

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: _____ //

Date of Request: November 4, 2008

Date Request Received: _____

Board Meeting Date Requested: November 17, 2008

Board Meeting Date Assigned: November 17, 2008

Short Title: Zoning Map Amendment- Martin Marietta Corp., Applicant, On Behalf Of Plum Creek Timberlands, Owner, Is Requesting A Zoning Map Amendment For 379 Acres From RA, Rural Agricultural District, To I-2 Industrial District (Heavy).

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 applicant is requesting a map amendment from RA, Rural Agricultural, to I-2, Industrial District. The 379 acres are part of a larger, 2,529 acre tract, and is located about 2 miles east of I-40, approximately 3 miles north of the Pender/New Hanover County line.

(Administrative Use Only)

Specific Action Requested: The Board of Commissioners is requested to hear a public hearing on a zoning map amendment.

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

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

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 _____

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: November 17, 2008 – Board of County Commissioners

Applicant: Martin Marietta Corp.

Property Owner: Plum Creek Timberlands, LP A Delaware Ltd. Ptnrp.

Rezoning Proposal: Rezone from RA, Rural Agricultural District to I-2, Industrial District (Heavy)

Property Record Numbers, Acreage, and Location: The 379 acres to be rezoned is part of a 2,529.87 acre tract. The property is located about 2 miles east of I-40; approximately 3 miles north of the Pender/New Hanover county line (see attached vicinity map and boundary survey).

Staff Recommendation: Staff recommends **approval** of the request.

Planning Board Recommendation: The Planning Board, at their October 7, 2008 meeting, voted unanimously to pass a recommendation of **approval** for this request.

DESCRIPTION:

The proposal consists of rezoning a portion of a tract totaling 379 acres from RA, Rural Agricultural District to I-2, Industrial District (Heavy). This general use rezoning request is being made in order to extend the existing I-2 zoning district to the remaining portion of the tract (see attached zoning map and applicant's narrative). According to the 2005 CAMA Land Use Plan, industrial development shall be located in areas that will not diminish the desirability of existing and planned non-industrial uses, nor shall incompatible non-industrial uses be allowed to encroach upon existing or planned industrial sites. The remainder of this tract is mostly zoned Industrial (I-1; I-2). If rezoned according to the request made, future mining activities on this tract will require a revision of the current Special Use Permit (SUP).

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 to the north and east by RA, Rural Agricultural District. To the south is zoned FA, Flood Hazard Area, which loosely mimics the AE Flood Zone as prescribed by the FEMA FIRM maps, adopted February 2007. The western border of the property is currently zoned I-2, Industrial District (Heavy) with portions of I-1, Industrial (Light), along the I-40 corridor.
- C) Existing Land Use in Area:* Currently there is a mining operation in effect on the remainder of the 2,529.87 acres on the north and west of the property. The NE Cape Fear River is about 2,000 feet east and southeast of the proposed rezoning.
- D) 2005 Land Use Plan Compliance:* The 2005 Land Use Plan classifies this property as Rural Areas with limited Conservation I & II areas. Any development of this property will take these designated conservation areas in to consideration. 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 a portion of a tract totaling 379 acres. 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.

VOTING AND RESOLUTION:

Planning Board

Motion: _____ Williams _____ Seconded _____ Garrett _____

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

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

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on November 17, 2008, the Pender County Board of Commissioners (approved, modified, denied) a rezoning request for property 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.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

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

James David Williams, Jr.,
Chairman

11-17-08
Date

ATTEST _____

11-17-08
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>8/11/2008</u>	Application Fee <u>\$3,940</u>	Receipt No. _____
Application No. _____	Postage Fee <u>\$24.22</u>	Receipt No. _____

I. PROPERTY INFORMATION:

Record #: portion of 3243-56-6900 Current Zoning District: RA
Tax Map #: G01 F24 R40 Requested Zoning District: I-2
Lot #: _____ Acreage to Be Rezoned: 379
Total Acreage of Tract: 2529.87 acres
Property Location: See attached map
Reason for Rezoning: To allow mining

II. REQUIRED NAMES:

Applicant <u>Martin Marietta Corp.</u>	Owner <u>Plum Creek Timberlands, LP</u>
<u>Lessee of Mineral Rights</u>	<u>c/o Craig Albright</u>
Address <u>P. O. Box 30013</u>	Address <u>987 Griswoldville Rd.</u>
<u>Raleigh, NC 27622-0013</u>	<u>Macon, GA 31217</u>
Phone <u>919-781-4550</u> Fax _____	Phone _____ Fax _____
Email _____	Email _____

Legal Relationship of Applicant to Property Owner: Lessee

III. SIGNATURE OF OWNER & APPLICANT:

by: Martin Marietta Corp. Plum Creek Timberlands, LP
[Signature] By: SEE LETTER
(If owner is different from applicant, both signatures are required)

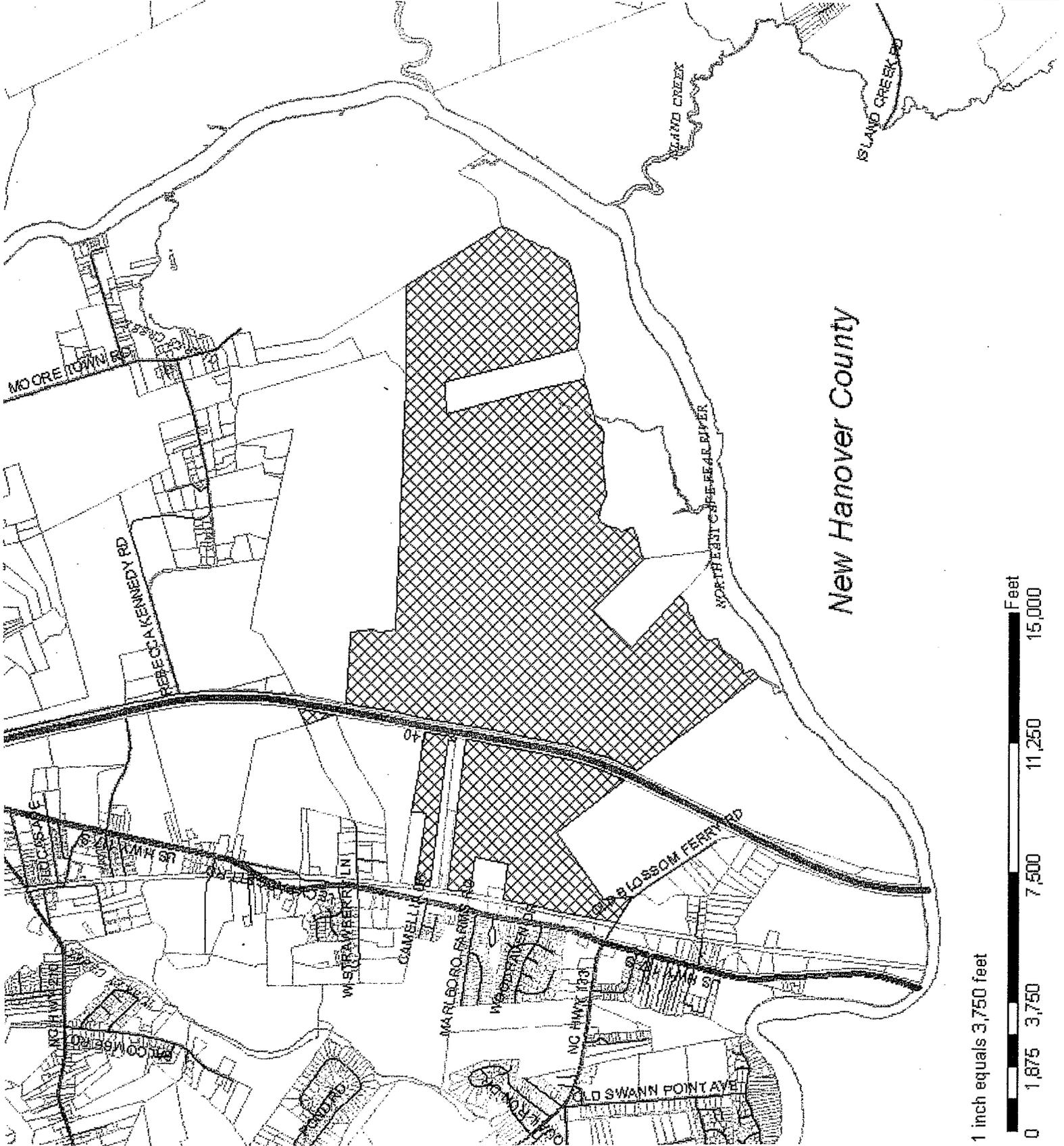


**Applicant -
Martin Marietta Corp.
Lessee of Mineral Right**

**Zoning Map
Amendment**



VICINITY MAP

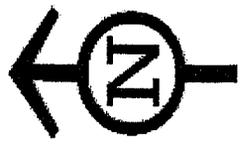




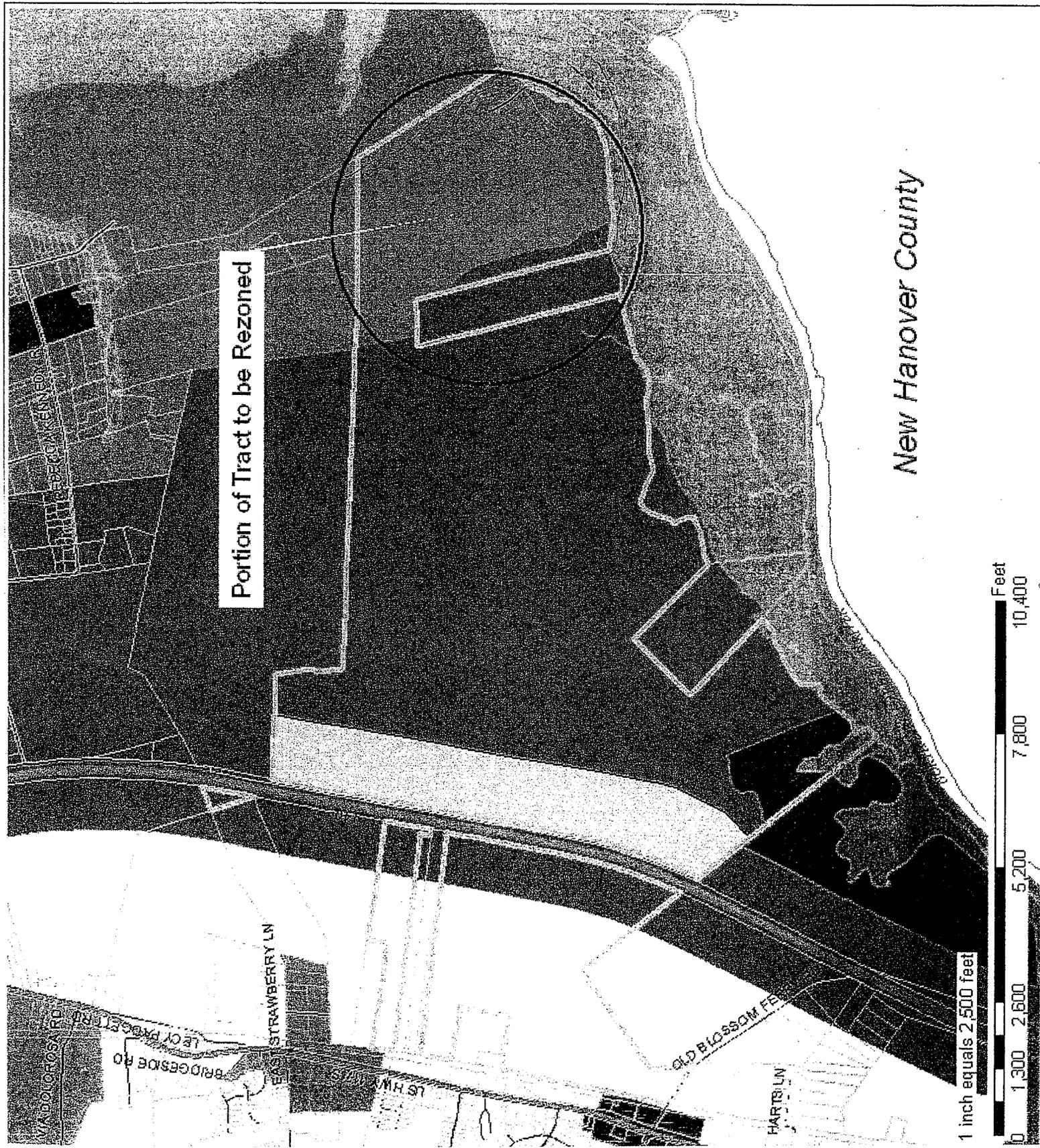
Applicant -
Martin Marietta Corp.
Lessee of Mineral Right

**Zoning Map
 Amendment**

Zoning	Symbol
P-1	[White Box]
P-2	[Black Box]
P-3	[Dark Gray Box]
PA	[Light Gray Box]
P-10	[Medium Gray Box]
P-15	[Light Gray Box]
P-20	[Medium Gray Box]
P-200	[Dark Gray Box]
PA	[Light Gray Box]
RT	[Dark Gray Box]
IND-4	[Medium Gray Box]
IND-A	[Light Gray Box]
Interpretal Area	[Cross-hatched Box]



ZONING MAP





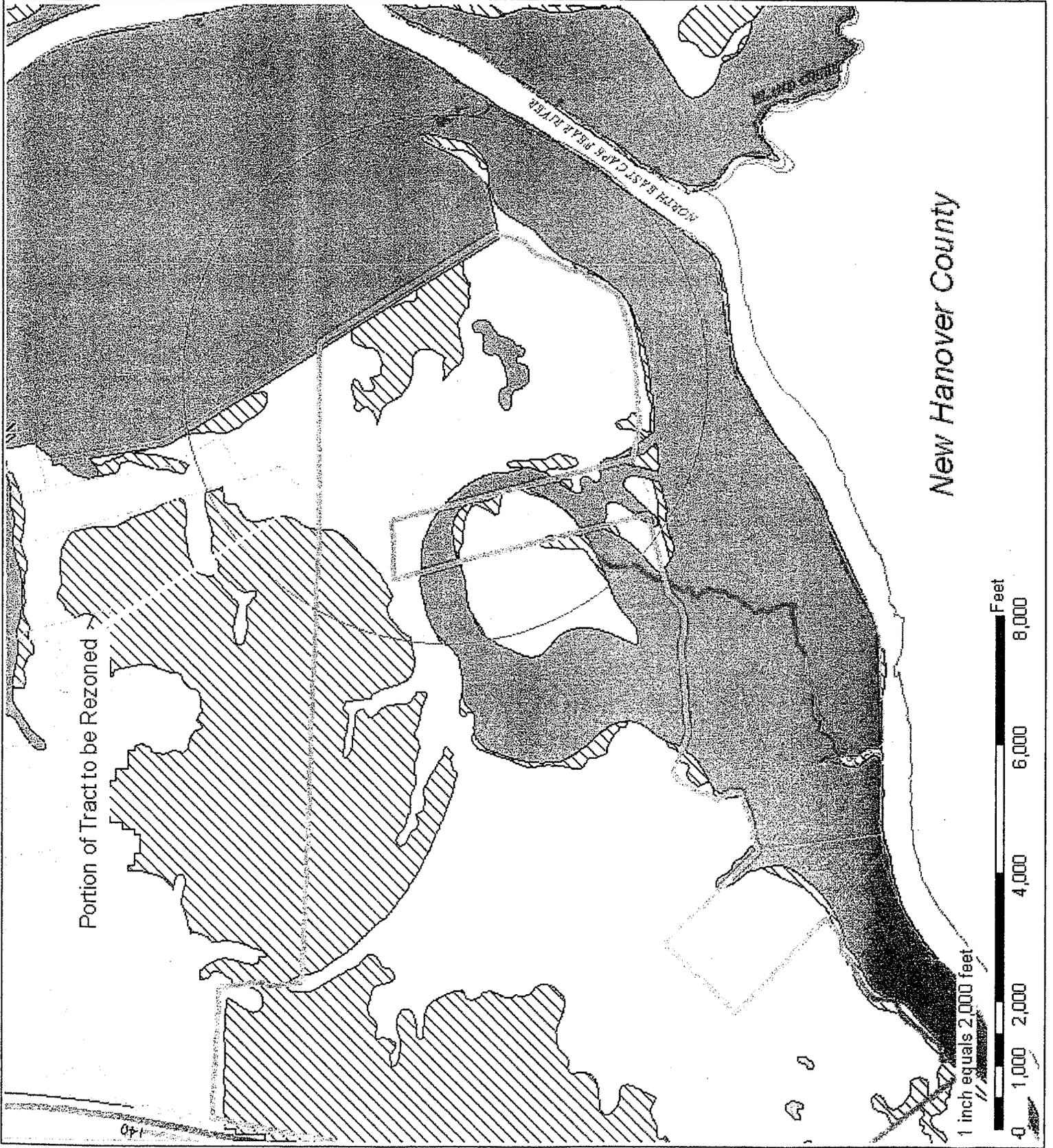
Applicant -
Martin Marietta Corp.
 Lessee of Mineral Rights

**Zoning Map
 Amendment**

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



CAMA Land Use





Applicant -
Martin Marietta Corp.
Lessee of Mineral Rights

Zoning Map
Amendment



Aerial Map

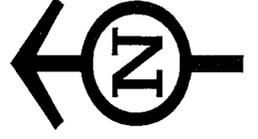
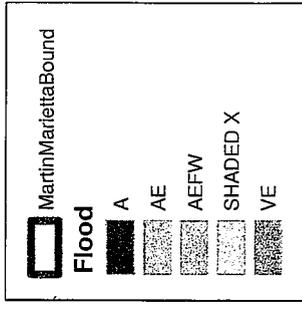




**Applicant -
Martin Marietta Corp.**

**Zoning Map
Amendment**

RA - I-2



Flood Zones

