

**INTRODUCED BY:** Planning Staff    **DATE:** April 7, 2008    **ITEM NO:** \_\_\_\_\_

**TITLE:** Zoning Map Amendment, TOG Properties, LLC

**SUBJECT:    PROPERTY PARCEL ID NO:** 3274-84-4408-0000, 3274-54-7535-0000

**APPLICANT:** TOG Properties, LLC

**OWNERS:** Same

**ACTION REQUESTED:** Applicant is requesting two tracts, totaling 1,532.11 acres, be rezoned from RA, Rural Agricultural District and FA, Flood Hazard Area, to PD, Planned Development District.

**HISTORY/BACKGROUND:**

**Location of Property:** The property is located between Sapps Road and Godfrey Creek Road, extending to Trumpeter Creek and Holly Shelter Game Preserve, Hampstead, NC. (See attached vicinity map).

**Description of Proposal:** The proposal consists of rezoning two contiguous tracts of land totaling 1,532.11 acres from RA, Rural Agricultural District and FA, Flood Hazard Area, to PD, Planned Development District. The parcels are located between Sapps Road and Godfrey Creek Road, extending to Trumpeter Creek and Holly Shelter Game Preserve in Hampstead. Currently, there is a sixty foot (60') access easement extending Cross Creek Drive to Robert Bullard's property, and there is a 60' access easement extending Godfrey Creek Road to David Woodruff's property (see attached boundary survey). According to the applicant, the PD zoning will allow for flexibility to shape a master planned community.

**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:** All adjacent property is zoned RA, Rural Agricultural, with Castle Bay located east, across Hoover Road. The small area of FA zoning located on the northern boundary of the property represents the AE flood zone (FIRM February, 2007 (100 year floodplain)), see attached zoning map.
- C) Existing Land Use in Area:** There are single-family residences along Godfrey Creek Road and the south side of Sapps Road. The properties to the north and west are occupied by timber operations.
- D) 2005 Land Use Plan Compliance:** The 2005 CAMA Land Use Plan classifies this property as Urban Growth Area and Rural Areas with areas of Conservation I & II overlaid. According to Planning Staff's calculations, the following classifications are broken down into approximate acreage:

Urban Growth	490 Acres
Rural Areas	850 Acres
Conservation I	175 Acres
Conservation II	950 Acres

Urban Growth is an area planned for high net density for residential development, which is dependent upon the types and levels of services that are available. Rural Areas provide for very low net density residential development, which has been defined as one residential unity per useable acre of project land. Conservation I classification is designated to land and water features such as estuarine waters, public trust waters and coastal wetlands. These areas could be used for managed open space and natural areas. Conservation II designates areas of non-coastal wetlands and water supply watersheds. (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. (See Section 5.3 attached).
- F) Summary & Staff Recommendation:** This property contains a significant amount of environmentally sensitive areas and undeveloped land. Specific development will have to be addressed pertaining to exact locations and proper permitting through State and Federal Environmental Agencies will be required. Also, Staff has met with the Wilmington Metropolitan Planning Organization for preliminary traffic discussions. At this stage of development, the MPO does not have a recommendation; it has been acknowledged that there will need to be transportation issues worked out throughout the development process.
- G) Pender County Planning Board Recommendation:** The Pender County Planning Board, at its April 7, 2008 meeting, recommended (approval/denial) by a (indicate vote) of this rezoning request.

**AMENDMENTS:**

**Planning Board**

Motion: \_\_\_\_\_ Seconded \_\_\_\_\_

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Unanimous \_\_\_\_\_

Gonzales \_\_\_ Garrett \_\_\_ Marshburn \_\_\_ Millette \_\_\_ Reynolds \_\_\_ Smith \_\_\_ Williams \_\_\_\_\_

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED**, that on May 19, 2008 the Pender County Board of Commissioners (approved, modified, denied) a request for 1532.11 acres of land, to be rezoned from RA Rural Agricultural District, to PD, Planned Development District, for TOG Properties, LLC 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**

5-19-2008  
**Date**

\_\_\_\_\_  
ATTEST

5-19-2008  
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

Revised Application **PLANNING BOARD APPLICATION  
FOR ZONING MAP AMENDMENT**  
KMB

Date <u>Feb. 14, 08 / March 18, 08</u>	Application Fee \$ <u>15,272.00</u>	Receipt No. <u>077153/</u>
Application No. _____	Postage Fee \$ <u>370.92</u>	Receipt No. <u>077153</u>

**I. PROPERTY INFORMATION:**

Record #: \_\_\_\_\_ Current Zoning District: RA

Tax Map #: Attached Requested Zoning District: PD

Lot #: 3274-84-4408-0000 / 3274-54-7535-0000 Acreage to Be Rezoned: 1,532.11

Total Acreage of Tract: 1,532.11

Property Location: NW Corner Goffey Creek & Hoover Roads, Hampstead

Reason for Rezoning: TO Design, permit & develop village-base community

**II. REQUIRED NAMES:**

Applicant TOG Properties LLC Owner TOG Properties LLC

Address 50 Bradley Place #102 AND Address 1213 Culbath Drive #124  
Palm Beach FL 33480 Wilmington, NC, 28405

Phone 561.313.7934 Fax 910.509.7141 Phone 561.313.7934 Fax 910.509.7141

Email kenday@msn.com Email kenday@msn.com

Legal Relationship of Applicant to Property Owner: Same Entities

**III. SIGNATURE OF OWNER & APPLICANT:**

[Signature] President, TOG Properties LLC  
(If owner is different from applicant, both signatures are required)

# TOG PROPERTIES LLC

1213 Culbreth Drive, Suite 124  
Wilmington, NC 28405

Telephone 910.509.7117  
Cellphone 561.313.7934

February 14, 2008

Mr. Joey Raczkowski  
Pender County Planning Department  
805 South Walker Street  
Burgaw, North Carolina 28425

## Re: PENDER COUNTY PLANNING BOARD APPLICATION FOR ZONING MAP AMENDMENT

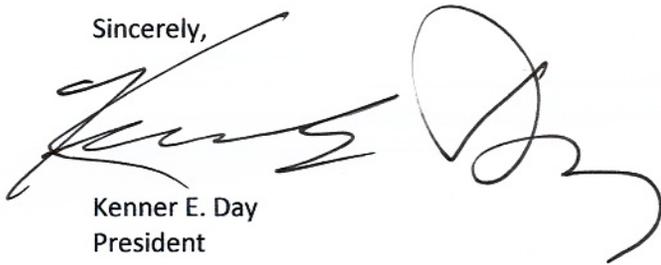
Dear Sirs:

We are asking to rezone the 1,492.12 Acre "Trumpeter" parcel on Hoover and Godfrey Creek Roads in Hampstead, NC from its current RA zoning to PD, Planned Development.

PD allows for the design flexibility to shape a master planned residential community made up of villages offering a variety of housing types and architectural design.

The PD allows the design to integrate unified open space, community parks, walking and nature trails, and other recreational elements for more interesting and varied recreational lifestyle options to enhance the long-term viability, sustainability and value of the community and Coastal Pender County.

Sincerely,



Kenner E. Day  
President

- Enclosures:
1. PLANNING BOARD APPLICATION FOR ZONING MAP AMENDMENT
  2. Two (2) Sets of legal sized envelopes addressed to all adjoining property owners
  3. Tax Property Cards for TOG Properties LLC PINs making up the "Trumpeter" property
  4. Tax Property Cards for Adjacent Property Owners
  5. Map of Survey of the "Trumpeter" property
  6. Bank Check in the amount of \$15,242.92
    - a. Application Fee of \$14,872.00 (1,492.12 ac - 5 ac = 1,487.12 ac X \$10/ac = \$14,872.00)
    - b. Certified Mailing Fee of \$5.21 X 66 Adjacent Property Owners = \$343.86
    - c. First Class Postage of \$0.41 X 66 Adjacent Property Owners = \$27.06

# TOG PROPERTIES LLC

1213 Culbreth Drive, Suite 124  
Wilmington, NC 28405

Telephone 910.509.7117  
Cellphone 561.313.7934

March 11, 2008

Acting Director  
Pender County Planning Department  
805 South Walker Street  
Burgaw, North Carolina 28425

**Re: PENDER COUNTY PLANNING BOARD APPLICATION FOR ZONING MAP AMENDMENT:  
ADDITION OF 40 ACRE TRACT, PIN 3274-54-7535-0000**

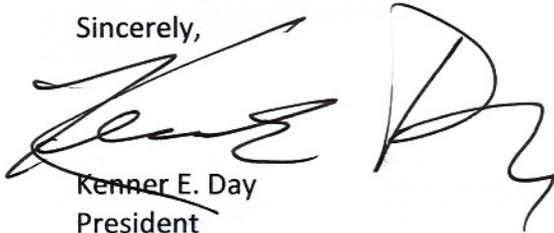
Dear Sirs:

TOG Properties LLC has contracted to acquire the above-referenced 40 acre tract, and we wish to include the tract in our Application for Zoning Map Amendment.

Attached is the permission letter from the current owner, Seller agreeing for the subject property to be submitted to rezoning from RA to PD, along with the requisite fee paid by check to Pender County in the amount of \$400.00. As this property is contiguous to the property we originally submitted for Zoning Map Amendment, we have already submitted the Property Card, pre-addressed postage prepaid Certified Mail envelope and receipt, and the pre-addressed envelope and pre-paid \$0.41 postage for this property.

Also attached are twenty (20) copies of a revised 11" X 17" survey showing the added parcel, however since we have just contracted to acquire this property, we do not have a formal survey of the 40 acre parcel nor did the owner-seller. We did, however, attach the Pender County GIS page for the subject property showing its location relative to the original Trumpeter property submission for Zoning Map Amendment.

Sincerely,



Kenner E. Day  
President

- Enclosures:
- Additional Application Fee of \$400.00 (40. ac X \$10/ac = \$400.00)
  - Letter from Donald Sullivan, owner of the 40.0 acre tract submitting it to rezoning
  - Twenty (20) Copies of the Survey printed at 11" X 17" with the 40 acre tract added

**Donald Sullivan  
P.O. Box 3061  
Wilmington, NC 28406**

March 11, 2008

Acting Director  
Pender County Planning Department  
805 South Walker Street  
Burgaw, North Carolina 28425

**Re: TOG PROPERTIES LLC PENDER COUNTY PLANNING BOARD APPLICATION FOR  
ZONING MAP AMENDMENT**

Dear Sirs:

TOG Properties LLC has entered into an Exchange Agreement with me which permits TOG Properties to acquire a 40 acre tract of land owned by me, specifically, PIN 3274-54-7535-0000 in Hampstead, Pender County, North Carolina (See attached).

Since the exchange has not yet occurred, I hereby agree to allow TOG Properties LLC to add the above-referenced 40 acre property to their February 14, 2008 application for zoning map amendment from RA to PD.

Sincerely,

A handwritten signature in cursive script that reads "Donald Sullivan".

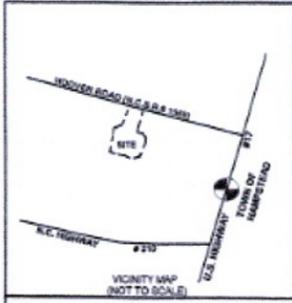
Donald Sullivan

Enclosure - Pender County GIS Parcel description of PIN 3274-54-7535-0000

**RECORD REFERENCE:  
REMAINDER OF LAND SHOWN IN  
MAP BOOK 5, PAGE 53, PENDER COUNTY REGISTRY  
(SEE ALSO) DEED BOOK 2772, PAGE 101**

**1,481.28 ACRES WITHIN SURVEY LINES.  
(INCLUDING 100 ACRE TRACT)  
6.53 ACRES IN EASEMENT.  
(30' OF 60' EASEMENT IS OUTSIDE GODFREY  
CREEK ROAD & CROSS CREEK DRIVE CENTERLINE).  
4.30 ACRES ADDITIONAL BETWEEN RECORD SURVEY  
LINE & CENTER OF RUN OF TRUMPETER SWAMP.  
1,492.11 TOTAL ACRES (GROSS)  
40.00 ACRES  
1,532.11 TOTAL ACRES (GROSS)**

Line	Bearing	Distance
1	N 77°56'42"W	101.80
2	N 50°44'15"E	188.73
3	S 30°19'50"E	153.99
4	S 20°04'29"W	248.89
5	S 28°29'24"E	236.39
6	N 28°57'11"W	119.79
7	N 58°45'02"W	30.00
8	S 23°08'17"W	7.50
9	S 79°00'42"E	30.00
10	S 59°20'30"W	93.99
11	S 49°05'03"W	484.30
12	S 24°54'11"W	356.57
13	S 74°33'08"E	132.00
14	S 43°07'28"E	353.89
15	S 28°20'02"W	140.02
16	S 84°30'18"W	130.00
17	N 28°27'48"W	87.80
18	S 69°36'14"W	475.00
19	N 89°48'08"E	218.45
20	N 62°00'32"E	438.59
21	N 48°00'25"E	276.10



**LEGEND**  
 EIP — Existing Iron Pipe  
 ECM — Existing Concrete Monument  
 NIP — New Iron Pipe  
 PKN — P.K. Nail  
 CMD — Double Meridian Distance  
 RW — Right of Way  
 CD — Dead End  
 --- Lines Not Surveyed  
 ——— Lines Surveyed

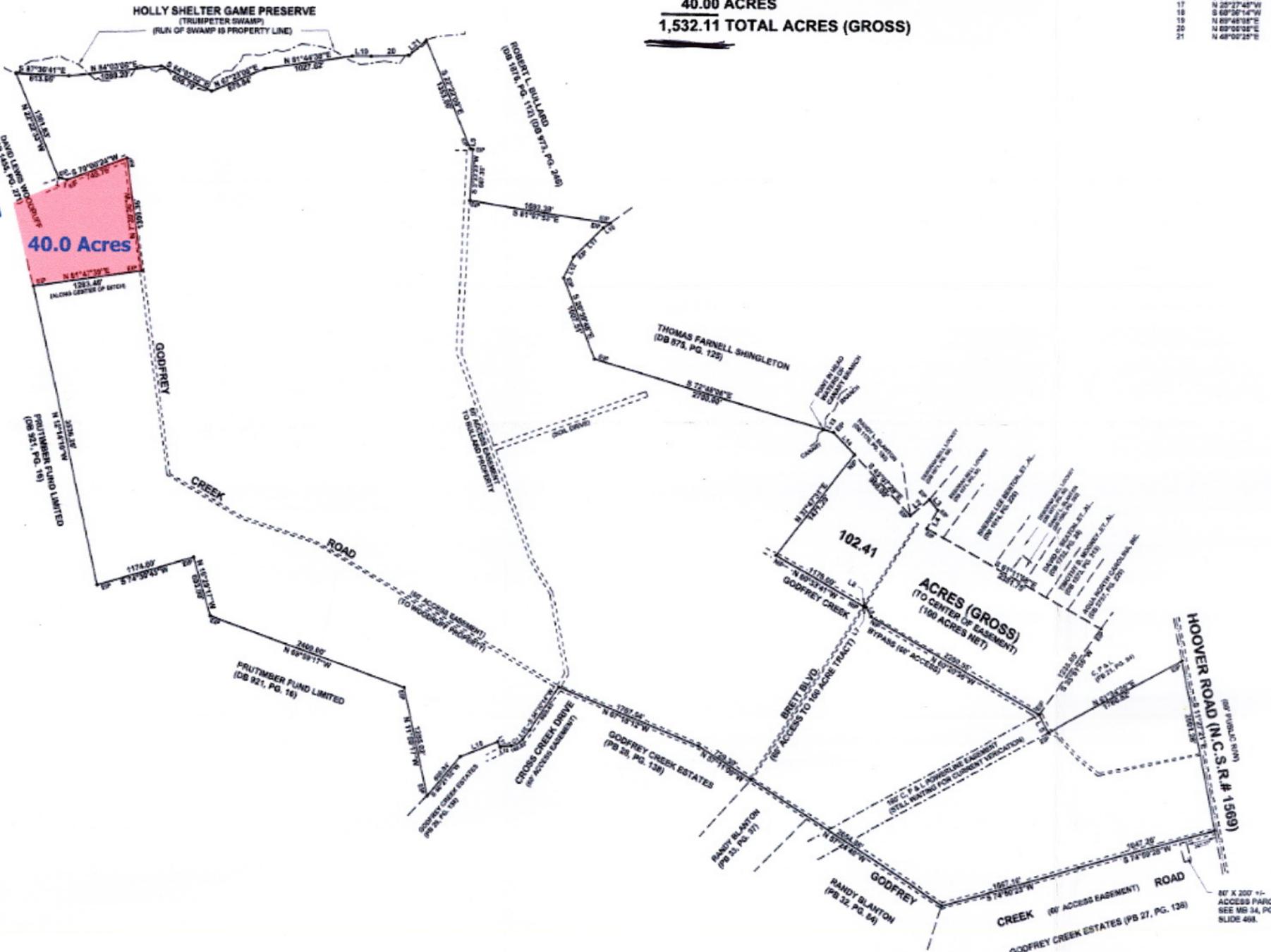
**PIN 3274-54-7535-0000**

I, Irvin A. Stator, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 2772, page 101 etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book \_\_\_\_\_ page \_\_\_\_\_; that the ratio of precision as calculated is 1:20,550; that the plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal the 24 day of May A.D., 2006.

Seal or Stamp  
 Surveyor  
 Irvin A. Stator  
 Registration Number L-1235

I, Irvin A. Stator, Professional Land Surveyor R.L. 1986, hereby certify to one or more of the following as indicated by an "X":  
 \_\_\_ a. This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.  
 \_\_\_ b. This survey is located in such a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.  
 X c. This survey is of an existing parcel or parcels of land and does not create a new street or change an existing street.  
 \_\_\_ d. This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision.  
 The information available to the surveyor is such that the surveyor is unable to make a determination to the best of his or her professional ability as to provisions contained in (a) through (d) above.

Irvin A. Stator 05-15-06  
 Professional Land Surveyor Date



UNLESS OTHERWISE NOTED ALL CORNERS ARE EXISTING IRON PIPES.  
 Curve 1 Delta Angle 46°04'15" Radius 200.00 Arc 159.82 Tangent 85.04 Chord 196.52 Chord Bearing S 91°28'02"W

REVISIONS	Rev. 05/15/06	SCALE	500.000 0 300 600
(Property of)	TOG Properties, LLC	TOWNSHIP	Township
	B & N Properties of Pender County	COUNTY	Pender
DATE	24 May 2006	FILE #	
DRAWN BY	JAS	STATE	NORTH CAROLINA
CHECKED & CLOSURE BY	JAS	ZONE	
		TAX PIN	3274-04-4408

Irvin A. Stator, P.L.S.  
 813-A Brecker Avenue  
 Office (919) 570-1812  
 Fax (919) 566-0365

Wade Forest, N.C. 27587

FIELD BOOK

TOG Properties, LLC  
 B & N Properties of Pender County

REVISIONS

Holly Shelter  
Game Lands  
51,000 Acres

Trumpeter Creek

Trumpeter Creek

Cruise Road

Godfrey Creek Road

**TRUMPETER**

Lloyd's Island  
Road

Craney Road

**1,492.12 Ac**

Saps Road

Hoover Road

Castle Bay  
Golf Club

Godfrey Creek Road

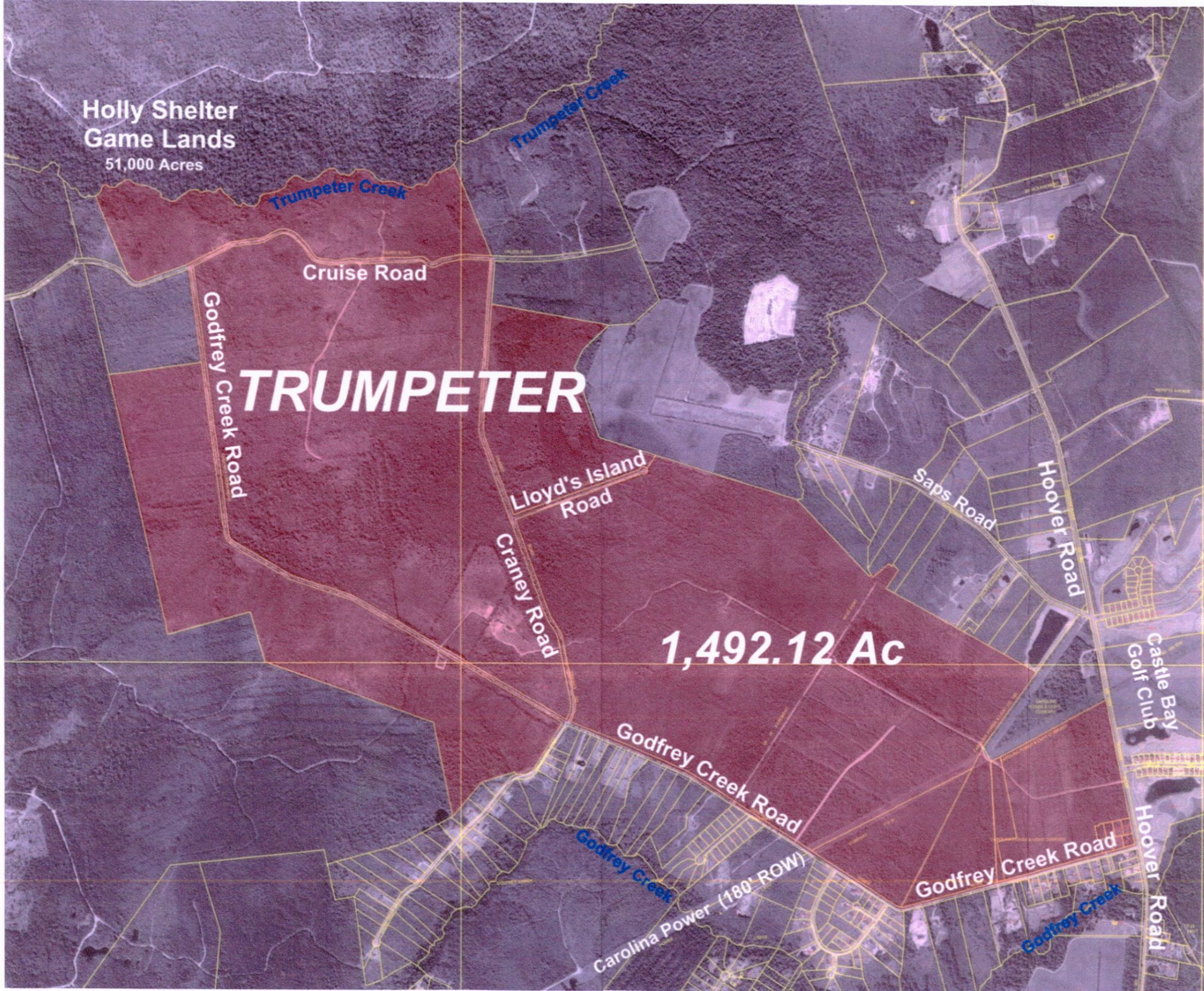
Godfrey Creek

Carolina Power (180' ROW)

Godfrey Creek Road

Godfrey Creek

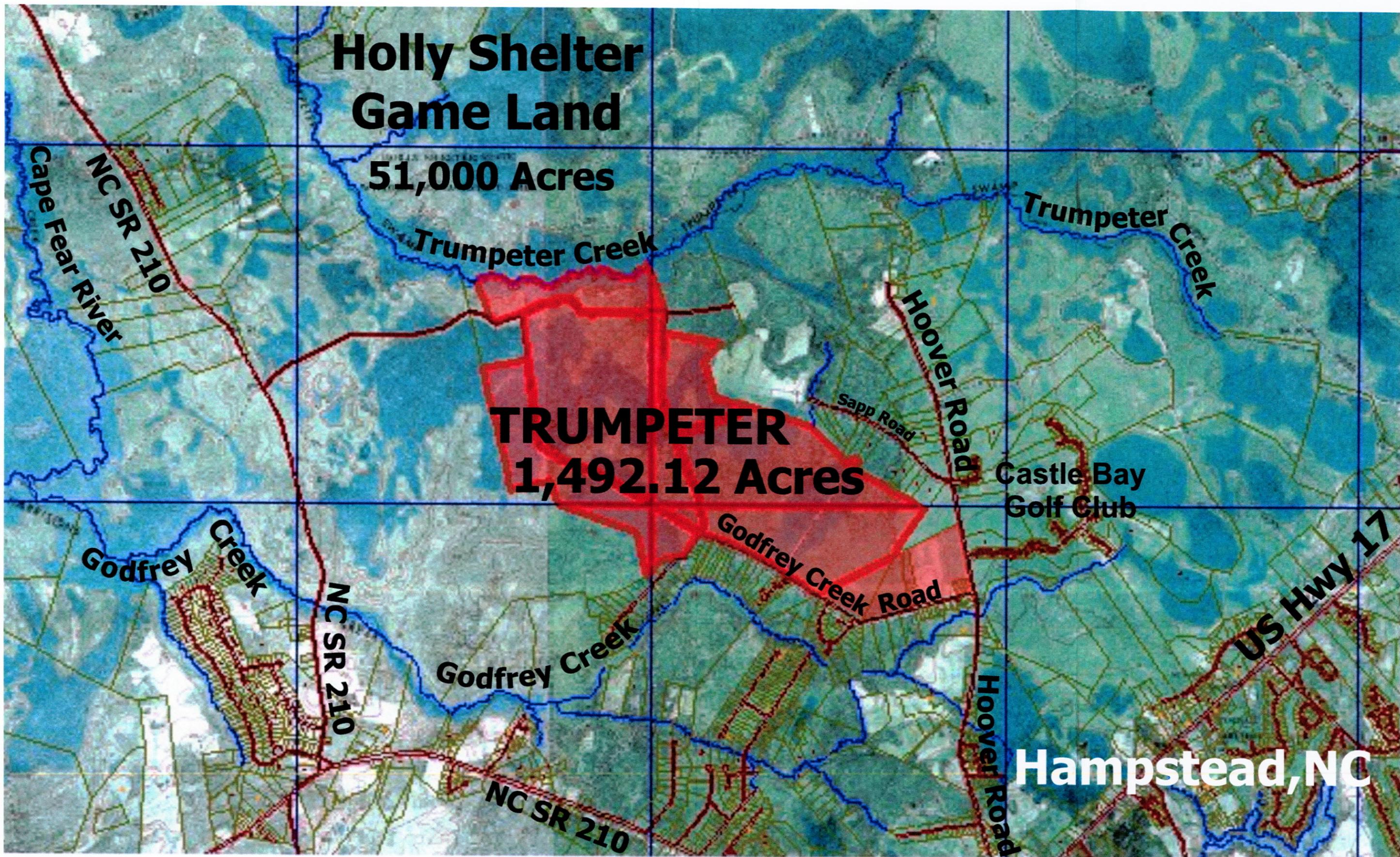
Hoover Road



**Holly Shelter  
Game Land**

**51,000 Acres**

**TRUMPETER  
1,492.12 Acres**



**Hampstead, NC**



0 1,850 3,700 7,400 11,100 FEET

1 INCH EQUALS 5,500 FEET



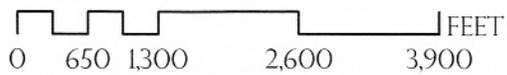
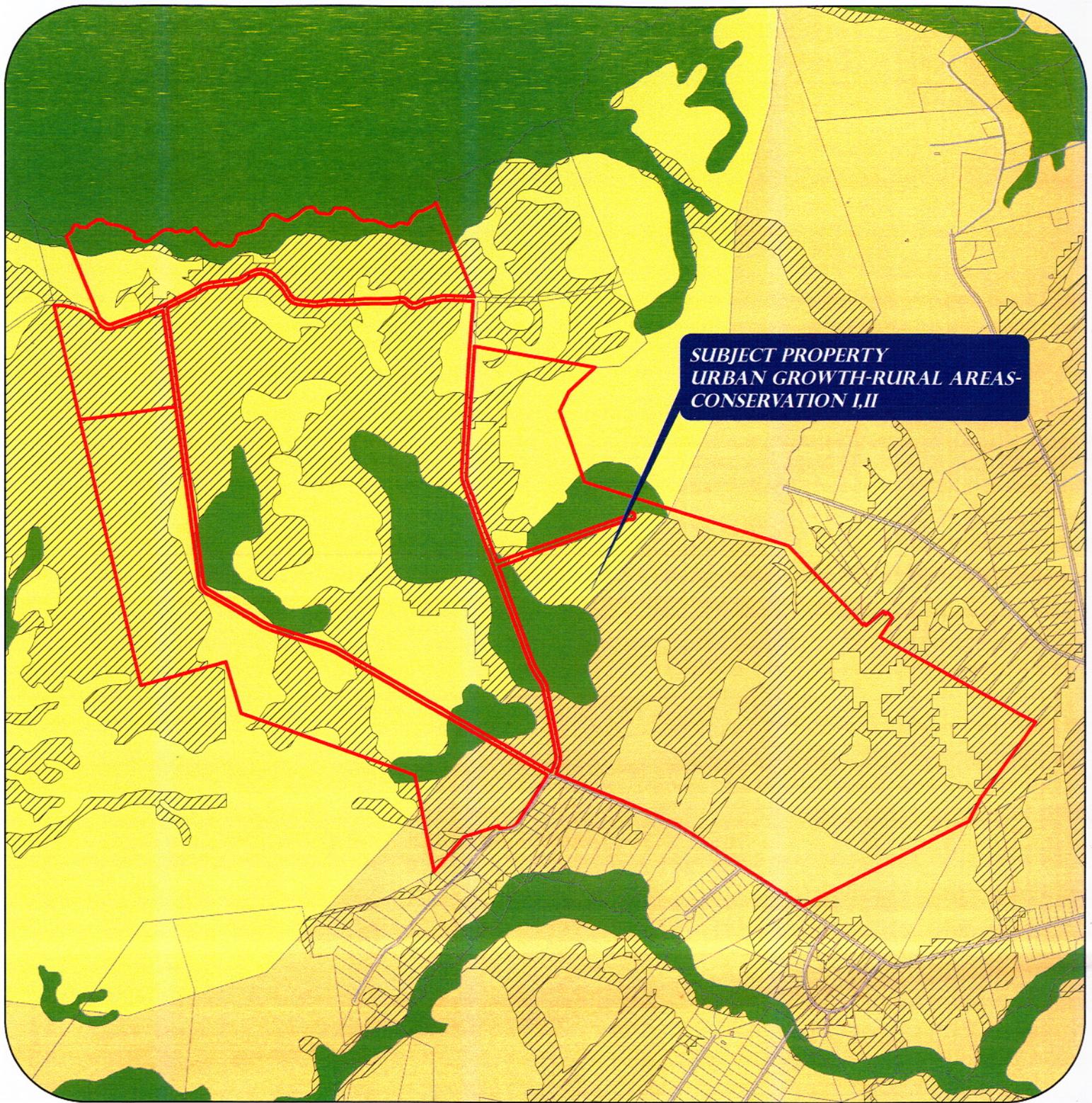
**Legend**

-  Centerlines
-  TOG Properties, LLC

**ZONING MAP AMENDMENT  
TOG PROPERTIES, LLC  
1,532.11 ACRES FROM RA - PD**

VICINITY MAP





1 INCH EQUALS 1,771 FEET



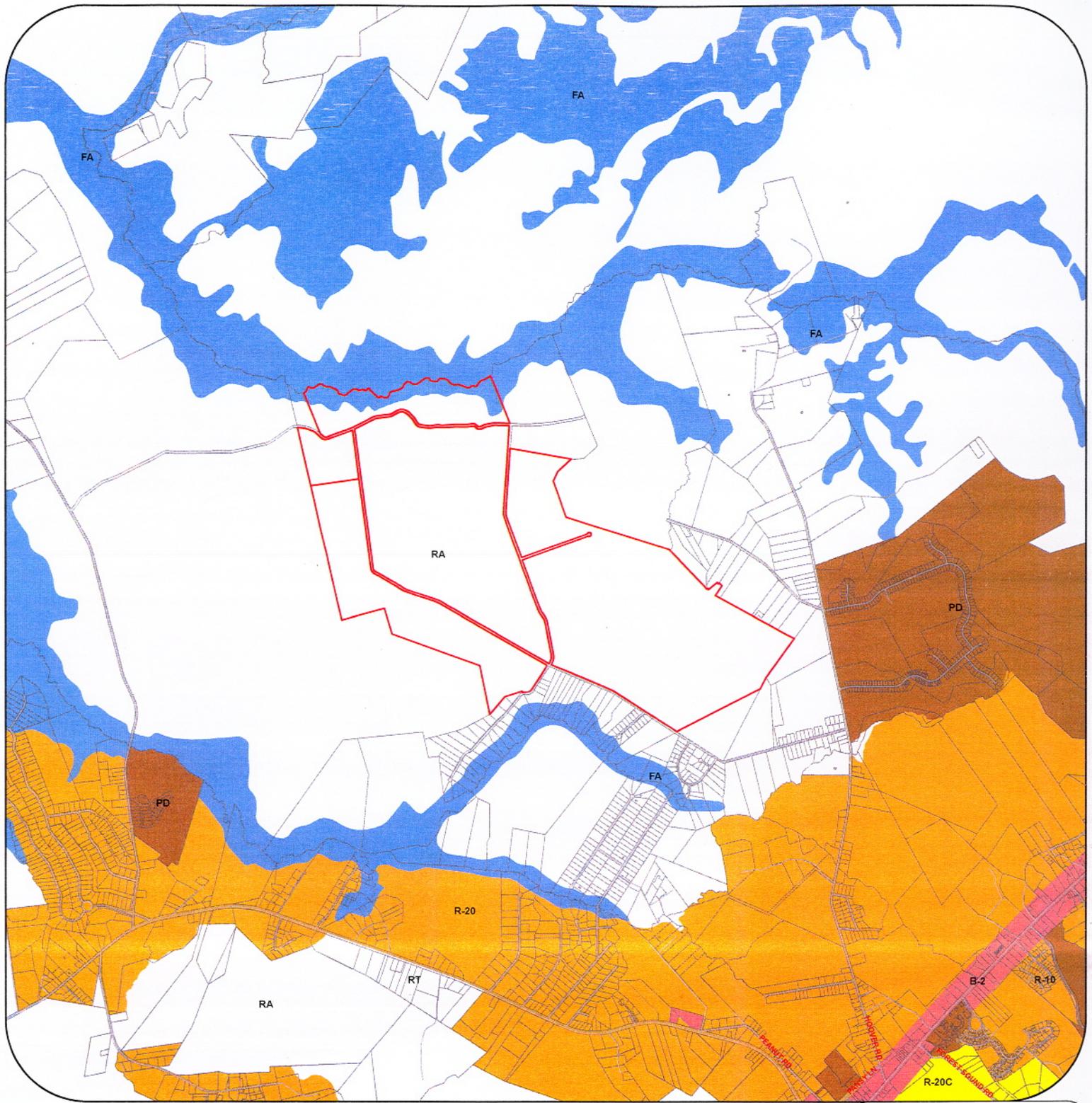
**ZONING MAP AMENDMENT  
TOG PROPERTIES, LLC  
URBAN GROWTH-RURAL AREAS-  
CONSERVATION I, II**

*CAMA LAND USE 2005*



**Legend**

- Centerlines
- Property\_Outline
- Parcels
- Conservation Area I
- Conservation Area II
- Urban Growth Areas
- Rural Areas
- Rural Clusters
- Transition Areas



0 1,250 2,500 5,000 7,500 FEET

1 INCH EQUALS 3,500 FEET

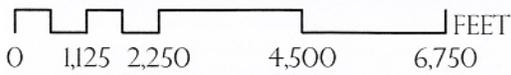
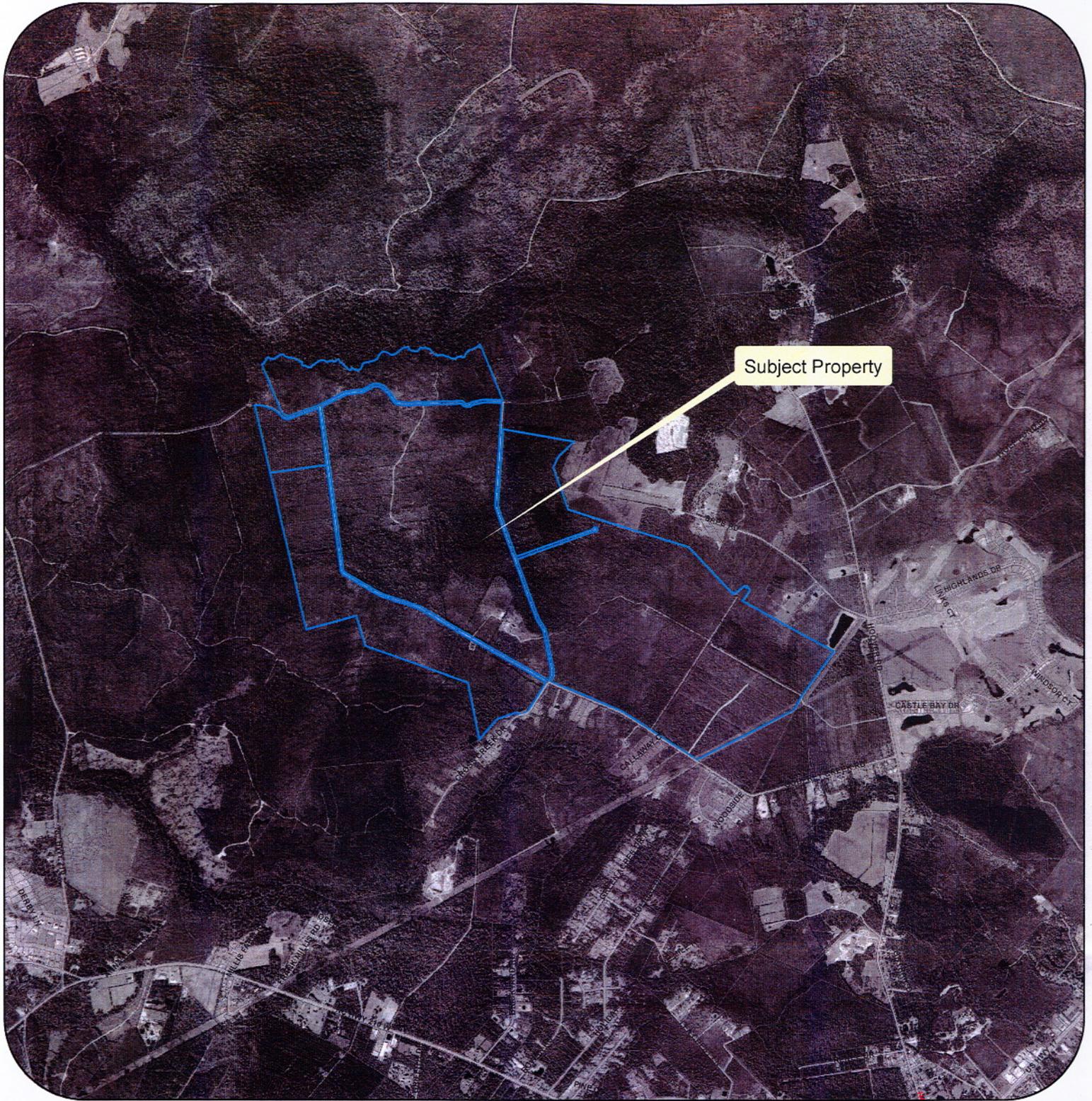


**ZONING TEXT AMENDMENT  
TOG PROPERTIES, LLC  
RA/FA - PD**

ZONING MAP

**Legend**

-  Centerlines
-  Property\_Outline
- Zoning Classification**
-  B-1; B-2; B-3
-  FA
-  FA\_DASH
-  PD
-  R-10; R-15; R-20
-  R-20C



1 INCH EQUALS 3,000 FEET



**ZONING TEXT AMENDMENT  
TOG PROPERTIES, LLC  
1,532.11 ACRES**

*A RIAL (2003)*



**Legend**

- Centerlines
- Property\_Outline
- Parcels

**Aerial Value**

