



REQUEST FOR BOARD ACTION

ITEM NO. 17.

DATE OF MEETING: March 19, 2012

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

SHORT TITLE: Request to Rezone Three Tracts from PD, Planned Development District, to GB, General Business District.

BACKGROUND: Roger Johnson, applicant and owner, is proposing a Zoning Map Amendment for a general use rezoning of three tracts totaling 10.64 acres from PD, Planned Development District, to GB, General Business District. The properties are identified by PINs 4204-97-7838-0000, 4204-98-9309-0000, and 4204-98-9476-0000.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the request to rezone 10.64 acres from PD, Planned Development District, to GB, General Business District.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, that on March 19, 2012, the Pender County Board of Commissioners (approved, modified, denied) a Zoning Map Amendment request for property as described herein. The Chairman and County Manager are 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 3/19/2012
Date

ATTEST 3/19/2012
DATE

PLANNING STAFF REPORT

Zoning Map Amendment

SUMMARY:

Hearing Date: March 19, 2012
Application Number: ZMA 10656 Johnson
Applicant: Roger Johnson
Property Owner: Roger Johnson

Rezoning Proposal: The request consists of rezoning 10.64 acres of three tracts from PD, Planned Development District, to GB, General Business District.

Property Record Numbers, Acreage, and Location: The property is identified by PINs 4204-97-7838-0000, 4204-98-9309-0000, and 4204-98-9476-0000. The property is located on US Highway 17, north of Edens Lane, Hampstead.

Planning Board Recommendation: The Pender County Planning Board, at the February 7, 2012 meeting, voted 6-0 to pass a resolution recommending approval of the request.

Staff Recommendation: Staff respectfully recommends approval of the request.

DESCRIPTION:

Roger Johnson, applicant and owner, is requesting approval of a general use rezoning for 10.64 acres from PD, Planned Development District to GB, General Business District. The properties have approximately 887 feet of road frontage on US Highway 17 and may be accessed via existing driveways to US Highway 17.

The properties are currently zoned PD, Planned Development and is currently being utilized for Johnson Marine, a boat sales and service company. The properties feature a multitude of buildings, outside storage areas, stormwater drainage pond, and gravel parking areas and drives which facilitate the current use. The applicant has provided a survey of the properties that shows the existing development on the subject properties. Additionally, the existing use has becoming nonconforming based with the adoption of the Unified Development Ordinance in 2010 but would be a use permitted by right in the GB, General Business district.

The existing land uses of the surrounding properties consist of a mixture of vacant/undeveloped, commercial, and single family residential uses. The existing zoning in the vicinity of the subject properties includes a mixture of PD, Planned Development to the south and west, RP, Residential Performance to the north and east, and RA, Rural Agricultural and GB, General Business across US Highway 17 from the subject site. For visual representation of the existing zoning in the area, please refer to the Zoning Map included with the Staff Report.

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

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:

Cape Fear Council of Governments RPO

No comment as subject property appears to be in WMPO planning area

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 issues/problems with request

NC DENR Division of Water Quality

No response

NC DOT Division of Highways

No issues/problems with request

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 response

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 issues/problems with request

Progress Energy Corporation

No response

US Army Corps of Engineers

No response

Wilmington Metropolitan Planning Organization

No comment as subject property out of WMPO planning area

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 existing zoning in the vicinity of the subject properties includes a mixture of PD, Planned Development to the south and west, RP, Residential Performance to the north and east, and RA, Rural Agricultural and GB, General Business across US Highway 17 from the subject site.
- C) Existing Land Use in Area:* The existing land uses of the surrounding properties consist of a mixture of vacant/undeveloped, commercial, and single family residential uses.
- D) 2005 CAMA Land Use Plan Compliance:* The 2005 CAMA Land Use Plan classifies the subject property as Urban Growth Area and Conservation Area II.
- E) 2010 Comprehensive Land Use Plan Compliance:* The 2010 Comprehensive Land Use Plan classifies the subject property as Mixed Use and Rural Growth. The Mixed Use classification designates locations where a mixture of higher density/intensity uses is to be encouraged. The Rural Growth classification designates locations for very limited non-residential uses including commercial, office, and public/institutional uses, meeting locational criteria of frontage and access to a major highway or secondary road, proximity to similar existing non-residential uses, and spatial separation from non-compatible uses such as existing residential development.

The following goals and policies within this plan support the rezoning request:

- a) **Growth Management Goal 1A.1:** Manage the physical growth and development of Pender County by promoting more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the predominant rural lifestyle and coastal environment that makes the County a unique place to live.
 - b) **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.
 - c) **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.
 - d) **Growth Management Policy 1A.1.5:** The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.
 - e) **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: The proposal consists of rezoning three tracts of land totaling 10.64 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: Millette

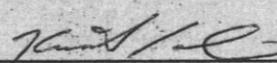
Approved: X Denied: _____ Unanimous: X

Boney Smith Edens Garrett Marshburn Millette Williams

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 10656	Date	12/20/11
Application Fee	\$ 560.00	Receipt No.	116690
Pre-Application Conference	12/13/11	Hearing Date	2/7/12
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	ROGER P. JOHNSON	Owner's Name:	ROGER P. JOHNSON
Applicant's Address:	20222 US Highway 17	Owner's Address:	20222 US Highway 17
City, State, & Zip	Hampstead, NC 28443	City, State, & Zip	Hampstead, NC 28443
Phone Number:	(910)270-7727	Phone Number:	(910)270-7727
Legal relationship of applicant to land owner: *** same ***			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	4204-97-7838-000 4204-98-9309-000 4204-98-9476-000	Total property acreage:	9.01ac + 0.95ac + 0.68ac = 10.64 ac
Current Zoning District:	PD Planned Development	Proposed Zoning District:	GB General Business
Project Address :	20222 US Highway 17, Hampstead, NC 28443		
Description of Project Location:	East side of Hwy 17, North of Hampstead, near Edens Lane		
	Current location of Johnson Marine Services		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	12/20/11
Owner's Signature		Date:	12/20/11
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 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: \$ 560.00					
Attachments Included with Application: (Please include # of copies)						
CD /other digital version	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Plan Sets	# of large	# of 11X17 38	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		Checks: <input checked="" type="checkbox"/> Check # 064155		
Application received by:	KENNETH VAFIER				Date: 12/20/11	
Application completeness approved by:					Date: 12/20/11	
Dates scheduled for public hearing:						
<input checked="" type="checkbox"/> Planning Board: 2/7/12						
<input checked="" type="checkbox"/> Board of Commissioners: 3/11/12						

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

Print Form



COLDWELL BANKER COMMERCIAL
SUN COAST PARTNERS
1430 COMMONWEALTH DRIVE, SUITE 102
WILMINGTON, NC 28403
BUS. (910) 350-1200
FAX (910) 350-0925
TOLL FREE (800) 507-8466

December 20, 2011

Mr. Ben Andrea, Planner
Pender County Planning Department
805 South Walker Street
Post Office Box 1519
Burgaw, NC 28425

Dear Mr. Andrea:

Please find enclosed an Application to rezone property at 20222 US Highway 17. This property includes three tax parcels owned by Roger P. Johnson, who is submitting this application. By his signature below, he is acknowledging his authorization for me to represent him as his agent in submitting the application and representing him at any hearings related to processing this request.

The legal description of this property is shown on the attached map, which defines the three tax parcels known as: PID #4204-97-7838-000; and PID #4204-98-9309-000; and PID #4204-98-9476-000.

The rezoning request to change the property from "PD Planned Development" to "GB General Business" is being made to correspond with the existing Pender County Land Use plan specifying that commercial uses along Highway 17 are to be encouraged. The existing use of Boat sales and service has become a non-conforming use due to changes in the text ordinance, and the new land classification would permit the existing use. The General Business classification would also permit other highway businesses which will provide convenience and service to the community, and reduce the need for travel off highway routes to access those services. This objective is not detrimental to the character of the neighborhood.

The property is currently served by private well and septic which is adequate for the intended use of the property. The highway frontage has community water service installed, which will be available for any future expansion of uses. Municipal sewer service is not available at this site, but existing private septic systems have been found sufficient, and ample land is available for expansion if later necessary, subject to all governmental approvals.

The proposed change is consistent with the Pender County Land Use Plan. By enhancing this commercial property's ability to provide community services to the neighborhood and traveling public, the proposed amendment is reasonable and of benefit to the general public interest.

Thank you for your attention.

Sincerely,


Jonathan W. Washburn
Attorney / Realtor ® / MBA / CCIM
Jonathan@JWWashburn.com
(910)352-2846 cell

AUTHORIZATION:


Roger P. Johnson



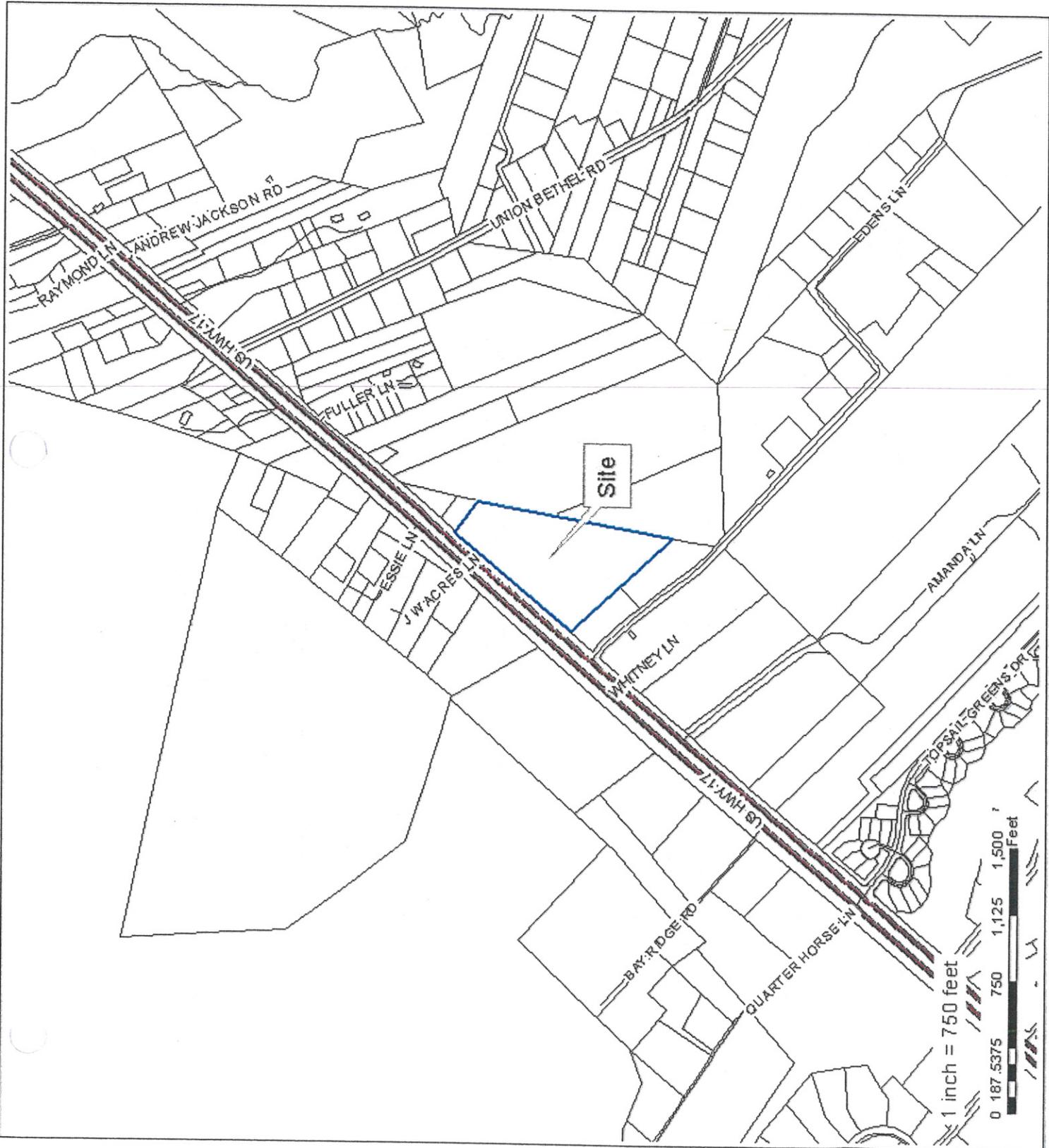
Applicant:
Roger P. Johnson

Owner:
Roger P. Johnson

Zoning Map Amendment
Case # 10656



VICINITY MAP





Applicant:
Roger P. Johnson

Owner:
Roger P. Johnson

Zoning Map Amendment
Case # 10656

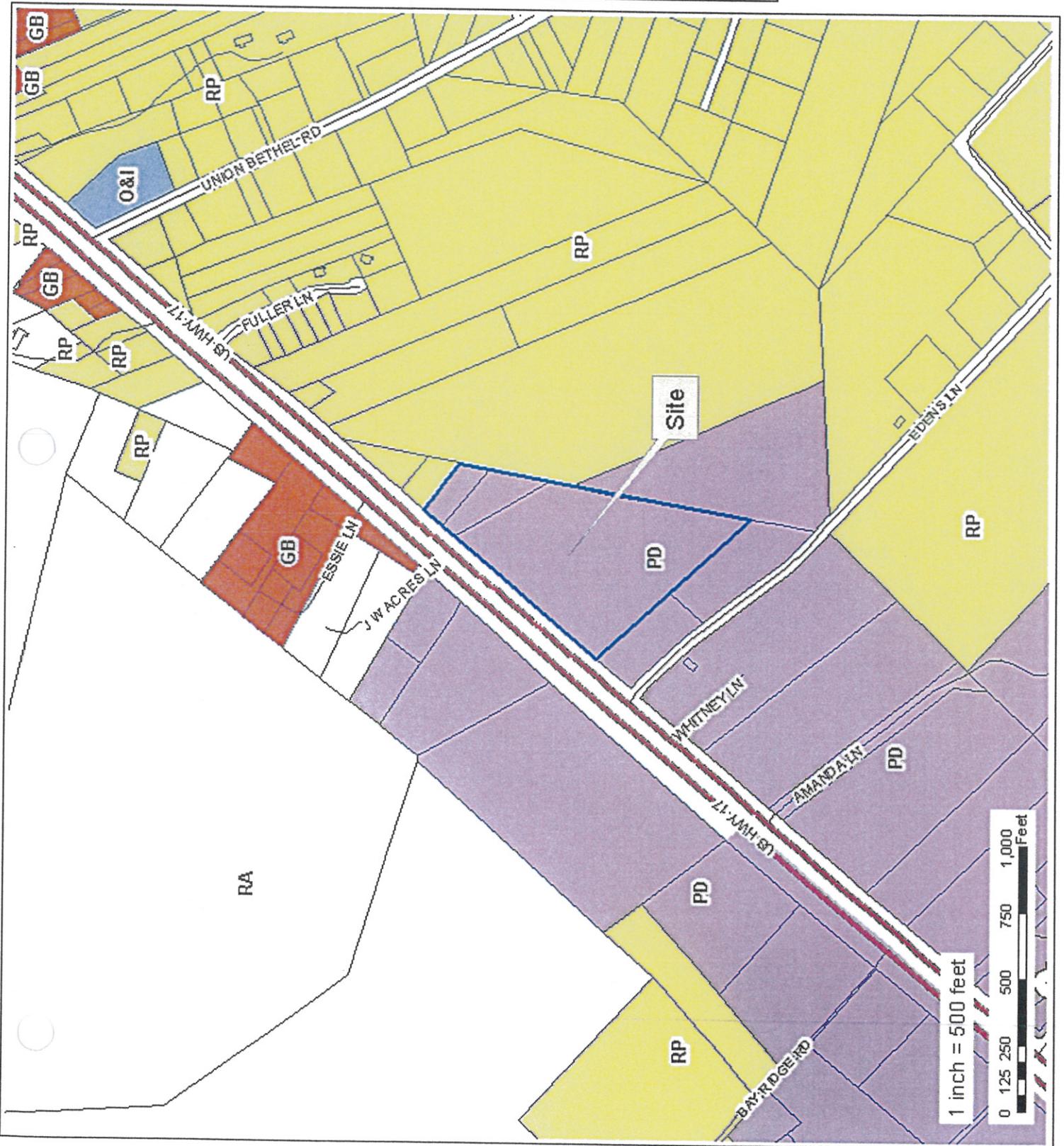
Zoning Classification

UDO Zoning

General Business (GB)
General Industrial (GI)
Industrial Trade (IT)
Office & Institutional (OI)
Rural Agricultural (RA)
Planned Development (PD)
Residential Professional (RP)
Education & Recreation (EC)
Incorporated Areas (ICO RP)
Maintained Home Park (MH)
Residential Mixed (RM)



ZONING MAP





Applicant:
Roger P. Johnson

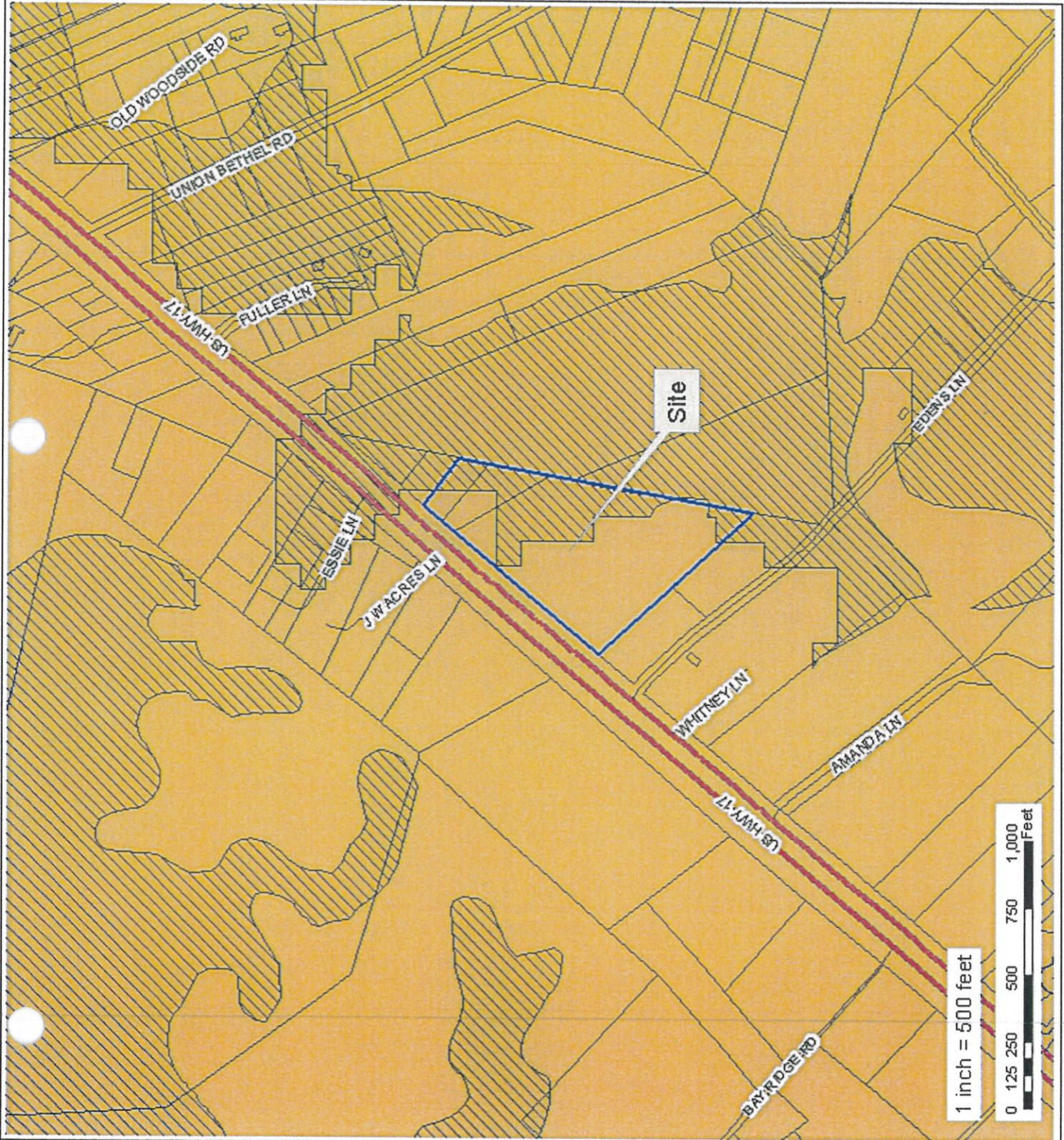
Owner:
Roger P. Johnson

**Zoning Map Amendment
Case # 10656**

-  Conservation Area II
-  Transition Areas
-  Urban Growth Areas
-  Rural Clusters
-  Rural Areas



CAMA LAND USE MAP





Applicant:
Roger P. Johnson

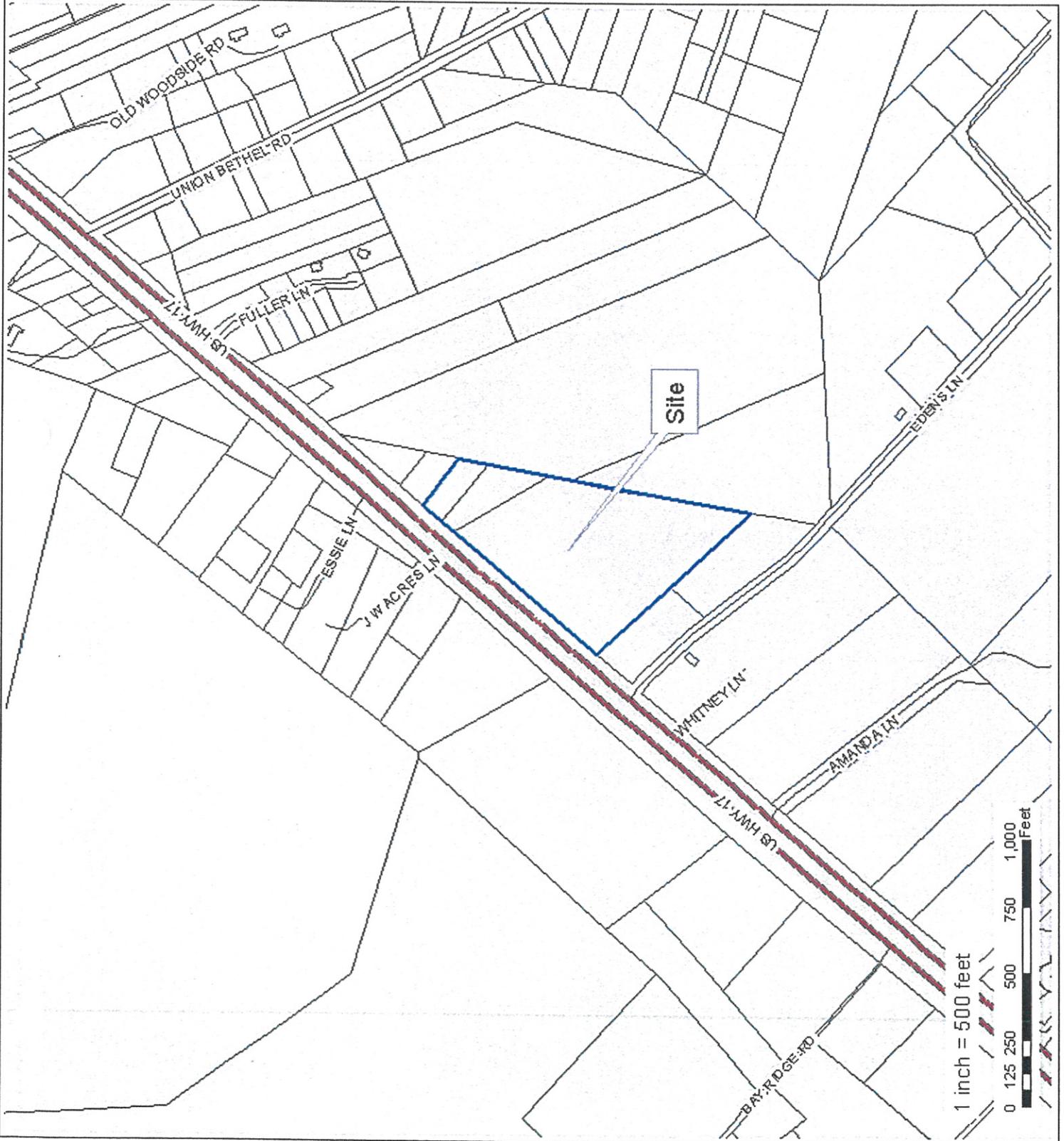
Owner:
Roger P. Johnson

**Zoning Map Amendment
Case # 10656**

Future Land Use	
LU	
Conservation	
Industrial	
Mixed Use	
Rural Growth	
Suburban Growth	



**2010 CLUP
MAP**





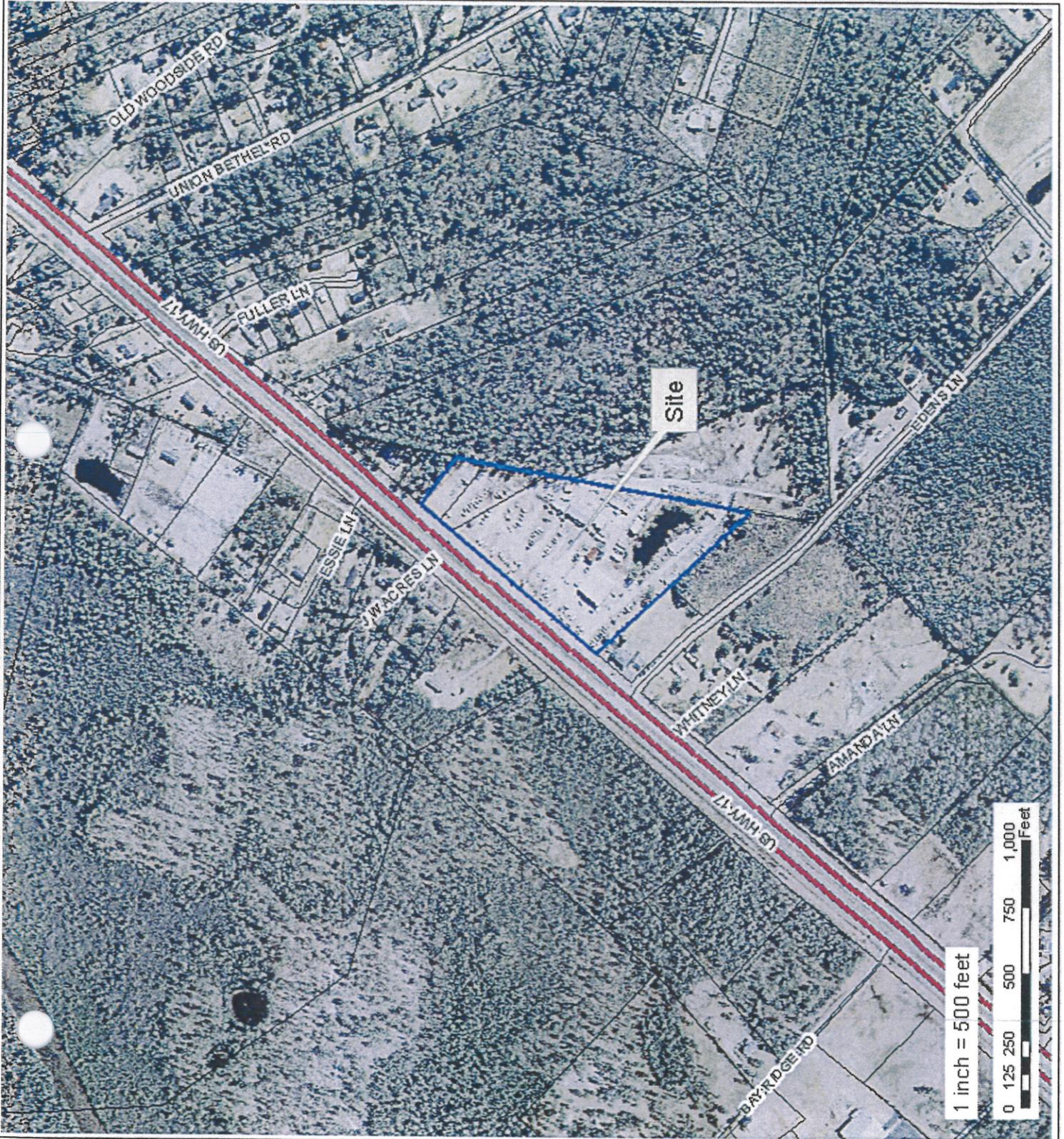
Applicant:
Roger P. Johnson

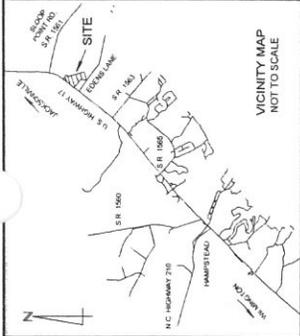
Owner:
Roger P. Johnson

Zoning Map Amendment
Case # 10656



2010 ORTHOS



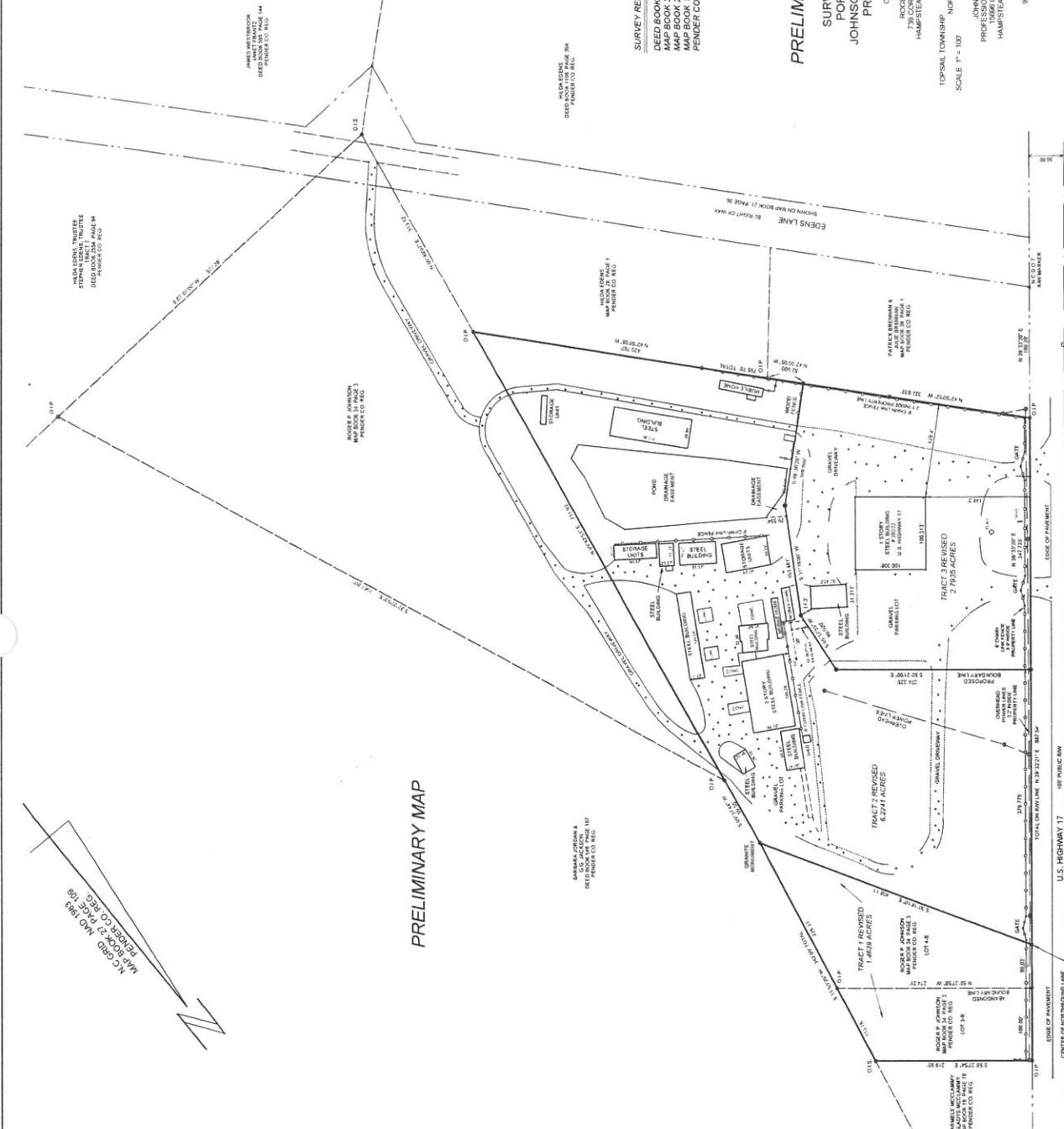


VICINITY MAP
NOT TO SCALE

- LEGEND**
- N.I.P. NEW IRON PIPE
 - O.I.P. OLD IRON PIPE
 - E.C.M. CONCRETE MONUMENT
- LEGEND**
- IRON PIPE SET
 - IRON PIPE FOUND
 - PROPERTY LINE
 - RIGHT OF WAY LINE
 - EASEMENT LINE

NOTE:
UNDERGROUND UTILITIES AND CABLES ON THIS SURVEY ARE SHOWN AS FOUND ALONG U.S. HIGHWAY 17 AND WERE NOT LOCATED ON THIS SURVEY. CAUTION SHOULD BE USED PRIOR TO AND AT THE TIME OF ANY EARTH DISTURBING ACTIVITY IN THESE AREAS.

PRELIMINARY MAP



CONTRAST COURSES FROM PIPE FOUND
N.C. GRID COORDINATES
E. 2, 490, 815.24
N. 2, 299, 815.24
MAGN. 1983



REVISED NOVEMBER 30, 2011
REVISIONS TO PREVIOUS AND
REMOVED BOUNDARIES OF
TRACTS 1, 2, AND 3.

PRELIMINARY MAP
SURVEY OF A
PORTION OF
JOHNSON'S MARINE
PROPERTY

OWNED BY
ROGER P. JOHNSON
7500 W. HAMPSTEAD RD.
HAMPSTEAD, NORTH CAROLINA
28443

TOPSAIL TOWNSHIP
NORTH CAROLINA
SEPTEMBER 13, 2009

SCALE: F = 100

JOHN A. BENSON, JR.
PROFESSIONAL LAND SURVEYOR
10896 U.S. HIGHWAY 17
HAMPSTEAD, NORTH CAROLINA
28443
910.270.0640

SURVEY REFERENCES
DEED BOOK 2882, PAGE 335
DEED BOOK 2882, PAGE 336
MAP BOOK 27, PAGE 109
MAP BOOK 19, PAGE 78
PENDER COUNTY REGISTRY

JAMES WESTBROOK
DEED BOOK 28, PAGE 144
PENDER CO. REG.

HELEN GRIFFIN TRUSTEE
STEPHEN TRACY TRUSTEE
DEED BOOK 20, PAGE 134
PENDER CO. REG.

WILCO BOND
DEED BOOK 100, PAGE 704
PENDER CO. REG.

WILCO BOND
MAP BOOK 28, PAGE 1
PENDER CO. REG.

PATRICIA BRENNAN A
DEED BOOK 28, PAGE 1
PENDER CO. REG.

ARMANDA JOHNSON
DEED BOOK 20, PAGE 134
PENDER CO. REG.

M.C. NO. 1881
MAP BOOK 27, PAGE 109
PENDER CO. REG.

U.S. HIGHWAY 17
100' PUBLIC R/W

EDGE OF PAVEMENT
CENTER OF DOWNSHIFTING LANE