



REQUEST FOR BOARD ACTION

ITEM NO. 20.

DATE OF MEETING: November 21, 2011

REQUESTED BY: Kenneth Vafier, Senior Planner, Department of Planning and Community Development

SHORT TITLE: Resolution to Approve a Zoning Text Amendment

BACKGROUND: Applicant, Seashore Builders, Inc., is requesting to amend Section 5.2.3, Table of Permitted Uses, of the Pender County Unified Development Ordinance to allow three classifications of wood and metal product manufacturing uses (NAICS 321214, 321992, and 332311) to be allowed via Special Use Permit in the GB, General Business District. The Pender County Planning Board, at the October 4, 2011 meeting, voted unanimously to pass a motion to approve the amendment with a revision. The recommended revision removed two previously requested uses (NAICS 321999 and 332999). Thus, the specific request is now to allow the following uses:

Truss Manufacturing – NAICS 321214

Prefabricated Wood Building Manufacturing – NAICS 321992

Prefabricated Metal Building and Component Manufacturing – NAICS 332311

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the request to amend the Unified Development Ordinance, Section 5.2.3, Table of Permitted Uses as recommended by the Pender County Planning Board.

RESOLUTION

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED that

on November 21, 2011 the Pender County Board of Commissioners (approved, modified, denied) a Zoning Text Amendment to amend the Unified Development Ordinance, Section 5.2.3, Table of Permitted Uses as described herein, and the Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Brown ___ Rivenbark ___ Tate ___ Ward ___ Williams ___

George R. Brown, Jr., Chairman Date 11/21/11

ATTEST 11/21/11
Date

PLANNING STAFF REPORT
Zoning Text Amendment

SUMMARY:

Hearing Date: November 21, 2011
Applicant: Seashore Builders, Inc.
Application Number: ZTA 10059

Text Amendment Proposal: The request consists of amending the Pender County Unified Development Ordinance (UDO), Section 5.2.3, Table of Permitted Uses. Specifically, the request is to allow three classifications of wood and metal product manufacturing (NAICS codes 321214, 321992, and 332311) to be permitted via Special Use Permit in the GB, General Business Zoning District.

Planning Board Recommendation: The Pender County Planning Board, at the October 6, 2011 meeting, voted unanimously to pass a motion to approve a revision to the request. The revision removed two previously requested uses (NAICS 321999 and 332999) from the request.

Proposed Text Amendment Language:

The proposed language consists of the addition of three (3) uses with an “S” within the GB, General Business District to designate that uses classified under NAICS codes 321214, 321992, and 332311 may be permitted in that district via Special Use.

5.2.3 Table of Permitted Uses

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	NI	PD	GB	OI	IT	GI	EC
Sectors 31-33: MANUFACTURING											
Wood Product Manufacturing	321								P	P	
Truss Manufacturing	321214						S		P	P	
Prefabricated Wood Building Manufacturing	321992						S		P	P	
All Other Miscellaneous Wood Product Manufacturing	321999						S		P	P	
Prefabricated Metal Building and Component Manufacturing	332311						S		P	P	
All Other Miscellaneous Fabricated Metal Product Manufacturing	332999						S		P	P	

The proposed changes have been advertised in the Pender Post and Topsail Voice on Wednesday, November 9, 2011 and Wednesday, November 16, 2011.

Evaluation:

Unified Development Ordinance Compliance

As prescribed in the Pender County Unified Development Ordinance (UDO) Article 3.16.5 in evaluating any proposed ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

- 1) The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
- 2) The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
- 3) Whether or not the proposed text amendment corrects an error in the Ordinance; and
- 4) Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.

In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents, the CAMA Land Use Plan, and the specific intent of this Ordinance.

As defined in the Unified Development Ordinance, the General Business District is primarily intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses.

Comprehensive Land Use Plan Compliance

The proposed request is consistent the following goals and policies in the 2010 Pender County Comprehensive Land Use Plan:

Policy 1A.1.1 – Encourage development in and around municipal corporate limits and other developed areas within the County to yield a more compact pattern of development that will reduce suburban/rural sprawl.

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.

Policy 1A.1.5 – The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.

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.

Policy 10A.1.6 – New and expanding industries and businesses shall be encouraged to 1) diversify the local economy, 2) train and utilize a more highly skilled labor force and 3) increase per capita income.

There do not appear to be any goals or policies that are inconsistent with the proposed request.

Staff Recommendation:

The opportunity for new manufacturing businesses is supported with the aforementioned goals and policies in the Comprehensive Land Use Plan. However, the proposed uses do not appear to be consistent with the definition of General Business, nor does the request appear to be consistent with Sections 3.16.5 (1) and (2) of the Unified Development Ordinance. No other manufacturing uses under NAICS Sectors 31-33 are permitted within the General Business District, either by-right or via Special Use Permit. Uses under these NAICS Sectors are generally permitted, either by-right or via Special Use Permit, in the Industrial Transition and General Industrial Districts. Given this guidance, staff recommends consideration of the proposed request by the Planning Board in order to provide a recommendation of the request.

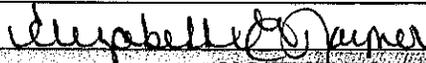
Planning Board

Motion: Garrett Seconded: Williams

Approved: X Denied: Unanimous X

Boney Smith Edens Garrett Marshburn Millette Williams

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE			
Application No.	ZTA 10059	Date	8/12/11
Application Fee	\$ 250.00	Receipt No.	107629
Pre-Application Conference	7/26/11	Hearing Date	Oct/Nov 2011
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Seashore Builders, Inc.		
Applicant's Address:	5930 NC Highway 50		
City, State, & Zip	Maple Hill, North Carolina 28454		
Phone Number:	910 259 3404 910 259 3406 - Fax		
SECTION 2: UDO TEXT TO BE AMENDED			
Current Text to be Amended (Please site accurate Article number referenced):			
Section 5.2.3 Table of Permitted Uses			
Proposed Text to be added: (copy)			
Amendment to allow construction components (i.e. wood products) manufacturing within General Business via Special Use Permit			
NATAS Codes: 321214; 321992; 321999; 332311; 332999			
SECTION 3: SIGNATURE			
Applicant's Signature			Date: 8-12-2011
NOTICE TO APPLICANT			
If the applicant makes significant changes to the application for a text amendment after the Planning Board has made its recommendation, the Administrator may refer the modified request back to the Planning Board for an additional public hearing.			
TEXT AMENDMENT CHECKLIST			
<input checked="" type="checkbox"/>	Signed application form		
<input checked="" type="checkbox"/>	Application fee		
<input checked="" type="checkbox"/>	A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO (shown on page 1 of this application)		
Office Use Only			
<input checked="" type="checkbox"/> ZTA Fees: \$250		Total Fee Calculation:	
Payment Method:	Cash: <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check: <input checked="" type="checkbox"/> Check # 25837
Application Received By:			Date:
Application completeness approved by:			Date: 8/12/11
Dates Scheduled for Public Hearings:	<input type="checkbox"/> Planning Board: 10/4/11	<input type="checkbox"/> BOC: 11/2/11	

SEASHORE BUILDERS, INC.
GENERAL CONTRACTORS
5930 NC Highway 50
Maple Hill, North Carolina 28454
(910) 259-3404
(910) 259-3406 FAX
elizabeth@seashorebuilders.net

August 12, 2011

Pender County Planning Board
805 South Walker Street
Burgaw, North Carolina 28425

To The Board Members:

In 2011 Seashore Builders, Inc. relocated their corporate offices to the physical address shown above. Seashore Builders, Inc. has been in business since February 2001 as a licensed general contractor. While we do perform work in the private sector, the majority of our contracts are on board Marine Corps Base Camp Lejeune and other military installations. We are locally owned and are beginning to increase our local workforce by employing residents of Pender and surrounding counties.

The purpose of this letter is to request a hearing with the Planning Board as well as the Board of Commissioners of Pender County for the purpose of acquiring a text amendment to allow wood and light gauge metal products fabrication and/or manufacturing within a General Business Zone.

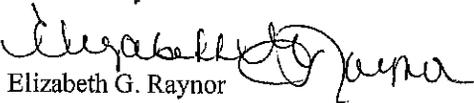
Our current location is zoned for General Business with no provision for fabrication and/or manufacture of wood, light gauge metal or any other type of building components. More and more projects onboard Camp Lejeune as well as in the private sector are becoming LEED Projects or Green Projects. This means that pre-fabrication of building components must be done prior to the components being brought to the physical job site to alleviate construction waste and debris. This will require Seashore Builders, Inc. to have an area where the materials for the components can be received; the components can be built, and then shipped to the job site. We have previously had access to such an area onboard Camp Lejeune as well as in the private sector where this could be performed; however, for our current contract this is not a possibility. The area behind our current location could be used for this purpose provided a text amendment can be written with a special provision for this purpose. We would request that the Special Provision or Special Use Permit be written to include the following NAICS Codes:

- 321214 -- Wood Truss Fabrication
- 321992 -- Prefabricated wood building manufacturing
- 321999 -- All other miscellaneous wood product manufacturing
- 332311 -- Prefabricated metal building and component manufacture
- 332999 -- All other miscellaneous fabricated metal product manufacturing

Seashore Builders, Inc. realizes that the area in question is in a residential area and to that end we would submit that barring unforeseen circumstances, our hours of operation would be Monday through Saturday from 6:00 AM until 7:00 PM and that noise and other distractions would be kept to a minimum. We do not anticipate weekend operations as a normal course of business but would like to advise that from time to time it may be necessary due to circumstances beyond our control and to maintain the contract schedules set by the owner of the project. To the best of our knowledge as of the date of this letter we have had no complaints from any of the surrounding homeowners or other business owners concerning our business or our desire to expand.

We appreciate your consideration in this matter and look forward to meeting with you soon.

Sincerely,


Elizabeth G. Raynor

NAICS Association

321214 Truss Manufacturing

This U.S. industry comprises establishments primarily engaged in manufacturing laminated or fabricated wood roof and floor trusses.

Cross-References. Establishments primarily engaged in manufacturing wood I-joists are classified in U.S. Industry 321213, Engineered Wood Member (except Truss) Manufacturing.

No change 1997 to 2002	2002 NAICS to 1987 SIC	1997 Economic Census	Bridge Between 1997 NAICS and SIC
2002 NAICS	1997 NAICS	1987 SIC	Corresponding Index Entries
321214	321214	2439	Floor trusses, wood, manufacturing
321214	321214	2439	Roof trusses, wood, manufacturing
321214	321214	2439	Trusses, glue laminated or pre-engineered wood, manufacturing
321214	321214	2439	Trusses, wood roof or floor, manufacturing
321214	321214	2439	Trusses, wood, glue laminated or metal connected, manufacturing

NAICS Association

321992 Prefabricated Wood Building Manufacturing

This U.S. industry comprises establishments primarily engaged in manufacturing prefabricated wood buildings and wood sections and panels for prefabricated wood buildings.

Cross-References. Establishments primarily engaged in--

- Fabricating wood buildings or wood sections and panels for buildings at the construction site--are classified in Sector 23, Construction; and
- Making manufactured homes (i.e., mobile homes)--are classified in U.S. Industry 321991, Manufactured Home (Mobile Home) Manufacturing.

No change 1997 to 2002	2002 NAICS to 1987 SIC	1997 Economic Census	Bridge Between 1997 NAICS and SIC
2002 NAICS	1997 NAICS	1987 SIC	Corresponding Index Entries
321992	321992	2452	Buildings, prefabricated, wood, manufacturing
321992	321992	2452	Chicken coops, prefabricated, wood, manufacturing
321992	321992	2452	Corn cribs, prefabricated, wood, manufacturing
321992	321992	2452	Farm buildings, prefabricated wood, manufacturing
321992	321992	2452	Garages, prefabricated wood, manufacturing
321992	321992	2452	Geodesic domes, prefabricated, wood, manufacturing
321992	321992	2452	Houses, prefabricated, wood (except mobile homes), manufacturing
321992	321992	2452	Log cabins, prefabricated wood, manufacturing
321992	321992	2452	Panels, prefabricated wood building, manufacturing
321992	321992	2452	Prefabricated homes (except mobile homes), wood, manufacturing
321992	321992	2452	Prefabricated wood buildings manufacturing
321992	321992	2452	Sauna rooms, prefabricated, wood, manufacturing
321992	321992	2452	Sections, prefabricated wood building, manufacturing
321992	321992	2452	Sheds, (e.g., garden, storage, utility) prefabricated wood, manufacturing

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NAICS Association

332311 Prefabricated Metal Building and Component Manufacturing

This U.S. industry comprises establishments primarily engaged in manufacturing prefabricated metal buildings, panels, and sections.

Cross-References. Establishments primarily engaged in--

- Making manufactured homes (i.e., mobile homes) and prefabricated wood buildings--are classified in Industry 32199, All Other Wood Product Manufacturing;
- Constructing prefabricated buildings on site--are classified in Subsector 236, Construction of Buildings; and
- Manufacturing metal windows and doors--are classified in U.S. Industry 332321, Metal Window and Door Manufacturing.

No change 1997 to 2002	2002 NAICS to 1987 SIC	<u>1997 Economic</u> <u>Census</u>	<u>Bridge Between 1997 NAICS and</u> <u>SIC</u>
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2002 NAICS	1997 NAICS	1987 SIC	Corresponding Index Entries
332311	332311	3448	Buildings, prefabricated metal, manufacturing
332311	332311	3448	Carports, prefabricated metal, manufacturing
332311	332311	3448	Dwellings, prefabricated metal, manufacturing
332311	332311	3448	Farm buildings, prefabricated metal, manufacturing
332311	332311	3448	Garages, prefabricated metal, manufacturing
332311	332311	3448	Greenhouses, prefabricated metal, manufacturing
332311	332311	3448	Houses, prefabricated metal, manufacturing
332311	332311	3448	Panels, prefabricated metal building, manufacturing
332311	332311	3448	Portable buildings, prefabricated metal, manufacturing
332311	332311	3448	Prefabricated buildings, metal, manufacturing
332311	332311	3448	Prefabricated homes, metal, manufacturing
332311	332311	3448	Sections for prefabricated metal buildings manufacturing
332311	332311	3448	Sheds, (e.g., garden, storage, utility) prefabricated metal, manufacturing
332311	332311	3448	Silos, prefabricated metal, manufacturing

332311	332311	3448	Utility buildings, prefabricated metal, manufacturing
332311	332311	3448	Warehouses, prefabricated metal, manufacturing