

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

---

**SUMMARY:**

**Hearing Date:** October 4, 2016 Planning Board  
November 21, 2016 BOCC  
**Applicant:** Rocky Point Holdings, LLC  
**Property Owners:** Jack Stocks & Rocky Point Holdings, LLC  
**Case Number:** CZMA 367-2016

**Rezoning Proposal:** Rocky Point Holdings, LLC., applicant, on behalf of Jack Stocks and Rocky Point Holdings, LLC, owners, is requesting approval of a Conditional Zoning Map Amendment for a portion of one (1) tract and the entirety of another tract totaling approximately 18.11 acres from PD, Planned Development zoning district to IT-CD 1, Industrial Transitional conditional zoning district 1. The request is to allow Warehousing (NAICS 493110).

**Property Record Numbers, Acreage, and Location:** The subject properties are located along Carver Road (SR 1437) approximately 3,000 feet west of the intersection with NC 133 and Carver Road (SR 1437) in the Rocky Point Township and may be further identified by Pender County PINs: 3223-53-8360-0000 and 3223-55-9108-0000.

---

**RECOMMENDATION**

The application consists of a Conditional Zoning Map Amendment for a portion of one (1) tract and the entirety of another tract totaling approximately 18.11 acres from PD, Planned Development zoning district to IT-CD 1, Industrial Transitional conditional zoning district 1. As submitted, the request appears to meet all criteria set forth in Section 3.4.4 Review Criteria for Rezoning of the Pender County Unified Development Ordinance. The application is supported by one (1) goal and four (4) policies of the 2010 Pender County Comprehensive Land Use Plan and conflicts with none. The Administrator respectfully recommends approval of this Conditional Use Rezoning request.

---

**HISTORY**

The project as proposed will be composed of two (2) parcels. The first parcel is made up of approximately 4.51 acres and currently houses a Filmwerks facility that was permitted through the Master Development Plan process (See Attachment Two). There are no changes proposed to the existing development on this portion of the site. The second part of this project includes a 13.6 acre portion of a 162.7 acre parcel owned by Jack Stocks. This portion is proposed to be split off from the parent track if the Conditional Rezoning request is approved.

---

**DESCRIPTION**

The 13.6 acre portion of this project is currently undeveloped. The 4.51 acre parcel of this project contains an existing business that was permitted approved through Master Development Plan #10833 on April 9, 2013. The current project proposal consists primarily of adding 100,000 square feet of warehouse space and truck storage to the existing business. This application in totality consists of a conditional rezoning of approximately 18.11 acres from PD, Planned Development zoning district to IT-CD 1, Industrial Transitional conditional zoning district 1. The IT, Industrial Transitional zoning district is designed to provide for heavy commercial activities, involving larger scale marketing or wholesaling, where production and assembly occur onsite and retail sales of those products can be sold on premise where produced. In some cases, such areas may be transitional, located between business and industrial areas. In these areas, there will be a mixture of automobile and truck traffic.

**Proposed Uses**

The proposed uses within the IT-CD, Industrial Transitional conditional zoning district are only to include NAICS 493110: General Warehousing and Storage. By definition, this industry comprises establishments primarily engaged in

operating merchandise warehousing and storage facilities. These establishments generally handle goods in containers, such as boxes, barrels, and/or drums, using equipment, such as forklifts, pallets, and racks. They are not specialized in handling bulk products of any particular type, size, or quantity of goods or products.

It is the Applicant’s intention to develop the site for a 100,000 square foot metal warehouse structure to be used both for storage and construction of items associated with Filmwerks. Filmwerks produces stages for broadcasting and products associated with backup power sources. The Applicant proposes to construct a new access onto the southwest side of Carver Road (SR 1437) that will range between 28-feet and 30-feet wide and will require approval by NCDOT. The Applicant has also proposed two (2) wet detention basins, a 15-20 foot vegetated buffer, an exterior parking and storage area, and 20 additional parking spaces. A rendering of the site has been included as Attachment Four.

All other uses will be prohibited unless an alteration is made to the approval. Any changes to the requested petition shall be processed in accordance with amendments to the zoning map and in accordance with Section 3.4 of the Pender County Unified Development Ordinance.

**Proposed Height:**

As proposed, the building height will be forty (40) feet high, consistent with IT, Industrial Transitional regulations listed in Section 4.14 of the Unified Development Ordinance Zoning District Dimensional Requirements. The maximum height in this district is fifty (50) feet.

**Setbacks:**

As proposed, the setbacks are in compliance with the IT, Industrial Transitional zoning district as required in the Pender County Unified Development Ordinance.

LOCATION	REQUIRED	PROPOSED
Front	40'	399.4'
Side	25'	50.1' Left 300.2' Right
Rear	25'	48.6'

**Services (Wastewater/Water)**

The Applicant is proposing a public water connection to Pender County Utilities and all review and approvals for the public water service are per Pender County Utilities. The Applicant intends on utilizing private wastewater. Wastewater approval is subject to the Pender County Environmental Health Department, although sewer is available if the Applicant elects that option.

**Safety Features**

Because the commercial building proposed will exceed 12,000 square feet, a sprinkler system will need to be installed, as well as a fire alarm system. The Pender County Fire Marshal shared these comments with the Applicant at the Technical Review Committee Meeting on September 7, 2016.

**Coverage Calculations & Stormwater**

The total proposed impervious surface coverage including a potential future expansion is approximately 428,149 square feet or approximately 80.8% of the proposed 13.6 acre new tract (The existing 4.51 acres were already permitted and are not included in these calculations).

**Parking**

The applicant has demonstrated twenty (20) additional parking spaces on the submitted site plan. This is consistent with Section 7.10 of the Pender County Unified Development Ordinance, Off-Street Parking and Loading Requirements. This section requires one space per 5,000 square feet of floor area for warehouses.

### Buffers

The buffers provided are consistent with the buffer requirements in the Pender County Unified Development Ordinance Section 8.2.8, Project Boundary Buffer. The northern buffer is a 20-foot Type C Buffer and will include a fence and vegetation, exceeding requirements. The remaining buffers will be 15-foot Type C Buffers and include vegetation.

### Roadways

The Applicant is proposing a second private asphalt driveway that will intersect Carver Road across from Belhammon Drive (private). This will range from 28-30 feet in width and will connect to the existing driveway on the current Filmwerks tract. The Applicant has indicated that the ingress and egress will occur primarily from the existing driveway on the northeast side of Carver Road (SR 1437). Any new driveway access may require additional NCDOT permits. The WMPO has noted that a 20-foot all weather drive aisle is required for fire access on site and that the driveway curb radius needs to be 30-feet to accommodate trucks with trailers and other large vehicles during ingress and egress. This has been fulfilled on the site plan.

### Traffic

#### *Traffic Impact Analysis*

According to Section 6.1.3 (A) 7 of the Pender County Unified Development Ordinance, any Master Development Plan proposal in Commercial and Industrial districts that proposes to generate more than 100 trips during the peak morning or evening hours, or 1,000 trips per day requires a Traffic Impact Analysis. Trip estimates must be based on the latest version of the Institute of Transportation Engineers Trip Generation Manual per Section 6.1.3 (A) 14. A Traffic Impact Analysis will not be required for this proposal, as the maximum number of trips per day is estimated to be 80 according to the Applicant.

### Environmental Concerns

The subject parcels, of ±18.11 acres does contain portions of environmentally sensitive areas including wetlands. Any development within these areas may be subject to the permit requirements of Section 404 of the Clean Water Act. It does not appear any portion of the proposed project is located within a flood zone.

### Public Input Meeting

On September 20, 2016, the Applicant held a Community Meeting at the existing Filmwerks facility at 589 Carver Road in Rocky Point at 5:30 pm in accordance with Section 3.4.3 of the Pender County Unified Development Ordinance. Letters inviting adjacent property owners were mailed to the community on September 9, 2016 (See Attachment Three). No representatives from the public attended this meeting or called for further information on the project.

### Technical Review Committee

On September 7, 2016 the Pender County Technical Review Committee reviewed the Applicant's submittal; the responses were collected as Attachment One.

---

## 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 subject property is located on the south and east sides of Carver Road (SR 1437) and is currently zoned PD, Planned Development zoning district. The property to the east is zoned GI, General Industrial zoning district. The property to the north and east across Carver Road (SR 1437) is also zoned PD, Planned Development zoning district, as is the property across Carver Road (SR 1437) to the west. The property to the north and west across Carver Road is zoned RP, Residential Performance zoning district.

**C) Existing Land Use in Area:** The subject property is located to the north of the River Landing residential subdivision. Between this subdivision and the proposed development there is wooded, undeveloped land. The property to the east is undeveloped and low density residential. The properties to the north and west are residential.

**D) 2010 Comprehensive Land Use Plan Compliance:** The 2010 Comprehensive Land Use Plan designates the subject property as Office, Institutional and Business. The purpose of the OIC land use classification is to encourage more efficient and attractive development, integration of commercial uses with other land uses, and to discourage unsightly and inefficient strip commercial development. Strip commercial development (characterized by non-related business development with numerous road-cuts and no interconnectivity) detracts from community appearance and has significant negative impacts on both road capacity and traffic safety. OIC areas should be planned to accommodate a range of land uses including small and large scale commercial uses possibly transitioning to office/institutional uses or higher density residential uses that would buffer and transition to surrounding lower density residential areas. These areas should be served by both public water and sewer.

The following goals and policies within this plan which may support the rezoning request:

**Growth Management Goal 1.A.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.

**Policy 1A.1.4** The County should develop and utilize innovative and flexible land planning techniques that encourage developments to efficiently use land resources that result in more compact urban areas, infill development, redevelopment, and the adaptive re-use of existing buildings.

**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.

**Policy 1A.1.6** Use conditional zoning process to enable developers to contribute to addressing the impact of developments on capital facilities and other resources; incorporate regulations into new Unified Development Ordinance to enable a small project to address specific impacts to an existing adjacent community.

**Preferred Development Patterns Policy 3A.1.3** Support the inclusion in the UDO of conditional zoning which provides more flexibility for the land owner/developer and the County to mutually agree upon specific development conditions and requirements. (Conditional zoning is a method that incorporates all the site-specific standards directly into the zoning district regulation and then applies that zoning district only to the property that is the subject of the rezoning petition.

**E) Unified Development Ordinance Compliance:** Article 3.3.8 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board before a favorable recommendation of approval for rezoning can be made.

**3.4.4 Review Criteria for Rezoning**

When evaluating an application for the creation of a conditional zoning district, the Planning Board and Board of Commissioners shall consider the following:

- 1) The application’s consistency to the general policies and objectives all adopted Land Use Plans and Unified Development Ordinance.
- 2) The potential impacts and/or benefits on the surrounding area, adjoining properties.
- 3) The report of results from the public input meeting.



**F) Conditions for Approval of Petition**

Section 3.4.5 Conditions of Approval of Petition gives the Pender County Planning Board the ability to add reasonable and appropriate conditions based on mutually established goals with the Applicant and adjacent property owners. Potential conditions include:

1. Painting the building green to blend in with the trees and match the existing building.
- 

**RECOMMENDATION**

The application consists of a Conditional Zoning Map Amendment for a portion of one (1) tract and the entirety of another tract totaling approximately 18.11 acres from PD, Planned Development zoning district to IT-CD 1, Industrial Transitional conditional zoning district 1. As submitted, the request appears to meet all criteria set forth in Section 3.4.4 Review Criteria for Rezoning of the Pender County Unified Development Ordinance. The application is supported by one (1) goal and four (4) policies of the 2010 Pender County Comprehensive Land Use Plan and conflicts with none. The Administrator respectfully recommends approval of this Conditional Rezoning request.

---

**BOARD ACTION FOR REZONING REQUEST**

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

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

**Williams:**\_\_\_\_ **Fullerton:**\_\_\_\_ **Baker:**\_\_\_\_ **Carter:**\_\_\_\_ **Edens:**\_\_\_\_ **McClammy:**\_\_\_\_ **Nalee:**\_\_\_\_