

Pender County Planning and Community Development



805 S. Walker Street
PO Box 1519
Burgaw, NC 28425

Phone: 910-259-1202
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www.pendercountync.gov

AGENDA

**Pender County Planning Board
Tuesday, June 7, 2016 7:00 p.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina**

Call to Order: Chairman Williams

Roll Call: Chairman Williams

Pender County Planning Board Members:

Williams: ___ Fullerton ___ Baker: ___ Carter: ___ Edens: ___ McClammy: ___ Nalee: ___

1. Adoption of the Agenda:

2. Adoption of the Minutes: (May 3, 2016)

3. Public Comment:

(Public Hearings Open)

4. Zoning Map Amendment:

Coleman Parks, applicant, on behalf of Beach Front Properties, owner, is requesting approval of a Zoning Map Amendment of one (1) tract totaling approximately 219.5 acres from RA, Rural Agricultural zoning district to RP, Residential Performance zoning district. The subject property is located to the northwest of Island Creek Road (SR 1002) approximately seven tenths of a mile (\pm 0.7 miles) to the southwest of the intersection of NC HWY 210 and Island Creek Road (SR 1002) in the Topsail Township and may be further identified by Pender County PIN: 3263-73-0614-0000.

5. Zoning Map Amendment:

Jerry Hedge, applicant, on behalf of Linwood Jones, owner, is requesting the approval of a Zoning Map Amendment of one (1) tract totaling approximately 0.84 acres from PD, Planned Development zoning district to GB, General Business zoning district. The subject property is located along Forest Sound Road (private) approximately 300 feet southeast of the intersection of US HWY 17 and Forest Sound Road (private) in the Topsail Township and may be further identified by Pender County PIN: 3292-19-4204-0000.

(Public Hearings Closed)

Anyone wishing to address the Pender County Planning Board shall make a request on the "Public Comment" sign-up sheet. Please provide the information requested.

If you wish to speak on a specific public hearing item, please sign-in on the appropriate "Public Hearing" sign-up sheet. Speakers will be allowed to speak prior to any action/vote taken by the Board.

*A time limit of two minutes per speaker or up to ten minutes for groups of five or more, with a designated speaker will be imposed.

- 6. Discussion Items:**
 - a. Planning Staff Items:**
 - b. Planning Board Members Items:**
- 7. Next Meeting: July 6, 2016**
- 8. Adjournment:**

**PLANNING STAFF REPORT
ZONING MAP AMENDMENT**

SUMMARY:

Hearing Date: June 7, 2016 Planning Board
July 5, 2016 Board of Commissioners
Applicant: Coleman Parks
Property Owner: Beach Front Properties
Case Number: ZMA 226-2016

Rezoning Proposal: Coleman Parks, applicant, on behalf of Beach Front Properties, owner, is requesting approval of a Zoning Map Amendment of one (1) tract totaling approximately 219.5 acres from the RA, Rural Agricultural zoning district to the RP, Residential Performance zoning district.

Property Record Number, Acreage, and Location: The subject property is located to the northwest of Island Creek Road (SR 1002) approximately seven tenths of a mile (± 0.7 miles) to the southwest of the intersection of NC HWY 210 and Island Creek Road (SR 1002) in the Topsail Township and may be further identified by Pender County PIN: 3263-73-0614-0000.

RECOMMENDATION

The application is for a zoning map amendment of one (1) tract totaling approximately 219.5 acres from RA, Rural Agricultural zoning district to RP, Residential Performance zoning district. As submitted, the request complies with all but one of the criteria set forth in Section 3.3 Review Criteria for Rezoning of the Pender County Unified Development Ordinance and is consistent with one (1) goal and two (2) policies of the 2010 Comprehensive Land Use Plan. The portion of the Unified Development Ordinance this request is inconsistent with is 3.3.1 (E) which states that the request must show substantial compliance with the goals and policies of the Comprehensive Land Use Plan. Because the Future Land Use map has this parcel designated partially as Rural Growth, the request is not fully consistent. Due to available access to water service, however, the property identifies more closely with the Suburban Growth future land use designation. For this reason the Administrator respectfully recommends approval despite the conflict with the Future Land Use Map.

HISTORY

The designation of the subject property is RA, Rural Agricultural zoning district. The property is currently undeveloped.

DESCRIPTION

Coleman Parks, applicant, on behalf of Beach Front Properties, owner, is requesting approval of a Zoning Map Amendment of one (1) tract totaling approximately 219.5 acres from the RA, Rural Agricultural zoning district to the RP, Residential Performance zoning district. The subject property is located to the northwest of Island Creek Road (SR 1002) approximately seven tenths of a mile (± 0.7 miles) to the southwest of the intersection of NC HWY 210 and Island Creek Road in the Topsail Township. The easement referred to as W.O. Johnston Blvd. is directly to the east of the property.

The minimum acreage to rezone to RP, Residential Performance zoning district is five (5) acres according to Section 4.14 of the Pender County Unified Development Ordinance. This request is in compliance as there are approximately 219.5 acres requested for the Zoning Map Amendment.

Access

The property has approximately 950 feet of direct access to Island Creek Road (SR 1002). There is currently no site access on the subject property and any improvements or driveway permit is subject to review and approval by NCDOT at the time of a development application. W.O. Johnston Avenue is located on the eastern side of this property. This is a private road.

Utilities

Public water is available at the subject property through Pender County Utilities, however no public wastewater service is available. Any final zoning approvals are contingent upon review and approval by Pender County Utilities and the Environmental Health Department.

Environmental Concerns

There are no Areas of Environmental Concern (AEC) located on the property. There appears to be wetlands located on the property. This is subject to review and approval of the Army Corps of Engineers.

There are Special Flood Hazard Areas (SFHA) on the northern portion of the parcel according to FEMA Flood Insurance Rate Map Number 3720321400J, adopted February 16, 2007. In the DFIRMS preliminary maps released in August 2014, the northern portion of the property continues to be designated in a SFHA. Any development will require compliance with the Flood Damage Prevention Ordinance prior to building permit issuance.

All applicable state, federal and local agency permits are required prior to the issuance of final zoning for any development proposal.

EVALUATION

A) Public Notifications: Public Notice of the proposal for a map change has been advertised in the Pender-Topsail Post and Voice. Adjacent property owners have been given written notice of the request, and a public notification sign has been placed on the property.

B) Existing Zoning in Area: The existing zoning on the subject parcel is RA, Rural Agricultural zoning district. Directly adjacent to this property to the north and east is zoned RP, Residential Performance zoning district. All properties to the south and west are zoned RA, Rural Agricultural zoning district. Across Island Creek Road (SR 1002) to the southwest there is one parcel zoned PD, Planned Development zoning district.

C) Existing Land Use in Area: The parcel is currently undeveloped. The Cross Creek Subdivision is to the east of the subject property, which makes a good argument to support the requested zoning map amendment. There is no development to the north, south or west of the property at this time.

D) 2010 Comprehensive Land Use Plan: The 2010 Comprehensive Land Use Plan designates the subject property as Suburban Growth and Rural Growth. The Suburban Growth land use classification identifies those areas of Pender County where significant residential growth is expected to occur within the planning horizon. Areas designated as Suburban Growth are located primarily adjacent to municipal planning jurisdictions and within or near high growth, un-incorporated areas of the County. Suburban Growth designates areas where public water and public sewer are available or are planned in the near future. Uses that would typically be allowed in Suburban Growth areas include medium-high density residential (single-family site-built and modular homes); limited non-residential uses (commercial, office, or public/institutional) that meet locational criteria. Locational criteria for non-residential uses include frontage and access to a major State highway or secondary road, location at a major intersection, proximity to similar uses, and spatial separation from non-compatible uses such as existing residential development. The Rural Growth land use classification defines those areas of Pender County where urban services i.e., public water and sewer services, are not expected to be extended within the planning horizon. Rural Growth areas are where preservation of agricultural operations is a primary

concern and where conflicts between agricultural and non-agricultural uses are to be discouraged. Uses that would typically be allowed in Rural Growth areas include low density residential, low impact commercial, civic and agricultural uses.

This General Use Rezoning is consistent with one (1) goal and two (2) policies of the 2010 Comprehensive Land Use Plan and conflicts with Section 3.3.8 C of the Unified Development Ordinance. This conflict is only between the portions of the Future Land Use Map showing the property as Rural Growth, which is not compatible with the RP, Residential Performance zoning district.

The following goals and policies within this plan may be relevant to support the proposed Conditional Zoning map amendment;

Goal 1A.1: Manage the physical growth and development of Pender County by promoting more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the predominant rural lifestyle and coastal environment that makes the County a unique place to live.

Policy 1A.1.1 Encourage development in and around municipal corporate limits and other developed areas within the County to yield a more compact pattern of development that will reduce suburban/rural sprawl.

Policy 1A.1.2 Encourage development in areas where the necessary infrastructure – roads, water, sewer, and schools - are available, planned or can be most cost effectively provided and extended to serve existing and future development.

E) Unified Development Ordinance Compliance: Article 3.3 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board before a favorable recommendation of approval for a rezoning can be made.

3.3.8 Review Criteria for Rezoning

The Planning Board and Board of Commissioners shall consider the following matters in considering a rezoning request:

- A Whether the range of uses permitted by the proposed change would be appropriate to the area concerned (including not being detrimental to the natural environment, not adversely affecting the health or safety of residents or workers in the area, not being detrimental to the use or development of adjacent property, and not materially or adversely affecting the character of the general neighborhood);
- B Whether adequate public facilities/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;
- C Whether the proposed change is consistent with the County's Comprehensive Land Use Plan and CAMA Land Use Plan or any other adopted land use document.
- D Whether the proposed amendment is reasonable as it relates to the public interest.

The request is partially inconsistent with the criteria for general use rezonings outlined in UDO Section 3.3.1 (E). This requirement states that a rezoning application must show substantial compliance with the goals and policies of the Comprehensive Land Use Plan. It should be noted that there is a conflict with this request in the Pender County Comprehensive Land Use Plan regarding the Future Land Use designation for the tract because

It is partially designated Suburban Growth and partially designated Rural Growth (The parcel has two designations).

There are no conflicts with the proposed map amendment under the Suburban Growth designation, however the Rural Growth future land use designation is inconsistent with the RP, Residential Performance zoning district. The Rural Growth land use classification defines those areas of Pender County where urban services i.e. public water and sewer services are not expected to be extended within the planning horizon. Rural Growth areas are where preservation of agricultural operations is a primary concern and where conflicts between agricultural and non-agricultural uses are to be discouraged. This description conflicts with the definition of the Residential Performance zoning district in the Unified Development Ordinance, which is intended to allow a variety of residential uses and densities and also limited commercial activities as well as agritourism. Existing or new agricultural and farm uses shall be allowed on undeveloped land prior to development.

RECOMMENDATION

The application consists of a zoning map amendment request for approximately 219.5 acres from RA, Rural Agricultural zoning district to RP, Residential Performance zoning district. As submitted, the request complies with all but one of the criteria set forth in Section 3.3.8 of the Pender County Unified Development Ordinance and is consistent with one (1) goal and two (2) policies of the 2010 Comprehensive Land Use Plan. The request conflicts with Section 3.3.8 C of the Unified Development Ordinance due to the definition of the proposed RP, Residential Performance zoning district and the definition of the Rural Growth portion of the future land use classification. Staff is favorably recommending this zoning map amendment, recognizing that it is an appropriate time for a comprehensive update to the Future Land Use Map and Comprehensive Land Use Plan.

BOARD ACTION FOR CONTIDIONAL REZONING REQUEST

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous: _____

Williams: ___ Fullerton: ___ Baker: ___ Carter: _____ Edens: ___ McClammy: ___ Nalee: ___

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 226-2016	Date	4/21/2016
Application Fee	\$ 2,740.00	Receipt No.	#135
Pre-Application Conference	4/2016	Hearing Date	6/7/2016
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	COLEMAN PARKS	Owner's Name:	BEACH FRONT PROPERTIES (GEO GOINELL)
Applicant's Address:	214 BARNACLE CIR	Owner's Address:	NAR COMMERCIAL 4849 RUGBY AVE #200
City, State, & Zip	LEXINGTON SC 29072	City, State, & Zip	BETHESDA, MD 20814
Phone Number:	805 960-8991	Phone Number:	301 922 9116
Legal relationship of applicant to land owner: CONTRACTUAL INTEREST			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3263-73-0614	Total property acreage:	229
Current Zoning District:	RA	Proposed Zoning District:	RP
Project Address:	ISLAND CREEK ROAD		
Description of Project Location:	NORTHWEST CORNER OF ISLAND CREEK ROAD AND W.O. JOHNSTON AVENUE		
SECTION 3: SIGNATURES			
Applicant's Signature		Date	4/21/16
Owner's Signature	BEACH FRONT PROPERTIES 	Date	4/21/16
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> 1. Applicants must also submit the information described on the Reasoning Checklist. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been conducted, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing. 4. All fees are non-refundable. 5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda. 			

200 AC

~~2240~~
2240

Rezoning/Zoning Map Amendment Checklist

<input checked="" type="checkbox"/>	Signed application form					
<input checked="" type="checkbox"/>	Application fee					
<input checked="" type="checkbox"/>	A list of names and addresses, as obtained from the county tax listings and tax abstract, all adjacent property owners, including property owners directly across any road or road easement, and owners of the property under consideration for rezoning.					
<input checked="" type="checkbox"/>	Two (2) business size envelopes legibly addressed with first class postage for each of the adjacent and abutting property owners on the above list.					
<input checked="" type="checkbox"/>	Accurate legal description or a map drawn to scale showing the property boundaries to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.					
<input checked="" type="checkbox"/>	18 (11"x17") map copies to be distributed to the Planning Board					
<input checked="" type="checkbox"/>	20 (11"x17") map copies to be distributed to the Board of Commissioners					
<input checked="" type="checkbox"/>	Digital (.pdf) submission of all application materials					
<input checked="" type="checkbox"/>	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.					
Office Use Only						
8	ZMA Fees: (\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter) Total Fee Calculations: \$ 2,740 --					
Attachments Included with Applications (Please include # of copies)						
CD /other digital version	<input type="checkbox"/> Y <input type="checkbox"/> N	Fien Sub	# of large	# of 11X17	Other documents/Reports	<input type="checkbox"/> Y <input type="checkbox"/> N
Payment Method:	Cash: <input type="checkbox"/> \$ _____	Credit Cards: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa		Check: <input checked="" type="checkbox"/> Check # _____		
Application received by:	<i>Pat O'Neil</i>				Date: 4/21/16	
Application completeness approved by:	<i>J. J. [Signature]</i>				Date: 4/26/16	
Dates scheduled for public hearing:						
<input type="checkbox"/> Planning Board: 6/7/16						
<input type="checkbox"/> Board of Commissioners: 7/5/16						

RETURN COMPLETED APPLICATION TO:
Pender County Planning & Community Development
 805 South Walker Street
 P.O. Box 1519
 Burgaw, NC 28425

REZONING DESCRIPTION

The property is in an active development area of Hampstead, currently zoned RA, applicant is requesting RP zoning to build a single family residential subdivision.

BEACH FRONT PROPERTIES



COLEMAN PARKS

BY:  _____

Exhibit A

BK 1181 PG 100

lying and being in Topsail Township, Pender County, North Carolina and more particularly described as follows:

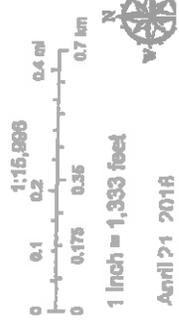
BEGINNING at a concrete monument located in the Southern edge of Spring Branch, said monument being located about 100 yards Eastwardly and up the run of said Spring Branch from Westbrook's boat landing and also being the Northernmost corner of Lot No. 2 and the Northeast corner of Lot No. 1 of the W. O. Johnston Division as shown on a map of same recorded in Book 1, Page 450 of the Pender County Registry; thence from the point of Beginning, along G. P. Simpson's Eastern line (Eastern line of said Tract No. 1), South 26 degrees 39 minutes 50 seconds West 3,263.5 feet to a concrete monument in a ditch; thence, along said ditch, South 54 degrees 29 minutes 10 seconds East, 519.87 feet to a concrete monument; thence South 77 degrees 04 minutes 20 seconds East, 370.42 feet to a concrete monument; thence, North 89 degrees 48 minutes 30 seconds East 749.14 feet to a concrete monument, a corner of International Paper Company; thence along International Paper Company line, South 00 degrees 3 minutes 30 seconds West 1,220.87 feet to a concrete monument; thence, along the center of a dirt road, the centerline of an easement recorded in Book 501, Page 84 of the Pender County Registry, South 00 degrees 07 minutes 30 seconds East 3,530.17 feet to a P.K. nail in the centerline of Secondary Road #1002, (60 foot right of way); thence, along the centerline of said secondary road, North 67 degrees 42 minutes 50 seconds East 957.3 feet to a P.K. nail in the centerline of said road; (said P.K. nail being located Southwestwardly 0.5 mile from the intersection of Secondary Road #1573 as measured along Secondary Road #1002) thence, along the Eastern edge of the Old W. O. Johnston Avenue, North 01 degrees 15 minutes 40 seconds West 2,672.56 feet to an iron pipe, the Northwest corner of a 12.5 acre tract described in Book 526, Page 9 of the Pender County Registry; thence along the Northern line of said tract North 89 degrees 29 minutes 40 seconds East 1,150.66 feet to an iron pipe at the edge of Spring Branch, (Northeast corner of said 12.5 acre tract); thence, to and along the run of Spring Branch in a Northwesterly direction to the point of BEGINNING.

The above being Lots 2, 3, 4, 7 and 8 of the Estate of W. O. Johnston and according to a map of same recorded in Book 1, Page 447 of the Division of Dowers in the Registry of the County and State aforesaid, excepting that portion which is within the right of way of Secondary Road #1002 (30 feet from centerline) and containing 224 acres, more or less.

D:\MPS1\REAL\BEACH



Pender County



Acres: 219.5
 Land Value: \$311,000
 Building Value: \$3,000
 Total Value: \$314,000
 Deferred Value: \$0
 Exempt Amount:
 PCL Class: R
 Heated Sq Feet:

Sale Price: \$Null
 Sale Date: 2008-09-29
 Plat: MOP/LAT
 Account No: 922709
 Township: TOPSAIL
 Subdivision:
 Tax Codes: 601 F29 R40

PIN: 3293-73-0614-0000
 Owner: BEACH FRONT PROPERTIES
 6713 CRIDER BROOK WAY
 ROTOMAC, MD 20664
 Dead Ref: 3650000
 Property Address: ISLAND CREEK RD



Applicant:
Coleman Parks

Owner:
Beach Front Properties

General Use
Rezoning

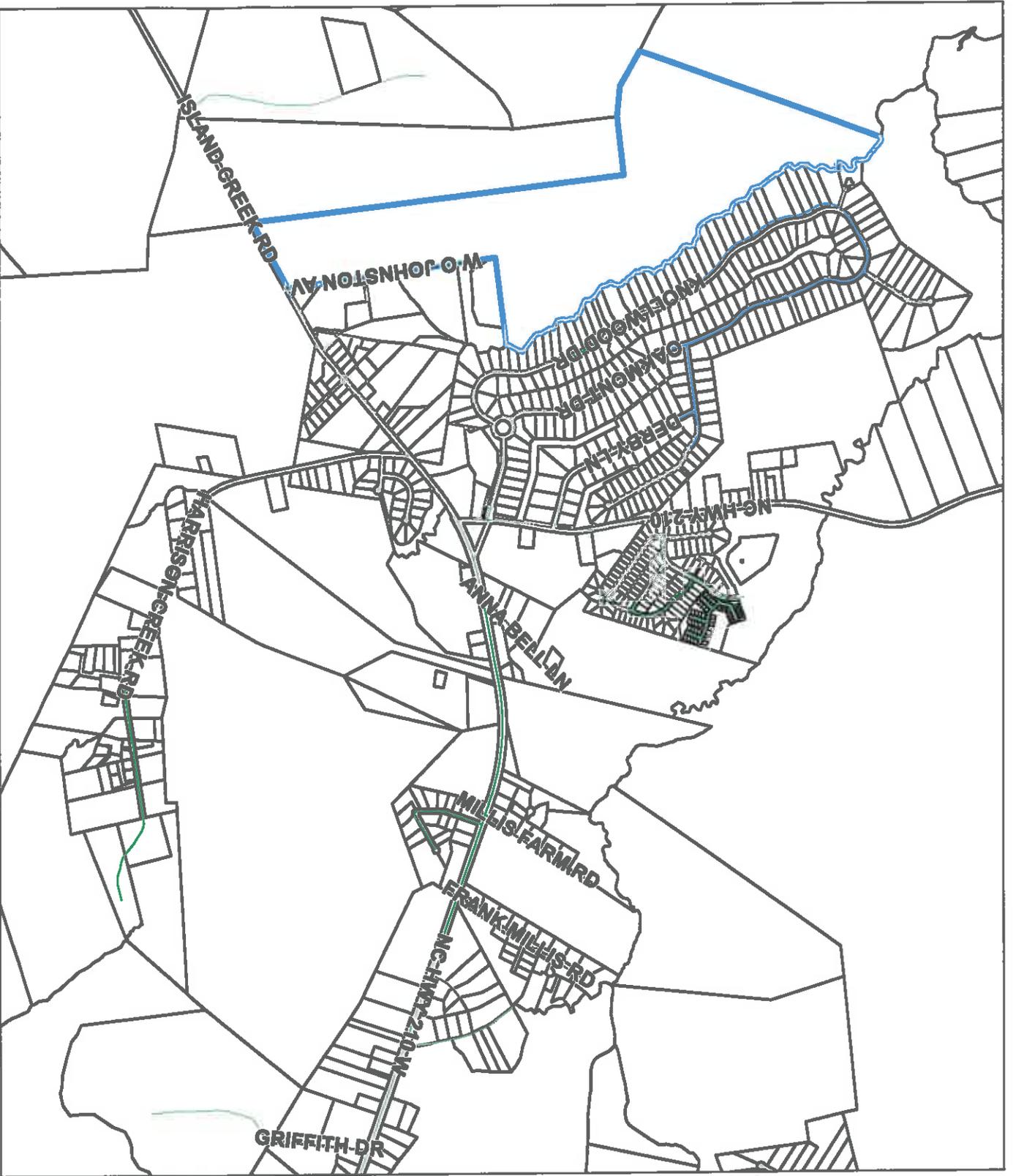
Case Number:
226-2016

Legend

 Subject Property



Vicinity



0 4709410 1,880 2,820 3,760 Feet





Applicant:
Coleman Parks

Owner:
Beach Front Properties

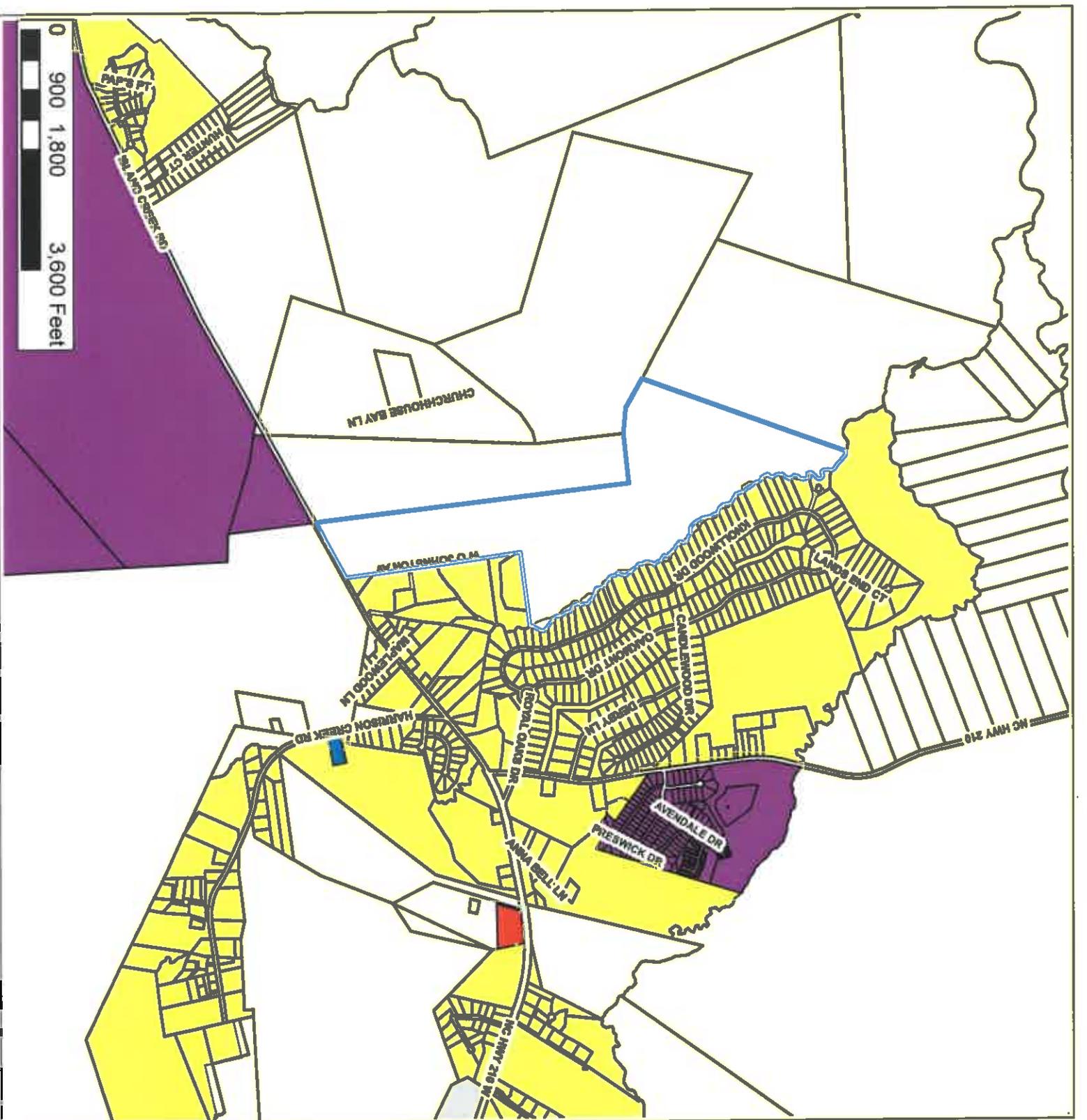
**General Use
Rezoning**

Case Number:
226-2016

- Legend**
- EC, Environmental Conservation
 - GB, General Business
 - GI, General Industrial
 - IT, Industrial Transitional
 - O&I, Office & Institutional
 - PD, Planned Development
 - RA, Rural Agricultural
 - RP, Residential Performance



CURRENT ZONING





Applicant:
Coleman Parks

Owner:
Beach Front Properties

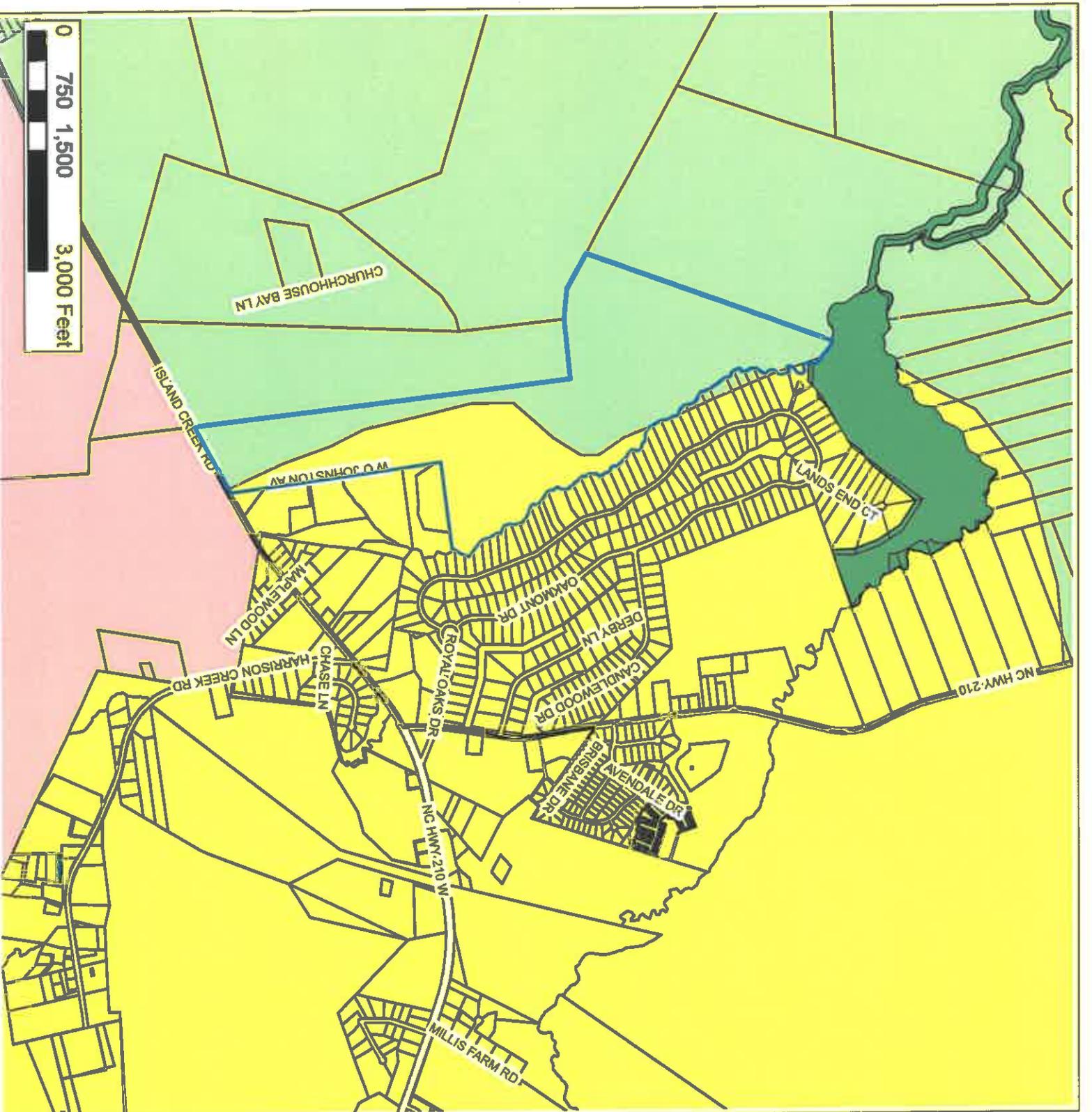
General Use
Rezoning

Case Number:
226-2016

- Legend**
- Conservation
 - Industrial
 - Mixed Use
 - Office, Institutional, Business
 - Rural Growth
 - Suburban Growth
 - Subject Property



Future Land Use





Applicant:
Coleman Parks

Owner:
Beach Front Properties

General Use
Rezoning

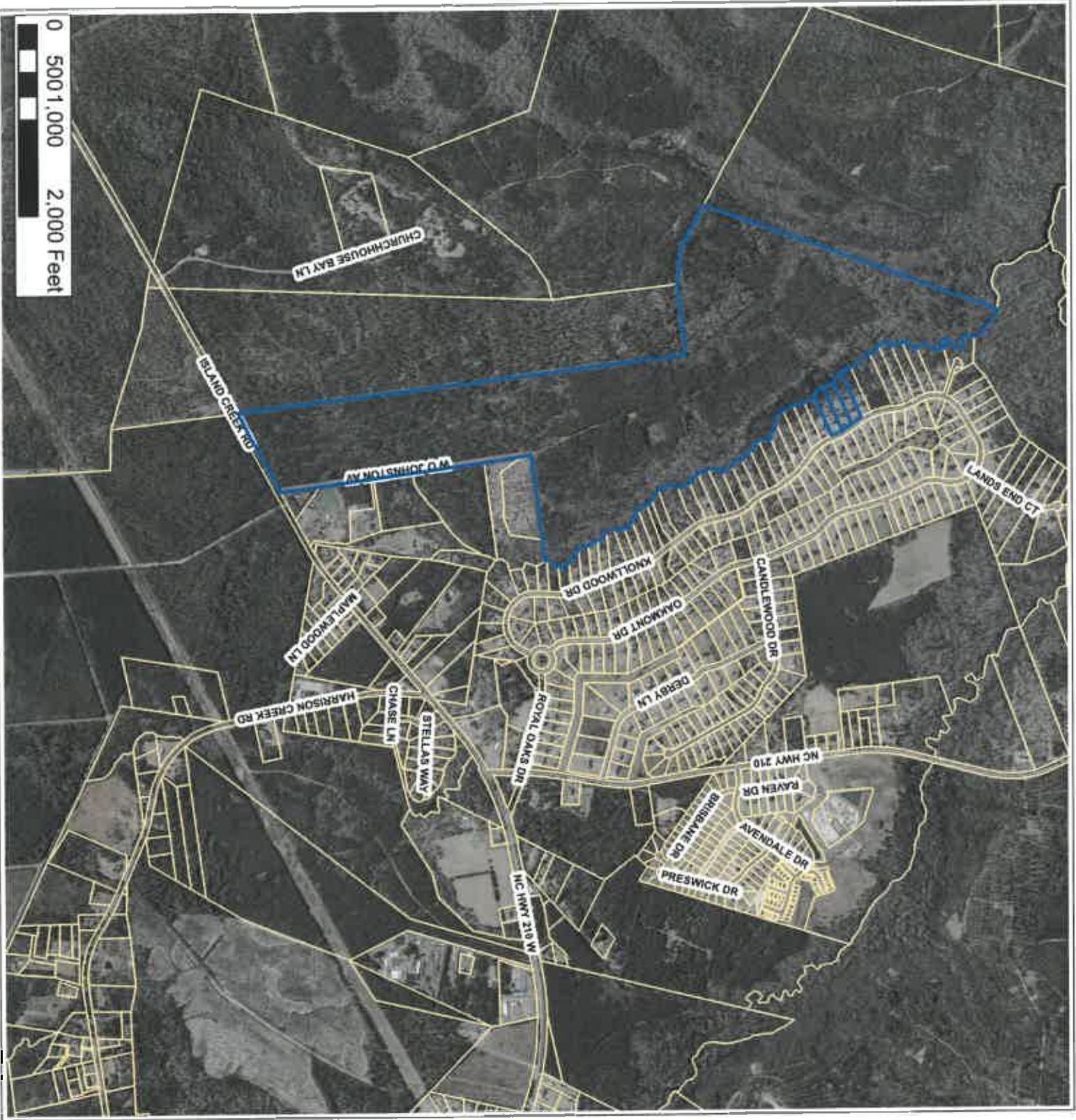
Case Number:
226-2016

Legend

 Subject Property



2012 AERIAL





Applicant:
Coleman Parks

Owner:
Beach Front Prperties

**General Use
Rezoning**

Case Number:
226-2016



 Subject Property

 Flood Hazard Areas

 A

 AE

 AEFW

 SHADED X

 VE


Flood Zones

**PLANNING STAFF REPORT
ZONING MAP AMENDMENT**

SUMMARY:

Hearing Date: June 7, 2016 Planning Board
July 5, 2016 Board of Commissioners

Applicant: Jerry Hedge

Property Owner: Linwood Jones

Case Number: ZMA 232-2016

Rezoning Proposal: Jerry Hedge, applicant, on behalf of Linwood Jones, owner, is requesting approval of a Zoning Map Amendment of one (1) tract totaling approximately 0.84 acres from the PD, Planned Development zoning district to the GB, General Business zoning district.

Property Record Number, Acreage, and Location: The subject property is located on Forest Sound Road (private) approximately 300 feet southeast of the intersection of US HWY 17 and Forest Sound Road (private) in the Topsail Township and may be further identified by Pender County PIN: 3292-19-4204-0000.

RECOMMENDATION

The application is for a zoning map amendment of one (1) tract totaling approximately 0.84 acres from PD, Planned Development zoning district to GB, General Business zoning district. As submitted, the request complies with all criteria set forth in Section 3.3 Review Criteria for Rezoning of the Pender County Unified Development Ordinance and is consistent with one (1) goal and two (2) policies of the 2010 Comprehensive Land Use Plan and conflicts with none. There are no known conflicts with any adopted plans. The Administrator is recommending approval of this zoning map amendment request.

HISTORY

The parcel was recorded in Map Book 48 Page 027 as seen in attachment one. The parcel was originally a part of the Master Development Plan known as Hampstead Village.

DESCRIPTION

Jerry Hedge, applicant, on behalf of Linwood Jones, owner, is requesting approval of a Zoning Map Amendment of one (1) tract totaling approximately 0.84 acres from the PD, Planned Development zoning district to the GB, General Business zoning district. The subject property is located on Forest Sound Road (private), approximately 300 feet southwest of US HWY 17 in the Topsail Township.

The minimum acreage to rezone to GB, General Business zoning district is one (1) acre according to Section 4.14 of the Pender County Unified Development Ordinance, however note 3 in the same section states that if a parcel adjoins an established zoning district that is identical to the district that is applying for a rezoning then it is exempt from meeting the minimum area requirements for rezoning into that district. Due to 1.16 acres of Pender County Parcel Number 3292-19-2319-0000 being zoned General Business zoning district being directly to the northwest, this parcel is eligible to be rezoned despite being shy of one acre.

Access

The property has direct access to US HWY 17 from the 60-foot private right-of-way called Forest Sound Road. There is also a recorded ingress and egress easement from US HWY 17. Any Improvements are subject to review and approval by NCDOT at the time of a development application.

Utilities

Public water is available at the subject property through Pender County Utilities. The property is served by a private septic system. Any final zoning approvals are contingent upon review and approval by Pender County Utilities and the Environmental Health Department.

Environmental Concerns

There are no Areas of Environmental Concern (AEC) located on the property, nor any regulated Special Flood Hazard Area (SFHA) according to FEMA Flood Insurance Rate Map Number 3720321400J, adopted February 16, 2007. It appears there may be wetlands located on the property subject to review and approval of the Army Corps of Engineers.

All applicable state, federal and local agency permits are required prior to the issuance of final zoning.

EVALUATION

A) Public Notifications: Public Notice of the proposal for map change has been advertised in the Pender-Topsail Post and Voice. Adjacent property owners have been given written notice of the request, and a public notification sign has been placed on the property.

B) Existing Zoning In Area: The existing zoning on the subject parcel is PD, Planned Development zoning district. Directly adjacent to this property to the east is an undeveloped parcel zoned RP, Residential Performance zoning district. To the south is a large undeveloped parcel zoned RM-CD1 (Case #11458). The parcels to the west are exclusively zoned GB, General Business zoning district.

C) Existing Land Use In Area: The parcel is currently designated a business use and is home to a cellphone servicing station. The land to the south is undeveloped. Hampstead Village is located directly to the north. There is a bank located to the west. There is a drive-thru restaurant to the south.

D) 2010 Comprehensive Land Use Plan: The 2010 Comprehensive Land Use Plan designates the subject property as Mixed Use. The Mixed Use land use classification identifies those areas of Pender County where a mixture of higher density/intensity uses is to be encouraged. Mixed Use areas should be characterized by physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high and medium density residential uses, arranged in a walkable, compact, pedestrian and transit friendly manner. Mixed Use areas are intended to concentrate a mix of uses in convenient locations by promoting an efficient sustainable pattern of land uses.

This General Use Rezoning is consistent with one (1) goal and two (2) policies of the 2010 Comprehensive Land Use Plan and conflicts with none. The following goals and policies within this plan may be relevant to support the proposed Conditional Zoning map amendment;

Goal 1A.1: Manage the physical growth and development of Pender County by promoting more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the predominant rural lifestyle and coastal environment that makes the County a unique place to live.

Policy 1A.1.4 The County shall actively direct growth towards suitable land areas and away from fragile natural resource areas, conservation areas and hazardous areas.

Policy 1A.1.5: The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.

E) Unified Development Ordinance Compliance: Article 3.3 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board before a favorable recommendation of approval for a rezoning can be made.

3.3.8 Review Criteria for Rezoning

The Planning Board and Board of Commissioners shall consider the following matters in considering a rezoning request:

- A. Whether the range of uses permitted by the proposed change would be appropriate to the area concerned (including not being detrimental to the natural environment, not adversely affecting the health or safety of residents or workers in the area, not being detrimental to the use or development of adjacent property, and not materially or adversely affecting the character of the general neighborhood);
- B. Whether adequate public facilities/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;
- C. Whether the proposed change is consistent with the County's Comprehensive Land Use Plan and CAMA Land Use Plan or any other adopted land use document.
- D. Whether the proposed amendment is reasonable as it relates to the public interest.

RECOMMENDATION

The application consists of a zoning map amendment request for approximately 0.84 acres from PD, Planned Development zoning district to GB, General Business zoning district. As submitted, the request complies with all criteria set forth in Section 3.3.8 of the Pender County Unified Development Ordinance and is consistent with one (1) goal and two (2) policies of the 2010 Comprehensive Land Use Plan. The request does not conflict with any existing policies, land uses, or zoning classifications. Therefore, the Administrator respectfully recommends the approval of the general use rezoning request.

BOARD ACTION FOR CONTIDTIONAL REZONING REQUEST

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous: _____

Williams: ___ Fullerton: ___ Baker: ___ Carter: ___ Edens: ___ McClammy: ___ Nalee: ___

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 232-2016	Date	4/27/16
Application Fee	\$500 —	Receipt No.	#141
Pre-Application Conference	4/8/2016	Hearing Date	June 7 PB July 5 BOCC
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Jerry Hedge	Owner's Name:	Linwood Jones
Applicant's Address:	124 Hughes Road	Owner's Address:	449 Grill Road
City, State, & Zip	Hampstead, NC 28443	City, State, & Zip	Clayton, NC 27520
Phone Number:	(910) 617-2913	Phone Number:	(910) 422-8015
Legal relationship of applicant to land owner:			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3292-19-4204-0000	Total property acreage:	.84
Current Zoning District:	PD	Proposed Zoning District:	GB
Project Address:	Forest Sound Road		
Description of Project Location:	.84 AC PB 48/27 LINWOOD JONES SURVEY RECOMB LOTS PT HAMPSTEAD Forest Sound Road		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	4-21-16
Owner's Signature		Date:	4-21-2016
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> 1. Applicant must also submit the information described on the Rezoning Checklist. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing. 4. All fees are non-refundable. 5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda. 			



Rezoning/Zoning Map Amendment Checklist

<input checked="" type="checkbox"/>	Signed application form					
<input checked="" type="checkbox"/>	Application fee					
<input checked="" type="checkbox"/>	A list of names and addresses, as obtained from the county tax listings and tax abstract, all adjacent property owners, including property owners directly across any road or road easement, and owners of the property under consideration for rezoning.					
<input checked="" type="checkbox"/>	Two (2) business size envelopes legibly addressed with first class postage for each of the adjacent and abutting property owners on the above list.					
<input type="checkbox"/>	Accurate legal description or a map drawn to scale showing the property boundaries to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.					
<input type="checkbox"/>	18 (11"x17") map copies to be distributed to the Planning Board					
<input type="checkbox"/>	20 (11"x17") map copies to be distributed to the Board of Commissioners					
<input type="checkbox"/>	Digital (.pdf) submission of all application materials					
<input type="checkbox"/>	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.					
Office Use Only						
<input checked="" type="checkbox"/>	ZMA Fees: (\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter) Total Fee Calculation: \$ 500.00					
Attachments Included with Application: (Please include # of copies)						
CD (other digital version)	<input type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets	# of large	# of 11x17	Other documents/Reports	<input type="checkbox"/> Y <input type="checkbox"/> N
Payment Method:	Cash: <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check: <input checked="" type="checkbox"/> Check # _____			
Application received by:	Patrick O'Mahony				Date:	4/22/16
Application completeness approved by:	Jessica Fester				Date:	4/28/16
Dates scheduled for public hearing:						
<input type="checkbox"/> Planning Board: 6/7/16						
<input type="checkbox"/> Board of Commissioners: 7/15/16						

RETURN COMPLETED APPLICATION TO:
Pender County Planning & Community Development
805 South Walker Street
P.O. Box 1519
Burgaw, NC 28425

Print Form

April 21,2016

SEAGATE PROPERTIES, LLC
PO Box 911
Wrightsville Beach, NC 28480

RE: PIN:3292-19-4204-000 - .84 acres

We are requesting the rezoning of a .84 - acre parcel of land located at 75 Forest Sound Road Hampstead, NC 28443.

The current zoning is PD-Planned Development. The intent of the Planned Development (PD) District is to provide an alternative to a conventional development. The PD zoning districts allow projects of innovative design and layout that would not otherwise be permitted under this Ordinance because of the strict application of zoning district or general development standards. The PD District encourages progressive land planning and design concepts.

We would like the property to be zoned GB: General Business which is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail and personal service uses.

This parcel of land adjoins 1.16 acres which is currently zoned GB: General Business.

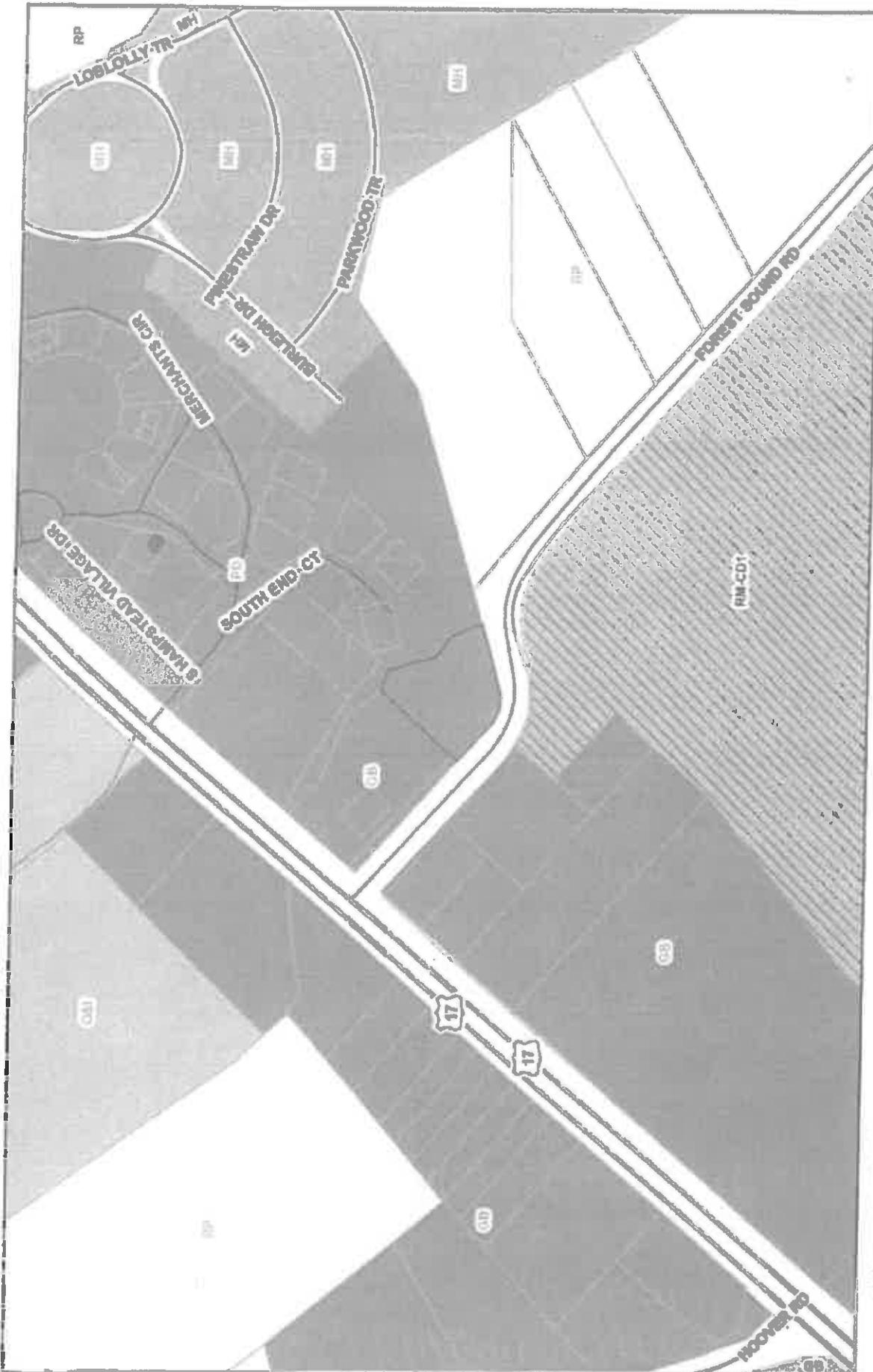
Thank You,



Jerry D. Hedge
SEAGATE PROPERTIES, LLC



Linwood Jones
Property Owner

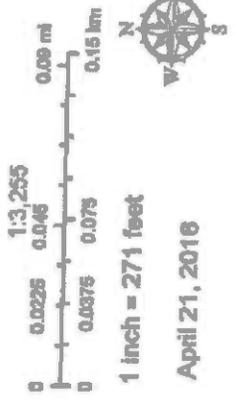


P#1: 3282-19-4204-0003
 Owner: JONES LINWOOD J
 449 GRILL RD
 CLAYTON, NC 27828
 Deed Ref: 3248/173
 Property Address: FOREST SOUND RD
 Description: .84 AC PB 48/27 LINWOOD JONES SURVEY RECOMB LOTS PT HAMPSTEAD VILLAGE 21/14

Sale Price: \$Null
 Sale Date: 2007-11-01
 Plat: 00-000027
 Account No: 808372
 Township: TOPSAIL
 Subdivision: HAMPSTEAD BY THE SEA
 Tax Codes: GE1 FZ2 R48

Acres: 0.84
 Land Value: \$93,678
 Building Value: \$1,260
 Total Value: \$94,938
 Deferred Value: \$0
 Exempt Amount:
 PCL Class: R
 Harbored Sq Feet:

Zoning



1 inch = 271 feet
April 21, 2016



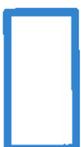
Applicant:
Jerry Hedge

Owner:
Linwood Jones

**General Use
Rezoning**

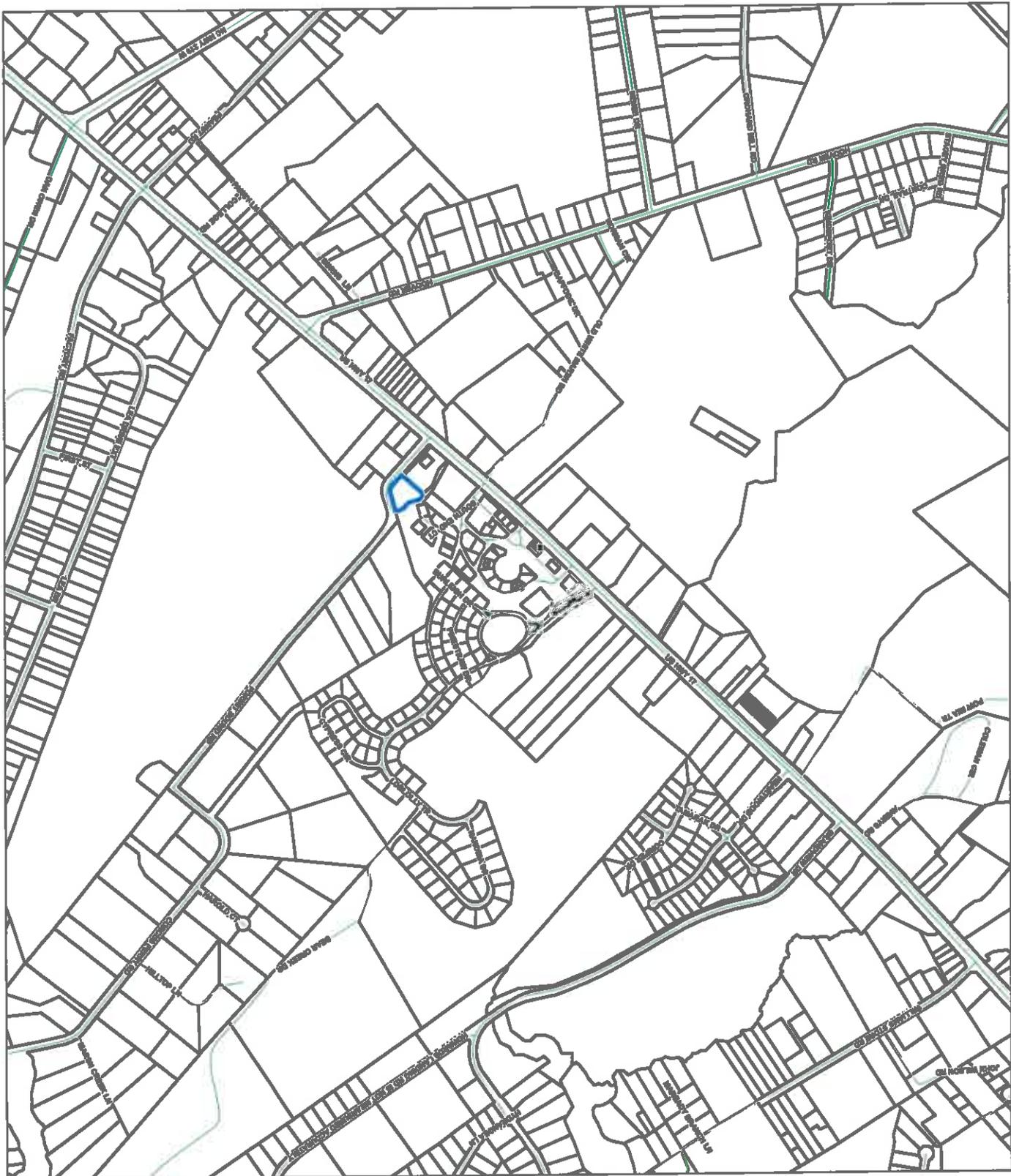
Case Number:
232-2016

Legend

 Subject Property



Vicinity



0 240 480 960 1,440 1,920 Feet



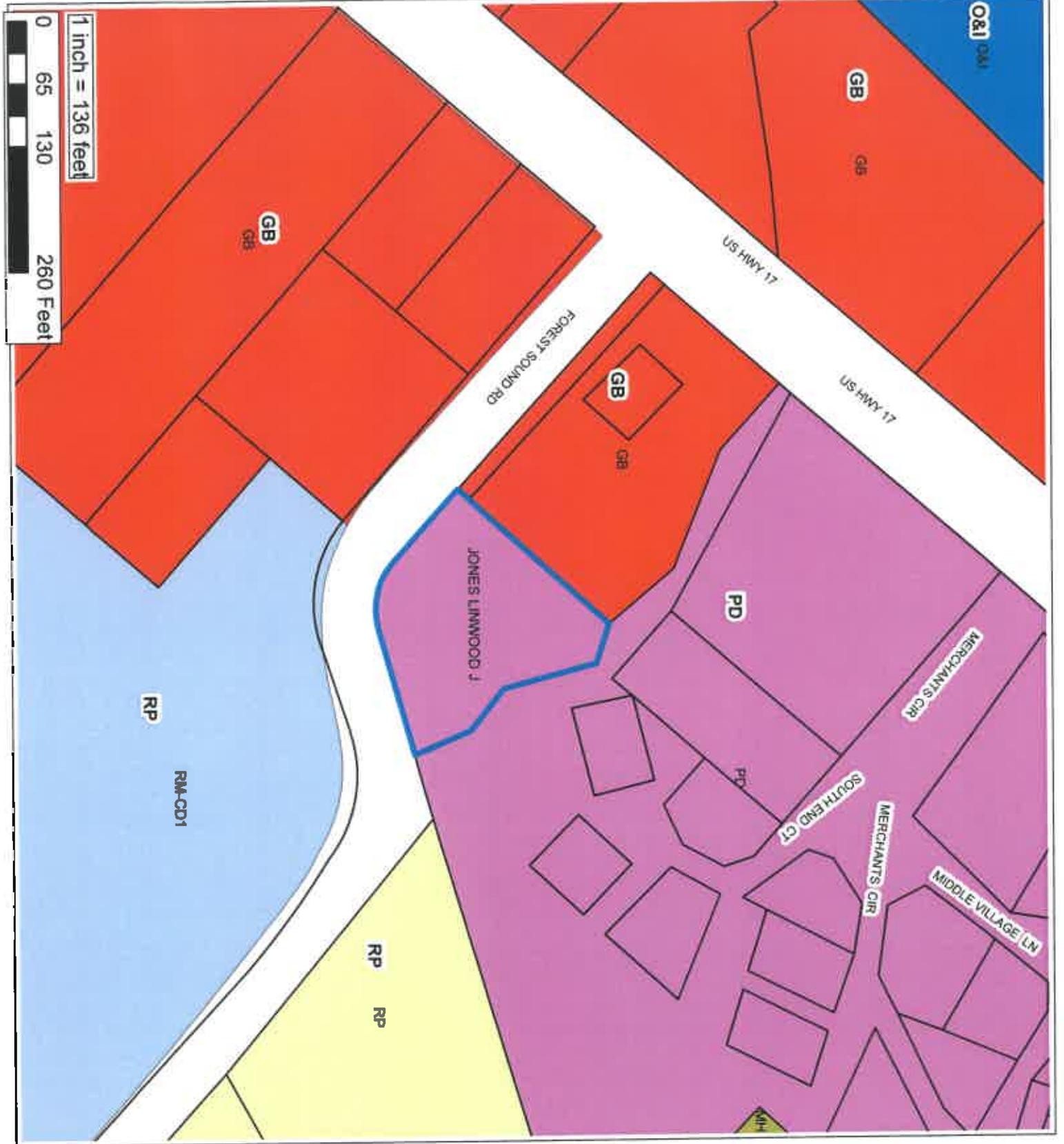
Applicant:
Jerry Hedge

Owner:
Linwood Jones

General Use Rezoning

Case Number:
232-2016

- EC
- GB
- GI
- INCORP
- IT
- MH
- O&I
- O&I-CD1
- PD
- RA
- RA-CD1
- RM-CD1
- RP
- Subject Parcel



Current Zoning



Applicant:
Jerry Hedge

Owner:
Linwood Jones

General Use
Rezoning

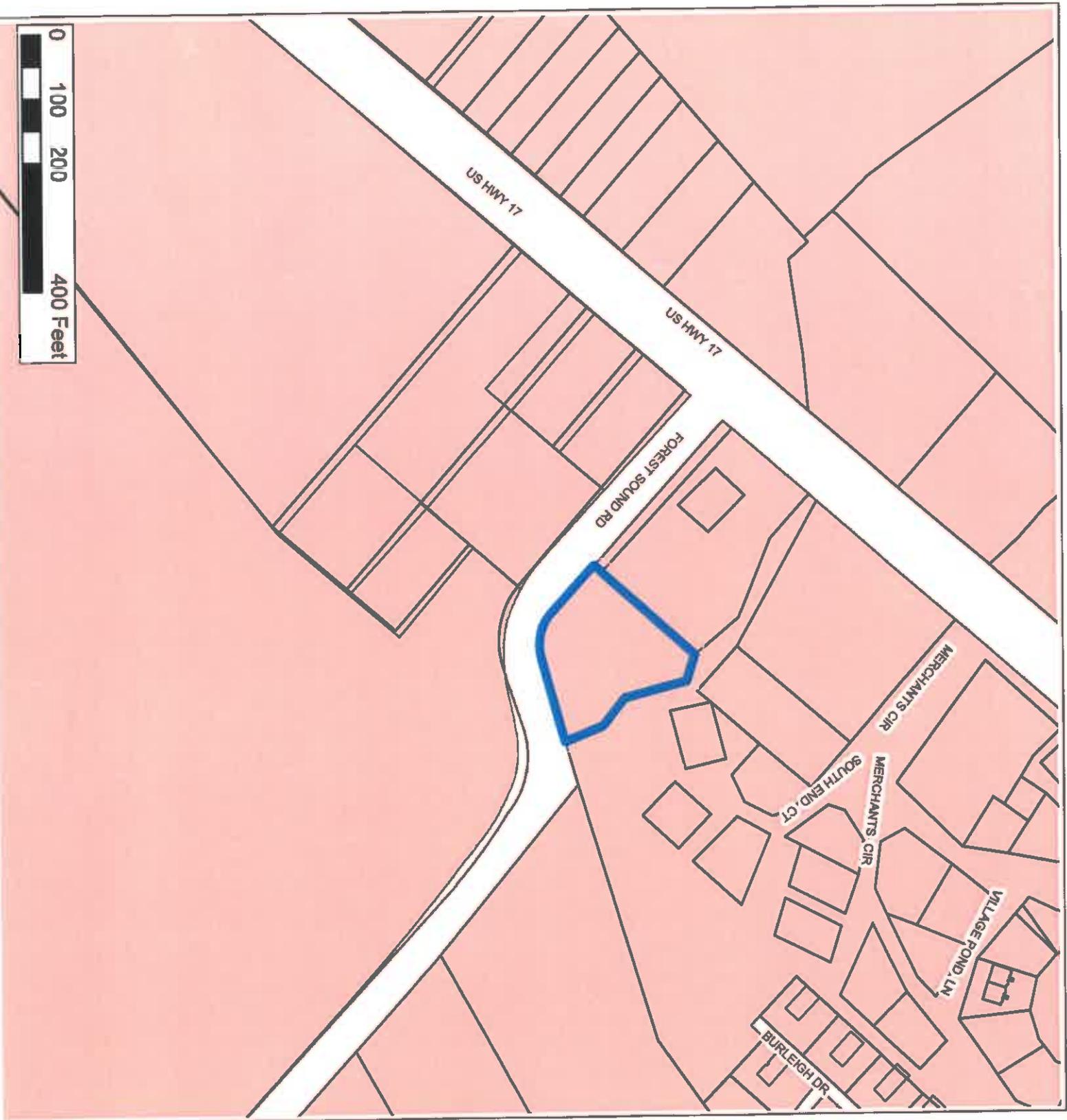
Case Number:
232-2016

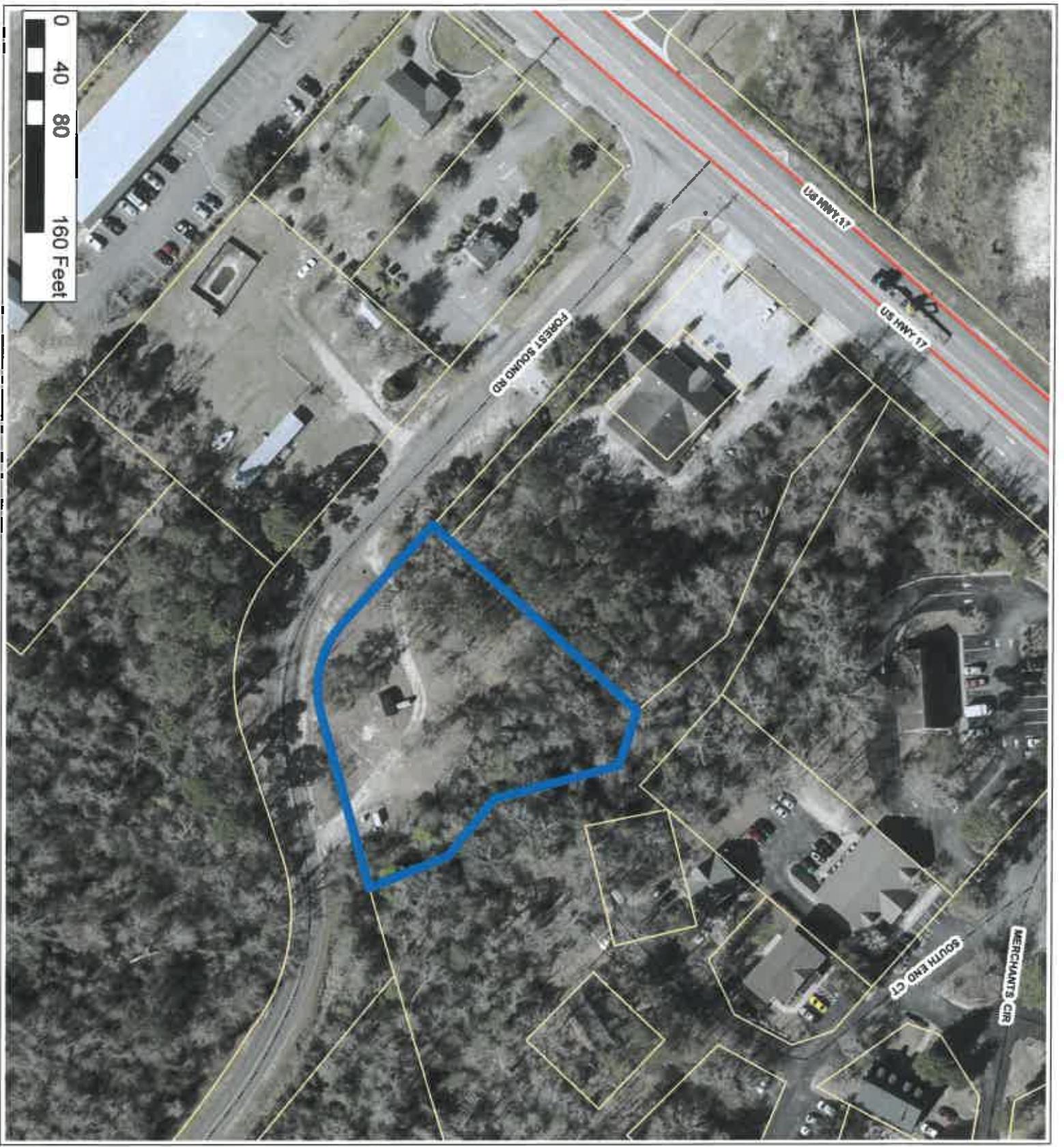
Legend

-  232
-  Conservation
-  Industrial
-  Mixed Use
-  Office, Institutional, Business
-  Rural Growth
-  Suburban Growth



Future Land Use





Applicant:
Jerry Hedge

Owner:
Linwood Jones

General Use
Rezoning

Case Number:
232-2016

Legend



2012 AERIAL