

REQUEST FOR BOARD ACTION

ITEM NO. 16.

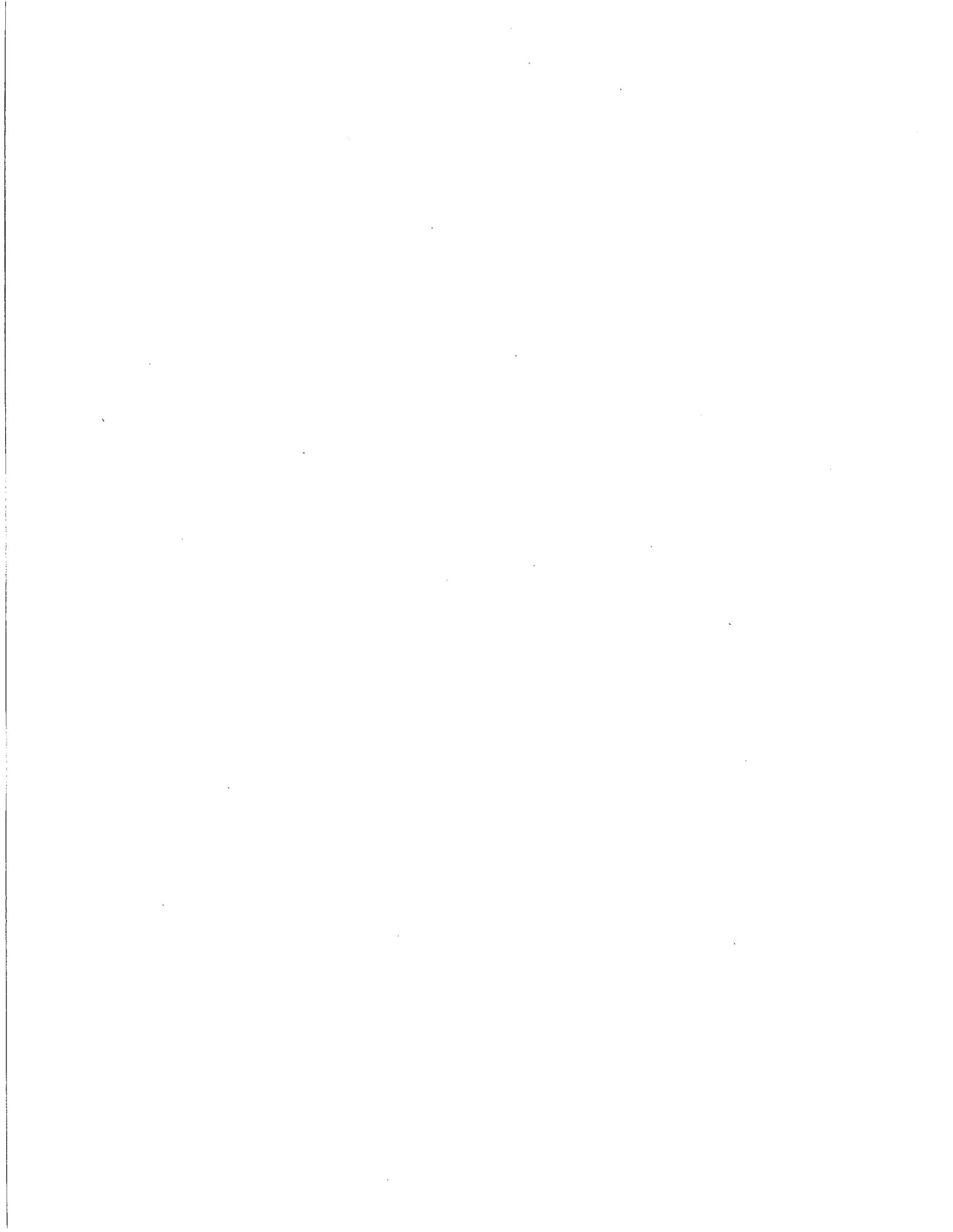
DATE OF MEETING: September 21, 2009

REQUESTED BY: Benjamin Andrea, Planner I, Planning & Community Development

SHORT TITLE: Resolution to approve a Special Use Permit – Family Cemetery

BACKGROUND: Willie Middleton, applicant and owner, is requesting approval of a special use permit for the development and operation of a 5000 square ft. family cemetery. The project is located at 18565 US Highway 421, Watha, North Carolina, and may be identified as PIN 2370-05-1015-0000.

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



PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: September 21, 2009
Case Number: SUP 09-09-21-19 Middleton
Applicant: Willie Middleton
Property Owner: Willie Middleton

Land Use Proposed: The applicant is proposing to construct and operate a private, family cemetery.

Property Record Number and Location: The property is identified by record number 2370-05-1015-0000 and is located at 18565 US Highway 421, Watha, NC.

Zoning District of Property: The property is zoned RA, Rural Agricultural

PROJECT DESCRIPTION:

The applicant is requesting approval for the creation of a family cemetery located on approximately 0.53 acres. The project would utilize \pm 5,000 square feet, or 0.11 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 four cemeteries within $\frac{1}{4}$ 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 is zoned RA, Rural Agricultural. Cemeteries of all types are permitted in the RA zoning district by special use permit.
- D) 2005 Land Use Plan Compliance:** The current CAMA Land Use Plan classifies the subject property as Rural Area. Under the current CAMA Land Use Plan, this land classification provides for very low density residential uses, home-based businesses, other businesses traditionally associated with rural farm areas and extraction activities. The use request is not inconsistent with the current 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:** The property has direct access to US Highway 421. Because the request is for a private, family cemetery, no public vehicular traffic is proposed near the cemetery.
- G) Conditions Governing Special Use Permit Approval:**
 - 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.
 - 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.

ITEM NO: _____

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 September 21, 2009 the Pender County Board of Commissioners (approved, modified, denied) a special use permit for the construction and operation of a private, 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

9/21/2009
Date

ATTEST

9/21/2009
Date

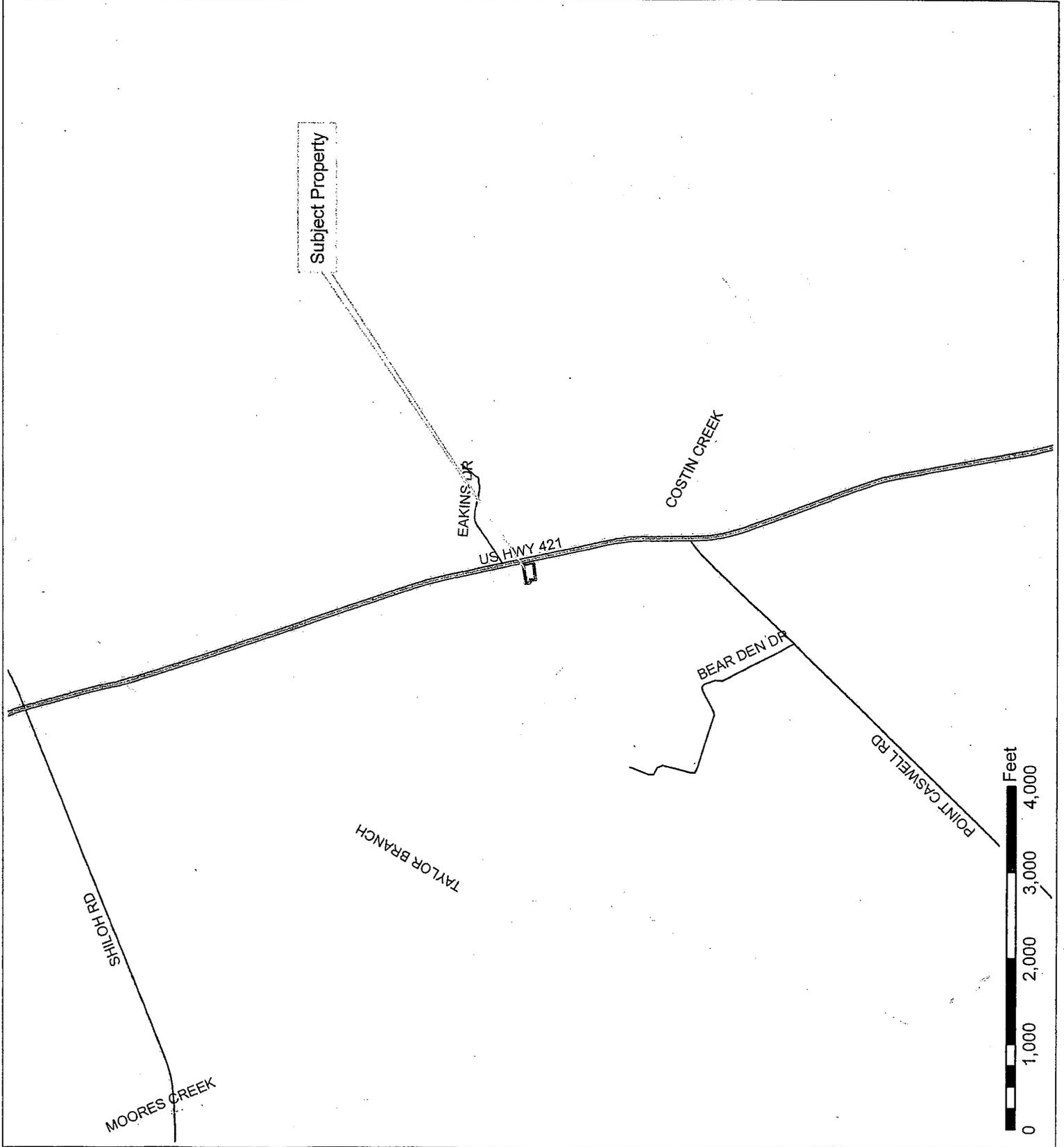


**Applicant-
Willie Middleton**

**Special Use Permit:
Family Cemetery**



Vicinity Map





**Applicant -
Willie Middleton**

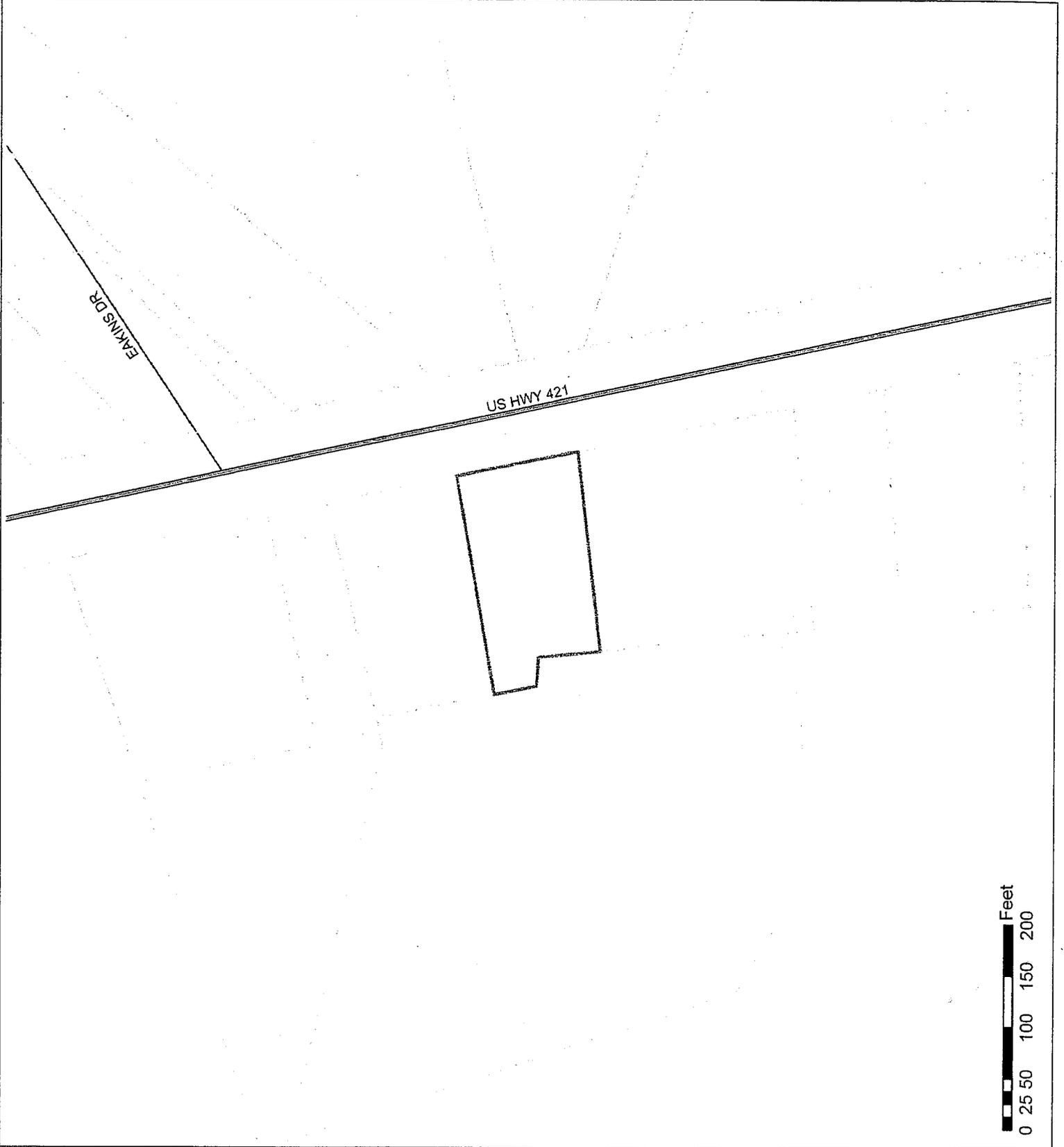
**Special Use Permit:
Family Cemetery**

CAMA Land Use

- Subject Property
- Rural Areas
- Rural Clusters
- Urban Growth Areas
- Transition Areas
- Conservation Area II
- Conservation Area I



CAMA Land Use



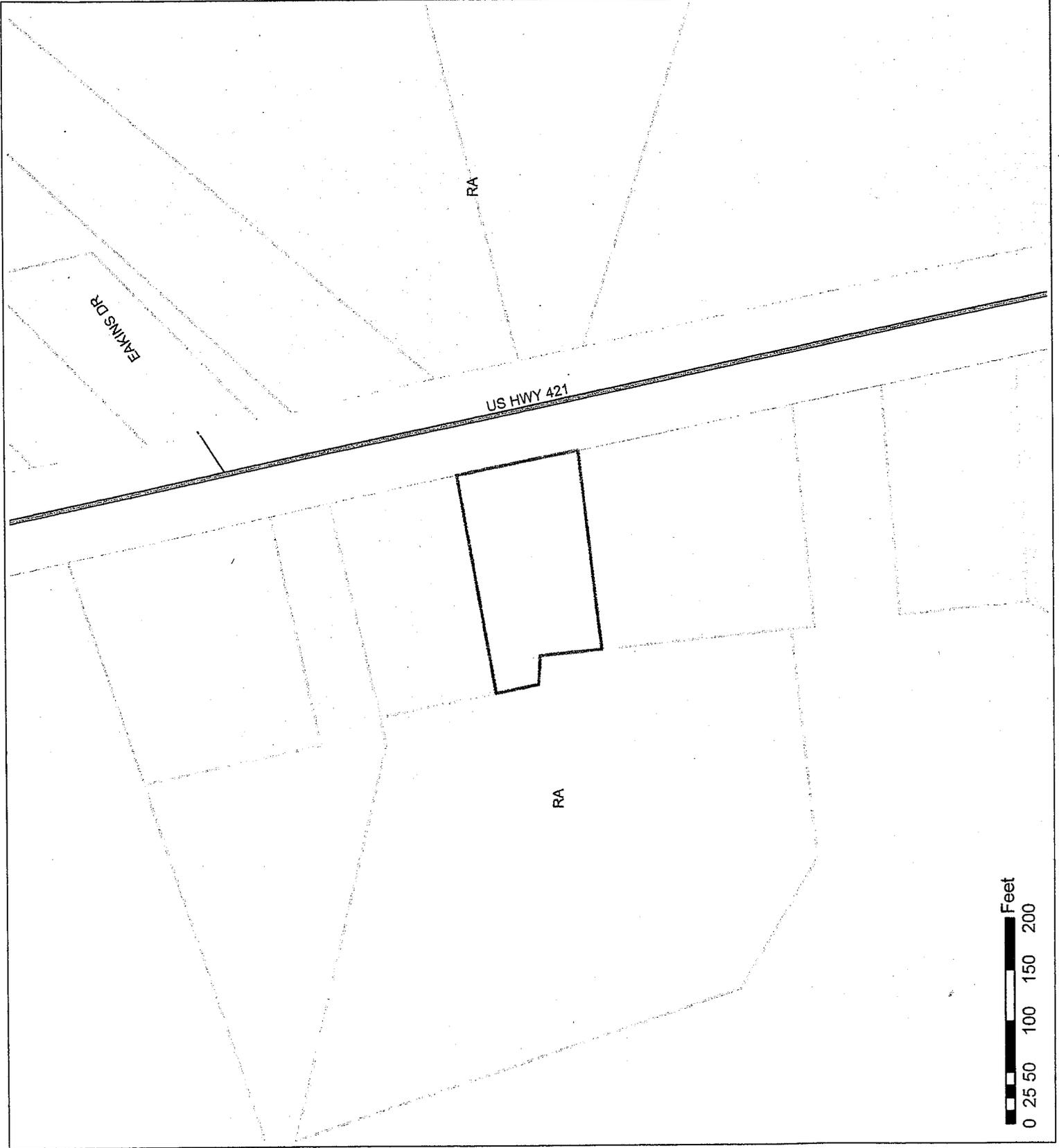


**Applicant -
Willie Middleton**
**Special Use Permit:
Family Cemetery**

	Subject Property
	Zoning
	B-1
	B-2
	B-3
	I-1
	I-2
	Incorporated Area
	PD
	R-10
	R-15
	R-20
	R-20C
	RA
	RT
	WSCA
	WSPA



Zoning Map





Applicant -
Willie Middleton
Special Use Permit:
Family Cemetery



Aerial Map



PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



APPLICATIONS COVER SHEET

Date Application Filed: 7.23.09

I. REQUIRED NAMES:

Applicant <u>Willie Middleton</u>	Owner <u>same as applicant</u>
Address <u>18565 US Hwy 421</u>	Address <u>"</u>
<u>Watha NC 28478</u>	
Phone <u>(910) 283-7975</u> Fax <u>N/A</u>	Phone _____ Fax _____
Email <u>N/A</u>	Email _____
Legal Relationship of Applicant to Property Owner: <u>self</u>	
Consultant Name/Company <u>N/A</u>	
Address _____	
Phone _____	Fax _____
Email _____	
<u>Willie Middleton</u> (Signature of Applicant)	_____ (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

FEE SCHEDULE FOR BOARD HEARINGS

Board of Adjustment:	Applicable Fees:	Fee Calculation:
Variance	\$125.00	
Appeal	\$150.00	
Zoning:		
Text Amendment	\$200.00	
Map Amendment	\$200.00 & \$10.00 per acre over 5 acres	
Special Use Permit	\$200.00 & \$10.00 per acre over 5 acres	
SUP, Part of AEC	\$300.00 & \$10.00 per acre over 5 acres	
SUP, Tower over 75 ft.	\$400.00 & \$3.00 per acre over 200 ft.	
SUP, Mining Borrow Pit	\$400.00 & \$10.00 per acre over 5 acres	
SUP, Mining other	\$800.00 & \$10.00 per acre over 5 acres	
Plans:		
Planned Development Master Plan	\$10.00 per acre with a min. of \$50.00	
Preliminary Plat	\$10.00 per lot/parcel with a min. of \$125.00	
Final Plat	\$5.00 per lot/parcel with a min. of \$50.00	
Total Fees Due:		

Attachments Included with Application:

(Please include # of copies)

___ CD ___ Plan Sets ___ Other Documents/Reports

Please list documents included: _____

Method of Payment:

- Cash
 Credit Card, We accept VISA ___ and MasterCard ___ only.
 Check, Ck. # ()

For Office Use Only:

Receipt # _____

Received By: _____ Date: _____

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



SPECIAL USE PERMIT APPLICATION

Date 7/23/2009 Application Fee \$300

I. PROJECT INFORMATION:

Parcel ID #: 2310-05-1015-0000 Total Property Acreage: .53
Zoning District: RA Acreage to be Disturbed: _____
Property Location/Address: 18565 US Hwy 421 Watha, NC 28478
Describe activities to be undertaken on project site: 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:

Willie Middleton
(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><u>Project Narrative</u>--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><u>Project Map(s)</u>--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. • Two full size and twenty reduced size (max. 11"x17") 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>BDA</u> Date <u>7/23/09</u>
9.	Application completeness approved by <u>BDA</u> Date <u>7/23/09</u>
10.	Date scheduled for public hearing <u>9/21/09 BCC</u>

July 23, 2009

Pender County Planning & Community Development

805 S. Walker St.

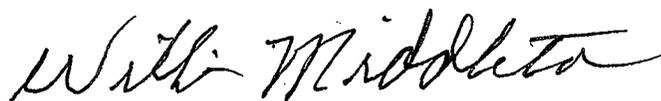
Burgaw, N.C. 28425

Reference: Special Use Permit for Cemetery

To Whom It May Concern:

I hereby request approval for a family cemetery to be established on my property located at 18565 US Hwy 421 Watha, N.C. 28478.

Best Regards,

A handwritten signature in cursive script that reads "Willie Middleton". The signature is written in black ink and is positioned above the printed name.

Willie Middleton