



# Pender County

## Agenda

### Planning Board Meeting

Wednesday, January 3, 2024 @ 6:00 PM  
Hampstead Annex - 15060 US Highway 17

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	Presenter	Page
1.	CALL TO ORDER	
2.	ROLL CALL	
3.	INVOCATION	
4.	PLEDGE OF ALLEGIANCE	
5.	ADOPTION OF AGENDA	
6.	ADOPTION OF MINUTES	
6.1.	December 5, 2023 Meeting Minutes <a href="#">December 5 Meeting Minutes - Pdf</a>	3 - 20
7.	PUBLIC COMMENT	
8.	PUBLIC HEARINGS	
8.1.	REZONE 2023-58: Request to rezone one parcel totaling approximately 1.52 acres from the PD, Planned Development zoning district to the GB, General Business zoning district in the Topsail Township <a href="#">REZONE 2023-58 - Pdf</a>	21 - 45
9.	NEXT MEETING DATE	
10.	ADJOURNMENT	





## Pender County December 5, 2023 Meeting Minutes

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**TO:** Planning Board  
**FROM:** Daniel Adams  
**DATE:** January 3, 2024  
**SUBJECT:** December 5, 2023 Meeting Minutes

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**SUMMARY:**  
December 5, 2023 Meeting Minutes

**ACTION REQUESTED:**  
Approval of minutes from December 5, 2023, Planning Board meeting.

**ATTACHMENTS:**  
1. December 5, 2023 Planning Board meeting minutes.



**MINUTES**  
**Planning Board Meeting**  
**Tuesday, December 5, 2023**  
**Pender County Public Assembly Room**  
**6:00 PM**

**MEMBERS PRESENT:** Delva Jordan, Chairman  
Damien Buchanan, Vice-Chairman  
Jeffrey Pitts  
Jeff Beaudoin  
Norman "Ken" Teachey  
Margaret Mosca

**MEMBERS ABSENT:** John Gruntfest

**OTHERS PRESENT:** Daniel Adams, Planning Director  
Justin Brantley, Deputy Planning Director  
Taylor Davis, Current Planner  
Donna Sayre, Planning Technician  
Trey Thurman, County Attorney  
Members of the Public

**1 CALL TO ORDER**

Chairman Delva Jordan called the meeting to order at 6:03 pm.

**2 ROLL CALL**

**3 INVOCATION**

**4 PLEDGE OF ALLEGIANCE**

**5 ADOPTION OF AGENDA**

Motion to approve agenda made by Damien Buchanan, seconded by Jeffrey Pitts.

*Motion to approve*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>	<b>Absent</b>
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
	6	0	0	1

CARRIED.

**6 ADOPTION OF MINUTES**

Motion to amend the minutes wherever forty-three feet height is referenced as it should be forty-two feet made by Jeff Beaudoin, seconded by Damien Buchanan.

*Motion to approve*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>	<b>Absent</b>
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
	6	0	0	1

CARRIED.

**7 PUBLIC COMMENT**

No public comment.

**8 APPROVALS AND RESOLUTIONS**

a) 2024 MEETING CALENDAR

Mr. Adams stated that this is the same calendar that was presented to the Board at the previous meeting except he added tentative dates for the beginning of 2025. He also stated that he denoted the dates when the meeting does not fall on the first Tuesday of the month. Mr. Adams asked the Board if they want to automatically default the location of the meeting being held in Burgaw at 6:00 p.m. and then decide the month before if the meeting location should change to the Annex in Hampstead. Mr. Buchanan stated that in the past the meeting always defaulted to the Burgaw location and he feels it should continue that way. He stated that the Board can decide each meeting if the next meeting should be held in Hampstead instead.

Motion to adopt the 2024 Planning Board calendar schedule made by Damien Buchanan, seconded by Margaret Mosca.

*Motion to approve*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>	<b>Absent</b>
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Grunfest				X
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
	6	0	0	1

CARRIED.

**9 PUBLIC HEARINGS**

a) REZONE 2023-57

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

TW & AG Timber, LLC., applicant and owner, is requesting approval of a Conditional Rezoning application for the expansion of an existing Industrial site located at the

corner of Porter Road and Malpass Corner Road. The existing industrial site was originally approved as a Special Use Permit in 1988 for Lumbering Manufacturing. Currently, the owner wishes to seek the allowance of additional light industrial and industrial uses for the site as well as to expand the development into two adjacent parcels that are under the same ownership.

The subject properties consist of approximately fifty-nine acres and are located on the southside of the intersection of Malpass Corner Road and Porter Road, in the Grady Township and may be further identified by Pender County PINS 2275-79-7246-000, 2276-89-3080-000, and 2276-78-2161-0000.

Mr. Brantley stated that the Planning staff is recommending a condition that the existing vegetative buffer along Malpass Corner Road shall remain. As expansion of the site occurs, supplemental plantings may be required for areas where the existing vegetative buffer is inadequate as determined by the Administrator. However, new, or modified driveways as approved by NCDOT along this roadway will be exempt from this condition.

Mr. Brantley also stated that the Planning staff is recommending another buffer condition that upon development of PINs 2276-78-2161-0000 and 2276-89-3080-0000, a twenty-five-foot Type C-4 buffer will be required and any existing vegetation along the southwestern boundary shall remain within this twenty-five-foot buffer.

Mr. Buchanan asked that Mr. Brantley discuss the conditions again while indicating the location on the site map to which Mr. Brantley obliged.

Mr. Brantley stated that the Planning staff recommends removal of all waste management-related services as this may be disruptive to the residential and agricultural character of this community. All waste management related services can be referenced in Section 56: Administrative and Support and Waste Management and Remediation Services of the Pender County Unified Development Ordinance.

Mr. Brantley stated that the Planning staff supports all proposed manufacturing uses except for those related to concrete manufacturing. He stated that this use may be better suited for a more isolated industrial site. The uses can be identified in Sector 31-33: Manufacturing, which contains Redi-Mix Concrete Manufacturing (NAICS 32733) and Other Concrete Manufacturing (NAICS 32739).

Mr. Brantley stated the five Conditions to be considered in approving the Conditional Rezoning. He also stated that the Planning Board can impose additional conditions to mitigate the concerns of the public.

Mr. Jordan asked what was approved when the Special Use Permit was issued back in 1988. Mr. Brantley stated only Lumber Manufacturing was approved previously.

Mr. Buchanan asked what zoning districts allowed Lumber Manufacturing. Mr. Brantley stated it is allowed in GI, General Industrial, as are most manufacturing uses. He stated there are a few manufacturing uses allowed in the IT, Industrial Transitional, zoning district. Mr. Buchanan asked Mr. Brantley to explain the difference between GI and IT zoning districts to which Mr. Brantley did so.

Mr. Jordan asked the Board members if they had any additional questions for Planning staff and no questions were presented.

Attorney Sam Franck, 127 Racine Drive, Suite 101, stated that he represents the Applicant. He stated that essentially this is an exercise in adjusting the Zoning Map to match the long-term use of the property. Mr. Franck stated that the property has been operated as a commercial and industrial property for over thirty-five years.

Mr. Franck spoke of the list of permitted uses but stated that the list does not contain the uses that the Applicant chose to cut out. Mr. Franck provided the Board members with a compiled list of permitted uses that were deleted. The list is recognized as **Exhibit A** and was accepted into record. He stated that many of the categories removed are chemical oriented, due to the public and Planning staff concerns.

Mr. Franck stated that most of the buildings located on the site are thirty feet in height or less. He stated that there is one structure that is fifty feet in height. He stated that the height limit in the GI zoning district is fifty feet and if there is a height limit for future development on this property that it should be fifty feet.

Mr. Franck stated that the Applicant agrees with the Planning staff's buffer assessment except for the Southeastern boundary. He stated that the boundary between the site and the neighboring property is utilized for drainage with most of the drainage facilities being located on the subject property. Mr. Franck stated that even though most of the facilities are located on the subject property, they benefit the neighboring properties also. He stated that the buffer requirements are inconsistent with the operation and maintenance of the drainage swale. Mr. Franck stated that the buffer condition should only apply to the extent that it is not inconsistent with the maintenance and operation of drainage facilities on the property.

Mr. Buchanan asked Mr. Franck to point out on the aerial map where the property line is located on the aerial map to which Mr. Franck did so.

Mr. Franck stated that there are a few uses that he believes should be included in the permitted list but Planning staff identified them to be excluded. He stated that he feels concrete manufacturing and waste management should be allowed.

Mr. Franck stated that neighboring property owners expressed great concern pertaining to hog lagoons and the possibility of animal waste being stored, treated, or disposed of on site. He stated that the Applicant is agreeable to adding an additional condition that would expressly prohibit the storage, treatment, or disposal of animal waste on the site.

Mr. Franck stated that there is tremendous opportunity with this piece of property. He stated the growth that Pender County has experienced over the last two decades is exceptional and that growth should continue over the next two decades. Mr. Franck stated that growth creates a necessity not only for places for people to live but also for places for people to work.

Mr. Franck requested that the Planning Board recommend approval of the proposed rezoning. He requested the opportunity to speak again after the public comments have been heard to which Mr. Jordan agreed.

Mr. Buchanan asked Mr. Franck to clarify what the Applicant is proposing pertaining to the buffer. Mr. Franck stated that a sentence should be added that states "the condition shall only apply to the extent that the buffer does not interfere with the operation and maintenance of drainage facilities on the site".

Ms. Mosca asked why the drainage facilities need to stay in the same location on the property. Mr. Franck stated that the drainage facilities are already in place and existing. He stated that according to the language as it is now, they would be required to put new plantings in place and those new plantings would interfere with the existing drainage.

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

Mr. Franck stated that in addition to himself, a representative of the landowner, Wesley Wooten, Mark Strickland, Civil Engineer, and Livian Jones, Land Planner, are present if the Board has questions for them.

Ron Jarrett, 1514 Porter Road, stated he lives across the street from the site and is against any concrete operation taking place. He stated that he agrees with the Planning staff's removal of all waste management options and any operation that entails concrete.

Roben Jarrett, 1514 Porter Road, stated that all she and her neighbors are requesting is clean industry and manufacturing and she does not feel waste and concrete would not be clean and good. She stated that she would not want any "dusty" industry located on the site along with any waste product handling. Ms. Jarrett stated that she never had an issue with the lumber mill running except to hear them running several hours a day.

Juliet Boykin-Powell, 1546 Porter Road, stated that she has health issues, particularly lung issues, and is concerned about chemical waste, air pollution, and water pollution. She stated that she has peace on her property and wants to keep it that way. Ms. Powell stated the lumber mill did not create extra noise or traffic that interfered with the quietness of her property. She is asking the Board to think of the residents.

Ruby McDuffie, 5955 Malpass Corner Road, stated that her husband does not have full lung capacity due to previous illness and needs clean air in the community. She stated she and her husband had no problems with the past lumber manufacturing business and is just requesting that the Planning Board consider the residents of the area before approving this proposed rezoning.

Antwan Henry, 26793 NC Hwy 210, stated that he grew up on Porter Road and has concerns about hog and human waste storage. He is concerned about potential contamination of well water in that area if a hurricane or bad flood occurs and causes flooding which then could run into the wells.

Debbie Walker, 1152 Union Bethel Road, stated that she has property on Malpass Corner Road even though she lives on Union Bethel Road. She stated she is concerned with hours of operation and potential accidents that could occur with the additional traffic. Ms. Walker also stated that she is opposed to any harmful chemicals and that the Board consider the nearby residents due to this request impacting the neighboring properties greatly. She stated that the residents need to be allowed to have a voice.

Elsie Murphy, 1899 Porter Road, stated she is concerned with the growth over health mindset. She stated that if people surrounding this property have bad health, then there will be no one to work there.

Conway Murphy, 6868 Malpass Corner Road, stated he and other residents stand together in their opposition of the proposal being granted. He is concerned with how the proposal will affect air, soil, water, and the citizens that live around the property. Mr. Murphy is asking the Planning Board to deny anything that could affect their health negatively. He also stated his concern for noise pollution and hours of operation.

Clint North, 27926 NC Hwy 210, stated that he owns property next to the site and moved to Pender County in 1988. He stated when the SUP was originally granted and the lumber mill started operating, most of the drainage was contained on the property until about twenty years ago when buildings were added, and the site was expanded. Mr. North stated that now the drainage crosses over his property, down the road to Moores Creek and then onto Black River. He is concerned with chemicals making it to the river and harming the water supply.

Latoya Hansley, 6912 Malpass Corner Road, requested that the Board think of the residents' health and not put something in surrounding neighbors' backyards that the Board members would not like in their own backyards.

Mazell Holmes, 25972 NC Hwy 210, stated that the nearby residents just want to be safe.

Eva Briggs, 5896 Malpass Corner Road, asked the Board to consider the residents who only are asking for clean air, water, and environment. She stated that there are many different types of waste, and all types need to be denied. Ms. Briggs stated that the Board needs to consider all businesses that can be operated at the site and what kind of jobs it will bring to the community. She asked that drainage issues not be increased along with potential traffic.

Jason Hansley, 1642 Porter Road, stated that the area is full of residential homes. He stated that the lumber mill operation had tolerable hours, but new businesses may not keep tolerable hours. Mr. Hansley asked the Board to listen to the residents' concerns, especially pertaining to waste material.

Cynthia Simpson, 25952 NC Hwy 210, stated she lives two miles from the site and is concerned with potential health issues.

Teryl Simpson, 416 E. Henry Street, stated that she was born and raised in Currie and currently owns property in the area. She stated she is opposed to waste or any materials that may be harmful to the individuals that live in the surrounding communities.

Mr. Franck stated that nothing about changing the zoning on the property will allow the owner of the land or occupant to break laws, though there is no intention of breaking any laws. Mr. Franck stated that industrial use is heavily regulated by multiple state agencies and their rules and regulations will have to be adhered to.

Mr. Franck stated that industrial use will impact traffic far less than other commercial and residential uses.

Mr. Franck stated that the benefit for the County in promoting economic growth will be good for the county, and not just the surrounding residents.

Ms. Mosca asked if it is the intention of the Applicant to have a prefab metal building manufacturer and or sheet metal work. Mr. Franck stated that there is a tenant already lined up who wants to use a portion of the property. Ms. Mosca asked if there would be any coatings used on metal products that are harmful.

Wesley Wooten, 8155 Malpass Corner Road, stated that he is one of the owners and in the past he used to farm the fields that surround this property. He stated that when the

property went vacant, he did not want to see another run-down industrial site in Pender County. Mr. Wooten stated that this site is unique in that it has multiple midsize buildings instead of one large building, which will give the ability to bring in several different types of businesses instead of just one.

Mr. Wooten stated that Nash Building Systems is a metal building construction supplier and distributor. He stated all the products are manufactured in another location before being delivered to the site and that no production will take place on this site. Mr. Wooten stated that building packages are put together and loaded onto a truck to be delivered to the building site. He stated that Nash Building Systems intends to start with the creation of twenty jobs then will increase to forty jobs in the future.

Mr. Wooten stated Nash Building System considers the site to be an ideal location due to access roads that will lead to Fayetteville, Wilmington, Hampstead, Leland, and Myrtle Beach.

Mr. Jordan asked if there will be fabrication on site. Mr. Wooten stated that they will do roll forming but no coating of the metal.

Mr. Franck stated that painting and coating of the metal materials has been excluded from what uses are permitted on the site but the distribution and rolling of the metal would be permitted.

Mr. Beaudoin asked about the soil out at the location and whether a septic system could be installed. Mr. Franck stated that a site of this size is not big enough to support a wastewater treatment facility. Mr. Wooten stated that the property has excellent soil to support a septic system if it is constructed properly. He stated he has already had a soil specialist evaluate the property and has been approved for a system that could accommodate up to one hundred and fifty employees.

Mr. Jordan asked if a copy of the soil evaluation was included in the packet. Mr. Brantley stated that the Planning staff has not received any documentation related to the septic system or the viability of the site in terms of septic.

Mr. Wooten stated that there are currently multiple septic systems already located on the property. Mr. Brantley stated that any future plans would be submitted to Environmental Health for their review. Mr. Wooten stated that Engineers would handle the septic systems which allow for a higher standard than Environmental Health requires.

Mr. Teachey asked how the land perking relates to the request with future building permits being issued. Mr. Adams stated that this proposal is more of a concept at this point and that the Applicant would still need approval from Environmental Health and other agencies. Mr. Teachey stated the Board should not be concerned with whether the land will be viable for another septic system.

Ms. Mosca expressed her concern about allowable uses that use chemicals and what protection surrounding properties will have. Mr. Franck stated that there will be state agency regulations that the business owner would need to adhere to.

Mr. Jordan asked Mr. Franck to provide information on hours of operation, traffic, and the potential health effects to the surrounding property owners. Mr. Franck stated that the application does not request certain hours of operation due to not knowing potential incoming business. He stated traffic will only increase marginally and that well-regulated measures will be in place to protect the health and well-being of neighboring property owners.

Mr. Wooten stated that the use codes are very broad, and that Textile Manufacturing could be anything from sewing t-shirts to dying fabric.

Mr. Jordan asked how much square footage the current buildings consist of. Mr. Wooten stated there is approximately one hundred thousand square foot of enclosed building and seventy thousand in open sheds that could be converted to buildings. Mr. Jordan asked how much square footage Nash Building Company is interested in. Mr. Wooten stated that they are interested in approximately seventy-five thousand square feet, which would be half of the enclosed buildings.

Mr. Wooten stated that there are three parcels of land. He stated that the 'L' shaped piece of property was the first Special Use Permit that Pender County issued back in 1988. He stated that the original tract contained thirty-nine acres and an additional twenty acres was added to it when the adjoining property was purchased, which gives a total of fifty-nine acres.

Mr. Beaudoin asked Mr. Wooten to clarify their position on wastewater management use. Mr. Wooten stated that they are in agreeance to having no animal or human waste management on this site. He stated it was never his intention to do so as the site is not favorable to this type of use.

Mr. Buchanan stated that this site has been used industrially for many years and is something Pender County needs and welcomes. He stated that the community appears to overall support the project but does have issues with possible effects to health, air pollution and ground water.

Mr. Wooten stated that there will no wastewater treatment or spray fields located on the property and is willing to make that a condition.

Mr. Buchanan asked if the prefab concrete business would be done inside a building or under the cover of a roof. Mr. Wooten stated that the work would all be done under covered structures.

Mr. Buchanan asked Mr. Wooten to clarify the waste related use that they are requesting. Mr. Wooten stated the use would be vehicles and the storage of port-a-johns and not the actual processing, treatment, or storage of the waste itself.

Mr. Jordan asked if there were any additional questions for Mr. Wooten or Mr. Franck and no questions were presented.

Mr. Jordan asked Mr. Thurman if conditions could be placed on a particular use, such as concrete manufacturing, or does the rezoning have to remain broad. Mr. Thurman stated that since this request is a Conditional Rezoning and not a General Use Rezoning, conditions can be placed.

Mr. Franck suggested to the Board that perhaps a setback for the specific use of concrete manufacturing be imposed, such as a certain amount of feet from property boundaries would need to be adhered to.

Mr. Jordan stated he is concerned with the fact that there are at least fourteen residential homes within a close proximity of this property. He stated having one use in the past would be easier to accept than multiple uses to which no one knows what they may be.

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

The Board members discussed their thoughts on the project with each other.

Mr. Beaudoin asked for clarification as to what Redi-Mix concrete is. Mr. Wooten stated that it is a wet product that would be trucked off site. He compared it to S&W Concrete.

Mr. Beaudoin asked Mr. Wooten what buffer amount they would be agreeable with for a concrete business being located on the property. Mr. Wooten stated that he is comfortable with a one-hundred-foot buffer from any boundary or residential lot.

Mr. Brantley clarified that a use cannot take place in a buffer. He stated that a buffer could be an open area but typically it will be vegetated.

Mr. Beaudoin asked if there is a fence around the property currently. Mr. Wooten stated that there is a chain link fence that surrounds the entire property except for sections that are currently being repaired. He stated that there is a landscape berm on Porter Road that is in the process of being restored.

Ms. Mosca stated that there are so many questions and legitimate concerns that thirty days would be needed for discussion and research before deciding.

Ms. Mosca made a Motion to table the decision to the next meeting. Mr. Teachey seconded the motion. No vote was taken at this time.

Mr. Buchanan asked Ms. Mosca to elaborate on what concerns she feels need to be addressed, to which Ms. Mosca did so. Mr. Buchanan asked what specific uses she is most concerned about. Ms. Mosca stated that Manufacturing Uses are her biggest concern due to the chemicals that could potentially be used.

Mr. Teachey withdrew his second pertaining to Ms. Mosca's motion to table until the next meeting.

Mr. Teachey asked if the hearing was tabled until the next meeting would the Applicant be willing to work with the Planning staff again to narrow down more of the uses or is the Applicant set on their request and tabling it will do no good. Mr. Franck stated that he has no reason to believe that time will not help achieve a list of proposed uses that is satisfactory to all the members of the community. He stated that he does not believe additional time will get the parties any closer regarding their dialogue with Planning staff. Mr. Franck stated that they have been talking with the staff for six to eight months and the discussions have been very careful, deliberate, and thorough to get to where all parties are today. He stated that he does not feel that continuing the matter will make it more likely that they will come back to the Board with a different list of uses.

Ms. Mosca stated that the scope of potential businesses that can be in the proposal is too broad for her to understand what the site will look like in the future and how the residents will be impacted. She stated that there are so many unknown components still.

Mr. Pitts stated that he feels that this is a good project that will help bring jobs and a tax base to Pender County though he understands the concerns of the community.

Mr. Jordan expressed his concern for the fourteen residential homes near this site and how it will affect them in the future.

Mr. Beaudoin made a motion to approve the Conditional Zoning Map Amendment and to make a finding that the approval is consistent with the Pender 2.0 Comprehensive Land Use Plan. While the proposed rezoning is inconsistent with the Rural Agriculture Land Use classification in the Pender 2.0 Comprehensive Land Use Plan, the proposal is reasonable and in the public interest and furthers the goals of the Pender 2.0 Comprehensive Land Use Plan. The motion included the removal of waste management related uses and textile manufacturing uses.

Conditions recommended will be those that staff recommended, and that a one-hundred-foot minimum setback for any Redi-Mix or concrete processing be required.

Mr. Adams stated for clarification purposes, Textile Mills is identified under NAICS 313 and Textile Product Mills under NAICS 314, and regarding Waste Management, this includes all the uses in NAICS Sector 56. Mr. Adams then clarified with the setback distances being off all property lines for a concrete business. Mr. Beaudoin stated that all the Mr. Adams' clarifications are included in the motion.

Mr. Teachey clarified that the one-hundred-foot (100') setback is only for concrete businesses and not all businesses.

Mr. Brantley asked what height allowance will be allowed at the site. He stated that the Applicant is requesting a fifty-foot height maximum while Planning staff is recommending thirty feet, which is consistent with most existing buildings.

Mr. Pitts seconded Mr. Beaudoin's Motion.

Mr. Beaudoin stated that he is amending his Motion to include a height restriction of occupied spaces to forty feet and unoccupied spaces to fifty feet.

Mr. Pitts agreed with this amendment and seconded the Motion.

In summation, the Planning Board voted to recommend approval, excluding the Waste Management related uses and Textile Manufacturing uses from the list of proposed uses, with the following recommended conditions:

1. The project shall comply with all requirements of the Pender County Unified Developed Ordinance.
2. The applicant shall meet all other local, state, and federal regulations.
3. The applicant shall forfeit the Special Use Permit on record as a conditional rezoning of the Special Use Permit site will conflict with this previous approval. This shall take place prior to the issuance of the first zoning permit.
4. The existing established vegetative buffer along Malpass Corner Road shall remain. As expansion of the site occurs, supplemental plantings may be required for areas where the existing vegetative buffer is inadequate as determined by the Administrator. However, new or modified driveways as approved by NCDOT along this roadway will be exempt from this condition.
5. Upon development of PINs 2276-78-2161-0000 and 2276-89-3080-0000 a 25' Type C-4 buffer will be required. Existing vegetation along the southwestern boundary shall remain within this 25' buffer.

6. All uses related to Redi-Mix Concrete Manufacturing (NAICS 32732) and Other Concrete Manufacturing (NAICS 32739) shall be set back at least 100' from the perimeter of the site.

7. A height maximum of 40' shall be established for occupied structures with a maximum of 50' for unoccupied structures

*Motion to approve*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>	<b>Absent</b>
Delva Jordan		X		
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca		X		
John Grunfest				X
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
	4	2	0	1

CARRIED.

Mr. Adams stated that this matter will be heard by the Board of County Commissioners on January 16, 2024, and adjacent property owners will once again receive mailers notifying them of the meeting. He stated that the meeting will be held at the Hampstead Annex Auditorium at 7:00 p.m.

Mr. Buchanan made a motion to hold the January 2024 meeting in the Hampstead Annex building at 6:00 p.m. Mr. Teachey seconded the motion.

*Motion to approve*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>	<b>Absent</b>
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Grunfest				X
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
	6	0	0	1

CARRIED.

**10. DISCUSSIONS**

No discussion items

**11 NEXT MEETING DATE**

January 3, 2024, at 6:00 p.m.  
Hampstead Annex Auditorium  
15060 US Hwy 17  
Hampstead, NC 28443

**12 ADJOURNMENT**

Mr. Jordan made a motion to adjourn with Ms. Mosca seconding the motion. The vote was unanimous.

*Motion to approve*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>	<b>Absent</b>
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Grunfest				X
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
	6	0	0	1

CARRIED.

Accessory Uses and Structures

Accessory Structures – Permitted in RA, IT & GI

Home Occupation – Permitted in RA

Sector 22: Utilities

Electric Bulk Power Transmission & Control – Permitted in IT & GI

Sewage Treatment Facilities – Permitted in GI

Except: Sewage Lift Stations – Permitted in IT & GI

Sector 23: Construction

Heavy and Civil engineering construction – Permitted in IT & GI

Sectors 31-33 MANUFACTURING

Converted Paper Product Manufacturing – Permitted in GI

Synthetic Dye and Pigment Manufacturing – Permitted in GI

Other Basic Organic Chemical Manufacturing – Permitted in GI

Resin, Synthetic Rubber & Artificial Synthetic Fibers and Filaments Manufacturing – Permitted in GI

Pharmaceutical Manufacturing – Permitted in IT & GI

Paint, Coating and Adhesive Manufacturing – Permitted in GI

Other Chemical Product and Preparation Manufacturing – Permitted in GI

Plastics and Rubber Products Manufacturing – Permitted in GI

Clay Product and Refractory Manufacturing – Permitted in GI

Concrete, Pipe, Brick & Block Manufacturing – Permitted in GI

Gypsum Product Manufacturing - Permitted in GI

Sectors 48-49: TRANSPORTATION AND WAREHOUSING

Air Transportation – Permitted in IT & GI

Rail Transportation – Permitted in IT & GI

Transit and Ground Passenger - Permitted in IT & GI

Transportation - Permitted in IT & GI

Interurban and Rural Bus Transportation - Permitted in IT & GI

Taxi and Limousine Service - Permitted in IT & GI

School and Employee Bus Transportation- Permitted in IT & GI

Couriers and Messengers – Permitted in IT & GI

Sector 54: PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES

Professional, Scientific & Technical – Permitted in IT & GI

Sector 55

Management of Companies and Enterprises – Permitted in IT & GI

Sector 61: EDUCATIONAL SERVICES

Educational Services – Permitted in RA

Business Schools, Computer & Management Training – Permitted in IT

Misc.

Child Care Center – Permitted in RA

Disaster Volunteer Housing – Permitted in RA, IT & GI

Family Care Home - Permitted in RA

Family Child Care Home - Permitted in RA

Private Cemetery less than 6000 sq.ft – Permitted in RA & IT

Public Parks - Permitted in RA, IT & GI

Private Residential Boating Facility - Permitted in RA

Salvage Operations - Permitted in GI

Temp Fruit & Veg Stands - Permitted in RA

Temporary Events – Permitted in RA, IT & GI



**Pender County**  
**REZONE 2023-58: Request to rezone one**  
**parcel totaling approximately 1.52 acres**  
**from the PD, Planned Development**  
**zoning district to the GB, General**  
**Business zoning district in the Topsail**  
**Township**

---

**TO:** Planning Board  
**FROM:** Tucker Cherry  
**DATE:** January 3, 2024  
**SUBJECT:** REZONE 2023-58: Request to rezone one parcel totaling approximately 1.52 acres from the PD, Planned Development zoning district to the GB, General Business zoning district in the Topsail Township

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**SUMMARY:**

Weston Lyall, PE, PLS, PLLC, applicant on behalf of Shugarts Family Properties, LLC, owner, is requesting approval of a Zoning Map Amendment to rezone one parcel totaling approximately 1.52 acres of land from the PD, Planned Development zoning district to the GB, General Business zoning district. The subject properties are located on the east side of US Hwy 17, north of the intersection of US Hwy 17 and Edens Lane in the Topsail Township and may be further identified by Pender County PIN 4204-97-4618-0000.

**ACTION REQUESTED:**

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

**ATTACHMENTS:**

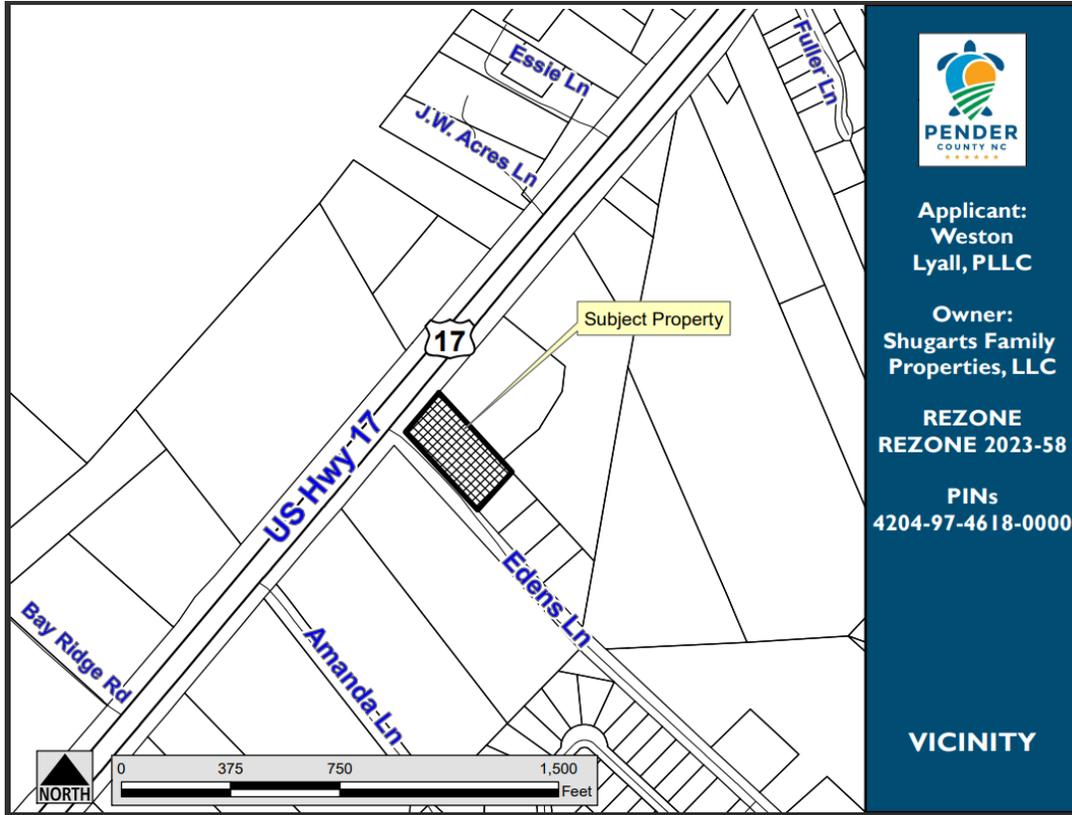
1. Staff Report
2. Application
3. Narrative
4. Site Map
5. Attachment 1: Table of Permitted Uses

**STAFF REPORT FOR REZONE 2023-58  
ZONING MAP AMENDMENT APPLICATION**

<b>APPLICATION SUMMARY</b>	
Case Number	REZONE 2023-58
Hearing Dates	January 3, 2024 Planning Board February 20, 2024 Board of Commissioners
Applicant	Weston Lyall, PE, PLS, PLLC
Property Owner	Shugarts Family Properties, LLC
Parcel Identification Number	4204-97-4618-0000
Acreage	1.52
Township	Topsail
Pender 2.0 Future Land Use Category	Low-density Residential

<b>REZONING PROPOSAL</b>
Weston Lyall, PE, PLS, PLLC, applicant on behalf of Shugarts Family Properties, LLC, owner, is requesting approval of a Zoning Map Amendment to rezone one parcel totaling approximately 1.52 acres of land from the PD, Planned Development zoning district to the GB, General Business zoning district.
<b>LOCATION</b>
The subject properties are located on the east side of US Hwy 17, north of the intersection of US Hwy 17 and Edens Lane in the Topsail Township and may be further identified by Pender County PIN 4204-97-4618-0000.

Below: Vicinity Map of the Area



Applicant:  
Weston  
Lyall, PLLC

Owner:  
Shugarts Family  
Properties, LLC

REZONE  
REZONE 2023-58

PINs  
4204-97-4618-0000

VICINITY

## REZONING PROPOSAL

The applicant is proposing to rezone approximately 1.52 acres from the PD, Planned Development zoning district to the GB, General Business zoning district. The intention of the application is for the zoning of the subject property to be consistent with the surrounding zoning designations and land uses along this section of US Hwy 17. The application, narrative, and survey of the site for the request are provided as attachments. Because this is a general use rezoning, a conceptual plan is not included within the application. If approved, the site could be developed based upon all uses that are permitted by right or by Special Use Permit in the GB, General Business zoning district. However, any future development of the site must comply with the standards of the GB, General Business zoning district and is subject to review and approval by the Technical Review Committee (TRC) to ensure compliance with all applicable local, State, and Federal regulations.

**Intent of the General Business Zoning District**

The General Business zoning district is primarily intended 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.

*Below: Aerial Map of the Area*



**Dimensional Requirements**

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

Minimum Setback (General Business)	
Front	25'
Side	10'
Rear	10'
Corner	12'
Max. Height	40'
Structure Separation	20'

**Allowable Uses**

Because this is a general use rezoning, the site could be developed based upon all uses that are permitted by right in the General Business zoning district. The table below provides a general list of typical developments permitted in the General Business zoning district. A comprehensive list of all uses from Section 5.2.3 of the UDO is included as **Attachment I**.

<b>GB, General Business</b>	
<b>Residential Uses</b>	Upper story Residential
<b>Commercial Uses</b>	≈ 83 uses by-right (Retail Trade, Real Estate and Rental and Leasing, Professional Scientific and Technical Services, Educational Services) ≈ 18 uses w/ SUP (Utilities, Manufacturing, Arts, Entertainment, and Recreation etc.)

**TRANSPORTATION INFRASTRUCTURE**

**Access**

The subject property has direct access to US Hwy 17 and Edens Ln. Further development of the subject property would require driveway approval from the North Carolina Department of Transportation (NCDOT).

**Traffic**

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

**NCDOT Annual Average Daily Traffic (AADT) – 2022; WMPO Roadway Capacities – 2020**

<b>Road</b>	<b>Location</b>	<b>Volume</b>	<b>Planning Capacity</b>	<b>V/C</b>
US Hwy 17	US Hwy 17 and Edens Ln	38,000	44,678	0.85

## OTHER INFRASTRUCTURE

### Utilities

Public water is available through Pender County Utilities (PCU) and according to available GIS data, the nearest PCU water main is along the east side of US Hwy 17 and along the south side of Edens Lane. Based on available GIS data and information from private sewer providers, private sewer is available at this location. The method of water and sewer service will be determined when a site-specific development plan is submitted for review.

### Schools

There is no development proposal associated with this general use rezoning, so no specific impacts on the school system are known at this time. Because the proposed rezoning is from a PD, Planned Development zoning district, to a GB, General Business zoning district, impact to school capacity is not anticipated.

ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject property does not contain Special Flood Hazard Areas <sup>1</sup> .
Wetlands	The subject property contains no characteristics of wetlands. <sup>2,3</sup>
Areas of Environmental Concern	The subject property does not contain any Areas of Environmental Concern (AEC) <sup>4</sup> .

<sup>1</sup> According to the effective regulatory and preliminary Flood Insurance Rate Maps NC Flood Risk Information System (NC FRIS)

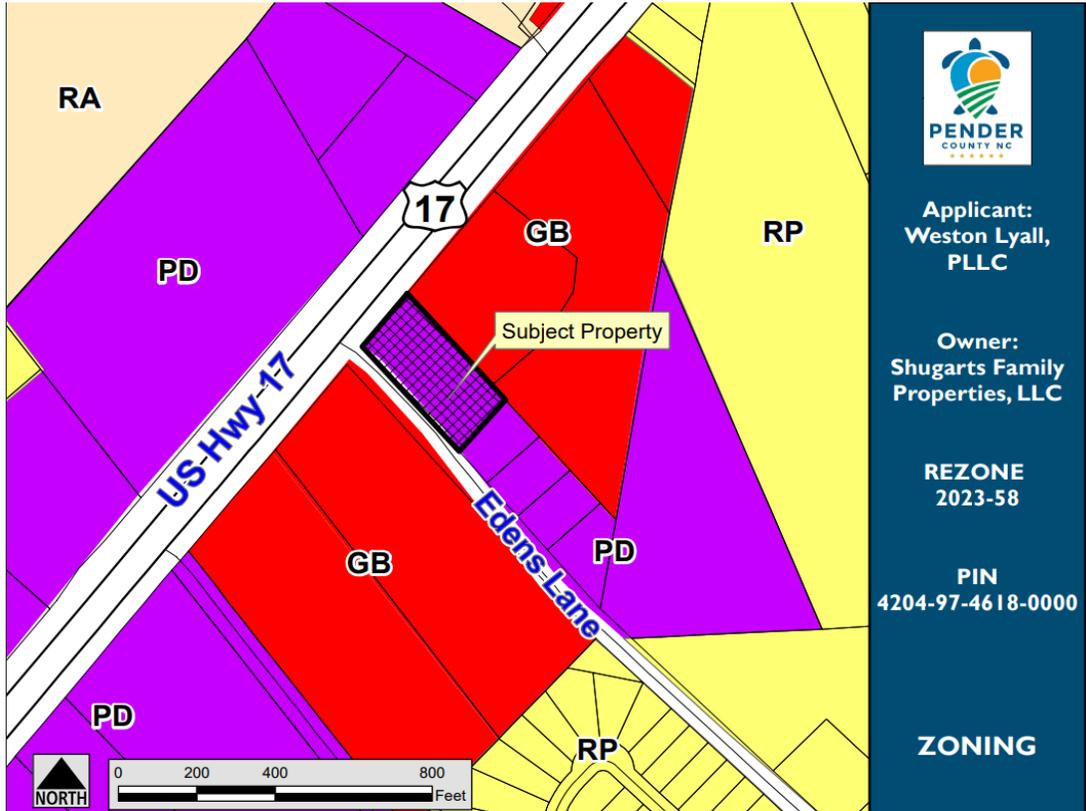
<sup>2</sup> According to the NC Division of Coastal Management (NC DCM)

<sup>3</sup> According to the National Wetlands Inventory (NWI)

<sup>4</sup> According to the North Carolina Department of Environmental Quality (NCDEQ)

**EVALUATION**

*Below: Current Zoning Map of the Area*



**CHARACTERISTICS OF THE SURROUNDING AREA**

	LAND USE	ZONING
<b>North</b>	Vacant, Commercial	PD, Planned Development; GB, General Business
<b>East</b>	Commercial, Residential	PD, Planned Development; GB, General Business; RP, Residential Performance
<b>South</b>	Commercial, Residential	PD, Planned Development; GB, General Business; RP, Residential Performance
<b>West</b>	Vacant, Commercial	PD, Planned Development; GB, General Business

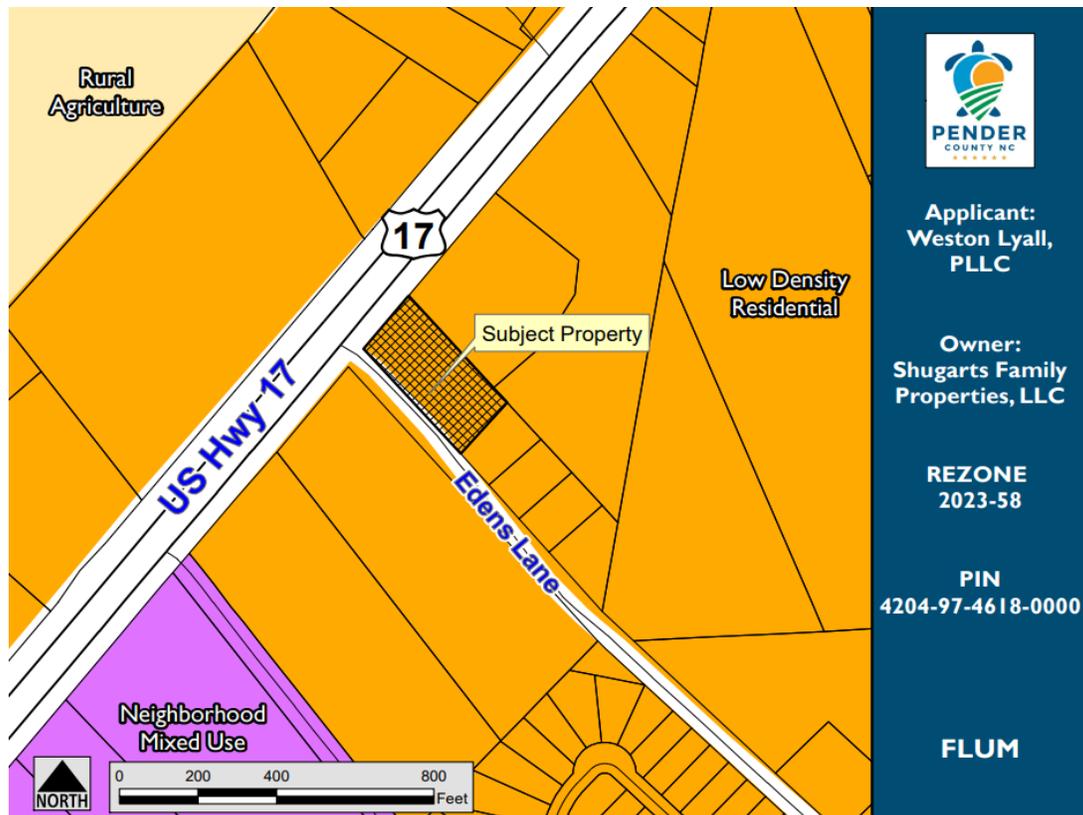
### Surrounding Zoning and Adjacent Land Uses

The subject property is currently within the PD, Planned Development zoning district. Properties immediately adjacent to the subject property are currently zoned GB, General Business and PD, Planned Development, as indicated by the table above.

There are established commercial businesses on both sides of the parcel along US Hwy 17. Established businesses located to the northeast include Longley Supply Company (Plumbing, Electrical, and HVAC Supplies) and Magnum Marine & RV Storage (Boat and RV Storage and Sales). To the southwest along this side of US Hwy 17 is Clayton Homes (Manufactured Homes Sales) and P&L Palms/Brad Wallace Irrigation & Landscape (Landscaping Business). Additionally, the northwest side of US Hwy 17 is generally undeveloped.

Immediately to the southeast, four parcels located along the north side of Edens Lane have received Zoning Permits for single family homes but have not received building permits at this time.

Below: Future Land Use Map of the Area



**Pender 2.0 Comprehensive Land Use Plan Compliance:** The subject property is located within the Low-Density Residential future land use category, as shown on the Future Land Use Map (FLUM) within the Pender 2.0 Comprehensive Land Use Plan.

The Low Density Residential future land use category is located on the fringe of medium density residential uses and within existing single-family neighborhoods. These areas are typically established single-family neighborhoods with a low-density residential development pattern. 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.

**Desired Uses:**

- Single-family residential uses – detached
- Duplexes and townhomes may be suitable when included as part of a master planned community
- Recreation, parks, and open space

**Inappropriate Uses:**

- Non-residential development
- Single-family dwellings – attached
- Multi-family residential uses

**Transportation Infrastructure:**

- Automobile: Collector (local, minor), and local roads
- Pedestrian: 5-foot sidewalks on one side
- Cyclist: bicycle lanes and multi-use paths

The proposed Zoning Map Amendment was found to be consistent with the following policies within the Pender 2.0 Comprehensive Land Use Plan:

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

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

**Policy 5.1.E: Compatible Development:** The County supports new commercial and multi-family developments that blend with surrounding neighborhoods and limit traffic, noise, and light impacts on existing residential uses.

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

**Policy 5.1.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.

**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. The standards have been outlined in this report for consideration by the Planning Board and Board of County Commissioners.

### 3.3.5 Approval Criteria for Rezoning

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

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

## RECOMMENDATION

Planning Staff is submitting the proposal for the Planning Board's recommendation. The proposed Zoning Map Amendment is supported by five policies within the Pender 2.0 Comprehensive Land Use Plan that encourage appropriately located commercial development that minimize impacts on existing residential uses. Although the proposed GB, General Business, zoning district rezoning request is inconsistent with the Future Land Use Map, the size of the parcel, existing uses on-site, proposed permitted uses, supporting policies, as well as its immediate proximity to commercially zoned property and established commercial uses, indicate that the request is reasonable and appropriate for this area. Planning Staff respectfully recommends approval of the Zoning Map Amendment as detailed in this report.

### PLANNING BOARD ACTION NEEDED:

**TO APPROVE:** Motion to approve the Zoning Map Amendment and to make a finding that the approval is consistent with the following policies in the Pender 2.0 Comprehensive Land Use Plan:

- **Policy 5.1.C**
- **Policy 5.1.D**
- **Policy 5.1.E**
- **Policy 5.1.H**
- **Policy 5.1.K**

While the proposed rezoning is inconsistent with the Low Density Residential Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan the proposal is reasonable and in the public interest because it has the potential to be generally consistent with current land uses in the vicinity.

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

**PLANNING BOARD ACTION FOR GENERAL USE REZONING**

<b>MOTION</b>	<b>SECONDED</b>

<b>APPROVED</b>	<b>DENIED</b>	<b>UNANIMOUS</b>

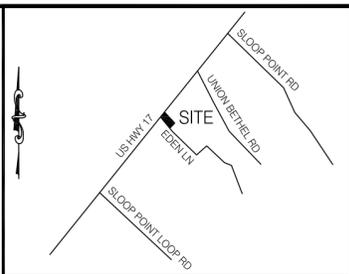
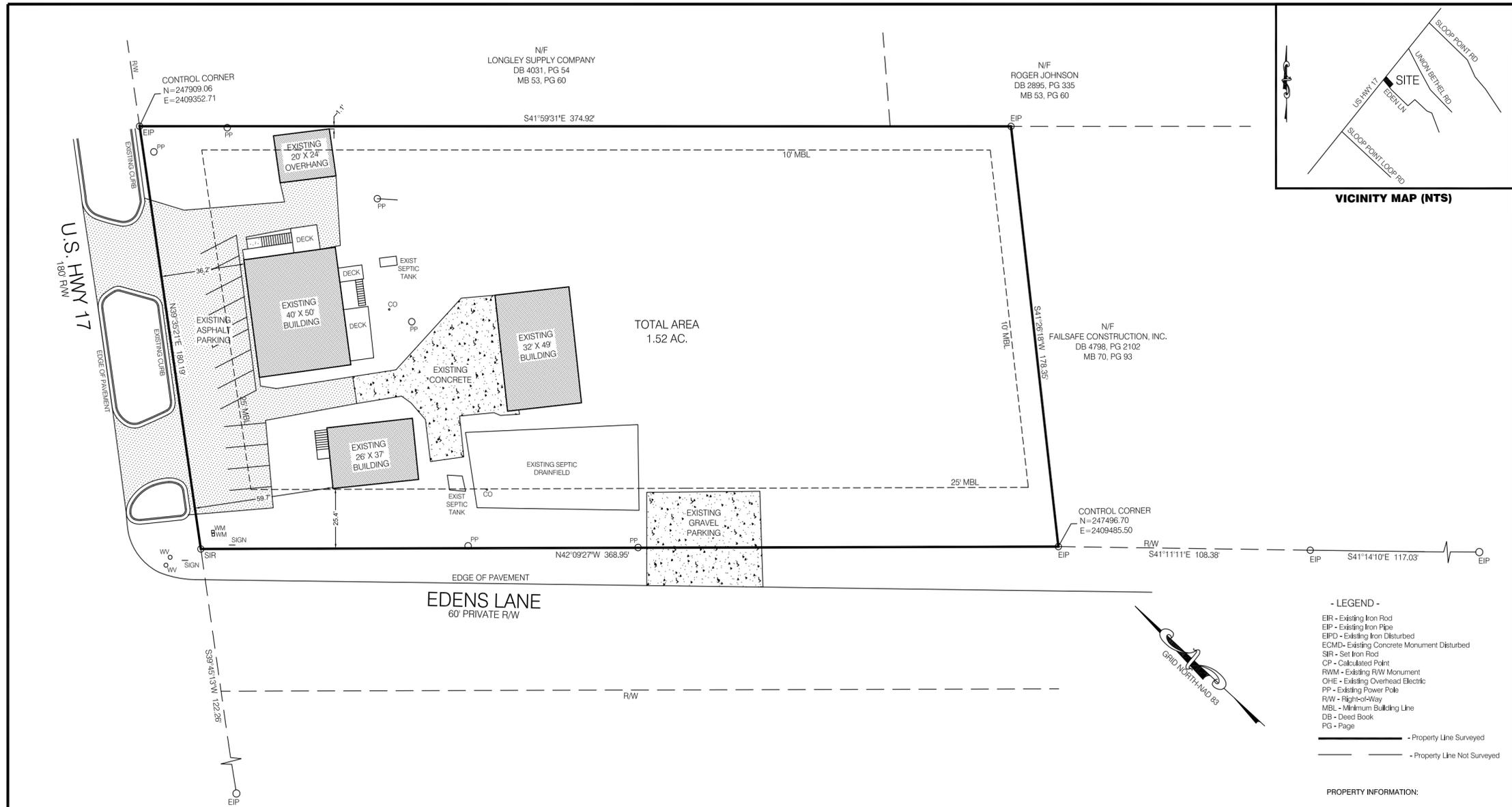
<b>Jordan</b>	<b>Buchanan</b>	<b>Beaudoin</b>	<b>Gruntfest</b>	<b>Mosca</b>	<b>Pitts</b>	<b>Teachey</b>

## APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA REZONE-2023-00058	Date	11/06/2023
Application Fee	\$ 500	Invoice	00036782
Pre-Application Conference	n/a	Hearing Date	01/03/2024
<b>SECTION 1: APPLICANT INFORMATION</b>			
Applicant's Name:	Weston Lyall PEPLS PLLC	Owner's Name:	Shugarts Family Properties
Applicant's Address:	214 Hwy 17 N Suite 1	Owner's Address:	150 Cornell Ln
City, State, & Zip	Holly Ridge NC 28445	City, State, & Zip	Hampstead NC 28443
Phone Number:	910 329-9961	Phone Number:	330-284-4909
Email Address:	westonlyall@westonlyall.com	Email Address:	jeremy.aquamassage@gmail.com
Legal relationship of applicant to landowner:			
<b>SECTION 2: PROJECT INFORMATION</b>			
Property Identification Number (PIN):	4204-97-4618-0000	Total property acreage:	1.52 AC
Current Zoning District:	PD	Proposed Zoning District:	GB
Project Address:	20180 US HWY 17 HAMPSTEAD		
Description of Project Location:	CORNER US HWY 17 AND EDENS LN		
<b>SECTION 3: SIGNATURES</b>			
Applicant's Signature		Date:	10-24-23
Applicant's Name Printed	CHRISTOPHER RYAN	Date:	10-24-23
Owner's Signature		Date:	10-24-23
Owner's Name Printed	Jeremy Shugarts	Date:	10-24-23
<b>NOTICE TO APPLICANT</b>			
<ol style="list-style-type: none"> <li>1. Applicant must also submit the information described on the Rezoning Checklist.</li> <li>2. Applicant or agent authorized in writing must attend the public hearing.</li> <li>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.</li> <li>4. All fees are non-refundable</li> <li>5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda</li> </ol>			

### Project Narrative

A zoning amendment request is being sought for the property located at 20180 and 20184 US Hwy 17 near Hampstead, NC, from current zoning of PD to proposed zoning of GB. The PIN number of said property is 4204-97-4618-0000. The owner is making this request in order to subdivide the property and propose a commercial use that will be in compliance with the GB zoning district, and be in harmony with existing commercial use on said property.



VICINITY MAP (NTS)

- LEGEND -

- EIR - Existing Iron Rod
  - EIP - Existing Iron Pipe
  - EIPD - Existing Iron Disturbed
  - ECMD - Existing Concrete Monument Disturbed
  - SIR - Soil Iron Rod
  - CP - Calculated Point
  - RWM - Existing R/W Monument
  - OHE - Existing Overhead Electric
  - PP - Existing Power Pole
  - R/W - Right-of-Way
  - MBL - Minimum Building Line
  - DB - Deed Book
  - PG - Page
- - - - - Property Line Surveyed  
 - - - - - Property Line Not Surveyed

PROPERTY INFORMATION:  
 OWNER: SHUGARTS FAMILY PROPERTIES, LLC  
 150 CORNELL LANE  
 HAMPSTEAD, NC 28443  
 DEED BOOK 4800, PAGE 2971  
 MAP BOOK 28, PAGE 1  
 TOTAL AREA: 1.52 AC.  
 PIN #4204-97-4618-0000



NORTH CAROLINA  
PENDER COUNTY

I, WESTON LYALL, PROFESSIONAL LAND SURVEYOR NUMBER L-4438, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION FROM (MAP BOOK 28 PAGE 1) AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY: CLASS OF SURVEY: B; POSITIONAL ACCURACY: 500 RMS; TYPE OF GPS FIELD PROCEDURE: VRSRTKGPS; DATUM: NAD83 "2007", NAVD88; GEIOD MODEL: GEIOD 03; COMBINED GRID FACTOR: 0.99999012; UNITS: US SURVEY FEET; THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION. THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

**PRELIMINARY PLAT  
 NOT FOR CONVEYANCE  
 SALES OR RECORDING**

WESTON LYALL, PLS

NOTES:

1. THIS PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS, EASEMENTS OF RECORD, ZONING ORDINANCE, AND UNDERGROUND UTILITIES, IF ANY.
2. NO TITLE SEARCH BY SURVEYOR.
3. AREA BY COORDINATE METHOD.
4. THIS SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE. NCFIRM COMMUNITY PANEL #3720-420400-J (EFFECTIVE DATE FEBRUARY 16, 2007).
5. THE SUBJECT PROPERTY CONTAINS NO AREAS OF ENVIRONMENTAL CONCERN.
6. REFERENCES: DB 4800, PG 2971; MB 28, PG 1; MB 70, PG 93
7. ZONING: PD PENDER COUNTY  
 NO BUILDING SETBACKS ESTABLISHED PER ORIGINAL DEED BOOK 4800, PAGE 2971  
 PROPOSED BUILDING SETBACKS TO COMPLY WITH NEIGHBORING DISTRICT "GB"  
 FRONT - 25', SIDE - 10', CORNER SIDE - 12', REAR - 10'
8. LOT "B" SHALL BE DIRECTLY ACCESSED VIA EXISTING 60' PRIVATE ROAD KNOW AS EDENS LANE, WHICH HAS DIRECT ACCESS FROM U.S. HWY 17.
9. THIS PARCEL CANNOT BE USED FOR BUILDING DEVELOPMENT, UNLESS AN APPROVED WASTE WATER DISPOSAL METHOD HAS BEEN APPROVED AND PERMITTED BY THE PENDER COUNTY ENVIRONMENTAL HEALTH DEPARTMENT OR APPROPRIATE STATE AGENCY OR UNLESS A NEW PLAT IS APPROVED AND RECORDED AS REQUIRED UNDER THIS ORDINANCE.
10. FIELD WORK COMPLETED MAY 3, 2023.

**REVISION BOUNDARY MAP FOR  
 JEREMY SHUGARTS**

20180 & 20184 US HWY 17, HAMPSTEAD, NC  
 ALL OF THE LANDS CLAIMED IN DEED BOOK 4800, PAGE 2971  
 TOPSAIL TOWNSHIP  
 PENDER COUNTY, NC

SCALE: 1" = 30' OCTOBER 23, 2023

**WESTON LYALL, PE, PLS, PLLC**  
 214 HIGHWAY 17N SUITE 1  
 HOLLY RIDGE, NC 28445  
 PHONE: 910-329-9961 FIRM LICENSE #P-0937  
 STRUCTURAL & CIVIL ENGINEERING & LAND SURVEYING

# **ATTACHMENT 1: Table of Permitted Uses**

**TABLE OF PERMITTED USES**

P=Permitted Use D=Permitted w/ Use Standards S=Special Use Approval Required SD=Special Use Approval Required w/ Additional Standards PM=Permitted in conjunction w/ the MDP process

Use Category Specific Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
		Residential				Mixed Use	Commercial	Industrial			Special Purpose
<b>RESIDENTIAL</b>											
SFD: Detached-Conventional		P	P	P	P	P					
SFD: Detached Zero Lot Line				P		P					
SFD-Attached: Duplex		P	P	P		P					
SFD-Attached: Multiplex				P		P					
SFD-Townhouse (5+ attached)				P		P					
Multifamily (condominium/apartment)				P		P					
Upper Story Residential						P	P	P			
Accessory Dwelling		D	D	P		D					
Accessory Dwelling on Non Residential Principal Uses		D				D			P	P	
Manufactured Home		P	D		P						
Manufactured Home Park					PMD						
<b>ACCESSORY USES AND STRUCTURES</b>											
Accessory Structures		P	P	P	P	P	P	P	P	P	
Cottage Occupations		SD	SD	SD		SD	SD				
Home Occupation		D	D	D	D	D	D				
Agritourism Activities on active farms		D	D	D	D	D	D	D	D	D	D
<b>Sector 21: MINING, QUARRYING, OIL AND GAS EXTRACTION</b>											
Nonmetallic Mineral Mining & Quarrying	2123	S								S	
Except: 212392 Phosphate Rock Mining											
Except: 212321 Borrow Pit Sand Mining			PMDS			PMD					
<b>Sector 22: UTILITIES</b>											
Fossil Fuel Electric Power Generation	221112									S	
Other Electric Power Generation	221119	S	S			S			P	P	
Electric Bulk Power Transmission & Control	221121	S	S	S	S	S	S	S	P	P	

Natural Gas Distribution Except Transmission Lines	221210										P
Water Supply Facilities*	221310		S				PM				P
Sewage Treatment Facilities*	221320		S	PMD/S			PMD/S				P
Except: Sewage Lift Stations*		SD	SD	PMD/S	PMD/S	PMD/S	D	D	D	D	
*County Owned or County Service District Provided Systems=P											
		<b>Zoning Districts</b>									
<b>Use Type</b>	<b>Ref NAICS</b>	<b>RA</b>	<b>RP</b>	<b>RM</b>	<b>MH</b>	<b>PD</b>	<b>GB</b>	<b>OI</b>	<b>IT</b>	<b>GI</b>	<b>EC</b>
<b>Sector 23: CONSTRUCTION</b>											
Construction of Buildings	236						D		P	P	
Heavy and Civil Engineering Construction	237						D		P	P	
Specialty Trade Contractors	238						D		P	P	
<b>Sectors 31-33 MANUFACTURING</b>											
Artisan Manufacturing		S	S			P	P		P		
Food Manufacturing	311									P	
Beverage and Tobacco Product Manufacturing	312									P	
Textile Mills	313									P	
Textile Product Mills	314									P	
Apparel Manufacturing	315									P	
Wood Product Manufacturing	321								P	P	
Truss Manufacturing	321214						S		P	P	
Prefabricated Wood Building Manufacturing	321992						S		P	P	
Prefabricated Metal Building and Component Manufacturing	332311						S		P	P	
Paper Manufacturing	322									S	
Converted Paper Product Manufacturing	3222									P	
Printing and Related Support Activities	323								P	P	
Petroleum and Coal Products Manufacturing	324									S	
Synthetic Dye and Pigment Manufacturing	32513									P	
Other Basic Organic Chemical Manufacturing	32519									P	
Resin, Synthetic Rubber & Artificial Synthetic Fibers and Filaments Manufacturing	3252									P	

Pharmaceutical Manufacturing	3254								P	P	
Paint, Coating and Adhesive Manufacturing	3255									P	
Soap, Cleaning Compound and Toilet Preparation Manufacturing	3256									P	
Other Chemical Product and Preparation Manufacturing										P	
Except: 32592 Explosive Manufacturing											
Plastics and Rubber Products Manufacturing	326									P	
Clay Product and Refractory Manufacturing	3271									P	
Ready-Mix Concrete Manufacturing	32732									P	
Concrete Pipe, Brick, & Block Manufacturing	32733									P	

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

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

Warehousing and Storage	493	S							P	P	
<b>Sector 51: INFORMATION</b>											
Information	51					P	P	P	P	P	
Finance and Insurance	52	S	S			P	P	P	P	P	
<b>Sector 53: REAL ESTATE AND RENTAL AND LEASING</b>											
Real Estate and Rental and Leasing	53	S	S			P	P	P	P	P	
Commercial and Industrial Machinery and Equipment Rental and Leasing	5324								P	P	
<b>Sector 54: PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES</b>											
Professional, Scientific, & Technical Services	54	S	S			P	P	P	P	P	
<b>Sector 55: MANAGEMENT OF COMPANIES AND ENTERPRISES</b>											
Management of Companies and Enterprises	55	S	S			P	P	P	P	P	
<b>Sector 56: ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES</b>											
Administrative and Support Services	561	S				P	P	P	P	P	
Solid Waste Collection Public	562111	P	P	P	P	P	P	P	P	P	
Solid Waste Collection Private	562111										S
Solid Waste Landfill	562212										S
Solid Waste Combustors and Incinerators	562213										S
Other Nonhazardous Waste Treatment and Disposal	562219	S					S		S	S	
Remediation Services	562910										S
Materials Recovery Facilities	562920										S
All Other Waste Management Facilities	56299										S
<b>Sector 61: EDUCATIONAL SERVICES</b>											
Educational Services	611	P	S			P	P	P			
Business Schools, Computer & Management Training	6114	S				P		P	P		
Technical and Trade Schools	6115	S				P	P	P	P	P	
Other Schools and Instruction	6116	S				P	P	P	P		

<b>Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE</b>											
Ambulatory Health Care Services	621					P	P	P			
<b>Except:</b> Outpatient Mental Health and Substance Abuse Centers	62142						P	S			
Hospitals	622	S				P	P	P			
<b>Zoning Districts</b>											
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
<b>Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE</b>											
<b>Except:</b> Psychiatric and Substance Abuse Hospitals	6222							S			
<b>Except:</b> Outpatient Mental Health and Substance Abuse Hospitals	62142						S	S			
Nursing and Residential Care Facilities	623	S	S			P	P	P			
<b>Except:</b> Residential Mental Retardation, Mental Health & Substance Abuse Facilities	6232	S						S			
Social Assistance	624	S				P	P	P			
Vocational Rehabilitation Services	6243						P	P	P	P	
<b>Sector 71: ARTS, ENTERTAINMENT, AND RECREATION</b>											
Performing Arts Companies	7111	S				P	P				
Spectator Sports	7112	S					P		P		
Promoters of Performing Arts, Sports and Similar Events	7113	S				S	S				
Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures	7114					P	P	P			
Museums, Historical Sites and Similar Institutions	712	S				P	P	P			
Amusement and Theme Parks	713110	S				S	S				
Amusement Arcades	713120						P				
Golf Courses and Country Clubs	713910	S	PM			P					
Fitness & Recreational Sports Centers	713940	S				P	P	P	P		
Bowling Centers	71395					P	P	P	P		

All Other Amusement & Recreation Industries	71399	S				P	P		P		
Aviation Clubs, Recreational	713990	S	S			P	P		P		
Canoeing, Recreational	713990	S	S			P	P		P		
Fishing Clubs, Recreational	713990	S	S			P	P		P		
Flying Clubs, Recreational	713990	S	S			P	P		P		
Guide Services (i.e. Fishing, Hunting, Tourist)	713990	S	S			P	P		P		
Horse Riding, Recreational	713990	P	S								
Outdoor Shooting Ranges	713990	S									
<b>Zoning Districts</b>											
<b>Use Type</b>	<b>Ref NAICS</b>	<b>RA</b>	<b>RP</b>	<b>RM</b>	<b>MH</b>	<b>PD</b>	<b>GB</b>	<b>OI</b>	<b>IT</b>	<b>GI</b>	<b>EC</b>
<b>Sector 72: ACCOMMODATIONS AND FOOD SERVICES</b>											
Hotels and Motels	72111					P	D	D			
Bed and Breakfast Inns	721191	S	S		S	P	P				
All Other Traveler Accommodation	721199	S	S		S	P	P				
RV Parks and Recreational Camps	7212	SD					SD				
Recreational and Vacation Camps	721214	S									S
Rooming and Boarding Houses	721310	S				P	P				
Full Service Restaurants	7221	S				P	P	P	P	P	
Limited Service Eating Places	7222	S				P	P	P	P	P	
Special Food Services	7223	S				P	P	P	P	P	
Drinking Places (Alcoholic Beverages)	7224	S				P	P				
<b>Sector 81: OTHER SERVICES, EXCEPT PUBLIC ADMINISTRATION</b>											
Automotive Repair and Maintenance	8111	S					P		P	P	
Electronic and Precision Equipment Repair and Maintenance	8112	S					P	P	P	P	
Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	8113								P	P	
Personal and Household Goods Repair and Maintenance	8114	S				P	P	P	P	P	

Personal Care Services	8121	P	S			P	P	P	P		
Funeral Homes and Funeral Services	81221	S					P	P	P	P	
Cemeteries and Crematories Except: Private Cemetery	81222	S	S			S	S	S	S	S	
Coin Operated Laundries and Drycleaners	812310	P				P	P				
Dry-cleaning and Laundry Services	812320	S				P	P		P	P	
Linen & Uniform Supply	81233								P	P	
Other Personal Services	8129	S				P	P	P	P		
Pet Care Services	812910	D					D		D	D	
Religious Organizations	8131	P	S			P	P	P	P		
Grant making and Giving Services	8132					P	P	P	P		
Social Advocacy Organizations	8133					P	P	P	P		
Civic and Social Organizations	813410	S	S			P	P	P			
Business, Professional, Labor, Political and Similar Organizations	8139					P	P	P	P		
Public Administration	92	P	P	P	P	P	P	P	P	P	
<b>Zoning Districts</b>											
<b>Use Type</b>	<b>Ref NAICS</b>	<b>RA</b>	<b>RP</b>	<b>RM</b>	<b>MH</b>	<b>PD</b>	<b>GB</b>	<b>OI</b>	<b>IT</b>	<b>GI</b>	<b>EC</b>
<b>MISCELLANEOUS USES</b>											
Adult and Sexually Oriented Businesses									S	S	
Adult Retail									S	S	
Bona fide Farm Purposes		D	D	D	D	D	D	D	D	D	D
Child Care Center		P	S			S	P	P			
Community Boating Facility		SD	SD	SD	SD	SD					
Community Boating Facility in conjunction with a Master Development Plan		SD	PMD	PMD	PMD	PMD					
Disaster Volunteer Housing		D	D	D	D	D	D	D	D	D	
Family Care Home		D	D	D	D	D					
Family Child Care Home		P	P			P	P	P			
Industrial Park										SD	
Marina (Commercial)		SD	PMD			PMD					
Portable Storage Containers		D	D	D	D	D	D	D	D	D	
Private Cemetery less than 6,000 sq. ft.		D	D				D	D	D		

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