



REQUEST FOR BOARD ACTION

ITEM NO. 25.

DATE OF MEETING: June 27, 2011

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

SHORT TITLE: Request to Rezone Two Tracts from RP, Residential Performance, to GB, General Business.

BACKGROUND: Logan Properties of Wilmington, LLC, applicant and owner, is proposing a general use rezoning for 0.58 acres from RP, Residential Performance to GB, General Business. The rezoning includes two tracts which are identified as PINs 4215-77-0924-0000 and 4215-67-9855-0000.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the request to rezone 0.58 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 11-06-20-02 Logan

Applicant: Logan Properties of Wilmington, LLC

Property Owner: Same

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

Property Record Numbers, Acreage, and Location: The property consists of two separate tracts which are identified as PIN 4215-77-0924-0000 and 4215-67-9855-0000. The total area is 0.58 acres. The property is located at 22581 US Highway 17, at the corner of Stag Drive and US Highway 17 in Hampstead.

Staff Recommendation: Staff respectfully recommends approval of the request.

DESCRIPTION:

The applicant is proposing a general use rezoning for two tracts totaling 0.58 acres from RP, Residential Performance to GB, General Business. The property has direct access to US Highway 17 and currently hosts an occupied single family residence and accessory structure. It should be noted that residential uses are not permitted in the GB zoning district, so the existing residential use will become a nonconforming situation should the rezoning request be granted.

The applicant has stated in their narrative the rezoning request would allow current and future tenants to have the option of operating a business at the subject property while conforming the zoning of the property to the zoning in the surrounding area.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:

Cape Fear Council of Governments RPO

No response.

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 comment.

Pender County Sheriff's Department

No comment.

Pender County Soil and Water Conservation District

No comment.

Progress Energy Corporation

No response.

US Army Corps of Engineers

No response.

Wilmington Metropolitan Planning Organization

No comment.

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 along US Highway 17 adjacent to the southwest of the subject property are zoning GB, General Business. The parcels adjacent to the north of the parcels are zoned GB and RP, Residential Performance. Across US Highway 17 from the subject property, the parcels are zoned RP. Finally, the parcels across Stag Drive from the subject property are within the Town of Surf City's planning and zoning jurisdiction; according to the Planning Director of Surf City, these parcels are zoned C-3, the town's most intensive commercial zoning district.
- C) Existing Land Use in Area:** The existing land use in the area includes residential and commercial. Directly adjacent to the subject property is East Coast Medical and Art Exposure. Across Stag Drive lies a vacant 2.54 acre tract zoned C3 (intense commercial) under the Town of Surf City planning and zoning jurisdiction. The land use north (behind) the subject property is low-density single family residential on Antler and Stag Drives. Across US Highway 17 lies the residential subdivisions Groves Point and Dogwood Lakes.
- 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.
- 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 0.58 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:

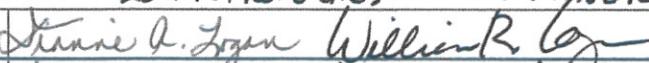
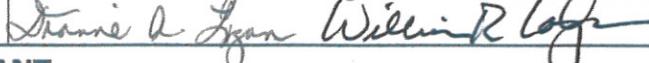
Planning Board

Motion: _____ Williams _____ Seconded: _____ Garrett _____

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 - 02 Logan	Date	3/10/11
Application Fee	\$500	Receipt No.	107539
Pre-Application Conference	2/25/2011	Hearing Date	6/18/2011
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Logan Properties of Wilmington LLC	Owner's Name:	Logan Properties of Wilmington LLC
Applicant's Address:	3922 Rounding Bend Lane	Owner's Address:	3922 Rounding Bend Lane
City, State, & Zip	Wilmington, NC 28412	City, State, & Zip	Wilmington, NC 28412
Phone Number:	(910) 612-6127	Phone Number:	(910) 612-6127
Legal relationship of applicant to owner: <u>Same</u>			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	4215-77-0924-0000 4215-67-9855-0000	Total property acreage:	0.58 acres
Current Zoning District:	RP, Residential Performance	Proposed Zoning District:	GB, General Business
Project Address :	22581 US Highway 17, Hampstead		
Description of Project Location:	Corner of Stag Drive and US Highway 17, Hampstead		
SECTION 3: SIGNATURES LOGAN PROPERTIES OF WILMINGTON, LLC			
Applicant's Signature		Date:	3/8/2011
Owner's Signature		Date:	3/8/2011
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: \$	500
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>1247</u>
Application received by:	<i>[Signature]</i>		Date:
			3/10/11
Application completeness approved by:	<i>[Signature]</i>		Date:
			3/17/11
Dates scheduled for public hearing:			
<input checked="" type="checkbox"/>	Planning Board:	5/3/11	
<input checked="" type="checkbox"/>	Board of Commissioners:	6/20/11	

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

Re: Rezoning Application for 22581 U.S. Highway 17 N, Hampstead, NC
Property Identification Numbers:
4215-77-0924-0000
4215-67-9855-0000

The property identified above is currently zoned as Residential Performance (RP). We are asking for rezoning of this property to General Business (GB).

The primary reasons for this request are:

- 1) this entire area is moving toward commercial development and the properties on either side, as well as many other properties in the general vicinity, are already zoned GB;
- 2) we would like our property to conform to the others in the same area fronting Highway 17;
- 3) we would like for the current tenant and future tenants to have the option of operating a business from this location that would be permitted within the General Business (GB) zoning.

Re: Rezoning Application for 22581 U.S. Highway 17 N, Hampstead, NC
Property Identification Numbers:
4215-77-0924-0000
4215-67-9855-0000

LIST OF ADJACENT PROPERTY OWNERS

- 1) Tower Properties 17, LLC
508 Navigator Drive
Hampstead, NC 28443
- 2) Walter Sniff
2040 Watts Landing Road
Hampstead, NC 28443
- 3) TC of Hampstead, LLC
c/o Ray C. Blackburn
PO Box 895
Hampstead, NC 28443
- 4) Mary H. Noland et al
3514 Crymes Road
Meherrin, VA 23954
- 5) Pamela K. Springer et al
473 Groves Point Drive
Hampstead, NC 28443
- 6) PM & M, Inc.
PO Box 280
Hampstead, NC 28443
- 7) Dogwood Lakes, LLC
210 Airport Road, Ste 200
Mount Airy, NC 27030

EXHIBIT "A"Tract One:

Adjacent to and Northwest of the Northwestern right-of-way line of U.S. Highway No. 17, containing 0.488 acre, more or less, and being more fully described as follows:

Located in Topsail Township, Pender County, North Carolina adjacent to and Northwest of the Northwestern Right-of-Way line (50 feet from centerline) of U.S. Highway No. 17 and being more fully described as follows, to wit:

BEGINNING at a point in the Northwestern Right-of-Way line of U.S. Highway No. 17, said point of being located along said line at a point that is North 00 Degrees 47 Minutes 04 Seconds East 32.06 feet (N.C. Grid-NAD 27) from N.C. Grid Monument "HALL"; and running thence, from the BEGINNING, so located,

- (1) with the Northwestern Right-of-Way line of U.S. Highway No. 17 South 59 Degrees 45 Minutes 25 Seconds West 105.00 feet to an iron pipe in line; thence,
- (2) North 35 Degrees 29 Minutes 57 Seconds West 203.15 feet to an iron pipe in an old line; thence,
- (3) with said old line North 59 Degrees 48 Minutes 13 Seconds East 105.00 feet to an old iron rod in a broken iron pipe; thence,
- (4) South 35 Degrees 30 Minutes 05 Seconds East 203.06 feet (passing over an inline iron pipe at 202.46 feet) to the BEGINNING, containing 0.488 acres more or less and is as surveyed by Thompson Surveying Co., P.A. of Burgaw, North Carolina during January 1992.

As a reference to the above-described tract see Book 783, at Page 336 of the Pender County Registry.

Less and Except the following:

The right of way located in Topsail Township, Pender County, North Carolina, which is particularly described as follows:

Beginning at the southwestern property corner of the Grantors; Thence running in a northwestern direction along the southwestern property line of the Grantors to the point of intersection with the northwestern proposed right of way line of the project, said right of way line at this location being a straight line between a point located 130 feet northwest of and normal to Survey Station 1050+08.51, Survey Line L and a point located 135 feet northwest of and normal to Survey Station 1962+00, Survey Line L; Thence running in a straight line in a northeastern direction, said line if extended would intersect a point located 135 feet northwest of and normal to Survey Station 1062+00, Survey Line L, to the point of intersection with the northeastern property line of the Grantors; Thence running along the northeastern property line of the Grantors in a southeastern direction to the southeastern property corner of the Grantors; Thence running along the southeastern property line of the Grantors in a southwestern direction to the point of the Beginning.

Tract Two:

Located in Topsail Township, Pender County, North Carolina, adjacent to and Northwest of the Northwestern Right-of-Way line of U.S. Highway No. 17 and being more fully described as follows, to wit:

BEGINNING at an iron stake in the new Northwestern Right-of-Way line of U.S. Highway No. 17, said iron stake being located along said line at a point that is the following courses and distances (N.C. Grid-N.A.D. 27) from N.C. Grid Monument "HALL": South 77 Degrees 18 minutes 29 Seconds West 92.52 feet and North 35 Degrees 29 Minutes 57 Seconds West 83.99 feet to the Beginning; and running thence, from the Beginning, so located,

- (1) With the Northwestern Right-of-Way line of U.S. Highway No. 17 South 59 Degrees 40 Minutes 32 Seconds West 106.87 feet to an iron stake in said line; thence,
- (2) North 36 Degrees 06 Minutes 38 Seconds West 119.57 feet to an existing iron pipe inline; thence,
- (3) North 59 Degrees 52 Minutes 29 Seconds East 108.19 feet to an existing iron pipe inline; thence,



Applicant:
Logan Properties
of Wilmington, LLC

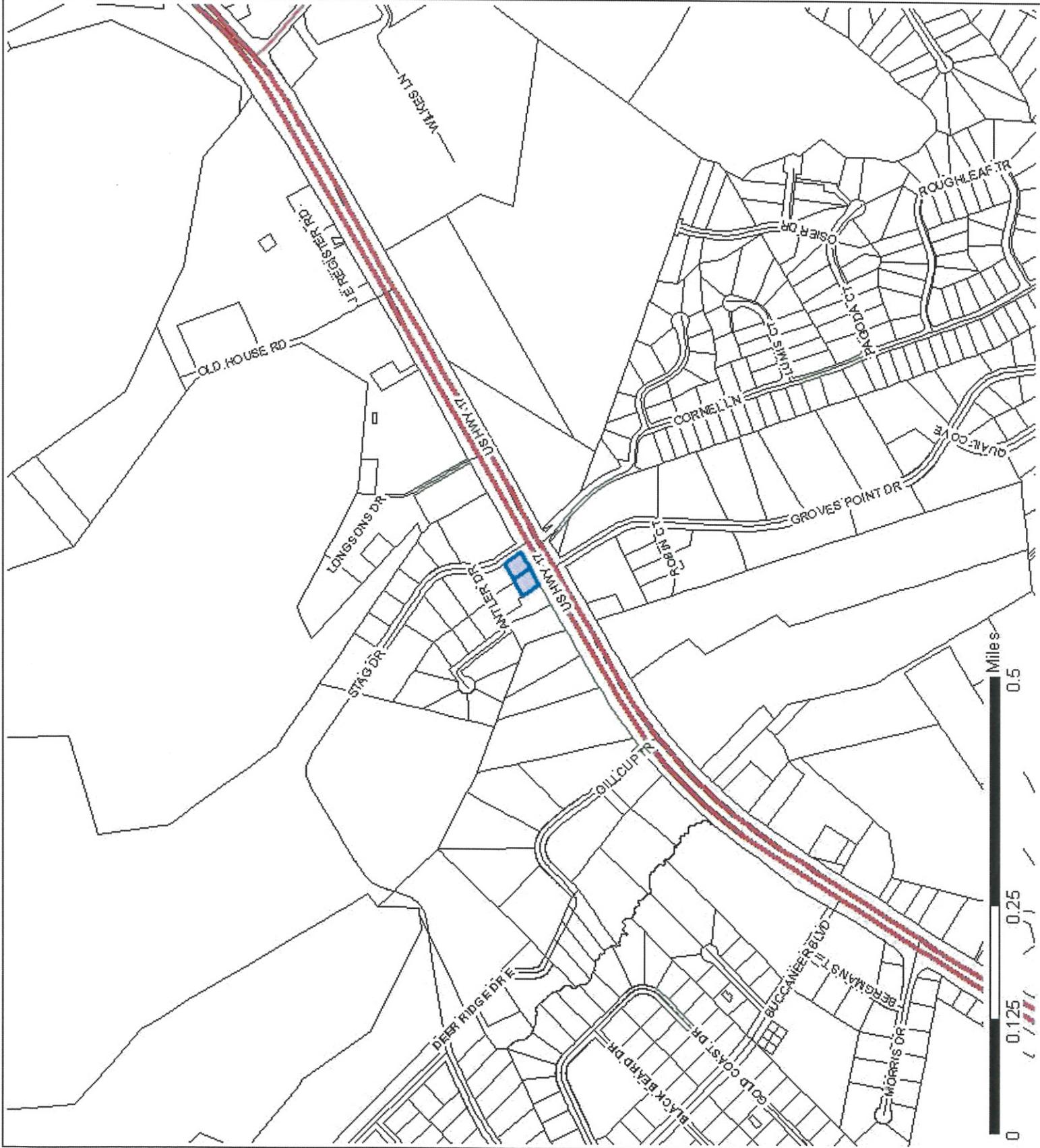
Owner:
Logan Properties
of Wilmington, LLC

**Zoning Map
Amendment
11-6-20-02
Logan**

 Subject Properties



Vicinity Map





Applicant:
Logan Properties
of Wilmington, LLC

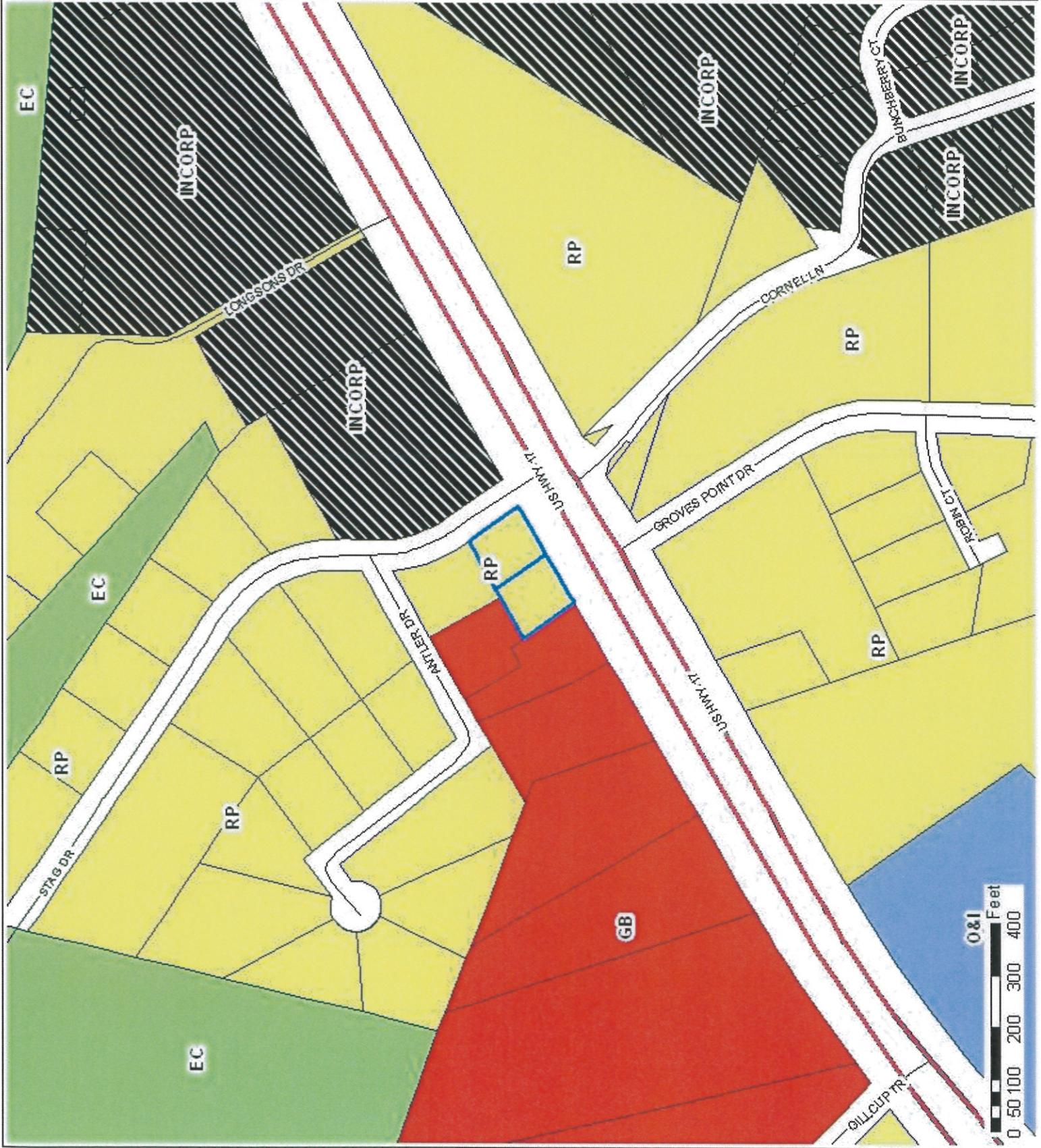
Owner:
Logan Properties
of Wilmington, LLC

**Zoning Map
Amendment
11-6-20-02
Logan**

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



Zoning





Applicant:
Logan Properties
of Wilmington, LLC

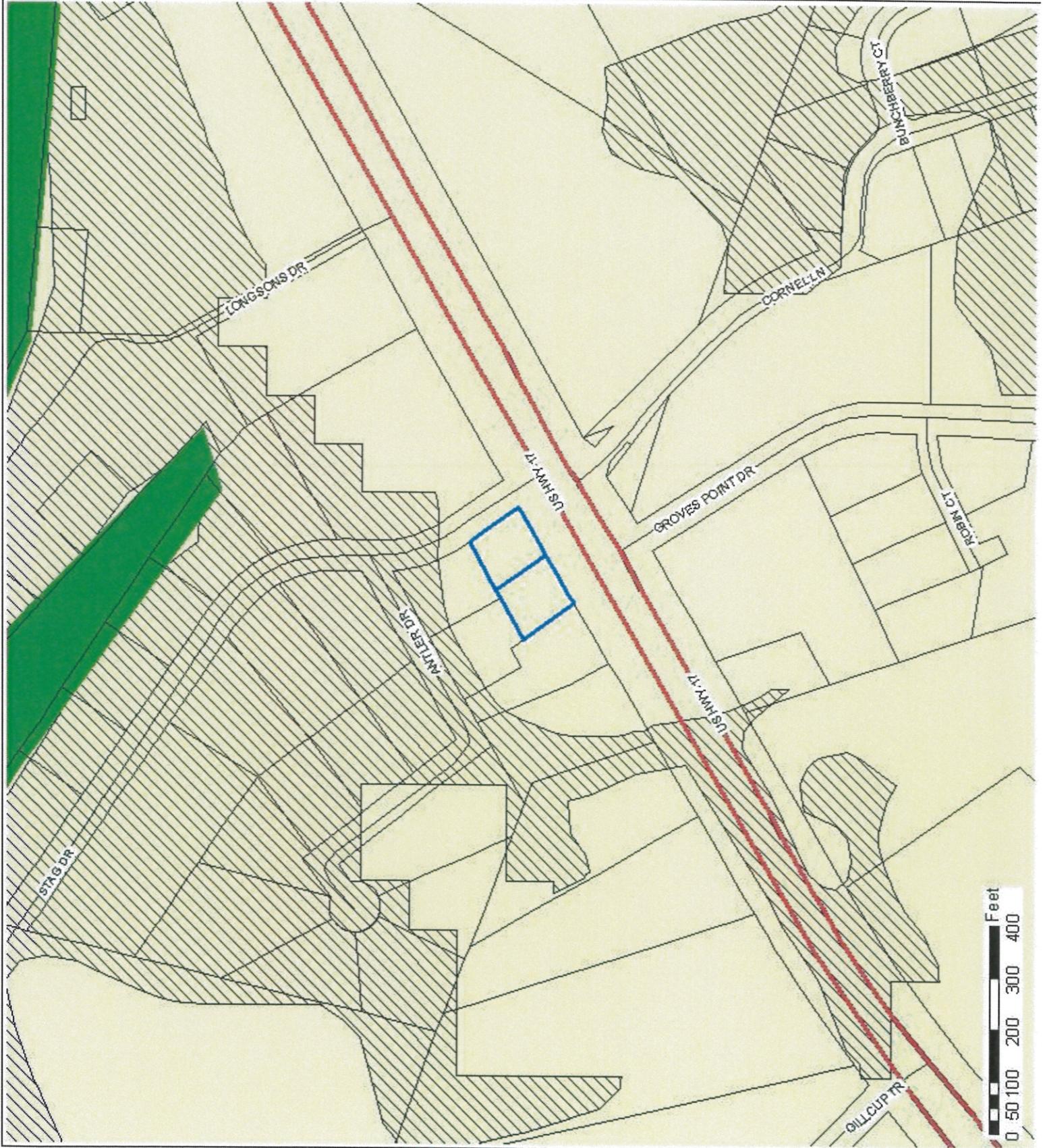
Owner:
Logan Properties
of Wilmington, LLC

**Zoning Map
Amendment
11-6-20-02
Logan**

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



CAMA Land Use





Applicant:
Logan Properties
of Wilmington, LLC

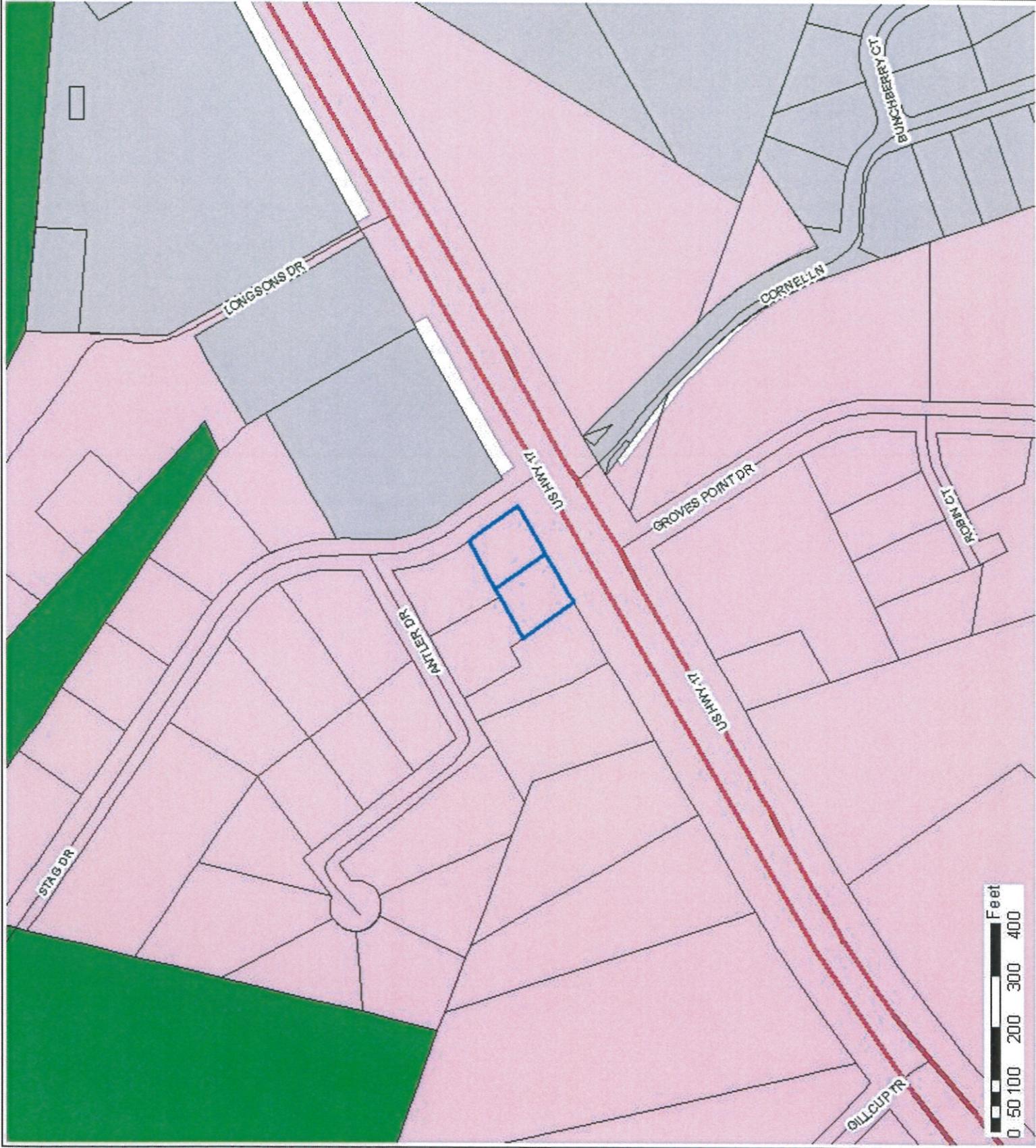
Owner:
Logan Properties
of Wilmington, LLC

**Zoning Map
Amendment
11-6-20-02
Logan**

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



2010 LUP





Applicant:
Logan Properties
of Wilmington, LLC

Owner:
Logan Properties
of Wilmington, LLC

**Zoning Map
Amendment
11-6-20-02
Logan**

 Subject Properties



2008 Aerial

