

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 22.

Date of Request: August 11, 2008

Date Request Received:

Board Meeting Date Requested: August 18, 2008

Board Meeting Date Assigned: August 18, 2008

Short Title: Rezoning-Vaughn King Applicant, On Behalf Wesley M. Williams, Owner, Is Requesting A Tract Totaling 36.26 Acres To Be Rezoned From Fa, Flood Hazard Area District And R-20, Residential 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:

(Administrative Use Only)

Background: The applicant is requesting a tract of land 36.26 acres to be rezoned from FA, Flood Hazard Area District and R-20, Residential District to PD, Planned Development District. The property is located on NC Highway 210, approximately 2 miles east of the I-40 interchange, located on the right, over the Northeast Cape Fear River.

Specific Action Requested: The Board of Commissioners is requested to hear a public hearing on a rezoning request.

Requested by: Planning Staff
Department: Planning Department
Title: Planning
Contact Phone: 910.259.1202
Contact Fax: 910.259.1295

CONTRACT TYPE

- Renewal
- For Service(s)
- Intergovernmental – County as Grantee
 - Federal Grantor
 - State Grantor
 - Grantor
- 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 18, 2008

ITEM NO: 22

TITLE: Zoning Map Amendment, Vaughn King on behalf of Wesley M. Williams

SUBJECT: **PROPERTY PARCEL ID Number:** 3214-37-8902-0000

APPLICANT: Vaughn King

OWNER: Wesley M. Williams

ACTION REQUESTED: Vaughn King applicant, on behalf Wesley M. Williams, owner, is requesting a tract totaling 36.26 acres to be rezoned from FA, Flood Hazard Area District and R-20, Residential District to PD, Planned Development District.

HISTORY/BACKGROUND:

Location of Property: The property is located on the south side of NC Highway 210, approximately 2 miles east of the I-40 interchange, on the east side of the Northeast Cape Fear River. At the Planning Board Meeting on July 1st, 2008 a motion carried, unanimously (6-0), to recommend denial of this rezoning request.

Description of Proposal: This proposal consists of rezoning a tract from FA, Flood Hazard Area District and R-20, Residential District to PD, Planned Development District.

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:** This property is currently surrounded by FA, Flood Hazard Area District and R-20, Residential District to the north and east, FA, Flood Hazard Area District to the south and west. A small portion of RA, Residential Agricultural District is located to the northwest of the subject's property. There is PD, Planned Development District, approximately 1000 feet to the west across the Northeast Cape Fear River; this is the Lanes Ferry Development.
- D) 2005 Land Use Plan Compliance:** The Pender County 2005 CAMA Land Use Plan classifies this area into four (4) land use classifications: Rural Clusters, Rural Areas, Conservation I and Conservation II.
- i. Rural Clusters**
- a. This land classification recognizes the small concentrations of distinct residential communities that may be associated with a church or other institutional or non-residential uses in the Rural Areas. The primary purpose of this classification is to implement the County's Policy of "preserving existing viable residential neighborhoods."

ii. Rural Area

- a. This land classification provides for agricultural and forestry operations that are key to the preservation of the county's rural landscape and that remain a major part of the county's economic base. It is intended that this classification provide protection to these activities from encroachment by higher density residential development and other activities that may be incompatible with intensive farm activities, including livestock operations.

iii. Conservation I

- a. The Conservation I classification includes land and water features where there are serious hazards to personal safety or property, where new development would cause serious damage to the values of natural systems, or where new development is not permitted by local, state, or federal policy.

iv. Conservation II

- a. The Conservation II classification is established as an overlay that applies policies which restrict development in all of the non-conservation land classes.

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 provides the following comments on this request:

- 1. This is a general use rezoning.
- 2. Subject's property is located within a Floodway, AE and Shaded X Flood hazard areas. (see map)

G) Pender County Planning Board Recommendation: At the Planning Board Meeting held on July 1st, 2008 the Pender County Planning Board recommended denial of this rezoning request (6-0).

AMENDMENTS:

Planning Board

Motion: _____ Millette _____ Seconded _____ Williams _____

Approved: _____ Denied: _____ X _____ Unanimous _____ x _____

Reynolds_x_ Gonzales_x_ Garrett___ Marshburn_x_ Millett_x_ Smith_x_ Williams_x_

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on the Pender County Board of Commissioners (approved, modified, denied) a rezoning request for a tract to be rezoned from FA, Flood Hazard Area District and R-20 Residential District to PD, Planned Development District. The total tract is approximately 36.26 acres, as described herein and 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.

Board of Commissioners

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

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

James David Williams Jr.
Chairman

August 18, 2008
Date

ATTEST

August 18, 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

PLANNING BOARD APPLICATION FOR ZONING MAP AMENDMENT

Date <u>April 17, 08</u>	Application Fee <u>512.00</u>	Receipt No. <u>081866</u>
Application No. _____	Postage Fee <u>41.08</u>	Receipt No. <u>Ø</u>

I. PROPERTY INFORMATION:

Record #: _____ Current Zoning District: R-20 / FA

Tax Map #: 3255-24-7200-0000 Requested Zoning District: PD

Lot #: _____ Acreage to Be Rezoned: 30+ Acres

Total Acreage of Tract: 30+ 30.26 acres

Property Location: From 40 take ^{HWY} 210 go East 2 miles - cross Cape Fear River
Property is on (B)

Reason for Rezoning: Reverting to PD to compliment surrounding Area.

II. REQUIRED NAMES:

Applicant <u>Vaughn King</u>	Owner <u>Wesley M. Williams</u>
Address <u>324 S Wilmington St. #101</u> <u>Raleigh, NC 27601</u>	Address <u>8635 Tuttle Road</u> <u>Springfield Va 22150</u>
Phone <u>843-742-3178</u> Fax _____	Phone <u>703 609 1151</u> Fax _____
Email <u>VaughnKing@BellSouth.net</u>	Email <u>WWilliams90@hotmail.com</u>

Legal Relationship of Applicant to Property Owner: Pending Purchaser

III. SIGNATURE OF OWNER & APPLICANT:

Wesley M. Williams Vaughn King

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

April 17, 2008

Dear Neighbor,

It is to all our delight that I would like to announce that I am applying to rezone Parcel id # 3255-24-7200-0000 from R-20 to PD.

First and foremost, the reason for my rezoning is to ensure that all of us within our community maintain truthfulness and realism within preserving our ever so blessed Cape Fear River habitat. While insuring that we all continue to move forward with our old fashioned values it is crucial we all use our land in an ongoing and purposeful manner.

I am asking for your support for the utmost appropriate use of land throughout the entire neighborhood and call for unity and uniform zoning.

Your endorsement is making this a reality by dictating together the way we all want our land to remain cherished and valued. My intention is to have you join the team so we may all establish uniform zoning, orderly development, conservation of open space, and provision of attractive living environment.

After all, at the end of a long days work, what it is that we all stand for? Freedom, ownership, preservation, joy, convenience and most importantly a good nights rest.

I look forward to meeting you, welcome any questions and desire open communication with each of you.

Sincerely,



Vaughn King
Pending Purchaser

VaughnKing@bellsouth.net
843-742-3178

Wesley M. Williams
Owner



LEGEND:

- NIS = NEW IRON STAKE
 - ⊕ = FLUSH TO GROUND
 - IP = IRON PIPE
- NOTE:** TIED TO RECORD SUBDIVISION MAP BOOK 31 PAGE 24 TRACT 1A AND TO BRIDGE EAST END.

This plot is a survey of another category, such as the recombination of existing parcels, a court-ordered survey or other exception to the definition of subdivision and it therefore not subject to regulation by Subdivisions Ordinance.

The information available to the surveyor for this plot is not available to make a determination as to the best of any professional liability or insurance of this plot for recording, and the surveyor may be subject to regulation by the Subdivisions Ordinance.

Witness my official signature, registration number and seal the 23 day of MARCH A.D. 2007.

William H. Blake
(Signature)
L-2179
(Registration Number)
(Seal)



CERTIFICATE OF SURVEY AND ACCURACY (S.A. 12-30)

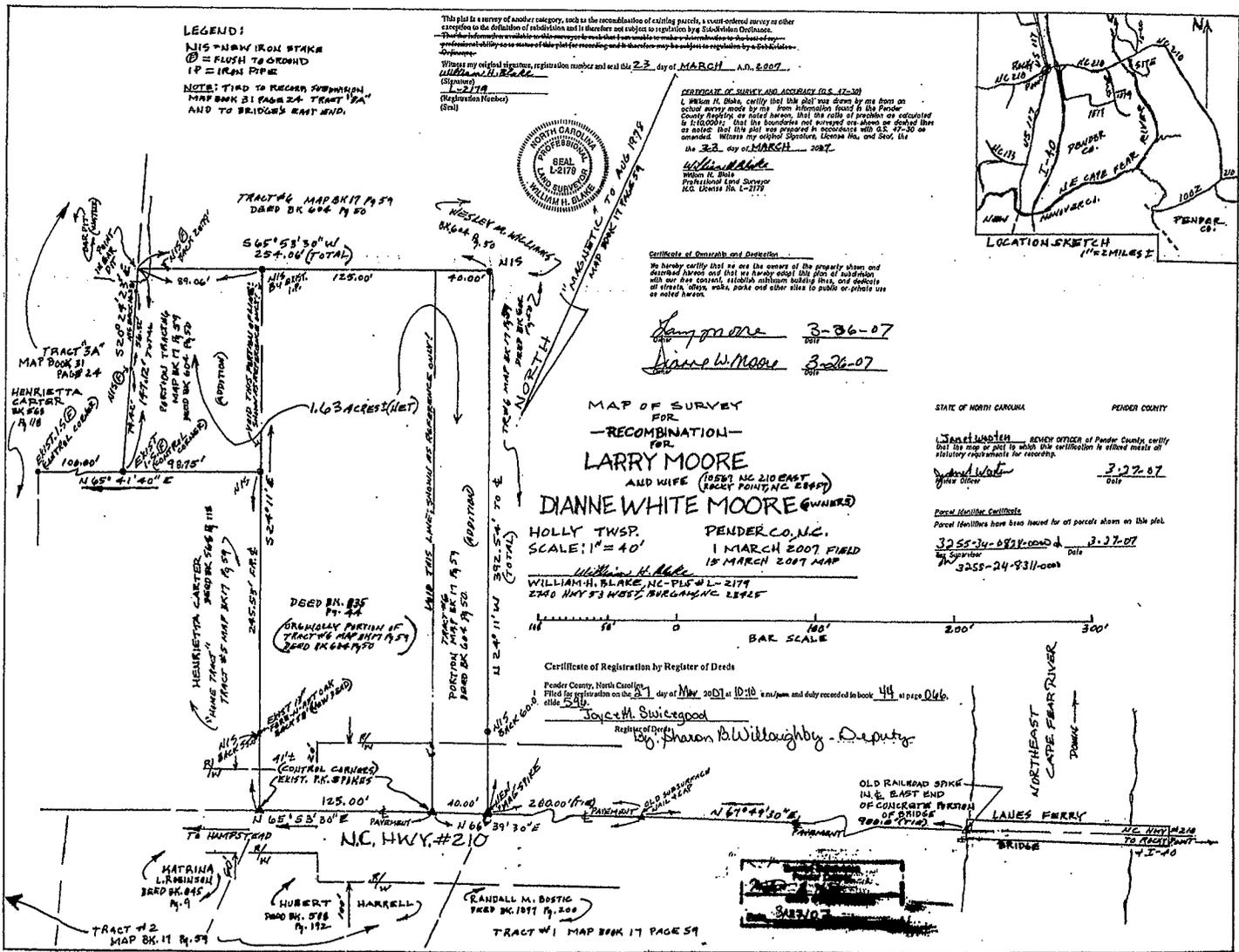
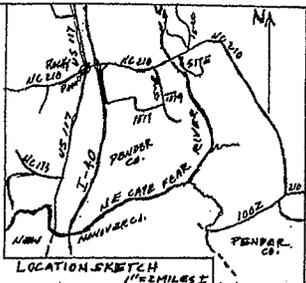
I, William H. Blake, certify that this plot was done by me from an actual survey made by me from information furnished to the Pender County Register or other person, that the ratio of precision as calculated is 1:10,000; that the boundaries not surveyed are shown or scaled there as noted; that this plot was prepared in accordance with G.S. 47-30 as amended. Witness my official Signature, License No. and Seal, the 23 day of MARCH 2007.

William H. Blake
Professional Land Surveyor
N.C. License No. L-2179

Certificate of Ownership and Description

We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision with our free consent, \$10,000 minimum building lines, and deposits of streets, utility, water, sewer and other sites to public or private use as noted hereon.

Larry Moore 3-26-07
Dianne W. Moore 3-26-07



MAP OF SURVEY FOR RECOMBINATION FOR LARRY MOORE AND WIFE (DIAANNE WHITE MOORE) HOLLY TOWNSHIP, PENDER COUNTY, N.C.

SCALE: 1" = 40'
1 MARCH 2007 FIELD
15 MARCH 2007 MAP

William H. Blake
Professional Land Surveyor
N.C. License No. L-2179
2740 HWY 53 WEST, BURGAIN, NC 28515

STATE OF NORTH CAROLINA PENDER COUNTY

J. Janet Wooten REVIEW OFFICER of Pender County, certify that this map or plan is in accordance with the provisions of the statutory requirements for recording. 3-27-07 Date

David Wooten Pender County Register 3-27-07 Date

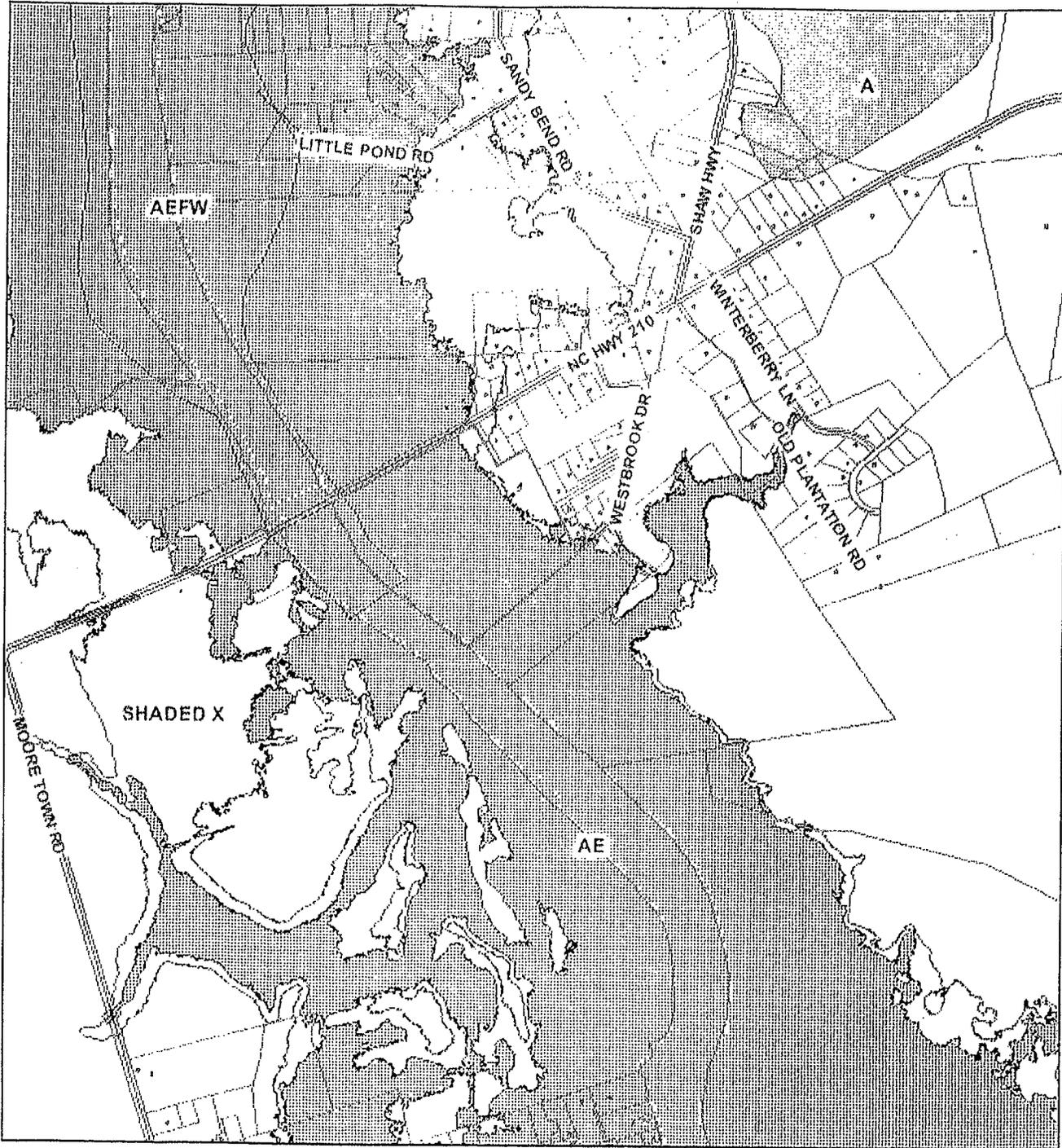
Parcel Identifier Certificate
Parcel Identifiers have been found for all parcels shown on this plot.
3255-30-0814-0000 d 3-27-07 Date
by Sponsor 3255-24-9311-0000

Certificate of Registration by Register of Deeds

Pender County, North Carolina
Filed for registration on the 21 day of MAY 2007 at 10:10 a.m./p.m. and duly recorded in book 44 at page 066, etc. 546

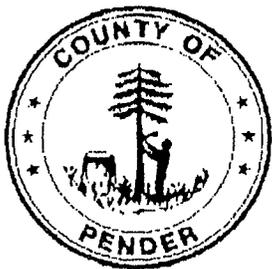
Joyce M. Switgood
Register of Deeds
Sharon B. Willoughby - Deputy

MB44 Pg 066 SL 596

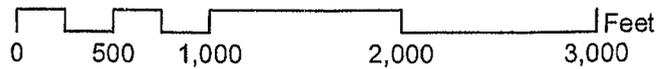
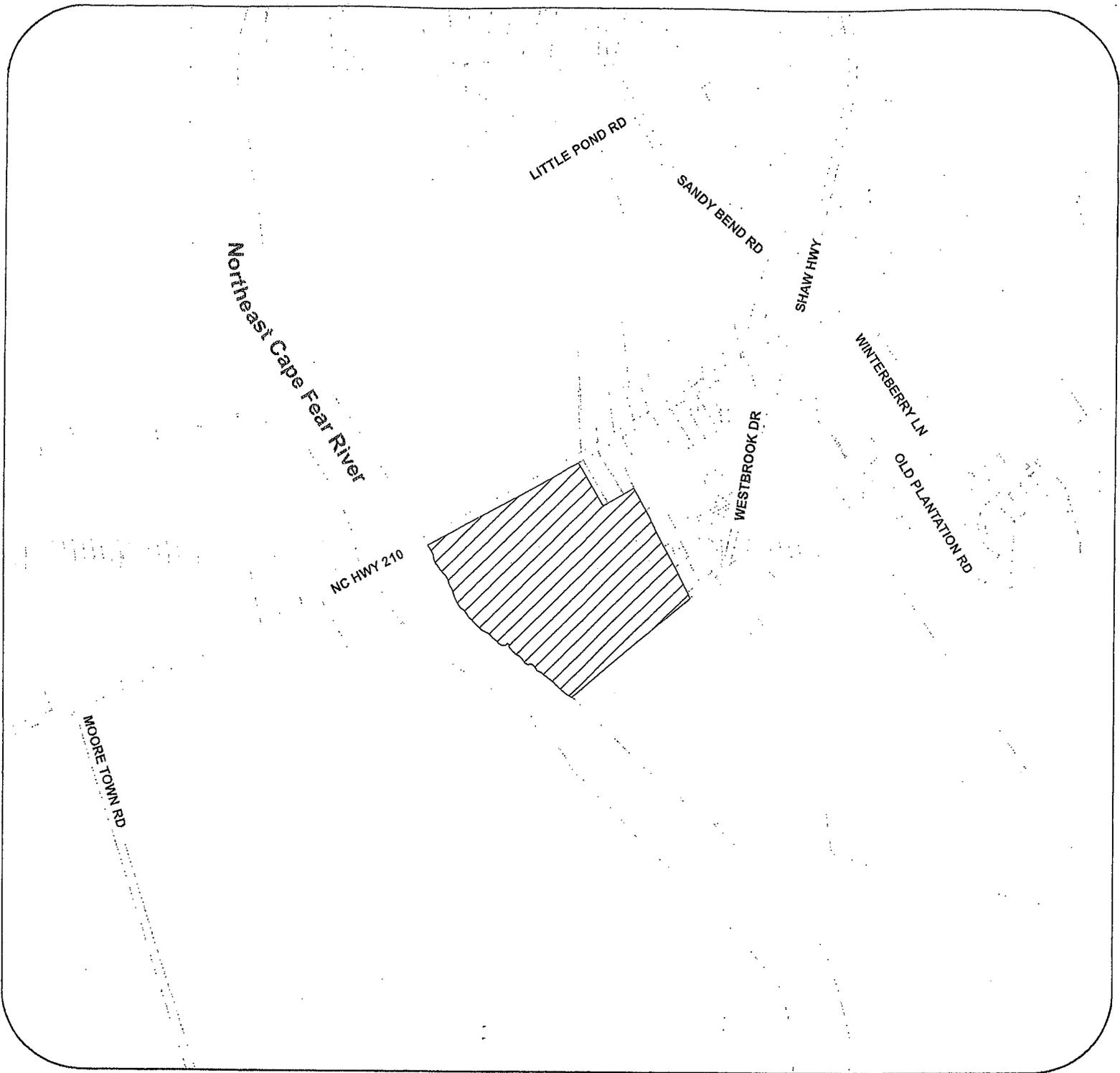


1:1200 feet

Pender County GIS



This map is prepared for the purpose of information only. It is not intended to be used for legal purposes. The data used in this map are not guaranteed to be accurate. The user of this map is responsible for verifying the information contained herein. Pender County, North Carolina, is not responsible for any errors or omissions in this map.



1 inch equals 1,000 feet

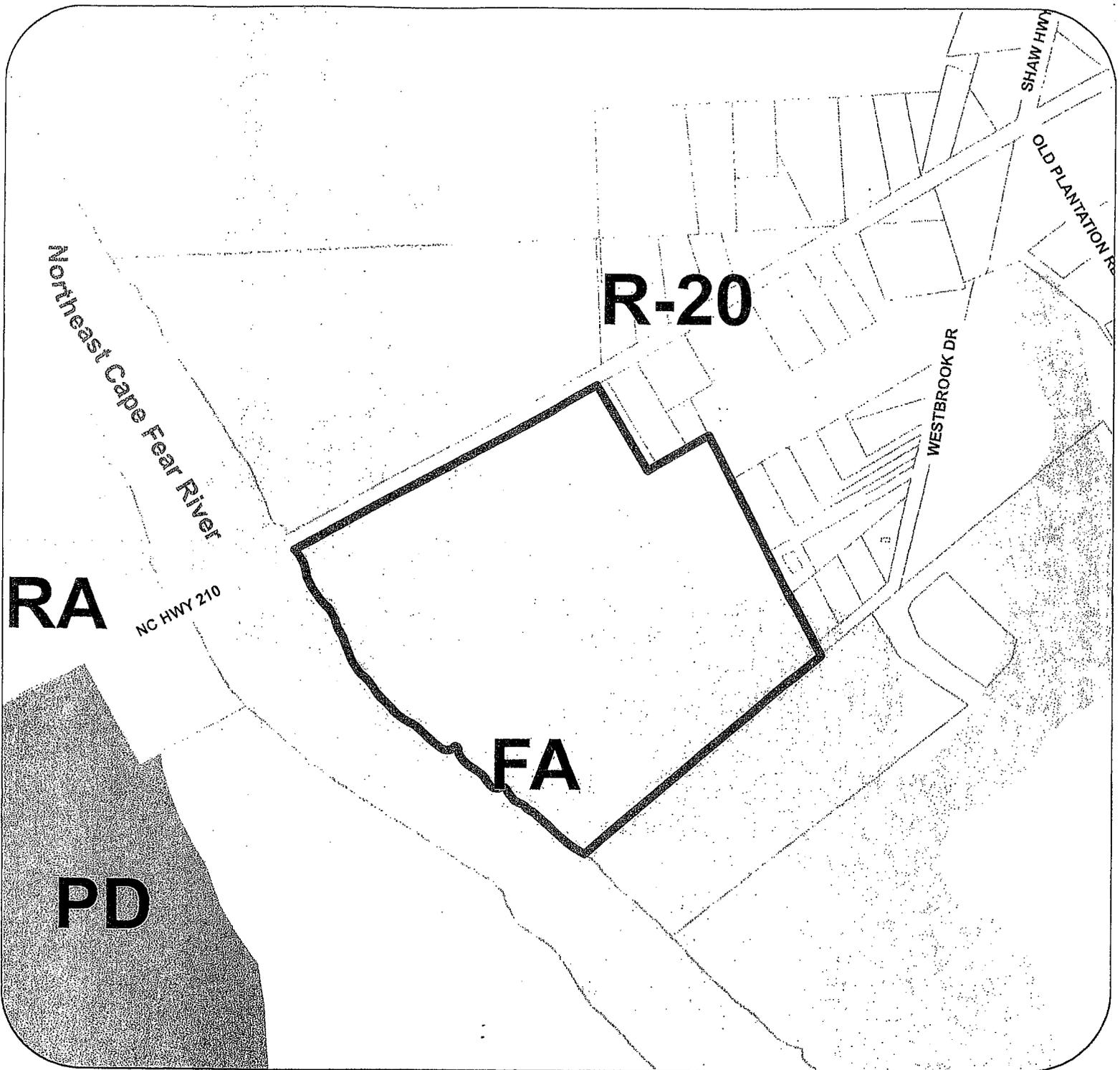
Legend

- Centerlines
-  Subject Property



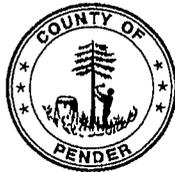
Rezoning
From R-20, FA to PD
Wesley M. Williams, Owner
Vaughn King, Applicant

Vicinity Map



Legend

- Centerlines
- Subject Property

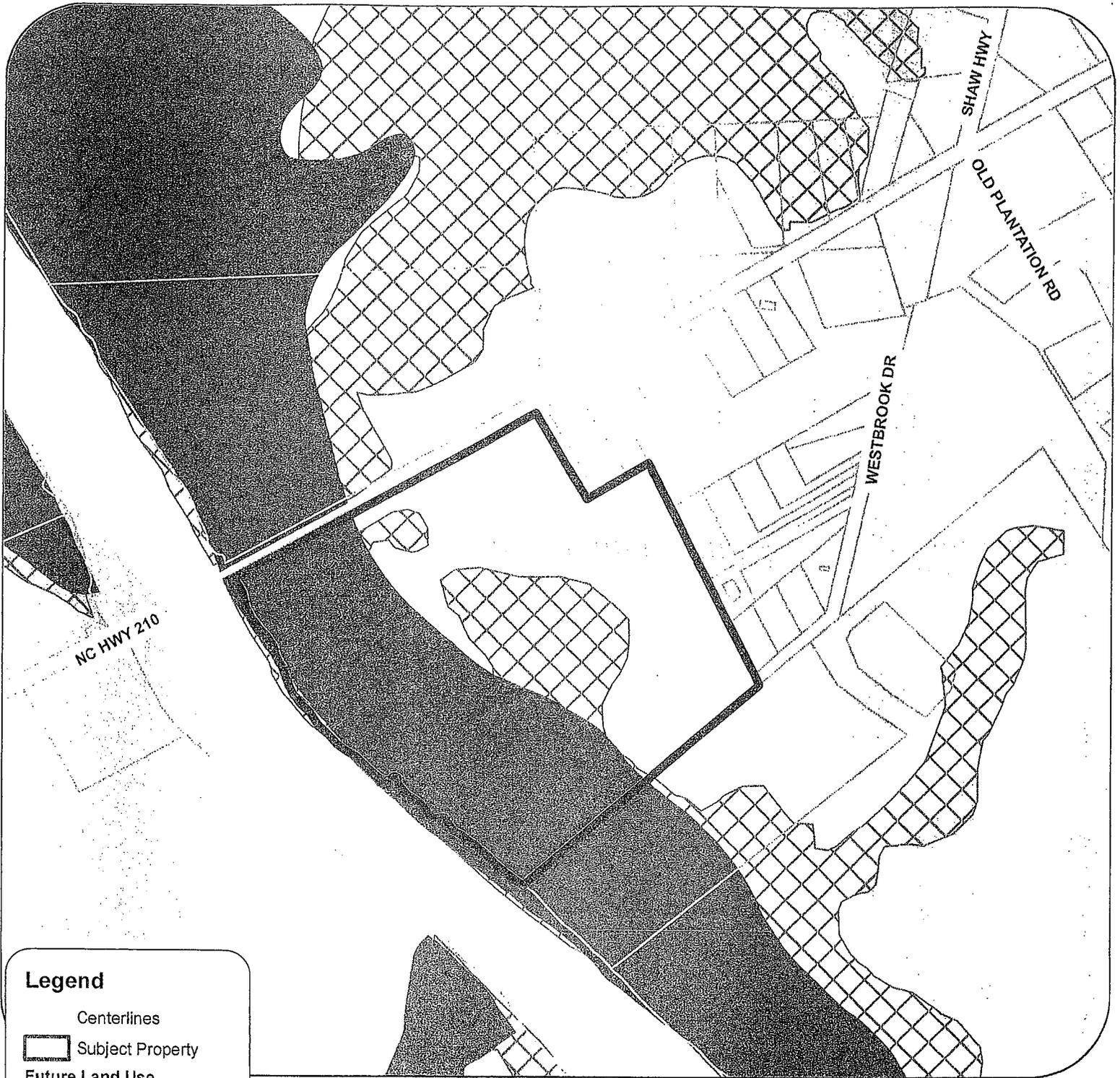


1 inch equals 500 feet

Rezoning
From R-20, FA to PD
Wesley M. Williams, Owner
Vaughn King, Applicant

Zoning Classification





Legend

- Centerlines
-  Subject Property
- Future Land Use**
-  Conservation Area I
-  Conservation Area II
-  Rural Clusters
-  Transition Areas
-  Urban Growth Areas
-  Rural Areas

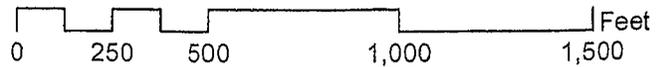


1 inch equals 500 feet

Rezoning
From R-20, FA to PD
Wesley M. Williams, Owner
Vaughn King, Applicant

Future Land Use



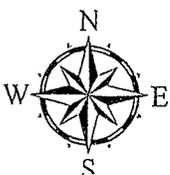


1 inch equals 500 feet

Legend

- Centerlines
-  Subject Property

Rezoning
From R-20, FA to PD
Wesley M. Williams, Owner
Vaughn King, Applicant



2006 Color Orthos