



**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 Tim Burgess, Deputy County Manager	Owner Name	Address 3101 Castle Hayne Road
Company New Hanover County	Owner Name 2	Parcel ID(s) R02519-001-011-000
Address 230 Government Center Drive, Suite 195	Address	Area 15.86 acres
City, State, Zip Wilmington, NC, 28403	City, State, Zip	Existing Zoning and Use R-20 & B-1, Undeveloped
Phone 910-798-7184	Phone	Proposed Zoning and Use R-10
Email tburgess@nhcgov.com	Email	Land Classification Community Mixed Use/Gen. Res
Application Tracking Information (Staff Only)		
Case Number ZZO-02	Date/Time received: 1/8/2020	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.	TB	BS
Legal description (by metes and bounds) of property requested for rezoning.	TB	BS
Copy of the subdivision map or recorded plat which delineates the property.	n/a	n/a
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)	n/a	n/a
Fee - For petitions involving 5 acres or less, \$500. For petitions involving greater than 5 acres, \$600	n/a	n/a

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 County's plan for growth encourages the development of diverse and affordable housing. Increasing the allowable density on the site is consistent with these policies and is also closer aligned with the preferred density range identified for this area in the County's Comprehensive Plan.

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

The subject site is classified as Community Mixed Use and General Residential in the County's Comprehensive Plan. The Community Mixed Use place type promotes a mixture of higher density residential and commercial developments, while the General Residential promotes densities up to 6 dwelling unit per acre. The proposed R-10 district will increase the allowable density to align closer to the ranges promoted for this property in 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?

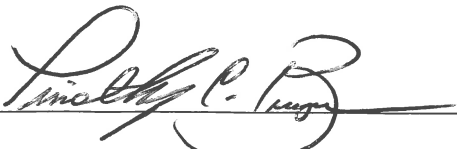
The majority of the area was zoned R-20 in 1974 when utilities were limited and many homes in the unincorporated areas of the County utilized private well and septic. Public utilities continue to be extended to the community making higher densities possible. In addition, a commercial node has developed in Wrightsboro just south of the site providing services to the area residents.

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

The more diverse housing options under the proposed zoning are consistent with the Comprehensive Plan's objectives for this area and are more compatible with adjacent commercial zoning and with frontage on an arterial road.

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.



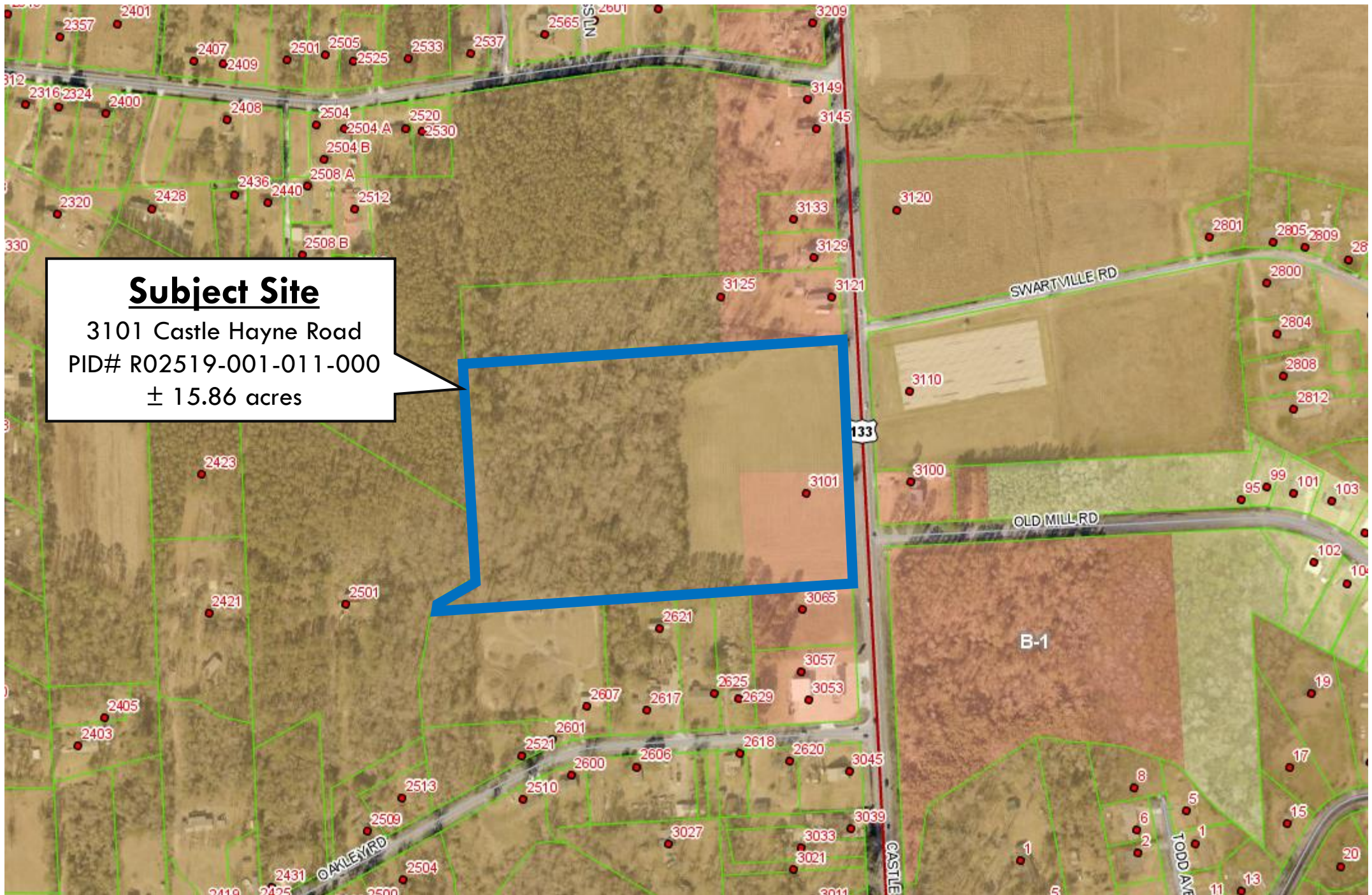
Tim Burgess, Deputy County Manager

Signature of Petitioner and/or Property Owner

Print Name

Subject Site

3101 Castle Hayne Road
PID# R02519-001-011-000
± 15.86 acres

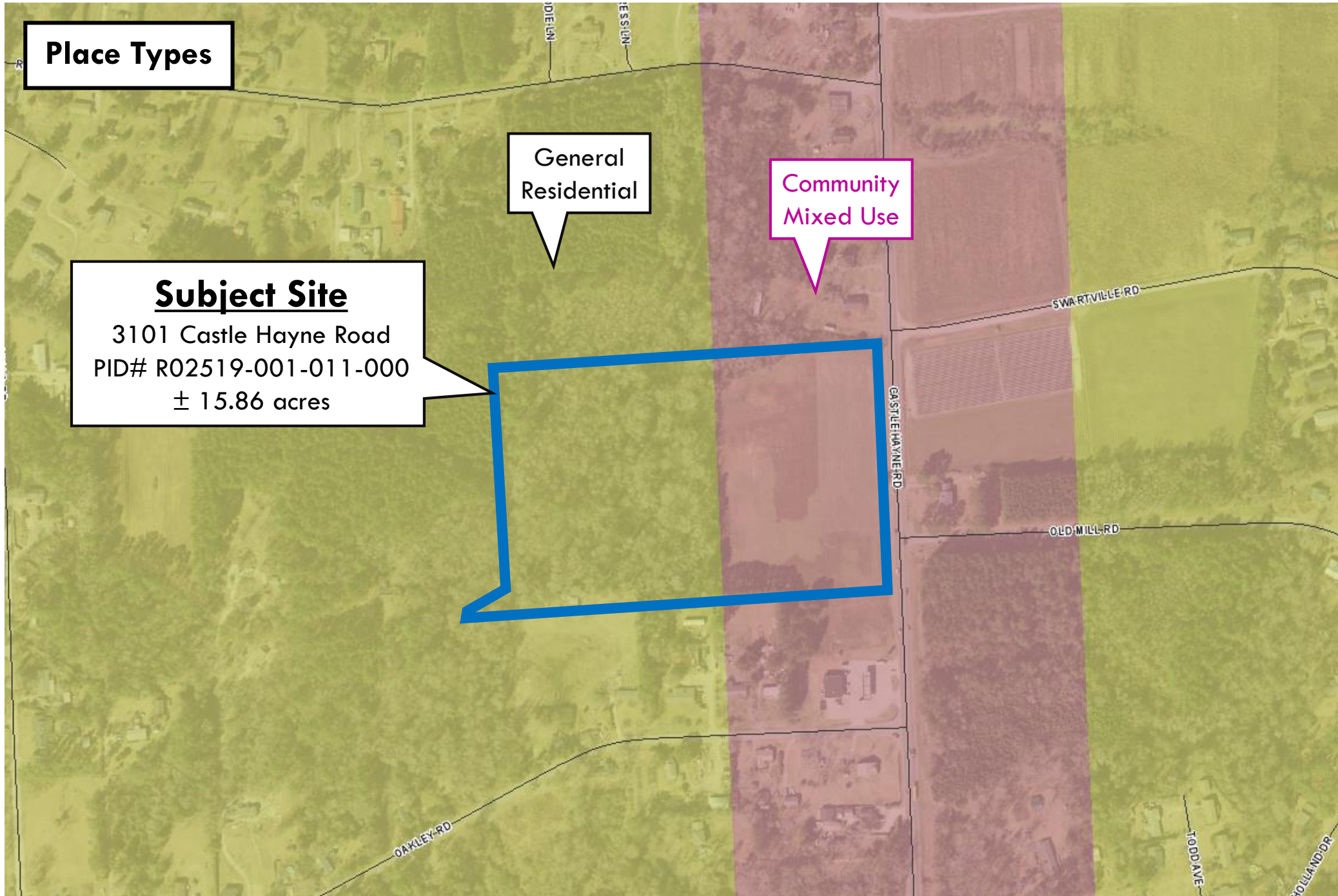


Place Types

General Residential

Community Mixed Use

Subject Site
3101 Castle Hayne Road
PID# R02519-001-011-000
± 15.86 acres



700
1

BOOK PAGE
1639 0517

NEW HANOVER CO

01-07-93



\$296.00
Real Estate
Excise Tax

ADMITTED TO RECORD
7 DAY OF January 1993
11:15 A
MARY SUE COOTS
REGISTER OF DEEDS
NEW HANOVER COUNTY

Excise Tax 296.00

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No.
Verified by County on the day of 19
by

Mail after recording to

This instrument was prepared by County Attorney, 320 Chestnut Street, Room 320, Wilmington, NC

Brief description for the Index
part of 2, and all of 3, 4, & 5 tracts - Seitter land

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 7th day of January, 1993, by and between

GRANTOR

GRANTEE

RUBY SWART (widow)
000054

New Hanover County, a political
subdivision of the State of North
Carolina.
320 Chestnut Street
Wilmington, NC 28401

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Cape Fear Township,

County, North Carolina and more particularly described as follows:

BEGINNING at a point in the Western Line of State Highway #40 (presently U.S. Highway #117), as said line is shown on a map of a subdivision of a portion of the J.G. Seitter lands, made by J.L. Becton, C.E., dated April, 1925, and recorded in Map Book 3, at Page 29, in the New Hanover County Registry, North 0 degrees 30 minutes East along the Western Line of said Highway 375 feet from its intersection with the Northern line of Oakley Plantation Road, said point of intersection being 438 feet Northwardly along said Western Line of State Highway #40 from the Northern edge of the Old Culvert in Ness' Creek under said Highway, said beginning point lying also 167 feet Northwardly along and in the Eastern boundary of Tract #2 from its Southeastern corner as is shown on said map thereof referred to herein above, and running thence North 0 degrees 30 minutes East, along the Western Line of said State Highway #40, 665 feet to the Northeastern corner of Tract #5 as shown on the map hereinabove referred to; thence North 89 degrees 30 minutes West along the Northern line of said Tract #5, 1042 feet to the center of a ditch; thence South 0 degrees 30 minutes West 200.5 feet to two stones marked "D.L.G." and "A.G.L.", thence South 0 degrees 15 minutes East 176 feet to two stones marked "D.L.G." and "A.G.L." at or near Rattlesnake Branch; thence with the meanders of said Branch in a Southwardly direction to a point in said Branch located North 89 degrees 30 minutes West from the point of Beginning, said point in the Branch being in the Western line of Tract #2 as shown on the map hereinabove referred to; thence South 89 degrees 30 minutes East, 1100 feet, more or less, to the point of Beginning. Same being Tract #3, 4, and 5 and the Northernmost 41 feet of Tract #2 of a subdivision of a portion of the J.G. Seitter lands as shown on the map made by J.L. Becton, dated April, 1925, and recorded in Map Book 3, at Page 29, in the Office of the Register of Deeds of New Hanover County. Said property being a portion of the land described and conveyed in a deed from J.H. Schneider and Company to D. Swart recorded in Book 241, at Page 521 in the New Hanover County Registry.

N. C. Bar Assoc. Form No. 3-9-1976. Revised © 1977 - James Williams & Co., Inc. Box 127, Yadkinville, N. C. 27055
Printed by Agreement with the N. C. Bar Assoc. 1981

267951

RETURNED TO *Kenny Burroughs*
Wakesboro, NC

Excepting, however, such highway right-of-way for State Highway #40 (presently U.S. Highway #117) as is presently owned by the State of North Carolina.

BOOK PAGE
1639 0518

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 873, Page 501, New Hanover County Registry

A map showing the above described property is recorded in Plat Book _____ page _____

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

NORTH CAROLINA _____
NEW HANOVER COUNTY _____

INK ONLY

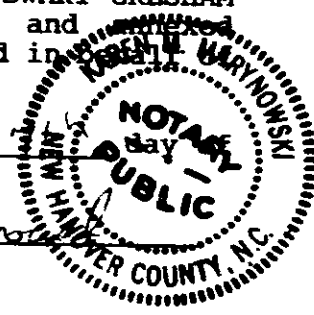
Alida Swart Gresham (SEAL)
RUBY SWART, by and through her attorney-in-
fact, ALIDA SWART GRESHAM (SEAL)

I, Karen M. Marynowski, a Notary Public for said County and State, do hereby certify that ALIDA SWART GRESHAM, attorney in fact for RUBY SWART, personally appeared before me this day, and being by me duly sworn, says that she executed the foregoing and annexed instrument for and in behalf of the said RUBY SWART, and that her authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged, and recorded in the office of the Register of Deeds, in the County of New Hanover, State of North Carolina, on the 21st day of February, 1990, and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney.

I do further certify that the said ALIDA SWART GRESHAM acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said RUBY SWART.

WITNESS my hand and official seal, this January, 1993.

Karen M. Marynowski
Notary Public



My commission expires: 4-17-96

The foregoing Certificate(s) of Karen M. Marynowski Notary Public

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

MARY SUE OOTS REGISTER OF DEEDS FOR New Hanover COUNTY
M. S. Oots Deputy, Assistant- Register of Deeds