



REQUEST FOR BOARD ACTION

ITEM NO. 23.

DATE OF MEETING: July 7, 2014

REQUESTED BY: Kyle M. Breuer, Director, Planning & Community Development

SHORT TITLE: Resolution to Approve a Zoning Map Amendment (ZMA) for a general use rezoning of four tracts located on the northwest corner of the intersection of Camp Kirkwood Road and US HWY 117 from RA, Rural Agricultural to GB, General Business.

BACKGROUND: Pender County, applicant, on behalf of Melanie G. Herring, Miranda Rodriguez, and Keith Tatro, owners, is requesting approval of a Zoning Map Amendment for a general use rezoning of four (4) tracts totaling 15.69 acres from RA, Rural Agricultural, to the GB, General Business District. The subject properties are located on the northwest corner of the intersection of Camp Kirkwood Road and US HWY 117, and may be identified by Pender County PIN(s) 3322-45-8223-0000 (1.00 acre), 3322-44-8909-0000 (5.57 acres), 3322-44-7653-0000 (7.93 acres), and 3322-44-4210-0000 (1.19 acres).

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of a Zoning Map Amendment for a general use rezoning of four tracts from RA, Rural Agricultural to GB, General Business.

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

The Pender County Board of Commissioners (approved, modified, denied) a Zoning Map Amendment (ZMA) for a general use rezoning as described herein, and the Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Williams ___ McCoy ___ Brown ___ Tate ___ Ward ___

J. David Williams, Jr., Chairman 7/7/2014
Date

ATTEST 7/7/2014
Date

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: July 1, 2014 – Planning Board
July 7, 2014 – Board of Commissioners
Case Number: 11193 – Pender County Camp Kirkwood Road (ZMA)
Applicant: Pender County
Property Owner: Multiple: Melanie G. Herring, Miranda Rodriguez, and Keith Tatro

Rezoning Proposal: Pender County, applicant, on behalf of Melanie G. Herring, Miranda Rodriguez, and Keith Tatro, owners, is requesting approval of a Zoning Map Amendment for a general use rezoning for four (4) tracts totaling 15.69 acres from RA, Rural Agricultural to the GB, General Business district.

Property Record Number, Acreage, and Location: The subject properties are located on the northwest corner of the intersection of Camp Kirkwood Road and US HWY 117, and may be identified by Pender County PIN(s): 3322-45-8223-0000 (1.00 acre), 3322-44-8909-0000 (5.57 acres), 3322-44-7653-0000 (7.93 acres), and 3322-44-4210-0000 (1.19 acres). There are four tracts associated with this request totaling 15.69 acres.

Planning Board Recommendation: The Pender County Planning Board, at the July 1, 2014 meeting, voted _____ in favor of passing a motion to recommend _____ of the aforementioned rezoning request.

Staff Recommendation: The request complies with all criteria set forth in Article §3.3.8 of the *Pender County Unified Development Ordinance*. The request is not in conflict with the *2010 Comprehensive Land Use Plan*. Staff respectfully recommends that the request be approved.

HISTORY:

These tracts of land were changed from RA, Rural Agricultural, to B-2, Business District (Highway) in 1999 by the Pender County Board of Commissioners. The four properties were inadvertently affected by a zoning change in 2009 in which the tracts were reverted to the RA, Rural Agricultural because of technical error.

DESCRIPTION:

Pender County, applicant, on behalf of Melanie G. Herring, Miranda Rodriguez, and Keith Tatro, owners, is requesting approval of a Zoning Map Amendment for a general use rezoning for four (4) tracts totaling 15.69 acres from RA, Rural Agricultural to the GB, General Business district.

The subject properties are located on the northwest corner of the intersection of Camp Kirkwood Road and US HWY 117, and may be identified by Pender County PIN(s): 3322-45-8223-0000 (1.00 acre), 3322-44-8909-0000 (5.57 acres), 3322-44-7653-0000 (7.93 acres), and 3322-44-4210-0000 (1.19 acres).

There are four tracts associated with this request totaling 15.69 acres. Three of the tracts are vacant wooded; one tract contains a metal building/garage.

These tracts of land were changed from RA, Rural Agricultural, to B-2, Business District (Highway) in 1999 by the Pender County Board of Commissioners. The four properties were inadvertently affected by a zoning change in 2009 in which the tracts were reverted to the RA, Rural Agricultural because of technical error. The intention of the Planning and Community Development Department is to rectify this mistake and request that the Board change the zoning of the properties to GB, General Business to closely mimic what was in place.

Each of these four tracts of land meets the minimum lot size of 15,000 square feet and the minimum rezoning acreage requirement of one acre for the GB, General Business district. The tracts are not located within the Special Flood Hazard Area (SFHA). As shown on the aerial, tracts one, two, and three have direct access via US HWY 117. Tracts three and four have direct access via Camp Kirkwood Road.

This is a general use rezoning which will encompass all uses permitted-by-right in the GB, General Business district as shown on the Permitted Use Table 5.2.3 of the Pender County Unified Development Ordinance. The GB, General Business district is primarily intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses.

PROJECT EVALUATION:

This zoning map amendment request has been evaluated for compliance with the Pender County Unified Development Ordinance and the Pender County Comprehensive Land Use Plan, as well as the existing land uses and zoning classifications in the surrounding area.

- A. *Public Notifications:*** Public Notice of the proposal for map change has been advertised in the *Pender-Topsail Post and Voice*. Adjacent property owners have been given written notice of the request, and a sign has been placed on the subject property.
- B. *Existing Zoning:*** All adjacent properties are zoned RA, Rural Agricultural.
- C. *Existing Land Use:*** The property area is bordered by a vacant wooded tract to the north, by a single-family residence and agricultural land across Camp Kirkwood Road to the south, by Dabby's Grill and agricultural land across US HWY 117 to the east, and by Pop's Auto Shop, a single-family residence, and a wooded tract to the west.
- D. *2010 Comprehensive Land Use Compliance:*** The 2010 Comprehensive Land Use Plan designates the subject property "Rural Growth." Uses that would typically be allowed in Rural Growth areas include very low-density residential development (single-family site-built, modular, and manufactured homes) on one acre or greater size lots; agriculture, forestry, churches; very limited non-residential uses - commercial, office, or public/institutional - meeting locational criteria. Locational criteria for non-residential uses in Rural Growth areas include frontage and access to a major State highway or secondary road, location at a major rural intersection, proximity to similar existing non-residential uses, and spatial separation from non-compatible uses such as existing

residential development. The following goals and policies within this plan may be relevant to the proposed Zoning Map Amendment:

- a. **Growth Management Goal 1A.1:** *Manage the physical growth and development of Pender County by promoting more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the predominant rural lifestyle and coastal environment that makes the County a unique place to live.*
 - i. **Policy 1A.1.2** *Encourage development in areas where the necessary infrastructure – roads, water, sewer, and schools - are available, planned or can be most cost effectively provided and extended to serve existing and future development.*
 - ii. **Policy 1A.1.5:** *The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.*

E. **Unified Development Ordinance Compliance:** This is a general use rezoning, which will allow all uses permitted-by-right in the GB, General Business zoning district. The GB, General Business district is primarily intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses. (§ 4.9.1)

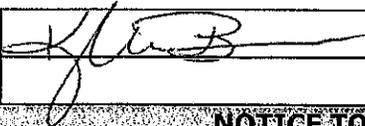
3.3.8 Review Criteria for Rezoning

The Planning Board and Board of Commissioners shall consider the following matters in considering a rezoning request:

- A. *Whether the range of uses permitted by the proposed change would be appropriate to the area concerned (including not being detrimental to the natural environment, not adversely affecting the health or safety of residents or workers in the area, not being detrimental to the use or development of adjacent property, and not materially or adversely affecting the character of the general neighborhood);*
- B. *Whether adequate public facilities/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;*
- C. *Whether the proposed change is consistent with the County's Comprehensive Land Use Plan and CAMA Land Use Plan or any other adopted land use document.*
- D. *Whether the proposed amendment is reasonable as it relates to the public interest.*

F. **Summary and Administrator Recommendation:** The application consists of a general use rezoning of four tracts (15.69 acres total) from RA, Rural Agricultural to the GB, General Business zoning district. As submitted, the application is in compliance with the standards of the Pender County Unified Developed Ordinance and is not in direct conflict of the Comprehensive Land Use Plan. Staff respectfully recommends approval for this general use rezoning.

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 11193	Date	5/16/2014
Application Fee	\$ N/A	Receipt No.	N/A
Pre-Application Conference	N/A	Hearing Date	7/1/2014 PB 7/7/2014 BOCC
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Pender County	Owner's Name:	See attachment
Applicant's Address:	805 S Walker St	Owner's Address:	See attachment
City, State, & Zip	Burgaw, NC 28425	City, State, & Zip	See attachment
Phone Number:	910-259-1202	Phone Number:	See attachment
Legal relationship of applicant to land owner:			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	See attachment	Total property acreage:	See attachment
Current Zoning District:	RA	Proposed Zoning District:	GB
Project Address :	See attachment		
Description of Project Location:	Four parcels located on the northwest corner of the intersection of Camp Kirkwood Road and US HWY 117		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	5/16/14
Owner's Signature		Date:	
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> 1. Applicant must also submit the information described on the Rezoning Checklist. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing. 4. All fees are non-refundable. 5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda. 			

Rezoning/Zoning Map Amendment Checklist

<input checked="" type="checkbox"/>	Signed application form		
<i>N/A</i>	Application fee		
<input checked="" type="checkbox"/>	A list of names and addresses, as obtained from the county tax listings and tax abstract, all adjacent property owners, including property owners directly across any road or road easement, and owners of the property under consideration for rezoning.		
<input checked="" type="checkbox"/>	Two (2) business size envelopes legibly addressed with first class postage for each of the adjacent and abutting property owners on the above list.		
<i>new</i> <input checked="" type="checkbox"/>	Accurate legal description or a map drawn to scale showing the property boundaries to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.		
<input type="checkbox"/>	18 (11"x17") map copies to be distributed to the Planning Board		
<input type="checkbox"/>	20 (11"x17") map copies to be distributed to the Board of Commissioners		
<i>N/A</i> <input type="checkbox"/>	Digital (.pdf) submission of all application materials		
<i>copy letter</i> <input type="checkbox"/>	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.		
Office Use Only			
<i>N/A</i>	ZMA Fees: (<i>\$500.00 for first 3 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter</i>)	Total Fee Calculation: \$	<i>N/A</i>
Attachments Included with Application: (Please include # of copies)			
GD/other digital version:	<input type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets # of large	# of 11x17
Offer documents/Reports:	<input type="checkbox"/> Y <input type="checkbox"/> N		
Payment Method:	Cash <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check: <input type="checkbox"/> Check # _____
Application received by:			Date:
Application completeness approved by:	<i>Andie H. Cruz</i>		Date: <i>6/16/2014</i>
Dates scheduled for public hearing:			
<input checked="" type="checkbox"/> Planning Board: <i>7/1/14</i>			
<input checked="" type="checkbox"/> Board of Commissioners: <i>7/7/14</i>			

RETURN COMPLETED APPLICATION TO:
Pender County Planning & Community Development
805 South Walker Street
P.O. Box 1519
Burgaw, NC 28425

Print Form

Rezoning Application Attachment: Owners and Properties

Owner's Name and Address:

Melanie G. Herring
5634 Chelon Ave
Wilmington, NC 28409

Property PIN: 3322-45-8223-0000

Property Address: Hwy 117

Property Acreage: 1.00

Miranda Rodriguez

388 Brickyard Rd
Hampstead, NC 28443

Property PIN: 3322-44-8909-0000 and 3322-44-7653-0000

Property Address: Hwy 117

Property Acreage: 5.57 and 7.93

Keith F. Tatro

1006 Mallard Roost Dr
Burgaw, NC 28425

Property PIN: 3322-44-4210-0000

Property Address: 2403 Camp Kirkwood Rd

Property Acreage: 1.19

Total Acreage (four properties): 15.69

Pender County Planning and Community Development

Planning Division

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425



Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

June 4, 2014

Ms. Melanie G. Herring
5634 Chelon Ave
Wilmington, NC 28409

RE: Request to Correct Zoning Error on Your Property

Dear Ms. Herring,

It has come to our attention that your property was inadvertently affected by a zoning change in 2009. According to our records, certain identified tracts of land were changed from RA, Rural Agricultural District, to B-2, Business District (Highway), in 1999 by the Pender County Board of Commissioners. During the 2009 zoning change, your property, located on the northwest corner of Camp Kirkwood Road and US Highway 117 (PIN 3322-45-8223-0000), was reverted to the RA District because of technical error. The intention of the Planning and Community Development Department is to rectify this mistake and request that the Board change the zoning of your property to GB, General Business District, to closely mimic what was in place.

The GB District is primarily intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses. For your review, a map of the property showing the existing and proposed zoning has been included with this letter. Your property is labeled "1".

A public hearing for the rezoning has been scheduled as listed below:

July 1, 2014 – Planning Board Public Hearing

July 7, 2014 – Board of Commissioners Public Hearing and Adoption

All meetings will be held at the Administrative Building, located at 805 South Walker Street, Burgaw, NC 28425. You will receive a public hearing notification prior to the hearings taking place.

Should you have any questions or concerns, or for a list of allowable uses in each zoning district, please contact the Planning & Community Development Department at (910)259-1202, or stop by the office, prior to June 13th. We apologize for any inconvenience this may have caused you.

Regards,

A handwritten signature in black ink, appearing to read "K. M. Breuer". The signature is stylized and includes a long horizontal flourish at the end.

Kyle M. Breuer, Director

Pender County Planning and Community Development

Planning Division

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425



Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

June 4, 2014

Ms. Miranda Rodriguez
388 Brickyard Rd
Hampstead, NC 28443

RE: Request to Correct Zoning Error on Your Property

Dear Ms. Rodriguez,

It has come to our attention that your property was inadvertently affected by a zoning change in 2009. According to our records, certain identified tracts of land were changed from RA, Rural Agricultural District, to B-2, Business District (Highway), in 1999 by the Pender County Board of Commissioners. During the 2009 zoning change, your properties, located on the northwest corner of Camp Kirkwood Road and US Highway 117 (PIN 3322-44-8909-0000 and PIN 3322-44-7653-0000), was reverted to the RA District because of technical error. The intention of the Planning and Community Development Department is to rectify this mistake and request that the Board change the zoning of your property to GB, General Business District, to closely mimic what was in place.

The GB District is primarily intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses. For your review, a map of the property showing the existing and proposed zoning has been included with this letter. Your property is labeled "2" and "3".

A public hearing for the rezoning has been scheduled as listed below:

July 1, 2014 – Planning Board Public Hearing

July 7, 2014 – Board of Commissioners Public Hearing and Adoption

All meetings will be held at the Administrative Building, located at 805 South Walker Street, Burgaw, NC 28425. You will receive a public hearing notification prior to the hearings taking place.

Should you have any questions or concerns, or for a list of allowable uses in each zoning district, please contact the Planning & Community Development Department at (910)259-1202, or stop by the office, prior to June 13th. We apologize for any inconvenience this may have caused you.

Regards,

A handwritten signature in black ink, appearing to read "Kyle M. Breuer". The signature is stylized and includes a long horizontal line extending to the right.

Kyle M. Breuer, Director

Pender County Planning and Community Development

Planning Division

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425



Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

June 4, 2014

Mr. Keith Tatro
1006 Mallard Roost Dr
Burgaw, NC 28425

RE: Request to Correct Zoning Error on Your Property

Dear Mr. Tatro,

It has come to our attention that your property was inadvertently affected by a zoning change in 2009. According to our records, certain identified tracts of land were changed from RA, Rural Agricultural District, to B-2, Business District (Highway), in 1999 by the Pender County Board of Commissioners. During the 2009 zoning change, your property, located on the northwest corner of Camp Kirkwood Road and US Highway 117 (PIN 3322-44-4210-0000), was reverted to the RA District because of technical error. The intention of the Planning and Community Development Department is to rectify this mistake and request that the Board change the zoning of your property to GB, General Business District, to closely mimic what was in place.

The GB District is primarily intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses. For your review, a map of the property showing the existing and proposed zoning has been included with this letter. Your property is labeled "4".

A public hearing for the rezoning has been scheduled as listed below:

July 1, 2014 – Planning Board Public Hearing

July 7, 2014 – Board of Commissioners Public Hearing and Adoption

All meetings will be held at the Administrative Building, located at 805 South Walker Street, Burgaw, NC 28425. You will receive a public hearing notification prior to the hearings taking place.

Should you have any questions or concerns, or for a list of allowable uses in each zoning district, please contact the Planning & Community Development Department at (910)259-1202, or stop by the office, prior to June 13th. We apologize for any inconvenience this may have caused you.

Regards,

A handwritten signature in black ink, appearing to read "K. M. B.", with a long horizontal line extending to the right.

Kyle M. Breuer, Director

WAIVES

any warranty, implied or otherwise, as to the correctness of the information contained herein.

Deed Book:

1597

Page:

0072.001.jpg

ZoomIn

ZoomOut

Previous

Next

LSB

000000000000

FILED

00 JUN 27 AM 11:22

BK 1597PG072

PENDER COUNTY NC 06/27/2000

\$15.00



Real Estate Excise Tax

JOYCE M. SWICEGOOD
REGISTER OF DEEDS.
PENDER COUNTY, NC

Excise Tax \$15.00

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. _____

Verified by _____ County on the _____ day of _____, 19____
by _____

Mail after recording to

This instrument was prepared by Lawrence S. Boehling

Brief Description for the Index

Union Township

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made June 26, 2000, by and between

GRANTOR

JAMES F. DRAKE AND WIFE, JUDITH M. DRAKE

GRANTEE

TRACY HERRING AND WIFE, MELANIE HERRING

Recorded and Verified
Joyce M. Swicegood
Register of Deeds
Pender County, NC *JB*

Enter in appropriate block for each party's name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Union Township, Pender County, North Carolina and more particularly described as follows:

Located in Union Township, Pender County, N.C. adjacent to and West of the Western Right-of-Way line of U.S. Highway No. 117 and being more fully described as follows, to wit:

BEGINNING at an iron pipe in the Western Right-of-Way line of U.S. Highway No. 117, said iron pipe being located along said line at a point that is the following courses and distances from N.C. GRID MONUMENT "TWIN": South 44 degrees 24 minutes 51 seconds West 191.32 feet and South 04 degrees 25 seconds 57 minutes West 684.53 feet to the BEGINNING; and running thence, from the BEGINNING, so located,

- (1) with the Western Right-of-Way line of U.S. Highway No. 117, South 04 degrees 25 minutes 57 seconds West 110.25 feet to an iron pipe in line; thence,
- (2) North 85 degrees 34 minutes 01 seconds West 414.04 feet to an iron pipe in the Richard C. Hall line; thence,
- (3) with said line North 23 degrees 16 minutes 28 seconds East 116.49 feet to an iron pipe in line; thence,
- (4) South 85 degrees 34 minutes 01 seconds East 376.42 feet to the BEGINNING,

containing 1.00 acres more or less and is as surveyed by Thompson Surveying Co., P.A. of Burgaw, N.C. during May 1991.

As a reference to the above described tract see Book 742, at Page 720 of the Pender County Registry.

any warranty, implied or otherwise, as to the correctness of the information contained herein.

Deed Book:

3348

Page:

0169.jpg

ZoomIn

ZoomOut

Previous

VBN



PENDER COUNTY NC

Next

\$280.00

Real Estate Excise Tax

FILED

BK3348PG169

07 NOV - 1 PM 3:44

JOYCE M. SWICEGOOD
REGISTER OF DEEDS
PENDER COUNTY, NC

PIN # 3322-03-1849-0000
DATE 11/11/07 INT. 01110

The attorney preparing this instrument has made no record search or title examination as to the property herein described, unless the same is shown by his written and signed certificate.

Excise Tax \$280.00

Recording: Time, Book and Page

Tax Lot No. _____ Parcel Identifier No.: _____
Verified By: _____ Pender _____ County on the _____ day of _____, 2007

Mail after recording to:

This instrument prepared by Biberstein & Numalee, Attorneys at Law, P. O. Box 428, Burgaw, NC 28425.

Brief Description for the Index

22.390 acres Murray Town Rd.

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 11 day of ~~October~~ ^{November}, 2007, by and between:

GRANTOR

VERA ANN WELLS OWENS (Widow)

GRANTEE

WAYNE THOMPSON
708 Windswept Place
Wilmington, NC 28405

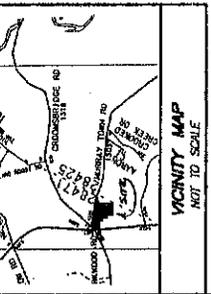
The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantors, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, in that certain lot or parcel of land situated in Unlon Township, Pender County, North Carolina and more particularly described as follows:

Being that certain tract of land containing 22.390 acres more or less, as shown on a map entitled "Map of

Recorded and Verified
Joyce M. Swicegood
Register of Deeds
Pender County, NC

10



PARCEL IDENTIFIER CERTIFICATE
 PARCEL IDENTIFIERS WILL BE ISSUED FOR ALL PARCELS UPON REGISTRATION OF THIS PLAT.
 REVIEW OFFICER: *M. J. [Signature]* DATE: 10/24/07
 PIN: 3333-63-1845-0000

REVIEW OFFICER
 NORTH CAROLINA
 FENDER COUNTY
 REVIEW OFFICER OF FENDER COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
 REVIEW OFFICER: *M. J. [Signature]* DATE: 10/24/07

CERTIFICATE OF SURVEY AND ACCURACY
 FENDER COUNTY NORTH CAROLINA
 I, Daniel H. Thompson, PLS., certify that this plat is drawn by me from an actual survey made by me from the corners and monuments shown on the boundaries not surveyed and located as dashed lines; that this map was prepared in accordance with G.S. 47-30 as amended; that the ratio of precision is 1:10,000; that this map is correct to the best of my knowledge and belief. I witness my original signature, license number and seal this 23rd day of October, AD, 2007.
 Daniel H. Thompson
 N.C.P.L.S. No. L-2174
 FURFREW, N.C.

VICINITY MAP
 NOT TO SCALE

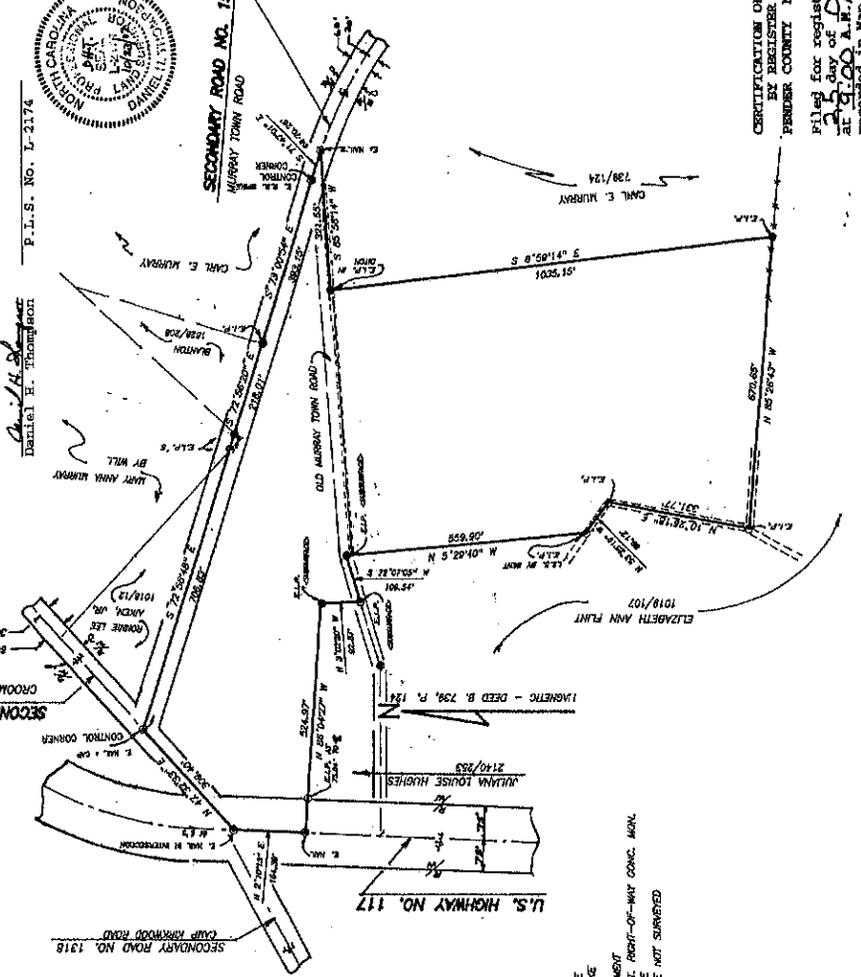
SURVEY REF:
 PN 3322-63-1845-0000
 PORTION OF TRACT NO. 1
 PINEY DIVISION - MAP BK. 3, PG. 77
 DEED BOOK 454, PAGE 183

AREA:
 21,390-AC+/- GROSS TOTAL
 .347 IN R/W U.S. 177
 .158 IN R/W SR 1318
 .507 IN R/W SR 1503
 20,978-AC +/- NET

Surveyor Certificate II
 I, Daniel H. Thompson, P.L.S. No. L-2174
 seal this 23rd day of October, A.D., 2007.

C. This plat is of an existing parcel or new street of land and does not create a new street. The boundaries shown on this plat are as defined in the Subdivision Ordinance and is exempt from the definition of subdivision contained in said Subdivision Ordinance.
 Witness my original signature, registration number and seal this 23rd day of October, A.D., 2007.

NOTES:
 1. THE PARCELS CREATED BY THIS PLAT CANNOT BE USED FOR BUILDING DEVELOPMENT, UNLESS A NEW PLAT IS APPROVED AND RECORDED AS REQUIRED UNDER THE FENDER COUNTY SUBDIVISION ORDINANCE.
 2. Property zoned RA with building setbacks to be in accord with the Fender County Minimums as follows:
 Front set back = 40' Rear set back = 30'
 Side set back = 20' Min. lot width = 100'
 3. Corners are marked as noted.
 4. No known or undisturbed horizontal control marker found within 2,000' of site.
 5. No known areas of environmental concern on this property.
 6. The property shown on this map is not located in a special flood hazard area per Fender County F.I.R.M. Panel 3322 dated 2-16-2007.
 7. No corporate limits, Township or County lines on the property shown.
 8. See Fender County G.I.S. for N.C.D.O.T. 2' contour map showing Natural drainage.
 9. No known easements of record and none searched for.
 10. No 404 wet lands delineated on this property.



VERA WELLS OWENS
 UNOR TOWNSHIP - FENDER COUNTY
 NORTH CAROLINA
 OCTOBER 2007 - SCALE 1" = 200'
 SCALE IN FEET
 0 200 400 600
 PROPERTY OWNED BY:
 VERA WELLS OWENS
 101 WILSON DRIVE
 WASHINGTON, N.C. 27166

CERTIFICATE OF REGISTRATION
 BY REGISTER OF DEEDS
 FENDER COUNTY, NORTH CAROLINA
 Filed for registration on the 23rd day of Oct 2007 at 2:00 A.M. and duly recorded in Map Book 440 Page 001. Slide 1611. Witness my hand and official stamp on seal this 23rd day of Oct 2007.
 Joyce M. Sweeney
 Register of Deeds
 Deputy

CERTIFICATE OF OWNERSHIP AND DEDICATION
 I, Vera Wells Owens, DO HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF FENDER COUNTY AND THAT I HEREBY ADOPT THIS PLAN OR MAP WITH MY FREE CONSENT AND ESTABLISH MINIMUM SET BACK LINES AS PER FENDER COUNTY ZONING AND DEDICATE ALL STREETS, ALLEYS, RIGHTS OF WAY, AND UTILITIES TO THE PUBLIC. I HEREBY DEDICATE ALL SANITARY SEWER, STORM SEWER AND WATER LINES TO FENDER COUNTY WHERE APPLICABLE.
 Vera Wells Owens
 Agent For Vera W. Owens
 Date 10-23-07

THOMPSON SURVEYING CO., P.A.
 111 E. FREMONT STREET
 BURGAW, N.C. 28425
 910-259-3427

DANIEL H. THOMPSON - MAPS NO. L-2174

MB 46 PG-007 SL617

any warranty, implied or otherwise, as to the correctness of the information contained herein.

Deed Book:

3148

Page:

0277.jpg

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BK3148PG277

PENDER COUNTY NC 01/24/2007

FILED

\$500.00

07 JAN 24 PM 4:15



Real Estate
Excise Tax 4-8909-0000

JOYCE M. SWICEGOOD
REGISTER OF DEEDS
PENDER COUNTY, NC

PIN # 3322-44-7653-0000

WIFE 1-24-07 INT -ICB

Excise Tax \$500.00

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. _____
Verified by _____ County on the _____ day of _____, 2006
by _____

Mail after recording to
This instrument was prepared by Lawrence S. Boehling

Recorded and Verified
Joyce M. Swicegood
Register of Deeds
Pender County, NC

Brief Description for the index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made January 24, 2007, by and between

GRANTOR

JAMES F. DRAKE AND WIFE
JUDITH M. DRAKE

GRANTEE

MIRANDA RODRIGUEZ a 1/4 undivided interest;
ROBERT BADALIAN a 1/4 undivided interest;
and ALAN MCMAUGH a 1/2 undivided interest

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Pender County, North Carolina and more particularly described as follows:

TRACT 1:

BEING that 7.93 acre tract, more or less, as shown on a map entitled "Division Map for James F. Drake" recorded in Map Book 34, page 32 of the Pender County Registry reference to which is hereby made for a more particular description.

TRACT 2:

The following described tract having Pender County P.I.N. 3322-44-8909-0000...

Located in Union Township, Pender County, North Carolina lying adjacent to and West of the Western Right-of-Way (75.0 feet from centerline) of U.S. Highway No. 117 and being more fully described as follows, to wit:

BEGINNING at an iron pipe in the Western Right-of-Way line of U.S. Highway No. 117, said iron pipe being located along said line at a point that is the following courses and distances from N.C. Grid Monument "TWIN": South 44 Degrees 24 Minutes 51 Seconds West 191.32 feet and South 04 Degrees 25 Minutes 57 Seconds West 794.78 feet to the Beginning; and running thence, from the Beginning, so located,

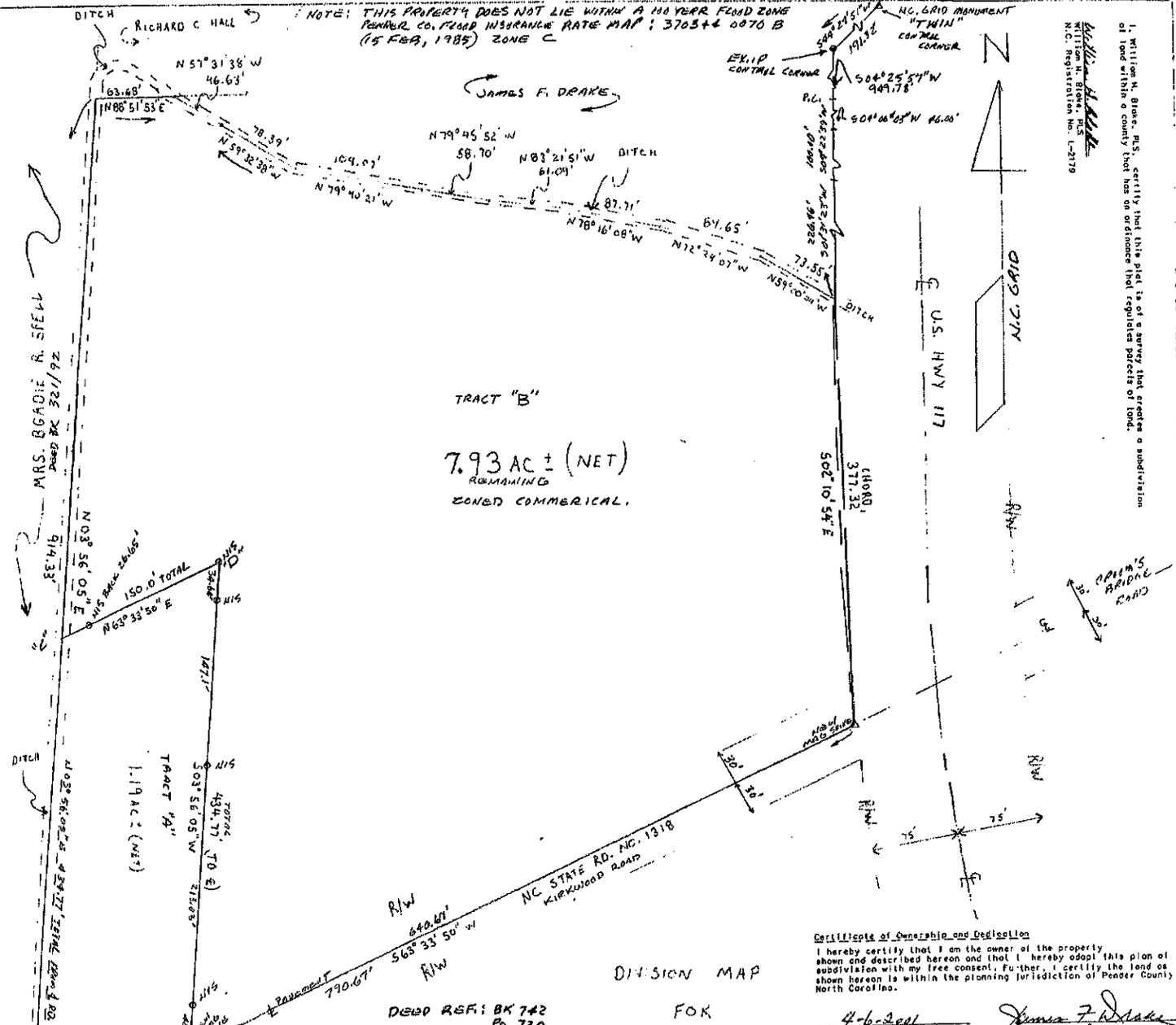
..... description continued on "EXHIBIT A"

3

RICHARD C HALL

NOTE: THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD ZONE
PENDER CO. FLOOD INSURANCE RATE MAP: 3703+4 0070 B
(15 FEB, 1985) ZONE C

1. William H. Blake, PLS, certify that this plan is of a survey that creates a subdivision of land within a county that has an ordinance that requires protection of land.



TRACT "B"
7.93 AC ± (NET)
REMAINING
ZONED COMMERCIAL.

Certification of Ownership and Dedication
I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of subdivision with my free consent. Further, I certify the land as shown hereon is within the planning jurisdiction of Pender County, North Carolina.

James F. Drake
Owner



JAMES F. DRAKE

1072 HALLARD EIGHT DRIVE
BURGAN, N.C. 28405

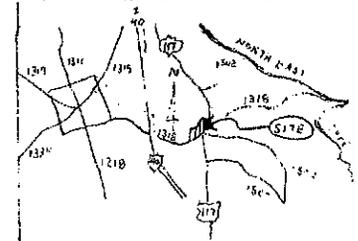
WILLIAM H. BLAKE, NC PLS #L-2179, BURGAN, N.C.
2711 HUNTS WEST
UNION TOWNSHIP - PENDER CO. - NORTH CAROLINA
SCALE 1" = 60'

STATE OF NORTH CAROLINA PENDER COUNTY
I, James F. Drake, REVIEW OFFICER of Pender County, certify that the map or plot to which this certification is affixed meets all statutory requirements for recording.

James F. Drake
Review Officer

4-6-01
Date

VICINITY MAP
(NOT TO SCALE)



BAR SCALE
SCALE: 1" = 60'

LEGEND: AIS = NEW IRON STAKES
EX.I.P. = EXISTING IRON PINE

STATE OF NORTH CAROLINA PENDER COUNTY
I, William H. Blake, PLS, certify that this plot was drawn under my supervision from an actual survey made by me from information found in the Pender County Registry, as noted hereon, that the ratio of precision as calculated is 1:10,000; that the boundaries not surveyed are clearly noted; that the plot was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number, and seal this 22 day of March 2001.

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

STATE OF NORTH CAROLINA PENDER COUNTY
Filed for registration on the 6 day of April 2001, at 2:45 P.M.
and duly recorded in Map Book 34 at Page 32. SL 459

JOYCE M. SWICKERD
Register of Deeds
By Angela M. Moly, asst

SL 459 MB 34 PG 32

any warranty, implied or otherwise, as to the correctness of the information contained herein.

Deed Book:

3397

Page:

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PENDER COUNTY NC 01/31/2008 \$30.00
STATE OF NORTH CAROLINA Real Estate Excise Tax

FILED

BK3397PG067

08 JAN 31 AM 10:09

JOYCE M. SWICEGOOD
REGISTER OF DEEDS
PENDER COUNTY, NC

PIN #3392-44-4210-0000
DATE 1/31/08 INTJE

Excise Tax \$30.00

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. _____
Verified by _____ County on the _____ day of _____, 2008
by _____

Mail after recording to _____
This instrument was prepared by Lawrence S. Boehling

Brief Description for the Index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made JANUARY 29, 2008, by and between

GRANTOR

JAMES F DRAKE AND WIFE,
JUDITH M DRAKE

GRANTEE

KEITH F. TATRO AND WIFE,
SANDRA K. TATRO
1006 MALLARD ROOST DR.
BURGAW, NC 28425

Enter in appropriate block for each party name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple all that certain lot or parcel of land situated in PENDER County, North Carolina and more particularly described as follows:

BEING all of Tract "A" consisting of 1.19 acres, more or less, as shown on a map entitled "Division Map for James F. Drake" recorded in Map Book 34 at page 32 of the Pender County Registry reference to which is hereby made for a more particular description.

Recorded and Verified
Joyce M. Swicegood
Register of Deeds
Pender County, NC

ORDINANCE: ZONING MAP AMENDMENT: JAMES DRAKE: REZONING APPROXIMATELY 9.12 ACRES FROM RURAL AGRICULTURAL (RA) TO HIGHWAY BUSINESS (B-2):LOCATED ON THE NORTHWEST CORNER OF U.S. HWY. 117 NORTH AND CAMP KIRKWOOD ROAD INTERSECTION, UNION TOWNSHIP.

SUBJECT AREA: Legal/Community Development

ACTION REQUESTED: First, conduct a public hearing to take comments concerning the request for the zoning map amendment mentioned above. Second, to approve the request mentioned above.

HISTORY/BACKGROUND:

According to the applicant's letter:

He may wish to establish some businesses and conduct activities on the site that are permitted by right in the Highway Business District. According to the applicant, his intent is not to build anything that would be harmful to the surrounding property owners.

The nine acres are vacant and has some vegetation along the general boundaries. The corner lot has approximately 380 feet fronting U.S. Hwy 117 North and approximately 790 feet fronting Camp Kirkwood Road. According to the map submitted the applicant has split or proposes to split several one (1) to two (2) acre tracts north of this site.

EVALUATION:

- I. According to the Pender County Zoning Ordinance Section 8.6.E., the B-2 Business District (Highway) requires the following:

The purpose of this district shall be to provide for the proper grouping and development of roadside business uses which will best accommodate the needs of the motoring public and businesses demanding high volume traffic. No B-2 District shall be less than one-half (1/2) acre in area.

Dimensional Requirements

- | | |
|---------------------------------|----------|
| 1) Minimum Developable lot area | ½ acre |
| 2) Minimum front yard | 100 feet |
| 3) Minimum side and rear yard | 25 feet |
| 4) Maximum building height | 35 feet |
| 5) Minimum lot width | 100 feet |

- II. According to Subsection 5.3, Action by the Planning Board, the following policy guidelines shall be followed by the Planning Board concerning zoning amendments and no proposed zoning amendment will receive favorable recommendation unless:

A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

There is a general store located directly across from this site on the east side of U. S. Hwy. 117 North. A car repair shop is located on the property adjoining the westernmost property line along Camp Kirkwood Road.

B. There is convincing demonstration that all uses permitted under the proposed district classification will not adversely affect the health and safety of residents or workers in the area and will not be detrimental to the natural environment or to the use or development of adjacent property or general neighborhood.

Please see the Table of Permitted Uses attached.

C. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved).

This is a low growth area. The growth trend of the area is predominantly residential with limited commercial services.

D. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

An analysis of the uses prohibited, permitted by right, and allowed with a Special Use Permit indicate that most of the activity is allowed in both districts.

E. The proposed change is in accord with any land use plan and sound planning principles.

According to the Land Use Plan, the area is classified as Rural.

“Although specific areas are outlined on a land classification map, it must be remembered that land classification is merely a tool to help implement policies and not, in a strict sense of the term, a regulatory mechanism.

The land classification system provides a framework to be used by the local government to identify the future use of all lands. The designation of land classes allows the local government to illustrate their policy statements as to where and to what density they want growth to occur, and where they want to conserve natural and cultural resources by guiding growth.”

Rural:

- a. The rural class is to provide for agriculture, forestry, mineral extraction and other allied uses traditionally associated with an agrarian region. Other land uses, due to their noxious or hazardous nature and negative impacts on adjacent uses, may also be appropriate here if sited in a manner that minimizes their negative effect on surrounding land uses or natural resources. Examples include energy generating plants, refining plants, airports, sewerage treatment facilities, fuel storage tanks and other industrial type

uses. Very low density dispersed residential uses on large lots with on site water and sewer are consistent with the intent of the rural class. Development in this class should be as compatible with resource production as possible.

- b. Description and characteristics: Areas meeting the intent of this classification are appropriate for or presently used for agriculture, forestry, mineral extraction and other uses, that due to their hazardous or noxious nature, should be located in a relatively isolated and undeveloped area. Very low density dispersed, single family residential uses are also appropriate within rural areas where lot sizes are large and where densities do not require the provision of urban type services. Private septic tanks and wells are the primary on-site services available to support residential development, but fire, rescue squad and sheriff protection may also be available. Population densities will be very low.”

III. PLANNING STAFF ACTION: The legal notice was published in the local newspaper, adjacent property owners were notified by mail, and the property was posted with public hearing notice signs.

Most of the uses allowed in the Rural Agricultural (RA) District are allowed in Highway Business (B-2) District. An analysis of the uses allowed in the Rural Agricultural and Highway Business Districts indicate that more agricultural uses are permitted in the Rural Agricultural District than in the B-2 District.

No mining activity is allowed in the B-2 District. A special use permit is required for mining and quarry including stone, marl, ore, and other material and borrow pits’ in the Rural Agricultural District.

Construction related activity is allowed in the Rural Agricultural and B-2 Districts.

Although most Manufacturing Uses require a Special Use Permit if allowed in a Rural Agricultural District most are not permitted in a B-2 District while bakery and beverage manufacturing is permitted by right in the B-2 District.

Transportation, communication, and utility uses are the same for both the Rural Agricultural and B-2 District.

Air Transportation, motor freight transportation, and warehousing and recycling are allowed in the Rural Agricultural District with a Special Use Permit but are not allowed in the B-2 District.

Trade activity is compared similarly.

Farming Implement Sales are permitted in Rural Agricultural but require a Special Use Permit in the B-2 District.

More service activity is allowed by right in the B-2 District than in the Rural Agricultural District. Auto and boat repair and rentals, campgrounds, theatres, membership club, and mini-warehouses are permitted by right in the B-2 District, yet require a Special Use Permit in the Rural Agricultural District.

However, racetracks, septic services, and shooting ranges are not allowed in the B-2 District but require a Special Use Permit in the Rural Agricultural District.

U.S. HIGHWAY
NO. 117

← TO WALLACE

U.S. HWY. 117 N.

RA

RA

UNION

THOMAS
BURKE



KIRKWOOD

RICHARD
G. HILL

RA

RA

MRS. BEADIE R. SPED
321-92

9.66-Ac. = Gross
1.54-Road S.A. 1311
9.12 Ac. = NET

AREA TO BE
REZONED
From RA to
B-2

CAMP KIRKWOOD RD.

SECONDARY ROAD NO. 1318

RA

JAMES DRAKE

RA

RA (3)

RA (4)

RA (5)

RA (6)

RA (7)

RA (8)

RA (9)

(10)

S 45° 31' 01" E
331.82'

1.00-Ac. ±

S 35° 0' 01" E
376.42'

1.00-Ac. ±

414.01'
N 25° 31' 01" W

1.00-Ac. ±

S 25° 31' 01" E
442.51'

1.00-Ac. ±

S 4° 25' 37" E
64.00'

S 4° 04' 03" E
42.00'

42.82'
N 87° 34' 01" W

1.15-Ac. ±

S 25° 31' 01" E
517.12'

2.01-Ac. ±

N 22° 16' 00" E
102.67'

March 15, 1999

Pender County Planning Department

Gentlemen:

I wish to apply for a Rezoning on my 9.12 acres located at the west side of the crossroads of U.S. Highway 117 North and State Road 1318. This property lies between Jeffrey Royal's Garage and Terry's Grocery.

I wish this Rezoning because I may want to build a variety of buildings such as a Mini Storage Warehouse, a Mobile Home Sales Lot, a Hardware and/or Sporting Goods Store, a Gas Station, Business Offices or other commercial ventures that are allowed. It is my intent not to build anything that would be harmful to the surrounding property owners.

I may change my mind several times during this process, and I don't want to have to wait a length of time to have each application approved. With the Rezoning, I understand that I may apply for a permit with the Planning Department for each thing I want to do that is permitted.

Thank you for your consideration. I look forward to hearing from you soon.

Respectfully,

A handwritten signature in cursive script that reads "James F. Drake". The signature is written in dark ink and is positioned above the printed name.

James F. Drake