



## REQUEST FOR BOARD ACTION

ITEM NO. 14.

**DATE OF MEETING:** September 19, 2011

**REQUESTED BY:** Ashley Moncado, Planner I, Planning & Community Development

**SHORT TITLE:** Request to Rezone One Tract from RA, Rural Agricultural District, to GI, General Industrial District.

**BACKGROUND:** Pender County, applicant, is proposing a Zoning Map Amendment for a general use rezoning of 25.44 acres from RA, Rural Agricultural District to GI, General Industrial District. The rezoning includes one tract identified as PIN 2293-04-7583-0000.

**SPECIFIC ACTION REQUESTED:** To hold a public hearing and consider the request to rezone 25.44 acres from RA, Rural Agricultural to GI, General Industrial.

**RESOLUTION**

**NOW, THEREFORE, BE IT RESOLVED**, that on September 19, 2011, the Pender County Board of Commissioners (approved, modified, denied) a Zoning Map Amendment request for property as described herein. The Chairman and County Manager is authorized to execute any documentation necessary to implement this resolution.

AMENDMENTS:

MOVED \_\_\_\_\_ SECONDED \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS \_\_\_\_\_

YEA VOTES: Brown \_\_\_\_\_ Tate \_\_\_\_\_ Rivenbark \_\_\_\_\_ Ward \_\_\_\_\_ Williams \_\_\_\_\_

\_\_\_\_\_  
George R. Brown, Chairman

9/19/2011  
Date

\_\_\_\_\_  
ATTEST

9/19/2011  
DATE

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

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**SUMMARY:**

**Hearing Date:** Planning Board – September 13, 2011  
Board of County Commissioners – September 19, 2011

**Application Number:** ZMA 10061 Pender County

**Applicant:** Pender County

**Property Owner:** C.W. Properties

**Rezoning Proposal:** The request consists of rezoning one tract of land from RA, Rural Agricultural District, to GI, General Industrial District.

**Property Record Numbers, Acreage, and Location:** The property is identified as PIN 2293-04-7583-0000. The total area is 25.44 acres. The property is located west of US Highway 421, approximately four miles north of the New Hanover County line.

**Planning Board Recommendation:** The Pender County Planning Board, at the September 13, 2011 meeting voted unanimously to pass a motion recommending approval of this request.

**Staff Recommendation:** Staff respectfully recommends approval of the request.

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**DESCRIPTION:**

Pender County, applicant, is requesting approval of a general use rezoning for 25.44 acres from RA, Rural Agricultural District to GI, General Industrial District. The current property contains a 35,000 square foot building that is occupied by Porta Nails, a specialty machine and assembly manufacturing company. The existing use is permitted by a Special Use Permit approved on December 28, 1994. Further expansion of the building located on the site was approved with an additional Special Use Permit on January 21, 2003. From 1988 to 2003 the site was zoned I-2, Industrial District (Heavy), which permitted the use and expansion with an approved Special Use Permit. However, in November 2003, a County initiated zoning map amendment made the use nonconforming by rezoning the tract from I-2 to RA, Rural Agricultural. In order to allow the primary use to be permitted and conform to the Unified Development Ordinance, the applicant is proposing for a general use rezoning to GI, General Industrial.

Following Board approval, Staff shall propose an amendment to the Pender County 2010 Comprehensive Land Use Plan to reflect the approved rezoning and be in compliance with North Carolina General Statutes § 153A-341. This amendment will alter the land use category for this site and additional tracts located north of this site currently zoned GI, General Industrial, from Suburban Growth to Industrial. This amendment will allow the Comprehensive Land Use Plan to be consistent with the current zoning and land uses located in the area.

## EVALUATION:

- A) Public Notifications:** Public Notice of the proposal for map change has been advertised in the Pender Post and Topsail Voice. Adjacent property owners have been given written notice of the request.
- B) Existing Zoning in Area:** The property directly north of the site is zoned GI, General Industrial. The properties located east, south, and west of the site are zoned as RA, Rural Agricultural.
- C) Existing Land Use in Area:** The property to the north and west is vacant, the property to the east contains very low net density residential uses, and the property to the south includes a mini storage warehouse and low net density residential uses.
- D) 2005 CAMA Land Use Plan Compliance:** The 2005 CAMA Land Use Plan classifies the subject property as Rural Area and Conservation II Area.
- E) 2010 Comprehensive Land Use Plan Compliance:**
1. The focus of the US 421 South Corridor Small Area Plan is the development of the Pender County Commerce Park and adjacent properties for major economic development projects that support the creation of new jobs and enable significant non-residential tax base growth. Once County utilities are available to this area, it is anticipated that the US 421 South corridor will receive significant interest in development of all types including market driven high intensity development which should be encouraged. Large scale developments should expect to be supported by public utilities and closely evaluated through appropriately coordinated plans.
  2. The Suburban Growth land use classification identifies those areas of Pender County where significant residential growth is expected to occur within the planning horizon. Areas designated as Suburban Growth are located primarily adjacent to municipal planning jurisdictions and within or near high growth, unincorporated areas of the County, i.e., Hampstead/Scotts Hill, Rocky Point, and portions of US 421 South. Suburban Growth designates areas where public water and public sewer are available or are planned in the near future.
  3. Comprehensive Plan Policies and Goals
    - a) **Growth Management Policy 1A.1.2:** Encourage development in areas where the necessary infrastructure – roads, water, sewer, and schools - are available, planned or can be most cost effectively provided and extended to serve existing and future development.
    - b) **US 421 South Corridor Policy 4C.1.1:** Encourage and support economic development projects of industrial, commercial, and other employment-related construction in Pender Commerce Park and other properties in the vicinity.
    - c) **Economic Development Goal 10A.1:** Promote economic development which meets the needs of the County for expanding the non-residential tax base and providing well-paying jobs.
- F) 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. The proposed rezoning meets the standards of Article 3.3.8 of the Unified Development Ordinance.

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**TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:**

**Cape Fear Council of Governments RPO**

*No response*

**Four County Electric Company**

*No response*

**NC DENR Division of Coastal Management**

*No comment*

**NC DENR Division of Forestry**

*No response*

**NC DENR Division of Land Resources**

*No response*

**NC DENR Division of Waste Management**

*No response*

**NC DENR Division of Water Quality**

*No response*

**NC DOT Division of Highways**

*The Department has no problem with the rezoning. Prior to development, driveway permit will be required and possible roadway improvements.*

**NC DOT Transportation Planning Branch**

*No response*

**NC Office of State Archaeology**

*No response*

**NC Wildlife Resources Commission**

*No response*

**Pender County Building Inspections**

*No response*

**Pender County Emergency Management**

*No response*

**Pender County Environmental Health**

*No response*

**Pender County Fire Marshal**

*No response*

**Pender County Parks and Recreation**

*No comment*

**Pender County Public Library**

*No response*

**Pender County Public Utilities**

*No response*

**Pender County Schools**

*No response*

**Pender County Sheriff's Department**

*No response*

**Pender County Soil and Water Conservation District**

*No comment*

**Progress Energy Corporation**

*No response*

**US Army Corps of Engineers**

*No response*

**Wilmington Metropolitan Planning Organization**

*No response*

**3.3.8 Review Criteria for Rezoning**

*The Planning Board and Board of Commissioners shall consider the following matters in considering a rezoning request:*

- A. *Whether the range of uses permitted by the proposed change would be appropriate to the area concerned (including not being detrimental to the natural environment, not adversely affecting the health or safety of residents or workers in the area, not being detrimental to the use or development of adjacent property, and not materially or adversely affecting the character of the general neighborhood);*
- B. *Whether adequate public facilities/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;*
- C. *Whether the proposed change is consistent with the County's Comprehensive Land Use Plan and CAMA Land Use Plan or any other adopted land use document.*
- D. *Whether the proposed amendment is reasonable as it relates to the public interest.*

**G) Summary & Staff Recommendation:** The proposal consists of rezoning one tract of land totaling 25.44 acres. Following approval of the zoning map amendment request, staff shall proceed with an amendment to the 2010 Comprehensive Land Use Plan to be in compliance with the rezoning as stated in North Carolina General Statutes § 153A-341. The request complies with the criteria set forth in Article 3.3.8 of the Unified Development Ordinance. The request is also consistent with the 2005 CAMA Land Use Plan and 2010 Comprehensive Land Use Plan. The Pender County Planning Board, unanimously, passed a motion recommending approval; therefore, staff respectfully recommends that the request be approved.

**VOTING AND RESOLUTION:**

**Planning Board**

Motion: Millette                      Seconded: Williams

Approved: X                      Denied: \_\_\_\_\_                      Unanimous: X

Boney: X    Smith: X    Edens: \_\_\_    Garrett: X    Marshburn: X    Millette: X    Williams: X

# Pender County Planning and Community Development

## Planning Division

805 S. Walker Street  
PO Box 1519  
Burgaw, NC 28425



Phone: 910-259-1202  
Fax: 910-259-1295  
[www.pendercountync.gov](http://www.pendercountync.gov)

August 15, 2011

Dear Pender County Board of Commissioners and Planning Board,

Pender County is applying for a general use rezoning of one tract of land totaling 25.44 acres located at 4235 US Highway 421. The property is currently zoned as RA, Rural Agricultural. Pender County is proposing a general use rezoning to GI, General Industrial. The current property contains a 35,000 square foot building that is occupied by Porta Nails, a specialty machine and assembly manufacturing company. Adjacent property to the north is vacant and currently zoned GI, General Industrial. The properties to the east, south, and west include a mini storage warehouse and low net density residential uses and are currently zoned RP, Residential Performance.

The subject property currently contains a specialty manufacturing company which is permitted by a Special Use Permit approved on December 28, 1994. Further expansion of the building located on the site was approved with an additional Special Use Permit on January 21, 2003. From 1988 to 2003 the site was zoned I-2, Industrial District (Heavy), which permitted the use and expansion with an approved Special Use Permit. However, in November 2003, a County initiated zoning map amendment made the use nonconforming by rezoning the tract from I-2 to RA, Rural Agricultural. In order to allow the primary use to be permitted and conform to the Unified Development Ordinance, the applicant is requesting approval or a general use rezoning to GI, General Industrial.

Following Board approval, Staff shall propose an amendment to the Pender County 2010 Comprehensive Land Use Plan to reflect the approved rezoning and be in compliance with North Carolina General Statutes § 153A-341. This amendment will revise the land use category for this site and additional tracts located north of this site currently zoned GI, General Industrial from Suburban Growth to Industrial. This amendment will allow the Comprehensive Land Use Plan to be consistent with the current zoning and land uses located in the area.

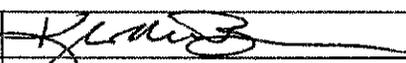
Please feel free to contact me with any additional questions or comments.

Thank you,

A handwritten signature in black ink that reads "Ashley E. Montado". The signature is written in a cursive, flowing style.

Ashley E. Montado, Planner I  
Pender County Planning and Community Development  
Division of Planning  
805 S. Walker Street  
Burgaw, NC 28425  
910-259-2110

## APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 10061	Date	7/22/2011
Application Fee	\$ N/A	Receipt No.	N/A
Pre-Application Conference	—	Hearing Date	9/13/11 - 9/19/11
<b>SECTION 1: APPLICANT INFORMATION</b>			
Applicant's Name:	Pender County	Owner's Name:	C.W. Properties
Applicant's Address:	805 S. Walker Street	Owner's Address:	P.O. Box 1257
City, State, & Zip	Burgaw, NC 28425	City, State, & Zip	Wilmington, NC 28402
Phone Number:	910-259-1202	Phone Number:	
Legal relationship of applicant to land owner: N/A			
<b>SECTION 2: PROJECT INFORMATION</b>			
Property Identification Number (PIN):	2293-04-7583-0000	Total property acreage:	25.44 acres
Current Zoning District:	RA, Rural Agricultural	Proposed Zoning District:	GI, General Industrial
Project Address :	4235 US Highway 421		
Description of Project Location:	West of US Highway 421, approximately four miles north of the New Hanover County line		
<b>SECTION 3: SIGNATURES</b>			
Applicant's Signature		Date:	8/30/2011
Owner's Signature	N/A - NC State Statute 153A-343(d)		Date:
<b>NOTICE TO APPLICANT</b>			
<ol style="list-style-type: none"> <li>1. Applicant must also submit the information described on the Rezoning Checklist.</li> <li>2. Applicant or agent authorized in writing must attend the public hearing.</li> <li>3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing.</li> <li>4. All fees are non-refundable.</li> <li>5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda.</li> </ol>			