

INTRODUCED BY: Planning Staff

DATE: July 1, 2008

ITEM NO:

8

TITLE: Zoning Map Amendment, Vaughn King on behalf of Wesley M. Williams

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

APPLICANT: Vaughn King

OWNER: Wesley M. Williams

ACTION REQUESTED: Vaughn King applicant, on behalf Wesley M. Williams, owner, is requesting a tract totaling 36.26 acres to be rezoned from FA, Flood Hazard Area District and R-20, Residential District to PD, Planned Development District.

HISTORY/BACKGROUND:

Location of Property: The property is located on NC Highway 210, approximately 2 miles east of the I-40 interchange, located on the right, over the Northeast Cape Fear River.

Description of Proposal: This proposal consists of rezoning a tract from FA, Flood Hazard Area District and R-20, Residential District to PD, Planned Development 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:** This property is currently surrounded by FA, Flood Hazard Area District and R-20, Residential District to the north and east, FA, Flood Hazard Area District to the south and west. A small portion of RA, Residential Agricultural District is located to the northwest of the subject's property. There is PD, Planned Development District, approximately 1000 feet to the west across the Northeast Cape Fear River; this is the Lanes Ferry Development.
- D) 2005 Land Use Plan Compliance:** The Pender County 2005 CAMA Land Use Plan classifies this area into four (4) land use classifications: Rural Clusters, Rural Areas, Conservation I and Conservation II.
- i. **Rural Clusters**
 - a. This land classification recognizes the small concentrations of distinct residential communities that maybe associated with a church, other institutional or non-residential use in the Rural Areas. The primary purpose of this classification is to implement the County's Policy of "preserving existing viable residential neighborhoods."
 - ii. **Rural Area**
 - a. 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

iii. Conservation I

- a. The Conservation I classification includes land and water features where there are serious hazards to personal safety or property, where new development would cause serious damage to the values of natural systems, or where new development is not permitted by local, state, or federal policy.

iv. Conservation II

- a. The Conservation II classification is established as an overlay that applies policies which restrict development in all of the non-conservation land classes.

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 is a general use rezoning
2. Subject's Property is located within a Floodway, AE and Shaded X Flood hazard areas. (see map)

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 tract to be rezoned from FA, Flood Hazard Area District and R-20 Residential District to PD, Planned Development District. The total tract is approximately 36.26 acres, 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 17, 08</u>	Application Fee <u>512.60</u>	Receipt No. <u>081866</u>
Application No. _____	Postage Fee <u>41.68</u>	Receipt No. <u>Ø</u>

I. PROPERTY INFORMATION:

Record #: _____ Current Zoning District: R-20 / FA

Tax Map #: 3255-24-7200-0000 Requested Zoning District: PD

Lot #: _____ Acreage to Be Rezoned: 36+ Acres

Total Acreage of Tract: 36+ 36.26 acres

Property Location: From 40 take ^{Hwy} 1210 go East 2 miles - cross Cape Fear River
(Property is on (B))

Reason for Rezoning: Re zoning to PD to compliment surrounding Area.

II. REQUIRED NAMES:

Applicant <u>Vaughn King</u>	Owner <u>Wesley M. Williams</u>
Address <u>324 S. Wilmington St #101</u> <u>Raleigh, NC 27601</u>	Address <u>8635 Tuttle Road</u> <u>Springfield Va 22152</u>
Phone <u>843-742-3178</u> Fax _____	Phone <u>703 609 1651</u> Fax _____
Email <u>VaughnKing@BellSouth.net</u>	Email <u>WWilliams90@hotmail.com</u>

Legal Relationship of Applicant to Property Owner: Pending Purchaser

III. SIGNATURE OF OWNER & APPLICANT:

[Signature] [Signature] Vaughn King

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

April 17, 2008

Dear Neighbor,

It is to all our delight that I would like to announce that I am applying to rezone Parcel Id # 3255-24-7200-0000 from R-20 to PD.

First and foremost, the reason for my rezoning is to ensure that all of us within our community maintain truthfulness and realism within preserving our ever so blessed Cape Fear River habitat. While insuring that we all continue to move forward with our old fashioned values it is crucial we all use our land in an ongoing and purposeful manner.

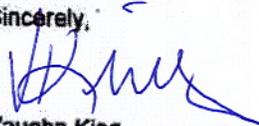
I am asking for your support for the utmost appropriate use of land throughout the entire neighborhood and call for unity and uniform zoning.

Your endorsement is making this a reality by dictating together the way we all want our land to remain cherished and valued. My intention is to have you join the team so we may all establish uniform zoning, orderly development, conservation of open space, and provision of attractive living environment.

After all, at the end of a long days work, what it is that we all stand for? Freedom, ownership, preservation, joy, convenience and most importantly a good nights rest.

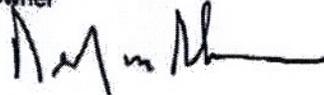
I look forward to meeting you. welcome any questions and desire open communication with each of you.

Sincerely,


Vaughn King
Pending Purchaser

VaughnKing@bellsouth.net
843-742-3178

Wesley M. Williams
Owner



LEGEND:

NIS = IRON/ IRON STAKE
⊙ = PILEH TO GROUND
IP = IRON PIPE
NOTE: TYPED IN RED IN ORIGINAL
MAP BOOK 31 PAGE 24 TRACT 3A
AND TO BRIDGE EAST END.

This plan is a survey of another category, such as the recombination of existing parcels, a coast-ordered survey or other exceptions to the definition of subdivisions and is therefore not subject to regulation by Subdivision Ordinance.

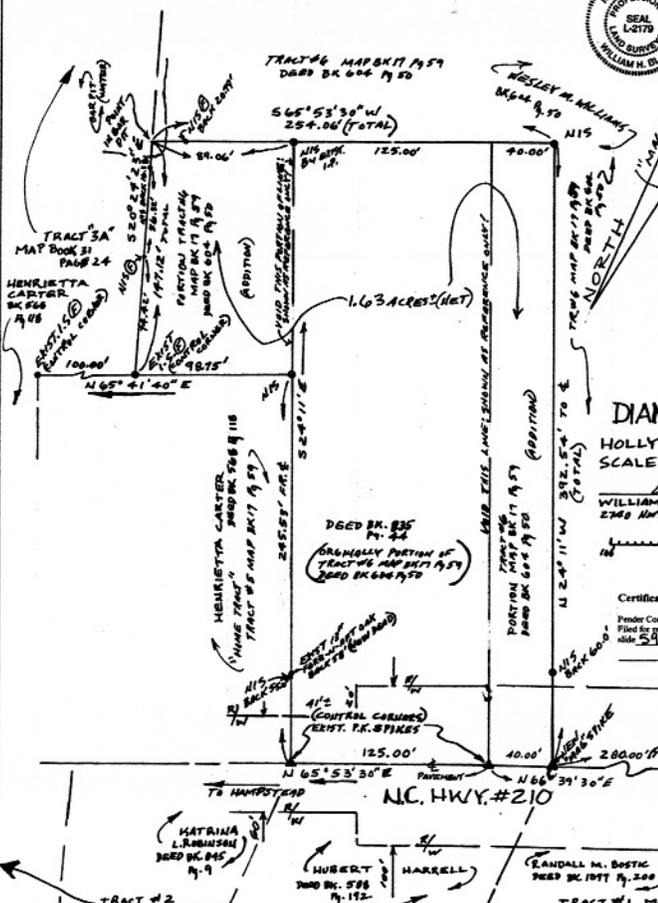
Witness my original signature, registration number and seal this 23 day of MARCH A.D. 2007
WILLIAM H. BLAKE
(Registrar)
L-2179
(Registration Number)
(Seal)



CERTIFICATE OF SURVEY AND ACCURACY (G.S. 47-30)
I, William H. Blake, certify that this plat was drawn by me from an actual survey made by me. From information found in the Pender County Registry, or other sources, that the ratio of precision as calculated is 1:10,000; that the boundaries not surveyed are shown as stated lines as shown; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original Signature, License No., and Seal, the 23 day of MARCH 2007.
William H. Blake
Professional Land Surveyor
N.C. License No. L-2179

Certificate of Ownership and Satisfaction
We hereby certify that we are the owners of the property above and described herein and that we hereby adopt this plan of subdivision with our free consent, establish minimum building lines, and dedicate all streets, alleys, walks, parks and other sites to public or private use as noted herein.

Larry Moore 3-36-07
Dianne W. Moore 3-26-07



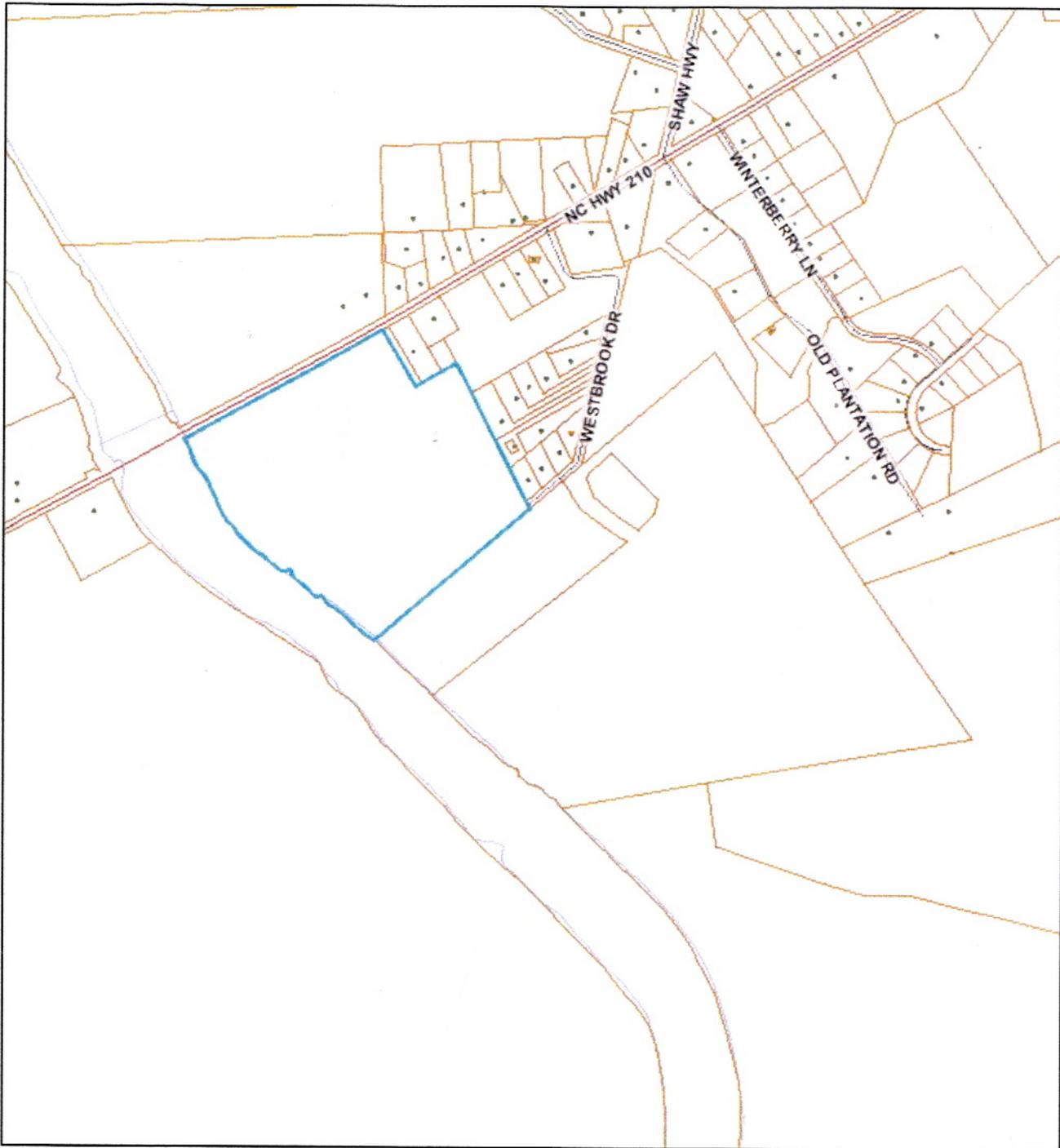
MAP OF SURVEY
FOR
RECOMBINATION
FOR
LARRY MOORE
AND WIFE (JOINT NC 210 EAST)
DIANNE WHITE MOORE (OWNER)
HOLLY TWP. PENDER CO., N.C.
SCALE: 1" = 40'
1 MARCH 2007 FIELD
15 MARCH 2007 MAP
WILLIAM H. BLAKE
WILLIAM H. BLAKE, N.C. PLS # L-2179
2340 HWY 53 WEST, BURGAW, N.C. 28515

STATE OF NORTH CAROLINA PENDER COUNTY
Seal of Warden REVIEW OFFICER of Pender County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.
Date 3-27-07
Personal Identifier Certificate
Personal Identifiers have been issued for all parcels shown on this plat.
3255-24-0831-0000 & 3-27-07
Supervisor Date
3255-24-9311-0000

Certificate of Registration by Register of Deeds
Pender County, North Carolina
Filed for registration on the 23 day of Mar 2007 at 10:10 a.m. and duly recorded in book 44 at page 046.
Joyce M. Switcgood
Register of Deeds
Sharon B. Willoughby, Deputy



m844 P.06 SL 596

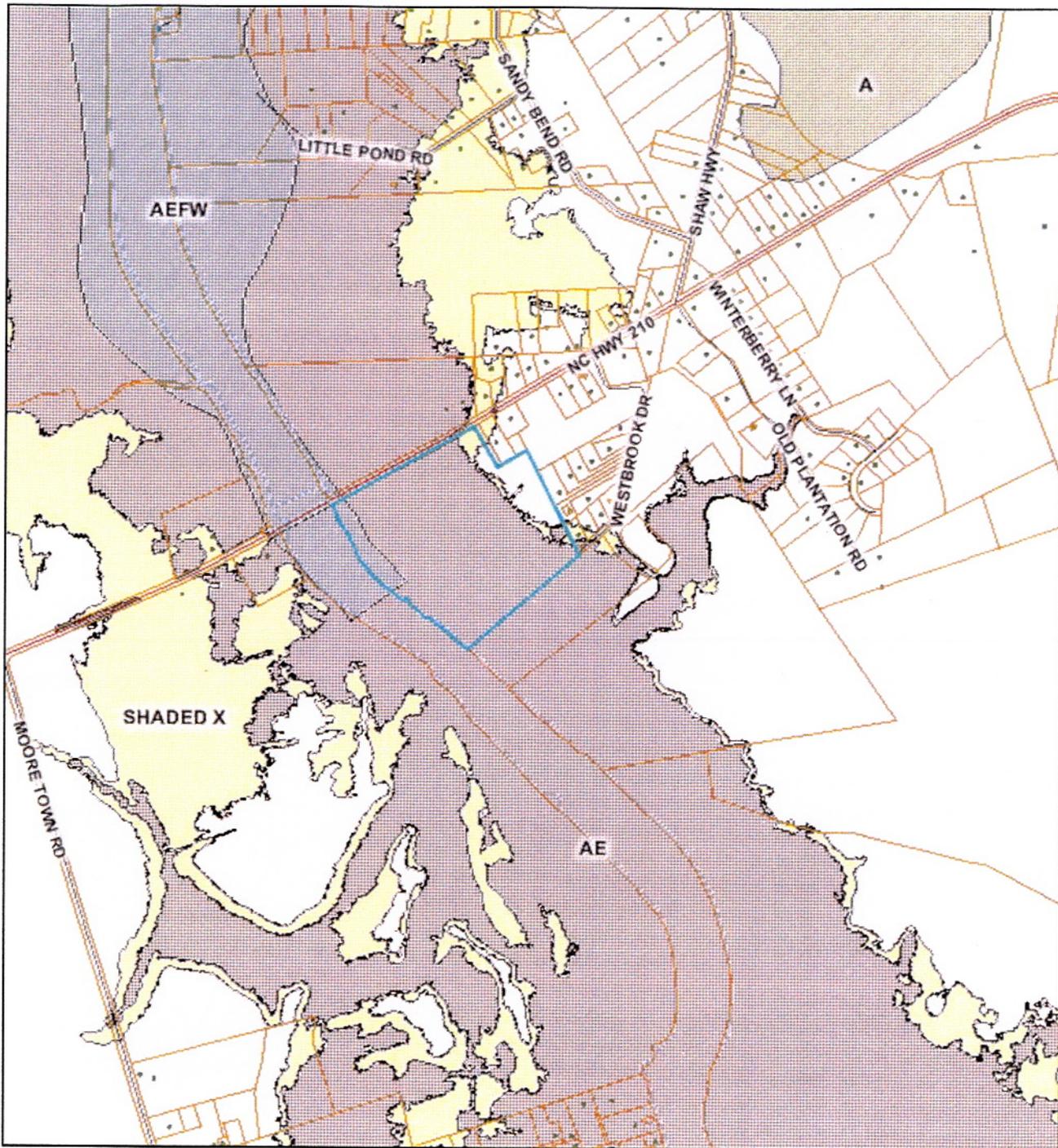


1:862 feet

Pender County GIS



This map is prepared for the inventor of real property found within this jurisdiction and is not intended to provide deed details and other public records and data users of this map are hereby notified that the information provided is only information and 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.

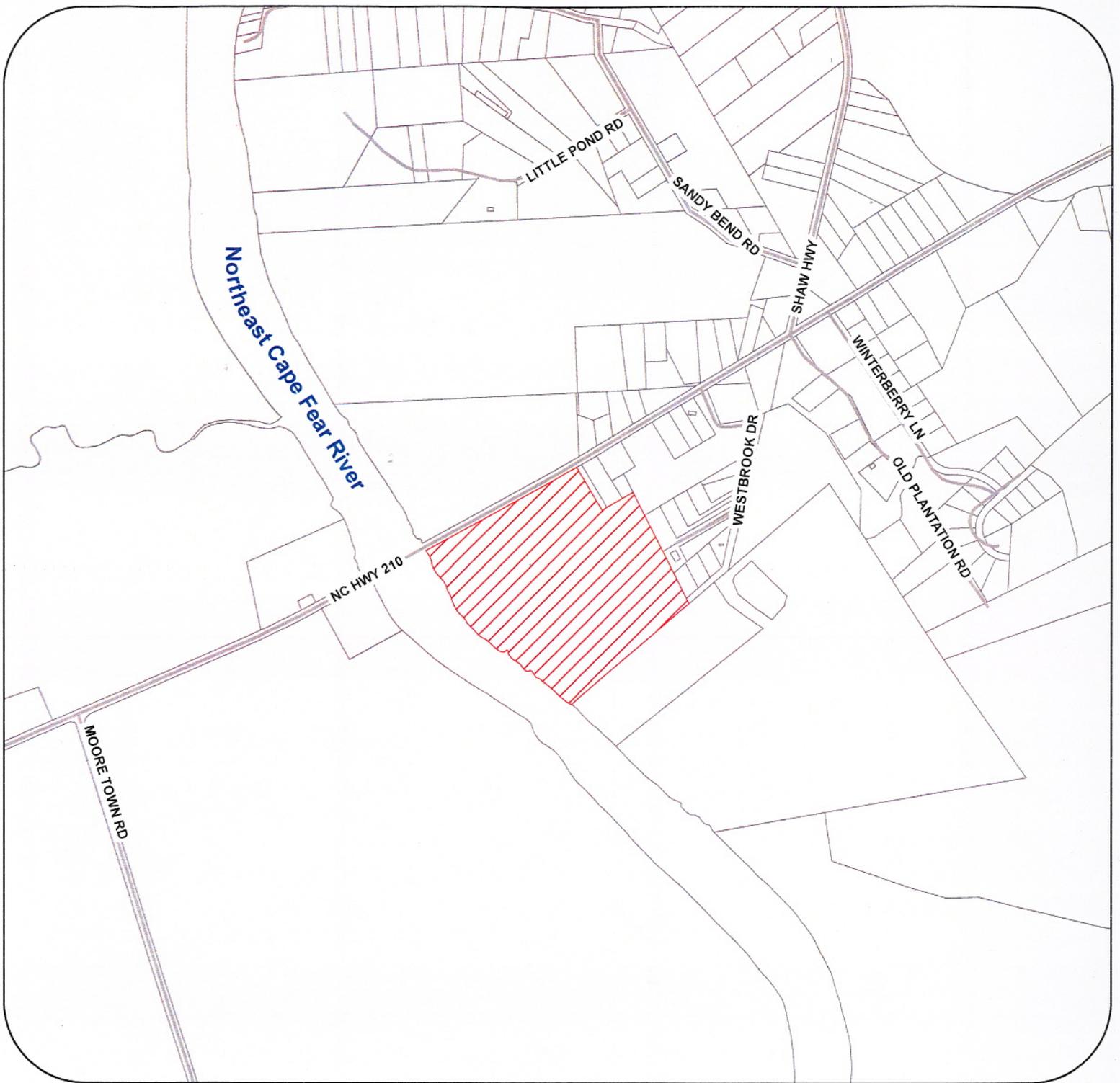


1:1200 feet

Pender County GIS



This map is prepared for the invention 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 original 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.



1 inch equals 1,000 feet

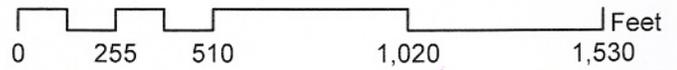
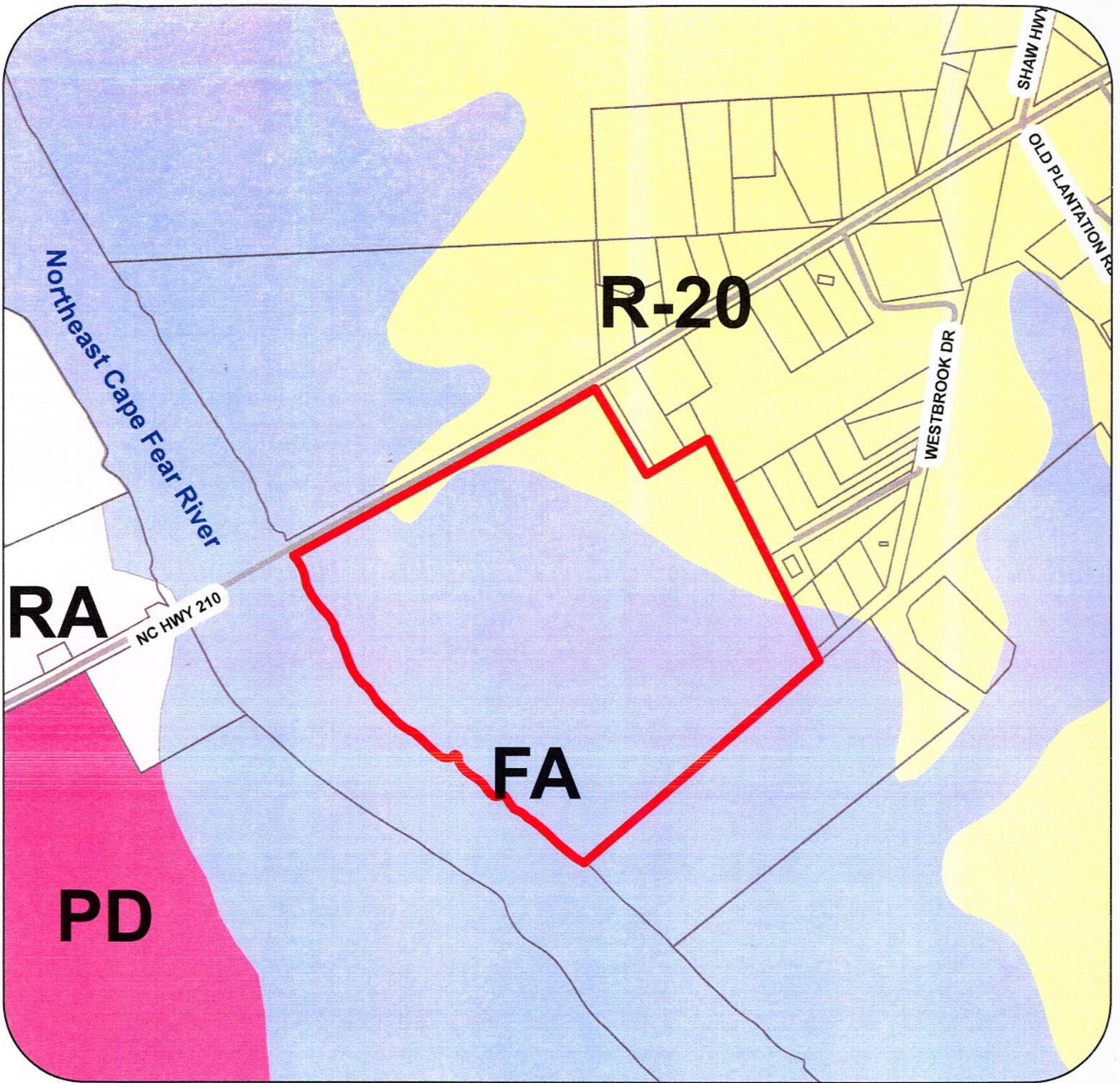
Legend

-  Centerlines
-  Subject Property

Rezoning
From R-20, FA to PD
Wesley M. Williams, Owner
Vaughn King, Applicant



Vicinity Map



1 inch equals 500 feet

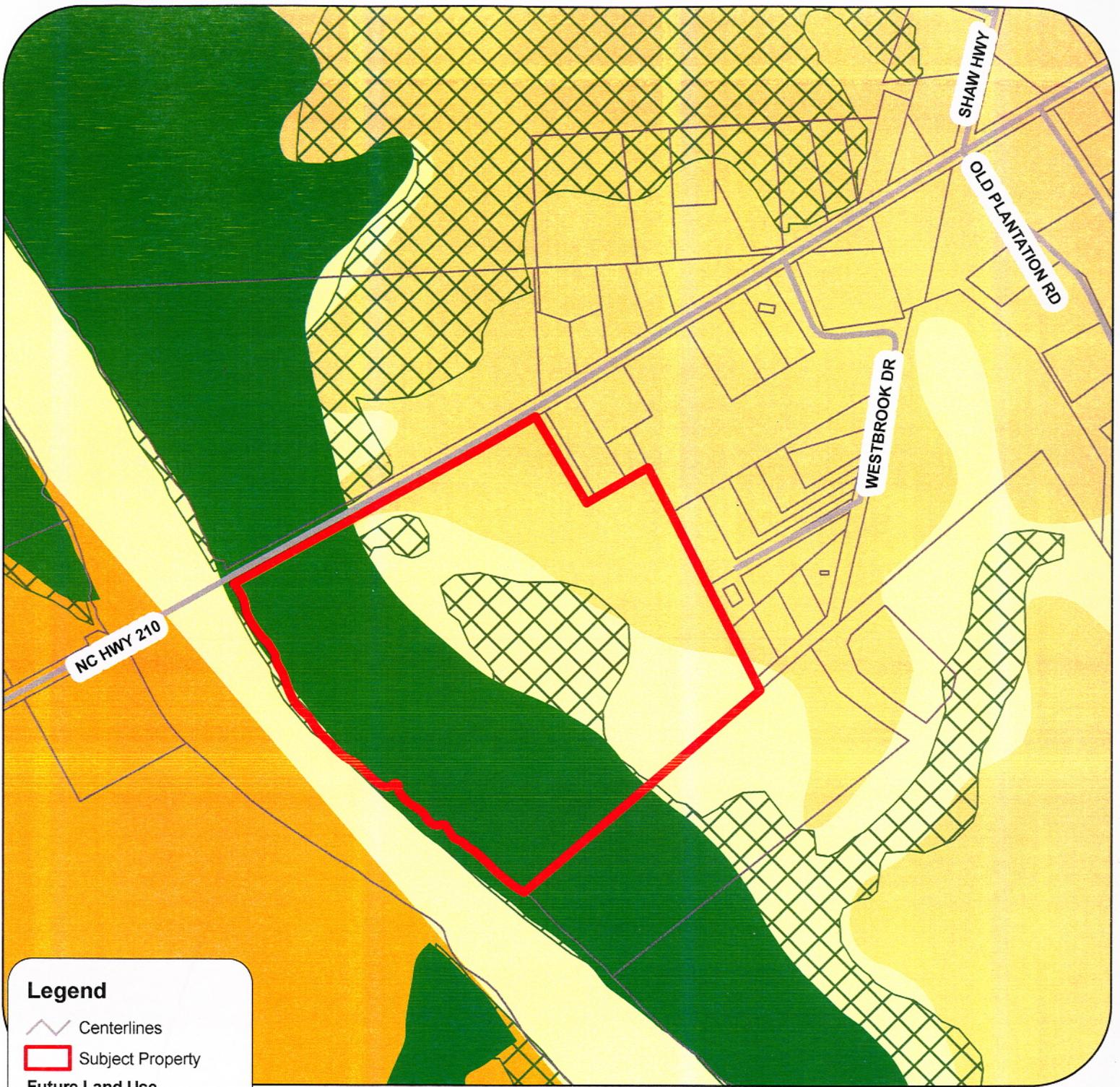
Legend

- Centerlines
- Subject Property



Rezoning
From R-20, FA to PD
Wesley M. Williams, Owner
Vaughn King, Applicant

Zoning Classification



Legend

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

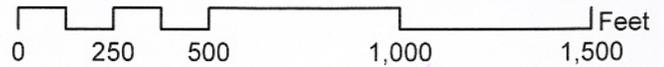
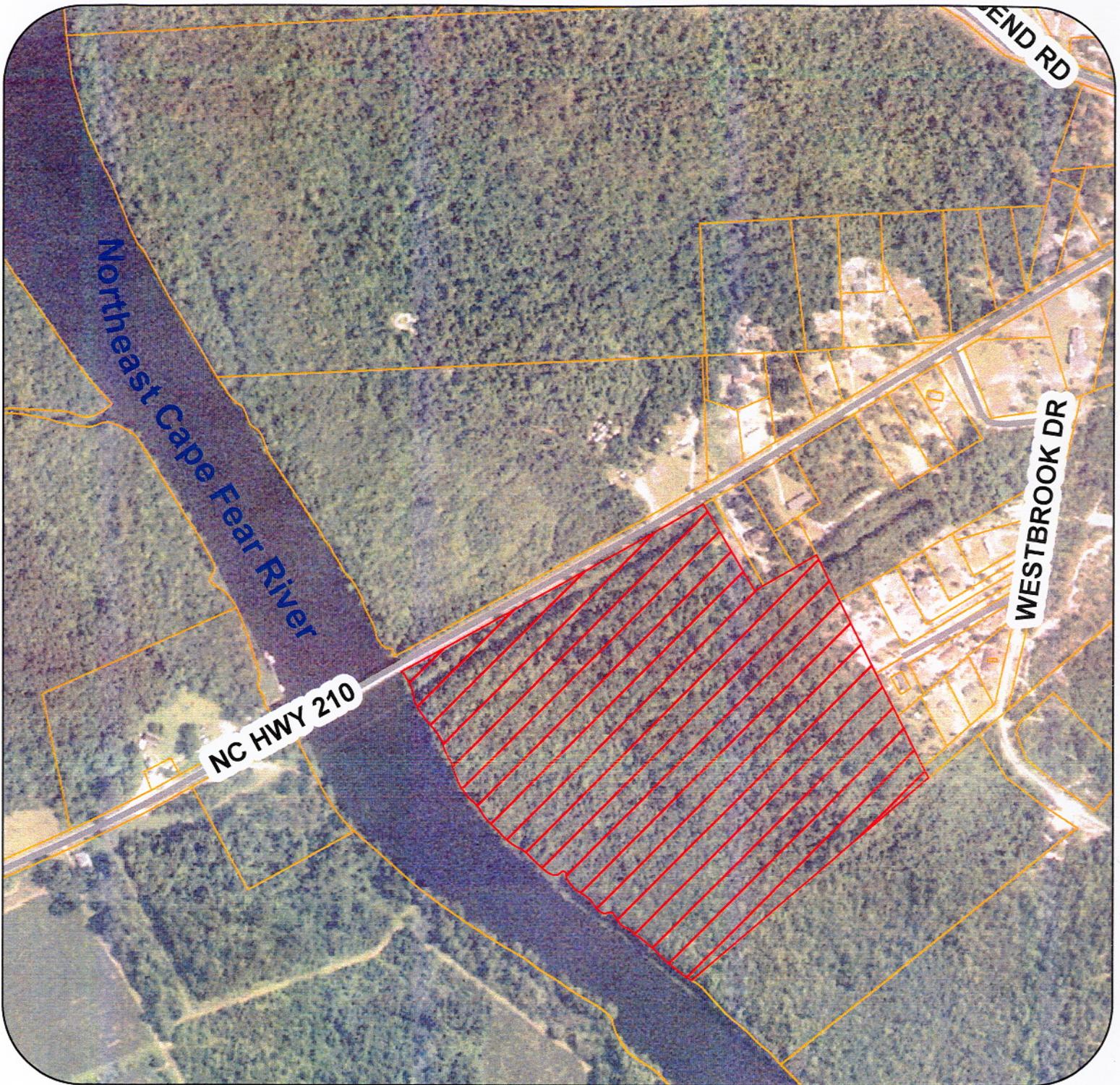


1 inch equals 500 feet

Rezoning
From R-20, FA to PD
Wesley M. Williams, Owner
Vaughn King, Applicant

Future Land Use





1 inch equals 500 feet

Legend

-  Centerlines
-  Subject Property



Rezoning
From R-20, FA to PD
Wesley M. Williams, Owner
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2006 Color Orthos