



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Haley Moccia, Planner

**DEPARTMENT:** Planning & Development

**MEETING:** Town Council – December 10<sup>th</sup>, 2024

**SUBJECT:** **Conditional Zoning** to consider a K-5 school at 105 Dow Rd. at Seaside Chapel.  
Applicant: Seaside Chapel

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### BACKGROUND:

The applicant, Seaside Chapel, is proposing a K-5 school at their property 105 Dow Rd. This property is located in the R-3 Residential Zoning District. Schools are allowed through the approval of conditional zoning in the R-3 Zoning District. The proposal includes renovating their existing two-story Family Life Center building into a school which allows grades K – 5. Kindergarten and 1<sup>st</sup> grades will be on the ground floor and 3<sup>rd</sup> – 5<sup>th</sup> grades on the second floor. The building includes a gym and a kitchen.

The Conditional Zoning District allows a particular use to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such nature or scale that they have significant impacts on both the immediate surrounding area and on the entire community which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, the review process provides for the accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions which ensure compatibility of the use and enjoyment of neighboring properties.

All applications shall include a site plan and any development standards to be approved concurrently with the rezoning application. Development standards may include such things as parking, landscaping, design guidelines, and buffers. When evaluating an application for the creation of a conditional zoning district, the Commission shall consider the following:

1. The application's consistency to the general policies and objectives of the Town's CAMA Land Use Plan, any other officially adopted plan that is applicable, and the Zoning Ordinance.
2. The potential impacts and/or benefits on the surrounding area, adjoining properties.
3. The report of the results from the public input meeting.

Prior to scheduling a public hearing on the rezoning application, the applicant shall conduct one (1) public input meeting and file a report of the results with the Zoning Administrator. In approving a petition for the reclassification of property to a conditional zoning district, the Planning and Zoning Commission may recommend that the applicant add reasonable and appropriate conditions to the approval of the petition. Any such conditions should relate to the relationship of the proposed use to the impact on the following:

1. Town services
2. Surrounding property
3. Proposed support facilities such as parking areas and driveways
4. Pedestrian and vehicular circulation systems
5. Screening and buffer areas
6. Timing of development
7. Street and right-of-way improvements
8. Infrastructure improvements (i.e. water)
9. Provision of open space
10. Other matters that the participants in the public input meeting, staff, Planning & Zoning Commission, and Town Council find appropriate or the petitioner may propose.

If the applicant does not agree with the Planning & Zoning Commission or staff's recommendations of additional conditions, the Town Council shall have the authority to accept none, any, or all of the conditions forwarded from the review process.

No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and applicable site plan, subdivision plat, and/or permit for the district.

### **PROPOSAL:**

The property at 105 Dow Rd is a 2.52-acre lot surrounded by 4 roads: S Dow Rd., Charlotte Ave., 8<sup>th</sup> St. S, and Hamlet Ave. The lot is located in the R-3 Zoning District, which mainly consists of single-family houses. The lot has 4 existing structures: 1-story chapel (built 1975), single family residence (built 1977), 1-story worship sanctuary (built 1999), and 2 story family life center (built 2005). The 2-story family life center expansion to the chapel was approved through a Conditional Use Permit (CUP) in 2005. In 2020, Seaside Chapel was approved, through a Conditional Use Permit, to use the family life center to operate a daycare and add a playground.

The conditional zoning proposal consists of the renovation of the 2-story life center into a K – 5 school with the original 9 classrooms being combined into a total of 5. The fellowship hall will be converted to a gym. The existing elevator, stairs, bathrooms, and kitchen will remain. No expansions to the building are proposed. When the family life center was approved, a total of 86 parking spaces were required. Changes in the Town ordinance have reduced the parking requirements for churches. A total of 58 parking spaces are required for the proposed school (1 per classroom + 5 for visitors = 11 spaces), church (1 per square 300 feet of indoor gross floor

area = 44 spaces), and single-family house (2 per dwelling unit + 0.5 per bedroom over 2 = 3 spaces). Seaside chapel proposes installing a total of 72 spaces.

The Wilmington Metropolitan Planning Organization (WMPO) was asked and subsequently determined a traffic study was not warranted for the proposed school. To mitigate school pickup traffic, the parking lot was designed to queue cars through the parking lot. The 8<sup>th</sup> St. entrance to the parking lot will be blocked during school drop off and pickup to funnel traffic into and out of the parking lot through the Hamlet Ave. entrance. The parking lot will consist of pervious gravel that meets state requirements. The proposed queuing plan shows a total of 34 cars held onsite within the drive aisles of the property (See Site Plan)

### **CONDITIONAL ZONING PROCESS**

As part of the application process a community meeting is required. The applicant held the required meeting on January 21<sup>st</sup>, 2024. The applicant has provided summary comments from the meeting.

### **LAND USE PLAN**

The project is in general conformity with the 2020 Land Use Plan by promoting family-friendly character and by meeting the Low-Density Residential area description. The parcel is located in the low-density residential district which consists of primarily large-lot, single family detached residential neighborhoods. Existing, by-right, entitled, higher intensity uses will continue to be supported in LDR areas.

### **STAFF PROPOSED CONDITIONS**

1. Restoration of the previously required landscape buffer in front of the 8<sup>th</sup> street fenced in playground as described in the 2020 Conditional Grant Order for 105 Dow Rd.
2. At least 8% of the gross paved area of a parking facility shall be landscaped and located in the interior. For purposes of this section, interior shall mean the area within the parking facility curb or pavement and extensions that create a common geometric shape such as a square, rectangle, or triangle.
3. Refuse collection agency to be used must be included on final site plans. The refuse collection site must be enclosed on three (3) sides by a minimum six (6) foot opaque fence.
4. Pervious gravel drive aisles will meet NCDEQ Pervious Pavement design criteria.
5. Any proposed signage will have to meet all standards zoning requirements in the future.
6. Fire recommends a Knox box to be installed on building.

## **PLANNING & ZONING COMMISSION**

The Planning and Zoning Commission voted 4/2 to approve the K-5<sup>th</sup> Grade school at 105 Dow Rd. with the suggested staff conditions and an additional condition by the Planning & Zoning Commission that requires once per year the town receives, from the applicant, certification of a properly functioning pervious driveway.

### **ACTION REQUESTED:**

Consider recommending approval or denial of a conditional zoning to approve a school located at 105 S Dow Rd.

Staff recommend approval of the project with the proposed conditions.

Planning and Zoning Commission recommended approval of the project with staff proposed conditions and their proposed condition.

### **MOTION:**

Approval – whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of the Conditional Use District to allow for a school located at 105 Dow Road is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans and the potential impacts on the surrounding area are mitigated by the approved conditions.

Denial – based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents and the potential impacts on the surrounding areas.