Pender County

Agenda

Board of County Commissioners Meeting
Tuesday, January 18, 2022 @ 4:00 PM
Hampstead Annex Auditorium
15060 US Hwy 17, Hampstead, NC

			Presenter	Page
1.	CALL TO ORDER			
2.	INVOCATION			
3.	PLEDGE OF ALLEGIANCE			
4.	ADOPTION OF AGENDA			
5.	PUBLIC INFORMATION			
	5.1.	CSBG Grant CSBG Grant Application for the FY 2022-2023 - Pdf	Stewart	3 - 13
6.	PUBLIC COMMENT			
7.	CONSENT AGENDA			
	7.1.	Hampstead United Methodist Church Usage Agreement Renewal Usage Agreement - Pdf	White	15 - 21
	7.2.	Approval of the Board of Commissioner Meeting Minutes January 3, 2022 BOCC Meeting Minutes January 3, 2022 - Pdf	Cline	23 - 30
	7.3.	Sheriff's Office Lease Agreement Lease - Pdf	Cutler	31
8.	APPROVALS AND RESOLUTIONS			
9.	DISCUSSION			
	9.1.	Board of County Commissioners Retreat		
10.	APPOINTMENTS			
	10.1.	Approval of Reappointment to the Pender County Library Board Carter Application - Pdf	Cline	33 - 35
11.	MAPLE HILL WATER AND SEWER DISTRICT			
12.	ROCKY POINT WATER AND SEWER DISTRICT			
13.	SCOTTS HILL WATER AND SEWER DISTRICT			
14.	MOORES CREEK WATER AND SEWER DISTRICT			
15.	CENTRAL PENDER WATER AND SEWER DISTRICT			
16.	PENDER COUNTY BOARD OF HEALTH			
17.	SOCIAL SERVICES BOARD			

18. ITEMS FROM THE COUNTY ATTORNEY, COUNTY MANAGER, ASSISTANT COUNTY MANAGERS, & COUNTY COMMISSIONERS

19. CLOSED SESSION (IF APPLICABLE).

20. 7PM PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP AMENDMENTS/ RESOLUTIONS

20.1.	REZONE 2020-16 (Falls Mist Gardens) REZONE 2021-16 Falls Mist - Pdf	Henley	37 - 79
20.2.	SUP 2021-22 (Family Dollar - Currie) SUP 2021-22 Family Dollar - Currie - Pdf	Feldman	81 - 108

21. ADJOURNMENT

Pender County

TO:	Board of County Commissioners
FROM:	Bethany Bolton
DATE:	January 18, 2022
SUBJECT:	CSBG Grant

Southeastern Community Action Partnership

Community Services Block Grant Program
Fiscal Year 2022-23 Application for Funding
One-Year Work Program
OEO Form 212

Section I: Project Identification				
1. Project Name:	Family Empowerment Self-Sufficiency (FESS)			
2. Mission Statement:	To improve and empower the lives of the people we serve.			
4. Objective Statement:	To assist 30 families, obtain self-sufficiency with income above the federal poverty guidelines by June 30, 2023			
5. Project Period:	July 1, 2022-June 30, 2023			
6. CSBG Funds Requested for this Project:	July 1, 2022	To	June 30, 2023	**$1,598,395**
7. Total Number Expected to Be Served:	325			
a. Expected Number of New Clients	196			
b. Expected Number of Carryover Clients	104			

One-Year Work Program
OEO Form 212 (continued)

Section II: One-Year CSBG Program Objective and Activities				
Identified Problem	Service or Activity	Outcome Expected	NPIs (List all NPIs applicable to activity)	Position Title(s)
Five(5) of the seven(7) counites we serve has a poverty rate higher than the north Carolina State Average .Poverty continues to keep the fiercest grip on our communities and a growing number of people in our service area are living in neighborhoods of concentrated poverty which restricts access to jobs, education and other networks that can improve their financial standing.	To provide comprehensive services in fiscal year 2022-2023 to 325 low-income families designed to enable them to achieve self-sufficiency and informed of available resources in the community.	325 Families enrolled in the FESS program by June 30, 2023	4.1	Program Director CSBG Supervisor Case Manager II ROMA Compliance Officer (RCO) Case Managers Administrative Assistant
	To provide effective and efficient delivery of services by the following: Utilize NC Care 360 in service areas available • Collect and share data on current sources with staff for use with clients. Provide regular training (individual and group). • Prepare and issue PSAs announcing services. • Notify local service agencies to make referrals.	325families enrolled in the FESS program by June 30, 2023	4.1	Program Director CSBG Supervisor Case Manager II ROMA Compliance Officer (RCO) Case Managers Administrative Assistant
	• Participate in Community Service Block Grant (CSBG) advisory			

	committee meetings to inform other agencies of services and remain abreast of other community services available to clients. • Distribute brochures to clients, faith-based organizations, human service organizations, businesses, and community at large			
Low wealth individuals face restrictions on information, resources, and networks that are available that can improve their financial standing.	To provide case management services to low wealth individuals to enable them to achieve self-sufficiency. Utilize NC Care 360 in participating counties s • Recruit eligible applicants • Assess each client • Prepare development plan. • Make referrals and advocate for needs • Follow up on referrals • Coordinate services • Re-assess needs on quarterly basis • Follow up on progress • Coach and mentor clients offer informal life skills and problem-solving skills. • Provide training • Facilitate group support • Maintain accurate records	To provide comprehensive case management services to 325 families by June 30, 2023	4.1	Program Director CSBG Supervisor Case Manager II/RCO Case Managers Administrative Assistant Office Assistant
Primary barrier to individuals and families attaining self-sufficiency is the lack of jobs with a livable wage, job stability, and a need for job training.	To provide employment training and opportunities for low wealth participants to achieve self-sufficiency and assist with 70 families in securing employment	65 participant families will obtain employment and 30 will obtain better employment by June 30, 2023	1.1 1.1 A 1.1 B	CSBG Supervisor Case Manager II/RCO Case Managers Administrative Assistant Office Assistant
	To provide direct educational support to 20 participants by assisting with tuition, books, childcare, transportation,	26 participants will receive educational supports by June 30, 2023	1.2 (A-G	CSBG Supervisor Case Manager II/RCO Case Managers Administrative Assistant

	uniforms, and supplies			
Low incomes lead to substandard or unaffordable housing. Hurricanes Matthew and Florence's impact damaged or destroyed low-income housing/apartments. The lack of affordable housing has hindered relocation efforts for many. Affordable housing or better housing is needed	To assist 20 families in accessing standard, affordable housing through home ownership, home improvement, rental housing, and retirement/nursing homes, Veteran Affairs, private sector owners and builders, Habitat for Humanity, faith-based organizations, tribal grants, Section 8, and others. Utilize NC Care 360 in service area that are utilizing database	30 participant families will secure stand housing by June 30, 2022	1.2 H 3.2 C 6.4E	CSBG Supervisor Case Manager II/RCO Case Managers Administrative Assistant
Lower incomes impact all facets of life that creates a vicious circle for many families which creates a greater need for financial resources. Lower incomes impact all facets of life that creates a vicious circle for many families which creates a greater need for financial resources. (Unemployment, underemployment, medical bills due to lack of insurance, and lack of medical care or preventive medical contributes to poor nutrition	To provide financial literacy workshops to support self-sufficiency. Training topics may include budgeting effectively, managing resources, couponing, managing a checking and savings account, etc. (Note: The number represents one workshop per county per quarter).	28 financial workshops will be conducted for family participants by June 30, 2023	1.3 (D-G)	CSBG Supervisor Case Manager II/RCO Case Managers Administrative Assistant
	To assist 325 families in analyzing finance and prepare a budget using the Accountable Results for Community Action program (AR4CA) budget form	325 families will have a budget completed by	1.3	CSBG Supervisor Case Manager II/RCO Case Managers
	the Accountable Results for Community Action program (AR4CA) budget form			CSBG Supervisor Case Manager II/RCO Case Managers

Lack of health insurance has been shown to be associated with problems obtaining health care, and the unemployed are less likely to have health insurance than their employed counterparts. With no health insurance, individuals more likely delay or not receive needed prescriptions, eye exams, preventive medical visits, dental exams, etc. and eat poorly. Health (Mental and Physical), Wellness and Nutrition are needed.	To provide wellness and nutritional supportive services to 100 low wealth participants to enable them to achieve self-sufficiency and to strengthen families to include health care, medical care, eye exam, glasses, dental care, mental health, and supplemental food. Link client's healthcare.gov for affordable insurance	100 family participants will receive health, wellness, and/or nutritional services by June 30, 2022	1.2 G 6.3 6.4 D	CSBG Supervisor Case Manager II/RCO Case Managers Administrative Assistant
	To assist customers in accessing life skills classes to reduce stress such as conflict resolution, parenting and community relations through entities such as county cooperative extension offices and through in-house training.	20 family participants will receive life skill classes by June 30, 2022	4.1	CSBG Supervisor Case Manager II/RCO Case Managers Administrative Assistant
	To assist customers in accessing nutrition programs such as Women Infants & Children, Food stamps, US Department of Agriculture Commodities, and school breakfast/lunch programs, and others	100 family participants will receive nutritional support and/or referrals by June 30, 2022	1.2 I 4.1 6.2 6.4 F	CSBG Supervisor Case Manager II/RCO Case Managers Administrative Assistant
In rural communities, public transportation is very limited. According to the case study "Resolving the Transportation Problem in a Rural Community", individuals with limited income struggles with acquiring reliable	To provide transportation assistance for employment support, education/training support, and medical support such as gas, bus tickets if available, and small car repairs	To provide transportation assistance for employment support, education/training support, and medical support such as gas, bus tickets if available,	1.2F	CSBG Supervisor Case Manager II/RCO Case Managers Administrative Assistant

transportation to and from work as well as to medical appointments and to school to continue their education. Transportation accessibility or better transportation		and small car repairs		
As stated in the brief by the NC Department of Justice, research shows elevated levels of crime, higher stress level, and more emotional problems. The communities also face problems with high child-abuse and neglect rates, drug abuse, and adolescent and teen pregnancies. Community Awareness on Prevention of Crime/Violence, Alcohol/Substance/Drug Abuse, available resources in the community for our youth ages 13-18 and Teenage Pregnancy is needed.	To provide 12 community awareness workshops/seminars/town hall meetings for family participants and the community at large on the prevention of crime/violence, child abuse, teenage	12 community awareness workshops/seminars will be conducted by June 30, 2023	2.3 3.2	CSBG Director CSBG Supervisor Case Manager II/RCO Case Managers Administrative Assistant
As stated in the brief by the NC Department of Justice, research shows elevated levels of crime, higher stress level, and more emotional problems. The communities also face problems with high child-abuse and neglect rates, drug abuse, and adolescent and teen pregnancies. Community Awareness on Prevention of Crime/Violence, Alcohol/Substance/Drug	pregnancy, opioid crisis (Alcohol/Substance/Drug Abuse), and other topics as important to the specific community or county			

Abuse, available resources in the community for our youth ages 13-18 and Teenage Pregnancy is needed.				
	To provide 7 youth pop up events in Bladen, Columbus, Robeson and Scotland counties on leadership, teenage pregnancy, nutrition and wellness, education, employment, financial management, crime prevention, social and cyber bulling, and social etiquette	700family participants will complete the Youth pop up events	6.3	CSBG Director CSBG Supervisor Case Manager II/RCO Case Managers Administrative Assistant Office Assistant

Community Services Block Grant [CSBG]
Documentation of Submission to County Commissioners

Background: The North Carolina Administrative Code [10A NCAC 97C.0111(b)(1)(A)] requires that each CSBG grant recipient submit its Community Anti-Poverty Plan [grant application] to each County Commissioner Board that it serves.

Instructions: This form is to be completed and notarized by the Clerk to the Board.

Agency Name: Southeastern Community Action Partnership

County: Pender

Date of Application Submission: January 6, 2022

Clerk to the Board should initial all items below.

The agency submitted a complete grant application for Commissioner review.

The Clerk to the Board will be responsible for assuring that the application is distributed to the Commissioners.

Commissioners' comments provided those to the agency. (If applicable)

_____ _____
Clerk to the Board Date

_____ _____
Notary Date

Our FESS program serves seven counties, Bladen, Brunswick, Columbus, Hoke, Pender, Robeson, and Scotland, and is managed through our Community Services Block Grant (CSBG) Neighborhood Service locations:

Brunswick NSC
143 Holden Beach Road., Suite 5
Shallotte, NC 28459
910-754-9441

Elizabethtown NSC
106 West Broad St.
Elizabethtown, NC 28337
910-862-679

Hoke NSC
366 Thomas Drive
Raeford, NC 28376
910-875-5536

Lumberton NSC
405 N. Elm St.
Lumberton, NC 28358
910-277-3500

Pender NSC
112 South Dickerson St.
Burgaw, NC 28425
910-259-3274

Robeson NSC
4721 Fayetteville Road, Suite B
Lumberton, NC 28358
910-843-5092

Scotland NSC
The Oaks Professional Building
915 S. Main Street, Unit I
Laurinburg, NC 28352
910-277-3535

Whiteville NSC
425 S. Lee St.
Whiteville, NC 28472
910-642-6083

Southeastern Community Action Partnership

Helping People Help Themselves Since 1964

CONTACT US

MAIN OFFICE | LUMBERTON
405 N. Elm St.
Lumberton, NC 28358
Phone | 910-277-3500
Fax | 910-291-1638
Monday - Friday | 8:30 am - 5:00 pm
scapnc.org

FAMILY EMPOWERMENT SELF-SUFFICIENCY (FESS)

Southeastern Community Action Partnership

Our goal is to help you achieve your goals.

FAMILY EMPOWERMENT SELF-SUFFICIENCY (FESS)

Southeastern Community Action Partnership (SCAP) believes that when a family moves above poverty, they are empowered and can give back to the community.

The Family Empowerment Self-Sufficiency (FESS) project provides assistance to support you and your family.

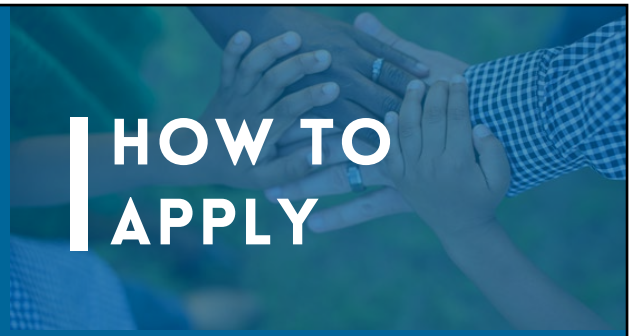
The Family Empowerment Self-Sufficiency (FESS) project is funded through the North Carolina Department of Health and Human Services (NCDHHS) and operated through our Community Services Block Grant. Our mission is to help individuals and families reach their goals for a better future.

Our team works with individuals and families to determine their strengths, identify their needs, and put together a plan of action.

Participants in our FESS program have completed one or more of the following goals for themselves or their families:

- MOVED FROM POVERTY TO SELF-SUPPORT
- EARNED A JOB WITH MEDICAL AND OTHER BENEFITS
- COMPLETED THEIR EDUCATIONAL GOALS OR JOB TRAINING
- PURCHASED A HOME

The FESS project does not pay utilities, rent, or personal bills but we support our families and link them to other services if needed. Our Case Managers help you apply for other benefits and will make referrals as needed.



HOW TO APPLY

ENROLLMENT IN THE FESS PROGRAM IS EASY AS 1, 2, 3.

1. **Submit an application to our program. Applications can be found online at scapnc.org/fess**
2. **Complete a 90-day income review and connect with our Case Manager**
3. **Sign your participant agreement and set your program goals.**

To qualify for the FESS program at SCAP, the family's yearly income must be below the poverty income guidelines set forth by the NCDHHS.

Individuals who apply must go through a 90-day household income review. Additionally, individuals enrolled in our program must be willing and able to work closely with an assigned case manager to determine their goals and create a plan of action.

The FESS program exists to help remove the barriers to achieving your goals. Let us help you and your family!

Pender County
Request for Board Action

TO:	Board of County Commissioners
FROM:	Zack White
DATE:	January 18, 2022
SUBJECT:	Hampstead United Methodist Church Usage Agreement Renewal

SUMMARY:
Our current facility usage agreement with Hampstead United Methodist church expires on 1/31/22. We have discussed with the Hampstead United Methodist church trustees the desire to extend this agreement to provide our user groups additional athletic field space and make the agreement a two year agreement. Attached you will find the facility usage agreement that reflects the two year extension of the agreement.

ACTION REQUESTED:
Approve facility usage agreement

PENDER COUNTY PARKS & RECREATION DEPARTMENT

FACILITY USAGE AGREEMENT

AN AGREEMENT, HEREIN THE AGREEMENT, BETWEEN

HAMPSTEAD UNITED METHODIST CHURCH, North Carolina, HEREIN THE "CHURCH", AND

PENDER COUNTY, North Carolina, HEREIN THE "COUNTY",

CONDUCTING A PUBLIC RECREATIONAL ATHLETIC PROGRAM AT **HAMPSTEAD UNITED METHODIST CHURCH ATHLETIC FIELDS**.

The County and the Church agree as follows:

1. **DUTIES OF HAMPSTEAD UNITED METHODIST CHURCH:**

The Church agrees to:

A. Allows Pender County Parks and Recreation to manage the athletic fields for recreational athletics.

B. Provide the following maintenance for athletic fields, and surrounding facilities and grounds to include:

1. Major irrigation systems and drainage systems.
2. Maintenance of Church owned facilities, including plumbing, electrical, mechanical and structural repairs.
3. All surrounding areas, including parking areas and roads, grounds and playgrounds.
4. Cover all electrical cost associated with the irrigation system.

C. Inform Pender County of any plans by the church to materially improve, renovate or alter the facility. The Church will attempt to do these items during the off season and/or during closed times as listed below.

D. Provide Pender County Parks and Recreation with the names, telephone numbers and email address of three (3) persons who can be contacted by the County when needed for routine as well as emergency contact.

E. Notify County as soon as possible of an event or other situation that may impact the athletic fields, such as Church event requiring significant parking space at same time athletic field in use. Solutions to be discussed.

2. DUTIES OF THE COUNTY:

The County, in consideration of the above, agrees to the following during the designated periods of the priority use by the Sponsor:

A. Provide full organization, administration and supervision of the recreational athletic programs at the Hampstead United Methodist athletic fields. Provide the church with a link to the complete schedule of all activities, including evaluations, practices, games, tournaments and special events.

B. Make the program available to the general public, ensuring general access to the public without regard to age race, color, religion, national origin, sex, disability or socio-economic standing.

C. Provide Hampstead United Methodist Church with the names, telephone numbers and email address of three (3) persons who can be contacted by the Church when needed for routine as well as emergency contact.

D. Provide the necessary equipment for the program. Such equipment would typically include bats, balls, catching equipment, nets, pitching machine, field marking machine and field marking materials, etc.

E. Provide practice and game maintenance on the fields to include lining, marking and general field preparation.

F. Conduct routine inspections of the facility for the purposes of maintenance and safety and report to the Church regularly.

G. Perform all athletic field annual maintenance (i.e. re-seeding, cutting grass, aeration, fertilization, etc.).

****Note: Fields will be closed to County organized practices and games for the month of July and from the Monday following Thanksgiving until the first Monday following February 15th.**

H. Abide by any and all County ordinances, all applicable State laws, and any and all policies of Hampstead United Methodist Church, to include but not limited to, enforcement of the ban on smoking within County buildings and parks except in the parking lots, no pets are allowed in the parks except for service animals, and rules regarding concealed handguns on County property. Rules attached.

I. To not knowingly allow any person to conduct any activity which is illegal.

J. Not erect or install any locks, signs, poles, tents, or any structure without prior written approval of the Church. Banners must be removed after the season is completed. Banners and methods of installation / display require church approval and be consistent with Church law and Christian ethics.

K. Ensure all litter from field areas, benches and surrounding grounds are picked up and properly placed in trash receptacles daily.

L. Provide a Facility Attendant on-site to provide all functions for safe and normal operation of the Church facilities per Job description during scheduled activities or other County use of the facilities. Job description attached.

M. The County is responsible for providing all necessary and appropriate safety instructions to all participants and attendees at County activities.

N. Provide and maintain adequate port a john equipment for the athletic field activities.

O. Provide trash cans on site for athletic field activities.

P. Provide church leadership a monthly report of the usage, activities and maintenance issues.

Q. If any event is "for profit" such as County or State Tournaments, the Church will receive 10% of Gross profits as a reimbursement for utilities associated with the athletic fields.

3. INDEMNIFICATION AND INSURANCE:

A. The County agrees to indemnify, defend and save harmless the Church, its agents, officers and employees from and against any and all liability and expense, including attorney's fees and claims for damages including but not limited to, bodily injury, death, personal injury, or property damages arising from or in connection with the User Group's operations or properly scheduled activities carried on under this Agreement. The County's duty to indemnify Church shall survive the expiration or other termination of this Agreement.

B. The County shall, at its own cost and expense, maintain comprehensive general liability and accident insurance coverage for all participants (to include spectators) from any and all teams utilizing Hampstead United Methodist Church facilities hereunder for the Rental Period. Such insurance shall be issued from a responsible insurance company satisfactory to the Church, with limits of not less than $1,000,000 per occurrence and $1,000,000 in the General Aggregate. If the Rental includes more than 300 participants or guests, the liability insurance requirement increases to limits of not less than $2,000,000 per occurrence and $2,000,000 in the General Aggregate. This comprehensive general liability policy shall name the Church and its officers, employees, agents, and owners as an additional insured

C. The County shall furnish the Church with a Certificate of Insurance certifying said coverage **BEFORE** occupancy and use of premises. The certificate shall also reflect a 30-day advance written cancellation notice to be provided to Hampstead United Methodist Church. Failure to provide this certificate of insurance shall not excuse the County from its obligations of this insurance section.

D. All recreation partners of the County will also provide the church with a Certificate of Insurance naming them as additional insured. This will be administered by the County.

4. METHOD OF PAYMENT:

A. For youth recreational athletic programs, this Agreement creates an exchange of the identified services performed by the County for the priority reservation and use of the facility listed herein for the term specified, in lieu of direct payment for facility use.

5. TERM:

B. The Term of the Agreement shall begin on 2/1/2022 and will conclude on 1/31/2024.

C. This Agreement may be renewed every two years pending any additional negotiations desired by either party.

D. Either party may terminate this Agreement with written notice of thirty (30) days after discussion of issues that do not result in a solution(s).

6. DEFAULT:

E. Should it be determined that the County has willfully violated the terms of this Agreement, the Church has the right to effect immediate termination of this Agreement, and to refuse any future use of the facility by the County.

F. Should such action be taken, the County has the right to appeal this decision to the Hampstead United Methodist Church Trustees.

County:

Contact Name 1 *Zachary White*

Contact Phone Number *910-663-3771 Office 910-734-3648 Cell*

Title *Parks and Recreation Supervisor*

Contact Name 2 *Dee Turner*

Contact Phone Number *910-663-3769 Office 910-471-2250 Cell*

Title *Parks and Recreation Supervisor*

Contact Name 3 *Doug Shipley*

Contact Phone Number *910-259-1330 Office*

Title *Assistant County Manager*

County Manager_____ Date_____

Attest_____ Date_____

CHURCH:

Contact Name 1 _____

Contact Phone Number _____

Title _____

Contact Name 2 _____

Contact Phone Number _____

Title _____

Contact Name 3_____

Contact Phone Number _____

Title _____

Trustees Chairman_____ Date_____

Attest_____ Date_____

Addendum One

March 15th, 2021

- Fields would be listed as a private facility except for scheduling purposes.
- All “organized” athletic activity would be scheduled via RecDesk web site.
- Sunday Athletic activity would be blocked until after 12:30.
- The Church would be given priority for scheduling events assuming reasonable notice provided for events such as the Fall festival, followed by Pender County, Pender County Recreation Partners and Pender County Schools.
- The County will erect signage for rules and regulations as well as emergency contact info.
- No storage of ancillary equipment (aka PODs) will be permitted.
- Organized, scheduled activity will start the Monday after February 15th each year.
- The Church reserves the right to discuss issues and jointly develop solutions.
- At the end of each season, a formal critique/feedback session will be conducted between the County and the Church.
- 10% of gross profit collected by the County from “for profit” events such as County or State Tournaments must be used to reimburse the church for utilities associated with the athletic fields.

Pender County
Approval of the Board of Commissioner Meeting Minutes January 3, 2022

TO:	Board of County Commissioners
FROM:	Tera Cline
DATE:	January 18, 2022
SUBJECT:	Approval of the Board of Commissioner Meeting Minutes January 3, 2022

SUMMARY:
Board of Commissioner Meeting Minutes January 3, 2022

ACTION REQUESTED:
Approval of the Board of Commissioner Meeting Minutes January 3, 2022

MINUTES
Board of County Commissioners Meeting
Monday, January 3, 2022 4:00 PM
Pender County Public Assembly Room

MEMBERS PRESENT: David Williams
George Brown
Jacqueline A. Newton
Fred McCoy

MEMBERS ABSENT: David Piepmeyer

OTHERS PRESENT: Chad McEwen, County Manager
Trey Thurman, County Attorney
Tera Cline,Clerk to the Board
Allen Vann, Assistant County Manager
Other Staff and Members of the Press and Public.

1 CALL TO ORDER

Vice Chairman David Williams called the meeting to order at 4:00 PM. Vice Chairman opened the floor for a motion to excuse Chairman Piepmeyer from the meeting. Commissioner McCoy made the motion to excuse Chairman Piepmeyer from the meeting and Commissioner Brown seconded it.

2 INVOCATION

Commissioner George Brown presented the invocation.

3 PLEDGE OF ALLEGIANCE

Commissioner Newton led the Pledge of Allegiance.

4 ADOPTION OF AGENDA

Moved by George Brown, seconded by Jacqueline A. Newton

Agenda Adopted less Item 7.2 and 10.1

	For	Against	Abstained	Absent
David Piepmeyer				x
David Williams	x			
George Brown	x			

Jacqueline A. Newton	x			
Fred McCoy	x			
	4	0	0	1

CARRIED.

5 PUBLIC INFORMATION

6 PUBLIC COMMENT

7 CONSENT AGENDA

7.1 Approval of a Budget Amendment for funds in Donation-Sheriff's Office (510-335040) in the amount of $8,000.

7.2 Approval of Budget Amendment for North Carolina Department of Public Safety in the amount of $45,000.00.

Item removed from agenda.

7.3 Approval of Purchase Order to Fairway Ford for the purchase of 2022 Ford F150 truck for Investigations/CSI in the amount of $50,755.35.

7.4 Consideration of Six Month Extension to Hurricane Matthew and Hurricane Florence Disaster Recovery Act Grant Agreements

7.5 Approval of a Budget Amendment to Increase the Department of Social Services Revenues and Expenditures for Fiscal Year 2021-2022: Low Income Energy Assistance: $45,917

7.6 Approval of a Budget Amendment to Increase the Department of Social Services Revenues and Expenditures for Fiscal Year 2020-2021: Low Income Household Water Assistance Program: $83,993

7.7 Approval of the Board of Commissioner Meeting Minutes December 6, 2021

7.8 Approval of Expanding Purchase Order to T&H Construction for Water & Sewer Emergency Repairs: $40,000.

7.9 Approval of Expanding Purchase Order to Sadale Utilities for Minor Water Repairs: $40,000.

7.10 Approval of Purchase Order to MCCi for Laserfiche Document Management System Annual Renewal in the amount of $42,142.50.

7.11 Approval of Tax Releases and Refunds

Moved by Jacqueline A. Newton, seconded by Fred McCoy

Motion to approve consent agenda less item 7.2.

	For	Against	Abstained	Absent
David Piepmeyer				x
David Williams	x			
George Brown	x			
Jacqueline A. Newton	x			
Fred McCoy	x			
	4	0	0	1

CARRIED.

8 APPROVALS AND RESOLUTIONS

8.1 Recommendation to award Sound Decisions of Wilmington the contract and issue a purchase order to Sound Decisions for an agreement in the amount of $120,242.98 for FY22.

Tommy Batson, EM Director, presented the contract and agreement for Sound Decisions. Mr. Batson stated that out of the three bids Sounds Decisions was the lowest cost and best production.

Moved by Jacqueline A. Newton, seconded by Fred McCoy

Motion to approve

	For	Against	Abstained	Absent
David Piepmeyer				x
David Williams	x			
George Brown	x			
Jacqueline A. Newton	x			
Fred McCoy	x			
	4	0	0	1

CARRIED.

8.2 Approval of a Budget Amendment to Approve Decrease in the Department of Social Services Revenues and Expenditures for Fiscal Year 2021-2022: $36,588 for the Crisis Intervention Program.

Wes Stewart, DSS Director, explained to the board where the decrease originated from. The Crisis Intervention Program (CIP) is a Federally funded program that assists individuals and families who are experiencing a heating or cooling related crisis. Due to the allocation of

funds being lower than the Budget Estimates, our revenue line and expenditure line will need to decrease by $36,588.

Moved by George Brown, seconded by Fred McCoy

Motion to approve

	For	Against	Abstained	Absent
David Piepmeyer				x
David Williams	x			
George Brown	x			
Jacqueline A. Newton	x			
Fred McCoy	x			
	4	0	0	1

CARRIED.

8.3 Approval of Budget Ordinance Amendment and Purchase Order to Tyler Technologies for Energov Assist Support Package

Travis Henley, Planning Director, explained to the board that this package will ensure that Pender County can undertake this upgrade in an efficient manner, can limit service delivery interruption, and can fully realize the new tools and functionality that the new system will provide. The cost of this package is joined by a corresponding increase of $40,000 to Permitting and Inspections revenues, an increase supported and justified by current revenues generated during this fiscal year and projections for the remainder of the fiscal year. Importantly, these revenues must be utilized for efforts relating to the enforcement of the various North Carolina Building Codes and associated permitting.

Moved by Jacqueline A. Newton, seconded by Fred McCoy

Motion approved

	For	Against	Abstained	Absent
David Piepmeyer				x
David Williams	x			
George Brown	x			
Jacqueline A. Newton	x			
Fred McCoy	x			
	4	0	0	1

CARRIED.

8.4 Offer on three surplus lots located on River Bend

Tabled to next meeting

8.5 Approval of the Golden Leaf funds in the amount of $500,000.00 for redevelopment of former BASF Brownsfield site.

Chad McEwen, County Manager, presented to the board the Golden LEAF Foundation has approved funding for your project, "Redevelopment of Former BASF Brownsfield Site," in the amount of $500,000.00. We trust that this support will further your work to the benefit of North Carolinians.

Moved by George Brown, seconded by Fred McCoy

Motion approved

	For	Against	Abstained	Absent
David Piepmeyer				x
David Williams	x			
George Brown	x			
Jacqueline A. Newton	x			
Fred McCoy	x			
	4	0	0	1

CARRIED.

9 DISCUSSION

Factory Road Water Line Extension Project Update-Kenny Keel

Kenny Keel, Utilities Director, stated that according to the supplier all materials should be delivered by the end of January. Construction should start February 1st. Permits are still being worked on but should be completed by construction date. Temporary Construction easement is being worked out for the corner of Howards Channel and Factory Road. Completion date is expected June 30, 2022. Mr. Keel was asked by the board for an update on the water main break for Lower Cape Fear. Mr. Keel stated that they are still currently working on the bypass that was installed. They are also replacing several joints and pipe.

10 APPOINTMENTS

10.1 Approval of an Appointment to the Pender County Board of Adjustment

Pulled from Agenda

11 MAPLE HILL WATER AND SEWER DISTRICT

12 ROCKY POINT WATER AND SEWER DISTRICT

13 SCOTTS HILL WATER AND SEWER DISTRICT

14 MOORES CREEK WATER AND SEWER DISTRICT

15 CENTRAL PENDER WATER AND SEWER DISTRICT

16 PENDER COUNTY BOARD OF HEALTH

Vice Chairman called to order the Pender County Board of Health at 4:26 PM. Carolyn Moser, Health Director, gave the board a Covid-19 update.

17 SOCIAL SERVICES BOARD

18 ITEMS FROM THE COUNTY ATTORNEY, COUNTY MANAGER, ASSISTANT COUNTY MANAGERS, & COUNTY COMMISSIONERS

Trey Thurman, County Attorney, Spoke to the board about the federal mandate on vaccines. He recommends not doing anything at this point. Closed session items include

- Item 3 Attorney/client including Crowe Vs. DSS 720CV223-BO
- Item 4 Economic Development
- Item 5 Acquisition of real property

Chad McEwen, County Manager, updated the board on the following projects:

- Golden Leaf grant has been awarded for $500,000 help with the cost of demolition of the BASF property Bid pack went out today and will bring a BOA back to board.
- Phase 2 of Finch study meets Friday.
- Mosely Architectural design team will meet with staff this week in regards to LEC
- Meeting with Town of Burgaw Thursday for annexation of the LEC in regards to utilities.

Commissioner McCoy, stated how nice the County Christmas party was and hated he could not stay longer. Also stated how nice the Blueberry Drop was as well.

19 CLOSED SESSION (IF APPLICABLE).

Motion to move to closed session at 4:45 PM made by Commissioner Brown and seconded by Commissioner Newton. Motion to enter into closed session pursuant to G.S. 143-318.11: 3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time; 4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session; 5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment The Board exited closed session at approximately 6:14 p.m.

20 ADJOURNMENT

Vice Chairman adjourned meeting at 6:16 PM with motion made by Commissioner Brown and Second by Commissioner McCoy.

Pender County
Lease Agreement

TO:	Board of County Commissioners
FROM:	Alan Cutler
DATE:	January 18, 2022
SUBJECT:	Sheriff's Office Lease Agreement

SUMMARY:
This would be a one year lease agreement between Pender County and Nicholas Fulbright for office space needed by the Pender County Sheriff's Office in the amount of $1,195.00 per month or $14,340.00 total beginning February 1, 2022 and ending January 31, 2023.

ACTION REQUESTED:
Approval to enter lease agreement.

Pender County
Approval of Reappointment to the Pender County Library Board

TO:	Board of County Commissioners
FROM:	Tera Cline
DATE:	January 18, 2022
SUBJECT:	Approval of Reappointment to the Pender County Library Board

SUMMARY:
The County Clerk advertises vacancies on boards, commissions, committees, tasks forces, etc. The County Clerk serves only clearinghouse functions with respect to the appointment process; no influence is exerted in this role. Commissioners are welcome to recruit applicants, or citizens may apply of their own free will. Ann Carter is applying for reappointment to the Pender County Library Board. Ms. Carter has served one term on the library board and represents District 3. If approved, this appointment will be for 3 years and expire January 31, 2025.

ACTION REQUESTED:
Approval of reappointment to the Pender County Library Board.

PENDER COUNTY
Application for Appointment to Boards/Commissions/Committees

Appointees to Pender County Boards/Commissions/Committees must be a Pender County resident and must be at least 18 years of age. Please complete this application and return to: Pender County Manager's Office, PO Box 5, Burgaw, NC 28425.

APPLICANT INFORMATION

Last Name: Carter	First: Ann	M.I.: E.	Date: 3/14/19
Physical Address: 4969 U S Highway 117 S		Apartment/Unit #:	
City: Burgaw	State: NC	ZIP: 28425	
Mailing Address (if different from above): P O Box 194			
City: Burgaw	State: NC	ZIP: 28425	
Home Phone: 910-602-2052	Work Phone: N/A	E-mail Address 1: rcarter35@ec.rr.com	
Fax Number: N/A		E-mail Address 2:	

Board Interest(s): I have a love for reading from an early age. We have varied interests & my hope is that there are reading & technical media for all citizens of Pender County. I hope to be able to use my talents to encourage all citizen to take advantage of the opportunities available at the libraries in Pender County.

How long have you been a resident of Pender County? 32 years

EDUCATION

High School: Jones Senior High School				Location: Trenton, NC		
From: 67	To: 70	Did you graduate?	YES: ✓	NO:		
College			Location			
From	To	Did you graduate?	YES:	NO:	Degree	
Other			Location			
From	To	Did you graduate?	YES:	NO:	Degree	

EMPLOYMENT HISTORY

Current Employment	Retired	Job Title	
Responsibilities			
Previous Employment	Bank of America, N.A.	Job Title	manager
Previous Employment		Job Title	
Previous Employment		Job Title	

COMMUNITY INVOLVEMENT

Please list current and past membership in civic or other organizations and offices held:

- Jordan's Chapel UM Church - missions coordinator, conference lay delegate, Sunday school teacher, VBS director, United Methodist Women - conference sub-district leader
- Rotary Club of Burgaw - Treasurer (past)
- Safe Haven of Pender - Secretary (past)
- Food back packs weekly - 33 students at BMS - coordinator
- Books for K-3 students (5 per student) at BES yearly - coordinator
- Socks/undies for students at BES yearly - coordinator
- Agape shoeboxes for Armenia (Christmas boxes) - coordinator
- Crochet for Charity - hats, scarves, lap throws, "Do Your Best" patches for BES students

Have you ever served or are you currently a member of any Pender County or other local government board/commission/committee?

YES ☐ NO ☑ If yes, explain (including length of service).

State reasons why you feel qualified for this appointment(s):

Having worked in banking for nearly 40 years, I have a strong working knowledge of financial & budget constraints. Also, making sure that all citizens of Pender County have access to books as well as the technology offered through the library as well as programs of interest.

MILITARY SERVICE

Branch N/A	From	To
Rank at Discharge	Type of Discharge (optional)	

CONFLICTS OF INTEREST

Are you aware of any legal, ethical or personal conflict of interest by serving as a member of this Pender County board/commission/committee?

YES ☐ NO ☑ If yes, explain.

Is any member of your family employed by Pender County, or currently serving on a board/committee/commission appointed by or affiliated with Pender County?

YES ☐ NO ☑ If yes, list family member name(s) and position/board or committee(s).

Please add any additional information you would like to share supporting your interest and qualifications for this appointment.

DISCLAIMER AND SIGNATURE

NOTE: This information will be used by the Pender County Board of Commissioners in making appointments to Pender County Boards/Commissions/Committees. In the event you are appointed, it may be used as a news release to identify you to the community. This application is considered a public record.

Signature Ann E. Carter Date 3/14/19

Pender County
REZONE 2020-16 (Falls Mist Gardens)

TO:	County Commissioners
FROM:	Travis Henley
DATE:	January 18, 2022
SUBJECT:	REZONE 2020-16 (Falls Mist Gardens)

SUMMARY:
Stroud Engineering, applicant, on behalf of Rocky Point Properties, LLC and Farm and Garden, LLC, owners, is requesting the approval of a Conditional Zoning Map Amendment for three (3) tracts totaling approximately±301.09 acres from RP, Residential Performance and RA, Rural Agricultural zoning districts to PD-CD1, Planned Development Conditional zoning district 1. This request is to allow for 750 single family detached residential units, associated sewage treatment facility (NAICS 221320), and a farmers' market (NAICS 445230). The proposed development is south of NC HWY 210, approximately±0.03 miles east of the intersection of NC HWY 210 and Balcombe Rd (SR 1425), and west of US HWY 117 in the Rocky Point Township and may be further identified by Pender County PINs 3234-29-6506-0000, 3234-38-5366-0000, and 3234-24-6900-0000. This item was tabled at the January 19, 2021 Board of County Commissioners meeting for the applicant to obtain additional traffic data and information and again at the November 15, 2021 meeting to gather additional information about neighboring properties.

ACTION REQUESTED:
Approval of Conditional Rezoning

ATTACHMENTS:
REZONE 2020-16 Staff Report Addendum
REZONE 2020-16 Staff Report
REZONE 2020-16 Application
REZONE 2020-16 Farm and Garden Letter
REZONE 2020-16 Narrative
REZONE 2020-16 Master Plan Revised
REZONE 2020-16 Pluris LOI
REZONE 2020-16 Attachment 1

REZONE 2020-16 Attachment 2
REZONE 2020-16 BAF

PLANNING STAFF REPORT ADDENDUM
CONDITIONAL ZONING MAP AMENDMENT
"FALLS MIST GARDENS"

SUMMARY

Hearing Date:	October 6, 2020 Planning Board (tabled) November 5, 2020 Planning Board January 19, 2021 Board of Commissioners (tabled) November 15, 2021 Board of Commissioners
Applicant:	Stroud Engineering
Property Owners:	Rocky Point Properties LLC, Farm and Garden LLC
Case Number:	REZONE 2020-16, MDP 2020-21

Rezoning and Development Proposal: Stroud Engineering, applicant, on behalf of Rocky Point Properties LLC and Farm and Garden LLC, owners, is requesting the approval of a Conditional Zoning Map Amendment for three (3) tracts totaling approximately ±301.09 acres from RP, Residential Performance and RA, Rural Agricultural zoning districts to PD-CD1, Planned Development Conditional zoning district 1. This request is to allow for 750 single family detached residential units, associated sewage treatment facility (NAICS 221320), and a farmers' market (NAICS 445230).

Property Record Number, Acreage, and Location: The proposed development is south of NC HWY 210, approximately ±0.03 miles east of the intersection of NC HWY 210 and Balcombe Rd (SR 1425), and west of US HWY 117 in the Rocky Point Township and may be further identified by Pender County PINs 3234-29-6506-0000, 3234-38-5366-0000, and 3234-24-6900-0000.

Recommendation: At their November 5, 2020 meeting, the Pender County Planning Board recommended conditional approval of this application based on its consistency with the Pender County Unified Development Ordinance and Pender 2.0 Comprehensive Land Use Plan, with Staff still recommending approval as well. The proposed development is consistent with three (3) goals, two (2) objectives, and six (6) policies and the Future Land Use Map in the Pender 2.0 Comprehensive Land Use Plan, and conflicts with none. The proposed development is compliant with the Pender County Unified Development Ordinance.

PROJECT HISTORY AND UPDATE

At their January 19, 2021 meeting, the Pender County Board of County Commissioners tabled the request outlined in the subsequent packet, directing the applicant to further study traffic impacts brought forward by the project, specifically differing options for phasing the connection and usage of the existing Fall Brook Lane as an entrance to the proposed development, the potential non-residential uses on commercial property located at the intersection of Fall Brook Lane and US HWY 117, and the sight lines and distance of Fall Brook Lane/US HWY 117 intersection to the bridge over the former railroad right-of-way.

Based on the direction from the Board of County Commissioners, the applicant has concluded the entirety of their Traffic Impact Analysis (TIA) and will present those findings to the Board. Additionally, there has been one change to the layout of the project since the previous Board meeting: the extension of Fall Brook Lane into the proposed development is no longer proposed to be designed as a collector street, but as a local street. This is in reference to the recently adopted update to the Pender County Collector Street Plan which no longer designates the corridor as one for a collector street. The connection to Fall Brook Lane is

still required due to other regulations within the Unified Development Ordinance relating to street design as well as emergency vehicle access.

As a reminder, this project was submitted, and review started, prior to the approval of Zoning Text Amendment 2020-11 which revised certain items related to conditional rezoning applications. For consistency, all ordinance references are to the UDO as amended 3/16/2020 – the last revision date prior to the approval of ZTA 2020-11 unless noted. Based on staff evaluation, the only material difference if reviewed under the new version is that the project density would likely be lower under the new calculation.

CONDITIONS FOR APPROVAL OF PETITION

Per Sections 3.4.5 and 4.13.6 of the Pender County Unified Development Ordinance, the Pender County Planning Board and the Board of County Commissioners can add reasonable and appropriate conditions based on mutually established goals with the Applicant and adjacent property owners. Conditions may address parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the participants in the public input meeting, staff, Planning Board and County Commission find appropriate or the petitioner may propose.

Staff, the applicant, and the Pender County Planning Board have previously collaborated to reach agreement on the following potential conditions of approval for this application:

1. The project shall be designed so that the post development runoff from the project be no more than ten (10) percent more than the pre- development runoff for the 10, 25, and 50 year return period events and be analyzed for the 100-year event.
2. All wetlands which will not be disturbed via an Army Corps of Engineers wetlands fill permit as part of the proposed development shall be placed under a conservation easement.
3. Informational signs to be installed at 500 ft intervals along all delineated wetland boundaries within platted open space, and to be maintained by the HOA and replaced as necessary. The applicant shall include this provision in the recorded covenants and restrictions for the development in perpetuity.
4. Sidewalks will be installed along all streets, and crosswalks will be marked at all intersections with a Collector Street.
5. Fall Brook Ln will be accepted for NCDOT maintenance prior to preliminary plat approval of the 601st lot of this development, preliminary plat approval of any portion of the development within the boundary of Tract 2 as shown on Pender County Map Book 42 P 116, or use of Fall Brook Ln for construction traffic, whichever shall come first.
6. A siren-activated gate meeting the standards of the Pender County Fire Marshal will be required at the border of the development and the existing A.R. Black Av., to be installed prior to final plat approval of the appropriate section, and be required to remain in place until such time as A.R. Black Av. Is brought up to the street design standards of the Pender County Unified Development Ordinance.
7. The wastewater treatment plant shall utilize membrane filtration technology, or other technology certified by the project engineer to render no greater negative impact to local water quality than membrane filtration.
8. Evidence that the Army Corps of Engineers has received any Certificate of Completion forms for wetland disturbance permits relating to the project shall be provided to staff prior to approval of the last Final Plat associated with this development.

9. Prior to completing the roadway connection between Fall Brook and the proposed development, A measure similar to a chicane that is acceptable to the NCDOT and Pender County Emergency Services shall be installed within the proposed development near the interconnection with Fall Brook, as well as at least one additional traffic calming measure along Fall Brook that is acceptable to NCDOT. The applicant shall also make a written request to the North Carolina Department of Transportation that a speed limit of 25 MPH should be posted on Fall Brook Ln.

Additionally, a tenth condition was discussed at the January 19, 2021 hearing and is again up for discussion at the November 15, 2021 meeting:

10. From the time that the road network of this development connects to Fall Brook Lane, to the time that the 700th home receives its Certificate of Occupancy, a gate shall be placed on the roadway between the two developments to allow only residents of Falls Mist and emergency vehicle traffic (siren activated) to utilize the connection. Means of access for construction vehicles shall not be granted. Following the Certificate of Occupancy for the 700th home, the gate shall be removed.

PLANNING STAFF REPORT
CONDITIONAL ZONING MAP AMENDMENT
"FALLS MIST GARDENS"

SUMMARY

Hearing Date:	October 6, 2020 Planning Board (tabled) November 5, 2020 Planning Board January 19, 2020 Board of Commissioners
Applicant:	Stroud Engineering
Property Owners:	Rocky Point Properties LLC, Farm and Garden LLC
Case Number:	REZONE 2020-16, MDP 2020-21

Rezoning and Development Proposal: Stroud Engineering, applicant, on behalf of Rocky Point Properties LLC and Farm and Garden LLC, owners, is requesting the approval of a Conditional Zoning Map Amendment for three (3) tracts totaling approximately ±301.09 acres from RP, Residential Performance and RA, Rural Agricultural zoning districts to PD-CD1, Planned Development Conditional zoning district 1. This request is to allow for 750 single family detached residential units, associated sewage treatment facility (NAICS 221320), and a farmers' market (NAICS 445230).

Property Record Number, Acreage, and Location: The proposed development is south of NC HWY 210, approximately ±0.03 miles east of the intersection of NC HWY 210 and Balcombe Rd (SR 1425), and west of US HWY 117 in the Rocky Point Township and may be further identified by Pender County PINs 3234-29-6506-0000, 3234-38-5366-0000, and 3234-24-6900-0000.

Recommendation: At their November 5, 2020 meeting, the Pender County Planning Board recommended conditional approval of this application based on its consistency with the Pender County Unified Development Ordinance and Pender 2.0 Comprehensive Land Use Plan, with Staff also recommending approval. The proposed development is consistent with three (3) goals, two (2) objectives, and six (6) policies and the Future Land Use Map in the Pender 2.0 Comprehensive Land Use Plan, and conflicts with none. The proposed development is compliant with the Pender County Unified Development Ordinance.

PROCESS

Staff are providing a brief overview of the review process for this project as it relates to the Unified Development Ordinance due to its relative complexity, as well as a recently-approved text amendment which alters the review process for the proposal.

Submittals Included in This Report

Conditional Rezoning

The Conditional Rezoning process 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. A conditional rezoning is designed to provide more certainty for Pender County and for nearby residents as to which uses can be expected in a development proposal and which uses will not be present. Conditional zoning districts must be considered by the Planning Board for a recommendation and then approved by the Board of County Commissioners.

Note: This project was submitted, and review started, prior to the approval of Zoning Text Amendment 2020-11 which revised certain items related to conditional rezoning applications. For consistency, all ordinance references are to the UDO as amended 3/16/2020 – the last revision date prior to the approval of ZTA 2020-11 unless noted. Based on staff evaluation, the only material difference if reviewed under the new version is that the project density would likely be lower under the new calculation.

The Conditional Rezoning process differs from a General Use Rezoning in its inclusion of requirements to go before the Technical Review Committee (TRC) for specific site plan review and its requirement of the applicant to hold a public meeting to address any community concerns. Reports from both TRC and the public meeting shall be submitted to Pender County. These comments are provided as attachments to this report and are also discussed in the "Public Input Meeting" and "Technical Review Committee Comments" sections in this report. Applicants provide a generalized sketch plan illustrating a broad overview of their concept.

Master Development Plan
A more detailed document than the sketch plan required at the time of conditional rezoning, a Master Development Plan provides additional information regarding open space, roadway facilities, and in the case of the PD, Planned Development zoning district establishes dimensional standards (e.g. setbacks), and timing of recreational units. In the PD district, MDPs are required to be reviewed by the Planning Board in addition to staff.

In this case, the applicant has submitted their Master Development Plan as the sketch plan for the Conditional Rezoning. The Planning Board has conditionally approved the Master Development Plan for this project, contingent on Board of County Commissioners approval of this application.

Subsequent Submittals
Preliminary Plat
The Preliminary Plat is required prior to approval of land-moving activity or utility installation related to residential subdivisions. At this stage, staff require submittal of any outstanding permits required by the UDO and ensure that the specific layout to be constructed is in compliance with UDO standards along with the conditions of any previous approvals. Due to the recent passage of Zoning Text Amendment ZTA 2020-10b, Preliminary Plats conforming to an approved Master Development Plan in the PD, Planned Development zoning district would be reviewed only at the staff level rather than by the Planning Board.

Final Plat
Once the conditions of the Preliminary Plat have been met or financed through a Performance Guarantee, staff perform a site visit and if Ordinance requirements and conditions of approval have been met, the subdivision may be recorded and building permits for individual lots obtained.

Site Development Plan
Commercial projects, such as amenity sites and retail establishments, require approval of a Site Development Plan (Change of Use, Minor Site Development Plan, or Major Site Development Plan, depending on intensity). Due to the recent passage of Zoning Text Amendment ZTA 2020-10b, Major Site Development Plans conforming to an approved Master Development Plan would be reviewed only at the staff level rather than by the Planning Board. The other two types of site plans were already reviewed administratively.

PROPOSAL OVERVIEW

This project, largely consisting of single-family lots on a private sewer system, along with 65 acres of dedicated common space and a farmers' market, was submitted under the name "Falls Mist Gardens". However, the Pender County Addressing Coordinator has provided notification that the requested name is too similar to existing names. The applicant will be required to provide a new name prior to Preliminary Plat approval.

Proposed Uses

		Zoning Districts									
Use Type	**Ref NAICS**	**RA**	**RP**	**RM**	**MH**	**PD**	**GB**	**OI**	**IT**	**GI**	**EC**
RESIDENTIAL											
SFD: Detached-Conventional		P	P	P	P	**P**					
Sector 22: UTILITIES											
Sewage Treatment Facilities*	221320		S	PMD/S		**PMD/S**				P	
Except: Sewage Lift Stations*		SD	SD	PMD/S	PMD/S	**PMD/S**	D	D	D	D	
*County Owned or County Service District Provided Systems=P											
Sectors 44-45 RETAIL TRADE											
Food and Beverage Stores	445	S	S			**P**	P		P		

The proposed uses within the PD, Planned Development conditional zoning district 1 are to include the use of single family residential detached conventional housing, a use permitted in the PD, Planned Development zoning district. This includes all associated secondary uses that could occur within a residential subdivision, such as recreational and natural areas as well as home occupations and accessory structures commonly associated with residential uses.

Additionally, the applicant has requested approval for one acre of commercial frontage along NC Hwy 210 for the establishment of a farmers' market.

A private sewer system is proposed to serve the development, which is permitted with approval of a Master Development Plan. Any future expansion of service area to the surrounding area would require further zoning approval and associated hearing(s).

All proposed uses are permitted within the PD, Planned Development zoning district. The applicant would be required to provide all necessary permits – and adhere to all relevant review procedures and standards within the Pender County Unified Development Ordinance – to receive staff approval. All other uses or expansions will be prohibited unless an alteration is made to the approval. Any changes to the requested petition shall be processed in accordance with amendments to the zoning map and in accordance with the Pender County Unified Development Ordinance.

Density

The proposed net density of the Master Development Plan is shown in Table 1 below and calculated in accordance with Section 4.8.1.D.1 of the UDO at the time of submission, totaling approximately 3.5 units per acre. According to Section 4.8.1.D.1, the net density in the PD, Planned Development zoning district shall be a maximum of five (5) units per acre. This development proposal is thus in compliance with the density allowance in the PD district. Additionally, the proposed density conforms with the Future Land Use Map in the Pender 2.0 Comprehensive Land Use Plan. The Future Land Use Classification for these parcels is Medium Density Residential, which envisions development at a density of three to six dwelling units an acre or less.

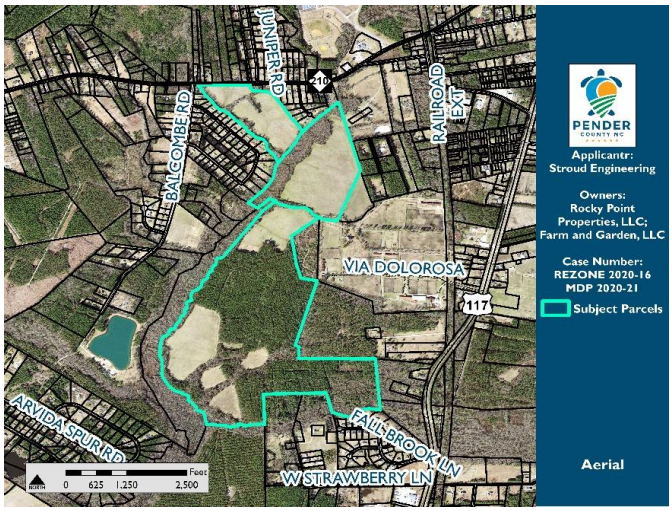


Table 1: Density

Total Acreage	301.1
Non-Residential Acreage	9
Right-of-Way Acreage	10
Common Space Acreage	65
Total Units	750
Developable Land	216.1
Net Density	3.47

Dimensional Requirements

Per Section 4.14, Zoning District Dimensional Requirements, the setback requirements for the PD, Planned Development zoning district are to be specified on the Master Development Plan and subject to review and approval. The applicant has proposed the following dimensional requirements which are in compliance with the Unified Development Ordinance and the PD, Planned Development zoning district:

Table 2: Requested Dimensional Standards

Proposed Dimensional Standards for PD-CD1 Zoning District	Single Family Conventional Lots	Nonresidential Uses
Minimum Lot Size (in sq. ft.)	n/a	n/a
Minimum Lot Width	n/a	n/a
Minimum Front Yard	20’	50’
Minimum Side Yard	10’	10’
Minimum Corner Yard	15’	15’
Minimum Rear Yard	15’	25’
Chord	30’	50’
Maximum Building Height	35’	35’
Structure Separation	n/a	n/a

The applicant has stated that they are requesting no minimum lot size or minimum lot width in order to design the lots such that the environmental features of the property may be conserved within dedicated common open space to the greatest extent possible. Additionally, the applicant has requested that required structure separation between structures on the same lot be based on North Carolina Building Code, which varies based on the construction of the structures.

Phasing

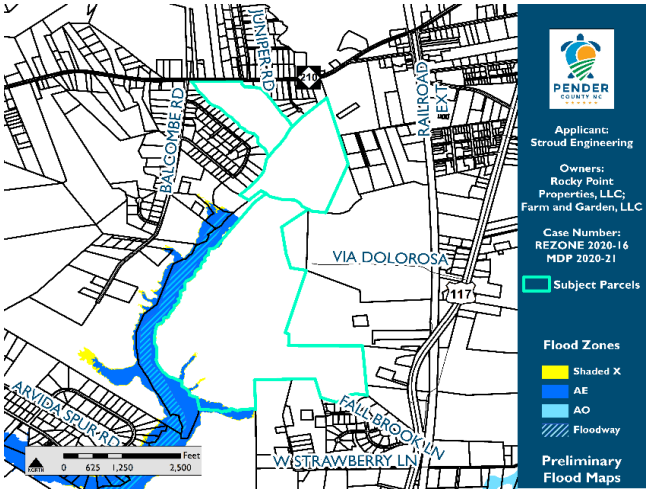
The applicant is proposing to construct the project in three phases working southward from NC Hwy 210: The first phase would consist of 300 residential lots, the wastewater treatment plant, and the farmers’ market. The second phase would consist of an additional 300 residential lots, and the third phase would consist of the final 150 residential lots.

ENVIRONMENT, LANDSCAPING AND RECREACTION

Environmental Conditions

Flood Zones

The property has limited areas in a Special Flood Hazard Area based on Map #3720322400J effective 2/16/2007. Specifically, there are small portions of AE flood zone along the southern and western boundaries with a base flood elevation ranging from approximately ±14.2 ft to ±22.3 ft. Preliminary flood maps (Map #3720322400K) indicate a slightly larger portion of the property in AE flood zone with a base flood elevation ranging from approximately ±13.8 ft to ±20.7 ft, as well as extremely limited amounts of Shaded X flood zone. The elevation contours in these portions of the property range from ±12 to ±26 ft.



Wetlands
Both the National Wetlands Inventory and North Carolina Division of Coastal Management illustrate the potential of wetlands on the property, as does the submitted Master Development Plan based on a delineation by Southern Environmental Group. No Jurisdictional Determination from the U.S. Army Corps of Engineers has been submitted by the applicant, which will be required prior to any administrative development approvals. According to the submitted narrative, the total wetland disturbance will be limited to one acre. Any disturbance within these wetlands is subject to review and approval by the U.S. Army Corps of Engineers.

Areas of Environmental Concern
The North Carolina Department of Environmental Quality (DEQ) has not identified any Areas of Environmental Concern (AECs) on the site.

Biodiversity and Wildlife
The North Carolina Wildlife Resources Commission (WRC) publishes the Biodiversity and Wildlife Habitat Assessment as part of their Conservation Planning Tool. Land that has been inventoried through this Assessment is ranked on scale ranging from 1 to 10, with higher numbers signifying a more prevalent presence of "more rare, abundant, and diverse species and habitats" in those areas. Less than 25% of the subject properties have a ranking, as much of the interior is already cleared. Nearly the entirety area of the scored area is ranked as a 6, signifying an elevated conservation priority. Approximately 5 acres in the southeasternmost portion of the proposed development are ranked as a 7, representing a more significant conservation priority.

Landscaping and Buffers
The applicant has proposed a type A buffer along NC Hwy 210, as well as a type C buffer along most boundaries east of the proposed collector street. All other boundaries, largely along the southern and western borders, are proposed to maintain a 25-foot vegetated buffer along the property line. Based on an analysis of aerial photography, these areas currently have tree lines which are 25' deep from the property line or deeper.

Planned Developments require an A buffer along all boundaries adjacent to a street, and a C buffer 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. A B buffer, which is an intermediate-density planting between A and C buffers, is the standard usually required on all other boundary lines. As a C buffer exceeds the standards of a B buffer, substituting a C buffer along all non-street property lines conforms with the ordinance. Preserving existing vegetation is encouraged by the ordinance where possible, and the Conditional Zoning process allows the creation of custom buffering standards within a proposed district. If the proposal is approved as proposed, the specific A and C buffers to be installed will be detailed at the preliminary plat level and all buffers will be installed or guaranteed through a financial instrument prior to final plat approval.

Table 3: Buffer Standards

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 "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.

Significant Trees

A significant tree survey conforming with section 8.1.3 of the Pender County Unified Development Ordinance will be required prior to administrative approval of any subsequent Preliminary Plat or Site Development Plan within this project. Any significant tree proposed for removal shall be mitigated by the on-site planting of two (2) trees of the same species with a minimum caliper of 2" or greater.

Open Space

Per Section 7.6.1.C: Required Open Space of the Pender County Unified Development Ordinance: All new residential subdivisions shall provide open space in the amount of 0.03 acres per dwelling unit within the subdivision. No more than 50% of the required open space shall be designated as passive open space. 50% or more of the required open space shall be designated as active open space. A minimum of 22.5 acres of open space would be required for this development, with a minimum of 11.25 acres of open space. The applicant is proposing 65 acres of open space, 12 of which are proposed as active open space. The applicant is in compliance with Pender County's open space requirements.

Per Section 7.6.1.E.1 of the Unified Development Ordinance, the dedicated open space shall form a single parcel of land, whether the subdivision is developed in phases or sections, except where it is determined by the appropriate governing body, that two (2) or more parcels would be in the best interests of the residents of the subdivision and the public; and in such case, the appropriate governing body, may require that such parcels be connected. The applicant has illustrated that at least the minimum required open space shall be contiguous, and is requesting that the Conditional Zoning District not be held to a minimum lot size or minimum lot width to allow as much of the property as possible to remain in common open space.

The applicant has proposed that each preliminary plat be proportionally responsible for fulfilling the portion of the total open space associated with the number of lots proposed for platting to provide flexibility for the configuration of lots and open space in relation to the land's natural features in each phase to be determined closer to the time of development. Allowing this flexibility in larger Master Development Plans does have precedent in Pender County.

Table 4: Required Open Space

Open Space Type	Open Space Required (acres)	Open Space Proposed (acres)
Passive	11.25	53
Active	11.25	12
Total	22.5	65

Recreational Units

Per Section 7.6.2 of the Pender County Unified Development Ordinance, developments are required to provide recreational units equivalent to financial credits based on the total proposed dwelling units as established in Table 4 below. The applicant has proposed 750 single family lots and is therefore required to provide seven and a half (7.5) recreation units totaling a minimum of $75,000. The applicant has proposed that each preliminary plat be proportionally responsible for fulfilling the portion of the total recreational unit value associated with the number of lots proposed for platting to provide flexibility for the types of recreational unit in each phase to be determined closer to the time of development. Allowing this flexibility in larger Master Development Plans does have precedent in Pender County.

Table 5: Required Recreation Units

Dwelling Units	Recreational Unit(s)	Financial Unit
34-99	1.0	$10,000
100-150	1.5	$15,000
151-200	2.0	$20,000
201-250	2.5	$25,000
251-300	3.0	$30,000
301-350	3.5	$35,000
351-400	4.0	$40,000

*The figures referenced above shall be carried up to 1,000 dwelling units/10.0 recreational units or $100,000. Developments exceeding 1,000 dwelling units shall not be required to exceed the maximum of 10 recreational units.

TRANSPORTATION INFRASTRUCTURE

Roadways

The applicant is constructing three public roadways illustrated in the Pender County Collector Street Plan. A Minor Collector Street will run generally south from NC Hwy 210 to the southern border of the proposed development. Two Local Collector Streets will split off from this main thoroughfare, with one stubbing out just south of the proposed wastewater treatment plant to the east and the other connecting to the existing Fall Brook Ln. The remainder of the roadways illustrated on the Master Development Plan are only conceptual, and no decision regarding the ownership or layout of the internal roadway network has been provided at this time. However, as discussed below, a connection to A.R. Black Ave. will be required for the purposes of linking into the existing roadway network and providing additional connectivity for fire code purposes.

The proposed road network is shaped, in part, by Section 7.5.1 of the Pender County Unified Development Ordinance which states that the layout of streets as to arrangement, width, grade, character, and location shall conform to 1) the Pender County Collector Street Plan, 2) adjoining street systems, 3) existing, planned and proposed streets, 4) To provide for continuity in existing streets, 5) Provide adequate right-of-way for collector streets, and 6) Reasonable access will be provided to adjacent properties for development.

The proposal conforms with the Pender County Collector Street Plan and the Pender County Unified Development Ordinance. At the Preliminary and Final Plat levels, staff will require the applicant to certify that all roadways meet NCDOT subdivision standards, and work with the Fire Marshal to ensure the roads meet all applicable fire code standards as well.

Street Connectivity and Access

The applicant has proposed five total connections to the proposed development: Three to existing roadways, and two stubs to be continued in the case of adjoining development. The development would connect to existing roadways via an entrance on NC Hwy 210 on the Minor Collector Street, a continuation of a Local Collector Street to Fall Brook Ln. to reach US HWY 117, and the connection of a neighborhood street to A.R. Black Ave. The Minor Collector Street stubs to the south and is intended to eventually connect to Strawberry Ln and ultimately NC Hwy 133. The other Local Collector Street stubs to the east, and if future development occurs would connect to US Hwy 117.

Rocky Point Properties, LLC purchased a piece of property of approximately 40.288 acres adjoining the Fall Brook subdivision as recorded with the Register of Deeds on September 19, 2006 – Deed Book 3052, Pages 297 and 298. A 50’ access and utility easement was recorded to the conveyed property, as illustrated on Map Book 42, Page 116. The deed entitles the property owner to utilize Fall Brook Ln to construct single family dwellings on the acquired property with the caveat that, “Until the completed roadway for access to the subject property is accepted for maintenance by [NCDOT], the Grantee, and its successors, assigns and Grantees, shall be responsible for maintenance and repair of the said roadway based on the ratio of usage and the cause of the need for repair and maintenance.” The proposed conditions of approval, agreed to by the applicant, would preempt this clause and only permit residential or construction traffic related to this proposal to utilize the existing Fall Brook Ln once the North Carolina Department of Transportation has accepted it for maintenance.

The applicant has also agreed to place a siren-activated gate for emergency access to A.R. Black Ave. until such time as that roadway be redeveloped to the street standards of the Pender County Unified Development Ordinance.

In accordance with the Pender County Collector Street Plan, individual driveway access will not be permitted on the Minor Collector Street. However, the Plan does permit individual driveway access on the Local Collector Streets.

Traffic
A Traffic Impact Analysis (TIA) has been scoped for the proposed development. Per Section 6.1.2.B.15 of Pender County's Unified Development Ordinance, a Traffic Impact Analysis is required when the development generates 100 trips in the morning or peak hours or 1,000 trips per day. The proposed development is projected to result in 7,000 daily trips and 700 peak hour trips at buildout. Any traffic management requirements will be required by the NCDOT and will be required to be compliant with the NCDOT's Driveway Manual.

The Traffic Impact Analysis will be required to be complete prior to administrative approval of the project.

All roadway improvements will be tracked through the driveway permit process and coordinated with the NCDOT and Staff.

Traffic Calming
To address concerns regarding traffic safety in the existing Fall Brook development, the applicant has agreed to installing two traffic calming devices – one inside the platted development, one just within the proposed new development – upon agreement with NCDOT regarding the specific strategies that are appropriate with those locations. Additionally, the applicant and NCDOT staff have agreed that a speed limit of 25 MPH should be posted upon state acceptance of maintenance.

Pedestrian Access
The applicant has agreed to a condition to provide sidewalks along all streets throughout the development. Along the Minor Collector Street, which connects to NC Hwy 210 and runs south to the property line generally paralleling US Hwy 117, the applicant has proposed a multi-use path.

Proposed sidewalks provide pedestrian access to each of the active open space areas, reducing the need for vehicular transportation to those areas. Sidewalks also provide a safe, walkable community for all residents and provide for pedestrian circulations throughout the community. Greater bicycle and pedestrian connectivity is a purpose of the PD, Planned Development zoning district and is encouraged by the Pender 2.0 Comprehensive Land Use Plan and this proposal conforms with those documents in this regard.

OTHER INFRASTRUCTURE

Utilities
The applicant intends to utilize Pender County Utilities (PCU) water. The applicant also intends to utilize a private on-site wastewater treatment plant for wastewater treatment and disposal. The applicant has received a Letter of Intent from Pluris, a private wastewater utility, to provide this service. That Letter is attached to this report. Relevant documentation from state, local, or private entities involved in the construction and operation of these utilities will be required prior to administrative approval to construct any phase of the development.

Stormwater
Section 7.9 of the Pender County Unified Development Ordinance requires that stormwater infrastructure be built such that the post development runoff from the project be no more than ten (10) percent more than the pre- development runoff. Low-density projects, as this is proposed to be, are required to meet this standard for the 1 year 24-hour event, while high-density projects are required to meet this standard for a twenty-five year storm and be analyzed for a fifty-year storm. The applicant has proposed exceeding these standards by constructing a stormwater system which would accommodate a fifty-year storm and be analyzed for a hundred-year storm. Certification from a licensed engineer that the project meets these requirements shall be required at administrative approval of each phase of the development, and all necessary state permits will be required prior to administrative approval for land disturbing activities.

Signage
All signage shall be reviewed per Article 9 of the Pender County Unified Development Ordinance.

PUBLIC INPUT MEETING

The public meeting was held on July 8, 2020 from 5:30pm-8:30pm in the shelter at Millers Pond Park. Notices of the meeting being held were mailed to all residents within 500 feet of the subject property at least 10 days prior to the meeting. The applicant provided a brief overview of the project and took questions from the attendees. Community concerns included traffic, stormwater runoff, and school capacity. Attendees expressed those concerns to Pender County Staff in attendance as well. The applicant has provided a report from the public input meeting and is included as Attachment 1.

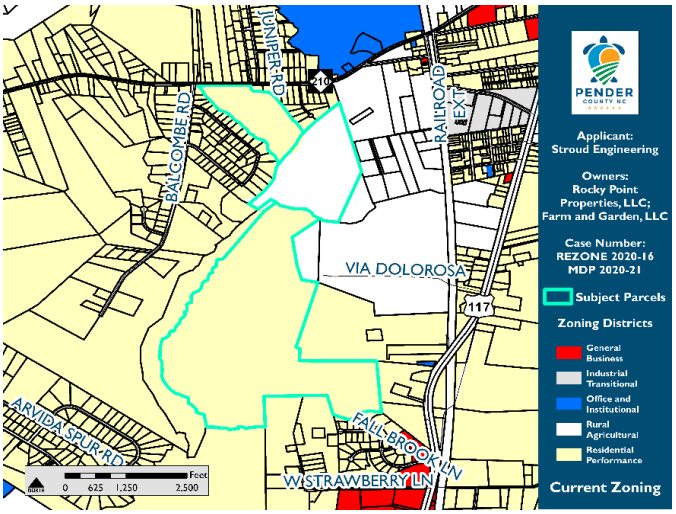
TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES

Pender County's Technical Review Committee meeting was held on Wednesday, June 3, 2020 at 9 A.M. in the Board of County Commissioners meeting room, to review the proposal. The comments can be found in Attachment 2.

EVALUATION

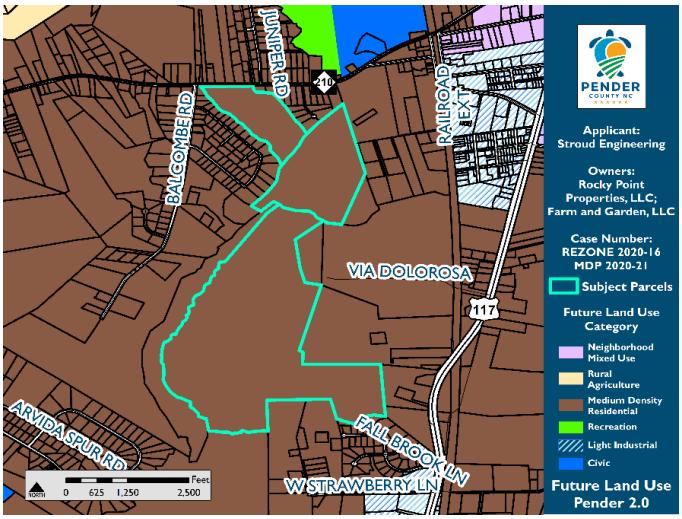
A. **Public Notifications:** Advertisements for the proposal have been placed in the Pender-Topsail Post & Voice. Adjacent property owners within five hundred feet (500') of the subject parcel were notified by first class mail; and a sign advertising the public hearing was placed on the subject properties.

B. **Existing Zoning in Area:** The subject property is currently zoned RP, Residential Performance and RA, Rural Agricultural zoning districts. The subject properties are bordered by RP, Residential Performance zoning district properties along most parcel lines. The subject properties are bordered to the east by RA, Rural Agricultural zoning district properties.



C. **Existing Land Use in Area:** The subject parcels are currently vacant and are surrounded by residential development to the north, northeast, southwest, southeast, and east. Vacant/agricultural land uses can be found to each cardinal direction. Heide Trask High School and Pender EMS & Fire Station 7 are nearby to the northeast.

D. **Pender 2.0 Comprehensive Land Use Plan Compliance:** The Pender 2.0 Comprehensive Land Use Plan designates the subject property as Medium Density Residential. Medium density residential uses are vital to supporting Pender County's growing population by strategically locating more dense residential development in areas that will not create conflicts with existing neighborhoods. These uses are located in close proximity to supporting services and a mixture of development types, and are generally found in the southern portion of the County. Appropriate uses include single-family residences, duplexes, townhomes, community recreation and open space uses, and neighborhood-scale institutional uses such as religious and civic organizations. Townhomes may be suitable when proposed as part of a master planned community whereby the dimensional requirements and uses forming the outer boundary of the community are compatible with the adjacent properties or permissible uses. Clustering of new residential communities is encouraged.



Planned communities may also include well-integrated neighborhood-scale commercial and office uses. Industrial and manufacturing uses, and commercial and office uses not located within a planned community, are inappropriate. Development density within this category is three to six dwelling units an acre or less.

This application is consistent with the Medium Density Residential Future Land Use classification because it proposes a clustered single-family neighborhood at a density of 3.47 units an acre in addition to integrated commercial frontage. The Pender 2.0 Comprehensive Land Use Plan also encourages bicycle and pedestrian infrastructure within this Future Land Use classification, which the applicant has proposed.

In addition to conforming with the Future Land Use Map, the Conditional Zoning Map Amendment request is supported by three (3) goals, two (2) objectives, and six (6) policies within the Pender 2.0 Comprehensive Land Use Plan:

> **Policy 3.1.H: Low Impact Development (LID):** The County supports Low Impact Development practices. Such LID practices may include retaining/infiltrating most of the runoff on-site, maximizing the use of permeable pavements, reducing the amount of impervious coverage, and clustering housing to allow a profitable development density while maximizing open space and minimizing wildlife habitat fragmentation.

Goal 4.2: Manage the timing, location and intensity of growth by coordinating transportation improvements in accordance with development and ensuring safe and efficient modes of transportation are available to all residents and visitors.

Policy 4.2.F: Collector Street Plan: The County shall continue to support and implement the Pender County Collector Street Plan when reviewing and approving new development proposals within the WMPO Boundary area of the County.

Goal 4.3: Provide safe opportunities for walking and cycling, while supporting the need for paratransit service and other alternatives to provide transportation choices for residents and visitors.

Objective 4.3: Encourage alternative means of transportation to reduce traffic, enhance economic development, offer services to those without use of a vehicle, and provide recreational opportunities for residents and visitors.

Goal 5.1: Land Use and Growth Management: Manage the physical growth and development of Pender County by encouraging more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the rural heritage and coastal habitat that makes the County a unique place to live.

Objective 5.1: Land Use and Growth Management: Ensure that development and use of resources balances protection of natural resources and agricultural lands with economic development, avoids risks to public health and welfare, and is consistent with the capability of the land.

Policy 5.1.D: Focused Growth and Development: The County supports a growth pattern that includes low density single-family residential communities, but also allows for the strategic placement of higher density residential, mixed uses, and commercial development to accommodate and support future population growth, where necessary infrastructure exists or is planned.

Policy 5.1.H: Mixed Use Development: The County supports a wide range of commercial and residential development at varying intensities, when appropriately located, and provided that impacts to adjacent property owners and traffic congestion is mitigated.

Policy 5.1.V: Residential Development: The County supports a range of housing types and development at appropriate densities and locations that are compatible with their surroundings and are in accordance with the future land use map.

Policy 5.1.Z: Cluster Development Incentive: The County supports the clustering of residential development within the residential future land use categories for the preservation of coastal natural resources, prime agricultural lands, or wildlife habitat areas.

The project fulfils several desired policy outcomes for development as described in the Pender 2.0 Comprehensive Land Use Plan. The proposal provides enhanced transportation infrastructure, constructing multiple collector streets as well as bicycle and pedestrian connectivity throughout the development. While not proposing to certify the project to the Low Impact Development stormwater engineering standard, the project exhibits multiple characteristics of LID design – namely clustering development to preserve open space and providing above-average stormwater infrastructure. Additionally, based on comments received from the relevant agencies, sufficient infrastructure is available or will be constructed to serve the development.

The Conditional Zoning Map Amendment proposal was not found to conflict with any goals, objectives, or policies in the Pender 2.0 Comprehensive Land Use Plan.

E. **Unified Development Ordinance Compliance:** Section 3.3 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board and Board of County Commissioners before a favorable recommendation of approval for a rezoning can be made. The Planned Development District encourages progressive land planning and design concepts and is intended to provide an alternative to a conventional development. The PD Districts allows projects of innovative design and layout that may not otherwise be permitted under this Ordinance due to the strict application of zoning district or general development standards. The PD District shall not be used as a means of circumventing the County's adopted land development regulations.

Utilities
Public water services are available for the subject properties through Pender County Utilities, which has indicated sufficient capacity to serve the development. The applicant has also proposed an onsite wastewater treatment plant to provide sewer service within the development. Any final zoning approvals are contingent upon review and approval by appropriate local and state agencies.

Traffic & Roadways
The subject property has direct frontage on NC Hwy 210. Average Annual Daily Trips (AADT) and capacity of NC Hwy 210 in this area are 5,800/15,500 (V/C), which represents a V/C ratio of 0.37:1, suggesting that traffic volumes are approximately 37% of the full capacity of the roadway. Along the segment of US Hwy 117 which intersects with Fall Brook Ln, Average Annual Daily Trips (AADT) and capacity are 8,500/15,500 (V/C), which represents a V/C ratio of 0.55:1, suggesting that traffic volumes are approximately 55% of the full capacity of the roadway.

A Traffic Impact Analysis (TIA) has been scoped for the proposed development. Per Section 6.1.2.B.15 of Pender County's Unified Development Ordinance, a Traffic Impact Analysis is required when the development generates 100 trips in the morning or peak hours or 1,000 trips per day. The proposed development is projected to result in 7,000 daily trips and 700 peak hour trips at buildout. Any traffic management requirements will be required by the NCDOT and will be required to be compliant with the NCDOT's Driveway Manual.

Schools
750 residential units are proposed in this application. Therefore, an impact to the school system should be anticipated. Pender County Schools staff attended the TRC meeting on June 3, 2020 and indicated that over the projected timeframe for total buildout, Pender County Schools would be able to accommodate the potential increase in school age children due to the anticipated construction timeline for the proposed development.

A new Pender County Schools student in this area would likely attend Rocky Point or Cape Fear Elementary School, Cape Fear Middle School, or Heide Trask High School. According to data provided by Pender County Schools at the end of August, these facilities are at approximately 90%, 77%, 67%, and 87% of full capacity respectively under normal circumstances.

At the Public Input Meeting, community concerns included traffic, stormwater runoff, and school capacity. The applicant worked with staff on conditions which address some of these topics, as discussed in the following section.

3.4.4 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:

1) The application's consistency to the general policies and objectives in all adopted Land Use Plans and Unified Development Ordinance.
2) The potential impacts and/or benefits on the surrounding area, adjoining properties.
3) The report of results from the public input meeting.

CONDITIONS FOR APPROVAL OF PETITION

Per Sections 3.4.5 and 4.13.6 of the Pender County Unified Development Ordinance, the Pender County Planning Board and the Board of County Commissioners can add reasonable and appropriate conditions based on mutually established goals with the Applicant and adjacent property owners. Conditions may address parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the participants in the public input meeting, staff, Planning Board and County Commission find appropriate or the petitioner may propose.

Staff, the applicant, and the Pender County Planning Board have collaborated to reach agreement on the following potential conditions of approval for this application:

1. The project shall be designed so that the post development runoff from the project be no more than ten (10) percent more than the pre- development runoff for the 10, 25, and 50 year return period events and be analyzed for the 100-year event.
2. All wetlands which will not be disturbed via an Army Corps of Engineers wetlands fill permit as part of the proposed development shall be placed under a conservation easement.
3. Informational signs to be installed at 500 ft intervals along all delineated wetland boundaries within platted open space, and to be maintained by the HOA and replaced as necessary. The applicant shall include this provision in the recorded covenants and restrictions for the development in perpetuity.
4. Sidewalks will be installed along all streets, and crosswalks will be marked at all intersections with a Collector Street.
5. Fall Brook Ln will be accepted for NCDOT maintenance prior to preliminary plat approval of the 601st lot of this development, preliminary plat approval of any portion of the development within the boundary of Tract 2 as shown on Pender County Map Book 42 P 116, or use of Fall Brook Ln for construction traffic, whichever shall come first.

6. A siren-activated gate meeting the standards of the Pender County Fire Marshal will be required at the border of the development and the existing A.R. Black Av., to be installed prior to final plat approval of the appropriate section, and be required to remain in place until such time as A.R. Black Av. Is brought up to the street design standards of the Pender County Unified Development Ordinance.
7. The wastewater treatment plant shall utilize membrane filtration technology, or other technology certified by the project engineer to render no greater negative impact to local water quality than membrane filtration.
8. Evidence that the Army Corps of Engineers has received any Certificate of Completion forms for wetland disturbance permits relating to the project shall be provided to staff prior to approval of the last Final Plat associated with this development.
9. Prior to completing the roadway connection between Fall Brook and the proposed development, A measure similar to a chicane that is acceptable to the NCDOT and Pender County Emergency Services shall be installed within the proposed development near the interconnection with Fall Brook, as well as at least one additional traffic calming measure along Fall Brook that is acceptable to NCDOT. The applicant shall also make a written request to the North Carolina Department of Transportation that a speed limit of 25 MPH should be posted on Fall Brook Ln.

RECOMMENDATION

At their November 5, 2020 meeting, the Pender County Planning Board recommended conditional approval of this application based on its consistency with the Pender County Unified Development Ordinance and Pender 2.0 Comprehensive Land Use Plan, with Staff also recommending approval. The proposed development is consistent with three (3) goals, two (2) objectives, and six (6) policies and the Future Land Use Map in the Pender 2.0 Comprehensive Land Use Plan, and conflicts with none. The proposed development is compliant with the Pender County Unified Development Ordinance.

BOARD OF COUNTY COMMISSIONERS ACTION NEEDED:

TO APPROVE: Motion to recommend approval of the Conditional Zoning Map Amendment and to make a finding that the approval is consistent with the following goals, objectives, and policies in the Pender 2.0 Comprehensive Land Use Plan:

- **Policy 3.1.H**
- **Goal 4.2**
- **Policy 4.2.F**
- **Goal 4.3**
- **Objective 4.3**
- **Goal 5.1**
- **Objective 5.1**
- **Policy 5.1.D**
- **Policy 5.1.H**
- **Policy 5.1.V**
- **Policy 5.1.Z**

The proposed rezoning is consistent with the Medium Density Residential Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan because the proposed development is of an appropriate density for the area, enhances local transportation infrastructure, and utilizes design techniques to minimize stormwater runoff while maximizing preservation of open space.

TO DENY: Motion to deny the Conditional Zoning Map Amendment and to make a finding of denial because although the proposal is consistent with the Pender 2.0 Comprehensive Land Use Plan, said denial is reasonable and in the public interest and does not further the goals of the Pender 2.0 Comprehensive Land Use Plan because [INSERT REASONING] ….

BOARD ACTION FOR CONDITIONAL ZONING MAP AMENDMENT REQUEST

Motion: Pitts **Seconded:** Beaudoin

Approved: X **Denied:** **Unanimous:**

McClammy: Y Jordan: N Beaudoin: Y Buchanan: Y Gruntfest: N Pitts: Y Teachey: Y

APPLICATION FOR CONDITIONAL REZONING

THIS SECTION FOR OFFICE USE			
Application No.	ZMA-CD REZONE 2020-16	Date	5/8/2020
Application Fee	$ 3460.90	Receipt No.	10561
Pre-Application Conference	3/13/2020	Hearing Date	Pending

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	James H. Fentress, Jr., PE	**Owner's Name:**	Mark Maynard
Applicant's Address:	STROUD ENGINEERING, PA	**Owner's Address:**	ROCKY POINT PROPERTIES, LLC 10 S. CARDINAL DR.
City, State, & Zip	102 - D CINEMA DR. WILMINGTON, NC 28403	**City, State, & Zip**	WILMINGTON, NC 28403
Phone Number:	910-815-0775	**Phone Number:**	910 612-3633
Email Address:	jfentress@stroudengineer.com	**Email Address:**	jr@tributecompanies.com

Legal relationship of applicant to land owner: ENGINEER

SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):	3234-29-6506-0000=35.25ac. RP 3234-38-5366-0000=57.20ac. RA 3234-24-6900-0000=208.64ac.RP	**Total property acreage:**	301.09 AC.
Current Zoning District:	SEE ABOVE	**Proposed Zoning District:**	PD
Project Address or Location:	HWY 210 / OFF HWY 210 & OFF 117 S. US HWY		

Proposed Uses to be Considered (Include NAICS Code):

Proposed rezoning to PD to provide a mix of single family detached lot sizes and shapes to yield an overall density of 2.5 units per acre. Commercial use along North Carolina Highway 210 frontage shall be complimentary to proposed housing development. Project proposes an onsite waste water treatment plant to provide central sewer to all uses.

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

SECTION 3: SIGNATURES

Applicant's Signature		**Date:**	4/17/2020
Owner's Signature		**Date:**	4/17/2020

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
☑	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: $** 3460.90

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 # 108371
Application received by:			**Date:** 5/8/2020
Application completeness approved by:			**Date:** 5/14/2020
Dates scheduled for public hearing:	☐ **Planning Board:** Pending	☐ **Board of Commissioners:** Pending	

Farm and Garden, LLC
3907-100 Wrightsville Ave.
Wilmington, NC 28403

August 10, 2020

Pender County Planning Dept.
Attn: Sam Shore, MPA
805 South Walker Street
Burgaw, NC 28425

RE: Rezoning Acknowledgment in Pender County, NC

Dear Sam Shore,

Farm and Garden, LLC is the owner of Pender County parcel numbers 3234-29-6506-0000 (35.23 acres) and 3234-38-5366-0000 (57.2 acres). The subject two parcels are proposed to be rezoned to Pender County Zoning District PD zone by application filed on or about May 7, 2020 by James H. Fentress, Jr. PE of Stroud Engineering, PA. Farm and Garden, LLC is filed with the North Carolina Secretary of State having ID# 1971347 and reports Registered Agent Samuel B. Potter. By signature below, Farm and Garden, LLC acknowledges and consents to the proposed rezoning.

Sincerely,

Samuel B. Potter
Registered Agent
Farm and Garden, LLC

STROUD ENGINEERING, P. A.
CONSULTING ENGINEERS
102D CINEMA DRIVE
WILMINGTON, NORTH CAROLINA 28403
WWW.STROUDENGINEER.COM
LICENSE NO. C-0647

Date: 9/15/2020

Falls Mist Village

Conditional Rezoning Narrative

Introduction

Three properties are compiled to be proposed as a Planned Development by the two landowners Rocky Point Properties, LLC and Farm and Garden, LLC. Rocky Point Properties, LLC owns the 208.6 acre tract adjacent the Fallbrook subdivision. Farm and Garden, LLC owns the 35.3 acre and the 57.2 acre tracts extending off US Highway 210 toward Rocky Point Properties. The three tracts combine to just over three hundred and one acres. These properties stretch from US Highway 117 to North Carolina Highway 210. The two properties on either end are presently zoned RP. The property in the middle is presently zoned RA. The current maximum density for the properties is understood to allow for about six hundred and sixty-seven homes. All three properties are proposed for conditional rezoning to PD. The conditional rezoning plan proposes seven hundred and fifty single family detached lots. The PD zoning is desired to enable lot size flexibility. No minimum lot size is proposed given that the density is to be fixed for the combined properties. This will enable creative design to adjust for environmental assets as well as the dedication of enhanced common spaces to benefit the properties created. The Pender County Comprehensive Transportation Plan shows a group 2 collector street bisecting the properties, parallel to US Highway 117 and connecting to NC Highway 210. This is considered the primary collector street serving the proposed development. The plan also shows a group 2 collector extending from US Highway 117 out of the Williamson tract and intersecting the collector planned parallel to US Highway 117. There is also a group 1 collector street shown extending out of the Fallbrook subdivision that also intersects the collector parallel to US Highway 117. The proposed plan includes such collector streets with limited access to interconnecting streets. The group 2 collector street includes a mixed use path. The lots are proposed off of the interconnecting streets. There will be no residential driveways extended from the collector streets. The collector streets will be designed as public road rights of way and built for North Carolina Department of Transportation acceptance. These development concepts are consistent with the Pender County Comprehensive Land Use Plan with regards to public infrastructure sized for growth, preservation of environmentally sensitive areas, provision of common areas and enhanced open spaces for community use.

Existing Uses

The properties are all currently undeveloped and utilized for agriculture of various description. The property is mostly cleared for these purposes. Turkey Creek meanders along the western property line of the largest tract before cutting between the two properties closest to NC Highway 210. The wetlands adjacent to Turkey Creek constitute the majority of the wetlands on the properties. There is within the wetland boundaries and adjacent Turkey Creek the one-hundred year flood plain.

Proposed Uses

The proposed PD zoning is to enable a large single family residential neighborhood with varying lot sizes and supporting commercial uses being the waste water treatment plant and commercial frontage on NC Highway 210. The commercial use is intended to serve and compliment the neighborhood. The project will initially develop from US Highway 210 by extending the aforementioned primary group 2 collector into the Farm and Garden Property with proposed residential lots fronting local roads that emanate from the main collector. The collector will be extended as the project develops additional phases until its completed connection to the south end of the property and with a group 1 collector connecting east to Fall Brook Lane. The project will maintain and mostly preserve existing drainage patterns while proposing wet detention ponds to treat and manage the stormwater runoff. Existing wetlands on the property will be preserved to the greatest extent practical. The total wetland impact will be limited to one half acre for each of the two developers. The project proposes a wastewater treatment plant. The plant will be developed in accordance with North Carolina Department of Environmental Quality standards and permitted to water reuse standards. This will enable the treated wastewater to be reused for irrigation in the common areas as well as returned to the lots for irrigation if so desired. Potable water will be provided by Pender County Utilities with a main that will connect the lines on US Highway 117 with those on NC Highway 210. This will improve the water pressures and quality in the region. The development will extend primarily on already cleared property. Grading will be limited to only that necessary for drainage to the proposed detention ponds.

In consideration of the concerns raised at the July 8th, 2020 community meeting the plan has been revised to now show phasing extending from the north end of the property adjacent NC Highway 210, proposed drainage and conservation areas, a revised group 2 collector location being more consistent with the Pender County Collector Street Plan as well as buffers where existing wetland buffers are not provided. The community meeting was contentious however we feel beneficial to the process and the plan.

SITE DATA

PROJECT PIN'S	3234-24-6900-0000, 3234-38-5366-0000, & 3234-29-6506-0000
PROJECT AREA	301.1 AC
EXISTING ZONING	RP & RA
PROPOSED ZONING	PD
PROPOSED SINGLE FAMILY LOTS	750
PROPOSED COMMERCIAL AREA	1 AC
PROPOSED COMMON AREA	65 AC
SEWER UTILITY AREA	8 AC
PROPOSED RIGHT OF WAY AREA	10 AC
PROPOSED SINGLE FAMILY AREA	217 AC
PROPOSED OVERALL DENSITY	3.5 UNITS/ACRE
MINIMUM LOT SIZE	SEE NOTE 9
OPEN SPACE REQUIRED	22.5 AC.
PASSIVE OPEN SPACE PROVIDED	53 AC
ACTIVE OPEN SPACE PROVIDED	12 AC
RECREATION UNITS REQUIRED	7.5
RECEIVING STREAM & CLASS	TURKEY CREEK, SW
PHASE 1 PROPOSES	300 LOTS & COMM.
PHASE 2 PROPOSES	300 LOTS
PHASE 3 PROPOSES	150 LOTS

GENERAL NOTES:

1. 301.1 ACRES ARE PROPOSED TO BE REZONED TO PD, PLANNED DEVELOPMENT PURSUANT PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE.
2. PRIMARY ACCESS TO BE PROVIDED BY PUBLIC COLLECTOR ROAD IN ACCORDANCE WITH THE PENDER COUNTY COLLECTOR ROAD PLAN.
3. ALL STREET CONSTRUCTION SHALL COMPLY WITH NCDOT STANDARDS.
4. WETLAND LINE DELINEATED BY SOUTHERN ENVIRONMENTAL GROUP INC., SEGI
5. WATER SERVICE TO BE PROVIDED BY PENDER COUNTY UTILITIES.
6. STORMWATER MANAGEMENT SHALL BE BY LOW DENSITY, CURB OUTLET WITH PIPED COLLECTION. STORMWATER WET DETENTION PONDS ARE PROPOSED TO ENABLE THE COLLECTION PIPING.
7. UNLESS OTHERWISE SHOWN, A TWENTY FIVE FOOT VEGETATED BUFFER IS PROPOSED ADJACENT THE PROJEC" BOUNDARY.
8. THE PROPERTY IS LOCATED WITHIN THE CAPE FEAR RIVER BASIN AND DRAINS TO TURKEY CREEK, SW WATERS.
9. NO SINGLE FAMILY RESIDENTIAL MINIMUM LOT SIZE IS PROPOSED. LOT SIZES WILL BE ESTABLISHED BY FUTURE PRELIMINARY PLANS AND CONSISTENT WITH PERMITTED DENSITY TO PROVIDE COMMON AREAS WHERE ENVIRONMENTALLY APPROPRIATE AND AS NEEDED FOR COMMUNITY BENEFIT.
10. PROPOSED PD ZONING RESIDENTIAL SETBACKS
    - FRONT = 20'
    - REAR = 15'
    - SIDE = 10'
    - CORNER = 15'
    - MIN. CHORD = 30'
    - MAX. BUILDING HEIGHT = 35'MAX.
11. PROPOSED PD ZONING COMMERCIAL SETBACKS
    - FRONT = 50'
    - REAR = 25'
    - SIDE = 10'
    - CORNER = 15'
    - MIN. CHORD = 50'
    - MAX. BUILDING HEIGHT = 35'MAX
12. PROPOSED DEVELOPMENT WILL ADD 7000 TRIPS PER DAY, 700 PEAK HOUR TRIPS.
13. RETAIL NAICS CODE 445230, SEWAGE TREATMENT FACILITY NAICS CODE 221320
14. LOCAL ROADS SHOWN FOR CONCEPT ONLY. PRELIMINARY PLAN ROAD NETWORK MAY VARY.
15. ACTIVE SPACES AND RECREATIONAL UNITS WILL BE DESIGNATED IN THE PRELIMINARY PLAN PROCESS AND DEDICATED AS APPROPRIATE FOR THE NUMBER OF LCTS SO PLANNED.
16. SIGNIFICANT TREE SURVEY WILL BE PROVIDED IN PERLIMINARY PLAN PROCESS.
17. DEVELOPMENT PROPOSES TO DESIGN STORMWATER DETENTION SYSTEMS FOR THE 50 YEAR AND MODEL FOR THE 100 YR. STORM.
18. FALL BROOK LANE WILL BE ACCEPTED FOR MAINTENANCE BEFORE CONNECTION MADE BY PHASE 3 RECORDING.
19. FALL BROOK LANE WILL BE ACCEPTED FOR NCDOT MAINTENANCE PRIOR TO PRELIMINARY PLAT APPROVAL OF THE 601ST LOT OF THIS DEVELOPMENT. PRELIMINARY PLAT APPROVAL OF ANY PORTION OF THE DEVELOPMENT WITHIN THE BOUNDARY OF IRACT 2 AS SHOWN ON THE PENDER COUNTY MAP BOOK 42 PAGE 116, OR USE OF FALL BROOK LANE FOR CONSTRUCTION TRAFFIC, WHICHEVER COMES FIRST.
20. BUILDING SEPERATION SHALL BE IN ACCORDANCE WITH THE NORTH CAROLINA BUILDING CODE.

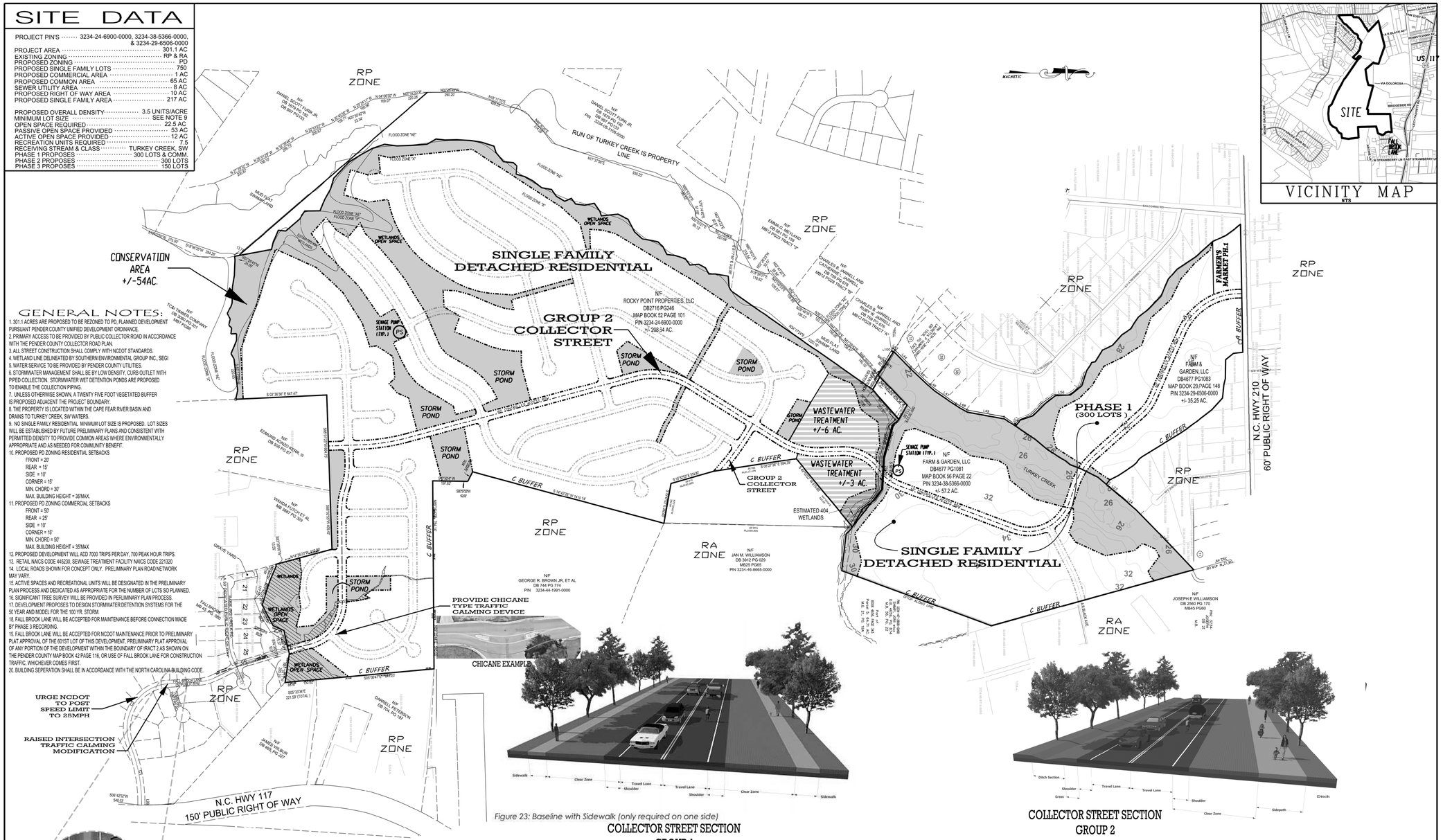
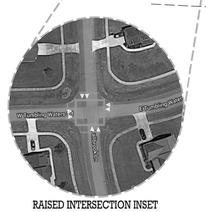


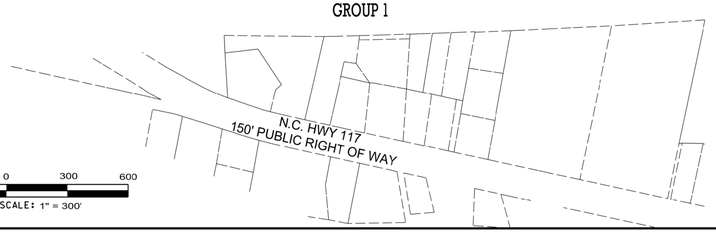
Figure 23: Baseline with Sidewalk (only required on one side)

COLLECTOR STREET SECTION GROUP 1

COLLECTOR STREET SECTION GROUP 2



RAISED INTERSECTION INSET



300 0 300 600
GRAPHIC SCALE: 1" = 300'

PROJECT NO.: PW1200-001
DRAWING NO.: W:\MASTER\PW-1200\DGN\MASTER DEVELOPMENT PLAN.DGN

PD MASTER DEVELOPMENT PLAN

FALLS MIST GARDENS

ROCKY POINT TOWNSHIP PENDER COUNTY NORTH CAROLINA

OWNER: ROCKY POINT PROPERTIES, LLC & FARM AND GARDEN, LLC
ADDRESS: 10 S Cardinal Drive Wilmington, NC 28403
PHONE:

STROUD ENGINEERING, P.A. C-0647
102-D CINEMA DRIVE WILMINGTON, NORTH CAROLINA 28403
(910) 815-0775 (910) 815-0593 FAX

DESIGNED:	JHF
DRAWN:	TLL
APPROVED:	JHF
DATE:	03/03/20
SCALE:	1" = 300'
SHEET	1 OF 6

NORTH CAROLINA PROFESSIONAL SEAL 20643 ENGINEER JAMES H. FENTRESS JR.

JAMES H. FENTRESS JR., P.E.

DATE

PROJECT NO.: PW1200-001

PLURIS

MAURICE W. GALLARDA, PE
Managing Member

May 22, 2020

Mr. James ("Jimmy") H. Fentress Jr. PE
Stroud Engineering, PA
102D Cinema Drive
Wilmington, NC 28403

via email and original by FedEx

Re: Letter of Intent to Provide Wastewater Treatment Services to Rocky Point Properties, LLC's Falls Mist Gardens

Dear Jimmy,

This letter serves as a letter of Intent ("LOI") for Pluris to provide wastewater treatment services for the above referenced development to be located southeast of the intersection of Highway 210 and Highway 117 in the community of Rocky Point in Pender County North Carolina. The development, known as "Falls Mist Gardens" will comprise some 300 acres with 750 single family residences planned at buildout.

Pluris plans to service the development with an onsite membrane bio-reactor ("MBR") advanced wastewater treatment plant. Pluris has completed two MBR facilities over the past 10 years in Pender and Onslow counties and is presently completing its 3rd facility with startup beginning the first week of next month (June 2020).

Randy Hoffer, Pluris's North Carolina Regional Manager has reached out to you to schedule a group meeting as part of Pluris's due diligence in siting, designing, and permitting the MBR facility within planned development. Our design engineer Michael Gallant, PE will be in attendance and providing Mark Maynard plans on attending, I will make an effort to be there as well.

Prior to the meeting, it may facilitate discussion by providing Randy with information that will allow him and Michael to do some preliminary conceptual planning for the MBR facility. Information might include an estimated buildout schedule for the entire 750 residences, available land for siting the MBR treatment plant and contemplated high rate infiltration pond, and any engineering drawings you may currently have for the development showing elevation differences.

As you know Pluris is regulated in accordance with § 62 of the North Carolina Public Utilities Act, as a public utility. The Act requires the North Carolina Utilities Commission ("NCUC") to approve new service areas of all utilities and Fall Mist Gardens is a new service area. Upon execution of a definitive developer agreement between Pluris and Rocky Point Properties, LLC, Pluris will submit an application to the NCUC for review and approval. The developer agreement will include all binding terms between the parties.

I appreciate you and Rocky Point Properties, LLC considering Pluris for this project and should Mr. Maynard desire to evaluate Pluris's reputation and performance I will be happy to provide contacts within the development industry, local municipal and county boards and agencies, as well as the regulatory agencies including the North Carolina Department of Environmental Quality ("NCDEQ") and the NCUC.

Sincerely,

Maurice W. Gallarda, PE
Managing Member

CC: Randy Hoffer (via email)
Michael C. Gallant, PE, PA (via email)

T:214.220.3412 I F:214.965.9090 I mgallarda@plurisusa.com

Attachment 1

STROUD ENGINEERING, P. A.
CONSULTING ENGINEERS
102D CINEMA DRIVE
WILMINGTON, NORTH CAROLINA 28403
WWW.STROUDENGINEER.COM
LICENSE NO. C-0647

ROCKY POINT PROPERTIES, LLC. AND FARM AND GARDEN, LLC PROPERTIES BETWEEN HWY 210 & US HWY 117 S FALLS MIST

Community Informational Meeting Report

One required community meeting was held from 5:30 pm to 8:30 pm on Wednesday, July 8, 2020 at the Pender County Miller's Pond Park. This meeting was organized by Stroud Engineering, PA to provide adjoining residents an opportunity to review the proposal, ask questions, and voice concerns regarding the proposed conditional use rezoning. The residents were notified by mail of the meeting concerning the proposed rezoning.

There were at least thirty adjoining residents, two Stroud Engineering, PA representatives, the property ownership, a senior Transportation Engineer from Davenport Engineering, and three Pender County Planners. A reporting of the attendees is attached. There were several inquiries of Stroud Engineering in the weeks leading up to the meeting. Primary concerns were traffic, flooding, drainage, safety, property value, visual pollution and value of proposed homes.

The majority of the comments and concerns were from the Fall Brook Subdivision Community residents. Their general questions (and the answers provided) follows:

Traffic :

Traffic was a primary concern, as likely increased from the proposed PD neighborhood of the seven hundred and fifty proposed homesites. Fall Brook Lane was dedicated as a twenty wide North Carolina Department of Transportation, NCDOT, collector road in 2008. Many of the resident's park alongside the street. The attending homeowners of Fall Brook were made aware of the Pender County Collector Street Plan that emanates from their neighborhood. The concern is that the collector connection will create a bypass around Rocky Point and cause a significant increase in traffic? Fall Brook residents are concerned that their narrow roads will not be widened.

Another noted concern is the south bound site distance from the existing US Highway 117 overpass to the north in its relation to the main Fall Brook entrance. The traffic increase could cause back-ups leading into the existing subdivision for north bound traffic making a left into Fall Brook Lane. There was some concern that existing wildlife would be disturbed.

Attachment 1

The Fall Brook residents inquired if they could put up an emergency gate similar to a Surf City community? Such gate would likely be problematic on a publicly dedicated road.

Flooding:

Flooding as a result of the increased impervious was a reported concern. Balcombe Road residents reported flooding along Turkey Creek was already a problem. A picture of recent street and lot flooding in the area was provided by one of the residents who claimed to have built the adjacent house. Several Fall Brook residents reported the roadside ditches being frequently overwhelmed. Concerns of the adequacy of existing culverts was also expressed.

Schools:

Fall Brook residents expressed concern about the overcrowding of the schools in the area. They questioned the existing schools ability to accommodate increased student age population. Stroud Engineering reported that the Pender County School system is aware of the proposed development.

Safety:

The Fall Brook community is concerned about the safety of their children with increased amounts of traffic traversing their neighborhood indicating that their children frequently play in the streets. Stroud Engineering represented that the proposed development's collector streets include bike lanes and sidewalks for improved pedestrian access.

Various questions:

- When will the construction start? *18 months +/- for approval and permits.*
- Concerns of existing homes being devalued by the additional traffic.
- What size lots are proposed? *The PD zone is proposed to enable a diversity of lot sizes.*
- Residents want to be made aware of all upcoming meetings for attendance.
- Where will wastewater treatments be located?
- Any other ideas for alternate outlets?

Please see attachments supplied by Stroud Engineering.

Thanks,

James H. Fentress Jr. PE, PLS

NORTH CAROLINA PROFESSIONAL SEAL 20643 ENGINEER JAMES H. FENTRESS, JR. 7/14/20

Attachments

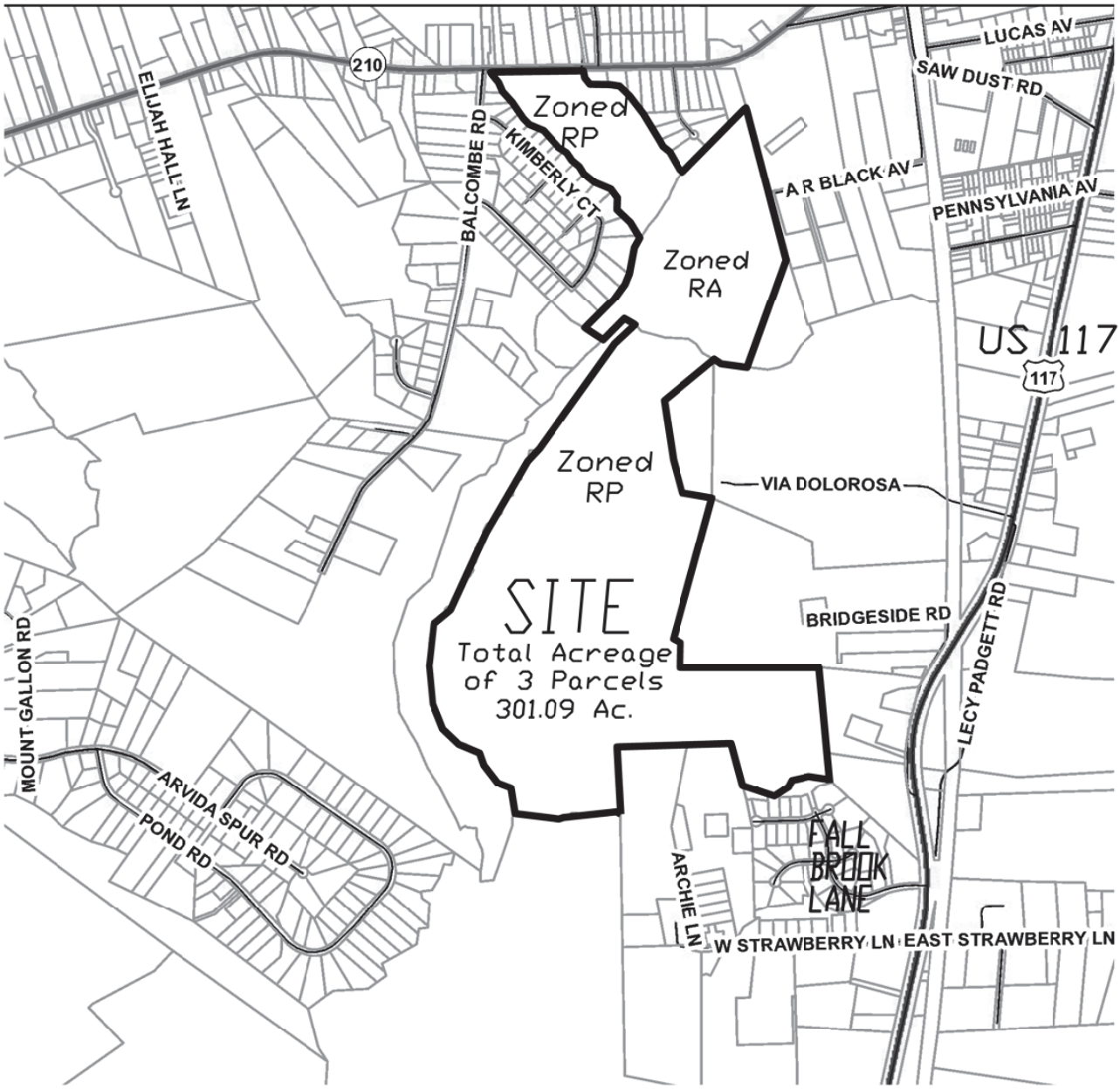
JHF/jf
File W:\Master\PW-1200\wpd\COMMUNITY MEETING\FALLS MIST COMMUNITY MEETING REPORT.doc

107B COMMERCE STREET
GREENVILLE, NORTH CAROLINA 27858
252.756.9352

102D CINEMA DRIVE
WILMINGTON, NORTH CAROLINA 28403
910.815.0775

3302C BRIDGES STREET
MOREHEAD CITY, NORTH CAROLINA 28557
252.247.7479

Attachment 1

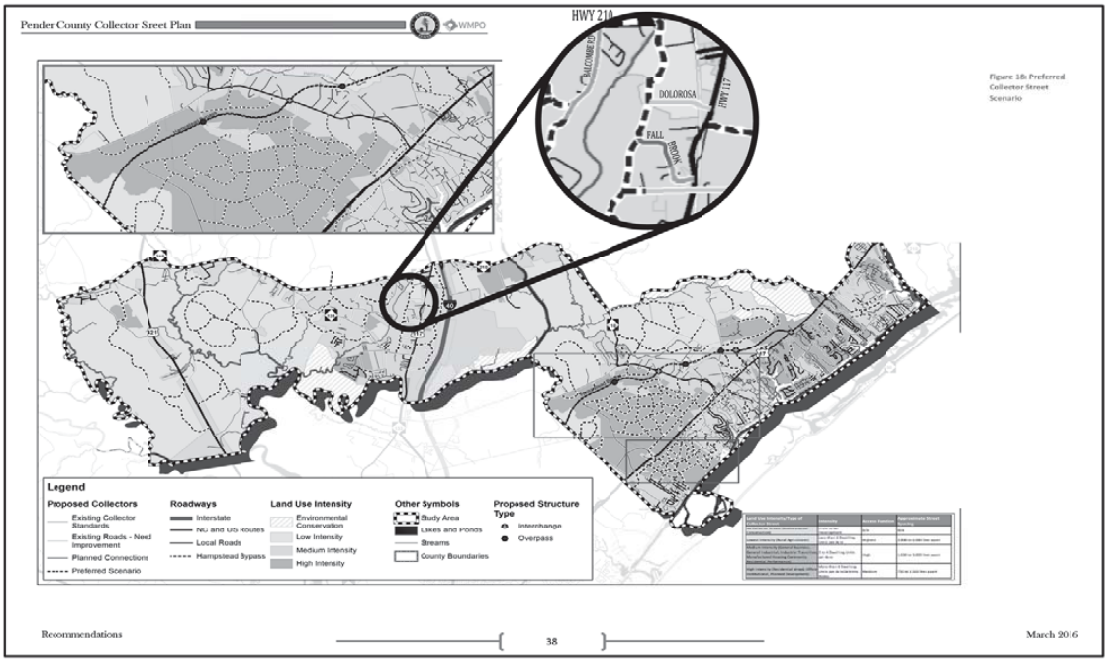


VICINITY MAP

for a Planned Residential Development

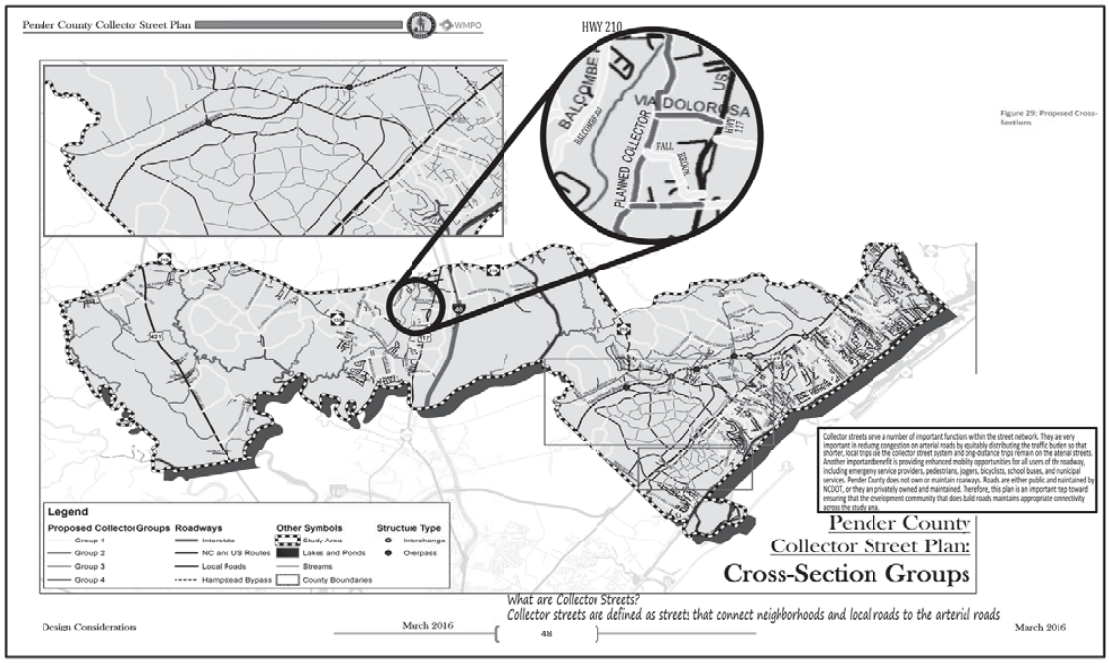
Engineered and Planned by:
Stroud Engineering, PA
102-D Cinema Dr.
Wilmington, NC 28403
910-815-0775

Attachment 1



Pender County Collector Street Plan

Final Report 2016 WMPO



FALLS MIST - COMMUNITY MEETING (JULY 8TH, 2020)
SIGN -IN SHEET

TOTAL	NAME	ADDRESS	CONCERNS
STROUD ENG	James H. Fentress, Jr. PE	102-D Cinema Dr. Wilmington	
STROUD ENG	Tracy L. Lowe Eng Tech II	102-D Cinema Dr. Wilmington	
~~[redacted]~~	Mat Lee Maynard Jr.	105 Sandy Ln	Developer
~~[redacted]~~	Don Bennett	Developer + Engr	
	[illegible] Dunn Hamilton	237 W. Tumbling Waters Rd. Rocky Point	
	Cathy Jarrell	315 Balcombe Rd Rocky Pt	
	Norma Kerr	40a W Strawberry Rocky Pt	
	Pat Kerr	" " " " "	
	Gordon [illegible]	16725 NC Hwy 210 Rocky Point	
	Stuart Peterson	203 Fall Brook Lane	
SEGi	Doug Luthringer	5315 S. College Sta. E. Wilm 28412	
	Scott + Tammy Sherman	64 Babbling Creek Rd Rocky Point NC	
	Kelly + Catherine Lupkin	18 Babbling Creek Rd Rocky Point NC	Traffic, cars driving through, flooding into our yards, overcrowding + noise
	Tammy and Doug Crumpler	11 Babbling Creek Rd. Rocky Point NC	DRIVE WAY CONNECTS TO THE FEEDER ROAD THAT CANNOT HANDLE THE INCREASED TRAFFIC FLOW
	Raphael + Kelly Rapalyea	104 Babbling Creek Rd Rocky Point NC	Road, KIDS playing
	Johnathan Vaughan	160 Fallbrook Ln Rocky Point	driveways on throughfare, kid safety of neighborhood, increased traffic, lose "country feel"
	[illegible] Shirley Hyde	229 Dull Creek Court	extra traffic, kids playing, schools, flooding WATER
	Ed + Susan Sikkeff	806 Hunting Ridge Rd Wilmington	
Attic	Linda Pinto	1087 Pago Rd Wertha	Environmental
	Shannelle + Damian Pollock	183 Fallbrook Ln	Safety, traffic, kids, decrease in home value, decreased land
	Teresa + Jerry James	94 Fall brook Ln	no road access
	Scott Furr	1001 Balcombe rd	
	Kim/Matthew Bradsett	42 babbling creek Rd	Traffic, flooding, noise
	Aubrey Harvey	220 Dull Creek Ct	Traffic, flooding, safety for kids, crime,

Attachment 1

Tracy Lowe

From: Don Bennett <DBennett@davenportworld.com>
Sent: Thursday, July 09, 2020 9:40 AM
To: Jimmy Fentress; Tracy Lowe
Cc: Dionne Brown
Subject: Community meeting feedback notes.

Here are the key traffic issues I heard last night at the meeting and my observations or knowledge on the matter in red.

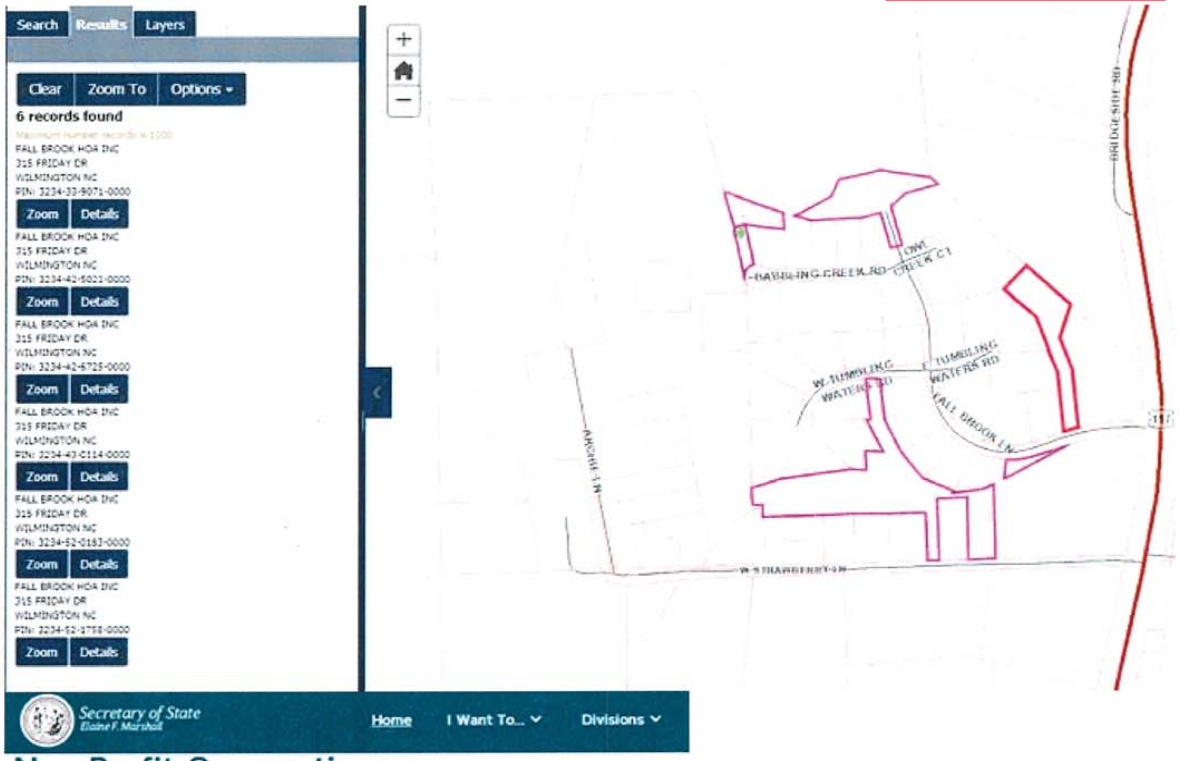
- Sight Distance exiting Fall Brook onto 117. – After the meeting, I rode up to the roadway and rode down Fall Brook as committed to in the meeting. When exiting, there is an overturned tree in the ditch line that has some overgrowth. I will report this to NCDOT this AM as it appears to be in the ROW of 117.
- There was a concern about the total traffic load on Fall Brook. – Consistent with my experience, residents assert that two vehicles per home will leave in the AM and return in the PM, hence the 1500 number. They also assume that all those vehicles will exit in front of their house. ITE trip generation generally assigns just south of 10 trips per day to single family residential. In keeping with general practice – 10% of the daily traffic occurs in the peak period. Therefore the site will generally create about 750+/- vehicles in the full build. I would assume that about half will head to NC210, about half to US117, the residents(current) will assume a greater percentage going to 117 since that is the way to Wilmington, but…..the elementary and high school are north of the site and would logically draw parent pickup and drop off to the northern access point. None the less, this project was entitled to access this roadway and the TIA will eventually reveal what the overall increase in load is. Reviewing the counts at US117 and Fall Brook showed a definite effect of COVID as the AM volumes were much lower than Trip Gen would have estimated. Please note also, that Pender County schools has a bus stop at this location as Fall Brook is not currently publicly maintained. This could potentially create issues at the Planning Board/Commissioner meeting and we would do well to have documentation that buses will stop in the neighborhood for pickup once the road is publicly maintained. This will provide some traffic calming in the AM peak for the increases in traffic.
- With of Fall Brook Lane/Cars parked on Fall Brook - I rode Fall Brook all the way to the back and it appears to be in decent condition, one cross line cut, but is a standard NCDOT 20' cross section for the roadway. My experience has been that the sidewalks are likely in an easement off the ROW and would still be the maintenance responsibility of the HOA.(More on that later) NCDOT does not maintain sidewalks in the ROW. There was one vehicle parked with its driver side wheels on the pavement, ironically it was Bob's.(Green Bay and Oklahoma stickers gave it away) One statement was made that cars park on the street due to insufficient driveways to store household vehicles. Casual observation during my ride through showed that most of the garages(it appeared all homes had two car garages) that had the doors open were more attached storage for lawn and sporting equipment. Bob was correct that his Mustang was in the garage, but street view images and yesterday seem to confirm that Bob regularly parks parallel to Fall Brook.
- There was discussion about two items that were not necessarily related to current conditions and requests for changes to the initial design. –
    - Gated Access, that would be up to the Pender County planners and NCDOT. If the roads are to become State maintained, gating would be a non-starter. That in and of itself would perpetually make all of Fall Brook a privately maintained roadway and I am pretty sure that would not fly with regard to the collector street plan concept.
    - The other was making the roadway less attractive as a cut through. That is possible through design. When I was with Wilmington, it became clear through the neighborhood traffic calming program that interconnectivity was a good thing, but a straight path invited speeds that were not aligned with neighborhood character. The road system in the new development could be aligned in a way that still creates the connection, but would require multiple stop/turn, T intersection arrangements that would dissuade through traffic while still allowing multiple points of ingress and

egress from both the existing and proposed residential. Whether that meets the NCDOT Subdivision road design guidelines would have to be investigated.

- The HOA – There was a comment made during the meeting that there is no HOA in the neighborhood. Odd, as Pender GIS shows three parcels in the neighborhood deeded to the HOA and under their liability and maintenance. It would appear that the developer of the neighborhood left a couple of strings untied when the neighborhood was completed.
- Lastly – After the bulk of the crowd had left, I had a discussion with one of the younger persons about the TIA. I cannot recall his name. I reassured him that the TIA will be prepared to NCDOT standards and that the only influence the developer has on that process is the number of units per phase. Everything else is done by the NCDOT book for TIA's. That seemed to give him some comfort that it will be studied, and the developer may have to make improvements to the interface with the existing intersections at NC210 and US117 to mitigate the impacts of the proposed development.

Don Bennett | Senior Transportation Engineer
DAVENPORT
3722 Shipyard Blvd, Suite E | Wilmington, NC 28403
t (910) 550-3741 ext: 22212
c(910) 599-1380
website | map | email

Attachment 1



Secretary of State
Elaine F. Marshall

Home | I Want To... | Divisions

Non-Profit Corporation

Legal Name
Fall Brook Homeowners' Association, Inc

Information

SosId: 1106542
Status: Current-Active
Date Formed: 7/13/2009
Citizenship: Domestic
Annual Report Due Date:
Annual Report Status: Current
Registered Agent: Tucker, Thomas N.

Addresses

Reg Office
315 Friday Drive
Wilmington, NC 28411

Reg Mailing
315 Friday Drive
Wilmington, NC 28411

Balcombe Rd.

Pender County Agencies

County Manager's Office

No response

Pender County Public Works

No response

Pender County Utilities

- PCU is interested in the phases of construction. Stroud Engineer mentioned that the development will be build on phases of 100 homes per phase. PCU agreed with the ratio.
- PCU is interested on Waste Water Treatment Design. Stroud Engineer mentioned that the intention is to have Pluris build a membrane WWTP. PCU agreed with the decision as long as it is a membrane plant as discussed.

Pender County Environmental Health

No response

Pender County Emergency Management

Pender County Fire Marshal

- Collector road from NC Hwy 210 to FallBrook must meet NC DOT and support 75,000 lbs
- Full completion of the roadway from NC Hwy 210 and US Hwy 117 S completed at the time on the start by the 100th house

Pender County Parks and Recreation

- Interested in potential of fee-in-lieu for recreational units

Pender County Board of Education

- Major concern is capacity, though proposed timeline (50 units/yr) should give time for infrastructure to keep up

Pender County Sheriff's Department

No response

Pender County Addressing Coordinator

- Request must be made to reserve road names per Pender County's Unified Development Ordinance Section 11.5.1.C. The request should include a list of requested names and alternates for review.
- Street signs must meet the County Specifications as noted in the County's Unified Development Ordinance Section 11.10.2.A
- The Pender County GIS Division interprets Pender County UDO §11.4.3 regarding prohibited road names as being valid for subdivision names as well. In this case Falls Mist Gardens is too similar to an existing subdivision name, and we ask that a new name and possible alternatives be submitted. This can be emailed to me and does not require a new preliminary plan

submission. Please also be aware that the collector street on your preliminary plan would need to retain the name of FALL BROOK LN since it extends an existing street.

Pender County Soil & Water Conservation
No response

Pender County Permitting Division
No response

Pender County Flood Plain Manager
No response

Pender County Code Enforcement
No response

Pender County Building Inspections
No response

Pender County Library
No response

Transportation

NCDOT - District Engineer Office
Project currently in the TIA process. Will require subdivision plan approval and encroachment agreement possible.

NCDOT - Division Engineer Office
No response

NCDOT – Transportation Planning Branch
No response

Wilmington Metropolitan Planning Organization (WMPO)
No response – collaborating through TIA process to coordinate improvements

Cape Fear Rural Planning Organization (RPO)
No response

Statewide Organizations

Division of Energy, Mineral and Land Resources (Stormwater Management)
No response

Division of Energy, Mineral and Land Resources (Erosion Control)
No response

Division of Coastal Management
No response

US Army Corps of Engineers
No response

NC Wildlife
No response

State Archeology
No response

Division of Underground Storage Tanks
No response

Utilities

Duke Energy
No response

Four County Electric
No response

Pluris Holdings LLC
No response

Piedmont Natural Gas
No response

AT&T
No response

Pender County

Request For Board Action

DATE OF MEETING:	April 19, 2021
REQUESTED BY:	Travis N. Henley, Director, Planning and Community Developm
SHORT TITLE:	Resolution Requesting Approval of a Conditional Zoning Map Amendment from RP, Residential Performance zoning district and RA, Rural Agricultural zoning district to PD-CD1, Planned Development Conditional zoning district 1.
BACKGROUND:	Stroud Engineering, applicant, on behalf of Rocky Point Properties LLC and Farm and Garden LLC, owners, is requesting the approval of a Conditional Zoning Map Amendment for three (3) tracts totaling approximately ±301.09 acres from RP, Residential Performance and RA, Rural Agricultural zoning districts to PD-CD1, Planned Development Conditional zoning district 1. This request is to allow for 750 single family detached residential units, associated sewage treatment facility (NAICS 221320), and a farmers' market (NAICS 445230).
SPECIFIC ACTION REQUESTED:	To Hold a Public Hearing and Consider the Approval of a Zoning Map Amendment from RP, Residential Performance zoning district and RA, Rural Agricultural zoning district to PD-CD1, Planned Development Conditional zoning district 1.

RESOLUTION

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

on January 19, 2021 the Pender County Board of Commissioners (approved, modified, denied) the Conditional Zoning Map Amendment, as described herein. The Chairman/County Manger is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED: **SECONDED:**

☐ APPROVED ☐ DENIED

YEA VOTES: ☐ BROWN ☐ MCCOY ☐ NEWTON ☐ PIEPMEYER ☐ WILLIAMS

04/19/2021

George R. Brown, Chairman Date

04/19/2021

Clerk to the Board Date

Pender County
SUP 2021-22 (Family Dollar - Currie)

TO:	County Commissioners
FROM:	Travis Henley
DATE:	January 18, 2022
SUBJECT:	SUP 2021-22 (Family Dollar - Currie)

SUMMARY:
Marie Peedin, applicant, on behalf of Barnes Boykin, owner, is requesting approval of a Special Use Permit for the construction and operation of a 10,500 square foot Family Dollar retail store within the RA, Rural Agricultural zoning district on approximately 2.07 acres of land located on the northeastern corner of the intersection of US HWY 421 and Montague Road. The subject property is located in the Grady Township and may be further identified by Pender County PIN 2285-63-0939-0000.

ACTION REQUESTED:
Approval of Special Use

ATTACHMENTS:
SUP 2021-22 Staff Report BOCC 1.18.2022
SUP 2021-22 Application
SUP 2021-22 Narrative
SUP 2021-22 Site Plan
SUP 2021-22 Attachment 1 UDO 3.12.3 and 3.1.2.4
SUP 2021-22 BAF
SUP 2021-22 Staff Report BOCC 11.15.2021

STAFF REPORT FOR SUP 2021-22
SPECIAL USE PERMIT APPLICATION

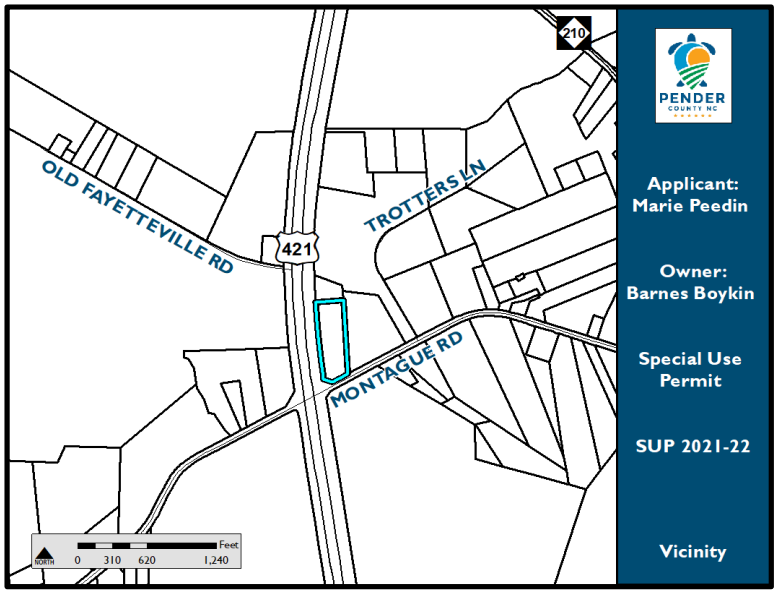
APPLICATION SUMMARY	
Case Number	SUP 2021-22
Hearing Dates	January 18, 2021 Board of Commissioners
Applicant	Marie Peedin
Property Owner(s)	Barnes Boykin
Parcel Identification Number	2285-63-0939-0000
Acreage	2.07
Township	Grady
Zoning District	RA, Rural Agricultural
Pender 2.0 Future Land Use Category	Rural Agriculture

SPECIAL USE PERMIT PROPOSAL

Marie Peedin, applicant, on behalf of Barnes Boykin, owner, is requesting approval of a Special Use Permit for the construction and operation of a 10,500 square foot Family Dollar retail store.

LOCATION

The subject property is on the northeastern corner of the intersection of US HWY 421 and Montague Road in the Grady Township.

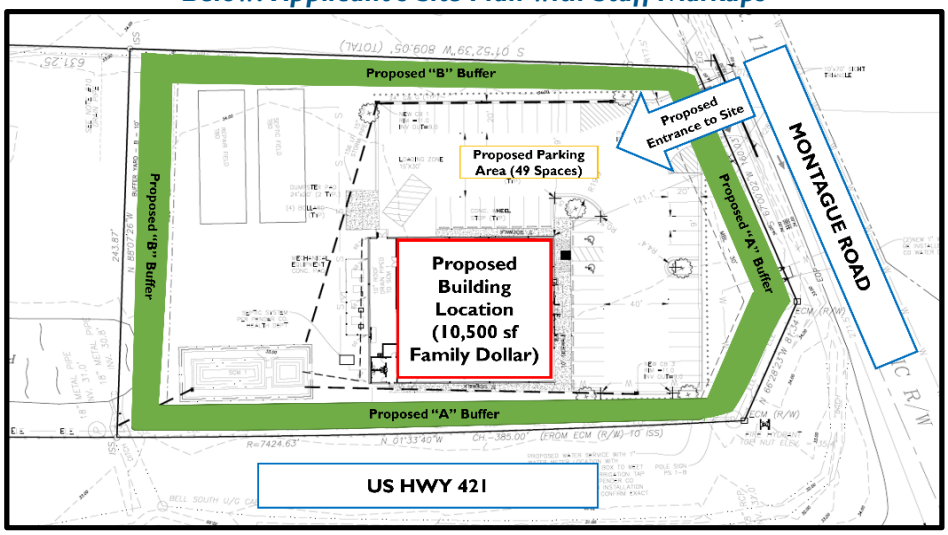


SPECIAL USE PERMIT PROPOSAL

The applicant is seeking to obtain a Special Use Permit in order to construct a 10,500 square foot Family Dollar retail store. According to the applicant's submitted narrative, the proposed store will serve as a commercial retail store with needed parking and signage. This application was tabled at the November 15, 2021 Board of County Commissioners meeting to give the applicant an opportunity to provide the board further clarity on the proposed wastewater system associated with this request.

As illustrated on the submitted site plan, the proposed building will be located on the southern portion of the property. Associated parking will be located along the southern and eastern portions of the property. The applicant has also indicated that the proposed site plan will require a recordation of a map of recombination with the Pender County Register of Deeds office.

Below: Applicant's Site Plan with Staff Markups



Prior to issuance of final zoning approval, a site development plan must be submitted and approved in accordance with all applicable provisions of the Pender County Unified Development Ordinance. The site development plan shall be reviewed by members of the Pender County Technical Review Committee (TRC). Furthermore, the proposal is subject to all other applicable federal, state, and local permits and approvals.

Hours of Operation
According to the applicant, the hours of operation for the site will be from 9:00 am to 9:00 pm, daily.

Access
The site is proposed to be accessed from Montague Road, an NCDOT State-maintained local road, as classified by the NCDOT Functional Classification Map. According to the applicant's site plan, the proposed driveway is approximately 272 feet east of the intersection of US HWY 421 and Montague Road.

Traffic
The Pender County UDO requires a Traffic Impact Analysis when a development generates more than 100 trips in the morning or evening peak hours and over 1,000 trips per day. As proposed, this development would not require a TIA.

NCDOT Average Annual Daily Traffic (AADT) – 2019; WMPO Roadway Capacities – 2019

Road	Location	Volume	Capacity	V/C
Montague Rd	East of US 421	-	13,894	-
Montague Rd	West of US 421	420[1]	13,894	0.03
US HWY 421	At Montague Rd	5,700	43,856	0.13

[1]2016 NCDOT AADT

Because a Traffic Impact Analysis has not been completed at this time that analyzes roadway impacts as a result of the development, the volume to capacity ratio for US HWY 421 and Montague Road near the subject site has been provided. This ratio is based on average daily trips and the design characteristics of a given roadway, which can provide a general idea of the function of such roadway. Based upon the available volume to capacity data, US HWY 421 and Montague Road in this area has capacity to handle the anticipated traffic volume increases associated with the proposed special use permit request.

Parking
The proposed use requires a minimum of 47 parking spaces, however, according to the submitted site plan, the applicant is proposing a total of 49 parking spaces. Parking standards will be reevaluated during the major site review process to ensure compliance with the UDO.

Pender County UDO Section 7.10, Off-Street Parking and Loading/Parking Requirements	
Specific Use	**Minimum Spaces**
Retail Sales and Service; Proposed 10,500 sf Family Dollar	1 per 225 SF Floor Area; 47 spaces required; 49 spaces proposed

Landscaping and Buffers
All landscape and buffers are to be approved in accordance with Section 8.2.7, Project Boundary Buffer of the Pender County Unified Development Ordinance. The applicant's submitted site plan indicates a Buffer "A" along all street boundaries of the site and a Buffer "B" along all other non-street boundaries. As proposed, buffering is in compliance with the Pender County UDO. If approved, all buffers will be evaluated when a site-specific plan is submitted.

Required and Proposed Buffers	
Buffer Type	**Location of Buffer**
Type A	Adjacent US HWY 421 & Montague Road
Type B	Adjacent to all non-street boundaries (north and west of subject property)

Signage
Any signage required by federal, state, and local agencies will be reviewed for compliance during the site development plan review process.

Utilities
The applicant has indicated that Pender County Utilities (PCU) will be contacted to extend water service to the site and Four County will provide electrical service to the site. The applicant is currently coordinating with a private sewer design engineer and the North Carolina Department of Environmental Quality to design and permit an on-site wastewater system to accommodate the proposed use.

ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject property does not contain any Special Flood Hazard Areas[1].
Wetlands	Portions of the subject property contain characteristics of wetlands[2, 3]. The location of any wetlands will be verified during the site development plan review process, and any development within these wetlands is subject to review and approval from the U.S. Army Corps of Engineers.
Areas of Environmental Concern	The subject property does not contain any Areas of Environmental Concern (AEC)[4].

[1] According to the effective regulatory and preliminary Flood Insurance Rate Maps NC Flood Risk Information System (NC FRIS)
[2] According to the NC Division of Coastal Management (NC DCM)
[3] According to the National Wetlands Inventory (NWI)
[4] According to the North Carolina Department of Environmental Quality (NCDEQ)

PUBLIC NOTICE

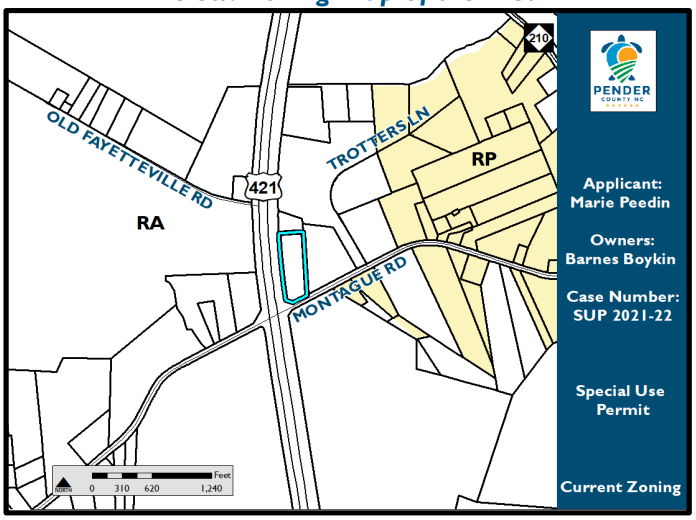
Public Notice for the Special Use Permit request has been advertised in the Pender-Topsail Post and Voice. In addition, all adjacent property owners within 500' of the proposed development have been given written notice of this request, and a public notice sign has been placed on the subject site.

EVALUATION

Basis for Granting SUP

Approval and revocation procedures for Special Use Permits are located in Sections 3.12.3 and 3.12.4 of the Pender County Unified Development Ordinance. These sections are provided as Attachment 1.

Below: Zoning Map of the Area



CHARACTERISTICS OF THE SURROUNDING AREA		
	LAND USE	**ZONING**
North	Single Family Residential, Undeveloped	RA, Rural Agricultural
East	Single Family Residential, Undeveloped	RA, Rural Agricultural
South	Single Family Residential, Undeveloped	RA, Rural Agricultural
West	Single Family Residential, Undeveloped	RA, Rural Agricultural

Unified Development Ordinance Compliance

The subject property is zoned RA, Rural Agricultural zoning district and according to Section 5.2.3 of the Pender County Unified Development Ordinance, Miscellaneous Retail Stores are permitted in this zoning district via Special Use Permit.

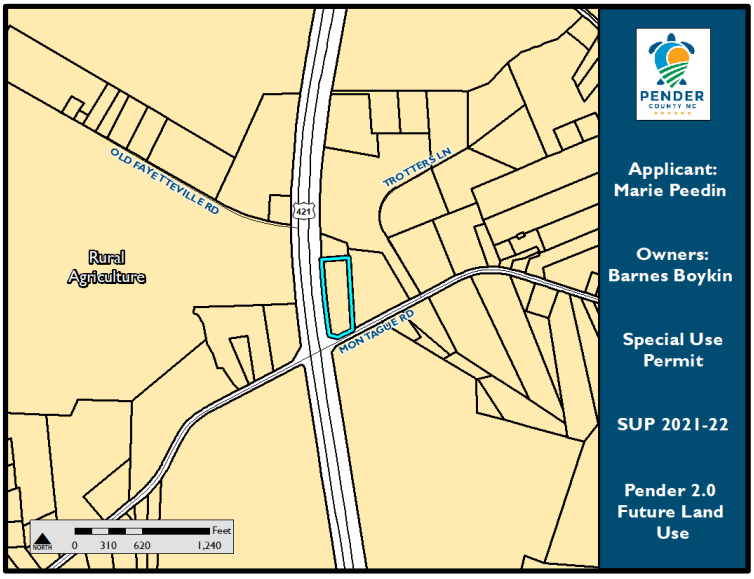
		Zoning Districts									
Use Type	**Ref NAICS**	**RA**	**RP**	**RM**	**MH**	**PD**	**GB**	**OI**	**IT**	**GI**	**EC**
Sectors 44-45 RETAIL TRADE											
Miscellaneous Store Retailers	453	S				P	P				

The Rural Agricultural District is intended to accommodate non-residential agricultural uses and very low-density residential development (minimum of 1 du/ac), as well as limited non-residential uses, in rural areas adjacent to agricultural operations.

Pender County 2.0: Comprehensive Land Use Plan Compliance

The subject property is classified as Rural Agriculture in the Pender County 2.0: Comprehensive Land Use Plan. The Rural Agriculture land use classification supports and protects Pender County's agricultural areas, an essential part of the County's economy and agricultural heritage. Agriculture uses are highly encouraged, as consideration should be given to the preservation of prime farmland soils for continued prosperity of farming and forestry operations. In addition to agriculture, very low-density single family residential development (conventional-built and manufactured) are appropriate in these areas.

Furthermore, commercial, civic, office, and institutional uses are permitted where compatible with existing neighborhoods and as a resource or employment opportunity for area residents. The proposed use is consistent with Rural Agriculture future land use classification within the Pender County 2.0 Comprehensive Land Use Plan because it has the potential to provide employment opportunities and services to nearby residents.



In addition to the proposal's consistency with the Future Land Use Map, the proposed Special Use Permit is also consistent with the following goals, objectives, and policies within the Pender 2.0 Comprehensive Land Use Plan:

> **Policy 5.1.K: Commercial Development:** The County supports a wide range of commercial development, particularly those businesses that provide needed services to residents and visitors, provided that the impacts on traffic are minimized.
>
> **Policy 5.1.FF: Rural Non-Residential Uses:** The County shall continue to accommodate limited non-residential uses in rural areas.

The proposed commercial retail use is consistent with the above policies because it is located at an intersection of a local residential road and major corridor where nearby residents and traveling motorists can access goods and services. In addition, the proposed use can serve as an employment resource for neighboring residents.

PROPOSED CONDITIONS

Conditions to Consider in Issuing a Special Use Permit for this Project

1. The project shall comply with all requirements of the Pender County Unified Developed Ordinance.
2. The obligations imposed by this permit will be the responsibility of the property owner and shall continue in effect for the duration of this permit.
3. The applicant shall meet all other local, state, and federal regulations.
4. Final zoning approval shall not be issued until the applicant provides all North Carolina Department of Environmental Quality wastewater permits to the Planning and Community Development department.
5. Any violations of the conditions of this permit, confirmed by the Zoning Administrator shall result in this permit becoming void, if not corrected within 30 days of receipt of the notice of violation.
6. 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.

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

Special Use Permit Submission

Applications will be considered for the Board of County Commissioners hearing and reviewed by Staff only when deemed complete. The application will be regarded as incomplete until the following items are received by the Planning and Community Development Staff.

1. ✓ **Pre-submittal Meeting**
   Date of Meeting _____
2. ✓ **Signed Application**
3. ✓ **Payment**
   $300 for the first 5 acres; $10 per acre over 5 acres of the project area
4. ✓ **Site Plan**
   All Site Plans submitted must be in accordance with Section 3.12.2 of the Unified Development Ordinance.
5. _____ **Digital Submission**
   For all documents submitted in paper copy, bring a digital copy with paper submission.
6. ✓ **Adjacent Property List**
   The applicant shall provide to the Administrator a list of names and addresses of the owners of all properties located within 500-feet of the perimeter of the project bounds along of the property under consideration.
7. ✓ **Adjacent Property Envelopes**
   The applicant shall provide one (1) set of #10 envelopes with typed addresses to each person on the owners of all properties located within 500-feet of the perimeter of the project bounds and accompanied with the required amount for first class postage.
8. ✓ **Project Narrative**
   A description of the proposed Special Use Permit including response to the standards set forth in Section 3.12.3.G of the Unified Development Ordinance.

I certify that all information presented in this application is accurate to the best of my knowledge.

Signature of Applicant _____ Date 8/23/21

Printed Name Marie Feedin

Staff Initials: _____
Date: _____

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:	Marie Peedin	**Owner's Name:**	Barnes Boykin
Applicant's Address:	PO Box 154	**Owner's Address:**	2405F Nash St NW
City, State, & Zip	Washington, NC 27889	**City, State, & Zip**	Wilson, NC 27896
Phone Number:	252-945-2983	**Phone Number:**	252-230-0632
Email Address:	mupeedin@ibxengineering.com	**Email Address:**	barnesboykin@yahoo.com

Legal relationship of applicant to landowner: Engineer of Record

SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):	2285-63-0939-000	**Total property acreage:**	2.07
Zoning Classification:	RA	**Acreage to be disturbed:**	2.07
Water Provider:	County	**Wastewater Provider:**	onsite
Project Address:	Montague Road, Currie , NC	**NAICS Code:**	453
Description of Project Location:	US421 & Montague Road (SR 1113) located on the northeast corner		
Describe activities to be undertaken on project site:	Construction of a 10,500 sf building for commercial retail use with needed parking and signage.		

SECTION 3: SIGNATURES

Applicant's Signature		**Date:**	8/17/2021
Applicant's Printed Name:	Marie U. Peedin	**Date:**	8/17/2021
Owner's Signature		**Date:**	8/17/21
Owner's Printed Name:	Barnes Boykin	**Date:**	8/17/21

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:	

Special Use Plan Narrative

FOR

General Retail
Currie

Pender County, NC

PREPARED BY:

Inner Banks Engineering, PC
PoBox 154
WASHINGTON, NC 27889
252.945.2983

LOCATION:

This site is located at the NE corner US Hwy 421 and Montague Road (SR1113) South of Currie, North Carolina. The parcel id number is 2285-63-0939-000.

DESCRIPTION:

The owners are requesting special use within the RA zoning to construct a 10,500 sf retail store. The store hours are from 9am – 9 pm daily. The store will employee up to 18people. The store will offer full time employment with benefits and part – time opportunities.

Construction Activities

The site is currently an open field with some vegetation. The developers plan to grade the site using a local grading contractor and provide all required utilities to the site including but not limited to water and wastewater as well as electrical service. An onsite septic system will be applied for through the Pender County Environmental Health Department to determine the suitability of the soilsfor an onsite septic system.

Also, in compliance with the state stormwater rules, the developer will constructa storm water control measure to treat the runoffon the site. This measure will be designed by a licensed engineer in accordance with requisite standards and submitted for approval by the state.

Utilities and Federal Permits

At this time the developer has made an application to the Pender County Environmental Health Department for the initial site evaluation for wastewater containment to service the site. Once this evaluation is complete we will know the suitability of the sitefor development. Pender County water department will be contacted to set up water service for the site. Duke Energy will provide electrical service to the site.

Federal and state permits required for the site include the following:

NCDEQ – Stormwater
NCDEQ – Land Quality
Pender County – Zoning Compliance
NPDES – NOI – GC00001
NCDOT - Driveway Access

8 Items for Discussion and Potential Impacts

1. The use requested is listed among the allowable special uses in the district for which application is made:

   Per section 5.2.3 Table of Permitted Uses of the Pender County UDO a retail use facility is allowed within the RA zoning district pending SUP approval

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 entire area is zoned RA. The particular site is located on the NE corner of US Hwy 421 and Montague Road (SR1113) which is condusive to retail use and similar to other similar locations in the area. Having the addition of a general retail store on the corner of a major US route shall not impair the integrity of the surrounding districts. The closest property that has been developed in the area is a single-family dwelling approximately 530 lf north east of the proposed site. With the counties landscape ordinance and the existing trees surrounding the area this development shall not adversely affect the safety, health or welfare of the community and the immediate neighbors.

3. The proposed use shall not constitute a nuisance or hazard;

   A general retail store does not constitute a hazard nor a nuisance. The tenant is required by lease tokeep up and maintain the site asthetically and in a proper working condition.

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;

   Based on the land use plan it allows for retail uses within this area and on this particular property.

5. Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or will be provided;

   Public water is available to the site as well as power. All site drainage shall be designed to meet or exceed the requirements set forth by the state for Pender County

6. Adequate measures have been or will be taken to provide ingress and egress and address the trafficflow safely to and from the propertyon to the public roads;

   The NCDOT has been notified about the development of the project and access permission will be acquired from them. There is a controlled access easement

along US 421 so all access to the site will be along SR 1113. The current AADT along this road based on NCDOT traffic counts is 420vpd.

7. The use shall, in all other respects, conform to the applicable regulations of the district in which it is located; and

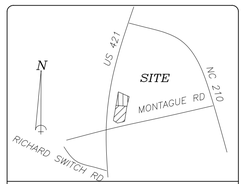
This site will be approved by the PenderCounty zoning department to ensure the site meets or exceeds all the requirements set forth in the UDO for RA zoning. The initial meeting has been held and the plan for development is moving forward to gain approval.

8. The proposed use shall not adversely affect surrounding uses and will be situated on a lot of sufficient size to satisfy the space requirements of said use.

The adjacent properties are currently unimproved and vacant and there should be no adverse effects to the existing uses. The lot size has been determined based on the area needed for the building, required parking, septic, and stormwater control measures. All these conditions have been met to meet or exceed standards.

In addition to the 8 written findings the developers would like to detail the impacts this type of facility can have on the surrounding area. Based on Google Maps and Google earth images there does not appear to be a local retail store within one mile of this site. This type of store will provide basic items of need. It will provide the community and neighbors in a food dessert the opportunity to shop forgeneral retail and grocery items quickly without having to travel 15 minutes or more to the nearest town to get bread,milk, or other basic supplies. The demographics and population of this area supports having a convenient general retail store within a short driving distance. It will save gas money as well as time for residents who are on a limited or fixed income by providing a convenient shopping option for expanded general retail and grocery items. Thisimproved property will generate increasedtax revenue to the County. It will also create convenient jobs for residence in the area as stated previously in this application.

As with any improvement providing goods and services to an area there will be some traffic generated at this location. It should not impede the flow of traffic in the area since a large drive entrance is being proposed to accommodate ingress and egress. Much of the traffic ingressing and egressing from the property will be local traffic who will be traveling by the property during their normal day to day activities.There will be lights in the parking lot to assist the customer duringafter work and evening hours but the lights will be down lights and focused to not generate light off the site. This type of use does not typically create additional or excessive noise. The hours of operation are planned for 9 A. M. to 9 P. M. The property is located on the corner of a major U. S. Highway with 5,700 vehicles per day so there shouldn't be additional noise caused by traffic. The retail use on this property will create a convenient shopping option for residents which is needed as well as creating an increased tax base and jobs for the community. The project is a positive for the area.not a problem because the site does not generate any noise outside of traffic and the property is off a major US Hwy which carries 5700 VPD.



VICINITY MAP (N.T.S)

SURVEY REFERENCE:

LOTS 1 & 2 HARVEY HALES SUBDIVISION
MAP BOOK 48 AT PAGE 59
DEED BOOK 4597 AT PAGE 273
PENDER COUNTY REGISTRY

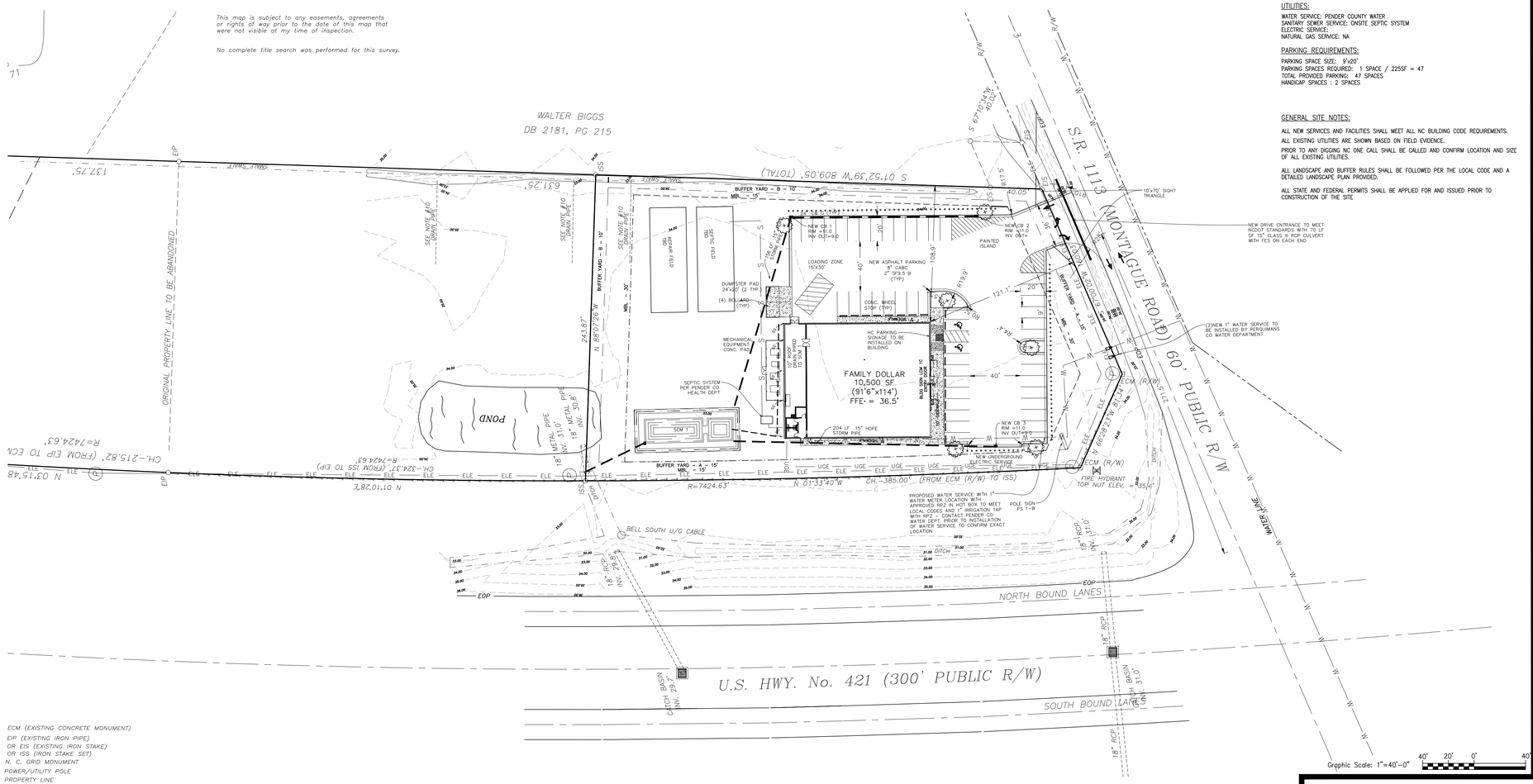
MAGNETIC
MB 48, PG 59

NOTES:

1. CORNERS ARE MARKED AS NOTED ON MAP.
2. ALL DISTANCES ARE HORIZONTAL FIELD MEASUREMENTS.
3. AREA COMPUTED BY THE COORDINATE METHOD.
4. THIS PROPERTY IS ZONED RA.
5. THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARDOUS AREA.
6. NO KNOWN HORIZONTAL CONTROL WITHIN 2,000'.
7. BUILDING SETBACKS REQUIRED TO BE IN ACCORD WITH THE PENDER COUNTY ZONING ORDINANCE. (FRONT 30' // SIDE 15' // REAR 30')
8. THESE PARCELS CANNOT BE USED FOR BUILDING DEVELOPMENT, UNLESS AN APPROVED WASTE WATER DISPOSAL METHOD HAS BEEN APPROVED AND PERMITTED BY THE PENDER COUNTY ENVIRONMENTAL HEALTH DEPARTMENT OR APPROPRIATE STATE AGENCY OR UNLESS A NEW PLAT IS APPROVED AND RECORDED AS REQUIRED UNDER THIS ORDINANCE.
9. IN ORDER FOR THIS RECOMBINATION OF PARCELS TO BE COMPLETE, A DEED OF COMBINATION MUST BE RECORDED WITH THE PENDER COUNTY REGISTER OF DEEDS OFFICE.
10. AT THE TIME OF MY INSPECTION VISIBLE DRAIN PIPES LOCATED AS SHOWN POSSIBLE MORE DRAIN PIPES

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.



LEGEND:

- ECM (EXISTING CONCRETE MONUMENT)
- EIP (EXISTING IRON PIPE) OR EIS (EXISTING IRON STAKE) OR ISS (IRON STAKE SET)
- CO_SETTINGS N. C. GRID MONUMENT
- POWER/UTILITY POLE
- PROPERTY LINE
- NON–SURVEYED LINE
- EASEMENT LINE
- DITCH LINE
- ℄ (CENTER LINE)
- R/W (RIGHT OF WAY)
- FENCE
- OVERHEAD UTILITY LINE
- EOP (EDGE OF PAVEMENT)

CONFIDENTIALITY STATEMENT:

THIS DRAWING IS THE PROPERTY OF INNER BANKS ENGINEERING SERVICES PC. THIS INFORMATION IS CONFIDENTIAL AND IS TO BE USED ONLY IN CONNECTION WITH WORK DESCRIBED BY INNER BANKS ENGINEERING, PC AND IT IS TO BE DISCLOSED TO OTHERS WITHOUT EXPRESS WRITTEN PERMISSION FROM INNER BANKS ENGINEERING, PC

OWNER:

CEDAR RUN CAPITAL, LLC
2405–F NASH STREET
WILSON, NC 27896

GENERAL CONTRACTOR:

STOCKS AND TAYLOR CONSTRUCTION, INC.
1825 CAROLINA AVENUE
WASHINGTON, NC 27889

GENERAL SITE AND BUILDING INFORMATION:

BUILDING USE: COMMERCIAL – RETAIL
BUILDING SIZE: 10,500 SF
MAX BUILDING HEIGHT: 35 FT

TOTAL LOT SIZE = (2.07 AC AC)
PARCEL NO. 2285–63–0939–0000

ZONING INFORMATION:

ZONING RA – SPECIAL USE
BUILDING MINIMUM BUILDING SETBACKS (UNLESS NOTED)
FRONT: 30'
SIDE: 15'
REAR: 30'
BUFFER YARD =
TO ROW – BY A – 15'
SIDE AND REAR BY B – 10'

UTILITIES:

WATER SERVICE: PENDER COUNTY WATER
SANITARY SEWER SERVICE: ONSITE SEPTIC SYSTEM
ELECTRIC SERVICE:
NATURAL GAS SERVICE: NA

PARKING REQUIREMENTS:

PARKING SPACE SIZE: 9'x20'
PARKING SPACES REQUIRED: 1 SPACE / 225SF = 47
TOTAL PROVIDED PARKING: 47 SPACES
HANDICAP SPACES : 2 SPACES

GENERAL SITE NOTES:

ALL NEW SERVICES AND FACILITIES SHALL MEET ALL NC BUILDING CODE REQUIREMENTS.

ALL EXISTING UTILITIES ARE SHOWN BASED ON FIELD EVIDENCE.

PRIOR TO ANY DIGGING NC ONE CALL SHALL BE CALLED AND CONFIRM LOCATION AND SIZE OF ALL EXISTING UTILITIES.

ALL LANDSCAPE AND BUFFER RULES SHALL BE FOLLOWED PER THE LOCAL CODE AND A DETAILED LANDSCAPE PLAN PROVIDED.

ALL STATE AND FEDERAL PERMITS SHALL BE APPLIED FOR AND ISSUED PRIOR TO CONSTRUCTION OF THE SITE

SPECIAL USE PLAN

FAMILY DOLLAR - CURRIE
PENDER COUNTY

CEDAR RUN CAPITAL, LLC
2405 F NASH ST.
WILSON, NC 27896

8/18/21

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 20212 MARK UMPHLETT RECEIVED

Date	Description

File No. 21015
Scale: 1"=40'
Sheet No.

SUP 1

FINAL PLANS

NOT FOR CONSTRUCTION

IBA ENGINEERING PC
LICENSE NO. C–4111
INNER BANKS ENGINEERING, PC
P. O. BOX 154
Washington, NC 27889
252–945–2983
MUPEEDIN@IBXENGINEERING.COM

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. The Administrator shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date fixed for the hearing.

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.

1) Such conditions may include a time limitation.
2) 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".
3) Conditions of a continuing nature may be imposed. For example, "exterior loud speakers 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 DETERMINATION OF VESTED RIGHT

3.13.1 Establishment

A. With Site Specific Development Plan

1) In order for a zoning vested right to be established upon approval of a development plan, the applicant must indicate at the time of application, on a form to be provided by the County, that a zoning vested right is being sought. Site specific development plan means a plan which has been submitted to the County by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not be limited to, any of the following plans or approvals: A planned development plan, a subdivision plat, a Master Development Plan or minor site plan, a conditional or special use permit, or any other land-use approval designation as may be utilized by a county. The plan shall include the approximate boundaries of the site; significant topographical and other natural features effecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. A variance shall not constitute a site specific development plan, and approval of a site specific development plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained.

2) Each map, plat, site plan or other document evidencing a site specific development plan shall contain the following notation: “Approval of this plan established a zoning vested right under N.C.G.S. Section 153A-344.1. Unless terminated at an earlier date, the zoning vested right shall be valid until (date).”

Pender County

Request For Board Action

DATE OF MEETING:	November 15, 2021
REQUESTED BY:	Travis Henley, Director, Planning & Community Development
SHORT TITLE:	Resolution Requesting Approval of a Special Use Permit for the construction and operation of a 10,500 square foot Family Dollar retail store.
BACKGROUND:	Marie Peedin, applicant, on behalf of Barnes Boykin, owner, is requesting approval of a Special Use Permit for the construction and operation of a 10,500 square foot Family Dollar retail store within the RA, Rural Agricultural zoning district on approximately 2.07 acres of land located on the northeastern corner of the intersection of US HWY 421 and Montague Road. The subject property is located in the Grady Township and may be further identified by Pender County PIN 2285-63-0939-0000.
SPECIFIC ACTION REQUESTED:	To hold a public hearing and consider the approval of a Special Use Permit for the construction and operation of a 10,500 square foot Family Dollar retail store.

RESOLUTION

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

On November 15, 2021 the Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit as described herein. The Chairman/County Manger is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED: **SECONDED:**

☐ APPROVED ☐ DENIED

YEA VOTES: ☐ BROWN ☐ MCCOY ☐ NEWTON ☐ PIEPMEYER ☐ WILLIAMS

11/15/2021

George R. Brown, Chairman Date

11/15/2021

Clerk to the Board Date

STAFF REPORT FOR SUP 2021-22
SPECIAL USE PERMIT APPLICATION

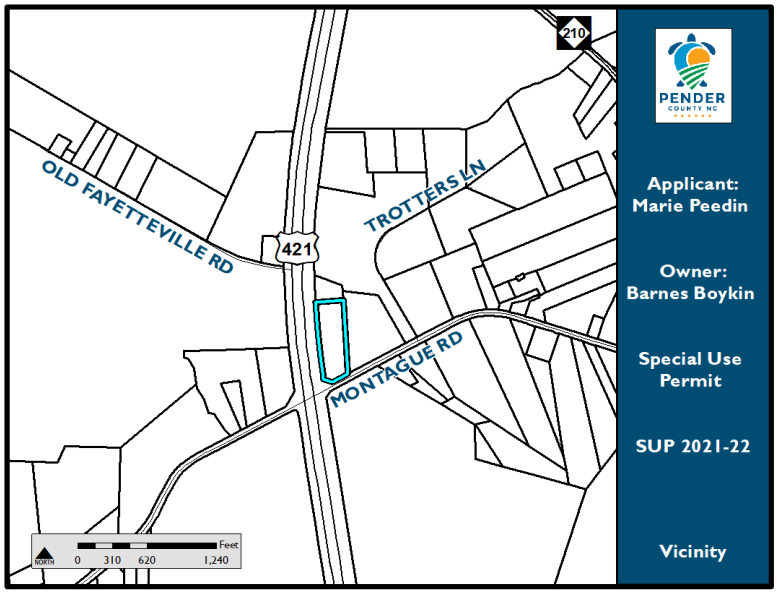
APPLICATION SUMMARY	
Case Number	SUP 2021-22
Hearing Dates	November 15, 2021 Board of Commissioners
Applicant	Marie Peedin
Property Owner(s)	Barnes Boykin
Parcel Identification Number	2285-63-0939-0000
Acreage	2.07
Township	Grady
Zoning District	RA, Rural Agricultural
Pender 2.0 Future Land Use Category	Rural Agriculture

SPECIAL USE PERMIT PROPOSAL

Marie Peedin, applicant, on behalf of Barnes Boykin, owner, is requesting approval of a Special Use Permit for the construction and operation of a 10,500 square foot Family Dollar retail store.

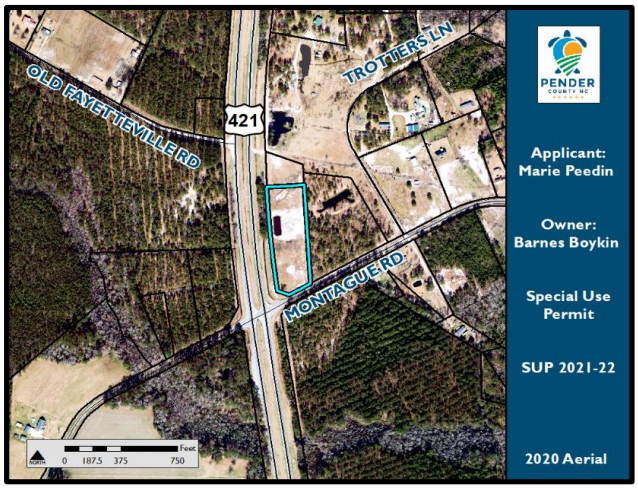
LOCATION

The subject property is on the northeastern corner of the intersection of US HWY 421 and Montague Road in the Grady Township.



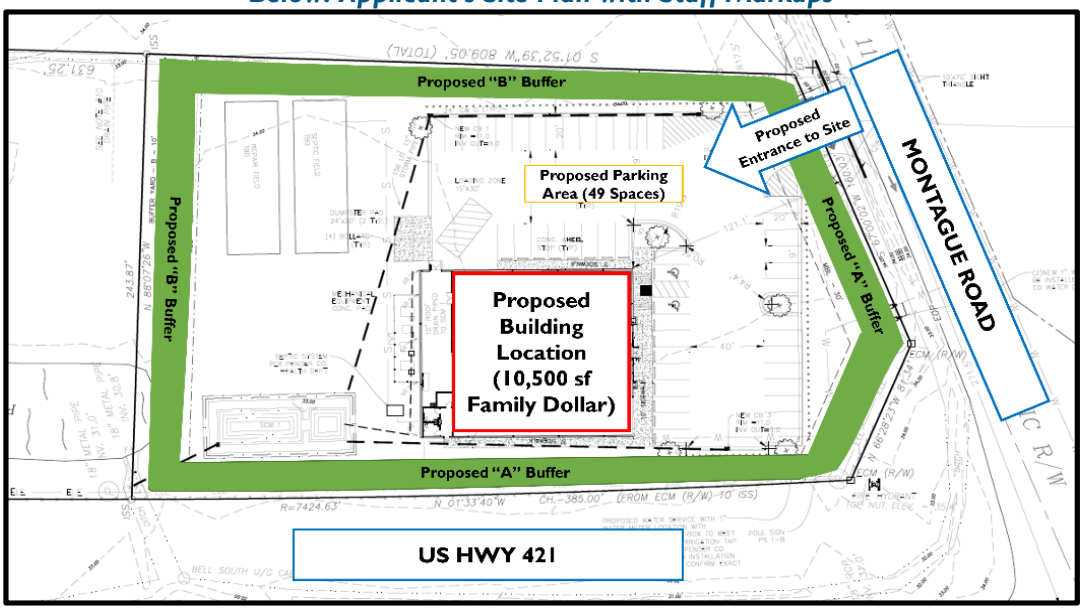
SPECIAL USE PERMIT PROPOSAL

The applicant is seeking to obtain a Special Use Permit in order to construct a 10,500 square foot Family Dollar retail store. According to the applicant's submitted narrative, the proposed store will serve as a commercial retail store with needed parking and signage.



As illustrated on the submitted site plan, the proposed building will be located on the southern portion of the property. Associated parking will be located along the southern and eastern portions of the property. The applicant has also indicated that the proposed site plan will require a recordation of a map of recombination with the Pender County Register of Deeds office.

Below: Applicant's Site Plan with Staff Markups



Prior to issuance of final zoning approval, a site development plan must be submitted and approved in accordance with all applicable provisions of the Pender County Unified Development Ordinance. The site development plan shall be reviewed by members of the Pender County Technical Review Committee (TRC). Furthermore, the proposal is subject to all other applicable federal, state, and local permits and approvals.

Hours of Operation
According to the applicant, the hours of operation for the site will be from 9:00 am to 9:00 pm, daily.

Access
The site is proposed to be accessed from Montague Road, an NCDOT State-maintained local road, as classified by the NCDOT Functional Classification Map. According to the applicant's site plan, the proposed driveway is approximately 272 feet east of the intersection of US HWY 421 and Montague Road.

Traffic
The Pender County UDO requires a Traffic Impact Analysis when a development generates more than 100 trips in the morning or evening peak hours and over 1,000 trips per day. As proposed, this development would not require a TIA.

NCDOT Average Annual Daily Traffic (AADT) – 2019; WMPO Roadway Capacities – 2019

Road	Location	Volume	Capacity	V/C
Montague Rd	East of US 421	-	13,894	-
Montague Rd	West of US 421	420[1]	13,894	0.03
US HWY 421	At Montague Rd	5,700	43,856	0.13

[1]2016 NCDOT AADT

Because a Traffic Impact Analysis has not been completed at this time that analyzes roadway impacts as a result of the development, the volume to capacity ratio for US HWY 421 and Montague Road near the subject site has been provided. This ratio is based on average daily trips and the design characteristics of a given roadway, which can provide a general idea of the function of such roadway. Based upon the available volume to capacity data, US HWY 421 and Montague Road in this area has capacity to handle the anticipated traffic volume increases associated with the proposed special use permit request.

Parking
The proposed use requires a minimum of 47 parking spaces, however, according to the submitted site plan, the applicant is proposing a total of 49 parking spaces. Parking standards will be reevaluated during the major site review process to ensure compliance with the UDO.

Pender County UDO Section 7.10, Off-Street Parking and Loading/Parking Requirements	
Specific Use	**Minimum Spaces**
Retail Sales and Service; Proposed 10,500 sf Family Dollar	1 per 225 SF Floor Area; 47 spaces required; 49 spaces proposed

Landscaping and Buffers
All landscape and buffers are to be approved in accordance with Section 8.2.7, Project Boundary Buffer of the Pender County Unified Development Ordinance. The applicant's submitted site plan indicates a Buffer "A" along all street boundaries of the site and a Buffer "B" along all other non-street boundaries. As proposed, buffering is in compliance with the Pender County UDO. If approved, all buffers will be evaluated when a site-specific plan is submitted.

Required and Proposed Buffers	
Buffer Type	**Location of Buffer**
Type A	Adjacent US HWY 421 & Montague Road
Type B	Adjacent to all non-street boundaries (north and west of subject property)

Signage
Any signage required by federal, state, and local agencies will be reviewed for compliance during the site development plan review process.

Utilities
The applicant has indicated that Pender County Utilities (PCU) will be contacted to extend water service to the site and Four County will provide electrical service to the site. The applicant is currently coordinating with a private sewer design engineer and the North Carolina Department of Environmental Quality to design and permit an on-site wastewater system to accommodate the proposed use.

ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject property does not contain any Special Flood Hazard Areas[1].
Wetlands	Portions of the subject property contain characteristics of wetlands[2, 3]. The location of any wetlands will be verified during the site development plan review process, and any development within these wetlands is subject to review and approval from the U.S. Army Corps of Engineers.
Areas of Environmental Concern	The subject property does not contain any Areas of Environmental Concern (AEC)[4].

[1] According to the effective regulatory and preliminary Flood Insurance Rate Maps NC Flood Risk Information System (NC FRIS)
[2] According to the NC Division of Coastal Management (NC DCM)
[3] According to the National Wetlands Inventory (NWI)
[4] According to the North Carolina Department of Environmental Quality (NCDEQ)

PUBLIC NOTICE

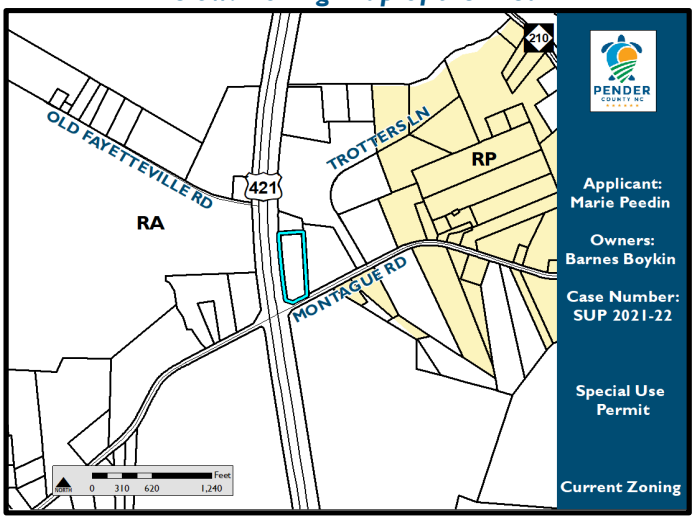
Public Notice for the Special Use Permit request has been advertised in the Pender-Topsail Post and Voice. In addition, all adjacent property owners within 500' of the proposed development have been given written notice of this request, and a public notice sign has been placed on the subject site.

EVALUATION

Basis for Granting SUP

Approval and revocation procedures for Special Use Permits are located in Sections 3.12.3 and 3.12.4 of the Pender County Unified Development Ordinance. These sections are provided as Attachment 1.

Below: Zoning Map of the Area



CHARACTERISTICS OF THE SURROUNDING AREA		
	LAND USE	**ZONING**
North	Single Family Residential, Undeveloped	RA, Rural Agricultural
East	Single Family Residential, Undeveloped	RA, Rural Agricultural
South	Single Family Residential, Undeveloped	RA, Rural Agricultural
West	Single Family Residential, Undeveloped	RA, Rural Agricultural

Unified Development Ordinance Compliance

The subject property is zoned RA, Rural Agricultural zoning district and according to Section 5.2.3 of the Pender County Unified Development Ordinance, Miscellaneous Retail Stores are permitted in this zoning district via Special Use Permit.

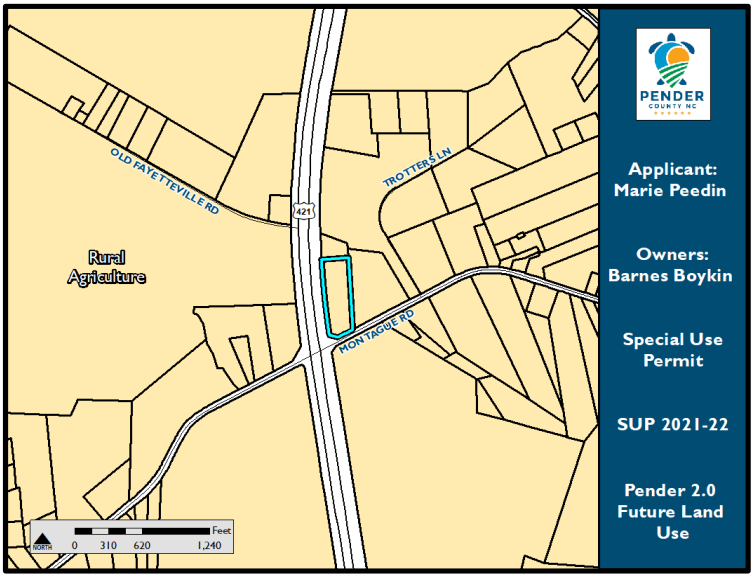
		Zoning Districts									
Use Type	**Ref NAICS**	**RA**	**RP**	**RM**	**MH**	**PD**	**GB**	**OI**	**IT**	**GI**	**EC**
Sectors 44-45 RETAIL TRADE											
Miscellaneous Store Retailers	453	S				P	P				

The Rural Agricultural District is intended to accommodate non-residential agricultural uses and very low-density residential development (minimum of 1 du/ac), as well as limited non-residential uses, in rural areas adjacent to agricultural operations.

Pender County 2.0: Comprehensive Land Use Plan Compliance

The subject property is classified as Rural Agriculture in the Pender County 2.0: Comprehensive Land Use Plan. The Rural Agriculture land use classification supports and protects Pender County's agricultural areas, an essential part of the County's economy and agricultural heritage. Agriculture uses are highly encouraged, as consideration should be given to the preservation of prime farmland soils for continued prosperity of farming and forestry operations. In addition to agriculture, very low-density single family residential development (conventional-built and manufactured) are appropriate in these areas.

Furthermore, commercial, civic, office, and institutional uses are permitted where compatible with existing neighborhoods and as a resource or employment opportunity for area residents. The proposed use is consistent with Rural Agriculture future land use classification within the Pender County 2.0 Comprehensive Land Use Plan because it has the potential to provide employment opportunities and services to nearby residents.



In addition to the proposal's consistency with the Future Land Use Map, the proposed Special Use Permit is also consistent with the following goals, objectives, and policies within the Pender 2.0 Comprehensive Land Use Plan:

> **Policy 5.1.K: Commercial Development:** The County supports a wide range of commercial development, particularly those businesses that provide needed services to residents and visitors, provided that the impacts on traffic are minimized.
>
> **Policy 5.1.FF: Rural Non-Residential Uses:** The County shall continue to accommodate limited non-residential uses in rural areas.

The proposed commercial retail use is consistent with the above policies because it is located at an intersection of a local residential road and major corridor where nearby residents and traveling motorists can access goods and services. In addition, the proposed use can serve as an employment resource for neighboring residents.

PROPOSED CONDITIONS

Conditions to Consider in Issuing a Special Use Permit for this Project

1. The project shall comply with all requirements of the Pender County Unified Developed Ordinance.
2. The obligations imposed by this permit will be the responsibility of the property owner and shall continue in effect for the duration of this permit.
3. The applicant shall meet all other local, state, and federal regulations.
4. Final zoning approval shall not be issued until the applicant provides all North Carolina Department of Environmental Quality wastewater permits to the Planning and Community Development department.
5. Any violations of the conditions of this permit, confirmed by the Zoning Administrator shall result in this permit becoming void, if not corrected within 30 days of receipt of the notice of violation.
6. 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.