

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

28.

Date of Request: July 23, 2007

Tracking Number: _____

Date Request Received: July 25, 2007

Board Meeting Date Requested: August 6, 2007

Board Meeting Date Assigned: August 6, 2007

Short Title: Reconsideration Of A Previous Rezoning Case: Country Club Road Assemblage, LLC.

Request Status:

- Request is proceeding to Board of Commissioners
- More information is needed – see attached
- Request on hold – no further information needed
- Other:

Background: On May 21, 2007, the Board of Commissioners denied a rezoning request to rezone 376 acres off of Country Club Road from an R-20C, Residential Conventional Hsouing District, to a PD Planned Development District. Minutes from that meeting are attached.

(Administrative Use Only)

According to the Pender County Zoning Ordinance, no previously denied rezoning request may be presented for reconsideration for six months from the date of denial. However, the ordinance does give the Board of Commissioners the authority to waive that requirement.

CONTRACT TYPE

Attached is a letter from the applicant, requesting that they be granted the ability to reapply for the rezoning request based upon changes to the original request that address ingress and egress options to the property.

- Renewal
- For Service(s)
- Intergovernmental – County as Grantee
 - Federal Grantor
 - State Grantor
 - Grant or
- County as Grantor
 - County Funds
 - Other Funds:
- Revision
- For Equipment

If approved, this would allow the applicant to resubmit the case. This requires the applicant to follow the very same procedural process as any new rezoning case: public notificaion, Planning Board hearing, and Board of Commisisoner hearing.

PURCHASING

- Date Rec'd: Budgeted Item: Yes No
 Reviewed and Approved
 Comments on Reverse

Specific Action Requested: Consider granting a waiver from Article 5.2.D of the Pender County Zoning Ordinance, which would allow the applicant to resubmit the revised rezoning case.

Date Sent:

Signed:

Requested by: Joey Raczkowski
Department: Planning Department
Title: Planning Director
Contact Phone: 910-259-1529
Contact Fax: 910-259-3735

ATTORNEY

- Date Rec'd: Reviewed and Approved
 Legal Problem(s)
 Comments on Reverse

Date Sent:

Signed:

FINANCE

- Date Rec'd: Sufficient Funds Available Not Available
 Budget Amendment Necessary
 Budgeted Amendment is Attached
 Comments on Reverse

Date Sent:

Signed:

CLERK

- Signature(s) Required:
 Board Chairman/County Manager
 Other:

Date Rec'd Approved by Board: Yes No
At meeting on

MANAGER'S RECOMMENDATION

Respectfully recommend approval.

LAB
Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that

the applicants for the County Club Road Assemblage, LLC development are granted a waiver from Article 5.2D of the Pender County Zoning Ordinance, and may resubmit another rezoning request which reflects changes to the original request, specifically addressing the site access issues. The County Manager is authorized to execute any documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Rivenbark ___ Blanchard ___ Brown ___ Moore ___ Williams ___

F. D. Rivenbark, Chairman 8/6/07
DATE

Attest 8/6/07
DATE

July 24, 2007

Mr. Joey Raczkowski AICP,CZO
Planning Director
Pender County Planning Department
805 South Walker Street
Burgaw, NC 28425

➤ Subject:

- Property – 376 acres off Country Club Road
- Property Parcel ID #'s – 4203-74-3682-0000, 4203-64-4531-0000, 4203-53-8561-0000, 4203-53-9769-0000, 4203-54-0572-0000, 4203-45-4049-0000, 4203-45-2425-0000, 4203-43-7857-0000
- Applicant – Southwind Surveying & Engineering
- Owners – Country Club Road Assemblage

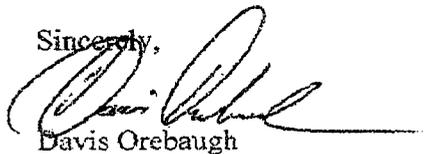
Dear Mr. Raczkowski:

Country Club Road Assemblage, LLC requests that Pender County Board of Commissioners reconsider its zoning request, originally denied on May 21, 2007, to be rezoned from R-20C, Residential Conventional Housing District to PD, Planned Development District. We present this request under the emergency reconsideration provisions of your ordinance.

The subject property is surrounded by PD zoning. Due to the concerns voiced at the May 21, 2007 Board of Commissioners meeting in reference to increased traffic, we have new ingress & egress options that should alleviate such concerns and greatly enhance the overall traffic flow to Country Club Road and to the current intersections at either end of the road. We look forward to illustrate this important new information.

Thank you.

Sincerely,



Davis Orebaugh

Manager

Country Club Road Assemblage, LLC



INTRODUCED BY: Planning Staff DATE: May 21, 2007 ITEM NO: 17

TITLE: Zoning Map Amendment, Southwind Surveying & Engineering (376 acres off Country Club Road)

SUBJECT: **PROPERTY PARCEL ID NOS:** 4203-74-3682-0000, 4203-64-4531-0000, 4203-53-8561-0000, 4203-53-9769-0000, 4203-54-0572-0000, 4203-45-4049-0000, 4203-45-2425-0000, 4203-43-7857-0000.

APPLICANT: Southwind Surveying & Engineering

OWNERS: Country Club Road Assemblage, LLC

ACTION REQUESTED: Applicant is requesting eight tracts totaling 376 acres be rezoned from R-20C, Residential Conventional Housing District to PD, Planned Development District.

HISTORY/BACKGROUND:

Location of Property: The property is located on the south of Country Club Road and extends southeast to the Intracoastal Waterway in Hampstead, NC. It is roughly bounded to the northeast by South Belvedere Drive and to the southwest by Avila Drive. A 55-acre tract is located on the southwestern side of Avila Drive. (See attached vicinity map).

Description of Proposal: The proposal consists of rezoning eight tracts totaling 376 acres from R-20C, Residential Conventional Housing District to PD, Planned Development District. This rezoning will also allow planned development consistent with requirements in the PD zoning district. (See attached zoning map and applicant's 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 is bounded immediately by PD zoned land on the northeastern and northwestern sides. The property is bordered along the southwestern side by R20 C zones.
- C) Existing Land Use in Area:* The property is bounded on all sides by single-family development. Belvedere subdivision lies to the north and east, while the Avila and Hideaway Shores subdivisions lie along the southwestern boundaries.
- D) 2005 Land Use Plan Compliance:* The 2005 Land Use Plan classifies this property as an 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. 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 376 acres of land from R-20C, Residential Conventional Housing District to PD, Planned Development District. 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.
- G) Pender County Planning Board Recommendation:* The Pender County Planning Board, at its May 1, 2007 meeting, voted 4-2 to recommend approval of the rezoning request.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on May 21, 2007, the Pender County Board of Commissioners (~~approved, modified, denied~~) a rezoning request for eight tracts totaling 376 acres for Southwind Surveying & Engineering, as described herein and F.D. Rivenbark, 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 Williams SECONDED Tate

APPROVED _____ DENIED X UNANIMOUS _____

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

F. D. Rivenbark
F. D. Rivenbark,
Chairman

5-21-07
Date

Uma Brill
ATTEST

5-21-07
DATE

CERTIFICATION

I, Glenda Pridgen, Deputy Clerk to the Board, do hereby certify and declare that the attached is an accurate copy of an excerpt from the Minutes of the May 21, 2007, meeting of the Pender County Board of Commissioners.

This the 25th day of July, 2007.

(SEAL)



Glenda Pridgen, Deputy Clerk to the Board
Pender County Board of Commissioners

17. Zoning Map Amendment, Southwind Surveying & Engineering -376 Acres off Country Club Road.

Mr. Raczkowski said the Zoning Map Amendment requests that eight tracts totaling 376 acres be rezoned from R-20C, Residential Conventional Housing District, to PD, Planned Development District, and that it is a general use rezoning. He said this is just the first stage in the process and that if it is approved the applicant would then submit a master plan. He said there was extensive public comment when this item went for review at the Planning Board meeting. The public hearing opened at 7:25 p.m. Mr. Williams clarified that this was unanimously approved by the Planning Board and said the Planning Board makes recommendations, but the Board of Commissioners doesn't have to vote to that recommendation. (It was later verified that it was approved by the Planning Board vote with a four-to-two vote). Attorney Rick Biberstein spoke on behalf of the project. Mr. Biberstein introduced officials from the applicant, Southwind Surveying & Engineering, and the owners, Country Club Road Assemblage, LLC. Mr. Biberstein said that an impact analysis had been done; that they plan to have public access to the waterway; that they will make donations to the school system for each lot sold; and that they will provide water and sewer to Schools – which they will eventually turn over to the County. Mr. Biberstein distributed a list of findings that must be made from the Planning Board and his client's responses to them. Mr. Thurman cautioned that if the property is rezoned to PD, the applicant can do anything with it that is permitted in the PD zone. Mr. Rivenbark asked what kind of units and how many; Mr. Biberstein said that at this point, they can't give out details. Mr. Bob Constine of Sound View Drive said he is concerned about a project this large coming to the area when Belvedere already has septic problems. He said the project should have a septic system all set up before they start doing development. Mr. Williams clarified with Mr. Raczkowski that they would have to have sewer in before they can get permitted to build. Mr. Nicholas Pryor of Inlet Court read his letter of opposition which was included in the agenda packets and is on file, along with a petition, with the permanent records in the County Manager's Office. Ms. Christina Belford of Inlet Court said she opposes the project because of environmental concerns – that stormwater is a danger to the environment, that the area has five major wetlands connected by smaller wetlands, that you can't build roads in the soil in the area and this development would endanger the existing roads, that infrastructure is limited in Hampstead, and that the project would threaten the waterway. Ms. Susan Forbes of Olde Point Loop said this project would have a tremendous impact on Olde Point and Belvedere with Country Club Road being the only way to get out and this would add 2,000 more cars per day. Mr. Williams agreed with Ms. Forbes that Country Club Road already has traffic problems every day. Mr. Biberstein said the way to get infrastructure is by doing a project like this, that this might be the answer to Belvedere's sewer problems. Mr. Blanchard said that the Board should put more trust in the Planning Board and Planning Staff and let citizens go to them with their concerns and listen to their issues. Mr. Tate said this Board has an obligation to listen to the people. The public hearing closed at 8:10 p.m. Mr. Biberstein asked if the Board would table the item so his client could address the issues that have been raised. Mr. Blanchard made a motion to table it but it died for lack of a second. Mr. Williams made a motion to deny the Zoning Map Amendment, Mr. Tate seconded the motion, and it was denied by a four-to-one vote, with Mr. Blanchard voting against it.

