

Pender County Planning and Community Development

Planning Division

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



Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

AGENDA

**Pender County Planning Board
Tuesday, October 15, 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: (September 10, 2013)

3. Public Comment:

(Public Hearings Open)

4. Zoning Map Amendment:

Pender County, applicant and owner, is requesting approval of a Zoning Map Amendment for a general use rezoning of one (1) tract totaling 16.86 acres from PD, Planned Development District, to OI, Office and Institutional District. The property is located at 312 Transfer Station Road, Hampstead, on the south side of US Highway 17, between Annandale Trace and Leeward Lane and may be identified by Pender County PIN 4203-17-8616-0000.

5. Zoning Text Amendment

Pender County, applicant, is requesting an amendment to the Pender County Unified Development Ordinance. The proposal consists of amending: Section 3.5.2.D, addressing the waiver criteria for Master Development Plan requirements in the Commercial and Industrial Districts; Section 5.2.3, Table of Permitted Uses by adding the use of an Industrial Park to the General Industrial (GI) zoning district; Section 5.3.11, adding use standards to Industrial Parks located within the GI District, and adding a definition of an Industrial Park to Appendix A.

(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. Update – Maple Hill Small Area Plan

b. Planning Board Members Items:

7. Next Meeting: November 12, 2013

8. Adjournment:

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: October 15, 2013 – Planning Board
October 21, 2013 – Board of Commissioners
Application Number: 11031 – Pender County (ZMA)
Applicant: Pender County
Property Owner: Pender County

Rezoning Proposal: The request consists of a Zoning Map Amendment for a general use rezoning of one (1) tract from PD, Planned Development to OI, Office Institutional zoning district.

Property Record Numbers, Acreage, and Location: The property is located at 312 Transfer Station Road (S.R. 1695), Hampstead off the south side of US Highway 17, between Annandale Trace Lane and Leeward Lane. There is one (1) tract, totaling 16.586 acres, associated with this request, and the subject property may be identified by Pender County PIN 4203-17-8616-0000.

Policy Compliance: The request does not comply with the criteria set forth in Article 3.3.8 of the Unified Development Ordinance specifically Section 3.3.8.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.

The request is however, consistent with 3 policies the *2010 Comprehensive Land Use Plan* and conflicts with 2 items.

DESCRIPTION:

Pender County, applicant and owner, is requesting approval of a general use rezoning for one tract totaling 16.856 acres from PD, Planned Development to the OI, Office and Institutional zoning district.

The existing zoning in the surrounding area consists of PD, Planned Development. Prior to a comprehensive rezoning in November 2003 this parcel was zoned RA, Rural Agriculture. Currently, the 16.856 acre property houses the Pender Solid Waste Transfer Station.

Based on a preliminary analysis dated February 2012, the property does contain federal jurisdictional wetlands, subject to federal regulation. There are identified wetlands on the property (Attachment 1 & 2). Any development proposals for the property would require a survey of the property and additionally may require delineation by the Army Corps of Engineers to determine if wetlands are present.

The subject property is located within Zone X, areas outside of the 0.2 percent annual chance floodplain, according to the 2007 Flood Insurance Rate Maps (FIRMs) adopted February 16, 2007, Map Number 3720420300J, Panel Number 4203.

This property is bordered to the Northwest by two offices, to the Northeast by Master Development Plan referred to as Hawkbill Cove (Conditional Planning Board approval on October 2, 2012), to the East by undeveloped private land, to the South by single family residences on Annandale Trace, and to the West by a private cemetery.

Current activity on the site is operated by Pender County Utilities. The Solid Waste Transfer Station is a collection location for all incorporated and unincorporated municipal solid waste in Pender County, which then is transported to a landfill located in Sampson County. This operation is six days a week Monday through Sunday from 8am until 4:30pm. General public, private collectors and municipal collectors all frequent this site. Pender County Utilities anticipate this facility has the capacity to accept municipal solid waste, including growth for the next 15-20 years.

On November 15, 2010 the Board of Commissioners voted 4-0 to relocate the scales and associated scale house for the County's Transfer Station in coordination with the Hawkbill Cove Development Proposal (Attachment 3). This consent included ingress/egress to the transfer station solid waste facilities on a new location on the County's property and the future right of way connection in the current scale location. The re-location of the scales and associated scale house to re-align Transfer Station Rd. has not occurred to date.

The re-zoning of this property from PD, Planned Development to OI, Office and Institutional would allow for more conforming use of the property as currently there are no residential components. Solid waste collection is a permitted use in the OI, Office and Institutional zoning district and PD, Planned Development. However with no residential aspects anticipated for this site OI, Office and Institutional will allow for future expansion of Pender County Solid Waste operations on this tract.

The NC DOT anticipates the Hampstead Bypass Northern interchange will impact the current location of the Hampstead Convenience Center at 17585 US Highway 17 (PIN: 3293-98-7023-0000). As the planning process continues for the Hampstead Bypass, assessments must be made to determine the location best suited for the convenience center. There is a potential to move convenience center operations to the Transfer Station Rd. (subject) property; this would be possible with the re-zoning of this parcel to OI, Office and Institutional zoning classification.

The *2010 Comprehensive Land Use Plan* designates the subject property as conservation. According to the Comprehensive Land Use Plan, current conservation areas are typically owned by Federal or State agencies or private conservation groups and are often designated as Areas of Environmental Concern (AECs). Currently, conservation areas comprise approximately 131,393 acres (24.7%) of the land area within the Pender County zoning jurisdiction. The *2010 Comprehensive Land Use Plan* details the conservation classification was established to protect the value of natural systems, especially land and water features. With this classification development of these properties is limited. The *2010 Comprehensive Land Use Plan* does not

support up-zoning properties which are designated as conservation, such as the OI, Office and Institutional which would increase intensity beyond the current use of the property.

This is a general use rezoning which will encompass all uses permitted-by-right in the OI, Office and Institutional zoning district, as shown in the Permitted Use Table 5.2.3 of the *Pender County Unified Development Ordinance*. The OI zoning district is intended to provide for institutional and office areas for government, professional and medical purposes. This district is compatible with and supports adjacent residential and business uses and will allow multi-family residential uses above non-residential 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 the PD, Planned Development zoning district.
- C) Existing Land Use in Area:** The existing land uses of the surrounding property consist of a two offices to the North, to the East by undeveloped private land, to the South by single family residences on Annandale Trace, and to the West by a private cemetery. An OI, Office Institutional re-zoning of the subject property is compatible with the existing land uses in the area.
- D) 2010 Comprehensive Land Use Plan Compliance:** The 2010 Comprehensive Land Use Plan designates the subject property as conservation. This land use classification identifies areas that are owned in fee simple or have protective easements. These areas represent areas of special significance and unique characteristics that make them worthy of preservation. Current conservation areas are typically owned by Federal or State agencies or private conservation groups and are often designated as Areas of Environmental Concern (AECs). A re-zoning of this property to OI, Office Institutional is in direct conflict with the *2010 Comprehensive Land Use Plan* conservation designation of this tract.

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

- a) **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.
Adequate infrastructure is currently located on property for the potential OI, Office Institutional use.
- b) **Solid Waste Management Goal 2F:1:** Ensure adequate capacity and proper management of solid waste, including reducing, reusing and recycling materials.
- c) **Solid Waste Management Policy 2F 1.4:** When siting collection centers, consider surrounding land uses traffic and aesthetics.

The following goals and policies within this plan may not 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 Goal 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) 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 does not meet the standards of Article 3.3.8 of the Unified Development Ordinance. Specifically letter C does not comply, as there is a direct conflict with re-zoning a parcel identified as conservation in the *2010 Comprehensive Land Use Plan* to an OI, Office Institutional zoning district.

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 16.856 acre tract from PD, Planned Development, to OI, Office Institutional. The request does not comply with the criteria set forth in the Unified Development specifically Section 3.3.8.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.

The request is also consistent with 3 policies *the 2010 Comprehensive Land Use Plan* and conflicts with 2 items.

Current conditions support a zoning map amendment. The proposed OI, Office and Institutional re-zoning is compatible with current land use on Transfer Station Rd. and the surrounding area.

Additionally, the subject property's current use of the transfer station and associated scale house is consistent with the proposed OI, Office and Institutional zoning district.

Future development activity on the subject property is limited due to the land use classification as conservation from the *2010 Comprehensive Land Use Plan*. Development or expansion of services would not be permissible with the conservation land use classification. Due to the NC DOT's projection of the location for the Hampstead Bypass Northern interchange the current Hampstead Convenience Center at 17585 US Highway 17 (PIN: 3293-98-7023-0000) may require re-location to the subject property only permissible if the zoning classification category was OI, Office Institutional.

It is recommended staff carefully examine the conservation as a viable future land use classification for specific County owned property. Inconsistent amendments will only be approved for compelling reasons, and will result in a subsequent amendment to the *2010 Comprehensive Land Use Plan*. Staff will prepare a *2010 Comprehensive Land Use Plan* amendment to better address the actual and anticipated conditions of this site and surrounding areas. All adjoining land is classified as Mixed Use.

VOTING AND RESOLUTION:

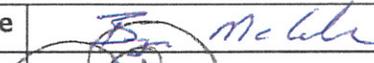
Planning Board

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 11031	Date	8/23/13
Application Fee	\$	Receipt No.	
Pre-Application Conference		Hearing Date	10/15/13
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	BRYAN MCCABE PENDER SOLID WASTE	Owner's Name:	PENDER COUNTY
Applicant's Address:	PO BOX 995	Owner's Address:	PO BOX 995
City, State, & Zip	BURGAW, NC 28425	City, State, & Zip	BURGAW, NC 28425
Phone Number:	910 259 0212	Phone Number:	910 -259- 1570
Legal relationship of applicant to land owner: SAME			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	4203-17-8616-0000	Total property acreage:	16.856 AC
Current Zoning District:	PD	Proposed Zoning District:	OI
Project Address :	312 TRANSFER STATION RD., HAMPSTEAD, NC, 28443		
Description of Project Location:	EXISTING SOLID WASTE TRANSFER STATION. FROM US 117, TURN RIGHT ON TRANSFER STATION RD. PROPERTY IS AT END.		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	8/23/13
Owner's Signature		Date:	8/23/13
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> 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 			



PENDER SOLID WASTE

P.O. BOX 995
605 E. FREMONT STREET
BURGAW, NC 28425

August 23, 2013

Pender County Planning Board
Planning Division, Pender County Planning and Community Development
805 South Walker St.
PO Box 1519
Burgaw, NC 28425

**RE: Pender Solid Waste
Property Rezoning Request
Solid Waste Transfer Station
332 Transfer Station Road
PIN 4203-17-8616-0000**

To Whom It May Concern:

Please consider our request to rezone the subject property. Attached you will find application materials to support this rezoning request.

The Pender Solid Waste Transfer Station is operated on this 16.856 acre property. This property is currently zoned Planned Development (PD), and prior to this zoning designation, was zoned Rural Agricultural District (RA). The PD zoning designation for this property occurred during the Pender County initiated comprehensive rezoning in November 2003.

The property is currently zoned PD, and Pender Solid Waste respectfully requests the 16.856 acre site be rezoned to the Office and Institutional District (OI). The current use of the property is more consistent with the land uses outlined in the OI District.

Thank you for your consideration of this request,

Bryan McCabe, PE, Project Engineer
Pender County Utilities

PENDER SOLID WASTE
PHONE: (910) 259-1570
FAX: (910) 259-1579



Applicant:
Pender County Utilities

Owner:
Pender County

**Zoning Map Amendment
(ZMA)
General Use Rezoning
11031**



2012 Aerial



Applicant:
Pender County Utilities

Owner:
Pender County

**Zoning Map Amendment
(ZMA)
General Use Rezoning
11031**

Legend

-  **Current Zoning**
Planned Development
-  Office & Institutional



Current Zoning





Applicant:
Pender County Utilities

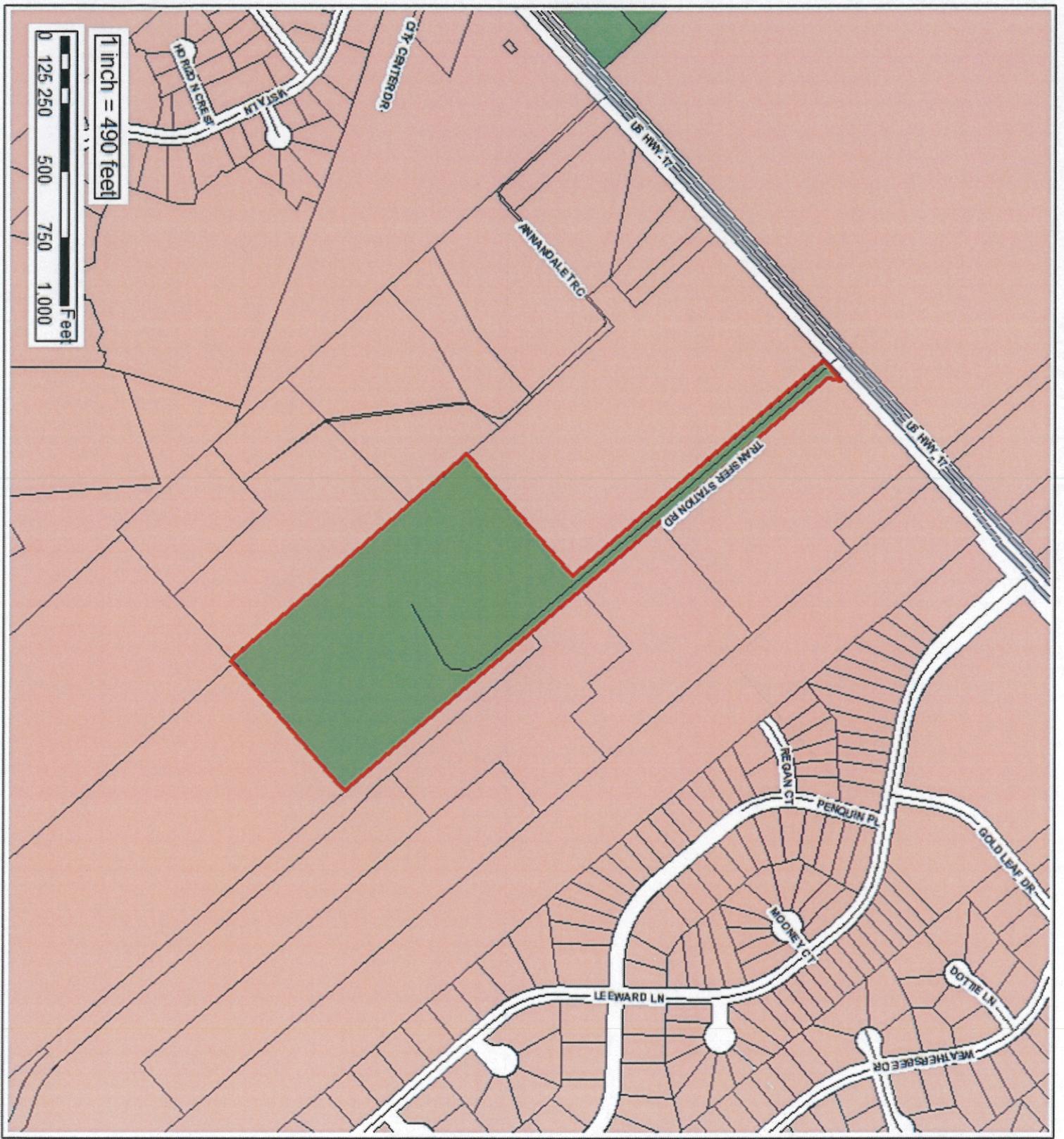
Owner:
Pender County

**Zoning Map Amendment
(ZMA)
General Use Rezoning
11031**

- Legend**
- Conservation
 - Mixed Use



Future Land Use



U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

Action Id. SAW-2012-00291

County: Pender

U.S.G.S. Quad: Topsail

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner: Pender County Public Utilities
attn: Michael Mack
Address: P.O. Box 1047
Burgaw, NC 28425

Agent: Hampstead Properties, LLC
attn: Cynthia M. Roberts
Address: 4721 Emperor Boulevard, Suite 300
Durham, NC 27703

Property description:

Size (acres) 16.86 Nearest Town Hampstead
Nearest Waterway UT to Old Topsail Creek River Basin White Oak
USGS HUC 03020302 Coordinates 34.690034 N -77.516326 W

Location description: The property is located at 248 Transfer Station Road, approximately 0.3 mi. south of its intersection with US 17, in Hampstead, Pender County, North Carolina. PIN: 4203-17-8616-0000.

Indicate Which of the Following Apply:

A. Preliminary Determination

Based on preliminary information, there may be wetlands on the above described property. We strongly suggest you have this property inspected to determine the extent of Department of the Army (DA) jurisdiction. To be considered final, a jurisdictional determination must be verified by the Corps. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331).

B. Approved Determination

There are Navigable Waters of the United States within the above described property subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

There are wetlands on the above described property subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

We strongly suggest you have the wetlands on your property delineated. Due to the size of your property and/or our present workload, the Corps may not be able to accomplish this wetland delineation in a timely manner. For a more timely delineation, you may wish to obtain a consultant. To be considered final, any delineation must be verified by the Corps.

The waters of the U.S. including wetlands on your property have been delineated and the delineation has been verified by the Corps. We strongly suggest you have this delineation surveyed. Upon completion, this survey should be reviewed and verified by the Corps. Once verified, this survey will provide an accurate depiction of all areas subject to CWA jurisdiction on your property which, provided there is no change in the law or our published regulations, may be relied upon for a period not to exceed five years.

The wetlands have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on 11/1/2012. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

There are no waters of the U.S., to include wetlands, present on the above described project area which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

The property is located in one of the 20 Coastal Counties subject to regulation under the Coastal Area Management Act (CAMA). You should contact the Division of Coastal Management in Wilmington, NC, at (910) 395-3900 to determine their requirements.

Placement of dredged or fill material within waters of the US and/or wetlands without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). If you have any questions regarding this determination and/or the Corps regulatory program, please contact Mr. David E. Bailey at (910) 251-4469 / David.E.Bailey2@usace.army.mil.

C. Basis For Determination

The site exhibits wetland criteria as defined in the 1987 Corps Wetland Delineation Manual and applicable Regional Supplements. The wetlands on-site are adjacent to an unnamed tributary (UT) to Old Topsail Creek, a Relatively Permanent Water (RPW) which flows into another UT to Old Topsail Creek (RPW) that becomes a Traditionally Navigable Water. This determination is based on a site verification by David E. Bailey of the U.S. Army Corps of Engineers on 2/1/2012.

D. Remarks

Wetlands and other Waters of the US on the subject property were delineated by Brent Ashley with changes made in the field by David E. Bailey (USACE)

E. Attention USDA Program Participants

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

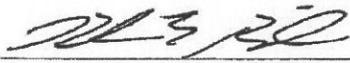
F. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. above)

This correspondence constitutes an approved jurisdictional determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

US Army Corps of Engineers
South Atlantic Division
Attn: Jason Steele, Review Officer
60 Forsyth Street SW, Room 10M15
Atlanta, Georgia 30303-8801

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the District Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by December 31, 2012.

It is not necessary to submit an RFA form to the District Office if you do not object to the determination in this correspondence.

Corps Regulatory Official: 

Date November 1, 2012

Expiration Date November 1, 2017

Copy furnished:

Joanne Steenhuis, NCDENR-DWQ, 127 Cardinal Drive Extension, Wilmington, NC 28405
Robert Sessoms & Associates, PLLC, 4033 Chandler Drive, Wilmington, NC 28405
Brent Ashley, 1461 Final Landing Drive, Wilmington, NC 28411

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Pender County

File Number: SAW-2012-00291

Date: November 1, 2012

Attached is:

See Section below

<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the district engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

**District Engineer, Wilmington Regulatory Division,
attn: David E. Bailey, Regulatory Specialist
Wilmington Regulatory Field Office
69 Darlington Avenue
Wilmington, North Carolina 28403**

If you only have questions regarding the appeal process you may also contact:

**Mr. Jason Steele, Administrative Appeal Review Officer
CESAD-PDO
U.S. Army Corps of Engineers, South Atlantic Division
60 Forsyth Street, Room 10M15
Atlanta, Georgia 30303-8801
Phone: (404) 562-5137**

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:
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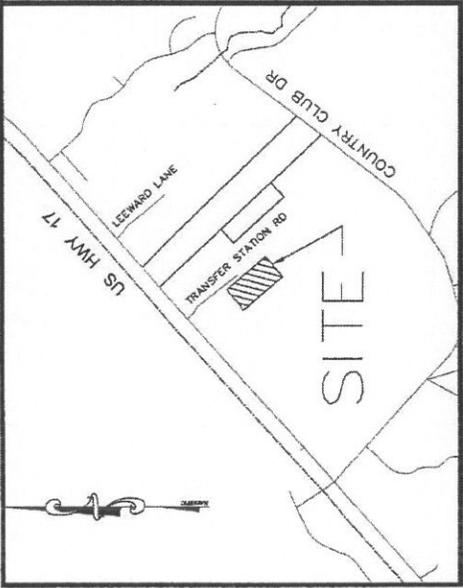
For appeals on Initial Proffered Permits send this form to:

District Engineer, Wilmington Regulatory Division, attn: David E. Bailey, Regulatory Specialist, 69 Darlington Avenue, Wilmington, North Carolina 28403

For Permit denials, Proffered Permits and approved Jurisdictional Determinations send this form to:

**Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Jason Steele, Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801
Phone: (404) 562-5137**

MAP OF
EXISTING WETLANDS FOR
HAMPSTEAD PROPERTIES, LLC
ON PENDER COUNTY PROPERTY
& SANITATION SITE
TOPSAIL TOWNSHIP
PENDER COUNTY, NORTH CAROLINA



CERTIFICATE OF THE
U.S. ARMY CORPS OF ENGINEERS:

THIS CERTIFIES THAT THIS COPY OF THIS PLAT ACCURATELY DEPICTS THE BOUNDARY OF THE JURISDICTION OF SECTION 404 OF THE CLEAN WATER ACT AS DETERMINED BY THE UNDERSIGNED ON THIS DATE. UNLESS THERE IS A CHANGE IN THE LAW OR OUR PUBLISHED REGULATIONS, THIS DETERMINATION OF SECTION 404 JURISDICTION MAY BE RELIED UPON FOR A PERIOD NOT TO EXCEED FIVE YEARS FROM THIS DATE. THIS DETERMINATION WAS MADE UTILIZING THE APPROPRIATE REGIONAL SUPPLEMENT TO THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL.

SIGNATURE, U.S. ARMY CORPS OF ENGINEERS OFFICIAL TITLE DATE
David E. Baker *Regulating Specialist* *11/1/2012*

EXPIRATION DATE OF DELINEATION: *11/1/2017*
USACE ACTION ID: *SAL-2012-00241*
Avail for sheets 1-3 RD

NOTES

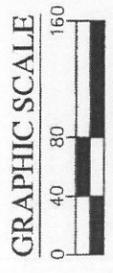
1. SURVEY WAS PERFORMED FEBRUARY 2012 AND WETLANDS SHOWN WERE FIELD LOCATED DURING THAT TIME
2. ALL AREAS CALCULATED BY COORDINATE METHOD.
3. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CERTIFIED TITLE REPORT.
4. NO PORTION OF THIS PARCEL IS WITHIN AN AREA OF SPECIAL FLOOD HAZARD AS DETERMINED BY DFIRM MAP NUMBER 3720420300A, EFFECTIVE FEBRUARY 16, 2006.
5. WETLANDS AS SHOWN WERE DELINEATED BY OTHERS AND WERE VERIFIED BY US ARMY CORPS OF ENGINEERS ON FEBRUARY 2, 2012.
6. THIS MAP IS SOLELY FOR THE PURPOSE OF SHOWING THE EXISTING WETLANDS ON THE SUBJECT PROPERTY. NO ACTUAL BOUNDARY SURVEY WAS PERFORMED FOR THIS MAP. BOUNDARY INFORMATION AND AREAS SHOWN WAS INPUT FROM RECORD INFORMATION AND EXISTING CORNERS SHOWN WERE LOCATED WITHOUT A CLOSED TRAVERSE. THIS MAP SHOULD NOT BE USED FOR ANY REAL ESTATE SALES, RECORDATION OR CONVEYANCE. A FULL BOUNDARY SURVEY SHOULD BE COMPLETED PRIOR TO ANY TRANSFER OF TITLE.

SURVEYORS CERTIFICATE

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, BEING THE SAME PROPERTY DESCRIBED ON THE FACE OF THIS PLAT, AND THAT THE ERROR OF CLOSURE AS CALCULATED BY COMPUTER IS 1/10,000+, AND THAT THE BOUNDARIES NOT SURVEYED THAT ARE SHOWN WERE PLOTTED FROM THE REFERENCED RECORD INFORMATION.
THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA AND WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 15TH DAY OF OCTOBER, A.D., 2012.



RGS
ROBERT G. SESSOMS
PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER 4869

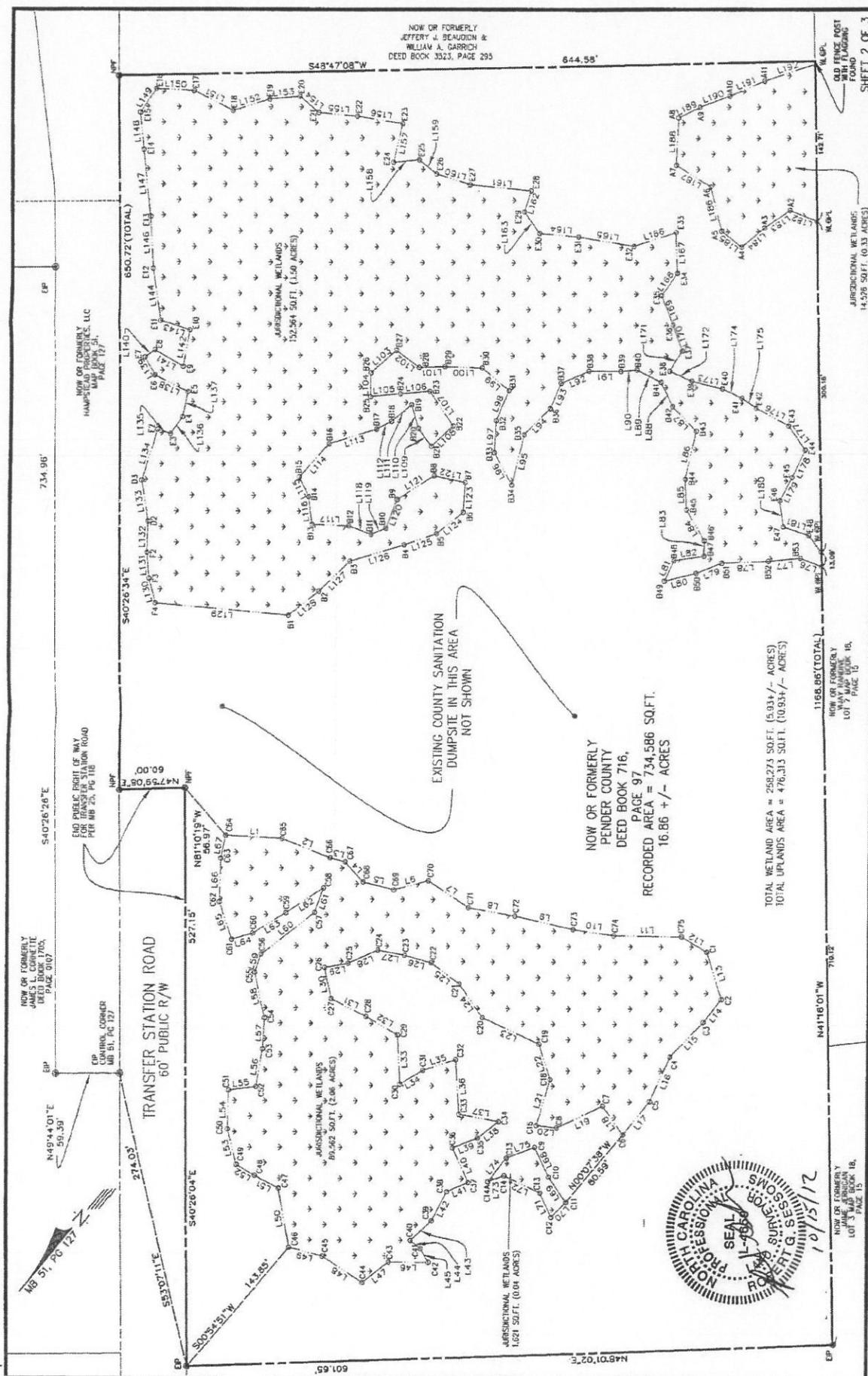


LEGEND

- NP - NO POINT FOUND
- EIP - EXISTING IRON PIPE
- WF - WETLAND FLAG
- WL - WETLAND LINE
- PL - PROPERTY LINE
- R/W - RIGHT OF WAY
- ⊙ - EXISTING IRON PIPE
- - LOCATED WETLAND FLAG

SCALE 1" = 80'	
DATE 10/15/2012	
DRAWN BY RGS	
RSA PROJECT #11.112	

Robert Sessoms & Associates, PLLC
Professional Land Surveyors
LICENSE # P-0884
4095 CHANLER DRIVE
WILMINGTON, NC 28405
PH-910-952-8846
EMAIL - RSESSOM@RSSA-SURVING.COM



NOW OR FORMERLY
JEFFERY J. BEAUDOIN &
WILLIAM A. CARRICH
DEED BOOK 3523, PAGE 295

DEED BOOK 3523, PAGE 295

JURISDICTIONAL WETLANDS
14,228 SQ.FT. (0.33 ACRES)

NOW OR FORMERLY
HAMPSHIRE PROPERTIES, LLC
MAP 17, PAGE 17

JURISDICTIONAL WETLANDS
132,564 SQ.FT. (3.03 ACRES)

NOW OR FORMERLY
LOT 14, MAP 15, PAGE 15

EXISTING COUNTY SANITATION
DUMPSITE IN THIS AREA
NOT SHOWN

NOW OR FORMERLY
PENDER COUNTY
DEED BOOK 716,
PAGE 97
RECORDED AREA = 734,586 SQ.FT.
16.86 +/- ACRES

TOTAL WETLAND AREA = 256,273 SQ.FT. (5.93 +/- ACRES)
TOTAL UPLANDS AREA = 476,313 SQ.FT. (10.93 +/- ACRES)

NOW OR FORMERLY
DEED BOOK 1700,
PAGE 0107

TRANSFER STATION ROAD
60' PUBLIC R/W

NOW OR FORMERLY
LOT 3, MAP BOOK 16,
PAGE 13



10/15/12

NOW OR FORMERLY
LOT 3, MAP BOOK 16,
PAGE 13

SHEET 2 OF 3

LINE TABLE

LINE	BEARING	LENGTH									
L1	S52°54'35"W	52.38	L49	N64°11'05"E	32.40	L97	S37°04'28"E	28.99	L146	S42°51'27"E	47.11
L2	S71°03'46"W	48.48	L50	S50°18'13"E	55.03	L98	S17°03'20"E	30.00	L147	S45°51'48"E	61.34
L3	S64°48'26"W	14.47	L51	N76°53'41"E	25.94	L99	N88°34'07"E	32.26	L148	S45°11'09"E	34.00
L4	N82°35'08"W	24.70	L52	N80°01'24"E	19.35	L100	N51°38'28"E	35.00	L149	S06°44'03"E	25.78
L5	S63°46'20"W	29.32	L53	S54°12'29"E	33.61	L101	N48°36'11"E	23.81	L150	S52°39'32"W	34.87
L6	S35°28'19"W	33.27	L54	S38°39'23"E	35.43	L102	N85°36'39"E	26.17	L151	S76°49'00"W	40.23
L7	S83°10'52"W	44.63	L55	S42°55'39"W	25.29	L103	N08°45'18"E	31.12	L152	S32°50'14"W	35.31
L8	S59°39'17"W	44.64	L56	S29°13'22"E	35.02	L104	N39°34'09"W	21.33	L153	S44°35'03"W	28.35
L9	S62°33'26"W	55.47	L57	S36°50'39"E	28.49	L105	S44°27'44"W	27.72	L154	S89°34'03"W	23.18
L10	S58°26'40"W	37.50	L58	S53°24'14"E	42.43	L106	S45°04'22"W	27.29	L155	S55°13'35"W	36.01
L11	S50°55'29"W	62.95	L59	S19°35'38"E	17.78	L107	N74°50'31"W	38.34	L156	S58°57'18"W	42.00
L12	S80°16'59"W	27.51	L60	S12°29'26"W	62.79	L108	N07°19'21"E	27.31	L157	N27°26'14"W	36.25
L13	N57°33'20"W	45.13	L61	S19°56'29"E	23.98	L109	S76°25'48"E	20.18	L158	S44°14'47"W	23.82
L14	N01°37'57"W	26.89	L62	N17°01'55"E	42.18	L110	S56°20'31"E	22.31	L159	S88°44'57"W	20.66
L15	N04°29'59"E	44.00	L63	N18°46'45"E	36.36	L111	N11°05'56"E	24.06	L160	S67°09'43"W	32.91
L16	N15°21'51"W	45.00	L64	N33°55'24"E	20.03	L112	N22°18'41"E	15.66	L161	S55°25'03"W	56.98
L17	N01°05'51"W	39.00	L65	S58°41'37"E	35.99	L113	N33°08'16"E	45.82	L162	N22°42'36"W	20.09
L18	S74°44'52"E	32.00	L66	S38°11'07"E	39.81	L114	N02°44'54"E	41.00	L163	N76°21'39"W	24.24
L19	N24°55'14"E	47.13	L67	S27°53'46"E	21.43	L115	N66°11'26"W	20.00	L164	S54°57'57"W	35.79
L20	N56°40'16"E	18.84	L68	N65°52'54"W	30.00	L116	N47°41'01"W	25.11	L165	S59°25'05"W	51.43
L21	S23°09'17"E	43.63	L69	N74°58'09"W	28.43	L117	S52°15'11"W	34.57	L166	S32°17'30"W	41.00
L22	S57°56'06"E	33.95	L70	N04°47'58"E	19.46	L118	S70°16'55"W	21.69	L167	N42°49'12"W	36.98
L23	N74°18'23"E	58.73	L71	S64°57'19"E	24.73	L119	S27°59'04"W	14.95	L168	N04°11'35"W	25.00
L24	S75°33'22"E	37.53	L72	N74°56'33"E	37.05	L120	S18°29'50"E	27.91	L169	N61°44'02"W	28.67
L25	N85°51'41"E	32.52	L73	N30°29'21"E	16.19	L121	S17°36'20"W	40.35	L170	N61°00'46"W	25.66
L26	N65°09'07"E	25.64	L74	S01°26'50"E	27.76	L122	S61°53'26"W	29.45	L171	N07°22'51"W	21.70
L27	N60°32'20"E	25.15	L75	S29°38'27"W	28.06	L123	N36°10'35"W	27.04	L172	S73°10'15"W	22.87
L28	N26°08'56"E	29.92	L76	N71°05'51"E	20.72	L124	N11°40'07"E	31.24	L173	S63°32'38"W	29.15
L29	N39°44'23"E	22.44	L77	N44°37'17"E	30.18	L125	N31°07'17"E	31.56	L174	S75°34'56"W	20.11
L30	N52°28'25"W	28.81	L78	N48°03'12"E	43.58	L126	N33°14'00"E	52.19	L175	S83°17'30"W	16.37
L31	S76°26'54"W	36.36	L79	N28°45'21"E	25.56	L127	N06°52'08"E	39.92	L176	S77°49'19"W	34.56
L32	S79°47'59"W	33.79	L80	N36°40'39"E	30.48	L128	N12°08'35"E	35.72	L177	N75°12'54"W	26.85
L33	N43°02'06"W	45.00	L81	S14°06'53"E	20.53	L129	N54°59'33"E	123.24	L178	N14°21'04"W	27.49
L34	S19°08'51"W	25.00	L82	S41°37'19"W	28.21	L130	S54°09'59"E	23.09	L179	N11°41'35"W	24.00
L35	S32°12'33"W	32.00	L83	S38°46'35"E	13.96	L131	S45°19'30"E	23.43	L180	N47°59'11"W	23.71
L36	N43°54'10"W	49.63	L84	S70°49'09"E	32.70	L132	S38°38'24"E	28.42	L181	S68°15'06"W	25.00
L37	S60°01'16"W	38.00	L85	S43°00'02"E	27.67	L133	S49°07'37"E	37.54	L182	N71°40'54"E	26.74
L38	N12°34'39"E	25.00	L86	S27°10'53"E	44.69	L134	S23°00'13"E	48.22	L183	N16°32'37"E	28.68
L39	N28°27'30"E	25.00	L87	S85°10'17"E	31.61	L135	S68°21'03"W	12.38	L184	N10°38'57"E	27.92
L40	N64°50'51"W	34.71	L88	S66°03'01"E	24.60	L136	S04°35'22"E	18.75	L185	N87°46'39"E	23.83
L41	N26°58'18"E	21.49	L89	N76°14'26"E	25.00	L137	S28°43'13"E	23.36	L186	S54°45'53"E	41.46
L42	N12°36'34"W	30.44	L90	N44°49'28"E	15.00	L138	N76°15'09"E	33.80	L187	N81°34'14"E	37.76
L43	N07°34'13"E	26.57	L91	N50°37'42"E	28.89	L139	S69°25'36"E	18.59	L188	S37°58'43"E	43.01
L44	S87°51'15"W	12.02	L92	N26°33'11"E	28.00	L140	S13°37'29"W	11.21	L189	S23°59'13"W	22.24
L45	N70°15'56"W	14.38	L93	N16°21'03"W	25.00	L141	S80°04'52"W	29.94	L190	S29°56'34"W	29.35
L46	N50°06'03"E	37.19	L94	N05°03'41"E	33.79	L142	S29°27'07"E	33.98	L191	S27°11'07"W	35.12
L47	N12°36'24"E	30.52	L95	N26°14'14"W	46.81	L143	N68°21'11"E	27.71	L192	S32°00'44"W	49.17
L48	N82°23'03"E	44.37	L96	S69°12'29"E	33.46	L144	S50°01'12"E	48.19			



Attachment #3



REQUEST FOR BOARD ACTION

ITEM NO. 13.

DATE OF MEETING: November 15, 2010

REQUESTED BY: Kyle Breuer, Director, Department of Planning and Community Development

SHORT TITLE: Resolution Consenting to the Relocation of the Scales and Associated Scale House for the County's Transfer Station in Coordination with the Hawksbill Cove Development Proposal.

BACKGROUND: The developers of Hawksbill Cove, formerly known as St. George's Reach are proposing to extend Transfer Station Road (S.R. 1695) from US Hwy 17 southeast to Country Club Drive (S.R. 1565). The extension of Transfer Station Road is part of a revised Master Plan submission to the Pender County Planning Board which provides an extra ingress/egress point to the development which had to be moved from the previously proposed location. With this extension of the existing right of way, the County's transfer station scales and scale house will require relocation further southeast than the current location. Hawksbill Cove developers would like to receive the Board's consent for the general layout and access of a new site location for the scales and scale house, and new entrance/exit (see attached map). There will be no cost for the County or disruption of services for the relocation to take place. Also, there will be no transfer of County owned property to the developer and the construction will take place in the existing right of way of Transfer Station Road.

The consent of this request in advance of the proposed project plan does not imply the approval of the aforementioned plans or the Pender County Planning Boards review or approval.

The development team has conducted two (2) separate community meetings to discuss their proposal; these meetings were Thursday, November 4th and Friday, November 12th, 2010.

SPECIFIC ACTION REQUESTED: To consider a resolution consenting to the developer's proposal to relocate the transfer station solid waste facilities and ingress/egress to a new location on the County's property and that future right of way may be located within the current scale location.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.

Initial

RESOLUTION

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

the Board does hereby consent to the relocation of the scales, associated scale house, and ingress/egress in connection with the County's transfer station in coordination with Hawksbill Cove development proposal to be undertaken at no cost to the County. The County Manager/Chairman are authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED Williams SECONDED Rivenbark

APPROVED X DENIED _____ UNANIMOUS

YEA VOTES: Tate ✓ Blanchard ___ Brown ___ Rivenbark ___ Williams ___

Jimmy T. Tate
Jimmy T. Tate, Chairman 11/15/10
Date

Rick Burt
ATTEST 11/15/10
Date

PLANNING STAFF REPORT
Zoning Text Amendment

SUMMARY:

Hearing Date: Planning Board – October 15, 2013
Board of County Commissioners – October 21, 2013

Applicant: Administrator, Division of Planning
Application Number: ZTA 11028 Pender County

Text Amendment Proposal: Resolution to Amend the Pender County Unified Development Ordinance, Section 3.5.2.D, addressing the waiver criteria for Master Development Plan requirements in the Commercial and Industrial Districts; Section 5.2.3, Table of Permitted Uses by adding the use of an Industrial Park to the General Industrial (GI) zoning district; Section 5.3.11, adding use standards to Industrial Parks located within the GI District, and adding a definition of an Industrial Park to Appendix A.

Background: The proposed amendments clarify recent issues that have been brought to staff's attention regarding the approval and subdivision procedures for Industrial Parks, as well as ordinance regulations governing individual sites located within approved Industrial Parks.

Administrator/Planning Board Recommendation: Administrator respectfully recommends **amending** the Unified Development Ordinance as described in the staff report and attachments.

Amendment Outline:

The following outline describes the proposed amendments by topic. The proposed amendments clarify recent issues that have been brought to staff's attention regarding the approval and subdivision procedures for Industrial Parks as well as ordinance regulations governing individual sites located within Industrial Parks.

3.5 Master Development Plans

3.5.2.D Waivers to the Master Development Plan (Attachment 1)

Due to the requirement that an Industrial Park must obtain and comply with site specific conditions of a Special Use Permit (SUP), it's recommended that the Master Development Plan process be waived and that a preliminary plan be submitted to the Administrator for review. There are specific conditions to be eligible for an Industrial Park which are outlined in the attachments supporting this report (Section 3.5.2.D).

Table of Permitted Uses 5.2.3

Miscellaneous Uses (Attachment 2)

In order to develop design standards for Industrial Parks, they must be their own specified use within the Table of Permitted Uses. It is recommended that an Industrial Park be allowed in the GI, General Industrial zoning district with an approved Special Use Permit obtained by the Pender County Board of Commissioners.

The GI, General Industrial zoning district is outlined in section 4.10.2 of the Pender County UDO and is defined as a district intended to provide locations for enterprises engaged in a broad range of manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise or equipment which may not be compatible with certain Industrial Transitional uses. These uses generally are more intense and are located on larger tracts.

Currently, there are two additional standards within the GI district (Section 4.2.10.A):

A. Development Standards / Applicability

1. Additional building height is allowed at a rate of one additional foot of height for every one foot of additional yard depth (front and sides).
2. Complete fencing with vegetative screening if the abutting land is in a residential district. The fence shall be a minimum of 6 feet.

The design standards provided within Attachment 2 accompanying this report are broken down in terms of review procedures, subdivision/park requirements, and individual site design standards for uses within an approved Industrial Park. The intention of providing these specific standards is to address unique circumstances that this type of development may have in relation to other development types throughout the county.

Appendix A

Definitions (Attachment 3)

Industrial Park is not defined in the Pender County UDO; this amendment would include a definition of Industrial Park.

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:

The following goals and policies within the Pender County Comprehensive Land Use Plan may be relevant to the proposed Zoning Text Amendment request:

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.

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

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

Policy 10A.1.3: Provide water and sewer infrastructure on a priority basis to locations suitable for industrial and business development.

Policy 10A.1.2: Commit County resources to improve and expand efforts to retain and recruit industries. Place emphasis on re-use of vacant buildings, recruitment of clean industries, and creation of jobs. (Clean industries are generally defined as sustainable businesses that participate in environmentally-friendly activities to ensure that all processes, products, and manufacturing activities adequately address environmental concerns.)

Staff Recommendation:

The proposed text amendment is consistent with the Unified Development Ordinance and Comprehensive Land Use Plan. Therefore, staff is recommending approval of the amendments as presented.

Planning Board

Motion: Seconded:

Approved: _____ Denied: _____ Unanimous: _____

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

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE			
Application No.	ZTA - 11028	Date	8.23.2013
Application Fee	\$ N/A	Receipt No.	N/A
Pre-Application Conference	N/A	Hearing Date	10.15.2013

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	Pender County Planning and Community Development
Applicant's Address:	805 South Walker Street
City, State, & Zip	Burgaw, NC 28425
Phone Number:	910-259-1202

SECTION 2: UDO TEXT TO BE AMENDED

Current Text to be Amended (Please site accurate Article number referenced):

The proposal consists of amending: Section 3.5.2.D, addressing the waiver criteria for Master Development Plan requirements in the Commercial and Industrial Districts; Section 5.2.3, Table of Permitted Uses by adding the use of an Industrial Park to the General Industrial (GI) zoning district; Section 5.3.11, adding use standards to Industrial Parks located within the GI District and adding a definition of an Industrial Park to Appendix A.

Proposed Text to be added:

A detailed description of each amendment is attached to this application packet.

SECTION 3: SIGNATURE

Applicant's Signature	Date: 8.23.2013
-----------------------	-----------------

NOTICE TO APPLICANT

If the applicant makes significant changes to the application for a text amendment after the Planning Board has made its recommendation, the Administrator may refer the modified request back to the Planning Board for an additional public hearing.

TEXT AMENDMENT CHECKLIST

<input checked="" type="checkbox"/>	Signed application form
<input type="checkbox"/>	Application fee N/A - county
<input checked="" type="checkbox"/>	A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO (shown on page 1 of this application)

Office Use Only

<input type="checkbox"/> ZTA Fees: \$250 N/A	Total Fee Calculation: N/A
Payment Method: <input checked="" type="checkbox"/> Cash: \$ X <input type="checkbox"/> Credit Card: <input type="checkbox"/> Master Card <input checked="" type="checkbox"/> Visa	Check: <input type="checkbox"/> Check # _____ <input checked="" type="checkbox"/>
Application Received By: Ashley Frank	Date: _____
Application completeness approved by: Ashley Frank	Date: _____
Dates Scheduled for Public Hearings:	<input checked="" type="checkbox"/> Planning Board: 10.15.13 <input checked="" type="checkbox"/> BOC: 10.21.13

Attachment 1

3.5 MASTER DEVELOPMENT PLAN

3.5.2. D Applicability

A Master Development Plan (MDP) shall be submitted to the Administrator for Planning Board approval prior to any subdivision or development of property in any of the following zoning district:

3.5.2.D. Waivers to MDP – Commercial & Industrial Districts: The Administrator may waive the requirement of a MDP in the Commercial and Industrial District: ~~if the proposed development contains all of the following criteria:~~

- 1) **If the proposed development contains all of the following criteria:**
 - a) If the proposed subdivision or development is less than 5 acres in size;
 - b) Includes no new streets, roads or rights-of-way, does not further extend any existing or dedicated street, road or rights-of-way and does not significantly change the layout of any existing or dedicated street, road or rights-of-way;
 - c) Is not an integral portion of a property proposed or planned for future development or subdivision;
 - d) That such development is limited to one individual parcel and one single use in accordance with Section 5.2.
- 2) **If the proposed development is located within an approved Industrial Park and meets the Design Standards as outlined in Section 5.3.11**

Attachment 2

5.2.3 Table of Permitted Uses

TABLE OF PERMITTED USES											
P=Permitted Use D=Permitted w/ Use Standards S=Special Use Approval Required SD=Special Use Approval Required w/ Additional Standards PM=Permitted in conjunction w/ the MDP process											
Use Category Specific Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
MISCELLANEOUS USES											
Adult and Sexually Oriented Businesses									S	S	
Adult Retail									S	S	
Bona fide Farm Purposes		D	D	D	D	D	D	D	D	D	D
Child Care Center		P	S			S	P	P			
Community Boating Facility		SD	SD	SD	SD	SD					
Community Boating Facility in conjunction with a Master Development Plan		SD	PMD	PMD	PMD	PMD					
Family Care Home		D	D	D	D	D					
Industrial Park										SD	
Marina (Commercial)		S	PM			PM					
Storage of Merchandise, Materials or Equipment On Site Inside or Outside An Enclosed Building, Excluding Salvage		S							P	P	
Portable Storage Containers		D	D	D	D	D	D	D	D	D	

5.3 Uses with Standards

5.3.11 Miscellaneous Uses

E. Industrial Park:

1. **Applicability:** In order to qualify as an Industrial Park, the subject property must:
 - a. Be entirely located in a General Industrial zone, according to the official zoning map of Pender County;
 - b. Contain at least 200 acres under unified control;
 - c. Have direct access to a road designated by the NCDOT as a US, or NC Highway; or at least a portion of the property shall be within 5000' of such a road and have direct access to a state maintained road;
 - d. Be served, or have written confirmation from the Utility Authority that the area will be served, by a public water and sewer system; and
 - e. Obtain a Special Use Permit from the Board of County Commissioners.
2. **Subdivision Procedure:** Industrial Parks shall be exempt from the procedures established in Section 3.8, Subdivisions, Section 3.9, Minor Subdivision, and 3.10, Major Subdivision, of the Pender County UDO. The following regulations apply:
 - a. Major and minor subdivisions of an Industrial Park are subject to review by the Technical Review Committee, and are reviewed and approved by the UDO Administrator.
 - b. Plans must meet all the requirements prescribed in Section 6.4, Preliminary Plat Contents, and Section 6.5, Final Plat Contents in the Pender County UDO, except that subdivision plans for an Industrial Park shall be exempt from:
 - i. The timing and phasing requirements of Sections 6.5.A.1, 6.5.A.4, and 6.5.A.8;
 - ii. The homeowner's association requirements of Sections 6.5.B.3 and 6.5.B.6; and
 - iii. The preliminary plat requirements of Sections 6.4.A.9 through 6.4.A.13.
 1. Industrial Parks shall follow the subdivision standards listed in Section 5.3.11.E.3, Subdivision Standards, below.
 2. These standards must be met and shown on the Preliminary Plat.
 - c. A copy of the draft protective covenants to be recorded on the Park shall be submitted with the final plat application.
 - i. The covenants shall address: owner's association, organization, responsibilities & membership, use and other restrictions on the property, term, revisions & renewal of the covenants, nuisances on the property and maintenance of facilities in the park.
 - ii. The covenants as approved under the Special Use Permit shall be recorded prior to division or sale of any parcels and prior to issuance of any zoning permit for or within the Park.
 - d. The final plat shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 30 working days of completed submission. When the final plat is approved the signed original will be provided to the applicant and a signed copy placed in the Record File for the subdivision.

- e. A final plat shall be approved on a finding that the applicant demonstrates that the proposed division meets all of the requirements of the Pender County UDO and will:
 - i. Be in harmony with the Special Use Permit;
 - ii. Be in accordance with the Preliminary Plat;
 - iii. Not endanger the public health or safety;
 - iv. Be in conformity with the County's Land Use Plan.
- 3. **Subdivision Standards:** Industrial Parks shall be exempt from the regulations of Article 7.6, Open Space, and Article 8, Landscaping and Buffers. As an alternative, Industrial Parks are governed by the following open space and landscaping standards:
 - a. **Open Space:**
 - i. Approved Industrial Parks shall provide dedicated area(s) as open space, equating to 5% of the overall Industrial Park.
 - ii. The open space must be dedicated at the time in which at least 25% of the Industrial Park is occupied.
 - b. **Landscaping and Buffers:**
 - i. A visually opaque landscaped buffer of native vegetation at least 20 feet in width and/ or combination of berms and fencing is required along the external perimeter of the Industrial Park.
 - 1. Existing trees and shrubs shall count towards meeting the buffer yard and screening requirements.
 - 2. The buffer areas may be in common area and counted towards meeting open space requirements.
 - 3. For every 1,000 sf. of buffer area, the buffer areas shall include:
 - a. Ten evergreen shrubs; and
 - b. Three trees, which shall consist of the following:
 - i. 50% large maturing;
 - ii. 25% small maturing, and
 - iii. 25% evergreen.
 - ii. Buffers will not be required for internal property boundaries of Industrial Parks with the exception of road frontage.
 - iii. The Administrator may allow modification to the buffer width and planting types when special site conditions exist.
- 4. **Major Site Plan Procedure:** Individual Sites locating within an Industrial Park shall be exempt from Section 3.7, Major Site Development Plan, of the Pender County UDO. The following procedure applies:
 - a. Major Development Plans are subject to review by the Technical Review Committee, and are reviewed and approved by the UDO Administrator.
 - b. Master Development Plans shall meet all of the requirements of Section 6.1.3 Major Development Plans Contents – Commercial and Industrial Districts, with the exception of Section 6.1.3.A.10.
 - i. The Major Development Plan shall meet the Landscaping and Buffer requirements set forth below in Section 5.3.11.E.6.e, Landscaping and Buffers.

- ii. The Major Development Plan shall be complete at the time of submittal and must be made by a licensed professional and illustrated at sufficient scale and with detailed design for the all uses located within the industrial park.
 - c. Major Development Plans shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 30 working days of completed submission.
5. **Site Dimensional Standards:** Individual Sites shall be exempt from the regulations of Section 4.14, Zoning District Dimensional Requirements of the Pender County UDO. The following site dimensional standards apply:

Dimensional Standards for Individual Sites in Industrial Parks	
Maximum Height	50 feet
Minimum Setbacks ^[1]	
Front ^[2]	50 feet
Rear ^[3]	25 feet
Side ^[3]	25 feet
Corner ^[4]	50 feet
Minimum Building Separation	North Carolina Building Code Regulations Apply
Minimum Lot Width	100 feet
NOTES: [1] There must be an owner maintained strip with a minimum of 20 feet in width of landscaped ground along the street property lines, except that drives and walks may be located within the landscaped strip. [2] In the event more than one parcel of land shall be owned by one person or entity, and in the improvement of each parcel of land, a building shall be erected on more than one parcel of land, then the interior rear or side setbacks may be waived. [3] In the case of corner lots, both 50 foot front setbacks will apply.	

6. **Site Design Standards:** Individual Sites shall be exempt from the regulations of Article 7, Design Standards, and Article 8, Landscaping and Buffers, of the Pender County UDO. Individual Sites shall meet the following site design standards:
- a. **Parking:**
 - i. Each Individual Site located within the approved Industrial Park shall provide three parking spaces for each four employees on the largest shift plus additional spaces for vehicles permanently used in the operation of the business.
 - 1. At the discretion of the Administrator, a reduction to the parking requirements may be approved if the applicant demonstrates the peak level of need is lower than these standards require.
 - 2. To justify the reduction, a statement shall be provided by a licensed professional addressing facility usage, employment figures, shift changes, and any other applicable standards.
 - b. **Loading:**
 - i. Off-street loading and unloading facilities shall be provided by each owner or lessee of any parcel of land within the Park when that parcel is developed;
 - ii. Such loading and unloading shall be to the rear or side of any buildings on said parcels of land.

- iii. All loading and unloading facilities shall be screened by effective landscaping or otherwise from view of any public street or access road within or leading to or from the Park.
- c. Outdoor Lighting:
 - i. Outdoor lighting shall utilize illumination so as to not cast direct light beyond any property line.
- d. Outdoor Storage and Screening:
 - i. Outdoor storage yards and storage areas, incinerators, storage tanks, and trucks based on the premises, shall either be housed in closed buildings or be screened for sound and sight from public view as is deemed necessary by the Administrator and shall be placed so as to conform with the setback requirements of Section 5.3.11.E.5, Site Dimensional Standards, above.
 - ii. Such screening shall include landscaping or permanent fences (excluding chain link), or approved solid materials and shall be located so as to most effectively screen the view of the offending items from the street.
 - iii. The Administrator may allow modification to the screening requirements when special site conditions exist.
- e. Landscaping Standards:
 - i. If applicable, Individual Sites must ensure that the 20 foot, visually opaque landscaped buffer required along the external perimeter of the Industrial Park is maintained, according to the requirements of Section 5.3.11.E.3.b, Landscaping and Buffers above.
 - ii. Buffers are not required for internal property boundaries of Industrial Parks with the exception of road frontage.

Attachment 3

Appendix A

INDUSTRIAL PARK: A development of land, used primarily for industrial and related uses, that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. Due to the process, manufacturing or employment base certain impacts that may be created in this park that would require, special design, buffer or setbacks. The development may include streets, circulation ways, utilities, buildings, open space, and other site features and improvements.