

INTRODUCED BY: Planning Staff    DATE: July 1, 2008    ITEM NO: 6

TITLE: Zoning Map Amendment, Michael Nadeau

SUBJECT:    **PROPERTY PARCEL ID NO:** 3293-33-7283-0000  
              **APPLICANT:** Michael Nadeau  
              **OWNERS:** Dollar Properties Three, LLC

**ACTION REQUESTED:** Applicant is requesting a portion of a tract of land, totaling 1.78 acres, be rezoned from R-20, Residential District, to B-2, Business District (Highway).

**HISTORY/BACKGROUND:**

**Location of Property:** The property is located along Avery's Road off of US Highway 17 across from Grandview Drive in Hampstead NC. (See attached vicinity map).

**Description of Proposal:** The proposal consists of rezoning a portion of a tract of land totaling 1.78 acres from R-20, Residential District, to B-2, Business District (Highway). The total acreage of the tract is 2.91 acres and is currently split zoned between R-20 Residential District and B-2 Business District (Highway). The applicant is requesting that the 1.78 acres zoned R-20 Residential District be rezoned to B-2, Business District (Highway) thus eliminating the split zoning of the parcel and making it entirely zoned B-2, Business District (Highway). The property was previously used as part of the Carolina Peanuts production facility. A silo, small office, and truck scales are still located on the property. 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 property to the northwest is zoned R-20, Residential District, all the properties fronting along US Highway 17 are zoned B-2, Business District (Highway) (See attached vicinity and zoning maps).
- C) Existing Land Use in Area:** The property to the northwest, across Avery's Road exists a mobile home park. To the north of the subject property is the Topsail Presbyterian Church and cemetery. Located in front of the property to the east, fronting along US 17, is a law firm, a single family home and a vacant lot.
- D) 2005 Land Use Plan Compliance:** The 2005 CAMA Land Use Plan classifies this property as Urban Growth Area. This rezoning request is consistent with the 2005 CAMA 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 1.78 acres from R-20, Residential District, to B-2, Business District (Highway). 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 1.78 acres of land, to be rezoned from R-20, Residential District, to B-2, Business District (Highway), for Michael Nadeau, 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 _____	Application Fee _____	Receipt No. _____
Application No. _____	Postage Fee _____	Receipt No. _____

**I. PROPERTY INFORMATION:**

Record #: 3293-33-7283 Current Zoning District: R-20  
Tax Map #: Q101018 Requested Zoning District: B-2  
Lot #: \_\_\_\_\_ Acreage to Be Rezoned: 1.78  
Total Acreage of Tract: 2.91  
Property Location: Near intersection of Hwy 17 and Avery's Road  
Reason for Rezoning: Tract used for Commercial purposes for decades; parcel currently split-zoned.

**II. REQUIRED NAMES:**

Applicant <u>Michael Nadeau</u>	Owner <u>Dollar Properties Three, LLC</u>
Address <u>PO Box 56</u>	Address <u>1508 Military Cutoff RD</u>
<u>Hampstead, NC 28443</u>	<u>Wilmington, NC 28403</u>
Phone <u>270-5100</u> Fax <u>270-5110</u>	Phone <u>256-0101</u> Fax _____
Email <u>Mike@creativeproperties.biz</u>	Email _____

Legal Relationship of Applicant to Property Owner: Authorized Agentt

**III. SIGNATURE OF OWNER & APPLICANT:**

[Signature] 3/27/08  
If owner is different from applicant, both signatures are required

[Signature] 4/3/08  
**MICHAEL G. NADEAU**

# **Dollar Properties Three, LLC**

1508 Military Cutoff Road

Wilmington, NC 28403

(910) 256-0101

Dear Planning Department:

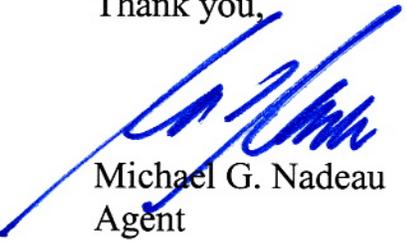
We attach a petition to rezone 1.78 acres from R-20 to B2.

Our site, totaling 6.1 acres, is currently split zoned. This tract borders Hwy. 17 and Avery's Road and the front is all zoned B-2. The neighboring parcel to the north is also zoned for commercial use.

Further, the entire area proposed for rezoning has a long history of industrial use as part of the Carolina Peanuts production facility. A silo, small office, and truck scales are still on site.

We believe this tract should have been recognized as an established commercial site when the new zoning map was developed several years ago, and ask you rezone this highway frontage land back to business use.

Thank you,



Michael G. Nadeau

Agent

(910) 620-1237

CERTIFICATE OF ACCURACY & MAPPING

I, David B. Floyd, do certify that this boundary survey was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Deed Book 1609, Page 56; Book 1912, Page 310; Book 651, Page 225; Book 2007, Page 100) that the boundaries not surveyed are clearly indicated; that the ratio of precision as calculated is 1:10,000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this 3rd day of May, A.D., 2005.

*David B. Floyd*  
David B. Floyd PLS L-3640

NOTES:

- There are no N.C. Grid monuments within 2000 feet of this property.
- Boundary information referenced to Map Book: 26, Page: 71; and Map Book: 25, Page 40.
- All distances are horizontal measurements.
- Area figured by the coordinate method.
- Survey reflects actual field conditions.
- This property is located in Zone A-9 (B.F.E. 11.0 M.S.U) according to Community Panel # 375347 001 C. Map Revised September 4, 1996.
- This property is subject to any and all easements and right of ways, written or implied.
- Dashed lines were not surveyed.

Note: References for this survey are in the Pender County Registry listed below:

Map Book	Page
180	67
205	166
272	441
389	324
401	150
458	230
477	196
566	51
637	191
641	247
651	222,223
698	23
718	35
721	150
1605	58

**FRANCES  
COLEMAN  
PROPERTY**

**AVERY'S ROAD**

**1.78 ACRES  
PROPOSED FOR  
REZONING**

**BIBERSTEIN  
+  
NUNALEE  
PROPERTY**

**BALANCE OF  
DOLLAR PROPERTIES  
THREE, LLC  
PROPERTY**

Tract 2  
23,916 ± sf  
0.55 ± Acres

Tract 8  
120,222 ± sf  
2.76 ± Acres

Tract 5B  
MB. 38, PG. 118

Tract 7A  
MB. 38, PG. 118

Tract 7B  
MB. 38, PG. 118

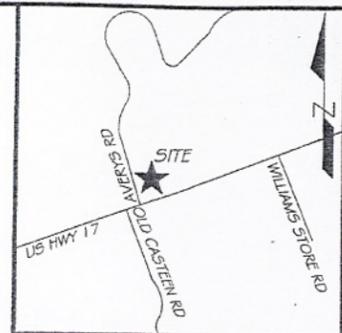
Tract 4  
MB. 38, PG. 118

Tract 5C Rev.  
MB. 38, PG. 118

Tract 5  
MB. 38, PG. 118

PRESBYTERIAN CHURCH ROAD  
PER MAP BOOK 26, PAGE 71

U.S. Highway 17  
100' RAW (Public)



VICINITY MAP  
NOT TO SCALE

Legend

- (EIP) EXISTING IRON PIPE
- (NIP) NEW IRON PIPE
- ⊙ (EIR) EXISTING IRON ROD
- R/W RIGHT OF WAY



**THE CLARK GROUP**  
Surveying Division  
PO BOX 10136, WILMINGTON, NC 28404  
PH: 910.602.3900 - FAX: 910.602.3975



**U.S HIGHWAY 17**  
Topsail Township Pender County North Carolina

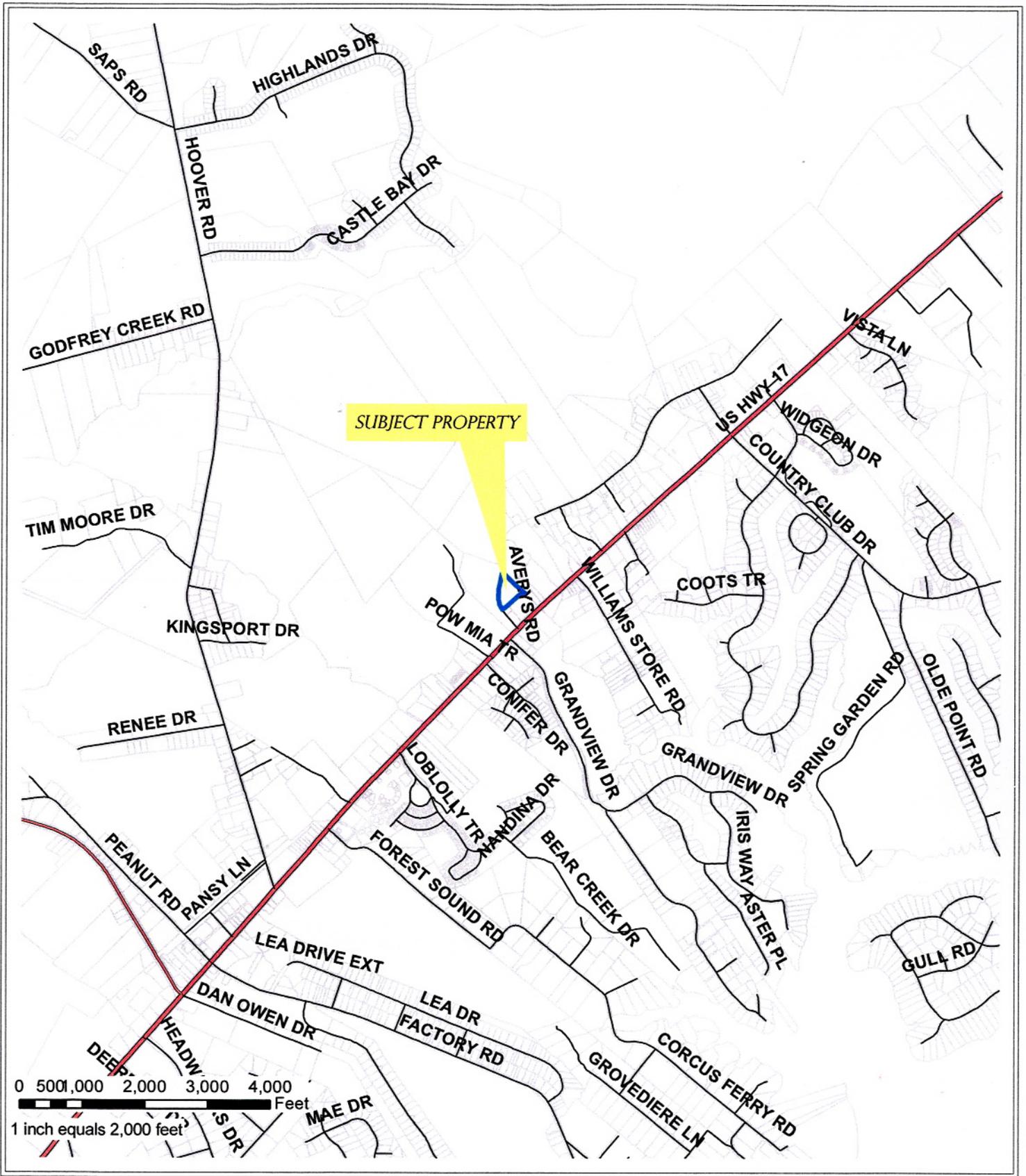
BOUNDARY SURVEY

**JTV MANAGEMENT CO.**  
118 Military Cutoff Road  
Wilmington, N.C. 28403

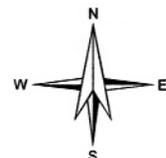
SURVEY FOR:

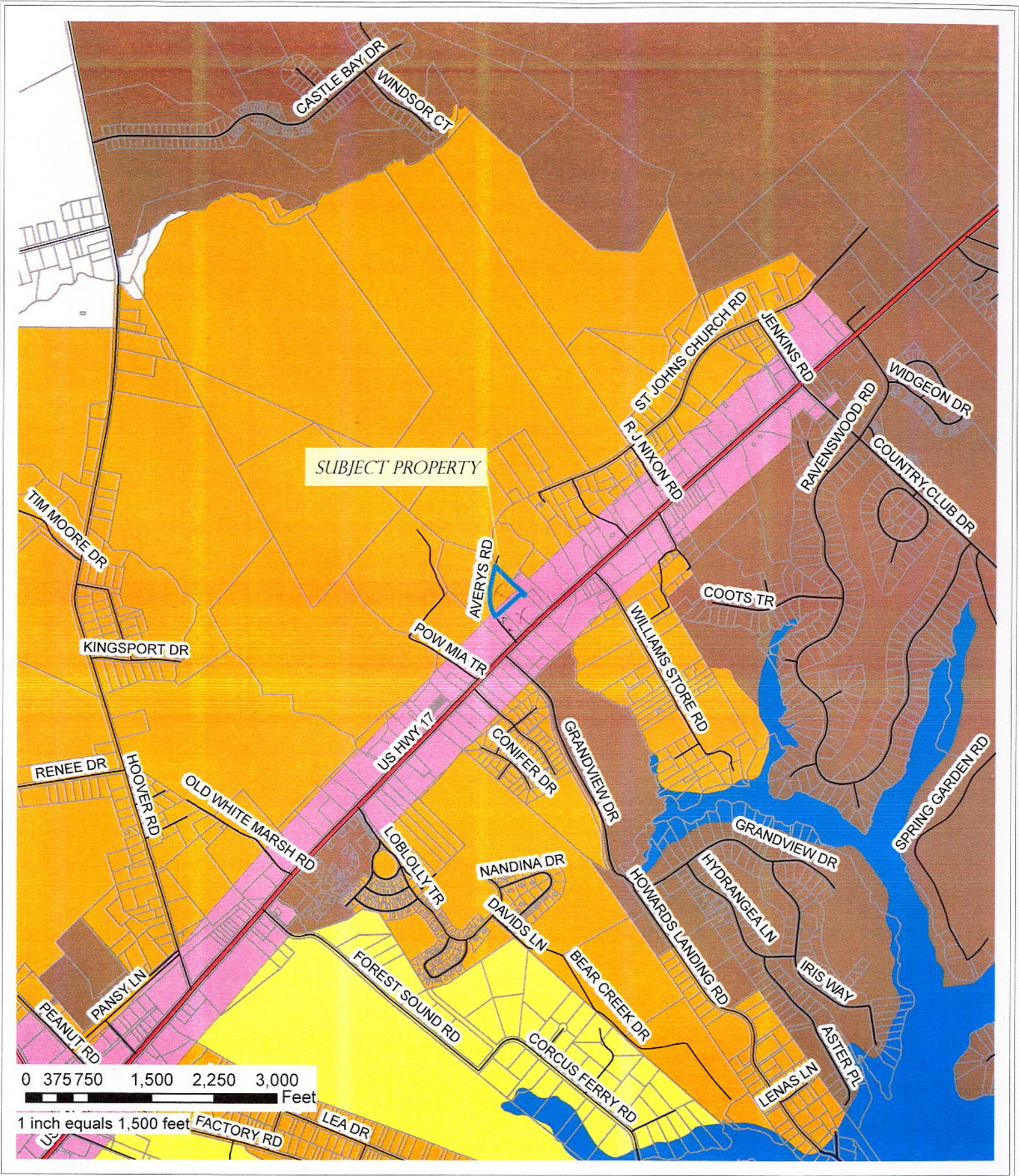
PARTY CHECK:	J.B.
DRAWN BY:	JMR/RWD
SCALE:	1" = 30'
DATE:	May 3, 2005
PROJECT NO.:	05644
DRAWING NAME:	05644_BNDY.dwg
SHEET:	1 of 1



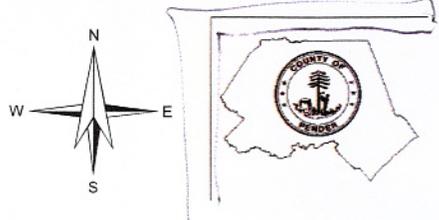


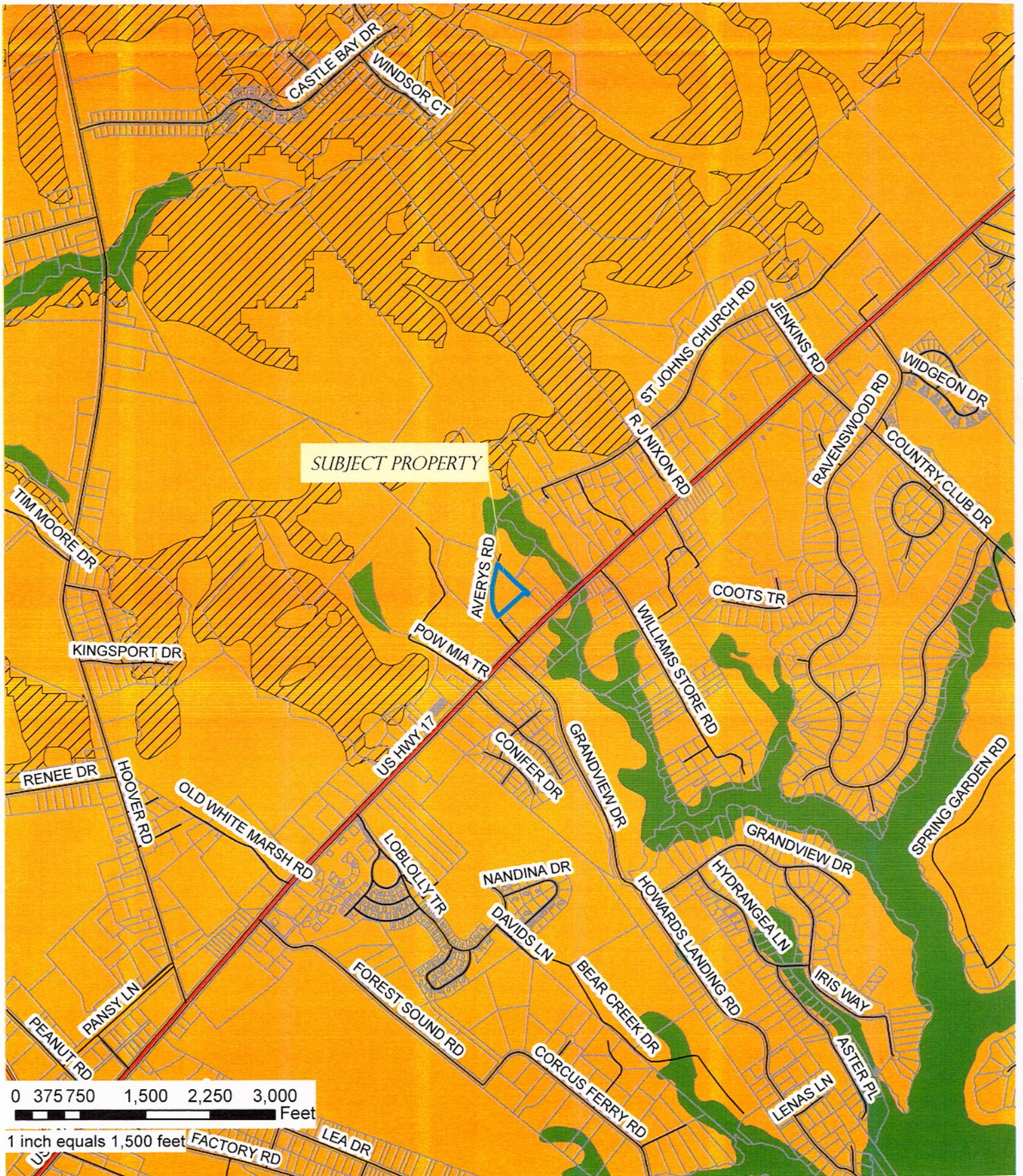
**ZONING MAP AMENDMENT  
US 17/AVERY ROAD  
VICINITY MAP**



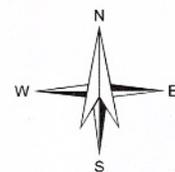


**ZONING MAP AMENDMENT  
 US 17/AVERY ROAD  
 ZONING MAP**





**ZONING MAP AMENDMENT  
US 17/AVERY ROAD  
2005 CAMA LAND USE MAP**





**ZONING MAP AMENDMENT  
US 17/AVERY ROAD  
2006 AERIAL MAP**

