



REQUEST FOR BOARD ACTION

ITEM NO. 24.

DATE OF MEETING: June 27, 2011

REQUESTED BY: Benjamin Andrea, Planner II, Planning & Community Development

SHORT TITLE: Request to Rezone One Tract from RP, Residential Performance, to GB, General Business.

BACKGROUND: Albert and Beatrice Simpson, applicants and owners, are proposing a general use rezoning for 14.49 acres from RP, Residential Performance to GB, General Business. The rezoning includes one tract which is identified as PIN 4215-21-7089-0000.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the request to rezone 14.49 acres from RP, Residential Performance to GB, General Business.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, that on June 27, 2011, the Pender County Board of Commissioners (approved, modified, denied) a rezoning request for property as described herein. The Chairman and County Manager is authorized to execute any documentation necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Tate _____ Rivenbark _____ Ward _____ Williams _____

George R. Brown, Chairman

6/27/2011
Date

ATTEST

DATE

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: June 27, 2011 - Board of County Commissioners

Application Number: ZMA 11-06-20-03 Simpson

Applicant: Albert and Beatrice Simpson

Property Owner: Same

Rezoning Proposal: The request consists of rezoning one tract from RP, Residential Performance to GB, General Business District.

Property Record Numbers, Acreage, and Location: The property consists of one tract which is identified as PIN 4215-21-7089-0000. The total area is 14.49 acres. The property is located on US Highway 17, just south of the intersection of US Highway 17 and Sloop Point Road in Hampstead.

Staff Recommendation: Staff respectfully recommends approval of the request.

DESCRIPTION:

The applicants are proposing a general use rezoning for one tract totaling 14.49 acres from RP, Residential Performance to GB, General Business. The property has frontage along US Highway 17 and is currently vacant and undeveloped.

The applicants have stated a desire to allow the property to be utilized for a greater variety of commercially-oriented uses and that the rezoning from RP to GB would be in harmony with the surrounding parcels currently zoned GB.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:

Cape Fear Council of Governments RPO

Applicants will need to submit for a driveway permit from NC DOT for any change in use.

Four County Electric Company

No response.

NC DENR Division of Coastal Management

No response.

NC DENR Division of Forestry

No response.

NC DENR Division of Land Resources

No response.

NC DENR Division of Waste Management

No response.

NC DENR Division of Water Quality

No response.

NC DOT Division of Highways

No comment.

NC DOT Transportation Planning Branch

No response.

NC Office of State Archaeology

No response.

NC Wildlife Resources Commission

No response.

Pender County Building Inspections

No response.

Pender County Emergency Management

No response.

Pender County Environmental Health

No comment.

Pender County Fire Marshal

No comment.

Pender County Parks and Recreation

No comment.

Pender County Public Library

No response.

Pender County Public Utilities

No comment.

Pender County Schools

No response.

Pender County Sheriff's Department

No response.

Pender County Soil and Water Conservation District

No response.

Progress Energy Corporation

No response.

US Army Corps of Engineers

No response.

Wilmington Metropolitan Planning Organization

Although the request is outside of the WMPO planning area, the WMPO recommends that any development on this parcel include provision for interconnectivity and cross access to adjacent parcels, especially to the land locked parcel to the south.

EVALUATION:

- A) Public Notifications:** Public Notice of the proposal for map change has been advertised in the Pender Post and Topsail Voice. Adjacent property owners have been given written notice of the request.
- B) Existing Zoning in Area:** The zoning of the adjacent parcels are a mix of commercial and residential zoning districts. The parcels to the northeast of the subject parcel are zoned General Business and some feature existing non-residential uses including the Hilltop Grocery. Non-residential uses are found across US Highway 17 from the subject parcel, including the Topsail Senior Center and Pender Pines. Blakes Chapel Church is situated on an adjacent parcel zoned Office and Institutional. Two parcels to the southwest along US Highway 17 are zoned Residential Performance but are currently vacant and undeveloped. The nearest single family residential use is approximately 700 feet southwest of the subject property on a parcel zoned General Business.
- C) Existing Land Use in Area:** The existing land use in the area includes residential, office and institutional, commercial, and vacant and undeveloped tracts, as described above.
- D) 2005 CAMA Land Use Plan Compliance:** The 2005 CAMA Land Use Plan classifies the subject property as Rural Areas, which recommends very low-density residential uses, home-based businesses, and other businesses traditionally associated with rural farm areas and extraction activities. The subject parcel also contains areas classified as Conservation Area II by the 2005 Plan. This classification is given to areas that may impact public health or areas where there are significant development limitations, as is the case at the subject parcel. The Conservation Area II areas on the subject parcel suggest the presence of non-coastal wetlands (404 Jurisdictional wetlands), and any development in these areas must adhere to all application local, state, and federal regulations.
- E) 2010 Comprehensive Land Use Plan Compliance:** The 2010 Comprehensive Land Use Plan classifies the subject property as Mixed Use, which is a land use classification designating locations where a mixture of higher density/intensity uses are to be encouraged.
- F) Unified Development Ordinance Compliance:** Article 3.3.8 of the Unified Development 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 meets the standards of Article 3.3.8 of the Unified Development Ordinance.

3.3.8 Review Criteria for Rezoning

The Planning Board and Board of Commissioners shall consider the following matters in considering a rezoning request:

- A. *Whether the range of uses permitted by the proposed change would be appropriate to the area concerned (including not being detrimental to the natural environment, not adversely affecting the health or safety of residents or workers in the area, not being detrimental to the use or development of adjacent property, and not materially or adversely affecting the character of the general neighborhood);*
- B. *Whether adequate public facilities/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;*
- C. *Whether the proposed change is consistent with the County's Comprehensive Land Use Plan and CAMA Land Use Plan or any other adopted land use document.*
- D. *Whether the proposed amendment is reasonable as it relates to the public interest.*

G) Summary & Staff Recommendation: The proposal consists of rezoning two tracts totaling 14.49 acres. The request complies with the criteria set forth in Article 3.3.8 of the Unified Development Ordinance. The request is also consistent with the 2005 CAMA Land Use Plan and 2010 Comprehensive Land Use Plan. Therefore, staff respectfully recommends that the request be approved.

VOTING AND RESOLUTION:

Planning Board

Motion: _____ Millette _____ Seconded: _____ Smith _____

Approved: _____ Denied: _____ Unanimous: _____ X _____

Boney _____ Smith _____ Edens _____ Garrett _____ Marshburn _____ Millette _____ Williams _____

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA-11-6-20-03 SIMPSON	Date	3/18/2011
Application Fee	\$ 594.00	Receipt No.	107541
Pre-Application Conference	3/10/11	Hearing Date	PB- 5/3/11 5/3/11, 300 6/20/11
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Albert F. Simpson & wife, Beatrice M. Simpson	Owner's Name:	Albert F. Simpson & wife Beatrice M. Simpson
Applicant's Address:	Post Office Box 1611	Owner's Address:	Post Office Box 1611
City, State, & Zip	Elizabethtown, NC 28337	City, State, & Zip	Elizabethtown, NC 28337
Phone Number:	(910) 991-1938	Phone Number:	(910) 991-1938
Legal relationship of applicant to owner: <u>SAME</u>			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	4215-21-7089-0000	Total property acreage:	14.49 Acres +/-
Current Zoning District:	Residential Performance	Proposed Zoning District:	General Business
Project Address :	US Highway No. 17; Hampstead, NC 28443		
Description of Project Location:	14.49 acres unimproved land located on US Highway 17 approximately 500 feet from Sloop Point Road		
SECTION 3: SIGNATURES			
Applicant's Signature	<i>Albert F. Simpson & Beatrice M. Simpson</i>	Date:	
Owner's Signature	<i>Albert F. Simpson & Beatrice M. Simpson</i>	Date:	
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> 1. Applicant must also submit the information described on the Rezoning Checklist. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing. 4. All fees are non-refundable 5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda 			

Rezoning/Zoning Map Amendment Checklist

<input checked="" type="checkbox"/>	Signed application form		
<input checked="" type="checkbox"/>	Application fee		
<input checked="" type="checkbox"/>	A list of names and addresses, as obtained from the county tax listings and tax abstract, all adjacent property owners, including property owners directly across any road or road easement, and owners of the property under consideration for rezoning.		
<input checked="" type="checkbox"/>	Two (2) business size envelopes legibly addressed with first class postage for each of the adjacent and abutting property owners on the above list.		
<input checked="" type="checkbox"/>	Accurate legal description or a map drawn to scale showing the property boundaries that are to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.		
<input checked="" type="checkbox"/>	18 (11"x17") map copies to be distributed to the Planning Board		
<input checked="" type="checkbox"/>	20 (11"x17") map copies to be distributed to the Board of Commissioners		
<input type="checkbox"/>	Digital (.pdf) submission of all application materials		
<input checked="" type="checkbox"/>	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.		
Office Use Only			
<input checked="" type="checkbox"/>	ZMA Fees: (\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter)		Total Fee Calculation: \$ <u>594.00</u>
Attachments Included with Application: (Please include # of copies)			
CD /other digital version	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets	# of large
			# of 11X17
			Other documents/Reports
			<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Payment Method:	Cash : <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	
		Check: <input checked="" type="checkbox"/> Check # <u>12531</u>	
Application received by:	<u>BODOP</u>		Date: <u>3/18/11</u>
Application completeness approved by:	<u>BODOP</u>		Date: <u>3/21/11</u>
Dates scheduled for public hearing:			
<input checked="" type="checkbox"/> Planning Board: <u>5/3/11</u>			
<input checked="" type="checkbox"/> Board of Commissioners: <u>6/20/11</u>			

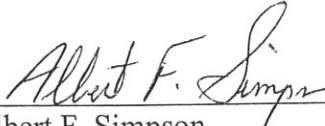
RETURN COMPLETED APPLICATION TO:
Pender County Planning & Community Development
805 South Walker Street
P.O. Box 1519
Burgaw, NC 28425

ADDENDUM TO APPLICATION FOR REZONING

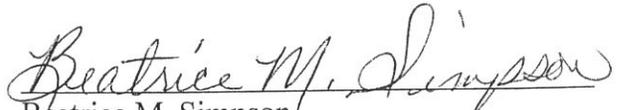
Albert F. Simpson and wife, Beatrice M. Simpson (Owners and Applicants)

The current zoning of the parcel having the assigned Pender County Parcel Identification Number 4215-21-7089-0000 is Residential Performance. This tract consists of approximately 14.49 acres which is shown on the attached map.

We would like the above-referenced tract to be rezoned to General Business since this would be consistent with zoning of the parcel that is immediately adjacent to ours on the North and those parcels that are approximately 575 feet South of ours. Having the property rezoned from Residential Performance to General Business would allow the property to be utilized for a greater number of uses than those allowed within the Residential Performance zoning district. Further, the parcel is located immediately adjacent to U.S. Highway No. 17, which is a corridor for the location of general businesses that serves the residential communities located east of U.S. Highway No. 117 to the Intercoastal Waterway, as well as to the general public. Additionally, the rezoning of the parcel to General Business would be consistent with a significant number of the parcels located on the east side of U.S. Highway No. 17 and north of our parcel.



Albert F. Simpson



Beatrice M. Simpson

LISTING OF AJOINING PROPERTY OWNERS

Robert J. Shepard, Sr., Trustee
243 Tabbs Lane
Newport News, VA 23602

Rebecca Jane Day Benfield et al.
2306 Deal Place
Greenville, NC 27858

Carolina Power & Light Company
Post Office Box 14042
St. Petersburg, FL 33733

Blakes Chapel Advent Christian Church
248 Sloop Point Road
Hampstead, NC 28443

Carson Henry Smith et al.
25 Hidden Bluff Trail
Hampstead, NC 28443



Applicant:
Albert and
Beatrice Simpson

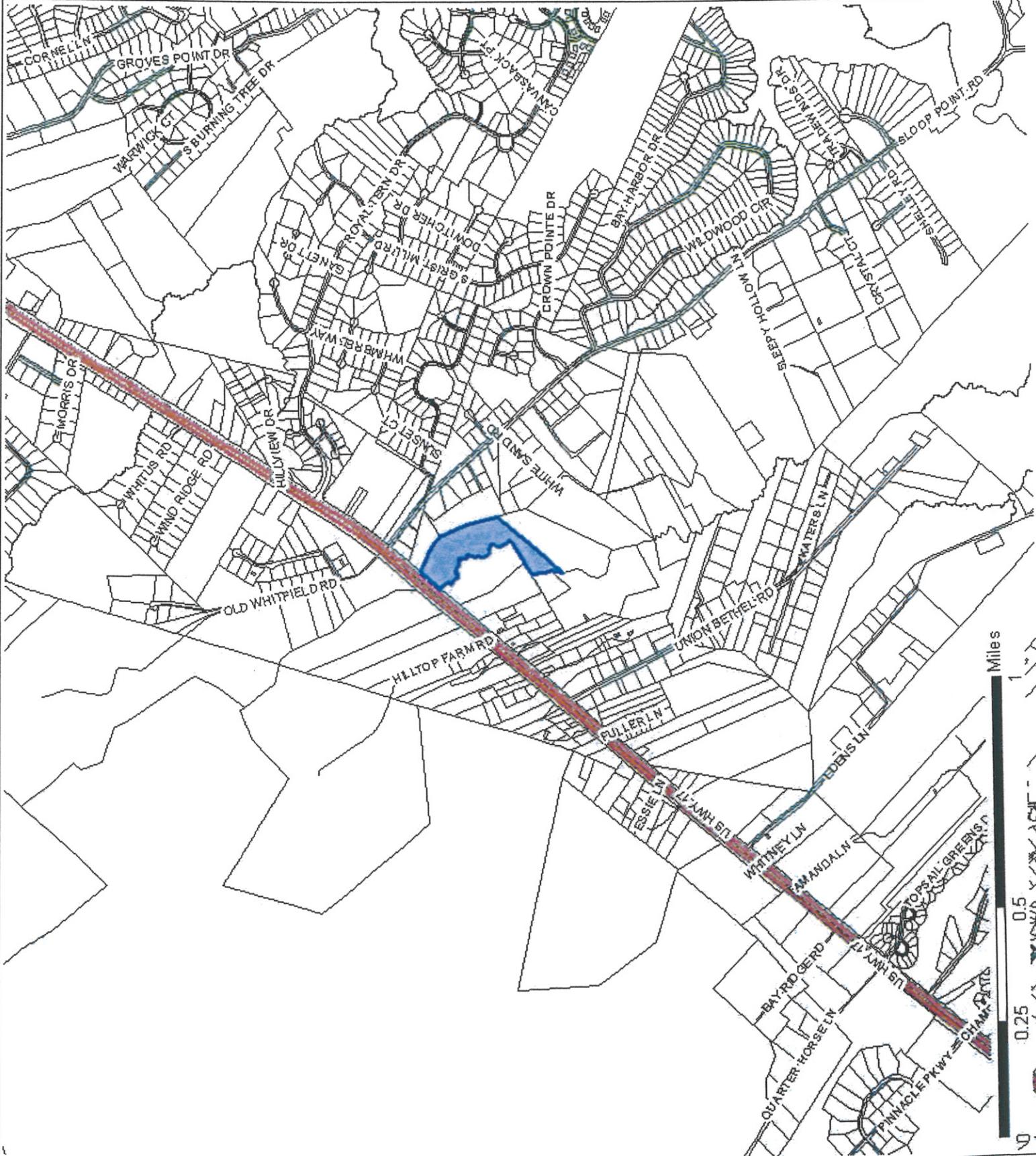
Owner:
Albert and
Beatrice Simpson

**Zoning Map
Amendment
11-6-20-03
Simpson**

 Subject Property



Vicinity Map



Miles

0 0.25 0.5





Applicant:
Albert and
Beatrice Simpson

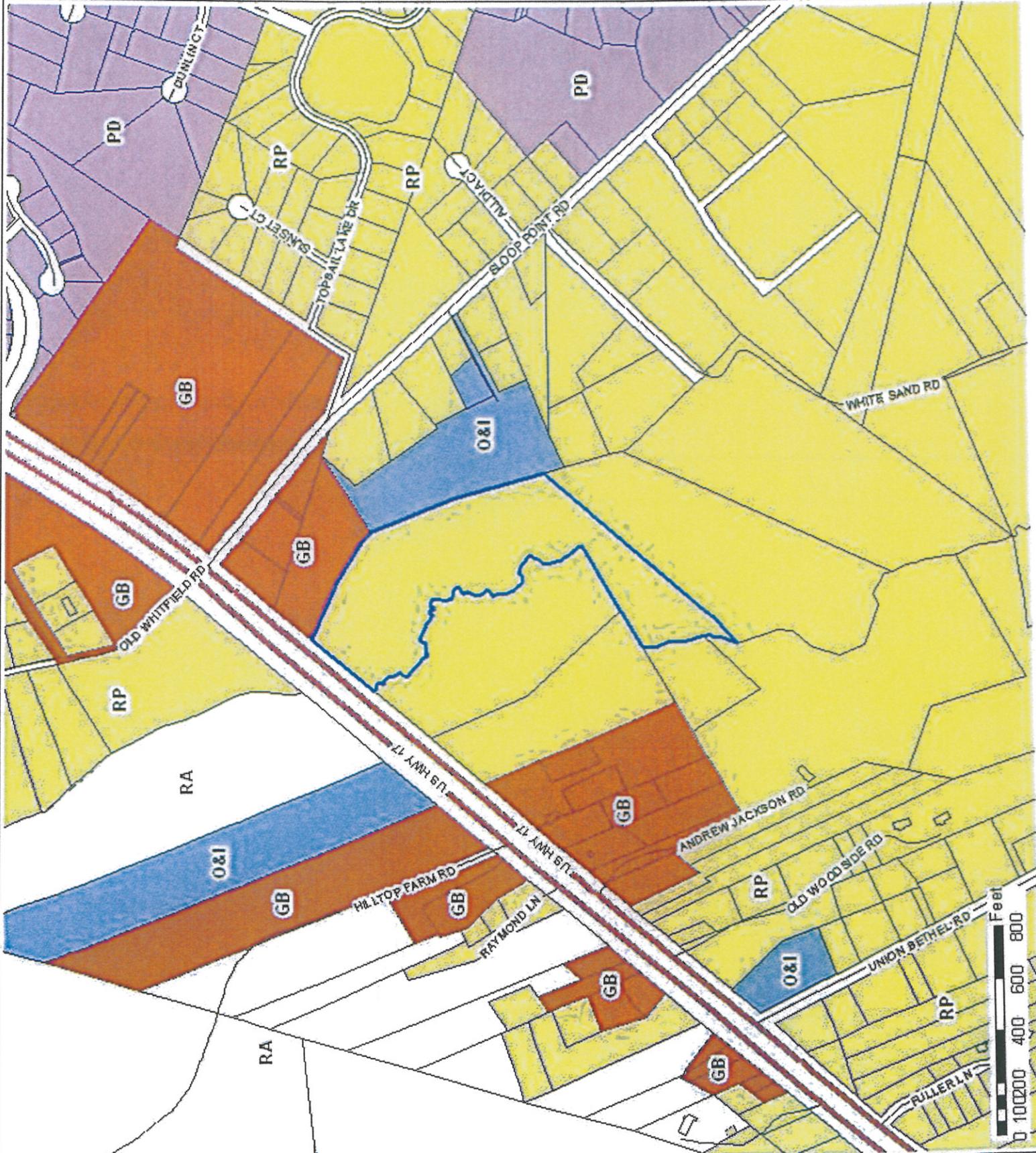
Owner:
Albert and
Beatrice Simpson

**Zoning Map
Amendment
11-6-20-03
Simpson**

-  Subject Property
-  Zoning Classification
-  General Business (GB)
-  General Industrial (OI)
-  Industrial Transition (IT)
-  Office & Institutional (OI)
-  Rural Agricultural (RA)
-  Planned Development (PD)
-  Residential Performance (RP)
-  Environmental Conservation (EC)
-  Incorporated Areas (INCO RP)
-  Manufactured Home Park (MH)
-  Residential Mixed (MF)



Zoning





Applicant:
Albert and
Beatrice Simpson

Owner:
Albert and
Beatrice Simpson

**Zoning Map
Amendment
11-6-20-03
Simpson**

-  Subject Property
-  Conservation Area I
-  Conservation Area II
-  Rural Areas
-  Rural Clusters
-  Transition Areas
-  Urban Growth Areas



CAMA Land Use





Applicant:
Albert and
Beatrice Simpson

Owner:
Albert and
Beatrice Simpson

**Zoning Map
Amendment
11-6-20-03
Simpson**

-  Subject Property
-  Municipal ETJ
-  Municipal Boundaries
-  2010 Land Use Classification
-  Conservation
-  Industrial
-  Mixed Use
-  Office, Institutional, Business
-  Rural Growth
-  Suburban Growth



2010 LUP





Applicant:
Albert and
Beatrice Simpson

Owner:
Albert and
Beatrice Simpson

**Zoning Map
Amendment
11-6-20-03
Simpson**

 Subject Property



2008 Aerial

