

INTRODUCED BY: Planning Staff

DATE: July 1, 2008

ITEM NO:

7

TITLE: Zoning Map Amendment, Charles Henry Clark III

SUBJECT: PROPERTY PARCEL ID Number: 3214-37-8902-0000

APPLICANT: Charles Henry Clark III

OWNER: Charles Henry Clark III

ACTION REQUESTED: Charles Henry Clark III, owner and applicant is requesting a portion of a tract be rezoned from RT, Rural Transition to I-1, Industrial District (Light). The total tract is approximately 7.16 acres and is split zoned between RT, Rural Transitional and I-1, Industrial District (Light).

HISTORY/BACKGROUND:

Location of Property: The property is located between NC Hwy 210 W and NC Hwy 133, near the intersection of Little Kelly Road, Clarks Landing Road, Rocky Point, NC. It can be identified as PIN #3214-37-8902-0000.

Description of Proposal: This proposal consists of rezoning a portion of a tract from RT, Rural Transition to I-1 Industrial District (Light).

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 is currently split zoned between RT, Rural Transitional and I-1, Industrial District (Light), with another area of I-1, Industrial District (Light) approximately 700 feet to the southeast. The surrounding area is RT, Rural Transitional District.

C) Existing Land Use in Area: The surrounding area consists of low density residential to the south and west, moderate to intense agricultural use to the north and east.

D) 2005 Land Use Plan Compliance: The proposed rezoning is consistent with the Pender County 2005 CAMA Land Use Plan. The 2005 Land Use Plan classifies this property as Urban Growth Areas. (See attached CAMA Land Use map). By definition, Urban Growth Areas are:

- Land classification that provides for the continued development of areas provided with water and/or sewer services or where the county is actively engaged in planning these community services.
- These areas also have excellent access to the regional transportation system for a mixture of more intensive commercial and industrial or job creating uses and a range of residential land uses and housing types.
- This area is planned for *high net density* for residential development. This density is dependent upon the types and levels of services that are available
 - *High Net Density:* five (5) residential units per usable acre of project land, based on services available.

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. This general use zoning request is in compliance with the 2005 CAMA Land Use Plan and the Pender County Zoning Ordinance
2. The applicant's property is currently split zoned between RT, Rural Transition and I-1 Industrial District (Light).

G) Pender County Planning Board Recommendation:

AMENDMENTS:

Planning Board

Motion: _____ Seconded _____

Approved: _____ Denied: _____ Unanimous _____

Reynolds ___ Gonzales ___ Garrett ___ Marshburn ___ Millett ___ Smith ___ Williams ___

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on the Pender County Board of Commissioners (approved, modified, denied) a rezoning request for a portion of a tract to be rezoned from RT, Rural Transition to I-1 Industrial District (Light). The total tract is approximately 7.16 acres and is split zoned between Rural Transition and I-1 Industrial District (Light), as described herein and 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.

Board of Commissioners

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Williams ___ Tate ___ Blanchard ___ Brown ___ Rivenbark ___

James David Williams Jr.
Chairman

August 18, 2008
Date

ATTEST

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>April 18, 08</u>	Application Fee <u>200.00</u>	Receipt No. <u>081867</u>
Application No. _____	Postage Fee <u>11.33</u>	Receipt No. <u>081868</u>

I. PROPERTY INFORMATION: Pin # 3214.37.8902.0000

Record #: 03300 Current Zoning District: RT

Tax Map #: BOOK 1, PAGE 24 LOT 3 Requested Zoning District: I-1

Lot #: 3 Acreage to Be Rezoned: 3.09
total tract = 7.16 acres

Total Acreage of Tract: 3.09

Property Location: LONG CREEK-NC 210 + LITTLE KELLY

Reason for Rezoning: PROPERTY ADJACENT TO CHICKEN FARM WILL DETER RESIDENTIAL DEVELOPMENT

II. REQUIRED NAMES:

Applicant <u>CHARLES HENRY CLARK III</u>	Owner <u>Same</u>
Address <u>4800 NC HWY 133</u> <u>Rocky Point, NC 28457</u>	Address _____
Phone <u>675-0358</u> Fax <u>675-8677</u>	Phone _____ Fax _____
Email <u>N/A</u>	Email _____

Legal Relationship of Applicant to Property Owner: SELF

* property is split zoned after recombination may 2008

III. SIGNATURE OF OWNER & APPLICANT:

Charles H. Clark III

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

TO PENDER COUNTY PLANNING BOARD

MY NAME IS CHARLES H. CLARK III. I WAS BORN AND RAISED IN ROCKY POINT , N.C. MY FAMILY HAS FARMED AND OPERATED A MEAT PACKING PLANT IN ROCKY POINT FOR EIGHTY TWO YEARS (DBA CLARK'S SAUSAGE CO.).

AT PRESENT, THE MEAT PACKING PLANT IS ZONED I-1 LIGHT INDUSTRIAL. THE PROPERTY BEHIND THE MEAT PACKING PLANT IS ZONED RT RURAL TRANSITIONAL. THIS PROPERTY IS ALSO ADJACENT TO A LARGE CHICKEN FARM WHICH WOULD DETER RESIDENTAL DEVELOPMENT.

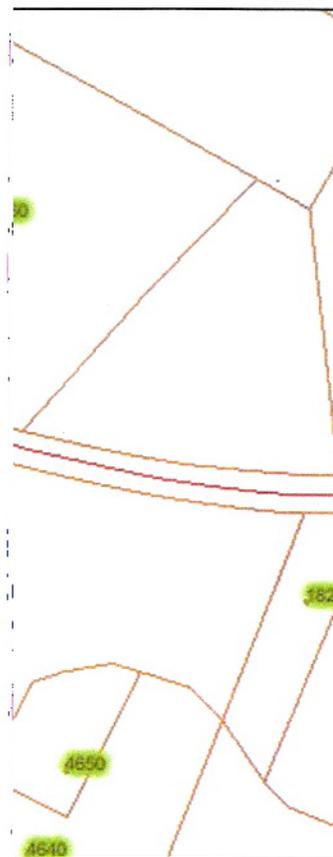
I AM COMBINING BOTH PROPERTIES TO EQUAL 7.16 ACRES AND ASKING YOU TO PLEASE CONSIDER REZONING THE ENTIRE PROPERTY TO I-1. THIS WOULD ALLOW ME TO USE THE PROPERTY IN A MORE PRODUCTIVE WAY.

THANK YOU FOR YOUR CONSIDERATION IN THIS MATTER.

SINCERELY,

A handwritten signature in cursive script that reads "Charles H. Clark III". The signature is written in dark ink and includes a stylized flourish at the end.

CHARLES H. CLARK III



Parcel

Parcel

MARK CHARLES H III PIN: 3214-37-8902-0000 DRK: 1908/246
 /2002 Plat: NOPLAT A/20less: 4800 NC HWY 133
CKY POINT State: NC Z/KY 28457
 30 Buildin Value: 4328 D30 rred Value: 0 g
 58 Tax Co : G01 F25 R40 Z58 : RT des:
 Neighb od: 00 P erty 210 HWY orhc
 28 Acres: 3.09 Ac ss:
 9 ACRES S/S NC HWY Sales P : 25500 T28 1ship: LONG CREEK
 9 AC rice

eed: 1908/246
 address: 4800 NC HWY 133
 ip: 28457
 eferred Value: 0
 one: RT
 roperty address: 210 HWY
 ownship: LONG CREEK

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. All errors of this map are hereby notified that the information source 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.

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FILED in Pender County, NC
on Jul 03 2002 at 02:50:10 PM
by: Joyce M Swicegood
Register of Deeds
BOOK 1908 PAGE 246

Issued Jul 03 2002
\$51.00
State of Pender
North Carolina County
Real Estate Excise Tax

Excise Tax \$51.00

Recording Time, Book and Page

Tax Lot No. 1110 037

Parcel Identifier No. 03300

Verified by [Signature]
by _____

County on the _____ day of _____, 20

Mail after recording to

This instrument was prepared by  MOORE & KENAN, Attorneys at Law, P.O. Box 957, Burgaw, N.C. 28425

Brief Description for the index

[Empty rectangular box for brief description]

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made July 03, 2002, by and between

GRANTOR

GRANTEE

FAYE C. COLEMAN
and husband,
DERRELL P. COLEMAN
532 Bolick Road
Burgaw, NC 28425

CHARLES H. CLARK, III (unmarried)
4800 NC Highway 133
Rocky Point, NC 28457

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 Long Creek Township, PENDER County, North Carolina and more particularly described as follows:

Located in Long Creek Township, Pender County, North Carolina, adjacent to and North of the centerline of N.C. Highway #133 and adjacent to and South of the centerline of N.C. Highway #210 and being more fully described as follows, to wit:

BEGINNING at an old nail in the centerline of N.C. Highway #133, said nail being located along said road at a point that is South 49 degrees 18 minutes 30 seconds East 195.4 feet from an old "P.K." nail located in the intersection of the centerline of N.C. Highway #133 with the centerline of N.C. Highway #210 at Bell's Crossroads and running thence, from the BEGINNING, so located, North 40 degrees 41 minutes 30 seconds East 215.0 feet to an old iron pipe; thence North 49 degrees 18 minutes 30 seconds West 10.00 feet to an iron pipe; thence, North 40 degrees 41 minutes 30 seconds East 332.39 feet (passing over an in line iron pipe at 300.39 feet) to a nail and cap in the centerline of N.C. Highway #210; thence, with said road centerline South 59 degrees 02 minutes East 364.14 feet to a nail and cap at the Beginning of a curve in said road; thence with the centerline of said road as it curves to the left the following chord, courses and distances: South 62 degrees 09 minutes 30 seconds East 150.00 feet and South 66 degrees 07 minutes 30 seconds East 31.18 feet to a nail and cap in line; thence South 40 degrees 41 minutes 30 seconds West 651.30 feet (passing over in line iron pipes at 36.0 feet and 601.30 feet) to a nail and cap in the centerline of N.C. Highway #133; thence, with said road centerline North 49 degrees 18 minutes 30 seconds West 525.00 feet to the BEGINNING, containing 6.27 acres, more or less after the exclusion of that portion of N.C. Highway #210 (60 foot right of way) and N.C. Highway #133 (100 foot right of way) contained within the above described boundaries and is as surveyed by Thompson Surveying Co., P.A. of Burgaw, N.C. in April 1980.

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

523-148

THIS DEED PREPARED BY: CORBETT & FISLER, P.O. Drawer 727, Burgaw,
N. C. 28425

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this _____ day of May, 1977, by and between

GRANTOR: ELIZABETH CLARK, Widow

GRANTEE: C. H. CLARK & SON, INC.

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

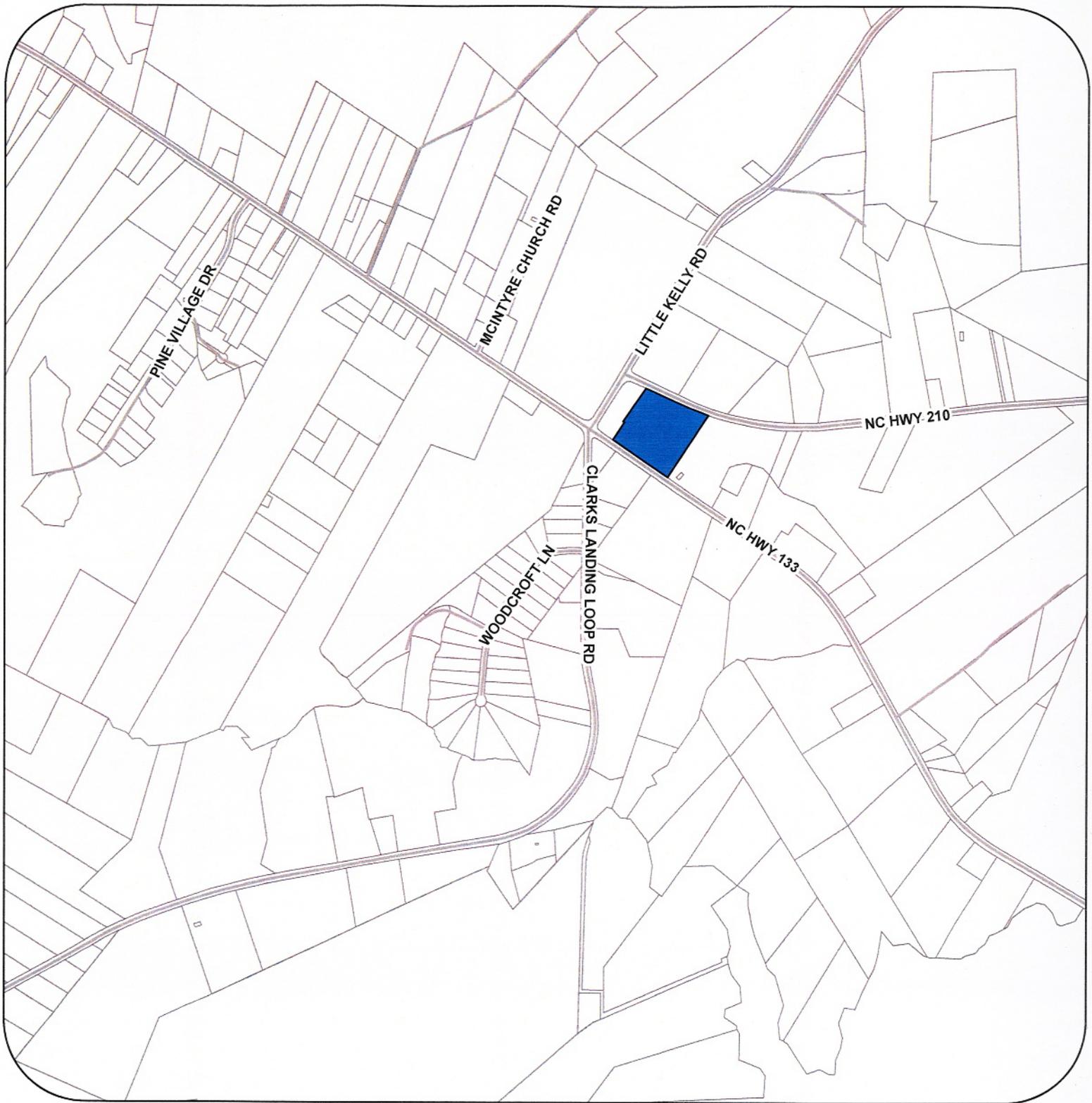
WHEREAS:

1. C. H. Clark and Grantor have conveyed to Grantee that certain tract of land described in that deed recorded in Book 383 at page 196 of the Registry of Pender County, North Carolina, and
2. Grantor is desirous of conveying to Grantee an adjoining parcel of land on the northeast side of that tract heretofore conveyed, and
3. Grantee is desirous of having both tracts described in one unified description,

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 Long Creek Township, Pender County, North Carolina, and more particularly described as:

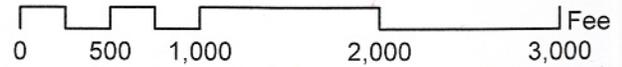
BEGINNING at a point in the Northern right of way line of N. C. Highway #133 (100 foot right of way), said point being located South 51 degrees 50 minutes East 195.4 feet and North 38 degrees 10 minutes East 50.0 feet from the intersection of the center line of N. C. Highway #133 and N. C. Highway #210; running thence from said beginning point North 38 degrees 10 minutes East 165.0 feet to a point; running thence North 51 degrees 50 minutes West 10.0 feet to a point; running thence North 38 degrees 10 minutes East 55.0 feet to a point; running thence South 51 degrees 50 minutes East 355.0 feet to a point; running thence North 38 degrees 10 minutes East 125.0 feet; running thence South 51 degrees 50 minutes East 180.0 feet; running thence South 38 degrees 10 minutes West 345.0 feet to a point in the Northern right of way line of N. C. Highway #133; running thence with the Northern right of way line of N. C. Highway #133 North 51 degrees 50 minutes West 525.0 feet to the point of beginning. Containing 3.18 acres more or less.

Handwritten signature/initials



Legend

- Centerlines
- Subject Property

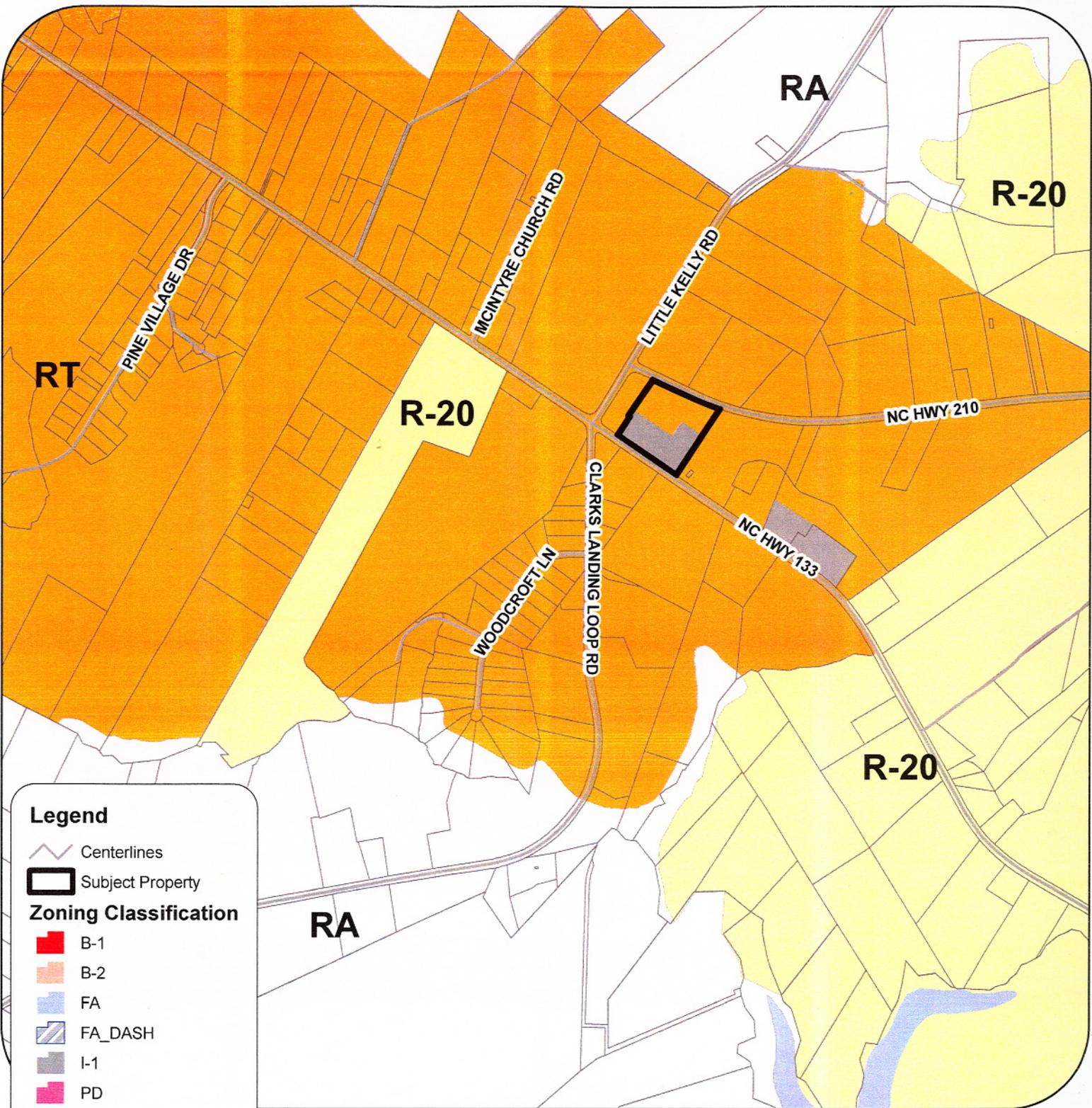


1 inch equals 1,065 feet



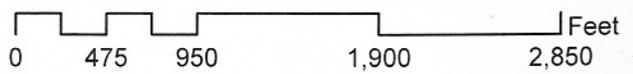
**Rezoning
From R-20 to I-1
Charles H. Clark III**

Vicinity Map



Legend

-  Centerlines
-  Subject Property
- Zoning Classification**
-  B-1
-  B-2
-  FA
-  FA_DASH
-  I-1
-  PD
-  R-10
-  R-15
-  R-20
-  RA
-  RT

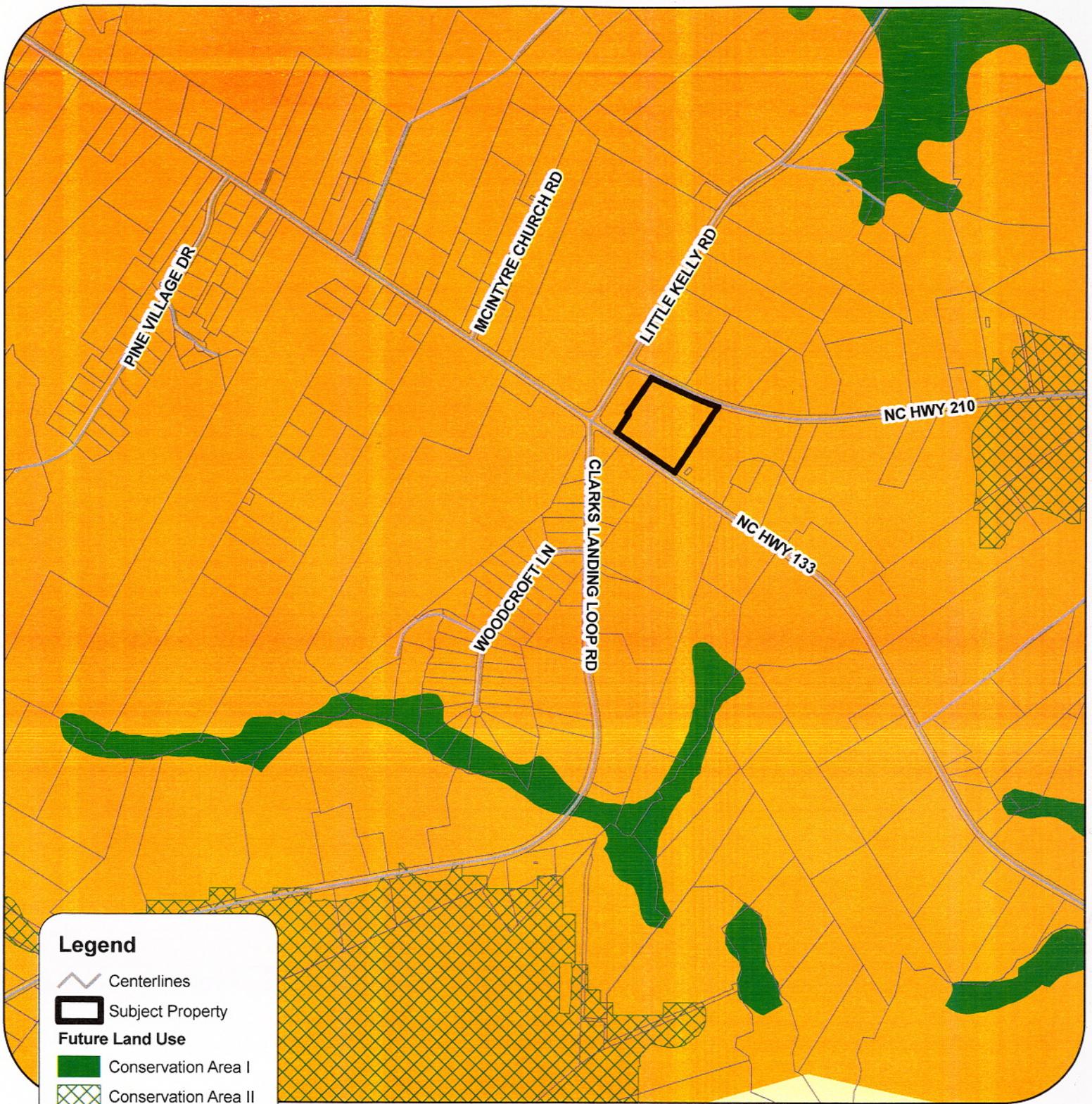


1 inch equals 1,000 feet



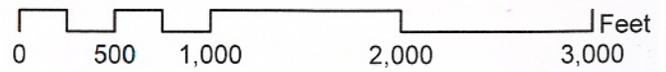
**Rezoning
From R-20 to I-1
Charles H. Clark III**

Zoning Map



Legend

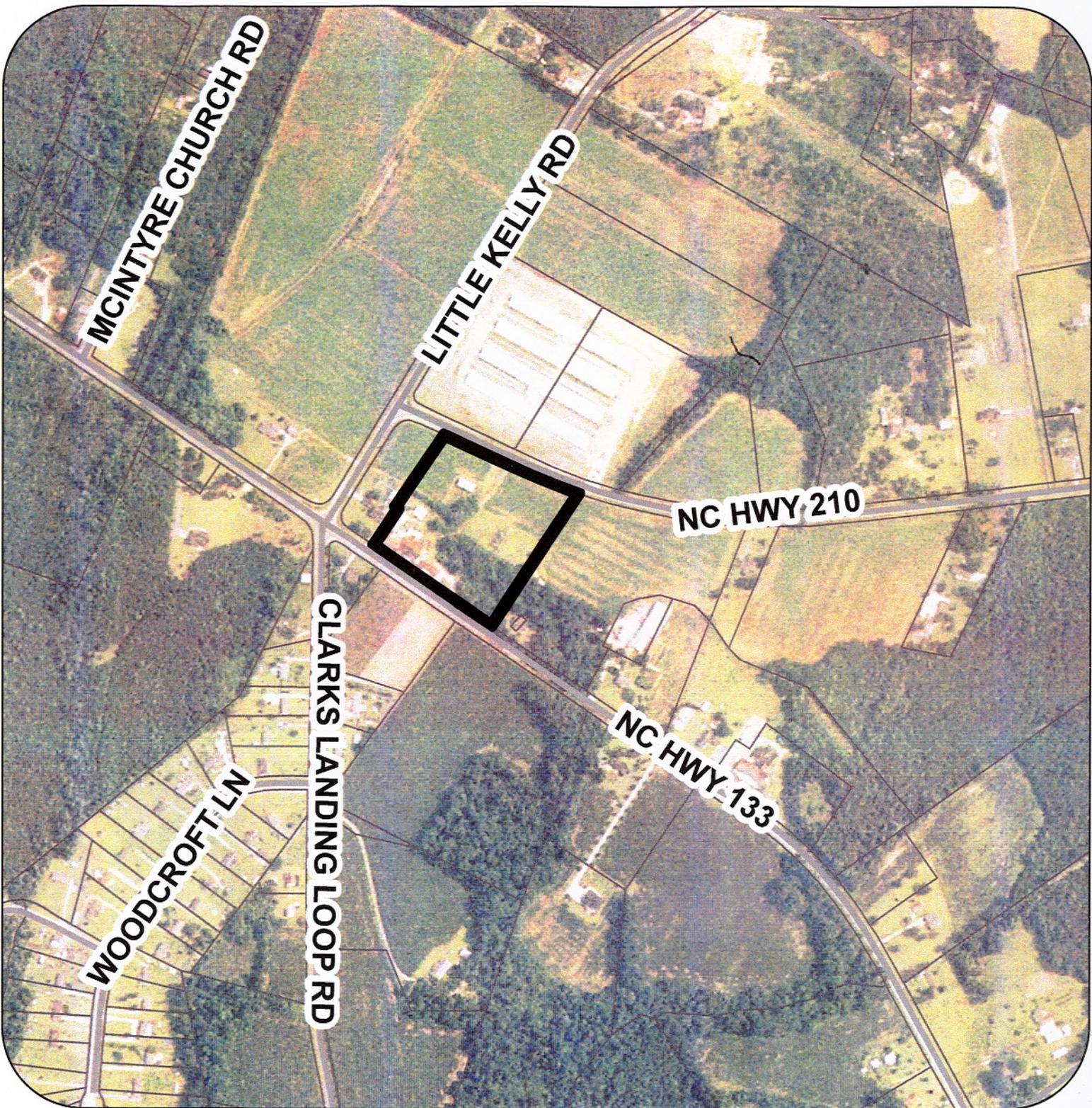
- Centerlines
- Subject Property
- Future Land Use**
- Conservation Area I
- Conservation Area II
- Rural Clusters
- Transition Areas
- Urban Growth Areas
- Rural Areas



1 inch equals 1,000 feet

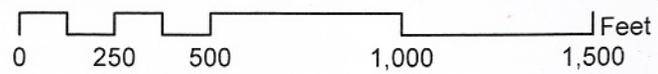


**Rezoning
From R-20 to I-1
Charles H. Clark III**
CAMA 2005 Future Land Use



Legend

-  Centerlines
-  Subject Property



1 inch equals 500 feet



**Rezoning
From R-20 to I-1
Charles H. Clark III**

2006 Color Orthos