

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 27.

Date of Request: January 7, 2008

Date Request Received:

Board Meeting Date Requested: January 22, 2008

Board Meeting Date Assigned:

Short Title: Pender County, Applicant, Is Requesting A Portion Of A 9.5 Acre Tract Be Rezoned From R-20C, Residential Conventional Housing District To B-2, Highway Business District.

- Request Status:**
- Request is proceeding to Board of Commissioners
 - More information is needed – see attached
 - Request on hold – no further information needed
 - Other:

Background: The property is located on the south side fo US Highway 17, across from the intersection with Hoover Road. The property is the site of the Old Topsail High School building.

(Administrative Use Only)

Specific Action Requested: The Board of Commissioners is requested to hold a public hearing for a rezoning

CONTRACT TYPE

Requested by: Planning Staff
Department: Planning Department
Title: Planning
Contact Phone: 910.259.1202
Contact Fax: 910.259.3735

- Renewal
- For Service(s)
- Intergovernmental – County as Grantee
 - Federal Grantor
 - State Grantor
 - Grantor
- County as Grantor
 - County Funds
 - Other Funds:
- Revision
- For Equipment

PURCHASING Budgeted Item: Yes No
Date Rec'd: Reviewed and Approved
 Comments on Reverse

Date Sent:

Signed:

ATTORNEY Reviewed and Approved
Date Rec'd: Legal Problem(s)
 Comments on Reverse

Date Sent:

Signed:

FINANCE Sufficient Funds Available
Date Rec'd Not Available
 Budget Amendment Necessary
 Budgeted Amendment is Attached
 Comments on Reverse

Date Sent:

Signed:

CLERK Signature(s) Required:
 Board Chairman/County Manager
 Other:

Date Rec'd Approved by Board: Yes No
At meeting on

INTRODUCED BY: Planning Staff **DATE:** January 22, 2008 **ITEM NO:** _____

TITLE: Zoning Map Amendment, Pender County (9.5 acres off US Highway 17)

SUBJECT: PROPERTY PARCEL ID NOs: 3292-08-6686-0000

APPLICANT: Pender County

OWNER: Pender County

ACTION REQUESTED: Applicant is requesting a portion of a tract be rezoned from R-20C, Residential Conventional Housing District, to B-2, Highway Business District.

HISTORY/BACKGROUND:

Location of Property: The property is located on the south side of US Highway 17, across from the intersection with Hoover Road. The property is the site of the old Topsail High School building (See attached vicinity map).

Description of Proposal: The proposal consists of rezoning the southeastern portion of the property from R-20C, Residential Conventional Housing District to B-2, Highway Business District. Currently the majority of the property is zoned B-2. This request is being made in order to consolidate the entire property into one zoning district. The Pender County Tax Office is in the process of conducting a property appraisal and has originated this request (See attached zoning map and applicant's narrative).

EVALUATION:

- A) Public Notifications:** Public Notice of the proposal for map change has been advertised in the Pender Post and Topsail Voice and adjacent property owners have been given written notice of the request.
- B) Existing Zoning in Area:** The property is bounded immediately by B-2 zones on all sides except for the southeastern boundary which is bounded by a large area of land zoned R-20C.
- C) Existing Land Use in Area:** The property is located on US Highway 17 and is bounded by commercial development to the southwest, northwest, and northeast. Southeast of the property is a large tract of vacant land.
- D) 2005 Land Use Plan Compliance:** The 2005 Land Use Plan classifies this property as an Urban Growth Area. This rezoning request is consistent with the 2005 Land Use Plan (See attached CAMA Land Use map).
- E) Zoning Ordinance Compliance:** Section 5.3 of the Zoning Ordinance provides for standards that shall be followed by the Planning Board before a favorable recommendation of approval for rezoning can be made. The proposed rezoning does meet the standards of Section 5.3 of the Zoning Ordinance (See Section 5.3 attached).
- F) Summary & Staff Recommendation:** The proposal consists of rezoning a portion of the 9.5 acre lot from R-20C, Residential Conventional Housing District to B-2, Highway Business District. The request complies with the criteria set forth in Section 5.3 of the Zoning Ordinance. The request is also consistent with the 2005 CAMA Land Use Plan. Therefore, staff recommends that the request be approved.
- G) Pender County Planning Board Recommendation:** The Pender County Planning Board, at its January 8, 2008 meeting, voted unanimously to pass a motion recommending approval of the request.

Planning Board

Motion: Garrett Seconded Marshburn

Approved: X Denied: Unanimous X

Walton Reynolds Garrett Gonzales Marshburn Millette Smith

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on January 22, 2008, the Pender County Board of Commissioners (approved, modified, denied) a rezoning request for a portion of the lot, as described herein and James David Williams, Jr., Chairman to the Board, is authorized to execute the order implementing this resolution and provide notice to the applicant of the action taken herein.

AMENDMENTS:

MOVED SECONDED

APPROVED DENIED UNANIMOUS

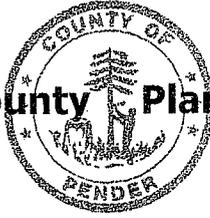
YEA VOTES: Williams Tate Blanchard Brown Rivenbark

**James David Williams, Jr.,
Chairman**

1-22-08
Date

ATTEST

1-22-08
DATE



Pender County Planning Department

805 South Walker Street
Burgaw, North Carolina 28425

Phone (910) 259-1202
Fax (910) 259-1295
Email: planning1@pender-county.com

PLANNING BOARD APPLICATION FOR ZONING MAP AMENDMENT

Date <u>12/10/07</u>	Application Fee <u>N/A</u>	Receipt No. _____
Application No. _____	Postage Fee <u>N/A</u>	Receipt No. _____

I. PROPERTY INFORMATION:

Record #: _____ Current Zoning District: R-200/B-2

Tax Map #: 3292-08-6686-0000 Requested Zoning District: B-2

Lot #: _____ Acreage to Be Rezoned: _____

Total Acreage of Tract: 9.50

Property Location: OLD TOPSAIL HIGH SCHOOL SITE ON US HWY 17 ACROSS FROM HOOVER RD

Reason for Rezoning: TO CONSOLIDATE ENTIRE TRACT AS B-2

II. REQUIRED NAMES:

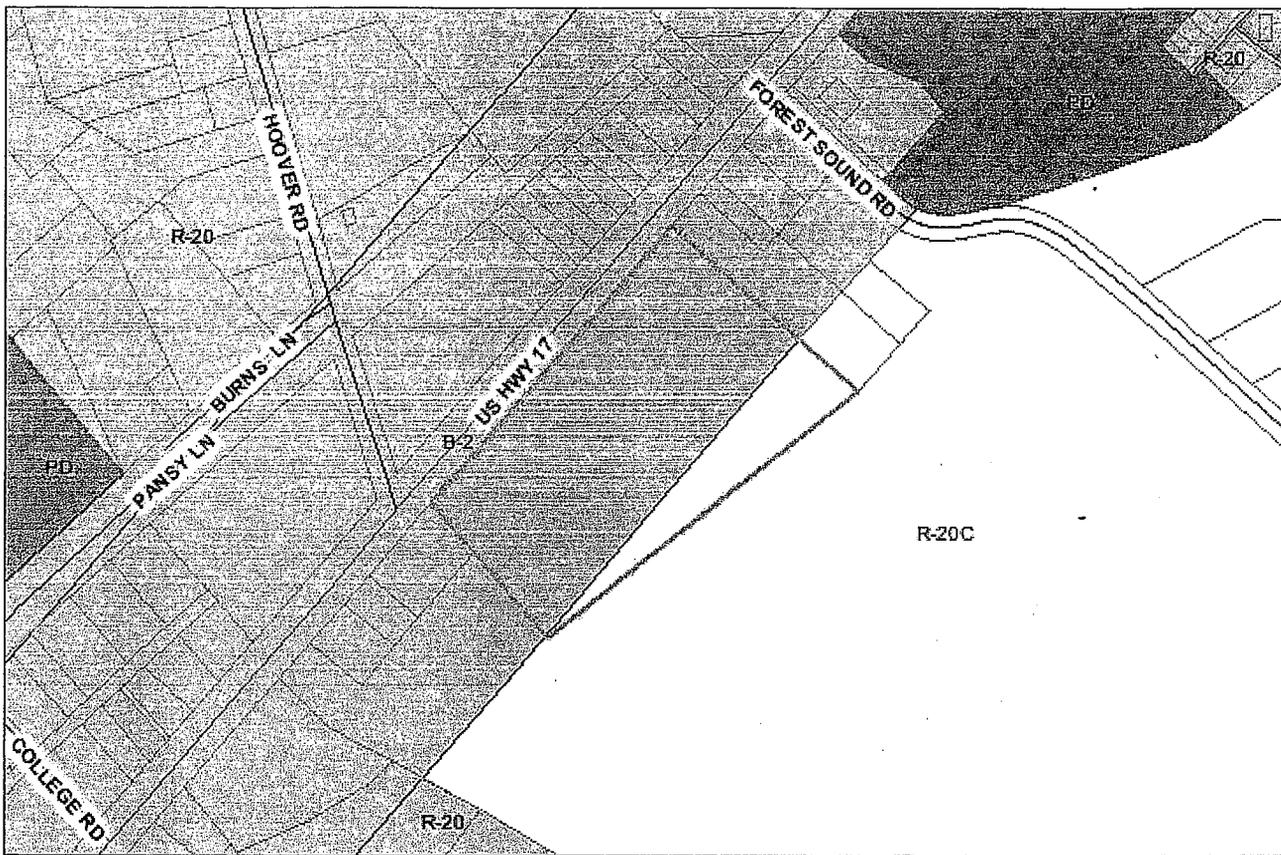
Applicant <u>PENDER COUNTY</u>	Owner <u>PENDER COUNTY</u>
Address <u>PO BOX 5</u>	Address <u>PO BOX 5</u>
<u>BURGAW NC 28425</u>	<u>BURGAW NC 28425</u>
Phone <u>910-259-1200</u> Fax _____	Phone <u>910-259-1200</u> Fax _____
Email _____	Email _____

Legal Relationship of Applicant to Property Owner: N/A

III. SIGNATURE OF OWNER & APPLICANT:

(If owner is different from applicant, both signatures are required)

The reason for the rezoning request is to achieve the highest and best use of the property. Highest and best use states that the value of a property is directly related to the use of that property; the highest and best use is the reasonably probable use that produces the highest property value. In order to be considered as the highest and best use of a property, any potential use must pass a series of tests; the tests being legally allowable, physically possible, financially feasible, and maximally productive. The highest and best use of the property is commercial in regards to the location and size of the property. Currently the property is split zoned B-2 and R-20C, which may deter potential buyers because of the restrictions of R-20C. The zoning issue here creates an uneconomic remnant. We would like for B-2 to encompass the entire property so that the highest and best use can be achieved for this particular parcel.

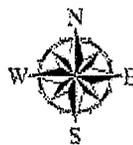
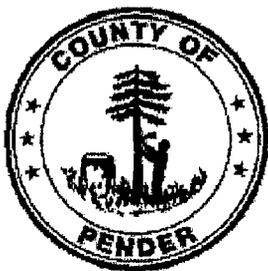


Parcels

Name:	COUNTY OF PENDER A POLITICAL SUBDIVISION	PIN:	3292-08-6686-0000	Deed:	2317/338
Deed Date:	02/11/04	Plat:	00030078	Address:	PO BOX 5
City:	BURGAW	State:	NC	Zip:	28425
Land Value:	\$513912	Building Value:	\$468280	Deferred Value:	\$0
Total Value:	\$982192	Tax Codes:	G01 F29 R40	Zone:	SEEMAP
Subdivision:		Neighborhood:	00	Property Address:	15060 US HWY 17
Township:	102	Account:	825436	Acres:	9.50
Property Description:	9.50 ACRES ON HWY 17 PB 3/78 LT 8&9 & OTHER ACREAGE CONSOLIDATION	Sales Price:			

1:327 feet

Pender County GIS

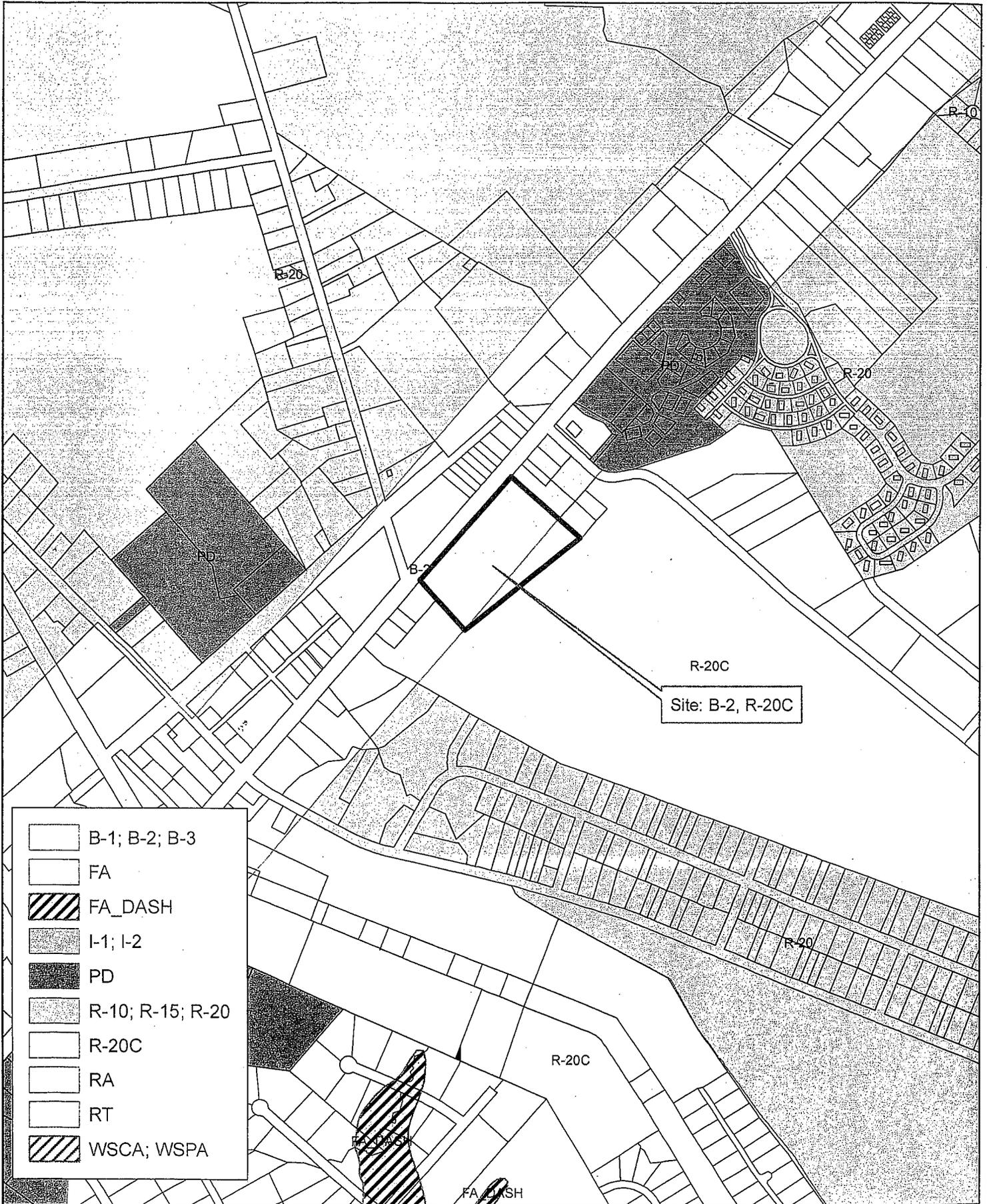


This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for the verification of the information contained on this map. Pender County assumes no legal responsibility for the information contained on this map.



1 inch equals 1,000 feet
 500 250 0 500 Feet

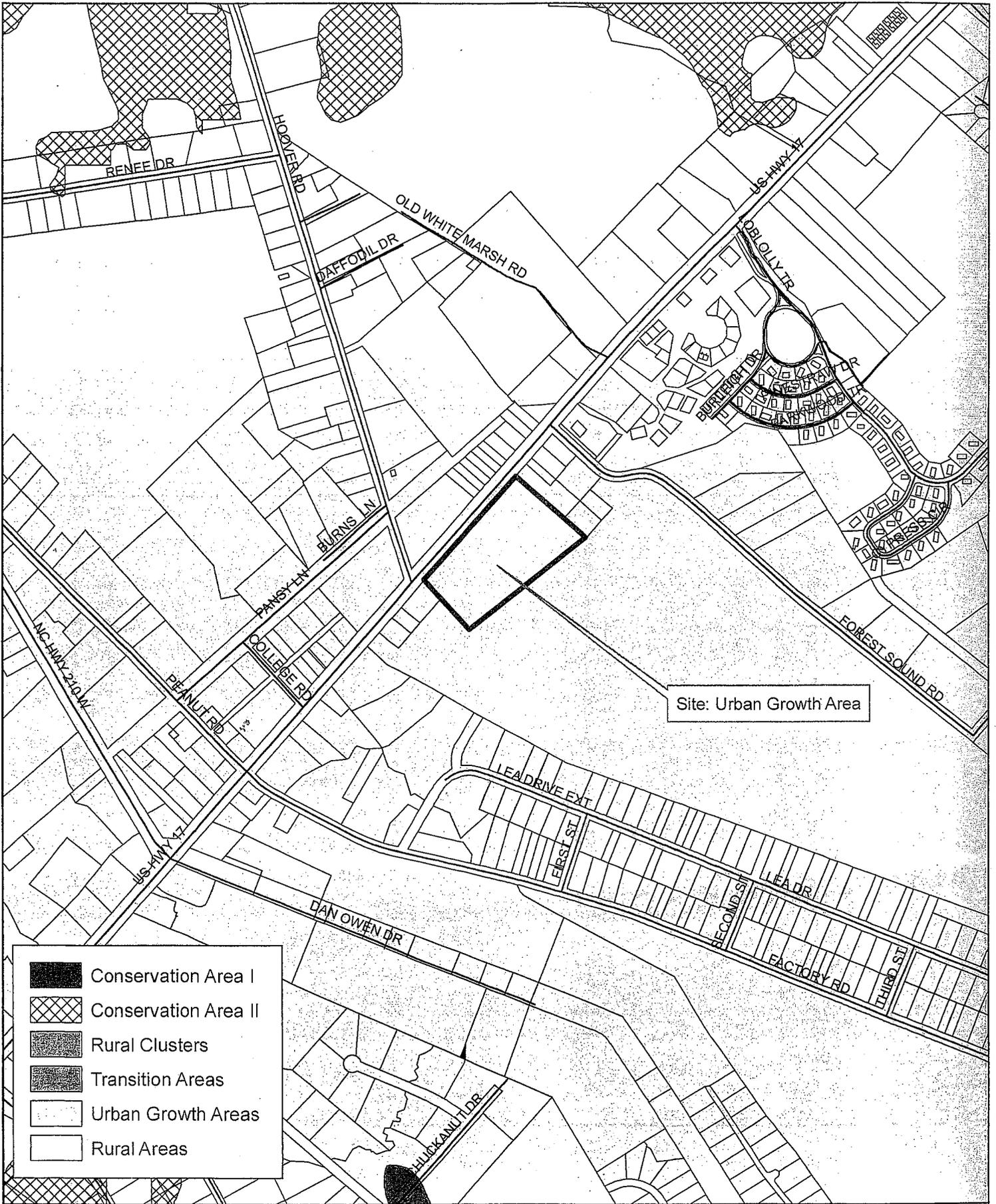
Rezoning - Pender County
 Vicinity Map



-  B-1; B-2; B-3
-  FA
-  FA_DASH
-  I-1; I-2
-  PD
-  R-10; R-15; R-20
-  R-20C
-  RA
-  RT
-  WSCA; WSPA

1 inch equals 750 feet
 370 185 0 370 Feet

Rezoning - Pender County Zoning Map

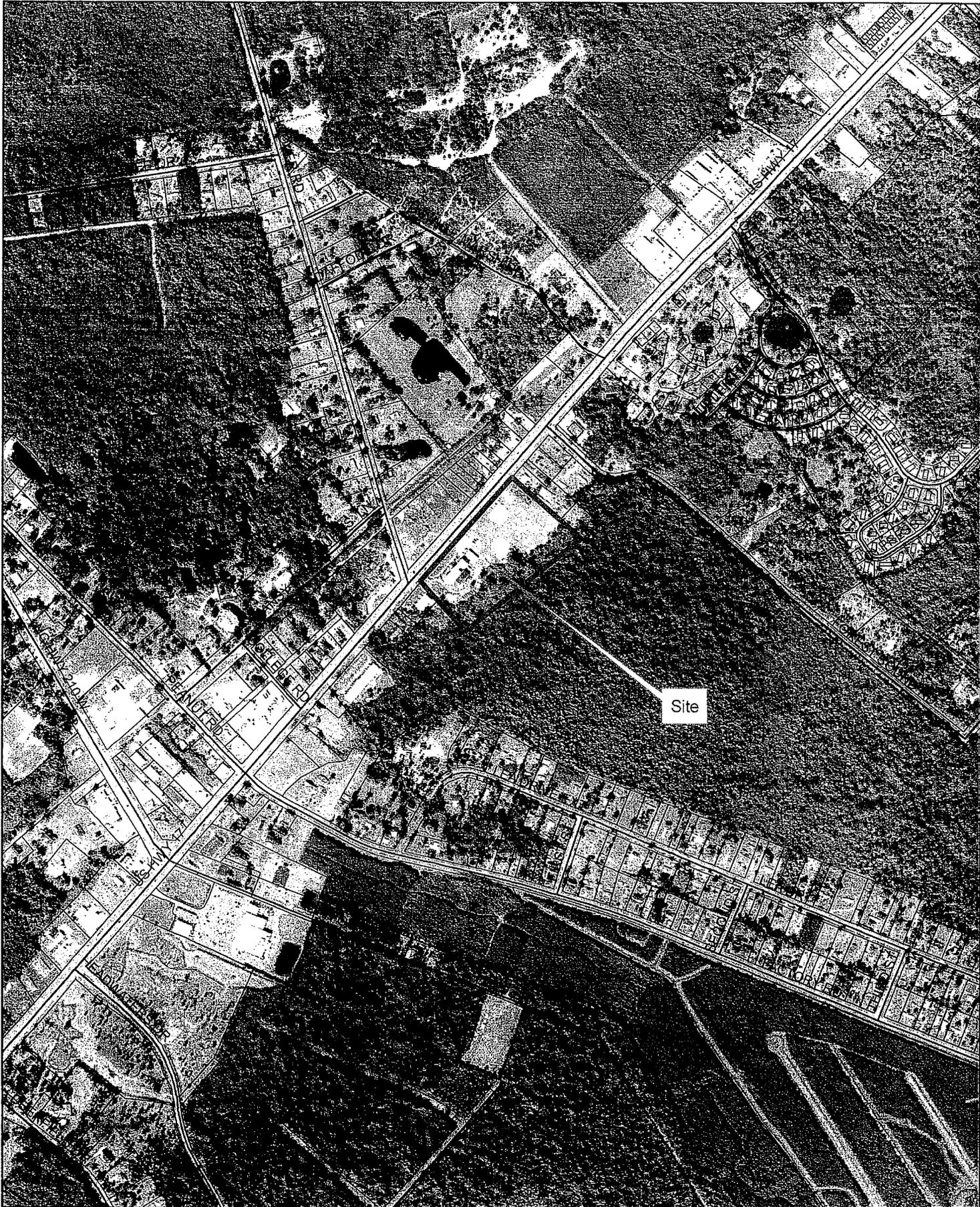


Site: Urban Growth Area

-  Conservation Area I
-  Conservation Area II
-  Rural Clusters
-  Transition Areas
-  Urban Growth Areas
-  Rural Areas

1 inch equals 750 feet
 370 185 0 370 Feet

Rezoning - Pender County
 CAMA Land Use Map



Site

1 inch equals 750 feet

370 185 0 370 Feet

Rezoning - Pender County Orthos (2003)