

INTRODUCED BY: Planning Staff **DATE:** May 7, 2008 **ITEM NO:** _____

TITLE: Zoning Map Amendment

SUBJECT: PROPERTY PARCEL ID NO: 3314-41-5727-0000, 3314-41-6786-0000,
3314-41-6958-0000, 3341-42-6192-0000

APPLICANT: Martin Evans

OWNER: Same

ACTION REQUESTED:

Applicant is requesting four tracts, totaling 4.99 acres, be rezoned from B-2 Business District (Highway), to R-20 C, Residential District (Conventional Housing).

HISTORY/BACKGROUND:

Location of Property: The property is located along the southeast side of Johnson Nursery Road, approximately 0.5 miles southwest of the intersection of Interstate 40 and US Highway 117, Willard, NC. (See attached vicinity map).

Description of Proposal: The proposal consists of rezoning four contiguous tracts of land totaling 4.99 acres from B-2, Business District (Highway) to R-20 C, Residential District (Conventional Housing). The parcels are located along the southeast side of Johnson Nursery Road, between US Highway 117 and Washington Creek Drive. The southern edge of the property runs along Drumgool Branch, a tributary of Washington Creek (see attached boundary survey).

EVALUATION:

- A) Public Notifications:** Public Notice of the proposal for map change has been advertised in the Pender Post and Topsail Voice and adjacent property owners have been given written notice of the request.
- B) Existing Zoning in Area:** The property to the north and east, extending to US Hwy 117 and along I-40 is zoned B-2, Business District, the property directly south is zoned FA, Flood Hazard Area, and the property south of the FA, is zoned RT, Rural Transitional District. The small area of FA zoning located on the southern 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 Johnson Nursery Road, to the north and south. The property across Johnson Nursery Road is vacant, and further south on Johnson Nursery is Washington Creek Estates, a residential subdivision.
- D) 2005 Land Use Plan Compliance:** The 2005 CAMA Land Use Plan classifies this property as Rural Areas with a small portion of Conservation Area I overlaid along the small tributary along the southern boundary. 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. (See attached CAMA Land Use Map). The parcels, at their approximate one acre size, are in compliance with the 2005 CAMA Land Use Plan.

- 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 is presenting this item for Planning Board review and disposition. This area is predominantly residential in nature, even though a residential district would be a comparable zoning classification and land use; there are no R-20C zoning districts in the area.
- G) Pender County Planning Board Recommendation:** The Pender County Planning Board, at its May 7, 2008 meeting, recommended (approval/denial) by a (indicate vote) of this rezoning request.

AMENDMENTS:

Planning Board

Motion: _____ Seconded _____

Approved: _____ Denied: _____ Unanimous _____

Reynolds ___ Gonzales ___ Garrett ___ Marshburn ___ Millette ___ Smith ___ Williams _____

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on June 16, 2008 the Pender County Board of Commissioners (approved, modified, denied) a request for 4.99 acres of land, to be rezoned from B-2, Business District (Highway) to R-20 C, Residential District (Conventional Housing), for Martin Evans 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

6-16-2008
Date

ATTEST

6-16-2008
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

PLANNING BOARD APPLICATION FOR ZONING MAP AMENDMENT

Date <u>3/17/08</u>	Application Fee <u>\$200.00</u>	Receipt No. <u>077189</u>
Application No. _____	Postage Fee <u>\$31.26</u>	Receipt No. <u>077190</u>

I. PROPERTY INFORMATION:

Record #: _____ Current Zoning District: B2

Tax Map #: MB44 PG077 Requested Zoning District: R-20C

Lot #: 1, 2, 3, 4 Acreage to Be Rezoned: 4.99

Total Acreage of Tract: 1-1.21 3-.90
2-1.89 4-.99

Property Location: Johnson Nursery Rd.

Reason for Rezoning: For residential use

II. REQUIRED NAMES:

Applicant <u>Martin Evans</u>	Owner <u>Martin Evans</u>
Address <u>322 W. Creekview DR</u> <u>Hampstead, NC 28443</u>	Address <u>322 W. Creekview DR</u> <u>Hampstead, NC 28443</u>
Phone <u>262-9999</u> Fax <u>270-8882</u>	Phone <u>262-9999</u> Fax <u>270-8882</u>
Email <u>martina@realexit.com</u>	Email <u>martina@realexit.com</u>

Legal Relationship of Applicant to Property Owner: same

III. SIGNATURE OF OWNER & APPLICANT:

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

Martin J. Evans
322 W. Creekview Drive
Hampstead, North Carolina 28443

(910) 262-9999 Cell
martin@realexit.com

Pender County Planning Dept.
805 South Walker ST
Burgaw, NC 28425

April 4, 2008

To Whom It May Concern:

I am making a request for the rezoning of my four lots located on Johnson Nursery Road from B2 to R-20C, so that they can be turned back to residential lots. It is clear that when the rezoning of the surrounding area was turned into B2 to avoid the property owners from allowing bill boards, this was not the highest and best use for this particular area. My request is for that area be rezoned as an R-20C for residential use instead of RT because of minimum acreage requirements for rezoning to RT.

I have had the soil work done and the lots surveyed into residential lots from a five acre parcel and allowing them to return back to this use will permit four future home owners to build their homes and enjoy living in the quiet country surroundings.

Thank you for your consideration.

Sincerely,

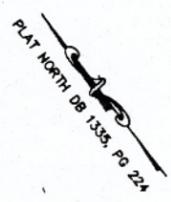
Martin J. Evans

LOTS 1-4 INR

STATE OF NORTH CAROLINA.....PENDER COUNTY
 Filed for Registration at 2:15 o'clock P.M.
 on the 4 day of April AD 2007
 Recorded in Map Book 44, Page 077, Slide 597
 Joyce M. Sisklegood by David B. Phillips, Deput
 REGISTER OF DEEDS

STATE OF NORTH CAROLINA
 COUNTY OF PENDER
 I, Janice W. Small, Review Officer of Pender County,
 certify that the map or plat to which this certification is
 affixed meets all statutory requirements for recording.
 DATE: 4/4/07
 REVIEW OFFICER

STATE OF NORTH CAROLINA PENDER COUNTY
 I, Loznie S. Beck, certify that this map was drawn
 under my supervision from an actual survey made under my supervision (dead
 description recorded in Book 800, page 216, etc.) (other)
 that the boundaries not surveyed are clearly indicated as drawn from information
 found in Book N/A page N/A that the ratio of precision as calculated is
 1:..... that this plat was prepared in accordance with G.S. 47-30 as
 amended.
 Witness my original signature, registration number and date, this 2nd day
 of FEB, A.D., 2007.
 Land Surveyor



- LEGEND:
- CP - CALCULATED POINT
 - EIP - EXISTING IRON PIPE
 - ERB - EXISTING REBAR
 - EX NAIL - EXISTING NAIL
 - ERRS - EXISTING RAILROAD SPIKE
 - RBS - REBAR SET
 - EIS - EXISTING IRON STAKE
 - ECM - EXISTING CONCRETE MONUMENT
 - - FEMA FLOOD ZONE

LINE	LENGTH	BEARING
L2	12.72	N31°48'26"E
L3	7.02	N32°23'09"E
L4	14.75	N41°04'45"E
L5	47.85	N47°11'18"E
L6	51.98	N47°15'23"E
L7	44.36	S15°38'53"W
L8	34.39	S32°15'40"E
L9	33.25	N65°46'52"E
L10	19.98	S00°46'57"W
L11	30.02	N54°06'00"W
L12	33.00	N49°13'18"W
L13	25.43	N41°12'09"W
L14	68.78	N43°39'38"W
L15	19.56	N70°34'35"W
L16	87.05	N51°54'09"W
L17	38.11	N25°53'01"W
L18	50.04	N83°20'50"W
L19	37.59	N14°34'56"W
L20	37.38	N75°30'31"W
L21	51.00	N09°57'38"W
L22	18.52	N81°33'08"W
L23	19.89	S53°28'19"W
L24	28.40	S86°00'24"W
L25	44.49	S70°34'47"W
L26	47.02	N44°39'30"W
L27	30.10	N42°23'25"E
L28	27.44	S79°49'48"E
L29	16.21	N43°13'30"E
L30	48.24	N35°03'41"W
L31	104.63	N69°12'00"W

DELORES POWERS
 DB 523 PG 71
 PIN: 3314-42-6457-0000

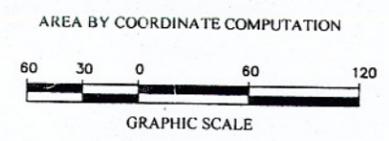
PARCEL IDENTIFIER CERTIFICATE
 PARCEL IDENTIFIERS HAVE BEEN ISSUED
 FOR ALL PARCELS SHOWN ON THIS PLAT.
 3314-41-5990-0000 & others

Janice W. Small 4/4/07
 REVIEW OFFICER DATE

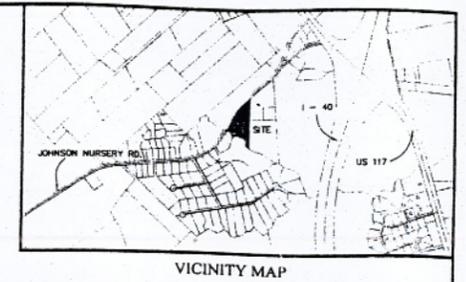
APPROVED 4/2/07 DATE
David B. Phillips
 INITIALS
 Pender County Planning

PROPERTY LINE IS THE RUN OF
 DRUMGOOL BRANCH. REBAR ARE SET 10'
 FROM E OF DRUMGOOL BRANCH.

- NC PARCEL I.D. # :
- PIN: 3314-42-8290-000L
 - PIN: 3314-41-8770-0000
 - PIN: 3314-41-7207-0000
 - PIN: 3314-41-3534-0000
 - PIN: 3314-41-5990-0000



SURVEYOR'S STATEMENT TO WHOM IT MAY CONCERN:
 THIS PLAT IS A CORRECT REPRESENTATION OF LAND SURVEYED; HOWEVER
 A NORTH CAROLINA LICENSED ATTORNEY SHOULD BE CONSULTED CONCERNING
 CORRECT OWNERSHIP, WIDTH AND LOCATION OF EASEMENTS, ANY CEMETERIES
 OR FAMILY BURIAL GROUNDS NOT SHOWN ON RECORDED MAPS OR DEEDS MADE
 AVAILABLE TO THIS SURVEYOR BY THE RECENT OWNERS AT THE TIME OF THIS
 SURVEY AND OTHER TITLE QUESTIONS REVEALED BY TITLE EXAMINATION. NO
 RESPONSIBILITY OF ANY NATURE IS ASSUMED BY THIS SURVEYOR FOR ANY
 CONDITIONS WHICH MAY PRESENTLY EXIST BUT ARE UNKNOWN, SUCH AS:
 CEMETERIES, FAMILY BURIAL GROUNDS, TOXIC OR HAZARDOUS WASTE MATERIAL,
 WETLANDS, AND OR FLOOD AREA, ETC.



CERTIFICATE OF OWNERSHIP, DEDICATION AND JURISDICTION
 I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY
 SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN
 OF SUBDIVISION WITH MY (OUR) FREE CONSENT AND DEDICATE ALL STREETS,
 ALLEYS, WALKS, PARKS AND OTHER AREAS TO PUBLIC OR PRIVATE USE AS NOTED.
 FURTHER, I (WE) CERTIFY THAT THE LAND AS SHOWN HEREON IS LOCATED WITHIN
 THE SUBDIVISION JURISDICTION OF PENDER COUNTY.

OWNER _____ DATE _____

NOTES:

1. NC PIN # - 3314-41-5990-0000
2. DEED REFERENCE: DB 1335, PG 224
3. THIS PROPERTY DOES GRAPHICALLY APPEAR TO BE
 IN A FLOOD HAZARD AREA AS DETERMINED BY FEMA FLOOD
 RATE INSURANCE MAPS.
 COMMUNITY PANEL # 3703440065 B (OLD FEMA MAP EFFECTIVE UNTIL 2-15-07)
 COMMUNITY PANEL # 3720331400 J (NEW FEMA MAP EFFECTIVE ON 2-16-07)
4. BUILDING SETBACKS REQUIRED TO BE IN ACCORD WITH THE
 PENDER COUNTY ZONING ORDINANCE.
5. PROPERTY REFERENCES AND DEED REFERENCES SHOWN ON
 THIS PLAT WERE TAKEN FROM GIS DATA BASE PENDER COUNTY.
6. ALL NEW ACCESS EASEMENTS SHOWN OR DESIGNATED ON THIS
 PLAT, INCLUDE THE TRANSFER OF AN EASEMENT TO PUBLIC ENTITIES &
 PUBLIC UTILITIES FOR THE PURPOSE OF INSTALLATION & MAINTENANCE OF
 MAINTENANCE OF WATER, SEWER, ELECTRIC & COMMUNICATION LINES.
7. THE SUBDIVISION SHOWN ON THIS PLAT INCLUDES AN EXISTING PUBLIC STREET.
8. THIS DEVELOPMENT CONTAINS FLOODWAY PROPERTY.
 ANY FILL, CONSTRUCTION OR SUBSTANTIAL IMPROVEMENTS IN A DESIGNATED
 FLOODWAY REQUIRES A CERTIFICATE (NO RISE CERTIFICATION) FROM AN
 ENGINEER THAT THE ACTIVITY WILL CAUSE NO INCREASE IN FLOOD LEVELS.
9. THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF
 LAND WITHIN THE SUBDIVISION AREA OF A COUNTY OR
 MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES
 PARCELS OF LAND.

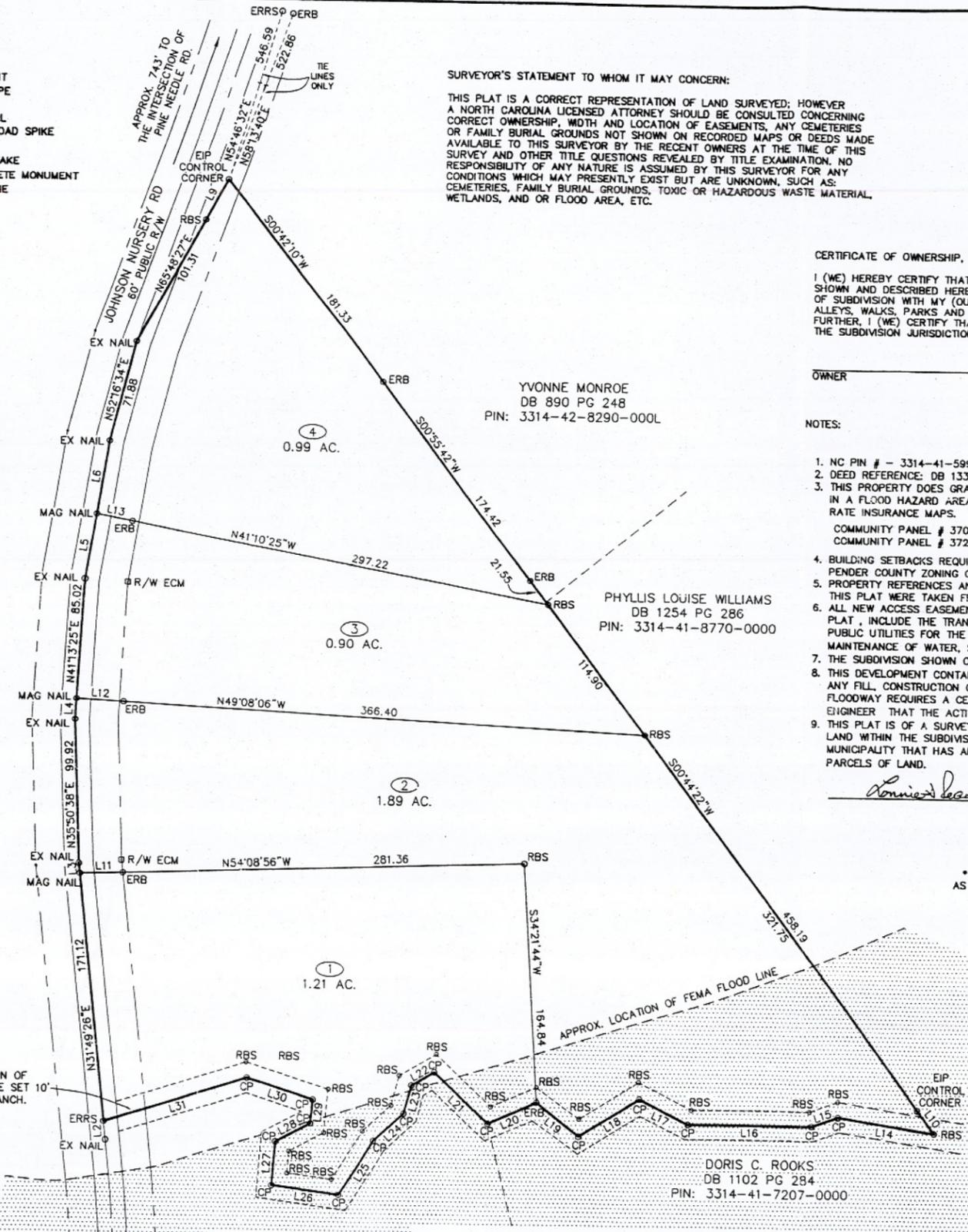
Loznie Beck

* TOTAL TRACT ACREAGE
 AS SURVEYED IS - 4.99 AC.

REFERENCE:
 DB 1335 PG 224
 SURVEY MAP BY POWERS LAND
 SURVEYING FOR DAVID B. PHILLIPS.
 THIS MAP IS NOT RECORDED

OWNER:
 TELL, INC.
 WILMINGTON, NC 28403

PROPERTY LOCATION:
 THIS PROPERTY IS LOCATED BETWEEN
 315 & 489 JOHNSON NURSERY ROAD



DENIS SCHEMBRI
 DB 2244 PG 335
 PIN: 3314-41-3534-0000

SOUTHWIND

201 GLEN RD. 14888 HWY 17N
 GARNER, NC 27529 HAMPSTEAD, NC 28443
 919-773-0183 910-270-8617
 919-773-0148 (FAX) 910-270-8619 (FAX)

SURVEYING • ENGINEERING • LAND DEVELOPMENT

3-LOT SUBDIVISION (MORE/LESS) ON NCDOT ROAD FOR:
MARTIN EVANS

TOWNSHIP	UNION	COUNTY	PENDER	STATE	NC
SURVEYED BY	MM	DRAWN BY	RJP		
DATE	02-12-07	SCALE	1" = 60'	DRAWING NO.	H07-0008

mB44 PG077 SL597

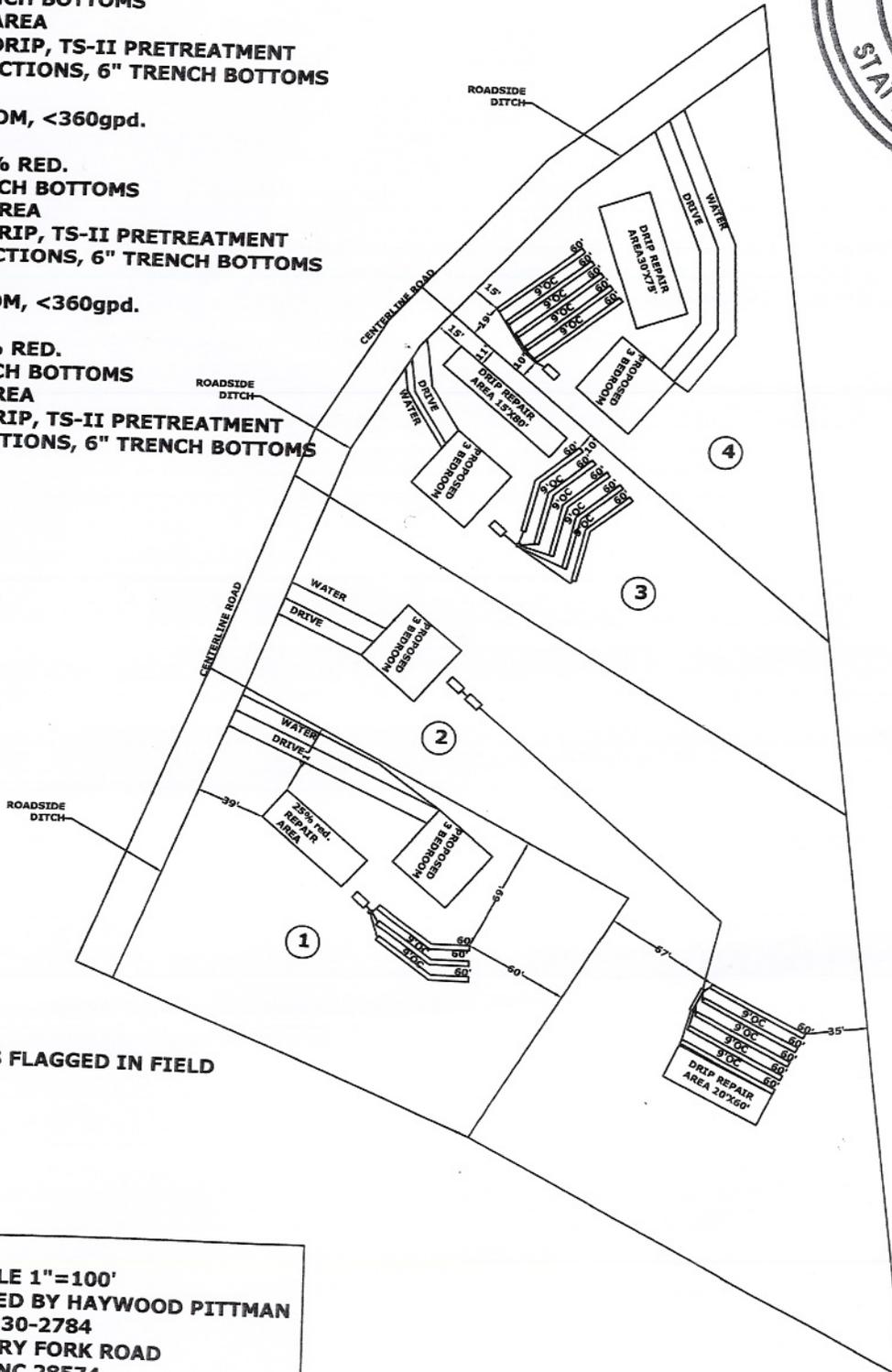
LOT 1
 3 BEDROOM, <360gpd.
 LTAR .5
 3-60' 25% REDUCTION
 12" TRENCH BOTTOMS
 REPAIR AREA 21'X60'
 LTAR .5, 25% RED.

LOT 2
 3 BEDROOM, <360gpd.
 LTAR .3
 5-60' 25% RED.
 12" TRENCH BOTTOMS
 REPAIR AREA
 20'X60' DRIP, TS-II PRETREATMENT
 NO REDUCTIONS, 6" TRENCH BOTTOMS

LOT 3
 3 BEDROOM, <360gpd.
 LTAR .3
 5-60' 25% RED.
 12" TRENCH BOTTOMS
 REPAIR AREA
 15'X80' DRIP, TS-II PRETREATMENT
 NO REDUCTIONS, 6" TRENCH BOTTOMS

LOT 3
 3 BEDROOM, <360gpd.
 LTAR .3
 5-60' 25% RED.
 12" TRENCH BOTTOMS
 REPAIR AREA
 30'X75' DRIP, TS-II PRETREATMENT
 NO REDUCTIONS, 6" TRENCH BOTTOMS

**PRELIMINARY SOIL EVALUATION
 OF TELL INC. PROPERTY**

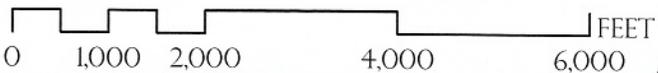


DRAINLINES FLAGGED IN FIELD

APPROX SCALE 1"=100'
MAP PREPARED BY HAYWOOD PITTMAN
PHONE 910-330-2784
1073-1 GREORY FORK ROAD
RICHLANDS, NC 28574



**Proposed Parcels
for Rezoning**



1 INCH EQUALS 2,000 FEET

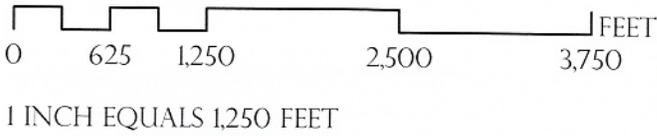
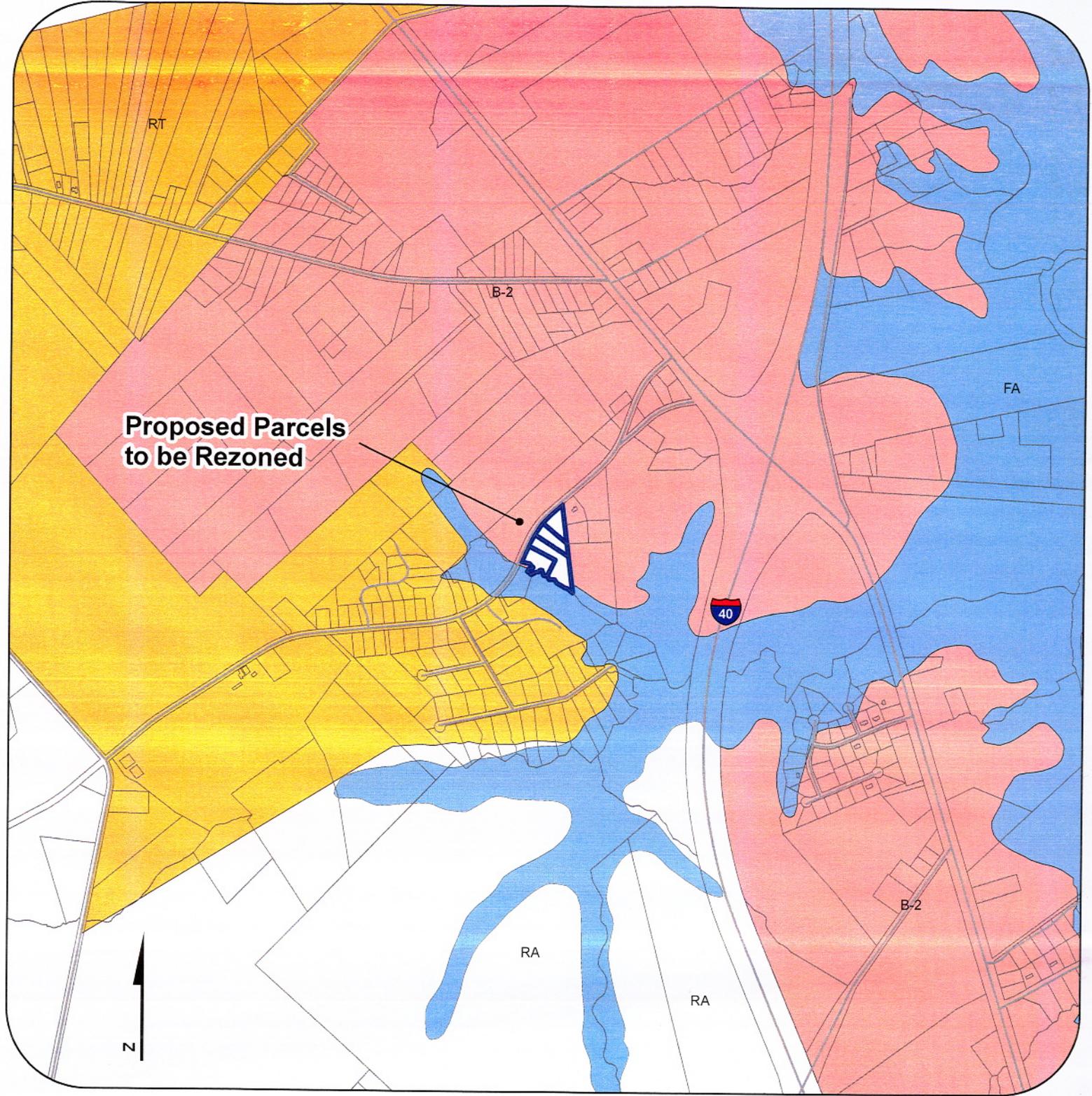


Legend

- Centerlines
- Proposed Parcel for Rezoning

**ZONING MAP AMENDMENT
MARTIN EVANS
4.99 ACRES / B-2 - R-20 C**

VICINITY MAP

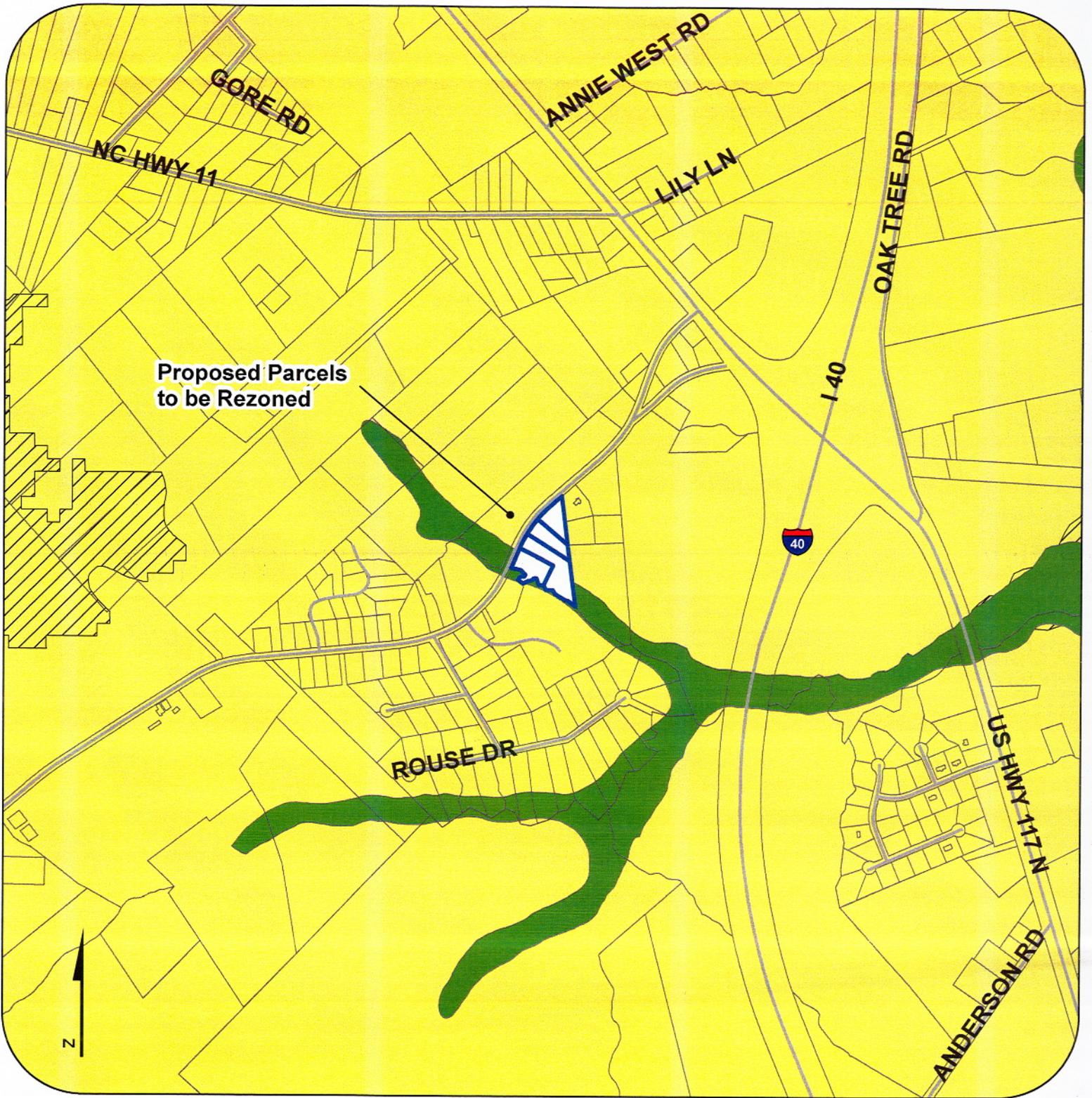


ZONING MAP

**ZONING MAP AMENDMENT
MARTIN EVANS
PROPOSED REZONING / B-2 - R-20 C**

Legend

Centerlines	I-2
Parcels	PD
Proposed Parcels to be Rezoned	R-10
Zoning ALPHA	R-15
B-1	R-20
B-2	R-20C
B-3	RA
FA	RT
FA_DASH	WSCA
I-1	WSPA



1 INCH EQUALS 1,000 FEET



**ZONING MAP AMENDMENT
MARTIN EVANS
RURAL AREAS-CONSERVATION I**

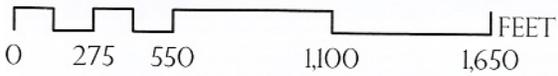
CAMA LAND USE 2005

Legend

- Centerlines
- Martin_Evans_Rezoning
- Parcels
- Conservation Area I
- Conservation Area II
- Urban Growth Areas
- Rural Areas
- Rural Clusters
- Transition Areas



Proposed Parcels
to be Rezoned



1 INCH EQUALS 667 FEET



**ZONING MAP AMENDMENT
MARTIN EVANS
4.99 ACRES / B-2 - R-20 C**

A RIAL (2003)



Legend

- Centerlines
- Martin_Evans_Rezoning
- Parcels

**Aerial
Value**

