

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: Design Solutions / Cindee Wolf

MAILING ADDRESS OF APPLICANT: P.O. Box 7221, Wilmington, NC 28406

PHONE NUMBER AND EMAIL OF APPLICANT: 910-620-2374 / cwolf@lobodemar.biz

PROPERTY OWNER INFORMATION:

Name(s) PBW Holdings, L.L.C.

Address: 18 Palmetto Drive, Wrightsville Beach, NC 28480

Telephone: 919-247-1932

Email address: joe@tbmpartners.net (Contract Purchaser representative: Joe Cebina)

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

ADDRESS OF SUBJECT SITE: 120 Switchyard Road

NEW HANOVER CO. PROPERTY IDENTIFICATION # (PIN): 313818.30.6148

CURRENT ZONING DISTRICT(S): MF-MH (L)(CD) PROPOSED ZONING DISTRICT(S): MD-10 (CD)

TOTAL SITE AREA: 10.27 ac.+/-

PROPOSED USE(S) AND PROPOSED CONDITIONS FOR THE SITE: 60 Attached Townhomes

PRE-APPLICATION MEETING: 06/06/24
(Date)

NEIGHBORHOOD MEETING: 05/21/24 (report due prior to application submittal)
(Date)

INTERNAL USE ONLY	
DATE RECEIVED: <u>5/28/24</u>	PLANNER: <u>Zac Smith</u>
CASE FILE #: <u>CD-1-724</u>	FEE PAID \$: <u>805</u>

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).

The original high-density project for this tract never came to fruition, although the paving of and public utilities extensions in Switchyard Road were completed. As was the installation of Dalmation Lane for inter-connectivity between Switchyard Road and Cinema Drive. Development for residential housing is still a major focus, the proposal is simply for a different housing product.

2. **Explain how the map amendment would be consistent with the city's Future Land Use Plan and adopted special area plans (i.e. corridor plans, neighborhood plans, Vision 2020 Plan, etc).**

The Create Wilmington Comprehensive Plan identifies this tract as being in an Area of Opportunity for High-Density Transition. The proposed plan continues to meet the intent for in-fill development where urban services are already located. The visions and goals for growth & economic prosperity encourage safe & affordable housing to be available to every citizen. There is a focus on addressing the deficit of housing opportunities – which has had an adverse effect on affordability.

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

New residential building in a neighborhood statistically has a positive impact on surrounding property values, and enhances aesthetics. Similar development has occurred throughout the City limits over the past several years, and there has been no evidence of adverse impact to property values. The reduction in units will translate into less vehicular trip generation.

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

Development of this property, even though for less density, is still d be consistent with the concept of in-filling under-utilized land where existing urban services are available. Economic growth should be accommodated with a variety of housing types. This project will serve to upgrade the land, benefit tax base, and provide new homes without adverse effect to the community.

Section B. SUBMITTAL INFORMATION AND PROCEDURE

- (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. 3rd 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.
- (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.

Section C. REQUIRED SUPPLEMENTAL INFORMATION

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;
- 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. A list will be provided by planning staff;
- Two sets of business-size envelopes pre-addressed to the property owners within 300 feet of the subject property with the planning department's return address. All envelopes must have postage. **Metered postage must be undated.** All envelopes should include the department's return address:
 City of Wilmington Planning Department
 PO Box 1810
 Wilmington, NC 28402-1810
- Current to-scale copy of the New Hanover County tax map delineating the subject property.

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

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.

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 Design Solutions / Cindee Wolf 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:

 05/20/24
David A. Spretrino, Jr. (Executive Manager - PBW Holdings, L.L.C.)

AUTHORITY FOR APPOINTMENT OF AGENT

The undersigned owner(s) PBW Holdings, L.L.C. do(es) hereby appoint Cindee Wolf / Design Solutions as his, her, or it's exclusive agent for the purpose of petitioning the City of Wilmington for: a) a change to the zoning map; b) approval of a Special Use Permit; c) approval of a Conditional District rezoning; d) petition for a Street Closing as applicable to the property described in the attached petition.

The owner(s) do(es) hereby covenant and agree with the City of Wilmington that said agent has the authority to do the following acts on behalf of the owner:

- (1) To submit a proper petition and the required supplemental materials;
- (2) To appear at public meetings to give representation and 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 owners' 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 agency agreement shall continue in effect until final disposition of the petition submitted in conjunction with this appointment.

Date: 05/20/24

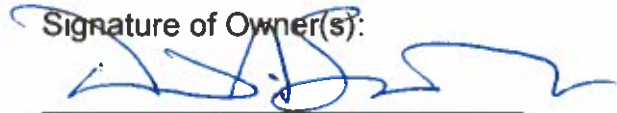
Agent's Name, Address & Telephone:

Cindee Wolf / Design Solutions

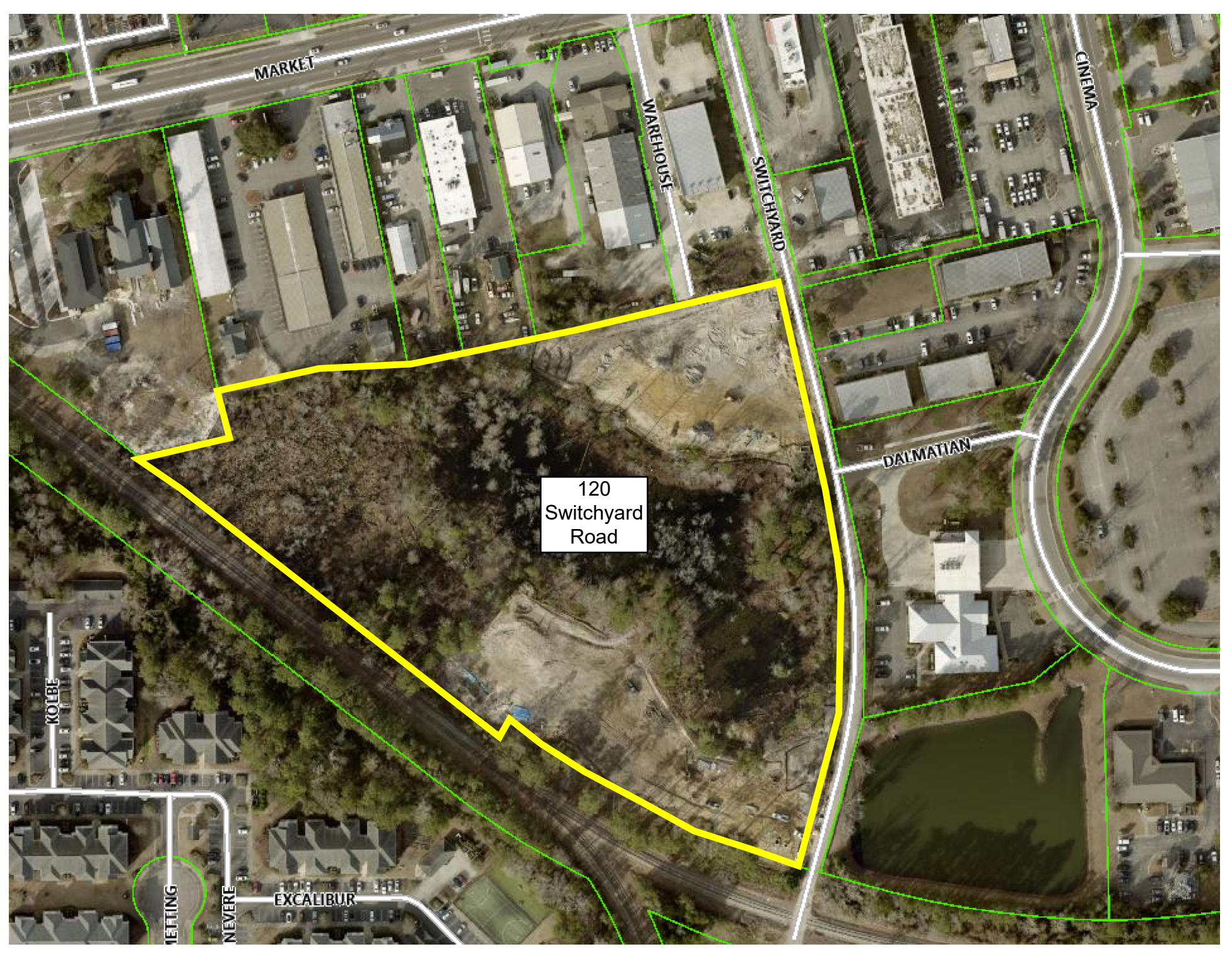
P.O. Box 7221

Wilmington, NC 28406

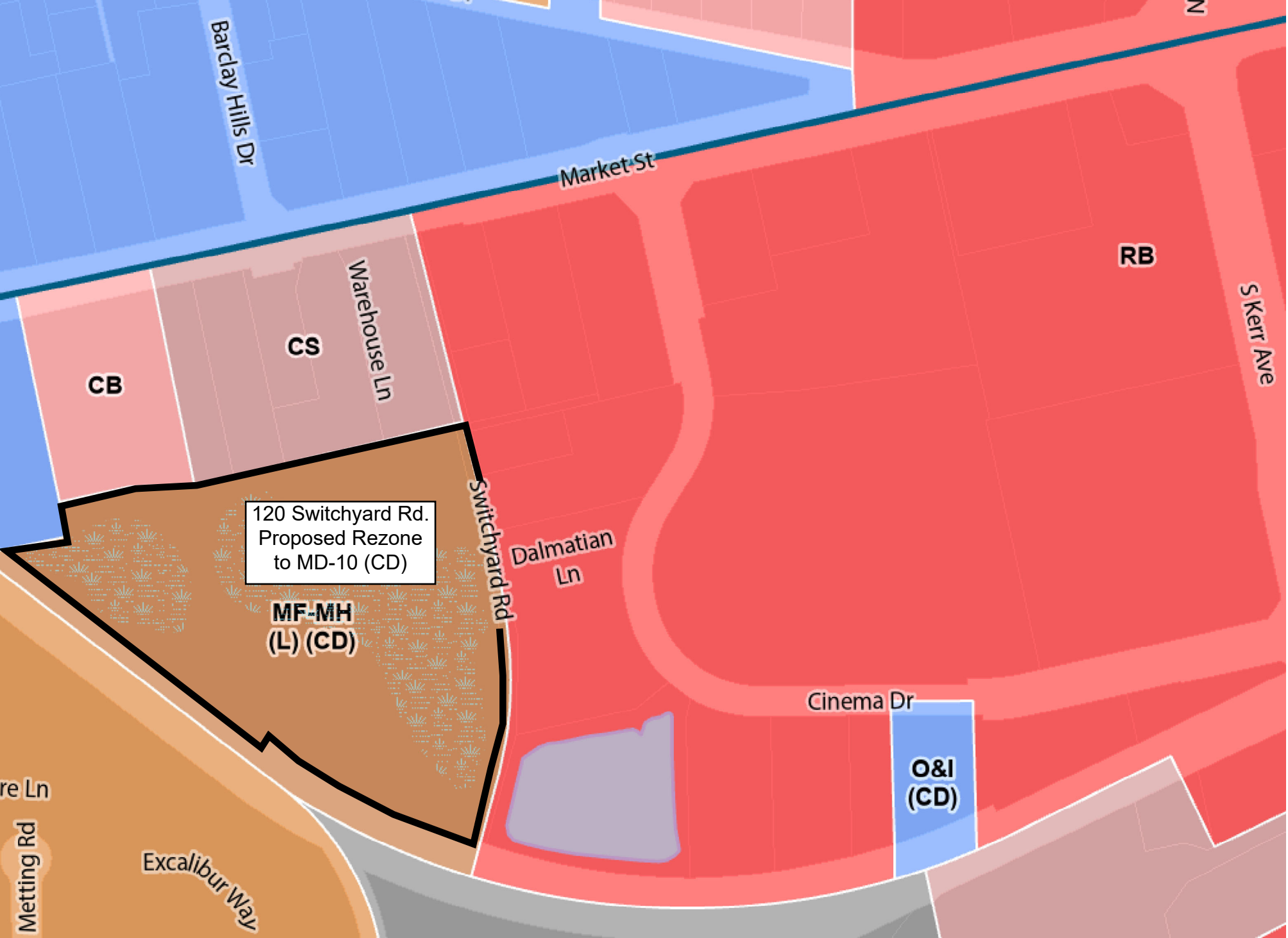
Tel. 910-620-2374

Signature of Owner(s):


David A. Spetrino, Jr. (Executive Manager)



120
Switchyard
Road



Barclay Hills Dr

Market St

N

CB

CS

Warehouse Ln

RB

S Kerr Ave

120 Switchyard Rd.
Proposed Rezone
to MD-10 (CD)

Switchyard Rd

MF-MH
(L) (CD)

Dalmatian Ln

Cinema Dr

O&I
(CD)

re Ln

Metting Rd

Excalibur Way

Legal Description for
Conditional District Rezoning of
120 Switchyard Road

Beginning at a point in the northern boundary of the Seaboard Coastline Railroad, right-of-way width varies; said point being located South 52°31'08" East, 568.28' from its intersection with the southern boundary of Market Street (U.S. Hwy. 17), a 100' public right-of-way; that point being shown on a plat recorded among the land records of the New Hanover County Registry in Map Book 66, at Page 296; and running thence from the point of beginning:

North 77°51'22" East, 125.75 feet to a point; thence
North 12°08'38" West, 68.37 feet to a point; thence
North 77°40'08" East, 138.66 feet to a point; thence
North 87°07'52" East, 128.83 feet to a point; thence
North 79°19'28" East, 75.19 feet to a point; thence
North 76°30'28" East, 100.23 feet to a point; thence
North 76°47'29" East, 198.05 feet to a point; thence
North 76°31'25" East, 141.75 feet to a point in the western boundary of Switchyard Road, a 30'
public right-of-way; thence in a southerly direction with that western right-of-way,
South 14°13'55" East, 251.07 feet to a point; thence
Along a curve to the right, having a Radius of 884.37 feet and Length of 172.89 feet, a Chord of
South 10°10'56" East, 172.62 feet to a point; thence
Along a curve to the right, having a Radius of 920.01 feet and Length of 404.10 feet, a Chord of
South 08°13'37" West, 400.86 feet to its intersection with the northern boundary of the
Railroad; thence with the railroad right-of-way,
Along a curve to the right, having a Radius of 1340.31 feet and Length of 445.47 feet, a Chord of
North 62°55'26" West, 443.43 feet to a point; thence
South 37°28'52" West, 25.00 feet to a point; thence
North 52°31'08" West, 629.49 feet to the point and place of beginning, containing 447,368
square feet, or 10.27 acres, more or less.

**REPORT OF COMMUNITY MEETING REQUIRED BY
THE WILMINGTON CITY CODE FOR CD
REZONINGS**

To: Penelope Spicer-Sidbury, City Clerk

Case No.: Project – Switchyard Townhomes

Location: 120 Switchyard Road

Proposed Zoning: MD-10 (CD)

The undersigned hereby certifies that written notice of a community meeting on the above proposed zoning application was given to the adjacent property owners set forth on the attached list by first class mail on (date) May 8, 2024. A copy of the written notice is also attached. A sign was also posted at the frontage of the properties (picture attached).

The meeting was held at the following time and place: Tuesday, May 21st, 6:00 p.m.;
at the PBC Design+Build offices at 3902 Market Street.

The persons in attendance at the meeting were: (Ref. Attached Sign-in List)

The following issues were discussed at the meeting: No one other than the owner & development team attended.

As a result of the meeting, the following changes were made to the proposed plan: None
architectural massing.

Date: May 24, 2024
Applicant: Design Solutions
By: Cindee Wolf

cc: Wilmington Planning Staff



Market St

Market St

Warehouse Ln

Wetsig Dr

Cinema Dr

Cinema Dr

Lancelot Ln

Metting Rd

Excalibur Way

Properties within
a 300' Perimeter of
120 Switchyard Road

PROPERTIES WITHIN A 300' PERIMETER OF 120 SWITCHYARD ROAD:

SUBJECT PROPERTY OWNER	NO	STREET	TYPE	CITY	STATE	ZIP	MAP ID (PIN)	PID	ADR	ADRSTR	SUF
PBW HOLDINGS LLC	18	PALMETTO	DR	WRIGHTSVILLE BEACH	NC	28480	313818.30.6148.000	R04914-006-001-000	120	SWITCHYARD	RD
ADJACENT PROPERTY OWNERS	NO	STREET	TYPE	CITY	STATE	ZIP	MAP ID (PIN)	PID	ADR	ADRSTR	SUF
110 CINEMA DRIVE LLC	4809	RED HEART	DR	WILMINGTON	NC	28412	313818.40.3433.005	R04914-005-027-005	110	CINEMA	DR UNIT A
BOSTIC WILLIAM E JR	4010	MARKET	ST	WILMINGTON	NC	28403	313818.30.7660.000	R04914-006-007-000	4010	MARKET	ST
CINEMA DRIVE OFFICE PARK ASSN	102	CINEMA	DR	WILMINGTON	NC	28403	313818.40.1431.000	R04914-005-023-000	104	CINEMA	DR
CINEMA DRIVE OFFICE PARK ASSOC	102	CINEMA	DR STE D	WILMINGTON	NC	28403	313818.40.1466.000	R04914-005-014-000			
CINEMA DRIVE OFFICE PARK HOA	60	PELICAN	DR	WRIGHTSVILLE BEACH	NC	28480	313818.40.3433.000	R04914-005-027-000	102	CINEMA	DR
CITY OF WILMINGTON		PO BOX 1810		WILMINGTON	NC	28402	313706.49.2955.000	R04914-005-021-000	114	CINEMA	DR
DAVID JONES RENTALS LLC	2392	CAROLINA BEACH	RD STE 201-C	WILMINGTON	NC	28401	313818.30.3459.000	R04914-006-006-000	3922	MARKET	ST
EAST LAKE HOLDINGS LLC	102	CINEMA	DR STE D	WILMINGTON	NC	28403	313818.40.3433.004	R04914-005-027-004	102	CINEMA	DR UNIT D
ELMAN WILMINGTON ASSOC LLC	10	W CARVER	ST	HUNTINGTON	NY	11743	313705.29.3961.000	R04917-004-018-000	69	DARLINGTON	AVE
HOPE COMMUNITY CHURCH OF WILM	3902	MARKET	ST	WILMINGTON	NC	28403	313818.30.1444.000	R04913-010-001-000	3902	MARKET	ST
KYOTO ASIAN GRILLE INC	4102	MARKET	ST	WILMINGTON	NC	28403	313818.40.0643.000	R04914-005-013-000	4102	MARKET	ST
LAZARUS RONALD B	6108	CAROLYN HILL	RD	CASTLE HAYNE	NC	28429	313818.30.5593.000	R04914-006-004-000	3938	MARKET	ST
MCFINASSETS LLC	103	S FRONT	ST	WILMINGTON	NC	28401	313818.40.3433.007	R04914-005-027-007	106	CINEMA	DR UNIT A
MUA LCC	102	CINEMA	DR STE C	WILMINGTON	NC	28403	313818.40.3433.002	R04914-005-027-002	102	CINEMA	DR UNIT C
OREILLY AUTOMOTIVE STORES INC		PO BOX 9167		SPRINGFIELD	MO	65801	313818.30.8559.000	R04914-006-002-000	4014	MARKET	ST
PBW HOLDINGS LLC	18	PALMETTO	DR	WRIGHTSVILLE BEACH	NC	28480	313818.20.8541.000	R04913-010-007-000		MARKET	ST
PBW HOLDINGS LLC	18	PALMETTO	DR	WRIGHTSVILLE BEACH	NC	28480	313818.20.9592.000	R04913-010-008-000	3902	MARKET	ST UNIT 100
POOLE PROPERTY LLC	306	OLDE POINT	LOOP	HAMPSTEAD	NC	28443	313818.40.0573.000	R04914-005-025-000	105	SWITCHYARD	RD
PREMIER HOTELS LLC	4118	MARKET	ST	WILMINGTON	NC	28403	313818.40.1677.000	R04914-005-012-000	4118	MARKET	ST
SCJRJ LLC	3934	MARKET	ST	WILMINGTON	NC	28403	313818.30.5501.000	R04914-006-005-000	3934	MARKET	ST
SEABOARD COMMERCIAL PROP LLC	6327	MARYWOOD	DR	WILMINGTON	NC	28409	313818.30.6596.000	R04914-006-003-000	3948	MARKET	ST
SGS INVESTMENTS LLC		PO BOX 12934		WILMINGTON	NC	28405	313818.40.3433.006	R04914-005-027-006	110	CINEMA	DR UNIT C
SPIRIT MASTER FUNDING II LLC	11550	ASH	ST STE 200	SHAWNEE MISSION	KS	66211	313818.40.7350.000	R04914-005-009-003	111	CINEMA	DR
STORMWATER OWNERS ASSOC INC		PO BOX 20881		RALEIGH	NC	27619	313706.49.2781.000	R04918-005-001-000	118	CINEMA	DR
SWITCHYARD PROPERTIES LLC	4022	MARKET	ST STE 100	WILMINGTON	NC	28403	313706.49.0376.000	R04918-001-003-000	216	SWITCHYARD	RD
TRAC LIMITED PARTNERSHIP		PO BOX 1098		WRIGHTSVILLE BEACH	NC	28480	313818.40.3639.000	R04914-005-009-001	4124	MARKET	ST
TRIANGLE AVALON WILM LLC	165	S YORK	ST	GASTONIA	NC	28052	313706.39.2478.000	R04918-001-007-000	327	GUINEVERE	LN
UNDERWOOD MICHAEL N	102	CINEMA	DR	WILMINGTON	NC	28403	313818.40.3433.009	R04914-005-027-009	106	CINEMA	DR UNIT B
UNDERWOOD MICHAEL N	102	CINEMA	DR	WILMINGTON	NC	28403	313818.40.3433.001	R04914-005-027-001	102	CINEMA	DR UNIT A
WAS VENTURES II LLC	705	E SIX FORKS	RD	RALEIGH	NC	27609	313818.20.6219.000	R04913-010-002-000	3722	MARKET	ST
WEST PROPERTIES LLC	8525	GALLOWAY NATIONAL	DR	WILMINGTON	NC	28411	313818.40.3433.008	R04914-005-027-008	106	CINEMA	DR UNIT C

Verified: ZS
5/28/24

REZONING CONCEPT MEETING
TUESDAY, MAY 21ST, 6:00 P.M.
PBC DESIGN-BUILD OFFICE
3902 MARKET ST, SUITE 100
CALL OR EMAIL:
910-620-2374 / info@pbcdesign.com
FOR ADD'L DETAILS

Sign Posted at 120
Switchyard Road
May 10, 2024



Notice of Community Information Meeting

May 8, 2024

To: Adjacent Property Owners

Re: 120 Switchyard Road

A project for 192 apartment units, in 4-story buildings, was approved for this tract of land in 2023. The Developer seeks to modify that plan to substitute townhome-style housing. The density would be reduced to a maximum of sixty (60), 3-story homes. The tract is still properly zoned for the change, but requires re-approval of the conditional site plan by the City Council. An exhibit of the new layout is attached.

The proposal will be submitted to the City of Wilmington as a Conditional District rezoning. A Conditional District allows only particular uses to be established in accordance with specific standards and conditions pertaining to an individual site. Essentially, it means that only this layout and defined use can occur, if approved by the City Council.

The City requires that the developer notify the property owners within a 300' perimeter of the project and hold a meeting for any and all interested parties. This provides neighbors with an opportunity for explanation of the proposal, and for questions to be answered concerning project improvements, benefits, and impacts.

An information meeting will be held on Tuesday, May 21st, 6:00 p.m., at the offices of PBC Design+Build, 3902 Market Street, Suite 100.

If you have questions or are not able to attend, you can also contact [Cindee Wolf](tel:910-620-2374) at Telephone # [910-620-2374](tel:910-620-2374), or email cwolf@lobodemar.biz, with comments and/or questions.

The Developer appreciates your interest and looks forward to building a project that will be a good neighbor and an asset to the community.

MARKET STREET

SWITCHYARD ROAD

CSX RAILROAD

