



NEW HANOVER COUNTY PLANNING & LAND USE

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

Application for **ZONING MAP AMENDMENT**

Agent Information	Property Owner(s)	Subject Property
Name CINDEE WOLF	Owner Name HD, LLC	Address REF ATTACHED LIST
Company DESIGN SOLUTIONS	Owner Name 2 JAMES YOPP - MANAGER	Parcel ID(s) REF ATTACHED LIST
Address PO BOX 7221	Address 8620 RIVER ROAD	Area 76.92 AC+/-
City, State, Zip WILMINGTON, NC 28406	City, State, Zip WILMINGTON, NC 28412	Existing Zoning and Use R-15 / VACANT
Phone 910-620-2374	Phone 910-443-3060	Proposed Zoning and Use R-5 / RESIDENTIAL
Email CWOLF@LOBODEMAR.BIZ	Email JAMES@ROCKFORDPARTNERS.NET	Land Classification GENERAL RESIDENTIAL
Application Tracking Information (Staff Only)		
Case Number 219-15	Date/Time received: 10/10/2019	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.

Rezoning Parcel List:

NHCo PIN	Owner	Situs Address
p/o 313306.49.7239	HD, LLC	5841 Carolina Beach Rd
p/o 313307.38.8611	HD, LLC	5819 Carolina Beach Rd
313306.48.5058	HD, LLC	Appomattox Dr
313310.37.8374	HD, LLC	5944 Shiloh Dr
313310.37.8481	HD, LLC	5940 Shiloh Dr
313310.37.8488	HD, LLC	5936 Shiloh Dr
313306.37.8588	HD, LLC	5930 Shiloh Dr
313306.37.8696	HD, LLC	5926 Shiloh Dr
313306.37.9704	HD, LLC	5922 Shiloh Dr
313306.48.0256	HD, LLC	5923 Carolina Beach Rd
313306.48.1270	HD, LLC	5901 Shiloh Dr
313306.48.1172	HD, LLC	5905 Shiloh Dr
313306.48.1063	HD, LLC	5909 Shiloh Dr
313306.47.1966	HD, LLC	5913 Shiloh Dr
313306.47.1857	HD, LLC	5917 Shiloh Dr
313306.47.1749	HD, LLC	5921 Shiloh Dr
313306.47.1742	HD, LLC	5925 Shiloh Dr
313306.47.1643	HD, LLC	5929 Shiloh Dr
313306.47.1545	HD, LLC	5933 Shiloh Dr
313310.47.1427	HD, LLC	5937 Shiloh Dr
313310.47.1420	HD, LLC	5941 Shiloh Dr
313310.47.1312	HD, LLC	5945 Shiloh Dr

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?

The policies for growth and development encourage safe and affordable housing to be available to every citizen. Sustainability of the County depends on sensible in-fill and maximizing use of lands already accessible to urban services. More density of single-family development not only increases tax base, but makes better use of the existing infrastructure.

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

This tract is defined as a place-type of General Residential on the Comprehensive Plan, but is the first tier beyond the Community Mixed-Use place-type that borders Carolina Beach Road. The policies suggest higher densities of residential development as an appropriate transition to support the surrounding commercial services and compact development patterns. A density of only 8 units per acre, and the control over a maximum attached-housing type of quadriplexes, within an R-5 district would be consistent with transitioning between busy highway corridors and more the more established residential neighborhoods.

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 areas surrounding the subject property have been developing with single-family housing over the past several years, but because of the need for a lift station, sanitary sewer service was not previously available to these lands. Inter-connectivity and sewer capacity now make rezoning this property for moderate -ensity residential development a more logical transition and a more efficient land use.

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

The Comprehensive Plan promotes fostering sustainable growth through sensible infill where adequate services are already available. Allowing increased density on this property will improve the form and function of an underutilized site, maximize land use efficiency, and is a good economic development opportunity.

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 A Wolf *10/08/19*

CYNTHIA A WOLF

Signature of Agent for 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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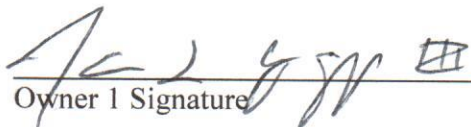
Please note that for quasi-judicial proceedings, either the land owner or an attorney must be present for the case at the public hearing.

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 HOOSIER DADDY, LLC	Address REF ATTACHED LIST
Company DESIGN SOLUTIONS	Owner Name 2 JAMES YOPP - MAMANGER	City, State, Zip WILMINGTON, NC 28409
Address PO BOX 7221	Address 8620 RIVER ROAD	Parcel ID REF ATTACHED LIST
City, State, Zip WILMINGTON, NC 28406	City, State, Zip WILMINGTON, NC 28412	
Phone 910-620-2374	Phone 910-443-3060	
Email CWOLF@LOBODEMAR.BIZ	Email JAMES@ROCKFORDPARTNERS.NET	
Application Tracking Information (Staff Only)		
Case Number Reference:	Date/Time received:	Received by:

This document was willfully executed on the 9th day of October, 2019.


Owner 1 Signature

Legal Description for
Conditional District Rezoning

Tract #1

Beginning at a point in the eastern boundary of Shiloh Drive, said point being at the southwestern corner of "Lot 23" on a subdivision plat entitled "Battle Park – Section 6," recorded among the land records of the New Hanover County Registry in Map Book 9, at Page 45; and running thence from the point of beginning:

North 04-32-24 East, 951.67 feet to a point; thence
South 77-26-57 West, 259.20 feet to a point; thence
North 04-32-24 East, 219.23 feet to a point; thence
North 74-29-22 East, 17.29 feet to a point; thence
North 13-49-04 East, 405.92 feet to a point; thence
South 65-37-26 East, 292.00 feet to a point; thence
North 25-41-42 East, 450.02 feet to a point; thence
North 65-37-58 West, 281.94 feet to a point; thence
North 31-08-21 East, 439.77 feet to a point; thence
South 82-25-07 East, 942.56 feet to a point; thence
North 12-22-28 West, 163.99 feet to a point; thence
North 17-30-29 East, 759.46 feet to a point; thence
South 72-29-31 East, 210.00 feet to a point; thence
South 17-30-29 West, 119.40 feet to a point; thence
South 72-29-31 East, 210.97 feet to a point; thence
South 80-02-21 East, 453.65 feet to a point; thence
South 09-57-39 West, 1760.88 feet to a point; thence
North 80-02-21 West, 137.50 feet to a point; thence
North 72-00-05 West, 45.45 feet to a point; thence
North 80-02-21 West, 125.00 feet to a point; thence
North 09-57-39 East, 398.89 feet to a point; thence
North 80-02-21 West, 10.00 feet to a point; thence
North 09-57-39 East, 10.00 feet to a point; thence
North 80-02-30 West, 314.00 feet to a point; thence
South 09-57-30 West, 312.35 feet to a point; thence
North 80-02-30 West, 185.00 feet to a point; thence
North 79-54-19 West, 460.40 feet to a point; thence
South 10-38-19 West, 32.78 feet to a point; thence
South 05-51-32 West, 66.27 feet to a point; thence
South 10-00-08 West, 51.31 feet to a point; thence
South 01-58-57 East, 69.86 feet to a point; thence
South 07-57-19 East, 30.17 feet to a point thence
South 01-28-03 East, 35.53 feet to a point; thence
North 68-06-05 West, 25.89 feet to a point; thence
South 21-53-55 West, 30.00 feet to a point; thence
South 68-06-05 East, 39.45 feet to a point; thence
South 42-45-53 East, 15.50 feet to a point; thence
South 37-36-19 East, 11.26 feet to a point; thence

(Continued Legal Description Tract #1)

South 50-13-49 West, 188.58 feet to a point; thence
South 39-46-11 East, 149.44 feet to a point; thence
South 50-13-49 West, 45.00 feet to a point; thence
South 39-46-11 East, 65.00 feet to a point; thence
South 50-13-49 West, 120.00 feet to a point; thence
North 39-46-11 West, 50.00 feet to a point; thence
South 55-02-27 West, 59.10 feet to a point; thence
South 21-35-17 West, 129.57 feet to a point; thence
South 01-28-12 East, 44.26 feet to a point; thence
South 11-01-50 West, 180.38 feet to a point; thence
South 08-24-13 West, 95.14 feet to a point; thence
South 03-42-34 East, 34.88 feet to a point; thence
South 40-14-22 West, 108.17 feet to a point; thence
North 62-19-40 West, 45.81 feet to a point; thence
Along a curve to the right, having a Radius of 25.00 feet and Length of 42.68 feet
a Chord of South 63-00-01 West, 37.68 feet to a point; thence
South 19-38-43 West, 45.03 feet to a point; thence
Along a curve to the right, having a Radius of 25.00 feet and Length of 39.91 feet
a Chord of South 23-30-53 East, 35.10 feet to a point; thence
South 21-04-02 West, 43.16 feet to a point; thence
North 63-36-55 West, 6.63 feet to a point; thence
North 85-21-52 West, 139.13 feet to a point; thence
North 04-34-17 East, 75.04 feet to a point; thence
North 86-50-34 West, 167.72 feet to the point and place of beginning, containing 74.85
acres more or less.

Tract #2:

Beginning at a point in the western boundary of Shiloh Drive; said point being at the southeastern corner of "Lot 1" on a subdivision plat entitled "Battle Park – Section 6," recorded among the land records of the New Hanover County Registry in Map Book 9, at Page 45; and running thence from the point of beginning:

North 81-25 West, 187.75 feet to a point; thence
North 08-32 East, 480.00 feet to a point; thence
South 81-25 East, 187.75 feet to a point; thence
South 08-32 West, 480.00 feet to the point and place of beginning, containing
2.07 acres more or less.