

NEW HANOVER COUNTY

DEPARTMENT OF PLANNING & LAND USE

230 Government Center Drive, Suite 110

Wilmington, North Carolina

Telephone (910) 798-7165

FAX (910) 798-7053

planningdevelopment.nhcgov.com



CONDITIONAL ZONING DISTRICT

Application

Applicant/Agent Information		Property Owner(s) <i>If different than Applicant/Agent</i>
Name Chris Coudriet	Owner Name Same as Applicant	
Company New Hanover County	Owner Name 2	
Address 230 Government Center Drive, Suite 195	Address	
City, State, Zip Wilmington, NC 28403	City, State, Zip	
Phone 910-798-7184	Phone	
Email ccoudriet@nhcgov.com	Email	
Subject Property Information		
Address/Location 5155 S. College Road		
Parcel Identification Number(s) R07600-002-028-000		
Total Parcel(s) Acreage 1.04		
Existing Zoning and Use(s) R-15, Public Library		
Future Land Use Classification Urban Mixed Use		
Application Tracking Information (Staff Only)		
Case Number 219-02 R2A-19-0036	Date/Time received: 2/7/19 11:00 am	Received by: KW

Proposed Zoning, Use(s), & Narrative

Proposed Conditional Zoning District: (CZD) B-2 Total Acreage of Proposed District: 1.04

Only uses allowed by right in the corresponding General Use District are eligible for consideration within a Conditional Zoning District. Please list the uses that will be allowed within the proposed Conditional Zoning District, the purpose of the district, and a project narrative (please provide additional pages if needed).

Please see attached narrative

Proposed Condition(s)

Within a Conditional Zoning District, additional conditions and requirements which represent greater restrictions on the development and use of the property than the corresponding General Use District regulations may be added. These conditions may assist in mitigating the impacts the proposed development may have on the surrounding community. Please list any conditions proposed to be placed on the Conditional Zoning District below. Staff, the Planning Board, and Board of Commissioners may propose additional conditions during the review process.

Please see attached narrative

Traffic Impact

Please provide the estimated number of trips generated for the proposed use(s) based off the most recent version of the Institute of Transportation Engineers (ITE) Trip Generation Manual. A Traffic Impact Analysis (TIA) must be completed for all proposed developments that generate more than 100 peak hour trips, and the TIA must be included with this application.

ITE Land Use: Please see attached narrative. _____

Trip Generation Use and Variable (gross floor area, dwelling units, etc.): _____

AM Peak Hour Trips: _____ PM Peak Hour Trips: _____

CONSIDERATION OF A CONDITIONAL ZONING DISTRICT

The Conditional Zoning District procedure 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 and where only a specific use or uses is proposed. The procedure is intended primarily for use with transitions between zoning districts of very dissimilar character where a particular use or uses, with restrictive conditions to safeguard adjacent land uses, can create a more orderly transition benefiting all affected parties and the community-at-large. The applicant must explain, with reference to attached plans (where applicable), how the proposed Conditional Use Zoning District meets the following criteria.

1. How would the requested change be consistent with the County's policies for growth and development? (For example: the Comprehensive Plan and applicable small area plans)

Please see attached narrative

2. How would the requested Conditional Zoning District be consistent with the property's classification on the Future Land Use Map located within the Comprehensive Plan?

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?

APPLICATION REQUIREMENTS

Staff will use the following checklist to determine the completeness of your application. Please verify all of the listed items are included and confirm by initialing under "Applicant Initial". If an item is not applicable, mark as "N/A". Applications must be complete in order to process for further review.

Required Information	Applicant Initial	Staff Initial
1 Complete Conditional Zoning District application.		KV
2 Application fee – (\$600 for 5 acres or less, \$700 for more than 5 acres. An additional \$300 fee must be provided for applications requiring TRC review).		N/A
3 Community meeting written summary.		KV
4 Traffic impact analysis (for uses that generate more than 100 peak hour trips).		N/A
5 Legal description (by metes and bounds) or recorded survey Map Book and Page reference of the property requested for rezoning.		KV
6 <u>Site Plan including the following elements:</u> <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). 		KV
7 1 hard copy of ALL documents AND 8 hard copies of the site plan. Additional hard copies may be required by staff depending on the size of the document/site plan.		KV
8 1 PDF digital copy of ALL documents AND plans.		KV

ACKNOWLEDGEMENT AND SIGNATURES

By my signature below, I understand and accept all of the conditions, limitations and obligations of the Conditional Zoning District zoning for which is being applied. 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.

If applicable, I also appoint the applicant/agent as listed on this application to represent me and make decisions on my behalf regarding this application during the review process. The applicant/agent is hereby authorized on my behalf to:

1. Submit an application including all required supplemental information and materials;
2. Appear at public hearings to give representation and commitments; and
3. Act on my behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of this application.



Signature of Property Owner(s)

Chris Coudriet

Print Name(s)



Signature of Applicant/Agent

Chris Coudriet

Print Name

NOTE: Form must be signed by the owner(s) of record. If there are multiple property owners a signature is required for each owner of record.

If an applicant requests delay of consideration from the Planning Board or Board of County Commissioners before notice has been sent to the newspaper (approximately 2-3 weeks before the hearing), 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.





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Wayne Clark, Director

Application Narrative

5155 S College Road – **Conditional** Rezoning Proposal

Proposed Zoning and Uses

New Hanover County has owned the parcel located at 5155 S College Road since 1989, and has operated a public library on the site since 1993. In 2016, the county acquired property at 3802 S College Road for a new library facility, which is scheduled to open in Spring 2019. As such, the county will be placing the existing Myrtle Grove Library for sale. In preparation for the sale, the county proposes to rezone the site from R-15, Residential, to (CZD) B-2, Highway Business, and proposes that any utilization of the site be limited to the following uses as classified in the New Hanover County Zoning Ordinance, Table of Permitted Uses:

- Eating and Drinking Places;
- General Merchandise Stores;
- Miscellaneous Retail (*excluding vape stores*);
- Banks, Credit Agencies, Savings and Loans;
- Business Services, Including Printing;
- Barber and Beauty Shops;
- Personal Services (*excluding tattoo establishments*);
- Offices for Private Business and Professional Activities

Proposed Conditions

The following condition is proposed for *Eating and Drinking Places*:

- No outdoor entertainment shall be allowed after 10:00 PM.

Traffic Impact and Tree Retention

Due to the nature of this request, there is no specific development proposed at this time, but rather a list of proposed uses that may be developed on the site. Any proposed development that is consistent with this conditional zoning request will be required to adhere to the traffic impact requirements in the ordinance at the time of site development. Section 61.4 of the New Hanover County Zoning Ordinance requires that a Traffic Impact Worksheet be prepared prior to the submittal of a development proposal for site plan review. When the worksheet indicates that traffic generation of 100 peak hour trips based upon the most current Institute of Transportation Engineers (ITE) Trip Generation Manual will be met, a Traffic Impact Analysis is required to be completed, and all recommended traffic improvements shall be installed prior to issuance of a Certificate of Occupancy.

A preliminary analysis of the site indicates the presence of 4 significant trees near the entrance to the existing building. Should these trees be proposed to be removed in accordance with a development proposal, a tree removal permit and accompanying mitigation will be required at the time of site development.

Consideration of a Conditional Zoning District

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

A key objective of the 2018-2023 New Hanover County Strategic Plan is to encourage the development of complete communities throughout the unincorporated area of the county. As the site is located along a major thoroughfare in one of the unincorporated county's largest commercial nodes, rezoning the site from R-15 to (CZD) B-2 with the specified uses would allow the opportunity for such services to this particular community in an appropriate location. The proposed rezoning is also consistent with the purpose and intent of the B-2 zoning district, which is to provide for the proper grouping and development of roadside business uses which will best accommodate the needs of the motoring public and businesses demanding high volume traffic. The proposal also includes limiting the uses in order to properly mitigate potential impacts to the nearby residential community, contributing to the intelligent growth and economic development of the county.

2. How would the requested Conditional Zoning District be consistent with the property's classification on the Future Land Use Map located within the Comprehensive Plan?

The property is currently classified as Urban Mixed Use in the 2016 Comprehensive Plan. This place type is defined in part as providing access to a mix of residential, office, and retail uses at higher densities where uses include office, retail, mixed use, and small recreational uses. Rezoning this property to (CZD) B-2 would allow the specified uses in close proximity to existing commercial, institutional, and residential uses. The site is also located within the Monkey Junction growth node, and rezoning the site to (CZD) B-2 with the specified uses at this location is consistent with the plan.

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 initial R-15 zoning was applied in October 1969, when the land use patterns in the area were largely rural to suburban. The area has seen significant growth since then, and the Monkey Junction area is one of the two largest commercial nodes in the unincorporated county. The Urban Mixed Use place type and Monkey Junction growth node are indicative of a preferred development pattern consisting of high intensity commercial uses in close proximity to other uses. As the site has direct frontage on South College Road, rezoning it to (CZD) B-2 would provide the opportunity for these commercial uses in close proximity to additional commercial, office, institutional, and residential uses, contributing to the vision of the Comprehensive Plan. A single residentially zoned lot along a major commercial thoroughfare at this location is no longer compatible with the urban development pattern in this node.



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Wayne Clark, Director

Community Information Report

5155 S College Road – Conditional Rezoning Proposal

R-15 to (CZD) B-2

A community information meeting to discuss this proposal was held at the Myrtle Grove Library, 5155 S College Road, on Tuesday, February 5, 2019. The meeting ran from 6-7 PM.

County staff members in attendance included Ken Vafier, Planning Manager; Rebekah Roth, Senior Planner; and Patricia Dew, Supervising Librarian. 4 members of the community attended the meeting as shown on the sign-in sheets accompanying this report.

At the meeting, county staff delivered a brief overview of the history of the Myrtle Grove Library's operation at the site, the purpose and need for the construction of a new facility, and the proposal to rezone the property prior to it being placed for sale. Following the staff introduction, the discussion generally focused on the following topics:

- Compatibility of potential uses within the immediate vicinity of the subject site;
- The placement of conditions on *Eating and Drinking Places* in order to mitigate potential effects to the use of adjacent properties;
- Enforcement and compliance procedures in the event that approved conditions were not being adhered to;
- The next steps and timeline in the rezoning process following the community meeting.

In addition to the discussion at the meeting, staff received correspondence from adjacent property owners who were unable to attend the meeting which is included as an attachment to this report.

As a result of the Community Information Meeting, the following condition is proposed for *Eating and Drinking Places*:

- No outdoor entertainment shall be allowed after 10:00 PM.

5155 S College Road

Legal Description

New Hanover County Registry DB 1460 PG 1506

Beginning at a concrete monument in the eastern right of way line of N.C. Highway #132, South College Road (200.0' right of way). Said point of beginning having N.C. Grid Coordinates: X = 2,335,230.188, Y = 145,853,094. Said point of beginning also being at the point of intersection of the northern line of the Myrtle Grove Farms tract as said tract is shown on a map recorded in Deed Book 279 at Page 587 of the New Hanover County Registry with the eastern right of way line of N.C. Highway #132. Running thence from said point of beginning with the eastern right of way line of N.C. Highway #132 as it curves to the north and 100.0' east of the centerline thereof to a point, said point bears North 03 degrees 27 minutes 58 seconds East – 200.0' chord distance from the preceding point (right of way curve data: radius – 11,286.33, arc length = 200.0'; thence leaving said right of way line and running South 74 degrees 01 minutes 14 seconds East – 228.55' to a point in the western line of Lot 54 as shown on a map of Greenbriar Subdivision, Section 1, recorded in Map Book 19 at Page 12 of the New Hanover County Registry; thence with the western line of Greenbriar Subdivision as shown on the aforementioned map, and along the western line of Lot 54 and Lot 53, South 09 degrees 44 minutes 57 seconds West – 228.77' to an existing old stone in the northern line of the Myrtle Grove Farms Tract; thence with the northern line of the Myrtle Grove Farms tract as said tract is shown on a map recorded in Deed Book 279 at Page 587 of the New Hanover County Registry, North 65 degrees 18 minutes 48 seconds West – 212.49' to the point of beginning, containing 1.05 Acres +/- and being a portion of the Little Tract as said tract is described in deed recorded in Deed Book 774 at Page 324 of the New Hanover County Registry. Also see Last Will and Testament of Lula East Little in Estate File 76 E 322, New Hanover County.

Vafier, Ken

From: susan bolton <froggiez8@hotmail.com>
Sent: Tuesday, February 05, 2019 10:46 AM
To: Vafier, Ken
Subject: FW: myrtle grove library

Sent from [Mail](#) for Windows 10

From: [susan bolton](#)
Sent: Tuesday, February 5, 2019 10:19 AM
To: [kavfier@nhcgov.com](#)
Subject: myrtle grove library

Hi Ken,
Lillie Hewett and Susan Bolton. Residing at 841 Pine Forest Rd., Wilmington N.C.. We are writing to express written concerns expressed verbally to you on 2-4-2019 about the rezoning of the Myrtle Grove Library. We are unable to attend the meeting on 2-5-2019 and would therefore like to express them again to you via email.
The proposed uses expressed in the mailing we feel do not protect us and our neighbors from "quite enjoyment" of our property because they do not address noise, light, late night events, privacy, etc.. that certain businesses would bring with their daily operations.
We do understand the county has the right to sell their property but believe that in order to protect our neighborhood's "quite enjoyment" that the zoning should be restricted to Only offices for private businesses and professional activities, banks, credit agencies, savings and Loans, or business services that do not operate after 6 pm. This is in line with what is existing now surrounding the library and is what we feel should be maintained to protect our right to "quite enjoyment" of our property. We ask that you please address our concerns at the 2-5-2019 meeting. Please send us information on the meeting and how our concerns were addressed.

Thank you

Sent from [Mail](#) for Windows 10

COMMUNITY INFORMATION MEETING

Proposed Rezoning of Property Located at Existing Myrtle Grove Library Site at 5155 S. College Road

Meeting Location: Myrtle Grove Library Meeting Room, 5155 S. College Road, Wilmington, NC

February 5, 2019
6:00 P.M.

PLEASE PRINT CLEARLY FOR THE RECORD

NAME	ADDRESS	EMAIL ADDRESS
Xaimina Powell	845 Pine Forest Rd	Xaipowell@gmail.com
Patricia Dew	5155 S. College	pdew@nh.gov.com
SCOTT L POWELL	845 PINE FOREST RD	
KEN VASIER	230 Government Center Dr., Suite 110	Kvasier@nh.gov.com
RESEKAH BORN	"	rroth@nh.gov.com

COMMUNITY INFORMATION MEETING

Proposed Rezoning of Property Located at Existing Myrtle Grove Library Site at 5155 S. College Road

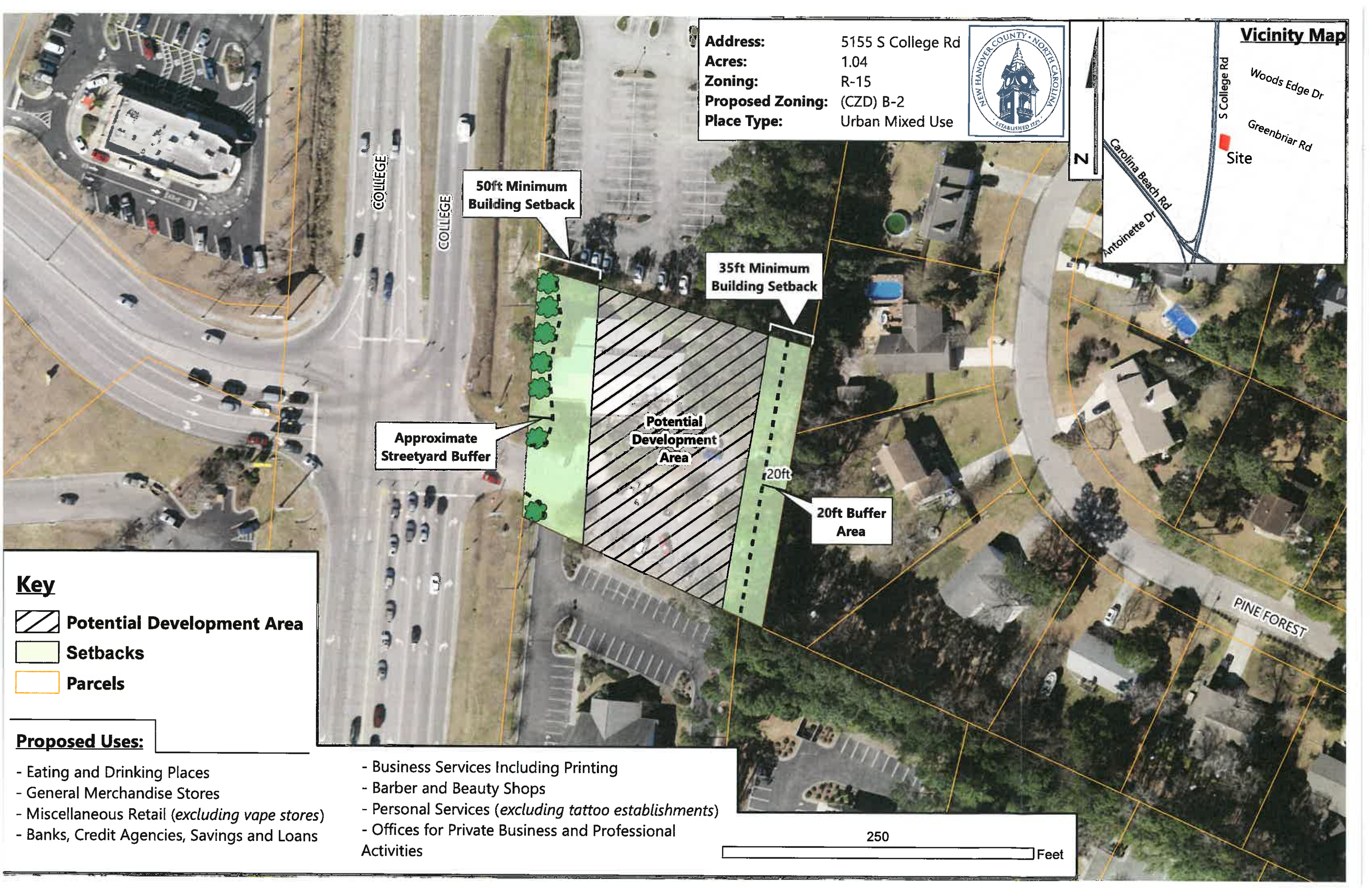
Meeting Location: Myrtle Grove Library Meeting Room, 5155 S. College Road, Wilmington, NC

February 5, 2019
6:00 P.M.

PLEASE PRINT CLEARLY FOR THE RECORD

NAME	ADDRESS	EMAIL ADDRESS
Loel Carn & Kevin Carn	836 Pine Forest Rd Wilm	lbric77@outlook.com

Address: 5155 S College Rd
Acres: 1.04
Zoning: R-15
Proposed Zoning: (CZD) B-2
Place Type: Urban Mixed Use



Key

-  Potential Development Area
-  Setbacks
-  Parcels

Proposed Uses:

- Eating and Drinking Places
- General Merchandise Stores
- Miscellaneous Retail (*excluding vape stores*)
- Banks, Credit Agencies, Savings and Loans
- Business Services Including Printing
- Barber and Beauty Shops
- Personal Services (*excluding tattoo establishments*)
- Offices for Private Business and Professional Activities

