

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 19.

Date of Request: March 5, 2008

Date Request Received:

Board Meeting Date Requested: March 17, 2008

Board Meeting Date Assigned: March 17, 2008

Short Title: Taylor Greene, Applicant On Behalf Of Topsail Humane Society, Owner Is Requesting One Tract Totaling 12.13 Acres To Be Rezoned From R-20 Residential District, To B-1, Business (Neighborhood) 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 between Brickyard and Rowan Road on NC Highway 210. The Pender County Planning Board voted 3-0 to approve staff's recommendation for RT, Rural Transition on March 4, 2007. The applicant's original proposal was for B-1, Business (Neighborhood) District.

(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
 Grant or
 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: March 17, 2008 ITEM NO: 19.

TITLE: Zoning Map Amendment, Taylor Greene on behalf of Topsail Humane Society

SUBJECT: PROPERTY PARCEL ID Number: 3272-99-6894-0000

APPLICANT: Taylor Greene

OWNER: Topsail Humane Society

ACTION REQUESTED: Topsail Humane Society, applicant is requesting one tract totaling 12.13 acres to be rezoned from R-20 Residential District, to B-1, Business (Neighborhood) District.

HISTORY/BACKGROUND:

Location of Property: The property is located between Brickyard and Rowan Road on NC Highway 210.

Description of Proposal: This proposal consists of rezoning one tract totaling 12.13 acres from R-20 Residential District, to B-1, Business (Neighborhood) District.

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:** Subject's property is surrounded by RA, Rural Agricultural District along the southern boundary, to the east and north by R-20 Residential District and to the west by RT, Rural Transition District. An area B-1 zoning district is less than a mile from this from this parcel traveling east along NC Highway 210.
- C) Existing Land Use in Area:** Existing single-family dwellings lie adjacent to the north and west of the property and the property is surrounded immediately to the east and south by vacant land.
- D) 2005 Land Use Plan Compliance:** The proposed rezoning is consistent with the Pender County 2005 CAMA Land Use Plan. The 2005 Land Use Plan classifies this property as Urban Growth Areas and Conservation II. (See attached CAMA Land Use map). By definition, Urban Growth Areas are:
- Land classification that provides for the continued development of areas provided with water and/or sewer services or where the county is actively engaged in planning these community services.
 - These areas also have excellent access to the regional transportation system for a mixture of more intensive commercial and industrial or job creating uses and a range of residential land uses and housing types.
 - This area is planned for *high net density* for residential development. This density is dependent upon the types and levels of services that are available
 - *High Net Density:* five (5) residential units per usable acre of project land, based on services available.

The site does have about 7 acres on Conservation II. This classification is established as an overlay that applies policies which restrict development in all of the non-conservation land classes. The classification includes areas where new development may impact public health or areas where there are significant development limitations that are addressed by building and site development standards, density limits, impervious surface limits, and other methods to mitigate or to minimize the impact of

development. The county allows limited net density residential development in the Conservation II overlay.

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.

F) Summary & Staff Recommendation: Staff provides the following comments on this request:

1. This general use zoning request is in compliance with the 2005 CAMA Land Use Plan, however is in conflict with the Pender County Zoning Ordinance, Section 5.3. The current ordinances are contradicting.
2. The applicant is requesting the B-1 Neighborhood Business District. This district may be too of an intense use for the applicant's development proposal in a residential area. However, staff has discussed RT, Rural Transition, which would allow commercial uses in a residential area via special use permit.

G) Pender County Planning Board Recommendation: The Pender County Planning Board voted 3-0 to approve staff's recommendation for RT, Rural Transition on March 4, 2007. The applicant's original proposal was for B-1, Business (Neighborhood) District.

AMENDMENTS:

Planning Board

Motion: _____ Marshburn _____ Seconded _____ Smith _____

Approved: _____ X _____ Denied: _____ Unanimous _____

Gonzales X__ Garrett A__ Marshburn X__ Millette abstained Smith X__ Walton _____

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on the Pender County Board of Commissioners (approved, modified, denied) a rezoning request for is requesting one tract totaling 12.13 acres to be rezoned from R-20 Residential District, to B-1, Business (Neighborhood) District., 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.

Board of Commissioners

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Williams _____ Tate _____ Blanchard _____ Brown _____ Rivenbark _____

James David Williams Jr.
Chairman

March 17, 2008
Date

ATTEST

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>11/11/08</u>	Application Fee <u>280.00</u>	Receipt No. _____
Application No. <u>1415</u>	Postage Fee <u>31.26</u>	Receipt No. _____

I. PROPERTY INFORMATION:

Record #: — Current Zoning District: R-20
 Tax Map #: 3272.99.6894.0000 Requested Zoning District: B-1
 Lot #: — Acreage to Be Rezoned: 12.13
 Total Acreage of Tract: 12.13
 Property Location: Hwy 210
 Reason for Rezoning: Indoor Kennel/Vet Office Topsail Humane Society

II. REQUIRED NAMES:

Applicant Topsail Humane Society Owner _____
 Address P.O. Box 117 Address _____
Hampstead NC 28443
 Phone 910-329-0323 Fax 910-329-0803 Phone _____ Fax _____
 Email Kathy Lewis @TopsailHumaneSociety.org Email _____

Legal Relationship of Applicant to Property Owner: Under Contract to Purchase

III. SIGNATURE OF OWNER & APPLICANT:

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

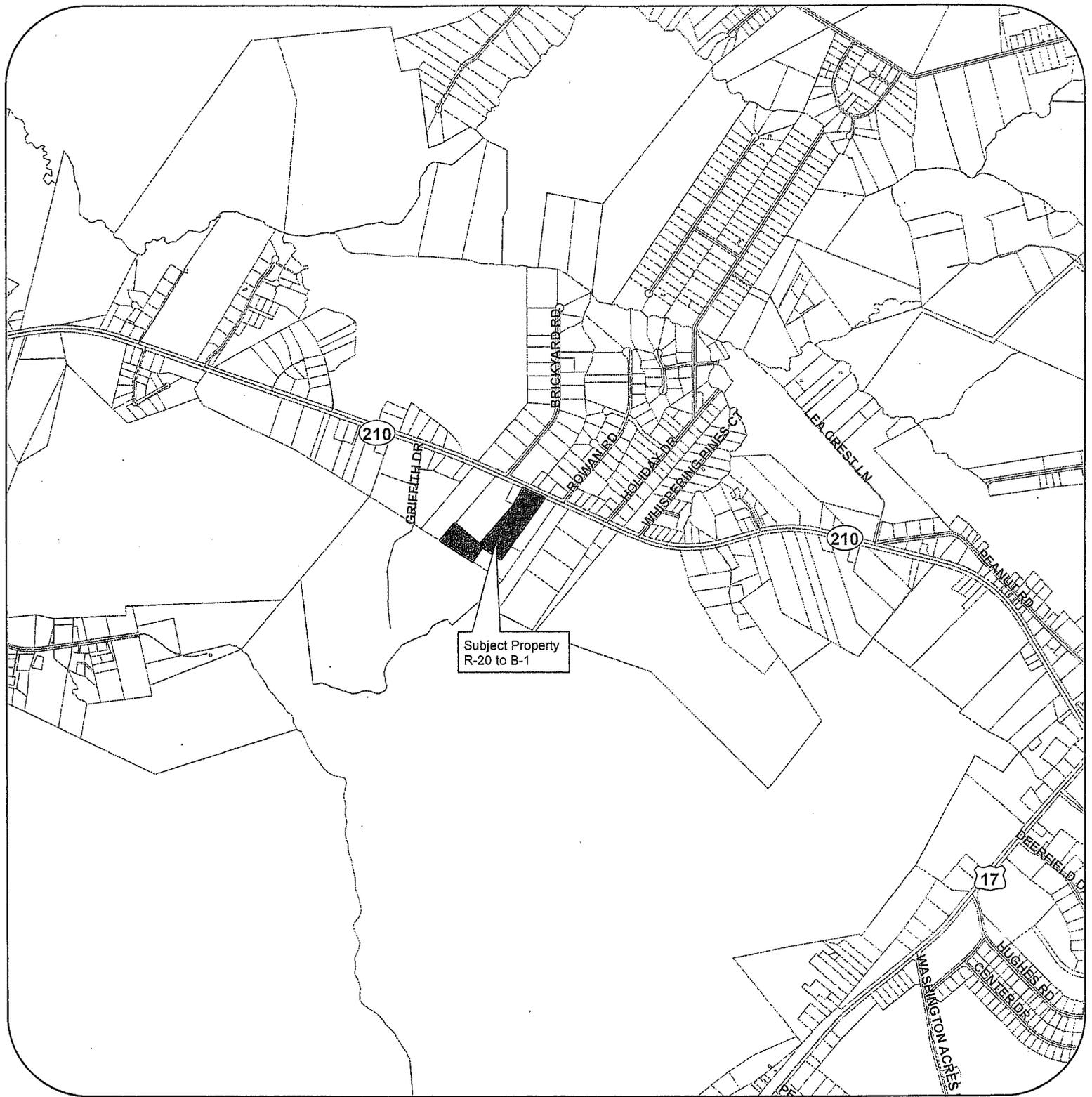
Ashley Frank

From: Taylor Greene [tgreeneiv@msn.com]
Sent: Tuesday, February 19, 2008 12:30 PM
To: Ashley Frank
Subject: Topsail Humane Society

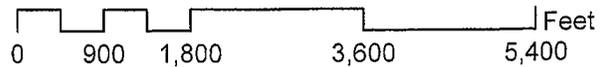
To Whom It May Concern,

The Topsail Humane Society Inc. a 503c non profit is requesting that you consider our request for rezoning on the property located on Hwy. 210. from R-20 To B-1 so that we may operate a Indoor Kennel Facility in conjunction with a full service Veterinarian office. We thank you in advance for your cooperation.

Taylor Greene
President
Topsail Humane Society Inc.



Subject Property
R-20 to B-1



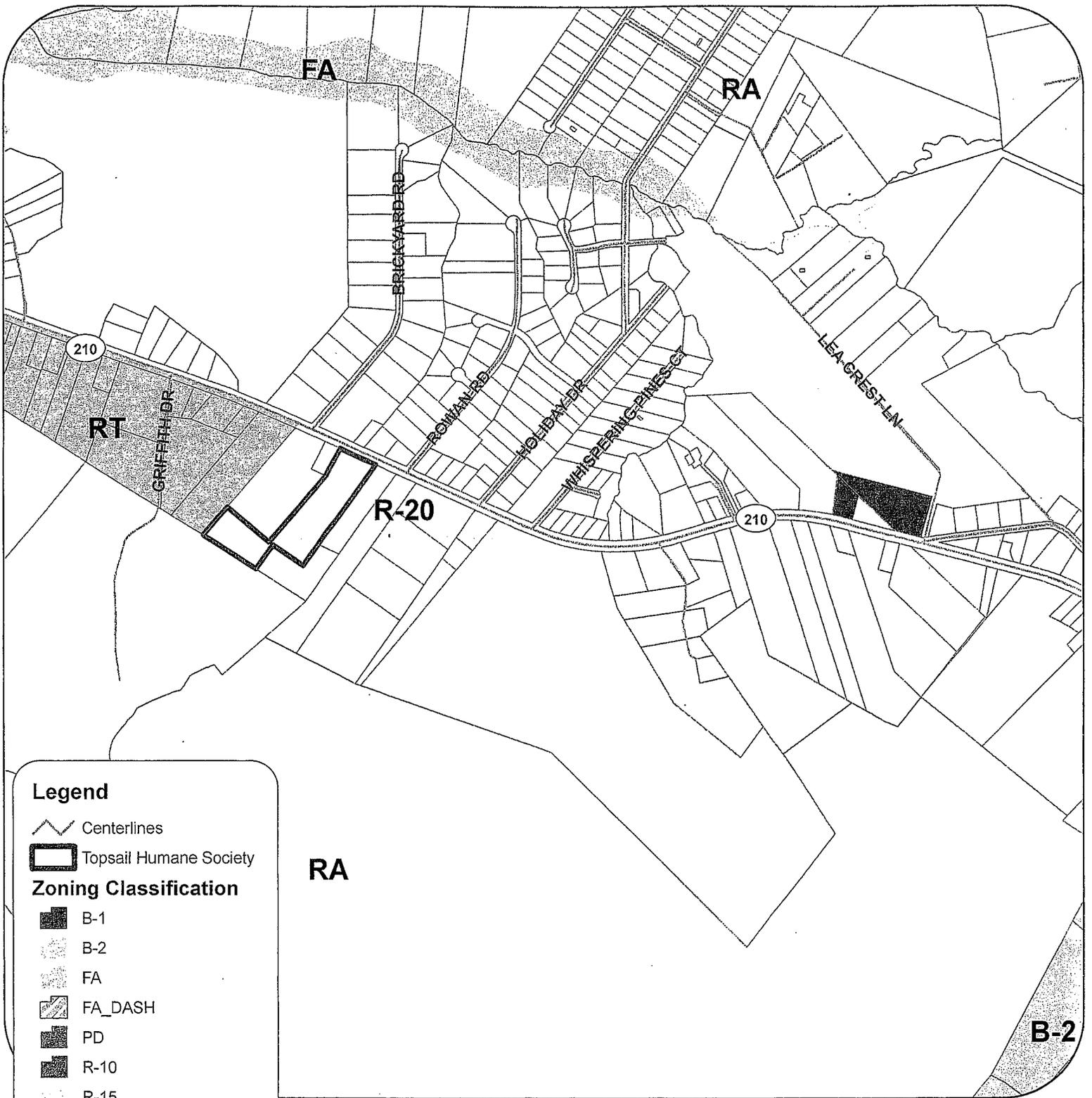
1 inch equals 2,000 feet

Legend

-  Centerlines
-  Topsail Humane Society



**Rezoning
From R-20 to B-1
Topsail Humane Society
*Vicinity Map***



Legend

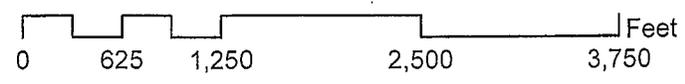
- Centerlines
- Topsail Humane Society

Zoning Classification

- B-1
- B-2
- FA
- FA_DASH
- PD
- R-10
- R-15
- R-20
- RA
- RT

RA

B-2

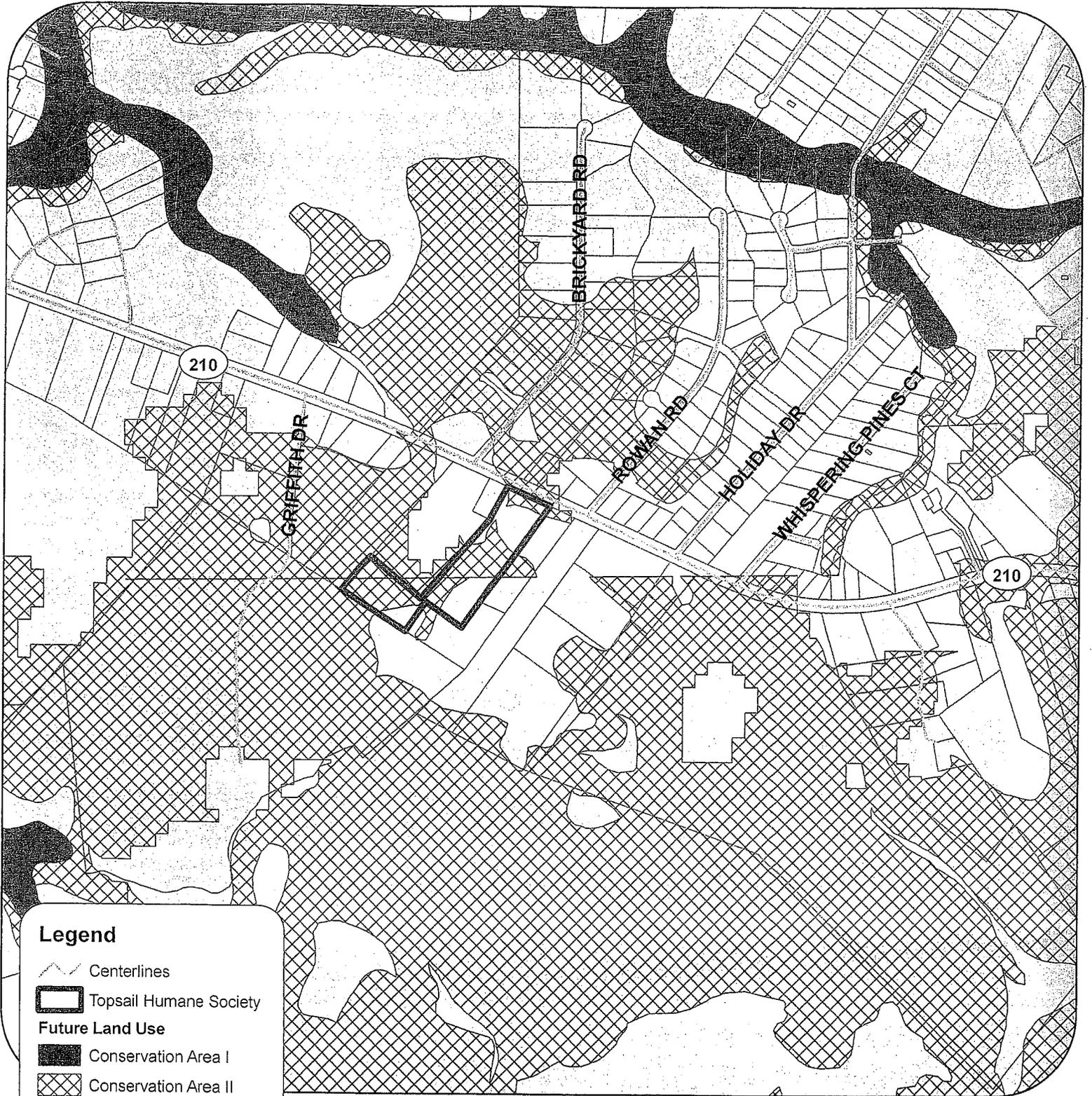


1 inch equals 1,208 feet



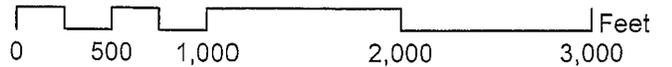
Rezoning From R-20 to B-1 Topsail Humane Society

Zoning Map



Legend

-  Centerlines
-  Topsail Humane Society
- Future Land Use**
-  Conservation Area I
-  Conservation Area II
-  Rural Clusters
-  Transition Areas
-  Urban Growth Areas
-  Rural Areas



1 inch equals 1,000 feet



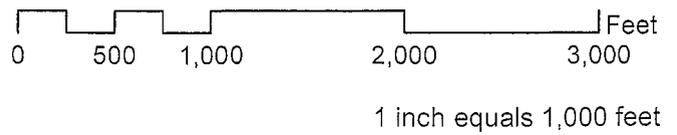
**Rezoning
From R-20 to B-1
Topsail Humane Society**

Future Land Use



Legend

-  Centerlines
-  Topsail Humane Society



Rezoning
From R-20 to B-1
Topsail Humane Society

2006 Color Orthos

Mr. William Storeks
2131 Ne Highway 210 W.
Hampstead, NC 28443

FROM

2/29/08

TO PENDER CO. PLANNING BOARD.

DEAR SIRs:

THIS IS TO VOICE MY

TOTAL OPPOSITION, MYSELF +

MY WIFE TO ZONING MAP AMENDMENT

ON BEHALF OF TOPSAIL HUMANE

SOCIETY. THIS TYPE OF USE WOULD

CAUSE THE RESIDENTIAL ATOP SHEW

TO BE MUCH LESS WANTED - PUT THE

TOPSAIL HUMANE SOCIETY'S DOG

POOD ON TOPSAIL. HAMPSTEAD IS NOT

TOPSAIL.

RECEIVED

MAR 03 2008

PENDER PLANNING DEPT.

THANK YOU
SINCERELY
WILLIAM STOREKS

To: Pender Co. Board

From: Chris Moore

Re: New Proposed Location for Humane Society
in Pender Co.

Date: 3/4/08

I support the efforts to secure the
new location for the humane society,

Chris Moore
422 New River Dr.
Surf City, NC 28445

To: Pender Co. Board

From: S Key-Moore
422 New River Dr.
Surf City, NC 28445

Re: New Proposed Location for Humane Society
in Pender Co.

Date: 3/4/08

I support the efforts to secure the
new location for the Humane Society.
This is a positive effort to provide intervention
and find new homes for our homeless
pet population through a NO-Kill Approach.

Sincerely,
S Key-Moore

ATTN: Mr. Ken Visor^(sp?)
Pender County Planning Board

Re: Topsail Humane Society Hearing

This note is in response to some concerns being raised by residents near the proposed new location of the Topsail Humane Society on Hwy 210 W, Hampstead;

My wife and I have been boarding our dogs at Canine Beach Club and have done some routine volunteer work for the THS and therefore routinely have reason to visit their current location.

I can attest to the condition of the facility as being CLEAN and FREE of significant odors, especially on the outside. They maintain a staff that is ample to maintain the facility in a clean manner that minimized mal-odors.

Additionally, exterior noise levels ARE NOT unreasonable. The dogs' access to the outside is controlled and therefore so is the noise.

The THS provides a VERY important service for the eastern side of the county and as our growth continues, so will the importance of this service. Adequate locations are scarce so since this one is workable for the THS, the granting of their request is important to the greater good of this side of the county.

Bill Feige 115 Long Leaf Ln
Hampstead

March 4, 2008

Dear Ken Vafier
Interim Planning Director of Pender County

It has been brought to my attention that a petition is in circulation that would potentially prevent Topsail Humane Society from buying property on US Hwy 210 in Hampstead. As you know, the Pender County Board of Health has agreed to recommend to the Board of Commissioners that the Topsail Humane Society take over day-to-day operations of the animal shelter. This will allow the animal control officers to work in the field in order to respond to county residents' complaints as well as focus on rabies control.

There are many benefits in having facilities in Hampstead and Burgaw. This will allow for more animal intake and cut down on the amount of animals that are euthanized due to shortage of space. Topsail Humane Society will have a full staff in the facilities to keep up with the cleaning and feeding; the staff will be on location 8 to 12 hours a day for 7 days a week. The facility on Becky's Creek Road where Topsail Humane Society is currently located is odorless. The building is cleaned 2 to 3 times a day. In addition to the facility being exceptionally clean, there is very little noise especially when the animals are inside the building.

Sincerely,

Darlene Clewis
Pender County Animal Control Interim Supervisor

March 4th 2008

It has come to our attention that there is to be a rezoning on Hyw 210 West for an Animal shelter.

This Animal shelter would be almost in front to our home , as much as we love animals we wish you would rconsider allowing this rezoning to take place .

We have just moved here 2 ½ years ago this is our retirement home and the place we would love to live the rest of our lives-

The neighborhood is wonderful and the best residential community we have ever lived.

Please do not mess it up by putting said business right across the street from us.

Even though Pender County does need a better animal shelter this is not the right area for it to be.

The best place for a animal shelter to be is definitely not in the middle of a residential community--

Thanks

Robert and Barbara A West

1830 Hwy 210 W
Hampstead N.C 28443
Robert E. West
Barbara A West

Herman Bead

3-4-2008

I have read the letter -
Saw where the purpose is
right for when I.H.S.
wants to build a

I feel like this is
a bad move on Topical N.
Society. They need to
rethink or do other stuff
away from residential
district. We have lots

of family with small
children etc. I hope
would not enjoy hearing
animals all night & day
below small children

to am not a favor
of this at all for I.H.S.
needs a place of their
own, but not in area
where there are children
& families.

I hope would you all
feel having this in your
back yard? I think
how many people do
how they feel about this
in the area!

Thank you
Graham Bead
123 KC Hwy 210 W
Hampstead NC 28843

To: Pender county Planning Members

Date: 02/29/08

Dear Planning Members,

I am writing this letter to you due to a letter that I have received from concerned residents in the Hampstead area. I have a home in Hampstead on 210 west and am concerned about the proposed animal care facility that is currently being considered to be installed on HWY 210 in Hampstead. I do understand the need for a humane shelter for this part of Pender County, but I do not agree that this facility should be installed so close to homes on HWY 210.

I also understand that currently there are businesses located in or close to this area but that these business close at 5:00 Monday thru Friday and do not keep the community up late at night or produce smells that would not want a person to invite a cook out with friends and family, during the day or night.

It has been put to our attention that the humane society has proposed to buy a tract of land 11.13 times the size needed for this project and makes me wonder what there real intentions might become. I also have to wonder about the environmental impacts of this project. We have had so many dilemmas with the hog industries and there waste runoff areas that I would like to know what proposals will be put into place to contain waste from these animals reaching ground water and surrounding streams.

Also we would like to know if or what DWQ and Storm water has asked for in this project. Has the Corps of Engineers been notified for this project and has the proper permits been applied for? Unless proper containment of discharges to our communities ground and surface water are implemented, I at this time feel that the proposed animal treatment center would pose a direct impact to our property and the surrounding property owners as well. So I will have to give a vote of NO to this proposal. Please feel free to send updated information to; All residents of 210 west in the Hampstead area.

Best Regards,



577 NC Hwy 210W
Hampstead NC 28443

To:
Taylor Greene
President Topsail Humane Society, Inc.

From:
Sue LoRusso
1973 NC Hwy. 210 West
Hampstead, NC 28443
(910)297-5813
(910)270-4395
Email: idget45@aol.com

March 2, 2008

Dear Taylor,

I am writing to you today to express several concerns that I have concerning your application to the Pender County Planning Department on behalf of The Topsail Humane Society. My husband Phil and I have owned the 10 acres adjacent to the 12.13 acre tract on the west side for 18 years.

First, let me say that I hold the Topsail Humane Society and the work that they do in very high regard. However, I have some misgivings about your request for a zoning change from R-20 to B-1 in a residential area for the purpose of building a veterinary office and indoor kennel. I felt from the start that your initial request was a smoke screen to cover up your future intentions of having a full blown animal shelter complete with outdoor kennels. My suspicions were confirmed upon reading the article in the Star News about the Pender County Health Dept. looking to contract with the Topsail Humane Society to help run the county's animal shelter. The article also enlightened me with the fact that you will be petitioning the Pender County Commissioners in July, at the end of the fiscal year, for funding to build a new animal shelter for the Humane Society to operate in Hampstead. Let me reiterate, I think the Humane Society partnering with Pender County is a wonderful idea. I feel that the Topsail Humane Society has done a wonderful job helping out the county shelter by upgrading the outdoor pens and hiring full time help for the county officers. However, although I am in agreement that the county needs a better facility to house an animal shelter; I feel that there are more appropriate locations **away from residential housing** that you could pursue for this purpose.

March 1, 2008

To:
The Pender County Planning Board

From:
Sue LoRusso
1973 NC Hwy 210 West
Hampstead, NC 28443
(910) 297-5813
(910) 270-4395
Email: idget45@aol.com

Re: Item # 2 - March 4th Hearing - Topsail Humane Society Zoning Change Application

Dear Board Members,

I am writing to you today to express several concerns that I have concerning the application submitted to the Pender County Planning Department by the Topsail Humane Society. First, let me say that I hold the Topsail Humane Society and the work that they do in very high regard. However, I have some misgivings about their request for a zoning change from R-20 to B-1 in a residential area for the purpose of building a veterinary office and indoor kennel. I felt from the start that their initial request was a smoke screen to cover up their future intentions of having a full blown animal shelter complete with outdoor kennels. My suspicions were confirmed today upon reading the article in the Star News about the Pender County Health Dept. looking to contract with the Topsail Humane Society to help run the county's animal shelter. The article also enlightened me with the fact that they will be petitioning the Pender County Commissioners in July, at the end of the fiscal year, for funding to build a new animal shelter for the Humane Society to operate in Hampstead. Let me reiterate, I think the Humane Society partnering with Pender County is a wonderful idea. I feel that the Topsail Humane Society has done a wonderful job helping out the county shelter by upgrading the outdoor pens and hiring full time help for the county officers. However, although I am in agreement that the county needs a better facility to house an animal shelter; I feel that there are more appropriate locations **away from residential housing** that they could pursue for this purpose.

My first concern is the environmental impact that this project will have on the surrounding area. The land use map shows that over 60% of this parcel is classified **Conservation II**. The CAMA Land Use Plan 2005 Update, page 16, specifically states that "The Conservation classification has two purposes. First this classification provides for the protection and **long term management of Pender County's significant and irreplaceable natural systems**. These areas have high environmental, scenic, recreational, economic, and lifestyle values. Second, the classification helps the county to mitigate the risks to life and property associated with wind, water, and other hazards that would result in development of these areas. **The conservation areas are generally consistent with the areas evaluated as having the least suitability for development on**