

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: April 7, 2009 – Planning Board
Application Number: ZMA 09-04-07-01
Applicant: Kevin O. Mills and J.F. Larson
Property Owner: Kevin O. Mills and J.F. Larsen

Rezoning Proposal: Rezone three (3) tracts from RT, Rural Transitional District to B-2, Business District (Highway).

Property Record Numbers, Acreage, and Location: The proposal is to rezone three (3) tracts totaling 6.46 acres, from RT, Rural Transitional District to B-2, Business District (highway). The tracts are identified as PIN(s) 4215-33-2329-0000, 4215-23-9366-0000 and 4215-23-2795-0000 and are located to the along the west side of US Highway 17 (N), across from Royal Tern Drive (Pelican Reef Subdivision) in Hampstead.

History: The Pender County Planning Board, at the February 2, 2009 meeting, voted to recommend approval to rezone of 5.52 acres from RT, Rural Transitional District to B-2, Business District (Highway) to the Pender County Board of Commissioners, however that application was amended to add an additional .94 acres to the request.

Staff Recommendation: Staff recommends **approval** of the request.

DESCRIPTION:

The proposal consists of rezoning three (3) tracts totaling 6.46 acres from RT, Rural Transitional District to B-2, Business District (Highway). This general use rezoning request is being made in order to allow more commercial uses in this area (see attached zoning map and applicant's narrative). Currently Tract 1 (see map) has an existing boat repair business (Special Use Permit 09-02-02-04) and tracts 2 and 3 are vacant with an abandoned commercial trailer on tract 2.

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 current zoning classifications for the properties adjacent for the proposed rezoning is as follows: properties to the north, east and southeast are zoned RT, Rural Transition; property to the south across US Highway 17 is zoned PD, Planned Development (Pelican Reef Subdivision) and to the southwest, west and northwest are zoned R-20 Residential District (Oak Grove Subdivision)
- C) Existing Land Use in Area:** Currently the surrounding land use is as follows: to the north is vacant, east across US Highway 17 is single family residential, to the south is vacant and to the west is single family residential.
- D) 2005 Land Use Plan Compliance:** The 2005 Land Use Plan classifies this property as Urban Growth Areas. All three (3) tracts are designated Urban Growth Areas by the 2005 CAMA Land Use Plan, which 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 uses or job

creating uses and a range of residential land uses and housing types. Urban Growth Areas are focused on the Rocky Point area and the Highway 17 Corridor.

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 three (3) tracts totaling 6.46 acres. 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.

VOTING AND RESOLUTION:

Planning Board

Motion: _____ Seconded _____

Approved: _____ Denied: _____ Unanimous _____

Reynolds _____ Garrett _____ Marshburn _____ Millette _____ Smith _____ Williams _____

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on May 18, 2009, the Pender County Board of Commissioners (approved, modified, denied) a rezoning request for property as described herein and Jimmy T. Tate, 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: Tate _____ Brown _____ Blanchard _____ Rivenbark _____ Williams _____

Jimmy T. Tate
Chairman

May 18, 2009
Date

ATTEST

DATE

PLANNING AND COMMUNITY DEVELOPMENT



PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING

ZONING MAP AMENDMENT APPLICATION

Date 2-20-09 Application Fee \$ 200.00 Postage Fee \$ 53.20

I. PROPERTY INFORMATION:

Record #: n/a Current Zoning District: RT Parcel ID #: 4215-234366-0000 Requested Zoning District: B2 Lot #: 4215-352329-0000 4215-232795-0000 Acreage to Be Rezoned: 5.52 + .94 = 6.46 Total Acreage of Tract: 6.46 Property Location/Address: 21433 + 21417 US Hwy 17 Hampstead, NC 28463

A presubmittal meeting is required 30 days prior to submission. A complete submission must be in the Planning and Community Development Department office 45 days prior to the scheduled Planning Board public hearing date. All of the information listed below must be included for the submission to be considered complete:

- Application Fee
Tax property card with the Tax Card print date from the Tax Office of the property and all adjacent property owners
One addressed legal size (4 1/2 x 9) envelope must be received for the for each of the adjacent property owners with a fully completed certified mailing certificate and return receipt attached
Current postage for each mail certification, payable to Pender County Government
One additional set of envelopes and first class postage is required to be processed for the Board of Commissioners
A letter stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, a letter must be signed by both
Legal description and map of the property to be rezoned
18 (11x17) map copies for the Planning Board
20 (11x17) map copies for the Board of Commissioners
CD containing maps and/or document files in .pdf format to be scanned

III. SIGNATURE OF OWNER & APPLICANT:

Handwritten signatures of owner and applicant with the note: (If owner is different from applicant, both signatures are required)

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



ZONING MAP AMENDMENT APPLICATION

Date 2-20-09 Application Fee _____
 Postage Fee _____

I. PROPERTY INFORMATION:

Record #: 010 Current Zoning District: RT
 Parcel ID #: 4215-231366-0000
4215-352329-0000 Requested Zoning District: B2
 Lot #: 4215-232795-0000 Acreage to Be Rezoned: 5.52 + .94 = 6.46
 Total Acreage of Tract: 6.46
 Property Location/Address: 21433 + 21417 US Hwy 17 Hampstead, NC

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- Legal description and map of the property to be rezoned
- 18 (11x17) map copies for the Planning Board
- 20 (11x17) map copies for the Board of Commissioners
- CD containing maps and/or document files in .pdf format

III. SIGNATURE OF OWNER & APPLICANT:

Kevin Mills

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

February 20, 2009

To Pender County Planning
Attention: Ken

From: J.F. Larsen

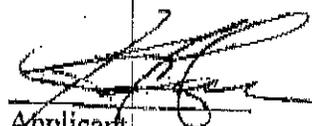
Re: 21435 & 21417 US Highway 17, Hampstead, NC 28443

Please accept this letter as notice and request to apply for re-zoning from RT to B2 for the following parcels:

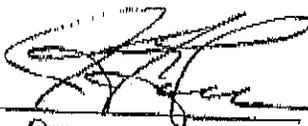
PIN: 4215-33-2329-0000
4215-23-9366-0000
4215-23-2795-0000

Total acreage is 6.46

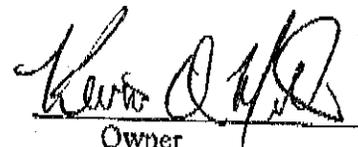
Sincerely,



Applicant
J.F. Larsen



Owner
J.F. Larsen



Owner
Kevin O. Mills

CERTIFICATE OF ACCURACY & MAPPING

I, Paul D. Talbot, do certify that this plat was drawn under my supervision from an actual survey made under my supervision (said descriptions as referenced) 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 26th day of February, A.D., 2008.

This plat is of a survey created a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.



Paul D. Talbot
Paul D. Talbot P.L.S. 1-4099

CERTIFICATE OF OWNERSHIP AND DEEDS AND JURISDICTION

I (we) hereby certify that I (we) and the owner(s) of the property shown and described herein and that I (we) hereby accept this plan of subdivision with my (our) own free consent and dedicate all streets, alleys, walks, parks and other areas to public or private use as noted. Further, I (we) certify that the land as shown herein is located in the subdivision jurisdiction of Pender County.

2-28-08
Date
Nicholas S. Mills
Owner

PARCEL IDENTIFIER CERTIFICATE

Parcel identifiers have been issued for all parcels shown on this plat.

4215-33-031F-4000
Tax Supervisor
2-28-08
Date

REVIEW OFFICER CERTIFICATE

I, Paul D. Talbot, Review Officer of Pender County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Paul D. Talbot
Review Officer
2-28-08
Date

CERTIFICATE OF REGISTRATION BY THE REGISTER OF DEEDS

STATE OF NORTH CAROLINA
PENDER COUNTY

Filed for registration on the 28 day of February, 2008 at 2:42 P.M. O'clock, P.M. and duly recorded in Map Book 114 at Page 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Sharon B. Blalock
Deputy Assistant

CERTIFICATE OF FINAL PLAT APPROVAL

Final Plat Approved Under The Pender County Subdivision Ordinance!

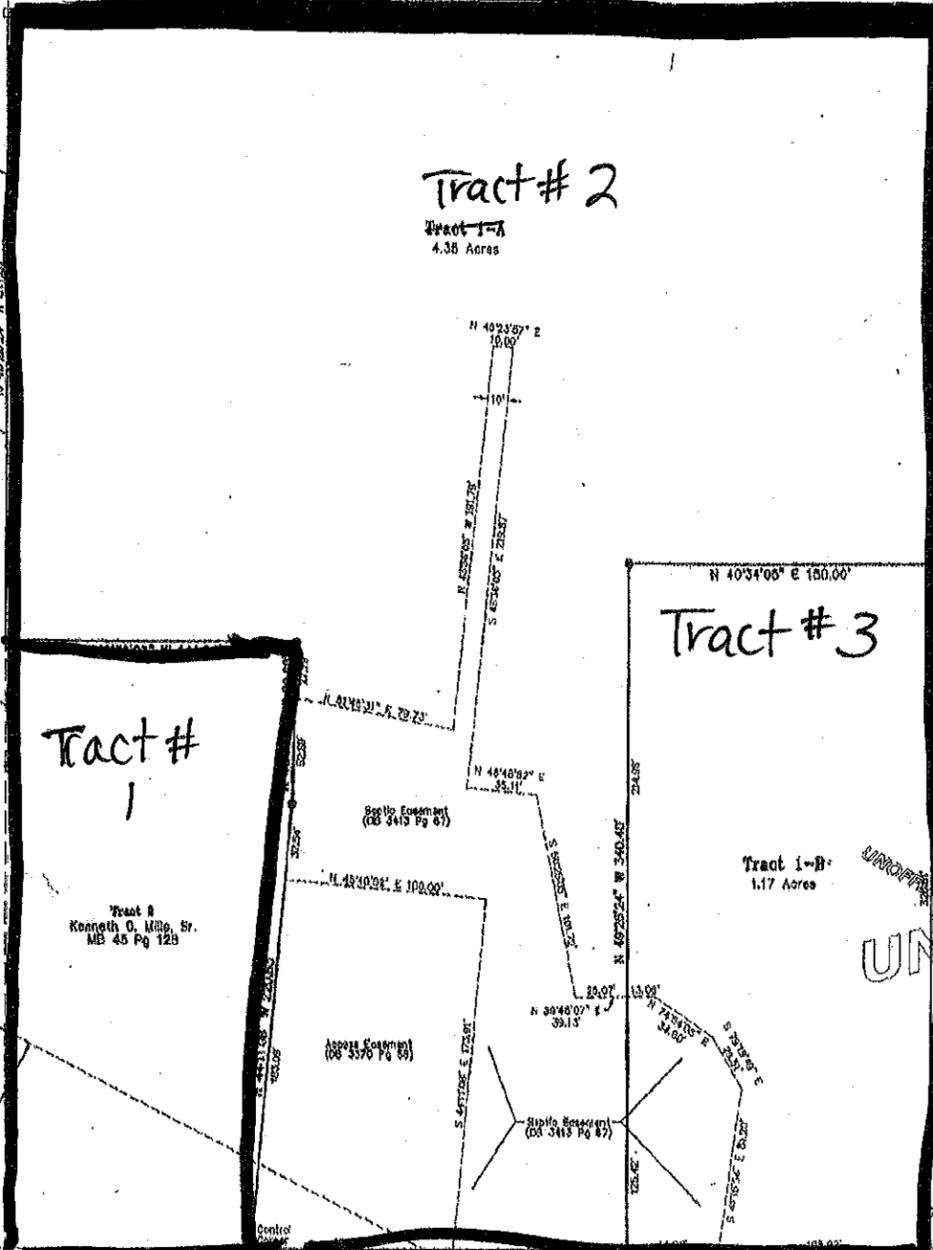
Planning Director
Date

Job# 07103
Drafted by JBS
Drawing Name: 07103plat.dwg

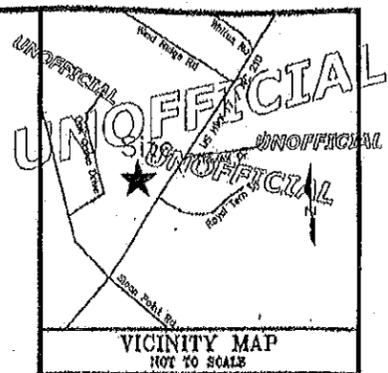
Oak Grove Subdivision Section 3 MB 20 Pg 130
Lot 17 Lot 18 Lot 19 Lot 20 Lot 21

Oak Grove Subdivision Section 2 MB 27 Pg 136
Lot 15 Lot 16

Oak Grove Subdivision Section 2 MB 27 Pg 136
Lot 15 Lot 16



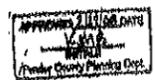
- NOTES:
1.) Boundary referenced to Deed Book 799 Page 693, Deed Book 336 Page 178, Map Book 29 Page 83, Map Book 27 Page 136, Map Book 29 Page 136, Map Book 40 Page 128, references as shown, and existing field conditions.
2.) This property is not located in a 100 Year Flood Hazard Area.
3.) All areas computed by coordinate method.
4.) Existing septic system is located within the Septic Easement as shown on this plat.
5.) Existing septic system serves Tracts 1-A, 1-B, and Tract 2.



- Legend:
● Existing Iron Pipe
○ Existing Iron Rod
□ Existing Concrete Monument
○ Existing COP Data
● New Iron Pipe

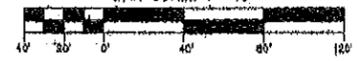
n/f
Emmett H. Salff
OD 790 Pg 661
MB 26 Pg 63

UNOFFICIAL
UNOFFICIAL
UNOFFICIAL



Owner:
Kevin G. Mills
407 College Avenue
Washington, NC 27889

THREE LOT SUBDIVISION
ON NCDOT ROAD
(TWO LOTS)
FOR
KEVIN MILLS
Tract 1-A & 1-B
Topsail Township, Pender County
North Carolina
February 28, 2008
BAR SCALE 1"=40'



Reduced Copy
(Not to Scale)

Talbot Land Surveying, P.C.
18747 U.S. Hwy 17, Suite 110
Hampstead, North Carolina 28448
Phone: (910) 870-6624

MB46 B149 SL 630