



## REQUEST FOR BOARD ACTION

ITEM NO. 13.

**DATE OF MEETING:** January 17, 2012

**REQUESTED BY:** Ashley Moncado, Planner I, Planning & Community Development Department

**SHORT TITLE:** Request to Rezone One Tract from PD, Planned Development, to GB, General Business.

**BACKGROUND:** Admah Lanier, applicant, on behalf of Lanwillo Development Company, owner, is proposing a Zoning Map Amendment for a general use rezoning for 4.84 acres from PD, Planned Development District to GB, General Business District. The complete tract the request is associated with totals 12.36 acres. Following Board approval, the applicant will proceed with subdividing the existing tract into two separate parcels as required in Section 3.3.1.C of the Unified Development Ordinance. The property is located at the intersection of US Highway 17 and Headwater Drive in Hampstead and may be identified as PIN 3282-85-7814-0000.

**SPECIFIC ACTION REQUESTED:** To hold a public hearing and consider the request to rezone 4.84 acres from PD, Planned Development to GB, General Business.

**RESOLUTION NOW, THEREFORE, BE IT RESOLVED**, that on January 17, 2012, 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

1/17/2012  
Date

\_\_\_\_\_  
ATTEST

\_\_\_\_\_  
DATE

**PLANNING STAFF REPORT**  
**Zoning Map Amendment**

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**SUMMARY:**

**Hearing Date:** December 6, 2011- Planning Board  
January 17, 2012- Board of Commissioners

**Case Number:** 10379 Lanier

**Applicant:** Admah Lanier

**Property Owner:** Lanwillo Development Company

**Rezoning Proposal:** The request consists of rezoning 4.84 acres from PD, Planned Development District, to GB, General Business District.

**Property Record Numbers, Acreage, and Location:** The property is located northeast of US Highway 17 and Headwaters Drive in Hampstead and may be identified as PIN 3282-85-7814-0000.

**Planning Board Recommendation:** The Pender County Planning Board, at the December 6, 2011 meeting voted unanimously to pass a motion recommending approval of this request.

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

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**DESCRIPTION:**

Admah Lanier, applicant, on behalf of Lanwillo Development Company, owner, is requesting approval of a general use rezoning for 4.84 acres from PD, Planned Development to GB, General Business. The entire tract that the rezoning is associated with totals 12.36 acres. Following Board approval, the applicant will proceed with subdividing the existing tract into two separate parcels as required in Section 3.3.1.C of the Unified Development Ordinance. The property is located northeast of US Highway 17 and Headwaters Drive in Hampstead and may be identified as PIN 3282-85-7814-0000.

This is a general use rezoning which will encompass all uses permitted-by-right in the General Business District, as shown on the Permitted Use Table 5.2.3 of the Pender County Unified Development Ordinance.

The General Business District is intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses.

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**TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:**

**Cape Fear Council of Governments RPO**

*This appears to be in the jurisdiction of the MPO.*

**Four County Electric Company**

*No response*

**NC DENR Division of Coastal Management**

*No comment*

**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 comments until site plan is developed and submitted.*

**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 response*

**Pender County Fire Marshal**

*No response*

**Pender County Parks and Recreation**

*No issues with this request.*

**Pender County Public Library**

*No response*

**Pender County Public Utilities**

*No comment*

**Pender County Schools**

*No response*

**Pender County Sheriff's Department**

*No comment*

**Pender County Soil and Water Conservation District**

*Soil & Water sees no problem with request.*

**Progress Energy Corporation**

*No response*

**US Army Corps of Engineers**

*No response*

**Wilmington Metropolitan Planning Organization**

*This development is located within the subject area for the US17/HWY 210 Corridor Study. Appendix C provides an illustration that depicts a future collector street located near/within a portion of the subject property. The WMPO recommends this street be incorporated into the development plans for this parcel.*

**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. As well as a sign placed on the subject property.

**B) Existing Zoning in Area:** The properties immediately north and west of the site are zoned GB, General Business. The properties located east and south are zoned PD, Planned Development.

**C) Existing Land Use in Area:** The property to the north contains two existing commercial structures that include retail and office uses. Additionally, the properties to the west of the site include office and retail uses. The remaining properties to the south and east are vacant and undeveloped land.

**D) 2005 CAMA Land Use Plan Compliance** The 2005 CAMA Land Use Plan classifies the subject property as Urban Growth Area.

**E) 2010 Comprehensive Land Use Plan Compliance:**

1. The primary goal of the Coastal Pender Small Area Plan is to direct higher density residential and mixed use growth toward the Scotts Hill area, closer to the New Hanover/ Wilmington metro area. Development can be expected to continue in the Hampstead community but growth is to be focused more towards the southeastern edge of the Coastal Pender area. Coordinating future growth with the adjacent local governments of Surf City to the north and New Hanover County to the south and east are of prime importance.
2. The Mixed Use land use classification designates locations where a mixture of higher density/intensity uses is to be encouraged. Mixed Use areas should be characterized by physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high- and medium-density residential uses, arranged in a walkable, compact, and pedestrian and transit friendly manner
3. Comprehensive Plan Policies and Goals
  - a. **Growth Management Policy 1A.1.1:** Encourage development in and around municipal corporate limits and other developed areas within the County to yield a more compact pattern of development that will reduce suburban/rural sprawl.
  - b. **Growth Management Policy 1A.1.2:** Encourage development in areas where the necessary infrastructure – roads, water, sewer, and schools - are available, planned or can be most cost effectively provided and extended to serve existing and future development.
  - c. **Economic Development Goal 10A.1:** Promote economic development which meets the needs of the County for expanding the non-residential tax base and providing well-paying jobs.

**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:** This proposal consists rezoning 4.84 acres from PD, Planned Development District, to GB, General Business District. Following Board approval, the applicant will proceed with subdividing the existing tract into two separate parcels as required in Section 3.3.1.C of the Unified Development Ordinance. The request complies with the criteria set forth in Article 3.3.8 of the Unified Development Ordinance. The request is consistent with the 2005 CAMA Land Use Plan and the 2010 Comprehensive Land Use Plan. The Pender County Planning Board, unanimously, passed a motion recommending approval; therefore, staff respectfully recommends that the request be approved.

**VOTING AND RESOLUTION:**

**Planning Board**

Motion: Millette      Seconded: Garrett

Approved:   X        Denied: \_\_\_\_\_ Unanimous:   X  

Boney:   X      Smith:       Edens:   X      Garrett:   X      Marshburn:       Millette:   X      Williams:   X

## APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	<del>ZMA</del>	Date	10.19.2011
Application Fee	\$ 500.00	Receipt No.	116659
Pre-Application Conference		Hearing Date	December 6, 11 / Jan. 16/2013

### SECTION 1: APPLICANT INFORMATION

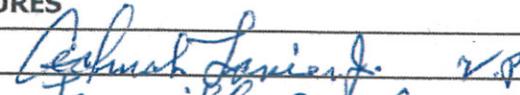
Applicant's Name:	Mr. Admah Lanier	Owner's Name:	Lanwillo Development Company
Applicant's Address:	P.O. Drawer 2088	Owner's Address:	P.O. Drawer 2088
City, State, & Zip	Wilmington NC 28402	City, State, & Zip	Wilmington NC 28402
Phone Number:		Phone Number:	

Legal relationship of applicant to land owner: Partner

### SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):	3282-85-7814-0000	Total property acreage:	4.84 Acres to be Rezoned
Current Zoning District:	PD	Proposed Zoning District:	GB
Project Address :	US Hwy 17 & Headwaters Drive Hampstead NC		
Description of Project Location:	Northeast Intersection of US 17 & Headwaters Drive (total parcel 12.36 acres)		

### SECTION 3: SIGNATURES

Applicant's Signature		Date:	Oct 19, 2011
Owner's Signature		Date:	Oct 19, 2011

### NOTICE TO APPLICANT

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 <b>first class</b> 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 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 checked="" 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.		
<b>Office Use Only</b>			
<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: \$	500.00
<b>Attachments Included with Application: (Please include # of copies)</b>			
CD /other digital version	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Plan Sets <b>38</b>	# of large <b>1</b>
		# of 11X17 <b>38</b>	Other documents/Reports <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
<b>Payment Method:</b>	<b>Cash :</b> <input type="checkbox"/> \$ _____	<b>Credit Card:</b> <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	<b>Check:</b> <input checked="" type="checkbox"/> Check # <b>1283</b>
<b>Application received by:</b>	Ashley D. Frank	<b>Date:</b> 10.19.11	
<b>Application completeness approved by:</b>	Ashley D. Frank	<b>Date:</b> 10.19.11	
Dates scheduled for public hearing:			
<input checked="" type="checkbox"/> <b>Planning Board:</b> December 6, 2011			
<input checked="" type="checkbox"/> <b>Board of Commissioners:</b> January 2011      2012			

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

Print Form

## Request for Rezoning

### Description and Statement of use for Lanwillo Development Co.

This property and adjacent tracts are presently zoned PD. Lanwillo Development Co. is requesting the 4.84 acres of property east of US 17 and north of Headwaters Drive to be rezoned to GB. The GB zoning will make this property consistent with the zoning of adjacent property to the north and the property across US 17. The property is currently undeveloped and is intended to be used as a commercial development to consist of retail and restaurant businesses.



**Applicant:**  
Admah Lanier

**Owner:**  
Lanwillo Development  
Company

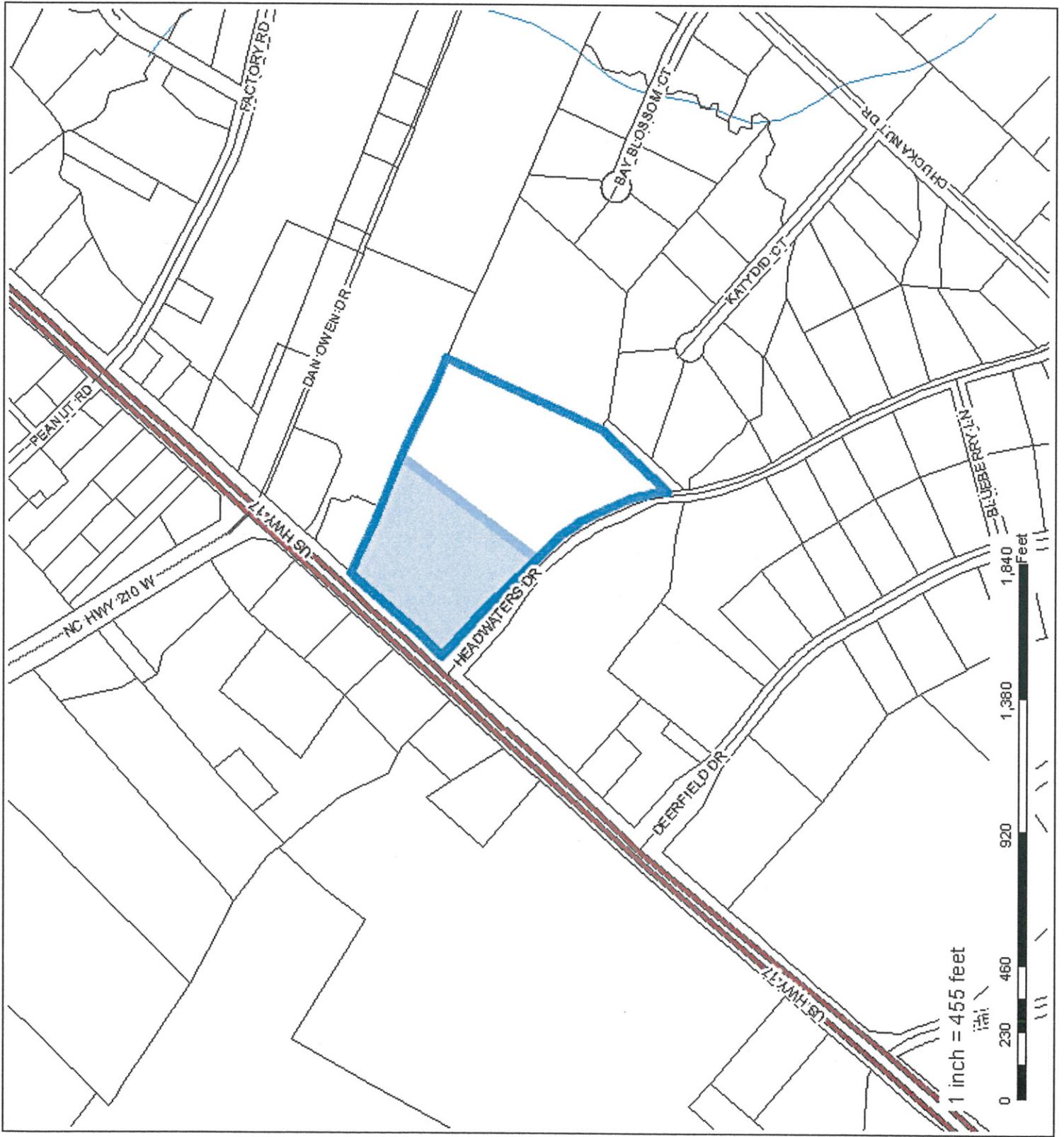
**Zoning Map Amendment**  
Case # 10379

**Legend**

- Subject Property
- Rezoned Section



**VICINITY MAP**





**Applicant:**  
Admah Lanier

**Owner:**  
Lanwillo Development  
Company

**Zoning Map Amendment**  
Case # 10379

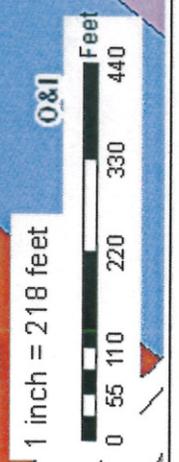
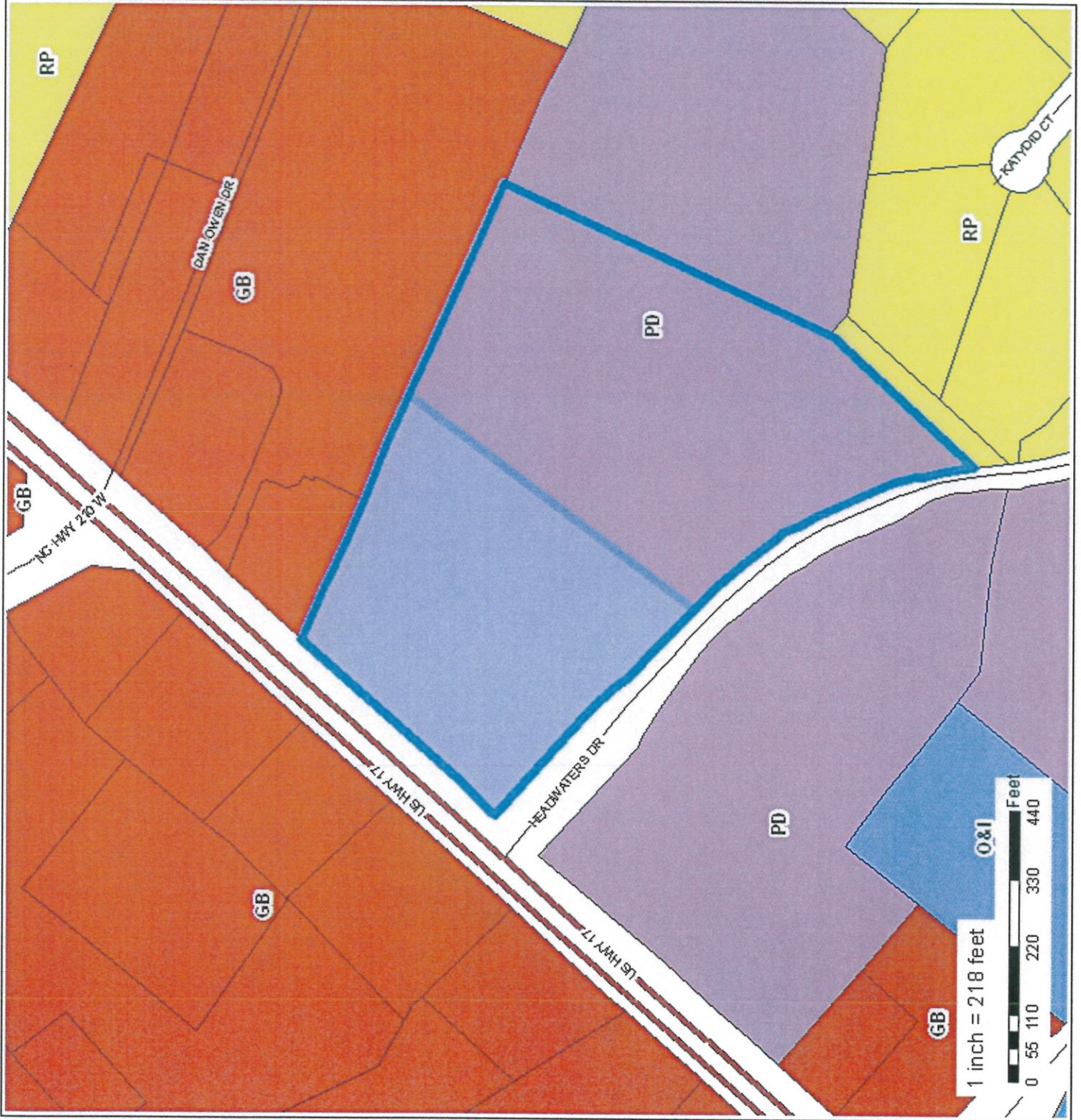
**Legend**

Subject Property  
Re-zoned Section

Zoning Classification

**UDO Zoning**

- General Business (GB)
- General Industrial (GI)
- Industrial Transition (IT)
- Office & Institutional (OI)
- Partial Agricultural (PA)
- Planned Development (PD)
- Possible Residential (PR)
- Environmental Conservation (EC)
- Incorporated Areas (IICORP)
- Manufactured Home Park (MH)
- Possible Retail (RT)



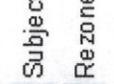


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Admah Lanier

**Owner:**  
Lanwillo Development  
Company

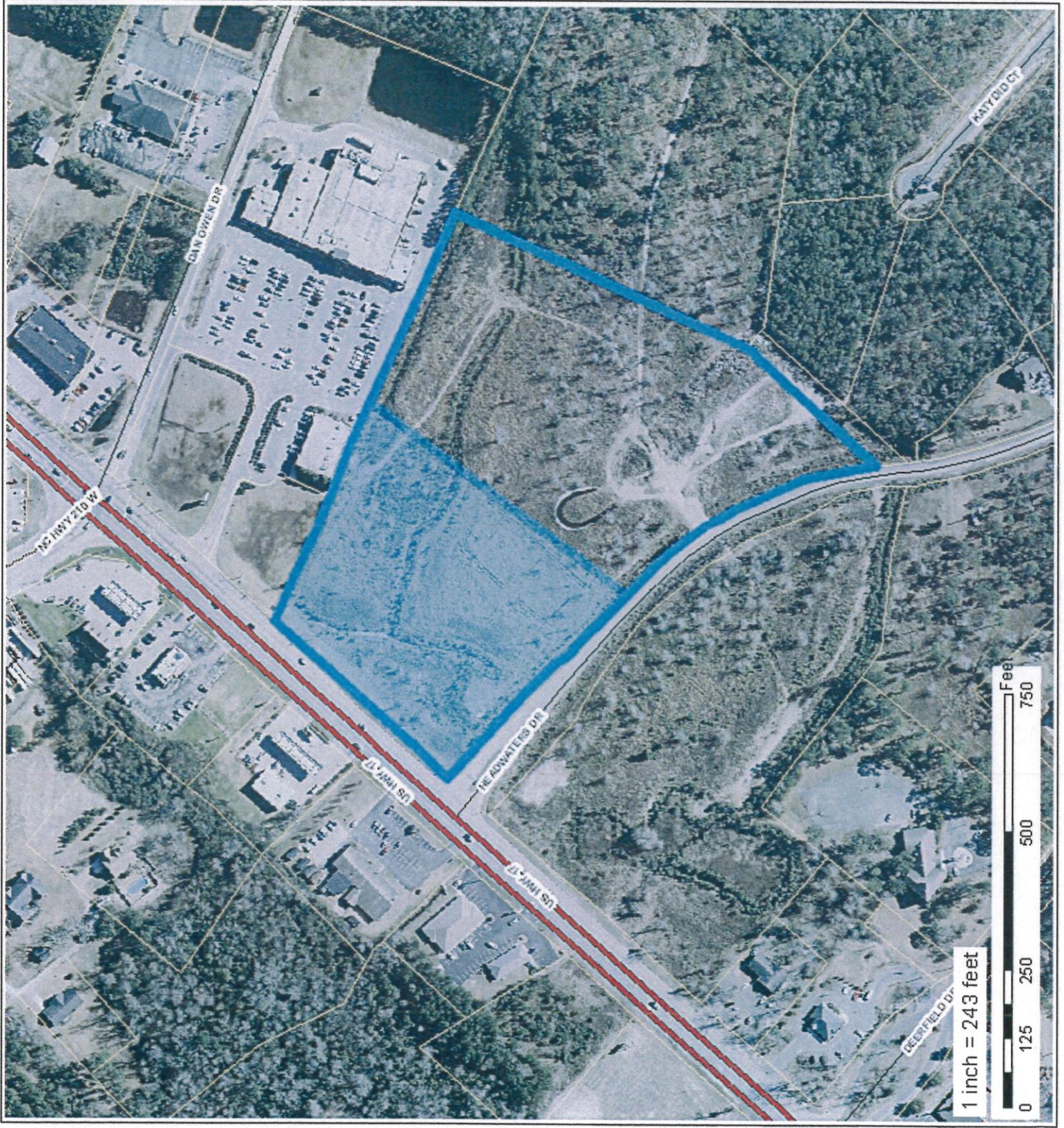
**Zoning Map Amendment**  
Case # 10379

**Legend**

-  Subject Property
-  Rezoned Section



**Aerial Map**





**Applicant:**  
Admah Lanier

**Owner:**  
Lanwillo Development  
Company

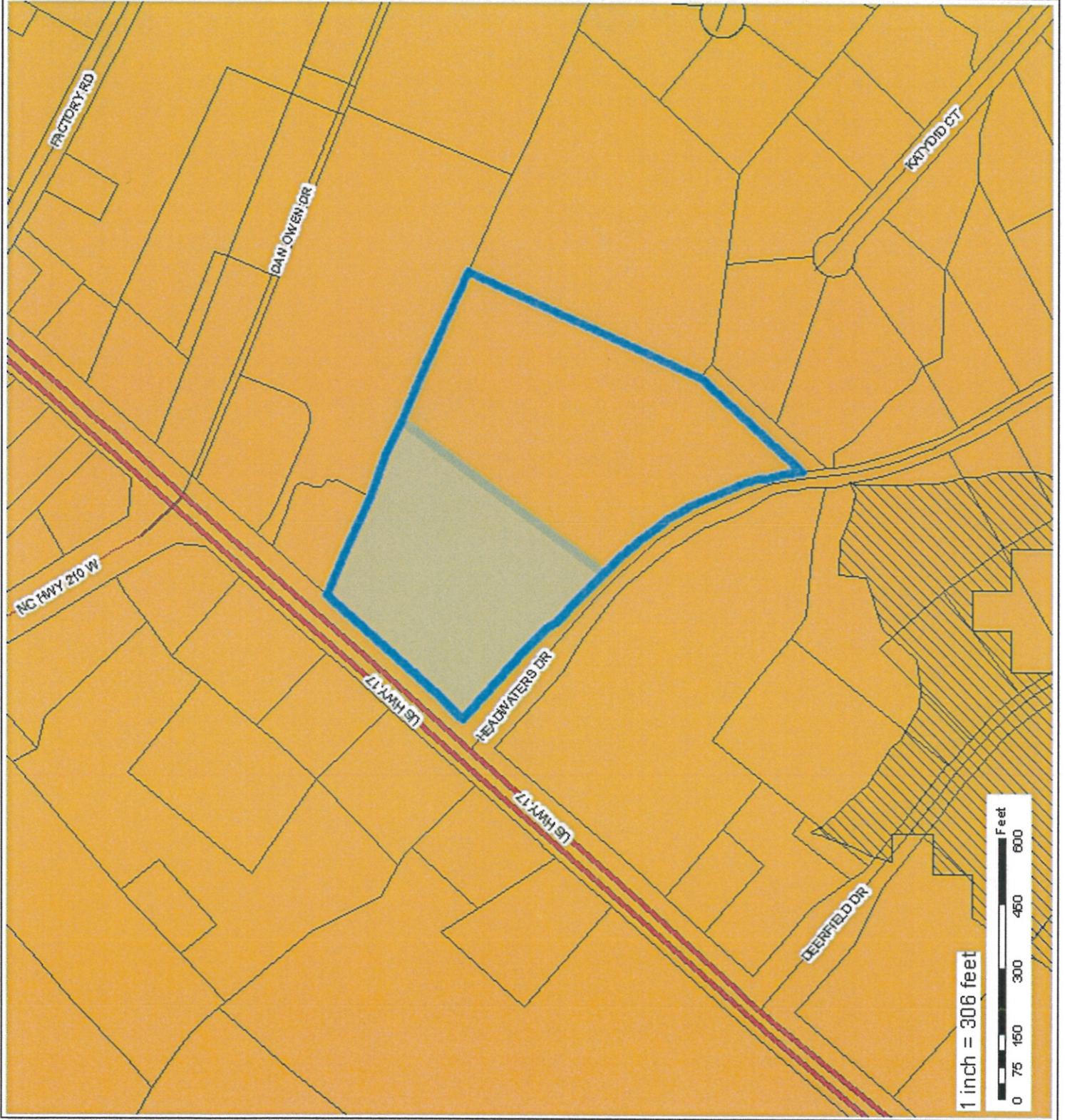
**Zoning Map Amendment**  
Case # 10379

**Legend**

-  Subject Property
-  Rezoned Section
-  Conservation Area II
-  Future Land Use (CAMA)
-  Conservation Area I
-  Transition Areas
-  Urban Growth Areas
-  Rural Clusters
-  Rural Areas



**CAMA (2005)**  
**LAND USE MAP**





**Applicant:**  
Admah Lanier

**Owner:**  
Lanwillo Development  
Company

**Zoning Map Amendment**  
Case # 10379

**Legend**

- Subject Property
- Revised Section
- Future Land Use**
- Conservation
- Industrial
- Mixed Use
- Platting
- Suburban Growth



**2010**  
**Comprehensive**  
**Future Land Use**

