



Pender County

Agenda

Planning Board Meeting

Tuesday, October 3, 2023 @ 6:00 PM

Pender County Public Assembly Room 805 S. Walker
Street, Burgaw, NC 28425

	Presenter	Page
1. CALL TO ORDER		
2. ROLL CALL		
3. INVOCATION		
4. PLEDGE OF ALLEGIANCE		
5. ADOPTION OF AGENDA		
6. ADOPTION OF MINUTES		
6.1. September 6, 2023 Planning Board Meeting Minutes September 6, 2023 Meeting Minutes - Pdf		3 - 20
7. PUBLIC COMMENT		
8. PUBLIC HEARINGS		
8.1. REZONE 2023-55: Request to rezone two parcels totaling approximately 165 acres from the RP, Residential Performance zoning district to the O&I, Office & Institutional zoning district in the Topsail Township REZONE 2023-55 - Pdf		21 - 45
9. DISCUSSION		
9.1. Recap of Joint Meeting Between Planning Board and Board of Commissioners Joint Meeting Recap - Pdf		47 - 49
10. NEXT MEETING DATE		
11. ADJOURNMENT		



Pender County September 6, 2023 Planning Board Meeting Minutes

TO: Planning Board
FROM: Daniel Adams
DATE: October 3, 2023
SUBJECT: September 6, 2023 Planning Board Meeting Minutes

SUMMARY:

September 6, 2023 Planning Board Meeting Minutes

ACTION REQUESTED:

Approval of minutes from September 6, 2023 Planning Board meeting.

ATTACHMENTS:

1. September 6, 2023 Planning Board Meeting Minutes



DRAFT MINUTES
Planning Board Meeting
Wednesday, September 6, 2023
Pender County Burgaw BOCC Room
6:00 PM

MEMBERS PRESENT:

Delva Jordan, Chairman
Damien Buchanan, Vice-Chairman
Jeffrey Pitts
Norman "Ken" Teachey
Margaret Mosca

MEMBERS ABSENT:

John Gruntfest
Jeff Beaudoin

OTHERS PRESENT:

Daniel Adams, Planning Director
Justin Brantley, Deputy Planning Director
Adam Moran, Long Range Planner
Trey Thurman, County Attorney
Members of the Public

1 CALL TO ORDER

Chairman Delva Jordan called the meeting to order at 6:05 pm.

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ADOPTION OF AGENDA

Motion to approve agenda made by Ken Teachey, seconded by Margaret Mosca.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman (Ken) Teachey	X			
	5	0	0	2

CARRIED.

6 ADOPTION OF MINUTES

Motion to approve the August 1, 2023, Planning Board minutes made by Ken Teachey, seconded by Jeffrey Pitts.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman (Ken) Teachey	X			
	5	0	0	2

CARRIED.

7 PUBLIC COMMENT

Kim Meyer, 102 Leslie Lane, stated that she is excited about the Bicycle and Pedestrian Plan but still has concerns about the projects that are currently under development and are being proposed. She stated that while she is glad that the walking and bicycle paths are happening, she is still concerned about the young children who are not old enough to utilize the paths. Ms. Myers stated that she is not sure what the proposed developments are providing for young children, handicapped children, and animals for utilization. She stated that the Greenway discussions are encouraging but that contradictions exist. Ms. Meyer stated that the County should enforce more open areas and conservation lands instead of bike and walking paths on busy streets, which will be a major safety hazard.

Jennifer Mackenzie, 103 Leslie Lane, stated that she has concerns about the rough draft of the proposal for a text amendment related to tree protection. She stated that the proposal language should read 4.5 feet when measuring both significant trees being removed and replaced. Ms. Mackenzie stated that the County is in error by not overseeing the execution and compliance of the Ordinance.

8 PUBLIC HEARINGS

a) PENDER COUNTY BICYCLE AND PEDESTRIAN PLAN

Mr. Adams introduced Vanessa Lacer, Senior Transportation Planner and Emma Stogner, Associate Transportation Planner, to the Board.

Ms. Stogner stated that a study known as the Pender County Bicycle and Pedestrian Plan was conducted which addresses the current and proposed bicycle and pedestrian network in the portions of the County that lie within the planning boundary of the WMPO, Wilmington Urban Area Metropolitan Planning Organization.

Ms. Stogner provided the Board with an overview of the project and the objectives of the plan. Ms. Stogner provided a proposed Bike / Pedestrian Network of the County and spoke of the policy recommendations.

Mr. Buchanan provided an overview of the project with Ms. Stogner agreeing with his overview.

Mr. Pitts asked if developers would ever have access to any grant money. Ms. Stogner stated she has never heard of a developer applying for grant money so is unable to respond properly.

Mr. Jordan asked if the members had any additional questions for Ms. Stogner and no questions were presented.

Mr. Buchanan stated he is on the steering committee and appreciates all the members' hard work and dedication to this project.

Mr. Buchanan made a Motion to adopt the Pender County Bicycle and Pedestrian Plan sponsored by the WMPO. Ms. Mosca seconded the motion.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman (Ken) Teachey	X			
	5			2

CARRIED.

Mr. Buchanan added that besides this plan, the WMPO is also currently working on a larger transportation plan for the entire WMPO jurisdiction. He stated that there is a survey currently taking place and encourages all people to take a few minutes to complete it.

b) MDP 2023-51:

Hoover Road Investments LLC., applicant and owner, is requesting approval of a Master Development Plan within the RM, Residential Mixed zoning district to allow for a development consisting of 156 single-family detached units and 129 single-family attached units for a total of 285 units. The subject properties are located on the east side of Hoover Road, across from Tim Moore Drive in the Topsail Township and may be further identified by Pender County PINs 3283-94-9377-000, 3283-93-1673-0000, and 3283-83-9765-0000.

Justin Brantley, Deputy Planning Director, presented the staff report.

Mr. Brantley stated that the Applicant has proposed to incorporate Low Impact Development design principles into the stormwater design. He stated that the goal of the LID design is to balance development needs with natural resource protection and enhancement.

Mr. Brantley stated that the Public Input Meeting was held on August 3, 2023, at the Hampstead Annex. He stated that the Applicant notified property owners within five hundred feet of the subject property and fifteen members of the public attended.

Mr. Brantley stated that the most prominent topic of discussion was the road connection to Thrush Trail and the potential increase of traffic through the Sparrows Bend neighborhood.

Mr. Brantley stated that the fire code requires two means of ingress and egress for any project consisting of one hundred units or more. He stated after speaking with the Fire Marshall and NCDOT, the connection at Thrush Trail is essential, however it will be a gated access for emergency vehicles only.

Mr. Buchanan asked if the community of Sparrows Bend has direct access to Hoover Road. Mr. Brantley answered affirmatively.

Mr. Brantley stated that as well as conforming to the Future Land Use Map, this Master Development Plan is supported by policies 4.2.I, Connectivity; 5.1.C, Coordination with Infrastructure/Services; 5.1.D, Focused Growth and Development; and 5.1.V, Residential Development of the Pender 2.0 Comprehensive Land Use Plan. He stated that the Planning staff recommends approval.

Mr. Buchanan asked if this is a by-right project with Mr. Brantley responding affirmatively. Mr. Buchanan asked if this project has met all the standards that the County requires. Mr. Brantley responded affirmatively.

Rusty Windsor with Kimley-Horn, stated that he is available to answer any questions that the Board members may have.

Mr. Buchanan asked Mr. Windsor what the benefit of the LID design would be for this project. Mr. Windsor stated that by using a LID design, it will greatly reduce the amount of stormwater discharge, which will allow more water to remain on the property instead of running off onto adjacent properties.

Mr. Buchanan asked if the roads in this development were going to be public or private. Mr. Windsor stated that they will be private and that his firm is currently working with NCDOT on the TIA, Traffic Impact Analysis.

Mr. Jordan asked if there were any additional questions for Mr. Windsor and no questions were presented.

Conrad Salvagin with Kimley-Horn stated that the TIA has been submitted to NCDOT but has not received the results back yet. He stated that NCDOT informed him that the result of the TIA should be received on September 12, 2023.

Mr. Buchanan asked how familiar Mr. Salvagin was with the Pender County

Collector Street plan. Mr. Salvagin stated that he is probably not as knowledgeable of it as he should be. Mr. Buchanan stated that he would ask the Planning staff his questions.

Paula Rock, 982 Hoover Road, stated that she is concerned with the amount of additional traffic two hundred and eighty-five units will bring to Hoover Road, which is already overloaded. She stated that she lives across the street from the school but would not allow her daughter to walk to school due to all the traffic.

Walter Kaszycki, 142 Thrush Trail, stated he thinks Hampstead is a great place to live but he thinks the growth in that area is outpacing the infrastructure. He stated that they do not have enough water to use on their lawns and that Hoover Road is already a disaster. Mr. Kaszycki questioned the Board about what guarantees he and his neighbors who live on Thrush Drive will have that Thrush Drive will not turn into a throughfare street in the future. He stated he is also very concerned with the wetlands being disturbed by the developers and builders.

Mr. Buchanan asked why there will be an emergency gate installed at Thrush Trail when the Pender County Collector Street policy clearly calls for Thrush Trail to be a collector street. Mr. Brantley stated that Thrush Trail is built to NCDOT standards but not to collector road standards. Mr. Buchanan stated that interconnectivity is very important to keep traffic off major roads.

Mr. Jordan asked what the current zoning of this parcel is. Mr. Brantley stated that the three parcels in question are zoned RM, Residential Mixed. Mr. Jordan asked how many units per acre are allowed in RM. Mr. Brantley stated that for high density single family, up to ten units would be allowed per acre.

Mr. Buchanan asked Mr. Windsor if he had ever done any other Low Impact Design developments in Pender County. Mr. Windsor responded affirmatively. Mr. Buchanan stated that LID is the preferred method over what the current UDO requires at a minimum.

Mr. Jordan asked if the emergency gate would be located on this development's property and if this development's HOA would maintain the gate. Mr. Windsor stated that the gate would be located on property of this development and that the HOA would indeed be responsible for the maintenance of the gate.

Mr. Jordan asked if there were any additional questions for Planning staff and no questions were presented.

Mr. Teachey made a motion to approve the Master Plan Development Plan due to it being consistent with the Future Land Use Map as well as four policies within the Pender 2.0 Comprehensive Land Use Plan. Ms. Mosca seconded the motion.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman (Ken) Teachey	X			
	5	0	0	2

CARRIED.

c) REZONE 2023-51:

DR Horton Inc., applicant, on behalf of Mary Beth Morgan Carlson, owner, is requesting the approval of a Conditional Zoning Map Amendment to rezone approximately 20 acres across two tracts from the RP, Residential Performance zoning district to the CZ-3, Conditional Zoning District 3. Specifically, the request is for 70 townhomes and 15,000 square feet of commercial office space classified under NAICS code 53, Real Estate and Rental and Leasing. The subject properties are located on the west side of US Hwy 17, approximately ¼ mile north of the intersection of US Hwy 17 and Pandy Ann Lane in the Topsail Township and may be further identified by Pender County PINs 3271-64-5893-0000 and 3271-65-9054-0000.

Daniel Adams, Director, presented the staff report.

Mr. Adams stated that this proposal is consistent with the Neighborhood Mixed Use and Medium Density Residential Future Land Use Category. He also stated that this proposal is generally consistent with the uses in the surrounding areas and is compatible with the adjacent Blake Farm development.

Mr. Adams stated that this proposal is supported by one goal and eight policies in the Future Land Use Plan. The goal is 4.3, Alternate Modes of Transportation and the policies are 4.2.I, Connectivity; 5.1.C, Coordination with Infrastructure/Services; 5.1.D, Focused Growth and Development; 5.1.E, Compatible Development; 5.1.F, Conditional Zoning; 5.1.H, Mixed Use Development; 5.1.K, Commercial Development; and 5.1.V, Residential Development.

Mr. Adams stated that due to this request being a Conditional Zoning, the Board can set conditions which the Applicant would need to agree to before the project is approved.

Mr. Adams stated that the Planning staff has worked with the Developer and the following conditions were recommended:

- 1) The proposed collector road, Atlantic Avenue, shall include five-foot sidewalks and bicycle lanes on both sides of the road.
- 2) Provide sidewalks along one side of each private road and provide marked crosswalks at the intersections of Atlantic Avenue and private road A and private road C.
- 3) Stormwater infrastructure shall be designed such that the post development runoff from the project be no more than ten percent more than the pre-development runoff. The stormwater system shall be designed to accommodate a ten-, twenty-five-, and fifty-year event and be analyzed for a one-hundred-year event.
- 4) Construct a ten-foot-wide multi-use path adjacent to the US Highway 17 right of way and dedicate this path for public use via an easement.

Mr. Buchanan asked for clarification as to the two potential collector streets that will have access to US Hwy. 17. Mr. Adams responded affirmatively.

Mr. Teachey asked if they are proposing 70 units, with Mr. Adams responding affirmatively.

Mr. Jordan asked if there were any additional questions for staff and none were presented.

Richard Collier, McKim and Creed, stated that when they presented this to the Board in the past, it was just for a General Rezoning without a plan but this time they are requesting a Conditional Rezoning with a plan in mind.

Mr. Collier presented a slideshow to the Board members. He stated that they are proposing seventy townhomes and 15,000 square feet of office space.

Mr. Collier stated that the Collector street was relocated due to it running through wetlands. He stated that the land where the Collector street is located is still owned by DR Horton.

Mr. Collier stated that their stormwater plan is one step above what the UDO requires for the pre and post development runoff.

He stated that they are creating a multi-use path along US Hwy. 17 and will be put on their property. He stated that the path will be put into a pedestrian easement that would be for the benefit of the County.

Mr. Pitts asked Mr. Collier about the location of the pedestrian path along US Hwy. 17, to which Mr. Collier pointed out the location of the path and stated that it will be on their property, as is required.

Mr. Buchanan asked if the applicant would entertain a condition placed on the project that would allow for a connection for EMS and Fire, if requested. Mr. Collier stated that they would be agreeable to that condition.

Kim Meyer, 102 Leslie Lane, stated that the WMPO indicated that US Hwy 17 between Pandey Ann Lane and Christian Chapel Road has a capacity of 41,369 back in 2020 with a volume of 40,500. She stated that she spoke with Jamar Johnson with the WMPO about that study and indicated at the end of this year or the beginning of next year, a new study will be done, and a new count provided. Ms. Meyer stated that she expects the numbers to be much higher than they currently are.

Ms. Meyer stated that the Scotts Hill area is booming and not only in Pender County but also from New Hanover County. She stated that a new hospital is being built along with all of Blake Farm. Ms. Meyer added that it is a safety hazard to continue developing property in this area. She stated US Hwy 17 cannot take the influx of the additional vehicles that all this developing will be creating.

Mr. Jordan asked if there is a proposed turn lane at the entrance of this development. Mr. Collier stated that there is not one planned right now but the recommendations from the TIA have not been received yet. Mr. Collier stated he would not be surprised if a turn lane was recommended.

Mr. Jordan asked if there were any additional questions for staff and no questions were presented.

Mr. Buchanan stated that he feels that using Connector streets and creating paths are very important and necessary to keep traffic off the main highways. He stated he is happy that the stormwater plan is of a higher standard than what is required, so with all the points he made, he is in favor of this project.

Mr. Buchanan made a motion to approve the Zoning Map Amendment due to the proposal being consistent with eight policies and one goal of the Pender 2.0 Comprehensive Land Use Plan and is consistent with the Neighborhood Mixed Use and Medium Density Residential Future Land Use classification of the Pender 2.0 Comprehensive Land Use Plan. The Developer agreed to the four conditions already discussed plus one condition if Pender EMS and Fire desires a connection from the rear of their parcel to the private drive. He stated that the Developer must provide that access and update the Master Plan to reflect that connection. The revision may be approved administratively. Mr. Pitts seconded the motion.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman (Ken) Teachey	X			
	5	0	0	2

CARRIED.

Mr. Buchanan made a motion to take a ten-minute recess with Mr. Pitts seconding the motion.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman (Ken) Teachey	X			
	5	0	0	2

CARRIED.

d) MDP-R 2023-56:

The Townhomes at Scotts Hill, LLC, applicant and owner, is requesting a revision to the previously approved Master Development Plan for the planned development known as The Townhomes at Scotts Hill. Specifically, the request is to modify the existing plan to allow for 19,500 square feet of commercial space across three buildings to be located along the US Hwy 17 frontage between the future collector road, Pearsall Lane, and "Open Space." The subject property is located to the east of US Hwy 17, approximately 0.2 miles south of Whitebridge Road (private) and across from Christian Chapel Road (SR 1587) on US Hwy 17 in the Topsail Township.

Daniel Adams, Planning Director, presented the staff report.

Mr. Adams stated that the Public Input meeting was held on August 17, 2023, at the Hampstead Annex. He stated that three people attended the meeting with two of those residing on adjacent parcels along Mare Pond Place. Mr. Adams stated that the people who attended posed questions pertaining to stormwater, traffic, boundary lines, and proposed uses.

Mr. Adams stated that this proposal is consistent with the Neighborhood Mixed Use Future Land Use category and with the intent of the PD zoning district due to it creating a mixed-use development. He also stated that this proposal is supported by one goal, one objective, and five policies, which are Policies 4.2.F, Collector Street Plan; 5.1.C, Coordination with Infrastructure/Services; 5.1.D, Focused Growth and Development; 5.1.H, Mixed Use Development; and 5.1.K, Commercial Development. The Goal is 4.3 and the Objective is 4.3 of the Pender 2.0 Comprehensive Land Use Plan.

Mr. Adams provided the Board with the previous conditions of approval to which the Applicant has not proposed to deviate from any of those conditions.

Mr. Adams stated that the Applicant has agreed to the following conditions of approval, in addition to the previous conditions already approved:

- 1) An eight-foot-wide multi-use path shall be constructed along the connector road (Pampas Grass Lane/Driveway) south of Building C.
- 2) Continuation of the eight-foot-wide multi-use path along the east side of Building C to the property line to the north, which conforms with the Pender County Streets Plan.
- 3) Provide a ten-foot-wide multi-use path or a ten-foot-wide easement for a multi-use path on the subject property adjacent to the US Hwy 17 right of way.
- 4) The project shall be designed so that the post development runoff from the project be no more than ten percent more than the pre-development runoff from the ten-, twenty-five-, and fifty-year return period events and be analyzed for the one-hundred-year event. (Consistent with the condition of approval for the residential component.)

Mr. Jordan asked if the rear side of Building B will be facing US Hwy 17 with Mr. Adams affirming that it will be. Mr. Adams stated that the Board will not be approving the entrance points of the buildings.

Mr. Buchanan stated that past Directors were trying to have buildings closer to the road and parking behind the building for aesthetic reasons.

Mr. Buchanan asked Mr. Adams to explain the pedestrian path again for clarification, to which Mr. Adams obliged.

Mr. Jordan asked if there were any additional questions for staff and none were presented.

Josh Mihaly, Mihaly Land Design, presented the Board with a slideshow. He stated that he always had intentions of bringing commercial uses to this property so that it is truly a mixed-use development.

Mr. Mihaly stated that this development sits on twenty acres, and they are proposing three commercial buildings. He stated that they are proposing 19,500 square feet of commercial and that the overall residential density of the project has not increased.

Mr. Mihaly stated that this project will require a TIA now though it did not with the last approval.

Mr. Mihaly stated that they did try to keep parking behind buildings when they designed this project.

Mr. Mihaly stated that the primary front of Building B will be facing US Hwy 17 while the rear of the building will be facing the parking lot.

Mr. Jordan asked if there were any additional questions for the Applicant and no questions were presented.

Mr. Teachey made a motion to approve the Master Development Plan Revision which includes the previously approved four conditions and the current four conditions included in this revision. Conditions are listed in the staff report. Mr. Pitts seconded the motion.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman (Ken) Teachey	X			
	5	0	0	2

CARRIED.

e) ZTA 2023-19:

Pender County, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend Section 11.12.2(B) "Penalties;" and Section 13.4.10(D)(1) "Remedies and Penalties, Criminal Penalty." These amendments are requested to comply with state law. The proposal is to strike language referring to instituting criminal penalties for violation of planning and development ordinances.

Adam Moran, Long Range Planner presented the staff report.

Mr. Adams stated that even if the language was to remain the same, the County could not enforce it. He stated that this Text Amendment is a housekeeping item.

Mr. Thurman stated that the General Assembly removed language that the UDO needs to be updated to reflect this change.

Ms. Mosca made a motion to approve the Zoning Text Amendment and to make a finding that the approval is consistent with state law and the spirit, purpose, and intent of the Pender County Unified Development Ordinance. Mr. Buchanan seconded the motion.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman (Ken) Teachey	X			
	5	0	0	2

CARRIED.

f) ZTA 2023-20:

Pender County Planning & Community Development, applicant, is requesting the approval of a Zoning Text Amendment to the County's Unified Development Ordinance. Specifically, the request is to amend Article 8.1.1 "Intent," and Article 8.1.3 "Tree Survey Required." These amendments are requested to encourage and incentivize the preservation of significant trees and existing vegetation while also providing design

flexibility that promotes development that is in harmony with the natural vegetation of the site.

Adam Moran, Long Range Planner, presented the staff report.

Mr. Moran stated that the proposed text amendment is consistent with the purpose and intent of the Ordinance because it provides for incentives to preserve existing vegetation through design and site flexibility. The proposed changes are designed to strike the balance between tree preservation and allow for greater design flexibility in commercial, industrial, and mixed-use developments. He stated that the current language offers no flexibility and has necessitated multiple appearances before the Board of Adjustment where developers have sought relief from the existing requirements.

Mr. Moran stated that the proposed changes are supported by two policies and one recommended action in the Pender 2.0 Comprehensive Land Use Plan. He stated that the policies are 3.1.L, Tree Preservation; 5.1.A, New Development and Recommended Action 3.1.L.2.

Mr. Buchanan asked if this language applies to residential development or just to commercial development. Mr. Moran stated that it does not apply to residential development.

Mr. Buchanan asked if the current ratio for residential development is two to one. Mr. Adams stated that there are no current residential standards.

The Board members discussed aspects of the staff report.

Mr. Adams stated that buffering and landscaping will still be required.

Jennifer Mackenzie, 103 Leslie Lane, stated that the public should have more input in the tree ordinance. She stated that she would like another meeting with Mr. Adams and Mr. Brantley to further talk about areas of concern. She stated a major concern of hers is climate change and the scientific value of trees.

Ms. Mackenzie stated that she does not feel the pedestrian walks along US Hwy are going to be utilized that much due to nobody wanting to walk down that road for pleasure purposes.

Kim Meyer, 102 Leslie Lane, stated that she attended the meeting with the Planning staff and appreciates the time.

Ms. Meyer stated that the County continues to allow clear cutting and over building and that needs to be stopped.

Ms. Meyer stated that these changes are for commercial purposes, and she feels that this also needs to apply to residential development. She stated canopies of trees need to be encouraged and not just individual trees.

Mr. Adams stated that Staff is willing to listen to further input from the public or possibly have a work session to address the issues that have been raised. Mr. Jordan stated that he feels this would be a good alternative to have more knowledge of the situation.

Mr. Pitts stated he does like the site flexibility but is concerned with the language concerning trees in flood areas and wetlands. He also stated that the fee in lieu option is not addressed in this proposed language.

The Board members continue to discuss the tree ordinance and issues.

Ms. Mackenzie stated that she feels Developers should work with certified Arborists who will plant the trees and be responsible and accountable for the trees living a certain number of years. She stated that Developers often incorrectly plant and maintain trees which is a major reason as to why they would die.

Mr. Pitts asked if a certified Arborist stated that it would be unhealthy to plant a certain number of trees and less needed to be planted would that be appropriate. Ms. Mackenzie stated that it would be completely acceptable due to the Arborist having the knowledge of how to plant and maintain trees and the number of trees that should be planted.

Ms. Mackenzie stated that the County may want to consult with Joshua Tree due to that entity having worked on large commercial developments. Mr. Adams stated that the Pender County Cooperative Extension could also be consulted.

Mr. Buchanan stated that this is a very important topic that does not need to be rushed. He stated that he feels more input and work is needed before any decisions can be made.

Mr. Buchanan made a motion to table this Zoning Text Amendment indefinitely to allow the Planning staff to work out details for more public input and a work session of some sort. Ms. Mosca seconded the motion.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman (Ken) Teachey	X			
	5	0	0	2

CARRIED.

9 DISCUSSIONS

Mr. Adams stated that the potential meeting between the Planning Board and the Board of Commissioners is set to take place on September 12, 2023, at 4:00 p.m. in the BOCC room in Burgaw.

Mr. Thurman stated that a judge upheld the Board of Commissioners' denial of the 300-acre solar farm Special Use Permit. He stated that the Developer still has the right to appeal after the Order has been drawn up and signed by the presiding Judge.

Mr. Buchanan made a motion to approve that the October 3, 2023, meeting begin at 6:00 p.m. and be held in Burgaw at 805 S. Walker Street. Mr. Teachey seconded the motion, and the vote was unanimous.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman (Ken) Teachey	X			
	5	0	0	2

CARRIED.

10 NEXT MEETING DATE

October 3, 2023, at 6:00 p.m.
Pender County Administration Building
805 S. Walker Street
Burgaw, NC 28425

Mr. Jordan stated that he will not be attending the October 3, 2023, meeting.

11 ADJOURNMENT

Mr. Pitts made a motion to adjourn with Mr. Buchanan seconding the motion. The vote was unanimous.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca				
John Gruntfest				X
Jeff Beaudoin				X
Norman (Ken) Teachey	X			
	5	0	0	2

CARRIED.



Pender County
REZONE 2023-55: Request to rezone two
parcels totaling approximately 165 acres
from the RP, Residential Performance
zoning district to the O&I, Office &
Institutional zoning district in the Topsail
Township

TO: Planning Board
FROM: Adam Moran
DATE: October 3, 2023
SUBJECT: REZONE 2023-55: Request to rezone two parcels totaling
approximately 165 acres from the RP, Residential Performance zoning
district to the O&I, Office & Institutional zoning district in the Topsail
Township

SUMMARY:

Pender County Planning & Community Development, applicant on behalf of Pender County, owner, and International Properties & Investments, owner, is requesting the approval of a General Use Zoning Map Amendment to rezone two tracts of land totaling approximately 164.91 acres from the Residential Performance (RP) zoning district to the Office & Institutional (O&I) zoning district. The subject properties are located south of NC Hwy 210, across from Whispering Pines Court and approximately half of a mile west of the intersection of NC Hwy 210 and Peanut Road in the Topsail Township.

ACTION REQUESTED:

To hold a public hearing and consider the Zoning Map Amendment request.

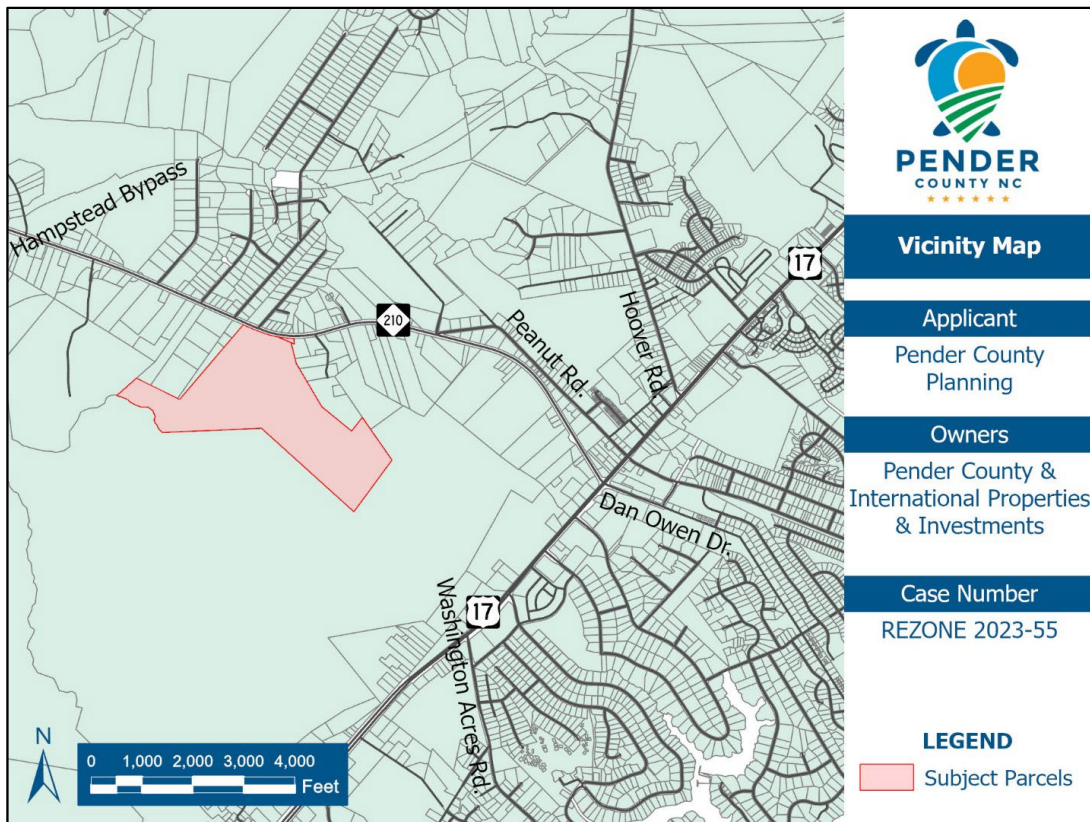
ATTACHMENTS:

1. Staff Report
2. Application for Property Owned by Pender County
3. Application for Property Owned by International Properties & Investments
4. Map of Site
5. Attachment 1 - Table of Permitted Uses

**STAFF REPORT FOR REZONE 2023-55
ZONING MAP AMENDMENT APPLICATION**

APPLICATION SUMMARY	
Case Number	REZONE 2023-55
Hearing Dates	October 3, 2023 – Planning Board November 20, 2023 – Board of Commissioners
Applicant	Pender County Planning & Community Development
Property Owner(s)	Pender County (PIN: 3282-28-1109-0000) & International Properties & Investments (PIN: 3282-29-4656-0000)
Parcel Identification Number	3282-28-1109-0000; 3282-29-4656-0000
Acreage	164.91
Township	Topsail
Pender 2.0 Future Land Use Category	Medium Density Residential

REZONING PROPOSAL
Pender County Planning & Community Development, applicant on behalf of Pender County, owner, and International Properties & Investments, owner, is requesting the approval of a General Use Zoning Map Amendment to rezone two tracts of land totaling approximately 164.91 acres from the Residential Performance (RP) zoning district to the Office & Institutional (O&I) district.
LOCATION
The subject properties are located south of NC Hwy 210, across from Whispering Pines Court and approximately half of a mile west of the intersection of NC Hwy 210 and Peanut Road in the Topsail Township.



REZONING PROPOSAL

The applicant is proposing to rezone 164.91 acres of land from the Residential Performance (RP) zoning district to the Office & Institutional (O&I) zoning district. Because this is a general use rezoning, a conceptual plan is not included within the application. If approved, the site could be developed based upon all uses that are permitted by right or by Special Use Permit in the Office & Institutional (O&I) zoning district. However, any future development of the site must comply with the standards of the Office & Institutional (O&I) zoning district and is subject to review and approval by the Technical Review Committee (TRC) to ensure compliance with all applicable local, State, and Federal regulations.

Intent of the Office & Institutional Zoning District (Proposed)

The intent of the Office & Institutional (O&I) district is to allow for institutional and office areas for government, professional, and medical purposes.

Intent of the Residential Performance Zoning District (Existing)

The intent of the Residential Performance (RP) district is to allow for a variety of residential uses, densities, and limited commercial activities as well as agritourism.



Dimensional Requirements

As this is a general use rezoning, the standard setbacks in the Office & Institutional zoning district apply and are outlined in the table below. The dimensional standards are proposed to apply uniformly to all buildings and uses on the subject property.

Minimum Setback (Office & Institutional)*	
Front	25'
Side	10'
Rear	10'
Corner	12'
Max. Height	40'
Structure Separation	20'

*The minimum lot size in this district is 15,000 square feet.

Allowable Uses

Because this is a general use rezoning, the site could be developed based upon all uses that are permitted by right or by Special Use Permit in the Office & Institutional zoning district. The table below provides a general list of typical developments permitted in the Office & Institutional zoning district. A comprehensive list of all uses from Section 5.2.3 of the Pender County Unified Development Ordinance (UDO) is included in Attachment 1.

Office & Institutional (O&I)	
Residential Uses	Upper Story Residential
Commercial Uses	≈ 41 uses by-right (Educational Services, Schools, Healthcare, Hospitals, Bowling and Recreation Centers, Management, Administrative Services, Finance & Insurance, Postal Service, Health & Personal Care Stores, Restaurants, Cemeteries, etc.)
	≈ 13 uses w/ SUP (Outpatient Healthcare, Hotels and Motels, Telecommunication Facilities, etc.)

TRANSPORTATION INFRASTRUCTURE

Access

The subject properties have direct access to NC Hwy 210. Development of the subject properties would require driveway approval from the North Carolina Department of Transportation (NCDOT).

Traffic

Traffic Impact Analyses (TIA) are not required for general use rezonings since a site-specific development plan is not required to be included in the application package. The UDO requires a Traffic Impact Analysis (TIA) to be completed when a development generates 100 trips in the morning or evening peak hours or over 1,000 trips per day. If approved and developed in the future, estimated trip generation data will be required during the review of any site-specific development plan to determine if a TIA is required.

NCDOT Annual Average Daily Traffic (AADT) – 2021; WMPO Roadway Capacities – 2021

Road	Location	Volume*	Capacity	V/C
NC Hwy 210	Between Peanut Rd. and Brickyard Rd.	10,000	20,943	0.48

**2021 NCDOT Annual Average Daily Traffic (AADT)*

OTHER INFRASTRUCTURE

Utilities

Public water (through PCU) is available at this site, as PCU has a 12" water main that runs along the north side of NC Hwy 210, on the opposite side of the road. PCU has confirmed that the public water line could be extended to the subject property for connection. Based on available data and information from private sewer providers, private sewer service is available at this location. The method of water and sewer service will be determined when a site-specific development plan is submitted for review.

Schools

There is no development proposal associated with this general use rezoning, so no specific impacts to the school system are known at this time. However, the proposed Office & Institutional zoning designation will not further burden the already crowded schools in this part of the County. If this property were to be developed in accordance with its current zoning (Residential Performance), the impact to school capacity would likely be greater.

ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject property does contain any Special Flood Hazard Areas ¹ .
Wetlands	Portions of the subject property may contain wetlands ^{2,3} . The location of any wetlands will be verified when a site-specific development plan is submitted for review. Any disturbance within these wetlands is subject to review and approval by the US 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)

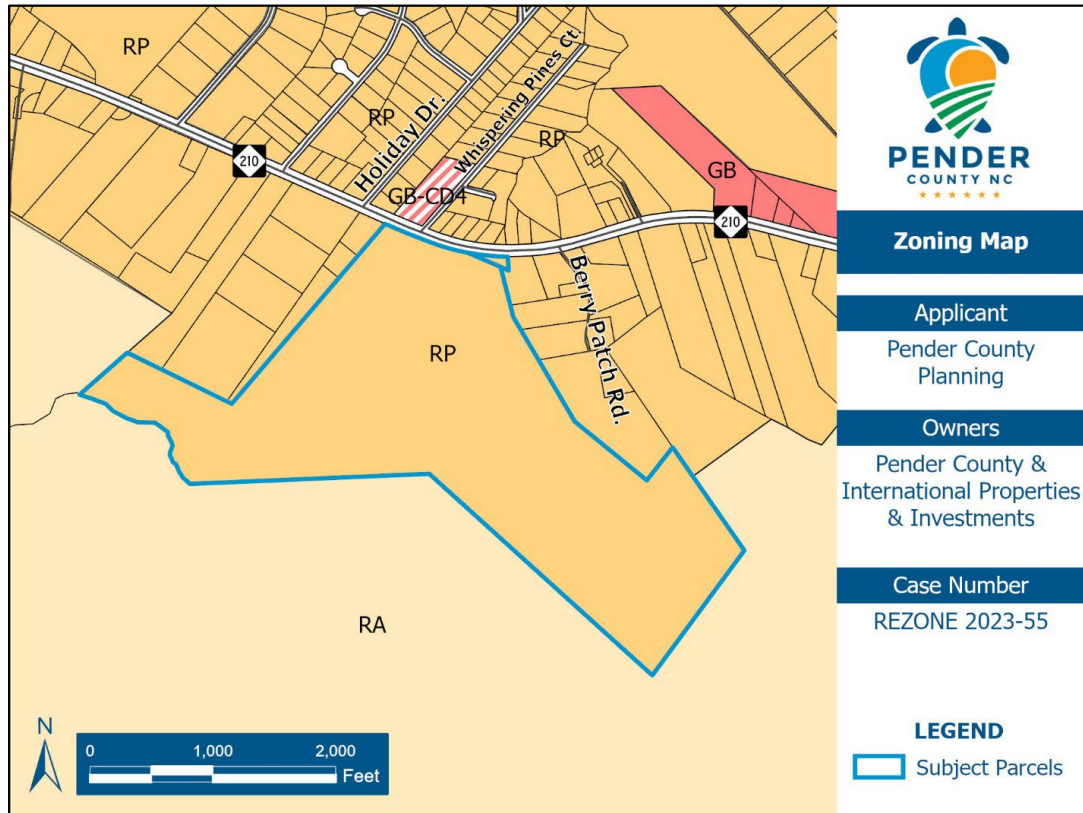
⁴ According to the North Carolina Department of Environmental Quality (NCDEQ)

EVALUATION

Surrounding Zoning

The subject property is currently within the Residential Performance (RP) zoning district. Properties in the immediate vicinity of the subject property are currently zoned Residential Performance (RP), General Business - Conditional District 4 (GB-CD4), Rural Agricultural (RA) as indicated by the table below.

Below: Zoning Map of the Area

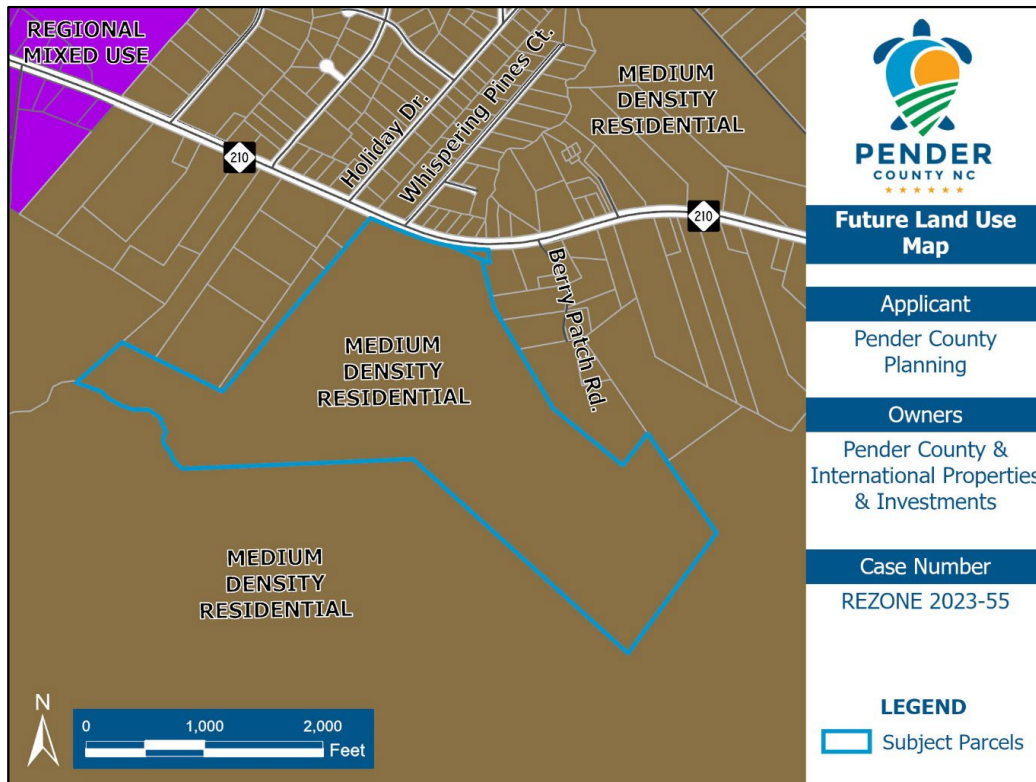


ADJACENT USES AND ZONING		
Direction	Land Use	Zoning
North	Open Storage Lot; Low to Medium Density Residential	Residential Performance (RP) General Business (GB) General Business – Conditional Zoning District (GB-CD4)
East	Low Density Residential; Farm; Vacant	Residential Performance (RP)
South	Vacant	Rural Agricultural (RA)
West	Low Density Residential; Vacant	Residential Performance (RP)

Pender 2.0 Comprehensive Land Use Plan Compliance: The subject property is located within the Medium Density Residential future land use classification as shown in the Future Land Use Map within the Pender 2.0 Comprehensive Land Use Plan. Uses in this Future Land Use Category 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.

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.

Below: Future Land Use Map of the Area



This proposal is supported by the following policies within the Pender 2.0 Comprehensive Land Use Plan:

Policy 5.1.C: Coordination with Infrastructure/Services: The County shall encourage development in areas where the necessary infrastructure – roads, water, sewer, broadband, and schools – is available, planned or can be most cost effectively provided and extended to serve existing and future development. Natural resource conservation should be considered.

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.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.L: Office and Employment Centers: The County vigorously supports the development of large-scale office and employment centers to increase the number of jobs located within the County.

Unified Development Ordinance Compliance: Section 3.3.5 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. These standards include evaluating proposals against whether adequate public facilities/services (i.e., water, wastewater, roads, schools, etc.) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change. The standards have been outlined in this report for consideration by the Planning Board and Board of County Commissioners.

3.3.5 Approval Criteria for Rezoning

The reviewing bodies (Planning Board and Board of Commissioners) shall consider the following matters in deciding a rezoning proposal, in addition to any other considerations as detailed in the specific rezoning application type:

- A. Whether the entire range of uses permitted by the proposed change would be appropriate to the area concerned, including that the proposed rezoning not:
 - 1) be detrimental to the natural environment,
 - 2) adversely affect the health, safety, or welfare of residents or workers in the area,
 - 3) be detrimental to the use or development of adjacent property,
 - 4) materially or adversely affect the character of the general neighborhood, and
 - 5) be reasonable as it relates to the public interest.
- B. Whether adequate public facilities/services (i.e.- water, wastewater, roads, schools, etc.) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;
- C. Whether the proposed change is consistent with the County's Comprehensive Land Use Plan, CAMA Land Use Plan, and any other adopted land use document.

CONSISTENCY OF PROPOSAL WITH COUNTY PLANS AND POLICIES

This general use rezoning proposal is consistent with four policies of the Comprehensive Land Use Plan, which encourage and support the siting and development of commercial, office, and institutional uses that are positioned to serve the needs of the growing residential population of this area of the County. As found in two of the noted policies (5.1.K and 5.1.L), uses that provide

needed services and employment opportunities for residents are strongly encouraged. Rezoning these parcels to the Office & Institutional (O&I) zone will allow for these types of services to be situated near the epicenter of population growth in the County. Uses such as medical centers; schools; post offices; recreation centers; offices for management, administrative, and financial services; and some commercial uses situated in this location would provide much needed local access to these kinds of facilities as the residential density of this area continues to increase. Even though these parcels are categorized as Medium Density Residential on the Future Land Use Map, the above-mentioned findings illustrate the proposal's consistency with the Comprehensive Plan.

PLANNING BOARD ACTION NEEDED:

TO APPROVE: Motion to approve the Zoning Map Amendment and to make a finding that the proposal is consistent with the Pender 2.0 Comprehensive Land Use Plan; said approval is reasonable and in the public interest and furthers the goals of the Pender 2.0 Comprehensive Land Use Plan because it is consistent with the following policies as noted in the staff report:

- Policy 5.1.C
- Policy 5.1.D
- Policy 5.1.K
- Policy 5.1.L

TO DENY: Motion to deny the Zoning Map Amendment and to make a finding that the approval is inconsistent with the following policies and goals in the Pender 2.0 Comprehensive Land Use Plan... [INSERT REASONING].

PLANNING BOARD ACTION FOR GENERAL USE REZONING		
MOTION		SECONDED
APPROVED	DENIED	UNANIMOUS

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 2023-55	Date	9/14/2023
Application Fee	\$ n/a	Invoice	n/a
Pre-Application Conference	n/a	Hearing Date	PB 10/3; BOCC 11/20
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Pender County	Owner's Name:	Pender County
Applicant's Address:	805 S. Walker Street	Owner's Address:	805 S. Walker Street
City, State, & Zip	Burgaw, NC 28425	City, State, & Zip	Burgaw, NC 28425
Phone Number:	910-259-1202	Phone Number:	910-259-1202
Email Address:	amoran@pendercountync.gov	Email Address:	amoran@pendercountync.gov
Legal relationship of applicant to landowner: Self			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3282-28-1109-0000	Total property acreage:	145
Current Zoning District:	Residential Performance	Proposed Zoning District:	Office & Institutional
Project Address:	NC HWY 210		
Description of Project Location:	The subject property is located on the south side of NC Hwy 210, directly across from Whispering Pines Court in the Topsail Township		
SECTION 3: SIGNATURES			
Applicant's Signature	<i>Adam Moran</i>	Date:	9/14/2023
Applicant's Name Printed	Adam Moran	Date:	9/14/2023
Owner's Signature	<i>Dani Carthum</i>	Date:	
Owner's Name Printed		Date:	
<u>NOTICE TO APPLICANT</u>			
1. Applicant must also submit the information described on the Rezoning Checklist. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing. 4. All fees are non-refundable 5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda			

Rezoning/Zoning Map Amendment Checklist

☒	Signed application form
☐ n/a	Application fee
☒	A list of names and addresses, as obtained from the county tax listings and tax abstract, all adjacent property owners, including property owners directly across any road or road easement, and owners of the property under consideration for rezoning.
☒	Two (2) business size envelopes legibly addressed with first class postage for each of the adjacent and abutting property owners on the above list.
☒	Accurate legal description or a map drawn to scale showing the property boundaries to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.
☒	18 (11"x17") map copies to be distributed to the Planning Board
☒	20 (11"x17") map copies to be distributed to the Board of Commissioners
☒	Digital (.pdf) submission of all application materials
☒	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.
Office Use Only	
☐ n/a	ZMA Fees: (\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter) Total Fee Calculation: \$ n/a
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: n/a	Cash : ☐ \$ _____ Credit Card: ☐ Master Card ☐ Visa Check: ☐ Check # _____
Application received by: Adam Moran	Date: 9/14/2023
Application completeness approved by: Adam Moran	Date: 9/14/2023
Dates scheduled for public hearing: ☒ Planning Board: 10/3/2023 ☒ Board of Commissioners: 11/20/2023	

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

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 2023-55	Date	9/14/2023
Application Fee	\$ n/a	Invoice	n/a
Pre-Application Conference	n/a	Hearing Date	PB 10/3; BOCC 11/20
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Pender County	Owner's Name:	International Properties & Investments
Applicant's Address:	805 S. Walker Street	Owner's Address:	893 Highlands Drive
City, State, & Zip	Burgaw, NC 28425	City, State, & Zip	Hampstead, NC 28443
Phone Number:	910-259-1202	Phone Number:	
Email Address:	amoran@pendercountync.gov	Email Address:	
Legal relationship of applicant to landowner: Self			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3282-29-4656-0000	Total property acreage:	0.41
Current Zoning District:	Residential Performance	Proposed Zoning District:	Office & Institutional
Project Address:	NC HWY 210		
Description of Project Location:	The subject property is located on the south side of NC Hwy 210, directly across from Whispering Pines Court in the Topsail Township		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	9/14/2023
Applicant's Name Printed	Adam Moran	Date:	9/14/2023
Owner's Signature		Date:	
Owner's Name Printed	Joel Reyes	Date:	
<u>NOTICE TO APPLICANT</u>			
1. Applicant must also submit the information described on the Rezoning Checklist. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing. 4. All fees are non-refundable 5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda			

Rezoning/Zoning Map Amendment Checklist

☒	Signed application form		
☐ n/a	Application fee		
☒	A list of names and addresses, as obtained from the county tax listings and tax abstract, all adjacent property owners, including property owners directly across any road or road easement, and owners of the property under consideration for rezoning.		
☒	Two (2) business size envelopes legibly addressed with first class postage for each of the adjacent and abutting property owners on the above list.		
☒	Accurate legal description or a map drawn to scale showing the property boundaries to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.		
☒	18 (11"x17") map copies to be distributed to the Planning Board		
☒	20 (11"x17") map copies to be distributed to the Board of Commissioners		
☒	Digital (.pdf) submission of all application materials		
☒	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.		
<u>Office Use Only</u>			
☐ n/a	ZMA Fees: (\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter)		Total Fee Calculation: \$ n/a
Attachments Included with Application: (Please include # of copies)			
CD /other digital version	☐ Y ☐ N	Plan Sets	# of 11X17
		# of large	Other documents/Reports
			☐ Y ☐ N
Payment Method: n/a	Cash : ☐ \$ _____		Credit Card: ☐ Master Card ☐ Visa
			Check: ☐ Check # _____
Application received by:	Adam Moran		Date: 9/14/2023
Application completeness approved by:	Adam Moran		Date: 9/14/2023
Dates scheduled for public hearing:			
☒ Planning Board: 10/3/2023			
☒ Board of Commissioners: 11/20/2023			

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



ATTACHMENT 1 - TABLE OF PERMITTED USES

TABLE OF PERMITTED USES											
P=Permitted Use D=Permitted w/ Use Standards S=Special Use Approval Required SD=Special Use Approval Required w/ Additional Standards PM=Permitted in conjunction w/ the MDP process											
Use Category Specific Use Type		Residential				Mixed Use	Commercial	Industrial		Special Purpose	
		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					
SFD: Detached Zero Lot Line				P		P					
SFD-Attached: Duplex		P	P	P		P					
SFD-Attached: Multiplex				P		P					
SFD-Townhouse (5+ attached)				P		P					
Multifamily (condominium/apartment)				P		P					
Upper Story Residential						P	P	P			
Accessory Dwelling Unit		D	D	P		D					
Accessory Dwelling Unit on Non Residential Principal Uses		D				D			P	P	
Manufactured Home		P	D		P						
Manufactured Home Park					PMD						
ACCESSORY USES AND STRUCTURES											
Accessory Structures		P	P	P	P	P	P	P	P	P	
Cottage Occupations		SD	SD	SD		SD	SD				
Home Occupation		D	D	D	D	D	D				
Agritourism Activities on active farms		D	D	D	D	D	D	D	D	D	D
Sector 21: MINING, QUARRYING, OIL AND GAS EXTRACTION											
Nonmetallic Mineral Mining & Quarrying	2123	S								S	
Except: 212392 Phosphate Rock Mining											
Except: 212321 Borrow Pit Sand Mining			PMDS			PMD					
Sector 22: UTILITIES											
Fossil Fuel Electric Power Generation	221112									S	
Other Electric Power Generation	221119								S	S	
Electric Bulk Power Transmission & Control	221121	S	S	S	S	S	S	S	P	P	
Natural Gas Distribution Except Transmission Lines	221210									P	
Water Supply Facilities*	221310		S			PM				P	

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											
Zoning Districts											
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 23: CONSTRUCTION											
Construction of Buildings	236						D		P	P	
Heavy and Civil Engineering Construction	237						D		P	P	
Specialty Trade Contractors	238						D		P	P	
Sectors 31-33 MANUFACTURING											
Artisan Manufacturing		S	S			P	P		P		
Food Manufacturing	311									P	
Beverage and Tobacco Product Manufacturing	312									P	
Textile Mills	313									P	
Textile Product Mills	314									P	
Apparel Manufacturing	315									P	
Wood Product Manufacturing	321								P	P	
Truss Manufacturing	321214						S		P	P	
Prefabricated Wood Building Manufacturing	321992						S		P	P	
Prefabricated Metal Building and Component Manufacturing	332311						S		P	P	
Paper Manufacturing	322									S	
Converted Paper Product Manufacturing	3222									P	
Printing and Related Support Activities	323								P	P	
Petroleum and Coal Products Manufacturing	324									S	
Synthetic Dye and Pigment Manufacturing	32513									P	
Other Basic Organic Chemical Manufacturing	32519									P	
Resin, Synthetic Rubber & Artificial Synthetic Fibers and Filaments Manufacturing	3252									P	
Pharmaceutical Manufacturing	3254								P	P	
Paint, Coating and Adhesive Manufacturing	3255									P	

Soap, Cleaning Compound and Toilet Preparation Manufacturing	3256									P	
Other Chemical Product and Preparation Manufacturing										P	
Except: 32592 Explosive Manufacturing											
Plastics and Rubber Products Manufacturing	326									P	
Clay Product and Refractory Manufacturing	3271									P	
Ready-Mix Concrete Manufacturing	32732									P	
Concrete Pipe, Brick, & Block Manufacturing	32733									P	

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sectors 31-33 MANUFACTURING											
Other Concrete Product Manufacturing	32739									P	
Gypsum Product Manufacturing	32742									P	
Fabricated Product Manufacturing	332									P	
Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing	3327								P	P	
Machinery Manufacturing	333									P	
Computer & Electronic Product Manufacturing	334								P	P	
Electrical Equipment, Appliance, & Component Manufacturing	335									P	
Transportation Equipment Manufacturing	336									P	
Furniture and Related Product Manufacturing	337								P	P	
Miscellaneous Manufacturing	339								P	P	
Sector 42 WHOLESALE TRADE											
Wholesale Trade	42	S							P	P	
Sectors 44-45 RETAIL TRADE											

Motor Vehicle and Parts Dealers	441	S					P		P		
Furniture and Home Furnishings Stores	442						P		P		
Electronics and Appliance Stores	443	S				P	P		P		
Building Material, Garden Equipment & Supplies Dealers	444	S					P		P	P	
Food and Beverage Stores	445	S	S			P	P		P		
Health and Personal Care Stores	446	S	S			P	P	P	P		
Gasoline Stations	447	S				P	P		P		
Clothing and Clothing Accessories Stores	448	S				P	P		P		
Sporting Goods, Hobby, Book, and Music Stores	451					P	P		P		
Miscellaneous Store Retailers	453	S				P	P				
Non store Retailers	454	S				P	P		P		
Liquefied Petroleum Gas Dealers	454312									P	
Sectors 48-49: TRANSPORTATION AND WAREHOUSING											
Air Transportation	481								P	P	
Rail Transportation	482								P	P	
Truck Transportation	484								P	P	
Transit and Ground Passenger Transportation	485								P	P	
Interurban and Rural Bus Transportation	4852						P		P	P	
Taxi and Limousine Service	4853						P		P	P	
School and Employee Bus Transportation	4854								P	P	
Charter Bus Industry	4855								P	P	
Support Activities for Transportation	4881								P	P	
Support Activities for Road Transportation	4884	S					P		P	P	
Postal Services	491110	S	S			P	P	P			
Couriers and Messengers	492						P	P	P	P	
Zoning Districts											
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC

Sectors 48-49: TRANSPORTATION AND WAREHOUSING											
Warehousing and Storage	493	S							P	P	
Sector 51: INFORMATION											
Information	51					P	P	P	P	P	
Finance and Insurance	52	S	S			P	P	P	P	P	
Sector 53: REAL ESTATE AND RENTAL AND LEASING											
Real Estate and Rental and Leasing	53	S	S			P	P	P	P	P	
Commercial and Industrial Machinery and Equipment Rental and Leasing	5324								P	P	
Sector 54: PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES											
Professional, Scientific, & Technical Services	54	S	S			P	P	P	P	P	
Sector 55: MANAGEMENT OF COMPANIES AND ENTERPRISES											
Management of Companies and Enterprises	55	S	S			P	P	P	P	P	
Sector 56: ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES											
Administrative and Support Services	561	S				P	P	P	P	P	
Solid Waste Collection Public	562111	P	P	P	P	P	P	P	P	P	
Solid Waste Collection Private	562111									S	
Solid Waste Landfill	562212									S	
Solid Waste Combustors and Incinerators	562213									S	
Other Nonhazardous Waste Treatment and Disposal	562219	S					S		S	S	
Remediation Services	562910									S	
Materials Recovery Facilities	562920									S	
All Other Waste Management Facilities	56299									S	
Sector 61: EDUCATIONAL SERVICES											
Educational Services	611	P	S			P	P	P			

Business Schools, Computer & Management Training	6114	S				P		P	P		
Technical and Trade Schools	6115	S				P	P	P	P	P	
Other Schools and Instruction	6116	S				P	P	P	P		
Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE											
Ambulatory Health Care Services	621					P	P	P			
Except: Outpatient Mental Health and Substance Abuse Centers	62142						P	S			
Hospitals	622	S				P	P	P			
		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE											
Except: Psychiatric and Substance Abuse Hospitals	6222							S			
Except: Outpatient Mental Health and Substance Abuse Hospitals	62142						S	S			
Nursing and Residential Care Facilities	623	S	S			P	P	P			
Except: Residential Mental Retardation, Mental Health & Substance Abuse Facilities	6232	S						S			
Social Assistance	624	S				P	P	P			
Vocational Rehabilitation Services	6243						P	P	P	P	
Sector 71: ARTS, ENTERTAINMENT, AND RECREATION											
Performing Arts Companies	7111	S				P	P				
Spectator Sports	7112	S					P		P		
Promoters of Performing Arts, Sports and Similar Events	7113	S				S	S				
Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures	7114					P	P	P			
Museums, Historical Sites and Similar Institutions	712	S				P	P	P			
Amusement and Theme Parks	713110	S				S	S				
Amusement Arcades	713120						P				

Golf Courses and Country Clubs	713910	S	PM			P					
Fitness & Recreational Sports Centers	713940	S				P	P	P	P		
Bowling Centers	71395					P	P	P	P		
All Other Amusement & Recreation Industries	71399	S				P	P		P		
Aviation Clubs, Recreational	713990	S	S			P	P		P		
Canoeing, Recreational	713990	S	S			P	P		P		
Fishing Clubs, Recreational	713990	S	S			P	P		P		
Flying Clubs, Recreational	713990	S	S			P	P		P		
Guide Services (i.e. Fishing, Hunting, Tourist)	713990	S	S			P	P		P		
Horse Riding, Recreational	713990	P	S								
Outdoor Shooting Ranges	713990	S									
Zoning Districts											
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 72: ACCOMMODATIONS AND FOOD SERVICES											
Hotels and Motels	72111					P	D	D			
Bed and Breakfast Inns	721191	S	S		S	P	P				
All Other Traveler Accommodation	721199	S	S		S	P	P				
RV Parks and Recreational Camps	7212	SD					SD				
Recreational and Vacation Camps	721214	S									S
Rooming and Boarding Houses	721310	S				P	P				
Full Service Restaurants	7221	S				P	P	P	P	P	
Limited Service Eating Places	7222	S				P	P	P	P	P	
Special Food Services	7223	S				P	P	P	P	P	
Drinking Places (Alcoholic Beverages)	7224	S				P	P				
Sector 81: OTHER SERVICES, EXCEPT PUBLIC ADMINISTRATION											
Automotive Repair and Maintenance	8111	S					P		P	P	
Electronic and Precision Equipment Repair and Maintenance	8112	S					P	P	P	P	

Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	8113								P	P	
Personal and Household Goods Repair and Maintenance	8114	S				P	P	P	P	P	
Personal Care Services	8121	P	S			P	P	P	P		
Funeral Homes and Funeral Services	81221	S					P	P	P	P	
Cemeteries and Crematories Except: Private Cemetery	81222	S	S			S	S	S	S	S	
Coin Operated Laundries and Drycleaners	812310	P				P	P				
Dry-cleaning and Laundry Services	812320	S				P	P		P	P	
Linen & Uniform Supply	81233								P	P	
Other Personal Services	8129	S				P	P	P	P		
Pet Care Services	812910	D					D		D	D	
Religious Organizations	8131	P	S			P	P	P	P		
Grant making and Giving Services	8132					P	P	P	P		
Social Advocacy Organizations	8133					P	P	P	P		
Civic and Social Organizations	813410	S	S			P	P	P			
Business, Professional, Labor, Political and Similar Organizations	8139					P	P	P	P		
Public Administration	92	P	P	P	P	P	P	P	P	P	
Zoning Districts											
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
MISCELLANEOUS USES											
Adult and Sexually Oriented Businesses									S	S	
Adult Retail									S	S	
Bona fide Farm Purposes		D	D	D	D	D	D	D	D	D	D
Child Care Center		P	S			S	P	P			
Community Boating Facility		SD	SD	SD	SD	SD					
Community Boating Facility in conjunction with a Master Development Plan		SD	PMD	PMD	PMD	PMD					
Disaster Volunteer Housing		D	D	D	D	D	D	D	D	D	

Family Care Home		D	D	D	D	D					
Family Child Care Home		P	P			P	P	P			
Industrial Park										SD	
Marina (Commercial)		SD	PMD			PMD					
Portable Storage Containers		D	D	D	D	D	D	D	D	D	
Private Cemetery less than 6,000 sq. ft.		D	D				D	D	D		
Private Cemetery 6,000 sq. ft. and larger		S	S				S	S	S		
Public Parks		P	P	P	P	P	P	P	P	P	
Private Residential Boating Facility		D	D	D	D	D					
Salvage Operations		S								D	
Storage of Merchandise, Materials or Equipment On Site Inside or Outside An Enclosed Building, Excluding Salvage		S							P	P	
Storage of boats and watercraft outdoors or on dry stack structures							S				
Sweepstakes Center							SD		SD	SD	
Telecommunication Facilities		SD	SD			SD	SD	SD	SD	SD	
Telecommunication Facilities – Public Safety		SD	SD			SD	SD	SD	SD	SD	
Temporary Manufactured Homes		P	P			P					
Temporary Modular/Manufactured Offices						P	P	P	P	P	
Temporary Fruit & Vegetable Stands		P	P								
Temporary Buildings for Construction or Development		D	D	D	D	D	D	D	D	D	
Temporary Events		D					D	D	D	D	

5.3 USES WITH STANDARDS

5.3.1 General

- A. These standards shall only apply to those districts and uses where the “S”, “PM” or “D” is designated on the use table in Section 5.2.3. In addition to these standards the use shall be permitted in compliance with the general development standards of the underlying



Pender County Recap of Joint Meeting Between Planning Board and Board of Commissioners

TO: Planning Board
FROM: Daniel Adams
DATE: October 3, 2023
SUBJECT: Recap of Joint Meeting Between Planning Board and Board of Commissioners

SUMMARY:

On September 12, 2023, the Board of Commissioners and Planning Board held a joint meeting in Burgaw to discuss the impacts that development is having on the County and what tools may be useful in better coordinating and managing the growth the community is experiencing. The meeting covered several topics related to growth and development, which offered insight to staff on what tools and processes need to be changed or implemented to better align our policies with the stated goals of the County's leaders. This memo is intended to serve as a recap of that meeting to ensure staff understood the content and intent of the conversation and can begin implementing changes accordingly.

Topic 1: Overlay districts

Both Boards expressed interest in pursuing the establishment of overlay districts for certain areas of the County. The majority of the conversation involving overlay districts centered around their implementation in Hampstead. There was discussion about what the boundaries of Hampstead are and where this overlay district might be useful. The challenges of having one development code for both the predominantly rural western side of the County and the quickly urbanizing eastern side of the County further illustrated the desire from the Boards for the use of overlay districts.

Some of the benefits of an overlay district that were discussed could be to establish form-based code or design guidelines for development along US Highway 17, the development of bicycle and pedestrian infrastructure in Hampstead, the preservation of existing tree canopy, and mechanisms to reduce the impact of impervious surface coverage and stormwater runoff.

Next Steps/Implementation Process

Staff will begin exploring options for the implementation of overlay districts in the County, specifically in Hampstead. Any potential policies or regulations proposed within an overlay district will be informed by the public input process. The development of these districts may involve the use of a third-party consultant.

Topic 2: Increase the use of conditional zoning

Both Boards expressed the desire to increase the use of conditional zoning as a tool for reviewing development proposals, especially when the proposals involve residential or mixed-use components. Conditional rezoning proposals would require the submission of a site plan and would require review by the Planning Board prior to the final decision being made by the Board of Commissioners.

This tool allows the Boards to understand exactly what is being proposed and to consider how certain conditions of approval may offset the impacts of the development. For instance, the Board may require the installation of a multi-use path or restrictions on the times when lights or noise may be emitted from the site. These proposals follow the legislative approval process, which gives the Boards broader discretion in how they make their decisions.

Next Steps/Implementation Process

Staff will begin recommending that applicants pursue conditional rezonings versus general use rezonings. In certain circumstances, it may still be appropriate for general use rezoning applications to be submitted, such as a proposal to rezone a small parcel from residential to commercial. As outlined in Topic 3, there are further opportunities to use the conditional zoning tool.

Topic 3: Planned Development (PD) district approval process

The Planning Board expressed frustration with the current PD approval process, whereby they act as the Administrator when reviewing master plans. There are limitations on the Planning Board's ability to critique master plans because these projects are considered "by-right" approvals.

One of the suggestions that was discussed throughout the meeting was re-evaluating the PD review process so that developments within the PD district must go through the conditional rezoning process. In this scenario, both the Planning Board and the Board of Commissioners would have an opportunity to review the proposal and make a legislative decision that allows for greater discretion. The Boards would also have an opportunity to place conditions of approval on the project, such as the addition of sidewalks or increased stormwater infrastructure above what is required by the Unified Development Ordinance (UDO).

Next Steps/Implementation Process

Changing the PD district review and approval process will require a text amendment to the UDO. Staff will begin reviewing methods by which the desired outcome of reducing PD master plans and increasing conditional rezonings can be achieved.

Topic 4: Reduce the uses that are allowed via Special Use Permits

The Board of Commissioners expressed concern with the quasi-judicial process, whereby they must act as impartial decision-makers when hearing a proposal for a Special Use Permit (SUP). This process can limit the Commissioners' ability to advocate for their constituents which contrasts with their mission as elected officials. One method by which this process could be minimized is reducing the land uses that require a SUP. In cases where a use is not permitted via a by-right approval process or through a Special Use Permit, the applicant would have to proceed with a conditional rezoning application.

Implementation

This change will require a text amendment to the UDO, specifically the Table of Permitted Uses. Staff will conduct a review of current processes and best practices in developing language to amend the UDO.

Desired Outcomes

Based on the content of the discussion during the meeting, both Boards feel that having more information about the specific uses proposed within a development will lead to better land use outcomes. Both Boards also discussed the benefit of having more flexibility in the decision-making process. The conditional rezoning process will help achieve both of these goals.

Other topics mentioned during the conversation included resiliency, stormwater infrastructure, and tree preservation. Staff are continuing to review current processes and best practices within the industry regarding these topics. Staff will continue to work with community partners and stakeholders to develop policies that are reflective of the goals of our County.