



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 Lori B. Morris - Staff Planner	Owner Name Clearly Development, Inc.	Address 2545 Castle Hayne Rd.
Company Parker & Associates, Inc.	Owner Name 2	Parcel ID(s) R03300-001-015-000
Address 306 New Bridge Street	Address 100 Carolina Plantations Blvd.	Area 47.58+/- Acres
City, State, Zip Jacksonville, NC 28540	City, State, Zip Jacksonville, NC 28546	Existing Zoning and Use R-15 Single Family
Phone 910-455-2414	Phone 910-455-6956	Proposed Zoning and Use R-10 Single Family
Email office@parkerjacksonville.com	Email leahquinn@sydescommunities.com	Land Classification General Residential
Application Tracking Information (Staff Only)		
Case Number 219-07	Date/Time received: 2019 APRIL 17, 2019	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.	LRM	BS
Legal description (by metes and bounds) of property requested for rezoning.	LRM	BS
Copy of the subdivision map or recorded plat which delineates the property.	LRM	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
A report of the required public information meeting outlined in Section 111-2.1 (if applicable)		N/A
Authority for Appointment of Agent Form (if applicable)		BS
Fee - For petitions involving 5 acres or less, \$500. For petitions involving greater than 5 acres, \$600	LRM	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?

The existing zone of R-15 and the proposed rezoning to R-10 are both relatively low density in character, with the preopposed rezoning to R-10 allowing slightly smaller residential lots.

The proposed rezoning is in an area that has access to public water and sewer, is in close proximity to existing commercial areas, and is within an established walkable development.

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

The Future Land Use Plan classifies the proposed rezoning tract and surrounding area as General Residential.
The proposed rezoning to R-10 is consistent with the General Residential Land Use desired uses and typical zoning categories.

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 change from R-15 to R-10 zoning would allow the owner/developer to develop smaller lots, with a slight increase in density.

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

The proposed zoning change would create smaller lots and more affordable housing.

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.

 4-17-19

Lori B. Morris - Staff Planner

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
910-798-7053 fax
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:

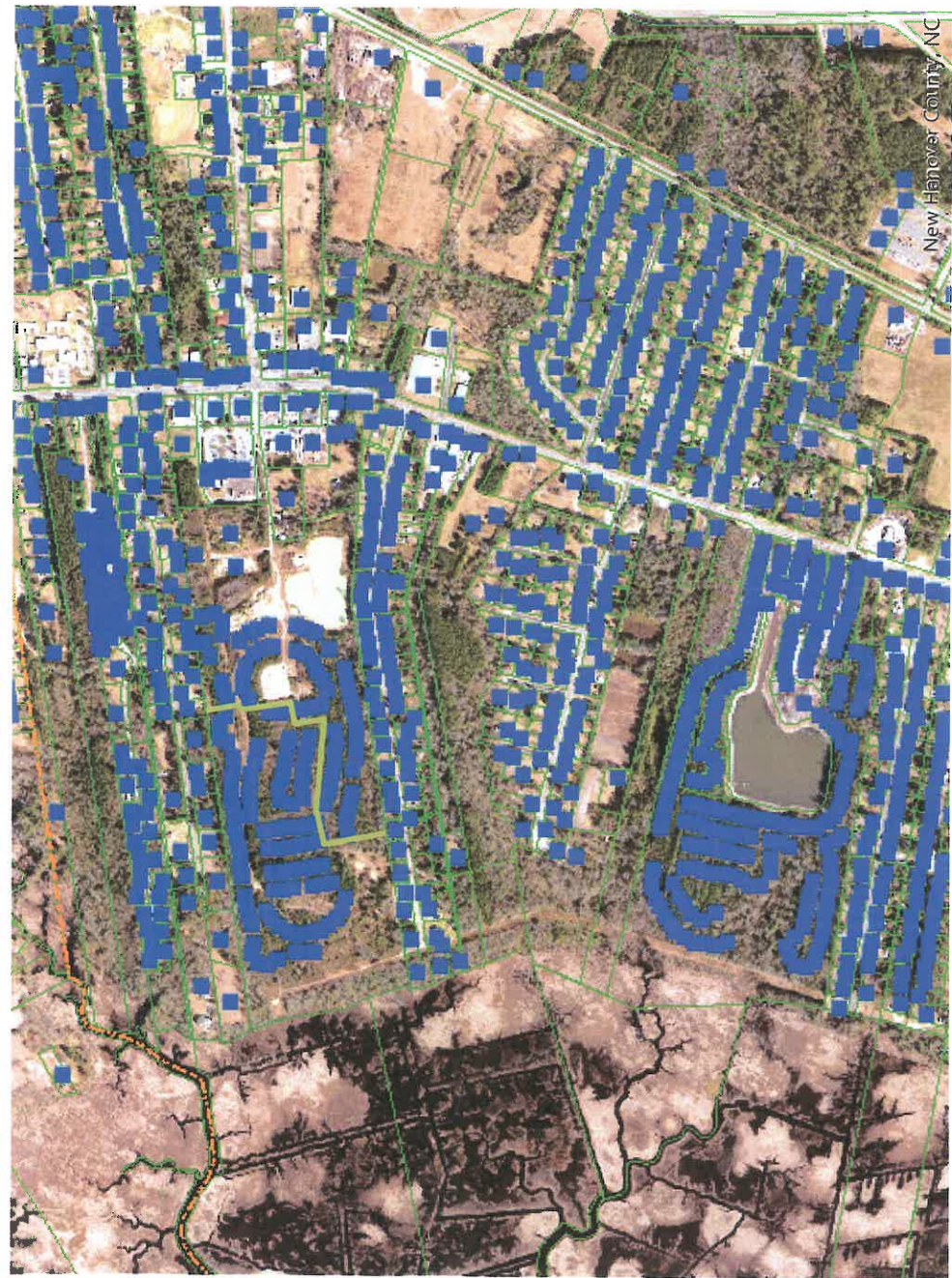
1. Submit a proper petition and the required supplemental information and materials
2. Appeal at public meetings to give representation and commitments on behalf of the property owner
3. Act on the property owner's behalf without limitations with regard to any and all things directly or indirectly connected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

Agent Information	Property Owner(s)	Subject Property
Name Lori B. Morris	Owner Name Clearly Development, Inc.	Address 2545 Castle Hayne Road
Company Parker & Associates, Inc.	Owner Name 2	City, State, Zip Wilmington, NC 28401
Address 306 New Bridge Street	Address P.O.Box 7227	Parcel ID R03300-001-015-000
City, State, Zip Jacksonville, NC 28540	City, State, Zip Jacksonville, NC 28540	
Phone (910) 455-2414	Phone (910) 455-6956	
Email Office@ParkerJacksonville.com	Email leanquinn@sydescommunities.com	
Application Tracking Information (Staff Only)		
Case Number Reference:	Date/Time received:	Received by:

This document was willfully executed on the 13TH day of MAY, 2019.


Owner 1 Signature ANTHONY W. SYDES, President

Owner 2 Signature







PARKER & ASSOCIATES, INC.
ENGINEERS • SURVEYORS • PLANNERS
JACKSONVILLE, NORTH CAROLINA

LAND DESCRIPTION
April 17, 2019

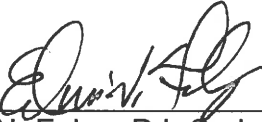
Clearly Development, Inc.
Tract Off NC Highway 133, Castle Hayne Road,
Portion of the Riverside Development
Cape Fear Township, New Hanover County, NC


A certain tract of land at the intersection of NC Highway 133 and North Kerr Avenue and lying about 2200 feet West off of NC Hwy 133 and being more particularly described as follows:

Commencing at an iron pipe found at the Southwest corner of Lot 15, Block A, Horne Place, Section 2, as recorded in Map Book 8, Page 42; thence with the Southern Line of Lot 15, South 81 degrees 14 minutes 44 seconds West, 100.19 feet to a point, the POINT OF BEGINNING; THENCE from said point of beginning and leaving said line, South 12 degrees 32 minutes 10 seconds East, 230.10 feet to a point on the Northern Right-of-Way Line of proposed Tributary Circle; thence with said line and along the arc of a curve having a radius of 335.0 feet and curving to the left, 38.51 feet (Chord South 56 degrees 56 minutes 36 seconds West, 38.49 feet) to a point; thence along the arc of a curve having a radius of 285.0 feet and curving to the left, 11.42 feet (Chord South 54 degrees 47 minutes 53 seconds West, 11.42 feet) to a point; thence crossing said street, South 34 degrees 03 minutes 14 seconds East, 50.0 feet to a point on the Southern Right-of-Way Line; thence leaving said Right-of-Way Line, South 08 degrees 54 minutes 20 seconds East, 337.45 feet to a point; thence South 81 degrees 05 minutes 40 seconds West, 127.50 feet to a point on the Eastern Right-of-Way Line of proposed Beaver Dam Lane; thence with said line, North 08 degrees 54 minutes 20 seconds West, 45.76 feet to a point; thence crossing said street, South 81 degrees 05 minutes 40 seconds West, 45.0 feet to a point on the Western Right-of-Way Line; thence with said line, and along the arc of a curve having a radius of 25.0 feet and curving to the right, 39.27 feet (Chord South 36 degrees 05 minutes 40 seconds West, 35.36 feet) to a point; thence South 08 degrees 54 minutes 20 seconds East, 45.0 feet to a point; thence along the arc of a curve having a radius of 25.0 feet and curving to the right, 39.27 feet (Chord South 53 degrees 54 minutes 20 seconds East, 35.36 feet) to a point; thence South 08 degrees 54 minutes 20 seconds East, 117.88 feet to a point; thence leaving said line, South 84 degrees 24 minutes 14 seconds West, 206.90 feet to a point; thence North 79 degrees 02 minutes 56 seconds West, 476.69 feet to a point; thence up to and crossing proposed Sandy Banks Lane, South 81 degrees 42 minutes

05 seconds West, 300.0 feet to a point; thence South 08 degrees 17 minutes 55 seconds East, 205.0 feet to a point on the Southern Right-of-Way Line of proposed Tributary Circle; thence with said line, North 81 degrees 42 minutes 05 seconds East, 65.41 feet to a point; thence leaving said line, South 08 degrees 17 minutes 56 seconds East, 314.26 feet to a point; thence South 81 degrees 05 minutes 40 seconds West, 1070.97 feet to a point; thence North 16 degrees 26 minutes 38 seconds West, 274.71 feet to a point; thence North 25 degrees 28 minutes 56 seconds West, 216.90 feet to a point; thence North 10 degrees 35 minutes 40 seconds West, 517.89 feet to a point; thence North 22 degrees 21 minutes 12 seconds West, 174.19 feet to a point; thence North 81 degrees 42 minutes 05 seconds East, 2270.28 feet to a point; thence North 81 degrees 14 minutes 44 seconds East, 31.53 feet to the point and place of beginning.

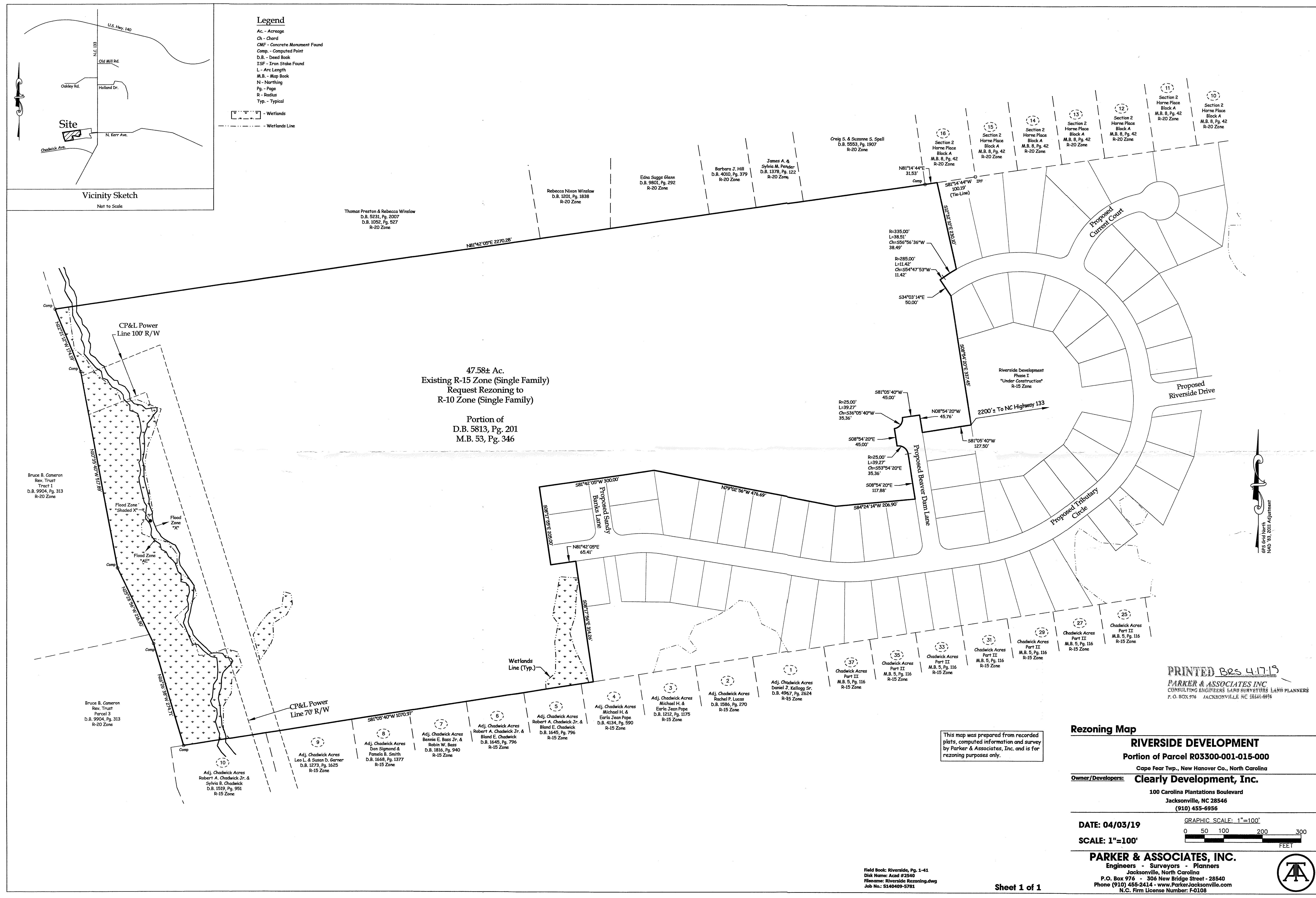
The described tract contains 47.58 acres, more or less, and being a portion of that property as recorded in Deed Book 5813, Page 201, and Map Book 53, Page 346. All courses are referenced to GPS Grid North, NAD '83(2011). This description being prepared by Parker & Associates, Inc. from partial survey work and computed information.


Edwin N. Foley, P.L.S., L-2884



ENF/djh

C1.2019.ENF.Descriptions.Clearly.RezoningDesc.CastlehayneRd.041719



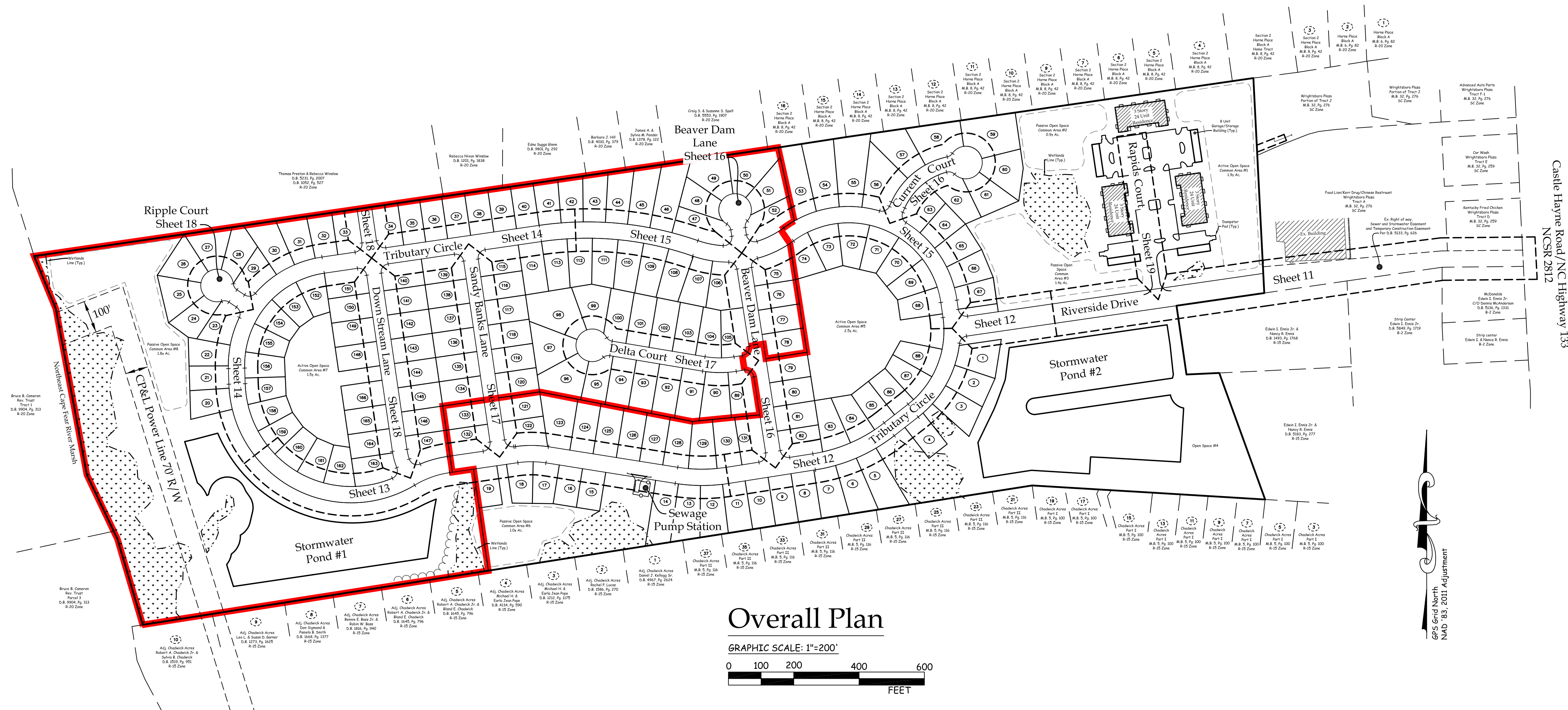
Riverside Development

Performance Residential Development

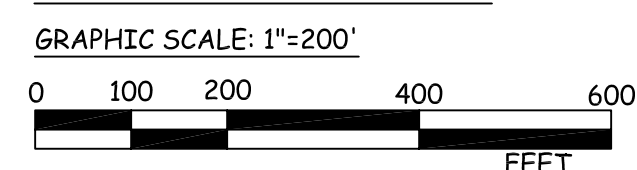
Cape Fear Township, New Hanover County, North Carolina

SHEET INDEX

Sheet	Description
1	Overall Plan/Index Sheet
2	Preliminary Plat
3	Preliminary Plat
4	Site Plan - Multi-family Area
5	Grading, Drainage, and Erosion & Sedimentation Control Plan
6	Grading, Drainage, and Erosion & Sedimentation Control Plan
7	Grading, Drainage, and Erosion & Sedimentation Control Plan - Multi-family Area
8	Water & Sewer Plan
9	Water & Sewer Plan
10	Water & Sewer Plan - Multi-family Area
11	Plan & Profile of Riverside Drive (Sta. 0+00 - Sta. 14+50)
12	Plan & Profile of Riverside Drive (Sta. 14+50 - Sta. 17+64.26) & Tributary Circle (Sta. 0+00 - Sta. 9+04.24)
13	Plan & Profile of Tributary Circle (Sta. 9+04.24 - Sta. 24+00)
14	Plan & Profile of Tributary Circle (Sta. 24+00 - Sta. 39+00)
15	Plan & Profile of Tributary Circle (Sta. 39+00 - Sta. 52+96.22)
16	Plan & Profile of Beaver Dam Lane & Current Court
17	Plan & Profile of Sandy Banks Lane & Delta Court
18	Plan & Profile of Down Stream Lane & Ripple Court
19	Plan & Profile of Sewer Line "A" (Sta. 0+00 - Sta. 4+50.09) & Sewage Pump Station Site Plan
19a	Sewer Force Main Tie-in Overall Plan
20	Pump Station/Site Plan Standard Details
21	Pump Station/Electrical Equipment Pad Standard Details
22	Pump Station/Electrical Equipment Pad Standard Details
23	Pump Station/Electrical Equipment Pad Standard Details
24	CFPUA Sanitary Sewer
25	CFPUA Sanitary Sewer
26	CPUA Water Distribution System
27	CPUA Water Distribution System
28	CPUA Water Distribution System
29	Grading, Drainage, and Erosion & Sedimentation Control Detail Sheet
30	Stormwater Pond #2 Detail Sheet
31	Stormwater Pond #1 Detail Sheet



Overall Plan



"I hereby certify that this plan has been prepared in accordance with the latest New Hanover County Ordinances and Storm Water Design Manual."

Signature: _____

Printed Name and Title: _____

Date: _____

Registration Number: _____

Property Owner Certification:

"I (we) hereby certify that I (we) am (are) the current owner of the property and that upon receipt of "Authorization-To-Construct" any clearing, grading, construction or development, will be performed in accordance with this plan and that the applicable ordinances and rules of New Hanover County, the State of North Carolina and the Federal Government and its agencies which are hereby made part of this plan. As the owner, I (we) accept full responsibility for the construction and operation and maintenance of the proposed facilities. I (we) will not attempt to transfer of this responsibility without the written authorization of New Hanover County."

Signature: _____

Printed Name and Title: _____

Date: _____

Owner/Developer:

Clearly Development, Inc.

100 Carolina Plantations Boulevard
Jacksonville, North Carolina 28546
(910) 455-6956

DATE: 05/08/15

Proposed Rezoning With Overlay

Parker & Associates, Inc.

Consulting Engineers - Land Surveyors - Land Planners

P.O. Box 976 - 28541-0976

306 New Bridge Street - 28540

Jacksonville, North Carolina - 28541-0976

Phone (910) 455-2414 - Fax (910) 455-3441

Firm License Number: F-0108



Riverside Rezoning
Project Narrative
Revised June 17, 2019

Location and Access:

The proposed rezoning site is located within the western portion of the Riverside subdivision, which is located off Castle Hayne Road (N.C. Hwy. 133, N.C.S.R. 2812).

The proposed site is bordered to the North and West by residential lots zoned R-20, and to the South by residential lots zoned R-15.

Description of Site:

The proposed site for rezoning currently consists of 102 (approved) Single Family Lots, , with 2 Open Spaces on approximately 47.58 acres. Site is currently zoned R-15 (single family).

The site is fully engineered (streets, water & sewer, drainage, erosion control, stormwater) and is fully permitted.

The entire Riverside Subdivision was approved with 166 Single Family Lots, 72 Multi-Family Units, and 6 Open Spaces for a total of 238 units on 95.15 acres.

The required Recreation/Open Space required is 4.98 acres for Single Family and 2.16 acres for Multi-Family. The Recreation/Open Space proposed is 6.8 acres for Single Family and 4.3 acres for Multi-Family.

Current Density is 2.5 units per acre.

Performance Residential maximum density allowed is 2.5 units per acre for R-15 Zone.

Rezoning:

The site is currently zoned R-15 (single family) and requested to be rezoned to R-10 (single family).

The rezoning proposal is to create more affordable housing with smaller floor plans on smaller lots (50' min.) while maintaining the existing designed & permitted infrastructure.

The site is currently approved with 102 single family lots. The proposed rezoning would get approximately 128 affordable single family lots without having any infrastructure changes. (See attached map showing proposed lot changes).

The proposed density would be 2.7 units per acre.

Performance Residential maximum density allowed is 3.3 units per acre for R-10 Zone.

Infrastructure:

The infrastructure for the site is currently permitted. The rezoning of the site would not require any changes to the current permits except a modification to the Storm Water permit.

There are 2 Storm Water ponds on the overall site. Pond #1 is designed and permitted to handle all of the run-off for the single family lots, and Pond #2 is designed and permitted to handle all the run-off for the Food Lion and multi-family areas.

Pond #1 is currently permitted for 3,500 square feet of Built Upon Area per lot. The rezoning and additional 26 lots would require a modification to the permit for 3,040 square feet of Built Upon Area per lot.

The current TIA requirements have been fulfilled, and the design of the traffic signal on Castle Hayne Road has been approved.