



REQUEST FOR BOARD ACTION

ITEM NO. 18.

DATE OF MEETING: March 17, 2014

REQUESTED BY: Ed F. McCarthy, Planner II, Planning & Community Development

SHORT TITLE: Resolution to Approve a Special Use Permit (SUP) for the use of a Cemetery.

BACKGROUND: Mr. Joseph Shepard, applicant, on behalf of Ms. Geraldine Shepard, et al., owner(s), is requesting approval of a Special Use Permit for the operation of a private cemetery. The property is located along the south side of Union Bethel Road (S.R.# 1562), approximately 693 feet southeast of the intersection of Union Bethel Road and Katers Lane and may be identified as Pender County PIN 4214-26-1626-0000. The property is zoned RP, Residential Performance, and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; private cemeteries are permitted via Special Use Permit in the RP zoning district.

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

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

The Board hereby (approved, modified, denied) a special use permit for a private cemetery, as described herein. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Williams: _____ McCoy: _____ Brown: _____ Tate: _____ Ward: _____

_____ 03/17/2014
Chairman

Date

_____ 03/17/2014
ATTEST Date

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: March 17, 2014

Applicant: Mr. Joseph Shepard

Property Owner: Ms. Geraldine Shepard, et al.

Case Number: 11102

Land Use Proposed: The applicant is requesting the approval of a Special Use Permit (SUP) for the construction of a private cemetery 6,000 sq. ft. and larger, as defined in the Pender County Unified Development Ordinance:

PRIVATE CEMETERY: A place used for the interment of human remains, including a burial park for earth interments, a vault or crypt interments, a mausoleum, a columbarium for cinerary interments, or a combination thereof, and not subject to the provisions of the North Carolina Cemetery Act

Property Record Number and Location: The property is located along the south side of Union Bethel Road (S.R.# 1562), approximately 693 feet southeast of the intersection of Union Bethel Road and Katers Lane and may be identified as Pender County PIN 4214-26-1626-0000. There is one tract associated with this request totaling approximately 21 acres in size.

Zoning District of Property: The property is currently zoned RP, Residential Performance, and private cemeteries are permitted via SUP in the RP zoning district.

PROJECT DESCRIPTION:

Mr. Joseph Shepard, applicant, on behalf of Ms. Geraldine Shepard, et al. is requesting approval of a Special Use Permit for the use of a private cemetery greater than 6,000 sq. ft. The property is located along the south side of Union Bethel Road (S.R.# 1562), approximately 693 feet southeast of the intersection of Union Bethel Road and Katers Lane.

Specifically, the proposal consists of subdividing approximately 3.84 acres from a 21 acre tract and developing 1.32 acres of said 3.84 acres as a private cemetery.

The project has been reviewed for compliance with the following applicable standards of the ordinance:

5.3.11 Other Services except Public Administration (Sector 81)

A. Cemeteries

1) All burial or monuments must be located at least 25 feet from any side or rear lot line and must be at least 40 feet from any street right-of-way.

2) Buildings for the maintenance and/or management of cemetery lots must be located at least 100 feet from any lot lines which adjoin lots in any residential district. Otherwise Pender County UDO 5-19 Article 5 – Permitted Uses any such buildings must conform to the requirements for principal uses in the district where they are located.

7.2.10 Special Purpose Lots

A. Special purpose lots that do not meet the minimum lot area, minimum lot dimensions, minimum access requirements or other requirements of this Ordinance may be approved by the Planning Board or Administrator under the following circumstances:

1) The lot has a 20 ft. access easement to a public or private road,

- 2) The final plat contains the following note for the lot: "This lot must meet any buffer and landscape requirements contained in this Ordinance,"
- 3) The final plat contains the following note for the lot: Lot shall be used only for the purpose of ___ and any structures (other than fences) located on the lot shall be 10 ft. from any property line,"
- 4) The final plat contains the following note for the lot: "Buildings for permanent human [or animal (as appropriate)] occupancy not allowed on this lot,"
- 5) The use approved for the lot is a use allowed in the Zoning District in which the lot is located.

After reviewing the applicable standards, the note as detailed in 7.2.10 3) must be included in the final subdivision recordation prior to approval.

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 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	GB	OI	IT	GI	EC
MISCELLANEOUS USES											
Private Cemetery 6,000 sq. ft. and Larger		S	S				S	S	S		

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 revocation procedures (§3.12.4 of Unified Development Ordinance).
- C. **Unified Development Ordinance Compliance:** The property is currently zoned RP, Residential Performance, and telecommunication facilities are permitted in the RP zoning district by Special Use Permit, as prescribed by the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses.
- D. **2010 Comprehensive Land Use Plan Compliance:** The Mixed Use land use classification designates locations where a mixture of higher density/intensity uses is to be encouraged. Mixed Use areas should be characterized by physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high- and medium-density residential uses, arranged in a walkable, compact, pedestrian and transit friendly manner

This SUP request does not conflict with any goals or policies within the Comprehensive Land Use Plan.

- E. **Existing Land Use in Area:** The subject parcel is bound primarily by a mix of single family residential development and vacant parcels.
- F. **Site Access Conditions:** The proposed use is proposing to access onto Union Bethel road. The access will be subject to review and approval by the NCDOT.
- G. **Conditions To Consider In Issuing the Special Use Permit For This Project:**
 1. The project shall comply with all requirements of the Pender County Unified Developed Ordinance, specifically use standards outlined in Section 5.3.11.P, Telecommunication Facilities.
 2. 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.

3. Any violations of the conditions of this permit, confirmed by the Zoning Administrator shall result in this permit becoming void, if not corrected within 30 days of receipt of the notice of violation.
4. The applicant shall meet all other local, state and federal regulations.
5. The obligations imposed by this permit will be the responsibility of the property owner and operator and shall continue in affect for the duration of this permit
6. The note as detailed in 7.2.10 3) must be included in the final subdivision recordation prior to approval. "Lot shall be used only for the purpose of a cemetery and any structures (other than fences) located on the lot shall be 10 ft. from any property line,"

Attachment A

3.12.3 Procedures for Reviewing Applications

- A. The special uses, as specified in the various districts, may be established only after review and approval by the Board of Commissioners.
- B. The Board of County Commissioners, acting in a quasi-judicial manner and setting, shall hear evidence from the applicant and any interested members of the public.
- C. The Board of Commissioners shall hold a public hearing on the application for a Special Use Permit within sixty (60) days after the completed application is filed.
- D. The Administrator shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date fixed for the hearing.
- E. All Special Use Permit applications must be presented to the Administrator for a determination of completeness.
- F. An appeal from a completeness determination may be made to the Board of Adjustment within twenty (20) days of the determination.
- 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.

APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE			
Application No.	SUP	Date	
Application Fee	\$	Receipt No.	
Pre-Application Conference		Hearing Date	
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Joseph L. Shepard	Owner's Name:	Joseph & Elise Shepard
Applicant's Address:	20714 Hwy 17 N.	Owner's Address:	20714 Hwy 17 N.
City, State, & Zip	Hampstead, N.C. 28443	City, State, & Zip	Hampstead, N.C. 28443
Phone Number:	910-803-0524	Phone Number:	910-803-0524
Legal relationship of applicant to land owner:			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):		Total property acreage:	
Zoning Classification:		Acreage to be disturbed:	3.6737
Project Address :	Union Bell Rd. Hampstead, N.C. 28443	NAICS Code:	
Description of Project Location:	Cemetery		
Describe activities to be undertaken on project site:			
SECTION 3: SIGNATURES			
Applicant's Signature	<i>Joseph L. Shepard</i>	Date:	1-21-2014
Owner's Signature	<i>Shepherd & Elise</i>	Date:	1-21-2014
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> 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. 			

PROJECT NARRATIVE

This property is located on the South side of Union Bethel Road (S.R.# 1562) just beyond 692 Union Bethel Road. There are existing family graves on this site that take up about 3,839 Square Feet of area and family would like to set aside 1.32 acres of area out of a 3.84 acre tract for future family members to be buried there. Access to the property would be Union Bethel Road which is a paved NC maintained road.

Activities at this site would consist mowing and maintenance of the grave sites. There would be funerals from time to time. There would not be any employees as family members would be responsible for all maintenance.

As for all State and Federal permits it would be any required for a funeral if any.

The potential impacts to the community would be some added traffic at the time of a funeral. Most community members are family and some would be in attendance themselves. This would set aside 3.84 acres that would be mostly green space and not developed. As this is an active that has been ongoing for the past 60 plus years so it should not adversely affect the surrounding properties.

This narrative addresses all eight of the approval standards in the Special use Permit Application and shows this plan would be compliance with all eight.



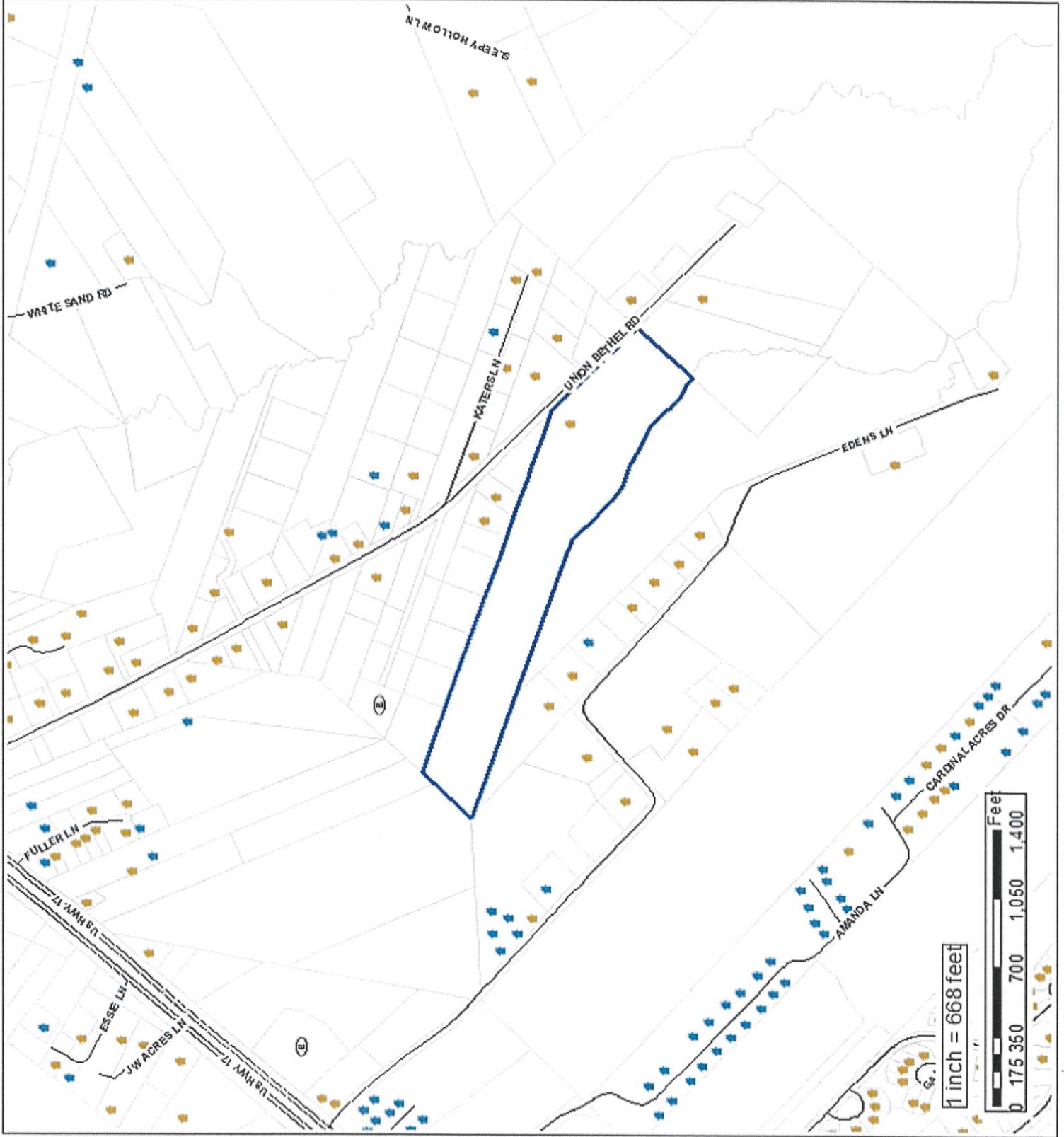
Applicant:
Joseph Shepard

Owner:
Geraldine Shepard, et. al.

Special Use Permit
11102



Vicinity





Applicant:
Joseph Shepard

Owner:
Geraldine Shepard, et. al.

Special Use Permit
11102

Legend

Zoning	Color/Pattern
EC	Green
GB	Red
GI	Light Blue
INCORP	Diagonal Hatching
IT	White
O&I	Dark Blue
PD	Purple
RA	White
RP	Yellow



Zoning





Applicant:
Joseph Shepard

Owner:
Geraldine Shepard, et. al.

Special Use Permit
11102

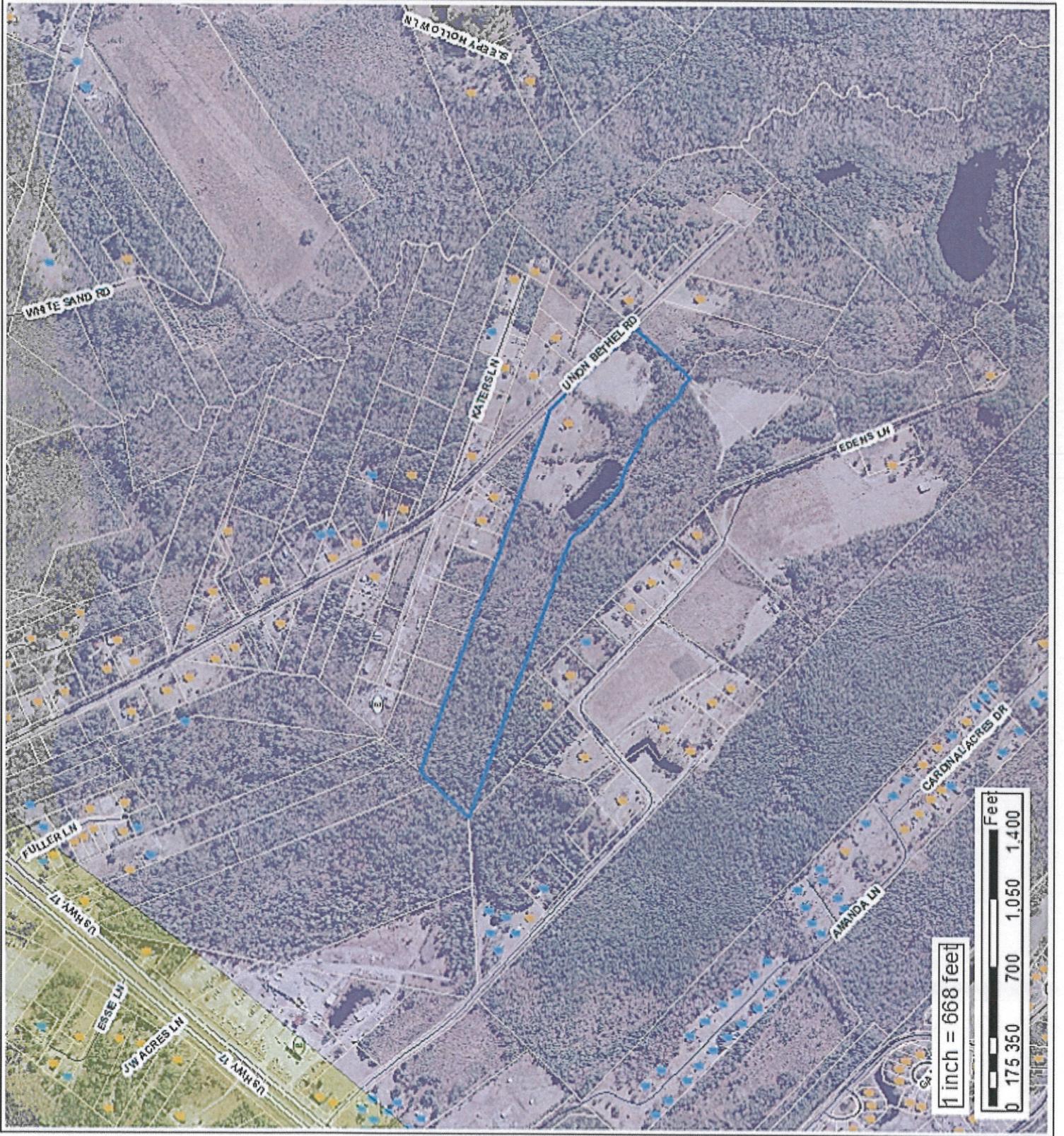
Legend

Future Land Use

-  Conservation
-  Industrial
-  Mixed Use
-  Rural Growth
-  Suburban Growth



Future Land Use





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11102



Aerial - 2012

