

# 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](http://www.pendercountync.gov)

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### AGENDA Pender County Planning Board Work Session Tuesday, June 3, 2014 6:00 p.m. Pender County Public Meeting Room 805 S. Walker Street, Burgaw, North Carolina

**Call to Order:** Chairman Williams

**Roll Call:** Chairman Williams

Pender County Planning Board Members:

Williams: \_\_\_\_\_ McClammy: \_\_\_\_\_ Baker: \_\_\_\_\_ Boney: \_\_\_\_\_ Edens: \_\_\_\_\_ Marshburn: \_\_\_\_\_ Nalee: \_\_\_\_\_

**1. TRC:**

Staff will present to the Board an analysis of the current TRC process as well as a recommendation moving forward to clarify the TRC process as set out in the Unified Development Ordinance.

**2. Cul de Sac:**

Staff has prepared a memorandum and recommendation based off of a stakeholder meeting held at County offices.

**3. Development Agreement:**

Staff will lead continued discussions regarding approval of large mixed use projects and details contained within.

**4. Adjournment:**

*\*Items not covered during Work Session may be heard under "Discussion Items" during the regular Board meeting.*

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### MEMORANDUM

To: Pender County Planning Board

From: Megan O'Hare, Planner II

Date: June 3, 2014

RE: Cul de Sac Radius in Residential Subdivisions

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Planning Board Members,

Staff has prepared and will be presenting to you information on cul de sac radius requirements in residential subdivisions. On May 6, 2014, staff met with appropriate parties to discuss concerns brought to the Planning Board in previous sessions. Attendees included: Pender County Emergency Management staff, a Pender County Schools representative, NCDOT Division of Highways staff, a BASE (Business Alliance for a Sound Economy) representative and the Planning Board Chairman Williams.

It is Staff's recommendation that the Pender County Unified Development Ordinance text as currently written will adequately meet the needs of the community. The Pender County Unified Development Ordinance Section 7.5.1 F specifies:

Permanent dead end streets (cul-de-sacs) or temporary dead end (stub) streets shall be no longer than 1,000 ft. unless it is demonstrated by the developer that the configuration of the property prevents its development without longer streets to provide access to the lots and common area to be subdivided. Temporary dead end or stub streets shall provide turn around capabilities to meet NCDOT requirements. The Cul-de-sac end shall be a bulb type with minimum radii as follows: Curb & Gutter Section: RW = 45', Pavement = 37' to gutter edge, Shoulder Section: RW = 50', Pavement = 35'.

There are however, inherent conditions that are specific to each development which may necessitate a larger cul de sac than NCDOT minimum requirements. Conditions which a larger cul de sac may be required include for school bus turn around. In this situation each project will be evaluated on a project by project basis. Throughout the technical review process the applicant must design their subdivision in accordance with Pender County Schools standards. According to Pender County Schools, buses are required to stop per quarter mile and may not need to utilize each cul de sac in the development; some cul de sacs may need to be larger to accommodate the school buses.

Additionally, Pender County Emergency Management staff indicated that their fire trucks and emergency vehicles may require additional area to turn around above and beyond the NCDOT requirements. In such situations, during the technical review Emergency Management staff will be

encouraged to work with the applicant to properly service the residential subdivision. Any and all turn around or cul de sacs would be subject to NCDOT requirements and approvals.

In the case where the design of the cul de sac must be larger than thirty-five (35) feet of pavement as determined by technical review, the current text in the Pender County Unified Development Ordinance stating; "Temporary dead end or stub streets shall provide turn around capabilities to meet NCDOT requirements" is applicable. Alternative design standards must be approved by NCDOT Division of Highways staff during the technical review process. These design standards include a larger radius for cul de sac or other approved turn around designs as accepted by the NCDOT District Engineer.

Staff will work with each developer and the Pender County Planning Board at the time of the submittal to determine the need for a larger cul de sac with to accommodate school buses and emergency vehicles where necessary. The current Pender County Unified Development text in Section 7.5.1 F adequately addresses the need for alternative cul de sac design in accordance with NCDOT standards.

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## AGENDA

**Pender County Planning Board  
Tuesday, June 3, 2014 7:00 p.m.  
Pender County Public Meeting Room  
805 S. Walker Street, Burgaw, North Carolina**

**Call to Order:** Chairman Williams

**Roll Call:** Chairman Williams

Pender County Planning Board Members:

Williams: \_\_\_ McClammy: \_\_\_ Baker: \_\_\_ Boney: \_\_\_ Edens: \_\_\_ Marshburn \_\_\_ Nalee: \_\_\_

**1. Adoption of the Agenda:**

**2. Adoption of the Minutes: (May 6, 2014/May 15, 2014)**

**3. Public Comment:**

*\*(Public Hearings Open)\**

**4. Master Development Plan:**

Parker & Associates, Inc., applicant, on behalf of Parks Family Forestry LLC, owner, is requesting the approval of a Master Development Plan for a 2-phase single family residential subdivision. The request consists of developing 73 single family residential units to be located on ±46 acres of a 124 acre tract. The subject property is located on the north side of Island Creek Road just east of the New Hanover County line, west of Hunter Court (Wood Cliff Estates), Rocky Point. The property is zoned RA, Rural Agricultural and RP, Residential Performance Districts and may be identified as Pender County PIN 3252-97-7356-0000.

**5. Zoning Map Amendment:**

The Way of Truth Free Gospel Church, applicant and owner, is requesting the approval of a Zoning Map Amendment for a general use rezoning of 7.42 acres from OI, Office & Institutional District, to RA, Rural Agricultural District. The property is located along the east side of US Hwy 117 between River Road and Church Street, just south of the Duplin/Pender County line and may be identified as Pender County PIN(s) 3314-28-1506-0000; 3314-18-8863-0000.

*\*(Public Hearings Closed)\**

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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:**

**b. Planning Board Members Items:**

**7. Next Meeting:** July 1, 2014

**8. Adjournment:**

**PLANNING STAFF REPORT  
MASTER DEVELOPMENT PLAN  
THE RESERVE ON ISLAND CREEK**

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**SUMMARY:**

**Hearing Date:** June 4, 2014

**Applicant:** Parker & Associates, Inc.

**Property Owner:** Parks Family Forestry, LLC

**Case Number:** Master Development Plan 11150

**Development Proposal:** Parker & Associates, Inc. applicant, on behalf of Parks Family Forestry owner, is requesting Master Development Plan approval for the major subdivision the Reserve on Island Creek. This two (2) phased development will include seventy-three (73) single family homes on approximately sixty-nine (69) acres.

**Property Record Number, Acreage, and Location:** The Reserve on Island Creek consists of approximately sixty-nine (69) acres of the overall one hundred twenty-four (124) acres in the total parcel. The proposed development is located south and east of the New Hanover/Pender County border line, to the north of undeveloped wooded property and to the west of the residential subdivision Woodcliff Estates directly accessing on Island Creek Road (SR 1002) in Rocky Point, NC. The subject property may be further identified by Pender County PIN 3252-97-7356-0000. The property is classified with RA, Rural Agricultural and RP, Residential Performance zoning districts.

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**RECOMMENDATION**

The request is consistent with the 2010 Pender County Comprehensive Land Use Plan and Pender County Unified Development Ordinance; therefore Planning Staff recommends the approval of the Master Development Plan for the Reserve on Island Creek. Any and all future phases or changes to the Master Development Plan are subject to the Planning Board review and approval.

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**HISTORY**

The subject property was recently rezoned and amended the future land use classification to accommodate future growth on this parcel. Planning Board recommended approval of the Comprehensive Land Use Map Amendment (Case Number 1054) on December 3, 2013, and the Board of County Commissioners approved this request on January 21, 2014. On March 4, 2014 Planning Board recommended approval of the requested rezoning (Case Number 11121) of the subject parcel and on April 22, 2014 this rezoning was approved by the Board of County Commissioners.

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**MASTER DEVELOPMENT PLAN**

In total, the Reserve at Island Creek will be developed in two (2) phases for a maximum of seventy-three (73) single family residential lots. According to the submitted narrative, Phase I density calculated to 1.2 units per acre with twenty-eight (28) lots and Phase II density calculated to 1.0 units per acre with forty-five (45) lots.

**Lot Requirements**

As all portions of this Master Development Plan proposal are included within the RP, Residential Performance zoning district; these standards are applicable to each lot in this project. At current all lots meet the lot size minimum of 15,000 square feet (Attachment 1). The lots proposed must meet minimum standards prior to Final Preliminary Plat approval.

As outlined in the Pender County Unified Development Ordinance, Section 4.14 the established requirements for RP, Residential Performance zoning district includes; lot size minimum of 15,000 square feet, building height requirement of thirty-five (35) feet, and yard setbacks are outlined below:

Setback	Distance
Front	30 feet
Side	10 feet
Rear	25 feet
Corner	15 feet

**Services (Wastewater/Water)**

The Reserve on Island Creek proposes traditional on-site septic and some off-site septic which is contingent upon a soil suitability analysis; subject to review and approval by the Pender County Environmental Health Department prior to Final Preliminary Plat approval.

Additionally, a public water connection to Pender County Utilities is proposed. The applicant outlines in the submitted narrative that this will be achieved through tying into an existing Pender County water main that runs along Island Creek road and extending the six (6) inch water main to service this development. Pender County Utilities review and approval is required prior to Final Preliminary Plat approval.

**Landscaping & Buffers**

Residential uses in residential districts (except mobile home parks, multi-family and planned developments) are not required to have buffers between parcels per Section 8.2.8 of the Pender County Unified Development Ordinance. The applicant's submittal includes a Buffer A along the property adjacent to Island Creek Road (SR 1002) which is not required; in discussions with the applicant they chose to remove this prior to Final Preliminary Plat.

**Open Space**

Per the Pender County Unified Development Ordinance, all proposed residential subdivisions shall provide open space in the amount of 0.03 acres per dwelling unit within the subdivision; half of which must be designated active open space.

For the development proposal includes seventy-three (73) lots which would necessitate 2.19 acres of open space with at least 1.095 acres dedicated as active open space. All open space calculations are taken from within the project boundary.

The applicant meets the total open space requirement for this residential subdivision, proposing 9.4 acres of open space. However, the proposed active open space is only 0.6 acres which is under the required 1.095 acres according to Section 7.6.1 of the Pender County Unified Development Ordinance. Prior to approval of the Master Development Plan the active open space requirement of 1.095 acres must be met.

The applicant must modify the project boundary area to include adequate open space within the project bounds.

### **Recreational Units**

With a proposed lot number of seventy-three (73), \$10,000 or 1 recreational unit is required by the Pender County Unified Development Ordinance for the Master Development Plan, Section 7.6.2. This will need to be completed prior to Final Preliminary Plat approval. The applicant is proposing a five (5) foot wide wood chip trail. An engineered certification of this recreation unit must be submitted prior to Final Preliminary Plat approval. At the time of recording Final Plat for which the wood chip trail will be recorded must be constructed and certified of completion to standards specified or guaranteed by a Performance Guarantee referenced in Appendix D (Section 6.5.A.6) of the Pender County Unified Development Ordinance.

Through technical review, Building Inspections Staff identified that the pool area would require an accessible route which may include; parking areas, access aisles, walks, ramps, and curb ramps. The route must allow a person with a disability to enter the facility. The surface of the route must allow the navigation of a wheelchair. Factors such as size, width, and slope are also considered. In addition a way must be provided for entry into and out of the pool itself such as a power lift. Additionally, ingress and egress of the walking trails, kayak launch, open air pavilion, restroom and pool facilities will need to facilitate residential traffic as well as adequate parking facilities.

The applicant has indicated that due to the environmental concerns as well as access issues to the proposed amenities, the site plan will not include a restroom and pool facilities as submitted. All amenities must be internal to the project bounds according to Section 7.6.1 of the Pender County Unified Development Plan prior to Master Development Plan approval. This deviation must comply with all Pender County Unified Development Ordinance standards and will be evaluated at the time of Preliminary Plat submittal.

Finally, the Pender County Floodplain Administrator comments indicate that any and all development proposed within the identified floodway will require a non-impact study; the applicant's submittal includes amenities in the floodway.

### **Connectivity & Road Design**

According to the applicant's narrative the roadways are proposed as public and built to NCDOT subdivision road standards as outlined in the NCDOT Subdivision Manual published in January 2010. These roadways are subject to NCDOT review and approval through a Driveway Permit, the applicant must submit plans to the NCDOT for approval prior to Pender County approval of this Preliminary Plat submission.

The cul-de-sacs proposed in the Reserve on Island Creek must conform to the Pender County Unified Development Ordinance requirement in Section 7.5.1.F where a minimum shoulder section of fifty (50) feet and right of way paved at thirty-five (35) feet is required, all other approvals of the proposed cul-de sacs are subject to NCDOT requirements. Planning Board may require larger cul de sac radii, particularly on the terminus of Huckleberry Way (west) and the terminus of Mississippi Drive for school bus and emergency vehicle turn around.

A connection to existing Woodcliff Drive (private access easement) is proposed on the eastern boundary of the property. This interconnectivity is based on the Pender County Unified Development Ordinance Section 7.2.2 whereas lots shall be arranged to allow for the future streets and logical further subdivision of adjacent properties. Attachment 3 identifies the location of this connection at

the time of Woodcliff Drive (private) platted in January 1988 and the potential connection to future roadways.

### **Traffic**

According to the applicant's submitted narrative the traffic impacts to adjacent properties will be minimal based on this phase of the project generating approximately 695 total daily trips with 55 in the AM peak hour and 73 in the PM peak hour based on the ITE Trip Generation Manual 9th edition.

### **Environmental Concerns**

The subject parcel, of approximately 143 acres may contain portions of environmentally sensitive areas including wetlands and floodplains.

#### *Wetlands*

Currently, no wetland delineation or Jurisdictional Determination (J.D.) has been submitted to Pender County Planning Staff for proof of environmental concerns on the subject property. The applicant has must submit a wetlands map for the subject property. Further investigations of these documents to identify regulated wetlands would be necessary for future action on the site.

#### *Flood*

A portion of the property that is located within the identified "AEFW", a large portion of the property is located within "Approximate Zone AE" and another portion of the property located within the "Zone X" Special Flood Hazard Area, according to the 2007 Flood Insurance Rate Maps (FIRMs), Map Number 3720325200K, Panel Number 3252 and Map Number 3720326200K, Panel, Number 3262. Any development in the Special Flood Hazard Area is required to be in accordance with the Pender County Flood Damage Prevention Ordinance.

#### *CAMA*

CAMA Areas of Environmental Concern, regulated by the Division of Coastal Management may be located on the subject property as there is a potential for this property to have navigable (by canoe/kayak) inland waters. CAMA Areas of Environmental Concern are tidal and/or navigable waters within Pender County are classified as Public Trust Area up to the normal high water line or normal water level and are subject to the CAMA. The Public Trust Shoreline AEC extends 30' landward of the normal high water line or normal water level. At this time the applicant is proposing a potential open air pavilion and restroom facilities that may require a CAMA permit on this property.

### **Historical Context**

Technical Review Committee comments from Nathan Henry, Assistant State Archaeologist and Conservator Underwater Archaeology Branch NC Office of State Archaeology indicate that there is an area of historical significance on the subject property (Attachment 2). In discussions with both the applicant and Planning Staff Mr. Henry indicated that the State of Archaeology would be amenable for the property to be surveyed and any historical findings be documented by an archeologist or he indicated the developer may preserve some portion of the historical site.

The 2010 Comprehensive Land Use Plan Goal 6B.1 states, ensure that historic and cultural resources are maintained or enhanced as development occurs. It is the Planning Board's discretion as to whether this portion of the property must be dedicated as open space and preserved or if a survey and archeological documentation are adequate for this property. It should be noted that Mr. Henry wrote; "I feel that the applicant is committed to working with SHPO to settle these issues and there is no reason to hold up the approval process as far as the Pender County Planning Board is concerned."

All of the following applicable state and federal agency permits including but not limited to; a Stormwater Management Permit, and Erosion Control Plan, wetlands impact permits, and NCDOT Driveway Permit will be required prior to the approval of the Final Preliminary Plat for each phase.

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#### **TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:**

On Monday May 19, 2014 the Pender County Technical Review Committee was sent the Reserve at Island Creek Master Development Plan application, narrative, and plats as well as the Planning Board approved Master Development Plan. The following responses were collected:

##### **Cape Fear Council of Governments RPO**

*As the project is in the WMPO, the Cape Fear RPO has no comment.*

##### **Four County Electric Company**

*No Response.*

##### **NC DENR Division of Coastal Management**

*No Response.*

##### **NC DENR Division of Forestry**

*No Response.*

##### **NC DENR, Division of Energy, Mineral, and Land Resources - Land Quality Section**

*This will need an erosion and sedimentation control plan.*

##### **NC DENR Division of Waste Management**

*No Response.*

##### **NC DENR Division of Water Quality**

*As the narrative indicates, a state stormwater permit is required. They will also be required to get a 401 certification for the wetland impacts.*

##### **NC DOT Division of Highways**

*Submit for driveway permit and subdivision plan approval.*

##### **NC DOT Transportation Planning Branch**

*No Response.*

##### **NC Office of State Archaeology**

*The developer should be aware that there is one documented archaeological site on the property, 31PD337\*\*. This is a Civil War entrenchment referred to as the "Stevens Line" on an 1863 map showing the roads and fortifications in the Wilmington vicinity. An assessment of site 31PD337\*\* to determine its National Register eligibility as well as an archaeological survey to discover unknown archaeological resources will likely be required for any USACOE permits regarding wetlands impacts. The developer should expect a letter to this effect within the next several weeks from the State Historic Preservation Office.*

*I have been in communication with John Parker of Parker and Associates, Inc., concerning the Parks Family Forestry project adjacent to Island Creek (The Reserve on Island Creek). They are amenable to working with the State Historic Preservation Office (SHPO) in preserving the Civil War earthworks on the property through documentation and preservation of a portion of the earthworks as well as an archaeological survey for undiscovered archaeological resources that may be on the property. I feel that the applicant is committed to working with SHPO to settle these issues and there is no reason to hold up the approval process as far as the Pender County Planning Board is concerned. Thank you very much for your help in this matter.*

**NC Wildlife Resources Commission**

*No Response.*

**Pender County Addressing Coordinator**

*Huckleberry Way will need an E. and W. directional. They will require a cluster box. I just spoke with the Rocky Point postmaster and he prefers one large unit. Please inform the developer that he will need to reserve an area large enough for the carrier to pull off the road safely and place mail in each box within the cluster unit.*

**Pender County Building Inspections**

*The pool area would require an accessible route. Accessible routes may include parking areas, access aisles, walks, ramps, and curb ramps. The route must allow a person with a disability to enter the facility. The surface of the route must allow the navigation of a wheelchair. Factors such as size, width, and slope are also considered. In addition a way must be provided for entry into and out of the pool itself such as a power lift.*

**Pender County Emergency Management**

*No Response.*

**Pender County Environmental Health**

*All lots will need to be evaluated for on-site wastewater. Each lot will need an application.*

**Pender County Fire Marshal**

*No Response.*

**Pender County Flood Plain Management**

*The subject property is located in the SFHA. Any development within the SFHA will require a floodplain development permit and must comply with the Pender County Flood Damage Prevention Ordinance. As a reminder, ANY development in the floodway, will require a non-impact study.*

**Pender County Parks and Recreation**

*Parks and Recreation has no issues with this request.*

**Pender County Public Library**

*No response*

**Pender County Public Utilities**

*No Response.*

**Pender County Schools**

*No Response.*

**Pender County Sheriff's Department**

*No Response.*

**Pender County Soil and Water Conservation District**

*Soil & Water sees no problem with this request, as long as all wetland permits with State & ACE have or will be attained.*

**Progress Energy Corporation**

*No Response.*

**US Army Corps of Engineers**

*No Response.*

**Wilmington Metropolitan Planning Organization**

*No Response.*

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**EVALUATION**

**A) Public Notifications:** Public Notice of the proposal for Master Development Plan 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 RA, Rural Agricultural to the east; PD, Planned Development to the south, and bounded by New Hanover County's I-2, Heavy Industrial District to the west and north.

**C) Existing Land Use in Area:** The existing land uses of the surrounding property consist of vacant/undeveloped areas in addition to moderate density single-family residential uses along the eastern boundary.

**D) 2010 Comprehensive Land Use Plan:** The 2010 Comprehensive Land Use Plan designates the subject property as Suburban Growth.

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## STAFF RECOMMENDATION

The approval is also subject to the all conditions required by the Pender County Planning Board and regulatory State and Federal Agencies. The submitted Master Development Plan for the Reserve on Island Creek must meet all Pender County Unified Development standards; particularly those outlined in Section 6.1.2 Master Development Plan Contents- Residential Subdivisions the following items are outstanding and must be finalized prior to Master Development Plan approval:

- 1) A land use plan, showing the location, arrangement and approximate boundaries of all proposed land uses.
- 2) The location and approximate boundaries of proposed housing types conceptually shown in accord and with other non-residential uses dimensional requirements.
- 3) The location of environmental protection land to be included in common open space.
- 4) The approximate acreage in common open space, each use, housing type and in roads, streets or right-of-ways for each phase and the total development.
- 5) The approximate boundaries and location of common open space, with the percentage of the total acreage of the site to be placed in common open space.
- 6) The location and general configuration of recreational facilities, with a general statement of the types of recreational facilities to be provided if applicable.
- 7) Calculations describing all proposed bonus factors with the location of and specifications for bonus improvements, when proposed.
- 8) The location and treatment proposed for all historical structures and sites recognized as significant by the County Commissioners or as identified on any historical landmarks survey for Pender County.
- 9) Location and timing of construction for all amenities.
- 10) Landscaping and Buffer requirements per Article 8.
- 11) Street layout and access shall conform to Section 7.4, Access and Section 7.5, Street Design
- 12) Calculated open space requirements shall adhere to Section 7.6, Open Space.

Staff is asking for Pender County Planning Board deposition on the following items:

- (1) Cul de sac radii for school bus and emergency vehicle turn around after previous discussions with Pender County Emergency Management Staff, as well as, Pender County Schools; and
- (2) Preservation of Stevens Line historical site

The request is consistent with the 2010 Pender County Comprehensive Land Use Plan and Pender County Unified Development Ordinance; therefore Planning Staff recommends the approval of the Master Development Plan for the Reserve on Island Creek given that all aforementioned requirements are met. Any and all future development, phases and changes to this Master Development Plan are subject to the Planning Board review and approval.

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**Board Action for Master Development Plan The Reserve on Island Creek:**

**Motion:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

**Approved:** \_\_\_\_\_ **Denied:** \_\_\_\_\_ **Unanimous:** \_\_\_\_\_

Williams: \_\_ McClammy: \_\_\_\_\_ Boney: \_\_ Baker: \_\_ Edens: \_\_ Marshburn: \_\_ Nalee: \_\_

## APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE			
Application No.	MDP 11150	Date	4.22.2014
Application Fee	\$ 500 + \$10/acre = 960	Receipt No.	140815
Pre-Application Conference	4/2/2014	Hearing Date	6.3.2014 MDP
<b>SECTION 1: APPLICANT INFORMATION</b>			
Applicant's Name:	Parker and Associates, Inc. Lori B. Morris - Staff Planner	Owner's Name:	Parks Family Forestry, LLC
Applicant's Address:	P.O. Box 976	Owner's Address:	2021-A Corporate Drive
City, State, & Zip	Jacksonville, NC 28541	City, State, & Zip	Wilmington, NC 28405
Phone Number:	910-455-2414	Phone Number:	217-446-4600
Legal relationship of applicant to land owner: Planning Agency			
<b>SECTION 2: PROJECT INFORMATION</b>			
Type of Master Development Plan	<input checked="" type="checkbox"/> Residential (RP) PD, RM MH District	<input type="checkbox"/> Commercial GB, OI, IT, GI District	<input type="checkbox"/> Mixed Use PD
Property Identification Number (PIN):	3252-97-7356-0000	Total property acreage:	69.0± AC
		Acreage to be disturbed:	46± AC
Zoning Classification:	RP		
Project Address :	Island Creek Road, NCSR 1002		
Description of Project Location:	North Side of Island Creek Road, Approx. 2.5 Miles South of NC Hwy. 210		
Describe activities to be undertaken on project site:	See Attached Narrative		
<b>SECTION 3: SIGNATURES</b>			
Applicant's Signature		Date:	4-22-14
Owner's Signature		Date:	4-22-14

**Contents of a Preliminary Master Development Plan – Residential Districts**

Site plans shall contain a conceptual plan, showing the location and functional relationship between all proposed housing types and land uses, including the following information:

- ✓ A land use plan, showing the location, arrangement and approximate boundaries of all proposed land uses.
- ✓ The location and approximate boundaries of proposed housing types conceptually shown in accord and with other non-residential uses dimensional requirements.
- ✓ The proposed number of dwelling units of each type in each phase and in the total development accompanied by density calculation of the development.
- ✓ The location and approximate boundaries of existing environmental features as defined.
- ✓ The location of environmental protection land to be included in common open space.
- ✓ The approximate acreage in common open space, each use, housing type and in roads, streets or right-of-ways for each phase and the total development.
- ✓ The approximate boundaries and location of common open space, with the percentage of the total acreage of the site to be placed in common open space.
- ✓ The location and general configuration of recreational facilities, with a general statement of the types of recreational facilities to be provided if applicable.
- ✓ The location and extent of proposed buffers, with statements, profiles, cross sections or examples clearly specifying the screening to be provided if applicable.
- ✓ The proposed location, arrangement, and right-of-way widths of roads and streets, including roads and streets providing access to adjoining parcels.
- ✓ The location and arrangement of street entrances, driveways and parking areas.
- ✓ The use of adjoining parcels and the location of adjoining streets and utilities.
- ✓ Estimated AM and PM Peak Hour Trips per the Institute of Transportation Engineers Trip Generation Manual.
- ✓ Estimated Average Daily Trips created by the development at build-out per the Institute of Transportation Engineers Trip Generation Manual.
- Based on estimated traffic counts, a Traffic Impact Analysis may be required stating the dates and times counts were conducted for the proposed development.
- ✓ The approximate location of sewer and water mains, sewage disposal and water source with statements concerning the connection with and availability of existing facilities. - **SEE NARRATIVE**
- ✓ A conceptual plan for stormwater management with the location of stormwater facilities designed to serve more than one lot. - **SEE NARRATIVE**
- Calculations describing all proposed bonus factors with the location of and specifications for bonus improvements, when proposed.
- ✓ The location and treatment proposed for all historical structures and sites recognized as significant by the County Commissioners or as identified on any historical landmarks survey for Pender County.
- ✓ Location and timing of construction for all amenities. - **SEE NARRATIVE**
- ✓ Landscaping and Buffer requirements per Article 8.
- ✓ All subdivided land and parcels shall comply with Section 7.2, Lot Design.
- ✓ Homeowners Association shall be required for all major residential subdivisions with privately maintained streets, open space, and other dedicated land as stated in Section 7.3, Homeowners Association Requirements.
- ✓ Street layout and access shall conform to Section 7.4, Access and Section 7.5, Street Design
- ✓ Calculated open space requirements shall adhere to Section 7.6, Open Space.

**Contents of a Preliminary Master Development Plan – Commercial and Industrial Districts**

The site plan shall contain a conceptual plan, showing the location and functional relationship between streets and land uses, including the following:

- A conceptual plan, showing the location and arrangement of proposed uses.
- The location and treatment proposed for all historical structures and sites recognized as significant by the County Commissioners or identified on any historical survey for Pender County.
- The location and extent of proposed buffers, with statements, profiles, cross sections or examples clearly specifying the screening to be provided. The location and approximate boundaries of existing environmental features as defined.
- Estimated AM and PM Peak Hour Trips per the Institute of Transportation Engineers Trip Generation Manual.
- Estimated Average Daily Trips created by the development at build-out per the Institute of Transportation Engineers Trip Generation Manual.
- Based on estimated traffic counts, a Traffic Impact Analysis may be required stating the dates and times counts were conducted for the proposed development.
- The proposed location of entrances to the development from existing public streets and proposed parking areas.
- The proposed location, arrangement, and right-of-way widths of roads and streets, including roads and streets providing access to adjoining parcels.
- Landscaping and Buffer requirements per Article 8.
- The use of adjoining parcels and the location of adjoining streets and utilities.
- The approximate location of sewer and water mains, sewage disposal and water source with statements concerning the connection with and availability of existing facilities.
- A conceptual plan for stormwater management and description and the location of all stormwater facilities designed to serve more than one parcel.

<b>NOTICE TO APPLICANT</b>							
1. Applicant or agent authorized in writing must attend the public hearing. 2. 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. 3. All fees are non-refundable 4. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda							
<b>Office Use Only</b>							
<input type="checkbox"/> <b>MDP Fees:</b> (\$500.00 plus \$10/acre for the first 100 acres \$5/acre thereafter)				<b>Total Fee Calculation: \$</b>			
<b>Attachments Included with Application: (Please include # of copies)</b>							
CD /other digital version	<input type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets	# of large	# of 11X17	Other documents/Reports	<input type="checkbox"/> Y <input type="checkbox"/> N	
<b>Payment Method:</b>	<b>Cash :</b> <input type="checkbox"/> \$ _____		<b>Credit Card:</b> <input type="checkbox"/> Master Card <input type="checkbox"/> Visa		<b>Check:</b> <input checked="" type="checkbox"/> Check # _____		
Application received by:		<i>Megan O'Hare</i>				Date: 4.29.2014	
Application completeness approved by:		<i>Megan O'Hare</i>				Date: 4.29.2014	
Date scheduled for public hearing:		<i>6.3.2014</i>					

### MASTER DEVELOPMENT PLAN CHECKLIST

<input checked="" type="checkbox"/>	Signed Application Form (Both Applicant and Owner)
<input checked="" type="checkbox"/>	Application fee - <b>PREVIOUSLY PAID</b>
<input checked="" type="checkbox"/>	Legible list of all property owners adjacent to the property upon which the use is to be located. The list shall include the mailing address & physical address of these property owners (The application will not be advertised for public hearing until the list is accurate & complete)
<input checked="" type="checkbox"/>	One business size envelope legibly addressed with first class postage for each of the adjacent property owners on the above list. - <b>PREVIOUSLY SUBMITTED</b>
<input checked="" type="checkbox"/>	<b>Project Narrative</b> --Written description of the project ( <u>max of 3 pages</u> ) including the following: <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Location of the project and type of access to project site</li> <li><input checked="" type="checkbox"/> Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc.</li> <li><input checked="" type="checkbox"/> Description of all construction activities to be undertaken on the site</li> <li><input checked="" type="checkbox"/> Describe type of utilities that will serve project and status of approval from applicable providers</li> <li><input checked="" type="checkbox"/> List of all state and federal permits that will be required for the project</li> <li><input checked="" type="checkbox"/> Describe any potential impacts the project will have on the community or adjacent properties such as traffic, noise, etc. and explain efforts to mitigate these impacts (<u>this item must be addressed by the applicant</u>). The applicant may also wish to describe any positive benefits the project will provide for the community &amp;/or neighbors of the project.</li> </ul>

<b>Master Development Plan Contents</b>	
<b>All MDP's shall be prepared in accordance with the following specifications:</b>	
<input checked="" type="checkbox"/>	The scale shall be one inch equals 100 feet or larger (the ratio of feet to inches shall be no more than one hundred feet to one inch) or at a scale acceptable to the Director. The scale shall be sufficient so that all features are discernible.
<input checked="" type="checkbox"/>	No sheet shall be smaller than 24"x36" in size unless approved by the Administrator. If the MDP is prepared on more than one sheet, match lines shall clearly indicate where the sheets join.
<input checked="" type="checkbox"/>	North arrow, a scale of 1:100 or larger and a legend describing all symbols.
<input checked="" type="checkbox"/>	A boundary survey of the entire property related to true meridian & certified by a registered surveyor with all dimensions in ft & decimals of ft. A vicinity map at a suitable scale shall be provided showing the location of the project along with the location of all existing or approved public roads, streets or rights-of-way within 2,000 ft of the boundaries of the project.
<input checked="" type="checkbox"/>	The total area of the property shall be specified.
<input checked="" type="checkbox"/>	The topography shall be shown at 2 foot contour intervals.
<input checked="" type="checkbox"/>	The title of the proposed project; the date, month, year the plan was prepared or revised; the name of the applicant(s), owner(s) and contract owner(s); and the names of the individuals or firms preparing the plan shall be clearly specified.
<input checked="" type="checkbox"/>	A schedule of phases, with the approximate location of phase boundaries & the order in which the phases are to be developed, shall be provided.
<input checked="" type="checkbox"/>	The use of all adjoining properties by zoning, parcel identification number (PIN) and current property owner(s).

## **The Reserve on Island Creek Project Narrative**

### Location and Access:

The proposed project is located on the North side of Island Creek Road (N.C.S.R. 1002) at the Pender County/New Hanover County line, approximately 2.5 miles South of the intersection with N.C. Hwy. 210.

The proposed project is bordered to the North and West by undeveloped property and Island Creek, zoned RA; on the East by Wood Cliff Estates, zoned RA; on the South by undeveloped property, zoned PD.

The proposed project has two street connections onto Island Creek Road as well as a connection to the adjoining Wood Cliff Estates subdivision.

All the streets in the proposed project will be public and designed to N.C.D.O.T. standards. The rights-of-way are 50' and the pavement widths are 20' strip pavement with roadside swales.

### Description of Activities on Site:

The proposed project consists of Seventy-three (73) Single Family Dwelling – Detached Conventional lots, with Three (3) Open Spaces on approximately Sixty-nine (69) acres.

One (1) open space is planned as an active amenity site with an open air pavilion with bathrooms, pool, kayak racks, and walking trails. Two (2) open spaces will be more passive and will consist of areas for off-site septic systems and/or repair areas to serve approximately Thirteen (13) lots. All open spaces will be conveyed to and maintained by the Homeowners Association.

### Description of Construction Activities:

The proposed project will be constructed with 20' wide paved streets and roadside swales, to meet N.C.D.O.T. minimum roadway and drainage requirements.

A public water main will be constructed to meet the Pender County utility requirements to serve all lots within this subdivision.

Individual septic systems will be provided for each lot as either on-site or off-site and as approved by the Pender County Health Department.

Stormwater management is proposed as low density with roadside swales and outlet swales.

### Type of Utilities to Serve Site:

The proposed water system will tie into an existing Pender County water main that runs along Island Creek Road. A minimum six inch (6") water main will be extended into the project for water and fire flow demands.

Power, telephone, and cable television will be underground and installed by the local providers.

Required State and Federal Permits:

NC Department of Transportation – driveway permit/roadway & drainage approval  
NCDENR – erosion and sedimentation control permit  
NCDENR – state stormwater permit  
ACOE – wetland impact permit  
NCDENR – public water system permit

Potential Impacts:

The estimated average daily trips for this project is 695, with am peak hour trips at 55 and pm peak hour trips at 73. The estimated average daily trips were calculated according to the Institute of Transportation Engineers Trip Generation Manual 9<sup>th</sup> Edition.

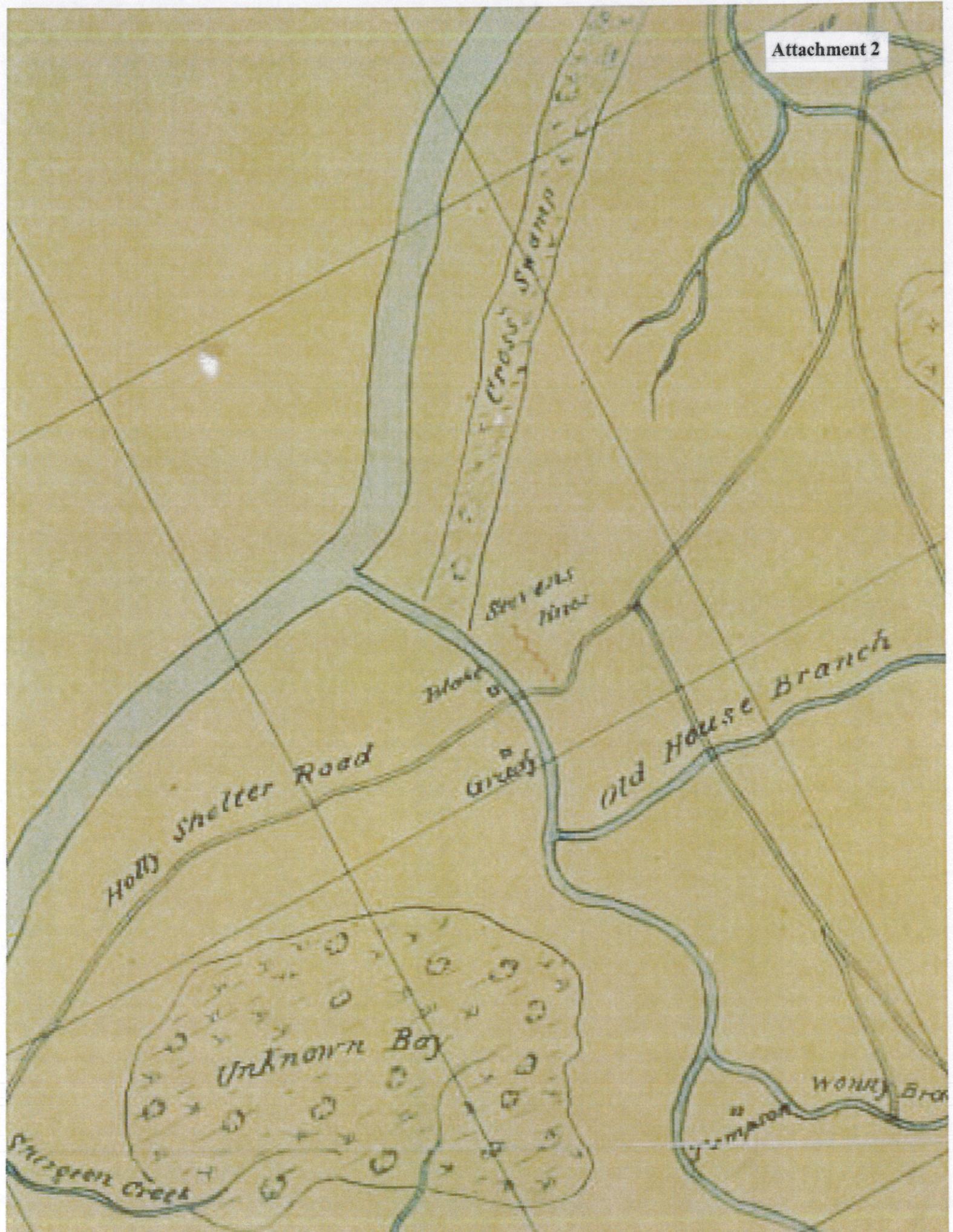
A fifteen foot (15') Buffer A is proposed along the rear of the lots backing up to Island Creek Road. This buffer will consist of three (3) canopy trees, two (2) understory trees, and a grass cover of at least 98% coverage (except within 4 feet of the base of any tree), per 100 linear feet.

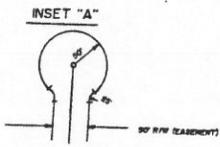
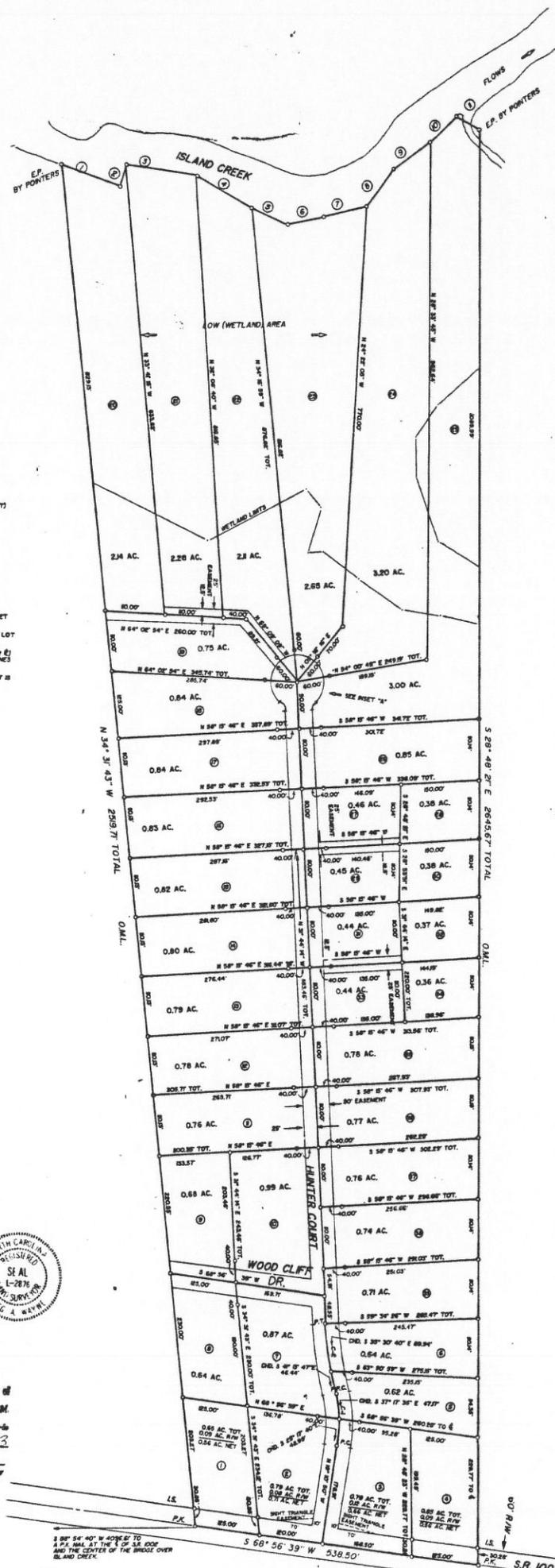
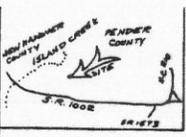


## The Reserve on Island Creek

## Lot square footage

1 = 30,548.4 sf	38 = 15,201.8 sf
2 = 20,013.6 sf	39 = 24,047.6 sf
3 = 18,742.8 sf	40 = 15,000 sf
4 = 28,262.6 sf	41 = 18,990.2 sf
5 = 29,447.5 sf	42 = 17,867.9 sf
6 = 39,214.6 sf	43 = 17,313.4 sf
7 = 131,811.3 sf	44 = 17,469 sf
8 = 26,369.2 sf	45 = 19,093 sf
9 = 24,674.9 sf	46 = 37,880.8 sf
10 = 49,810 sf	47 = 30,832.4 sf
11 = 49,132.7 sf	48 = 34,183.4 sf
12 = 17,646.7 sf	49 = 25,506.6 sf
13 = 15,810.2 sf	50 = 30,233.9 sf
14 = 15,090.5 sf	51 = 78,186.6 sf
15 = 15,003.7 sf	52 = 43,896.3 sf
16 = 17,289.4 sf	53 = 25,344.5 sf
17 = 18,309.7 sf	54 = 24,661 sf
18 = 16,275.7 sf	55 = 16,740.9 sf
19 = 23,345.7 sf	56 = 15,084 sf
20 = 30,985.6 sf	57 = 16,854.2 sf
21 = 94,424.7 sf	58 = 17,075.1 sf
22 = 52,180.6 sf	59 = 22,754.3 sf
23 = 57,747.5 sf	60 = 23,984.3 sf
24 = 44,826.1 sf	61 = 20,276.2 sf
25 = 28,486.6 sf	62 = 48,858.7 sf
26 = 54,682 sf	63 = 21,086.3 sf
27 = 44,369.6 sf	64 = 20,293.2 sf
28 = 15,000.7 sf	65 = 18,081.3 sf
29 = 19,919 sf	66 = 22,207.8 sf
30 = 15,000.3 sf	67 = 24,778.8 sf
31 = 26,102.3 sf	68 = 19,584.1 sf
32 = 96,013.9 sf	69 = 17,996.5 sf
33 = 31,284.9 sf	70 = 18,974.5 sf
34 = 24,164.9 sf	71 = 32,627.7 sf
35 = 43,575.1 sf	72 = 74,213.9 sf
36 = 36,811.6 sf	73 = 63,574.7 sf
37 = 24,472.4 sf	





NOTE: HIGH LINE MARKERS 40.00', 45.00', AND 60.00' AS SHOWN, ARE SET NEAR ACCESS EASEMENT.  
 A 10' DRAINAGE AND FOR UTILITY EASEMENT IS RESERVED ON ALL LOT LINES.  
 ALL ROADS ARE 30 FEET IN WIDTH (15 FEET EACH SIDE OF C OR E) ROADS ARE DEMONSTRATED AS ACCESS EASEMENTS. PROPERTY LINES ARE ALONG THE CENTER OF ROAD.  
 AN ADDITIONAL 10' IN WIDTH DRAINAGE AND FOR UTILITY EASEMENT IS RESERVED ALONG ROADWAY (50' ACCESS EASEMENT)

INTERNATIONAL PAPER CO.

INTERNATIONAL PAPER CO.

**CURVE DATA**

C-1  
 DELTA = 23° 28' 32"  
 RADIUS = 230.00'  
 TANGENT = 48.88'

C-2  
 DELTA = 17° 26' 28"  
 RADIUS = 683.33'  
 TANGENT = 62.45'

**BEARINGS AND DISTANCES ALONG ISLAND CREEK**

- 1 N 8° 32' 37" E 45.30'
- 2 N 10° 31' 29" W 42.43'
- 3 N 69° 59' 03" E 54.88'
- 4 S 88° 58' 58" E 116.25'
- 5 N 84° 41' 45" E 77.49'
- 6 N 49° 32' 41" E 65.96'
- 7 N 47° 06' 31" E 82.92'
- 8 N 06° 46' 07" E 85.87'
- 9 N 26° 01' 59" E 84.34'
- 10 N 17° 30' 11" E 63.96'
- 11 N 86° 05' 00" E 56.67'

**LEGEND**  
 O.M.L. = OLD MARKED LINE  
 E.P. = EXISTING PIPE  
 L.S. = ROW SET  
 P.K. = P.K. MARK SET



LEWIS A. BROWN, SURVEYOR  
 I, LEWIS A. BROWN, SURVEYOR, DO HEREBY CERTIFY THAT THE FOREGOING SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND IN ACCORDANCE WITH THE PROVISIONS OF THE STATUTES OF THE STATE OF NORTH CAROLINA, AND THAT THE SAID SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE STATUTES OF THE STATE OF NORTH CAROLINA, AND THAT THE SAID SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE STATUTES OF THE STATE OF NORTH CAROLINA.

NOTICE TO THE PUBLIC: THIS SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE STATUTES OF THE STATE OF NORTH CAROLINA, AND THAT THE SAID SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE STATUTES OF THE STATE OF NORTH CAROLINA, AND THAT THE SAID SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE STATUTES OF THE STATE OF NORTH CAROLINA.



For registration on the 6th Day of  
 January 10 2012  
 and registered in the office of the Register of Deeds  
 for Pender County in Book No. 23 Page 113  
 Hugh A. Brown, Jr.  
 Register of Deeds for  
 PENDER COUNTY

NOTE: FOR REFERENCE SEE D.B. 272 PG. 213.

PROPERTY SURVEYED IN OCTOBER, 1987.

BOUNDARY LINES WERE ESTABLISHED BY EXISTING EVIDENCE, ADJOINING LAND OWNERS MAPS, AND NATHAN COLE DEED AS NOTED.



S 89° 54' 40" W 409.81' TO  
 A P.K. MARK AT THE E. OF S.R. 1002  
 AND THE CENTER OF THE BRIDGE OVER  
 ISLAND CREEK.  
 S 66° 56' 39" W 538.50'



**Applicant:**  
Parker & Associates Inc.

**Owner:**  
Parks Family Forestry LLC

**Master Development Plan**  
#11150

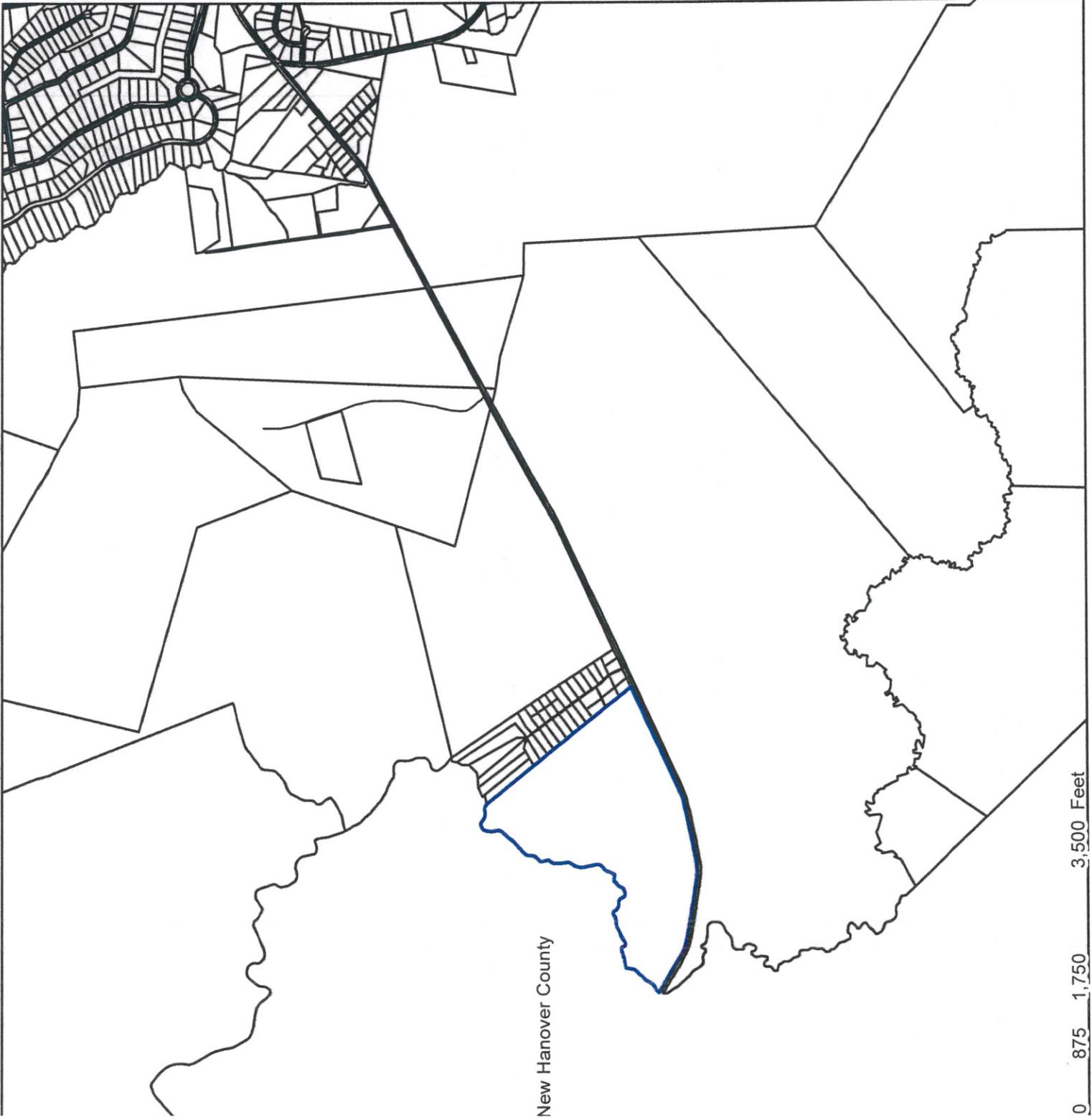
**The Reserve on Island Creek**

**Legend**

 Subject Property



**VICINITY**





**Applicant:**  
Parker & Associates Inc.

**Owner:**  
Parks Family Forestry LLC

**Master Development Plan**  
#11150

**The Reserve on Island Creek**

### Legend

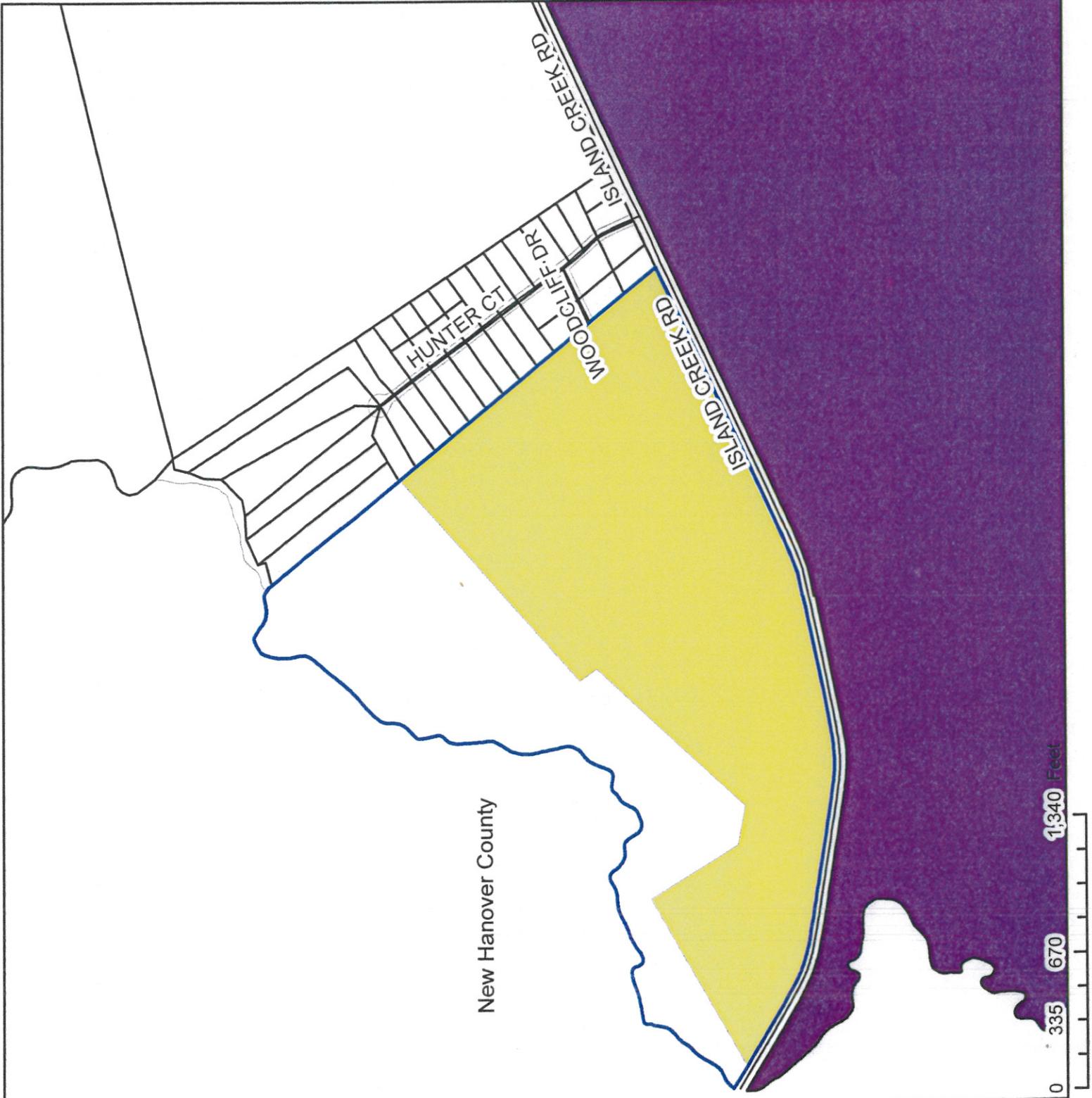
 Subject Property

### UDO Zoning

-  GB, General Business
-  O&I, Office & Institutional
-  PD, Planned Development
-  RA, Rural Agricultural
-  RP, Residential Performance



## CURRENT ZONING





**Applicant:**  
Parker & Associates Inc.

**Owner:**  
Parks Family Forestry LLC

**Master Development Plan**  
#11150

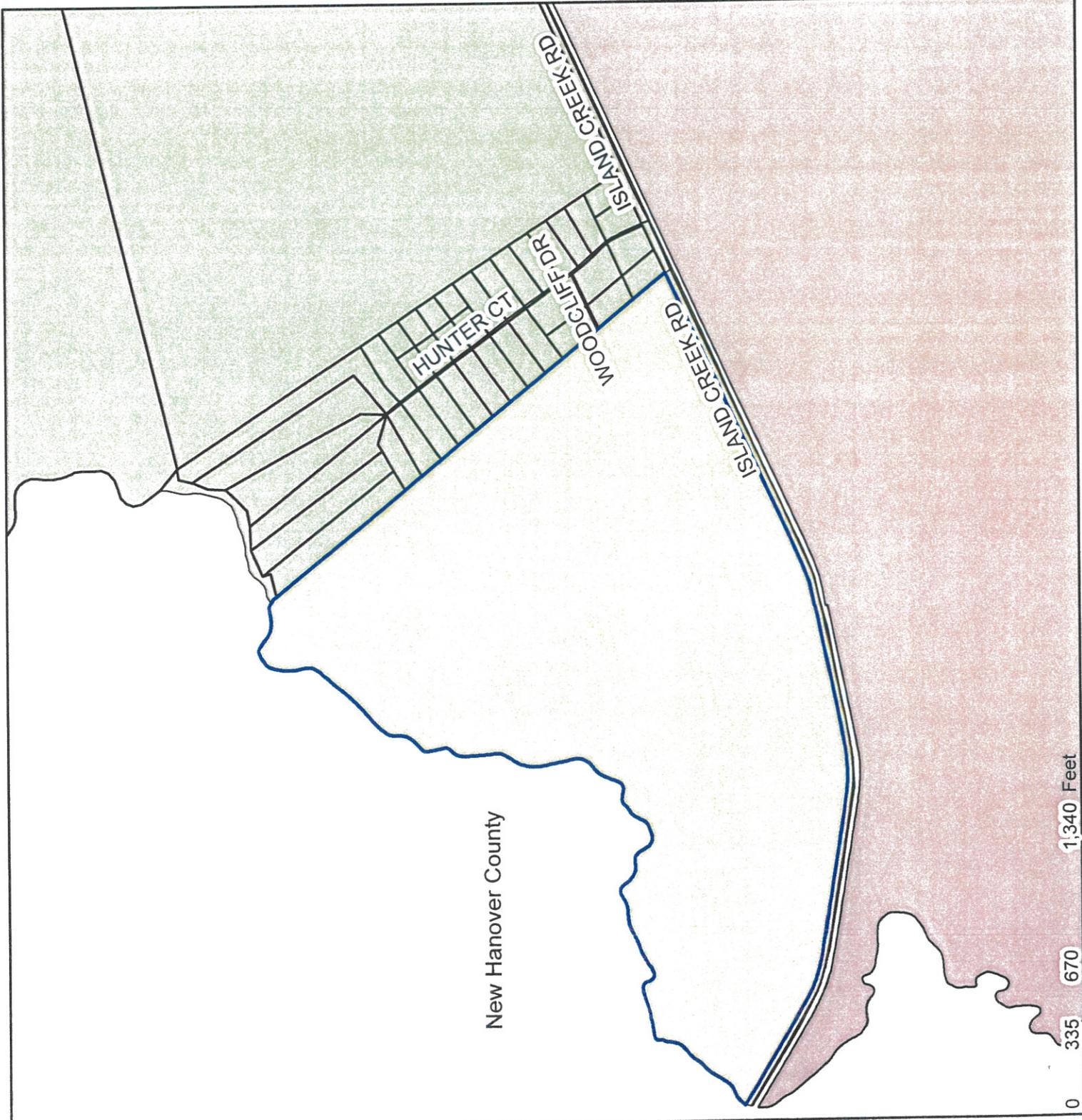
The Reserve on Island Creek

**Legend**

 Subject Property

**Future Land Use**

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



FUTURE LAND USE



**Applicant:**  
Parker & Associates Inc.

**Owner:**  
Parks Family Forestry LLC

**Master Development Plan**  
#11150  
The Reserve on Island Creek

**Legend**

 Subject Property



2012 AERIAL





**Applicant:**  
Parker & Associates Inc.

**Owner:**  
Parks Family Forestry LLC

**Master Development Plan**  
#11150

**The Reserve on Island Creek**

**Legend**

 Subject Property

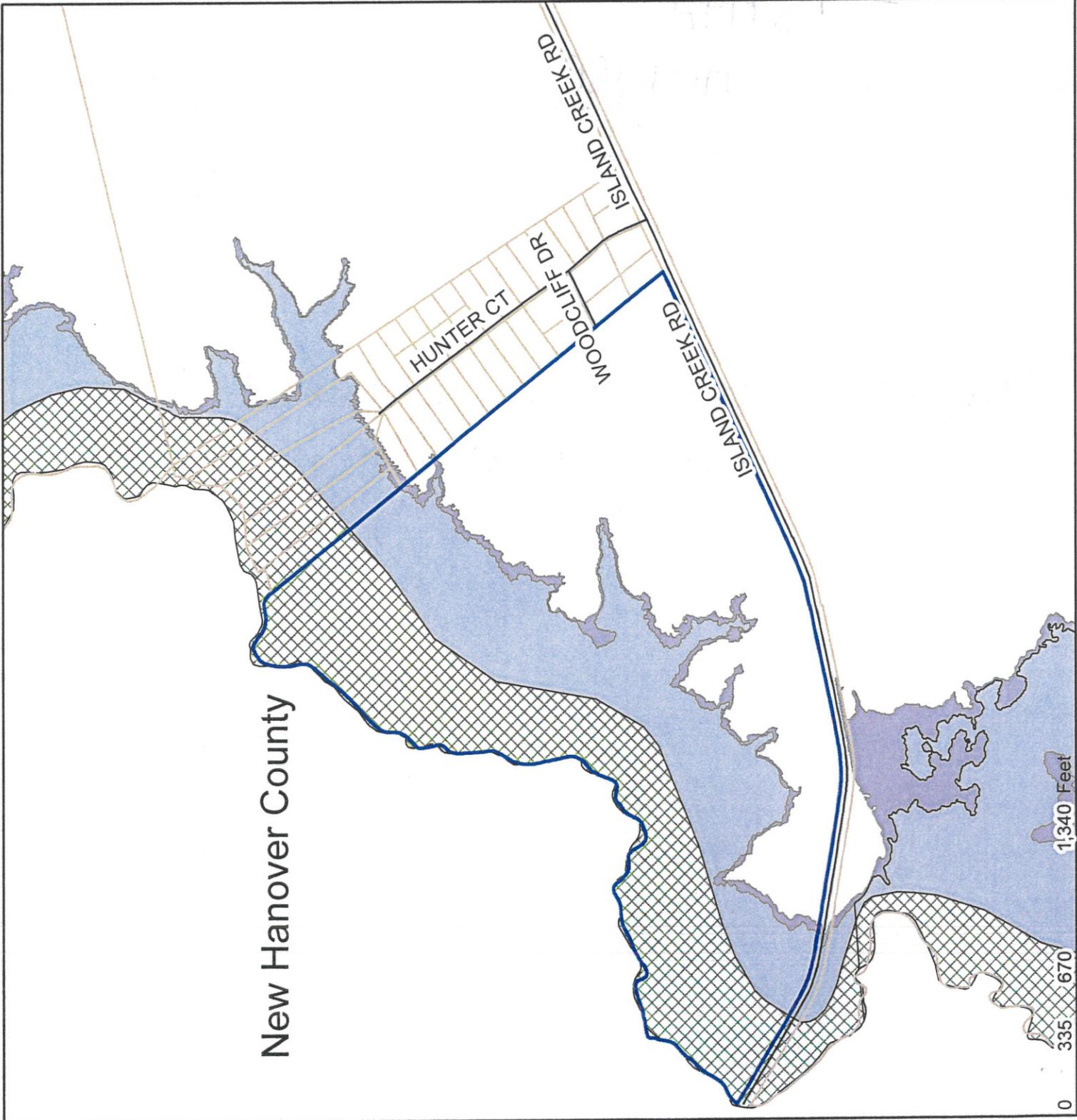
**Floodzones**

-  A
-  AE
-  AEFW
-  SHADED X
-  VE



**FLOODZONES**

**New Hanover County**



**PLANNING STAFF REPORT**  
**Zoning Map Amendment**

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**SUMMARY:**

**Hearing Date:** June 3, 2014 – Planning Board  
July 7, 2014 – Board of Commissioners  
**Application Number:** 11176 – Zoning Map Amendment  
**Applicant:** The Way of Truth Free Gospel Church  
**Property Owner:** Same

**Rezoning Proposal:** The Way of Truth Free Gospel Church, applicant and owner, is requesting approval of a Zoning Map Amendment for a general use rezoning of 7.42 acres from the OI, Office & Institutional to the RA, Rural Agricultural zoning district.

**Property Record Number, Acreage, and Location:** The subject property is located along the east side of US Hwy 117 between River Road and Church Street, just south of the Duplin/Pender County line and may be identified by Pender County PIN(s) 3314-28-1506-0000; 3314-18-8863-0000.

**Staff Recommendation:** The request complies with all criteria set forth in Article §3.3.8 of the *Pender County Unified Development Ordinance*. The proposed rezoning is consistent with the *2010 Comprehensive Land Use Plan* and does not conflict with any goals or policies in this document. Staff respectfully recommends approval for the general use rezoning of the 7.42 acres, OI, Office & Institutional, to RA, Rural Agricultural District. As submitted, the application is in compliance with the standards of the Pender County Unified Developed Ordinance and not in direct conflict of the Comprehensive Land Use Plan. Staff respectfully recommends approval for this general use rezoning.

**Planning Board Recommendation:**

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**HISTORY:**

According to the Pender County GIS, the subject property was rezoned to OI, Office & Institutional from the RA, Rural Agricultural zoning district with the adoption of the Pender County Unified Development Ordinance and official zoning map in June, 2010.

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**DESCRIPTION:**

The subject property totals 7.42 acres and has direct access to US Hwy 117. The overall tract is divided by a 60' wide private roadway easement as recorded in Map Book 35, Page 29, which provides access to the property located east of the subject tract (Exhibit 2).

According to the submitted narrative (Exhibit 1), the applicant would like to develop the site to accommodate a religious use. Also, as stated within the narrative, the applicant would like to

utilize the RA zoning district to exercise flexibility within the parking standards, specifically in regards to acceptable materials allowable within the two separate districts.

According to the FEMA Flood Insurance Rate Maps (adopted February 16, 2007); the tract is not located within any Special Flood Hazard Areas (SFHA). The site does contain a portion of regulated wetland area containing approximately 0.665 acres which is located on the northern boundary of the tract. Any potential development of this area will require further evaluation and approval from the appropriate State and/or Federal agencies.

As defined, the OI, Office & Institutional 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 multifamily residential uses above non-residential uses. The Rural Agricultural District is intended to accommodate non-residential agricultural uses and very low density residential development (minimum of 1 du/ac), as well as limited non-residential uses, in rural areas adjacent to agricultural operations. Development in this District should rely predominantly on individual wells and septic tank systems for domestic water supply and sewage disposal.

Currently, there is public water available to this site and any future development would be required to connect to this utility. There is public sewer running parallel to the site along US 117 but has been determined by Pender County Utilities that access to this service would not be supported due to the high volume flow and the necessity to install additional infrastructure. Any future development on this site will be further evaluated but at this time, on-site septic would be utilized.

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#### **PROJECT EVALUATION:**

This zoning map amendment request has been evaluated for compliance with the Pender County Unified Development Ordinance and the Pender County Comprehensive Land Use Plan, as well as the existing land uses and zoning classifications in the surrounding area. The relevant sections of the UDO are included in Attachment A.

- 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, as well as a sign placed on the subject property.
- B. *Existing Zoning:*** The surrounding zoning classification is RA, Rural Agricultural District. Approximately ¼ mile south is a single tract zoned GB, General Business District and contains a 1,000 sq. ft. masonry structure built in 1920.
- C. *Existing Land Use:*** The property is bordered by forested and agricultural tracts to the north and east. To the south, and west, contains very low density residential development along US Hwy 117.
- D. *2010 Comprehensive Land Use Compliance:*** The 2010 Comprehensive Land Use Plan designates the subject property “Suburban Growth.” The Suburban Growth land use classification identifies those areas of Pender County where significant residential growth is expected to occur within the planning horizon. Areas designated as Suburban Growth are located primarily adjacent to municipal planning jurisdictions and within or near high growth, unincorporated areas of the County, i.e., Hampstead/Scotts Hill, Rocky Point, and portions of US 421 South. Suburban Growth designates areas where public water and public sewer are available or are planned in the near future.” “Uses that would typically be allowed

in Suburban Growth areas include medium-high density residential (single-family site-built and modular homes); limited non-residential uses - commercial, office, or public/institutional meeting locational criteria. Locational criteria for non-residential uses include frontage and access to a major State highway or secondary road, location at a major intersection, proximity to similar uses, and spatial separation from non-compatible uses such as existing residential development.” (Sec. III 3.) The following policy from the 2010 Land Use Plan is relevant to this case:

*a. Preferred Development Patterns Policy 3A.1.4: Consistently use the Comprehensive Land Use Plan, as well as other plans and studies, to determine if a rezoning request is appropriate and consistent with local policies.*

**E. Unified Development Ordinance Compliance:** This is a general use rezoning which will allow all uses permitted-by-right in the RA, Rural Agricultural zoning district. The RA zoning district “is intended to accommodate non-residential agricultural uses and very low density residential development (minimum of 1 du/ac), as well as limited non-residential uses, in rural areas adjacent to agricultural operations.” (§ 4.7.1)

**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.*

**F. Summary and Administrator Recommendation:** The application consists of rezoning 7.42 acres OI, Office & Institutional, to RA, Rural Agricultural District. As submitted, the application is in compliance with the standards of the Pender County Unified Developed Ordinance and not in direct conflict of the Comprehensive Land Use Plan. Staff respectfully recommends approval for this general use rezoning.

**Planning Board Action for Zoning Map Amendment:**

Motion: \_\_\_\_\_ Seconded \_\_\_\_\_

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Unanimous \_\_\_\_\_

Williams: \_\_\_ McClammy: \_\_\_ Baker: \_\_\_ Boney: \_\_\_ Edens: \_\_\_ Marshburn: \_\_\_ Nalee: \_\_\_

## ATTACHMENT A

### UDO §3.3.1 General Use Rezoning

- A. Amendments to the Zoning Map, also called a Rezoning, shall be made in accordance with the provisions of this Section and shall follow the review process as shown in Figure 1 at the end of Section 3.4.
- B. The County Commissioners shall approve or deny amendments to the Zoning Map of Pender County, as may be required from time to time.
- C. Rezoning must correspond with the boundary lines of existing platted lots or tracts. Where the boundaries of a rezoning request do not follow a boundary line or a split zoned property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this Ordinance. An illustration containing a metes and bounds description is required.
- D. All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, the rezoning shall be expanded to include all property necessary to meet zoning requirements.
- E. Must show substantial compliance with the goals and policies of the Comprehensive Land Use Plan.

### UDO §3.3.6 Action by Planning Board

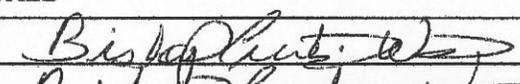
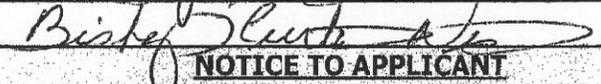
- A. Before making any recommendation on a rezoning request, the Planning Board shall consider any recommendations from the Administrator and shall conduct a public hearing where interested parties may be heard.
- B. The Planning Board shall make a recommendation based on the Approval Criteria listed in 3.3.8.
- C. Following Planning Board review and recommendation, the completed request, Planning Board recommendation, staff recommendation and any related materials shall be forwarded to the County Commissioners.
- D. If the Planning Board fails to make a recommendation within 75 days following the date of the first hearing on the request, the County Commissioners may process the request without a recommendation.

### UDO §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.

## APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 11176	Date	4/15/2014
Application Fee	\$ 530.00	Receipt No.	141090
Pre-Application Conference	4/15/2014	Hearing Date	6/3/14 - 7/7/14
<b>SECTION 1: APPLICANT INFORMATION</b>			
Applicant's Name:	The Way of Truth Free Gospel Church	Owner's Name:	The Way of Truth Free Gospel Church
Applicant's Address:	P.O. Box 185	Owner's Address:	P.O. Box 185
City, State, & Zip	Wallace, NC 28466	City, State, & Zip	Wallace, NC 28466
Phone Number:	910-285-3277	Phone Number:	910-285-3277
Legal relationship of applicant to land owner:			
<b>SECTION 2: PROJECT INFORMATION</b>			
Property Identification Number (PIN):	3314-28-1506/3314-18-8863	Total property acreage:	7.42
Current Zoning District:	OI	Proposed Zoning District:	RA
Project Address :	Hwy 117		
Description of Project Location:	Located on East Side of Hwy 117 between River Rd and Church Street just south of Wallace, NC		
<b>SECTION 3: SIGNATURES</b>			
Applicant's Signature		Date:	5-4-14
Owner's Signature		Date:	5-4-14
<b>NOTICE TO APPLICANT</b>			
<ol style="list-style-type: none"> <li>1. Applicant must also submit the information described on the Rezoning Checklist.</li> <li>2. Applicant or agent authorized in writing must attend the public hearing.</li> <li>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.</li> <li>4. All fees are non-refundable</li> <li>5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda</li> </ol>			

## Rezoning/Zoning Map Amendment Checklist

<input type="checkbox"/>	Signed application form					
<input type="checkbox"/>	Application fee					
<input type="checkbox"/>	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.					
<input type="checkbox"/>	Two (2) business size envelopes legibly addressed with <b>first class</b> postage for each of the adjacent and abutting property owners on the above list.					
<input type="checkbox"/>	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.					
<input type="checkbox"/>	18 (11"x17") map copies to be distributed to the Planning Board					
<input type="checkbox"/>	20 (11"x17") map copies to be distributed to the Board of Commissioners					
<input type="checkbox"/>	Digital (.pdf) submission of all application materials					
<input type="checkbox"/>	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.					
<b>Office Use Only</b>						
<input checked="" type="checkbox"/>	<b>ZMA Fees:</b> (\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter) <b>Total Fee Calculation:</b> \$ <u>530.00</u>					
<b>Attachments Included with Application: (Please include # of copies)</b>						
CD /other digital version	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Plan Sets	# of large	# of 11X17	Other documents/Reports	<input type="checkbox"/> Y <input type="checkbox"/> N
<b>Payment Method:</b>	<b>Cash:</b> <u>\$ 530.00</u>	<b>Credit Card:</b> <input type="checkbox"/> Master Card <input type="checkbox"/> Visa		<b>Check:</b> <input checked="" type="checkbox"/> Check # <u>5008</u>		
<b>Application received by:</b>					<b>Date:</b> <u>4/15/14</u>	
<b>Application completeness approved by:</b>					<b>Date:</b> <u>4/15/14</u>	
Dates scheduled for public hearing:						
<input type="checkbox"/> <b>Planning Board:</b> <u>6/3/14</u>						
<input type="checkbox"/> <b>Board of Commissioners:</b> <u>7/9/14</u>						

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

***Rezoning Narrative***  
Free Gospel Church of Christ  
Pender County, NC

We are requesting that the Free Gospel Church of Christ properties (PIN's 3314-28-1506 & 3314-18-8863) be rezoned from the current OI: Office & Institutional District to RA: Rural Agricultural District. The Free Gospel Church is a proposed Religious use allowed by right in the RA zoning. The O&I Zoning does also allow the Religious use, but is required to be reviewed under the Master Development Plan process each time. The Free Gospel Church project consists of two existing vacant tracts totaling 7.42ac. The site is located at Hwy 117 between River Road and Church Street, just to the south of Wallace NC. The site can currently be accessed via a dirt driveway off of Hwy 117. We propose a new NCDOT driveway to access this project.

It is our opinion that this proposed development will not adversely affect adjacent properties. Allowing the site to revert back to RA district will give the Church an option to pave or gravel their parking areas. With the interest on environmental impacts of runoff, the Church had worked with their engineer to use a grassed parking technique in the design. During the review process it was found that this was not allowed within the O&I district. Although the grassed parking will still not be allowed in the RA, gravel parking is allowed and will be closer to the original design than a required paved area that is only parked on once or twice a week. The site will be designed using the Pender County ordinance requirements and will provide landscaping to meet or exceed these requirements. Stormwater design will be used to meet or exceed NCDENR's current standards for treatment of runoff. It is our opinion that the rezoning and development of this vacant lot along with the proposed improvements will be a benefit to the community.

**SURVEY REFERENCE:**  
 MAP BOOK 43 AT PAGE 142  
 DEED BOOK 2661 AT PAGE 124  
 FENDER COUNTY REGISTRY

**NOTES:**  
 1. ALL DISTANCES ARE AS SHOWN ON MAP.  
 2. ALL DISTANCES ARE MEASURED TO THE CENTER OF THE LINE.  
 3. AREA COMPUTED BY THE COORDINATE METHOD.  
 4. THIS PROPERTY DOES NOT LIE WITHIN A 100 YR. FLOOD HAZARD AREA.

**F. M. JONES**  
 Surveying Company  
 N.C. P.O. Box 1471  
 1111 East Franklin Street  
 Charlotte, NC 28202  
 Ph: (910) 259-2954  
 Fax: (910) 259-3040  
 E-mail: f.m.jones@fmsurvey.com  
 Web: www.fmsurvey.com



**BARBORN FAMILY**  
 2007 DEED  
 LIB 28435, PG 287

**GLOBAL HOUSE, INC.**  
 2007 DEED  
 LIB 28435, PG 29

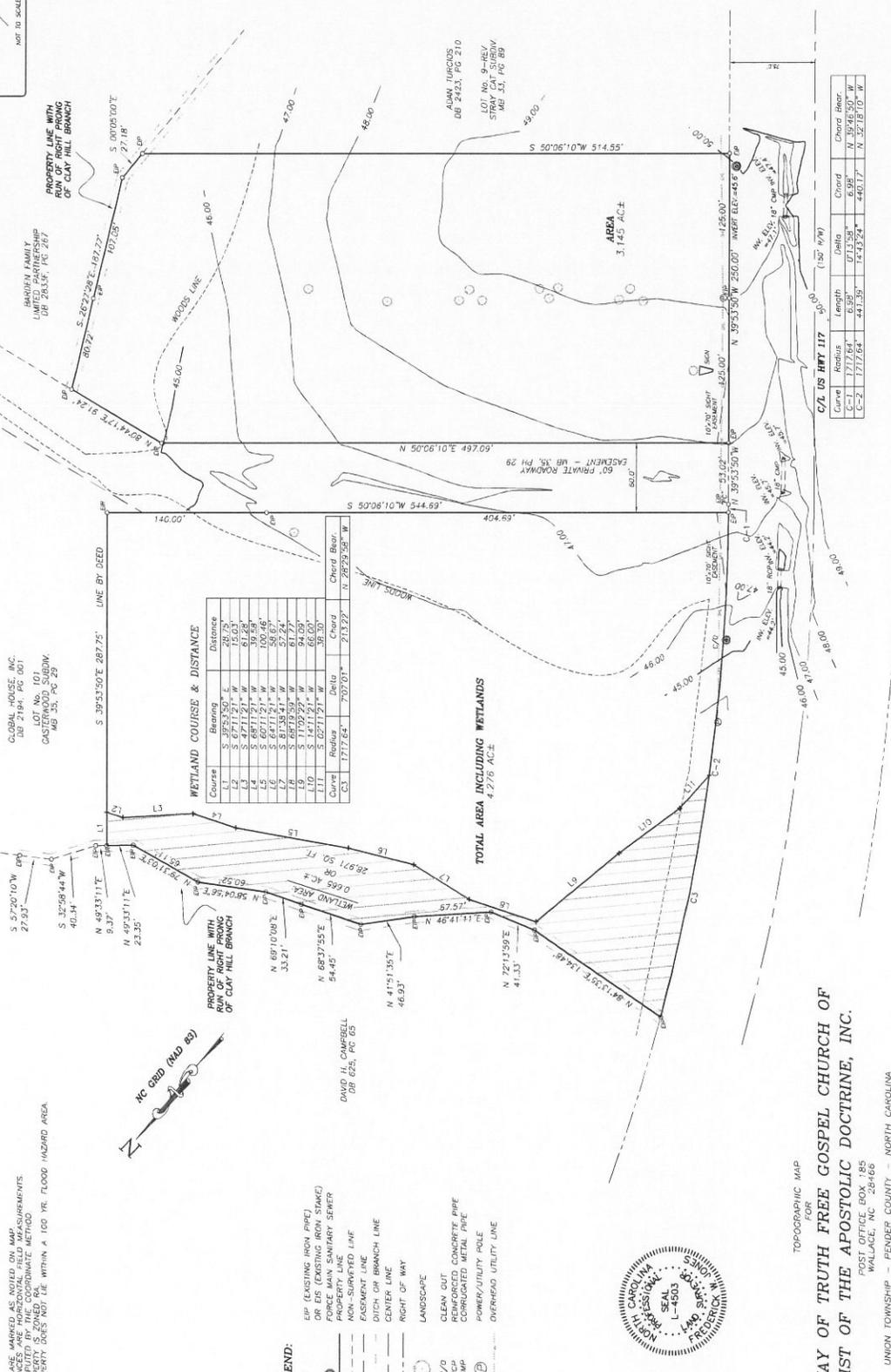
**COLEMAN SUBDIV.**  
 LIB 35, PG 29

**DAVIS II, CAMPBELL**  
 2007 DEED, PG 163

**ALAN THARCOOS**  
 DEED 2423, PG 210

**LOT No. 9-REV/**  
**SHR 35, PG 89**

**C/L US HWY 117**  
 150' W/W



**THE WAY OF TRUTH FREE GOSPEL CHURCH OF CHRIST OF THE APOSTOLIC DOCTRINE, INC.**  
 TOPOGRAPHIC MAP FOR  
 POST OFFICE BOX 185  
 WALACE, NC 28466  
 UNION TOWNSHIP - FENDER COUNTY - NORTH CAROLINA  
 SURVEYED DECEMBER 2006  
 SURVEYED JUNE 2010  
 TOPOGRAPHIC SURVEY JUNE 2013  
 SCALE: 1" = 60'  
 GRAPHIC SCALE: - FEET



UNION TOWNSHIP - FENDER COUNTY - NORTH CAROLINA  
 SURVEYED DECEMBER 2006  
 SURVEYED JUNE 2010  
 TOPOGRAPHIC SURVEY JUNE 2013  
 SCALE: 1" = 60'  
 GRAPHIC SCALE: - FEET

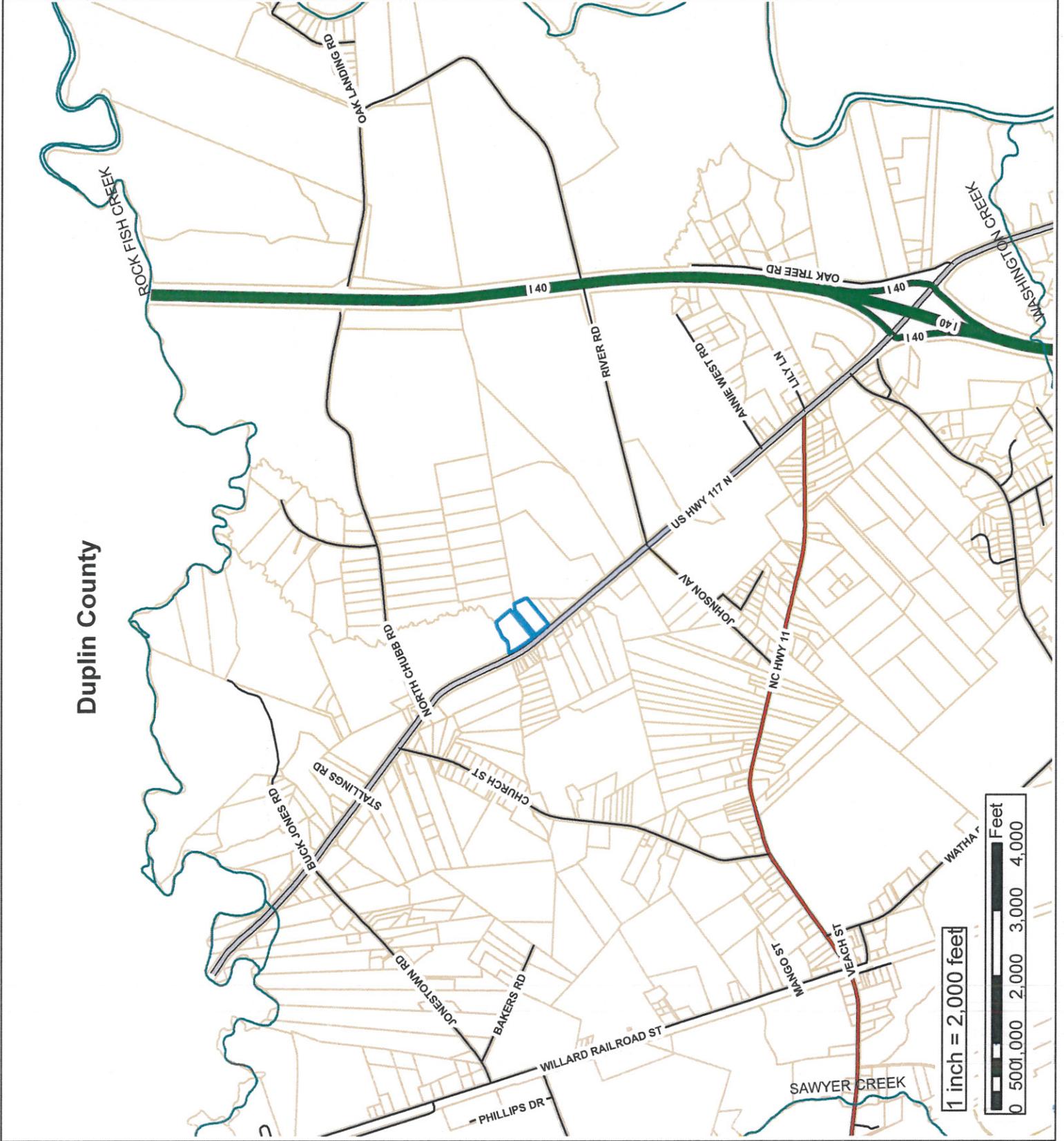


**Applicant and Owner:**  
The Way of Truth Free  
Gospel Church of Christ

**Zoning Map Amendment:**  
11176



**Vicinity**





**Applicant and Owner:**  
**The Way of Truth Free**  
**Gospel Church of Christ**

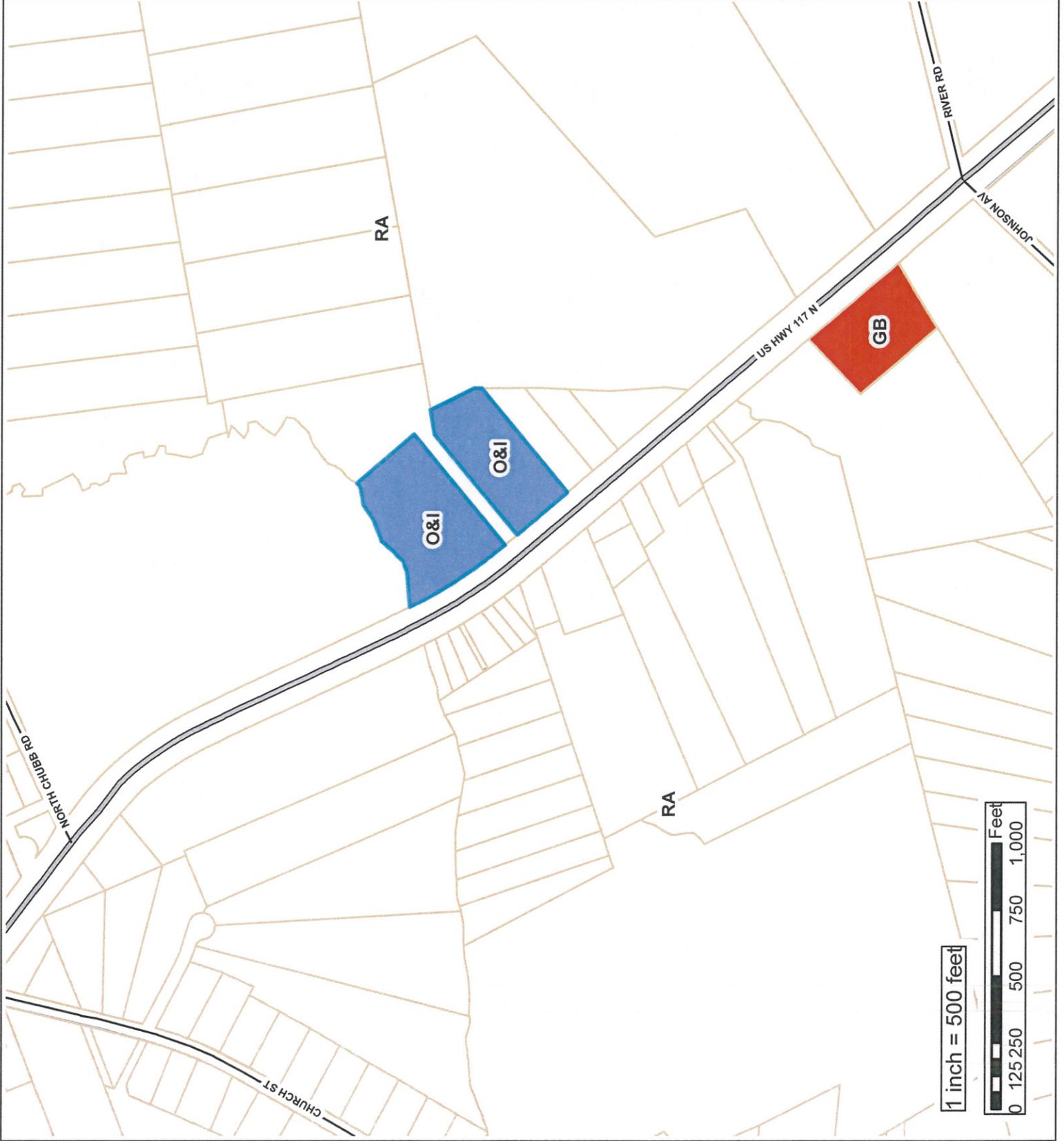
**Zoning Map Amendment:**  
**11176**

**Legend**

Zoning Classification	Color/Pattern
General Business (GB)	Red
General Industrial (GI)	Dark Blue
Industrial Transition (IT)	Light Blue
Office & Institutional (OI)	White
Rural Agricultural (RA)	Light Green
Planned Development (PD)	Light Purple
Residential Performance (RP)	Light Green
Environmental Conservation (EC)	Dark Green
Incorporated Areas (INCCORP)	Black with diagonal lines
Manufactured Home Park (MH)	Yellow
Residential Mixed (MF)	Orange



**Current Zoning**





**Applicant and Owner:**  
The Way of Truth Free  
Gospel Church of Christ

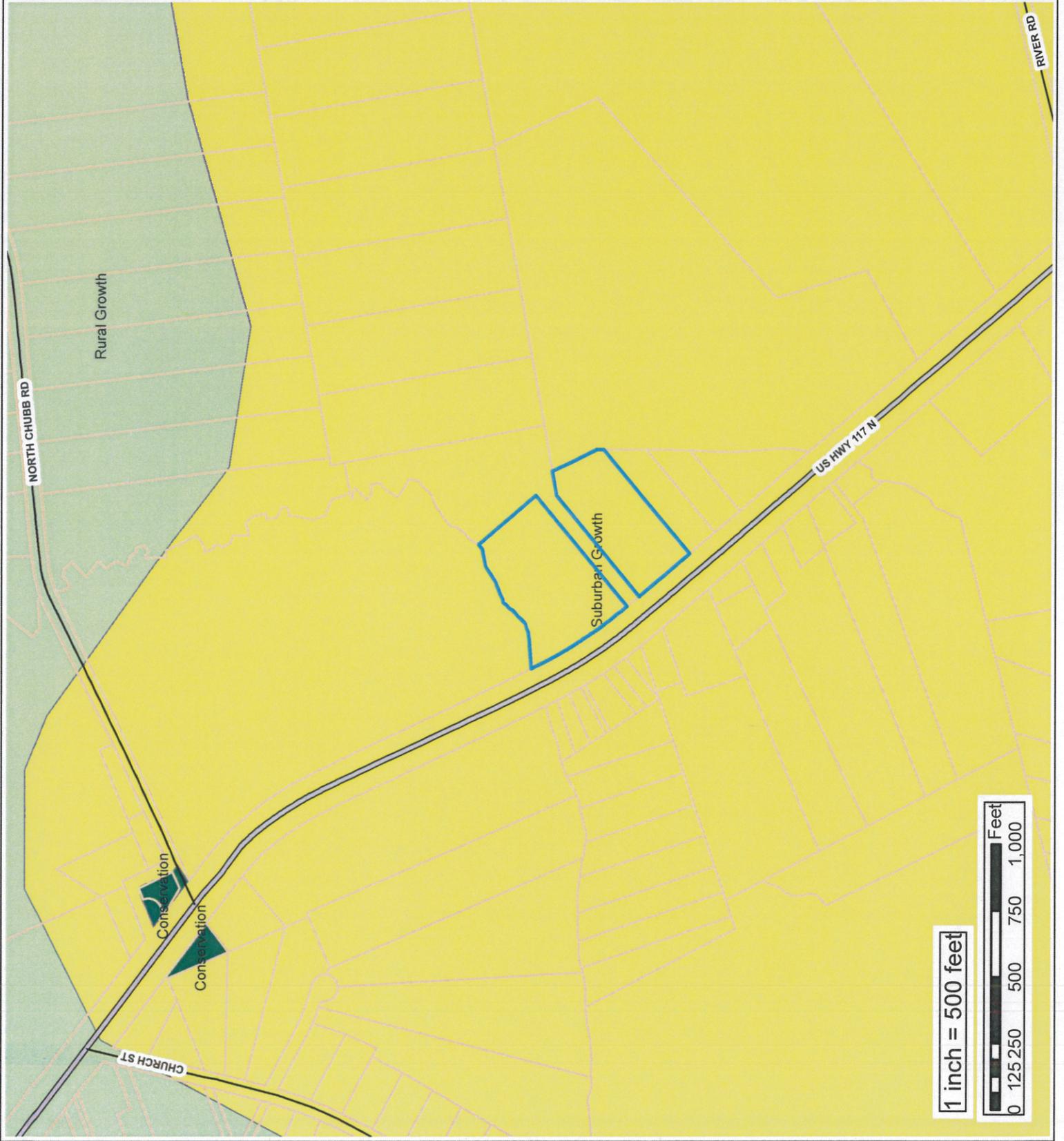
**Zoning Map Amendment:**  
11176

**Legend**  
**Future Land Use**

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



**Future Land Use**





Applicant and Owner:  
The Way of Truth Free  
Gospel Church of Christ

Zoning Map Amendment:  
11176



Aerial - 2012

