



## **NEW HANOVER COUNTY**

### **PLANNING BOARD AGENDA**

Assembly Room, New Hanover County Historic Courthouse  
24 North Third Street, Room 301 Wilmington, NC 28401

#### **Members of the Board**

**Donna Girardot**, Chair | **Paul Boney**, Vice-Chair

**Thomas 'Jordy' Rawl** | **Ernest Olds** | **Jeffrey B. Petroff** | **H. Allen Pope** | **Colin J. Tarrant**

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**Wayne Clark**, Director of Planning & Land Use | **Ken Vafier**, Planning Manager

NOVEMBER 5, 2020 6:00 PM

MEETING CALLED TO ORDER (Chair Donna Girardot)

PLEDGE OF ALLEGIANCE (Planning Manager Ken Vafier)

APPROVAL OF MINUTES

### **REGULAR ITEMS OF BUSINESS**

*The Planning Board may consider substantial changes in these petitions as a result of objections, debate, and discussion at the meeting, including rezoning to other classifications.*

**1 Public Hearing**

**Rezoning Request (Z20-16) - Request by Hodges, Coxe, & Potter, LLP on behalf of property owners, Stephen Clossick and WBP, LLC, to rezone approximately 2.3 acres of land located at 7775 Market Street from (CUD) O&I, Conditional Use Office and Institutional District, to (CZD) B-2, Conditional Regional Business District, in order to develop a boat dealer and vehicle sales business.**

**2 Public Hearing**

**Rezoning Request (Z20-20) - Request by Design Solutions on behalf of the property owners, Edna F. Dupree Heirs (Karen Coley) and Edward Foyles Heirs (Lewis Hines), to rezone approximately 2.22 acres of land located at 7036 and 7038 Market Street, from R-15, Residential District, to (CZD) CB, Conditional Community Business District, in order to develop a general retail sales and personal service establishment.**

**3 Public Hearing**

**Rezoning Request (Z20-21) – Request by Design Solutions on behalf of property owners, William S. and Tara S. Hackney, and Proclaim Holdings, LLC, to rezone approximately 3.28 acres of land located at 813 and 817 Piner Road from (CUD) O&I, Conditional Use Office and Institutional District, to (CZD) CB, Conditional Community Business District, in order to develop a landscape contractor's office.**

**4 Quasi-Judicial Hearing**

**Special Use Permit Request (S20-04) – Request by Design Solutions on behalf of property owners, William S. and Tara S. Hackney, and Proclaim Holdings, LLC, for a Special Use Permit for a Live/Work Unit within the (CZD) CB, Conditional Community Business District, associated with Rezoning Request Z20-21, located at 813 and 817 Piner Road.**

**NEW HANOVER COUNTY PLANNING BOARD  
REQUEST FOR BOARD ACTION  
MEETING DATE: 11/5/2020**

Regular

**DEPARTMENT:** Planning      **PRESENTER(S):** Ron Meredith, Current Planner

**CONTACT(S):** Ron Meredith; Rebekah Roth, Interim Planning and Land Use Director

**SUBJECT:**

**Public Hearing**

**Rezoning Request (Z20-16) - Request by Hodges, Coxe, & Potter, LLP on behalf of property owners, Stephen Clossick and WBP, LLC, to rezone approximately 2.3 acres of land located at 7775 Market Street from (CUD) O&I, Conditional Use Office and Institutional District, to (CZD) B-2, Conditional Regional Business District, in order to develop a boat dealer and vehicle sales business.**

**BRIEF SUMMARY:**

The applicant is proposing to rezone the subject property, approximately 2.3 acres from a (CUD) O&I district to (CZD) B-2 to allow a vehicle and boat sales business. The subject site is located at 7775 Market Street between CubeSmart Storage and the Sound Cat Veterinary Hospital. The subject site is currently undeveloped and contains one specimen tree, which will be retained as reflected on the proposed site plan. The northern parcel within the existing (CUD) O&I zoning district has been developed (The Sound Cat Veterinary Hospital).

The applicant is proposing to construct a one-story, 10,500 square foot office building with associated parking and landscaping on the subject site. The building is proposed to serve primarily as an office building, showroom, and service area for the applicant's vehicle and boat sales business (Battleship Marine).

The project will be designed with interconnectivity to the adjacent veterinary hospital. Vehicles will enter and exit on the northern side of the property through a driveway shared with the veterinary hospital that connects to Alexander Road (SR 1345).

Once the Market Street Median Project is completed in 2023, motorists will still have the option to utilize Alexander Road when entering the site from southbound Market Street with a traffic signal for the left movement only. When exiting the site using Alexander Road, motorists will be limited to a right hand turning movement. Any modification to the existing driveway will be considered at the time of review by NCDOT during the driveway permitting process.

As currently zoned, it is estimated the site would generate about 26-27 trips in the peak hours. The proposed development is estimated to generate approximately 28 trips in the AM peak hour and 38 trips in the PM peak hour. The estimated number of peak hour trips anticipated with the proposed development is below the 100 peak hour trip threshold that triggers the ordinance requirement for a Traffic Impact Analysis (TIA), but the increase in peak hour trips is not expected to have a significant impact.

The proposed rezoning is generally **CONSISTENT** with the goals and objectives of the Comprehensive Plan and the types of commercial uses encouraged in the Community Mixed Use place type, as it is located in an area that the plan ultimately envisions as Community Mixed Use that would provide for appropriate infill development in a transitional area between two higher intensity commercial and service nodes and provides an appropriate transition between Market Street and adjacent single family neighborhoods.

**STRATEGIC PLAN ALIGNMENT:**

Intelligent Growth & Economic DevelopmentLeverage public infrastructure to encourage private investmentAlign services and infrastructure to support business growth

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**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

**Staff recommends approval** of this application and suggests the following motion:

I move to **APPROVE** the proposed rezoning to a (CZD) B-2 district. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposed uses are consistent with the types of commercial uses that would be encouraged in the Community Mixed Use place type. In addition, these uses would serve as an appropriate transition between existing commercial development and adjacent residential neighborhoods. I also find **APPROVAL** of the rezoning request is reasonable and in the public interest because the site is adjacent to existing commercial uses, the use would have limited traffic impacts, and approval supports the success of an existing small business.

**Alternative Motion for Denial**

I move **DENY** the proposed rezoning to a (CZD) B-2 district. While I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposed uses are consistent with the types of commercial uses that would be encouraged in the Community Mixed Use place type and would serve as an appropriate transition between existing commercial development and adjacent residential neighborhoods, I find **DENIAL** of the rezoning request is reasonable and in the public interest because the proposal is not consistent with the surrounding community and that the use will adversely impact the adjacent neighborhoods.

**COUNTY MANAGER'S COMMENTS AND RECOMMENDATIONS: (only Manager)**

## SCRIPT for Zoning Map Amendment Application (Z20-16)

**Request by Hodges, Coxe, & Potter, LLP on behalf of property owners, Stephen Clossick and WBP, LLC, to rezone approximately 2.3 acres of land located at 7775 Market Street from (CUD) O&I, Conditional Use Office and Institutional District, to (CZD) B-2, Conditional Regional Business District, in order to develop a boat dealer and vehicle sales business.**

1. This is a public hearing. We will hear a presentation from staff. Then the applicant and any opponents will each be allowed 15 minutes for their presentation and additional 5 minutes for rebuttal.
2. Conduct Hearing, as follows:
  - a. Staff presentation
  - b. Applicant's presentation (up to 15 minutes)
  - c. Opponent's presentation (up to 15 minutes)
  - d. Applicant's rebuttal (up to 5 minutes)
  - e. Opponent's rebuttal (up to 5 minutes)
3. Close the public hearing
4. Board discussion
5. **Vote on the application.** The motion should include a statement saying how the change is, or is not, consistent with the land use plan and why approval or denial of the rezoning request is reasonable and in the public interest.

### **Example Motion of Approval**

I move to **APPROVE** the proposed rezoning to a (CZD) B-2 district. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposed uses are consistent with the types of commercial uses that would be encouraged in the Community Mixed Use place type. In addition, these uses would serve as an appropriate transition between existing commercial development and adjacent residential neighborhoods. I also find **APPROVAL** of the rezoning request is reasonable and in the public interest because the site is adjacent to existing commercial uses, the use would have limited traffic impacts, and approval supports the success of an existing small business.

### **Alternative Motion for Denial**

I move **DENY** the proposed rezoning to a (CZD) B-2 district. While I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposed uses are consistent with the types of commercial uses that would be encouraged in the Community Mixed Use place type and would serve as an appropriate transition between existing commercial development and adjacent residential neighborhoods, I find **DENIAL** of the rezoning request is reasonable and in the public interest because the proposal is not consistent with the surrounding community and that the use will adversely impact the adjacent neighborhoods.

**Alternative Motion for Approval/Denial:**

I move to [Approve/Deny] the proposed rezoning to a conditional (CZD) B-2 district. I find it to be [Consistent/Inconsistent] with the purposes and intent of the Comprehensive Plan because [insert reasons]

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I also find [Approval/Denial] of the rezoning request is reasonable and in the public interest because [insert reasons]

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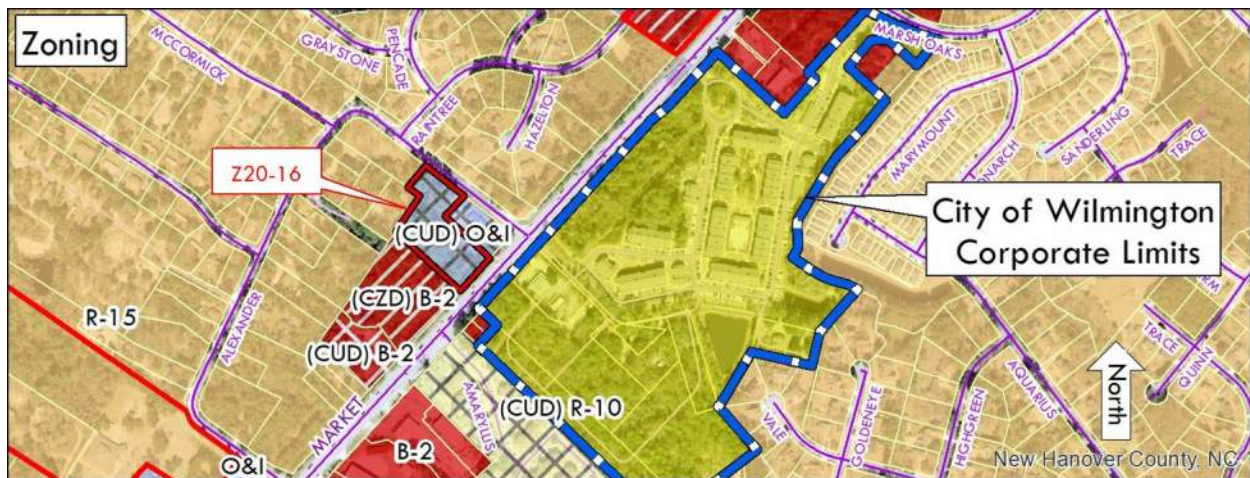
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# STAFF REPORT FOR Z20-16

## CONDITIONAL ZONING DISTRICT APPLICATION

APPLICATION SUMMARY	
<b>Case Number:</b> Z20-16	
<b>Request:</b> Zoning Map amendment to rezone 2.3 acres from (CUD) O&I to (CZD) B-2 to allow vehicle and boat sales/service	
<b>Applicant:</b> Hodges, Coxe, & Potter, LLP	<b>Property Owner(s):</b> Stephen Clossick and WBP, LLC
<b>Location:</b> 7775 Market Street	<b>Acreage:</b> 2.3
<b>PID(s):</b> R03600-004-025-000	<b>Comp Plan Place Type:</b> Community Mixed Use
<b>Existing Land Use:</b> Undeveloped	<b>Proposed Land Use:</b> Boat Dealer & Vehicle Sales
<b>Current Zoning:</b> (CUD) O&I	<b>Proposed Zoning:</b> (CZD) B-2



SURROUNDING AREA		
	LAND USE	ZONING
<b>North</b>	Single-Family Residential (Brickstone Estates), Veterinary Service (The Sound Cat Veterinarian Hospital)	R-15, (CUD) O&I
<b>East</b>	Market Street Right-of-Way, Multi-Family (Amberleigh Shores)	MF-M (City of Wilmington)
<b>South</b>	Mini-Warehouse/Self-Storage (CubeSmart Storage)	(CZD) B-2
<b>West</b>	Single-Family Residential	R-15



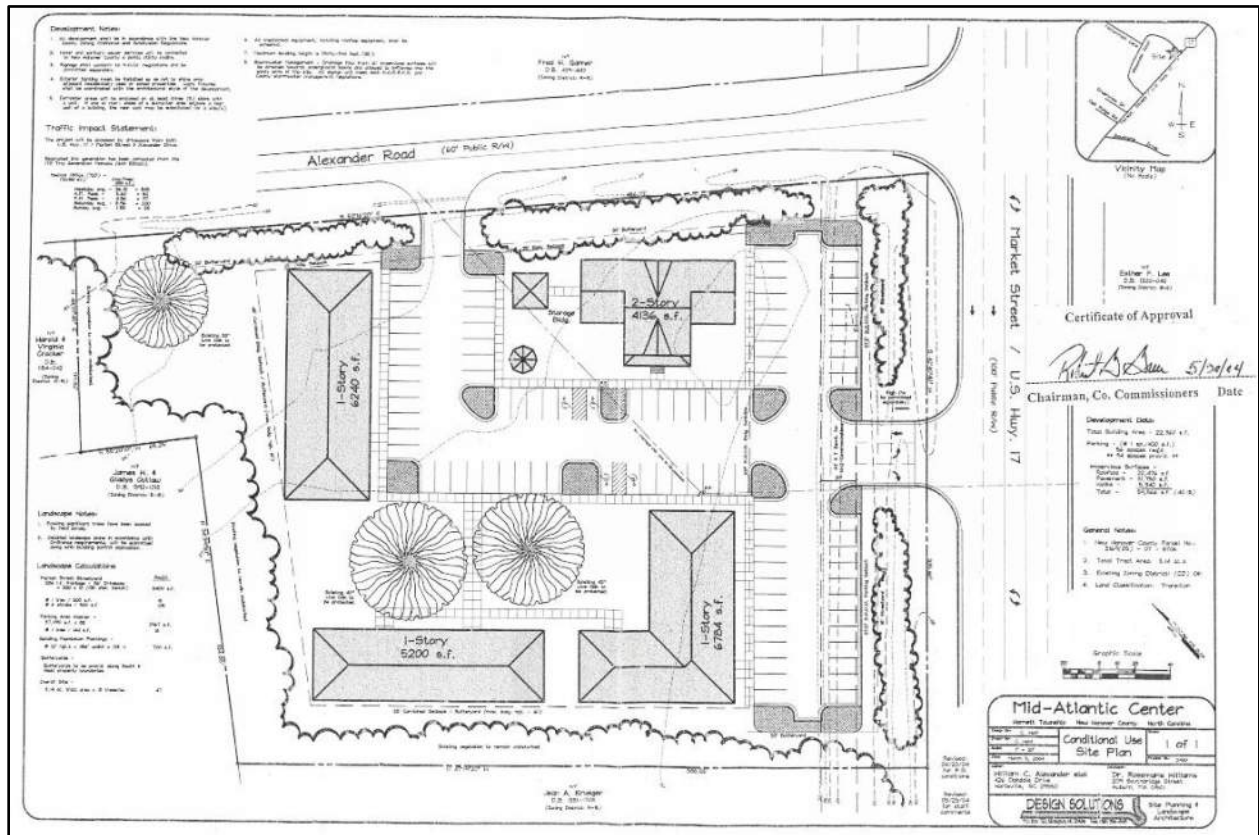
<b>ZONING HISTORY</b>	
<b>July 6, 1971</b>	Initially zoned R-15 (Area 5)
<b>December 7, 1998</b>	Rezoned to (CUD) O&I/SUP (Z-635) for all uses within the O&I
<b>December 6, 1999</b>	(CUD) O&I/SUP (Z-635) modified to allow for a building and parking layout change and dental use
<b>May 3, 2004</b>	(CUD) O&I/SUP (Z-635) modified to allow veterinarian hospital use

<b>COMMUNITY SERVICES</b>	
<b>Water/Sewer</b>	Water and sewer are available through CFPWA. Specific design will be determined during site plan review.
<b>Fire Protection</b>	New Hanover County Fire Services, New Hanover County Northern Fire District, New Hanover County Station Ogden
<b>Schools</b>	Porters Neck Elementary, Holly Shelter Middle, and Laney High Schools
<b>Recreation</b>	Ogden Park, Parkwood Recreation Area, Smith Creek Park Preserve, and Pages Creek Park Preserve

<b>CONSERVATION, HISTORIC, &amp; ARCHAEOLOGICAL RESOURCES</b>	
<b>Conservation</b>	No known conservation resources
<b>Historic</b>	No known historic resources
<b>Archaeological</b>	No known archaeological resources

## PREVIOUSLY APPROVED SITE PLAN & CONDITIONS

- The current (CUD) O&I (Z-635) was approved on May 3, 2004 to allow for a veterinarian hospital with the following conditions:
  1. The site plan allows 22,360 square feet of building area and 59,566 square feet of impervious area.
  2. Buildings supplemental to the proposed veterinary hospital will not be used for the side of the building facing Alexander Road (SR 1345), and all services for these buildings must be shielded from view.
  3. The gable roof on the proposed veterinary hospital building shall also be included on the side of the building facing Alexander Road (SR 1345), and all service utilities for these buildings must be shielded from view.
  4. The proposed Veterinary hospital shall have no outdoor runs and gable roof shall also be included don the Alexander Road site of the veterinary office. .
  5. The buildings along Alexander Road (SR 1345) should be perpendicular to Market Street and the parking at the ends of the building should not extend beyond the building setback.
  6. All other applicable federal, state, and local laws.

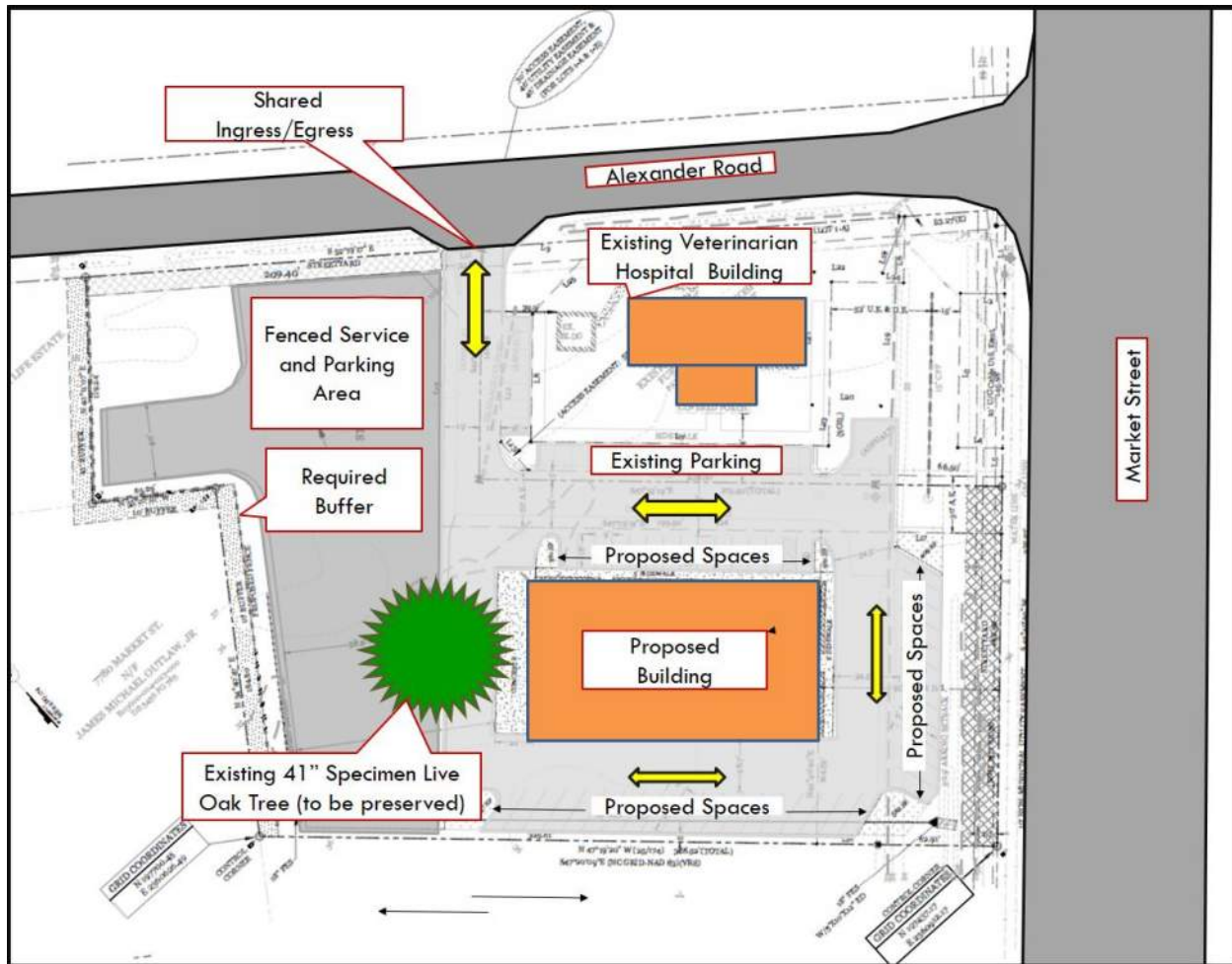


Above: Approved Plan (Z-635)



## APPLICANT'S PROPOSED CONCEPTUAL PLAN

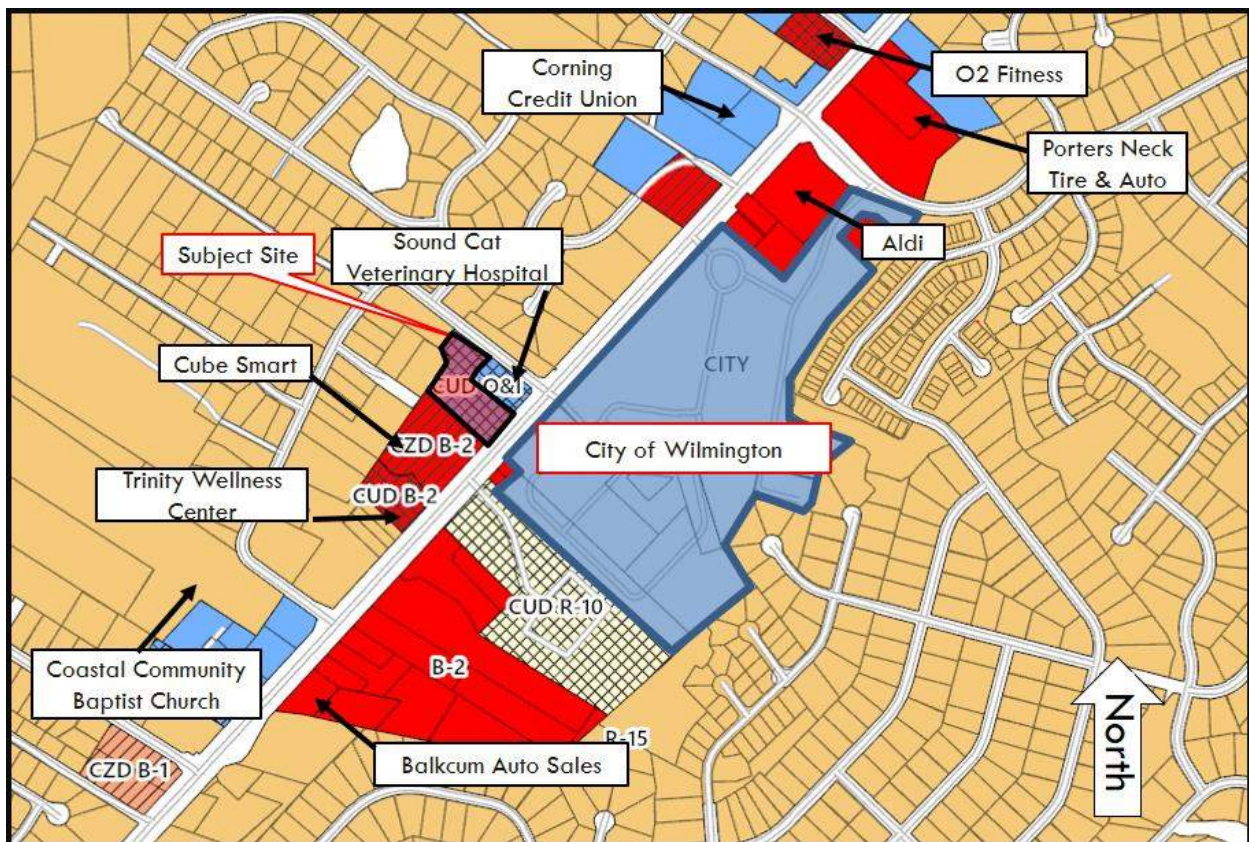
- The applicant is proposing to construct a one-story, 10,500 square foot office building with associated parking and landscaping on the subject site.
- The building is proposed to serve primarily as an office building, showroom, and service area for the applicant's vehicle and boat sales business (Battleship Marine).
- The subject site contains one specimen Live Oak tree measured at 41" in diameter at breast height (DBH). The applicant has designed a site plan that retains the specimen Live Oak tree on site.
- The applicant's proposed conceptual plan includes a 10,500 square foot building, 50,535 square feet of parking lot area (including a gravel parking area), and 2,685 square feet of concrete, for a total impervious area of 63,720 square feet.
- The subject site and adjacent property received approval for an underground infiltration system to treat stormwater runoff based on the May 2004 site plan. Any increase to the impervious area would need to be accounted for within the stormwater system and would require a modification to County and State stormwater permits. A full review of the stormwater requirements would be conducted during the Technical Review Committee (TRC) review process.



*Above: Applicant's Conceptual Plan with Staff Markups*

## ZONING CONSIDERATIONS

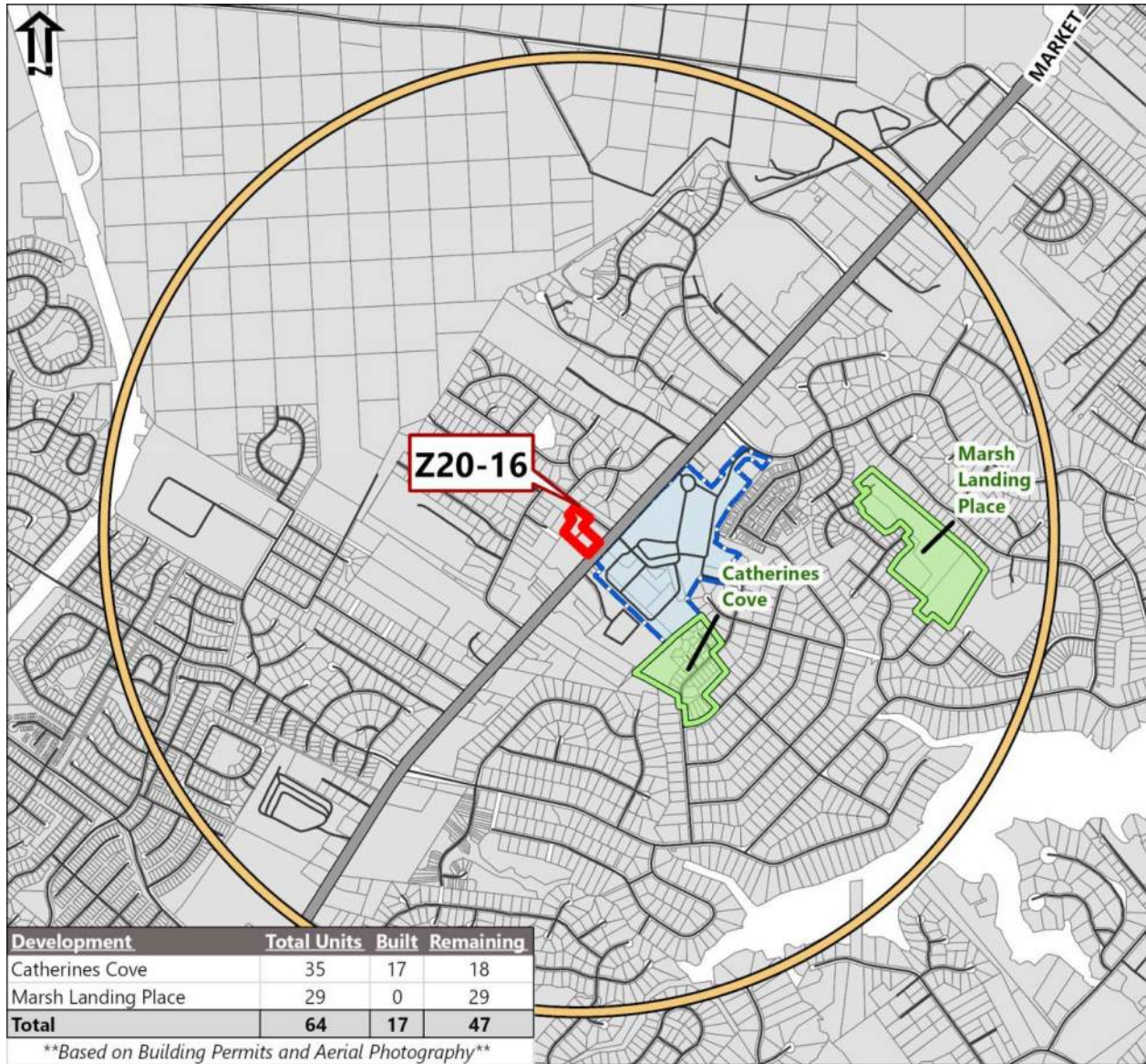
- The applicant is proposing to rezone the subject property, approximately 2.3 acres from a (CUD) O&I district to (CZD) B-2 district to allow a vehicle and boat sales business.
- The subject site is located at 7775 Market Street between CubeSmart Storage and the Sound Cat Veterinary Hospital.
- The site is located to the north of the Middle Sound/Lendire commercial and service node and to the south of the Porters Neck commercial and service node.
- This area contains several commercial businesses as seen on the map below.
- The subject site is currently undeveloped and contains one specimen tree, which will be retained as reflected on the proposed site plan.
- The northern parcel within the existing (CUD) O&I zoning district has been developed (The Sound Cat Veterinarian Hospital).



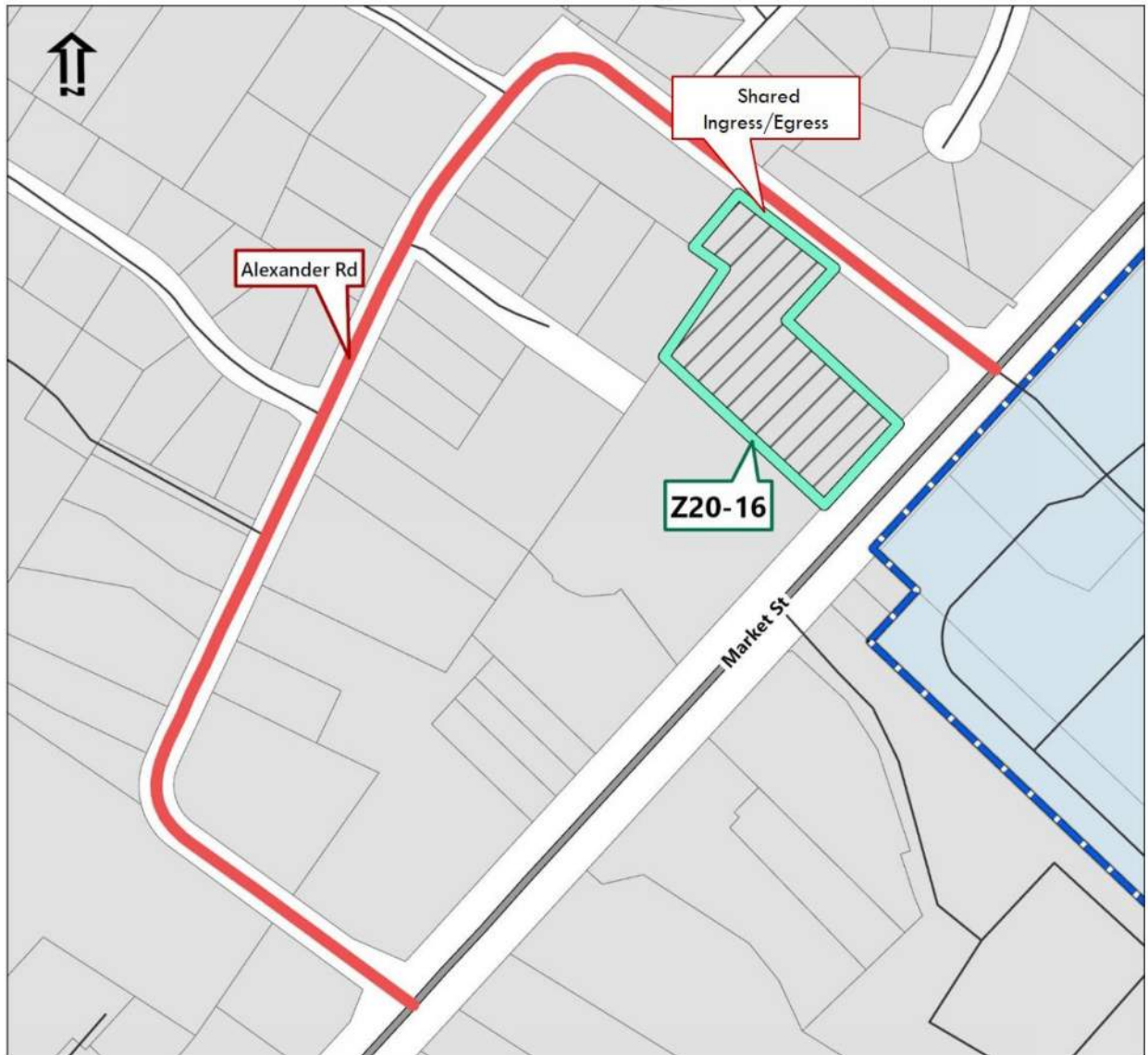
- The subject property is located entirely within a Special Highway Overlay District (SHOD) that extends 500' from the right-of-way of Market Street. Parcels within the SHOD are subject to additional regulations for site design, including a minimum building setback of 100' from the property line adjacent Market Street and a 25' setback from all other property lines, a limitation on signage to 6' in height and 150 square feet in area, and a maximum of 50% lot coverage limit for buildings.

- Development within the proposed (CZD) B-2 zoning district would require additional building setbacks and landscaping buffers along the adjacent R-15 zoned property. As depicted in the site plan all building setbacks and landscape buffers meet both current standards and those proposed by TA20-02, which is scheduled to be considered by the Board of Commissioners at the November 16, 2020 Meeting.

**AREA SUBDIVISIONS UNDER DEVELOPMENT**

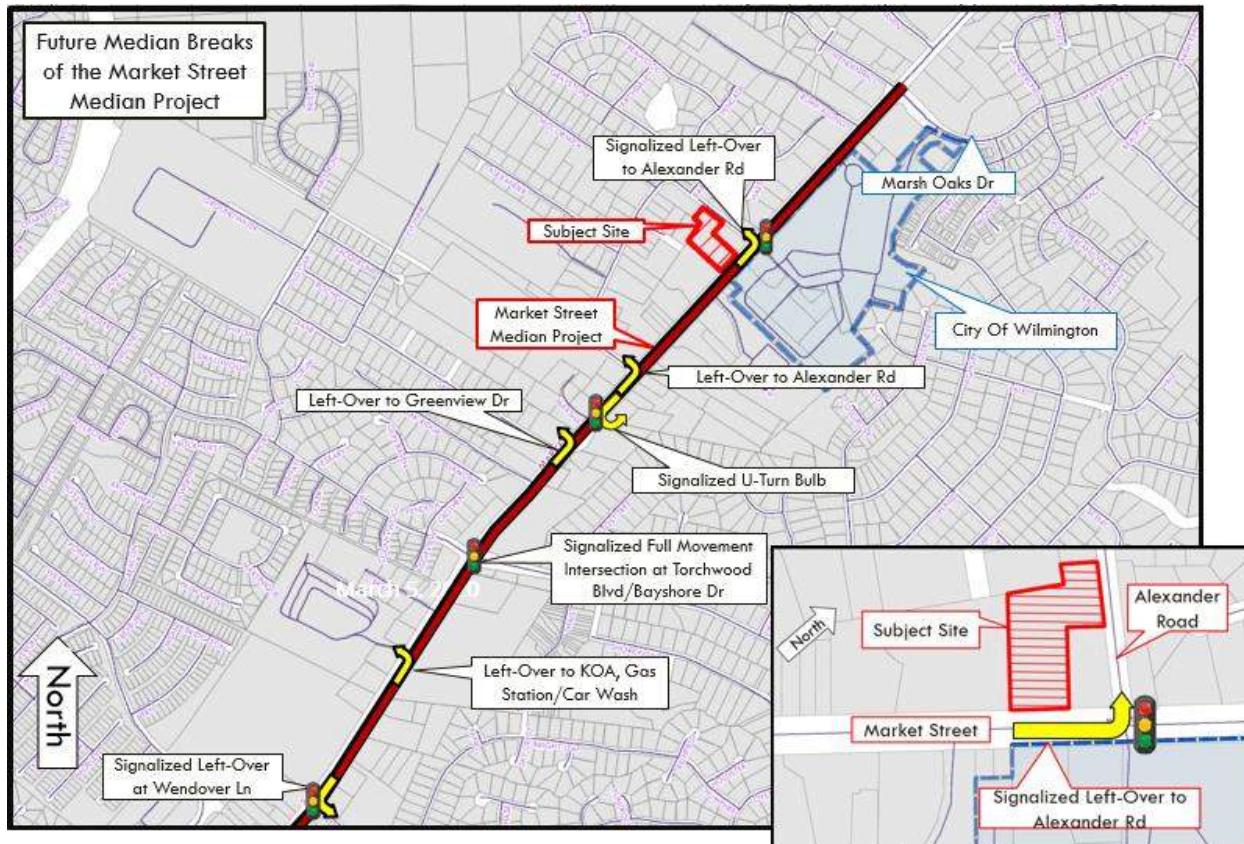


## TRANSPORTATION



- As proposed, the project will be designed with interconnectivity to the adjacent veterinary hospital. Vehicles will enter and exit on the northern side of the property through a driveway shared with the veterinary hospital that connects to Alexander Road (SR 1345).

- Once the Market Street Median Project is completed in 2023, motorists will still have the option to utilize Alexander Road when entering the site from southbound Market Street with a traffic signal for the left movement only, as seen on the map below. When exiting the site using Alexander Road, motorists will be limited to a right hand turning movement.



- Any modification to the existing driveway will be considered at the time of review by NCDOT during the driveway permitting process.
- As shown in the table below, the increase in peak hour trips is not expected to be a significant impact.

Development	Intensity	Approx. Peak Hour Trips
Existing Development:	Undeveloped	0 AM / 0 PM
Existing Development under Current (CUD) O&I Zoning:	Veterinary Service	18 AM / 17 PM
Proposed Development under Proposed (CZD) B-2 Zoning:	Boat and Motorcycle Sales/Service	28 AM / 38 PM
<b>Total From Both Parcels Using Shared Access</b>		<b>46 AM / 55 PM</b>

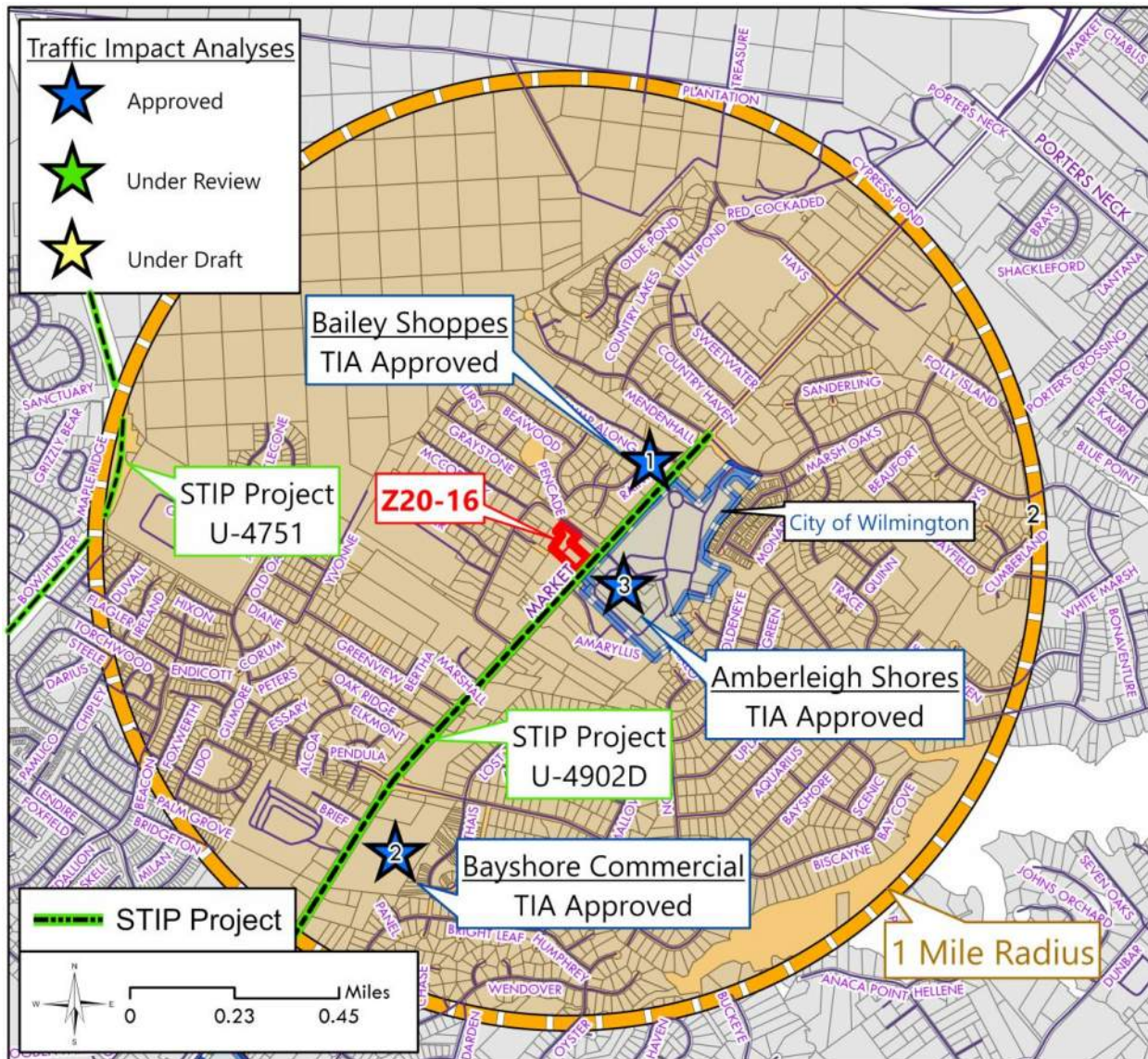
- The estimated number of peak hour trips anticipated with the proposed development is below the 100 peak hour trip threshold that triggers the ordinance requirement for a Traffic Impact Analysis (TIA).
- Because a TIA is not required to analyze transportation impacts, Staff has provided the volume to capacity ratio for Market Street near the subject site. While volume to capacity ratio, based on average daily trips, can provide a general idea of the function of adjacent roadways, the delay vehicles take in seconds to pass through intersections is generally considered a more effective measure when determining the Level of Service of a roadway.

**NCDOT Average Annual Daily Traffic (AADT) - 2019**

<b>Road</b>	<b>Location</b>	<b>Volume</b>	<b>Capacity</b>	<b>V/C</b>
Market Street	Torchwood Boulevard to HWY 17	44,500	44,323	1.004

- The Military Cutoff extension improvements are expected to improve the volume to capacity ratio by 30-50% at this location based on the 2035 traffic forecast included in the Military Cutoff Extension and Hampstead Bypass Traffic Operations Analysis Report.

## Nearby Planned Transportation Improvements and Traffic Impact Analyses



### Nearby NC STIP Projects:

- STIP Project U-4902C (Market Street Median)
  - Project to install a center median and pedestrian accessways along Market Street from College Road to Station Road.
  - The project is currently in right-of-way acquisition but is on hold. Expected construction year has been delayed from 2024 to 2029.
- STIP Project U-4751 (Military Cutoff Extension)
  - Project to extend Military Cutoff from Market Street to I-140.
  - Includes improvements to Market Street (access management and widening)
  - The project will also install a sidewalk and multi-use path along the extension of Military Cutoff and the sections of Market Street included in the project.
  - The project is currently under construction and is expected to be completed by early 2023.

**Nearby Traffic Impact Analyses:**

Traffic Impact Analyses are completed in accordance with the WMPO and NCDOT standards. Approved analyses must be re-examined by NCDOT if the proposed development is not completed by the build out date established within the TIA.

Proposed Development	Land Use/Intensity	TIA Status
<b>1. Bailey Shoppes</b>	<ul style="list-style-type: none"> <li>• 4,800 sf of Office</li> <li>• 6,600 sf of Shopping Center</li> <li>• 1,200 sf of Fast Food Restaurant with Drive-Thru</li> <li>• 2,400 sf of High-Turnover Restaurant</li> </ul>	<ul style="list-style-type: none"> <li>• Approved February 20, 2018</li> <li>• 2018 Build Out Year</li> </ul>
<p>The TIA required improvements be completed at certain intersections in the area. The notable improvements consisted of:</p> <ul style="list-style-type: none"> <li>• Installation of a southbound right-turn lane from Bump Along Road to Mendenhall Drive</li> <li>• Installation of a traffic signal at a future u-turn movement to be located approximately 800 feet south of Alexander Road</li> </ul>		
<p><u>Nearby Proposed Developments included within the TIA:</u></p> <ul style="list-style-type: none"> <li>• Aldi at Marsh Oaks</li> <li>• Amberleigh Shores Phase II</li> </ul>		
<p><b>Development Status: Initial site work has been completed; however, no structures have been constructed at this time.</b></p>		

Proposed Development	Land Use/Intensity	TIA Status
<b>2. Bayshore Commercial Development</b>	<ul style="list-style-type: none"> <li>• 20,000 square feet of Medical/Dental Office</li> <li>• 70,000 square feet of Shopping Center</li> <li>• 8,000 square feet of High Turnover Sit Down Restaurant</li> <li>• 4,000 square feet of Fast Food Restaurant</li> </ul>	<ul style="list-style-type: none"> <li>• TIA approved September 11, 2019</li> <li>• 2022 Build Out Year</li> </ul>
<p>The TIA requires improvements be completed at certain intersections in the area. The notable improvements consisted of:</p> <ul style="list-style-type: none"> <li>• Installation of an additional westbound left turn lane on Bayshore Drive to Market Street</li> <li>• Extension of existing northbound right turn lane on Market Street from Bayshore Drive to the site's access points</li> </ul>		
<p><u>Nearby Proposed Developments included within the TIA:</u></p> <ul style="list-style-type: none"> <li>•None</li> </ul>		
<p><b>Development Status: The property is zoned B-2, which allows for this development by-right. The proposed site plan for the project is currently under review by the TRC.</b></p>		



<b>Proposed Development</b>	<b>Land Use/Intensity</b>	<b>TIA Status</b>
<b>3. Amberleigh Shores Phase 2 (City of Wilmington)</b>	<ul style="list-style-type: none"> <li>• 288 multi-family units</li> </ul>	<ul style="list-style-type: none"> <li>• Approved November 3, 2016</li> <li>• 2018 Build Out Year</li> </ul>
<p>The TIA required improvements be completed at certain intersections in the area. The notable improvements consisted of:</p> <ul style="list-style-type: none"> <li>• Installation of a southbound left turn lane at Marsh Oaks Drive and Market Street</li> <li>• Signal Modification for traffic exiting Marsh Oaks Drive and Market Street</li> <li>• Marsh Oaks Drive and site access east bound right turn lane</li> <li>• Installation of a 100 foot protected stem at Marsh Oaks Drive and site access</li> </ul>		
<b>Nearby Proposed Developments included within the TIA:</b>		
<ul style="list-style-type: none"> <li>• None.</li> </ul>		
<b>Development Status: Construction is in progress</b>		

## **ENVIRONMENTAL**

- The subject property is not within a Special Flood Hazard Area (SFHA) and does not contain any Natural Heritage Areas.
- The subject property is located within the Pages Creek watershed, which drains to the Intracoastal Waterway.
- Per the Classification of Soils in New Hanover County for Septic Tank Suitability, soils on the property consist of Class I (suitable/slight limitation) soils, however, the site will be served by CFPWA water and sewer services.

## **OTHER CONSIDERATIONS**

## **CONTEXT AND COMPATIBILITY**

- The property is located along Market Street, which is identified as a Principal Arterial on the WMPO Functional Classifications Map.
- The property is located on the northern end of Alexander Road (SR 1345) and connects to Market Street. Alexander Road (SR 1345) is a local road that serves the residential areas to the west of the subject parcel.
- The site is located between an established veterinary hospital and CubeSmart Storage facility and is east of platted R-15 residential lots.
- The proposed structure will be one story and will be positioned toward the center of the subject parcel away from the adjacent residential lots, closer to the adjacent commercial uses.
- The subject site will share a driveway with an existing commercial development to the north, which consists of one structure that is approximately 4,000 square feet in area.
- The development will have no impact on the school system.

Representative Developments in B-2



Atlantic Marine (Eastwood/Wrightsville Avenue)



Marker 17 (Market Street)



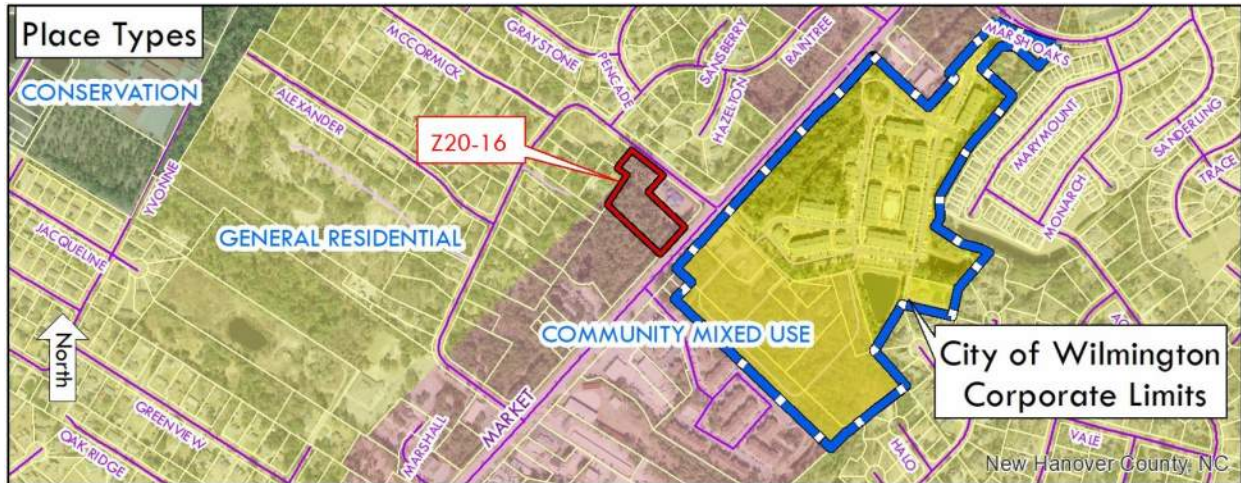
Existing Battleship Marine (Market Street)



Proposed Battleship Marine (Market Street)

**2016 COMPREHENSIVE LAND USE PLAN**

The New Hanover County Future Land Use Map provides a general representation of the vision for New Hanover County’s future land use, as designated by place types describing the character and function of the different types of development that make up the community. These place types are intended to identify general areas for particular development patterns and should not be interpreted as being parcel specific.



<p><b>Future Land Use Map Place Type</b></p>	<p>Community Mixed Use</p>
<p><b>Place Type Description</b></p>	<p>Focuses on small-scale, compact, mixed use development patterns that serve all modes of travel and act as an attractor for county residents and visitors. Types of appropriate uses include office, retail, mixed use, recreational, commercial, institutional, and multi-family and single-family residential.</p>
<p><b>Analysis</b></p>	<p>The subject property is located along Market Street between two existing commercial service uses, a veterinary hospital and self-storage facility, and immediately abuts residential properties to the northwest. Like other properties along Market Street in this area—between the Porters Neck and Middle Sound/Lendire commercial and service nodes, it is designated as a Community Mixed Use place type.</p> <p>This designation is commonly applied to major roadway corridors to encourage their revitalization through infill and redevelopment and provide a transition to lower density residential properties located away from the roadway. The proposed conditional zoning district would provide for retail vehicle and boat sales, a lower intensity commercial use that can be appropriate in this type of transitional area between higher intensity nodes. This type of commercial use is compatible with adjacent office and commercial service uses.</p>

<b>Consistency Recommendation</b>	The proposed conditional rezoning to allow vehicle and boat sales is generally <b>CONSISTENT</b> with the goals of the 2016 Comprehensive Plan because it provides for appropriate infill development in a transitional area between two higher intensity commercial and service nodes and provides an appropriate transition between Market Street and adjacent single family neighborhoods.
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**STAFF RECOMMENDATION**

The proposed rezoning is generally **CONSISTENT** with the goals and objectives of the Comprehensive Plan and the types of commercial uses encouraged in the Community Mixed Use place type, as it is located in an area that the Plan ultimately envisions as Community Mixed Use that would provide goods and services for nearby residents.

**Staff recommends approval** of this application and suggests the following motion:

I move to **APPROVE** the proposed rezoning to a (CZD) B-2 district. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposed uses are consistent with the types of commercial uses that would be encouraged in the Community Mixed Use place type. In addition, these uses would serve as an appropriate transition between existing commercial development and adjacent residential neighborhoods. I also find **APPROVAL** of the rezoning request is reasonable and in the public interest because the site is adjacent to existing commercial uses, the use would have limited traffic impacts, and approval supports the success of an existing small business.

**Alternative Motion for Denial**

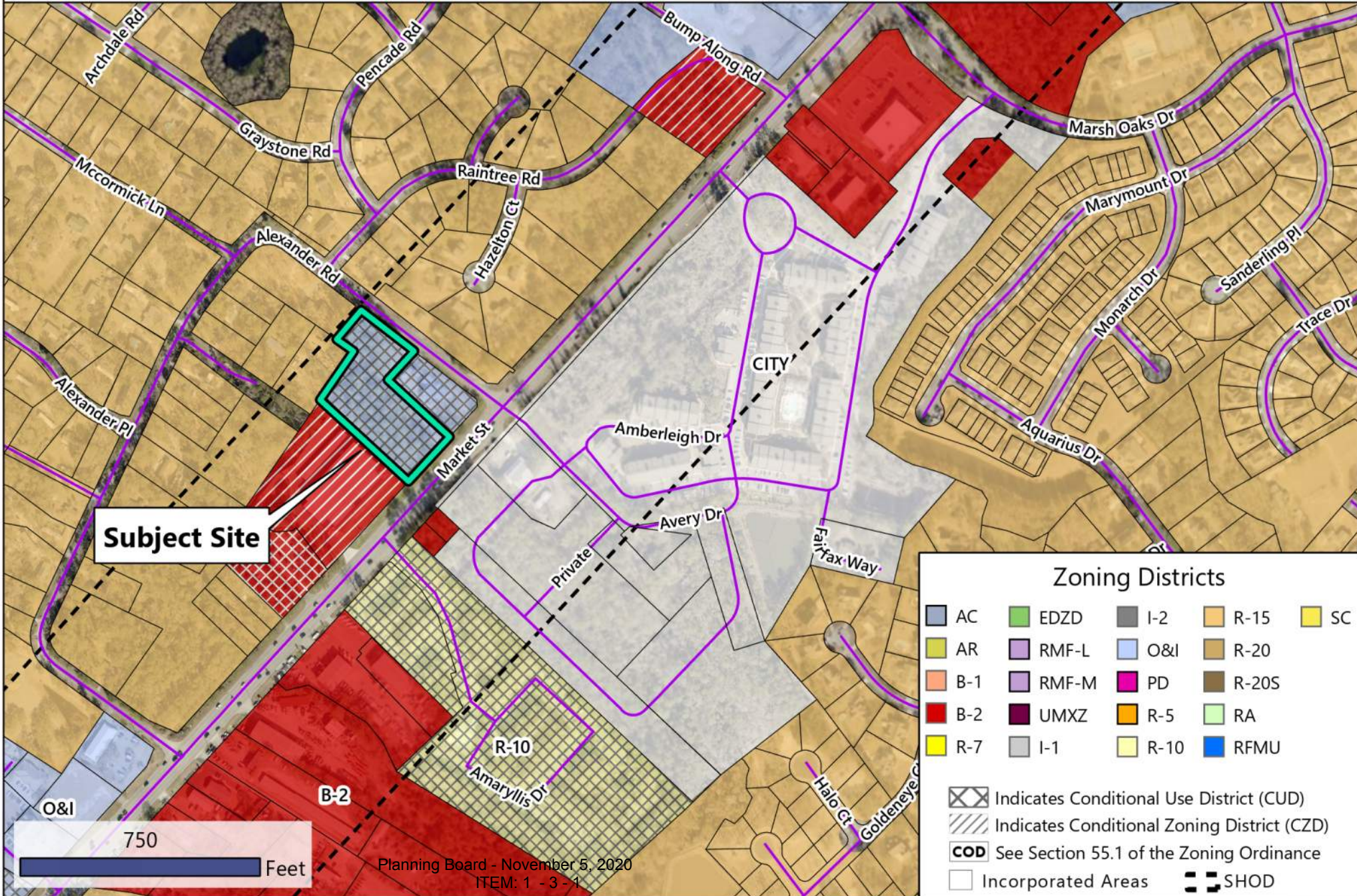
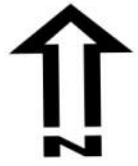
I move **DENY** the proposed rezoning to a (CZD) B-2 district. While I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposed uses are consistent with the types of commercial uses that would be encouraged in the Community Mixed Use place type and would serve as an appropriate transition between existing commercial development and adjacent residential neighborhoods, I find **DENIAL** of the rezoning request is reasonable and in the public interest because the proposal is not consistent with the surrounding community and that the use will adversely impact the adjacent neighborhoods.

**Case:**  
Z20-16

**Site Address:**  
7700 block  
Market St

**Existing Zoning/Use:**  
CUD O&I/  
Undeveloped

**Proposed Zoning/ Use:**  
CZD B-2/  
Boat/Vehicle Dealership



**Subject Site**

**Zoning Districts**

- |     |       |      |       |    |
|-----|-------|------|-------|----|
| AC  | EDZD  | I-2  | R-15  | SC |
| AR  | RMF-L | O&I  | R-20  |    |
| B-1 | RMF-M | PD   | R-20S |    |
| B-2 | UMZX  | R-5  | RA    |    |
| R-7 | I-1   | R-10 | RFMU  |    |
- Indicates Conditional Use District (CUD)  
 Indicates Conditional Zoning District (CZD)  
**COD** See Section 55.1 of the Zoning Ordinance  
 Incorporated Areas    SHOD

750 Feet

**Case:**

Z20-16

**Site Address:**

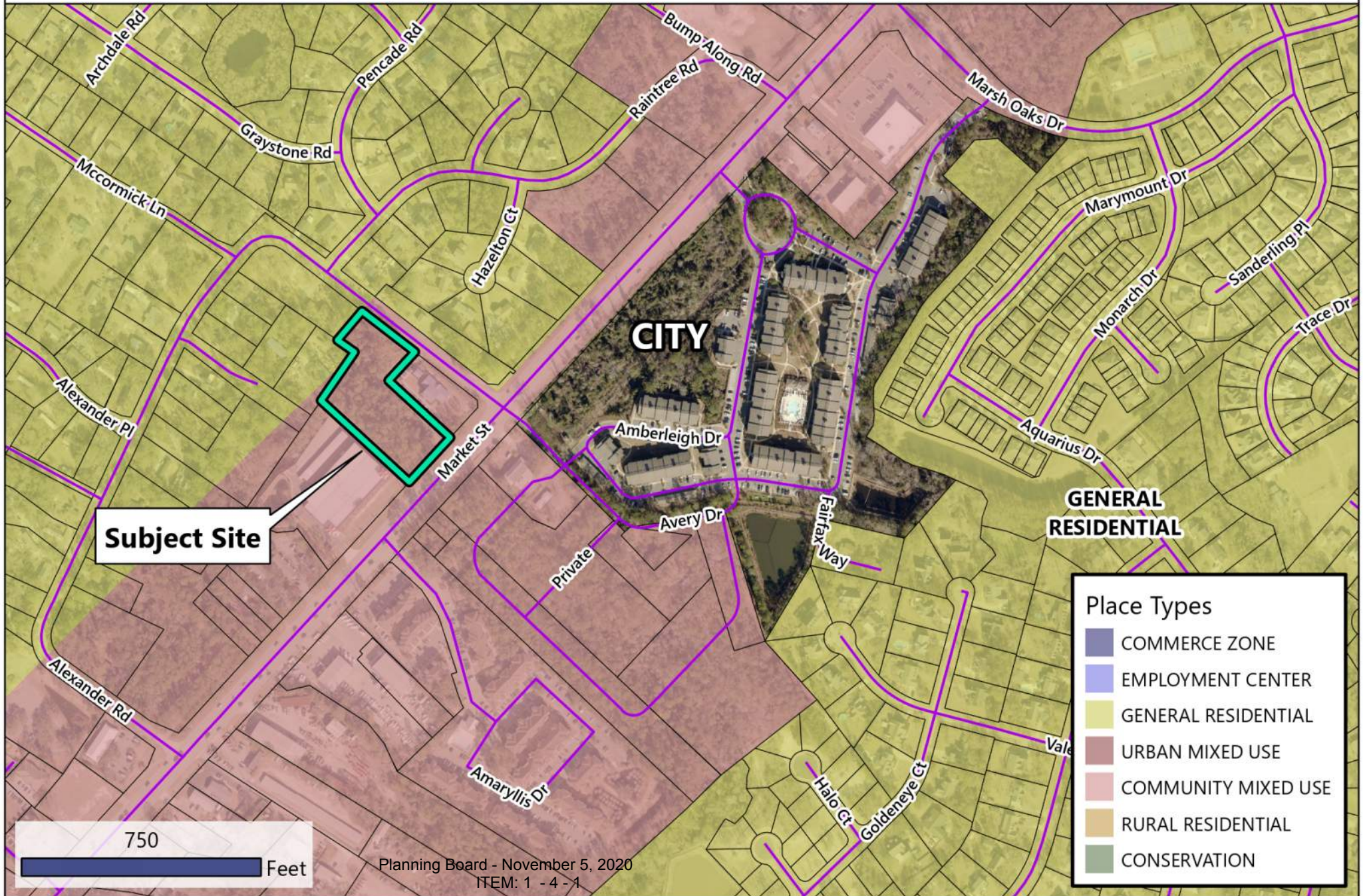
7700 block  
Market St

**Existing Zoning/Use:**

CUD O&I/  
Undeveloped

**Proposed Zoning/ Use:**

CZD B-2/  
Boat/Vehicle Dealership



**Subject Site**

**CITY**

**GENERAL  
RESIDENTIAL**

**Place Types**

- COMMERCE ZONE
- EMPLOYMENT CENTER
- GENERAL RESIDENTIAL
- URBAN MIXED USE
- COMMUNITY MIXED USE
- RURAL RESIDENTIAL
- CONSERVATION

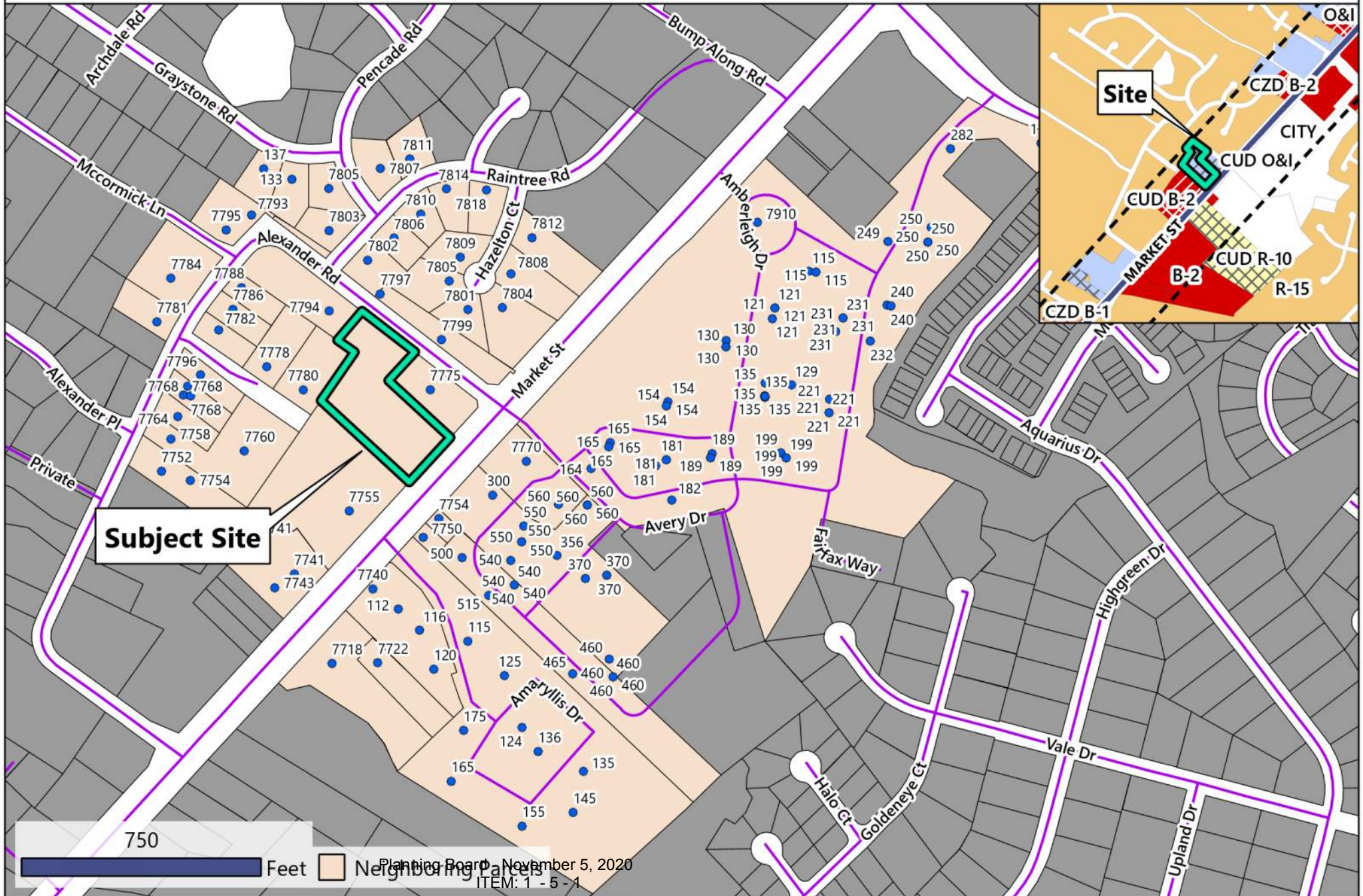
750 Feet

**Case:**  
Z20-16

**Site Address:**  
7700 block  
Market St

**Existing Zoning/Use:**  
CUD O&I/  
Undeveloped

**Proposed Zoning/ Use:**  
CZD B-2/  
Boat/Vehicle Dealership



**Subject Site**

**Site**

750

Feet  
Neighboring Parcels  
November 5, 2020  
ITEM: 1 - 5 - 1

# **APPLICANT MATERIALS**





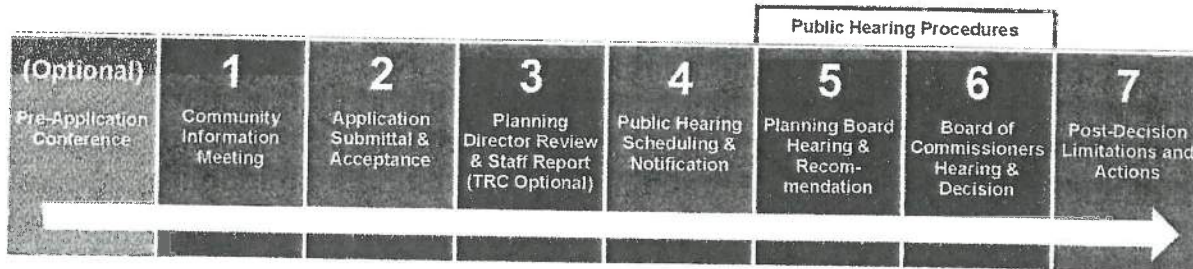
# NEW HANOVER COUNTY

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 Coxé & 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]
-------------------------------	--	--

### 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>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>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
-------------------------------------	-------------------------------------

## 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

SSD

REM

SSD

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SSD


REM

## 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.

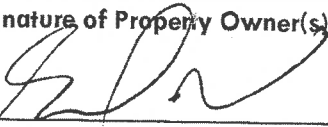


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Stephen Clossick - Administrator: WBP, LLC

Signature of Property Owner(s)

Print Name(s)



---

Samuel B. Potter

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	

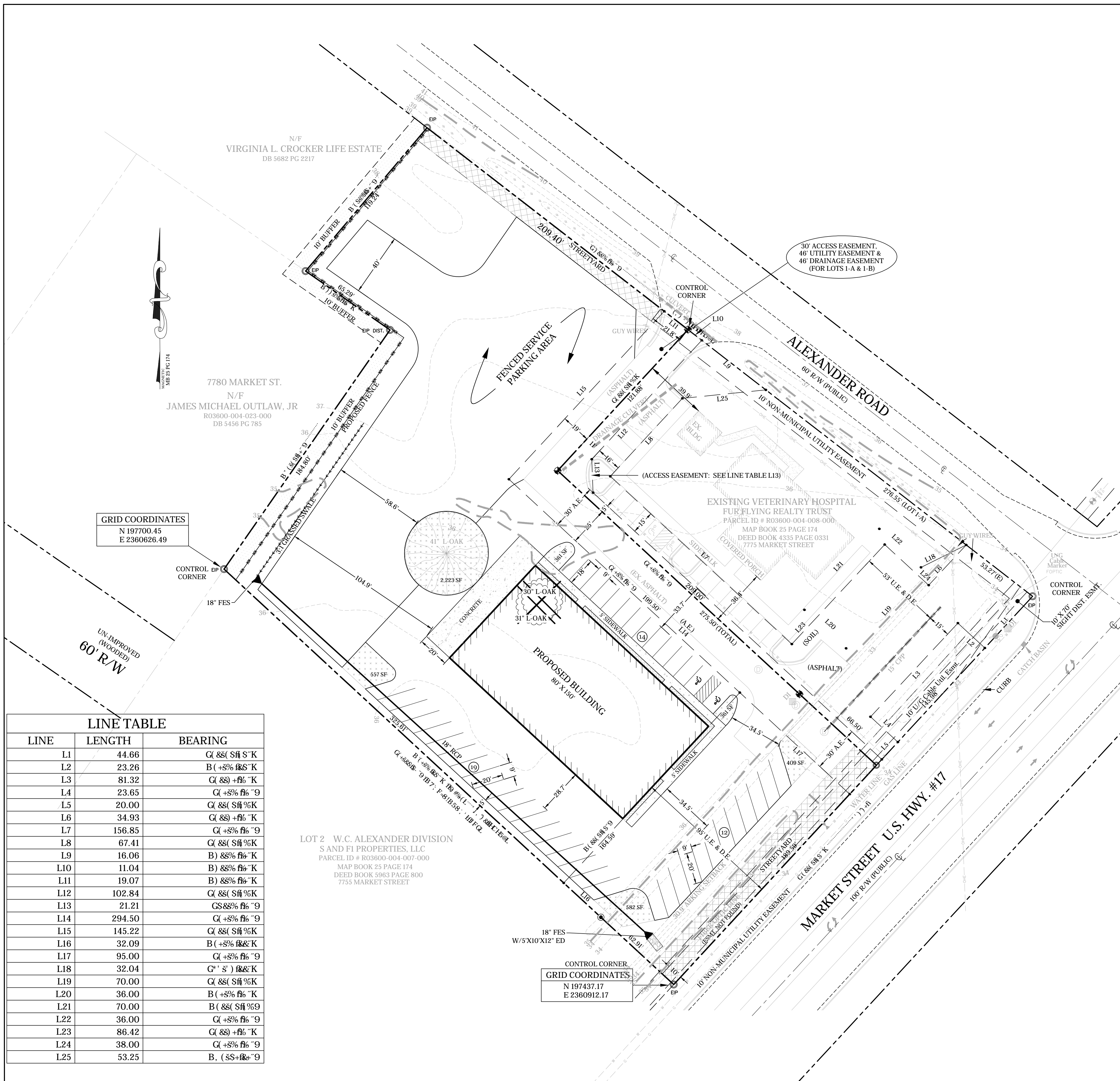
Items Discussed: The meeting began with an explanation of the proposed development of the subject property and an overview of the project. All participants were in favor of the development, consistent with the explanations listed below for all attendee concerns and questions.

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.



# **PROPOSED SITE PLAN**





**SITE DATA**

PARCEL ID: R03600-004-025-000  
 CURRENT ZONING: O & I (CUD) / SHOD  
 CAMA LAND USE CLASSIFICATION: TRANSITION  
 PROJECT ADDRESS: 7775 MARKET ST WILMINGTON, NC 28411  
 CURRENT OWNER: WBP LLC 6002 MEADOW RUN COURT CHAPEL HILL, NC 27516

TOTAL ACREAGE IN PROJECT BOUNDARY: %SS% + G: "1-8" LWL  
 NUMBER OF BUILDINGS: 1  
 PROPOSED USE: BOAT AND MOTORCYCLE SALES/SERVICE  
 TOTAL BUILDING SIZE IN GFA: 12,000 S.F. GFA  
 BUILDING HEIGHT: -85" @ 1# %GCFM% SFA 5L "5@CK 98L  
 BUILDING SETBACKS:  
 FRONT: REQUIRED= 25' (100' SHOD) PROPOSED= 95'  
 SIDE: REQUIRED= 0' PROPOSED= 55'L/54'R  
 REAR: REQUIRED= 76' PROPOSED= 150'

CALCULATION FOR BUILDING COVERAGE:  
 PROPOSED COVERAGE: %SS% G: "N" %SS% + G: "1" %SS% . 1

PROPOSED ON-SITE IMPERVIOUS AREAS:  
 BUILDING ROOF: 12,000 S.F.  
 CONCRETE: 3,020 S.F.  
 ASPHALT PARKING: 23,412 S.F.  
 SERVICE PARKING AREA: 29,332 S.F.  
 TOTAL: 67,764 S.F. (67.6%)

PARKING REQUIRED (12,000 S.F.):  
 MIN: 1 SPACE/400S.F. = 30 SPACES (2 H.C.)  
 PARKING PROVIDED: 45 SPACES (2 H.C.)

PARKING LOT INTERIOR LANDSCAPING  
 REQUIRED: 23,412 S.F. \* 8% = 1,873 S.F.  
 PROVIDED: 4,493 S.F.

FOUNDATION PLANTINGS:  
 NORTHEAST FACADE: 150 LF X 20' FACADE X 12%  
 REQUIRED: 360 S.F.  
 PROVIDED: 383 S.F.  
 SOUTHEAST FACADE: 80 LF X 20' FACADE X 12%  
 REQUIRED: 192 S.F.  
 PROVIDED: 196 S.F.

STREETYARD REQUIREMENTS:  
 MARKET ST.: 18' (9' MIN & 27' MAX WIDTH)  
 REQUIRED: 189.59' LF X 18" = 3,413 S.F.  
 PROVIDED: 3,507 S.F.  
 ALEXANDER RD.: 9' (4.5' MIN & 13.5' MAX WIDTH)  
 REQUIRED: 209.4-21.8 = 187.6' LF X 9" = 1,688 S.F.  
 PROVIDED: 1,914 S.F.

- DEVELOPMENT NOTES:**
- EXISTING SURVEY DATA PROVIDED BY DANFORD & ASSOCIATES.
  - ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE NEW HANOVER COUNTY UDO.
  - PROJECT SHALL COMPLY WITH ALL FEDERAL, STATE & NEW HANOVER COUNTY REGULATIONS.
  - SITE DEVELOPMENT RUNOFF WILL BE TREATED BY UNDERGROUND INFILTRATION SYSTEM. EXISTING NCDENR & COUNTY STORMWATER PERMITS TO BE MODIFIED PRIOR TO STARTING CONSTRUCTION ON MODIFIED PLAN.
  - ALL ROOF RUNOFF TO BE DIRECTED TO INFILTRATION SYSTEM. ROOF DOWNSPOUTS TO BE COORDINATED WITH ENGINEER FOR APPROPRIATE DIRECTION TO DESIGNED SYSTEM.
  - OWNER AND CONTRACTOR TO COORDINATE CONNECTION OF EXISTING VETERINARY HOSPITAL TO PROPOSED SANITARY SEWER COLLECTION SYSTEM.

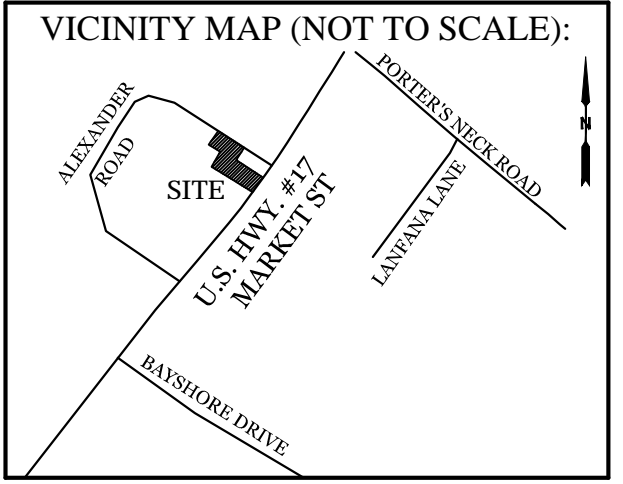
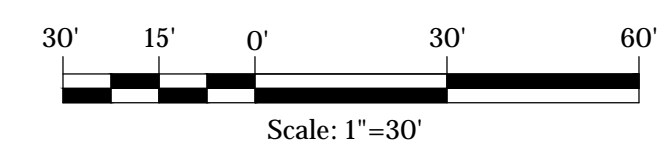
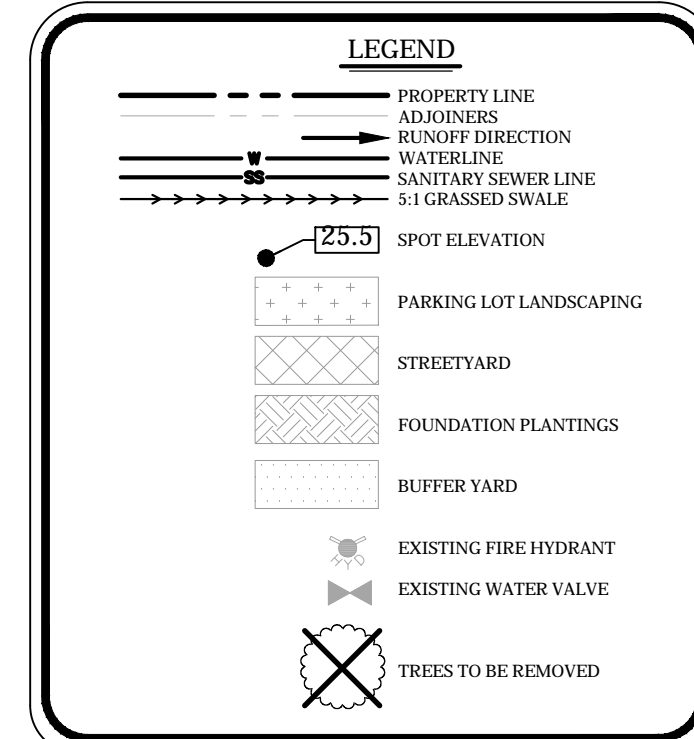
**GRID COORDINATES**  
 N 197700.45  
 E 2360626.49

**LINE TABLE**

LINE	LENGTH	BEARING
L1	44.66	C (88° S 11° K
L2	23.26	B ( +8° 18° K
L3	81.32	C (88° +11° K
L4	23.65	C ( +8° 11° 9
L5	20.00	C (88° S 11° K
L6	34.93	C (88° +11° K
L7	156.85	C ( +8° 11° 9
L8	67.41	C (88° S 11° K
L9	16.06	B) 88° 11° K
L10	11.04	B) 88° 11° K
L11	19.07	B) 88° 11° K
L12	102.84	C (88° S 11° K
L13	21.21	C (88° 11° 9
L14	294.50	C ( +8° 11° 9
L15	145.22	C (88° S 11° K
L16	32.09	B ( +8° 11° K
L17	95.00	C ( +8° 11° 9
L18	32.04	C ( +8° 11° K
L19	70.00	C (88° S 11° K
L20	36.00	B ( +8° 11° K
L21	70.00	B (88° S 11° K
L22	36.00	C ( +8° 11° 9
L23	86.42	C (88° +11° K
L24	38.00	C ( +8° 11° 9
L25	53.25	B. (88° +11° K

LOT 2 W.C. ALEXANDER DIVISION  
 S AND F1 PROPERTIES, LLC  
 PARCEL ID # R03600-004-007-000  
 MAP BOOK 25 PAGE 174  
 DEED BOOK 5963 PAGE 800  
 7755 MARKET STREET

**CONTROL CORNER**  
**GRID COORDINATES**  
 N 197437.17  
 E 2360912.17



**REVISIONS**

NO.	DATE	DESCRIPTION

PRELIMINARY SITE PLAN  
 FOR  
**BATTLESHIP CYCLES & MARINE**  
 NEW HANOVER COUNTY, NC

PRELIMINARY  
 DRAWING DO NOT USE  
 FOR CONSTRUCTION

**CLIENT INFORMATION:**  
 Battleship Cycles & Marine  
 8006 Market St.  
 Wilmington, NC 28411

SHEET SIZE: 24x36  
 DATE: 10/22/2020  
 SCALE: 1" = 30'  
 PROJECT NUMBER: 2020-015

DRAWING NUMBER: **C-1**

**NEW HANOVER COUNTY PLANNING BOARD  
REQUEST FOR BOARD ACTION  
MEETING DATE: 11/5/2020**

Regular

**DEPARTMENT:** Planning                      **PRESENTER(S):** Marty Little

**CONTACT(S):** Marty Little, Long Range Planner, Brad Schuler, Senior Planner, Rebekah Roth, Interim Planning and Land Use Director

**SUBJECT:**

**Public Hearing**

**Rezoning Request (Z20-20) - Request by Design Solutions on behalf of the property owners, Edna F. Dupree Heirs (Karen Coley) and Edward Foyles Heirs (Lewis Hines), to rezone approximately 2.22 acres of land located at 7036 and 7038 Market Street, from R-15, Residential District, to (CZD) CB, Conditional Community Business District, in order to develop a general retail sales and personal service establishment.**

**BRIEF SUMMARY:**

The applicant is seeking to rezone approximately 2.22 acres from R-15, Residential District, to (CZD) CB, Conditional Community Business District, in order to develop a general retail sales and personal service establishment.

The existing zoning (R-15) allows the site to be used for residential uses. Currently, the site is undeveloped. Under the County's performance residential standards, the current zoning would allow a maximum of five dwelling units at a density of 2.5 dwelling units per acre. The proposed conditional zoning would allow the property to be used for general retail sales and general personal service uses, both of which are allowed by-right in the CB district.

The conceptual plan indicates that the principal structure will be a one-story 16,000 square foot building, which is comprised of 10,000 square feet for a retail furniture business and showroom and 6,000 square feet of miscellaneous retail or personal services. A one-story 5,000 square foot warehouse serving as storage for furniture stock associated with the furniture retail component is also proposed.

As currently zoned, it is estimated the site would generate about 6-8 trips in the peak hours. The proposed development is estimated to generate approximately 16 trips in the AM peak hour and 39 trips in the PM peak hour, a net increase of about 8 AM and 33 PM peak trips when compared to current zoning. The estimated number of peak hour trips anticipated with the proposed development is below the 100 peak hour trip threshold that triggers the ordinance requirement for a Traffic Impact Analysis (TIA).

The property is located along the Market Street corridor, adjacent to existing commercial uses and one existing residential structure. The site also abuts single-family homes to the rear. The development would be required to meet all screening and landscaping requirements of the UDO, which includes an opaque bufferyard where the development abuts residential property.

One of the goals of the New Hanover County Strategic Plan for 2018-2023 is to encourage the development of complete communities in the unincorporated county by increasing housing diversity and access to basic goods and services. As detached single family homes typical in R-15 zoning districts are the predominant housing type and make up 92% of residential units in the Ogden community area, the conversion of these properties to commercial zoning will not decrease housing diversity.

The proposed rezoning is generally **CONSISTENT** with the goals and objectives of the Comprehensive Plan and the types of commercial uses encouraged in the Urban Mixed Use place type, as it is located in an area that the plan ultimately envisions as Urban Mixed Use that would provide goods and services for nearby residents.

**STRATEGIC PLAN ALIGNMENT:**

Intelligent Growth & Economic Development Encourage development of complete communities in the unincorporated county Citizens have daily needs met by NHC businesses and support them

- 

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

Staff recommends approval of this application and suggests the following motion:

I move to recommend **APPROVAL** of the proposed rezoning to a (CZD) CB district. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposed uses are consistent with the types of commercial uses that would be encouraged in the Urban Mixed Use place type and would serve as an appropriate transition between existing commercial development and adjacent residential neighborhoods. I also find recommending **APPROVAL** of the rezoning request is reasonable and in the public interest because the site is in close proximity to the Military Cutoff Extension and existing commercial services; therefore, it is unlikely that a new single family residence will be constructed on the site.

**Alternative Motion for Denial**

I move to recommend **DENIAL** of the proposed rezoning to a (CZD) CB district. While I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposed uses are consistent with the types of commercial uses that would be encouraged in the Urban Mixed Use place type and would serve as an appropriate transition between existing commercial development and adjacent residential neighborhoods, I find **DENIAL** of the rezoning request is reasonable and in the public interest because the proposal is not consistent with the surrounding community and that the use will adversely impact the adjacent neighborhoods.

**COUNTY MANAGER'S COMMENTS AND RECOMMENDATIONS: (only Manager)**

## SCRIPT for Conditional Zoning District Application (Z20-20)

**Request by Design Solutions on behalf of the property owners, Edna F. Dupree Heirs (Karen Coley) and Edward Foyles Heirs (Lewis Hines), to rezone approximately 2.22 acres of land located at 7036 and 7038 Market Street, from R-15, Residential District, to (CZD) CB, Conditional Community Business District, in order to develop a general retail sales and personal service establishment.**

1. This is a public hearing. We will hear a presentation from staff. Then the applicant and any opponents will each be allowed 15 minutes for their presentation and additional 5 minutes for rebuttal.
2. Conduct Hearing, as follows:
  - a. Staff presentation
  - b. Applicant's presentation (up to 15 minutes)
  - c. Opponent's presentation (up to 15 minutes)
  - d. Applicant's rebuttal (up to 5 minutes)
  - e. Opponent's rebuttal (up to 5 minutes)
3. Close the public hearing
4. Board discussion
5. **Vote on the application.** The motion should include a statement saying how the change is, or is not, consistent with the land use plan and why approval or denial of the rezoning request is reasonable and in the public interest.

### **Example Motion of Approval**

I move to **APPROVE** the proposed rezoning to a (CZD) CB district. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposed uses are consistent with the types of commercial uses that would be encouraged in the Urban Mixed Use place type and would serve as an appropriate transition between existing commercial development and adjacent residential neighborhoods. I also find **APPROVAL** of the rezoning request is reasonable and in the public interest because the site is in close proximity to the Military Cutoff Extension and existing commercial services; therefore, it is unlikely that a new single family residence will be constructed on the site.

[**Optional**] Note any conditions to be added to the district.

### **Example Motion of Denial**

I move to **DENY** the proposed rezoning to a (CZD) CB district. While I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposed uses are consistent with the types of commercial uses that would be encouraged in the Urban Mixed Use place type and would serve as an appropriate transition between existing commercial development and adjacent residential neighborhoods, I find **DENIAL** of the rezoning request is reasonable and in the public interest because the proposal is not consistent with the surrounding community and the use will adversely impact the adjacent neighborhoods.

**Alternative Motion for Approval/Denial:**

I move to [Approve/Deny] the proposed rezoning to a conditional (CZD) CB district. I find it to be [Consistent/Inconsistent] with the purposes and intent of the Comprehensive Plan because [insert reasons]

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I also find that [Approval/Denial] of the rezoning request is reasonable and in the public interest because [insert reasons]

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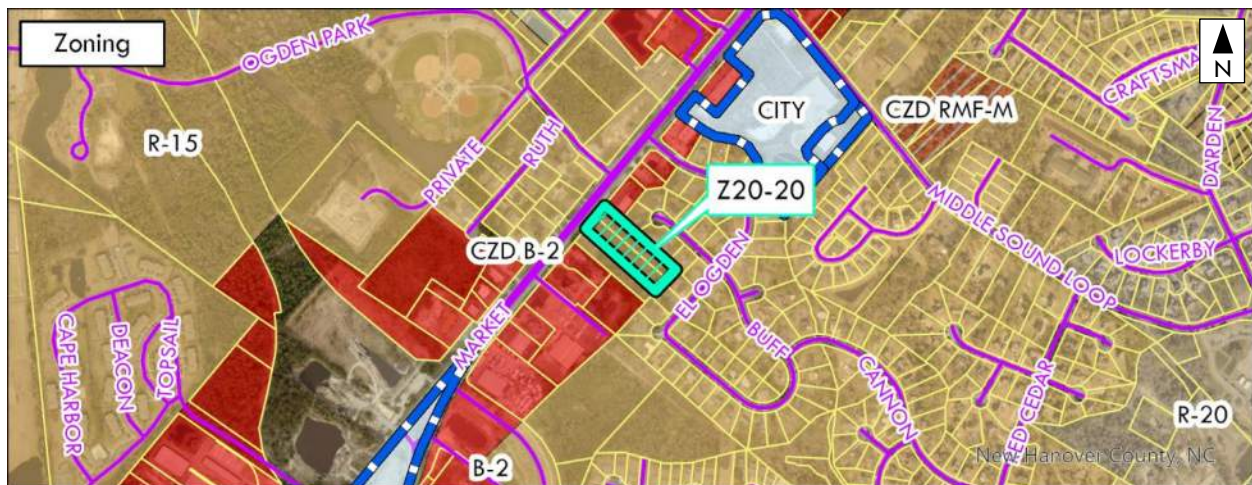
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# STAFF REPORT FOR Z20-20

## CONDITIONAL ZONING DISTRICT APPLICATION

APPLICATION SUMMARY	
<b>Case Number:</b> Z20-20	
<b>Request:</b> Rezone 2.22 acres from R-15 Residential to (CZD) CB Community Business for Retail Sales and Personal Services	
<b>Applicant:</b> Cindee Wolf, Design Solutions	<b>Property Owner(s):</b> Edna F. Dupree Heirs (Karen Coley) Edward Foyles Heirs (Lewis Hines)
<b>Location:</b> 7036 & 7038 Market Street	<b>Acreage:</b> 2.22
<b>PID(s):</b> R04400-005-017-000 R04400-005-016-000	<b>Comp Plan Place Type:</b> Urban Mixed Use
<b>Existing Land Use:</b> Undeveloped	<b>Proposed Land Use:</b> General Retail Sales & Personal Services
<b>Current Zoning:</b> R-15	<b>Proposed Zoning:</b> (CZD) CB Community Business



SURROUNDING AREA		
	LAND USE	ZONING
<b>North</b>	Personal Services, Financial Institution, Single-Family Residential	B-2, R-15
<b>East</b>	Single-Family Residential	R-15
<b>South</b>	Restaurant, Car Wash, Kennel, Retail Nursery, Single-Family Residential	B-2, R-15
<b>West</b>	Single-Family Residential, Retail, Office, Religious Assembly	R-15, B-2, (CZD) B-2





<b>ZONING HISTORY</b>	
<b>July 7, 1972</b>	Initially zoned R-15 (Area 8B)

<b>COMMUNITY SERVICES</b>	
<b>Water/Sewer</b>	Water and sewer services are available through CFPWA. Specific design will be determined during site plan review.
<b>Fire Protection</b>	New Hanover County Fire Services, New Hanover County Northern Fire District, New Hanover County Station Ogden
<b>Schools</b>	Ogden Elementary, Noble Middle, and Laney High schools
<b>Recreation</b>	Ogden Park

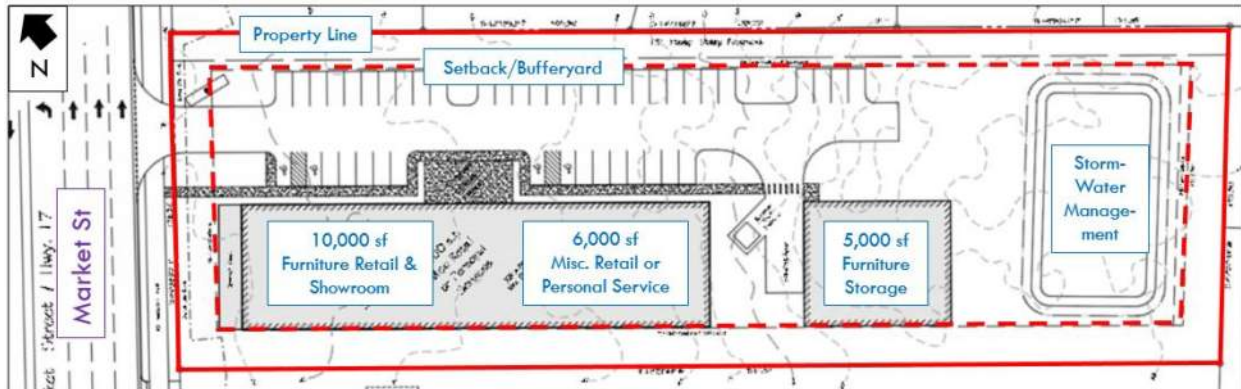
<b>CONSERVATION, HISTORIC, &amp; ARCHAEOLOGICAL RESOURCES</b>	
<b>Conservation</b>	No known conservation resources
<b>Historic</b>	No known historic resources
<b>Archaeological</b>	No known archaeological resources

<b>PROPOSED USE &amp; CONCEPTUAL PLAN</b>	
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- The applicant is proposing to rezone approximately 2.22 acres from R-15 Residential to (CZD) CB Conditional Zoning District Community Business in order to develop a retail and personal services establishment.
- The application indicates that the use of the subject property will be a one-story 16,000 square foot structure, which includes 10,000 square feet for a retail furniture business and showroom and 6,000 square feet of miscellaneous retail or personal services. A one-story 5,000 square foot warehouse serving as storage for furniture stock associated with the furniture retail component is also proposed.
- The conceptual plan shows the main 16,000 square foot building toward the front of the property facing Market Street, with parking to the side. The warehouse and loading area

are located immediately behind the principal structure, and the proposed stormwater management area is located to the rear of the property.

- The subject site is located on Market Street where future NCDOT improvements are planned as part of the Military Cutoff Extension project. To anticipate these improvements, the applicant has designed the site to reflect the completion of that project, which is expected by early 2023. Additional information is provided in the Transportation Section below.

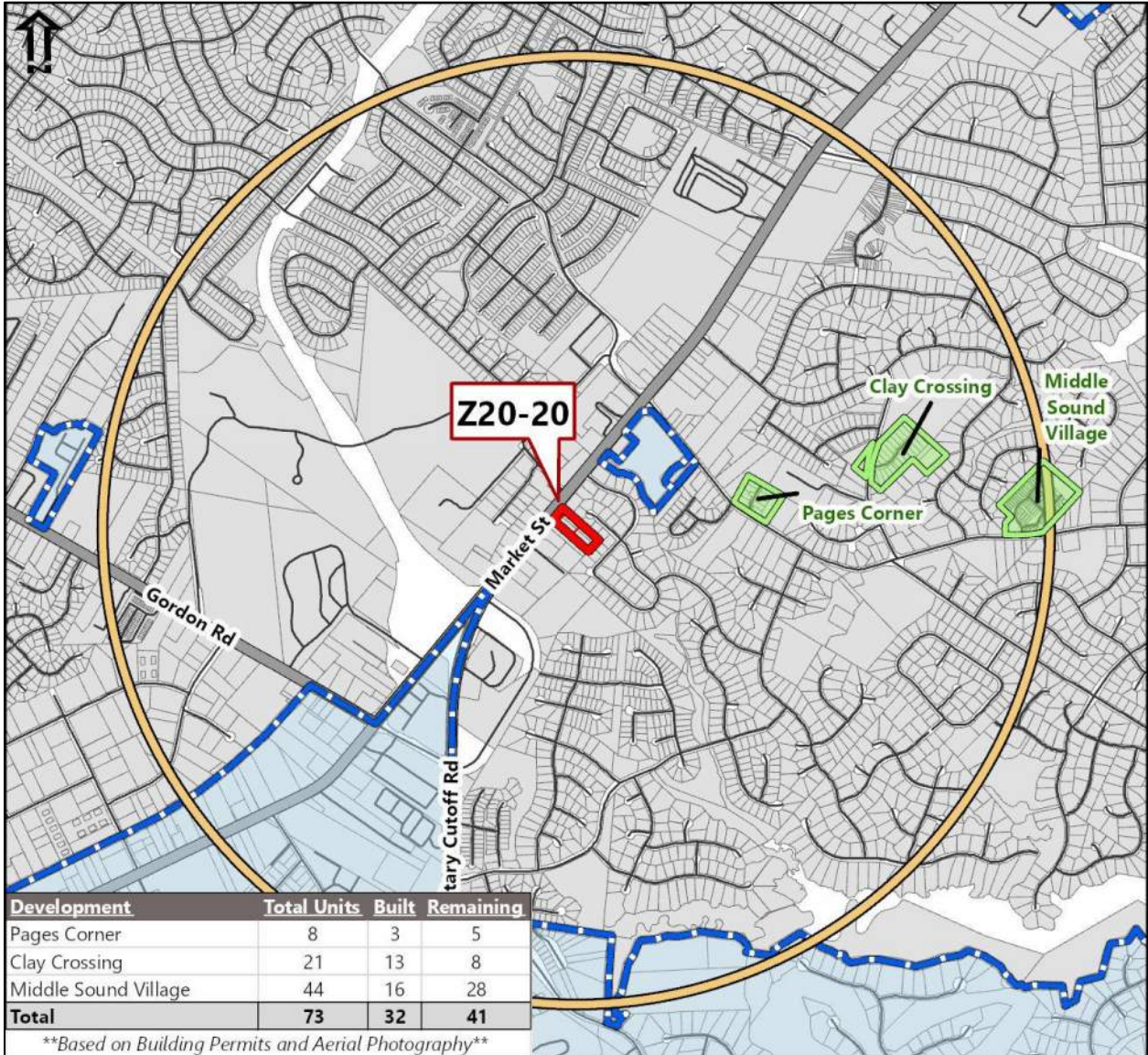


*Proposed Conceptual Site Plan with Staff Markups*

## ZONING CONSIDERATIONS

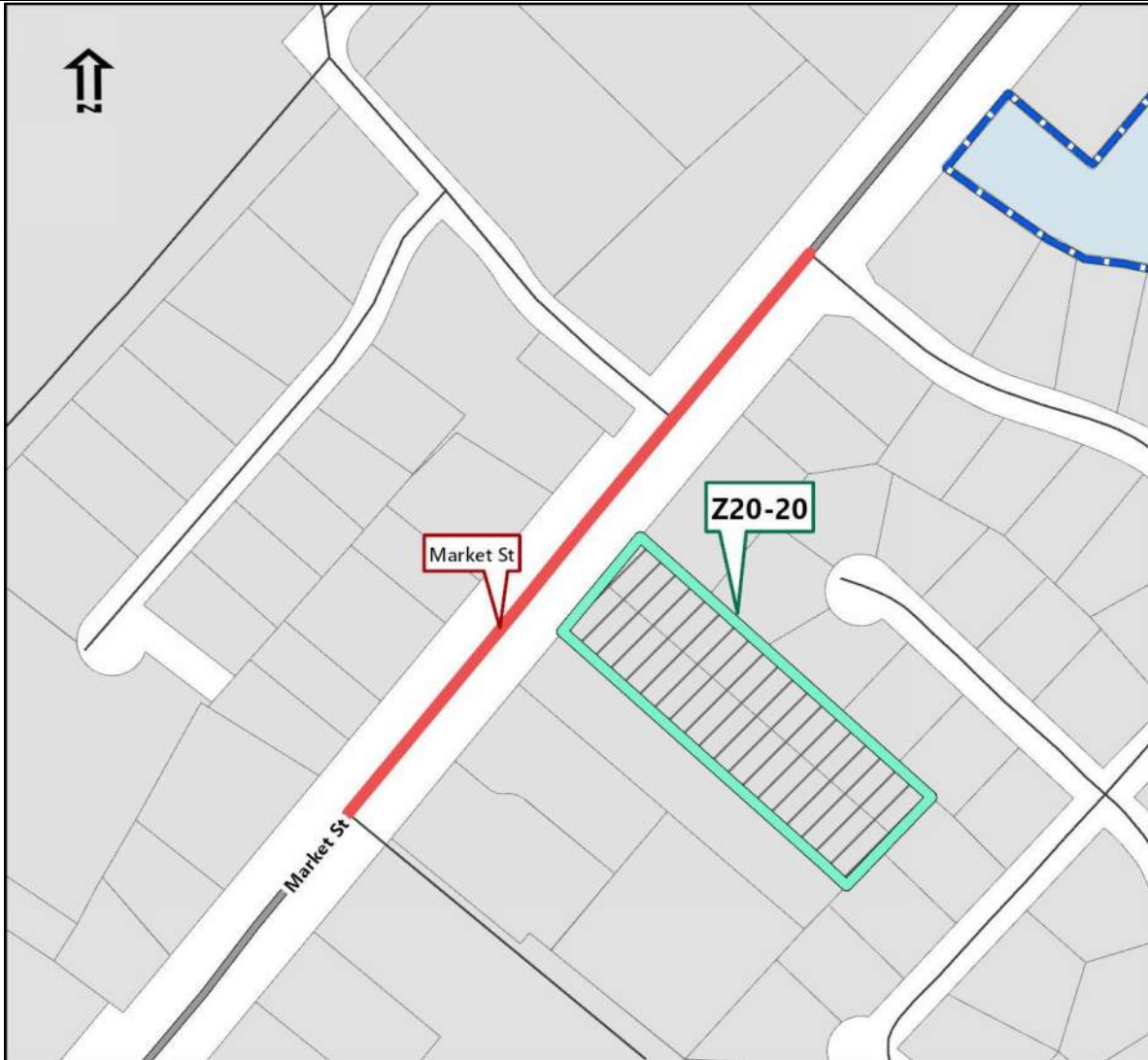
- General retail sales and general personal service uses are both allowed by-right in the CB Community Business district.
- While the CB district allows a range of commercial uses, the Conditional Zoning District designation would limit the types of uses on the site to retail and personal service.
- Under the County's performance residential standards, the current zoning (R-15/2.22 acres) would allow a maximum of five dwelling units at a density of 2.5 dwelling units per acre.
- In the CB district, a minimum 25-foot rear setback, 20-foot interior setback, and 20-foot opaque bufferyard are required where the development abuts existing single-family properties. Maximum height may not exceed 3 stories or 45-feet, though the structure proposed is one-story.
- Since its original zoning designation in 1972, this portion of the county and Market Street corridor has experienced a gradual shift from the original R-15 zoning to more commercial districts and uses; a trend that is expected to continue.

## AREA SUBDIVISIONS UNDER DEVELOPMENT



*Area Subdivisions Under Development*

## TRANSPORTATION



### Access

- Access is provided to the subject property by Market Street, approximately  $\frac{1}{4}$  mile north of the Military Cutoff Road intersection. One driveway is proposed off of Market Street, which would be converted into a controlled access driveway (right-in, right-out) once the Military Cutoff Extension project is complete. No other access to the site is proposed.
- A by-right residential development on the site under the current zoning (R-15) would allow up to five dwelling units, which is estimated to generate about 8 trips in the AM and 6 trips in the PM peak hours.
- Under the proposed (CZD) CB zoning, approximately 16,000 square feet of commercial space and 5,000 square feet of storage would be constructed on the site, which is anticipated to generate approximately 16 vehicular trips in the AM peak hour, and approximately 39 trips in the PM peak hour. The net difference in traffic would be an increase of 8 AM and 33 PM peak trips when compared to current zoning.

<b>Development</b>	<b>Intensity</b>	<b>Approx. Peak Hour Trips</b>
Existing Development:	Undeveloped	0 AM / 0 PM
Typical Development under Current R-15 Zoning:	5 single-family homes	8 AM / 6 PM
Proposed Development under Proposed (CZD) CB Zoning:	16,000 square feet commercial space 5,000 square feet storage	16 AM / 39 PM
<b>Net difference between current R-15 and proposed (CZD) CB zoning</b>		<b>+8 AM / +33 PM</b>

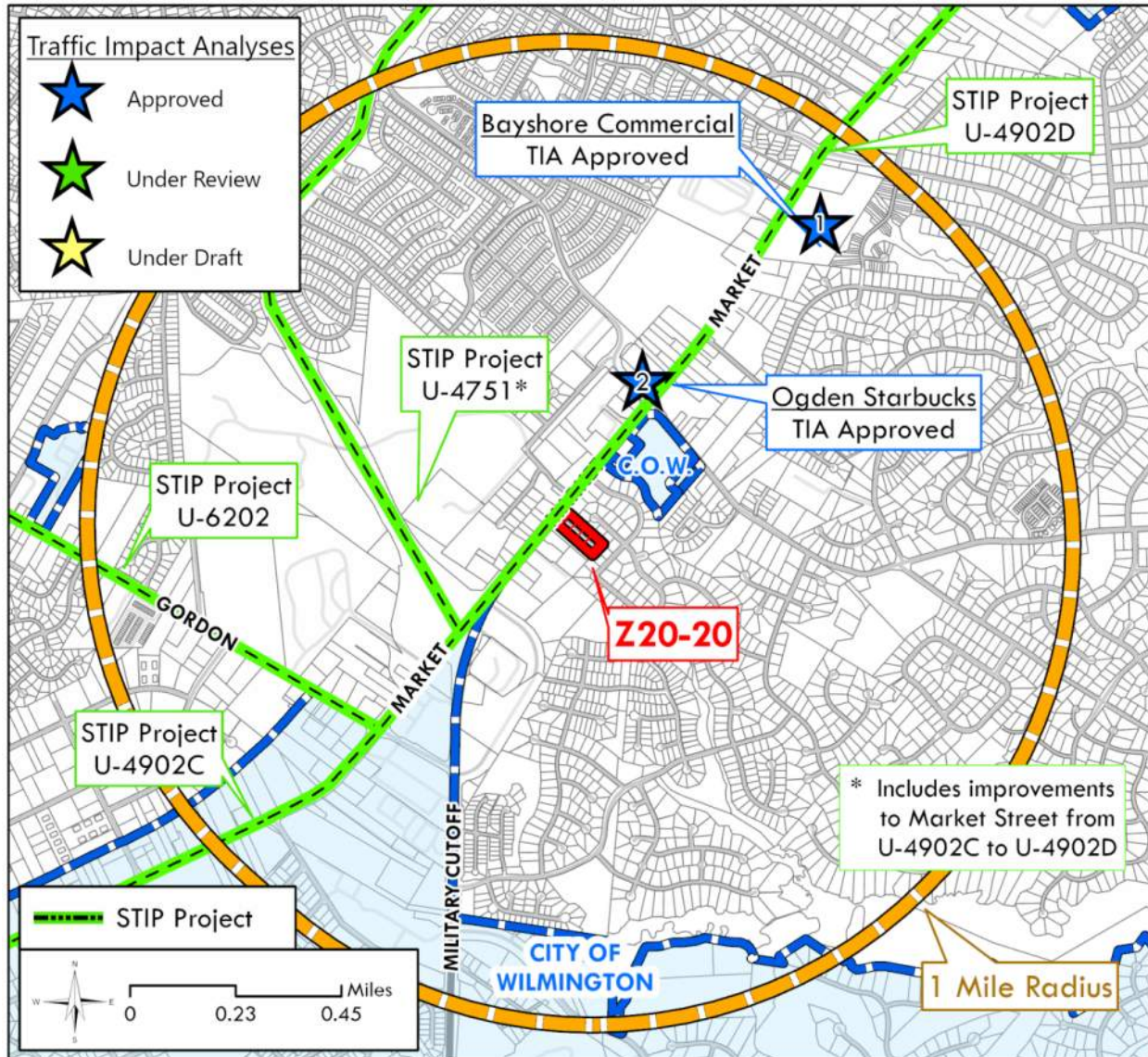
- The estimated number of peak hour trips anticipated with the proposed development is below the 100 peak hour trip threshold that triggers the ordinance requirement for a Traffic Impact Analysis (TIA).
- Because a TIA is not required to analyze transportation impacts, Staff has provided the volume to capacity ratio for Market Street near the subject site. While volume to capacity ratio, based on average daily trips, can provide a general idea of the function of adjacent roadways, the delay vehicles take in seconds to pass through intersections is generally considered a more effective measure when determining the Level of Service of a roadway.

**NCDOT Average Annual Daily Traffic (AADT) - 2018**

<b>Road</b>	<b>Location</b>	<b>Volume</b>	<b>Capacity</b>	<b>V/C</b>
Market Street	7100 Block	50,500	44,324	1.14

- The Military Cutoff extension improvements are expected to improve the volume to capacity ratio by 30-50% at this location based on the 2035 traffic forecast included in the Military Cutoff Extension and Hampstead Bypass Traffic Operations Analysis Report.

## Nearby Planned Transportation Improvements and Traffic Impact Analyses



Nearby Planned Transportation Improvements and TIAs

### Nearby NC STIP Roadway Projects:

- STIP Project U-4751 (Military Cutoff Extension)
  - Project to extend Military Cutoff from Market Street to I-140.
  - Includes improvements to Market Street (access management and widening) between Station Road and El Ogden Drive, which are expected to impact properties in the area. See map on next page.
  - The project will also install a sidewalk and multi-use path along the extension of Military Cutoff and the sections of Market Street included in the project.
  - The project is currently under construction and is expected to be completed by early 2023.



*Market Street portion of Military Cutoff Extension (U-4751)*

- STIP Project U-4902D (Market Street Median)
  - Project to install a center median and pedestrian accessways along Market Street from Middle Sound Loop Road to Marsh Oaks Drive. The pedestrian accessways will consist of a 10-foot multi-use path on the eastern side of the street, and a 5-foot sidewalk on the western side of the street.
  - The project is currently under construction and is expected to be completed by early 2023.
  
- STIP Project U-4902C (Market Street Median)
  - Project to install a center median and pedestrian accessways along Market Street from College Road to Station Road.
  - The project is currently in right-of-way acquisition but is on hold. Expected construction year has been delayed from 2024 to 2029.
  
- STIP Project U-6202 (Gordon Road Widening)
  - Project to widen Gordon Road from I-40 to Market Street. The project will also include the installation of a 10-foot multi-use path.
  - Currently in design and scheduled for right-of-way acquisition in 2025 and construction in 2030.

**Nearby Traffic Impact Analyses:**

Traffic Impact Analyses are completed in accordance with the WMPO and NCDOT standards. Approved analyses will expire if the proposed development is not completed by the build out date established within the TIA.

Proposed Development	Land Use/Intensity	TIA Status
<b>1. Bayshore Commercial Development</b>	<ul style="list-style-type: none"> <li>• 20,000 square feet of Medical/Dental Office</li> <li>• 70,000 square feet of Shopping Center</li> <li>• 8,000 square feet of High Turnover Sit Down Restaurant</li> <li>• 4,000 square feet of Fast Food Restaurant</li> </ul>	<ul style="list-style-type: none"> <li>• TIA approved September 11, 2019</li> <li>• 2022 Build Out Year</li> </ul>
<p>The TIA requires improvements be completed at certain intersections in the area. The notable improvements consisted of:</p> <ul style="list-style-type: none"> <li>• Installation of an additional westbound left turn lane on Bayshore Drive to Market Street</li> <li>• Extension of existing northbound right turn lane on Market Street from Bayshore Drive to the site's access points</li> </ul>		
<p><u>Nearby Proposed Developments included within the TIA:</u></p> <ul style="list-style-type: none"> <li>• None</li> </ul>		
<p><b>Development Status: A site plan application has been submitted but has not been approved by the TRC.</b> No roadway improvements have been installed at this time.</p>		

Proposed Development	Land Use/Intensity	TIA Status
<b>2. Ogden Starbucks</b>	<ul style="list-style-type: none"> <li>• 2,200 square foot coffee shop with drive thru</li> </ul>	<ul style="list-style-type: none"> <li>• Approved May 10, 2019</li> <li>• 2021 Build Out Year</li> </ul>
<p>The TIA required improvements be completed at certain intersections in the area. The notable improvements consisted of:</p> <ul style="list-style-type: none"> <li>• Installation of an additional exclusive eastbound right-turn lane on Lendire Road at Market Street (improvement installation to be coordinated with the Military Cutoff Extension project U-4751). Modification of the signal timing at the same intersection to incorporate the new dual right-turn lanes.</li> </ul>		
<p><u>Nearby Proposed Developments included within the TIA:</u></p> <ul style="list-style-type: none"> <li>• None</li> </ul>		
<p><b>Development Status: Construction has been completed.</b> The installation of right-turn lane will be completed with the Military Cutoff extension project.</p>		



## ENVIRONMENTAL

- The site does not contain any Special Flood Hazard Areas, wetlands, or Natural Heritage Areas.
- The subject property is located within the Howe Creek watershed, which drains to the Intracoastal Waterway.
- Per the Classification of Soils in New Hanover County for Septic Tank Suitability, soils on the property consist of Class I (Suitable/slight limitation) soils. However, the subject site will be served by public water and sewer.

## OTHER CONSIDERATIONS

### CONTEXT AND COMPATABILITY

- The property is located along Market Street, which is identified as a Principal Arterial on the WMPO Functional Classifications Map.
- The site is located adjacent to existing commercial retail and personal service uses along Market Street, and abuts approximately seven single-family homes of the El Ogden subdivision to the east and south, and an additional single-family home along Market Street to the southwest.
- The concept plan positions the principal structure near the Market Street corridor and further away from the homes along Buff Circle and El Ogden Drive. The parking area is sited next to the Live Oak Center commercial strip.
- The development would be required to meet all screening and landscaping requirements of the UDO, which includes a 20-foot vegetative buffer where the development abuts residential property. A full review of the vegetative buffer would be conducted by the TRC.
- The development will have no impact on the school system.





Representative Developments in R-15 along Principal Arterials:



*Single-family homes in R-15 district along Market Street*

Representative Developments of Commercial and Furniture Retail along Principal Arterials:



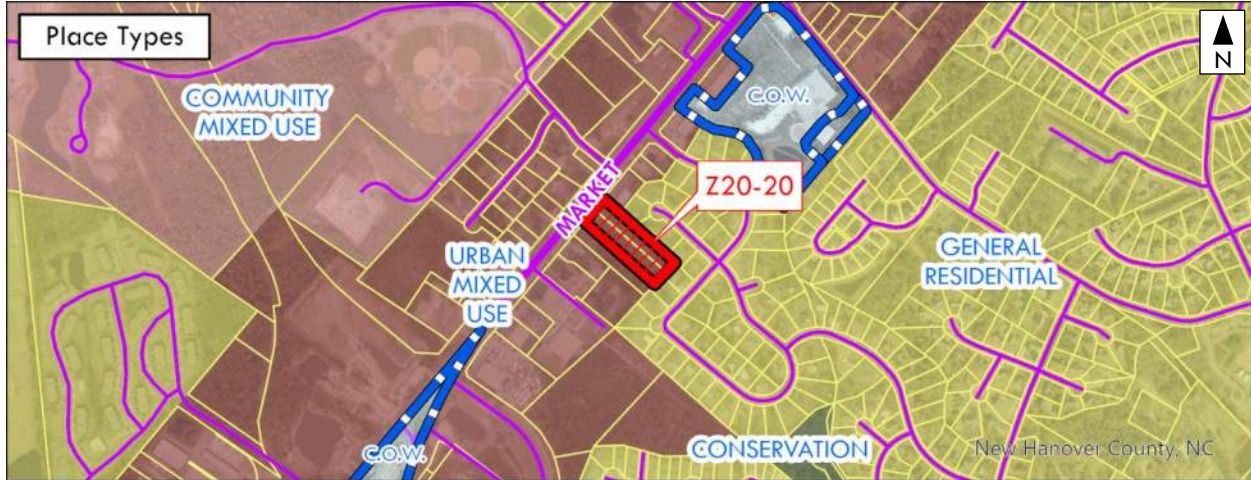
*Commercial and Furniture Retail along Market Street*

**NEW HANOVER COUNTY STRATEGIC PLAN**

- One of the goals of the New Hanover County Strategic Plan for 2018-2023 is to encourage the development of complete communities in the unincorporated county by increasing housing diversity and access to basic goods and services.
- The subject site is located in the Ogden community area, where 70% of residents currently live within one-mile of a provider of convenience needs (grocery stores, retail staples, pharmacies, etc.) and 94% of residents live within two miles. Provision of convenience needs at this location is unlikely to increase access for the community's residents.
- As detached single family homes typical in R-15 zoning districts are the predominant housing type and make up 92% of residential units in the Ogden community area, the conversion of these properties to commercial zoning will not decrease housing diversity.

## 2016 COMPREHENSIVE LAND USE PLAN

The New Hanover County Future Land Use Map provides a general representation of the vision for New Hanover County's future land use, as designated by place types describing the character and function of the different types of development that make up the community. These place types are intended to identify general areas for particular development patterns and should not be interpreted as being parcel specific.



<b>Future Land Use Map Place Type</b>	Urban Mixed Use
<b>Place Type Description</b>	Promotes development of a mix of residential, office, and retail uses at higher densities. Types of uses encouraged include office, retail, mixed use, small recreation, commercial, institutional, single-family, and multi-family residential.
<b>Analysis</b>	<p>The subject site is located at the eastern edge of an area that the Comprehensive Plan ultimately envisions as an Urban Mixed Use place that would provide goods and services for nearby residents and the larger community. This designation was applied to the area near Gordon/Market and Military Cutoff Extension/Market intersections because of the existing commercial development pattern and high traffic volume. This designation anticipates the gradual conversion of residential properties along the Market Street corridor to commercial and mixed use projects.</p> <p>The site is immediately adjacent to existing commercial to the northeast along Market St. and existing single-family residential to the north and south and west. The proposed conditional retail sales and personal services uses with accessory warehouse is consistent with the types of commercial uses that would be appropriate in an Urban Mixed Use place type and, as lower traffic generators, would also serve as an appropriate transition away from the higher intensity roadway intersections to the west.</p>
<b>Consistency Recommendation</b>	The proposed rezoning for the retail sales and personal services use with accessory warehouse is generally <b>CONSISTENT</b> with the types of commercial uses encouraged in the Urban Mixed Use place type.

## STAFF RECOMMENDATION

The proposed rezoning is generally **CONSISTENT** with the goals and objectives of the Comprehensive Plan and the types of commercial uses encouraged in the Urban Mixed Use place type, as it is located in an area that the plan ultimately envisions as Urban Mixed Use that would provide goods and services for nearby residents.

Therefore, **staff recommends approval** of this application and suggests the following motion:

I move to **APPROVE** the proposed rezoning to a (CZD) CB district. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposed uses are consistent with the types of commercial uses that would be encouraged in the Urban Mixed Use place type and would serve as an appropriate transition between existing commercial development and adjacent residential neighborhoods. I also find **APPROVAL** of the rezoning request is reasonable and in the public interest because the site is in close proximity to the Military Cutoff Extension and existing commercial services; therefore, it is unlikely that a new single family residence will be constructed on the site.

### Alternative Motion for Denial

I move to **DENY** the proposed rezoning to a (CZD) CB district. While I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposed uses are consistent with the types of commercial uses that would be encouraged in the Urban Mixed Use place type and would serve as an appropriate transition between existing commercial development and adjacent residential neighborhoods, I find **DENIAL** of the rezoning request is reasonable and in the public interest because the proposal is not consistent with the surrounding community and the use will adversely impact the adjacent neighborhoods.

**Case:**

Z20-20

**Site Address:**

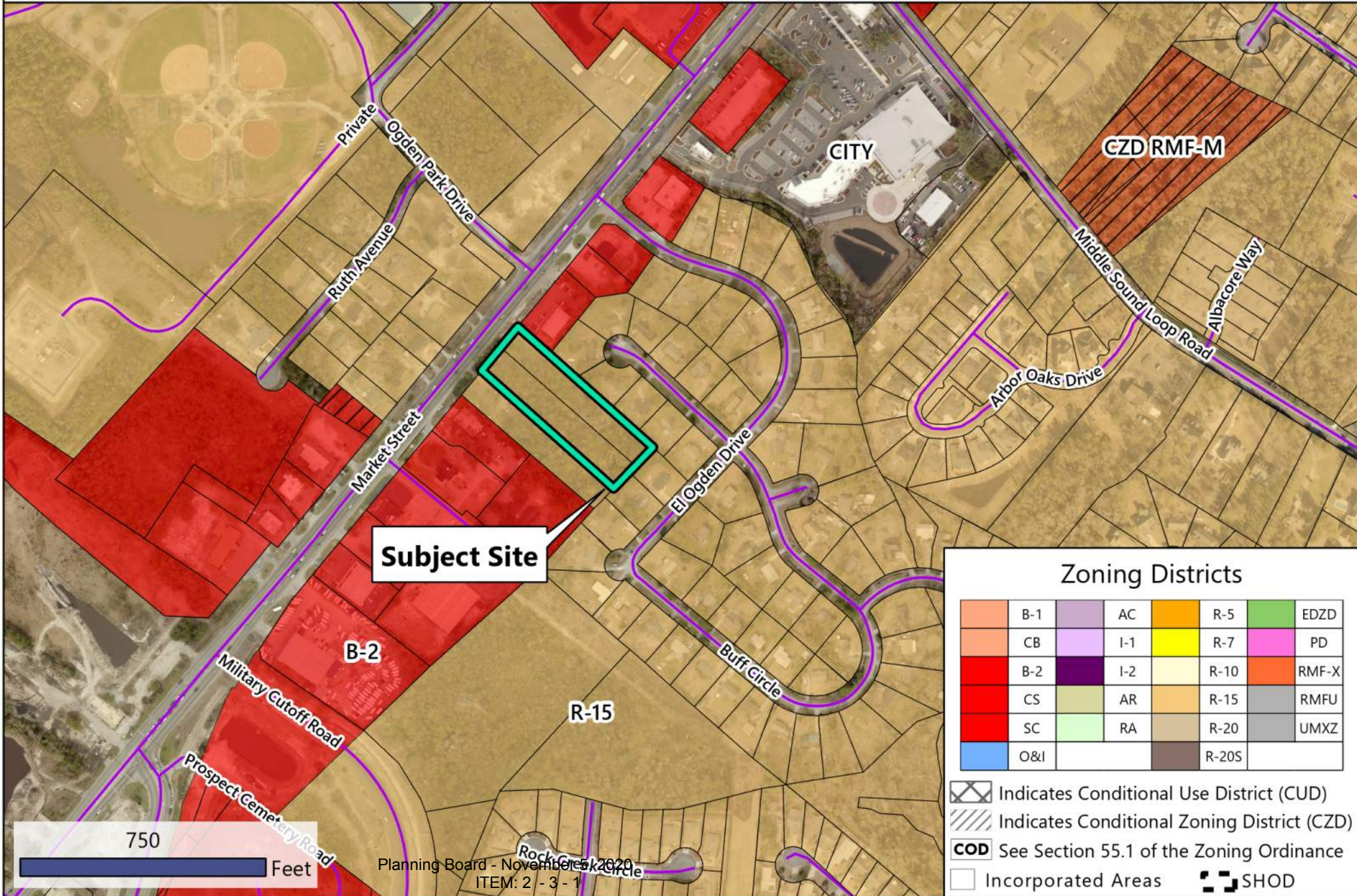
7000 block  
Market St

**Existing Zoning/Use:**

R-15/  
Undeveloped

**Proposed Zoning**

CZD CB/  
Retail



**Subject Site**

**Zoning Districts**

	B-1		AC		R-5		EDZD
	CB		I-1		R-7		PD
	B-2		I-2		R-10		RMF-X
	CS		AR		R-15		RMFU
	SC		RA		R-20		UMXZ
	O&I				R-20S		

- Indicates Conditional Use District (CUD)
- Indicates Conditional Zoning District (CZD)
- COD** See Section 55.1 of the Zoning Ordinance
- Incorporated Areas
- SHOD

750  
Feet

**Case:**

Z20-20

**Site Address:**

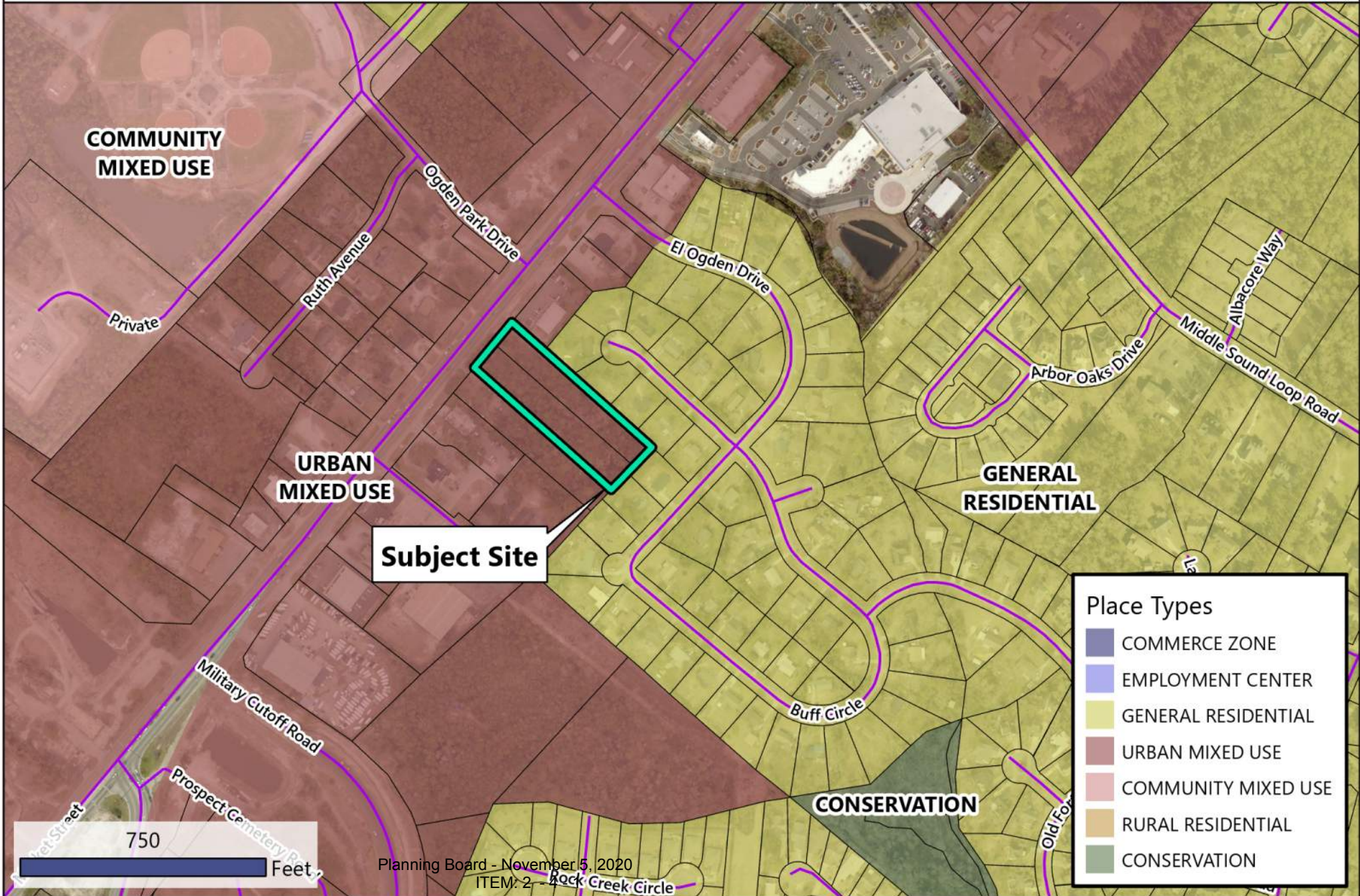
7000 block  
Market St

**Existing Zoning/Use:**

R-15/  
Undeveloped

**Proposed Zoning**

CZD CB/  
Retail



COMMUNITY  
MIXED USE

URBAN  
MIXED USE

Subject Site

GENERAL  
RESIDENTIAL

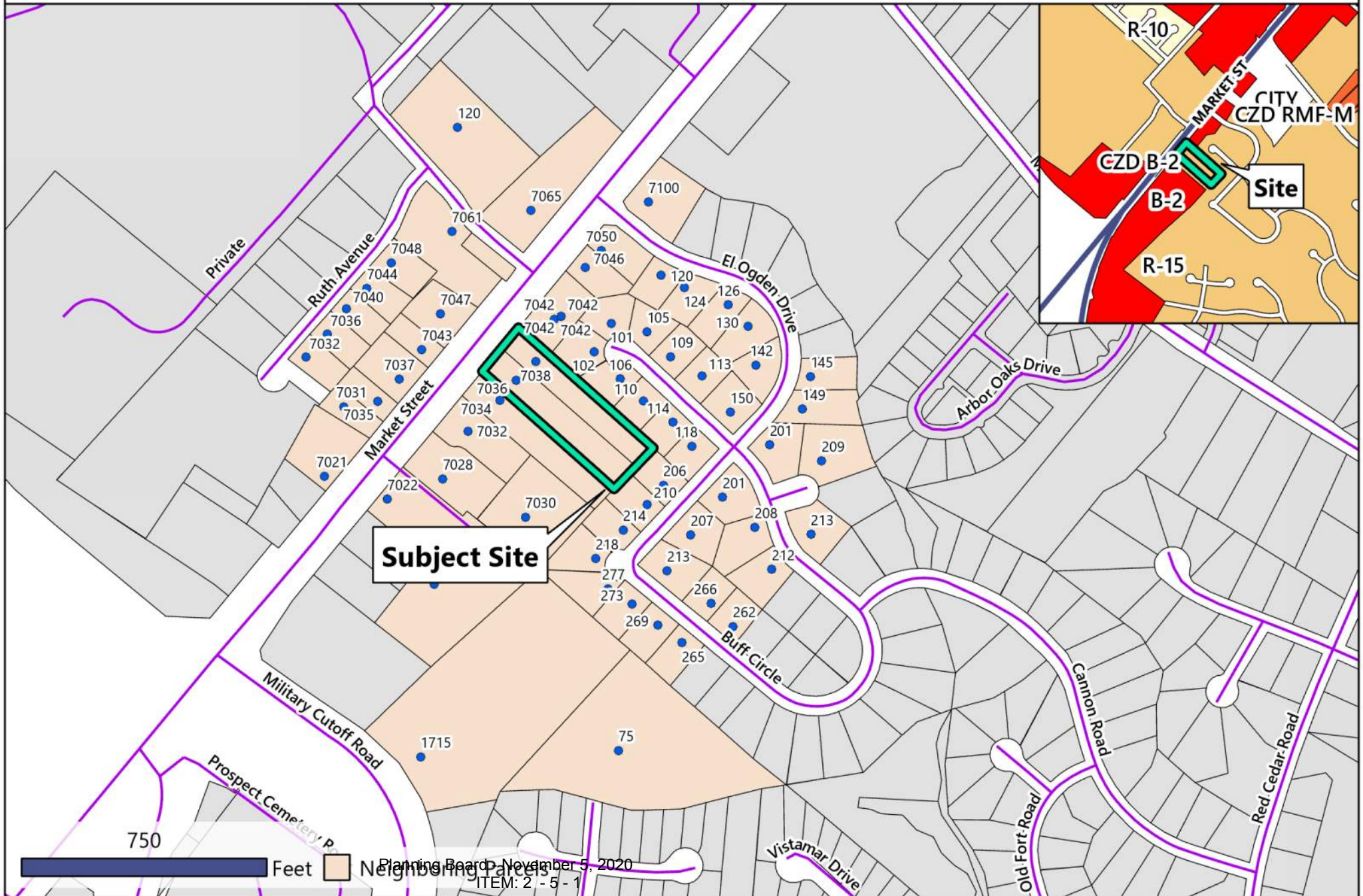
CONSERVATION

**Case:**  
Z20-20

**Site Address:**  
7000 block  
Market St

**Existing Zoning/Use:**  
R-15/  
Undeveloped

**Proposed Zoning**  
CZD CB/  
Retail



**Subject Site**

750 Feet

Planning Board Meeting November 5, 2020  
ITEM: 2 - 5 - 1



# **APPLICANT MATERIALS**





7036 & 7038  
Market Street

# 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)



### 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> CINDEE WOLF	<b>Owner Name</b> (if different from Applicant/Agent) EDNA F. DUPREE HEIRS (KAREN COLEY)
<b>Company</b> DESIGN SOLUTIONS	<b>Company/Owner Name 2</b> EDWARD FOYLES HEIRS (LEWIS HINES)
<b>Address</b> PO BOX 7221	<b>Address</b> C/O EASTERN CAROLINAS COMMERCIAL REAL ESTATE 4922 RANDALL PKWY. STE. D
<b>City, State, Zip</b> WILMINGTON, NC 28406	<b>City, State, Zip</b> WILMINGTON, NC 28403
<b>Phone</b> 910-620-2374	<b>Phone</b> 910-399-4602 / DAVID BRANTON
<b>Email</b> CWOLF@LOBODEMAR.BIZ	<b>Email</b> DAVID@ECCRENC.COM

#### 2. Subject Property Information

<b>Address/Location</b> 7036 & 7038 MARKET ST		<b>Parcel Identification Number(s)</b> 315919.60.0724 & 315919.60.0880	
<b>Total Parcel(s) Acreage</b> 2.22 AC.	<b>Existing Zoning and Use(s)</b> R-15 / VACANT	<b>Future Land Use Classification</b> URBAN MIXED-USE	

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

<b>Case Number:</b> 220-20	<b>Date/Time Received:</b> 10/8/20 AM	<b>Received by:</b> MLL
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### 3. Proposed Zoning, Use(s), & Narrative

<b>Proposed Conditional Zoning District:</b> (CZD) CB	<b>Total Acreage of Proposed District:</b> 2.22 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>THE PURPOSE OF THE COMMUNITY BUSINESS (CB) DISTRICT IS TO ACCOMMODATE DEVELOPMENT, GROWTH AND CONTINUED OPERATION OF BUSINESSES THAT SERVE SURROUNDING NEIGHBORHOODS WITH GOODS &amp; SERVICES. THE BUSINESS OWNERS CURRENTLY OPERATE OUT OF A LEASED FACILITY. THEIR ESTABLISHMENT HAS BEEN VERY SUCCESSFUL, AND THEY DESIRE TO OWN THEIR BUSINESS PROPERTY. TO LEASE.</p> <p>THE PROPOSAL INCLUDES:</p> <ul style="list-style-type: none"> <li>** 16,000 S.F. / ONE-STORY / COMMERCIAL BUILDING FOR A 10,000 S.F. OUTDOOR FURNITURE BUSINESS SHOWROOM &amp; 6,000 S.F. OF ADDITIONAL SPACE TO BE LEASED FOR MISC. RETAIL AND / OR PERSONAL SERVICES</li> <li>** 5,000 S.F. / ONE-STORY / WAREHOUSE BUILDING FOR THE OUTDOOR FURNITURE STOCK</li> <li>** PARKING &amp; STORMWATER MANAGEMENT FACILITY</li> </ul>	

### 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.

REFERENCE SITE PLAN FOR LAYOUT, PROPOSED IMPROVEMENTS AND DETAILS.

### 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:** 15,000 SF FURNITURE STORE (890) & / 6,000 S.F. MISC. RETAIL (820)

<b>Trip Generation Use and Variable (gross floor area, dwelling units, etc.)</b>	<b>GROSS FLOOR AREA (GFA)</b>
<b>AM Peak Hour Trips:</b> 3 / 6 = 9	<b>PM Peak Hour Trips:</b> 7 / 22 = 9

## 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 SEVERAL YEARS, BUT CURRENTLY OCCUPIES A LEASED SPACE. THE PURPOSE IS TO HAVE OWNERSHIP OF THE PROPERTY AND ADDITIONAL INCOME FROM LEASED SPACE. THE PROPERTY IS ALONG A MAJOR COMMERCIAL CORRIDOR WHERE BUSINESS ACTIVITIES ARE MOST CONVENIENT. SUSTAINABILITY OF THE COUNTY DEPENDS ON SENSIBLE IN-FILL AND MAXIMIZING USE OF LANDS ALREADY ACCESSIBLE TO SERVICES.

**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 "COMMUNITY MIXED-USE" PLACE-TYPE. THE PLAN SUGGESTS HIGHER DENSITIES AND MORE INTENSIVE USES TO SUPPORT THE SURROUNDING RESIDENTIAL NEIGHBORHOODS. THE PROPOSED PROJECT IS AN ACCEPTABLE TRANSITION BETWEEN THE BUSY HIGHWAY CORRIDOR AND THE MORE ESTABLISHED SINGLE-FAMILY HOUSING BESIDE & BEHIND IT.

**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?**

MARKET STREET (U.S. HWY. 17) IS A MAJOR THOROUGHFARE OF THE COMMUNITY. SINGLE-FAMILY RESIDENCES ARE MUCH LESS ATTRACTIVE ALONG BUSY TRAFFIC CORRIDORS. TRANSITION OF USES IS AN ACCEPTABLE PLANNING STRATEGY.

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**

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

Karen Coley  
Signature of Property Owner(s)

KAREN COLEY FOR EDNA F. DUPREE HEIRS  
Print Name(s)

Cynthia Wolf  
Signature of Applicant/Agent

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.



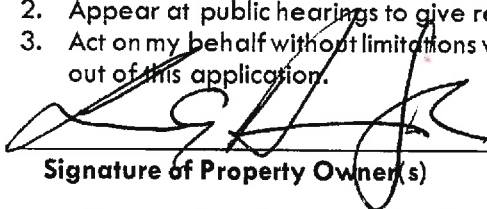


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\_\_\_\_\_  
Signature of Property Owner(s)

*Cynthia Wolf*

Signature of Applicant/Agent

LEWIS HINES FOR EDWARD FOYLES HEIRS

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.

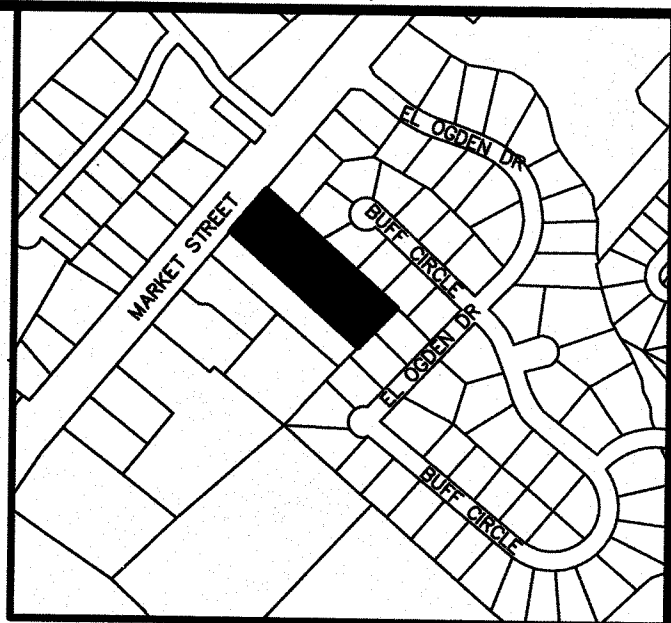
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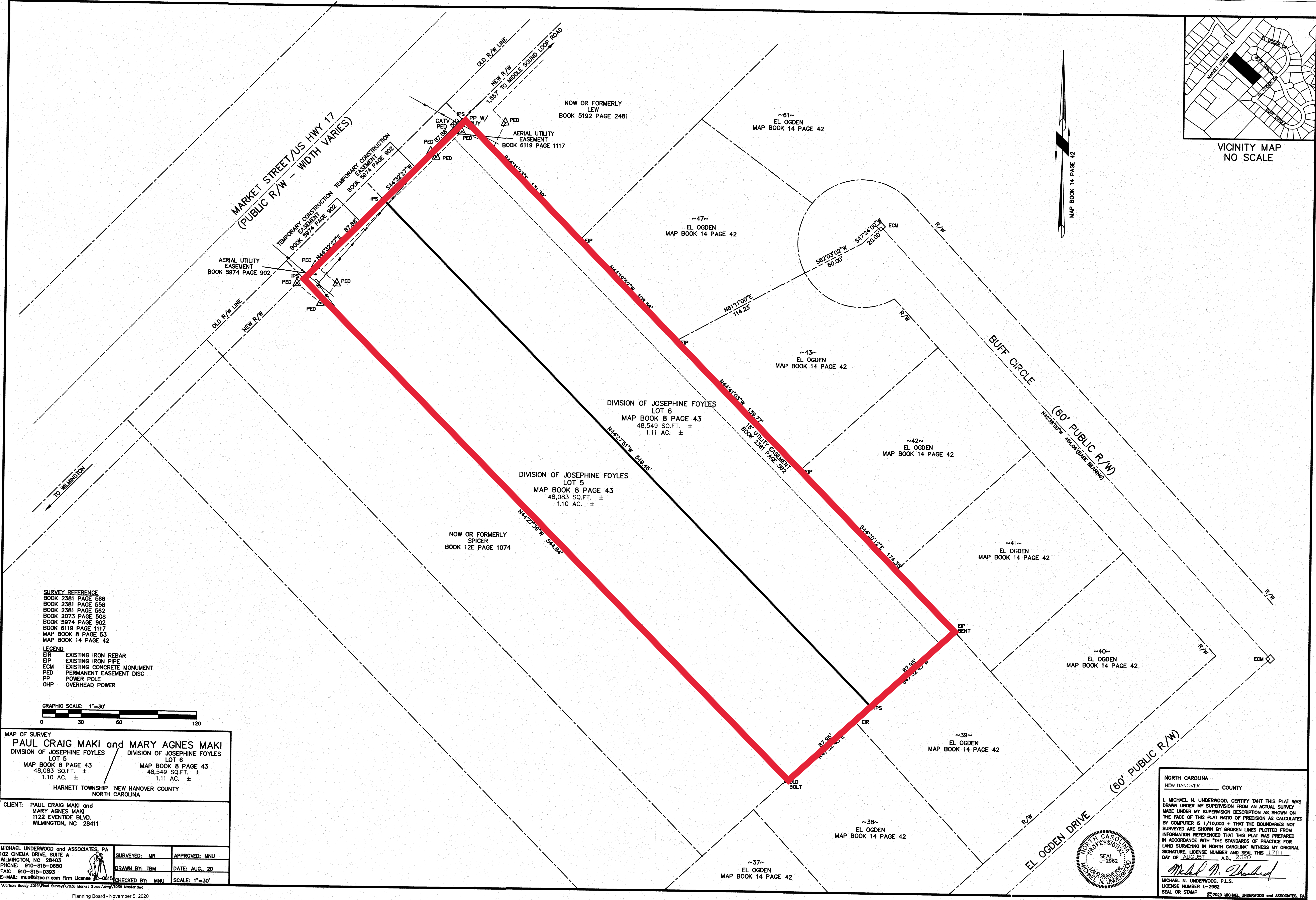
Legal Description for  
Conditional Zoning District Petition  
On 7036 & 7038 Market Street

Beginning at a point in the southeastern boundary of Market Street (U.S. Hwy. 17), a variable width public right-of-way; said point being located approximately 1557 feet south along that right-of-way from its intersection with Middle Sound Loop Road; and running thence:

South  $44^{\circ}31'23''$  East, 131.39 feet to a point; thence  
South  $44^{\circ}19'52''$  East, 108.56 feet to a point; thence  
South  $44^{\circ}41'03''$  East, 139.77 feet to a point; thence  
South  $44^{\circ}20'12''$  East, 174.35 feet to a point; thence  
South  $47^{\circ}32'43''$  West, 175.90 feet to a point; thence  
North  $44^{\circ}27'39''$  West, 544.84 feet to a point in the southeastern boundary of Market Street;  
thence with that right-of-way,  
North  $44^{\circ}32'27''$  East, 175.76 feet to the point and place of beginning, containing 2.22 acres,  
more or less.

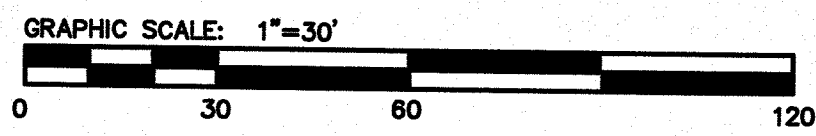


VICINITY MAP  
NO SCALE



**SURVEY REFERENCE**  
BOOK 2381 PAGE 566  
BOOK 2381 PAGE 558  
BOOK 2381 PAGE 562  
BOOK 2073 PAGE 508  
BOOK 5974 PAGE 902  
BOOK 6119 PAGE 1117  
MAP BOOK 8 PAGE 53  
MAP BOOK 14 PAGE 42

**LEGEND**  
EIR EXISTING IRON REBAR  
EIP EXISTING IRON PIPE  
ECM EXISTING CONCRETE MONUMENT  
PED PERMANENT EASEMENT DISC  
PP POWER POLE  
OHP OVERHEAD POWER



**MAP OF SURVEY**  
**PAUL CRAIG MAKI and MARY AGNES MAKI**  
DIVISION OF JOSEPHINE FOYLES LOT 5  
DIVISION OF JOSEPHINE FOYLES LOT 6  
MAP BOOK 8 PAGE 43 48,083 SQ.FT. ± 1.10 AC. ±  
MAP BOOK 8 PAGE 43 48,549 SQ.FT. ± 1.11 AC. ±  
HARNETT TOWNSHIP NEW HANOVER COUNTY  
NORTH CAROLINA

**CLIENT:** PAUL CRAIG MAKI and MARY AGNES MAKI  
1122 EVENTIDE BLVD.  
WILMINGTON, NC 28411

**MICHAEL UNDERWOOD and ASSOCIATES, PA**  
102 CINEMA DRIVE, SUITE A  
WILMINGTON, NC 28403  
PHONE: 910-815-0850  
FAX: 910-815-0393  
E-MAIL: muo@iscr.com Firm License C-0815

SURVEYED: MR	APPROVED: MINU
DRAWN BY: TBM	DATE: AUG., 20
CHECKED BY: MINU	SCALE: 1"=30'

NORTH CAROLINA  
NEW HANOVER COUNTY

I, MICHAEL N. UNDERWOOD, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION DESCRIPTION AS SHOWN ON THE FACE OF THIS PLAT RATIO OF PRECISION AS CALCULATED BY COMPUTER IS 1/10,000 ± THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN BY BROKEN LINES PLOTTED FROM INFORMATION REFERENCED THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH "THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA" WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 17TH DAY OF AUGUST A.D., 2020

*Michael N. Underwood*  
MICHAEL N. UNDERWOOD, P.L.S.  
LICENSE NUMBER L-2982  
SEAL OR STAMP

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

Project Name: Porch Concepts / 7036 & 7038 Market St  
Proposed Zoning: R-15 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

Porch Concepts / 3076 & 3078 Market St

Name	Address	Email (Optional)
Steven H. Everhart	1701 Canady Rd	<a href="mailto:severhart@ec.rr.com">severhart@ec.rr.com</a>
Shirlene Spicer	7034 Market St	<a href="mailto:spicermuse@gmail.com">spicermuse@gmail.com</a>
Cindee Wolf	Project Planner	<a href="mailto:cwolf@lobodemar.biz">cwolf@lobodemar.biz</a>

While I appreciate the fact that a stormwater plan will be developed for this site/project and that the site plan (now missing from the notice) includes a stormwater detention pond, the community downstream from the site floods with even minor storms. With removal of the vegetation and replacement with impervious surface, the stormwater plan MUST take into consideration downstream flow and as this is a special use permit, any modification to the property MUST insure that downstream runoff from this property will be ZERO even for a 100 year storm.

Steven H. Everhart, PhD  
MAJ (Ret.) USA Medical Service Corps  
1701 Canady Rd.  
Wilmington, NC 28411  
910-262-2442  
[severhart@ec.rr.com](mailto:severhart@ec.rr.com)

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Dr. Everhart,  
Thank you for your comments. When I link to the notice it includes the site plan on page two, but I attached a copy for your convenience.

Detailed stormwater design and permitting will certainly take into consideration ALL aspects of the pre- / post- drainage conditions and downstream flow – as per the current regulations.

Your contact will be logged in the report included with the future submittal.

Regards, Cindee

ATTN: Cindee Wolf

My husband and I have received the correspondence dated 15 Sept 2020 advising what is planned for the properties: 7036 & 7038 Market Street in Wilmington NC. We appreciate you sharing the proposed plans and we wanted to convey that we are not supporting the current plans that show a retention pond at the rear of the properties and the parking lot of the proposed businesses facing our adjacent residential property at 7034 Market Street. We find that having a parking lot directly placed next to the residence increases the level of crime, lighting and noise levels and so that the parking lot should be planned to be adjacent to the existing shops and its parking lot to the north of the properties. Thank you.

Sincerely,  
Mrs. Shirlene Spicer  
[spicermuse@gmail.com](mailto:spicermuse@gmail.com)

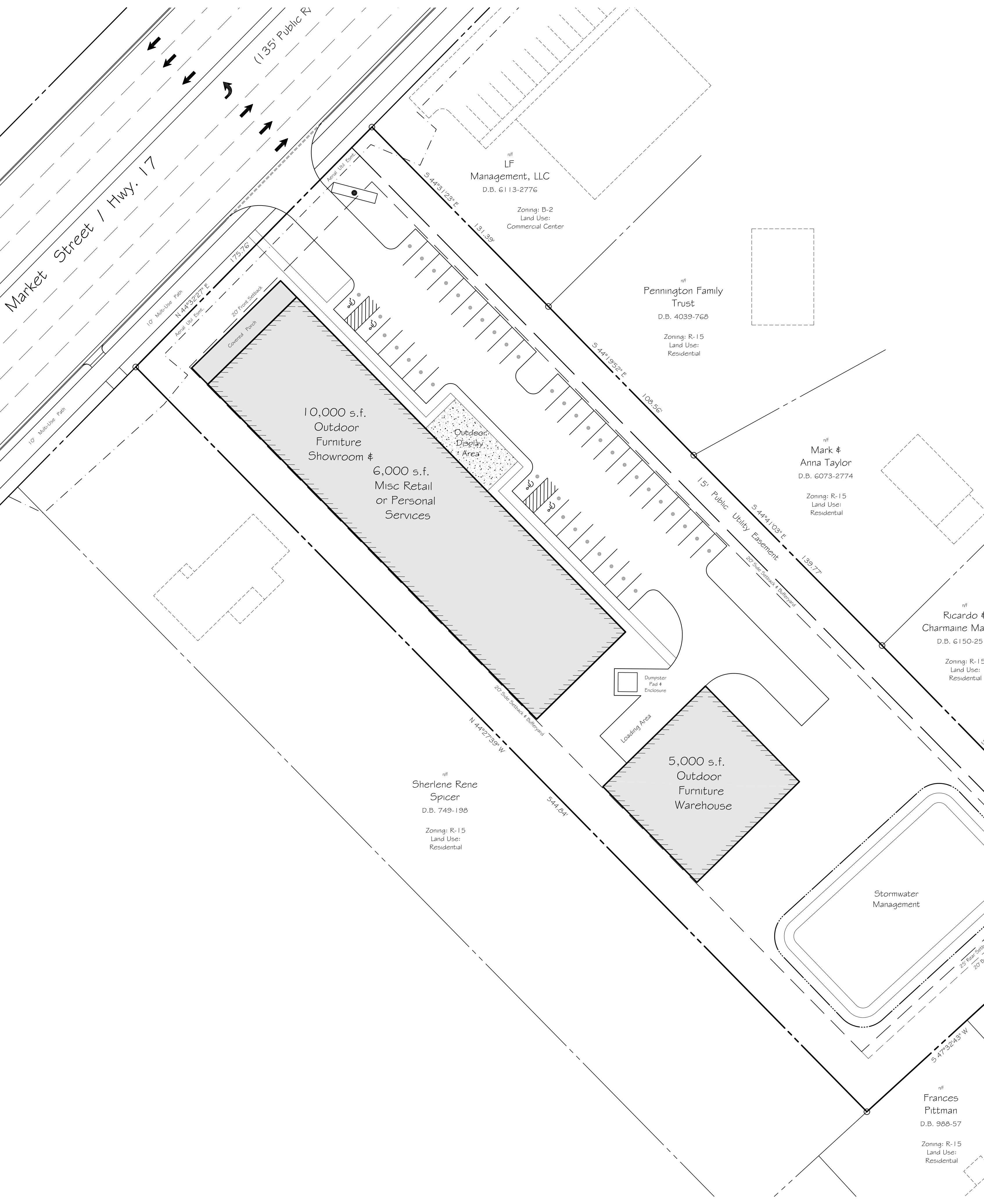
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Mrs. Spicer,  
Thank you for your comments. I have attached an updated plan on which we've mirrored the layout. The building will now be along your common border – not the parking area. There is also a 20' planted buffer required along that entire boundary. All existing trees that can be preserved must be, and then the area will have evergreen shrubbery added to screen the building.

Additionally, there really won't be a "pond" – something with standing water. This area has soils adequate for groundwater infiltration. One option is to incorporate infiltration basins under the parking lot pavement. The other is more like a depression in the ground. When it rains, it may be wet for a period of time until it seeps in. Otherwise, it stays dry.

I will include your contact information and comments on the report that gets submitted along with the rezoning petition. Please don't hesitate to contact me again if you have additional questions.

Thank you, Cindee



Market Street / Hwy. 17

(135') Public R<sub>1</sub>

n/f  
LF  
Management, LLC  
D.B. 6113-2776

Zoning: B-2  
Land Use:  
Commercial Center

n/f  
Pennington Family  
Trust  
D.B. 4039-768

Zoning: R-15  
Land Use:  
Residential

n/f  
Mark &  
Anna Taylor  
D.B. 6073-2774

Zoning: R-15  
Land Use:  
Residential

n/f  
Ricardo &  
Charmaine Mar  
D.B. 6150-251

Zoning: R-15  
Land Use:  
Residential

n/f  
Sherlene Rene  
Spicer  
D.B. 749-198

Zoning: R-15  
Land Use:  
Residential

5,000 s.f.  
Outdoor  
Furniture  
Warehouse

Stormwater  
Management

n/f  
Frances  
Pittman  
D.B. 988-57

Zoning: R-15  
Land Use:  
Residential

10,000 s.f.  
Outdoor  
Furniture  
Showroom &

6,000 s.f.  
Misc Retail  
or Personal  
Services

Outdoor  
Display  
Area

Dumpster  
Pad &  
Enclosure

Loading Area

10' Multi-Use Path  
N 44° 32' 27" E  
175.76'

20' Front Setback  
Covered Porch

5 44° 31' 23" E  
131.39'

5 44° 19' 52" E  
108.56'

15' Public  
Utility Easement  
S 44° 41' 03" E  
139.77'

20' Side Setback & Buffer  
Zone

N 44° 27' 39" W  
544.84'

S 47° 32' 43" W





P.O. Box 7221  
Wilmington, NC 28406

*Design Solutions*

CHARLOTTE NC 280  
16 SEP 2020 PM 3 L



NIXON CARRIE L  
7048 RUTH AVE

28411

NIXON48\* 276 NCC 1 919C0209/27/20  
FORWARD TIME EXP RTN TO SEND  
NIXON CARRIE L  
32 HAMPTON DR  
CASTLE HAYNE NC 28429-5349  
RETURN TO SENDER

FWD  
28406>7221



P.O. Box 7221  
Wilmington, NC 28406

*Design Solutions*

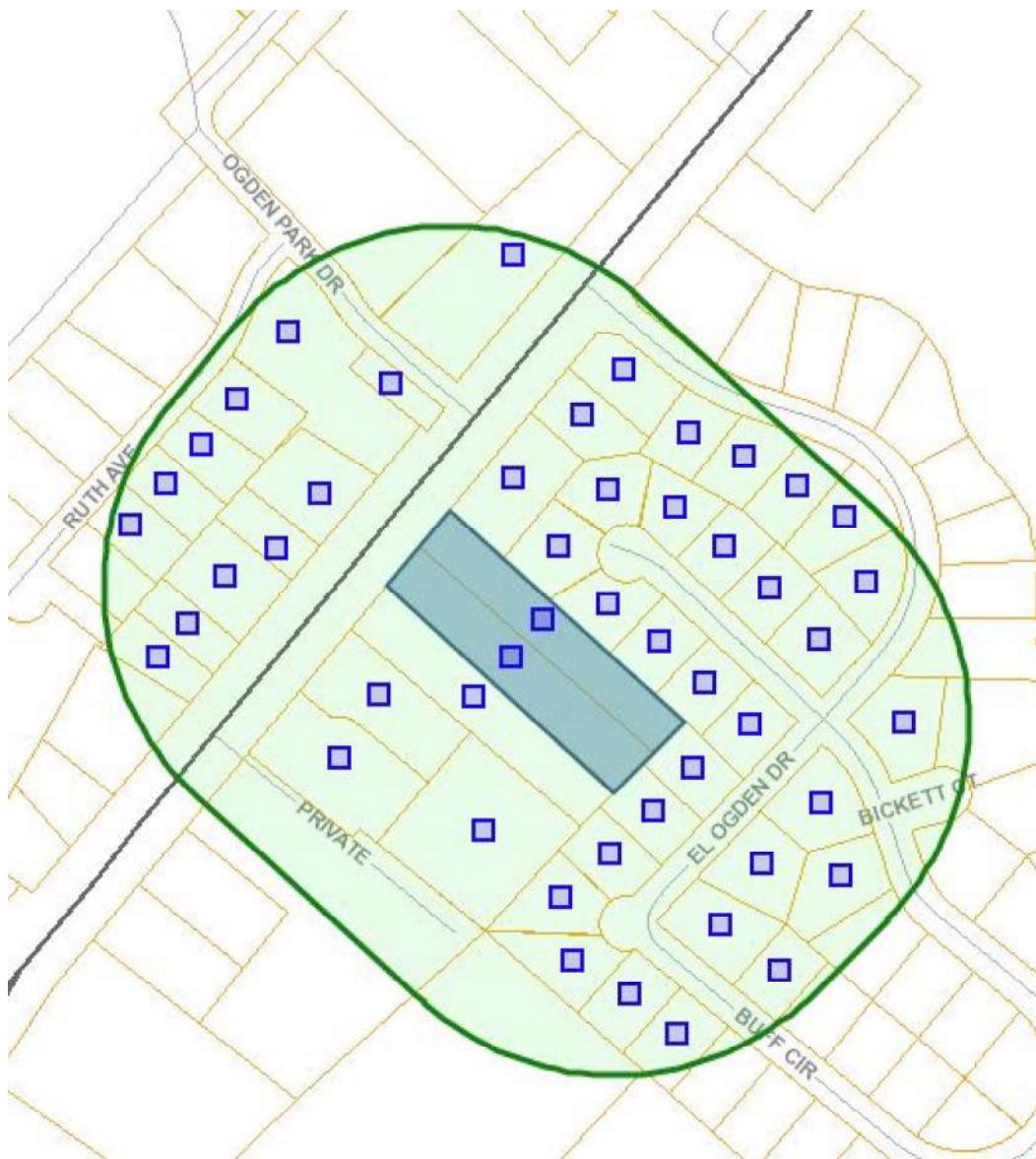
TYNER KAREN W  
1123 PARK VIEW DR  
COVINA, CA 91724



NIXIE 911 CE 1 7209/23/20  
RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD  
SC: 28406722121 \*0348-05255-17-02

9303610735809987

UNC  
28406>7221  
91724\$3748 0061



OWNER NAME	MAILING ADDRESS	CITY / STATE / ZIP	PROPERTY ADDRESS
C310 CAMPUS PROPERTIES LLC	2180 TALMAGE DR	LELAND, NC 28451	7028 MARKET ST WILMINGTON
CASTRO SAUL	120 EL OGDEN DR	WILMINGTON, NC 28411	120 EL OGDEN DR WILMINGTON
CERVANTES ALVARO	7015 MARKET ST	WILMINGTON, NC 28411	7043 MARKET ST WILMINGTON
CHASE & DYLAN MIHALY LLC	7500 ANACA POINT RD	WILMINGTON, NC 28411	7031 MARKET ST WILMINGTON
CHRISTLEY STEPHEN L KAREN D	109 BUFF CIR	WILMINGTON, NC 28405	109 BUFF CIR WILMINGTON
DITZ GREGORY A RENEE L	5516 DAWNING CREEK WAY	WILMINGTON, NC 28409	114 BUFF CIR WILMINGTON
EVANS ROBERT ETAL	7037 MARKET ST	WILMINGTON, NC 28405	7037 MARKET ST WILMINGTON
GAINES JAMES LORI	1605 ORION PL	WILMINGTON, NC 28405	269 BUFF CIR WILMINGTON
GISLASON ERIC T	PO BOX 11220	WILMINGTON, NC 28404	124 EL OGDEN DR WILMINGTON
GLOBAL PROPERTY HOLDINGS LLC	6601 SPRING GARDEN DR	WILMINGTON, NC 28403	101 BUFF CIR WILMINGTON
GROSSMAN SHERWOOD L LOURDES	206 EL OGDEN DR	WILMINGTON, NC 28405	206 EL OGDEN DR WILMINGTON
HALL CATHY S ETAL	126 EL OGDEN DR	WILMINGTON, NC 28411	126 EL OGDEN DR WILMINGTON
HERNANDEZ CYNTHIA	4826 WALTMOOR RD	WILMINGTON, NC 28409	201 BUFF CIR WILMINGTON
K & J HOLDINGS LLC	1645 ARLINGTON BLV E STE E	GREENVILLE, NC 27858	7050 MARKET ST WILMINGTON
K&J HOLDINGS LLC	1645 ARLINGTON BLV E STE E	GREENVILLE, NC 27858	7046 MARKET ST WILMINGTON
KAPCZYNSKI COURTNEY TAYLOR ETAL	266 BUFF CIR	WILMINGTON, NC 28411	266 BUFF CIR WILMINGTON
KARP HELEN KATHERINE FUTCHUS	218 EL OGDEN DR	WILMINGTON, NC 28405	218 EL OGDEN DR WILMINGTON
LEGG ROBERT BETTY	130 EL OGDEN DR	WILMINGTON, NC 28411	130 EL OGDEN DR WILMINGTON
LF MANAGEMENT LLC	909 CICADA CT	WILMINGTON, NC 28405	7042 MARKET ST WILMINGTON
MARTELLS RICARDO M CHARMAINE D	110 BUFF CIR	WILMINGTON, NC 28411	110 BUFF CIR WILMINGTON
MASSEY DREW E ELISE C	403 JEWELL PT	WILMINGTON, NC 28411	113 BUFF CIR WILMINGTON
MILLIMAN ROBERT J	214 EL OGDEN DR	WILMINGTON, NC 28405	214 EL OGDEN DR WILMINGTON
MT ARARAT AME CHURCH	7061 MARKET ST	WILMINGTON, NC 28411	7061 MARKET ST WILMINGTON
MT ARARAT AME CHURCH	7065 MARKET ST	WILMINGTON, NC 28411	7065 MARKET ST WILMINGTON
NIXON ASSOCIATES LLC	7049 RUTH AVE	WILMINGTON, NC 28411	7035 MARKET ST WILMINGTON
NIXON CARRIE L	7048 RUTH AVE	WILMINGTON, NC 28411	7048 RUTH AVE WILMINGTON
NIXON CORNELIUS E III	5317 BLUE SAGE DR	RALEIGH, NC 27606	7040 RUTH AVE WILMINGTON
NIXON SANDRA L	5317 BLUE SAGE DR	RALEIGH, NC 27606	7044 RUTH AVE WILMINGTON
NIXON TEDDI A	277 BUFF CIR	WILMINGTON, NC 28411	277 BUFF CIR WILMINGTON
PENNINGTON FAMILY TRUST THE	721 WASHINGTON ACRES RD	HAMPSTEAD, NC 28443	102 BUFF CIR WILMINGTON
PENNINGTON FAMILY TRUST THE	721 WASHINGTON ACRES RD	HAMPSTEAD, NC 28443	118 BUFF CIR WILMINGTON
PETTET JAMES RILEY ETAL	150 EL OGDEN DR	WILMINGTON, NC 28405	150 EL OGDEN DR WILMINGTON
PITTMAN FRANCES C	138 SOUND BLVD	NEWPORT, NC 28570	210 EL OGDEN DR WILMINGTON
PLOURDE CHARLES JR	208 BUFF CIR	WILMINGTON, NC 28405	208 BUFF CIR WILMINGTON
SCHLEICHER NICOLE	330 LAKE RD	NEWPORT, NC 28570	207 EL OGDEN DR WILMINGTON
SHEPS LLC	1000 CREEKSIDE LN	WILMINGTON, NC 28411	7030 MARKET ST WILMINGTON
SHIFFLETT RANDOLPH F JR LISA W	105 BUFF CIR	WILMINGTON, NC 28405	105 BUFF CIR WILMINGTON
SORDELLINI EDWARD R	213 EL OGDEN DR	WILMINGTON, NC 28411	213 EL OGDEN DR WILMINGTON
SPICER SHERLENE RENE	3032 THAYER ST NE	WASHINGTON, DC 20018	7034 MARKET ST WILMINGTON
SUSIE CHRISTY EDENS	273 BUFF CIR	WILMINGTON, NC 28405	273 BUFF CIR WILMINGTON
TAYLOR MARK D ANNA R	106 BUFF CIR	WILMINGTON, NC 28411	106 BUFF CIR WILMINGTON
TYNER KAREN W	1123 PARK VIEW DR	COVINA, CA 91724	142 EL OGDEN DR WILMINGTON
VEGA PACIFIC LLC	387 SKYLINE RD	HICKORY, NC 28601	201 EL OGDEN DR WILMINGTON
WAL WILMINGTON CW LLC	2970 PEACHTREE RD STE 805	ATLANTA, GA 30305	7032 MARKET ST WILMINGTON
WILLIAMS KENNETH L GLORIA E	7036 RUTH AVE	WILMINGTON, NC 28411	7036 RUTH AVE WILMINGTON
WILLIAMS LOUISE EVANS	7047 MARKET ST	WILMINGTON, NC 28405	7047 MARKET ST WILMINGTON

## Project Information Notice

September 15, 2020

To: Adjacent Property Owners

Re: 7036 & 7038 Market Street

My clients are interested in purchasing the referenced property for an outdoor furniture store and an additional building for offices or small retail shops. An exhibit of the site layout is attached. 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.

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.



Market Street

Live Oak Center

Buff Circle

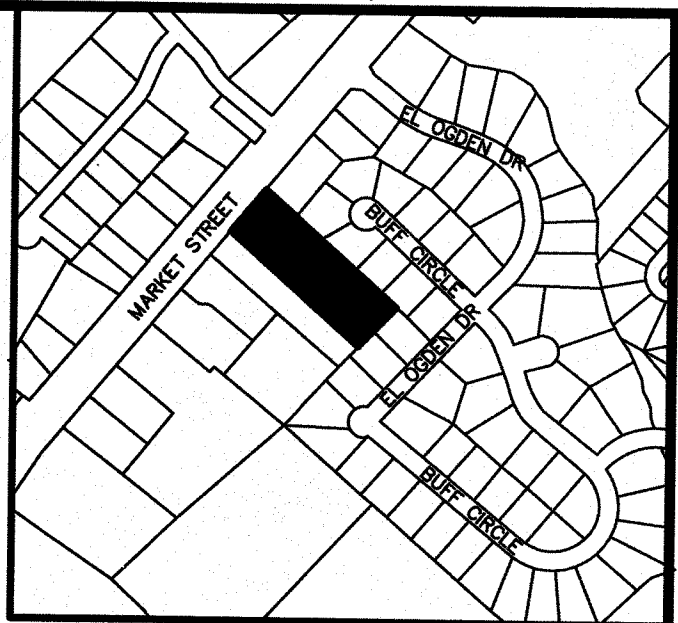
Open Porch

15,000 s.f.  
Outdoor  
Furniture  
Store

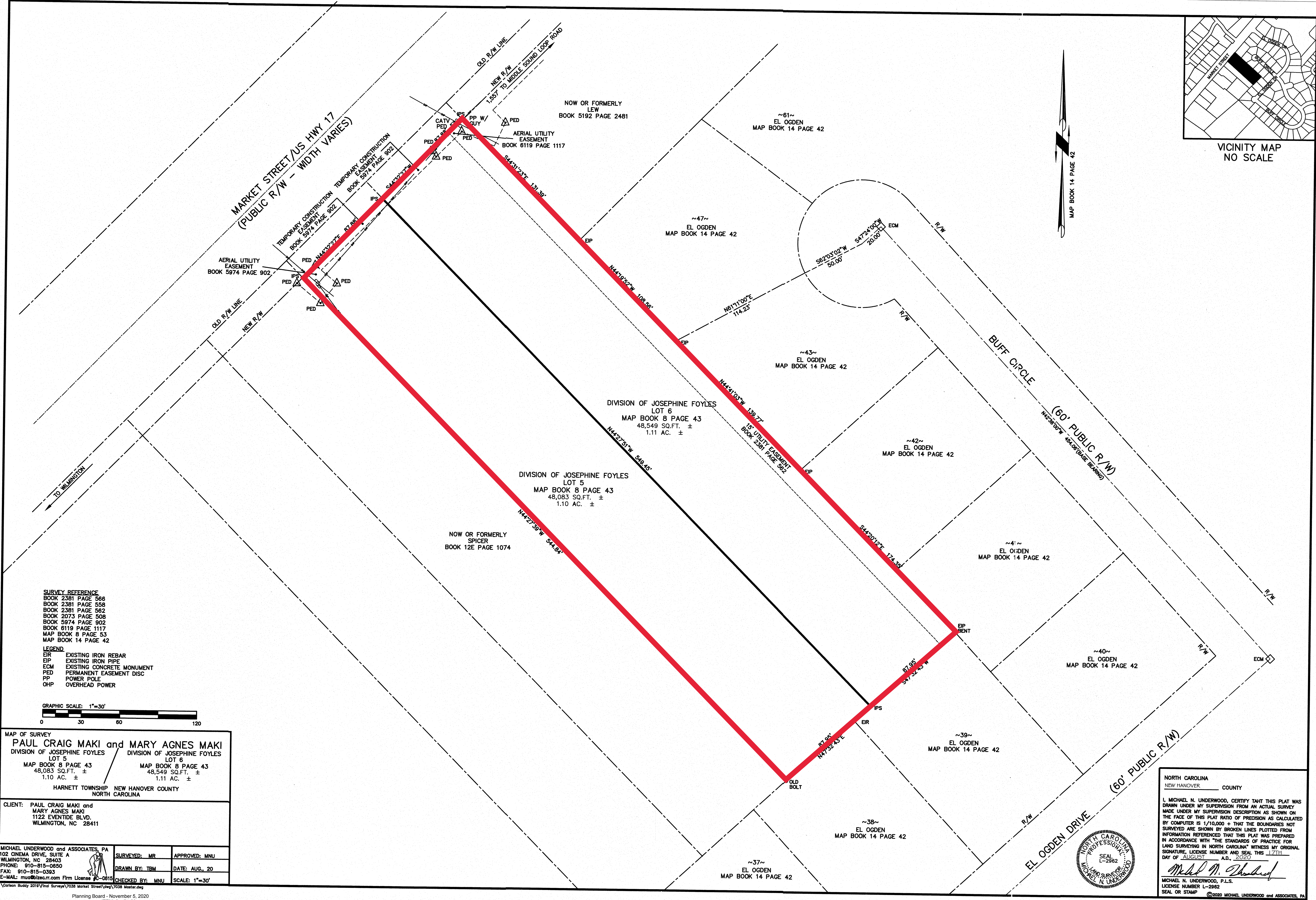
New  
Car Wash  
(Under Construction)

6,000 s.f.  
Offices or  
Retail  
Shops

Stormwater  
Pond

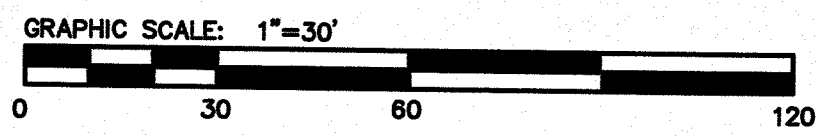


VICINITY MAP  
NO SCALE



**SURVEY REFERENCE**  
BOOK 2381 PAGE 566  
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**LEGEND**  
EIR EXISTING IRON REBAR  
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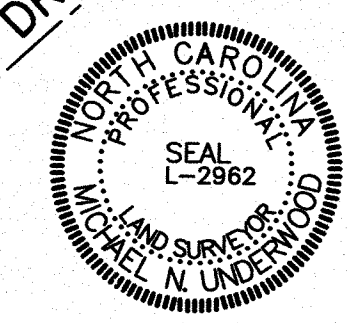


**MAP OF SURVEY**  
**PAUL CRAIG MAKI and MARY AGNES MAKI**  
DIVISION OF JOSEPHINE FOYLES LOT 5  
MAP BOOK 8 PAGE 43  
48,083 SQ.FT. ±  
1.10 AC. ±  
HARNETT TOWNSHIP NEW HANOVER COUNTY  
NORTH CAROLINA

**CLIENT:** PAUL CRAIG MAKI and  
MARY AGNES MAKI  
1122 EVENTIDE BLVD.  
WILMINGTON, NC 28411

MICHAEL UNDERWOOD and ASSOCIATES, P.A.  
102 CINEMA DRIVE, SUITE A  
WILMINGTON, NC 28403  
PHONE: 910-815-0850  
FAX: 910-815-0393  
E-MAIL: muo@isc.com Firm License C-0815

**SURVEYED:** MR. [Signature]  
**APPROVED:** MINU [Signature]  
**DRAWN BY:** TBM  
**DATE:** AUG. 20  
**CHECKED BY:** MINU  
**SCALE:** 1"=30'



NORTH CAROLINA  
NEW HANOVER COUNTY

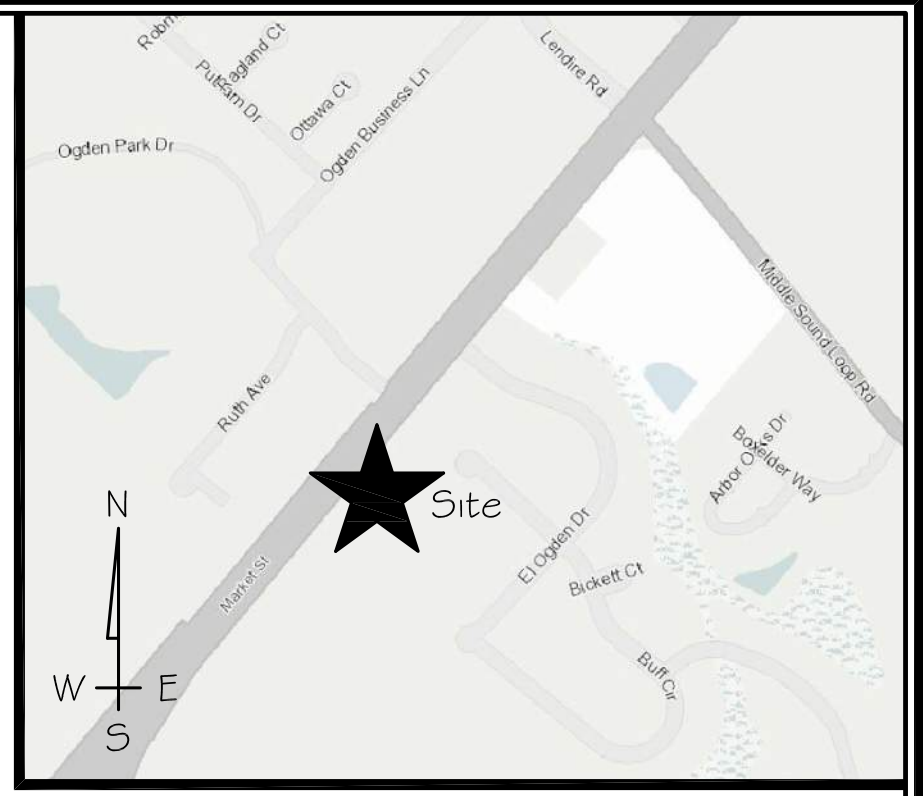
I, MICHAEL N. UNDERWOOD, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION DESCRIPTION AS SHOWN ON THE FACE OF THIS PLAT RATIO OF PRECISION AS CALCULATED BY COMPUTER IS 1/10,000 ± THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN BY BROKEN LINES PLOTTED FROM INFORMATION REFERENCED THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH "THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA" WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 17TH DAY OF AUGUST, A.D., 2020

*Michael N. Underwood*  
MICHAEL N. UNDERWOOD, P.L.S.  
LICENSE NUMBER L-2982  
SEAL OR STAMP ©2020 MICHAEL UNDERWOOD and ASSOCIATES, PA

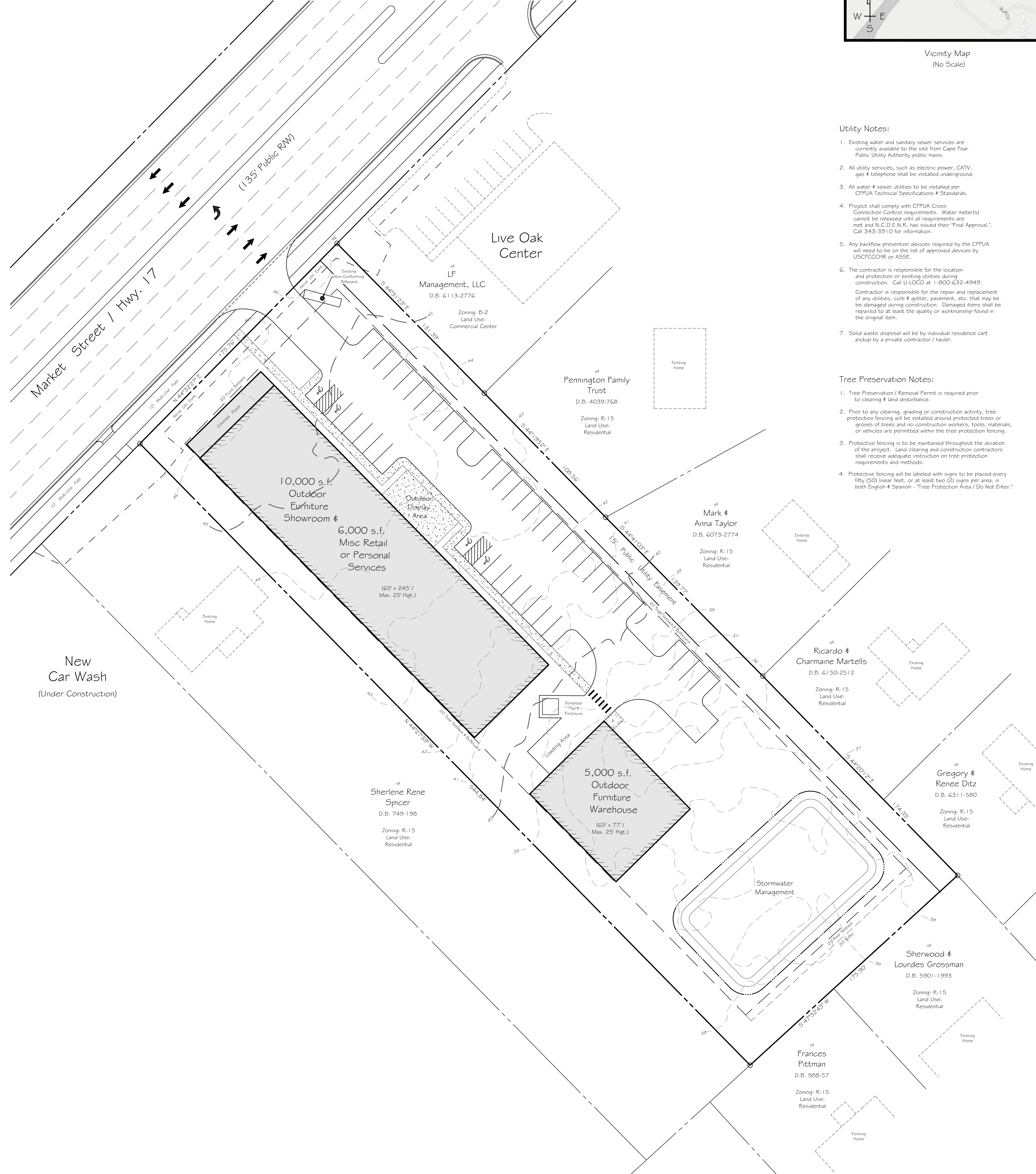
# **PROPOSED SITE PLAN**







Vicinity Map  
(No Scale)



**Utility Notes:**

- Existing water and sanitary sewer services are currently available to the site from Cape Fear Public Utility Authority public mains.
- All utility services, such as electric power, CATV, gas & telephone shall be installed underground.
- All water & sewer utilities to be installed per CFPUA Technical Specifications & Standards.
- Project shall comply with CFPUA Cross Connection Control requirements. Water meter(s) cannot be released until all requirements are met and N.C.D.E.N.R. has issued their "Final Approval." Call 343-3910 for information.
- Any backflow prevention devices required by the CFPUA will need to be on the lot of approved devices by USCFCOHR or ASSE.
- The contractor is responsible for the location and protection of existing utilities during construction. Call U-LOCO at 1-800-632-4949. Contractor is responsible for the repair and replacement of any utilities, curbs & gutters, pavement, etc. that may be damaged during construction. Damaged items shall be repaired to at least the quality or workmanship found in the original item.
- Solid waste disposal will be by individual residence cart pickup by a private contractor / hauler.

**Tree Preservation Notes:**

- Tree Preservation / Removal Permit is required prior to cleaning & land disturbance.
- Prior to any clearing, grading or construction activity, tree protection fencing will be installed around protected trees or groves of trees and no construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.
- Protective fencing is to be maintained throughout the duration of the project. Land clearing and construction contractors shall receive adequate instruction on tree protection requirements and methods.
- Protective fencing will be labeled with signs to be placed every fifty (50) linear feet, or at least two (2) signs per area, in both English & Spanish - "Tree Protection Area / Do Not Enter."

**Site Inventory Notes:**

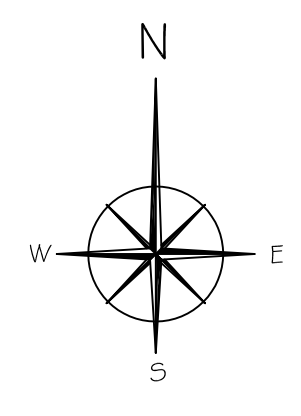
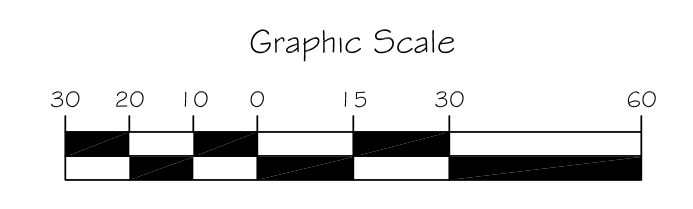
- Soils Type: Kr (Kureh sand)
- This property is not impacted by any AEC.
- There are no Conservation Overlay boundaries affecting this property.
- This site is not impacted by any recognized historic or archeological significance.
- No cemeteries were evidenced on the site.
- A visual inventory was made of the existing trees. There were no "significant" or "specimen" Live Oaks, nor other "significant" hardwood trees identified within the proposed development area. An actual field survey of all regulated & significant trees will be made before detailed design & permitting.
- There is no evidence of jurisdictional wetlands on the site.
- There is no evidence of endangered species or habitat issues on the site.
- This parcel is not within any Special Flood Hazard Area (SFHA) as evidenced on FIRM Panel 3720315900J.
- The site drainage flows into the Howe Creek drainage basin.

**Development Data:**

Lot Area - 96,634 s.f.±  
 Total Bldg. Area: 21,000 s.f. GFA  
 Bldg. Hgts.: 1-Story / max. 25'  
 Parking  
 16,000 s.f. Retail = 40  
 (Min. req'd @ 1 sp/400 s.f. GFA)  
 5,000 s.f. Warehouse = 2  
 (2 - Employees on Daily shift / 0 - Managerial Personnel in Warehouse / 0 - Vehicles used in conduct of business)  
 \*\* 45 spaces prov'd. \*\*  
 Impervious Surfaces -  
 Rooftop - 21,710 s.f.±  
 Pavement - 18,480 s.f.±  
 Walks - 2,894 s.f.±  
 Total - 43,084 s.f.± (44.6%)

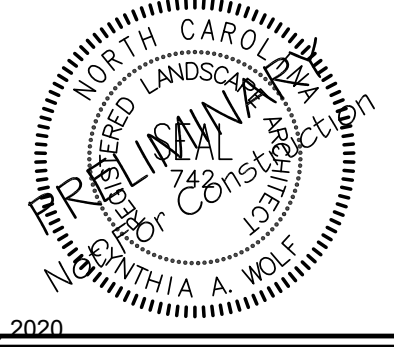
**General Notes:**

- New Hanover County Parcel Nos.:  
 PIN - 315919.60.0880  
 PID - R04400-005-016-000  
 PIN - 315919.60.0724  
 PID - R04400-005-017-000
- Tract Area: 2.22 ac.±
- Zoning District:  
 Existing - R-15  
 Proposed - (CZD) CB
- Comprehensive Plan Classification:  
 Urban Mixed-Use



P.O. Box 7221  
 Wilmington, NC 28406  
 Tel. 910-620-2374

Design Solutions  
 Planning Board - November 2020



Project No.	20-34
Scale	1" = 30'
Date	10/08/20
Revision	10/23/20 for Prelim Review Comments

Developer:  
 Paul & Mary Maki  
 6821 Market Street  
 Wilmington, NC 28405

Conditional Zoning  
 District Site Plan

Property Address: 7036 & 7038 Market Street

# Porch Concepts

Harnett Township / New Hanover County / North Carolina

**NEW HANOVER COUNTY PLANNING BOARD  
REQUEST FOR BOARD ACTION  
MEETING DATE: 11/5/2020**

Regular

**DEPARTMENT:** Planning      **PRESENTER(S):** Brad Schuler, Senior Planner

**CONTACT(S):** Brad Schuler; Rebekah Roth, Interim Planning and Land Use Director

**SUBJECT:**

**Public Hearing**

**Rezoning Request (Z20-21) – Request by Design Solutions on behalf of property owners, William S. and Tara S. Hackney, and Proclaim Holdings, LLC, to rezone approximately 3.28 acres of land located at 813 and 817 Piner Road from (CUD) O&I, Conditional Use Office and Institutional District, to (CZD) CB, Conditional Community Business District, in order to develop a landscape contractor’s office.**

**BRIEF SUMMARY:**

The applicant is seeking to rezone 3.28 acres of land from (CUD) O&I to (CZD) CB in order to develop a landscape contractor's office.

The existing zoning (CUD) O&I allows the site to be used for office and recreation (golf training center) uses. Currently, two office buildings and one dwelling unit are located on the site. The dwelling was constructed on the site prior to the property being initially zoned as a conditional O&I district in 1997, and was approved to be converted for use as an office and the golf training center in 2002. However, the recreation use never commenced operation and the dwelling still remains as a legal nonconformity.

With the applicant's proposal, the existing office buildings will remain, and a new storage building and company truck parking area are proposed to be constructed behind the existing structures. The proposal would also allow for the existing dwelling to be used as a live/work unit for the business, which requires a Special Use Permit (SUP) in the proposed CB district. The applicant has applied for a separate SUP application for the live/work unit (S20-04) that is being processed concurrently with this rezoning application.

As currently zoned, it is estimated the site would generate about 5-10 trips during the weekday peak hours and 20 peak hour trips on Saturday (generated from the recreational use). The proposed development is estimated to generate approximately the same number of trips during the weekday peak hours. The estimated number of peak hour trips anticipated with the proposed development is below the 100 peak hour trip threshold that triggers the ordinance requirement for a Traffic Impact Analysis (TIA). NCDOT has reviewed the request and provided preliminary comments indicating that a revised driveway permit will be required and that the driveway radius may need to be enlarged to accommodate the trucks associated with the business.

The site has been used for office related uses since the late 1990s. The existing office buildings will continue to be used by the business. Contractor offices generally generate fewer trips than other typical commercial uses (retail, restaurants) with many trips occurring outside of peak hours. The proposed development is estimated to generate approximately the same number of trips during the weekday peak hours as the uses currently allowed on the site.

The 2016 Comprehensive Plan classifies the site as General Residential. The proposed office and live/work use is

generally **CONSISTENT** with the plan because it is located on a site that provides some transition between the middle school and adjacent residential properties and would allow for reuse of existing structures.

**STRATEGIC PLAN ALIGNMENT:**

- 

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

Staff recommends approval and suggests the following motion:

I move to **APPROVE** the proposed rezoning to a conditional CB district. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because it will provide an appropriate transition between the adjacent middle school and residential properties. I also find **APPROVAL** of the rezoning request is reasonable and in the public interest because the proposal would allow reuse of the existing structures and because proposed lawn care business is estimated to not increase the amount of traffic generated from the site.

**[Optional]** Note any conditions to be added to the district.

**Example Motion for Denial**

I move to **DENY** the proposed rezoning to a conditional CB district. While I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because it will provide an appropriate transition between the adjacent middle school and residential properties, I find **DENIAL** of the rezoning request is reasonable and in the public interest because the proposal is not consistent with the desired character of the surrounding community and the intensity will adversely impact the adjacent neighborhoods.

**COUNTY MANAGER'S COMMENTS AND RECOMMENDATIONS: (only Manager)**

## SCRIPT for Zoning Map Amendment Application (Z20-21)

**Request by Design Solutions on behalf of property owners, William S. and Tara S. Hackney, and Proclaim Holdings, LLC, to rezone approximately 3.28 acres of land located at 813 and 817 Piner Road from (CUD) O&I, Conditional Use Office and Institutional District, to (CZD) CB, Conditional Community Business District, in order to develop a landscape contractor's office.**

1. This is a public hearing. We will hear a presentation from staff. Then the applicant and any opponents will each be allowed 15 minutes for their presentation and additional 5 minutes for rebuttal.
2. Conduct Hearing, as follows:
  - a. Staff presentation
  - b. Applicant's presentation (up to 15 minutes)
  - c. Opponent's presentation (up to 15 minutes)
  - d. Applicant's rebuttal (up to 5 minutes)
  - e. Opponent's rebuttal (up to 5 minutes)
3. Close the public hearing
4. Board discussion
5. **Vote on the application.** The motion should include a statement saying how the change is, or is not, consistent with the land use plan and why approval or denial of the rezoning request is reasonable and in the public interest.

### **Example Motion of Approval**

I move to **APPROVE** the proposed rezoning to a conditional CB district. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because it will provide an appropriate transition between the adjacent middle school and residential properties. I also find **APPROVAL** of the rezoning request is reasonable and in the public interest because the proposal would allow reuse of the existing structures and because proposed lawn care business is estimated to not increase the amount of traffic generated from the site.

**[Optional]** Note any conditions to be added to the district.

### **Example Motion of Denial**

I move to **DENY** the proposed rezoning to a conditional CB district. While I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because it will provide an appropriate transition between the adjacent middle school and residential properties, I find **DENIAL** of the rezoning request is reasonable and in the public interest because the proposal is not consistent with the desired character of the surrounding community and the intensity will adversely impact the adjacent neighborhoods.

**Alternative Motion for Approval/Denial:**

I move to [Approve/Deny] the proposed rezoning to a conditional CB district. I find it to be [Consistent/Inconsistent] with the purposes and intent of the Comprehensive Plan because [insert reasons]

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I also find [Approval/Denial] of the rezoning request is reasonable and in the public interest because [insert reasons]

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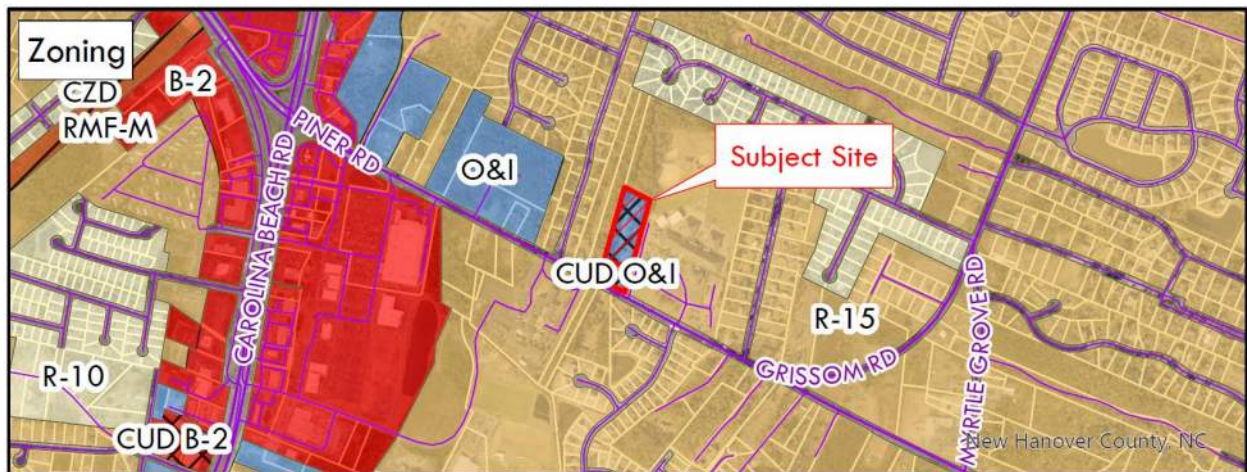
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# STAFF REPORT FOR Z20-21

## ZONING MAP AMENDMENT APPLICATION

APPLICATION SUMMARY	
<b>Case Number:</b> Z20-21	
<b>Request:</b> Rezoning to a conditional CB district	
<b>Applicant:</b> Cindee Wolf – Design Solutions	<b>Property Owner(s):</b> William S. Hackney, Tara S. Hackney, and Proclaim Holdings, LLC
<b>Location:</b> 813 & 817 Piner Road	<b>Acreage:</b> 3.28
<b>PID(s):</b> R07600-002-190-000; R07600-002-020-000	<b>Comp Plan Place Type:</b> General Residential
<b>Existing Land Use:</b> Office/Recreation	<b>Proposed Land Use:</b> Contractor Office, Live/Work Unit (with issuance of SUP – S20-04)
<b>Current Zoning:</b> (CUD) O&I	<b>Proposed Zoning:</b> (CZD) CB



SURROUNDING AREA		
	LAND USE	ZONING
<b>North</b>	Undeveloped, Myrtle Grove Middle	R-15
<b>East</b>	Myrtle Grove Middle School	R-15
<b>South</b>	Single Family Residential, Kaylies Cove Subdivision, Myrtle Grove Presbyterian Church	R-15
<b>West</b>	Single Family Residential, Highgrove Estates	R-15



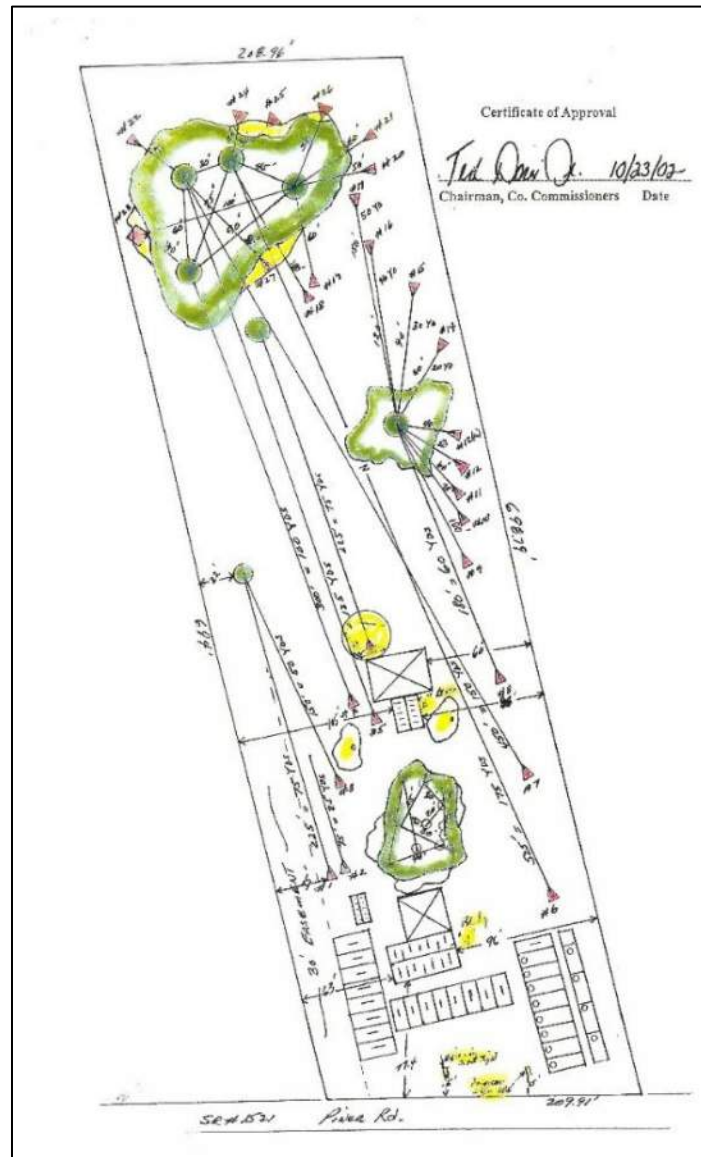
<b>ZONING HISTORY</b>	
<b>April 7, 1971</b>	The site was initially zoned R-15 (Area 4)
<b>March 10, 1997</b>	Rezoned to (CUD) O&I with a special use permit for a real estate office
<b>March 9, 1998</b>	(CUD) O&I district/SUP modified to allow for general and professional offices
<b>October 7, 2002</b>	(CUD) O&I district/SUP modified to allow for expansion of the existing structures and to permit an indoor/outdoor recreation establishment.

<b>COMMUNITY SERVICES</b>	
<b>Water/Sewer</b>	Water and sewer (via force main connection) available through CFPUA. Existing buildings served by CFPUA water and private septic systems.
<b>Fire Protection</b>	New Hanover County Fire Services, New Hanover County Southern Fire District, New Hanover County Station Myrtle Grove
<b>Schools</b>	Bellamy Elementary, Myrtle Grove Middle, and Ashley High schools (However, this proposal will not impact the school system.)
<b>Recreation</b>	Myrtle Grove Athletic Complex

<b>CONSERVATION, HISTORIC, &amp; ARCHAEOLOGICAL RESOURCES</b>	
<b>Conservation</b>	No known conservation resources
<b>Historic</b>	No known historic resources
<b>Archaeological</b>	No known archaeological resources

## CURRENT APPROVED CONCEPTUAL SITE PLAN

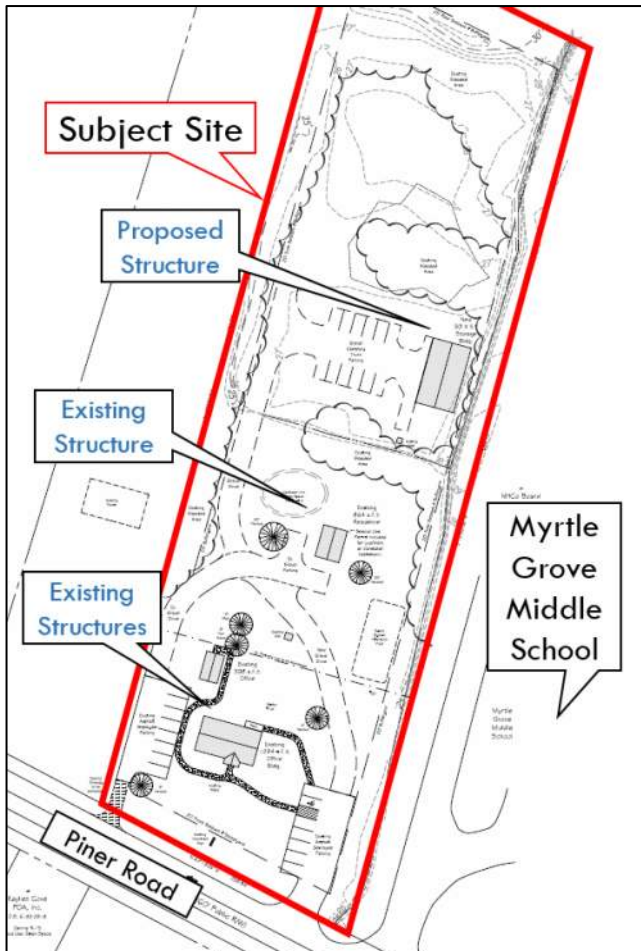
- The subject property is currently zoned (CUD) O&I with a Special Use Permit allowing the site to be used for office and recreation (golf training center) uses.
- Currently, two office buildings and one dwelling unit are located on the site. The dwelling was constructed on the site prior to the property being initially zoned as a conditional O&I district in 1997, and was approved to be converted for use as an office and the golf training center in 2002. However, the recreation use never commenced operation and the dwelling still remains as a legal nonconformity.



Current Approved Conceptual Plan



## APPLICANT'S PROPOSED CONCEPTUAL PLAN

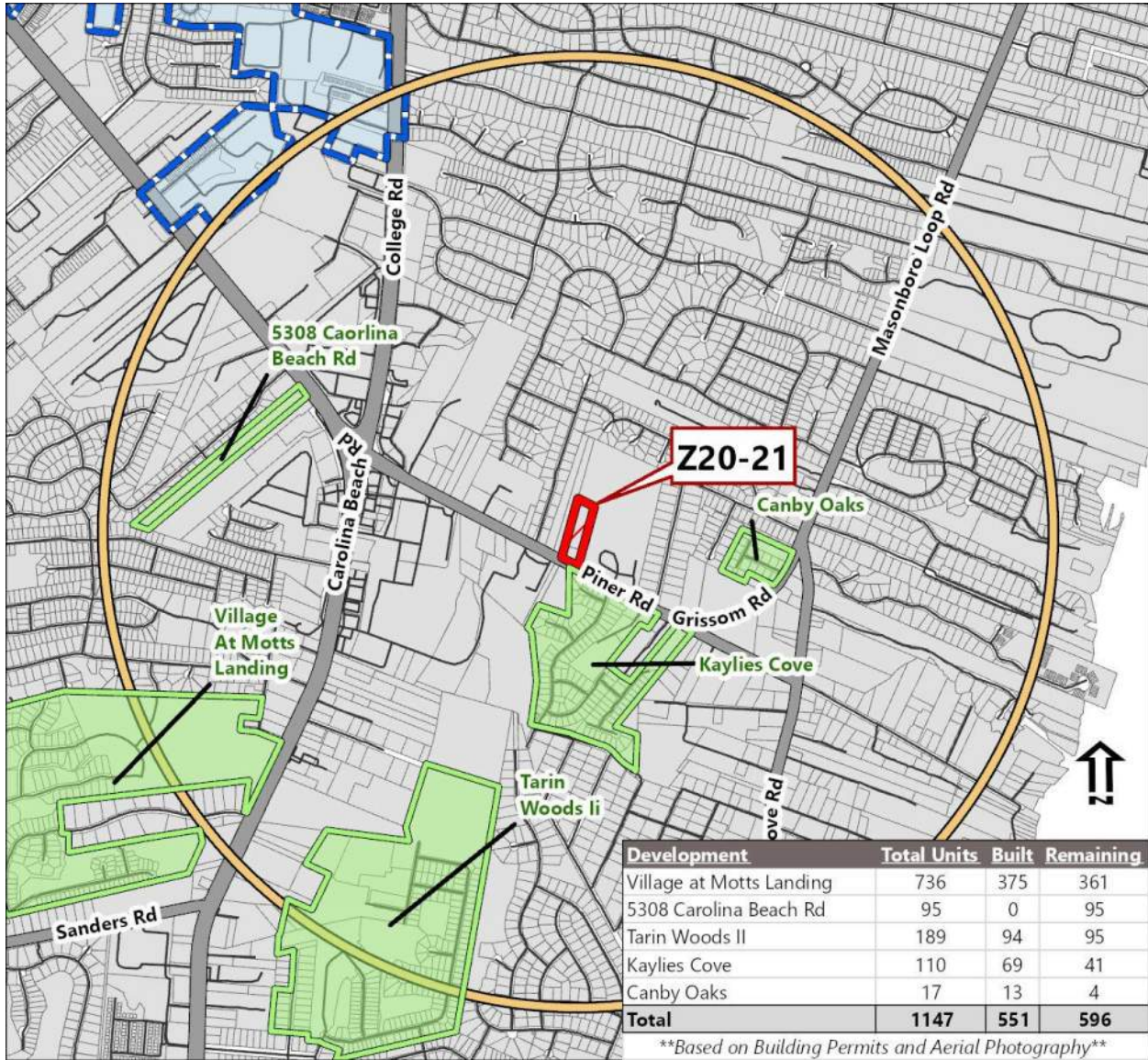


- The applicant is proposing to use the site for a landscape contractor's business. The existing office buildings will remain, and a new storage building and company truck parking area are proposed to be constructed behind the existing structures.
- The proposal would also allow for the existing dwelling to be used as a live/work unit for the business, which requires a Special Use Permit (SUP) in the proposed CB district. The applicant has applied for a separate SUP application for the live/work unit (S20-04) that is being processed concurrently with this rezoning application.
- The plan does not indicate any improvements will be made in the northern portion of the site, consisting or approximately one acre in area and being 200 feet in length.
- The proposal will remove one of the two existing driveways currently accessing Piner Road.

## ZONING CONSIDERATIONS

- In the proposed CB district, outside storage areas are prohibited and all work associated with contractor operations shall be conducted entirely within enclosed structures.
- In the CB district, a minimum 25-foot rear setback, 20-foot interior setback, and 20-foot opaque bufferyard are required where the development abuts existing residential properties. Maximum height may not exceed 3 stories or 45-feet, though the existing and proposed buildings will not exceed 25 feet.

## AREA SUBDIVISIONS UNDER DEVELOPMENT



## TRANSPORTATION

- The site is accessed by Piner Road, a NCDOT maintained minor arterial road. The site is approximately one half mile from both the Carolina Beach Road/S. College Road intersection and the Myrtle Grove Road intersection.



- As currently zoned, it is estimated the site would generate about 5-10 trips during the weekday peak hours and 20 peak hour trips on Saturday (generated from the recreational use). The proposed development is estimated to generate approximately the same number of trips during the weekday peak hours.
- A revised NCDOT driveway permit will be required for the proposal. NCDOT provided preliminary comments indicating that the driveway radius will need to be enlarge to accommodate the trucks associated with the business.
- Based on the operation of the business, it is estimated that many of the trips generated from office will occur outside of the peak hours. According to the applicant, the field crew employees arrive at the office at 6:30 AM then leave for the specific jobs sites. They arrive back at the office around 3:00 PM before leaving for the day.
- The site is adjacent to two schools (Myrtle Grove Middle and Myrtle Grove Christian School). Drop off times range from 7:30-8:30 AM and pick up times range from 2:30-3:30 PM.

	<b>Intensity</b>	<b>Approx. Peak Hour Trips*</b>
Existing Development:	Office/Recreation	5 AM / 9 PM 20 Saturday
Proposed CB Development:	Contractor Office/Live-Work Unit	6 AM / 7 PM

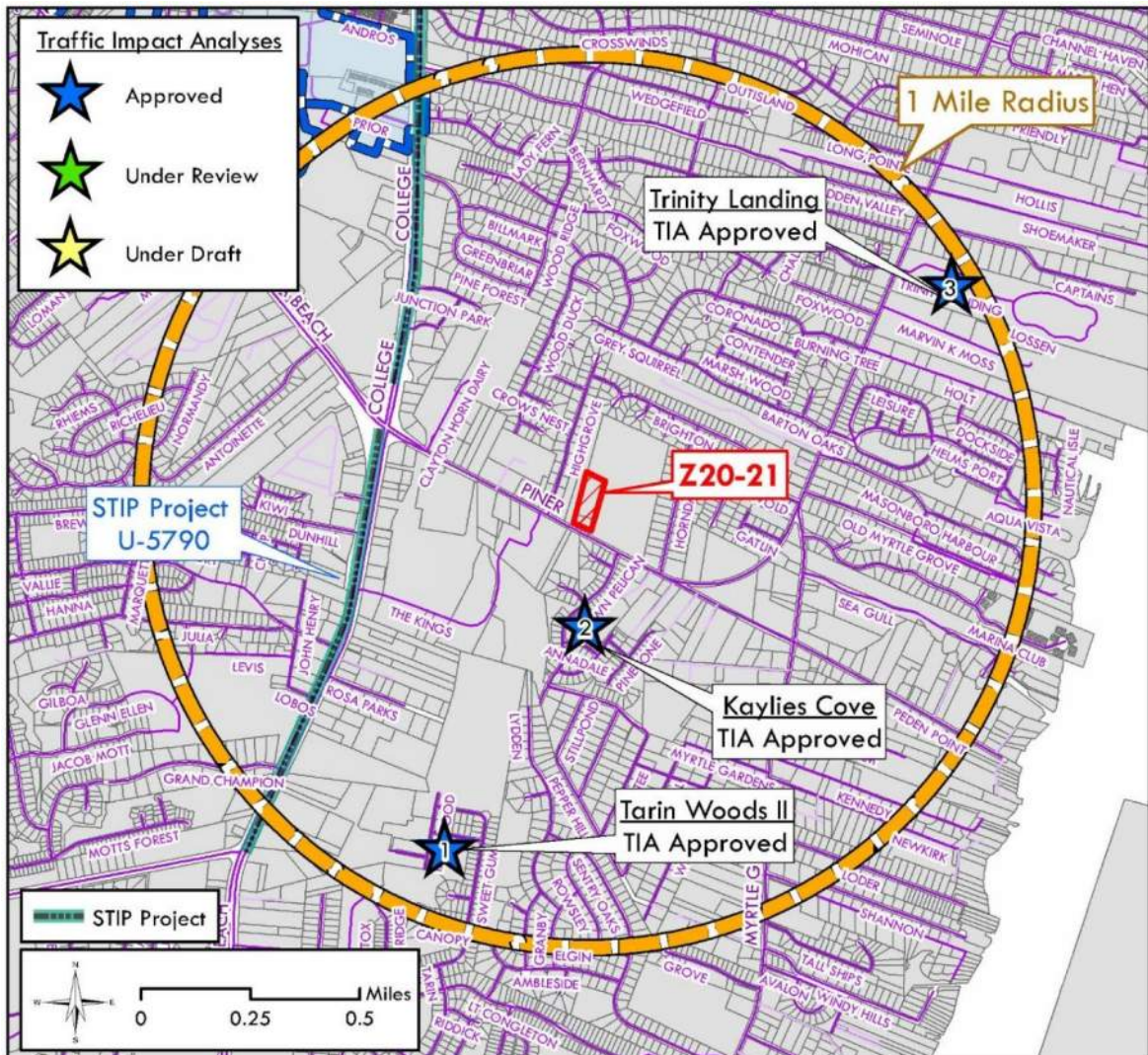
\*Per the Kaylies Cove TIA, the AM peak hour on Piner Road begins at 7:30 and the PM peak hour begins at 5:00.

- The estimated number of peak hour trips anticipated with the proposed development is below the 100 peak hour trip threshold that triggers the ordinance requirement for a Traffic Impact Analysis (TIA).
- Because a TIA is not required, staff has provided the volume to capacity ratio for Piner Road near the subject site. While volume to capacity ratio, based on average daily trips, can provide a general idea of the function of adjacent roadways, the delay vehicles take in seconds to pass through intersections is generally considered a more effective measure when determining the Level of Service of a roadway.

**NCDOT Average Annual Daily Traffic (AADT) - 2019**

Road	Location	Volume	Capacity	V/C
Piner Road	800 Block	17,500	19,604	0.89

**Nearby Planned Transportation Improvements and Traffic Impact Analyses**



**Nearby NC STIP Projects:**

- STIP Project U-5790
  - Project to convert the intersection of Carolina Beach Road and College Road to a continuous flow intersection and widen a portion of Carolina Beach Road south of that intersection. Continuous flow intersections permit more efficient travel movements and help alleviate congestion by allowing more of the main street’s traffic to move through the intersection. Based on the preliminary plans, Piner Road will consist of the same lane configuration with slight alignment of the roadway and the westbound right turn lane to S. College Road. The project is currently on hold at this time.

**Nearby Traffic Impact Analyses:**

*Traffic Impact Analyses are completed in accordance with the WMPO and NCDOT standards. Approved analyses must be re-examined by NCDOT if the proposed development is not completed by the build out date established within the TIA.*

Proposed Development	Land Use/Intensity	TIA Status
<p><b>1. Tarin Woods II</b></p>	<ul style="list-style-type: none"> <li>• 219 Single-Family Homes</li> <li>• 458 Townhomes</li> </ul>	<ul style="list-style-type: none"> <li>• Addendum approved March 26, 2020</li> <li>• 2020 Build Out Year</li> </ul>
<p>The TIA required improvements be completed at certain intersections in the area. The notable improvements consisted of:</p> <ul style="list-style-type: none"> <li>• Installation of a northbound leftover/U-turn on Carolina Beach Road at the Harris Teeter driveway (required to be installed during the development of Phase 2A).</li> <li>• Installation of a second westbound right turn lane on Manassas Drive at Carolina Beach Road.</li> <li>• Includes additional point of egress to Carolina Beach Road</li> </ul>		
<p><u>Nearby Proposed Developments included within the TIA:</u></p>		
<ul style="list-style-type: none"> <li>• Beau Rivage Update</li> <li>• Beau Rivage Townhomes</li> </ul>		
<p><b>Development Status: The total number of units studied by the TIA was based on a proposed rezoning of the development that was denied by the Board of Commissioners in June. The development currently has approval for 189 lots, 175 of which have been platted. The current required roadway improvements (northbound leftover/U-turn on Carolina Beach Road at Harris Teeter) have not be completed at this time.</b></p>		

<b>2. Kaylies Cove</b>	<ul style="list-style-type: none"> <li>• 110 Single-Family Homes</li> </ul>	<ul style="list-style-type: none"> <li>• Approved February 20, 2018</li> <li>• 2019 Build Out Year (as studied in the TIA)</li> </ul>
<p>The TIA required improvements be completed at certain intersections in the area. The notable improvements consisted of:</p> <ul style="list-style-type: none"> <li>• Installation of a eastbound right turn lane and westbound left turn lane on Piner Road at the site's access.</li> </ul>		
<p>Nearby Proposed Developments included within the TIA:</p>		
<ul style="list-style-type: none"> <li>• None</li> </ul>		
<p><b>Development Status: Homes under construction. 110 lots have been platted at this time, and both turn lanes have been installed.</b></p>		

<b>3. Trinity Landing</b>	<ul style="list-style-type: none"> <li>• 220 senior adult housing dwelling units and amenities</li> </ul>	<ul style="list-style-type: none"> <li>• Approved June 23, 2017</li> <li>• 2020 Build Out Date</li> </ul>
<p>The TIA required improvements be completed at certain intersections in the area. The major improvements consisted of:</p> <ul style="list-style-type: none"> <li>• Installation of a northbound right turn lane on Masonboro Loop Road at the site's access.</li> </ul>		
<p>Nearby Proposed Developments included within the TIA:</p>		
<ul style="list-style-type: none"> <li>• None</li> </ul>		
<p><b>Development Status: The development is currently under construction. The roadway improvement has not been installed at this time.</b></p>		

## ENVIRONMENTAL

- The property is not within a Flood Hazard Area.
- The property does not contain any Natural Heritage Areas.
- The property is within the Mott Creek (C;Sw) watershed.
- Per the Classification of Soils in New Hanover County for Septic Tank Suitability, soils on the property consist of Class III (severe limitations). However, CFPWA sewer is available through a force main connection.

## OTHER CONSIDERATIONS

### Context and Compatibility

- The site has been used for office related uses since the late 1990s. The existing office buildings will continue to be used by the business.
- Contractor offices generally generate fewer trips than other typical commercial uses (retail, restaurants) with many trips occurring outside of peak hours. The proposed development is estimated to generate approximately the same number of trips during the weekday peak hours as the uses currently allowed on the site.

Current Use of the Property:



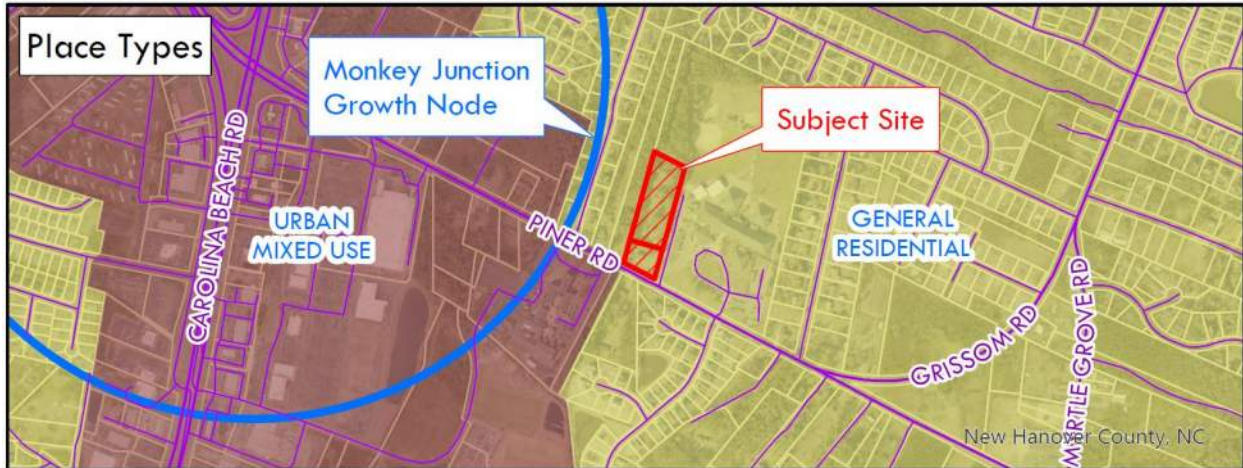
Example of Proposed Use:



*Freedom Lawns in Hampstead*

## 2016 COMPREHENSIVE LAND USE PLAN

The New Hanover County Future Land Use Map provides a general representation of the vision for New Hanover County's future land use, as designated by place types describing the character and function of the different types of development that make up the community. These place types are intended to identify general areas for particular development patterns and should not be interpreted as being parcel specific.



<b>Future Land Use Map Place Type</b>	General Residential
<b>Place Type Description</b>	Focuses on lower-density housing and associated civic and commercial services. Typically, housing is single-family or duplexes. Commercial uses should be limited to strategically located office and retail spaces, while recreation and school facilities are encouraged throughout. Types of uses include single-family residential, low-density multi-family residential, light commercial, civic, and recreational.
<b>Analysis</b>	<p>The intent of the General Residential place type is to provide opportunities for lower density residential development and supportive commercial, civic, and recreational development. Commercial uses in General Residential areas are recommended to be “strategically located” office and retail. This generally means that neighborhood-scale office and retail can be located at nodes, such as intersections where several neighborhoods have convenient access, or office and institutional uses can serve as transitions between residences and more intensive commercial areas.</p> <p>The subject property, while not located in an area where an office use is as likely to provide services to nearby properties, is the site of an existing, longstanding office use. The proposed lawn care business would continue the existing light office type use, which has been in existence since 1997, and would add limited vehicle traffic onto Piner Road.</p>



<b>Analysis</b>	Locating the proposed office and live/work use on the proposed site would be in keeping with the current development pattern and provides some lower intensity transition between the middle school and adjacent residential properties.
<b>Consistency Recommendation</b>	The proposed office and live/work use is generally <b>CONSISTENT</b> with the 2016 Comprehensive Plan because it is located on a site that provides some transition between the middle school and adjacent residential properties and would allow for reuse of existing structures.

## STAFF RECOMMENDATION

**Staff recommends approval** and suggests the following motion:

I move to **APPROVE** the proposed rezoning to a conditional CB district. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because it will provide an appropriate transition between the adjacent middle school and residential properties. I also find **APPROVAL** of the rezoning request is reasonable and in the public interest because the proposal would allow reuse of the existing structures and because proposed lawn care business is estimated to not increase the amount of traffic generated from the site.

[**Optional**] Note any conditions to be added to the district.

### Example Motion for Denial

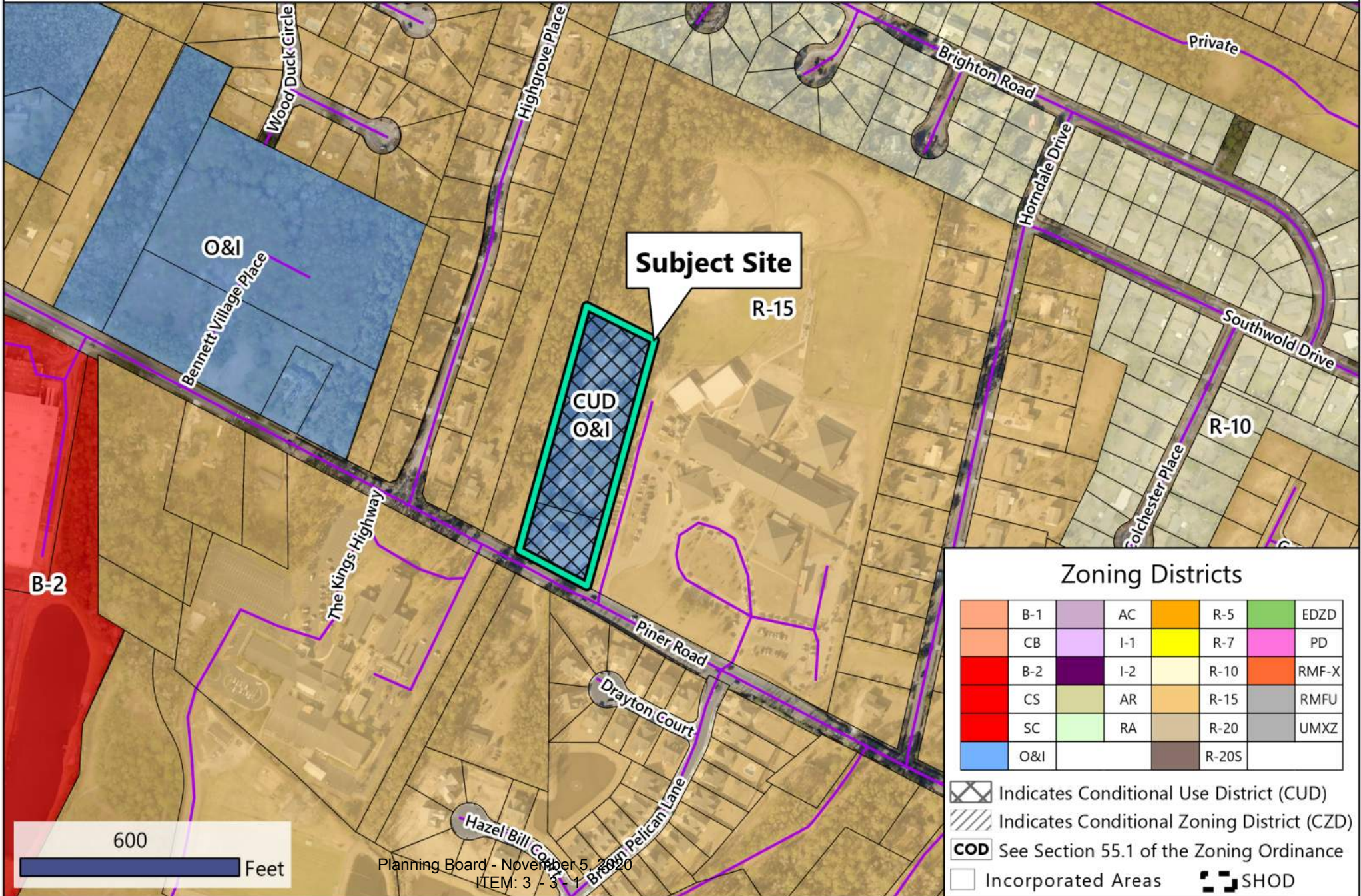
I move to **DENY** the proposed rezoning to a conditional CB district. While I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because it will provide an appropriate transition between the adjacent middle school and residential properties, I find **DENIAL** of the rezoning request is reasonable and in the public interest because the proposal is not consistent with the desired character of the surrounding community and the intensity will adversely impact the adjacent neighborhoods.

**Case:**  
Z20-21

**Site Address:**  
813 & 817  
Piner Rd

**Existing Zoning/Use:**  
CUD O&I/  
Office

**Proposed Zoning**  
CZD CB/  
Office



**Case:**

Z20-21

**Site Address:**

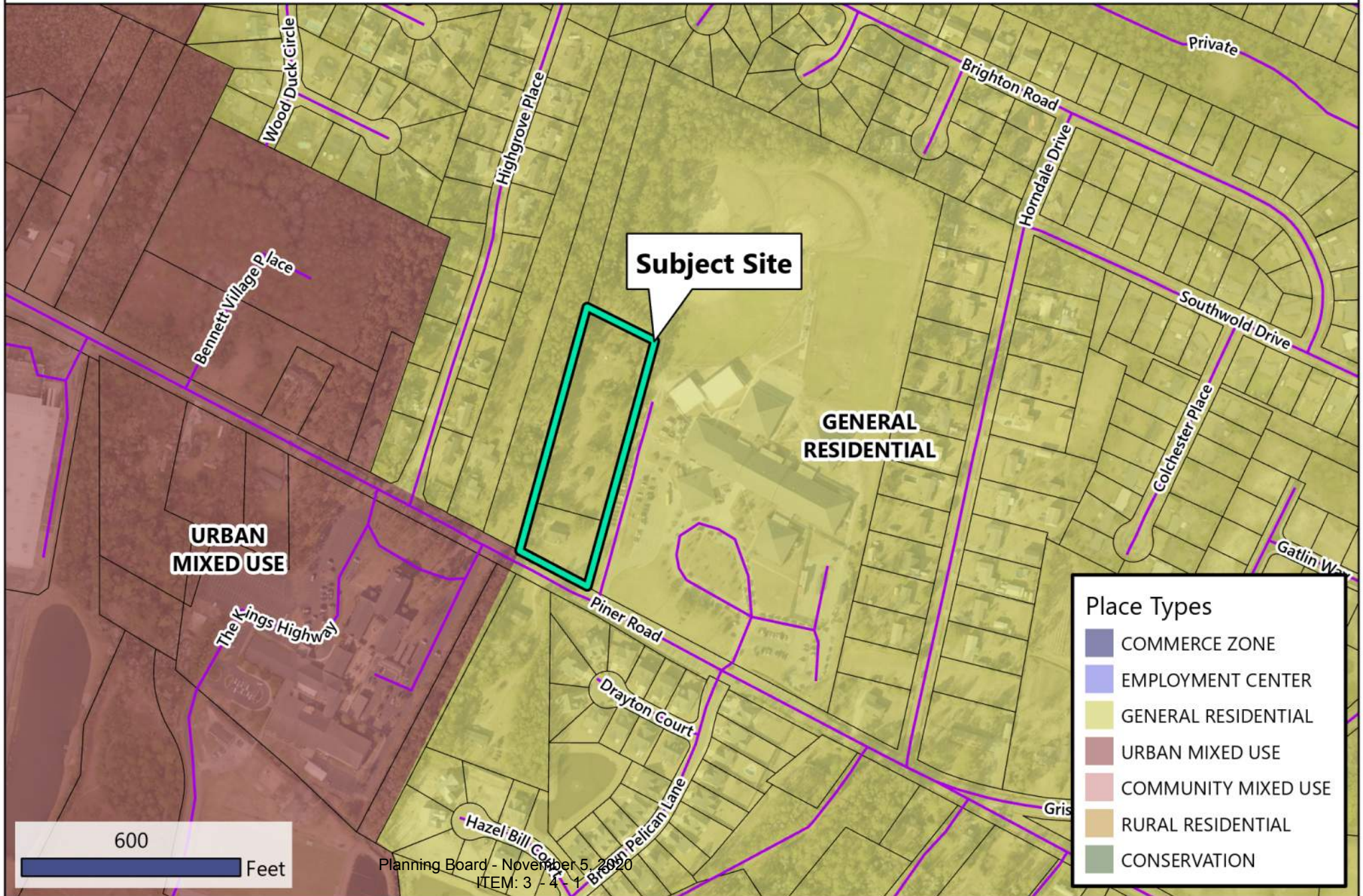
813 & 817  
Piner Rd

**Existing Zoning/Use:**

CUD O&I/  
Office

**Proposed Zoning**

CZD CB/  
Office



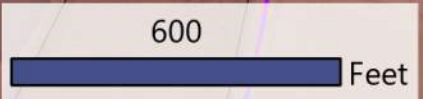
**Subject Site**

**GENERAL  
RESIDENTIAL**

**URBAN  
MIXED USE**

**Place Types**

- COMMERCE ZONE
- EMPLOYMENT CENTER
- GENERAL RESIDENTIAL
- URBAN MIXED USE
- COMMUNITY MIXED USE
- RURAL RESIDENTIAL
- CONSERVATION



**Case:**

Z20-21

**Site Address:**

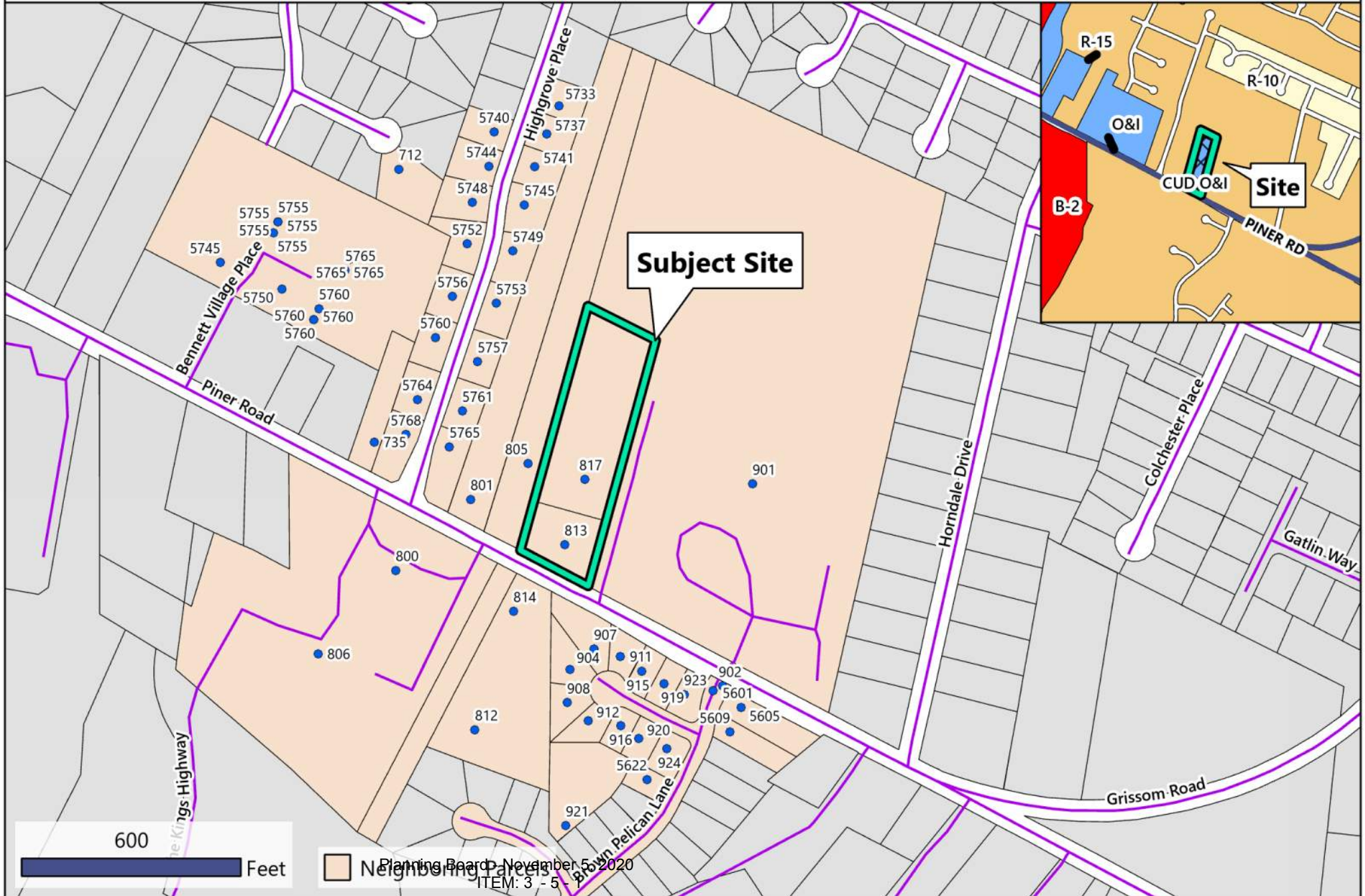
813 & 817  
Piner Rd

**Existing Zoning/Use:**

CUD O&I/  
Office

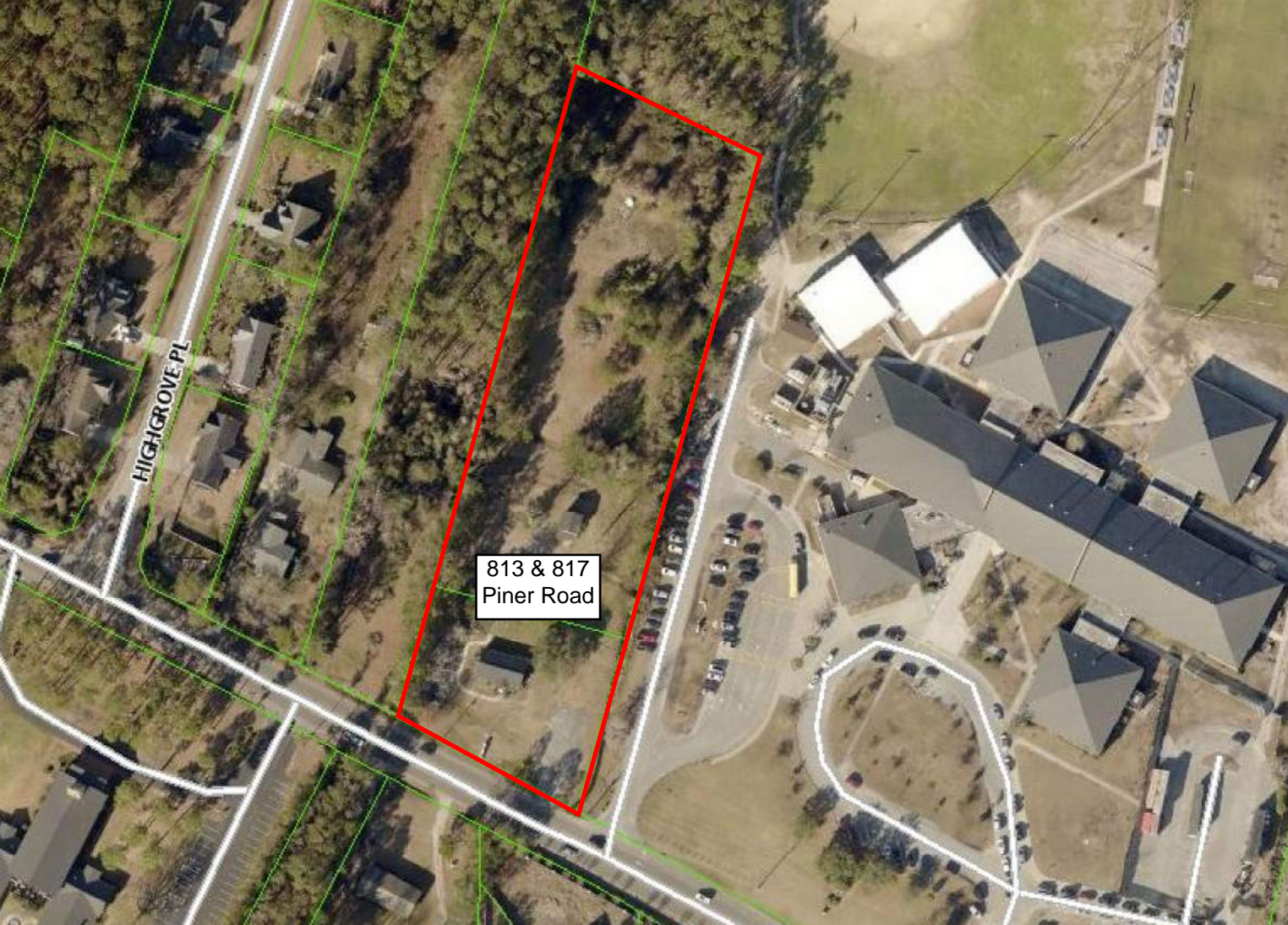
**Proposed Zoning**

CZD CB/  
Office



# **APPLICANT MATERIALS**





HIGH GROVE PL

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

<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 / SPENCE 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> (CUD) O&I / REAL ESTATE OFFICE	<b>Future Land Use Classification</b> GENERAL RESIDENTIAL	

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

<b>Case Number:</b> 220-21	<b>Date/Time Received:</b> 10/8/2022 3:30 PM	<b>Received by:</b> BS
-------------------------------	---	---------------------------



### 3. Proposed Zoning, Use(s), & Narrative

<b>Proposed Conditional Zoning District:</b> (CZD) CB	<b>Total Acreage of Proposed District:</b> 3.78 AC.
<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>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>
--

### 5. Traffic Impact

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

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

N 24°01'30" E  
TIE-LINE ONLY 3.73  
CONTROL CORNER  
S 58°08'48" E 208.90  
N/F NEW HANOVER COUNTY BOARD OF EDUCATION DB 1330, PG 137

N/F FRANCIS SMITH DB 351, PG 462

N/F NEW HANOVER COUNTY BOARD OF EDUCATION DB 1330, PG 137

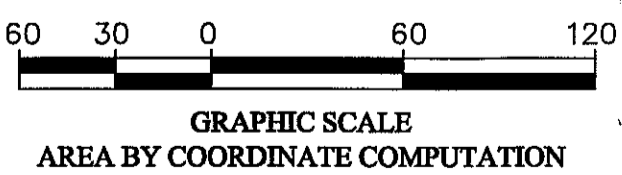
I (WE) DO CERTIFY THAT I (WE) ARE THE OWNER(S) OR ARE AUTHORIZED AGENT(S) OF SAID OWNER(S) AND BY WITNESS OF SIGNATURE BELOW BY OWNER OR AGENT DO HEREBY ADOPT AND ENFORCE THIS PLAT OF RECOMBINATION.  
*WS Hackney*  
OWNER(S)/AGENT(S) 12/23/2014  
DATE

MAP NOT SUBJECT TO NEW HANOVER COUNTY SUBDIVISION ORDINANCE.  
01-02-15 C.O. *W. Keyes*/SB  
DATE PLANNING DIRECTOR

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*  
NORTH CAROLINA PROFESSIONAL SURVEYOR SEAL L-4381  
DATE 12/23/2014  
MAP NOT SUBJECT TO NEW HANOVER COUNTY SUBDIVISION ORDINANCE  
01-02-15 C.O. *W. Keyes*/SB  
DATE PLANNING INSPECTIONS DIRECTOR



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

30' ACCESS EASEMENT PER DB 4852, PG 258 TO REMAIN AND TERMINATE AT REAR LINE OF NEW LOT 1

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

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		

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: *1/2000*; 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  
7536 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*  
REVIEW OFFICER  
January 2, 2015  
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*  
REGISTER OF DEEDS  
*Carolyn Jones*  
Deputy  
Instrument # 2015001149

Book 60, Page 76  
Planning Board - November 2020  
ITEM: 3 - 7 - 8

RECEIVED DEC 30 2014  
Gary Keyes 910-228-4773

**REPORT OF COMMUNITY MEETING NOTIFIATION  
BY NEW HANOVER COUNTY ZONING ORIDINANCE  
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	<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

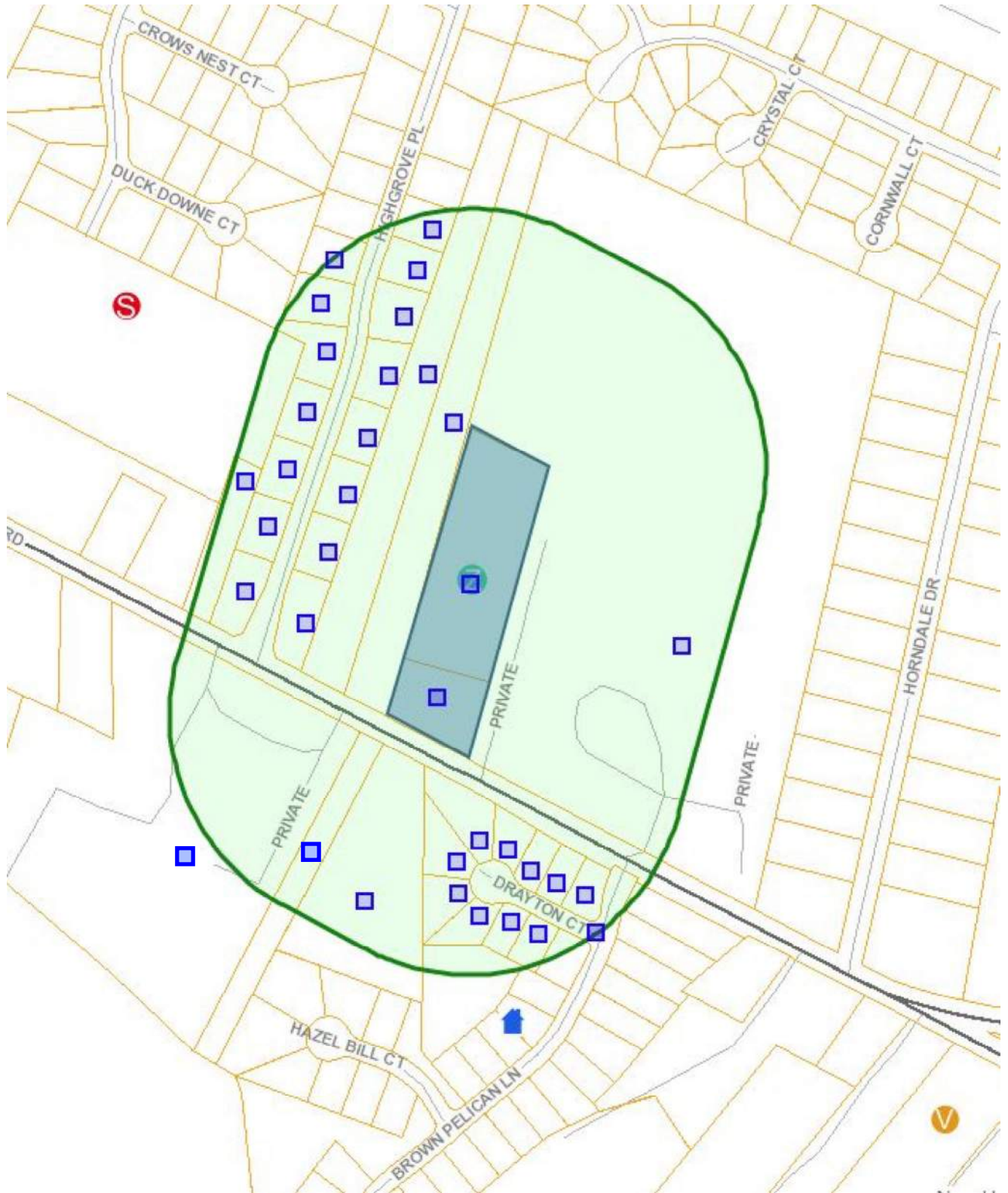
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Thanks, that confirms my concerns of early morning activity disturbing the peace.

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

**Freedom Lawns®**  
 "Working in unison with nature"  
 Outstanding Environmental Stewardship Award

Existing House to Remain

Gravel Access Drive

Existing Offices to Remain

Employee Parking

Employee Parking

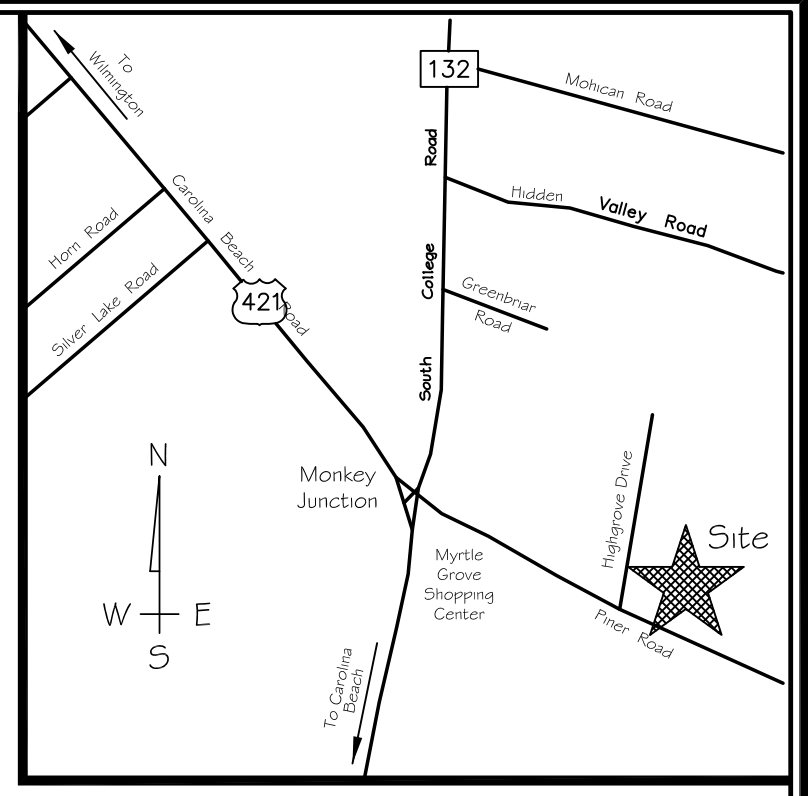
Myrtle Grove Middle School

Piner Road


# **PROPOSED SITE PLAN**







Vicinity Map  
(No Scale)

NHCo Board of Education  
D.B. 1330-137  
Zoning: R-15  
Land Use: Institutional

Frances W. Smith Heirs  
D.B. 351-462  
Zoning: R-15  
Land Use: Residential

NHCo Board of Education  
D.B. 1330-137  
Zoning: R-15  
Land Use: Institutional

Kaylies Cove POA, Inc.  
D.B. 6182-2918  
Zoning: R-15  
Land Use: Open Space

Dudley Linwood Rogers, Jr.  
D.B. 5354-658  
Zoning: R-15  
Land Use: Residential

Fredrich # Madison Stutzenberger  
D.B. 6212-914  
Zoning: R-15  
Land Use: Residential

- Site Inventory Notes:**
1. Soils Type: Mu (Murville fine sand)
  2. This property is not impacted by any AEC.
  3. There are no Conservation Overlay boundaries affecting this property.
  4. This site is not impacted by any recognized historic or archeological significance.
  5. No cemeteries were evidenced on the site.
  6. Existing vegetation within the development area has been located and is labeled.
  7. There is no evidence of jurisdictional wetlands on the site.
  8. There is no evidence of endangered species or habitat issues on the site.
  9. This parcel is not impacted by any Special Flood Hazard Area (SFHA) as evidenced on FIRM Panel 3720313400K.
  10. The site drainage flows into the Motts Creek drainage basin.

- Utility Notes:**
1. Existing water service is provided by Cape Fear Public Utility Authority. Sanitary sewer service is hooked to a private septic system.
  2. All utility services, such as electric power, CATV, gas & telephone shall be installed underground.
  3. Solid waste disposal will be by dumpster pickup by a private contractor / hauler.

- Tree Preservation Notes:**
1. Tree Preservation / Removal Permit is required prior to clearing & land disturbance.
  2. Prior to any clearing, grading or construction activity, tree protection fencing will be installed around protected trees or groves of trees and no construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.
  3. Protective fencing is to be maintained throughout the duration of the project. Land clearing and construction contractors shall receive adequate instruction on tree protection requirements and methods.
  4. Protective fencing will be labeled with signs to be placed every fifty (50) linear feet, or at least two (2) signs per area, in both English & Spanish - "Tree Protection Area / Do Not Enter."

- Development Notes:**
1. All development shall be in accordance with the New Hanover County Zoning Ordinance.
  2. Project shall comply with all Federal, State & New Hanover County regulations.

**Development Data:**

Tract Area - 142,789 s.f. ± (3.28 ac.)

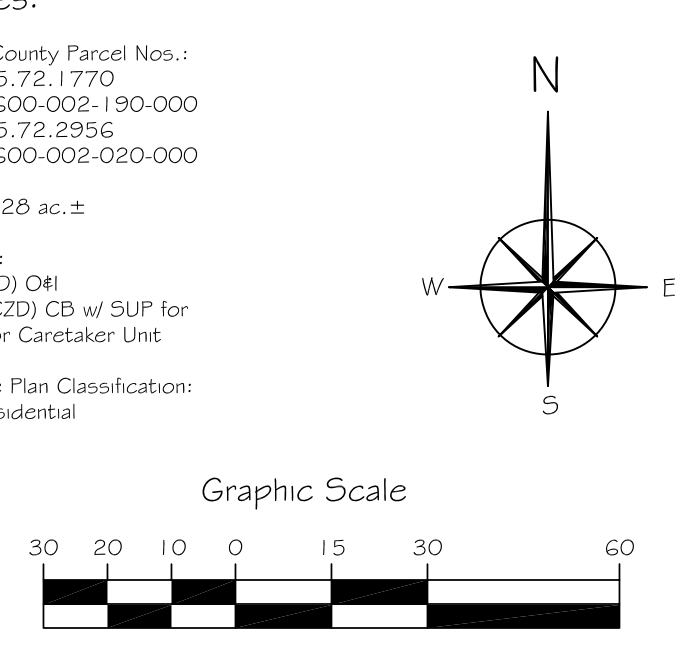
Total Bldg. Area: 3996 s.f. ±  
 Existing Offices - 1602 s.f. ±  
 Proposed Storage Bldg. - 1530 s.f. ±  
 Caretaker Unit - 864 s.f. ±

Bldg. Hgts.:  
 Existing Offices - 1-story / 10'  
 Existing Residence - 2-story / 25'  
 Proposed Storage Bldg. - 1-story / 25'

Parking - 3132 s.f. Office & Storage @ 1 sp/400 s.f. = 8  
 Caretaker Unit @ 2 sp req'd.  
 \*\* 15 spaces prov'd. \*\*

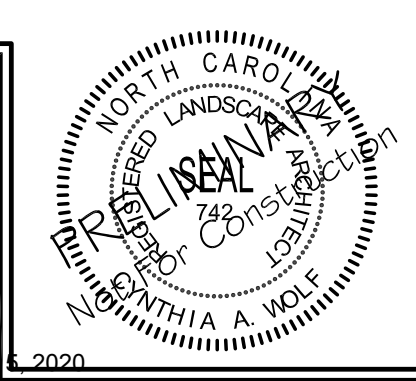
Impervious Surfaces -	
Ex. Rooftops -	2,200 s.f. ±
Ex. Pmnt. -	6,200 s.f. ±
Ex. Walks -	1,180 s.f. ±
Ex. Gravel -	3,450 s.f. ±
Subtotal -	13,030 s.f. ±
New Rooftop -	1,530 s.f. ±
New Gravel -	11,600 s.f. ±
Subtotal -	13,130 s.f. ±
Total -	26,160 s.f. ± (18.3%)

- General Notes:**
1. New Hanover County Parcel Nos.:  
 PIN - 313415.72.1770  
 PID - R07600-002-190-000  
 PIN - 313415.72.2956  
 PID - R07600-002-020-000
  2. Tract Area: 3.28 ac. ±
  3. Zoning District:  
 Existing - (CUD) O#1  
 Proposed - (CZD) CB w/ SU/F for Live/Work or Caretaker Unit
  4. Comprehensive Plan Classification:  
 General Residential



P.O. Box 7221  
Wilmington, NC 28406  
Tel. 910-620-2374

Design Solutions  
Planning Board - November 2020



Project No.:	20-22
Scale:	1" = 30'
Date:	10/08/20
Revised:	10/23/20 for Prelim Review Comments

Owner:  
Proclaim Holdings, L.L.C.  
P.O. Box 15447  
Wilmington, NC 28408

Conditional Zoning  
District Site Plan

Property Address: 813 & 817 Piner Road

# Freedom Lawns

Masonboro Township / New Hanover County / North Carolina

**NEW HANOVER COUNTY PLANNING BOARD  
REQUEST FOR BOARD ACTION  
MEETING DATE: 11/5/2020**

Regular

**DEPARTMENT:** Planning      **PRESENTER(S):** Brad Schuler, Senior Planner

**CONTACT(S):** Brad Schuler; Rebekah Roth, Interim Planning and Land Use Director

**SUBJECT:**

**Quasi-Judicial Hearing**

**Special Use Permit Request (S20-04) – Request by Design Solutions on behalf of property owners, William S. and Tara S. Hackney, and Proclaim Holdings, LLC, for a Special Use Permit for a Live/Work Unit within the (CZD) CB, Conditional Community Business District, associated with Rezoning Request Z20-21, located at 813 and 817 Piner Road.**

**BRIEF SUMMARY:**

The applicant is seeking a Special Use Permit for a live/work or caretaker unit associated with a landscape contracting business located at 813 & 817 Piner Road.

This application is for the same property that the applicant is also proposing to rezone to a conditional CB district (Z20-21). Dwelling units are not permitted in the proposed CB district unless they are used as a live/work or caretaker unit and also obtain a Special Use Permit.

The subject property already contains one dwelling unit that the applicant is proposing to use for the live/work or caretaker unit. Currently, the dwelling is considered to be a legal nonconformity and can be continued to be occupied provided use of the structure as a dwelling is not discontinued for a period of 180 consecutive days.

The Unified Development Ordinance (UDO) contains specific standards for Live/Work or Caretaker Units. The dwelling must be occupied by a person engaged in the principal use or their family members residing with them. Open space equal to size of the dwelling must be provided on the site, and the dwelling cannot be more than 50 percent of the total floor area of the principal use.

The dwelling unit that will be used as the live/work unit is already located on the site. Therefore, it is estimated that there will be no change in the trips generated from this site with this proposal. The estimated number of peak hour trips anticipated with the proposed development is below the 100 peak hour trip threshold that triggers the ordinance requirement for a Traffic Impact Analysis (TIA).

An existing single-family dwelling is currently located and occupied on the site and approval of the SUP would remove the dwelling's nonconforming status and allow for minor expansions in accordance with the standards of the UDO.

The 2016 Comprehensive Plan classifies the site as General Residential. The purpose of the this classification is to provide opportunities for lower density housing and supportive commercial, civic, and recreational development.

**STRATEGIC PLAN ALIGNMENT:**

•

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

**Example Motion for Approval:**

Motion to approve, as the Board finds that this application for a Special Use Permit meets the four required conclusions based on the findings of fact included in the Staff Report.

**[OPTIONAL]** Note any additional findings of fact related to the four required conclusions.

**[OPTIONAL]** Note any conditions be added to the development:

*[List Conditions]*

**Example Motion for Denial:**

Motion to deny, as the Board **cannot** find that this proposal:

1. Will not materially endanger the public health or safety;
2. Meets all required conditions and specifications of the Unified Development Ordinance;
3. Will not substantially injure the value of adjoining or abutting property;
4. Will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Land Use Plan for New Hanover County.

*[State the finding(s) that the application does not meet and include reasons to why it is not being met]*

**COUNTY MANAGER'S COMMENTS AND RECOMMENDATIONS: (only Manager)**

## SCRIPT for SPECIAL USE PERMIT Application (S20-04)

**Request by Design Solutions on behalf of property owners, William S. and Tara S. Hackney, and Proclaim Holdings, LLC, for a Special Use Permit for a Live/Work Unit within the (CZD) CB, Conditional Community Business District, associated with Rezoning Request Z20-21, located at 813 and 817 Piner Road.**

1. Swear witnesses: Announce that “the Special Use Permit process requires a quasi-judicial hearing; therefore, any person wishing to testify must be sworn in. All persons who signed in to speak and wish to present competent and material testimony please step forward to be sworn in. Thank you.”
2. This is a quasi-judicial hearing. We will hear a presentation from staff. Then the applicant and any opponents will each be allowed 15 minutes for their presentation and additional 5 minutes for rebuttal.
3. Conduct hearing, as follows:
  - a. Staff presentation
  - b. Applicant’s presentation (up to 15 minutes)
  - c. Opponent’s presentation (up to 15 minutes)
  - d. Applicant’s cross examination/rebuttal (up to 5 minutes)
  - e. Opponent’s cross examination/rebuttal (up to 5 minutes)
4. Close the hearing
5. Board discussion
6. Ask Applicant whether he/she agrees with staff findings.
7. **Vote on the Special Use Permit application.**

Motion to approve the permit - All findings are positive.

Motion to approve the permit, subject to conditions specified below:  
(State Conditions)

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Motion to deny the permit because the Board cannot find:

a. That the use will not materially endanger the public health or safety if located where proposed for the following reason:

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b. That the use meets all required condition and specifications:

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c. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity:

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- d. That 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 Comprehensive Land Use Plan for New Hanover County:
- 
- 

### **Example Motion for Approval:**

Motion to approve, as the Board finds that this application for a Special Use Permit meets the four required conclusions based on the findings of fact included in the Staff Report.

[**OPTIONAL**] Note any additional findings of fact related to the four required conclusions.

[**OPTIONAL**] Note any conditions be added to the development:

*[List Conditions]*

### **Example Motion for Denial:**

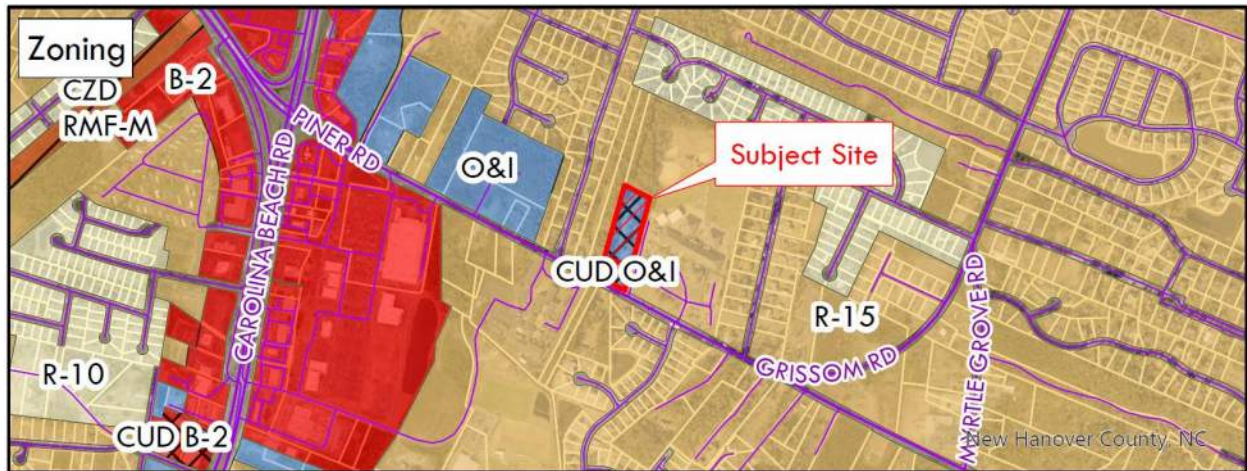
Motion to deny, as the Board **cannot** find that this proposal:

1. Will not materially endanger the public health or safety;
2. Meets all required conditions and specifications of the Unified Development Ordinance;
3. Will not substantially injure the value of adjoining or abutting property;
4. Will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Land Use Plan for New Hanover County.

*[State the finding(s) that the application does not meet and include reasons to why it is not being met]*

# STAFF REPORT FOR **S20-04** SPECIAL USE PERMIT APPLICATION

APPLICATION SUMMARY	
<b>Case Number:</b> S20-04	
<b>Request:</b> Special Use Permit for a live/work or caretaker unit	
<b>Applicant:</b> Cindee Wolf – Design Solutions	<b>Property Owner(s):</b> William S. Hackney, Tara S. Hackney, and Proclaim Holdings, LLC
<b>Location:</b> 813 & 817 Piner Road	<b>Acreage:</b> 3.28
<b>PID(s):</b> R07600-002-190-000; R07600-002-020-000	<b>Comp Plan Place Type:</b> General Residential
<b>Existing Land Use:</b> Office/Recreation	<b>Proposed Land Use:</b> Live/Work or Caretaker Unit
<b>Current Zoning:</b> (CUD) O&I	<b>Proposed Zoning:</b> (CZD) CB - pending rezoning application Z20-21



SURROUNDING AREA		
	LAND USE	ZONING
<b>North</b>	Undeveloped, Myrtle Grove Middle	R-15
<b>East</b>	Myrtle Grove Middle School	R-15
<b>South</b>	Single Family Residential, Kaylies Cove Subdivision, Myrtle Grove Presbyterian Church	R-15
<b>West</b>	Single Family Residential, Highgrove Estates	R-15

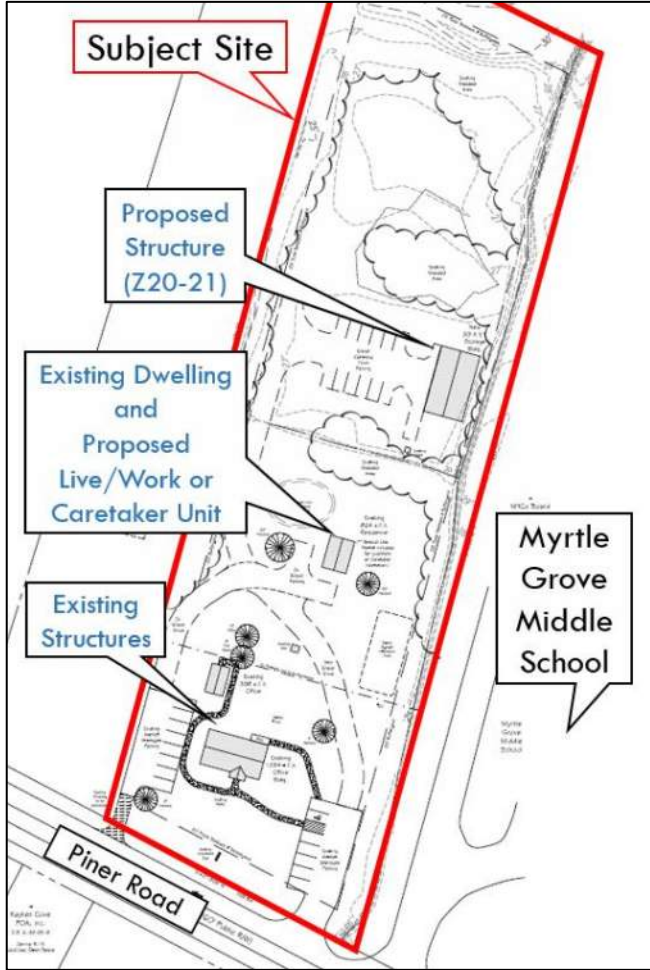


<b>ZONING HISTORY</b>	
<b>April 7, 1971</b>	The site was initially zoned R-15 (Area 4)
<b>March 10, 1997</b>	Rezoned to (CUD) O&I with a special use permit for a real estate office
<b>March 9, 1998</b>	(CUD) O&I district/SUP modified to allow for general and professional offices
<b>October 7, 2002</b>	(CUD) O&I district/SUP modified to allow for expansion of the existing structures and to permit an indoor/outdoor recreation establishment.

<b>COMMUNITY SERVICES</b>	
<b>Water/Sewer</b>	Water and sewer (via force main connection) available through CFPUA. Existing buildings served by CFPUA water and private septic systems.
<b>Fire Protection</b>	New Hanover County Fire Services, New Hanover County Southern Fire District, New Hanover County Station Myrtle Grove
<b>Schools</b>	Bellamy Elementary, Myrtle Grove Middle, and Ashley High schools (However, this proposal will not impact the school system.)
<b>Recreation</b>	Myrtle Grove Athletic Complex

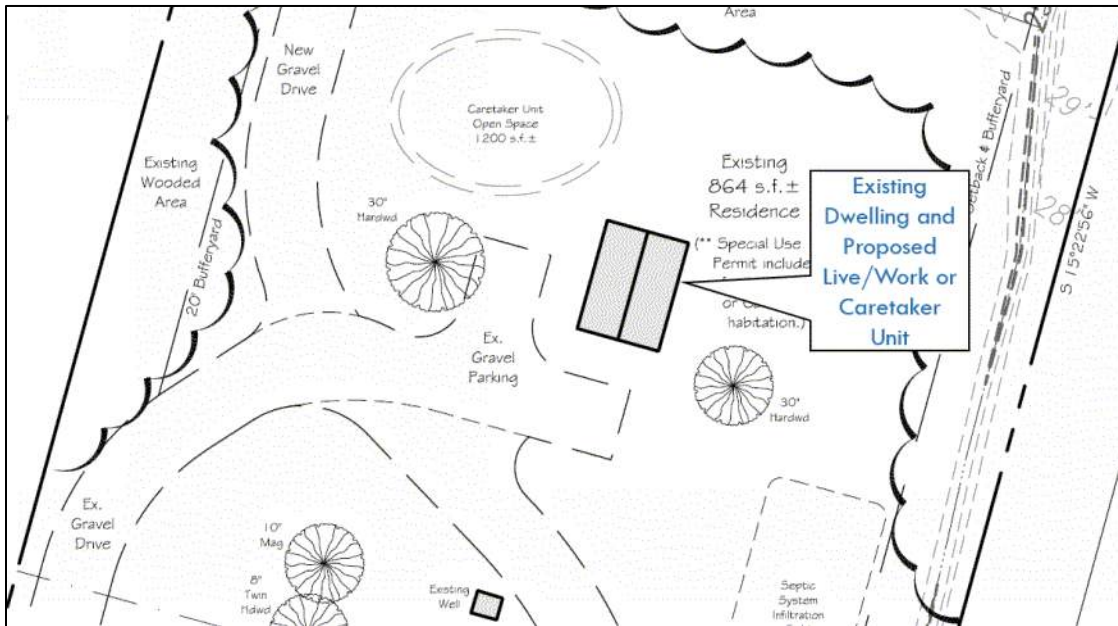
<b>CONSERVATION, HISTORIC, &amp; ARCHAEOLOGICAL RESOURCES</b>	
<b>Conservation</b>	No known conservation resources
<b>Historic</b>	No known historic resources
<b>Archaeological</b>	No known archaeological resources

**APPLICANT'S PROPOSED CONCEPTUAL PLAN**



- Currently, the subject property contains two office buildings and one dwelling unit. The applicant has applied for a separate rezoning application (Z20-21) that would allow the for the expansion of a landscape contracting business on the site.
- The applicant is proposing to use the existing house on the site for a live/work or caretaker unit for the landscape business. Currently, the dwelling is considered to be a legal nonconformity and can be continued to be occupied provided use of the structure as a dwelling is not discontinued for a period of 180 consecutive days.
- Dwelling units are not permitted in the proposed CB district that the applicant is seeking to rezone the property unless they are used as a live/work or caretaker unit and also obtain a Special Use Permit.
- The dwelling is located in the center of the site, is 864 square feet in living space, and two story (25 feet) in height.
- Two parking spaces and 1,200 square feet of open space have been provided for the dwelling unit in accordance with the zoning requirements for live/work units.

*Proposed Conceptual Plan*

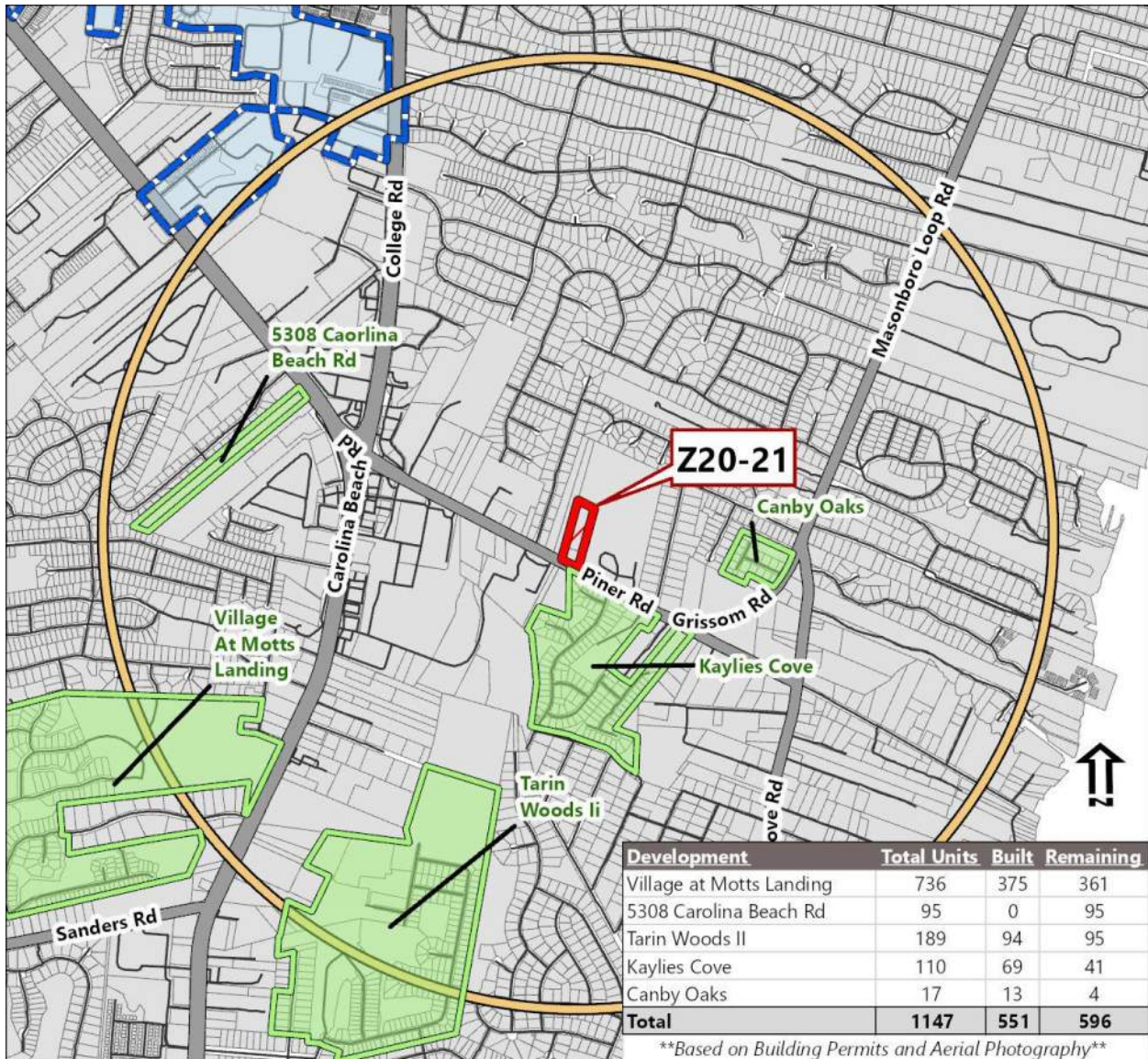




## ZONING CONSIDERATIONS

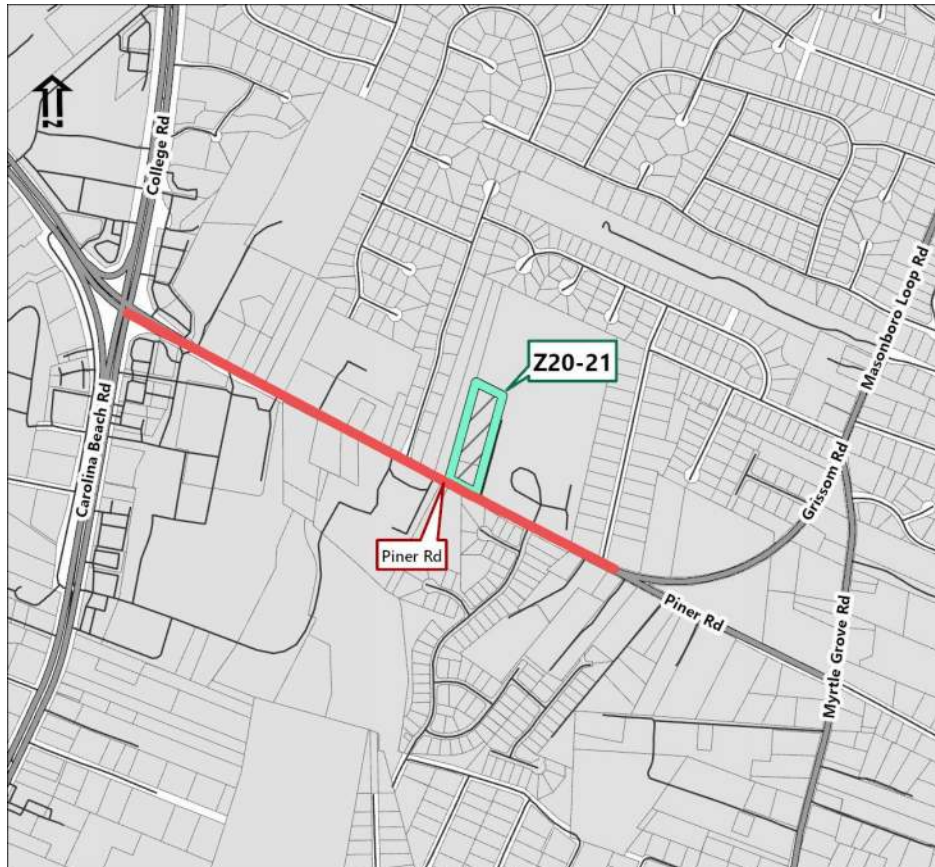
- The Unified Development Ordinance (UDO) contains specific standards for Live/Work or Caretaker Units. The dwelling must be occupied by a person engaged in the principal use or their family members residing with them. Open space equal to size of the dwelling must be provided on the site, and the dwelling cannot be more than 50 percent of the total floor area of the principal use.
- The proposed site plan complies with the technical standards for the use in the UDO.

## AREA SUBDIVISIONS UNDER DEVELOPMENT



## TRANSPORTATION

- The site is accessed by Piner Road, a NCDOT maintained minor arterial road. The site is approximately one half mile from both the Carolina Beach Road/S. College Road intersection and the Myrtle Grove Road intersection.

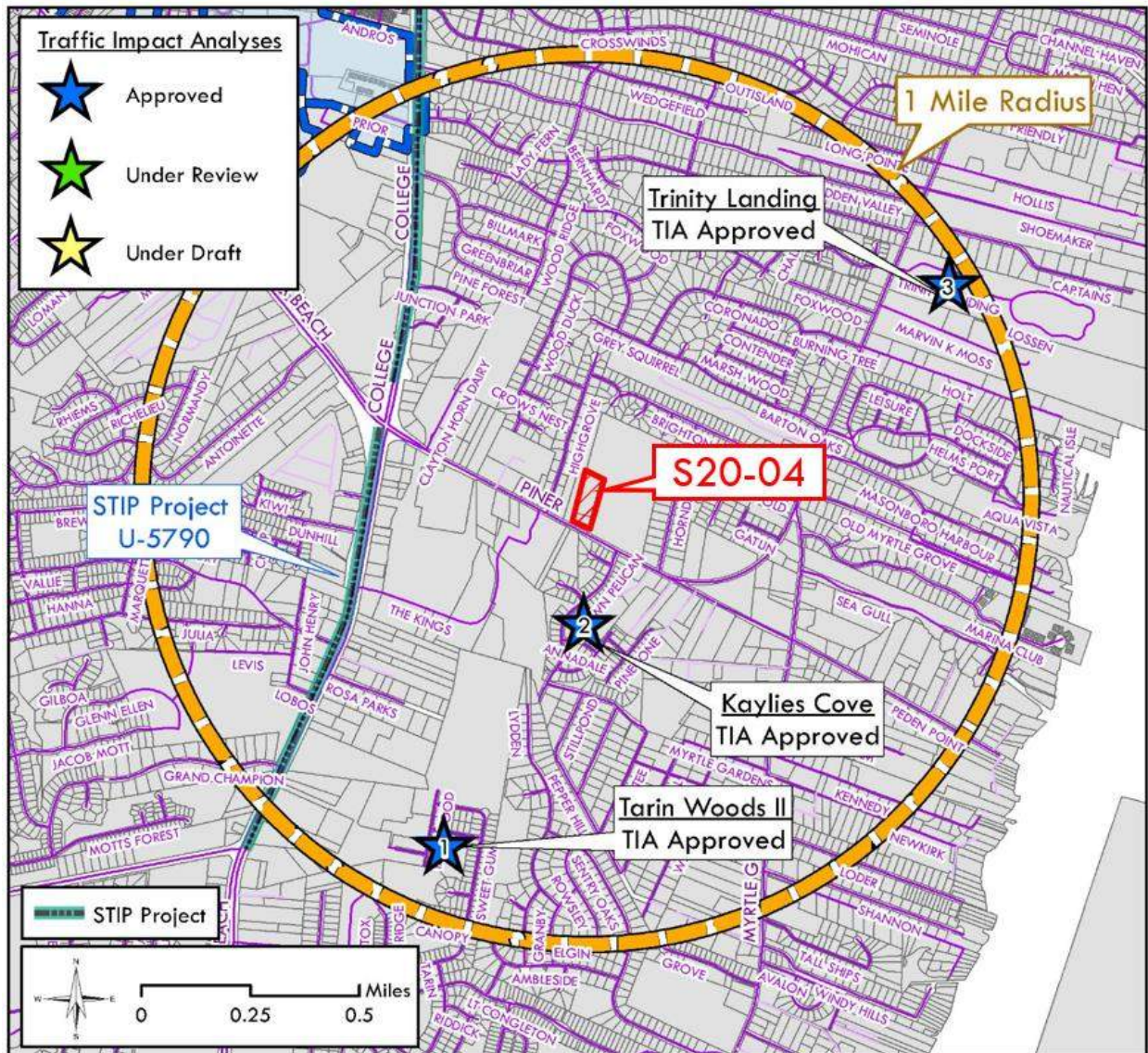


- The dwelling unit that will be used as the live/work unit is already located on the site. Therefore, it is estimated that there will be no change in the trips generated from this site with this proposal. The estimated number of peak hour trips anticipated with the proposed development is below the 100 peak hour trip threshold that triggers the ordinance requirement for a Traffic Impact Analysis (TIA).
- Because a TIA is not required to analyze transportation impacts for proposal generating less than 100 peak hour trips, staff has provided the volume to capacity ratio for Piner Road near the subject site. While volume to capacity ratio, based on average daily trips, can provide a general idea of the function of adjacent roadways, the delay vehicles take in seconds to pass through intersections is generally considered a more effective measure when determining the Level of Service of a roadway.

### **NCDOT Average Annual Daily Traffic (AADT) - 2019**

<b>Road</b>	<b>Location</b>	<b>Volume</b>	<b>Capacity</b>	<b>V/C</b>
Piner Road	800 Block	17,500	19,604	0.89

## Nearby Planned Transportation Improvements and Traffic Impact Analyses



### Nearby NC STIP Projects:

- STIP Project U-5790
  - Project to convert the intersection of Carolina Beach Road and College Road to a continuous flow intersection and widen a portion of Carolina Beach Road south of that intersection. Continuous flow intersections permit more efficient travel movements and help alleviate congestion by allowing more of the main street's traffic to move through the intersection. Based on the preliminary plans, Piner Road will consist of the same lane configuration with slight alignment of the roadway and the westbound right turn lane to S. College Road. The project is currently on hold at this time.

**Nearby Traffic Impact Analyses:**

Traffic Impact Analyses are completed in accordance with the WMPO and NCDOT standards. Approved analyses must be re-examined by NCDOT if the proposed development is not completed by the build out date established within the TIA.

Proposed Development	Land Use/Intensity	TIA Status
<b>1. Tarin Woods II</b>	<ul style="list-style-type: none"> <li>• 219 Single-Family Homes</li> <li>• 458 Townhomes</li> </ul>	<ul style="list-style-type: none"> <li>• Addendum approved March 26, 2020</li> <li>• 2020 Build Out Year</li> </ul>
<p>The TIA required improvements be completed at certain intersections in the area. The notable improvements consisted of:</p> <ul style="list-style-type: none"> <li>• Installation of a northbound leftover/U-turn on Carolina Beach Road at the Harris Teeter driveway (required to be installed during the development of Phase 2A).</li> <li>• Installation of a second westbound right turn lane on Manassas Drive at Carolina Beach Road.</li> <li>• Includes additional point of egress to Carolina Beach Road</li> </ul>		
<p><u>Nearby Proposed Developments included within the TIA:</u></p>		
<ul style="list-style-type: none"> <li>• Beau Rivage Update</li> <li>• Beau Rivage Townhomes</li> </ul>		
<p><b>Development Status: The total number of units studied by the TIA was based on a proposed rezoning of the development that was denied by the Board of Commissioners in June. The development currently has approval for 189 lots, 175 of which have been platted. The current required roadway improvements (northbound leftover/U-turn on Carolina Beach Road at Harris Teeter) have not be completed at this time.</b></p>		

<b>2. Kaylies Cove</b>	<ul style="list-style-type: none"> <li>• 110 Single-Family Homes</li> </ul>	<ul style="list-style-type: none"> <li>• Approved February 20, 2018</li> <li>• 2019 Build Out Year</li> </ul>
<p>The TIA required improvements be completed at certain intersections in the area. The notable improvements consisted of:</p> <ul style="list-style-type: none"> <li>• Installation of a eastbound right turn lane and westbound left turn lane on Piner Road at the site's access.</li> </ul>		
<p><u>Nearby Proposed Developments included within the TIA:</u></p>		
<ul style="list-style-type: none"> <li>• None</li> </ul>		
<p><b>Development Status: Homes under construction. 110 lots have been platted at this time, and both turn lanes have been installed.</b></p>		

<b>3. Trinity Landing</b>	<ul style="list-style-type: none"> <li>• 220 senior adult housing dwelling units and amenities</li> </ul>	<ul style="list-style-type: none"> <li>• Approved June 23, 2017</li> <li>• 2020 Build Out Date</li> </ul>
<p>The TIA required improvements be completed at certain intersections in the area. The major improvements consisted of:</p> <ul style="list-style-type: none"> <li>• Installation of a northbound right turn lane on Masonboro Loop Road at the site's access.</li> </ul>		
<p><u>Nearby Proposed Developments included within the TIA:</u></p>		
<ul style="list-style-type: none"> <li>• None</li> </ul>		
<p><b>Development Status: The development is currently under construction. The roadway improvement has not been installed at this time.</b></p>		

**ENVIRONMENTAL**

- The property is not within a Flood Hazard Area.
- The property does not contain any Natural Heritage Areas.
- The property is within the Mott Creek (C;Sw) watershed.
- Per the Classification of Soils in New Hanover County for Septic Tank Suitability, soils on the property consist of Class III (severe limitations). However, CFPWA sewer is available through a force main connection.

**OTHER CONSIDERATIONS**

**Context and Compatibility**

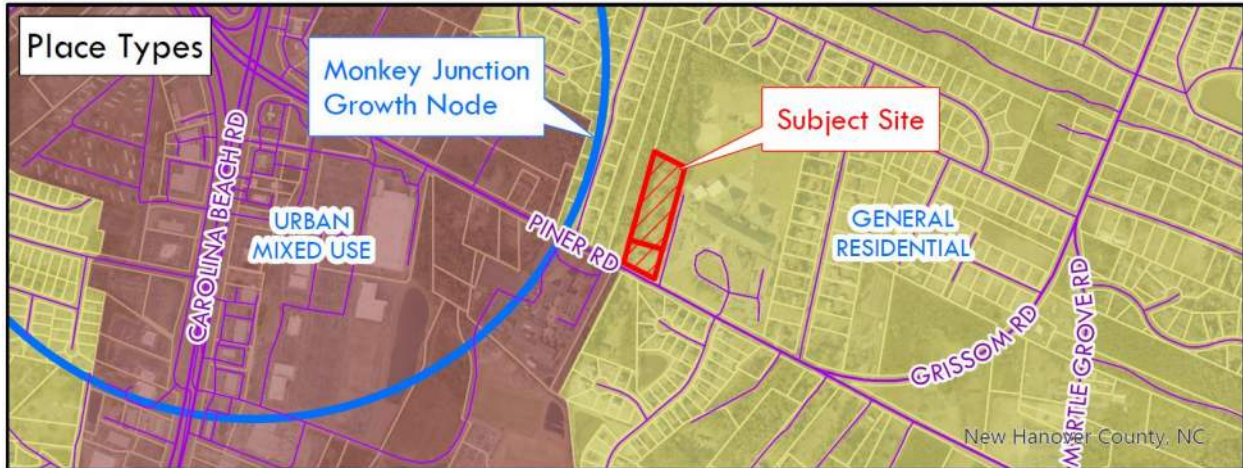
- An existing single-family dwelling is currently located and occupied on the site.
- Approval of the SUP would remove the dwelling's nonconforming status and allow for minor expansions in accordance with the standards of the UDO.
- It is estimated there will be no increase in traffic if the existing dwelling is allowed to be used as a Live/Work unit.

Existing Dwelling Located on the Property:



## 2016 COMPREHENSIVE LAND USE PLAN

The New Hanover County Future Land Use Map provides a general representation of the vision for New Hanover County's future land use, as designated by place types describing the character and function of the different types of development that make up the community. These place types are intended to identify general areas for particular development patterns and should not be interpreted as being parcel specific.



<b>Future Land Use Map Place Type</b>	General Residential
<b>Place Type Description</b>	Focuses on lower-density housing and associated civic and commercial services. Typically, housing is single-family or duplexes. Commercial uses should be limited to strategically located office and retail spaces, while recreation and school facilities are encouraged throughout. Types of uses include single-family residential, low-density multi-family residential, light commercial, civic, and recreational.
<b>Analysis</b>	The intent of the General Residential place type is to provide opportunities for lower density residential development and supportive commercial, civic, and recreational development. While not specifically addressed by the Comprehensive Plan, the proposed live/work or caretaker unit is in line with the residential uses and low to moderate densities recommended for General Residential areas.

## **STAFF PRELIMINARY CONCLUSIONS AND FINDINGS OF FACT:**

Staff has conducted an analysis of the proposed use and the information provided as part of the application package and has created preliminary findings of fact for each of the conclusions required to be reached to approve the special use permit request. These preliminary findings of fact and conclusions are based solely on the information provided to date, prior to any information or testimony in support or opposition to the request that may be presented at the upcoming public hearing at the Board meeting.

### **Conclusion 1: The Board must find that the use will not materially endanger the public health or safety where proposed and developed according to the plan as submitted and approved.**

- A. Water currently provided by CFPWA and wastewater is treated by a private septic system. Sewer service is available through CFPWA with a force main connection.
- B. The site will be accessed from Piner Road, an NCDOT-maintained Minor Arterial based on the WMPO Functional Classification Map.
- C. The dwelling that will be used as the live/work unit is already located and occupied on the site.
- D. It is estimated that allowing the existing dwelling to be used as a live/work unit will not increase the traffic generated from the site.
- E. The subject property is located in the New Hanover County Southern Fire Service District.
- F. The site is not located within the Special Flood Hazard Area.

### **Conclusion 2: The Board must find that the use meets all required conditions and specifications of the Unified Development Ordinance.**

- A. The site is zoned (CZD) CB, Conditional Community Business District. (*pending rezoning application Z20-21*)
- B. Live/Work or Caretaker Units are an allowed use by Special Use Permit in the CB zoning district.
- C. Section 4.3.2.A.7 of the Unified Development Ordinance (UDO) sets forth specific use standards for Live/Work or Caretaker Units. Compliance with the applicable standards is shown on the conceptual plan.

### **Conclusion 3: The Board must find that the use will not substantially injure the value of adjoining or abutting property or that the use is a public necessity.**

- A. The surrounding area contains institutional uses, offices, and single-family dwellings.
- B. Bufferyards must be provided between the development and adjacent properties.
- C. The dwelling that will be used as the live/work unit is already located and occupied on the site.
- D. To date, no evidence has been provided to show that the proposed development will substantially injure the value of adjoining or abutting property.



**Conclusion 4: The Board must find that 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 Comprehensive Land Use Plan for New Hanover County.**

- A. The property is located in the General Residential place type as classified in the 2016 Comprehensive Plan.
- B. The proposed live/work or caretaker unit is in line with the residential uses and low to moderate densities recommended for General Residential areas.

### Suggested Conditions

No conditions proposed.

### EXAMPLE MOTIONS

#### **Example Motion for Approval:**

Motion to approve, as the Board finds that this application for a Special Use Permit meets the four required conclusions based on the findings of fact included in the Staff Report.

[OPTIONAL] Note any additional findings of fact related to the four required conclusions.

[OPTIONAL] Note any conditions be added to the development:

*[List Conditions]*

#### **Example Motion for Denial:**

Motion to deny, as the Board **cannot** find that this proposal:

1. Will not materially endanger the public health or safety;
2. Meets all required conditions and specifications of the Unified Development Ordinance;
3. Will not substantially injure the value of adjoining or abutting property;
4. Will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Land Use Plan for New Hanover County.

*[State the finding(s) that the application does not meet and include reasons why it is not being met]*

**Case:**

S20-04

**Site Address:**

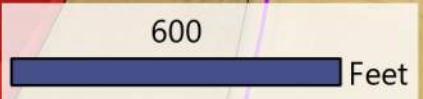
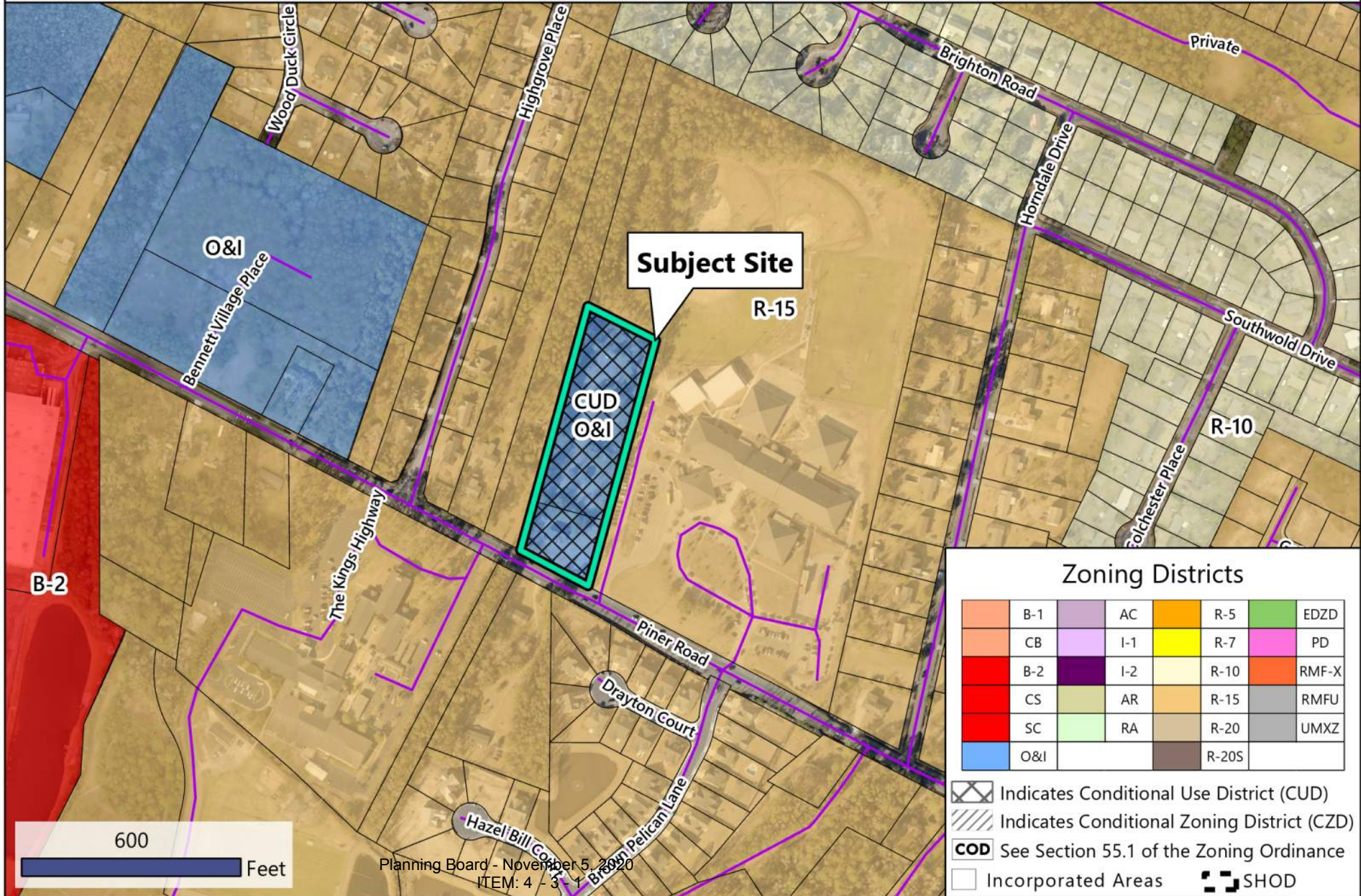
813 & 817  
Piner Rd

**Existing Zoning/Use:**

CUD O&I/  
Office

**Proposed Use**

Live Work Unit/  
Caretaker



Planning Board - November 5, 2020  
ITEM: 4 - 3 - 7

**Zoning Districts**

	B-1		AC		R-5		EDZD
	CB		I-1		R-7		PD
	B-2		I-2		R-10		RMF-X
	CS		AR		R-15		RMFU
	SC		RA		R-20		UMXZ
	O&I				R-20S		

Indicates Conditional Use District (CUD)  
 Indicates Conditional Zoning District (CZD)  
**COD** See Section 55.1 of the Zoning Ordinance  
 Incorporated Areas     SHOD

**Case:**

S20-04

**Site Address:**

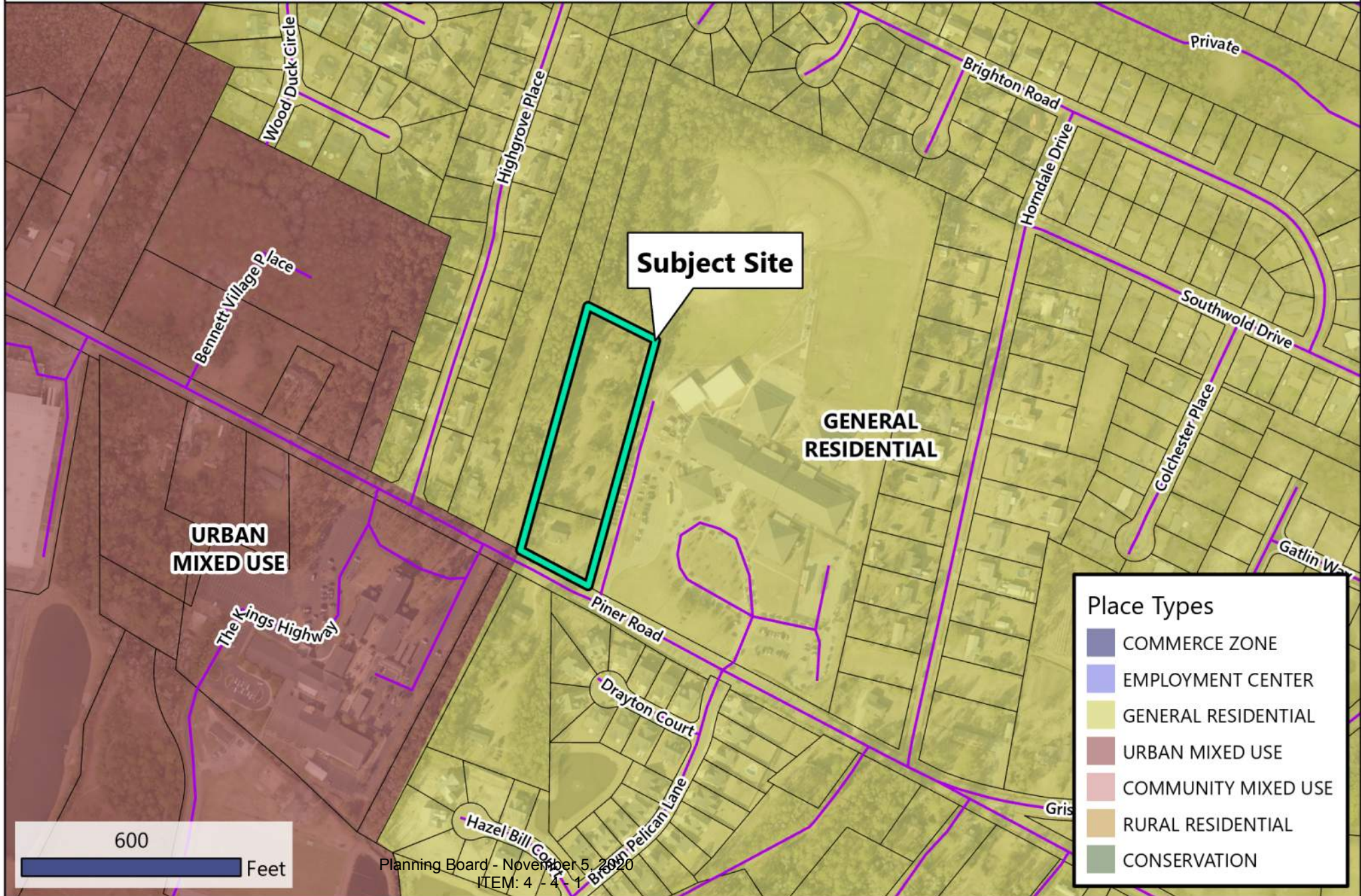
813 & 817  
Piner Rd

**Existing Zoning/Use:**

CUD O&I/  
Office

**Proposed Use**

Live Work Unit/  
Caretaker



**Case:**

S20-04

**Site Address:**

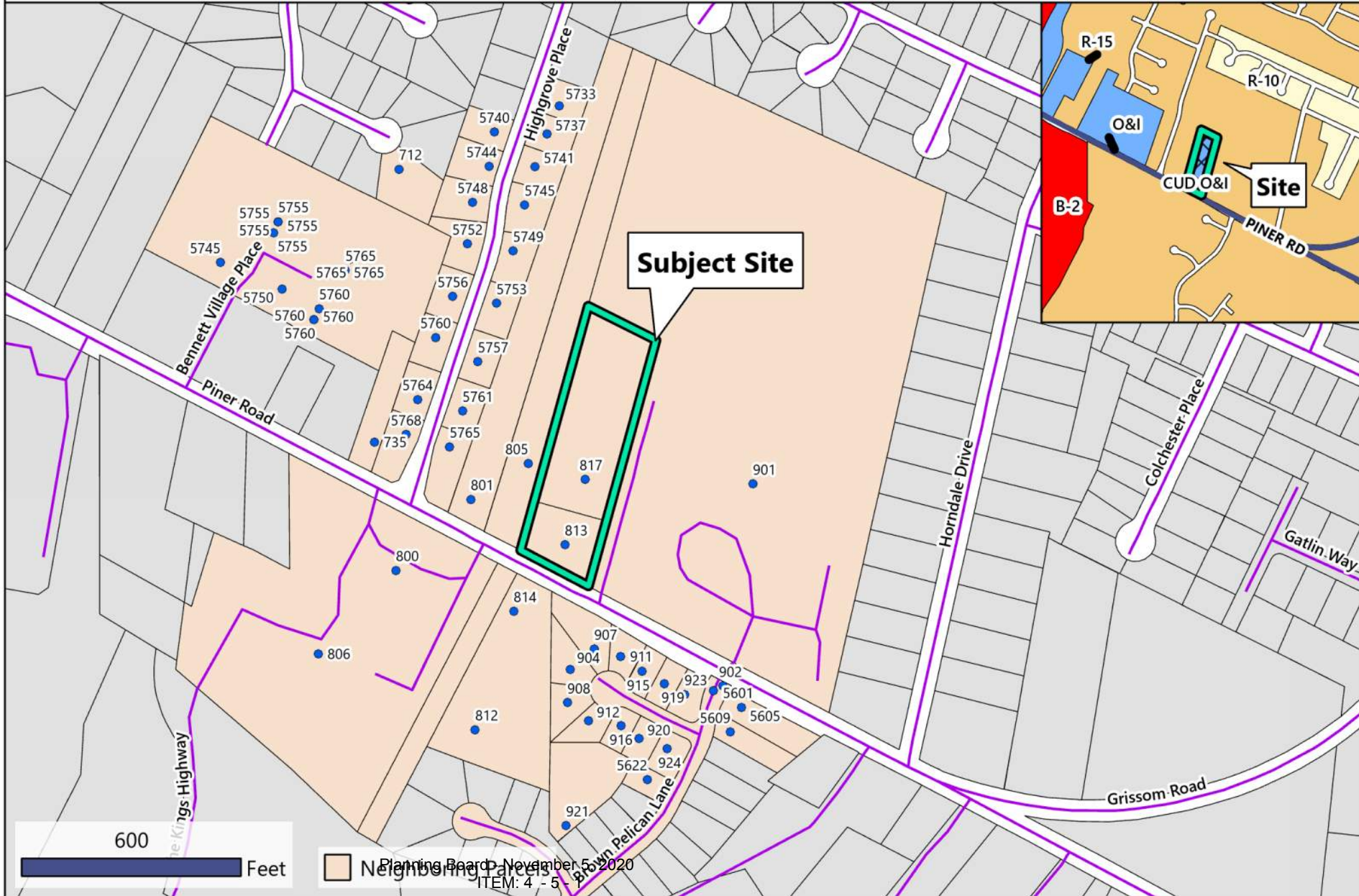
813 & 817  
Piner Rd

**Existing Zoning/Use:**

CUD O&I/  
Office

**Proposed Use**

Live Work Unit/  
Caretaker



Planning Board November 5, 2020  
ITEM: 4 - 5 - 7

# **APPLICANT MATERIALS**



# 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 (if different from Applicant/Agent)</b> 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> 520-04	<b>Date/Time Received:</b> 10/8/2020 3:30 PM	<b>Received by:</b> BS
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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 EVIDIENCE 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 SUFFICENCY, 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	<u>CAW</u>	<u>BS</u>
<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>	<u>CAW</u>	<u>BS</u>
<input type="checkbox"/> Traffic Impact Analysis (if applicable)	<u>N/A</u>	<u>NA</u>
<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>	<u>CAW</u>	<u>BS</u>
<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>	<u>N/A</u>	<u>NA</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>BS</u>
<input type="checkbox"/> One (1) digital PDF copy of ALL documents AND plans	<u>CAW</u>	<u>BS</u>

## 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.*

<b>Applicant Tracking Information (This section completed by staff)</b>			
<b>Application Received:</b>	<b>Completeness Determination Required by (date):</b>	<b>Determination Performed on (date):</b>	<b>Planning Board Meeting:</b>
10/8/2020	10/15/2020	10/15/2020	11/5/2020

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.

N 24°01'30" E  
TIE-LINE ONLY  
3.73  
CONTROL  
CORNER  
EIP

N/F  
NEW HANOVER  
COUNTY BOARD OF  
EDUCATION  
DB 1330, PG 137

S 58°08'48" E 208.90

EIP  
CONTROL  
CORNER

②  
83696.79 SQ. FT.  
1.92 ACRES PREVIOUS ACREAGE  
REF DB 4852, PG 288  
2.51 ACRES RECOMBINED ACREAGE

N/F  
FRANCIS SMITH  
DB 351, PG 462

N 20°44'46" E 693.99

NS  
TIE-LINE ONLY

N 55°44'58" E  
138.13

388.08

S 20°45'00" W 698.80

N/F  
NEW HANOVER  
COUNTY BOARD OF  
EDUCATION  
DB 1330, PG 137

S 69°19'26" E 204.96  
old line to be abandoned

EIP  
DISTURBED

30' ACCESS EASEMENT  
PER DB 4852, PG 258  
TO BE ABANDONED

ERB

125.09

RBS

S 69°19'26" E 204.95

①

59042.84 SQ. FT.  
1.36 ACRES PREVIOUS ACREAGE  
REF DB 4852, PG 288  
0.77 ACRES RECOMBINED ACREAGE

30' ACCESS EASEMENT  
PER DB 4852, PG 258  
TO REMAIN AND TERMINATE  
AT REAR LINE OF NEW LOT 1

S 15°14'21" W  
192.56  
TIE-LINE ONLY

DITCH

NS

N 29°34'43" E  
120.48  
TIE-LINE ONLY

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

PINER ROAD (60' PUBLIC R/W)

ERB

PP

OHPL

N 56°51'17" W 209.83

PP

OHPL

PP

ERB

PP

ERB

PP

ERB

PP

ERB

PP

ERB

PP

ERB

PP

ERB

PP

ERB

PP

ERB

PP

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.

*W.S. Hackney*  
OWNER(S)/AGENT(S) 12/23/2014  
DATE

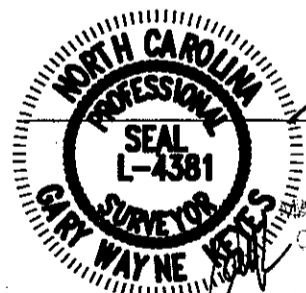
MAP NOT SUBJECT TO NEW HANOVER  
COUNTY SUBDIVISION ORDINANCE.

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

NOTES:

NO NCGS MONUMENTS FOUND WITHIN 2000 FT.

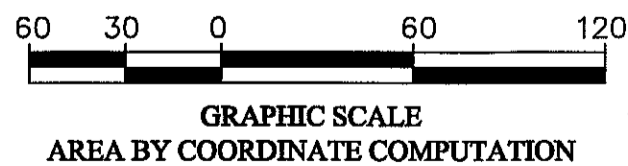
THIS SURVEY IS A RECOMBINATION OF EXISTING  
PARCELS, A COURT-ORDERED SURVEY OR OTHER  
EXCEPTION TO THE DEFINITION OF SUBDIVISION.



*Gary W. Keyes, PLS*

MAP NOT SUBJECT TO NEW HANOVER  
COUNTY SUBDIVISION ORDINANCE

01-06-15 C.O. Keyes/SB  
DATE PLANNING INSPECTIONS DIRECTOR



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

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	

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: *1/2000*; 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  
7536 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  
REVIEW OFFICER  
DATE January 2, 2015

STATE OF NORTH CAROLINA New Hanover COUNTY  
Filed for Registration at 11:26 AM, January 15, 2015 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  
Planning Board - November 2020  
ITEM: 4 - 7 - 8

RECEIVED DEC 30 2014  
Gary Keyes 910-228-4773

**REPORT OF COMMUNITY MEETING NOTIFIATION  
BY NEW HANOVER COUNTY ZONING ORIDINANCE  
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	<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)

---

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

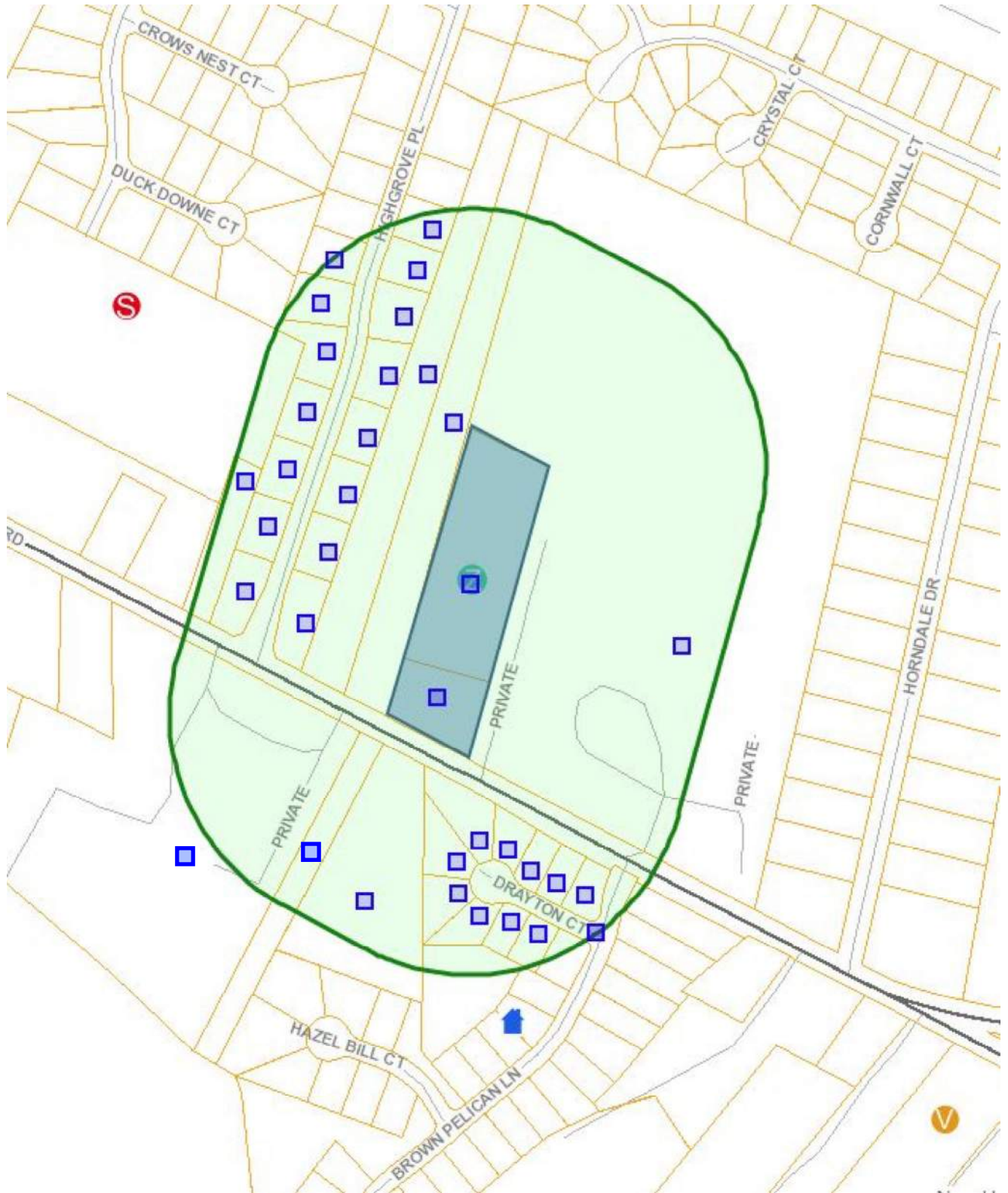
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Thanks, that confirms my concerns of early morning activity disturbing the peace.

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

**Freedom Lawns®**  
 "Working in unison with nature"  
 Outstanding Environmental Stewardship Award

Existing House to Remain

Gravel Access Drive

Existing Offices to Remain

Employee Parking

Employee Parking

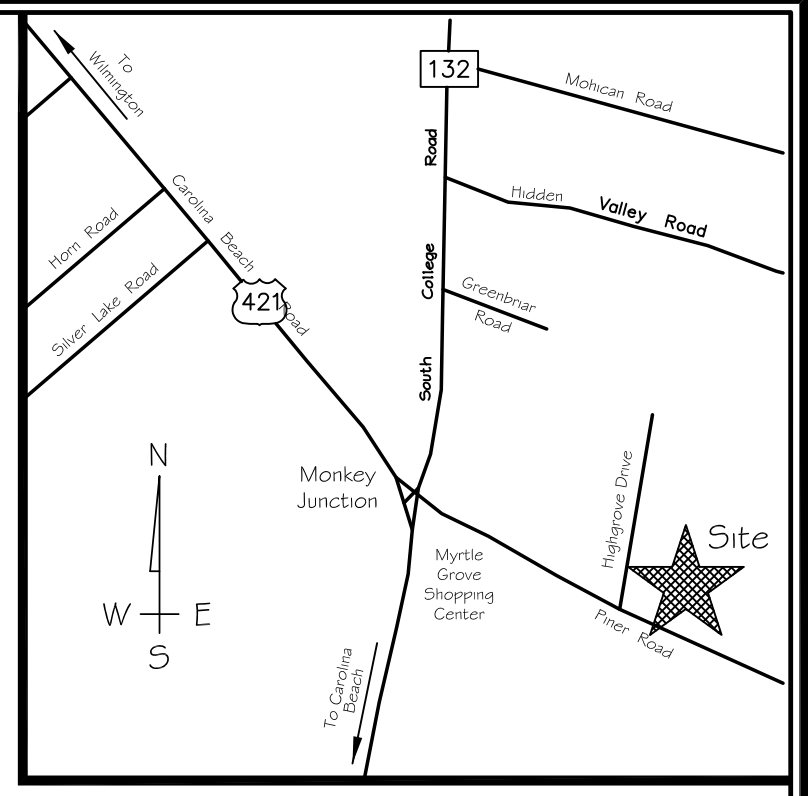
Myrtle Grove Middle School

Piner Road


# **PROPOSED SITE PLAN**







Vicinity Map  
(No Scale)

NHCo Board of Education  
D.B. 1330-137  
Zoning: R-15  
Land Use: Institutional

Frances W. Smith Heirs  
D.B. 351-462  
Zoning: R-15  
Land Use: Residential

NHCo Board of Education  
D.B. 1330-137  
Zoning: R-15  
Land Use: Institutional

Kaylies Cove POA, Inc.  
D.B. 6182-2918  
Zoning: R-15  
Land Use: Open Space

Dudley Linwood Rogers, Jr.  
D.B. 5354-658  
Zoning: R-15  
Land Use: Residential

Fredrich # Madison Stutzenberger  
D.B. 6212-914  
Zoning: R-15  
Land Use: Residential

- Site Inventory Notes:**
1. Soils Type: Mu (Murville fine sand)
  2. This property is not impacted by any AEC.
  3. There are no Conservation Overlay boundaries affecting this property.
  4. This site is not impacted by any recognized historic or archeological significance.
  5. No cemeteries were evidenced on the site.
  6. Existing vegetation within the development area has been located and is labeled.
  7. There is no evidence of jurisdictional wetlands on the site.
  8. There is no evidence of endangered species or habitat issues on the site.
  9. This parcel is not impacted by any Special Flood Hazard Area (SFHA) as evidenced on FIRM Panel 3720313400K.
  10. The site drainage flows into the Motts Creek drainage basin.

- Utility Notes:**
1. Existing water service is provided by Cape Fear Public Utility Authority. Sanitary sewer service is hooked to a private septic system.
  2. All utility services, such as electric power, CATV, gas & telephone shall be installed underground.
  3. Solid waste disposal will be by dumpster pickup by a private contractor / hauler.

- Tree Preservation Notes:**
1. Tree Preservation / Removal Permit is required prior to clearing & land disturbance.
  2. Prior to any clearing, grading or construction activity, tree protection fencing will be installed around protected trees or groves of trees and no construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.
  3. Protective fencing is to be maintained throughout the duration of the project. Land clearing and construction contractors shall receive adequate instruction on tree protection requirements and methods.
  4. Protective fencing will be labeled with signs to be placed every fifty (50) linear feet, or at least two (2) signs per area, in both English & Spanish - "Tree Protection Area / Do Not Enter."

- Development Notes:**
1. All development shall be in accordance with the New Hanover County Zoning Ordinance.
  2. Project shall comply with all Federal, State & New Hanover County regulations.

**Development Data:**

Tract Area - 142,789 s.f. ± (3.28 ac.)

Total Bldg. Area: 3996 s.f. ±  
 Existing Offices - 1602 s.f. ±  
 Proposed Storage Bldg. - 1530 s.f. ±  
 Caretaker Unit - 864 s.f. ±

Bldg. Hgts.:  
 Existing Offices - 1-story / 11'  
 Existing Residence - 2-story / 25'  
 Proposed Storage Bldg. - 1-story / 25'

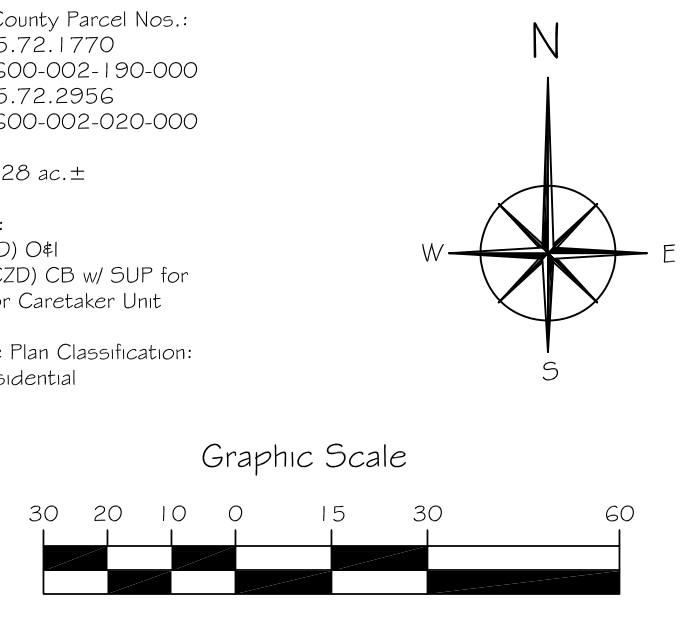
Parking - 3132 s.f. Office & Storage @ 1 sp/400 s.f. = 8  
 Caretaker Unit @ 2 sp req'd.  
 \*\* 15 spaces prov'd. \*\*

Impervious Surfaces -  
 Ex. Rooftops - 2,200 s.f. ±  
 Ex. Pmnt. - 6,200 s.f. ±  
 Ex. Walks - 1,180 s.f. ±  
 Ex. Gravel - 3,450 s.f. ±  
 Subtotal - 13,030 s.f. ±

New Rooftop - 1,530 s.f. ±  
 New Gravel - 11,600 s.f. ±  
 Subtotal - 13,130 s.f. ±

Total - 26,160 s.f. ± (18.3%)

- General Notes:**
1. New Hanover County Parcel Nos.:  
 PIN - 313415.72.1770  
 PID - R07600-002-190-000  
 PIN - 313415.72.2956  
 PID - R07600-002-020-000
  2. Tract Area: 3.28 ac. ±
  3. Zoning District:  
 Existing - (CUD) O#1  
 Proposed - (CZD) CB w/ SU/F for Live/Work or Caretaker Unit
  4. Comprehensive Plan Classification:  
 General Residential



P.O. Box 7221  
Wilmington, NC 28406  
Tel. 910-620-2374

Design Solutions  
Planning Board - November 2020



Project No.: 20-22  
 Scale: 1" = 30'  
 Date: 10/08/20  
 Revisions: 10/23/20 for Prelim Review Comments

Owner:  
 Proclam Holdings, L.L.C.  
 P.O. Box 15447  
 Wilmington, NC 28408

Conditional Zoning  
 District Site Plan

Property Address: 813 # 817 Piner Road

# Freedom Lawns

Masonboro Township / New Hanover County / North Carolina