

Pender County Planning and Community Development

Planning Division

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425



Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

AGENDA

**Pender County Planning Board
Tuesday, August 5, 2014 7:00 p.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina**

Call to Order: Chairman Williams

Roll Call: Chairman Williams

Pender County Planning Board Members:

Williams: ___ McClammy: ___ Baker: ___ Boney: ___ Edens: ___ Marshburn ___ Nalee: ___

1. Adoption of the Agenda:

2. Adoption of the Minutes: (July 1, 2014)

3. Public Comment:

(Public Hearings Open)

4. Zoning Map Amendment **tabled from the 7/1/2014 Meeting******

Pender County, applicant, on behalf of Melanie G. Herring, and Keith Tatro, owners, is requesting approval of a Zoning Map Amendment for a general use rezoning of two (2) tracts totaling 2.19 acres from RA, Rural Agricultural, to the GB, General Business District. The subject properties are located on the northwest corner of the intersection of Camp Kirkwood Road (SR 1318) and US HWY 117, and may be identified by Pender County PIN(s) 3322-45-8223-0000 (1.00 acre), and 3322-44-4210-0000 (1.19 acres).

5. Master Development Plan:

Gairy Canady, applicant, on behalf of Lisa L. Salemi-Haves, owner, is requesting the approval of a Master Development Plan for a single family residential subdivision. The proposed project is located on the north side of Kings Landing Road (SR 1567) approximately one (1) mile from the intersection of Country Club Drive (SR 1565) and Kings Landing Road (SR 1567); north of Bellowing Doe Road and Seven Pines Residential Subdivision, west of Crestwood Residential Subdivision, east of undeveloped land and to the south of Hideaway Shores and Windy Point (private roadway). The property is zoned RP, Residential Performance Zoning District and may be identified by Pender County PIN 4203-51-7342-0000.

(Public Hearings Closed)

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.

6. Discussion Items:

a. Planning Staff Items:

- i. Parking Standards
- ii. Portable Storage Containers
- iii. Planned Development Zoning District Standards

b. Planning Board Members Items:

7. Next Meeting: September 9, 2014 at 7:00 pm; Work Session at 6:00 pm

8. Adjournment:

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: August 5, 2014 – Planning Board (tabled from July 1, 2014 meeting)
August 18, 2014 – Board of Commissioners
Case Number: 11193 – Pender County Camp Kirkwood Road (ZMA)
Applicant: Pender County
Property Owner: Multiple: Melanie G. Herring and Keith Tatro

Rezoning Proposal: Pender County, applicant, on behalf of Melanie G. Herring and Keith Tatro, owners, is requesting approval of a Zoning Map Amendment for a general use rezoning for two tracts totaling 2.19 acres from RA, Rural Agricultural to the GB, General Business District.

Property Record Number, Acreage, and Location: The subject properties are located on the northwest corner of the intersection of Camp Kirkwood Road (SR 1318) and US HWY 117, and may be identified by Pender County PIN(s): 3322-45-8223-0000 (1.00 acre owned by Melanie G. Herring) and 3322-44-4210-0000 (1.19 acres owned by Keith Tatro). There are two tracts associated with this request totaling 2.19 acres.

Staff Recommendation: The request complies with all criteria set forth in Article §3.3.8 of the *Pender County Unified Development Ordinance*. The request is not in conflict with the *2010 Comprehensive Land Use Plan*. Staff respectfully recommends that the request be approved.

HISTORY:

These tracts of land were rezoned from RA, Rural Agricultural, to B-2, Business District (Highway) in 1999 by the Pender County Board of Commissioners. The two properties were inadvertently affected by a zoning change in 2009 in which the tracts were reverted to the RA, Rural Agricultural because of technical error.

The Pender County Planning Board, at the July 1, 2014 meeting, voted 3 in favor and 3 against passing a motion to recommend approving a Zoning Map Amendment of a rezoning request for two adjacent tracts owned by Miranda Rodriguez and tabling a rezoning request for the tracts owned by Melanie G. Herring and Keith Tatro. The board elected to modify the initial proposal to ensure the property owners are aware of the change. The Board of County Commissioners, at their July 7, 2014 meeting, voted unanimously to approve the zoning map amendment for the rezoning request of the two adjacent tracts owned by Miranda Rodriguez.

DESCRIPTION:

Pender County, applicant, on behalf of Melanie G. Herring and Keith Tatro, owners, is requesting approval of a Zoning Map Amendment for a general use rezoning for two (2) tracts totaling 2.19 acres from RA, Rural Agricultural to the GB, General Business District.

The subject properties are located on the northwest corner of the intersection of Camp Kirkwood Road (SR 1318) and US HWY 117, and may be identified by Pender County PIN(s): 3322-45-8223-0000 (1.00 acre owned by Melanie G. Herring) and 3322-44-4210-0000 (1.19 acres owned by Keith Tatro). The tract owned by Melanie G. Herring is vacant wooded; the tract owned by Keith Tatro contains a metal building/garage.

These tracts of land were rezoned from RA, Rural Agricultural, to B-2, Business District (Highway) in 1999 by the Pender County Board of Commissioners. Along with two adjacent tracts owned by Miranda Rodriguez, these two properties were inadvertently affected by a zoning change in 2009 in which the tracts were reverted to the RA, Rural Agricultural because of technical error. The intention of the Planning and Community Development Department is to rectify this mistake and request that the Board change the zoning of the properties to GB, General Business to closely mimic what was in place.

Both of these tracts of land meet the minimum lot size of 15,000 square feet and the minimum rezoning acreage requirement of one acre for the GB, General Business District. Additionally, both tracts are adjacent to tracts that are in the GB, General Business District. The tracts are not located within the Special Flood Hazard Area (SFHA). The tract owned by Melanie Herring has direct access to US HWY 117. The tract owned by Keith Tatro has direct access to Camp Kirkwood Road (SR 1318).

This is a general use rezoning which will encompass all uses permitted-by-right in the GB, General Business District as shown on the Permitted Use Table 5.2.3 of the Pender County Unified Development Ordinance. The GB, General Business District is primarily intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses.

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.

- 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 sign has been placed on the subject property. Staff sent additional notification to adjacent property owners on July 18, 2014 informing them of the August 5th, 2014 public hearing.
- B. **Existing Zoning:** All adjacent properties except for two are zoned RA, Rural Agricultural. The two exceptions are the two adjacent properties owned by Miranda Rodriguez, which were rezoned from RA, Rural Agricultural to GB, General Business at the July 7, 2014 Board of County Commissioners meeting.
- C. **Existing Land Use:** The tract owned by Melanie Herring is bordered by a vacant wooded tract to the north, by a vacant wooded tract to the south (owned by Miranda Rodriguez and rezoned from RA, Rural Agricultural to GB, General Business at the July 7, 2014 Board of County Commissioners meeting), by Dabby's Grill and agricultural land to the east across US HWY 117, and by a vacant wooded tract to the west. The tract owned by Keith Tatro is bordered by a vacant wooded tract to the

north and east (owned by Miranda Rodriguez and rezoned from RA, Rural Agricultural to GB, General Business at the July 7, 2014 Board of County Commissioners meeting), by agricultural land across Camp Kirkwood Road (SR 1318) to the south, and by Pop's Auto Shop and a single-family residence to the west.

D. 2010 Comprehensive Land Use Compliance: The 2010 Comprehensive Land Use Plan designates the subject property "Rural Growth." Uses that would typically be allowed in Rural Growth areas include very low-density residential development (single-family site-built, modular, and manufactured homes) on one acre or greater size lots; agriculture, forestry, churches; very limited non-residential uses - commercial, office, or public/institutional - meeting locational criteria. Locational criteria for non-residential uses in Rural Growth areas include frontage and access to a major State highway or secondary road, location at a major rural intersection, proximity to similar existing non-residential uses, and spatial separation from non-compatible uses such as existing residential development. The following goals and policies within this plan may be relevant to the proposed Zoning Map Amendment:

- a. **Growth Management Goal 1A.1:** *Manage the physical growth and development of Pender County by promoting more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the predominant rural lifestyle and coastal environment that makes the County a unique place to live.*
 - i. **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.*
 - ii. **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.*

E. Unified Development Ordinance Compliance: This is a general use rezoning, which will allow all uses permitted-by-right in the GB, General Business Zoning District. The GB, General Business District is primarily intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses. (§ 4.9.1)

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 a general use rezoning of two tracts (2.19 acres total) from RA, Rural Agricultural to the GB, General Business Zoning District. As submitted, the application is in compliance with the standards of the Pender County Unified Developed Ordinance and is not in direct conflict of the Comprehensive Land Use Plan. Staff respectfully recommends approval for this general use rezoning.

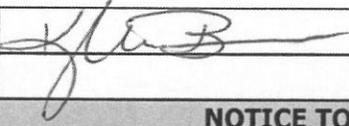
Planning Board

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous _____

Williams: ___ McClammy: ___ Baker: ___ Boney: ___ Edens: ___ Marshburn: ___ Nalee: ___

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 11193	Date	5/16/2014
Application Fee	\$ N/A	Receipt No.	N/A
Pre-Application Conference	N/A	Hearing Date	7/1/2014 PB
SECTION 1: APPLICANT INFORMATION		7/7/2014 BOCC	
Applicant's Name:	Pender County	Owner's Name:	See attachment
Applicant's Address:	805 S Walker St	Owner's Address:	See attachment
City, State, & Zip	Burgaw, NC 28425	City, State, & Zip	See attachment
Phone Number:	910-259-1202	Phone Number:	See attachment
Legal relationship of applicant to land owner:			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	See attachment	Total property acreage:	See attachment
Current Zoning District:	RA	Proposed Zoning District:	GB
Project Address :	See attachment		
Description of Project Location:	Four parcels located on the northwest corner of the intersection of Camp Kirkwood Road and US HWY 117		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	5/16/14
Owner's Signature		Date:	
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> 1. Applicant must also submit the information described on the Rezoning Checklist. 2. Applicant or agent authorized in writing must attend the public hearing. 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. 4. All fees are non-refundable 5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda 			

Rezoning/Zoning Map Amendment Checklist

<input checked="" type="checkbox"/>	Signed application form		
<i>N/A</i>	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 first class postage for each of the adjacent and abutting property owners on the above list.		
<i>mead</i> <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 type="checkbox"/>	18 (11"x17") map copies to be distributed to the Planning Board		
<input type="checkbox"/>	20 (11"x17") map copies to be distributed to the Board of Commissioners		
<i>N/A</i> <input type="checkbox"/>	Digital (.pdf) submission of all application materials		
<i>KB</i> <i>Letter</i> <input 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.		
Office Use Only			
<i>N/A</i>	ZMA Fees: (\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter)	Total Fee Calculation: \$	<i>N/A</i>
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
Payment Method:	Cash : <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check: <input type="checkbox"/> Check # _____
Application received by:			Date:
Application completeness approved by:	<i>Andre H. Cing</i>		Date: <i>6/16/2014</i>
Dates scheduled for public hearing:			
<input checked="" type="checkbox"/> Planning Board: <i>7/1/14</i>			
<input checked="" type="checkbox"/> Board of Commissioners: <i>7/7/14</i>			

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

Print Form

Rezoning Application Attachment: **Owners and Properties**

Owner's Name and Address:

Melanie G. Herring
5634 Chelon Ave
Wilmington, NC 28409

Property PIN: 3322-45-8223-0000

Property Address: Hwy 117

Property Acreage: 1.00

Miranda Rodriguez
388 Brickyard Rd
Hampstead, NC 28443

Property PIN: 3322-44-8909-0000 and 3322-44-7653-0000

Property Address: Hwy 117

Property Acreage: 5.57 and 7.93

Keith F. Tatro
1006 Mallard Roost Dr
Burgaw, NC 28425

Property PIN: 3322-44-4210-0000

Property Address: 2403 Camp Kirkwood Rd

Property Acreage: 1.19

Total Acreage (four properties): 15.69

Adjacent Land Owners

David Eugene Marshburn
5661 US Hwy 117 N
Burgaw, NC 28425

Marc A. Leick
734 Beachwalk Dr
Winnabow, NC 28479

Susan H. Wise
PO Box 821
Riegelwood, NC 28456

Mary Anna Murray
306 Croomsbridge Rd
Burgaw, NC 28425

Bernardo Bautista
2347 Camp Kirkwood Rd
Willard, NC 28478

Wayne Thompson
4121 Murray Town Rd
Burgaw, NC 28425

Timothy Whaley
4014 S NC 11
Wallace, NC 28466

Stacy W. Marshburn
5911 US Hwy 117 N
Burgaw, NC 28425

Richard Carl Hall
2990 US Hwy 117 N
Burgaw, NC 28425

Margie L. Jones
4980 Highway 117
Burgaw, NC 28425

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July 18, 2014

Ms. Melanie G. Herring
5634 Chelon Ave
Wilmington, NC 28409

RE: Request to Correct Zoning Error on Your Property

Dear Ms. Herring,

On June 4th, 2014, our office sent a letter to you explaining that your property was inadvertently affected by a zoning change in 2009. According to our records, certain identified tracts of land were changed from RA, Rural Agricultural District, to B-2, Business District (Highway), in 1999 by the Pender County Board of Commissioners. During a 2009 zoning change, your property (Pender County PIN 3322-45-8223-0000) located on the northwest corner of Camp Kirkwood Road (SR 1318) and US HWY 117, was reverted to the RA, Rural Agricultural District because of technical error. The intention of the Planning and Community Development Department is to rectify this mistake and request that the Board change the zoning of your property to GB, General Business District, to closely mimic what was in place.

At the July 1st, 2014 Pender County Planning Board meeting, the Board voted to table the rezoning request for your property until the next meeting on August 5, 2014.

For your review, a map of the property showing the existing and proposed zoning has been included with this letter. Your property is labeled "1".

A public hearing for the rezoning has been scheduled as listed below:

August 5, 2014 – Planning Board Public Hearing

August 18, 2014 – Board of Commissioners Public Hearing and Adoption

All meetings will be held at the Administrative Building, located at 805 South Walker Street, Burgaw, NC 28425. Should you have any questions or concerns, or for a list of allowable uses in each zoning district, please contact the Planning & Community Development Department at (910)259-1202. Again, we apologize for any inconvenience this may have caused you.

Regards,

Kyle M. Breuer, Director

Pender County Planning and Community Development

Planning Division

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425



Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

July 18, 2014

Mr. Keith Tatro
1006 Mallard Roost Dr
Burgaw, NC 28425

RE: Request to Correct Zoning Error on Your Property

Dear Mr. Tatro,

On June 4th, 2014, our office sent a letter to you explaining that your property was inadvertently affected by a zoning change in 2009. According to our records, certain identified tracts of land were changed from RA, Rural Agricultural District, to B-2, Business District (Highway), in 1999 by the Pender County Board of Commissioners. During a 2009 zoning change, your property (Pender County PIN 3322-44-4210-0000) located on the northwest corner of Camp Kirkwood Road (SR 1318) and US HWY 117, was reverted to the RA, Rural Agricultural District because of technical error. The intention of the Planning and Community Development Department is to rectify this mistake and request that the Board change the zoning of your property to GB, General Business District, to closely mimic what was in place.

At the July 1st, 2014 Pender County Planning Board meeting, the Board voted to table the rezoning request for your property until the next meeting on August 5, 2014.

For your review, a map of the property showing the existing and proposed zoning has been included with this letter. Your property is labeled "4".

A public hearing for the rezoning has been scheduled as listed below:

August 5, 2014 – Planning Board Public Hearing

August 18, 2014 – Board of Commissioners Public Hearing and Adoption

All meetings will be held at the Administrative Building, located at 805 South Walker Street, Burgaw, NC 28425. Should you have any questions or concerns, or for a list of allowable uses in each zoning district, please contact the Planning & Community Development Department at (910)259-1202. Again, we apologize for any inconvenience this may have caused you.

Regards,

Kyle M. Breuer, Director

Legend

- GB, General Business
- 1 HERRING MELANIE G
- 4 TATRO KEITH F et al
- RA, Rural Agricultural

Current Zoning
July 2014



Proposed Zoning



WAIVES

any warranty, implied or otherwise, as to the correctness of the information contained herein.

Deed Book:

1597

Page:

0072.001.jpg

ZoomIn

ZoomOut

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LSB

06/27/2000

FILED

00 JUN 27 AM 11:22

BK 1597PG072

PENDER COUNTY NC 06/27/2000

\$15.00



Real Estate Excise Tax

JOYCE M. SWICEGOOD
REGISTER OF DEEDS,
PENDER COUNTY, NC

Excise Tax \$15.00

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. _____
Verified by _____ County on the _____ day of _____, 19____
by *JS*

Mail after recording to

This instrument was prepared by **Lawrence S. Boehling**

Brief Description for the index

Union Township

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made June 26, 2000, by and between

GRANTOR

JAMES F. DRAKE AND WIFE, JUDITH M. DRAKE

GRANTEE

TRACY HERRING AND WIFE, MELANIE HERRING

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

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 Union Township, Pender County, North Carolina and more particularly described as follows:

Located in Union Township, Pender County, N.C. adjacent to and West of the Western Right-of-Way line of U.S. Highway No. 117 and being more fully described as follows, to wit:

BEGINNING at an iron pipe in the Western Right-of-Way line of U.S. Highway No. 117, said iron pipe being located along said line at a point that is the following courses and distances from N.C. GRID MONUMENT "TWIN": South 44 degrees 24 minutes 51 seconds West 191.32 feet and South 04 degrees 25 seconds 57 minutes West 684.53 feet to the BEGINNING; and running thence, from the BEGINNING, so located,

- (1) with the Western Right-of-Way line of U.S. Highway No. 117, South 04 degrees 25 minutes 57 seconds West 110.25 feet to an iron pipe in line; thence,
- (2) North 85 degrees 34 minutes 01 seconds West 414.04 feet to an iron pipe in the Richard C. Hall line; thence,
- (3) with said line North 23 degrees 16 minutes 28 seconds East 116.49 feet to an iron pipe in line; thence,
- (4) South 85 degrees 34 minutes 01 seconds East 376.42 feet to the BEGINNING,

containing 1.00 acres more or less and is as surveyed by Thompson Surveying Co., P.A. of Burgaw, N.C. during May 1991.

As a reference to the above described tract see Book 742, at Page 720 of the Pender County Registry.

WAIVES

any warranty, implied or otherwise, as to the correctness of the information contained herein.

Deed Book:

1597

Page:

0073.001.jpg

ZoomIn

ZoomOut

Previous

Next

The property hereinabove described was acquired by Grantor by instrument recorded in Book 742, Page 720.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto unto the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

- 1. Pender County ad valorem taxes for 2000 and subsequent years.
- 2. Right of way and easements of record, if any.
- 3. Restrictive covenants of record, if any.
- 4. Pender County zoning and/or subdivision ordinances.
- 5. No mobile homes.
- 6. Homes must have a minimum of 1200 square feet.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)

By: _____

President

ATTEST:

James F. Drake _____ (SEAL)
James F. Drake

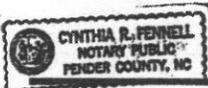
Judith M. Drake _____ (SEAL)
Judith M. Drake

_____ (SEAL)

_____ (SEAL)

Secretary (Corporate Seal)

SEAL-STAMP



NORTH CAROLINA, Pender County.

I, Cynthia R. Fennell, the undersigned, a Notary Public of the County and State aforesaid, certify that James F. Drake and wife, Judith M. Drake Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 26 day of June, 2000.

My commission expires: Nov 20, 2004.

Cynthia R. Fennell Notary Public

SEAL-STAMP

NORTH CAROLINA, Pender County.

I, the undersigned, a Notary Public of the County and State aforesaid, certify that personally came before me this day and acknowledged that he/she is Secretary of, a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by him/her as its Secretary. Witness my hand and official stamp or seal, this ___ day of __, __.

My commission expires: _____

Notary Public

The foregoing Certificate(s) of

Cynthia R. Fennell

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

JOYCE M. SWICEGOOD

By: *Katherine A. Bell*

REGISTER OF DEEDS FOR

Pender

COUNTY

Deputy/Assistant-Register of Deeds.

WAIVES

any warranty, implied or otherwise, as to the correctness of the information contained herein.

Deed Book:

3148

Page:

0277.jpg

ZoomIn

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BK 3148 PG 277

PENDER COUNTY NC 01/24/2007
\$500.00

FILED

07 JAN 24 PM 4:15



Real Estate
Excise Tax 4-8909-0000

JOYCE M. SWICEGOOD
REGISTER OF DEEDS
PENDER COUNTY, NC

PIN # 3322-44-7653-0000

DATE 1-24-07 INT -ICB

Excise Tax \$500.00

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. _____
Verified by _____ County on the _____ day of _____, 2006
by _____

Mail after recording to
This instrument was prepared by Lawrence S. Boehling

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

Brief Description for the index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made January 24, 2007, by and between

GRANTOR

JAMES F. DRAKE AND WIFE
JUDITH M. DRAKE

GRANTEE

MIRANDA RODRIGUEZ a 1/4 undivided interest;
ROBERT BADALIAN a 1/4 undivided interest;
and ALAN MCMAUGH a 1/2 undivided interest

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 Pender County, North Carolina and more particularly described as follows:

TRACT 1:

BEING that 7.93 acre tract, more or less, as shown on a map entitled "Division Map for James F. Drake" recorded in Map Book 34, page 32 of the Pender County Registry reference to which is hereby made for a more particular description.

TRACT 2:

The following described tract having Pender County P.I.N. 3322-44-8909-0000..

Located in Union Township; Pender County, North Carolina lying adjacent to and West of the Western Right-of-Way (75.0 feet from centerline) of U.S. Highway No. 117 and being more fully described as follows, to wit:

BEGINNING at an iron pipe in the Western Right-of-Way line of U.S. Highway No. 117, said iron pipe being located along said line at a point that is the following courses and distances from N.C. Grid Monument "TWIN": South 44 Degrees 24 Minutes 51 Seconds West 191.32 feet and South 04 Degrees 25 Minutes 57 Seconds West 794.78 feet to the Beginning; and running thence, from the Beginning, so located,

..... description continued on "EXHIBIT A"

3

WAIVES

any warranty, implied or otherwise, as to the correctness of the information contained herein.

Deed Book:

3148 ▼

Page:

0278.jpg ▼

ZoomIn

ZoomOut

Previous

Next

BK 3148 PG 278

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

- 1. Pender County ad valorem taxes for 2007 and subsequent years.
- 2. Right of way and easements of record, if any.
- 3. Restrictive covenants of record, if any.
- 4. Pender County zoning and/or subdivision ordinances.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

 (Corporate Name)
 By _____
 President

James F. Drake (SEAL)
 James F. Drake
Judith M. Drake (SEAL)
 Judith M. Drake

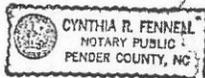
SEAL-STAMP

STATE OF NORTH CAROLINA, PENDER COUNTY.

I, CYNTHIA R. FENNELL, the undersigned, a Notary Public of the County and State aforesaid, certify that JAMES F. DRAKE AND WIFE, JUDITH M. DRAKE Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 24 day of JANUARY, 2007.

My commission expires: 11-20-2009

Cynthia R. Fennell Notary Public



WAIVES

any warranty, implied or otherwise, as to the correctness of the information contained herein.

Deed Book:

3148 ▼

Page:

0279.jpg ▼

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DK3148PG279

"EXHIBIT A"

(1) with the Western Right-of-Way line of U.S. Highway No. 117 South 04 Degrees 25 Minutes 57 Seconds West 155.00 feet to an iron pipe at the beginning of a curve in said roadway; thence,

(2) continuing along the Western Right-of-Way line of U.S. Highway No. 117 as it curves to the left the following being traverse courses and distances from point to point along said curved line: South 04 Degrees 06 Minutes 03 Seconds West 46.00 feet, South 04 Degrees 22 Minutes 39 Seconds West 100.00 feet and South 01 Degrees 31 Minutes 23 Seconds West 226.46 feet to an iron pipe in said Right-of-Way line at its intersection with a canal ditch; thence,

(3) down the run of said canal ditch as it meanders in a Westwardly direction with the following being traverse courses and distances from point to point along or near said ditch:

North 59 Degrees 00 Minutes 44 Seconds West 73.55 feet,
North 72 Degrees 34 Minutes 07 Seconds West 89.65 feet,
North 78 Degrees 16 Minutes 08 Seconds West 87.71 feet,
North 83 Degrees 21 Minutes 51 Seconds West 61.09 feet,
North 79 Degrees 45 Minutes 52 Seconds West 58.70 feet,
North 79 Degrees 40 Minutes 21 Seconds West 109.07 feet,
North 59 Degrees 32 Minutes 38 Seconds West 78.39 feet and
North 57 Degrees 31 Minutes 38 Seconds West 46.63 feet to an iron pipe in said ditch; thence,

(4) North 88 Degrees 51 Minutes 53 Seconds East 22.50 feet to an iron pipe in line; thence,

(5) North 23 Degrees 16 Minutes 28 Seconds East 406.80 feet to an iron pipe in line; thence,

(6) South 85 Degrees 34 Minutes 01 Seconds East 414.04 feet to the

Beginning; containing 5.23-acres more or less and is as surveyed by Thompson Surveying Co., P.A. of Burgaw, N.C. during May 1991.

As a reference to the above described tract see Deed Book 742 at Page 717 of the Pender County Registry. Also, see Pender County Tax P.I.N. 3322-44-8909-0000.

WAIVES

any warranty, implied or otherwise, as to the correctness of the information contained herein.

Deed Book:

3397

Page:

0068.jpg

ZoomIn

ZoomOut

Previous

Next

BK 3397PG068

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

- 1. PENDER County ad valorem taxes for 2008 and subsequent years.
- 2. Right of way and easements of record, if any.
- 3. Restrictive covenants of record, if any.
- 4. PENDER County zoning and/or subdivision ordinances.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

James F. Drake (SEAL)
JAMES F. DRAKE
Judith M. Drake (SEAL)
JUDITH M. DRAKE

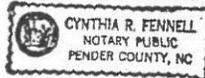
SEAL-STAMP

STATE OF NORTH CAROLINA, PENDER COUNTY.

I, CYNTHIA R. FENNELL, the undersigned, a Notary Public of the County and State aforesaid, certify that JAMES F DRAKE AND WIFE JUDITH M DRAKE Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 29 day of JANUARY, 2008.

My commission expires: 11-20-2009

Cynthia R. Fennell Notary Public



SEAL-STAMP

STATE OF NORTH CAROLINA, _____ COUNTY.

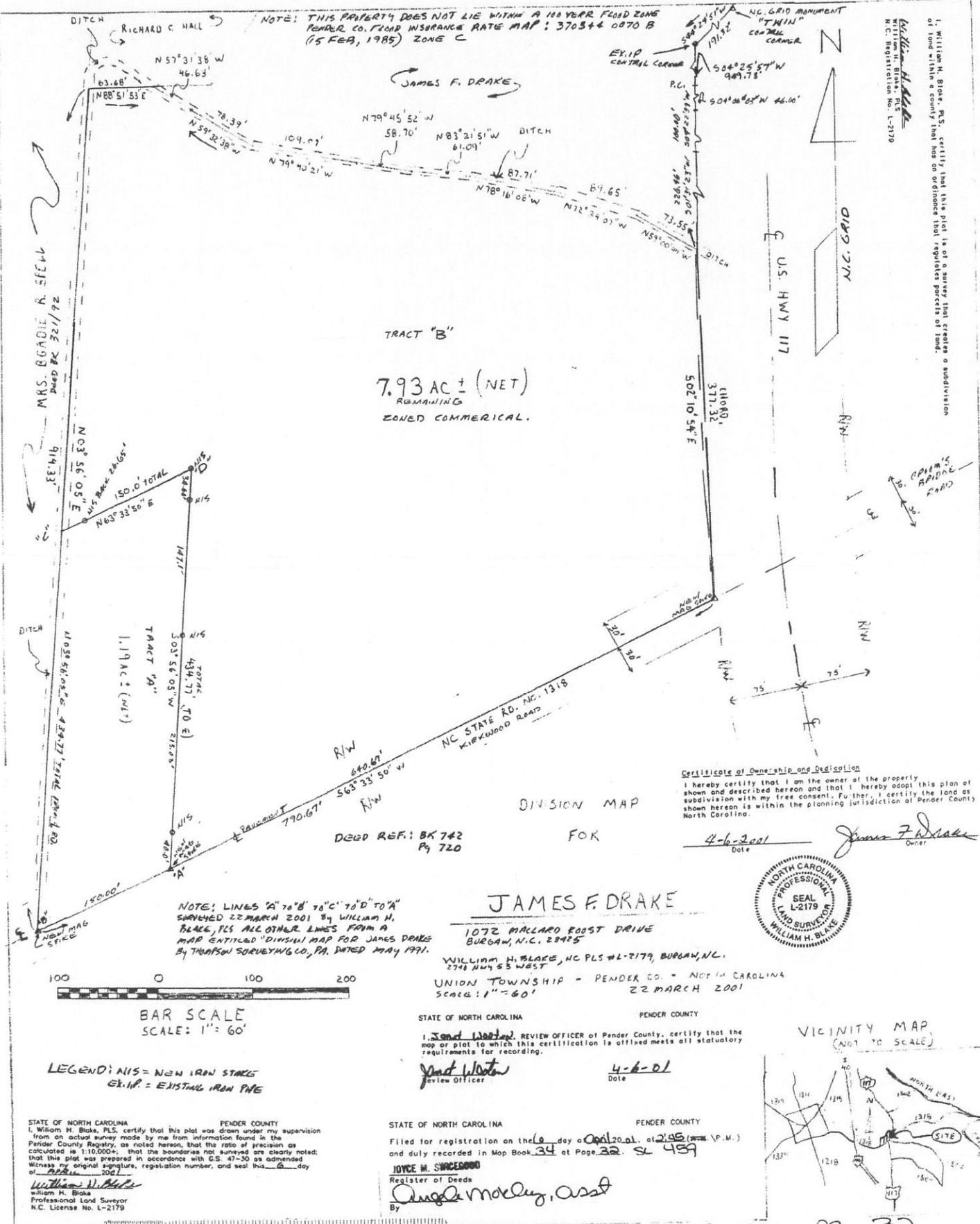
I, _____ The undersigned, a Notary Public of the County and State aforesaid, certify that _____ Grantor Personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____, 2008.

My commission expires: _____

Notary Public

NOTE: THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD ZONE
 PENDER CO. FLOOD INSURANCE RATE MAP: 3703+4 0070 B
 (15 FEB, 1985) ZONE C

1. William H. Blake, PLS, certifies that this plot is of a survey that creates a subdivision
 of land within a county that has an ordinance that regulates parcels of land.



TRACT "B"
 7.93 AC ± (NET)
 REMAINING
 ZONED COMMERCIAL.

MRS. BEGGIE A. STELL
 Deed BK 321/92

JAMES F. DRAKE

1072 HALLARD ROOST DRIVE
 BURGAW, N.C. 28425

WILLIAM H. BLAKE, NC PLS #L-2179, BURGAW, N.C.
 2748 HWY 55 WEST
 UNION TOWNSHIP - PENDER CO. - NORTH CAROLINA
 SCALE: 1" = 60'

Certificate of Ownership and Dedication
 I hereby certify that I am the owner of the property
 shown and described hereon and that I hereby adopt this plan of
 subdivision with my free consent. Further, I certify the land as
 shown hereon is within the planning jurisdiction of Pender County
 North Carolina.

4-6-2001
 Date
 James F. Drake
 Owner



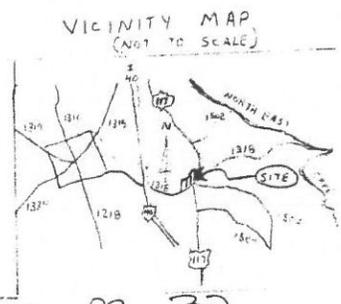
100 0 100 200
 BAR SCALE
 SCALE: 1" = 60'

LEGEND: NIS = NEW IRON STAKES
 EX. IP = EXISTING IRON PINE

STATE OF NORTH CAROLINA PENDER COUNTY
 I, William H. Blake, PLS, certify that this plot was drawn under my supervision
 from an actual survey made by me from information found in the
 Pender County Registry, as noted hereon, that the ratio of precision as
 calculated is 1:10,000; that the boundaries not surveyed are clearly noted;
 that this plot was prepared in accordance with G.S. 47-30 as amended.
 Witness my original signature, registration number, and seal this 6 day
 of March 2001.
 William H. Blake
 William H. Blake
 Professional Land Surveyor
 N.C. License No. L-2179

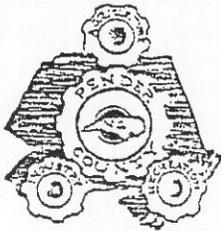
STATE OF NORTH CAROLINA PENDER COUNTY
 I, Sand Wooten, REVIEW OFFICER of Pender County, certify that the
 map or plot to which this certification is affixed meets all statutory
 requirements for recording.
 Sand Wooten
 Review Officer
 4-6-01
 Date

STATE OF NORTH CAROLINA PENDER COUNTY
 Filed for registration on the 6 day of April 2001, at 2:45 P.M.
 and duly recorded in Map Book 34 at Page 32 of 459
 JOYCE M. SWANERD
 Register of Deeds
 Joyce M. Swander, asst
 By



SL 459 MB 34 PG 32





Pender County

10598

Planning Department

"Designing a better future for Pender County"

P. O. BOX 832

BURGAW, NORTH CAROLINA 28425

910-259-1202

COUNTY OF PENDER GENERAL APPLICATION FORM

Application No. _____ Permit Fee 181.86 Receipt No. 102862 Date 3-17-99

Permit or Relief Requested:

- | | |
|--|---|
| <input type="checkbox"/> Appeal | <input type="checkbox"/> Special Use Permit |
| <input type="checkbox"/> Additional Use Permit | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Extraterritorial Jurisdiction Request | <input type="checkbox"/> Preliminary Map |
| <input type="checkbox"/> Land Use Plan Amendment | <input type="checkbox"/> Final Map |
| <input type="checkbox"/> Miscellaneous | <input type="checkbox"/> Text Admendment |
| <input type="checkbox"/> Mobile Home Park | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Planned Development | <input type="checkbox"/> Vested Rights |
| <input checked="" type="checkbox"/> Rezoning | |
| <input type="checkbox"/> Road Naming | |

Applicant James F. DRAKE Owner JAMES F. DRAKE
 Address 1006 MALLARD ROOST DR Address 1006 MALLARD ROOST DR
BURGAW, N.C. 28425 BURGAW, N.C. 28425
 Telephone 259-6835 Telephone 259-6835
 Legal relationship of applicant to property owner Same
 Purpose of permit REZONE

Property location Hwy 117 N. + STATE RD 1318

Property Description

Tax Map #: T040 061 Record #: 13560 Lot #: _____
 Total Acreage 9.12 Zoning District RA
 Gross floor area of proposed buildings _____
 Total acreage of land to be used 9.12

James F. Drake
Signature of Application

Revised 12-7-94
 1-19-96
 6-11-97
 11-3-97

March 15, 1999

Pender County Planning Department

Gentlemen:

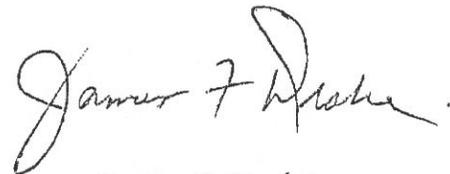
I wish to apply for a Rezoning on my 9.12 acres located at the west side of the crossroads of U.S. Highway 117 North and State Road 1318. This property lies between Jeffrey Royal's Garage and Terry's Grocery.

I wish this Rezoning because I may want to build a variety of buildings such as a Mini Storage Warehouse, a Mobile Home Sales Lot, a Hardware and/or Sporting Goods Store, a Gas Station, Business Offices or other commercial ventures that are allowed. It is my intent not to build anything that would be harmful to the surrounding property owners.

I may change my mind several times during this process, and I don't want to have to wait a length of time to have each application approved. With the Rezoning, I understand that I may apply for a permit with the Planning Department for each thing I want to do that is permitted.

Thank you for your consideration. I look forward to hearing from you soon.

Respectfully,

A handwritten signature in cursive script that reads "James F. Drake". The signature is written in dark ink and is positioned above the printed name.

James F. Drake



Pender County
Planning Department
"Designing a better future for Pender County"
P.O. Box 832
BURGAW, NORTH CAROLINA 28425
Phone (910) 259-1202 Fax (910) 259-1295

Date: July 8, 1999

To: James Drake

From: Pender County Planning Department

Re: Rezoning

On June 21, 1999, the Pender County Board of Commissioners approved the request to rezone 9.12 acres located on the northwest corner of U.S. Hwy. 117 North and Camp Kirkwood Road intersection from Rural Agricultural (RA) to Highway Business (B-2).

According to the Pender County Zoning Ordinance, Section 5.2,B, second paragraph, the applicant shall provide the necessary copies of a survey map drawn to scale by a licensed surveyor showing the property boundaries that are to be rezoned, for the Planning Board review, unless this requirement is waived by the Planning Board. If the rezoning is approved by the Board of County Commissioners, a map of the rezoned property must be recorded in the Pender County Registry, prior to developing the property using the new zone.

Please have your surveyor record a surveyor's map in the Pender County Registry showing the area that was rezoned, as soon as possible.

Please call me at (910) 259-1202 if you have any questions or comments.

pc: Planning Board
Planning Staff

awf/dse/bj
rzg: drake letter

INTRODUCED BY: Angela W. Faison, Planning Director DATE: June 21, 1999 ITEM#: _____

ORDINANCE: ZONING MAP AMENDMENT: JAMES DRAKE: REZONING APPROXIMATELY 9.12 ACRES FROM RURAL AGRICULTURAL (RA) TO HIGHWAY BUSINESS (B-2): LOCATED ON THE NORTHWEST CORNER OF U.S. HWY. 117 NORTH AND CAMP KIRKWOOD ROAD INTERSECTION, UNION TOWNSHIP.

SUBJECT AREA: Legal/Community Development

ACTION REQUESTED: First, conduct a public hearing to take comments concerning the request for the zoning map amendment mentioned above. Second, to approve the request mentioned above.

HISTORY/BACKGROUND:

According to the applicant's letter:

He may wish to establish some businesses and conduct activities on the site that are permitted by right in the Highway Business District. According to the applicant, his intent is not to build anything that would be harmful to the surrounding property owners.

The nine acres are vacant and has some vegetation along the general boundaries. The corner lot has approximately 380 feet fronting U.S. Hwy 117 North and approximately 790 feet fronting Camp Kirkwood Road. According to the map submitted the applicant has split or proposes to split several one (1) to two (2) acre tracts north of this site.

EVALUATION:

- I. According to the Pender County Zoning Ordinance Section 8.6.E., the B-2 Business District (Highway) requires the following:

The purpose of this district shall be to provide for the proper grouping and development of roadside business uses which will best accommodate the needs of the motoring public and businesses demanding high volume traffic. No B-2 District shall be less than one-half (1/2) acre in area.

Dimensional Requirements

- | | |
|---------------------------------|--|
| 1) Minimum Developable lot area | 1/2 acre |
| 2) Minimum front yard | 100 feet (65 feet if lot is grandfathered) |
| 3) Minimum side and rear yard | 25 feet |
| 4) Maximum building height | 35 feet |
| 5) Minimum lot width | 100 feet |

- II. According to Subsection 5.3, Action by the Planning Board, the following policy guidelines shall be followed by the Planning Board concerning zoning amendments and no proposed zoning amendment will receive favorable recommendation unless:

A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

There is a general store located directly across from this site on the east side of U. S. Hwy. 117 North. A car repair shop is located on the property adjoining the westernmost property line along Camp Kirkwood Road.

B. There is convincing demonstration that all uses permitted under the proposed district classification will not adversely affect the health and safety of residents or workers in the area and will not be detrimental to the natural environment or to the use or development of adjacent property or general neighborhood.

Please see the Table of Permitted Uses attached.

C. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved).

This is a low growth area. The growth trend of the area is predominantly residential with limited commercial services.

D. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

An analysis of the uses prohibited, permitted by right, and allowed with a Special Use Permit indicate that most of the activity is allowed in both districts.

E. The proposed change is in accord with any land use plan and sound planning principles.

According to the Land Use Plan, the area is classified as Rural.

“Although specific areas are outlined on a land classification map, it must be remembered that land classification is merely a tool to help implement policies and not, in a strict sense of the term, a regulatory mechanism.

The land classification system provides a framework to be used by the local government to identify the future use of all lands. The designation of land classes allows the local government to illustrate their policy statements as to where and to what density they want growth to occur, and where they want to conserve natural and cultural resources by guiding growth.”

Rural:

- a. The rural class is to provide for agriculture, forestry, mineral extraction and other allied uses traditionally associated with an agrarian region. Other land uses, due to their noxious or hazardous nature and negative impacts on adjacent uses, may also be appropriate here if sited in a manner that minimizes their negative effect on surrounding land uses or natural resources. Examples include energy generating plants, refining plants, airports, sewerage treatment facilities, fuel storage tanks and other industrial type

uses. Very low density dispersed residential uses on large lots with on site water and sewer are consistent with the intent of the rural class. Development in this class should be as compatible with resource production as possible.

- b. Description and characteristics: Areas meeting the intent of this classification are appropriate for or presently used for agriculture, forestry, mineral extraction and other uses, that due to their hazardous or noxious nature, should be located in a relatively isolated and undeveloped area. Very low density dispersed, single family residential uses are also appropriate within rural areas where lot sizes are large and where densities do not require the provision of urban type services. Private septic tanks and wells are the primary on-site services available to support residential development, but fire, rescue squad and sheriff protection may also be available. Population densities will be very low.”

III. PLANNING STAFF ACTION: The legal notice was published in the local newspaper, adjacent property owners were notified by mail, and the property was posted with public hearing notice signs.

Most of the uses allowed in the Rural Agricultural (RA) District are allowed in Highway Business (B-2) District. An analysis of the uses allowed in the Rural Agricultural and Highway Business Districts indicate that more agricultural uses are permitted in the Rural Agricultural District than in the B-2 District.

No mining activity is allowed in the B-2 District. A special use permit is required for mining and quarry including stone, marl, ore, and other material and borrow pits’ in the Rural Agricultural District.

Construction related activity is allowed in the Rural Agricultural and B-2 Districts.

Although most Manufacturing Uses require a Special Use Permit if allowed in a Rural Agricultural District most are not permitted in a B-2 District while bakery and beverage manufacturing is permitted by right in the B-2 District.

Transportation, communication, and utility uses are the same for both the Rural Agricultural and B-2 District.

Air Transportation, motor freight transportation, and warehousing and recycling are allowed in the Rural Agricultural District with a Special Use Permit but are not allowed in the B-2 District.

Trade activity is compared similarly.

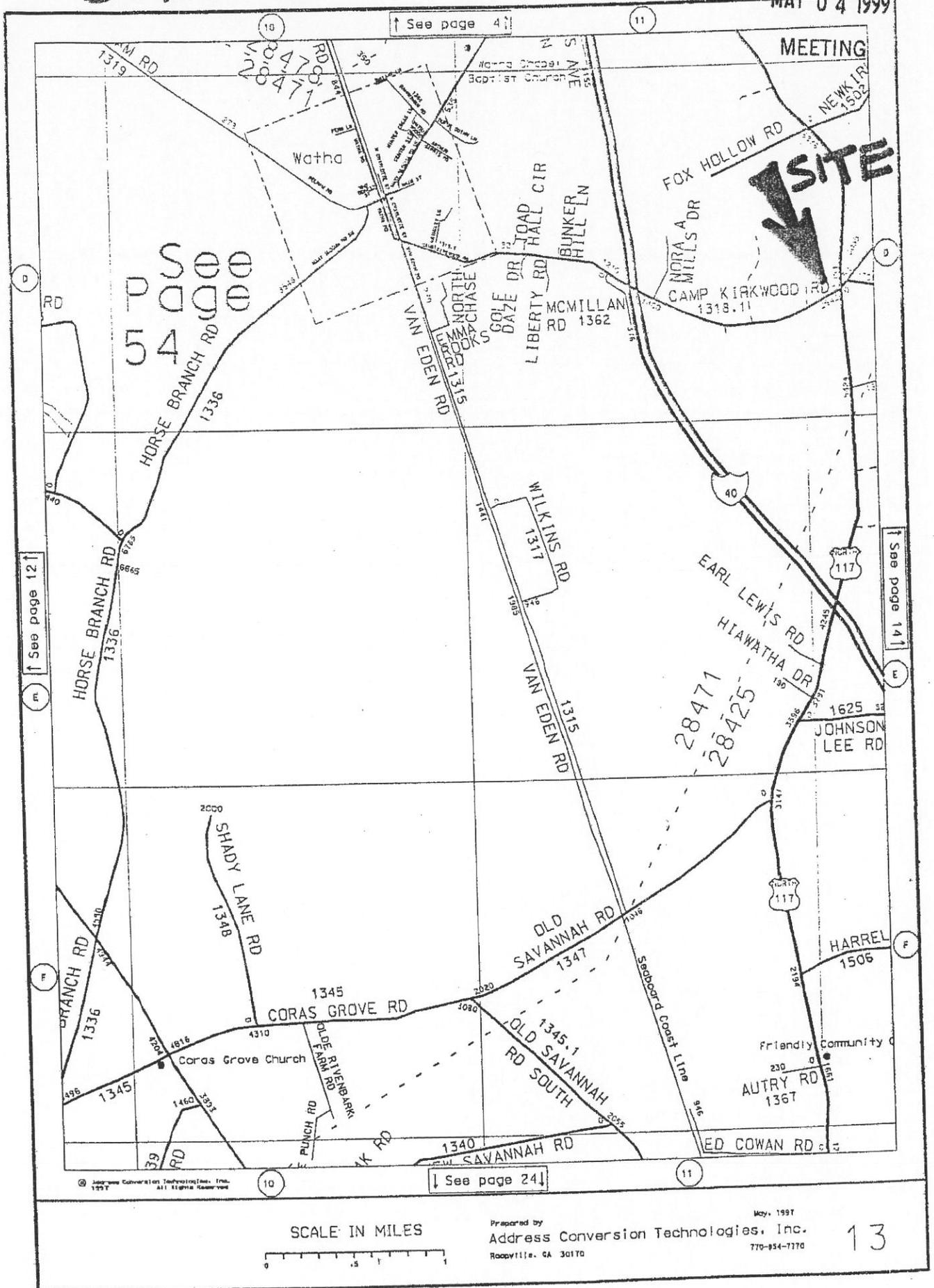
Farming Implement Sales are permitted in Rural Agricultural but require a Special Use Permit in the B-2 District.

More service activity is allowed by right in the B-2 District than in the Rural Agricultural District. Auto and boat repair and rentals, campgrounds, theatres, membership club, and mini-warehouses are permitted by right in the B-2 District, yet require a Special Use Permit in the Rural Agricultural District.

However, racetracks, septic services, and shooting ranges are not allowed in the B-2 District but require a Special Use Permit in the Rural Agricultural District.

DRAKE

MAY 04 1999



PLANNING BOARD

MAY 04 1999

MEETING



U.S. HIGHWAY
NO. 117

WILLAGE

U.S. HWY. 117 N.

RA

RA

RA

100

JAMES DRAKE

9.66-Ac. = GROSS
- .54-Road S.R. 1318
9.12 Ac. NET

AREA TO BE
REZONED
FROM RA to
B-2

CAMP KIRKWOOD RD.

SECONDARY ROAD NO. 1318

Mrs. BEADIE R. SPELL
321 - 92

RA

RICHARD
C. HILL

RA

RA

RA

RA

RA

RA

RA

(10)

(4)

(5)

(E)

(S)

(B)

(C)

S 45° 34' 01" E
334.62'

S 35° 3' 01" E
374.42'

414.00'

S 20° 31' 01" W
445.12'

45.42'

S 82° 34' 01" E
517.12'

2.01-Ac. ±

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FROM RA to
B-2

CAMP KIRKWOOD RD.

SECONDARY ROAD NO. 1318

Mrs. BEADIE R. SPELL
321 - 92

RA

RICHARD
C. HILL

RA

RA

RA

RA

RA

RA

RA

(10)

(4)

(5)

(E)

(S)

(B)

(C)

S 45° 34' 01" E
334.62'

S 35° 3' 01" E
374.42'

414.00'

S 20° 31' 01" W
445.12'

45.42'

S 82° 34' 01" E
517.12'

2.01-Ac. ±

9.66-Ac. = GROSS
- .54-Road S.R. 1318
9.12 Ac. NET

AREA TO BE
REZONED
FROM RA to
B-2

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321 - 92

RA

RICHARD
C. HILL

RA

RA

RA

PB	PB	BOX	BOX
4/22/99			
4/22/99			
4/22/99			

DAVID E. MARSHBURN

5661 U.S. Hwy 117 N.

BURGAW, N.C.

28425

STACY MARSHBURN

5911 Hwy 117 N.

BURGAW, N.C.

28425

JAMES F. DRAKE

1006 MALLARD ROOST DR

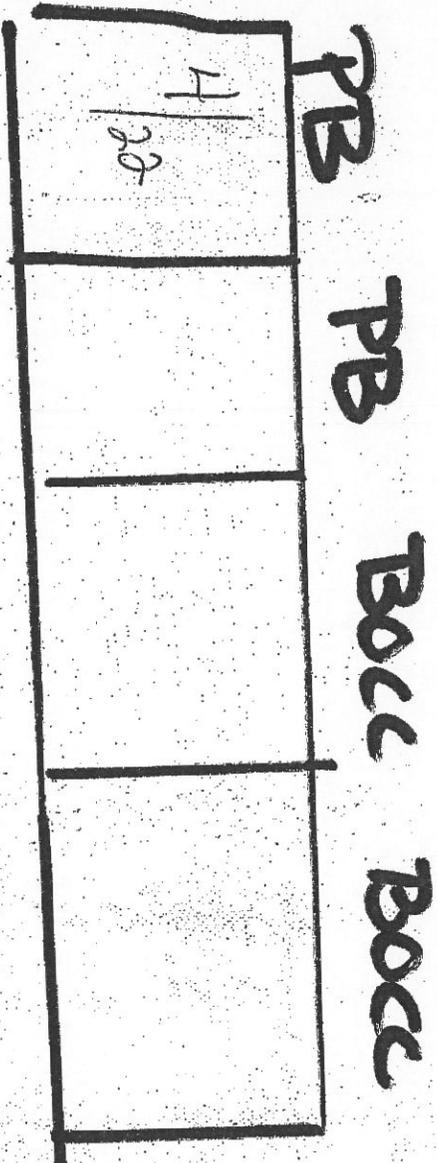
BURGAW, N.C.

28425

MARY ANNA MURRAY
306 Cromsbridge Rd
Burgaw, N.C.
28425

Marcie Paula Leick
301 Carolina Sands Dr.
Carolina Beach, NC
28428

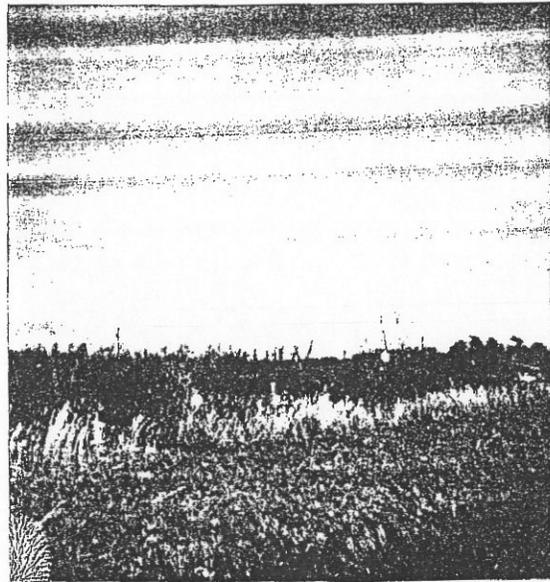
PB 4-aa
PB
BOCC
BOCC



JAMES DRAKE

PLANNING BOARD
MAY 04 1999
MEETING

ZONING Map Amendment

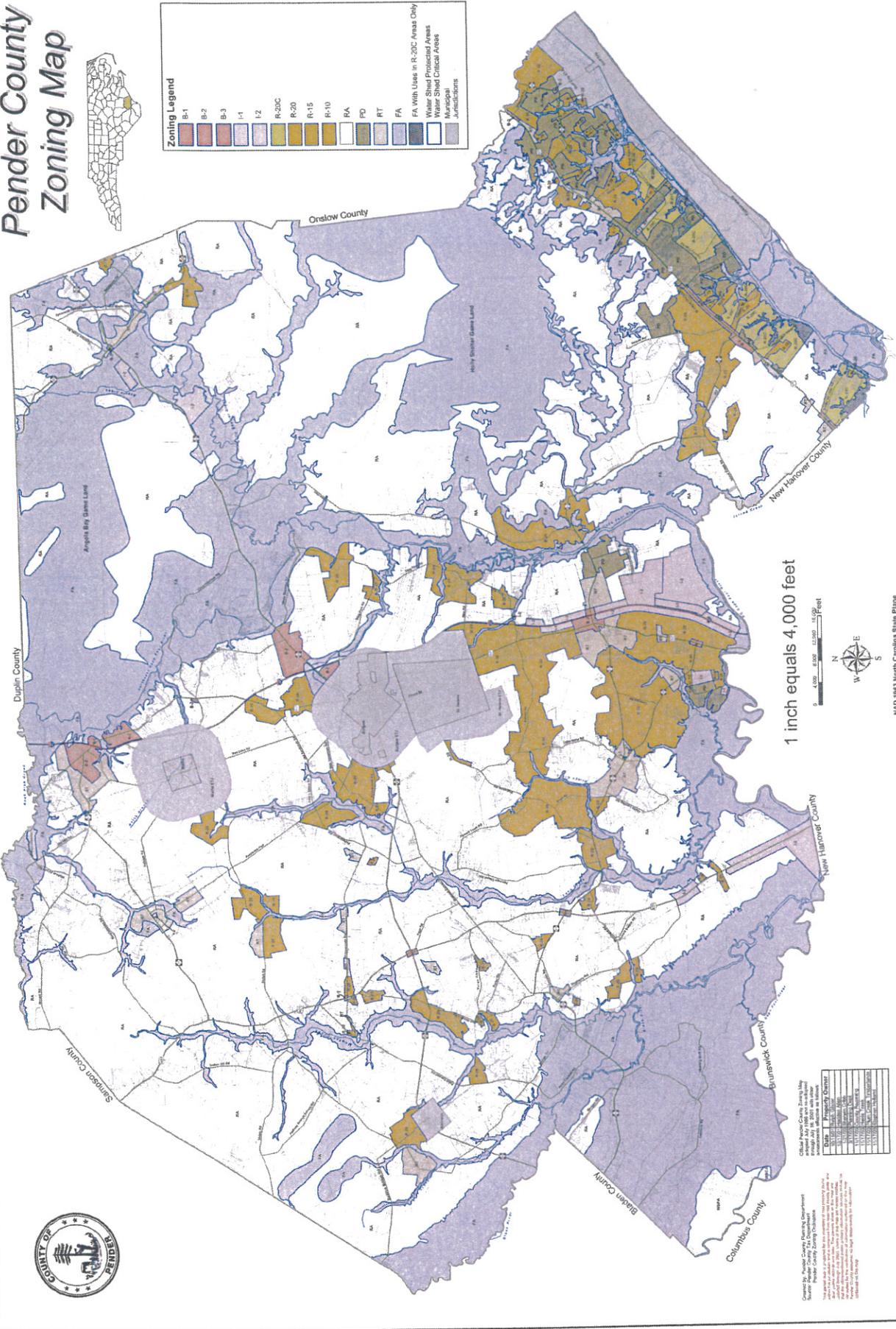


Pender County Zoning Map



Zoning Legend

B-1	B-2	B-3	I-1	I-2	R-20C	R-20	R-15	R-10	RA	PD	RT	FA	FA With Uses in R-20C Areas Only	Water Shed Protected Areas	Water Shed Critical Areas	Jurisdictions
-----	-----	-----	-----	-----	-------	------	------	------	----	----	----	----	----------------------------------	----------------------------	---------------------------	---------------



1 inch equals 4,000 feet



NAD 1983 North Carolina State Plane



DATE: 11/15/2011 10:58:11 AM
 USER: JCH
 PROJECT: PENDER COUNTY ZONING MAP
 DRAWING: ZONING MAP
 SHEET: 1 OF 1

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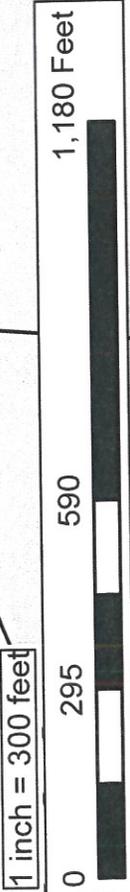
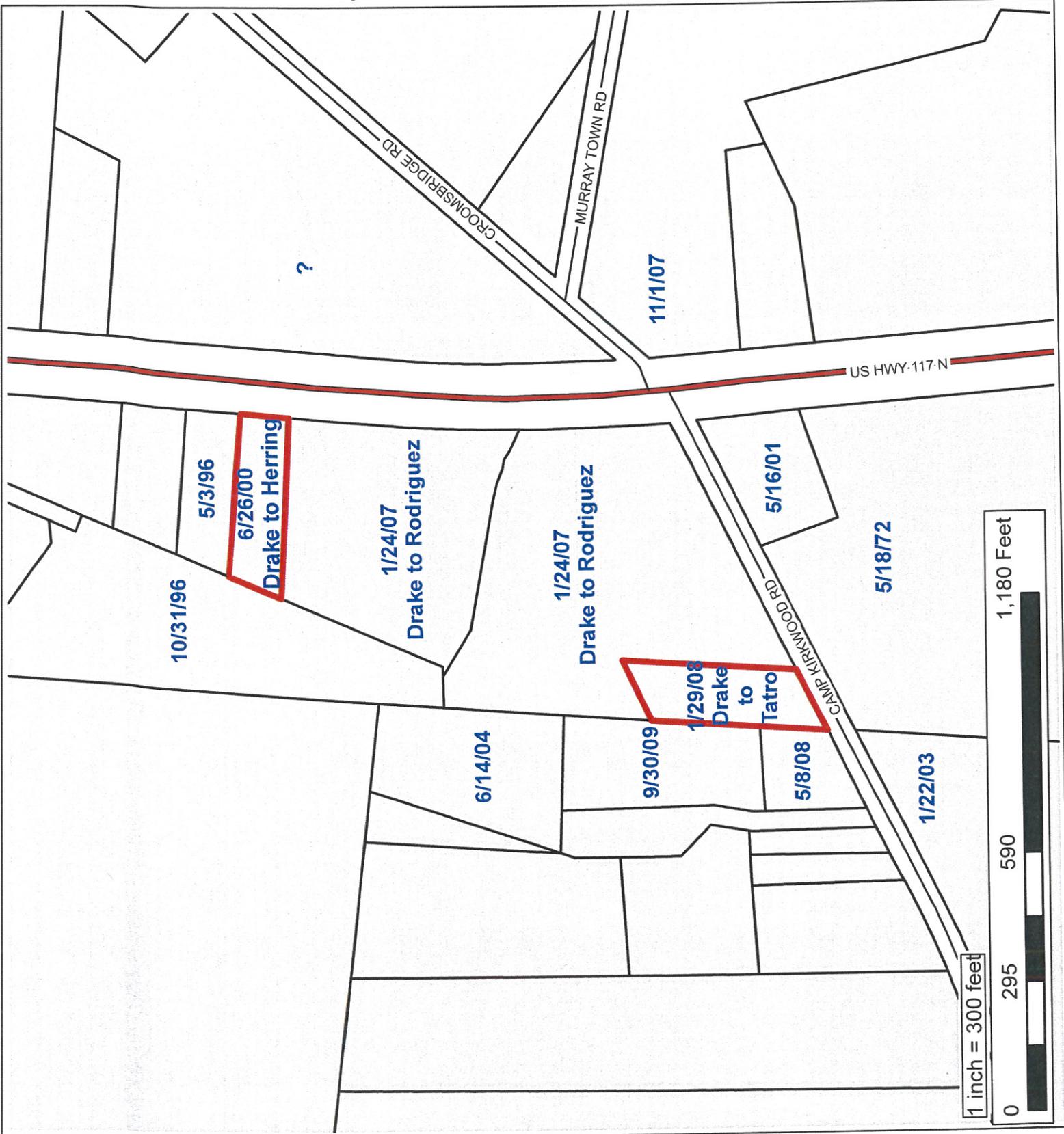
Applicant:
Pender County

Owners: Herring & Tatro

**Zoning Map Amendment
(ZMA)**
General Use Rezoning
11193



**PURCHASE
DATES**





Applicant:
Pender County

Owners: Herring & Tatro

**Zoning Map Amendment
(ZMA)**

**General Use Rezoning
11193**



VICINITY





Applicant:
Pender County

Owners: Herring & Tatro

**Zoning Map Amendment
(ZMA)**

**General Use Rezoning
11193**

Legend

Subject Parcel

- 1 HERRING MELANIE G
- 4 TATRO KEITH F et al

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:
Pender County

Owners: Herring & Tatro

**Zoning Map Amendment
(ZMA)**

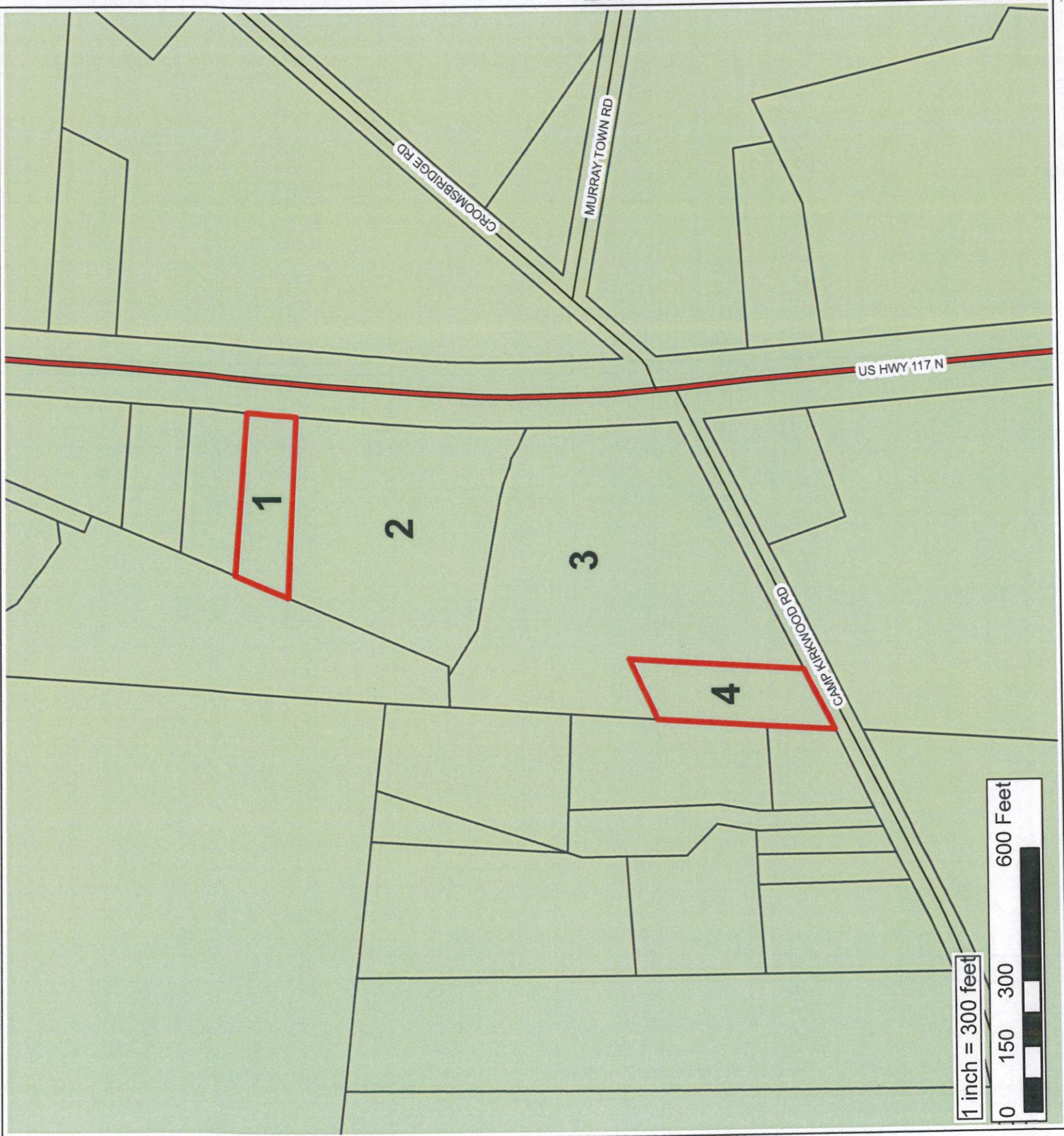
**General Use Rezoning
11193**

2010 Land Use Classification

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



**LAND USE
CLASSIFICATION**





Applicant:
Pender County

Owners: Herring & Tatro

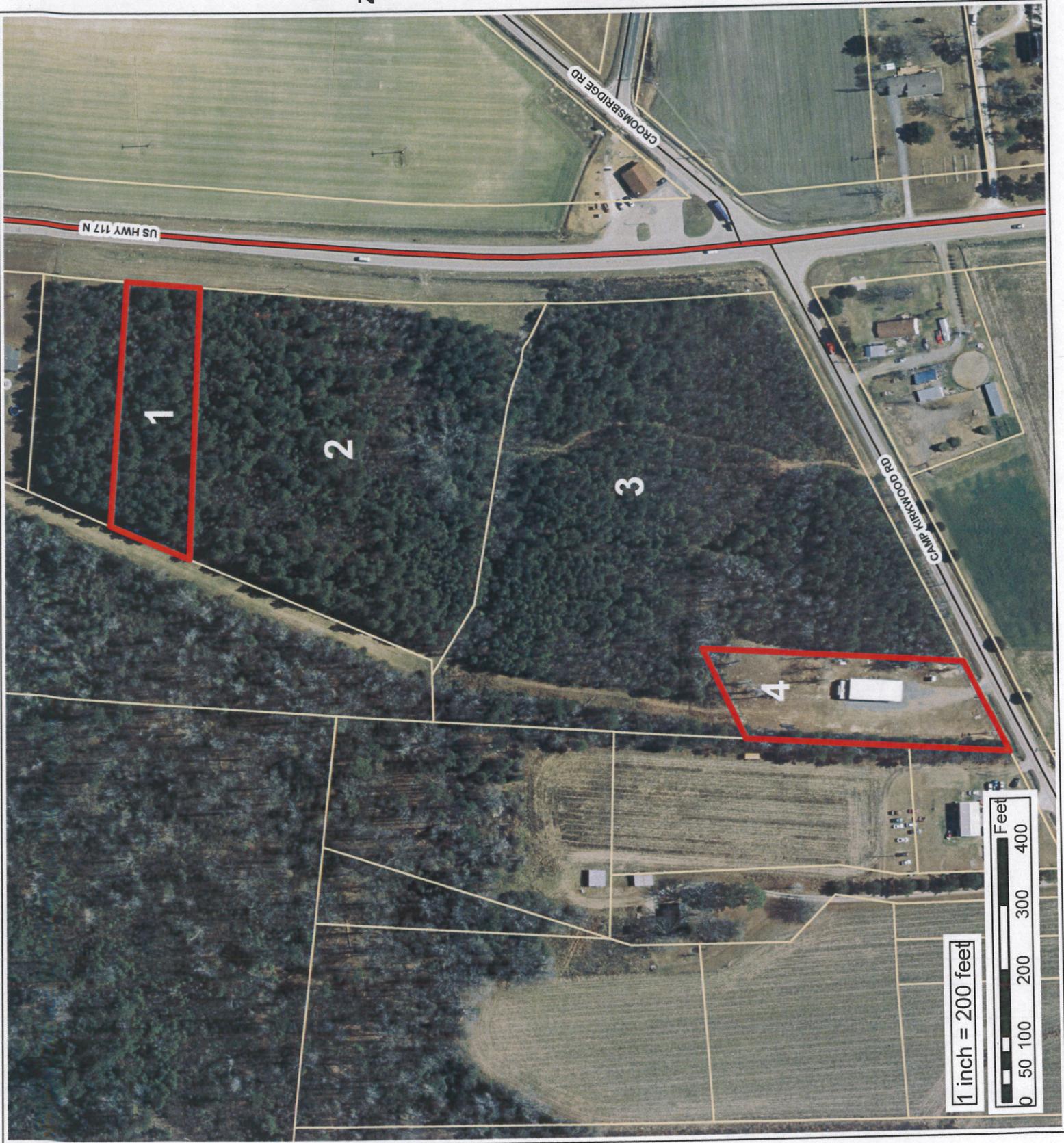
**Zoning Map Amendment
(ZMA)**
General Use Rezoning
11193

Subject Parcel

1	HERRING MELANIE G
4	TATRO KEITH F et al



Aerial



**PLANNING STAFF REPORT
MASTER DEVELOPMENT PLAN
KINGS RANSOM RESIDENTIAL SUBDIVISION**

SUMMARY:

Hearing Date: August 5, 2014

Applicant: Gairy Canady

Property Owner: Lisa L. Salemi-Haves

Case Number: 11209 - Master Development Plan

Development Proposal: Gairy Canady, applicant, on behalf of Lisa L. Salemi-Haves, owner, is requesting the approval of a Master Development Plan which includes twenty-four (24) single-family residential homes on approximately 15.51 acres.

Property Record Number, Acreage, and Location: The proposed project is located on the north side of Kings Landing Road (SR 1567) approximately one (1) mile from the intersection of Country Club Drive (SR 1565) and Kings Landing Road (SR 1567); north of Bellowing Doe Road and Seven Pines Residential Subdivision, west of Crestwood Residential Subdivision, east of undeveloped land and to the south of Hideaway Shores and Windy Point (private roadway). The property is zoned RP, Residential Performance Zoning District and may be identified by Pender County PIN 4203-51-7342-0000.

RECOMMENDATION

The request is consistent with the 2010 Pender County Comprehensive Land Use Plan and Pender County Unified Development Ordinance; therefore Planning Staff recommends the approval of the Master Development for Kings Ransom residential subdivision.

As the submittal for Master Development Plan is adequate to address many of the conditions as outlined in § 6.4 of the Unified Development Ordinance for Preliminary Plat, Staff recommends that the Planning Board waive the Preliminary Plat public hearing as outlined in the § 2.11, Summary of Review Authority; given that all applicable conditions are met as prescribed in § 6.1.4.

HISTORY

Prior to the 2010 Pender County comprehensive re-zoning, the parcel was zoned R20C Residential District (Conventional Housing). This zoning district was established for the principle use of land for moderate density single-family residential purposes. The regulations for this district were to permit development compatible with moderate density standards while providing limited growth. It was designed to accommodate residential opportunities for those who desired a moderate density lifestyle and were willing to assume the cost of providing many of their own services and amenities while maximizing the protection of resources and the conservation of open space. The R-20C does not allow for Manufactured Homes on the property, whereas the current zoning RP, Residential Performance zoning district allows single family dwellings and duplexes.

MASTER DEVELOPMENT PLAN DETAILS

As outlined in the Unified Development Ordinance, Section 4.14 establishes the required lot size, yard setbacks, and building height for the RP, Residential Performance zoning district. The applicant must comply with lot size at a minimum of 15,000 sq. ft., a maximum building height of thirty-eight (35) feet and the dimensions outlined below for setbacks:

Setback	Distance
Front	30 feet
Side	10 feet
Rear	25 feet
Corner	15 feet

All lots submitted comply with the RP, Residential Performance zoning district standards per § 6.1.2.22.

Services (Wastewater/Water)

The applicant is proposing traditional on-site septic which is contingent upon their submitted soil suitability analysis; subject to review and approval by the Pender County Environmental Health Department prior to Final Preliminary Plat approval.

Additionally, a public water connection to Pender County Utilities is proposed. The applicant must submit all necessary items to Pender County Utilities for review and approval.

Landscaping & Buffers

Residential uses in Residential Districts are not required to have buffers except as required for mobile home parks, multi-family and planned developments in accordance with Section 8.2.8, *Project Boundary Buffer* of the Pender County Unified Development Ordinance. This project is not required to include any buffers.

Open Space & Rec Units

Per the Pender County Unified Development Ordinance, all proposed residential subdivisions shall provide open space in the amount of 0.03 acres per dwelling unit within the subdivision; half of which must be designated active open space. The applicant meets the required open space requirements with 0.72 acres proposed. As there are twenty-four (24) lots proposed, 0.72 acres is required as open space with 0.36 acres which must be active. The applicant is providing 0.59 acres active and 0.13 passive open space.

In the active open space the applicant will work with the Hampstead Post Master and NCDOT to develop a clusterbox location which is in compliance with recent Postal Service policies. Any improvements in the open space are at the developers' discretion and must be included on the Final Plat for recording.

With a proposed lot number of twenty-four (24) residential units there are no recreational units required per § 7.6.2 of the Unified Development Ordinance.

Connectivity & Road Design

According to the applicant's narrative the roadways are proposed as public and will be built to NCDOT subdivision road standards as outlined in the NCDOT Subdivision Manual published in January 2010. These roadways are subject to NCDOT review and approval through a Driveway Permit, the applicant must submit plans to the NCDOT for approval prior to Pender County approval of this Master Development and the Preliminary Plat submission.

The two cul-de-sacs proposed in Kings Ransom residential subdivision conform to the Pender County Unified Development Ordinance requirement in Section 7.5.1.F. and are proposed at fifty-one (51) foot radius exceeding minimum right of way paved at thirty-five (35) feet per the Ordinance, all other approvals of this cul-de sac are subject to NCDOT requirements. The hatched area on the plat (Attachment 1) will allow for future right of way connections at the time which adjacent parcels develop, per NCDOT and Staff's recommendation. This connection is based on Section 7.2.2 of the Pender County Unified Development Ordinance; lots shall be arranged for the opening of future streets and logical further subdivision of adjacent properties.

The Pender County Comprehensive Land Use Plan encourages vehicular and pedestrian interconnectivity to existing or planned adjacent sites and adjoining development (Policy 2B.1.4). It also recommends that these streets be dedicated public to promote interconnectivity. Per Policy 2B.1.9 of the Plan, "all new streets that have the potential to connect to adjacent developments should be constructed to NCDOT secondary road standards and accepted for public maintenance to ensure future connectivity."

Traffic

According to the applicant's submitted narrative the traffic impacts to adjacent properties will be minimal based on the project generating approximately 275 total daily trips with 25 in the AM peak hour and 29 in the PM peak hour based on the ITE Trip Generation Manual 8th Edition. Any deceleration or turning lanes required on Kings Landing Road (SR 1567) due to traffic impacts from the proposed residential development will be based on NCDOT requirements.

Kings Landing Road (SR 1567) is classified by the Wilmington Metropolitan Planning Organization as a minor collector roadway. According to the Unified Development Ordinance Section 7.2.7 Lots on Collector Streets; Major subdivisions shall not be approved that provide for individual residential lots to access Minor Collector roads or streets as shown in the Coastal Pender Collector Street Plan, Pender County Transportation Plan or other approved State or Federal Transportation Improvement Plan. To address this, the applicant notes on the submitted site plan; "lots 1-7 and 24 shall have no direct access on Kings Landing Road."

Environmental Concerns

After a preliminary analysis of the subject parcel, of approximately 15.51 acres, there does not appear to be any CAMA Areas of Environmental Concern or floodplains.

Based on preliminary discussions with the applicant there may be wetlands located on the subject property. Any wetlands on the subject property are subject to wetland delineation submitted to the Army Corps of Engineers, subject to review and approval. Any development within these areas may be subject to the permit requirements of Section 404 of the Clean Water Act.

All applicable state and federal agency permits including a Stormwater Management Permit, and Erosion Control Plan, wetlands impact permits, and NCDOT Driveway Permit will be required prior to the approval of the Final Preliminary Plat for each phase.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:

On Monday June 23, 2014 the Pender County Technical Review Committee was sent the Kings Ransom residential subdivision application, narrative, and plat. The following responses were collected:

Cape Fear Council of Governments RPO

The Cape Fear RPO has no comment.

Four County Electric Company

No Response

NC DENR Division of Coastal Management

No Response

NC DENR Division of Forestry

No Response

NC DENR, Division of Energy, Mineral, and Land Resources - Land Quality Section

No Response

NC DENR Division of Waste Management

No Response

NC DENR Division of Water Quality

If they disturb >1 acre, or need a CAMA Major permit, or if they are constructing >10000 sf of new BUA, they'll need a stormwater permit.

NC DOT Division of Highways

They will need Driveway Permit and Plan Approval submittal. Doug Racine is the contact, 346-2040.

NC DOT Transportation Planning Branch

No Response

NC Office of State Archaeology

No Response

NC Wildlife Resources Commission

No Response

Pender County Addressing Coordinator

I have placed the names on the Master Road List.

Pender County Building Inspections

No Response

Pender County Emergency Management

No Response

Pender County Environmental Health

Applicant will need to apply for septic permits with the HD.

Pender County Fire Marshal

*The TRC from Fire Marshal Office approved this plan.
Thank you for the 51' R turnarounds!!*

Pender County Flood Plain Management

No Response

Pender County Parks and Recreation

Parks and Recreation has no issues with this request.

Pender County Public Library

No Response

Pender County Public Utilities

No Response

Pender County Schools

The development will have 51' radius for cul de sacs – will allow for bus/emergency vehicle turn around.

Pender County Sheriff's Department

No Response

Pender County Soil and Water Conservation District

Soil & Water sees no problem with this request.

Progress Energy Corporation

No Response

US Army Corps of Engineers

No Response

Wilmington Metropolitan Planning Organization

No written response, collaborated with staff via telephone

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 property is located within a RP, Residential Performance zoning district.

C) Existing Land Use in Area: This proposal is located on undeveloped land in the Topsail Township. The subject parcel is located on the north side of Kings Landing Road (SR 1567) approximately one (1) mile from the intersection of Country Club Drive (SR 1565) and Kings Landing Road (SR 1567); north of Bellowing Doe Road and Seven Pines Residential Subdivision, west of Crestwood Residential Subdivision, east of undeveloped land and to the south of Hideaway Shores and Windy Point (private roadway).

D) 2010 Comprehensive Land Use Plan: The future land use classification of this parcel is 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.

1. Supporting Comprehensive Plan Policies and Goals:

a. **Growth Management Goal 1A.1** Manage the physical growth and development of Pender County by promoting more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the predominant rural lifestyle and coastal environment that makes the County a unique place to live.

i. **Policy 1A.1.1.** Encourage development in and around the municipal corporate limits and other developed areas within the County to yield a more compact pattern of development that will reduce suburban/rural sprawl.

ii. **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.

iii. **Policy 1A.1.3.** The County shall actively direct growth towards suitable land areas and away from fragile natural resource areas, conservation areas, and hazardous areas.

iv. **Policy 1A.1.5.** The County supports 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.

b. **Transportation Goal 2B.1** Manage the timing, location and intensity of growth by coordinating transportation improvements in accordance with the Comprehensive Land Use Plan and the Coastal Pender Collector Street Plan.

i. **Policy 2B.1.4** Adopt regulations that require new developments and individual sites throughout the County to provide vehicular and pedestrian interconnectivity to existing or planned adjacent sites and adjoining developments.

ii. **Policy 2B.1.7.** Ensure that the Coastal Pender Collector Street Plan, adopted on May 21, 2007, is used consistently when reviewing and approving new development proposals within the Hampstead and Scotts Hill areas of the County. Consider applying Plan recommendations for roadway connectivity to all new developments Countywide.

iii. **Policy 2B.1.9** As recommended in the Coastal Pender Collector Street Plan, all new streets that have the potential to connect to adjacent developments should be constructed to NCDOT secondary road standards and accepted for public maintenance to ensure future connectivity.

2. Conflicting Comprehensive Plan Policies and Goals: none.

STAFF RECOMMENDATION

The approval is also subject to the all conditions required by the Pender County Planning Board and regulatory State and Federal Agencies. The submitted Master Development Plan must meet all Pender County Unified Development standards, particularly those outlined in § 6.1.4. The following items are outstanding and must be finalized prior to Master Development Plan approval:

1. Topography shall be shown at 2 foot contour intervals.
2. The approximate boundaries and location of common open space, with the percentage of the total acreage of the site to be placed in common open space (Arrangement of clusterboxes and ingress/egress points for open space needed).
3. The approximate location of sewer and water mains, sewage disposal and water source with statements concerning the connection with and availability of existing facilities (Pender County Utilities Approval Required).
4. Homeowners Association shall be required for all major residential subdivisions with privately maintained streets, open space, and other dedicated land as stated in Section 7.3, Homeowners Association requirements (needed before Final Preliminary Plat).

Planning Staff recommends that the Planning Board waive the Preliminary Plat public hearing as outlined in the § 2.11, Summary of Review Authority; given that all applicable conditions in § 6.4 Preliminary Plat Contents are met. The following items are outstanding and must be finalized prior to Final Preliminary Plat approval:

1. Homeowners Association shall be required for all major residential subdivisions with privately maintained streets, open space, and other dedicated land as stated in Section 7.3, Homeowners Association requirements (needed before Final Preliminary Plat)
2. The location and design of parking areas and pedestrian and vehicular access points (Arrangement of clusterboxes and ingress/egress points for open space needed).
3. That the design of traffic patterns, traffic control measures and street pavement areas, including plan profiles and cross section views, and with provisions for maintaining traffic flows for both public use as well as emergency management services are consistent with the requirements of this Ordinance (in accordance with NCDOT approvals for Driveway Permit and Subdivision Plans).
4. Soil suitability analysis indicating the suitability of the property for individual septic tanks of an Improvement Authorization Permit for each lot unless a community sewer is available and a conditioned approval for connection is submitted. The soil suitability analysis of the property shall also indicate the suitability of the soil for the type of structures proposed.
5. Verification of receipt of the preliminary plat of the development by the Pender County Health Department.
6. Verification of receipt of the preliminary plat of the development by the NCDOT District Engineer of his designee.

7. Approval by NCDOT of the connection of subdivision roads with DOT maintained roads (Driveway Permit).
8. Street construction & street drainage plans as approved by DOT District Engineer with letter of approval (for public streets).
9. Acceptance of operation and maintenance of the system by a Public or Community Water system as defined in this Ordinance (Pender County Public Utilities approval).
10. Sediment & Erosion Control Plans as approved by Land Quality (with letter of approval).
11. Stormwater Management Plan as approved by the Water Quality Division (with letter of approval).
12. Approval of Wetlands Delineation by the Army Corps of Engineers (USACE) if wetlands development.
13. Wetlands fill authorization or permit if construction in wetlands is involved.

The request is consistent with the 2010 Pender County Comprehensive Land Use Plan and Pender County Unified Development Ordinance; therefore Planning Staff recommends the approval of the Master Development Plan for Kings Ransom given that all aforementioned requirements are met. As this proposal is a by-right subdivision in the RP, Residential Performance zoning district the applicant must meet all Ordinance and adopted plan requirements for the subdivision for acceptance.

BOARD ACTION FOR MASTER DEVELOPMENT PLAN:

Motion: _____ **Seconded:** _____

Approved: _____ **Denied:** _____ **Unanimous:** _____

Williams: ___ McClammy: ___ Boney: ___ Baker: ___ Edens: ___ Marshburn: ___ Nalee: ___

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE

Application No.	MDP 11209	Date	6/20/2014
Application Fee	\$500 + \$10/acre = \$655.00	Receipt No.	
Pre-Application Conference	6/11/2014	Hearing Date	8/5/2014

SECTION 1: APPLICANT INFORMATION

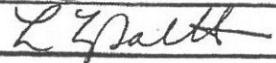
Applicant's Name:	GAIRY CANADY	Owner's Name:	LISA SALEMI-HAVES
Applicant's Address:	PO Box 915	Owner's Address:	656 PINE RANCH CIRCLE
City, State, & Zip	RICHLANDS, NC 28574	City, State, & Zip	LELAND, NC 28551
Phone Number:	910-324-4616	Phone Number:	910-358-2853

Legal relationship of applicant to land owner: APPLICANT HAS A CONTRACT TO PURCHASE PROPERTY FROM THE OWNER

SECTION 2: PROJECT INFORMATION

Type of Master Development Plan	<input checked="" type="checkbox"/> Residential <small>RP, PD, RM MH District</small>	<input type="checkbox"/> Commercial <small>GB, OI, IT, GI District</small>	<input type="checkbox"/> Mixed Use <small>PD</small>	<input type="checkbox"/> Exempt
Property Identification Number (PIN):	4203 51 7342	Total property acreage:	15.51 ac.	
Zoning Classification:	RP	Acreage to be disturbed:	3.4 Acres	
Project Address:	KINGS LANDING ROAD HAMPSTEAD, NC			
Description of Project Location:	ON THE NORTH SIDE OF KINGS LANDING ROAD DIRECTLY ACROSS FROM WHERE BELLOWING DOE RD. INTERSECTS			
Describe activities to be undertaken on project site:	BUILD 2 NCDOT STREETS & CREATE A 24 LOT SUBDIVISION			

SECTION 3: SIGNATURES

Applicant's Signature		Date:	6/17/14
Owner's Signature		Date:	6/17/14

NOTICE TO APPLICANT

1. Applicant or agent authorized in writing must attend the public hearing.
2. 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.
3. All fees are non-refundable
4. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda

Office Use Only

<input checked="" type="checkbox"/>	MDP Fees: (\$500.00 plus \$10/acre for the first 100 acres \$5/acre thereafter)	Total Fee Calculation: \$ <u>655.10</u>				
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
Payment Method:	Cash : <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa		Check: <input checked="" type="checkbox"/> Check # <u>655.10</u>		
Application received by:		<u>Megan O'Hare</u>			Date: <u>6/20/14</u>	
Application completeness approved by:		<u>Megan O'Hare</u>			Date: <u>6/20/14</u>	
Date scheduled for public hearing:		<u>August 5 2014</u>				

MASTER DEVELOPMENT PLAN CHECKLIST

<input checked="" type="checkbox"/>	Signed Application Form (Both Applicant and Owner)
<input checked="" type="checkbox"/>	Application fee
<input checked="" type="checkbox"/>	Legible list of all property owners adjacent to the property upon which the use is to be located. The list shall include the mailing address & physical address of these property owners (The application will not be advertised for public hearing until the list is accurate & complete)
<input checked="" type="checkbox"/>	One business size envelope legibly addressed with first class postage for each of the adjacent property owners on the above list.
<input checked="" type="checkbox"/>	Project Narrative--Written description of the project (max of 3 pages) including the following: <ul style="list-style-type: none"> <input type="checkbox"/> Location of the project and type of access to project site <input type="checkbox"/> Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc. <input type="checkbox"/> Description of all construction activities to be undertaken on the site <input type="checkbox"/> Describe type of utilities that will serve project and status of approval from applicable providers <input type="checkbox"/> List of all state and federal permits that will be required for the project <input type="checkbox"/> Describe any potential impacts the project will have on the community or adjacent properties such as traffic, noise, etc. and explain efforts to mitigate these impacts (<u>this item must be addressed by the applicant</u>). The applicant may also wish to describe any positive benefits the project will provide for the community &/or neighbors of the project.

Master Development Plan Contents

All MDP's shall be prepared in accordance with the following specifications:

	The scale shall be one inch equals 100 feet or larger (the ratio of feet to inches shall be no more than one hundred feet to one inch) or at a scale acceptable to the Director. The scale shall be sufficient so that all features are discernible.
	No sheet shall be smaller than 24"x36" in size unless approved by the Administrator. If the MDP is prepared on more than one sheet, match lines shall clearly indicate where the sheets join.
	North arrow, a scale of 1:100 or larger and a legend describing all symbols.
	A boundary survey of the entire property related to true meridian & certified by a registered surveyor with all dimensions in ft & decimals of ft. A vicinity map at a suitable scale shall be provided showing the location of the project along with the location of all existing or approved public roads, streets or rights-of-way within 2,000 ft of the boundaries of the project.
	The total area of the property shall be specified.
	The topography shall be shown at 2 foot contour intervals.
	The title of the proposed project; the date, month, year the plan was prepared or revised; the name of the applicant(s), owner(s) and contract owner(s); and the names of the individuals or firms preparing the plan shall be clearly specified.
	A schedule of phases, with the approximate location of phase boundaries & the order in which the phases are to be developed, shall be provided.
	The use of all adjoining properties by zoning, parcel identification number (PIN) and current property owner(s).

Gairy Canady Surveying

P.O. Box 915 • 2780 Kinston Highway, Richlands, NC 28574 •
Office (910) 324-4616 • Fax (910) 324-8430 email- gairycanady@gmail.com

NARRATIVE

Kings Landing Road Project
Tax Parcel 4203-51-7342

The subject tract is located on the north side of Kings Landing Road and contains 15.51 acres all wooded. It is adjoined on the north and east by existing residential subdivisions. The west side adjoins an undeveloped wooded tract of approximately 16 acres. It has approximately 800 feet of road frontage on the southern boundary along the northern right of way of Kings Landing Road. The tract is zoned RP and is located entirely in Flood Zone "X". The soils are sandy and a soil evaluation has been completed by a Licensed Soil Scientist. It has been determined it will yield 24 lots. Each lot will be served by an onsite septic system. The smallest lot is Lot 2 with 15173.5 sq. ft. The largest lot is Lot 12 with 3.87 acres for an average lot size of 0.56 acres. There will be 2 asphalt surfaced, 50' R/W streets constructed to NCDOT standards for public access. They will be turned over to NCDOT to be added to the State Road system, after the minimum housing requirements are met. The 1st street will align with the centerline intersection of Kings Landing Road and Bellowing Doe Road. It will proceed north approximately 700' and provide a connection with Windy Point Road, which now dead ends at the eastern boundary of this tract. There is a temporary cul-de-sac provided for turn around in the event the streets are not connected. In the event the streets are connected the area within the temporary cul-de-sac will go to the affected lots. The second street will intersect the 1st street and run west and parallel to Kings Landing Road approximately 600' and provide for access to the adjoining parcel. There is a temporary cul-de-sac provided until at such time the street is ever extended. If the street is extended, the area in the temporary cul-de-sac will go to the adjoining lots affected. All lots will be served internally, with no direct access to Kings Landing Road. There will be waterlines installed to NC and Pender County requirements, connecting to Pender County water system. There is an open space area of 0.72 acres (82 % is active and 18% is passive) which will contain the mailbox cluster. An access easement area around the cluster is reserved. The wetlands have been identified and are all centered around a small branch that runs through Lot 12. No other lots are affected by wetlands. There will be no wetlands disturbed or crossed during the construction of this project. Minimum house size allowed to be constructed on these lots is 2000 sq. ft.



Gairy I. Canady PLS L-2904
6/17/14

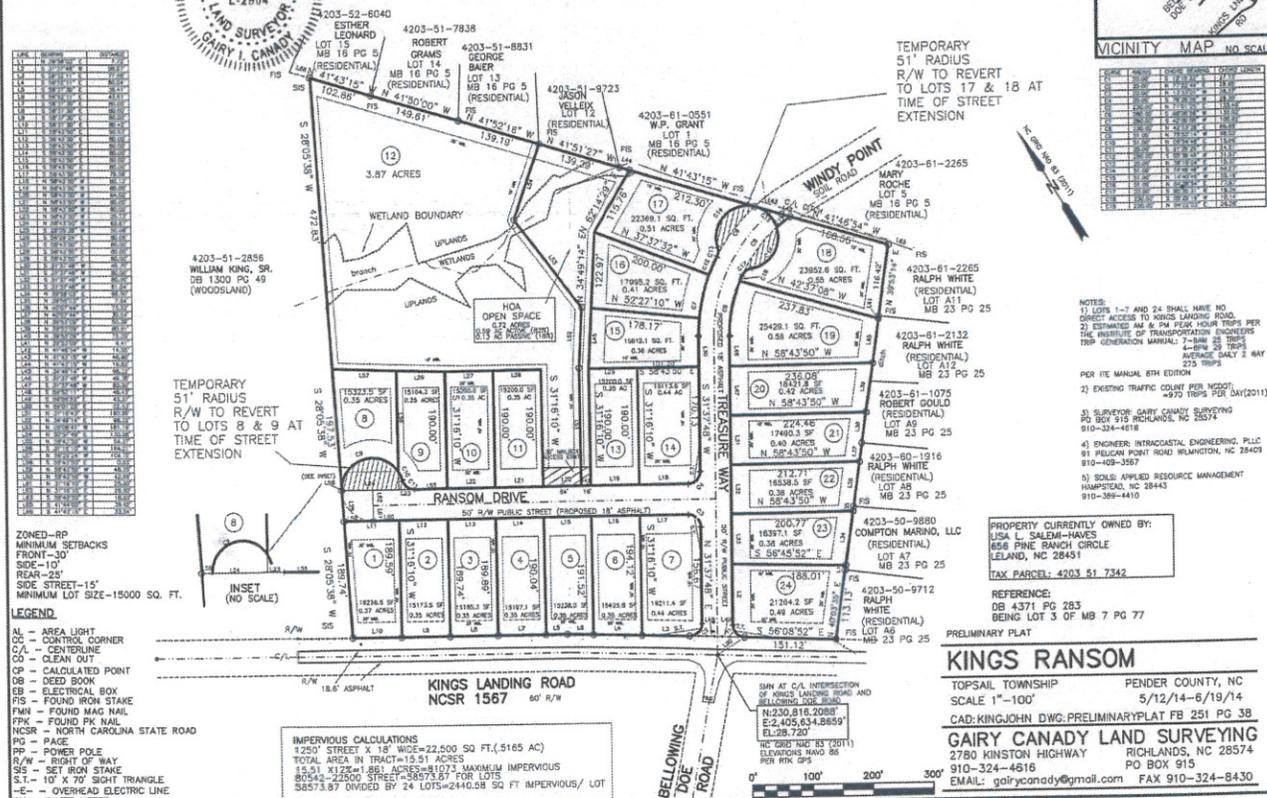
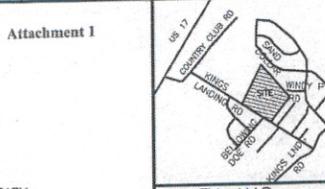
I, GARY L. CANADY, CERTIFY THAT THIS PLAN WAS PREPARED BY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED BOOK 422, PAGE 288) AND THAT THE MEASUREMENTS SET FORTH ON THIS PLAN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH CAROLINA, LICENSE NO. 12120, EXPIRES 12/31/2014.

DATE: APRIL 22, 2014

GARY L. CANADY, P.L.S. L-2804

CERTIFICATE OF SUBMISSION
 A copy of this plan has been submitted. Approval is subject to review; this does not constitute an approval.
 Pender County Utilities, _____ Date: _____
 Pender County Environmental Health, _____ Date: _____
 Pender County Addressing Coordinator, _____ Date: _____

CERTIFICATE OF PRELIMINARY PLAT APPROVAL
 Preliminary Plat Approved by Pender County for a period of two (2) years subject to the Pender County Unified Development Ordinance requirements and conditions of approval.
 Planning Staff, _____ Date: _____





Applicant:
Gairy Canady

Owner:
Lisa L. Salemi-Haves

Master Development Plan
#11209
Kings Ransom

Legend
 Subject Property



VICINITY





Applicant:
Gairy Canady

Owner:
Lisa L. Salemi-Haves

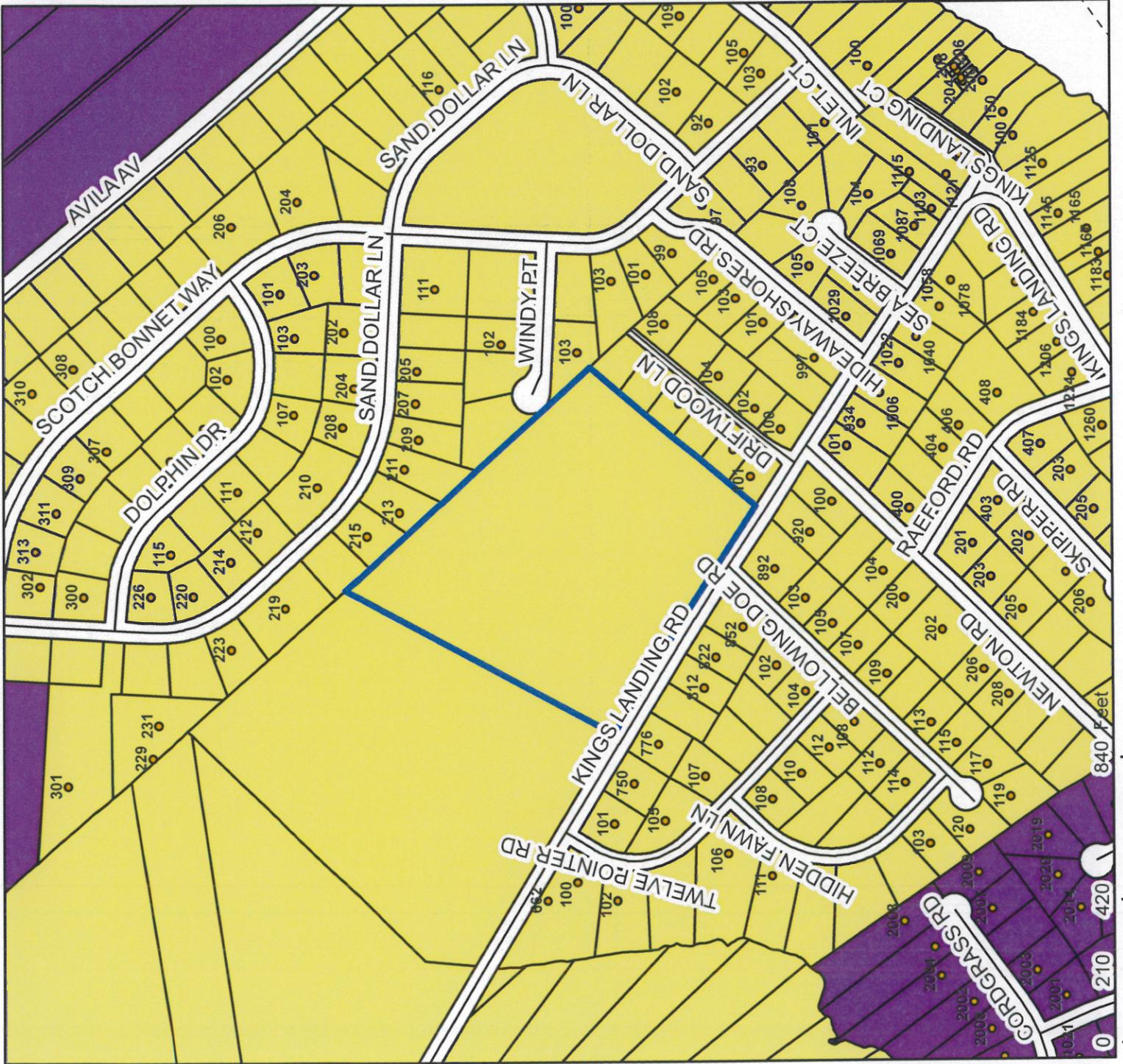
Master Development Plan
#11209
Kings Ransom

Legend

-  Subject Property
- UDO Zoning**
-  GB
-  O&I
-  PD
-  RA
-  RP



CURRENT ZONING





Applicant:
Gairy Canady

Owner:
Lisa L. Salemi-Haves

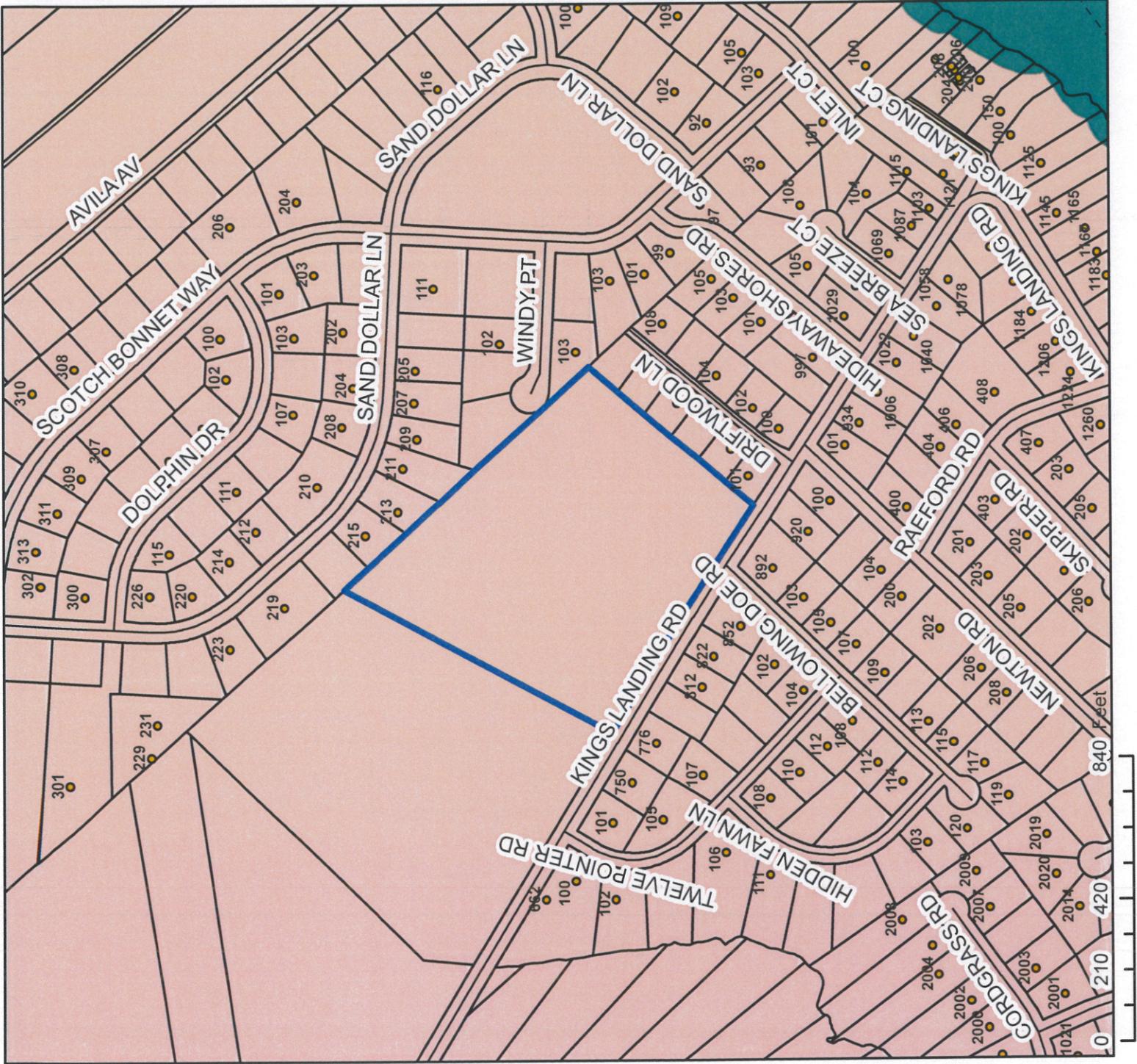
Master Development Plan
#11209
Kings Ransom

Legend

-  Subject Property
- Future Land Use**
-  Conservation
-  Industrial
-  Mixed Use
-  Rural Growth
-  Suburban Growth



FUTURE LAND USE





Applicant:
Gairy Canady

Owner:
Lisa L. Salemi-Haves

Owner:

Master Development Plan
#11209
Kings Ransom

Legend



Subject Property



2012 AERIAL



Pender County Planning and Community Development

Planning Division

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425



Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

MEMORANDUM

To: Pender County Planning Board
From: Planning Staff
Date: July 1, 2014, Tabled till August 5, 2014
RE: Discussion Items— Parking Relief

Planning Board,

Please find eight (8) parking relief concepts below. These concepts have been transcribed in an effort to provide greater flexibility for developers while balancing the needs of the community. The Planning Board has requested that Planning Staff provide the Board with options in determining ways to alleviate some of the issues associated with existing standards.

Staff recommends considering the following options while thinking about the following context: Many developments have the potential to encounter the issue of needing only a few parking spaces, making paving a burdensome endeavor. In addition, a number of these solutions could solve and further the Comprehensive Land Use Plan if implemented in conjunction with one another. *For example: A Shared Parking/District/Land Use Based solution 2 & 5 would be a more specific way to facilitate mature, Comprehensive Land Use Plan based development while allowing greater flexibility within the Ordinance.*

1. **5 or fewer reduction:** In every district, parking lots requiring 5 spaces or fewer may be surfaced with gravel :
 - a. **Pros:** A more rural character can be achieved, certain types of gravel are considered pervious surfaces, lower cost for the developer, ease of transition and repurposing of the parking areas for new and or different uses,
 - b. **Cons:** Gravel generally is not as durable and long lasting as asphalt, the development can erode, this is indiscriminate as it pertains to the various zoning districts (GB vs. RA etc), the threshold is arbitrary. The end result may not accommodate the needs of the development.

- c. **Needs:** Standards on installation of the gravel (minimum standards for installation), parking should be located to the side and/or rear of the property (with consideration of existing vegetation)
2. **Shared Parking:** Adjacent uses shall share parking spaces when two or more uses have different peak hours and/or excess parking:
 - a. **Pros:** Less impervious coverage, maintenance of rural character, reduced cost burden for developers, fewer vehicle trips
 - b. **Cons:** Enforcement may be tricky during changes of use etc.
 - c. **Needs:** A shared parking permit should be established to ensure compliance. The spaces should be designated and allocated in a logical manner to ensure ease of ingress and egress. Pedestrian pathways should be established to safely connect the parking areas. Comfortable walking distance should be considered (generally from 100 -1,600' per depending on the use <http://www.vtpi.org/tdm/tdm89.htm>). This can be implemented in conjunction with other parking policies to ensure that a well-rounded parking strategy is employed.
3. **Urbanizing /Rural/Commercializing District(s):** Surfacing should be based on the Land Use Plan and the surface should be dependent on the character of the particular area(s)
 - a. **Pros:** Uniformity in design can be achieved, this can be used as an economic development incentive moving forward, the County has already set forth areas designated as rural growth, suburban growth etc. This option more readily follows the intent of the Comprehensive Land Use Plan
 - b. **Cons:** Expansion concerns and demand for particular areas may change
 - c. **Needs:** The specific Commercial/Industrial/Rural character and other areas should be designated specifically. It may be vital to try a demonstration area first in order to implement. It may be possible to start character areas utilizing existing sites (Cedar on the Green)
4. **Temporary surfacing relief (Ghosting):** A temporary permit could be utilized for a period of time to see if the business will be successful/needs more resources:
 - a. **Pros:** Potentially reduced cost for the developer
 - b. **Cons:** Temporarily, the surface may not be adequate for the development, potential enforcement issues
 - c. **Needs:** The site would need to be observed and monitored (by staff/consultant etc) to determine utilization rates and actual demand during the temporary surfacing period. The cost would need to be placed on the applicant up-front to ensure staff resources are available. Ghosting could be applied to particular uses or parking lot sizes (10 or fewer can attempt this option etc.) The space would need to be allocated but the surface would be contingent upon the site analysis.

5. **Parking Study Reduction:** The applicant should submit documentation indicating how much parking should be on-site using sample sites and transportation data
 - a. **Pros:** Existing option in the ordinance, provides data for future developments, allows for deviations above or below the established minimums
 - b. **Cons:** May add additional cost to developments, this does not address surfacing issues
 - c. **Needs:** This option could be amended to include an addendum to address the surface of the lot.

6. **Threshold Exemption:** Uses requiring X or fewer parking spaces will not be reviewed for minimum parking
 - a. **Pros:** Ease of enforcement, relief for smaller operations
 - b. **Cons:** The development/landscape may erode if proper surfacing is not installed,
 - c. **Needs:** A parking maximum should be considered in these cases, as developments may decide to install parking significantly above the existing minimums.

7. **Parking Based on Use Intensity:** Parking surface shall be determined based on the amount of generated vehicular trips on the property.
 - a. **Pros:** Relieve the cost burden for some developers while ensuring that intense uses are developed with the proper surfacing
 - b. **Cons:** Must account for low intensity uses that have very large parking lots (significant amounts of gravel), standardization is difficult and the best result would be based off of County specific data.
 - c. **Needs:** ITE Data, close evaluation, determine the thresholds for low, medium and high turnover

8. **Removing Minimum Parking Standards: Remove minimum parking standards and allow the developer to determine how much parking to place on site.**
 - a. **Pros:** Ease of enforcement, no additional costs are placed on the developer
 - b. **Cons:** Design may be hampered, ADA accessibility, surfacing issues, a lack of standards may affect nearby properties and the community's appearance.
 - c. **Needs:** Design should be reviewed in this circumstance to ensure that pedestrian safety and vehicular movement is accounted for properly.

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MEMORANDUM

To: Pender County Planning Board

From: Planning Staff

Date: July 1, 2014, Tabled till August 5, 2014

RE: Discussion Items— Portable Storage Containers

Planning Board members,

Per your request at the Planning Board meeting on June 3, 2014, staff has prepared and will be presenting to you information on Portable Storage Containers. Below, you will find Pender County's current definition of portable storage containers, issues that have recently arisen, and questions to be considered. Three attachments have also been included. Attachment A contains an excerpt from Pender County's UDO containing the Portable Storage Container section. Attachment B contains an overview of how counties and municipalities within North Carolina address Portable Storage Containers. Attachment C contains example images of portable storage containers.

Portable Storage Container (Pender County UDO definition):

A container designed to store personal property which is typically rented and intended to be delivered, temporarily used, and removed by truck. Portable storage containers shall not be used as an accessory structure or dwelling and shall not impede access or create a public safety hazard. This includes PODS, shipping containers, and other portable self-storage units.

Issues with the Current Standards for Portable Storage Containers

- Portable storage containers are not permitted by ordinance as permanent storage buildings.
- Use of portable storage containers as permanent storage buildings is prevalent throughout Pender County in both residential and commercial districts.

Questions to Consider

- Should the UDO be amended to permit portable storage containers as permanent storage buildings?
- If permitted, should they be permitted in both commercial and residential districts?
- Should setbacks and buffers be required?
- Should portable storage containers be permitted as dwellings? Under what circumstances?

ATTACHMENT A—

Current Pender County UDO Standards for Portable Storage Containers

§ 5.3.12.G Portable Storage Containers

- 1) A portable storage container may be placed for fifteen or less consecutive days in any twelve month period without issuance of a permit in all zoning districts, except Environmental Conservation.
- 2) All portable storage containers located on private property to be placed for sixteen or more consecutive days must apply for and obtain a permit. Each individual shall submit a complete application, site plan, and fee for review and approval by the Administrator or their agent.
- 3) All portable storage containers located in the front or side yard must be placed in an area primarily used for vehicular access such as a driveway or other paved surface.
- 4) All containers must adhere to the minimum setbacks for the zoning district when possible and must be five (5) feet from all other structures.
- 5) No portable storage container shall be greater than twenty (20) feet in length, eight (8) feet in width, or eight (8) feet in height.
- 6) More than one portable storage container shall be allowed on a single lot as long as the total square footage of all containers does not exceed 160 square feet.
- 7) Stacking of portable storage containers shall not be permitted.
- 8) No sign shall be attached to a portable storage container other than the provider's contact information.
- 9) Portable storage containers shall be allowed no more than two (2) times on a lot for a period no longer than 60 days within a twelve (12) month period when the following items are met. A longer extension may be granted for portable storage containers located in all nonresidential districts, excluding Environmental Conservation, up to 180 days within a twelve (12) month period approved by the Administrator when the following items are met:
 - a) The principal structure is damaged and dilapidated and is undergoing repairs, reconstruction, or renovation.
 - b) A building permit has been issued for the repairs, constructions, reconstruction, or renovation, if required, and is valid throughout the extension.

ATTACHMENT B—

Samples from Ordinances of Counties/Municipalities throughout North Carolina

- **New Hanover County**

Allows Portable Storage Containers as accessory structures where accessory are permitted. No buffering required. Must meet minimum setback and separation requirements.

- **City of Wilmington**

Sec. 18-302. Shipping containers permanent off-chassis and on-site.

Shipping containers shall only be permitted as permanent storage buildings when each of the following conditions are met:

(a) Permanent use is restricted to the following commercial zoning districts: Community Business (CB), Regional Business (RB), and Commercial Services (CS).

(b) Permanent shipping containers shall not be permitted as a principal building.

(c) A maximum of one (1) permanent shipping container per site shall be permitted on lots of one (1) acre or less. One (1) additional permanent shipping container per acre may be permitted for lots greater than one (1) acre.

(d) Permanent shipping containers shall not be stacked vertically.

(e) Permanent shipping containers shall be maintained in good condition free from structural damage, rust, and deterioration. Containers shall be painted tan, brown, dark forest green, or light gray.

(f) Permanent shipping containers shall be used for storage purposes only.

(g) No signs or lettering shall be permitted on permanent shipping containers.

(h) All permanent shipping containers shall be screened from view from any public right-of-way or private street, and any residential use or residential zoning district. Screening shall be accomplished by a wooden privacy fence or a brick or stucco screen wall at a height no greater than or less than seven (7) feet. The exterior of the fence or wall shall be lined with foundation plantings that reach a minimum of three (3) feet in height at maturity and spaced appropriately for the species which must be listed in the "Approved Plantings List" in the city's Technical Standards [and Specifications Manual].

(i) Permanent shipping containers shall meet all building setback requirements and shall be located on the rear half of the lot.

(j) Permanent shipping containers shall not be permitted in any parking areas, required buffers or setbacks.

(k) No permanent off-chassis shipping containers shall be permitted in loading areas.

(l) Permanent shipping containers shall not be permitted to be rented or leased to a use not located on the same lot.

(m) Permanent shipping containers shall not exceed the dimensions of forty (40) feet in length, eight (8) feet in width, and ten (10) feet in height.

(n) Businesses shall submit a site plan showing any permanent container and its relationship to the overall site. The plan shall indicate how the container meets all permanent requirements, including stormwater, traffic circulation, screening requirements, other development codes and technical standards, and inspection requirements.

- **Brunswick County**

A residential/personal/non-commercial storage structure shall be a stand-alone structure for the sole personal/non-commercial use of the property owner on which the structure is located.