

# REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 14.

Date of Request: June 2, 2008

Date Request Received:

Board Meeting Date Requested: June 16, 2008

Board Meeting Date Assigned:

**Short Title:** Martin Evans, Applicant And Owner, is Requesting 4.99 Acresto Be Rezoned From B-2, Business District (Highway) To R-20C, Residential District (Conventional Housing).

**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 along Johnson Nursery Road, approximately 1/2 mile southwest of the intersection of US Hwy 117 N and Interstate 40, Union Township, Pender County, NC.

(Administrative Use Only)

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

## CONTRACT TYPE

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

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

## 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

Date Rec'd:

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

- Approved by Board:  Yes  No  
At meeting on

**INTRODUCED BY:** Planning Staff **DATE:** June 16, 2008 **ITEM NO:** 14.

**TITLE:** Zoning Map Amendment

**SUBJECT: PROPERTY PARCEL ID NO:** 3314-41-5727-0000, 3314-41-6786-0000,  
3314-41-6958-0000, 3341-42-6192-0000

**APPLICANT:** Martin Evans

**OWNER:** Same

**ACTION REQUESTED:**

Applicant is requesting four tracts, totaling 4.99 acres, be rezoned from B-2 Business District (Highway), to R-20 C, Residential District (Conventional Housing).

**HISTORY/BACKGROUND:**

**Location of Property:** The property is located along the southeast side of Johnson Nursery Road, approximately 1/2 miles southwest of the intersection of Interstate 40 and US Highway 117, Willard, NC. (See attached vicinity map).

**Description of Proposal:** The proposal consists of rezoning four contiguous tracts of land totaling 4.99 acres from B-2, Business District (Highway) to R-20 C, Residential District (Conventional Housing). The parcels are located along the southeast side of Johnson Nursery Road, between US Highway 117 and Washington Creek Drive. The southern edge of the property runs along Drumgool Branch, a tributary of Washington Creek (see attached boundary survey).

**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 to the north and east, extending to US Hwy 117 and along I-40 is zoned B-2, Business District, the property directly south is zoned FA, Flood Hazard Area, and the property south of the FA, is zoned RT, Rural Transitional District. The small area of FA zoning located on the southern 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 Johnson Nursery Road, to the north and south. The property across Johnson Nursery Road is vacant, and further south on Johnson Nursery is Washington Creek Estates, a residential subdivision.
- D) 2005 Land Use Plan Compliance:** The 2005 CAMA Land Use Plan classifies this property as Rural Areas with a small portion of Conservation Area I overlaid along the small tributary along the southern boundary. 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. (See attached CAMA Land Use Map). The parcels, at their approximate one acre size, are in compliance with the 2005 CAMA Land Use Plan.

- 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.
- F) Summary & Staff Recommendation:** Staff is presenting this item for Planning Board review and disposition. This area is predominantly residential in nature, even though a residential district would be a comparable zoning classification and land use; there are no R-20C zoning districts in the area.
- G) Pender County Planning Board Recommendation:** The Pender County Planning Board, at its May 7, 2008 meeting, recommended (approval/denial) by a (indicate vote) of this rezoning request.



**Martin J. Evans**  
**322 W. Creekview Drive**  
**Hampstead, North Carolina 28443**

(910) 262-9999 Cell  
[martin@realexit.com](mailto:martin@realexit.com)

Pender County Planning Dept.  
805 South Walker ST  
Burgaw, NC 28425

April 4, 2008

To Whom It May Concern:

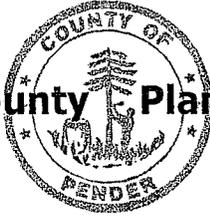
I am making a request for the rezoning of my four lots located on Johnson Nursery Road from B2 to R-20C, so that they can be turned back to residential lots. It is clear that when the rezoning of the surrounding area was turned into B2 to avoid the property owners from allowing bill boards, this was not the highest and best use for this particular area. My request is for that area be rezoned as an R-20C for residential use instead of RT because of minimum acreage requirements for rezoning to RT.

I have had the soil work done and the lots surveyed into residential lots from a five acre parcel and allowing them to return back to this use will permit four future home owners to build their homes and enjoy living in the quiet country surroundings.

Thank you for your consideration.

Sincerely,

Martin J. Evans



# 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](mailto:planning1@pender-county.com)

## PLANNING BOARD APPLICATION FOR ZONING MAP AMENDMENT

|                       |                                 |                           |
|-----------------------|---------------------------------|---------------------------|
| Date <u>3/17/08</u>   | Application Fee <u>\$200.00</u> | Receipt No. <u>077189</u> |
| Application No. _____ | Postage Fee <u>\$31.26</u>      | Receipt No. <u>077190</u> |

**I. PROPERTY INFORMATION:**

Record #: \_\_\_\_\_ Current Zoning District: B2

Tax Map #: MB44 PG077 Requested Zoning District: R-20C

Lot #: 1, 2, 3, 4 Acreage to Be Rezoned: 4.99  
1-.621 3-.90

Total Acreage of Tract: 2-1.89 4-.99

Property Location: Johnson Nursery Rd.

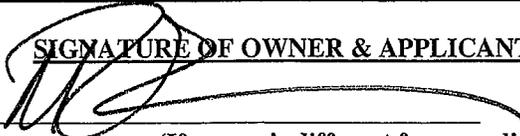
Reason for Rezoning: For residential use

**II. REQUIRED NAMES:**

|   |   |
|---|---|
| Applicant <u>Martin Evans</u>             | Owner <u>Martin Evans</u>                 |
| Address <u>322 W. Creekview DR</u>        | Address <u>322 W. Creekview DR</u>        |
| <u>Hampstead, NC 28443</u>                | <u>Hampstead, NC 28443</u>                |
| Phone <u>262-9999</u> Fax <u>270-8882</u> | Phone <u>262-9999</u> Fax <u>270-8882</u> |
| Email <u>martina@realexit.com</u>         | Email <u>martina@realexit.com</u>         |

Legal Relationship of Applicant to Property Owner: same

**III. SIGNATURE OF OWNER & APPLICANT:**



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

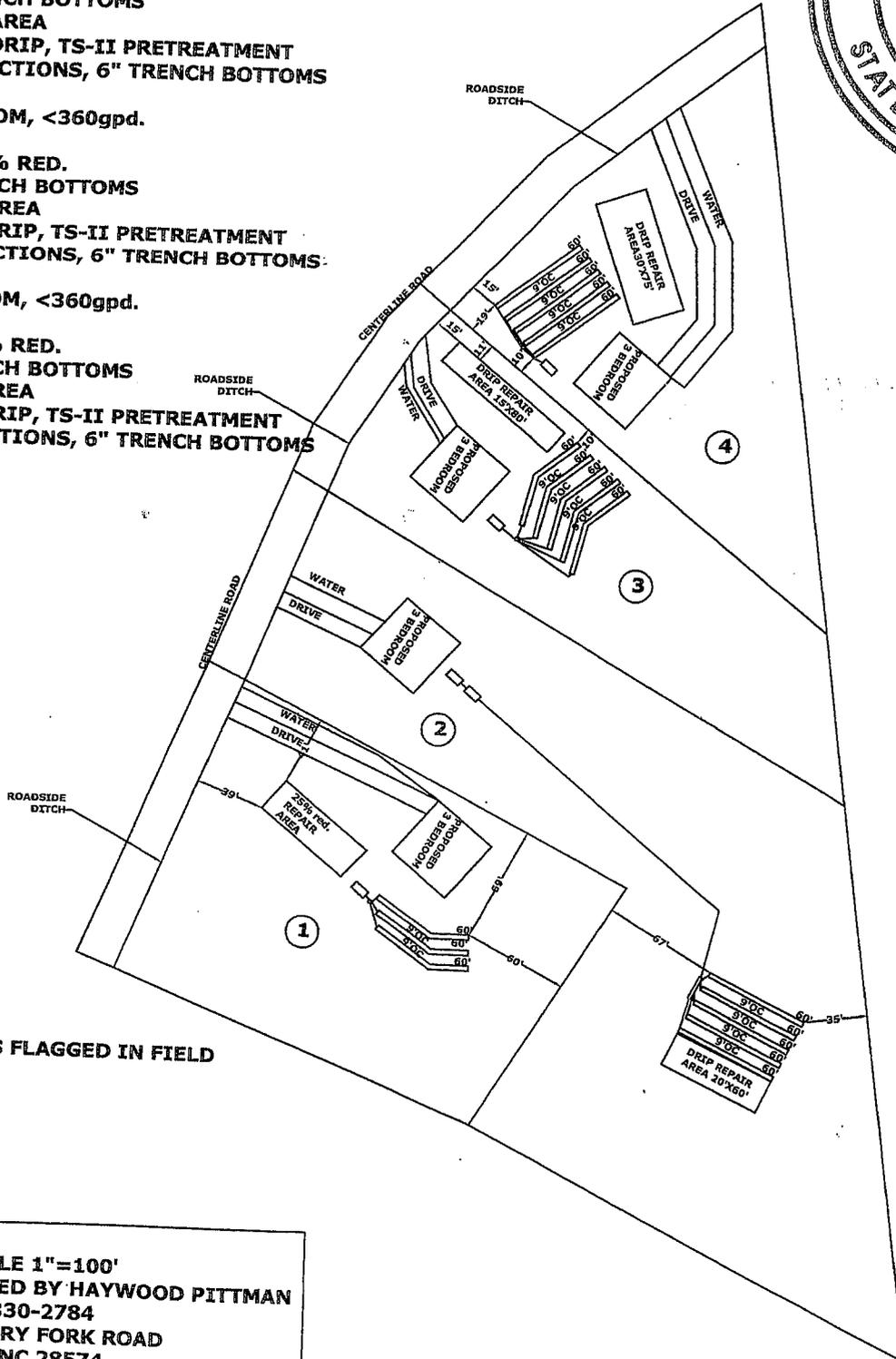
**LOT 1**  
 3 BEDROOM, <360gpd.  
 LTAR .5  
 3-60' 25% REDUCTION  
 12" TRENCH BOTTOMS  
 REPAIR AREA 21'X60'  
 LTAR .5, 25% RED.

**LOT 2**  
 3 BEDROOM, <360gpd.  
 LTAR .3  
 5-60' 25% RED.  
 12" TRENCH BOTTOMS  
 REPAIR AREA  
 20'X60' DRIP, TS-II PRETREATMENT  
 NO REDUCTIONS, 6" TRENCH BOTTOMS

**LOT 3**  
 3 BEDROOM, <360gpd.  
 LTAR .3  
 5-60' 25% RED.  
 12" TRENCH BOTTOMS  
 REPAIR AREA  
 15'X80' DRIP, TS-II PRETREATMENT  
 NO REDUCTIONS, 6" TRENCH BOTTOMS

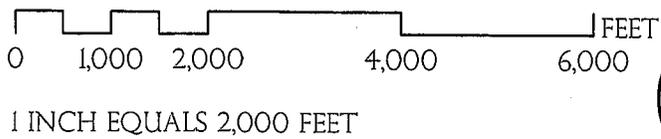
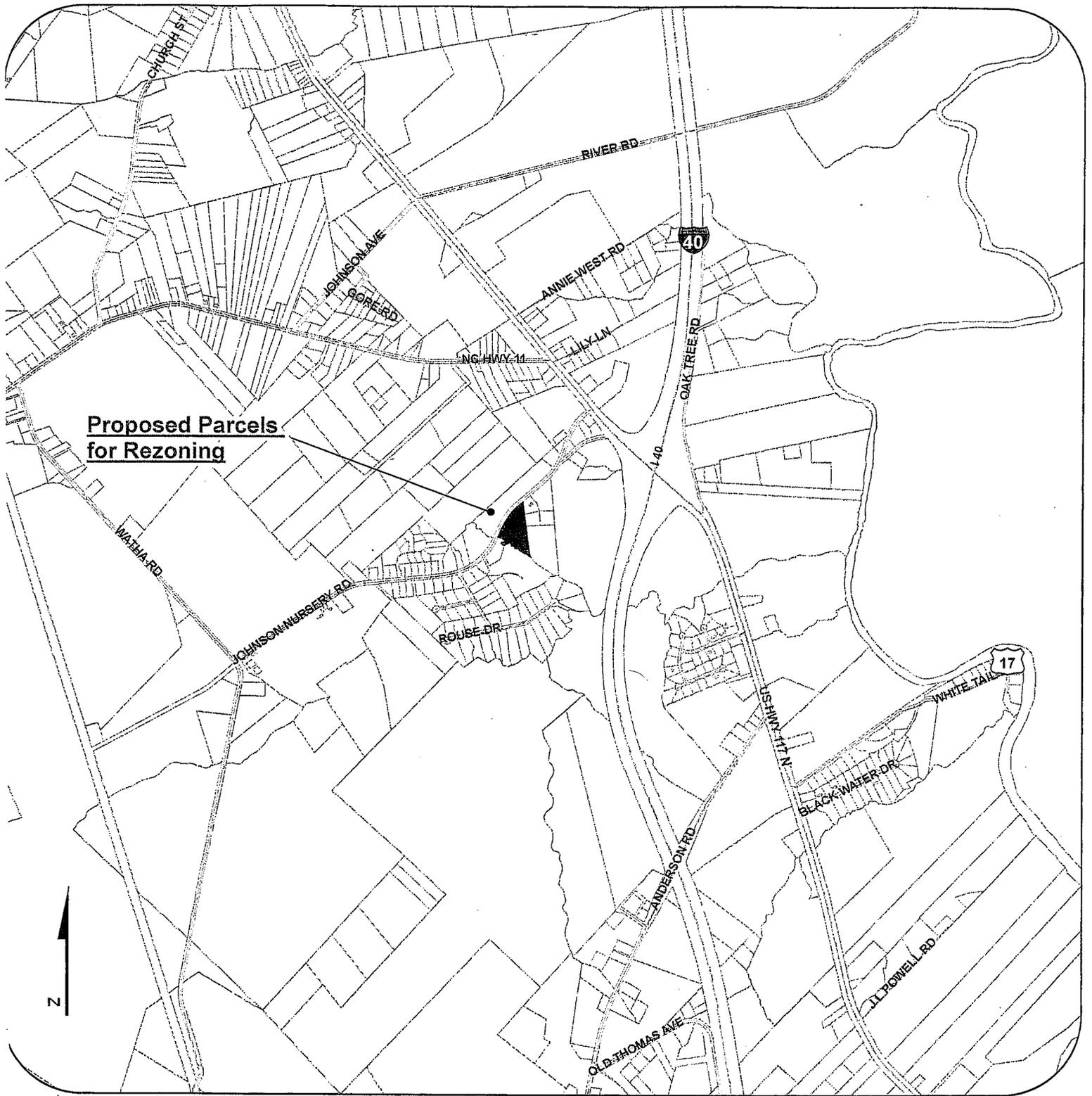
**LOT 3**  
 3 BEDROOM, <360gpd.  
 LTAR .3  
 5-60' 25% RED.  
 12" TRENCH BOTTOMS  
 REPAIR AREA  
 30'X75' DRIP, TS-II PRETREATMENT  
 NO REDUCTIONS, 6" TRENCH BOTTOMS

**PRELIMINARY SOIL EVALUATION  
 OF TELL INC. PROPERTY**



**DRAINLINES FLAGGED IN FIELD**

**APPROX SCALE 1"=100'**  
**MAP PREPARED BY HAYWOOD PITTMAN**  
**PHONE 910-330-2784**  
**1073-1 GREORY FORK ROAD**  
**RICHLANDS, NC 28574**

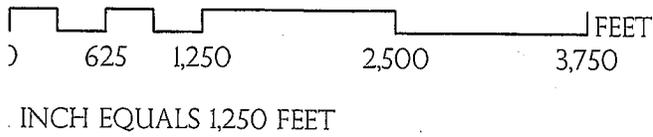
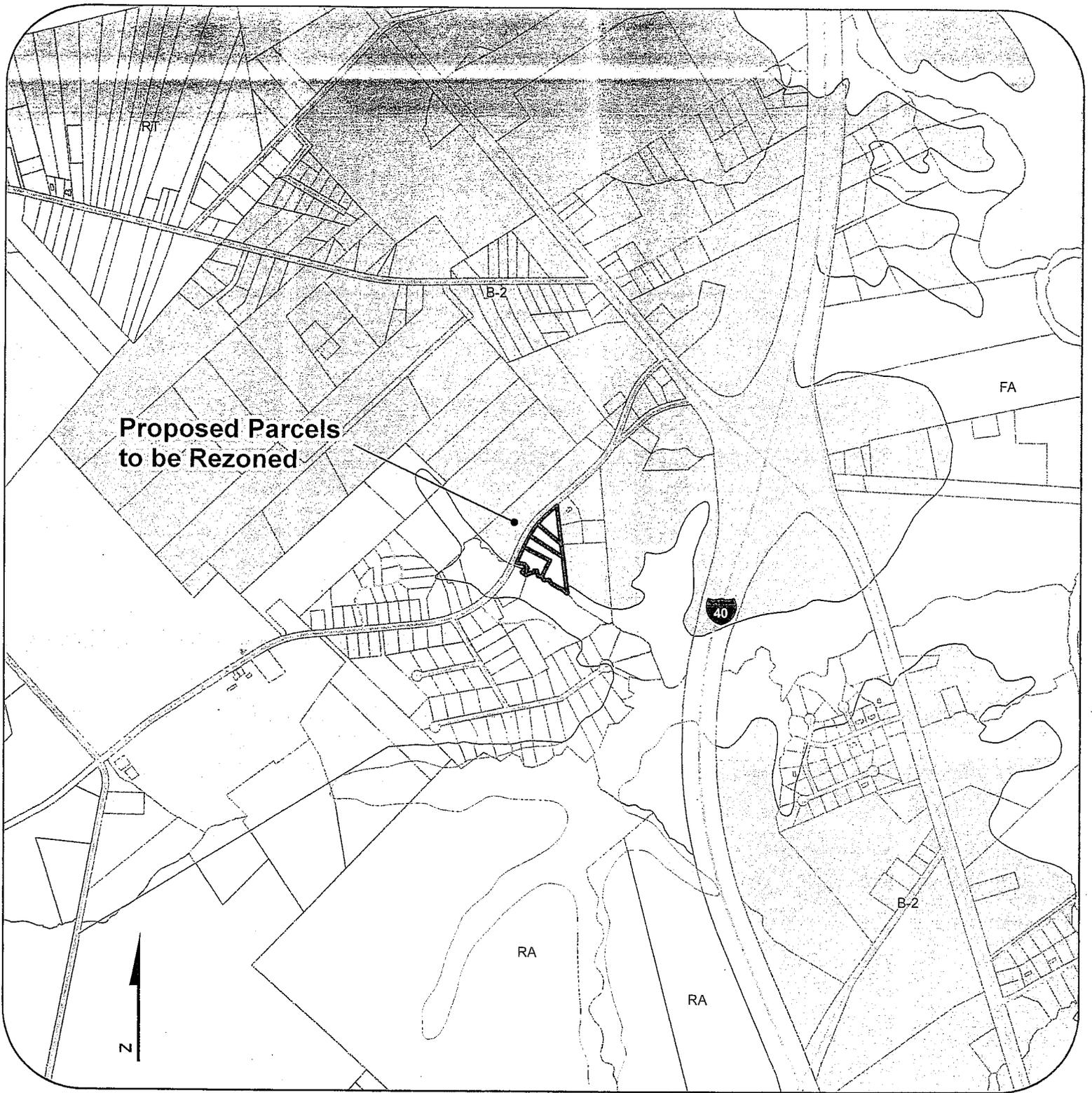


**Legend**

-  Centerlines
-  Proposed Parcel for Rezoning

**ZONING MAP AMENDMENT  
MARTIN EVANS  
4.99 ACRES / B-2 - R-20 C**

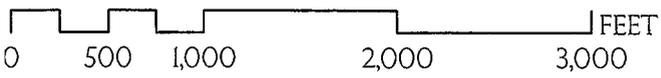
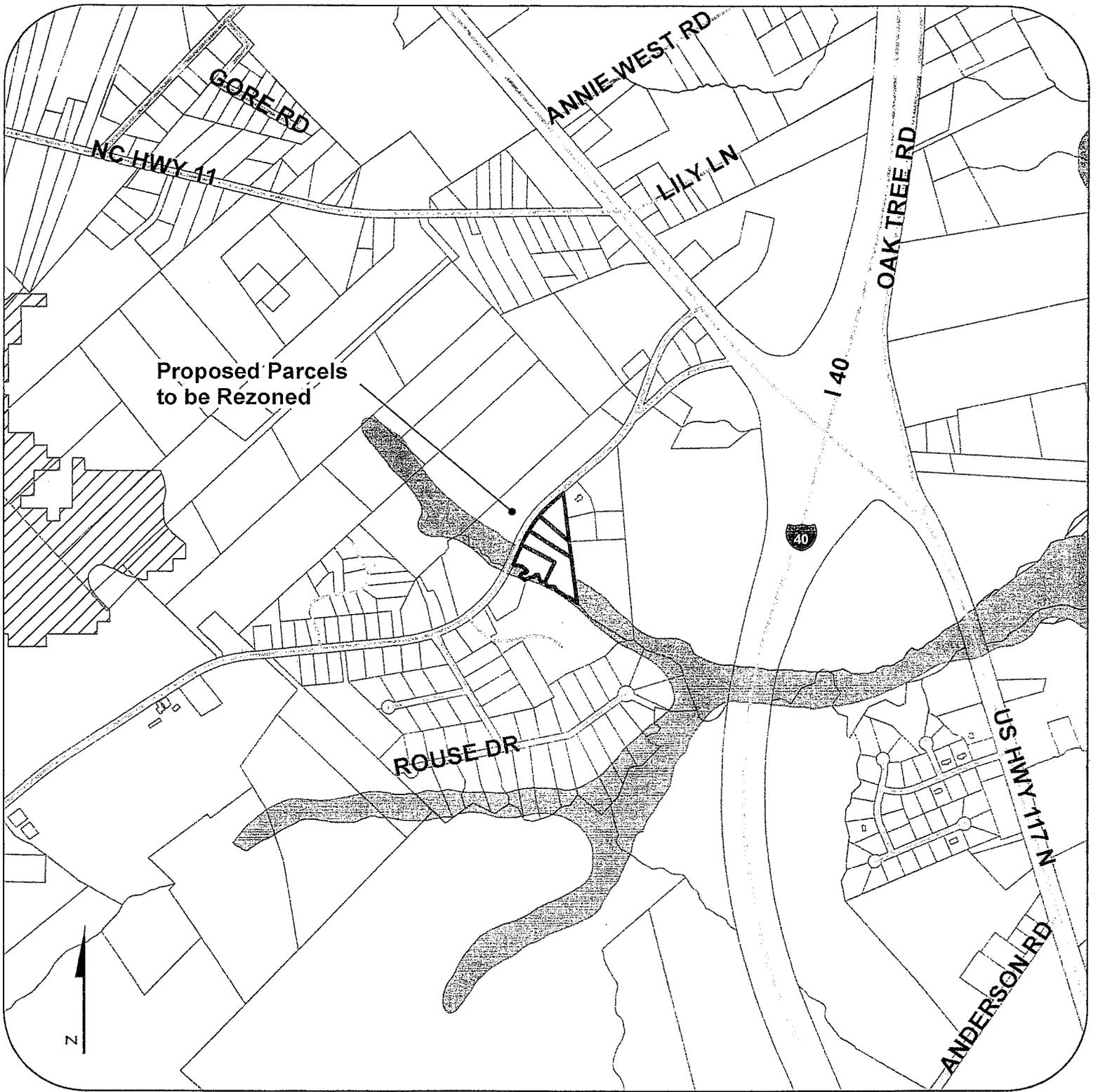
VICINITY MAP



ZONING MAP

**ZONING MAP AMENDMENT  
MARTIN EVANS  
PROPOSED REZONING / B-2 - R-20 C**

| Legend |                                |
|--------|--------------------------------|
|        | Centerlines                    |
|        | Parcels                        |
|        | Proposed Parcels to be Rezoned |
| Zoning |                                |
| ALPHA  |                                |
|        | B-1                            |
|        | B-2                            |
|        | B-3                            |
|        | FA                             |
|        | FA_DASH                        |
|        | I-1                            |
|        | I-2                            |
|        | PD                             |
|        | R-10                           |
|        | R-15                           |
|        | R-20                           |
|        | R-20C                          |
|        | RA                             |
|        | RT                             |
|        | WSPA                           |



1 INCH EQUALS 1,000 FEET



**ZONING MAP AMENDMENT  
MARTIN EVANS  
RURAL AREAS-CONSERVATION I**

*CAMA LAND USE 2005*

**Legend**

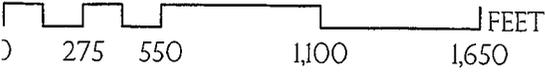
- Centerlines
- Martin\_Evans\_Rezoning
- Parcels
- Conservation Area I
- Conservation Area II
- Urban Growth Areas
- Rural Areas
- Rural Clusters
- Transition Areas



Proposed Parcels  
to be Rezoned

JOHNSON NURSERY RD

40



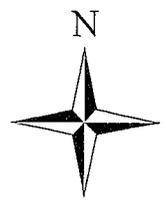
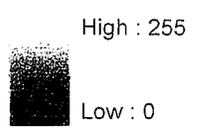
INCH EQUALS 667 FEET



**Legend**

- Centerlines
- Martin\_Evans\_Rezoning
- Parcels

**Aerial Value**



**ZONING MAP AMENDMENT  
MARTIN EVANS  
4.99 ACRES / B-2 - R-20 C**

*A RIAL (2003)*