



AGENDA

Pender County Planning Board Meeting
September 1, 2009
7:00 p.m.

Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina

Note: The Pender County Planning Board Meeting adjourns at 11:00 p.m. Any item not discussed shall be placed on the next regular Planning Board Meeting agenda, unless otherwise stated. The items may not be discussed in the order as shown on the agenda. The agenda may be revised by the Planning Board.

Call to Order: Chairman Reynolds

Roll Call: Chairman Reynolds

Pender County Planning Board Members:

Reynolds ___ Garrett ___ Marshburn ___ Millette ___ Smith ___ Williams ___ Boney ___ Newman ___

1. **Approval of Minutes:** August 4, 2009

Subdivision Review

2. **Minor Subdivision:** Mark Stocks, applicant, on behalf of Kevin Harker, owner, is requesting a 2-Lot Minor Subdivision to be located along an existing access easement in the Equine Acres Subdivision. The minor division is located at 5887 NC Highway 210 (Lot 15), and can be identified as PIN 3264-83-4082-0000. The property is zoned RA Rural Agricultural and is located off of NC Highway 210, in Rocky Point, NC.

**Public Hearings*

3. **PD Master Plan continued from August 4, 2009-** Jeffrey Beaudoin, applicant and owner, is requesting approval of a master plan for an Indoor/Outdoor Recreation Establishment, privately operated. The request is to construct a community aquatic lifestyle center with adjunct facilities. The property is located along the west side of Country Club Drive, ±600' south of Avila Drive, Hampstead, NC. The property is zoned PD, Planned Development, and may be identified as PIN # 4203-36-1126-0000. This item was tabled from the August 4, 2009 meeting.
4. **Zoning Map Amendment** – Sarah Margaret Godwin, applicant and owner, is requesting to rezone one tract, totaling 52.96 acres, from RA, Rural Agricultural District, to R-20,

Residential District. The property is located east of the intersection of Clarks Landing Road (S.R. 1408) and Clarks Landing Loop Road (S.R. 1427), Long Creek Township. The property may be identified as PIN # 3203-79-4539-0000.

5. Discussion Items

- **Planning Staff**
 - Comprehensive Plan project
 - Continued review of Comprehensive Plan Maps and Policies
 - Remaining Project schedule
- **Planning Board Members**
- **Public Comment**

6. Adjournment

2

Minor Subdivision
Harker 2 Lot
Staff Report September 1, 2009

PLANNING STAFF REPORT
Equine Acres Lot 15- 2 Lot Minor Subdivision
Planning Board Hearing

SUMMARY:

Hearing Date: September 1, 2009

Applicant: Mark Stocks

Property Owner: Kevin and Mary Harker

Case Number: PP 09-09-01-04 Stocks

Development Proposal: The applicant, Mark Stocks is proposing a 2 Lot Minor Subdivision, to be located along an existing access easement. The minor division is on a previously divided exempt subdivision, Equine Acres which was created after the effective date of the Pender County Subdivision Ordinance in July 2008.

Location and Land Use: The proposed subdivision is located off of NC Highway 210, in the Equine Acres Subdivision, Rocky Point, NC. The surrounding area is low density residential.

Zoning District of Property: The property is currently zoned RA, Rural Agricultural.

Staff Recommendation: Conditional approval status may be appropriate based on submission of mandatory items for final preliminary plat approval.

Project History:

Equine Acres is an exempt subdivision due to the lot sizes over 10 acres. Phase 1 of Equine Acres was recorded on July 23, 2008 (Map Book 47 Page 145) with a total of 17 lots. The Harker Subdivision would be on Lot 15 of Phase 1. The Pender County Subdivision Ordinance allows the division of land into parcels greater than 10 acres be exempt from the requirements prescribed in the subdivision ordinance.

As Equine Acres, Phase 1 was recorded July 23, 2008, the Subdivision Ordinance prescribes that the division be consider a minor subdivision.

“Three lot subdivisions located on an access easement as defined in this ordinance will be limited to three such parcels (excluding the remnant parcel, if the remnant parcel meets the requirements of this ordinance and the zoning ordinance) being created from any parcel that had been created and recorded in the Registry on the effective date of this ordinance or any parcel that has been created and approved by the Director under the provisions of this ordinance.”

Detailed Proposal Discussion:

The applicant is requesting the previously recorded Lot 15 be divided into 2 lots, Lot 15-A and Lot 15-B. Each lot is approximately 5.11 acres. An existing home site is located on Lot 15-B. Both Lot 15-A and 15-B would be accessed along an existing 60 foot access easement.

The minimum proposed residential lot size is 5.11 acres meeting the district requirement of 43,560 square feet or 1 acre. No open space is proposed and the Pender County Subdivision Ordinance does not require open space in minor subdivisions where the lots size is greater than “three fourths acre or 32,500 square feet”.

Both lots are proposed to be served by individual on-site septic systems and wells, subject to review and approval from Pender County Environmental Health Department.

Staff Recommendation:

Planning Staff is submitting the Preliminary Plat layout for Planning Board review. The submission as presented tonight is sufficient for Planning Board disposition.

Final Preliminary Approval will not be effective until all requirements of preliminary submission as prescribed in the subdivision ordinance are complete, the submission shows compliance with all subdivision and zoning requirements and the Director has signed a copy of the Preliminary Plat. **The approval is also subject to the following conditions, as applicable:**

MINOR SUBDIVISIONS

Minor Subdivision Limitations

The following limitations will apply to all minor subdivisions:

1. All minor subdivisions will be limited to ten parcels being created from any parcel that had been created and recorded (existing parcel) in the Registry on the effective date of this ordinance,
2. This limitation of ten lots will not include any previous or future family subdivisions or other three lot subdivisions that have been or may be divided from the parcel,
3. Division of parcels in excess of 10 parcels from existing parcels will be treated as a major subdivision, unless the remainder of the existing parcel is an exemption to the definition of subdivision,
4. Parcels designated as open space on a recorded plat will not be considered a parcel for the purpose of these limitations,

The remainder parcel when the ten lot restriction is reached shall meet all lot requirements of the Zoning Ordinance, unless it is designated as open space on a recorded plat and has access to a public road, a private street or an access easement as defined in this ordinance.

Submission Requirements

Minor Subdivisions as defined herein shall comply with all submission and other requirements for Major Subdivisions, except for the approval requirements, which are specified below.

Approval Requirements

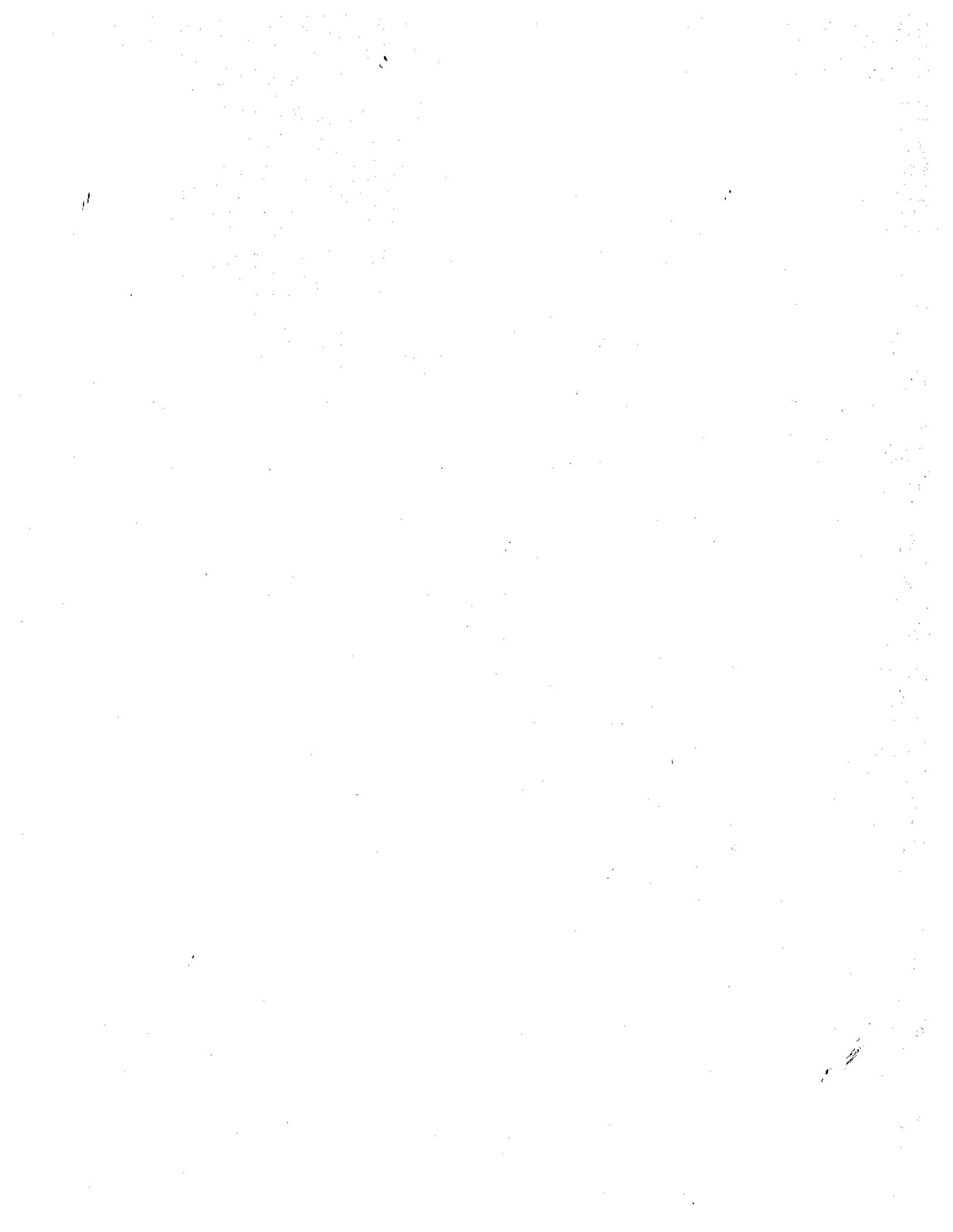
Shall follow the same submission requirements and general provisions for Major Subdivisions

1. Sketch Plan – the sketch plan shall be reviewed and comments returned to the applicant within 10 working days of submission,
2. Preliminary Plat – the preliminary plat shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 20 working days of completed submission. When the preliminary plat is approved a signed copy will be provided to the applicant and a signed copy placed in the Record File for the subdivision,
3. Final Plat – the final plat shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 20 working days of completed submission. When the final plat is approved the signed original will be provided to the applicant and a signed copy placed in the Record File for the subdivision.

4. Final Plat-Number of Lots – the final plat for a minor subdivision must contain at least five lots or units or all the lots or units shown on the approved preliminary plat.
5. Preliminary & final plat submissions may be in the following formats:
 - a. Two scaled original copies and one 11 X 17 copy or
 - b. One digital copy. The digital copy of the plat will be considered proprietary information. The digital layout will be made available to the Tax Supervisor for parcel update and the digital submission may be returned to the person submitting it.

Special Exceptions For Minor Subdivisions

1. A wetlands delineation will not be required to be submitted when the current NCDCM Wetlands Inventory published by the NC Center for Geographic Information & Analysis does not show any wetlands on the property. *All applicants, subdividers and property owners should note however that they are subject to any regulatory requirements concerning wetlands.*
2. An Erosion & Sedimentation Control Plan or NCDENR Land Quality approval letter will not be required for Minor Subdivisions when the Licensed Professional that is responsible for the subdivision design provides a signed and sealed letter stating that an Erosion & Sedimentation Control Plan is not required to be approved by the NCDENR Land Quality Section. *All applicants, subdividers and property owners should note however that they are subject to any regulatory requirements concerning erosion and sedimentation control.*
3. An approval letter from NCDENR Water Quality Section for storm water plan approval will not be required to be submitted when the Licensed Professional that is responsible for the subdivision design provides a signed and sealed letter stating that a Storm Water Management Plan is not required to be approved by the NCDENR Water Quality Division. This exception does not exempt the development from any drainage plan, easement or drainage facility construction requirements contained in this ordinance. *All applicants, subdividers and property owners should note however that they are subject to any regulatory requirements concerning storm water management.*



PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



APPLICATIONS COVER SHEET

Date Application Filed: July 17, 2009

I. REQUIRED NAMES:

Applicant MARK A. STOCKS, PLS

Owner KEVIN S. HARKER
MARY BETH HARKER

Address 211 NORTH FIFTH AVENUE
WILMINGTON NC 28401

Address 1706 WHITE ROAD WILMINGTON
NC 28405

Phone 910-763-8124 Fax 763-8458

Phone 262-5013 Fax _____

Email MSTOCKS@BELLSOUTH.NET

Email _____

Legal Relationship of Applicant to Property Owner: LAND SURVEYOR

Consultant Name/Company MARK A. STOCKS PLS, P.C.

Address 211 NORTH FIFTH AVENUE WILMINGTON NC 28401

Phone 910-763-8124 Fax 763-8458

Email MSTOCKS@BELLSOUTH.NET

II. AFFIDAVIT REGARDING OWNER - APPLICANT RELATIONSHIP:

I KEVIN S. HARKER (owner) and MARK A. STOCKS (applicant) hereby affirm that an appropriate contractual relationship permitted by the appropriate NC State Codes exists between said Owner and Applicant. Owner and Applicant also affirm that if the owner requests that the application be terminated, staff with comply with Owner's request.

Mark A. Stocks 7-17-09
(Signature of Applicant)

Kevin S. Harker 7-17-09
(Signature of Owner)

III. TYPE OF APPLICATION:

(Please check one)

Board of Adjustment:

- Variance
 Appeal

Zoning:

- Text Amendment
 Map Amendment
 Home Occupation
 Special Use Permit
 Vested Rights Determination

Plans:

- Planned Development Master Plan
 Subdivision Preliminary Plat
 Final Plat

PLANNING AND COMMUNITY DEVELOPMENT



PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING

FEE SCHEDULE

Board of Adjustment:	Applicable Fees:	Fee Calculation:
Variance	\$250.00	
Appeal	\$250.00	
Zoning:		
Zoning Determination Letter	\$15.00	
Text Amendment	\$250.00	
Map Amendment	\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter	
Vested Rights Determination	\$250.00	
Home Occupation	\$25.00	
Special Use Permit	\$300.00 & \$10.00 per acre over 5 acres; max of \$5,000.00	
SUP, Part of AEC	\$300.00 & \$10.00 per acre over 5 acres	
SUP, Tower over 75 ft.	\$500.00	
SUP, Mining Borrow Pit	\$750.00 & \$10.00 per acre over 5 acres	
SUP, Mining other	\$1,000.00 plus \$5.00 per acre	
Plans:		
Planned Development Master Plan	\$500.00 plus \$10/acre for the first 100 acres; \$5/acre thereafter	
Preliminary Plat	\$500.00 & \$10/lot/residential unit for the first 100 lots/units; \$5 per lot/unit thereafter	
Final Plat	\$250.00 & \$10/lot/residential unit for the first 100 lots/units; \$5/lot/unit thereafter	
Total Fees Due:		

Attachments Included with Application:
(Please include # of copies)

CD Plan Sets Other Documents/Reports

Method of Payment: Cash
 Credit Card, We accept VISA and MasterCard only.
 Check, Ck. # (1412) (100.00 Minor Subj.)

For Office Use Only:

Receipt # 084612

Received By: Ashley D. Grant Date: 7/17/09

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



SUBDIVISION APPLICATION

Date 7-16-2009 Application Fee \$100.00 Receipt No. 084612

I. PROPERTY INFORMATION:

Record #: 3264-83-4082-0000 Lot #: 15
Tax Map #: _____ Zoning District: RA
Property Location: 5887 HIGHWAY 210
Subdivision Name: EQUINE ACRES Phase: _____
Review Type (check one): Major Minor

II. REQUIRED NAMES:

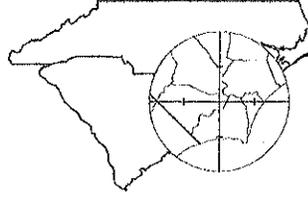
Applicant MARK A. STOCKS, PLS Owner KEVINS. HARKER - MARY BETH HARKER
Address 211 NORTH FIFTH AVE. Address 1706 WHITE ROAD WILMINGTON
WILMINGTON NC 28401 NC 28405
Phone 763-8124 Fax 763-8458 Phone _____ Fax _____
Email MSTOCKS@BELLSOUTH.NET Email _____

Legal Relationship of Applicant to Property Owner: LAND SURVEYOR

Authorized Project Contact (check one): Applicant Owner

III. SIGNATURE OF OWNER/APPLICANT: Mark A. Stocks

MARK A. STOCKS, PLS, PC
PROFESSIONAL
LAND SURVEYOR



July 17, 2009

Pender County Planning Department
Attn: Kyle Breur

Dear Mr. Breur:

Our firm represents Kevin Scott Harker and wife, Mary Beth Harker, owners of lot 15 in Equine Acres. The address is 5787, highway 210, parcel number 3264-83-4082-0000, with a current zoning of RA.

We desire to divide lot 15 in half with the rear portion being serviced by an existing 60' access easement, as recorded in map book 47 page 145.

Sincerely,

Mark A. Stocks

PENDER COUNTY NORTH CAROLINA
 I, MARK A. STOCKS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (GRID DESCRIPTION RECORDED IN BOOK AS PAGE SHOWN) THAT BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK AS PAGE SHOWN, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10000 THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITH MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 11TH DAY OF JUNE A.D., 2009.



MARK A. STOCKS
 N.C. PLS No. L-3688

I, MARK A. STOCKS, CERTIFY TO THE FOLLOWING:

- 1.) 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.
- 2.) THE SUBDIVISION SHOWN ON THIS PLAT DOES NOT CONTAIN SPECIAL FLOOD HAZARD AREAS AND IS NOT LOCATED IN A FLOODWAY AS DELINEATED BY THE FEDERAL EMERGENCY AGENCY.
- 3.) THE SUBDIVISION SHOWN ON THIS PLAT DOES NOT APPEAR TO CONTAIN AREAS OF ENVIRONMENTAL CONCERN AS DELINEATED BY THE N.C.D.E.N.R. AND US A.C.O.E.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 11TH DAY OF JUNE, 2009.

N.C. PLS L-3688

STATE OF NORTH CAROLINA
 COUNTY OF PENDER

I, _____ REVIEW OFFICER OF PENDER COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE _____ REVIEW OFFICER _____

CERTIFICATE OF FINAL PLAT APPROVAL

FINAL PLAT APPROVAL UNDER THE PENDER COUNTY SUBDIVISION ORDINANCE.

PLANNING DIRECTOR _____ DATE _____

CERTIFICATE OF OWNERSHIP, DEDICATION AND JURISDICTION:

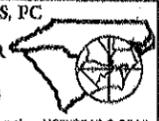
I (WE) HEREBY CERTIFY THAT I (WE) ARE THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, CONSERVATION SPACE AND OTHER AREAS TO PUBLIC OR PRIVATE USE AS NOTED. ALL ROADS AND DRAINAGE EASEMENTS ARE DEDICATED FOR PUBLIC UTILITY PURPOSES. FURTHER, I (WE) CERTIFY THE LAND AS SHOWN HEREON IS LOCATED WITHIN THE SUBDIVISION JURISDICTION OF PENDER COUNTY.

DATE _____ AGENT / OWNER(S) _____

NG09 HARRISON
 N = 240109.607
 E = 2870144.891
 COMBINED FACTOR
 = 0.000072106

S:\land\Projects\EQUINE ACRES LOT 15.dwg\LOT 15.dwg

MARK A. STOCKS, PLS, PC
 PROFESSIONAL
 LAND SURVEYOR
 211 N. FIFTH AVE
 WILMINGTON, NC 28401
 phone: (910) 763-5124
 fax: (910) 763-5458
 email: astocksland@bellsouth.net LICENSE # C-2818

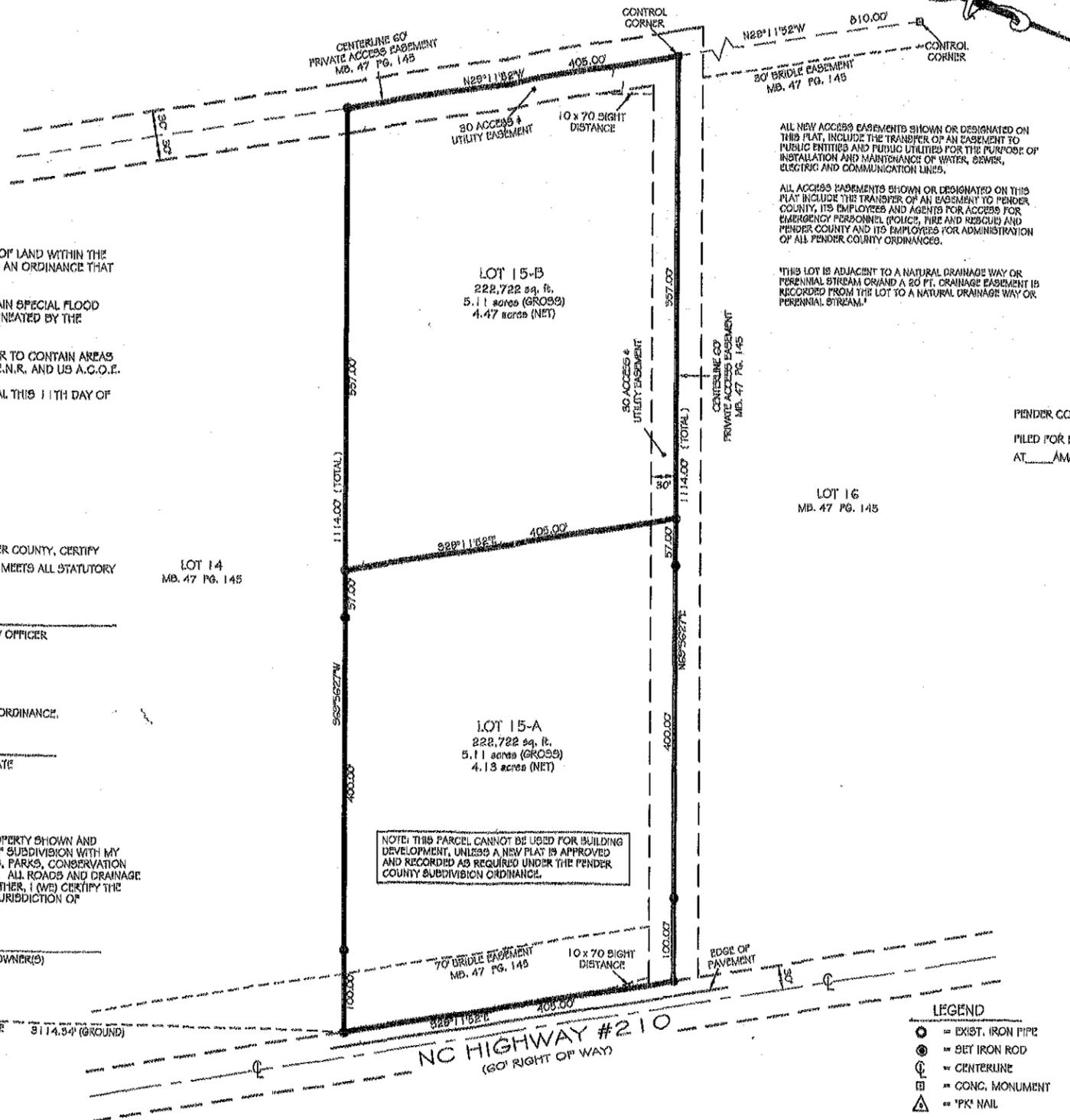


MAP OF DIVISION FOR
KEVIN SCOTT HARKER & WIFE MARY BETH HARKER
LOT 15 EQUINE ACRES
 AS RECORDED IN MAP BOOK 47 PAGE 145 OF THE PENDER COUNTY REGISTRY
 WESTBROOK - ORRELL TRACT
 TOPSAIL TOWNSHIP PENDER COUNTY, N.C.

OWNERS: KEVIN HARKER & MARY BETH HARKER, 1706 WHITE RD. WILMINGTON, NC 28405

JUNE 11, 2009
 100 0 50 100 200
 1 INCH = 100 FEET
 MARK A. STOCKS, PLS, PC, JUNE 2009

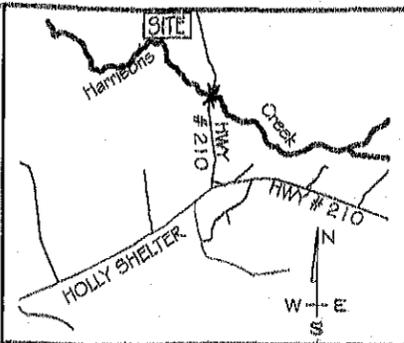
EQUINE DEVELOPMENT, LLC,
 FUTURE DEVELOPMENT
 MB. 47 PG. 145



ALL NEW ACCESS EASEMENTS SHOWN OR DESIGNATED ON THIS PLAT INCLUDE THE TRANSFER OF AN EASEMENT TO PUBLIC ENTITIES AND PUBLIC UTILITIES FOR THE PURPOSE OF INSTALLATION AND MAINTENANCE OF WATER, SEWER, ELECTRIC AND COMMUNICATION LINES.

ALL ACCESS EASEMENTS SHOWN OR DESIGNATED ON THIS PLAT INCLUDE THE TRANSFER OF AN EASEMENT TO PENDER COUNTY, ITS EMPLOYEES AND AGENTS FOR ACCESS FOR EMERGENCY PERSONNEL (POLICE, FIRE AND RESCUE) AND PENDER COUNTY AND ITS EMPLOYEES FOR ADMINISTRATION OF ALL PENDER COUNTY ORDINANCES.

THIS LOT IS ADJACENT TO A NATURAL DRAINAGE WAY OR PERENNIAL STREAM OR A 20 FT. DRAINAGE EASEMENT IS RECORDED FROM THE LOT TO A NATURAL DRAINAGE WAY OR PERENNIAL STREAM.



LOCATION MAP
 NOT TO SCALE

SURVEY REFERENCE
 MAP BOOK 47 PAGE 145
 MAP BOOK 3 PAGE 35
 MAP BOOK 44 PAGE 62
 DEED BOOK 885 PAGE 294
 MAP BOOK 47 PAGE 136
 DEED BOOK 3527 PAGE 79

PENDER COUNTY NORTH CAROLINA
 FILED FOR REGISTRATION ON THE _____ DAY OF _____ 2009,
 AT _____ AM/PM AND DULY RECORDED IN MAP BOOK _____ AT PAGE _____

MARY TEACHERY PREVATTE
 REGISTER OF DEEDS
 BY: _____

PARCEL IDENTIFIERS HAVE BEEN ISSUED FOR ALL PARCELS ON THIS PLAT.

TAX SUPERVISOR _____ DATE _____
 PARENT TRACT PIN # _____
 LOT 15-A _____
 LOT 15-B _____

- NOTES:
- 1.) THIS PROPERTY IS LOCATED IN ZONE 'B' ACCORDING TO F.I.R.M., COMMUNITY PANELS: # 370844 3268 K, DATED: FEBRUARY 16, 2007 # 370844 3264 J, DATED: FEBRUARY 16, 2007 # 370844 3273 J, DATED: FEBRUARY 16, 2007
 - 2.) AREA BY COORDINATES.
 - 3.) ALL DISTANCES ARE GROUND HORIZONTAL.
 - 4.) FOR GRID TIE SEE MAP BOOK 44 PAGE 62.
 - 5.) ALL ELEVATIONS ARE RELATIVE TO N.A.V.D. 1988.
 - 6.) ZONE-RA SETBACKS
 HWY. 210: 100'
 FRONT: 40'
 SIDE: 20'
 REAR: 30'
 - 7.) FOR ROAD MAINTENANCE AGREEMENTS SEE DECLARATION OF PROTECTIVE COVENANTS FOR EQUINE ACRES AS RECORDED IN DEED BOOK 3487, PAGE 108.

- LEGEND
- = EXIST. IRON PIPE
 - = SET IRON ROD
 - ⊕ = CENTERLINE
 - ⊞ = CONC. MONUMENT
 - ▲ = 'PK' NAIL



Applicant:
Mark Stocks
Land Surveying

Owner:
Kevin Harker

Harker
Minor Subdivision
PP 09-09-01-04 Stocks

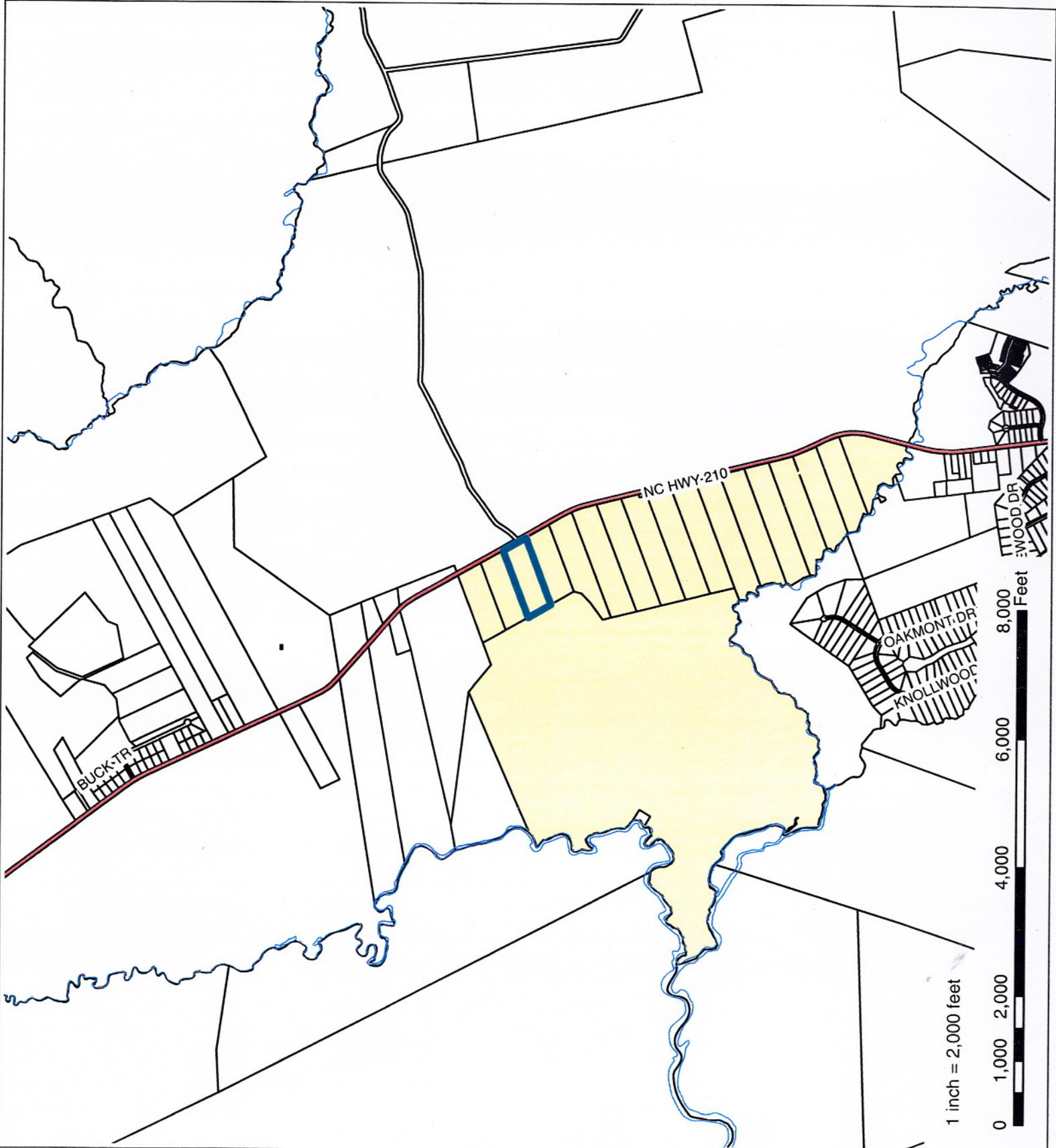
Legend

- Subject Property
- Equine Acres



Item # 2

VICINITY MAP

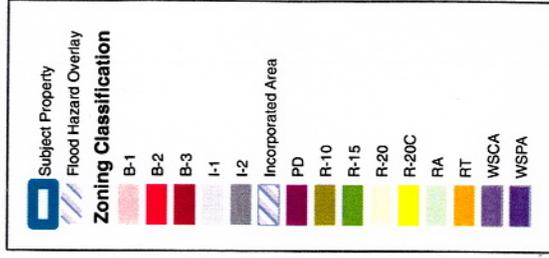




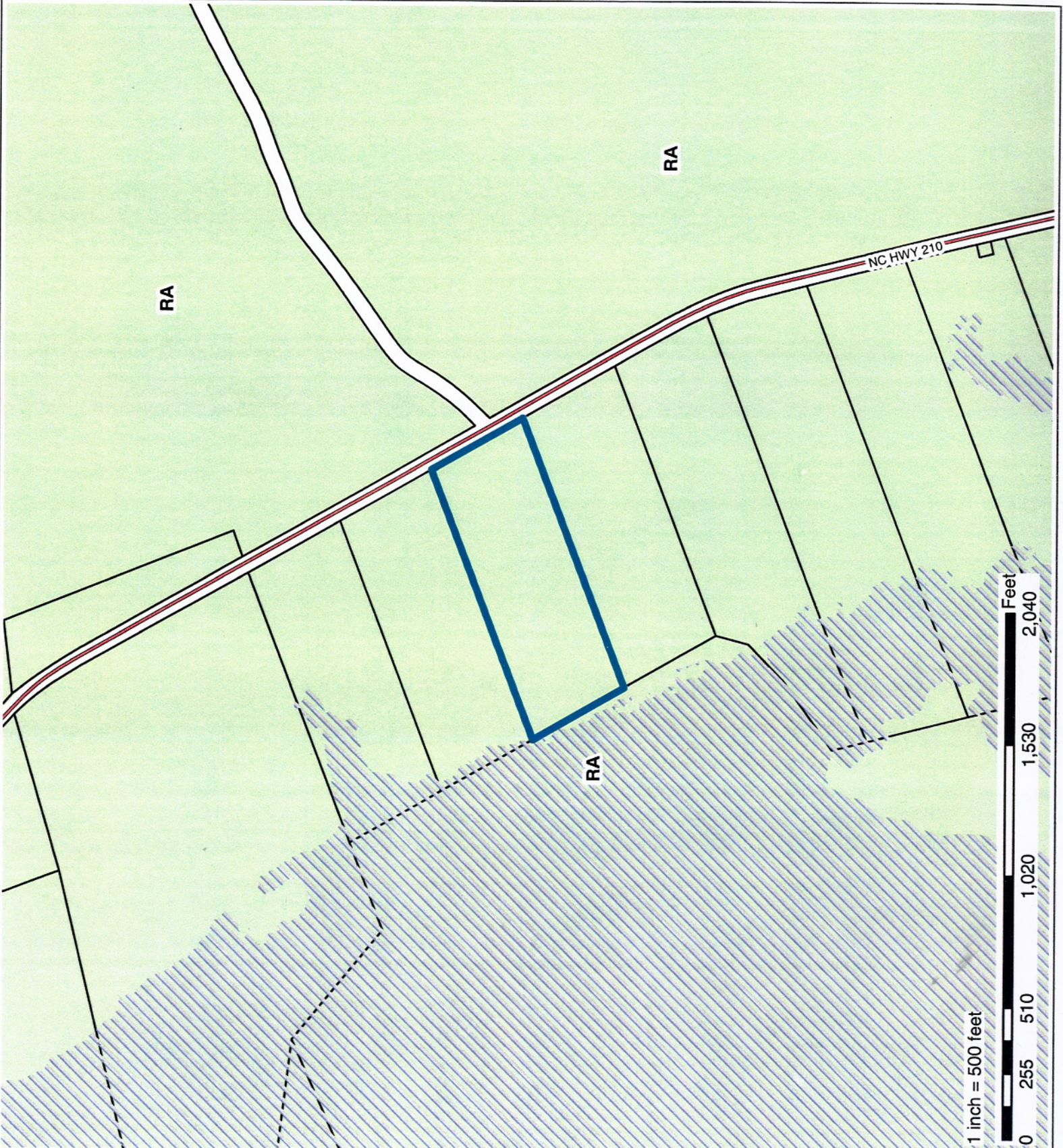
Applicant:
Mark Stocks
Land Surveying

Owner:
Kevin Harker

Harker
Minor Subdivision
PP 09-09-01-04 Stocks



ZONING MAP





Applicant:
Mark Stocks
Land Surveying

Owner:
Kevin Harker

**Harker
Minor Subdivision
PP 09-09-01-04 Stocks**

Legend

- Subject Property
- Future Land Use (CAMA)
- Conservation Area I
- Conservation Area II
- Transition Areas
- Urban Growth Areas
- Rural Clusters
- Rural Areas



CAMA Land Use





Applicant:
Mark Stocks
Land Surveying

Owner:
Kevin Harker

**Harker
Minor Subdivision
PP 09-09-01-04 Stocks**

Legend

Subject Property

Pender_1ft_50.sid

RGB

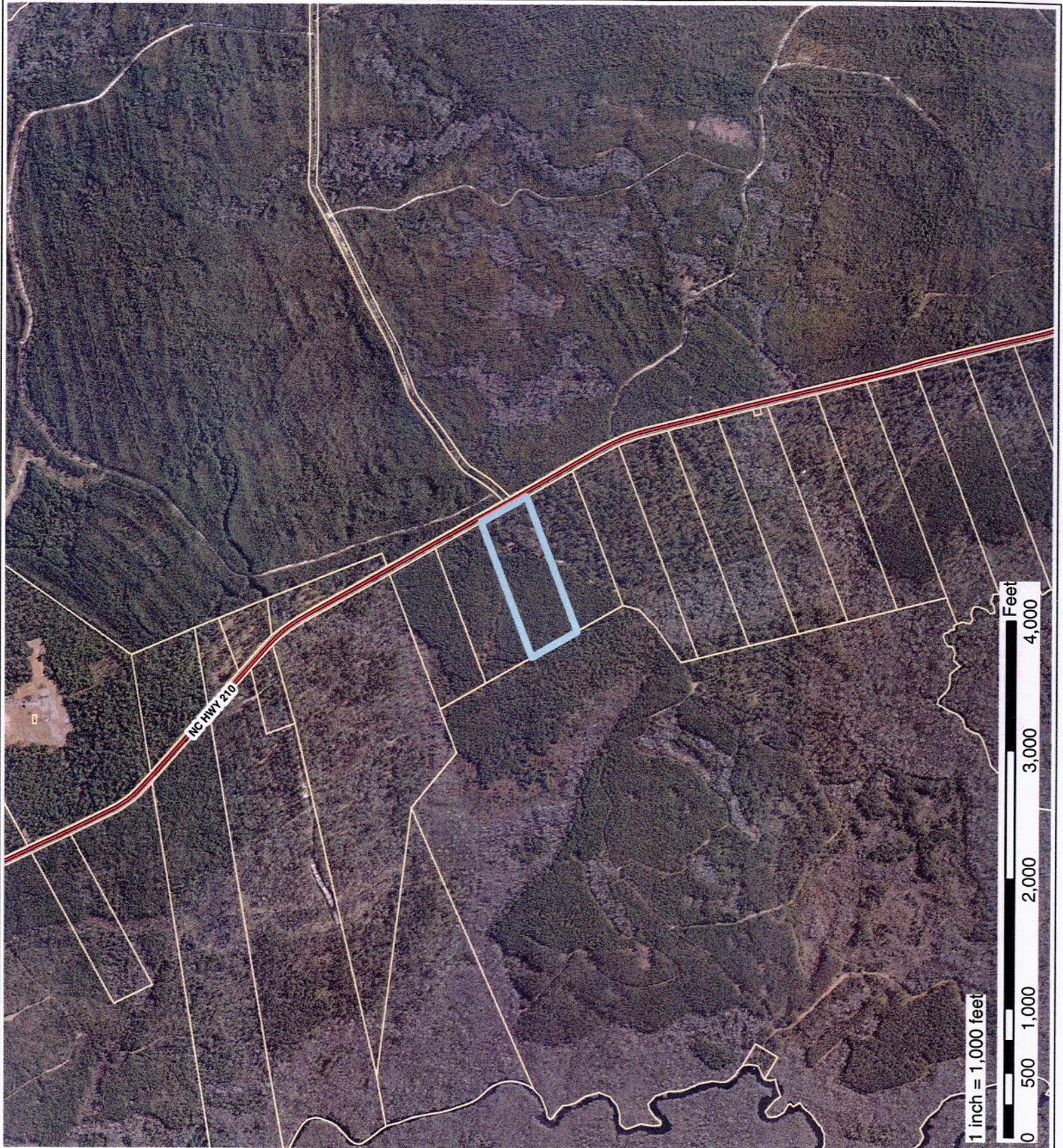
Red: Band_1

Green: Band_2

Blue: Band_3



Aerial Map





Applicant:
Mark Stocks
Land Surveying

Owner:
Kevin Harker

**Harker
Minor Subdivision
PP 09-09-01-04 Stocks**

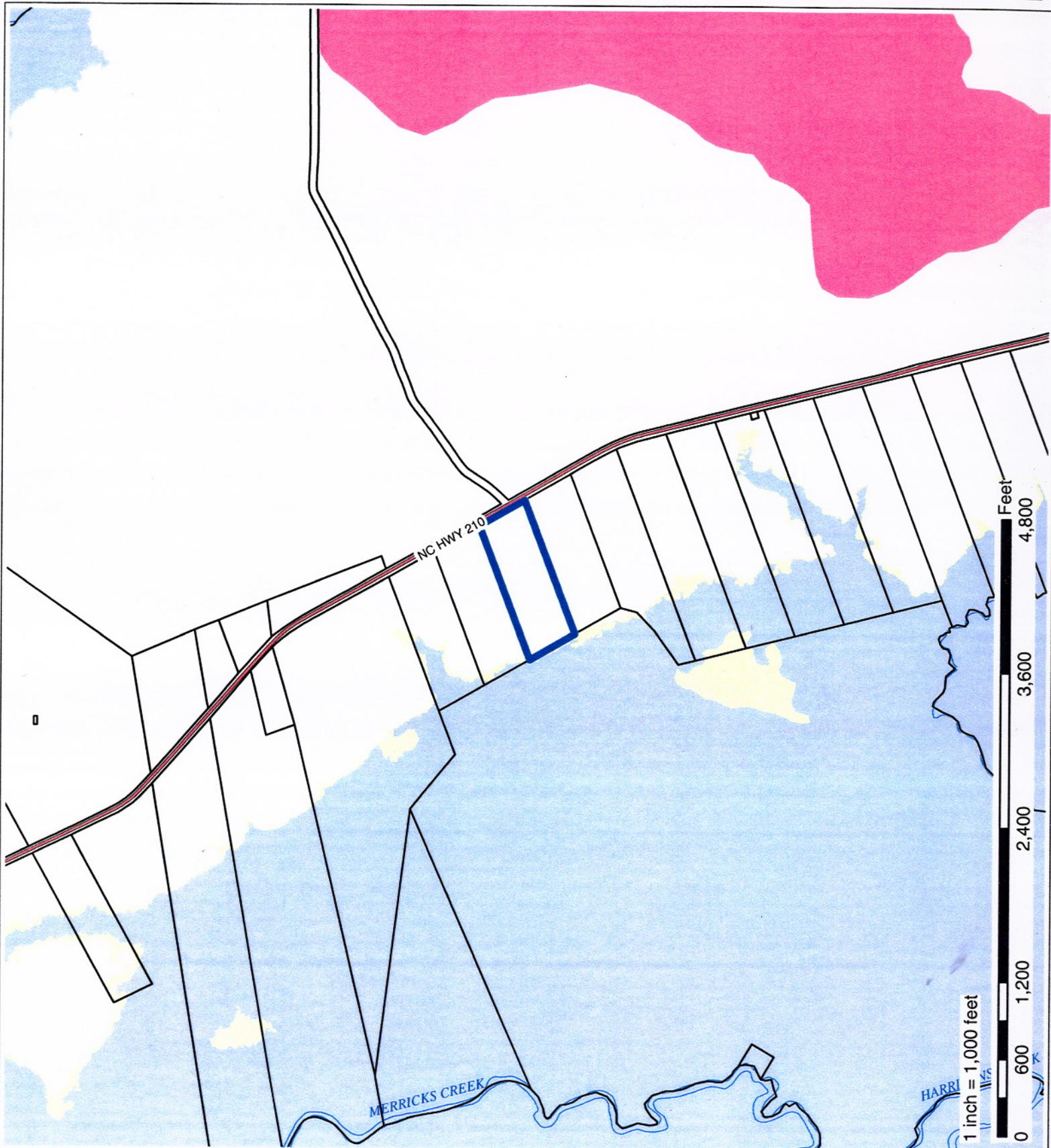
Subject Property

Flood Hazard Area

- A
- AE
- AEFW
- SHADED X
- VE



Flood Hazard Areas



PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



August 24, 2009

Pender County Planning Board

MLUP #09-08-04-03 Beaudoin

Dear Planning Board,

The applicant and owner in the above aforementioned case, has submitted a revised master plan for the Planning Board's consideration on September 1, 2009. The applicant has been working with Staff and concerned parties to address the issues that were brought up at the tabled hearing August 4, 2009. I would like to highlight the changes accordingly.

-Tract 4 has been dedicated as a stormwater pond, meeting open space requirements and all dimensional requirements for the subdivision process. A note, recorded on the final plat, will have to address no building or human occupancy for this parcel. It was originally placed along the southeastern portion of Tract 1

-Tracts 1 and 5 have been combined to produce one single tract, Tract 1. As long as these tracts are shown as having one owner, the tax office and register have indicated that this is approvable, mandating a single parcel identifier.

-All open space requirements for the master plan have been met or exceeded. These figures are shown under the "development data" on sheet number C-1.2

-Drainage infrastructure is shown along with its collection pond, subject to NC DENR, DWQ.

A meeting was held between Staff and Ms. Morgan on Friday, August 21, 2009 as a follow up between herself and the applicant. Some of the topics discussed were:

- PD Process-
- Subdivision Process/Road Construction
- Stormwater
- Lighting
- Gate Access
- Access-
- Easements

BURGAW

PHONE: 910.259.1202
FAX: 910.259.1295

PO BOX 1519
BURGAW, NC 28425

HAMPSTEAD

PHONE: 910.270.2505
FAX: 910.270.5021

248 TRANSFER STATION RD.
HAMPSTEAD, NC 28443

- Well
- Septic
- Non-Profit
- Buffers

All questions were addressed in which related to the planning process. There was a clear understanding of the concerns, other than Ordinance requirements, which will need to be addressed at the staff level review process. These include conditional items such as reduced lighting, security, and buffers.

All other items of interest were guided to the appropriate approval authority at the time of final zoning.

Please keep your August 4, 2009 agendas and replace this site plan. If you need a copy of the August 4 agenda, please advise.

Sincerely,



Kyle M. Breuer, Planner II
Pender County Planning & Community Development
805 S. Walker Street
Burgaw, NC 28425
breuerk@pender-county.com
P: 910.259.1403



DEVELOPMENT DATA:
 LAND USE: AQUATIC CENTER/RECREATIONAL FACILITY
 MAX. 600 SPECTATOR SEATS

TOTAL SITE AREA:
 TRACT 1 - 209,087 S.F. = 4.80 AC.
 TRACT 5 - 79,307 S.F. = 1.82 AC.

OPEN SPACE 15% REQUIRED

TRACT 1
 209,087*15%=31,363 S.F. - REQUIRED
 32,713 S.F. - PROVIDED

TRACT 5
 79,307*15%=11,896 S.F. - REQUIRED
 15,000 S.F. - PROVIDED

TOTAL BUILDING AREA: 37,000 S.F.

PARKING - @ 1 SP./4 SPECTATOR SEATS
 SPACES- REQ'D: 150 PROV'D: 166

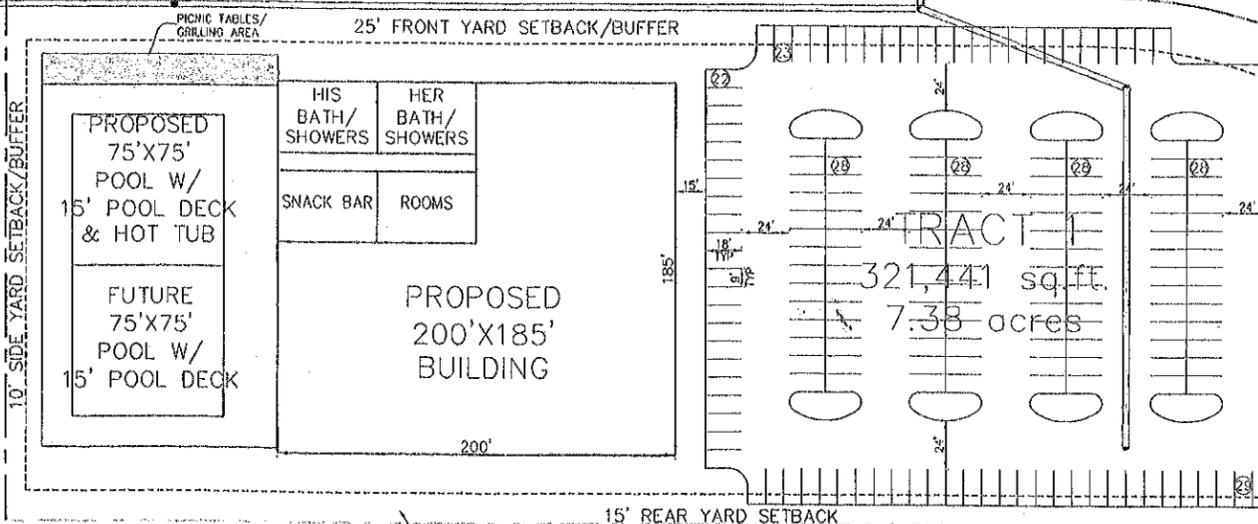
IMPERVIOUS SURFACES -
 ROOFTOP - 37,000 S.F.
 PARKING LOT - 67,429 S.F.
 ROAD - 15,814 S.F.
 POOL DECK - 10,000 S.F.
 TOTAL - 130,239 S.F. (62.29%)

TRACT 3
 565,356 sq.ft.
 12.98 acres
 FUTURE
 DEVELOPMENT

TRACT 4
 156,539 sq.ft.
 3.59 acres
 STORMWATER
 POND

TRACT 1
 SEPTIC AREA

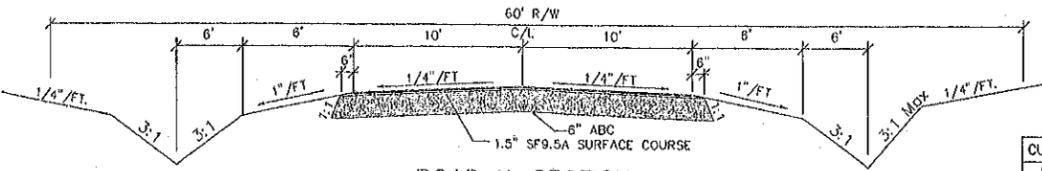
TRACT 1
 321,441 sq.ft.
 7.38 acres



PROPOSED BUILDING SETBACKS

FRONT	25'
REAR	15'
SIDE	10'

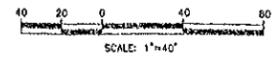
- GENERAL NOTES:**
- PENDER COUNTY FIR: 4203-36-1126 & 4203-17-8616
 - OWNERSHIP REFERENCE: DB: 3523/295
 - TOTAL TRACT AREA: 29,552 AC.±
 - ZONING DISTRICT: PD
 - FLOOD NOTE: AS DETERMINED BY GRAPHIC PLOTTING, THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE PER FEMA FLOOD INSURANCE RATE MAP #370344 4203 J, EFFECTIVE DATE FEBRUARY 16, 2007.
 - THIS PROPERTY DOES NOT CONTAIN 404 FEDERAL WETLANDS



ROAD X-SECTION
 (w/ Shoulder & Swale)
 Not To Scale

PROPOSED C CURVE DATA

CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BRG.	CRD. DIST.
C1	230.00'	214.45'	115.74'	53°25'23"	S 26°06'02" E	206.77'



No.	Revision	Date	By	Designer	Scale
				GSP	
				GSP	
				GSP	

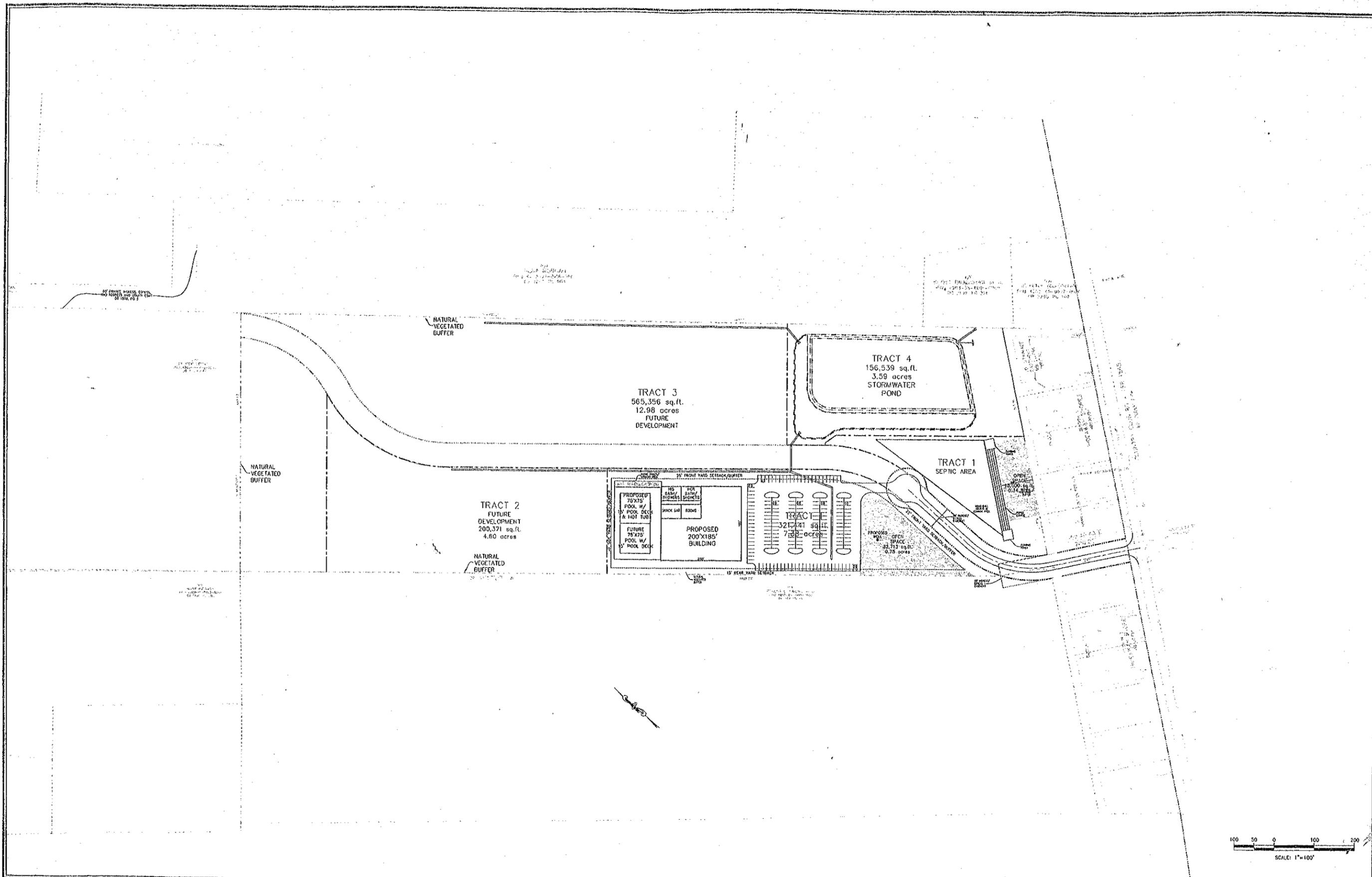
COMMUNITY AQUATIC LIFESTYLE CENTER
 Hampstead Pender County North Carolina

AQUATIC CENTER SITE PLAN

PREPARED FOR:
 Jeff Beaudoin
 PO Box 538
 Hampstead, NC 28443
 910-547-3781

GSP CONSULTING, PLLC ENGINEERING
 6626 Gordon Road, Unit C, Wilmington, North Carolina 28411 Tel: 703-499-3273 Fax: 910-799-6559

Sheet No. **C-1.2**



No.	Revision	Date	By

Designer	GSP	Date	02/27/2009
Drawn By	GSP	Date	02/27/2009
Checked By	GSP	Date	02/27/2009

COMMUNITY AQUATIC LIFESTYLE CENTER
 Hampstead Pender County North Carolina

OVERALL SITE LAYOUT

PREPARED FOR:
 Jeff Besudola
 PO Box 538
 Hampstead, NC 28443
 910-547-3781

GSP CONSULTING, PLLC
 ENGINEERING
 6626 Corlan Road, Unit C, Wilmington, North Carolina 28411 Tel: 703-499-3273 Fax: 910-799-4659

Sheet No.
C-1.1

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: September 1, 2009 – Planning Board
Application Number: ZMA 09-10-19-06 Godwin
Applicant: Sarah Margaret Godwin
Property Owner: Same

Rezoning Proposal: Rezone from RA, Rural Agricultural District, to R-20, Residential District.

Property Record Numbers, Acreage, and Location: The property is identified as PIN 3203-79-4539-0000 and totals 52.96 acres. The property is located east of the intersection of Clarks Landing Road (S.R. 1408) and Clarks Landing Loop Road (S.R. 1427).

Staff Recommendation: Staff recommends approval of the request.

DESCRIPTION:

The applicant is proposing a general use rezoning for 52.96 acres from RA, Rural Agricultural District, to R-20, Residential District. The applicant has stated in their narrative, that the rezoning presented would accommodate future development on the tract. The property is currently vacant, undeveloped land, with access to Clarks Landing Road and Clarks Landing Loop Road.

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 subject property, as well as all adjoining tracts, are all zoned RA, Rural Agricultural District.
- C) Existing Land Use in Area:* The property to the north contains Riley's Creek Memorial Cemetery, the property to the northeast contains *Lewis Strawberry Nursery*, the property to the east and south are vacant, and the property to the west and southwest contains very low net density residential uses.
- D) 2005 Land Use Plan Compliance:* The 2005 CAMA Land Use Plan classifies this property as Urban Growth Area with a Conservation Area I overlay. The plan indicates that this classification provides for the continued development of areas provided with water and/or sewer services. Currently, there is an active 8" water line running adjacent to the subject property. The Conservation Area I overlay contains wetlands and an unnamed tributary of Long Creek. This environmental feature shall be protected and taken in to consideration for future development proposals. 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 one tract totaling 52.96 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 _____ Boney _____ Garrett _____ Marshburn _____ Millette _____ Smith _____ Williams _____

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on October 19, 2009, the Pender County Board of Commissioners (approved, modified, denied) a rezoning request for property as described herein and Jimmy T. Tate, 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: Tate _____ Brown _____ Blanchard _____ Rivenbark _____ Williams _____

Jimmy T. Tate
Chairman

October 19, 2009
Date

ATTEST

DATE

PLANNING AND COMMUNITY DEVELOPMENT



PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING

APPLICATIONS COVER SHEET

Date Application Filed: _____

I. REQUIRED NAMES:

Applicant <u>Sarah Margaret Godwin</u>	Owner <u>Sarah Margaret Godwin</u>
Address <u>105 Marshview Rd</u>	Address <u>same</u>
<u>Hampstead NC 28443</u>	
Phone <u>910-270-2563</u> Fax <u>910-270-2523</u>	Phone <u>same</u> Fax <u>same</u>
Email <u>smgodwin105@att.net</u>	Email <u>same</u>
Legal Relationship of Applicant to Property Owner: <u>self</u>	
Consultant Name/Company <u>Jon Wayne - Hanover Design Services</u>	
Address <u>1123 Floral Pkwy, Wilmington, NC 28403</u>	
Phone <u>910-343-8002</u>	Fax <u>910-343-9941</u>
Email <u>jwayne@hdsilm.com</u>	

II. AFFIDAVIT REGARDING OWNER - APPLICANT RELATIONSHIP:

I, S. Margaret Godwin (owner) and same (applicant) hereby affirm that an appropriate contractual relationship permitted by the appropriate NC State Codes exists between said Owner and Applicant. Owner and Applicant also affirm that if the owner requests that the application be terminated, staff will comply with Owner's request.

S. Margaret Godwin
(Signature of Applicant)

S. Margaret Godwin
(Signature of Owner)

III. TYPE OF APPLICATION:

(Please check one)

Board of Adjustment:

- Variance
- Appeal

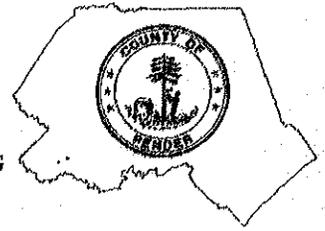
Zoning:

- Text Amendment
- Map Amendment
- Home Occupation
- Special Use Permit
- Vested Rights Determination

Plans:

- Planned Development Master Plan
- Subdivision Preliminary Plat
- Final Plat

PLANNING AND COMMUNITY DEVELOPMENT



PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING

FEE SCHEDULE

Board of Adjustment:	Applicable Fees:	Fee Calculation:
Variance	\$250.00	
Appeal	\$250.00	
Zoning:		
Zoning Determination Letter	\$15.00	
Text Amendment	\$250.00	
Map Amendment	\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter	980.00
Vested Rights Determination	\$250.00	
Home Occupation	\$25.00	
Special Use Permit	\$300.00 & \$10.00 per acre over 5 acres; max of \$5,000.00	
SUP, Part of AEC	\$300.00 & \$10.00 per acre over 5 acres	
SUP, Tower over 75 ft.	\$500.00	
SUP, Mining Borrow Pit	\$750.00 & \$10.00 per acre over 5 acres	
SUP, Mining other	\$1,000.00 plus \$5.00 per acre	
Plans:		
Planned Development Master Plan	\$500.00 plus \$10/acre for the first 100 acres; \$5/acre thereafter	
Preliminary Plat	\$500.00 & \$10/lot/residential unit for the first 100 lots/units; \$5 per lot/unit thereafter	
Final Plat	\$250.00 & \$10/lot/residential unit for the first 100 lots/units; \$5/lot/unit thereafter	
	Total Fees Due:	980.00

Attachments Included with Application:
(Please include # of copies)

CD Plan Sets Other Documents/Reports

Method of Payment: Cash
 Credit Card, We accept VISA and MasterCard only.
 Check, Ck. # ()

For Office Use Only:

Receipt # 084610/084611

Received By: KMB

Date: 7/15/2009

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



ZONING MAP AMENDMENT APPLICATION

Date <u>7-14-09</u>	Application Fee <u>980.00</u>	Receipt No. <u>084610</u>
	Postage Fee <u>\$74.23</u>	Receipt No. <u>084611</u>

I. PROPERTY INFORMATION:

Record #: <u>BOOK 3512 PAGE 263</u>	Current Zoning District: <u>RA</u>
Tax Map #: <u>3203-79-4539-0000</u>	Requested Zoning District: <u>R-20</u>
Lot #: <u>TRACT "A"</u>	Acreage to Be Rezoned: <u>52.96 AC</u>
Total Acreage of Tract: <u>52.96 AC</u>	
Property Location: <u>LONG CREEK TOWNSHIP - CLARKSLANDING ROAD</u>	

II. REQUIRED NAMES:

Applicant <u>SARAH MARGARET GODWIN</u>	Owner <u>SARAH MARGARET GODWIN</u>
Address <u>105 MARSHVIEW ROAD</u> <u>HAMPSTEAD, NC 28443</u>	Address <u>105 MARSHVIEW ROAD</u> <u>HAMPSTEAD, NC 28443</u>
Phone <u>619-7028</u> Fax <u>270-2523</u> <u>328-0220</u>	Phone <u>619-7028</u> Fax <u>270-2523</u> <u>328-0220</u>
Email <u>smgodwin105@aatt.net</u>	Email <u>smgodwin105@aatt.net</u>
Legal Relationship of Applicant to Property Owner: <u>W/A</u>	

III. SIGNATURE OF OWNER & APPLICANT:

Sarah Margaret Godwin

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

July 8, 2009

To Whom It May Concern:

Greetings. I am writing this letter in hopes of having a beautiful parcel of land in the Clark's Landing area of Pender County re-zoned from RA to R-20.

This land has been in my family for a long time, and I have walked it on several occasions. I became the individual owner of this tract last year. I feel it would be a very attractive residential community. There are natural aspects of this tract that I seek to maintain and enhance for the enjoyment of anyone who would live there. A wide, shallow creek with wildlife and natural vegetation would provide open space for the community.

I am a NC licensed real estate broker. I have taken many Realtor Land Institute classes to help understand property value and development. My family has been in the timber business for about 100 years in this local area. I will take steps to protect the beauty of this land while trying to make it a desirable place for people to live in Pender County.

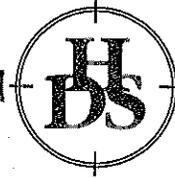
I am working with Jon Wayne at Hanover Design Services on this project to determine the best land use and the logistics of getting this done. I plan to include some land and building restrictions to protect the valuable attributes of the site.

Please consider my request and feel free to contact me with further questions. Thank you.

Sincerely,



S. Margaret Godwin
REALTOR, Broker
Godwin Coastal Realty LLC
910-619-7028
smgodwin105@att.net



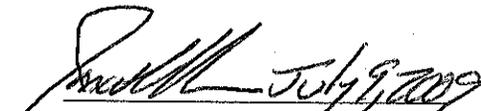
July 9, 2009

Re: 52.96 Acres Proposed Re Zoning

A certain tract or parcel of land lying and being in Long Creek Township, Pender County, North Carolina and being Tract A as recorded at map cabinet 40 page 103, records of Pender County, North Carolina and being more particularly described as follows:

Beginning at a point that is located S 74-15-34 E 211.05 ft. from a nail and cap at the intersection of Clarks Landing Road – State Road 1427 and Clarks Landing Road – State Road 1408: Proceed from said point of beginning and with the lines of said Tract A N 02-13-32 W 224.12 ft. crossing State Road 1427, thence S 79-33-55 E 456.73 ft. crossing State Road 1427 to an iron on the southern right of way of State Road 1427, thence with the common lines of the Riley’s Creek Cemetery S 86-29-20 E 164.99 ft., thence N 77-35-12 E 166.47 ft., thence S 80-31-21 E 376.91 ft., thence N 09-53-50 E 312.84 ft., thence with the common lines of the Lewis Strawberry tract S 41-48-47 E 941.20 ft. thence S 44-07-42 W 242.46 ft., thence S 33-42-06 E 793.06 ft. thence with the common line with the T.C. & I. Timber tract S 29-27-34 W 612.46 ft. to a point, thence N 67-12-46 W 1418.66 ft. to a point on the eastern right of way of State Road 1408 thence with said right of way N 00-32-25 E 63.78 ft., thence with a curve to the left having a radius of 330.00 ft. a chord N 17-42-39 W 206.70 ft. thence N 35-57-42 W 293.57 ft. to a point, thence leaving said right of way and with the common lines of the John & Susan Barnhill tract N 29-33-26 E 467.47 ft. thence N 67-12-38 W 519.31 ft. to the point of beginning and containing 52.96 acres according to a survey by Hanover Design Services, P.A.

All bearings are magnetic relative to map cabinet 40 page 103


Jonathan L. Wayne PLS 3391



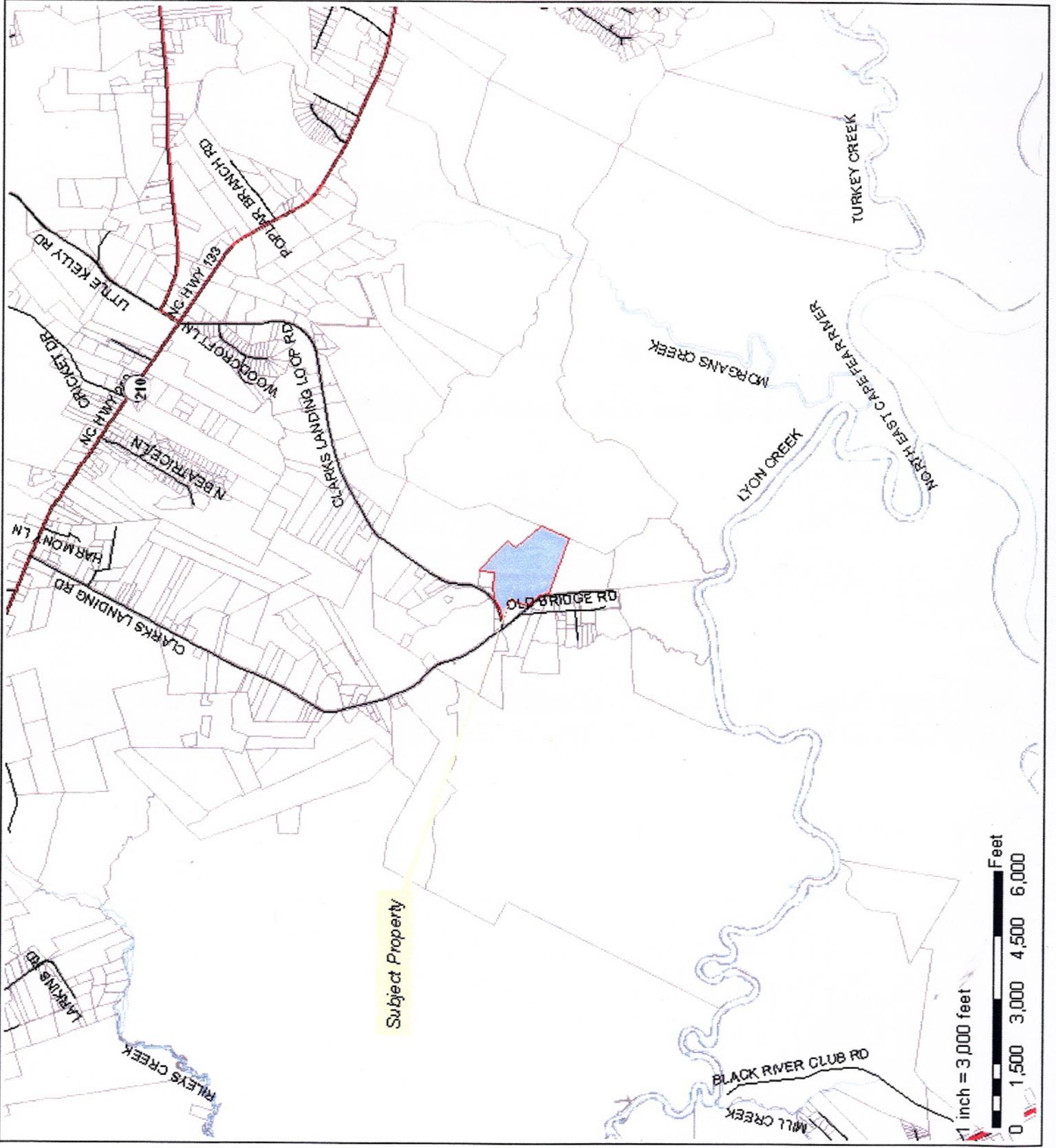


Applicant -
 Sarah Margaret Godwin
 Zoning Map Amendment
 09-10-19-06 Godwin

Item # 4



Vicinity Map



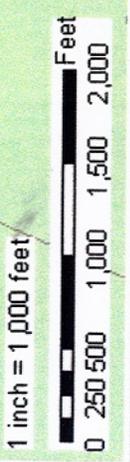
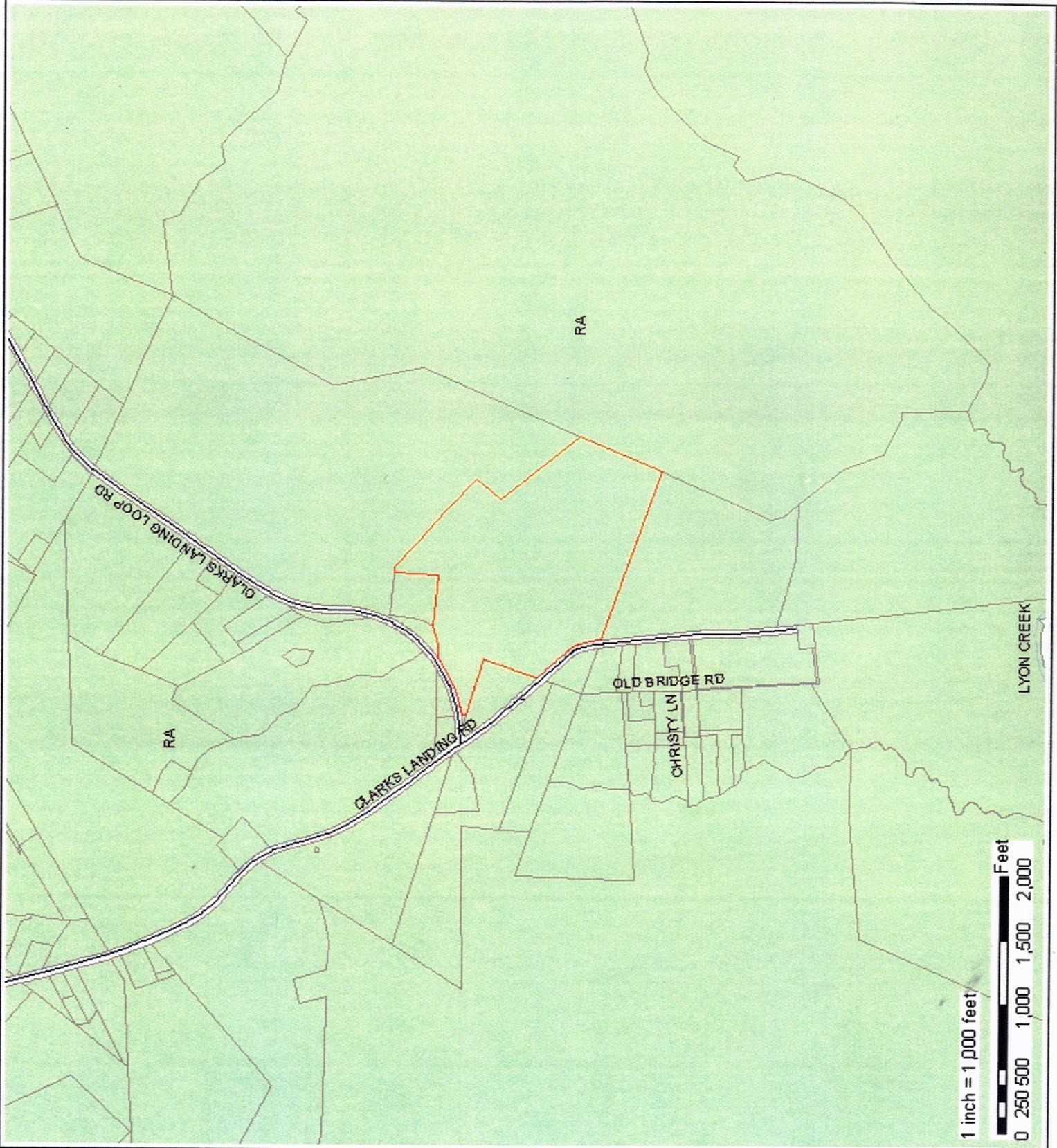


Applicant -
Sarah Margaret Godwin
Zoning Map Amendment
09-10-19-06 Godwin

ZMA_Godwin	
Zoning	
B-1	
B-2	
B-3	
I-1	
I-2	
Incorporated Area	
PD	
R-10	
R-15	
R-20	
R-20C	
RA	
RT	
WSCA	
WSPA	



Zoning Map



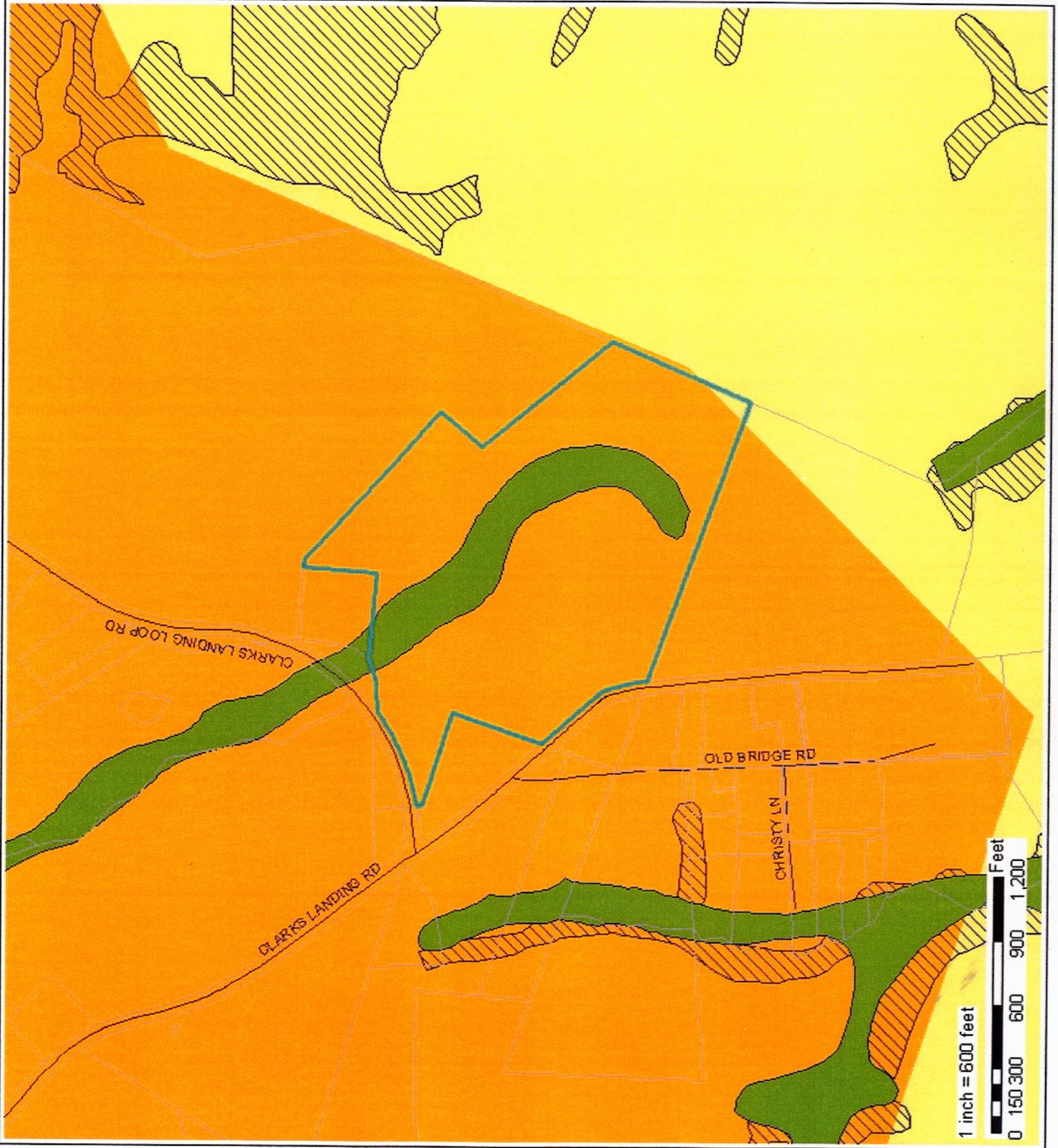


Applicant -
Sarah Margaret Godwin
Zoning Map Amendment
09-10-19-06 Godwin

CAMA Land Use	
	ZMA_Godwin
	Rural Areas
	Urban Growth Areas
	Transition Areas
	Conservation Area II
	Conservation Area I



CAMA Land Use





Applicant -
Sarah Margaret Godwin
Zoning Map Amendment
09-10-19-06 Godwin



Aerial Map

