

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 Work Session Tuesday, September 9, 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. **FOCUS – Catalyst Site Report Review:**
2. **Parking Standards:**
3. **Portable Storage Containers:**
4. **Planned Development Zoning District Standards:**
5. **Limited Subdivisions:**
6. **Adjournment:**

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

7.10 Off-Street Parking and Loading/Parking Requirements

7.10.1 Minimum

- A. Off-street parking spaces shall be provided for all uses listed below in the amounts specified below. Uses not listed shall be reviewed by the Administrator for a determination of the required spaces. Buildings with multiple uses shall calculate parking based on the square footage of each use in the building.
- B. Parking lots consisting of five (5) spaces or fewer *shall* utilize the following requirements:
- 1) Such parking lots *may* comply with 7.10.5 Surfacing D.
 - 2) In the event that an alternative surface is utilized, the parking lots *shall* comply with 7.10.4 Parking Space Design Standards E, as applicable.

Community Services	Museums	1 per 300 SF floor area, minimum 10 spaces
Day Care	All day care	2 spaces for each employee on maximum shift or 1 space for each employee on maximum shift plus an area designated for children dropoff and pick-up that must be approved by the agency responsible for the approval of off-street parking facilities
Educational Facilities	all education facilities except as list below	6 per classroom + 1 per 300 SF floor area of administrative office space

C. Shared Parking

- 1) **Requirements for sharing spaces.** For any site(s) where the hours of operation allow the shared use of parking spaces to occur without conflict or in circumstances when a particular use has excess facility capacity, the number of parking spaces required may be shared in compliance with this Section and as determined by the Administrator.
 - a. A shared parking permit, in compliance with the UDO and Table 1, as applicable, shall be required for the sharing of parking spaces. The permit shall apply to each and every property subject to the shared parking arrangement.
 - b. A Pender County Planning and Community Development shared parking application shall be submitted by the facilities' proposed user(s) and signed by all parties to

include each applicant and applicable owners shall be submitted along with a site plan.

2) Shared Parking Options

- a. The applicant may utilize Table 1, below or provide an alternative generation schedule per the most recent edition of Institute for Transportation Engineers' (ITE) Parking Generation or Urban Land Institute publication. The steps for calculating the requirements are as follows:
 - i. Determine the minimum parking requirements in accordance with the Pender County UDO and Table 1 below for each land use as if it were a separate use;
 - ii. Multiply each amount by the corresponding percentages for each of the five time periods set forth in Columns (B) through (F);
 - iii. Calculate the total for each time period; and
 - iv. Select the total with the highest value as the required minimum number of parking spaces.
- b. The applicant may simply aggregate the minimum total parking supply for all uses and dedicate any residual supply as a shared parking facility.

Table 1

(A) Land Use	Weekday		Weekend		(F) Nighttime (Midnight–6 AM)
(B) Daytime (9 AM–4 PM)	(C) Evening (6 PM–midnight)		(D) Daytime (9 AM–4 PM)		(E) Evenings 6 PM–midnight)
Office/Industrial	100%	10%	19%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/Commercial	40%	100%	80%	100%	10%

3) Contract

- a. A written agreement between the owners and lessees shall be executed for a minimum term of 5 years.
- b. The contract shall be subject to the approval of the Zoning Administrator.
- c. The contract shall also be subject to review by the County Attorney, as to form and content.
- d. The contract shall ensure that the facilities being shared by a particular use shall remain binding until a new contract is designated. In the event that one parking user

vacates the facility, the contract shall default to enable the remaining user to continue utilizing said spaces and customers therein utilize all necessary pathways and drives.

- e. Any modification beyond the scope of d., above, shall be referred to the Zoning Administrator for review and approval with compliance as it pertains to the spirit, intent and letter of the UDO.
- f. In the event that a particular use is no longer able, willing or enabled to utilize shared facilities, said use's remaining facilities, or lack thereof, shall become an illegal nonconformity and will be subject to all applicable regulations. The user shall then secure a facility meeting the standards of the UDO in order to rectify said nonconformity.
- g. Urban Land Institute methodology. The Zoning Administrator may utilize the Urban Land Institute's (ULI) Shared Parking methodology as a guide in reviewing the shared parking proposal submitted by the applicant, and in approving the required Shared Parking Permit.
- h. The contract shall designate the effective contract start date, end date, affected parties, times of sharing, the amount of spaces shared and a description of the shared parking location(s) and be accompanied by a site plan delineating said agreement.
- i. The Zoning Administrator shall ensure that the shared parking arrangement provides that all of the required number of parking spaces are within the maximum walking distance of .25 miles (1,320') of the use served, measured from the nearest corner of the parking facility to the nearest corner of the structure for the use served via the shortest pedestrian route. The sharing of facilities shall not be permitted if a safe pedestrian route cannot be established between the parking facility and use served, as determined by the Administrator.
- j. Should the Administrator determine that a pathway is required, the path shall be no narrower than 5' in width, cleared of all debris to a clearance height of at least 8' and covered with an all-weather surface, not to include dirt or grass.
- k. It shall not be permissible to share ADA spaces.
- l. Said shared spaces shall be designated via signage, striping or other method approved by the Administrator deemed sufficient to clarify that said spaces are to be shared/restricted.

- m. Said shared parking spaces shall be provided in a contiguous and adjacent manner, where possible, on the same parcel or an adjacent parcel, to include parcels divided by ROWs. All shared spaces shall be within the walking distance requirement of .25 miles (1,320') of the use served.
- n. Said contract shall be approved by the Administrator and filed as an addendum to the recorded deeds of all affected properties and said contract shall run with the land.

4) **Findings** The following findings shall be made:

- a. The spaces to be provided would be available as long as the uses requiring the spaces lawfully exist (5 year minimum); and
- b. The quality and efficiency of the parking utilization would equal or exceed the level that is otherwise required.
- c. The parking demands of the individual uses, as determined by the Administrator based upon minimum off-street parking requirements, are such that the total parking demand of all the uses at any one time is less than the total parking stalls required;
- d. Sufficiency of the parking contract

7.10.2 Parking Study Option

- C. Parking spaces provided in excess of the minimum required shall be constructed to use low impact design of excess parking facilities. Additional low impact design may be provided, if not otherwise prohibited by other provisions of the UDO, in the following areas:
 - 1) Adjacent to parking lot landscape islands to allow for the percolation of water and the exchange of oxygen for the tree roots.
 - 2) Grass paving or turf block areas may be utilized in low impact areas or infrequent use areas such as churches or the outlying parking areas of malls or other shopping areas.
- D. In parking lots with five (5) or fewer parking spaces, in which the applicant does not wish to pave their parking with asphalt or concrete, said development shall utilize one of the following materials:

- 1) Permeable pavement including but not limited to porous pavers, grid pavers, porous asphalt, pervious concrete, non-compacting gravel or other materials deemed acceptable by the Administrator.
- 2) In the event that a gravel surface is utilized, the following standards shall apply:
 - a. "Gravel" means a clean or washed, loose, uniformly-graded aggregate of stones from a lower limit of 0.08 inches to an upper limit of 3.0 inches in size.
 - b. Each space and drive aisle shall comply with the dimensional standards set forth in 7.10.4 Parking Design Standards and to the greatest extent possible, parking facilities shall be located to the sides or rear of the primary structure.
 - c. Each designated parking area shall be contained by edging or curbing in order to contain the loose material within the designating parking area(s) as deemed sufficient by the Administrator.
 - d. Each parking space shall be designated by an encroachment barrier including but not limited to wheel stops, timbers, planters, bollards or other object deemed sufficient to delineate individual space(s)/parking areas and prevent as determined by the Administrator.

Definition:

Permeable Pavement: An alternative to conventional concrete and asphalt paving materials that allows rapid infiltration of stormwater. Stormwater infiltrates into a porous paving material that provides temporary storage until the water infiltrates into underlying permeable soils or through an underground drain system. This practice is intended to reduce stormwater runoff rate and volume, as well as associated pollutants transported from the site by stormwater runoff.

http://www.ncagr.gov/SWC/costshareprograms/CCAP/documents/permeable_pavement.pdf

A. Portable Storage Containers (PSC)

1) Temporary Placement

- a) A portable storage container (PSC) may be placed for fifteen or less consecutive days in any twelve month period without issuance of a permit in all zoning districts, except Environmental Conservation.
- b) PSC(s) shall be allowed no more than two (2) times on a lot for a period no longer than 60 days within a twelve (12) month period when the following items are met. A longer extension may be granted for portable storage containers located in all districts, excluding Environmental Conservation, up to 180 days within a twelve (12) month period approved by the Administrator when the following items are met:
 - i) The principal structure is damaged and dilapidated and is undergoing repairs, reconstruction, or renovation.
 - ii) A building permit has been issued for the repairs, constructions, reconstruction, or renovation, if required, and is valid throughout the extension.

2) Permanent Placement

- a) PSC(s) shall only be permitted as permanent accessory buildings when each of the following conditions are met:
 - i) Permanent use is restricted to the following non-residential districts: General Business (GB), Office and Institutional District (O&I), Industrial Transition (IT) and General Industrial (GI).
 - ii) PSC(s) must meet minimum setback and separation requirements
 - iii) PSC(s) shall not be permitted as a principal building.
 - iv) PSC(s) must be off-chassis
 - v) A maximum of one (1) PSC per site shall be permitted on lots of one (1) acre or less. One (1) additional PSC per acre may be permitted for lots greater than one (1) acre.
 - vi) PSC shall not be stacked vertically.
 - vii) PSC shall be maintained in good condition free from structural damage, rust, and deterioration.
 - viii) PSC(S) shall be painted tan, brown, dark forest green, or light gray.
 - ix) PSC shall be used for storage purposes only.
 - x) No signs or lettering shall be permitted on PSC(s).
 - xi) Electrical service, plumbing fixtures or mechanical service is not permitted
 - xii) PSC(s) shall not be used for the ...
 - xiii) All PSC(s) shall be screened from view from any public right-of-way, private street or access easements, and any residential use or residential zoning district. Screening shall be accomplished by a wooden privacy fence or a brick or stucco screen wall at a height no greater than or less than seven (7) feet. The exterior of the fence or wall shall be lined with that reach a minimum of three (3) feet in height at maturity and spaced appropriately
 - xiv) PSC(s) shall meet all yard setback requirements and shall be located on the rear of the lot.

- xv) PSC(s) shall not be permitted in any parking areas, required buffers or setbacks.
- xvi) No permanent off-chassis PSC(s) shall be permitted in loading areas.
- xvii) PSC(s) shall not be permitted to be rented or leased to a use not located on the same lot.
- xviii) PSC(s) shall not exceed the dimensions of forty (40) feet in length, eight (8) feet in width, and ten (10) feet in height.
- xix) Businesses shall submit a site plan showing any permanent container and its relationship to the overall site. The plan shall indicate how the container meets all permanent requirements, including stormwater, traffic circulation, screening requirements, other development codes, and inspection requirements including engineered design plans to demonstrate the PSC(s) meets NC Building Code .

PORTABLE STORAGE CONTAINERS (PSC):

Temporary Placement: A container designed to store personal property which are typically rented and intended to be delivered, temporarily used, and removed by truck. This definition includes shipping containers and other portable self-storage units. Temporary PCU(s) may be placed on property for fifteen or less consecutive days in any twelve month period without issuance of a permit in all zoning districts, except Environmental Conservation.

Permanent Placement: A container designed to store personal property shall only be permitted as permanent accessory buildings when the PSC meets the criteria outlined in 5.3.3 A and the use standards are met in 5.3.3XXX

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, September 9, 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: (August 5, 2014)

3. Public Comment:

(Public Hearings Open)

4. Zoning Map Amendment:

Julia Ayala, applicant, on behalf of Whitebridge Development LLC, owner, is requesting approval of a Zoning Map Amendment for a general use rezoning of one (1) tract totaling 2.05 acres from PD, Planned Development District, to GB, General Business District. The subject property is located at 12900 US HWY 17 in Hampstead, and may be identified by Pender County PIN 3282-20-7160-000.

5. Comprehensive Plan Amendment:

Oak Island Partners, LLC, applicant and owner, is requesting an amendment to the 2010 Pender County Comprehensive Land Use Plan, Future Land Use Map. The requested amendment is to reclassify the subject property's Future Land Use Classification from Conservation to Rural Growth. There are nine (9) tracts associated with this request totaling ±3,429.01 acres, they are located approximately 5,000' north of US HWY 17, near the Pender/Onslow County border and may be identified by Pender County PIN(s) 4227-51-3640-0000; 4227-42-3351-0000; 4227-33-2015-0000; 4227-43-0996-0000; 4227-18-2935-0000; 4217-57-5118-0000; 4218-71-9155-0000; 4218-73-1711-0000; 4217-73-4476-0000.

(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:

b. Planning Board Members Items:

7. Next Meeting: October 7, 2014, as applicable

8. Adjournment:

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: September 9, 2014 – Planning Board
October 20, 2014 – Board of Commissioners
Case Number: 11225 – Whitebridge Development LLC/Kenneth Lloyd (ZMA)
Applicant: Julia Ayala
Property Owner: Whitebridge Development LLC

Rezoning Proposal: Julia Ayala, applicant, on behalf of Whitebridge Development LLC, owner, is requesting approval of a zoning map amendment for a general use rezoning for one tract totaling 2.05 acres from PD, Planned Development district, to GB, General Business district.

Property Record Number, Acreage, and Location: The subject property is located at 12900 US HWY 17 in Hampstead, and may be identified by Pender County PIN 3282-20-7160-0000. There is one tract associated with this request totaling 2.05 acres.

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

HISTORY:

The subject property was zoned RA, Rural Agricultural district, until November 2003. During the Pender County comprehensive rezoning in 2003, the property was up-zoned to PD, Planned Development district.

DESCRIPTION:

Julia Ayala, applicant, on behalf of Whitebridge Development LLC, owner, is requesting approval of a Zoning Map Amendment for a general use rezoning for one tract totaling 2.05 acres from PD, Planned Development district, to GB, General Business district.

The subject property is located at 12900 US HWY 17 in Hampstead, and may be identified by Pender County PIN 3282-20-7160-0000. The tract hosts a building that is currently occupied by Wilcox & Wilcox Construction Company.

The subject property meets the minimum lot size of 15,000 square feet and the minimum rezoning acreage requirement of one acre for the GB, General Business district. The tract is not located within the Special Flood Hazard Area (SFHA). The tract has direct access to US HWY 17 to the northwest and access to Whitebridge Road via an existing driveway through the parcel to the southeast. The subject property has existing septic on-site, as well as access to Pender County Utilities water.

This is a general use rezoning which will encompass all uses permitted-by-right in the GB, General Business district as shown on the Permitted Use Table 5.2.3 of the *Pender County Unified Development Ordinance*. The GB, General Business district, is primarily intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses.

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.

- 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 sign has been placed on the subject property.
- B. *Existing Zoning:*** All adjacent properties are zoned PD, Planned Development district.
- C. *Existing Land Use:*** The property area is bordered by a single, 10.06 acre vacant tract to the northeast, southeast, and southwest. The adjacent 13.37 acre tract to the northwest is across US HWY 17, and contains a mix of non-residential uses.
- D. *2010 Comprehensive Land Use Compliance:*** The *2010 Comprehensive Land Use Plan* designates the subject property “Mixed Use.” The Mixed Use land classification designates locations where a mixture of higher density/intensity uses is to be encouraged. Mixed Use areas should be characterized by physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high- and medium-density residential uses, arranged in a walkable, compact, pedestrian, and transit friendly manner. The following goals and policies within this plan may be relevant to the proposed Zoning Map Amendment:
 - 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.*
 - i. *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.*
 - ii. *Policy 1A.1.5:*** *The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.*
- E. *Unified Development Ordinance Compliance:*** This is a general use rezoning, which will allow all uses permitted-by-right in the GB, General Business Zoning district. The GB, General Business district is primarily intended to accommodate uses which require close access to major highways.

The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses. (§ 4.9.1)

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 a general use rezoning of one tract (2.05 acres total) from PD, Planned Development district to GB, General Business district. As submitted, the application is in compliance with the standards of the Pender County Unified Developed Ordinance and is not in direct conflict of the Comprehensive Land Use Plan. Staff respectfully recommends approval for this general use rezoning.

Planning Board

Motion: _____ **Seconded:** _____

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

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

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 11225	Date	7/25/14
Application Fee	\$ 500 ⁻	Receipt No.	142083
Pre-Application Conference	7/25/14	Hearing Date	9/9/14 - PB 10/20/14 Bocc
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Julia Ayala	Owner's Name:	Whitebridge Development, LLC
Applicant's Address:	123 Palm Cottage DR.	Owner's Address:	KENNETH G. LLOYD, MANAGER P.O. Box 10720
City, State, & Zip	Hampstead, NC 28443	City, State, & Zip	Wilmington, NC 28404-0720
Phone Number:	919-600-2610	Phone Number:	910-686-1885 / 919-971-4265
Legal relationship of applicant to land owner: Future TENANT			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3282-20-7160-000	Total property acreage:	2.05 +/-
Current Zoning District:	PD	Proposed Zoning District:	General BUSINESS
Project Address :	101 Whitebridge Road Hampstead, NC 28443		
Description of Project Location:	Corner of Whitebridge Road and US Hwy 17 North		
SECTION 3: SIGNATURES			
Applicant's Signature	Julia Ayala, future tenant	Date:	7/25/2014
Owner's Signature	Kenneth G. Lloyd	Date:	7/25/2014
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 			

Rezoning/Zoning Map Amendment Checklist

<input checked="" type="checkbox"/>	Signed application form		
<input checked="" type="checkbox"/>	Application fee		
<input checked="" 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 checked="" type="checkbox"/>	Two (2) business size envelopes legibly addressed with first class postage for each of the adjacent and abutting property owners on the above list.		
<input checked="" 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 checked="" 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 checked="" 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.		
Office Use Only			
<input checked="" type="checkbox"/>	ZMA Fees: (\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter)	Total Fee Calculation: \$	500 ⁻
Attachments Included with Application: (Please include # of copies)			
CD /other digital version	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Plan Sets	# of large
			# of 11X17
			13
			Other documents/Reports
			<input type="checkbox"/> Y <input type="checkbox"/> N
Payment Method:	Cash : <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check: <input checked="" type="checkbox"/> Check # 1695
Application received by:			Date:
Application completeness approved by:	<i>Andrew H. Cling</i>		Date: 7/25/14
Dates scheduled for public hearing:			
<input checked="" type="checkbox"/>	Planning Board: 9/9/14		
<input checked="" type="checkbox"/>	Board of Commissioners: 10/20/14		

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

Print Form

Narrative for Rezoning of Tax Parcel

#3282-20-7160-0000

I am requesting a Rezoning of the above referenced parcel from PD to General Business. The PD zoning places a significant burden on the property owner by requiring a Master Development Plan for any **change in use** of the property. It is my understanding this property has been in continuous use as a commercial office for over twenty five years. I believe this location on US Highway 17 is better suited for General Business use instead of the Residential/Commercial use under the PD zoning. Also, the General Business zoning would not require the property owner to submit a Master Development Plan. Thank you for your serious consideration of my request.

Sincerely,



Kenneth G. Lloyd, Manager/Member

Whitebridge Development, LLC



Julia Ayala, future tenant

Sharon Lear Willoughby Register of Deeds
05-16-2014 15:37:00.001 Pender County, NC
NC REVENUE STAMP: \$1100.00 (#69997)

All or a portion of the property herein conveyed does X not include the primary residence of a Grantor or the property is a vacant lot and does not include the primary residence of any Grantor.

(Excise Tax) \$ 1100.00 ✓

Recording time, Book and Page

Tax Parcel No. 3281-39-0902-0000; 3282-30-4135-0000; 3282-20-7160-0000; ✓
3281-57-9175-0000; and 3281-38-9098-0000

Prepared By : James A. MacDonald, Attorney
Return To: The MacDonald Law Firm PLLC
1508 Military Cutoff Road, Suite 102
Wilmington, North Carolina 28403

Grantor:
Wilcox & Wilcox
P.O. Box 963
Hampstead, NC 28443

Grantee:
Whitebridge Development, L.L.C.
Attn: Kenneth G. Lloyd
P.O. Box 10720
Wilmington, N.C. 28404-0720 ✓

This instrument was prepared by James A. MacDonald, a licensed North Carolina attorney. Delinquent taxes, if any, are to be paid by the closing attorney to Pender County Tax Collector upon disbursement of closing proceeds. The closing attorney is James A. MacDonald.

STATE OF NORTH CAROLINA

WARRANTY DEED

COUNTY OF PENDER

THIS DEED, made this 15th day of May, 2014, by and between **WILCOX & WILCOX**, a North Carolina General Partnership, hereinafter called the Grantor, and **WHITEBRIDGE DEVELOPMENT, L.L.C.**, a North Carolina limited liability company, hereinafter called the Grantee. The designation Grantor and Grantee as used herein shall include said parties, its heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH:

NOW THEREFORE said Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does hereby grant, bargain, sell and convey unto the said Grantee, its heirs, successors, and assigns, in fee simple, all that certain lot or parcel of land situated in the County of Pender, North Carolina, and more particularly described as follows:

BEING ALL OF THAT PROPERTY SHOWN ON EXHIBIT "A" WHICH IS HERETO ATTACHED AND INCORPORATED BY REFERENCE.

Together with all and singular the tenements, hereditament and appurtenances thereunto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and

H



appurtenances thereto belonging to the Grantee in fee simple.

And the Grantors covenants with the Grantee that Grantors are seized of the premises in fee simple and have the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, except unpaid ad valorem taxes not currently due, any easements or restrictions of record applicable to the property, any governmental or ordinances or building codes applicable to the property, if any, and that Grantors will WARRANT and DEFEND the title against the lawful claims of all persons whomsoever except for exceptions herein stated.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed by its duly authorized manager, the day and year first above written.

WILCOX & WILCOX
a North Carolina General Partnership

BY: David A. Wilcox (Seal)
David A. Wilcox, General Partner

BY: Christopher B. Wilcox (Seal)
Christopher B. Wilcox, General Partner

STATE OF NORTH CAROLINA
COUNTY OF Brunswick

I certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: David A. Wilcox, **General Partner of WILCOX & WILCOX, a North Carolina general partnership** [CHECK ONE] (i) I have personal knowledge of the identity of the principal; or (ii) I have seen satisfactory evidence of the principal's identity by a current state or federal identification, with the principal's photograph, in the form of a

Date: May 15, 2014.
Sharon L. Waddell
Notary Public Signature
Sharon L. Waddell
Notary Public's Printed Name
My Commission Expires: 05/04/2016

(Official Seal of Notary)



STATE OF NORTH CAROLINA
COUNTY OF Brunswick

I certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Christopher B. Wilcox, **General Partner of WILCOX & WILCOX, a North Carolina general partnership** [CHECK ONE] (i) I have personal knowledge of the identity of the principal; or (ii) I have seen satisfactory evidence of the principal's identity by a current state or federal identification, with the principal's photograph, in the form of a _____.

Date: May 15, 2014.

Sharon L. Waddell
Notary Public Signature

Sharon L. Waddell
Notary Public's Printed Name

My Commission Expires: 07/04/2016

(Official Seal of Notary)

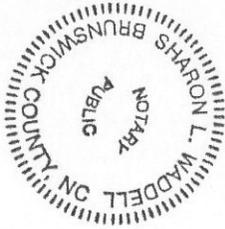


EXHIBIT "A"

BEGIN all of those tracts described in the deeds recorded in Deed Book 698 at Page 77, Deed Book 698 at Page 78, and Deed Book 698 at Page 79 of the Registry of Pender County, North Carolina.

LESS AND EXCEPT THE FOLLOWING:

- (A) All of Section 1, Whitebridge, as shown on the map recorded in Map Book 23 at Page 140;
- (B) All of Section 2, Whitebridge, as shown on the map recorded in Map Book 23 at Page 141;
- (C) All of the property shown on the map recorded in Map Book 24 at Page 96;
- (D) All of the property shown on the map recorded in Map Book 24 at Page 240;
- (E) All of the property shown on the map recorded in Map Book 30 at Page 119;
- (F) All of the property shown on the map recorded in Map Book 31 at Page 9;
- (G) All of the property shown on the map recorded in Map Book 31 at Page 66;
- (H) Any of the property that may have been conveyed by the boundary line agreement recorded in Deed Book 1488 at Page 252, and as shown on the map recorded in Map book 32 at Page 110, of the Pender County Registry;
- (I) All of Section III, Whitebridge, as shown on the map recorded in Map Book 36 at Page 58;
- (J) All of the property shown on the map recorded in Map Book 36 at Page 144;
- (K) All that certain 20.38 acre tract conveyed to Corbett by the Deed recorded in Deed Book 1246 at Page 71 of the Pender County Registry.
- (L) All of the following Lots:
 - All of Lot 2, Section 4C, Whitebridge, Map Book 50 at Page 37
 - All of Lot 3, Section 4C, Whitebridge, Map Book 50 at Page 37
 - All of Lot 7, Section 4D, Whitebridge, Map Book 51 at Page 66
 - All of Lot 8, Section 4D, Whitebridge, Map Book 51 at Page 66
 - All of Lot 9, Section 4D, Whitebridge, Map Book 51 at Page 66
 - All of Lot 10, Section 4D, Whitebridge, Map Book 51 at Page 66
 - All of Lot 13, Section 4E, Whitebridge, Map Book 51 at Page 67
 - All of Lot 22, Section 4B, Whitebridge, Map Book 51 at Page 65
 - All of Lot 23, Section 4B, Whitebridge, Map Book 51 at Page 65
 - All of Lot 25, Section 4B, Whitebridge, Map Book 51 at Page 65

All Map Book and Page references are referring to those recorded in the Pender County Registry in Burgaw, North Carolina.



Applicant:
Julia Ayala

Owner:
Whitebridge
Development LLC

ZMA Case #
11225



VICINITY





Applicant:
Julia Ayala

Owner:
Whitebridge
Development LLC

ZMA Case #
11225

Legend

Subject Parcel

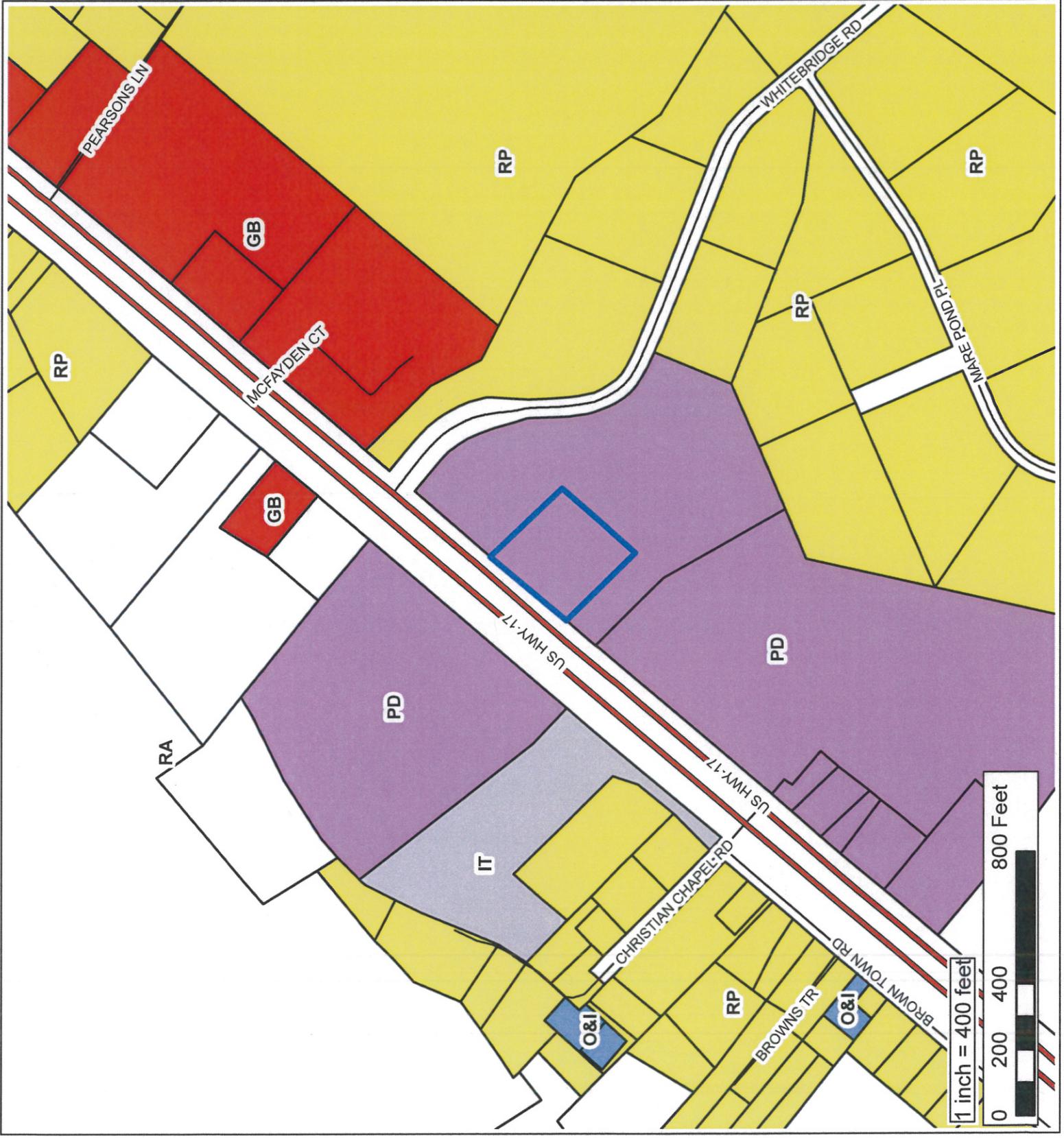
Zoning Classification

UDO Zoning

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



ZONING





Applicant:
Julia Ayala

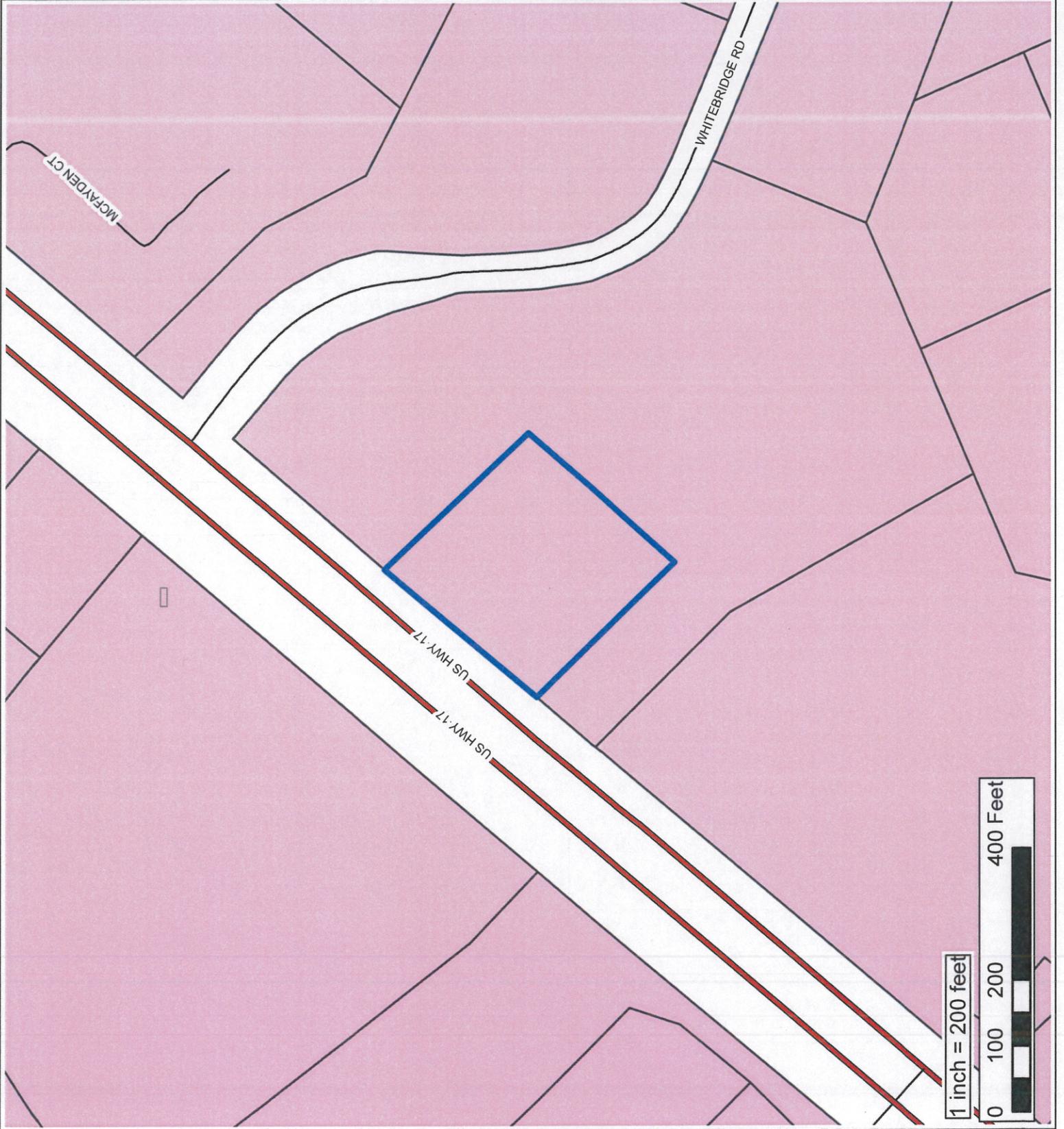
Owner:
Whitebridge
Development LLC

ZMA Case #
11225

- 2010 Land Use Classification**
- Conservation
 - Industrial
 - Mixed Use
 - Office, Institutional, Business
 - Rural Growth
 - Suburban Growth



LAND USE CLASSIFICATION





Applicant:
Julia Ayala

Owner:
Whitebridge
Development LLC

ZMA Case #
11225

Legend
Subject Parcel



Aerial



PLANNING STAFF REPORT
Comprehensive Land Use Plan- Map Amendment

SUMMARY:

Hearing Date: September 9, 2014- Planning Board
October 20, 2014- Board of Commissioners

Case Number: 11221-CMA

Applicant: Oak Island Partners, LLC

Property Owner: Oak Island Partners, LLC

Proposal: Oak Island Partners, LLC, applicant and owner, is requesting an amendment to the 2010 Pender County Comprehensive Land Use Plan, Future Land Use Map. The requested amendment is to reclassify the subject property's Future Land Use Classification from Conservation to Rural Growth.

Property Record Numbers, Acreage, and Location: The subject properties are located approximately 5,000' north of US Highway 17, near the Pender/Onslow County border. There are nine (9) properties associated with the request and can be identified by PIN(s): 4227-51-3640-0000; 4227-42-3351-0000; 4227-33-2015-0000; 4227-43-0996-0000; 4227-18-2935-0000; 4217-57-5118-0000; 4218-71-9155-0000; 4218-73-1711-0000; 4217-73-4476-0000

Comprehensive Plans and Policies Committee (CPPC) Consensus: The Pender County CPPC recommends approval of this request; please see attachment 1.

Staff Recommendation: There are nine (9) tracts associated with this request totaling approximately ±3,429.01 acres. The properties are proposed to be converted from Conservation to Rural Growth as shown on the 2010 Comprehensive Plan Future Land Use Map. The Pender County Comprehensive Plans and Policies Committee (CPPC) recommends approval of this request, with the following stipulation: The boundary shall be realigned with the nearby Rural Growth to the southeast. The property between the proposal and the existing Rural Growth area is owned by the State of North Carolina and can be identified as PIN: 3297-65-0205-0000. Therefore, staff recommends approval as presented, as it would not be feasible to modify the Land Use Classification of an unrelated property owner at this time. This property appears to be covered primarily in wetlands and the Special Flood Hazard Area A.

Therefore, staff respectfully recommends that the request be approved as presented.

Description

The subject request is a result of a Special Use Permit (SUP) conditioned approval granted on June 23, 2014 for a Sand Mining Operation. Specifically, the condition states, "7.Final Zoning shall not be issued until the applicant has successfully secured a Land Use Classification modification from Conservation to an appropriate Land Use Classification as determined by the Planning Board and Board of County Commissioners."

As outlined in the 2010 Comprehensive Plan; Policy 11A.1.4 any request to amend either the written text and/or the maps within the Plan shall follow the same process as a text or map amendment as described in the Unified Development Ordinance.

The applicant is requesting approval of an amendment to the 2010 Comprehensive Plan Future Land Use Map. The adoption of the 2010 Comprehensive Land Use Plan Future Land Use Map placed the subject property into the Conservation Land Use Classification. The proposed amendment would change nine (9) tracts totaling ±3,429.01 acres from Conservation to Rural Growth (Exhibit 1).

Zoning Classification

The subject property is currently zoned RA, Rural Agricultural. Section 4.7.1 of The Pender County Unified Development Ordinance (UDO) currently defines the RA, Zoning District as a zoning district 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.

The zoning classification is currently consistent with in the Future Land Use Classification. According to the applicant's submittal, the property owner would like to proceed with capitalizing on the Special Use Permit (SUP) approval regarding a sand mining operation. The North Carolina General Statute § 153A-341 states:

“Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest.”

The applicant is seeking a Comprehensive Plan Amendment, specifically requesting the Future Land Use Classification be changed from Conservation to Rural Growth.

Land Use Classification

Conservation

Conservation areas are 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). Currently, conservation areas comprise approximately 131,393 acres (24.7%) of the land area within the Pender County zoning jurisdiction.

Rural Growth

The Rural Growth land use classification defines those areas of Pender County where urban services, i.e., public water and sewer services, are not expected to be extended within the planning horizon. Rural Growth areas are where preservation of agricultural operations is a primary concern and where conflicts between agricultural and non-agricultural uses are to be discouraged.

The Rural Growth Use Classification is described in the 2010 Comprehensive Land Use Plan as areas that are intended to protect agricultural and forestry operations that are a major part of the County's economic base and that are key to preservation of the County's rural landscape. Major job-creating activities that are compatible with farms, forestry and very low-density development are appropriate.

Development within Rural Growth areas should be limited to only those types of land uses and development intensities that can be accommodated by services typical in non-urban areas, e.g., private on-site water supply (or public water, as available) and on-site septic systems. Development with private package sewage treatment plants or premature extension of public sewer systems into these areas is discouraged. Public sewer should not be extended except to the extent necessary to protect public health when existing community wastewater systems fail or a pattern of failure of on-site systems occurs in a specific area.

Uses that would typically be allowed in Rural Growth areas include very low-density residential development (single-family site-built, modular, and manufactured homes) on one acre or greater size lots; agriculture, forestry, churches; very limited nonresidential uses - commercial, office, or public/institutional - meeting locational criteria. Locational criteria for non-residential uses in Rural Growth areas include frontage and access to a major State highway or secondary road, location at a major rural intersection, proximity to similar existing non-residential uses, and spatial separation from non-compatible uses such as existing residential development.

Public Infrastructure:

At this time, water and sewer services are not available to the subject property.

Environmental Issues:

A portion of the subject property is located within the Special Flood Hazard Area (SFHA) Zones A according to the 2007 Flood Insurance Rate Maps (FIRMs), Map Number(s) 3720422800K, Panel Number 3252, Map Number 3720422700K, Panel Number 3262, Map Number 3720420600J, Panel Number 4206, and Map Number 3720420800K, Panel Number 4208. Any development located within the SFHAs will be required to meet the meeting the prescribed standards as outlined in the Pender County Unified Development Ordinance Article 9, Flood Damage Prevention.

The subject property may have Areas of Environmental Concern (AECs), as designated by the Coastal Resources Commission under the authority of the Coastal Area Management Act (CAMA).

EVALULATION:

- 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 RA, Rural Agricultural within Pender County, while Onslow County borders the northern portion of the proposal.
- C. **Existing Land Use in Area:** The existing land uses of the surrounding property consist of primarily vacant/undeveloped areas.

D. 2010 Comprehensive Land Use Plan Compliance: The 2010 Comprehensive Land Use Plan designates the subject property as Conservation.

E. Unified Development Ordinance Compliance: The Pender County Comprehensive Land Use Plan proposes all plan text or map amendments to follow Article 3.3.8 of the Unified Development Ordinance, which provides standards that shall be followed by the Planning Board before a favorable recommendation of approval can be made.

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: This proposal consists of changing nine (9) tracts totaling ±3,429.01 acres from Conservation to Rural Growth as shown on the 2010 Comprehensive Plan Future Land Use Map. The Pender County Comprehensive Plans and Policies Committee (CPPC) recommend approval of this request; therefore, staff respectfully recommends that the request be approved as presented. The Pender County Planning Board is recommending approval of this request.

VOTING AND RESOLUTION:

Motion: _____ Seconded _____

Approved: _____ Denied: _____ Unanimous: _____

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

Comprehensive Plans and Policies Committee (CPPC) Comments:

Comment 1

Excerpt from the CPPC:

“In the future, the Conservation land use classification may be applied to areas along major streams and rivers and immediately adjacent to existing conservation areas.”

My initial thoughts were to provide and 200’ fringe conservation protection zone where the mining tract adjoins a conservation area but that only occurs at one errant location. And that location is not supported by topo/wetlands/soils overlays so I have no problem with the re-designation. However rather than creating a “hole” in the conservation area it would make more sense to re-align that portion of the districts perimeter boundary. (my opinion)

Staff Commentary: The intermediate parcel joining the proposal to existing Rural Growth Classifications is owned by the State of North Carolina in separate ownership.

Comment 2

I agree with Margaret but am concerned about damage that could be caused by the mining operation. Anyway to mitigate that might be good.

Comment 3

Soil & Water sees no problem with this request.

The property does have the water line, but PCU has not confirmed or planned to extend the line.

Pluris has a SUP proposed, not confirmed, and it is subject to a commissioner vote. We do not know if that will be approved or not.

Exhibit 1

RECLASSIFICATION under Comprehensive Land Use Plan
APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA	Date	
Application Fee	\$ 50.00	Receipt No.	
Pre-Application Conference		Hearing Date	9-9-14 + 10-20-14
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Oak Island Partners, LLC Oak Island Land & Timber, LLC	Owner's Name:	Oak Island Partners, LLC
Applicant's Address:	806 N 23rd Street	Owner's Address:	806 N. 23rd Street
City, State, & Zip	Wilmington, NC 28405	City, State, & Zip	Wilmington, NC 28405
Phone Number:	910-343-0624-Henry Boon	Phone Number:	910-343-0624-Henry Boon
Legal relationship of applicant to land owner: Applicant and land owner are the same			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	4227-51-3640-0000; 4227-42-3351-0000; 4227-33-2015-0000; 4227-43-0996-0000; 4227-18-2935-0000 *	Total property acreage:	
Current Zoning District:	LUP Conservation	Proposed Zoning District:	LUP Rural Growth
Project Address :	Off US Highway 17		
Description of Project Location:	From intersection of US Hwy 17 & NC 50, travel 1.5 mi. S. on US Hwy 17 to gravel road that will be used for entrance		
SECTION 3: SIGNATURES			
Applicant's Signature	Oak Island Land & Timber, LLC and	Date:	7-9-14
Owner's Signature	Oak Island Partners, LLC BY: <i>[Signature]</i> , Attorney	Date:	7-9-14
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 			

Continuation of Section 2: Project Information:
 PIN numbers: ~~4217-57-5118-0000; 4218-71-9155-0000;~~
~~4218-73-1711-0000; 4217-73-4476-0000;~~

Rezoning/Zoning Map Amendment Checklist

<input checked="" type="checkbox"/>	Signed application form					
<input checked="" type="checkbox"/>	Application fee					
<input checked="" 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 checked="" type="checkbox"/>	Two (2) business size envelopes legibly addressed with first class postage for each of the adjacent and abutting property owners on the above list.					
<input checked="" 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 checked="" type="checkbox"/>	18 (11"x17") map copies to be distributed to the Planning Board					
<input checked="" 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 checked="" 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.					
Office Use Only						
<input type="checkbox"/>	ZMA Fees: (\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter)				Total Fee Calculation: \$	
Attachments Included with Application: (Please include # of copies)						
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
Payment Method:	Cash : <input type="checkbox"/> \$ _____		Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa		Check: <input type="checkbox"/> Check # _____	
Application received by:	<i>[Signature]</i>				Date:	
Application completeness approved by:	<i>[Signature]</i>				Date:	
Dates scheduled for public hearing:						
<input checked="" type="checkbox"/> Planning Board: 9-9-14						
<input checked="" type="checkbox"/> Board of Commissioners: 10-20-14						

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

Print Form

BIBERSTEIN & NUNALEE, L.L.P.
Attorneys at Law
102 South Walker Street
P.O. Box 428
Burgaw, North Carolina 28425-0428
Telephone: 910-259-2175; Facsimile: 910-259-6823
E-mail: rick@bibnunlaw.com

Richard von Biberstein, Jr.
(rick@bibnunlaw.com)
Mark I. Nunalee*
(mark@bibnunlaw.com)
*Certified Public Accountant

9 July 2014

HAMPSTEAD OFFICE
16191 U.S. Highway 17 N
Hampstead, NC 28443
Telephone: 910-270-4347
Facsimile: 910-270-2293

Pender County Planning Board
P. O. Box 1347
Burgaw, NC 28425

Re: Application for Reclassification under
Land Use Plan

Members of the Planning Board:

Enclosed is an application that is submitted on behalf of Oak Island Partners, LLC, and Oak Island Land & Timber, LLC, for a reclassification of their properties under the Pender County Comprehensive Land Use Plan (Plan). Currently these properties are classified as "Conservation." However, none of these properties fits the criteria specified in the Plan for such a classification.

Section 3 of the Plan lists 6 land use classifications:

1. Conservation.
2. Rural Growth.
3. Suburban Growth.
4. Mixed Use.
5. Office/Institutional/Commercial.
6. Industrial.

The Conservation classification is described as:

Conservation areas are 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). Currently, conservation areas comprise approximately 131,393 acres (24.7%) of the land area within the Pender County zoning jurisdiction.

The Plan further states:

Conservation areas are comprised primarily of Holly Shelter Game Land (48,000 acres) and Angola Bay Game Land (35,783 acres). Other major conservation areas are located in Coastal Pender along the Intracoastal Waterway and major streams leading to the waterway; along the Black and Cape Fear Rivers in western Pender County; and along the Northeast Cape Fear River.

The Unified Development Ordinance (UDO) has classified the lands of the applicants as Rural Agriculture (RA). This classification seems to parallel the Plan's "Rural Growth" classification rather than the Plan's "Conservation" classification. The language in the Plan clearly indicates that the Conservation classification is basically reserved for lands which are publicly owned or privately owned lands which are under some sort of conservation easement or restriction. It is possible that the applicants' properties were classified as Conservation because of the properties' close proximity to Holly Shelter Game Lands, which are public lands and are classified as Conservation.

These properties historically have been used for commercial purposes, for example a borrow pit for sand and soil mining, and for a race track. In addition, these lands contain substantial amounts of mineable aggregate (marl and limestone deposits) which have been considered for mining by Martin Marietta Corporation.

The Pender County Board of Commissioners has issued a special use permit for the use of a portion of the properties for a sand mine. However, one of the requirements for the issuance of such a special use permit is that the use be consistent with the Pender County Comprehensive Land Use Plan. The Plan's Conservation classification is inconsistent with the use of this property for a sand mine. The special use permit was issued by the Commissioners with a condition that the applicants obtain a reclassification under the Plan to a classification that is consistent with sand mining. This decision by the Commissioners clearly indicates a belief that the properties of the applicants is suitable for a sand mine, which is a use inconsistent with the Plan's Conservation classification.

Because of the nature of the applicants' lands, the historical use of these lands, the fact that these lands are privately owned and not subject to any conservation easements, that these lands do have commercial potential, it is the request of the applicants that these lands be reclassified as "Rural Growth" under the Plan.

If any further information or documentation is needed, please let me know.

With best wishes, I am

Cordially yours,

A handwritten signature in blue ink, appearing to read 'R. v. Biberstein, Jr.', with a stylized flourish at the end.

R. v. Biberstein, Jr.

RvB,jr:tb

Enc: Application with attachments
Application fee
List of adjacent land owners
2 addressed stamped envelopes for each land owner

pc: Bill Cameron



Applicant:
Oak Island Partners, LLC

Owner:
Oak Island Partners, LLC

Special Use Permit
11221

Legend

Structure Type

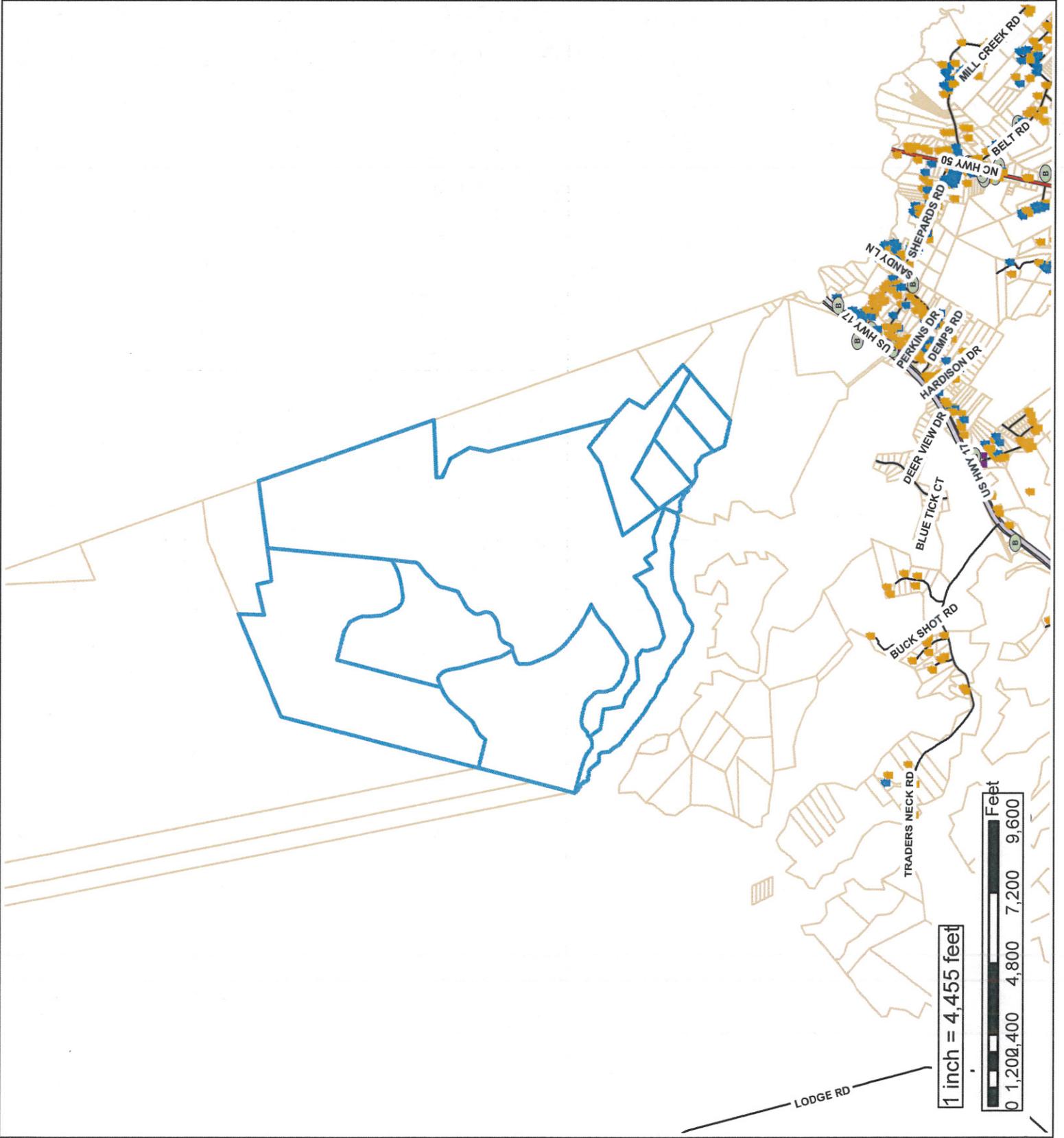
BLD_TYPE

-  Business
-  Church
-  Farm Use
-  House
-  Manufactured Home

Legend



Vicinity





Applicant:
Oak Island Partners, LLC

Owner:
Oak Island Partners, LLC

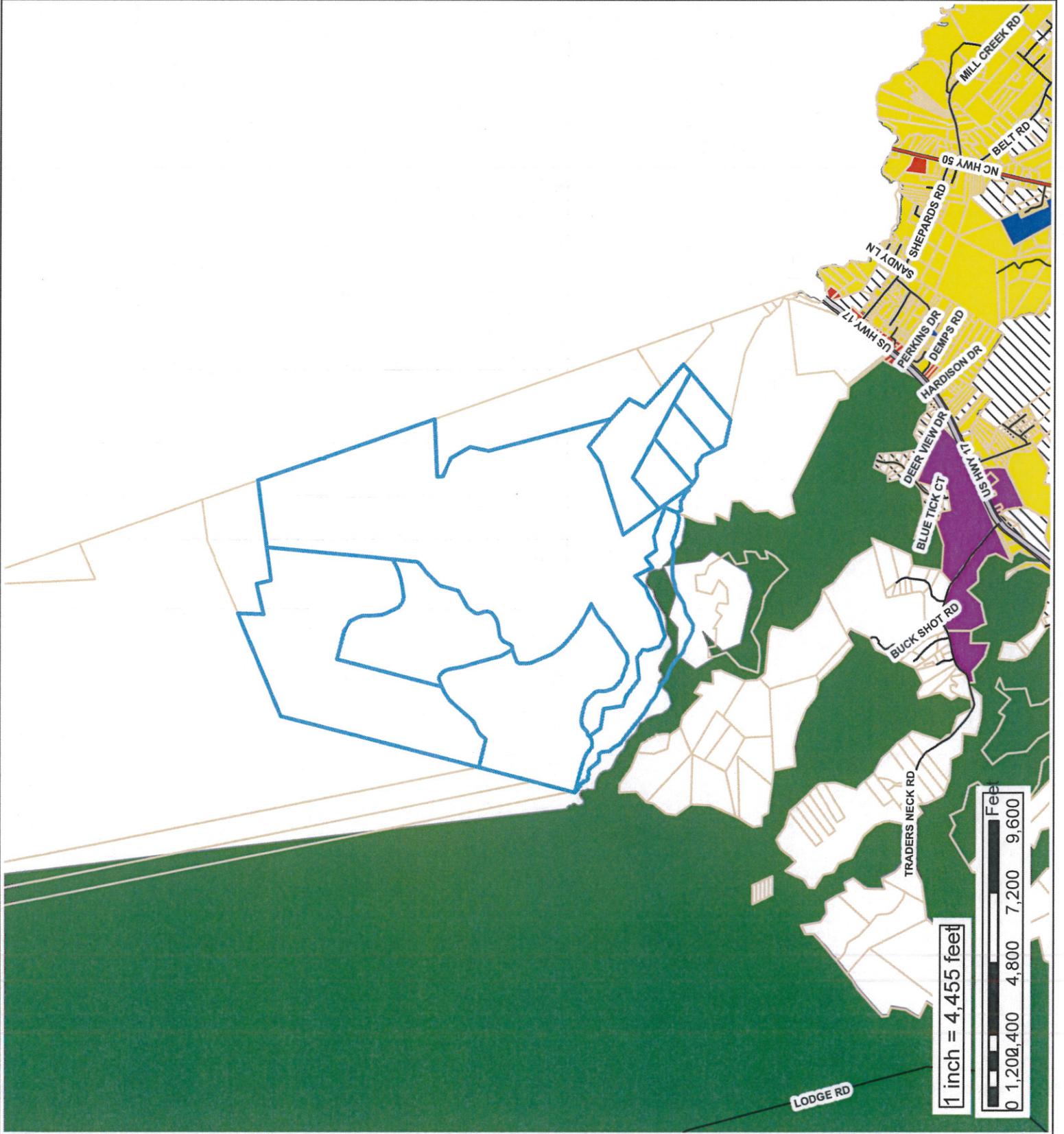
Special Use Permit
11221

Legend

- Zoning**
- EC
 - GB
 - GI
 - INCORP
 - IT
 - O&I
 - PD
 - RA
 - RP



Zoning





Applicant:
Oak Island Partners, LLC

Owner:
Oak Island Partners, LLC

Special Use Permit
11221

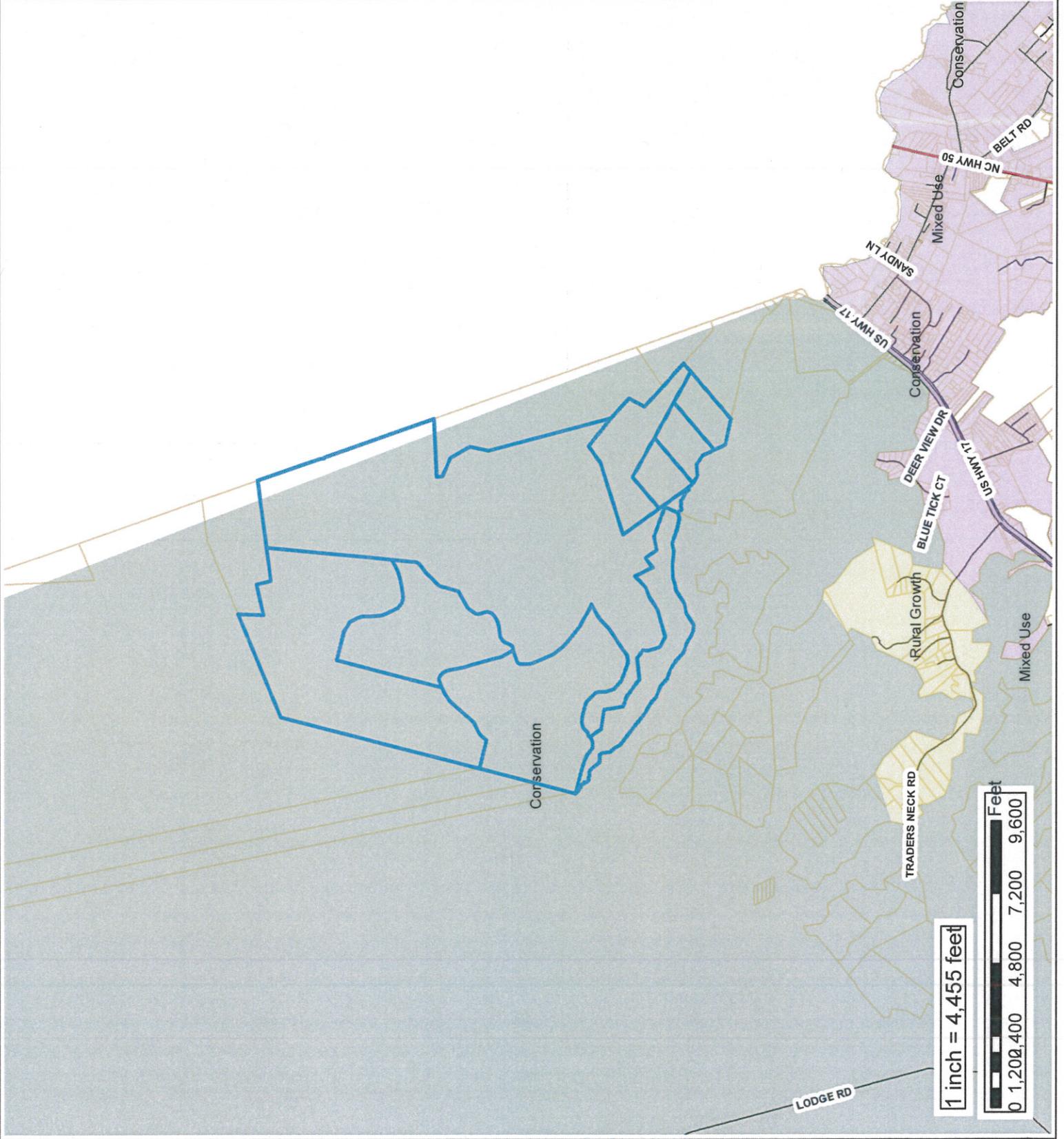
Legend

Future Land Use

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



Future Land Use





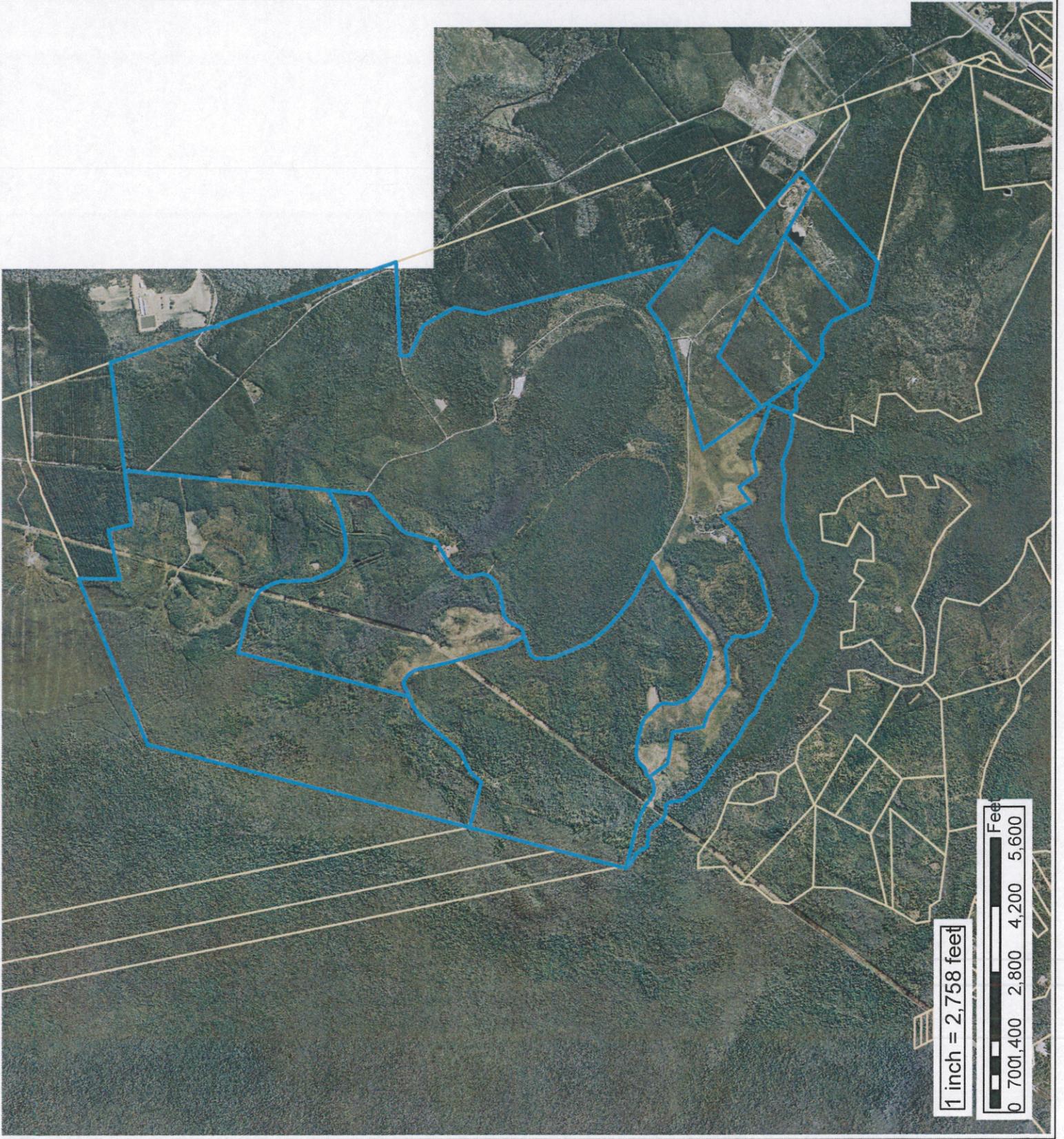
Applicant:
Oak Island Partners, LLC

Owner:
Oak Island Partners, LLC

Comp Plan Amendment
11221



Aerial-2012





Applicants:
Oak Island Partners, LLC

Owners:
Oak Island Partners, LLC

Comp Plan Amendment

Case # 11221

Legend

Flood Hazard Areas

- A
- AE
- AEFW
- SHADED X
- VE



Flood Hazard Areas

