

REQUEST FOR BOARD ACTION

ITEM NO. 17.

DATE OF MEETING: September 21, 2009

REQUESTED BY: Kenneth Vafier, Senior Planner, Planning & Community Development

SHORT TITLE: Resolution to approve a Zoning Map Amendment

BACKGROUND: The proposal is to rezone one tract totaling .92 acres, from R-20, Residential District to B-1, Business District (Neighborhood). The property is located at 984 NC Highway 210 W in Hampstead, NC.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the request to rezone .92 acres from R-20 to B-1.



PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: September 21, 2009 – Board of County Commissioners

Application Number: ZMA 09-09-21-05 Nadeau

Applicant: Mike Nadeau, Creative Properties

Property Owner: Kenneth Garvey

Rezoning Proposal: Rezone from R-20, Residential District, to B-1, Business District (Neighborhood).

Property Record Numbers, Acreage, and Location: The property is identified as PIN 3283-40-8005-0000 and totals .92 acres. The property is located at 984 NC Highway 210 W, just north of the intersection with Peanut Road, in Hampstead, NC.

Staff Recommendation: Staff recommends approval of the request.

Planning Board Recommendation: The Pender County Planning Board, at the August 4, 2009 meeting, voted unanimously to pass a motion recommending approval of this request.

DESCRIPTION:

The applicant is proposing to rezone the property from R-20, Residential District, to B-1, Business District (Neighborhood). In October 2003, the Pender County Board of Commissioners approved a county-wide rezoning, placing the subject property into a residential zoning classification. In March 2005 and June 2005, respectively, two abutting properties were approved for rezoning to B-1, Business District (Neighborhood). The current applicant is now proposing to rezone to B-1 as the property has historically been used for commercial activities.

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 is a triangular shaped lot immediately adjacent to properties zoned B-1, Business (Neighborhood) on two sides. The southern boundary of the property is adjacent to NC Highway 210. The existing B-1 zoned properties total 6.27 acres and are located in a larger area zoned R-20, Residential District.
- C) Existing Land Use in Area:* The property is bounded immediately on all sides by vacant properties with one existing single-family residence to the southeast across NC Highway 210.
- 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 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 .92 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 _____ Williams _____

Approved: _____ X _____ Denied: _____ Unanimous _____ X _____

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

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on September 21, 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 September 21, 2009
Date

ATTEST _____
DATE

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



APPLICATIONS COVER SHEET

Date Application Filed: 6/9/09

I. REQUIRED NAMES:

Applicant MIKE NADGAU
 Address P.O. Box 56
HAMPSTEAD 28443
 Phone 670-1237 Fax 270 5110
 Email _____

Owner KENNETH GARVEY
 Address 1012 Hwy 210
HAMPSTEAD NC 28443
 Phone 443-2188 Fax _____
 Email _____

Legal Relationship of Applicant to Property Owner: _____

Consultant Name/Company MIKE NADGAU / CREATIVE PROPERTIES
 Address P.O. Box 56 HAMPSTEAD NC 28443
 Phone 270-5100 620-1237 Fax 270 5110
 Email MIKE@CREATIVEPROPERTIES.BIZ

[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:
 Variance
 Appeal

Zoning:
 Text Amendment
 Map Amendment
 Special Use Permit

Plans:
 Planned Development
 Subdivision Preliminary Plat

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



ZONING MAP AMENDMENT APPLICATION

Date 6/9/09

Application Fee 233.24

Postage Fee INCLUDED IN APP FEE

I. PROPERTY INFORMATION:

Record #: 41853

Current Zoning District: R-20

Parcel ID #: 3283-40-8005-0000

Requested Zoning District: B-1

Lot #: _____

Acreage to Be Rezoned: .92 Acres

Total Acreage of Tract: .92 Acres

Property Location/Address: 984 NC Hwy 210 W.

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:

Kenneth L. Davis

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

REZONING REQUEST

TO: Pender Planning Department

DATE: 06/08/2009

RE: 984 & 1012 Hwy 210
Parcel 3283-40-8005-000

We request our established business property be rezoned from R-20 to B-2.

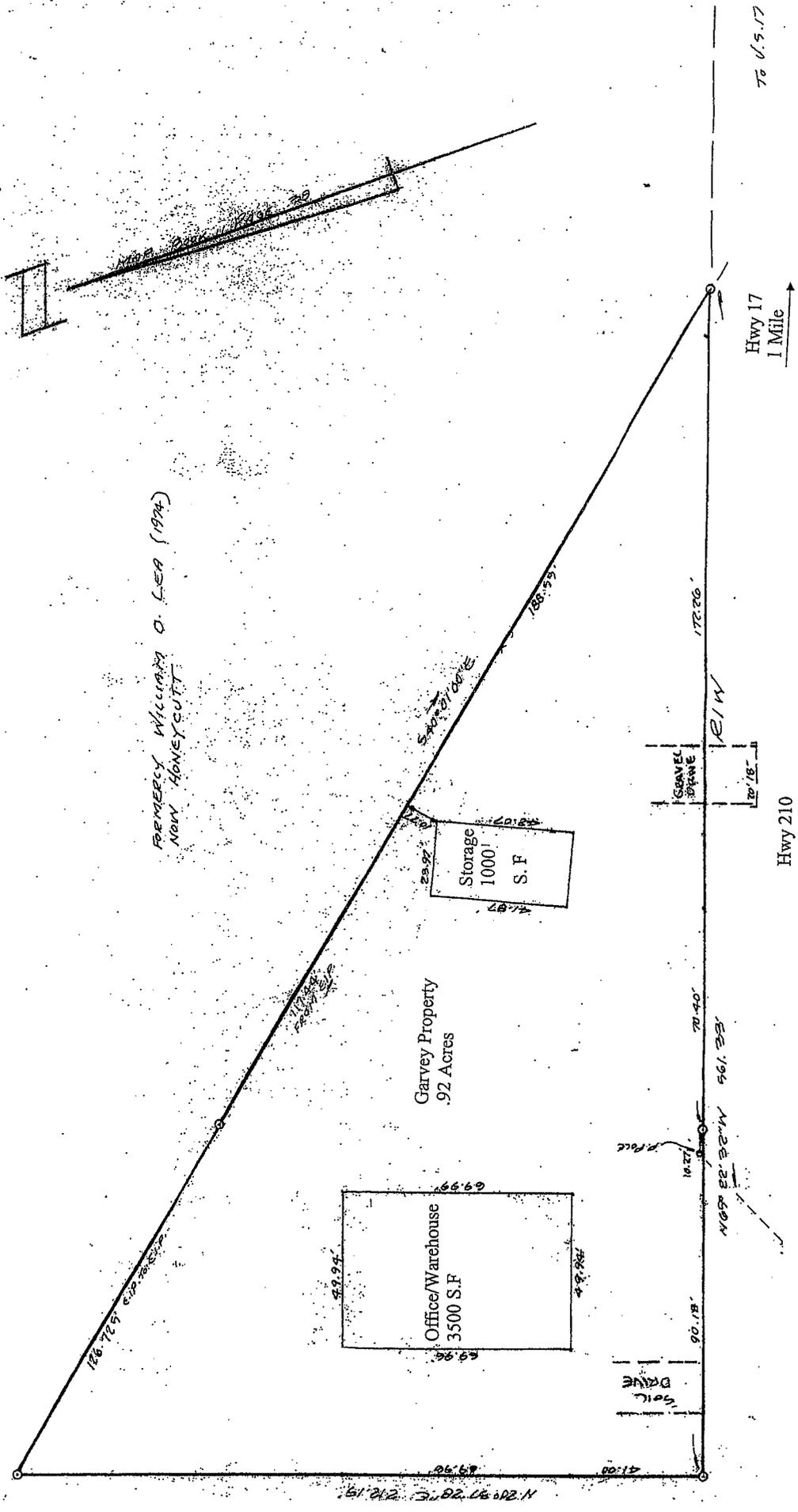
Garvey Flooring has operated in Hampstead for over 33 years. In 2002, we purchased land zoned by Pender County for commercial uses such as ours. Also in 2002, we permitted and constructed our primary commercial building on our commercial land and have operated there ever since.

It has been brought to our attention that Pender County rezoned our facility to R-20 Residential in 2003. Since then, our two adjoining neighbors have had their zoning changed from R-20 to B-1.

We feel the 2003 rezoning was inappropriate and unfair to us as a business who followed all the County rules in good faith. We request the property be rezoned to B-1, to restore our rights and our property value.



Kenneth Garvey



PREMEY WILLIAM O. LEA (1974)
NEW HONEYCUTT

Garvey Property
92 Acres

Storage
1000'
S. F.

Office/Warehouse
3500 S.F.

Hwy 17
1 Mile

Hwy 210

To 6.5.17

