

**MINUTES OF THE
NEW HANOVER COUNTY PLANNING BOARD MEETING
April 7, 2005**

The New Hanover County Planning Board met Thursday, April 7, 2005 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, Chairman
David Girardot, Vice Chairman
David Adams
Sue Hayes
Robin Robinson
Frank Smith
Sandra Spiers

Staff Present:

Dexter Hayes, Planning Director
Baird Stewart, Senior Planner
Sam Burgess, Planner
Linda Keough, Administrative Secretary

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

Chairman Conlogue proceeded with the approval of the minutes. David Girardot made a motion to approve the March minutes. Sue Hayes seconded the motion. The Board approved March 3, 2005 minutes by a vote of 7-0.

Item 1: Rezoning (Continued) – Request by Andrew Hall for Yvonne Johnson to rezone approximately 12.80 acres of property located at 649 Piner Road from R-15 Residential to O&I Office and Institutional (Z-788, 01/05).

Andrew Hall stated that he would like to continue this item for another 30 days. He explained that arrangements have not been completed between the property owner and the residents of Wood Duck for solutions to a possible land buffer or retention area between the adjacent property and this property.

David Girardot made a motion to approve the request to continue this item for 30 days. David Adams seconded the motion. The Board approved the motion with a 7-0 vote.

Item 2: Rezoning – Request by Broadus Hill for Doug & Shirley Thompson to rezone approximately 2.50 acres of property located at 3301 North Kerr Avenue across from Wrightsboro Methodist Church from AR Airport Residential to AI Airport Industrial. (Z-796, 04/05).

Baird Stewart gave a brief review of the request, agency comments and related information.

Ed Hill, applicant, stated that his intent for the property is a low impact office warehouse facility with buffering and landscaping as required. The business will be a daylight operation with no manufacturing on the property.

Dexter Hayes provided the staff summary.

STAFF SUMMARY:

The petitioner is requesting a rezoning from AR Airport Residential to AI Airport Industrial. The property has approximately 230 feet of frontage on North Kerr Avenue and is approximately 750 feet from the intersection of Blue Clay and North Kerr. The property is directly across from the Wrightsboro United Methodist Church, the Cape Fear Optimist Park and is directly adjacent to another institutional type use to the east.

Zoning was established in the area in 1976 and very few zoning changes have occurred in the immediate vicinity. However, significant traffic increases and limited residential density in the Airport Residential District limit the suitability of the property for residential development. The most likely uses for the subject property are office and institutional type uses. However, given the proximity to the airport, it is probably more appropriate to zone the property Airport Industrial, which is consistent with the zoning to the south and to the east. Staff recommends approval of the request. Staff also recommends that approximately 1700 s.f. of parcel 6 on the site map also be rezoned to Airport Industrial.

Frank Smith asked staff if there are any other significant parcels in close proximity to this property that are zoned AI and undeveloped. Baird Stewart replied that there is an AI District south of this property but was not sure of what was on the property. Dexter Hayes added that there are other larger properties adjoining the airport along Blue Clay Road that have additional development potential. Frank Smith asked if staff takes in to account what is vacant as opposed to growing a district. Dexter Hayes replied that staff has at various times looked at build-out patterns adding that the requested AI zoning would be a good transitional use for this area.

Ed Hill stated that there are two residents to the south of the property. Tony Parra, owner of Lot 13, stated that he has lived there since 1991 and does not want to have to move. He added that he does not know what the applicant's property is going to be used for but expressed his concerns for the other residents and the affect that it will have on them.

Robin Robinson asked why staff did not consider O&I as good of a transition at that location. Dexter Hayes replied that this is a very large tract and a considerable amount of the property is wet with industrial uses on two sides. Baird Stewart explained that this property was part of the original airport zoning area and is in the airport overlay classification. He added that all of the surrounding area is either airport industrial or airport residential and the Planning Staff has historically tried to keep the airport areas zoned airport industrial to differentiate the area.

Sue Hayes asked if any kind of buffering would be required between AI and the residential areas. Dexter Hayes replied that there will be buffering required. He also noted that the A1 buffering is more stringent than the O1 requirement.

David Adams asked why Lot 12 has no buffer. Dexter Hayes replied that the buffer was not required at the time that Lot 12 was developed.

Ed Hill explained that they are proposing to use the property for an office and warehouse for kitchen cabinets. Frank Smith pointed out that the applicant can build up to the buffer lines in this zoning classification and can use the property for any of the AI permitted uses.

Robin Robinson made a motion to recommend approval of the rezoning request. Sandra Spiers seconded the motion. The Board approved the motion with a vote of 7-0.

Item 3: Zoning Text Amendment (Continued) – Request by Howard Penton to amend Section 72-38(9) of the New Hanover County Zoning Ordinance to allow Residential Uses in commercial districts outside the Urban Growth Boundary (A-339, 02/05).

Dexter Hayes explained that the applicant had requested to continue this request until the update of the CAMA Land Use Plan has progressed farther along.

Howard Penton stated that this amendment would have significant impact on some of the contemplated developments regarding urban services. He stated that this is a fairly time sensitive issue for him and that he understands that urban services development is a large budgetary impact item for the county.

Frank Smith stated that the CAMA Land Use Plan Update Committee is in the discussion and decision process regarding various regulations that may affect the Board's decisions on this amendment.

Dexter Hayes explained that the Urban Service Boundary is related to the capability of providing services to an area. He explained that the county should not promote development beyond its capability for providing services to an area.

Howard Penton stated that it would be helpful to him to know if the Planning Board is acceptable to his request.

Sue Hayes stated that she feels that it is premature to act on this request at this time. Walter Conlogue agreed.

Sandra Spiers stated that since there is a committee that has been formed to make some decisions on this subject she feels that the Board should wait until the committee has their recommendations.

David Adams expressed that he is not in favor of the resource protection land classification and felt that the decision on this item should conform to the CAMA Land Use Plan.

David Girardot made a motion to continue the zoning text amendment request for sixty (60) days. Sue Hayes seconded the motion.

The Board approved the motion with a vote of 7-0.

Item 4. Zoning Text Amendment – Request by Withers & Ravenel, Inc. to amend two sections of Article VIII “Off-Street Parking and Loading,” of the New Hanover County Zoning Ordinance to add language regarding parking on sites where there are dual uses sharing parking and regarding parking for Dry Dock Boat Storage (A-340, 04/05).

Baird Stewart explained that the request is to amend two portions of the parking section of the zoning ordinance. One aspect is regarding the two different uses on a particular property when one of the uses is a private membership type organization and the other aspect is addressing the parking requirement for dry stack boat facilities. He explained the recommended modifications.

Cindee Wolf, Withers & Ravenel, Inc. stated that in private membership situations with an accessory use it is the same people using the parking. Therefore, to have two parking requirements does not make sense.

There was further discussion with the Planning Board members, staff and the applicant regarding each aspect of the text amendment and clarification of the current requirements.

STAFF SUMMARY:

While the proposed text amendment is being presented under one application there are two related but different changes being proposed. The first change relates to shared parking facilities and the second change relates to parking for dry stack boat storage. To facilitate the review of the amendments, the following summary separates the two topics.

I. Shared Parking (Section 80-3)

Current Ordinance 80-3: Combination of Required Parking Space, The required parking space for any number of separate uses may be combined in one (1) lot but the required space assigned to one use may not be assigned to another use, except that one-half (1/2) of the parking spaces required for churches, theater, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.

Proposed addition of Subsection 80-3.1 – Add to the ordinance “In the case of dual uses on the same property, when the use of the property is by private membership, the parking requirement for the lesser of the two associated uses within the facility shall be reduced by ½.

According to Section 81-1 the current parking requirement for private clubs is 1 parking space per 100 s.f. of gross floor area which is more than adequate to accommodate members and their guests. With stormwater management and water quality being a significant concern in the region, it seems appropriate that the county Ordinance would encourage shared parking facilities. During the UDO process the issue of shared parking was addressed by requiring a study which would demonstrate the feasibility of the shared parking based on the type of proposed development, the composition of tenants, and the

anticipated parking turnover. Staff recommends a similar approach. The above proposed text amendment should be changed as follows:

Amend Section 81-1

“Clubs, public or private & *Associated Uses*. “

One (1) parking space for each one hundred (100) square feet of gross floor space. *Parking for any associated use may be reduced by ½ upon submission of adequate documentation and favorable recommendation by the Planning Department and approval by the Inspections Director.*

- II. Dry Dock Boat Storage Parking Requirement (Section 81-1)
Proposed Amendment – Add Dry Dock Boat Storage with a parking requirement of 1 space per 4 dry docks.

Currently Section 81-1 of the Zoning Ordinance does not address commercial marinas or dry dock boat storage. However, the use and the associated parking requirement are addressed in Section 72-31 under the Special Use Permit requirements for Commercial Marinas. Based on this standard the off-street parking requirement is 1 parking space per wet boat slip and 1 parking space per two dry storage slips.

In comparing other jurisdictions, the applicant presented that Wrightsville Beach requires a ratio of 1 space per 4 dry slips, and two jurisdictions in Florida that have parking ratios of 1 space per 4 dry slips and 1 space per 5 dry slips.

Staff has contacted several other jurisdictions from Delaware, Maryland, Virginia, North Carolina and South Carolina and there is a wide variety of parking ratios for commercial marinas. While most of the jurisdictions require 1 space per wet slip some require 1 space per 4 dry storage slips and some require 1 per 2 dry storage slips. Ultimately the best resource was a 2002 article utilized studies and information from several different countries and concluded that there is no universal rule because of the wide range of variables affecting boat usage. Ultimately, however, the article did indicate that on weekends during the peak season boat usage in wet slips or dry slips are in the 20% or 30% range. On holiday weekends usage is at a higher rate of approximately 40% or 60%.

Based on analysis of some marinas in New South Wales, Australia, the article also suggests parking estimates of 0.6 spaces per wet slip and 0.2 spaces per dry storage slip. In reviewing that analysis and based on other jurisdictions it seems that the proposed 1 parking space per 4 dry dock storage is satisfactory. Staff recommends approval.

Robin Robinson recommended approval of Article VIII Off-Street Parking and Loading portion of the zoning text amendment per staff’s recommendations. Sandra Spiers

seconded the motion. The Board approved the motion with a vote of 6-1 (Girardot voted against).

Baird Stewart explained the second element of the proposed text amendment that pertains to Dry Dock Boat Storage.

Sandra Spiers made a motion to approve the Dry Dock Boat Storage Requirement section of the request as recommended by staff. Robin Robinson seconded the motion. The Board approved the motion with a vote of 6 to 1 (Girardot voting against).

Item 5: Zoning Text Amendment – Request by Planning Staff to amend Section 50.5 the Table of Permitted Uses of the New Hanover County Zoning Ordinance to permit Duplexes in the R-10 Residential District by right rather than by Special Use Permit (A-341, 04/05).

Baird Stewart explained the proposed text amendment and the reason for the request.

Frank Smith asked if the Resource Protection Area permits duplexes. Baird Stewart replied that the Resource Protection Area few, if any, R-10 zoning districts.

Sue Hayes stated that she would like to see this section of the ordinance remain the same to allow some discretionary review by neighborhood.

STAFF SUMMARY:

Recently the planning department has received several special use permit requests to convert existing single-family residences on larger lots within the R-10 district into Duplexes. Typically the requests have come from individuals who are providing living facilities for elderly parents or grandparents.

The R-10 residential classification allows the highest density residential development of any County zoning classifications. Density for performance development in the R-10 district is 3.3 dwelling units per acre. Performance development is permitted by right and dwelling units can be clustered on small lots or as multi-family structures. Because it is the highest density district in the County Ordinance, there is a requirement that either public water or sewer are available to any project within the zoning classification. As a result of the utility requirement R-10 districts are generally found inside the urban growth boundary in and in the Developed or Urban Transition Land Classification.

Allowing Duplexes in the R-10 district is consistent with the purpose of the district. The ordinance requires additional lot area for duplexes, which provides adequate protection from nearby existing single-family units within the same district. This change would also encourage infill development on larger lots where services are already available. Staff believes the proposal is also consistent with the Comprehensive Plan. For all of these reasons Staff Recommends Approval.

David Girardot made a motion to recommend approval of the text amendment. David Adams seconded the motion. The Board approved the motion with a vote of 6 to 1 (Hayes against).

Sam Burgess provided the TRC report:

Marsh Oaks Section II

- Resource Protection
- 74 Lots
- County water & sewer
- Public Roads

Roland Place Section III

- Limited Transition
- Individual septic
- Aqua of NC water
- 34 Lots
- Public Roads

Fairway Commons – 4 @ Porters Neck Plantation

- Resource Protection
- County Sewer
- Private Water
- 19 Lots

Sam Burgess reminded the Planning Board of the TRC meeting scheduled for April 13th at 2:00 p.m.

Sue Hayes stated that at the last meeting the Planning Board reviewed a rezoning request for a surgery center. She stated that the Board agreed to hold a worksession with the applicant, the Planning Board and other interested parties. She added that she was under the impression that the discussion would include the whole Porter's Neck area and not just the surgery center. The Planning Board members agreed that staff and the Planning Board would meet on April 27th at 3:30 p.m. to discuss future planning of the Porter's Neck area. Dexter Hayes stated that staff would put some maps and material together to discuss at the meeting.

Being no further business, Frank Smith made a motion to adjourn the meeting, which the Board unanimously approved. The meeting adjourned at 9:10 p.m.

Dexter Hayes, Planning Director