> with the intent of the 2016 Comprehensive Plan because this zoning district is intended to provide alternative housing types to single-family detached development, the project provides for the types and mixture of uses recommended in the Community Mixed Use Place Type, and the project will locate community services in close proximity to nearby residents upon full build of the medical park.</p>

## PLANNING BOARD RECOMMENDATION

The Planning Board considered this application at their July 8, 2021 meeting. At the meeting, two residents spoke in opposition to the request, citing concerns of drainage, density, and traffic.

The Planning Board recommended approval of the application (6-0).

- The Planning Board found the application to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the project provides for the types and mixture of uses recommended in the Community Mixed Use place type, and the project, upon full build, will provide community services in close proximity to nearby residents. Further the proposed design supports the Scotts Hill node and retains wetlands and low-density residential zoning as an additional buffer against the school property.
- The Planning Board also found **APPROVAL** of the rezoning request is reasonable and in the public interest because the proposal would benefit the community by providing a diverse housing option near a retail, service and employment node.

## STAFF RECOMMENDATION

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

I move to **APPROVE** the proposed rezoning to a (CZD) RMF-MH district. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the project provides for the types and mixture of uses recommended in the Community Mixed Use place type, and the project, upon full build, will provide community services in close proximity to nearby residents. Further the proposed design supports the Scotts Hill node and retains wetlands and low-density residential zoning as an additional buffer against the school property. I also find **APPROVAL** of the rezoning request is reasonable and in the public interest because the proposal would benefit the community by providing a diverse housing option near a retail, service and employment node.

(Optional) Note any conditions to be added to the district.

### Alternative Motion for Denial

I move to **DENY** the proposed rezoning to a (CZD) RMF-MH district. While I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the project provides for the types and mixture of uses recommended in the Community Mixed Use place type, the residential densities are in-line with those recommended for the property, and the project, at full build, will provide commercial services in close proximity to nearby residents, I 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.