



REQUEST FOR BOARD ACTION

ITEM NO. 24.

DATE OF MEETING: December 3, 2012

REQUESTED BY: Ashley Moncado, Planner II, Planning & Community Development

SHORT TITLE: Public Hearing and Resolution Authorizing Approval of a Special Use Permit (SUP) for the Operation of a Religious Organization (NAICS 8131).

BACKGROUND: Angela Bannerman, applicant, on behalf of David Paul, owner, is requesting a Special Use Permit (SUP) for the operation of a religious organization. The subject property is located along NC Highway 133 in Rocky Point approximately 0.30 miles west of US Highway 117 and can be identified as Pender County PIN 3233-25-4559-0000. The property is zoned RP, Residential Performance District and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses, Religious Organizations (NAICS 8131) are permitted via Special Use Permit in the RP District.

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

RESOLUTION

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that

on December 3, 2012 the Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit (SUP) for the operation of a religious organization (NAICS 8131) 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 ___ McCoy ___ Tate ___ Ward ___ Williams ___

_____ 12/3/12
Chairman
Date

_____ 12/3/12
ATTEST Date

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: December 3, 2012
Applicant: Angela Bannerman
Property Owner: David Paul
Case Number: 10822

Land Use Proposed: Angela Bannerman, applicant, on behalf of David Paul, owner, is requesting approval of Special Use Permit (SUP) for the operation of a religious organization (NAICS 8131).

Property Record Number and Location: The subject property is located along NC Highway 133 in Rocky Point approximately 0.30 miles west of US Highway 117 and may be identified as Pender County PIN 3233-25-4559-0000. There is one tract associated with this request totaling 5.28 acres.

Zoning District of Property: The property is currently zoned RP, Residential Performance, which permits a religious organization with an approved Special Use Permit.

PROJECT DESCRIPTION:

Angela Bannerman, applicant, on behalf of David Paul, owner, is requesting the approval of a Special Use Permit for the operation of a religious organization in the RP, Residential Performance district. The request includes the construction of a new structure, including a sanctuary and kitchen, to provide church services and education. Currently, the property is vacant.

The proposed facility will be utilized every Sunday from 9:30 am to 1:30 pm, Thursday from 7:30 pm to 8:30 pm, and for additional church events. The proposed use will not include any on site employees.

Based on comments from the Pender County Technical Review Committee, the site will be required to connect to the Pender County water system. Future access along NC Highway 133 will be subject to review and approval from NCDOT. Additionally, dependent on the size of disturbance, the site may be required to submit a Stormwater Permit and Sediment and Erosion Control Plan prior to the issuance of a building permit.

Prior to the issuance of final zoning approval, a site development plan must be submitted and approved in accordance with applicable provisions of the Pender County UDO. A part of this review will include compliance with Article 8, Landscaping and Buffering, as prescribed in the Pender County Unified Development Ordinance. In addition, all other applicable permits and approvals must be obtained including inspections and health department regulation compliance.

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	CD	OF	IT	GI	EC
Sector 81: OTHER SERVICES, EXCEPT PUBLIC ADMINISTRATION											
Religious Organizations	8131	P	S			P	P	P	P		

EVALUATION:

- A. Public Notifications:** Advertisements for the proposal have been placed in the *Pender-Topsail Post & Voice*. Adjacent property owners were notified by first class mail.
- B. Basis for Granting SUP:** See attachment A for approval procedures (§3.12.3 of Unified Development Ordinance) and revision and revocation procedures (§3.12.4 of Unified Development Ordinance).
- C. Unified Development Ordinance Compliance:** The property is currently zoned RP, Residential Performance District, which permits religious organizations with an approved Special Use Permit, as prescribed in the Pender County Unified Development Ordinance, Section 5.2.3 Table of Permitted Uses.
- D. 2010 Comprehensive Land Use Plan Compliance:** The subject property is classified as Office/Institutional/Commercial in the *2010 Comprehensive Land Use Plan*. Office/Institutional/Commercial (OIC) areas are designated at key locations, typically along major highways and at major intersections, within the County. The purpose of the OIC land use classification is to encourage more efficient and attractive development, integration of commercial uses with other land uses, and to discourage unsightly and inefficient strip commercial development. Strip commercial development (characterized by non-related business development with numerous road-cuts and no interconnectivity) detracts from community appearance and has significant negative impacts on both road capacity and traffic safety.
- The SUP request is supported by goals and policies within the *2010 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 4B.1.4-** New development within the Rocky Point small area should be compatible with residential uses.
- Additionally, the SUP request does not conflict with any goals and policies in the 2010 Pender County Comprehensive Land Use Plan.
- E. Existing Land Use in Area:** The existing land use in the area is single-family residential interspersed with vacant properties.
- F. Site Access Conditions:** The property will have direct access to NC Highway 133 with the construction of a new driveway on the site. The new access will be subject to review and approval by the NCDOT.
- G. Conditions To Consider In Issuing A Revision of the Special Use Permit For This Project:**
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 24 months.
1. The project shall comply with all requirements of the Pender County Unified Developed Ordinance.
 2. A separate permit must be obtained for any proposed signs in accordance with Article 10 of the Pender County Unified Development Ordinance.
 3. The obligations imposed by this permit will be the responsibility of the property owner and operator and shall continue in effect for the duration of this permit.
 4. The project shall be developed and maintained in accord with the conditions contained in this permit. Prior to the issuance of a zoning approval and building permits; a Site Development Plan must be submitted and approved, in accordance with Articles 3.6 and 6.3.
 5. No junk, debris, trash, or inoperable vehicles, recycled or salvaged materials shall be stored on the site. All debris shall be removed from the site prior to issuance of a zoning permit

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:

Cape Fear Council of Governments RPO

It appears that from a transportation view, the only thing they will need is a DOT driveway.

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

This will need an erosion and sedimentation control plan if the land disturbance is over an acre.

NC DENR Division of Waste Management

No response

NC DENR Division of Water Quality

The application only covers the disturbed acreage – there is no indication of the amount of impervious cover being proposed. If the proposed amount of built-upon area is 10,000 or more, a state stormwater permit will be required, regardless of the fact that the disturbed acreage is less than one acre. Built-upon area includes, but is not limited to buildings, parking areas, sidewalks, patios, areas of stone, brick, asphalt, concrete, slate, recreation facilities such as tennis courts, and partially pervious areas.

NC DOT Division of Highways

Contact will be made regarding the Driveway Permit process.

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 comment

Pender County Emergency Management

No response

Pender County Environmental Health

No comment

Pender County Fire Marshall

No response

Pender County Parks and Recreation

No comment

Pender County Public Library

No response

Pender County Public Utilities

The applicant will need to make application for water service and possibly sewer based on availability.

Pender County Schools

No comment

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

Attachment A

3.12.3 Procedures for Reviewing Applications

- G. The Board of Commissioners shall approve, modify, or deny the application for a Special Use Permit. In approving a Special Use Permit, the Board of Commissioners, with due regard to the nature and state of all adjacent structures and uses in the district within same is located, shall make written findings that the following are fulfilled:
- 1) The use requested is listed among the special uses in the district for which 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 Pender County Land Use Plan and other official plans or policies adopted by the Board of County Commissioners;
 - 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.

3.12.4 General Provisions Concerning Special Use Permits

- B. Revocation - In any case where the Special Use Permit or the conditions of a Special Use Permit have not been or are not being complied with, the Administrator may initiate a notice of violation for the provisions of this Ordinance and the conditions of the Special Use Permit not in compliance or the Administrator, may initiate notice of a public hearing to consider revocation of the permit by the Board of Commissioners or both actions may be initiated. Procedures for notice of such hearing shall be the same as procedures for consideration of an initial application for a Special Use Permit and the permittee shall be notified. After a public hearing has been held, the Board of Commissioners may revoke the Special Use Permit upon finding any of the following:
- 1) That the approval was obtained by fraud.
 - 2) That the use for which such approval was granted is not being executed.
 - 3) That the use for which such approval was granted has ceased to exist or has been suspended for one year.
 - 4) That the permit granted is being, or recently has been exercised contrary to the terms or conditions of such approval.
 - 5) That the permit granted is in violation of an Ordinance or Statute.
 - 6) That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.
- C. Expiration - Unless a request for additional time is granted or approved otherwise as a condition of the permit, a Special Use Permit shall expire and become void if final Zoning Approval has

not been issued for the project within 24 months after the Notice of Approval of the Special Use Permit has been served on the applicant. The Administrator may provide one extension of the expiration date by no more than 6 months, for complex projects requiring major state or federal permits, upon receipt of a written request for such extension by the applicant detailing the reasons for delay in completion of the requirements for the Zoning Approval.

- H. Revisions - Major revisions to a Special Use Permit must be submitted to the Board of Commissioners. All legal notice and application fee requirements must be met for major revisions. Revisions that are considered minor revisions to an approved Special Use Permit may be reviewed and approved by the Administrator after basic submission requirements have been completed. All revisions approved by the Administrator must meet the original conditions of the permit as approved by the County Commissioners and current provisions of the Zoning Ordinance. The addition of an accessory structure less than 1000 sq. ft., addition of parking or other ancillary facilities or uses or the addition of similar product lines are examples of revisions that may be considered minor revisions.

APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE

Application No.	SUP 10822	Date	10-19-2012
Application Fee	\$ 300	Receipt No.	121849
Pre-Application Conference	10-15-2012	Hearing Date	12-3-2012

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	Angela Bannerman	Owner's Name:	David Paul
Applicant's Address:	5330 Dandelion Dr.	Owner's Address:	11725 Hwy 1175
City, State, & Zip	W. Im N.C. 28405	City, State, & Zip	Rocky Point, NC
Phone Number:	910-524-1330	Phone Number:	910 233.4636

Legal relationship of applicant to land owner: NA

SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):	3233-25-4559-0000	Total property acreage:	5.27
Zoning Classification:	RP - RESIDENTIAL PERFORMANCE	Acreage to be disturbed:	.75 ACRES
Project Address:	Hwy 1175, Rocky Point, NC		NAICS Code: 4131
Description of Project Location:			
Describe activities to be undertaken on project site:	NEW CHURCH BUILDING		

SECTION 3: SIGNATURES

Applicant's Signature	Angela Bannerman	Date:	10/19/12
Owner's Signature	<input checked="" type="checkbox"/> David Paul	Date:	10/16/12

NOTICE TO APPLICANT

1. Applicant must also submit the information described on the Special Use Checklist.
2. Applicant or agent authorized in writing must attend the public hearing.
3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Commissioners or other authorized person agrees to table or delay the hearing.
4. Applicant may wish to review the required findings for approval of a Special Use Permit found on page 1 of this application.
5. **Permit will become void after 12 months if a final zoning permit is not obtained, unless specifically requested at the time of public hearing.**

Office Use Only

<input checked="" type="checkbox"/> General/ Fees: \$300 +\$10 per acre over 5 acres, Max. of \$5,000 <input type="checkbox"/> Tower over 75 Feet/ Fees \$500 <input type="checkbox"/> Minor Revisions / Fees \$100 <input type="checkbox"/> Mining Fees \$750		Total Fee Calculation: \$ <u>300</u> Application#: <u>10822</u> Date of Hearing: <u>12-3-12</u>	
Attachments Included with Application: (Please include # of copies)			
CD /other digital version	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Plan Sets # of large # of 11X17	Other documents/Reports <input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Payment Method:	Cash: <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check: <input checked="" type="checkbox"/> Check # <u>1393</u>
Application received by:	<u>B. D. D.</u>	Date:	<u>10-19-12</u>
Application completeness approved by:	<u>B. D. D.</u>	Date:	<u>10-19-12</u>

Special Use Permit Checklist

<input checked="" type="checkbox"/>	Signed Application Form (Both Applicant and Owner)
<input checked="" type="checkbox"/>	Application fee
<input type="checkbox"/> <u>N/A</u>	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)
<input checked="" type="checkbox"/>	One business size envelope legibly addressed with first class postage for each of the adjacent property owners on the above list.
<input checked="" type="checkbox"/>	Project Narrative-- Written description of the project (<u>max of 3 pages</u>) including the following: <ul style="list-style-type: none"> <input type="checkbox"/> Location of the project and type of access to project site <input type="checkbox"/> Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc. <input type="checkbox"/> Description of all construction activities to be undertaken on the site <input type="checkbox"/> Describe type of utilities that will serve project and status of approval from applicable providers <input type="checkbox"/> List of all state and federal permits that will be required for the project <input type="checkbox"/> 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.
<input type="checkbox"/> <u>N/A</u>	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: <ul style="list-style-type: none"> <input type="checkbox"/> 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. <input type="checkbox"/> Access from the site and/or project boundaries to the nearest publicly maintained road. <input type="checkbox"/> Location of any existing structures or uses on the property and within 50' of the property. <input type="checkbox"/> Location of the project boundaries if they do not coincide with the property boundaries. <input type="checkbox"/> 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. <input type="checkbox"/> 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. <input type="checkbox"/> Parking, loading areas, and access to the project (See Article 7, Pender County UDO) <input type="checkbox"/> Landscaping and buffering (See Article 8, Pender County UDO) <input type="checkbox"/> All signs to be located on the property (See Article 10, Pender County UDO) <input type="checkbox"/> Pedestrian walks, area lighting and flood lighting. <input type="checkbox"/> 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. <input type="checkbox"/> Drainage plan and/or direction of flow of runoff from the project and site. <input type="checkbox"/> After review by the Planning and Community Development Department, additional information may be required to be submitted. <input type="checkbox"/> Two full size and twenty reduced size (max. 11"x17") copies of this map(s) shall be submitted.

RETURN COMPLETED APPLICATION TO:

Pender County Planning & Community Development
 P.O. Box 1519
 Burgaw, NC 28425

Project Narrative

The site is PIN3233-25-4559-0000, no numerical address is known. Access is from NC Hwy 133.

Activities at the site will be church services and Bible education. Hours of use will be Sundays 9:30 until 1:30 a.m. and Thursday nights, 7:30 p.m. until 8:30 p.m. and other times. There will be no employees.

Construction at the site will be to erect a building for a sanctuary and kitchen, and parking area.

The only utility coming to the building will be electrical supplied by Progress Energy.

There are no known state or federal permits required.

The potential impact will be increased traffic at times of worship. Benefits will be another place for people to worship and good neighbors in the community.