

NEW HANOVER COUNTY

DEPARTMENT OF PLANNING & LAND USE

230 Government Center Drive, Suite 110

Wilmington, North Carolina

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planningdevelopment.nhcgov.com



CONDITIONAL ZONING DISTRICT Application

Applicant/Agent Information	Property Owner(s) <i>If different than Applicant/Agent</i>	
Name Mihaly Land Design, PLLC	Owner Name Chase & Dyland Mihaly LLC	
Company Mihaly Land Design, PLLC	Owner Name 2	
Address 330 Military Cutoff, Suite A-3	Address 7500 Anaca Point Road	
City, State, Zip Wilmington, NC 28405	City, State, Zip Wilmington, NC 28411	
Phone 910-392-4355	Phone 910-392-4355	
Email josh@mihalyland.net	Email josh@mihalyland.net	
Subject Property Information		
Address/Location 7031 Market Street		
Parcel Identification Number(s) R04400-002-015-000		
Total Parcel(s) Acreage .34 Acres, 14,810 sf		
Existing Zoning and Use(s) R-15, Vacant		
Future Land Use Classification Urban Mix Use		
Application Tracking Information (Staff Only)		
Case Number 219-13	Date/Time received: 10/7/19 8:30 AM	Received by: KV

Proposed Zoning, Use(s), & Narrative

Proposed Conditional Zoning District: CD-B2, Office Total Acreage of Proposed District: .34 acres

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).

The proposed CD-B2 zoning for the subject tract will consist of a 2000 sf building and 10 parking spaces. The project will meet all buffer requirements as specified in the New Hanover County Ordinance. The uses for the site will be limited to the following:

Offices for Private Business & Professional Activities, Personal Services

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.

The current condition of the site has 6 Live Oak trees that will be remaining.

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: General Office
2,000 sf
Trip Generation Use and Variable (gross floor area, dwelling units, etc.): _____
AM Peak Hour Trips: Aprox 10 PM Peak Hour Trips: Aprox 10

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)

The property has been identified as an Urban Mixed Use Zone as shown in the most recent Future Land Use Plan for New Hanover County. This area is consistent with access to residential, office and retail uses at higher densities. The property fronts directly on Market Street (NCDOT Highway 17). This portion of the Highway 17 corridor is currently under construction with a road widening project and the Military Cutoff Extension and Hampstead Bypass.

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 Land Classification Map recognizes this tract as Urban Mixed Use. The types of uses identified that are acceptable uses within this land classification are; office, retail, mixed-use, small recreation, single family and multi-family. The uses permitted in the B-2 district are consistent with these uses.

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, most of this portion of the Market St Corridor was at one time residential. As the County has grown, many of the single-family homes along here and similar corridors in the County have converted to commercial uses. Market St is a heavily travelled roadway with over 50,000 trips per day making it a much less desirable location for single-family housing. The Market St widening project that is currently taking place will only make residential homes along this Corridor less appealing due to increase in traffic.

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.	jwm	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).	jwm	KV
3	Community meeting written summary.	jwm	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.	jwm	KV
6	<p><u>Site Plan including the following elements:</u></p> <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). 	jwm	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.	jwm	KV
8	1 PDF digital copy of ALL documents AND plans.	jwm	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.

Joshua Mihaly

Signature of Property Owner(s)

Print Name(s)

Signature of Applicant/Agent

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.





To: New Hanover County Planning
From: Joshua W. Mihaly, Mihaly Land Design PLLC

Re: Community Meeting Notice Written Summary
Conditional Use Re-zoning for 7031 Market Street

A meeting was held on Wednesday September 25th at our office located at 330 Military Cutoff Road, suite A-3 from 5:30-6:30 p.m. The only person in attendance was Brad Shuler with the New Hanover County Planning Staff. We discussed the proposed project and how it would be a benefit to the Market Street Corridor. We discussed the trees being saved and how it will enhance the subject site.

Josh Mihaly

Patrick C. Bristow Land Surveying, PC
4113-A Oleander Drive
Wilmington, NC 28403

Description of New Hanover County Tax Parcel # R04400-002-015-000
7031 Market Street, Wilmington, NC 28411

A tract of land located in New Hanover County, North Carolina being more particularly described as follows: beginning at a found iron pipe in the northwestern right of way line of Market Street (U.S. Highway # 17- public right of way - width varies), said iron pipe marking the intersection of the northwestern right of way line of Market Street with the southeastern line of that tract of land conveyed to William Thomas Evans and Mary Evans as described in deed book 943, page 175 of the New Hanover County register of deeds office, running thence from said beginning point with the northwestern right of way line of Market Street South 43 degrees 49 minutes 40 seconds West 68.10 feet to a found iron pipe, thence leaving said right of way running North 53 degrees 50 minutes 54 seconds West 195.46 feet to a found iron rod, thence North 47 degrees 33 minutes 40 seconds East 91.69 feet to a found iron rod, thence South 47 degrees 00 minutes 00 seconds East 187.76 feet to the point of beginning containing 0.35 acres more or less and being all of the aforementioned Evans tract excepting that portion conveyed to the Department of Transportation of the State of North Carolina by deed recorded in deed book 1497, page 495 and book 5972, page 653 of the New Hanover County register of deeds office, being subject to an aerial easement in favor of the Department of Transportation of the State of North Carolina as described in deed book 5972, page 653 and also being subject to a power line easement in favor of Duke Energy along a portion of the western boundary of the above described tract. The above described tract is also subject to any and all easements that may be disclosed by a full title report, no such report having been furnished to the preparer of this description.



Patrick C. Bristow
08/08/2019