

REQUEST FOR BOARD ACTION

ITEM NO. 22.

DATE OF MEETING: May 18, 2009

REQUESTED BY: Kyle Breuer, Planner II, Planning & Community Development

SHORT TITLE: Resolution to approve a Zoning Map Amendment

BACKGROUND: The proposal is to rezone one tract totaling ± 1 acre, from I-1, Industrial District (Light), to R-20 C, Residential District (Conventional). The property is located at 209 Sloop Point Loop Road, Hampstead, N.C.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the request to rezone 1 acre from I-1 to R-20 C

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: May 18, 2009

Application Number: ZMA 09-05-18-04 Daniels

Applicant: Barbara R. Daniels

Property Owner: Same

Rezoning Proposal: Rezone from I-1, Industrial District (Light), to R-20 C, Residential District (Conventional)

Property Record Numbers, Acreage, and Location: The proposal is to rezone one tract totaling ± 1 acre, from I-1, Industrial District (Light), to R-20 C, Residential District (Conventional). The property is identified as PIN 4204-74-7049-0000 and is located at 209 Sloop Point Loop Road, Hampstead, N.C.

History: When the Board of County Commissioners undertook a county wide rezoning, this property was zoned industrial, not permitting primary residential uses.

Staff Recommendation: Staff recommends approval of this request.

Planning Board Recommendation: The Planning Board, at their April 7, 2009 meeting, voted unanimously to pass a motion recommending approval of this request.

DESCRIPTION:

The applicant is proposing to rezone a one acre tract from I-1, Industrial District, to R-20 C, Residential District (Conventional). October 2003, the Pender County Board of Commissioners approved a county-wide rezoning, placing the subject property into an Industrial Zoning Classification. The area of Sloop Point Loop Road, according to the records, was changed from RT, Rural Transitional, to I-1, Industrial (Light) in order to accommodate Martin Packer/Liquid Dynamics, extending the district to this commercial property. Consequently, all new residential uses are not permitted in the I-1, Industrial District (Light), resulting in this rezoning request.

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 lies within an I-1 District zoning classification. The property immediately North and East is zoned PD, Planned Development, and encompasses a portion of the Topsail Greens Subdivision. The property to the East, South and West are all zoned I-1, Industrial (Light).
- C) Existing Land Use in Area:* Currently, the surrounding land use is as follows: to the north and east is Topsail Greens subdivision, which includes single-family structures and reserved subdivision open space. The properties adjoining east, south, and west are all vacant industrial zoned property. The northern side of Sloop Point Loop Road is predominantly commercial with several businesses located within the I-1 zoning district.
- D) 2005 Land Use Plan Compliance:* The 2005 CAMA Land Use Plan classifies this property as Urban Growth Areas. 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 one tract totaling ±1 acre. 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.

VOTING AND RESOLUTION:

Planning Board

Motion: _____ *Marshburn* _____ Seconded _____ *Garrett* _____

Approved: _____ _____ Denied: _____ Unanimous _____ _____

Reynolds _____ _____ Garrett _____ _____ Marshburn _____ _____ Millette _____ _____ Smith _____ Williams _____

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on May 18, 2009, the Pender County Board of Commissioners (approved, modified, denied) a rezoning request for property as described herein and Jimmy T. Tate, 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: Tate _____ Brown _____ Blanchard _____ Rivenbark _____ Williams _____

Jimmy T. Tate
Chairman

May 18, 2009
Date

ATTEST

DATE

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



APPLICATIONS COVER SHEET

Date Application Filed: 2/27/2009

I. REQUIRED NAMES:

Applicant Barbara R. Daniels Owner _____

Address 209 Sloop Point Loop Rd Address SAME
Hampstead NC 28443

Phone 470-13943 Fax NONE Phone _____ Fax _____
470-5059

Email NONE Email _____

Legal Relationship of Applicant to Property Owner: SAME

Consultant Name/Company _____

Address _____

Phone _____ Fax _____

Email _____

Barbara R. Daniels
(Signature of Applicant)

(Signature of Owner)

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

II. TYPE OF APPLICATION:

(Please check one)

Board of Adjustment:

- Variance
- Appeal

Zoning:

- Text Amendment
- Map Amendment
- Special Use Permit

Plans:

- Planned Development
- Subdivision Preliminary Plat

FEE SCHEDULE FOR BOARD HEARINGS

Board of Adjustment:	Applicable Fees:	Fee Calculation:
Variance	\$125.00	
Appeal	\$150.00	
Zoning:		
Text Amendment	\$200.00	
Map Amendment	\$200.00 & \$10.00 per acre over 5 acres	200.00
Special Use Permit	\$200.00 & \$10.00 per acre over 5 acres	
SUP, Part of AEC	\$300.00 & \$10.00 per acre over 5 acres	
SUP, Tower over 75 ft.	\$400.00 & \$3.00 per acre over 200 ft.	
SUP, Mining Borrow Pit	\$400.00 & \$10.00 per acre over 5 acres	
SUP, Mining other	\$800.00 & \$10.00 per acre over 5 acres	
Plans:		
Planned Development Master Plan	\$10.00 per acre with a min. of \$50.00	
Preliminary Plat	\$10.00 per lot/parcel with a min. of \$125.00	
Final Plat	\$5.00 per lot/parcel with a min. of \$50.00	
Total Fees Due:		200.00

Attachments Included with Application:
(Please include # of copies)

CD Plan Sets Other Documents/Reports

Please list documents included: _____

Method of Payment: Cash
 Credit Card, We accept VISA ___ and MasterCard ___ only.
 Check, Ck. # (6006/04) 6004 + 6006

For Office Use Only:

Receipt # 053641/056342

Received By: Kyle Brewer / AF Date: 2/27/2009 / 3/3/09

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



ZONING MAP AMENDMENT APPLICATION

Date 2-27-09

Application Fee 200. —

Postage Fee PR

I. PROPERTY INFORMATION:

Record #: _____

Current Zoning District: I-1

Parcel ID #: 4204-74-7049

Requested Zoning District: R20C

Lot #: _____

Acreage to Be Rezoned: 1.00016

Total Acreage of Tract: 1.00016

Property Location/Address: 209 Sleep Point Loop Rd Hampstead NC.
28443

A presubmittal meeting is required 30 days prior to submission. A complete submission must be in the Planning and Community Development Department office 45 days prior to the scheduled Planning Board public hearing date. All of the information listed below must be included for the submission to be considered complete:

- Application Fee
- Tax property card with the Tax Card print date from the Tax Office of the property and all adjacent property owners
- One addressed legal size (4½ x 9) envelope must be received for the for each of the adjacent property owners with a fully completed certified mailing certificate and return receipt attached
- Current postage for each mail certification, payable to Pender County Government
- One additional set of envelopes and first class postage is required to be processed for the Board of Commissioners
- A letter stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, a letter must be signed by both
- Legal description and map of the property to be rezoned
- 18 (11x17) map copies for the Planning Board
- 20 (11x17) map copies for the Board of Commissioners
- CD containing maps and/or document files in .pdf format

III. SIGNATURE OF OWNER & APPLICANT:

Barbara L. Daniels

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

Additional Information:

Pender County Planning Board must hold a public hearing on any rezoning request.

Every proposed amendment, supplement, change, modification or repeal of the zoning ordinance shall be referred to the Planning Board for its recommendation and report. The Planning Board shall hold a public hearing to consider the proposed modification at its next regular monthly meeting or any called special meeting, provided it has been filed, complete in form and content, at least thirty (30) days prior to such meeting. Otherwise, consideration may be deferred until the following monthly meeting.

Following the Planning Board recommendation on the request, the application will be processed by the Board of Commissioners for consideration upon submission of the additional material required of the applicant. The Board of Commissioners must then approve the case before final approval is given.

Any application may be withdrawn at any time, but fees are nonrefundable. Reapplication for denied rezonings shall be permitted only once every six months.

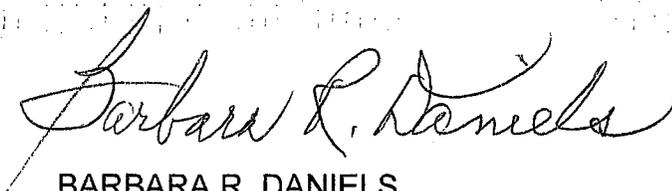
***All applicants or an agent must attend all the public hearings.**

According to Section 5.3 of the Pender County Zoning Ordinance, no proposed zoning amendment will receive favorable recommendation from the Planning Board unless:

1. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
2. There is convincing demonstration that all uses permitted under the proposed district classification will not adversely affect the health and safety of residents or workers in the area and will not be detrimental to the natural environment or to the use or development of adjacent property or general neighborhood.
3. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change.
4. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
5. The proposed change is in accord with any land use plan and sound planning principles.

MARCH 16, 2009

IT IS MY INTENT TO BUILD A SMALL GUEST HOUSE AT MY RESIDENCE WHICH IS 209 SLOOP POINT LOOP ROAD. THE GUEST HOUSE WOULD BE APPROX. 463 SQ. FT. OR LESS. FIRST IT IS NECESSARY FOR PROPERTY TO REZONED FROM INDUSTRIAL TO RESIDENTIAL. THE GUEST HOUSE WOULD IMPROVE AND ADD TO THE VALUE OF THE PROPERTY.

A handwritten signature in cursive script that reads "Barbara R. Daniels". The signature is written in black ink and is positioned above the typed name and address.

BARBARA R. DANIELS
209 SLOOP POINT LOOP ROAD
HAMPSTEAD, N.C. 28443
910-279-5059

EXHIBIT A

Lying and being in Topsail Township, Pender County, North Carolina and more particularly described as follows:

Beginning at an Iron pipe in the dividing line between Gary Lee Watkins and Topsail Greens, said beginning point being located along said dividing line North 40 degrees 46 minutes 19 seconds West 276.796 feet from the most eastern corner of the Gary Lee Watkins lands shown on a map entitled "Map of Survey for Gary Lee Watkins" recorded in Map Book 31 at Page 53 of the Pender County Registry; running thence from said beginning point with the above mentioned dividing line between Gary Lee Watkins and Topsail Greens, North 40 degrees 46 minutes 19 seconds West 168.20 feet to an Iron pipe; running thence a new line South 48 degrees 18 minutes 10 seconds West 260.415 feet to an Iron pipe in the northeastern end of Boat Shop Road as shown on the above mentioned map; running thence with the northeastern end of Boat Shop Road, South 41 degrees 41 minutes 50 seconds East 30.00 feet to an Iron pipe at the most eastern corner of Boat Shop Road as shown on the above mentioned map; running thence a continuation of the northeastern end of Boat Shop Road South 41 degrees 41 minutes 50 seconds East 138.178 feet to a point in a man made pond formed by a borrow pit for highway construction; running thence a new line North 48 degrees 18 minutes 10 seconds East 257.699 feet to the beginning point and containing 1.00016 acres as surveyed by Johnie C. Garrason, Professional Land Surveyor No. L-1347 in January, 2000 and being a portion of the Gary Lee Watkins 6.7759 acres parcel shown on the above mentioned map.

Together with an easement for egress and ingress over Boat Shop Road as shown on the above mentioned map.

Exhibit "B" to Deed from Gwendolyn A. Griffith to Barbara R. Daniels

Description of easement for use in connection with the septic system installed on the tract or parcel of land described in Exhibit "A" to this deed:

Being a strip of land 10 feet wide and 80 feet long that runs adjacent to the lands described in Exhibit "A" and being more particularly described as follows: Beginning at the point that marks the end of the first call and the beginning of the second call in the description attached hereto as Exhibit "A" and proceeding as follows: running with the second call as described in Exhibit "A" South 48 degrees 18 minutes 10 seconds West 80 feet to a point in line; running thence a new line North 40 degrees 46 minutes 19 seconds West 10 feet to a point; running thence parallel to the first call North 48 degrees 18 minutes 10 seconds East 80 feet to a point in the line between Gary Watkins and Topsail Greens; running thence with said line between Gary Watkins and Topsail Greens South 40 degrees 46 minutes 19 seconds East 10 feet to the point and place of beginning.

This easement is to be used only in connection with the septic system which is to be installed on the lands described in Exhibit "A."

Daniels, Barbara
(31353)

TOPSAIL GREENS

BEGINNING POINT
OF DEED

N 40° 46' 19" W
108.20'

N
MAP BOOK 31 PAGE 53

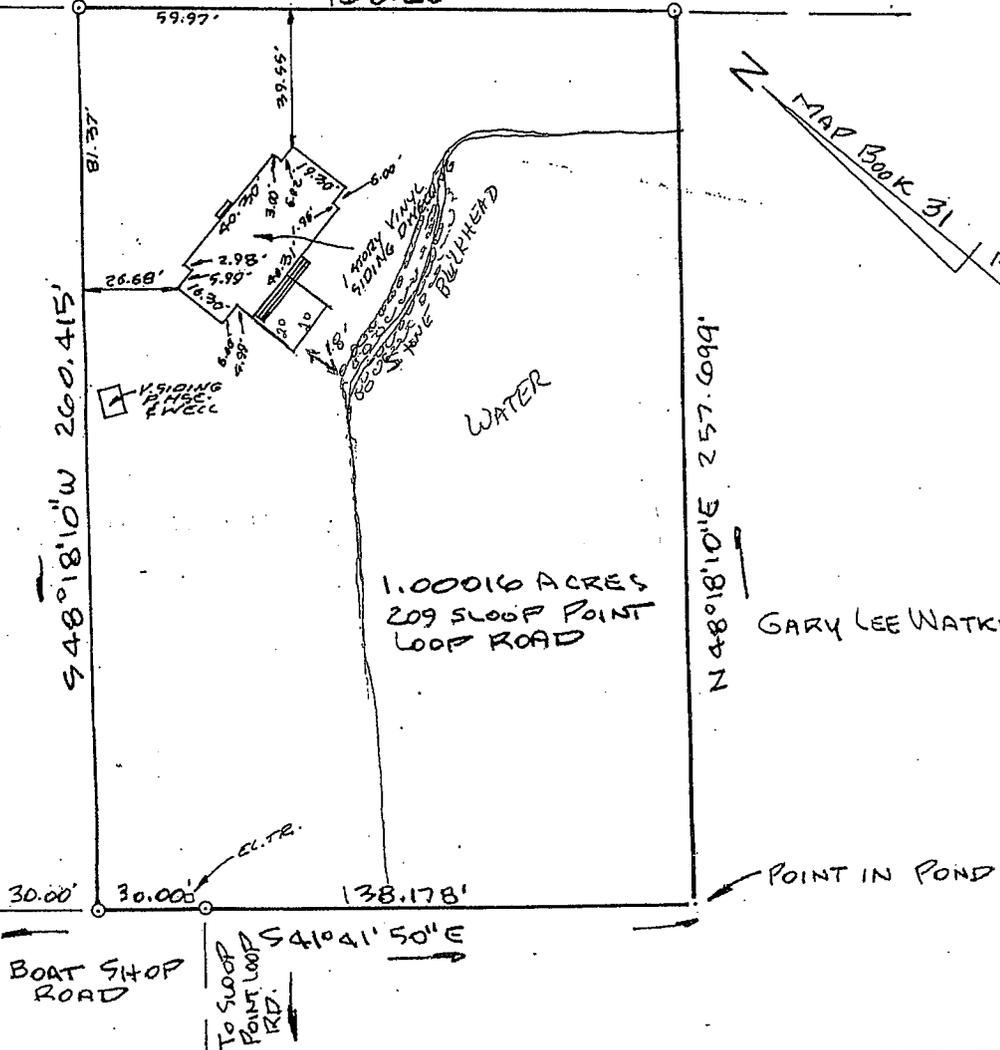
GARY LEE WATKINS

S 48° 18' 10" W 200.415'

N 48° 18' 10" E 257.099'

GARY LEE WATKINS

1.00016 ACRES
209 SLOOP POINT
LOOP ROAD



LEGEND:

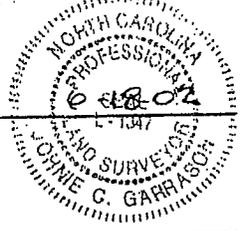
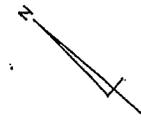
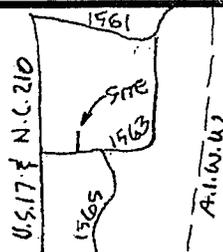
- PROPERTY LINE OF THIS SURVEY
- - - MAP, DEED, NOT SURVEYED LINE
- * NO PERMANENT POINT SET OR RECOVERED
- "A", "H", "Z", "B" TYPICAL POINT DESIGNATIONS
- EXISTING CONCRETE MONUMENT
- NEW CONCRETE MONUMENT
- ⊖ EXISTING IRON PIPE
- NEW IRON PIPE
- ⊙ EXISTING IRON STAKE
- ⊙ NEW IRON STAKE
- ⊖ EXISTING P.K. NAIL
- NEW P.K. NAIL
- ⊕ EXISTING RAILROAD SPIKE
- ⊕ NEW RAILROAD SPIKE
- ⊙ EXISTING NAIL
- ◇ EXISTING TACK
- ◆ NEW TACK

I CERTIFY THAT I HAVE SURVEYED AND MAPPED THE ABOVE SHOWN LANDS IN ACCORDANCE WITH THE BOARD RULES. (THERE ARE NO ENCROACHMENTS, ~~ENCROACHMENTS AS SHOWN~~). THE PRIMARY BUILDING, (IF APPLICABLE) PORTION OF THE LANDS, (IS NOT IN A FLOOD HAZARD AREA, ~~ENCROACHMENTS AS SHOWN~~); ZONE ~~C~~ WHICH ~~IS NOT IN A FLOOD HAZARD AREA~~. FEET ACCORDING TO FLOOD MAP 3703440392 B DATED 2-15-85. THE RATIO OF PRECISION IF APPLICABLE IS 1:10,000+. COMPUTATIONS BY ELECTRONIC COMPUTER. 6-18-02

Johnnie C. Garrison
SIGNATURE(S) DATE(S)

CERTIFICATE:

JOHNNIE C. GARRISON
PROFESSIONAL LAND SURVEYOR NO. L-1347
810 BLUEBIRD LANE
WILMINGTON, NC 28409-5603
BUS. (910) 791-1857
FAX (910) 392-7127



DATE

ADDRESS - TELEPHONE, ETC.:

VICINITY MAP - SCALE 1" = 2 MILES

SEAL OR STAMP:

MAP OF SURVEY