

INTRODUCED BY: Planning Staff DATE: August 5, 2008 ITEM NO: **# 2**

TITLE: Zoning Map Amendment, Stephen Carpenter (82.47 acres off US Highway 17)

SUBJECT: **PROPERTY PARCEL ID NOs:** 4214-13-2528-0000, 4204-95-5947-000L, 4214-13-6809-0000, 4214-14-7062-000L, 4204-94-9912-0000, 4214-23-2200-0000, 4204-95-0573-0000

APPLICANT: Stephen Carpenter with H. Burkert & Co.

OWNER: Jeffrey L. Morris

ACTION REQUESTED: Applicant is requesting multiple tracts be rezoned from R-20, Residential District to PD, Planned Development District.

HISTORY/BACKGROUND:

Location of Property: The property is located on the south side of US Highway 17, north of Topsail Greens Drive and south of Edens Lane (see attached vicinity map and boundary survey).

Description of Proposal: The proposal consists of rezoning multiple tracts totaling 82.47 acres from R-20, Residential District to PD, Planned Development District. This request is being made in order to create a unified zoning district of several tracts under common ownership. The intent is to allow for subdivision development consistent with the district requirements of the Planned Development zoning district (see attached zoning map and applicant's narrative).

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 bounded immediately by PD zones on the northwest and southwest sides. The immediate northeastern and southeastern sides are bounded by R-20 zones.
- C) Existing Land Use in Area:** The property is located on US Highway 17 and is bounded by residential development on all sides except for the portion of property fronting Highway 17.
- D) 2005 Land Use Plan Compliance:** The 2005 Land Use Plan classifies this property as an Urban Growth Area with very limited Conservation II areas. This rezoning request is consistent with the 2005 Land Use Plan (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. The proposed rezoning does meet the standards of Section 5.3 of the Zoning Ordinance (See Section 5.3 attached).
- F) Summary & Staff Recommendation:** The proposal consists of rezoning multiple tracts totaling 82.47 acres. The request complies with the criteria set forth in Section 5.3 of the Zoning Ordinance. The request is also consistent with the 2005 CAMA Land Use Plan. Therefore, staff recommends that the request be approved.
- G) Pender County Planning Board Recommendation:** The Pender County Planning Board is requested to hold a public hearing on this rezoning request.

Planning Board



Motion: _____ Seconded _____

Approved: _____ Denied: _____ Unanimous _____

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

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on August 18, 2008, the Pender County Board of Commissioners (approved, modified, denied) a rezoning request for property 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.

AMENDMENTS:

MOVED _____ **SECONDED** _____

APPROVED _____ **DENIED** _____ **UNANIMOUS** _____

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

James David Williams, Jr.,
Chairman 8-18-08
Date

ATTEST _____ 8-18-08
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>6/10/08</u>	Application Fee <u>\$ 1,012.50</u>	Receipt No. <u>081893</u>
Application No. <u>—</u>	Postage Fee <u>(included in App. Fee)</u>	Receipt No. <u> </u>

I. PROPERTY INFORMATION:

Record #: _____ Current Zoning District: R-20

Tax Map #: multiple tracts (see Appendix A) Requested Zoning District: PD

Lot #: _____ Acreage to Be Rezoned: 82.47 ac

Total Acreage of Tract: multiple tracts = 107.84 ac

Property Location: Located on the east side of US Hwy 17 north of Topsail Greens Drive.

Reason for Rezoning: To create a unified zoning district for several tracts under common ownership; PD Zoning will also allow for an innovative subdivision design using LID practices.

II. REQUIRED NAMES:

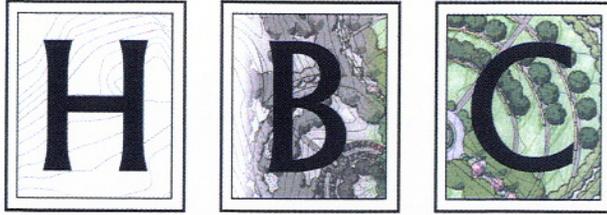
Applicant <u>Stephen Carpenter (H. Burkert & Co.)</u>	Owner <u>Jeffrey L. Morris</u>
Address <u>668 Midway Road</u>	Address <u>PO Box 280</u>
<u>Bolivia, NC 28422</u>	<u>Hampstead, NC 28443</u>
Phone <u>910.253.9515</u> Fax <u>910.253.9386</u>	Phone <u>910.270.4445</u> Fax <u>910.270.9737</u>
Email <u>stephen@hburkert.com</u>	Email <u>stephen@hburkert.com</u>

Legal Relationship of Applicant to Property Owner: Consultant

III. SIGNATURE OF OWNER & APPLICANT:

[Signature] [Signature]

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



H. BURKERT & CO.

PLANNING • CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE
CHARLOTTE • COASTAL CAROLINAS • LATIN AMERICA
hburkert.com

June 10, 2008

Mr. Patrick Davenport
Director
Pender County Planning Department
805 South Walker Street
Burgaw, NC 28425

Subject: Jeffrey L. Morris Rezoning – 82.47ac – R-20 to PD

Mr. Davenport,

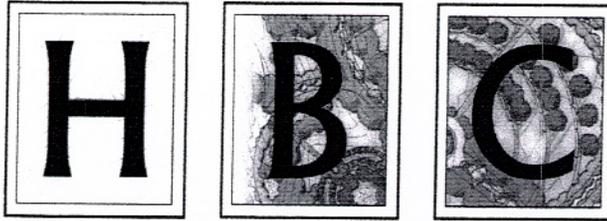
Enclosed is an application and supporting documentation for the rezoning of approximately 82.47 acres of land from R-20 to PD. Each individual tract is listed in the enclosed Appendix A. The proposed rezoning will create a unified zoning district for several tracts under common ownership and is considered an extension of an existing zoning district. Furthermore, PD zoning will also allow for an innovative subdivision design utilizing low impact design techniques and practices.

The applicant has included all fees and postage as required by the Pender County Zoning Ordinance. In addition, a separate letter has been sent to the Topsail Greens Home Owners Association detailing the applicant's proposal. If you have any questions or concerns please do not hesitate to contact Mr. Morris or Stephen Carpenter at the numbers listed below.

Sincerely,

Stephen Carpenter (applicant)
910.253.9515

Jeffery L. Morris (owner)
910.270.4445



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CHARLOTTE • COASTAL CAROLINAS • LATIN AMERICA
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June 10, 2008

Topsail Greens Community Association
PO Box 70
Hampstead, NC 28443

Subject: Jeffrey L. Morris Rezoning – 82.47ac – R-20 to PD

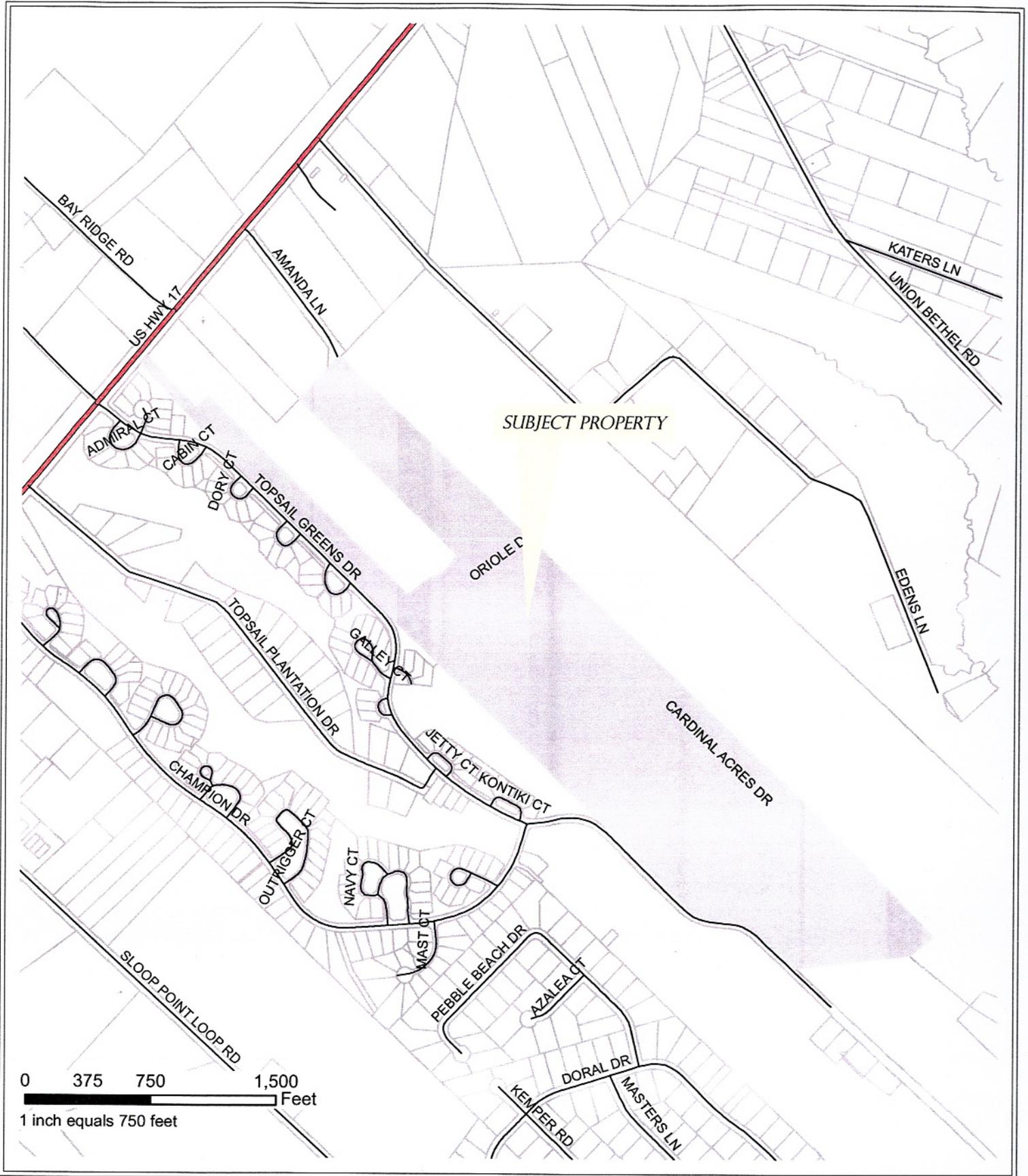
To Whom It May Concern:

Hello my name is Stephen Carpenter. I am a professional land planner working on behalf of Jeffrey Morris to facilitate the rezoning of approximately 82 acres of land northeast of Topsail Greens from R-20 to PD. The Topsail Greens Community Association is considered an adjacent property owner to Mr. Morris and thus we were required to legally notify you of the rezoning. While the Pender County Zoning Ordinance requires that we notify all adjacent property owners it does not require that we notify property owners separated by a road or another piece of property (i.e. – Topsail Greens Drive). We felt that it was important to further notify the property owners across Topsail Greens Drive even though we are not legally required to do so. Therefore, in lieu of a legal notification, we would ask that you please distribute a copy of this letter to the homeowners located on Breakers Ct., Cabin Ct., Dory Ct., Ensign Ct., Fathom Ct., Galley Ct. and anyone else you feel may be affected by this rezoning. I will also offer to personally speak to any of your property owners over the phone and I am willing to attend a home owners meeting at your discretion. Please understand that this rezoning is an attempt to create a unified zoning district for several tracts of land under common ownership. Also understand that it is not Mr. Morris's goal to develop the property to the maximum density allowed under PD Zoning and it is unlikely that such a development would be approved anyways. Mr. Morris simply wishes to utilize the tools and flexibility allowed under the PD zoning to develop the property in a manner that would not be possible under the current R-20 standards. In fact you and your property owners will be able to exert considerably more influence on the development of the tract through the PD process than you ever would under the current R-20 standards. R-20 standards allow for a subdivision to be approved with little to no oversight or public involvement. PD Zoning on the other hand requires significantly more quasi-judicial oversight and public involvement is mandatory. Again, if you have any questions or would like for me to attend a home owners meeting please do not hesitate to contact me at 910.253.9515.

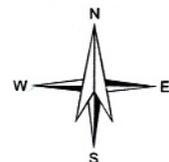
Sincerely,

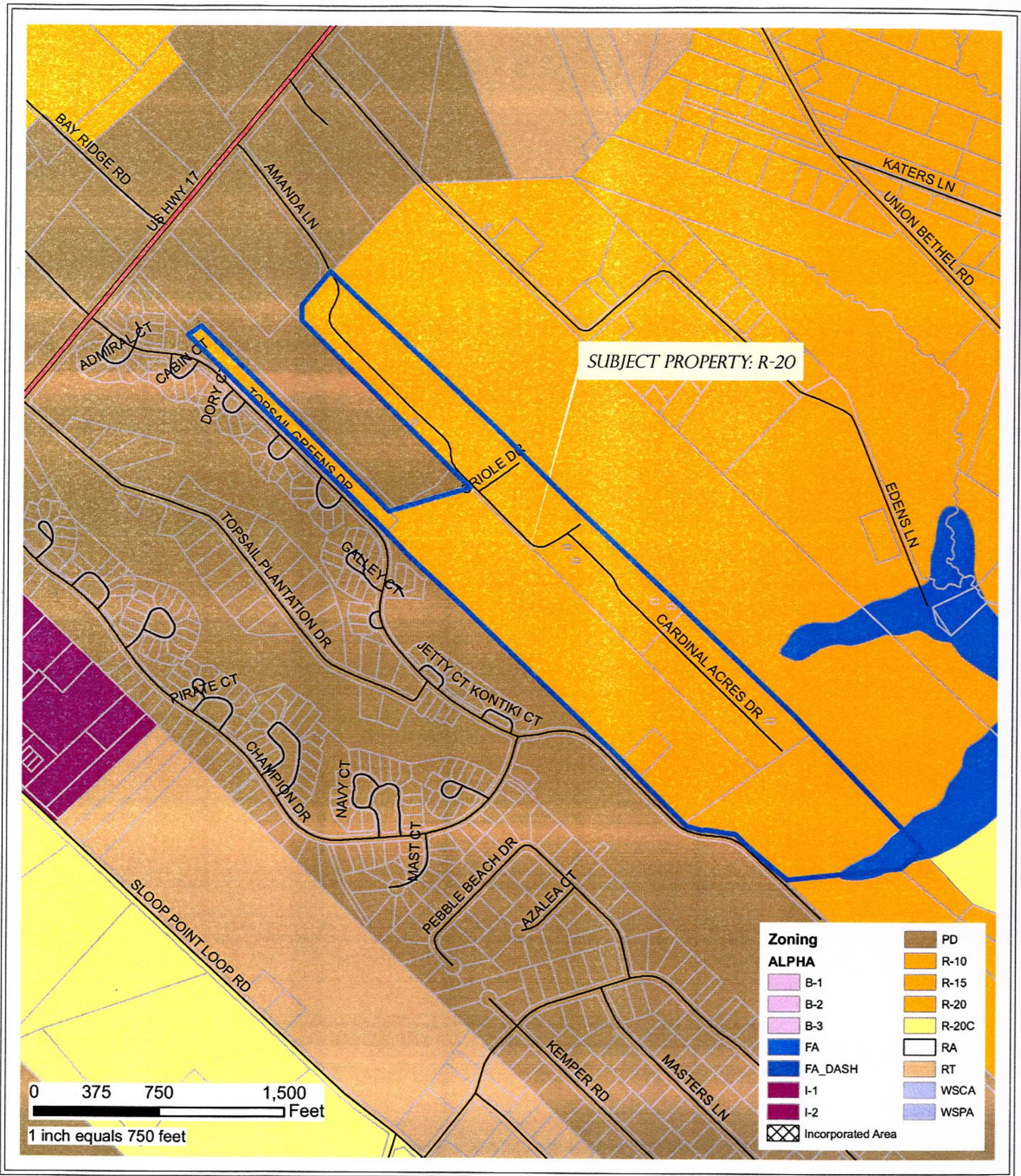
Stephen Carpenter

668 Midway Road • Bolivia, North Carolina 28422
Tele 910.253.9515 – Bolivia • 910.763.4600 – Wilmington • Fax 910.253.9386
E-mail: hbc@hburkert.com
www.hburkert.com



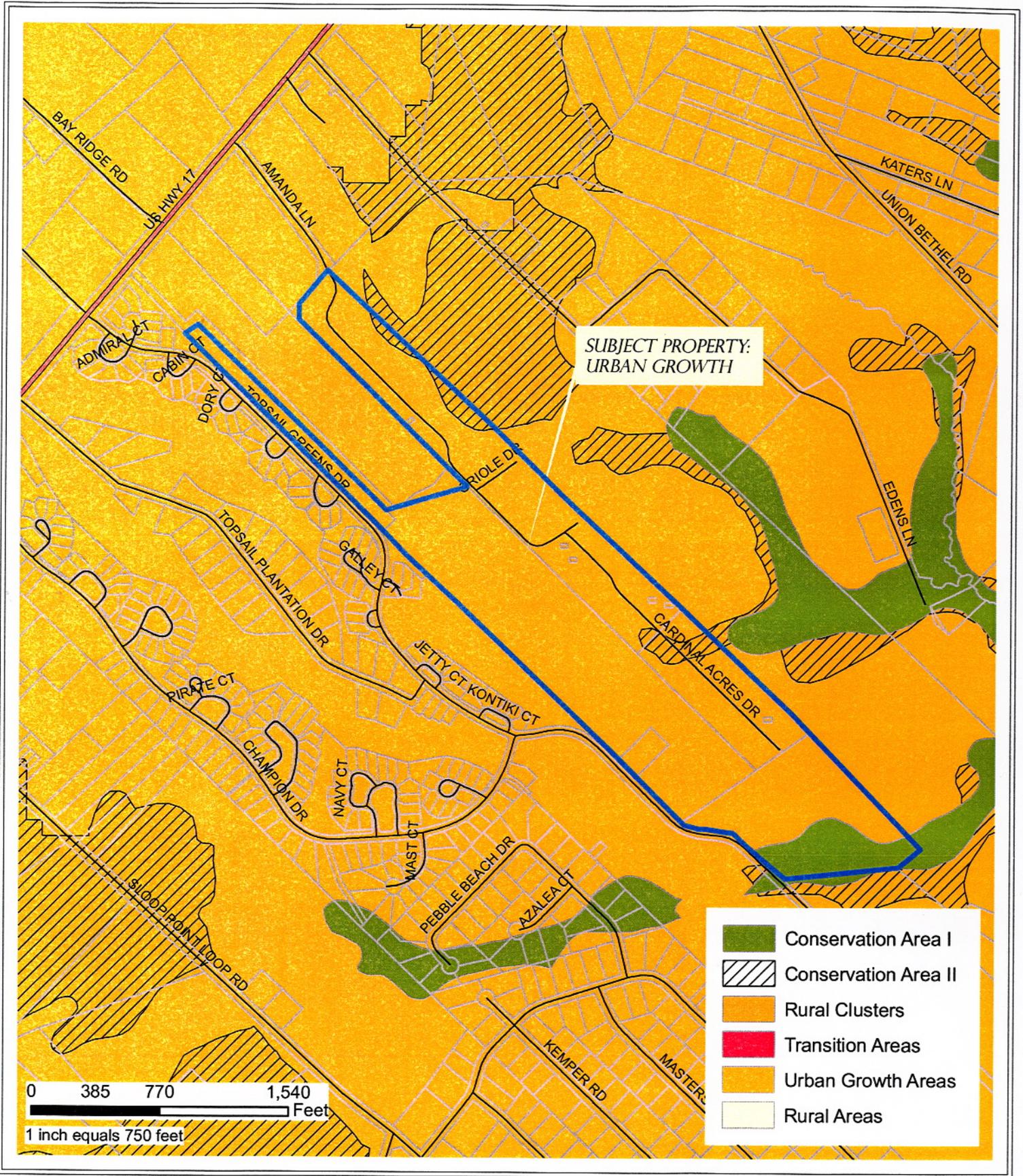
**ZONING MAP AMENDMENT
US HIGHWAY 17/ TOPSAIL GREENS
VICINITY MAP**



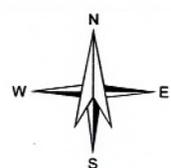


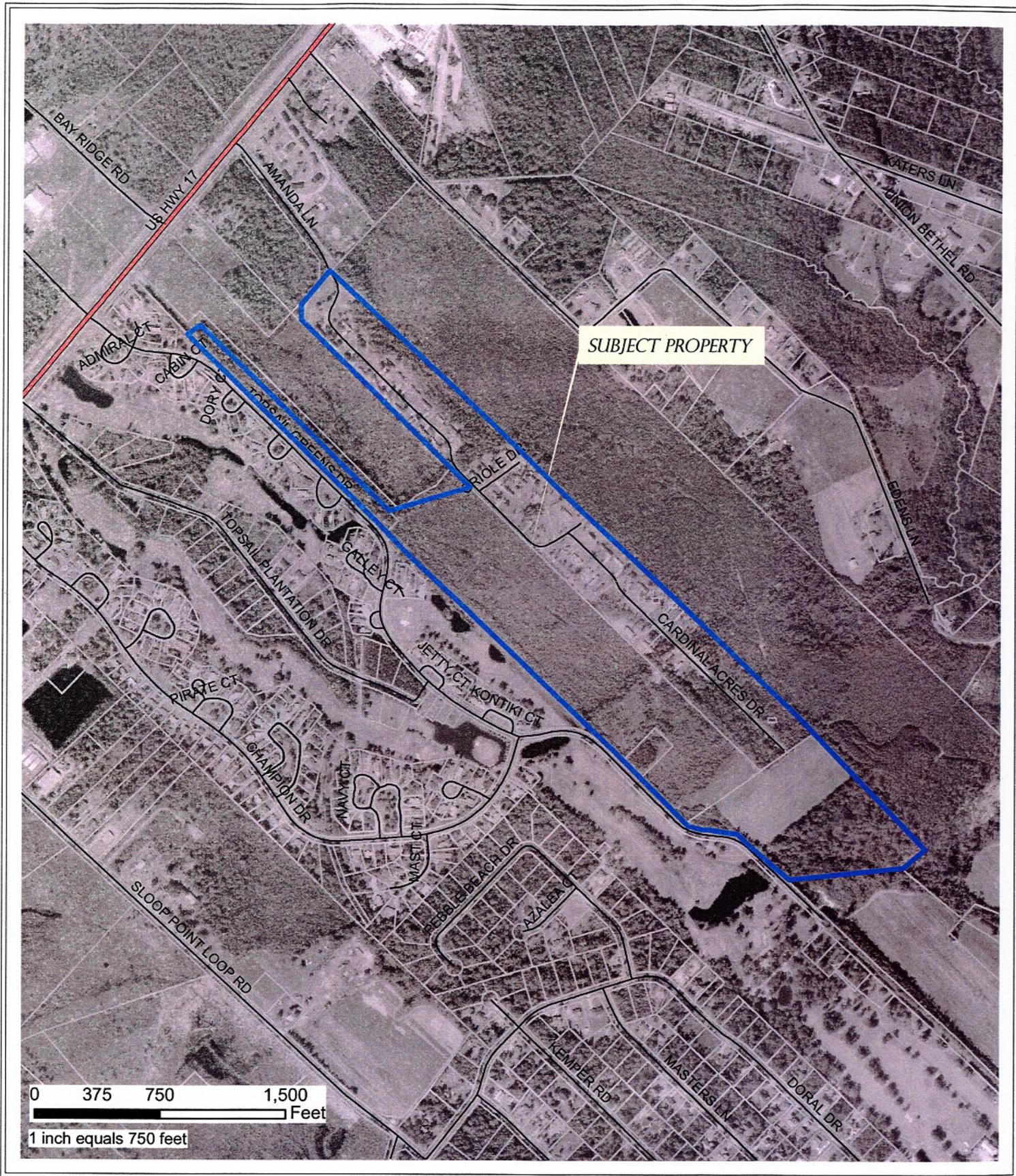
**ZONING MAP AMENDMENT
US HIGHWAY 17/ TOPSAIL GREENS
ZONING MAP**



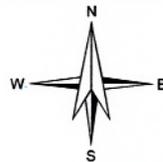


**ZONING MAP AMENDMENT
US HIGHWAY 17/ TOPSAIL GREENS
CAMA LAND USE MAP**





**ZONING MAP AMENDMENT
US HIGHWAY 17/ TOPSAIL GREENS
ORTHOS**

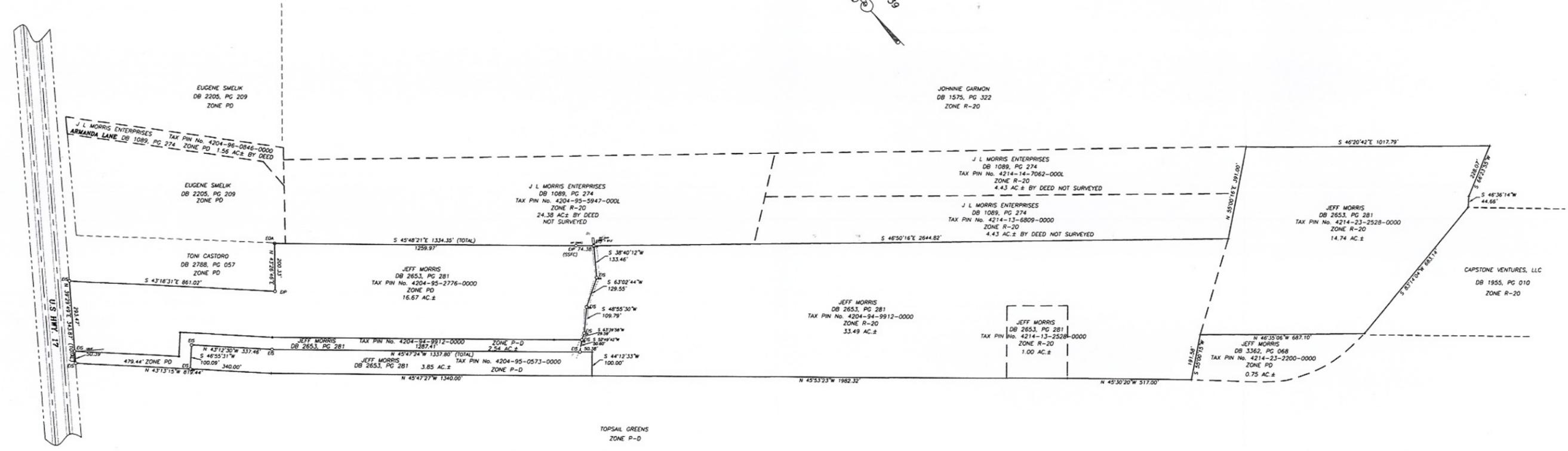
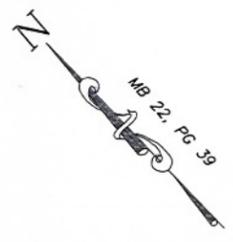
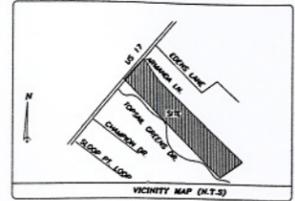


SURVEY REFERENCE:

DEED BOOK 2512 AT PAGE 181
 DEED BOOK 2653 AT PAGE 281
 MAP BOOK 22 AT PAGE 33
 MAP BOOK 22 AT PAGE 39
 PENDER COUNTY REGISTRY

NOTES:
 1. CORNERS ARE MARKED AS NOTED ON MAP.
 2. ALL DISTANCES ARE HORIZONTAL FIELD MEASUREMENTS.
 3. AREA COMPUTED BY THE COORDINATE METHOD.

- LEGEND:**
- EP (EXISTING IRON PIPE)
 - EIS (EXISTING IRON STAKE)
 - ISS (IRON STAKE SET)
 - NGCS GRID MONUMENT
 - N&C (NAIL & CAP)
 - MAG (EXISTING MAG NAIL)
 - SN&C (SET NAIL & CAP)
 - EOA (EXISTING OLD AXLE)
 - (SSPC) DENOTES SUBSURFACE PROPERTY LINE
 - NON-SURVEYED LINE
 - EASEMENT LINE
 - RIGHT OF WAY LINE
 - DITCH LINE
 - CREEK OR BRANCH LINE



PROPOSED REZONING MAP
 FOR
JEFFREY L. MORRIS

TOPSAIL TOWNSHIP - PENDER COUNTY - NORTH CAROLINA
 SCALE: 1" = 200' APRIL, 2008



SPECIAL NOTES:
 TOTAL AREA: 107.84 AC.±
 ZONE P-D: 25.37 AC.±
 ZONE R-20: 82.47 AC.± (OF WHICH 33.24 AC.± IS A EXISTING MOBILE HOME PARK)

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 111 East Fremont Street
 Bangor, NC 28425
 Ph: (910) 259-2854
 Fx: (910) 259-9040
 Em: jonesurveying@bellsouth.net
 File: MB 22, PG 39