



**REQUEST FOR BOARD ACTION**

ITEM NO. 14.

**DATE OF MEETING:** May 20, 2013

**REQUESTED BY:** Benjamin Andrea, Senior Planner, Planning & Community Development

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

**BACKGROUND:** Coastal Land Design, applicant, on behalf of 1400 Nowell Road LLC, owner, is requesting approval of a Zoning Map Amendment for a general use rezoning of one tract totaling 0.48 acres from RP, Residential Performance to GB, General Business. The property is located at 12395 NC Highway 50, Hampstead, and may be identified by PIN 4236-33-6148-0000.

**SPECIFIC ACTION REQUESTED:** To hold a public hearing and consider the request to rezone a 0.48 acre tract from RP, Residential Performance to GB, General Business zoning district.

**RESOLUTION**

**NOW, THEREFORE, BE IT RESOLVED**, that on May 20, 2013, 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 \_\_\_\_\_ McCoy \_\_\_\_\_ Tate \_\_\_\_\_ Ward \_\_\_\_\_ Williams \_\_\_\_\_

\_\_\_\_\_  
George R. Brown, Chairman 5/20/2013  
Date

\_\_\_\_\_  
ATTEST 5/20/2013  
DATE

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

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**SUMMARY:**

**Hearing Date:** May 7, 2013 – Planning Board  
May 20, 2013 – Board of Commissioners  
**Application Number:** 10924 – Coastal Land Design (ZMA)  
**Applicant:** Coastal Land Design  
**Property Owner:** 1400 Nowell Road LLC

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

**Property Record Numbers, Acreage, and Location:** The property consists of 0.48 acres, is located at 12395 NC Highway 50, Hampstead, and may be identified by PIN 4236-33-6148-0000.

**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; therefore, staff respectfully recommends that the request be approved.

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**DESCRIPTION:**

Coastal Land Design, applicant, on behalf of 1400 Nowell Road LLC, owner, is requesting approval of a general use rezoning for one tract totaling 0.48 acres from RP, Residential Performance, to GB, General Business zoning district.

The subject property hosts an existing 1,440 sq. ft. office building and 2,000 sq. ft. metal warehouse structure, and has been utilized for various non-residential uses since construction over 10 years ago. A Special Use Permit request was approved for the property on November 19, 2012 for a real estate office (NAICS 531210).

The existing zoning in the area consists largely of RP, Residential Performance zoning district, in addition to some parcels within the Town of Surf City jurisdiction. The existing land uses in the area immediately around the subject property consists of high density single family residential along Parkside Lane, as well as low density residential and some non-residential uses including storage facilities, offices, and warehouses in the greater vicinity.

The 2010 Comprehensive Land Use Plan designates the subject property as Mixed Use. This land use classification identifies those areas of the county where a mixture of higher density and intensity of uses is to be encouraged, including a mixture of commercial, office, institutional, and high and medium density residential uses.

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

*Development Ordinance.* The General Business zoning district is intended to accommodate uses which require close access to major highways, and to provide convenient locations for businesses that 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, and a public notification sign has been placed on the property.
- B) **Existing Zoning in Area:** The existing zoning in the vicinity of the subject property consists of RP, Residential Performance zoning district and some properties within the jurisdiction of Surf City.
- C) **Existing Land Use in Area:** The existing land uses of the surrounding property consist of high density single family residential along Parkside Lane, as well as low density residential and some non-residential uses including storage facilities, offices, and warehouses in the greater vicinity.
- D) **2010 Comprehensive Land Use Plan Compliance:** The 2010 Comprehensive Land Use Plan designates the subject property as Mixed Use. This land use classification identifies those areas of the county where a mixture of higher density and intensity of uses is to be encouraged, including a mixture of commercial, office, institutional, and high and medium density residential uses.

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.1.3:** The County shall actively direct growth towards suitable land areas and away from fragile natural resource areas, conservation areas, and hazardous areas.
  - e) **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) **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 a 0.48 acre tract from RP, Residential Performance, to GB, General Business zoning district. 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 2010 Comprehensive Land Use Plan. Therefore, staff respectfully recommends that the request be approved.

**VOTING AND RESOLUTION:**

**Planning Board**

**Motion:** Williams Seconded Edens

**Approved:** 6-0 **Denied:** Unanimous

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



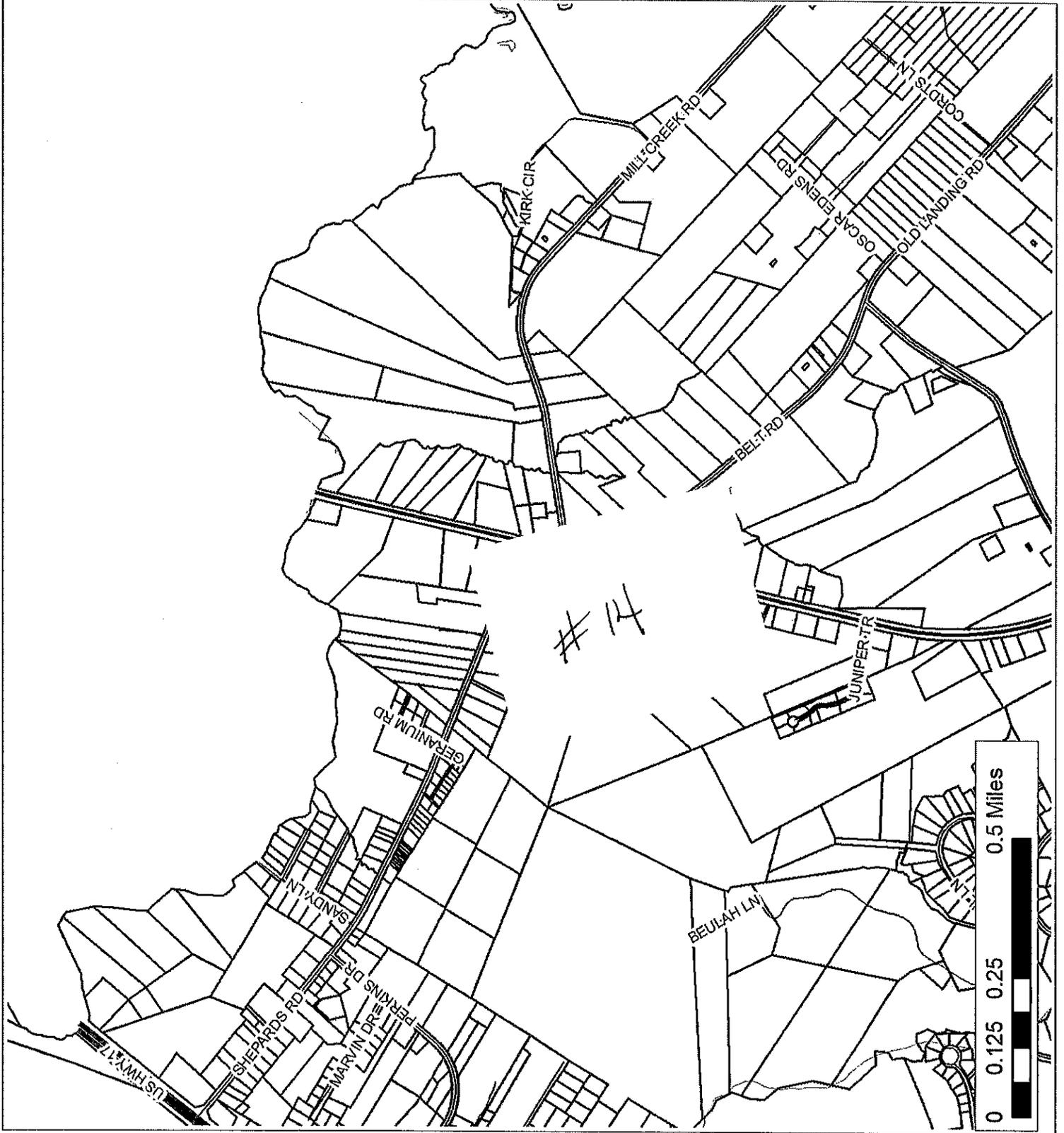
**Applicant:**  
Coastal Land Design

**Owner:**  
1400 Nowell Road LLC

**Zoning Map  
Amendment  
# 10924**



**VICINITY**





**Applicant:**  
Coastal Land Design

**Owner:**  
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**Zoning Map  
Amendment  
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- Subject Parcel
- Zoning Classification
- 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 (INCORP)
  - Manufactured Home Park (MH)
  - Residential Mixed (MF)



**ZONING**





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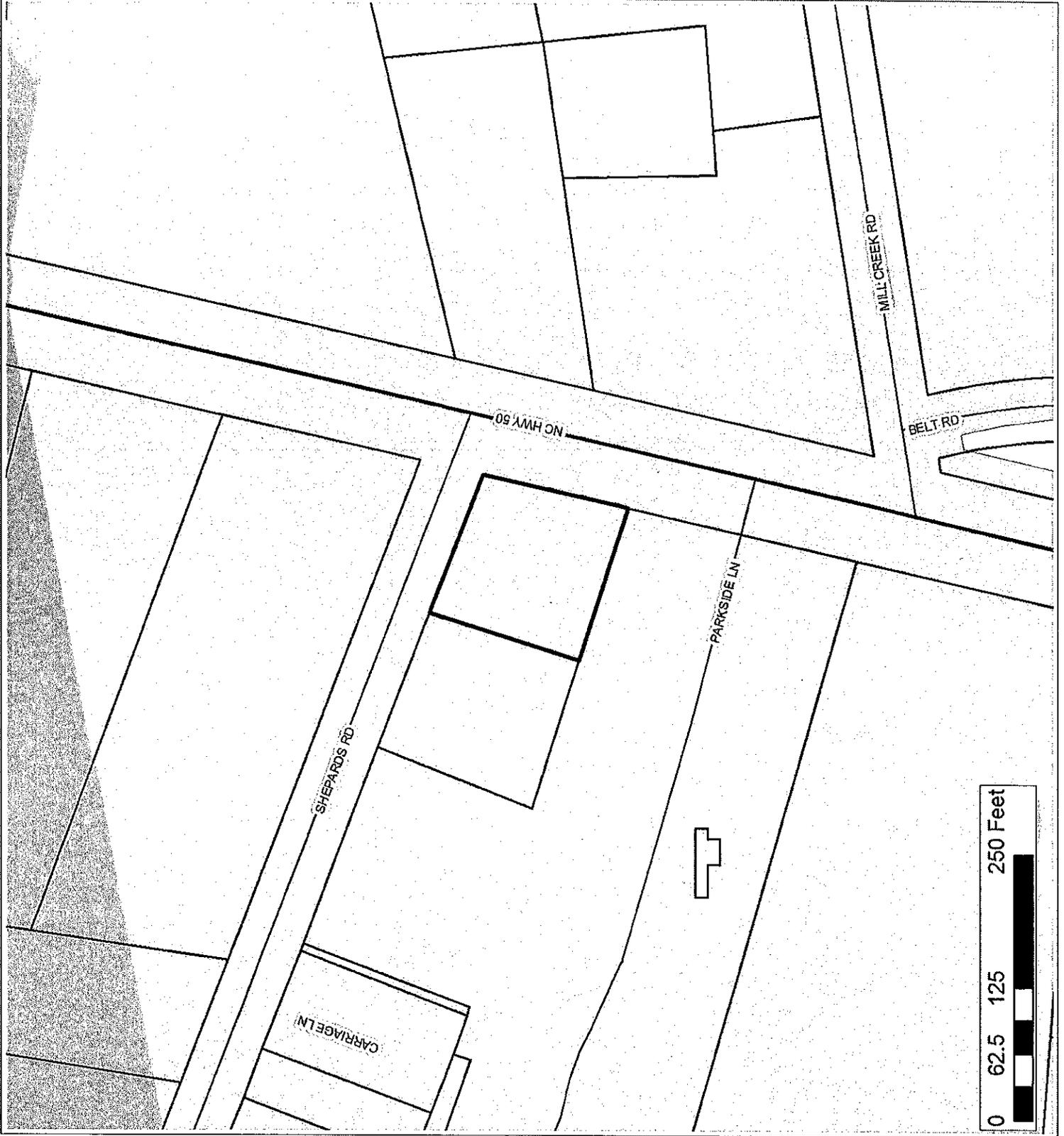
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**2010 Land Use Classification**

-  Conservation
-  Industrial
-  Mixed Use
-  Office, Institutional, Business
-  Rural Growth
-  Suburban Growth



**LAND USE  
CLASSIFICATION**





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**2012 AERIAL**

