

REQUEST FOR BOARD ACTION

ITEM NO. 21.

DATE OF MEETING: October 19, 2009

REQUESTED BY: Kyle Breuer, Planner II, Planning & Community Development

SHORT TITLE: Resolution to approve a Zoning Map Amendment

BACKGROUND: The proposal is to rezone one tract totaling 52.96, from RA, Rural Agricultural District to R-20, Residential District. The property is located east of the intersection of Clarks Landing Road (S.R. 1408) and Clarks Landing Loop Road (S.R. 1427), Long Creek Township.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the request to rezone 52.96 acres from RA to R-20.

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: October 19, 2009 – Board of Commissioners
Application Number: ZMA 09-10-19-06 Godwin
Applicant: Sarah Margaret Godwin
Property Owner: Same

Rezoning Proposal: Rezone from RA, Rural Agricultural District, to R-20, Residential District.

Property Record Numbers, Acreage, and Location: The property is identified as PIN 3203-79-4539-0000 and totals 52.96 acres. The property is located east of the intersection of Clarks Landing Road (S.R. 1408) and Clarks Landing Loop Road (S.R. 1427).

Staff Recommendation: Staff recommends approval of the request. The Pender County Planning Board, at their September 1, 2009 meeting, voted unanimously to recommend approval of this request.

DESCRIPTION:

The applicant is proposing a general use rezoning for 52.96 acres from RA, Rural Agricultural District, to R-20, Residential District. The applicant has stated in their narrative, that the rezoning presented would accommodate future development on the tract. The property is currently vacant, undeveloped land, with access to Clarks Landing Road and Clarks Landing Loop Road.

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 subject property, as well as all adjoining tracts, are all zoned RA, Rural Agricultural District.
- C) Existing Land Use in Area:* The property to the north contains Riley's Creek Memorial Cemetery, the property to the northeast contains *Lewis Strawberry Nursery*, the property to the east and south are vacant, and the property to the west and southwest contains very low net density residential uses.
- D) 2005 Land Use Plan Compliance:* The 2005 CAMA Land Use Plan classifies this property as Urban Growth Area with a Conservation Area I overlay. The plan indicates that this classification provides for the continued development of areas provided with water and/or sewer services. Currently, there is an active 8" water line running adjacent to the subject property. The Conservation Area I overlay contains wetlands and an unnamed tributary of Long Creek. This environmental feature shall be protected and taken in to consideration for future development proposals. 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 one tract totaling 52.96 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: _____ Garrett _____ Seconded _____ Marshburn _____

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

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

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on October 19, 2009, the Pender County Board of Commissioners (approved, modified, denied) a rezoning request for property as described herein and Jimmy T. Tate, 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: Tate _____ Brown _____ Blanchard _____ Rivenbark _____ Williams _____

Jimmy T. Tate
Chairman

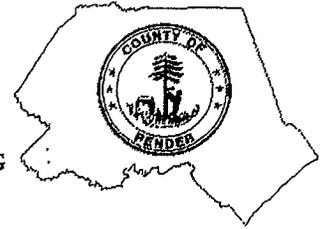
October 19, 2009
Date

ATTEST

DATE

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



APPLICATIONS COVER SHEET

Date Application Filed: _____

I. REQUIRED NAMES:

Applicant <u>Sarah Margaret Godwin</u>	Owner <u>Sarah Margaret Godwin</u>
Address <u>105 Marshnew Rd</u> <u>Hampstead NC 28443</u>	Address <u>same</u>
Phone <u>910-270-2563</u> Fax <u>910-270-2523</u>	Phone <u>same</u> Fax <u>same</u>
Email <u>smgodwin105@att.net</u>	Email <u>same</u>
Legal Relationship of Applicant to Property Owner: <u>self</u>	
Consultant Name/Company <u>Jon Wayne - Hanover Design Services</u>	
Address <u>1123 Floral Pkwy, Wilmington, NC 28403</u>	
Phone <u>910-343-8002</u>	Fax <u>910-343-9941</u>
Email <u>jwayne@hdsilm.com</u>	

II. AFFIDAVIT REGARDING OWNER - APPLICANT RELATIONSHIP:

I, S. Margaret Godwin (Owner) and same (applicant) hereby affirm that an appropriate contractual relationship permitted by the appropriate NC State Codes exists between said Owner and Applicant. Owner and Applicant also affirm that if the owner requests that the application be terminated, staff will comply with Owner's request.

S. Margaret Godwin
(Signature of Applicant)

S. Margaret Godwin
(Signature of Owner)

III. TYPE OF APPLICATION:

(Please check one)

Board of Adjustment:

- Variance
 Appeal

Zoning:

- Text Amendment
 Map Amendment
 Home Occupation
 Special Use Permit
 Vested Rights Determination

Plans:

- Planned Development Master Plan
 Subdivision Preliminary Plat
 Final Plat

PLANNING AND COMMUNITY DEVELOPMENT



PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING

FEE SCHEDULE

Board of Adjustment:	Applicable Fees:	Fee Calculation:
Variance	\$250.00	
Appeal	\$250.00	
Zoning:		
Zoning Determination Letter	\$15.00	
Text Amendment	\$250.00	
Map Amendment	\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter	980.00
Vested Rights Determination	\$250.00	
Home Occupation	\$25.00	
Special Use Permit	\$300.00 & \$10.00 per acre over 5 acres; max of \$5,000.00	
SUP, Part of AEC	\$300.00 & \$10.00 per acre over 5 acres	
SUP, Tower over 75 ft.	\$500.00	
SUP, Mining Borrow Pit	\$750.00 & \$10.00 per acre over 5 acres	
SUP, Mining other	\$1,000.00 plus \$5.00 per acre	
Plans:		
Planned Development Master Plan	\$500.00 plus \$10/acre for the first 100 acres; \$5/acre thereafter	
Preliminary Plat	\$500.00 & \$10/lot/residential unit for the first 100 lots/units; \$5 per lot/unit thereafter	
Final Plat	\$250.00 & \$10/lot/residential unit for the first 100 lots/units; \$5/lot/unit thereafter	
Total Fees Due:		980.00

Attachments Included with Application:
(Please include # of copies)

CD Plan Sets Other Documents/Reports

Method of Payment: Cash
 Credit Card, We accept VISA and MasterCard only.
 Check, Ck. # ()

For Office Use Only:

Receipt # 084610/084611

Received By: KMB Date: 7/15/2009

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



ZONING MAP AMENDMENT APPLICATION

Date 7-14-09 Application Fee 980.00 Receipt No. 084610
Postage Fee \$74.23 Receipt No. 084611

I. PROPERTY INFORMATION:

Record #: BOOK 3512 PAGE 263 Current Zoning District: RA
Tax Map #: 3203-79-4537-0000 Requested Zoning District: R-20
Lot #: TRACT "A" Acreage to Be Rezoned: 52.96 AC
Total Acreage of Tract: 52.96 AC
Property Location: LONG CREEK TOWNSHIP - CLARKSLANDING ROAD

II. REQUIRED NAMES:

Applicant <u>SARAH MARGARET GODWIN</u>	Owner <u>SARAH MARGARET GODWIN</u>
Address <u>105 MARSHVIEW ROAD</u>	Address <u>105 MARSHVIEW ROAD</u>
<u>HAMPSTEAD, NC 28443</u>	<u>HAMPSTEAD, NC 28443</u>
Phone <u>619-7028</u> Fax <u>270-2523</u>	Phone <u>619-7028</u> Fax <u>270-2523</u>
Fax <u>328-0220</u>	Fax <u>328-0220</u>
Email <u>smgodwin105@aatt.net</u>	Email <u>smgodwin105@aatt.net</u>

Legal Relationship of Applicant to Property Owner: N/A

III. SIGNATURE OF OWNER & APPLICANT:

Sarah Margaret Godwin

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

July 8, 2009

To Whom It May Concern:

Greetings. I am writing this letter in hopes of having a beautiful parcel of land in the Clark's Landing area of Pender County re-zoned from RA to R-20.

This land has been in my family for a long time, and I have walked it on several occasions. I became the individual owner of this tract last year. I feel it would be a very attractive residential community. There are natural aspects of this tract that I seek to maintain and enhance for the enjoyment of anyone who would live there. A wide, shallow creek with wildlife and natural vegetation would provide open space for the community.

I am a NC licensed real estate broker. I have taken many Realtor Land Institute classes to help understand property value and development. My family has been in the timber business for about 100 years in this local area. I will take steps to protect the beauty of this land while trying to make it a desirable place for people to live in Pender County.

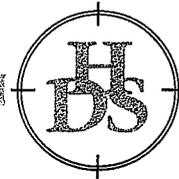
I am working with Jon Wayne at Hanover Design Services on this project to determine the best land use and the logistics of getting this done. I plan to include some land and building restrictions to protect the valuable attributes of the site.

Please consider my request and feel free to contact me with further questions. Thank you.

Sincerely,



S. Margaret Godwin
REALTOR, Broker
Godwin Coastal Realty LLC
910-619-7028
smgodwin105@att.net



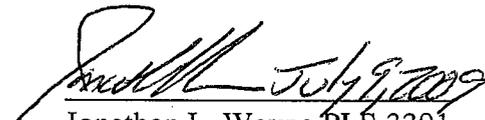
July 9, 2009

Re: 52.96 Acres Proposed Re Zoning

A certain tract or parcel of land lying and being in Long Creek Township, Pender County, North Carolina and being Tract A as recorded at map cabinet 40 page 103, records of Pender County, North Carolina and being more particularly described as follows:

Beginning at a point that is located S 74-15-34 E 211.05 ft. from a nail and cap at the intersection of Clarks Landing Road – State Road 1427 and Clarks Landing Road – State Road 1408: Proceed from said point of beginning and with the lines of said Tract A N 02-13-32 W 224.12 ft. crossing State Road 1427, thence S 79-33-55 E 456.73 ft. crossing State Road 1427 to an iron on the southern right of way of State Road 1427, thence with the common lines of the Riley’s Creek Cemetery S 86-29-20 E 164.99 ft., thence N 77-35-12 E 166.47 ft., thence S 80-31-21 E 376.91 ft., thence N 09-53-50 E 312.84 ft., thence with the common lines of the Lewis Strawberry tract S 41-48-47 E 941.20 ft. thence S 44-07-42 W 242.46 ft., thence S 33-42-06 E 793.06 ft. thence with the common line with the T.C. & I. Timber tract S 29-27-34 W 612.46 ft. to a point, thence N 67-12-46 W 1418.66 ft. to a point on the eastern right of way of State Road 1408 thence with said right of way N 00-32-25 E 63.78 ft., thence with a curve to the left having a radius of 330.00 ft. a chord N 17-42-39 W 206.70 ft. thence N 35-57-42 W 293.57 ft. to a point, thence leaving said right of way and with the common lines of the John & Susan Barnhill tract N 29-33-26 E 467.47 ft. thence N 67-12-38 W 519.31 ft. to the point of beginning and containing 52.96 acres according to a survey by Hanover Design Services, P.A.

All bearings are magnetic relative to map cabinet 40 page 103


Jonathan L. Wayne PLS 3391

