REQUEST FOR BOARD ACTION

ITEM NO. _13_

DATE OF MEETING: April 18, 2016

REQUESTED BY: Megan O'Hare, Senior Planner, Planning & Community Development

SHORT TITLE: Resolution Requesting Approval of a Special Use Permit (SUP) for the Construction and Operation of a Religious Organization.

BACKGROUND: Angela Bannerman, applicant, on behalf of Guiding Light Ministries Wilmington NC, owner, is requesting approval of a Special Use Permit for a religious organization (NAICS 8131). The subject property is zoned RP, Residential Performance zoning district and religious organizations are permitted via Special Use Permit in the RP, Residential Performance zoning district. The subject property is located to the north of NC HWY 133 in the Rocky Point Township approximately 1,500 feet west of the intersection of NC HWY 133 and US HWY 117 and may be further identified by Pender County PIN: 3233-25-4559-0000.

SPECIFIC ACTION REQUESTED: To Hold a Public Hearing and Consider the Approval of a Special Use Permit for a religious organization.

RESOLUTION

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

on April 18, 2016 the Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit request 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: Brown___ McCoy ___ Keith___ Piepmeyer ___ Williams___

_____ 4/18/2016
George Brown, Chairman Date

_____ 4/18/2016
ATTEST Date
Delivered

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date:	April 18, 2016
Applicant:	Angela Bannerman
Property Owner:	Guiding Light Ministries, Wilmington NC
Case Number:	SUP 182-2015

Land Use Proposed: Angela Bannerman, applicant, on behalf of Guiding Light Ministries Wilmington NC, owner, is requesting approval of a Special Use Permit for a religious organization (NAICS 8131).

Property Record Number and Location: There is one (1) tract associated with this request and is located to the north of NC HWY 133 in Rocky Point Township approximately 1,500 feet west of the intersection of NC HWY 210 and US HWY 117 and may be further identified by Pender County PIN: 3233-25-4559-0000.

Zoning District of Property: The subject property is zoned RP, Residential Performance zoning district and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; religious organizations (NAICS 8161) are permitted via Special Use Permit in the RP, Residential Performance zoning district.

PROJECT DESCRIPTION:

Angela Bannerman, applicant, on behalf of Guiding Light Ministries Wilmington NC, owner, is requesting approval of a Special Use Permit for a religious organization (NAICS 8131). There is one (1) tract associated with this request and is located to the north of NC HWY 133 in Rocky Point Township approximately 1,500 feet west of the intersection of NC HWY 210 and US HWY 117 and may be further identified by Pender County PIN: 3233-25-4559-0000. The subject property is zoned RP, Residential Performance zoning district and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; religious organizations (NAICS 8161) are permitted via Special Use Permit in the RP, Residential Performance zoning district. The ± 5.27 acre subject parcel is currently vacant.

This property received a Special Use Permit (Case #10822) on December 3, 2012, but has since expired due to the inactivity on the project (Attachment 1). The Board had approved the previous request unanimously. Section 3.12.4.C. of the Pender County Unified Development Ordinance states that unless otherwise approved as a condition of an original permit, Special Use Permits 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 Special Use Permit expired on December 3, 2014.

The applicant proposes a ±9,000 square foot church structure including a kitchen facility, along with associated parking, landscaping, and stormwater facilities. The plan also proposes an additional 4,000 square feet reserved for future additions. Any future additions to the structure will require additional review and approval by Planning Staff.

Hours of Operation

According to the applicant's submitted narrative, church services and other activities will occur Thursdays from 7:30pm to 8:30pm, Sundays 9:30am to 1:30pm, and other various times as needed. There will be no daily staff used to operate the religious organization.

Landscape and Buffers

All landscape and buffers are to be approved in accordance with Section 8.2.8, Project Boundary Buffer of the Pender County Unified Development Ordinance. All commercial or uses other than residential uses (excluding industrial uses) in the Residential Districts shall provide a Buffer A along all street boundaries. A Buffer C is required along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than one (1) acre and when a single family structure is within fifty (50) feet of the boundary of the development. A Buffer B is required along all other non-street boundaries (Attachment 2).

The applicant proposes a Type "A-1" Buffer along the project's road frontage, which is in compliance with the landscaping standards found in Section 8.2.2 of the Pender County Unified Development Ordinance. The applicant proposes a Type "C-3" Buffer on all other property boundaries. The applicant's submitted landscaping and buffering is in compliance with ordinance standards.

Parking

Places of worship require one (1) parking space for every 28 square feet of available seating in the assembly area according to Section 7.10.1 of the Pender County Unified Development Ordinance. A total of 140 spaces are provided on the submitted site plan, accounting for 3,920 square feet of seating in the assembly area. The current proposal is in compliance with Pender County parking standards and will be reviewed again at the time of site development plan submittal.

Driveway Access

The applicant is showing direct access to the project area via an existing driveway accessing on NC HWY 133 and is subject to review and approval by the NCDOT through a driveway permit which may be required prior to final zoning approval.

Utilities

The applicant proposes connections to Pender County Utilities (PCU) for public water and a private septic system for wastewater, subject to review and approval by Pender County Environmental Health.

Environmental Concerns

All stormwater features and requirements are subject to the review and approval by the North Carolina Division of Environmental Quality (NCDEQ) at the time of site development approval.

Flood Zone

The property is not located in a Special Flood Hazard Area according to National Flood Insurance Rate Map (FIRM) 3720323300J.

Wetlands

There appear to be wetlands located on-site according to estimates by the National Wetlands Inventory (NWI) and Division of Coastal Management (DCM) maps. Any future development in this area could be subject to delineation, review, approval of the Army Corps of Engineers. Additional delineation will be required, however, impacts to any potential wetlands should be avoided or minimized.

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.

		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	GI	IT	GI	EC
MISCELLANEOUS USES											
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; as well as a sign advertising the public hearing was placed on the subject property.

B. **Basis for Granting SUP:** See Attachment 3 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 zoned RP, Residential Performance zoning district and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; religious organizations (NAICS 8161) are permitted via Special Use Permit. The Residential Performance District is intended to allow a variety of residential uses and densities and also limited commercial activities as well as agritourism. Existing or new agricultural and farm uses shall be allowed on undeveloped land prior to development.

D. **2010 Comprehensive Land Use Plan Compliance:** 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.

   OIC areas should be planned to accommodate a range of land uses including small and large scale commercial uses possibly transitioning to office/institutional uses or higher density residential uses that would buffer and transition to surrounding lower density residential areas. These areas should be served by both public water and sewer.

   The project proposal is consistent with the criteria for uses in the OIC land use classification. A place of worship provides a transition from neighboring commercial uses located at the intersection of US HWY 117 and NC HWY 133 to the lower density residential uses also found in the area. The area, as well as the proposed project, is served by public water connections.

   The SUP request may be supported by four (4) policies within the 2010 Comprehensive Land Use Plan:

   i. **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.

   ii. **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.

   iii. **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.

   iv. **Policy 4B.1.4** - New development within the Rocky Point small area should be compatible with residential uses.

   This 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 subject parcel is bordered by low density residential properties to the north, south, east, and west, with a large forested tract to the northwest.

F. **Site Access Conditions:** The applicant is showing direct access to NC HWY 133 via a proposed driveway that is subject to review and approval by the NCDOT through a driveway permit which may be required at the Site Development Plan submittal.

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.
2. 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.
3. The applicant shall meet all other local, state and federal regulations.
4. 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.
5. The project shall be developed and maintained in accordance 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 Sections 3.6 and 6.3 of the Pender County Unified Development Ordinance.

03/03/16 PN 2016-005

Project Narrative

Guiding Light Ministries

Pender County, NC

Guiding Light Ministries is proposed on a 5.27 Acre lot Parcel ID No 3233-25-4559-0000. No address is proposed at this time. Access will be provided from NC Hwy 133.

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

Construction at the site will be to erect a building for a sanctuary, kitchen, parking lot and required stormwater facilities.

Electrical utilities will be extended for this site by Duke Energy.

Permits required will be NCDOT driveway, NCDENR Stormwater, and NCDENR Sedimentation and Erosion Control.

The potential impact of this site will be increased traffic at times of worship, but the benefits will be a new place for people to worship and encouragement of a good Neighborhood Community.

APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE			
Application No.	SUP 182-2016	Date	3-3-16
Application Fee	$ 302.80	Receipt No.	Inv. 00000096
Pre-Application Conference	2-24-16	Hearing Date	4-18-16

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Angela Bannerman	Owner's Name:	Guiding Light Ministries
Applicant's Address:	5330 Dandelion Dr.	Owner's Address:	PO Box 1508
City, State, & Zip	Wilmington, NC 28405	City, State, & Zip	Clinton, NC 28329
Phone Number:	910-524-1330	Phone Number:	910-524-1330
Legal relationship of applicant to land owner:	Minister of Church		

SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3233-25-4559-0000	Total property acreage:	5.27
Zoning Classification:	RP	Acreage to be disturbed:	+- 2.0
Project Address :	Hwy 133, Rocky Point NC.	NAICS Code:	8131
Description of Project Location:	NC HWY 133 across from Oak Hills Dr.		
Describe activities to be undertaken on project site:	Proposed Church Building		

SECTION 3: SIGNATURES			
Applicant's Signature	Angela Bannerman	Date:	3-3-16
Owner's Signature	Guiding Light Ministries by Angela Bannerman	Date:	3-3-16

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	
☒ **General/** Fees: $300 +$10 per acre over 5 acres, Max. of $5,000 ☐ **Tower over 75 Feet/** Fees $500 ☐ **Minor Revisions /**Fees $100 ☐ **Mining** Fees $750	**Total Fee Calculation: $** 302.50 **Application#:** 182-2014 **Date of Hearing:** 4-18-16

Attachments Included with Application: (Please include # of copies)

CD /other digital version	☒ Y ☐ N	Plan Sets	# of large 2	# of 11X17 20	Other documents/Reports	☐ Y ☑ N

Payment Method:	Cash : ☐ $_____	Credit Card: ☐ Master Card ☐ Visa	Check: ☒ Check # _____

Application received by:	PTO	Date: 3-3-16
Application completeness approved by:	PTO	Date: 3-8-16

Special Use Permit Checklist

☑	Signed Application Form (Both Applicant and Owner)
☑	Application fee
☑	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
☑	One business size envelope legibly addressed with first class postage for each of the adjacent property owners on the above list.
☑	Project Narrative--Written description of the project (max of 3 pages) including the following: ☑ 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 applicable providers ☑ List of all state and federal permits that will be required for the project ☑ Applicant must specifically address the 8 written findings for Special Use Permit approval which are identified on page 1 of this application and in the Pender County Unified Development Ordinance (Section 3.12.3.G.). 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. The applicant may also wish to describe any positive benefits the project will provide for the community and/or neighbors of the project.
☑	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 readable 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: ☑ 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. ☑ Parking, loading areas, and access to the project (See Article 7, Pender County UDO) ☑ Landscaping and buffering (See Article 8, Pender County UDO) ☑ All signs to be located on the property (See Article 10, Pender County UDO) ☑ 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.

TO BE PROVIDED BY 3/7

RETURN COMPLETED APPLICATION TO:
Pender County Planning & Community Development
P.O. Box 1519
Burgaw, NC 28425

Print Form

Attachment 1

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 Tate SECONDED Ward

APPROVED X DENIED _____ (UNANIMOUS)

YEA VOTES: Brown ___ McCoy ___ Tate ___ Ward ___ Williams ✓

George R. Brown 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.

		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	[illegible]	PD	[illegible]	[illegible]	IT	CB	[illegible]
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.

8.2.4 Prohibited Use of Buffer Area

A buffer area shall not be used for any building or use, accessory building or use, parking or loading area, storage area, or other principal or accessory uses except as specifically permitted in this Ordinance.

8.2.5 Planting in Easements

A. Where required plantings are located in easements, the property owner shall be responsible for replacement of such required vegetation if maintenance or other utility requirements require their removal.

B. No trees shall be planted in wet retention ponds, drainage maintenance easement, or any utility maintenance easements.

C. Shrubs may be planted within easements, provided they are only within the outer three feet of the easement. No new trees may be planted in an easement.

D. Existing trees may remain in dry retention ponds provided that the natural grade is undisturbed to the tree line, they are a species adapted to seasonal flooding and the pond is adequately maintained.

8.2.6 Buffer Descriptions and Options

The following descriptions list the specifications of each buffer. The requirements reflect the minimum and the developer may increase the buffer at his/her option. Buffer requirements are stated in terms of width of the buffer and the number of plant units required per one hundred (100) linear feet of buffer. The requirements of a buffer may be satisfied by any of the options under each letter designation or existing equivalent vegetation. All mathematical rounding shall be upward and shall be applied to the total amount of plant material required in the buffer, not to each one hundred (100) foot length. The required canopy and understory trees shall generally be spread uniformly along the buffer. Shrubs may be clustered when a 98% grass cover is provided in all areas of the buffer other than within 4 ft. of the base of any tree or shrub.

Buffer A

Buffer "A" This buffer is designed primarily for road frontage areas and should run parallel to the street to provide a continuous, aesthetically pleasing streetscape. The requirements for buffer "A" shall be met by any one of the following:
A-1) 15 foot wide strip with 3 canopy trees, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet (width may be reduced to 10' for existing developed lots that are subject to new buffer requirements), or
A-2) 20 foot wide strip with 3 canopy trees, 2 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 18 shrubs per 100 linear feet, or
A-3) 25 foot wide strip with 1 canopy tree, 2 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 21 shrubs per 100 linear feet, or
A-4) 30 foot wide strip with 1 canopy tree, 2 understory trees and either a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 32 shrubs per 100 linear feet.

Buffer B

Buffer "B" This buffer is a medium density planting area to be used primarily along non street boundary lines to provide spatial separation between similar types of uses. The requirements for buffer "B" shall be met by any one of the following:
B-1) 10 foot wide strip with 3 canopy trees, 4 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or
B-2) 15 foot wide strip with 3 canopy tree, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or
B-3) 20 foot wide strip with 1 canopy tree, 2 understory tree and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 15 shrubs per 100 linear feet, or
B-4) 25 foot wide strip with 0 canopy trees, 5 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 21 shrubs per 100 linear feet.

Buffer C

Buffer "C" This buffer is designed to provide a high density screen primarily along non street boundary lines to provide buffer and separation between different categories of uses such as commercial adjacent to residential uses or other non-residential uses adjacent to high density single family residential uses. The requirements for buffer "C" shall be met be any one of the following:
C-1) 10 foot wide strip with a 6 foot high wood stockade, basket weave, or other solid wood fence and 2 canopy trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or
C-2) 15 foot wide strip with a 6 foot high wood stockade, basket weave, or other solid wood fence or an evergreen hedge* that will provide a continuous screen at least 6' high within 4 years and 1 canopy tree, 4 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or *Reference spacing requirements in plant list for specific species and spacing to achieve evergreen hedge
C-3) 20 foot wide strip with an evergreen hedge that will provide a continuous screen at least 6' high within 4 years and 1 canopy tree or 3 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or
C-4) 25 foot wide strip with an evergreen hedge that will provide a continuous screen at least 6' high within 4 years, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet.

Buffer D

Buffer "D" This buffer is a low density planting area to be used along boundary lines in rural areas between large lots or tracts with substantial buffer width and setbacks to provide spatial separation between uses that are developed at very low density. The requirements for buffer "D" shall be met by any one of the following:
D-1) 15 foot wide strip with 3 canopy trees and a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree) per 100 linear feet, or
D-2) 20 foot wide strip with 2 canopy trees, 2 understory trees and a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree) per 100 linear feet, or
D-3) 25 foot wide strip with 1 canopy tree, 3 understory trees and a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree) per 100 linear feet.

8.2.7 Buffer Depth Averaging

While the buffer depth is normally calculated as parallel to the property line, design variations are allowed and are calculated on the average depth of the buffer per 100 feet of linear width measured along the property line. Minimum depth of buffer in any case shall not be less than 50% the required depth of the buffer chosen. Maximum depth shall not be more than 150% the required depth of the buffer chosen.

8.2.8 Project Boundary Buffer

The following are the buffering requirements of listed permitted uses in each district and certain special types of development. Special uses may be required to meet additional buffer requirements, but shall in all cases be required to have at a minimum the same buffer as permitted uses. Existing vegetation that meets or exceeds the requirements of the specific buffer is desired and allowed instead of any required new plantings.

Buffers Required for Mobile Home Parks - Mobile home parks shall be required to have the following buffers:	
Location of Buffer for Mobile Home Parks	Type Buffer
Along all boundaries adjacent to a street	Buffer A
Along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and when a single family structure is within 50′ of the boundary of the park	Buffer C
Along all other boundaries	Buffer B

Buffers Required for Multifamily and Planned Developments - Multifamily and Planned Developments shall be required to have the following buffers:	
Location of Buffer for Multi-family & Planned Developments	Type Buffer
Along all boundaries adjacent to a street	Buffer A
Along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and when a single family structure is within 50′ of the boundary of the development	Buffer C
Along all other boundaries	Buffer B

Buffers Required for Shopping Centers - Shopping Centers shall be required to have the following buffers:	
Location of Buffer for Shopping Centers	Type Buffer
Along all boundaries adjacent to a street	Buffer A
Along all boundaries adjacent to Residential Districts or uses and adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and when a single family structure is within 50′ of the boundary of the development	Buffer C
Along all other boundaries	Buffer B

Buffers Required for All Non-residential Uses (Excludes Industrial Uses) in All Residential Districts, (RA, RP, RM, MH) - Residential uses in Residential Districts are not required to have buffers, except as required for mobile home parks, Multifamily and Planned Developments. All commercial or uses other than residential uses (excluding industrial uses) in the Residential Districts shall provide the following buffers: Uses in these districts that require a special use permit will in addition, provide other buffers as specified in the special use permit.	
Location of Buffer for Non-residential Uses in the Residential Districts	Type Buffer
Along all street boundaries of the Development	Buffer A
Along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and when a single family structure is within 50' of the boundary of the development	Buffer C
Along all other non-street boundaries	Buffer B

Buffers Required for the Commercial Districts - All uses in the General Business and Office & Institutional Districts shall be required to have the following buffers	
Location of Buffer for GB and OI Districts	Type Buffer
Along all boundaries adjacent to street right-of-ways	Buffer A
Along all non-street boundaries adjacent to Residential Districts and adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and when a single family structure is within 50' of the boundary of the development	Buffer C
Along all other boundaries	Buffer B

Buffers Required For The Industrial Districts And Industrial Uses In Any Other Districts	
Location of Buffer for Industrial Districts	Type Buffer
Along all street boundaries	Buffer D
Along all non-street boundaries adjacent to Residential Districts when adjacent to single family residential structures within 50' of the project boundary	Buffer C
Along all other boundaries	Buffer D

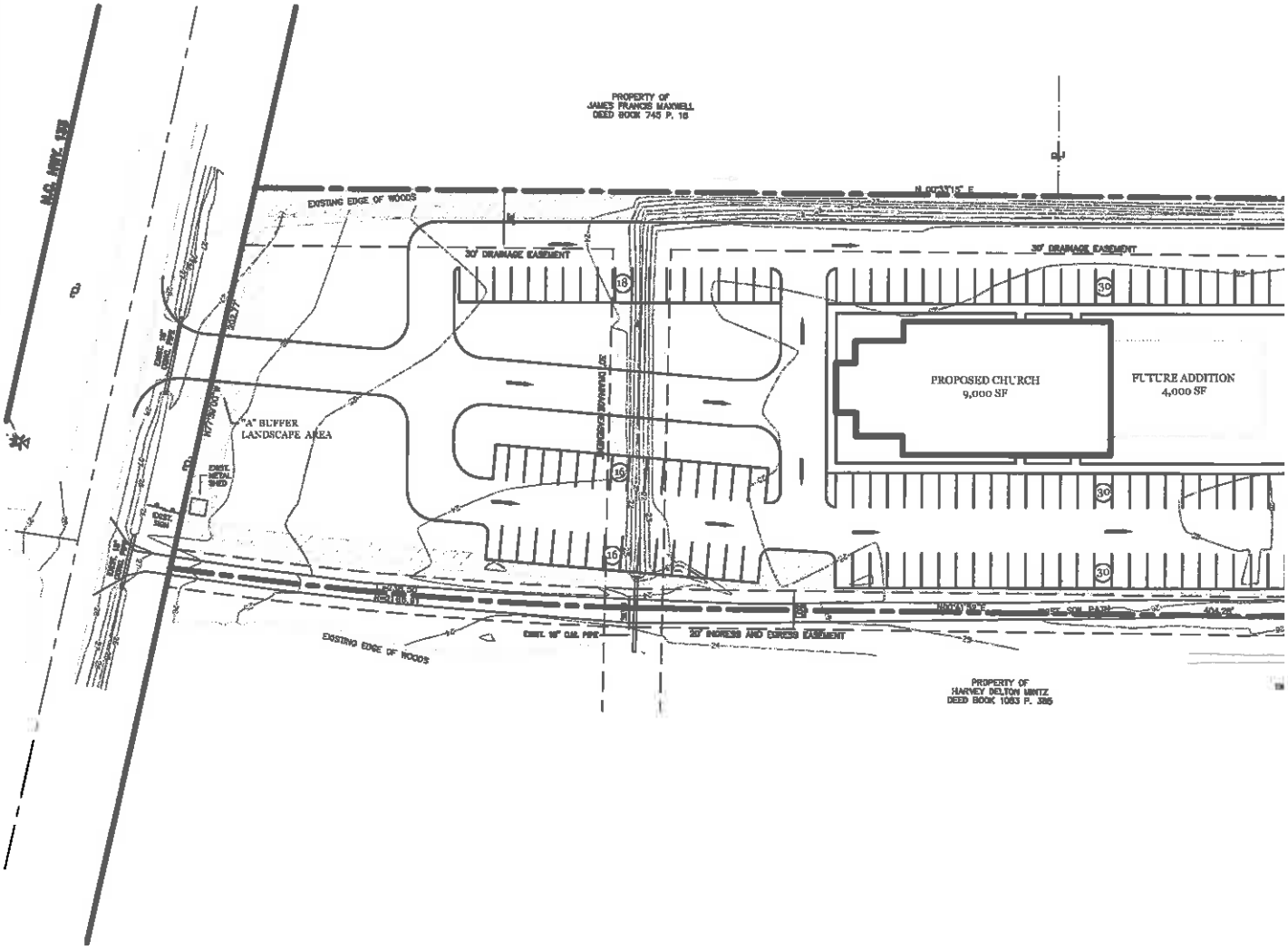
Buffers Required in the Watershed Overlays (WS-PA & WS-CA).	
Type Use	Buffer Requirement Watershed Districts
Bona fide Farms	Bona fide Farms in the Watershed Critical Area District (WSCA) shall maintain a 10 foot permanently vegetated buffer adjacent to all perennial waters as shown on the most recent edition of the USGS 1:24000 (7.5 minute) topographic map. The buffer shall remain vegetated and shall be used only for access and utilities.
Silviculture Activities	Silviculture activities shall maintain buffers (Streamside Management Zones) as described in the Division of Forest Resources Rules and Best Management Practices Manual.
All activities, other than bona fide farms and silviculture activities	All activities, other than bona fide farms and silviculture activities shall maintain a 30 foot vegetated buffer adjacent to all perennial waters as shown on the most recent edition of the USGS 1:24000 (7.5 minute) topographic map. The buffer shall remain vegetated and shall be used only for access and utilities.

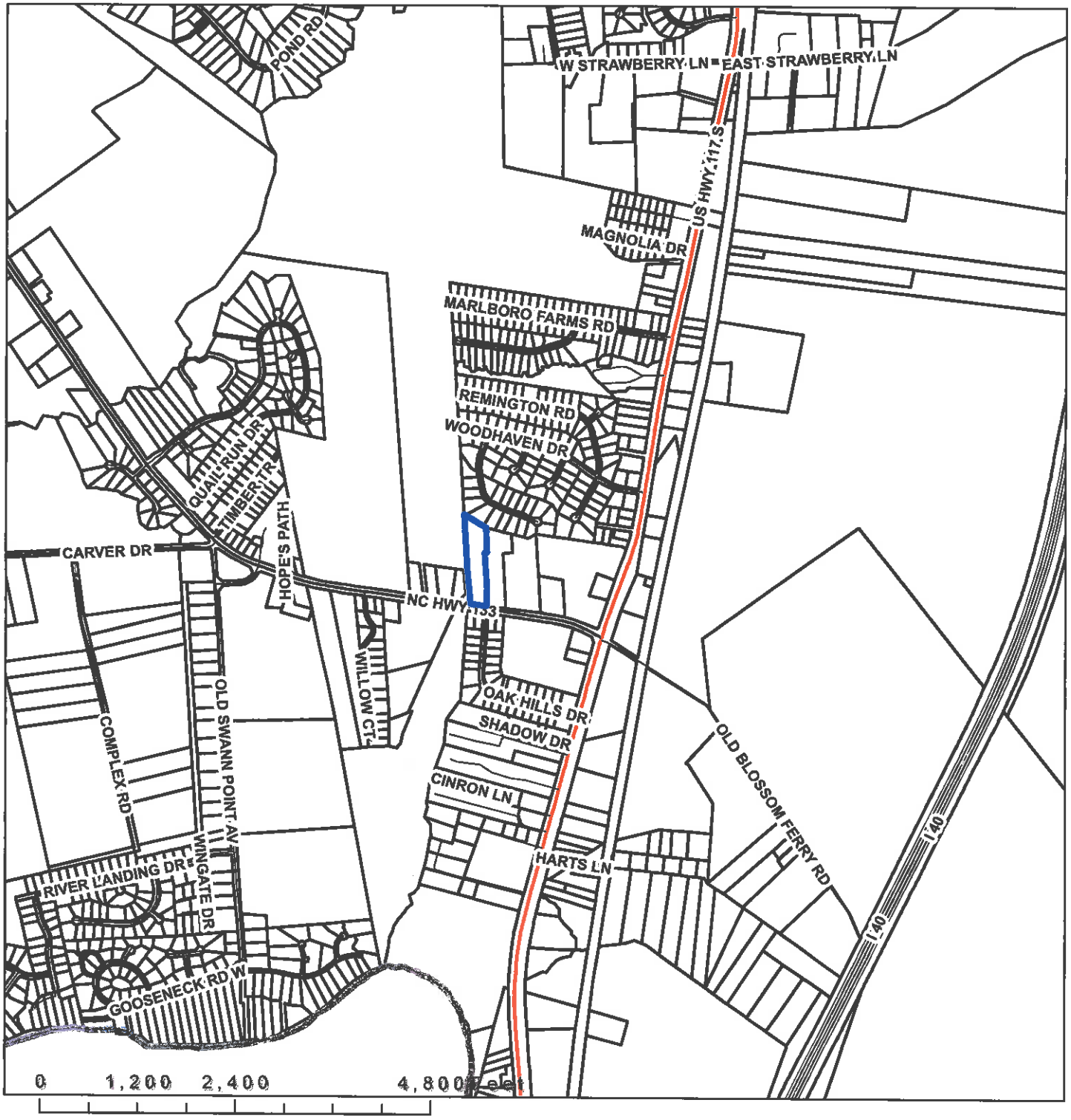
3.12.3 Procedures for Reviewing Applications

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.


PROPERTY OF
JAMES FRANCIS MAXWELL
DEED BOOK 745 P. 16
EXISTING EDGE OF WOODS
30' DRAINAGE EASEMENT
30' DRAINAGE EASEMENT
PROPOSED CHURCH
9,000 SF
FUTURE ADDITION
4,000 SF
"A" BUFFER
LANDSCAPE AREA
EXISTING EDGE OF WOODS
20' INGRESS AND EGRESS EASEMENT
PROPERTY OF
HARVEY DELTON MINTZ
DEED BOOK 1053 P. 385



Applicant:
Angela Bannerman

Owner:
Guiding Light Ministries

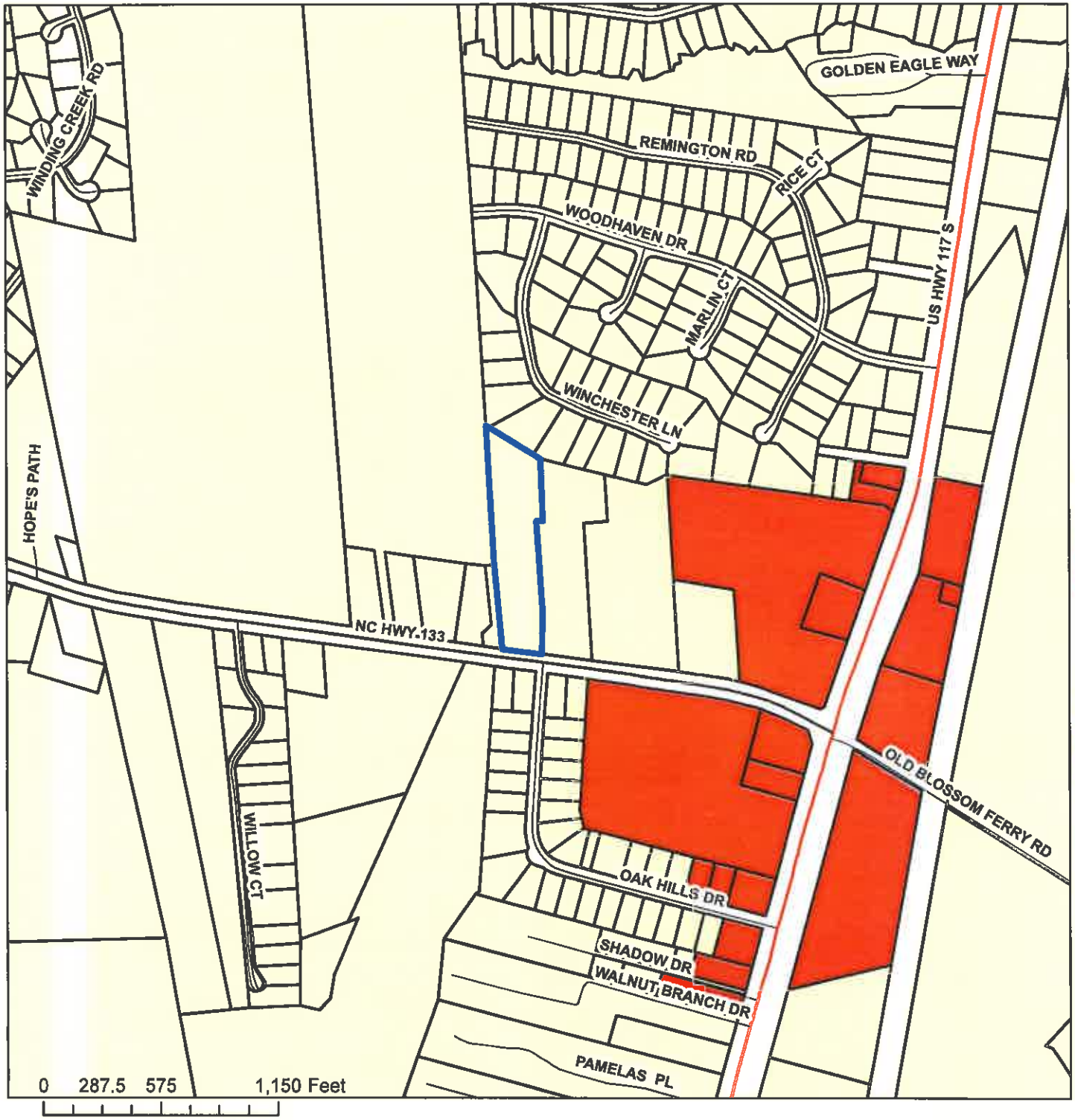
Special Use Permit:
#182-2016

Legend

Subject Property

N

Vicinity



Applicant:
Angela Bannerman

Owner:
Guiding Light Ministries

Special Use Permit:
#182-2016

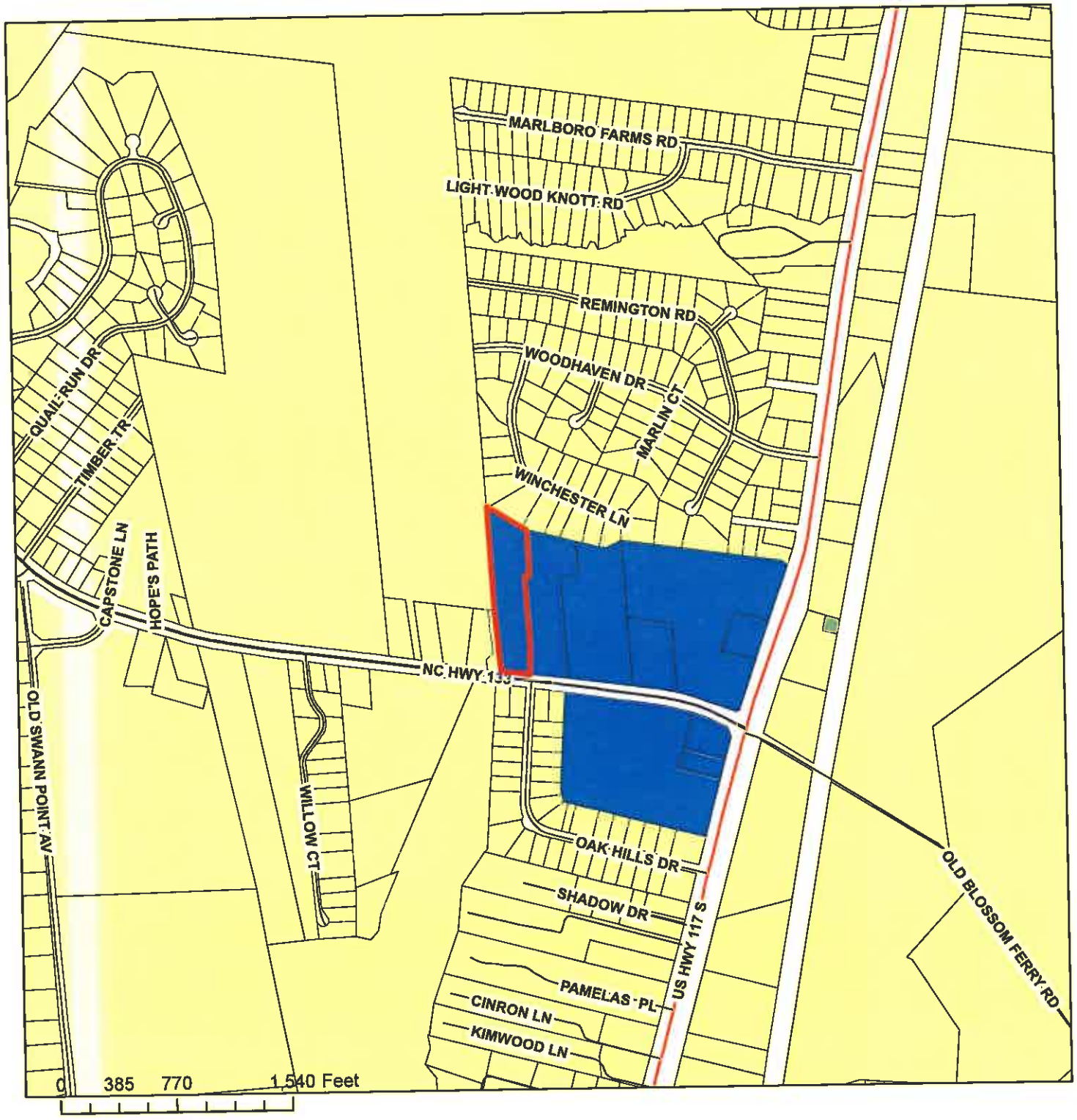
Legend

UDO Zoning

- EC, Environmental Conservation
- GB, General Business
- GI, General Industrial
- Incorporated
- IT, Industrial Transition
- MH, Manufactured Housing
- O&I, Office & Institutional
- PD, Planned Development
- RA, Rural Agricultural
- RA-Conditional Zoning 1
- RP, Residential Performance
- Subject Property

N

Current Zoning



Applicant:
Angela Bannerman

Owner:
Guiding Light Ministries

Special Use Permit:
#182-2016

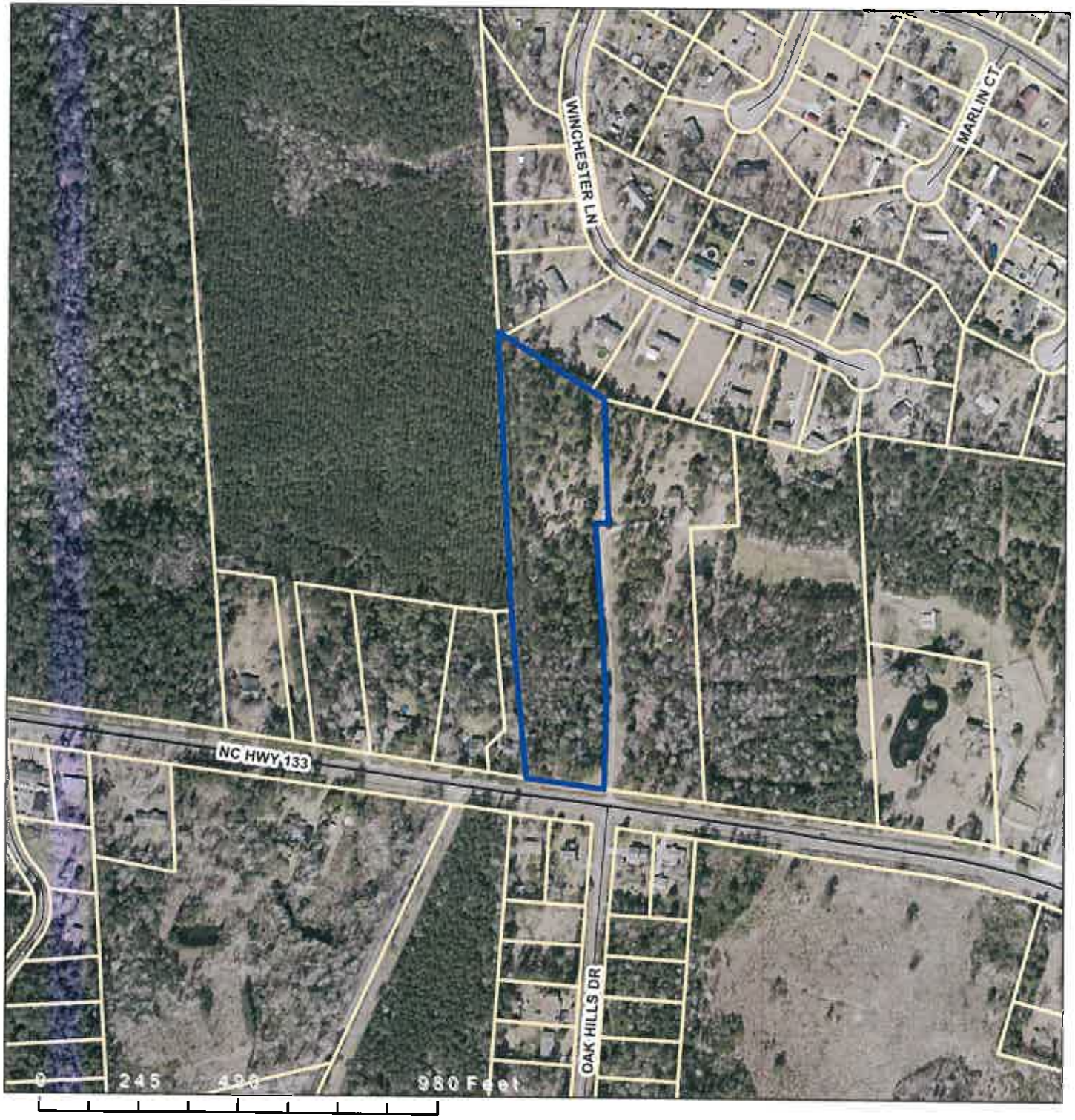
Legend

Future Land Use

- Conservation
- Industrial
- Mixed Use
- Office, Institutional, Commercial
- Rural Growth
- Suburban Growth
- Subject Property

N

Future Land Use



Applicant:
Angela Bannerman

Owner:
Guiding Light Ministries

Special Use Permit:
#182-2016

Legend

Subject Property

2012 Aerial