

# 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



## ZONING MAP AMENDMENT APPLICATION

This application form must be completed as part of a zoning map amendment 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 10.3.2 of the Unified Development Ordinance.



### 1. Applicant and Property Owner Information

<b>Applicant/Agent Name</b> Gardner Noble	<b>Owner Name (if different from Applicant/Agent)</b> TF Holdings Limited Partnership
<b>Company</b> Trask Land Company Inc	<b>Company/Owner Name 2</b>
<b>Address</b> 1051 Military Cutoff Road Suite 210	<b>Address</b> 6836 Oleander Drive Suite 1
<b>City, State, Zip</b> Wilmington, NC 28405	<b>City, State, Zip</b> Wilmington, NC 28403
<b>Phone</b> 910-799-8755	<b>Phone</b>
<b>Email</b> gardner@trasklandco.com	<b>Email</b>

### 2. Subject Property Information

<b>Address/Location</b> N/A		<b>Parcel Identification Number(s)</b> Please see attached	
<b>Total Parcel(s) Acreage</b> 350.01	<b>Existing Zoning and Use(s)</b> F-2, R-15	<b>Proposed Zoning District(s)</b> R-10	<b>Future Land Use Classification</b> CMU

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

<b>Case Number:</b> 220-1A	<b>Date/Time Received:</b> 9/2/20 1:30pm	<b>Received by:</b> GS
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### 3. Zoning Map Amendment Considerations

Requests for general rezonings do not consider a particular land use but rather all of the uses permitted in the requested zoning district for the subject property. Rezoning requests must be consistent with the New Hanover County 2016 Comprehensive Plan and the Unified Development Ordinance. Zoning Map amendments reclassify the land that is subject of the application to the requested zoning district classification(s) and subjects it to the development regulations applicable to the district(s).

The applicant must explain, with reference to attached plans (where applicable), how the proposed Zoning Map amendment meets the following criteria. (attach additional pages if necessary)

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.?

Please see attached.

2. How would the requested zoning change be consistent with the property's classification on the 2016 Comprehensive Plan's Future Land Use Map?

Please 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?

Please see attached.

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

Please See attached.

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". Applications determined to be incomplete must be corrected in order to be processed for further review.

**Application Checklist**

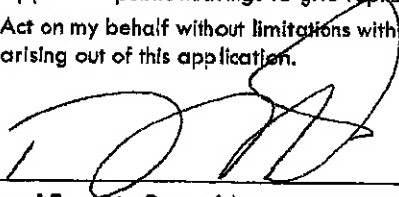
	Applicant Initial	Staff Initial
<input type="checkbox"/> This application form, completed and signed	<u>JSN</u>	<u>KV</u>
<input type="checkbox"/> Application fee: <ul style="list-style-type: none"><li>• \$500 for 5 acres or less</li><li>• \$600 for more than 5 acres</li></ul>	<u>JSN</u>	<u>KV</u>
<input type="checkbox"/> Legal description (by metes and bounds) or recorded survey Map Book and Page Reference of the property requested for rezoning	<u>JSN</u>	<u>KV</u>
<input type="checkbox"/> One (1) hard copy of ALL documents	<u>JSN</u>	<u>KV</u>
<input type="checkbox"/> Acknowledgment and Signatures Form (if applicable)	<u>JSN</u>	<u>KV</u>
<input type="checkbox"/> One (1) digital PDF copy of ALL documents AND plans	<u>JSN</u>	<u>KV</u>

**4. Acknowledgement and Signatures**

By my signature below, I understand and accept all of the limitations and obligations of the Zoning Map amendment 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.



Signature of Property Owner(s)

TRAFORD TRASKIA

Print Name(s)



Signature of Applicant/Agent

Gardner Noble

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.*

**Subject Property**

Parcel ID Number(s): PID R02700-001-002-000, R02700-001-055-000, R02700-001-054-000, R02700-001-056-000

Total Parcel(s) Acreage: 350.1

Existing Zoning and Uses:

- Zoning District Map R-15, and I-2

Proposed Zoning District(s): R-10

Future Land Use Classification: COMMUNITY MIXED USE

**Questions**

- 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 requested change to rezone the portion of PID R02700-001-002-000 south of I-140 and all three pond sites to R-10 would align with the Comprehensive Plan as it would allow for more density in a growing area of the county. This property is near a projected growth node and would help supply different housing types to residents in the area, most of which is single family detached.

- 2. How would the requested zoning change be consistent with the property's classification on the 2016 Comprehensive Plan's Future Land Use Map?**

This site is currently classified as community mixed use. The predominant focus on the new Future Land Use Map is mixing land uses. We would like for a broader mix of residential units (e.g. single-family, townhomes and multi-family) and the ability to utilize the existing 50 ac lake to create a more vibrant and diverse residential community New Hanover County leaders and citizens desire.

- 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 lack of access to I-140 and Sidbury Road from the southern portion of the property makes the property less suited for an industrial use. Having a consisting property zoning will help the property owners with future land planning strategy.

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

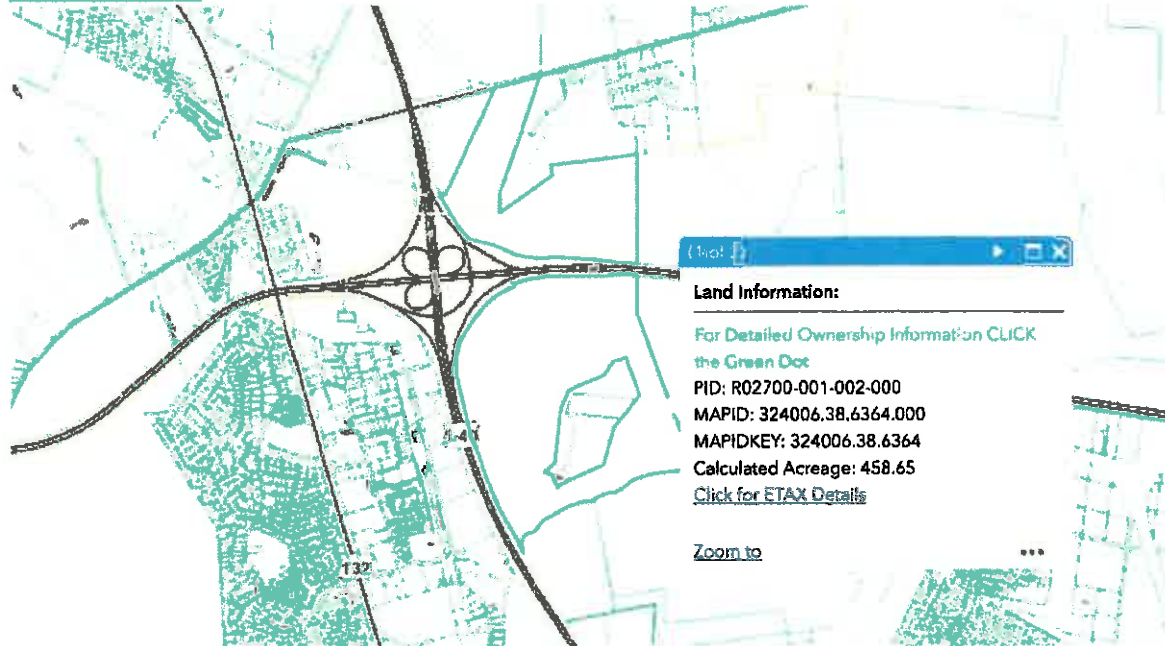
The proposed rezoning change will help provide different housing options for a growing county. While industrial developments often dominate a highway landscape, avoiding such development

Newton Farm Rezoning Application

**will better preserve the natural beauty of the land and New Hanover County's unique sense of place.**

## Maps

### Parcel Lookup



### Parcel Map

PARID: R02700-001-002-000  
TF HOLDINGS LIMITED PTNRP



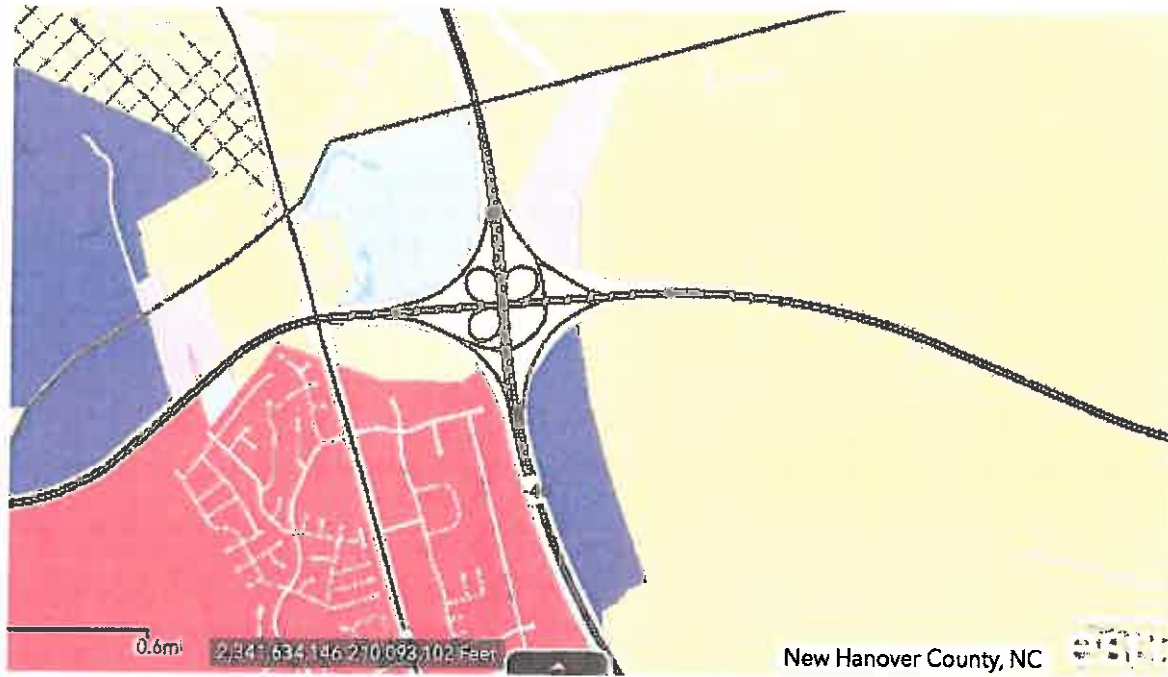
### Zoning Districts

Newton Farm Rezoning Application

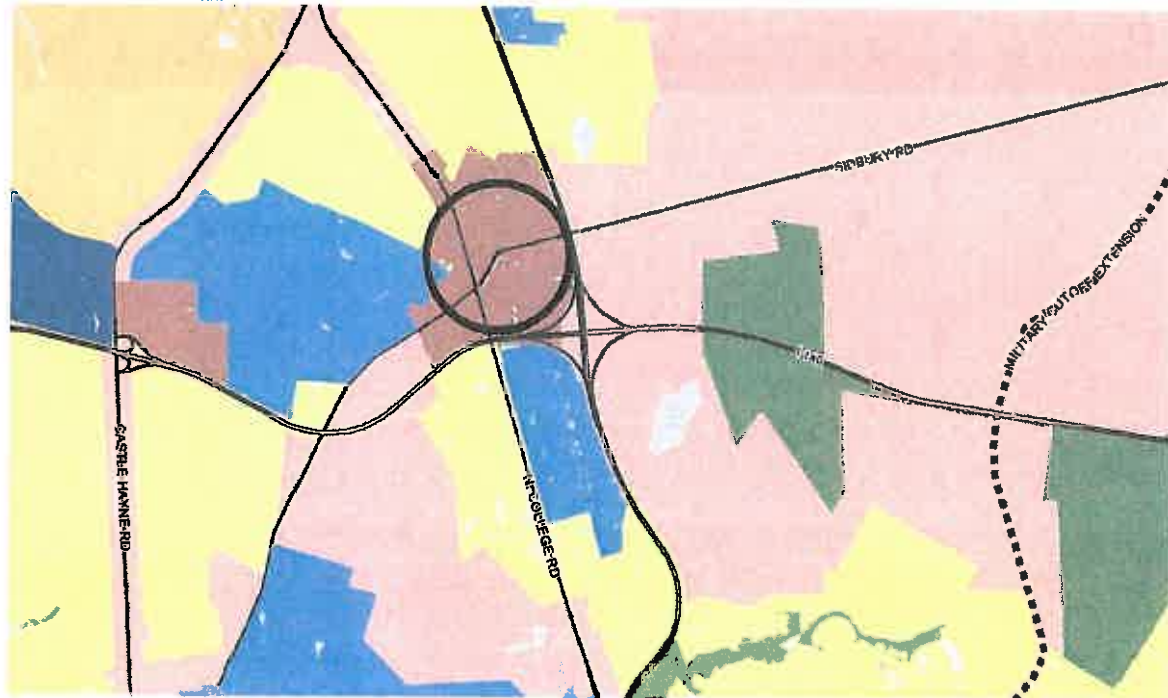
Light Purple: I-1 (Light Industrial)

Dark Purple: I-2 (Heavy Industrial)

Orange: R-15 (Residential-15; allowed density 2.5 units/acre)



**Future Land Use: COMMUNITY MIXED USE**





**Exhibit A**



**Legal Description/Page Reference**

Pond Site 1

EXHIBIT A

FIRST: In fee simple, all of Pond Site 1 as shown upon that composite map of Newton Place by Arnold W. Carson recorded in the New Hanover County Registry in Map Book 41 at Page 250.

SECOND: In fee simple, all of that "20' Roadway Strip to be conveyed with Pond Site 1" shown upon said map recorded in said Registry in Map Book 41 at Page 250; subject to the non-exclusive right of the Grantor, its successors and assigns, to use the same as an access easement, or to cross the same from East to West or from West to East.

THIRD: A non-exclusive access easement in, to, through and over the "50' Ingress/Egress Easement" centered on the 20' Roadway Strip described as the Second Tract in this instrument; and a non-exclusive access easement in, to, through and over the "50' Ingress/Egress Easement" across Tract A, all as shown upon said map recorded in said Registry in Map Book 41 at Page 250. The two 50-foot easements described in this paragraph shall expire and become null and void on September 1, 2005; and all improvements to the same shall become the property of the Grantor, free and clear from any and all claims by the Grantee.

FOURTH: A non-exclusive access easement in, to, through and over the "30' Ingress/Egress Easement" running from Pond Site 1 and Pond Site 2 to West Bay Road, as shown upon said map recorded in said Registry in Map Book 41 at Page 250; provided, however, that the Grantor reserves the right to relocate this easement, but any such relocation must still provide access from Pond Sites 1 & 2 to and from West Bay Road.

Pond Site 2

EXHIBIT A


LEGAL DESCRIPTION

Lying and being in Cape Fear Township, New Hanover County, North Carolina, and lying on the south side of, but not adjacent to Sidbury Road (SR #1336) and being a part of those lands owned by TF Holdings Limited Partnership, as recorded in Deed Book 1783, Page 1251, of the New Hanover County Registry and being more particularly described as follows:

Beginning at an existing spike, the northeast corner of "Pond Site 1" on a map entitled "Composite Map of the Newton Place" and recorded in Map Book 41, Page 250 of said Registry, said spike being located N57°05'59"W 1699.34' from a corner shown on said map having NC Grid Coordinates North 205360.5238 East 2345687.0145 combined factor 1.000006894, NAD '1983; thence,

1. N84°10'24"W 1071.41' along the northern edge of said "Pond Site 1" to a stake; thence, along the western line of "Pond Site 2", as shown on the aforementioned map
2. N20°15'38"E 396.54' to a stake; thence a new line
3. S83°57'38"E 1208.84' to a stake in the east line of said "Pond Site 2"; thence, as said line
4. S37°42'39"W 447.06' to the beginning and containing 10.00 acres, more or less.



  
Arnold W. Carson, PLS, PC      1/27/03  
406 North Third Street      Date  
Wilmington, NC 28401  
(910) 772-9113

Pond site 3



FOR REGISTRATION REGISTER OF DEEDS  
REBECCA P. SMITH  
NEW HANOVER COUNTY, NC  
2006 JUL 13 12:00:18 PM  
BK:5050 PG:1686-1688 FEE:\$17.00  
NC REV STAMP:\$5.00  
INSTRUMENT # 2006039713

2700-001-054-000  
2700-001-055-000  
Tax Parcel No. 2700-001-056-000

RETURNED TO

Drawn by Lloyd S. Elkins, Jr.

Returned to: SAME

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

WARRANTY DEED

THIS DEED, made this 12<sup>th</sup> day of July, 2006, by and between

GRANTOR	GRANTEE
C. M. LINDSAY & SONS, INC., a North Carolina corporation, whose mailing address is P. O. Box 1887, Lumberton, North Carolina 28359	TF HOLDINGS LIMITED PARTNERSHIP, a North Carolina limited partnership, whose mailing address is 1202 Eastwood Road, Wilmington, North Carolina 28403

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 hereby 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, New Hanover County, North Carolina, and more particularly described as follows:

All of the property in New Hanover County, North Carolina, conveyed to the grantor by TF Holdings Limited Partnership by conveyances of record in said County, including without limitation all of the fee simple tracts and all of the easements, express or implied, conveyed by those instruments recorded in the New Hanover County Registry in Book 3073 at Page 479, Book 3621 at Page 117, and Book 4159 at Page 187.

TO HAVE AND TO HOLD the above granted and described premises, together with all and singular, the rights, privileges, easements, tenements, and appurtenances thereunto belonging, or in any wise appertaining, unto the Grantee, in fee simple forever.

Except for the matters hereinabove stated, if any, the Grantor covenants to and with the Grantee that the Grantor is seized in fee of the above granted and described premises, and has good right to sell and convey the same in fee simple; that the title thereto is free and clear from any and all encumbrances; and that the Grantor will WARRANT and DEFEND the title to the same against the lawful claims and demands of any and all persons whomsoever.

IN TESTIMONY WHEREOF, the Grantor has duly executed this instrument, this the day and year first above written.

ATTEST:

C. M. LINDSAY & SONS, INC.

Debra L. Annette  
Secretary

By [Signature]  
President



STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

I, Amanda L. McCormick, a Notary Public of the County and State aforesaid, certify that Debra Annette, personally came before me this day and acknowledged that she is Debra Secretary of C. M. Lindsay and Sons, Inc., a North Carolina corporation, and that by [Signature] duly given and as the act of the corporation, the foregoing instrument signed in its name by its President, sealed with corporate seal and by Debra Annette as its Secretary.

Witness my hand and official stamp or seal, this the 12 July, 2008.



My commission expires:  
01-31-2011

Amanda L. McCormick  
Notary Public  
Amanda L. McCormick

NORTH CAROLINA  
NEW HANOVER COUNTY

JR REGISTRATION MARY SUE 0076  
REGISTER OF DEEDS  
NEW HANOVER COUNTY, NC  
2000 NOV 15 01 23 17 PM  
2834 PG 297-298 FEE \$6 00  
INSTRUMENT # 668131

Prepared By: Richard G. Sowby  
NC Department of Transportation  
Attorney General's Office  
1000 Mail Service Center  
Raleigh, N.C. 27699-1603

DEPARTMENT OF TRANSPORTATION,  
Plaintiff,

v

MEMORANDUM OF ACTION  
(G S 136-104)

RAIFORD G TRASK, JR., D WEBSTER TRASK and wife,  
JULIA C TRASK, and ETHEL T COUPLAND and husband,  
HOWARD W COUPLAND,  
Defendants

00CV03384

Take Notice

1 That on the 13th day of November, 2000, the Department of Transportation, under the provisions of Article 9, Chapter 136 of the General Statutes, instituted the above-captioned civil action in the Superior Court of New Hanover County by the filing of a Complaint and Declaration of Taking and by the issuance of summons, that pursuant to G S 136-104, the interest and area specified in said Complaint and Declaration of Taking vested in the Department of Transportation on said date

2 That the above-named defendants are the persons who the Department is informed and believes may have or claim to have an interest in said lands

3 That the property which is the subject of this action is described as follows

Those certain lands lying and being in Cape Fear Township, New Hanover County, North Carolina and being more particularly described as follows

Being those lands described and conveyed in the following deeds (1) deed dated December 5, 1980 to D Webster Trask, Ethel T Coupland and Raiford G Trask, Jr and recorded in Book 1178, Page 733, and (2) deed dated December 28, 1976 to Raiford G Trask, Jr, Ethel T Coupland and Daniel Webster Trask and recorded in Book 1085, Page 269 -- both of the New Hanover County Registry The property descriptions contained in said deeds are hereby incorporated by reference.

4 That the estate or interest acquired in or across said lands taken are described in Exhibit "B" of said Complaint and Declaration of Taking

Thus the 13th day of November, 2000

MICHAEL F EASLEY  
Attorney General

Robert O Crawford, III  
Special Deputy Attorney General

Project No 6 258002B  
Parcel No 023  
ID No R-2633CB

RETURNED TO

*Peggy Creech  
Clerk's Office*

2000-4751



MARY SUE OOTS  
REGISTER OF DEEDS, NEW HANOVER  
JUDICIAL BUILDING  
316 PRINCESS STREET  
WILMINGTON, NC 28401



Filed For Registration 11/15/2000 01.23 17 PM  
Book RE 2834 Page 297-298  
Document No., 658131  
MEMO 2 PGS \$6.00  
Recorder MARVIS ANN STORER

State of North Carolina, County of New Hanover

MARY SUE OOTS , REGISTER OF DEEDS By: Marvis Ann Storer  
Deputy/Assistant Register of Deeds

**\*658131\***  
658131