

CASE: Z-898, 9/09

PETITIONER: New Hanover County Airport Authority

REQUEST: From AR- Airport Residential and AI Airport Industrial District

ACREAGE: Approximately 2 acres

LOCATION: 1809/1821/1825/1829 Farley Drive

LAND CLASS: Transition

STAFF SUMMARY

The subject properties are located in the northern portion of the county in an area classified as Transition on the 2006 CAMA Land Classification map. The properties are formerly residential lots that are now part of Wilmington International Airport property. They front along Farley Drive, which intersects with N. Kerr Avenue. Traffic counts are not available for Farley Drive. N. Kerr Ave. is signalized at this intersection and level of service (LOS) changes significantly at the intersection from F on the south to A on the north. Average daily traffic counts on N. Kerr increased by about 1% between 2006 and 2007.

Current zoning of the property is AR Airport Residential, but other property west of Farley Drive is all zoned AI airport Industrial. A farm operation is still in production to the north of this proposal. Across the street on the east side of Farley Drive, the zoning is AR and residential uses are still active.

The subject properties are located in Smith Creek watershed drainage area which is classified C, Sw and is within a secondary aquifer recharge area. The property is not within the 100 year flood zone. Soils are primarily Class III with severe limitations for septic. The Airport Height Ordinance applies in this location.

Land Use Plan Considerations:

This proposal includes four parcels on the west side of Farley Drive and inside the fenced airport property. The lots were formerly developed with residential uses but are currently vacant.

The AI airport industrial district is described as one that provides for indoor manufacturing and distributive type operations that are compatible with airport facilities, generally protecting the lives and property of the users of the airport and occupants in the vicinity. The district is designed to prevent destruction or impairment of the utility of the airport and the public's investment in it.

A small area plan, "Wrightsboro, An Eye on the Past . . . A Step Towards the Future," was prepared and adopted in 1991 and discussed the AR and AI districts, but none of the objectives or actions in the plan addressed airport issues. In addition, the 2006 CAMA Land Use Plan adopted Policy 19.5 relating to Wilmington International Airport, stating that the county would cooperate with the Airport Authority to increase competitiveness while being mindful of the compatibility with adjacent businesses and homes. Further policies for industrial land use are outlined under Policy 4.2 of the plan, which encourages delineation of areas that will maximize the efficient use of infrastructure while protecting fragile ecosystems from harm and protecting residents from undue impacts.

The 2006 Update of the Joint CAMA Plan describes the purpose of the Transition classification as providing for future intensive urban development on lands that have been or will be provided the necessary urban services for maximum efficiency in land utilization and public service delivery.

A traffic impact analysis (TIA) would be required for any new use that generates more than 100 peak hour trips. Industrial uses as allowed in AI districts would be possible in this location if the lots are rezoned as proposed.

Staff acknowledges that the current zoning creates a sort of safeguard for the residents at the south end of Farley Drive from potential industrial development across the street on the airport property, but staff feels the proposed zoning pattern is reasonable and consistent with the plan. Furthermore, the county's development standards would address any buffering or other requirements if development occurs. Staff recommends approval.

ACTION NEEDED:

In accordance with NCGS 153A-341, paragraph 2, "The planning board shall provide a written recommendation to the board of county commissioners that addresses plan consistency and other matters as deemed appropriate by the planning board . . ."

1. **Motion to Recommend Approval based on consistency with the plan and other appropriate matters.**
2. **Offer Applicant option to Withdraw the Petition (there is a one year waiting period to reapply.)**
3. **Motion to table or continue the item in order to receive additional information or documentation (Specify).**
4. **Motion to Recommend Denial based on lack of consistency with adopted plans or determination that the change would not be reasonable or is not in the public interest.**

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Petition Summary Data

Rezone approx. 2 ac. AR to AI

Owner/Petitioner: New Hanover County Airport Authority

Existing Land Use: Vacant land

Zoning History: Airport – October 4, 1976

Land Classification: Transition

Water Type: public

Sewer Type: public

Recreation Area: N/A

Access & Traffic Volume: Access from Farley Drive. No traffic counts or LOS is available.

Fire District: Wrightsboro VFD

Watershed & Water Quality Classification: Smith Creek – C;Sw 303(d)

Aquifer Recharge Area: A secondary recharge area for Castle Hayne and PeeDee where occurring near land surface under water-table conditions.

Conservation/Historic/Archaeological Resources: None

Soils: Le-Leon soil and Se-Seagate fine sand

Septic Suitability: Class III, severe limitations and Class II, moderate limitations

Schools: N/A

Other: Airport Height Ordinance

Z-898, 09/09

Rezoning:
 Rezone approximately 1.96 acres
 from AR, Airport Residential, to
 AI, Airport Industrial.
 Location: Four parcels along Farley Dr.
 Applicant: New Hanover County
 Airport Authority

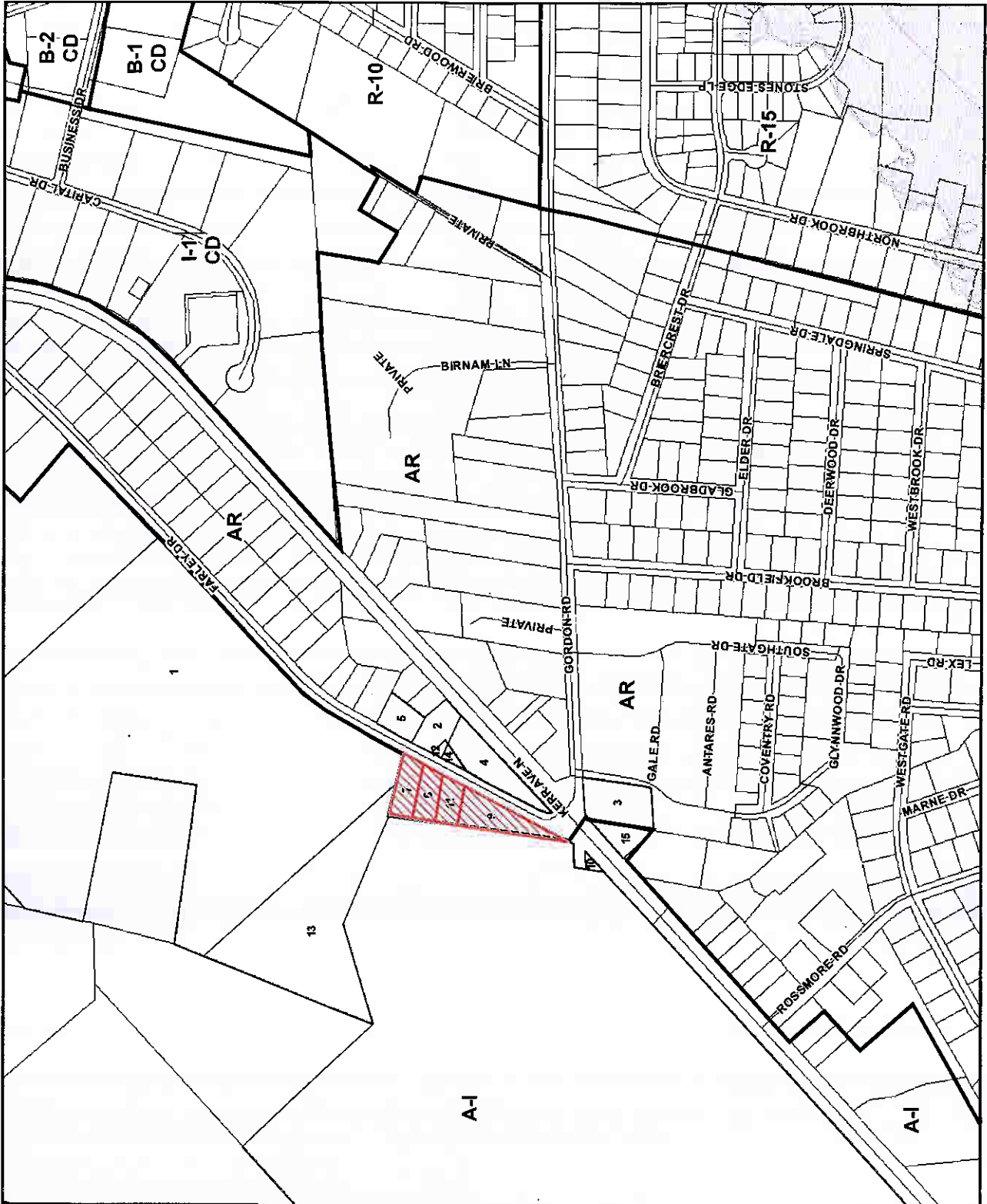
Legend

-  Z-898
-  Zoning
-  Floodplain



1 inch = 400 feet

Property Owner	Receiving Notification Label
BCB FARM LLC	1
BONHAM RODNEY D MARILYN	2
GLYNWOOD MOBILE HOMES INC	3
JOYCE CHARLES A	4
LEWIS JAMES K II KELEE L ETAL	5
NEW HAN CNTY	6
NEW HAN CNTY	7
NEW HAN CNTY	8
NEW HAN CNTY AIRPORT AUTHORITY	9
NEW HAN CNTY AIRPORT AUTHORITY	10
NEW HAN CNTY AIRPORT AUTHORITY	11
NEW HAN CNTY AIRPORT AUTHORITY	12
NEW HAN CNTY AIRPORT AUTHORITY	13
NEW HAN CNTY AIRPORT AUTHORITY	14
STEPHENS JOHN SCOTT GAYLE C	15



APPLICANT MATERIALS

The owner/applicant and or authorized agent should plan to attend all meetings at which this request will be heard.

**WHAT YOU MUST ESTABLISH
FOR A CHANGE OF ZONING**

Your intended use of property upon rezoning is completely irrelevant, except for conditional use district proposals. The North Carolina General Statutes require that zoning regulations shall be made in accordance with a comprehensive plan. **The governing board is required to adopt statements that the change is or is not consistent, reasonable, and in the public's interest.** Since amendments to zoning maps should also be based on a Land Use Plan, you must explain how your request satisfies each of the following requirements: (Fill in below or attach additional pages).

1. How would the requested change be consistent with the **County's Policies for Growth and Development?** The rezoning protects the safety of the public as it prohibits residential uses on the four parcels. The New Hanover County Airport Authority purchased the properties as part of a FAA funded safety project. The properties were located inside the Runway Protection Zone (RPZ). FAA mandates that the RPZ be controlled by the airport to ensure that it is not inhabited or contain unnecessary structures. This protects both the public living near airports as well as flight crews and passengers.

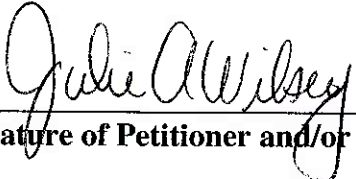
The properties on three sides of the four properties are zoned AI so this makes the zoning consistent with all the adjoining airport property.

2. How would the requested zone change be consistent with the property's classification on the **Land Classification Map?** The area is classified as transitional. This classification will not change with the rezoning from AR to AI.
3. What **significant neighborhood changes** have occurred to make the original zoning inappropriate, or how is the land involved **unsuitable for the uses permitted** under the existing zoning?

With the new Instrument Landing System (ILS) on Runway 24, the design standards changed, and the parcels fell into the RPZ. The FAA does not allow residences in the RPZ. The houses purchase with the properties were removed by the airport. The airport owned property on three sides of the parcels, and we installed security fencing around the parcels to ensure the public does not have access to the RPZ.

4. How will this change of zoning serve the public interest?
It ensures that the properties cannot have residences rebuilt or public gatherings inside the RPZ. This protects people living around the airport as well as the flight crews and passengers.

In signing this petition, I understand that the existing zoning map is presumed to be correct and that I have the burden of proving why a change is in the public interest. I further understand the singling out of one parcel of land for special zoning treatment unrelated to County policies and the surrounding neighborhood would probably be illegal. I certify that this application is complete and that all information presented in this application is accurate to the best of my knowledge, information, and belief.



Signature of Petitioner and/or Property Owner

Julie A. Wilsey, Deputy Director

Print Name