

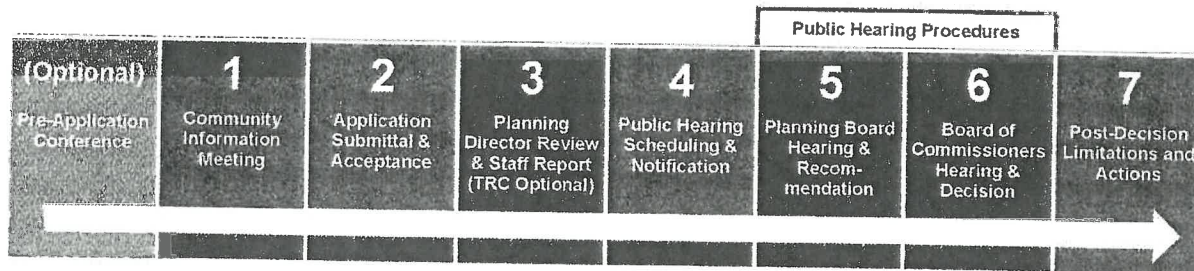
# NEW HANOVER COUNTY

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

<b>Applicant/Agent Name</b> Samuel B. Potter	<b>Owner Name (if different from Applicant/Agent)</b> Stephen Clossick
<b>Company</b> Hodges Coxe & Potter LLP	<b>Company/Owner Name 2</b> WBP, LLC
<b>Address</b> 3907-100 Wrightsville Ave	<b>Address</b> 6002 Meadow Run Court
<b>City, State, Zip</b> Wilmington, NC 28403	<b>City, State, Zip</b> Chapel Hill, NC 27516
<b>Phone</b> 910-772-1678	<b>Phone</b> 919 247 3769
<b>Email</b> sam@hcpplaw.com	<b>Email</b> sclossick@mindspring.com

### 2. Subject Property Information

<b>Address/Location</b> 7775 Market Street, Wilmington NC 28411		<b>Parcel Identification Number(s)</b> R03600-004-025-000	
<b>Total Parcel(s) Acreage</b> 2.3	<b>Existing Zoning and Use(s)</b> O&I	<b>Future Land Use Classification</b> B-2	

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

<b>Case Number:</b> 220-16	<b>Date/Time Received:</b> 10/8/2020 5:00pm	<b>Received by:</b> R. H. [Signature]
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### 3. Proposed Zoning, Use(s), & Narrative

<b>Proposed Conditional Zoning District:</b> B-2	<b>Total Acreage of Proposed District:</b> 2.3 acres
<p><b>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).</b> Note: Only uses allowed by right in the corresponding General Use District are eligible for consideration within a Conditional Zoning District.</p> <p>The subject property consists of 2.3 acres that are intended to be used by the applicant as a Vehicle and Boat Dealership, consistent with the UDO's provisions for a B-2 district. This is the only use requested under the Conditional Zoning Application.</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 the attached list of proposed conditions and those listed on the site 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: 841 New Sales & 843 Parts Sales

Trip Generation Use and Variable (gross floor area, dwelling units, etc.) 8,000sf - Sales; 4,000sf Parts Sales

<b>AM Peak Hour Trips:</b> 25 trips	<b>PM Peak Hour Trips:</b> 45 trips
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## 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 proposed use is consistent with the 2016 Comprehensive Plan's policy to encourage the revitalization of commercial corridors and infill development on vacant or blighted areas. The proposed use will allow the development of previously underutilized property along a major commercial corridor.

**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 site is designated as "Community Mixed Use" in the Plan. The requested Conditional Zoning district promotes the success of local businesses, as the proposed use of the property as a vehicle and boat dealership is consistent with regional economic development, due to New Hanover County's unique location near the Cape Fear River and Atlantic Ocean.

**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 subject property is located on a portion of Market Street that has recently seen the development of more commercial properties designed to benefit the surrounding residential areas. Many nearby properties, including the parcel directly to the south of the subject property, are zoned B-2. The proposed use will be consistent with recent developments along this busy road.

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**

- This application form, completed and signed
- Application fee:
  - \$600 for 5 acres or less
  - \$700 for more than 5 acres
  - \$300 in addition to base fee for applications requiring TRC review
- Community meeting written summary
- Traffic impact analysis (if applicable)
- Legal description (by metes and bounds) or recorded survey Map Book and Page Reference of the property requested for rezoning
- 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
  - 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
- 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 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.

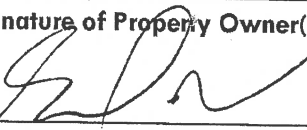
If applicable, I also appoint the applicant/agent as listed on this application to represent me and make decisions on my behalf regarding this application during the review process. The applicant/agent is hereby authorized on my behalf to:

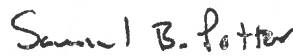
1. Submit an application including all required supplemental information and materials;
2. Appear at public hearings to give representation and comments; and
3. Act on my behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of this application.

  
\_\_\_\_\_  
Signature of Property Owner(s)

Stephen Clossick - Administrator: WBP, LLC

\_\_\_\_\_  
Print Name(s)

  
\_\_\_\_\_  
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.*

## COMMUNITY MEETING SUMMARY

### **Legal Description**

Subject Property: 7775 Market Street, Wilmington, NC 28411  
PIN: R03600-004-025-000

Applicant: Samuel B. Potter, Attorney for CFB Powersports, LLC

Property Owner: WBP, LLC

Legal Description: All of Lot 1-B, of the Division of Lot 1 of the W.C. Alexander Division, as the same is shown and described on a map thereof recorded in Map Book 62, Page 69, of the New Hanover County Registry, together with and subject to easements and rights of way as shown on said map.

## COMMUNITY MEETING SUMMARY

### Application for B-2 Conditional District Zoning

Subject Property: 7775 Market Street, Wilmington, NC 28411  
PIN: R03600-004-025-000

Applicant: Samuel B. Potter, Attorney for CFB Powersports, LLC

Property Owner: WBP, LLC

<u>Meeting Date:</u>	In-Person Meeting	Zoom Access
	July 30, 2020	July 31, 2020
	6:00 pm	6:00 pm

<u>Attendees:</u>	The Sound Cat Veterinary Hospital	No attendees
	James Michael Outlaw	
	Mary Outlaw	

Items Discussed: The meeting began with an explanation of the proposed development of the subject property and an overview of the project. All participants were in favor of the development, consistent with the explanations listed below for all attendee concerns and questions.

1. Shared Parking with The Sound Cat Veterinary Hospital  
Applicant explained that existing parking availability will not be affected. The drive into the property will be expanded to allow for easier movement of traffic.
2. Use of Infiltration System  
Applicant confirmed that the property would have its own stormwater permit and system.
3. Presence of Heritage Oaks  
Applicant has had the property surveyed for the presence of any heritage trees, and the survey will be disclosed with this application.
4. Safety of Surrounding Residential Properties  
The property will have 24/7 electronic surveillance.
5. Visibility of Bordering Residential Properties from Parking Lot and Visible Light from Parking Lot at Night  
The applicant will construct a 6-foot wooden privacy fence along all property lines that border residential properties.
6. Traffic Through Parking Lot and Public Access to Nearby Residential Properties  
The applicant explained that the property will be fenced on all sides, and all gates will be locked during all times outside of normal operating hours.