

**MINUTES OF THE
NEW HANOVER COUNTY PLANNING BOARD MEETING
August 5, 2004**

The New Hanover County Planning Board met Thursday, August 5, 2004 at 7:00 p.m. in the County Court House, 24 North Third Street, Wilmington, NC to hold a public meeting.

Members Present:

Walter Conlogue, Vice Chairman
Robin Robinson
Frank Smith
Sandra Spiers

Staff Present:

Baird Stewart, Senior Planner
Sam Burgess, Planner
Linda Keough, Administrative Secretary
Holt Moore, Assistant County Attorney

Members Absent:

David Adams
David Girardot
Sue Hayes

Vice Chairman Walter Conlogue opened the meeting by welcoming the audience to the public hearing. Sam Burgess led the reciting of the *Pledge of Allegiance to the Flag*.

Vice Chairman Conlogue proceeded by stating that Agenda Item #6 Subdivision Appeal will not be heard at this meeting. Vice Chairman Conlogue added that he is Chairman of the Technical Review Committee and would not be voting on the item. Therefore there would not be a quorum present at this meeting to vote on the item.

Vice Chairman Conlogue stated that the applicant, Cindee Wolf of Design Solutions, has requested that Agenda Item #4: Rezoning be postponed to the next Planning Board meeting. Frank Smith made a motion to continue this item to the September 2nd Planning Board meeting. Robin Robinson seconded the motion. Board voted 4-0 in favor of the motion.

The Board agreed to postpone approval of the minutes of the July meeting until next month since only one of the Board members present attended the July meeting.

Item 1: Rezoning: Request by Denise Lee to rezone approximately 1.47 acres of property located at 8263 Market Street behind the Porters Neck Shopping Center from B-1 Neighborhood Business to B-2 Highway Business (Z-780, 08/04).

Baird Stewart presented the slides and gave a brief review of the site's history, land use, zoning and related information.

The applicant, Denise Miller Lee, explained that the majority of the adjacent properties and nearby properties are zoned B-2, therefore this property is no longer a transitional

area from residential. She also stated that the surrounding property owners do not have a problem with the rezoning request.

Ronnie Williams, residential tenant at the property next to the subject property, stated that he does not have a problem with the rezoning request.

Baird Stewart stated that he did receive a letter from one adjacent property owner, Mr. Scarafoni, who is located in front of the subject property and is opposed to the rezoning request.

STAFF SUMMARY:

The petitioner is requesting a B-2 Highway Business Rezoning. The subject site is adjacent to and behind the Porters Neck Shopping Center, which is, zoned both (B-1) Neighborhood Business and (B-2) Highway Business. The remaining parcels surrounding the subject property that are not part of the shopping center are zoned R-15 Residential. One of these adjacent parcels is used for a stormwater management pond that serves at least part of the shopping center.

Access to the site is proposed through the private access roads on the shopping center property. The primary access point on Market Street across from Porters Neck Road has a traffic signal allowing for safe traffic movement in and out of the property. This area is just south of the I-140 interchange. Some improvements to this intersection, which are associated with the I-140 interchange, have already been made.

The subject property was rezoned to B-1 Neighborhood Business in March 2000. At that time the applicant requested a rezoning to B-2 Highway Business and at the recommendation of the Staff changed the request to B-1. The staff recommendation was based on a concern for providing a transition into the surrounding residential area while still allowing for commercial shopping facilities. At that time Staff also recommended rezoning the adjacent parcel number 3 on the location map. It is clear that both parcels will end up with commercial uses and **either B-1 or B-2 zoning is appropriate**. However, the greatest concern for development on these parcels is their proximity to a necessary extension of the 5 mile long unimproved Plantation Road right of way. Additional zoning changes at this location should provide for that western connection.

Frank Smith asked staff about Mr. Scarafoni's concerns. Baird Stewart replied that he thought Mr. Scarafoni's primary concern was the access. Mr. Stewart stated that the primary access to this property is through private property. Frank Smith asked if the property owner could restrict access. Holt Moore, County Attorney replied that he could if it is private property but asked staff if there is an easement on the property. Mr. Stewart replied that he was not sure about the easements but felt that the main concern should be if this is the appropriate zoning designation for the property. Mr. Stewart explained the permitted uses for B-2 compared to B-1 zoning.

Vice Chairman Conlogue asked the applicant if the main reason for the rezoning request is to allow the current tenant to park a vehicle on the property. Ms. Lee replied stating that the current tenant is a landscape contractor who cannot park his vehicles at this

location under the current zoning. The tenant would like to park at least one vehicle at this location. Ms. Lee added that there is a deeded access easement through the property.

Frank Smith inquired about the minimum property size requirements for B-2 district and road frontage. Baird Stewart stated that this property meets all of the requirements and is contiguous with an established B-2 District.

Sandra Spiers asked if the current uses for the plaza are B-1 or B-2. Baird Stewart replied that the current uses are commercial which fall under B-1 or B-2 zoning.

Frank Smith asked if there were any agreements between Ms. Lee and the owner of the plaza when she purchased the property. Ms. Lee replied that the only agreement was to keep the architectural design similar to the existing plaza.

Vice Chairman Conlogue stated that his only concerns were with the access.

Robin Robinson made a motion to approve the Rezoning request. Sandra Spiers seconded the motion. The Board voted 4-0 in favor of the motion.

Item 2.: Rezoning – Request by Shellington Properties Inc. to rezone approximately 3.72 acres of property located in the 6500 block of Gordon Road from R-15 & R-10 Residential to O&I Office and Institutional (Z-781, 08/04).

Baird Stewart presented the slides and gave a brief review of the site's history, land use, zoning and related information.

James Wicker, owner of Shellington Properties Inc provided handout material for the Board members. Mr. Wicker explained that this property is in transition and the homes in the area are older homes. He stated that the houses were built in 1958-1961 and most are rental homes.

STAFF SUMMARY:

The subject property is comprised of three existing parcels totaling approximately 3.72 acres and is located on the south side of Gordon Road, approximately $\frac{3}{4}$ of a mile from Market Street. In 1972 when zoning was established in the area the only commercial zoning on Gordon Road was a small business district at the intersection of Gordon and Market. Since that time, the Industrial zoning established for Dutch Square has expanded along the south side of Gordon Road and has been developed with a variety of uses including convenience service stations, office and institutional uses and industrial uses. The commercial districts on the north side of Gordon Road around Market Street are typically found in established neighborhoods. These more intense zoning classifications and land uses generally stop approximately $\frac{1}{2}$ mile from Market street and transition into residential type uses. Recently the Board approved a Conditional Use I-1 Light Industrial Office park adjacent to and east of the Gresham Place Apartments, which was presented as a straight rezoning and then modified to a conditional use rezoning primarily to establish a commercial/industrial boundary and to protect the nearby residents. The subject parcels are beyond this established boundary. Although there is a large vacant B-

2 Highway Business District located at the intersection of I-40 and Gordon west of the subject property, the Gordon Road corridor has and should remain a residential corridor.

The subject property is within the urban growth boundary and is classified as developed by the Comprehensive Plan. However, several policies in the comprehensive plan discourage the striping out of our major corridors. Staff is concerned that approving an O&I Office and Institutional District in this location will establish a precedent for commercial or office uses on similar properties along the entire Gordon Road corridor. Therefore, **Staff Recommends Denial.**

Frank Smith expressed his concerns for recommending approval to a straight rezoning from residential to O&I without a specific site plan and the possibility of setting a precedent for future rezonings down the road.

Robin Robinson asked if staff heard from residents in nearby subdivisions such as Mission Hills or Wyck Farm. Baird Stewart replied that he did not hear from residents in those particular subdivisions. Mr. Stewart stated that he did hear from an individual who is developing residential lots nearby and that he did not have strong feelings either way regarding this rezoning request. Mr. Stewart added that he also heard from the owner of a lot caddy corner to the subject property who is also interested in rezoning his property.

Vice Chairman Conlogue stated that he agreed with Mr. Smith suggesting that the applicant withdraw his request and possibly meet with the Planning Department to come up with a specific plan for a special use or conditional use.

Mr. Wicker stated that he is not planning to develop the property at this time and would like to withdraw and come back at a later time.

Robin Robinson made a motion to allow the applicant to withdraw the rezoning request. Sandra Spiers seconded the motion. The Board voted 4-0 in favor of the motion.

Item 3. Rezoning – Request by Design Solutions for Arnold Henegar to rezone approximately 1.12 acres of property located at 6813 Gordon Road from R-15 Residential to B-2 Highway Business (Z-782, 08/04).

Baird Stewart presented the slides and gave a brief review of the site's history, land use, zoning and related information

Cindee Wolf of Design Solutions stated that the reason for the request is simply for housekeeping purposes since the property is totally surrounded by B-2 zoning.

STAFF SUMMARY:

The subject property is approximately 1.12 acres and is located on the north side of Gordon Road, less than 500 feet from Market Street. The area is classified as Developed by the Comprehensive Plan and is within the Urban Growth Boundary. All of the surrounding properties are zoned commercial. In 1995 when parcels noted as 1 & 2 on

the site map were rezoned, staff recommended rezoning the subject parcel. Based on the consistency with the surrounding land use, zoning, and the land classification **Staff Recommends Approval.**

Robin Robinson made a motion to recommend approval of the rezoning request. Sandra Spiers seconded the motion. The Board voted 4-0 in favor of the motion.

Item 5. Rezoning – Request by Design Solutions for Haywood Watters to rezone approximately 7.78 acres of property located at 5807 Murrayville Road on the north side between North College and I-40, from R-15 Residential to R-10 Residential (Z-784, 08/04).

Baird Stewart presented the slides and gave a brief review of the site's history, land use, zoning and related information.

Cindee Wolf of Design Solutions explained that property is in transitional part of the county and with the urban services available it would be more appropriate for an R-10 development.

Vice Chairman Conlogue asked staff if lots north and northwest of subject property are mobile homes. Cindee Wolf and staff replied that those properties are zoned R-15 and is the Port O'Pines Mobile Home Park.

Bob Small, 5911 Murrayville Road, stated that he is not opposed as long as there are water and sewer facilities available for a development of this size. Staff replied that there is water and sewer available. Cindee Wolf added that they would extend sewer lines down Murrayville Road.

STAFF SUMMARY:

The subject property is approximately 7.78 acres and is located on the north side of Murrayville Road between College Road and I-40. The subject property is bounded on two sides by the Port O'Pines Estates mobile park which was approved in the early 1970's for more than 100 units. The R-10 District across Murrayville Road from the subject property was established in 1980 and was developed as the Bent Tree Subdivision.

The applicant is requesting a rezoning from R-15 Residential to R-10 Residential which would yield approximately six additional units. The property is located in the Urban Transition Land Classification and is within the Urban Growth Boundary. Public water and Sewer are available nearby. Policies in the Comprehensive Plan state that the purpose of the urban transition classification is to provide for future intensive urban development and densities can exceed 2.5 units per acre when adequate public facilities are available. Based on the consistency with the comprehensive plan policies and the consistency with surrounding land uses, **Staff Recommends Approval.**

Robin Robinson made motion to recommend approval of the rezoning request. Sandra Spiers seconded the motion. The Board voted 4-0 to approve the motion.

Other Items of Business

Sam Burgess gave an update on the Technical Review Committee's activity during the month of July 2004.

The TRC reviewed two performance residential developments:

1. Willow Glen at Beau Ravage with approximately 530 units.
90 single family homes, 104 town homes, 48 condominiums, 288 apartment units with private water and sewer

TRC Approved by 4-0 vote with 4 requirements:

1. Emergency access road to Willow Glen Drive
 2. Adequate water pressure connection for fire hydrants approved by Fire Department
 3. TIA Study (Transportation Study after 144 units are constructed)
 4. A collector road built within the apartment complex to alleviate traffic safety concerns
2. West Bay Estates – Phase V preliminary extension request for 173 lots
Final plat approval for 133 lots with County water and sewer has already taken place.
Issues of concern at the time of TRC review were water capacity and road adjustments based on the Military Cut-off Extension proposal.

Mr. Burgess stated that this project would be going back to the TRC on August 11th for further review adding that the above items of concern have been resolved.

Being of no further business, Sandra Spiers made a motion to adjourn the meeting. Robin Robinson seconded the motion, which the Board unanimously approved. The meeting adjourned at 8:30 p.m.

Dexter Hayes, Planning Director