



813 & 817
Piner Road

NEW HANOVER COUNTY

DEPARTMENT OF PLANNING & LAND USE

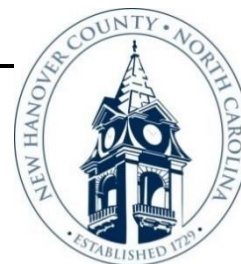
230 Government Center Drive, Suite 110

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 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 10.3.3 of the Unified Development Ordinance.



1. Applicant and Property Owner Information

Applicant/Agent Name CINDEE WOLF	Owner Name (if different from Applicant/Agent) PROCLAIM HOLDINGS, L.L.C.
Company DESIGN SOLUTIONS	Company/Owner Name 2
Address PO BOX 7221	Address PO BOX 15447
City, State, Zip WILMINGTON, NC 28406	City, State, Zip WILMINGTON, NC 28408
Phone 910-620-2374	Phone 910-795-4143 / SPENCE HACKNEY
Email CWOLF@LOBODEMAR.BIZ	Email SPENCE@PROCLAIMINTERACTIVE.COM

2. Subject Property Information

Address/Location 813 & 817 PINER ROAD		Parcel Identification Number(s) 313415.72.1770 & 313415.72.2956	
Total Parcel(s) Acreage 3.78 AC.	Existing Zoning and Use(s) (CUD) O&I / REAL ESTATE OFFICE		Future Land Use Classification GENERAL RESIDENTIAL

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

Proposed Conditional Zoning District: (CZD) CB	Total Acreage of Proposed District: 3.78 AC.
<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>THERE ARE TWO EXISTING BUILDINGS AT THE FRONT, TOTALLING APPROXIMATELY 1600 S.F., THAT WILL BE OCCUPIED BY OFFICE USES - TO INCLUDE PRIVATE BUSINESS, PROFESSIONAL ACTIVITIES, AND CONTRACTORS (WITH PRESCRIBED CONDITIONS). A NEW 1530 S.F. STORAGE BUILDING AND PARKING AREA TO ACCOMMODATE THE BUSINESS TRUCKS, DURING OFF-HOURS, IS PROPOSED TOWARDS THE CENTER OF THE PROPERTY - OUT OF SIGHT FROM THE PUBLIC ROADWAY. AN ACCESS DRIVE WILL EXTEND FROM THE EXISTING OFFICE PARKING AREA FOR VEHICULAR TRAVEL AND EMERGENCY SERVICES.</p> <p>A SPECIAL USE PERMIT WILL BE INCLUDED IN THE APPROVAL PROCESS TO ALLOW THE EXISTING RESIDENCE TO BE USED AS A "LIVE/WORK OR CARETAKER UNIT," ALSO SUBJECT TO PRESCRIBED CONDITIONS.</p>	

4. Proposed Condition(s)

<p>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.</p> <p>REFERENCE SITE PLAN FOR LAYOUT, PROPOSED IMPROVEMENTS AND DETAILS. ADDITIONALLY, THE PRESCRIBED CONDITIONS IN SECTION 4.3.2.F.1 OF THE UNIFIED DEVELOPMENT ORDINANCE WILL BE MET.</p>
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5. Traffic Impact

<p>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.</p>	
ITE Land Use: SINGLE-TENANT OFFICE BUILDING / 715	
Trip Generation Use and Variable (gross floor area, dwelling units, etc.) 1600 S.F GFA	
AM Peak Hour Trips: 4	PM Peak Hour Trips: 3

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.

THE POLICIES FOR GROWTH AND DEVELOPMENT ENCOURAGE CONTINUED EFFORTS TO ATTRACT AND MAINTAIN BUSINESSES. THE PETITIONER HAS OPERATED A SUCCESSFUL ENTERPRISE HERE IN NEW HANOVER COUNTY FOR OVER 21 YEARS, BUT CURRENTLY OCCUPIES A LEASED SPACE. THE PURPOSE IS TO HAVE OWNERSHIP OF THE PROPERTY AND ADMINISTER THE BUSINESS FROM THE EXISTING OFFICE BUILDINGS.

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 TRACT IS IDENTIFIED IN THE COMPREHENSIVE LAND USE PLAN AS A "GENERAL RESIDENTIAL" PLACE-TYPE. HOWEVER, IT IS IMMEDIATELY ADJACENT TO THE "URBAN MIXED-USE" PLACE-TYPE THAT IS PART OF THE MONKEY JUNCTION GROWTH NODE. LOWER-DENSITY COMMERCIAL USES, SUCH AS OFFICES, ARE ACCEPTABLE. PINER ROAD IS A MINOR ARTERIAL ROADWAY.

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 TRACT IS ALREADY BEING USED FOR OFFICE PURPOSES, BUT IS LIMITED DUE TO ITS UNDERLYING OFFICE & INSTITUTIONAL ZONING DISTRICT. THE REQUESTED CHANGE IS SOLELY FOR THE PURPOSE OF ADDING THE USE OF "CONTRACTOR OFFICE" FOR THE PETITIONER'S SPECIFIC BUSINESS.

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	Applicant Initial	Staff Initial
<input type="checkbox"/> This application form, completed and signed	<u>CAW</u>	<u> </u>
<input type="checkbox"/> Application fee: <ul style="list-style-type: none"> • \$600 for 5 acres or less • \$700 for more than 5 acres • \$300 in addition to base fee for applications requiring TRC review 	<u>CAW</u>	<u> </u>
<input type="checkbox"/> Community meeting written summary	<u>CAW</u>	<u> </u>
<input type="checkbox"/> Traffic impact analysis (if applicable)	<u>N/A</u>	<u> </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>CAW</u>	<u> </u>
<input type="checkbox"/> Site Plan including the following elements: <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 <ul style="list-style-type: none"> ○ 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 • Location, species, and size (DBH) of regulated 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 state law or local ordinance 	<u>CAW</u>	<u> </u>
<input type="checkbox"/> 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.	<u>CAW</u>	<u> </u>
<input type="checkbox"/> One (1) digital PDF copy of ALL documents AND plans	<u>CAW</u>	<u> </u>

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)

Cynthia Wolf

Signature of Applicant/Agent

WILLIAM SPENCER HACKNEY, II

Print Name(s)

DESIGN SOLUTIONS / CINDEE WOLF

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.

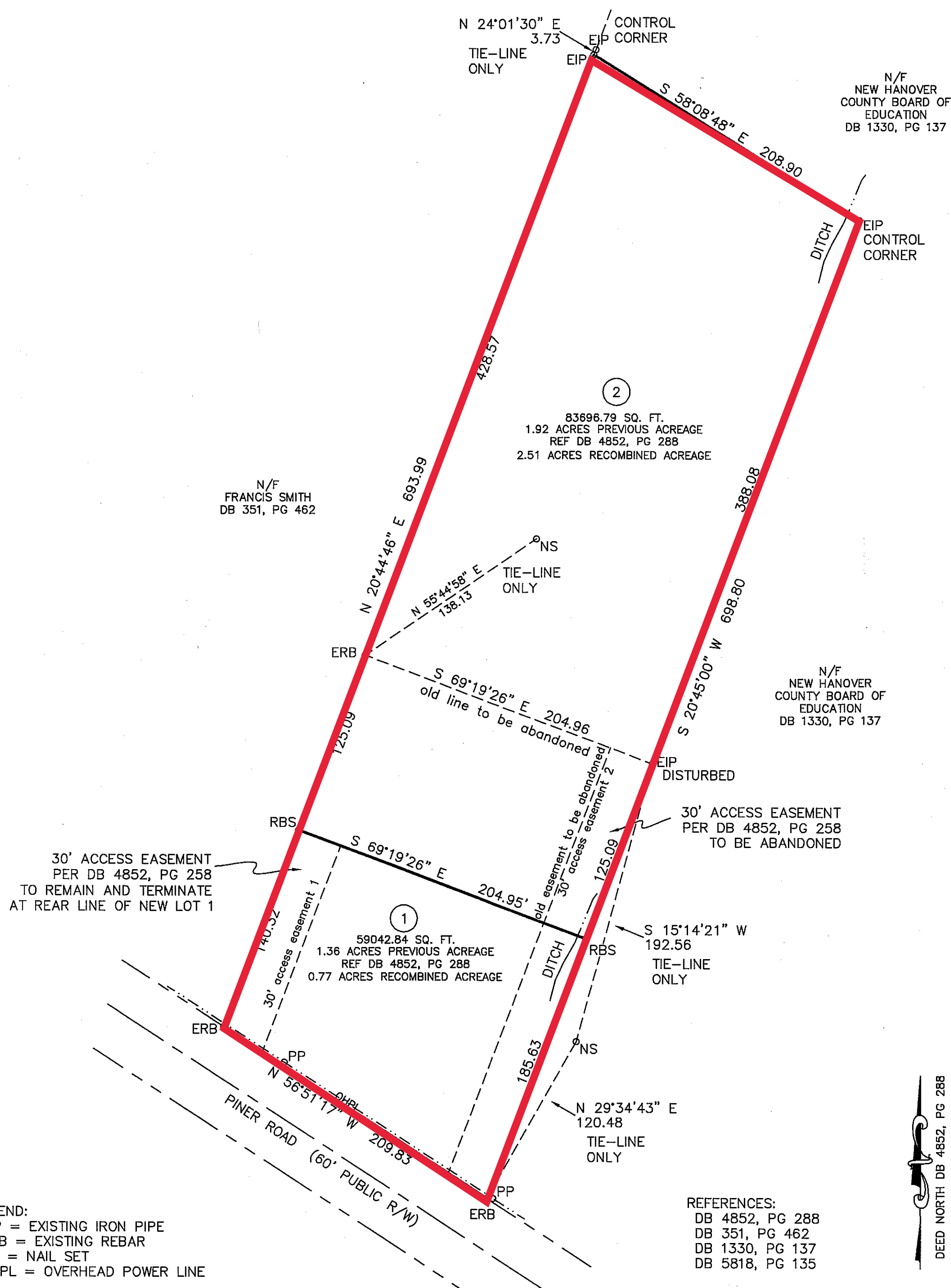
If an applicant requests delay of consideration from the Planning Board or Board of County Commissioners before notice has been sent to the newspaper (approximately 2-3 weeks before the hearing), the item will be calendared for the next meeting and no fee will be required. If delay is requested after 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 for
Conditional Zoning District
At 813 & 817 Piner Road

Beginning at a point in the northern boundary of Piner Road (S.R. 1521), a sixty-foot (60') public right-of-way; said point being located at the southwestern corner of the Myrtle Grove School; and running thence:

North $56^{\circ}51'17''$ West, 209.83 feet along the said right-of-way to a point; thence
North $20^{\circ}44'46''$ East, 693.99 feet to a point; thence
South $58^{\circ}08'48''$ East, 208.90 feet to a point; thence
South $20^{\circ}45'00''$ West, 698.80 feet to the point and place of beginning, containing
3.28 acres, more or less.



I (WE) DO CERTIFY THAT I (WE) ARE THE OWNER(S) OR ARE AUTHORIZED AGENT(S) OF SAID OWNER(S) AND BY WITNESS OF SIGNATURE BELOW BY OWNER OR AGENT DO HEREBY ADOPT AND ENFORCE THIS PLAT OF RECOMBINATION.

WS Hackney 12/23/2014
OWNER(S)/AGENT(S) DATE

MAP NOT SUBJECT TO NEW HANOVER COUNTY SUBDIVISION ORDINANCE.

01-02-15 C.O. Keyes/SB
DATE PLANNING DIRECTOR

MAP TITLE:
RECOMBINATION MAP FOR: WILLIAM SPENCER HACKNEY

(Vicinity Map Not to Scale)		TOWNSHIP	MASONBORO
COUNTY	NEW HANOVER	STATE	NC
DATE	12/18/14	SCALE	1" = 60'
OWNER:			
WILLIAM SPENCER HACKNEY 212 SPRING RUN DRIVE MOORESVILLE, NC 28115 TRACT 1 & TRACT 2 OF DB 5818, PG 135			
REPORTED ZONING: O & I			

NOTES:

NO NCGS MONUMENTS FOUND WITHIN 2000 FT.

THIS SURVEY IS A RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

Gary W. Keyes, PLS
DATE 01-06-15 C.O. Keyes/SB
PLANNING INSPECTIONS DIRECTOR



LEGEND:

EIP = EXISTING IRON PIPE
ERB = EXISTING REBAR
NS = NAIL SET
OHPL = OVERHEAD POWER LINE

REFERENCES:

DB 4852, PG 288
DB 351, PG 462
DB 1330, PG 137
DB 5818, PG 135

DEED NORTH DB 4852, PG 288

I, Gary W. Keyes, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, Page _____, or other source as noted); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, Page _____ (or other source as noted); that the ratio of precision as calculated is 1: 1/1000; that this plat was prepared in accordance with G.S. 47-30 as amended.

Witness my original signature, registration number and seal this 23 day of DEC, A.D., 20 14.

Gary W. Keyes
Surveyor
L-4381
Registration #

"Surveys..."

Gary W. Keyes Land Surveying, P.C.
NC Firm # C-4086
7336 Varden Road Wilmington, NC 28411
(910) 228-4773 keyessurveying@gmail.com

...Because of Christ"

STATE OF NORTH CAROLINA COUNTY OF New Hanover

I, Linda E. Painter, Review Officer of New Hanover County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Linda E. Painter January 2, 2015
REVIEW OFFICER DATE

STATE OF NORTH CAROLINA New Hanover COUNTY

Filed for Registration at 11:26 AM, January 15, 20 15 in the Register of Deeds Office Recorded in Book 600 Page 76

Tammy Thersch Beasley BY Gary W. Keyes
REGISTER OF DEEDS Deputy

Instrument # 2015001149

Book 60, Page 76

RECEIVED DEC 30 2014
Gary Keyes 910-228-4773

**REPORT OF COMMUNITY MEETING NOTIFIATION
BY NEW HANOVER COUNTY ZONING ORDINANCE
FOR CONDITIONAL DISTRICT REZONINGS**

Project Name: Freedom Lawns Office / 813 & 817 Piner Road
Proposed Zoning: (CUD) O&I to (CZD) CB

The undersigned hereby certifies that written notice of a project proposal and an exhibit of the site layout for the above proposed zoning application was sent to the adjacent property owners set forth on the attached list by first class mail, and provided to the Planning Department for notice of the Sunshine List on September 15, 2020. The mailing gave the recipients opportunity to contact us with questions or comments via telephone or email. Copies of the written notices and the site layout are attached.

The persons responding were: Reference attached list of contacts received from calls or emails, and the associated dialogue.

Date: October 5, 2020
Applicant: Design Solutions
By: Cindee Wolf

Community Information

Freedom Lawns / 813 & 817 Piner Road

Name	Address	Email (Optional)
Sean P. Mulligan	5756 Highgrove Place	seanpmulligan@gmail.com
Cindee Wolf	Project Planner	cwolf@lobodemar.biz

Hi Cindee,

I have reviewed the notice re: Freedom Lawns wishing to run their operation at 813 Piner.

My main comment is regarding possible noise disturbance from the operation.

At what hour in the morning will workers be arriving to load company vehicles and head out.

In my experience that will be at an early hour that will be noticeable to the neighborhood.

Please establish working hours and "non-noisy" times.

Other than that I am OK with this use.

Sean P. Mulligan

Mobile: 203-219-2212

5756 Highgrove Place

seanpmulligan@gmail.com

Mr. Mulligan,

- Techs (8)- Monday thru Friday 6:45am-3:15pm
- Admin (2)- Monday thru Friday 8am-5pm
- Owners(2)

There is no activity weekends or holidays.

- The only real activity is to fill the tanks – by normal hose - from an on-site well adjacent to the proposed storage building, and hand load the plant-care applications from the proposed new storage building. No machinery like forklifts.
- All of those applications are non-toxic substances and considered environmentally “friendly.”

We appreciate your contact and will include it in the project information report. Please don't hesitate to email again if you have additional questions.

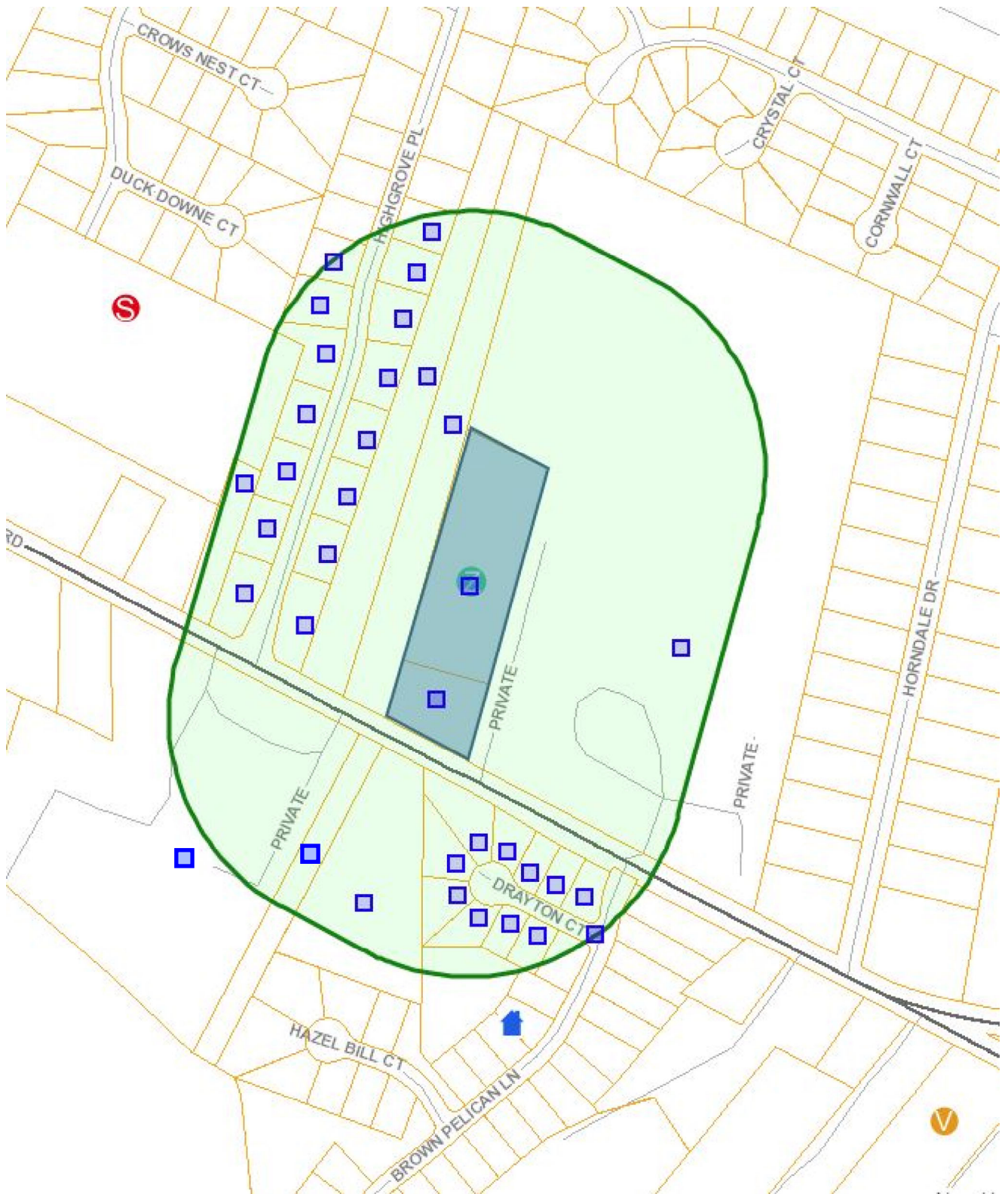
Regards, Cindee

Thanks, that confirms my concerns of early morning activity disturbing the peace.

I know that crews coming and going can be somewhat talkative and vehicle activity (doors and motors) will be heard.

Hopefully Freedom will understand and inform their crews to transition as quickly and quietly as possible.

Sean P. Mulligan



OWNER NAME	MAILING ADDRESS	CITY / STATE / ZIP	SITUS ADDRESS
ATZ MICHAEL J	25165 REMUS CT	PUNTA GORDA, FL 33983	5745 HIGHGROVE PL WILMINGTON
BILL CLARK HOMES OF WILM LLC	27 RACINE DR STE 201	WILMINGTON, NC 28403	902 PINER RD WILMINGTON
COE WILLIAM M GAY G	140 SYLVAN SHORES DR	EDGEMONT, AR 72044	5760 HIGHGROVE PL WILMINGTON
COREY DANA H	5764 HIGHGROVE PL	WILMINGTON, NC 28409	5764 HIGHGROVE PL WILMINGTON
DIX JACKSON	911 DRAYTON CT	WILMINGTON, NC 28409	911 DRAYTON CT WILMINGTON
DORAZIO JENNIFER J ETAL	5744 HIGHGROVE PL	WILMINGTON, NC 28409	5744 HIGHGROVE PL WILMINGTON
DUFFY CHRISTOPHER	5752 HIGHGROVE PL	WILMINGTON, NC 28409	5752 HIGHGROVE PL WILMINGTON
FERRIER CELIA	5765 HIGHGROVE PL	WILMINGTON, NC 28409	5765 HIGHGROVE PL WILMINGTON
FOXWORTH EDWARD J LISA ANN C	5749 HIGHGROVE PL	WILMINGTON, NC 28409	5749 HIGHGROVE PL WILMINGTON
GOODWIN FRANK F JR CATHERINE H	904 DRAYTON CT	WILMINGTON, NC 28409	904 DRAYTON CT WILMINGTON
HATCHER BARTON	5761 HIGHGROVE PL	WILMINGTON, NC 28409	5761 HIGHGROVE PL WILMINGTON
HUBBARD WILLIAM T	5757 HIGHGROVE PL	WILMINGTON, NC 28409	5757 HIGHGROVE PL WILMINGTON
KINSEY TIM S CYNTHIA D	920 DRAYTON CT	WILMINGTON, NC 28409	920 DRAYTON CT WILMINGTON
LANCASTER JOHN R	PO BOX 307	WRIGHTSVILLE BCH, NC 28480	5753 HIGHGROVE PL WILMINGTON
MULLIGAN SEAN TRUSTEE	5756 HIGHGROVE PL	WILMINGTON, NC 28409	5756 HIGHGROVE PL WILMINGTON
MYRTLE GROVE PRESBYTERIAN	800 PINER RD	WILMINGTON, NC 28409	800 PINER RD WILMINGTON
NELSON ERIC ETAL	5741 HIGHGROVE PL	WILMINGTON, NC 28409	5741 HIGHGROVE PL WILMINGTON
NEW HAN CNTY BD OF EDUCATION	6410 CAROLINA BEACH RD	WILMINGTON, NC 28412	901 PINER RD WILMINGTON
NORRIS DAVID G BETTY V	4105 BUFFINGTON PL	WILMINGTON, NC 28409	5737 HIGHGROVE PL WILMINGTON
PEREZ LOPEZ MARK S DEBORAH	341 COLLEGE RD S STE 11	WILMINGTON, NC 28403	923 DRAYTON CT WILMINGTON
PHAM NATHAN TUAN	5768 HIGHGROVE PL	WILMINGTON, NC 28403	5768 HIGHGROVE PL WILMINGTON
PROCLAIM HOLDINGS LLC	PO BOX 15447	WILMINGTON, NC 28408	817 PINER RD WILMINGTON
REAVES RONNIE D	735 PINER RD	WILMINGTON, NC 28409	735 PINER RD WILMINGTON
ROGERS DUDLEY LINWOOD JR	5546 PEDEN POINT RD	WILMINGTON, NC 28409	814 PINER RD WILMINGTON
ROWLAND DANIEL RAY ETAL	920 PINER RD	WILMINGTON, NC 28409	801 PINER RD WILMINGTON
SCHAEFFER FREDERICK E CAROLYN J	908 DRAYTON CT	WILMINGTON, NC 28409	908 DRAYTON CT WILMINGTON
SMITH FRANCES W HEIRS	805 PINER RD	WILMINGTON, NC 28409	805 PINER RD WILMINGTON
STEVENS ELIZABETH Q	915 DRAYTON CT	WILMINGTON, NC 28409	915 DRAYTON CT WILMINGTON
STUTZENBERGER FREDRICH MADISON	907 DRAYTON CT	WILMINGTON, NC 28409	907 DRAYTON CT WILMINGTON
THOMPSON SARAH	5748 HIGHGROVE PL	WILMINGTON, NC 28409	5748 HIGHGROVE PL WILMINGTON
WENZ FREDERICK J III	919 DRAYTON CT	WILMINGTON, NC 28409	919 DRAYTON CT WILMINGTON
WISE JEFFREY B	912 DRAYTON CT	WILMINGTON, NC 28409	912 DRAYTON CT WILMINGTON
ZHOU BING W ETAL	916 DRAYTON CT	WILMINGTON, NC 28409	916 DRAYTON CT WILMINGTON

Project Information Notice

September 15, 2020

To: Adjacent Property Owners

Re: Freedom Lawns

The owners of Freedom Lawns are interested in purchasing the property at 813 Piner Road and running their business out of the existing office building. The only changes to the site would be elimination of the western driveway, construction of a storage building to the rear of the tract, and overall upgrade of landscaping to current standards. This proposal would require a Conditional Zoning District approval from New Hanover County.

A Conditional Zoning District allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project. Essentially, this means that only that use, structures and layout of an approved proposal can be developed. A sketch plan of the project layout is enclosed.

The County requires that the developer notify the property owners within an adjacency to the project and hold a meeting for any and all interested parties. This is intended to provide neighbors with an opportunity for explanation of the proposal, and for questions to be answered concerning project improvements, benefits, and impacts.

Due to the current COVID-19 issue, however, a meeting cannot be held at this time. In lieu of that, you can contact the land planner, Cindee Wolf, with comments or questions at:

Telephone: 910-620-2374, or

Email: cwolf@lobodemar.biz

We can also set up an on-line meeting for a forum with multiple parties if requested. Please let me know if you are interested in that alternative and arrangements will be made. All contact, comments, concerns, and recommendations must be recorded in a report delivered to the County along with the rezoning application.

Prior to this project being reviewed by the Planning Board & Commissioners, you will receive subsequent notices of the agendas directly from the County. Those meetings provide public hearings for comment on any issues pertinent to approval of the proposal.

We appreciate your interest and look forward to being a good neighbor and an asset to the community.

No Additional
Disturbance

New
Storage
Building

Company
Trucks



Existing
House
to Remain

Gravel
Access
Drive

Existing
Offices
to Remain

Employee
Parking

Employee
Parking

Myrtle
Grove
Middle
School

Piner Road

[illegible]