

# NEW HANOVER COUNTY

## DEPARTMENT OF PLANNING & LAND USE

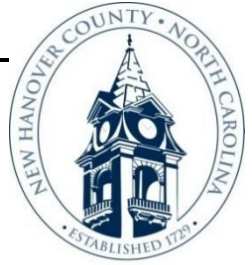
230 Government Center Drive, Suite 110

Wilmington, North Carolina 28403

Telephone (910) 798-7165

FAX (910) 798-7053

planningdevelopment.nhcgov.com



## 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

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

### 2. Subject Property Information

<b>Address/Location</b> 813 & 817 PINER ROAD		<b>Parcel Identification Number(s)</b> 313415.72.1770 & 313415.72.2956
<b>Total Parcel(s) Acreage</b> 3.78 AC.	<b>Existing Zoning and Use(s)</b> (CZD) CB (PROPOSED)	<b>Future Land Use Classification</b> GENERAL RESIDENTIAL

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

<b>Case Number:</b>	<b>Date/Time Received:</b>	<b>Received by:</b>
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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).

THERE IS AN EXISTING RESIDENCE ON THE PROPERTY. THE PETITIONER SEEKS TO ALLOW IT TO BE USED AS A "LIVE-WORK OR CARETAKER UNIT" WHICH REQUIRES A SPECIAL USE PERMIT.

### 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.

REFERENCE THE SITE PLAN FOR LAYOUT AND DETAILS OF THE RESIDENCE. ADDITIONALLY, ALL OF THE PRESCRIBED CONDITIONS OF THE UNIFIED DEVELOPMENT ORDINANCE HAVE BEEN MET AS DESCRIBED IN SECTION 4.3.2.A.7.

### 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 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. 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 PROPOSED RESIDENCE IS EXISTING, AND SERVICED BY A PUBLIC WATER SYSTEM AND A PRIVATE SEPTIC SYSTEM. ITS ACCESS IS FROM THE SAME DRIVEWAY FOR THE PRIMARY OFFICE USE, AND ADDITIONAL PARKING SPACES ARE AVAILABLE IMMEDIATELY ADJACENT TO THE HOME. ALLOWING THE OWNER OR A FULL-TIME EMPLOYEE OF THE BUSINESS TO RESIDE ON THE PROPERTY PROVIDES SECURITY FOR THE PREMISES AND THE COMPANY VEHICLES THAT ARE PARKED OVERNIGHT AND WEEKENDS.

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

A "LIVE/WORK OR CARETAKER UNIT" IS PERMITTED BY PRESCRIBED CONDITIONS IN SECTION 4.3.2.A.7 OF THE UDO. ALL OF THOSE CRITERIA ARE SATISFIED.

**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 HOUSE THAT IS TO BE USED FOR THE "LIVE / WORK OR CARETAKER" RESIDENCE IS EXISTING. IT IS LOCATED ON THE PORTION OF THE TRACT CLOSEST TO THE MYRTLE GROVE SCHOOL. THERE HAS BEEN NO EVIDENCE THAT IT HAS HAD AN ADVERSE IMPACT TO ANY OTHER ADJACENT PROPERTIES. APPROVAL OF THE ASSOCIATED CONDITIONAL ZONING DISTRICT CHANGE TO ALLOW THE CONTRACTOR OFFICE WILL INCLUDE UPGRADE OF LANDSCAPING. EXISTING BUFFERYARDS WILL BE VERIFIED FOR THEIR SUFFICIENCY, OR SUPPLEMENTED TO ASSURE THAT THE USE IS VISUALLY SCREENED.

**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 TRACT IS IDENTIFIED I THE COMPREHANSIVE LAND USE PLAN AS A "GENERAL RESIDNETIAL PLACE-TYPE. LOWER-DENSITY COMMERICLA USES, SUCH AS OFFICES, ARE ACCEPTABLE, AND HAVING AN ON-SITE RESIDENCE PROMOTES MIXED-USE STRATEGIES THAT REDUCE VEHICULAR TRAFFIC AND MAXIMIZE LAND USE EFFICIENCY.

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.

<b>Application Checklist</b>	<b>Applicant Initial</b>	<b>Staff Initial</b>
<input type="checkbox"/> This application form, completed and signed	CAW	_____
<input type="checkbox"/> Application fee: <ul style="list-style-type: none"> <li>• \$500; \$250 if application pertains to a residential use (i.e. mobile home, duplex, family child care home).</li> </ul>	CAW	_____
<input type="checkbox"/> Traffic Impact Analysis (if applicable)	N/A	_____
<input type="checkbox"/> Site Plan including the following elements: <ul style="list-style-type: none"> <li>• Tract boundaries and total area, location of adjoining parcels and roads</li> <li>• Proposed use of land, structures and other improvements               <ul style="list-style-type: none"> <li>○ For residential uses, this shall include number, height, and type of units; area to be occupied by each structure; and/or subdivided boundaries.</li> <li>○ 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.</li> </ul> </li> <li>• Development schedule, including proposed phasing</li> <li>• 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</li> <li>• All existing and proposed easements, reservations, required setbacks, rights-of-way, buffering, and signage</li> <li>• The location of Special Flood Hazard Areas, if applicable</li> <li>• 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.</li> <li>• Location, species, and size (DBH) of regulated, significant, or specimen trees</li> <li>• 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.</li> <li>• Any other information that will facilitate review of the proposed special use permit (Ref. Section 10.3.5, as applicable)</li> </ul>	CAW	_____
<input type="checkbox"/> Applications for uses in the intensive industry category must also submit: <ul style="list-style-type: none"> <li>• Community meeting written summary</li> <li>• A list of any local, state, or federal permits required for use</li> </ul>	N/A	_____
One (1) hard copy of ALL documents AND 5 hard copies of the site plan. Additional		
<input type="checkbox"/> hard copies may be required by staff depending on the size of the document/site plan.	CAW	_____
<input type="checkbox"/> One (1) digital PDF copy of ALL documents AND plans	CAW	_____

## 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 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)

WILLIAM SPENCER HACKNEY, II

Print Name(s)

  
Signature of Applicant/Agent

DESIGN SOLUTIONS / CINDEE WOLF

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.

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

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.







**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.

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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	<a href="mailto:seanpmulligan@gmail.com">seanpmulligan@gmail.com</a>
Cindee Wolf	Project Planner	<a href="mailto:cwolf@lobodemar.biz">cwolf@lobodemar.biz</a>

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](mailto:seanpmulligan@gmail.com)

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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

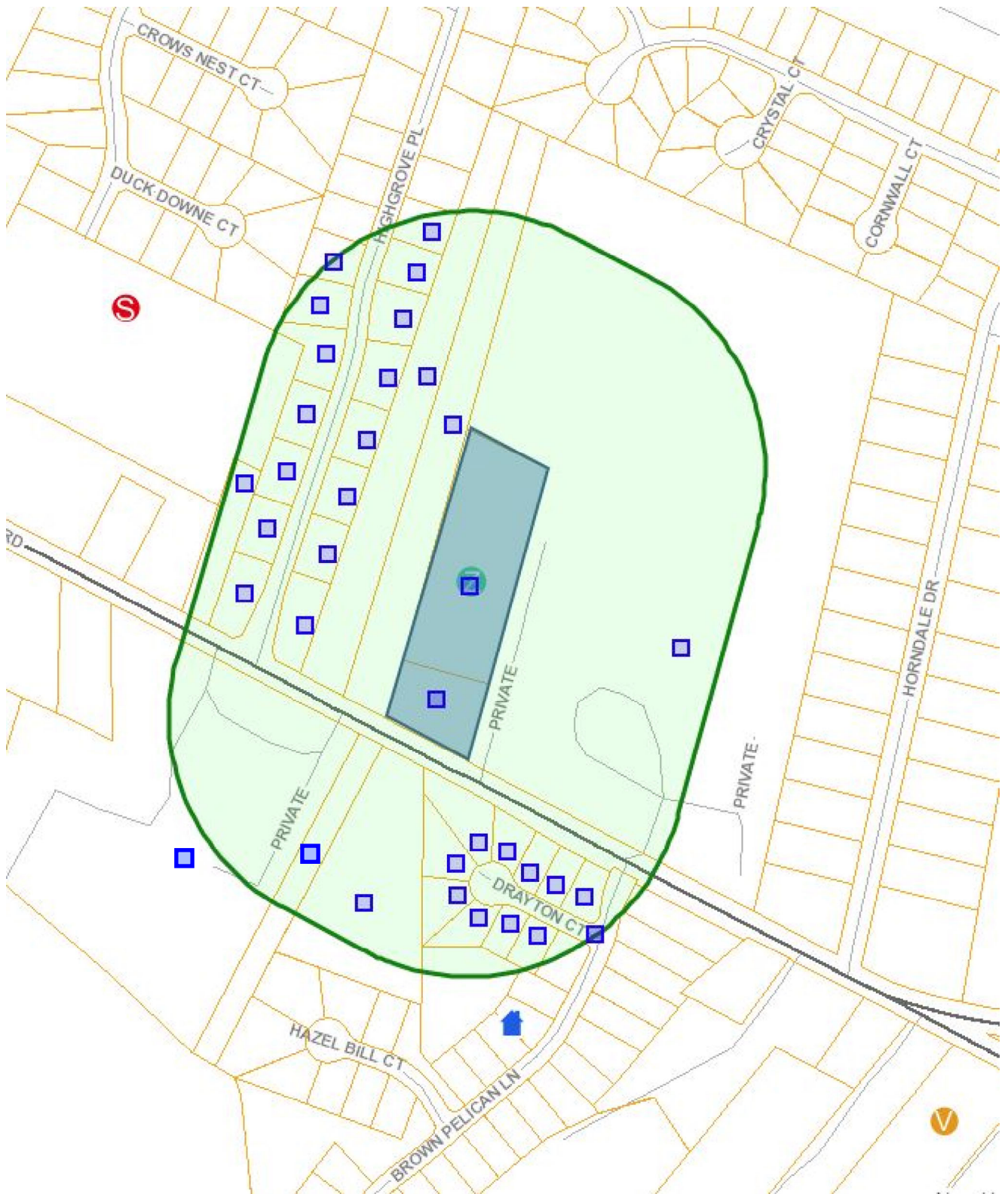
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Thanks, that confirms my concerns of early morning activity disturbing the peace.

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](mailto: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]