

# APPLICATION ACCEPTANCE POLICY

## CONDITIONAL ZONING MAP AMENDMENT

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City of Wilmington  
Planning and Development

PO Box 1810 | 929 N Front St. Wilmington, NC 28402  
Telephone 910.254.0900 | Fax 910.341.3264

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The policies outlined below enable planning staff to move an application along in a way that ensures that each application receives the attention it deserves. Staff desires to complete review of projects in an accurate and timely manner. Due to the volume of applications and public hearing schedules, working with incomplete materials detracts from the timely review of applications.

1. Applications will be reviewed for completeness by staff prior to being officially accepted for review.
2. Checklists for each type of request are provided with each application package. If the application does not include all required items on the checklist, it will be considered incomplete and shall not be accepted.
3. Upon determination by staff that an application is complete, it will be officially accepted by the department. Staff will complete an acceptance form and both staff and the applicant must sign the form. The application is not considered officially accepted until this form is signed by both the planner and the applicant. A copy of the signed form will be given to the applicant and a copy will be placed in the project file at the time of acceptance. Staff will not hold materials for incomplete applications.
4. Application fees must be paid at the time an application is submitted for acceptance.
5. To allow time to process fees, applications will not be accepted after 4:00 PM each day. On the deadline day for submittals, applications will not be accepted after 1:00 PM.
6. All applications require a pre-application meeting. To schedule an appointment with staff, please call 910-254-0900. Please allow sufficient time to review the application package with staff.
7. A flowchart for zoning map amendments is included on the last page.

Staff looks forward to working with you during the application process.  
If you have questions or need further assistance, please call 254-0900.

APPLICATION FOR  
CONDITIONAL  
ZONING MAP AMENDMENT



City of Wilmington  
Planning and Development

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

**Section A. APPLICANT INFORMATION**

**NAME OF APPLICANT:** Mike Harms by and through Equitas Law Partners

**MAILING ADDRESS OF APPLICANT:** 330 Military Cutoff Road, Suite A-2, Wilmington, NC 28405

**PHONE NUMBER AND EMAIL OF APPLICANT:** 910-500-1532; sam@equitaslp.com

**PROPERTY OWNER INFORMATION:**

Name(s) Holly Tree Racquet Club, Inc. // James R. Lee

Address: 4950 Holly Tree Road // 340 Westchester Road,  
Wilmington, NC Zip 28409

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email address: \_\_\_\_\_

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

**ADDRESS OF SUBJECT SITE:** 4950 Holly Tree Road and 340 Westchester Road, Wilmington, NC 28409

**NEW HANOVER CO. PROPERTY IDENTIFICATION # (PIN):** R06119-004-015-000 and R06119-004-013-000

**CURRENT ZONING DISTRICT(S):** R-15 **PROPOSED ZONING DISTRICT(S):** C- O&I

**TOTAL SITE AREA:** 7.56 acres

**PROPOSED USE(S) AND PROPOSED CONDITIONS FOR THE SITE:** Private recreational facility

**PRE-APPLICATION MEETING:** 6/14/2024  
(Date)

**NEIGHBORHOOD MEETING:** 6/18/2024 (report due prior to application submittal)  
(Date)

INTERNAL USE ONLY	
DATE RECEIVED: _____	PLANNER: _____
CASE FILE #: _____	FEE PAID \$: _____

It is important that the applicant provide information to explain how the rezoning request satisfies the following questions. Please attach additional sheets 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.

Since the most recent zoning of the subject property, it has been substantially used as a private recreational facility, despite its R-15 zoning classification. The surrounding community has come to utilize this property as a space for activity, and the goal of the project is to maintain the property's status as a private recreational facility within the appropriate zoning classification.

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

The Create Wilmington Comprehensive Plan places a focus on infill development and investment in underperforming neighborhood businesses to ensure that there is an "efficient use and reuse of land within the existing city limits." This project, which would be made possible by the proposed map amendment, is consistent with that focus as it represents an investment in retrofitting an outdated building and underutilized site and transforming it to enhance the character of existing development and provide a space for a "healthy, diverse, and efficient community".

This project will also preserve existing open space and natural resources by utilizing the dense tree buffer to complement the proposed project's design, and relatedly improve the existing character of the property. Moreover, the project, made possible by the proposed map amendment will make use of existing public infrastructure and will not place significant additional burdens on the transportation network of the surrounding area.

3. **Briefly explain the expected impacts on the areas if the proposed zoning map amendment is approved.**

The expected impacts on the surrounding areas if the proposed zoning map amendment is approved are minimal considering the existing use of the property is for a private recreational facility and the proposed use under this amendment is also a private recreational facility.

4. **Describe any other circumstances that justify that the proposed amendment in the public interest.**

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## **Section B.** SUBMITTAL INFORMATION AND PROCEDURE

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- (1) Supplementary information is **REQUIRED** as part of the application. See Section C below for required information.
- (2) All applications require a pre-application meeting prior to submittal. Applications may be submitted after pre-application meetings and all applications **MUST** be reviewed by planning staff for completeness **PRIOR** to the acceptance. Please **do not** leave your application materials without speaking to a planner. Applications left this way will not be processed or scheduled for planning commission review.
- (3) A receipt for applicable fees must accompany the application.
- (4) Applications shall be submitted according to the adopted filing calendar and will be considered by the planning commission at the regular meeting noted on the official acceptance form.
- (5) The applicant or agent should appear at all hearings. Planning commission meetings are typically held at 6:00 P. M. in at City Hall, council chambers (second floor) 102 N. 3<sup>rd</sup> Street, Wilmington, North Carolina, usually on the first Wednesday of each month. Applicants will be informed of any change in date, time, or location of meetings.
- (6) A written summary of at least one neighborhood meeting (Section 18-567), for which notification was sent to property owners within 300 feet of the subject site, must be submitted to the city clerk before an application will be accepted. See Sec. 18-567. For complete information on neighborhood meetings.
- (7) Conceptual site plan review (pre-TRC consultation) by the technical review committee (TRC) is required for all conditional district map amendment applications. To avoid potential processing and scheduling delays, applicants are advised to have completed a conceptual review with the TRC prior to rezoning application submittal. If a conceptual review has not occurred at time of application, the proposed development will be scheduled for conceptual review at the next available TRC meeting.

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## **Section C. REQUIRED SUPPLEMENTAL INFORMATION**

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**PLEASE INCLUDE ALL OF THE FOLLOWING INFORMATION.** Please check the list below carefully before you submit:

- Agent form if the applicant is not the property owner;
- Detailed project narrative describing the site, proposed rezoning, uses, and any applicable prescribed conditions;
- One digital copy (pdf) of the site plan, drawn to scale, that includes, at minimum, the site and proposed building information as indicated in Section D below;
- Legal description of property requested for rezoning, by metes and bounds;
- Receipt of application fee;
- Receipt of mailing fee;
  - An invoice will be emailed for the mailing fee at a cost of \$0.85 per notice. Note that this cost will include two mailings, one mailing notifying property owners for planning commission review and a second mailing notifying property owners of city council review. Payment must be made within 5 business days of the invoice.
- Current to-scale copy of the New Hanover County tax map delineating the subject property.

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

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The following information is required to be shown on the site plan submitted with this application. If any of the required information is not included on the site plan, reasons for excluding that information must be given.

- 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 waterways, the date and north arrow;**
- All existing easements, reservations, and rights-of-way, existing and proposed;
- Approximate location on the site of proposed buildings, structures, and other improvements;
- Approximate dimensions, including height, of proposed buildings and structures;
- Proposed use of land and buildings, including the number of residential units and the total square footage of any nonresidential development;
- All required and proposed yards, buffers, screening, and landscaping;
- All existing and proposed points of access to public streets;
- Delineation of areas within the regulatory floodplain as shown on official flood hazard boundary maps;
- Proposed phasing, if any;
- The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development;
- Approximate location of all existing and proposed infrastructure on the site including water, sewer, roads, and bicycle and pedestrian facilities;
- Generalized traffic, parking, and circulation plans;
- Tree survey; and
- Traffic impact analysis, if required.

**In evaluating the proposal, staff, planning commission, and city council may request additional information from the applicant. 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;
- 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.

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**OWNER'S SIGNATURE\*:** *In filing this application for a zoning map amendment, I/we as the property owner(s), hereby certify that all information presented in this application is accurate to the best of my knowledge, information, and belief. I hereby designate \_\_\_\_\_ 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: Corrie Faith Lee



