

REQUEST FOR BOARD ACTION

ITEM NO. 23.

DATE OF REQUEST: May 18, 2009

REQUESTED BY: Ashley Frank, Planner II, Planning and Community Development

SHORT TITLE: Resolution to approve a Zoning Map Amendment

BACKGROUND: The proposal is to rezone three (3) tracts totaling 6.46 acres, from RT, Rural Transitional District to B-2, Business District (highway). The tracts are identified as PIN(s) 4215-33-2329-0000, 4215-23-9366-0000 and 4215-23-2795-0000 and are located to the along the west side of US Highway 17 (N), across from Royal Tern Drive (Pelican Reef Subdivision) in Hampstead.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the request to rezone 6.46 acre from RT to B-2.

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: May 18, 2009 – Board of Commissioners

Application Number: ZMA 09-04-07-01

Applicant: Kevin O. Mills and J.F. Larsen

Property Owner: Kevin O. Mills and J.F. Larsen

Rezoning Proposal: Rezone three (3) tracts from RT, Rural Transitional District to B-2, Business District (Highway).

Property Record Numbers, Acreage, and Location: The proposal is to rezone three (3) tracts totaling 6.46 acres, from RT, Rural Transitional District to B-2, Business District (highway). The tracts are identified as PIN(s) 4215-33-2329-0000, 4215-23-9366-0000 and 4215-23-2795-0000 and are located to the along the west side of US Highway 17 (N), across from Royal Tern Drive (Pelican Reef Subdivision) in Hampstead.

Staff Recommendation: Staff recommends **approval** of the request.

Planning Board Recommendation: The Pender County Planning Board, at the April 7, 2009 meeting, voted (4-1) to pass a motion recommending **approval** of the request to the Pender County Board of Commissioners.

DESCRIPTION:

The proposal consists of rezoning three (3) tracts totaling 6.46 acres from RT, Rural Transitional District to B-2, Business District (Highway). This general use rezoning request is being made in order to allow more commercial uses in this area (see attached zoning map and applicant's narrative). Currently Tract 1 (see map) has an existing boat repair business (Special Use Permit 09-02-02-04) and tracts 2 and 3 are vacant with an abandoned commercial trailer on tract 2.

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 mailed written notice of the request.
- B) Existing Zoning in Area:** The current zoning classifications for the properties adjacent for the proposed rezoning is as follows: properties to the north, east and southeast are zoned RT, Rural Transition; property to the south across US Highway 17 is zoned PD, Planned Development (Pelican Reef Subdivision) and to the southwest, west and northwest are zoned R-20 Residential District (Oak Grove Subdivision)
- C) Existing Land Use in Area:** Currently the surrounding land use is as follows: to the north is vacant, east across US Highway 17 is single family residential, to the south is vacant and to the west is single family residential.
- D) 2005 Land Use Plan Compliance:** The 2005 Land Use Plan classifies this property as Urban Growth Areas. All three (3) tracts are designated Urban Growth Areas by the 2005 CAMA Land Use Plan, which 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 uses or job creating uses and a range of residential land uses and housing types. Urban Growth Areas are focused on the Rocky Point area and the Highway 17 Corridor.

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 three (3) tracts totaling 6.46 acres. 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: Millette Seconded: Boney

Approved: 4 Denied: 1 Unanimous _____

Reynolds: Garrett: x Boney: x Marshburn: x Millette: x 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: 2/20/09

I. REQUIRED NAMES:

Applicant <u>J.F. LARSEN</u>	Owner <u>Kevin Mills / J.F. LARSEN</u>
Address <u>PO Box 1171</u>	Address <u>134 Gambit Court</u>
<u>Wrightsville Bch, NC 28480</u>	<u>Washington, NC 27889</u>
Phone <u>910-256-9291</u> Fax <u>910-791-9736</u>	Phone <u>252-341-2582</u> Fax <u> </u>
Email <u>Alltune tire lube@bellsouth.net</u>	Email <u> </u>

Legal Relationship of Applicant to Property Owner: Adjacent Parcel owner

Consultant Name/Company n/a

Address

Phone Fax

Email

[Signature] (Signature of Applicant) [Signature] (Signature of Owner)

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

II. TYPE OF APPLICATION:
(Please check one)

Board of Adjustment:	Zoning:	Plans:
<input type="checkbox"/> Variance	<input type="checkbox"/> Text Amendment	<input type="checkbox"/> Planned Development
<input type="checkbox"/> Appeal	<input checked="" type="checkbox"/> Map Amendment	<input type="checkbox"/> Subdivision Preliminary Plat
	<input type="checkbox"/> Special Use Permit	

PLANNING AND COMMUNITY DEVELOPMENT

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ZONING MAP AMENDMENT APPLICATION

Date 2-20-09

Application Fee \$ 200.00

Postage Fee \$ 53.20

I. PROPERTY INFORMATION:

Record #: n/a

Current Zoning District: RT

Parcel ID #: 4215-234366-0000

Requested Zoning District: B2

4215-352329-0000
Lot #: 4215-232795-0000

Acreage to Be Rezoned: 5.52 + .94 = 6.46

Total Acreage of Tract: 6.46

Property Location/Address: 21433 + 21417 US Hwy 17 Hampstead, NC

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 to be scanned

III. SIGNATURE OF OWNER & APPLICANT:

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

PLANNING AND COMMUNITY DEVELOPMENT

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APPLICATIONS COVER SHEET

Date Application Filed: _____

I. REQUIRED NAMES:			
Applicant	<u>J. F. Larsen</u>	Owner	<u>Kevin Mills</u>
Address	<u>Po Box 1121</u> <u>Wrightsville Bch, NC 28480</u>	Address	<u>134 Gambit Ct.</u> <u>407 College Ave</u> <u>Washington, NC</u>
Phone	<u>910-251-9291</u> Fax <u>910-291-9736</u>	Phone	<u>27889</u>
Email	<u>Alltune tire lube bellsouth.net</u>	Email	<u>252-341-2522</u>
Legal Relationship of Applicant to Property Owner: <u>Adjacent Parcel owner</u>			
Consultant Name/Company <u>N/A</u>			
Address _____			
Phone _____		Fax _____	
Email _____			
_____ (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:	Zoning:	Plans:	
<input type="checkbox"/> Variance	<input type="checkbox"/> Text Amendment	<input type="checkbox"/> Planned Development	
<input type="checkbox"/> Appeal	<input checked="" type="checkbox"/> Map Amendment	<input type="checkbox"/> Subdivision Preliminary Plat	
	<input type="checkbox"/> Special Use Permit		

PLANNING AND COMMUNITY DEVELOPMENT



PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING

ZONING MAP AMENDMENT APPLICATION

Date <u>2-20-09</u>	Application Fee _____
	Postage Fee _____

I. PROPERTY INFORMATION:

Record #: 010 Current Zoning District: RT

Parcel ID #: 4215-231366-0000
4215-352329-0000 Requested Zoning District: B2

Lot #: 4215-232795-0000 Acreage to Be Rezoned: 5.52 + .94 = 6.46

Total Acreage of Tract: 6.46

Property Location/Address: 21433 + 21417 US Hwy 17 Hampstead, NC

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- 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:

Kevin Mills

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

February 20, 2009

To Pender County Planning
Attention: Ken

From: J.F. Larsen

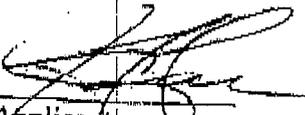
Re: 21435 & 21417 US Highway 17, Hampstead, NC 28443

Please accept this letter as notice and request to apply for re-zoning from RT to B2 for the following parcels:

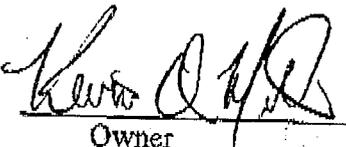
PIN: 4215-33-2329-0000
4215-23-9366-0000
4215-23-2795-0000

Total acreage is 6.46

Sincerely,


Applicant
J.F. Larsen


Owner
J.F. Larsen


Owner
Kevin O. Mills