



Pender County

Agenda

Planning Board Meeting

Wednesday, January 20, 2021 @ 7:00 PM

Pender County Public Assembly Room

	Presenter	Page
1. CALL TO ORDER		
2. ROLL CALL		
3. INVOCATION		
4. PLEDGE OF ALLEGIANCE		
5. ELECTION OF OFFICERS		
6. ADOPTION OF AGENDA		
7. ADOPTION OF MINUTES		
7.1. Planning Board Minutes for November 5, 2020 Planning Board Minutes November 5, 2020 - Pdf		3 - 11
8. ADOPTION OF 2021 MEETING CALANDER		
8.1. Planning Board 2021 Meeting Calendar Planning Board 2021 Meeting Calendar - Pdf		13 - 14
9. PRESENTATIONS		
10. PUBLIC COMMENT		
11. PUBLIC HEARINGS		
11.1. REZONE 2020-18 REZONE 2020-18 - Pdf		15 - 31
12. DISCUSSION		
13. NEXT MEETING DATE Next Meeting: February 2, 2021 15060 US Highway 17 Hampstead, NC 28443		
14. ADJOURNMENT		



**Pender County
Planning Board Minutes for November
5, 2020**

TO: Planning Board
FROM: Travis Henley
DATE: January 20, 2021
SUBJECT: Planning Board Minutes for November 5, 2020

SUMMARY:

Planning Board Minutes for November 5, 2020

ACTION REQUESTED:

To Consider and Approve Planning Board minutes from November 5, 2020.



MINUTES
Planning Board Meeting
Thursday, November 5, 2020
15060 US Highway 17/Hampstead Annex
7:00 PM

MEMBERS PRESENT:

Theatrice McClammy
Delva Jordan
Jeff Beaudoin
Damien Buchanan
John Gruntfest
Jeffrey Pitts
Norman K. (Ken) Teachey

MEMBERS ABSENT:

OTHERS PRESENT:

Travis Henley, Planning Director
Tera Cline, Administrative Assistant
Other Staff and Members of the Public.

Page

1 CALL TO ORDER

a) Chairman Theo McClammy called the meeting to order at 7:06 pm.

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ADOPTION OF AGENDA

a) Motion to approve agenda as presented.

Moved by Jeffrey Pitts, seconded by Norman K. (Ken) Teachey

Motion to approve

	For	Against	Abstained	Absent
Theatrice McClammy	x			
Delva Jordan	x			
Jeff Beaudoin	x			
Damien Buchanan	x			
John Gruntfest	x			
Jeffrey Pitts	x			
Norman K. (Ken) Teachey	x			
	7	0	0	0

CARRIED.

6 ADOPTION OF MINUTES

- a) Motion to approve Planning Board minutes for October 6. 2020 meeting.

Moved by Damien Buchanan, seconded by Jeff Beaudoin

Motion to approve

	For	Against	Abstained	Absent
Theatrice McClammy	x			
Delva Jordan	x			
Jeff Beaudoin	x			
Damien Buchanan	x			
John Gruntfest	x			
Jeffrey Pitts	x			
Norman K. (Ken) Teachey	x			
	7	0	0	0

CARRIED.

7 PUBLIC COMMENT

8 PUBLIC HEARINGS

a) REZONE 2020-16 and MDP 2020-21

7 - 8

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 and Master Development Plan 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.

Sam Shore, Planner II, reviewed the addendum staff report with the board and members of the public present. He reviewed the conditions of approval to include numbers 8 and 9.

The board and Mr. Shore discussed condition number 9 and traffic calming measures and emergency entry into Fall Mist and the interconnection to Fall Brook.

Sam Potter, gave a brief presentation on behalf of the applicant.

Don Bennett, Traffic Engineer, briefly reviewed the results of the traffic analysis completed and explained some of the traffic calming measures offered.

Jimmy Fentress, Stroud Engineering, spoke on behalf of the applicant and reviewed conditional changes in the project that the applicant has agreed too.

Dorena Williams, 591 Kimberly Court, expressed her concerns in regards to tax values, and emergency vehicles, and traffic.

Teresa James, 94 Fallbrook Lane, addressed the board in regards to her concerns of traffic and backing out of her driveway and the collector

road.

Jennifer Cotten, 202 Fallbrook Lane, expressed her concerns in regards to Fall Brook Lane being used as a collector road.

Bob Dummermuth, 237 Tumbling Waters Road, thanked the board and others for working with the citizens of Fall Brook.

Stuart Peterson, 203 Fall Brook Lane, addressed the board with concerns of speed limit and noise pollution and trash.

Carol Stein, 610 Old Swann Pt, spoke to the board in favor of the sidewalks and bike paths being placed in the development.

Aubrey Harvey, 30 Owl Creek Ct, expressed concerns with the collector road and the safety of kids in the neighborhood.

Jim Allred, 349 Kimberly Ct, shared some pictures and a signed petition with the board. Discussed flooding and drainage issue that may be caused with over development and traffic.

Shanelle Bullock, 183 Fallbrook Ln, expressed concerns over home value decreasing and narrowing of road and traffic increase with the collector road.

Ray Byrd, 82 Babbling Creek Rd, shared with the board the old survey of Fall Brook. He expressed his concerns with environmental impact and traffic.

Gary Wren, 551 Kimberly Ct, expressed concerns with flooding and crime increasing.

Jimmy Fentress, explained all the options that were look at in regards to the collector road. He also went of the waste water treatment that will be used. He explained why sewer could not be pumped to Trask High School.

The board requested Mr. Fentress explain again what is listed in the application under the conditions in regards to the waste water treatment. They discussed different options if the development was reconsidered and applied by-right.

Travis Henley, followed up with the process in regards to next steps once the board votes.

The board discussed with Jimmy Fentress, the by-right pros and cons.

Members of the board had an open discussion in regards to traffic, and road width and sewer issues and traffic calming measures available and making the road wider.

After several more public comments, Travis Henley explained some of the differences in the collector street plan and the Pender County Unified Development Ordinance.

Jimmy Fentress was asked by the board to reiterate the by-right option and the by-right capacity.

Moved by Jeffrey Pitts, seconded by Jeff Beaudoin

Motion to approve

	For	Against	Abstained	Absent
Theatrice McClammy	x			
Delva Jordan		x		
Jeff Beaudoin	x			
Damien Buchanan	x			
John Gruntfest		x		
Jeffrey Pitts	x			
Norman K. (Ken) Teachey	x			
	5	2	0	0

CARRIED.

[Falls Mist Alternative Plan](#)

9 DISCUSSION

- a) Travis Henley opened the discussion in regards to next board meeting and work session. After discussion the Chairman requested a motion to cancel the December board meeting and schedule January 5th meeting in Burgaw.

Moved by Damien Buchanan, seconded by Delva Jordan

Motion made by Damien Buchanan and seconded by Delva Jordan to cancel December board meeting and schedule next meeting January 5th, 2021.

	For	Against	Abstained	Absent
Theatrice McClammy	x			
Delva Jordan	x			
Jeff Beaudoin	x			
Damien Buchanan	x			
John Gruntfest	x			
Jeffrey Pitts	x			
Norman K. (Ken) Teachey	x			
	7	0	0	0

CARRIED.

10 NEXT MEETING DATE

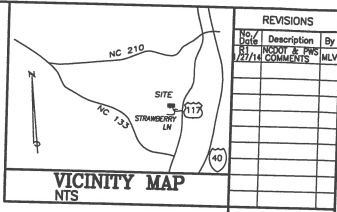
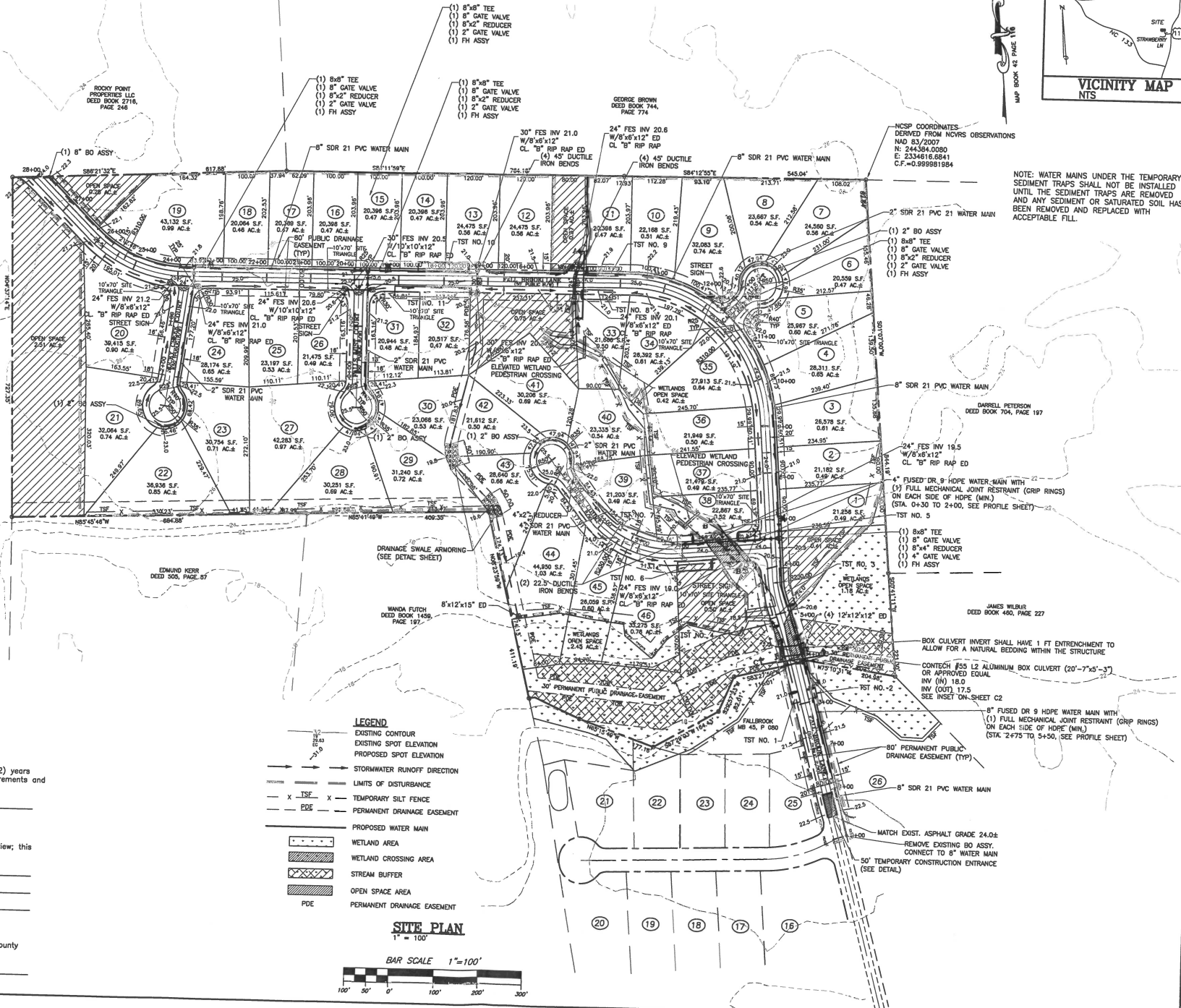
Next Meeting:
December 1, 2020
15060 US Highway 17 Hampstead, NC 28443

11 ADJOURNMENT

Chairman Theo McClammy adjourned the meeting at 9:15 pm.

SITE DATA
AGENT / OWNER : ROCKY POINT PROPERTIES, LLC
DEVELOPER : ROCKY POINT PROPERTIES, LLC
1510-A SOUTH THIRD STREET
WILMINGTON, NC 28401
(910) 251-5030
LAND SURVEYORS : ARNOLD W. CARSON, PLS. PC
ENGINEER : TRIPP ENGINEERING, PC
ENVIRONMENTAL CONSULTANT : WETHERS AND RAVENEL
TAX PARCEL ID # PART OF 3234-24-8900-0000
TAX PARCEL ID # PART OF 3234-42-6725-0000
SITE ADDRESS : FALL BROOK LANE
DEED BOOK 3054 PAGE 297
SITE LOCATED IN ZONE "C"
FEMA MAP # 372022400 J
CD # 370334-3024 J
DATED FEBRUARY 16, 2007
TOTAL AREA (GROSS) : 40.28 AC.
TOTAL NUMBER OF LOTS : 46
ZONING: RP, RESIDENTIAL PERFORMANCE DISTRICT
MINIMUM BUILDING SETBACK LINES:
FRONT-30' REAR-25' SIDE-10' CORNER SIDE-15'
MINIMUM LOT SIZE = 15,000 SQ. FT.
ALL LOTS MEET OR EXCEED 20,000 SQ. FT.
TOTAL DISTURBED AREA: 31.87 AC./1,392,650 SF
PROPOSED ROADS:
ON-SITE 1.99 AC./88,580 SF
OFF-SITE 0.19 AC./8,200 SF (NOT INCLUDED IN TOTAL IMPERVIOUS AREA)
LOT COVERAGE (IMPERVIOUS AREA) 6,000 SF/LOT: 6.34 AC./276,000 SF
FUTURE IMPERVIOUS AREA: 0.34 AC./14,700 SF
TOTAL IMPERVIOUS AREA: 8.68 AC./377,200 SF
TOTAL AREA OF WETLANDS: 183,307 SF/4.21 ACRES
WETLAND CROSSING AREA: 7,287 SF/0.17 ACRES
CAMA LAND USE CLASSIFICATION: URBAN GROWTH
WETLANDS: NORTHEAST CREEK FEAR
WATER SERVICE BY PENDER COUNTY UTILITIES
SEWAGE DISPOSAL BY INDIVIDUAL SEPTIC TANKS
ALL STREETS SHOWN HEREON ARE PUBLIC AND SHALL BE BUILT TO NCDOT STANDARDS.
NOTES:
1. CONTRACTOR SHALL FIELD VERIFY EXISTING UTILITY LOCATION, INVERT, MATERIAL, SIZE AND DEPTH PRIOR TO INSTALLATION.
2. THE WETLANDS DISTURBANCE AREAS ARE IDENTIFIED ON THIS PLAN SHEET WITH NOTATION. CONTRACTOR IS NOT PERMITTED TO DISTURB WETLAND AREAS OUTSIDE OF THOSE DESIGNATED ON THE PLANS.
3. FITTINGS SHALL BE IN ACCORD WITH RESTRAINED JOINT.

Certificate of Preliminary Plot Approval
Preliminary Plot Approved by Pender County for a period of two (2) years subject to the Pender County Unified Development Ordinance requirements and conditions of approval.
Planning Staff: _____
Date: _____
Certificate of Submission
A copy of this plot has been submitted. Approval is subject to review; this does not constitute an approval.
Pender County Utilities: _____
Date: _____
Pender County Environmental Health: _____
Date: _____
Pender County Addressing Coordinator: _____
Date: _____
Road Name Certification
The road names on this plot have been approved by the Pender County Addressing Coordinator.
Pender County Addressing Coordinator: _____
Date: _____



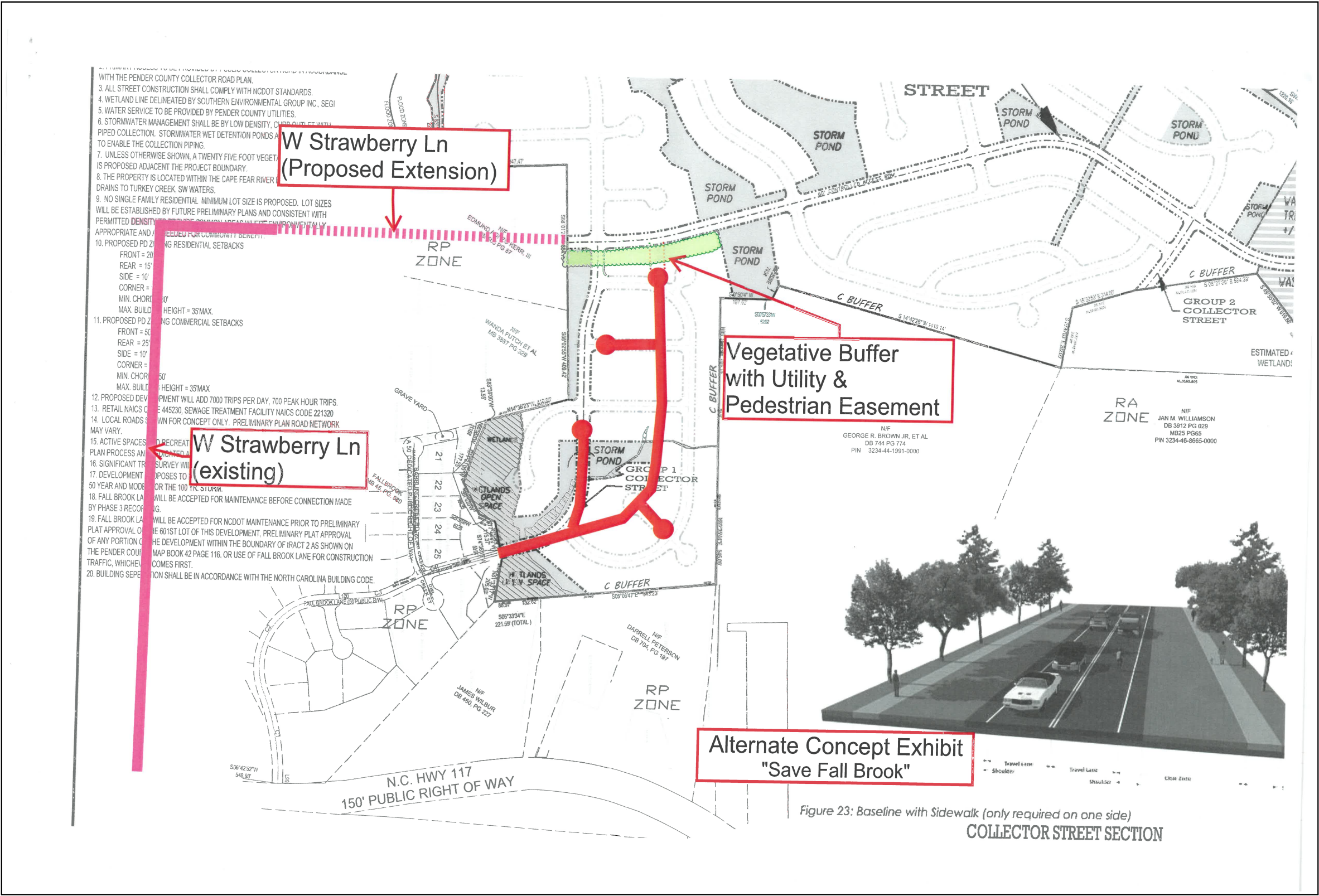
REVISIONS		
No.	Date	Description
1	08/07/13	NOTED & REVISED COMMENTS
2	08/07/13	MLV

TRIPP ENGINEERING, P.C.
419 Chestnut Street
Wilmington, North Carolina 28401
Phone 910-763-5100
Fax 910-763-5631
www.trippengineering.com

DATE 12-06-13
DESIGN PGT
DRAWN EJW

C1
SHEET 2 OF 6
12027

SITE, GRADING, DRAINAGE, EROSION CONTROL, STORMWATER MANAGEMENT AND UTILITY PLAN
FALLS MIST
PENDER COUNTY, NORTH CAROLINA





Pender County Planning Board 2021 Meeting Calendar

TO: Planning Board
FROM: Travis Henley
DATE: January 20, 2021
SUBJECT: Planning Board 2021 Meeting Calendar

SUMMARY:

Approval and Adoption of the 2021 Planning Board Meeting Schedule

ACTION REQUESTED:

Approval and Adoption of the 2021 Planning Board Meeting Schedule

Pender County Planning Board Board Calendar 2021

Meeting Date	Location
Wednesday, January 20, 2021	Burgaw
Tuesday, February 2, 2021	Hampstead
Tuesday, March 2, 2021	Burgaw*
Tuesday, April 6, 2021	Burgaw
Tuesday, May 4, 2021	Burgaw
Tuesday, June 1, 2021	Hampstead*
Tuesday, July 6, 2021	Burgaw
Tuesday, August 3, 2021	Burgaw
Wednesday, September 7, 2021	Hampstead*
Tuesday, October 5, 2021	Burgaw
Tuesday, November 2, 2021	Burgaw
Tuesday, December 7, 2021	Burgaw*
<i>*Denotes Work Session Beginning at 6 p.m.</i>	
Hampstead-15060 US HWY 17, Hampstead, NC 28443 Burgaw-805 S. Walker Street, Burgaw, NC 28425	



Pender County REZONE 2020-18

TO: Planning Board
FROM: Travis Henley
DATE: January 20, 2021
SUBJECT: REZONE 2020-18

SUMMARY:

Archie McGirt, applicant, on behalf of AJ McGirt Land Management, LLC, owner, is requesting the approval of a Conditional Zoning Map Amendment for one (1) tract totaling approximately 9.39 acres to amend the existing GB-CD2, General Business conditional zoning district 2 to allow an on-site caretaker apartment for a previously-approved storage facility. The subject property is located along the west side of US HWY 17 approximately $\pm$ 2,500 feet to the north of the intersection of US HWY 17 and Sloop Point Loop Road (SR 1563) in the Topsail Township and may be further identified by Pender County PIN: 4204-76-9748-0000.

ACTION REQUESTED:

To hold a Public Hearing and consider the Conditional Zoning Map Amendment.

ATTACHMENTS:

1. REZONE 2020-18 Staff Report
2. REZONE 2020-18 Application
3. REZONE 2020-18 Narrative
4. REZONE 2020-18 Attachment 1
5. REZONE 2020-18 Attachment 2
6. REZONE 2020-18 Attachment 3
7. REZONE 2020-18 Attachment 4

**PLANNING STAFF REPORT
CONDITIONAL ZONING MAP AMENDMENT
MONKEY JUNCTION MINI-STORAGE AMENDMENT**

SUMMARY

Hearing Date: January 20, 2021 Planning Board
February 16, 2021 Board of Commissioners
Applicant: Archie McGirt
Property Owner: AJ McGirt Land Management, LLC
Case Number: REZONE 2020-18

Rezoning Proposal: Archie McGirt, applicant, on behalf of AJ McGirt Land Management, LLC, owner, is requesting the approval of a Conditional Zoning Map Amendment for one (1) tract totaling approximately ± 9.39 acres to amend a previously-approved conditional rezoning for detached storage buildings, boat and RV storage, and a two-story office building to further allow for a caretaker apartment on the second story of the office building. The subject property is zoned GB-CD2, General Business conditional zoning district 2 and the request would amend the allowable uses in that district.

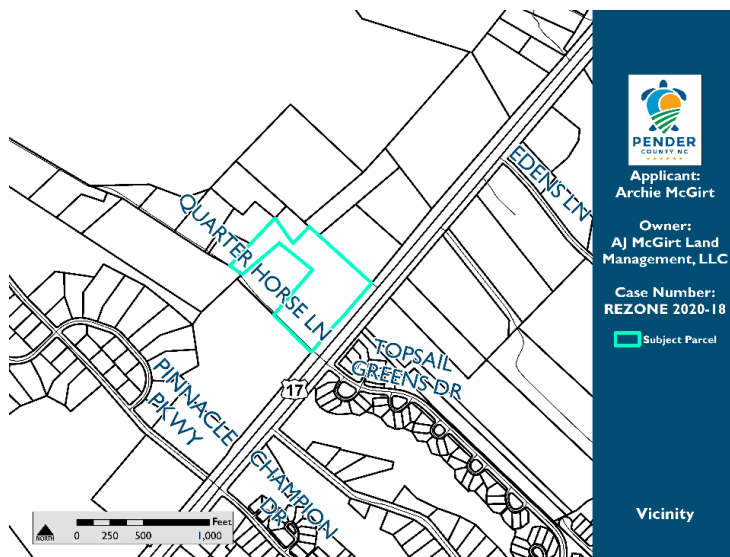
Property Record Number, Acreage, and Location: The subject property is located along the west side of US HWY 17 approximately $\pm 2,500$ feet to the north of the intersection of US HWY 17 and Sloop Point Loop Road (SR 1563) in the Topsail Township and may be further identified by Pender County PIN: 4204-76-9748-0000.

Recommendation: As submitted, the request is consistent with the Pender County Unified Development Ordinance while not conflicting with the Pender 2.0 Comprehensive Land Use Plan. Staff are recommending approval of the request with the continuation of previously-imposed conditions.

DESCRIPTION

The Pender County Board of County Commissioners approved the creation of the GB-CD2, General Business Conditional zoning district 2, on June 19th, 2017 to allow for the development of ten (10) detached storage buildings totaling 185,325 square feet of storage space with an additional office space with a footprint of 1,200 square feet. The approval also encompassed storage of boats and recreational vehicles on the site.

Subsequent to the approved conditional rezoning, staff approved a Major Site



Development Plan for the first phase of 7 detached storage buildings, office, and associated improvements on August 15, 2018. A second Major Site Development Plan for the remaining structures and associated improvements was approved on February 20, 2019,

The current application is to amend the allowable uses within the district to permit an upstairs apartment within the office building for an onsite caretaker.

Proposed Use

The caretaker apartment is the only additional proposed use in comparison to the previously approved conditional zoning district. The currently approved uses within the GB-CD2, General Business Conditional zoning district 2 are multi-unit, self-storage units (NAICS 531130). NAICS Sector 531130 industry comprises of establishments primarily engaged in renting or leasing space for self-storage in addition to RV and boat storage. The previous application was filed soon after boat storage had been broken out as its own use in the Table of Permitted Uses but was not illustrated as such in the corresponding staff report. For the purposes of clarity, the previously proposed and approved boat storage is illustrated as it appears in the current Table of Permitted Uses in the Pender County Unified Development Ordinance.

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
RESIDENTIAL											
Upper Story Residential						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	
MISCELLANEOUS USES											
Storage of boats and watercraft outdoors or on dry stack structures							S				

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.

Setbacks

Per Section 4.14, Zoning District Dimensional Requirements, the setback requirements for the GB, General Business zoning district are as follows:

Dimensional Standards for GB Zoning District	Required Setback	Provided Setback
Min. Front Yard	25'	25'
Min. Side Yard	10'	10'
Min. Corner Yard	12'	N/A
Min. Rear Yard	10'	10'

Parking

According to Section 7.10.1, Self-Service Storage must provide 5 parking spaces, or 1 per 100 storage units, whichever is greater. Parking is reviewed for compliance at the time of Major Site Development Plan submittal as the exact number of storage units is finalized.

The ordinance does not require any additional parking for the caretaker apartment.

Access

As in the previous submittal, the site will maintain one ingress from US HWY 17 and two egress points onto Quarter Horse Lane (private). According to the site plan there will be free flowing vehicular traffic down all of the drive aisles between the storage buildings. All proposed accesses to US HWY 17 are subject to review and approval by NCDOT.

Additionally, the applicant previously provided documentation showing that the submitted site plans meet the cross access corridor requirements found in Section

7.4.4 of the Pender County Unified Development Ordinance (Attachment 1). Two access points to Quarter Horse Lane (private) are provided, allowing access to all properties located along the easement. The western access to Quarter Horse Lane (private) is an emergency ingress and egress location. Based on aerial mapping measurements, Quarter Horse Lane (private) provides a twenty (20) feet wide paved roadway along the subject parcel to the gym entrance allowing space for two vehicles to pass. The access easement is found in Map Book 31, Page 61 of the Pender County Register of Deeds.

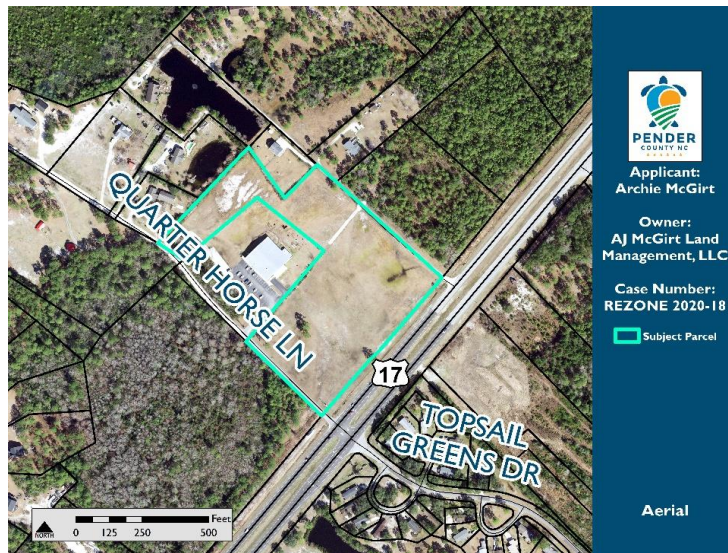
Buffers and Landscaping

As with the previous submittal, the applicant has proposed a 25' A-3 Buffer along the eastern bounds of the property that is adjacent to US HWY 17, 10' C-1 Buffers along all property lines that abut the residential lots, and 10' B-1 Buffers along all property lines that abut the outparcel that it surrounds on three sides. Based on conversations with the applicant on feedback with from the initial community meeting, the existing conditional district requires a hybrid C-2 buffer along the western property line adjacent to building 'J'. All proposed buffering is in compliance with Section 8 of the Pender County Unified Development Ordinance.

Environmental Concerns

The property is not located within a CAMA Area of Environmental Concern (AEC).

There are no identified Special Flood Hazard Areas (SFHA) located on the subject parcel according to FEMA Flood Insurance Rate Map Number 3720420400J, adopted February 16, 2007. The preliminary flood maps also indicate Special Flood Hazard Areas (SFHA) on the subject parcel. Specifically, approximately 1.4 acres



of AO zone with a depth of 2 ft along the southwestern property boundary. If the applicant applies for a permit when the preliminary maps are in effect, the commercial structure would need to be floodproofed in accordance with the Flood Damage Prevention Ordinance. The proposed caretaker apartment is not within the AO zone on the preliminary flood maps.

According to the applicant's previously-submitted site plan and wetland report, no jurisdictional wetlands are impacted by development on the subject parcel.

Outdoor Lighting

All lighting is wall-mounted according to the applicant's submitted site plan and shall not be located in a manner that will direct the lighting onto any adjacent residential property.

Signage

As with the previous submittal, freestanding monument signage is shown on the applicant's submitted site plan in accordance with the requirements of Section 3.4.2.B of the Pender County Unified Development Ordinance. All proposed signage is reviewed to ensure compliance with the Pender County Unified Development Ordinance.

Hours of Operation

According to the applicant in the previous submittal, the facility's office will be open on Monday-Saturday from 9 a.m. to 6 p.m. and on Sundays from 11:00 a.m. to 4:00 p.m. The storage units will be open from daily from 6:00 a.m. to 10:00 p.m. for customer access through a locked gate that requires a passcode for entry.

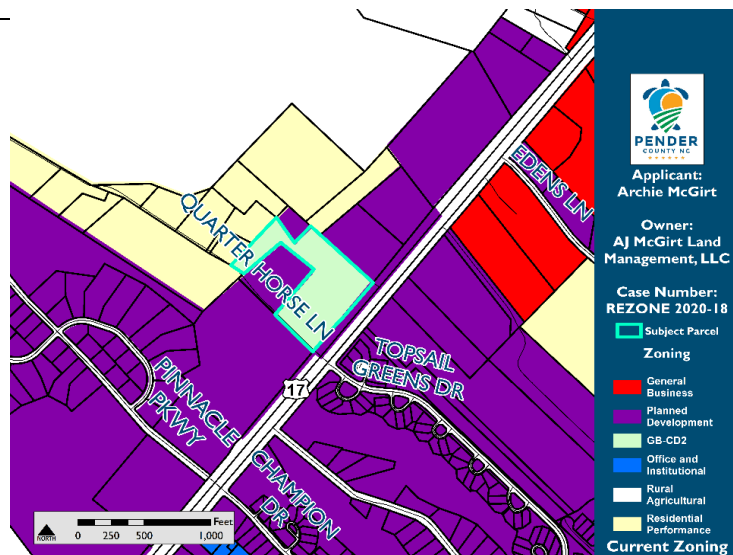
Public Input Meeting

The public meeting was held on November 12, 2020, at Hampstead Kiwanis Park at 5:30 P.M. One member of the public attended to obtain additional information about the project, but did not express any specific concerns. A copy of the public input meeting report summary prepared by the applicant can be found in Attachment 2.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES
Pender County's Technical Review Committee provided comments on the project via email. The comments can be found in Attachment 3.

EVALUATION:

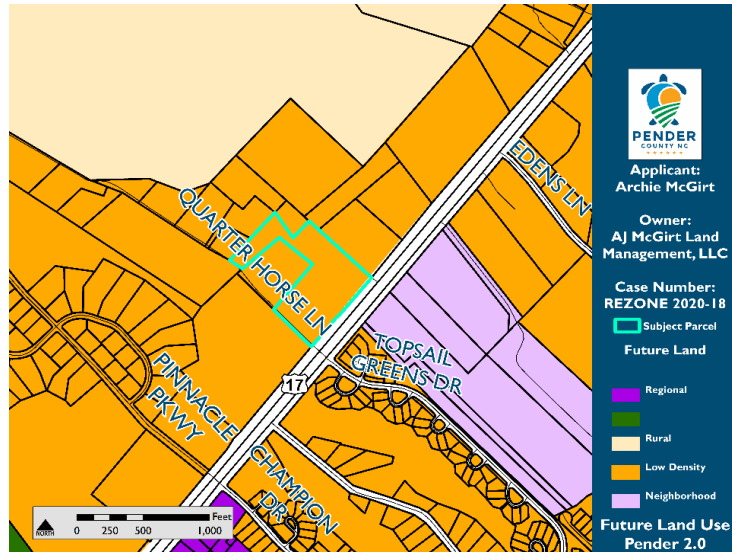
A. Public Notifications:
Advertisements for the proposal have been placed in the Pender-Topsail Post & Voice. Adjacent property owners within five hundred feet (500') of the subject parcel were notified by first class mail; and a sign advertising the public hearing was placed on the subject properties.



B. Existing Zoning in Area: The subject property is currently zoned GB-CD2, General Business Conditional zoning district 2. To the west of the subject parcels are Residential Performance zoning district properties, with Planned Development zoning district properties to the north, south, and east.

C. Existing Land Use in Area:

The subject parcels are surrounded by an existing fitness center to the south on an outparcel. Low density residential uses are located to the west, with vacant land to the south before the entrance to Dollar General and the Pinnacle Ridge subdivision. To the east are the Wyndwater and Topsail Greens subdivisions. Various commercial uses are found to the south near the Sloop Point Loop Road (SR 1563) and US HWY 17 intersection.



D. Pender 2.0 Comprehensive Land Use Plan Compliance: The subject property is designated under the Low Density Residential future land classification. Appropriate uses include single-family dwellings and neighborhood-scale institutional facilities. Commercial and industrial uses are inappropriate in these areas, as are large institutions and other significant traffic generators. Duplexes and 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 communities is encouraged.

Development density within this category is two dwelling units an acre or less. Water and sewer service may not be available in these areas.

Under the 2010 Comprehensive Land Use Plan, which was in effect at the time the GB-CD2, General Business Conditional zoning district 2, was approved, the subject parcel is designated as Rural Growth. Rural Growth areas are intended to protect agricultural and forestry operations that are a major part of the County's economic base and that are key to preservation of the County's rural landscape. Major job-creating activities that are compatible with farms, forestry and very low-density development are appropriate. Uses that would typically be allowed in Rural Growth areas include very low-density residential development on one acre or greater size lots; agriculture, forestry, churches; very limited nonresidential uses - commercial, office, or public/institutional - meeting locational criteria. Locational criteria for non-residential uses in Rural Growth areas include frontage and access to a major State highway or secondary road, location at a major rural intersection, proximity to similar existing non-residential uses, and spatial separation from non-compatible uses such as existing residential development.

While the overall proposal may not be consistent with the Pender 2.0 Comprehensive Land Use Plan due to the discouragement of commercial and industrial uses in this area, the storage use was

approved under a previous Land Use Plan with which it was more consistent. The addition of a caretaker apartment does not increase the level of inconsistency of this proposal.

In addition to not being inconsistent with the Low Density Residential future land use classification, The Conditional Zoning Map Amendment request is neither specifically supported nor in conflict with the goals, objectives, and policies in the Pender 2.0 Comprehensive Land Use Plan.

- E. Unified Development Ordinance Compliance:** Section 3.3.9 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 GB, General Business zoning district is designed to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses.

Utilities

The applicant has procured a Letter of Intent from Pluris Hampstead for sewer service and a well permit for potable water. Any final zoning approvals are contingent upon review and approval by Pender County Utilities, Environmental Health, and appropriate local and state agencies.

Traffic & Roadways

Average Annual Daily Trips (AADT) and capacity of US HWY 17 in this area are 36,000/66,600 (V/C), which represents a V/C ratio of 0.54:1, suggesting that traffic volumes are approximately 54% of the full capacity of the roadway. In the initial submittal, the applicant submitted documentation showing 28 peak AM trips and 48 peak PM trips, with a total weekday trip number of 465 according to the ITE Trip Generational Manual. Including one caretaker apartment in the place of office space would not trigger the requirement for a Traffic Impact Analysis for the project.

Schools

The inclusion of one caretaker apartment on the site is unlikely to result in a measurable impact to the school system.

3.3.9.B.3) Review Approval Criteria for Conditional Rezoning

When evaluating an application for the establishment of a conditional zoning district, the reviewing bodies shall consider the following:

- i) The Approval Criteria for a Rezoning.
- ii) That the application meets the intent of a conditional rezoning, per this subsection.
- iii) That the contents of the application are complete, sufficient, and recorded appropriately either as conditions of approval or on the associated site plan or preliminary plat, and that the appropriate procedures have been followed.
- iv) The potential impacts and/or benefits on the surrounding area and adjoining properties.
- v) The report of results from the public input meeting.
- vi) That sufficient guarantee is in place or can be made that any off-site impacts generated by the proposed project shall be mitigated appropriately at the time the need for the mitigating action is generated.

G. Conditions for Approval of Petition

Section 3.3.9.B.4) Conditions to Approval of Petition gives the Pender County Planning Board and the Board of County Commissioners the ability to add reasonable and appropriate conditions based on mutually established goals with the Applicant and adjacent property owners. Staff proposes the previously-approved conditions remain attached to the GB-CD2 district:

1. All outdoor lighting shall be located in a manner that will not direct light on adjacent properties.
2. A C-2 Buffer containing a 15 foot wide strip with a 6 foot high wood stockade, basket weave, or other solid wood fence and 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 along the entire westernmost property line near building 'J'.
3. Architectural design standards for structures along US HWY 17 shall follow the submitted artistic rendering submitted by the applicant, as shown in Attachment 4, containing a brick façade and two-story columns.

RECOMMENDATION

Archie McGirt, applicant, on behalf of AJ McGirt Land Management, LLC, owner, is requesting the approval of a Conditional Zoning Map Amendment for one (1) tract totaling approximately ±9.39 acres to amend a previously-approved conditional rezoning for detached storage buildings, boat and RV storage, and a two-story office building to further allow for a caretaker apartment on the second story of the office building. The subject property is zoned GB-CD2, General Business zoning district and the request would amend the allowable uses in that district. As submitted, the request is consistent with the Pender County Unified Development Ordinance while not conflicting with the Pender 2.0 Comprehensive Land Use Plan. Staff are recommending approval of the request with the continuation of previously-imposed conditions.

BOARD ACTION FOR CONDITIONAL ZONING MAP AMENDMENT REQUEST

Motion: _____ **Seconded:** _____

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

McClammy: ____ Jordan: ____ Beaudoin: ____ Buchanan: ____ Gruntfest: ____ Pitts: ____ Teachey: ____

APPLICATION FOR CONDITIONAL REZONING

THIS SECTION FOR OFFICE USE			
Application No.	ZMA-CD	Date	11/6/2020
Application Fee	\$ \$543.90	Receipt No.	14263
Pre-Application Conference	9/21/2020	Hearing Date	PB: 1/5/2021; BOCC TBD
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Archie McGirt	Owner's Name:	AJ McGirt Land Management, LLC
Applicant's Address:	PO Box 15148	Owner's Address:	PO Box 15148
City, State, & Zip	Wilmington, NC 28408	City, State, & Zip	Wilmington, NC 28408
Phone Number:	910-612-6762	Phone Number:	910-612-6762
Email Address:	treymcg@bellsouth.net	Email Address:	treymcg@bellsouth.net
Legal relationship of applicant to land owner: Same			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	4204-76-9748-0000	Total property acreage:	9.39
Current Zoning District:	GB-CD2	Proposed Zoning District:	
Project Address or Location:	19847 US Hwy 17		
Proposed Uses to be Considered (Include NAICS Code):			
Additional use to allow the upstairs of the office to be used for a Caretaker Residence for the storage facility.			
Proposed Uses to be Eliminated from Consideration (Include NAICS Code):			
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	10/15/2020
Owner's Signature		Date:	10/15/2020
<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			

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: (<i>\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter</i>) Total Fee Calculation: \$ 543.90	
Attachments Included with Application: (Please include # of copies)	
CD /other digital version	☒ Y ☐ N
Plan Sets	# of large
	# of 11X17
	32
Other documents/Reports	☒ Y ☐ N
Payment Method:	Cash : ☐ \$ _____ Credit Card: ☐ Master Card ☐ Visa Check: ☒ Check # <u>1008</u>
Application received by:	Date: 11/6/2020
Application completeness approved by:	Date: 11/6/2020
Dates scheduled for public hearing:	☐ Planning Board: 1/5/2021 ☐ Board of Commissioners: TBD

AJ McGirt Land Management, LLC
PO Box 15148
Wilmington, NC 28408

To whom it may concern,

Our company is submitting this letter to express our desire to amend the current zoning of our property at 19847 US Hwy 17. The property is currently zoned GB-CD2, we are not sure that there would be a change to that classification but we need to add the use of the second floor of the office to allow for a residential use. Historically many storage facilities operate with an on-site manager and we have been operating in that fashion for 20 years. It is our wish that the property be zoned to allow this use and if you have any other questions or needs do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Archie McGirt', with a long horizontal flourish extending to the right.

Archie McGirt

Justification for Non-applicability of Cross Access Corridors
As Related to Monkey Junction Self-Storage

The general purpose of a cross access driveway is to provide an alternative passageway to access the parking areas of adjoining commercial developments without entering and exiting the common frontage roadway.

However, the nature of a self-storage business is to be totally enclosed for safety & security. The only actual parking area contains a minimum of spaces outside of the fencing for clients initially contracting for their units. It is also logically located at the immediate entrance from the roadway access and usually flanked by buildings and the gated area.

All contracted clients would enter the storage facility at the front gate where the office management can monitor everything. Exiting from the other two connections to Quarterhorse Lane would give those clients the access to any other uses along Quarterhorse Lane without them having to re-enter U.S. Hwy. 17. There is no situation whereby the general public would have reason to enter this facility.

Strict application of this Code provision would be an impractical hardship on the owner to provide the security necessary in the accepted business model. The self-storage business is a unique situation for which the cross connection requirement might not have been considered.

We request that the Administrator consider waiving this requirement based on the unique character of this specific use and the impracticality in this specific location. We do not believe that the waiver would adversely affect the spirit, purpose or intent of the Ordinance nor pose a public safety issue.

Summary of Public Input Meeting

Sloop Point Self Storage

To Whom It May Concern:

The public input meeting for Sloop Point Self Storage was held 11/12/2020 at 5:30pm. There were three people in attendance of the meeting; one being myself, Sam Shore, and a local resident, who is listed on the sign in sheet. There was one question asked regarding the name on the sign on site at the project and the name on the project with the county. We waited until approximately 5:50 for any others to attend and left at that time. No changes are planned to be made from the meeting.

Sincerely,

Archie (Trey) McGirt

Pender County Agencies

County Manager's Office

No reply

Pender County Utilities

No reply

Pender County Environmental Health

Well permit already issued – Permit #: EHWP 306-2020

Pender County Emergency Management / Pender County Fire Marshal

If the rear access were to be two-way, the driveway would need to be 20' wide to meet fire code

Pender County Parks and Recreation

No reply

Pender County Board of Education

No reply

Pender County Sheriff's Department

No reply

Pender County Addressing Coordinator

Second address point to be issued for dwelling

Pender County Soil & Water Conservation

No comment

Pender County Permitting Division

No comment

Pender County Flood Plain Manager

As the proposed additional use is not within the regulated floodplain, no comment

Pender County Code Enforcement

No reply

Pender County Building Inspections

No reply

Transportation

NCDOT - District Engineer Office

Driveway permit already issued

NCDOT - Division Engineer Office

No reply

NCDOT – Transportation Planning Branch

No reply

Wilmington Metropolitan Planning Organization (WMPO)

TIA not required. Three STIP projects (W-5803B, U-5732, R-330B) in area. One WMPO 2040 project (R-12 [TIP# U5732]) in area.

Cape Fear Rural Planning Organization (RPO)

No reply

Statewide Organizations

Division of Energy, Mineral and Land Resources (Stormwater Management)

No reply

Division of Coastal Management

No reply

Division of Energy, Mineral and Land Resources (Erosion Control)

No reply

US Army Corps of Engineers

No reply

NC Wildlife

No reply

State Archeology

No reply

Division of Underground Storage Tanks

No reply

Utilities

Duke Energy

No reply

Four County Electric

No reply

Pluris Holdings LLC

No reply

Piedmont Natural Gas

No reply

AT&T

No reply

