



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 Eston C Brinkley	Owner Name Eston C Brinkley	Address 8971 Stephens Church Rd
Company	Owner Name 2	Parcel ID(s) R02900-001-059-000
Address 5730 Market St	Address 5730 Market St	Area 18.1 Acres
City, State, Zip Wilmington, NC 28405	City, State, Zip Wilmington, NC 28405	Existing Zoning and Use R-15/ Vacant Land
Phone 910-352-7380	Phone 910-352-7380	Proposed Zoning and Use R-10/ Single Family
Email estonbrinkley@gmail.com	Email estonbrinkley@gmail.com	Land Classification Community Mixed Use
Application Tracking Information (Staff Only)		
Case Number 218-07	Date/Time received: 6/13/08	Received by: JIR

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.	JM	BA
Legal description (by metes and bounds) of property requested for rezoning.	JM	BA
Copy of the subdivision map or recorded plat which delineates the property.	JM	BA
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)	JM	BA
Fee - For petitions involving 5 acres or less, \$500. For petitions involving greater than 5 acres, \$600	JM	BA

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?

See attached document with responses.

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

See attached document with responses.

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?

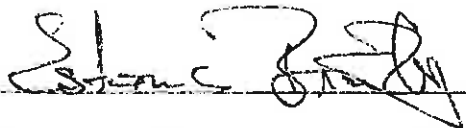
See attached document with responses.

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

See attached document with responses.

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.



Eston C. Brinkley

Signature of Petitioner and/or Property Owner

Print Name



**NEW HANOVER COUNTY
PLANNING & LAND USE
AUTHORITY FOR
APPOINTMENT OF AGENT**

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

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 Clay Matthews, Tim Clinkscales	Owner Name Eston C Brinkley	Address 8971 Stephens Church Rd
Company Paramounte Engineering, Inc.	Owner Name 2	City, State, Zip Wilmington, NC 28411
Address 122 Cinema Drive	Address 5730 Market St	Parcel ID R02900-001-059-000
City, State, Zip Wilmington, NC 28403	City, State, Zip Wilmington, NC 28405	
Phone 910-791-6707	Phone 910-352-7380	
Email cmatthews@paramounte-eng.com	Email estonbrinkley@gmail.com	
Application Tracking Information (Staff Only)		
Case Number Reference:	Date/Time received:	Received by:

This document was willfully executed on the 13th day of June, 2018


Owner 1 Signature

Owner 2 Signature

Rezoning Application Responses

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

The requested rezoning is consistent with the County's policies for Growth and Development as outlined in the Implementation Guideline's Goal III. The County's vision defined in Goal III encourages higher density residential development to support the nearby Growth Nodes. The subject property is 1.5 miles from the Growth Node located at the Porters Neck/ Kirkland U.S. Hwy 17 interchange. Development near and adjacent to the subject property provides residential, commercial and multi-family that depend on this Growth Node. The applicant recognizes growth in this area is pushing towards the New Hanover/ Pender County line and this rezoning request allows the applicant to provide a project that is consistent with these surrounding developments. For these reasons, this request is consistent with current growth trends near the property and is consistent with the County's Policies for Growth and Development.

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

The Land Classification Map designates the subject property as Community Mixed Use. The allowable uses within this classification are Office, Retail, Mixed Use, Multi-Family Residential, Single-Family Residential, and Recreational. By rezoning from R-15 to an R-10 district, the property would provide the greatest amount of flexibility for a residential district and will conform to the Land Classification for higher density with a variety of allowable residential uses within the Community Mixed Use area.

Furthermore, the County's Comprehensive Plan defines the Community Mixed Use areas as support for Urban Mixed Use areas, specifically those areas adjacent to Growth Nodes. Given the property's proximity to the Growth Node at Porters Neck as mentioned previously, the rezoning request to R-10 would be in keeping with the intent set forth in the Land Classification Map.

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?

Historically, this area of New Hanover County has been single family or undeveloped land. In recent years the Porters Neck area has seen a variety of growth, primarily commercial. The surrounding area does not currently provide any moderate density single family options for this section of U.S. Hwy 17. The current zoning district reflects lower density single family

PARAMOUNTE

ENGINEERING, INC.

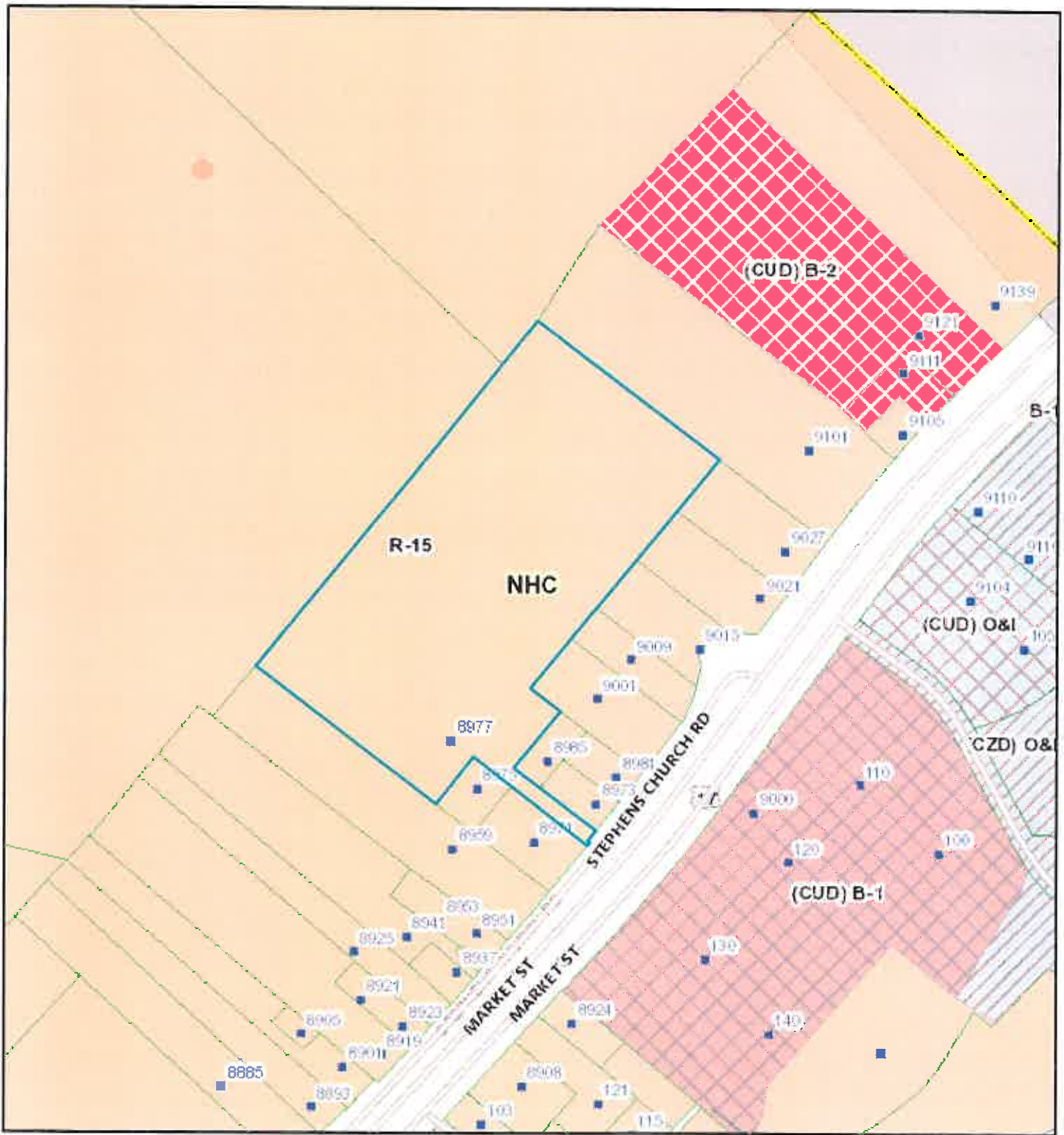
uses historically seen in this area. However, that zoning limits allowable density and does not provide for the flexibility that is allowed within the proposed R-10 district. The requested rezoning would allow for the highest density and most flexibility within the current district regulations.

This property may also serve as an access corridor to the rear and other adjacent properties and extension of services into those immediately adjacent lands surrounding this tract that may currently undeveloped but are still within the Community Mixed Use classification.

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

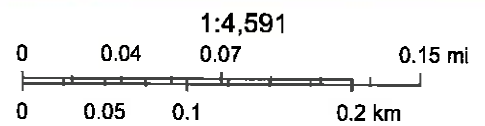
This zoning change will promote development consistent with the County's plan and goals. With the rezoning request, this property is positioned to act as a residential, multi-family or office and retail property which supports the nearby Porters Neck Growth Node. This rezoning promotes good planning by increasing opportunities for homes and businesses near a major retail and medical hub of the county. The public's interest is served by these good planning practices. A closer proximity from home or businesses to the commercial and medical node reduces the distance the public must travel to these goods and services which, in turn, serves the public interest.

Basic Map



6/12/2018, 2:15:24 PM

- | | | | |
|--|--------|--|---------|
| | Roads | | CITY |
| | Zoning | | CUD A-1 |
| | A-1 | | CUD B-1 |
| | AR | | CUD B-2 |
| | B-1 | | CUD I-1 |
| | B-2 | | |



New Hanover County, NC, New Hanover County, NC

.800P PAGE
1379 0884

RECEIVED AND VERIFIED
REBECCA P. TUCKER
REGISTER OF DEEDS
NEW HANOVER CO. NC

JUN 15 4 15 PM '87

NO REVENUE STAMPS

Excise Tax

Recording Time, Book and Page

Tax Lot No.

Parcel Identifier No.

Verified by
by

County on the

day of

19

Mail after recording to

This instrument was prepared by
Brief description for the Index

RETURNED TO

Lionel L. Yow, Attorney, P.O. Box 479, Wilmington, N.C. 28402

11 NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 22nd day of April

19 87 by and between

GRANTOR

GRANTEE

EDNA BOYD BRINKLEY THOMAS and husband,
VICTOR V. THOMAS

ESTON C. BRINKLEY, JR. and wife,
KATIE BROWNING BRINKLEY

Mailing address: 5730 Market Street
Wilmington, N.C. 28405

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Harnett Township,

New Hanover County, North Carolina and more particularly described as follows:

BEGINNING at a point in the northwestern right of way line of the Seaboard Coastline Railroad, said point being located North 49 degrees 00 minutes West 65.03 feet from a point in the center line of the Seaboard Coastline Railroad, said point in the center line of the Seaboard Coastline Railroad being located 2388.7 feet as measured southwardly from mile post #257; Running thence from said beginning point with the northwestern right of way line of the Seaboard Coastline Railroad, South 43 degrees 13 minutes 30 seconds West 404.67 feet to a point; Running thence North 49 degrees 09 minutes 45 seconds West 1012.77 feet to a point in the Southeastern line of the N. R. Skipper property as described in Book 411 at Page 380 of the New Hanover County Registry; Running thence North 42 degrees 44 minutes 30 seconds East 1219.31 feet to a point; Said point being located South 42 degrees 44 minutes 30 seconds West 47.97 feet from an old pipe in a ditch; Running thence South 49 degrees 00 minutes East 622.71 feet to a point; Running thence South 43 degrees 00 minutes West 812.0 feet to a point; Running thence South 49 degrees 00 minutes East 397.13 feet to the point of beginning. Containing 21.014 acres more or less. (Description furnished by Jack G. Stocks, Registered Land Surveyor.)

029ED/A

101244

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RECORDED AND VERIFIED
REBECCA P. TUCKER
REGISTER OF DEEDS
NEW HANOVER CO. NC

JUN 15 4 15 PM '87

The property hereinabove described was acquired by Grantor by instrument recorded in
the New Hanover County Registry.

A map showing the above described property is recorded in Plat Book _____ Page _____
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to
the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey
the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and
defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.
Title to the property hereinabove described is subject to the following exceptions:

The provisions of all applicable zoning and land use ordinances, statutes and
regulations; restrictions of record, if any; general utility easements of record; and
1987 ad valorem taxes.

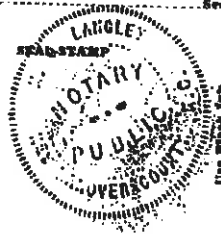
IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in his
corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first
above written.

(Corporate Name)
BY: _____
President
ATTEST: _____
Secretary (Corporate Seal)

USE BLACK INK ONLY

Edna Boyd Brinkley Thomas (SEAL)
Edna Boyd Brinkley Thomas

Victor V. Thomas (SEAL)
Victor V. Thomas



NORTH CAROLINA, New Hanover County.

I, a Notary Public of the County and State aforesaid, certify that *Edna Boyd Brinkley Thomas and husband, Victor V. Thomas* Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my
hand and official stamp or seal, this 22 day of April 1987.

My commission expires: 9/7/88 *[Signature]* Notary Public

SEAL-STAMP NORTH CAROLINA, _____ County.
I, a Notary Public of the County and State aforesaid, certify that _____
personally came before me this day and acknowledged that _____ he is _____ Secretary of
_____ a North Carolina corporation, and that by authority duly
given and as the act of the corporation, the foregoing instrument was signed in its name by its
President, sealed with its corporate seal and attested by _____ as its Secretary.
Witness my hand and official stamp or seal, this _____ day of _____ 19_____
My commission expires: _____ Notary Public

The foregoing Certificate of M. O. Langley, a Notary Public

is not certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the
first page hereof.

REBECCA P. TUCKER REGISTER OF DEEDS FOR NEW HANOVER COUNTY
[Signature] Deputy Register of Deeds