



REQUEST FOR BOARD ACTION

ITEM NO. 13.

DATE OF REQUEST: January 12, 2008

REQUESTED BY: Staff, Planning and Community Development Department

SHORT TITLE: Penny L. Olson applicant, is requesting an amendment to the Pender County Zoning Ordinance §8.9 Table of Permitted Uses to allow Wholesaling in the RA, Rural Agricultural District.

BACKGROUND: This Text Amendment was first introduced at the November 17, 2008 Board of Commissioners meeting. Two separate motions taking action on the request did not pass. Therefore final action on this request is necessary at this time. Penny L. Olson is requesting the Pender County Zoning Ordinance §8.9 Table of Permitted Uses be amended to allow WHOLESALING in the RA, Rural Agricultural District. The Pender County Zoning Ordinance currently does not permit WHOLESALING as a use by-right or by Special Use Permit in the RA, Rural Agricultural District

SPECIFIC ACTION REQUESTED: Staff is requesting that the Board of Commissioners, take action on the request to amend the Pender County Zoning Ordinance, §8.9 Table of Permitted Uses, to allow WHOLESALING in the RA, Rural Agricultural District.

PLANNING STAFF REPORT
Zoning Text Amendment

SUMMARY:

Hearing Date: January 21, 2009 – Pender County Board of Commissioners

Applicant: Penny L. Olson, Trustee

Property Owner: Same

Text Amendment Proposal: The request consists of amending the current Pender County Zoning Ordinance §8.9 Table of Permitted Uses to allow WHOLESALING in the RA, Rural Agricultural District.
(See attached applicant's application & description of request).

Background: This Text Amendment was first introduced at the November 17, 2008 Board of Commissioners meeting. Two separate motions taking action on the request did not pass. Therefore final action on this request is necessary at this time.

Staff Recommendation: Staff recommends **amending** the request to add language requiring the use of Wholesaling to apply for a SPECIAL USE PERMIT, as opposed to Wholesaling BY RIGHT in the RA, Rural Agricultural.

Planning Board Recommendation: The Pender County Planning Board, at the October 7, 2008 meeting, voted (5-1) to pass a motion to recommend DENIAL of the request amending the current Pender County Zoning Ordinance §8.9 Table of Permitted Uses to allow WHOLESALING in the RA, Rural Agricultural District.

DESCRIPTION:

Currently the Pender County Zoning Ordinance currently does not permit WHOLESALING as a use by-right or by Special Use Permit in the RA, Rural Agricultural District. The Pender County Zoning Ordinance currently defines the RA, Rural Agricultural District as:

- *RA Rural Agricultural District*
The RA Rural Agricultural District is established as a district in which the principal use of land is for agricultural, forestry, limited extraction, very low density dispersed large lot single family residential, and low intensity non-residential uses, and to encourage rural farming and related activities, and the open space these activities provide. The district is intended to accommodate very low density dispersed large lot residential and non-residential development not requiring urban services while maintaining prime farm land and a rural life style.

2005 CAMA Land Use Plan states the following for development in Rural Areas of Pender County:

- *Rural area commercial development should be encouraged to locate near crossroad centers or other locations with good access and should be limited to local convenience stores, farm supply stores, and generally accepted rural business establishments.*
- *Rural and active agricultural area lands having a high productive potential shall be conserved to the extent possible, for continuing agricultural use. In addition to agriculture, very low-density residential activities shall be the preferred land uses in these areas. Expansion of existing viable residential areas and traditional uses associated with rural areas will be permitted.*

In order to protect the residential and agricultural uses in this district, specific provisions concerning this use may be needed. Examples are opaque fencing between uses, limiting hours of operation, and lighting and site safety regulations.

EXISTING TABLE OF PERMITTED USES

PERMITTED USES	PD	R-20C	R-20	R-15	R-10	B-1	B-2	B-3	I-1	I-2	A	RT	RA	FA	WS All
Wholesaling (see ZI 28)	P						S		P	P		S			

PROPOSED TABLE OF PERMITTED USES

PERMITTED USES	PD	R-20C	R-20	R-15	R-10	B-1	B-2	B-3	I-1	I-2	A	RT	RA	FA	WS All
Wholesaling (see ZI 28)	P						S		P	P		S	(S)		

EVALUATION:

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

F) Planning Staff Recommendation to Planning Board: The proposal consists of amending the current Pender County Zoning Ordinance §8.9 Table of Permitted Uses to allow WHOLESALING in the RA, Rural Agricultural District, permitted by right. However staff recommends the approval of ALLOWING WHOLESALING in the RA, Rural Agricultural District as permitted by via **SPECIAL USE PERMIT (SUP)**. This allows specific site designs to be approved prior to the permitting process.

VOTING AND RESOLUTION:

Planning Board

Motion: _____ Millette _____ Seconded _____ Williams _____

Approved: _____ Denied: _____ x _____ Unanimous _____

Reynolds x Gonzales x Garrett x Marshburn _____ Millette x Smith _____ Williams x

ITEM NO: _____

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on January 21, 2009 the Pender County Board of Commissioners (approved, modified, denied) a zoning text amendment request as described herein and Jimmy T. Tate., Chairman to the Board, is authorized to execute the order implementing this resolution and provide notice to the applicant of the action taken herein.

AMENDMENTS:

MOVED _____ **SECONDED** _____

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

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

Jimmy T. Tate, Chairman

01-21-09
Date

ATTEST
Delivered

01-21-09
DATE



Pender County Planning Department

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RECEIVED
JUL 28 2008

PENDER PLANNING DEPT.

PLANNING BOARD APPLICATION FOR ZONING TEXT AMENDMENT

Date <u>7/28/08</u>	Application Fee <u>\$200.00</u>	Receipt No. <u>081919</u>
Application No. <u>n/a</u>	Postage Fee <u>Ø</u>	Receipt No. <u>Ø</u>

I. TEXT AMENDMENT INFORMATION

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

Amending RA zoning to allow wholesaling.

Proposed Amendment:

Amend table permitted uses to allow wholesaling in RA zoned district.

Reason for Amendment:

To allow me to run my business from my property

II. APPLICANT INFORMATION:

Applicant Penny L Olson Address 242 Fox Hollow Rd
 Phone 200 8402 Fax 202 5302 WATHA
 Email PENNY L OLSON @ SEACOAST REALTY.COM

III. SIGNATURE OF APPLICANT:

Penny L Olson, Trustee

Pender County Planning Department

Date: 07/22/08

To whom it may concern,

This letter is concerning the application for text amendment at 242 Fox Hollow Road, Watha, Pender County. I would like to move a wholesale business to my property, which will consist of storing small orders of malt beverages in a refrigerator, I will place in the rear of my property. I will need to change the addresses on my current licenses and permits associated with my business 1) Federal wholesale basic permit 2) NC malt beverage wholesale permit. I will have no traffic coming to my place except for mail and a occasional order of malt beverages, that I will bring in myself on a 24' box truck, only about once a month, no sales are made at the 242 Fox Hollow address. The current table of permitted uses in RA Zoning, allow much more intense uses than what sort of business I intend to run at the property, and moving my business to my own property was a big reason for moving to Pender county. Please take these factors in consideration when the decision is to be made.

Thank You,

Penny Olson, Trustee