



Pender County

Agenda

Planning Board Meeting

Tuesday, November 2, 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. ADOPTION OF AGENDA		
6. ADOPTION OF MINUTES		
7. PUBLIC COMMENT		
8. PUBLIC HEARINGS		
8.1. REZONE 2021-26 REZONE 2021-26 - Pdf		3 - 31
8.2. ZTA 2021-14 ZTA 2021-14 - Pdf		33 - 44
9. ITEMS FROM THE COUNTY ATTORNEY, PLANNING DIRECTOR AND STAFF		
10. NEXT MEETING DATE December 7, 2021 805 S. Walker St Burgaw, NC 28425		
11. CLOSED SESSION (IF APPLICABLE).		
12. ADJOURNMENT		



Pender County REZONE 2021-26

TO: Planning Board
FROM: Gideon Smith
DATE: November 2, 2021
SUBJECT: REZONE 2021-26

SUMMARY:

Sonya and Randall Edens, applicant, and owner, are requesting approval of a Conditional Zoning Map Amendment to rezone approximately 3.64 acres of land located on the northern corner of the intersection of NC HWY 210 and Whispering Pines Court from RP, Residential Performance zoning district to GB-CZ4, General Business Conditional Zoning District 4 in order to develop a Recreational Vehicle (RV), Boat, and Trailer Storage Lot. The subject property is located in the Topsail Township and may be further identified by Pender County PIN 3283-10-9257-0000.

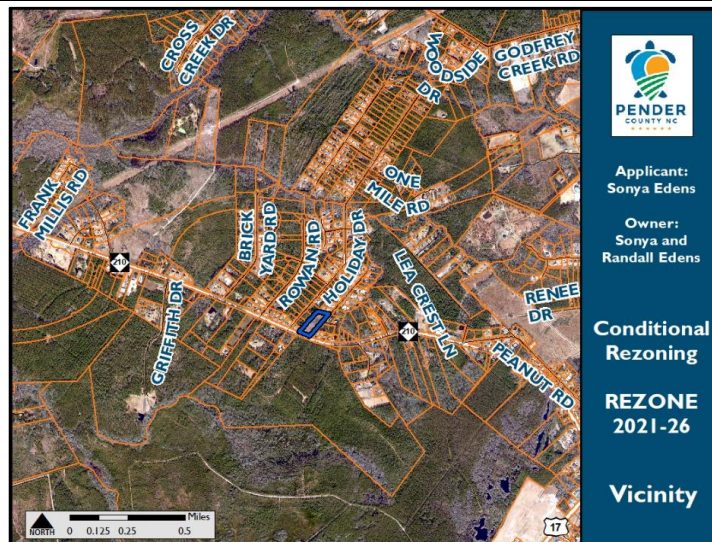
ACTION REQUESTED:

To request approval of a Conditional Zoning Map Amendment

STAFF REPORT FOR REZONE 2021-26 CONDITIONAL REZONING APPLICATION

APPLICATION SUMMARY	
Case Number	REZONE 2021-26
Hearing Dates	November 2, 2021 Planning Board December 6, 2021 Board of County Commissioners
Applicant	Sonya Edens
Property Owner(s)	Randall and Sonya Edens
Parcel Identification Number	3283-10-9257-0000
Acreage	3.64
Township	Topsail
Current Zoning District	RP, Residential Performance
Proposed Zoning District	GB-CZ4, General Business Conditional Zoning District 4
Pender 2.0 Future Land Use Category	Medium Density Residential

CONDITIONAL REZONING PROPOSAL
Sonya and Randall Edens, applicant, and owner, are requesting approval of a Conditional Zoning Map Amendment to rezone approximately 3.64 acres from RP, Residential Performance zoning district to GB-CZ4, General Business Conditional Zoning District 4 in order to develop a Recreational Vehicle (RV), Boat, and Trailer Storage Lot.
LOCATION
The subject property consists of one tract of land and is located on the northern corner of the intersection of NC HWY 210 and Whispering Pines Court in the Topsail Township.



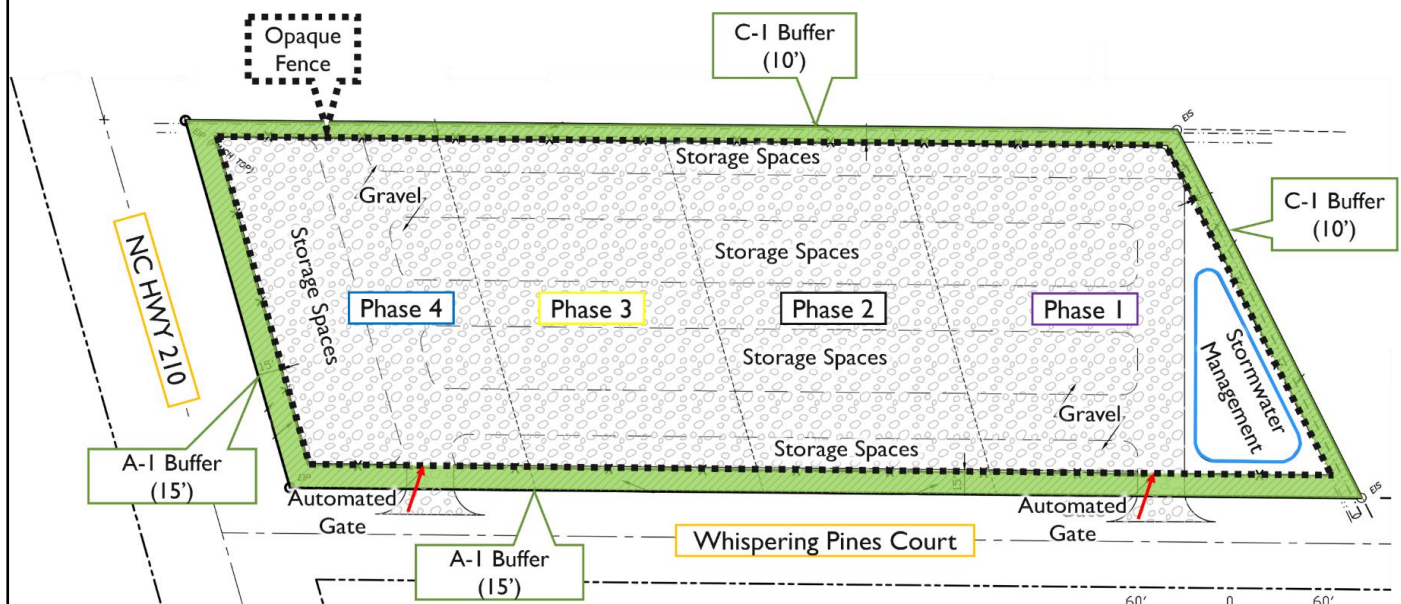
CONDITIONAL REZONING PROPOSAL

The applicant is proposing to rezone approximately 3.64 acres from RP, Residential Performance zoning district to GB-CZ4, General Business Conditional Zoning District 4 to allow for an outdoor Recreational Vehicle (RV), Boat, and Trailer Storage Lot. The proposed storage lot will be fenced with two automated gates, allowing it to be a 24-hour, self-serve business for customers to drop off or pick up their vehicles at their convenience.

According to the applicant, no structures are currently proposed on the subject site, however, if at some point in the future a building is proposed, all applicable setbacks and landscaping buffers must be met in accordance with this conditional district request. In addition, any changes to an approved conditional zoning district or to the standards, uses, requirements, or conditions attached to the approved conditional zoning district will be required to follow the same review procedures as the original Conditional Rezoning, including Planning Board and Board of County Commissioners consideration.

According to the applicant's site plan, the subject site will be developed in four phases with at-grade gravel surfacing (parking). Additional information regarding the development is detailed in subsequent sections in this report.

Below: Applicant's Site Plan with Staff Markups



Below: Aerial of the Subject Site



Dimensional Requirements

Dimensional standards within the conditional zoning districts are specific to individual parcels or parcels included in a conditional rezoning application and submitted site plan. The applicant is proposing the below minimum dimensional standards and are to be applied uniformly to all buildings and vehicle storage areas on the subject property.

Proposed Setback Standards in GB-CZ4		
Property Boundaries	Minimum Structure Setbacks	Minimum Storage Area Setbacks
Front (NC HWY 210)	25'	15'
Side (Whispering Pines Ct)	10'	15'
Side (Opposite Whispering Pines Ct)	10'	10'
Rear (Opposite NC HWY 210)	10'	10'
Corner	12'	12'
Max. Building Height	40'	N/A
Structure Separation	20'	N/A

Any changes to an approved conditional zoning district or to the standards, uses, requirements, or conditions attached to the approved conditional zoning district will be required to follow the same review procedures as the original Conditional Rezoning, including Planning Board and Board of County Commissioners consideration. If a property is not included in a master development plan, dimensional standards must be reviewed and approved by the Planning Board.

Allowable Uses

In accordance with Section 3.3.9.B of the Pender County Unified Development Ordinance (UDO), all proposed uses shall be specified in the conditional rezoning application and submitted site plan. All proposed uses included on the applicant's submittal are sourced from Section 5.2.3 of the UDO and are permitted as part of a conditional zoning district. The proposed uses for the subject property are included in the table below.

Proposed Allowable Uses in GB-CZ4	
NAICS Code/Use Type	Use
53	Real Estate and Rental & Leasing; Specifically Recreational Vehicle (RV) and Trailer Storage
Miscellaneous Use: Storage of boats and watercraft outdoors or on dry stack structures	Outdoor boat and watercraft storage

All other uses not included in this conditional rezoning request are subject to subsequent review and approval by the Planning Board and Board of County Commissioners through the same conditional rezoning process as originally submitted.

TRANSPORTATION INFRASTRUCTURE

Access

Access to the subject site is proposed via Whispering Pines Court, a private, local road that connects directly to NC HWY 210, an NCDOT maintained Minor Arterial Road based on the WMPO Functional Classification Map. As proposed, the subject site will be accessed via two driveways connections along the northern portion of Whispering Pines Court. If approved, the location of these driveways will be verified by NCDOT and the Fire Marshal's office as part of the Technical Review Committee (TRC) review process. Any changes to the location of these driveways may be subject to subsequent review by the Planning Board and Board of County Commissioners via a conditional rezoning amendment application.

Traffic

A Traffic Impact Analysis (TIA) is not required for the proposed conditional district because it is estimated to generate less than 100 trips in the morning and evening peak hours and less than 1,000 trips per day. According to the Wilmington Urban Area Metropolitan Planning Organization (WMPO), the proposal is not expected to substantively increase the average daily trips on both NC HWY 210 and Whispering Pines Court. However, any traffic requirements will be addressed by NCDOT during the Driveway Permitting process, if required, and will be required to be compliant with their standards.

Because a Traffic Impact Analysis is not required at this time, the volume to capacity ratio for NC HWY 210 near the subject site has been provided. This ratio is based on average daily trips and the design characteristics of a given roadway, which can provide a general idea of the function of such roadway. Based upon the available volume to capacity data, NC HWY 210 in this area has capacity to handle the anticipated traffic volume increases as result of the proposed rezoning.

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

Road	Location	Volume	Capacity	V/C
NC HWY 210	1500-1600 Block	9,300	20,942	0.44

Parking

The UDO does not establish parking minimums for RV, Boat, and Trailer Storage lots. As proposed, the subject site's drive aisles and the RV, Boat, and Trailer storage areas will consist of an all-weather surfacing material (i.e. gravel). The submitted site plan is found to be in conformance with the UDO at this time. However, parking will be reevaluated through the zoning approval process for conformance with all other parking design standards.

Landscaping and Buffering

The table below outlines the required buffers in the GB, General Business zoning district based on the adjacent land uses to the subject property, all of which are to be applied to this conditional district. As proposed, the submitted site plan illustrates the type of buffer along each property boundary, all of which are compliant with UDO requirements. Landscaping and buffering will be reevaluated through the zoning approval process for conformance with all other landscaping and buffering standards.

Required and Proposed Buffers for GB-CZ4	
Buffer Type	Location of Buffer
Type A	Adjacent NC HWY 210 & Whispering Pines Court
Type B ¹	Along all other boundaries
Type C	Adjacent to all single-family residential uses

¹ Not applicable for the proposed GB-CZ4 zoning district.

OTHER INFRASTRUCTURE**Utilities**

According to available GIS data, Pender County Utilities (PCU) has a water main on the development's side of NC HWY 210, indicating public water services are available through PCU. Any connection to this system would require review and approval from PCU.

Based on comments provided by Pluris Hampstead, LLC, private wastewater lines are not in the vicinity of the subject property. Unless another wastewater service provider can be utilized, any proposed development may be required to design an on-site wastewater system. Any final zoning approvals are contingent upon review and approval by all appropriate local and state agencies.

Schools

The proposed non-residential use will have no impact on the school districts in the area.

Stormwater

As proposed, the subject property's stormwater facility will be constructed near the northern property boundary. Please refer to the site plan illustrated on Page 2 of this report. Although not engineered and designed at this time, any stormwater facility is required to meet the standards outlined in Section 7.9 of the UDO. Compliance with these standards will be verified during TRC review if this request is approved. Certification from a licensed engineer that the project meets these requirements shall also be required at administrative approval of the development, and all necessary state permits will be required prior to administrative approval for land disturbing activities.

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

¹ According to the effective regulatory and preliminary Flood Insurance Rate Maps from the NC Flood Risk Information System (NC FRIS)

² According to the NC Division of Coastal Management (NC DCM)

³ According to the North Carolina Department of Environmental Quality (NCDEQ)

External Permits

If approved, all applicable local, state, and federal agency permits including, but not limited to a Stormwater Management permit, Sedimentation and Erosion Control permit, wetlands impact permits, etc. will be required prior to the approval zoning approval.

PUBLIC INPUT MEETING

The applicant held a public input meeting at the subject property on Monday, October 11, 2021. According to the information provided by the applicant, 3 nearby residents attended the meeting citing concerns regarding access, roadway maintenance of Whispering Pines Court, and stormwater. Attendees also had general inquiries regarding access via NC HWY 210, proposed fencing, and hours of operation. A summary of the report provided by the applicant can be found in Attachment 1 of the Board's packet.

PUBLIC NOTICE

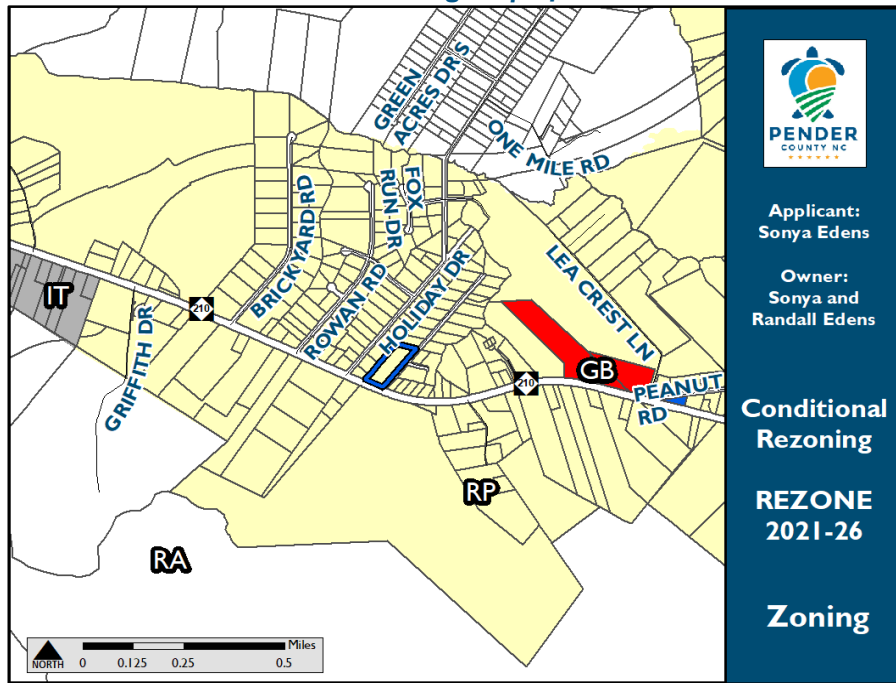
Public Notice for the Conditional Rezoning has been advertised in the Pender-Topsail Post and Voice. In addition, all adjacent property owners within 500' of the proposed development have been given written notice of this request, and a public notice sign has been placed on the subject site. Please see Attachment 2 of the Board's packet.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES

On October 15, 2021, the proposed conditional rezoning site plan was sent to the Pender County Technical Review Committee for review. All Technical Review Committee comments can be found in Attachment 3 of the Board's packet.

EVALUATION

Below: Zoning Map of the Area



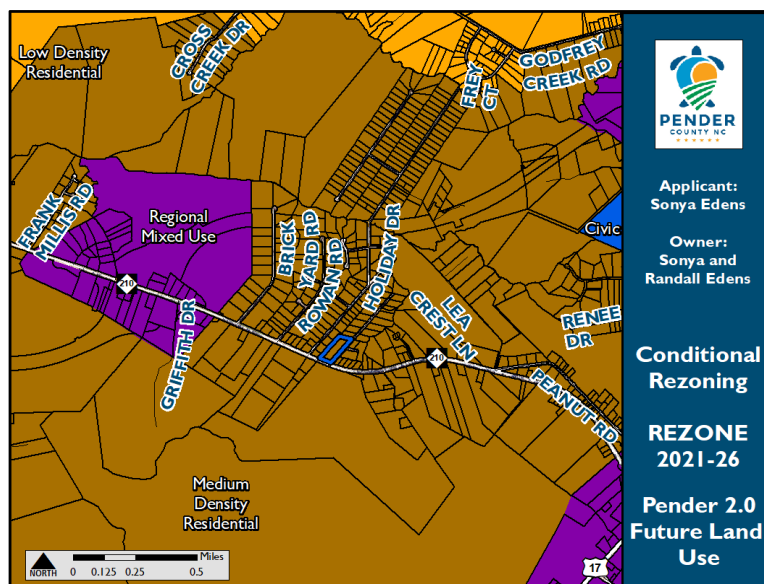
CHARACTERISTICS OF THE SURROUNDING AREA

	LAND USE	ZONING
North	Single-Family Residential, Undeveloped	RP, Residential Performance
East¹	Single-Family Residential, NC HWY 210 Right-of-Way, Undeveloped	RP, Residential Performance
South	Undeveloped	RP, Residential Performance
West²	Single-Family Residential, Undeveloped	RP, Residential Performance

¹ A cluster GB, General Business zoning district is located on the same side of NC HWY 210, approximately 0.25 miles east of the subject site.

² A cluster of IT, Industrial Transitional zoning district is located on the opposite side of NC HWY 210, approximately 0.75 miles west of the subject site. Prior to right-of-way acquisition associated with the Hampstead Bypass, Pender EMS & Fire Station #28, Carolina Storage, and D&D Glass Company were located within this cluster. However, due to that NCDOT project, those uses are no longer in operation.

Pender 2.0 Comprehensive Land Use Plan Compliance: The Pender 2.0 Comprehensive Land Use Plan designates the subject property as Medium Density Residential. The Medium Density Residential future land use category is established in areas with proximity to supporting services and a mixture of development types. Appropriate uses are single-family residences, duplexes, townhomes, community recreation and open space uses, and neighborhood-scale institutional uses such as religious and civic organizations.



Although this category is established to primarily include residential uses, some non-residential uses may be consistent if included within master planned communities with well-integrated neighborhood-scale commercial and office uses. The Pender 2.0 Comprehensive Land Use Plan defines “neighborhood scale” as development that conforms to the neighborhood fabric, and the footprint of neighborhood scale structures is typically limited to 15,000 square feet with parking facilities less than 20,000 square feet in area. Inappropriate uses for the Medium Density Residential future land use category are industrial and manufacturing uses, along with commercial office uses not located within a master planned community.

Planning staff find that the request is inconsistent with the Medium Density Residential future land use category because the proposed conditional district does not align with the context of a master planned community as desired by Pender 2.0, and only non-residential developments in a master planned community context are considered appropriate in these areas.

While the proposed zoning map amendment request conflicts with the Future Land Use Map, it is supported by one policy within the Pender 2.0 Comprehensive Land Use Plan:

Policy 5.1.K: Commercial Development: The County supports a wide range of commercial development, particularly those businesses that provide needed services to residents and visitors, provided that the impacts on traffic are minimized.

The proposed conditional rezoning is consistent with the above policy because the proposed use has the ability to provide a needed service to nearby residents and visitors. It is also not anticipated that the proposed use will generate a substantial amount of traffic and impact travel times in the vicinity.

In addition to conflicting with the Future Land Use Map, the proposal was found to conflict with the following two policies within the Pender 2.0 Comprehensive Land Use Plan:

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

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

While the proposal would allow for non-residential uses to be established, the Future Land Use Map's preferred growth scenario designates specific areas for non-residential development while reserving others for primarily commercial development. In the Medium Density Residential future land use category, non-residential uses are only supported in the context of a master planned community. The proposed general use rezoning does not meet this standard.

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.

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

3.3.9.B.3 Review Approval Criteria for Conditional Rezoning

- i. The Approval Criteria for a Rezoning (Section 3.3.5).
- 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.

CONDITIONS OF APPROVAL

In accordance with Section 3.3.9.B.4 of the Pender County UDO, the Planning Board and the Board of County Commissioners can add reasonable and appropriate conditions based on mutually established goals with the Applicant and adjacent property owners. Conditions may address parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the participants in the public input meeting, staff, Planning Board and County Commission find appropriate or the petitioner may propose.

Planning staff have identified the following conditions of approval to consider when making a motion for this request. The applicant has agreed to the following conditions for the proposed GB-CZ4 district:

1. The property owner shall maintain, and keep in good condition, the fencing and landscaping along all sides of the RV, Boat, and Trailer Storage Lot.
2. All light fixtures located on site shall only cast light onto areas designated for storage and shall not cast light onto any neighboring properties. All light fixtures shall be shown on Major Site Development Plan application and shall be reviewed for conformance with the Unified Development Ordinance and this condition at the point of final zoning review prior to the opening of the site to the public.

RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The proposed conditional rezoning was found to be in conformance with the Pender County Unified Development Ordinance. While the proposal was found to be consistent with one policy within the Pender 2.0 Comprehensive Land Use Plan, the proposal was found to conflict with the Future Land Use Map as well two policies within Pender 2.0. Based on these conflicts with Pender 2.0, Planning staff respectfully recommend denial of the request as outlined in this report.

PLANNING BOARD CONSISTENCY STATEMENT:

TO APPROVE: Motion to approve the Conditional Zoning Map Amendment and to make a finding that although the request is inconsistent overall with the Pender 2.0 Comprehensive Land Use Plan, the approval is consistent with the following policy in the Pender 2.0 Comprehensive Land Use Plan:

- **Policy 5.I.K**

And the proposal is reasonable and in the public interest because [INSERT REASONING] ...

TO DENY: Motion to deny the Conditional Zoning Map Amendment and to make a finding that the proposal is inconsistent with the Medium Density Residential future land use category in the Pender 2.0 Comprehensive Land Use Plan, and the following policies in the Pender 2.0 Comprehensive Land Use Plan:

- **Policy 5.I.D**
- **Policy 5.I.H**

The proposed conditional rezoning is not consistent with the Medium Density Residential future land use category classification in the Pender 2.0 Comprehensive Land Use Plan due to its allowance for a non-residential use outside the context of a master planned community, the only instance in which non-residential uses are desired in these areas.

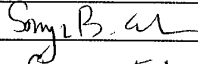
PLANNING BOARD ACTION FOR GB-CZ4 CONDITIONAL DISTRICT
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MOTION	SECONDED

APPROVED	DENIED	UNANIMOUS

McClammy	Jordan	Beaudoin	Buchanan	Gruntfest	Pitts	Teachey

APPLICATION FOR CONDITIONAL REZONING

THIS SECTION FOR OFFICE USE			
Application No.	ZMA-CD	Date	
Application Fee	\$	Invoice Number:	
Pre-Application Conference		Hearing Date	
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Sonya Edens	Owner's Name:	Randall & Sonya Edens
Applicant's Address:	15226 US Hwy 17	Owner's Address:	15226 US Hwy 17
City, State, & Zip	Hampstead, NC 28443	City, State, & Zip	Hampstead, NC 28443
Phone Number:	910-619-1737	Phone Number:	910-619-1737
Email Address:	Sonya@rsengineering.com	Email Address:	Sonya@rsengineering.com
Legal relationship of applicant to landowner: Same			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3283-10-9257-0000	Total property acreage:	3.64
Current Zoning District:	RP	Proposed Zoning District:	CZ GB
Project Address or Location:	NC 210 and Whispering Pines Ct.		
Proposed Uses to be Considered (Include NAICS Code):			
Sector 53: Real Estate and Rental and Leasing (RV and trailer storage)			
Miscellaneous Uses: Storage of boats and water craft			
Proposed Uses to be Eliminated from Consideration (Include NAICS Code):			
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	9/9/21
Applicant's Name Printed	Sonya Edens	Date:	9/9/21
Owner's Signature		Date:	
Owner's Name Printed		Date:	
NOTICE TO APPLICANT			
1. Applicant must also submit the information described on the Rezoning Checklist. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing. 4. All fees are non-refundable 5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda			

Conditional (Zoning Map) Amendment Checklist

☒	Signed application form
☐	Application fee - <i>ηΔ</i>
☒	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. - <i>NARRATIVE</i>
☒	All applications which specify an intended use must include a generalized site development plan drawn to a suitable scale, supporting information and text which specifies the use or uses intended for the property and any development standards to be approved concurrently with the rezoning application
☒	A generalized site development plan shall include the following items: ☐ A vicinity map drawn to a suitable scale which illustrates adjacent or nearby roadways, railroads, waterways & public facilities. ☐ A (metes and bounds) boundary of the parcel or portion of the parcel to be rezoned and developed. ☐ All existing easements, reservations and rights of way. ☐ Delineation of all Areas of Environmental Concern including but not limited to federal jurisdictional wetlands. ☐ For residential uses, the number of units, heights and a generalized location. For non-residential uses, the height, approximate footprint and location of all structures. ☐ If a known use is proposed: Traffic impact report, parking and circulation plans illustrating dimensions, intersections and typical cross sections. ☐ All proposed setbacks, buffers, screening and landscaping. ☐ Phasing. ☐ Signage. ☐ Outdoor lighting. ☐ Current zoning district designation and current land use status. ☐ Other information deemed necessary by the Administrator, Planning Board, or Board of Commissioners, including but not limited to a Traffic Impact Analysis or other report from a subject matter expert.

Office Use Only						
ZMA-CD Fees: (\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter)	Total Fee Calculation: \$					
Attachments Included with Application: (Please include # of copies)						
CD /other digital version	☐ Y ☐ N	Plan Sets	# of large	# of 11X17	Other documents/Reports	☐ Y ☐ N
Payment Method:	Cash : ☐ \$ _____	Credit Card: ☐ Master Card ☐ Visa		Check: ☐ Check # _____		
Application received by:					Date:	
Application completeness approved by:					Date:	
Dates scheduled for public hearing:		☐ Planning Board:		☐ Board of Commissioners:		

Conditional Rezoning Standards Checklist

When submitting a conditional rezoning application, the site plan and supporting materials must provide proposed standards for a variety of standards which are guided by the zoning district. This may be by requesting custom standards or by requesting the existing standards of an existing general use zoning district. Please provide proposed standards for:

☐	Maximum density - nA
☒	Setbacks (Front, side, rear, corner)
☐	Minimum lot width/Minimum chord length at the right-of-way for cul de sacs - nA
☐	Structure separation - nA
☐	Minimum lot size - nA
☐	Maximum building height - nA
☒	Permitted uses (Including NAICS code)
☒	Buffer standards (Depth, number and type of vegetation per 100 linear feet)
☒	Sign standards to the extent that the UDO's requirements are zoning district-specific

Where desired, the applicant must explicitly request varying standards for different uses within the conditional zoning district.

Conditional rezoning applications may not be used to vary from the general standards of the ordinance, including but not limited to:

- Traffic Impact Analysis thresholds
- Stormwater regulations
- Open space/recreational unit requirements
- Street design standards
- Off-street parking standards
- HOA requirements
- Water and wastewater requirements

The Pender County Planning Board and Board of County Commissioners may approve or deny the request entirely, or approve with modifications. Additionally, In approving a petition for the reclassification of property to a conditional zoning district, the Planning Board may recommend, and the Board of Commissioners request that the applicant add reasonable and appropriate conditions to the approval of the petition.

Narrative

NC 210 & Whispering Pines Court (Proposed Rezone from RP to CZGB)

The request being submitted is to rezone parcel (PIN 3283-10-9257-0000) from RP (Residential Performance) to CZGB (Conditional General Business). The parcel is located at the corner of NC 210 and Whispering Pines Court in Hampstead. It is 3.64 acres in size and is currently vacant. The request to rezone is driven by lack of commercial properties along this section of NC 210 and by the rapid growth and development of residential areas in the Hampstead area. The parcel is located along the stretch between NC 210 and the future bypass which makes the entire corridor a candidate for future GB zoning. It is likely with the bypass construction, this corridor will become more commercial and less residential over time. There are a few parcels currently zoned GB along the NC 210 roadway. The range of uses permitted in the GB zoning district may cause concern from nearby residential property owners. To mitigate this concern, the proposal is for a Conditional General Business Rezoning with the details as summarized below. We believe this use is a need and a good fit for a major highway that provides access from one side of the county to the other. The change of zoning shall not provide any additional burden on the public facilities and services that currently serve the parcel. The proposed change is consistent with the Future Land Use Map which shows Regional Mixed Use in the bypass corridor. In a time where the county is looking to slow the residential growth to allow public facilities and services to catch up, it is a great opportunity to allow for some commercial growth such that the growing population can be adequately serviced.

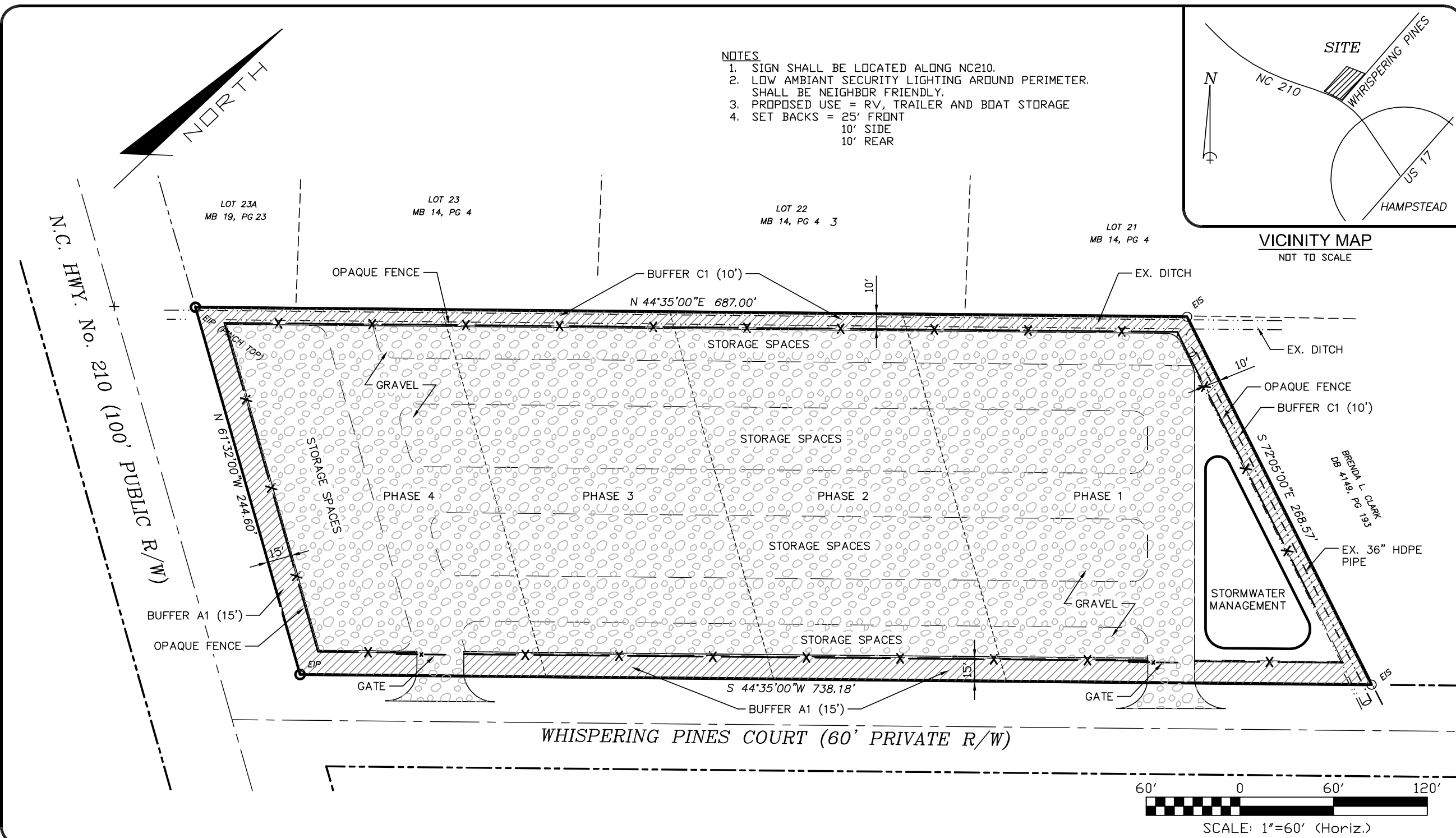
Uses Proposed:

- Sector 53: Real Estate and Rental and Leasing
 - RV and trailer storage
 - Permitted use in GB Zoning
- Miscellaneous Uses: Storage of boats and water-craft outdoors
 - Boat and water-craft storage
 - Permitting via Special Use in GB Zoning

Setbacks & Dimensional Requirements:

- Shall be the same as outlined in the Dimensional Requirements Table
 - Minimum Front Yard Setback: 25'
 - Minimum Side Yard Setback: 10'
 - Minimum Rear Yard Setback: 10'


9/9/21



DESIGN & MAINTENANCE
OF ALTERNATIVE LAND USES

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

EDENS PROPERTY

WHISPERING PINES COURT
TRACT 3 DEED BOOK 3902 PAGE 287
TOPSAIL TOWNSHIP - PENDER COUNTY - NORTH CAROLINA

CZGB CONDITIONAL REZONE

DATE:	08/30/2021
SCALE:	1" = 60'
JOB #	XXXXXX
DRAWN BY:	JAR
SHEET	1

Whispering Pines Public Input Meeting Summary

Meeting Details:

- Date: Monday, 10/11/21
- Time: 5pm
- Location: Whispering Pines Site

Attendees:

- Randall & Sonya Edens (Applicants/Owners)
- Brenda Clark (204 Whispering Pines Court)
- Doug Johns (270 & 209 Whispering Pines Court)
- Aubrey Engle (1554 NC Hwy 210 W)
- Donna King (303 Pine Court) – email response (not in attendance)

Summary:

- Provided brief history of why the property is submitted for conditional rezoning (vs. general rezoning)
- Discussed other projects in the area to provide some idea of who we are and how we do things
- Access
 - Concern about the maintenance of the roadway of Whispering Pines Court – it is currently maintained as best possible with only a few of the homeowner's providing assistance
 - Would be an option to have access off of NC 210 W
 - Are (2) entrances needed off of Whispering Pines Court
- Drainage
 - There is concern of controlling stormwater – how does this impact that in the future?
 - Discussed natural drainage patterns for the area in general
- Security & Hours
 - What type of fencing would be around the site?
 - What hours would be available for customers to come in/out?

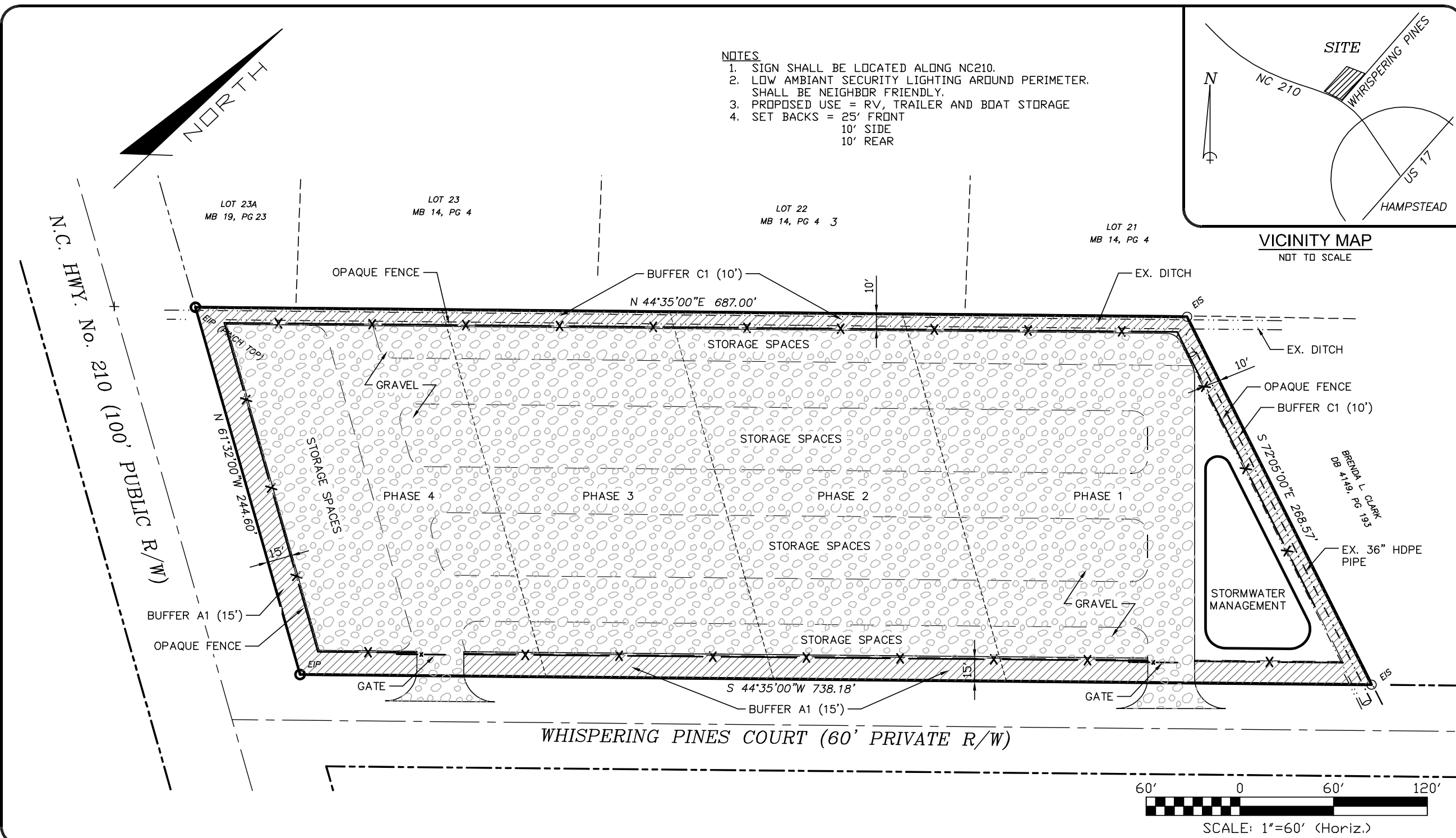
Results:

- Access
 - We will look into an access off of NC 210 W, but this will be driven by NCDOT requirements and ability to add a driveway cut.
 - We will look at modifying the site plan to eliminate one of the driveways off of Whispering Pines Court and locate the single driveway as close to NC 210W as feasible.

- Drainage
 - E&SC permit issued (PENDE-2022-009)
 - Drainage and stormwater plans to come pending rezoning approval
- Security & Hours
 - Fence and buffers as shown on the plans
 - Anticipate no onsite staff – all info handled online and customers have access via remote openers to the gate, codes via app on phone, etc. With this route, there is no need to limit access hours.
 - Based on discussion with owners of similar facilities, there is little to no access during off hours (between 9pm – 6am).

Monday, 10/11/21 @ 5pm

Page 21 of 29



DESIGN & MAINTENANCE
OF ALTERNATIVE LAND USES

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

EDENS PROPERTY

WHISPERING PINES COURT
TRACT 3 DEED BOOK 3902 PAGE 287
TOPSAIL TOWNSHIP - PENDER COUNTY - NORTH CAROLINA

CZGB CONDITIONAL REZONE

DATE:	08/30/2021
SCALE:	1" = 60'
JOB #	XXXXXX
DRAWN BY:	JAR
SHEET	1

Project Information Notice

Date: September 27, 2021

To: Adjacent Property Owners

Re: Whispering Pines

You are invited to attend a public information meeting where the owners of the referenced parcel will present a site plan which shall explain the proposed property use.

A Conditional Zoning District allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual project. Essentially, this means that only the use, structure(s) and layout of an approved site plan can be developed. A site plan of the proposed use is attached.

The County requires that the owner notify the property owners within an adjacent boundary to the project and hold a meeting for interested parties. The purpose of the meeting is to provide neighbors with an opportunity for explanation of the proposal and to ask questions concerning project improvements, benefits, and impacts.

Due to the current COVID-19 we will hold this meeting on Monday, 10/11/21 at 5:00pm at the site.

In lieu of attendance, you can contact Sonya Edens with comments or questions at sonya@rscengineering.com. If you will forward your comments, concerns and recommendations to this email, your information will be summarized in a report which will be delivered to Pender County.

We appreciate your interest and look forward to being a good neighbor and an asset to the community.

Adjacent Property Owners w/in 500': 210 HWY & Whispering Pines Court

	Name	Address	City	State	Zip
1	Hugh Hawthorne	101 Holiday Drive	Hampstead	NC	28443
2	Coastal Realty Associates LLC	17117 Hwy 17 N	Hampstead	NC	28443
3	Pamela Warner	PO Box 1038	Hampstead	NC	28443
4	Brenda Clark	204 Whispering Pines Court	Hampstead	NC	28443
5	Trustee of Leonard Agnes	272 Ottaway Ave	Holly Ridge	NC	28445
6	Anthony Howard	117 Bermuda Drive	Wilmington	NC	28401
7	Aubrey Engle	1554 Hwy 210 W	Hampstead	NC	28443
8	D F Weir, Jr	7904 Madison Park Lane	Raleigh	NC	27615
9	Randall & Sonya Edens	15226 US Hwy 17	Hampstead	NC	28443
10	Turnstone Properties Inc	PO Box 3353	Wilmington	NC	28406
11	Nathaniel Wright	1735 NC Hwy 210W	Hampstead	NC	28443
12	Virgil Owens	1726 NC Hwy 210W	Hampstead	NC	28443
13	Charles Sarvis	1690 NC Hwy 210W	Hampstead	NC	28443
14	Wayne Walmer	109 Holiday Drive	Hampstead	NC	28443
15	Darien Lanier	203 Whispering Pines Ct	Hampstead	NC	28443
16	Timothy Faulk	205 Whispering Pines Ct	Hampstead	NC	28443
17	Arie Pickett	207 Whispering Pines Ct	Hampstead	NC	28443
18	William Hauptert	206 Whispering Pines Ct	Hampstead	NC	28443
19	William Campion	202 Whispering Pines Ct	Hampstead	NC	28443
20	Donna King	303 Pine Ct	Hampstead	NC	28443
21	Ocalla Harper	1534 Hwy 210W	Hampstead	NC	28443
22	Calvin Deans Jr.	1510 Hwy 210W	Hampstead	NC	28443
23	Randall Hudson	1490 Hwy 210W	Hampstead	NC	28443
24	David Akerley	892 Kings Landing Rd	Hampstead	NC	28443
25	Michael Wuske	1430 Hwy 210W	Hampstead	NC	28443
26	Geraldine Wuske	88 Berry Patch Rd	Hampstead	NC	28443

TO:..... Tera Cline

FROM:.....PENDER COUNTY PLANNING & COMMUNITY DEVELOPMENT

SUBJECT:.....ADVERTISEMENT FOR PUBLIC HEARINGS BY:
THE PENDER COUNTY PLANNING BOARD

RUN DATES:... THIS ADVERTISEMENT SHOULD RUN ON THE FOLLOWING DATES:

RUN DATE NO. ONE	10/21/2021
RUN DATE NO. TWO	10/28/2021
NOTICE OF PUBLIC HEARINGS	
THE PENDER COUNTY PLANNING BOARD WILL HOLD PUBLIC HEARINGS AS FOLLOWS:	
DATE OF HEARINGS:	November 2, 2021
TIME OF HEARINGS:	7:00 p.m.
LOCATION OF HEARINGS: THE PUBLIC HEARING NOTED WILL BE HELD IN THE PUBLIC MEETING ROOM AT THE ADMINISTRATIVE OFFICE BUILDING ROOM 145 , 805 SOUTH WALKER STREET, BURGAW, N.C. 28425	
REZONE 2021-26 – Whispering Pines Conditional Rezoning Sonya and Randall Edens, applicant, and owner, are requesting approval of a Conditional Zoning Map Amendment to rezone approximately 3.64 acres of land located on the northern corner of the intersection of NC HWY 210 and Whispering Pines Court from RP, Residential Performance zoning district to GB-CZ4, General Business Conditional Zoning District 4 in order to develop a Recreational Vehicle (RV), Boat, and Trailer Storage Lot. The subject property is located in the Topsail Township and may be further identified by Pender County PIN 3283-10-9257-0000.	
ZTA 2021-14 –Industrial Park Building Height Text Amendment 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 4.10.2 "GI: General Industrial" and Section 5.3.12.F "Industrial Parks" to revise and clarify standards related to building height within approved Industrial Parks within the GI, General Industrial zoning district. A detailed description of the proposed changes is available in the Pender County Planning and Community Development Department Offices.	
For Additional Information: Contact Pender County Planning & Community Development 805 S Walker St Burgaw, NC 28425 Phone 910-259-1202	

(Affidavit of publication required)

(Print actual material that appears in solid line box)

Submitted by:	Stephanie Jagoda
Date Transmitted:	10/13/2021

Adjacent Property Owners w/in 500': 210 HWY & Whispering Pines Court

	Name	Address	City	State	Zip
1	Hugh Hawthorne	101 Holiday Drive	Hampstead	NC	28443
2	Coastal Realty Associates LLC	17117 Hwy 17 N	Hampstead	NC	28443
3	Pamela Warner	PO Box 1038	Hampstead	NC	28443
4	Brenda Clark	204 Whispering Pines Court	Hampstead	NC	28443
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25	Michael Wuske	1430 Hwy 210W	Hampstead	NC	28443
26	Geraldine Wuske	88 Berry Patch Rd	Hampstead	NC	28443

November 2, 2021 Planning Board

I, STEPHANIE JAGODA hereby certify that the above named individuals
were mailed notification on: OCTOBER 19 2021

Stephanie Jagoda



Gideon Smith

From: Gideon Smith
Sent: Friday, October 15, 2021 10:57 AM
To: Gideon Smith
Cc: Travis Henley; Stephanie Jagoda; Vanessa Lacer; Greg Feldman; Carlene Shaw
Subject: Pender County November Board Applications

Good morning everyone,

We have received the below conditional rezoning application to be considered at the November Planning Board meeting. Please provide any comments by Wednesday, October 20, 2021.

The application documents can be downloaded using the below link:

<https://pendercountync.sharepoint.com/:f:/s/Planning/ErGPWfljr69PtYqSYPSpQyABUcD25x-P9HWamj3ef0vcwg?e=sQavBB>

The password is **November2PBHearing**

Thanks,
Gideon

I. REZONE 2021-26 – Whispering Pines Commercial – Conditional Rezoning

- Conditional Zoning Map Amendment to rezone approximately 3.64 acres of land located on the northern corner of the intersection of NC HWY 210 and Whispering Pines Court from RP, Residential Performance zoning district to GB-CZ4, General Business Conditional Zoning District 4 in order to develop a Recreational Vehicle (RV), Boat, and Trailer Storage Lot.
- The subject property is located in the Topsail Township and may be further identified by Pender County PIN 3283-10-9257-0000.
- The property owner and applicant is Sonya and Randall Edens (sonya@rscengineering.com).
- The case planner for this project is Greg Feldman (gfeldman@pendercountync.gov).

Gideon Smith | Senior Planner

[Pender County Planning & Community Development](#)

(910) 259-1529

gsmith@pendercountync.gov

805 S. Walker Street,

Burgaw, NC 28425



www.pendercountync.gov

Gideon Smith

From: Gideon Smith
Sent: Wednesday, October 27, 2021 8:41 AM
To: Sonya Edens
Subject: Whispering Pines Conditional Rezoning TRC Comments

Ms. Edens,

Below are the TRC comments we have received for the Whispering Pines Conditional Rezoning request. These comments will be included in the Board's packet. Please let me know if you have any questions.

Thanks,
Gideon

Pender County Floodplain Administrator, Daniel Adams 910-259-0231

1. No comment from flood.

Pender County Addressing Coordinator, Mike Dickson 910-259-1442

1. This rezoning, if approved, will be assigned at a later date.
2. The plan does not show a structure, but will still require an address for 911 purposes. This will be created during the building permit approval phase.
3. The address may be located on NC Hwy 210 or Whispering Pines Ct.

NCDOT, Doug Racine 910-467-0500

1. After review, the project does not connect to a state-maintained road, and we would not have any comments.
2. If the applicant were to propose a driveway along NC HWY210, a Driveway Permit would be required.

Gideon Smith | Senior Planner

[Pender County Planning & Community Development](#)

(910) 259-1529

gsmith@pendercountync.gov

805 S. Walker Street,

Burgaw, NC 28425



www.pendercountync.gov



Pender County ZTA 2021-14

TO: Planning Board
FROM: Travis Henley
DATE: November 2, 2021
SUBJECT: ZTA 2021-14

SUMMARY:

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 4.10.2 "GI: General Industrial" and Section 5.3.12.F "Industrial Parks" to revise and clarify standards related to building height within approved Industrial Parks within the GI, General Industrial zoning district. A detailed description of the proposed changes is available in the Pender County Planning and Community Development Department Offices.

ACTION REQUESTED:

To hold a Public Hearing and consider a Zoning Text Amendment.

ATTACHMENTS:

1. ZTA 2021 - 14 Final Staff Report
2. ZTA 2021 - 14 Proposed Language
3. ZTA 2021 - 14 Application

**STAFF REPORT FOR ZTA 2021-14
ZONING TEXT AMENDMENT APPLICATION**

APPLICATION SUMMARY	
Case Number	ZTA 2021-14
Hearing Dates	November 2, 2021 Planning Board December 6, 2021 Board of County Commissioners
Applicant	Pender County
Property Owner(s)	Pender County

ZONING TEXT AMENDMENT PROPOSAL
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 4.10.2 “GI: General Industrial” and Section 5.3.12.F “Industrial Parks” to revise and clarify standards related to building height within approved Industrial Parks within the GI, General Industrial zoning district. A detailed description of the proposed changes is available in the Pender County Planning and Community Development Department Offices.

AMENDMENT DESCRIPTION

Pender County, applicant, has requested this text amendment to the Unified Development Ordinance to provide clarity as to the regulation of maximum building height within approved Industrial Parks. Currently, any building proposed within the GI, General Industrial zoning district has a baseline maximum building height of fifty (50) feet. Section 4.10.2 of the Pender County Unified Development Ordinance allows for additional building height above 50 feet when the proposed building is further from its property lines than is required by the Ordinance, at a ratio of one additional foot of building height for every one additional foot of setback.

For example, the required setbacks within the GI, General Industrial zoning district are 50 feet from the front property line and 25 feet from the sides and rear property lines. If a building is proposed to be 100 feet from the front property line and 75 feet from the sides and rear property lines, then the maximum height for this building would be 100 feet, due to the 50 foot increase in setbacks from all property lines.

This regulation is currently applicable to all properties within the GI, General Industrial zoning district and is intended to allow for increased height for industrial buildings in a way that maintains harmony within the surrounding community, particularly when bordering against non-industrial uses. The proposed text amendment is in recognition of the concentration of industrial uses within Industrial Parks, and as such, tying maximum building height to setbacks from property lines within the Industrial Park is not the intent of this section of the Ordinance. The proposed text amendment seeks to rectify this by tying maximum height not to the individual property lines within an Industrial Park, but to the external boundaries of the Industrial Park as approved via Special Use Permit.

Proposed language from Sections 4.10.2 “GI, General Industrial” and Section 5.3.12.F “Industrial Parks,” within which all proposed amendments are located, is provided as Attachment 1.

EVALUATION

As prescribed in the Pender County Unified Development Ordinance Section 3.18.5, in evaluating any proposed Ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

1. The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
2. The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
3. Whether or not the proposed text amendment corrects an error in the Ordinance; and
4. Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.

In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the Planning Board and County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents and the specific intent of this Ordinance.

Pender County Unified Development Ordinance Compliance: The proposed Zoning Text Amendment seeks to provide clarity to the maximum building height regulations within approved Industrial Parks in the GI, General Industrial zoning districts. Currently, maximum building height can be increased when setbacks from property lines are increased. However, in scenarios where industrial uses are concentrated together in an Industrial Park, it is more appropriate to base maximum building height on distance from the building to the external boundary of the Park itself, as it is at that point that different types of land uses can interact.

Pender 2.0 Comprehensive Land Use Plan Compliance: The Pender 2.0 Comprehensive Land Use Plan includes language generally supporting the recruitment and siting of compatible industrial establishments in a method consistent with the County’s future land use maps. By virtue of the standards of Section 5.3.12.F ‘Industrial Parks,’ potential industrial parks are required to be evaluated for their conformance with the Pender 2.0 Comprehensive Land Use Plan via the Special Use Permit process.

The Zoning Text Amendment described in this report is consistent with the following policy in the Pender 2.0 Comprehensive Land Use Plan:

Policy 5.1.N: Industrial Uses and Business Development: The County supports the recruitment and siting of compatible industrial, heavy commercial, and large-scale employment establishments in areas that are consistent with the County’s future land use

map. Compatible heavy commercial and employment center uses are also appropriate within the Regional Mixed Use future land use category.

The clarification of maximum building height regulations within approved Industrial Parks seeks to aid in the recruitment and siting of industrial uses within areas designated for that type of growth and development as shown in the Pender 2.0 Comprehensive Land Use Plan and as approved by the Board of County Commissioners via Special Use Permit for each Industrial Park by affording additional flexibility in terms of the potential maximum height to which a building could be constructed.

Though the language of the proposed Zoning Text Amendment would apply generally to any approved industrial park within the County, currently the only approved use under Section 5.3.12.F is the Pender Commerce Park. The Pender 2.0 Comprehensive Land Use Plan includes a policy and a recommended action that address the Pender Commerce Park specifically, and the proposed Zoning Text Amendment was found to be consistent with both:

Policy 5.1.O: Pender Commerce Park/US 421: The County encourages and supports economic development projects of industrial, commercial, and other employment-related development in Pender commerce Park and other properties in the vicinity.

Recommended Action 5.1.N.1: Consider committing additional County resources to improve and expand efforts to retain and recruit industrial uses. Place emphasis on re-use of vacant buildings, recruitment of clean industries, expansion of the Pender Commerce Park, and creation of jobs.

The proposal was not found to conflict with any goals, objectives, or policies within the Pender 2.0 Comprehensive Land Use Plan.

RECOMMENDATION

The Administrator respectfully recommends approval of the Zoning Text Amendment to the Unified Development Ordinance as described in this report, as the amendment is consistent with the Pender County Unified Development Ordinance and with the Pender 2.0 Comprehensive Land Use Plan. The text amendment provides clarity in the regulation of building height within approved Industrial Parks, more directly capturing the intent of the specific regulation. The text amendment is consistent with one (1) policy in the Pender 2.0 Comprehensive Land Use Plan.

PLANNING BOARD CONSISTENCY STATEMENT:

TO APPROVE: Motion to approve the Zoning Text Amendment and to make a finding that the approval is consistent with the Pender 2.0 Comprehensive Land Use Plan. Generally, the Pender 2.0 Comprehensive Land Use Plan supports efforts to increase industrial uses, and provide flexibility for those uses, in specific areas within the County where consistent with the Plan. The proposed amendment is consistent with the policy in the Pender 2.0 Comprehensive Land Use Plan:

- **Policy 5.1.G**

There are no specific goals, objectives, or policies that conflict with the proposal. The proposed Zoning Text Amendment is consistent with the spirit, purpose, and intent of the Pender 2.0 Comprehensive Land Use Plan and with the Pender County Unified Development Ordinance.

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

PLANNING BOARD ACTION FOR ZONING TEXT AMENDMENT
--

MOTION	SECONDED

APPROVED	DENIED	UNANIMOUS

McClammy	Jordan	Beaudoin	Buchanan	Gruntfest	Pitts	Teachey

4.10.2 GI: General Industrial

The GI District is intended to provide locations for enterprises engaged in a broad range of manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise or equipment which may not be compatible with certain Industrial Transitional uses. These uses generally are more intense and are located on larger tracts.

A. Development Standards / Applicability

- 1) Additional building height is allowed at a rate of one additional foot of height for every one foot of additional yard depth (front and sides).
- 2) Within approved Industrial Parks, additional building height shall be allowed at a rate of one (1) additional foot of height for every one (1) foot of additional distance from the nearest external boundary of the Industrial Park as identified in its approved Special Use Permit.
- 3) Complete fencing with vegetative screening if the abutting land is in a residential district. The fence shall be a minimum of 6 feet.

5.3.12 Miscellaneous Uses

F. Industrial Park

- 1) Applicability: In order to qualify as an Industrial Park, the subject property must:
 - a) Be entirely located in a General Industrial zone, according to the official zoning map of Pender County;
 - b) Contain at least 200 acres under unified control;
 - c) Have direct access to a road designated by the NCDOT as a US, or NC Highway; or at least a portion of the property shall be within 5000' of such a road and have direct access to a state maintained road;
 - d) Be served, or have written confirmation from the Utility Authority that the area will be served, by a public water and sewer system; and
 - e) Obtain a Special Use Permit from the Board of County Commissioners.
- 2) Subdivision Procedure: Industrial Parks shall be exempt from the procedures established in Section 3.8, Subdivisions, Section 3.9, Minor Subdivision, and 3.10, Major Subdivision, of the Pender County UDO. The following regulations apply:
 - a) Major and minor subdivisions of an Industrial Park are subject to review by the Technical Review Committee, and are reviewed and approved by the UDO Administrator.
 - b) Plans must meet all the requirements prescribed in Section 6.4, Preliminary Plat Contents, and Section 6.5, Final Plat Contents in the Pender County UDO, except that subdivision plans for an Industrial Park shall be exempt from:
 - i) The timing and phasing requirements of Sections 6.5.A.1, 6.5.A.4, and 6.5.A.8;
 - ii) The homeowner's association requirements of Sections 6.5.B.3 and 6.5.B.6; and
 - iii) The preliminary plat requirements of Sections 6.4.A.9 through 6.4.A.13.
 - a. Industrial Parks shall follow the subdivision standards listed in Section 5.3.12.E.3, Subdivision Standards, below.
 - b. These standards must be met and shown on the Preliminary Plat.

- c) A copy of the draft protective covenants to be recorded on the Park shall be submitted with the final plat application.
 - i) The covenants shall address: owner's association, organization, responsibilities & membership, use and other restrictions on the property, term, revisions & renewal of the covenants, nuisances on the property and maintenance of facilities in the park.
 - ii) The covenants as approved under the Special Use Permit shall be recorded prior to division or sale of any parcels and prior to issuance of any zoning permit for or within the Park.
- d) The final plat shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 30 working days of completed submission. When the final plat is approved the signed original will be provided to the applicant and a signed copy placed in the Record File for the subdivision.
- e) A final plat shall be approved on a finding that the applicant demonstrates that the proposed division meets all of the requirements of the Pender County UDO and will:
 - i) Be in harmony with the Special Use Permit;
 - ii) Be in accordance with the Preliminary Plat;
 - iii) Not endanger the public health or safety;
 - iv) Be in conformity with the County's Land Use Plan.
- 3) Subdivision Standards: Industrial Parks shall be exempt from the regulations of Article 7.6, Open Space, and Article 8, Landscaping and Buffers. As an alternative, Industrial Parks are governed by the following open space and landscaping standards:
 - a) Open Space:
 - i) Approved Industrial Parks shall provide dedicated area(s) as open space, equating to 5% of the overall Industrial Park.
 - ii) The open space must be dedicated at the time in which at least 25% of the Industrial Park is occupied.
 - b) Landscaping and Buffers:
 - i) A visually opaque landscaped buffer of native vegetation at least 20 feet in width and/ or combination of berms and fencing is required along the external perimeter of the Industrial Park.
 - ii) Existing trees and shrubs shall count towards meeting the buffer yard and screening requirements.
 - iii) The buffer areas may be in common area and counted towards meeting open space requirements.
 - iv) For every 1,000 sf. of buffer area, the buffer areas shall include:
 - a. Ten evergreen shrubs; and
 - b. Three trees, which shall consist of the following:
 - i. 50% large maturing;

- ii. 25% small maturing, and
 - iii. 25% evergreen.
- v) Buffers will not be required for internal property boundaries of Industrial Parks with the exception of road frontage.
- vi) The Administrator may allow modification to the buffer width and planting types when special site conditions exist.
- 4) Major Site Plan Procedure: Individual Sites locating within an Industrial Park shall be exempt from Section 3.7, Major Site Development Plan, of the Pender County UDO. The following procedure applies:
 - a) Major Development Plans are subject to review by the Technical Review Committee, and are reviewed and approved by the UDO Administrator.
 - b) Master Development Plans shall meet all of the requirements of Section 6.1.3 Major Development Plans Contents – Commercial and Industrial Districts, with the exception of Section 6.1.3.A.10.
 - i) The Major Development Plan shall meet the Landscaping and Buffer requirements set forth below in Section 5.3.12.E.6.e, Landscaping and Buffers.
 - ii) The Major Development Plan shall be complete at the time of submittal and must be made by a licensed professional and illustrated at sufficient scale and with detailed design for the all uses located within the industrial park.
 - c) Major Development Plans shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 30 working days of completed submission.
- 5) Site Dimensional Standards: Individual Sites shall be exempt from the regulations of Section 4.14, Zoning District Dimensional Requirements of the Pender County UDO. The following site dimensional standards apply:

Dimensional Standards for Individual Sites in Industrial Parks	
Maximum Height ^[1]	50 feet
Minimum Setbacks ^[2]	
Front ^[2]	50 feet
Rear ^[3]	25 feet
Side ^[3]	25 feet
Corner ^[4]	50 feet
Minimum Building Separation	North Carolina Building Code Regulations Apply
Minimum Lot Width	100 feet
NOTES: [1] Pursuant to Section 4.10.2.A.2, additional building height shall be allowed at a rate of one (1) additional foot of building height for every one (1) additional foot of setback and/or distance from an external boundary of the Industrial Park as approved via Special Use Permit.	

[2] There must be an owner maintained strip with a minimum of 20 feet in width of landscaped ground along the street property lines, except that drives and walks may be located within the landscaped strip.

[3] In the event more than one parcel of land shall be owned by one person or entity, and in the improvement of each parcel of land, a building shall be erected on more than one parcel of land, then the interior rear or side setbacks may be waived.

[4] In the case of corner lots, both 50 foot front setbacks will apply.

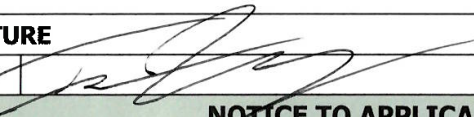
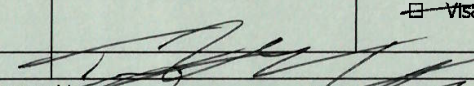
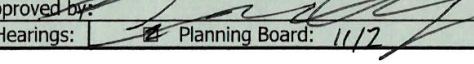
- 6) Site Design Standards: Individual Sites shall be exempt from the regulations of Article 7, Design Standards, and Article 8, Landscaping and Buffers, of the Pender County UDO.

Individual Sites shall meet the following site design standards:

- a) Parking:
 - i) Each Individual Site located within the approved Industrial Park shall provide three parking spaces for each four employees on the largest shift plus additional spaces for vehicles permanently used in the operation of the business.
 - a. At the discretion of the Administrator, a reduction to the parking requirements may be approved if the applicant demonstrates the peak level of need is lower than these standards require.
 - b. To justify the reduction, a statement shall be provided by a licensed professional addressing facility usage, employment figures, shift changes, and any other applicable standards.
- b) Loading:
 - i) Off-street loading and unloading facilities shall be provided by each owner or lessee of any parcel of land within the Park when that parcel is developed;
 - ii) Parking and loading facilities shall generally be located along the side or rear of lots. Loading facilities may be located facing the front of a lot only when:
 - a. Cross-dock operations are proposed, in which loading facilities are on opposite sides of a building; and
 - b. Expressed written permission is provided by property owner's board or other covenant holder within approved industrial park.
 - iii) Allowance for front-side loading and unloading facilities within this Ordinance shall not override restrictive covenants in place for approved industrial parks that prohibit front-facing loading and unloading facilities.
 - iv) Front-side loading and unloading facilities in industrial parks without a property owners board shall require approval of a Variance in accordance with Section 3.14.
 - v) All loading and unloading facilities shall be screened by effective landscaping or otherwise from view of any public street or access road within or leading to or from the Park.
- c) Outdoor Lighting:

- i) Outdoor lighting shall utilize illumination so as to not cast direct light beyond any property line.
- d) Outdoor Storage and Screening:
 - i) Outdoor storage yards and storage areas, incinerators, storage tanks, and trucks based on the premises, shall either be housed in closed buildings or be screened for sound and sight from public view as is deemed necessary by the Administrator and shall be placed so as to conform with the setback requirements of Section 5.3.12.E.5, Site Dimensional Standards, above.
 - ii) Such screening shall include landscaping or permanent fences (excluding chain link), or approved solid materials and shall be located so as to most effectively screen the view of the offending items from the street.
 - iii) The Administrator may allow modification to the screening requirements when special site conditions exist.
- e) Landscaping Standards:
 - i) If applicable, Individual Sites must ensure that the 20 foot, visually opaque landscaped buffer required along the external perimeter of the Industrial Park is maintained, according to the requirements of Section 5.3.12.E.3.b, Landscaping and Buffers above.
 - ii) Buffers are not required for internal property boundaries of Industrial Parks with the exception of road frontage.

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE			
Application No.	ZTA 2021-14	Date	9/10/21
Application Fee	\$ N/A	Receipt No.	N/A
Pre-Application Conference	N/A	Hearing Date	PB 11/2/21 BOC 12/6/21
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Pender County		
Applicant's Address:	805 S. Walker Street		
City, State, & Zip	Burgaw, NC 28401		
Phone Number:	919-259-1202		
Email Address:	thelaw@pendercountync.gov		
SECTION 2: UDO TEXT TO BE AMENDED			
Current Text to be Amended (Please site accurate Article number referenced):			
4.10.2			
5.3.12.5			
Proposed Text to be added:			
See Attachment			
SECTION 3: SIGNATURE			
Applicant's Signature			Date: 9/10/21
NOTICE TO APPLICANT			
If the applicant makes significant changes to the application for a text amendment after the Planning Board has made its recommendation, the Administrator may refer the modified request back to the Planning Board for an additional public hearing.			
TEXT AMENDMENT CHECKLIST			
☒	Signed application form		
☒	Application fee N/A		
☒	A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO (shown on page 1 of this application)		
Office Use Only			
☒ ZTA Fees: \$250 N/A		Total Fee Calculation:	
Payment Method:	Cash: ☐ \$ _____	Credit Card: ☐ Master Card ☐ Visa	Check: ☐ Check # _____
Application Received By: 		Date: 9/10/21	
Application completeness approved by: 		Date: 9/10/21	
Dates Scheduled for Public Hearings:	☒ Planning Board: 11/2	☒ BOC: 12/6	