

CONDITIONAL DISTRICT REZONING

APPLICATION FOR CHANGE OF ZONING OF PROPERTY

City of Wilmington, NC
Planning Division

P. O. Box 1810, 305 Chestnut St, Wilmington, NC 28402
Telephone: (910) 254-0900 FAX: (910)341-3264

Version 4/8/19

Section A. APPLICANT INFORMATION

The petitioner requests that the City of Wilmington Zoning Map be amended as indicated below:

NAME OF APPLICANT/PETITIONER: Mihaly Land Design, PLLC / Josh Mihaly

MAILING ADDRESS OF APPLICANT: 330 Military Cutoff Rd #3, Wilmington, NC 28405

PHONE NUMBER/E-MAIL OF APPLICANT: 910-392-4355 / josh@mihalyland.net

PROPERTY OWNER INFORMATION (If different from the applicant):

Name(s) ROJOTO Properties LLC

Address: 1900 Eastwood RD Suite 10 Wilmington, NC 28403

ZIP 28403

Telephone: (910) 367-2663

FAX: _____

E-Mail Address: ROJOTO6icloud.com / Joel.tomaselli@gmail.com

PROPERTY INFORMATION: The following information is required to provide the necessary information to process the rezoning request:

ADDRESS OF SUBJECT SITE: 239 Giles Ave. / 245 Giles Ave. / 251 Giles Ave. / 261 Giles Ave.

NEW HANOVER CO. PROPERTY IDENTIFICATION # (PIN): RO6207-010-008-000 / RO6207-010-009-000
RO6211-003-002-001 / RO6211-003-002-000

CURRENT ZONING DISTRICT(S): R-15

PROPOSED ZONING DISTRICT(S): R-5(CD)

TOTAL SITE ACRES/SQUARE FEET: +/- 7.16 ACRES / 311,890 SF

PROPOSED USE(S) AND PROPOSED CONDITIONS FOR THE SITE: R-5(CD) / QUADRAPLEX

It is important that the applicant provide information to explain how the rezoning request satisfies the following questions. Please use attachments if necessary:

1. What changed or changing condition(s) justifies the passage of the amendment? (Discuss how circumstances have so changed since the property was last zoned).

As the City has Wilmington has grown, tracts such as this have become excellent opportunities for smart in-fill development. The City's Comprehensive Plan was adopted to look at areas and properties such as this that lie within the city limits and make a the best determination for how best to look into the future and make recommendations for developing these in fill tracts. The proposed development is in line with the future vision for tracts like this in the is area within the city limits. The current R-15 zoning on the site is not consistent with the current market conditions for a tract like this. It is our opinion that the proposed R-5 Quadra-Plex development is much more in tune with the current market conditions and is consistent with the Future Land Use Plan.

2. Explain how the map amendment would be consistent with the city's *Create Wilmington Comprehensive Plan* and adopted special area plans (e.g., corridor plans, neighborhood plans, etc).

The City of Wilmington's Comprehensive Plan identifies this 7.16 acre tract in an "Area of Opportunity". As parts of the city experience change, areas identified as "Areas of Opportunity" are identified as places more likely to experience more intense change through new development, redevelopment, and infrastructure improvements. These areas have the greatest potential to accommodate future growth, in-fill, and new development. More specifically, this tract has been identified as an opportunity for higher intensity. The Areas of Opportunity Map in the Comprehensive Plan likens this site as a opportunity to implement master plans, make connections to adjacent areas and incorporate them into new development, provide open spaces with integrated connections between multi-family areas.

3. Explain briefly the expected effect on the neighborhood if the proposed zoning map amendment is approved.

The site is currently vacant and has been for a very long time. Any new development will certainly have an effect on the neighborhood. The 13 quadra-plex units proposed on the subject site has been designed in a manner that allows us to carefully place each building within the existing trees. Each building has been placed on a lot that is a minimum of 17,500 sf which larger then the surrounding single-family home lots that are adjacent to the property. The proposed plan looks to provide a development that is compatible to surrounding land uses and provides a aesthetic transition between the existing single-family and mobile homes parks that surround the site and still meeting the current market demands and limit the effect of existing neighborhoods.

4. Other circumstances which tend to justify the amendment in the public interest.

The subject property lies between a row of older R-15 single-family homes and (2 Mobile Home Parks that have been operating for several decades. The property consist of 7.16 acres of vacant property that we feel will provide an excellent opportunity to develop a creative quadra-plex development that offers a creative layout, inspiring architecture and affordable work-force housing. The development along Peiffer avenue is a range of single-family housing, mobile home parks, multi-family and the a school. It is our opinion Integrating a R-5 quadra-plex development into the existing fabric of uses and housing is exactly what the Future Land Use Plan speaks to when it discusses these types of areas to be "Areas of Opportunity". The development will help improve existing unimproved infrastructure and future connectivity to the adjacent parcels. The proposed one-bedroom units will limit the proposed traffic counts to a 26 AM peak trips and 33 PM peak trips.

Section C. SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION

PLEASE INCLUDE ALL OF THE FOLLOWING (CHECK OFF). Please check the list below carefully before you submit:

- Completed application form;
- Agent form if the applicant is not the property owner;
- Ten (10) 24" X 36" copies of the site plan and one (1) 11" X 17" of the site plan (See Section D below for the minimum amount of information required on the site plan);
- A boundary survey and vicinity map showing the property's total acreage, its zoning classification(s), the general location in relation to major streets, railroads, and/or waterways, the date and north arrow;
- Legal description of property requested for rezoning, by metes and bounds;
- Application fee (checks payable to the City of Wilmington);
- List of the names of owners, their addresses and the tax parcel numbers of the properties within 300 feet of the subject property, including those separated by a street right-of-way;
- Two sets of business-size envelopes pre-addressed to the property owners within 300 feet of the subject property with the Planning Division's return address. All envelopes must have postage and metered postage must be *undated*. The Department account number, 2670-419, must be shown just below the return address. This will assure any returned letters will come to this Department.
- Copy of the New Hanover Tax map which delineates the property requested for rezoning.

Section D. REQUIRED INFORMATION TO BE INCLUDED ON THE SITE PLAN

The following information is required to be shown on the site plan submitted with this application. If, for some reason, any of the required items below are not included on the site plan, reasons for excluding those requirements must be given.

- Approximate location on the site of proposed buildings, structures and other improvements;
- Approximate dimensions, including height of proposed buildings and other structures;
- All existing easements, reservations and rights-of-way;
- Proposed use of land and structures, including the number of residential units and the total square footage of any nonresidential development;
- All existing and proposed points of access to public streets;
- Generalized traffic, parking and circulation plans;
- Approximate location of all existing and proposed infrastructure on the site including water, sewer, roads and pedestrian walkways;
- All yards, buffers, screening, and landscaping required by the Land Development or proposed by the petitioner;
- na Delineation of areas within the regulatory floodplain as shown on the official flood hazard boundary maps for the City of Wilmington; adjoining property lines;
- Tree survey, if required by the Land Development Code;
- Site Inventory as required by Land Development Code;
- na Proposed phasing, if any;
- The names and deed references of current adjoining property owners;

Note that in the course of evaluating the proposal, staff, the Planning Commission or the City Council may request additional information from the applicant. The additional information may include the following:

- Proposed screening, buffers and landscaping over and above that required by the Land Development Code, as well as proposed treatment of any existing natural features;
- Existing and general topography, at four-foot contour intervals or less;
- The location of significant trees on the subject property;
- Scale of buildings relative to abutting property;
- Building elevations and exterior features of proposed development;
- Any other information needed to demonstrate compliance with the Land Development Code; and
- Proposed number and locations of signs.

OWNER'S SIGNATURE*: *In filing this application for a zoning map amendment, I/we as the property owner(s), hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I hereby designate JOSHUA MIHALY, MIHALY LAND DESIGN, PLLC to act on my behalf regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to speak for me in any public meeting regarding this application.*

Signature/Date: *Joshua Mihaly* 3/23/2020

DATE RECD:
PLANNER:
CASE FILE #:
FEE PAID \$:

AUTHORITY FOR APPOINTMENT OF PERSON
TO ACT ON MY BEHALF

The undersigned owner, Ross Tomaselli, does hereby appoint Josh Mihaly, Mihaly Land Design to act on my behalf for the purpose of petitioning the City of Wilmington for: a) an amendment to the text regulations; b) a change to the zoning map; c) approval of a special use permit; d) approval of a special use district; and/or, e) street closing, as applicable to the property described in the attached petition.

The owner does hereby covenant and agree with the City of Wilmington that said person has the authority to do the following acts for and on behalf of the owner:

- (1) To submit a proper petition and the required supplemental materials:
- (2) To appear at public meetings to give testimony and make commitments on behalf of the owner; and
- (3) In the case of a special use permit, to accept conditions or recommendations made for the issuance of the special use permit on the owner's property.
- (4) To act on the owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition.

This appointment agreement shall continue in effect until final disposition of the petition submitted in conjunction with this appointment.

Date: 3/23/2020

Appointee's Name, Address & Telephone:

Ross Tomaselli

1816 Elase Ln

Wilmington, NC 28403

(910) 367-2663

Signature of Owner:



PARAMOUNTE
ENGINEERING, INC.

19338.PE
March 23rd, 2020

Giles Cove
Lots 26 - 32
Harnett Township
New Hanover County, NC

All that certain parcels or tracts of land located on the eastern margin of Giles Ave, being a 30' foot public right of way, map book 5, page 5, and the northeastern boundary of Greenville Village LLC, deed book 5181, page 266, located in Harnett Township, New Hanover County, state of North Carolina, being lots 26 through 32 as recorded in, map book 5, page 5 in the New Hanover County Register of Deeds; said parcel being more particularly described as follows:

Beginning at an iron pipe located on the northeastern boundary of Greenville Village LLC, and the southwestern corner of Lot 31 & 32, deed book 4982, page 1720, being S 13°18'53" E a distance of 48.17' feet to from iron pipe found on the western margin of Giles Ave; Thence with the eastern margin of Giles Ave, N 25°02'15" E a distance of 1,076.91' feet to an iron pipe found;

Thence along the southwestern boundary of Harold R Sr Dianne J Lee, deed book 5337, page 1550, S 65°00'02" E a distance of 290.29' feet to an iron pipe found with the NC Grid Coordinates of N:168,213.11, E:2,350,220.05 (NAD83(NSRS 2011));

Thence along the northwestern boundary of Lots 1-6 in Pine Meadows, map book 8, page 38, S 25°05'46" W a distance of 1,050.33' feet to an iron pipe found;

Thence along the northeastern boundary of Greenville Village LLC, N 70°15'09" W a distance of 290.46' feet to an iron pipe found which is the point of beginning.

Having an area of 308,184 square feet or 7.075 acres more or less.



PROPERTIES WITHIN 300FT

Attachment 1

LEE HAROLD R SR DIANNE J
202 GINGER RD WILMINGTON, NC 28405
PAR ID: R06207-010-006-000
ZONING: R-15
LAND USE: SINGLE FAMILY RESIDENTIAL

KENNY BRIAN J.
244 BAGLEY AVE. WILMINGTON, NC 28403
PAR ID: R06207-010-003-000
ZONING: R-15
LAND USE: SINGLE FAMILY RESIDENTIAL

HAYNES, WANDA GALE MARK S
634 AQUARIUS DR WILMINGTON, NC 28405
PAR ID: R06207-010-004-000
ZONING: R-15
LAND USE: SINGLE FAMILY RESIDENTIAL

ALIX E BOYEA
242 BAGLEY AVE. WILMINGTON, NC 28409
PAR ID: R06207-010-002-000
ZONING: R-15
LAND USE: SINGLE FAMILY RESIDENTIAL

LOT 1
SEBES, JOSEPH III
248 BAGLEY AVE. WILMINGTON, NC 2809
PAR ID: R06211-003-009-000
ZONING: R-15
LAND USE: SINGLE FAMILY RESIDENTIAL

LOT 2
COLIN, ROGELIO ORTIZ TAMMY PRATT DE
1,611 CASTLE HAYNE RD F3 WILMINGTON, NC 28401
PAR ID: R06211-003-010-000
ZONING: R-15
LAND USE: SINGLE FAMILY RESIDENTIAL

LOT 3
REESER, KRISTIN M DAVID F
266 BAGLEY AVE WILMINGTON, NC 28409
PAR ID: R06211-003-011-000
ZONING: R-15
LAND USE: SINGLE FAMILY RESIDENTIAL

LOT 4, LOT 5, LOT 6
DUNN, MATTHEW R ERIN A
278 BAGLEY AVE. WILMINGTON, NC 28409
PAR ID: R06211-003-012-000, R06211-003-013-000,
R06211-003-014-000
ZONING: R-15
LAND USE: SINGLE FAMILY RESIDENTIAL

GREENVILLE VILLAGE LLC
PO BOX 10900 WILMINGTON, NC 28404
PAR ID: R06200-003-049-000
MHP-MOBILE HOME PARK

LOT 13B
BWBS INVESTMENTS LLC
6,418 SHINWOOD RD WILMINGTON, NC 28403
PAR ID: R06211-002-006-000
ZONING: R-15
LAND USE: SINGLE FAMILY RESIDENTIAL

LOT 13A
WELSH, TREVOR A
259 PEIFFER AVE WILMINGTON, NC 28409
PAR ID: R06211-002-005-000
ZONING: R-15
LAND USE: SINGLE FAMILY RESIDENTIAL

LOT 13B
SHULMAN NEAL LEONA
119 NASH DR WILMINGTON, NC 28403
PAR ID: R06211-002-007-000
ZONING: R-15
LAND USE: SINGLE FAMILY RESIDENTIAL

LOT 14
KENTROLIS, HARRY N III
257 PEIFFER AVE WILMINGTON, NC 28409
PAR ID: R06211-002-004-000
ZONING: R-15
LAND USE: SINGLE FAMILY RESIDENTIAL

LOT 15
HARRIS, KATHLEEN FAIRCLOTH
255 PEIFFER AVE WILMINGTON, NC 28409
PAR ID: R06211-002-003-000
ZONING: R-15
LAND USE: SINGLE FAMILY RESIDENTIAL

LOT 16
HOWARD, RUSSELL W JUDY A
253 PEIFFER AVE WILMINGTON, NC 28409
PAR ID: R06211-002-002-000
ZONING: R-15
LAND USE: SINGLE FAMILY RESIDENTIAL

LOT 17
BATSON, EDWARD J LEEVON M
239 PEIFFER AVE WILMINGTON, NC 28409
PAR ID: R06211-002-001-000
ZONING: R-15
LAND USE: SINGLE FAMILY RESIDENTIAL

(PART OF) LOT 18
MCMILLAN, JEANETTE M
237 PEIFFER AVE WILMINGTON, NC 28409
PAR ID: R06207-013-001-000
ZONING: R-15
LAND USE: SINGLE FAMILY RESIDENTIAL

(PART OF) LOT 18 & 19
DANIELS, SIDNEY ETUX
235 PEIFFER AVE WILMINGTON, NC 28409
PAR ID: R06207-013-002-000, R06207-013-003-000
ZONING: R-15
LAND USE: SINGLE FAMILY RESIDENTIAL

LOT 20
SANCO BUILDERS CORP
PO BOX 3167 WILMINGTON, NC 28406
PAR ID: R06207-013-004-000
ZONING: R-15
LAND USE: SINGLE FAMILY RESIDENTIAL

PROPERTIES WITHIN 300FT

LEE, FRED A JR & MARY L
 376 COPPERSTONE CIR CASTLEBERRY, FL 32707
 PAR ID: R06207-013-005-001
 ZONING: R-15
 LAND USE: SINGLE FAMILY RESIDENTIAL

PEARCE STANLEY JR ALICIA
 8724 DEERLAND GROVE DR RALEIGH, NC 27615

SHULMAN NEAL LEONA
 119 NASH DR WILMINGTON, NC 28403

SCHATZLE KRISTIN HAYNES
 7204 VERONA DR WILMINGTON, NC 28411
 PAR ID: R06207-009-007-000
 ZONING: R-15
 LAND USE: SINGLE FAMILY RESIDENTIAL

CASTLE STREET JW LLC
 396 TURNER WAY HAMPSTEAD, NC 28443

FREEMAN PATRICK THOMAS
 247 BAGLEY AVE WILMINGTON, NC 28409
 PAR ID: R06211-003-005-001
 ZONING: R-15
 LAND USE: SINGLE FAMILY RESIDENTIAL

DUNN MATHEW RYAN
 249 BAGLEY AVE WILMINGTON, NC 28409
 PAR ID: R06211-003-005-002
 ZONING: R-15
 LAND USE: SINGLE FAMILY RESIDENTIAL

OAKTON LAD LLC
 1319 MILITARY CUTOFF RD SUITE 203 WILMINGTON, NC
 28405
 PAR ID: R06211-003-005-003
 ZONING: R-15
 LAND USE: SINGLE FAMILY RESIDENTIAL

ROBBINS MARK BRADFORD
 259 BAGLEY AVE WILMINGTON, NC 28409
 PAR ID: R06211-003-005-004
 ZONING: R-15
 LAND USE: SINGLE FAMILY RESIDENTIAL

GIDEON A C HRS
 634 AQUARIUS DR WILMINGTON, NC 28411
 PAR ID: R06211-003-005-000
 ZONING: R-15
 LAND USE: SINGLE FAMILY RESIDENTIAL

TODD JACKSON D
 257 BAGLEY AVE WILMINGTON, NC 28409
 PAR ID: R06211-003-008-000
 ZONING: R-15
 LAND USE: SINGLE FAMILY RESIDENTIAL

LOT 26-32
 ROJOTO PROPERTIES LLC
 1900 EASTWOOD RD SUITE 10 WILMINGTON, NC 28403
 PAR ID: R06207-010-008-000, R06207-010-009-000, R06211-
 003-002-001,
 R06211-003-002-000
 ZONING: R-15
 LAND USE: SINGLE FAMILY RESIDENTIAL

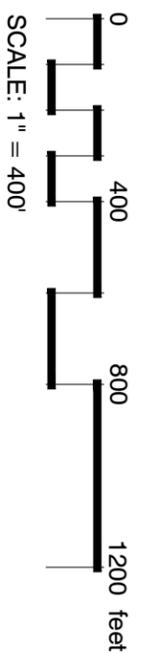
AERIAL / TAX MAP



- Addresses
- Municipal Boundaries
- Parcel Boundaries
- Roads
- Dimensions ROW
- Dimensions Property



NORTH



CLIENT

ROJOTO Properties, LLC
1900 Eastwood Road, Suite 10
Wilmington, NC 28403

PROJECT

Giles Landing
239, 245, 251, 261 Giles Ave.
Wilmington, NC 28409

Date: XXXX/XX/XX
Phase: XXX
Job Number: XX-XXX
Designed by: [Signature]
Drawn by: [Signature]
Checked by: [Signature]
Sheet Title: AERIAL / TAX MAP

Sheet Number
L1.0
of X sheets