

**PLANNING STAFF REPORT  
ZONING MAP AMENDMENT**

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**SUMMARY:**

**Hearing Date:** June 7, 2016 Planning Board  
July 5, 2016 Board of Commissioners  
**Applicant:** Jerry Hedge  
**Property Owner:** Linwood Jones  
**Case Number:** ZMA 232-2016

**Rezoning Proposal:** Jerry Hedge, applicant, on behalf of Linwood Jones, owner, is requesting approval of a Zoning Map Amendment of one (1) tract totaling approximately 0.84 acres from the PD, Planned Development zoning district to the GB, General Business zoning district.

**Property Record Number, Acreage, and Location:** The subject property is located on Forest Sound Road (private) approximately 300 feet southeast of the intersection of US HWY 17 and Forest Sound Road (private) in the Topsail Township and may be further identified by Pender County PIN: 3292-19-4204-0000.

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**RECOMMENDATION**

The application is for a zoning map amendment of one (1) tract totaling approximately 0.84 acres from PD, Planned Development zoning district to GB, General Business zoning district. As submitted, the request complies with all criteria set forth in Section 3.3 Review Criteria for Rezoning of the Pender County Unified Development Ordinance and is consistent with one (1) goal and two (2) policies of the 2010 Comprehensive Land Use Plan and conflicts with none. There are no known conflicts with any adopted plans. The Administrator is recommending approval of this zoning map amendment request.

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**HISTORY**

The parcel was recorded in Map Book 48 Page 027 as seen in attachment one. The parcel was originally a part of the Master Development Plan known as Hampstead Village.

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**DESCRIPTION**

Jerry Hedge, applicant, on behalf of Linwood Jones, owner, is requesting approval of a Zoning Map Amendment of one (1) tract totaling approximately 0.84 acres from the PD, Planned Development zoning district to the GB, General Business zoning district. The subject property is located on Forest Sound Road (private), approximately 300 feet southwest of US HWY 17 in the Topsail Township.

The minimum acreage to rezone to GB, General Business zoning district is one (1) acre according to Section 4.14 of the Pender County Unified Development Ordinance, however note 3 in the same section states that if a parcel adjoins an established zoning district that is identical to the district that is applying for a rezoning then it is exempt from meeting the minimum area requirements for rezoning into that district. Due to 1.16 acres of Pender County Parcel Number 3292-19-2319-0000 being zoned General Business zoning district being directly to the northwest, this parcel is eligible to be rezoned despite being shy of one acre.

### Access

The property has direct access to US HWY 17 from the 60-foot private right-of-way called Forest Sound Road. There is also a recorded ingress and egress easement from US HWY 17. Any improvements are subject to review and approval by NCDOT at the time of a development application.

### Utilities

Public water is available at the subject property through Pender County Utilities. The property is served by a private septic system. Any final zoning approvals are contingent upon review and approval by Pender County Utilities and the Environmental Health Department.

### Environmental Concerns

There are no Areas of Environmental Concern (AEC) located on the property, nor any regulated Special Flood Hazard Area (SFHA) according to FEMA Flood Insurance Rate Map Number 3720321400J, adopted February 16, 2007. It appears there may be wetlands located on the property subject to review and approval of the Army Corps of Engineers.

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All applicable state, federal and local agency permits are required prior to the issuance of final zoning.

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### EVALUATION

**A) Public Notifications:** Public Notice of the proposal for map change has been advertised in the Pender-Topsail Post and Voice. Adjacent property owners have been given written notice of the request, and a public notification sign has been placed on the property.

**B) Existing Zoning in Area:** The existing zoning on the subject parcel is PD, Planned Development zoning district. Directly adjacent to this property to the east is an undeveloped parcel zoned RP, Residential Performance zoning district. To the south is a large undeveloped parcel zoned RM-CD1 (Case #11458). The parcels to the west are exclusively zoned GB, General Business zoning district.

**C) Existing Land Use in Area:** The parcel is currently designated a business use and is home to a cellphone servicing station. The land to the south is undeveloped. Hampstead Village is located directly to the north. There is a bank located to the west. There is a drive-thru restaurant to the south.

**D) 2010 Comprehensive Land Use Plan:** The 2010 Comprehensive Land Use Plan designates the subject property as Mixed Use. The Mixed Use land use classification identifies those areas of Pender County where a mixture of higher density/intensity uses is to be encouraged. Mixed Use areas should be characterized by physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high and medium density residential uses, arranged in a walkable, compact, pedestrian and transit friendly manner. Mixed Use areas are intended to concentrate a mix of uses in convenient locations by promoting an efficient sustainable pattern of land uses.

This General Use Rezoning is consistent with one (1) goal and two (2) policies of the 2010 Comprehensive Land Use Plan and conflicts with none. The following goals and policies within this plan may be relevant to support the proposed Conditional Zoning map amendment;

**Goal 1A.1:** Manage the physical growth and development of Pender County by promoting more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the predominant rural lifestyle and coastal environment that makes the County a unique place to live.

**Policy 1A.1.4** The County shall actively direct growth towards suitable land areas and away from fragile natural resource areas, conservation areas and hazardous areas.

**Policy 1A.1.5:** The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.

**E) Unified Development Ordinance Compliance:** Article 3.3 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board before a favorable recommendation of approval for a rezoning can be made.

**3.3.8 Review Criteria for Rezoning**

The Planning Board and Board of Commissioners shall consider the following matters in considering a rezoning request:

- A. Whether the range of uses permitted by the proposed change would be appropriate to the area concerned (including not being detrimental to the natural environment, not adversely affecting the health or safety of residents or workers in the area, not being detrimental to the use or development of adjacent property, and not materially or adversely affecting the character of the general neighborhood);
- B. Whether adequate public facilities/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;
- C. Whether the proposed change is consistent with the County’s Comprehensive Land Use Plan and CAMA Land Use Plan or any other adopted land use document.
- D. Whether the proposed amendment is reasonable as it relates to the public interest.

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**RECOMMENDATION**

The application consists of a zoning map amendment request for approximately 0.84 acres from PD, Planned Development zoning district to GB, General Business zoning district. As submitted, the request complies with all criteria set forth in Section 3.3.8 of the Pender County Unified Development Ordinance and is consistent with one (1) goal and two (2) policies of the 2010 Comprehensive Land Use Plan. The request does not conflict with any existing policies, land uses, or zoning classifications. Therefore, the Administrator respectfully recommends the approval of the general use rezoning request.

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**BOARD ACTION FOR CONTIDTIONAL REZONING REQUEST**

Motion: \_\_\_\_\_ Seconded: \_\_\_\_\_

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Unanimous: \_\_\_\_\_

Williams: \_\_\_ Fullerton: \_\_\_ Baker: \_\_\_ Carter: \_\_\_ Edens: \_\_\_ McClammy: \_\_\_ Nalee: \_\_\_\_\_