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

Phillips Leasing – Commerce Park
Special Use Permit

Case Number: SUP 2024-46

Application Type: Special Use Permit

Applicant: Planning & Community Development

Owners: Phillip's Leasing Systems, LLC

Location: The subject property is located on the east side of US Highway 421 approximately 50 feet north of the Pender/New Hanover County line in the Grady Township. The property may be further identified by PIN 3201-15-5184-0000.

Property ID #(s): 3201-15-5184-0000

Description: Pender County Planning & Community Development, applicant, on behalf of Phillip's Leasing System, LLC, owner, is requesting the approval of a revision to a Special Use Permit issued in 2009 (Case # 09-02-16-05) and revised in 2014 (Case # 10008R) that established an Industrial Park known as Pender Commerce Park. This request seeks to remove one parcel totaling approximately 15.07 acres from the Industrial Park. The subject property is zoned GI, General Industrial, and RA, Rural Agricultural. The subject property is located on the east side of US Highway 421 approximately 50 feet north of the Pender/New Hanover County line in the Grady Township. The property may be further identified by PIN 3201-15-5184-0000.

Current Zoning: GI, General Industrial; RA, Rural Agricultural

Technical Review Committee Meeting
N/A

Board of County Commissioners Meeting
7/15/2024

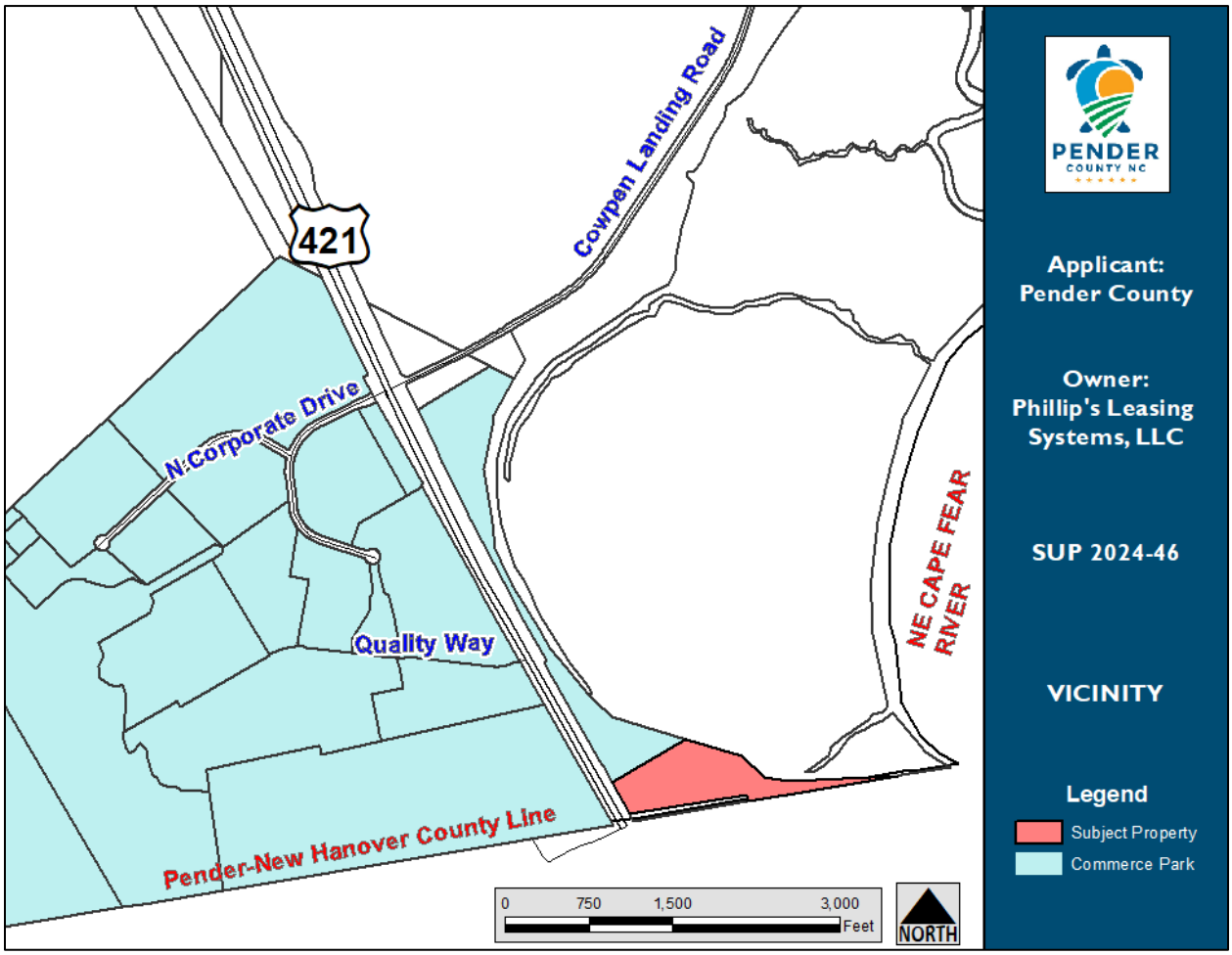
Included: Application Materials, Application Package, Narrative, Site Plan

STAFF REPORT FOR SUP 2024-46
SPECIAL USE PERMIT APPLICATION

APPLICATION SUMMARY	
Case Number	SUP 2024-46
Hearing Date	July 15, 2024 Board of County Commissioners
Applicant	Planning & Community Development
Property Owner	Phillip's Leasing Systems, LLC
Parcel Identification Number	3201-15-5184-0000
Acreage	15.07
Township	Grady
Zoning District	GI, General Industrial RA, Rural Agricultural
Pender 2.0 Future Land Use Category	Industrial

SPECIAL USE PERMIT PROPOSAL
Pender County Planning & Community Development, applicant, on behalf of Phillip's Leasing Systems, LLC, owner, is requesting the approval of a revision to a Special Use Permit issued in 2009 (Case # 09-02-16-05) and revised in 2014 (Case # 10008R) that established an Industrial Park known as Pender Commerce Park. This request seeks to remove one parcel totaling approximately 15.07 acres from the Industrial Park. The subject property is zoned GI, General Industrial, and RA, Rural Agricultural.
LOCATION
The subject property is located on the east side of US Highway 421 approximately 50 feet north of the Pender/New Hanover County line in the Grady Township. The property may be further identified by PIN 3201-15-5184-0000.

Figure 1: Vicinity Map of the Area

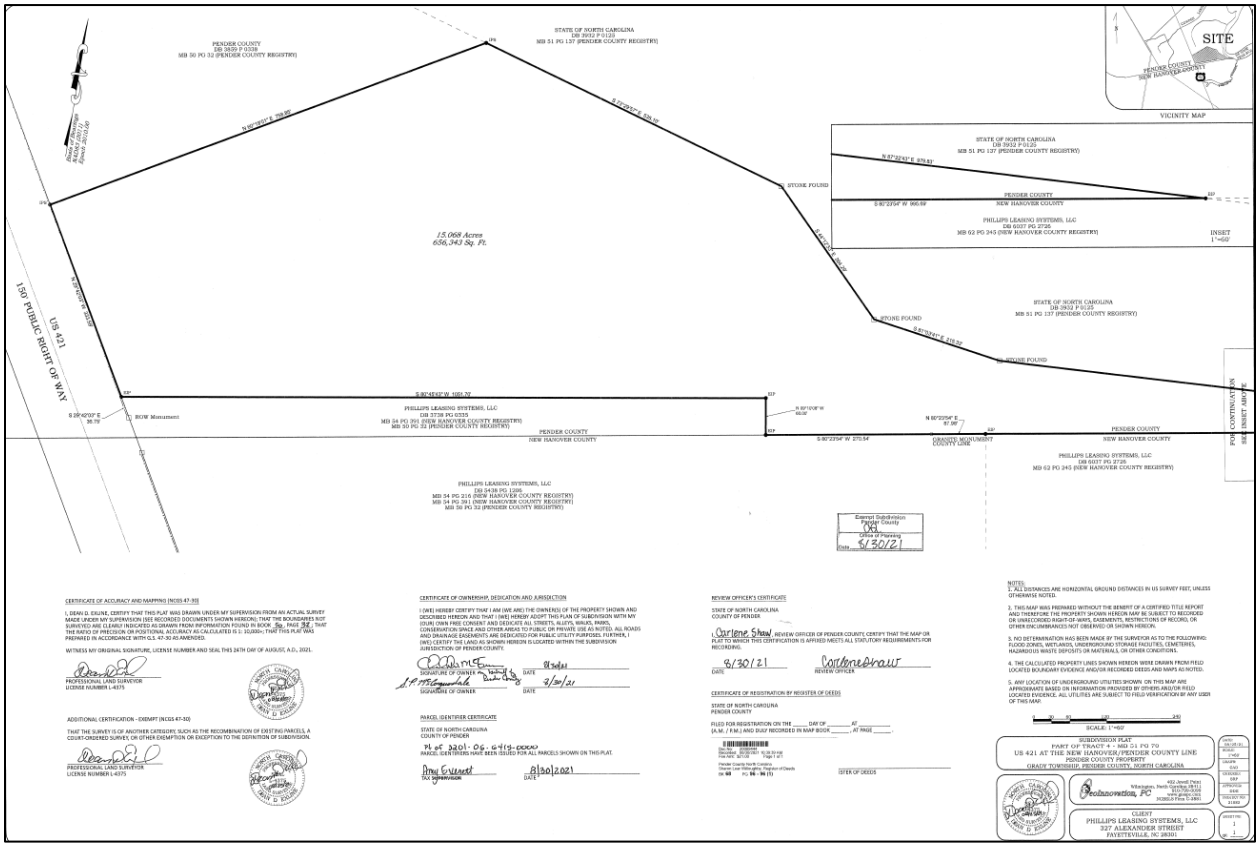


SPECIAL USE PERMIT REVISION PROPOSAL

The applicant and owner are seeking a revision to a previously approved Special Use Permit (SUP) that established an Industrial Park known as the Pender Commerce Park. A SUP was first issued on February 16, 2009, (Case # 09-02-16-05) that established an Industrial Park that spanned approximately 378 acres in the southwestern part of the County (See Attachment 1 for Board Action Form). On June 23, 2014, a SUP revision (Case # 10008R) was approved that expanded the Industrial Park to approximately 756 acres (See Attachment 2 for Board Action Form). Pender County was the owner and applicant for both of those SUP cases.

On September 21, 2021, Pender County sold approximately 15.07 acres to Phillips Leasing Systems, LLC (See Deed and Map in Attachment 3). The approximately 15.07 acres had previously been part of the area governed by the SUP issued for the Industrial Park owned and managed by Pender County. Staff and the owner are requesting that the SUP that governs the Industrial Park be modified to remove the property that was sold to Phillip's Leasing Systems so that it may be developed separately from the Industrial Park. The applicant's narrative is included in the Board's packet.

Figure 2: Map of property purchased by Phillip's Leasing Systems in 2021



EVALUATION

Basis for Granting SUP Revision

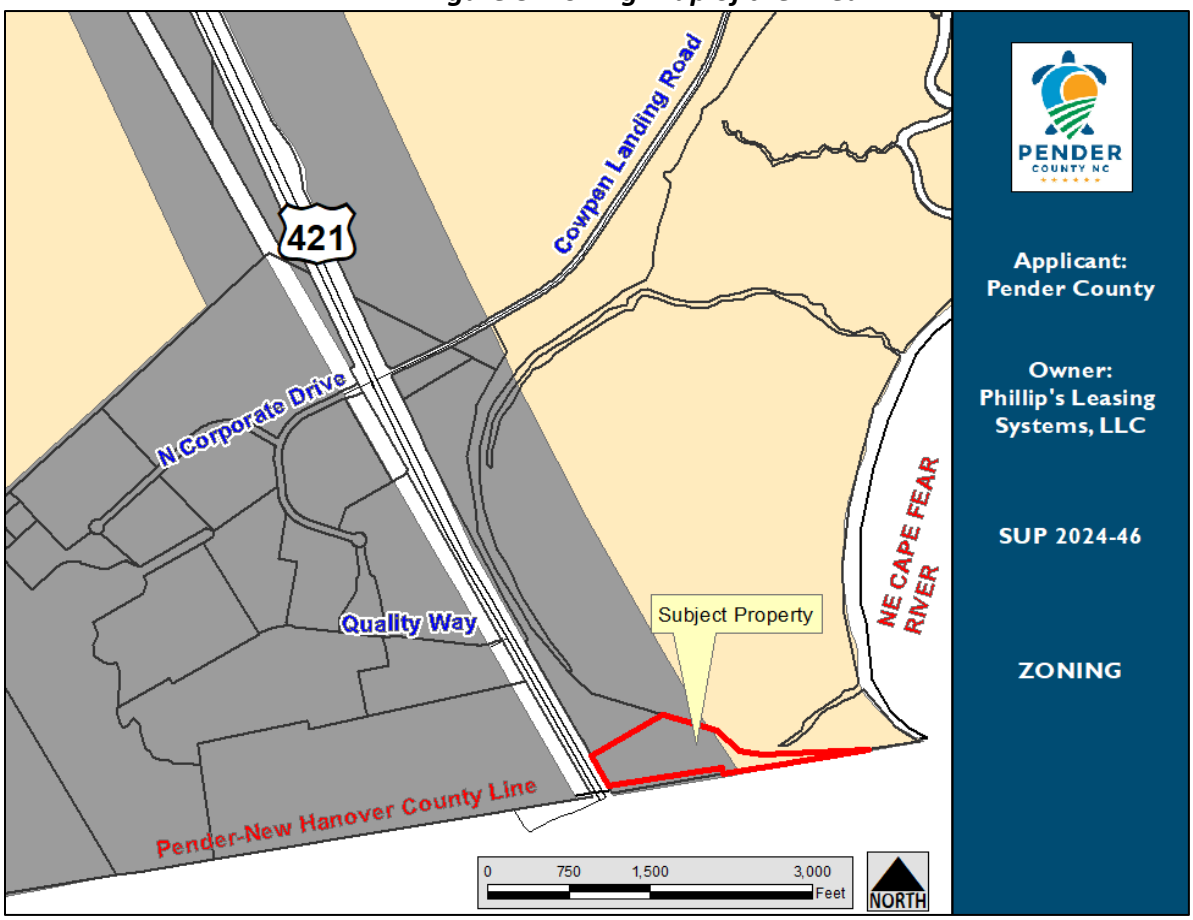
Approval procedures for Special Use Permit revisions are found in Section 3.12.4 of the UDO, which states that major revisions must be approved by the Board of Commissioners. The proposal is considered a major revision as defined by the UDO.

Zoning and Existing Land Use in Area

Much of the subject property is wooded and undeveloped. As noted in Table 1, property surrounding the subject site is zoned GI, General Industrial or RA, Rural Agricultural. The property borders the New Hanover County line to the south, where the adjacent property in New Hanover County is also zoned for heavy industrial use.

TABLE 1: CHARACTERISTICS OF THE SURROUNDING AREA		
	LAND USE	**ZONING**
North	Vacant	RA, Rural Agricultural GI, General Industrial
East	Vacant	RA, Rural Agricultural
South	Vacant	I-2 (New Hanover County Heavy Industrial zoning district)
West	Industrial	GI, General Industrial

Figure 3: Zoning Map of the Area



Unified Development Ordinance Compliance

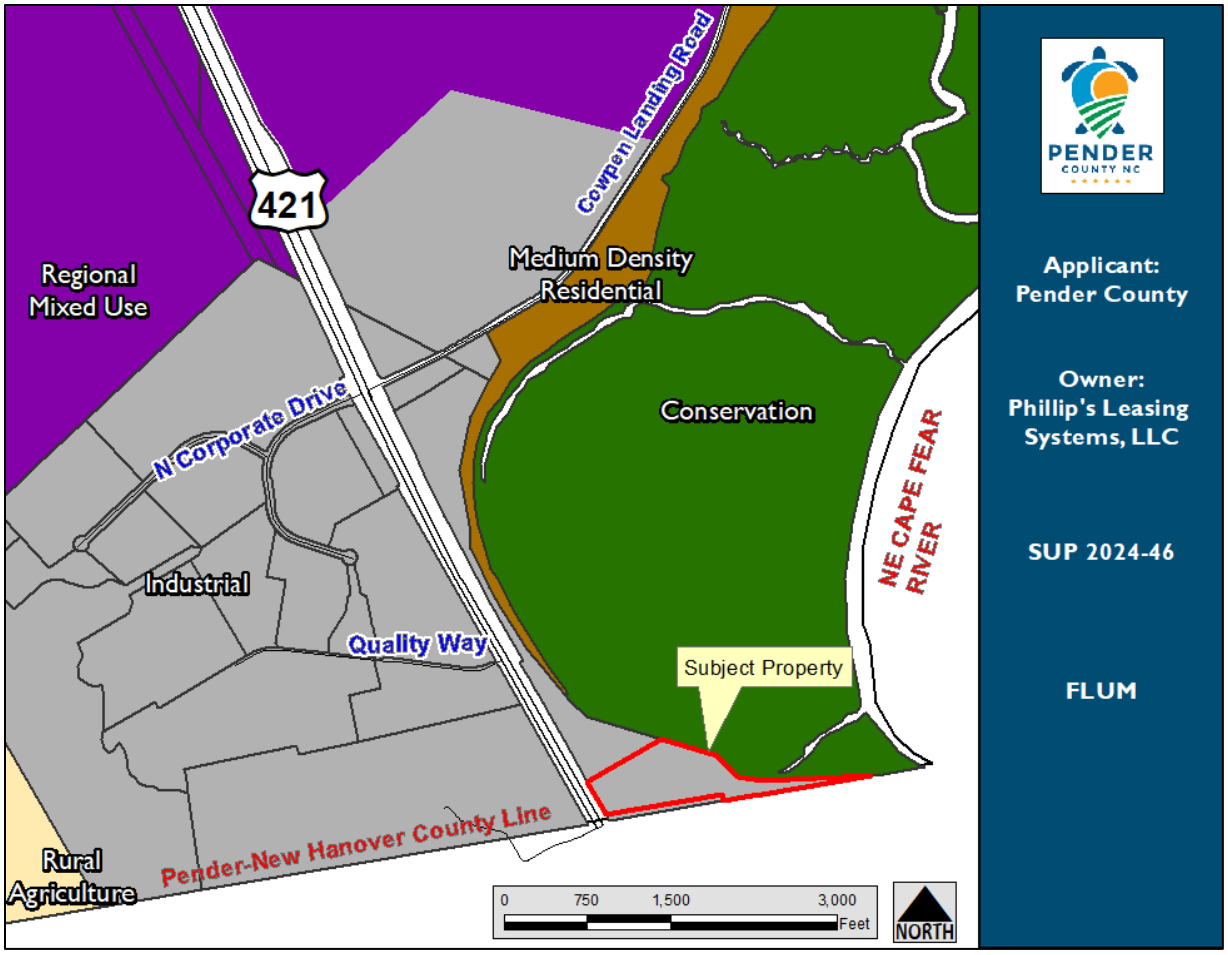
While the request is to remove the subject property from the SUP that governs the adjacent Industrial Park, it has no effect on the zoning of the property or the requirement that all development on this site must comply with local, state and federal regulations. The majority of the parcel is zoned General Industrial, so it can be reasonably expected that industrial development will occur on this parcel.

Pender 2.0 Comprehensive Land Use Plan Compliance

The Pender 2.0 Comprehensive Land Use Plan (Comprehensive Plan) designates the subject property as Industrial. As described in the Comprehensive Plan, to increase employment in the County, industrial uses are highly encouraged in appropriate locations such as the Pender Commerce Park or US 117 in Rocky Point. Industrial land uses that are adjacent to residential land uses should be heavily buffered to reduce any adverse impacts between these two incompatible uses. The width of the buffer should be based on the type of industry and its potential to create noise, odors, heavy truck traffic, or other negative effects.

Appropriate uses include manufacturing, warehousing and wholesaling, transportation and distribution centers, water and wastewater treatment facilities, landfills, bulk storage of hazardous materials, large equipment storage and operation, and other uses that may be unpopular neighbors. Residential development and general retail uses are not appropriate. These areas should be served by water and sewer infrastructure.

Figure 4: Future Land Use Map of the Area



The proposed revision is consistent with the Industrial classification as shown on the Future Land Use Map (FLUM). While the proposed revision does not include a specific development proposal, the adjacent Industrial Park will maintain its industrial character. The predominant zoning of the subject property is General Industrial which provides an expectation that industrial development will occur at this location. Table 2 below provides more detail on the desired and inappropriate uses in the Industrial future land use category.

TABLE 2: FUTURE LAND USE CATEGORY DETAILS
Industrial
Desired Uses • Industrial • Manufacturing • Mining
Inappropriate Uses • Residential • Commercial

APPLICATION PACKAGE

APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE			
Application No.	SUP	**Date**	
Application Fee	$	**Invoice Number**	
Pre-Application Conference		**Hearing Date**	

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	Pender County Planning	**Owner's Name:**	PHILLIP'S LEASING SYSTEMS, LLC
Applicant's Address:	805 S. Walker Street	**Owner's Address:**	327 ALEXANDER ST
City, State, & Zip	Burgaw, NC 28425	**City, State, & Zip**	FAYETTEVILLE, NC 28301
Phone Number:	910-259-1202	**Phone Number:**	910-323-9600
Email Address:	dadams@pendercountync.gov	**Email Address:**	phillipm@phillipstowing.net
Legal relationship of applicant to landowner:	N/A		

SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):	3201-15-5184-0000	**Total property acreage:**	Approximately 15 acres
Zoning Classification:	GI & RA	**Acreage to be disturbed:**	N/A
Water Provider:	PCU	**Wastewater Provider:**	PCU
Project Address:	N/A	**NAICS Code:**	
Description of Project Location:	East side of US HWY 421, just north of County line.	**Township:**	Grady
		Roads:	**Public/Private**
Describe activities to be undertaken on project site:	Request is to amend existing SUP to remove this property from the SUP that governs the Pender Commerce Park.		

SECTION 3: SIGNATURES

Applicant's Signature	DLA	**Date:**	6/10/2024
Applicant's Printed Name:	Daniel Adams	**Date:**	6/10/2024
Owner's Signature	S. P. McCorquodale	**Date:**	6-12-24
Owner's Printed Name:	Phillip McCorquodale	**Date:**	6-12-24

NOTICE TO APPLICANT

1. Applicant must also submit the information described on the Special Use 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 Board of Commissioners or other authorized person agrees to table or delay the hearing.
4. Applicant may wish to review the required findings for approval of a Special Use Permit found on page 1 of this application
5. **Permit will become void after 12 months if a final zoning permit is not obtained, unless specifically requested at the time of public hearing.**

Office Use Only

☐ **$ 300 for the first 5 acres; $10 per acre over 5 acres of the project area**	**Total Fee Calculation: $**
	Application#:
	Date of Hearing:

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:		Date:
Application completeness approved by:		Date:

PROJECT NARRATIVE

Pender County
Planning and Community Development

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

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

June 12, 2024

SUP 2024-46: Major revision to Industrial Park Special Use Permit
Narrative and Findings

The applicant, Pender County Planning & Community Development, and owner, Phillip's Leasing Systems, LLC, are seeking a revision to a previously approved Special Use Permit (SUP) that established an Industrial Park known as the Pender Commerce Park. The request is to remove approximately 15.07 acres from the area covered by a SUP issued in 2009 and subsequently revised in 2014.

A SUP was first issued on February 16, 2009, (Case # 09-02-16-05) that established an Industrial Park that spanned approximately 378 acres in the southwestern part of the County. On June 23, 2014, a revision to the SUP (Case # 10008R) was approved that expanded the Industrial Park to approximately 756 acres. Pender County was the owner and applicant for both of those SUP cases.

On September 21, 2021, Pender County sold approximately 15.07 acres to Phillip's Leasing Systems, LLC. The ~15 acres had previously been part of the area governed by the SUP issued for the Industrial Park. Phillip's Leasing Systems, LLC, would like to pursue development of the subject parcel but it remains encumbered by the provisions of the SUP that governs the existing Industrial Park.

As outlined in Section 3.12.3.G of the County's Unified Development Ordinance (UDO), in approving a Special Use Permit, the Board of Commissioners, with due regard to the nature and state of all adjacent structures and uses in the district within which same is located, shall make written findings that eight standards are fulfilled. Please see below for an explanation of how each of the standards described in the UDO have been met.

1) ***The use requested is listed among the special uses in the district for which application is made, or is similar in character to those listed in that district;***
   The Table of Permitted Uses, found in Section 5.2.3 of the UDO, lists Industrial Parks as a use permitted via a Special Use Permit with additional standards.

2) ***The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property;***
   The proposed revision to the existing Special Use Permit removes land from the regulations that govern development in the Industrial Park and thus does not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property.

3) ***The proposed use shall not constitute a nuisance or hazard;***
   There is no proposed use associated with the request. Rather the request is to remove land that is currently part of the Industrial Park as defined by SUP 09-02-16-05 and subsequently revised by SUP 10008R.

4) ***The requested use will be in conformity with the Pender County Land Use Plan and other official plans, or policies adopted by the Board of County Commissioners;***
The Pender 2.0 Comprehensive Land Use Plan designates the subject property as Industrial on the Future Land Use Map. While the revision removes the land from the existing Industrial Park, the majority of the land is still zoned General Industrial, thus it is reasonable to expect industrial development on the subject property.

5) ***Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;***
The requested revision does not include any proposal for new development; however, the property does have frontage on US Highway 421. Water and wastewater infrastructure serves the Industrial Park and is available in the area.

6) ***That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public roads;***
There is no development proposal associated with the request; however, the property does have frontage along US Highway 421.

7) ***That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located; and***
The subject property will maintain conformity with the General Industrial and Rural Agricultural zoning districts.

8) ***The proposed use shall not adversely affect surrounding uses and shall be placed on a lot of sufficient size to satisfy the space requirements of said use.***
The requested revision does not include a development proposal, but the majority of the property is zoned General Industrial, which is compatible with the land uses in the surrounding area.

Based on the findings outlined above, the applicant and owner feel the standards for granting a revision to the SUP have been met. Thank you for your consideration of this proposal.

Sincerely,

Daniel Adams
Planning & Community Development Director

ATTACHMENT 1

Case # 09-02-16-05 Board Action Form (February 16, 2009)

REQUEST FOR BOARD ACTION

ITEM NO._____

DATE OF REQUEST: February 5, 2009

REQUESTED BY: Staff, Planning and Community Development Department

SHORT TITLE: Pender County, applicant and owner, is requesting the approval of a Special Use Permit (SUP) for an industrial park.

BACKGROUND: Pender County, applicant and owner, is requesting approval of a Special Use Permit for the establishment of an Industrial Park on 378 acres. The property is zoned I-2, Industrial District (Heavy Industry) and is located along the southwest side of U.S. Highway 421 S., approximately ¼ mile north of the New Hanover County line. The property may be identified as PIN # 2291-76-4724-0000. Currently the Pender County Zoning Ordinance requires a Special Use Permit for Industrial Parks to be located in the Industrial (Heavy Industry) I-2 District.

SPECIFIC ACTION REQUESTED: Staff is requesting that the Board of Commissioners: Hold a Public Hearing for a request for a Special Use Permit for an industrial park, in the Industrial I-2 District.

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that: on February 16, 2009 (approved, modified, denied) a special use permit for an industrial park as described herein, and Jimmy T. Tate, Chairman to the Board, is authorized to execute the order implementing this resolution and provide notice to the applicant of the action taken herein.

AMENDMENTS:

MOVED Rivenbark SECONDED Williams

APPROVED X DENIED _____ UNANIMOUS

YEA VOTES: Tate___ Brown___ Blanchard___ Rivenbark___ Williams___

Jimmy T. Tate

Jimmy T. Tate, Chairman Date 2/16/09

Rick Burton

ATTEST Date 2/16/09

ATTACHMENT 2

Case # 10008R Board Action Form (June 23, 2014)

REQUEST FOR BOARD ACTION

ITEM NO. 6.

DATE OF MEETING: June 23, 2014

REQUESTED BY: Kyle M. Breuer, Director, Planning & Community Development

SHORT TITLE: Resolution to Approve a Special Use Permit for an Industrial Park.

BACKGROUND: Pender County, applicant and owner, is requesting approval of a Major Revision to a Special Use Permit that was originally approved in 2009 (Case Number 09-02-16-05) for the establishment of an Industrial Park. The request is to increase the overall acreage of the Pender Commerce Park from 378 acres to 685.64 acres to accommodate acquired tracts in 2010 for further industrial development. The property is currently zoned GI, General Industrial District and is located along the west and east sides of US HWY 421, just north of the Pender/New Hanover County line. There are seven (7) tracts associated with this request totaling 307.64 acres and may be identified as Pender County PIN(s) 2291-54-6707-0000; 2291-76-5826-0000; 2291-75-8677-0000; 2291-84-9960-0000; 3201-06-6415-0000; 2291-67-2665-0000; 2291-57-6257-0000.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of a Major Revision to Special Use Permit for an Industrial Park.

RESOLUTION

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

the Board hereby (approved, ~~modified~~, ~~denied~~) a Special Use Permit, as described herein. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED McCoy SECONDED Tate

APPROVED X DENIED _____ (UNANIMOUS)

YEA VOTES: Williams: _____ McCoy: _____ Brown: _____ Tate: _____ Ward: _____

J. David Williams, Jr., Chairman — 6/23/14 Date

Charlene B. Watson — 06/24/2014
ATTEST — Date

SITE PLAN

ATTACHMENT 3

Deed and Map from 2021 Sale

Doc No: 20089977
Recorded: 09/09/2021 12:40:20 PM
Fee Amt: $26.00 Page 1 of 2
Excise Tax: $0.00
Pender County North Carolina
Sharon Lear Willoughby, Register of Deeds
BK **4764** PG **1046 - 1047 (2)**

Excise Tax $ EXEMPT Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. Part of 3201-06-6415-0000
Verified by _____ County on the ____ day of _____, 2021___
by _____

Mail after recording to
This instrument was prepared by **Lawrence S. Boehling**

Brief Description for the index

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made **SEPTEMBER 1, 2021**, by and between

GRANTOR	GRANTEE
PENDER COUNTY, a North Carolina body politic **P.O. Box 5** **Burgaw, NC 28425**	**PHILLIP'S LEASING SYSTEMS, LLC** **327 Alexander Street** **Fayetteville, NC 28301**

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple all that certain parcel of land situated in **PENDER** County, North Carolina and more particularly described as follows:

Being all of that 15.068 acres, more or less, gross, as more particularly shown on that map entitled "Subdivision Plat, Part of Tract 4- MB 51 Pg 70, US 421 at the New Hanover/Pender County Line, Pender County Property" recorded in Map Book 68, Page 96 of the Pender County Registry.

ROUNTREE LOSEE LLP
WILMINGTON, NC

N.C. Bar Assoc. Form No. 3 © 1977
Printed by Agreement with the N.C. Bar Assoc.
#003

2

All or a portion of the property herein conveyed does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants wit the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other that the following exceptions hereafter stated.

Title to the property hereinabove described is hereby conveyed subject to all valid and subsisting restrictions, reservations, covenants, conditions, rights of way and easements properly of record, if any and current year ad valorem taxes.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Pender County, a body politic and political subdivision of the State of North Carolina

ATTEST:

Tera C Cline
Clerk to the Board of County Commissioners

By: George R. Brown (SEAL)
GEORGE R. BROWN, Chairman
Board of County Commissioners

PENDER COUNTY COMMISSIONERS NORTH CAROLINA

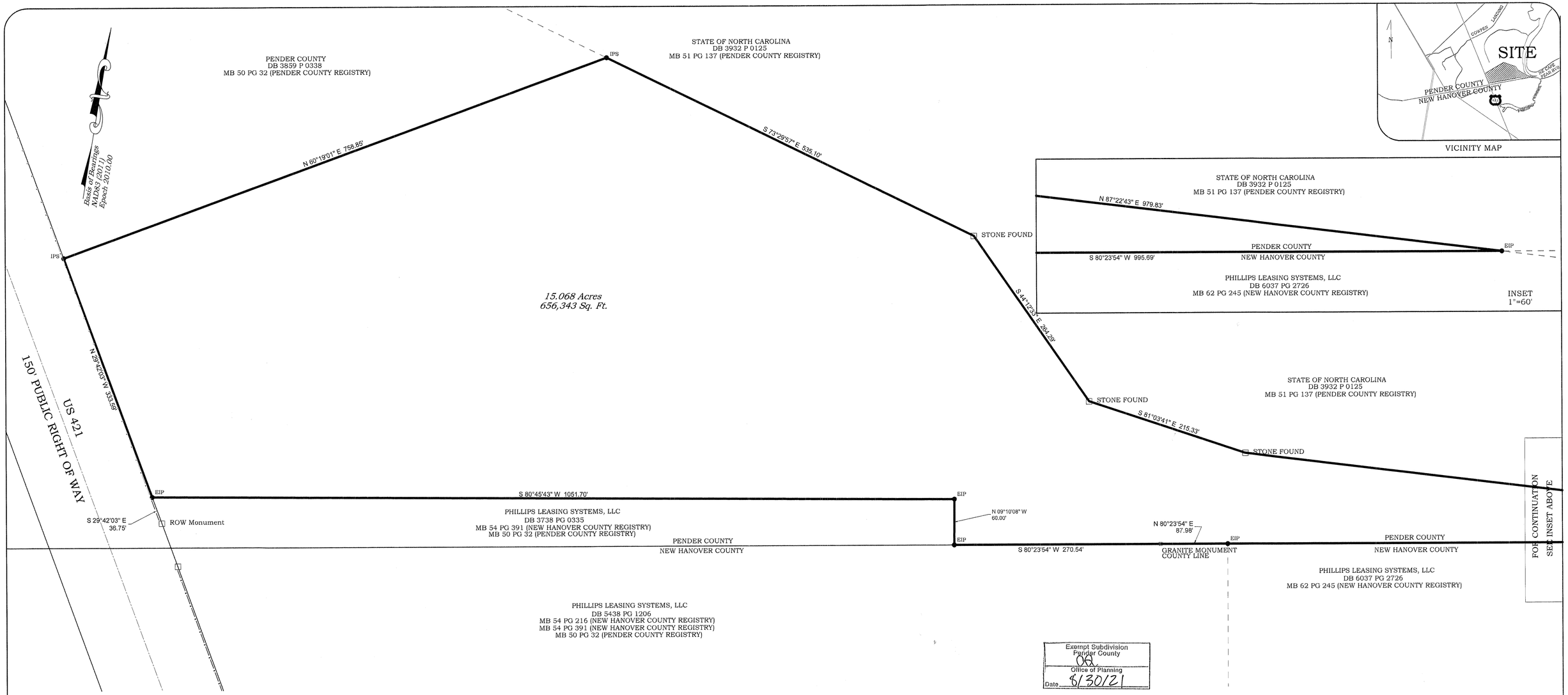
STATE OF NORTH CAROLINA, COUNTY OF PENDER
I, Cynthia R Fennell, the undersigned, a Notary Public of the County and State aforesaid, certify that Tera C. Cline, personally came before me this day and acknowledged that she is Clerk to the Board of County Commissioners of Pender County, a body political subdivision of the State of North Carolina, and that by authority duly given and as the act of the Board of Commissioners for Pender County, the foregoing instrument was signed in its name by its Chairman and attested by her as Clerk. Witness my hand and official stamp or seal, this 7th day of SEPTEMBER, 2021.

Cynthia R Fennell Notary Public

My Commission Expires: 11-20-2024.

CYNTHIA R. FENNELL
Notary Public, North Carolina
Pender County
My Commission Expires
November 20, 2024

N.C. Bar Assoc. Form No. 3 © 1977
Printed by Agreement with the N.C. Bar Assoc.
#003



VICINITY MAP

Exempt Subdivision
Pender County
Office of Planning
Date 8/30/21

CERTIFICATE OF ACCURACY AND MAPPING (NCGS 47-30)

I, DEAN D. EXLINE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (SEE RECORDED DOCUMENTS SHOWN HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 50, PAGE 32; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1: 10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 24TH DAY OF AUGUST, A.D., 2021.

PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER L-4375

NORTH CAROLINA PROFESSIONAL SEAL L-4375 LAND SURVEYOR DEAN D EXLINE
8/24/21

ADDITIONAL CERTIFICATION - EXEMPT (NCGS 47-30)

THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER L-4375

NORTH CAROLINA PROFESSIONAL SEAL L-4375 LAND SURVEYOR DEAN D EXLINE
8/24/21

CERTIFICATE OF OWNERSHIP, DEDICATION AND JURISDICTION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) OWN FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, CONSERVATION SPACE AND OTHER AREAS TO PUBLIC OR PRIVATE USE AS NOTED. ALL ROADS AND DRAINAGE EASEMENTS ARE DEDICATED FOR PUBLIC UTILITY PURPOSES. FURTHER, I (WE) CERTIFY THE LAND AS SHOWN HEREON IS LOCATED WITHIN THE SUBDIVISION JURISDICTION OF PENDER COUNTY.

SIGNATURE OF OWNER — DATE 8/30/21
S.P. McCorquodale by virtue of Pender County — SIGNATURE OF OWNER — DATE 8/30/21

PARCEL IDENTIFIER CERTIFICATE

STATE OF NORTH CAROLINA
COUNTY OF PENDER

Pt of 3201-06-6415-0000
PARCEL IDENTIFIERS HAVE BEEN ISSUED FOR ALL PARCELS SHOWN ON THIS PLAT.

Amy Everett
TAX ~~SUPERVISOR~~ — DATE 8/30/2021

REVIEW OFFICER'S CERTIFICATE

STATE OF NORTH CAROLINA
COUNTY OF PENDER

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

DATE 8/30/21 — REVIEW OFFICER Carlene Shaw

CERTIFICATE OF REGISTRATION BY REGISTER OF DEEDS

STATE OF NORTH CAROLINA
PENDER COUNTY

FILED FOR REGISTRATION ON THE _____ DAY OF _____ AT _____
(A.M. / P.M.) AND DULY RECORDED IN MAP BOOK _____, AT PAGE _____.

Doc No: 20089444
Recorded: 08/30/2021 10:39:39 AM
Fee Amt: $21.00 Page 1 of 1
Pender County North Carolina
Sharon Lear Willoughby, Register of Deeds
BK 68 PG 96 - 96 (1)

_____ ISTER OF DEEDS

NOTES:
1. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN US SURVEY FEET, UNLESS OTHERWISE NOTED.

2. THIS MAP WAS PREPARED WITHOUT THE BENEFIT OF A CERTIFIED TITLE REPORT AND THEREFORE THE PROPERTY SHOWN HEREON MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHT-OF-WAYS, EASEMENTS, RESTRICTIONS OF RECORD, OR OTHER ENCUMBRANCES NOT OBSERVED OR SHOWN HEREON.

3. NO DETERMINATION HAS BEEN MADE BY THE SURVEYOR AS TO THE FOLLOWING: FLOOD ZONES, WETLANDS, UNDERGROUND STORAGE FACILITIES, CEMETERIES, HAZARDOUS WASTE DEPOSITS OR MATERIALS, OR OTHER CONDITIONS.

4. THE CALCULATED PROPERTY LINES SHOWN HEREON WERE DRAWN FROM FIELD LOCATED BOUNDARY EVIDENCE AND/OR RECORDED DEEDS AND MAPS AS NOTED.

5. ANY LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP ARE APPROXIMATE BASED ON INFORMATION PROVIDED BY OTHERS AND/OR FIELD LOCATED EVIDENCE. ALL UTILITIES ARE SUBJECT TO FIELD VERIFICATION BY ANY USER OF THIS MAP.

0 30 60 120 240
SCALE: 1"=60'

SUBDIVISION PLAT
PART OF TRACT 4 - MB 51 PG 70
US 421 AT THE NEW HANOVER/PENDER COUNTY LINE
PENDER COUNTY PROPERTY
GRADY TOWNSHIP, PENDER COUNTY, NORTH CAROLINA

DATE: 08/25/21
SCALE: 1"=60'
DRAWN: CAD
CHECKED: SRP
APPROVED: DDE
PROJECT NO: 21083

NORTH CAROLINA PROFESSIONAL SEAL L-4375 LAND SURVEYOR DEAN D EXLINE
8/24/21

Geoinnovation, PC
402 Jewell Point
Wilmington, North Carolina 28411
910-799-0099
www.gissnc.com
NCBELS Firm C-2881

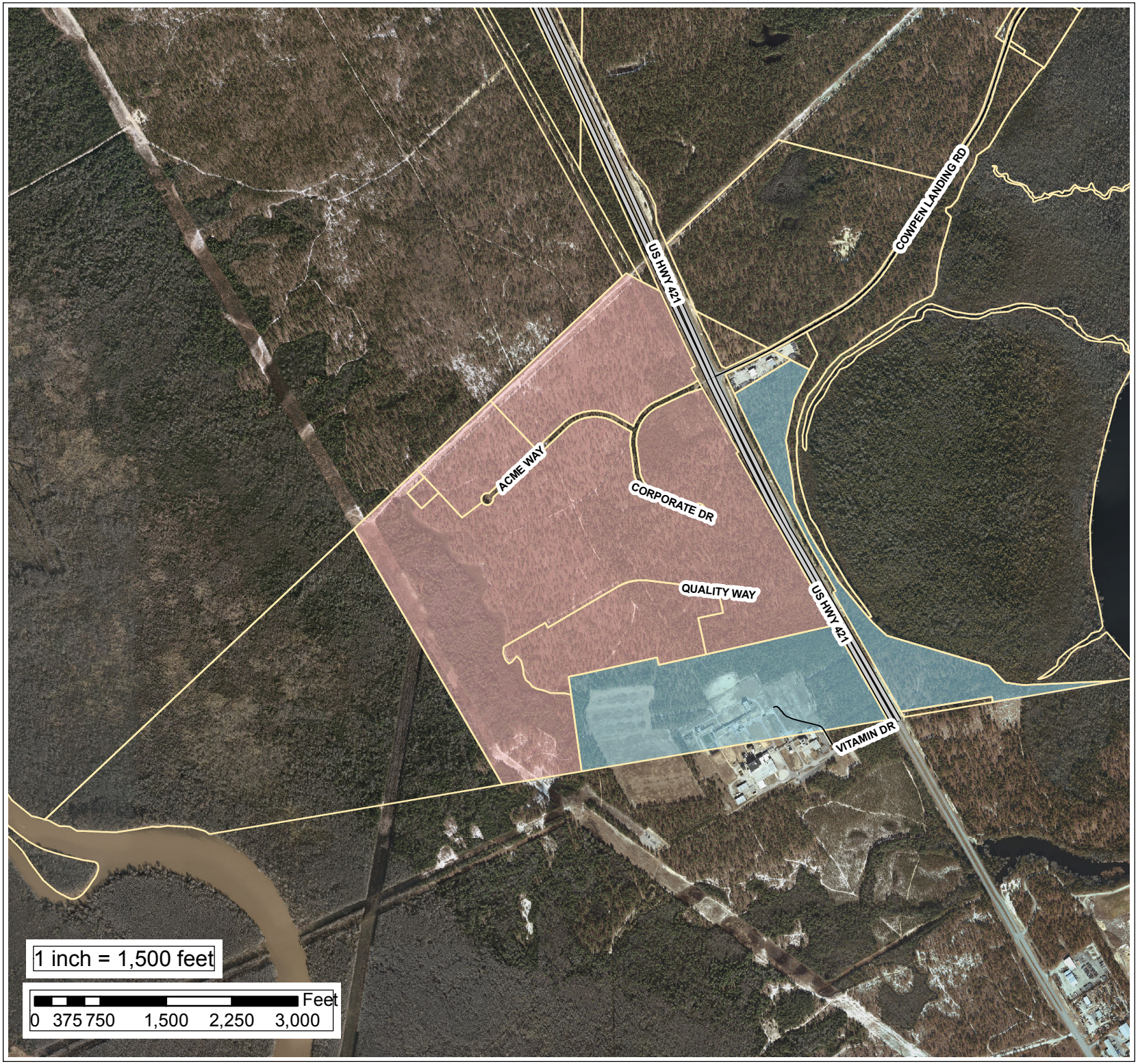
CLIENT
PHILLIPS LEASING SYSTEMS, LLC
327 ALEXANDER STREET
FAYETTEVILLE, NC 28301

SHEET NO: 1
OF: 1

BK 68 PG 96

ATTACHMENT 4

Maps of Industrial Park
from 2014 case file
(Case # 10008R)



Applicant and Owner:
Pender County

Special Use Permit:
10008

Existing SUP
Revised SUP Request

N

Aerial - 2012

Exhibit 2

PENDER COUNTY UTIILITIES
605 E. FREMONT ST.
BURGAW, NORTH CAROLINA 28425
TELEPHONE: (910) 251-1570

PENDER COMMERCE PARK SUP MODIFICATION PLAN
LOT LAYOUT - SHEET 1 OF 2

PENDER COUNTY

APRIL, 2014

ATTACHMENT 5

Article 3.12 SUP Review Procedures

as a matter of right, but only after review and approval of a Special Use Permit as hereinafter provided.

3.12.2 Application and Fees

A. Applications for Special Use Permits, signed by the applicant, shall be approved or denied by the Board of Commissioners and shall follow the general requirements of Section 3.1.1 and 3.1.2.

B. Each application shall contain the following as stipulated by the County Commissioners and Administrator:

1) Structures. Location of all structures within fifty (50) feet of the property; location and depth, if known, of any existing utility lines in the property or along any adjacent road.
2) Other Requirements. Location of property boundaries, location of any easements for utility lines or passage which cross or occupy any portion of the property for proposed lines;
3) For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements.
4) Name, address, tax map number, acreage, zoning, township and means of access to the site (road or recorded access easement);
5) Location and status of utilities: water, sewer, well, septic system, method of solid waste disposal, electrical service and natural gas if available;
6) Existing topography and all proposed changes. Include calculations to show total acreage of area to be graded or disturbed;
7) Existing and proposed streams, drainage ways, ponds, lagoons, wetlands, flood plains, berms, etc.
8) Existing and proposed structures and on-site improvements;
9) Existing and proposed fencing, vegetative screening and buffering;
10) Existing and proposed signs, lighting, landscaping, walks, parking and drives;
11) Detail any expected impact to the community, such as; traffic, noise, vibration, glare, odor, dust, etc. and the method being used to lessen these impacts.

3.12.3 Procedures for Reviewing Applications

A. The special uses, as specified in the various districts, may be established only after review and approval by the Board of Commissioners.

B. The Board of County Commissioners, acting in a quasi-judicial manner and setting, shall hear evidence from the applicant and any interested members of the public.

C. The Board of Commissioners shall hold a public hearing on the application for a Special Use Permit within sixty (60) days after the completed application is filed.

D. For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements.

E. All Special Use Permit applications must be presented to the Administrator for a determination of completeness.

F. An appeal from a completeness determination may be made to the Board of Adjustment within twenty (20) days of the determination.

G. The Board of Commissioners shall approve, modify, or deny the application for a Special Use Permit. In approving a Special Use Permit, the Board of Commissioners, with due

regard to the nature and state of all adjacent structures and uses in the district within same is located, shall make written findings that the following are fulfilled:

1) The use requested is listed among the special uses in the district for which application is made, or is similar in character to those listed in that district;
2) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property;
3) The proposed use shall not constitute a nuisance or hazard;
4) The requested use will be in conformity with the Pender County Land Use Plan and other official plans, or policies adopted by the Board of County Commissioners;
5) Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;
6) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public roads;
7) That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located; and
8) The proposed use shall not adversely affect surrounding uses and shall be placed on a lot of sufficient size to satisfy the space requirements of said use.

3.12.4 General Provisions Concerning Special Use Permits

A. Compliance With Other Codes - Granting of a Special Use Permit does not exempt the applicant from complying with all of the requirements of building codes and other Ordinances.

B. Revocation - In any case where the Special Use Permit or the conditions of a Special Use Permit have not been or are not being complied with, the Administrator may initiate a notice of violation for the provisions of this Ordinance and the conditions of the Special Use Permit not in compliance or the Administrator, may initiate notice of a public hearing to consider revocation of the permit by the Board of Commissioners or both actions may be initiated. Procedures for notice of such hearing shall be the same as procedures for consideration of an initial application for a Special Use Permit and the permittee shall be notified. After a public hearing has been held, the Board of Commissioners may revoke the Special Use Permit upon finding any of the following:

1) That the approval was obtained by fraud.
2) That the use for which such approval was granted is not being executed.
3) That the use for which such approval was granted has ceased to exist or has been suspended for one year.
4) That the permit granted is being, or recently has been exercised contrary to the terms or conditions of such approval.
5) That the permit granted is in violation of an Ordinance or Statute.
6) That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

C. Expiration - Unless a request for additional time is granted or approved otherwise as a condition of the permit, a Special Use Permit shall expire and become void if final Zoning Approval has not been issued for the project within 24 months after the Notice of Approval of the Special Use Permit has been served on the applicant. The Administrator

may provide one extension of the expiration date by no more than 6 months, for complex projects requiring major state or federal permits, upon receipt of a written request for such extension by the applicant detailing the reasons for delay in completion of the requirements for the Zoning Approval.

D. Duration of Special Use - Any conditions imposed on a special use authorized and exercised shall be perpetually binding upon the property unless expressly limited by the Special Use Permit or subsequently changed or amended by the Board of Commissioners after application to the Board of Commissioners and a public hearing.

E. Conditions and Guarantees - Prior to the granting of any special use, the Board of Commissioners may stipulate such conditions and restrictions upon the establishment, location, or construction, maintenance, and operation of the special use as it deems necessary for the protection of the public and to secure compliance with the standards and requirements specified in this Ordinance. In all cases in which special uses are granted, the Board of Commissioners shall require such evidence and guarantees as it may deem necessary to assure that conditions stipulated in connection therewith are being and will be complied with.

   A. Such conditions may include a time limitation.
   B. Conditions may be imposed which require that one or more things be done before the use requested can be initiated. For example, "that a solid board fence be erected around the site to a height of six (6) feet before the use requested is initiated".
   C. Conditions of a continuing nature may be imposed. For example, "exterior loudspeakers shall not be used between the hours of 10:00 p.m. and 9:00 a.m."

F. Filing of Special Use - The Administrator shall file the approved or disapproved application forms with the decision of the Board of Commissioners.

G. Appeals from the Board of Commissioners - Appeals to the Superior Court may be taken by any person, firm, or corporation aggrieved, or by any officer, department, board of the county affected by any decision of the Board of Commissioners, provided such appeals shall be taken within thirty (30) days after the decision of the Board of Commissioners is filed in the office of the Administrator, or after a written copy thereof is delivered to the applicant, whichever is later. The decision of the Board of Commissioners shall be delivered to the applicant by certified mail, return receipt requested.

H. Revisions - Major revisions to a Special Use Permit must be submitted to the Board of Commissioners. All legal notice and application fee requirements must be met for major revisions. Revisions that are considered minor revisions to an approved Special Use Permit may be reviewed and approved by the Administrator after basic submission requirements have been completed. All revisions approved by the Administrator must meet the original conditions of the permit as approved by the County Commissioners and current provisions of the Zoning Ordinance. The addition of an accessory structure less than 1000 sq. ft., addition of parking or other ancillary facilities or uses or the addition of similar product lines are examples of revisions that may be considered minor revisions.

3.13 ESTABLISHMENT OF VESTED RIGHT

3.13.1. Site-Specific Vesting Plans