

Pender County Planning and Community Development

Planning Division

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



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

AGENDA

Pender County Planning Board Work Session

Tuesday, December 2, 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:

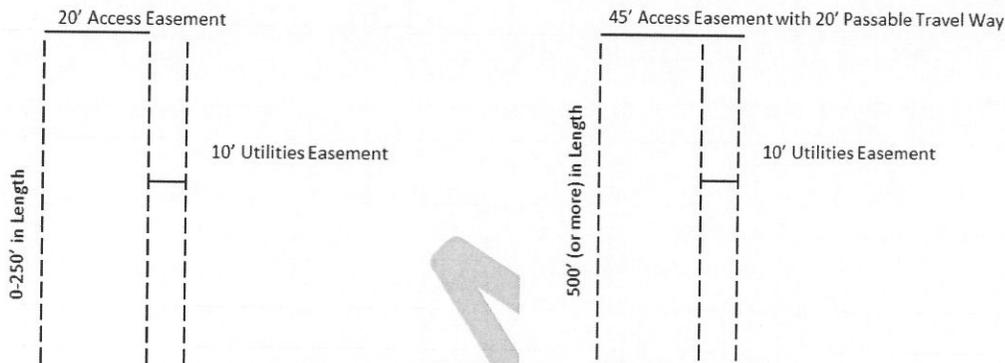
Williams: _____ McClammy: _____ Baker: _____ Boney: _____ Edens: _____ Marshburn: _____ Nalee: _____

1. **Subdivision Regulations:**
2. **Planned Development Zoning District:**
3. **Technical Review Committee Updates:**
4. **Current Permit Figures:**
5. **Adjournment:**

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

Family Subdivision: the division of property for the conveyance to one (1) or more persons within three (3) degrees of collateral kinship to the Grantor(s), related by blood, adoption or marriage. The purpose of this subdivision is not to circumvent provisions of the Pender County Unified Development Ordinance. None of the lots shall be conveyed to non-family members for a period of not less than five (5) years.

1. Up to 5 lots (created, existing, or combination thereof)
2. Access Easement width requirement is based on length:
 - a. 0-250 feet long: 20 feet width required
 - b. 250+ feet long: 45 feet width required with 20 feet passable way (same as current regulations)
 - c. Length is measured to a state maintained roadway
3. 10 Feet Wide Utilities Easement



4. Turnaround required at terminus of access easement (Design of this hammerhead? Or based on Firecode?)
5. No surfacing improvements required for travel way
6. No maintenance entity required for travel way
7. Surveyor Notes on Plat:
 - a. Kinship Note (current) see next page
 - b. Road Maintenance responsibility of owner of property (signature) see next page
8. No time restrictions as to the number of times a family subdivision can occur on an original tax parcel.
9. Any approval must align with any thoroughfare or street shown in the Comprehensive Transportation Plan, Coastal Pender Collector Street Plan or any other approved transportation plan for Pender County.
 - a. If a parcel is within these planning documents, sufficient right-of-way dedication based on the recommended cross-section from the policy document must be referenced in the plat.

All other applicable current standards (i.e. drainage, septic, etc) shall have language similar to the current Ordinance and will be incorporated at the time of the Text Amendment

GRANTOR/GRANTEE CERTIFICATE

The following statement shall appear on the plan and be signed by the Grantor(s) and Grantee(s) prior to approval:

The Grantor(s) and Grantee(s) certify that the Grantee(s) is within three (3) degrees of collateral kinship to the Grantor(s), and that the purpose of this waiver is not to circumvent the provisions of the Pender County Unified Development Ordinance, and that none of the lots shall be conveyed to non-family members for a period of not less than five (5) years.

Grantor Grantee

Commentary: "Siblings are related to each other in the second degree and uncle and niece are related to each other in the third degree"

MAINTENANCE CERTIFICATE

The following statement shall appear on the plan and be signed by the Owner(s) prior to approval:

A passable travel way shall be defined as: Conditions which allow a passenger or emergency vehicle to negotiate the travel path using reasonable care;

A passable travel way must be free of obstacles or obstructions and all clearing and grubbing shall be completed five (5) feet of each edge of the approved travel way within the easement or designated right of way;

The property owner shall maintain surfacing and drainage of this travel way to a passable standard;

Upon determination by the Administrator that such travel way as approved are not passable, the Administrator may, in addition to other remedies, prevent issuance of any further development approvals until such travel ways are in a proper state of maintenance as determined by the Administrator.

Owner Signature

DRAINAGE CERTIFICATE

The following statement shall appear on the plan prior to approval:

The plat that each lot is adjacent to a natural drainage way or perennial stream or a 20 ft. drainage easement is recorded from each lot toward a natural drainage way or a perennial stream or if the lot or lots front on a NCDOT maintained road, approval from NCDOT for such lots to drain to the public road,

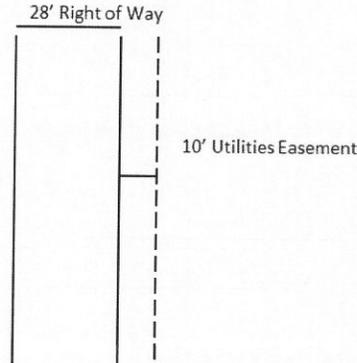
Witness my original signature, registration number and seal this day of ____ A.D. ____.

Signature: _____ (Seal)

Registration Number: _____

Type I Subdivision: the division of property for up to five (5) lots created, existing or combination thereof.

1. Up to 5 lots (created, existing, or combination thereof)
2. 28 feet Right of Way Dedication
3. 10 Feet Wide Utilities Easement

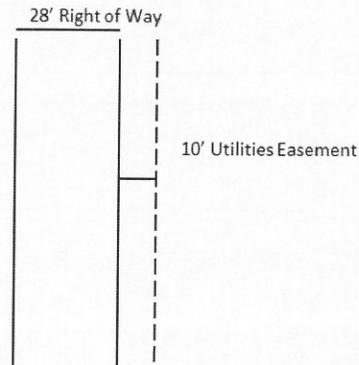


4. In the case where there are environmental features which will not allow for the future subdivision of tax parcels, a reduced right of way width to 20 feet may be approved by the Administrator.
 - a. Environmental Features: Land features that are classified as natural or environmentally sensitive areas including Special Flood Hazard Areas (SFHA), lakes, ponds, wetlands, natural stormwater retention areas, steep slopes, woodlands, stream buffers, water ways, riparian areas, and all other natural features.
5. No surfacing improvements required for travel way
6. Maintenance entity required for travel way
 - a. Entity shall be recorded at Register of Deeds (need sample document)
 - b. All homeowners on parcels created by division who use the travel way for access to their property shall be included in the formally recorded entity
 - c. Surveyor Note on Plat: indicating responsibility for travel way maintenance is this entity
7. The private roadway, access easement or combination thereof; which provides access to a public street shall not be longer than 500 feet in length.
8. The applicant must provide (on application) for the MB and PG from Register of Deeds records for which the previous subdivision or creation of the subject property occurred. This shall allow for accurate information for the history of the subject parcel.
9. Any approval must align with any thoroughfare or street shown in the Comprehensive Transportation Plan, Coastal Pender Collector Street Plan or any other approved transportation plan for Pender County.
 - a. If a parcel is within these planning documents, sufficient right-of-way dedication with the recommended cross-section from the policy document must be referenced in the plat.

All other applicable current standards (i.e. drainage, septic, etc) shall have language similar to the current Ordinance and will be incorporated at the time of the Text Amendment

Type II Subdivision: the division of property for between six (6) and ten (10) lots created, existing or combination thereof.

1. 6-10 lots (created, existing, or combination thereof)
2. 28 feet Right of Way Dedication
3. 10 Feet Wide Utilities Easement



4. In the case where there are environmental features which will not allow for the future subdivision of tax parcels, a reduced right of way width to 20 feet may be approved by the Administrator.
 - a. Environmental Features: Land features that are classified as natural or environmentally sensitive areas including Special Flood Hazard Areas (SFHA), lakes, ponds, wetlands, natural stormwater retention areas, steep slopes, woodlands, stream buffers, water ways, riparian areas, and all other natural features.
5. Travel way surfacing shall meet or exceed NCDOT minimum construction standards for subdivision roads except for paving, and may instead be surfaced with a minimum of 6 inches of compact stone or other approved surfaces by the Administrator
 - a. Surveyor Note and certification on plat of installation of improvements (sample document attached)
6. Maintenance entity required for travel way
 - a. Entity shall be recorded at Register of Deeds (need sample document)
 - b. All homeowners on parcels created by division who use the travel way for access to their property shall be included in the formally recorded entity
 - c. Surveyor Note on Plat: indicating responsibility for travel way maintenance is this entity (from previous page)
7. The private roadway, access easement or combination thereof; which provides access to a public street shall not be longer than 500 feet in length.
8. The applicant must provide (on application) for the MB and PG from Register of Deeds records for which the previous subdivision or creation of the subject property occurred. This shall allow for accurate information for the history of the subject parcel.
9. Any approval must align with any thoroughfare or street shown in the Comprehensive Transportation Plan, Coastal Pender Collector Street Plan or any other approved transportation plan for Pender County.
10. If a parcel is within these planning documents, sufficient right-of-way dedication with the recommended cross-section from the policy document must be referenced in the plat.

All other applicable current standards (i.e. drainage, septic, etc) shall have language similar to the current Ordinance and will be incorporated at the time of the Text Amendment

Items for Further Consideration:

1. Street name approval
2. Street sign necessity
3. Certification language for Type II Subdivision roadways (additional documents for certification)
4. Legality of entity / whom is required to join / when landowners are required to join
5. Type II Cross Section Reference from NCDOT 2010 Subdivision Manual

DRAFT

4.8 MIXED USE DISTRICTS

4.8.1 PD: Planned Development District

Intent - The intent of the Planned Development (PD) District is to provide an alternative to a conventional development. The PD zoning districts allow projects of innovative design and layout that would not otherwise be permitted under this Ordinance because of the strict application of zoning district or general development standards. The PD District encourages progressive land planning and design concepts. Some of these techniques and concepts include but are not limited to:

- 1) To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
- 2) To protect prime agricultural land and preserve farming as an economic activity.
- 3) To permit clustering of houses and structures in a manner that will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- 4) To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- 5) To protect scenic views.
- 6) To promote interconnected greenways and corridors throughout the County.
- 7) To create contiguous green space within and adjoining the development site.
- 8) To preserve important historic and archaeological sites.

A. General Intent/Purposes of the PD District

- 1) Allowing greater freedom in providing a mix of land uses in the same development, including a mix of housing types, housing prices, lot sizes, densities, and non-residential uses in a planned development;
- 2) Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses;
- 3) Encouraging quality urban design and environmentally sensitive development by allowing increases in base densities when such increases can be justified by superior design or the provision of additional amenities such as public and/or private open space.
- 4) In return for greater flexibility in site design requirements, planned developments are expected to deliver exceptional quality community designs that preserve critical environmental resources, provide above-average open space amenities, incorporate creative design in the layout of buildings, open space and circulation; assure compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure.
- 5) The PD District shall not be used as a means of circumventing the county's adopted land development regulations for routine developments.

B. General Use

- 1) Uses Allowed and Size - A planned development may contain any or all of the uses specified in the table of uses and in accordance with a master plan, provided such uses are consistent with the Table of Uses in Section 5.2 and the Comprehensive Plan. In order to develop under the PD District a minimum of two types of uses will be required. This must be a mix of

residential and non-residential uses. Mixed use development may occur by having two or more principal uses located in the same building (e.g., retail on ground floor, office space above) or by having two or more principal uses located in different buildings sited on the same lot or parcel (e.g., freestanding child day care center located on the same parcel as an office building).

- 2) Existing Planned Development District Properties – Existing properties currently zoned PD that are not part of a Master Development Plan approved under the provisions of this Ordinance shall submit for review based off of the following:
 - a) Vacant tracts recorded under previously adopted development regulations and are part of a platted subdivision or master planned development shall follow the prescribed standards at time of approval.
 - b) Vacant tracts not part of recorded subdivision or Master Development Plan – Submit Master Development Plan in accordance with provisions of Unified Development Ordinance and shall be reviewed by the Planning Board. All standards of the PD, Planned Development District shall be met except the requirement outlined in Section 4.8.1, specifically not requiring a mix of residential and non-residential uses. The Planning Board shall approve the proposed use(s) and overall design as applied to the current standards of the Ordinance as well as any other adopted plans.
 - c) Existing Developed Tracts – Expansion of existing use shall follow prescribed setbacks and dimensional requirements as prescribed in Section 4.8.1.B.1)a). Upon request, an applicant may request varying standards to be reviewed and approved by the Planning Board. The Planning Board shall review each application as applied to current ordinance standards and adopted plans.
 - i) Any change of use to existing developed tracts will require Planning Board review and approval meeting current ordinance standards and adopted plans but will not require a mix of uses as prescribed in section 4.8.1.B.1.

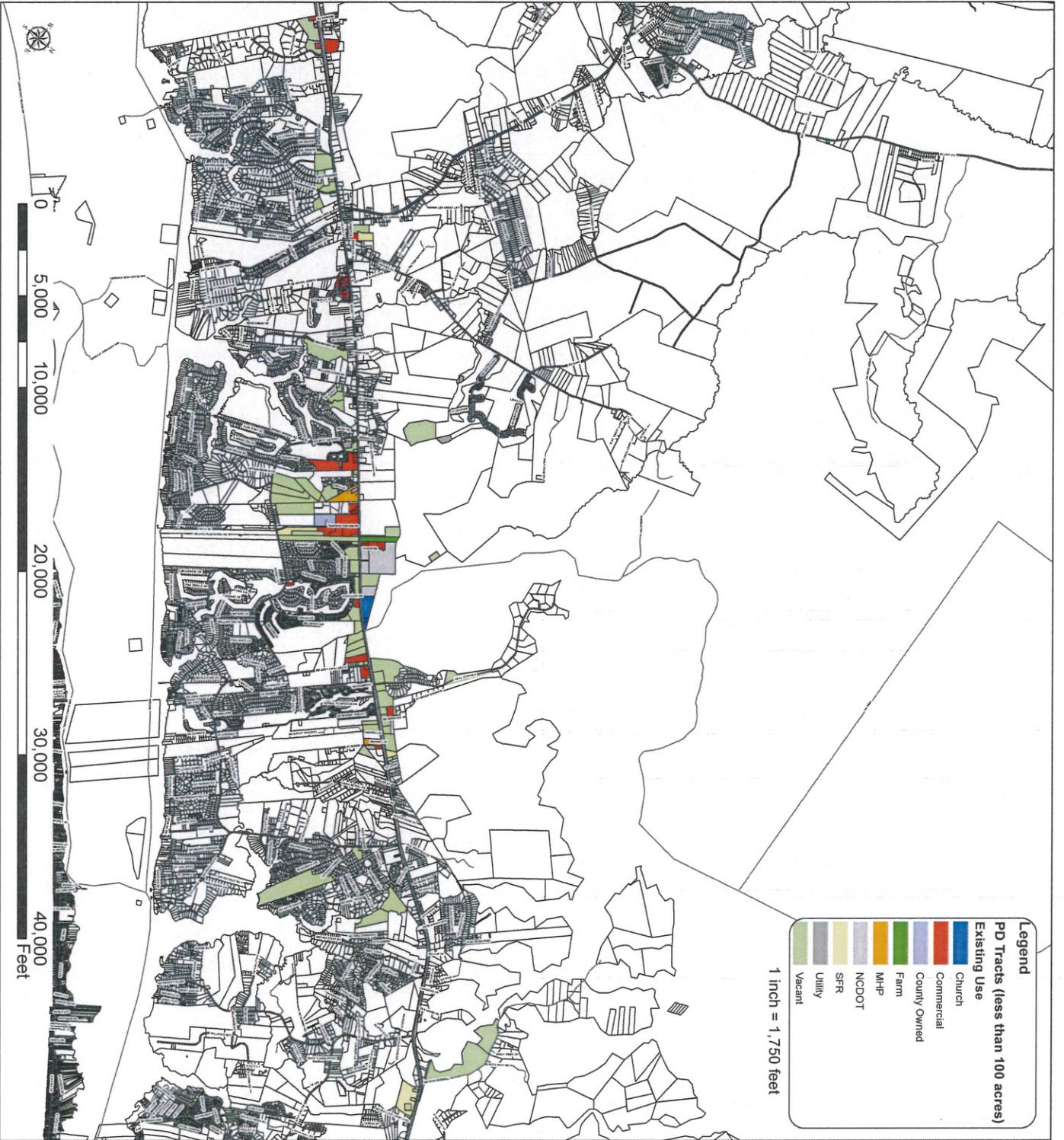
C. Number of Dwelling Units (Density)

- 1) Determination - The number of dwelling units in a project utilizing the PD development standards shall be a maximum of 5 units per net density. The density is calculated as total tract acreage subtracting the following:
 - a) Areas reserved as non-residential development
 - b) Total wetland calculations
 - c) Rights of way and parking areas
 - d) Active and Passive open space
 - i) Passive open space may be subtracted out of the total wetland delineation at time of Master Plan if calculated to be less than total wetland area.

D. Development Standards - Development in a PD District shall be subject to all applicable regulations unless otherwise waived or modified by the County in the terms of the approved master land use plan. In no case shall the decision-making body waive or modify the following standards for a proposed PD District:

- 1) Stream buffers required by the State of NC

- 2) Ownership requirements for any open space, buffers, or streetscapes unless otherwise permitted within this Ordinance;
- 3) Preservation of existing vegetation in streetscapes, floodplains, and/or buffers;
- 4) The minimum lot width and minimum yard requirements are established with the Master Plan may be modified by the Planning Board through the PD process however; the minimum distance between structures shall be as required by NC Building Code.
- 5) Street connectivity requirements;
- 6) Sidewalk and greenway requirements;
- 7) Stormwater control or LID requirements;
- 8) Transportation and Circulation System. The planned development's master plan shall demonstrate a safe and adequate on-site transportation system that addresses vehicular, bicycle, transit and pedestrian circulation. The on-site transportation system shall be integrated with the off-site transportation circulation system of the County.
 - a) Creative design of circulation routes and traffic ways is encouraged. A base characteristic of a PD is that the internal circulation routes or streets do not follow fixed linear geometric lines as do most streets. Instead, circulation routes are curvilinear and of meandering character, to preserve tree and landscape features. Slower-paced traffic movements and private restrictions for extremely low speed limits.
 - b) Pedestrian-oriented communities also are encouraged to enhance the quantity of pedestrian activity and to improve the quality of the pedestrian experience. Planned subdivisions must adhere to the design standards for drainage and paving in this Ordinance.
 - c) Where the development is bound by two (2) or more NC DOT on-system roads, at minimum access to each road shall be provided.
 - d) Adequately constructed and maintained bike and/or hiking trails shall be counted toward the open space requirement. Bicycle lanes and multi-use pathways that extend the minimum right-of-way width shall be designed in accordance with the North Carolina Bicycle Facilities Planning and Design Guidelines Manual.



2015 - TRC Meetings and Items Due Schedule

Meeting Date	Complete Application Due Date	Post Project on Webpage
1/13/2015	12/23/2014	12/30/2014
2/10/2015	1/20/2015	1/28/2015
3/10/2015	2/17/2015	2/24/2015
4/14/2015	3/24/2015	3/31/2015
5/12/2015	4/21/2015	4/28/2015
6/9/2015	5/19/2015	5/26/2015
7/14/2015	6/23/2015	6/30/2015
8/11/2015	7/21/2015	7/28/2015
9/8/2015	8/18/2015	8/25/2015
10/13/2015	9/22/2015	9/29/2015
11/10/2015	10/20/2015	10/27/2015
12/8/2015	11/17/2015	11/24/2015

All meetings to be held in the Pender County Government Administration Building at 805 S. Walker Street, in Burgaw in the Board of County Commissioners Board Room unless otherwise mentioned.

Meeting Times will be from 2-4pm subject to change due to number of projects for review.



Technical Review Committee Review and Response

Date: _____

Name: _____

Phone: _____

Agency: _____

Email: _____

Requirements:

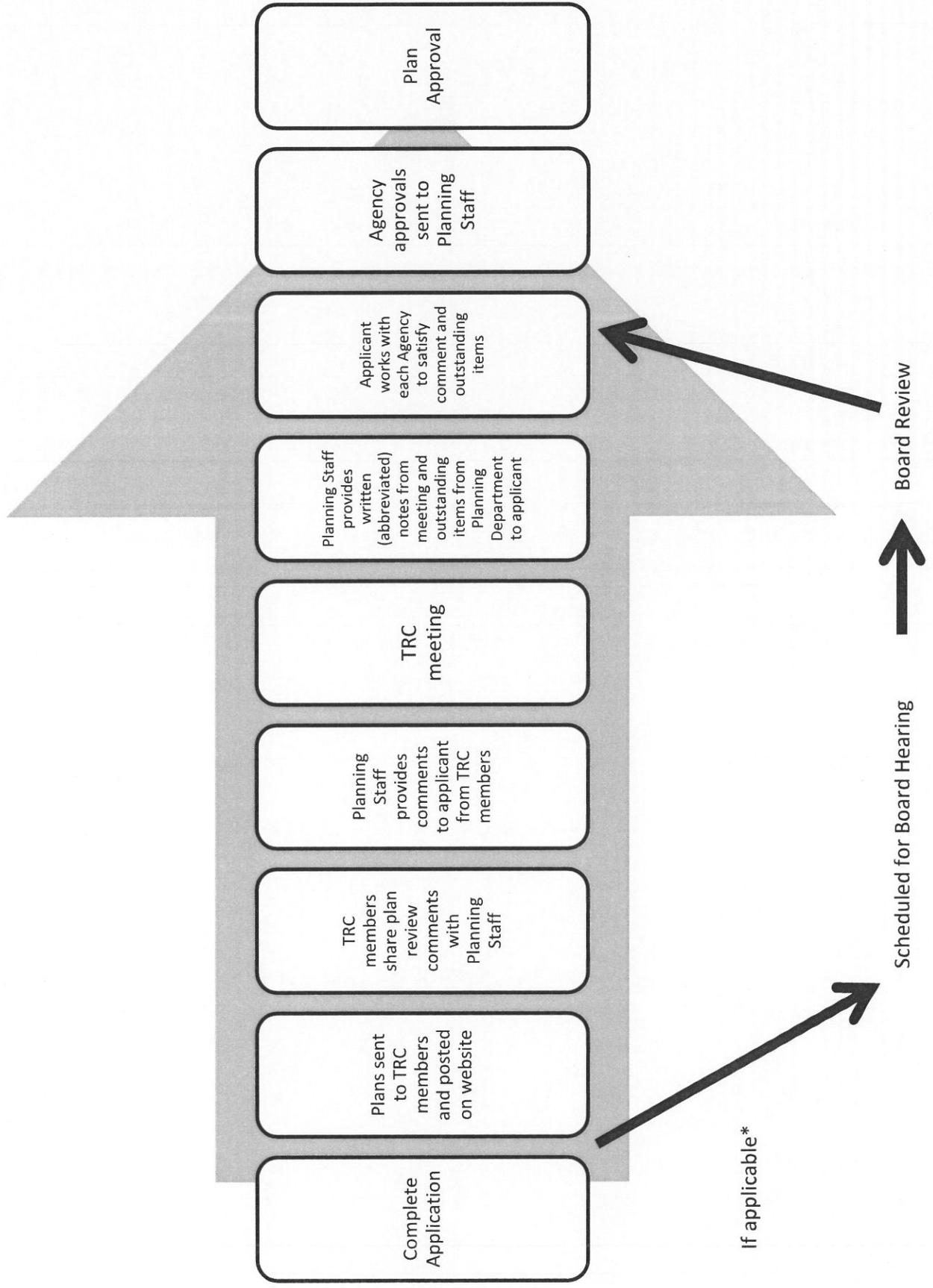
Recommendations:

Comments:

Information Requested:

Please Follow Up Prior to Meeting: Yes/No

Technical Review Committee Process



Pender County Planning and Community Development

Planning Division

805 S. Walker Street
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Burgaw, NC 28425



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AGENDA

**Pender County Planning Board
Tuesday, December 2, 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: (November 5, 2014)

3. Adoption of the 2015 Meeting Dates:

4. Public Comment:

(Public Hearings Open)

5. Master Development Plan:

The Pantry, Inc., applicant, on behalf of Fred Albrecht, Et Al, owner, is requesting approval of a Master Development Plan for one tract totaling ± 2.5 acres for a gasoline station with convenience store and limited service restaurant. The property is located at the corner of US HWY 17 and Hoover Road (SR 1569), in Hampstead and may be further identified as Pender County PIN 3292-08-2849-0000.

6. Zoning Text Amendment:

Four Points Recycling, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. The request is to amend Section 5.2.3 to add a Solid Waste Compost Facilities as a permitted use in the GB, General Business zoning district.

7. Zoning Text Amendment:

Pender County, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. The request is to amend Section 5.3.12.G Portable Storage Containers, to further specify the use standards required for permitting of these structures. Also requested is amendment to Sections 7.10.1 Off Street Parking and Loading/Parking Requirements,

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.

specifically Day Care minimum parking requirements; and 7.10.5 Surfacing standards for parking areas, for alternative surfacing requirements to five (5) or fewer parking spaces.

(Public Hearings Closed)

8. Discussion Items:

a. Planning Staff Items:

b. Planning Board Members Items:

9. Next Meeting: January 6, 2015, as applicable

10. Adjournment:

Planning Board Meeting Dates for 2015

Meeting Date
1/6/2015
2/3/2015
3/3/2015
4/7/2015
5/5/2015
6/2/2015
7/7/2015
8/4/2015
9/1/2015
10/6/2015
*11/4/2015
12/1/2015

* Meeting will be held on Wednesday due to Elections on Tuesday 11/3/2015

**PLANNING STAFF REPORT
MASTER DEVELOPMENT PLAN
KANGAROO EXPRESS**

SUMMARY:

Hearing Date: December 2, 2014

Applicant: The Pantry, Inc.

Property Owner: Fred Albrecht, et al

Case Number: 11287 Kangaroo Express

Development Proposal: The Pantry, Inc., applicant, on behalf of Fred Albrecht, et al, owner, is requesting Master Development Plan approval for a multi-use commercial development to include a Gasoline Station with Convenience Store and a Limited Service Restaurant (NAICS 447110/722211). The proposed development will consist of a two (2) unit commercial building on approximately 3.15 acres.

Location and Land Use: The proposed project will be located at 68 Hoover Road (SR 1569), along the northern portion of the intersection of US HWY 17 and Hoover Road, across US HWY 17 from the Hampstead Annex and across Hoover Road from the McDonald's. The property may be further identified by Pender County PIN 3292-08-2849-0000. The surrounding properties adjacent to the site consist of commercial and vacant land uses.

Zoning District of Property: The property is zoned GB, General Business District.

Staff Recommendation: Planning staff recommends conditional approval based on Major Site Development plan items being met as well as the consideration of the Technical Review Committee (TRC) and Planning Board comments.

Description of Proposal

The Pantry, Inc., applicant, on behalf of Fred Albrecht, et al, owner, is requesting approval of a Master Development Plan for a multi-use commercial development to include a gasoline station with convenience store and a limited service restaurant (NAICS 447110/722211). According to the applicant's submitted site plan, the total tract acreage is \pm 3.52 acres. The applicant will subdivide the \pm 3.52 acres into two (2) separate tracts with the gasoline station with convenience store and limited service restaurant being located on \pm 1.71 acres along the corner of the intersection of Hoover Road and leaving the remaining acreage (1.44 acres) as future development. Future development will be reviewed at time of project submission.

The proposed Master Development Plan will include construction of an approximate 4,900 sq. ft. building with an associated canopy and 8-petroleum MPD's (multiple product dispensers) which will provide for sixteen (16) fueling stations. The building will include an approximate 3,400 sq. ft. Kangaroo Express convenience store and an approximate 1,400 sq. ft. quick serve restaurant (Little Caesar's Pizza). The restaurant will include a drive-through facility. Currently, there is an existing single-family structure and accessory structures on-site as well as an off-premise sign advertising Castle Bay golf course. All existing structures will be demolished in preparation for site work on the proposed facilities.

As presented, the application is in substantial compliance with the provisions of the Unified Development Ordinance (UDO); however, all required regulations must be complied with prior to approval for Major Site Development as well as taking in to consideration comments from the Pender County Technical Review Committee. The case was reviewed by the TRC at their meeting on November 4, 2014 and items to be addressed are attached to this report.

Access and Connectivity

Access to the property is being proposed through three (3) separate driveways which have been reviewed through the Traffic Impact Analysis presented with this project. These include, access via US HWY 17 to be shared with future development of the tract to the north and two access points along Hoover Road. The two access points along Hoover Road will be limited in that site access 1 will be a right-in/right-out only. Access 2 along Hoover Road will align with the entrance to McDonald's and will be limited as a right-in only. Each access will be designed and constructed with adequate storage and taper to limit any spill over onto US HWY 17 and Hoover Road. The Wilmington Metropolitan Planning Organization has formally scoped the project in regards to the TIA to be completed and will review all recommendations prior to final approval. The recommendations of the TIA have been summarized and are attached to this report (*Attachment 1*).

Cross access connections to adjacent sites shall be accomplished in accordance with the provisions of the UDO. The site plan presented shows the cross access to the property west which is currently vacant, undeveloped General Business property but does not show cross access to the north. It is recommended that the cross access in this location align with the current drive accessing Hoover Road at Site Access 2. This will allow for the free-flow of traffic rear of the structure and separated from vehicular parking areas and pedestrian activities.

The location of stormwater facilities associated with the Kangaroo Express and Little Caesar's will be located entirely on-site and will utilize infiltration basins for stormwater collection and treatment meeting state standards.

Parking will be evaluated based on *Retail Sales and Service (1 space per 225 Sq. Ft. Floor Area)* and *Restaurant (1 per 100 Sq. Ft.)* as outlined in Section 7.10.1, Off-Street Parking and Loading/Parking Requirements. Buffer Types "A" and "B" shall be utilized along boundaries of the development and will be encouraged to preserve as much natural existing vegetation as possible. As part of a commercially zoned property a Significant Tree Survey will be required to be submitted at time of Major Site Development Plan approval.

There does not appear to be any areas of environmental concern on the property or environmental features.

Evaluation:

A) Existing Zoning in Area:

The property lies within a GB, General Business District. All adjacent properties are zoned GB, General Business.

B) Existing Land Use in Area:

The properties to the north and east are vacant, commercially zoned tracts. To the southwest, across Hoover Road, contains McDonald's, and across US HWY 17 contains the Hampstead Annex.

D) 2010 Comprehensive Land Use Plan:

Mixed Use: The Mixed Use land use 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 support this request:

- a. Economic Development Goal 10A.1: Promote economic development which meets the needs of the County for expanding the non-residential tax base and providing well-paying jobs.
- b. Growth Management Policy 1A.1.1: Encourage development in and around municipal corporate limits and other developed areas within the County to yield a more compact pattern of development that will reduce suburban/rural sprawl.
- c. Growth Management Policy 1A.1.2: Encourage development in areas where the necessary infrastructure – roads, water, sewer, and schools - are available, planned or can be most cost effectively provided and extended to serve existing and future development.

E) Summary & Staff Recommendation:

The proposal consists of a Master Development Plan approval for a multi-use commercial development to include a Gasoline Station with Convenience Store and a Limited Service Restaurant (NAICS 447110/722211). The proposed development will consist of a two unit commercial building on approximately 3.15 acres. The request is consistent with the Comprehensive Land Use Plan, therefore; planning staff recommends conditional approval based on Major Site Development Plan items being met as well as the consideration of the Technical Review Committee (TRC) and Planning Board comments.
Board Action for Master Development Plan Review:

Motion: _____ **Seconded** _____

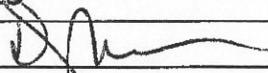
Approved: _____ **Denied:** _____ **Unanimous** _____

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

RECEIVED

OCT 17 2014

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE				
Application No.	MDP 11287	Date	10/17/2014	
Application Fee	\$ 531.50	Receipt No.	142559	
Pre-Application Conference	8/26/2014	Hearing Date	12/2/2014	
SECTION 1: APPLICANT INFORMATION				
Applicant's Name:	The Pantry, Inc.	Owner's Name:	Fred Albrecht, Et Al	
Applicant's Address:	305 Gregson Drive	Owner's Address:	P.O. Box 25	
City, State, & Zip	Cary, NC 27511	City, State, & Zip	Hampstead, NC 28443	
Phone Number:	919-566-1011	Phone Number:		
Legal relationship of applicant to land owner: Developer of property				
SECTION 2: PROJECT INFORMATION				
Type of Master Development Plan	<input type="checkbox"/> Residential <i>RP, PD, RM MH District</i>	<input checked="" type="checkbox"/> Commercial <i>GB, OI, IT, GI District</i>	<input type="checkbox"/> Mixed Use <i>PD</i>	<input type="checkbox"/> Exempt
Property Identification Number (PIN):	3292-08-2849-0000	Total property acreage:	3.15	
Zoning Classification:	GB	Acreage to be disturbed:	Approximately X 2.5 acres	
Project Address :	68 Hoover Road			
Description of Project Location:	NE Corner of US Highway 17 and Hoover Road			
Describe activities to be undertaken on project site:	Construction of a Kangaroo Express convenience store with 8 MPD's (16 fueling stations). The building will total approx. 4,900 sf. Approximately 3,500 sf will be a typical convenience store while the remaining 1,400 sf will be a Little Caesar's Pizza (with drive-through). The remainder of the site will be developed with parking lot and stormwater facilities.			
SECTION 3: SIGNATURES				
Applicant's Signature		Date:	10-15-14	
Owner's Signature	SEE ENCLOSED LETTER OF		Date:	

AUTHORIZATION FROM OWNER

NOTICE TO APPLICANT

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.

Office Use Only

<input checked="" type="checkbox"/>	MDP Fees: (\$500.00 plus \$10/acre for the first 100 acres \$5/acre thereafter)	Total Fee Calculation: \$ 531.50
Attachments Included with Application: (Please include # of copies)		
CD/other digital version	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets # of large 1
		# of 11X17 12
		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 # 101714
Application received by:	<i>Kyle M. Breuer</i>	Date: 10/17/2014
Application completeness approved by:	<i>KMB</i>	Date: 10/17/14
Date scheduled for public hearing:	12/2/2014	

MASTER DEVELOPMENT PLAN CHECKLIST

<input checked="" type="checkbox"/>	Signed Application Form (Both Applicant and Owner)
<input checked="" type="checkbox"/>	Application fee
<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.
	Project Narrative--Written description of the project (max of 3 pages) including the following: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Location of the project and type of access to project site <input checked="" type="checkbox"/> Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc. <input checked="" type="checkbox"/> Description of all construction activities to be undertaken on the site <input checked="" type="checkbox"/> Describe type of utilities that will serve project and status of approval from applicable providers <input checked="" type="checkbox"/> List of all state and federal permits that will be required for the project <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 (this item must be addressed by the applicant). The applicant may also wish to describe any positive benefits the project will provide for the community &/or neighbors of the project.

Master Development Plan Contents

All MDP's shall be prepared in accordance with the following specifications:

<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).

October 9, 2014

LETTER OF AUTHORIZATION

To: Whom It May Concern

RE: Kangaroo Express #1664
Hampstead, NC

Dear Sir or Madam,

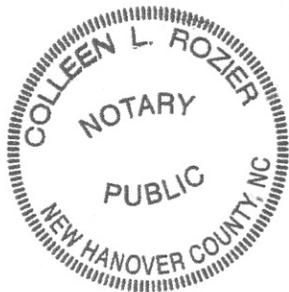
This letter shall constitute authorization from Fred R. K. Albrecht personally and as the Trustee for the Albrecht Family Revocable Living Trust, Dated July 11, 2013, for David Handera, Vice President, Procurement, Construction, and Development of The Pantry, Inc. to act as Owner's Agent and Chris Clayton of Commercial Site Design, PLLC to act as Applicant. This is in order to sign and file applications to the appropriate governmental entities to obtain necessary approvals and permits for the Kangaroo Express convenience store #1664. This shall include any other agency having authority in the approval process.

Respectfully,



Fred R. K. Albrecht

Acknowledged before me, Fred R. K. Albrecht personally appeared before me this 9 day of October, 2014, and is personally known to me or has presented Drivers License as identification and who did (did not) take an oath.



Colleen L. Rozier Notary Public, State of North Carolina
Colleen L. Rozier Printed Name
My Commission Expires: 9-13-2016



COMMERCIAL SITE DESIGN

8312 Creedmoor Road Raleigh, NC 27613
919.848.6121 Phone 919.848.3741 Fax

www.csite design.com

October 16, 2014

Mr. Kyle Breuer
Pender County Planning Division
805 S. Walker Street
Burgaw, NC 28425

**RE: MDP Project Narrative
Kangaroo Express – 68 Hoover Road
Hampstead, NC
CSD Project Number: PAN-1403**

Dear Mr. Breuer:

Please accept our Master Development Plan (MDP) submittal for the referenced project. This letter serves as our project narrative as required by the MDP Application.

Project Location & Proposed Access

The proposed convenience store development is located at 68 Hoover Road on the northeast corner of the intersection of Hoover Road and US Highway 17 in Hampstead, NC. The current proposal calls for the 3.52 acre parcel to be subdivided such that the Kangaroo Express facility is located on a 1.71 acre tract at the corner of the intersection thereby leaving a 1.44 tract for future development. Access to the site will be provided via a shared right-in/right-out driveway configuration on US Highway 17 that straddles the proposed subdivision line. This driveway will be located approximately 290 feet from the intersection and include a concrete channelization island (per NCDOT standards and specifications) that prohibits left turning movements into and out of the site. Additionally, the island will extend into the throat of the driveway to provide a minimum stem length of 100-feet as required by NCDOT. Access to the site off of Hoover Road will be provided by a right-in only driveway approximately 130-feet from the intersection with Highway 17 and a full-access driveway located approximately 290-feet from the intersection. It should be noted that the proposal also shows cross-access to the property to the north as required by Pender County.

Project Description

The proposed development will include construction of an approximate 4,900 square foot building with an associated canopy and 8-petroleum MPD's (multiple product dispensers) which will allow for 16 fueling stations. The building will include an approximate 3,400 square foot Kangaroo Express convenience store and an approximate 1,400 square foot quick serve

restaurant (Little Caesar's Pizza). The restaurant will include a drive-through facility. We understand that the Kangaroo Express will have four employees on maximum shift while the Little Caesar's will have 6 employees on maximum shift. The proposed hours of operation for the store will be 24-hours per day or the maximum that Pender County will allow.

Proposed Construction

The anticipated construction for the project will consist of the following:

- Demolition of existing building and trees in the western portions of the lot
- Site grading and utility installation
- Excavation/construction of 2-3 stormwater facilities/BMP's.
- Asphalt/concrete preparation and installation along all vehicular use areas including access drives, parking areas, building slabs, sidewalks, etc.
- Building construction of storefront/restaurant, gas canopy, MPD's, underground storage tanks and associated piping, etc.
- Installation of signs, trees, and landscaping

Utility Infrastructure

The site will be served by Pender County Water and Sewer. An 8-inch water main is currently located along the east side of Hoover Road along the property frontage on Hoover Road. It is our understanding that a force sewer main will be extended along the north side of Hwy 17 along the property frontage as part of a County force main project. We understand that the project has been approved and is scheduled for installation in the immediate future. Stormwater quantity and quality measures will be addressed on-site and conform to the requirements of NCDENR. The Electrical provider is Duke Energy. Natural Gas service to the development will be provided by Piedmont Natural Gas. Approval from all of these agencies will be obtained as the project progresses.

Necessary Permits

We understand the following permits will be necessary for the proposed project:

- NCDOT Driveway & Utility Encroachment Permits
- NCDENR UST Compliance & Inspection Permits
- NC Petroleum Distribution & Licensing Permit
- NC Food Service & Restaurant Permit
- ABC Retail Permit
- State Health Department Permit
- Pender County Demolition Permit
- Pender County Building Permit (for building and canopy)
- Pender County Encroachment Permit
- Pender County Sign Permit
- NCDENR Stormwater Permit (through DWQ)
- NCDENR Land Disturbance Permit (through Land Quality)
- Pender County Zoning Permit



Project Impacts

A Traffic Impact Assessment (TIA) will be conducted prior to site plan approval or any construction activities. This assessment will address concerns the community and adjacent property owners may have related to traffic congestion, etc. The scope of the TIA has been approved by NCDOT and the WMPO. If warranted by the TIA, the Developer (The Pantry, Inc.) will construct any necessary improvements (turn lanes, signal upgrades, etc.). Such improvements will enhance this section of the US Highway 17 corridor and should mitigate any traffic concerns. The Pantry, Inc., in conjunction with NCDOT, the WMPO, and Pender County Planning & Zoning will make every effort to mitigate any anticipated negative impacts that stem from this additional growth along the Hwy 17 corridor.

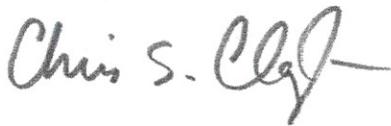
Benefits the project will provide to the local community include:

- On-site stormwater management including water quality and quantity
- Streetscape enhancement & on-site landscaping
- ROW reservation for future Pender County Bike/Pedestrian path along US Highway 17
- Cross-access to adjoining potential commercial property to the north
- Increase in surrounding property value due to improvements at signalized intersection
- Provide services and amenities to the community that are not presently available in the area
- Employment opportunities
- Contribution to the Pender County tax base.

Should you need any further assistance, do not hesitate to contact me.

Sincerely,

COMMERCIAL SITE DESIGN, PLLC



Chris Clayton
Project Manager



Case #11287

TRC Review (November 4, 2014)

- Compliance with the Pender County Comprehensive Parks and Recreation Master Plan
 - Dedicate a 15' easement parallel to US HWY 17 for future Coastal Pender Rail Trail
- Compliance with Coastal Pender Collector Street Plan
 - Work with District Engineer to determine if additional right of way will be required to provide for an on-street bicycle lane as recommended on Figure 4.1: New Roadways.
- Pender County Utilities
 - Extend the existing waterline to the property north of the proposed project.
- Sewer
 - Letter of intent to be issued from sewer provider (Pluris Hampstead, LLC).
- Environmental Health
 - Submit restaurant plans to Environmental Health for the proposed Little Caesar's Pizza.

The following represents the full TRC comments from 11/4/14:

11287 Kangaroo MDP

- Trey and David are representing Kangaroo
- Megan (Planning): TIA is in process
- Amy (MPO): bike/ped easement is labeled on the plan, installation is not necessary at this point
- David (Kangaroo): Phase I includes connectivity to northwest, Phase II includes connectivity to northeast
- Megan (Planning): curb cuts need to be shown for this phase
- Robert (NCDOT) shared driveway will serve both phases
- Bryan (PCU): PCU does not provide sewer
- Vence (Environmental Health): permit is required via Clay Creswell for the food portion
- David (Schools): concerned with morning traffic on Hoover Road
- Amy (MPO): TIA will consider school traffic and signal tweaking
- Bryan (PCU): eight inch water line that is shown on Hoover Road should be changed to six inch and should be extended to northeast corner of site
- David (Kangaroo): can water line be placed under bike/ped path?
- Amy (MPO): water line can be placed under bike/ped path as far as MPO is concerned but asphalt must be repaired if broken for maintenance
- Megan (Planning): need letter of intent to serve from Pluris before plat can be signed; correct state route number of Hoover Road from 1596 to 1569; label outdoor trash receptacles, outdoor lighting fixtures, and types of buffers; tree survey required; signage requirements per UDO Article 10; include on plan a space labeled "Approved by the Pender County Unified Development Administrator" for the signature of the Administrator, approval date, and a statement that reads "site plan valid for two (2) years from approval date."

Kangaroo Express Development – Transportation Impact Analysis
Hampstead, NC
Prepared for Commercial Site Design, PLLC
October 31, 2014

Executive Summary

The proposed Kangaroo Express development is to be located on the northwest corner of the intersection of US 17 and Hoover Road in the Hampstead community in Pender County, NC. The development is planned to be constructed in two phases. Phase 1 is proposed to include a gas/service station with convenience market and 16 fueling positions and a 1,400 square foot fast-food restaurant with a drive-thru window. Phase 1 has a planned build-out date of 2015. Phase 2 is to consist of a 4,500 square foot fast-food restaurant with a drive-thru window and has a projected build-out date of 2018.

DAVENPORT was retained to determine the potential traffic impacts of this development and to identify transportation improvements that may be required to accommodate the impacts of the new development traffic. The following intersections were included in the study:

- US 17 at Hoover Road
- US 17 at Site Access 1 (right-in / right-out)
- Hoover Road at Site Access 2 (right-in only)
- Hoover Road at McDonald's Driveway / Site Access 3

These intersections were analyzed during the AM and PM peaks for the following conditions:

- 2014 Existing Conditions
- 2015 Phase 1 Future No-Build Conditions
- 2015 Phase 1 Build Conditions
- 2018 Phase 2 Future No-Build Conditions
- 2018 Phase 2 Build Conditions
- 2018 Phase 2 Build Conditions with Improvements

The Wilmington Urban Area Municipal Planning Organization and NCDOT were contacted to obtain background information and to ascertain the elements to be covered in this Transportation Impact Analysis (TIA). Information regarding the property was provided by Commercial Site Design.

Phase 1 Level of Service Analysis

The results of the Phase 1 Level of Service (LOS) analysis are discussed by intersection below and presented in tabular format:

US 17 @ Hoover Road

In the 2015 future no build conditions, with the growth in the background traffic, this signalized intersection is expected to operate at a LOS C in the AM peak and a LOS B during the PM peak. With the addition of the Phase 1 Site Trips, the intersection is expected to operate at a LOS C in both the AM peak and PM peaks. No improvements are recommended for Phase 1.

US 17 @ Site Access 1 (right-in / right-out)

In the 2015 future build conditions, this right-in / right-out intersection is expected to operate at a LOS D in both the AM peak and PM peaks. The need for an auxiliary right turn lane was reviewed based on page 80 of the NCDOT “Policy on Street and Driveway Access to North Carolina Highways” and indicates that based on projected traffic volumes, a right turn lane is warranted on southbound US 17. The following improvement is recommended in order to facilitate right turn entry into the site:

- Provide a southbound right turn lane with 100’ of storage and appropriate deceleration length and taper.

With this improvement in place, the intersection is expected to remain at a LOS D in both the AM and PM peaks with reductions in the control delay of 1.1 and 1.2 seconds respectively.

Hoover Road @ Site Access 2 (right-in only)

In the 2015 future build conditions, this right-in only intersection is expected to operate at a LOS A with no delay in both the AM peak and PM peaks. The need for an auxiliary right turn lane was reviewed based on page 80 of the NCDOT “Policy on Street and Driveway Access to North Carolina Highways” and indicates that based on projected traffic volumes, a right turn lane is warranted on westbound Hoover Road. The following improvement is recommended in order to facilitate right turn entry into the site:

- Provide a westbound right turn lane with 50’ of storage and appropriate deceleration length and taper.

Note that a 50’ rather than 100’ storage is being recommended due to space constraints. The proximity of this intersection to the intersection of US 17 will also keep speeds well below the 45 mph posted speed limit for westbound vehicles approaching this access point.

Hoover Road @ Site Access 3 / McDonald's Drive

In the 2015 future no build conditions, with the growth in the background traffic, this unsignalized intersection is expected to operate at a LOS B in both the AM peak and PM peaks. With the addition of the Phase 1 Site Trips, the intersection is expected to operate at a LOS C in the AM peak and a LOS B during the PM peak. No improvements are recommended for Phase 1.

Table 7.2 presents the summary of the level of service analysis for the Phase 1 Future Build conditions.

Table 7.2 - Level of Service Summary			
AM Peak	2015 Future No Build	2015 Phase 1 Build	2015 Phase 1 Build with Improvements
US 17 at Hoover Road	C (23.5)	C (31.4)	
US 17 at Site Access 1 (right-in / right-out)		D (26.3) EB Approach	D (25.2) EB Approach
Hoover Rd at Site Access 2 (right-in only)		A (0.0)	
Hoover Rd at Site Access 3 / McDonald's Drive	B (14.9) NB Approach	C (19.8) SB Approach	
PM Peak	2015 Future No Build	2015 Phase 1 Build	2015 Phase 1 Build with Improvements
US 17 at Hoover Road	B (13.1)	C (22.2)	
US 17 at Site Access 1 (right-in / right-out)		D (26.0) EB Approach	D (24.8) EB Approach
Hoover Rd at Site Access 2 (right-in only)		A (0.0)	
Hoover Rd at Site Access 3 / McDonald's Drive	B (11.3) NB Approach	B (14.2) SB Approach	
LOS (delay in seconds)			
Note for unsignalized conditions, LOS and delay indicates only minor street approach with longest delay			

Phase 2 Level of Service Analysis

The results of the Phase 2 Level of Service (LOS) analysis are discussed by intersection below and presented in tabular format:

US 17 @ Hoover Road

In the 2018 future no build conditions, with the growth in the background traffic and the Phase 1 site trips, this signalized intersection is expected to operate at a LOS D in the AM peak and a LOS C during the PM peak. With the addition of the Phase 2 Site Trips, the intersection is expected to operate at a LOS E in the AM peak and a LOS D during the PM peak. The following improvement is recommended:

- Optimize the traffic signal timing splits for the new traffic volumes.

With this improvement in place, the intersection is expected to improve to a LOS D in the AM peak and a LOS C during the PM peak.

US 17 @ Site Access 1 (right-in / right-out)

In the 2018 future no build conditions, this right-in / right-out intersection is expected to operate at a LOS D in both the AM and PM peaks. With the addition of the Phase 2 Site Trips, the intersection is expected to operate at a LOS E in the AM peak and a LOS D during the PM peak. No additional improvements are recommended.

Hoover Road @ Site Access 2 (right-in only)

In the 2018 future no build and future build conditions, this right-in only intersection is expected to operate at a LOS A with no delay in both the AM peak and PM peaks. No additional improvements are recommended.

Hoover Road @ Site Access 3 / McDonald's Drive

In the 2018 future no build conditions, with the growth in the background traffic, this unsignalized intersection is expected to operate at a LOS C in both the AM peak and PM peaks. With the addition of the Phase 2 Site Trips, the intersection is expected to operate at a LOS D in the AM peak and a LOS C during the PM peak. The need for an auxiliary right turn lane was reviewed based on page 80 of the NCDOT "Policy on Street and Driveway Access to North Carolina Highways" and indicates that based on projected traffic volumes, a right turn lane is warranted on westbound Hoover Road. The following improvement is recommended in order to facilitate right turn entry into the site:

- Provide a westbound right turn lane with 50' of storage and appropriate deceleration length and taper.

Note that a 50' rather than 100' storage is being recommended due to space constraints.

With this improvement in place, the intersection is expected to remain at a LOS D in the AM and LOS C in the PM peak with reductions in the control delay of 2.6 and 0.5 seconds respectively.

Table 8.2 presents the summary of the level of service analysis for the Phase 2 Future Build conditions.

1.1 Phase 2 Recommended Improvements Summary

Table 8.2 – Phase 2 Level of Service Summary			
AM Peak	2018 Future No Build	2018 Phase 2 Build	2018 Phase 2 Build with Improvements
US 17 at Hoover Road	D (46.0)	E (67.3)	D (47.0)
US 17 at Site Access 1 (right-in / right-out)	D (29.6) EB Approach	E (39.1) EB Approach	
Hoover Rd at Site Access 2 (right-in only)	A (0.0)	A (0.0)	
Hoover Rd at Site Access 3 / McDonald's Drive	C (22.3) SB Approach	D (33.4) SB Approach	
PM Peak	2018 Future No Build	2018 Phase 2 Build	2018 Phase 2 Build with Improvements
US 17 at Hoover Road	C (32.1)	D (45.9)	C (30.1)
US 17 at Site Access 1 (right-in / right-out)	D (30.6) EB Approach	D (34.8) EB Approach	
Hoover Rd at Site Access 2 (right-in only)	A (0.0)	A (0.0)	
Hoover Rd at Site Access 3 / McDonald's Drive	B (15.0) SB Approach	C (17.1) SB Approach	
LOS (delay in seconds)			
Note for unsignalized conditions, LOS and delay indicates only minor street approach with longest delay			



Summary and Conclusion

The proposed Kangaroo Express development is to be located on the northwest corner of the intersection of US 17 and Hoover Road in the Hampstead community in Pender County, NC. The development is planned to be constructed in two phases. Phase 1 is proposed to include a gas/service station with convenience market and 16 fueling positions and a 1,400 square foot fast-food restaurant with a drive-thru window. Phase 1 has a planned build-out date of 2015. Phase 2 is to consist of a 4,500 square foot fast-food restaurant with a drive-thru window and has a projected build-out date of 2018.

DAVENPORT was retained to determine the potential traffic impacts of this development and to identify any transportation improvements that may be required to accommodate the impacts of both background traffic and new development traffic.

Based on trip generation equations published in Trip Generation (Institute of Transportation Engineers, 9th Edition), Phase 1 of this development has a trip generation potential of 1,419 daily net trips with 95 net trips in the AM peak and 119 net trips in the PM peak. At full build, the development has a trip generation potential of 2,547 daily net trips with 199 net trips in the AM peak and 192 net trips in the PM peak.

In conclusion, this study has determined the potential traffic impacts of this development and has identified transportation improvements that will be required to accommodate the impacts of the proposed development traffic. The aforementioned improvements should all be constructed in accordance with NCDOT's Policy on Street and Driveway Access to North Carolina Highways. Table C presents a summary of the level of service results for all analyzed conditions. Table D illustrates the recommendations related to this development. Figure A shows the recommended improvements for both phases.

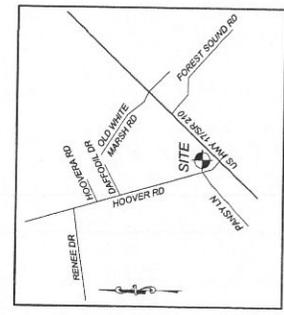


Table 9.2 - Level of Service Summary

AM Peak	2014 Existing	2015 Future No Build	2015 Phase 1 Build	2015 Phase 1 Build with Improvements	2018 Future No Build	2018 Phase 2 Build	2018 Phase 2 Build with Improvements
US 17 at Hoover Road	C (22.2)	C (23.5)	C (31.4)		D (46.0)	E (67.3)	D (47.0)
US 17 at Site Access 1 (right-in / right-out)			D (26.3) EB Approach	D (25.2) EB Approach	D (29.6) EB Approach	E (39.1) EB Approach	
Hoover Rd at Site Access 2 (right-in only)			A (0.0)		A (0.0)	A (0.0)	
Hoover Rd at Site Access 3 / McDonald's Drive	B (14.6) NB Approach	B (14.9) NB Approach	C (19.8) SB Approach		C (22.3) SB Approach	D (33.4) SB Approach	D (30.8) SB Approach
PM Peak	2014 Existing	2015 Future No Build	2015 Phase 1 Build	2015 Phase 1 Build with Improvements	2018 Future No Build	2018 Phase 2 Build	2018 Phase 2 Build with Improvements
US 17 at Hoover Road	B (12.2)	B (13.1)	C (22.2)		C (32.1)	D (45.9)	C (30.1)
US 17 at Site Access 1 (right-in / right-out)			D (26.0) EB Approach	D (24.8) EB Approach	D (29.0) EB Approach	D (34.8) EB Approach	
Hoover Rd at Site Access 2 (right-in only)			A (0.0)		A (0.0)	A (0.0)	
Hoover Rd at Site Access 3 / McDonald's Drive	B (11.2) NB Approach	B (11.3) NB Approach	B (14.2) SB Approach		B (15.0) SB Approach	C (17.1) SB Approach	C (16.6) SB Approach
LOS (delay in seconds) Note for unsignalized conditions, LOS and delay indicates only minor street approach with longest delay							

Table 9.2 - Recommended Improvement Summary

<p>US 17 at Hoover Road</p>	<p><u>Phase 2:</u></p> <ul style="list-style-type: none"> • Optimize the traffic signal timing splits for the new traffic volumes
<p>US 17 at Site Access 1 (right-in / right-out)</p>	<p><u>Phase 1:</u></p> <ul style="list-style-type: none"> • On the southbound approach along US 17, construct a right turn lane with a minimum of 100' of storage and appropriate taper
<p>Hoover Rd at Site Access 2 (right-in only)</p>	<p><u>Phase 1:</u></p> <ul style="list-style-type: none"> • On the westbound approach along Hoover Road, construct a right turn lane with a minimum of 50' of storage and appropriate taper
<p>Hoover Rd at Site Access 3 / McDonald's Drive</p>	<p><u>Phase 2:</u></p> <ul style="list-style-type: none"> • On the westbound approach along Hoover Road, construct a right turn lane with a minimum of 50' of storage and appropriate taper



VICINITY MAP
1" = 600'



THE PANTRY, INC.
305 GREGSON DRIVE
CARY, NORTH CAROLINA 27511
PHONE: (919) 774-6700

SITE ADDRESS:
68 HOOVER ROAD
HAMPSTEAD, NORTH CAROLINA

CSD PROJECT NUMBER: PAN-1403

MASTER DEVELOPMENT PLAN

SHEET INDEX

C-100	COVER
C-200	EXISTING CONDITIONS
C-400	SITE PLAN
C-500	GRADING & DRAINAGE PLAN
LA-100	LANDSCAPE PLAN

CONTACT INFORMATION	
WATER:	PRIMER COUNTY UTILITIES 800 EAST FREMONT STREET WILMINGTON, NORTH CAROLINA 28405 PHONE: (910) 292-1570 CONTACT: MICHAEL MACK
STORM DRAINAGE:	PRIMER COUNTY UTILITIES 800 EAST FREMONT STREET WILMINGTON, NORTH CAROLINA 28405 PHONE: (910) 292-1570 CONTACT: MICHAEL MACK
SANITARY SERVICES:	PRIMER COUNTY UTILITIES 800 EAST FREMONT STREET WILMINGTON, NORTH CAROLINA 28405 PHONE: (910) 292-1570 CONTACT: MICHAEL MACK
GAZ:	PRIMER COUNTY UTILITIES 800 EAST FREMONT STREET WILMINGTON, NORTH CAROLINA 28405 PHONE: (910) 292-1570 CONTACT: MICHAEL MACK
ELECTRIC:	AT&T 1321 SOUTH 1017A STREET WILMINGTON, NORTH CAROLINA 28405 PHONE: (800) 452-3777
TELEPHONE:	AT&T 1321 SOUTH 1017A STREET WILMINGTON, NORTH CAROLINA 28405 PHONE: (800) 452-3777
PLANNING / ZONING:	PRIMER COUNTY PLANNING & ZONING 800 SOUTH WALDEN STREET WILMINGTON, NORTH CAROLINA 28405 CONTACT: KYLE BREWSTER

REVISIONS:

NO.	DATE	DESCRIPTION	BY

SITE INFORMATION	
SITE ADDRESS:	68 HOOVER ROAD
PK:	3092.08 2849-3000
DEVELOPER:	THE PANTRY, INC. 305 GREGSON DRIVE CARY, NORTH CAROLINA 27511 PHONE: (919) 774-6700
OWNER:	FRED ALBRECHT, ET AL P.O. BOX 25 HAMPSTEAD, NORTH CAROLINA 28443
DESIGNER:	PRIMER COUNTY UTILITIES 800 EAST FREMONT STREET WILMINGTON, NORTH CAROLINA 28405 PHONE: (910) 292-1570 FAX: (910) 292-1571
ZONING:	GR - GENERAL BUSINESS
EXISTING USE:	RESIDENTIAL DWELLING
PROPOSED USE:	CONVENIENCE STORE / QUICK SERVE RESTAURANT
BUILDING SET BACKS:	FRONT 10 FEET SIDE 10 FEET REAR 12 FEET
CONCRETE FOOTING:	18" DEEP
CONCRETE SLAB:	4" THICK
PARKING REQUIREMENTS:	CONVENIENCE STORE: 1 SPACE PER 100 SF QUICK SERVE RESTAURANT: 1 SPACE PER 100 SF TOTAL: 222 SF OF GROSS LEASABLE AREA 1,778 SF / 100 SF = 18 SPACES TOTAL = 30 SPACES
PARKING PROVIDED:	27 AVAILABLE SPACES 34 TOTAL SPACES
SITE AREA:	137,386 SF OR 3.15 ACRES
PROPOSED IMPERVIOUS AREA:	52,419 SF OR 1.20 ACRES
PERCENT OF IMPERVIOUS AREA:	38%
BUILDING AREA:	3,313 SF (CONVENIENCE STORE) 4,891 SF TOTAL
PROPOSED BUILDING HEIGHT:	23' - 0"
WATER:	PRIMER COUNTY UTILITIES
SEWER:	PRIMER COUNTY UTILITIES
PERMITS:	AM 227 / PM 282
AVERAGE DAILY TRIPS:	2,389



COMMERCIAL
SITE DESIGN

872 CREEDMOR ROAD
RALEIGH, NORTH CAROLINA 27603
(919) 946-4242 FAX: (919) 948-3741
WWW.CSDESIGN.COM

NO	DATE	DESCRIPTION
1	1/17/24	REVISIONS
2		
3		
4		
5		
6		
7		
8		
9		
10		

REVISIONS
 JDF
 JDF

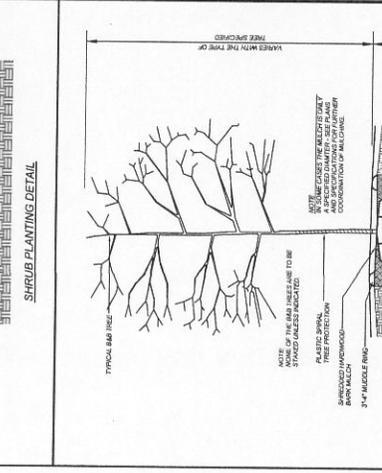
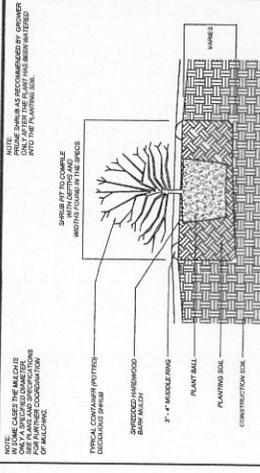
COMMERCIAL SITE DESIGN
 (919) 444-0211 FAX: (919) 444-2181
 WWW.CSDESIGN.COM

CLIENT: THE PLANTY, INC.
 305 GREGSON DRIVE
 CARY, NORTH CAROLINA 27511
 PHONE: (919) 774-8700

LANDSCAPE PLAN
 68 HOOVER ROAD
 HAMPSTEAD, NORTH CAROLINA

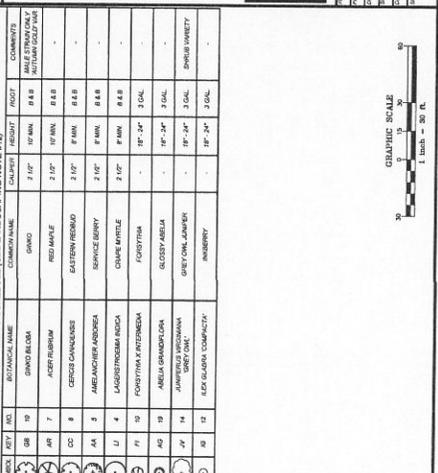


PROJECT: PM-1403
 DRAWING: PM-1403-LS
 DATE: 10-23-24
 SHEET NO: 14-100



PLANTING SCHEDULE (SEE LANDSCAPING NOTE #12)

SYMBOL	REF	SEC	BOTANICAL NAME	CULTIVAR NAME	HEIGHT	ROOT	COMMENTS
1	10	10	DRACO CELOSI		12' MIN	B 8.8	SMALL STRONGLY BRANCHED PLANT
2	10	10	DRACO CELOSI		12' MIN	B 8.8	SMALL STRONGLY BRANCHED PLANT
3	10	10	DRACO CELOSI		12' MIN	B 8.8	SMALL STRONGLY BRANCHED PLANT
4	10	10	DRACO CELOSI		12' MIN	B 8.8	SMALL STRONGLY BRANCHED PLANT
5	10	10	DRACO CELOSI		12' MIN	B 8.8	SMALL STRONGLY BRANCHED PLANT
6	10	10	DRACO CELOSI		12' MIN	B 8.8	SMALL STRONGLY BRANCHED PLANT
7	10	10	DRACO CELOSI		12' MIN	B 8.8	SMALL STRONGLY BRANCHED PLANT
8	10	10	DRACO CELOSI		12' MIN	B 8.8	SMALL STRONGLY BRANCHED PLANT
9	10	10	DRACO CELOSI		12' MIN	B 8.8	SMALL STRONGLY BRANCHED PLANT
10	10	10	DRACO CELOSI		12' MIN	B 8.8	SMALL STRONGLY BRANCHED PLANT



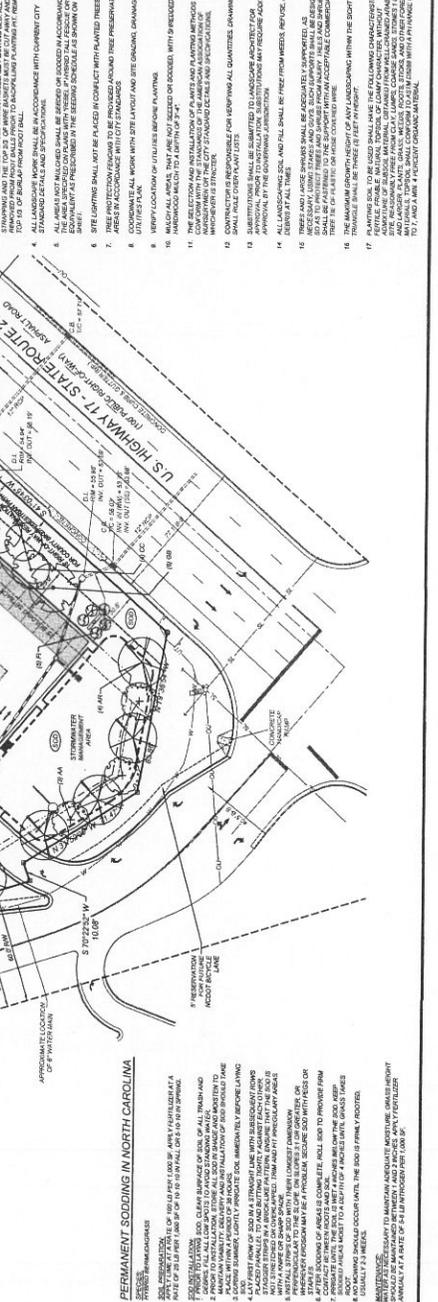
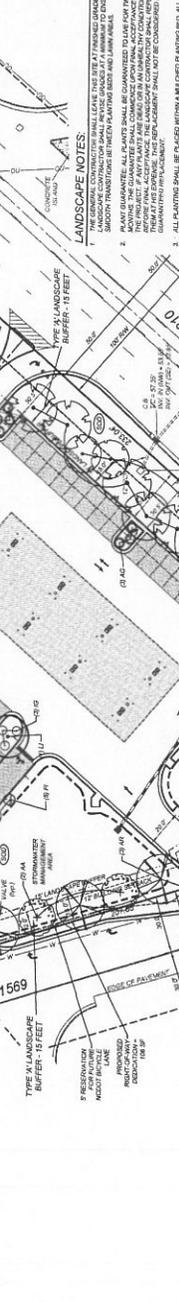
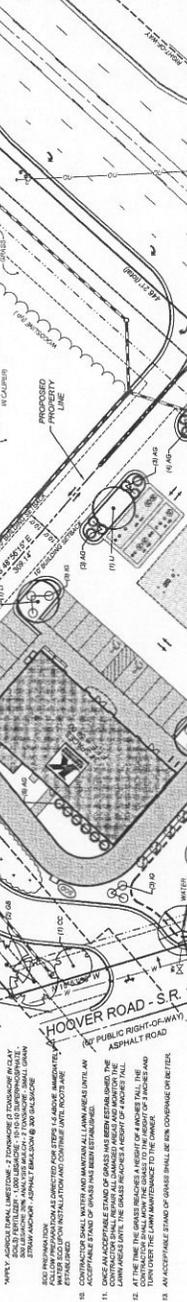
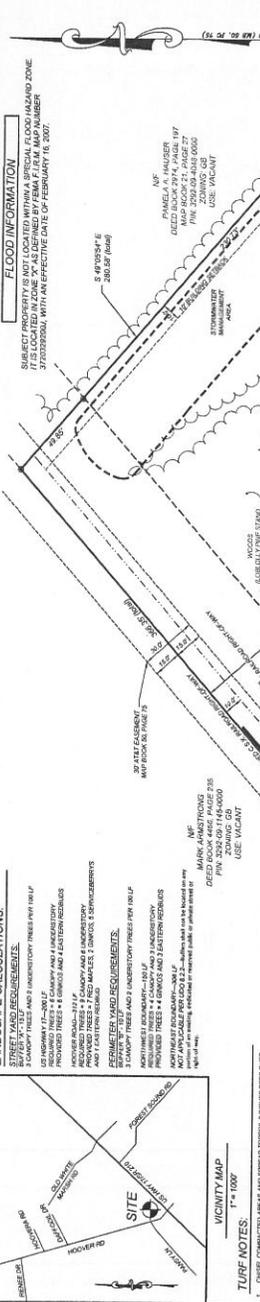
LANDSCAPE CALCULATIONS:
 TURF: 10,000 SQ FT
 PLANTING: 10,000 SQ FT
 TOTAL: 20,000 SQ FT

FLOOD INFORMATION:
 SUBJECT PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE
 IT IS LOCATED IN ZONE X AS LOCATED BY FEMA F.I.R.M. MAP NUMBER
 15080SA0010A, WITH AN EFFECTIVE DATE OF FEBRUARY 16, 2007.

LANDSCAPE NOTES:
 1. THE GENERAL CONTRACTOR SHALL LEAVE THIS SITE IN A FINISHED GRADE CONDITION...
 2. ALL PLANTING SHALL BE PLACED WITHIN A MELLOWED PLANTING BED...
 3. ALL PLANTING SHALL BE PLACED WITHIN A MELLOWED PLANTING BED...
 4. ALL PLANTING SHALL BE PLACED WITHIN A MELLOWED PLANTING BED...
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 20. ALL PLANTING SHALL BE PLACED WITHIN A MELLOWED PLANTING BED...

PERMANENT SOODING IN NORTH CAROLINA:
 SOIL PREPARATION:
 1. ALL SOIL TO BE PLACED IN A STRAIGHT LINE WITH SUBSEQUENT DOWNS
 2. ALL SOIL TO BE PLACED IN A STRAIGHT LINE WITH SUBSEQUENT DOWNS
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TURF NOTES:
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 20. TURF SHALL BE PLACED IN A STRAIGHT LINE WITH SUBSEQUENT DOWNS...



SCALE:
 1" = 30' R.



Applicant:
The Pantry, Inc.

Owner:
Fred Albrecht, Et Al

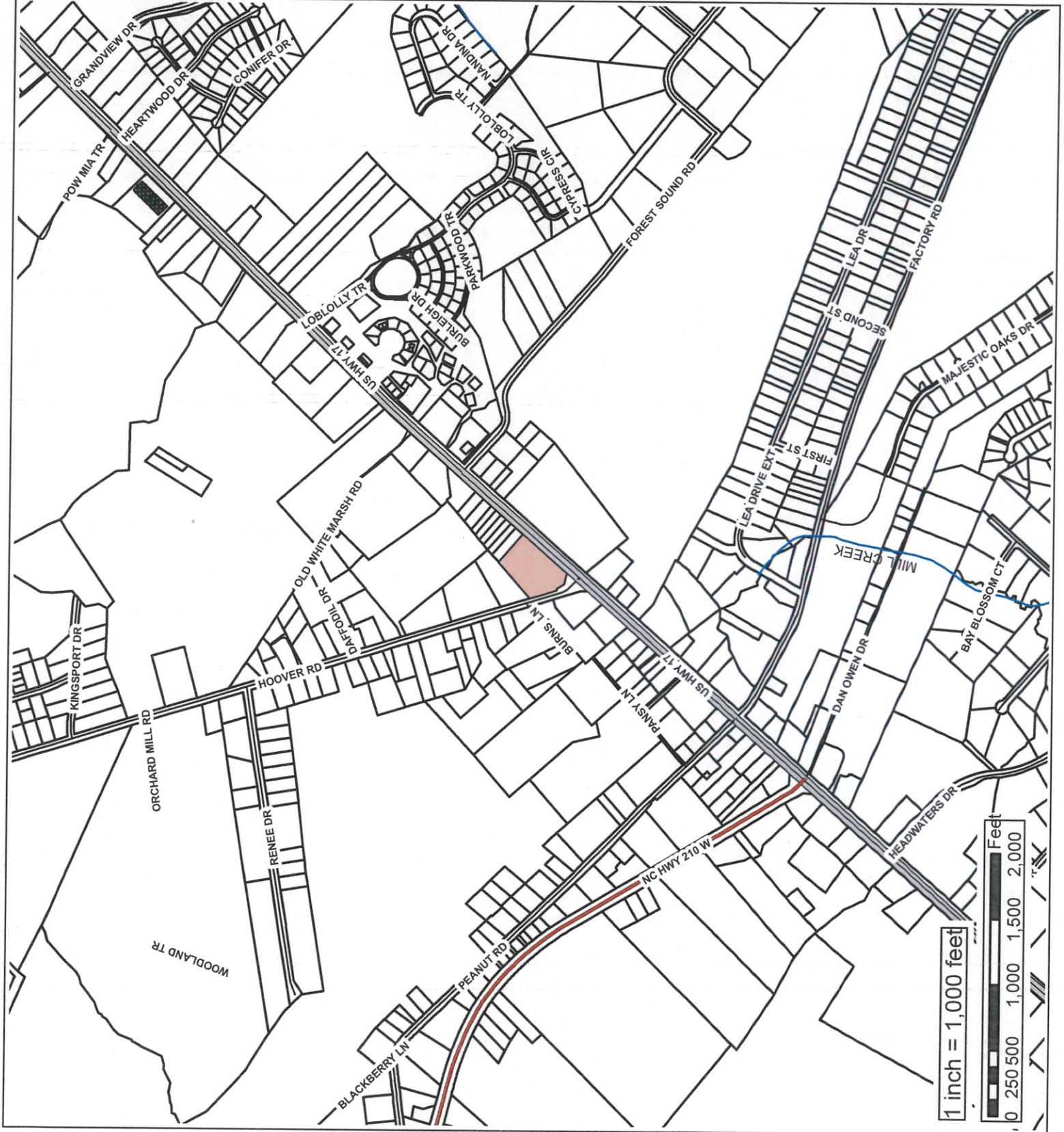
Master Development Plan
11287

Legend

- Subject Tract



Vicinity

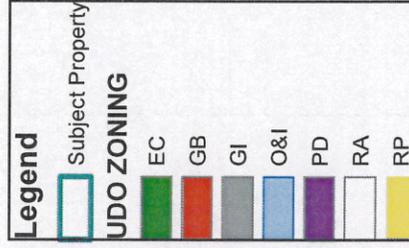




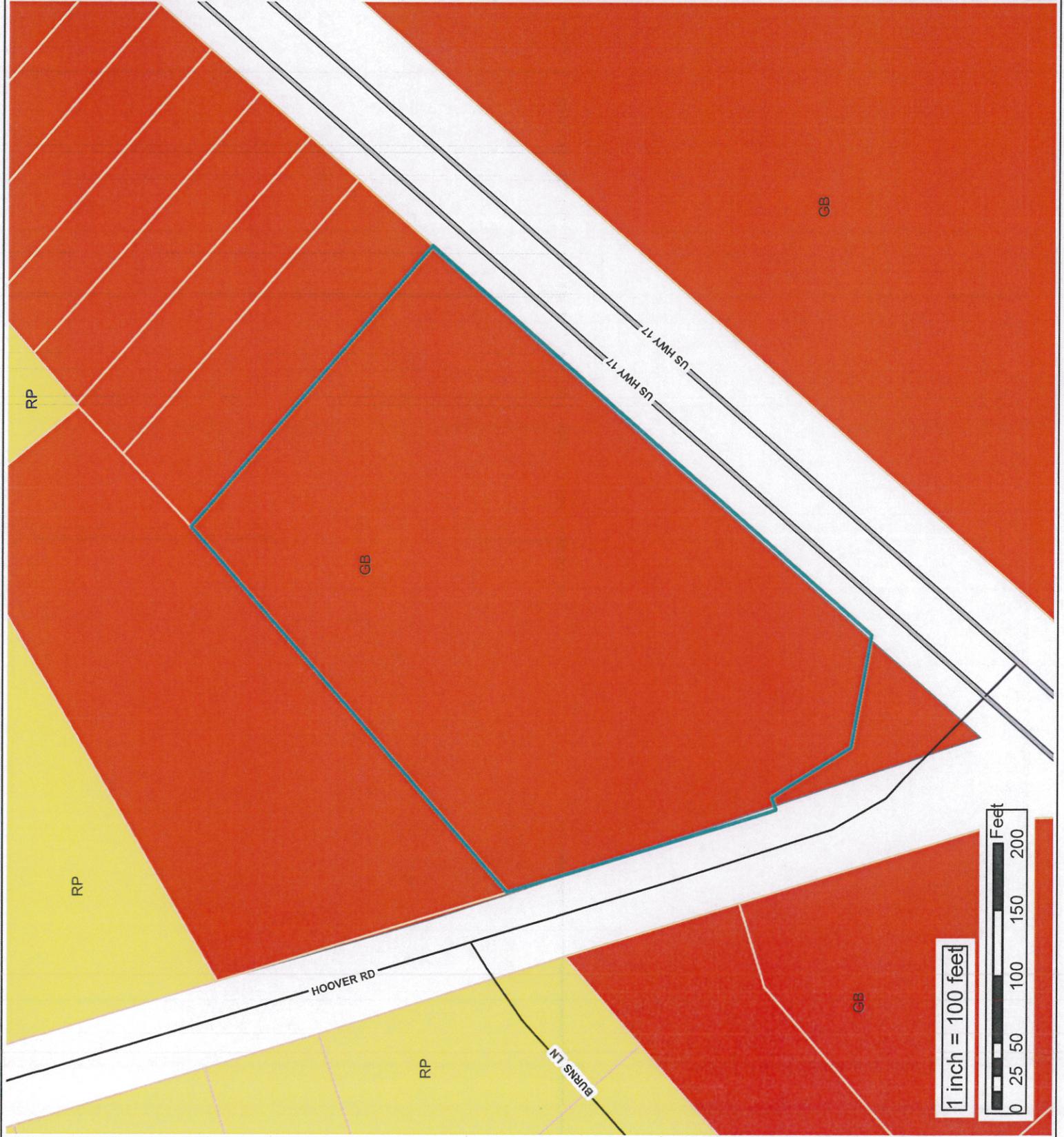
Applicant:
The Pantry, Inc.

Owner:
Fred Albrecht, Et Al

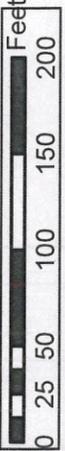
Master Development Plan
11287



Current Zoning



1 inch = 100 feet

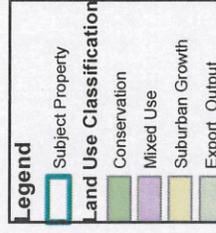




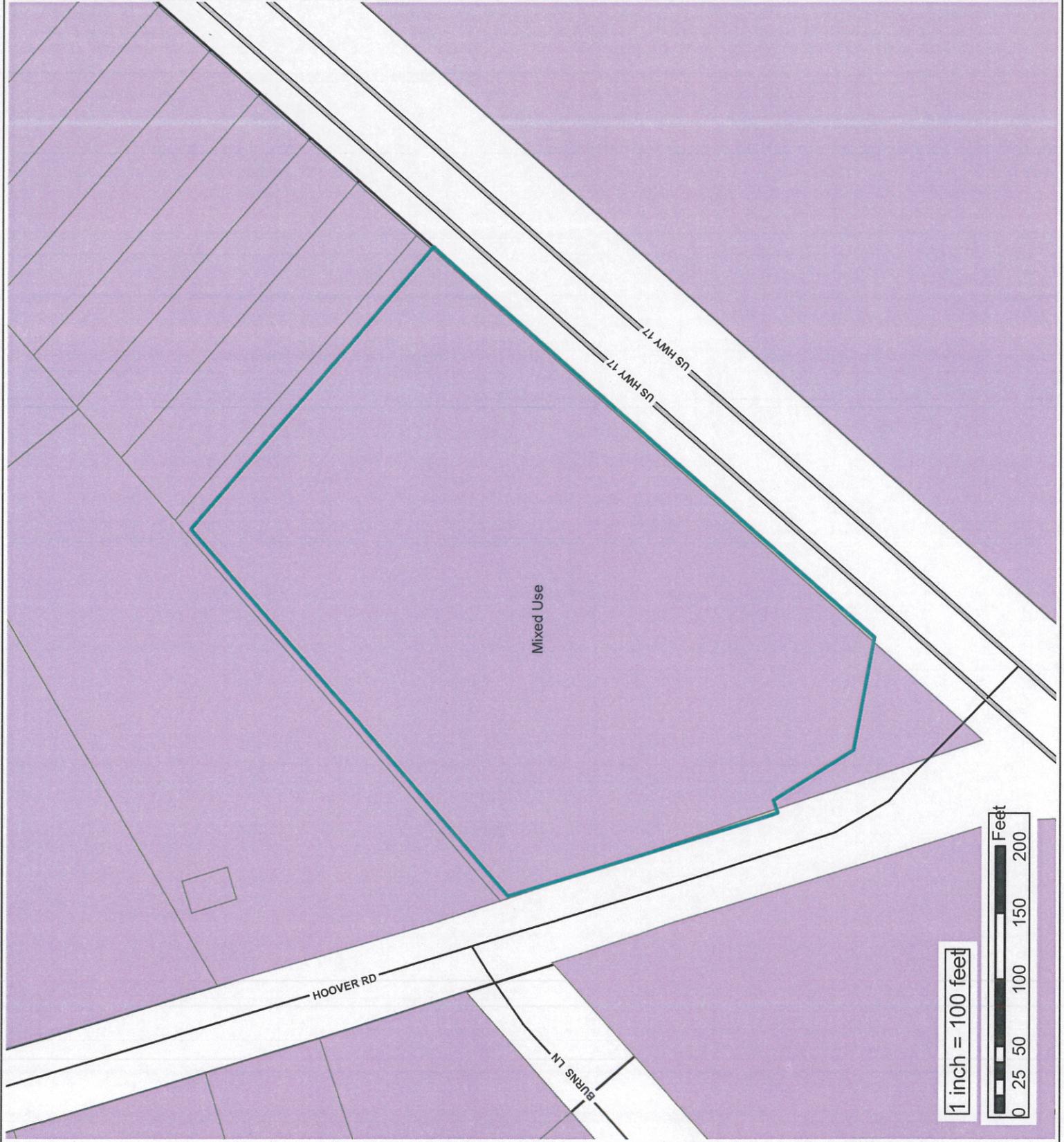
Applicant:
The Pantry, Inc.

Owner:
Fred Albrecht, Et Al

Master Development Plan
11287



Future Land Use



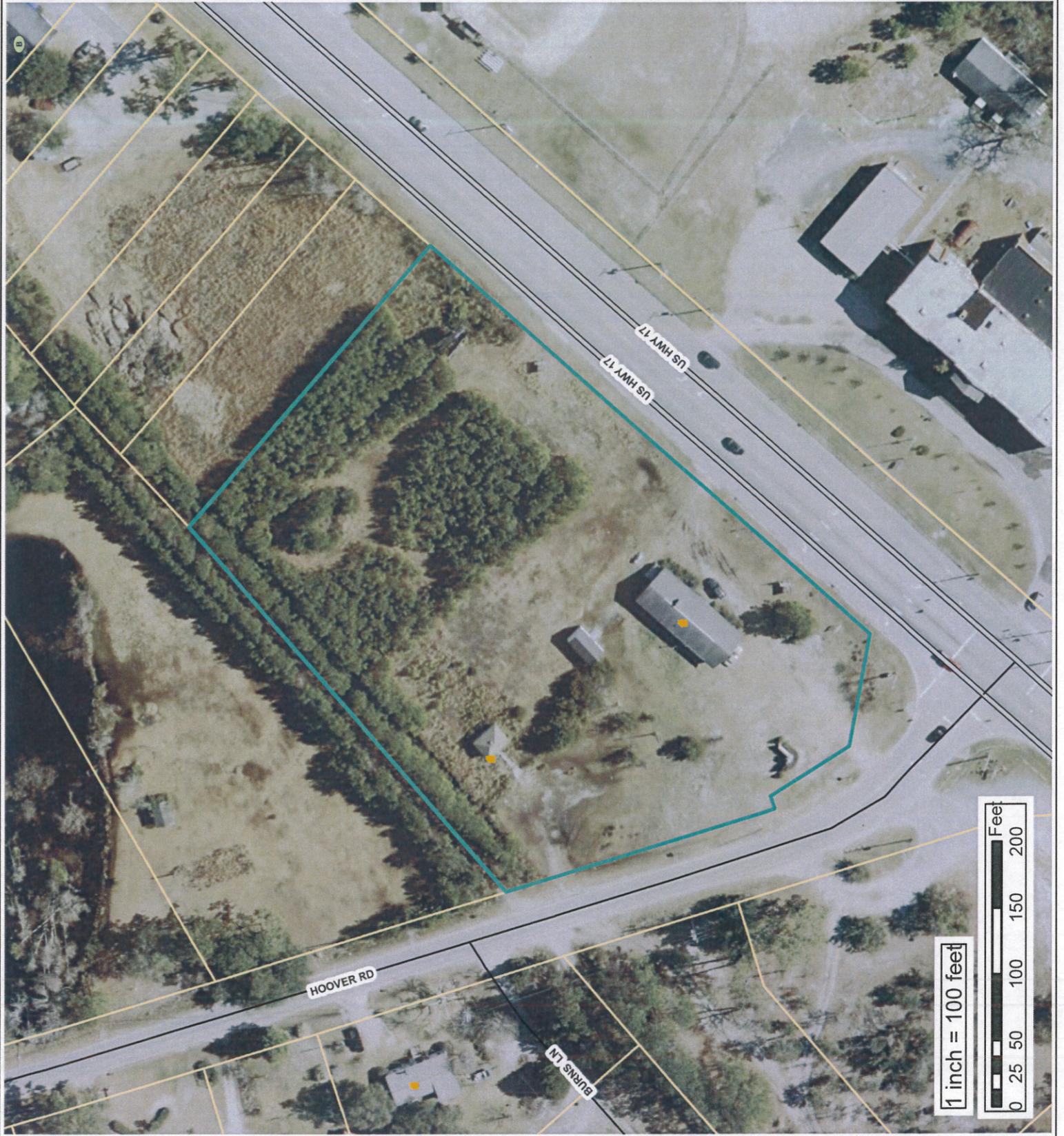


Applicant:
The Pantry, Inc.

Owner:
Fred Albrecht, Et Al
Master Development Plan
11287



Aerial - 2012



PLANNING STAFF REPORT

Zoning Text Amendment

SUMMARY:

Hearing Date: Planning Board – December 2, 2014

Board of County Commissioners – January 20, 2014

Applicant: Four Points Recycling

Application Number: ZTA 11288

Text Amendment Proposal: Four Points Recycling, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. The request is to amend Section 5.2.3 to add Other Nonhazardous Waste Treatment and Disposal as a permitted use in the GB, General Business zoning district.

Background: The following text amendment is the result of the absence of compost facilities as a by-right use in the GB, General Business zoning district which shall be classified as NAICS, North American Industry Classification System Number 562219 for Other Nonhazardous Waste Treatment and Disposal in the Pender County Unified Development Ordinance.

Administrator Recommendation: The Administrator respectfully recommends denial of the proposed amendment to the Unified Development Ordinance as described in the following report with the intention of further examination of an appropriate zoning district or potential standards for this use.

Background

The requested text amendment is to amend Section 5.2.3 of the Pender County Unified Development Ordinance to amend “Other Nonhazardous Waste Treatment and Disposal” which is classified as NAICS, North American Industry Classification System Number 562219 as a by-right use in the GB, General Business zoning district.

According to the NAICS classification, this U.S. industry comprises establishments primarily engaged in (1) operating nonhazardous waste treatment and disposal facilities (except landfills, combustors, incinerators and sewer systems or sewage treatment facilities) or (2) the combined activity of collecting and/or hauling of nonhazardous waste materials within a local area and operating waste treatment or disposal facilities (except landfills, combustors, incinerators and sewer systems, or sewage treatment facilities). Compost dumps are included in this industry.

According to the applicants narrative; “this would allow for the processing of “silverculture waste” which may be defined as waste materials produced from the care and cultivation of forest trees, vegetative debris, yard trash, yard waste and the crushing of concrete materials that could be sold as ABC rock” to be included in the Unified Development Ordinance.

Current Practice for Yard Debris

According to Pender County’s website under Pender Solid Waste; State law prohibits the disposal of yard waste and vegetative debris in sanitary landfills. Alternative Disposal Options: backyard composting, controlled burning, contract with a private hauler, or Wilmington Materials on Highway 421 will accept yard wastes for a fee. Wilmington Materials will also accept tree stumps for a fee. The convenience centers in Pender County do not accept yard debris.

During storm events Pender County does designate storm debris locations and there may be a need for these facilities year round in the County. In total 7,793.77 tons of Construction and Demolition debris were landfilled on behalf of Pender County citizens as a result of Hurricane Floyd. An additional 60,696 cubic yards of vegetative debris were collected by the Department of Transportation and burned via air curtain by Pender County contractors. Hurricane Isabel generated approximately 200 cubic yards of vegetative debris. Total costs to clean-up were approximately \$16,000 to the County. Hurricanes Bonnie and Charley (August 2004) generated vegetative debris. Amounts dropped off at two County locations totaled 1,137 cubic yards. Clean-up costs were approximately \$20,000. All figures above are from Pender County's solid waste division as public information on the Pender County website.

Requested Amendment

Section 5.2.3 Table of Permitted Uses

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 56: ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES											
Administrative and Support Services	561	S				P	P	P	P	P	
Solid Waste Collection Public	562111	P	P	P	P	P	P	P	P	P	
Solid Waste Collection Private	562111									S	
Solid Waste Landfill	562212									S	
Solid Waste Combustors and Incinerators	562213									S	
Other Nonhazardous Waste Treatment and Disposal	562219						P			S	
Remediation Services	562910									S	
Materials Recovery Facilities	562920									S	
All Other Waste Management Facilities	56299									S	

Unified Development Ordinance Compliance

The applicant's request to amend an identified use type termed as "Nonhazardous Waste Treatment and Disposal" which is classified as NAICS, North American Industry Classification System Number 562219 to amend the GB, General Business zoning district as a by-right use.

According to Section 4.9.1 of the Pender County Unified Development Ordinance, GB, General Business zoning 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. The General Business zoning district serves as a commercial zoning district in Pender County.

According to the Table of Permitted Uses in Section 5.2.3, Administrative and Support and Waste Management and Remediation Services are uses which would require a Special Use Permit approval by the Pender County Board of Commissioners in the GI, General Industrial zoning district.

All buffer requirements for specific projects and parcels are based on use type and the zoning for the parcel. With a GB, General Business zoning district and the use of a Solid Waste Compost facility this may require additional buffering similar to an industrial zoning district rather than a commercial zoning district as proposed. According to Section 8.2.1 of the Pender County Unified Development Ordinance; A buffer is a specified land area, located parallel to and within the outer perimeter of a lot or parcel and extending to the lot or parcel boundary line, together with the planting and landscaping required on the land. A buffer may also contain, or be required to contain, a barrier such as berms, fence or wall, or combination hereof, where such additional screening is necessary to achieve the desired level of buffering between various land use activities. A buffer is not the same as the term "yard" or the term "stormwater management area." Buffers specifically protect adjacent properties from potential by-products of a specific use.

There is conflicting text in the Unified Development Ordinance to include "Other Nonhazardous Waste Treatment and Disposal" which is classified as NAICS, North American Industry Classification System Number 562219 in the GB, General Business zoning district as a by-right use. This use may be better suited by Special Use Permit or a by-right use in the GI, General Industrial zoning district as similar uses are outlined in Section 5.2.3 of the Pender County Unified Development Ordinance.

Comprehensive Land Use Plan Compliance

There are conflicting policies within the 2010 Comprehensive Land Use Plan for the proposed text amendment. The proposed zoning text amendment is in compliance with the following goals and policies in the 2010 Pender County Comprehensive Land Use Plan:

Policy 1A1.5 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.

Solid Waste Management Goal 2F.1 Ensure adequate capacity and proper management of solid waste, including reducing, reusing and recycling materials.

The proposed zoning text amendment may be conflicting with the following goals and policies:

Policy 3A1.2 Use the creation of the Unified Development Ordinance as an opportunity to allow more development flexibility while setting higher standards for sustainable development.

Policy 3A.1.3 Support the inclusion in the UDO of conditional zoning which provides more flexibility for the land owner/developer and the County to mutually agree upon specific development conditions and requirements. (Conditional zoning is a method that incorporates site specific standards directly into the zoning district regulations and then applies that zoning district only to the property that is the subject of the rezoning petition.)

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.

Policy 2F.1.4 When siting collection centers, consider surrounding land uses, traffic and aesthetics.

Evaluation

As prescribed in the Pender County Unified Development Ordinance Section 3.18.5 in evaluating any proposed ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

- 1) The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
- 2) The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
- 3) Whether or not the proposed text amendment corrects an error in the Ordinance; and
- 4) Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.

In deciding whether to adopt a proposed Ordinance text amendments, the central issue before the Planning Board is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents and the specific intent of this Ordinance.

Staff Recommendation

The proposed text amendment is not consistent with the Pender County Unified Development Ordinance and the 2010 Pender County Comprehensive Land Use Plan. Therefore, Planning Staff is respectfully recommending denial of the zoning text amendment as presented and as described in the previous report with the intention of further examination of an appropriate zoning district or potential standards for this use.

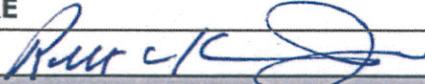
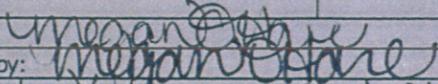
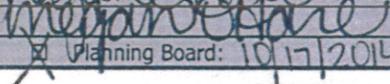
Planning Board

Motion: _____ **Seconded:** _____

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

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

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE			
Application No.	ZTA 11288	Date	10/17/2014
Application Fee	\$ 250.00	Receipt No.	142565
Pre-Application Conference		Hearing Date	12/2/2014 PB, 1/19/2014
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Four Points Recycling		
Applicant's Address:	481 Holly Shelter Road		
City, State, & Zip	Jacksonville, NC 28540		
Phone Number:	(910) 346-2047		
SECTION 2: UDO TEXT TO BE AMENDED			
Current Text to be Amended (Please site accurate Article number referenced):			
Add Solid Waste Compost Facilities to the Table of Permitted Uses. Solid Waste Compost Facilities would include "silverculture waste" as defined as waste materials produced from the care and cultivation of forest trees, including bark and woodchips; "yard trash" as defined as sold waste resulting from landscaping and yard maintenance materials such as brush grass tree limbs, leaves and untreated wood, stumps and other vegetative material. Also add for Concrete Crushing Facilities for crushing concrete materials for ABC rock.			
Proposed Text to be added:			
SEE ABOVE			
SECTION 3: SIGNATURE			
Applicant's Signature			Date: 10-17-2014
NOTICE TO APPLICANT			
If the applicant makes significant changes to the application for a text amendment after the Planning Board has made its recommendation, the Administrator may refer the modified request back to the Planning Board for an additional public hearing.			
TEXT AMENDMENT CHECKLIST			
<input checked="" type="checkbox"/>	Signed application form		
<input checked="" type="checkbox"/>	Application fee		
<input type="checkbox"/>	A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO (shown on page 1 of this application)		
Office Use Only			
<input checked="" type="checkbox"/> ZTA Fees: \$250		Total Fee Calculation: \$ 250.00	
Payment Method:	Cash: <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check: <input checked="" type="checkbox"/> Check # 2441
Application Received By:			Date: 10/17/2014
Application completeness approved by:			Date: 11/13/2014
Dates Scheduled for Public Hearings:	<input checked="" type="checkbox"/> Planning Board: 10/17/2014	<input checked="" type="checkbox"/> BOC: 1/19/2014	

MOORE & KENAN
ATTORNEYS AT LAW
211 EAST FREMONT STREET
BURGAW, NORTH CAROLINA 28425
EMAIL robert@mkattorneys.com
TELEPHONE (910) 259-9800
FACSIMILE (910) 259-7006

Clifton L. Moore, Jr. (1936-2013)
Robert C. Kenan, Jr.

MAILING ADDRESS:
Post Office Box 957
Burgaw, N.C. 28425

November 13, 2014

Pender County Planning & Community Development
805 South Walker Street
Burgaw, North Carolina 28425

Re: Application of Four Points Recycling for a Text Change to Table of Permitted Uses

To Whom It May Concern:

The letter addresses the requirements of Section 3.18.5 of the Pender County Unified Development Ordinance as follows:

1. The proposed text amendment would be serve to add an additional solid waste management use that is not currently addressed within the Unified Development Ordinance even though the Ordinance does address a number of solid waste management uses. The proposed text amendment would allow the processing of "silverculture waste", which is defined as waste materials produced from the care and cultivation of forest trees, vegetative debris, yard trash, yard waste and the crushing of concrete to create materials that could be sold as ABC rock.

The purpose and intent of the proposed text would allow for a commercial deposit facility for the deposit from the pickup of silverculture debris generated from snow, ice and windstorms occurring in Pender County as well as, silverculture debris picked up by yard maintenance contractors who have no other place to deposit silverculture debris within the county. Additionally, the deposit facility would allow unused concrete debris to be recycled and sold for other commercial uses such as ABC rock.

2. The proposed text amendment would serve as an additional solid waste management use that is not currently being utilized in the County. Currently, there are no existing commercial silverculture waste management sites located in the county, excepting any commercial or county facilities. Since Pender County is growing and is more urbanized there are less options for the residents and citizens within Pender

County to deposit there "yard debris". The more preferred method of eliminating yard debris now is to have such debris delivered to a facility where the debris can be grinded into smaller matter and utilized as mulch and for other commercial viable uses rather than having such material being burned or being piled to allow for natural decay. Additionally, the proposed text would serve to eliminate concrete debris that may typically be store within a construction landfill for an indefinite period of time and instead recycling such material so that it can utilized for other commercial uses.

3. The proposed text amendment does not serve to correct an error within the Ordinance; however it does serve to add an additional uses not previously contemplated.

4. The proposed text amendment regarding silviculture, yard waste, yard trash and demolition landfill facility is governed by North Carolina law through the North Carolina Department of Environment and Natural Resources in accordance with Chapter 13B, Title 15A, of the North Carolina Administrative Code.

Additionally, the applicant is requesting that Section 5.2.3 of the Table of Permitted Uses within the Unified Development Ordinance be amended under Sector 56: Administrative And Support and Waste Management and Remediation Services to add Compost Dump Facility as the "Use Type" which is classified by the North American Industry Classification System Number 562119 and that such use be permitted as a use by right within the General Business Zoning District.

Respectfully,



Robert C. Kenan, Jr.
Attorney for Applicant

PLANNING STAFF REPORT

Zoning Text Amendment

SUMMARY:

Hearing Date: Planning Board – December 2, 2014

Board of County Commissioners – January 20, 2014

Applicant: Administrator, Division of Planning

Application Number: ZTA 11245 Pender County

Text Amendment Proposal: The request is to amend Sections 7.10.1 Off Street Parking and Loading/Parking Requirements, specifically Day Care minimum parking requirements; and 7.10.5 Surfacing standards for parking areas, for alternative surfacing requirements to five (5) or fewer parking spaces. Also requested is amendment to Section 5.3.12.G Portable Storage Containers, to further specify the use standards required for permitting of these structures.

Background: The following text amendment is the result of various administrative discussions and situational circumstances that have been brought to Planning Staff's attention since the effective date of the Pender County Unified Development Ordinance.

Administrator Recommendation: The Administrator respectfully recommends amending the Unified Development Ordinance as described in the following staff report.

Section 7.10 Off-Street Parking and Loading/ Parking Requirements

The minimum parking requirement for Section 7.10.1 of the Pender County Unified Development Ordinance specifying parking requirements for Day Care Facilities, which has been deemed onerous (1 per employee + 1 per each attendee) and inconsistent with other similar jurisdictions requirements. One (1) per employee and one (1) space for every attendee ten attendees or fraction thereof is the proposed text which can be seen in the attachment for Section 7.10 Off- Street Parking and Loading/Parking Requirements.

Further, Staff is proposing to allow flexibility within the prescribed parking standards by enabling developments which would be required to have five (5) or fewer parking spaces relief from the paving requirements of the current Pender County Unified Development Ordinance in an effort to reduce private costs and public externalities. As proposed Section 7.10.5.D. will allow for alternative surfacing such as: porous pavers, grid pavers, porous asphalt, pervious concrete, non-compacting gravel, ABC stone or other materials as deemed acceptable by the Administrator at the time of site plan submittal. With this a new definition of Aggregate Base Course Stone shall be added to the Definitions section of the Ordinance.

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.

Day Care	All day care	One (1) per employee and one (1) space for every attendee ten attendees or fraction thereof.
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- B. Parking lots consisting of five (5) spaces or fewer shall utilize one of the following requirements:

- 1) Parking Spaces comply with 7.10.5 Surfacing.
- 2) In the event that an alternative surface is utilized, the parking lots must comply with 7.10.5.D.

7.10.2. Parking Study Option

A. General

Innovative approaches which enable overall flexibility with regard to the administration of the UDO within Pender County are encouraged when the public interest is served and protected. The Administrator or Planning Board, as specified, may reduce or increase the amount of off-street parking required where developer-submitted parking data, prepared and sealed by a professional parking consultant or transportation engineer with proven experience providing similar studies, illustrates that the standards of 7.10 Off-Street Parking and Loading/Parking Requirements do not accurately apply to the specific development. The parking study may be used to justify reductions in the minimum parking requirements, per 7.10.1 Minimum, up to a maximum of 20% required, and increases over 125% of the minimum parking required. The study shall be presented to the Planning Board at time of Master Development Plan. When an MDP is not required, the Administrator shall serve as the review and recommending authority.

The data submitted for an alternative parking plan shall include, at a minimum:

- 1) Introduction/Background: This section shall include details regarding the application such as application type, proposed use, history, a brief explanation as to why the study was undertaken and any other relevant information including Special Use Permits, restrictions, covenants, etc affecting the site.
- 2) A section shall be provided that details the methodology for the study
- 3) Development Site Detail:
The following items shall be addressed in the parking study:
 1. The current zoning of the site
 2. The size and type of the proposed and existing development(s) on-site
 3. Site access
 4. The mix and traffic generation of all uses on site
 5. The anticipated rate of parking turnover
 6. The minimum parking amount required by the UDO as compared to Urban Land Institute (ULI) and/or Institute of Transportation Engineers (ITE) projections; other acceptable projections may be approved by the Administrator on a case by case basis
 7. Total existing on-site parking as well as existing conditions within two blocks of the site

8. Alternative transportation options available to the site
 9. The 85-95% peak utilization threshold for both the UDO minimum and the applicant's supply proposal
 10. Most recent NCDOT Traffic volume counts for roadways adjacent to the potential development site
- 4) Survey Site(s) Parking Survey:
- a) The parking levels for similar use(s) shall be considered and be based on the appropriate NAICS classification and approved by the Administrator. The following shall be included in the survey:
 - 1) The PIN and address of the survey site(s)
 - 2) Each day of the week and times that the study was performed; subject to prior approval by the Administrator
 - 3) A description of the existing supply and conditions on the survey site (zoning, parking supply etc.)
 - 4) If the use exists elsewhere (preferably in Pender County) in a similar situation, the study must outline the similarities between the two locations and why they will generate a similar parking demand
 - 5) The survey should occur for two normal business weeks and should capture peak parking demand, based on peak parking periods defined by the Urban Land Institute (ULI) or an alternative peak schedule for that particular use; the schedule shall be pre-approved by the Administrator
 - 6) Observed parking shall separate out legal, illegal, off-site and total
 - 7) Utilization rates for the survey site(s), including overall observed demand ratios as well as daily demand ratios/time of day. This comparison shall also include a comparison to the survey site's structural (not observed) 85-95% utilization rates, based on their existing supply (i.e. 100 spaces exist/85 & 95 spaces=85% & 95%) (The demand ratios should be presented, per square foot (i.e. 1 .8 cars per 250 ft²))
 - 8) The Minimum, Maximum, Median and Mode shall be reported
 - 9) An assessment of existing conditions within two blocks of the site
 - 10) Most recent NCDOT Traffic volume counts for roadways adjacent to the survey site(s)
 - 5) A justification of peak periods and analysis of any deviations utilizing the Urban Land Institute's "Shared Parking"
 - 6) A recommendation concerning future parking needs and the site's capacity; reduction requests shall not exceed 20% of the required minimum parking required, per the Unified Development Ordinance's (UDO) 7.10.1 Minimum parking required.
 - 7) A section shall be provided that details the qualifications of the party responsible for preparing the study

B. Evaluation

- 1) The Administrator or Planning Board shall make a recommendation and decision regarding the required parking supply by considering the following. It is the intent that the Administrator shall review the following criteria prior to making a recommendation or decision:
 - a) The completeness of the applicant submitted parking study.
 - b) The accuracy of the data submitted.
 - c) The relevance of the data submitted.

- d) The minimum parking supply recommended by section 7.10.1 Minimum, of the Unified Development Ordinance.
- 2) The review and recommending authority shall be authorized to increase, decrease, accept, modify or reject the applicant supplied parking supply recommendation.

C. Deferred Parking

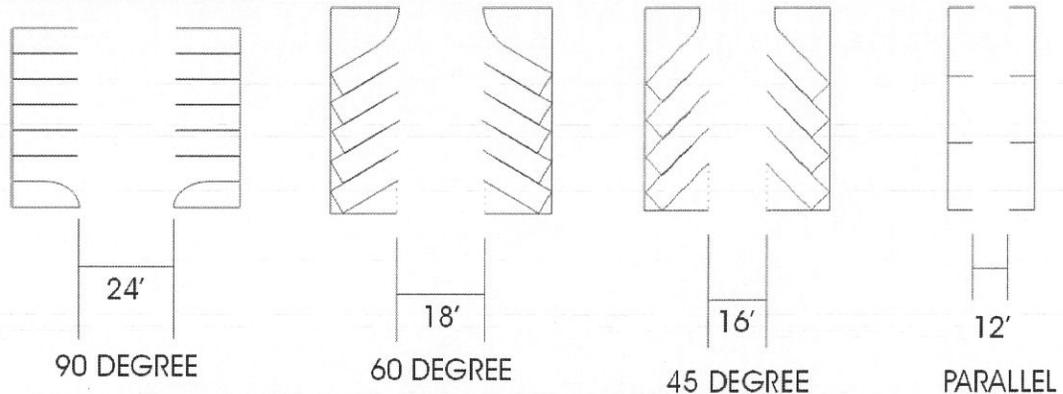
- 1) In the event that parking is to be reduced, the amount over 5 reduced parking spaces shall be reserved on site. Total reductions shall not be greater than 20% of the minimum parking required, per 7.10.1 Minimum.
 - a) The Administrator shall require a written agreement prior to the issuance of a Certificate of Occupancy that a current utilization study be performed after the Certificate of Occupancy has been issued.
 - b) The reserved space shall be detailed on a site plan to be approved by the Administrator.
 - c) In the event that full build out would trigger additional ADA parking requirements, the potential ADA space(s) shall be provided. This space may be converted to a standard space(s), should the Administrator determine that the site has sufficient parking supply, pursuant to the current site utilization evaluation.
- 2) The owner/applicant or other responsible party, as determined through a written agreement with the Administrator before a Certificate of Occupancy is issued, shall perform a current utilization study of the approved site, not less than 30 days after a Certificate of Occupancy (CO) has been issued and shall begin no later than before 60 days have lapsed since the Certificate of Occupancy (CO) has been issued.
 - a) The current site utilization study schedule shall be pre-approved by the Administrator and shall be evaluated with regard to conformity with the Parking Study Option (7.10.2) approved site plan. The study shall evaluate the efficiency/deficiency of parking relative to the realized demand from full build out.
- 3) The Administrator shall make a recommendation to install additional space up to the minimum required, maintain the space in reserve or absolve the area reserved for parking.
 - a) The Administrator shall be authorized to determine if the intent of the Ordinance is being satisfied.
- 4) The applicant must comply with all other requirements of the Unified Development Ordinance (UDO).

7.10.3 Maximum

The number of off-street parking spaces shall not exceed 125% of the minimum number of required spaces provided in Section 7.10.1 and shall comply with the provisions of Section 8.3.2.H.2.

7.10.4 Parking Space Design Standards

- A. Each required off-street parking space shall open directly onto an aisle or driveway which is designed to provide safe and efficient access to each parking space. Parking shall not be allowed to impede traffic movement on alleys or streets or to impede pedestrian or bicycle activities.
- B. Dimensions
- 1) Standard Spaces - A required off-street parking space shall be at least eight feet, six inches (8'6") in width and 18 feet in length exclusive of any access drives, aisles, or columns; however, for non-residential uses, parking spaces of a reduced size may be permanently designated, by signs, for compact vehicles.
 - 2) Parallel Parking - Parallel parking spaces shall be increased by five feet in length for regular parking.
 - 3) All spaces shall have a minimum vertical clearance of eight feet.
 - 4) Aisles shall not be less than 24 feet wide for 90 degree parking, 18 feet wide for 60 degree parking, 16 feet wide for 45 degree parking and 12 feet wide for parallel parking. The angle shall be measured between the centerline of the parking space and the centerline of the aisle. No parking shall be allowed in the aisles.



- 5) The maximum grade permitted for any required parking shall not exceed 8%.
 - 6) Parking spaces using geometric standards other than those specified in this Ordinance may be approved if developed and sealed by a registered engineer with expertise in parking facility design subject to a determination by the Administrator that the proposed facility will satisfy off-street parking requirements as adequately as would a facility using standard Ordinance dimensions.
- C. Parking design shall include required landscaping standards per Section 8.3.
- D. Plan - Parking design for non-residential and multifamily uses shall be approved as part of site plan review.

7.10.5 Surfacing

- A. Non-Residential Uses in the RA District
- 1) All required off-street parking spaces shall be covered with an all-weather surface designed to support anticipated loads. Loose material surfaces shall be contained with a permanent edging. The surface shall be maintained so that traffic may move safely in and out of the parking area. Parking blocks that help designate individual parking spaces and keep vehicles within the surfaced area shall be required in lots with greater than 10 parking spaces.
- B. Non-Residential Uses in all other Zoning Districts

- 1) Required Parking Spaces - All required off-street parking spaces shall be sealed by an appropriate licensed professional and paved in accordance with NCDOT base course and pavement surface standards as prescribed by the "Secondary Road Manual".
 - 2) Historic Preservation - Site(s) recognized by the National Register of Historic Places (NHRP) may be exempted from the surfacing requirements of the Unified Development Ordinance (UDO).
 - a) Developments attempting to qualify for the Historic Preservation exemption must provide a copy of the National Parks Service listing, along with a narrative briefly requesting the aforementioned relief and how the surfacing standards would conflict with the historic significance of the property.
 - b) A site plan shall be provided designating a parking area meeting the minimum parking and access requirements of the UDO.
 - c) The Administrator must determine that the relaxation of standards will be consistent with the promotion of the health, safety, and general welfare of the residents of Pender County.
- 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. Parking facilities required to contain five (5) or fewer parking spaces, may comply with the following provisions:
- 1) Surfacing may be comprised of, but not limited to; porous pavers, grid pavers, porous asphalt, pervious concrete, non-compacting gravel, ABC stone or other materials as deemed acceptable by the Administrator.
 - 2) 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.
 - 3) Each parking space and the general parking area shall be designated by an encroachment barrier or edging as to contain alternate surfacing material and identify parking spaces (i.e. wheel stops, timbers, planters, bollards or other object deemed sufficient to delineate individual space(s) and parking areas as determined acceptable by the Administrator).

Definitions:

Aggregate Base Course (ABC Stone) - A mixture of various gradation of stone material, small and large, that is compacted together to provide a dense surface for different uses; Usually gray in color, consists of crushed granite or run stone, mixed with 3/4 inch average size crushed stone gravel; Also known as "crush and run" or "crusher run". Installation of ABC stone shall comply with current NCDOT depth standards.

Section 5.3.12 Portable Storage Containers

In November 2011 the Unified Development Ordinance was amended to include provisions for portable storage containers. Since this revision occurred, multiple inquiries and discussions with the Planning Board and citizen comments. Staff has prepared an amendment reflecting previous discussion and direction from the Planning Board as well as input derived from the public hearing on October 7, 2014. The following text shall replace Section 5.3.12.G of the Pender County Unified Development Ordinance.

5.2.3 Permitted Use Table

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
MISCELLANEOUS USES											
Portable Storage Containers		D	D	D	D	D	D	D	D	D	

5.3.12

G. Portable Storage Containers

- 1) All portable storage containers located on private property ~~to be placed for sixteen or more consecutive days~~ must apply for and obtain a permit. Each individual shall submit a complete application, site plan, and fee for review and approval by the Administrator or their agent. **Applicants shall submit a site plan showing any permanent container and the relationship of this structure to the overall site. The site plan shall indicate how the container meets all permanent requirements including but not limited to; stormwater considerations, traffic circulation, screening requirements, other development codes and inspection requirements including engineered design plans to demonstrate the permanent storage container meets NC Building Code.**
- 2) Permanent portable storage container use shall be restricted to non-residential districts: GB, General Business Zoning District, O&I, Office and Institutional Zoning District, GI, General Industrial Zoning District and IT, Industrial Transition Zoning District.
- 3) Portable storage containers may be permitted as an accessory structure, for storage purposes only.
- 4) ~~More than one portable storage container shall be allowed on a single lot as long as the total square footage of all containers does not exceed 160 square feet.~~ **A maximum of one (1) portable storage container per site shall be permitted on lots of one (1) acre or less. One (1) additional portable storage container may be permitted for lots greater than one (1) acre. No more than two (2) portable storage containers may be permitted on one (1) single property.**
- 5) A portable storage container may be placed for ~~fifteen~~ **thirty** or less consecutive days in any twelve month period without issuance of a permit in all zoning districts, except Environmental Conservation.
- 6) **Portable storage containers 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. The principal structure is damaged and dilapidated and is undergoing repairs, reconstruction, or renovation.
 - b. A building permit has been issued for the repairs, constructions, reconstruction, or renovation, if required, and is valid throughout the extension.
 - c. **An extension may be granted for portable storage containers located in all districts, excluding Environmental Conservation, up to sixty (60) additional days within a twelve (12) month period as approved by the Administrator.**

- ~~7) All portable storage containers located in the front or side yard must be placed in an area primarily used for vehicular access such as a driveway or other paved surface.~~
Portable storage containers shall not be permitted in any parking areas, required buffers or setbacks.
- ~~8) All containers must adhere to the minimum setbacks for the zoning district when possible and must be five (5) feet from all other structures.~~
Portable storage containers must meet minimum accessory use and structure setback and separation requirements.
- 9) Portable storage containers shall meet all yard setback requirements and be located on the rear of the lot.
- ~~10) No portable storage container shall be greater than twenty (20) feet in length, eight (8) feet in width, or eight (8) feet in height.~~
Portable storage containers shall not exceed the dimensions of forty (40) feet in length, eight (8) feet in width and ten (10) feet in height.
- 11) Stacking of portable storage containers shall not be permitted.
- 12) No sign shall be attached to a portable storage container other than the provider's contact information.
- 13) All portable storage containers 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 combination of fencing or landscaping which is contiguous and at least six (6) feet in height.
- 14) Portable storage containers must be off-chassis.
- 15) No permanent off-chassis portable storage containers shall be permitted in loading areas.
- 16) Portable storage containers shall not be permitted to be rented or leased to a use not located on the same lot.
- 17) The structure shall be maintained in good condition free from structural damage, rust and deterioration.

Evaluation:

As prescribed in the Pender County Unified Development Ordinance Section 3.18.5 in evaluating any proposed ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

- 1) The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
- 2) The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
- 3) Whether or not the proposed text amendment corrects an error in the Ordinance; and
- 4) Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.

In deciding whether to adopt a proposed Ordinance text amendments, the central issue before the County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents and the specific intent of this Ordinance.

Comprehensive Land Use Plan Compliance:

There are no conflicting policies within any adopted land use documents for either of the proposed text amendments within any adopted planning documents. The proposed zoning text amendment is in compliance with the following goals and policies in the 2010 Pender County Comprehensive Land Use Plan:

Policy 1A.1.4 The County should develop and utilize innovative and flexible land planning techniques that encourage developments to efficiently use land resources that result in more compact urban areas, infill development, redevelopment, and the adaptive re-use of existing buildings.

Policy 1A1.5 The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.

Policy 3A1.2 Use the creation of the Unified Development Ordinance as an opportunity to allow more development flexibility while setting higher standards for sustainable development.

Staff Recommendation:

The proposed text amendments are consistent with the Pender County Unified Development Ordinance and the 2010 Pender County Comprehensive Land Use Plan. Therefore, Planning Staff is respectfully recommending approval of the zoning text amendments as presented.

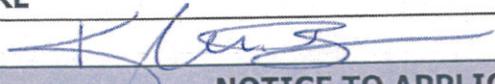
Planning Board

Motion: _____ **Seconded:** _____

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

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

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE			
Application No.	ZTA #11245	Date	10/17/2014
Application Fee	\$ NA	Receipt No.	NA
Pre-Application Conference	NA	Hearing Date	12/2/2014 planning Board 11/20/2014 BOC
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Pender county Planning Department		
Applicant's Address:			
City, State, & Zip			
Phone Number:			
SECTION 2: UDO TEXT TO BE AMENDED			
Current Text to be Amended (Please site accurate Article number referenced):			
Section 7.10 Off-Street parking & loading Requirements			
Section 5.3.12 Portable Storage containers			
Proposed Text to be added:			
see staff reports			
SECTION 3: SIGNATURE			
Applicant's Signature			Date: 10/17/2014
NOTICE TO APPLICANT			
If the applicant makes significant changes to the application for a text amendment after the Planning Board has made its recommendation, the Administrator may refer the modified request back to the Planning Board for an additional public hearing.			
TEXT AMENDMENT CHECKLIST			
<input checked="" type="checkbox"/>	Signed application form		
<input checked="" type="checkbox"/>	Application fee		
<input checked="" type="checkbox"/>	A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO (shown on page 1 of this application)		
Office Use Only			
<input checked="" type="checkbox"/> ZTA Fees: \$250		Total Fee Calculation: NA	
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:	Megan Estare		Date: 10/17/2014
Application completeness approved by:	Megan Estare		Date: 10/17/2014
Dates Scheduled for Public Hearings:	<input checked="" type="checkbox"/> Planning Board: 12/2/2014	<input checked="" type="checkbox"/> BOC: 11/20/2014	