

# Pender County Planning and Community Development

## Planning Division

805 S. Walker Street  
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Burgaw, NC 28425



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## AGENDA

**Pender County Planning Board  
Tuesday, January 7, 2014 7:00 p.m.  
Pender County Public Meeting Room  
805 S. Walker Street, Burgaw, North Carolina**

**Call to Order:** Chairman Boney

**Roll Call:** Chairman Boney

Pender County Planning Board Members:

Boney: \_\_\_ Marshburn \_\_\_ Baker: \_\_\_ Edens: \_\_\_ McClammy: \_\_\_ Nalee: \_\_\_ Williams: \_\_\_

**1. Election of Officers: Chairman/Vice-Chairman**

**2. Adoption of the Agenda:**

**3. Adoption of Minutes: (December 3, 2013)**

**4. Public Comment:**

*\*(Public Hearings Open)\**

**5. Zoning Map Amendment:**

Jerrilynn Shackelford, applicant and owner, is requesting approval of a Zoning Map Amendment for a general use rezoning for 2.44 acres of a 4.62 acre tract from the GB, General Business to RA, Rural Agricultural zoning district. The property is located at 4189 NC Highway 53, along the northeast corner of NC Highway 53 and Whitestocking Road, Burgaw, NC and may be identified by Pender County PIN 3330-79-6458-0000.

**6. Zoning Map Amendment:**

Jensen's Incorporated, applicant and owner, is requesting approval of a Zoning Map Amendment for a general use rezoning of one hundred six (106) parcels totaling approximately one hundred eight (108) acres from RP, Residential Performance, to MH, Manufactured Housing Community zoning district. The property is located to the east of US Highway 17 in Hampstead.

*\*(Public Hearings Closed)\**

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Anyone wishing to address the **Pender County Planning Board** shall make a request on the **"Public Comment" sign-up sheet**.  
**Please provide the information requested.**

If you wish to speak on **a specific public hearing item**, please sign-in on the appropriate **"Public Hearing" sign-up sheet**.  
Speakers will be allowed to speak *prior* to any action/vote taken by the Board.

\*A time limit of **two** minutes per speaker or up to **ten** minutes for groups of five or more, with a designated speaker will be imposed.

**7. Discussion Items:**

**a. Planning Staff Items:**

**b. Planning Board Members Items:**

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**8. Next Meeting:** February 4, 2014

**9. Adjournment:**

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

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**SUMMARY:**

**Hearing Date:** January 7, 2014 – Planning Board  
**Application Number:** 11079 – Pender County (ZMA)  
**Applicant:** Jerrilynn Shackelford  
**Property Owner:** Same

**Rezoning Proposal:** Jerrilynn Shackelford, applicant and owner, is requesting approval of a Zoning Map Amendment for a general use rezoning for 2.44 acres of a 4.62 acre tract from the GB, General Business to the RA, Rural Agricultural zoning district. More specifically, the portion requested for rezoning—beginning at the southwestern corner of the property—runs east 350 feet along southern property line fronting Whitestocking Road to the southeast corner of the property, north 355 feet along the southeastern property line, west 222 feet to the southwestern property line, and back south 492 feet along the western property line to the southwestern corner of the property.

**Property Record Number, Acreage, and Location:** The subject property is located at 4189 NC Highway 53 East in Burgaw, NC as referenced on Deed Book 3355, Page 0206 ([Attachment 1](#)) and Map Book 45, Page 114, ([Attachment 2](#)) and may be identified by Pender County PIN 3330-79-6458-0000. There is one tract associated with this request totaling 4.62 acres.

**Staff Recommendation:** The request complies with all criteria set forth in Article §3.3.8 of the *Pender County Unified Development Ordinance*. The proposed rezoning is consistent with the *2010 Comprehensive Land Use Plan* and does not conflict with any goals or policies in this document. Staff respectfully recommends approval for the general use rezoning of the 2.44 acres, on the southeastern portion of the property from GB, General Business to RA, Rural Agricultural zoning district.

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**HISTORY:**

When Pender County first adopted zoning in 1988, the subject property was initially zoned RA, Rural Agricultural. In 2003, the zoning on that tract was split between RA, Rural Agricultural, and B-2, Business District-Highway. After the adoption of the 2010 Unified Development Ordinance, the subject property was entirely zoned GB, General Business.

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**DESCRIPTION:**

The subject property totals 4.62 acres and fronts both Highway 53 to the east and Whitestocking Road to the south. There is a residential structure and an accessory dwelling on the northwest portion of the property and several open-air, accessory structures on the northeastern portion of the property. The southern portion of the property is currently vacant of structures ([Attachment 3](#)). The property is served by on-site septic and a well.

According to the narrative, the applicant would like to build a second residential structure on the property (Attachment 4). However, the property is currently zoned GB, General Business, and per the Pender County UDO, single family residential structures are not allowed in the General Business district (§5.3.2). Therefore, the applicant is applying for a general use rezoning to change the property from GB, General Business, to RA, Residential Agricultural.

The applicant is not applying to rezone the entire tract, however. She is only seeking to rezone 2.44 acres on the southern portion of the property. Per the UDO, “where the boundaries of a rezoning request do not follow a boundary line or a split zoned property line...[a]n illustration containing a metes and bounds description is required” (§3.3.1).

As provided by the applicant, the metes and bounds description is as follows: *Beginning at the southwest corner of the property, the portion requested for rezoning runs east 350 feet along southern property line to the southeast corner of the property, north 355 feet along the southeastern property line, west 222 feet to the southwestern property line, and back south 492 feet along the western property line to the southwestern corner of the property. This area totals 2.44 acres.*

Per the UDO, when an entire tract is not rezoned, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary (§3.3.1). In this case, if the rezoning request is granted, both portions of the tract would continue to meet the RA and GB dimensional requirements, respectively (§4.14). Additionally, it would be possible to subdivide and develop the northern portion of the property (the portion outside the proposed rezoning boundary) in accordance with the UDO standards.

The tract is located in the Shaded X Floodzone and has a 0.2% annual chance of flooding (Flood Panel Number 3720333000J).

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## **PROJECT EVALUATION:**

This zoning map amendment request has been evaluated for compliance with the Pender County Unified Development Ordinance and the Pender County Comprehensive Land Use Plan, as well as the existing land uses and zoning classifications in the surrounding area. The relevant sections of the UDO are included in Attachment A.

- A. *Public Notifications:*** Public Notice of the proposal for map change has been advertised in the *Pender-Topsail Post and Voice*. Adjacent property owners have been given written notice of the request, as well as a sign placed on the subject property.
- B. *Existing Zoning:*** The surrounding zoning classifications are both General Business and Rural Agricultural. The tracts immediately to the north, west and south of the property, are zoned GB, General Business. The tract to the east of the property is zoned RA, Rural Agricultural.
- C. *Existing Land Use:*** The property is bordered by a large forested parcel to the east, a residential structure to the north and a residential structure to the west. The southern boundary of the property fronts Whitestocking Road, across from several mobile homes.
- D. *2010 Comprehensive Land Use Compliance:*** The 2010 Comprehensive Land Use Plan designates the subject property “Rural Growth.” The Rural Growth Classification defines areas where “development should be limited to only those types of land uses and development intensities that can be accommodated by services typical in non-urban areas,

e.g., private on-site water supply (or public water, as available) and on-site septic systems.” “Uses that are typically allowed in Rural Growth areas include very low-density residential development on one acre or greater lots, agriculture, forestry, churches and very limited non-residential uses.” (Sec. III 2.) The following policy from the 2010 Land Use Plan is relevant to this case:

*a. Preferred Development Patterns Policy 3A.1.4: Consistently use the Comprehensive Land Use Plan, as well as other plans and studies, to determine if a rezoning request is appropriate and consistent with local policies.*

**E. Unified Development Ordinance Compliance:** This is a general use rezoning which will allow all uses permitted-by-right in the RA, Rural Agricultural zoning district. The RA zoning district “is intended to accommodate non-residential agricultural uses and very low density residential development (minimum of 1 du/ac), as well as limited non-residential uses, in rural areas adjacent to agricultural operations.” (§ 4.7.1)

### **3.3.8 Review Criteria for Rezoning**

*The Planning Board and Board of Commissioners shall consider the following matters in considering a rezoning request:*

- A. *Whether the range of uses permitted by the proposed change would be appropriate to the area concerned (including not being detrimental to the natural environment, not adversely affecting the health or safety of residents or workers in the area, not being detrimental to the use or development of adjacent property, and not materially or adversely affecting the character of the general neighborhood);*
- B. *Whether adequate public facilities/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;*
- C. *Whether the proposed change is consistent with the County’s Comprehensive Land Use Plan and CAMA Land Use Plan or any other adopted land use document.*
- D. *Whether the proposed amendment is reasonable as it relates to the public interest.*

**F. Summary and Administrator Recommendation:** The application consists of rezoning 2.44 acres of a 4.62 acre tract from GB, General Business, to RA, Rural Agricultural. As submitted, the application is in compliance with the standards of the Pender County Unified Developed Ordinance and not in direct conflict of the Comprehensive Land Use Plan. Staff respectfully recommends approval for this general use rezoning.

**ATTACHMENT A**

**UDO §3.3.1 General Use Rezoning**

- A. Amendments to the Zoning Map, also called a Rezoning, shall be made in accordance with the provisions of this Section and shall follow the review process as shown in Figure 1 at the end of Section 3.4.
- B. The County Commissioners shall approve or deny amendments to the Zoning Map of Pender County, as may be required from time to time.
- C. Rezoning must correspond with the boundary lines of existing platted lots or tracts. Where the boundaries of a rezoning request do not follow a boundary line or a split zoned property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this Ordinance. An illustration containing a metes and bounds description is required.
- D. All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, the rezoning shall be expanded to include all property necessary to meet zoning requirements.
- E. Must show substantial compliance with the goals and policies of the Comprehensive Land Use Plan.

**UDO §3.3.6 Action by Planning Board**

- A. Before making any recommendation on a rezoning request, the Planning Board shall consider any recommendations from the Administrator and shall conduct a public hearing where interested parties may be heard.
- B. The Planning Board shall make a recommendation based on the Approval Criteria listed in 3.3.8.
- C. Following Planning Board review and recommendation, the completed request, Planning Board recommendation, staff recommendation and any related materials shall be forwarded to the County Commissioners.
- D. If the Planning Board fails to make a recommendation within 75 days following the date of the first hearing on the request, the County Commissioners may process the request without a recommendation.

**UDO §3.3.8 Review Criteria for Rezoning**

The Planning Board and Board of Commissioners shall consider the following matters in considering a rezoning request:

- A. Whether the range of uses permitted by the proposed change would be appropriate to the area concerned (including not being detrimental to the natural environment, not adversely affecting the health or safety of residents or workers in the area, not being detrimental to the use or development of adjacent property, and not materially or adversely affecting the character of the general neighborhood);
- B. Whether adequate public facilities/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;
- C. Whether the proposed change is consistent with the County’s Comprehensive Land Use Plan and CAMA Land Use Plan or any other adopted land use document.
- D. Whether the proposed amendment is reasonable as it relates to the public interest.

**UDO §5.2.3 Permitted Use Table (segment)**

Use Type	NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
SFD: Detached-Conventional		P	P	P	P	P					

PENDER COUNTY NC

11/15/2007

\$57.00



Real Estate  
Excise Tax

FILED

BK 3355 PG 206

07 NOV 15 PM 3: 58

JOYCE M. SWICEGOOD  
REGISTER OF DEEDS  
PENDER COUNTY, NC

paid  
6

PIN # 3330-89-5326-0000  
3330-79-7623-0000  
DATE 11/15/07 INT JK

**NORTH CAROLINA GENERAL WARRANTY DEED**

The attorney preparing this instrument has made no record search or title examination as to the property herein described, unless the same is shown by his written and signed certificate.

Excise Tax: \$57.00

Parcel Identifier No. 3330-79-7623-0000 & 3330-89-5326-0000 Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_

By:

Attorney to: Pollock & Pollock, Attorneys at Law, PO Drawer 999, Burgaw, NC 28425

This instrument was prepared by: Pollock & Pollock, Attorneys at Law

Brief description for the Index:

THIS DEED made this 30th day of October, 2007, by and between

GRANTOR	GRANTEE
Ted A. Bradshaw, Divorced; Jerrilynn C. Shackelford and husband, Jimmy Shackelford	Jerrilynn C. Shackelford and husband, Jimmy Shackelford

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 the City of, Burgaw Township, Pender County, North Carolina and more particularly described as follows:

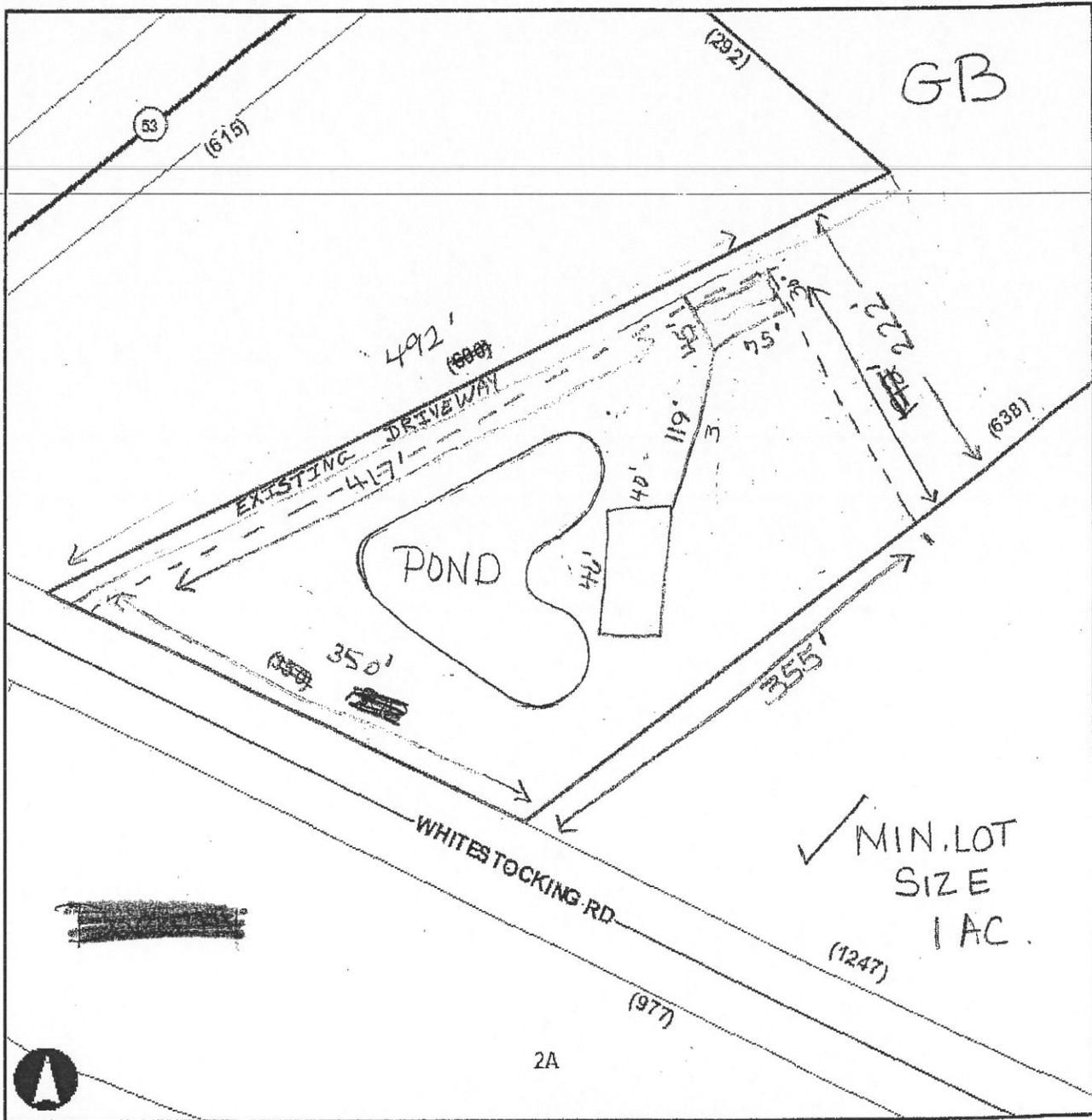
Being all of that 4.618 acres, more or less, as shown on that certain map entitled Map of Recombination for Jerrilyn C. Shackelford and Ted A. Bradshaw, dated August 2007, recorded 10 September 2007 in Map Book 45, page 114, Slide 615 of the Pender County Registry. Included in this 4.618 acres, more or less, is the 2.226 acres, more or less, tract previously conveyed to Jerrilynn C. Shackelford and husband, Jimmy Shackelford by Deed, dated 3 May 2007, recorded 11 May 2007 in Book 3228, page 190 of the Pender County Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in Book \_\_\_\_\_, page \_\_\_\_\_.

NC Bar Association Form No. 3 © 1976, Revised © 1977, 2002  
Printed by Agreement with the NC Bar Association - 1981 - Chicago Title Insurance Company

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





Scale: 1:100



PIN: 3330-79-6458-0000  
 NAME: SHACKELFORD JERRILYNN C et al  
 ADDR: 4189 NC HWY 53 EAST  
 CITY: BURGAW  
 STATE: NC  
 ZIP: 28425  
 PROPERTY ADDRESS: 4189 NC HWY 53 E  
 PROPERTY DESCRIPTION: 4.62 AC PB 45/114  
 SHACKLEFORD/BRADSHAW S/S 53 4 1/2 MI E  
 BURGAW  
 DATE: 11/15/2007  
 SALE PRICE: Null

PLAT: 00450114  
 ACCOUNT: 900679.000000  
 TOWNSHIP: 101  
 TNSH DESC: BURGAW  
 ACRES: 4.62  
 LAND VALUE: \$45,360.00  
 BUILDING VALUE: \$498,710.00  
 TOTAL VALUE: \$544,070.00  
 DEFERRED VALUE: \$0.00  
 SUBDIVISION: Null  
 ZONE: SEEMAP  
 TAX CODES: G01 F21 R40 S64

November 20, 2013

To Whom It May Concern,

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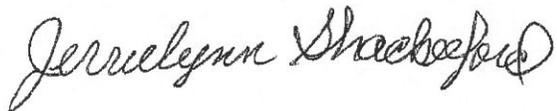
My husband and I have reached the age that we need to down size. We now live in a 4500 sq. ft. home and it is too much to take care of and maintain. We would like to down size to a much small home and sell the property and home facing Hwy. 53 East.

The remaining property, located facing Whitestocking Road is close to two acres and we would like to build a small home on one acre and keep the remaining acres zoned general business.

Our neighbors on each side of us do not have a problem with us changing the one acre to residential. There are single family homes all around us and a mobile home park across the street from the property we would like to rezone residential.

Thank you for taking this matter into consideration...

Jerrilynn Shackelford

A handwritten signature in cursive script that reads "Jerrilynn Shackelford". The signature is written in black ink and is positioned below the typed name.



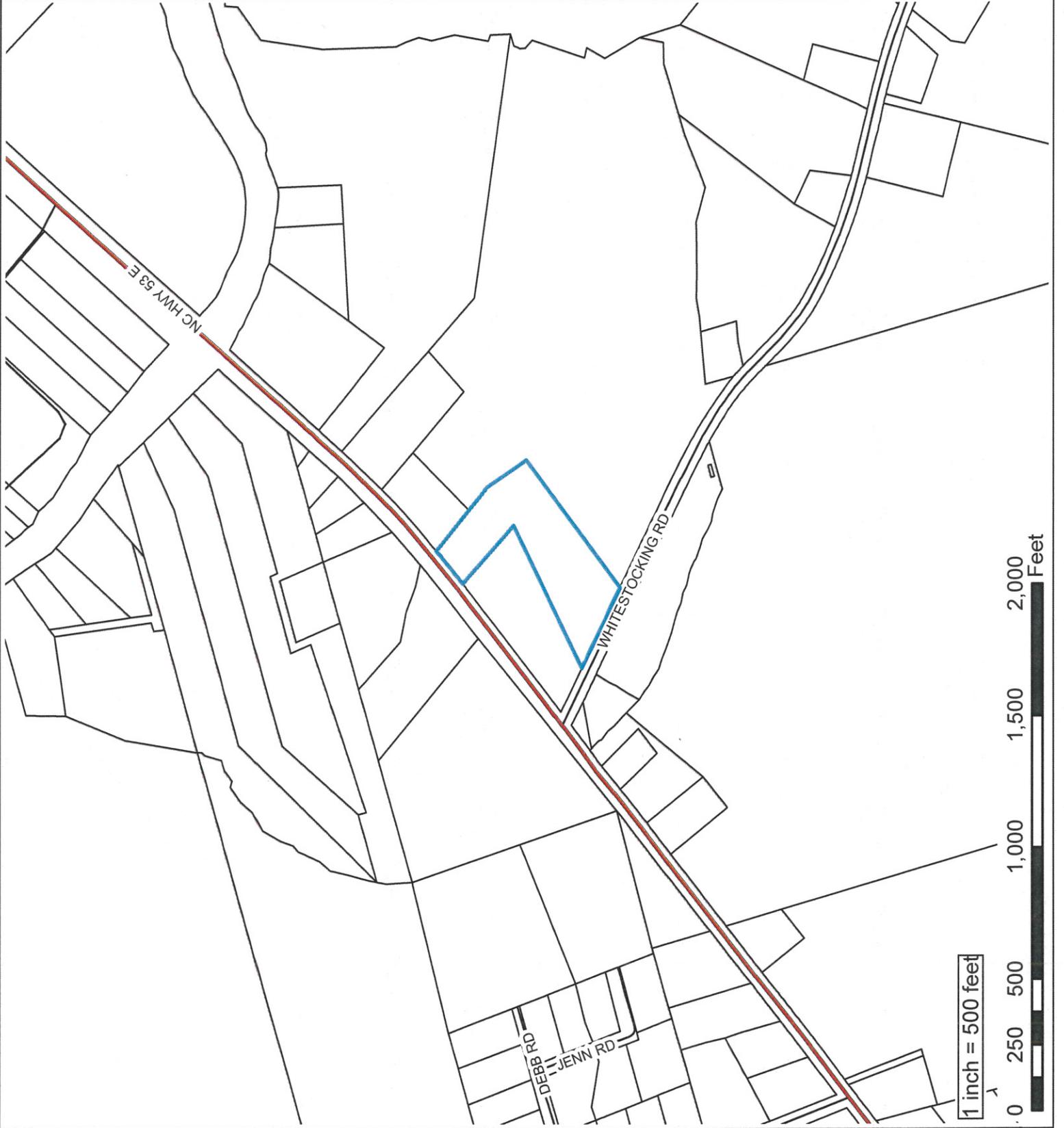
**Applicant and Owner:**  
Jerrilynn Shackelford

**Zoning Map Amendment**

**11079**



**VICINITY**





**Applicant and Owner:**  
**Jerrilynn Shackelford**

**Zoning Map Amendment**

**11079**

**Legend**

- Subject Property
- Zoning Classification**
- UDO Zoning**
- General Business (GB)
- General Industrial (GI)
- Industrial Transition (IT)
- Office & Institutional (OI)
- Rural Agricultural (RA)
- Planned Development (PD)
- Residential Performance (RP)
- Environmental Conservation (EC)
- Incorporated Areas (INCORP)
- Manufactured Home Park (MH)
- Residential Mixed (MF)



**ZONING**





**Applicant and Owner:**  
Jerrilynn Shackelford

**Zoning Map Amendment**

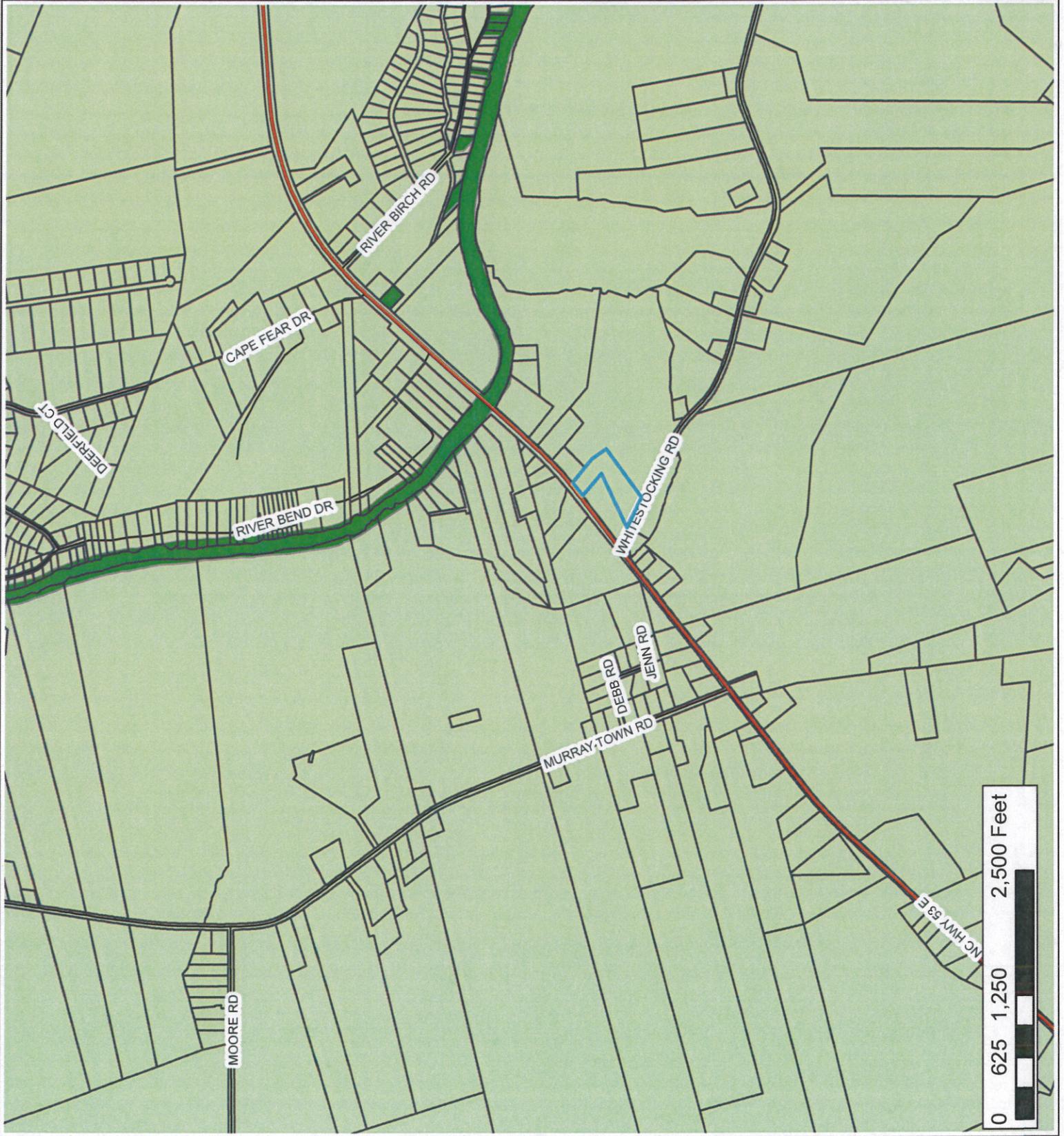
**11079**

**2010 Land Use Classification**

- Conservation
- Industrial
- Mixed Use
- Office, Institutional, Business
- Rural Growth
- Suburban Growth



**LAND USE  
CLASSIFICATION**





**Applicant and Owner:**  
Jerrilynn Shackelford

**Zoning Map Amendment**

**11079**

**Legend**



Subject Parcel



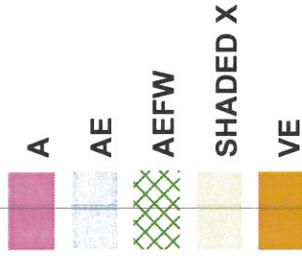
**2012 AERIAL**



**Applicant and Owner:**  
Jerrilynn Shackelford  
**Zoning Map Amendment**

**Case Number:**  
11079

**Flood Hazard Areas**



**Flood  
Hazard Areas**



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

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**SUMMARY:**

**Hearing Date:** January 7, 2014 – Planning Board  
February 18, 2014 – Board of Commissioners  
**Application Number:** 11083 – Pender County (ZMA)  
**Applicant:** Jensen’s Inc.  
**Property Owner:** Same

**Rezoning Proposal:** The request consists of a Zoning Map Amendment for a general use rezoning of one hundred six (106) parcels from RP, Residential Performance to MH, Manufactured Housing Community zoning district.

**Property Record Numbers, Acreage, and Location:** The properties for rezoning are commonly known as the Coastal Plantation by Jensen Communities which are located east of US Highway 17, north of Forest Sound Road and south of Hampstead Pines in Hampstead. There are one hundred six (106) parcels included in this request totaling approximately one hundred eight (108) acres. Pender County PIN numbers to further identify the properties are provided in Attachment 1, submitted by the applicant.

**STAFF RECOMMENDATION:**

Staff respectfully recommends approval for the general use rezoning of the one hundred six (106) parcels, owned by Jensen’s Inc. from RP, Residential Performance to MH, Manufactured Housing Community zoning district.

The request complies with all criteria set forth in Article 3.3.8 of the *Pender County Unified Development Ordinance*. The proposed rezoning of the subject property consistent with five (5) policies the *2010 Comprehensive Land Use Plan* and does not conflict with any goals or policies in this document.

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**HISTORY:**

Jensen’s Coastal Plantation was established in 1982 for seventy-seven (77) homesites. The subject property was previously zoned RA, Rural Agricultural and B-2, Business District (Highway) at the adoption of zoning in Pender County on July 1, 1988. As part of the Pender County comprehensive rezoning in November 2003, the property was then rezoned from RA, Rural Agricultural to R-20, Residential District zoning, with the portion of the property along US Highway 17 remaining zoned as B-2, Business District (Highway).

The Pender County Board of Commissioners approved Special Use Permit (SUP) 10388 on August 18, 2003 for the Jensen’s subject property. The SUP allowed for an expansion of the original Manufactured Home community from seventy-seven (77) to one hundred seventy-five

(175) units. As only a portion of this expansion was ever constructed, this is still a valid SUP (Attachment 3).

Jensen's Coastal Plantation was developed and platted under the regulations of the *Mobile Home and Travel Trailer Park Ordinance (1984)*, thereby grandfathering the existing structures and parcels in compliance with zoning regulations identified in the *Pender County Unified Development Ordinance*.

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**DESCRIPTION:**

Jensen's Inc., applicant and owner, is requesting approval of a general use rezoning for one hundred six (106) parcels totaling approximately one hundred eight (108) acres from RP, Residential Performance to the MH, Manufactured Housing Community zoning district. Currently located on the subject properties is the manufactured housing community, commonly known as Jensen's Coastal Plantation. According to the applicant, ninety-nine (99) manufactured homes with approximately one hundred sixty-six (166) residents make up Jensen's Coastal Plantation (Attachment 2).

The existing zoning in the surrounding area is RP, Residential Performance surrounding the Jensen's Inc. properties on the northern, southern and eastern boundaries. Additionally GB, General Business and PD, Planned Development borders the properties to the west.

Jensen's Coastal Plantation was developed and platted under the regulations of the *Mobile Home and Travel Trailer Park Ordinance (1984)*, thereby grandfathering the existing structures and parcels in compliance with zoning regulations. Any further development on the property would require the approval of this rezoning request as well as compliance with all Pender County regulations of the *Pender County Unified Development Ordinance*, Section 5.3.2.D. Manufactured Home Community.

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**UNIFIED DEVELOPMENT ORDINANCE COMPLIANCE:**

Section 4.7.4 of the *Pender County Unified Development Ordinance* defines the MH, Manufactured Housing Community zoning district as;

The MH Manufactured Housing Community District is designed to provide for planned communities for manufactured homes. This district is intended for the location of manufactured homes on land under common ownership or for the creation of lots for manufactured homes. Such planned developments are intended to be provided with appropriate roadways and amenities and suitable landscaping and transition areas to blend the Manufactured Housing Community with surrounding land uses.

This is a general use rezoning which will encompass all uses permitted-by-right in the MH, Manufactured Housing Community zoning district, as shown on the Permitted Use Table 5.2.3 of the *Pender County Unified Development Ordinance*.

The minimum acreage to rezone to a MH, Manufactured Housing Community is five (5) acres, which Jensen's Coastal Plantation far exceeds with approximately one hundred eight (108) acres.

All lots in the Jensen's Coastal Plantation are under common ownership under Jensen's Inc.; thereby the properties for rezoning are in compliance with this requirement of the MH, Manufactured Housing Community zoning district.

#### *Adequate Public Services*

According to the applicant, currently all properties are serviced by Pender County Utilities for water; there is a community waste water system, with six (6) homes on individual septic systems. Any new development or expansion of services would be contingent upon Pender County Utilities and Environmental Health approvals. Community waste water or private sewer will be determined in the Master Development Plan submitted to the Planning Board.

Jensen's Coastal Plantation accesses directly onto US Highway 17 in Hampstead. All roads within this rezoning request are currently private. Necessary roadway improvements or new roadways will be addressed at the time of a Master Development Plan submittal to the Planning Board.

#### *Environmental Concerns*

The Register of Deeds Map Book 39 Page 102 indicates there may be 404 Wetlands on this property; as identified in the plat recorded for Section 3 of Jensen Coastal Plantation recorded on June 14, 2005 (Attachment 4). Any development proposals for the property would require a survey of the property and additionally may require delineation by the Army Corps of Engineers to determine if wetlands are present.

None of the properties for this rezoning request are located within an identified the Special Flood Hazard Area (SFHA) according to the FEMA approved Flood Insurance Rate Maps (FIRMs) from 2007. Additionally there are no navigable waters on these properties requiring compliance with CAMA regulations managed by the Division of Coastal Management. Future development on the sites would require a re-examination of all environmental concerns for compliance.

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#### **PROJECT EVALUATION:**

- A) Public Notifications:** Public Notice of the proposal for map change has been advertised in the *Pender-Topsail Post and Voice*. Adjacent property owners have been given written notice of the request, and a public notification sign has been placed on the property.
- B) Existing Zoning in Area:** The existing zoning in the surrounding area is RP, Residential Performance surrounding the Jensen's Inc. properties on the northern, southern and eastern boundary. Additionally GB, General Business and PD, Planned Development borders the properties to the west.
- C) Existing Land Use in Area:** The existing land uses surrounding the subject properties consists of mainly residential development. To the north bordering the Jensen's Inc. properties are residential subdivisions along Grandview Drive. To the south and east of the subject properties are low density residential structures. And finally, to the west is the commercial property known as Hampstead Village and mainly underdeveloped GB, General Business tracts with single family residential structures. A MH, Manufactured Housing Community rezoning would be compatible with the existing land uses in the area.

**D) 2010 Comprehensive Land Use Plan Compliance:** The 2010 Comprehensive Land Use Plan designates the subject property as Mixed Use. The Mixed Use land classification designates locations where a mixture of higher density/intensity uses is to be encouraged. Mixed Use areas should be characterized by physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high-and medium-density residential uses, arranged in a walkable, compact, pedestrian and transit friendly manner. A re-zoning of this property to MH, Manufactured Housing Community zoning district complies with the 2010 Comprehensive Land Use Plan designation of these properties. There are no goals and policies within this plan may not support the rezoning request. The following goals and policies within this plan support the rezoning request:

- **Policy 1A.1.1** Encourage development in and around municipal corporate limits and other developed areas within the County to yield a more compact pattern of development that will reduce suburban/rural sprawl.
- **Policy 1A.1.2** Encourage development in areas where the necessary infrastructure- roads, water, sewer, and schools- are available, planned or can be most cost effectively provided and extended to serve existing and future development.
- **Policy 1A.1.5** The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.
- **Goal 3A.1** Develop a preferred growth pattern that includes traditional suburban communities but also allows for higher density residential development and for innovative mixed-use developments to encourage more compact, sustainable growth patterns.

**E) Unified Development Ordinance Compliance:** Article 3.3.8 of the *Pender County Unified Development 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 meets the standards of Article 3.3.8 of the Unified Development Ordinance.

### **3.3.8 Review Criteria for Rezoning**

*The Planning Board and Board of Commissioners shall consider the following matters in considering a rezoning request:*

- A. *Whether the range of uses permitted by the proposed change would be appropriate to the area concerned (including not being detrimental to the natural environment, not adversely affecting the health or safety of residents or workers in the area, not being detrimental to the use or development of adjacent property, and not materially or adversely affecting the character of the general neighborhood);*
- B. *Whether adequate public facilities/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;*
- C. *Whether the proposed change is consistent with the County's Comprehensive Land Use Plan and CAMA Land Use Plan or any other adopted land use document.*
- D. *Whether the proposed amendment is reasonable as it relates to the public interest.*

**G) Summary & Staff Recommendation:** The request consists of a general use rezoning of one hundred six (106) parcels from RP, Residential Performance to MH, Manufactured Housing Community zoning district. The request complies with all criteria set forth in Article 3.3.8 of the

*Pender County Unified Development Ordinance.* The proposed rezoning of the subject property consistent with five (5) policies the *2010 Comprehensive Land Use Plan* and does not conflict with any goals or policies in this document. Therefore, staff respectfully recommends approval for the general use rezoning of all aforementioned properties.

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**VOTING AND RESOLUTION:**

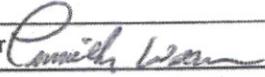
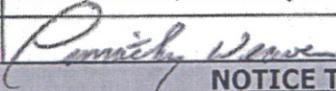
**Motion:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

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

Boney: \_\_\_ Marshburn: \_\_\_ Baker: \_\_\_ Edens: \_\_\_ McClammy: \_\_\_ Nalee: \_\_\_ Williams: \_\_\_

# 11083

### APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 11/25/2013	Date	11/22/2013
Application Fee	\$ 1,620.00	Receipt No.	
Pre-Application Conference		Hearing Date	PB 1/7 & BOC 2/18
<b>SECTION 1: APPLICANT INFORMATION</b>			
Applicant's Name:	Jensen's, Inc.	Owner's Name:	Jensen's, Inc.
Applicant's Address:	531 Loblolly Trail	Owner's Address:	same
City, State, & Zip	Hampstead, NC 28443	City, State, & Zip	
Phone Number:	910-270-3520	Phone Number:	
Legal relationship of applicant to land owner:			
<b>SECTION 2: PROJECT INFORMATION</b>			
Property Identification Number (PIN):	SEE EXHIBIT "A" ATTACHED.	Total property acreage:	~108 Approx. 107.5281 acres
Current Zoning District:	RP	Proposed Zoning District:	MH
Project Address :	531 Loblolly Trail, Hampstead, NC 28443		
Description of Project Location:	Coastal Plantation by Jensen Communities located off Highway 17		
<b>SECTION 3: SIGNATURES</b>			
Applicant's Signature	Timothy Weaver, Community Manager 	Date:	11/22/2013
Owner's Signature		Date:	11/22/2013
<b>NOTICE TO APPLICANT</b>			
<ol style="list-style-type: none"><li>1. Applicant must also submit the information described on the Rezoning Checklist.</li><li>2. Applicant or agent authorized in writing must attend the public hearing.</li><li>3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing.</li><li>4. All fees are non-refundable</li><li>5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda</li></ol>			

## Rezoning/Zoning Map Amendment Checklist

<input checked="" type="checkbox"/>	Signed application form		
<input checked="" type="checkbox"/>	Application fee		
<input checked="" type="checkbox"/>	A list of names and addresses, as obtained from the county tax listings and tax abstract, all adjacent property owners, including property owners directly across any road or road easement, and owners of the property under consideration for rezoning.		
<input checked="" type="checkbox"/>	Two (2) business size envelopes legibly addressed with <b>first class</b> postage for each of the adjacent and abutting property owners on the above list.		
<input checked="" type="checkbox"/>	Accurate legal description or a map drawn to scale showing the property boundaries to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.		
<input checked="" type="checkbox"/>	18 (11"x17") map copies to be distributed to the Planning Board		
<input checked="" type="checkbox"/>	20 (11"x17") map copies to be distributed to the Board of Commissioners		
<input checked="" type="checkbox"/>	Digital (.pdf) submission of all application materials		
<input checked="" type="checkbox"/>	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties. SEE EXHIBIT "B" ATTACHED HERETO.		
<b>Office Use Only</b>			
<input type="checkbox"/>	ZMA Fees: (\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter)		Total Fee Calculation: \$
Attachments Included with Application: (Please include # of copies)			
CD /other digital version	<input type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets	# of large
			# of 11X17
			Other documents/Reports
			<input type="checkbox"/> Y <input type="checkbox"/> N
<b>Payment Method:</b>	<b>Cash :</b> <input type="checkbox"/> \$ _____	<b>Credit Card:</b> <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	<b>Check:</b> <input type="checkbox"/> Check # _____
<b>Application received by:</b>	<i>Megan Hare</i>		<b>Date:</b> 11/22/13
<b>Application completeness approved by:</b>	<i>Megan Hare</i>		<b>Date:</b> 11/25/13
<b>Dates scheduled for public hearing:</b>			
<input type="checkbox"/> <b>Planning Board:</b> 11/7/13			
<input type="checkbox"/> <b>Board of Commissioners:</b> 11/21/13			

**RETURN COMPLETED APPLICATION TO:**  
Pender County Planning & Community Development  
805 South Walker Street  
P.O. Box 1519  
Burgaw, NC 28425

Print Form

# SHANKLIN & NICHOLS, LLP

ATTORNEYS AT LAW

214 MARKET STREET

POST OFFICE BOX 1347

WILMINGTON, NORTH CAROLINA 28402-1347

TELEPHONE (910) 762-9400 • TELEFAX (910) 251-1773

E-MAIL: SHANKLAW@EARTHLINK.NET

KENNETH A. SHANKLIN\*

\*BOARD CERTIFIED SPECIALIST IN  
REAL PROPERTY LAW - RESIDENTIAL, BUSINESS,  
COMMERCIAL AND INDUSTRIAL TRANSACTIONS

MATTHEW A. NICHOLS\*\*

\*\*ALSO ADMITTED IN NEW YORK

November 22, 2013

## VIA HAND DELIVERY

Pender County Planning & Community Development  
805 S. Walker Street  
Burgaw, NC 28425

Re: Application for Rezoning  
Owner/Applicant: Jensen's, Inc.  
Approx. 108 acres – Coastal Plantation  
Our File No. 2013041.2

Dear Ladies and Gentlemen:

Please find enclosed the following:

1. Application for Rezoning with Exhibit A attached listing tax parcel numbers for rezoning and Exhibit B outlining description of the present and proposed zoning;
2. Application Fee in the amount of \$1,520.00 for approximately 108 acres;
3. List of Adjacent Owners;
4. Two sets of pre-addressed and stamped envelopes to adjacent owners; and
5. 38 copies of 11x17 map for distribution to the Planning Board and Board of Commissioners.
6. A digital (pdf) submission of all application materials will be sent later today.

Thank you for your assistance with this matter.

With best regards, I remain

Very truly yours,



Matthew A. Nichols

MAN/pcc

Enclosures

cc: Jensen's, Inc.

AUTHORITY FOR APPOINTMENT OF AGENT

The undersigned applicant/owner, JENSEN'S, INC., does hereby appoint KENNETH A. SHANKLIN and MATTHEW A. NICHOLS of Shanklin & Nichols, LLP, as its exclusive agents for the purpose of petitioning PENDER COUNTY, North Carolina, for: (a) a text amendment to the ordinance; (b) a change to the Official Zoning Map; (c) a general and/or conditional rezoning request; and/or (d) approval of a special- or conditional-use permit.

The applicant/owner does hereby covenant and agree with Pender County that said agents have the authority to do the following acts on behalf of the applicant/owner:

1. To submit a proper petition and the required supplemental materials;
2. To appear at public meetings and hearings to give representation and commitments on behalf of the applicant/owner;
3. In the case of a special- or conditional-use permit, to accept conditions or recommendations made for the issuance of the special use permit on the owner's property; and
4. To act on the applicant/owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition.

This agency agreement shall continue in effect until final disposition of the petition submitted in conjunction with this appointment.

**Date: November 22, 2013.**

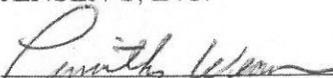
Agents' Name, Address & Telephone

Signature of Applicant/Owner

Kenneth A. Shanklin  
Matthew A. Nichols  
SHANKLIN & NICHOLS, LLP  
214 Market Street  
P.O. Box 1347  
Wilmington, NC 28402  
Telephone: (910) 762-9400  
Telefax: (910) 251-1773  
E-mail: [shanklaw@earthlink.net](mailto:shanklaw@earthlink.net)

JENSEN'S, INC.

By:

  
Timothy Weaver, Community Manager

Jensens Inc - Applicant for Rezoning 12.20.13

TAX PARCEL/PIN NO. #:	PROPERTY ADDRESS:	LEGAL DESCRIPTION:
3292-29-1425-0000	PARKWOOD TRAIL	LOT 30 PB 19/22 S/S US 17
3292-29-4357-0000	18 PARKWOOD TRAIL	LOT 29 PB 19/22 S/S US HWY 17
3292-29-7774-0000	211 LOBLOLLY TRAIL	LOT 32 PB 19/22 S/S US HWY 17
3292-29-8647-0000	LOBLOLLY TRAIL	LOT 33 PB 19/22 JENSENS SWIMMING POOL LOT
3292-49-3595-000L	114 NANDINA DR	LOT 107 PB 39/102 JENSENS COASTAL PLTN
3292-49-3419-000L	94 NANDINA DR	L/H LOT 106 PB 39/102 JENSENS COASTAL PLTN
3292-49-2452-000L	76 NANDINA DR	LOT 105 PB 39/102 JENSENS COASTAL PLTN
3292-49-2665-000L	107 NANDINA DR	LOT 123 PB 39/102 JENSENS COASTAL PLTN
3292-49-3763-0000	133 NANDINA DR	LOT 122 PB 39/102 JENSENS COASTAL PLTN
3292-39-9843-000L	256 NANDINA DR	LOT 116 PB 39/102 JENSENS COASTAL PLTN
3292-49-0828-000L	240 NANDINA DR	LOT 115 PB 39/102 JENSENS COASTAL PLTN
3292-49-1931-000L	216 NANDINA DR	LOT 114 PB 39/102 JENSENS COASTAL PLTN
3292-49-2935-000L	198 NANDINA DR	LOT 113 PB 39/102 JENSENS COASTAL PLTN
3292-49-3946-000L	182 NANDINA DR	LOT 112 PB 39/102 JENSENS COASTAL PLTN
3292-49-4662-000L	132 NANDINA DR	LOT 108 PB 39/102 JENSENS COASTAL PLTN
3292-49-5732-000L	144 NANDINA DR	LOT 109 PB 39/102 JENSENS COASTAL PLTN
3292-49-1374-000L	58 NANDINA DR	LOT 104 PB 39/102 JENSENS COASTAL PLTN
3292-49-0679-000L	241 NANDINA DR	L/H LOT 119 PB 39/102 JENSENS COASTAL PLTN
3292-39-9654-000L	267 NANDINA DR	LOT 118 PB 39/102 JENSENS COASTAL PLTN
3292-39-8348-0000	508 LOBLOLLY TRAIL	LOT 128R PB 52/103 RECOMB JENSENS
3292-49-0401-0000	41 NANDINA DR	LOT 126R PB 52/103 RECOMB JENSENS
3292-39-9513-0000	532 LOBLOLLY TRAIL	LOT 129 PB 53/103 RECOMB JENSENS
3292-39-9325-000L	21 NANDINA DR	LOT 127 PB 39/102 JENSENS COASTAL PLTN
3292-49-1787-000L	215 NANDINA DR	LOT 120 PB/39/102 JENSENS COASTAL PLTN
3292-49-0570-000L	61 NANDINA DR	L/H LOT 125 PB 39/102 JENSENS COASTAL PLTN
3292-39-5361-0000	465 LOBLOLLY TRAIL	LOT 75 JENSENS INC PB 35/145
3292-39-5035-0000	426 LOBLOLLY TRAIL	LOT 76 JENSENS INC PB 35/145
3292-39-4294-0000	445 LOBLOLLY TRAIL	LOT 74 JENSENS INC PB 35/145
3292-38-0934-0000	54 CYPRESS CIR	LOT 46 JENSENS PHASE II UNRECORDED PLAT
3292-49-1558-0000	81 NANDINA DR	LOT 124 PB 39/102 JENSENS COASTAL PLTN
3292-38-0577-000L	140 CYPRESS CIR	LOT 52 JENSENS PHASE II UNRECORDED PLAT
3292-28-9576-000L	126 CYPRESS CIR	LOT 51 JENSENS PHASE II UNRECORDED PLAT
3292-19-9564-000L	170 BURLEIGH DR	LOT 39 PB 19/22 COASTAL PLTN

**TAX PARCEL/PIN NO. #:**

**PROPERTY ADDRESS:**

**LEGAL DESCRIPTION:**

3292-29-0620-000L	150 BURLEIGH DR	LOT 38 JENSENS S/S US 17
3292-29-0687-000L	128 BURLEIGH DR	LOT 37 COASTAL PLTN PB 19/22 S/S US 17
3292-29-1743-000L	116 BURLEIGH DR	P19 PG22 LOT 36 LEASEHOLD ON LOT
3292-29-2810-000L	84 BURLEIGH DR	P19 PG22 LOT 35 S/S US 17 LEASEHOLD ON PROP D/W
3292-29-3840-000L	61 CLUBHOUSE CIR	L/H LOT 4 PB 19/22 JENSENS
3292-29-2780-000L	98 PINESTRAW DR	P19 PG22 LOT 5 S/S US 17 LEASEHOLD ON PROP D/W
3292-29-3678-000L	76 PINESTRAW DR	P19 PG22 LOT 6 S/S US 17
3292-29-4736-000L	51 CLUBHOUSE CIR	P19 PG22 LOT 3 S/S US 17 LEASEHOLD ON PROP D/W
3292-29-5276-000L	39 CLUBHOUSE CIR	LOT 2 PB 19/11 JENSENS INC S/S US 17
3292-29-6811-000L	21 CLUBHOUSE CIR	P19 PG22 LOT 1B S/S US 17 LEASEHOLD ON PROP D/W
3292-29-6752-000L	200 LOBLOLLY TR	P19 PG22 LOT 9 S/S US 17
3292-29-5658-000L	34 PINESTRAW DR	P19 PG22 LOT 8 S/S US 17
3292-29-4667-000L	54 PINESTRAW DR	P19 PG22 LOT 7 S/S US 17
3292-29-7624-000L	224 LOBLOLLY TR	P19 PG22 LOT 10 S/S US 17 D/W L/H TO VERNON MCCLEOD
3292-29-6539-000L	27 PINESTRAW DR	P19 PG22 LOT 11 S/S US 17 LEASEHOLD ON PROP D/W
3292-29-5546-000L	43 PINESTRAW DR	LOT 12 JENSENS S/S US 17 PB 19/22
3292-29-4566-000L	55 PINESTRAW DR	P19 PG22 LOT 13 S/S US 17 LEASEHOLD ON PROP D/W
3292-29-3567-000L	73 PINESTRAW DR	P19 PG22 LOT 14 S/S US 17 LEASEHOLD ON PROP D/W
3292-29-2589-000L	87 PINESTRAW DR	P19 PG22 LOT 15 S/S US 17
3292-29-2604-000L	103 PINESTRAW DR	P19 PG22 LOT 16 S/S US 17
3292-29-1557-000L	137 BURLEIGH DR	LOT 17 PB 19/22 JENSENS L/H TO PERALTA
3292-29-2533-000L	128 PARKWOOD TR	P19 PG22 LOT 18 LEASEHOLD ON LOT TO JOHN TOOLE
3292-29-3510-000L	108 PARKWOOD TR	LOT 19 PB 19/22 JENSENS INC S/S US 17
3292-29-4408-000L	92 PARKWOOD TR	P19 PG22 LOT 20 S/S US 17 LEASEHOLD ON PROP D/W
3292-29-4477-000L	70 PARKWOOD TR	P19 PG22 LOT 21 S/S US 17
3292-29-5488-000L	54 PARKWOOD TR	LOT 22 PB 19/22 JENSENS COASTAL PLTN S/S US 17
3292-29-6572-000L	32 PARKWOOD TR	P19 PG22 LOT 23 S/S US 17 IPR42287
3292-29-7566-000L	238 LOBLOLLY TR	LOT 24 PB 19/22 JENSENS INC S/S US 17
3292-29-5347-000L	63 PARKWOOD TR	P19 PG22 LOT 28 S/S US 17 LEASEHOLD ON PROP D/W
3292-29-6358-000L	45 PARKWOOD TR	LOT 27 S/S US 17 P19 PG22
3292-29-7443-000L	27 PARKWOOD TR	P19 PG22 LOT 26 S/S US 17 LEASEHOLD ON LOT D/W
3292-29-8520-000L	260 LOBLOLLY TR	P19 PG22 LOT 25 S/S US 17
3292-29-8482-000L	274 LOBLOLLY TR	LOT 40 JENSENS PHASE II UNRECORDED PLAT
3292-29-9356-000L	294 LOBLOLLY TR	LOT 41 JENSENS PHASE II UNRECORDED PLAT
3292-39-0227-000L	318 LOBLOLLY TR	LOT 42 JENSENS PHASE II UNRECORDED PLAT
3292-39-0261-000L	334 LOBLOLLY TR	LOT 43 JENSENS PHASE II UNRECORDED PLAT

TAX PARCEL/PIN NO. #:	PROPERTY ADDRESS:	LEGAL DESCRIPTION:
3292-39-1130-000L	364 LOBLOLLY TR	LOT 44 JENSENS PHASE II UNRECORDED PLAT
3292-39-0091-000L	28 CYPRESS CIR	LOT 45 JENSENS PHASE II UNRECORDED PLAT
3292-28-9940-000L	74 CYPRESS CIR	LOT 47 JENSENS PHASE II UNRECORDED PLAT
3292-28-8841-000L	88 CYPRESS CIR	LOT 48 JENSENS PH II UNREC PLAT D/W L/H TO BILL WINDER
3292-28-8751-000L	96 CYPRESS CIR	LOT 49 JENSENS PHASE II UNRECORDED PLAT
3292-28-9603-000L	112 CYPRESS CIR	LOT 50 JENSENS PHASE II UNRECORDED PLAT
3292-28-9787-000L	87 CYPRESS CIR	LOT 62 JENSENS PHASE II UNRECORDED PLAT
3292-38-2904-000L	31 CYPRESS CIR	LOT 65 JENSENS PHASE II UNRECORDED PLAT
3292-38-0862-000L	63 CYPRESS CIR	LOT 63 JENSENS PHASE II UNRECORDED PLAT
3292-38-1837-000L	47 CYPRESS CIR	LOT 64 JENSENS PH II UNREC PLAT D/W L/H TO HARRY SCHAILEY
3292-38-3932-000L	223 CYPRESS CIR	LOT 57 JENSENS PHASE II UNRECORDED PLAT
3292-38-2865-000L	197 CYPRESS CIR	LOT 58 JENSENS PHASE II UNRECORDED PLAT
3292-38-1789-000L	177 CYPRESS CIR	LOT 59 JENSENS PHASE II UNRECORDED PLAT
3292-38-0793-000L	159 CYPRESS CIR	LOT 60 JENSENS PHASE II UNRECORDED PLAT
3292-38-0629-000L	121 CYPRESS CIR	LOT 61 JENSENS PHASE II UNRECORDED PLAT D/W LEASEHOLD
3292-38-1672-000L	160 CYPRESS CIR	LOT 53 JENSENS PH II UNREC PLAT D/W L/H TO ALLEN S DRURY
3292-38-2667-000L	174 CYPRESS CIR	LOT 54 JENSENS PHASE II UNRECORDED PLAT
3292-38-3752-000L	196 CYPRESS CIR	LOT 55 JENSENS PHASE II UNRECORDED PLAT
3292-39-6135-000L	446 LOBLOLLY TR	LOT 77 PB 35/145 JENSENS INC
3292-39-4136-000L	419 LOBLOLLY TR	LOT 73 JENSENS PHASE II UNRECORDED PLAT
3292-39-1336-000L	317 LOBLOLLY TR	LOT 69 JENSENS PHASE II UNRECORDED PLAT
3292-39-1287-000L	341 LOBLOLLY TR	LOT 70 JENSENS PHASE II UNRECORDED PLAT
3292-39-2139-000L	365 LOBLOLLY TR	LOT 71 JENSENS PH II UNREC PLAT DOUBLEWIDE LEASEHOLD
3292-39-3135-000L	393 LOBLOLLY TR	LOT 72 JENSENS PH II UNREC PLAT DOUBLEWIDE LEASEHOLD
3292-29-8599-000L	259 LOBLOLLY TR	P19 PG22 LOT 34 S/S US 17 LEASEHOLD DOUBLEWIDE ON LOT
3292-29-9573-000L	277 LOBLOLLY TR	L/H LOT 67 JENSENS PH II UNREC PLAT D/W L/H TO RUTH KAPSCH
3292-39-0447-000L	301 LOBLOLLY TR	LOT 68 JENSENS PHASE II UNRECORDED PLAT
3292-29-0469-000L	155 BURLEIGH DR	LOT 31 PB 19/22 JENSENS L/H TO JENS B & ALICE JENSEN
3292-39-8831-000L	576 LOBLOLLY TR	L/H LOT 117 PB 39/102 JENSENS COASTAL PLTN
3292-49-3802-000L	191 NANDINA DR	LOT 121 PB 39/102 JENSENS COASTAL PLTN
3292-49-5833-0000	NANDINA DR	LOT 110 PB 39/102 JENSENS
3292-49-4962-0000	NANDINA DR	LOT 111 PB 39/102 JENSENS
3292-49-0221-000L	16 NANDINA DR	L/H LOT 102 PB 39/102 JENSENS COASTAL PLTN
3292-39-3667-0000	531 LOBLOLLY TR	WATER TREATMENT PLANT
3292-39-2052-0000	NO INFO PROVIDED	NO INFO PROVIDED IN TAX RECORDS
3292-39-3050-0000	NO INFO PROVIDED	NO INFO PROVIDED IN TAX RECORDS

3292-49-1209-000L

38 NANDINA DR

LOT 103 PB 39/102 JENSENS COASTAL PLTN

**EXHIBIT "B"**  
**TO**  
**APPLICATION FOR REZONING**

OWNER/

PETITIONER: Jensen's, Inc.

AGENTS: Kenneth A. Shanklin  
Matthew A. Nichols  
Shanklin & Nichols, LLP

DATE: November 22, 2013

PROPERTY: Approx. 108 acres, Coastal Plantation by Jensen Communities  
Off Highway 17 in Hampstead / Loblolly Trail

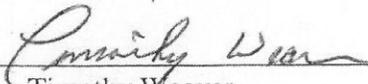
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**Description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and information that is pertinent to the case.**

Jensen's Coastal Plantation is a well-established and well-maintained high quality manufactured housing community designed for citizens 55 years of age and older. The development started in 1982 and underwent expansions in 1993 and 2005, with the most recent expansion (Nandina Drive) completed in 2010. Much of the area has developed around Jensen's Coastal Plantation over the last 30 years. There are currently 99 homes and approximately 166 residents within the community. With the remaining undeveloped property, Jensen's, Inc. ultimately plans to have a total of approximately 175 to 180 homes in the development. The development is currently zoned RP and is grandfathered under the provisions of Pender County's prior Mobile Home and Travel Trailer Ordinance. (See copies of 4/16/92, 4/15/92 and 4/20/93 correspondence attached hereto). Jensen's, Inc. wishes to continue to develop Jensen's Coastal Plantation in a manner consistent with the high standards of this existing and well-established manufactured housing community. Allowing this rezoning request will allow Jensen's, Inc. to do so in conformity with the new Pender County UDO. Jensen's, Inc. has always been and will remain a good corporate citizen and good neighbor to the surrounding residents and property owners. We appreciate your consideration of this rezoning request.

Respectfully submitted,

Jensen's, Inc.

By: 

Timothy Weaver  
Community Manager



REGIONAL OFFICE  
Route 17  
Garden City Beach SC 29576  
(803) 651-2520  
Telexcopier (803) 651-0726

April 16, 1992

Mrs. Angela W. Faison  
Pender County Planning Director  
Burgaw, NC 28425

Dear Mrs. Faison:

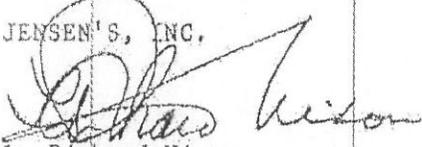
RE: Coastal Plantation

It is my understanding that Phase II of our development has been approved under the mobile home park classification as of April 14, 1992. Also, that Johnie Garrason is to submit plans to you showing our entire project and if 25 percent or more of Coastal Plantation has been developed, the entire project will be grandfathered and approval granted under the mobile home park classification.

We will proceed based upon these understandings. If any of this is not correct, please advise me. Thank you for your cooperation.

Sincerely yours,

JENSEN'S, INC.

  
L. Richard Nixon  
Executive Vice President

nc

PS: Incidentally, in 1980, President Jimmy Carter signed a Federal Law whereby any new manufactured homes built after that time would no longer be a mobile home but would be a manufactured home. Federal, state and local laws, regulations and ordinances have been amended to conform with this definition. Pender County might want to join in this updating and possibly avoid confusion at a later date.

cc: Johnie Garrason  
Godfrey Greenshields

*Retirement Mini Estates*

**JOHNIE C. GARRASON**

*Registered Land Surveyor*  
 810 Bluebird Lane  
 Wilmington, North Carolina 28409-5603

Tel. (919) 791-1657

If no answer (919) 791-6797

RLS #L-1347

April 15, 1992

Mr. L. Richard Nixon  
 Jensen's Inc.  
 Regional Office  
 Business Route 17  
 Garden City Beach, South Carolina 29576

Dear Mr. Nixon:

As per request of the Pender County Planning department, I have done the following research and calculations:

- |  |                    |
|--|--------------------|
| 1. Tract 1B as per Map Book 19 at Page 22                                      | 30.7742 AC.        |
| minus exception to The Hampstead Company<br>(a portion of Tract 1B)            | 1.2461 AC.         |
| Remaining portion of Tract 1B  | <u>29.5281 AC.</u> |
| 2. "Tract A" as per Map Book 17, Page 19                                       | 78.0000 AC.        |
| 3. Block 1 as per Map Book 12, Page 35 and<br>also as per Map Book 17, Page 19 | <u>4.22 AC.</u>    |
| 4. Total area owned by Jensen's  | 111.7481 AC.       |

The above 111.7481 acres belonging to Jensen's Inc. consists of:

A. 34.6419 acres of developed property, including all lands shown in Map Book 21 at Page 80 as Section One, all lands within the bounds of Section Two, all the lands used for sewage treatment, and all lands southwest of David's Lane and southeast of and including Lob Lolly Trail as per Map Book 27 at Page 29 that are to be beautified around the ponds.

B. 72.8862 acres of undeveloped property as cutover timberland with no farm land.

C. 4.22 acres of highway frontage with dwelling and outbuilding, mostly zoned B-2.

The portion developed for what Pender County considers a mobile home park is 31 per cent of the total area.

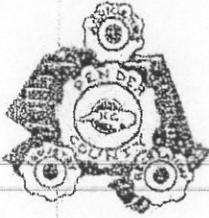
Very truly yours,



Johnie C. Garrason

JCG:g

*Note: Copy to Pender Co. Planning Director*



# Pender County Planning Department

*"Designing a better future for Pender County"*

P. O. BOX 832  
BURGAW, NORTH CAROLINA 28425  
919-259-1202

April 20, 1993

To: Johnnie Garrason  
From: Angela W. Faison *AWF*  
Subject: Jensen Coastal Plantation

This memo is in reference to your recent inquiry concerning Jensen's Coastal Plantation. According to Article VII, Previously Approved Parks and Article XIII, Existing Mobile Home Parks of the Pender County Mobile Home and Travel Park Ordinance dated January 22, 1991, and based on the information in the letters dated April 15, 1992, R. Nixon on April 15, 1993, the Planning Director, Jensen's Coastal Plantation may be completed under the provisions of the 1984 Mobile Home and Travel Trailer Ordinance.

If you have any further comments please do not hesitate to call.

383

**LOT NUMBER AND SQUARE FOOTAGE CHART**

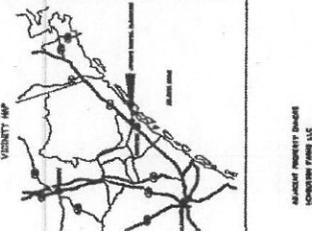
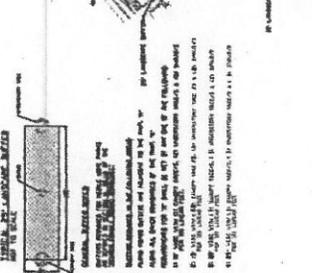
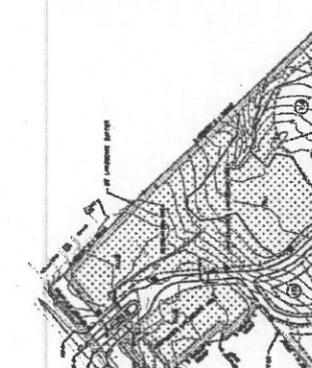
LOT NO.	SQ. FT.	LOT NO.	SQ. FT.	LOT NO.	SQ. FT.
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2	10,000	12	10,000	22	10,000
3	10,000	13	10,000	23	10,000
4	10,000	14	10,000	24	10,000
5	10,000	15	10,000	25	10,000
6	10,000	16	10,000	26	10,000
7	10,000	17	10,000	27	10,000
8	10,000	18	10,000	28	10,000
9	10,000	19	10,000	29	10,000
10	10,000	20	10,000	30	10,000

**PENNER COUNTY SITE PLAN CHECKLIST**

NO.	DESCRIPTION	BY/L
1	PROPERTY INFORMATION SEE TITLE BLOCK	
2	PROPERTY MAP SHOWS IN PLAN	
3	OWNER AND ADDRESS OF EXISTING PROPERTY LINED THROUGH IN PLAN	
4	OWNER LINES AS SHOWN IN PLAN	
5	OWNER AND ADDRESS AS SHOWN IN PLAN	
6	OWNER AND ADDRESS AS SHOWN IN PLAN	
7	OWNER AND ADDRESS AS SHOWN IN PLAN	
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27	OWNER AND ADDRESS AS SHOWN IN PLAN	
28	OWNER AND ADDRESS AS SHOWN IN PLAN	
29	OWNER AND ADDRESS AS SHOWN IN PLAN	
30	OWNER AND ADDRESS AS SHOWN IN PLAN	

**GENERAL NOTES**

1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS AND ORDINANCES.
2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE SITE PLAN SHALL BE CONSIDERED AS A GUIDE ONLY AND SHALL NOT BE USED AS A BASIS FOR CONSTRUCTION WITHOUT THE SUPERVISION OF A LICENSED PROFESSIONAL ENGINEER.
4. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
5. THE SITE PLAN SHALL BE CONSIDERED AS A GUIDE ONLY AND SHALL NOT BE USED AS A BASIS FOR CONSTRUCTION WITHOUT THE SUPERVISION OF A LICENSED PROFESSIONAL ENGINEER.



**ADJACENT PROPERTY OWNERS**

ADJACENT PROPERTY OWNERS: [List of adjacent property owners and their addresses]

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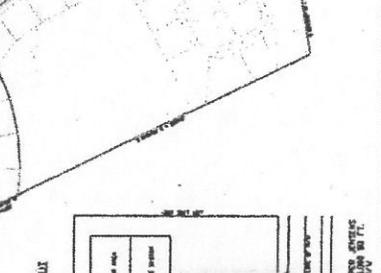
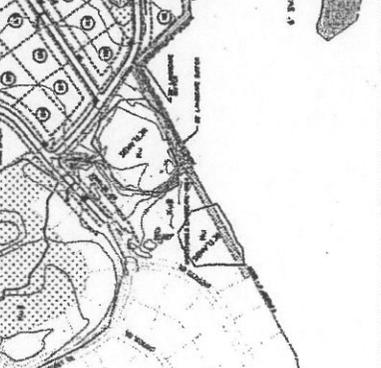
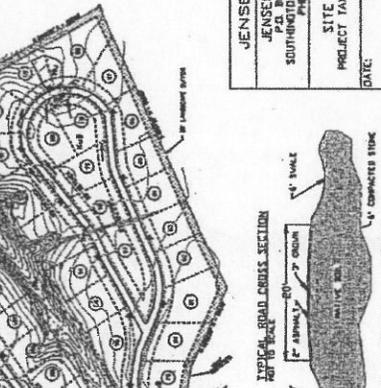
ADJACENT PROPERTY OWNERS: [List of adjacent property owners and their addresses]

**JENSEN'S COASTAL PLANTATION**

REVISIONS:

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	06/08/09
2	REVISIONS TO PERMITS	06/08/09

OWNER: JENSEN'S COASTAL PLANTATION  
 PROJECT TAX ID NO. 9139  
 DATE: 11/11/09  
 SCALE: 1" = 130'



**ADJACENT PROPERTY OWNERS**

ADJACENT PROPERTY OWNERS: [List of adjacent property owners and their addresses]





**Applicant and Owner:**  
Jensen's Inc.

**Zoning Map Amendment**  
(ZMA)

**Case #11083**

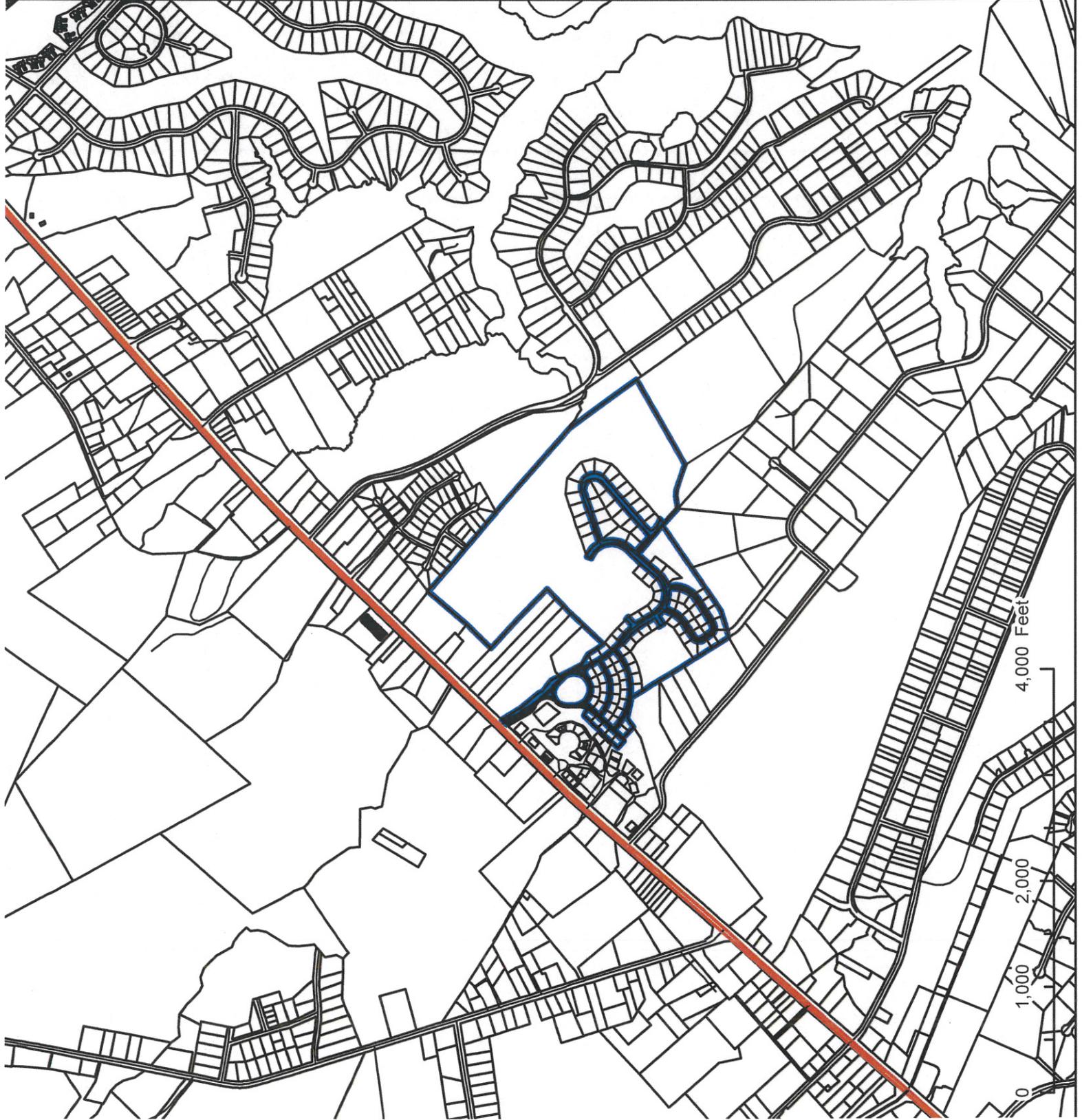
**Legend**



Jensens Subject Property



**VICINITY**





**Applicant and Owner:  
Jensen's Inc.**

**Zoning Map Amendment  
(ZMA)**

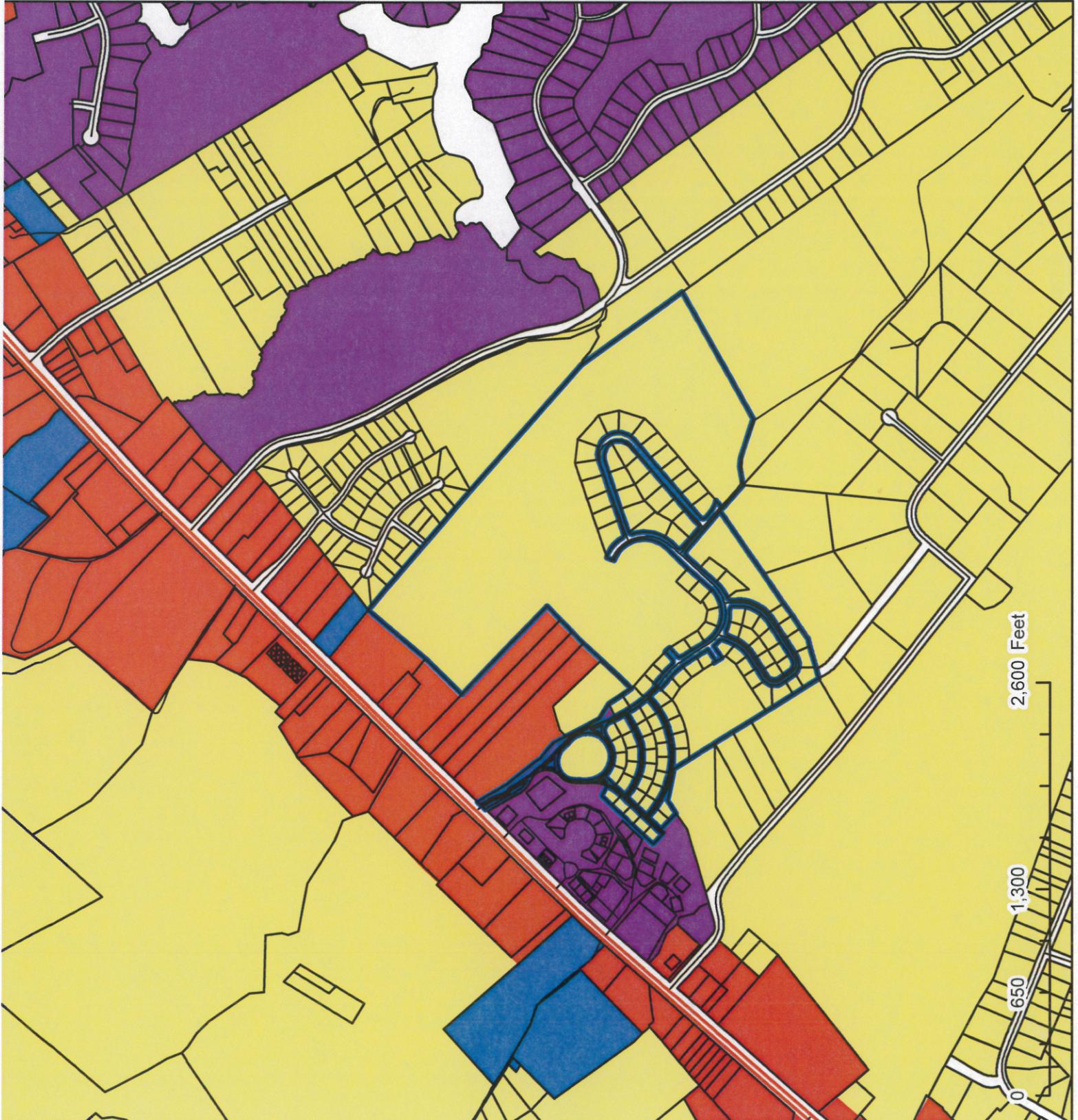
**Case #11083**

**Legend**

-  Jensens Subject Property
-  Current Zoning
-  Environmental Conservation
-  General Business
-  General Industrial
-  Incorporated Area
-  Industrial Transition
-  Office & Institutional
-  Planned Development
-  Rural Agriculture
-  Residential Performance



**CURRENT ZONING**





**Applicant and Owner:**  
Jensen's Inc.

**Zoning Map Amendment  
(ZMA)**

**Case #11083**

**Legend**



Jensen's Subject Property

**Future Land Use**



Rural Growth



Conservation



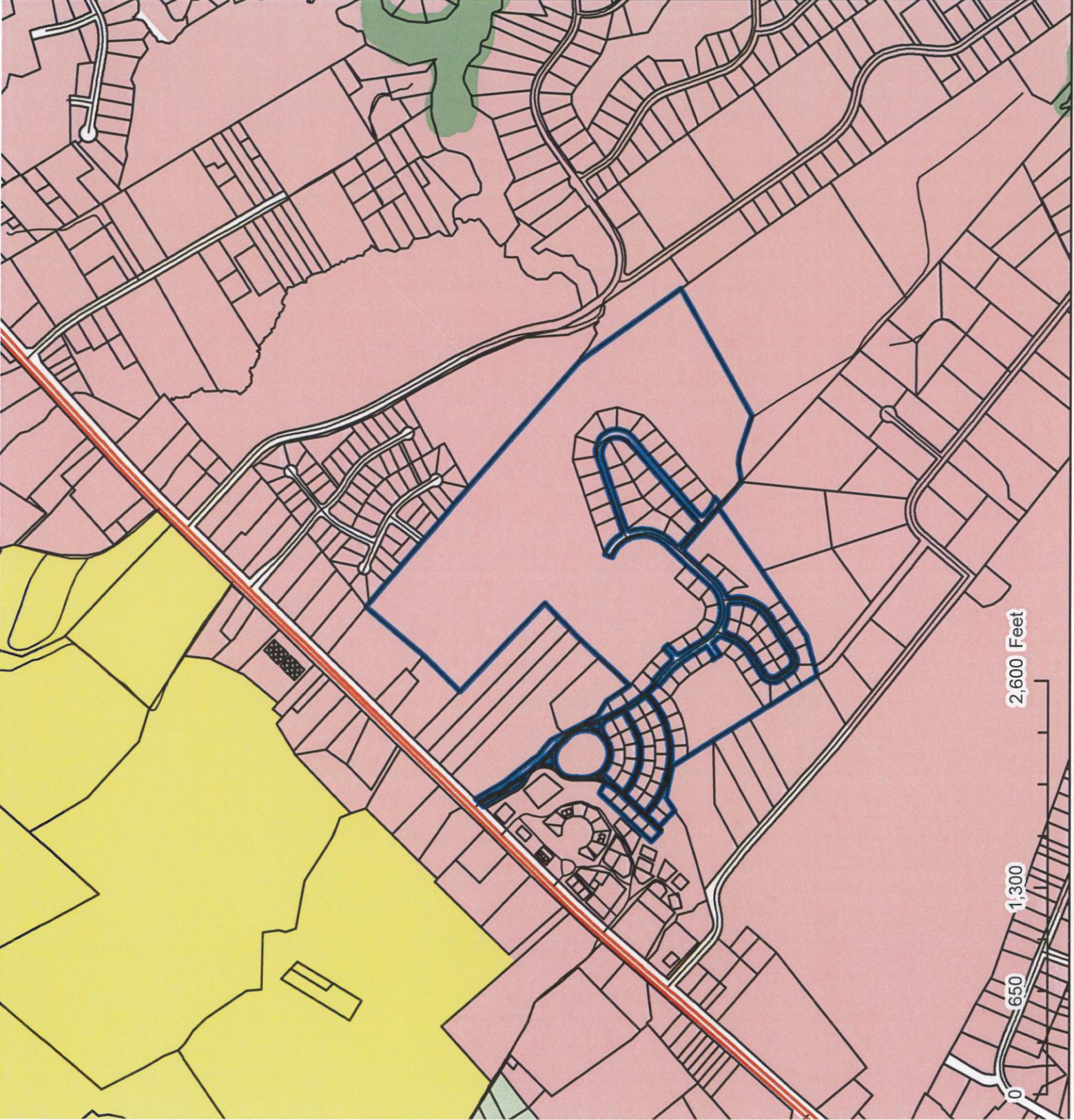
Mixed Use



Suburban Growth



**FUTURE LAND USE**





**Applicant and Owner:**  
Jensen's Inc.

**Zoning Map Amendment**  
(ZMA)

**Case #11083**

**Legend**



Jensens Subject Property



**AERIAL**

