

**CASE: Z-895, 8/09**

**PETITIONER:** Withers & Ravenel for Seabreeze Holdings, Inc and Charles/Johanna Bryant

**REQUEST:** From R-15 medium density residential to B-2 Highway Commercial District

**ACREAGE:** Approximately 2.1 acres

**LOCATION:** S. Seabreeze Rd. and Roscoe Freeman Ave.

**LAND CLASS:** Conservation

**STAFF SUMMARY**

The subject properties are located in the southern portion of the county in an area classified as Conservation on the 2006 CAMA Land Classification map. The property is accessed from S. Seabreeze Road for the most part, with a smaller area located along Roscoe Freeman Avenue. Seabreeze Road is a local road connecting the community to Carolina Beach Road just north of the Snow's Cut Bridge. Traffic counts in the area show about 9% increase in annual average daily traffic between 2008 and 2009. Carolina Beach Road has a 2007 LOS of C in this vicinity, meaning the road is operating below its design capacity with traffic flowed efficiently. However, the intersection of River Road and Carolina Beach Road and Seabreeze Road is locally viewed as a hazardous area for turning traffic. No traffic counts or level of service is available for Seabreeze Road.

Current zoning of the property is R-15 medium density residential, and it is largely surrounded by the same residential designation. However, the parcels are split by B-2 zoning to the east.

The subject properties are located in Seabreeze watershed drainage area which is classified SA; HQW. The property is within the 100 year flood zone. Soils are primarily Class III with severe limitations for septic systems. A small portion of the properties show the presence of Class I soil, which would be suitable for septic tanks. The applicant envisions that public water and sewer could be extended to serve this site.

**Land Use Plan Considerations:**

This proposal includes portions of 3 parcels south of Seabreeze Road and west of the existing B-2 zoning district. This request is to expand the B-2 district so that parcels will not be split.

The B-2 commercial district is described as one that provides for the proper grouping and development of roadside business uses which will best accommodate the needs of the motoring public and businesses demanding high volume traffic. The district's principal means of ingress and egress shall be along collector roads, minor arterials, and/or major

arterials as designated on the County's Thoroughfare Classification Plan. Although Seabreeze does not fit this description, the community has had a history of commercial use in this area which was honored by the initial B-2 zoning in 1971. Little of the past commercial vibrancy remains in Seabreeze today, and because of the number of small lots and special flood hazard considerations in the existing B-2 district, intensive commercial development would require significant assemblages of property and costly design elements.

The Seabreeze Neighborhood Plan was prepared in 1988, and encouraged efforts to revitalize the commercial area. A recent review of that plan with the neighborhood indicated a desire for public water access with kayak and canoe launching opportunities as well as other recreational enhancements. The neighborhood plan recommended aligning the B-2 district with existing property lines upon request of property owners. In addition, the 2006 CAMA Land Use Plan adopted policies relating to commercial land uses. Policy 4.3 of the Land Use Plan promotes maximum effectiveness of commercial uses by assuring that land is available for commercial uses within close proximity to the markets they serve and by ensuring that such commercial uses do not diminish the quality of life in nearby residential areas.

The 2006 Update of the Joint CAMA Plan describes the purpose of the Conservation classification as providing for effective long-term management and protection of significant, limited or irreplaceable natural resources while also protecting the rights of the property owner. Management of these areas may be required for a number of reasons, including natural, cultural, recreational, productive or scenic values, but are primarily flood prone areas.

Lands placed in the Conservation class present challenges from a land use standpoint, as they are often the most desirable from a development perspective and they may be, at the same time, the most undesirable to develop from an environmental or public safety perspective.

Lands placed in the Conservation class are generally the least desirable for development because:

- 1 They are too fragile to withstand development without losing their natural value; and/or
- 2 They have severe or hazardous limitations to development; and/or
- 3 Though they are not highly fragile or hazardous, the natural resources they represent are too valuable to endanger by development.

Public water and sewer does not currently serve this location but a private provider, Aqua NC, serves other properties in reasonable proximity. An intensive commercial use would certainly require public services in this area since the soils are poorly suited for septic tanks.

A traffic impact analysis (TIA) will be required for any development that generates more than 100 peak hour trips.

Staff feels the request is consistent with the neighborhood plan and reasonable as a mechanism to eliminate the split zoning on the owners' properties and more particularly to expand commercial opportunity away from the challenges of development in the VE flood hazard area. Staff therefore 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**

Owner/Petitioner: Withers & Ravenel for Seabreeze Holdings, Inc. and Charles & Johanna Bryant

Existing Land Use: Residential/vacant

Zoning History: Area 4 (April 7, 1971)

Land Classification: Conservation

Water Type: Aqua NC in close proximity

Sewer Type: Aqua NC in close proximity

Recreation Area: Snow's Cut Park

Access & Traffic Volume: S. Seabreeze Rd., a local road, to Carolina Beach Road arterial. ADT 2009= 22,626 or +9% LOS=C

Fire District: Federal Point FD

Watershed & Water Quality Classification: Seabreeze SA;HQW

Aquifer Recharge Area: A shallow water table sand aquifer and underlying artesian aquifer containing fresh water over salty water.

Conservation/Historic/Archaeological Resources: None noted

Soils: Mostly Ly-Lynn Haven fine sand with small presence of Mu-Murville fine sand and Kr-Kureb sand

Septic Suitability: mostly Class III-Severe limitations (Kr=Class I-suitable)

Schools: Carolina Beach Elementary

Other: AE(13) Flood Hazard

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Reasoning:  
 Rezones approximately 2.1 acres from R-15 to B-2.  
 Location: S. Seabreezes Rd & Roscoe Freeman Ave  
 Applicant: Withers & Ravelent for Seabreeze Holdings, Inc.

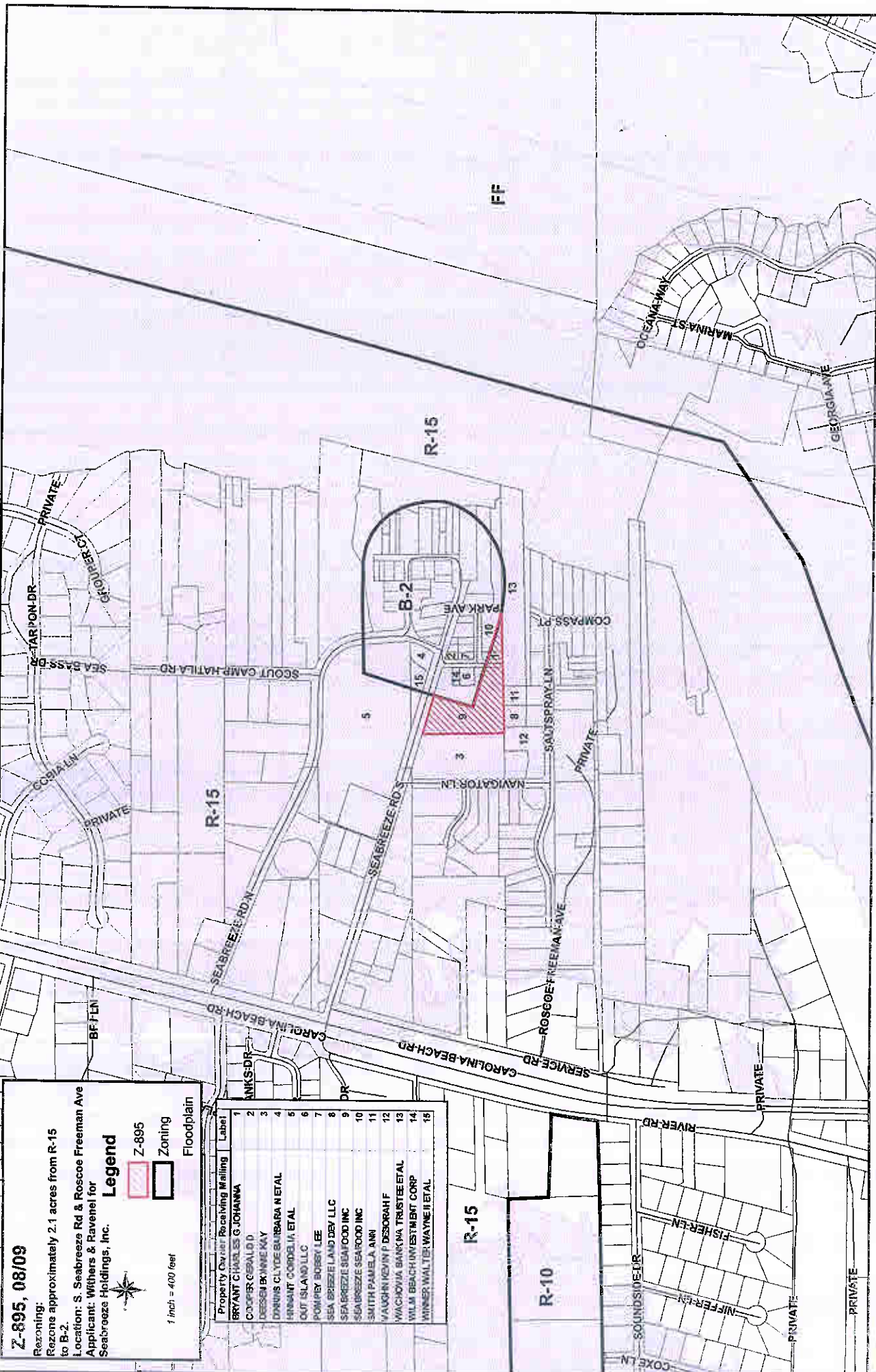
## Legend

-  Z-895
-  Zoning
-  Floodplain

1 inch = 400 feet



Property Owner	Receiving Mailing Label
1 BRYANT CHARLES G JOHANNA	
2 COOPER GERALD D	
3 DESSON BRYANNE MAY	
4 DONNIN CLYDE BURBARA N ETAL	
5 HUNSAIT C ORDELL M ETAL	
6 OAT ISLAND LLC	
7 POMPEY BOBBY LEE	
8 SEA BREEZE LAND DEV LLC	
9 SEABREEZE SEAFOOD INC	
10 SEABREEZE SEAFOOD INC	
11 SMITH PAMELA ANNI	
12 VAUGHN KEVIN P DESORAH F	
13 WACHOWIA BANK NA TRUSTEETAL	
14 WILM BEACH INVESTMENT CORP	
15 WINNER WALTER WAYNE II ETAL	



# APPLICANT MATERIALS

**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 policies of the CAMA Land Use Plan encourage continued efforts to attract and retain businesses. They also address the increasing needs for access to estuarine and public trust waters for recreation. A business district is necessary for the accompanying services associated with waterfront use, such as bait shops, restaurants, marinas & dry stack boat storage.

**2. How would the requested zone change be consistent with the property's classification on the Land Classification Map?**

The CAMA Land Use Plan shows the subject property as being in the Conservation classification. The purpose of the class is to provide for effective long-term management and protection of the associated natural resources. In order to promote the highest and best use, while preventing a negative impact on water quality, site specific flexibility and creativity is desirable. Any future development of the lands will be regulated by Federal wetland restrictions and CAMA regulations to assure minimal environmental impacts, and also by both State and County for guarantee of adequate stormwater management.

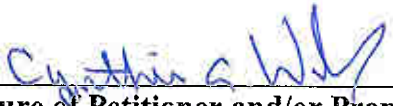
**3. What significant neighborhood changes have occurred to make the original zoning inappropriate, or how is the land involved unsuitable for the uses permitted under the existing zoning?**

The existing B-2 zoning district overlay was created by a relatively vague description, and splits many of the properties in the area. Potential development layout is awkward as to application of setbacks and buffers. The proposed rezoning will bring the make entire property boundary within the same zoning district.

**4. How will this change of zoning serve the public interest?**

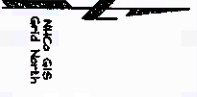
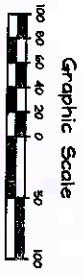
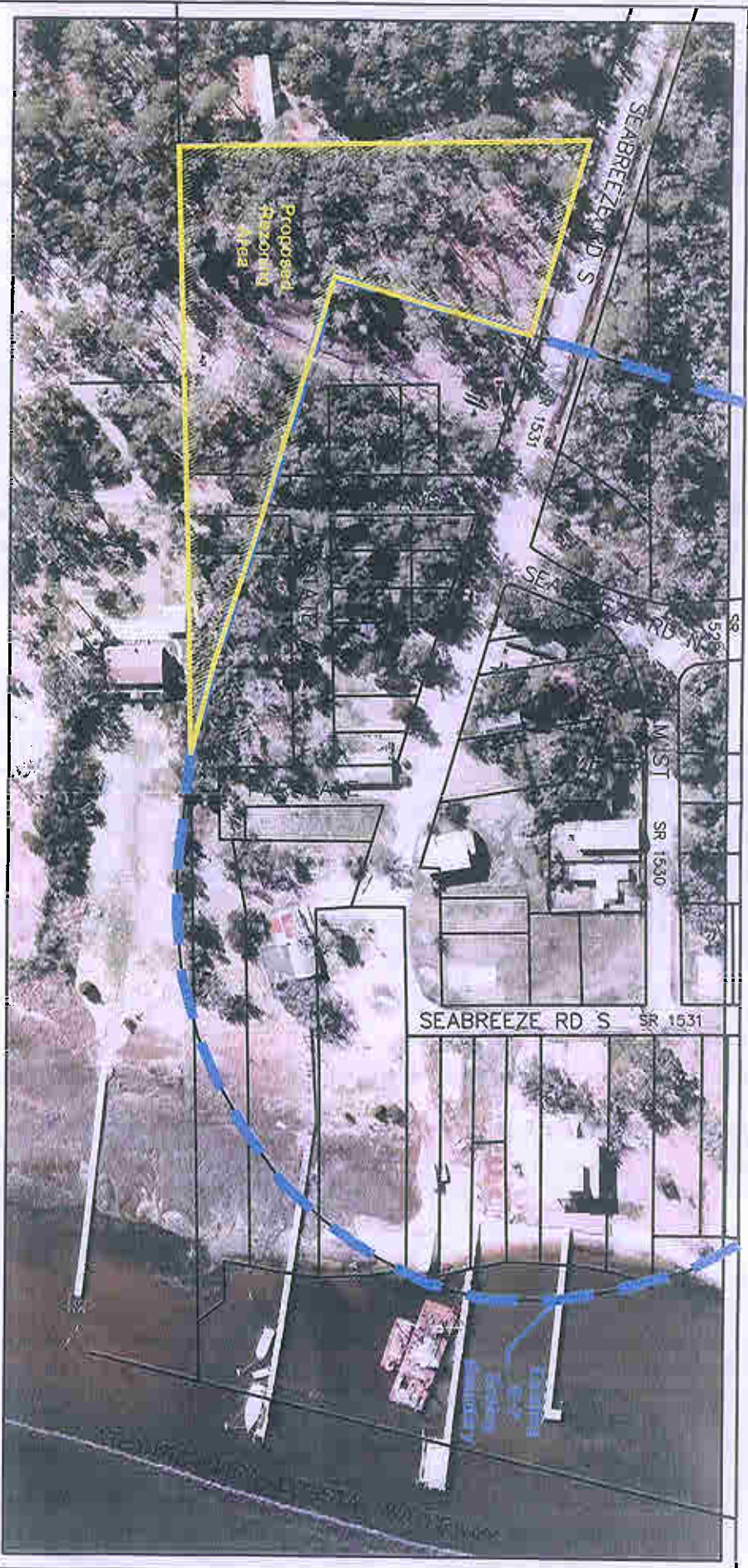
The Seabreeze Neighborhood Plan, developed in 1988, identified a community concern that loss of waterfront commercial activities was a problem. Strategies for improving the economically depressed conditions included improving the physical image and perception of the community, encouraging new investment, and revitalizing the commercial waterfront. It also acknowledged that the current zoning pattern in the B-2 district should be aligned with existing property lines. Any new development will bring with it adherence to current regulations for building code conformance, adequate parking, and decorative landscaping – all adding to the desire for improvement to the neighborhood area.

**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.**

 06/30/09  
\_\_\_\_\_  
Signature of Petitioner and/or Property Owner

Cindee Wolf / Withers & Ravenel, Inc.

\_\_\_\_\_  
Print Name



**General Notes:**

1. New Harover Co. Parcel No.:  
 p/o 318111.55.3704.000  
 (P/D) 102816.001.019.0001  
 p/o 318111.55.5840.000  
 (P/D) 102816.007.002.0001  
 p/o 318111.55.1440.000  
 (P/D) 102816.007.001.0001
2. Zoning: R-15 Existing  
 B-2 Proposed
3. C/M/A Land Classification:  
 Conservation

**WITHERS & RAVENEL**  
 ENGINEERS | PLANNERS | SURVEYORS  
 1410 Commonwealth Drive, Unit 101, Wilmington, North Carolina 28403  
 Tel: 910-256-9277  
 Fax: 910-256-2384  
 www.witthersravenel.com  
 License No. C0882

Date: 06/22/09  
 Scale: 1" = 100'  
 Drawn By: C Wolf  
 Proj. No.: 09040286

Client:  
**Seabreeze Holdings, Inc.**  
 123 Crauford Road  
 Hillsborough, NC 27278

**Seabreeze Holdings, Inc.**  
 Federal Point Township / New Harover County / North Carolina  
 Landward Rezoning Boundary Exhibit