

INTRODUCED BY: Planning Staff **DATE:** January 8, 2008 **ITEM NO:** 3

TITLE: Zoning Map Amendment, Pender County (9.5 acres off US Highway 17)

SUBJECT: PROPERTY PARCEL ID NOs: 3292-08-6686-0000

APPLICANT: Pender County

OWNER: Pender County

ACTION REQUESTED: Applicant is requesting a portion of a tract be rezoned from R-20C, Residential Conventional Housing District, to B-2, Highway Business District.

HISTORY/BACKGROUND:

Location of Property: The property is located on the south side of US Highway 17, across from the intersection with Hoover Road. The property is the site of the old Topsail High School building (See attached vicinity map).

Description of Proposal: The proposal consists of rezoning the southeastern portion of the property from R-20C, Residential Conventional Housing District to B-2, Highway Business District. Currently the majority of the property is zoned B-2. This request is being made in order to consolidate the entire property into one zoning district. The Pender County Tax Office is in the process of conducting a property appraisal and has originated this request (See attached zoning map and applicant's narrative).

EVALUATION:

- A) Public Notifications:** Public Notice of the proposal for map change has been advertised in the Pender Post and Topsail Voice and adjacent property owners have been given written notice of the request.
- B) Existing Zoning in Area:** The property is bounded immediately by B-2 zones on all sides except for the southeastern boundary which is bounded by a large area of land zoned R-20C.
- C) Existing Land Use in Area:** The property is located on US Highway 17 and is bounded by commercial development to the southwest, northwest, and northeast. Southeast of the property is a large tract of vacant land.
- D) 2005 Land Use Plan Compliance:** The 2005 Land Use Plan classifies this property as an Urban Growth Area. This rezoning request is consistent with the 2005 Land Use Plan (See attached CAMA Land Use map).
- E) Zoning Ordinance Compliance:** Section 5.3 of the Zoning 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 does meet the standards of Section 5.3 of the Zoning Ordinance (See Section 5.3 attached).
- F) Summary & Staff Recommendation:** The proposal consists of rezoning a portion of the 9.5 acre lot from R-20C, Residential Conventional Housing District to B-2, Highway Business District. The request complies with the criteria set forth in Section 5.3 of the Zoning Ordinance. The request is also consistent with the 2005 CAMA Land Use Plan. Therefore, staff recommends that the request be approved.
- G) Pender County Planning Board Recommendation:** The Pender County Planning Board is requested to hold a public hearing on this rezoning request.

Planning Board

Motion: _____ Seconded _____

Approved: _____ Denied: _____ Unanimous _____

Walton ___ Reynolds ___ Garrett ___ Gonzales ___ Marshburn ___ Millette ___ Smith ___

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on January 22, 2008, the Pender County Board of Commissioners (approved, modified, denied) a rezoning request for a portion of the lot, as described herein and James David Williams, Jr., Chairman to the Board, is authorized to execute the order implementing this resolution and provide notice to the applicant of the action taken herein.

AMENDMENTS:

MOVED _____ **SECONDED** _____

APPROVED _____ **DENIED** _____ **UNANIMOUS** _____

YEA VOTES: Williams ___ **Tate** ___ **Blanchard** ___ **Brown** ___ **Rivenbark** ___

James David Williams, Jr.,
Chairman 1-22-08
Date

ATTEST 1-22-08
DATE



Pender County Planning Department

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PLANNING BOARD APPLICATION FOR ZONING MAP AMENDMENT

Date <u>12/10/07</u>	Application Fee <u>N/A</u>	Receipt No. _____
Application No. _____	Postage Fee <u>N/A</u>	Receipt No. _____

I. PROPERTY INFORMATION:

Record #: _____ Current Zoning District: R-200/B-2

Tax Map #: 3292-08-6636-0000 Requested Zoning District: B-2

Lot #: _____ Acreage to Be Rezoned: _____

Total Acreage of Tract: 9.50

Property Location: OLD TOPSAIL HIGH SCHOOL SITE ON US HWY 17 ACROSS FROM HOOVER RD

Reason for Rezoning: TO CONSOLIDATE ENTIRE TRACT AS B-2

II. REQUIRED NAMES:

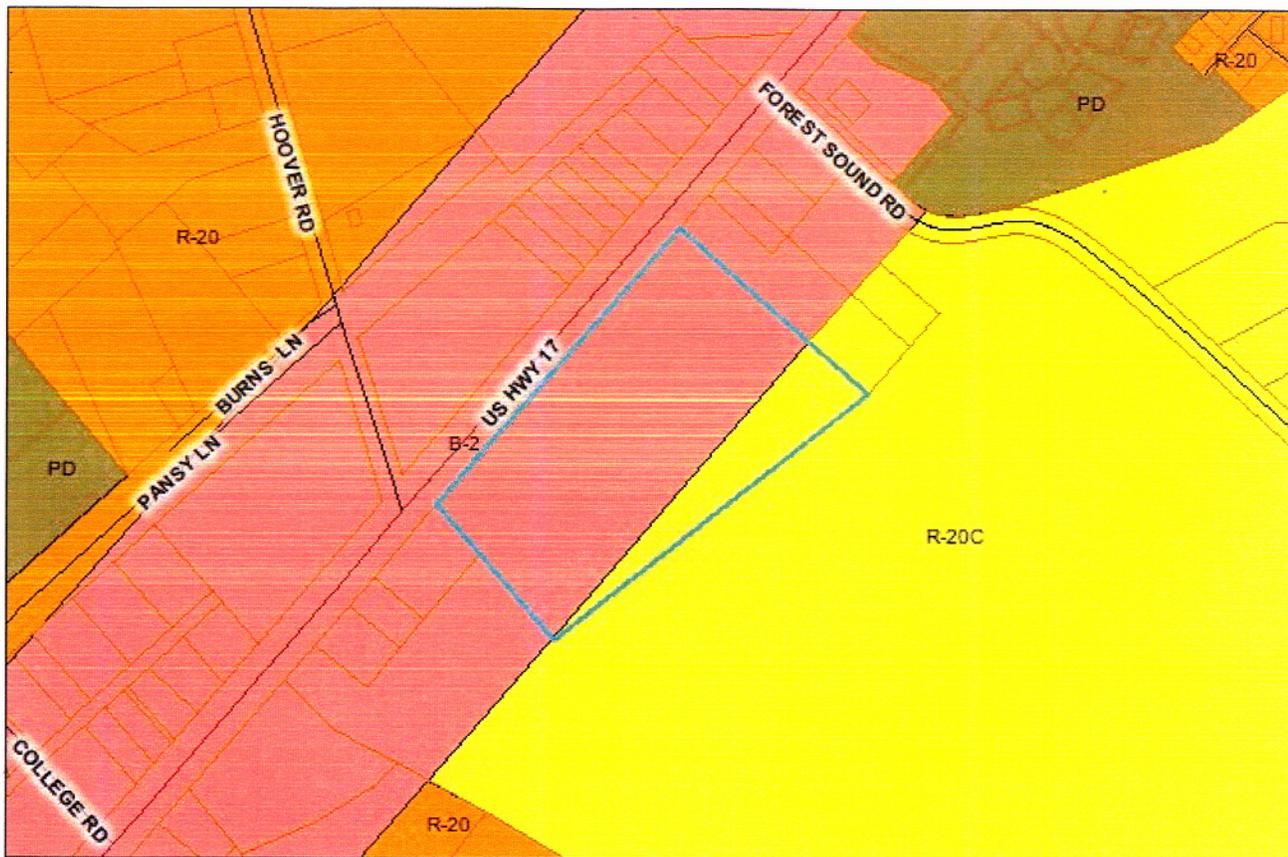
Applicant <u>PENDER COUNTY</u>	Owner <u>PENDER COUNTY</u>
Address <u>PO BOX 5</u> <u>BURGAW NC 28425</u>	Address <u>PO BOX 5</u> <u>BURGAW NC 28425</u>
Phone <u>910-259-1200</u> Fax _____	Phone <u>910-259-1200</u> Fax _____
Email _____	Email _____

Legal Relationship of Applicant to Property Owner: N/A

III. SIGNATURE OF OWNER & APPLICANT:

(If owner is different from applicant, both signatures are required)

The reason for the rezoning request is to achieve the highest and best use of the property. Highest and best use states that the value of a property is directly related to the use of that property; the highest and best use is the reasonably probable use that produces the highest property value. In order to be considered as the highest and best use of a property, any potential use must pass as series of tests; the tests being legally allowable, physically possible, financially feasible, and maximally productive. The highest and best use of the property is commercial in regards to the location and size of the property. Currently the property is split zoned B-2 and R-20C, which may deter potential buyers because of the restrictions of R-20C. The zoning issue here creates an uneconomic remnant. We would like for B-2 to encompass the entire property so that the highest and best use can be achieved for this particular parcel.

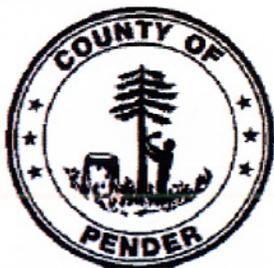


Parcels

Name:	COUNTY OF PENDER A POLITICAL SUBDIVISION	PIN:	3292-08-6686-0000	Deed:	2317/338
Deed Date:	02/11/04	Plat:	00030078	Address:	PO BOX 5
City:	BURGAW	State:	NC	Zip:	28425
Land Value:	\$513912	Building Value:	\$468280	Deferred Value:	\$0
Total Value:	\$982192	Tax Codes:	G01 F29 R40	Zone:	SEEMAP
Subdivision:		Neighborhood:	00	Property Address:	15060 US HWY 17
Township:	102	Account:	825436	Acres:	9.50
Property Description:	9.50 ACRES ON HWY 17 PB 3/78 LT 8&9 & OTHER ACREAGE CONSOLIDATION	Sales Price:			

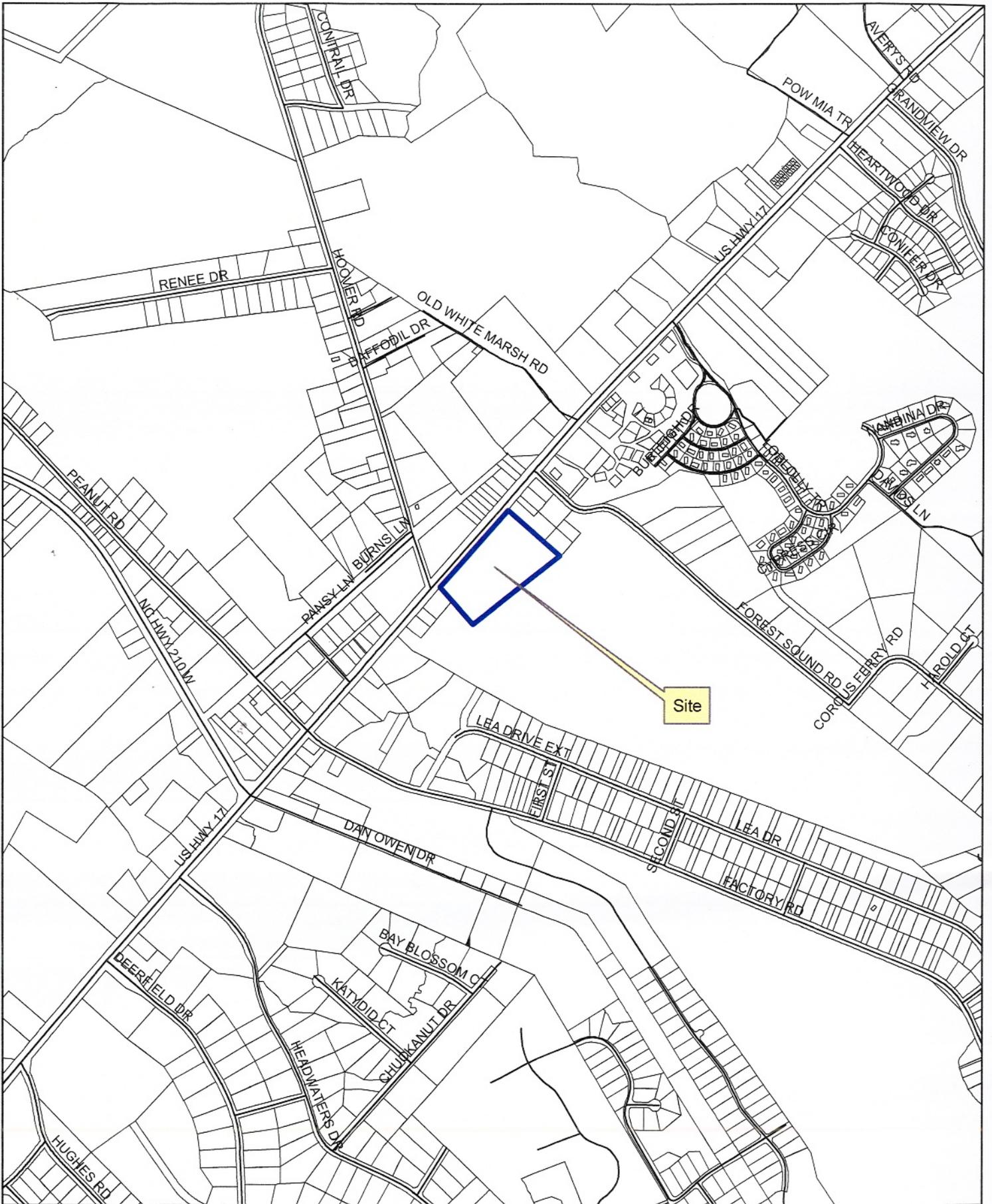
1:327 feet

Pender County GIS



This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for the verification of the information contained on this map. Pender County assumes no legal responsibility for the information contained on this map.

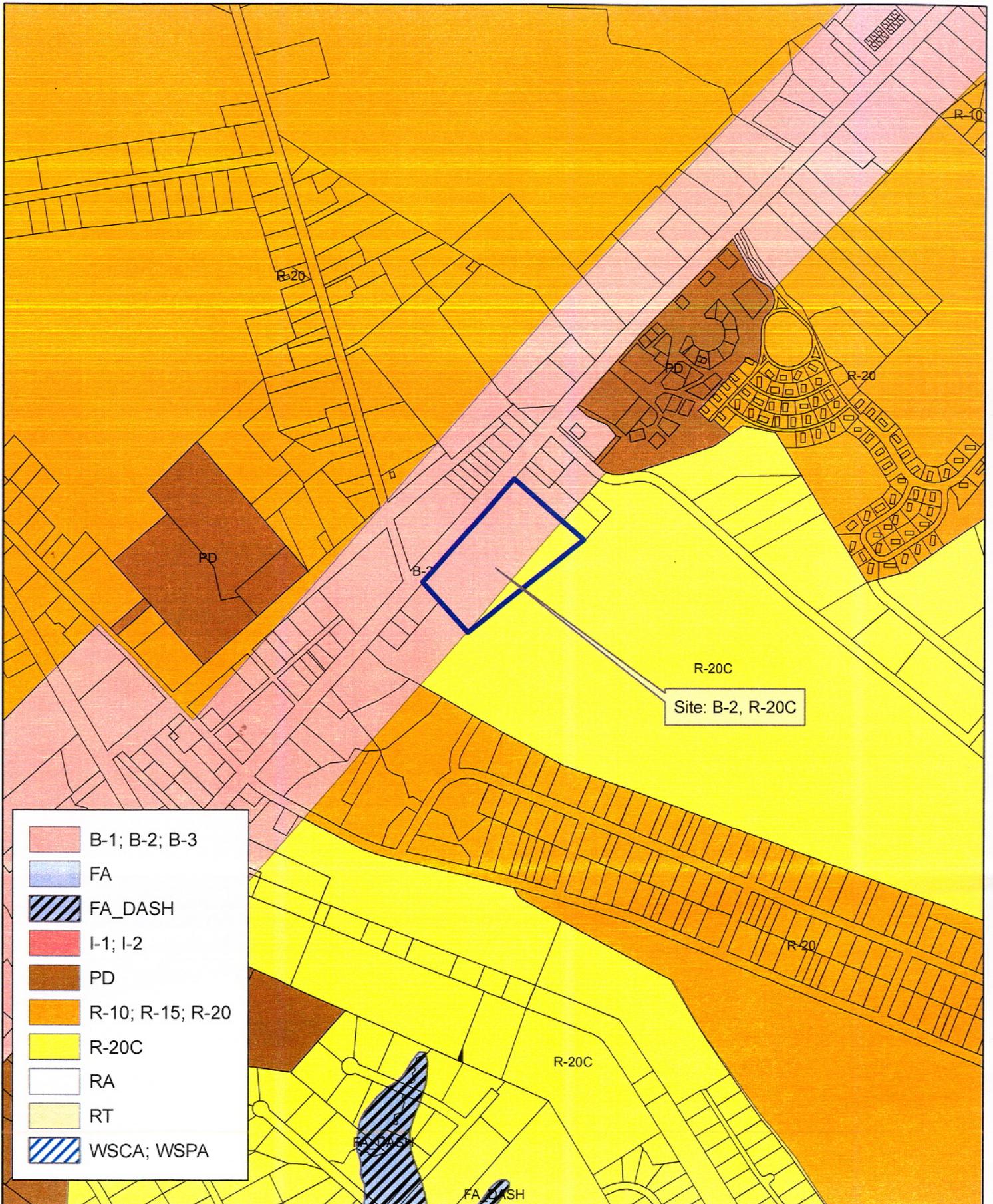
45



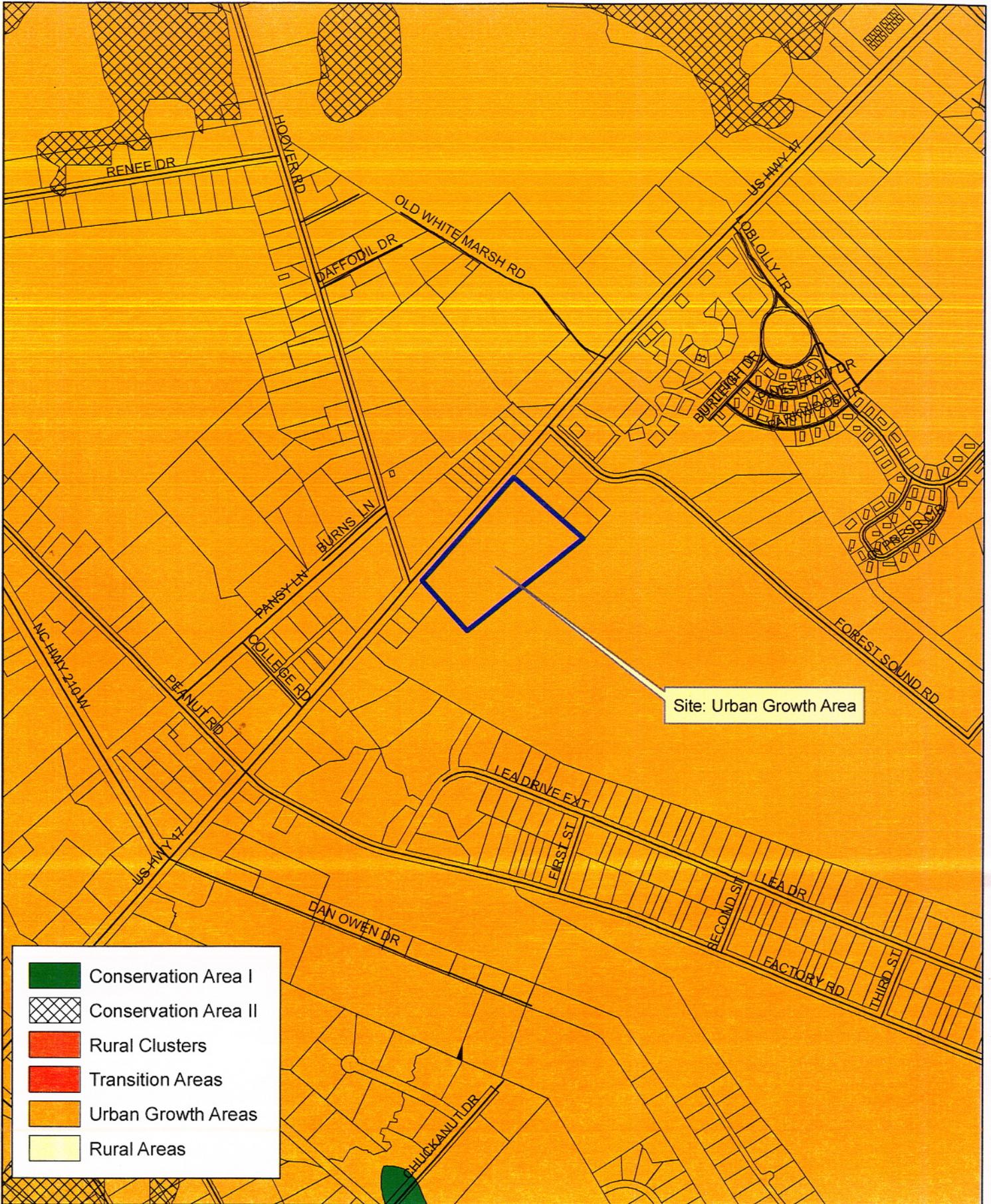
1 inch equals 1,000 feet

500 250 0 500 Feet

Rezoning - Pender County Vicinity Map



Rezoning - Pender County
Zoning Map



Site: Urban Growth Area

- Conservation Area I
- Conservation Area II
- Rural Clusters
- Transition Areas
- Urban Growth Areas
- Rural Areas

1 inch equals 750 feet

370 185 0 370 Feet

Rezoning - Pender County
CAMA Land Use Map



1 inch equals 750 feet

370 185 0 370 Feet

Rezoning - Pender County Orthos (2003)