

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 25

Date of Request: August 6, 2007

Date Request Received: August 6, 2007

Board Meeting Date Requested: August 20, 2007

Board Meeting Date Assigned: August 20, 2007

Short Title: Zoning Map Amendment, Withers & Ravenel

Request Status:

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

Background: Applicant is requesting two tracts totaling 54.72 acres be rezoned from RA, Rural Agricultural District to R-20, Residential District. Planning Staff and the Planning Board have recommended approval of this request.

(Administrative Use Only)

Specific Action Requested: The Board of Commissioners is requested to decide on the rezoning request.

CONTRACT TYPE

Requested by: Planning Staff
Department: Planning
Title: N/A
Contact Phone: 910.259.1202
Contact Fax: 910.259.3735

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

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

Date Sent: Signed:

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

Date Sent: Signed:

FINANCE Sufficient Funds Available
Date Rec'd: 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

INTRODUCED BY: Planning Staff **DATE:** August 20, 2007 **ITEM NO:** _____

TITLE: Zoning Map Amendment, Withers & Ravenel (54.72 acres off US Highway 117)

SUBJECT: PROPERTY PARCEL ID NOs: 3321-52-7547-0000, 3321-51-6799-0000

APPLICANT: Withers & Ravenel, Inc.

OWNER: Johnson-Lee-Newkirk, LLC.

ACTION REQUESTED: Applicant is requesting two tracts totaling 54.72 acres be rezoned from RA, Rural Agricultural District to R-20, Residential District.

HISTORY/BACKGROUND:

Location of Property: The property is located on the east side of US Highway 117, at the intersection with Johnson-Lee Road, north of Burgaw, NC. (See attached vicinity map).

Description of Proposal: The proposal consists of rezoning two tracts totaling 54.72 acres from RA, Rural Agricultural District to R-20, Residential District. The lots are currently split-zoned lots as a result of the 2003 countywide rezoning. This rezoning is requested to consolidate the lots under one zoning district and to allow for subdivision development consistent with permitted uses and lot sizes in the R-20 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 bordered to the west and north, including the western halves of the lots, by land zoned R-20, Residential District. The property is bordered to the south and east, including the eastern halves of the lots, by land zoned RA, Rural Agricultural District.
- C) Existing Land Use in Area:** The property is generally surrounded by vacant land on all sides with a few single-family dwellings in the immediate area.
- D) 2005 Land Use Plan Compliance:** The 2005 Land Use Plan classifies this property as Transition 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 54.72 acres of land from RA, Rural Agricultural District to R-20, Residential 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 July 10, 2007 meeting, unanimously recommended approval of this request.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on August 20, 2007, the Pender County Board of Commissioners (approved, modified, denied) a rezoning request for three tracts totaling 54.72 acres for Withers & Ravenel, 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:

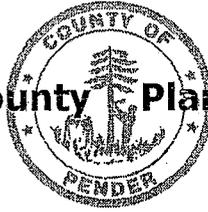
MOVED _____ **SECONDED** _____

APPROVED _____ **DENIED** _____ **UNANIMOUS** _____

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

F. D. Rivenbark,
Chairman 8-20-07
Date

ATTEST 8-20-07
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>05/30/07</u>	Application Fee <u>\$ 700.00</u>	Receipt No. <u>071913</u>
Application No. _____	Postage Fee <u>57.31</u>	Receipt No. <u>071914</u>

I. PROPERTY INFORMATION:

Record #: <u>—</u>	Current Zoning District: <u>RA</u>
Tax Map #: <u>p/o 3321-52-7547-0000</u>	Requested Zoning District: <u>R-20</u>
Lot #: <u>—</u>	Acreage to Be Rezoned: <u>54.72 ac.</u>
Total Acreage of Tract: <u>72.58</u>	
Property Location: <u>Johnson Lee Road</u>	
Reason for Rezoning: <u>Residential Development</u>	

II. REQUIRED NAMES:

Applicant <u>Withers & Ravenel, Inc.</u>	Owner <u>Johnson-Lee-Newkirk, L.L.C.</u>
Address <u>7040 Wrightsville Ave. #101</u>	Address <u>2335 Audrey Manor Court</u>
<u>Wilmington, NC 28403</u>	<u>Waldorf, MD 20603</u>
Phone <u>(910) 256-9277</u> Fax <u>(910) 256-2584</u>	Phone <u>(301) 266-2457</u> Fax <u>(301) 645-1749</u>
Email <u>cwolf@withersravenel.com</u> <u>(Cindee Wolf)</u>	Email <u>rob.campbell@johnson-lee-</u> <u>(Robert Campbell) newkirk.com</u>
Legal Relationship of Applicant to Property Owner:	<u>Authorized Agent / Consultant</u>

III. SIGNATURE OF OWNER & APPLICANT:

Cynthia S. Wolf Robert Campbell
(If owner is different from applicant, both signatures are required)

May 30, 2007

Pender County Board of Commissioners
c/o Planning Department
P.O. Box 1395
Burgaw, North Carolina 28425

Re: Johnson Lee Road Tracts
Zoning Map Amendment Request

Dear Sirs:

On behalf of my client, Johnson-Lee-Newkirk, L.L.C., owner of the referenced property, I offer the following justification for the proposed rezoning request:

1. That the proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

The zoning district applied in 1988 does not appear to have any basis. It did not follow any logical property boundaries and divided existing tracts of land. The proposed rezoning will constitute an expansion of the existing R-20 zoning district along U.S. Highway 117.

2. That there is convincing demonstration that all uses permitted under the proposed district classification will not adversely affect the health and safety of residents or workers in the area and will not be detrimental to the natural environment or to the use or development of adjacent property or general neighborhood.

The proposed change from RA to R-20 would serve to protect the existing residential uses in the immediate area from many industrial, trade & service uses that are allowed, either by right or by Special Use Permit, in the RA district. These uses generally are perceived to be detrimental, and/or have an adverse effect on established residential uses.

3. That there is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change.

The subject tracts are vacant, but the primary uses in the vicinity are residential. The proposed rezoning would provide for a limited list of uses that would be consistent with those already existing.

4. That there is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

The change would be an expansion of the R-20 zoning district existing along U.S. Highway 117, thereby assuring a similar character of the neighborhood.

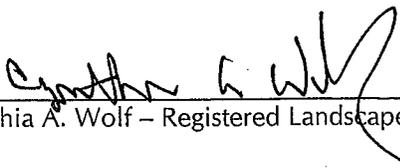
5. That the proposed change is in accord with any land use plan and sound planning principles.

The Pender County Future Land Use Plan identified the subject tracts as being in a "Transition" area. That land classification is intended for more intensive community development where there are existing public services, or where the County is making plans to develop them. A public water system is already in U.S Highway 117, and plans for a future public sanitary sewer system interceptor have been discussed. The area is planned for a moderate density for residential development. The minimum lot size standards in an R-20 district are consistent with those criteria. The Plan encourages land uses and development patterns that maintain the County's rural lifestyle. The R-20 district will preclude the introduction of undesirable uses into the primarily residential character of the area.

We respectfully request your approval of the proposed Zoning Map Amendment, based upon the presented justification, and would be happy to answer questions, or to provide additional information.

Respectfully,

Withers & Ravenel, Inc – Applicant (Agent for the Owner)



Cynthia A. Wolf – Registered Landscape Architect

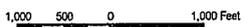
Johnson-Lee-Newkirk, L.L.C. - Owner



Robert Cambell - Partner



1 inch equals 2,000 feet



Rezoning - Withers & Ravenel Vicinity Map



Site: RA, R-20

R-20

EARL LEWIS RD

HIAWATHA DR

JOHNSON LEE RD

MOORE RD

RA

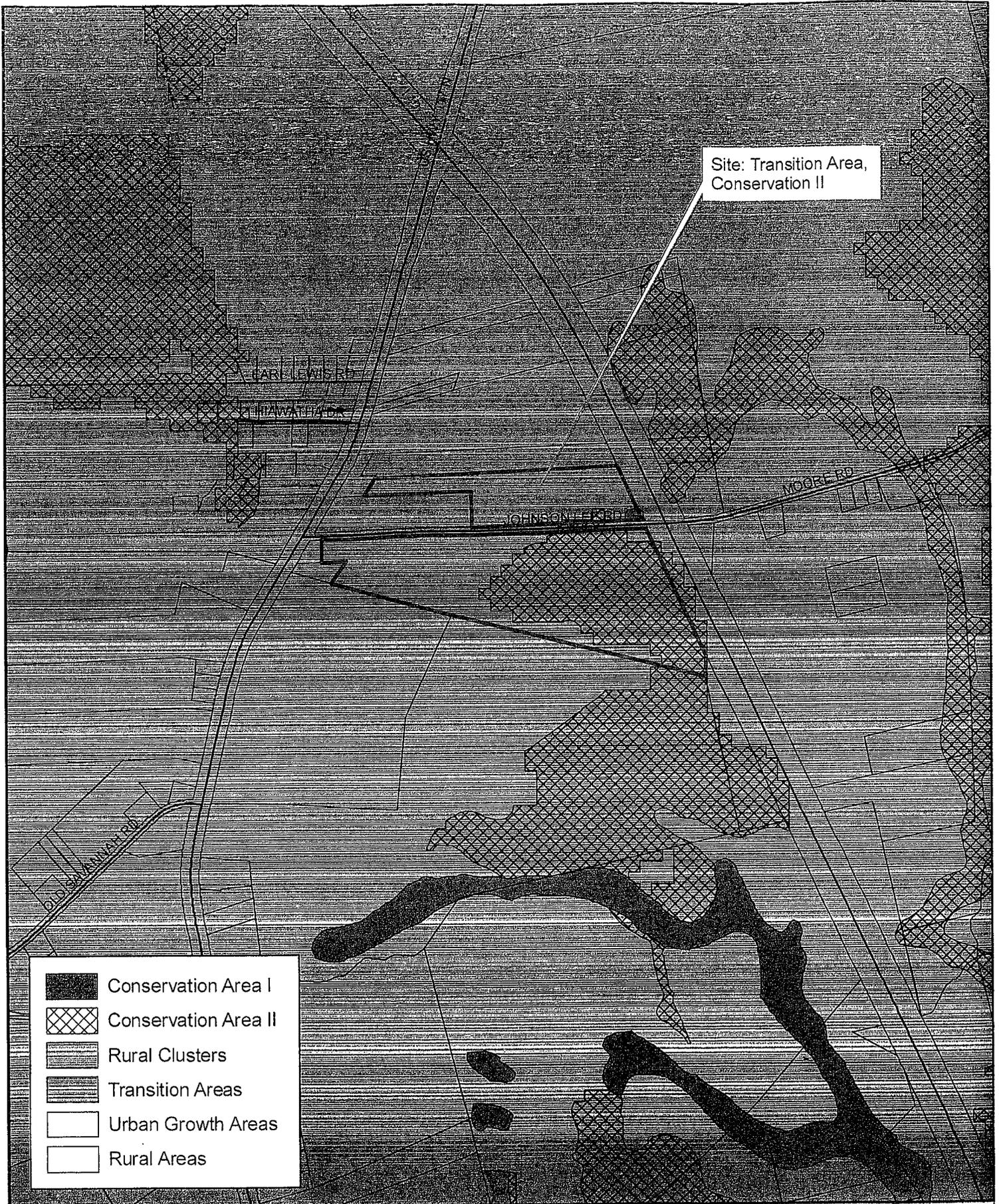
B-2

-  B-1; B-2; B-3
-  FA
-  FA_DASH
-  I-1; I-2
-  PD
-  R-10; R-15; R-20
-  R-20C
-  RA
-  RT
-  WSCA; WSPA

1 inch equals 1,000 feet

480 240 0 480 Feet

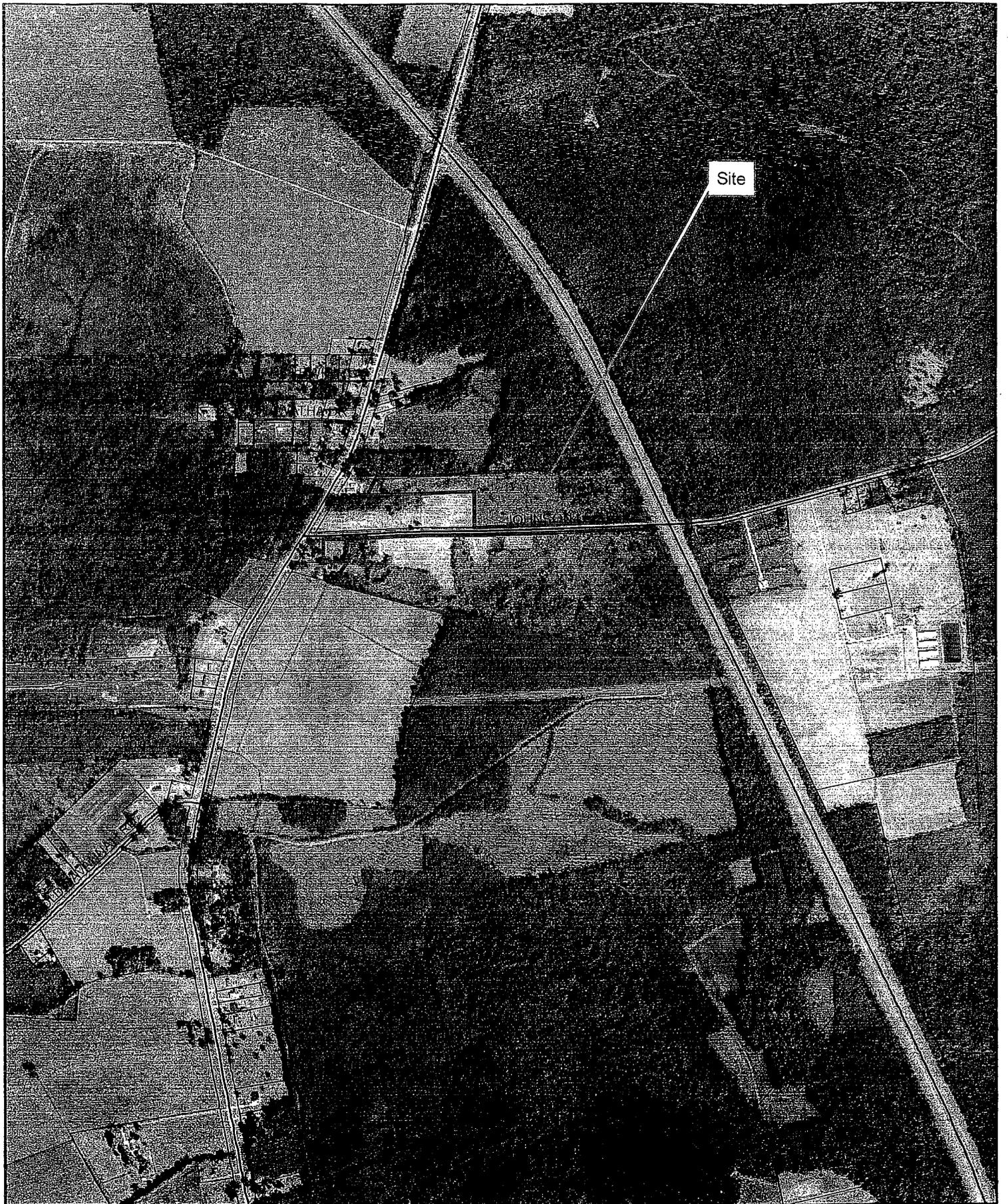
Rezoning - Withers & Ravenel Zoning Map



-  Conservation Area I
-  Conservation Area II
-  Rural Clusters
-  Transition Areas
-  Urban Growth Areas
-  Rural Areas

1 inch equals 1,000 feet
 490 245 0 490 Feet

Rezoning - Withers & Ravenel
 CAMA Land Use



1 inch equals 1,000 feet

500 250 0 500 Feet

Rezoning - Withers & Ravenel
Orthos (2003)