

INTRODUCED BY: Planning Staff DATE: July 1, 2008 ITEM NO: 4

TITLE: Zoning Map Amendment, Thomas H. Johnson, Jr., Attorney

SUBJECT: **PROPERTY PARCEL ID NO:** 4226-63-7980-0000, 4226-63-6890-0000
 APPLICANT: Thomas H. Johnson, Jr., Attorney
 OWNERS: Linda Rivere

ACTION REQUESTED: Applicant is requesting two tracts, totaling 3.58 acres, be rezoned from RT, Rural Transitional District, to B-1, Business District (Neighborhood).

HISTORY/BACKGROUND:

Location of Property: The property is located along the east side of US Highway 17, approximately 1 mile south of the Onslow/Pender County line, between Demps Road and Hardison Drive, Topsail Township, NC (See attached vicinity map).

Description of Proposal: The proposal consists of rezoning two contiguous tracts of land totaling 3.58 acres from RT, Rural Transitional District, to B-1, Business District (Neighborhood). The 3.58 acres are located along the east side of US Highway 17, between Hardison Drive and Demps Road. The purpose of this district shall be to provide convenient shopping facilities primarily of necessity goods and personal services required to serve a neighborhood. This is a general use rezoning (See attached project 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 properties to the north and south, along US Hwy 17 are zoned RT, Rural Transitional District. The property abutting the rear is zoned R-20, Residential District. These zoning classifications were given from the county wide rezoning in 2003. The property directly across the US Hwy 17 right-of-way is Holly Shelter Game Preserve (See attached vicinity and zoning maps).
- C) Existing Land Use in Area:** These tracts each have single family structures and are surrounded by single family residential uses and vacant tracts, and across US Hwy 17 is Holly Shelter Game Preserve.
- D) 2005 Land Use Plan Compliance:** The 2005 Land Use Plan classifies this property as 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.
- F) Summary & Staff Recommendation:** The proposal consists of rezoning 3.58 acres from RT, Rural Transitional District, to B-1, Business District (Neighborhood). The request is consistent with the 2005 CAMA Land Use Plan.

G) Pender County Planning Board Recommendation: The Pender County Planning Board, at its July 1, 2008 meeting, recommended (approval/denial) by a (indicate) vote of this rezoning request.

AMENDMENTS:

Planning Board

MOVED: _____ **SECONDED:** _____

Approved: _____ **Denied:** _____ **Unanimous** _____

Reynolds ___ **Gonzales** ___ **Garrett** ___ **Marshburn** ___ **Millette** ___ **Smith** ___

Williams ___

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on August 18, 2008 the Pender County Board of Commissioners (approved, modified, denied) a request for 3.58 acres of land, to be rezoned from RT, Rural Transitional District, to B-1, Business District (Neighborhood), for Thomas H. Johnson, Jr., as described herein and by the attached maps, incorporated and made part of this ordinance by reference. **Be it further ordained** that 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

8-18-2008
Date

ATTEST

8-18-2008
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

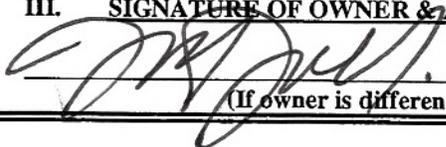
Date <u>5-19-2008</u>	Application Fee <u>\$200.00</u>	Receipt No. <u>081884</u>
Application No. _____	Postage Fee _____	Receipt No. <u>081886</u>

I. PROPERTY INFORMATION:
 4226-63-7980-0000
 Record #: 4226-63-6890-0000 Current Zoning District: RT
 Tax Map #: _____ Requested Zoning District: B-1
 Lot #: _____ Acreage to Be Rezoned: 3.58 acres
 Total Acreage of Tract: 3.58
 Property Location: 24770 US Hwy 17 S/E side 17 at Edgecombe PL5
24754 US Hwy 17 599/127 Lot 2 Div of A. G. Batts
 Reason for Rezoning: See attached

II. REQUIRED NAMES:

Applicant <u>Thomas H. Johnson, Jr., Atty</u>	Owner <u>Linda Rivere</u>
Address <u>P.O. Box 30188</u>	Address <u>9406 Georgian Way</u>
<u>Raleigh, NC 27622</u>	<u>Owings Mills, MD 23352</u>
Phone <u>(919) 786-2764</u> Fax <u>(919) 788-1104</u>	Phone _____ Fax _____
Email <u>tjohnson@nexsenpruet.com</u>	Email <u>lrivere@aol.com</u>

Legal Relationship of Applicant to Property Owner: Attorney

III. SIGNATURE OF OWNER & APPLICANT:


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



Pender County Planning Department

805 South Walker Street
Burg, North Carolina 28425

Phone (910) 259-1202
Fax (910) 259-1295

Email: planning1@pender-county.com

PLANNING BOARD APPLICATION FOR ZONING-MAP AMENDMENT

Date _____	Application Fee _____	Receipt No. _____
Application No. _____	Postage Fee _____	Receipt No. _____

I. PROPERTY INFORMATION:
 4226-63-7980-0000
 Record #: 4226-63-6890-0000 Current Zoning District: RT
 Tax Map #: _____ Requested Zoning District: E-1
 Lot #: _____ Acreage to Be Rezoned: 3.58 acres
 Total Acreage of Tract: 3.58
 Property Location: 24770 US Hwy 17 S/E side 17 at Edgewcombe PL5
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II. REQUIRED NAMES:

Applicant <u>Thomas H. Johnson, Jr., Atty</u>	Owner <u>Linda Rivere</u>
Address <u>P.O. Box 30188</u>	Address <u>9406 Georgian Way</u>
<u>Raleigh, NC 27622</u>	<u>Owings Mills, MD 21117</u>
Phone <u>(919) 786-2764</u> Fax <u>(919) 788-1104</u>	Phone _____ Fax _____
Email <u>tjohnson@nexsenprist.com</u>	Email <u>lrivere@aol.com</u>
Legal Relationship of Applicant to Property Owner: _____	<u>Attorney</u>

III. SIGNATURE OF OWNER & APPLICANT:
Linda A Rivere NA
 (If owner is different from applicant, both signatures are required)

RECEIVED

MAY 23 2008

PENDER PLANNING DEPT.

Thomas H. Johnson, Jr.
Special Counsel
Admitted in NC

May 16, 2008

BY HAND DELIVERY

Mr. Kyle Breuer
Pender County Planning Department
805 South Walker Street
Burgaw, NC 28425

Re: Rezoning Request for Linda Rivere

Dear Kyle:

Thank you for speaking with me yesterday about this rezoning request. Enclosed you will find a completed Application for a Zoning Map Amendment for Tax PIN Nos. 4226-63-7980-0000 and 4226-63-6890-0000, located on U.S. Highway 17 near Edgcombe ("Property"). These are adjacent parcels totaling 3.58 acres and are currently zoned RT-Rural Transition. We are requesting that the Property be rezoned to B-1-Neighborhood Business. As I mentioned, Ms. Rivere has not yet signed the application. I am in the process of contacting her and expect to have her signature on the application by next week. I will also be submitting the required copies of the recorded map of the Property next week as well.

Section 8.4 of the Pender County Zoning Ordinance describes the intent of B-1 is "to provide convenient shopping facilities primarily of necessity goods and personal services required to serve a neighborhood." The Property is on a major thoroughfare and convenient to residential development. The Property is larger than 1 acre and will provide an ideal location to provide goods and services to the surrounding residential areas as well as to provide a buffer between heavily traveled U.S. Highway 17 and residential development.

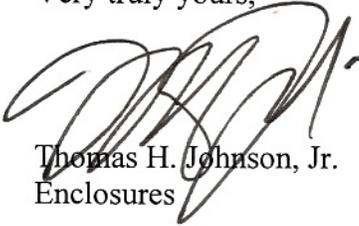
In the Pender County Land Use Plan, this area is designated as "Urban Growth Area." Urban Growth Area is intended for a mixture of commercial and residential uses because of its access to the regional transportation system. Therefore, this request is consistent with the Land Use Plan.

Pender County Planning Department
May 16, 2008
Page 2

Given the location of this Property and its size, it is appropriate for B-1 Neighborhood Business in order to provide much needed services convenient to residents and to provide a buffer from the traffic on U.S. Highway 17. Our request is consistent with the Land Use Plan which supports our request.

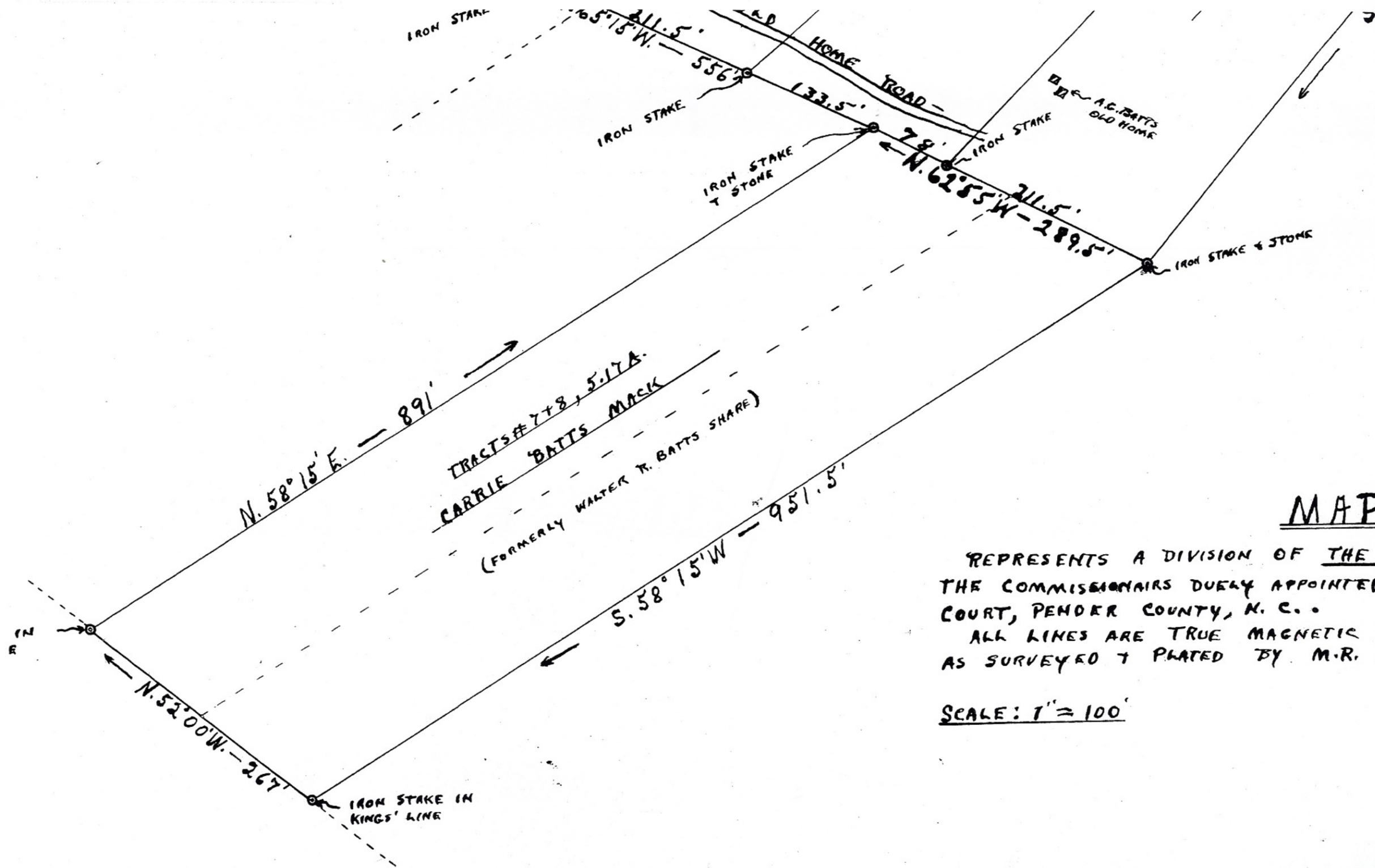
We ask that this request be scheduled for the July Planning Board Meeting. If you have any questions, need additional information or would like to discuss our request further, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'T. Johnson, Jr.', written over the printed name.

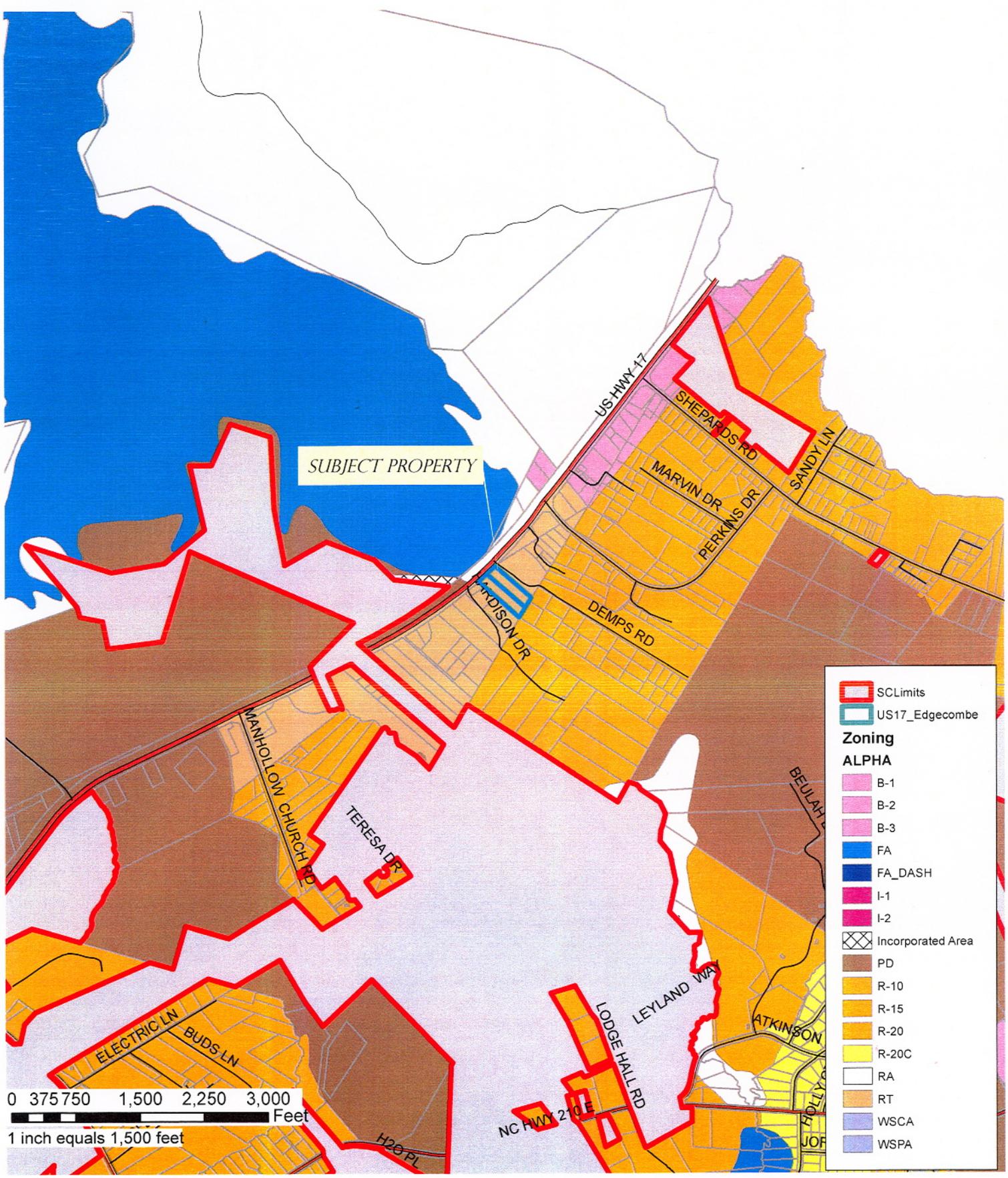
Thomas H. Johnson, Jr.
Enclosures

cc: Linda Rivere

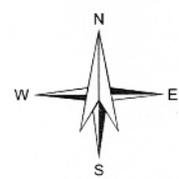


MAP

REPRESENTS A DIVISION OF THE ANI
 THE COMMISSIONERS DUELY APPOINTED BY
 COURT, PENDER COUNTY, N. C.
 ALL LINES ARE TRUE MAGNETIC TO
 AS SURVEYED & PLATED BY M.R. WALKER
SCALE: 1" = 100'

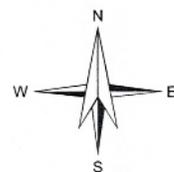


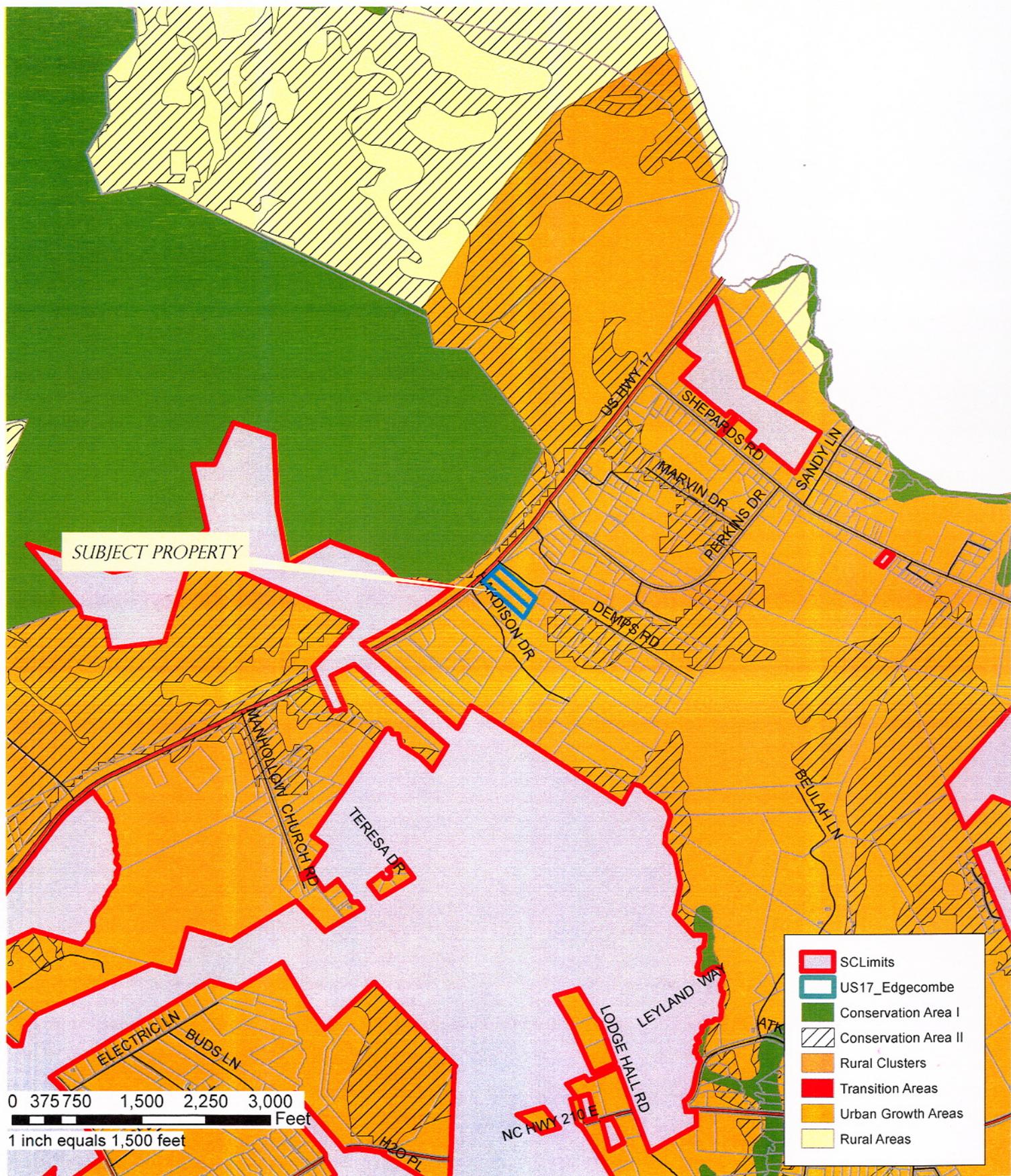
**ZONING MAP AMENDMENT
US 17/EDGECOMBE
ZONING MAP**



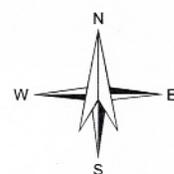


**ZONING MAP AMENDMENT
US 17/EDGECOMBE
VICINITY MAP**





**ZONING MAP AMENDMENT
US 17/EDGECOMBE
2005 CAMA LAND USE MAP**





**ZONING MAP AMENDMENT
US 17/EDGECOMBE
2003 AERIAL MAP**

