



NEW HANOVER COUNTY PLANNING & INSPECTIONS

230 Government Center Drive Suite 110
Wilmington, NC 28403
910-798-7165 phone
910-798-7053 fax
www.nhcgov.com

Application for **CONDITIONAL ZONING DISTRICT**

Petitioner Information	Property Owner(s) <i>If different than Petitioner</i>	Subject Property
Name Cindee Wolf	Owner Name Mildred Wolff Futch etal	Address 2715 N. 23rd Street
Company Design Solutions	Owner Name 2	Parcel ID(s) 312918.41.6179
Address PO Box 7221	Address 128 Long Leaf Drive	Area 1.95 ac.+/-
City, State, Zip Wilmington, NC 28406	City, State, Zip Wilmington, NC 28401	Existing Zoning and Use R-15 / Vacant
Phone 910-620-2374	Phone 910-793-4769 / Cynthia Smith	Proposed Use B-1 (CD) / Commercial Bldg.
Email cwolf@lobodemar.biz	Email csstringaddict301@gmail.com	Land Classification Transition
Application Tracking Information (Staff Only)		
Case Number	Date/Time received:	Received by:

APPLICATION OVERVIEW

In order to assist petitioners through the rezoning process, petitioners are highly encouraged to attend a pre-application conference prior to application submittal. Petitioners are requested to review the sections of the Zoning Ordinance specific to zoning amendments and conditional zoning districts prior to submission, and advised to contact Planning Staff with any questions. The following sections of the Zoning Ordinance pertain specifically to zoning amendments and conditional zoning districts:

- Section 55.3: Conditional Zoning Districts
- Section 110: Amending the Ordinance
- Section 111: Petitions
- Section 112: Approval Process

Applications for zoning amendments must first be considered by the New Hanover County Planning Board at a public hearing. The Planning Board will make a recommendation to the County Commissioners which will take final action on the permit application in a quasi-judicial public hearing. Attendance at all public hearings is required. The public hearings will allow staff, the applicant, proponents and opponents to testify in regards to the request. Unless otherwise published or announced, Planning Board meetings are held on the first Thursday of each month at 6:00PM in the Commissioner's Assembly Room at the Historic County Courthouse located at Third and Princess Streets, Wilmington, North Carolina. All meeting dates and application deadlines are published on the New Hanover County Planning website.

APPLICATION REQUIREMENTS

In order to assist petitioners through the rezoning process, petitioners are highly encouraged to attend a pre-application conference prior to application submittal. Applications must be reviewed by Planning Staff for completeness prior to being officially accepted. Applications must be submitted to Planning Staff at least twenty (20) working days before the Planning Board meeting at which the application is to be considered. In order to allow time to process, fees and review for completeness, applications will not be accepted after 5:00 PM on the deadline day. Once accepted, the Planning Board will consider the application at the assigned meeting unless the applicant requests a continuance.

For all proposals, in addition to this application, the following supplemental information and materials are required:

Required Information	Applicant Initial	Staff Initial
Copy of the New Hanover County Tax Map, which delineates the property requested for rezoning.	<u>CW</u>	
Legal description (by metes and bounds) of property requested for rezoning.	<u>CW</u>	
Copy of the subdivision map or recorded plat which delineates the property.	<u>n/a</u>	
Site Plan (8-24x36 copies for Planning Board; 8-24x36 copies for Commissioners) <ul style="list-style-type: none"> • Tract boundaries and total area, location of adjoining parcels and roads • Proposed use of land, structures and other improvements. For residential uses, this shall include number, height and type of units and area to be occupied by each structure and/or subdivided boundaries. For non-residential uses, this shall include approximate square footage and height of each structure, an outline of the area it will occupy and the specific purpose for which it will be used. • Development schedule including proposed phasing. • Traffic and Parking Plan to include a statement of impact concerning local traffic near the tract, proposed right-of-way dedication, plans for access to and from the tract, location, width and right-of-way for internal streets and location, arrangement and access provision for parking areas. • All existing and proposed easements, reservations, required setbacks, rights-of-way, buffering and signage • The one hundred (100) year floodplain line, if applicable • Location and sizing of trees required to be protected under Section 62 of the Zoning Ordinance • Any additional conditions and requirements, which represent greater restrictions on development and use of the tract than the corresponding General Use District regulations or other limitations on land which may be regulated by State law or Local Ordinance. • Any other information that will facilitate review of the proposed change (Ref. Article VII, as applicable) 	<u>CW</u>	
A report of the required public information meeting outlined in Section 111-2.1.	<u>CW</u>	
Authority for Appointment of Agent Form (if applicable)	<u>CW</u>	
Fee - For petitions involving 5 acres or less, \$600. For petitions involving greater than 5 acres, \$700	<u>CW</u>	

CRITERIA REQUIRED FOR APPROVAL OF A CHANGE OF ZONING

Conditional Use District Zoning is established to address situations where a particular land use would be consistent with the New Hanover County Land Use Plan and the Zoning Ordinance objective but for which none of the general zoning classifications which would allow that use are acceptable. The applicant should explain, with reference to attached plans (where applicable), how the proposed use satisfies these requirements. The applicant has the burden of proof and must provide sufficient evidence in order for the required findings to be met.

You must explain in the space below how your request satisfies each of the following requirements (attach additional sheets if necessary):

1. How would the requested change be consistent with the County's Policies for Growth and Development?

Policies for growth encourage continued efforts to attract & retain businesses. The proposal is to develop a small commercial building along a busy commercial thoroughfare lined with other commercial uses. Extending the B-1 business zone, but with conditional regulations is consistent with the concept of in-filling parcels where urban services are available.

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

The site is in a "Transition" land classification. The Transition classification is intended for more intensive development where urban services are already in place.

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?

N. 23rd Street is a busy thoroughfare. Single-family residential use of lands immediately bordering it has become generally undesirable. The properties to both the North & West of the subject tract are already zoned for business uses. Rezoning this property for a low-impact business use would be logical.

4. List proposed conditions and restrictions that would mitigate the impacts of the proposed use(s).

The trip generation for a small commercial building such as proposed would not add a significant amount of traffic to the corridor. Reference the site plan layout & notes for proposed conditions. Fencing & a bufferyard will mitigate any impacts to the residential uses to the South. Streetyard & interior plantings will meet the landscape requirements & add to the visual appeal of the project.

If an applicant requests delay of consideration from the Planning Board or Board of County Commissioners before notice has been sent to the newspaper, the item will be calendared for the next meeting and no fee will be required. If delay is requested after notice has been sent to the newspaper, the Board will act on the request at the scheduled meeting and are under no obligation to grant the continuance. If the continuance is granted, a fee in accordance with the adopted fee schedule as published on the New Hanover County Planning website will be required.

By my signature below, I understand and accept all of the conditions, limitations and obligations of the Conditional Use District zoning for which I am applying. I understand that the existing official zoning map is presumed to be correct. I understand that I have the burden of proving why this requested change is in the public interest. 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.

 03/08/16

Signature of Petitioner and/or Property Owner

Cindee Wolf/Design Solutions

Print Name



NEW HANOVER COUNTY PLANNING & INSPECTIONS

AUTHORITY FOR APPOINTMENT OF AGENT

230 Government Center Drive
Suite 110
Wilmington, NC 28403
910-798-7165 phone
910-798-7053 fax
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Please note that for quasi-judicial proceedings, either the land owner or an attorney must be present for the case at the public hearing.

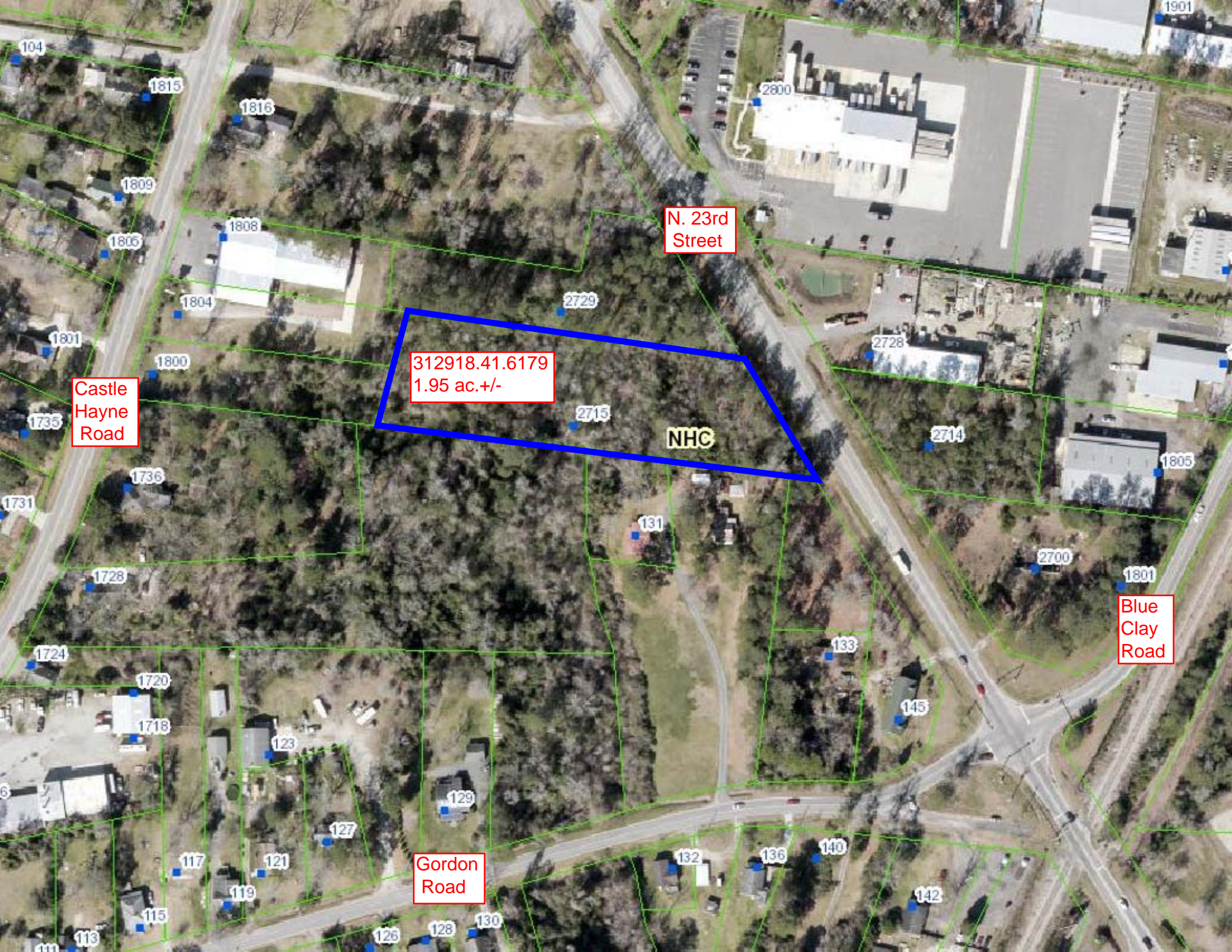
The undersigned owner does hereby appoint an authorized the agent described herein as their exclusive agent for the purpose of petitioning New Hanover County for a variance, special use permit, rezoning request, and/or an appeal of Staff decisions applicable to the property described in the attached petition. The Agent is hereby authorized to, on behalf of the property owner:

1. Submit a proper petition and the required supplemental information and materials
2. Appeal at public meetings to give representation and commitments on behalf of the property owner
3. Act on the property owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition applicable to the New Hanover County Zoning Ordinance.

Agent Information	Property Owner(s)	Subject Property
Name Cindee Wolf	Owner Name Mildred Wolff Futch etal	Address 2715 N. 23rd Street
Company Design Solutions	Owner Name 2	City, State, Zip Wilmington, NC
Address P.O. Box 7221	Address 128 LongLeaf Drive	Parcel ID 312918.41.6179
City, State, Zip Wilmington, NC 28406	City, State, Zip Wilmington, NC 28401	
Phone 910-620-2374	Phone 910-762-3518	
Email cwolf@lobodemar.biz	Email	
Application Tracking Information (Staff Only)		
Case Number Reference:	Date/Time received:	Received by:

This document was willfully executed on the 15th day of March, 20 16.

Cynthia H. Smith
Owner 1 Signature Cynthia Smith - owner



N. 23rd
Street

Castle
Hayne
Road

Blue
Clay
Road

312918.41.6179
1.95 ac.+/-

NHC

Gordon
Road

Legal Description for
Conditional District Rezoning of
2715 N. 23rd Street

Beginning at a point in the western boundary of N. 23rd Street, a 100' public right-of-way; said point being located 633.38 feet in a southerly direction from the intersection of the centerlines of North 23rd Street and Blue Clay Road, a variable width public right-of-way; and running thence from the point of beginning, with the N. 23rd Street right-of-way,

South 31°33'19" East, 196.37 feet to a point; thence leaving the road right-of-way,

North 83°44'49" West, 605.38 feet to a point; thence,

North 17°31'42" East, 169.81 feet to a point; thence

South 82°18'18" East, 452.54 feet to the point and place of beginning, containing 1.95 acres, more or less.

**REPORT OF COMMUNITY MEETING REQUIRED BY
NEW HANOVER COUNTY ZONING ORDINANCE
FOR CONDITIONAL DISTRICT REZONINGS**

Location: 2715 N. 23rd Street

Proposed Zoning: Conditional Zoning District B-1 (CD)

The undersigned hereby certifies that written notice of a community meeting on the above zoning application was given to the adjacent property owners set forth on the attached list by first class mail on February 20, 2016, and emailed to all parties registered on the County's "Sunshine List" on February 20, 2016. A copy of the written notice is also attached.

The meeting was held at the following time and place: Tuesday, March 1, 2016;
5:30 p.m.; New Hanover County Conference Center; 1241 Military Cutoff Rd.

The persons in attendance at the meeting were: Reference Attached Sign-in List

The following issues were discussed at the meeting:

- ** A project introduction was given with an overview of Conditional Zoning Districts and of the site layout. It was explained that this would be a small commercial building with a limited list of possible uses.
- ** Several neighbors discussed the drainage patterns & issues in the vicinity.

As a result of the meeting, the following changes were made to the rezoning petition: None

Date: March 8, 2016
Applicant: Design Solutions
By: Cindee Wolf

Stone Commercial Building

Tuesday, March 1, 2016

[illegible]

Adjacent Property Owners' List - 2715 N. 23rd St.

Owner	Owner_Address	Owner_City
BECKLEE PLACE INC	10014 CHAPEL HILL RD A	MORRISVILLE, NC 27560
BECKLEE PLACE INC	10014 CHAPEL HILL RD A	MORRISVILLE, NC 27560
BRYAN WILLIAM J SHELBA J	131 GORDON RD	WILMINGTON, NC 28401
BRYAN WILLIAM J SHELBA J	131 GORDON RD	WILMINGTON, NC 28401
BRYAN WILLIAM JENNINGS SHELBA SMITH	131 GORDON RD	WILMINGTON, NC 28401
BUSSIERE MICHAEL ASHLEY	136 GORDON RD	WILMINGTON, NC 28405
CAUDELL BENJAMIN C II	133 GORDON RD	WILMINGTON, NC 28401
CAUDELL BENJAMIN C II	133 GORDON RD	WILMINGTON, NC 28401
CLEMMONS ROBERT L	125 HAMPTON RD N	WILMINGTON, NC 28409
DUNCAN HOLDINGS LLC	2728 23RD ST N	WILMINGTON, NC 28401
EARL M STEVENS LIVING TRUST	128 GORDON RD	WILMINGTON, NC 28401
EARL M STEVENS LIVING TRUST	128 GORDON RD	WILMINGTON, NC 28401
EDWARDS LESTER R SUZANNE B	109 FOREST LN	WILMINGTON, NC 28401
FILE NANCY JACKSON	132 GORDON RD	WILMINGTON, NC 28401
FUTCH MILDRED WOLFF ETAL	128 LONG LEAF DR	WILMINGTON, NC 28401
GERHART JEFFREY MARK	129 GORDON RD	WILMINGTON, NC 28401
GORE STEPHEN A SR	320 ISLAND CREEK DR	WILMINGTON, NC 28411
HALL SCOTT BEVERLY	609 PINE VALLEY DR	WILMINGTON, NC 28412
HEITMAN HENRY THOMAS PEYTON A	127 GORDON RD	WILMINGTON, NC 28405
HUFHAM KAREN COATES	1735 CASTLE HAYNE RD	WILMINGTON, NC 28401
HUNOBY HOMES LLC	1908 EASTWOOD RD #319	WILMINGTON, NC 28403
HUNOBY HOMES LLC	1908 EASTWOOD RD SUITE 319	WILMINGTON, NC 28403
LUCAS MILLARD MICHAEL	1716 CASTLE HAYNE RD	WILMINGTON, NC 28401
MARTIN LEWIS G JUSSARA T BASTOS	1731 CASTLE HAYNE RD	WILMINGTON, NC 28401
MCGOWAN CALVIN DIANE	7317 GRAY GABLES LN	WILMINGTON, NC 28403
MCGOWAN CALVIN L	7317 GRAY GABLES LN	WILMINGTON, NC 28403
POPE WADE & REGISTER RF	2619 COLLEGE RD N	WILMINGTON, NC 28405
SCHMIDT ROBERT	7402 LUCKY FISH LN	WILMINGTON, NC 28411
SECRETARY OF HUD	451 7TH ST	WASHINGTON, DC 20410
SHAHER ELIZABETH A	112 LONG LEAF DR	LELAND, NC 28451
SOUTHEASTERN FREIGHT LINE	PO BOX 1691	COLUMBIA, SC 29202
SOUTHEASTERN FREIGHT LINES INC	420 DAVEGA COV	LEXINGTON, SC 29073
STRICKLAND HOLDINGS LLC	200 PALMETTO RD	WILMINGTON, NC 28401
STRICKLAND JAMES R JR SUSAN EDWARDS	200 PALMETTO RD	WILMINGTON, NC 28401
STRICKLAND JAMES R VIRGINIA M	200 PALMETTO RD	WILMINGTON, NC 28401
TILMON THOMAS E SANDRA R	119 GORDON RD	WILMINGTON, NC 28401
WILLIAMS CARPET OUTLET LLC	1808 CASTLE HAYNE RD	WILMINGTON, NC 28401
WILLIAMS CARPET OUTLET LLC	1808 CASTLE HAYNE RD	WILMINGTON, NC 28401
WILLIAMS PATRICIA	1808 CASTLE HAYNE RD	WILMINGTON, NC 28401
WILLIAMS PATRICIA A	1808 CASTLE HAYNE RD	WILMINGTON, NC 28401
WITTSTEIN JUDY ROSS	1801 CASTLE HAYNE RD	WILMINGTON, NC 28401



Transmittal

February 20, 2016

To: Adjacent Property Owners

From: Cindee Wolf

Re: Stone Commercial Building

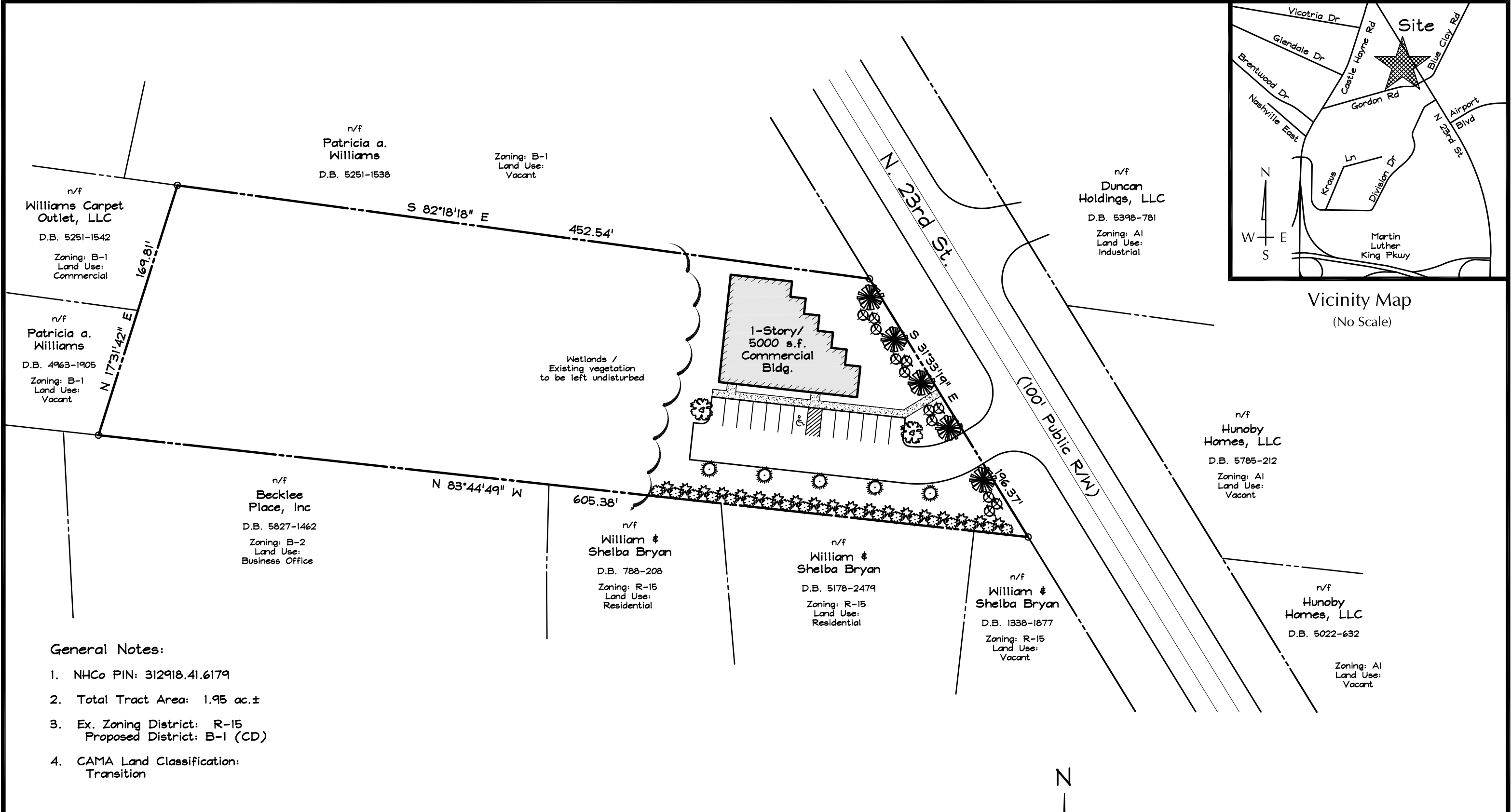
A developer is interested in constructing a one-story / 5000 s.f. commercial building on the front portion of 2715 N. 23rd Street. This proposal would require a Conditional Zoning District approval from New Hanover County.

A Conditional Zoning District allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project. Essentially, this means that only that use, structures and layout of an approved proposal can be developed. A plan of the project layout is enclosed.

The County requires that the developer hold a meeting for all property owners within 500 feet of the tract boundary, and any and all other interested parties. This provides neighbors with an opportunity for explanation of the proposal and for questions to be answered concerning project improvements, benefits and impacts.

A meeting will be held on Tuesday, March 1st, 5:30 - 6:15 p.m., in the Dogwood Room of the New Hanover County Conference Center (behind the public library), 1241 Military Cutoff Road. If you cannot attend, you are also welcome to contact me at telephone # 620-2374, or email cwolf@lobodemar.biz with comments and/or questions.

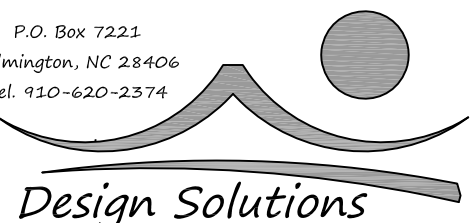
We appreciate your interest in the project and look forward to being a good neighbor and an asset to the community.



General Notes:

1. NHCo PIN: 312918.41.6179
2. Total Tract Area: 1.95 ac.±
3. Ex. Zoning District: R-15
Proposed District: B-1 (CD)
4. CAMA Land Classification: Transition

P.O. Box 7221
Wilmington, NC 28406
Tel. 910-620-2374



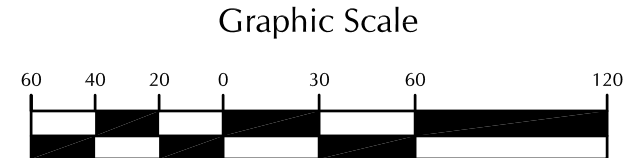
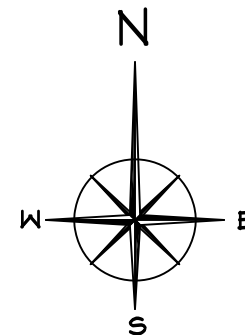
Design Solutions

**Conditional
Zoning District
Site Plan**

Property Address: 2715 N. 23rd Street

Stone Commercial Building

Cape Fear Township / New Hanover County / North Carolina



Note: Boundary & contours compiled from deeds, aerial topography maps & other reference materials, not from an actual survey.