

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 19

Date of Request: May 7, 2008

Date Request Received: May 7, 2008

Board Meeting Date Requested: May 19, 2008

Board Meeting Date Assigned: May 19, 2008

Short Title: Tog Properties, Llc, Applicant And Owner, Is Requesting 1,532.11 Acres Be Rezoned From Ra, Rural Agricultural District To Pd, Planned Development District.

Request Status:

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

Background: The property is located between Godfrey Creek Road and Sapps Road, extending to the Trumpeter Creek, Holly Shelter Game Preserve, in Hampstead, NC.

(Administrative Use Only)

Specific Action Requested: The Board of Commissioners is requested to hold a public hearing for a rezoning

CONTRACT TYPE

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

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

PURCHASING

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

Date Sent:

Signed:

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

INTRODUCED BY: Planning Staff **DATE:** May 19, 2008 **ITEM NO:** 19.

TITLE: Zoning Map Amendment, TOG Properties, LLC

SUBJECT: PROPERTY PARCEL ID NO: See Attached List of Parcel Identification Numbers

APPLICANT: TOG Properties, LLC

OWNERS: Same

ACTION REQUESTED: Applicant is requesting two tracts, totaling 1,532.11 acres, be rezoned from RA, Rural Agricultural District and FA, Flood Hazard Area, to PD, Planned Development District.

HISTORY/BACKGROUND:

Location of Property: The property is located between Sapps Road and Godfrey Creek Road, extending to Trumpeter Creek and Holly Shelter Game Preserve, Hampstead, NC. (See attached vicinity map).

Description of Proposal: The proposal consists of rezoning two contiguous tracts of land totaling 1,532.11 acres from RA, Rural Agricultural District and FA, Flood Hazard Area, to PD, Planned Development District. The parcels are located between Sapps Road and Godfrey Creek Road, extending to Trumpeter Creek and Holly Shelter Game Preserve in Hampstead. Currently, there is a sixty foot (60') access easement extending Cross Creek Drive to Robert Bullard's property, and there is a 60' access easement extending Godfrey Creek Road to David Woodruff's property (see attached boundary survey). According to the applicant, the PD zoning will allow for flexibility to shape a master planned community.

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:** All adjacent property is zoned RA, Rural Agricultural, with Castle Bay located east, across Hoover Road. The small area of FA zoning located on the northern boundary of the property represents the AE flood zone (FIRM February, 2007 (100 year floodplain)), see attached zoning map.
- C) Existing Land Use in Area:** There are single-family residences along Godfrey Creek Road and the south side of Sapps Road. The properties to the north and west are occupied by timber operations.
- D) 2005 Land Use Plan Compliance:** The 2005 CAMA Land Use Plan classifies this property as Urban Growth Area and Rural Areas with areas of Conservation I & II overlaid. According to Planning Staff's calculations, the following classifications are broken down into *approximate* acreage:

| | |
|-----------------|------------|
| Conservation II | 1000 Acres |
| Rural Areas | 705 Acres |
| Urban Growth | 605 Acres |
| Conservation I | 175 Acres |

Urban Growth is an area planned for high net density for residential development, which is dependent upon the types and levels of services that are available. Rural Areas provide for very low net density residential development, which has been defined as one residential unity per useable acre of project land. Conservation I classification is designated to land and water features such as estuarine waters, public trust waters and coastal wetlands. These areas could be used for managed open space and natural areas. Conservation II designates areas of non-coastal wetlands and water supply watersheds. (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. (See Section 5.3 attached).

F) Summary & Staff Recommendation: This property contains a significant amount of environmentally sensitive areas and undeveloped land. Specific development will have to be addressed pertaining to exact locations and proper permitting through State and Federal Environmental Agencies will be required. Also, Staff has met with the Wilmington Metropolitan Planning Organization for preliminary traffic discussions. At this stage of development, the MPO does not have a recommendation; it has been acknowledged that there will need to be transportation issues worked out throughout the development process.

G) Pender County Planning Board Recommendation: The Pender County Planning Board, at its April 7, 2008 meeting, recommended denial by a 5-1 vote of this rezoning request.

AMENDMENTS:

Planning Board

Motion: Millette Seconded: Smith

Approved: _____ Denied: X Unanimous _____

Gonzales X Garrett X Marshburn _____ Millette X Reynolds X Smith X Williams _____

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on May 19, 2008 the Pender County Board of Commissioners (approved, modified, denied) a request for 1532.11 acres of land, to be rezoned from RA Rural Agricultural District, to PD, Planned Development District, for TOG Properties, LLC 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 5-19-2008
Date

ATTEST 5-19-2008
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

Revised Application **PLANNING BOARD APPLICATION**
KMB **FOR ZONING MAP AMENDMENT**

| | | |
|--|--|----------------------------|
| Date <u>Feb. 14, 08 / March 18, 08</u> | Application Fee \$ <u>15,272.⁰⁰</u> | Receipt No. <u>077153/</u> |
| Application No. _____ | Postage Fee \$ <u>370.92</u> | Receipt No. <u>077153</u> |

I. PROPERTY INFORMATION:

Record #: _____ Current Zoning District: RA

Tax Map #: Attached Requested Zoning District: PD

Lot #: 3274-84-4408-0000 / 3274-54-7535-0000 Acreage to Be Rezoned: 1,532.11

Total Acreage of Tract: 1,532.11

Property Location: NW Corner Golfway Creek & Hoover Roads, Hampstead

Reason for Rezoning: To design, permit & develop village-based community

II. REQUIRED NAMES:

| | |
|---|---|
| Applicant <u>TOG Properties LLC</u> | Owner <u>TOG Properties LLC</u> |
| Address <u>150 Bradley Place #102 AND</u> | Address <u>1213 Culbreth Drive #124</u> |
| <u>Palm Beach FL 33480</u> | <u>Wilmington, NC 28405</u> |
| Phone <u>561.313.7934</u> Fax <u>910.509.7141</u> | Phone <u>561.313.7934</u> Fax <u>910.509.7141</u> |
| Email <u>Kenday@msn.com</u> | Email <u>Kenday@msn.com</u> |

Legal Relationship of Applicant to Property Owner: Same Entities

III. SIGNATURE OF OWNER & APPLICANT:

[Signature] President, TOG Properties LLC

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

TOG PROPERTIES LLC

1213 Culbreth Drive, Suite 124
Wilmington, NC 28405

Telephone 910.509.7117
Cellphone 561.313.7934

February 14, 2008

Mr. Joey Raczkowski
Pender County Planning Department
805 South Walker Street
Burgaw, North Carolina 28425

Re: PENDER COUNTY PLANNING BOARD APPLICATION FOR ZONING MAP AMENDMENT

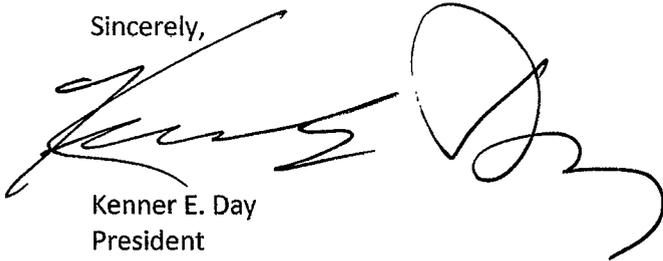
Dear Sirs:

We are asking to rezone the 1,492.12 Acre "Trumpeter" parcel on Hoover and Godfrey Creek Roads in Hampstead, NC from its current RA zoning to PD, Planned Development.

PD allows for the design flexibility to shape a master planned residential community made up of villages offering a variety of housing types and architectural design.

The PD allows the design to integrate unified open space, community parks, walking and nature trails, and other recreational elements for more interesting and varied recreational lifestyle options to enhance the long-term viability, sustainability and value of the community and Coastal Pender County.

Sincerely,



Kenner E. Day
President

- Enclosures:
1. PLANNING BOARD APPLICATION FOR ZONING MAP AMENDMENT
 2. Two (2) Sets of legal sized envelopes addressed to all adjoining property owners
 3. Tax Property Cards for TOG Properties LLC PINs making up the "Trumpeter" property
 4. Tax Property Cards for Adjacent Property Owners
 5. Map of Survey of the "Trumpeter" property
 6. Bank Check in the amount of \$15,242.92
 - a. Application Fee of \$14,872.00 (1,492.12 ac - 5 ac = 1,487.12 ac X \$10/ac = \$14,872.00)
 - b. Certified Mailing Fee of \$5.21 X 66 Adjacent Property Owners = \$343.86
 - c. First Class Postage of \$0.41 X 66 Adjacent Property Owners = \$27.06

TOG PROPERTIES LLC

1213 Culbreth Drive, Suite 124
Wilmington, NC 28405

Telephone 910.509.7117
Cellphone 561.313.7934

March 11, 2008

Acting Director
Pender County Planning Department
805 South Walker Street
Burgaw, North Carolina 28425

**Re: PENDER COUNTY PLANNING BOARD APPLICATION FOR ZONING MAP AMENDMENT:
ADDITION OF 40 ACRE TRACT, PIN 3274-54-7535-0000**

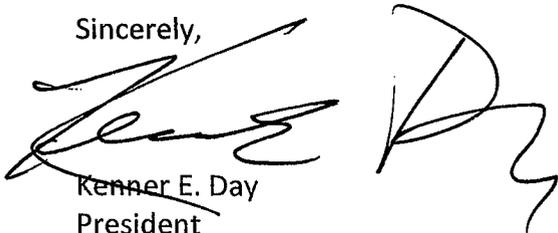
Dear Sirs:

TOG Properties LLC has contracted to acquire the above-referenced 40 acre tract, and we wish to include the tract in our Application for Zoning Map Amendment.

Attached is the permission letter from the current owner, Seller agreeing for the subject property to be submitted to rezoning from RA to PD, along with the requisite fee paid by check to Pender County in the amount of \$400.00. As this property is contiguous to the property we originally submitted for Zoning Map Amendment, we have already submitted the Property Card, pre-addressed postage prepaid Certified Mail envelope and receipt, and the pre-addressed envelope and pre-paid \$0.41 postage for this property.

Also attached are twenty (20) copies of a revised 11" X 17" survey showing the added parcel, however since we have just contracted to acquire this property, we do not have a formal survey of the 40 acre parcel nor did the owner-seller. We did, however, attach the Pender County GIS page for the subject property showing its location relative to the original Trumpeter property submission for Zoning Map Amendment.

Sincerely,



Kenner E. Day
President

- Enclosures:
- Additional Application Fee of \$400.00 (40. ac X \$10/ac = \$400.00)
 - Letter from Donald Sullivan, owner of the 40.0 acre tract submitting it to rezoning
 - Twenty (20) Copies of the Survey printed at 11" X 17" with the 40 acre tract added

**Donald Sullivan
P.O. Box 3061
Wilmington, NC 28406**

March 11, 2008

Acting Director
Pender County Planning Department
805 South Walker Street
Burgaw, North Carolina 28425

**Re: TOG PROPERTIES LLC PENDER COUNTY PLANNING BOARD APPLICATION FOR
ZONING MAP AMENDMENT**

Dear Sirs:

TOG Properties LLC has entered into an Exchange Agreement with me which permits TOG Properties to acquire a 40 acre tract of land owned by me, specifically, PIN 3274-54-7535-0000 in Hampstead, Pender County, North Carolina (See attached).

Since the exchange has not yet occurred, I hereby agree to allow TOG Properties LLC to add the above-referenced 40 acre property to their February 14, 2008 application for zoning map amendment from RA to PD.

Sincerely,



Donald Sullivan

Enclosure - Pender County GIS Parcel description of PIN 3274-54-7535-0000

TOG PROPERTIES LLC

TRUMPETER PIN NUMBERS

Tract/Lot

| <u>Count</u> | <u>PARCEL ID NO.</u> | <u>Lot Description</u> |
|--------------|-------------------------|--|
| - 1 | 3283 - 88 - 4155 - 0000 | Azalea Acres Bulk Lots |
| - 2 | 3283 - 87 - 4448 - 0000 | Lot 41, Azalea Acres |
| - 3 | 3283 - 87 - 3514 - 0000 | Lot 42, Azalea Acres |
| - 4 | 3283 - 87 - 1481 - 0000 | Lot 68, Azalea Acres |
| - 5 | 3283 - 87 - 0457 - 0000 | Lot 69, Azalea Acres |
| - 6 | 3283 - 77 - 9388 - 0000 | Lot 70, Azalea Acres |
| - 7 | 3283 - 77 - 8463 - 0000 | Lot 71, Azalea Acres |
| - 8 | 3283 - 77 - 7310 - 0000 | Lot 95, Azalea Acres |
| - 9 | 3283 - 77 - 5396 - 0000 | Lot 96, Azalea Acres |
| - 10 | 3283 - 77 - 5214 - 0000 | Lot 97, Azalea Acres |
| - 11 | 3283 - 77 - 3299 - 0000 | Lot 98, Azalea Acres |
| - 12 | 3283 - 87 - 7381 - 0000 | .51 Acres, S. Side of Godfrey Creek Road |
| - 13 | 3283 - 78 - 3000 - 0000 | 8.82 Acres, N. Side of Godfrey Creek Road |
| - 14 | 3283 - 57 - 8511 - 0000 | 30.0 Acres, N. Side of Godfrey Creek Road |
| - 15 | 3283 - 67 - 7697 - 0000 | 30.9 Acres, N. Side of Godfrey Creek Road |
| - 16 | 3274 - 84 - 4408 - 0000 | 1,399 Acres, N.&S. Side of Godfrey Creek Road |
| - 17 | 3283 - 97 - 0605 - 0000 | Lot 1, Azalea Acres |
| - 18 | 3283 - 87 - 8652 - 0000 | Lot 2, Azalea Acres |
| - 19 | 3283 - 87 - 7508 - 0000 | Lot 3, Azalea Acres |
| - 20 | 3283 - 87 - 9873 - 0000 | Lot 5, Azalea Acres |
| - 21 | 3283 - 87 - 8861 - 0000 | Lot 6, Azalea Acres |
| - 22 | 3283 - 87 - 7749 - 0000 | Lot 7, Azalea Acres |
| - 23 | 3283 - 87 - 6725 - 0000 | Lot 8, Azalea Acres |



0 1,800 3,600 7,200 Feet

1 inch equals 3,500 feet

TOG PROPERTIES, LLC
ZONING MAP AMENDMENT
VICINITY MAP

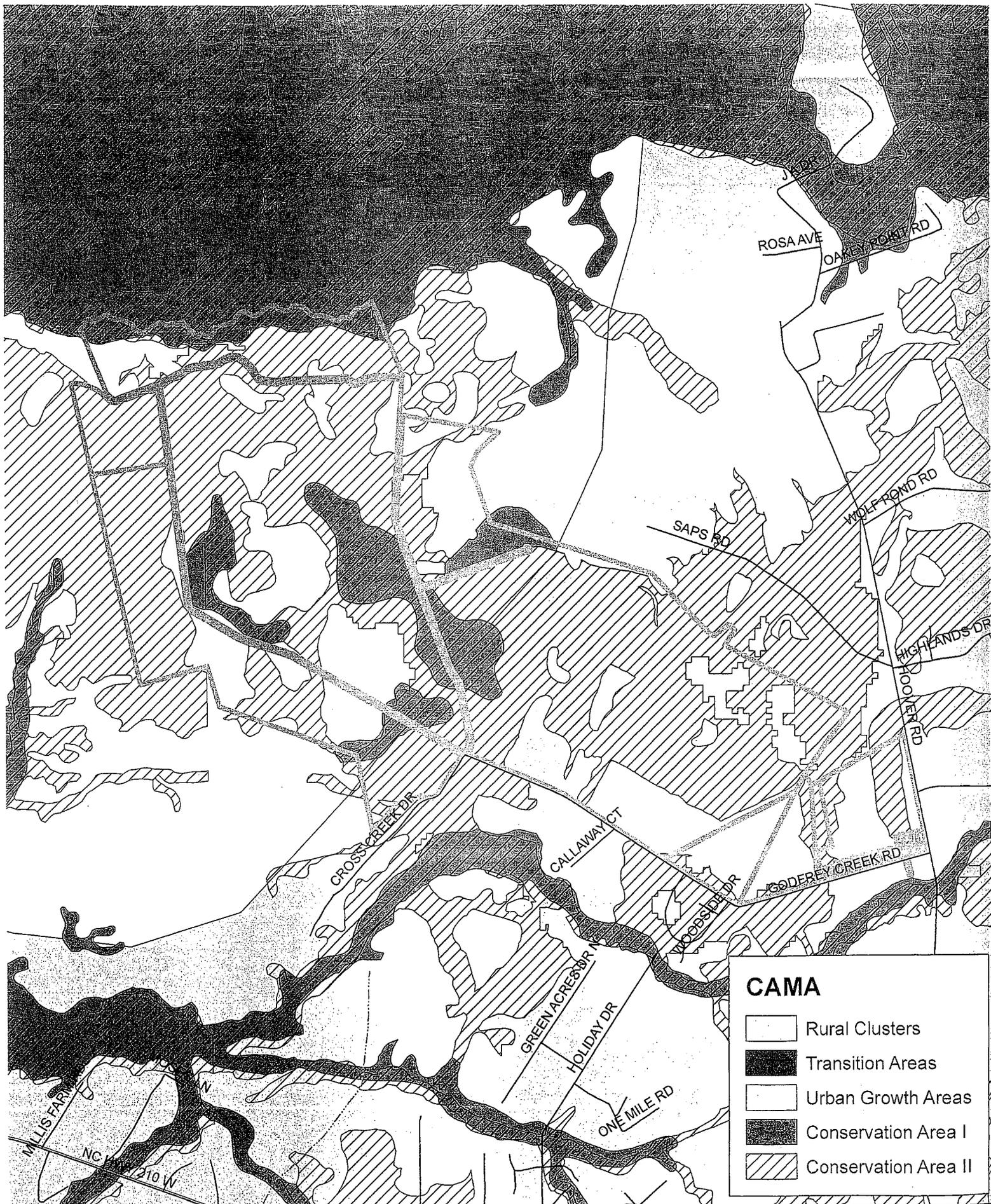




0 1,000 2,000 4,000 Feet
 1 inch equals 2,000 feet

TOG PROPERTIES, LLC
 ZONING MAP AMENDMENT
 CURRENT ZONING





CAMA

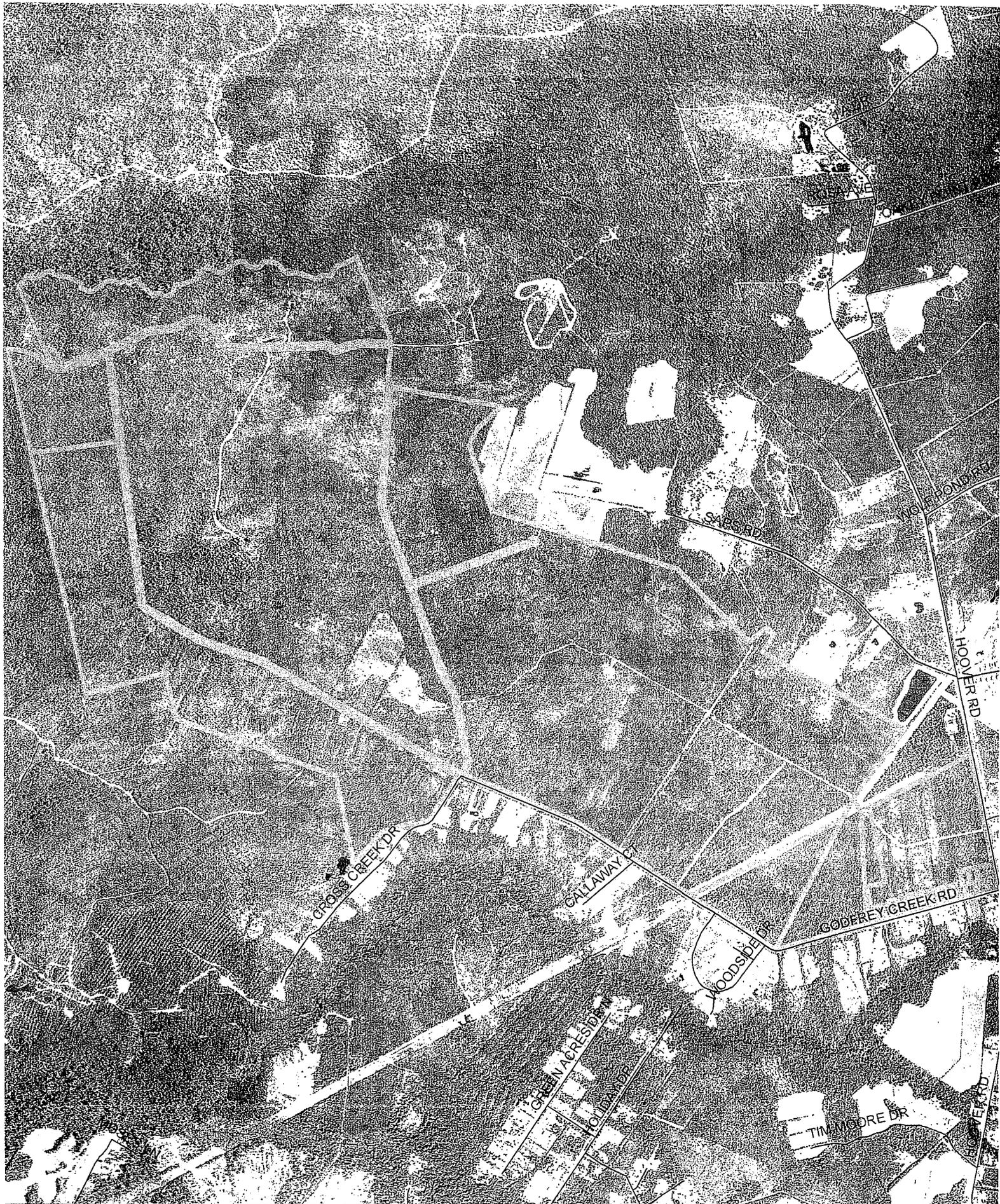
-  Rural Clusters
-  Transition Areas
-  Urban Growth Areas
-  Conservation Area I
-  Conservation Area II

0 1,000 2,000 4,000 Feet

1 inch equals 2,000 feet

*TOG PROPERTIES, LLC
ZONING MAP AMENDMENT
CAMA I AND USE-2005*





0 875 1,750 3,500
Feet

1 inch equals 1,750 feet

TOG PROPERTIES, LLC
ZONING MAP AMENDMENT
AFRI11-2006

