Pender County
Planning and Community Development

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

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www.pendercountync.gov

AGENDA
Pender County Planning Board
Tuesday, April 5, 2016 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: __ Fullerton __ Baker: __ Edens: __ McClammy: __ Nalee: __

1. **Adoption of the Agenda:**

2. **Adoption of the Minutes: (February 2, 2016 and March 1, 2016)**

3. **Public Comment:**

(Public Hearings Open)

4. **Master Development Plan:**
RSC Engineering, PLLC., applicant, on behalf of James E. Jones, owner, is requesting approval of a Master Development Plan for a commercial development known as Hypnotic Solutions Hypnosis Center. Specifically, this request is to allow for the following use; Offices of All Other Miscellaneous Health Practitioners (NAICS 621399). The subject property is zoned PD, Planned Development zoning district and Other Miscellaneous Health Practitioners are permitted via Master Development Plan in the PD, Planned Development zoning district. The subject property is located to the north east of Sidbury Road (SR 1572) in the Topsail Township and may be further identified by Pender County PIN: 3271-21-3570-0000.

5. **Zoning Map Amendment:**
Charlotte P. Kelly, applicant and owner, is requesting approval of a Zoning Map Amendment for a Conditional Rezoning of one (1) tract totaling approximately 0.47 acres from the RP, Residential Performance zoning district to RA CD2, Rural Agricultural conditional zoning district two. Specifically, the request is to allow only the following NAICS uses; 453 Miscellaneous Store Retailers, 7222 Limited Service Eating Places and 445 Food and Beverage Stores. The subject property is located

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.

near the intersection of Point Caswell Road (SR 1128) and Rooks Road (SR 1126) in the Caswell Township and may be further identified by Pender County PIN: 2257-66-1048-0000.

6. **Zoning Map Amendment:**
Charles M. Elam II, applicant, on behalf of Southeast Custom Homes Inc., owner, is requesting approval of a Zoning Map Amendment of one (1) tract totaling approximately 39.48 acres from the RA, Rural Agricultural zoning district to the RP, Residential Performance zoning district. The subject property is located on NC HWY 210 approximately 850 feet to the west of the intersection of NC HWY 133 and NC HWY 210 in the Long Creek Township and may be further identified by Pender County PIN: 3214-16-3938-0000.

7. **Zoning Map Amendment:**
Adam Batchler, applicant, on behalf of Batchlers LLC., owner, is requesting approval of a Zoning Map Amendment of four (4) tracts totaling approximately 6.023 acres from the IT, Industrial Transitional zoning district to RP, Residential Performance zoning district. The subject properties are located on Shaw Highway (SR 1520), approximately 1,000 feet north of the intersection of NC HWY 210 and Shaw Highway (SR 1520) in the Holly Township and may be further identified by Pender County PINs: 3255-47-8587-0000, 3255-47-8450-0000, 3255-47-8251-0000 and 3255-47-8069-0000.

8. **Zoning Text Amendment:**
Stroud Engineering, applicant, is requesting a Zoning Text Amendment to the Pender County Unified Development Ordinance, Section 4.14 Zoning District Dimensional Requirements. Specifically, the proposal is to amend the separation requirements between structures in the GB, General Business zoning district from fifty (50) to twenty (20) feet separation between structures. A detailed description of the proposed changes is available in the Pender County Planning and Community Development Department offices.
(Public Hearings Closed)

9. **Discussion Items:**
   a. **Planning Staff Items:**
      i. Zoning Text Amendment Update:
      ii. Comprehensive Land Use Plan Update:

   b. **Planning Board Members Items:**

10. **Next Meeting:** May 3, 2016

11. **Adjournment:**

PLANNING STAFF REPORT
MASTER DEVELOPMENT PLAN

SUMMARY:

Hearing Date:	April 5, 2016
Applicant:	RSC Engineering, PLLC.
Property Owner:	James E. Jones
Case Number:	MDP 174-2016

Development Proposal: RSC Engineering, PLLC., applicant, on behalf of James E. Jones, owner, is requesting approval of a Master Development Plan for a commercial development known as Hypnotic Solutions Hypnosis Center. Specifically, this request is to allow for the following use; Offices of All Other Miscellaneous Health Practitioners (NAICS 621399).

Property Record Number, Acreage, and Location: The subject property is zoned PD, Planned Development zoning district and Other Miscellaneous Health Practitioners are permitted via Master Development Plan in the PD, Planned Development zoning district. The subject property is located to the north east of Sidbury Road (SR 1572) in the Topsail Township and may be further identified by Pender County PIN: 3271-21-3570-0000. The site currently consists of a single-family residence and is immediately surrounded by a single-family residential use to the south and bound by vacant tracts to the north, east, and west.

Zoning District of Property: The subject property is approximately ±0.69 acres and is zoned PD, Planned Development zoning district.

RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with two (2) policies included in the 2010 Pender County Comprehensive Land Use Plan and Pender County Unified Development Ordinance, as well as, other approved planning documents. However, the project conflicts with portions of the Mixed Use land use classification included in the 2010 Pender County Comprehensive Land Use Plan. Planning Staff recommends the approval of the Master Development Plan request as detailed in the report for the development known as Hypnotic Solutions Hypnosis Center.

DEVELOPMENT PROPOSAL

RSC Engineering, PLLC., applicant, on behalf of James E. Jones, owner, is requesting approval of a Master Development Plan for a commercial development known as Hypnotic Solutions Hypnosis Center. Specifically, this request is to allow for the following use; Offices of All Other Miscellaneous Health Practitioners (NAICS 621399). The subject property is zoned PD, Planned Development zoning district and Other Miscellaneous Health Practitioners are permitted via Master Development Plan in the PD, Planned Development zoning district.

According to Section 4.8.1.B.2.E, PD tracts that are requesting a change of use from one NAICS sector classification to another, expansion of existing use(s), or revision of existing standards shall submit a Master Development Plan in accordance with Section 6.1. A mix of uses shall not be required. The Planning Board shall review the proposed use(s) and overall design to determine if the Master Development Plan is in accordance with the standards of this Ordinance and any other adopted plans.

Buffers

All landscape and buffers are to be approved in accordance with Section 8.2.8, Project Boundary Buffer of the Pender County Unified Development Ordinance. In the PD, Planned Development zoning district the following buffers are required per Section 8.2.8 of the Pender County Unified Development Ordinance (Attachment 1); a Buffer A along all boundaries adjacent to a street, a Buffer B along all other boundaries, and a Buffer C is required along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than one (1) acre and when a single family structure is within fifty (50) feet of the boundary of the development.

The applicant shows a Buffer A-1 on the property boundaries facing a street and a Buffer B-4 on the property boundaries to the north and east, and a Buffer C-4 on the south property boundary, all of which are in compliance with Ordinance standards. A landscape plan detailing the required number and species of trees is needed prior to final zoning approval.

Utilities

The project has existing connections to private well, subject to review and approval by Pender County Environmental Health. Wastewater service to the proposed development is proposed through an on-site septic system. The applicant is required by Environmental Health to apply for an existing septic approval. All review and approvals for the wastewater services are subject to review and approval of Pender County Environmental Health Department.

Street Connectivity and Access

Ingress and egress to the proposed office is obtained via a private access easement off of Sidbury Road (SR 1572), with a single driveway. According to NCDOT at the March 1, 2016 Technical Review Committee meeting, a driveway permit will not be required for this proposed development.

Cross access corridors are required for all nonresidential adjacent properties. All cross access corridors must meet the requirements found in Section 7.4.4 Cross Access Corridors of the Pender County Unified Development Ordinance. The proposed location, arrangement, and right-of-way widths of roads and streets, including roads and streets providing access to adjoining parcels is required for Master Development Plan submittals according to Section 6.1.4 of the Pender County Unified Development Ordinance. A 20' cross access easement is shown on the submitted site plan extending from the proposed development towards the north to the neighboring property.

According to Section 4.8.1.E of the Pender County Unified Development Ordinance, the on-site transportation system shall be integrated with the off-site transportation circulation system of the County. The road network within Planned Developments shall be designed to ensure that adjacent residential areas, internal and external to the project, have direct access to any non-residential portions of the planned development in lieu of entering and exiting through thoroughfares and/or collector streets. The submitted plan does not propose any new road connections. The proposal utilizes a recorded 650' long and 30' wide private access easement to the project site.

Traffic

A Traffic Impact Analysis (TIA) will not be required based on the total number of trips for the entire development. The applicant has provided trip generation information for the proposed the development. A total of 63 trips per day was submitted by the applicant and does not meet the one hundred (100) trips at peak AM and PM hours necessary to require a TIA according to the Pender County Collector Street Plan. The data submitted shows 3 trips at the AM peak hours and 7 trips for the PM peak hours.

Parking

According to the applicant's provided site plans, five (5) parking spaces will be provided based on the size of the office area. According to Section 7.10 of the Pender County Unified Development Ordinance, one (1) parking space for every 300 square feet of floor area is required for office uses. The applicant satisfies the parking requirements set forth in Section 7.10 of the Pender County Unified Development Ordinance.

Pedestrian Access

According to Section 4.8.1.A.2 of the Pender County Unified Development Ordinance, the purpose of the Planned Development zoning district is to promote quality urban design and environmentally sensitive development by incorporating walkable, compact, pedestrian and transit friendly development and by allowing development to take advantage of special site characteristics, locations, and land uses.

Pedestrian enhancements consistent with the Planned Development zoning district include pocket parks, walking trails, and benches to promote the interconnectivity of each parcel and use. Such uses and amenities shall be shown on the submitted Master Development Plan, along with sidewalks on the perimeter of the property.

The proposed plan shows a new walking trail connecting to an existing walking trail that shown on the access easement directly adjacent to the subject property. The existing walking trail encircles the subject property and terminates at a small pond located to the southeast of the subject property. This proposal is consistent with the Planned Development zoning district requirements.

Environmental Concerns

Any additional impervious surfaces added to the development are subject to the review and approval of the North Carolina Division of Environmental Quality (NCDEQ) at the time of site development approval.

Wetlands

There appear to be wetlands located on-site near the rear of the property. All referenced wetlands are estimates by the National Wetlands Inventory (NWI).

Flood

The property is not located within a Special Flood Hazard Area according to Flood Insurance Rate Map (FIRM) 3720327100J.

Tree Survey

According to Section 8.1.3 of the Pender County UDO, a significant tree survey is required. No land disturbing or clearing is proposed for this site that would necessitate a significant tree survey.

Permits

All applicable state and federal agency permits including a Stormwater Management Permit, and Erosion Control Plan, wetlands impact permits, and NCDOT Driveway Permit may be required prior to the approval of final zoning as applicable.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES

Pender County's Technical Review Committee meeting was held on Tuesday March 1, 2016 at 2p.m. in Board of County Commissioners meeting room, in the Pender County Government Administration Building at 805 S. Walker Street, to review the proposal. Comments received are located in Attachment 2 incorporated within this report.

EVALUATION

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

B) Existing Zoning in Area: The property lies within a PD, Planned Development zoning district. The properties surrounding the proposed project are zoned PD, Planned Development zoning district in all directions.

C) Existing Land Use in Area: The site is immediately surrounded by low density residential uses to the south, vacant properties to the north, east, and west, including the proposed mixed use Master Development Plan known as Blake Farm (Case #11166).

D) 2010 Comprehensive Land Use Plan: The subject parcel is identified as 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.

Mixed Use areas are intended to help reduce sprawl by concentrating a mix of uses in convenient locations; by promoting an efficient sustainable pattern of land uses, and by providing most of the goods and services needed by residents in a coordinated, concentrated manner. Mixed Use areas are intended to reduce the number and length of auto trips by placing higher-density housing close to shopping and employment center. They also should function to improve the quality of life for residents living in higher density housing by placing daily conveniences, shops, and employment within walking distance;

The road network within Mixed Use areas should be designed to ensure that adjacent residential areas will have direct access to the non-residential portions of the mixed use center in lieu of entering and exiting through thoroughfares and/or collector streets. Developments should provide or contribute to a pedestrian and road network that connects nonresidential and existing residential uses (multi-family and single-family) developments.

The proposed project, located along a private access easement off of Sidbury Road (SR 1572), does not contain frontage to a major state highway or secondary road. There are few nearby non-residential uses in the area. Wesleyan Chapel United Methodist Church is the nearest non-residential use, located about 150' to the southeast of the subject parcel at the intersection of Sidbury Road (SR 1572) and US HWY 17. The site has an existing on-site septic system, and an existing well water connection, subject to review and approval by Pender County Environmental Health.

The following goals and policies may support this request:

1. **Growth Management Policy 1A.1.3**: The County shall actively direct growth towards suitable land areas and away from fragile natural resource areas, conservation areas, and hazardous areas.
2. **Growth Management Policy 1A.1.5**: The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.

The proposed project is consistent with two (2) goals and policies from the 2010 Pender County Comprehensive Land Use Plan.

The Mixed Use requires a project to be easily accessible and in a transit friendly location. The proposed project conflicts with this criteria found in the Mixed Use land use classification in that it does not provide an easily accessible, compact use near other mixed uses in transit friendly manner. The proposed use is located down an

existing unpaved access easement, approximately 650' from Sidbury Road (SR 1572). The Mixed Use land use classification promotes connections to existing residential uses. The proposed development provides a 20' wide cross access corridor easement located on the subject property for future connectivity to north.

RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with two (2) policies included in the 2010 Pender County Comprehensive Land Use Plan and Pender County Unified Development Ordinance, as well as, other approved planning documents. However, the project conflicts with portions of the Mixed Use land use classification included in the 2010 Pender County Comprehensive Land Use Plan. Planning Staff recommends the approval of the Master Development Plan request as detailed in the report for the development known as Hypnotic Solutions Hypnosis Center.

Potential Conditions

1. Provide a maintenance agreement for the private access easement leading to the proposed project location prior to final zoning approval.
2. Include pedestrian connection to future development to the north and east.

All items from Pender County Unified Development Ordinance, Section 6.1.4 Master Development Plan Contents, and mixed-use districts must be met prior to the approval of the Master Development Plan.

BOARD ACTION FOR MASTER DEVELOPMENT PLAN:

Motion:_____**Seconded**_____

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

Williams: ____Fullerton:____Baker:_____Edens: _____ McClammy: ____ Nalee: _____

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE			
Application No.	MDP 174-2016	**Date**	2-19-16
Application Fee	$ 500.00	**Receipt No.**	INV. 00000091
Pre-Application Conference	2-18-16	**Hearing Date**	4/5/16 PB 3/1/16 TRC

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	RSC Engineering, PLLC	**Owner's Name:**	Brenda & Terry Blankinship
Applicant's Address:	15226 US Hwy 17	**Owner's Address:**	10169 Sidbury Road
City, State, & Zip	Hampstead, NC 28443	**City, State, & Zip**	Wilmington, NC 28411
Phone Number:	910-619-1737	**Phone Number:**	910-620-0110
Legal relationship of applicant to land owner:			

SECTION 2: PROJECT INFORMATION				
Type of Master Development Plan	☐ **Residential** *RP, PD, RM MH District*	☐ **Commercial** *GB, OI, IT, GI District*	☑ **Mixed Use** *PD*	☐ **Exempt**
Property Identification Number (PIN):	3271-21-3570-0000	**Total property acreage:**	0.69 acres	
Zoning Classification:	PD	**Acreage to be disturbed:**	< 0.69 acres	
Project Address :	10169 Sidbury Road			
Description of Project Location:	US 17 South, Right onto Sidbury Road, Site is on the right at the end of the gravel road.			
Describe activities to be undertaken on project site:	Hypnosis, massage therapy, yoga NAICS 621399 + 611699			

SECTION 3: SIGNATURES			
Applicant's Signature	Sonya B. Cl	**Date:**	2/17/16
Owner's Signature	Brenda A. Blankinship	**Date:**	2/18/2016

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

☒	**MDP Fees:** (*$500.00 plus $10/acre for the first 100 acres $5/acre thereafter)*	**Total Fee Calculation: $** 500.00

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

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

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

Application received by:	Pat Dinkins	Date: 2-19-16
Application completeness approved by:	PD	Date: 2-19-16
Date scheduled for public hearing: 4/5/16 PB, 3/1/16 TRC		

MASTER DEVELOPMENT PLAN CHECKLIST

✓	Signed Application Form (Both Applicant and Owner)
	Application fee
✓	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)
✓	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: ☑ Location of the project and type of access to project site ☑ Detailed description of the activities to be undertaken on the site, including hrs. of operation,# of employees, etc. ☑ Description of all construction activities to be undertaken on the site ☑ Describe type of utilities that will serve project and status of approval from applicable providers ☑ List of all state and federal permits that will be required for the project ☑ 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:
✓	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.
✓	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.
✓	North arrow, a scale of 1:100 or larger and a legend describing all symbols.
✓	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.
✓	The total area of the property shall be specified.
✓	The topography shall be shown at 2 foot contour intervals.
✓	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.
✓	A schedule of phases, with the approximate location of phase boundaries & the order in which the phases are to be developed, shall be provided.
✓	The use of all adjoining properties by zoning, parcel identification number (PIN) and current property owner(s).

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

Print Form

RSC
Engineering, PLLC
16310 US Highway 17, Hampstead, NC 28443
PHONE: 910.270.9599 Fax: 910.270.9592 E-mail: rscengineering@charter.net

February 17, 2016

Pender County Planning
Pat O'Mahony
patomahony@pendercountync.gov

Re: Master Development Plan for 10169 Sidbury Road

Brenda (Bryn) and Terry Blankinship propose to open a privately owned business (Hypnotic Solutions Hypnosis Center) at 10169 Sidbury Road, Wilmington, NC. The site is 0.69 acres with an existing residential home that is approximately 1900 sf. Access to the site is via a 30' private easement that connects directly to Sidbury Road. The site is currently served by an onsite well and septic system. An ESA application will be submitted for approval. The owner has spoken with NCDOT about the site and based upon initial discussions, no improvements have been identified. An NCDOT driveway permit application will be submitted for review and approval. There are no additional state and/or federal permits that have been identified as being required for this use.

The owner proposes to conduct a hypnosis practice which will be comprised of herself and a part time assistant who will work off-site managing calls. The proposed hours of operation are weekdays from 9am to 5pm by appointment only. In the future, the owner proposes to have colleagues in complimentary fields of practice office services such as acupuncture, massage therapy and yoga/pilates (typically offered as one-on-one personal training sessions and potentially small group sessions in the future). The owner is drawn to the quiet atmosphere that this property offers and intends to keep that in mind when deciding future services.

It is not expected that there would be any significant impacts to the community given the nature of the business and the number of employees.

There are (2) adjacent property owners to the site:

Mailing Address:
Blakes of Scotts Hill
10565 US Hwy 17
Wilmington, NC 28411

Physical Address:
Sidbury Road
Wilmington, NC 28411

Mailing & Physical Address:
Richard Batts et al
10165 Sidbury Road
Wilmington, NC 28411

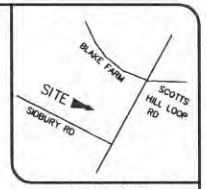
Please feel free to contact me (910-619-1737, sonya@rscengineering.com) should you have any questions regarding the Master Development Plan or Commercial Site Plan submittals.

Sincerely,

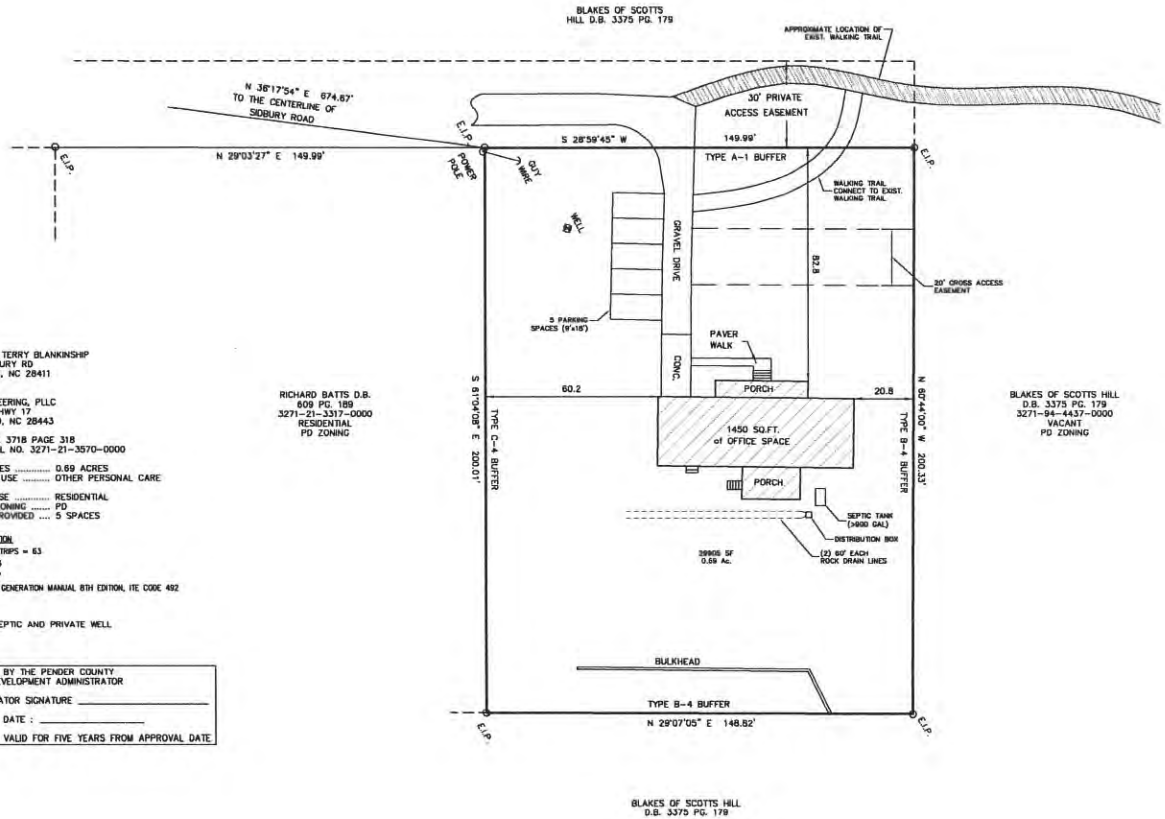
Sonya Edens, EI

SURVEY BY:

HANOVER DESIGN SERVICES, P.A.
LAND SURVEYORS, ENGINEERS & LAND PLANNERS
1132 FLORAL PARKWAY
WILMINGTON, N.C. 28403
PHONE: (910) 343-8066
FAX: (910) 343-9541
FIRM SEAL/GATE C-0597
JOB 14131.dr



VICINITY MAP
NTS



OWNER
BRENDA & TERRY BLANKINSHIP
10169 SIDBURY RD
WILMINGTON, NC 28411

ENGINEER
RSC ENGINEERING, PLLC
15226 US HWY 17
HAMPSTEAD, NC 28443

DEED BOOK 3718 PAGE 318
TAX PARCEL NO. 3271-21-3570-0000

TOTAL ACRES ..... 0.69 ACRES
PROPOSED USE ..... OTHER PERSONAL CARE SERVICES
EXISTING USE ..... RESIDENTIAL
CURRENT ZONING ..... PD
PARKING PROVIDED .... 5 SPACES

TRIP GENERATION
TOTAL DAILY TRIPS = 63
AM PEAK = 3
PM PEAK = 7
PER ITE TRIP GENERATION MANUAL 8TH EDITION, ITE CODE 492

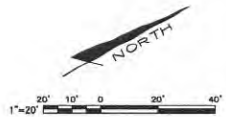
ON-SITE SEPTIC AND PRIVATE WELL

APPROVED BY THE PENDER COUNTY UNIFIED DEVELOPMENT ADMINISTRATOR

ADMINISTRATOR SIGNATURE _____

APPROVAL DATE : _____

SITE PLAN VALID FOR FIVE YEARS FROM APPROVAL DATE



REVISIONS

RSC Engineering, PLLC

DESIGN & MAINTENANCE OF ALTERNATIVE LAND USES

RSC ENGINEERING, PLLC
15226 US HWY 17
HAMPSTEAD, NORTH CAROLINA 28443
PHONE: 910.270.9599 ~ FAX: 910.270.9592
E-Mail: sonya@rscengineering.com

HYPNOTIC SOLUTIONS

10169 SIDBURY ROAD
Topsail Township
Pender County, North Carolina

SITE DEVELOPMENT PLAN
MASTER DEVELOPMENT PLAN

DATE:	02/20/2015
SCALE:	1" = 20'
JOB #	15011748
DRAWN BY:	JAR
SHEET	1

8.2.4 Prohibited Use of Buffer Area

A buffer area shall not be used for any building or use, accessory building or use, parking or loading area, storage area, or other principal or accessory uses except as specifically permitted in this Ordinance.

8.2.5 Planting in Easements

A. Where required plantings are located in easements, the property owner shall be responsible for replacement of such required vegetation if maintenance or other utility requirements require their removal.

B. No trees shall be planted in wet retention ponds, drainage maintenance easement, or any utility maintenance easements.

C. Shrubs may be planted within easements, provided they are only within the outer three feet of the easement. No new trees may be planted in an easement.

D. Existing trees may remain in dry retention ponds provided that the natural grade is undisturbed to the tree line, they are a species adapted to seasonal flooding and the pond is adequately maintained.

8.2.6 Buffer Descriptions and Options

The following descriptions list the specifications of each buffer. The requirements reflect the minimum and the developer may increase the buffer at his/her option. Buffer requirements are stated in terms of width of the buffer and the number of plant units required per one hundred (100) linear feet of buffer. The requirements of a buffer may be satisfied by any of the options under each letter designation or existing equivalent vegetation. All mathematical rounding shall be upward and shall be applied to the total amount of plant material required in the buffer, not to each one hundred (100) foot length. The required canopy and understory trees shall generally be spread uniformly along the buffer. Shrubs may be clustered when a 98% grass cover is provided in all areas of the buffer other than within 4 ft. of the base of any tree or shrub.

Buffer A

Buffer "A" This buffer is designed primarily for road frontage areas and should run parallel to the street to provide a continuous, aesthetically pleasing streetscape. The requirements for buffer "A" shall be met by any one of the following:
A-1) 15 foot wide strip with 3 canopy trees, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet (width may be reduced to 10' for existing developed lots that are subject to new buffer requirements), or
A-2) 20 foot wide strip with 3 canopy trees, 2 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 18 shrubs per 100 linear feet, or
A-3) 25 foot wide strip with 1 canopy tree, 2 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 21 shrubs per 100 linear feet, or
A-4) 30 foot wide strip with 1 canopy tree, 2 understory trees and either a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 32 shrubs per 100 linear feet.

Buffer B

Buffer "B" This buffer is a medium density planting area to be used primarily along non street boundary lines to provide spatial separation between similar types of uses. The requirements for buffer "B" shall be met by any one of the following:
B-1) 10 foot wide strip with 3 canopy trees, 4 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or
B-2) 15 foot wide strip with 3 canopy tree, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or
B-3) 20 foot wide strip with 1 canopy tree, 2 understory tree and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 15 shrubs per 100 linear feet, or
B-4) 25 foot wide strip with 0 canopy trees, 5 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 21 shrubs per 100 linear feet.

Buffer C

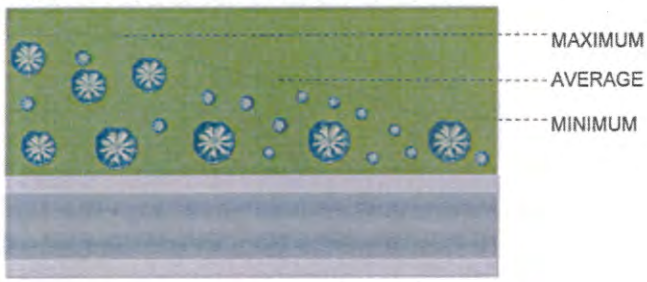
Buffer "C" This buffer is designed to provide a high density screen primarily along non street boundary lines to provide buffer and separation between different categories of uses such as commercial adjacent to residential uses or other non-residential uses adjacent to high density single family residential uses. The requirements for buffer "C" shall be met be any one of the following:
C-1) 10 foot wide strip with a 6 foot high wood stockade, basket weave, or other solid wood fence and 2 canopy trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or
C-2) 15 foot wide strip with a 6 foot high wood stockade, basket weave, or other solid wood fence or an evergreen hedge* that will provide a continuous screen at least 6' high within 4 years and 1 canopy tree, 4 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or *Reference spacing requirements in plant list for specific species and spacing to achieve evergreen hedge
C-3) 20 foot wide strip with an evergreen hedge that will provide a continuous screen at least 6' high within 4 years and 1 canopy tree or 3 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or
C-4) 25 foot wide strip with an evergreen hedge that will provide a continuous screen at least 6' high within 4 years, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet.

Buffer D

Buffer "D" This buffer is a low density planting area to be used along boundary lines in rural areas between large lots or tracts with substantial buffer width and setbacks to provide spatial separation between uses that are developed at very low density. The requirements for buffer "D" shall be met by any one of the following:
D-1) 15 foot wide strip with 3 canopy trees and a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree) per 100 linear feet, or
D-2) 20 foot wide strip with 2 canopy trees, 2 understory trees and a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree) per 100 linear feet, or
D-3) 25 foot wide strip with 1 canopy tree, 3 understory trees and a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree) per 100 linear feet.

8.2.7 Buffer Depth Averaging

While the buffer depth is normally calculated as parallel to the property line, design variations are allowed and are calculated on the average depth of the buffer per 100 feet of linear width measured along the property line. Minimum depth of buffer in any case shall not be less than 50% the required depth of the buffer chosen. Maximum depth shall not be more than 150% the required depth of the buffer chosen.



8.2.8 Project Boundary Buffer

The following are the buffering requirements of listed permitted uses in each district and certain special types of development. Special uses may be required to meet additional buffer requirements, but shall in all cases be required to have at a minimum the same buffer as permitted uses. Existing vegetation that meets or exceeds the requirements of the specific buffer is desired and allowed instead of any required new plantings.

Buffers Required for Mobile Home Parks - Mobile home parks shall be required to have the following buffers:	
Location of Buffer for Mobile Home Parks	Type Buffer
Along all boundaries adjacent to a street	Buffer A
Along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and when a single family structure is within 50' of the boundary of the park	Buffer C
Along all other boundaries	Buffer B

Buffers Required for Multifamily and Planned Developments - Multifamily and Planned Developments shall be required to have the following buffers:	
Location of Buffer for Multi-family & Planned Developments	Type Buffer
Along all boundaries adjacent to a street	Buffer A
Along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and when a single family structure is within 50' of the boundary of the development	Buffer C
Along all other boundaries	Buffer B

Buffers Required for Shopping Centers - Shopping centers shall be required to have the following buffers:	
Location of Buffer for Shopping Centers	Type Buffer
Along all boundaries adjacent to a street	Buffer A
Along all boundaries adjacent to Residential Districts or uses and adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and when a single family structure is within 50' of the boundary of the development	Buffer C
Along all other boundaries	Buffer B

Buffers Required for All Non-residential Uses (Excludes Industrial Uses) in All Residential Districts, (RA, RP, RM, MH) - Residential uses in Residential Districts are not required to have buffers, except as required for mobile home parks, Multifamily and Planned Developments. All commercial or uses other than residential uses (excluding industrial uses) in the Residential Districts shall provide the following buffers: Uses in these districts that require a special use permit will in addition, provide other buffers as specified in the special use permit.	
Location of Buffer for Non-residential Uses in the Residential Districts	Type Buffer
Along all street boundaries of the Development	Buffer A
Along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and when a single family structure is within 50' of the boundary of the development	Buffer C
Along all other non-street boundaries	Buffer B

Buffers Required for the Commercial Districts - All uses in the General Business and Office & Institutional Districts shall be required to have the following buffers:	
Location of Buffer for GB and OI Districts	Type Buffer
Along all boundaries adjacent to street right-of-ways	Buffer A
Along all non-street boundaries adjacent to Residential Districts and adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and when a single family structure is within 50' of the boundary of the development	Buffer C
Along all other boundaries	Buffer B

Buffers Required For The Industrial Districts And Industrial Uses In Any Other Districts	
Location of Buffer for Industrial Districts	Type Buffer
Along all street boundaries	Buffer D
Along all non-street boundaries adjacent to Residential Districts when adjacent to single family residential structures within 50' of the project boundary	Buffer C
Along all other boundaries	Buffer D

Buffers Required in the Watershed Overlays (WS-PA & WS-CA).	
Type Use	Buffer Requirement Watershed Districts
Bona fide Farms	Bona fide Farms in the Watershed Critical Area District (WSCA) shall maintain a 10 foot permanently vegetated buffer adjacent to all perennial waters as shown on the most recent edition of the USGS 1:24000 (7.5 minute) topographic map. The buffer shall remain vegetated and shall be used only for access and utilities.
Silviculture Activities	Silviculture activities shall maintain buffers (Streamside Management Zones) as described in the Division of Forest Resources Rules and Best Management Practices Manual.
All activities, other than bona fide farms and silviculture activities	All activities, other than bona fide farms and silviculture activities shall maintain a 30 foot vegetated buffer adjacent to all perennial waters as shown on the most recent edition of the USGS 1:24000 (7.5 minute) topographic map. The buffer shall remain vegetated and shall be used only for access and utilities.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:

Cape Fear Council of Governments RPO
No comments

Four County Electric Company
No response

NC DENR Division of Coastal Management
No comment

NC DENR Division of Forestry
No response

NC DENR Division of Land Resources
No response

NC DENR Division of Waste Management
No response

NC DENR Division of Water Quality
No comments

NC DOT Division of Highways
No proposed connection to US17, no permit required.

NC DOT Transportation Planning Branch
No comments.

NC Office of State Archaeology
No response

NC Wildlife Resources Commission
No response

Pender County Building Inspections
No response

Pender County Emergency Management
No comments.

Pender County Environmental Health
Must apply for ESA, approval subject to review and approval.

Pender County Fire Marshal
No comments.

Pender County Parks and Recreation
No comment.

Pender County Public Library
No response.

Pender County Public Utilities
No comments.

Pender County Schools
No comment.

Pender County Sheriff's Department
No response.

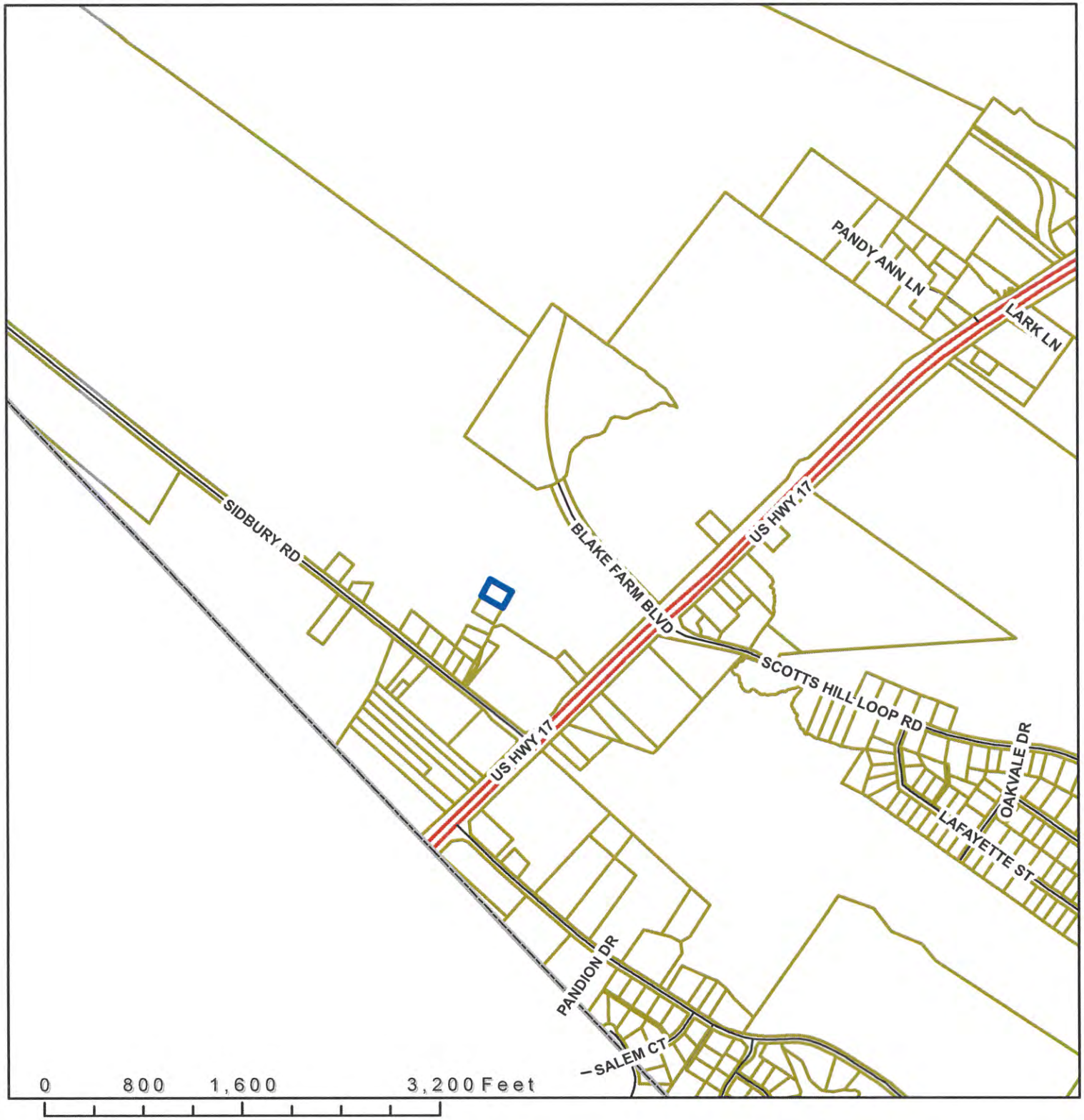
Pender County Soil and Water Conservation District
Soil & Water sees no problem with this request.

Progress Energy Corporation
No response.

US Army Corps of Engineers
No response.

Wilmington Metropolitan Planning Organization

1. The application proposes a driveway connection to a private road. Please provide information on Sidbury Rd. (name of access road shown on Google Maps), including any easements and surveys of the road.
2. Site proposes 5 parking spaces. Provide dimensions for the gravel drive, paved walk, driveway entrance width, and driveway radius for the site.
3. Provide a minimum 1 Handicap Space and 1 parking space for every 2 employees.
4. The site plan shows a porch and steps on the proposed business. Provide the ADA accessible route from the Handicap Parking space to the ADA Accessible opening to the business. If a ramp is required, show the location of the handicap ramp on the site plan.
5. Provide information on environmental/ conservation resources on the site. If wetlands are on the site, please show them on the site plan. \
6. Provide site data table with proposed trip generation estimates for this site, including proposed land use and intensity for each use, (SF allocated for the use)
7. The site plan does not provide details for the proposed site driveway, or access road. Provide a cross section and details for the driveway and access road.
8. Provide an all-weather access road to the site for emergency response. A turn around for Fire may be required on this site.
9. Show the location of required landscaping, site lighting and business signage on the site plan.
10. The site plan does not show any drainage information on the site or for the driveway. Please show these features.
11. The site appears to be adjacent to the Blake Farms Development. Please show any proposed connections from this site and the access easement to Blake Farms.
12. Provide a floor plan for the building, which shows entrances, ramps, floor elevations, etc.



Applicant:
RSC Engineering, PLLC.

Owner:
James E. Jones

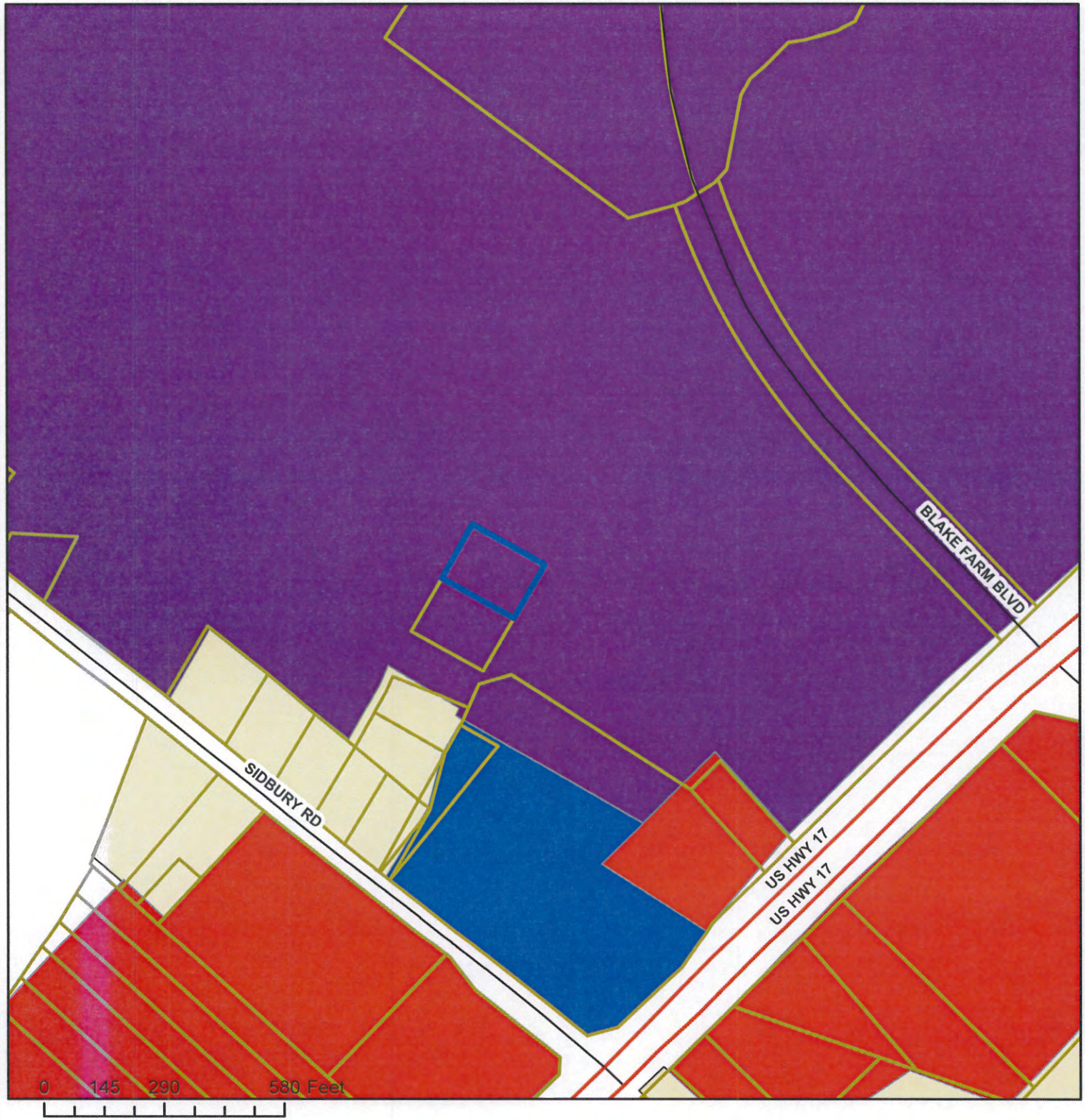
Master Development Plan:
#174-2016

Legend

Subject Property

N

Vicinity



Applicant:
RSC Engineering, PLLC.

Owner:
James E. Jones

Master Development Plan:
#174-2016

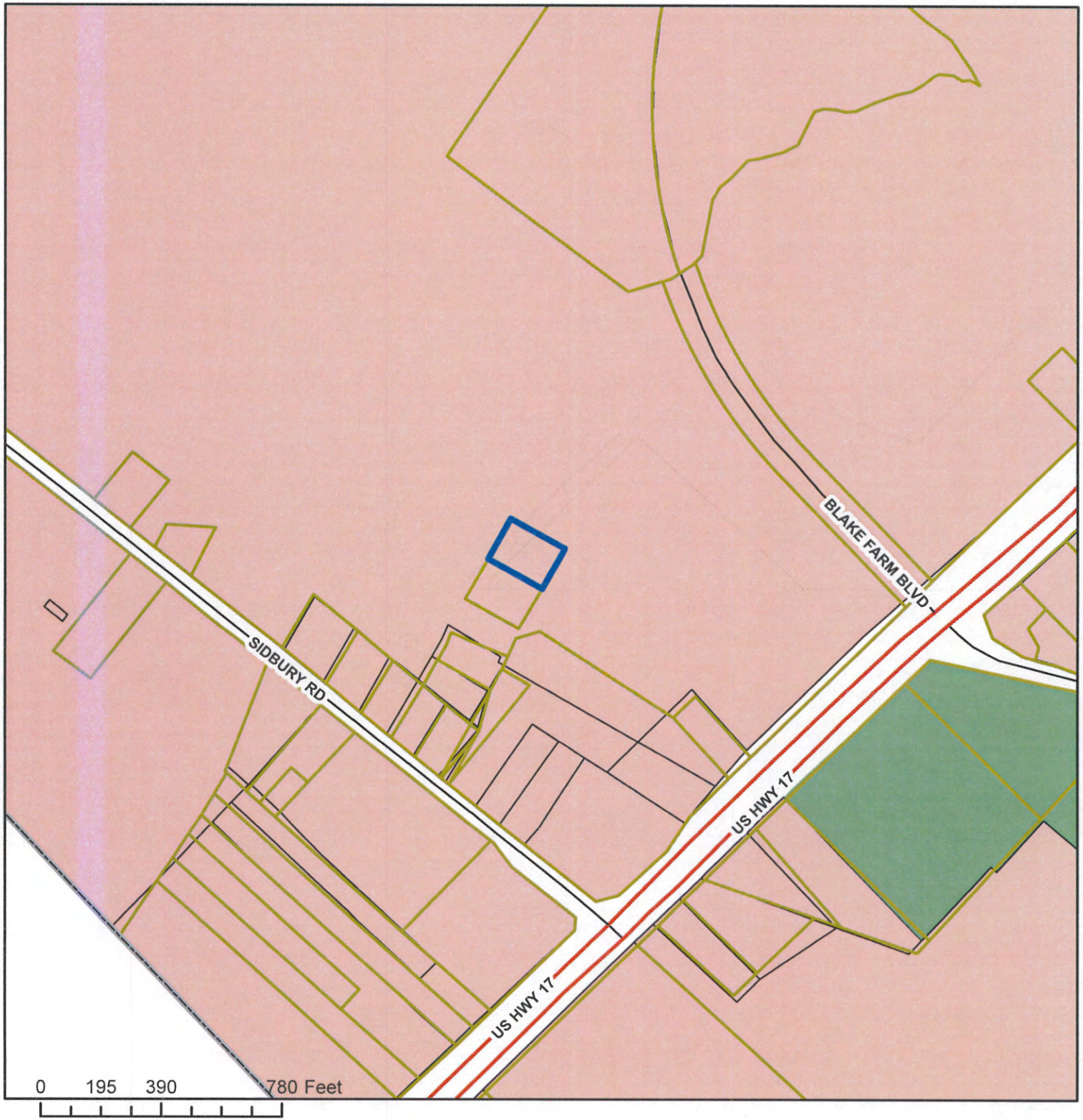
Legend

UDO Zoning

- EC, Environmental Conservation
- GB, General Business
- GI, General Industrial
- Incorporated
- IT, Industrial Transition
- MH, Manufactured Housing
- O&I, Office & Institutional
- PD, Planned Development
- RA, Rural Agricultural
- RA-Conditional Zoning 1
- RP, Residential Performance
- Subject Property

N

Current Zoning



Applicant:
RSC Engineering, PLLC.

Owner:
James E. Jones

Master Development Plan:
#174-2016

Legend

Future Land Use

- Conservation
- Industrial
- Mixed Use
- Office, Institutional, Commercial
- Rural Growth
- Suburban Growth
- Subject Property

N

Future Land Use

Applicant:
RSC Engineering, PLLC.

Owner:
James E. Jones

Master Development Plan:
#174-2016

Legend

Subject Property

N

2012 Aerial

PLANNING STAFF REPORT
CONDITIONAL ZONING MAP AMENDMENT

SUMMARY:

Hearing Date:	April 5, 2016 Planning Board May 16, 2016 Board of Commissioners
Applicant:	Charlotte P. Kelly
Property Owner:	Charlotte P. Kelly
Case Number:	CZMA 160-2016

Rezoning Proposal: Charlotte P. Kelly, applicant and owner, is requesting a conditional zoning map amendment for one (1) tract totaling approximately 0.47 acres from RP, Residential Performance zoning district to RA-CD 2, Rural Agricultural zoning district. The request is to allow only the following NAICS uses: 453 Miscellaneous Store Retailers, 7222 Limited Service Eating Places and 445 Food and Beverage Stores.

Property Record Number, Acreage, and Location: The subject property, located at 5230 Point Caswell Road, recorded on Register of Deeds Book 403 Page 528, is located near the intersection of Point Caswell Road (SR 1128) and Rooks Road (SR 1126) in the Caswell Township and may be further identified by Pender County PIN: 2257-66-1048-0000.

RECOMMENDATION

The application is for a conditional zoning map amendment of one (1) tract totaling approximately 0.47 acres from RP, Residential Performance zoning district to RA, Rural Agricultural zoning district. As submitted, the request complies with all criteria set forth in Section 3.4 Review Criteria for Conditional Rezoning of the Pender County Unified Development Ordinance and is consistent with three (3) goals and four (4) policies of the 2010 Comprehensive Land Use Plan. There are no known conflicts with any adopted plans. At their March 1, 2016 meeting the Pender County TRC had no objections to this request.

HISTORY

The subject property was designated as R-20 prior to the county-wide comprehensive rezoning in 2010. With the adoption of the 2010 Pender County Unified Development Ordinance, the designation of the subject property was changed to RP, Residential Performance zoning district.

DESCRIPTION

Charlotte P. Kelly, applicant and landowner is requesting approval of a Zoning Map Amendment for a conditional rezoning of an approximately 0.47 acre tract from RP, Residential Performance zoning district to RA, Rural Agricultural zoning district. The subject property, recorded on Register of Deeds Book 403 Page 528, is located near the intersection of Point Caswell Road (SR 1128) and Rooks Road (SR 1126) in the Caswell Township.

According to the applicant, this property has been operated as a variety of stores from the 1940s through the early 2000s. The store however became vacant between tenants and was not eligible to be re-opened due to the loss of Nonconforming Use Status.

Section 10.3.4 A of the Pender County Unified Development Ordinance states that when a nonconforming use is discontinued for a consecutive period of one hundred eighty (180) days, or greater than one hundred eighty

days (180) with good cause shown, the property involved may thereafter be used only for conforming purposes. The commercial activities allowed in this district are not a fit with the uses the owner's intend to use moving forward.

The existing structures located on the subject properties are considered an existing non-conformity with respect to current zoning regulations. According to Section 10.3 of the Pender County Unified Development Ordinance; A nonconforming use is a principal or accessory land use, other than a nonconforming sign, that was lawfully established in accordance with zoning regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zoning district in which it is now located.

The minimum acreage to rezone to RA, Rural Agricultural zoning district is typically an acre, however footnote three in the dimensional standards table in Section 4.14 indicates that any parcel of property meeting the guidelines set forth in Sections 3.3 or 3.4 that adjoins an established zoning district that is identical to the district that is applying for a rezoning shall not have to meet the minimum area requirements for rezoning for that district. In this case all of the parcels to the west are zoned RA Rural Agricultural. This is in compliance with Appendix A, Definitions.

Photo

Access

The property has direct access to Point Caswell Road (SR 1128) on the west side of the lot. Any improvements to the existing driveway may require an NCDOT permit. The TRC comments submitted by the WMPO state that a new driveway apron must be installed onsite. He also stated that a handicap parking space is required, as well as trip estimates for any proposed use. There were no comments from NCDOT on the proposed conditional zoning map amendment.

Utilities

According to the applicant the property is served by a well and a septic tank. Any final zoning approvals are contingent upon review and approval by the Environmental Health Department.

Environmental Concerns
According to FEMA Flood Insurance Rate Map Number 3720331300J, adopted February 16, 2007, the property is not located within any Special Flood Hazard Area (SFHA).

All applicable federal, state and local agency permits are required prior to the issuance of final zoning.

Technical Review Committee
On March 1, 2016 the Pender County Technical Review Committee reviewed the Applicant's submittal; the responses are included as Attachment 1.

Public Input Meeting
On February 22, 2016 the Applicant held a community meeting in accordance with Section 3.4.3 of the Pender County Unified Development Ordinance. Two citizens participated and on February 22, 2016 both adjoining landowners submitted emails to the applicant that they did not object to this conditional zoning map amendment.

EVALUATION

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

B) ***Existing Zoning in Area:*** The parcel currently has three structures on it. There is a building that has previously been used as store and two accessory buildings. The existing zoning is RP, Residential Performance zoning district.

C) Existing Land Use in Area: The properties to the north, south and east are currently classified as RP, Residential Performance zoning district. The parcels to the west are classified as RA, Rural Agricultural zoning district. The surrounding properties are composed of low density residential development, if developed at all.

D) 2010 Comprehensive Land Use Plan: The 2010 Comprehensive Land Use Plan designates the subject property as both Suburban Growth and Rural Growth. The Suburban Growth land use classification identifies those areas of Pender County where significant residential growth is expected to occur within the planning horizon. Areas designated as Suburban Growth are located primarily adjacent to municipal planning jurisdictions and within or near high growth, un-incorporated areas of the County. Suburban Growth designates areas where public water and public sewer are available or are planned in the near future. Uses that would typically be allowed in Suburban Growth areas include medium-high density residential (single-family site-built and modular homes); limited non-residential uses (commercial, office, or public/institutional) that meet locational criteria. Locational criteria for non-residential uses include frontage and access to a major State highway or secondary road, location at a major intersection, proximity to similar uses, and spatial separation from non-compatible uses such as existing residential development

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

This Conditional Rezoning is consistent with three (3) goals and four (4) policies of the 2010 Comprehensive Land Use Plan. The following goals and policies within this plan may be relevant to support the proposed Conditional Zoning map amendment;

> **Goal 1A.1:** Manage the physical growth and development of Pender County by promoting more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the predominant rural lifestyle and coastal environment that makes the County a unique place to live.
>
> > **Policy 1A.1.5:** 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 1A.1.6** Use conditional zoning process to enable developers to contribute to addressing the impact of developments on capital facilities and other resources; incorporate regulations into new Unified Development Ordinance to enable a small project to address specific impacts to an existing adjacent community.
>
> **Goal 3A.1** Develop a preferred growth pattern that includes traditional suburban communities but also allows for higher density residential development and for innovative mixed-use developments to encourage more compact, sustainable growth patterns.
>
> > **Policy 3A.1.4** Consistently use the Comprehensive Land Use Plan, as well as other plans and studies, to determine if a rezoning request is appropriate and consistent with local policies.

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

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

E) Unified Development Ordinance Compliance: Article 3.4.4 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board before a favorable recommendation of approval for a conditional rezoning can be made.

This is a Conditional Zoning map amendment meaning the uses approved will be the only uses allowed on this property if it is approved. The applicant is requesting the following uses be allowed: 453 Miscellaneous Store Retailers, 7222 Limited Service Eating Place and 445 Food & Beverage Stores. A conditional district is intended for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use or uses, permitted by right or special use, on small and large scale projects.

According to Section 4.7.1 of the Pender County Unified Development Ordinance, the RA, Rural Agricultural zoning district is intended to accommodate non-residential agricultural uses and very low density residential development (minimum of 1 du/ac), as well as limited non-residential uses, in rural areas adjacent to agricultural operations. Development in this district should rely predominantly on individual wells and septic tank systems for domestic water supply and sewage disposal.

3.448 Review Criteria for Conditional Rezoning

When evaluating an application for the creation of a conditional zoning district, the Planning Board and Board of Commissioners shall consider the following:

A. *The application's consistency to the general policies and objectives of all adopted Land Use Plans and the Unified Development Ordinance;*
B. *The potential impacts and/or benefits on the surrounding area, adjoining properties;*
C. *The report of results from the public input meeting.*

RECOMMENDATION

The application consists of a conditional zoning map amendment request for approximately 0.47 acres currently zoned RP, Residential Performance zoning district to RA, Rural Agricultural zoning district (Conditional). As submitted, the request complies with all criteria set forth in Section 3.4 of the Pender County Unified Development Ordinance and is consistent with three (3) goals and four (4) policies of the 2010 Comprehensive Land Use Plan. The request does not conflict with any existing policies, land uses, or zoning classifications. The Administrator respectfully recommends approval of the conditional rezoning request.

BOARD ACTION FOR CONTIDTIONAL REZONING REQUEST

Motion: _____ Seconded: _____

Approved: _____Denied: _____Unanimous: _____

Williams: __ Fullerton: _ Baker: __ Edens: __ McClammy: __ Nalee: __

Attachment 1

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:

On Tuesday March 1, 2016 the Pender County Technical Review Committee reviewed the proposed Conditional Zoning Map Amendment for 5230 Point Caswell Road.

Cape Fear Council of Governments RPO

No Response.

Four County Electric Company

No Response.

NC DENR Division of Coastal Management

No Response.

NC DENR Division of Forestry

No Response.

NCDENR, Division of Energy, Mineral, and Land Resources - Land Quality Section

No Response.

NC DENR Division of Waste Management

No Response.

NC DENR Division of Water Quality

No Response.

NC DOT Division of Highways

No Response.

NC DOT Transportation Planning Branch

No Response.

NC Office of State Archaeology

No Response.

NC Wildlife Resources Commission

No Response.

Pender County Addressing Coordinator

No Response

Pender County Building Inspections

No Response.

Pender County Emergency Management

No Response.

Pender County Environmental Health

No Response.

Pender County Fire Marshal

No Response.

Pender County Flood Plain Management

No Response.

Pender County Parks and Recreation

No Response.

Pender County Public Library

No Response.

Pender County Public Utilities

No Response.

Pender County Schools

No Response.

Pender County Sheriff's Department

No Response.
Pender County Soil and Water Conservation District
No Response.
Progress Energy Corporation
No Response.
US Army Corps of Engineers
No Response.
Wilmington Metropolitan Planning Organization
See attached.
Pender County Fire Marshal
No Response.
Pender County Flood Plain Management
No Response.
Pender County Parks and Recreation
No Response.
Pender County Public Library
No Response
Pender County Public Utilities
No Response.
Pender County Schools
No Response.
Pender County Sheriff's Department
No Response.
Pender County Soil and Water Conservation District
No Response.
Progress Energy Corporation
No Response.
US Army Corps of Engineers
No Response.

Attachment 1

Technical Review Committee Review and Response

Date: 3-1-16

Name: Bill McDow Agency: WMPO

Phone: 910-341-7819 Email: bill.mcdow@wilmingtonnc.gov

Project: Little Kelly Store Rezoning

Requirements:

1. The site is on a public Secondary Route SR 1126. A NCDOT may be required.
2. Provide a new driveway apron at the site location.
3. Provide a marked handicap parking space with a handicap sign on the site.
4. Provide site data table with the size of the retail store, (aerial lists 1800 Heated SF, will the entire heated area be used for Retail?).
5. Provide a site plan for the proposed improvements and existing conditions on the site. The current submission for TRC showed a Plat, however, it did not show the required items for a conditional rezoning application, (Height, location and foot print of all structures, Traffic Impact Report or Estimated Trip Generation Report, Parking and Circulation Plans, proposed setbacks and buffers, proposed landscaping, signage, outdoor lighting, other information on the site/ project).
6. Provide a Trip Generation estimate for this project based upon the proposed Land Usage and Intensity (SF allocated) for each proposed usage.
7. Show proposed Regulatory signs for the site, such as Stop Signs or One Way signs if the site is proposing to use one way driveways for the site.
8. Provide 10'X70' NCDOT Sight Distance Triangle for the site driveways.
9. Show the location of proposed building sign and street trees and landscaping for the project.

Recommendations:

1. Provide information on Handicap access to the store, such as handicap entrance location, location of any proposed handicap ramps
2. The site appears to have access on Rocks Road and Point Caswell Road. Please designate the primary driveway for the site.
3. A marked parking lot is recommended. Parking spaces can be marked with landscape ties, wheel stops or marked and paved parking spaces.
4. Show the location of Employee Parking on the site plan.
5. No lots in the subdivision will have direct driveway access to Carver Road
6. Provide a turnaround near lot #53.

Comments: N/A

Information Requested: N/A

Please Follow Up Prior to Meeting: Yes/ No

Attachment 2

Sector 44-45 -- Retail Trade[T]

453 Miscellaneous Store Retailers

Industries in the Miscellaneous Store Retailers subsector retail merchandise from fixed point-of-sale locations (except new or used motor vehicles and parts; new furniture and home furnishings; new appliances and electronic products; new building materials and garden equipment and supplies; food and beverages; health and personal care goods; gasoline; new clothing and accessories; and new sporting goods, hobby goods, books, and music). Establishments in this subsector include stores with unique characteristics like florists, used merchandise stores, and pet and pet supply stores as well as other store retailers.

Sector 72--Accommodation and Food Services

7222 Limited-Service Eating Places

This industry group comprises establishments primarily engaged in providing food services where patrons generally order or select items and pay before eating. Most establishments do not have waiter/waitress service, but some provide limited service, such as cooking to order (i.e., per special request), bringing food to seated customers, or providing off-site delivery.

Sector 44-45 -- Retail Trade[T]

445 Food and Beverage Stores

Industries in the Food and Beverage Stores subsector usually retail food and beverage merchandise from fixed point-of-sale locations. Establishments in this subsector have special equipment (e.g., freezers, refrigerated display cases, refrigerators) for displaying food and beverage goods. They have staff trained in the processing of food products to guarantee the proper storage and sanitary conditions required by regulatory authority.

Applicant:
Charlotte P. Kelly

Owner:
Charlotte P. Kelly

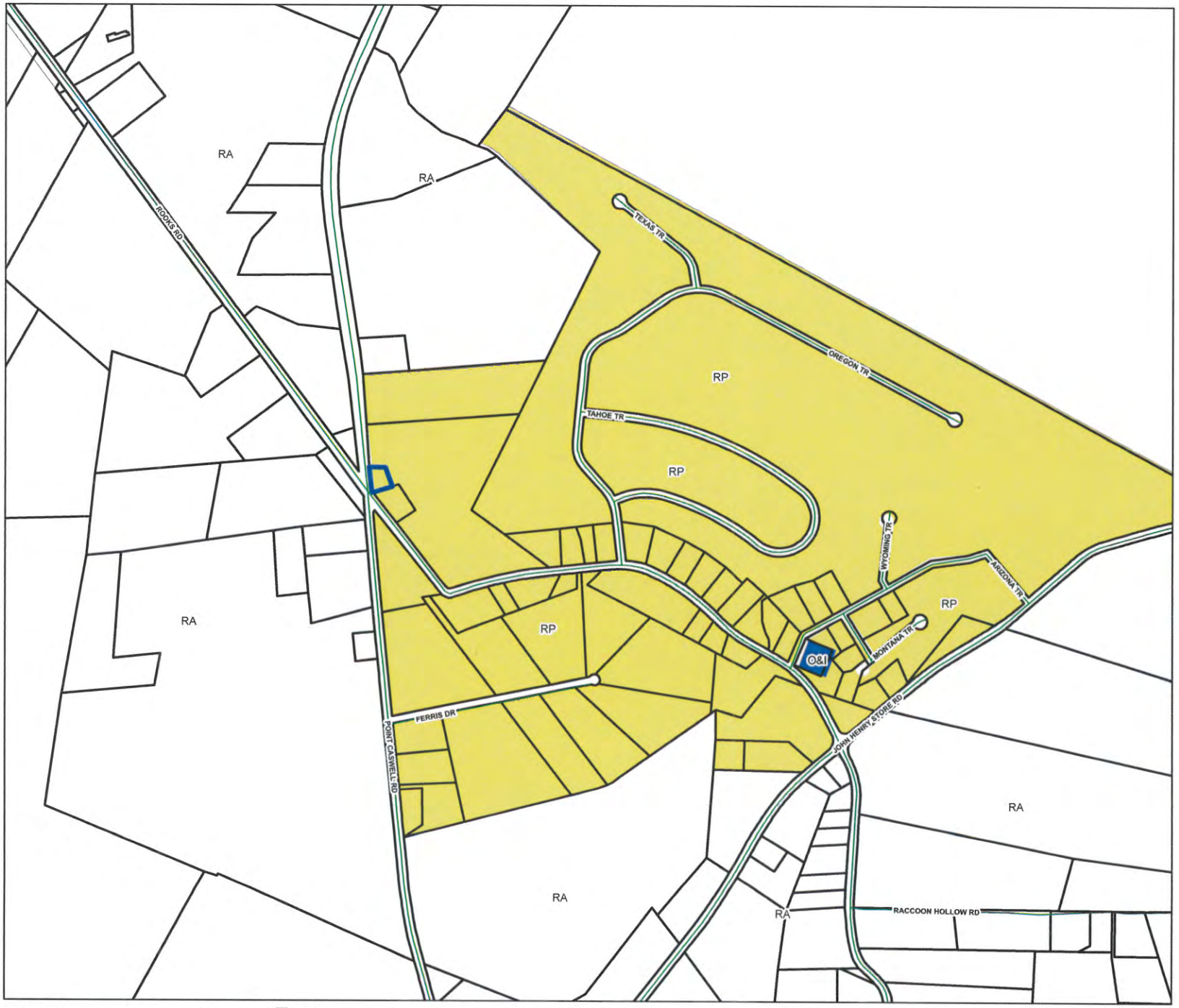
Conditional Zoning Map Amendment

Case Number:
160-2016

Legend

Subject Property

Vicinity



Feet

0 220 440 880 1,320 1,760

Applicant:
Charlotte P. Kelly

Owner:
Charlotte P. Kelly

Conditional Zoning Map Amendment

Case Number:
160-2016

Legend

- Export_Output_13
- Subject Property
- EC, Environmental Conservation
- GB, General Business
- GI, General Industrial
- IT, Industrial Transitional
- O&I, Office & Institutional
- PD,Planned Development
- RA, Rural Agricultural
- RP, Residential Performance

N

Current Zoning

Feet
0 100 200 400 600 800

Applicant:
Charlotte P. Kelly

Owner:
Charlotte P. Kelly

Conditional Zoning Map Amendment

Case Number:
160-2016

Legend

Subject Property

Future Land Use

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

N

Future Land Use

Feet
0 80160 320 480 640

Applicant:
Charlotte P. Kelly

Owner:
Charlotte P. Kelly

Conditional Zoning Map Amendment

Case Number:
160-2016

Legend

Subject Property

N

Aerial

Feb. 19th Deadline
April 5th Meeting 7pm
May ~~3rd~~ 16th BOCC Meeting 7pm

RA-CD #2

APPLICATION FOR CONDITIONAL REZONING

THIS SECTION FOR OFFICE USE			
Application No.	ZMA-CD 160-2016	Date	2/9/2016
Application Fee	$ 500	Receipt No.	Invoice #84
Pre-Application Conference	2/1/2016	Hearing Date	PB 4/5/2016 BOCS 5/16/2016

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Charlotte P. Kelly	Owner's Name:	Charlotte P. Kelly
Applicant's Address:	5350 Pt. Caswell Rd	Owner's Address:	5350 Pt. Caswell Rd.
City, State, & Zip	Atkinson, NC 28421	City, State, & Zip	Atkinson, NC 28421
Phone Number:	910-283-5687	Phone Number:	910-283-5687
Legal relationship of applicant to land owner:	Same		

SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	2257-66-1048-0000	Total property acreage:	.47 acres
Current Zoning District:	RP	Proposed Zoning District:	RA-CD
Project Address or Location:	5230 Point Caswell Road		

Proposed Uses to be Considered (Include NAICS Code):

453 Misc. Store Retailers
7222 Limited Service Eating Place
445 Food and Beverage Stores

Proposed Uses to be Eliminated from Consideration (Include NAICS Code):

All other not listed above

SECTION 3: SIGNATURES			
Applicant's Signature	Charlotte P. Kelly	Date:	2-1-16
Owner's Signature	Charlotte P. Kelly	Date:	2-1-16

NOTICE TO APPLICANT

1. Applicant must also submit the information described on the Rezoning Checklist.
2. Applicant or agent authorized in writing must attend the public hearing.
3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing.
4. All fees are non-refundable
5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda

Conditional (Zoning Map) Amendment Checklist

☑	Signed application form
☑	Application fee $500
☑	A list of names and addresses, as obtained from the county tax listings & tax abstract, all adjacent property owners, including property owners directly across any road or road easement, & owners of the property under consideration for rezoning.
☑	Two (2) business size envelopes legibly addressed with **first class** postage for each of the adjacent and abutting property owners on the above list.
☑	Accurate legal description or a map drawn to scale showing the property boundaries that are to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.
☐	12 (11"x17") map copies to be distributed to the Planning Board
☐	20 (11"x17") map copies to be distributed to the Board of Commissioners
☐	Digital (.pdf) submission of all application materials
☐	Public Input Meeting Report (Section 3.4.3 or see Public Input Meeting on the first page of this application)
☑	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.
☑	All applications which specify an intended use must include a generalized site development plan drawn to a suitable scale, supporting information and text which specifies the use or uses intended for the property and any development standards to be approved concurrently with the rezoning application
☑	A generalized site development plan shall include the following items: ☐ A vicinity map drawn to a suitable scale which illustrates adjacent or nearby roadways, railroads, waterways & public facilities. ☐ A (metes and bounds) boundary of the parcel or portion of the parcel to be rezoned and developed. ☐ All existing easements, reservations and rights of way. ☐ Delineation of all Areas of Environmental Concern including but not limited to federal jurisdictional wetlands. ☐ For residential uses, the number of units, heights and a generalized location. For non-residential uses, the height, approximate footprint and location of all structures. ☐ If a known use is proposed: Traffic impact report, parking and circulation plans illustrating dimensions, intersections and typical cross sections. ☐ All proposed setbacks, buffers, screening and landscaping. ☐ Phasing. ☐ Signage. ☐ Outdoor lighting. ☐ Current zoning district designation and current land use status. ☐ Other information deemed necessary by the Administrator, Planning Board, or Board of Commissioners, including but not limited to a Traffic Impact Analysis or other report from a subject matter expert.

Office Use Only

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

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

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

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

Application received by:	Meagan O'Hare	**Date:** 2/8/2016
Application completeness approved by:	Meagan O'Hare	**Date:** 2/9/2016

Dates scheduled for public hearing:	☑ **Planning Board:** 4/5/2016	☑ **Board of Commissioners:** 5/16/2016

February 4, 2016

Pender County Planning Board
P O Box 1519
Burgaw, NC 28425

Re: Request for Re Zoning Property located at 5230 Point Caswell Road, Atkinson, NC 28421

Dear Board Members:

The said property listed above has been in the Kelly Family and operated as a business since the 1940's or earlier. Before the family moved to this location they were merchants in a store building dating back to the late 1800's or early 1900's located one and ½ tenth mile from the current location from the store that is now in question. The Kellys has owned all the surrounding land and still do.

The store was closed for a number of years during the illness of my late husband (deceased October 2000). In 2001 the building in question was gutted with a new roof, wiring and etc… bringing it up to code as a commercial building. Once this was completed it has been used as a store, only vacant between renters.

Pender County Tax Office has always listed the property as commercial and I have always maintained Commercial Insurance on said building.

I would appreciate the correction of zoning of said property.

Thank you,

Charlette P. Kelly

Owner

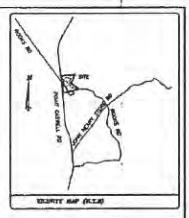
SURVEY REFERENCE:
TAX PARCEL No.: 2257-65-5757-0000
TAX PARCEL No.: 2257-66-8121-0000
PENDER COUNTY REGISTRY

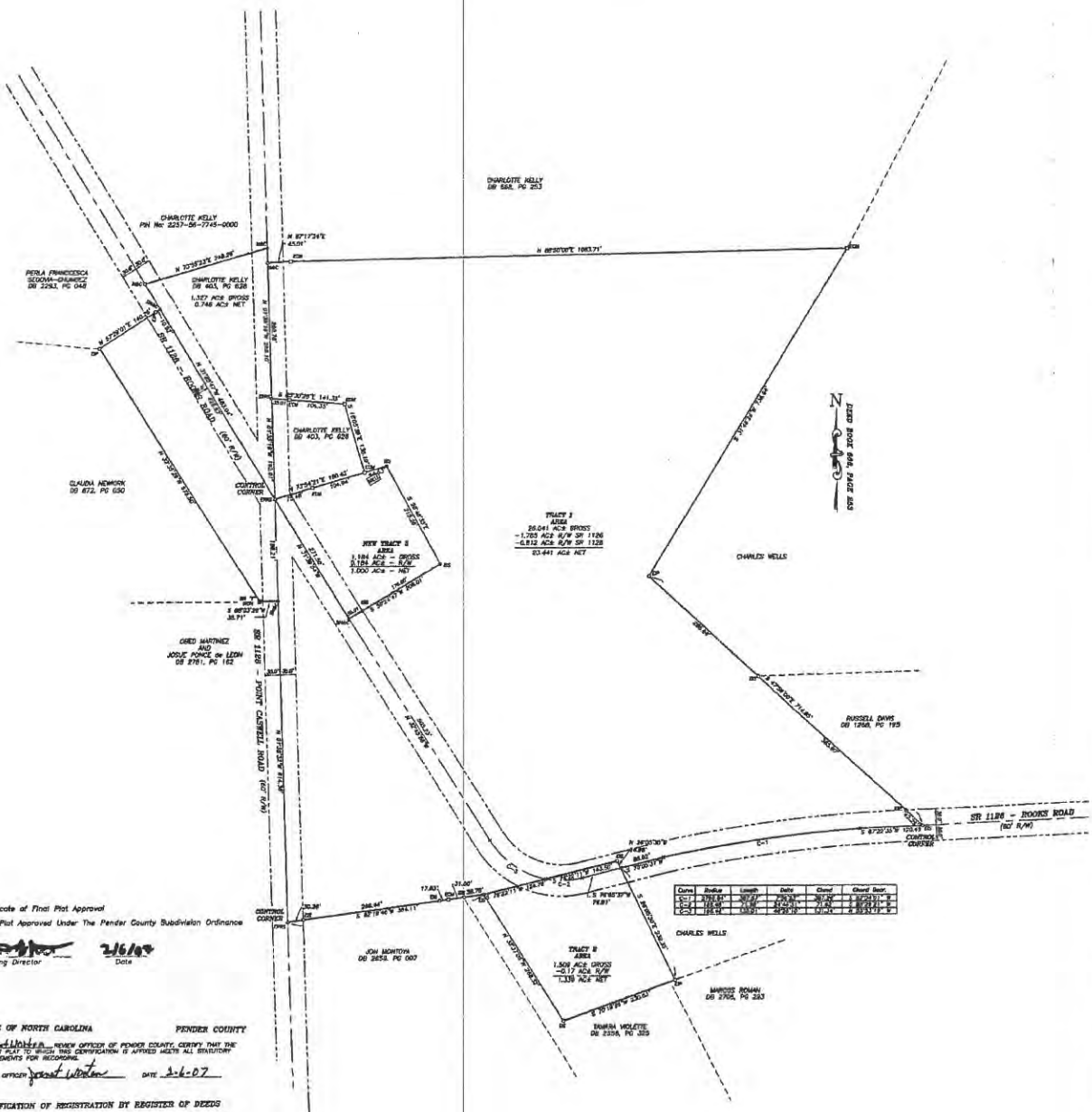
NOTES:
1. CORNERS ARE MARKED AS NOTED ON MAP.
2. ALL DISTANCES ARE HORIZONTAL FIELD MEASUREMENTS.
3. AREA COMPUTED BY THE COORDINATE METHOD.
4. THE PROPERTY SHOWN HEREON IS WITHIN A 100 YEAR FLOOD HAZARD AREA.
5. THE PROPERTY SHOWN HEREON IS WITHIN A 100 YEAR FLOOD HAZARD AREA.
6. NO KNOWN HORIZONTAL CONTROL WITHIN 2,000'.
7. NO KNOWN CORPORATE LIMITS, TOWNSHIP BOUNDARIES OR COUNTY LINES ON SUBDIVIDED TRACT.
8. THERE ARE NO ADJOINING SUBDIVISIONS OF RECORD.
9. BUILDING SETBACKS REQUIRED TO BE IN ACCORD WITH THE PENDER COUNTY ZONING ORDINANCE.
10. NO KNOWN RAILROAD, UTILITY OR OTHER RIGHT OF WAYS.
11. NO KNOWN AREAS OF ENVIRONMENTAL CONCERN.

LEGEND:
- ECM (EXISTING CONCRETE MONUMENT)
- EIP (EXISTING IRON PIPE)
- EIR (EXISTING IRON STAKE)
- ISS (IRON STAKE SET)
- EDA (EXISTING OLD AXLE)
- EHRS (EXISTING RAILROAD SPIKE)
- SSNC (SET NAIL & CAP)
- Pk (PKNIT)
- PROPERTY LINE
- NON-SURVEYED LINE
- ROAD RIGHT OF WAY
- ROAD CENTERLINE

Parcel Identifier Certificate
Parcel Identifiers will be issued after plat has been recorded for all parcels shown on this plat.

Tax Supervisor — Date 2-6-07
2257-65-5757-0000 PARCEL ID #
PARCEL ID #
PARCEL ID #
PARCEL ID #





Curve	Radius	Length	Delta	Chord	Chord Bear.
C-1	1792.84'	302.47'	9°39'34"	302.10'	S 82°21'11" W
C-2	1792.84'	37.40'	1°11'41"	37.40'	S 87°21'11" W
C-3	1792.84'	264.94'	8°27'53"	264.71'	S 83°21'11" W

Certificate of Final Plat Approval
Final Plat Approved Under The Pender County Subdivision Ordinance

Planning Director — Date 2/6/07

STATE OF NORTH CAROLINA — **PENDER COUNTY**

I, Janet Walker, REVIEW OFFICER OF PENDER COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER Janet Walker DATE 2-6-07

CERTIFICATION OF REGISTRATION BY REGISTER OF DEEDS

PENDER COUNTY NORTH CAROLINA
FILED FOR REGISTRATION ON THE 6th DAY OF Feb 2007,
AT 11:31 A.M./P.M. AND DULY RECORDED IN MAP BOOK 43 AT PAGE 150
SLIDE 590
WITNESS MY HAND AND OFFICIAL STAMP OR SEAL THIS 6th DAY OF Feb. 2007.

Joyce M. Swicegood By: Leigh Berry, Assistant
REGISTER OF DEEDS

Certificate of Ownership, Dedication and Jurisdiction
I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of subdivision with my free consent. I certify that the land as shown hereon is located within the subdivision jurisdiction of Pender County.

Charlotte R. Kelly — Jan. 31, 2007
Owner — Date

Surveyor Certificate II
This plat is a survey that creates a subdivision of land within the subdivision area of a county or municipality that has an ordinance that regulates parts of land. Witness my original Signature, License Number and Seal this 30 day of JANUARY AD 2007.

Frederick W. Jones, PLS
NC License No: L-4503

SEAL L-4503

CERTIFICATION OF SURVEY AND ACCURACY
I, Frederick W. Jones, PLS, certify that this plat was drawn under my supervision from an actual field survey made by me from information as noted hereon; that the boundaries not surveyed are clearly indicated as dashed lines; that this map was prepared in accordance with G.S. 47-30 as amended; that the ratio of precision as calculated is 1:160000+ and is correct to the best of my knowledge and belief. Witness my original Signature, License Number and Seal this 30 day of JANUARY AD, 2007.

Frederick W. Jones, PLS
NC License No. L-4503

SEAL L-4503

MAP OF DIVISION ON A NCDOT ROAD
FOR
CHARLOTTE KELLY
5350 POINT CASWELL ROAD
ATKINSON, NC 28421

CASWELL TOWNSHIP — PENDER COUNTY — NORTH CAROLINA
SURVEYED NOVEMBER 2006
SCALE: 1" = 100'

100 0 100 200 300
GRAPHIC SCALE — FEET

This map is subject to any easements, agreements or rights of way prior to the date of this map that were not visible at my time of inspection.

No complete title search was performed for this survey.

OWNER:
CHARLOTTE KELLY
5350 POINT CASWELL ROAD
ATKINSON, NC 28421

Thompson & Jones Surveying Company
P.O. Box 1471
111 East Fremont Street
Burgaw, NC 28425
Ph: (910) 259-9854
Fx: (910) 259-9040
Eml: thompsonsurveying@earthlink.net
File: NELK, BENCE - CASWELL
Dwg: MAP_KELLY_CHARLOTTE

MB43 Pg150 SL 590

PLANNING STAFF REPORT
ZONING MAP AMENDMENT

SUMMARY:

Hearing Date:	April 5, 2016 Planning Board May 16, 2016 Board of Commissioners
Applicant:	Charles M. Elam, II
Property Owner:	Southeast Custom Homes, Inc.
Case Number:	ZMA 170-2016

Rezoning Proposal: Charles M. Elam II, applicant, on behalf of Southeast Custom Homes Inc., owner, is requesting approval of a Zoning Map Amendment of one (1) tract totaling approximately 39.48 acres from the RA, Rural Agricultural zoning district to the RP, Residential Performance zoning district.

Property Record Number, Acreage, and Location: The subject property is located on NC HWY 210 approximately 850 feet to the west of the intersection of NC HWY 133 and NC HWY 210 in the Long Creek Township and may be further identified by Pender County PIN: 3214-16-3938-0000.

RECOMMENDATION

The application is for a zoning map amendment of one (1) tract totaling approximately 39.48 acres from RA, Rural Agricultural zoning district to RP, Residential Performance zoning district. As submitted, the request complies with all criteria set forth in Section 3.3 Review Criteria for Rezoning of the Pender County Unified Development Ordinance and is consistent with one (1) goal and three (3) policies of the 2010 Comprehensive Land Use Plan and conflicts with none. There are no known conflicts with any adopted plans.

HISTORY

The subject property was designated as R-20 prior to the County-wide comprehensive rezoning in 2010. With the adoption of the 2010 Pender County Unified Development Ordinance, the designation of the subject property was changed to RA, Rural Agricultural zoning district.

On July 10, 2007 a Major Residential Subdivision known as Wanet Landing was conditionally approved by the Pender County Planning Board to include fifty-two (52) single family residential lots on the subject property. The project then obtained Preliminary Plat approval on April 14, 2008. The project has since expired as no portions of the subdivision was completed prior to the termination of the Permit Extension Act of 2009, which kept the approval valid until July 10, 2013.

DESCRIPTION

Charles M. Elam II, applicant, on behalf of Southeast Custom Homes Inc., owner, is requesting approval of a Zoning Map Amendment of one (1) tract totaling approximately 39.48 acres from the RA, Rural Agricultural zoning district to the RP, Residential Performance zoning district. The subject property is located on NC 210 approximately 850 feet to the west of the intersection of NC HWY 133 and NC HWY 210 in the Long Creek Township.

The minimum acreage to rezone to RP, Residential Performance zoning district is five (5) acres according to Section 4.14 of the Pender County Unified Development Ordinance. This request is complaint as there are approximately 39.48 acres requested for Zoning Map Amendment.

Access

The property has direct access to NC 210 approximately 850 feet to the west of the intersection of NC HWY 133 and NC HWY 210. There is currently no site access on the subject property and any improvements or driveway permit is subject to review and approval by NCDOT at the time of a development application.

Utilities

Public water is available at the subject property through Pender County Utilities, however no public wastewater service is available. Any final zoning approvals are contingent upon review and approval by Pender County Utilities and the Environmental Health Department.

Environmental Concerns

There are no Areas of Environmental Concern (AEC) located on the property nor any regulated Special Flood Hazard Area (SFHA) according to FEMA Flood Insurance Rate Map Number 3720321400J, adopted February 16, 2007. There may be wetlands located on the property subject to review and approval of the Army Corps of Engineers.

All applicable state, federal and local agency permits are required prior to the issuance of final zoning.

EVALUATION

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

B) ***Existing Zoning in Area:*** The existing zoning on the subject parcel is RA, Rural Agricultural zoning district. Directly adjacent to this property to the east is zoned RP, Residential Performance zoning district as well some properties zoned RP, Residential Performance to the north and a portion of the land due west of the subject parcel. The majority of the land to the west of the subject property is zoned RA, Rural Agricultural zoning district. There is one parcel zoned O& I, Office and Institutional zoning district across NC HWY 210.

C) Existing Land Use in Area: The parcel is currently vacant. The properties to the north, south, east and west are low density residential and vacant. Directly north of the parcel the existing land use is a Religious Organization (St. Paul United Holy Church).

D) 2010 Comprehensive Land Use Plan: The 2010 Comprehensive Land Use Plan designates the subject property as Suburban Growth. The Suburban Growth land use classification identifies those areas of Pender County where significant residential growth is expected to occur within the planning horizon. Areas designated as Suburban Growth are located primarily adjacent to municipal planning jurisdictions and within or near high growth, un-incorporated areas of the County. Suburban Growth designates areas where public water and public sewer are available or are planned in the near future. Uses that would typically be allowed in Suburban Growth areas include medium-high density residential (single-family site-built and modular homes); limited non-residential uses (commercial, office, or public/institutional) that meet locational criteria. Locational criteria for non-residential uses include frontage and access to a major State highway or secondary road, location at a major intersection, proximity to similar uses, and spatial separation from non-compatible uses such as existing residential development

This General Use Rezoning is consistent with one (1) goal and three (3) policies of the 2010 Comprehensive Land Use Plan and conflicts with none. The following goals and policies within this plan may be relevant to support the proposed Conditional Zoning map amendment;

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

Policy 1A.1.4 The County shall actively direct growth towards suitable land areas and away from fragile natural resource areas, conservation areas and hazardous areas.

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

E) Unified Development Ordinance Compliance: Article 3.3 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board before a favorable recommendation of approval for a rezoning can be made.

3.3.8 Review Criteria for Rezoning

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

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

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

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

RECOMMENDATION

The application consists of a zoning map amendment request for approximately 39.48 acres from RA, Rural Agricultural zoning district to RP, Residential Performance zoning district. As submitted, the request complies with all criteria set forth in Section 3.3.8 of the Pender County Unified Development Ordinance and is consistent with one (1) goal and three (3) policies of the 2010 Comprehensive Land Use Plan. The request does not conflict with any existing policies, land uses, or zoning classifications. The Administrator respectfully recommends approval of the general use rezoning request.

BOARD ACTION FOR CONTIDTIONAL REZONING REQUEST

Motion: _____ Seconded: _____

Approved: _____Denied: _____Unanimous: _____

Williams: __ Fullerton: _ Baker: __ Edens: __ McClammy: __ Nalee: __

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 170-2016	**Date**	2/16/2016
Application Fee	$ 844.80	**Receipt No.**	Invoice #87
Pre-Application Conference	12/7/2015	**Hearing Date**	PB 4/5/2016 BOC 5/16/2016

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Charles M. Elam, II	**Owner's Name:**	Southeast Custom Homes, Inc.
Applicant's Address:	208 Bates Retreat	**Owner's Address:**	126 Cardinal Dr Ext Suite 101
City, State, & Zip	Hampstead, NC 28443	**City, State, & Zip**	Wilmington, NC 28405
Phone Number:	(919) 427-0636	**Phone Number:**	(910) 798-8840
Legal relationship of applicant to land owner: The applicant is the President of Southeast Custom Homes, Inc.			

SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3214-16-3938-0000	**Total property acreage:**	39.48
Current Zoning District:	RA	**Proposed Zoning District:**	RP
Project Address :	n/a		
Description of Project Location:	The south side of NC Hwy 210 approximately 800 feet west of the intersection with NC Hwy 133		

SECTION 3: SIGNATURES			
Applicant's Signature	Charles M. Elam II	**Date:**	2-10-2016
Owner's Signature	PRESIDENT: Charles M. Elam II	**Date:**	2-10-2016

NOTICE TO APPLICANT

1. Applicant must also submit the information described on the Rezoning Checklist.
2. Applicant or agent authorized in writing must attend the public hearing.
3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing.
4. All fees are non-refundable
5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda

Rezoning/Zoning Map Amendment Checklist

☑	Signed application form
☑	Application fee
☑	A list of names and addresses, as obtained from the county tax listings and tax abstract, all adjacent property owners, including property owners directly across any road or road easement, and owners of the property under consideration for rezoning.
☑	Two (2) business size envelopes legibly addressed with **first class** postage for each of the adjacent and abutting property owners on the above list.
1 ☑	Accurate legal description or a map drawn to scale showing the property boundaries to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.
2 ☑	18 (11"x17") map copies to be distributed to the Planning Board
3 ☑	20 (11"x17") map copies to be distributed to the Board of Commissioners
☑	Digital (.pdf) submission of all application materials
☑	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.

Office Use Only

☑	**ZMA Fees:** (*$500.00 for first 5 acres; $10/acre thereafter up to 1,000 acres; $5/acre thereafter*)	**Total Fee Calculation:** $ 844.80

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

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

Payment Method:	**Cash :** ☐ $_____	**Credit Card:** ☐ Master Card ☐ Visa	**Check:** ☑ Check # 5824

Application received by:	Megan O'Hare	**Date:**	2/16/2015
Application completeness approved by:	Megan O'Hare	**Date:**	2/18/2015

Dates scheduled for public hearing:
- ☑ **Planning Board:** 4/5/2016
- ☑ **Board of Commissioners:** 5/16/2016

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

Print Form

SOUTHEAST
CUSTOM HOMES
Old World Quality,
New World Innovations

celam@southeastcustomhomes.com
www.SoutheastCustomHomes.com

February 17, 2016

Pender County Planning and Community Development
c/o Kyle Breuer
Post Office Box 1519
Burgaw, North Carolina 28425

Re: Property Rezoning Request from RA to RP Zoning Classification

Dear Mr. Breuer and Members of the Pender County Planning Board,

I am the owner of 39 acres of land located on NC Hwy 133 in the Long Creek area of Pender County. The property was zoned R-20 during 2007. The property acquired the current zoning classification of RA with the adoption of the Pender County UDO in 2010. I am seeking to have the property rezoned to RP.

Thank you for your consideration.

Sincerely,

Chaz Elam

Charles "Chaz" M. Elam, II

126 Cardinal Drive Ext• Ste 101• Wilmington, NC 28405•(910) 798-8840 (Phone)• (910) 798-8841 (Fax)

SURVEY REFERENCE:

DEED BOOK 2994 AT PAGE 069
PENDER COUNTY REGISTRY

NOTES:

1. FEMA FLOOD MAP INFORMATION:
   PENDER COUNTY FLOOD INSURANCE RATE MAP:
   PANEL No.: 370344 3214 J FLOOD ZONE: X
   MAP No.: 3720321400J EFFECTIVE DATE: FEBRUARY 16, 2007.
2. PROPERTY CORNERS ARE MARKED AS NOTED ON MAP.
3. ALL BEARINGS ARE MAGNETIC (MB 26, PG 74).
4. ALL DISTANCES ARE HORIZONTAL FIELD MEASUREMENTS.
5. AREA COMPUTED BY THE COORDINATE METHOD.
6. ALL ELEVATIONS ARE RELATIVE TO THE NGVD 29 DATUM.

LEGEND:

- EIP (EXISTING IRON PIPE)
- IPS (IRON PIPE SET)
- EIS (EXISTING IRON STAKE)
- IRS (IRON ROD SET)
- CMS (CONCRETE MONUMENT SET)
- ECM (EXISTING CONCRETE MONUMENT)
- NCGS GRID MONUMENT
- ERRS (EXISTING RAILROAD SPIKE)
- RRSS (RAILROAD SPIKE SET)
- N&C (NAIL AND CAP)
- PK\MAG (PK OR MAG NAIL SET)
- EOA (EXISTING OLD AXLE)
- PROPERTY LINE
- NON-SURVEYED LINE
- EASEMENT LINE

VICINITY MAP (N.T.S)

SOUTHEAST CUSTOM HOMES, INC.

LONG CREEK TOWNSHIP
PENDER COUNTY – NORTH CAROLINA
SCALE: 1" = 400' JANUARY 14, 2016

400 0 400 800 1200
GRAPHIC SCALE – FEET

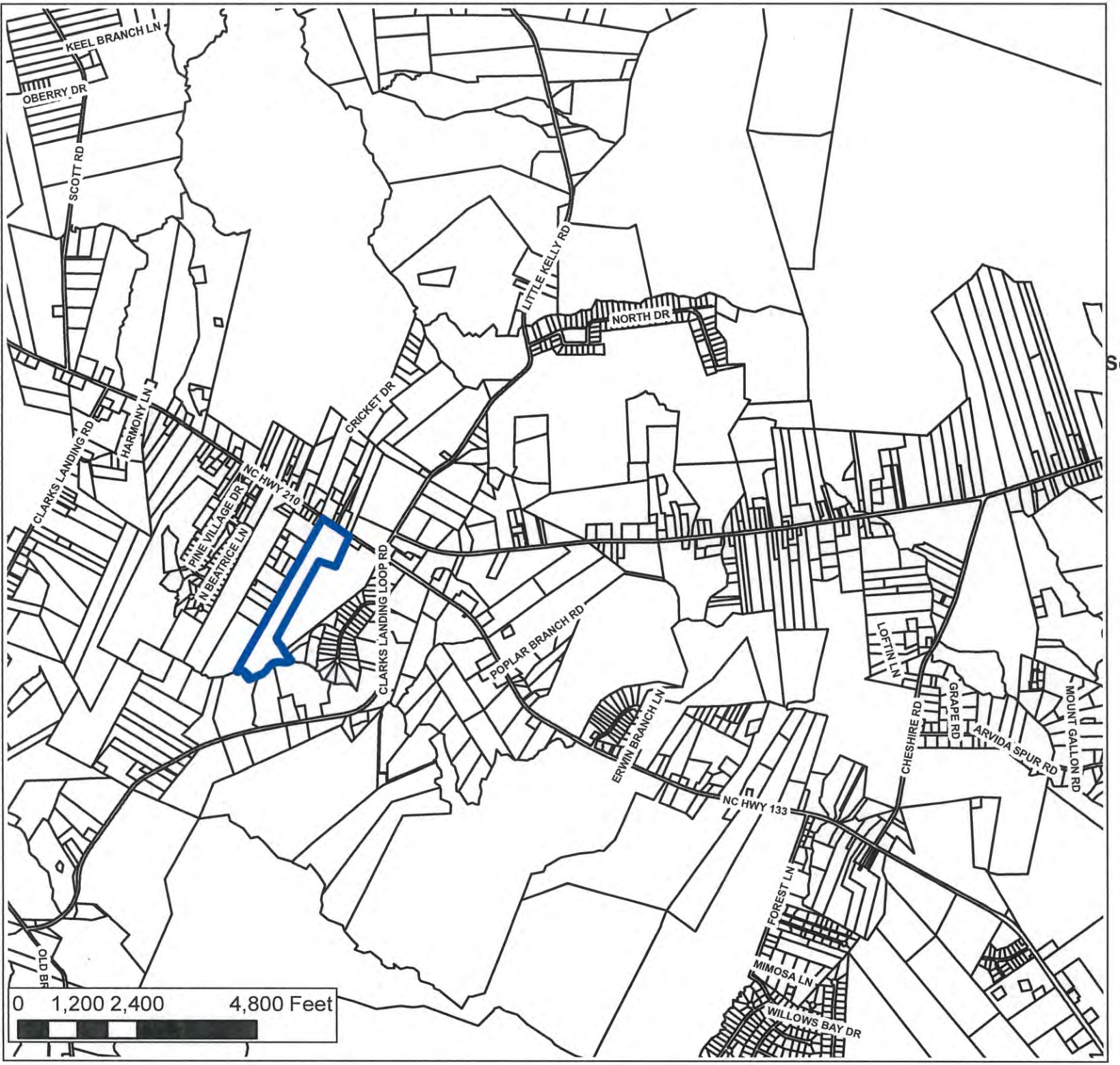
I, Manley D. Carr, PLS, certify that this plat was drawn under my supervision from an actual field survey made under my supervision from information as noted hereon; that the boundaries not surveyed are clearly indicated as dashed lines; that the ratio of precision as calculated is 1:10,000+ and is correct to the best of my knowledge and belief. Witness my original Signature, License Number and Seal

this _____ day of _____, AD, 2016.

_____
Manley D. Carr. PLS
NC License No. L-2580

PRELIMINARY – FOR REVIEW AND COMMENTS ONLY

MANLEY D. CARR, PLS
ROBERT H. GOSLEE & ASSOCIATES, PA
LAND SURVEYORS – LAND PLANNERS
317 EAST MURRAY ST. / P.O. BOX 133
WALLACE, NORTH CAROLINA 28466
910-285-4210
FILE No. PJ1305R-DRIVE-2016



Applicant:
Charles M. Elam, II

Owner:
Southeast Custom Homes, Inc.

General Use
Rezoning

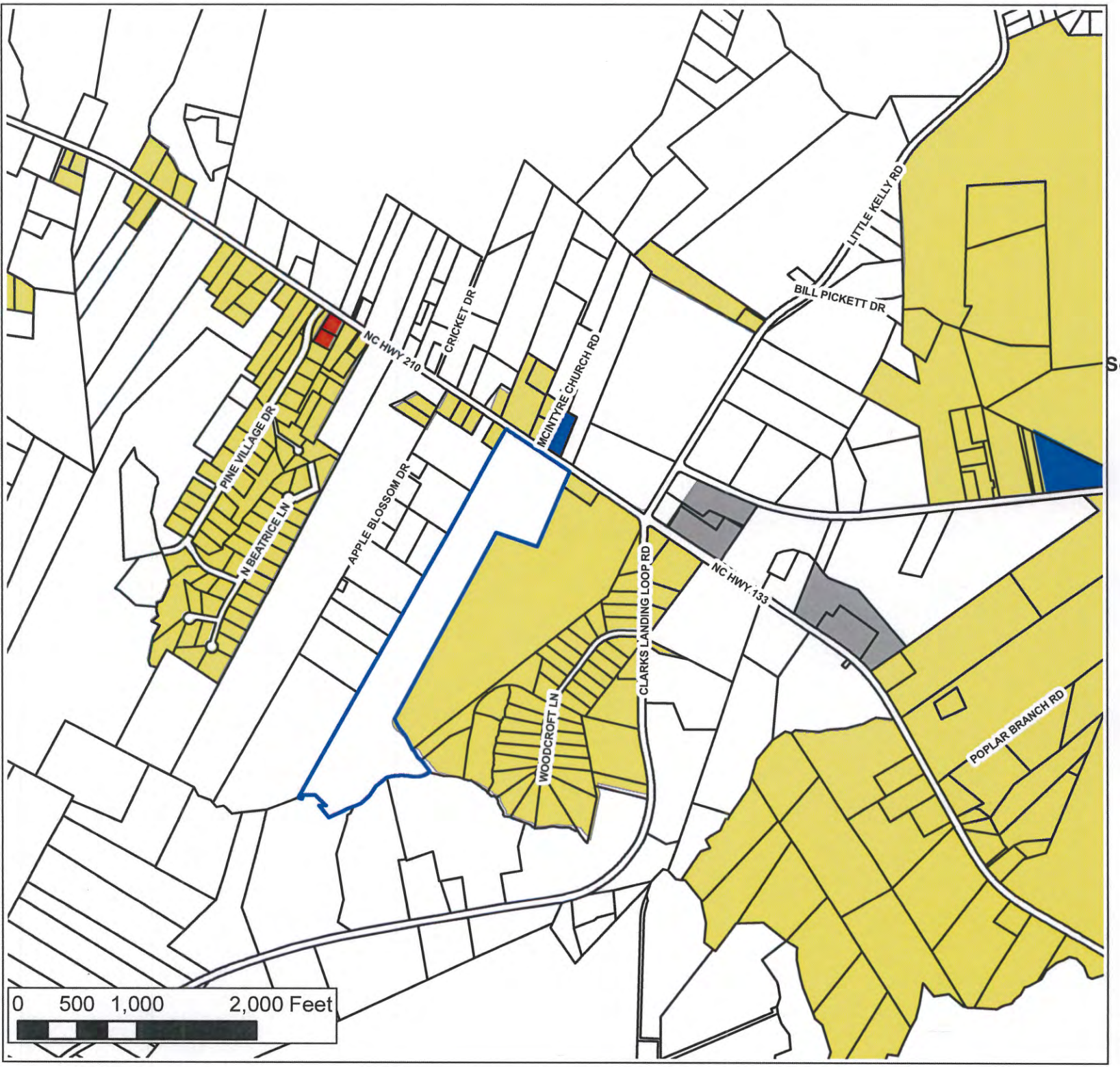
Case Number:
170-2016

Legend

Subject Property

N

VICINITY



Applicant:
Charles M. Elam, II

Owner:
Southeast Custom Homes, Inc.

General Use Rezoning

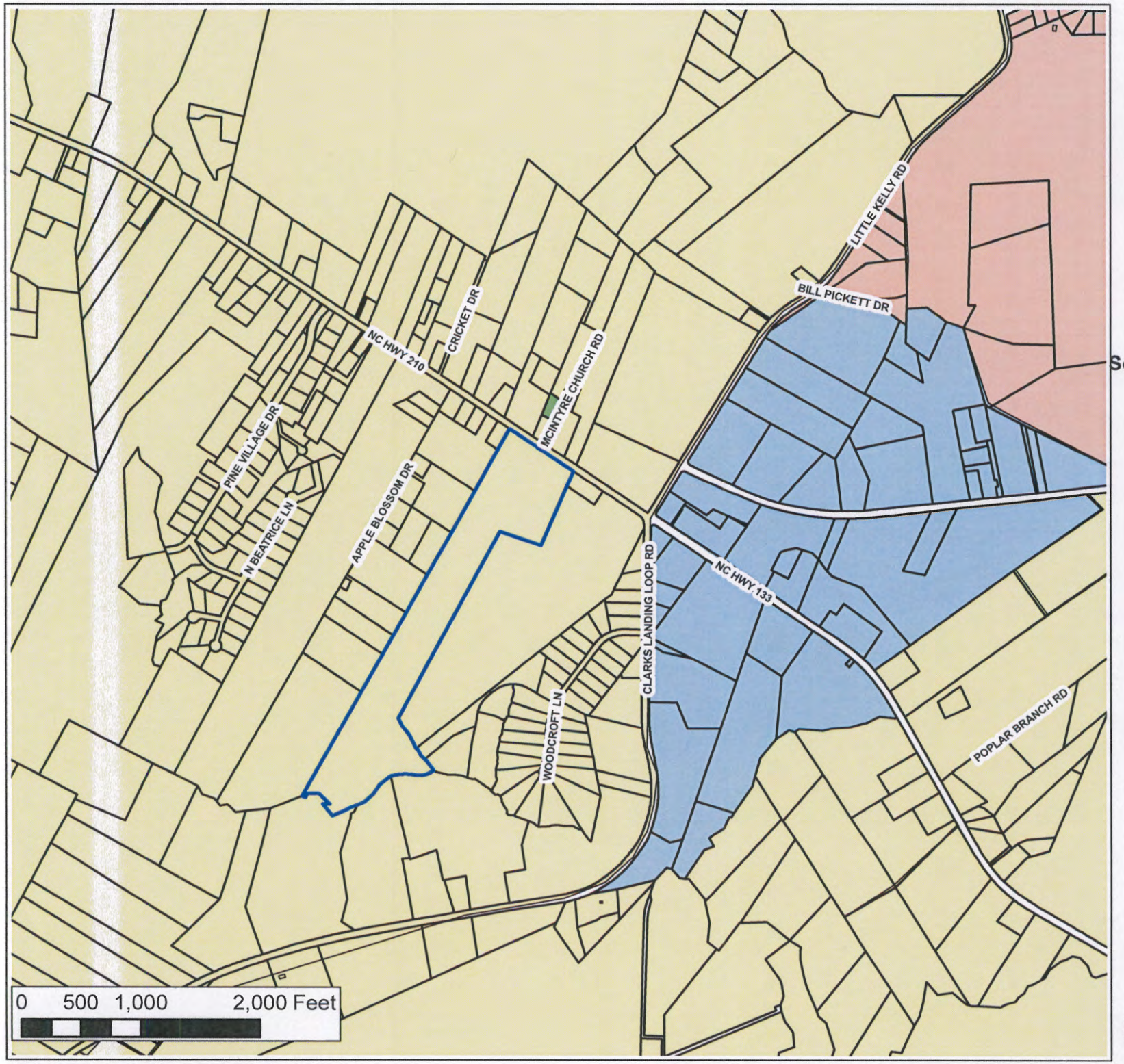
Case Number:
170-2016

Legend

- Subject Property
- EC, Environmental Conservation
- GB, General Business
- GI, General Industrial
- IT, Industrial Transitional
- O&I, Office & Institutional
- PD, Planned Development
- RA, Rural Agricultural
- RP, Residential Performance

N

CURRENT ZONING



Applicant:
Charles M. Elam, II

Owner:
Southeast Custom Homes, Inc.

General Use Rezoning

Case Number:
170-2016

Legend

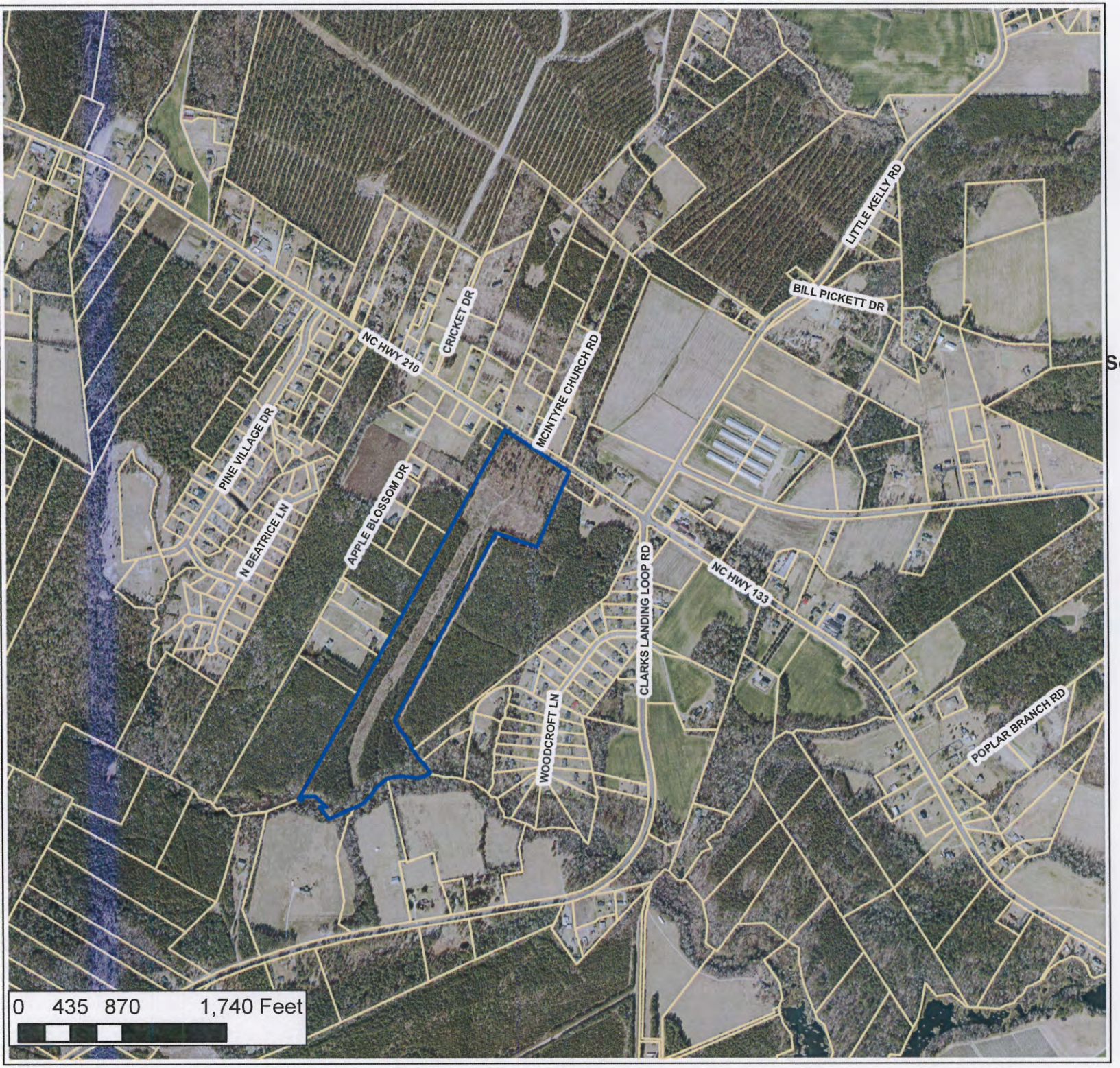
- Subject Property

Future Land Use

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

N

FUTURE LAND USE



Applicant:
Charles M. Elam, II

Owner:
Southeast Custom Homes, Inc.

General Use
Rezoning

Case Number:
170-2016

Legend

Subject Property

N

2012 AERIAL

PLANNING STAFF REPORT
ZONING MAP AMENDMENT

SUMMARY:

Hearing Date:	April 5, 2016 Planning Board May 16, 2016 Board of Commissioners
Application Number:	ZMA 171-2016
Applicant:	Adam Batchler
Property Owner:	Batchlers, LLC

Rezoning Proposal: The request consists of rezoning four (4) tracts from IT, Industrial Transitional zoning district to RP, Residential Performance zoning district. These tracts are in the process of being recombined into two (2) tracts, leaving the parent parcel zoned IT, Industrial Transitional, and forming a new tract zoned RP, Residential Performance. A portion of all four (4) original tracts will be a part of the newly formed parcel.

Property Record Numbers, Acreage, and Location: The property proposed to be rezoned is a newly created parcel of approximately 6.023 acres. The parcel is being created from the following parcels: 3255-47-8587-0000, 3255-47-8450-0000, 3255-47-8251-0000 and 3255-47-8069-0000. The property is located on Shaw Highway (SR 1520), near the intersection of NC 210 in the Holly Township.

Staff Recommendation: This request complies with the criteria set forth in Article 3.3.8 of the Pender County Unified Development Ordinance. The request is not in conflict with 2010 Comprehensive Land Use Plan or any other adopted plans; therefore, Staff respectfully recommends that the request be approved.

DESCRIPTION:

Adam Batchler, on behalf of Batchlers, LLC. owner, is requesting approval of a general use rezoning of approximately 6.023 acres from IT, Industrial Transitional zoning district to RP, Residential Performance zoning district. The request consists of rezoning a portion of each of four (4) tracts under the same ownership. The property owners are working to recombine the tracts, ultimately resulting in two (2) parcels; one will remain zoned IT, Industrial Transitional, and one is proposed to be zoned RP, Residential Performance. The finalization of the recombination is pending the submission of the deed.

The area proposed for the rezoning is undeveloped. There is a distributing business and an accessory building to the south of the subject parcel which is zoned as IT, Industrial Transitional zoning district. The remainder of the land use in the vicinity is low density residential or undeveloped. The distributing business will retain its IT, Industrial Transitional zoning designation.

The minimum acreage to rezone to RP, Residential Performance zoning district is five (5) acres as listed in Section 4.14 Zoning District Dimensional Requirements in the Pender County Unified Development Ordinance. This request is fulfilling that requirement as proposed.

This is a general use rezoning which will encompass all uses permitted-by-right in the RP, Residential Performance zoning district, as shown on the Permitted Use Table 5.2.3 of the Pender County Unified Development Ordinance. The RP, Residential Performance zoning district is intended to allow a variety of residential uses and densities and also limited commercial activities as well as agritourism.

Access
The property will be accessed off of Shaw Highway. Any development will require appropriate approvals from NCDOT.

Utilities
The applicant states that a well onsite will serve as the source of water. The applicant states a septic tank will be utilized to handle wastewater. All utilities will require appropriate permits for the desired use.

Environmental Concerns
A portion of the subject property may be located in the Special Flood Hazard Area (SFHA) Zone A according to the Flood Insurance Rate Map (FIRM) 3720325500J published February 16, 2007. In the DFIRMS preliminary maps released in August 2014, this portion of the property is no longer located in a designated flood zone. Any development will require compliance with the Flood Damage Prevention Ordinance prior to building permit issuance.

EVALUATION:

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

B) Existing Zoning in Area: The existing zoning in the vicinity of the subject property consists of the RP, Residential Performance zoning district. The four parent parcels are zoned IT, Industrial Transitional.

C) Existing Land Use in Area: The existing land uses of the surrounding property consist of vacant/undeveloped areas in addition to low density residential units. To the north, east and west are undeveloped parcels. To the south is a low density mix of mobile homes and traditionally built residential structures.

D) 2010 Comprehensive Land Use Plan Compliance: The 2010 Comprehensive Land Use Plan designates the subject property as Rural Growth. This land use classification identifies those areas of the county where urban services, i.e., public water and sewer services, are not expected to be extended within the planning horizon. Rural Growth areas are where preservation of agricultural operations is a primary concern and where conflicts between agricultural and non-agricultural uses are to be discouraged.

Rural Growth areas are intended to protect agricultural and forestry operations that are a major part of the County's economic base and that are key to preservation of the County's rural landscape. Major job-creating activities that are compatible with farms, forestry and very low-density development are appropriate. Development within Rural Growth areas should be limited to only those types of land uses and development intensities that can be accommodated by services typical in non-urban areas, e.g., private on-site water supply (or public water, as available) and on-site septic systems. Development with private package sewage treatment plants or premature extension of public sewer systems into these areas is discouraged. Public sewer should not be extended except to the extent necessary to protect public health when existing community wastewater systems fail or a pattern of failure of on-site systems occurs in a specific area. Uses that would typically be allowed in Rural Growth areas include very low-density residential development (single-family site-built, modular, and manufactured homes) on one acre or greater size lots; agriculture, forestry, churches;

very limited nonresidential uses - commercial, office, or public/institutional - meeting locational criteria. Locational criteria for non-residential uses in Rural Growth areas include frontage and access to a major State highway or secondary road, location at a major rural intersection, proximity to similar existing non-residential uses, and spatial separation from non-compatible uses such as existing residential development.
Areas designated as Rural Growth are located primarily in the western portion of the County with other Rural Growth areas designated surrounding the Holly Shelter Game Land and Angola Bay Game Land in eastern Pender County. Agricultural/farming operations and very low residential development intensities

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

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

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.

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

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

3.3.8 Review Criteria for Rezoning

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

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

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

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

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

RECCOMENDATION:

The proposal consists of rezoning 6.023 acres from IT, Industrial Transitional zoning district, to RP, Residential Performance. The request complies with the criteria set forth in Article 3.3.8 of the Unified Development Ordinance. The request is also consistent with the 2010 Comprehensive Land Use Plan. The

request does not conflict with any existing policies, land uses, or zoning classifications. Therefore, the Administrator respectfully recommends that the request be approved.

VOTING AND RESOLUTION:

Planning Board

Motion:_____**Seconded**_____

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

Williams: ___ Fullerton: __ Baker: __ Edens: __ McClammy:____Nalee: __

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 171-2016	Date	1/26/2016
Application Fee	$ 500	Receipt No.	Invoice #88
Pre-Application Conference		Hearing Date	PB 4/5/2016
			BOC 5/16/2016

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Adam Batchler	Owner's Name:	Eric Batchler
Applicant's Address:	4947 Pinestreet	Owner's Address:	211 Herbey ln
City, State, & Zip	Wilmington, NC 28403	City, State, & Zip	Wilmington, NC 28411
Phone Number:	910-262-2899	Phone Number:	910-512-2689
Legal relationship of applicant to land owner:			

SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3255-47-8069-0000 southern piece 3255-47-8587-0000 - northern piece	Total property acreage:	4.95
Current Zoning District:	I+	Proposed Zoning District:	RP
Project Address :			
Description of Project Location:	North of the Intersection of 210 and Shaw Hwy		

SECTION 3: SIGNATURES			
Applicant's Signature	Adam Batchler	Date:	1-26-16
Owner's Signature		Date:	1-26-16

NOTICE TO APPLICANT

1. Applicant must also submit the information described on the Rezoning Checklist.
2. Applicant or agent authorized in writing must attend the public hearing.
3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing.
4. All fees are non-refundable
5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda

* Per site plan updated on 3/14/16 total acreage is 6.023 & applicant has a balance of $10.73. JJ

Rezoning/Zoning Map Amendment Checklist

☑	Signed application form
☑	Application fee $500 rezoning
☑	A list of names and addresses, as obtained from the county tax listings and tax abstract, all adjacent property owners, including property owners directly across any road or road easement, and owners of the property under consideration for rezoning.
☑	Two (2) business size envelopes legibly addressed with **first class** postage for each of the adjacent and abutting property owners on the above list.
☑	Accurate legal description or a map drawn to scale showing the property boundaries to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.
☑	18 (11"x17") map copies to be distributed to the Planning Board
☑	20 (11"x17") map copies to be distributed to the Board of Commissioners
☐	Digital (.pdf) submission of all application materials
☑	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.

Office Use Only

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

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

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

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

Application received by:	Megan Stone	**Date:** 2/18/2016
Application completeness approved by:	Megan Stone	**Date:** 2/18/2016

Dates scheduled for public hearing:
- ☑ **Planning Board:** 4/5/2016
- ☑ **Board of Commissioners:** 5/16/2016

RETURN COMPLETED APPLICATION TO:

Pender County Planning & Community Development
805 South Walker Street
P.O. Box 1519
Burgaw, NC 28425

Print Form

Planning & Community Development
PENDER COUNTY, North Carolina
805 S. Walker St.
Burgaw, NC 28425

Planning and Zoning
910-259-1202

MISC. CREDIT / DEBIT - RECEIPT
160763

Job Property Address :

Owner Name & Address: BATCHLER ADAM
4947 PINE STREET
WILMINGTON NC 28403 - 0000

Contractor Name & Address:

CO#:

00000 - 0000

Purpose: ENERGOV CASE ZMA 171-2016; ADDITIONAL FEES DUE TO

Attached to Permit # :

ISSUED BY	AMOUNT	CHECK #	TRANS DATE
AC92	11.00		03212016

SIGNATURE: _____ Date: 3/21/, 2016

Fee was $10.73
Payment received was $10.73
Kelly System rounded
payment up to $11.00

CASH RECEIPT

Date 3-21-16 157879

Received From Adam Batchler

Address

Ten dollars + 73/100

Dollars $ 10.73

For ZMA 171-2016

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT			CASH	10	73
AMT. PAID			CHECK		
BALANCE DUE			MONEY ORDER ☐ CREDIT CARD ☐		

Finance

By Jennette Wiesn

To whom it may concern,

My name is Adam Batchler and my family owns Batchlers LLC. We own property on Shaw highway .2 miles north of the 210 intersection. I am contacting you to inform you that I am applying to rezone two portions of my property (GIS pin #3255-47-8069-0000 and 3255-47-8587-0000) from Industrial to Residential. I am doing so in order to allow my family to move into Pender county. I am alerting you to this proposed change to follow standard Pender county rezoning protocol. If you have any concerns our address is 262 Shaw highway. I would be happy to hear from any of my wonderful neighbors here in Pender county.

Thank you,

Adam Batchler
Batchlers LLC
262 Shaw highway
Rocky Point, NC 28457

Eric Batchler

Approval by the Planning Department

that the subdivision plot shown hereon has been exempt from the Pender County Subdivision Ordinance approved for recording in the office of the Register ender County, North Carolina.

rtment of Pender County Date

H CAROLINA PENDER COUNTY

Everett REVIEW OFFICER of Pender County, map or plat to which this certification is affixed tory requirements for recording.

Everett 3/11/16
Date

r Certificate

rs have been issued for all parcels shown on.

Everett 3/11/16
Date

1-8587-0000 & others

H CAROLINA PENDER COUNTY

ration on the:

20008115
03/11/2016 03:48:00 PM
2100 Page 1 of 1

Slide No.

nty North Carolina
r Willoughby, Register of Deeds
PG 150 - 150 (1)

Ownership, Dedication and Jurisdiction

fy that I am the owner of the property shown and e on and that I hereby adopt this plan of with my own free consent and dedicate all streets, parks and other areas to public or private use as er, I certify that the land as shown here on is located bdivision jurisdiction of Pender County.

3/11/16
Date

BATCHLERS, LLC
6620 GORDON ROAD
UNIT J
WILMINGTON, NC 28411

SURVEY REFERENCE:

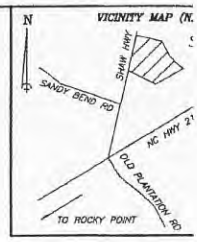
TRACTS 1 – 4,
DEED BOOK 4335 AT PAGE 86,
MAP BOOK 58 AT PAGE 143,
PENDER COUNTY REGISTRY

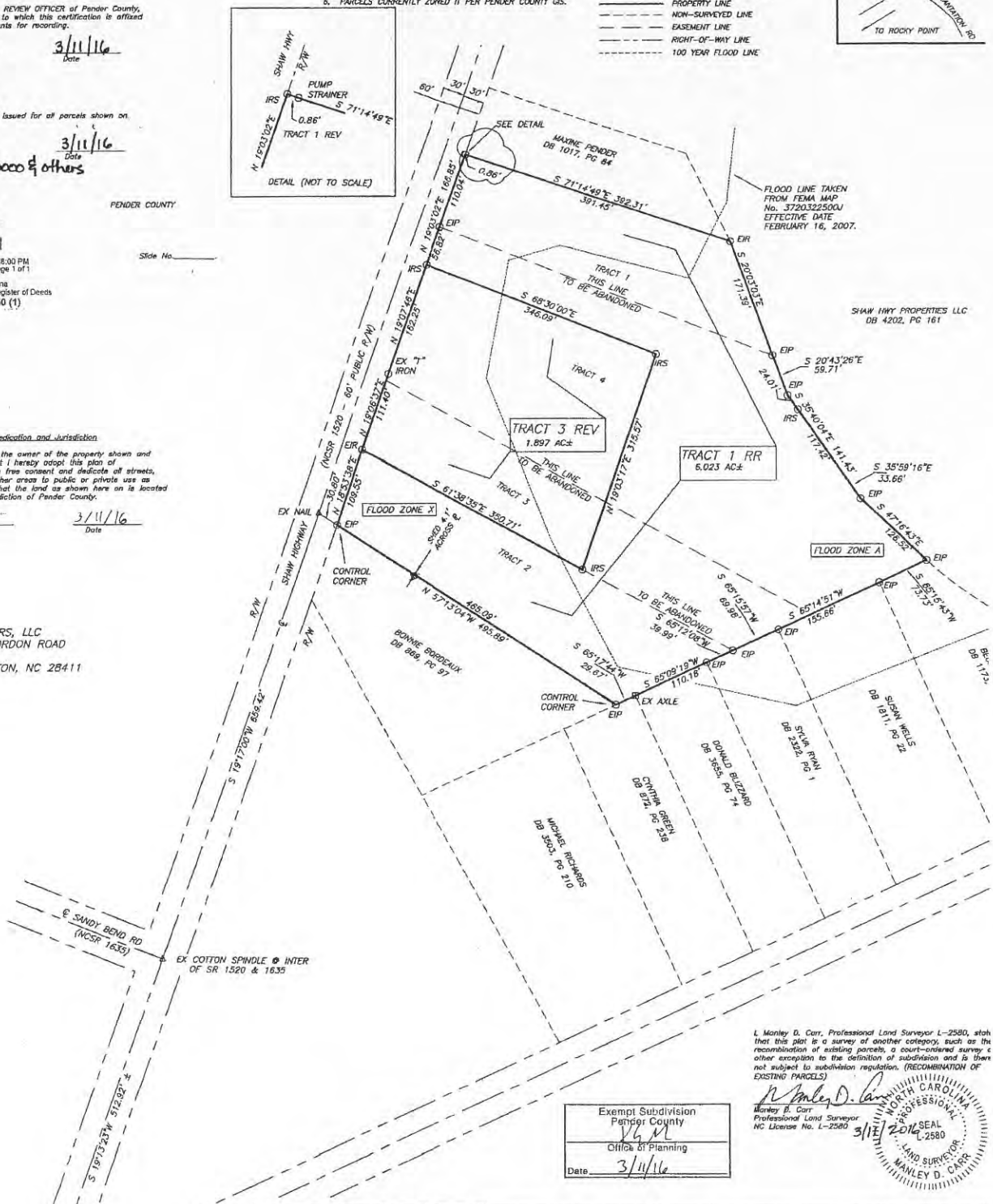
NOTES:

1. FEMA FLOOD MAP INFORMATION:
   PENDER COUNTY FLOOD INSURANCE RATE MAP:
   MAP PANEL No.: 370344 3255 J FLOOD ZONES: X & A
   MAP No.: 3720322500J EFF. DATE: FEBRUARY 16, 2007.
2. CORNERS ARE MARKED AS NOTED ON MAP.
3. ALL BEARINGS ARE MAGNETIC (DB 435, PG 96).
4. ALL DISTANCES ARE HORIZONTAL FIELD MEASUREMENTS.
5. AREA COMPUTED BY THE COORDINATE METHOD.
6. PARCELS CURRENTLY ZONED I1 PER PENDER COUNTY GIS.

LEGEND:

- EIR (EXISTING IRON ROD)
- EIP (EXISTING IRON PIPE)
- IPS (IRON PIPE SET)
- EIS (EXISTING IRON STAKE)
- IRS (IRON ROD SET)
- CMS (CONCRETE MONUMENT SET)
- ECM (EXISTING CONCRETE MONUMENT)
- NCGS GRID MONUMENT
- ERRS (EXISTING RAILROAD SPIKE)
- RRSS (RAILROAD SPIKE SET)
- NAIL (NAIL AND CAP)
- PK\MAG (PK OR MAG NAIL SET)
- EPK (EXISTING PK NAIL)
- EOA (EXISTING OLD AXLE)
- PROPERTY LINE
- NON-SURVEYED LINE
- EASEMENT LINE
- RIGHT-OF-WAY LINE
- 100 YEAR FLOOD LINE





Exempt Subdivision
Pender County
Office of Planning
Date 3/11/16

I, Manley D. Carr, Professional Land Surveyor L-2580, stat that this plat is a survey of another category, such as the recombination of existing parcels, a court-ordered survey other exception to the definition of subdivision and is there not subject to subdivision regulation. (RECOMBINATION OF EXISTING PARCELS)

Manley D. Carr
Professional Land Surveyor
NC License No. L-2580
3/11/2016
NORTH CAROLINA PROFESSIONAL SEAL L-2580 LAND SURVEYOR MANLEY D. CARR

CERTIFICATE OF SURVEY AND ACCURACY (G.S. 47-30)

I, Manley D. Carr, PLS, certify that this plat was drawn under my supervision from an actual survey made under my supervision from information found in Pender County Registry, as noted hereon, that the ratio of precision as calculated is 1:10,000+; that the boundaries not surveyed are shown as dashed lines as noted; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original Signature, License Number, and Seal,

this 11th day of March AD, 2016.

Manley D. Carr
Professional Land Surveyor
NC License No. L-2580
NORTH CAROLINA PROFESSIONAL SEAL L-2580 LAND SURVEYOR MANLEY D. CARR
3/11/16

MANLEY D. CARR, PLS
ROBERT H. GOSLEE & ASSOCIATES, PA
LAND SURVEYORS – LAND PLANNERS
317 E. MURRAY ST. / P.O. BOX 133
WALLACE, NORTH CAROLINA 28466
NC CORPORATE LICENSE No. C-1167
910-285-4210
Email: rhgwal@embarqmail.com

MAP OF RECOMBINATION
FOR

BATCHLERS, LLC

OF TRACT 1 REV & TRACT 2 REV, MAP BOOK 58 AT

HOLLY TOWNSHIP – PENDER COUNTY – NORTH CAR
SCALE: 1" = 100' FEBRUARY 29, 20

100 0 100 200
GRAPHIC SCALE – FEET

FILE No. PN-12-09

MB 58 pg 150

Feet

0 435 870 1,740 2,610 3,480

Applicant:
Adam Batchler

Owner:
Batchlers LLC

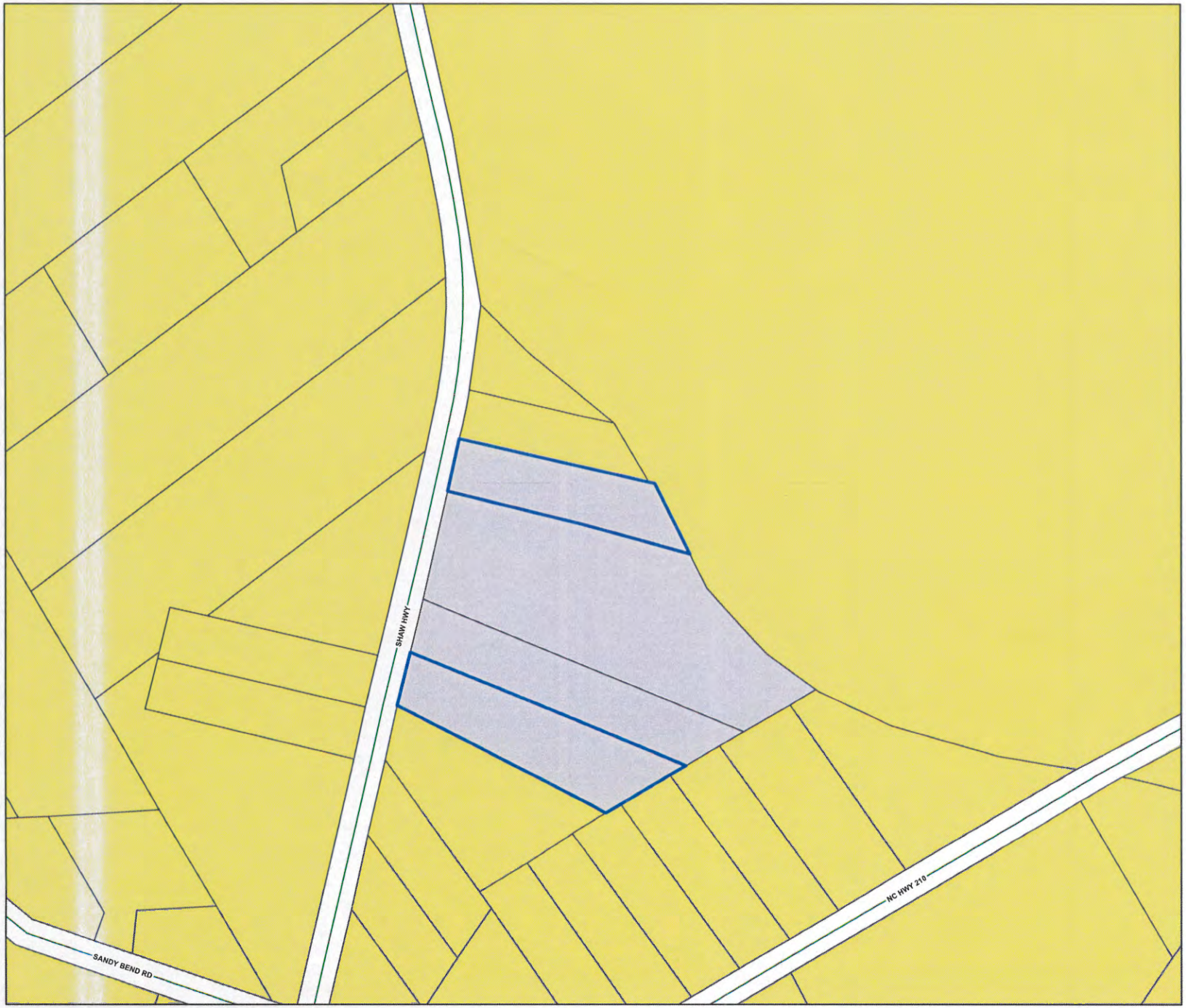
General Zoning Map Amendment

Case Number:
171-2016

Legend

Subject Properties

Vicinity



Feet

062.5 125 250 375 500

Applicant:
Adam Batchler

Owner:
Batchlers LLC

General Zoning Map Amendment

Case Number:
171-2016

Legend

- Subject Properties
- EC, Environmental Conservation
- GB, General Business
- GI, General Industrial
- IT, Industrial Transitional
- O&I, Office & Institutional
- PD,Planned Development
- RA, Rural Agricultural
- RP, Residential Performance

N

Current Zoning

Feet

062.5 125 250 375 500

Applicant:
Adam Batchler

Owner:
Batchlers LLC

General Zoning Map Amendment

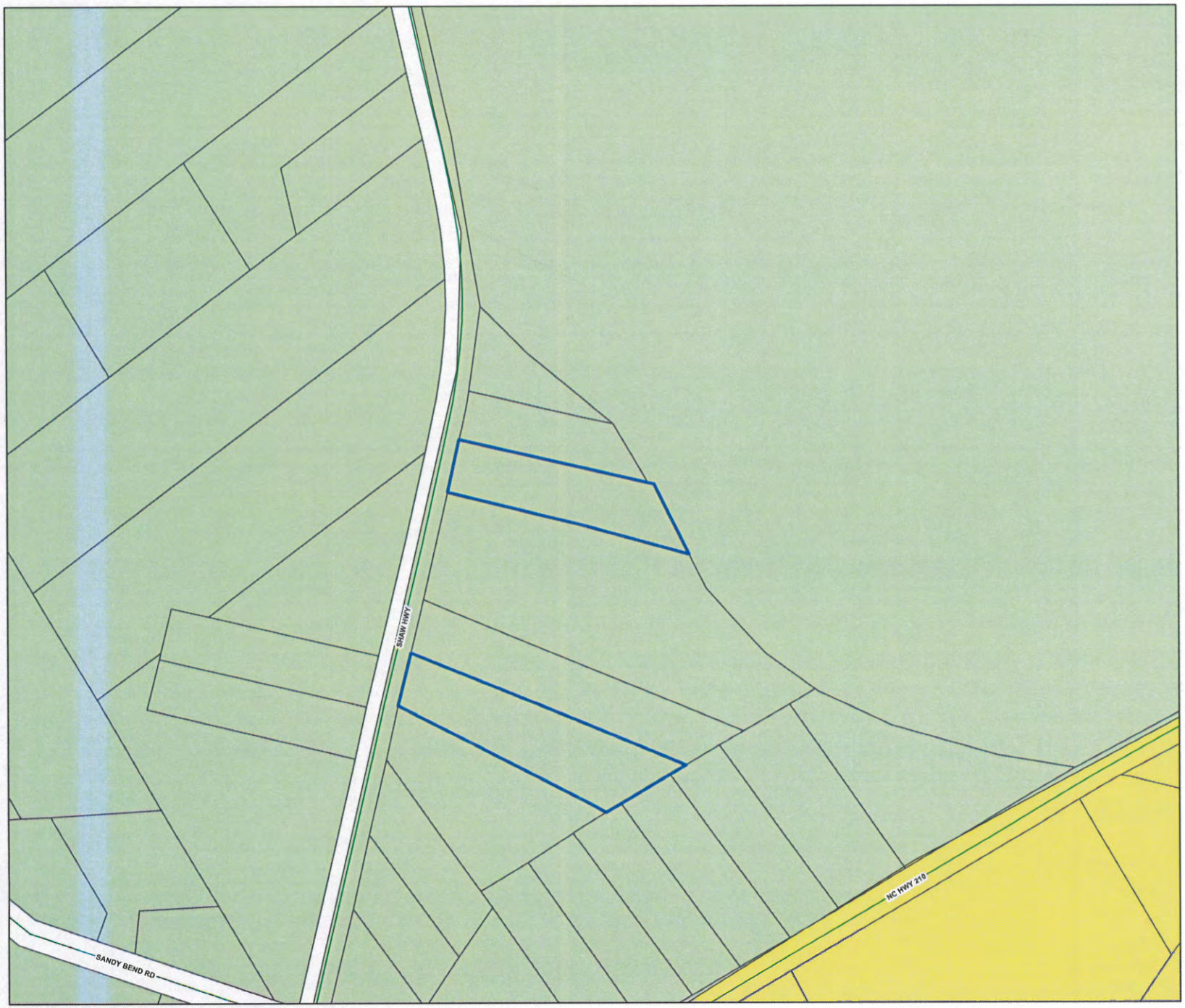
Case Number:
171-2016

Legend

Subject Properties

N

2012 Aerial



Feet

062.5 125 250 375 500

Applicant:
Adam Batchler

Owner:
Batchlers LLC

General Zoning Map Amendment

Case Number:
171-2016

Legend

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

N

Future Land Use

Feet

0 435 870 1,740 2,610 3,480

Applicant:
Adam Batchler

Owner:
Batchlers LLC

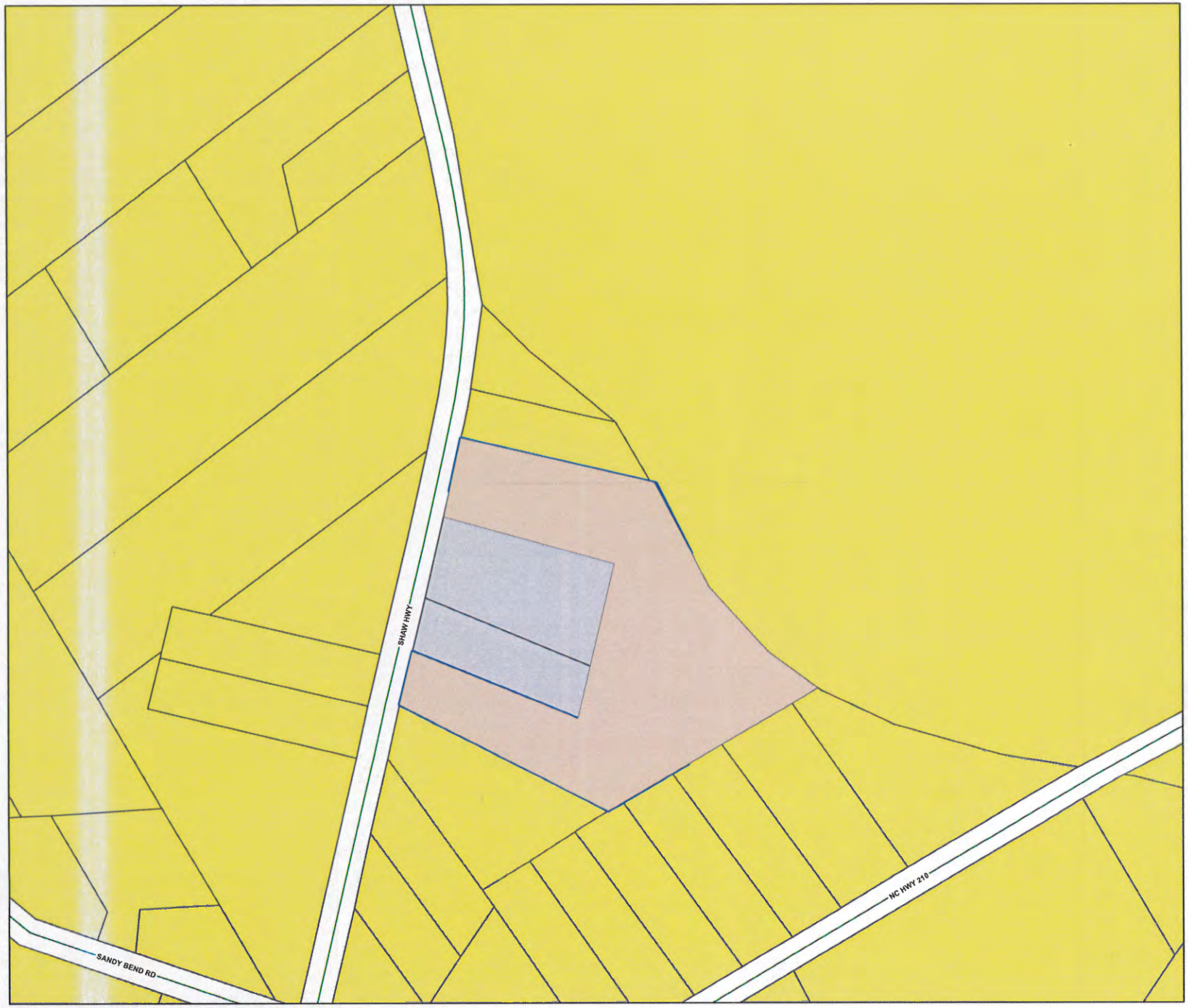
General Zoning Map Amendment

Case Number:
171-2016

Legend

- Subject Properties
- Batchlers_LLC

Vicinity



Feet

062.5 125 250 375 500

Applicant:
Adam Batchler

Owner:
Batchlers LLC

General Zoning Map Amendment

Case Number:
171-2016

Legend

- Batchlers_LLC
- Subject Properties
- EC, Environmental Conservation
- GB, General Business
- GI, General Industrial
- IT, Industrial Transitional
- O&I, Office & Institutional
- PD,Planned Development
- RA, Rural Agricultural
- RP, Residential Performance

N

Current Zoning

Feet

062.5 125 250 375 500

Applicant:
Adam Batchler

Owner:
Batchlers LLC

General Zoning Map Amendment

Case Number:
171-2016

Legend

- Subject Properties
- Batchlers_LLC

N

2012 Aerial

Feet

062.5 125 250 375 500

Applicant:
Adam Batchler

Owner:
Batchlers LLC

General Zoning Map Amendment

Case Number:
171-2016

Legend

- Batchlers_LLC
- Subject Properties
- Conservation
- Industrial
- Mixed Use
- Rural Growth
- Suburban Growth

N

Future Land Use

Applicant:
Adam Batchler

Owner:
Batchlers LLC

General Zoning Map Amendment

Case Number:
171-2016

Legend

- Batchlers_LLC
- Subject Properties
- Special Flood Hazard Area

N

Floodzones

062.5 125 250 375 500 Feet

PLANNING STAFF REPORT
ZONING TEXT AMENDMENT

SUMMARY:

Hearing Date:	April 5, 2016 Planning Board May 16, 2016 Board of Commissioners
Applicant:	Stroud Engineering
Case Number:	ZTA 179-2016

Text Amendment Proposal: Stroud Engineering, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance (UDO). Specifically, the request is to amend Section 4.14 Zoning District Dimensional Requirements, in order to align the minimum structure separation requirements with the setback requirements in the GB, General Business zoning district. Staff is in agreement that it is good practice to have structure separation requirements the same as setback standards, and is proposing similar amendments in the RA, Rural Agricultural, RP, Residential Performance, OI, Office Institutional and EC, Environmental Conservation zoning districts.

RECOMMENDATION

The Administrator respectfully recommends approval of the Zoning Text Amendment to the Unified Development Ordinance as described in this report, as it is consistent with other areas of the Pender County Unified Development Ordinance and with the 2010 Pender County Comprehensive Land Use Plan. There are no known conflicts with any other approved plans.

AMENDMENT DESCRIPTION

Presently, as pointed out by the applicant, there are conflicting standards within the same table as it applies to the GB, General Business zoning district in the Pender County Unified Development Ordinance Table 4.14. The side and rear minimum structure setbacks are 10-feet from the property line, however the minimum separation requirement in the same district states that a 50-foot separation is required between principle structures. The applicant believes the intent of the ordinance was only to require a 20-foot structure separation.

Essentially, a developer could place buildings closer together on two individual parcels than on one parcel alone that way the ordinance is written. This is because there is a 20-foot separation created on two parcels (because of the two 10-foot setbacks) and a 50-foot separation required on one parcel. Legacy language from the Zoning Ordinance prior to the Unified Development Ordinance is likely the reason for the conflicting requirements (Attachment One). The amendments are displayed on the chart (Attachment Two).

In order to align the Unified Development Ordinance and provide consistency, staff is proposing amending minimum structure separations to 30-feet in RA, Rural Agricultural, to 20-feet in RP, Residential Performance, to 20-feet in OI, Office Institutional and to 50-feet in EC, Environmental Conservation Districts. These are the same as the minimum side yard setbacks.

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 amendment, the central issue before the Planning Board and 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.

2010 Comprehensive Land Use Plan Compliance
There are no conflicting policies within any adopted land use documents for the proposed Zoning Text Amendment. This Zoning Text Amendment request is consistent with one (1) goal and one (1) policy of the 2010 Comprehensive Land Use Plan and conflicts with none.

The following goals and policies within the plan may be relevant to the proposed Zoning Text Amendment:

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

> **Policy 1A.1.5** 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.

There are no conflicting policies in the 2010 Comprehensive Land Use Plan.

RECOMMENDATION

The proposed text amendment is consistent with one (1) goal and one (1) policy within the 2010 Pender County Comprehensive Land Use Plan. The proposed amendment creates clarity in the ordinance. The Administrator respectfully recommends approval of the Zoning Text Amendment to the Unified Development Ordinance as described in this report.

BOARD ACTION FOR ZONING TEXT AMENDMENT

Motion: _____ **Seconded:** _____

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

Williams: ___ Fullerton: __ Baker: ____Edens: __ McClammy: __ Nalee: __

Attachment One

8.10 Schedule of District Requirements (9)(12)(15)

PERMITTED USES	PD (1)	R-20C	R-20	R-15	R-10	RT	RA	B-1	B-2	B-3	I-1	I-2	A	WS All
Lot Size (sq.ft. or noted) **(11)**	**(2)**	20,000	20,000	15,000	10,000	20,000	1 acre **(16)**	1 acre	½ acre	½ acre	1 acre	1 acre	1 ac.	2 acres
Usable Lot Area **(18)**	**(17)**	95%	95%	100%	100%	95%	55%	95%	95%	95%	NA	NA	NA	50%
Lot Size (duplex) **(11)**		30,000	30,000	25,000	15,000	30,000	60,000							NA
Min. Area (rezoning)	5 acres	NA	10 acres	NA	NA	10 acre	NA	1 acre	5 acres	3 acres	5 ac.	5 ac.	10 ac.	NA
Min. Lot Width-Ft	50	90	90	80	70	100	100	100	100	100	100	100	100	150
Min. Chord Length at ROW line for "cul de sac's"	25	45	45	35	30	45	45							NA
Min. Front Yd.-Ft. **(10)(14)(19)**	25	30	30	25	25	40	40	100	100 **(3)**	100 **(3)**	100	100	25	100
Min. Side Yard-Ft **(5) (10)(19)**	10 **(4)**	20	20	15	10	20	20	25	25	25	25	25	20	30
Min. Rear Yard-Ft **(10)(19)**	15	25	25	20	20	30	30	25	25	25	25	25	30	40
Max. Height-Ft **(6)**	35	35	35	35	35	35	35	35	35	35	35	35	35	35
Min. Req. Structure Separation **(19)**	20	30	30	30	30	40	40	50	50	50	NA	NA	30	50
Buffer required **(see Sec 14)**	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Min. Parking Spaces per unit	1.5	2	2	2	2	2 **(7)**	2 **(7)**	**(7)**	**(7)**	**(7)**	**(7)**	**(7)**	**(7)**	2
Density per acre	12 **(8)**													NA
Lot Coverage (13)														24%

(1) See Density Standards Established by Planning Board.
(2) To be determined by Planning Board at development stage.
(3) See Sections 12.2 and 8.6 E: Pre-Existing lots of record on July 5, *1988* in the B-2 district shall be permitted a minimum front yard set back or building line set back of sixty five feet (65'). Rev. (2-13-95)
(4) Side line for "zero lot line" projects shall be in accordance with subsection 10.5 of this ordinance. Side line for "zero lot line" projects in business districts shall be in accordance with subsection 10.5 of this ordinance." Rev. (12-18-95)
(5) Section 7.8 requires minimum side yards for corner lots and applies to all lots, even prerecorded lots of record ("grandfathered lots"):

> 7.8 Corner Lots A principal structure located on a corner lot shall be required to have the minimum front yard setback from the front property line according to the district in which it is located and a minimum side yard setback from the right-of-way as follows: 1. Twenty (20) feet in R10, R15, R20, RA, and PD Districts. 2. Twenty-five (25) feet in B1, B2, I1, and I2 Districts. Corner lots on a street with setback requirements under Section "9.8 Building Setback Lines Along Major and Minor Thoroughfares must meet the requirements of that Section. Section 9.8 does not apply to lots recorded prior to November 17, 2003.

(6) Note: The Board of Adjustment may grant approval of construction where heights are greater than those listed in the District Requirements in any area. See also Section 10.3.
(7) See Section 13, off street parking and loading.
(8) Multifamily and Cluster Developments Maximum land coverage by buildings is 30% and minimum land area for common space is 50% including recreation excluding estuarine waters, wetlands and environmentally sensitive areas.
(9) See Section 12.2 "Use of Nonconforming Lots" for set back and area requirements for lots of record.
(10) See also set back requirements in Section 7.2B, 9.6, 9.7, 9.8, 10.2 & 14.3. Set backs must be calculated from the edge of any access easement.
(11) See lot area calculations in Section 7.7, New Lots. Roads or access easements cannot be included in lot area.
(12) Foundation Survey-A foundation survey by a professional surveyor may be required to confirm compliance with the requirements of this Section(8.10) (See Sectio 3.3 of the Zoning Ordi:).

ZONING DISTRICT DIMENSIONAL REQUIREMENTS

Dimensional Requirements Table

Dimensional Standards [9]	RA	RP	RM	MH	GB	OI	IT	GI	PD	EC
Lot Size	1 Acre[8]	15,000[5] Sq. Ft.	(1)	(7)	15,000 Sq. Ft.[8]	15,000 Sq. Ft.	1 Acre	1 Acre	(1)	1 Acre
Lot Size Duplex	60,000 Sq. Ft.	22,000 Sq. Ft.	(1)						(1)	
Min. Area Rezoning(3)	NA	5 Acres	10 Acres	5 Acres	1 Acre	1 Acre	5 Acres	5 Acres	5 acres	NA
Min. Lot Width-Ft	100[8]	80[6]	(1)	(7)	80[8]	80	100	100	(1)	100
Min. Chord Length at ROW line for "cul de sac's"	45	30	(1)	20	30	30	45	45	(1)	45
Min. Front Yd.-Ft.	30[8]	30	(1)	(7)	25[8]	25	40	50	(1)	50
Min. Side Yard-Ft	15[8]	10	(1)	(7)	10[8]	10	25	25	(1)	25
Min. Corner Yard Ft (10)	15	15	(1)	(7)	12	12	20	25	(1)	25
Min. Rear Yard-Ft	30[8]	25	(1)	(7)	10[8]	10	25	25	(1)	25
Max. Height-Ft	35[2]	35[2]	45	35	40	40	50	50	(1)	40
Min. Req. Structure Separation	30[8]	20	(1)		20[8]	20	(11)	(11)	(1)	50

(1) Dimensional standards in the Planned Development (PD) and Residential Mixed (RM) Districts are required to be specified on a Master Development Plan.

(2) Maximum Height requirements in the RA, RP, RM and PD Zoning Districts shall be allowed an additional 10' feet if located within any Special Flood Hazard Area (SFHA) at the calculation of five (5) additional feet in building height per every two (2) feet built above the regulatory flood prevention protection elevation, as defined in the Pender County Flood Damage Prevention Ordinance with building height at a maximum of forty-five (45) feet.

(3) Any parcel of property meeting the guidelines set forth in Sections 3.3 or 3.4 that adjoins an established zoning district that is identical to the district that is applying for a rezoning shall not have to meet the minimum area requirements for rezoning for that district.

(4) The minimum required separation standards are for principal or primary structures, accessory structures must follow separation and setback requirements as outlined in Sections 4.6.3 and 5.3.3.A.

(5) Minimum lot sizes in the RP zoning district may be reduced to twelve thousand (12,000) square feet with the evidence of public utilities (water and sewer) availability and connection is demonstrated.

(6) Minimum lot width in the RP zoning district may be reduced to sixty (60) feet with the evidence of public utilities (water and sewer) availability and connection is demonstrated.

(7) Dimensional requirements for a Manufactured Home District may be found in Section 5.3.2.D, Manufactured Home Community.

(8) Dimensional requirements for a Recreational Vehicle Park may be found in Section 5.3.9.B, Recreational Vehicle Park.

(9) Variations to Dimensional Standards are allowed for projects meeting LID Project Criteria, as overviewed in Section 7.14, Low Impact Development.

(10) See Figure 4.1
(11) North Carolina Building Regulations Apply

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE			
Application No.	ZTA 179-2016	Date	2/22/2016
Application Fee	$250	Receipt No.	Invoice #93
Pre-Application Conference	2/5/2016 3pm	Hearing Date	PB 4/5 BOC 5/16

SECTION 1: APPLICANT INFORMATION	
Applicant's Name:	Hampstead Self Storage, LLC c/o Stroud Engineering, P.A.
Applicant's Address:	100 E. Lake Dr.
City, State, & Zip	Greensboro, NC 27403
Phone Number:	(336) 944 5001

SECTION 2: UDO TEXT TO BE AMENDED

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

Table 4.14 Zoning District Dimensional Requirements
Dimensional Requirements Table
GB Zone Min. Req. Structure Seperation of 50'

Proposed Text to be added:

Table 4.14 Zoning District Dimensional Requirements
Dimensional Requirements Table
GB Zone Min. Req. Structure Seperation to be 20'

SECTION 3: SIGNATURE

Applicant's Signature	Christopher Wilson Manager	Date:	2/19/16

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

☒	Signed application form
☒	Application fee
☒	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

☑ ZTA Fees: $250		Total Fee Calculation:	
Payment Method:	Cash : ☐ $_____	Credit Card: ☐ Master Card ☐ Visa	Check: ☑ Check # 250
Application Received By:	Meagan O'Hare		Date: 2/19/2016
Application completeness approved by:	Meagan O'Hare		Date: 2/22/2016
Dates Scheduled for Public Hearings:	☑ Planning Board: 4/5/2016	☑ BOC: 5/16/2016	

Print Form

STROUD ENGINEERING, P.A.

CONSULTING ENGINEERS
102-D CINEMA DRIVE
WILMINGTON, NORTH CAROLINA 28403
(910) 815-0775

February 19, 2016

Pender County Planning Department
Attn: Kyle Breuer
P.O. Box 1519
Burgaw, NC 28425

Re: Request to Amend Dimensional Requirements Table 4.14 of the Pender County Unified Development Ordinance

Mr. Breuer:

On behalf of Hampstead Self Storage, LLC I am requesting consideration to amend the aforementioned table such that the minimum required separation between buildings in the General Business, GB zone will be twenty feet. The minimum required separation is presently given to be fifty feet. The side and rear yard requirements are however only ten feet which creates conflict given two buildings could be as close as twenty feet apart provided a property line is between them. The proposed building separation of twenty feet will make the separation consistent with the ordinance yard requirement being ten feet either side of a property line. The fifty feet building separation seems to be a residual from the prior ordinance which should be reconsidered given the increased availability of public utilities in Pender County. However the existing separation requirement may not be an error it does create a conflict with the yard standards. There was no General Business zone in the 2008 Ordinance. The B1 and B2 zones each had a minimum yard requirement of twenty five feet. As General Business consolidated these zones and reduced the yard requirements in the Unified Development Ordinance, UDO, it does not appear the same spirit was applied in determining the building separation requirement. The proposed change is not unlike dimensional standards found in other local codes or the national building code. I suggest that in reducing the yard requirements in developing the UDO the spirit was to increase density or clustering in the GB zone. In as much, it seems logical that the minimum building separation should be reduced to what could be achieved in siting buildings on separate properties.

Sincerely,

James H. Fentress Jr. PE, PLS
Stroud Engineering, PA

Attachments

jf/JHF
W:\Master\PW-1213\Wpd\Text Amendment Cover.doc

4.14 ZONING DISTRICT DIMENSIONAL REQUIREMENTS

Dimensional Requirements Table

Dimensional Standards [9]	RA	RP	RM	MH	GB	OI	IT	GI	PD	SC
Lot Size	1 Acre[8]	15,000[5] Sq. Ft.	(1)	(7)	15,000 Sq. Ft.[8]	15,000 Sq. Ft.	1 Acre	1 Acre	(1)	1 Acre
Lot Size Duplex	60,000 Sq. Ft.	22,000 Sq. Ft.	(1)						(1)	
Min. Area Rezoning(3)	NA	5 Acres	10 Acres	5 Acres	1 Acre	1 Acre	5 Acres	5 Acres	5 acres	NA
Min. Lot Width-Ft	100[8]	80[6]	(1)	(7)	80[8]	80	100	100	(1)	100
Min. Chord Length at ROW line for "cul de sac's"	45	30	(1)	20	30	30	45	45	(1)	45
Min. Front Yd.-Ft.	30[8]	30	(1)	(7)	25[8]	25	40	50	(1)	50
Min. Side Yard-Ft	15[8]	10	(1)	(7)	10[8]	10	25	25	(1)	25
Min. Corner Yard Ft (10)	15	15	(1)	(7)	12	12	20	25	(1)	25
Min. Rear Yard-Ft	30[8]	25	(1)	(7)	10[8]	10	25	25	(1)	25
Max. Height-Ft	35[2]	35[2]	45	35	40	40	50	50	(1)	40
Min. Req. Structure Separation	40[8]	30	(1)		~~50~~[8] 20	50	(11)	(11)	(1)	30

(1) Dimensional standards in the Planned Development (PD) and Residential Mixed (RM) Districts are required to be specified on a Master Development Plan.

(2) Maximum Height requirements in the RA, RP, RM and PD Zoning Districts shall be allowed an additional 10' feet if located within any Special Flood Hazard Area (SFHA) at the calculation of five (5) additional feet in building height per every two (2) feet built above the regulatory flood prevention protection elevation, as defined in the Pender County Flood Damage Prevention Ordinance with building height at a maximum of forty-five (45) feet.

(3) Any parcel of property meeting the guidelines set forth in Sections 3.3 or 3.4 that adjoins an established zoning district that is identical to the district that is applying for a rezoning shall not have to meet the minimum area requirements for rezoning for that district.

(4) The minimum required separation standards are for principal or primary structures, accessory structures must follow separation and setback requirements as outlined in Sections 4.6.3 and 5.3.3.A.

(5) Minimum lot sizes in the RP zoning district may be reduced to twelve thousand (12,000) square feet with the evidence of public utilities (water and sewer) availability and connection is demonstrated.

(6) Minimum lot width in the RP zoning district may be reduced to sixty (60) feet with the evidence of public utilities (water and sewer) availability and connection is demonstrated.

(7) Dimensional requirements for a Manufactured Home District may be found in Section 5.3.2.D, Manufactured Home Community.

(8) Dimensional requirements for a Recreational Vehicle Park may be found in Section 5.3.9.B, Recreational Vehicle Park.

(9) Variations to Dimensional Standards are allowed for projects meeting LID Project Criteria, as overviewed in Section 7.14, Low Impact Development.

(10) See Figure 4.1

(11) North Carolina Building Regulations Apply

8.10 Schedule of District Requirements (9)(12)(15)

PERMITTED USES	PD(1)	R20C	R20	R15	R10	RT	RA	FA	B1	B2	B3	I-1	I-2	A	VIS All
Lot Size (sq.ft. or acres) (11)	(2)	20,000	20,000	15,000	10,000	20,000	1 acre (16)	20,000	1 acre	½ acre	½ acre	1 acre	1 acre	1 ac.	2 acres
Usable Lot Area (18)	(17)	95%	95%	100%	100%	95%	55%	95%	95%	95%	95%	NA	NA	NA	50%
Lot Size (duplex) (11)		30,000	30,000	25,000	15,000	30,000	30,000 60,000	30,000							NA
Min. Area (rezoning)	5 acres	NA	10 acres	NA	NA	10 acre	NA	NA	1 acre	5 acres	3 acres	5 ac.	5 ac.	10 ac.	NA
Min. Lot Width-Ft	50	90	90	80	70	100	100	100	100	100	100	100	100	100	150
Min. Chord Length at ROW line for "u.l. des.c's"	25	45	45	35	30	45	45	45							NA
Min. Front Yd-Ft. (10)(14)(19)	25	30	30	25	25	40	40	40	100	100 (3)	100 (3)	100	100	25	100
Min. Side Yard-Ft (5) (10)(19)	10 (4)	20	20	15	10	20	20	25	25	25	25	25	25	20	30
Min. Rear Yard-Ft (10)(19)	15	25	25	20	20	30	30	30	25	25	25	25	25	30	40
Max. Height-Ft (6)	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35
Min. Req. Structure Separation (19)	20	30	30	30	30	40	40	40	50	50	50	NA	NA	30	50
Buffer required (see Sec 14)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Min. Parking Spaces per unit	1.5	2	2	2	2	2 (7)	2 (7)	2 (7)	(7)	(7)	(7)	(7)	(7)	(7)	2
Density per acre	12 (8)														NA
Lot Coverage (13)															24%

(1) See Density Standards Established by Planning Board.

(2) To be determined by Planning Board at development stage.

(3) See Sections 12.2 and 8.6 E. Pre-Existing lots of record on July 5, 1988 in the B2 district shall be permitted a minimum front yard set back or building line set back of sixty five feet (65'). Rev. (2-13-95)

(4) Side line for "zero lot line" projects shall be in accordance with subsection 10.5 of this ordinance. Side line for "zero lot line" projects in business districts shall be in accordance with subsection 10.5 of this ordinance." Rev. (12-18-95)

(5) Section 7.8 requires minimum side yards for corner lots and applies to all lots, even pre-recorded lots of record ("grandfathered lots"):

> 7.8 Corner Lots. A principal structure located on a corner lot shall be required to have the minimum front yards setback from the front property line according to the district in which it is located and a minimum side yard setback from the right-of-way as follows: 1. Twenty (20) feet in R10, R15, R20, RA, and PD Districts. 2. Twenty-five (25) feet in B1, B2, I1, and I2 Districts. Corner lots on a street with setback requirements under Section "9.8 Building Setback Lines Along Major and Minor Thoroughfares" must meet the requirements of that Section. Section 9.8 does not apply to lots recorded prior to November 17, 2003.

(6) Note: The Board of Adjustment may grant approval of construction where heights are greater than those listed in the District Requirements in any area. See also Section 10.3.

(7) See Section 13, off street parking and loading.

Pender County
Planning and Community Development

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

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

MEMORANDUM

To: Pender County Planning Board

From: Planning Staff

Date: April 5, 2016

RE: Upcoming Zoning Text Amendments

Planning Staff is continuing to work toward finalizing a number of zoning text amendments to the Unified Development Ordinance previously discussed and reviewed with this Board over the last few months. Staff is drafting amendments based on conversation generated by the Planning Board and research of other county and municipal polices. The goal is to have all Ordinance language for review and recommendation at the May 2016 for further discussion and recommendation. These updates are summarized below:

2015 Legislative Updates

Following the 2015 Sessions in the North Carolina General Assembly, there were changes made in regard to planning and development regulation. Staff will comprehensively identify changes in the Ordinance that are necessary due to new legislation. Items for update include;

1. Performance guarantees for subdivision improvements S.L. *2015-187 (H.B. 721)*
2. Construction site fence wraps *S.L. 2015-246 (H.B. 44)*
3. Policy on gravel as a pervious surface S.L. *2015-149 (H.B. 634)*

Incorporation of Collector Street Plan Policies

The Pender County Collector Street Plan was adopted by the Board of County Commissioners on March 21, 2016. This plan includes policy recommendations and draft ordinance language in relation to transportation planning. Staff will identify the policy recommendations contained in the 2016 Pender County Collector Street Plan which warrant update to the Unified Development Ordinance.

Incorporation of the Road Naming and Addressing Ordinances

Two Ordinances administered by the Addressing Coordinator in coordination with Emergency Services are; the *Addressing and Display Ordinance and the Road Naming Ordinance*. These two independent ordinances will be incorporated into the Unified Development Ordinance; which will improve customer service and more clearly identify steps needed for this aspect of development approval.

As this Section is incorporated there are several updates to the text to be included during this transition;

1. Location which an address is issued based upon,

2. Standards for the major subdivision naming process to eliminate duplicate or similar names,
3. The potential for address assignment to occur at Preliminary Subdivision approval.

Private Street Connections

Staff continues to work toward solution on private street connections when infill development occurs as the Planning Board has discussed this topic previously. As interconnectivity is encouraged there are inherent issues that arise when an infill development is proposed to connect to substandard or private streets.

Staff must devise Ordinance regulation in relation to when an existing substandard or private right of way would require improvement to NCDOT standards for design, to include surfacing and drainage. Many of the existing substandard or private right of ways are not built to NCDOT standards and would require some retrofit or improvement of the existing roadway before the roadway could be certified that it is built to NCDOT standards for private use or for dedication to the state system.

Current language in the Unified Development Ordinance specifies that all private rights of way must be designed and constructed in compliance with the current NCDOT Subdivision Roads Minimum Construction Standards as outlined in Section 7.5.3, which is applicable to new development. The issue arises when interconnectivity is required and the connections made are to substandard roadways.

The Ordinance currently does not detail when the roadway is considered part of the subdivision of land or when the property is merely connecting to another parcel. If in essence the private right of ways may be a secondary connection to the subject property (and an existing State maintained right of way exists for users in the property) should the private right of way connection be maintained at the current state, even if the roadway is in disrepair?

Additional users on the roadway may only deteriorate an existing private right of way. However, by not requiring connections between developments, the existing transportation system absorbs the increased demand for adequate transportation routes. This in turn, concentrates motorized traffic on a limited number of large roads, which causes longer, indirect trips and limits opportunities for alternate routes.

When determining adequate access to a subject parcel Section 7.4.1 details; "Required access must provide a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use." The intended use is not to deteriorate the existing transportation network, but rather to supplement for emergency management connections and disperse the traffic into the adjoining network. Section 7.5.1.A.6 states; "The layout of the streets as to arrangement, width, grade, character, and location shall conform to...the adjoining street system, as well as existing, planned and proposed streets. Reasonable access will be provided to adjacent property for development."

Interconnected roadways are imperative to the transportation network in Pender County; often the connections proposed are from a new proposed public or private right of way to an existing private right of way. In the infill development, utilizing a private right of way may be needed for adequate connectivity and conformance to the adjoining street system.

Revision of Cul-de-Sac Radius Requirements

Currently, as written, the Pender County Unified Development Ordinance Section 7.5.1 F specifies:

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

Staff has researched other jurisdiction for cul de sac radius requirements in both; Subdivision Ordinances and Fire Code or NCDOT requirements where necessary. All jurisdictions included are within Division 3 of NCDOT.

Other Jurisdiction Requirements			
Location	**Required Widths**	**Reference**	**Notes**
Pender County	35' Radius	UDO	
New Hanover County	48' Radius	UDO/Fire Code	120' Hammer Heads 60' Y Design Allowed
Brunswick County	35' Radius	UDO Section 6-35	120' Hammer Heads 50' Y Design Allowed
Onslow County	40' Radius	Subdivision Ord. Section 606.9 A & B	
Sampson County		NCDOT	Fire Dept. may request increase per Subdivision Ordinance
Leland		NCDOT Specs (35') Refer to Fire Code (48')	Fire Dept. may request increase per Subdivision Ordinance
Wilmington	48' Radius		
Burgaw		Fire Code	
Jacksonville		Fire Code	

Dead End Road Requirements of Appendix D (Fire Code)		
Length	**Width**	**Turnarounds Required**
0-150 feet	20 feet	None required
151-500 feet	20 feet	120 foot Hammerhead 60-foot Y 96-foot diameter cul-de-sac
501-750 feet	26 feet	120-foot hammerhead 60-foot Y 96-foot cul-de-sac
Over 750 feet	Special Approval Required	

It is Staff's recommendation that the Pender County Unified Development Ordinance text be modified to allow for specific evaluation of each cul-de-sac and greater clarity for the applicant while meeting the needs of Pender County Schools and Emergency Management. This language must be identified in the

Unified Development Ordinance to ensure that a developer is aware of the specific regulation prior to a Technical Review Committee meeting.

Distinguishing between specific lengths could help clarify the regulations. Suggested amendments for the Pender County Unified Development Ordinance Section 7.5.1.F. includes distinguishing varying lengths of a permanent dead end street to then require a larger bulb for Emergency Management and school bus turn around. The length of a cul-de-sac will be measured from the last point of alternative connected access. A draft of the intent for cul-de-sac radius requirements can be seen in Table 1.

Table 1

	Total Length	**Edge of Pavement Radius**	**Right of Way Radius with curb and gutter**	**Right of Way Radius without curb and gutter**
Short Cul-de-sac	500 ft. or less	35 ft.	45 ft.	50 ft.
Long Cul-de-sac	501 ft. to 1,000 ft.	40 ft.	50 ft.	55 ft.

It was deemed necessary at previous Planning Board discussions to also include other alternative designs (hammerhead, y turn around, t intersection, etc.) as an approved turn around to allow applicants an option to deviate from a traditional bulb design. Criteria for this alternative design shall include; topographical constraints, existing structures, insufficient right of way, feasible no connections to adjacent right of way or properties or any other alternative design criteria as approved by the Technical Review Committee or Planning Board as applicable. All recommended text changes can be seen in Attachment 1.

7.5 STREET DESIGN

7.5.1 Public and Private Street Design

A. Layout of streets as to arrangement, width, grade, character, and location shall conform to the following:

1) Coastal Pender Collector Street Plan, Pender County Transportation Plan or other approved State of Federal Transportation Improvement Plan.
2) Adjoining street systems,
3) Existing, planned and proposed streets, topographic, drainage and other natural features of the property,
4) To provide for continuity in existing streets and proposed streets,
5) Provide adequate right-of-way for collector streets,
6) Reasonable access will be provided to adjacent properties for development.

B. Spite strips along development boundaries preventing access to streets from adjacent properties are prohibited.

C. Street Alignment – local residential street intersections should be directly aligned if possible.

D. When such intersections cannot be aligned, they shall be offset centerline to centerline by not less than 125 ft. Intersections of Collector streets as defined herein or shown on the Coastal Pender Collector Street Plan, Pender County Transportation Plan or other approved State Transportation Improvement Plan.

E. Streets should intersect as nearly as possible at right angles.

F. Permanent dead end streets (cul-de-sacs) or temporary dead end (stub) streets shall be no longer than 1,000 ft. unless it is demonstrated by the developer that the configuration of the property prevents its development without longer streets to provide access to the lots and common area to be subdivided.

1) Temporary dead end or stub streets shall provide turn around capabilities to meet the following ~~NCDOT~~ requirements: ~~The Cul-de-sac end shall be a bulb type with minimum radii as follows: Curb & Gutter Section: RW = 45', Pavement = 37' to gutter edge, Shoulder Section: RW =50', Pavement = 35'.~~

	Total Length	Edge of Pavement Radius	Right of Way Radius With Curb and Gutter	Right of Way Radius Without No Curb and Gutter
Short Cul-de-sac	500 ft. or less	35 ft.	45 ft.	50 ft.
Long Cul-de-sac	501 ft. to 1,000 ft.	40 ft.	50 ft.	55 ft.

2) Alternative turnaround designs (hammerhead, y turn around, t intersection, etc.) may be approved given specific criteria including; topographical constraints, existing structures, limited feasible connections to adjacent right of way or adjacent properties or any other criteria as approved by the Technical Review Committee or Planning Board, as applicable, in conjunction with NCDOT.

G. Applicants for subdivision approval shall obtain approval for street names from the Pender County Addressing Coordinator. A copy of the approved preliminary plat with approved street names must be submitted to the Administrator within 30 days of approval of the preliminary plat and prior to final plat submission.

H. Sight triangles as required in the NCDOT Secondary Roads Standards shall be provided at all street intersections.