



**NEW HANOVER COUNTY
PLANNING & LAND USE**

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

Application for
ZONING MAP AMENDMENT

Petitioner Information	Property Owner(s) <i>If different than Petitioner</i>	Subject Property
Name CINDEE WOLF	Owner Name THELMA A MOORE	Address 7640 MARKET ST
Company DESIGN SOLUTIONS	Owner Name 2	Parcel ID(s) 316909.06.2270
Address PO BOX 7221	Address 7640 MARKET ST	Area 1.10 AC. +/-
City, State, Zip WILMINGTON, NC 28406	City, State, Zip WILMINGTON, NC 28411	Existing Zoning and Use R-15 / RESIDENTIAL
Phone 910-620-2374	Phone 910-686-7762	Proposed Zoning and Use B-2 / AUTO SALES
Email CWOLF@LOBODEMAR.BIZ	Email (NONE)	Land Classification COMMUNITY MIXED USE
Application Tracking Information (Staff Only)		
Case Number Z18-04	Date/Time received: 3/7/2018	Received by: BS

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 prior to submission, and advised to contact Planning Staff with any questions. The following sections of the Zoning Ordinance pertain specifically to zoning amendments:

- 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.	CAW	BS
Legal description (by metes and bounds) of property requested for rezoning.	CAW	BS
Copy of the subdivision map or recorded plat which delineates the property.	CAW	BS
Any special requirements of the Ordinance (for example, Section 54.2 for Planned Development District, Section 54.1 for Exceptional Design Zoning District, or Section 54.3 for Riverfront Mixed Use District)	N/A	N/A
A report of the required public information meeting outlined in Section 111-2.1 (if applicable)	N/A	N/A
Authority for Appointment of Agent Form (if applicable)	CAW	BS
Fee - For petitions involving 5 acres or less, \$500. For petitions involving greater than 5 acres, \$600	CAW	BS

CRITERIA REQUIRED FOR APPROVAL OF A CHANGE OF ZONING

Requests for general rezonings do not consider a particular land use but rather all of the uses permitted in the zoning district which is being requested for the subject property. Rezoning requests must be consistent with the New Hanover County Land Use Plan and the Zoning Ordinance, and the applicant has the burden of proving that the request is not consistent with the county's adopted land use plan, zoning ordinance, reasonable, and in the public's interest. The applicant should explain, with reference to attached plans (where applicable), how the proposed zoning district 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 AND RETAIN BUSINESSES. THE AUTO SALES ENTERPRISE IN FRONT OF THE SUBJECT TRACT HAS BEEN OPERATING FOR MANY YEARS, AND ONLY SEEKS TO EXPAND BECAUSE OF LOSING LAND AREA BEING ACQUIRED FOR FRONTAGE ROAD IMPROVEMENTS. THE "COMMUNITY MIXED-USE" PLACE-TYPE SUGGESTS THAT MODERATE RETAIL USES ARE APPROPRIATE.

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

THE 2006 CAMA PLAN APPLIED A "TRANSITION" LAND CLASSIFICATION ALONG THIS CORRIDOR OF MARKET STREET. ITS PURPOSE WAS TO PROVIDE TRANSITIONAL USES BETWEEN BUSY COMMERCIAL CORRIDORS AND MORE ESTABLISHED RESIDENTIAL NEIGHBORHOODS BEYOND.

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 SUBJECT PARCEL IS A REMNANT NOTCH OF RESIDENTIAL ZONING ALMOST SURROUNDED BY THE HIGHWAY COMMERCIAL DISTRICT. HAVING ONLY A PRIVATE EASEMENT FOR ACCESS, IT IS NOT VIABLE FOR ANY KIND OF RESIDENTIAL INFILL DEVELOPMENT. THE HIGHEST AND BEST USE WOULD APPEAR TO BE TO THE PROPERTY OWNER BETWEEN THE TRACT AND THE ROAD CORRIDOR.

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

REZONING FOR A BUSINESS USE WOULD BE CONSISTENT WITH THE STRATEGY OF INFILL OF VACANT PROPERTY FOR BETTER EFFICIENCY OF LAND USE. IT WOULD BE REASONABLE BECAUSE THE LANDS ARE NOT ATTRACTIVE FOR RESIDENTIAL USE BASED ON THEIR PROXIMITY TO OTHER COMMERCIAL USES.

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 zoning district 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.

Cynthia L Wolf 03/06/18
(Authorized Agent)

Cindee Wolf / Design Solutions

Signature of Petitioner and/or Property Owner

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
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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 Thelma A Moore	Address 7640 Market Street
Company Design Solutions	Owner Name 2	City, State, Zip Wilmington, NC
Address P.O. Box 7221	Address 7640 Market St	Parcel ID 316909.06.2270
City, State, Zip Wilmington, NC 28406	City, State, Zip Wilmington, NC 28411	
Phone 910-620-2374	Phone 910-686-7762	
Email cwolf@lobodemar.biz	Email jay@stillwellcpa.com (Jay Stillwell)	
Application Tracking Information (Staff Only)		
Case Number Reference: 218-04	Date/Time received: 3/7/18	Received by: BS

This document was willfully executed on the 5th day of March, 2018.

Thelma A Moore
Owner 1 Signature

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

WARRANTY DEED

THIS INDENTURE, made and entered into this the 11th
day of August, 1965, by and between JOHN AUTREY and wife,
John Autrey, of New Hanover County, North
Carolina, parties of the first part, and HARVEY S. MOORE and wife,
THELMA A. MOORE, of New Hanover County, North Carolina, parties
of the second part;

WITNESSETH:

The parties of the first part, for and in consideration of
the sum of ONE HUNDRED DOLLARS, and other valuable considerations,
to them in hand paid by the parties of the second part, the receipt where-
of is hereby acknowledged, have given, granted, bargained and sold,
allened, and conveyed, and by these presents do hereby give, grant,
bargain and sell, alien, convey, and confirm unto the parties of the
second part, and unto their heirs and assigns forever, all of that certain
lot of land, situate, lying and being in Harnett Township, New Hanover
County, North Carolina, more particularly described as follows:

Beginning at the Southeastern (i. e., the southernmost)
corner of that tract conveyed to J. V. Duckett and wife,
by deed recorded in the New Hanover County Registry
in Book 775 at Page 521; running thence South 74 degrees
20 minutes East 300 feet; thence North 46 degrees 26
minutes 30 seconds East 185.26 feet; thence North 74
degrees 20 minutes West 300 feet to the Northeastern
corner of said Duckett tract; thence South 46 degrees
26 minutes 30 seconds West along the Eastern line of
said Duckett tract, 185.26 feet to the beginning, being
a portion of that tract conveyed to John Autrey and wife
by deed recorded in said Registry in Book 775 at Page 502.

Legal Description for
Conventional Rezoning of
7640 Market Street from
R-15 to B-2

Beginning at a point at the northwestern corner of "Lot 14 – Bayshore Estates / Section 14," recorded on a plat among the land records of the New Hanover County Registry in Map Book 29, at Page 22; and running thence:

North 78°26'52" West, 254.10 feet to a point; thence
North 42°19'38" East, 185.26 feet to a point; thence
South 78°26'52" East, 300.00 feet to a point; thence
South 42°19'38" West, 185.26 feet to a point; thence
North 78°26'52" West, 45.90 feet to the point and place of beginning, containing 1.10 acres,
more or less.

Being the same property deeded to Harvey S. Moore and Thelma A. Moore in Deed Book 771,
at Page 6.

7640 Market St.
NHC Co PIN:
316909.06.2270

