

INTRODUCED BY: Planning Staff **DATE:** December 4, 2007 **ITEM NO:** 1

TITLE: Zoning Map Amendment, Bernard Morris, Montague Woods, LLC.

SUBJECT: PROPERTY PARCEL ID Number: 2284-59-5390-0000, 2284-58-5165-0000

APPLICANT: Bernard Morris, Montague Woods, LLC.

OWNER: Same

ACTION REQUESTED: Bernard Morris, applicant is requesting one tract totaling 50.21 acres and a portion of another tract totaling 5.96 acres. 56.15 total acres to be rezoned from RA Rural Agricultural District, to R-20 Residential District.

HISTORY/BACKGROUND:

Location of Property: The property is located at 7167 US Highway 421, north of Richard Switch Road, southeast of Currie, North Carolina (See vicinity map). This proposal was first introduced in April 2007, for a similar rezoning from RA to R-20. The Planning Board voted to deny the rezoning 5 to 2 (which the 2 declined to vote). The Board of Commissioners also denied the request unanimously in April as well. This was tabled at the November 7, 2007 Planning Board meeting at the request of the applicant.

Description of Proposal: The proposal consists of rezoning a portion of 2 tracts totaling 56.15 acres from RA Rural Agricultural District, to R-20 Residential 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:** Subject's property is surrounded by RA, Rural Agricultural District. It is also approximately 3,200 feet from R-20 property to the Northeast and 6,500 feet from R-20 to west.
- C) Existing Land Use in Area:** Existing single-family dwellings lie adjacent to the southern and eastern boundaries of the property that is proposed to be rezoned. The property is surrounded immediately by vacant land on all other sides. A preliminary plat for a 10 lot subdivision has been approved for the southern adjacent boundary.
- D) 2005 Land Use Plan Compliance:** The 2005 Land Use Plan classifies this property as Rural Areas (See attached CAMA Land Use map). By definition Rural Areas provides for very low net density residential development. Very low net residential is defined in the 2005 CAMA Land Use Plan as one (1) residential unit per usable acre of project land. This is to prevent encroachment by higher density residential and other activities that may not be compatible with intensive farm activities.
- 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. Currently Montague Woods has a ten lot subdivision with preliminary approval on parcel # 2284-58-5165-0000. In order to prevent a split zone situation staff would recommend after the Final Plat is recorded for Montague Woods, the remainder of 5.96 acres be recombined into parcel # 2284-59-5390-0000.
2. Within the last 6 months there have been no rezoning cases or amendments to the Future Land Use Map in this area.
3. South of the proposed rezoning is Montague Woods a subdivision with 10 possible home sites each with one acres lots.
4. The effects of traffic on US HWY 421 and limited access to US HWY 421 would need to be further studied.
5. Staff would also recommend the proactive approach to protecting the US Highway 421 Corridor.

G) Pender County Planning Board Recommendation: The Pender County Planning Board is requested to hold a public hearing for a rezoning.

AMENDMENTS:

Planning Board

Motion: _____ Seconded _____

Approved: _____ Denied: _____ Unanimous _____

Walton ____ Reynolds ____ Garrett ____ Gonzales ____ Marshburn ____ Millette ____ Smith ____

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on November 19, 2007 the Pender County Board of Commissioners (approved, modified, denied) a rezoning request for a portion of 2 tracts totaling 56.15 acres from RA Rural Agricultural District, to R-20 Residential District, as described herein and F.D. Rivenbark, 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: Rivenbark ____ Blanchard ____ Brown ____ Tate ____ Williams ____

F. D. Rivenbark,
Chairman

11-19-2007
Date

ATTEST

11-19-2007
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>9/26/07</u>	Application Fee \$ <u>608.98</u>	Receipt No. <u>077047</u>
Application No. _____	Postage Fee <u>included</u>	Receipt No. <u>included</u>

I. PROPERTY INFORMATION:

Record #: 2284-58-5165-0000
2284-59-5390-0000

Tax Map #: _____

Lot #: _____

Total Acreage of Tract: 2

Current Zoning District: RA

Requested Zoning District: R-20

Acreage to Be Rezoned: ± 56.15

Property Location: 7167 HWY 421, Currie, N.C. 28435

Reason for Rezoning: Create R-20 Zoned Residential neighborhood

II. REQUIRED NAMES:

Applicant Montague Woods LLC Owner SAME

Address Demond Morris, Manag. Partner
6264 Hawksbell Dr Address _____
Wilmington, N.C. 28409

Phone (910) 262-4449 Fax (910) 796-6529 Phone _____ Fax _____

Email BMORRIS10@EC.NC.COM Email _____

Legal Relationship of Applicant to Property Owner: Same

III. SIGNATURE OF OWNER & APPLICANT:

Demond Morris

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

September 26, 2007

Pender County Planning Department
805 South Walker St.
Burgaw, N. C. 28425

Reference: Request for Rezoning
Approx. 56.15 ac. Tract
7167 Hwy. 421
Currie, N. C. 28435

Dear Sir:

The subject property is presently zoned RA. The applicant/owner is requesting the property be rezoned to R-20. The subject property would be planned for a residential neighborhood with access from Highway 421 and through a single family neighborhood, Vineyard Woods, being developed by the owner located on the south side of the subject tract. This second access will be off of Richard Switch Rd. approximately 1000 feet from its intersection with Highway 421.

This rezoning request will place all property similarly situated in the area in appropriate complementary categories. The previous owner of the subject tract has created five small parcels at the southeast corner of the subject tract. The previous owner and his relatives plan to build single family homes on each of these parcels. These homesites will be accessed through the Vineyard Woods neighborhood. Heavily wooded lots in the Vineyard Woods neighborhood back-up to the subject property along the southern property line. The east and north side of the subject has substantial wooded buffer which would be maintained through the development phase. The east side of the property fronts on a partially wooded boundary with Highway 421 that will also be maintained through the development phase.

The rezoning of the property should not adversely affect the health and safety of residents or workers in the area and will not be detrimental to the environment or to the use or development of adjacent property. All lots in new R-20 neighborhood will be a minimum of 20,000 square feet. Each lot will contain a well and septic system.

There are other similarly R-20 zoned tracts within a close proximity to the subject tract. As water and sewer are extended to the subject area (anticipated by 2011) other residential zonings are likely to bring other development to the area.

The existing residential parcels adjoining the subject and others in the immediate area should not be materially or adversely affected by this rezoning. Most of the traffic

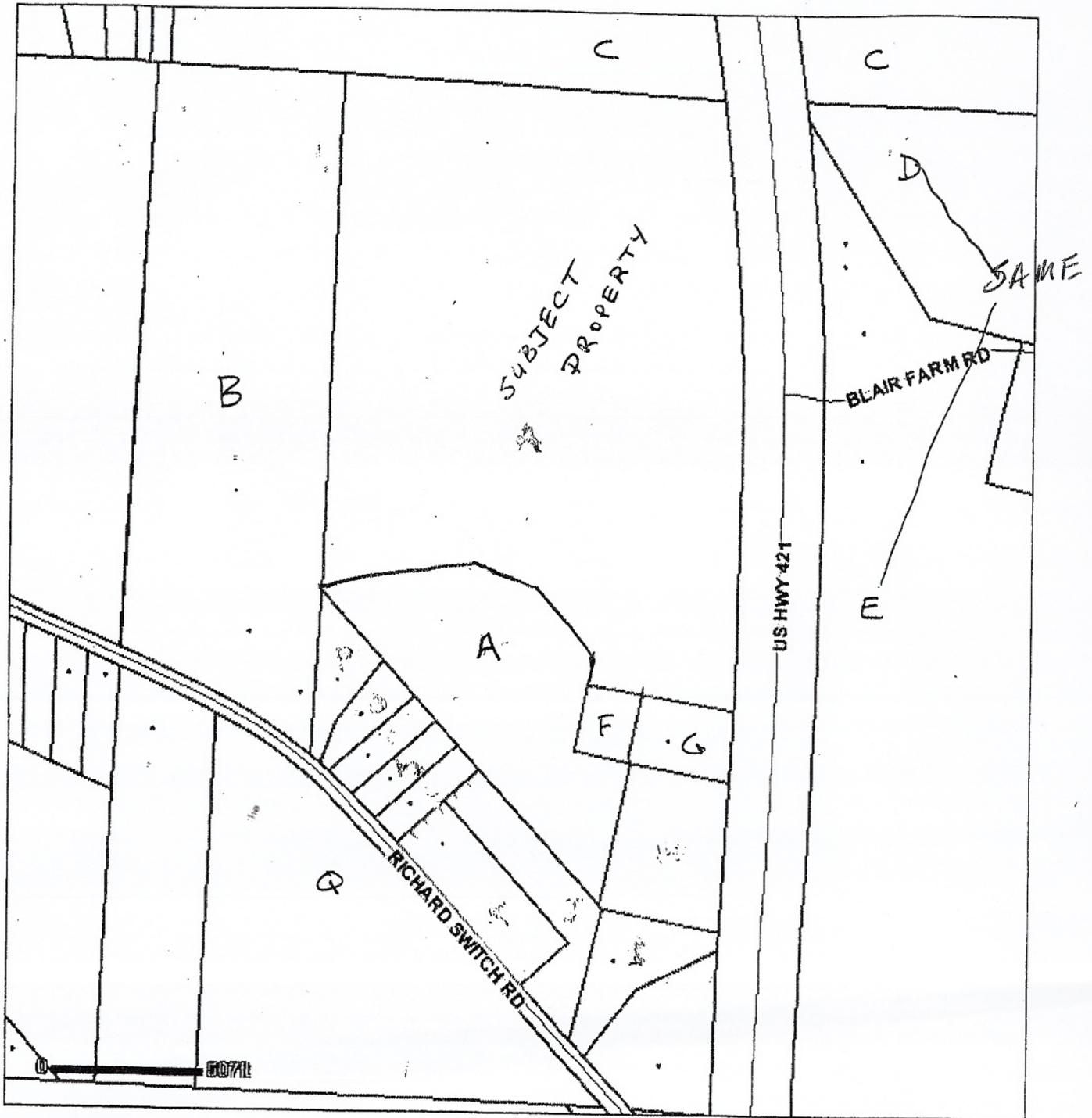
created by the developed will flow directly to Highway 421 and then proceed to the north or south. The extension of water and sewer in the area over the next few years will open this area to additional land uses. Well-planned residential communities can co-exist with rural areas when they are properly buffered and do not create traffic congestion for exiting owners. The subject rezoning can provide affordable housing in an area that is conveniently located to downtown Wilmington, the new I-40 bypass, and via Hwy 210 to Hwy. 74 and/or I-40.

Thank you for your consideration.

Sincerely,



Bernard J. Morris, Owner/applicant
Montague Woods, LLC



Pender County GIS



This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for the verification of the information contained on this map. Pender County assumes no legal responsibility for the information contained on this map.

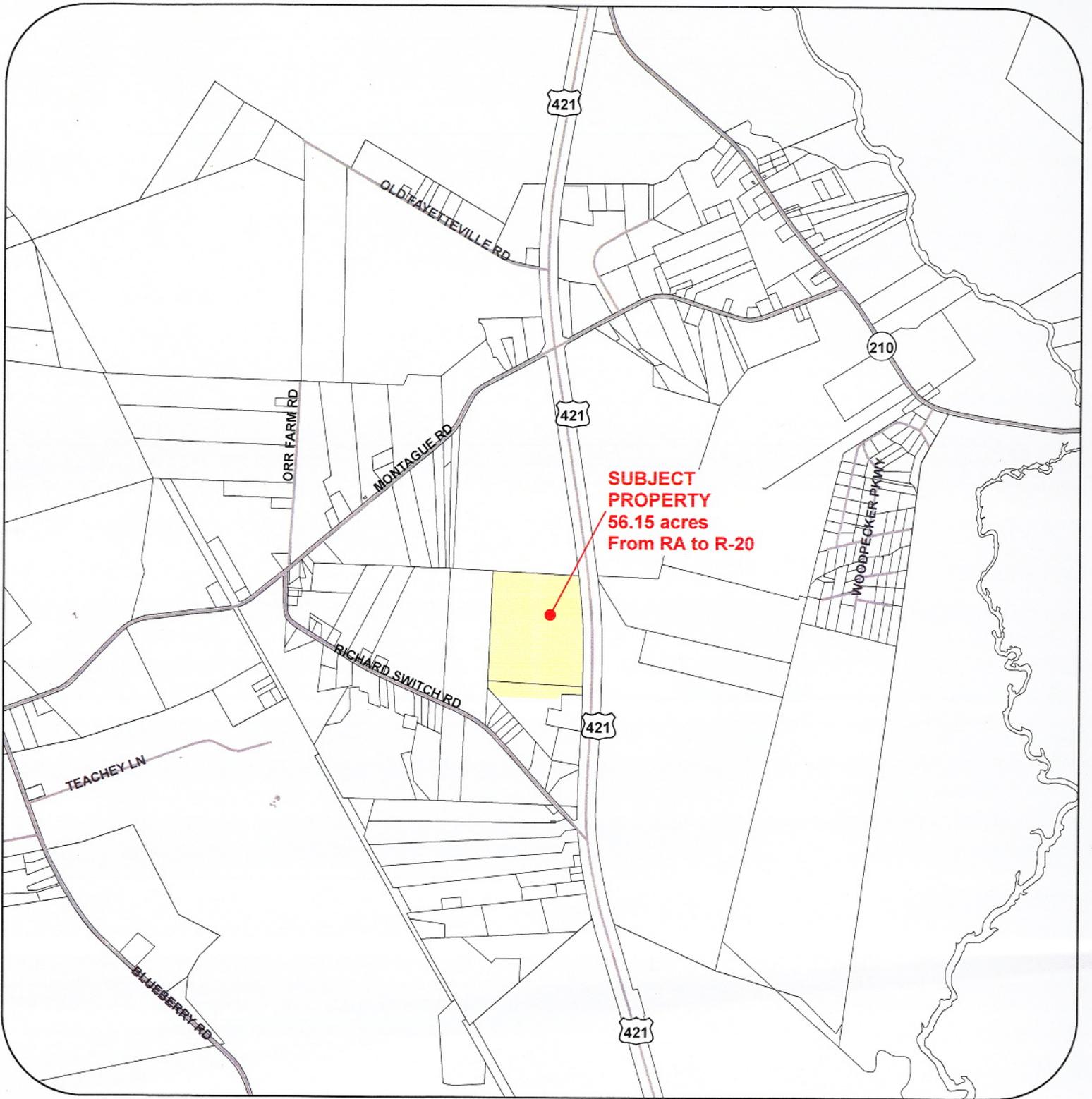
**Description for
Montague Woods, LLC
for rezoning
56.15 Acres
Grady Township, Pender County, NC**

Beginning at an iron pipe in the Western right of way of U. S. Highway 421; said pipe being located between Tract "A" and Tract "B" as referenced in Map Book 45 Page 6 in the Pender County Public Registry.

- 1.) Thence from the Point of Beginning and running N 88° 06' 03" W 291.44' to an existing iron pipe.
- 2.) Thence running S 01° 55' 19" W 249.29' to an existing iron pipe.
- 3.) Thence running N 76° 46' 34" W 193.91' to an existing iron pipe.
- 4.) Thence running N 76° 46' 34" W 41.41' to a point.
- 5.) Thence running N 10° 38' 11" E 95.50' to a point
- 6.) Thence running N 51° 57' 12" W 285.67' to a point.
- 7.) Thence running N 88° 06' 16" W 125.00' to a point.
- 8.) Thence running S 66° 07' 25" W 411.68' to a point.
- 9.) Thence running N 42° 08' 32" W 240.00' to an existing iron rod in the Western property line of Tract "B" as referenced above.
- 10.) Thence running N 02° 56' 22" E 1719.04' to an existing iron pipe at the Northwest corner of Tract "C".
- 11.) Thence running S 87° 14' 59" E 1256.68' to an existing iron rod in the Western right of way of U. S. Highway 421.
- 12.) Thence running with said Western right of way around a curve to the right with a radius of 11,573.59' a length of 963.47' and a chord of S 03° 44' 19" E 963.19' to an existing concrete monument.
- 13.) Thence running around a curve to the right with a radius of 11,573.59' a length of 59.67' and a chord of S 01° 12' 22" E 59.67' to an existing concrete monument.

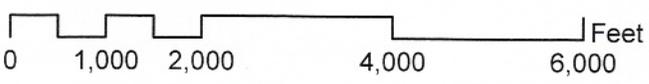
- 14.) Thence running around a curve to the right with a radius of 11,573.59' a length of 581.43' and a chord of S 00° 22' 51" W 581.37' to an existing concrete monument.
- 15.) Thence running S 01° 53' 57" W 154.13' to the Place and Point of Beginning and containing 56.15 acres and being a portion of Tract "B" and all of Tract "C" as referenced above.

Preliminary
Not for Recordation,
Sales or Conveyances



**SUBJECT
PROPERTY**
56.15 acres
From RA to R-20

1 inch equals 2,000 feet

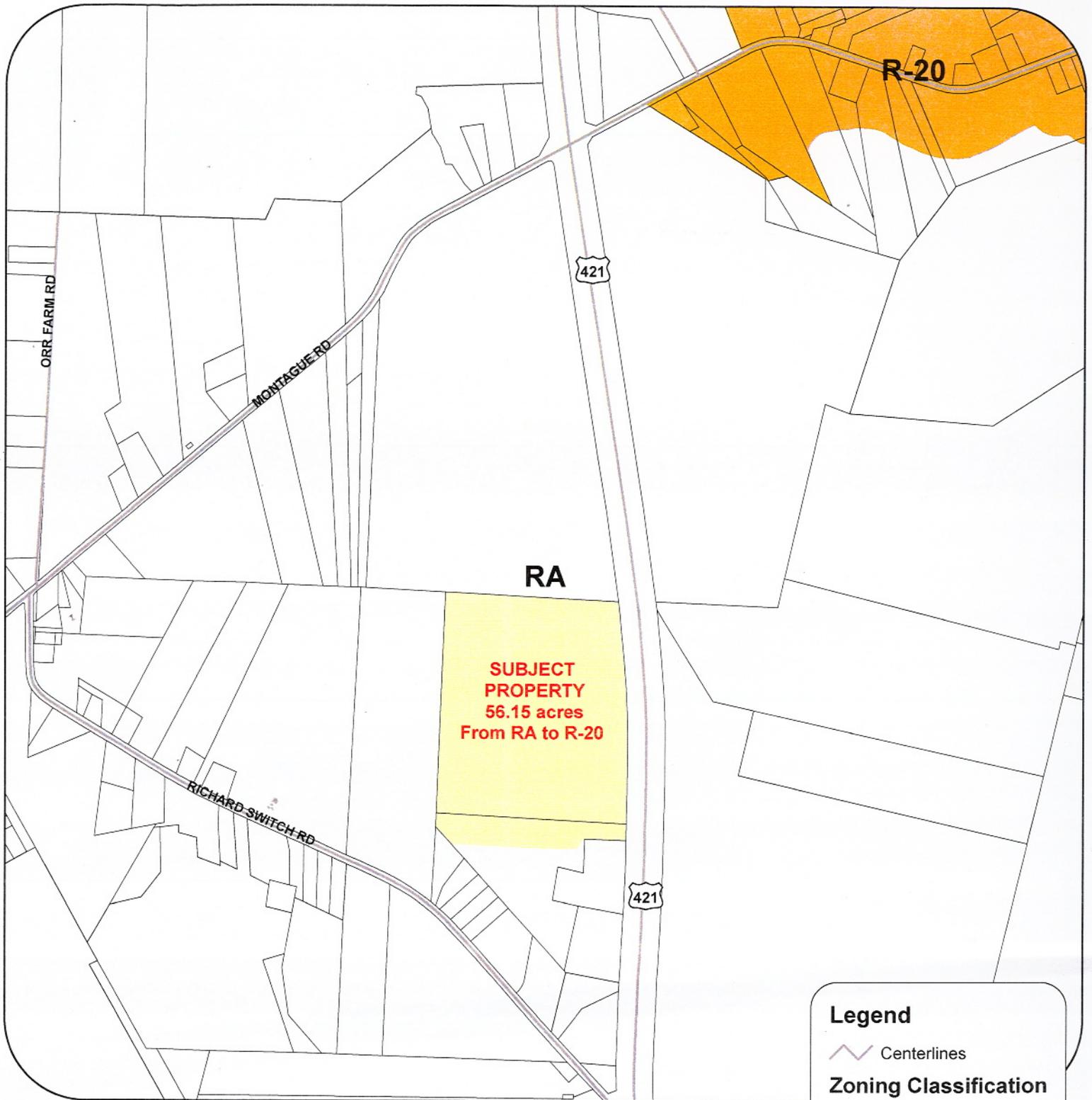


Legend

-  Centerlines
-  Subject Property



Rezoning
Bernard Morris
Montague Woods, LLC.
7167 US Highway 421
Location Map



1 inch equals 1,000 feet



Rezoning
 Bernard Morris
 Montague Woods, LLC.
 7167 US Highway 421
Zoning Map

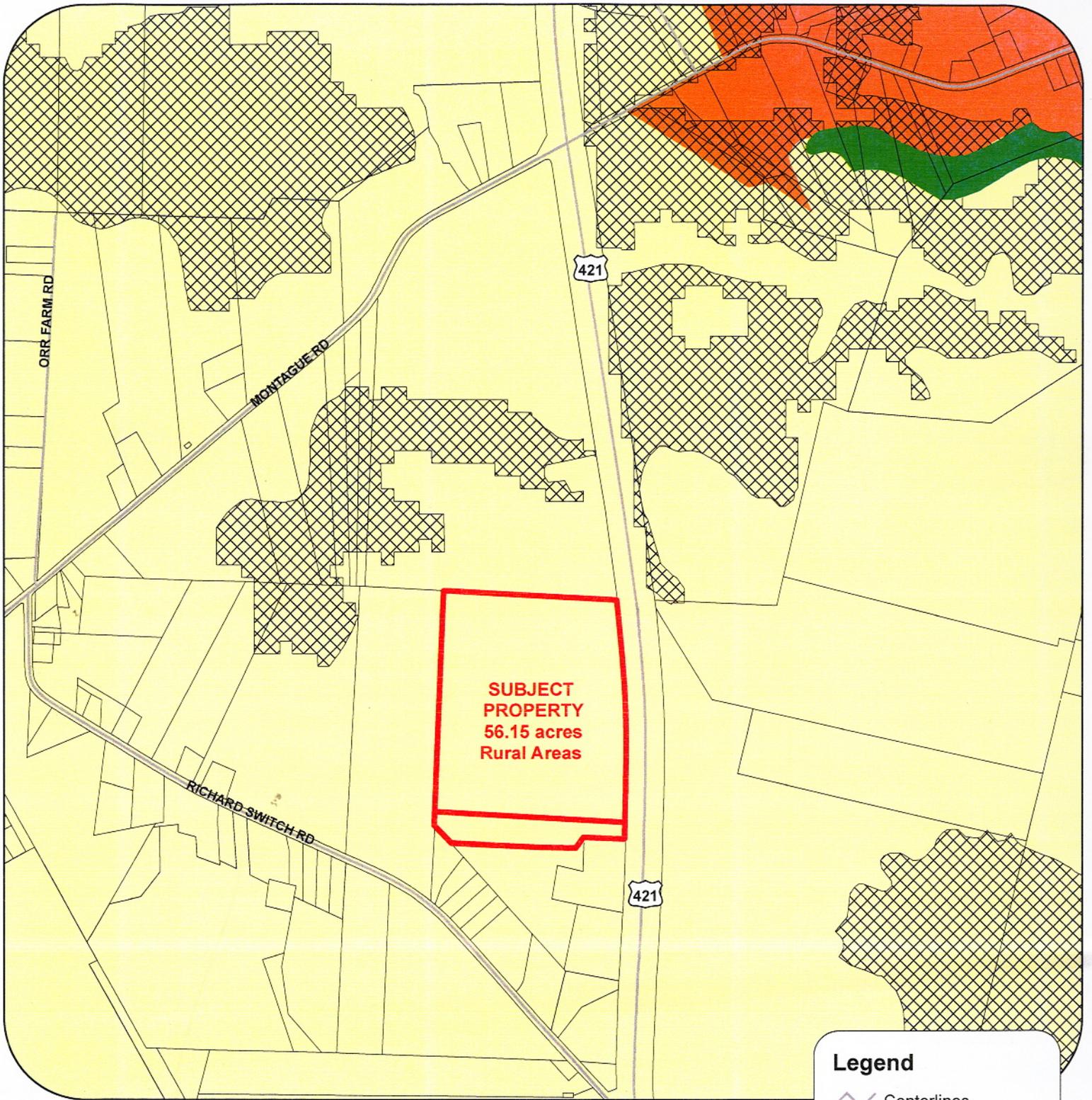


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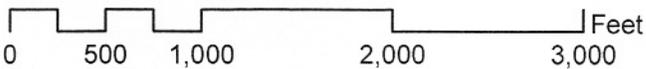
Centerlines

Zoning Classification

- B-1; B-2; B-3
- FA
- FA_DASH
- I-1; I-2
- PD
- R-10; R-15; R-20
- R-20C
- RA
- RT
- WSCA; WSPA



1 inch equals 1,000 feet



Rezoning

Bernard Morris
Montague Woods, LLC.
 7167 US Highway 421
2005 CAMA Land Use
Future Land Use Map

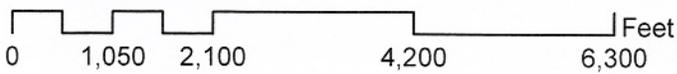


Legend

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



1 inch equals 2,000 feet



Legend

-  Centerlines
-  Subject Property



Rezoning
 Bernard Morris
 Montague Woods, LLC.
 7167 US Highway 421
Aerial Photography 2003