Pender County
Planning and Community Development

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

Phone: 910-259-1202
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www.pendercountync.gov

AGENDA
Pender County Planning Board
Tuesday, May 7, 2013 7:00 p.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina

Call to Order: Chairman Boney

Roll Call: Chairman Boney
Pender County Planning Board Members:
Boney: __ Marshburn __ Baker: ____Edens: ____ McClammy: _____ Nalee: _____ Williams: ____

1. **Adoption of the Agenda:**

2. **Adoption of Minutes: (April 9, 2013)**

3. **Public Comment:**

   (Public Hearings Open)

4. **Zoning Map Amendment:**
   Coastal Land Design, applicant, on behalf of 1400 Nowell Road LLC, owner, is requesting approval of a Zoning Map Amendment for a general use rezoning of one tract totaling 0.4792 acres from RP, Residential Performance zoning district to GB, General Business zoning district. The property is located at 12395 NC Highway 50, Hampstead, and may be identified by Pender County PIN 4236-33-6148-0000.

5. **Zoning Text Amendment:**
   Pender County, applicant, is requesting an amendment to the Pender County Unified Development Ordinance. The proposal consists of amending Section 5.2.3, Table of Permitted Uses, to include uses classified by NAICS codes 491110 Postal Services, 813410 Civic and Social Organizations, and to include Outdoor Shooting Ranges.

   (Public Hearings Closed)

Anyone wishing to address the **Pender County Planning Board** shall make a request on the "Public Comment" **sign-up sheet. Please provide the information requested.**

If you wish to speak on ***a specific public hearing item***, please sign-in on the appropriate "Public Hearing" **sign- up sheet**. Speakers will be allowed to speak *prior* to any action/vote taken by the Board.

*A time limit of **two** minutes per speaker or up to **ten** minutes for groups of five or more, with a designated speaker will be imposed.

6. **Discussion Items:**

   a. **Planning Staff Items:**
      i. Residential Mixed District – Sewage Treatment Plants
      ii. Corner-lot setbacks

   b. **Planning Board Members Items:**

7. **Next Meeting:** June 4, 2013

8. **Adjournment:**

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date:	May 7, 2013 – Planning Board May 20, 2013 – Board of Commissioners
Application Number:	10924 – Coastal Land Design (ZMA)
Applicant:	Coastal Land Design
Property Owner:	1400 Nowell Road LLC

Rezoning Proposal: The request consists of rezoning one tract from RP, Residential Performance, to GB, General Business zoning district.

Property Record Numbers, Acreage, and Location: The property consists of 0.48 aces, is located at 12395 NC Highway 50, Hampstead, and may be identified by PIN 4236-33-6148-0000.

Staff Recommendation: The request complies with the criteria set forth in Article 3.3.8 of the Unified Development Ordinance. The request is not in conflict with 2010 Comprehensive Land Use Plan; therefore, staff respectfully recommends that the request be approved.

DESCRIPTION:

Coastal Land Design, applicant, on behalf of 1400 Nowell Road LLC, owner, is requesting approval of a general use rezoning for one tract totaling 0.48 acres from RP, Residential Performance, to GB, General Business zoning district.

The subject property hosts an existing 1,440 sq. ft. office building and 2,000 sq. ft. metal warehouse structure, and has been utilized for various non-residential uses since construction over 10 years ago. A Special Use Permit request was approved for the property on November 19, 2012 for a real estate office (NAICS 531210).

The existing zoning in the area consists largely of RP, Residential Performance zoning district, in addition to some parcels within the Town of Surf City jurisdiction. The existing land uses in the area immediately around the subject property consists of high density single family residential along Parkside Lane, as well as low density residential and some non-residential uses including storage facilities, offices, and warehouses in the greater vicinity.

The 2010 Comprehensive Land Use Plan designates the subject property as Mixed Use. This land use classification identifies those areas of the county were a mixture of higher density and intensity of uses is to be encouraged, including a mixture of commercial, office, institutional, and high and medium density residential uses.

This is a general use rezoning which will encompass all uses permitted-by-right in the GB, General Business zoning district, as shown on the Permitted Use Table 5.2.3 of the *Pender County Unified*

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

EVALUATION:

*A) **Public Notifications:*** Public Notice of the proposal for map change has been advertised in the *Pender-Topsail Post and Voice*. Adjacent property owners have been given written notice of the request, and a public notification sign has been placed on the property.

B) Existing Zoning in Area: The existing zoning in the vicinity of the subject property consists of RP, Residential Performance zoning district and some properties within the jurisdiction of Surf City.

C) Existing Land Use in Area: The existing land uses of the surrounding property consist of high density single family residential along Parkside Lane, as well as low density residential and some non-residential uses including storage facilities, offices, and warehouses in the greater vicinity.

D) 2010 Comprehensive Land Use Plan Compliance: The 2010 Comprehensive Land Use Plan designates the subject property as Mixed Use. This land use classification identifies those areas of the county were a mixture of higher density and intensity of uses is to be encouraged, including a mixture of commercial, office, institutional, and high and medium density residential uses.

The following goals and policies within this plan support the rezoning request:

a) **Growth Management Goal 1A.1:** Manage the physical growth and development of Pender County by promoting more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the predominant rural lifestyle and coastal environment that makes the County a unique place to live.

b) **Growth Management 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.

c) **Growth Management Policy 1A.1.2:** Encourage development in areas where the necessary infrastructure – roads, water, sewer, and schools - are available, planned or can be most cost effectively provided and extended to serve existing and future development.

d) **Growth Management Policy 1A.1.3:** The County shall actively direct growth towards suitable land areas and away from fragile natural resource areas, conservation areas, and hazardous areas.

e) **Growth Management 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.

*E) **Unified Development Ordinance Compliance***: Article 3.3.8 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board before a favorable recommendation of approval for rezoning can be made. The proposed rezoning meets the standards of Article 3.3.8 of the Unified Development Ordinance.

3.3.8 Review Criteria for Rezoning

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

A. *Whether the range of uses permitted by the proposed change would be appropriate to the area concerned (including not being detrimental to the natural environment, not adversely affecting the health or safety of residents or workers in the area, not being detrimental to the use or development of adjacent property, and not materially or adversely affecting the character of the general neighborhood);*

B. *Whether adequate public facilities/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;*

C. *Whether the proposed change is consistent with the County's Comprehensive Land Use Plan and CAMA Land Use Plan or any other adopted land use document.*

D. *Whether the proposed amendment is reasonable as it relates to the public interest.*

G) Summary & Staff Recommendation: The proposal consists of rezoning a 0.48 acre tract from RP, Residential Performance, to GB, General Business zoning district. The request complies with the criteria set forth in Article 3.3.8 of the Unified Development Ordinance. The request is also consistent with the 2010 Comprehensive Land Use Plan. Therefore, staff respectfully recommends that the request be approved.

VOTING AND RESOLUTION:

Planning Board

Motion:_____**Seconded**_____

Approved:_____**Denied:**_____**Unanimous**_____

Boney: ___ Marshburn: ___ Baker: ___ Edens: ___ McClammy: ___ Nalee: ___ Williams: ___

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 10924	**Date**	3/22/13
Application Fee	$ 500	**Receipt No.**	130623
Pre-Application Conference	3/14/2013	**Hearing Date**	5-7-13 PB 5-20-13 Bocc

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Coastal Land Design (Frank Braxton)	**Owner's Name:**	1400 Nowell Road LLC
Applicant's Address:	P.O. Box 1172	**Owner's Address:**	P.O. Box 3444
City, State, & Zip	Wilmington, NC 28402	**City, State, & Zip**	Surf City, NC 28445-0001
Phone Number:	910-254-9333	**Phone Number:**	919-606-1653
Legal relationship of applicant to land owner:	Consultant		

SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	4236-33-6148-0000	**Total property acreage:**	0.4792
Current Zoning District:	RP - Residential Performance	**Proposed Zoning District:**	GB - General Business
Project Address :	12395 NC Hwy 50, Hampstead, NC 28443		
Description of Project Location:	Exiting Office and Warehouse located in the southwest quadrant of the intersection of NC Hwy 50 and and Shepard Road (SR 1533)		

SECTION 3: SIGNATURES			
OWNER ~~Applicant's~~ Signature	[signature]	**Date:**	3/19/13
~~Owner's~~ Applicant Signature	[signature]	**Date:**	3/19/13

NOTICE TO APPLICANT

1. Applicant must also submit the information described on the Rezoning 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 Planning Board or other authorized person agrees to table or delay the hearing.
4. All fees are non-refundable
5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda

Rezoning/Zoning Map Amendment Checklist

☑	Signed application form
☑	Application fee
☑	A list of names and addresses, as obtained from the county tax listings and tax abstract, all adjacent property owners, including property owners directly across any road or road easement, and owners of the property under consideration for rezoning.
☑	Two (2) business size envelopes legibly addressed with **first class** postage for each of the adjacent and abutting property owners on the above list.
☑	Accurate legal description or a map drawn to scale showing the property boundaries to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.
☐	18 (11"x17") map copies to be distributed to the Planning Board
☐	20 (11"x17") map copies to be distributed to the Board of Commissioners
☑	Digital (.pdf) submission of all application materials
☑	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.

Office Use Only

☐	**ZMA Fees:** (*$500.00 for first 5 acres; $10/acre thereafter up to 1,000 acres; $5/acre thereafter*)	**Total Fee Calculation: $** 500

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

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

Payment Method:	**Cash :** ☐ $_____	**Credit Card:** ☐ Master Card ☐ Visa	**Check:** ☒ Check # 1315

Application received by:	BoD	**Date:** 3/22/13
Application completeness approved by:	BoD	**Date:** 3/22/13

Dates scheduled for public hearing:
- ☐ **Planning Board:** 5-7-13
- ☐ **Board of Commissioners:** 5-20-13

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

Print Form

NARRATIVE
ZONING MAP AMENDMENT
FOR A GENERAL USE REZONING
12395 Hwy 50
PIN# 4236-33-6148-0000

PROPERTY OWNER: 1400 NOWELL ROAD LLC
P.O. BOX 3444
SURF CITY, NC 28445-0001

Existing Zoning: RP – Residential Performance
Proposed Zoning: GB – General Business

The existing land use is a non-residential use in a residential district permitted as a Special Use under Pender County's Regulations. The non-residential use dates back more than 10 years with various businesses occupying the site. The existing Pender County UDO requires a Special Use Permit with each new non-residential tenant that occupies the site. In order to comply with the Pender County UDO and allow for the continuance of non-residential uses, a rezoning to General Business is requested.

The Property has direct access onto NC Hwy 50 and Shepard Road (NCSR 1533) and is located within a transitioning corridor. In recent months, the property directly across NC Hwy 50 (from this site) was rezoned to General Business. The proposed zoning is consistent with the 2005 CAMA Urban Growth classification and the 2010 Comprehensive Land Use Plan's Mixed Use Classification.

Owner: 1400 Nowell Road LLC _____ Date: 3/19/13
David Barnes

Applicant: Coastal Land Design PLLC _____ Date: 3/19/13
J. Frank Braxton, RLA

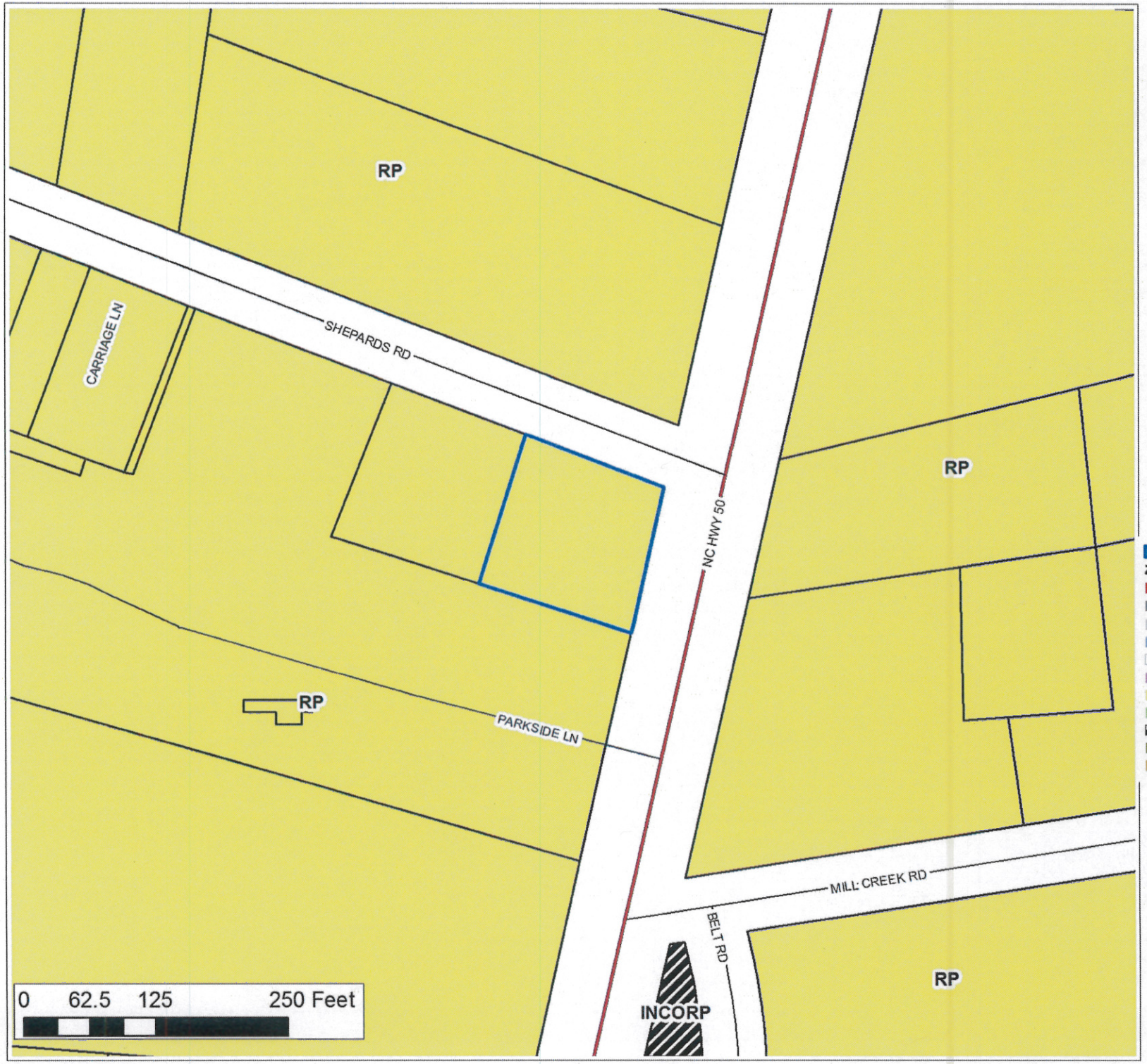
Applicant:
Coastal Land Design

Owner:
1400 Nowell Road LLC

Zoning Map Amendment # 10924

N

VICINITY



Applicant:
Coastal Land Design

Owner:
1400 Nowell Road LLC

Zoning Map Amendment # 10924

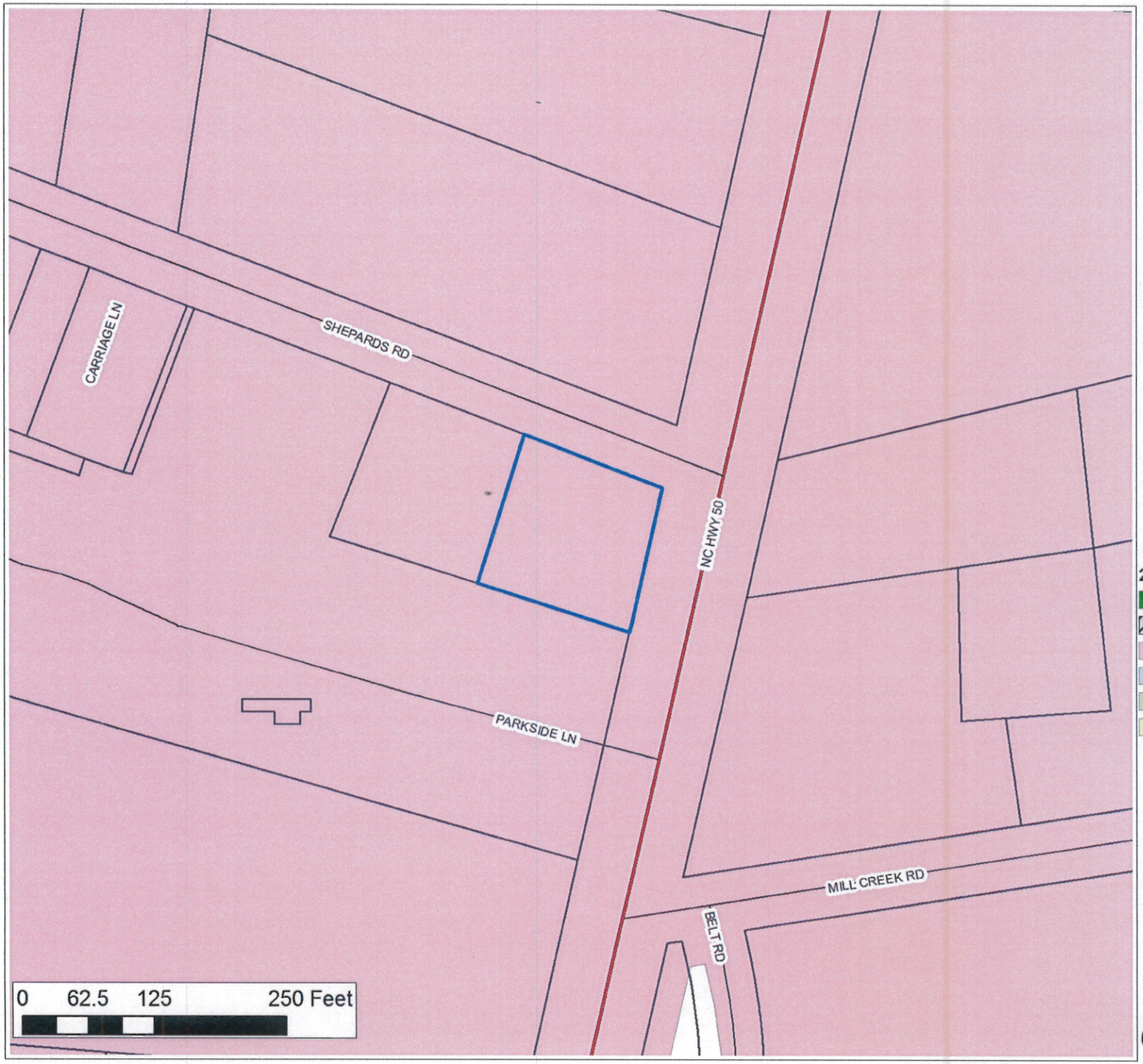
Subject Parcel

Zoning Classification

- General Business (GB)
- General Industrial (GI)
- Industrial Transition (IT)
- Office & Institutional (OI)
- Rural Agricultural (RA)
- Planned Development (PD)
- Residential Performance (RP)
- Environmental Conservation (EC)
- Incorporated Areas (INCORP)
- Manufactured Home Park (MH)
- Residential Mixed (MF)

N

ZONING



Applicant:
Coastal Land Design

Owner:
1400 Nowell Road LLC

Zoning Map Amendment # 10924

2010 Land Use Classification

- Conservation
- Industrial
- Mixed Use
- Office, Institutional, Business
- Rural Growth
- Suburban Growth

N

LAND USE CLASSIFICATION

Applicant:
Coastal Land Design

Owner:
1400 Nowell Road LLC

Zoning Map
Amendment
10924

N

2012 AERIAL

PLANNING STAFF REPORT
Zoning Text Amendment

SUMMARY:

Hearing Date: Planning Board – May 7, 2013
Board of County Commissioners – May 20, 2013
Applicant: Administrator, Division of Planning
Application Number: ZTA 10944 Pender County

Text Amendment Proposal: The request consists of amending Section 5.2.3, Table of Permitted Uses within the Pender County Unified Development Ordinance.

Background: The following text amendments are the result of various administrative discussions and situational circumstances that have been brought to Staff's attention since the approval of the previous amendment.

Administrator Recommendation: Administrator respectfully recommends **amending** the Unified Development Ordinance as described in the staff report:

The following outline describes the proposed amendments by topic. The proposed amendments clarify recent issues that have been brought to staff's attention regarding reviewing and approving postal services, civic and social organizations, and outdoor shooting ranges. The following is a description, by topic, of the changes that are proposed. A detailed packet of all the changes is included in the informational packet which has been distributed to accompany this report.

Postal Services (NAICS 491110) and Civic and Social Organizations (NAICS 813410)
Recently, it has been brought to staff's attention that specific uses were not included in Section 5.2.3, Table of Permitted Uses, that were originally permitted in the Pender County Zoning Ordinance in effect from 1988 to 2010. As a result, staff is recommending an amendment to the Unified Development Ordinance to include postal services and civic and social organizations within the Table of Permitted Uses allowing them within specific zoning districts throughout the County as noted on the attached table of permitted uses.

Outdoor Shooting Ranges (NAICS 713990)
Within the last year, Planning Staff has experienced an increase in the number of inquiries regarding outdoor shooting ranges in Pender County. Currently, outdoor shooting ranges are classified as NAICS 71399 All Other Amusement and Recreation & Industries in the Unified Development Ordinance. This classification is primarily geared towards recreational defined uses including baseball clubs, lawn bowling, or picnic grounds. Due to the nature of outdoor shooting ranges and requests not being of the recreational nature, staff is requesting to add outdoor shooting ranges as an additional use within Sector 71. The proposed amendment will permit outdoor shooting ranges with a Special Use Permit in the RA, Rural Agricultural district. This amendment only includes outdoor shooting ranges; indoor shooting ranges shall continue to be reviewed under NAICS 71399.

Evaluation:
As prescribed in the Pender County Unified Development Ordinance (UDO) Article 3.18.5 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 and the specific intent of this Ordinance.

Comprehensive Land Use Plan Compliance:
There are no conflicting policies within any adopted land use documents.

Staff Recommendation:
The proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements; therefore, staff is recommending approval of the amendments as presented.

Planning Board

Motion:_____**Seconded**_____

Approved:_____**Denied:**_____**Unanimous**_____

Boney: ___ Marshburn: ____ Baker: ____Edens: ____ McClammy: _____ Nalee: _____ Williams: ____

5.2.3 Table of Permitted Uses

		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sectors 48-49: TRANSPORTATION AND WAREHOUSING											
Postal Services	491110	S	S			P	P	P			
Sector 81: OTHER SERVICES, EXCEPT PUBLIC ADMINISTRATION											
Civic and Social Organizations	813410	S	S			P	P	P			
Sector 71: ARTS, ENTERTAINMENT, AND RECREATION											
Outdoor Shooting Ranges	713990	S									

Appendix A – Definitions

OUTDOOR SHOOTING RANGE: An area devoted to organized shooting and target shooting.

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MEMORANDUM

To: Pender County Planning Board

From: Kyle M. Breuer, Director

Date: May 7, 2013

RE: Discussion Items

Planning Board Members,

Staff has prepared and will be presenting to you information on the following topics:

Sewage Treatment Facilities within the RM, Residential Mixed Zoning District

Staff has been approached as to the use of sewage treatment facilities within the RM, Residential Mixed zoning district. Sewage treatment facilities are defined as: *Any device or system used in the storage, treatment, disposal or reclamation of sewage and industrial wastes generated by more than two uses or dwellings.* Currently this use is not permitted within the RM district. The Pender County Comprehensive Plan, Section II: Issues, Goals, and Policies, Issue 2: Infrastructure and Community Services discusses this issue through the following:

Package Sewage Treatment Plants in Pender County: Package plants have been discouraged for many years by the State largely due to challenges involved in proper operation and maintenance. New package plant treatment technologies and recommended operational organizations and are being developed that offer hope in use of package sewage treatment plants. Package treatment plants have the potential to fill a technological void. For instance, in sensitive environmental areas, package sewage treatment plants may offer the best hope of allowing for green space residential development. Pender County has elected to allow package treatment plants, but only where centralized public sewer is not feasible.

> **Policy 2A.1.2** Allow the use of package treatment plants only in areas where development is desirable but public sewer service is not feasible. If package treatment plants are used they should be designed to enable, at minimum public cost, the conversion of the system to public ownership, operation and maintenance in the future when public sewer service is viable, and cost effective.

Currently, the RM zoning district is a floating zoning district, in which it exists yet has not been applied. Requested RM zoning districts would have to be applied for and reviewed based off of the goals and policies of the Pender County Comprehensive Land Use Plan and any other guiding documents.

4.7.3 RM: Residential Mixed (Pender County UDO)

The Residential Mixed (RM) District is designed to allow for a variety of conventional built and multifamily housing types which can be accommodated dependent on necessary infrastructure including but not limited to community or regional utilities and infrastructure. A variety of housing types as referenced within the Table of Permitted Uses shall be allowable, however only one housing type is required for development. The type of development should be compatible with surrounding land uses and consistent with the goals and policies of the Comprehensive Land Use Plan. The density development standards shall be calculated similar to the Planned Development (PD) District.

		Zoning Districts									
Use Type	**Ref NAICS**	**RA**	**RP**	**RM**	**MH**	**PD**	**GB**	**OI**	**IT**	**GI**	**EC**
Sector 22: UTILITIES											
Water Supply Facilities*	221310		S			PM				P	
Sewage Treatment Facilities*	221320		S	***PM***		PM				P	
*County Owned or County Service District Provided Systems=P											

Corner Lot Setbacks

Staff is requesting the Board's review and recommendation as to Staff's proposal to reduce setbacks for corner lots abutting two intersecting rights of way or other legal access facility. Currently, the standards for determining a setback for a corner lot requires that a front yard setback be taken from each roadway or means of access. Staff is proposing to reduce the secondary access frontage to half of what the front yard setback standard would be for the prescribed zoning district.

As the county sees more public and/or private utility providers, water and sewer services are becoming more prevalent. Proof of these services to a development allows for a reduction in lot sizes, rendering it more difficult to adequately design desired buildable lots.

For example, an RP, Residential Performance zoned parcel would have a thirty (30') foot front yard setback, a thirty (30') foot side yard setback (adjacent to secondary roadway/access), a ten (10') side setback, and a twenty-five (25') foot rear yard setback. Staff's proposal would reduce the thirty (30') foot side yard setback (adjacent to secondary roadway/access) to fifteen (15') feet.

Current Standards – RP, Residential Performance
Front yard: 30'
Side yard: 10'
Rear yard: 25'

Please reference the attached visuals for reference. Staff will be prepared to answer any questions the Board may have.

Residential Performance Setbacks

- Front Yard (30 ft)
- Corner Side Yard (30 ft)
- Rear Yard (25 ft)
- Side Yard (10 ft)