



Pender County

Agenda

Planning Board Meeting

Tuesday, February 6, 2024 @ 7:00 PM

Pender County Hampstead Annex - 15060 US HWY 17,
Hampstead

	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.	January 3, 2024 Meeting Minutes January 3, 2024 Meeting Minutes - Pdf	3 - 11
7.	APPROVALS AND RESOLUTIONS	
7.1.	Revision to the 2024 Planning Board Meeting Calendar Revised Calendar - Pdf	13 - 14
8.	PUBLIC COMMENT	
9.	PUBLIC HEARINGS	
9.1.	REZONE 2023-59: Request to rezone approximately 2.37 acres of an approximately 5.65 acre parcel from the RA, Rural Agricultural zoning district to the CZ-5, Conditional Zoning District 5 in the Long Creek Township REZONE 2023-59 - Pdf	15 - 60
9.2.	REZONE 2024-63: Request to reclassify 2.37 acres of a 5.65 acre parcel from the Medium Density Residential future land use category to the Neighborhood Mixed Use future land use category in the Long Creek Township REZONE 2024-63 - Pdf	61 - 105
9.3.	REZONE 2023-61: Request to rezone two parcels from the GB, General Business zoning district to the CZ-6, Conditional Zoning District 6 in the Topsail Township REZONE 2023-61 - Pdf	107 - 148
9.4.	ZTA 2024-22: Request to amend the Unified Development Ordinance, specifically Article 3: Review Procedures ZTA 2024-22 - Pdf	149 - 164
10.	DISCUSSION	
10.1.	Discussion of Uses Permitted via Special Use Permit Discussion of Uses Permitted via Special Use Permit - Pdf	165

11. NEXT MEETING DATE
12. ADJOURNMENT



Pender County January 3, 2024 Meeting Minutes

TO: Planning Board
FROM: Daniel Adams
DATE: February 6, 2024
SUBJECT: January 3, 2024 Meeting Minutes

SUMMARY:

January 3, 2024 Meeting Minutes

ACTION REQUESTED:

Approval of minutes from January 3, 2024 Planning Board meeting.

ATTACHMENTS:

1. January 3, 2024 Planning Board meeting minutes



DRAFT MINUTES
Planning Board Meeting
Wednesday, January 3, 2024
Hampstead Annex Auditorium
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
Tucker Cherry, 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

Mr. Adams requested two amendments to the agenda. He requested the election of Board officers which would consist of the Chair and Vice-Chair. Mr. Adams proposed that item be placed under number five. Mr. Adams also requested a map of recombination be added to the agenda under item 9.2.

Motion to approve the agenda with the two additions made by Mr. Buchanan, seconded by Mr. Teachey.

Motion to approve

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

CARRIED.

6 ELECTION OF BOARD MEMBERS

Mr. Thurman explained the procedure to adopt both the Chairman and Vice-Chairman to the Board members.

Mr. Thurman opened the floor to nominations for the position of Chairman. Mr. Buchanan nominated Mr. Jordan. Due to no further nominations being made, Mr. Thurman closed the floor. A vote was taken, and the election of Mr. Jordan was unanimously approved.

Mr. Thurman opened the floor for nominations of Vice-Chairman. Mr. Pitts nominated Mr. Buchanan. Due to no further nominations being made, Mr. Thurman closed the floor. A vote was taken, and the election of Mr. Buchanan was unanimously approved.

7 ADOPTION OF MINUTES

Motion to approve the December 5, 2023, minutes made by Mr. Buchanan, seconded

by Mr. Pitts.

Motion to approve

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

CARRIED.

8 PUBLIC COMMENT

No public comment.

9 PUBLIC HEARING

a) REZONE 2023-58

Tucker Cherry, Current Planner, presented the staff report.

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 property is 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.

Mr. Jordan asked if the lot behind this subject property is wooded and zoned PD also. Mr. Tucker responded that the three lots located on Edens Lane are wooded and zoned PD.

Mr. Brantley stated that in the past a special request was made for a Limited Subdivision which was approved by the Planning Board in 2022. He stated that the Planning Board approved a Limited Subdivision in order for the developers to create the four lots that are adjacent to this rezoning site.

Mr. Buchanan asked if the applicant can't simply develop the land for business purposes under the PD Zoning is due to some type of mixed-use component being

needed. Mr. Tucker stated that a residential component would be needed with any future development. Mr. Brantley stated that the developers would not be able to pursue a Master Development Plan due to the Future Land Use Low Density Residential category identifying commercial as inappropriate.

Mr. Buchanan stated that some of the commercial uses have been in this area much longer than the Future Land Use Map has been in existence. He stated that he feels this request is another example of an inconsistency within the Future Land Use Map not identifying legally non-conforming uses that have been in existence longer than the map has.

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

Mr. Jordan asked if the Applicant has a presentation. Mr. Adams stated that they are present in the audience and are willing to answer questions but do not have a formal presentation.

Mr. Buchanan expressed his support of the rezoning due to the desperate need for the services that would be attainable if the rezoning request is approved.

Mr. Buchanan made a motion to approve the 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 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. Ms. Mosca seconded the motion.

Motion to approve

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

CARRIED.

b) MAP OF RECOMBINATION

Mr. Brantley, Deputy Planning Director, presented the request. He provided the Board members with a map. The map is recognized as **Exhibit A** and was accepted into record.

Mr. Brantley stated that last year the Planning Board approved a Limited Subdivision containing four parcels in Planned Development. He stated that the developers were not able to pursue a Limited Subdivision through staff and that Planning staff had to rely on the Board for guidance and approval.

Mr. Brantley stated that the owner, Jimmy Ellington, has been working with Wes Corden to reconfigure two parcels. Mr. Brantley stated that the owner is requesting to modify a property line to limit one parcel to an existing commercial use. He stated that the remaining parcel will have two residences that have been located on the property for years.

Mr. Brantley stated that currently the back parcel consists of 8.35 acres and the front parcel is 3.15 acres. He stated that the owner is proposing for the back parcel be modified to 9.55 acres with the front parcel being reduced to just under 2 acres.

Mr. Brantley stated that the Planning staff is requesting permission to execute this recombination plat to allow the owner to move forward with the land sale.

Mr. Buchanan asked if the proposed two lots meet all the necessary criteria. Mr. Brantley responded affirmatively.

Mr. Buchanan asked if Pansy Lane is used as an access to this property and if Pansy Lane is a private access. Mr. Brantley responded affirmatively.

Mr. Beaudoin made a motion to approve the recombination as presented by the Planning staff. Mr. Teachey seconded the motion.

Motion to approve

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

CARRIED.

Mr. Buchanan made a motion to hold the February 2024 meeting in the Hampstead Annex building. Mr. Teachey seconded the motion.

Motion to approve

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

CARRIED.

Mr. Buchanan made a motion to start the February 2024 meeting at 7:00 p.m.
 Mr. Pitts seconded the motion.

Motion to approve

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

CARRIED.

10 NEXT MEETING DATE

February 6, 2024, at 7:00 p.m.
 Hampstead Annex Auditorium
 15060 US Hwy 17
 Hampstead, NC 28443

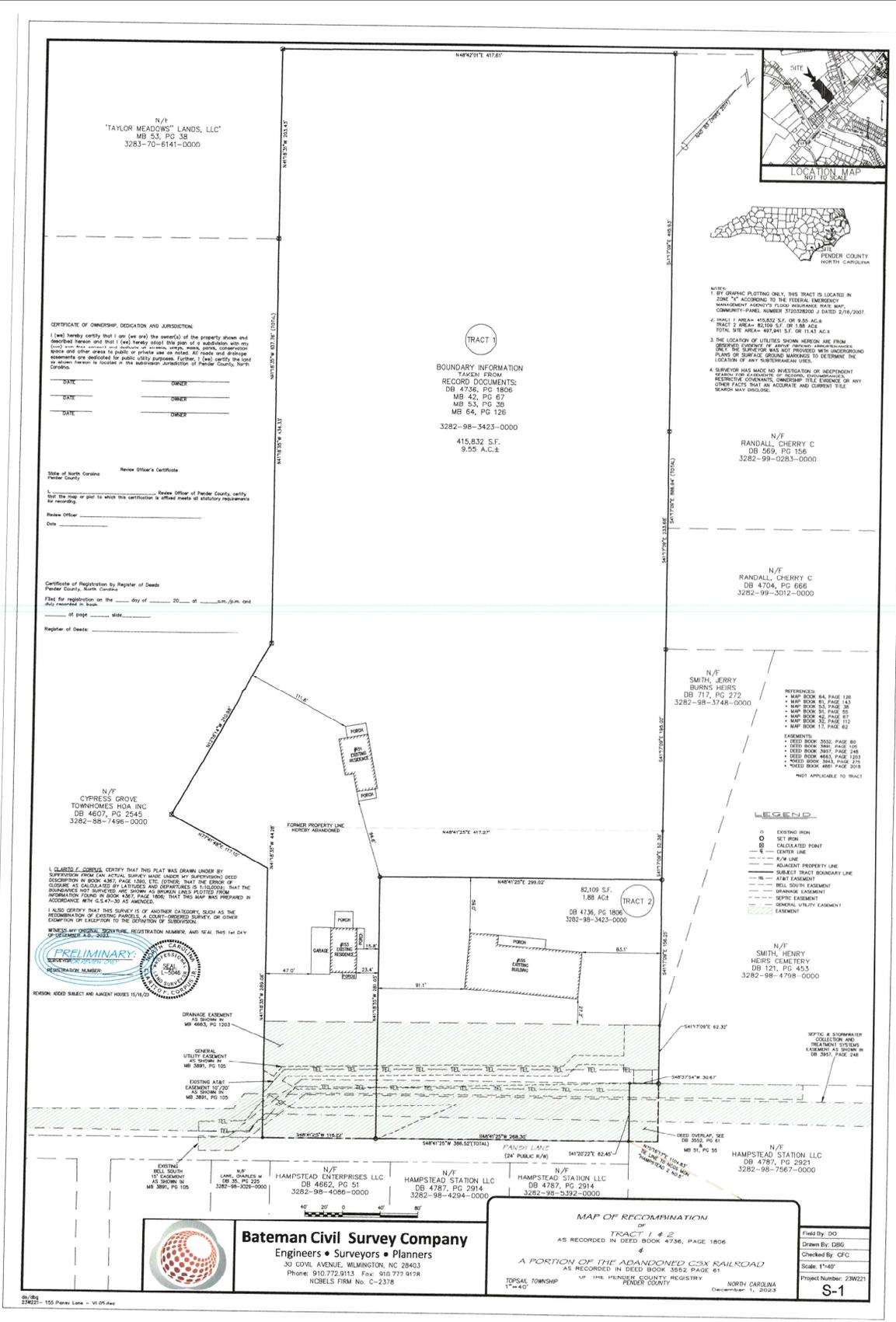
11 ADJOURNMENT

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

Motion to approve

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

CARRIED.



CERTIFICATE OF OWNERSHIP, DEDICATION AND JURISDICTION

I (we) hereby certify that I am (we and the interests) of the property above and described herein and that I (we) hereby adopt this plan of a subdivision and any other plan or plans and all other plans or plans as filed. All roads and drainage easements are dedicated for public utility purposes. Further, I (we) certify the land above herein is located in the jurisdiction of Pender County, North Carolina.

DATE	OWNER
DATE	OWNER
DATE	OWNER

BOUNDARY INFORMATION

PAGES FROM RECORD DOCUMENTS:
 DB 4736, PG 1806
 MB 42, PG 67
 MB 53, PG 59
 MB 64, PG 126

3282-98-3423-0000

415,832 S.F.
 9.55 A.C.

State of North Carolina
 Pender County

Review Officer's Certificate

I, _____ Review Officer of Pender County, certify that the map or plan to which this certification is affixed meets all statutory requirements for recording.

Review Officer _____
 Date _____

Certificate of Registration by Register of Deeds
 Pender County, North Carolina

Filed for registration on the _____ day of _____, 20____ at _____ a.m./p.m. and
 is recorded in book _____ of page _____.

Register of Deeds _____

I CLAIMED TO CORRECTLY CERTIFY THAT THIS PLAN WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION AND AS CALCULATED BY LATITUDE AND DEPARTURES IS ACCURATE AND THAT THE INFORMATION NOTED HEREON AND OTHER INFORMATION PLACED THEREON IS TRUE AND CORRECT AND THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH G.S. 47-17 TO 47-25.

I ALSO CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECONSTRUCTION OF EXISTING PARCELS, A COUNTY-OWNED SURVEY, OR OTHER EXCEPTION OF EXEMPTION TO THE DEFINITION OF SURVEYING.

WHENEVER MY ORIGINAL SURVEYING REGISTRATION NUMBER AND SEAL THIS DAY EXPIRE OR BECOME INVALID.



REVISION: ADD SUBJECT AND ADJACENT HOUSES 10/11/23

DRAINAGE EASEMENT AS SHOWN IN MB 6663, PG 1263

GENERAL UTILITY EASEMENT AS SHOWN IN MB 3891, PG 105

EXISTING AT&T EASEMENT 60' WIDE AS SHOWN IN MB 3891, PG 105

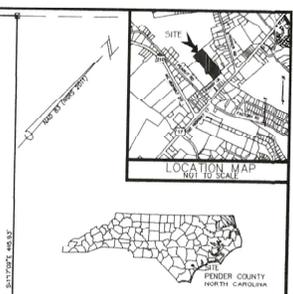
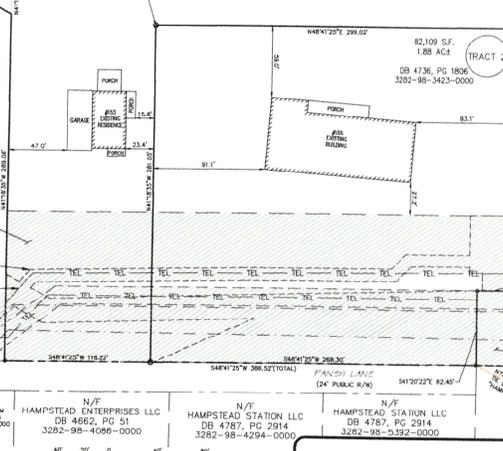
EXISTING BELL SOUTH UTILITY EASEMENT AS SHOWN IN MB 3891, PG 105

N/F LANE CHANGES IN DB 35, PG 225 3282-98-3028-0000

HAMPSTEAD ENTERPRISES LLC DB 4662, PG 51 3282-98-4086-0000

HAMPSTEAD STATION LLC DB 4787, PG 2914 3282-98-4294-0000

HAMPSTEAD STATION LLC DB 4787, PG 2914 3282-98-5392-0000



NOTES:

- BY GRAPHIC PLATTING ONLY, THIS TRACT IS LOCATED IN ZONE "A" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP, COMMUNITY-FLOOD NUMBER 220280001, DATED 2/18/2007.
- TRACT 1 AREA= 415,832 S.F. OR 9.55 A.C.
 TRACT 2 AREA= 82,100 S.F. OR 1.88 A.C.
 TOTAL SITE AREA= 497,932 S.F. OR 11.43 A.C.
- THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM DEPICTED EASEMENTS AND ARE NOT TO BE CONSIDERED AS A BASIS FOR ANY INVESTIGATION OR INDEPENDENT VERIFICATION OF THE LOCATION OF ANY UTILITIES. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE RECORDS MANAGED TO DETERMINE THE LOCATION OF ANY UTILITIES.
- SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT VERIFICATION OF THE LOCATION OF ANY UTILITIES. RESTRICTIVE COVENANTS, EASEMENTS, OR OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

N/F RANDALL, CHERRY C DB 569, PG 156 3282-99-0283-0000

N/F RANDALL, CHERRY C DB 4704, PG 666 3282-99-3012-0000

N/F SMITH, JERRY BURNS HEIRS DB 717, PG 272 3282-98-3748-0000

REFERENCES:
 MAP BOOK 84, PAGE 126
 MAP BOOK 81, PAGE 143
 MAP BOOK 81, PAGE 55
 MAP BOOK 82, PAGE 117
 MAP BOOK 82, PAGE 112
 MAP BOOK 17, PAGE 62

EASEMENTS:
 DEED BOOK 3552, PAGE 80
 DEED BOOK 3885, PAGE 105
 DEED BOOK 3887, PAGE 248
 DEED BOOK 3885, PAGE 105
 WOLED BOOK 3844, PAGE 275
 DEED BOOK 488, PAGE 208

NOT APPLICABLE TO TRACT

LEGEND

- EXISTING IRON
- SET IRON
- CALCULATED POINT
- CENTER LINE
- R/W LINE
- ADJACENT PROPERTY LINE
- SUBJECT TRACT BOUNDARY LINE
- AT&T EASEMENT
- BELL SOUTH EASEMENT
- DRAINAGE EASEMENT
- SEPTIC EASEMENT
- GENERAL UTILITY EASEMENT
- EASEMENT

N/F SMITH, HENRY HEIRS CEMETERY DB 121, PG 453 3282-98-4708-0000

SEPTIC # 307600000 COLLECTION AND TREATMENT SYSTEMS EASEMENT AS SHOWN IN DB 3891, PAGE 248

DEED OVERLAP: SEE DB 3892, PG 61 MB 81, PG 98

N/F HAMPSTEAD STATION LLC DB 4787, PG 2921 3282-98-7567-0000



Bateman Civil Survey Company
 Engineers • Surveyors • Planners

30 CIVIL AVENUE, WILMINGTON, NC 28403
 Phone: 910-772-9113 Fax: 910-772-9178
 NCBSLS FIRM No. C-2378

MAP OF RECOMBINATION
 OF
 TRACT 1 & 2
 AS RECORDED IN DEED BOOK 4736, PAGE 1806

A PORTION OF THE ABANDONED CSX RAILROAD
 AS RECORDED IN DEED BOOK 3552 PAGE 61

TOPSAIL TOWNSHIP OF THE PENDER COUNTY, REGISTRY NORTH CAROLINA
 1"=40' (December 1, 2013)

Field By: DO
Drawn By: DBG
Checked By: CFC
Scale: 1"=40'
Project Number: 2380221

S-1

Exhibit Page 9 of 9



Pender County Revision to the 2024 Planning Board Meeting Calendar

TO: Planning Board
FROM: Daniel Adams
DATE: February 6, 2024
SUBJECT: Revision to the 2024 Planning Board Meeting Calendar

SUMMARY:

The initial 2024 calendar for the Planning Board showed a meeting on April 2, 2024. Due to the County observing a holiday on Monday, April 1, 2024, the Board of Commissioners meeting that would generally fall on the first Monday of the month has been scheduled for April 2. Staff is requesting to modify the previously-adopted calendar to move the April Planning Board meeting to Wednesday, April 3.

ACTION REQUESTED:

To amend the 2024 Planning Board meeting calendar.

ATTACHMENTS:

1. Revised 2024 Meeting Calendar

2024 Planning Board Schedule	
Month	Meeting Date
January	1.3.2024*
February	2.6.2024
March	3.5.2024
April	4.3.2024*
May	5.7.2024
June	6.4.2024
July	7.2.2024
August	8.6.2024
September	9.4.2024*
October	10.1.2024
November	11.6.2024*
December	12.3.2024
<i>January 2025 (Tentative)</i>	<i>1.7.2025</i>
<i>February 2025 (Tentative)</i>	<i>2.4.2025</i>

*Denotes meeting that will not be held on the first Tuesday of the month.



**Pender County
REZONE 2023-59: Request to rezone
approximately 2.37 acres of an
approximately 5.65 acre parcel from the
RA, Rural Agricultural zoning district to
the CZ-5, Conditional Zoning District 5 in
the Long Creek Township**

TO: Planning Board
FROM: Taylor Davis
DATE: February 6, 2024
SUBJECT: REZONE 2023-59: Request to rezone approximately 2.37 acres of an approximately 5.65 acre parcel from the RA, Rural Agricultural zoning district to the CZ-5, Conditional Zoning District 5 in the Long Creek Township

SUMMARY:

Rhetson Companies Inc., applicant, on behalf of Livvie R. Lewis, owner, is requesting the approval of a Conditional Zoning Map Amendment to rezone approximately 2.37 acres of a 5.65-acre tract from the RA, Rural Agricultural zoning district to the CZ-5, Conditional Zoning District 5. Specifically, the request is for a 12,480 square foot general retail store classified under NAICS (2007) code 452990, Other General Merchandise Stores. In conjunction with this request, the applicant is also requesting an amendment to the Future Land Use Map within the Pender 2.0 Comprehensive Land Use Plan from the Medium Density Residential future land use category to the Neighborhood Mixed Use future land use category.

The subject property is located across the intersection of Clarks Landing Loop Road where NC HWY 133 merges with NC HWY 210. The property fronts Little Kelly Road and NC HWY 210 in the Long Creek Township and may be further identified by Pender County PIN 3214-28-8318-0000.

ACTION REQUESTED:

Hold a public hearing and consider the request.

ATTACHMENTS:

1. Staff Report
2. Application
3. Narrative
4. Attachment 1: Site Plan

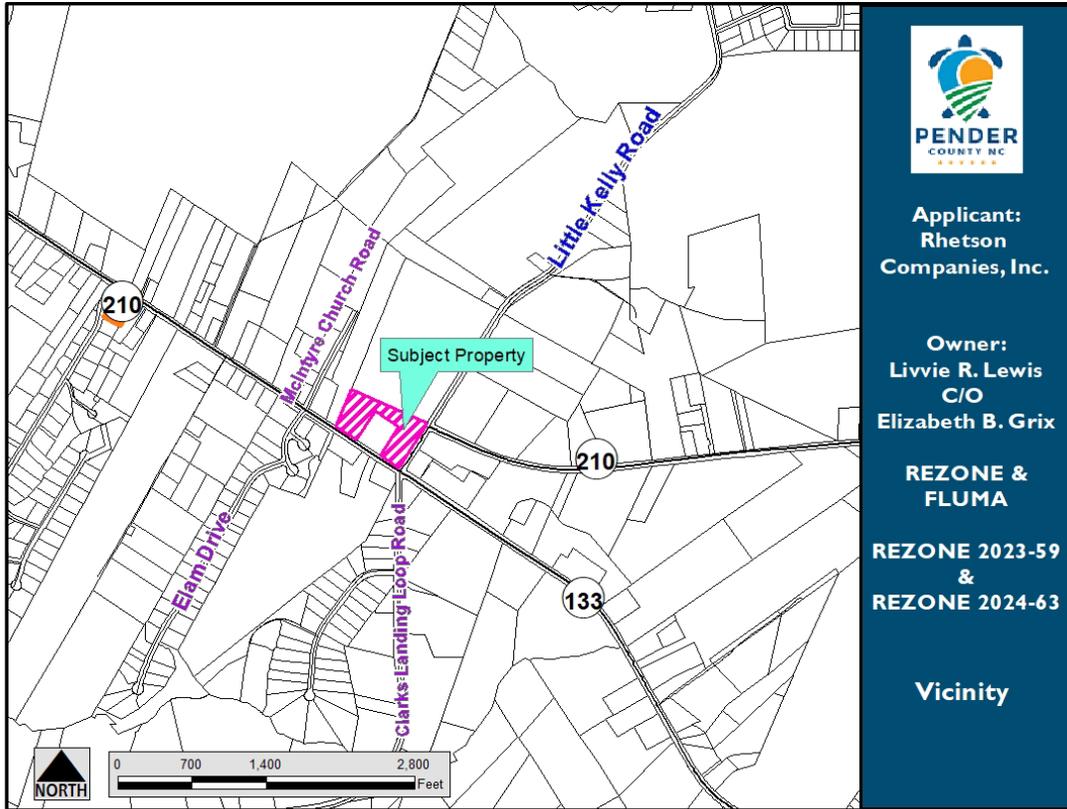
5. Attachment 2: Table of Permitted Uses
6. Attachment 3: Public Input Meeting Packet
7. Attachment 4: Survey
8. Attachment 5: Purchase Agreement (available upon request)

**STAFF REPORT FOR REZONE 2023-59 (CZMA) & REZONE 2024-63 (FLUMA)
ZONING MAP & FUTURE LAND USE MAP AMENDMENT APPLICATION**

APPLICATION SUMMARY	
Case Number	REZONE 2023-59 & REZONE 2024-63 (FLUMA)
Hearing Dates	February 6, 2024 – Planning Board
Applicant	Rhetson Companies, INC.
Property Owner	Livvie R. Lewis C/O Elizabeth B. Grix
Parcel Identification Number(s)	3214-28-8318-0000
Proposed Rezoning Area	Approximately 2.37 Acres
Township	Long Creek
Pender 2.0 Future Land Use Category	Medium Density Residential

REZONING & FLUMA PROPOSAL
Rhetson Companies Inc., applicant, on behalf of Livvie R. Lewis, owner, is requesting the approval of a Conditional Zoning Map Amendment to rezone approximately 2.37 acres of a 5.65 acre tract from the RA, Rural Agriculture zoning district to the CZ-5, Conditional Zoning District 5. Specifically, the request is for a 12,480 square foot general retail store classified under NAICS code 453, Miscellaneous Store Retailers. In conjunction with this request, the applicant is also requesting an amendment to the Future Land Use Map within the Pender 2.0 Comprehensive Land Use Plan from the Medium Density Residential future land use category to the Neighborhood Mixed Use future land use category.
LOCATION
The subject property is located across the intersection of Clarks Landing Loop Road where NC HWY 133 merges with NC HWY 210. The property fronts Little Kelly Road and NC HWY 210 in the Long Creek Township and may be further identified by Pender County PIN 3214-28-8318-0000.

Below: Vicinity Map of the Area



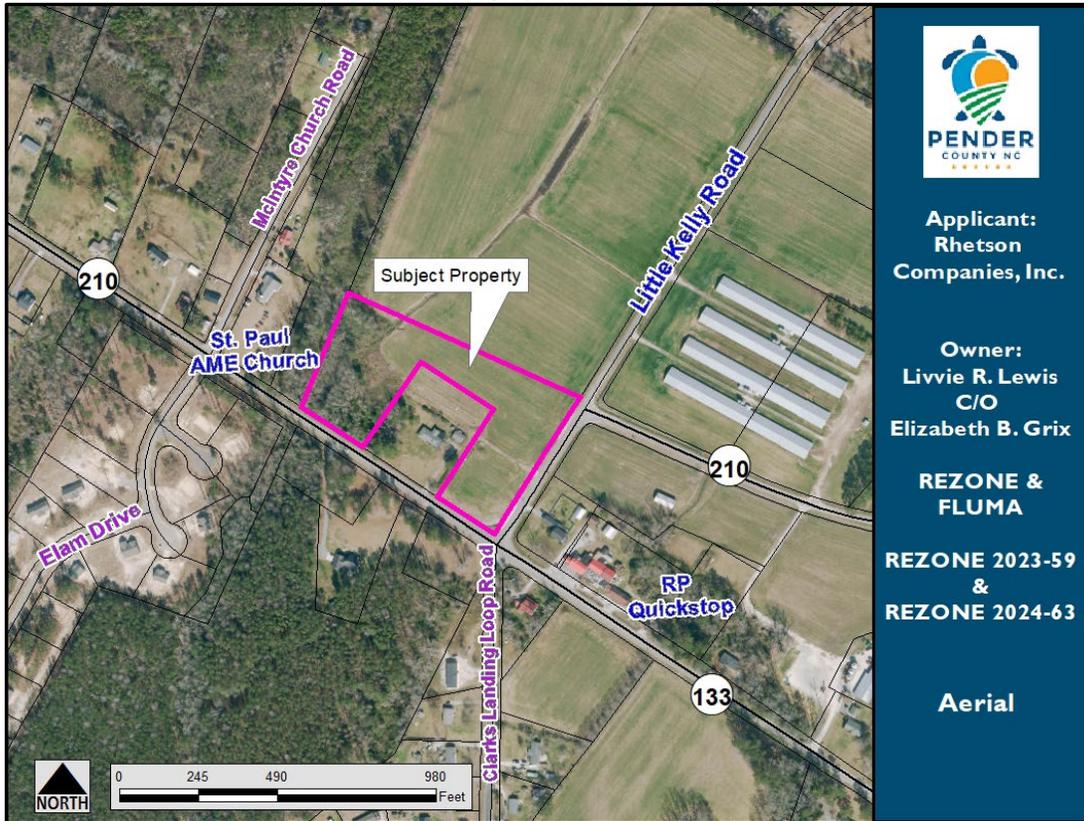
REZONING & DEVELOPMENT PROPOSAL

The applicant is proposing to rezone approximately 2.37 acres of a 5.65-acre tract from the RA, Rural Agriculture zoning district to the CZ-5, Conditional Zoning district 5. The outstanding 3.28 acres would remain in the RA zoning district.

The proposed request is for a 12,480 square foot general retail store defined under NAICS code 453, Miscellaneous Store Retailers. The entry point of the structure will face NC Highway 210 and be located at the southeastern corner of the parcel that sits at the intersection of NC Highway 210 and Little Kelly Road. The parcel is of unique shape whereby its configuration allows for an approximately 280-foot break in the center of its road frontage along NC Highway 210. It closely resembles a horseshoe in shape and partially surrounds an approximately 2.07 acre property containing one residential structure with an accessory building. Access to the development is proposed from NC Highway 210.

The applicant’s site plan, included in the Boards packet as Attachment 1, provides an overview of the proposal and conceptual layout of the site.

Below: Aerial Map of the Subject Properties



Intent of Conditional Zoning, Article 3.3.9.B

A conditional zoning district (aka “CZ”) is intended for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use or uses, permitted by right or special use, accompanied by a plan showing proof of concept, and typically including the spatial relation of uses and site elements.

If approved, the applicant would be required to submit a major site development plan application. The major site development plan would be reviewed by staff and the Pender County Technical Review Committee (TRC). Review and approval of the major site development plan would be an administrative procedure, meaning the authority to approve plans consistent with the requirements outlined in the Unified Development Ordinance (UDO) lies with staff. Changes to the proposed conditional zoning district, including an alteration of the proposed dimensional standards, uses, requirements or conditions would require the applicant to resubmit a conditional zoning proposal in accordance with Article 3.3.9.B.6 of the UDO.

Dimensional Standards

Per Article 4.13 of the UDO, standards of a conditional zoning district are specific to the conditions of the site and are set by a conditional rezoning application. The applicant has proposed the following conditions for the site:

Proposed Commercial Dimensional Standards	
Minimum Front Yard (NC Highway 210)	25'
Minimum Side Yard (Little Kelly Road)	12'
Minimum Side Yard (Adjoining Residential Boundary)	10'
Minimum Rear Yard (Property line abutting vacant RA)	10'
Maximum Building Height	40'

Allowable Uses

As shown on the site plan, the applicant is proposing a general commercial retail store classified under NAICS code 453, Miscellaneous Store Retailers. The proposal includes one building that is 12,480 square feet.

Figure 1: Pender County Table of Permitted Uses (Attachment 2)

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	
Sectors 44-45 RETAIL TRADE												
Motor Vehicle and Parts Dealers	441	S					P		P			
Furniture and Home Furnishings Stores	442						P		P			
Electronics and Appliance Stores	443	S				P	P		P			
Building Material, Garden Equipment & Supplies Dealers	444	S					P		P	P		
Food and Beverage Stores	445	S	S			P	P		P			
Health and Personal Care Stores	446	S	S			P	P	P	P			
Gasoline Stations	447	S				P	P		P			
Clothing and Clothing Accessories Stores	448	S				P	P		P			
Sporting Goods, Hobby, Book, and Music Stores	451					P	P		P			
Miscellaneous Store Retailers	453	S				P	P					
Non store Retailers	454	S				P	P		P			
Liquefied Petroleum Gas Dealers	454312										P	

Landscaping and Buffers

There is no apparent existing vegetative buffer along any boundary in the proposed conditional zoning district of the subject parcel. Staff is proposing a condition of approval that fencing along the proposed C-1 buffer exceeds the 6-foot minimum requirement as called for in section 8.2.6 of the UDO. Staff’s recommendation is that the fencing along the C Buffer shall be at least 7 feet tall measured from the grade of the parking lot. All required buffers would be comprised entirely of new plantings. The applicant is proposing a Type A buffer along the NC Highway 210 and Little Kelly Road boundaries, a Type C buffer along the furthest western boundary of the project which borders the adjacent residence, and a Type B buffer along the northern boundary. These proposed buffers are consistent with the vegetative buffering requirements found in Article 8 of the UDO.

Proposed Buffers	
Northern Boundary	B-1
Eastern Boundary (Little Kelly)	A-1
Southern Boundary (NC Highway 210)	A-1
Western Boundary	C-1

See buffer standards below from the Pender County UDO (Figure 2):

Buffer A

Buffer "A" This buffer is designed primarily for road frontage areas and should run parallel to the street to provide a continuous, aesthetically pleasing streetscape. The requirements for buffer "A" shall be met by any one of the following:
A-1) 15 foot wide strip with 3 canopy trees, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet (width may be reduced to 10’ for existing developed lots that are subject to new buffer requirements), or
A-2) 20 foot wide strip with 3 canopy trees, 2 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 18 shrubs per 100 linear feet, or
A-3) 25 foot wide strip with 1 canopy tree, 2 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 21 shrubs per 100 linear feet, or
A-4) 30 foot wide strip with 1 canopy tree, 2 understory trees and either a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 32 shrubs per 100 linear feet.

Buffer B

Buffer "B" This buffer is a medium density planting area to be used primarily along non street boundary lines to provide spatial separation between similar types of uses. The requirements for buffer "B" shall be met by any one of the following:
B-1) 10 foot wide strip with 3 canopy trees, 4 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or
B-2) 15 foot wide strip with 3 canopy tree, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or
B-3) 20 foot wide strip with 1 canopy tree, 2 understory tree and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 15 shrubs per 100 linear feet, or
B-4) 25 foot wide strip with 0 canopy trees, 5 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 21 shrubs per 100 linear feet.

Buffer C

Buffer "C" This buffer is designed to provide a high density screen primarily along non street boundary lines to provide buffer and separation between different categories of uses such as commercial adjacent to residential uses or other non-residential uses adjacent to high density single family residential uses. The requirements for buffer "C" shall be met by any one of the following:
C-1) 10 foot wide strip with a 6 foot high wood stockade, basket weave, or other solid wood fence and 2 canopy trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or
C-2) 15 foot wide strip with a 6 foot high wood stockade, basket weave, or other solid wood fence or an evergreen hedge* that will provide a continuous screen at least 6' high within 4 years and 1 canopy tree, 4 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or *Reference spacing requirements in plant list for specific species and spacing to achieve evergreen hedge
C-3) 20 foot wide strip with an evergreen hedge that will provide a continuous screen at least 6' high within 4 years and 1 canopy tree or 3 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or
C-4) 25 foot wide strip with an evergreen hedge that will provide a continuous screen at least 6' high within 4 years, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet.

Proposed Signs

The applicant is proposing three signs in total, two freestanding and one wall sign in the form of channel letters. Both freestanding signs are proposed to be 100 sq ft in size and will front NC

Highway 210 and Little Kelly Road. Due to the sign fronting NC Highway 210 exceeding its square footage allowance per section 9.7.1.A of the UDO, a variance would be needed prior to sign application approval. Similarly, the proposed channel letter wall signs fronting NC Highway 210 exceed the size allowance for the given wall and will also require a variance prior to sign application approval. All signs are proposed to be illuminated. Staff proposes, as a condition of approval, all illuminated signs shall not cast light beyond property lines.

Significant Trees

A significant tree survey conforming with Article 8.1.3 of the UDO will be required prior to administrative approval of any subsequent site development plan within this site. Any significant tree proposed for removal shall be mitigated by the on-site planting of two (2) trees of the same species with a minimum caliper of 2 inches or greater.

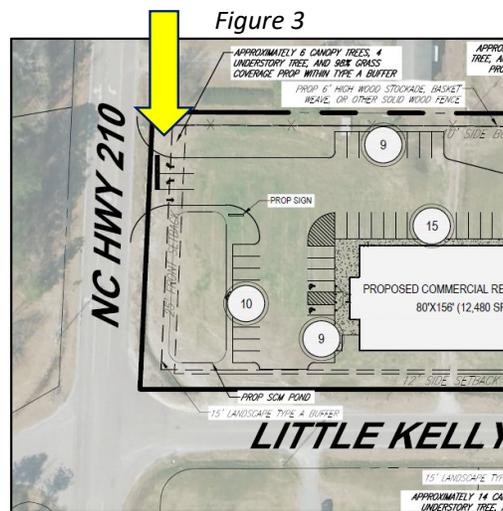
Public Input Meeting

As required by Article 3.3.9 of the UDO, the applicant hosted a public input meeting located at Riley’s Creek Baptist Church on December 20th from 5:30-7:00pm. Notice of the meeting was mailed to all property owners within 500 feet of the subject parcels. As described in the applicant’s report of the meeting, 52 members of the public attended. Attendees raised concerns pertaining to the user being a “dollar store” type retailer, traffic at the intersection of Little Kelly Road and NC Highway 210, drainage, lighting, landscaping, and the diminishment of the rural setting the area currently possesses. The applicant’s report can be found as Attachment 3.

TRANSPORTATION INFRASTRUCTURE

Roadways and Access

The subject parcel (Parcel PIN: 3214-28-8318-0000) has direct access to NC Highway 210 and Little Kelly Road. As shown on the plan, the applicant is proposing access to the development solely from NC Highway 210.



Traffic

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. The proposed commercial retail use is not projected to generate enough traffic daily or during peak hours to require a Traffic Impact Analysis. Per NCDOT Average Daily Traffic capacity calculations, NC Highway 210 between McIntyre Church Road and Little Kelly Road is experiencing 24% of its total available traffic capacity and the section of Little Kelly Road between NC Highway 210 and NC Highway 133 is experiencing 12% of its overall traffic capacity.

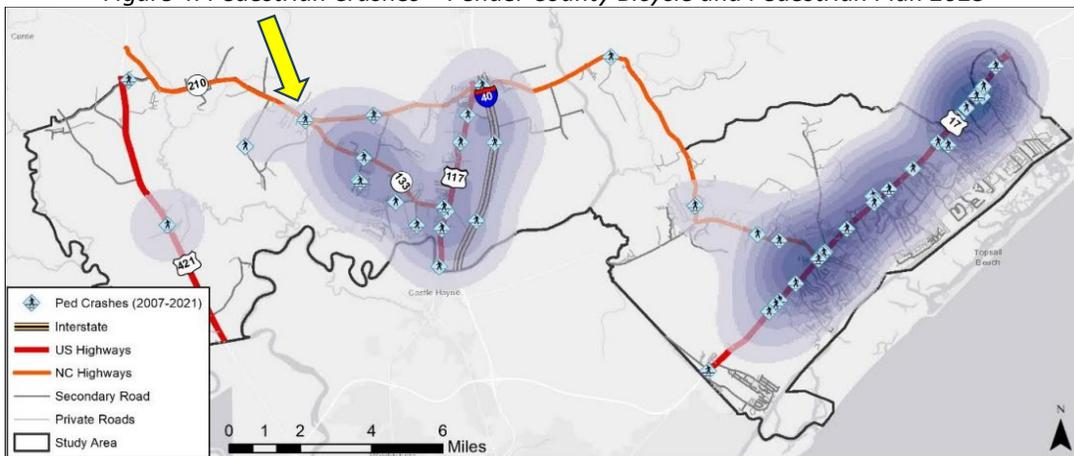
NCDOT Annual Average Daily Traffic (AADT) – 2020; WMPO Roadway Capacities – 2020

Road	Location	Volume	Planning Capacity	V/C
NC 210	Between McIntyre Church Rd and Little Kelly Rd	5,100	20,943	0.24
Little Kelly Rd	NC 210 Intersection with NC 133	2,500	20,943	0.12

Bicycle and Pedestrian Access

The applicant has proposed including a 10-foot-wide easement dedicated for public use along the exterior portion of the subject property to be rezoned that fronts NC Highway 210 and Little Kelly Road. This easement is consistent with the dimensional requirements for the future construction of a multi-use path (MUP) as outlined in the recently adopted Pender County Bicycle and Pedestrian Plan. Staff is recommending a condition of approval that would require the applicant to set aside space for a 10-foot-wide multi-use path. An MUP could increase needed pedestrian safety measures in this area. As shown in the figure below, pedestrian crashes have already occurred near this intersection. Increases in pedestrian and bicycle traffic at this intersection can be reasonably expected with the addition of commercial development and increased vehicular and pedestrian trips.

Figure 4: Pedestrian Crashes – Pender County Bicycle and Pedestrian Plan 2023



OTHER INFRASTRUCTURE

Utilities

Public water is available through Pender County Utilities (PCU) via the water main that runs along NC Highway 210 and partially down Little Kelly Road. The applicant is proposing the installation of a septic tank in the rear of the parcel behind the commercial building. This septic area is directly perpendicular to the intersection where NC Highway 210 meets Little Kelly Road. A septic tank in this section of the development may prevent future driveway connection from NC Highway 210 to the parcel or the adjoining parcel should they be developed further in the future.

Stormwater

Article 7.9 of the Pender County Unified Development Ordinance requires that stormwater infrastructure be built such that the post development runoff from the project be no more than ten (10) percent more than the pre-development runoff. Low-density projects are required to meet this standard for the 1 year 24-hour event, while high density projects shall meet this requirement for the 10- and 25-year return period events and be analyzed for the 50-year event. The applicant has proposed exceeding these standards by constructing a stormwater system which would accommodate a 10-, 25-, and 50-year event and be analyzed for a 100-year event. Certification from a licensed engineer that the project meets these requirements shall be required prior to staff issuing administrative approval of the development. Additionally, 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	The subject parcel does not show characteristics of wetlands ^{2,3} .
Areas of Environmental Concern	The subject property does not contain any Areas of Environmental Concern (AEC) ⁴ .

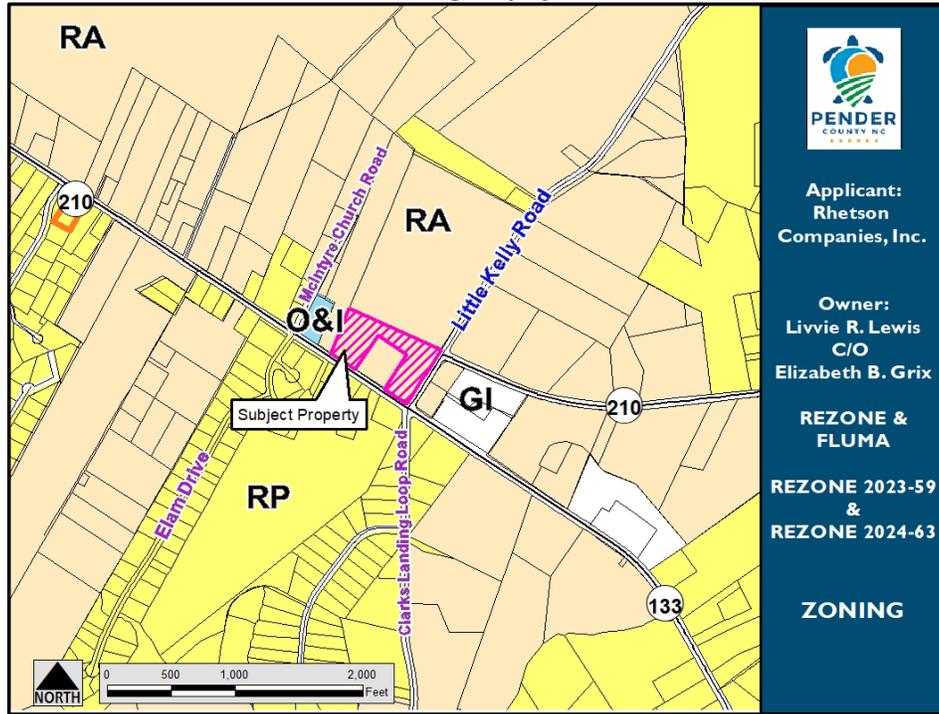
¹ According to the effective regulatory and preliminary Flood Insurance Rate Maps NC Flood Risk Information System (NC FRIS)

^{2,3} According to the National Wetlands Inventory (NWI) and Division of Coastal Management (DCM) layers found within the County's Geographic Information System (GIS) database

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

EVALUATION

Below: Zoning Map of the Area



CHARACTERISTICS OF THE SURROUNDING AREA

	LAND USE	ZONING
North	Vacant, Agriculture	RA, Rural Agricultural
East	Agriculture, Residential, Commercial	RA, Rural Agricultural GI, General Industrial
South	Residential, Vacant	RP, Residential Performance
West	Commercial, Vacant	RA, Rural Agriculture O&I, Office and Institutional

Surrounding Zoning

The subject property is currently zoned RA, Rural Agriculture. Properties in the surrounding area are currently zoned RA, Rural Agriculture; GI, General Industrial; RP, Residential Performance; and O&I, Office and Institutional as indicated by the zoning map and table above.

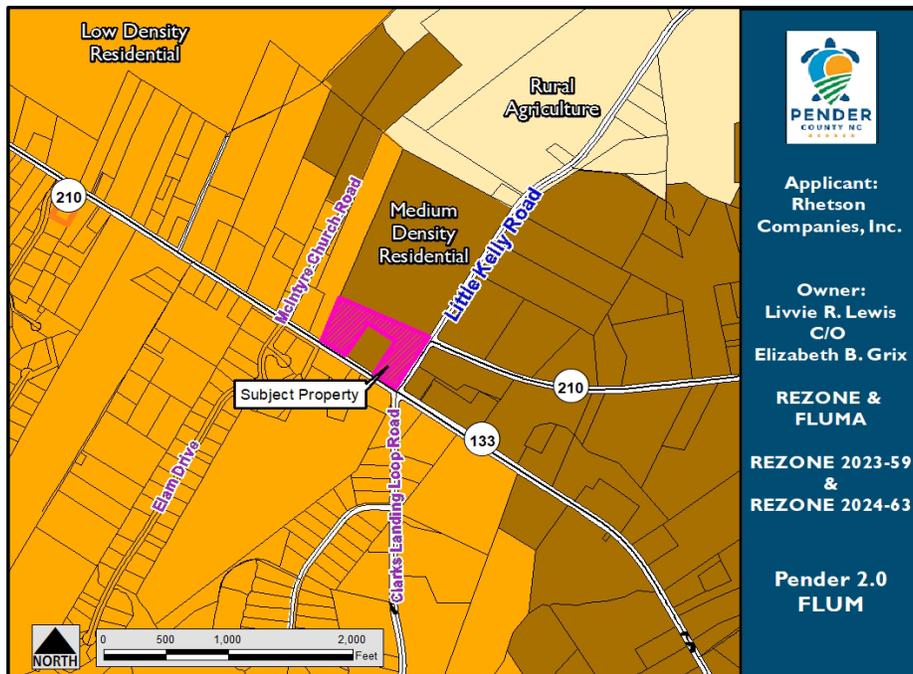
Pender 2.0 Comprehensive Land Use Plan Compliance

The subject property is located within the Medium Density Residential future land use category within the Pender 2.0 Comprehensive Land Use Plan (Comprehensive Plan) and as shown in the Future Land Use Map (FLUM).

Proposed Amendment to the Future Land Use Map

In conjunction with the conditional rezoning application, the applicant is also proposing to reclassify the indicated portion of the subject parcel’s Future Land Use Map designation within the Comprehensive Plan from the Medium Density Residential future land use category to the Neighborhood Mixed Use future land use category.

Below: Future Land Use Map of the Area



Medium Density Residential Overview – Current Future Land Use Category

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

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

Neighborhood Mixed Use Overview – Proposed Future Land Use Category

Neighborhood Mixed Use allows for a transition between more intense commercial, office, and residential development to lower density residential neighborhoods. The neighborhood mixed use category is primarily dedicated to non-residential uses that provide services, entertainment, and amenities to residents within a three-mile radius. Land use and development within this category is closely coordinated with existing and planned roadway transportation networks, while encouraging bicycle and pedestrian access. This future land use category should be composed of a mixture of integrated commercial, office, institutional, and single-family residential uses and is not intended to be solely reserved for mixed use developments. Single use developments that contribute toward an integrated land use pattern of appropriate commercial, office, civic, and medium density residential uses are encouraged.

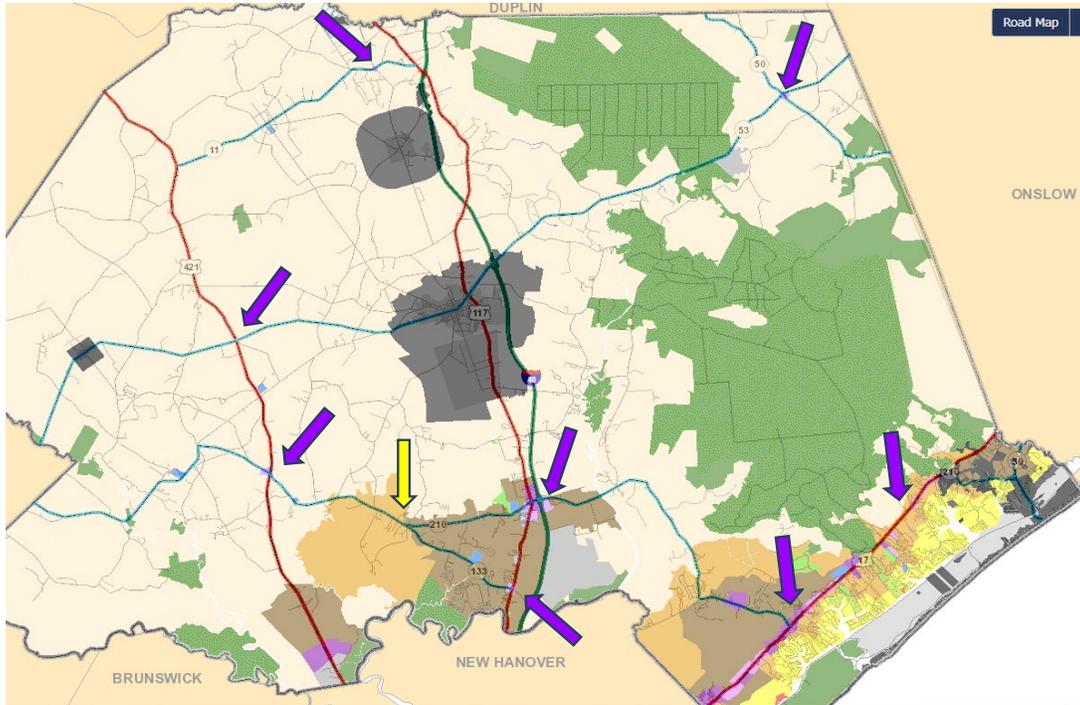
Appropriate uses include neighborhood-scale retail, restaurant, and office establishments; religious and educational institutions; and higher-density single-family residences – attached and detached. Large-scale or intense commercial establishments, multi-family development, and industrial operations are not appropriate. Building footprints are generally limited to 15,000 square feet in size or smaller. These areas should be served by water and sewer infrastructure.

Evaluation

The proposal is not supported by the Medium Density Residential future land use category, which describes commercial uses that are not part of a master planned community as inappropriate. As noted in Figure 5 below, most other major intersections in the County, especially those where two highways meet, are designated as Neighborhood Mixed Use or Regional Mixed Use, and include commercial development. The proposed amendment to the future land use map brings this property into conformance with other similar intersections that support commercial uses that provide services to the predominantly residential uses nearby. Because this classification is typical of major intersections, a reclassification of the NC Highway 210 and Little Kelly Road intersection to Neighborhood Mixed Use would not be a deviation from the norm and would unify this intersection with other similar areas of the County. In this case, a reclassification to Neighborhood Mixed Use could facilitate development in desired areas as sought after in the Comprehensive Plan.

Surrounding land uses include commercial, institutional and light industrial activity, which is consistent with the Neighborhood Mixed Use future land use category. As noted within the Comprehensive Plan, the Neighborhood Mixed Use future land use category supports non-residential uses that provide services to nearby residents. With the continued residential growth in Rocky Point, commercial services will be needed in this area.

Figure 5: Future Land Use Classifications at Major Intersections



Purple Arrow: Major Intersections Designated Neighborhood Mixed Use or zoned GB

Yellow Arrow: Subject Site

The proposal was also found to be consistent with at least five 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.F: Conditional Zoning: The County shall continue to use the conditional zoning process as a tool for encouraging desirable development outcomes.

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

3.3.9.B.3 Approval Criteria for Conditional Rezoning

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

- A. The Approval Criteria for a Rezoning (Section 3.3.5).
- B. That the application meets the intent of a conditional rezoning, per this subsection.
- C. 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.
- D. The potential impacts and/or benefits on the surrounding area and adjoining properties.
- E. The report of results from the public input meeting.
- F. 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.

RECOMMENDATION

Planning staff is submitting the proposed Conditional Zoning Map amendment for Planning Board recommendation. The proposal is supported by five policies within the Pender 2.0 Comprehensive Land Use Plan. Based on the information outlined in this report, staff is recommending approval of the proposed Conditional Zoning Map amendment. If the Conditional Zoning Map amendment is approved, the applicant will be required to submit all necessary local, state and federal permits prior to receiving administrative approval to begin construction.

PROPOSED CONDITIONS OF APPROVAL

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

1. The project shall comply with all requirements of the Pender County Unified Development Ordinance.
2. The project shall meet all other local, state, and federal regulations.
3. The project shall be designed such that the post development runoff from the project be no more than ten (10) percent more than the pre-development runoff for the 10-, 25-, and 50-year event and be analyzed for the 100-year event.
4. Dedicate a 10-foot-wide easement adjacent to the right-of-way along the site boundary adjacent to Little Kelly Road and NC Highway 210 for the development of a multi-use path. This easement shall be dedicated for public use.
5. A significant tree survey conforming with Article 8.1.3 of the UDO will be required prior to administrative approval of any subsequent site development plan within this project. Any significant tree proposed for removal shall be mitigated by the on-site planting of two (2) trees of the same species with a minimum caliper of 2 inches or greater.
6. Parking lot lighting shall be shielded so that it does not cast direct light beyond the property lines.
7. Sign illumination shall not cast direct light beyond the property lines.
8. Fencing along the C Buffer shall be at least 7 feet tall, measured from the grade of the parking lot.

PLANNING BOARD ACTION NEEDED:

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

- 5.1.C: Coordination with Infrastructure/Services
- 5.1.D: Focused Growth and Development
- 5.1.E: Compatible Development
- 5.1.F: Conditional Zoning
- 5.1.K: Commercial Development

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

- 5.1.C: Coordination with Infrastructure/Services
- 5.1.D: Focused Growth and Development
- 5.1.E: Compatible Development
- 5.1.F: Conditional Zoning
- 5.1.K: Commercial Development

The proposed rezoning is consistent with the Neighborhood Mixed Use Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan.

TO DENY: Motion to deny the Future Land Use Map Amendment and to make a finding of denial because although the proposal is consistent with five policies within 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]...

Motion to deny the Conditional Zoning Map Amendment and to make a finding of denial because the proposal is inconsistent with the Future Land Use Map within 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 CONDITIONAL REZONING

MOTION	SECONDED

APPROVED	DENIED	UNANIMOUS

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey

Pender County Planning and Community Development



805 S. Walker Street
PO Box 1519
Burgaw, NC 28425

Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

Conditional Zoning Map Amendment Submission (Conditional Rezoning)

Applications will be considered for review by Staff only when deemed complete. The application will be regarded as incomplete until the following items are received by the Planning and Community Development Staff.

- | | | |
|----|-------------------------------------|--|
| 1. | <input checked="" type="checkbox"/> | <p>Pre-submittal Meeting
Date of Meeting <u>10-26-2023</u></p> |
| 2. | <input checked="" type="checkbox"/> | <p>Signed Application</p> |
| 3. | <input checked="" type="checkbox"/> | <p>Payment To be paid after invoice is sent digitally.
\$500 for the first 5 acres; \$10/ acre thereafter up to 1,000 acres; \$5 per acre thereafter</p> |
| 4. | <input checked="" type="checkbox"/> | <p>Generalized Site Development Plan
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.</p> |
| 5. | <input checked="" type="checkbox"/> | <p>Narrative
A description and/or statement of the present and proposed land use classification and stating why the request is being made and any information that is pertinent to the case.</p> |
| 6. | <input type="checkbox"/> | <p>Public Input Meeting Report
A meeting summary shall be submitted in accordance with the Unified Development Ordinance. This item is not required at the time of application submittal but must be received by the Administrator prior to any public hearings are noticed.</p> |
| 7. | <input checked="" type="checkbox"/> | <p>Digital Submission
For all documents submitted in paper copy, a digital copy shall be sent via email or digital drive.</p> |
| 8. | <input checked="" type="checkbox"/> | <p>Adjacent Property List
A list of names and addresses, as obtained from the county tax listings and tax abstract, to the owners of all properties located within 500-feet of the perimeter of the project bounds.</p> |
| 9. | <input checked="" type="checkbox"/> | <p>Adjacent Property Envelopes
The applicant shall provide two sets of business envelopes addressed to each of the owners of all properties located within 500-feet of the perimeter of the project bounds and accompanied with the amount of postage required for first class postage. No return address shall be placed on the envelopes at the time of submission.</p> |

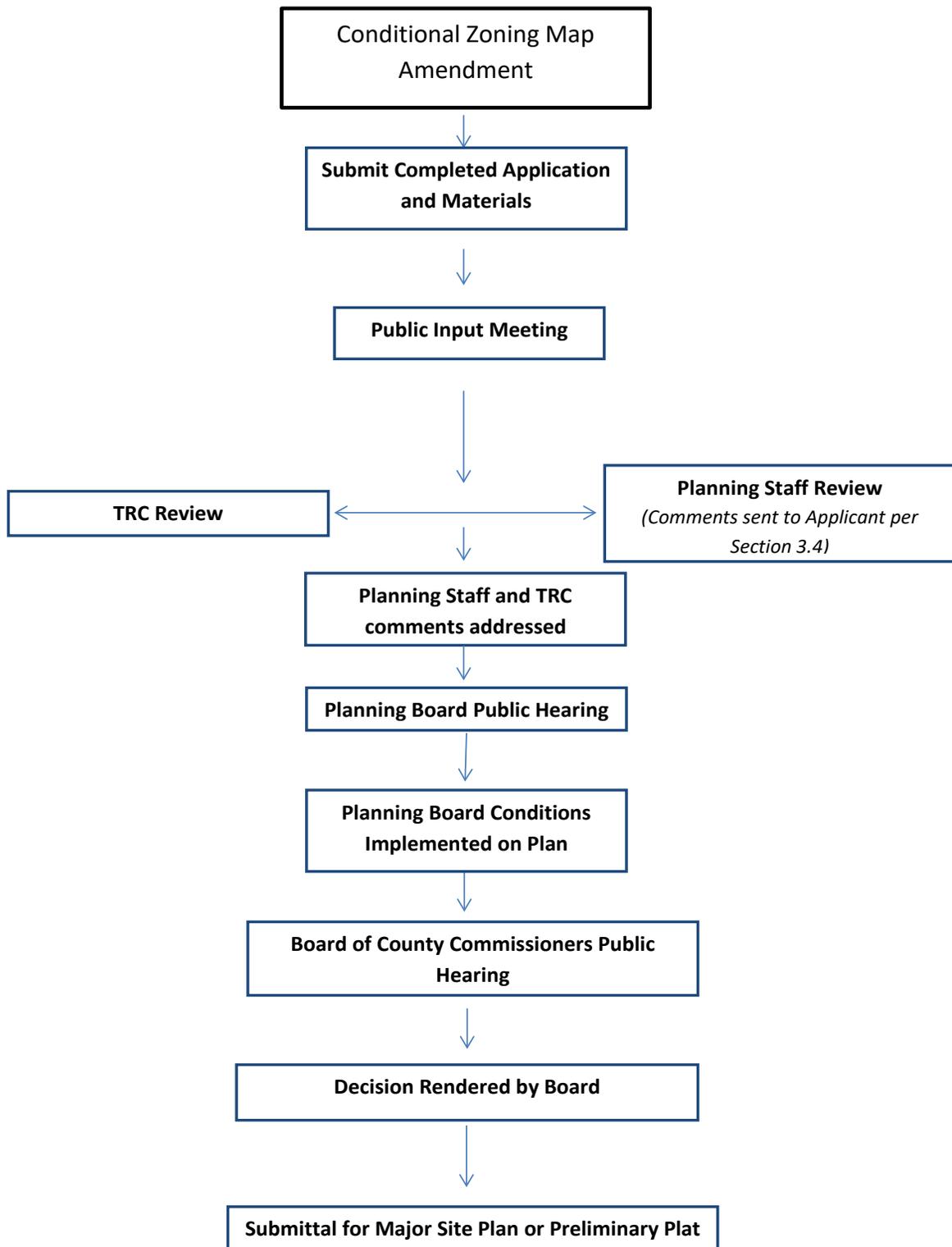
I certify that all information presented in this application is accurate to the best of my knowledge.

Signature of Applicant *Jamie S. Encinosa*

Date 10-31-23

Printed Name Jamie S. Encinosa

Staff Initials:	
Date:	



Pender County Planning and Community Development

Planning Division

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425



Phone: 910-259-1202
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CONDITIONAL REZONING

Intent

- A. Conditional zoning districts hereby included are to allow for the consideration of certain uses that are permitted uses in the underlying zoning district but due to their nature may not be appropriate for a particular location.
- B. A conditional zoning district is intended for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use or uses on small and large scale projects.
- C. Although, it is not intended to be used for speculative purposes, a conditional zoning district applicant may include as part of the application, a list of uses which will not be developed on the property.
- D. All uses listed as part of any application must be in the same format and description as listed in the Table of Permitted Uses.
- E. The following zoning district categories are approved to be assigned conditional zoning districts: PD, RP, RM, GB, OI, IT, IG (Reference Article 4 for Zoning District Descriptions).

Application

Except as provided herein, all applications to establish a conditional zoning district must follow the regulations prescribed in this section in addition to the standard rezoning process as described in Section 3.3, Rezoning of this Ordinance.

Public Input Meeting

Prior to scheduling a public hearing on the rezoning application, **the applicant must conduct one public input meeting and file a report of the results with the Administrator.**

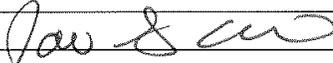
1. The report for the public hearing will include a summary of the public input meeting.
2. The applicant shall mail a notice for the public input meeting to adjoining property owners not less than ten (10) days prior to the scheduled meeting.
3. The notice shall include the time, date and location of the meeting as well as a description of the proposal.
4. The applicant's report of the meeting shall include:
 - a. A copy of the letter announcing the meeting.
 - b. A list of adjoining property owners contacted.
 - c. An attendance roster.
 - d. A summary of the issues discussed.
 - e. The results of the meeting including changes to the project's proposal, if any.

Review

When evaluating an application for the creation of a conditional zoning district, the Planning Board and Board of Commissioners shall consider the following:

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

APPLICATION FOR CONDITIONAL REZONING

THIS SECTION FOR OFFICE USE			
Application No.	ZMA-CD REZONE 2023-59	Date	11.7.23
Application Fee	\$ 500	Invoice Number:	00036803
Pre-Application Conference		Hearing Date	TRC 12.7.23
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Rhetson Companies, Inc.	Owner's Name:	Livvie R. Lewis C/O Elizabeth B. Grix
Applicant's Address:	2075 Juniper Lake Road	Owner's Address:	3828 Echo Farms Blvd
City, State, & Zip	West End, NC, 28412	City, State, & Zip	Wilmington, NC, 28412
Phone Number:	910-944-0881	Phone Number:	910-512-4201
Email Address:	permits@rhetson.com	Email Address:	Bettyann1@ec.rr.com
Legal relationship of applicant to landowner:	Applicant under contract to purchase property		
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3214-28-8318-0000	Total property acreage:	5.65 acres
Current Zoning District:	Rural Agricultural	Proposed Zoning District:	General Business
Project Address or Location:	NC HWY 210 E, Wilmington, NC, 28412		
Proposed Uses to be Considered (Include NAICS Code):			
Single Tenant Commercial Retail Store NAICS Code: 44-45 (Retail Trade)			
Proposed Uses to be Eliminated from Consideration (Include NAICS Code):			
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	Oct 31, 2023
Applicant's Name Printed	Jamie S. Encliosa (Chief Operating Officer; Rhetson Companies, Inc.)	Date:	
Owner's Signature		Date:	Oct 29, 2023
Owner's Name Printed	Livvie R. Lewis C/O Elizabeth B. Grix	Date:	
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> 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

<input type="checkbox"/>	Signed application form
<input type="checkbox"/>	Application fee
<input type="checkbox"/>	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.
<input type="checkbox"/>	Two (2) business size envelopes legibly addressed with first class postage for each of the adjacent and abutting property owners on the above list.
<input type="checkbox"/>	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.
<input type="checkbox"/>	12 (11"x17") map copies to be distributed to the Planning Board
<input type="checkbox"/>	20 (11"x17") map copies to be distributed to the Board of Commissioners
<input type="checkbox"/>	Digital (.pdf) submission of all application materials
<input type="checkbox"/>	Public Input Meeting Report (Section 3.4.3 or see Public Input Meeting on the first page of this application)
<input type="checkbox"/>	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.
<input type="checkbox"/>	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
<input type="checkbox"/>	A generalized site development plan shall include the following items: <ul style="list-style-type: none"> <input type="checkbox"/> A vicinity map drawn to a suitable scale which illustrates adjacent or nearby roadways, railroads, waterways & public facilities. <input type="checkbox"/> A (metes and bounds) boundary of the parcel or portion of the parcel to be rezoned and developed. <input type="checkbox"/> All existing easements, reservations and rights of way. <input type="checkbox"/> Delineation of all Areas of Environmental Concern including but not limited to federal jurisdictional wetlands. <input type="checkbox"/> 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. <input type="checkbox"/> If a known use is proposed: Traffic impact report, parking and circulation plans illustrating dimensions, intersections and typical cross sections. <input type="checkbox"/> All proposed setbacks, buffers, screening and landscaping. <input type="checkbox"/> Phasing. <input type="checkbox"/> Signage. <input type="checkbox"/> Outdoor lighting. <input type="checkbox"/> Current zoning district designation and current land use status. <input type="checkbox"/> Other information deemed necessary by the Administrator, Planning Board, or Board of Commissioners, including but not limited to a Traffic Impact Analysis or other report from a subject matter expert.

Office Use Only

ZMA-CD Fees: (<i>\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter</i>)				Total Fee Calculation: \$			
Attachments Included with Application: (Please include # of copies)							
CD /other digital version	<input type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets	# of large	# of 11X17	Other documents/Reports	<input type="checkbox"/> Y <input type="checkbox"/> N	
Payment Method:	Cash : <input type="checkbox"/> \$ _____		Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa		Check: <input type="checkbox"/> Check # _____		
Application received by:	Adam Moran					Date:	
Application completeness approved by:	Taylor Davis					Date: 11.7.23	
Dates scheduled for public hearing: 12.7.23 TRC		<input type="checkbox"/> Planning Board:			<input type="checkbox"/> 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:

<input type="checkbox"/>	Maximum density
<input type="checkbox"/>	Setbacks (Front, side, rear, corner)
<input type="checkbox"/>	Minimum lot width/Minimum chord length at the right-of-way for cul de sacs
<input type="checkbox"/>	Structure separation
<input type="checkbox"/>	Minimum lot size
<input type="checkbox"/>	Maximum building height
<input type="checkbox"/>	Permitted uses (Including NAICS code)
<input type="checkbox"/>	Buffer standards (Depth, number and type of vegetation per 100 linear feet)
<input type="checkbox"/>	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.



Bohler Engineering NC, PLLC
4130 Park Lake Ave Suite 130
Raleigh, NC 27612
919-578-9000

Narrative

Project Name: Little Kelly Road & 210 Conditional Rezoning
Project Address: NC Hwy 210 E
Wilmington, NC 28412
Pender County

Developer: Rhetson Companies, Inc.
Mailing Address: 2075 Juniper Lake Road
West End, NC 28412
Phone: (910) 944-0881

This application package is requesting for the conditional rezoning of parcel 3214-28-8318-0000 located at the intersection of Hwy 210 and Little Kelly Road in Pender County. The site is currently vacant and zoned RA, rural agricultural. This this conditional rezoning process we are requesting the rezoning to GB, general business. The proposed use of the property after the conditional rezoning is for a general retail business store which can be seen in the generalized site development plan consisting of the proposed building, parking, utilities, stormwater treatment, lighting, and landscaping improvements.

ATTACHMENT 1: Site Plan

ATTACHMENT 2: 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	Residential				Mixed Use	Commercial	Industrial			Special Purpose
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
RESIDENTIAL											
SFD: Detached-Conventional		P	P	P	P	P					
SFD: Detached Zero Lot Line				P		P					
SFD-Attached: Duplex		P	P	P		P					
SFD-Attached: Multiplex				P		P					
SFD-Townhouse (5+ attached)				P		P					
Multifamily (condominium/apartment)				P		P					
Upper Story Residential						P	P	P			
Accessory Dwelling Unit		D	D	P		D					
Accessory Dwelling Unit on Non Residential Principal Uses		D				D			P	P	
Manufactured Home		P	D		P						
Manufactured Home Park					PMD						
ACCESSORY USES AND STRUCTURES											
Accessory Structures		P	P	P	P	P	P	P	P	P	
Cottage Occupations		SD	SD	SD		SD	SD				
Home Occupation		D	D	D	D	D	D				
Agritourism Activities on active farms		D	D	D	D	D	D	D	D	D	D
Sector 21: MINING, QUARRYING, OIL AND GAS EXTRACTION											
Nonmetallic Mineral Mining & Quarrying	2123	S								S	
Except: 212392 Phosphate Rock Mining											
Except: 212321 Borrow Pit Sand Mining			PMDS			PMD					
Sector 22: UTILITIES											
Fossil Fuel Electric Power Generation	221112									S	
Other Electric Power Generation	221119								S	S	
Electric Bulk Power Transmission & Control	221121	S	S	S	S	S	S	S	P	P	
Natural Gas Distribution Except Transmission Lines	221210									P	
Water Supply Facilities*	221310		S			PM				P	

Sewage Treatment Facilities*	221320		S	PMD/S		PMD/S				P	
Except: Sewage Lift Stations*		SD	SD	PMD/S	PMD/S	PMD/S	D	D	D	D	
*County Owned or County Service District Provided Systems=P											
		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 23: CONSTRUCTION											
Construction of Buildings	236						D		P	P	
Heavy and Civil Engineering Construction	237						D		P	P	
Specialty Trade Contractors	238						D		P	P	
Sectors 31-33 MANUFACTURING											
Artisan Manufacturing		S	S			P	P		P		
Food Manufacturing	311									P	
Beverage and Tobacco Product Manufacturing	312									P	
Textile Mills	313									P	
Textile Product Mills	314									P	
Apparel Manufacturing	315									P	
Wood Product Manufacturing	321								P	P	
Truss Manufacturing	321214						S		P	P	
Prefabricated Wood Building Manufacturing	321992						S		P	P	
Prefabricated Metal Building and Component Manufacturing	332311						S		P	P	
Paper Manufacturing	322									S	
Converted Paper Product Manufacturing	3222									P	
Printing and Related Support Activities	323								P	P	
Petroleum and Coal Products Manufacturing	324									S	
Synthetic Dye and Pigment Manufacturing	32513									P	
Other Basic Organic Chemical Manufacturing	32519									P	
Resin, Synthetic Rubber & Artificial Synthetic Fibers and Filaments Manufacturing	3252									P	
Pharmaceutical Manufacturing	3254								P	P	
Paint, Coating and Adhesive Manufacturing	3255									P	

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

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

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

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

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

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

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

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

5.3 USES WITH STANDARDS

5.3.1 General

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

ATTACHMENT 3: Public Input Meeting Packet



Bohler Engineering NC, PLLC
4130 Park Lake Ave Suite 200
Raleigh, NC 27612
919-578-9000

*****NOTE: THIS IS A CORRECTION LETTER TO A PREVIOUSLY SENT PUBLIC INPUT MEETING NOTICE. THE MEETING REFERENCED IN THE PREVIOUS MEETING NOTICE WILL NO LONGER BE HELD AT PETE'S PLACE FAMOUS HOTDOGS. THE COMMUNITY MEETING WILL TAKE PLACE AT RILEY'S CREEK BAPTIST CHURCH. PLEASE SEE THE ADDRESS BELOW. WE SINCERELY APOLOGIZE FOR ANY INCONVENIENCE THIS CHANGE MAY CAUSE. *****

December 5, 2023

Dear Rocky Point Area Property Owner:

The purpose of this letter is to notify you of an application filed with Pender County for a conditional rezoning involving property adjacent to, or in close proximity to, property shown in your ownership by Pender County tax records. Per Pender County regulations, a Public Input Meeting will be held to provide information to area residents about the proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: December 20, 2023

Meeting Time: 5:30 pm – 7:00 pm

Meeting Location: Riley's Creek Baptist Church
19845 State Hwy 210, Rocky Point, NC 28457

Type of Application: Conditional Rezoning Application

Project/proposal property address: PIN 3214-28-8318-0000
State Hwy 210 & Little Kelly Road, Rocky Point, NC 28457

Description of project/proposal: Proposed commercial retail business with associated parking, utility, landscaping, & lighting improvements

Upcoming public meetings for this application (Planning Board and/or Town Council): TBD

At a minimum, the following will be available for your inspection at the Public Input Meeting:

1. A copy of the project application.
2. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
3. A map, drawing, or other depiction of the proposed land use change or development proposal.

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/or development proposal.

If you have any questions prior to or after this meeting, you may contact us at 919-578-9000. You may also contact the Planning Department at 910-259-1734.

Sincerely,

Bohler Engineering

Cc: Pender County Planning and Community Development

www.BohlerEngineering.com

ANDREW + DANA O'DONNELL
RECKLESS SOUL RANCH @ GMAIL.COM

18130 NC HWY 210, ROCKY POINT, NC

Public Input Meeting Sign-In Sheet

Name(s)	Address
Dana McBride mcbried28@gmail.com	382 Scott Rd
Joe Bonse la ar	Rocky Point, NC 28457
Kate & John LaSala	125 Woodcroft Ln Rocky Point, NC 28457 91 Grand Oaks Blvd Rocky Point NC 28457
SONDRA + JAMES Ray	447 Apple Blossom Rocky Point NC 28457
Cal Lewis	3500 N.C. Hwy 133 R. P. 28457
Charlie Caldwell	951 Clarks Landing Rd Caldwell Family, 2030150112
Jody McPherson	781 Clarks Landing Rd (R.P.)
John & Ashley Huggins	199 Brewington Dr Burgaw, NC 28425
Amy Price	5890 Herrings Chapel Rd RP 28457
Theresa Vavaroutsas	125 Woodhaven Dr.
Chris Vavaroutsas	Rocky Point
Patty Shellhaas	132 Woodcroft Ln. Rocky Point,
Cyndee Shellhaas	Cyndee 62757@gmail

Public Input Meeting Sign-In Sheet

<u>Name(s)</u>	<u>Address</u>
Grace Smallwood	80 McINTIRE Church Rd
Edna Lewis	ACROSS from st. Paul Church
Jusie Collins	in MALPASS Corner
David W. Houghby	WOODCRAFT
Marcia Horton	1522 Clarks Landing Rd
Janet Eusiza	Rocky Point, NC 28457
Steve Mathis	3931 NC Hwy 133
	Rocky Point NC 28457
	109 Timber Trails
	Rocky Point 28457
Carolyn Albury	25 Elam Drive
George Albury	Rocky Point NC 28457
Darren Anderson	127 Clarks Landing Rd
Ben Cherry	RP 28457
	145 Clarks Landing Rd
	R.P. 28457
Nick + Trice Blair	17785 NC HWY 210
	Rocky Point, NC 28457
CHARA + Rodney Maxwell	734 North DR
	Rocky Point N.C. 28457

Amie Beegle 743 Clarks Landing Rd. Rocky Point
 Adrianna Pickett 154 Nixon Ave, Rocky Point 28457 28457
 Suzanne / James Walton 910 Clarks Landing Rd Rocky Point
 Chris + Brandi Parrish 778 Clarks Landing Rd. 28457 28457
 Brian + Tracy Morrison 46 Russell Ct. Rocky Point 28457
 DAN + SARA KEMER 18660 NC HWY 210, Rocky Point
 Ben Beal 123 Woodcroft Ln 28457
 Megan Beal Bimmerpope@gmail.com
 123 Woodcroft Ln Rocky Point NC
 Amber Krause 565 Clarks landing loop rd Rocky Point
 Justin Krause → same (email - Ambernwalton00@gmail.com)
 DAVID LATHAM 19430 NC 210 Rocky Point
 Betty Ann Griep Wilmington
 CHRIS STEPHENS 5022 WRIGHTVILLE AVE Wilmington
 Pearl [Signature] 961 SCOTT RD - Rocky Point, NC
 [Signature] janetersign@gmail.com



Bohler Engineering NC, PLLC
4130 Park Lake Ave Suite 130
Raleigh, NC 27612
919-578-9000

Project Name: Little Kelly Road & 210 Conditional Rezoning
Project Address: NC Hwy 210 E
Wilmington, NC 28412
Pender County

Developer: Rhetson Companies, Inc.
Mailing Address: 2075 Juniper Lake Road
West End, NC 28412
Phone: (910) 944-0881

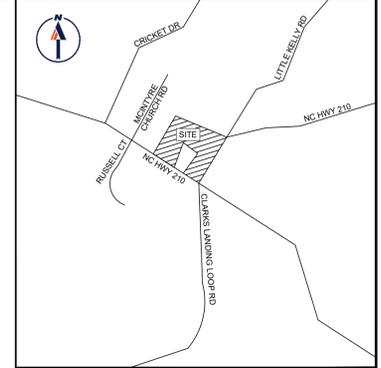
Summary

A public input meeting was held on December 20, 2023 at Riley's Creek Baptist Church located at 19845 NC Hwy 210 in Rocky Point, North Carolina. Below is a summary of concerns that were voiced by those in attendance as it relates to the proposed project located at the corner of Little Kelly Road and NC Hwy 210 in Rocky Point, North Carolina.

- Concerns with what community **ASSUMES** is a dollar store type retail.
- No commercial development of any kind: Concerns with disturbing their "country" living
- Intersection/traffic with store at intersection of 210 and Little Kelley
- Drainage
- Lighting
- Landscaping

ATTACHMENT 4: Survey

- NOTES:**
1. THE FIRM HAS NEITHER REVIEWED, NOR RELIED UPON A TITLE COMMITMENT OR ANY TITLE REPORT IN AND WHILE PREPARING THIS SURVEY AND THE CLIENT SHOULD NOT RELY UPON THIS SURVEY AS ASSURANCE OF OWNERSHIP, AS A GUARANTEE OF MARKETABLE TITLE OR FOR DISCLOSURE OF TITLE EXCEPTIONS THAT MAY, COULD OR DO ENCOMBER THE PROPERTY. THE CLIENT MUST ENGAGE A TITLE AGENT / TITLE INSURANCE COMPANY FOR REVIEW AND CONFIRMATION OF, AND INSURANCE REGARDING MARKETABLE TITLE.
 2. AREAS COMPUTED BY COORDINATE METHOD.
 3. PROPERTY SHOWN HEREON IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.
 4. ALL DISTANCES SHOWN ON SURVEY ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
 5. RIGHTS-OF-WAY INFORMATION IS BASED ON DEEDS AND MAPS OF RECORD.
 6. NC GRID COORDINATES (NAD83) OBTAINED BY USING GPS, PER THE NCVRS NETWORK.
 7. BASIS OF BEARING SHOWN HEREON IS NC GRID (NAD 83 NSRS 2011).
 8. VERTICAL DATUM SHOWN HEREON IS NAVD88.
 9. THE PROPERTY SHOWN HEREON IS LOCATED IN FLOODZONE "ZONE X" AREA OF MINIMAL FLOODING, PER FLOOD INSURANCE RATE MAP 3720321400L PANEL 3214 EFFECTIVE DATE FEBRUARY 16, 2007.
 10. NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS OBSERVED AT THE TIME OF THE SURVEY.
 11. NO EVIDENCE OF STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED AT THE TIME OF THE SURVEY.



VICINITY MAP
NOT TO SCALE

- REFERENCES:**
- DB 358, PG 205
 - DB 478, PG 2551
 - DB 2237, PG 334
 - BM 58, PG 99
 - PB 26, PG 40



SURVEYOR CERTIFICATION

I, THOMAS E. TEABO, PLS, HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, FROM DEED AND MAP REFERENCES AS NOTED ON SAID MAP. THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FROM DEED AND MAP REFERENCES AS NOTED ON SAID MAP.

THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY OF THE SURVEY AS CALCULATED IS 1:10,000+ THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION OF RECORD, THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH TITLE 21, CHAPTER 56, NCAC, AS AMENDED.

I HEREBY CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- (1) CLASS OF SURVEY: "CLASS A"
- (2) POSITIONAL ACCURACY: 0.04"
- (3) TYPE OF GPS FIELD PROCEDURE: REAL-TIME KINEMATIC NETWORKS-NCVRS
- (4) DATES OF SURVEY: 11/21/2023-12/20/2023
- (5) DATUM/EPOCH: NAD 83 (2011) EPOCH 2010.00
- (6) PUBLISHED FIXED-CONTROL USE: NCVRS
- (7) GEOID MODEL: 2016 (CONUS)
- (8) COMBINED GRID FACTORS: 0.99997947
- (9) UNITS: US SURVEY FEET

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 20TH DAY OF DECEMBER A.D., 2023.

PRELIMINARY - NOT FOR RECORDATION, SALES OR CONVEYANCES

SURVEYOR: NC L-3920



BOHLER ENGINEERING- ALL RIGHTS RESERVED. THE COPYRIGHT OF THIS SURVEYING PLAN IS RESERVED BY BOHLER ENGINEERING. NO PART OF THIS SURVEYING PLAN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM BOHLER ENGINEERING.

LEGEND

	LINE SURVEYED		UTILITY POLE
	LINE NOT SURVEYED		WATER METER
	EXISTING CONTOUR		FIBER OPTIC MARKER
	EXISTING SPOT ELEVATION		TELEPHONE PEDISTAL
	WATER VALVE		SIGN
	OVERHEAD WIRES		MAIL BOX
	APPROX. LOC. UNDERGROUND FIBER OPTIC LINE PER UTILITY MARKOUT		AREA LIGHT
	APPROX. LOC. UNDERGROUND WATER LINE PER UTILITY MARKOUT		CLEAN OUT
	APPROX. LOC. UNDERGROUND TEL. LINE PER UTILITY MARKOUT		GUY WIRE
	APPROX. LOC. UNDERGROUND CABLE LINE PER UTILITY MARKOUT		IRON REBAR FOUND
			IRON PIPE SET
			COMPUTED POINT



TO:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 7(A), 8, 9, 13, 16 AND 17 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON DECEMBER 05, 2023.

PRELIMINARY - NOT FOR RECORDATION, SALES OR CONVEYANCES

THOMAS E. TEABO, PLS
NORTH CAROLINA PROFESSIONAL LAND SURVEYOR NO. L-3920

THIS CERTIFICATION IS MADE TO ONLY NAMED PARTIES FOR PURCHASE AND/OR MORTGAGE OF HEREIN DELINEATED PROPERTY BY THE NAMED PURCHASER. NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY SURVEYOR FOR THE USE OF SURVEY FOR ANY OTHER PURPOSE INCLUDING, BUT NOT LIMITED TO, USE OF SURVEY APPLICANT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN CERTIFICATION, EITHER DIRECTLY OR INDIRECTLY.

DATE

ALTA/NSPS LAND TITLE SURVEY FOR
RHETSON COMPANIES, INC.
PIN: 3214-26-8318-0000
DB 2478, PG 48
PB 58, PG 99
TOWN OF ROCKY POINT
LONG CREEK TOWNSHIP
PENDER COUNTY, NORTH CAROLINA

FILE NO: NCB230212
DATE: 12/20/2023
FIELD DATE: 12/05/2023

BOHLER ENGINEERING
4330 PARKLASE AVENUE, SUITE 200
RALEIGH, NORTH CAROLINA 27615-5100
www.bohlerengineering.com

CREW CHIEF: JR/JL
DRAWN: AH
REVIEWED: TET
APPROVED: TET
SCALE: 1"=50'
DWG. NO.: 1 OF 1



**Pender County
REZONE 2024-63: Request to reclassify
2.37 acres of a 5.65 acre parcel from the
Medium Density Residential future land
use category to the Neighborhood Mixed
Use future land use category in the Long
Creek Township**

TO: Planning Board
FROM: Taylor Davis
DATE: February 6, 2024
SUBJECT: REZONE 2024-63: Request to reclassify 2.37 acres of a 5.65 acre parcel from the Medium Density Residential future land use category to the Neighborhood Mixed Use future land use category in the Long Creek Township

SUMMARY:

Rhetson Companies Inc., applicant, on behalf of Livvie R. Lewis, owner, is requesting the approval of an amendment to the Future Land Use Map within the Pender 2.0 Comprehensive Land Use Plan from the Medium Density Residential future land use category to the Neighborhood Mixed Use future land use category. The subject property is located across the intersection of Clarks Landing Loop Road where NC HWY 133 merges with NC HWY 210. The property fronts Little Kelly Road and NC HWY 210 in the Long Creek Township and may be further identified by Pender County PIN 3214-28-8318-0000.

ACTION REQUESTED:

To hold a public hearing and consider the proposed Future Land Use Map amendment request.

ATTACHMENTS:

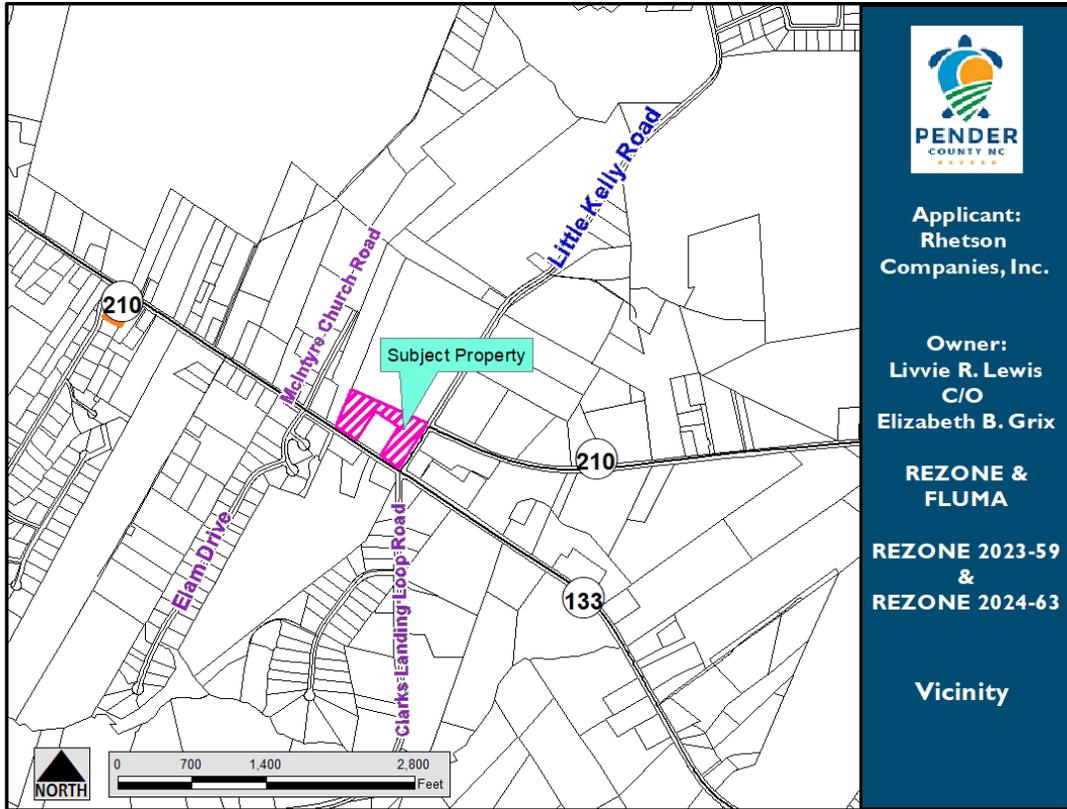
1. Staff Report
2. Application
3. Narrative
4. Attachment 1: Site Plan
5. Attachment 2: Table of Permitted Uses
6. Attachment 3: Public Input Meeting Packet
7. Attachment 4: Survey
8. Attachment 5: Purchase Agreement (available upon request)

**STAFF REPORT FOR REZONE 2023-59 (CZMA) & REZONE 2024-63 (FLUMA)
ZONING MAP & FUTURE LAND USE MAP AMENDMENT APPLICATION**

APPLICATION SUMMARY	
Case Number	REZONE 2023-59 & REZONE 2024-63 (FLUMA)
Hearing Dates	February 6, 2024 – Planning Board
Applicant	Rhetson Companies, INC.
Property Owner	Livvie R. Lewis C/O Elizabeth B. Grix
Parcel Identification Number(s)	3214-28-8318-0000
Proposed Rezoning Area	Approximately 2.37 Acres
Township	Long Creek
Pender 2.0 Future Land Use Category	Medium Density Residential

REZONING & FLUMA PROPOSAL
<p>Rhetson Companies Inc., applicant, on behalf of Livvie R. Lewis, owner, is requesting the approval of a Conditional Zoning Map Amendment to rezone approximately 2.37 acres of a 5.65 acre tract from the RA, Rural Agriculture zoning district to the CZ-5, Conditional Zoning District 5. Specifically, the request is for a 12,480 square foot general retail store classified under NAICS code 453, Miscellaneous Store Retailers. In conjunction with this request, the applicant is also requesting an amendment to the Future Land Use Map within the Pender 2.0 Comprehensive Land Use Plan from the Medium Density Residential future land use category to the Neighborhood Mixed Use future land use category.</p>
LOCATION
<p>The subject property is located across the intersection of Clarks Landing Loop Road where NC HWY 133 merges with NC HWY 210. The property fronts Little Kelly Road and NC HWY 210 in the Long Creek Township and may be further identified by Pender County PIN 3214-28-8318-0000.</p>

Below: Vicinity Map of the Area



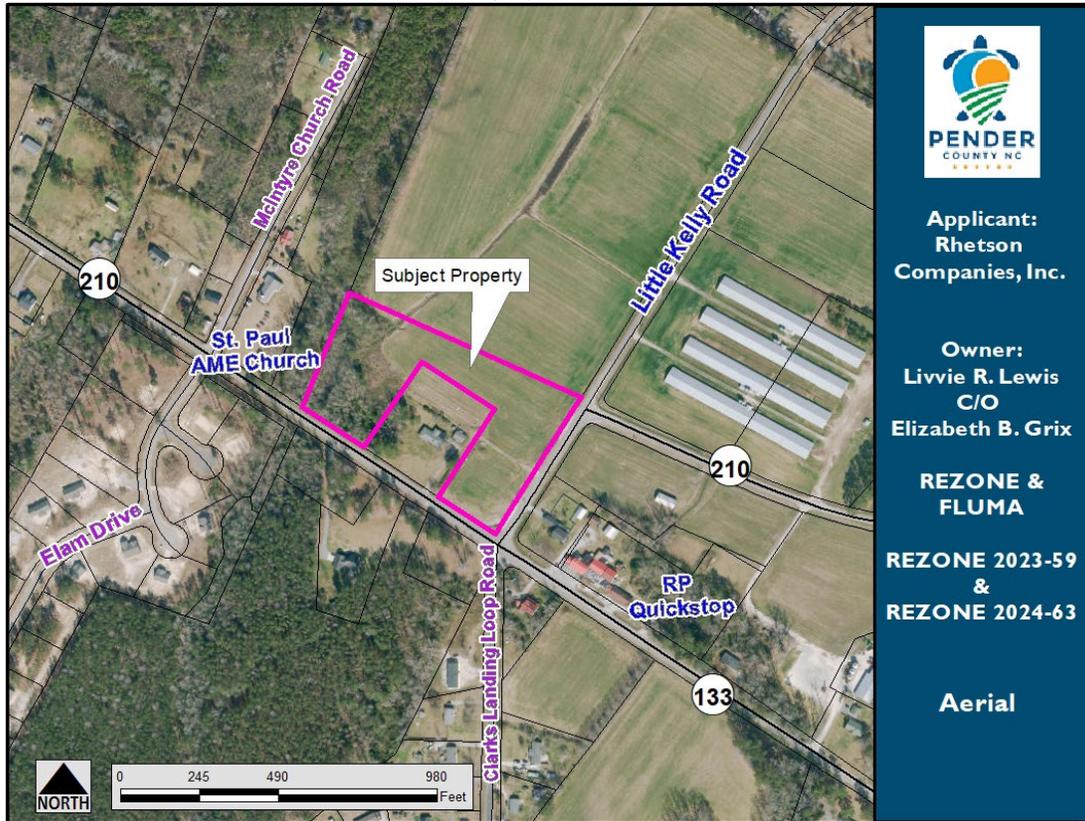
REZONING & DEVELOPMENT PROPOSAL

The applicant is proposing to rezone approximately 2.37 acres of a 5.65-acre tract from the RA, Rural Agriculture zoning district to the CZ-5, Conditional Zoning district 5. The outstanding 3.28 acres would remain in the RA zoning district.

The proposed request is for a 12,480 square foot general retail store defined under NAICS code 453, Miscellaneous Store Retailers. The entry point of the structure will face NC Highway 210 and be located at the southeastern corner of the parcel that sits at the intersection of NC Highway 210 and Little Kelly Road. The parcel is of unique shape whereby its configuration allows for an approximately 280-foot break in the center of its road frontage along NC Highway 210. It closely resembles a horseshoe in shape and partially surrounds an approximately 2.07 acre property containing one residential structure with an accessory building. Access to the development is proposed from NC Highway 210.

The applicant’s site plan, included in the Boards packet as Attachment 1, provides an overview of the proposal and conceptual layout of the site.

Below: Aerial Map of the Subject Properties



Intent of Conditional Zoning, Article 3.3.9.B

A conditional zoning district (aka “CZ”) is intended for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use or uses, permitted by right or special use, accompanied by a plan showing proof of concept, and typically including the spatial relation of uses and site elements.

If approved, the applicant would be required to submit a major site development plan application. The major site development plan would be reviewed by staff and the Pender County Technical Review Committee (TRC). Review and approval of the major site development plan would be an administrative procedure, meaning the authority to approve plans consistent with the requirements outlined in the Unified Development Ordinance (UDO) lies with staff. Changes to the proposed conditional zoning district, including an alteration of the proposed dimensional standards, uses, requirements or conditions would require the applicant to resubmit a conditional zoning proposal in accordance with Article 3.3.9.B.6 of the UDO.

Dimensional Standards

Per Article 4.13 of the UDO, standards of a conditional zoning district are specific to the conditions of the site and are set by a conditional rezoning application. The applicant has proposed the following conditions for the site:

Proposed Commercial Dimensional Standards	
Minimum Front Yard (NC Highway 210)	25'
Minimum Side Yard (Little Kelly Road)	12'
Minimum Side Yard (Adjoining Residential Boundary)	10'
Minimum Rear Yard (Property line abutting vacant RA)	10'
Maximum Building Height	40'

Allowable Uses

As shown on the site plan, the applicant is proposing a general commercial retail store classified under NAICS code 453, Miscellaneous Store Retailers. The proposal includes one building that is 12,480 square feet.

Figure 1: Pender County Table of Permitted Uses (Attachment 2)

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	
Sectors 44-45 RETAIL TRADE												
Motor Vehicle and Parts Dealers	441	S					P		P			
Furniture and Home Furnishings Stores	442						P		P			
Electronics and Appliance Stores	443	S				P	P		P			
Building Material, Garden Equipment & Supplies Dealers	444	S					P		P	P		
Food and Beverage Stores	445	S	S			P	P		P			
Health and Personal Care Stores	446	S	S			P	P	P	P			
Gasoline Stations	447	S				P	P		P			
Clothing and Clothing Accessories Stores	448	S				P	P		P			
Sporting Goods, Hobby, Book, and Music Stores	451					P	P		P			
Miscellaneous Store Retailers	453	S				P	P					
Non store Retailers	454	S				P	P		P			
Liquefied Petroleum Gas Dealers	454312										P	

Landscaping and Buffers

There is no apparent existing vegetative buffer along any boundary in the proposed conditional zoning district of the subject parcel. Staff is proposing a condition of approval that fencing along the proposed C-1 buffer exceeds the 6-foot minimum requirement as called for in section 8.2.6 of the UDO. Staff’s recommendation is that the fencing along the C Buffer shall be at least 7 feet tall measured from the grade of the parking lot. All required buffers would be comprised entirely of new plantings. The applicant is proposing a Type A buffer along the NC Highway 210 and Little Kelly Road boundaries, a Type C buffer along the furthest western boundary of the project which borders the adjacent residence, and a Type B buffer along the northern boundary. These proposed buffers are consistent with the vegetative buffering requirements found in Article 8 of the UDO.

Proposed Buffers	
Northern Boundary	B-1
Eastern Boundary (Little Kelly)	A-1
Southern Boundary (NC Highway 210)	A-1
Western Boundary	C-1

See buffer standards below from the Pender County UDO (Figure 2):

Buffer A

Buffer "A" This buffer is designed primarily for road frontage areas and should run parallel to the street to provide a continuous, aesthetically pleasing streetscape. The requirements for buffer "A" shall be met by any one of the following:
A-1) 15 foot wide strip with 3 canopy trees, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet (width may be reduced to 10’ for existing developed lots that are subject to new buffer requirements), or
A-2) 20 foot wide strip with 3 canopy trees, 2 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 18 shrubs per 100 linear feet, or
A-3) 25 foot wide strip with 1 canopy tree, 2 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 21 shrubs per 100 linear feet, or
A-4) 30 foot wide strip with 1 canopy tree, 2 understory trees and either a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 32 shrubs per 100 linear feet.

Buffer B

Buffer "B" This buffer is a medium density planting area to be used primarily along non street boundary lines to provide spatial separation between similar types of uses. The requirements for buffer "B" shall be met by any one of the following:
B-1) 10 foot wide strip with 3 canopy trees, 4 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or
B-2) 15 foot wide strip with 3 canopy tree, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or
B-3) 20 foot wide strip with 1 canopy tree, 2 understory tree and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 15 shrubs per 100 linear feet, or
B-4) 25 foot wide strip with 0 canopy trees, 5 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 21 shrubs per 100 linear feet.

Buffer C

Buffer "C" This buffer is designed to provide a high density screen primarily along non street boundary lines to provide buffer and separation between different categories of uses such as commercial adjacent to residential uses or other non-residential uses adjacent to high density single family residential uses. The requirements for buffer "C" shall be met by any one of the following:
C-1) 10 foot wide strip with a 6 foot high wood stockade, basket weave, or other solid wood fence and 2 canopy trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or
C-2) 15 foot wide strip with a 6 foot high wood stockade, basket weave, or other solid wood fence or an evergreen hedge* that will provide a continuous screen at least 6' high within 4 years and 1 canopy tree, 4 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or *Reference spacing requirements in plant list for specific species and spacing to achieve evergreen hedge
C-3) 20 foot wide strip with an evergreen hedge that will provide a continuous screen at least 6' high within 4 years and 1 canopy tree or 3 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or
C-4) 25 foot wide strip with an evergreen hedge that will provide a continuous screen at least 6' high within 4 years, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet.

Proposed Signs

The applicant is proposing three signs in total, two freestanding and one wall sign in the form of channel letters. Both freestanding signs are proposed to be 100 sq ft in size and will front NC

Highway 210 and Little Kelly Road. Due to the sign fronting NC Highway 210 exceeding its square footage allowance per section 9.7.1.A of the UDO, a variance would be needed prior to sign application approval. Similarly, the proposed channel letter wall signs fronting NC Highway 210 exceed the size allowance for the given wall and will also require a variance prior to sign application approval. All signs are proposed to be illuminated. Staff proposes, as a condition of approval, all illuminated signs shall not cast light beyond property lines.

Significant Trees

A significant tree survey conforming with Article 8.1.3 of the UDO will be required prior to administrative approval of any subsequent site development plan within this site. Any significant tree proposed for removal shall be mitigated by the on-site planting of two (2) trees of the same species with a minimum caliper of 2 inches or greater.

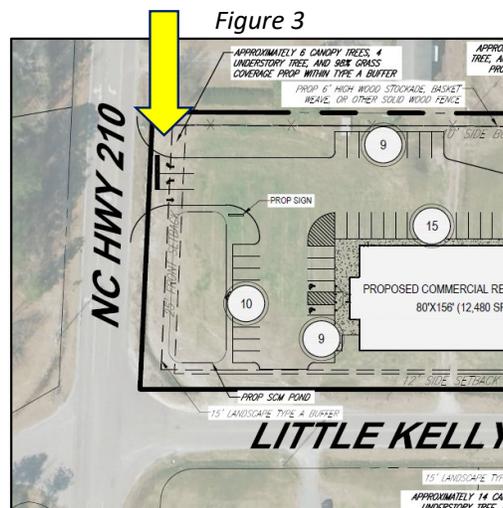
Public Input Meeting

As required by Article 3.3.9 of the UDO, the applicant hosted a public input meeting located at Riley’s Creek Baptist Church on December 20th from 5:30-7:00pm. Notice of the meeting was mailed to all property owners within 500 feet of the subject parcels. As described in the applicant’s report of the meeting, 52 members of the public attended. Attendees raised concerns pertaining to the user being a “dollar store” type retailer, traffic at the intersection of Little Kelly Road and NC Highway 210, drainage, lighting, landscaping, and the diminishment of the rural setting the area currently possesses. The applicant’s report can be found as Attachment 3.

TRANSPORTATION INFRASTRUCTURE

Roadways and Access

The subject parcel (Parcel PIN: 3214-28-8318-0000) has direct access to NC Highway 210 and Little Kelly Road. As shown on the plan, the applicant is proposing access to the development solely from NC Highway 210.



Traffic

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. The proposed commercial retail use is not projected to generate enough traffic daily or during peak hours to require a Traffic Impact Analysis. Per NCDOT Average Daily Traffic capacity calculations, NC Highway 210 between McIntyre Church Road and Little Kelly Road is experiencing 24% of its total available traffic capacity and the section of Little Kelly Road between NC Highway 210 and NC Highway 133 is experiencing 12% of its overall traffic capacity.

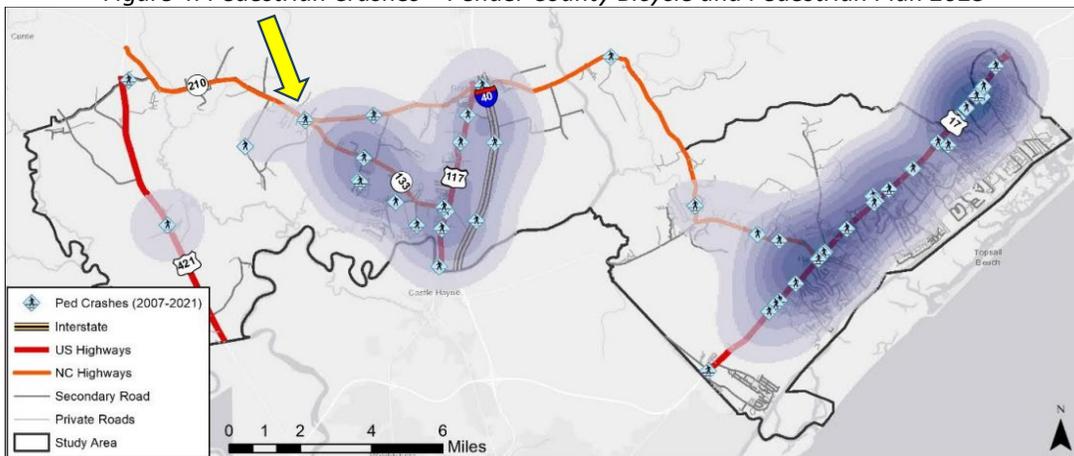
NCDOT Annual Average Daily Traffic (AADT) – 2020; WMPO Roadway Capacities – 2020

Road	Location	Volume	Planning Capacity	V/C
NC 210	Between McIntyre Church Rd and Little Kelly Rd	5,100	20,943	0.24
Little Kelly Rd	NC 210 Intersection with NC 133	2,500	20,943	0.12

Bicycle and Pedestrian Access

The applicant has proposed including a 10-foot-wide easement dedicated for public use along the exterior portion of the subject property to be rezoned that fronts NC Highway 210 and Little Kelly Road. This easement is consistent with the dimensional requirements for the future construction of a multi-use path (MUP) as outlined in the recently adopted Pender County Bicycle and Pedestrian Plan. Staff is recommending a condition of approval that would require the applicant to set aside space for a 10-foot-wide multi-use path. An MUP could increase needed pedestrian safety measures in this area. As shown in the figure below, pedestrian crashes have already occurred near this intersection. Increases in pedestrian and bicycle traffic at this intersection can be reasonably expected with the addition of commercial development and increased vehicular and pedestrian trips.

Figure 4: Pedestrian Crashes – Pender County Bicycle and Pedestrian Plan 2023



OTHER INFRASTRUCTURE

Utilities

Public water is available through Pender County Utilities (PCU) via the water main that runs along NC Highway 210 and partially down Little Kelly Road. The applicant is proposing the installation of a septic tank in the rear of the parcel behind the commercial building. This septic area is directly perpendicular to the intersection where NC Highway 210 meets Little Kelly Road. A septic tank in this section of the development may prevent future driveway connection from NC Highway 210 to the parcel or the adjoining parcel should they be developed further in the future.

Stormwater

Article 7.9 of the Pender County Unified Development Ordinance requires that stormwater infrastructure be built such that the post development runoff from the project be no more than ten (10) percent more than the pre-development runoff. Low-density projects are required to meet this standard for the 1 year 24-hour event, while high density projects shall meet this requirement for the 10- and 25-year return period events and be analyzed for the 50-year event. The applicant has proposed exceeding these standards by constructing a stormwater system which would accommodate a 10-, 25-, and 50-year event and be analyzed for a 100-year event. Certification from a licensed engineer that the project meets these requirements shall be required prior to staff issuing administrative approval of the development. Additionally, 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	The subject parcel does not show characteristics of wetlands ^{2,3} .
Areas of Environmental Concern	The subject property does not contain any Areas of Environmental Concern (AEC) ⁴ .

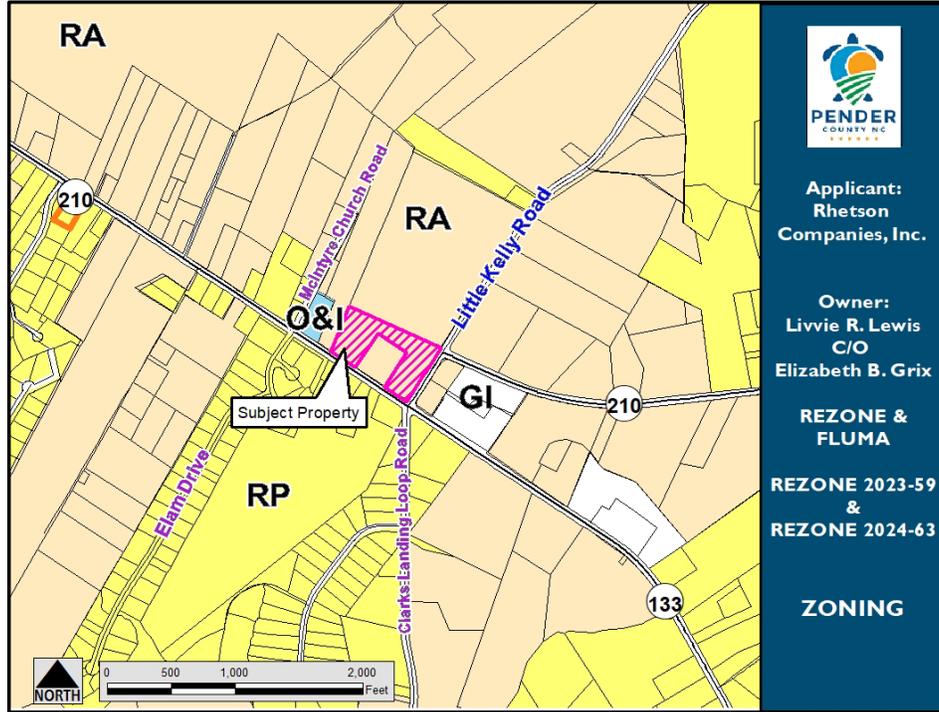
¹ According to the effective regulatory and preliminary Flood Insurance Rate Maps NC Flood Risk Information System (NC FRIS)

^{2,3} According to the National Wetlands Inventory (NWI) and Division of Coastal Management (DCM) layers found within the County's Geographic Information System (GIS) database

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

EVALUATION

Below: Zoning Map of the Area



CHARACTERISTICS OF THE SURROUNDING AREA

	LAND USE	ZONING
North	Vacant, Agriculture	RA, Rural Agricultural
East	Agriculture, Residential, Commercial	RA, Rural Agricultural GI, General Industrial
South	Residential, Vacant	RP, Residential Performance
West	Commercial, Vacant	RA, Rural Agriculture O&I, Office and Institutional

Surrounding Zoning

The subject property is currently zoned RA, Rural Agriculture. Properties in the surrounding area are currently zoned RA, Rural Agriculture; GI, General Industrial; RP, Residential Performance; and O&I, Office and Institutional as indicated by the zoning map and table above.

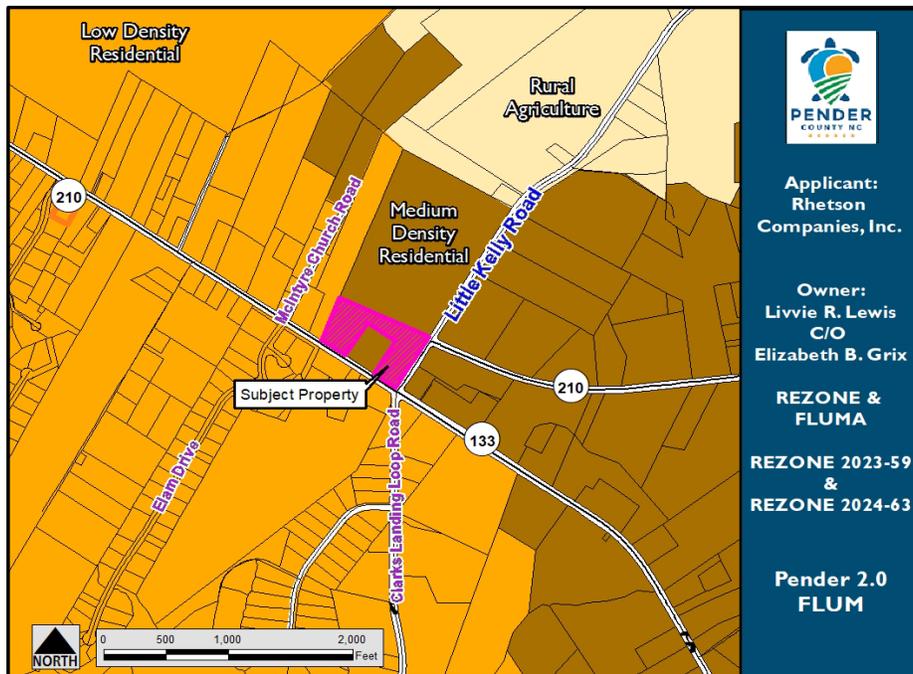
Pender 2.0 Comprehensive Land Use Plan Compliance

The subject property is located within the Medium Density Residential future land use category within the Pender 2.0 Comprehensive Land Use Plan (Comprehensive Plan) and as shown in the Future Land Use Map (FLUM).

Proposed Amendment to the Future Land Use Map

In conjunction with the conditional rezoning application, the applicant is also proposing to reclassify the indicated portion of the subject parcel’s Future Land Use Map designation within the Comprehensive Plan from the Medium Density Residential future land use category to the Neighborhood Mixed Use future land use category.

Below: Future Land Use Map of the Area



Medium Density Residential Overview – Current Future Land Use Category

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

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

Neighborhood Mixed Use Overview – Proposed Future Land Use Category

Neighborhood Mixed Use allows for a transition between more intense commercial, office, and residential development to lower density residential neighborhoods. The neighborhood mixed use category is primarily dedicated to non-residential uses that provide services, entertainment, and amenities to residents within a three-mile radius. Land use and development within this category is closely coordinated with existing and planned roadway transportation networks, while encouraging bicycle and pedestrian access. This future land use category should be composed of a mixture of integrated commercial, office, institutional, and single-family residential uses and is not intended to be solely reserved for mixed use developments. Single use developments that contribute toward an integrated land use pattern of appropriate commercial, office, civic, and medium density residential uses are encouraged.

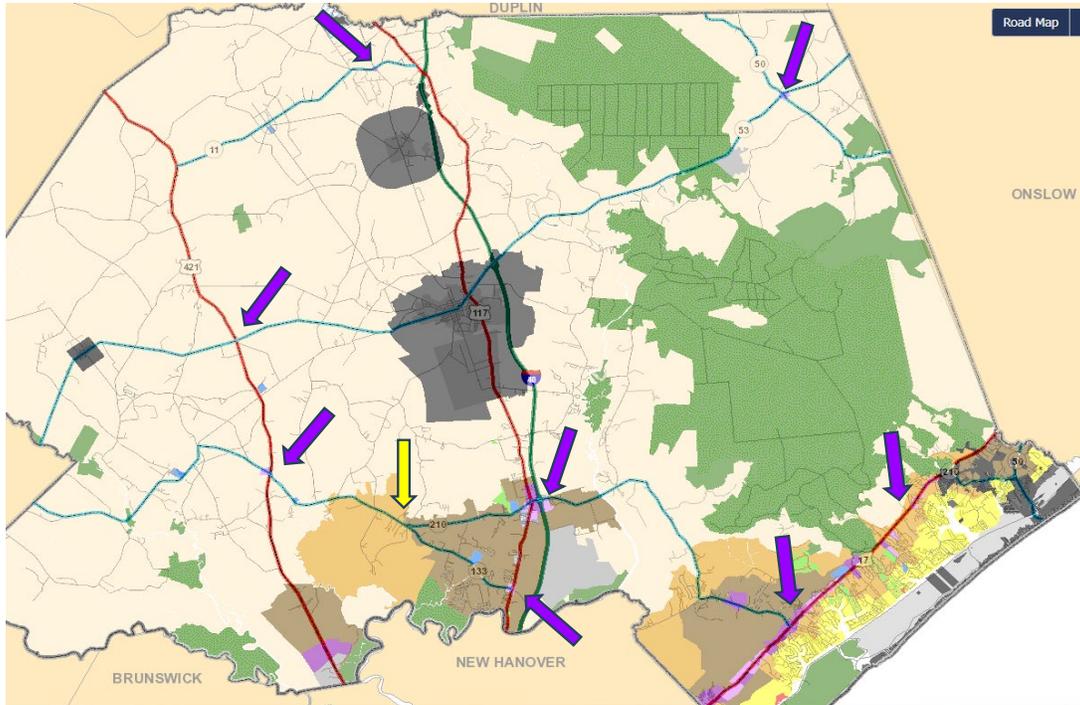
Appropriate uses include neighborhood-scale retail, restaurant, and office establishments; religious and educational institutions; and higher-density single-family residences – attached and detached. Large-scale or intense commercial establishments, multi-family development, and industrial operations are not appropriate. Building footprints are generally limited to 15,000 square feet in size or smaller. These areas should be served by water and sewer infrastructure.

Evaluation

The proposal is not supported by the Medium Density Residential future land use category, which describes commercial uses that are not part of a master planned community as inappropriate. As noted in Figure 5 below, most other major intersections in the County, especially those where two highways meet, are designated as Neighborhood Mixed Use or Regional Mixed Use, and include commercial development. The proposed amendment to the future land use map brings this property into conformance with other similar intersections that support commercial uses that provide services to the predominantly residential uses nearby. Because this classification is typical of major intersections, a reclassification of the NC Highway 210 and Little Kelly Road intersection to Neighborhood Mixed Use would not be a deviation from the norm and would unify this intersection with other similar areas of the County. In this case, a reclassification to Neighborhood Mixed Use could facilitate development in desired areas as sought after in the Comprehensive Plan.

Surrounding land uses include commercial, institutional and light industrial activity, which is consistent with the Neighborhood Mixed Use future land use category. As noted within the Comprehensive Plan, the Neighborhood Mixed Use future land use category supports non-residential uses that provide services to nearby residents. With the continued residential growth in Rocky Point, commercial services will be needed in this area.

Figure 5: Future Land Use Classifications at Major Intersections



Purple Arrow: Major Intersections Designated Neighborhood Mixed Use or zoned GB

Yellow Arrow: Subject Site

The proposal was also found to be consistent with at least five 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.F: Conditional Zoning: The County shall continue to use the conditional zoning process as a tool for encouraging desirable development outcomes.

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

3.3.9.B.3 Approval Criteria for Conditional Rezoning

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

- A. The Approval Criteria for a Rezoning (Section 3.3.5).
- B. That the application meets the intent of a conditional rezoning, per this subsection.
- C. 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.
- D. The potential impacts and/or benefits on the surrounding area and adjoining properties.
- E. The report of results from the public input meeting.
- F. 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.

RECOMMENDATION

Planning staff is submitting the proposed Conditional Zoning Map amendment for Planning Board recommendation. The proposal is supported by five policies within the Pender 2.0 Comprehensive Land Use Plan. Based on the information outlined in this report, staff is recommending approval of the proposed Conditional Zoning Map amendment. If the Conditional Zoning Map amendment is approved, the applicant will be required to submit all necessary local, state and federal permits prior to receiving administrative approval to begin construction.

PROPOSED CONDITIONS OF APPROVAL

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

1. The project shall comply with all requirements of the Pender County Unified Development Ordinance.
2. The project shall meet all other local, state, and federal regulations.
3. The project shall be designed such that the post development runoff from the project be no more than ten (10) percent more than the pre-development runoff for the 10-, 25-, and 50-year event and be analyzed for the 100-year event.
4. Dedicate a 10-foot-wide easement adjacent to the right-of-way along the site boundary adjacent to Little Kelly Road and NC Highway 210 for the development of a multi-use path. This easement shall be dedicated for public use.
5. A significant tree survey conforming with Article 8.1.3 of the UDO will be required prior to administrative approval of any subsequent site development plan within this project. Any significant tree proposed for removal shall be mitigated by the on-site planting of two (2) trees of the same species with a minimum caliper of 2 inches or greater.
6. Parking lot lighting shall be shielded so that it does not cast direct light beyond the property lines.
7. Sign illumination shall not cast direct light beyond the property lines.
8. Fencing along the C Buffer shall be at least 7 feet tall, measured from the grade of the parking lot.

PLANNING BOARD ACTION NEEDED:

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

- 5.1.C: Coordination with Infrastructure/Services
- 5.1.D: Focused Growth and Development
- 5.1.E: Compatible Development
- 5.1.F: Conditional Zoning
- 5.1.K: Commercial Development

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

- 5.1.C: Coordination with Infrastructure/Services
- 5.1.D: Focused Growth and Development
- 5.1.E: Compatible Development
- 5.1.F: Conditional Zoning
- 5.1.K: Commercial Development

The proposed rezoning is consistent with the Neighborhood Mixed Use Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan.

TO DENY: Motion to deny the Future Land Use Map Amendment and to make a finding of denial because although the proposal is consistent with five policies within 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]...

Motion to deny the Conditional Zoning Map Amendment and to make a finding of denial because the proposal is inconsistent with the Future Land Use Map within 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 CONDITIONAL REZONING

MOTION	SECONDED

APPROVED	DENIED	UNANIMOUS

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey

Pender County Planning and Community Development



805 S. Walker Street
PO Box 1519
Burgaw, NC 28425

Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

Conditional Zoning Map Amendment Submission (Conditional Rezoning)

Applications will be considered for review by Staff only when deemed complete. The application will be regarded as incomplete until the following items are received by the Planning and Community Development Staff.

- | | | |
|----|-------------------------------------|--|
| 1. | <input checked="" type="checkbox"/> | <p>Pre-submittal Meeting
Date of Meeting <u>10-26-2023</u></p> |
| 2. | <input checked="" type="checkbox"/> | <p>Signed Application</p> |
| 3. | <input checked="" type="checkbox"/> | <p>Payment To be paid after invoice is sent digitally.
\$500 for the first 5 acres; \$10/ acre thereafter up to 1,000 acres; \$5 per acre thereafter</p> |
| 4. | <input checked="" type="checkbox"/> | <p>Generalized Site Development Plan
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.</p> |
| 5. | <input checked="" type="checkbox"/> | <p>Narrative
A description and/or statement of the present and proposed land use classification and stating why the request is being made and any information that is pertinent to the case.</p> |
| 6. | <input type="checkbox"/> | <p>Public Input Meeting Report
A meeting summary shall be submitted in accordance with the Unified Development Ordinance. This item is not required at the time of application submittal but must be received by the Administrator prior to any public hearings are noticed.</p> |
| 7. | <input checked="" type="checkbox"/> | <p>Digital Submission
For all documents submitted in paper copy, a digital copy shall be sent via email or digital drive.</p> |
| 8. | <input checked="" type="checkbox"/> | <p>Adjacent Property List
A list of names and addresses, as obtained from the county tax listings and tax abstract, to the owners of all properties located within 500-feet of the perimeter of the project bounds.</p> |
| 9. | <input checked="" type="checkbox"/> | <p>Adjacent Property Envelopes
The applicant shall provide two sets of business envelopes addressed to each of the owners of all properties located within 500-feet of the perimeter of the project bounds and accompanied with the amount of postage required for first class postage. No return address shall be placed on the envelopes at the time of submission.</p> |

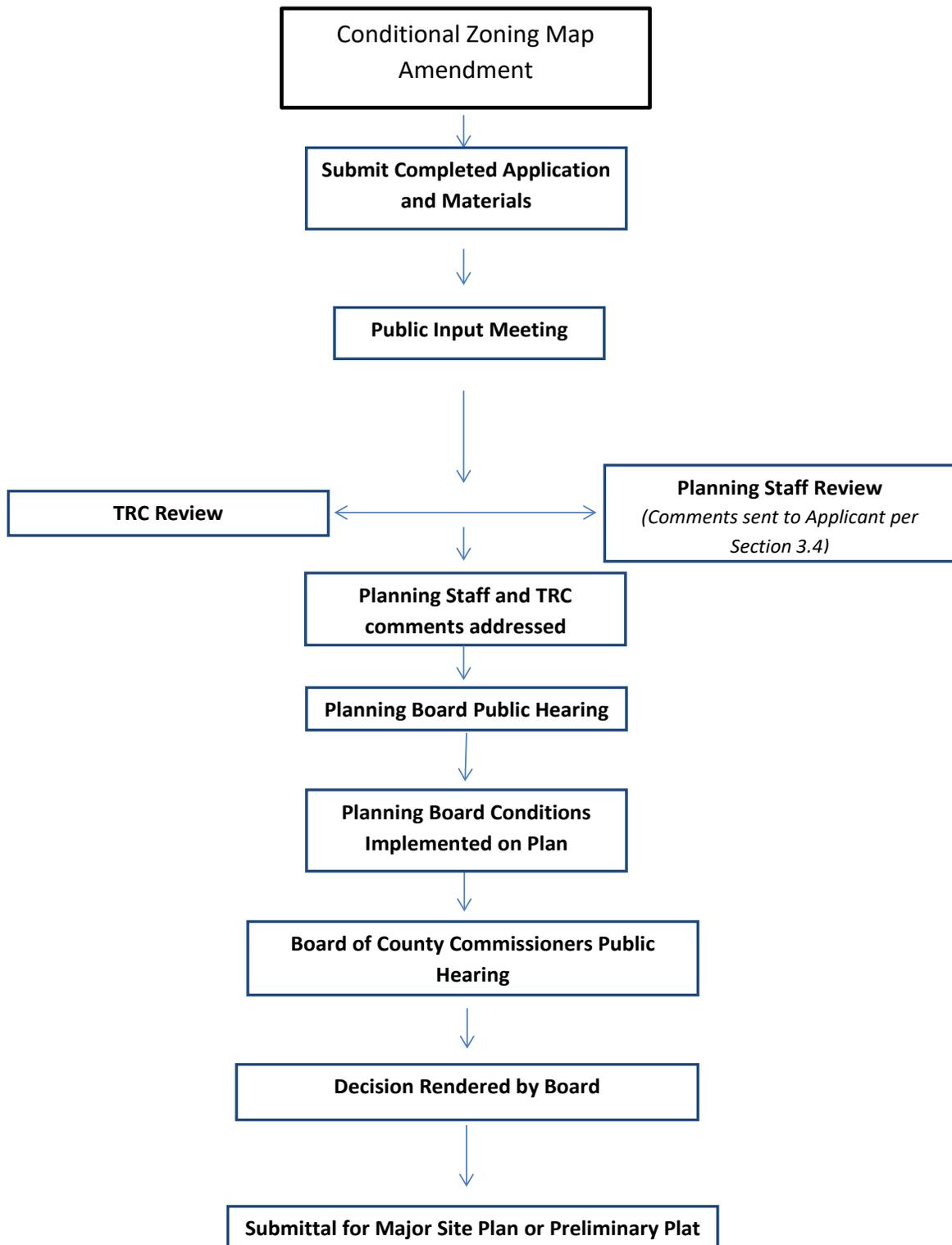
I certify that all information presented in this application is accurate to the best of my knowledge.

Signature of Applicant *Jamie S. Encinosa*

Date 10-31-23

Printed Name Jamie S. Encinosa

Staff Initials:	
Date:	



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CONDITIONAL REZONING

Intent

- A. Conditional zoning districts hereby included are to allow for the consideration of certain uses that are permitted uses in the underlying zoning district but due to their nature may not be appropriate for a particular location.
- B. A conditional zoning district is intended for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use or uses on small and large scale projects.
- C. Although, it is not intended to be used for speculative purposes, a conditional zoning district applicant may include as part of the application, a list of uses which will not be developed on the property.
- D. All uses listed as part of any application must be in the same format and description as listed in the Table of Permitted Uses.
- E. The following zoning district categories are approved to be assigned conditional zoning districts: PD, RP, RM, GB, OI, IT, IG (Reference Article 4 for Zoning District Descriptions).

Application

Except as provided herein, all applications to establish a conditional zoning district must follow the regulations prescribed in this section in addition to the standard rezoning process as described in Section 3.3, Rezoning of this Ordinance.

Public Input Meeting

Prior to scheduling a public hearing on the rezoning application, **the applicant must conduct one public input meeting and file a report of the results with the Administrator.**

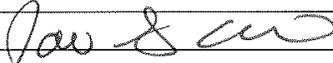
1. The report for the public hearing will include a summary of the public input meeting.
2. The applicant shall mail a notice for the public input meeting to adjoining property owners not less than ten (10) days prior to the scheduled meeting.
3. The notice shall include the time, date and location of the meeting as well as a description of the proposal.
4. The applicant's report of the meeting shall include:
 - a. A copy of the letter announcing the meeting.
 - b. A list of adjoining property owners contacted.
 - c. An attendance roster.
 - d. A summary of the issues discussed.
 - e. The results of the meeting including changes to the project's proposal, if any.

Review

When evaluating an application for the creation of a conditional zoning district, the Planning Board and Board of Commissioners shall consider the following:

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

APPLICATION FOR CONDITIONAL REZONING

THIS SECTION FOR OFFICE USE			
Application No.	ZMA-CD REZONE 2023-59	Date	11.7.23
Application Fee	\$ 500	Invoice Number:	00036803
Pre-Application Conference		Hearing Date	TRC 12.7.23
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Rhetson Companies, Inc.	Owner's Name:	Livvie R. Lewis C/O Elizabeth B. Grix
Applicant's Address:	2075 Juniper Lake Road	Owner's Address:	3828 Echo Farms Blvd
City, State, & Zip	West End, NC, 28412	City, State, & Zip	Wilmington, NC, 28412
Phone Number:	910-944-0881	Phone Number:	910-512-4201
Email Address:	permits@rhetson.com	Email Address:	Bettyann1@ec.rr.com
Legal relationship of applicant to landowner:	Applicant under contract to purchase property		
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3214-28-8318-0000	Total property acreage:	5.65 acres
Current Zoning District:	Rural Agricultural	Proposed Zoning District:	General Business
Project Address or Location:	NC HWY 210 E, Wilmington, NC, 28412		
Proposed Uses to be Considered (Include NAICS Code):			
Single Tenant Commercial Retail Store NAICS Code: 44-45 (Retail Trade)			
Proposed Uses to be Eliminated from Consideration (Include NAICS Code):			
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	Oct 31, 2023
Applicant's Name Printed	Jamie S. Encliosa (Chief Operating Officer; Rhetson Companies, Inc.)	Date:	
Owner's Signature		Date:	Oct 29, 2023
Owner's Name Printed	Livvie R. Lewis C/O Elizabeth B. Grix	Date:	
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> 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

<input type="checkbox"/>	Signed application form
<input type="checkbox"/>	Application fee
<input type="checkbox"/>	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.
<input type="checkbox"/>	Two (2) business size envelopes legibly addressed with first class postage for each of the adjacent and abutting property owners on the above list.
<input type="checkbox"/>	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.
<input type="checkbox"/>	12 (11"x17") map copies to be distributed to the Planning Board
<input type="checkbox"/>	20 (11"x17") map copies to be distributed to the Board of Commissioners
<input type="checkbox"/>	Digital (.pdf) submission of all application materials
<input type="checkbox"/>	Public Input Meeting Report (Section 3.4.3 or see Public Input Meeting on the first page of this application)
<input type="checkbox"/>	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.
<input type="checkbox"/>	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
<input type="checkbox"/>	A generalized site development plan shall include the following items: <ul style="list-style-type: none"> <input type="checkbox"/> A vicinity map drawn to a suitable scale which illustrates adjacent or nearby roadways, railroads, waterways & public facilities. <input type="checkbox"/> A (metes and bounds) boundary of the parcel or portion of the parcel to be rezoned and developed. <input type="checkbox"/> All existing easements, reservations and rights of way. <input type="checkbox"/> Delineation of all Areas of Environmental Concern including but not limited to federal jurisdictional wetlands. <input type="checkbox"/> 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. <input type="checkbox"/> If a known use is proposed: Traffic impact report, parking and circulation plans illustrating dimensions, intersections and typical cross sections. <input type="checkbox"/> All proposed setbacks, buffers, screening and landscaping. <input type="checkbox"/> Phasing. <input type="checkbox"/> Signage. <input type="checkbox"/> Outdoor lighting. <input type="checkbox"/> Current zoning district designation and current land use status. <input type="checkbox"/> Other information deemed necessary by the Administrator, Planning Board, or Board of Commissioners, including but not limited to a Traffic Impact Analysis or other report from a subject matter expert.

Office Use Only

ZMA-CD Fees: (<i>\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter</i>)				Total Fee Calculation: \$			
Attachments Included with Application: (Please include # of copies)							
CD /other digital version	<input type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets	# of large	# of 11X17	Other documents/Reports	<input type="checkbox"/> Y <input type="checkbox"/> N	
Payment Method:	Cash : <input type="checkbox"/> \$ _____			Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa		Check: <input type="checkbox"/> Check # _____	
Application received by:	Adam Moran					Date:	
Application completeness approved by:	Taylor Davis					Date: 11.7.23	
Dates scheduled for public hearing: 12.7.23 TRC		<input type="checkbox"/> Planning Board:			<input type="checkbox"/> 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:

<input type="checkbox"/>	Maximum density
<input type="checkbox"/>	Setbacks (Front, side, rear, corner)
<input type="checkbox"/>	Minimum lot width/Minimum chord length at the right-of-way for cul de sacs
<input type="checkbox"/>	Structure separation
<input type="checkbox"/>	Minimum lot size
<input type="checkbox"/>	Maximum building height
<input type="checkbox"/>	Permitted uses (Including NAICS code)
<input type="checkbox"/>	Buffer standards (Depth, number and type of vegetation per 100 linear feet)
<input type="checkbox"/>	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.



Bohler Engineering NC, PLLC
4130 Park Lake Ave Suite 130
Raleigh, NC 27612
919-578-9000

Narrative

Project Name: Little Kelly Road & 210 Conditional Rezoning
Project Address: NC Hwy 210 E
Wilmington, NC 28412
Pender County

Developer: Rhetson Companies, Inc.
Mailing Address: 2075 Juniper Lake Road
West End, NC 28412
Phone: (910) 944-0881

This application package is requesting for the conditional rezoning of parcel 3214-28-8318-0000 located at the intersection of Hwy 210 and Little Kelly Road in Pender County. The site is currently vacant and zoned RA, rural agricultural. This this conditional rezoning process we are requesting the rezoning to GB, general business. The proposed use of the property after the conditional rezoning is for a general retail business store which can be seen in the generalized site development plan consisting of the proposed building, parking, utilities, stormwater treatment, lighting, and landscaping improvements.

ATTACHMENT 1: Site Plan

ATTACHMENT 2: 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	Residential				Mixed Use	Commercial	Industrial			Special Purpose
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
RESIDENTIAL											
SFD: Detached-Conventional		P	P	P	P	P					
SFD: Detached Zero Lot Line				P		P					
SFD-Attached: Duplex		P	P	P		P					
SFD-Attached: Multiplex				P		P					
SFD-Townhouse (5+ attached)				P		P					
Multifamily (condominium/apartment)				P		P					
Upper Story Residential						P	P	P			
Accessory Dwelling Unit		D	D	P		D					
Accessory Dwelling Unit on Non Residential Principal Uses		D				D			P	P	
Manufactured Home		P	D		P						
Manufactured Home Park					PMD						
ACCESSORY USES AND STRUCTURES											
Accessory Structures		P	P	P	P	P	P	P	P	P	
Cottage Occupations		SD	SD	SD		SD	SD				
Home Occupation		D	D	D	D	D	D				
Agritourism Activities on active farms		D	D	D	D	D	D	D	D	D	D
Sector 21: MINING, QUARRYING, OIL AND GAS EXTRACTION											
Nonmetallic Mineral Mining & Quarrying	2123	S								S	
Except: 212392 Phosphate Rock Mining											
Except: 212321 Borrow Pit Sand Mining			PMDS			PMD					
Sector 22: UTILITIES											
Fossil Fuel Electric Power Generation	221112									S	
Other Electric Power Generation	221119								S	S	
Electric Bulk Power Transmission & Control	221121	S	S	S	S	S	S	S	P	P	
Natural Gas Distribution Except Transmission Lines	221210									P	
Water Supply Facilities*	221310		S			PM				P	

Sewage Treatment Facilities*	221320		S	PMD/S		PMD/S				P	
Except: Sewage Lift Stations*		SD	SD	PMD/S	PMD/S	PMD/S	D	D	D	D	
*County Owned or County Service District Provided Systems=P											
		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 23: CONSTRUCTION											
Construction of Buildings	236						D		P	P	
Heavy and Civil Engineering Construction	237						D		P	P	
Specialty Trade Contractors	238						D		P	P	
Sectors 31-33 MANUFACTURING											
Artisan Manufacturing		S	S			P	P		P		
Food Manufacturing	311									P	
Beverage and Tobacco Product Manufacturing	312									P	
Textile Mills	313									P	
Textile Product Mills	314									P	
Apparel Manufacturing	315									P	
Wood Product Manufacturing	321								P	P	
Truss Manufacturing	321214						S		P	P	
Prefabricated Wood Building Manufacturing	321992						S		P	P	
Prefabricated Metal Building and Component Manufacturing	332311						S		P	P	
Paper Manufacturing	322									S	
Converted Paper Product Manufacturing	3222									P	
Printing and Related Support Activities	323								P	P	
Petroleum and Coal Products Manufacturing	324									S	
Synthetic Dye and Pigment Manufacturing	32513									P	
Other Basic Organic Chemical Manufacturing	32519									P	
Resin, Synthetic Rubber & Artificial Synthetic Fibers and Filaments Manufacturing	3252									P	
Pharmaceutical Manufacturing	3254								P	P	
Paint, Coating and Adhesive Manufacturing	3255									P	

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

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

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

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

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

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

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

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

5.3 USES WITH STANDARDS

5.3.1 General

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

ATTACHMENT 3: Public Input Meeting Packet



Bohler Engineering NC, PLLC
4130 Park Lake Ave Suite 200
Raleigh, NC 27612
919-578-9000

*****NOTE: THIS IS A CORRECTION LETTER TO A PREVIOUSLY SENT PUBLIC INPUT MEETING NOTICE. THE MEETING REFERENCED IN THE PREVIOUS MEETING NOTICE WILL NO LONGER BE HELD AT PETE'S PLACE FAMOUS HOTDOGS. THE COMMUNITY MEETING WILL TAKE PLACE AT RILEY'S CREEK BAPTIST CHURCH. PLEASE SEE THE ADDRESS BELOW. WE SINCERELY APOLOGIZE FOR ANY INCONVENIENCE THIS CHANGE MAY CAUSE. *****

December 5, 2023

Dear Rocky Point Area Property Owner:

The purpose of this letter is to notify you of an application filed with Pender County for a conditional rezoning involving property adjacent to, or in close proximity to, property shown in your ownership by Pender County tax records. Per Pender County regulations, a Public Input Meeting will be held to provide information to area residents about the proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: December 20, 2023

Meeting Time: 5:30 pm – 7:00 pm

Meeting Location: Riley's Creek Baptist Church
19845 State Hwy 210, Rocky Point, NC 28457

Type of Application: Conditional Rezoning Application

Project/proposal property address: PIN 3214-28-8318-0000
State Hwy 210 & Little Kelly Road, Rocky Point, NC 28457

Description of project/proposal: Proposed commercial retail business with associated parking, utility, landscaping, & lighting improvements

Upcoming public meetings for this application (Planning Board and/or Town Council): TBD

At a minimum, the following will be available for your inspection at the Public Input Meeting:

1. A copy of the project application.
2. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
3. A map, drawing, or other depiction of the proposed land use change or development proposal.

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/or development proposal.

If you have any questions prior to or after this meeting, you may contact us at 919-578-9000. You may also contact the Planning Department at 910-259-1734.

Sincerely,

Bohler Engineering

Cc: Pender County Planning and Community Development

www.BohlerEngineering.com

ANDREW + DANA O'DONNELL
RECKLESS SOUL RANCH @ GMAIL.COM

18130 NC HWY 210, ROCKY POINT, NC

Public Input Meeting Sign-In Sheet

<u>Name(s)</u>	<u>Address</u>
Dave McBride	382 Scott Rd Rocky Point, NC 28457
Joe Bonse la ar	125 Woodcroft Ln Rocky Point, NC 28457
Kate & John LaSala	91 Grand Oaks Blvd Rocky Point NC 28457
SONDRA + JAMES Ray	447 Apple Blossom Rocky Point NC 28457
Cal Lewis	3500 N.C. Hwy 133 R. P. 28457
Charlie Caldwell	951 Clarks Landing Rd Caldwell Family, 28457
Jody McPherson	781 Clarks Landing Rd (R.P.)
John & Ashley Huggins	199 Brewington Dr Burgaw, NC 28425
Amy Price	5890 Herrings Chapel Rd RP 28457
Theresa Vavaroutsas	125 Woodhaven Dr. Rocky Point
Chris Vavaroutsas	
Patty Shellhaas	132 Woodcroft Ln. Rocky Point,
Cyndee Shellhaas	Cyndee 62757@gmail

Public Input Meeting Sign-In Sheet

<u>Name(s)</u>	<u>Address</u>
Grace Smallwood Edna Lewis Jusie Collins David W. Houghly	80 McINTIRE Church Rd ACROSS from St. Paul Church in MALPASS Corner WOODCRAFT
Marcia Horton	1522 Clarks Landing Rd Rocky Point, NC 28457
Janet Eusiza	3931 NC Hwy 133 Rocky Point NC 28457
Steve Mathis	109 Timber Trails Rocky Point 28457
Carolyn Albury + George Albury	25 Elam Drive Rocky Point NC 28457
Darren Anderson	127 Clarks Landing Rd RP 28457
Ben Cherry	145 Clarks Landing Rd R.P. 28457
Nick + Trice Blair	17785 NC HWY 210 Rocky Point, NC 28457
CHARA + Rodney Maxwell	734 North DR Rocky Point N.C. 28457

Amie Beegle 743 Clarks Landing Rd. Rocky Point
 Adrianna Pickett 154 Nixon Ave, Rocky Point 28457 28457
 Suzanne / James Walton 910 Clarks Landing Rd Rocky Point
 Chris + Brandi Parrish 778 Clarks Landing Rd. 28457 28457
 Brian + Tracy Morrison 46 Russell Ct. Rocky Point 28457
 DAN + SARA KEMER 18660 NC HWY 210, Rocky Point
 Ben Beal 123 Woodcroft Ln 28457
 Megan Beal Bimmerpope@gmail.com
 123 Woodcroft Ln Rocky Point NC
 Amber Krause 565 Clarks landing loop rd Rocky Point
 Justin Krause → same (email - Ambernwalton00@gmail.com)
 DAVID LATHAM 19430 NC 210 Rocky Point
 Betty Ann Griep Wilmington
 CHRIS STEPHENS 5022 WRIGHTVILLE AVE Wilmington
 Pearl [Signature] 961 SCOTT RD - Rocky Point, NC
 [Signature] janetensign@gmail.com



Bohler Engineering NC, PLLC
4130 Park Lake Ave Suite 130
Raleigh, NC 27612
919-578-9000

Project Name: Little Kelly Road & 210 Conditional Rezoning
Project Address: NC Hwy 210 E
Wilmington, NC 28412
Pender County

Developer: Rhetson Companies, Inc.
Mailing Address: 2075 Juniper Lake Road
West End, NC 28412
Phone: (910) 944-0881

Summary

A public input meeting was held on December 20, 2023 at Riley's Creek Baptist Church located at 19845 NC Hwy 210 in Rocky Point, North Carolina. Below is a summary of concerns that were voiced by those in attendance as it relates to the proposed project located at the corner of Little Kelly Road and NC Hwy 210 in Rocky Point, North Carolina.

- Concerns with what community **ASSUMES** is a dollar store type retail.
- No commercial development of any kind: Concerns with disturbing their "country" living
- Intersection/traffic with store at intersection of 210 and Little Kelley
- Drainage
- Lighting
- Landscaping

ATTACHMENT 4: Survey

NOTES

1. THE FIRM HAS NEITHER REVIEWED, NOR RELIED UPON A TITLE COMMITMENT OR ANY TITLE REPORT IN AND WHILE PREPARING THIS SURVEY AND THE CLIENT SHOULD NOT RELY UPON THIS SURVEY AS ASSURANCE OF OWNERSHIP, AS A GUARANTEE OF MARKETABLE TITLE OR FOR DISCLOSURE OF TITLE EXCEPTIONS THAT MAY, COULD OR DO ENCOMBER THE PROPERTY. THE CLIENT MUST ENGAGE A TITLE AGENT / TITLE INSURANCE COMPANY FOR REVIEW AND CONFIRMATION OF, AND INSURANCE REGARDING MARKETABLE TITLE.
2. AREAS COMPUTED BY COORDINATE METHOD.
3. PROPERTY SHOWN HEREON IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.
4. ALL DISTANCES SHOWN ON SURVEY ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
5. RIGHTS-OF-WAY INFORMATION IS BASED ON DEEDS AND MAPS OF RECORD.
6. NC GRID COORDINATES (NAD83) OBTAINED BY USING GPS, PER THE NCVRS NETWORK.
7. BASIS OF BEARING SHOWN HEREON IS NC GRID (NAD 83 NSRS 2011).
8. VERTICAL DATUM SHOWN HEREON IS NAVD88.
9. THE PROPERTY SHOWN HEREON IS LOCATED IN FLOODZONE "ZONE X" AREA OF MINIMAL FLOODING, PER FLOOD INSURANCE RATE MAP 3720321400L PANEL 3214 EFFECTIVE DATE FEBRUARY 16, 2007.
10. NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS OBSERVED AT THE TIME OF THE SURVEY.
11. NO EVIDENCE OF STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED AT THE TIME OF THE SURVEY.



VICINITY MAP
NOT TO SCALE

- REFERENCES:
- DB 358, PG 205
 - DB 478, PG 2551
 - DB 2237, PG 334
 - BM 58, PG 99
 - PB 26, PG 40

SURVEYOR CERTIFICATION

I, THOMAS E. TEABO, PLS, HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, FROM DEED AND MAP REFERENCES AS NOTED ON SAID MAP. THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FROM DEED AND MAP REFERENCES AS NOTED ON SAID MAP.

THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY OF THE SURVEY AS CALCULATED IS 1:10,000+ THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION OF RECORD, THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH TITLE 21, CHAPTER 56, NCAC, AS AMENDED.

I HEREBY CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- (1) CLASS OF SURVEY: "CLASS A"
- (2) POSITIONAL ACCURACY: 0.04"
- (3) TYPE OF GPS FIELD PROCEDURE: REAL-TIME KINEMATIC NETWORKS-NCVRS
- (4) DATES OF SURVEY: 11/21/2023-12/20/2023
- (5) DATUM/EPOCH: NAD 83 (2011) EPOCH 2010.00
- (6) PUBLISHED FIXED-CONTROL USE: NCVRS
- (7) GEOID MODEL: 2016 (CONUS)
- (8) COMBINED GRID FACTORS: 0.99997947
- (9) UNITS: US SURVEY FEET

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 20TH DAY OF DECEMBER A.D., 2023.

PRELIMINARY - NOT FOR RECORDATION,
SALES OR CONVEYANCES

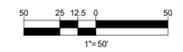
SURVEYOR NC L-3920



PRELIMINARY - NOT FOR RECORDATION,
SALES OR CONVEYANCES

LEGEND

	LINE SURVEYED		UTILITY POLE
	LINE NOT SURVEYED		WATER METER
	EXISTING CONTOUR		FIBER OPTIC MARKER
	EXISTING SPOT ELEVATION		TELEPHONE PEDISTAL
	WATER VALVE		SIGN
	OVERHEAD WIRES		MAIL BOX
	APPROX. LOC. UNDERGROUND FIBER OPTIC LINE PER UTILITY MARKOUT		AREA LIGHT
	APPROX. LOC. UNDERGROUND WATER LINE PER UTILITY MARKOUT		CLEAN OUT
	APPROX. LOC. UNDERGROUND TEL. LINE PER UTILITY MARKOUT		GUY WIRE
	APPROX. LOC. UNDERGROUND CABLE LINE PER UTILITY MARKOUT		IRON REBAR FOUND
			IRON PIPE SET
			COMPUTED POINT



BOHLER ENGINEERING- ALL RIGHTS RESERVED. THE SURVEY ORIGINALLY PERFORMED BY THE FIRM OF BOHLER ENGINEERING IS REPRODUCED BY THE FIRM OF BOHLER ENGINEERING.

TO:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 7(A), 8, 9, 13, 16 AND 17 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON DECEMBER 05, 2023.

PRELIMINARY - NOT FOR RECORDATION,
SALES OR CONVEYANCES

THOMAS E. TEABO, PLS DATE

NORTH CAROLINA PROFESSIONAL LAND SURVEYOR NO. L-3920

THIS CERTIFICATION IS MADE TO ONLY NAMED PARTIES FOR PURCHASE AND/OR MORTGAGE OF HEREIN DELINEATED PROPERTY BY THE NAMED PURCHASER. NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY SURVEYOR FOR THE USE OF SURVEY FOR ANY OTHER PURPOSE INCLUDING, BUT NOT LIMITED TO, USE OF SURVEY APPLICANT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN CERTIFICATION, EITHER DIRECTLY OR INDIRECTLY.

ALTA/NSPS LAND TITLE SURVEY
FOR
RHETSON COMPANIES, INC.
PIN: 3214-26-8318-0000
DB 2478, PG 48
PB 58, PG 99
TOWN OF ROCKY POINT
LONG CREEK TOWNSHIP
PENDER COUNTY, NORTH CAROLINA

FILE NO. NCB230212
DATE 12/20/2023
FIELD DATE 12/05/2023

BOHLER ENGINEERING
4330 PARKLASE AVENUE, SUITE 200
RALEIGH, NORTH CAROLINA 27615-5100
www.bohlerengineering.com

CREW CHIEF JR/JUL
DRAWN AH
REVIEWED TET
APPROVED TET
SCALE 1"=50'
DWG. NO. 1 OF 1



Pender County
REZONE 2023-61: Request to rezone two parcels from the GB, General Business zoning district to the CZ-6, Conditional Zoning District 6 in the Topsail Township

TO: Planning Board
FROM: Daniel Adams
DATE: February 6, 2024
SUBJECT: REZONE 2023-61: Request to rezone two parcels from the GB, General Business zoning district to the CZ-6, Conditional Zoning District 6 in the Topsail Township

SUMMARY:

TW & AG Timber, LLC, applicant and owner, is requesting approval of a conditional zoning map amendment to rezone two parcels totaling approximately 6.21 acres from the GB, General Business zoning district to a conditional zoning district, Conditional Zoning District 6. The proposed request would permit commercial and light industrial uses, including machinery and equipment rental and leasing, and septic tank and related services, in addition to all uses currently permitted by right in the GB zoning district. The subject parcels are located approximately 0.15 miles west of the intersection of US Highway 17 and NC Highway 210 in the Topsail Township and can be further identified by Pender County PINs 3282-87-3771-0000 and 3282-88-1093-0000.

ACTION REQUESTED:

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

ATTACHMENTS:

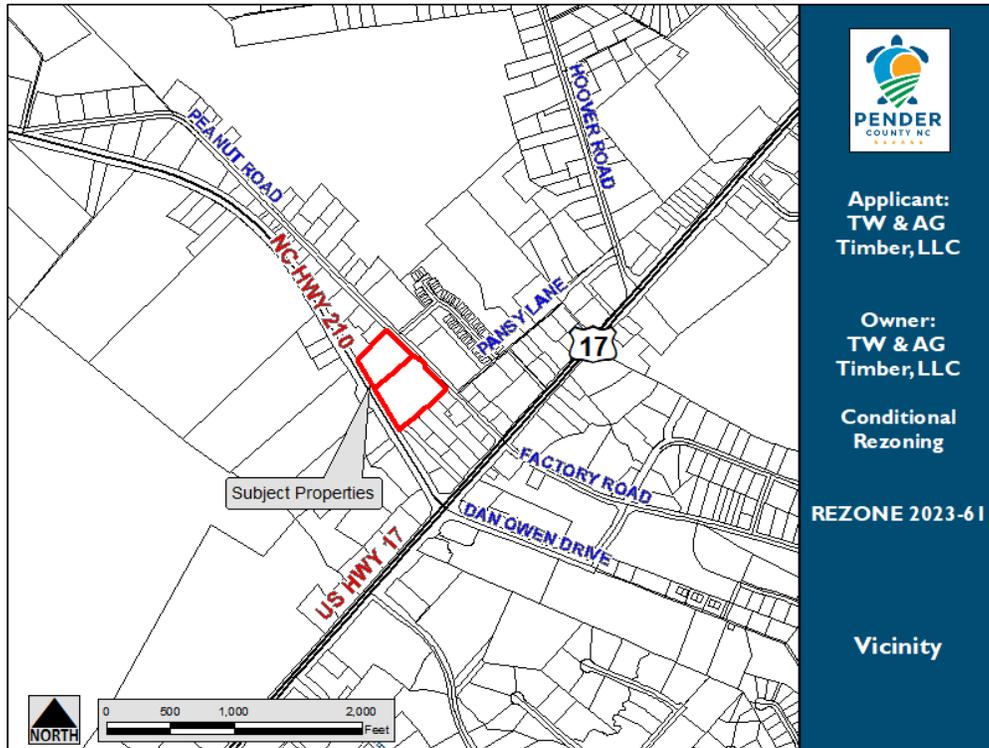
1. Staff Report
2. Application
3. Attachment 1: Narrative
4. Attachment 2: Table of Permitted Uses
5. Attachment 3: Site Plan
6. Attachment 4: Public Input Meeting Packet

**STAFF REPORT FOR REZONE 2023-61
CONDITIONAL ZONING MAP AMENDMENT APPLICATION**

APPLICATION SUMMARY	
Case Number	REZONE 2023-61
Hearing Dates	February 6, 2024 – Planning Board
Applicant	TW & AG Timber, LLC
Property Owner	TW & AG Timber, LLC
Parcel Identification Number(s)	3282-87-3771-0000 & 3282-88-1093-0000
Proposed Rezoning Area	6.21 acres
Township	Topsail
Pender 2.0 Future Land Use Category	Regional Mixed Use

REZONING PROPOSAL
TW & AG Timber, LLC, applicant and owner, is requesting approval of a conditional zoning map amendment to rezone two parcels totaling approximately 6.21 acres from the GB, General Business zoning district to a conditional zoning district, Conditional Zoning District 6. The proposed request would permit commercial and light industrial uses, including machinery and equipment rental and leasing, and septic tank and related services, in addition to all uses currently permitted by right in the GB zoning district.
LOCATION
The subject parcels are located approximately 0.15 miles west of the intersection of US Highway 17 and NC Highway 210 in the Topsail Township and can be further identified by Pender County PINs 3282-87-3771-0000 and 3282-88-1093-0000.

Below: Vicinity Map of the Area

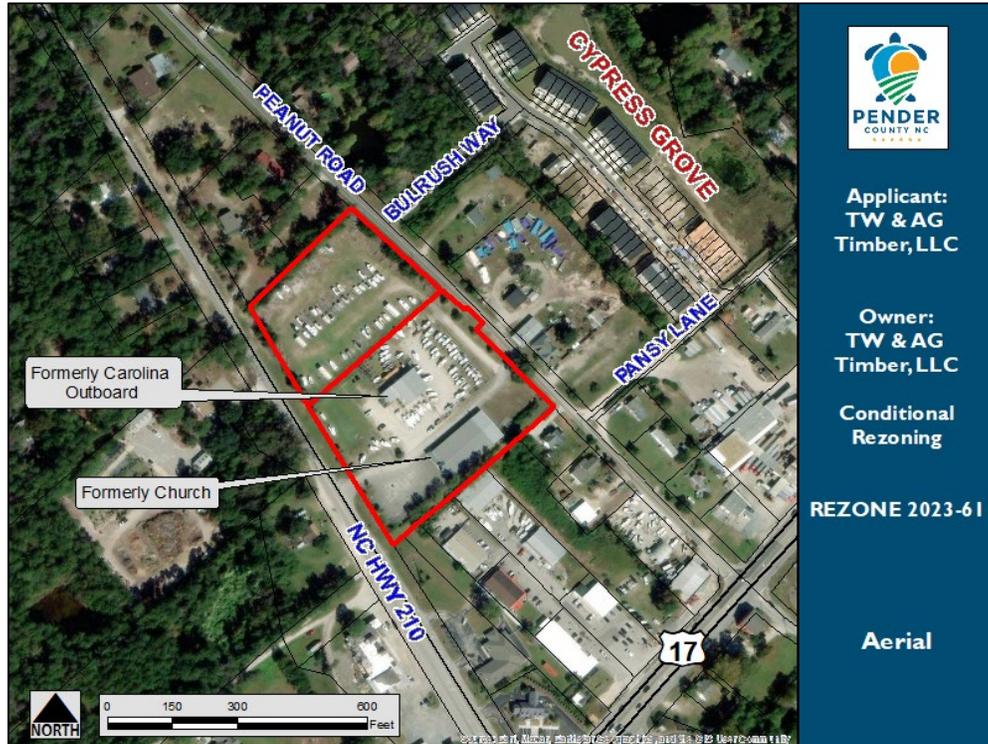


REZONING REQUEST & DEVELOPMENT PROPOSAL

The applicant is proposing to rezone approximately 6.21 acres across two tracts from the GB, General Business zoning district to the CZ-6, Conditional Zoning District 6. The applicant is seeking to expand the commercial uses that are currently allowed on the site to include multiple heavy commercial and light industrial uses. There are two buildings on site, one of which was previously used as a church and the other was operated by Carolina Outboard, a boat sales, service and repair business. As noted within the applicant’s narrative, included in the Board’s packet as Attachment 1, the proposed conditional zoning district would permit all uses that are currently permitted by right in the General Business zoning district (excluding those uses that are permitted via a Special Use Permit) and thus currently allowable on the site, in addition to multiple heavy commercial/light industrial uses that are not currently permitted on the site.

Pender County uses the North American Industrial Classification System (NAICS) to classify land uses based on functional or product characteristics. Functions and characteristics include the type and amount of activity, the type of customers and how goods or services are sold or delivered. More information on how the NAICS system is used can be found in Article 5 of the County’s Unified Development Ordinance (UDO). The applicant has specifically requested that NAICS code 5324, Commercial and Industrial Machinery and Equipment Rental and Leasing, and

Below: Aerial Map of the Subject Properties



Intent of Conditional Zoning, Article 3.3.9.B

A conditional zoning district (aka “CZ”) is intended for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use or uses, permitted by right or special use, accompanied by a plan showing proof of concept, and typically including the spatial relation of uses and site elements.

If approved, the applicant would be required to submit a site development plan for each new land use that occupies the site. The site development plan would be reviewed by staff and the Pender County Technical Review Committee (TRC). Review and approval of the site development plan would be an administrative procedure, meaning staff would issue any approvals, consistent with the requirements outlined in the UDO. Changes to the proposed conditional zoning district, including an alteration of the proposed dimensional standards, uses, requirements or conditions would require the applicant to resubmit a conditional zoning proposal in accordance with Article 3.3.9.B.6 of the UDO.

Dimensional Standards

Per Article 4.13 of the UDO, standards of a conditional zoning district are specific to the conditions of the site and are set by a conditional rezoning application. The applicant has proposed the following dimensional standards for the site, which are consistent with the General Business zoning district:

Table 1: Dimensional Standards	
Minimum Front Yard (NC HWY 210)	25'
Minimum Rear Yard (Peanut Road)	10'
Minimum Side Yard	10'
Minimum Corner Yard	12'
Maximum Building Height	40'
Minimum Lot Size	15,000 Sq. Ft.
Minimum Lot Width	80'
Minimum Structure Separation	20'

Staff is proposing additional dimensional standards for the site that apply only to the storage of the rental equipment so that it is properly set back from the roadways and adjacent properties. The applicant has noted that heavy commercial and industrial equipment, including mobile office units and portable toilets will be stored on site. An adequate setback and buffer for this equipment is important to ensure a reduction in the impacts to adjacent property owners, especially those residential properties located to the west of the site. Staff is proposing the following standards apply only to the rental equipment being stored on the site. These standards are similar to those found in the Industrial Transitional zoning district.

Table 2: Setbacks for Equipment Stored on Site	
Minimum Front Yard (NC HWY 210)	40'
Minimum Rear Yard (Peanut Road)	25'
Minimum Side Yard Adjacent to Western Boundary	50'
Minimum Side Yard Adjacent to Eastern Boundary	10'
Maximum Equipment Height	40'

Allowable Uses

The applicant is primarily proposing uses that are permitted by right within the General Business zoning district, which is the current zoning designation for this site. Examples of those uses include artisan manufacturing, food and beverage stores, gasoline stations, and administrative

and support services. The applicant is also proposing the addition of multiple heavy commercial and light industrial uses that would not be permitted at this site under its current zoning designation. Those uses include commercial and industrial machinery and equipment rental and leasing (NAICS 5324), and septic tank and related services (562991). The applicant has stated their intent is to allow a commercial and industrial equipment rental company to occupy a portion of the site. The applicant has expressed that this user will rent, among other things, mobile office units and portable toilets. The applicant has noted that the portable toilets will not be cleaned or pumped on site, which staff has recommended including as a condition of approval.

Figure 2: Pender County Table of Permitted Uses

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Commercial and Industrial Machinery and Equipment Rental and Leasing	5324								P	P	
All Other Waste Management Facilities	56299									S	

Landscaping and Buffers

The applicant has proposed a Type A buffer along the NC Highway 210 boundary, a Type B buffer along the western property boundary adjacent to existing residential uses, a Type B buffer along the eastern boundary adjacent to existing predominantly vacant or commercial land uses, and a Type B buffer along the northern boundary adjacent to Peanut Road. The applicant is proposing to use existing vegetation and supplementing that vegetation to meet the buffer requirements.

Staff is instead proposing an increase to the buffer requirements proposed by the applicant. Rather than solely rely on vegetation to meet buffer requirements, staff is proposing the applicant install a six-foot-tall opaque fence around the perimeter of the site that will be used for heavy equipment rental and storage. There is an existing chain link fence on the site that could be modified to meet the opaqueness standard. The buffer, in conjunction with the setbacks for the storage of the rental equipment, will reduce the potential impacts of this development on existing adjacent land uses. The table below outlines the applicant’s proposed buffers along with staff’s proposed buffers. Following the table are descriptions of each buffer type found within Article 8.2 of the UDO.

Location	Applicant’s Proposal	Staff’s Proposal
NC HWY 210	A	A + 6’ tall opaque fence
Peanut Road	B	B + 6’ tall opaque fence
Eastern Boundary	B	B
Western Boundary	B	C + 6’ tall opaque fence

Buffer A

This buffer is designed primarily for road frontage areas and should run parallel to the street to provide a continuous, aesthetically pleasing streetscape.

Buffer B

This buffer is a medium density planting area to be used primarily along non street boundary lines to provide spatial separation between similar types of uses.

Buffer C

This buffer is designed to provide a high density screen primarily along non street boundary lines to provide buffer and separation between different categories of uses such as commercial adjacent to residential uses or other non-residential uses adjacent to high density single family residential uses.

As noted in the buffer descriptions above, the denser buffers are intended to create a spatial separation between different types of uses. In this case, there are proposed light industrial uses adjacent to existing residential structures. Establishing a spatial separation via a dense buffer will better protect and preserve the existing adjacent land uses. Additionally, the applicant's proposed Type B Buffer along the western boundary adjacent to residential uses is inconsistent with the UDO.

A significant tree survey conforming with Article 8.1.3 of the UDO will be required prior to administrative approval of any subsequent Site Development Plan within this project. The applicant has noted that there are no significant trees proposed to be removed.

TRANSPORTATION INFRASTRUCTURE

Roadways and Access

The subject parcel is accessible from two state-maintained roads – NC Highway 210 and Peanut Road (SR 1570). The site has existing access to both roads, though the applicant has stated that the primary point of access will be NC Highway 210 with Peanut Road serving as a secondary access point.

The North Carolina Department of Transportation (NCDOT) and Wilmington Urban Area Metropolitan Planning Organization (WMPO) provided comments to the applicant as part of the initial technical review of the project. Those comments noted that the access off Peanut Road shall prohibit internal left turn movement within 50 feet of the right of way and that the existing 30-foot-wide gate with direct access to Peanut Road on parcel 3282-88-1093-0000 will need to be removed. The existing 40-foot-wide gate on parcel 3282-88-1093-0000 shall remain as emergency access only. Staff is including these items as conditions of approval for the site.

The NCDOT further noted that this site falls within the project boundaries for the future State Transportation Improvement Program (STIP) project U-5732 – US 17 Divided Median Project and that future access to the site from NC Highway 210 will be limited to right-in/right-out only.

Traffic

Based on the trip generation numbers provided by the applicant’s engineer and through conversations with WMPO staff, a Traffic Impact Analysis (TIA) will not be required for the proposed development. 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. The proposed development is not projected to reach the peak hour or daily threshold volumes. Any applicable traffic requirements will be addressed by NCDOT during the driveway permitting process. TIA requirements will be reviewed if changes in land use occur in the future.

Because this is an existing site with previous uses, staff can compare the previous traffic volumes against proposed conditions. The site was previously occupied by a church and a boat storage, sales and repair facility operated by Carolina Outboard. While it can be expected that the transition of the site to a light industrial use will increase the frequency of larger trucks entering and exiting the site, there is not a substantial difference in the existing traffic generation and the proposed traffic generation based on data provided by the WMPO, as noted in Table 4 below.

Trip Type	Previous Uses¹	Proposed Uses²	Difference
Total Daily Trips	271	363 ³	+92
AM Peak Hour Trips	11	34 ³	+23
PM Peak Hour Trips	23	57	+34

¹Previous uses shown are for a church and Carolina Outboard.

²Proposed uses are for a tire service store and construction equipment rental store.

³Total daily trips and AM peak hour trips for a construction rental facility were unavailable.

The NCDOT uses Annual Average Daily Traffic Count (AADT) to analyze a roadway’s traffic capacity against its daily traffic volume, which is represented in a volume to capacity ratio. As noted below, the volume to capacity ratio for this portion of NC Highway 210 is 0.63, meaning the roadway has capacity for additional volume.

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

Road	Location	Volume	Planning Capacity	V/C
NC HWY 210	Project site	11,000	17,375	0.63

Bicycle and Pedestrian Access

The project site falls within the boundaries of the NCDOT’s US 17 Divided Median project, so roadway improvements at this site are anticipated in the future. Staff has discussed this project with NCDOT and is not proposing bicycle or pedestrian facilities along NC Highway 210 as future roadway improvements may conflict with any added bicycle and pedestrian infrastructure.

OTHER INFRASTRUCTURE

Utilities

Public water is available through Pender County Utilities (PCU) via the water main that runs along US Highway 17. The applicant has provided an existing septic permit for the site and has expressed a desire to maintain the use of that septic system. Relevant documentation from state, local or private entities involved in the construction and operation of these systems will be required prior to any administrative approvals.

Stormwater

Article 7.9 of the Pender County Unified Development Ordinance requires that stormwater infrastructure be built such that the post development runoff from the project be no more than ten (10) percent more than the pre-development runoff. Low-density projects are required to meet this standard for the 1 year 24-hour event, while high density projects shall meet this requirement for the 10- and 25-year return period events and be analyzed for the 50-year event. Certification from a licensed engineer that the project meets these requirements shall be required prior to staff issuing administrative approval of the development.

Schools

There are no anticipated impacts to the school system considering this is an existing commercially zoned property and the proposed uses are commercial.

Table 5: Environmental Concerns

Special Flood Hazard Areas	The subject parcels do not contain any Special Flood Hazard Areas ¹ .
Wetlands	The subject parcels do not show characteristics of wetlands ^{2,3} .
Areas of Environmental Concern	The subject parcels do not contain any Areas of Environmental Concern (AEC) ⁴ .

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

^{2,3} According to the National Wetlands Inventory (NWI) and Division of Coastal Management (DCM) layers found within the County's Geographic Information System (GIS) database.

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

PUBLIC INPUT MEETING

As required by Article 3.3.9 of the UDO, the applicant hosted a public input meeting at the project site on Thursday, December 21, 2023, from 7:00am to 8:00am. The applicant provided notice to all property owners within 500 feet of the subject parcels. According to the report submitted by

the applicant (see Attachment 4), at least five people attended the meeting and the discussion involved stormwater, outside lighting, and the potential tenant.

EVALUATION

Below: Zoning Map of the Area

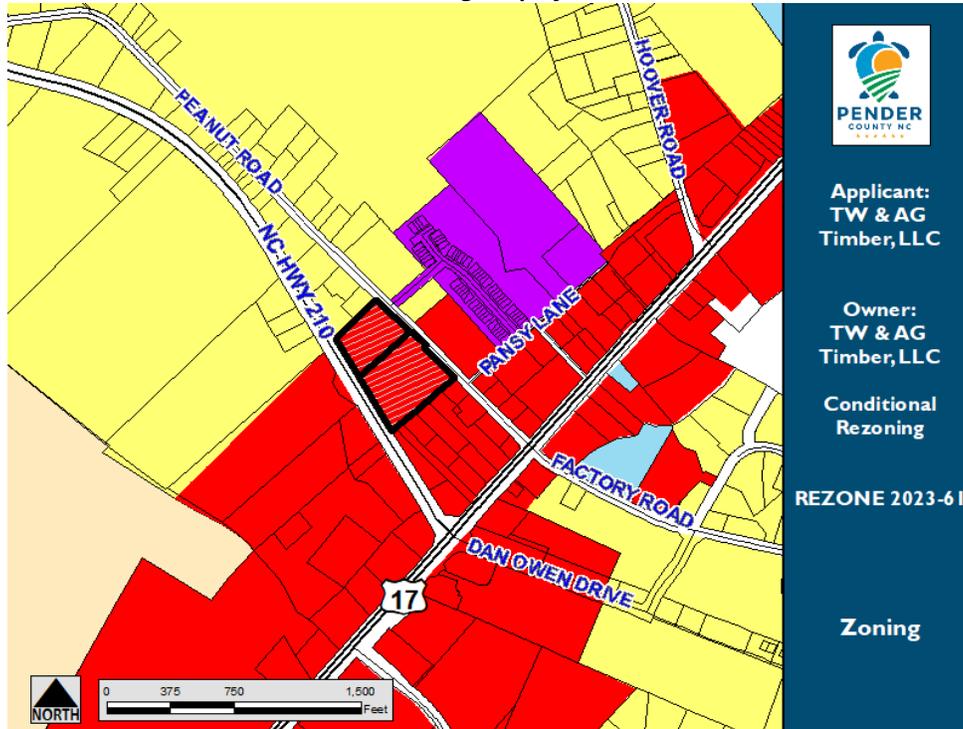


Table 6: Characteristics of the Surrounding Area

	LAND USE	ZONING
North	Residential, Commercial	RP, Residential Performance; GB, General Business; & PD, Planned Development
East	Commercial, Residential	GB, General Business
South	Commercial, Residential	GB, General Business
West	Residential	RP, Residential Performance

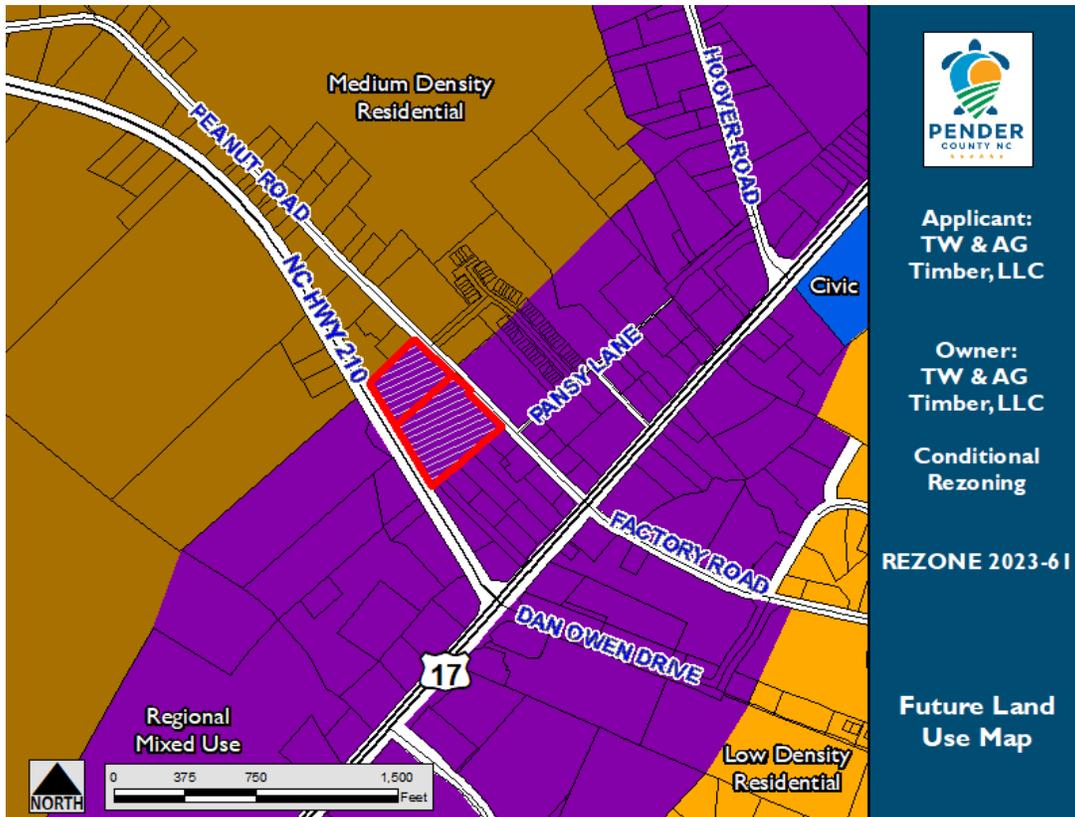
Surrounding Zoning

The subject properties are currently zoned GB, General Business. Properties immediately adjacent to the subject properties are currently zoned RP, Residential Performance; PD, Planned Development; and GB, General Business as indicated by the zoning map and table above.

Pender 2.0 Comprehensive Land Use Plan Compliance

The subject properties are located within the Regional Mixed Use future land use category as noted within the Pender 2.0 Comprehensive Land Use Plan (Comprehensive Plan) and as shown in the Future Land Use Map below.

Below: Future Land Use Map of the Area



Regional Mixed Use Overview

The regional mixed use category will allow for the strategic allocation of future development and population growth, while limiting land use conflicts within existing neighborhoods. Growth is focused in locations that are served by water/sewer infrastructure and are located along planned major collector roadways and existing primary roadway corridors in the southern portion of the County (I-40, US 17, US 117, US 421, and NC-210). This future land use category provides access to retail, office, and multi-family residential uses. These land uses are primarily accessed by the automobile, but facilities should be included to increase the viability of access via walking or cycling.

The preferred land use mix is primarily commercial/retail and office with multi-family residential uses. Large employment centers and retail spaces are encouraged. Higher density single-family

uses should account for less than 25% of a development proposal and should complement a more substantial mix of commercial/office and multi-family development. Development within this category should provide ample landscaping and street trees to present an inviting environment to travelers passing through the County. More intense commercial and offices uses requiring larger lots sizes, parking area, and stormwater infrastructure are permitted in this land use category. Artisan manufacturing is encouraged in this category.

Big box buildings, such as department stores, variety stores, warehouse retail centers, grocery stores, furniture outlets, and similar buildings shall be designed such that the exterior façade has the appearance of several smaller, human scale, buildings through the use of vertical treatments and elements that break up the horizontal wall.

Internal circulation patterns should create street-like spaces lined with on-street angled or parallel parking and parking areas. Internal pedestrian connections should also be provided whereby structures within a development are connected with each other. Sidewalks should connect all buildings within the site and to adjoining sites. Sidewalks should have street trees and pedestrian lighting. Surface parking lots should be heavily shaded, landscaped, and located in the rear of new development where practicable. Shared parking should be encouraged where multiple uses are located within walking distance (1/4 mile). Stormwater infrastructure should be located behind buildings or incorporated into the design of the development as an amenity. Development density within this category allows for up to 15 units per acre for multi-family residential development and up to 10 units per acre for single family development.

As noted by the description above, found on pages 5-16 and 5-17 of the Comprehensive Plan, the desired growth pattern in this future land use category is a mix of high-density residential development with commercial uses such as offices and retail establishments. Desired uses include most commercial uses, employment centers, multi-family residential, high density single-family residential, and upper story residential. Inappropriate uses include medium and low density single family residential uses, storage facilities, and industrial uses.

Evaluation

The Comprehensive Plan has identified the subject properties, along with the surrounding area near the intersection of US Highway 17 and NC Highway 210, as Regional Mixed Use. The proposed development does not fit the ideal growth pattern as described in the Comprehensive Plan. The subject properties are located at one of the busiest intersections in one of the highest growth areas in the County, where the desired growth pattern is a mixture of high-density residential and commercial development.

While the proposal is inconsistent with the intent of the future land use category, the previous uses and many of the existing uses on the surrounding properties that fall within the Regional Mixed Use category do not reflect the desired growth scenario established by the Comprehensive Plan. The proposed development is more consistent with existing uses in the area, which include boat storage and repair, fast-food restaurants, a swimming pool contractor, and other office uses, rather than the desired mixed use development pattern.

The proposal was also found to be consistent with five policies within the Comprehensive Plan. Those policies are outlined below:

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.F: Conditional Zoning: The County shall continue to use the conditional zoning process as a tool for encouraging desirable development outcomes.

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

Policy 5.1.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 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 proposal is consistent with the policies stated above because the infrastructure needed to support a project of this scale is available at this location, and the County has multiple policies that support the placement of commercial development where it would provide a needed service and would not have a significant impact on traffic.

Unified Development Ordinance Compliance: Section 3.3.9 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board and Board of County Commissioners before a favorable recommendation of approval for a rezoning can be made. These standards include evaluating proposals against whether adequate public facilities/services (i.e. water, wastewater, roads, schools, etc.) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change. The standards have been outlined in this report for consideration by the Planning Board and Board of County Commissioners.

3.3.9.B.3 Approval Criteria for Conditional Rezoning

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

- A. The Approval Criteria for a Rezoning (Section 3.3.5).
- B. That the application meets the intent of a conditional rezoning, per this subsection.
- C. 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.
- D. The potential impacts and/or benefits on the surrounding area and adjoining properties.
- E. The report of results from the public input meeting.
- F. 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.

Planning staff is submitting the proposed Conditional Zoning Map Amendment for Planning Board recommendation. The proposal is partially consistent with the future land use map in that heavy commercial uses are appropriate within the Regional Mixed Use Category, but the lack of a mixed use component that would make this project truly compatible with the future land use map is not provided. This proposal is supported by five policies within the Comprehensive Plan and is consistent with previous uses of the site and existing uses in the area. Based on the information outlined in this report and considering the proposed conditions of approval, staff recommends approval of the proposed Conditional Zoning Map Amendment.

PROPOSED CONDITIONS OF APPROVAL

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

1. Development on the site shall comply with all requirements of the Pender County Unified Developed Ordinance.
2. Development on the site shall meet all other local, state, and federal regulations.

3. There shall be no cleaning of portable toilets on site. Disposal or storage of any waste of any type on the site shall be prohibited.
4. Equipment stored on site shall be required to meet the setbacks outlined in Table 2 of this report.
5. A six-foot-tall opaque fence shall be established around the perimeter of the site that operates under NAICS codes 5324 and 562991. This condition excludes the area shown in grey on Figure 1.
6. Lighting shall be shielded so that it does not cast direct light beyond the property line.
7. Hours of operation shall be limited to 6:00am to 8:00pm.
8. The existing 30-foot-wide gate with direct access to Peanut Road on parcel 3282-88-1093-0000 shall be removed prior to issuance of zoning approval. The existing 40-foot-wide gate with direct access to NC Highway 210 on parcel 3282-88-1093-0000 shall remain as emergency access only and shall comply with the state fire code.
9. Mobile office units stored on site shall not be stacked more than two high and a licensed professional shall provide documentation that the units are properly anchored to comply with the appropriate wind zone rating.

PLANNING BOARD ACTION NEEDED:

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

- **5.1.C: Coordination with Infrastructure/Services**
- **5.1.D: Focused Growth and Development**
- **5.1.F: Conditional Zoning**
- **5.1.K: Commercial Development**
- **5.1.N: Industrial Uses and Business Development**

The proposed rezoning is consistent with the Regional Mixed Use Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan.

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

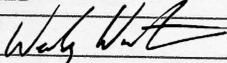
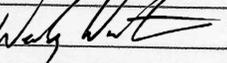
PLANNING BOARD ACTION FOR CONDITIONAL ZONING MAP AMENDMENT

MOTION	SECONDED

APPROVED	DENIED	UNANIMOUS

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	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:	TW & AG Timber, LLC	Owner's Name:	TW & AG Timber, LLC
Applicant's Address:	8155 Malpass Corner	Owner's Address:	8155 Malpass Corner
City, State, & Zip	Currie, NC 28435	City, State, & Zip	Currie, NC 28435
Phone Number:	910-604-0049	Phone Number:	910-604-0049
Email Address:	wesley@lewisfarmandliquidwaste.com	Email Address:	wesley@lewisfarmliquidwaste.com
Legal relationship of applicant to landowner:	Same		
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3282-87-3771 3282-88-1093	Total property acreage:	6.21
Current Zoning District:	GB - General Business	Proposed Zoning District:	CZ - Commercial Service
Project Address or Location:	180 NC Hwy. 210, Hampstead, NC 28443		
Proposed Uses to be Considered (Include NAICS Code):			
532490, 562991			
Proposed Uses to be Eliminated from Consideration (Include NAICS Code):			
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	12/21/23
Applicant's Name Printed	Wesley Wooten	Date:	12/21/23
Owner's Signature		Date:	12/21/23
Owner's Name Printed	Wesley Wooten	Date:	12/21/23
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> 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 			

ATTACHMENT 1: Narrative

January 29, 2023

Pender County Planning
805 South Walker Street
Burgaw, NC 28425

RE: Change of Uses for 180 and 220 Hwy. 210, Hampstead
Parcel ID's (3282-87-3771-0000 and 3282-88-1093-0000)

Pender County Planning Department:

We are submitting the following request for the Change of Uses for the parcels list above. The Applicant, TW & AG Timber, LLC is applying for a Conditional Zoning Map Amendment. The combined acreage for the two properties is approximately 6.21 acres.

TW & AG Timber is the Owner of both properties. The current zoning is General Business (GB). One parcel was previously used for boat and RV storage, boat repair, and boat sales operated by Carolina Outboard. The future tenant is an equipment rental company. The tenant of the other parcel was a church and the future tenant will be a Tire Sales and Service business.

We propose all uses that are included in the General Business Zoning and the additional ones listed below:

*Commercial and Industrial Machinery and Equipment Rental and Leasing – 5324
*All Other Waste Management Facilities – 562991

*Commercial and Industrial Machinery and Equipment Rental and Leasing – 532490

The equipment rental company proposes to use the existing metal building for their operations. The only new construction would be a wash bay behind the metal building.

The tire business is currently going through the Minor Site Plan review process for a small addition and interior upfit.

Best Regards,

Livian L. Jones
STREAMLINE DEVELOPMENT
Po Box 1429
Wrightsville Beach, NC 28480
910-520-3943

ATTACHMENT 2: 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
RESIDENTIAL											
SFD: Detached-Conventional		P	P	P	P	P					
SFD: Detached Zero Lot Line				P		P					
SFD-Attached: Duplex		P	P	P		P					
SFD-Attached: Multiplex				P		P					
SFD-Townhouse (5+ attached)				P		P					
Multifamily (condominium/apartment)				P		P					
Upper Story Residential						P	P	P			
Accessory Dwelling		D	D	P		D					
Accessory Dwelling on Non Residential Principal Uses		D				D			P	P	
Manufactured Home		P	D		P						
Manufactured Home Park					PMD						
ACCESSORY USES AND STRUCTURES											
Accessory Structures		P	P	P	P	P	P	P	P	P	
Cottage Occupations		SD	SD	SD		SD	SD				
Home Occupation		D	D	D	D	D	D				
Agritourism Activities on active farms		D	D	D	D	D	D	D	D	D	D
Sector 21: MINING, QUARRYING, OIL AND GAS EXTRACTION											
Nonmetallic Mineral Mining & Quarrying	2123	S								S	
Except: 212392 Phosphate Rock Mining											
Except: 212321 Borrow Pit Sand Mining			PMDS			PMD					
Sector 22: UTILITIES											
Fossil Fuel Electric Power Generation	221112									S	
Other Electric Power Generation	221119	S	S			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											
		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 23: CONSTRUCTION											
Construction of Buildings	236						D		P	P	
Heavy and Civil Engineering Construction	237						D		P	P	
Specialty Trade Contractors	238						D		P	P	
Sectors 31-33 MANUFACTURING											
Artisan Manufacturing		S	S			P	P		P		
Food Manufacturing	311									P	
Beverage and Tobacco Product Manufacturing	312									P	
Textile Mills	313									P	
Textile Product Mills	314									P	
Apparel Manufacturing	315									P	
Wood Product Manufacturing	321								P	P	
Truss Manufacturing	321214						S		P	P	
Prefabricated Wood Building Manufacturing	321992						S		P	P	
Prefabricated Metal Building and Component Manufacturing	332311						S		P	P	
Paper Manufacturing	322									S	
Converted Paper Product Manufacturing	3222									P	
Printing and Related Support Activities	323								P	P	
Petroleum and Coal Products Manufacturing	324									S	
Synthetic Dye and Pigment Manufacturing	32513									P	
Other Basic Organic Chemical Manufacturing	32519									P	
Resin, Synthetic Rubber & Artificial Synthetic Fibers and Filaments Manufacturing	3252									P	

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

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

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

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

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

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

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

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

ATTACHMENT 3: Site Plan

180 NC HWY 210 - UNITED RENTALS

CONSTRUCTION EQUIPMENT RENTALS

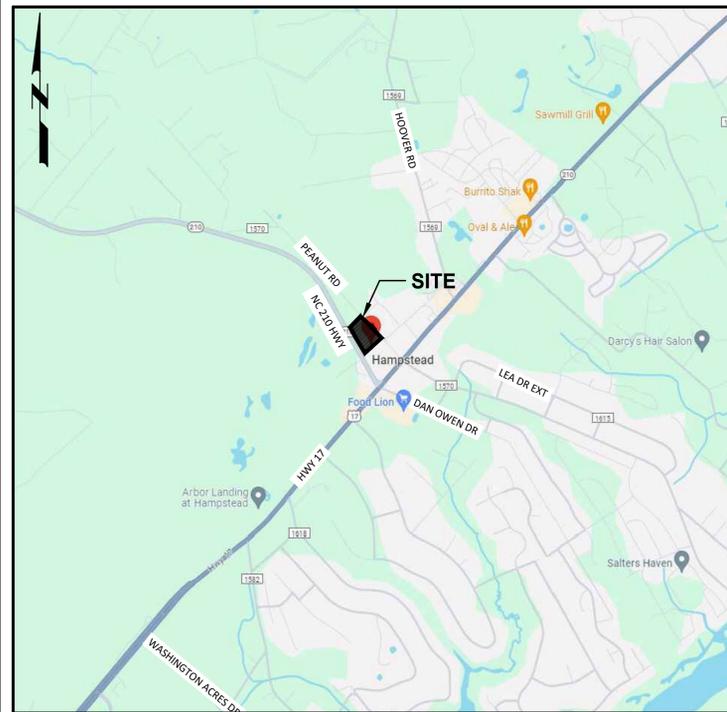
PENDER COUNTY, NC

PIN: 3282-87-3771 & 3282-88-1093

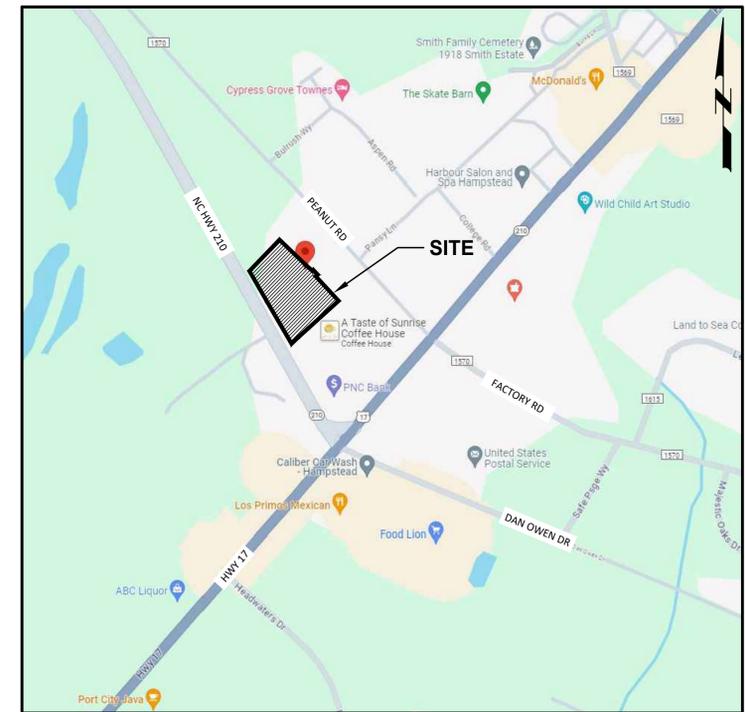
PROJECT No. C20801.00

SCHEDULE OF DRAWINGS:

- C-101 COVER SHEET
- C-102 EXISTING CONDITIONS
- C-103 SITE PLAN
- C-103 STORMWATER MANAGEMENT PLAN
- C-104 EROSION CONTROL PLAN
- C-105 NCG01 SHEETS



VICINITY MAP



LOCATION MAP

APPROVED BY THE PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE ADMINISTRATOR

PENDER COUNTY ADMINISTRATOR SIGNATURE

APPROVAL DATE

SITE PLAN VALID FOR TWO (2) YEARS FROM APPROVAL DATE



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MacCONNELL & Associates, P. C.

501 CASCADE POINTE LANE, SUITE 103
CARY, NORTH CAROLINA 27513
P. O. BOX 129

LICENSE MORRISVILLE, NORTH CAROLINA 27560
No. C-1039 TEL: (919) 467-1239 FAX: (919) 319-6510

CONTACT INFORMATION

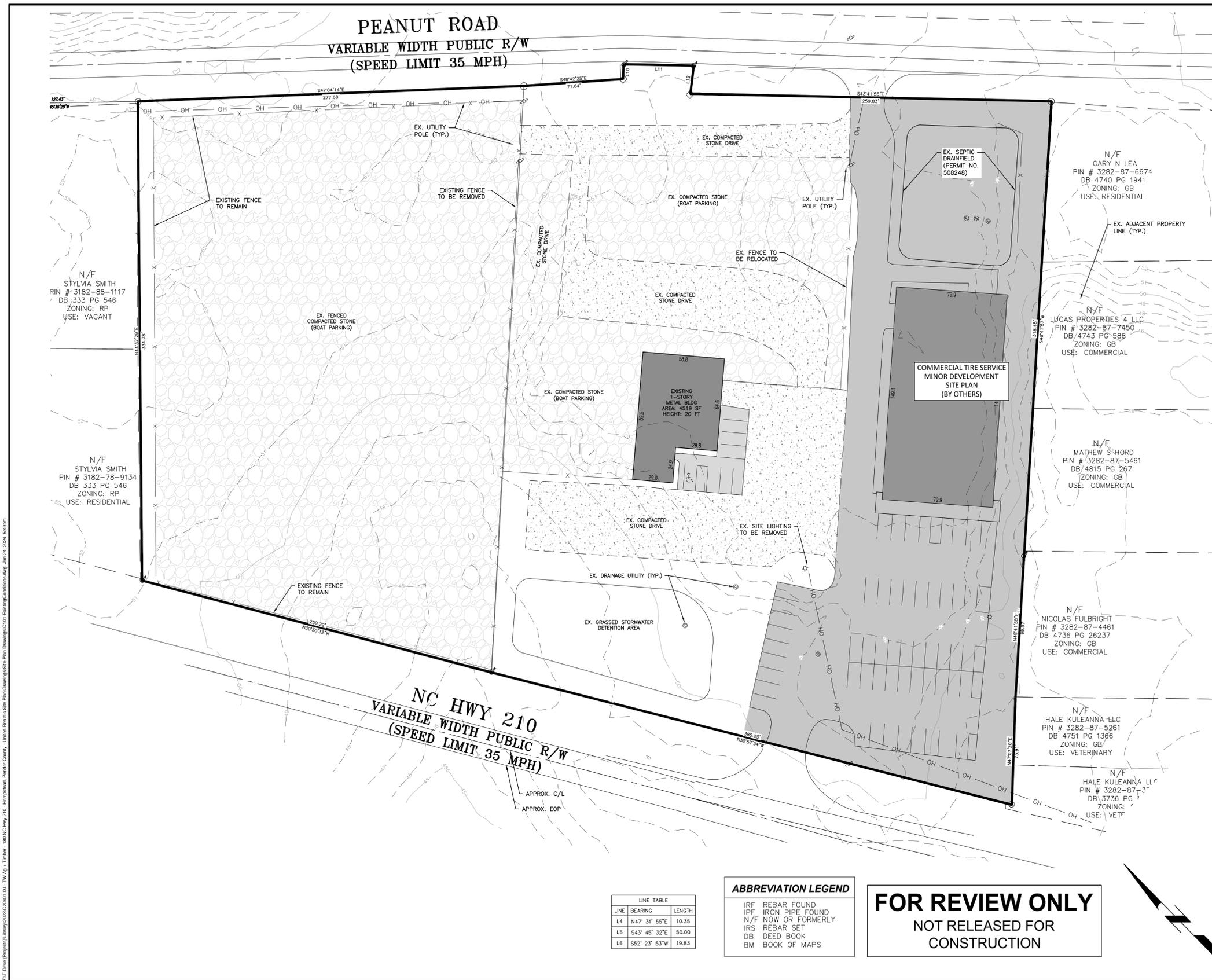
APPLICANT/OWNER: TW AG & TIMBER LLC
 CONTACT: WESLEY WOOTEN
 EMAIL: WESLEY@LEWISFARMSNC.COM
 PHONE: 910-604-0049

ENGINEER: MACCONNELL & ASSOCIATES, P.C.
 CONTACT: HAYLEY BRAUN, P.E.
 ADDRESS: 501 CASCADE POINTE LANE, SUITE 103
 CARY, NC 27513
 EMAIL: HAYLEY@MACCONNELLANDASSOC.COM
 PHONE: 919-467-1239

DECEMBER 19, 2023

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REVISIONS			
NO.	DATE	DESCRIPTION	SHEET
1	01/24/24	PER 1ST TRC COMMENTS	ALL

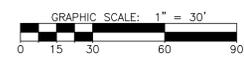


NOTES

1. EXISTING CONTOUR DATA OBTAINED IN DIGITAL FORMAT FROM NC FRIS IN DECEMBER 2023.

LEGEND

- 110 --- INDEX CONTOUR
- 108 --- INTERMEDIATE CONTOUR
- --- PROPERTY LINE
- --- ADJOINING PROPERTIES
- x-x- FENCE
- - - - RIGHT-OF-WAY
- CREEK
- EX. SANITARY SEWER
- EX. WATER LINE
- NEW SANITARY SEWER
- NEW WATER LINE



REVISIONS		
NO.	DATE	DESCRIPTION
1	01/24/2024	PER 1ST TRC COMMENTS

PROJECT MANAGER: HDB PROJECT ENGINEER: HDB
 DRAWN BY: HDB CHECKED BY: GSM

DATE: DECEMBER 19, 2023

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 P.O. BOX 129
 LICENSE MORRISVILLE, NORTH CAROLINA 27660
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**180 NC HWY 210
 UNITED RENTALS**

SITE PLAN

PENDER COUNTY, NC

EXISTING CONDITIONS

PROJECT NUMBER: **C20801.00** DRAWING NUMBER: **C-101**

LINE TABLE

LINE	BEARING	LENGTH
L4	N47° 31' 55"E	10.35
L5	S43° 45' 32"E	50.00
L6	S52° 23' 53"W	19.83

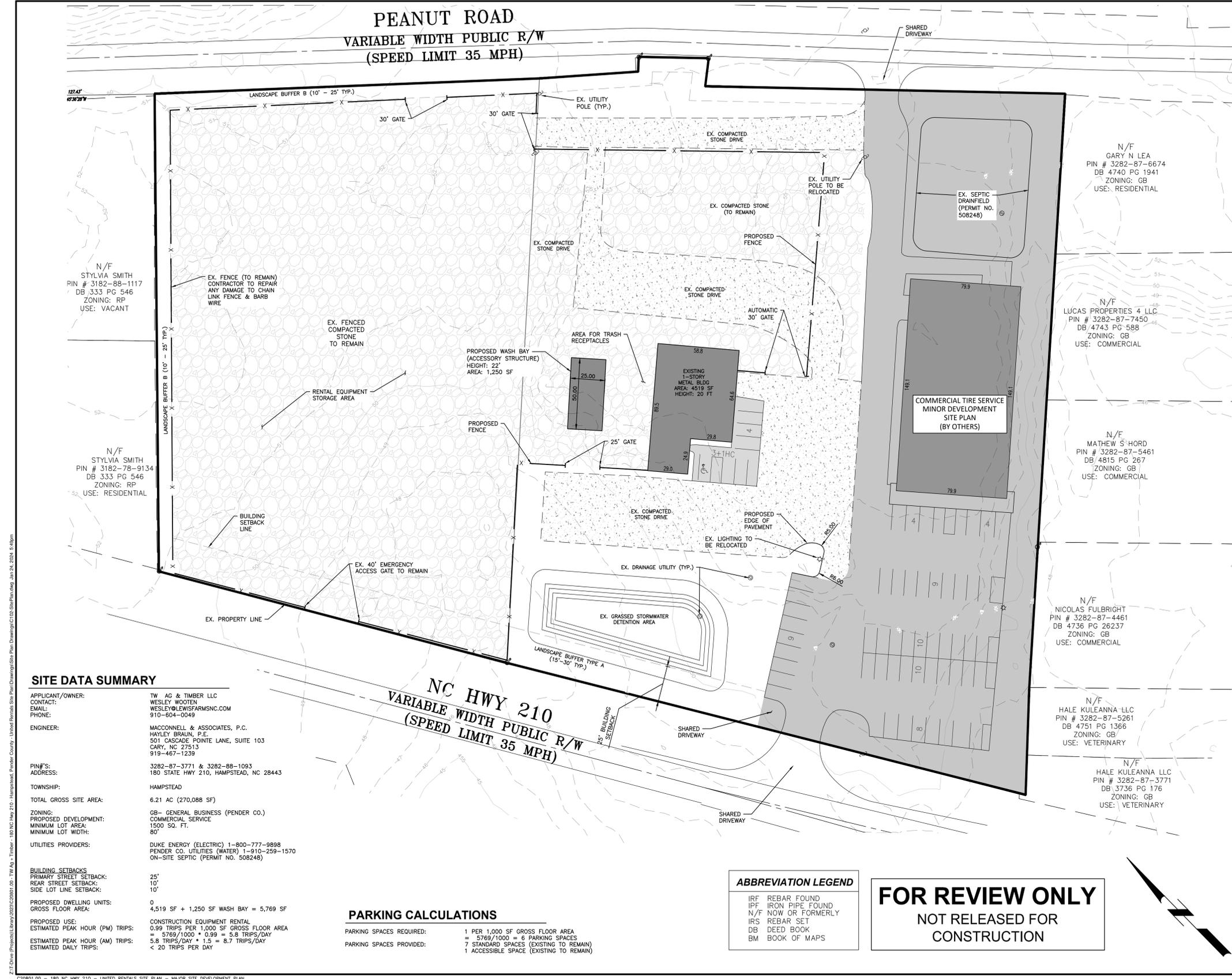
ABBREVIATION LEGEND

IRF	REBAR FOUND
IPF	IRON PIPE FOUND
N/F	NOW OR FORMERLY
IRS	REBAR SET
DB	DEED BOOK
BM	BOOK OF MAPS

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Z:\Draws\Projects\Library\2023\20801.00 - 180 NC HWY 210 - United Rentals Site Plan Drawings\Site Plan Drawings\C101-ExistingConditions.dwg, Jan 24, 2024, 8:49pm

C:\Users\gsm\OneDrive\Documents\180 NC HWY 210 - UNITED RENTALS SITE PLAN - MAJOR SITE DEVELOPMENT PLAN



SITE DATA SUMMARY

APPLICANT/OWNER: TW AG & TIMBER LLC
 CONTACT: WESLEY WOOTEN
 EMAIL: WESLEY@LEWISFARMSNC.COM
 PHONE: 910-604-0049
 ENGINEER: MACCONNELL & ASSOCIATES, P.C.
 HAYLEY BRAUN, P.E.
 501 CASCADE POINTE LANE, SUITE 103
 CARY, NC 27513
 919-467-1239
 PIN#S: 3282-87-3771 & 3282-88-1093
 ADDRESS: 180 STATE HWY 210, HAMPSTEAD, NC 28443
 TOWNSHIP: HAMPSTEAD
 TOTAL GROSS SITE AREA: 6.21 AC (270,088 SF)
 ZONING: GB- GENERAL BUSINESS (PENDER CO.)
 PROPOSED DEVELOPMENT: COMMERCIAL SERVICE
 MINIMUM LOT AREA: 1500 SQ. FT.
 MINIMUM LOT WIDTH: 80'
 UTILITIES PROVIDERS: DUKE ENERGY (ELECTRIC) 1-800-777-9898
 PENDR CO. UTILITIES (WATER) 1-910-259-1570
 ON-SITE SEPTIC (PERMIT NO. 508248)

BUILDING SETBACKS
 PRIMARY STREET SETBACK: 25'
 REAR STREET SETBACK: 10'
 SIDE LOT LINE SETBACK: 10'

PROPOSED DWELLING UNITS: 0
 GROSS FLOOR AREA: 4,519 SF + 1,250 SF WASH BAY = 5,769 SF
 PROPOSED USE: CONSTRUCTION EQUIPMENT RENTAL
 ESTIMATED PEAK HOUR (PM) TRIPS: 0.99 TRIPS PER 1,000 SF GROSS FLOOR AREA
 = 5769/1000 * 0.99 = 5.8 TRIPS/DAY
 ESTIMATED PEAK HOUR (AM) TRIPS: 5.8 TRIPS/DAY * 1.5 = 8.7 TRIPS/DAY
 ESTIMATED DAILY TRIPS: < 20 TRIPS PER DAY

PARKING CALCULATIONS

PARKING SPACES REQUIRED: 1 PER 1,000 SF GROSS FLOOR AREA
 = 5769/1000 = 6 PARKING SPACES
 PARKING SPACES PROVIDED: 7 STANDARD SPACES (EXISTING TO REMAIN)
 1 ACCESSIBLE SPACE (EXISTING TO REMAIN)

ABBREVIATION LEGEND

- IRF REBAR FOUND
- IPF IRON PIPE FOUND
- N/F NOW OR FORMERLY
- IRS REBAR SET
- DB DEED BOOK
- BM BOOK OF MAPS

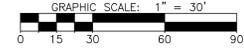
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NOTES

1. EXISTING CONTOUR DATA OBTAINED IN DIGITAL FORMAT FROM NC FRIS IN DECEMBER 2023.
2. ALL SIGNAGE TO MEET THE REQUIREMENTS OF SECTION 9 OF THE PENDR COUNTY UNIFIED DEVELOPMENT ORDINANCE (UDO).
3. EXISTING LANDSCAPE AND BUFFERING TO REMAIN PER ARTICLE 6 OF THE PENDR COUNTY UDO.
4. ALL OUTDOOR LIGHTING SHALL COMPLY WITH ARTICLE 7.11 OF THE PENDR COUNTY UDO.

LEGEND

- INDEX CONTOUR
- INTERMEDIATE CONTOUR
- PROPERTY LINE
- ADJOINING PROPERTIES
- x- FENCE
- RIGHT-OF-WAY
- CREEK
- EX. SANITARY SEWER
- EX. WATER LINE
- NEW SANITARY SEWER
- NEW WATER LINE



REVISIONS

NO.	DATE	DESCRIPTION
1	01/24/2024	PER 1ST TRC COMMENTS

PROJECT MANAGER: HDB
 PROJECT ENGINEER: HDB
 DRAWN BY: HDB
 CHECKED BY: GSM

DATE: DECEMBER 19, 2023



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 No. C-1039 TEL: (919) 467-1239 FAX: (919) 319-6510

180 NC HWY 210 UNITED RENTALS

SITE PLAN

PENDER COUNTY, NC

SITE PLAN

PROJECT NUMBER: **C20801.00**
 DRAWING NUMBER: **C-102**

PEANUT ROAD

VARIABLE WIDTH PUBLIC R/W (SPEED LIMIT 35 MPH)



N/F
STYLIA SMITH
PIN # 3182-88-1117
DB 333 PG 546
ZONING: RP
USE: VACANT

N/F
STYLIA SMITH
PIN # 3182-78-9134
DB 333 PG 546
ZONING: RP
USE: RESIDENTIAL

N/F
GARY N LEA
PIN # 3282-87-6674
DB 4740 PG 1941
ZONING: GB
USE: RESIDENTIAL

N/F
LUCAS PROPERTIES 4 LLC
PIN # 3282-87-7450
DB 4743 PG 588
ZONING: GB
USE: COMMERCIAL

N/F
MATHEW S HORD
PIN # 3282-87-5461
DB 4815 PG 267
ZONING: GB
USE: COMMERCIAL

N/F
NICOLAS FULBRIGHT
PIN # 3282-87-4461
DB 4736 PG 26237
ZONING: GB
USE: COMMERCIAL

N/F
HALE KULEANNA LLC
PIN # 3282-87-5261
DB 4751 PG 1366
ZONING: GB/
USE: VETERINARY

N/F
HALE KULEANNA LLC
PIN # 3282-87-3
DB 3736 PG 3
ZONING: VET
USE: VET

1 - Post-Development Land Use Areas

	C	(SF)	(AC)
Total Drainage Area:		271,168	6.23 acres
Total Impervious Area:	0.05	212,104	4.97 acres
Total Pervious Area:	0.20	59,064	1.36 acres
Percent Impervious:			78.2%
Composite Runoff Coefficient (C):			0.79

2 - Rational Method for Peak Flow

$Q = C \cdot I \cdot A$
where:
Q = Peak flow for design storm
C = Composite runoff coefficient
I = Rainfall intensity for design storm (in/hr)
10 year return period
5 minute storm duration
A = Drainage Area (acres)

$C = 0.79$ (unitless)
 $I = 9.31$ in/hr
 $A = 6.23$ acres

$Q = (0.79) \cdot (9.31 \text{ in/hr}) \cdot (6.23 \text{ ac}) = 45.821 \text{ cfs}$

Q = 45.8 cfs

3 - Simple Method for Runoff Volume (Schueller 1987)

$Dv = 3630 \cdot Rd \cdot Rv \cdot A$
where:
Dv = Design Volume (cubic feet)
Rd = Design storm depth (inches) (typically 1.0")
Rv = Runoff coefficient (unitless)
A = Drainage Area (acres)

$Rd = 1.0$ inches
 $Rv = 0.754$ (unitless)
 $A = 6.23$ acres

$Dv = 3630 \cdot (1 \text{ in}) \cdot (0.754) \cdot (6.23 \text{ acres}) = 17051.63 \text{ cf}$

Dv = 17,052 cf

DRY POND STAGE STORAGE

STAGE	CONTOUR AREA (SF)	ADDED VOLUME (CF)	TOTAL VOLUME (CF)
0.0	3,096	0	0
1.0	4,599	3,848	3,848
2.0	5,435	5,017	8,865
3.0	6,328	5,882	14,746
4.0	7,278	6,803	21,549

ABBREVIATION LEGEND

IRF	REBAR FOUND
IPF	IRON PIPE FOUND
N/F	NOW OR FORMERLY
IRS	REBAR SET
DB	DEED BOOK
BM	BOOK OF MAPS

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NOTES
1. STORMWATER MANAGEMENT PLAN SHALL BE IN ACCORDANCE WITH SECTION 7.9 OF THE PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE (UDO).

LEGEND

---	INDEX CONTOUR
---	INTERMEDIATE CONTOUR
---	PROPERTY LINE
---	ADJOINING PROPERTIES
---	FENCE
---	RIGHT-OF-WAY
---	CREEK
---	EX. SANITARY SEWER
---	EX. WATER LINE
---	NEW SANITARY SEWER
---	NEW WATER LINE
---	PERVIOUS/LANDSCAPED AREAS



REVISIONS

NO.	DATE	DESCRIPTION
1	01/24/2024	PER 1ST TRC COMMENTS

PROJECT MANAGER: HDB
PROJECT ENGINEER: HDB
DRAWN BY: HDB
CHECKED BY: GSM

DATE: DECEMBER 19, 2023

MacCONNELL & Associates, P. C.
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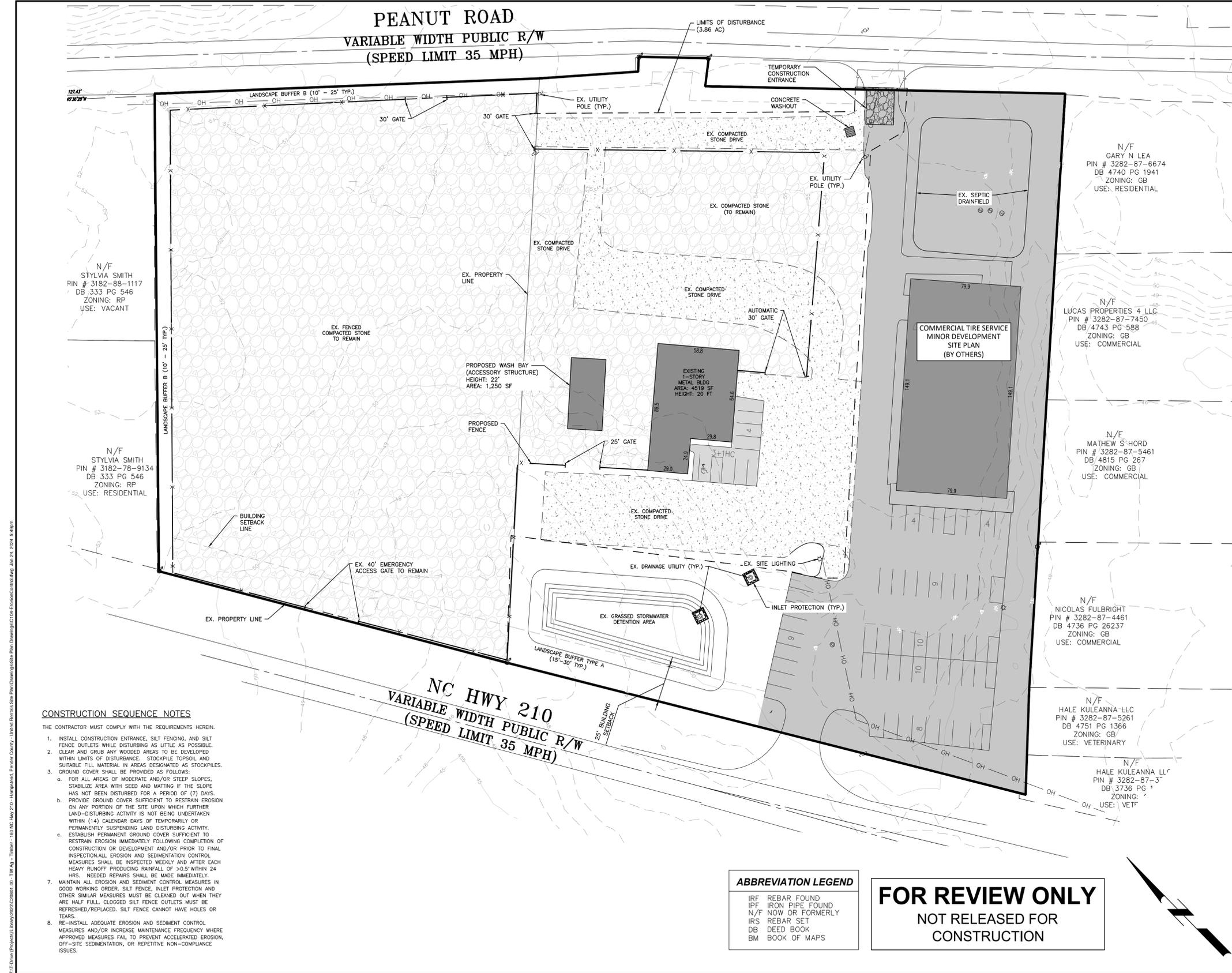
180 NC HWY 210
UNITED RENTALS
SITE PLAN
PENDER COUNTY, NC

STORMWATER MANAGEMENT PLAN

PROJECT NUMBER: C20801.00
DRAWING NUMBER: C-103

Z:\Draw\Projects\Library\2023\20801-00 - TW Ag - Timber - 180 NC HWY 210 - H&M\180 NC HWY 210 - Major Site Plan Drawings\Site Plan Drawings\C103-StormwaterManagement.dwg Jan 24, 2024 9:00am

C:\Users\jgibson\OneDrive\Documents\180 NC HWY 210 - UNITED RENTALS SITE PLAN - MAJOR SITE DEVELOPMENT PLAN



CONSTRUCTION SEQUENCE NOTES

- THE CONTRACTOR MUST COMPLY WITH THE REQUIREMENTS HEREIN.
- INSTALL CONSTRUCTION ENTRANCE, SILT FENCING, AND SILT FENCE OUTLETS WHILE DISTURBING AS LITTLE AS POSSIBLE.
 - CLEAR AND GRUB ANY WOODED AREAS TO BE DEVELOPED WITHIN LIMITS OF DISTURBANCE. STOCKPILE TOPSOIL AND SUITABLE FILL MATERIAL IN AREAS DESIGNATED AS STOCKPILES.
 - GROUND COVER SHALL BE PROVIDED AS FOLLOWS:
 - FOR ALL AREAS OF MODERATE AND/OR STEEP SLOPES, STABILIZE AREA WITH SEED AND MATTING IF THE SLOPE HAS NOT BEEN DISTURBED FOR A PERIOD OF (7) DAYS.
 - PROVIDE GROUND COVER SUFFICIENT TO RESTRAIN EROSION ON ANY PORTION OF THE SITE UPON WHICH FURTHER LAND-DISTURBING ACTIVITY IS NOT BEING UNDERTAKEN WITHIN (14) CALENDAR DAYS OF TEMPORARILY OR PERMANENTLY SUSPENDING LAND DISTURBING ACTIVITY.
 - ESTABLISH PERMANENT GROUND COVER SUFFICIENT TO RESTRAIN EROSION IMMEDIATELY FOLLOWING COMPLETION OF CONSTRUCTION OR DEVELOPMENT AND/OR PRIOR TO FINAL INSPECTION. ALL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSPECTED WEEKLY AND AFTER EACH HEAVY RUNOFF PRODUCING RAINFALL OF >0.5" WITHIN 24 HRS. NEEDED REPAIRS SHALL BE MADE IMMEDIATELY.
 - MAINTAIN ALL EROSION AND SEDIMENT CONTROL MEASURES IN GOOD WORKING ORDER. SILT FENCE, INLET PROTECTION AND OTHER SIMILAR MEASURES MUST BE CLEANED OUT WHEN THEY ARE HALF FULL. CLOGGED SILT FENCE OUTLETS MUST BE REFRESHED/REPLACED. SILT FENCE CANNOT HAVE HOLES OR TEARS.
 - RE-INSTALL ADEQUATE EROSION AND SEDIMENT CONTROL MEASURES AND/OR INCREASE MAINTENANCE FREQUENCY WHERE APPROVED MEASURES FAIL TO PREVENT ACCELERATED EROSION, OFF-SITE SEDIMENTATION, OR REPETITIVE NON-COMPLIANCE ISSUES.

ABBREVIATION LEGEND

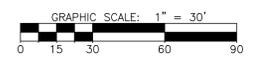
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REVISIONS

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DRAWN BY: HDB CHECKED BY: GSM

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180 NC HWY 210
UNITED RENTALS
SITE PLAN
PENDER COUNTY, NC

EROSION CONTROL PLAN

PROJECT NUMBER C20801.00	DRAWING NUMBER C-104
------------------------------------	--------------------------------

ATTACHMENT 4: Public Input Meeting Packet

**180 Hwy. 210 Hampstead
COMMUNITY INFORMATIONAL MEETING
FOR
CONDITIONAL ZONING**

The Community meeting for the Conditional Rezoning of 3282-87-3771-0000 and 3282-88-1093-0000 was held on Thursday, December 21, 2023 from 7:00 am to 8:00 am at the site. The meeting was to inform residents of the proposed Conditional Zoning and proposed uses. Wesley Wooten (TW AG & Timber) and Livian Jones (Streamline Development, LLC) were there representing the Owner. The meeting notice was sent to residents within 500 ft. of the property on December 10, 2023. This meeting was an opportunity to report the proposal, address questions, and hear concerns regarding the proposed changes.

There were at least 5 people in attendance and residents were shown a site plan. There were a few questions in regard to stormwater, outside lighting and the business of the new tenant. No one had any negative comments.

All attendees signed in and the list is also attached.

NAME

Address

Karma Maples
Judy Bradshaw

368 NC Highway 210 West
P.O. Box 816

Geraldine Nelson
Susan Mitchell
GMITTOS Richard

288 Peanut Rd
112 ASPEN Rd
263 NC HWY 210W

Community Meeting Information

December 10, 2023

To: Adjacent Property Owners and others within 500ft.

From: Livian Jones (representing TW AG & Timber, LLC)

My name is Livian Jones and this notice is being sent on behalf of TW AG & Timber, LLC. We are requesting Conditional Zoning for the property at 220 Hwy 210, Hampstead. (Parcel #'s 3282-87-3771-0000 and 3282-88-1093-0000). The previous tenant was Carolina RV and Boat Storage. A rental company has expressed interest in the site and would potentially be the new tenant.

The community meeting will be held December 21, 2023 at 220 Highway 210, Hampstead (7:00am - 8:00am).

If you cannot attend the meeting and have questions, please feel free to contact me at 910-520-3943 or LivianJones@gmail.com and I will get you the answer.

Sincerely,



Livian L. Jones
910-520-3943



Pender County
ZTA 2024-22: Request to amend the
Unified Development Ordinance,
specifically Article 3: Review Procedures

TO: Planning Board
FROM: Adam Moran
DATE: February 6, 2024
SUBJECT: ZTA 2024-22: Request to amend the Unified Development Ordinance,
specifically Article 3: Review Procedures

SUMMARY:

Pender County Planning and Community Development, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend Article 3: Review Procedures in several places to streamline and codify existing processes that adhere to North Carolina General Statutes Chapter 160D regarding requirements for the following: public hearings, public input meetings, and notification of the public through mailed, posted, and published notices about development applications' public meeting dates.

ACTION REQUESTED:

1. To hold a public hearing and consider the Zoning Text Amendment

ATTACHMENTS:

1. Staff Report
2. Application
3. Attachment 1: Marked Up Copy of Proposed Text Changes

**STAFF REPORT FOR ZTA 2024-22
ZONING TEXT AMENDMENT APPLICATION**

APPLICATION SUMMARY	
Case Number	ZTA 2024-22
Hearing Dates	February 6, 2024 - Planning Board March 11, 2024 - Board of County Commissioners
Applicant	Pender County

ZONING TEXT AMENDMENT PROPOSAL

Pender County Planning and Community Development, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend Article 3: Review Procedures in several places to streamline and codify existing processes that adhere to North Carolina General Statutes Chapter 160D regarding requirements for the following: public hearings, public input meetings, and notification of the public through mailed, posted, and published notices about development applications’ public meeting dates. Standardized language is proposed here along with a summary table to be included at the end of Article 3.

AMENDMENT DESCRIPTION

Pender County Planning and Community Development, applicant, is requesting a text amendment to the Unified Development Ordinance (UDO) to codify, streamline, and standardize language regarding requirements for development applications. Specifically, language is proposed to be added that addresses statutory requirements for the notification of the public about hearings and meetings to review and consider development applications. The processes used by Staff are in compliance with state laws but are not spelled out clearly in the UDO. The amendment would help the public, new staff, and other stakeholders better understand the required processes. The proposed amendment would create streamlined language and provide a summary table for easy reference.

The proposed changes are contained in Article 3: Review Procedures. In 11 places in Article 3, the statement, **“For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements”** is proposed to be added in the place of either non-existent or repetitive language. Section 3.22 has also been added to the end of Article 3; it details the requirements for all development applications’ notification requirements and provides a table summarizing requirements for each development application type. Details are given in 3.22 regarding public notice that is required to be mailed, posted on-site, and/or published in a local newspaper. Proposed amendments to Article 3 of the UDO are 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 of its citizens.

RECOMMENDATION

Planning staff is submitting this text amendment request for Planning Board recommendation. Staff 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 requirements of North Carolina General Statutes 160D and the spirit, purpose, and intent of the UDO as noted in Section 1.4.1: "It is the purpose of this Ordinance to: ...Establish clear and efficient development review and approval procedures." Furthermore, the proposed amendment is consistent with the Pender 2.0 Comprehensive Plan as evidenced by Policy 5.1.G: Development Review, which states, "The County supports an efficient, transparent, and predictable development review and approval procedure." The proposed text amendment involves streamlining, simplifying, and codifying existing review procedures in accordance with Chapter 160D of the North Carolina State Statutes. Overall, the proposed Zoning Text Amendment seeks to provide clarity to Planning and Community Development's procedures by improving the Ordinance's explanation of required processes so that citizens, staff, and other stakeholders may better understand the development application review process.

PENDER 2.0 COMPREHENSIVE PLAN CONSISTENCY STATEMENT:

TO APPROVE: Motion to approve the Zoning Text Amendment and to make a finding that the approval is consistent with state law and the spirit, purpose, and intent of the Pender County Unified Development Ordinance.

TO DENY: Motion to deny the Zoning Text Amendment and to make a finding that although the proposal is consistent with the Pender County Unified Development Ordinance, said denial is reasonable and in the public interest and does not further the goals of Article 3 “Review Procedures” because [INSERT REASONING].

PLANNING BOARD ACTION FOR ZONING TEXT AMENDMENT

MOTION	SECONDED

APPROVED	DENIED	UNANIMOUS

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey

APPLICATION

Pender County Planning and Community Development

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425



Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

Zoning Text Amendment Submission

Applications will be considered for review by Staff only when deemed complete. The application will be regarded as incomplete until the following items are received by the Planning and Community Development Staff.

- | | | |
|----|----------------|---|
| 1. | <u> ✓ </u> | Pre-submittal Meeting
Date of Meeting <u> 12/4/2024 </u> |
| 2. | <u> ✓ </u> | Signed Application |
| 3. | <u> N/A </u> | Payment
\$250 |
| 4. | <u> ✓ </u> | Narrative
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. |
| 5. | <u> ✓ </u> | Digital Submission
For all documents submitted in paper copy, please a digital copy with paper submission. |

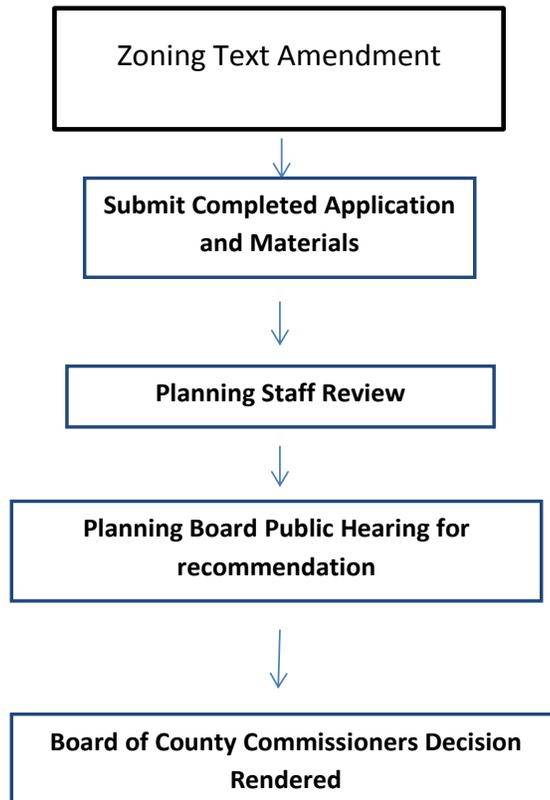
I certify that all information presented in this application is accurate to the best of my knowledge.

Signature of Applicant Adam Moran

Date 1/5/2024

Printed Name Adam Moran

Staff Initials:	<u> AM </u>
Date:	<u> 1/10/24 </u>



Zoning Map Amendment Specific Requirements

1. Application Submittal

- Application
- Narrative: 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.

2. Planning Board and Board of Commissioners Review Criteria (per Section 3.18.5)

- A. 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.
- B. In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the 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, the CAMA Land Use Plan, and the specific intent of this Ordinance.

Pender County Planning and Community Development

Planning Division

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425



Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

TEXT AMENDMENT

A request to amend the text of this Ordinance may be initiated by the County Commissioners, Board of Adjustment, Planning Board, Administrator, or a citizen of Pender County.

Approval Criteria (*Section 3.18.5*)

In evaluating any proposed ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

- a. The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
- b. 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;
- c. Whether or not the proposed text amendment corrects an error in the Ordinance; and
- d. Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.
- e. In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the 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, the CAMA Land Use Plan, and the specific intent of this Ordinance.

Action by the Planning Board

1. Before making any recommendation on a text amendment, the Planning Board shall consider any recommendations from the Administrator and shall conduct a public hearing where interested parties may be heard.
2. The Planning Board shall make a recommendation based on the approval criteria.
3. The Planning Board shall make its recommendation following the initial public hearing.

Action by County Commissioners

1. Before taking action on a text amendment, the County Commissioners shall consider the recommendations of the Planning Board and Administrator and shall conduct a public hearing.
2. The County Commissioners shall make a decision based on the approval criteria.
3. Following the public hearing, the County Commissioners may approve the text amendment, deny the amendment, or send the amendment back to the Planning Board or a committee of the County Commissioners for additional consideration.

In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the 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, the CAMA Land Use Plan, and the specific intent of this Ordinance.

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE			
Application No.	ZTA 2024-22	Date	1/5/2024
Application Fee	\$ N/A - Staff Initiated	Invoice Number:	N/A - Staff Initiated
Pre-Application Conference	12/4/2024	Hearing Date	PB - 2/6/2024; BOCC - 3/11/2024
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Pender County Planning & Community Development		
Applicant's Address:	805 South Walker Street		
City, State, & Zip	Burgaw, NC 28425		
Phone Number:	910-259-1202		
Email Address:	amoran@pendercountync.gov		
SECTION 2: UDO TEXT TO BE AMENDED			
Current Text to be Amended (Please site accurate Article number referenced):			
See attached.			
Proposed Text to be added:			
See attached.			
SECTION 3: SIGNATURE			
Applicant's Signature	<i>Adam Moran</i>	Date:	1/5/2024
Applicant's Printed Name	Adam Moran	Date:	1/5/2024
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			
<input checked="" type="checkbox"/>	Signed application form		
N/A <input type="checkbox"/>	Application fee		
<input checked="" type="checkbox"/>	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			
<input type="checkbox"/> ZTA Fees: \$250 N/A - Staff Initiated		Total Fee Calculation: N/A - Staff Initiated	
Payment Method:	Cash : <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check: <input type="checkbox"/> Check # _____
Application Received By:	Adam Moran	Date:	1/10/2024
Application completeness approved by: Adam Moran		Date:	1/10/2024
Dates Scheduled for Public Hearings:	<input checked="" type="checkbox"/> Planning Board: 2/6/2024	<input checked="" type="checkbox"/> BOC: 3/11/2024	

ATTACHMENT 1

Zoning Text Amendment Proposed Text Changes

ATTACHMENT 1

Zoning Text Amendment 2024-22 Proposed Text

3.3 REZONINGS

3.3.3 Application Eligibility, Procedures, and Requirements

A. A request or proposal for a rezoning may be initiated by the County Commissioners, the Board of Adjustment, the Planning Board, the Administrator, the property owner or their agent, or any other party with appropriate owner consent.

B. Rezoning must correspond with the boundary lines of existing platted lots or tracts. Where the boundaries of a rezoning request do not follow a boundary line or a split zoned property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this Ordinance. An illustration containing a metes and bounds description is required. Split zoning a parcel does not imply approval of a Plat.

C. The applicant shall provide an accurate County parcel number, legal description, or a map drawn to scale showing the property boundaries that are to be rezoned, in sufficient detail for the rezoning to be located on the Official Zoning Map.

D. For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements.

...

3.5 MASTER DEVELOPMENT PLAN

3.5.4 Review

A. Applicants shall submit the MDP to the Administrator, together with completed application materials.

B. Application form and materials must be completed at the time of submission.

C. The Master Development Plan must meet all the requirements prescribed in Section 6.1, Master Development Plan Contents.

D. For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements.

...

3.6 MINOR SITE DEVELOPMENT PLANS

3.6.3 Review

...

C. The Administrator shall forward the site plan to the Technical Review Committee for review. The Committee shall make recommendations to the Administrator concerning whether the plan meets the requirements of the Pender County Code and other State or Federal regulations as appropriate within five (5) business days. For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements.

...

3.7 MAJOR SITE DEVELOPMENT PLANS

3.7.3 Review

...

E. For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements. ~~The applicant shall provide to the Administrator a list of names and addresses of the owners of all properties located within 500 feet of the perimeter of the project bounds, along with 1 set of #10 envelopes stamped with typed address to each person on the list. These addressed envelopes and list shall be submitted prior to the TRC meeting. The Administrator shall then mail a copy of the notification to each property owner not less than 10 days prior to the scheduled meeting.~~

~~F. The Administrator shall post a sign on the subject property with visual information related to the request for a total of 10 business days.~~

...

3.9 MINOR SUBDIVISION

3.9.3 Review

...

C. ~~For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements. The applicant shall provide to the Administrator a list of names and addresses of the owners of all properties located within 500 feet of the perimeter of the project bounds, along with 1 set of #10 envelopes stamped with typed address to each person on the list. These addressed envelopes and list shall be submitted prior to the TRC meeting. The Administrator shall then mail a copy of the notification to each property owner not less than 10 days prior to the scheduled meeting.~~

~~D. The Administrator shall post a sign on the subject property with visual information related to the request for a total of 10 business days.~~

...

3.10 MAJOR SUBDIVISION

...

3.10.3 Review

A. Completed plats, application, fees, and other required data must be submitted 45 days before a scheduled Planning Board meeting, if applicable in accordance with Section 2.3.2.B.

B. When required submission material is submitted as noted above, it shall be placed on the next scheduled Planning Board agenda, if applicable.

C. Planning Board review and approval shall not be required for a Major Subdivision in a by-right development zoning district in accordance with Section 2.5.2.B.

D. ~~For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements. The applicant shall provide to the Administrator a list of names and addresses of the owners of all properties located within 500 feet of the perimeter of the project bounds, along with 1 set of #10 envelopes stamped with typed address to each person on the list. These addressed envelopes and list shall be submitted prior to the TRC meeting. The Administrator shall then mail a copy of the notification to each property owner not less than 10 days prior to the scheduled meeting.~~

~~E. The Administrator shall post a sign on the subject property with visual information related to the request for a total of 10 business days.~~

...

3.12 SPECIAL USE PERMITS

3.12.2 Application and Fees

...

~~3) The applicant shall provide to the Administrator a list of names and addresses of the owners of all properties located within 500 feet of the perimeter of the project bounds along with one (1) set of #10 envelopes stamped and with typed addresses to each person on the list. These addressed envelopes and the list shall be submitted at least thirty (30) days prior to the public hearing. The Administrator shall then mail a copy of the legal notice to each adjacent property owner; For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements.~~

...

3.12.3 Procedures for Reviewing Applications

...

~~D. The Administrator shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published for the first time not less than ten (10) nor more than twenty five (25) days before the date fixed for the hearing. For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements.~~

...

3.14 VARIANCE

3.14.5 Notice and Public Hearings

~~Once the application has been determined complete, the Administrator shall schedule a public hearing and give notice to owners of all properties located within 500 feet of the perimeter of the project bounds along with and aggrieved parties in the form of applicant supplied #10 envelopes with paid first-class postage.~~ For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements.

3.16 APPEAL OF ADMINISTRATIVE DECISION

3.16.4 Notice and Public Hearings

~~The County shall hold all required public hearings and give notice in accordance with Section 3.14.5.~~ For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements.

3.18 ORDINANCE TEXT AMENDMENT

3.18.2 Administrator

A. The Administrator shall be responsible for review and recommendation regarding amendments to the text of this Ordinance.

B. When a text amendment is initiated, the Administrator, in consultation with the appropriate body, shall draft an Ordinance and present that Ordinance to the Planning Board so that a public hearing may be set.

C. The Administrator shall prepare a staff report that reviews the proposed text amendment request in light of any applicable plans and the general requirements of this Ordinance.

D. For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements.

3.22 Public Meeting and Notice Requirements

3.22.1 Meeting Notification Requirements and Procedures

A. Mailed Notice: The applicant shall provide to the Administrator a list of names and addresses of the owners of all properties located within 500 feet of the perimeter of the project bounds (including the property owner and applicant). Along with the list, the required number of sets of #10-Type envelopes addressed to each person on the list shall be provided. The return address on the envelopes should be left blank. The number of sets of envelopes are noted in the table below based on each application type. The addressed envelopes and list shall be submitted along with the application. The Administrator shall then mail a copy of the meeting notification to each property owner at least 10 days, but not more than 25 days, prior to the date of the hearing.

Application Type	Sets of Envelopes
Master Development Plan – PD, RM, and MH Districts	1
Master Development Plan – Residential Performance (RP) District	1
Master Development Plan – Non-Residential	1
Minor Subdivision – Preliminary Plat	1
Major Subdivision – Preliminary Plat	1
Major Site Development Plan (Non-residential)	1
Rezoning	2
Conditional Rezoning	2
Special Use Permits	1
Variance	1
Appeal of Administrative Decision	1

- B. On-site Posted Notice: The Administrator shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice must be posted at least 10 days, but not more than 25 days, prior to the date of the hearing.
- C. Published Notice: A notice of the required public hearing(s) shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included. For an Appeal of an Administrative Decision see the Board of Adjustment Rules of Procedure for relevant unique requirements.
- D. Public Input Meetings: For details regarding Public Input Meetings required for certain development applications see Section 3.1.3, Public Input Meeting.
- E. Optional Notice for Large-Scale Zoning Map Amendments: For large-scale zoning map amendments (rezonings), provisions noted in the North Carolina General Statutes 160D-602(b-c) may be followed.
- F. See table below (3.22.2) for a summary of public hearing, meeting, and notification requirements.

3.22.2 Meeting and Notification Requirements Summary Table

Application Type	Public Input Mtg. Required?	Notice Required			Technical Review Committee	Public Hearing Required?			UDO Reference(s)
		Mailed	Posted	Published		BOA	PB	BOCC	
Master Development Plan – PD, RM, and MH Districts									
Master Dev. Plan	✓	✓	✓	✓	✓		✓		2.3.2; 3.1.3
Master Development Plan – Residential Performance (RP) District									
Master Dev. Plan		✓	✓		✓				3.5
Master Development Plan – Non-Residential									
Master Dev. Plan		✓	✓		✓				3.5
Subdivisions									
Minor Subdivision – Preliminary Plat		✓	✓		✓				3.9; 6.4
Major Subdivision – Preliminary Plat		✓	✓		✓				3.10; 6.4
Final Plats									3.9-10; 6.5
Non-Residential									
Major Site Development Plan		✓	✓		✓				3.7
Minor Site Development Plan					✓ ¹				3.6
Miscellaneous									
Rezoning		✓	✓	✓			✓	✓	3.3
Conditional Rezoning	✓	✓	✓	✓	✓		✓	✓	3.1.3; 3.3
Ordinance Text Amendment				✓			✓	✓	3.18
Special Use Permits ²		✓	✓	✓				✓	3.12
Variance ²		✓	✓	✓		✓			3.14
Appeal of Administrative Decision ²		✓	✓	✓ ³		✓			3.16
Change of Use Permit									3.21
¹ Five-Day Technical Review Committee Review Period ² Requires a quasi-judicial procedure according to North Carolina General Statutes §160D-406a ³ Required in accordance with Pender County Board of Adjustment Rules of Procedure									



Pender County
Discussion of Uses Permitted via Special
Use Permit

TO: Planning Board
FROM: Adam Moran
DATE: February 6, 2024
SUBJECT: Discussion of Uses Permitted via Special Use Permit

SUMMARY:

On September 12, 2023, the Planning Board and Board of Commissioners held a joint meeting to discuss land use topics in the County. One of the discussion points from that meeting was an analysis of existing uses that are permitted via Special Use Permit in the County. Staff is preparing a text amendment to address this topic and is seeking feedback from the Planning Board.

ACTION REQUESTED:

Discussion