

NEW HANOVER COUNTY

DEPARTMENT OF PLANNING & LAND USE

230 Government Center Drive, Suite 110

Wilmington, North Carolina 28403

Telephone (910) 798-7165

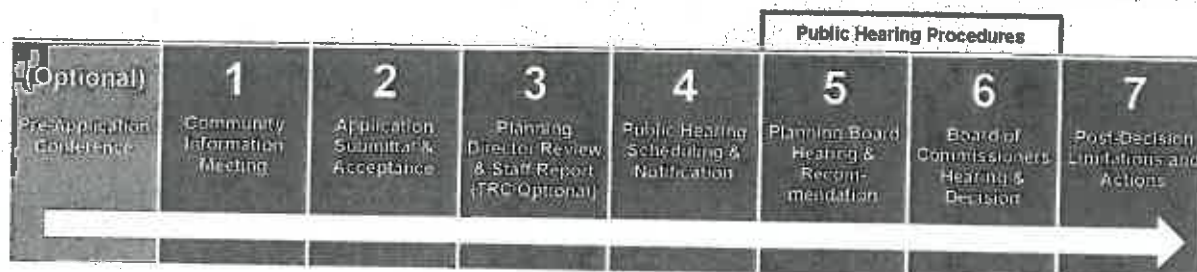
FAX (910) 798-7053

planningdevelopment.nhcgov.com



CONDITIONAL ZONING APPLICATION

This application form must be completed as part of a Conditional Zoning District Application. The application form is available for download from the online CAS portal. The form is subject to change without notice. For more specific questions and review information, please contact the Planning Department. The application is set out in Section 10.3.3 of the Unified Ordinance on Zoning.



1. Applicant and Property Owner Information

Applicant/Agent Name Amy Schaefer	Owner Name (if different from Applicant/Agent) Lester and Suzanne Edwards
Company Lee Kaess, PLLC	Company/Owner Name 2
Address 3414 Wrightsville Ave	Address 109 Forest Lane
City, State, Zip Wilmington, NC 28403	City, State, Zip Wilmington, NC 28401
Phone 910-399-3447	Phone
Email amy@leekaess.com	Email

2. Subject Property Information

Address/Location 102 Forest Lane, Wilmington, NC 28401		Parcel Identification Number(s) R04107-006-001-000 & R04107-007-001-000
Total Parcel(s) Acreage 2.18 acres	Existing Zoning and Use(s) R-15 single family	Future Land Use Classification O&I

Case Number 2	Date / Time Received
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3. Proposed Zoning, Use(s), & Narrative

Proposed Conditional Zoning District:	Total Acreage of Proposed District:
<p>Please list the uses that will be allowed within the proposed Conditional Zoning District, the purpose of the district, and a project narrative (attach additional pages if necessary). Note: Only uses allowed by right in the corresponding General Use District are eligible for consideration within a Conditional Zoning District.</p> <p>See attached.</p>	

4. Proposed Condition(s)

Note: 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.

See attached.

5. 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 Traffic 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: *Single tenant office, Hair Salon / Spa*

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

AM Peak Hour Trips: <i>~ 5-30</i>	PM Peak Hour Trips: <i>~ 5-30</i>
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(KV)

6. Conditional Zoning District Considerations

The Conditional Zoning District procedure is established to address situations where a particular land use would be consistent with the New Hanover County 2016 Comprehensive Plan and the objectives outlined in the Unified Development Ordinance and where only a specific use or uses is proposed. The procedure is intended primarily for use with transitions between zoning districts of 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 Zoning district meets the following criteria.

1. How would the requested change be consistent with the County's policies for growth and development, as described in the 2016 Comprehensive Plan, applicable small area plans, etc.

See attached.

2. How would the requested Conditional Zoning district be consistent with the property's classification on the 2016 Comprehensive Plan's Future Land Use Map.

See attached.

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?

See attached.

Application Checklist

Staff Initial

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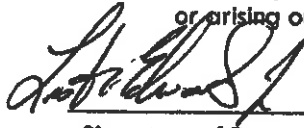
KV

7. 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 I am applying. I understand that the existing Official Zoning Map is presumed to be correct. 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 comments; 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.

 Suzanne B. Edwards Lester Edwards Suzanne Edwards
Signature of Property Owner(s) Print Name(s)

 Amy C. Schaefer
Signature of Applicant/Agent Print Name

Note: This 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, 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.

3. Proposed Zoning, Use(s), & Narrative

Please list the uses that will be allowed within the proposed Conditional Zoning District, the purpose of the district, and a project narrative (attach additional pages if necessary). Note: Only uses allowed by right in the corresponding General Use District are eligible for consideration within a Conditional Zoning District.

This conditional district rezoning request seeks to allow barber/beauty shop, spa, personal services, and offices for private business & professional activities uses in the Office and Institutional District with specific conditions to assist in mitigating any potential adverse impacts on the surrounding residential neighborhoods.

The purpose of the Office and Institutional District shall be to provide areas where institutional uses, professional office uses and other uses compatible to uses of an office or institutional nature shall be encouraged to locate and to provide protection for this type land use from encroachment by other less desirable uses. The district's principal means of ingress and egress shall be along collector roads, minor arterials, and/or major arterials as designated on the County's Thoroughfare Classification Plan.

The property owner plans to provide a personal services health and beauty salon and spa in the current structure and surrounding property. The salon and spa will offer luxurious treatments, a relaxing environment, friendly service, and unparalleled talent to provide clients with a salon and spa experience unlike any other.

4. Proposed Condition(s)

Note: 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 applicant proposes to condition the rezoning to the attached site plan as approved by all New Hanover County regulatory boards and agencies.

6. Conditional Zoning District Considerations

- (1) How would the requested change be consistent with the County's policies for growth and development, as described in the 2016 Comprehensive Plan, applicable small area plans, etc.**

The proposed rezoning of these properties follows the intent in the 2016 Comprehensive Plan to allow for an adaptive reuse of the current residential building into a personal services use which would serve the surrounding neighborhoods. This project would also promote environmentally and economically friendly growth by providing needed services close to residential areas without adding significant impervious surfaces.

(2) How would the requested Conditional Zoning district be consistent with the property's classification on the 2016 Comprehensive Plan's Future Land Use Map.

The properties are located along Castle Hayne Road, shown as a Community Mixed Use Area on the New Hanover County Future Land Use Map. The Community Mixed Use Area place-type focuses on small-scale, compact, mixed use development patterns that serve multimodal travel and act as an attractor for county residents and visitors. The reuse of an existing structure for a personal services use provides a low intensity transition from the road to the 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 area surrounding Castle Hayne Road, a minor arterial road, has grown exponentially over the years. This low intensity personal services use will provide a buffer between the road and the surrounding residential uses without intruding into the neighborhoods and offering a conveniently located service.

Conditional Zoning Application
REPORT OF COMMUNITY MEETING

Subject Property: 102 Forest Lane, Wilmington, NC 28401

Applicants: Lester and Suzanne Edwards

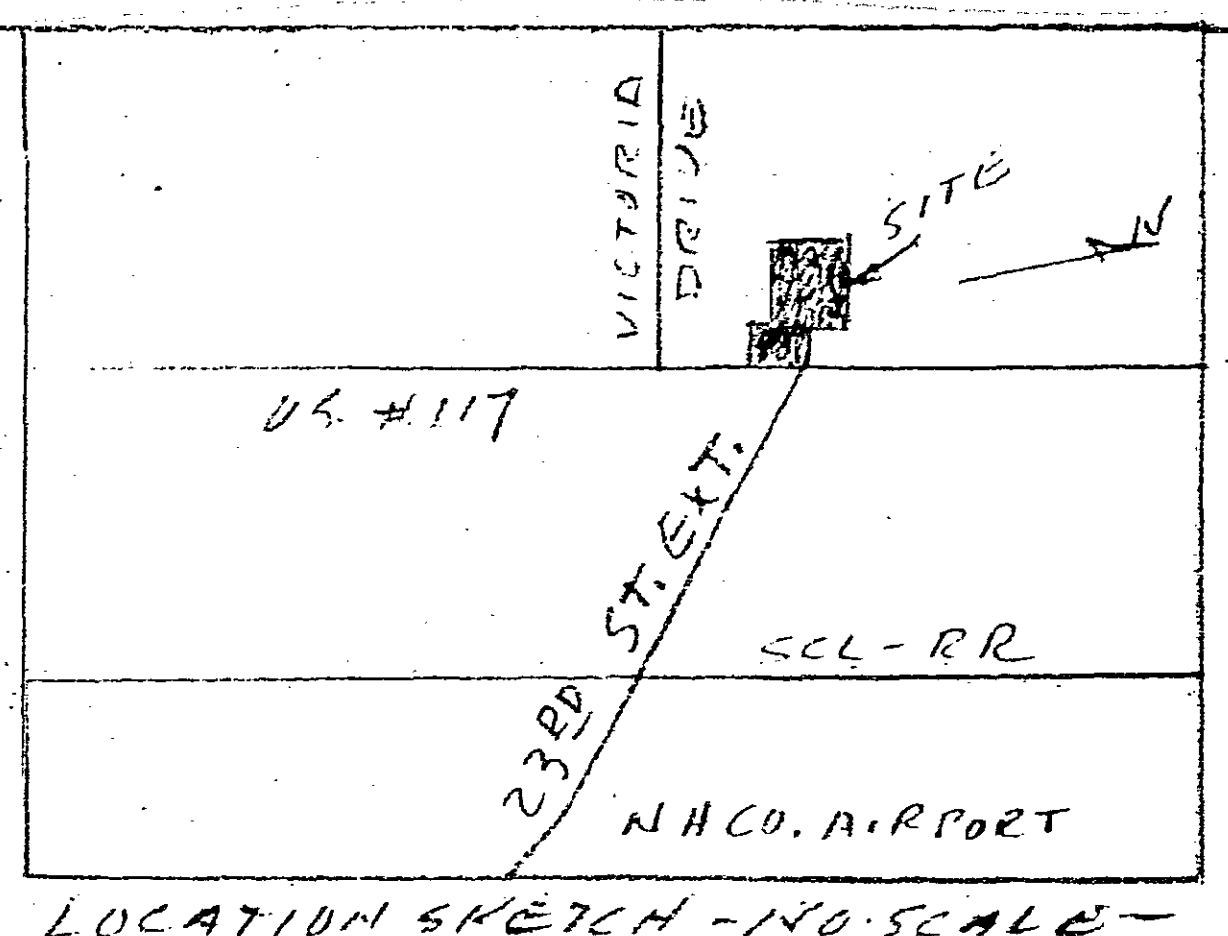
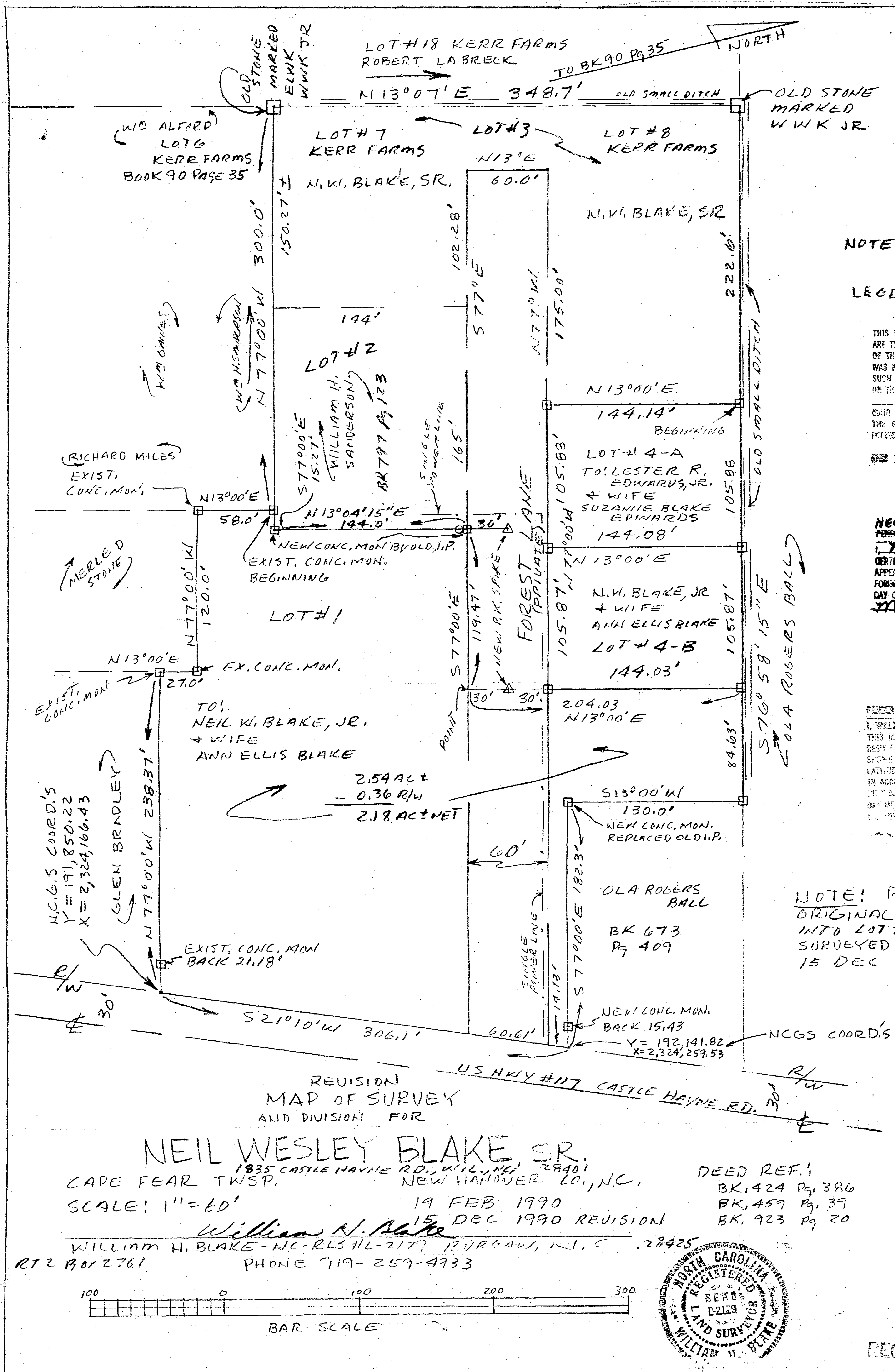
Zoom Meeting: May 5, 2020 @ 5:30 p.m.

Attendees: Amy C. Schaefer
Lester Edwards
Suzanne Edwards
Ken Vafier
Margaret Porter
Ralph Colelli
James Strickland

Items Discussed: There was a discussion regarding the entrance and signage as well as any tree removal, the amount of traffic and the noise level.

Respectfully submitted this 6th day of May, 2020.


AMY C. SCHAEFER
Attorney for Applicants



NOTE: INDIVIDUAL WELLS + SEPTIC TANKS

LEGEND: □ = NEW CONC. MONUMENT

THIS IS TO CERTIFY THAT THE BOUNDARIES AS SHOWN ON THE WITHIN MAP ARE THOSE DESCRIBED IN THE DEED RECORDED IN BOOK 45 AT PAGE 107 OF THE NEW HANOVER COUNTY REGISTRY, AND THAT THE WITHIN SURVEY WAS MADE FROM THE POINTS AS DESCRIBED IN SAID DEED, AND THAT SUCH BOUNDARIES ARE MARKED ON THE PROPERTY BY DISTINCTIVE MARKINGS ON THE GROUND, TO VIZ:

BEING VISIBLE TO A HEIGHT OF AT LEAST 18 INCHES ABOVE THE GROUND AND BY THE IMPLACEMENT OF VISIBLE (METAL) (CONCRETE) MONUMENTS IN THE BOUNDARY LINES SURROUNDING THE PROPERTY.

THIS CERTIFICATION IS GIVEN PURSUANT TO G.S. 1-38 AS AMENDED.

DATE: 4 DAY OF APRIL 1990

William H. Blake
REGISTERED SURVEYOR

NEW HANOVER COUNTY, NORTH CAROLINA

I, MARY SUE DOTS, A NOTARY PUBLIC, DO HEREBY CERTIFY THAT WILLIAM H. BLAKE, REGISTERED LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING CERTIFICATE WITH MY HAND AND NOTARIAL SEAL THIS 7 DAY OF JANUARY 1991.

MARY SUE DOTS, Notary Public, expires 4-26-94

NOTARY PUBLIC
NEW HANOVER COUNTY, N.C.

WILLIAM H. BLAKE, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS MAP WAS DRAWN BY ME FROM AN ACTUAL SURVEY BY ME AND IS THE BASIS OF SUCH SURVEY, THAT THE BOOK AND PAGE NUMBERS USED ARE AS SHOWN ON THIS MAP, THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDE & DEPARTURES IS 1:5,000, THAT THIS MAP IS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED & IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE & BELIEF. WITNESS MY HAND & SEAL THIS 4 DAY OF APRIL 1990.

WILLIAM H. BLAKE, BURGAM, N.C. - R. C. REGISTERED LAND SURVEYOR # L2179

William H. Blake

NOTE: REVISION - ORIGINAL LOT #4 DIVIDED INTO LOT #4-A & LOT #4-B SURVEYED BY WM. H. BLAKE 15 DEC 1990.

RECORDED AND VERIFIED
REBECCA P. TUCKER
REGISTER OF DEEDS
NEW HANOVER CO. NC
JAN 7 10 17 AM '91

Notwithstanding New Hanover County approval of this plat, lots shown on said plat may not receive Health Department approval for on site sewage disposal systems, nor for individual water supply systems.

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) own free consent and dedicate all streets, alleys, walks, parks, conservation space and other areas to public or private use as noted. All roads and drainage easements are dedicated for public utility purposes. Further, I (we) certify the land as shown hereon is located within the subdivision jurisdiction of New Hanover County.

1/7/90
Date

Neil Wesley Blake Jr.
Signature of Owner(s)

North Carolina New Hanover County
Filed for Registration on the 7 day of JAN, 1991 at 10:17 (a.m./p.m.) and duly recorded in Map Book 31, at Page 252.

STATE OF NORTH CAROLINA
New Hanover County
The Foregoing/Annexed Certificate(s) of

MARY SUE DOTS
Notary (Notaries) Public is/are certified to be correct.

This the 7 day of JAN 1991
Rebecca P. Tucker, Register of Deeds

By Linda P. Alston
Deputy/Assistant

Rebecca P. Tucker
Register of Deeds

MAP NOT SUBJECT TO NEW HANOVER COUNTY SUBDIVISION ORDINANCE
01/07/91 DATE D. Hayes/SB PLANNING DIRECTOR

RECORDED BY WM. H. BLAKE

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