

INTRODUCED BY: Planning Staff DATE: March 4, 2008

ITEM NO: #2

TITLE: Zoning Map Amendment, Taylor Greene on behalf of Topsail Humane Society

SUBJECT: PROPERTY PARCEL ID Number: 3272-99-6894-0000

APPLICANT: Taylor Greene

OWNER: Topsail Humane Society

ACTION REQUESTED: Topsail Humane Society, applicant is requesting one tract totaling 12.13 acres to be rezoned from R-20 Residential District, to B-1, Business (Neighborhood) District.

HISTORY/BACKGROUND:

Location of Property: The property is located between Brickyard and Rowan Road on NC Highway 210.

Description of Proposal: This proposal consists of rezoning one tract totaling 12.13 acres from R-20 Residential District, to B-1, Business (Neighborhood) District.

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:** Subject's property is surrounded by RA, Rural Agricultural District along the southern boundary, to the east and north by R-20 Residential District and to the west by RT, Rural Transition District. An area B-1 zoning district is less than a mile from this from this parcel traveling east along NC Highway 210.
- C) Existing Land Use in Area:** Existing single-family dwellings lie adjacent to the north and west of the property and the property is surrounded immediately to the east and south by vacant land.
- D) 2005 Land Use Plan Compliance:** The proposed rezoning is consistent with the Pender County 2005 CAMA Land Use Plan. The 2005 Land Use Plan classifies this property as Urban Growth Areas and Conservation II. (See attached CAMA Land Use map). By definition, Urban Growth Areas are:
- Land classification that provides for the continued development of areas provided with water and/or sewer services or where the county is actively engaged in planning these community services.
 - These areas also have excellent access to the regional transportation system for a mixture of more intensive commercial and industrial or job creating uses and a range of residential land uses and housing types.
 - This area is planned for *high net density* for residential development. This density is dependent upon the types and levels of services that are available
 - *High Net Density:* five (5) residential units per usable acre of project land, based on services available.

The site does have about 7 acres on Conservation II. This classification is established as an overlay that applies policies which restrict development in all of the non-conservation land classes. The classification includes areas where new development may impact public health or areas where there are significant development limitations that are addressed by building and site development standards, density limits, impervious surface limits, and other methods to mitigate or to minimize the impact of

development. The county allows limited net density residential development in the Conservation II overlay.

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.

F) Summary & Staff Recommendation: Staff provides the following comments on this request:

1. This general use zoning request is in compliance with the 2005 CAMA Land Use Plan, however is in conflict with the Pender County Zoning Ordinance, Section 5.3. The current ordinances are contradicting.
2. The applicant is requesting the B-1 Neighborhood Business District. This district may be too of an intense use for the applicant's development proposal in a residential area. However, staff has discussed RT, Rural Transition, which would allow commercial uses in a residential area via special use permit.

G) Pender County Planning Board Recommendation: The Pender County Planning Board is requested to hold a public hearing for a rezoning.

AMENDMENTS:

Planning Board

Motion: _____ Seconded _____

Approved: _____ Denied: _____ Unanimous _____

Gonzales _____ Garrett _____ Marshburn _____ Millette _____ Smith _____ Walton _____

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on the Pender County Board of Commissioners (approved, modified, denied) a rezoning request for is requesting one tract totaling 12.13 acres to be rezoned from R-20 Residential District, to B-1, Business (Neighborhood) District., 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.

Board of Commissioners

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Williams _____ Tate _____ Blanchard _____ Brown _____ Rivenbark _____

James David Williams Jr.
Chairman

Date

ATTEST

DATE



Pender County Planning Department

805 South Walker Street
Burgaw, North Carolina 28425

Phone (910) 259-1202
Fax (910) 259-1295
Email: planning1@pender-county.com

PLANNING BOARD APPLICATION FOR ZONING MAP AMENDMENT

Date <u>11/11/08</u>	Application Fee <u>280.00</u>	Receipt No. _____
Application No. <u>---</u>	Postage Fee <u>31.26</u>	Receipt No. _____

I. PROPERTY INFORMATION:

Record #: --- Current Zoning District: R-20

Tax Map #: 3272.99.6894.0000 Requested Zoning District: B-1

Lot #: --- Acreage to Be Rezoned: 12.13

Total Acreage of Tract: 12.13

Property Location: Hwy 210

Reason for Rezoning: Indoor Kennel/Vet Office Topsail Humane Society

II. REQUIRED NAMES:

Applicant Topsail Humane Society Owner _____

Address P.O. Box 117 Address _____

Hampstead Nc 28443

Phone 910-329-0323 Fax 910-329-0803 Phone _____ Fax _____

Email Kathy Lewis @TopsailHumaneSociety.org Email _____

Legal Relationship of Applicant to Property Owner: Under Contract to Purchase

III. SIGNATURE OF OWNER & APPLICANT:

[Signature]

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

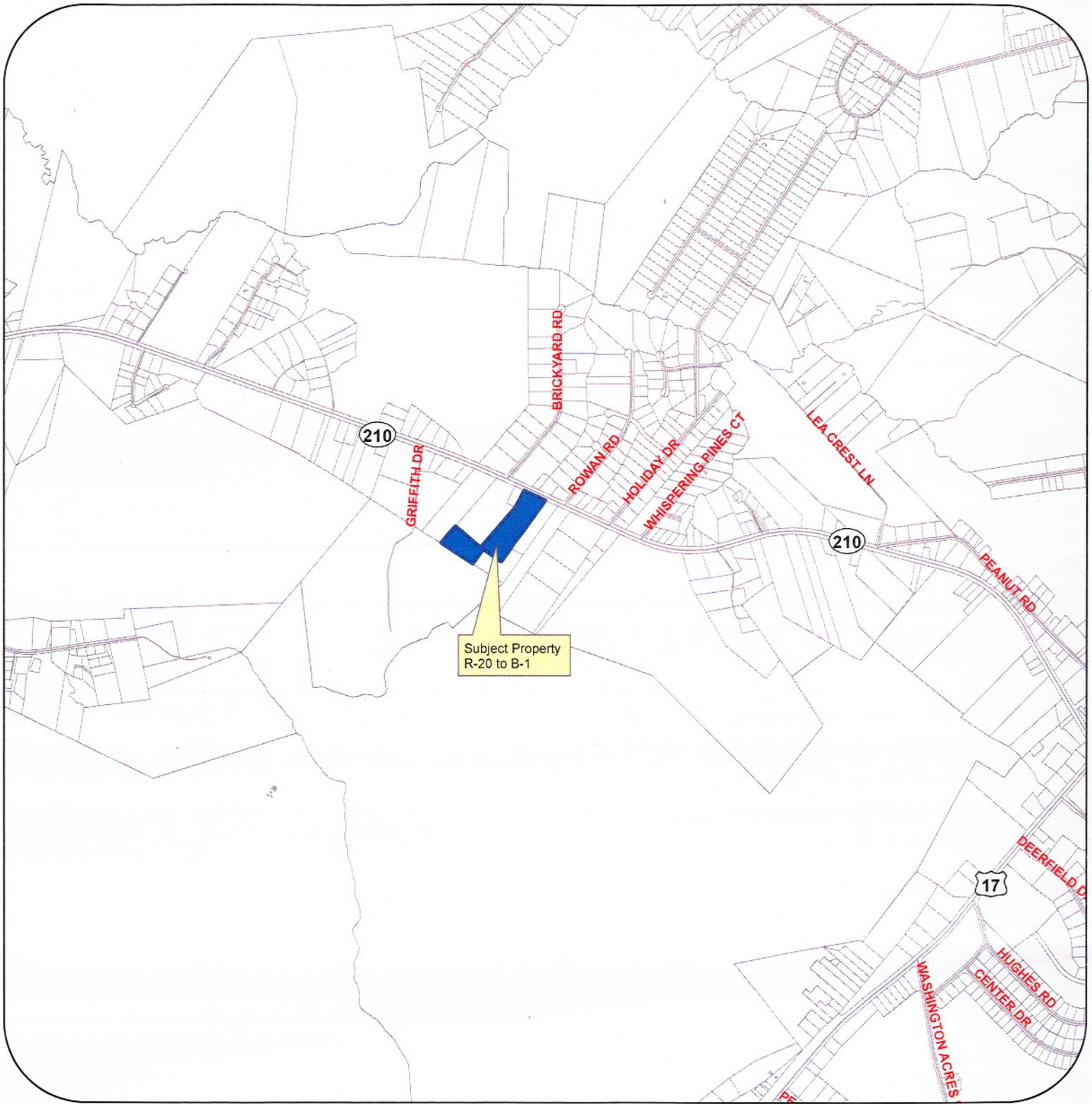
Ashley Frank

From: Taylor Greene [tgreeneiv@msn.com]
Sent: Tuesday, February 19, 2008 12:30 PM
To: Ashley Frank
Subject: Topsail Humane Society

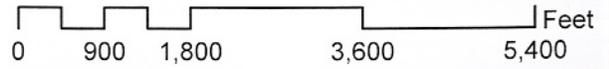
To Whom It May Concern,

The Topsail Humane Society Inc. a 503c non profit is requesting that you consider our request for rezoning on the property located on Hwy. 210. from R-20 To B-1 so that we may operate a Indoor Kennel Facility in conjunction with a full service Veterinarian office. We thank you in advance for your cooperation.

Taylor Greene
President
Topsail Humane Society Inc.



Subject Property
R-20 to B-1



1 inch equals 2,000 feet

Legend

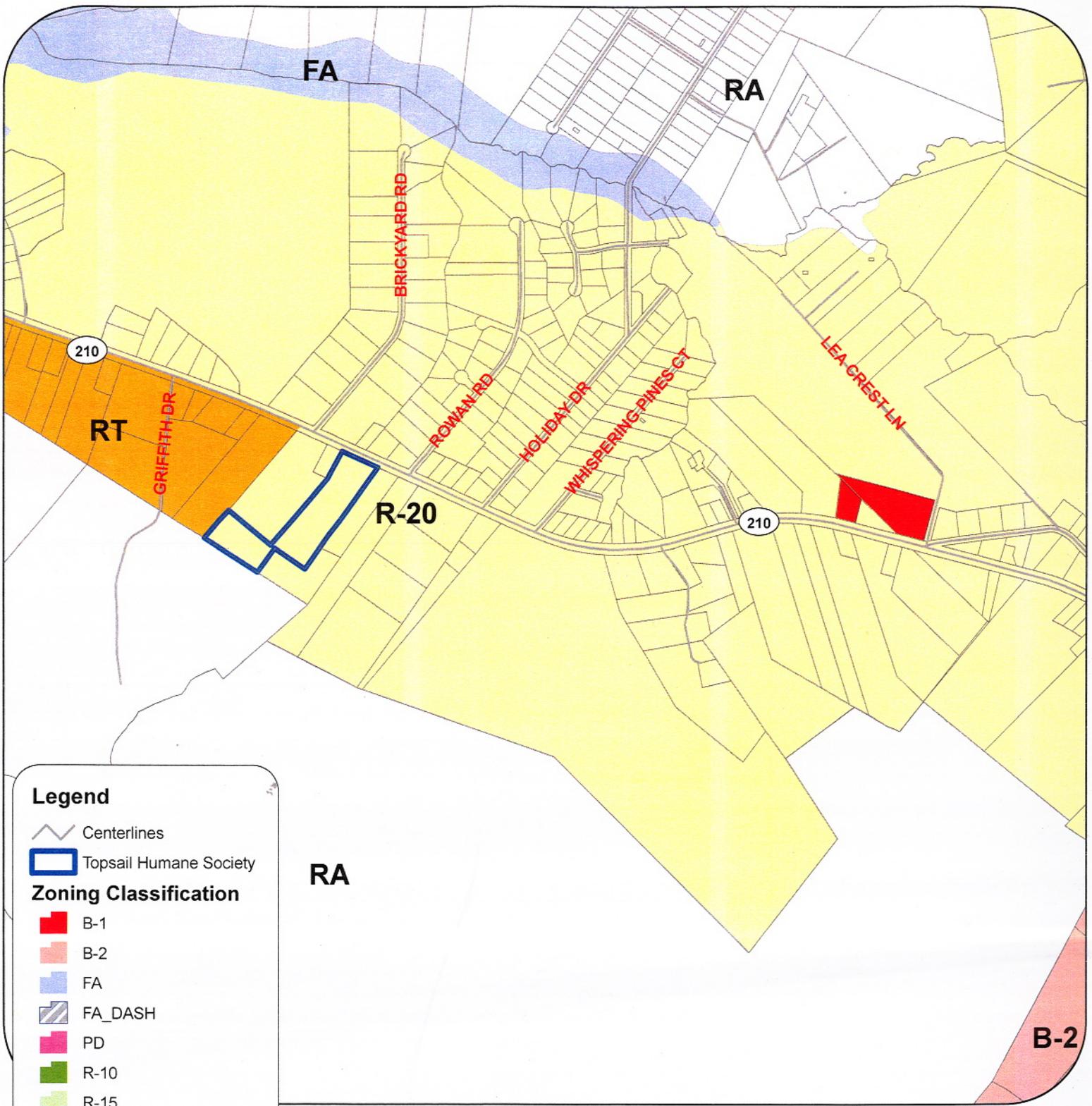
-  Centerlines
-  Topsail Humane Society



**Rezoning
From R-20 to B-1
Topsail Humane Society**

Vicinity Map





Legend

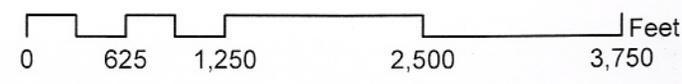
- Centerlines
- Topsail Humane Society

Zoning Classification

- B-1
- B-2
- FA
- FA_DASH
- PD
- R-10
- R-15
- R-20
- RA
- RT

RA

B-2

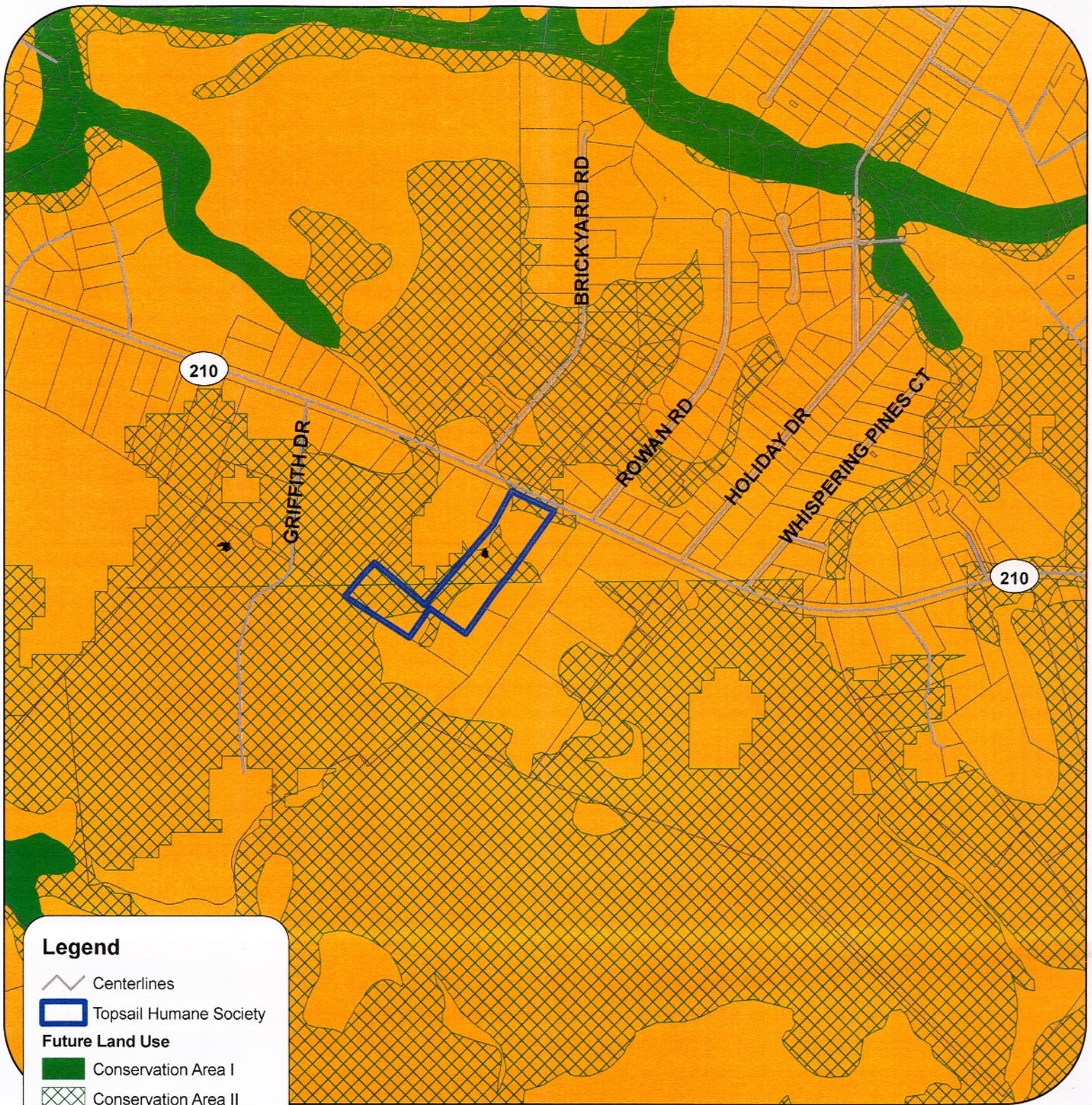


1 inch equals 1,208 feet



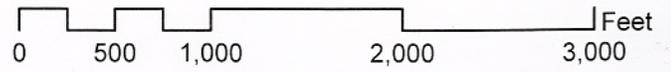
**Rezoning
From R-20 to B-1
Topsail Humane Society**

Zoning Map



Legend

- Centerlines
- Topsail Humane Society
- Future Land Use**
- Conservation Area I
- Conservation Area II
- Rural Clusters
- Transition Areas
- Urban Growth Areas
- Rural Areas



1 inch equals 1,000 feet



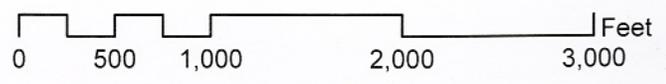
**Rezoning
From R-20 to B-1
Topsail Humane Society**

Future Land Use



Legend

-  Centerlines
-  Topsail Humane Society



1 inch equals 1,000 feet



**Rezoning
From R-20 to B-1
Topsail Humane Society**

2006 Color Orthos