

INTRODUCED BY: Planning Staff **DATE:** January 8, 2007 **ITEM NO:** 9

TITLE: Zoning Map Amendment, Duplin Land Development, Inc.

SUBJECT: PROPERTY PARCEL ID NO: 2284-24-1345-0000

APPLICANT: Duplin Land Development, Inc.

OWNER: Pender Properties, LLC.

ACTION REQUESTED: Applicant is requesting that 362.44 acres, be rezoned from RA, Rural Agricultural District, to PD, Planned Development District.

HISTORY/BACKGROUND:

Location of Property: The property is located approximately ¼ mile west of US Highway 421, between Blueberry Road and Montague Road (See attached vicinity map).

Description of Proposal: The proposal consists of rezoning 362.44 acres of land from RA, Rural Agricultural District, to PD, Planned Development District. The 362.44 acres are part of a larger tract totaling 634.41 acres. The acreage to be rezoned is located between Blueberry Road and Montague Road, approximately ¼ mile west of US Highway 421 in Currie, NC. As the applicant has stated in their letter of intent, the proposal will be host to a residential community. Most of the surrounding property is zoned RA, Rural Agricultural, however, there is an R-20, Residential District classification abutting the northwest corner of the tract (See attached zoning map).

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. Also, it has been voiced to staff that the developer has held a community meeting.
- B) Existing Zoning in Area:** The surrounding property is zoned almost entirely RA, with a small portion to the northwest zoned R-20 (See attached zoning map). There have been two previous rezoning requests in this area that have received denial recommendations from Pender County's Planning Board and one denial from the Pender County Board of Commissioners.
- C) Existing Land Use in Area:** East of this tract lies US Highway 421. There are single family home sites to the northwest of the property. Vacant land surrounds the site to the south and west.
- D) 2005 Land Use Plan Compliance:** The 2005 CAMA Land Use Plan classifies this property as Rural Area. Pender County's CAMA Future Land Use Plan defines rural area as stated below:
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. In addition to farm and timber operations, the Rural Area provides for very low density residential uses, home-based businesses, other businesses traditionally associated with rural farm areas and extraction

activities. Major job-creating activities that are compatible with farms, forestry and very low-density development are appropriate in this area.

Public sewer service will not be provided in the Rural Area unless it addresses a public health problem or it supports a job-creating opportunity. If services are extended to or through a Rural Area, county connection policies will ensure that agricultural and forestry operations are protected from the unwanted impacts of more intensive development.

This area is planned for very low net density residential development. Very low net density residential is defined as one residential unit per usable acre of project land.

Section II of Pender County's Future Land Use Plan states factors for maintaining Pender County's Rural Lifestyle. As part of their recommended planning objectives the following is given for consideration; a) Cluster development patterns that incorporate significant open space and protect viable farm and timber operations.

Pender County's Zoning Ordinance defines cluster development as subdivision development design which places attached, semi-detached, and detached dwellings in close proximity to each other. Generally, nearby open spaces are set out for common use, including (but not limited to) recreation areas and parking for the use of dwelling owners. This form of development may include individual ownerships (fee simple) or a condominium form of ownership. Section 8.10 Schedule of District Requirements, note #8 defines multifamily and cluster developments as 'maximum land coverage by buildings is 30% and minimum land area for common space is 50% including recreation excluding estuarine waters, wetlands and environmentally sensitive areas'.

- 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:** The proposal consists of rezoning 362.44 acres of land, from RA, Rural Agricultural District, to PD, Planned Development District. Previous rezoning requests in the area have resulted in discussions involving the Pender County CAMA Future Land Use Plan and appropriate density for this area of the county. Therefore, Staff is submitting this item for Planning Board discussion.
- G) Pender County Planning Board Recommendation:** The Pender County Planning Board, at its January 8, 2007 meeting, recommended approval/denial of this rezoning request in a (indicate vote).

Planning Board Recommendation for Duplin Land Development, Inc. Rezoning:

Motion: _____ Seconded _____

Approved: _____ Denied: _____ Unanimous _____

Walton ___ Reynolds ___ Garrett ___ Gonzales ___ Marshburn ___ Millette ___ Smith ___

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on January 22, 2008 the Pender County Board of Commissioners (approved, modified, denied) a request for 362.44 acres of land, to be rezoned from RA, Rural Agricultural District, to PD, Planned Development District, for Duplin Land Development Inc, as described herein and by the attached maps, incorporated and made part of this ordinance by reference. **Be it further ordained** that 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 1-22-08
Date

ATTEST 1-22-08
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>DECEMBER 1, 2007</u>	Application Fee <u>\$3,824.40</u>	Receipt No. <u>077093</u>
Application No. _____	Postage Fee <u>W/APP FEE</u>	Receipt No. <u>N/A</u>

I. PROPERTY INFORMATION:

Record #: PIN #: 2284-24-1345 Current Zoning District: RA
 Tax Map #: N/A Requested Zoning District: PD-R (Planned Development)
 Lot #: N/A Acreage to Be Rezoned: +/- 362.44 AC.
 Total Acreage of Tract: +/- 634.41 AC.
 Property Location: Blueberry Road (+/- 1.1 miles west of intersection with US 421)
 Reason for Rezoning: Development of a Planned Residential Community

II. REQUIRED NAMES:

Applicant <u>Duplin Land Development, Inc.</u>	Owner <u>Pender Properties, LLC</u>
Address <u>110 River Village Place</u> <u>Wallace, NC 28466</u>	Address <u>P.O. Box 1139</u> <u>Wallace, NC 28466</u>
Phone <u>(888) 285-4171</u> Fax <u>(910) 285-1046</u>	Phone <u>910-285-1349</u> Fax <u>910-285-6142</u>
Email <u>Kevin_Hine@riverlanding.com</u>	Email <u>dhulbert@murfam.com</u>

Legal Relationship of Applicant to Property Owner: Duplin Land Development, Inc. is purchasing the subject property from Pender Properties, LLC

III. SIGNATURE OF OWNER & APPLICANT:

[Signature] VICE PRESIDENT David Hulbert, Vice President
 (If owner is different from applicant, both signatures are required)

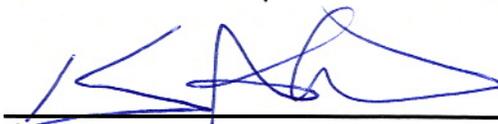
Duplin Land Development, Inc. is applying to Pender County for rezoning approval of a Planned Unit Development (PD-R) subdivision located off Blueberry Road; approximately 1.1 miles west of its intersection with US Highway 421. The property is currently zoned RA and encompasses approximately 362.43 acres. The applicant's proposal calls a highly amenitized residential community, with a mix of single-family homes. The amenities will include a central recreation facility, a large central lake, and a connected network of sidewalks and walking trails. The central amenity will provide residents with a range of active recreation options, including swimming and playfields, and will also include a clubhouse for community events. The project will be a gated community with private streets.

This planned unit development promotes the intent of Pender County subdivision regulations by ensuring orderly growth and efficient development of land in the County. The initial homes within the project will be served by a community well system. At such time that off-site water improvements are completed by Pender County, the subdivision water system will be supplied by Pender County. A sewer collection system will be installed through the community and will be connected to a permanent concrete wastewater treatment facility. This facility will provide tertiary treatment of the wastewater. The reclaimed wastewater will be infiltrated on-site or used as a beneficial irrigation source. The wastewater reclamation system will be permitted by the State and owned and operated by a Utility regulated by the State Utilities Commission.

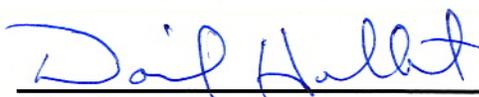
The proposed project will have rigorous architectural controls and restrictive covenants. Significant investment in community appearance and architectural guidelines will be regulated through an architectural review board. Restrictive Covenants will be submitted at the Preliminary Site Plan stage and will be recorded at the time of final plat approval. These documents will include building setbacks, square footage restrictions, etc.

Submitted by:

APPLICANT – Duplin Land Development, Inc.


Signature Vice President 11/28/07
Date

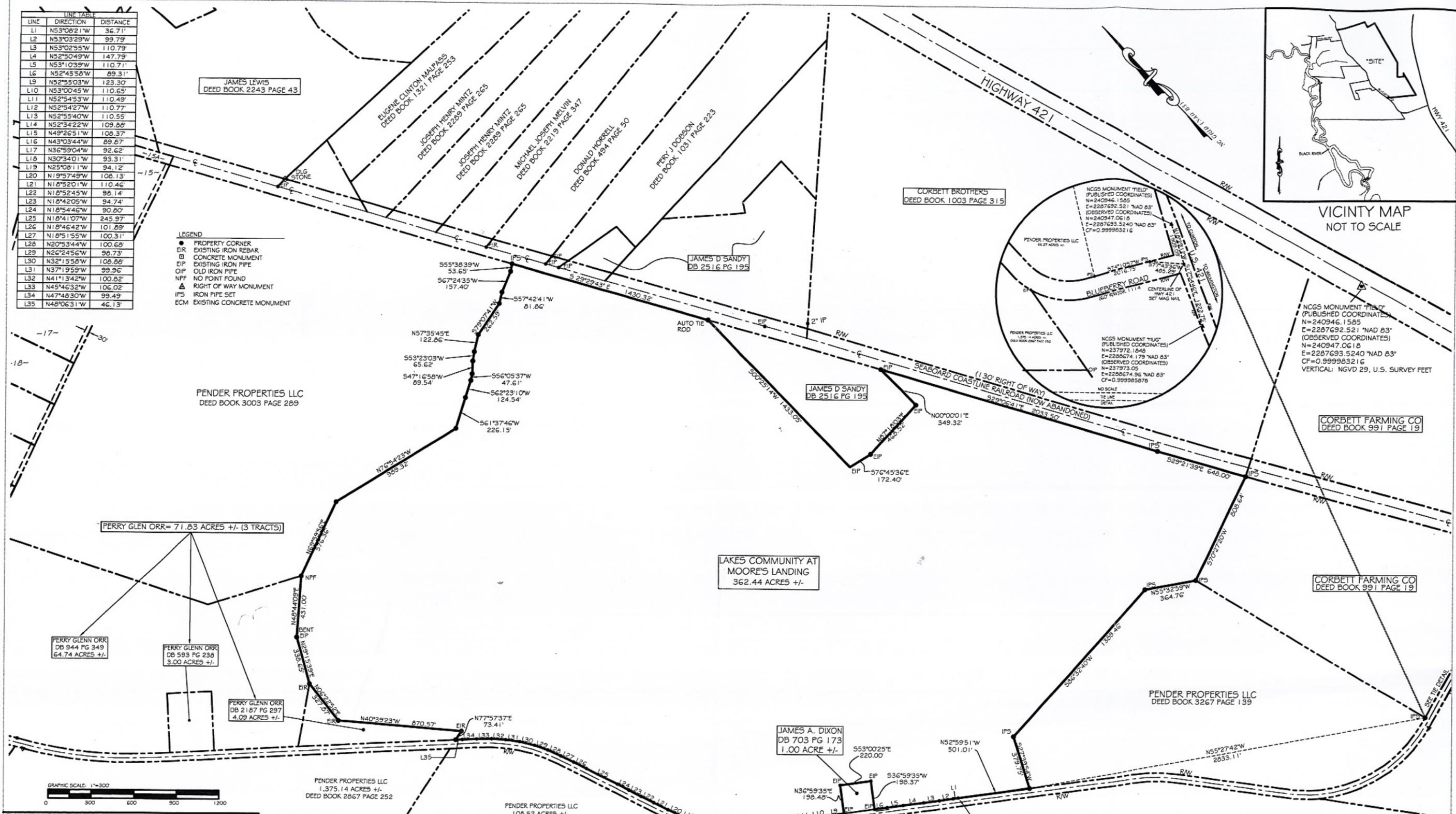
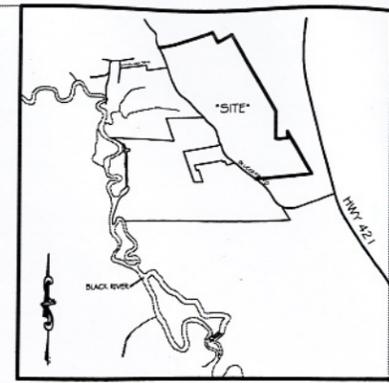
OWNER – Pender Properties, LLC


Signature Vice President 11/28/07
Date

P:\400 (Murphy)\400-14 Moore's Landing Lakes Community\Survey\04\TEACHY CORB_RECOM_BOUNDARY.DWG_Layout1_11/28/2007 4:28:21 PM [westmoreland]

LINE	DIRECTION	DISTANCE
L1	N53°08'21"W	36.71'
L2	N53°03'29"W	99.79'
L3	N53°02'55"W	110.79'
L4	N52°50'49"W	147.79'
L5	N53°10'39"W	110.71'
L6	N52°45'58"W	89.31'
L9	N52°55'03"W	123.30'
L10	N53°00'45"W	110.65'
L11	N52°54'53"W	110.49'
L12	N52°54'27"W	110.77'
L13	N52°55'40"W	110.55'
L14	N52°34'22"W	109.88'
L15	N49°26'51"W	108.37'
L16	N43°03'44"W	89.87'
L17	N36°59'04"W	92.62'
L18	N30°34'01"W	93.31'
L19	N25°08'11"W	94.12'
L20	N19°57'49"W	108.13'
L21	N18°52'01"W	110.46'
L22	N18°52'45"W	98.14'
L23	N18°42'05"W	94.74'
L24	N18°54'46"W	90.80'
L25	N18°41'07"W	245.97'
L26	N18°46'42"W	101.89'
L27	N18°51'55"W	100.31'
L28	N20°53'44"W	100.68'
L29	N26°24'56"W	98.73'
L30	N32°15'58"W	108.88'
L31	N37°19'59"W	99.96'
L32	N41°13'42"W	100.82'
L33	N45°46'32"W	106.02'
L34	N47°48'30"W	99.49'
L35	N48°06'31"W	46.13'

- LEGEND**
- PROPERTY CORNER
 - EIR EXISTING IRON REBAR
 - CONCRETE MONUMENT
 - EIP EXISTING IRON PIPE
 - OIP OLD IRON PIPE
 - NIP NO POINT FOUND
 - NFF RIGHT OF WAY MONUMENT
 - ▲ IRON PIPE SET
 - ECM EXISTING CONCRETE MONUMENT



Boundary Map For:

LAKES COMMUNITY AT MOORE'S LANDING

COMMUNITY AT THE LAKES
GRADY TOWNSHIP PENDER COUNTY
NORTH CAROLINA

CLIENT: DUPLIN LAND DEVELOPMENT

G/O: CE GROUP, INC
MARK ASHNESS, PE, ASLA
Address: 1051 PEMBERTON HILL ROAD, SUITE 201
APEX, NC 27502

EMAIL: mark@cegroupinc.com
PHONE: (919)-367-8790

MICHAEL UNDERWOOD and ASSOCIATES, PA
108 CINEMA DRIVE, SUITE C
WILMINGTON, NC 28403
PHONE: 910-815-0650
FAX: 910-815-0393
E-MAIL: mu@muac.com

SURVEYED: AJT	APPROVED: MNU
DRAWN BY: BKL	DATE: 5-18-07
CHECKED BY: JE	SCALE: 1"=300'

1:\kyle\LD2005\Projects\PENDER COUNTY BOUNDARY\BLUEBERRY ROAD\TEACHY CORB_RECOM_BOUNDARY.dwg 10/23/2007 8:46:16 AM EDT

SURVEY REFERENCE
DEED BOOK 3003 PAGE 289
DEED BOOK 3267 PAGE 139
DEED BOOK 2867 PAGE 252
DEED BOOK 2516 PAGE 195

NOTE:
THIS PROPERTY IS NOT LOCATED IN AN AREA OF 100 YEAR FLOOD.
FOR RELEVANT FLOOD INFORMATION SEE: NATIONAL FLOOD INSURANCE PROGRAM FIRM (FLOOD INSURANCE RATE MAP) PENDER COUNTY, NORTH CAROLINA PANEL 2284 SUFFIX J MAP NUMBER 3720226400J EFFECTIVE DATE: FEBRUARY 16, 2007

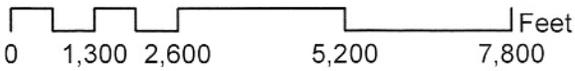
PENDER PROPERTIES LLC
1,375.14 ACRES +/-
DEED BOOK 2867 PAGE 252

CERTIFICATE:
THIS SURVEY IS A RECOMBINATION OF EXISTING PARCELS OF LAND
MICHAEL N. UNDERWOOD, P.L.S. L-2962

NORTH CAROLINA
NEW HANOVER COUNTY

I, MICHAEL N. UNDERWOOD, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION DESCRIPTION AS SHOWN ON THE FACE OF THIS PLAT RATIO OF PRECISION AS CALCULATED BY COMPUTER IS 1/110,000 + THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN BY BROKEN LINES PLOTTED FROM INFORMATION REFERENCED THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 23rd DAY OF OCTOBER A.D., 2007.

MICHAEL N. UNDERWOOD, P.L.S.
LICENSE NUMBER L-2962
SEAL OR STAMP



1 inch equals 2,984 feet



Legend

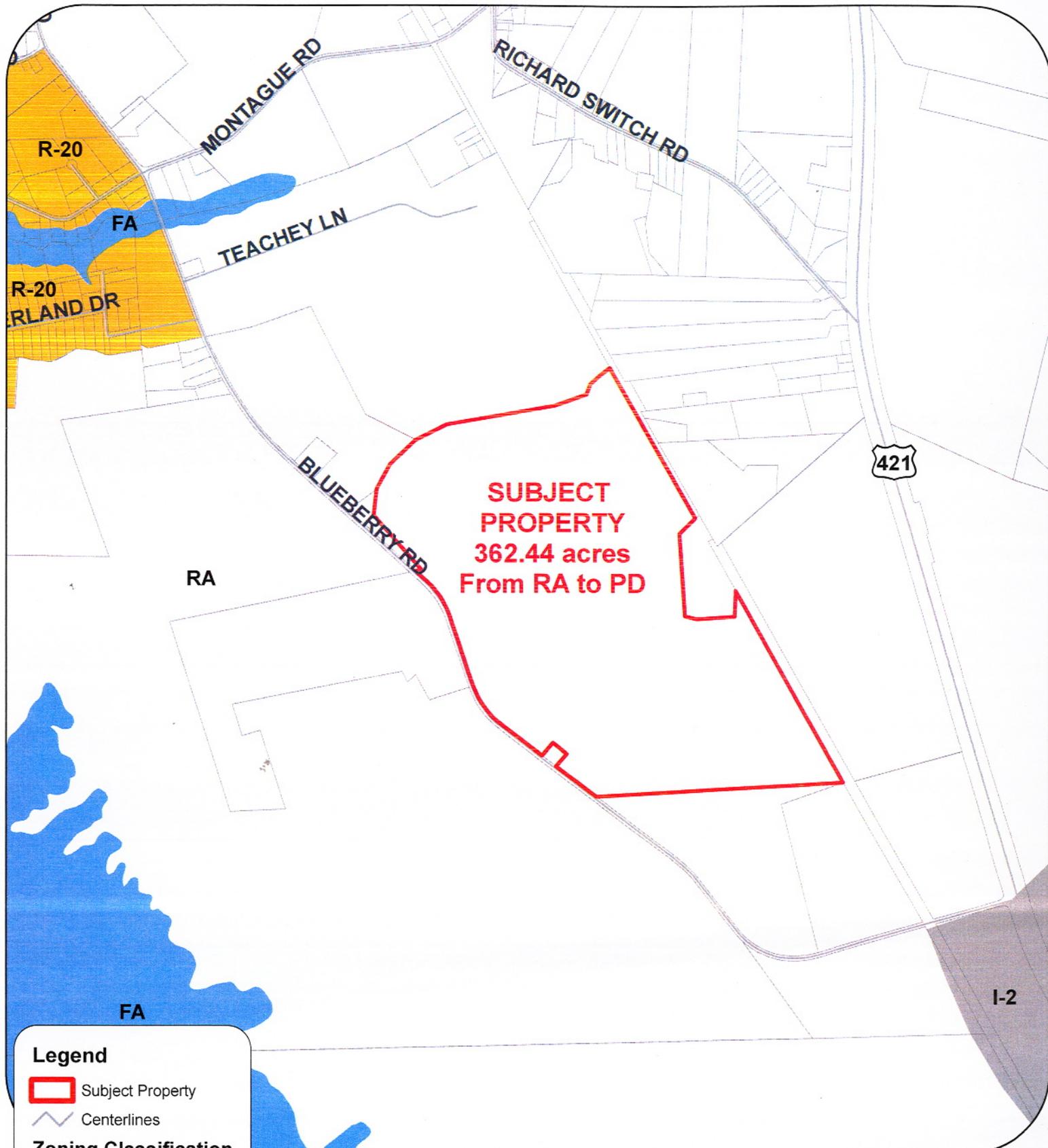
-  Centerlines
-  Subject Property

**Rezoning
Duplin Land Development, INC.**

Vicinity Map



56



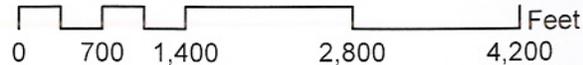
**SUBJECT
PROPERTY
362.44 acres
From RA to PD**

Legend

- Subject Property
- Centerlines

Zoning Classification

- B-1; B-2; B-3
- FA
- FA_DASH
- I-2
- PD
- R-10; R-15; R-20
- R-20C



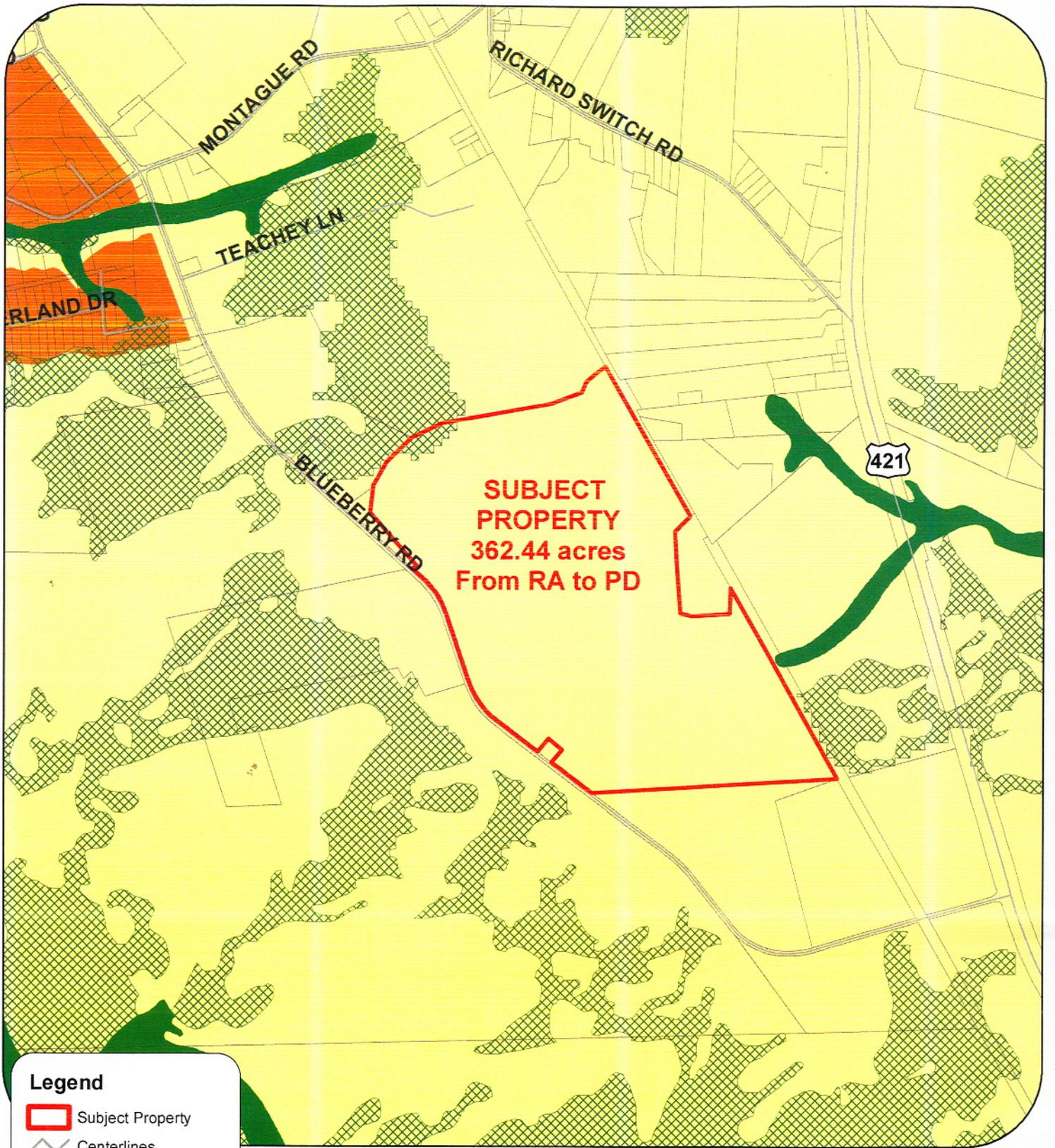
1 inch equals 1,600 feet

**Rezoning
Duplin Land Development, INC.**

Zoning Map



57



**SUBJECT
PROPERTY
362.44 acres
From RA to PD**

Legend

-  Subject Property
-  Centerlines

Future Land Use

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

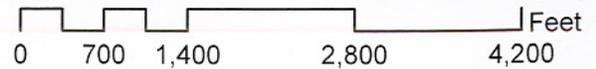
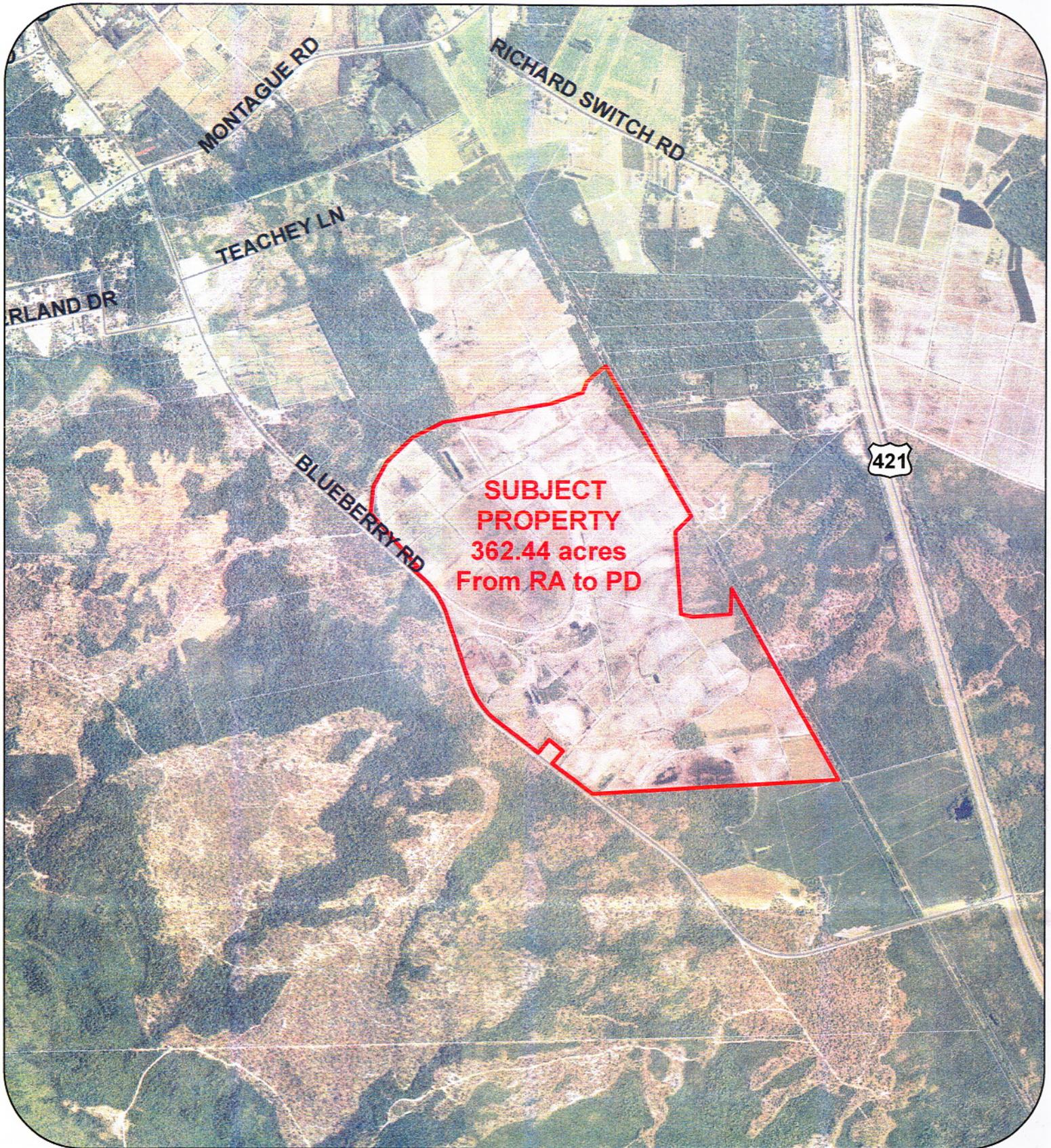


1 inch equals 1,600 feet

**Rezoning
Duplin Land Development, INC.**

2005 CAMA Land Use





1 inch equals 1,600 feet

Legend

- Subject Property
- ~ Centerlines

Rezoning Duplin Land Development, INC.

2006 Color Orthos

59

