

**PLANNING STAFF REPORT**  
**Zoning Map Amendment**

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**SUMMARY:**

**Hearing Date:** October 7, 2008 – Planning Board

**Applicant:** Martin Marietta Corp.

**Property Owner:** Plum Creek Timberlands, LP A Delaware Ltd. Ptnrp.

**Rezoning Proposal:** Rezone from RA, Rural Agricultural District to I-2, Industrial District (Heavy)

**Property Record Numbers, Acreage, and Location:** The 379 acres to be rezoned is part of a 2,529.87 acre tract. The property is located about 2 miles east of I-40; approximately 3 miles north of the Pender/New Hanover county line (see attached vicinity map and boundary survey).

**Staff Recommendation:** Staff recommends **approval** of the request.

**Planning Board Recommendation:** The Planning Board, at the October 7, 2008 meeting, voted (indicate vote) to pass a recommendation of (**approval/denial**) for this request.

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**DESCRIPTION:**

The proposal consists of rezoning a portion of a tract totaling 379 acres from RA, Rural Agricultural District to I-2, Industrial District (Heavy). This general use rezoning request is being made in order to extend the existing I-2 zoning district to the remaining portion of the tract (see attached zoning map and applicant's narrative). According to the 2005 CAMA Land Use Plan, industrial development shall be located in areas that will not diminish the desirability of existing and planned non-industrial uses, nor shall incompatible non-industrial uses be allowed to encroach upon existing or planned industrial sites. The remainder of this tract is mostly zoned Industrial (I-1; I-2). If rezoned according to the request made, future mining activities on this tract, will require a revision of the current Special Use Permit (SUP).

**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 to the north and east by RA, Rural Agricultural District. To the south is zoned FA, Flood Hazard Area, which loosely mimics the AE Flood Zone as prescribed by the FEMA FIRM maps, adopted February 2007. The western border of the property is currently zoned I-2, Industrial District (Heavy) with portions of I-1, Industrial (Light), along the I-40 corridor.
- C) Existing Land Use in Area:* Currently there is a mining operation in effect on the remainder of the 2,529.87 acres on the north and west of the property. The NE Cape Fear River is about 2,000 feet east and southeast of the proposed rezoning.
- D) 2005 Land Use Plan Compliance:* The 2005 Land Use Plan classifies this property as Rural Areas with limited Conservation I & II areas. Any development of this property will take these designated conservation areas in to consideration. 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 a portion of a tract totaling 379 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.

**VOTING AND RESOLUTION:**

**Planning Board**

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

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

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

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED**, that on November 17, 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**

\_\_\_\_\_  
**11-17-08**  
**Date**

\_\_\_\_\_  
ATTEST

\_\_\_\_\_  
**11-17-08**  
DATE

# Pender County Planning Department

805 South Walker Street  
Burgaw, North Carolina 28425

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## PLANNING BOARD APPLICATION FOR ZONING MAP AMENDMENT

Date <u>8/11/2008</u>	Application Fee <u>\$3,940</u>	Receipt No. _____
Application No. _____	Postage Fee <u>\$24.22</u>	Receipt No. _____

### I. PROPERTY INFORMATION:

Record #: portion of 3243-56-6900 Current Zoning District: RA  
Tax Map #: G01 F24 R40 Requested Zoning District: I-2  
Lot #: \_\_\_\_\_ Acreage to Be Rezoned: 379  
Total Acreage of Tract: 2529.87 acres  
Property Location: See attached map  
Reason for Rezoning: To allow mining

### II. REQUIRED NAMES:

Applicant <u>Martin Marietta Corp.</u>	Owner <u>Plum Creek Timberlands, LP</u>
<u>Lessee of Mineral Rights</u>	<u>c/o Craig Albright</u>
Address <u>P. O. Box 30013</u>	Address <u>987 Griswoldville Rd.</u>
<u>Raleigh, NC 27622-0013</u>	<u>Macon, GA 31217</u>
Phone <u>919-781-4550</u> Fax _____	Phone _____ Fax _____
Email _____	Email _____

Legal Relationship of Applicant to Property Owner: Lessee

### III. SIGNATURE OF OWNER & APPLICANT:

Martin Marietta Corp. Plum Creek Timberlands, LP  
by: [Signature] By: SEE LETTER  
(If owner is different from applicant, both signatures are required)

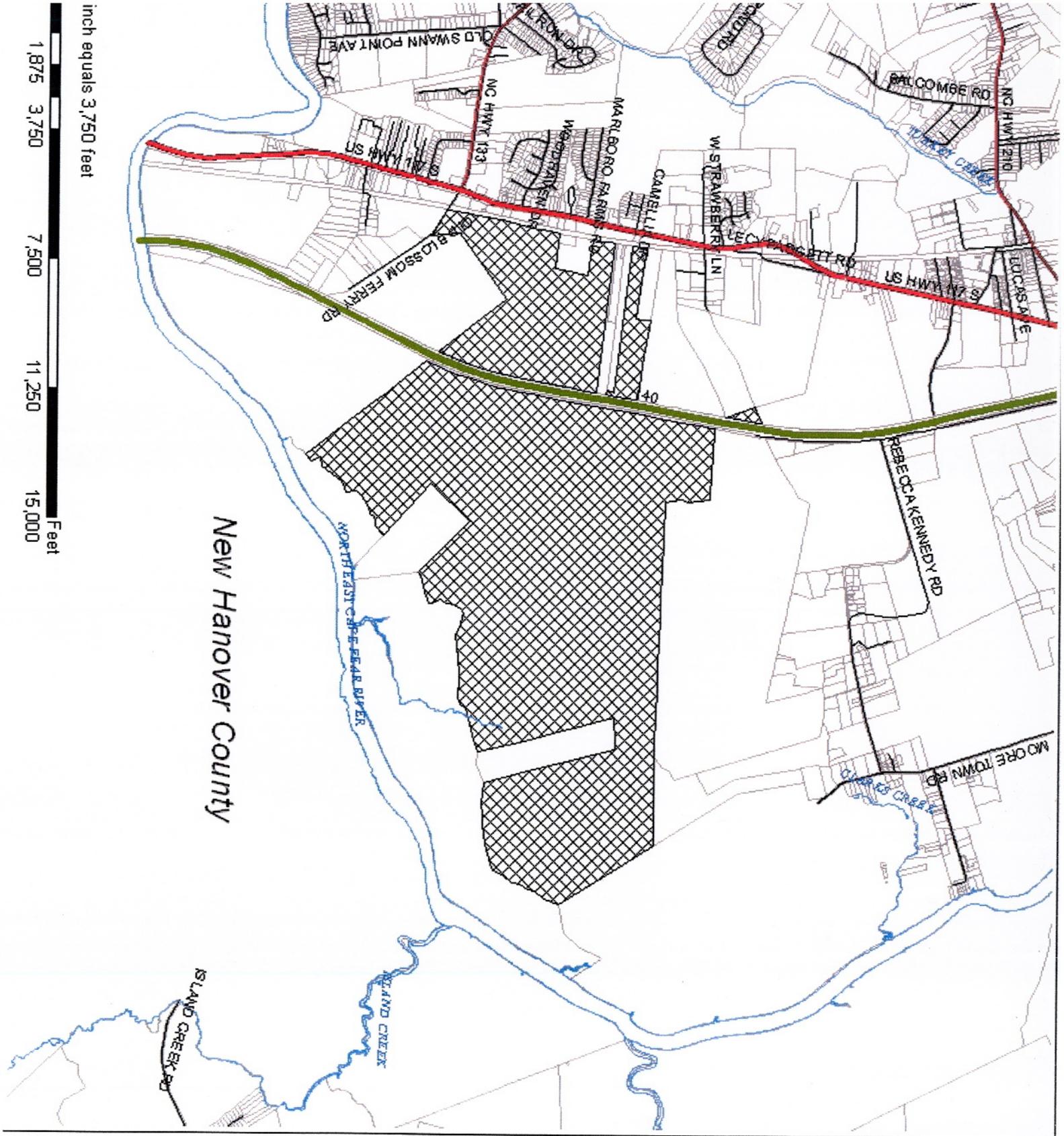


**Applicant -**  
**Martin Marietta Corp.**  
**Lessee of Mineral Rights**

**Zoning Map**  
**Amendment**



**VICINITY MAP**



inch equals 3,750 feet

1,875 3,750 7,500 11,250 15,000 Feet



**Applicant -**  
Martin Marietta Corp.  
Lessee of Mineral Rights

**Zoning Map  
Amendment**

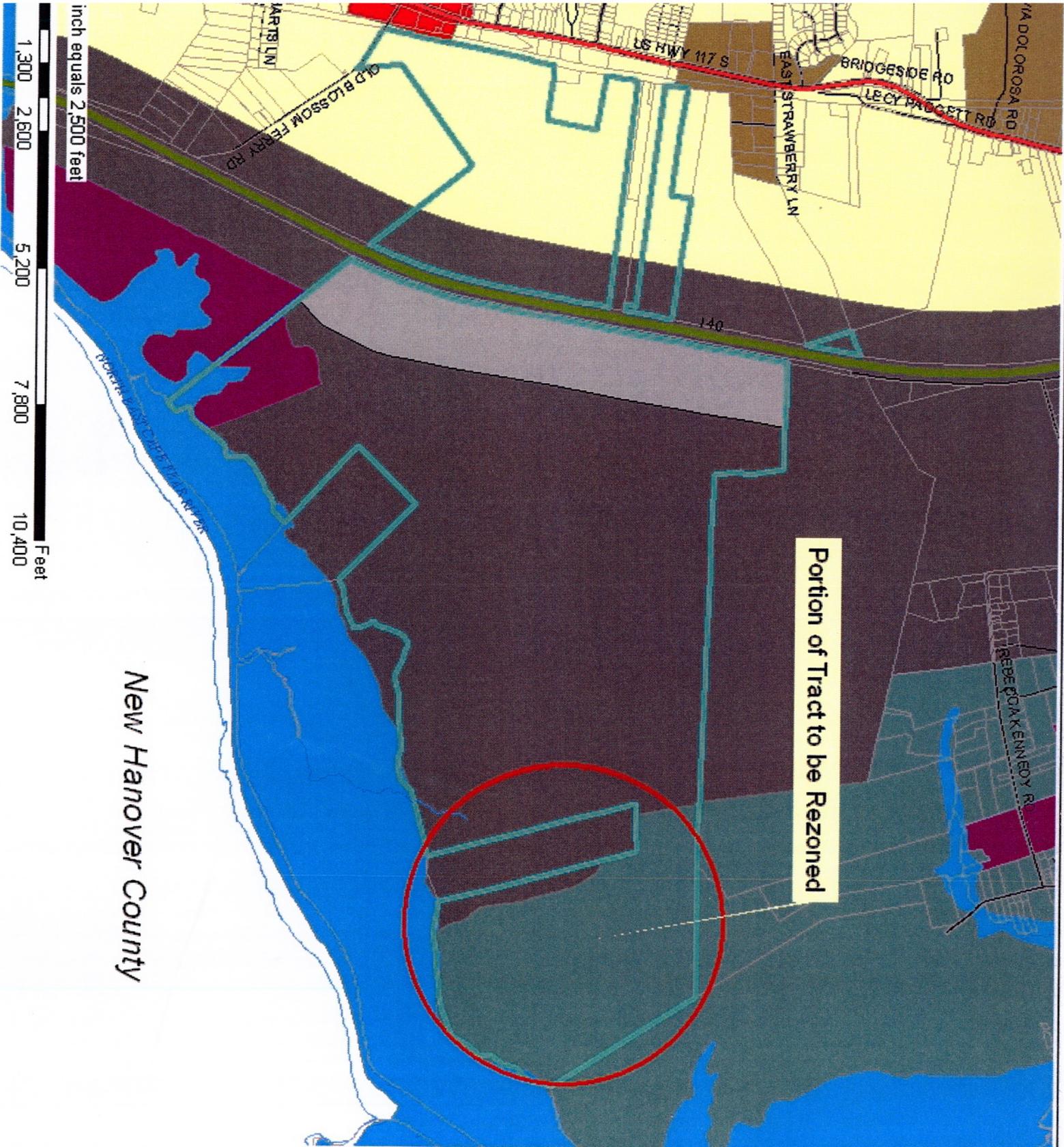
Zoning	
	B-1
	B-2
	B-3
	FA
	FA
	F.A.O.A.C.M.
	H-1
	I-2
	PD
	R-10
	R-15
	R-20
	R-200
	PA
	RT
	WDOA
	WSPA
	Interpolated Area



**ZONING MAP**

New Hanover County

Portion of Tract to be Rezoned





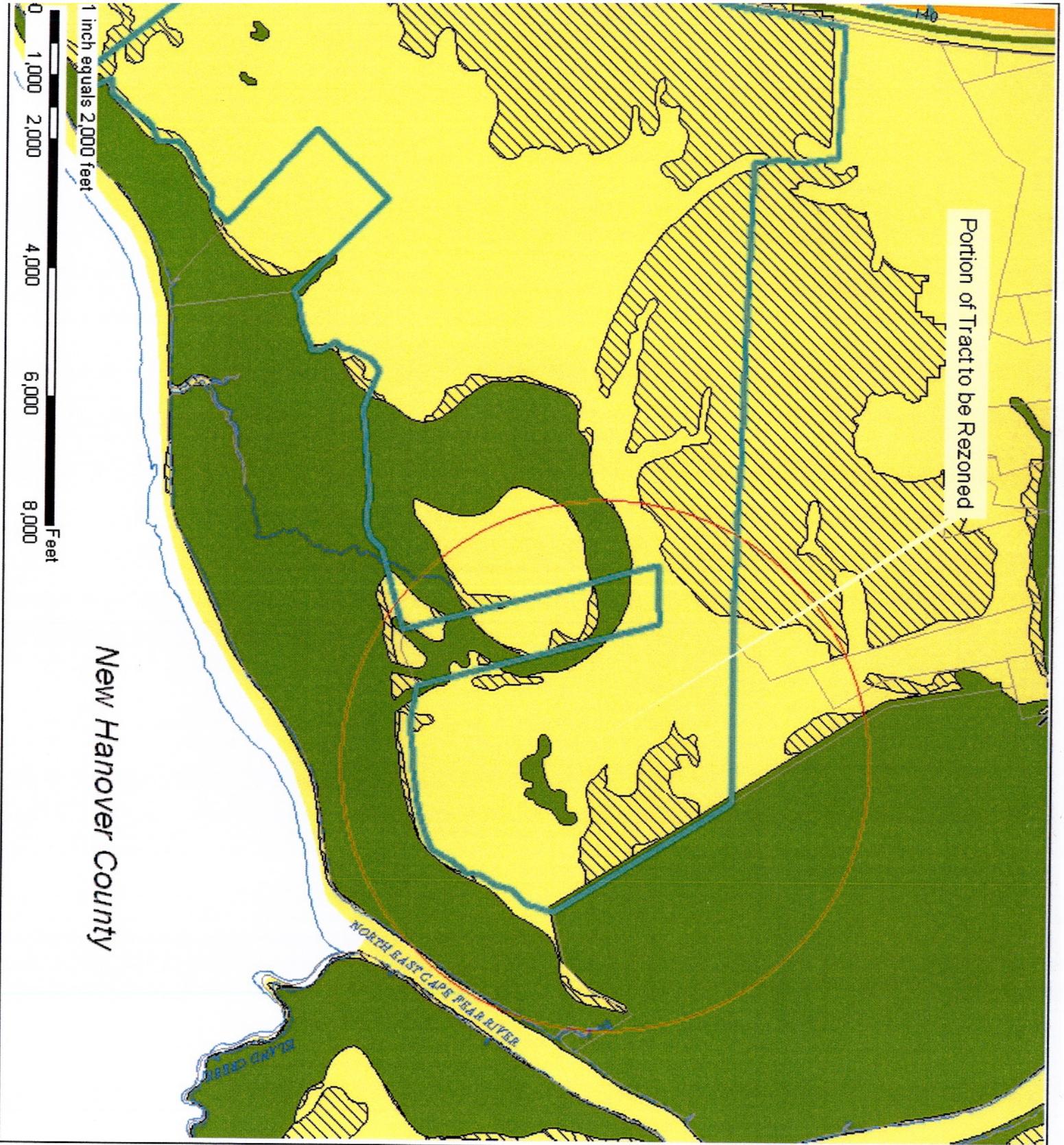
**Applicant -**  
**Martin Marietta Corp.**  
**Lessee of Mineral Rights**

**Zoning Map  
Amendment**

Legend	
	Rural Areas
	Rural Clusters
	Urban Growth Areas
	Transition Areas
	Conservation Area II
	Conservation Area I



**CAMA Land Use**



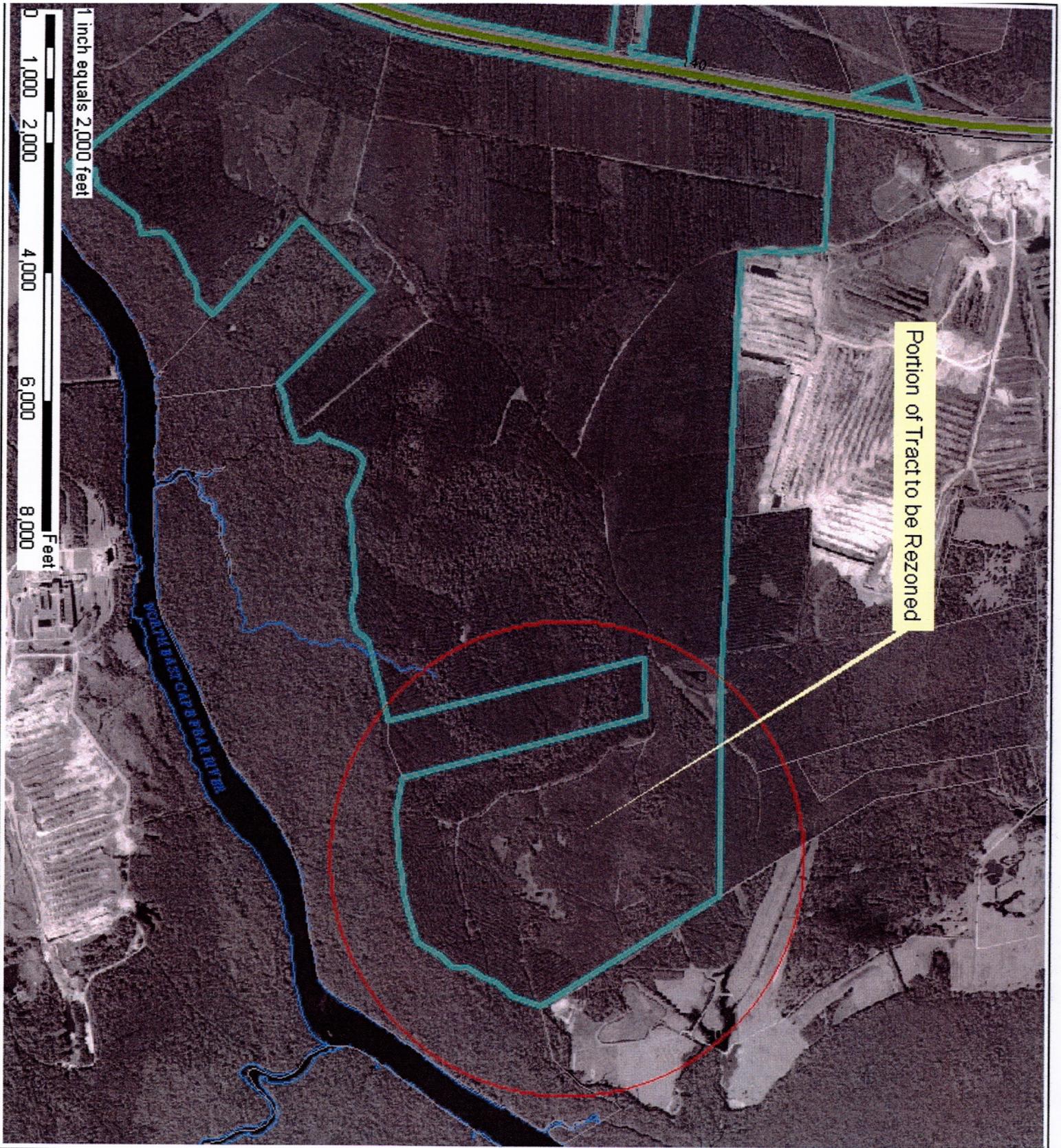


**Applicant -  
Martin Marietta Corp.  
Lessee of Mineral Rights**

**Zoning Map  
Amendment**



**Aerial Map**

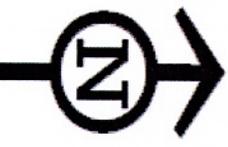




Applicant -  
Stephen Carpenter  
H. Burkert & Co.

Zoning Map  
Amendment  
R-20 to PD

Flood	
	A
	AE
	AEFV
	SHADED X
	VE



Flood Zones

