



## REQUEST FOR BOARD ACTION

ITEM NO. 15

**DATE OF MEETING:** December 1, 2014

**REQUESTED BY:** Kyle M. Breuer, Director, Planning & Community Development

**SHORT TITLE:** Resolution to Approve a Zoning Map Amendment (ZMA) for a general use rezoning of one tract located at 22018 US HWY 17 in Hampstead from GB, General Business zoning district, to RP, Residential Performance zoning district.

**BACKGROUND:** Edward Sinram, applicant and owner, is requesting approval of a zoning map amendment for a general use rezoning for one tract totaling 0.508 acres from GB, General Business zoning district, to RP, Residential Performance zoning district. The subject property is located at 22018 US HWY 17 in Hampstead, and may be further identified by Pender County PIN 4215-55-1517-0000.

**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 GB, General Business zoning district, to RP, Residential Performance zoning 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: Brown \_\_\_ McCoy \_\_\_ Tate \_\_\_ Piepmeyer \_\_\_ : Williams \_\_\_

\_\_\_\_\_  
Chairman 12/1/2014  
Date

\_\_\_\_\_  
ATTEST 12/1/2014  
Date

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

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**SUMMARY:**

**Hearing Date:** November 5, 2014 – Planning Board  
December 1, 2014 – Board of Commissioners  
**Case Number:** 11256 – Sinram (ZMA)  
**Applicant:** Edward Sinram  
**Property Owner:** Same

**Rezoning Proposal:** Edward Sinram, applicant and owner, is requesting approval of a Zoning Map Amendment for a general use rezoning of a 0.508 acre tract from GB, General Business to RP, Residential Performance zoning district.

**Property Record Number, Acreage, and Location:** The subject property is located at 22018 US HWY 17 N Hampstead, NC, and may be identified by Pender County PIN 4215-55-1517-0000. There is one tract associated with this request totaling 0.508 acres.

**Planning Board Recommendation:** At their November 5, 2014 meeting, the Pender County Planning Board recommended denial of this request (4-2). Their recommendation was based on the request being detrimental to the use or development of adjacent property, and materially or adversely affecting the character of the general neighborhood based on the surrounding properties being zoned GB, General Business District.

**Staff Recommendation:** The request complies with all criteria set forth in Article §3.3.8 of the *Pender County Unified Development Ordinance* and complies with one (1) policy in the *2010 Comprehensive Land Use Plan*, while conflicting with none. Staff respectfully recommends that the request be approved.

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**HISTORY:**

This property was previously zoned RT, Rural Transitional zoning district prior to the adoption of the 2010 Unified Development Ordinance, at which time it was rezoned to GB, General Business.

The subject property is under a current Notice of Violation for the construction of an accessory/addition to the primary structure on the property. Permits were not obtained for the work completed.

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**DESCRIPTION:**

Edward Sinram, applicant and owner, is requesting approval of a zoning map amendment for a general use rezoning of 0.508 acres from GB, General Business to RP, Residential Performance zoning district. The property is located along the northeast side of US HWY 17 N, directly across from Morris Drive (private) and 22019 US HWY 17 N, which currently operates as a modular home dealer. The subject

property currently contains a structure with existing septic, water, and electrical service and may be identified by Pender County PIN 4215-55-1517-0000.

According to the narrative, the applicant would like to fully convert the structure on-site as a permanent residential dwelling for future use. However, the property is currently zoned GB, General Business, and per the Pender County UDO, single-family dwellings are not allowed in the General Business district (§5.3.2). Therefore, the applicant is applying for a general use rezoning to change the property from GB, General Business, to RP, Residential Performance.

Due to the fact that the parcel in question is adjacent to a parcel(s) of land that is currently zoned RP, Residential Performance, this tract of land meets the minimum rezoning acreage requirement of 5 acres for the RP.

In general, as the General Business district is a commercial classification this rezoning from GB to RP (A residential classification) results in the allowance of fewer “intensive” uses.

This is a general use rezoning which will encompass all uses permitted-by-right in the RP, Residential Performance District, as shown on the Permitted Use Table 5.2.3 of the Pender County Unified Development Ordinance. The Residential Performance District is intended to allow a variety of residential uses and densities and also limited commercial activities as well as agritourism. Existing or new agricultural and farm uses shall be allowed on undeveloped land prior to development.

#### **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. The relevant sections of the UDO are included in Attachment A.

- 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:*** To the north, south, and west (across US HWY 17) the properties are all zoned GB, General Business District. To the west contains an approximately 18 acre tract zoned RP, Residential Performance District.
- C. *Existing Land Use:*** The property is bordered to the north by the recently approved “Buddy’s Seafood Market”, and across US HWY 17 from “Custom Built Homes of the Carolinas”. The property to the south is vacant and undeveloped, and to the west contains an 18 acre tract which contains a single-family dwelling (22072 US HWY 17) .
- D. *2010 Comprehensive Land Use Compliance:*** The 2010 Comprehensive Land Use Plan designates the subject property “Mixed Use.” 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, pedestrian and transit friendly manner.

a. **Preferred Development Patterns Policy 3A.1.4:** *Consistently use the Comprehensive Land Use Plan, as well as other plans and studies, to determine if a rezoning request is appropriate and consistent with local policies.*

E. **Unified Development Ordinance Compliance:** This is a general use rezoning which will allow all uses permitted-by-right in the RP, Residential Performance zoning district. The RP zoning district is defined as follows: (“The Residential Performance District is intended to allow a variety of residential uses and densities and also limited commercial activities as well as agritourism. Existing or new agricultural and farm uses shall be allowed on undeveloped land prior to development.” (§ 4.7.2))

**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 0.508 acres from GB, General Business to the RP, Residential Performance zoning district. As submitted, the application is in compliance with the standards of the Pender County Unified Developed Ordinance and not in direct conflict of the Comprehensive Land Use Plan.

**VOTING AND RESOLUTION:**

**Planning Board**

Motion: Marshburn Seconded Edens

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

Williams: X McClammy: X Boney: \_\_\_ Baker: X Edens: \_\_\_ Marshburn: X Nalee: \_\_\_

### UDO §3.3.1 General Use Rezoning

- A. Amendments to the Zoning Map, also called a Rezoning, shall be made in accordance with the provisions of this Section and shall follow the review process as shown in Figure 1 at the end of Section 3.4.
- B. The County Commissioners shall approve or deny amendments to the Zoning Map of Pender County, as may be required from time to time.
- C. Rezoning must correspond with the boundary lines of existing platted lots or tracts. Where the boundaries of a rezoning request do not follow a boundary line or a split zoned property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this Ordinance. An illustration containing a metes and bounds description is required.
- D. All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, the rezoning shall be expanded to include all property necessary to meet zoning requirements.
- E. Must show substantial compliance with the goals and policies of the Comprehensive Land Use Plan.

### UDO §3.3.6 Action by Planning Board

- A. Before making any recommendation on a rezoning request, the Planning Board shall consider any recommendations from the Administrator and shall conduct a public hearing where interested parties may be heard.
- B. The Planning Board shall make a recommendation based on the Approval Criteria listed in 3.3.8.
- C. Following Planning Board review and recommendation, the completed request, Planning Board recommendation, staff recommendation and any related materials shall be forwarded to the County Commissioners.
- D. If the Planning Board fails to make a recommendation within 75 days following the date of the first hearing on the request, the County Commissioners may process the request without a recommendation.

### UDO §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.

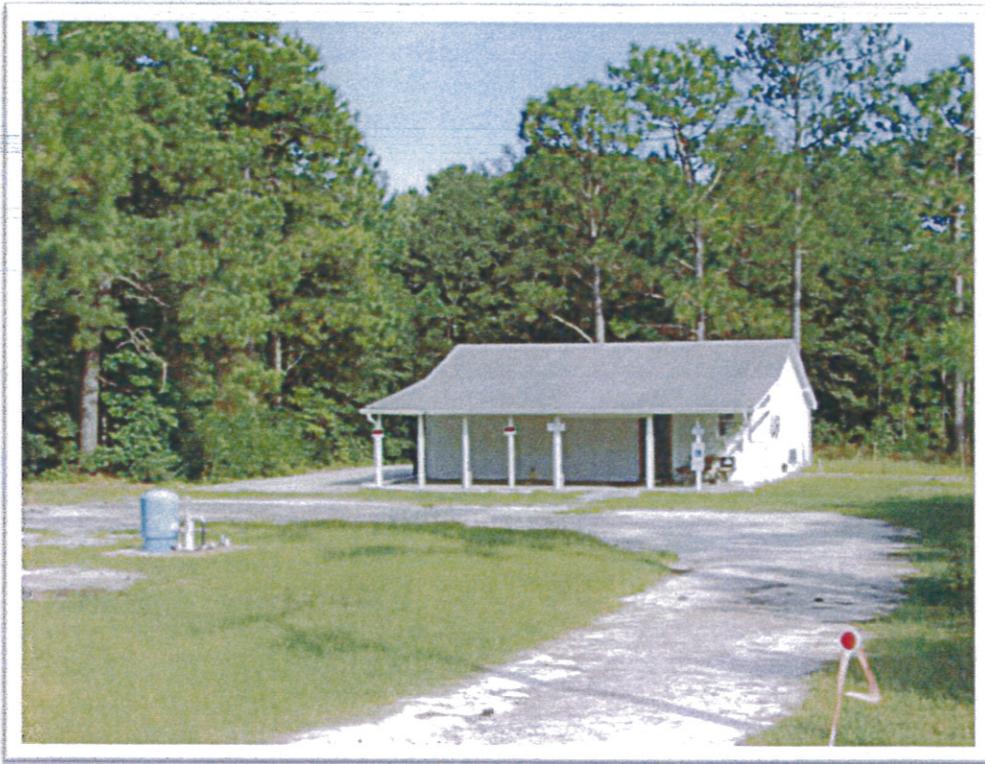
RECEIVED

SEP 04 2014

**APPLICATION FOR REZONING (Zoning Map Amendment)**

THIS SECTION FOR OFFICE USE		PENDER PLANNING DEPT.	
Application No.	ZMA 11256	Date	9/4/14
Application Fee	\$ 500 + Postage/envelope (2) + Copies of site map \$500	Receipt No.	142193
Pre-Application Conference	7/30/2014	Hearing Date	86 11/5/14 12/2/14 (BOCC)
<b>SECTION 1: APPLICANT INFORMATION</b>			
Applicant's Name:	Edward Sinram	Owner's Name:	same
Applicant's Address:	734 CASTLE BAY DR.	Owner's Address:	↓
City, State, & Zip	HAMPSTEAD N.C 28443	City, State, & Zip	
Phone Number:	910-789-0383	Phone Number:	
Legal relationship of applicant to land owner: OWNER			
<b>SECTION 2: PROJECT INFORMATION</b>			
Property Identification Number (PIN):	4215-55-1517-0000	Total property acreage:	1/2 Acre
Current Zoning District:	GB	Proposed Zoning District:	RP
Project Address :	22018 Hwy 17 N. Hampstead N.C 28443		
Description of Project Location:	EAST side of Hwy 17 APPROX. 1 mile NORTH OF Sloop Point Rd + APPROX 1 mile South of Hwy 210 EAST.		
<b>SECTION 3: SIGNATURES</b>			
Applicant's Signature	Edward F. Sinram	Date:	9-3-14
Owner's Signature	Edward F. Sinram	Date:	9-3-14
<b>NOTICE TO APPLICANT</b>			
<ol style="list-style-type: none"> <li>1. Applicant must also submit the information described on the Rezoning Checklist.</li> <li>2. Applicant or agent authorized in writing must attend the public hearing.</li> <li>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.</li> <li>4. All fees are non-refundable</li> <li>5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda</li> </ol>			

Case #11256 – Property photos taken from Pender County GIS.







**Applicant:**  
Edward Sinram

**Owner:**  
Same

**Zoning Map Amendment**  
11256

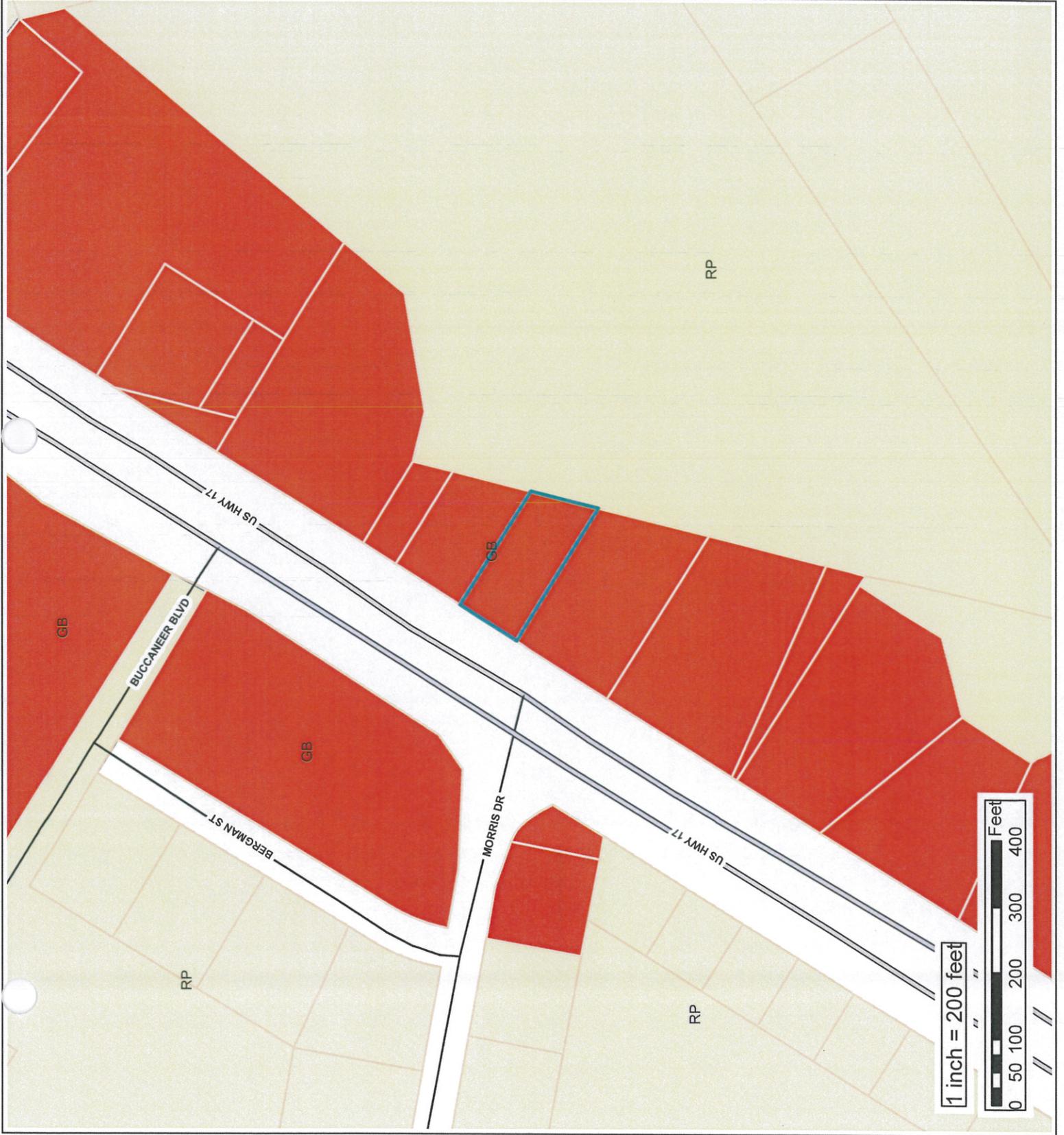
**Legend**

	Subject Property
	GB
	PD
	RP

**JDO\_ZONING**



**Current Zoning**





**Applicant:**  
Edward Sinram

**Owner:**  
Same

**Zoning Map Amendment**  
11256

Legend	
	Subject Property
	Future Land Use
	LU
	Conservation
	Industrial
	Mixed Use
	Rural Growth
	Suburban Growth



**Future Land Use**





**Applicant:**  
Edward Sinram

**Owner:**  
Same

**Zoning Map Amendment**  
11256



**Aerial - 2012**

