

# NEW HANOVER COUNTY

## DEPARTMENT OF PLANNING & LAND USE

230 Government Center Drive, Suite 110

Wilmington, North Carolina 28403

Telephone (910) 798-7165

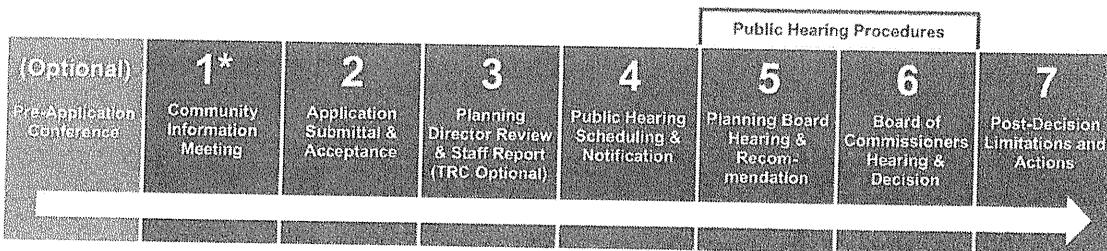
FAX (910) 798-7053

[planningdevelopment.nhcgov.com](http://planningdevelopment.nhcgov.com)



## SPECIAL USE PERMIT APPLICATION

This application form must be completed as part of a special use permit application submitted through the county's online COAST portal. The main procedural steps in the submittal and review of applications are outlined in the flowchart below. More specific submittal and review requirements, as well as the standards to be applied in reviewing the application, are set out in Section 10.3.5 of the Unified Development Ordinance.



\*If the proposed use is classified as intensive industry, the applicant shall conduct a community information meeting in accordance with Section 10.2.3, Community Information Meeting.

### 1. Applicant and Property Owner Information

Applicant/Agent Name  Amy C. Schaefer	Owner Name (if different from Applicant/Agent)  McAdams Homes, LLC
Company  Lee Kaess, PLLC	Company/Owner Name 2
Address  3414 Wrightsville Avenue	Address  6626-C Gordon Road
City, State, Zip  Wilmington, NC 28403	City, State, Zip  Wilmington, NC 28405
Phone  910.399.3447	Phone  910.798.3006
Email  amy@leekaess.com	Email  grady@mcadamshomes.net

### 2. Subject Property Information

Address/Location  4718 Gordon Road	Parcel Identification  R04300-008-015-000, R04300-008-061-000, R04300-008-126-000, R04300-008-062-000, R04300-008-012-000, R04300-008-0128-000, R04300-008-168-000 R04300-008-127-000	
Total Parcel(s) Acreage  85.19 +/- acres	Existing Zoning and Use(s)  (CUD) R-15	Future Land Use Classification  R-15 with SUP for additional dwelling allowance

### Applicant Tracking Information (This section completed by staff)

Case Number:	Date/Time Received:	Received by:
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### **3. Proposed Zoning, Use(s), & Narrative**

**Please list the proposed use(s) of the subject property, and provide the purpose of the special use permit and a project narrative (attach additional pages if necessary).**

On September 5, 2017 the Board of Commissioners approved rezoning approximately 85 acres from B-2 and O&I to (CUD) R-15. The Applicant requests a modification to the existing (CUD) R-15 zoning to conform to the new UDO and permit an additional 18 single family lots under the R-15 with a Special Use Permit for Additional Dwelling Allowance.

R-15 High Density allowed for 10.2 units/acre; however, the prior (CUD) R-15 development approval only requested 422 units with a proposed density of 4.95 units/acre. The current modification, request for R-15 with a Special Use Permit for Additional Dwelling Allowance to add 18 lots to the current approvals, will bring the total unit count to 440 units for a density of 5.15 units/acre which is 50.6% of the allowable units.

### **4. Proposed Condition(s)**

**Please note:** Within a special use permit proposal, additional conditions and requirements which represent greater restrictions on the development and use of the property than the corresponding zoning 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 included with this special use permit application below. Staff, the Planning Board, and Board of Commissioners may propose additional conditions during the review process that meet or exceed the minimum requirements of the Unified Development Ordinance.

1. Streetscape landscaping and buffering, consistent with that of which is required for high density developments adjacent to single-family developments, shall be installed around the multi-family structures to provide a screen from the single-family lots located within the development.
2. A 20-foot wide access easement shall be dedicated to the County along Smith Creek in order to allow for the future installation of a multi-use path in accordance with the Wilmington/NHC Greenway Plan.

### **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:** 18 single family lots

**Trip Generation Use and Variable (gross floor area, dwelling units, etc.)** 172 total daily trips

**AM Peak Hour Trips:** 14

**PM Peak Hour Trips:** 18

## **6. Criteria Required for Approval of a Special Use Permit**

A use designated as a special use in a particular zoning district is a use that may be appropriate in the district, but because of its nature, extent, and external impacts, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. The purpose is to establish a uniform mechanism for the review of special uses to ensure they are appropriate for the location and zoning district where they are proposed.

For each of the four required conclusions listed below, include or attach a statement that explains how any existing conditions, proposed development features, or other relevant facts would allow the Board of County Commissioners to reach the required conclusion, and attach any additional documents or materials that provide supporting factual evidence. The considerations listed under each required conclusion are simply those suggested to help the applicant understand what may be considered in determining whether a required conclusion can be met. Any additional considerations potentially raised by the proposed use or development should be addressed.

### **1. The use will not materially endanger the public health or safety if located where proposed and approved.**

#### Considerations:

- *Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersections with curb cuts;*
- *Provision of services and utilities, including sewer, water, electrical, garbage collections, fire protection;*
- *Soil erosion and sedimentation;*
- *Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater; or*
- *Anticipated air discharges, including possible adverse effects on air quality.*

The project would be accessed by Gordon Road, a public right of way maintained by the NC DOT. Water and sewer will be provided from the CFPUA system. Permitting by all State and County agencies will be required at the onset of constructions.

### **2. The use meets all required conditions and specifications of the Unified Development Ordinance.**

The project will have direct access to Gordon Road and existing major arterial roadway. Public sewer and water service will be provided. Storm-water management for both quality and quantity control is proposed. The Comprehensive Plan classification is Urban Mixed use which provides for multi-family and single family residential and is a classification which permits the Additional Dwelling Allowance.

**3. The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.**

Considerations:

- The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved (i.e. buffers, hours of operation, etc.).
- Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or County as a whole as to justify it regardless of its impact on the value of adjoining property.

The project is proposed along a corridor where a variety of single family and multi-family housing already exists. The property is adjacent to (i) undeveloped land to the south buffered by adequate open space (ii) underdeveloped land to the east currently zoned R-15 and (iii) College Road and Gordon Road. The single family and multiple family will provide adequate buffering and updated materials to add to the quality of the project and assure no adverse impact to the property value of adjacent owners.

**4. The location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the New Hanover County Comprehensive Land Use Plan.**

Considerations:

- The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved (i.e. buffers, hours of operation, etc.).
- Consistency with the Comprehensive Plan's goals, objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its locational standards.

The Comprehensive Plan calls for development to provide for a range of housing types, opportunities, and choices. Approval of the property for R-15 and a Special Use Permit for the Additional Dwelling Allowance would be consistent with that policy.

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 determined to be incomplete must be corrected in order to be processed for further review; Staff will confirm if an application is complete within five business days of submittal.

**Application Checklist**

- This application form, completed and signed
  - Application fee:
    - \$500; \$250 if application pertains to a residential use (i.e. mobile home, duplex, family child care home).
  - Traffic Impact Analysis (if applicable)
  - Site Plan including the following elements:
    - 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; 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 purposes for which it will be used.
    - Development schedule, including proposed phasing
    - Traffic and parking plan; including 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 locations; arrangement and access provisions for parking areas
    - All existing and proposed easements, reservations, required setbacks, rights-of-way, buffering, and signage
    - The location of Special Flood Hazard Areas, if applicable
    - The approximate location of US Army Corps of Engineers Clean Water Act Section 404 wetlands, Rivers and Harbors Act Section 10 wetlands, and wetlands under jurisdiction of the NC Department of Environmental Quality.
    - Location, species, and size (DBH) of regulated, significant, or specimen trees
    - Any additional conditions and requirements that represent greater restrictions on development and use of the tract than the corresponding general use district regulations or additional limitations on land that may be regulated by Federal or State law or local ordinance.
    - Any other information that will facilitate review of the proposed special use permit (Ref. Section 10.3.5, as applicable)
  - Applications for uses in the intensive industry category must also submit:
    - Community meeting written summary
    - A list of any local, state, or federal permits required for use
- One (1) hard copy of ALL documents AND 5 hard copies of the site plan. Additional hard copies may be required by staff depending on the size of the document/site plan.
- One (1) digital PDF copy of ALL documents AND plans

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## 7. Acknowledgement and Signatures

By my signature below, I understand and accept all of the conditions, limitations, and obligations of the special use permit 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 that the proposal meets the four required conclusions. 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.

  
Signature of Property Owner(s)

Grady Gordon of McAdams Homes, LLC

Print Name(s)

  
Signature of Applicant/Agent

Amy C. Schaefer of Lee Kaess, PLLC

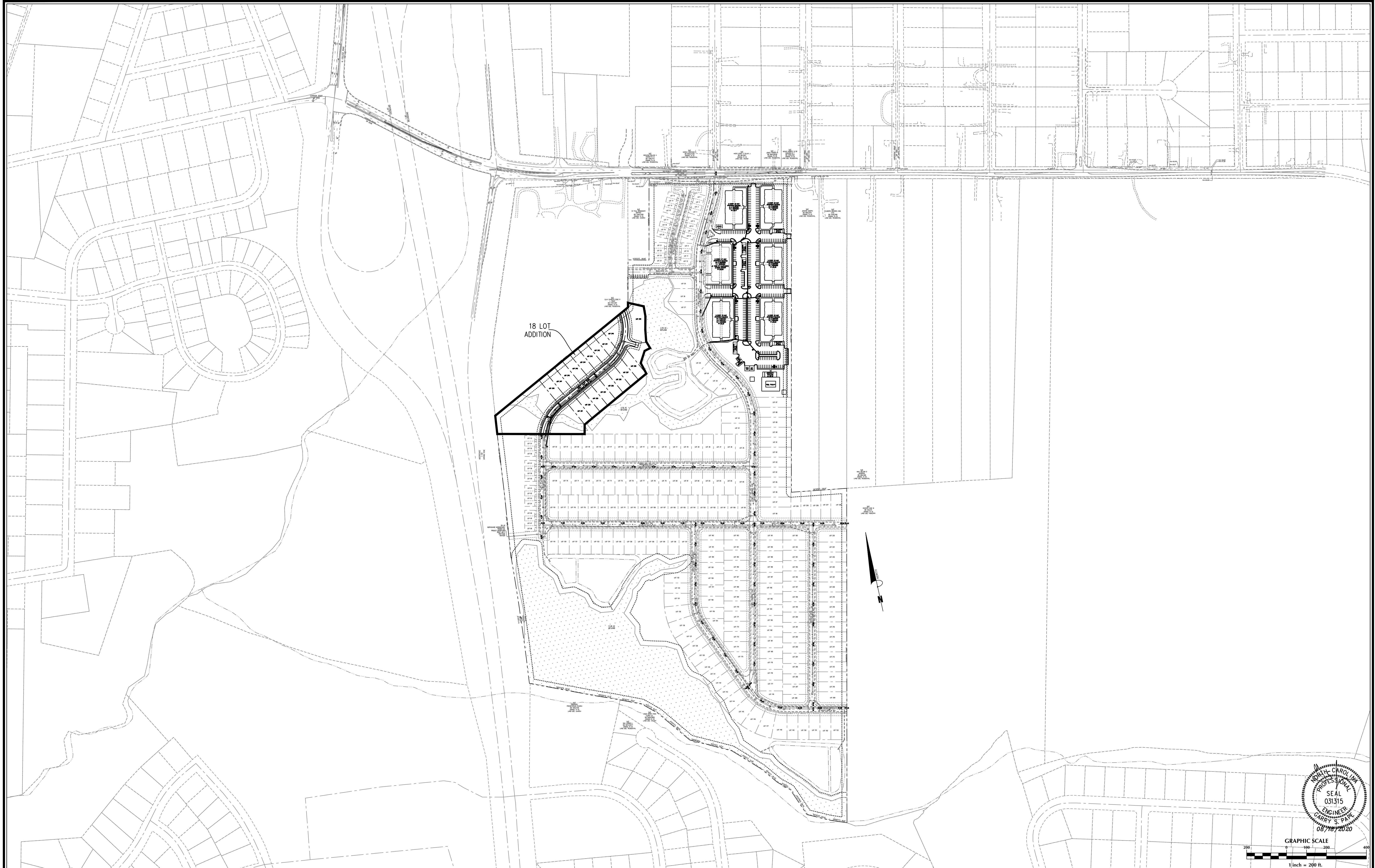
Print Name

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.

**The land owner or their attorney must be present for the application at the public hearings.**

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.

<i>Applicant Tracking Information (This section completed by staff)</i>			
<i>Application Received:</i>	<i>Completeness Determination Required by (date):</i>	<i>Determination Performed on (date):</i>	<i>Planning Board Meeting:</i>



No.	Revision	Date	By

Designer	GSP	Scale	1" = 200'
Drawn By	GSP	Date	December 2017
License #		Job No.	

P-0718 2017-0002

**THE LANDING  
AT LEWIS CREEK ESTATES**  
New Hanover County  
Wilmington North Carolina

## OVERALL PRELIMINARY PLAN

PREPARED FOR:  
McADAMS HOMES, LLC  
6626-C GORDON ROAD  
WILMINGTON, NC 28411  
910-799-3006

**GSP CONSULTING, PLLC**  
ENGINEERING  
6626 Gordon Road Unit C Wilmington, North Carolina 28411 tel: 910-442-7870 fax: 910-799-6659

Sheet No.  
**C-1**

