

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 18

Date of Request: August 4, 2008

Date Request Received:

Board Meeting Date Requested: August 18, 2008

Board Meeting Date Assigned:

Short Title: Thomas H. Johnson, Jr., Attorney, Applicant, On Behalf Of Linda River, Owner, Is Requesting Two Tracts Totaling 3.58 Acres To Be Rezoned From Rt, Rural Transitional District, To B-1, Business District (Neighborhood).

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 along the east side of US Hwy 17, approximately 1 mile south of the Onslow/Pender County line.

(Administrative Use Only)

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

CONTRACT TYPE

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

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

PURCHASING

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

Date Sent:

Signed:

ATTORNEY

Date Rec'd: Reviewed and Approved
 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:** August 18, 2008 **ITEM NO:** 18

TITLE: Zoning Map Amendment, Thomas H. Johnson, Jr., Attorney

SUBJECT: PROPERTY PARCEL ID NO: 4226-63-7980-0000, 4226-63-6890-0000

APPLICANT: Thomas H. Johnson, Jr., Attorney

OWNERS: Linda Rivere

ACTION REQUESTED: Applicant is requesting two tracts, totaling 3.58 acres, be rezoned from RT, Rural Transitional District, to B-1, Business District (Neighborhood).

HISTORY/BACKGROUND:

Location of Property: The property is located along the east side of US Highway 17, approximately 1 mile south of the Onslow/Pender County line, between Demps Road and Hardison Drive, Topsail Township, NC (See attached vicinity map).

Description of Proposal: The proposal consists of rezoning two contiguous tracts of land totaling 3.58 acres from RT, Rural Transitional District, to B-1, Business District (Neighborhood). The 3.58 acres are located along the east side of US Highway 17, between Hardison Drive and Demps Road. The purpose of this district shall be to provide convenient shopping facilities primarily of necessity goods and personal services required to serve a neighborhood. This is a general use rezoning (See attached project 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 properties to the north and south, along US Hwy 17 are zoned RT, Rural Transitional District. The property abutting the rear is zoned R-20, Residential District. These zoning classifications were given from the county wide rezoning in 2003. The property directly across the US Hwy 17 right-of-way is Holly Shelter Game Preserve (See attached vicinity and zoning maps).
- C) Existing Land Use in Area:** These tracts each have single family structures and are surrounded by single family residential uses and vacant tracts, and across US Hwy 17 is Holly Shelter Game Preserve.
- D) 2005 Land Use Plan Compliance:** The 2005 Land Use Plan classifies this property as 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.
- F) Summary & Staff Recommendation:** The proposal consists of rezoning 3.58 acres from RT, Rural Transitional District, to B-1, Business District (Neighborhood). The request is consistent with the 2005 CAMA Land Use Plan.

G) *Pender County Planning Board Recommendation:* The Pender County Planning Board, at its July 1, 2008 meeting, recommended approval by a unanimous vote of this rezoning request.

AMENDMENTS:

Planning Board

MOVED: Williams SECONDED: Marshburn

Approved: X Denied: Unanimous X

Reynolds X Gonzales X Garrett X Marshburn X Millette X Smith X

Williams X

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on August 18, 2008 the Pender County Board of Commissioners (approved, modified, denied) a request for 3.58 acres of land, to be rezoned from RT, Rural Transitional District, to B-1, Business District (Neighborhood), for Thomas H. Johnson, Jr., as described herein and by the attached maps, incorporated and made part of this ordinance by reference. **Be it further ordained** that 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
8-18-2008
Date

ATTEST
8-18-2008
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

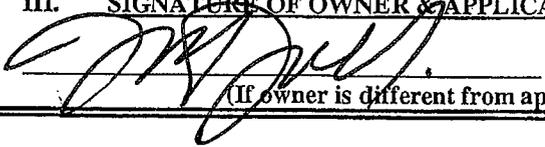
Date <u>5-19-2008</u>	Application Fee <u>\$ 200.00</u>	Receipt No. <u>081884</u>
Application No. _____	Postage Fee _____	Receipt No. <u>081886</u>

I. PROPERTY INFORMATION:
 4226-63-7980-0000
 Record #: 4226-63-6890-0000 Current Zoning District: RT
 Tax Map #: _____ Requested Zoning District: B-1
 Lot #: _____ Acreage to Be Rezoned: 3.58 acres
 Total Acreage of Tract: 3.58
 Property Location: 24770 US Hwy 17 S/E side 17 at Edgecombe PL5
24754 US Hwy 17 599/127 Lot 2 Div of A. G. Batts
 Reason for Rezoning: See attached

II. REQUIRED NAMES:

Applicant <u>Thomas H. Johnson, Jr., Atty</u>	Owner <u>Linda Rivere</u>
Address <u>P.O. Box 30188</u>	Address <u>9406 Georgian Way</u>
<u>Raleigh, NC 27622</u>	<u>Owings Mills, MD 23352</u>
Phone <u>(919) 786-2764</u> Fax <u>(919) 788-1104</u>	Phone _____ Fax _____
Email <u>tjohnson@nexsenpruet.com</u>	Email <u>lrivere@aol.com</u>

Legal Relationship of Applicant to Property Owner: Attorney

III. SIGNATURE OF OWNER & APPLICANT:


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



Pender County Planning Department

805 South Walker Street
Bocahon, North Carolina 28425

Phone (910) 259-1202
Fax (910) 259-1295

Email: planning1@pender-county.com

PLANNING BOARD APPLICATION FOR ZONING MAP AMENDMENT

Date _____	Application Fee _____	Receipt No. _____
Application No. _____	Postage Fee _____	Receipt No. _____

I. PROPERTY INFORMATION:
 4226-63-7980-0000
 Record #: 4226-63-6890-0000 Current Zoning District: RT
 Tax Map #: _____ Requested Zoning District: R-1
 Lot #: _____ Acreage to Be Rezoned: 3.58 acres
 Total Acreage of Tract: 3.58
 Property Location: 24770 US Hwy 17 S/E side 17 at Edgewcombe PL5
24754 US Hwy 17 599/127 Lot 2 Div of A. G. Batts
 Reason for Rezoning: See attached

II. REQUIRED NAMES:

Applicant <u>Thomas R. Johnson, Jr., Atty</u>	Owner <u>Linda Rivers</u>
Address <u>P.O. Box 30188</u>	Address <u>9406 Georgian Way</u>
<u>Raleigh, NC 27622</u>	<u>Owings Mills, MD 21117</u>
Phone (919) 786-2764 Fax (919) 788-1104	Phone _____ Fax _____
Email <u>tjohnson@nexsenprvat.com</u>	Email <u>lrivers@aol.com</u>

Legal Relationship of Applicant to Property Owner: Attorney

III. SIGNATURE OF OWNER & APPLICANT:
Linda A Rivers NA
 (If owner is different from applicant, both signatures are required)

RECEIVED

MAY 23 2008

PENDER PLANNING DEPT.

Thomas H. Johnson, Jr.
Special Counsel
Admitted in NC

May 16, 2008

BY HAND DELIVERY

Mr. Kyle Breuer
Pender County Planning Department
805 South Walker Street
Burgaw, NC 28425

Re: Rezoning Request for Linda Rivere

Dear Kyle:

Thank you for speaking with me yesterday about this rezoning request. Enclosed you will find a completed Application for a Zoning Map Amendment for Tax PIN Nos. 4226-63-7980-0000 and 4226-63-6890-0000, located on U.S. Highway 17 near Edgcombe ("Property"). These are adjacent parcels totaling 3.58 acres and are currently zoned RT-Rural Transition. We are requesting that the Property be rezoned to B-1-Neighborhood Business. As I mentioned, Ms. Rivere has not yet signed the application. I am in the process of contacting her and expect to have her signature on the application by next week. I will also be submitting the required copies of the recorded map of the Property next week as well.

- Charleston
- Charlotte
- Columbia
- Greensboro
- Greenville
- Hilton Head
- Myrtle Beach
- Raleigh**

Section 8.4 of the Pender County Zoning Ordinance describes the intent of B-1 is "to provide convenient shopping facilities primarily of necessity goods and personal services required to serve a neighborhood." The Property is on a major thoroughfare and convenient to residential development. The Property is larger than 1 acre and will provide an ideal location to provide goods and services to the surrounding residential areas as well as to provide a buffer between heavily traveled U.S. Highway 17 and residential development.

In the Pender County Land Use Plan, this area is designated as "Urban Growth Area." Urban Growth Area is intended for a mixture of commercial and residential uses because of its access to the regional transportation system. Therefore, this request is consistent with the Land Use Plan.

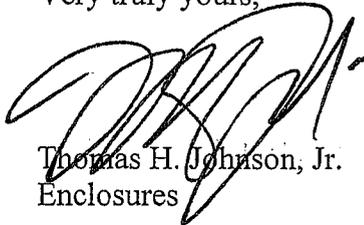
251 Blue Ridge Road (27607) T 919.786.2764
Suite 150 F 336.387.8930
P.O. Box 30188 E TJohnson@nexsenpruet.com
Raleigh, NC 27622 Nexsen Pruet, PLLC
www.nexsenpruet.com **Attorneys and Counselors at Law**

Pender County Planning Department
May 16, 2008
Page 2

Given the location of this Property and its size, it is appropriate for B-1 Neighborhood Business in order to provide much needed services convenient to residents and to provide a buffer from the traffic on U.S. Highway 17. Our request is consistent with the Land Use Plan which supports our request.

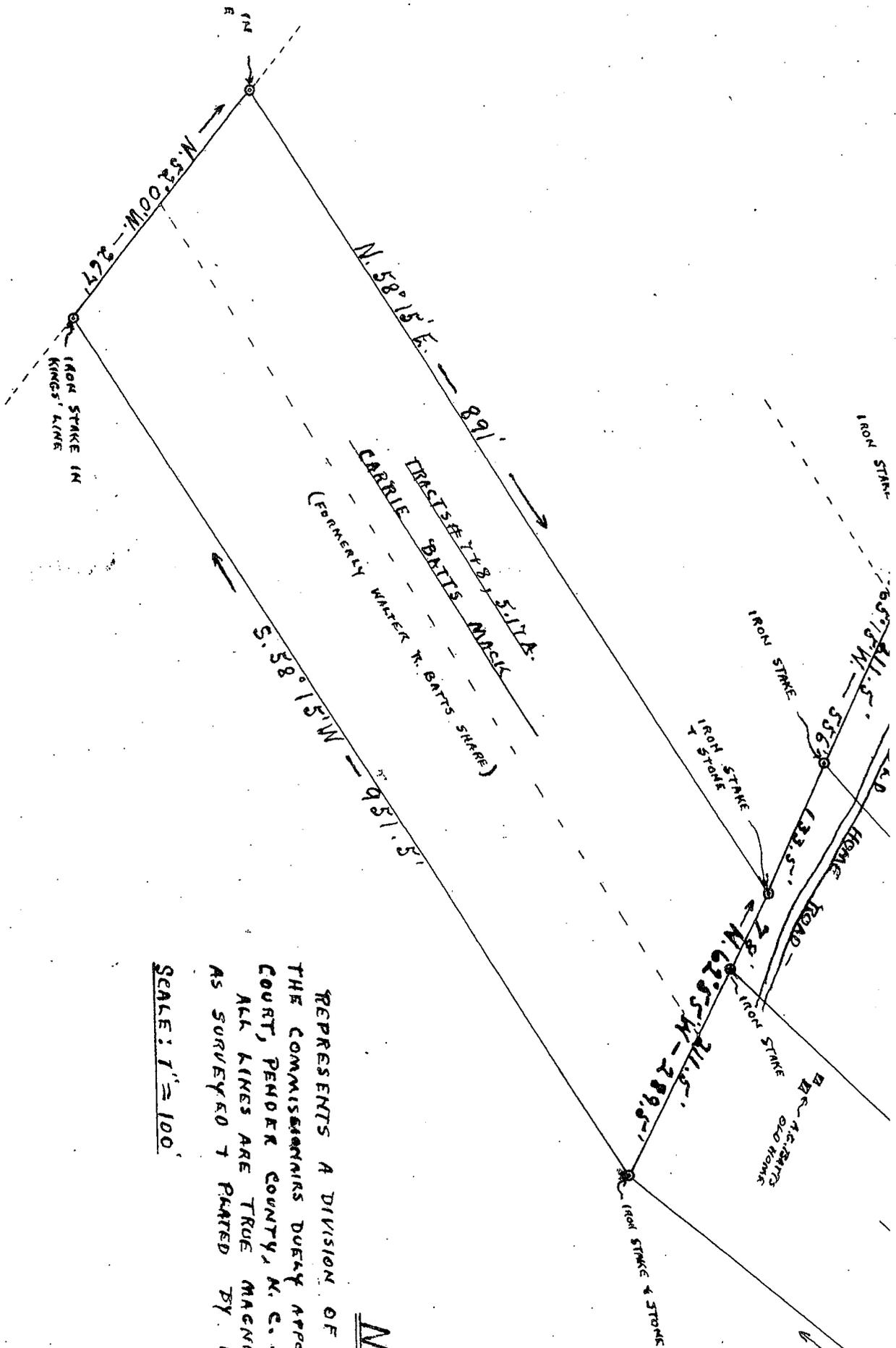
We ask that this request be scheduled for the July Planning Board Meeting. If you have any questions, need additional information or would like to discuss our request further, please do not hesitate to contact me.

Very truly yours,



Thomas H. Johnson, Jr.
Enclosures

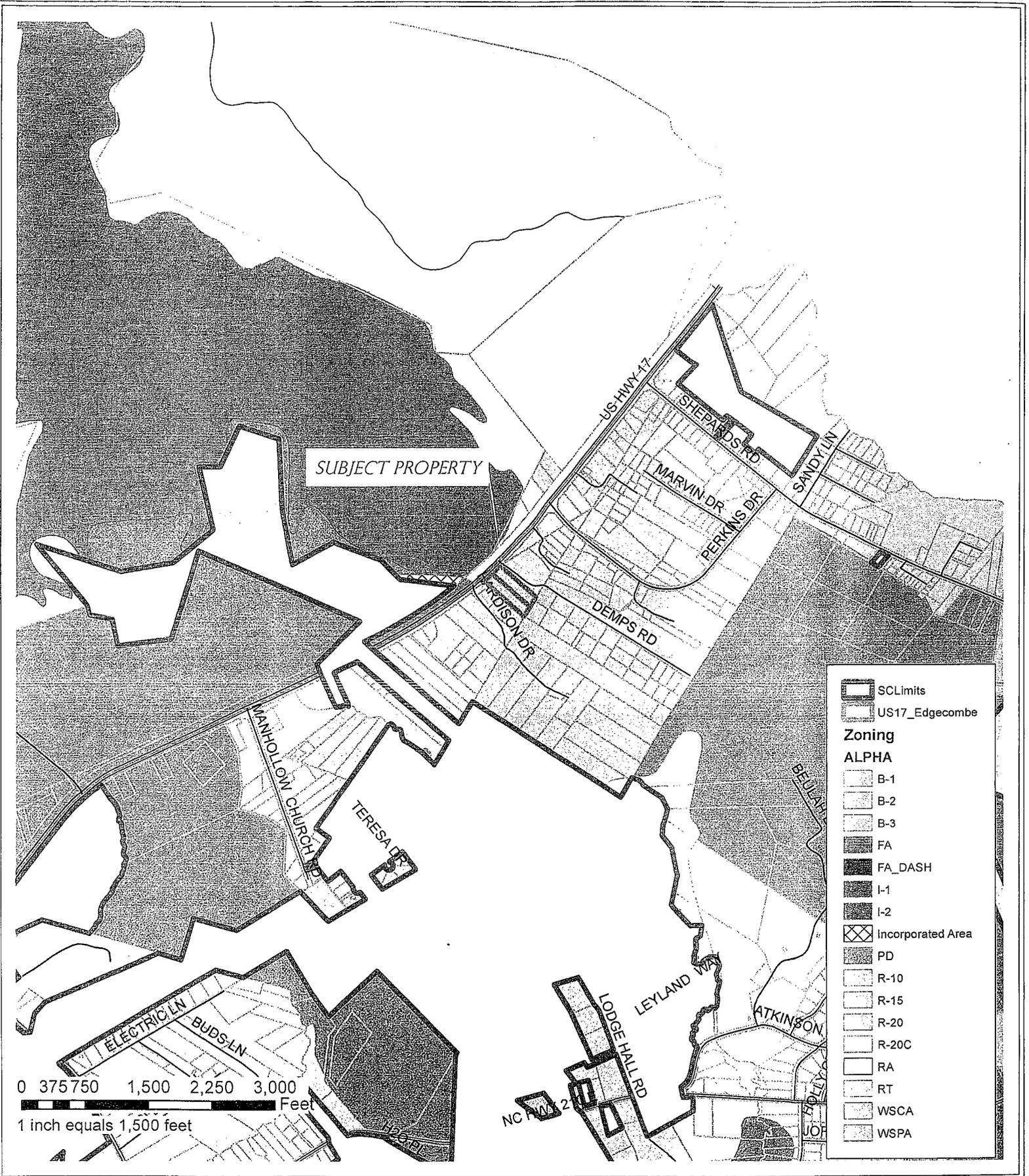
cc: Linda Rivere



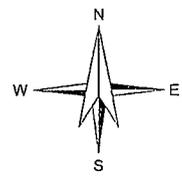
REPRESENTS A DIVISION OF THE ANTI
 THE COMMISSIONERS DUELY APPOINTED BY
 COURT, PENDER COUNTY, N. C.
 ALL LINES ARE TRUE MAGNETIC TO
 AS SURVEYED & PLATED BY M. R. WALKER

SCALE: 1" = 100'

MHP

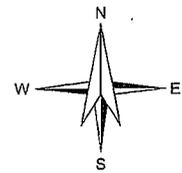


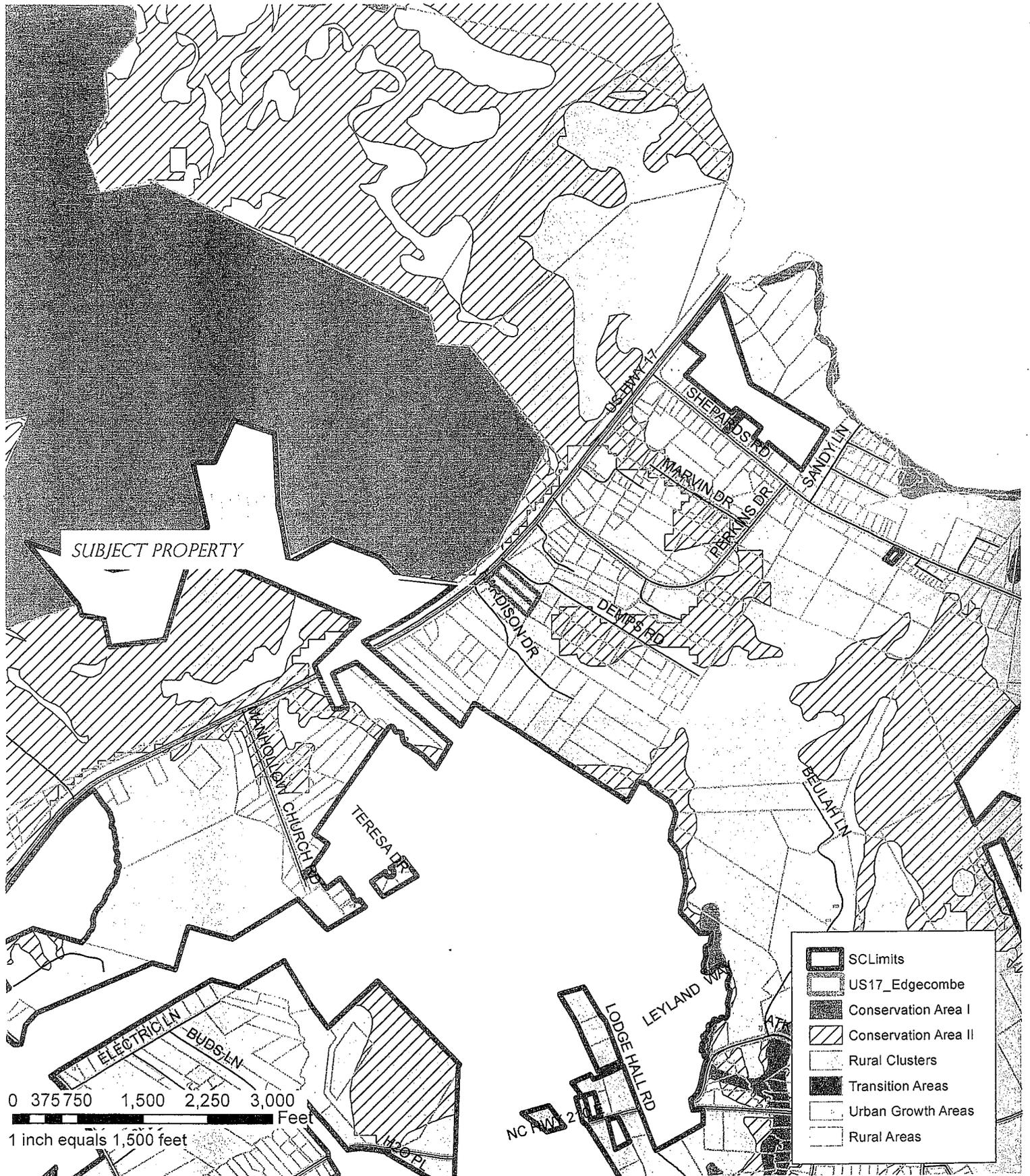
**ZONING MAP AMENDMENT
US 17/EDGECOMBE
ZONING MAP**



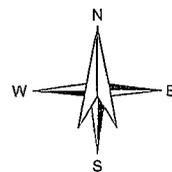


**ZONING MAP AMENDMENT
US 17/EDGECOMBE
VICINITY MAP**





**ZONING MAP AMENDMENT
US 17/EDGECOMBE
2005 CAMA LAND USE MAP**



SUBJECT PROPERTY

HARDISON

TERESA DR
WALTER JONES DR

LEYLAND WAY
STOCKTON PL

0 250 500 1,000 1,500 2,000 Feet
1 inch equals 1,250 feet

SCLimits
US17_Edgecombe

ZONING MAP AMENDMENT
US 17/EDGECOMBE
2003 AERIAL MAP

