



REQUEST FOR BOARD ACTION

ITEM NO. 29

DATE OF MEETING: July 5, 2016

REQUESTED BY: Megan O'Hare, Senior Planner, Planning & Community Development

SHORT TITLE: Resolution Requesting Approval of a General Use Rezoning from PD, Planned Development zoning district to the GB, General Business zoning district.

BACKGROUND: Jerry Hedge, applicant, on behalf of Linwood Jones, owner, is requesting the approval of a Zoning Map Amendment of one (1) tract totaling approximately 0.84 acres from PD, Planned Development zoning district to GB, General Business zoning district. The subject property is located along the north side of Forest Sound Road approximately 300 feet southeast of the intersection of US HWY 17 and Forest Sound Road (private) in the Topsail Township and may be further identified by Pender County PIN: 3292-19-4204-0000.

SPECIFIC ACTION REQUESTED: To Hold a Public Hearing and Consider the Approval of a Zoning Map Amendment from PD, Planned Development zoning district to GB, General Business zoning district.

RESOLUTION

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

on July 5, 2016 the Pender County Board of Commissioners (approved, modified, denied) a Zoning Map Amendment request 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 ___ Keith ___ Piepmeyer ___ Williams ___

George Brown, Chairman 07/05/2016
Date

ATTEST 07/05/2016
Date

**PLANNING STAFF REPORT
ZONING MAP AMENDMENT**

SUMMARY:

Hearing Date: June 7, 2016 Planning Board
July 5, 2016 Board of Commissioners
Applicant: Jerry Hedge
Property Owner: Linwood Jones
Case Number: ZMA 232-2016

Rezoning Proposal: Jerry Hedge, applicant, on behalf of Linwood Jones, owner, is requesting approval of a Zoning Map Amendment of one (1) tract totaling approximately 0.84 acres from the PD, Planned Development zoning district to the GB, General Business zoning district.

Property Record Number, Acreage, and Location: The subject property is located on Forest Sound Road (private) approximately 300 feet southeast of the intersection of US HWY 17 and Forest Sound Road (private) in the Topsail Township and may be further identified by Pender County PIN: 3292-19-4204-0000.

RECOMMENDATION

The application is for a zoning map amendment of one (1) tract totaling approximately 0.84 acres from PD, Planned Development zoning district to GB, General Business zoning district. As submitted, the request complies with all criteria set forth in Section 3.3 Review Criteria for Rezoning of the Pender County Unified Development Ordinance and is consistent with one (1) goal and two (2) policies of the 2010 Comprehensive Land Use Plan and conflicts with none. There are no known conflicts with any adopted plans. The Planning Board unanimously recommended this zoning map amendment at their meeting on June 7, 2016.

HISTORY

The parcel was recorded in Map Book 48 Page 027 as seen in Attachment one. The parcel was originally a part of the Master Development Plan known as Hampstead Village.

DESCRIPTION

Jerry Hedge, applicant, on behalf of Linwood Jones, owner, is requesting approval of a Zoning Map Amendment of one (1) tract totaling approximately 0.84 acres from the PD, Planned Development zoning district to the GB, General Business zoning district. The subject property is located on Forest Sound Road (private), approximately 300 feet southwest of US HWY 17 in the Topsail Township.

The minimum acreage to rezone to GB, General Business zoning district is one (1) acre according to Section 4.14 of the Pender County Unified Development Ordinance, however note 3 in the same section states that if a parcel adjoins an established zoning district that is identical to the district that is applying for a rezoning then it is exempt from meeting the minimum area requirements for rezoning into that district. Due to 1.16 acres of Pender County Parcel Number 3292-19-2319-0000 being zoned General Business zoning district being directly to the northwest, this parcel is eligible to be rezoned despite being shy of one acre.

Access

The property has direct, recorded access to US HWY 17 from the 60-foot private right-of-way called Forest Sound Road. Any improvements are subject to review and approval by NCDOT at the time of a development application.

Utilities

Public water is available at the subject property through Pender County Utilities. The property is served by a private septic system. Any final zoning approvals are contingent upon review and approval by Pender County Utilities and the Environmental Health Department.

Environmental Concerns

There are no Areas of Environmental Concern (AEC) located on the property, nor any regulated Special Flood Hazard Area (SFHA) according to FEMA Flood Insurance Rate Map Number 3720321400J, adopted February 16, 2007. It appears there may be wetlands located on the property subject to review and approval of the Army Corps of Engineers.

All applicable state, federal and local agency permits are required prior to the issuance of final zoning.

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 on the subject parcel is PD, Planned Development zoning district. Directly adjacent to this property to the east is an undeveloped parcel zoned RP, Residential Performance zoning district. To the south is a large undeveloped parcel zoned RM-CD1 (Case #11458). The parcels to the west are exclusively zoned GB, General Business zoning district.

C) Existing Land Use in Area: The parcel is currently designated a business use and is home to a cellphone servicing station. The land to the south is undeveloped. Hampstead Village is located directly to the north. There is a bank located to the west. There is a drive-thru restaurant to the south.

D) 2010 Comprehensive Land Use Plan: The 2010 Comprehensive Land Use Plan designates the subject property as Mixed Use. The Mixed Use land use classification identifies those areas of Pender County 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. Mixed Use areas are intended to concentrate a mix of uses in convenient locations by promoting an efficient sustainable pattern of land uses.

This General Use Rezoning is consistent with one (1) goal and two (2) policies of the 2010 Comprehensive Land Use Plan and conflicts with none. The following goals and policies within this plan may be relevant to support the proposed Conditional Zoning map amendment;

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.

Policy 1A.1.4 The County shall actively direct growth towards suitable land areas and away from fragile natural resource areas, conservation areas and hazardous areas.

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 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board before a favorable recommendation of approval for a rezoning can be made.

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.

RECOMMENDATION

The application consists of a zoning map amendment request for approximately 0.84 acres from PD, Planned Development zoning district to GB, General Business zoning district. As submitted, the request complies with all criteria set forth in Section 3.3.8 of the Pender County Unified Development Ordinance and is consistent with one (1) goal and two (2) policies of the 2010 Comprehensive Land Use Plan. The request does not conflict with any existing policies, land uses, or zoning classifications. The Planning Board unanimously recommends the approval of the general use rezoning request.

BOARD ACTION FOR CONTIDTIONAL REZONING REQUEST

Motion: McClammy Seconded: Baker

Approved: X Denied: _____ Unanimous: X

Williams: X Fullerton: _____ Baker: X Carter: X Edens: X McClammy: X Nalee: X

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 232-2016	Date	4/27/16
Application Fee	\$ 500 —	Receipt No.	#141
Pre-Application Conference	4/8/2016	Hearing Date	June 7 PB July 5 BOCC
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Jerry Hedge	Owner's Name:	Linwood Jones
Applicant's Address:	124 Hughes Road	Owner's Address:	449 Grill Road
City, State, & Zip	Hampstead, NC 28448	City, State, & Zip	Clayton, NC 27520
Phone Number:	(910) 617-2913	Phone Number:	(910) 422-8015
Legal relationship of applicant to land owner:			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3262-19-4204-0000	Total property acreage:	.84
Current Zoning District:	PD	Proposed Zoning District:	GB
Project Address:	Forest Sound Road		
Description of Project Location:	.84 AC PB 48/27 LINWOOD JONES SURVEY RECOMB LOTS PT HAMPSTEAD Forest Sound Road		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	4-21-16
Owner's Signature		Date:	4-21-2016
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 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 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 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: \$ 500.00	
Attachments Included with Application: (Please include # of copies)			
CD /other digital version	<input type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets	# of large # of 11x17
Other documents/Reports	<input type="checkbox"/> Y <input type="checkbox"/> N		
Payment Method:	Cash : <input type="checkbox"/> \$ _____	Credit Cards: <input type="checkbox"/> MasterCard <input type="checkbox"/> Visa	Check: <input checked="" type="checkbox"/> Check # _____
Application received by:	Patrick O'Mahony		Date: 4/22/16
Application completeness approved by:	Jessica Fester		Date: 4/28/16
Dates scheduled for public hearing:			
<input type="checkbox"/> Planning Board: 6/7/16			
<input type="checkbox"/> Board of Commissioners: 7/15/16			

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

Print Form

April 21,2016

SEAGATE PROPERTIES, LLC
PO Box 911
Wrightsville Beach, NC 28480

RE: PIN:3292-19-4204-000 - .84 acres

We are requesting the rezoning of a .84 - acre parcel of land located at 75 Forest Sound Road Hampstead, NC 28443.

The current zoning is **PD-Planned Development**. The intent of the Planned Development (PD) District is to provide an alternative to a conventional development. The PD zoning districts allow projects of innovative design and layout that would not otherwise be permitted under this Ordinance because of the strict application of zoning district or general development standards. The PD District encourages progressive land planning and design concepts.

We would like the property to be zoned **GB: General Business** which is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail and personal service uses.

This parcel of land adjoins 1.16 acres which is currently zoned **GB: General Business**.

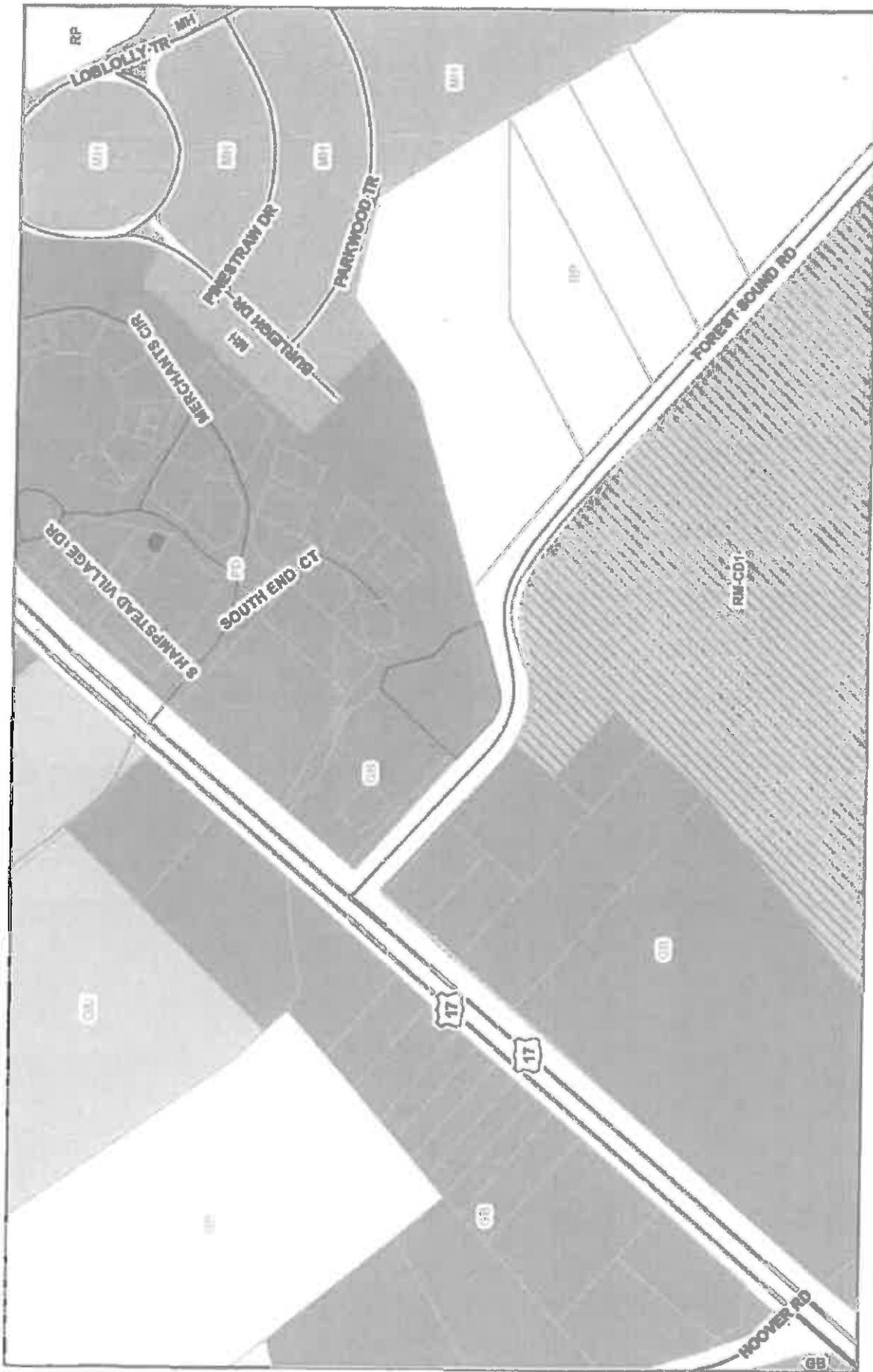
Thank You,



Jerry D. Hedge
SEAGATE PROPERTIES, LLC



Linwood Jones
Property Owner

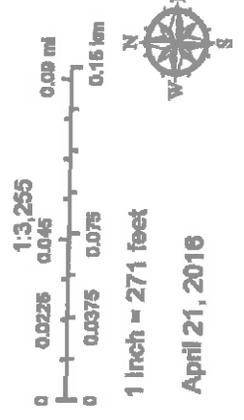


PN: 3292-19-4204-0000
Owner: JONES LINWOOD J
 449 GRILL RD
 CLAYTON, NC 27528
Deed Ref: 3348/173
Property Address: FOREST SOUND RD
Description: .84 AC PB 48/27 LINWOOD JONES SURVEY RECOMB LOTS PT HAMPSTEAD VILLAGE 2/1/14

Sale Price: \$Null
Sale Date: 2007-11-01
Pict: 00480027
Account No: 885372
Township: TOPSAIL
Subdivision: HAMPSTEAD BY THE SEA
Tax Codes: 081 F22 R40

Acres: 0.84
Land Value: \$93,678
Building Value: \$1,250
Total Value: \$94,928
Deferred Value: \$0
Exempt Amount:
PCL Class: R
Heated Sq Feet:

Zoning



1 inch = 271 feet
 April 21, 2016



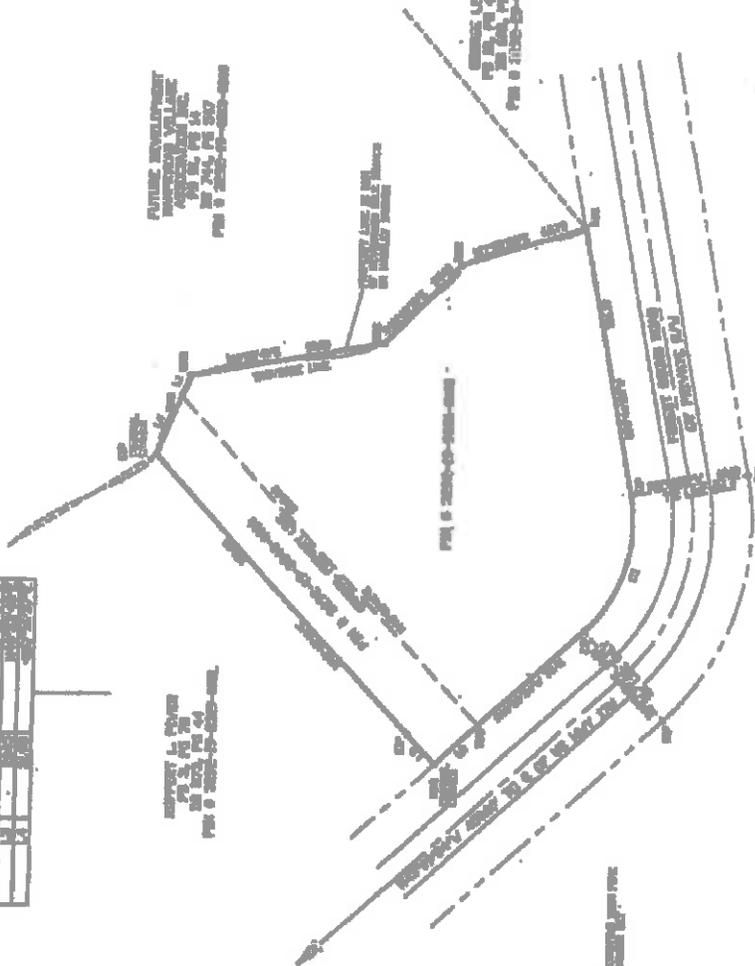
THE PLAN IS A PRELIMINARY DESIGN FOR THE PROPOSED HIGHWAY AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS SUBJECT TO CHANGE WITHOUT NOTICE. THE ENGINEER ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY RESULTING FROM THE USE OF THIS PLAN.

CURVE TABLE

STATION	CHORD BEARING	CHORD LENGTH	CHORD CENTER
1+00	250° 25'	100.00	100.00
2+00	250° 25'	100.00	100.00
3+00	250° 25'	100.00	100.00

LINE TABLE

LINE	LENGTH	BEARING
1	100.00	250° 25'
2	100.00	250° 25'
3	100.00	250° 25'



EXISTING SURVEY POINT
 POINT OF BEGINNING
 STATION 1+00.00
 BEARING 250° 25' 00"
 DISTANCE 100.00 FT

STATION 1+00.00
 BEARING 250° 25' 00"
 DISTANCE 100.00 FT

THE PROPOSED HIGHWAY IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, 1987 EDITION, AS AMENDED. THE DESIGN SPEED IS 55 MPH. THE PROPOSED HIGHWAY IS TO BE A TWO-LANE HIGHWAY WITH 12' WIDE TRAVEL LANE AND 4' WIDE SHOULDER. THE PROPOSED HIGHWAY IS TO BE GRADE-SEPARATED FROM THE EXISTING HIGHWAY BY A CONCRETE WALL AND RAMP.

STATION 1+00.00
 BEARING 250° 25' 00"
 DISTANCE 100.00 FT



DATE: 10/15/87
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 TOTAL AREA: 100.00 AC

PROPOSED
 HIGHWAY 2, PAGE 2
 PROPOSED AND FOR LAYOUT
 PROPOSED BY: [Name]
 CHECKED BY: [Name]

SOUTHWIND

10000 S. 100th Ave., Suite 100
 Greenwood, CO 80042
 (303) 441-1111

LINWOOD JONES

Professional Engineer
 No. 10000 S. 100th Ave., Suite 100
 Greenwood, CO 80042
 (303) 441-1111

MB 48 PG 027 SL 047

DATE OF ISSUE: 10/15/87
 SCALE: AS SHOWN
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Applicant:
Jerry Hedge

Owner:
Linwood Jones

**General Use
Rezoning**

Case Number:
232-2016

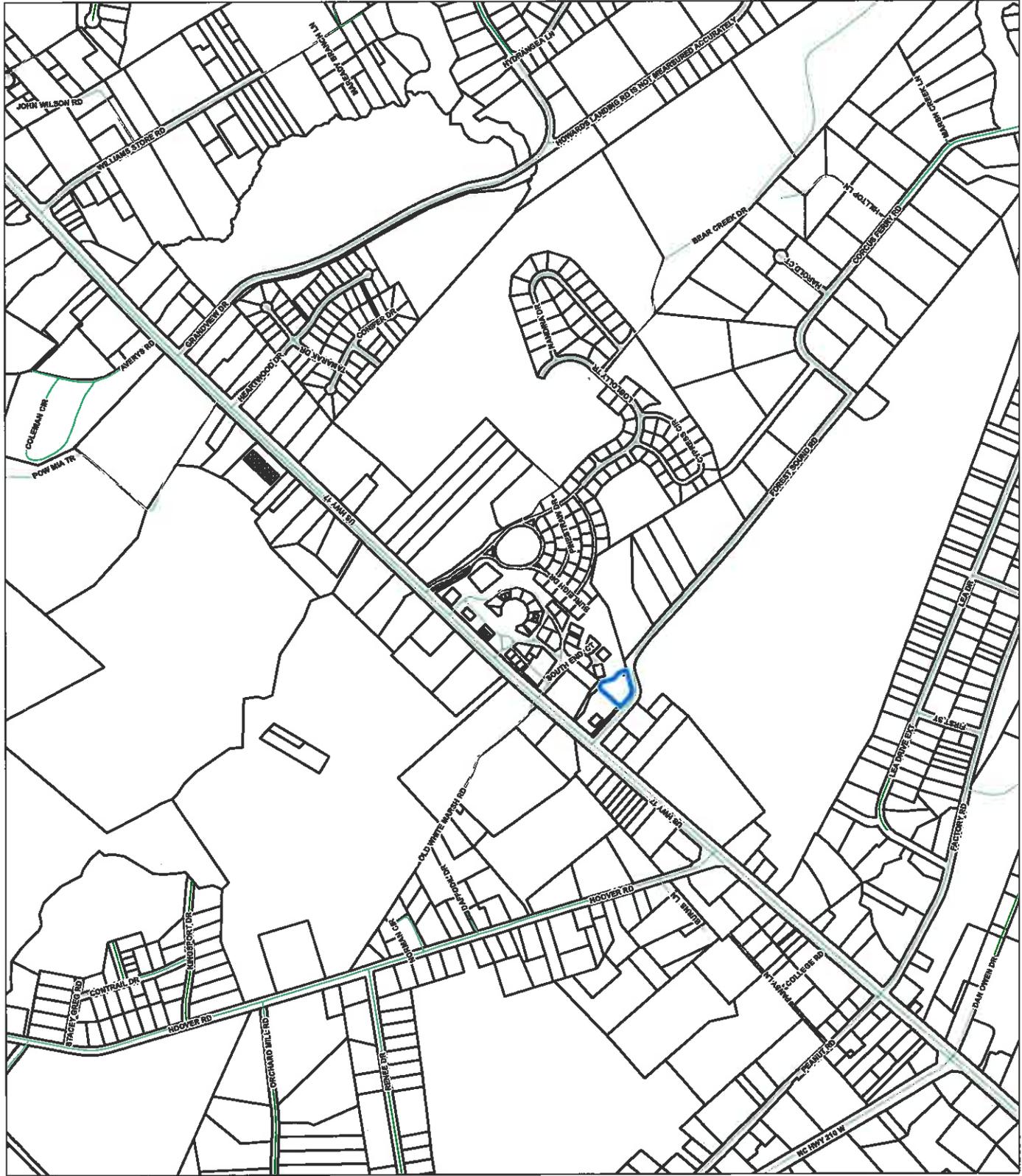
Legend



Subject Property



Vicinity





Applicant:
Jerry Hedge

Owner:
Linwood Jones

General Use Rezoning

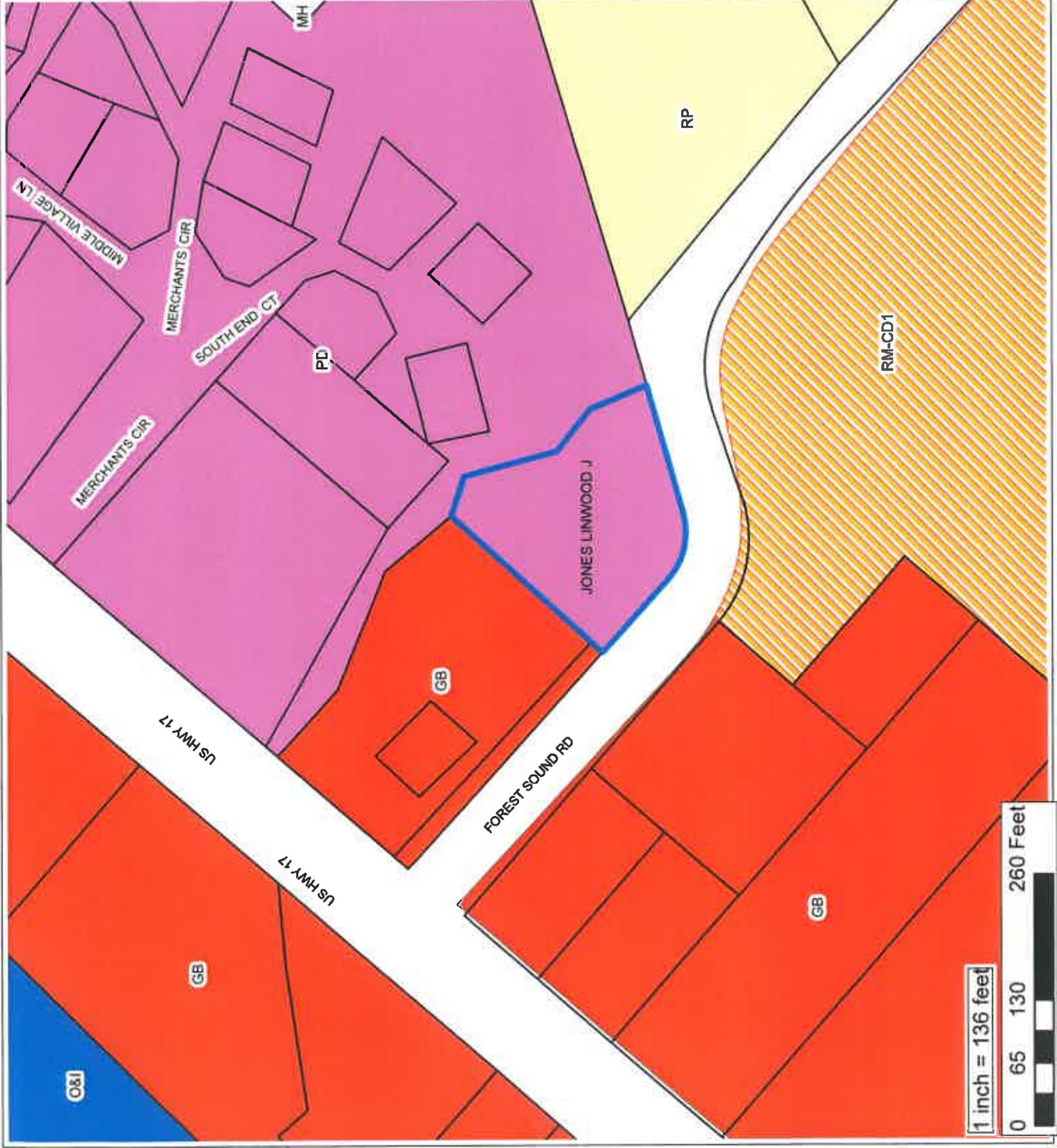
Case Number:
232-2016

Legend

-  General Business
-  Office & Institutional
-  Planned Development
-  Residential Mixed
-  Residential Performance
-  Subject Parcel



Current Zoning





Applicant:
Jerry Hedge

Owner:
Linwood Jones

**General Use
Rezoning**

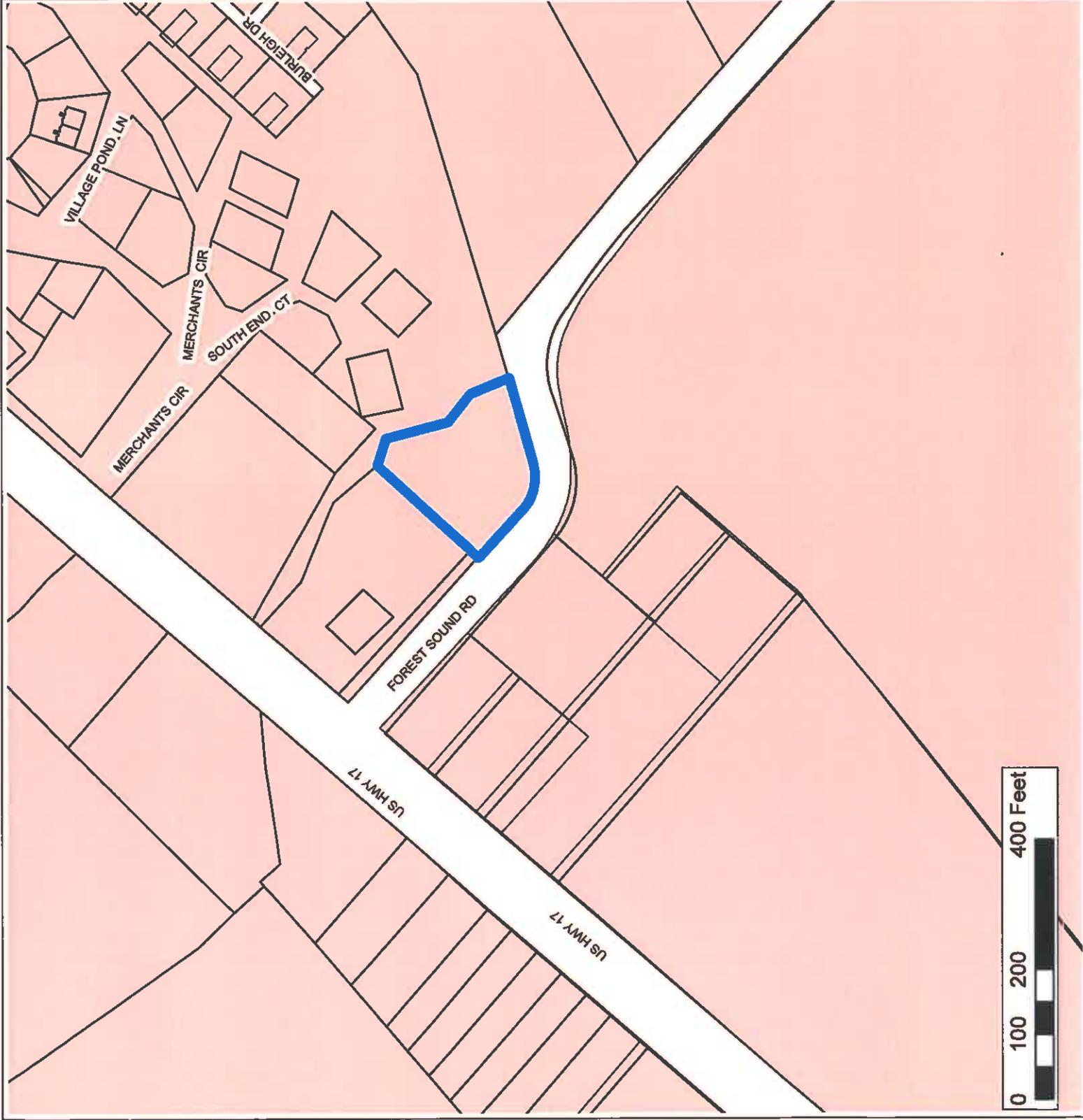
Case Number:
232-2016

Legend

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



Future Land Use





Applicant:
Jerry Hedge

Owner:
Linwood Jones

**General Use
Rezoning**

Case Number:
232-2016

Legend



Subject Property



2012 AERIAL

