



REQUEST FOR BOARD ACTION

ITEM NO. 23.

DATE OF MEETING: March 18, 2013

REQUESTED BY: Ashley Frank, Planner II, Planning & Community Development Department

SHORT TITLE: Request a Zoning Map Amendment for a General Use Rezoning for One (1) Tract from PD, Planned Development District, to GB, General Business District.

BACKGROUND: I. Michael Bardaxis, applicant and owner, is requesting approval of a Zoning Map Amendment for a general use rezoning of one (1) tract totaling 6.96 acres from PD, Planned Development District, to GB, General Business District. The property is located at 20062 US Highway 17, Hampstead, along the south side of US Highway 17, between Amanda Lane and Edens Lane, and may be identified by Pender County PIN 4204-96-2883-0000.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider a request for a Zoning Map Amendment for a general use rezoning of one (1) tract totaling 6.96 acres from PD, Planned Development District, to GB, General Business District.

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

on March 18, 2013 the Pender County Board of Commissioners (approved, modified, denied) a Zoning Map Amendment for a general use rezoning of one (1) tracts totaling 6.96 acres from PD, Planned Development District, to GB, General Business District. The property is located at 20062 US Highway 17, Hampstead, along the south side of US Highway 17, between Amanda Lane and Edens Lane, and may be identified by Pender County PIN 4204-96-2883-0000, as described herein. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown: ___ McCoy: ___ Tate: ___ Ward: ___ Williams: ___

George R. Brown, Chairman 03/18/2013
Date

ATTEST 03/18/2013
Date

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: March 18, 2013- Board of Commissioners

Case Number: 10845- Bardaxis (ZMA)

Applicant: Ignatius Michael Bardaxis

Property Owner: Ignatius Michael Bardaxis

Rezoning Proposal: I. Michael Bardaxis, applicant and owner, is requesting approval of a Zoning Map Amendment for a general use rezoning of one (1) tract totaling 6.96 acres from PD, Planned Development District, to GB, General Business District.

Property Record Numbers, Acreage, and Location: The property is located at 20062 US Highway 17, Hampstead, along the south side of US Highway 17, between Amanda Lane and Edens Lane, and may be identified by Pender County PIN 4204-96-2883-0000.

Planning Board Recommendation: On March 5, 2013, the Pender County Planning Board voted unanimously in favor of passing a motion to recommend APPROVAL of the aforementioned rezoning request.

Staff Recommendation: The request complies with the criteria set forth in Article 3.3.8 of the Unified Development Ordinance. The request is not in conflict with 2010 Comprehensive Land Use Plan. The Pender County Planning Board recommended approval of this request; therefore, staff respectfully recommends that the request be approved.

HISTORY:

The tract was originally zoned Rural Agricultural and Business Highway (split zoned) until November 17, 2003. The property was rezoned to PD, Planned Development District, during a comprehensive county-initiated rezoning.

The subject property is currently vacant; however the past use was a manufactured home dealer. That particular use was established sometime after 1998 prior to 2003 and continued through 2008. Information provided by the Pender County Tax Office shows that the manufactured home sales/dealership was discontinued in 2009.

DESCRIPTION:

Michael Bardaxis, applicant and owner, is requesting approval of a Zoning Map Amendment for a general use rezoning of one (1) tract totaling 6.96 acres from PD, Planned Development District, to GB, General Business District.

The property is located the northeast corner of US Highway 17 and Amanda Lane.

The property has direct access to US Highway 17. The North Carolina Department of Transportation will require the existing driveway to be evaluated at the time new use is established.

Currently there is a well onsite, which has provided potable water service to the property. If a new use is established, evaluation to connect to Pender County Utilities would be required.

The subject property is located within Zone X, areas outside of the 0.2 percent annual chance floodplain, according to the 2007 Flood Insurance Rate Maps (FIRMs) adopted February 16, 2007, Map Number 3720420400J, Panel Number 4204.

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

EVALUATION:

- A. Public Notifications:** Public Notice of the proposal for map change has been advertised in the *Pender-Topsail Post and 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:** All the adjoining and adjacent properties are zoned PD, Planned Development District, with the exception of the property to the south which is zoned RP, Residential Performance District.
- C. Existing Land Use in Area:** The existing land use in the area includes vacant tracts to the north across US Highway 17. Along the eastern boundary of the subject property is Hilda's Manufactured Home Park. To the south are vacant tracts and Cardinal Acres Manufactured Home Park. To the west are vacant tracts.
- D. 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. The following goals and policies within this plan may be relevant to the proposed Zoning Map Amendment 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.*
 - i. 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.*
 - ii. 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.*
 - b. 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.*
 - i. Policy 10A.1.6:** *New and expanding industries and businesses shall be encouraged to 1) diversify the local economy, 2) train and utilize a more highly skilled labor force and 3) increase per capita income.*

Additionally, the Zoning Map Amendment (ZMA) request does not conflict with any goals and policies in the 2010 Pender County Comprehensive Land Use Plan.

E. 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 applicant is requesting approval of a Zoning Map Amendment for a general use rezoning of one (1) tract totaling 6.96 acres from PD, Planned Development District, to GB, General Business District. The request complies with the criteria set forth in Article 3.3.8 of the Unified Development Ordinance. The request is not in conflict with 2010 Comprehensive Land Use Plan. The Pender County Planning Board recommended approval of this request; therefore, staff respectfully recommends that the request be approved.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:

Cape Fear Council of Governments RPO

It appears that this site is in the existing MPO area or that area they are taking over. I therefore have no comment.

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 issue with the rezoning, but any future development will have to have a wetland delineation done on the property.

NC DOT Division of Highways

NC DOT has no comments.

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

We do NOT have problems with this request.

Pender County Parks and Recreation

Parks and Recreation has no issues with this request.

Pender County Public Library

No response.

Pender County Public Utilities

No comment from PCU

Pender County Schools

No response.

Pender County Sheriff's Department

No response.

Pender County Soil and Water Conservation District
Soil & Water sees no problem with this request.

Progress Energy Corporation
No response.

US Army Corps of Engineers
No response.

Wilmington Metropolitan Planning Organization
I have reviewed the General Use Rezoning request for Case # 10845, which will be a rezoning from PD, Planned Development District to GB, General Business District. The WMPO does not have any comments for the applicant at this time.

Planning Board

Motion: Edens Seconded: Williams

Approved: X Denied: _____ Unanimous X

Boney: Marshburn: Baker: Edens: McClammy: Nalee: Williams: