



REQUEST FOR BOARD ACTION

ITEM NO. 20.

DATE OF MEETING: April 20, 2009

REQUESTED BY: Kyle Breuer, Planner II, Planning & Community Development

SHORT TITLE: Resolution to approve a Special Use Permit - Cemetery

BACKGROUND: The project location is located northwest of 4926 Canetuck Road, southeast of the intersection of Buckle Road, Currie, N.C.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of a Special Use Permit for the operation of a Family Cemetery.

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: April 20, 2009
Case Number: 09-04-20-09 Moore
Applicant: Robert Allan Moore
Property Owner: Same

Land Use Proposed: The applicant is requesting the approval of a Special Use Permit (SUP) for a family cemetery. Currently the Pender County Zoning Ordinance requires a Special Use Permit for Cemeteries (all types) to be located in the Rural Agricultural, RA District.

Property Record Number and Location: The property is identified by record number 2243-37-3596-0000 and is located northwest of 4926 Canetuck Road, southeast of the intersection of Buckle Road, Currie, NC.

Zoning District of Property: The property is zoned RA, Rural Agricultural District, and Cemeteries (all types) are permitted via Special Use Permit.

PROJECT DESCRIPTION:

The applicant is requesting approval for the creation of a family cemetery located on approximately 8 acres. The project would utilize \pm 34,000 square feet, or $\frac{3}{4}$ of an acre, for the cemetery plots. Through a county-wide effort, staff recommends that the cemetery be properly surveyed by a licensed professional surveyor and recorded on a plat with a written description of all boundaries of the cemetery. This effort is recommended for the preservation and protection of future encroachment from incompatible land uses. According to County records, there are approximately six cemeteries within $\frac{1}{2}$ - $\frac{3}{4}$ mile of the proposed location.

EVALUATION:

- A) Public Notifications:** Advertisements for the proposal have been placed in the Topsail Voice and Pender Post. Adjacent property owners were notified by first class mail.
- B) Basis for Granting SUP:** See attachment A for approval procedures (15.3 of Zoning Ordinance) and revocation procedures (15.4b of Zoning Ordinance).
- C) Zoning Ordinance Compliance:** The property zoned RA, Rural Agricultural District, and Cemeteries (all types) are permitted via Special Use Permit.
- D) 2005 Land Use Plan Compliance:** The current CAMA Land Use Plan classifies this property as Rural Areas. Rural Areas are defined as a land classification that provides for agricultural and forestry operations that are key to the preservation of the county's rural landscape and that remain a major part of the county's economic base. This area is planned for very low net density residential development. The project, as proposed, is in compliance with the 2005 CAMA Land Use Plan.
- E) Existing Land Use in Area:** The surrounding land use is classified as very low net density residential development (one residential unit per usable acre of project land), along with farm land.
- F) Site Access Conditions:** Access to the site will be provided via driveway from Canetuck Road (S.R. 1103).
- G) Conditions To Consider In Issuing A Revision of the Special Use Permit For This Project:**
 - 1. All conditions of final zoning set forth by the Pender County Zoning Ordinance must be met prior to issuance of final zoning permit.
 - 2. Certification of the amount of land to be disturbed shall be provided.
 - 3. A separate Zoning Permit must be obtained for any proposed signs. Signs shall be in accordance with Section 16 of the Pender County Zoning Ordinance.

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4. A map shall be recorded with the cemetery addition with number of plots and easement shown. This will act as final zoning and must be approved within 12 months of issuance of the Special Use Permit. Unless approved otherwise as a condition of the permit, a Special Use Permit shall expire and become void, if a final zoning permit has not been issued for the project within 12 months.
5. The four corners of the cemetery addition shall be marked with permanent concrete markers.
6. Cemetery must be located at least one hundred feet (100 ft) from drinking or irrigation water wells.
7. All applicable federal, state and local permits must be provided prior to Final Zoning.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on April 20, 2009 the Pender County Board of Commissioners (approved, modified, denied) a special use permit for a family cemetery 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 ____ Brown ____ Blanchard ____ Rivenbark ____ Williams ____

Jimmy T. Tate,
Chairman

04/20/2009
Date

ATTEST

04/20/2009
Date

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



APPLICATIONS COVER SHEET

Date Application Filed: 3/6/2009

I. REQUIRED NAMES:

Applicant <u>Robert Moore</u>	Owner <u>Robert Moore</u>
Address <u>35245 HWY 210</u>	Address <u>SAWEE</u>
<u>Currie NC 28435</u>	
Phone <u>283-7718</u> Fax _____	Phone _____ Fax _____
Email _____	Email _____
Legal Relationship of Applicant to Property Owner: <u>Daughter</u>	
Consultant Name/Company <u>Robin Patrick</u>	
Address <u>5139 Canetuck, Rd Currie, NC 28435</u>	
Phone <u>283-3539</u> Fax _____	
Email _____	
<u>Robin Patrick</u> (Signature of Applicant)	<u>Robert Moore</u> (Signature of Owner)

If owner is different from applicant, both signatures are required.

II. TYPE OF APPLICATION:

(Please check one)

Board of Adjustment:

Variance
 Appeal

Zoning:

Text Amendment
 Map Amendment
 Special Use Permit

Plans:

Planned Development
 Subdivision Preliminary Plat

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



SPECIAL USE PERMIT APPLICATION

Date 3/6/09

Application Fee \$ 200.00

I. PROJECT INFORMATION:

Parcel ID #: 2243-37-3596-0000

Total Property Acreage: 8.2

Zoning District: PA

Acreage to be Disturbed: 3/4 of an acre

Property Location/Address: Direct left of 4926 Canetuck Rd. Currie NC 28435

Describe activities to be undertaken on project site: We wish to create a family cemetery.

II. REQUIREMENTS FOR ISSUING A SPECIAL USE PERMIT:

1. The use requested is listed among the special uses in the district for which the application is made; or is similar in character to those listed in that district;
2. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property;
3. The proposed use shall not constitute a nuisance or hazard;
4. The requested use will be in conformity with the land use plan;
5. Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;
6. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public roads;
7. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located; and
8. The proposed use shall not adversely affect surrounding uses and shall be placed on a lot of sufficient size to satisfy the space requirements of said use.

Any information the applicant wishes to submit to assist in making the above findings may be included as part of the Project Narrative or as a supplement labeled "Support Information-Required Findings" (max. 1 page).

**Please refer to Special Use Application Checklist for further requirements.*

III. SIGNATURE OF OWNER & APPLICANT:

Robert Moore

(If owner is different from applicant, both signatures are required)

SPECIAL USE PERMIT APPLICATION CHECKLIST

1.	Signed application form
2.	Application fee
3.	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--the list maybe compiled from the public PC terminal in the Pender County Tax Office).
4.	One business size envelope legibly addressed with first class postage for each of the adjacent property owners on the above list.
5.	<p>Project Narrative--Written description of the project (<u>max of 3 pages</u>) including the following:</p> <ul style="list-style-type: none"> • Location of the project and type of access to project site • Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc. • Description of all construction activities to be undertaken on the site. • Describe type of utilities that will serve project and status of approval from Environmental Health. • List of all state and federal permits that will be required for the project • 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 and/or neighbors of the project.
6.	<p>Project Map(s)--Map or maps of the special use project site with boundaries of the project if less than the parcel boundaries. This map or maps shall be drawn to a <u>readable</u> scale. The scale shall be not more than 200' to the inch. The map shall display an accurate bar graph scale, date prepared, north arrow and the author of the map. This map(s) shall show the following:</p> <ul style="list-style-type: none"> • Boundaries of the property upon which the special use will be located, the acreage in the property and project site, with a north arrow and bar graph. • Access from the site and/or project boundaries to the nearest publicly maintained road. • Location of any existing structures or uses on the property and within 50' of the property. • Location of the project boundaries if they do not coincide with the property boundaries. • Existing and proposed structures, other on-site improvements, and location of all activities associated with the use, location of well, septic tank, and/or other utilities. • Boundary of all clearing, grading, and/or land disturbing activities on the site and the calculated acreage of all land disturbing activities on the site. • Existing and proposed fencing, vegetative screening and buffers (Must comply with Sect.16, Sect. 13.3 C., and Sect. 8.6 D., E., F. & G. of the Zoning Ord.). • Parking, loading areas, landscaping and access (Must comply with Section 13 of the Zoning Ord.). • All signs to be located on the property (Must comply with Sect. 15 of the Zoning Ord.) • Pedestrian walks, area lighting and flood lighting. • Existing natural features of the site including, wooded areas, tree lines, ponds, streams, other water bodies or ditches on or adjacent to the site, designated flood hazard areas & known or designated wetlands on the site. • Drainage plan and/or direction of flow of runoff from the project and site. • After review by the Planning and Community Development Department, additional information may be required to be submitted. • <u>Two full size and twenty reduced size (max. 11"x17")</u> copies of this map(s) shall be submitted.
7.	Applications including more than one acre of disturbed area should consult for additional requirements.
8.	Application received by <u>[Signature]</u> Date <u>3/6/09</u>
9.	Application completeness approved by <u>FMB</u> Date _____
10.	Date scheduled for public hearing <u>4/20/2009</u>

The purpose of this special use permit application is for the establishment of a family cemetery. The property location is on Canetuck Road in Currie, parcel pin number 2243-37-3596-0000. This tract of land does not have a 911 address but is located to the immediate left of address 4926 Canetuck Rd. The property is an 8.2 acre tract. We wish to have three quarters of an acre surveyed out to develop the cemetery. There is direct access to the property from the highway with an established driveway. There is enough area for parking on the property.

This project is solely for the purpose of a new family cemetery. The present family cemetery is located about half a mile away. It does not seem that it will be large enough for all current and future family members. I do not see this project having any impact on the community or adjacent properties, most of the surrounding area land is owned by family.