



REQUEST FOR BOARD ACTION

ITEM NO. 16.

DATE OF MEETING: October 20, 2014

REQUESTED BY: Andy Christy, Planner I, Planning & Community Development

SHORT TITLE: Resolution to Approve a Zoning Map Amendment (ZMA) for a general use rezoning of one tract located at 12900 US HWY 17 in Hampstead from PD, Planned Development district to GB, General Business district.

BACKGROUND: Julia Ayala, applicant, on behalf of Whitebridge Development LLC, owner, is requesting approval of a zoning map amendment for a general use rezoning of one tract totaling 2.05 acres from PD, Planned Development district, to GB, General Business district. The subject property is located at 12900 US HWY 17 in Hampstead, and may be further identified by Pender County PIN 3282-20-7160-0000.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of a Zoning Map Amendment for a general use rezoning of one tract from PD, Planned Development district to GB, General Business district.

RESOLUTION

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

The Pender County Board of Commissioners (approved, modified, denied) a Zoning Map Amendment (ZMA) for a general use rezoning as described herein, and the Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

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

J. David Williams, Jr., Chairman 10/20/2014
Date

ATTEST 10/20/2014
Date

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: September 9, 2014 – Planning Board
October 20, 2014 – Board of Commissioners
Case Number: 11225 – Whitebridge Development LLC/Kenneth Lloyd (ZMA)
Applicant: Julia Ayala
Property Owner: Whitebridge Development LLC

Rezoning Proposal: Julia Ayala, applicant, on behalf of Whitebridge Development LLC, owner, is requesting approval of a zoning map amendment for a general use rezoning for one tract totaling 2.05 acres from PD, Planned Development district, to GB, General Business district.

Property Record Number, Acreage, and Location: The subject property is located at 12900 US HWY 17 in Hampstead, and may be identified by Pender County PIN 3282-20-7160-0000. There is one tract associated with this request totaling 2.05 acres.

Planning Board Recommendation: On September 9, 2014, 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 all criteria set forth in Article 3.3.8 of the *Pender County Unified Development Ordinance*. The request is not in conflict with the *2010 Comprehensive Land Use Plan*. Staff respectfully recommends that the request be approved.

HISTORY:

The subject property was zoned RA, Rural Agricultural district, until November 2003. During the Pender County comprehensive rezoning in 2003, the property was up-zoned to PD, Planned Development district.

DESCRIPTION:

Julia Ayala, applicant, on behalf of Whitebridge Development LLC, owner, is requesting approval of a Zoning Map Amendment for a general use rezoning for one tract totaling 2.05 acres from PD, Planned Development district, to GB, General Business district.

The subject property is located at 12900 US HWY 17 in Hampstead, and may be identified by Pender County PIN 3282-20-7160-0000. The tract hosts a building that is currently occupied by Wilcox & Wilcox Construction Company.

The subject property meets the minimum lot size of 15,000 square feet and the minimum rezoning acreage requirement of one acre for the GB, General Business district. The tract is not located within the Special Flood Hazard Area (SFHA). The tract has direct access to US HWY 17 to the northwest and

access to Whitebridge Road via an existing driveway through the parcel to the southeast. The subject property has existing septic on-site, as well as access to Pender County Utilities water.

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 GB, 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.

PROJECT EVALUATION:

This zoning map amendment request has been evaluated for compliance with the *Pender County Unified Development Ordinance* and the *Pender County Comprehensive Land Use Plan*, as well as the existing land uses and zoning classifications in the surrounding area.

- 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 sign has been placed on the subject property.
- B. **Existing Zoning:** All adjacent properties are zoned PD, Planned Development district.
- C. **Existing Land Use:** The property area is bordered by a single, 10.06 acre vacant tract to the northeast, southeast, and southwest. The adjacent 13.37 acre tract to the northwest is across US HWY 17, and contains a mix of non-residential uses.
- D. **2010 Comprehensive Land Use Compliance:** The *2010 Comprehensive Land Use Plan* designates the subject property "Mixed Use." The Mixed Use land 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, pedestrian, and transit friendly manner. The following goals and policies within this plan may be relevant to the proposed Zoning Map Amendment:
 - 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.*

E. Unified Development Ordinance Compliance: This is a general use rezoning, which will allow all uses permitted-by-right in the GB, General Business Zoning district. The GB, 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. (§ 4.9.1)

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.*

F. Summary and Administrator Recommendation: The application consists of a general use rezoning of one tract (2.05 acres total) from PD, Planned Development district to GB, General Business district. As submitted, the application is in compliance with the standards of the Pender County Unified Developed Ordinance and is not in direct conflict of the Comprehensive Land Use Plan. Staff respectfully recommends approval for this general use rezoning.

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 11225	Date	7/25/14
Application Fee	\$ 500 ⁻	Receipt No.	142083
Pre-Application Conference	7/25/14	Hearing Date	9/9/14 - PB 10/20/14 Bocc
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Julia Ayala	Owner's Name:	Whitebridge Development, LLC
Applicant's Address:	123 Palm Cottage DR.	Owner's Address:	KENNETH G. LLOYD, MANAGER P.O. BOX 10720
City, State, & Zip	Hampstead, NC 28443	City, State, & Zip	Wilmington, NC 28104-0720
Phone Number:	919-600-2610	Phone Number:	910-686-1885 / 919-471-4265
Legal relationship of applicant to land owner: Future TENANT			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3282-20-7160-000	Total property acreage:	2.05 +/-
Current Zoning District:	PD	Proposed Zoning District:	General BUSINESS
Project Address :	101 Whitebridge Road Hampstead, NC 28443		
Description of Project Location:	Corner of Whitebridge Road and US HWY 17 North		
SECTION 3: SIGNATURES			
Applicant's Signature	Julia Ayala, future tenant	Date:	7/25/2014
Owner's Signature	Kenneth G. Lloyd	Date:	7/25/2014
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 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 type="checkbox"/> Y <input checked="" type="checkbox"/> N	Plan Sets	# of large
			# of 11X17 13
			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 # 1695
Application received by:			Date:
Application completeness approved by:	<i>Andrew H. Cling</i>		Date: 7/25/14
Dates scheduled for public hearing:			
<input checked="" type="checkbox"/> Planning Board: 9/9/14			
<input checked="" type="checkbox"/> Board of Commissioners: 10/20/14			

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

Print Form

Narrative for Rezoning of Tax Parcel

#3282-20-7160-0000

I am requesting a Rezoning of the above referenced parcel from PD to General Business. The PD zoning places a significant burden on the property owner by requiring a Master Development Plan for any **change in use** of the property. It is my understanding this property has been in continuous use as a commercial office for over twenty five years. I believe this location on US Highway 17 is better suited for General Business use instead of the Residential/Commercial use under the PD zoning. Also, the General Business zoning would not require the property owner to submit a Master Development Plan. Thank you for your serious consideration of my request.

Sincerely,



Kenneth G. Lloyd, Manager/Member

Whitebridge Development, LLC



Julia Argento, future tenant

Sharon Lear Willoughby Register of Deeds
05-16-2014 15:37:00.001 Pender County, NC
NC REVENUE STAMP: \$1100.00 (#69997)

All or a portion of the property herein conveyed ___ does X not include the primary residence of a Grantor or ___ the property is a vacant lot and does not include the primary residence of any Grantor.

(Excise Tax) \$ 1100.00 ✓ Recording time, Book and Page

Tax Parcel No. 3281-39-0902-0000; 3282-30-4135-0000; 3282-20-7160-0000; ✓
3231-57-9175-0000; and 3281-38-9098-0000

Prepared By : James A. MacDonald, Attorney
Return To: The MacDonald Law Firm PLLC ✕
1508 Military Cutoff Road, Suite 102
Wilmington, North Carolina 28403

Grantor:
Wilcox & Wilcox
P.O. Box 963
Hampstead, NC 28443

Grantee:
Whitebridge Development, L.L.C.
Attn: Kenneth G. Lloyd
P.O. Box 10720
Wilmington, N.C. 28404-0720 ✓

This instrument was prepared by James A. MacDonald, a licensed North Carolina attorney. Delinquent taxes, if any, are to be paid by the closing attorney to Pender County Tax Collector upon disbursement of closing proceeds. The closing attorney is James A. MacDonald.

STATE OF NORTH CAROLINA

WARRANTY DEED

COUNTY OF PENDER

THIS DEED, made this 15th day of May, 2014, by and between WILCOX & WILCOX, a North Carolina General Partnership, hereinafter called the Grantor, and WHITEBRIDGE DEVELOPMENT, L.L.C., a North Carolina limited liability company, hereinafter called the Grantee. The designation Grantor and Grantee as used herein shall include said parties, its heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH:

NOW THEREFORE said Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does hereby grant, bargain, sell and convey unto the said Grantee, its heirs, successors, and assigns, in fee simple, all that certain lot or parcel of land situated in the County of Pender, North Carolina, and more particularly described as follows:

BEING ALL OF THAT PROPERTY SHOWN ON EXHIBIT "A" WHICH IS HERETO ATTACHED AND INCORPORATED BY REFERENCE.

Together with all and singular the tenements, hereditament and appurtenances thereunto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and

A

appurtenances thereto belonging to the Grantee in fee simple.

And the Grantors covenants with the Grantee that Grantors are seized of the premises in fee simple and have the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, except unpaid ad valorem taxes not currently due, any easements or restrictions of record applicable to the property, any governmental or ordinances or building codes applicable to the property, if any, and that Grantors will WARRANT and DEFEND the title against the lawful claims of all persons whomsoever except for exceptions herein stated.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed by its duly authorized manager, the day and year first above written.

WILCOX & WILCOX
a North Carolina General Partnership

BY: David A. Wilcox (Seal)
David A. Wilcox, General Partner

BY: Christopher B. Wilcox (Seal)
Christopher B. Wilcox, General Partner

STATE OF NORTH CAROLINA
COUNTY OF Brunswick

I certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: David A. Wilcox, General Partner of WILCOX & WILCOX, a North Carolina general partnership [CHECK ONE] (i) I have personal knowledge of the identity of the principal; or (ii) I have seen satisfactory evidence of the principal's identity by a current state or federal identification, with the principal's photograph, in the form of a

Date: May 15, 2014.
Sharon L. Waddell
Notary Public Signature
Sharon L. Waddell
Notary Public's Printed Name

My Commission Expires: 05/04/2016

(Official Seal of Notary)



STATE OF NORTH CAROLINA
COUNTY OF Brunswick

I certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Christopher B. Wilcox, General Partner of WILCOX & WILCOX, a North Carolina general partnership [CHECK ONE] (i) I have personal knowledge of the identity of the principal; or (ii) I have seen satisfactory evidence of the principal's identity by a current state or federal identification, with the principal's photograph, in the form of a _____

Date: May 15, 2014.

Sharon L. Waddell
Notary Public Signature

Sharon L. Waddell
Notary Public's Printed Name

My Commission Expires: 05/04/2016

(Official Seal of Notary)



EXHIBIT "A"

BEGIN all of those tracts described in the deeds recorded in Deed Book 698 at Page 77, Deed Book 698 at Page 78, and Deed Book 698 at Page 79 of the Registry of Pender County, North Carolina.

LESS AND EXCEPT THE FOLLOWING:

- (A) All of Section 1, Whitebridge, as shown on the map recorded in Map Book 23 at Page 140;
- (B) All of Section 2, Whitebridge, as shown on the map recorded in Map Book 23 at Page 141;
- (C) All of the property shown on the map recorded in Map Book 24 at Page 96;
- (D) All of the property shown on the map recorded in Map Book 24 at Page 240;
- (E) All of the property shown on the map recorded in Map Book 30 at Page 119;
- (F) All of the property shown on the map recorded in Map Book 31 at Page 9;
- (G) All of the property shown on the map recorded in Map Book 31 at Page 66;
- (H) Any of the property that may have been conveyed by the boundary line agreement recorded in Deed Book 1488 at Page 252, and as shown on the map recorded in Map book 32 at Page 110, of the Pender County Registry;
- (I) All of Section III, Whitebridge, as shown on the map recorded in Map Book 36 at Page 58;
- (J) All of the property shown on the map recorded in Map Book 36 at Page 144;
- (K) All that certain 20.38 acre tract conveyed to Corbett by the Deed recorded in Deed Book 1246 at Page 71 of the Pender County Registry.
- (L) All of the following Lots:
 - All of Lot 2, Section 4C, Whitebridge, Map Book 50 at Page 37
 - All of Lot 3, Section 4C, Whitebridge, Map Book 50 at Page 37
 - All of Lot 7 Section 4D, Whitebridge, Map Book 51 at Page 66
 - All of Lot 8, Section 4D, Whitebridge, Map Book 51 at Page 66
 - All of Lot 9, Section 4D, Whitebridge, Map Book 51 at Page 66
 - All of Lot 10, Section 4D, Whitebridge, Map Book 51 at Page 66
 - All of Lot 13, Section 4E, Whitebridge, Map Book 51 at Page 67
 - All of Lot 22, Section 4B, Whitebridge, Map Book 51 at Page 65
 - All of Lot 23, Section 4B, Whitebridge, Map Book 51 at Page 65
 - All of Lot 25, Section 4B, Whitebridge, Map Book 51 at Page 65

All Map Book and Page references are referring to those recorded in the Pender County Registry in Burgaw, North Carolina.



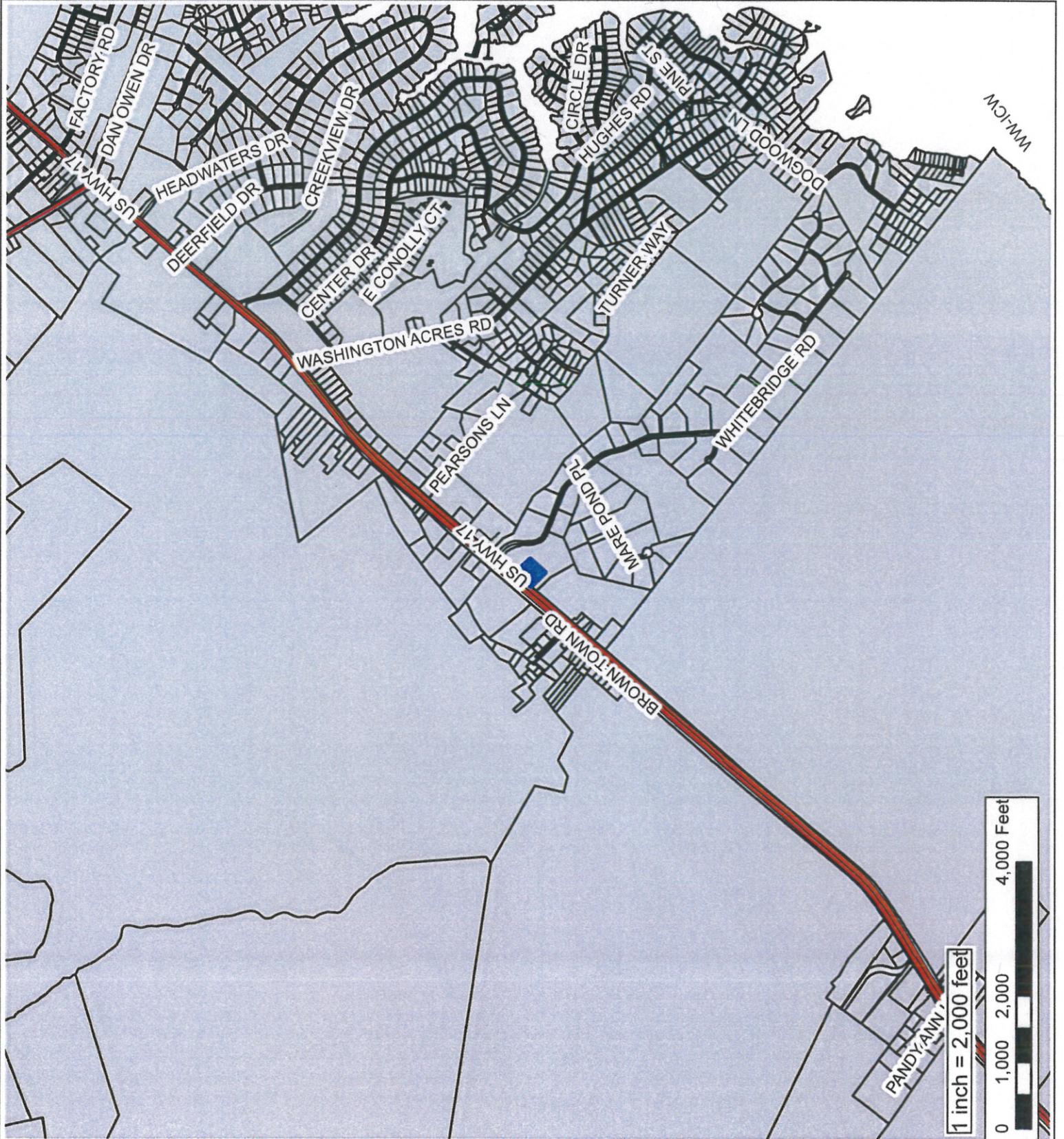
Applicant:
Julia Ayala

Owner:
Whitebridge
Development LLC

ZMA Case #
11225



VICINITY



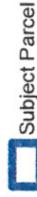


Applicant:
Julia Ayala

Owner:
Whitebridge
Development LLC

ZMA Case #
11225

Legend



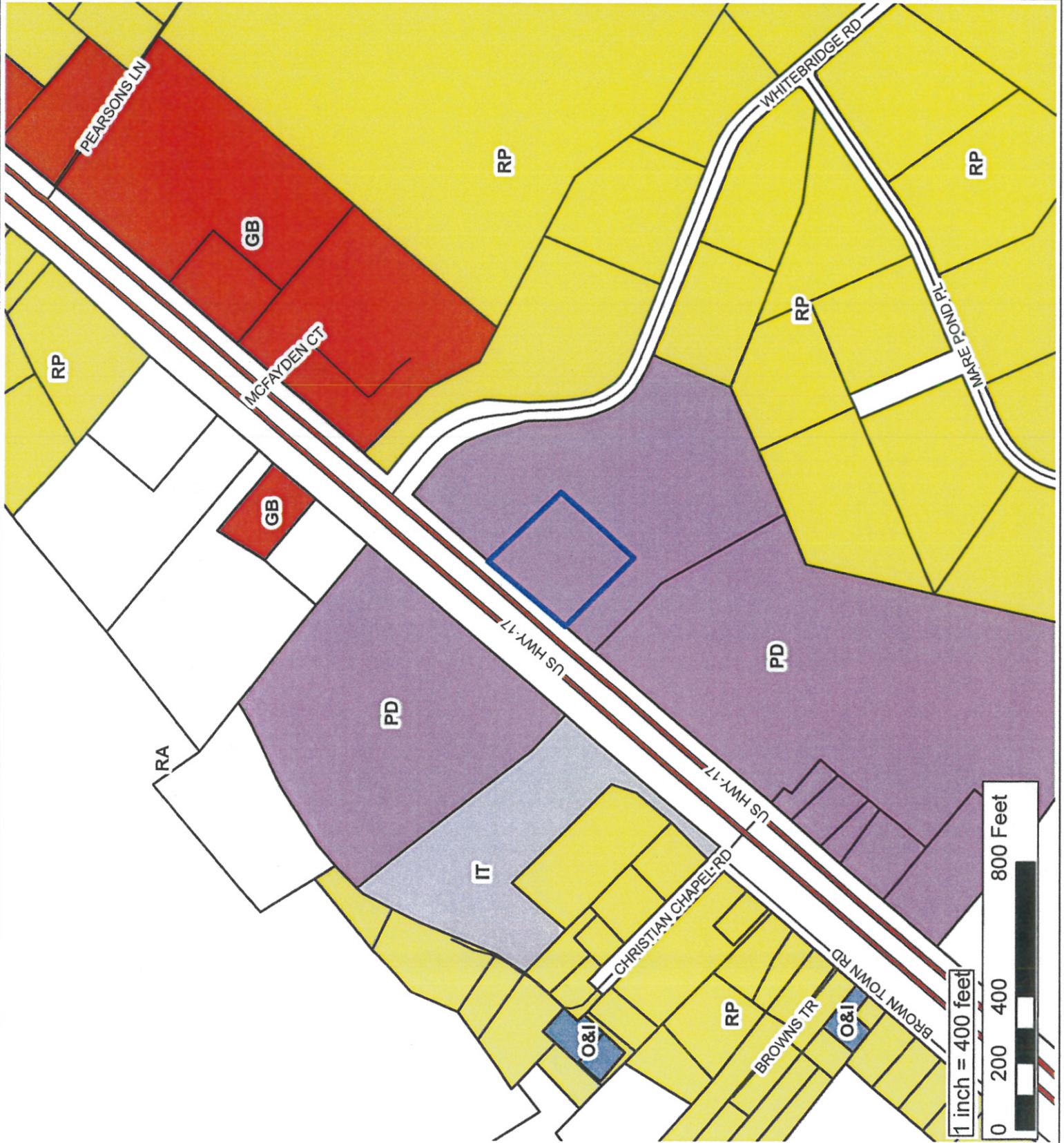
Zoning Classification

UDO Zoning

- 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





Applicant:
Julia Ayala

Owner:
Whitebridge
Development LLC

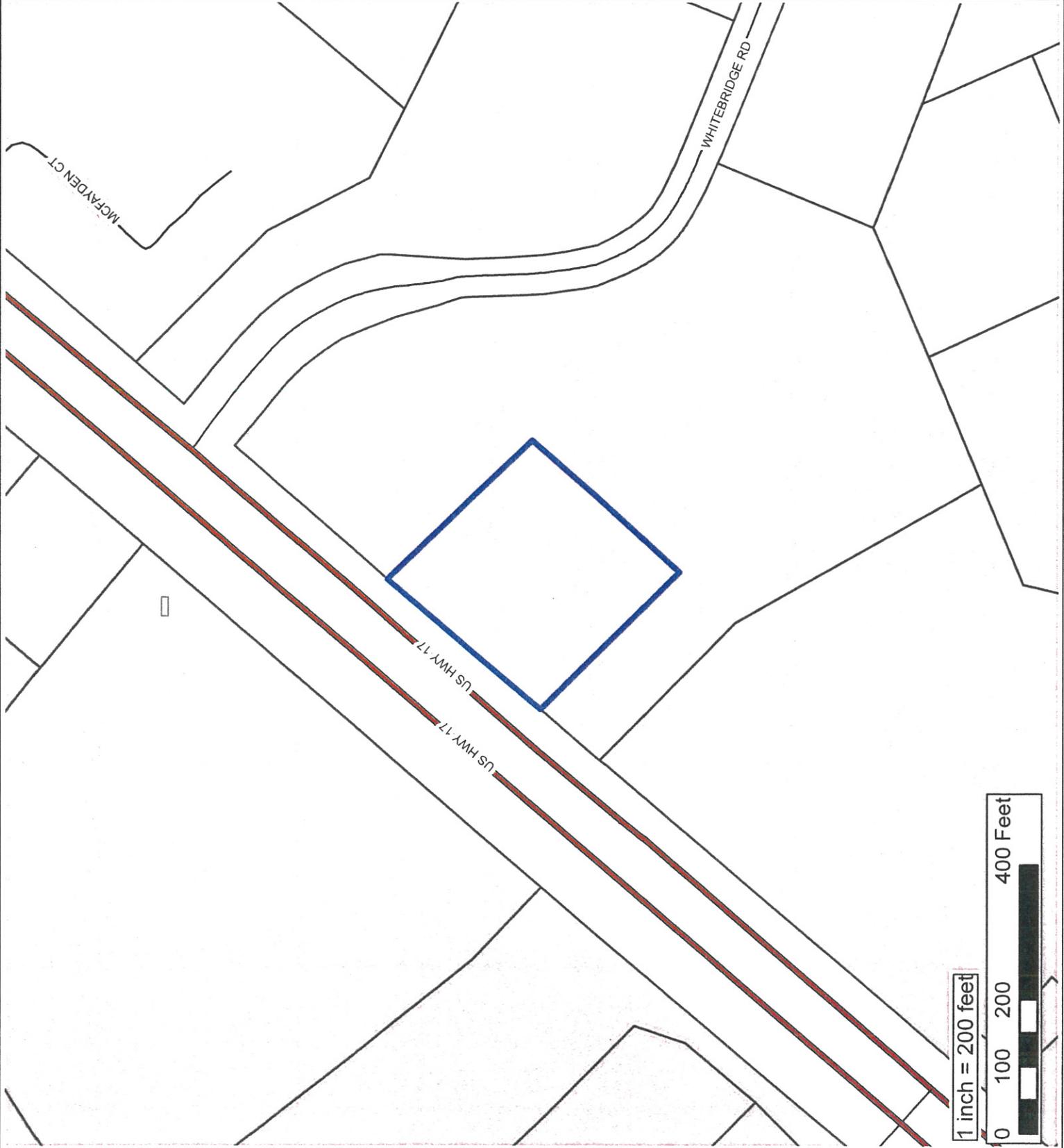
ZMA Case #
11225

2010 Land Use Classification

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



**LAND USE
CLASSIFICATION**



1 inch = 200 feet

0 100 200 400 Feet



Applicant:
Julia Ayala

Owner:
Whitebridge
Development LLC

ZMA Case #
11225

Legend



Aerial

