

# 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> Craig Johnson	<b>Owner Name</b> (if different from Applicant/Agent) SOCOL, LLC
<b>Company</b> River Birch Investments, LLC	<b>Company/Owner Name 2</b> Richard Yang
<b>Address</b> PO Box 538	<b>Address</b> 5087 Edinboro Lane
<b>City, State, Zip</b> Wrightsville Beach, NC 28480	<b>City, State, Zip</b> Wilmington, NC 28409
<b>Phone</b> 910.442.7500	<b>Phone</b> 910.470.0188
<b>Email</b> craig@herringtonclassichomes.com	<b>Email</b> rsyebellsouth.net

## 2. Subject Property Information

<b>Address/Location</b> 4606, 4618, 4626 S. College Rd		<b>Parcel Identification Number(s)</b> R07100-003-046-000; R07100-003-567-000; R07100-003-568-000	
<b>Total Parcel(s) Acreage</b> 5.1 acres	<b>Existing Zoning and Use(s)</b> R-15 & vacant & house	<b>Future Land Use Classification</b> General Residential	

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

<b>Proposed Conditional Zoning District:</b> R-5	<b>Total Acreage of Proposed District:</b> 5.1 acres
<p><b>Please list the uses that will be allowed within the proposed Conditional Zoning District, the purpose of the district, and a project narrative (attach additional pages if necessary).</b> Note: Only uses permitted in the corresponding General Use District are eligible for consideration within a Conditional Zoning District.</p> <p>See attached.</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 attached.

## 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 family house

**Trip Generation Use and Variable (gross floor area, dwelling units, etc.)** 40 single family units

**AM Peak Hour Trips:** 33

**PM Peak Hour Trips:** 42

## 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.**

See attached.

**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.**

See attached.

**3. What significant neighborhood changes have occurred to make the original zoning inappropriate, or how is the land involved unsuitable for the uses permitted under the existing zoning?**

See attached.

Staff will use the following checklist to determine the completeness of your application. Please verify all of the listed items are included and confirm by initialing under "Applicant Initial". 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**

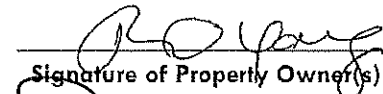
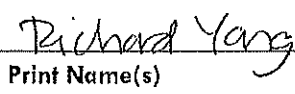


<input type="checkbox"/> This application form, completed and signed	_____
Application fee:	
<input type="checkbox"/> • \$600 for 5 acres or less	
• \$700 for more than 5 acres	
• \$300 in addition to base fee for applications requiring TRC review	_____
<input type="checkbox"/> Community meeting written summary	_____
<input type="checkbox"/> Traffic impact analysis (if applicable)	_____
<input type="checkbox"/> Legal description (by metes and bounds) or recorded survey Map Book and Page	
Reference of the property requested for rezoning	_____
Conceptual Plan including the following minimum elements:	
<input type="checkbox"/> Tract boundaries and total area, location of adjoining parcels and roads	
• Proposed use of land, building areas and other improvements	
○ For residential uses, include the maximum number, height, and type of units; area to be occupied by the structures; and/or proposed subdivision boundaries.	
○ For non-residential uses, include the maximum square footage and height of each structure, an outline of the area structures will occupy, and the specific purposes for which the structures will be used.	
• Proposed transportation and parking improvements; including proposed rights-of-way and roadways; proposed access to and from the subject site; arrangement and access provisions for parking areas.	
• All existing and proposed easements, required setbacks, rights-of-way, and buffers.	
• The location of Special Flood Hazard Areas.	
• A narrative of the existing vegetation on the subject site including the approximate location, species, and size (DBH) of regulated trees. For site less than 5 acres, the exact location, species, and sized (DBH) of specimen trees must be included.	
• Approximate location and type of stormwater management facilities intended to serve the site.	
• Approximate location of regulated wetlands.	
• 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	_____
<input type="checkbox"/> One (1) hard copy of ALL documents and site plan. Additional hard copies may be required by staff depending on the size of the document/site plan.	_____
<input type="checkbox"/> One (1) digital PDF copy of ALL documents AND plans	_____

## 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;
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; and
4. Provide written consent to any and all conditions of approval.

 _____ Signature of Property Owner(s)	 _____ Print Name(s)
 _____ Signature of Applicant/Agent	 _____ Print Name

Note: This form must be signed by the owner(s) of record. If there are multiple property owners, a signature is required for each owner of record.

*If an applicant requests delay of consideration from the Planning Board or Board of County Commissioners before notice has been sent to the newspaper, the item will be calendared for the next meeting and no fee will be required. If delay is requested after notice has been sent to the newspaper, the Board will act on the request at the scheduled meeting and are under no obligation to grant the continuance. If the continuance is granted, a fee in accordance with the adopted fee schedule as published on the New Hanover County Planning website will be required.*

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

**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 permitted in the corresponding General Use District are eligible for consideration within a Conditional Zoning District.

River Birch Investments, LLC is requesting the property, including parcels R07100-003-046-000, R07100-003-568-000, and R07100-003-567-000, be rezoned to from R-15 to Residential Moderate-High Density (R-5) District for a forty (40) lot, single family residential use of the property to provide a necessary missing middle housing opportunity. The R-5 district allows a range of housing types and can be developed in conjunction with a non-residential district to create a vertical mixed-use development pattern as well as serve as a transition between mixed-use or commercial development and low to moderate density residential development. The project is proposed on three tracts of mostly vacant land with one residence. The proposed project is an infill site currently surrounded by developed properties of single family and a church and conveniently located between two commercial centers with the Pine Valley library and shopping to the north and Monkey Junction to the south.

The Future Land Use Map identifies this site as General Residential. General Residential focuses on lower density housing ranging up to approximately 8 units per acre and typically consisting of single-family or duplexes. The proposed project is for single-family residential at under 8 units per acre which aligns with the properties' classifications on the 2016 Comprehensive Plan's Future Land Use Map.

We will amenitize the pond by placing walking trails and a dog park adjacent therefore having the pond be a vital part of our active open space. The proposed project will plant street trees in addition to other landscape amenities to enhance the visual appeal of the neighborhood.

The project will have access via of the public right of way of Jasmine Cove Way and a WAVE transit stop is conveniently located at the intersection of Jasmine Cove Way and College Road. There are no wetlands or waters of the US present within the boundaries of the project parcels. Water and sewer are available to the property line of the project site.

### **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.

We will amenitize the pond by placing walking trails and a dog park adjacent therefore having the pond be a vital part of our active open space.

## **6. Conditional Zoning District Considerations**

### **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.**

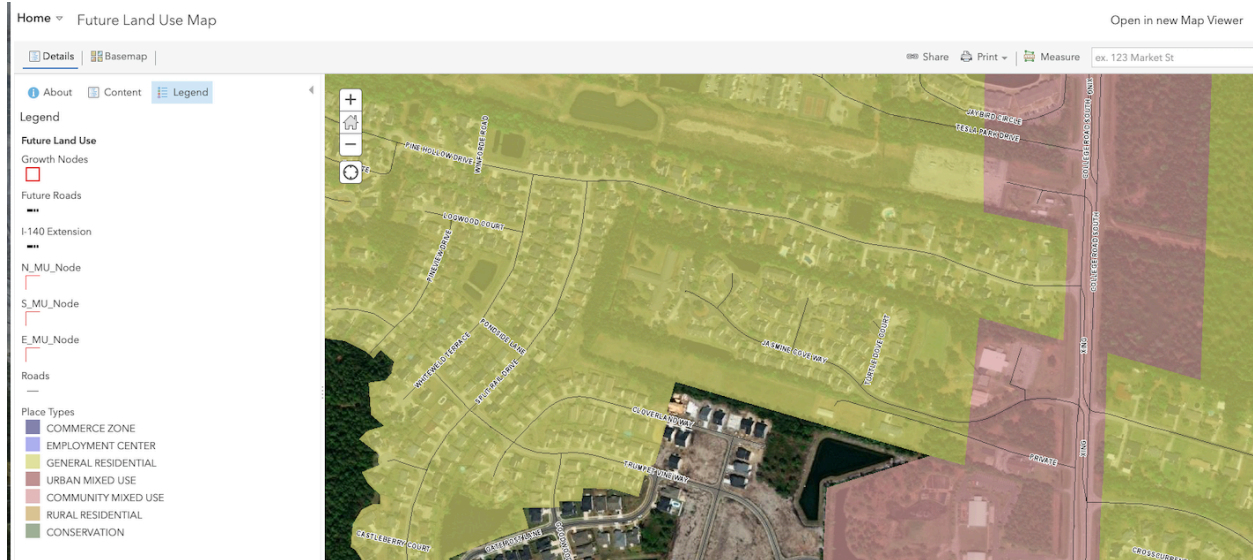
The proposed project is currently classified General Residential on the Future Land Use Map and boarded by General Residential and Community Mixed Use. General Residential focuses on lower density housing ranging up to approximately 8 units per acre and typically consisting of single-family or duplexes. The proposed project is for single-family residential at under 8 units per acre which aligns with the properties' classifications on the 2016 Comprehensive Plan's Future Land Use Map.

The single family residential would assist with the County's Strategic Plan Objective of enhancing the self-sufficiency of individuals and families and Goal XV of providing a range of housing types, opportunities, and choices. This project will provide a safe and conveniently located community and provides another housing type near the employment centers as it is located between two commercial centers with the Pine Valley library and shopping to the north and Monkey Junction to the south.

### **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 proposed project is currently zoned General Residential and boarded by general residential and community mixed use. General Residential focuses on lower density housing ranging up to approximately 8 units per acre typically consisting of single family or duplexes. The proposed project is for single-family residential at under 8 units per acre which aligns with the properties' classifications on the 2016 Comprehensive Plan's Future Land Use Map.





### 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 project site is bordered on the north by Jasmine Cove, a townhome community, Cedar Cove Assisted Living Facility, and the Wilmington Shrine Club; to the east by religious institutions and the Wilmington Shrine Club, the south by a religious institution; and to the south and west by single family residential. The surrounding properties have not been developed in the typical R-15 purpose of very low to low density residential development and the R-5 zoning with single family lots would be a proper transition to the surrounding uses.

The R-5 district allows a range of housing types and can be developed in conjunction with a non-residential district to create a vertical mixed-use development pattern as well as serve as a transition between mixed-use or commercial development and low to moderate density residential development. Due to the unique dimension of this tract, the proximity to College Road, the proximity to transit and services, this site lends itself to meet the purpose of the R-5 zoning district.

