

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: aa

Date of Request: February 4, 2008

Date Request Received:

Board Meeting Date Requested: February 18, 2008

Board Meeting Date Assigned: February 18, 2008

Short Title: Craig Wilson Zoning Text Amendment

Background: Applicant, is requesting an amendment to Section 8.9, Table of Permitted Uses of the Pender County Zoning Ordinance.

Specific Action Requested: The Board of Commissioners is requested to hear an amendment to Section 8.9, Table of Permitted Uses of the Pender County Zoning Ordinance. To allow Freestanding Drive-up Automatic Ice Vending Machines.

Requested by: Planning Staff
Department: Planning Department
Title: Planning
Contact Phone: 910.259.1202
Contact Fax: 910.259.1295

Request Status:

- Request is proceeding to Board of Commissioners
- More information is needed – see attached
- Request on hold – no further information needed
- Other:

(Administrative Use Only)

CONTRACT TYPE

- Renewal
- For Service(s)
- Intergovernmental – County as Grantee
 - Federal Grantor
 - State Grantor
 - Grantor
- County as Grantor
 - County Funds
 - Other Funds:
- Revision
- For Equipment

PURCHASING

Date Rec'd: Budgeted Item: Yes No
 Reviewed and Approved
 Comments on Reverse

Date Sent:

Signed:

ATTORNEY

Date Rec'd: Reviewed and Approved
 Legal Problem(s)
 Comments on Reverse

Date Sent:

Signed:

FINANCE

Date Rec'd: Sufficient Funds Available Not Available
 Budget Amendment Necessary
 Budgeted Amendment is Attached
 Comments on Reverse

Date Sent:

Signed:

CLERK

Signature(s) Required:
 Board Chairman/County Manager
 Other:

Date Rec'd Approved by Board: Yes No
At meeting on

Pender County Zoning Ordinance Text Amendment
Section 8.9, Freestanding Drive-up Automatic Ice Vending Machines shall be regulated as follows

SUBJECT: Zoning Ordinance Text Amendment

ACTION REQUESTED: Consider a Text Amendment to the Zoning Ordinance to allow Freestanding Drive-up Automatic Ice Vending Machines as an accessory use to all commercial uses permitted within the PD, B-1, B-2, B-3, RT, I-1, I-2 and RA zoning districts.

HISTORY/BACKGROUND:

Description of Request: This item was originally heard at the December Planning Board meeting where it was tabled. It was again heard at the January Planning Board meeting where it was tabled for a second time. After the December Planning Board meeting two (2) amendments were made to the proposed text amendment at the request of the board.

G. Shall conform with surrounding commercial architecture and landscaping

H. Signage shall be permitted on one side of structure and shall not exceed one (1) square foot for each lineal foot of building wall

Following the January Planning Board Meeting three (3) amendments were made to the proposed text amendment at the request of the board.

F. A roof structure shall be required to screen all mechanical equipment

I. No two (2) Freestanding Drive-up Automatic Ice Vending Machines shall be spaced within a two (2) mile radius

J. Shall conform with Accessory Building Setbacks and Separation requirements Section 9.2 and must meet 100' right of way setback along US Hwy 17

The request consists of amending the current Pender County Zoning Ordinance Table of Permitted Uses, Section 8.9, to allow Freestanding Drive-up Automatic Ice Vending Machines as a Permitted Use as an accessory use to all commercial uses permitted within the PD, B-1, B-2, B-3, RT, I-1, I-2 and RA zoning districts (*see attached applicant's application & description of request*).

History/Background Relating to Proposed Amendment: The Zoning Ordinance currently does not contain text that allows for Freestanding Drive-up Automatic Ice Vending Machines as an accessory use. Staff is proposing that this use be regulated in a similar manner to section 9.6 Free Standing Drive-Up Automatic Teller Machines.

EVALUATION:

A) Public Notifications: Public Notice of the request for text change has been advertised in the Pender Post and Topsail Voice.

B) Planning Staff Recommendation to Planning Board: Planning staff would like to possibly add this use under Supplementary District Regulations (Section 9.16, Pender County Zoning Ordinance). Staff is presenting this to the Planning Board for possible input on conditions set for this request: Freestanding Drive-up Automatic Ice Vending Machines as a Permitted Use as an accessory use to all commercial uses located in the PD, B-1, B-2, B-3, RT, I-1, I-2 and RA zoning districts as defined by the Pender County Zoning Ordinance as districts in which commercial activities are permitted. These zones allow for commercial activities that are compatible within their respective zoning districts.

Accompanying this report, staff has drafted an ordinance governing this use and district. .

PLANNING BOARD RECOMMENDATION: The Pender County Planning Board is requested to hold a public hearing for a text amendment.

AMENDMENTS:

Planning Board

Motion: _____ **Millette** _____ **Seconded** _____ **Marshburn** _____

Approved: _____ **Denied:** _____ **2-2** _____ **Unanimous** _____

Walton _____ Reynolds _____ Garrett _____ Gonzales _____ Marshburn X Millette X Smith _____

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on February 18, 2008, the Pender County Board of Commissioners (approved, denied, modified) a text amendment to the Pender County Zoning Ordinance (section 8.9 table of permitted used), as described herein and James David Williams Jr., Chairman to the Board, is authorized to execute the order implementing this resolution and provide notice to the applicant of the action taken herein.

AMENDMENTS:

MOVED _____ **SECONDED** _____

APPROVED _____ **DENIED** _____ **UNANIMOUS** _____

YEA VOTES: Williams _____ Tate _____ Blanchard _____ Brown _____ Rivenbark _____

**James David Williams Jr.,
Chairman**

2-18-08
Date

ATTEST

2-18-08
DATE

SECTION 9 – PENDER COUNTY ZONING ORDINANCE

9.16 Freestanding Drive-up Automatic Ice Vending Machines

- A. Shall not be considered as an accessory structure
- B. Shall allow for proper ingress and egress and proper traffic flow
- C. Shall be approved by Planning Staff
- D. Shall not be located on any minimum required parking spaces
- E. Shall have landscaping around exterior of building
 - Along any exterior wall exceeding 20 ft in length will require a minimum of 2 shrubs per 10 ft of wall length
 - Wood mulch, pine straw or other mulch like material approved by Planning staff must be placed in a 3 ft wide landscaped area adjoining any exterior wall in excess of 10 ft excluding doorways and product distribution areas
- F. A roof structure shall be required to screen all mechanical equipment
- G. Shall conform with surrounding commercial architecture and landscaping
- H. Signage shall be permitted on one side of structure and shall not exceed one (1) square foot for each lineal foot of building wall
- I. No two (2) Freestanding Drive-up Automatic Ice Vending Machines shall be spaced within a two (2) mile radius
- J. Shall conform with Accessory Building Setbacks and Separation requirements Section 9.2 and must meet 100' right of way setback along US Hwy 17

SECTION 8 ZON. DISTRICTS & REGS.

PERMITTED USES	PD	R-20C	R-20	R-15	R-10	B-1	B-2	B-3	L-1	L-2	A	RT	RA	FA	WS
TRADE (Retail Unless Noted) (See Sect. 2 Definitions) (Con't)															
Furniture, Outdoor & Play Equip. (No Outside Display Or Storage Of Merchandise, Equip. Or Materials) (SICM Maj. Grp. 57 & 59, Excluding Ind. Grp. 592, 593 596 597 598 & any explosives or fire works.	P					P	P					S			
Furniture, Outdoor & Play Equip. (With Outside Display Or Storage Of Merchandise, Equip. Or Materials) (SICM Maj. Grp. 57 & 59, Excluding Ind. Grp. 592, 593 596 597 598 & any explosives or fire works.					S							S			
General Retail Merchandise Stores	P						P	P							
Gun Sales	P											S			
Handicrafts	P						S								
Hardware	P					P	P	P	P						
Livestock Sales	P					P	P	P	P			S	S		
Mobile Home Dealers & Prefabricated Buildings						P	P	P	P			S	P		
Miscellaneous Retail (SIC Major Group 59. Excluding 593, 596, 598, 5999)						S	S		P			S			
Pawn Shops						P	P								
Restaurants	P					P									
Shopping Centers(see def. & ZI 13 & 14)	P					P	P	P	P			S	S	S	
Trailer Sales (As Defined Herein)						S	S					S	S		
Wholesaling(see ZI 28)	P					S									
SERVICES															
Appliance Repair	P					S			P	P					
Automobile, Truck & Small Machinery Repair	P					P	P					S	S		
Automobile Rentals	P					S	P	S	P	P		S	S		
Auto Teller Machines (See Sect. 14.9)	P					P	P			P		S			
Drive-up Auto Ice Vending Machine	P					P	P	P	P	P		P	P		

Pender County Planning Department

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Burgaw, North Carolina 28425

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Email: planning1@pender-county.com

PLANNING BOARD APPLICATION FOR ZONING TEXT AMENDMENT

Date <u>Oct 29, 2007</u>	Application Fee <u>200⁰⁰</u>	Receipt No. <u>077073</u>
Application No. _____	Postage Fee _____	Receipt No. _____

I. TEXT AMENDMENT INFORMATION

Text to be Amended or Reviewed (please refer to necessary section of Pender County Zoning Ordinance):

Section 8.9, Zoning Regulations, Table of Permitted Uses.
Section 9, Supplemental District Regulations

Proposed Amendment:

Provide text that permits free standing, automated ice vending machine in a manner similar to a freestanding automated teller machine (reference Section 9.6)

Reason for Amendment:

Zoning ordinance does not contain text that provides for this type of facility.

II. APPLICANT INFORMATION:

Applicant Craig Wilson Address 390 Whitebridge
Phone (910) 270-3023 Fax _____
Email Craigw@SISNA.com

III. SIGNATURE OF APPLICANT:

Craig Wilson

October 24, 2007

To: Pender County Planning Department

Regarding: Zoning Text Amendment Request for Automated Ice Vending Machine

Hello,

I would like to request that the Zoning Ordinance be amended to provide text that permits free standing, automated ice vending machines in a manner similar to a freestanding automated teller machine. I have met with the planners and we were unable to find any text that identified the type of facility that I would like to install in various locations throughout the county.

The ice machine provides a revolutionary means for the production and sale of recreational ice through the introduction of a self-contained ice plant that produces, stores, bags and sells ice utilizing a vending machine concept. This results in the ability to provide consumers with a better ice product, at a lower cost, more efficiently than ever before. In addition, the ice is never touched by human hands, possibly making it the cleanest, safest ice on the market today. The ice vending machines are fully automated and unmanned, that save the consumer both time and money.

All materials that come in contact with the ice during production are made of 100% food grade stainless steel. Once produced, the ice is stored in a self-contained food grade stainless steel bin. After the customer deposits their money, ice is cracked and mechanically dropped into a chute and delivered to the consumer all in about 8 seconds. The ice is available in either 16 pounds bagged or 20 pounds bulk options.

The machine is proven to be environmentally friendly when you compare this new technique to the traditional process of obtaining an 8 pound bag of ice at a convenience store or gas station. That ice traveled from regional ice plants that mass produce bags of ice and distributes them to specific territories. This method is subjected to the increasing costs of fuel, human error and the potential damage to the end product due to distribution and handling.

The ice machine is approximately 200 square feet. The dimensions are 8'4" x 24' and 15' high. It weighs approximately 10,000 pounds. The machine is built and anchored to withstand Hurricane winds of 150 mile per hour. It is built with 4" thick insulated refrigerator panels. The inside components are 100% food grade stainless steel. It is manufactured to NAMA specifications' and is approved by the FDA. The machine meets all applicable building codes for North Carolina. North Carolina approved engineering drawings are available for review.

Over 900 of these machines are installed in the United States. Approximately 70 are located in North Carolina with 30 of those being present in the Eastern counties.

Thank your for your time and attention,
Craig Wilson

