

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 20.

Date of Request: May 16, 2008

Date Request Received:

Board Meeting Date Requested: August 18, 2008

Board Meeting Date Assigned: August 18, 2008

Short Title: Applicant Is Requesting A Portion Of A Tract Of Land, Totaling 1.78 Acres, Be Rezoned From R-20, Residential District, To B-2, Business District (Highway).

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

(Administrative Use Only)

CONTRACT TYPE

Background: The total acreage of the tract is 2.91 acres and is currently split zoned between R-20 Residential District and B-2 Business District (Highway). The applicant is requesting that the 1.78 acres zoned R-20 Residential District be rezoned to B-2, Business District (Highway) thus eliminating the split zoning of the parcel and making it entirely zoned B-2, Business District (Highway).

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

Specific Action Requested: The Board of Commissioners is requested to hold a public hearing for a Zoning Map Amendment.

Requested by: Planning Staff
Department: Planning Department
Title: Planning
Contact Phone: 910.259.1202
Contact Fax: 910.259.1295

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: August 18, 2008 ITEM NO: 20.

TITLE: Zoning Map Amendment, Michael Nadeau

SUBJECT: **PROPERTY PARCEL ID NO:** 3293-33-7283-0000

APPLICANT: Michael Nadeau

OWNERS: Dollar Properties Three, LLC

ACTION REQUESTED: Applicant is requesting a portion of a tract of land, totaling 1.78 acres, be rezoned from R-20, Residential District, to B-2, Business District (Highway).

HISTORY/BACKGROUND:

Location of Property: The property is located along Avery's Road off of US Highway 17 across from Grandview Drive in Hampstead NC. (See attached vicinity map).

Description of Proposal: The proposal consists of rezoning a portion of a tract of land totaling 1.78 acres from R-20, Residential District, to B-2, Business District (Highway). The total acreage of the tract is 2.91 acres and is currently split zoned between R-20 Residential District and B-2 Business District (Highway). The applicant is requesting that the 1.78 acres zoned R-20 Residential District be rezoned to B-2, Business District (Highway) thus eliminating the split zoning of the parcel and making it entirely zoned B-2, Business District (Highway). The property was previously used as part of the Carolina Peanuts production facility. A silo, small office, and truck scales are still located on the property. 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 property to the northwest is zoned R-20, Residential District, all the properties fronting along US Highway 17 are zoned B-2, Business District (Highway) (See attached vicinity and zoning maps).
- C) **Existing Land Use in Area:** The property to the northwest, across Avery's Road exists a mobile home park. To the north of the subject property is the Topsail Presbyterian Church and cemetery. Located in front of the property to the east, fronting along US 17, is a law firm, a single family home and a vacant lot.
- D) **2005 Land Use Plan Compliance:** The 2005 CAMA Land Use Plan classifies this property as Urban Growth Area. This rezoning request is consistent with the 2005 CAMA 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 1.78 acres from R-20, Residential District, to B-2, Business District (Highway). 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: Gonzales SECONDED: Marshburn

Approved: _____ Denied: _____ Unanimous _____

Reynolds ___ Gonzales ___ Garrett ___ Marshburn ___ Millette ___ Smith ___

Williams ___

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on August 18, 2008 the Pender County Board of Commissioners (approved, modified, denied) a request for 1.78 acres of land, to be rezoned from R-20, Residential District, to B-2, Business District (Highway), for Michael Nadeau, 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 _____	Application Fee _____	Receipt No. _____
Application No. _____	Postage Fee _____	Receipt No. _____

I. PROPERTY INFORMATION:

Record #: 3293-33-7283 Current Zoning District: R-20

Tax Map #: Q101018 Requested Zoning District: B-2

Lot #: _____ Acreage to Be Rezoned: 1.78

Total Acreage of Tract: 2.91

Property Location: Near intersection of Hwy 17 and Avery's Road

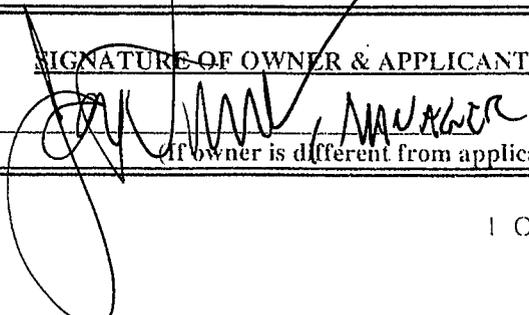
Reason for Rezoning: Tract used for Commercial purposes for decades; parcel currently split-zoned.

II. REQUIRED NAMES:

Applicant <u>Michael Nadeau</u>	Owner <u>Dollar Properties Three, LLC</u>
Address <u>PO Box 56</u>	Address <u>1508 Military Cutoff RD</u>
<u>Hampstead, NC 28443</u>	<u>Wilmington, NC 28403</u>
Phone <u>270-5100</u> Fax <u>270-5110</u>	Phone <u>256-0101</u> Fax _____
Email <u>Mike@creativeproperties.biz</u>	Email _____

Legal Relationship of Applicant to Property Owner: Authorized Agentt

III. SIGNATURE OF OWNER & APPLICANT:

 3/27/08

If owner is different from applicant, both signatures are required.

 4/31/08
MICHAEL G. NADEAU

Dollar Properties Three, LLC

1508 Military Cutoff Road

Wilmington, NC 28403

(910) 256-0101

Dear Planning Department:

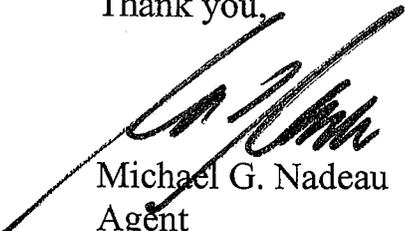
We attach a petition to rezone 1.78 acres from R-20 to B2.

Our site, totaling 6.1 acres, is currently split zoned. This tract borders Hwy. 17 and Avery's Road and the front is all zoned B-2. The neighboring parcel to the north is also zoned for commercial use.

Further, the entire area proposed for rezoning has a long history of industrial use as part of the Carolina Peanuts production facility. A silo, small office, and truck scales are still on site.

We believe this tract should have been recognized as an established commercial site when the new zoning map was developed several years ago, and ask you rezone this highway frontage land back to business use.

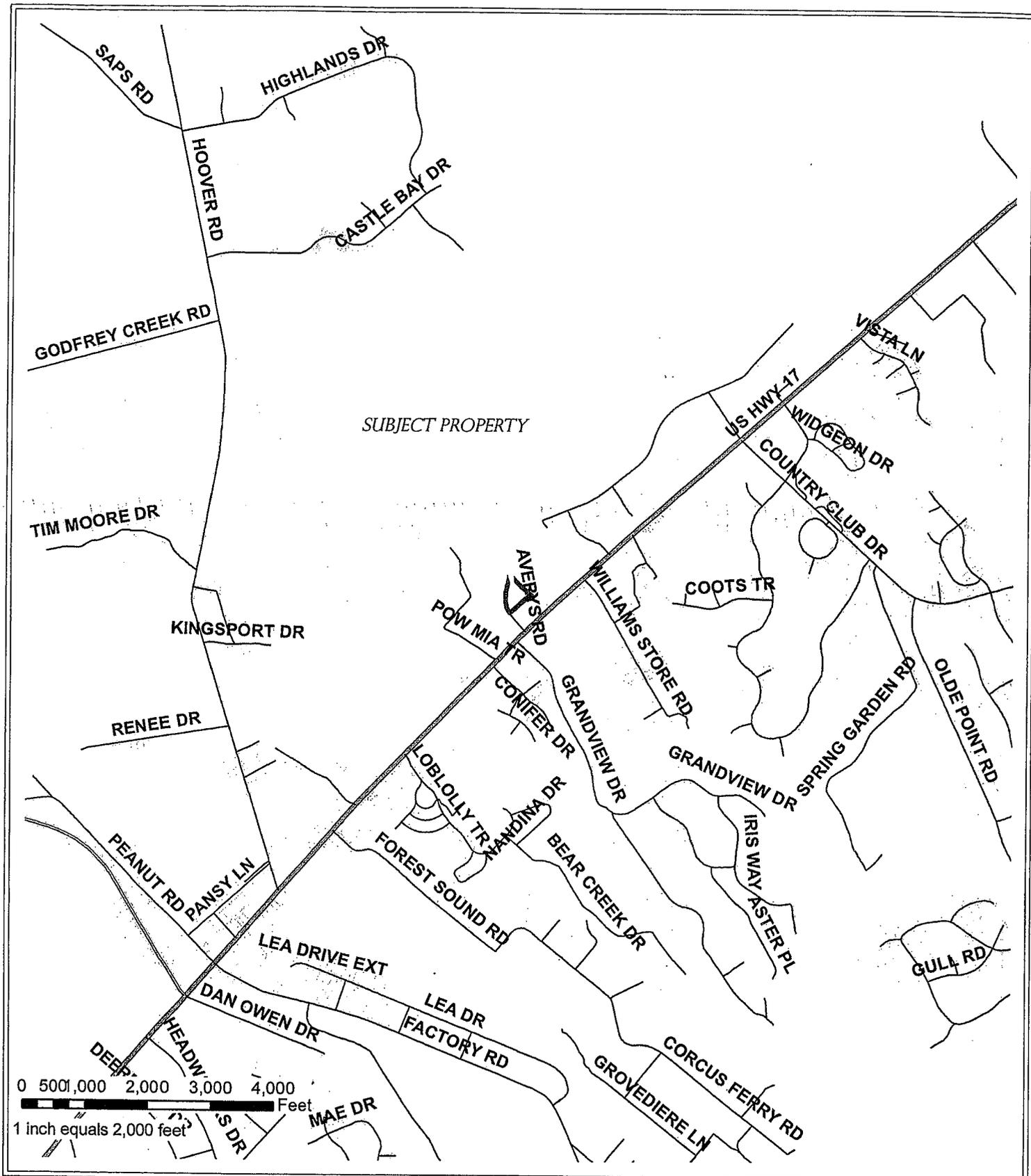
Thank you,



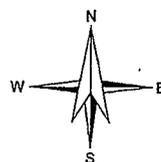
Michael G. Nadeau

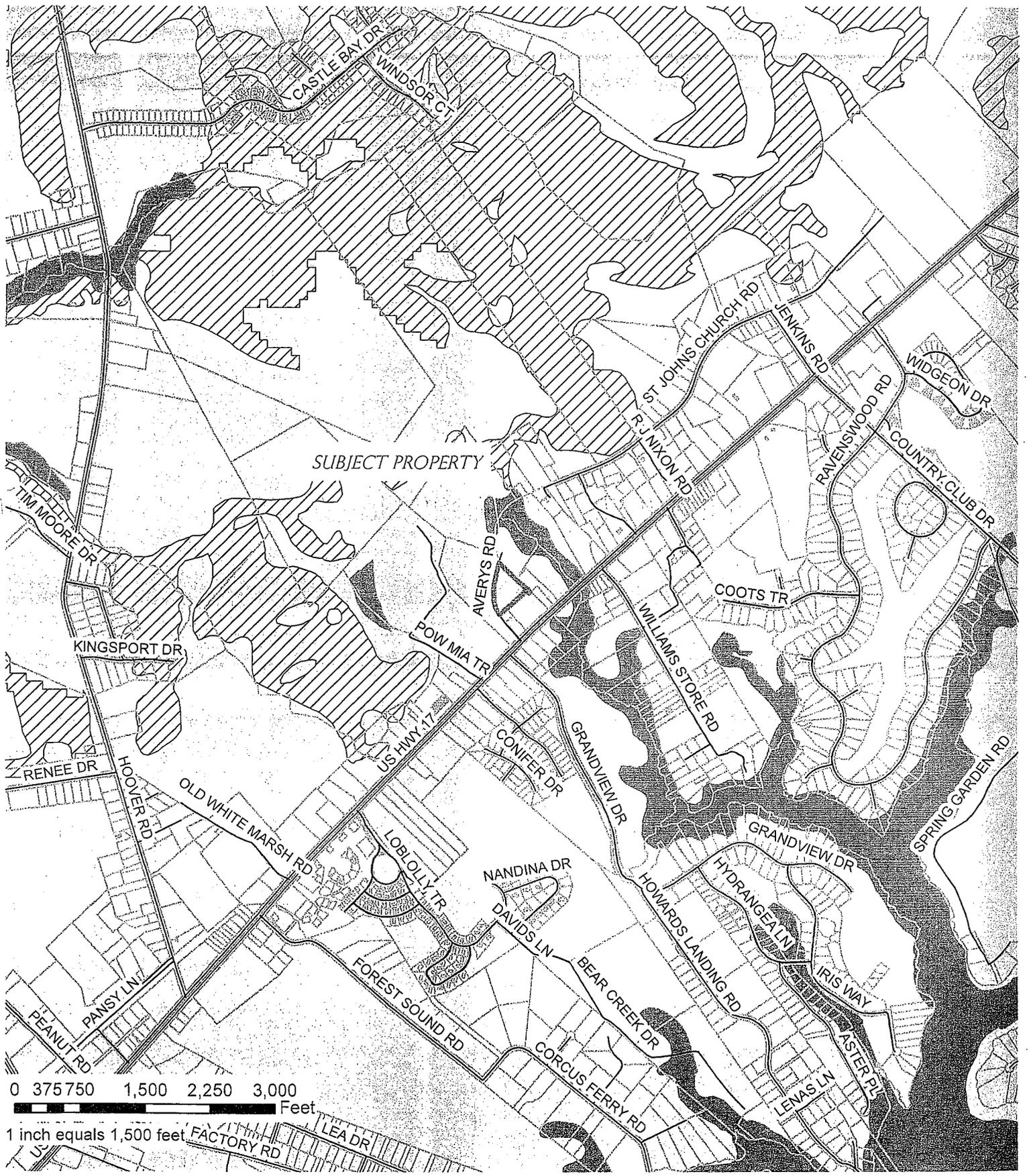
Agent

(910) 620-1237

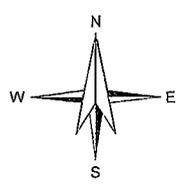


**ZONING MAP AMENDMENT
US 17/AVERY ROAD
VICINITY MAP**





**ZONING MAP AMENDMENT
 US 17/AVERY ROAD
 2005 CAMA LAND USE MAP**





**ZONING MAP AMENDMENT
 US 17/AVERY ROAD
 2006 AERIAL MAP**

