

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 Gary Moore	Owner Name	
Company	Owner Name 2	
Address 4004 Oleander Dr Suite 102	Address	
City, State, Zip Wilmington, NC 28403	City, State, Zip	
Phone 910.279.6584	Phone	
Email chip@hanoverpartnersnc.com	Email	
Subject Property Information		
Address/Location 7824 Myrtle Grove Road Wilmington, NC 28409		
Parcel Identification Number(s) R08200-002-073-000		
Total Parcel(s) Acreage 1.568		
Existing Zoning and Use(s) R-15 Residential		
Future Land Use Classification O&I Office and Institutional		
Application Tracking Information <i>(Staff Only)</i>		
Case Number 219-16	Date/Time received: 11/4/2019	Received by: GS

Proposed Zoning, Use(s), & Narrative

Office and Institutional

1.568

Proposed Conditional Zoning District: _____

Total Acreage of Proposed District: _____

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 zoning of the subject property currently allows for the development and building of residential structures. Under the proposed conditional re-zoning the applicant would like to develop an open air un-covered area for boat and recreational vehicle storage. The proposed use would allow for approximately 50 spaces for neighbors and members of the community to keep their boats and recreational vehicles.

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.

Enhanced landscaping and buffering on all sides.

Opaque fencing on all sides of the property.

There is a large live oak at the front of the property that will be retained.

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.

420

ITE Land Use:

151

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

4

10

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)

The subject property has been identified as a Community Mixed Use zone in the latest version of the Future Land Use Plan for New Hanover County. This project fits the description of this plan by mixing different types of zoning over an area that offers a direct benefit to members of the community.

The subject property directly fronts Carolina Beach Rd (Hwy 421) which is a major thoroughfare from Wilmington to Carolina Beach.

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 subject property is located with in the Community Mixed Use Zone on the Future Land Use Map, and fits well into the identified uses in the Community Mixed Use Zone. These uses include but are not limited to an Office and Institutional designation. Additionally the Future Land Use Comprehensive Plan in Community Mixed Use classifications call for focuses on small-scale, compact, mixed use development patterns that serve multimodal travel and act as an attractor for county residents and visitors

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 subject property is located on this section of Carolina Beach Rd (Hwy 421) was historically a residential area that served as access for residents and visitors to Carolina and Kure Beaches. In more recent times this area has become more commercialized as well as heavily traveled and no longer serves as a desirable residential area based on traffic volumes (31,500 per day) and road noise.

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.

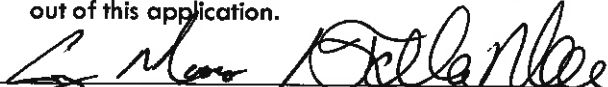
Required Information	Applicant Initial	Staff Initial
1 Complete Conditional Zoning District application.	GM	GS
2 Application fee – (\$600 for 5 acres or less, \$700 for more than 5 acres. An additional \$300 fee must be provided for applications requiring TRC review).	GM	GS
3 Community meeting written summary.	GM	GS
4 Traffic impact analysis (for uses that generate more than 100 peak hour trips).	N/A	GS
5 Legal description (by metes and bounds) or recorded survey Map Book and Page reference of the property requested for rezoning.	GM	GS
<p>6 <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). 	GM	GS
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.	GM	GS
8 1 PDF digital copy of ALL documents AND plans.	GM	GS

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)

GARY MOORE / FRANK MOORE
Print Name(s)


Signature of Applicant/Agent

Gary Moore
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.



Legal Description

Location 6751 Carolina Beach Road
 Wilmington, NC 28409

Proposed Zoning From R-15 Residential to O&I Office and Institutional

Applicant Gary Moore

A certain parcel or tract of land in Federal Point Township, New Hanover County, North Carolina fronting on the easterly side of Carolina Beach Road (US Highway 421) about 300 feet northerly from the intersection of Carolina Beach Road with the Myrtle Grove Road (S.R. No 1148), said tract being bounded on the north by the property of Clarence Riggs Jr. recorded in Deed Book 2527 at Page 682 and the property of Richard Q.A. Cook, Jr and Carolyn H. Cook recorded in Deed Book 2301 at Page 816, bounded on the east by Myrtle Grove Road, and bounded on the south by the property of Edna Coleman recorded in Deed Book 590 at Page 41, and being a portion of the property of the Virginia G. Smith Limited Family Partnership described in Deed Book 2687 at Page 239 in the New Hanover County Registry, being more particularly described as follows:

Beginning at an iron pipe located in the western boundary of Myrtle Grove Road, the southeastern corner of the parcel herein described, said iron pipe being located the following three (3) calls from an iron stake located at the intersection of the southern boundary of Seaview Road (S.R. No. 1564) and the eastern boundary of Myrtle Grove Road, said iron stake being the northwest corner of lot number 52 of the subdivision of Claude Murray recorded in Map Book 5 at Page 88,

- 1) Thence S 56 degrees 11'40" W 246.96 feet to an iron rod located in the eastern boundary of Myrtle Grove Road, Southwest corner of Lot no. 52 of the Claude Murray Subdivision;
- 2) Thence S 56 degrees 24' 03" W 452.28 feet to an iron rod in the eastern boundary of Myrtle Grove Road;
- 3) Thence N 83 degrees 49'20" W 94.19 feet to an iron pipe, the point of beginning;

Thence from the point of beginning N 83 degrees 30' 09" W 469.05 feet with a common line with Coleman to an iron rod in the eastern boundary of Carolina Beach Road; Thence with the highway boundary N 05 degrees 02' 07" W 124.41 feet to an iron pipe; Thence leaving said highway with a common line with Riggs S 83 degrees 45' 08" E 300.14 feet to an iron pipe; Thence with a common line with Cook S 83 degrees 38' 11" E 341.98 feet to an iron pipe in the western boundary of Myrtle Grove Road; Thence with said road boundary S 56 degrees 34' 31" W 193.23 feet to the point of beginning, containing 68,349 square feet or 1.57 acres, more or less.

Summary of Community Meeting For Conditional Rezoning

Location 6751 Carolina Beach Road
 Wilmington, NC 28409

Proposed Zoning From R-15 Residential to O&I Office and Institutional

Applicant Gary Moore

The undersigned hereby certifies that written notice of a community meeting on the above zoning application was given to property owners within 500' (five hundred feet) of the subject property, set forth on the attached list, by U.S. Mail. This notice was also provided to the Planning Department on September 30, 2019. A copy of the written notice is also attached to this application.

The meeting was held at the following time and location. October 15, 2019 from 5:30pm to 6:45pm at Pelican Snoballs, located at 3704 Carolina Beach Road Wilmington NC 28412.

The persons in attendance at the meeting were:

Tom Landrey - 210 Seaview Road Wilmington NC 28409

Penny Landrey - 210 Seaview Road Wilmington NC 28409

John Ward - 7906 Myrtle Grove Road Wilmington NC 28409

Richard Cook - 7814&7816 Myrtle Grove Road Wilmington NC 28409

Rebecca Fullwood - 210 Seaview Road Wilmington NC 28409

A brief introduction was made explaining the proposed re-zoning from R-15 residential to O&I office and institutional. During the introduction the development of an open air outdoor boat

and recreational vehicle storage facility was explained along with several large color renderings and a site plan. The following topics were discussed following the introduction:

1. Water quality was discussed at length in regards to current wells that are in proximity to the subject property.

The applicant explained that there are not currently any plans to introduce foreign or hazardous substances to the property, and that with the current design plan there would not be any significant construction to cause water quality issues.

2. Safety and security were also discussed.

The applicant explained that the property would be fenced with an automated gate, and that the property would have twenty-four hour surveillance.

3. A question was asked about who the projected customer base may be.

The applicant explained that anyone who found the business appealing could be a potential customer. The applicant also explained that the business was being established to service customers whom may not be allowed to keep a boat or recreational vehicle at their home, as well has customers whom may live out of town and choose to keep their property closer to the water yet in a secure location.

4. One attendee asked if the spaces with-in the facility would ever be sold individually.

The applicant explained that at this time and in the foreseeable future, that there are no plans to sale individual spaces. During this time the price point at which the spaces would be leased was discussed. It was explained that a final price structure had not been decided upon, but it would likely be between sixty to one-hundred dollars per month for each space.

5. Vehicle noise and hours of operation were discussed.

The applicant explained that through the development process, that adequate set backs would be used, and that as much vegetation as possible would be retained in an effort to keep noise to a minimum. The applicant also explained that the facility would be a self-serve type of business and that customers would be allowed to either drop off or retrieve their property at their own convenience.

6. One attendee asked about possible traffic impacts.

The applicant explained that traffic impacts would be minimal and that there would not be enough of an increase in traffic for residents of the surrounding notice a change. The applicant also explained that the facility will be designed with a one way drive,

eliminating any opportunity for customers to make left hand turns across on coming traffic.

7. Drainage and storm water run-off was a topic of concern for several neighbors.

The applicant explained that the subject property will be designed with Filtration Basins on each corner to capture storm water run-off. The applicant also explained that only the center driveway for the facility would be paved to help keep stormwater run-off to a minimum.

8. One neighbor asked if the proposed project would affect the residential nature of the area, and how it would affect home values.

The applicant explained that the facility would be fronted on Carolina Beach Road, which is not as residential as in the past. It was also explained that the facility would be a benefit to the community and is much less "invasive" than other potential uses. Because of these factors it is of the belief of the applicant that home values would not be negatively affected.

Development Schedule

Location 6751 Carolina Beach Road
 Wilmington, NC 28409

Proposed Zoning From R-15 Residential to O&I Office and Institutional

Applicant Gary Moore

There are no plans for proposed phasing. The project will be completed in a single phase once approved for conditional re-zoning.

<u>Owner</u>	<u>Owner Address</u>	<u>Owner City</u>
JONES ESTHER OLIVIA	6800 CAROLINA BEACH RD	WILMINGTON, NC 28412
COLEMAN ALBERTA C	908 MACMILLAN AVE N H	WILMINGTON, NC 28403
CYPRESS VILLAGE LAND DEVELOPMENT LLC	6724 CAROLINA BEACH RD	WILMINGTON, NC 28412
HUDSON PROPERTIES INC	2711 CASTLE HAYNE RD	WILMINGTON, NC 28401
AMERICAN TOWER CORP	PO BOX 723597	ATLANTA, GA 31139
COOK RICHARD AUSTIN JR	7816 MYRTLE GROVE RD	WILMINGTON, NC 28409
PROPERTIES OF ASSURANCE LLC	2840 COLLEGE RD S 428	WILMINGTON, NC 28412
TIDALWALK HOA INC	5511 CAPITAL CENTER DR SUITE 105	RALEIGH, NC 27606
COASTAL ATLANTIC PROPERTIES LLC	101 SEAVIEW RD	WILMINGTON, NC 28409
COOK MYRTLE B LIFE ESTATE	8817 RED TAIL CT	CHARLOTTE, NC 28269
CONGLETON THOMAS R JULIE R	235 WILLIAMS RD	WILMINGTON, NC 28409
BURNS MARK E	221 SEAVIEW RD	WILMINGTON, NC 28409
HUDSON PROPERTIES INC	2711 CASTLE HAYNE RD	WILMINGTON, NC 28401
MASSENGILL DENNIS C	3667 BOILING SPRING RD E	WINNABOW, NC 28479
NEVERENOUGH INC	5023 NICHOLAS CREEK CIR	WILMINGTON, NC 28409
CONGLETON THOMAS R	221 WILLIAMS RD	WILMINGTON, NC 28409
GIBBS ALVIN D JULIE P	102 SEAVIEW RD	WILMINGTON, NC 28409
KOCH HOWARD FRANCIS CYNTHIA	103 SEAVIEW RD	WILMINGTON, NC 28409
HADKVIST MIKA	302 SEAVIEW RD	WILMINGTON, NC 28409
BRIGHT LESLIE S SR DARLENE	PO BOX 623	CAROLINA BEACH, NC 28428
PROPERTIES OF ASSURANCE LLC	2840 COLLEGE RD S 428	WILMINGTON, NC 28412
MOORE GARY W JR FALON M	5119 SOMERSET LN	WILMINGTON, NC 28403
RIGGS CLARENCE J LIFE ESTATE	165 MIMOSA LN	ROCKY POINT, NC 28457
HARDKVIST MIKA	302 SEAVIEW RD	WILMINGTON, NC 28409
HATCHER BRANDY MAE ETAL	6760 CAROLINA BEACH RD	WILMINGTON, NC 28412
RAY JEREMY JESSICA A	4213 WINDING BRANCHES DR	WILMINGTON, NC 28412
CIRCLE K STORES INC	PO BOX 52085	PHOENIX, AZ 85072
BURKE DENNIS MICHAEL CARLA BETH	106 SEAVIEW RD N	WILMINGTON, NC 28409
BENNETT WILLARD C SUSAN M	940 TIDALWALK DR	WILMINGTON, NC 28409
WARD JOHN A ETAL	7906 MYRTLE GROVE RD	WILMINGTON, NC 28409
JUSTICE SHEILA CHADWICK	534 JEB STUART DR	WILMINGTON, NC 28412
SEIPLE SANDRA HILL RICHARD SCOTT	108 MCDOLE CIR	WILMINGTON, NC 28412
BECKWITH CAROLYN ANN	139 HAWK HOLLOW TRL	CARY, NC 27511
		BURGAW, NC 28425

HITTLE SONIA E	6743 CAROLINA BEACH RD	WILMINGTON, NC 28412
BAYSDEN JANET W LARRY S	5510 BRITTAIN DR	WILMINGTON, NC 28409
HYPES MATTHEW E JESSICA D	929 TIDALWALK DR	WILMINGTON, NC 28409
LANIER CHERYL K	3602 HIGH PINE CHURCH RD	ASHEBORO, NC 27205
M T MASONRY & SUPPLY CO INC	5610 SHOEMAKER LN	WILMINGTON, NC 28409
FULLWOOD REBECCA J	229 MOHAWK TRL	WILMINGTON, NC 28409
STRICKLAND EDNA COLEMAN RE TRUST	605 CHARLOTTE AVE	CAROLINA BEACH, NC 28428
GIBBS ALVIN D JULIE P	102 SEAVIEW RD N	WILMINGTON, NC 28409
HANAFY HAN M HODA A	921 TIDALWALK DR	WILMINGTON, NC 28409
ABRAHAM PHILLIP D CAROL D	909 TIDALWALK DR	WILMINGTON, NC 28409
PARRISH KAREN ANGELA	905 TIDALWALK DR	WILMINGTON, NC 28409
SURRATT DAVID M LAURIE	7804 MYRTLE GROVE RD	WILMINGTON, NC 28409
HEINTZ FREDERICK N MARY S	913 TIDALWALK DR	WILMINGTON, NC 28409
GULLETTE MICHAEL A CATHERINE J	932 TIDALWALK DR	WILMINGTON, NC 28409
HAPP JENA TRUSTEE	924 TIDALWALK DR	WILMINGTON, NC 28409
MATTEI ALBERT A CHARLOTTE M	805 CUPOLA DR	WILMINGTON, NC 28409
LINDBERT DAVID LORAIN JEAN MARIE	941 TIDALWALK DR	WILMINGTON, NC 28409
NANNEY RUSSEL G LINDSEY W	925 TIDALWALK DR	WILMINGTON, NC 28409
TRIMAKAS EDMUND D DEBRA A	821 CUPOLA DR	WILMINGTON, NC 28409
THOMPSON ALYSSA L EDWIN JOUSMA	901 TIDALWALK DR	WILMINGTON, NC 28409
COTTINGHAM SHAWN C MELISSA K	916 TIDALWALK DR	WILMINGTON, NC 28409
ORENDT MARTIN E JUDITH A	908 TIDALWALK DR	WILMINGTON, NC 28409
COUGHLIN JOSEPH F COLETTE ESCARSEGA ETAL	917 TIDALWALK DR	WILMINGTON, NC 28409
HARDING CLAYTON W BRITNI D	937 TIDALWALK DR	WILMINGTON, NC 28409
VESTAL DONALD A MARIE E	809 CUPOLA DR	WILMINGTON, NC 28409
GILBERT JASON L WENDY K	948 TIDALWALK DR	WILMINGTON, NC 28409
REITER GRACE H	6731 CAROLINA BEACH RD	WILMINGTON, NC 28412