



Pender County

Agenda

Planning Board Meeting

Wednesday, April 3, 2024 @ 7:00 PM

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

	Presenter	Page
1.	CALL TO ORDER	
2.	ROLL CALL	
3.	INVOCATION	
4.	PLEDGE OF ALLEGIANCE	
5.	ADOPTION OF AGENDA	
6.	ADOPTION OF MINUTES	
6.1.	February 6, 2024 Meeting Minutes February 6, 2024 Meeting Minutes - Pdf	3 - 19
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7.	PUBLIC COMMENT	
8.	PUBLIC HEARINGS	
8.1.	REZONE 2024-64: Request to rezone approximately 2.18 acres from the Residential Performance zoning district to the General Business zoning district in the Topsail Township REZONE 2024-64 - Pdf	33 - 73
9.	DISCUSSION	
10.	NEXT MEETING DATE	
11.	ADJOURNMENT	



Pender County February 6, 2024 Meeting Minutes

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

SUMMARY:
February 6, 2024 Meeting Minutes

ACTION REQUESTED:
Approval of minutes from the February 6, 2024 Planning Board meeting.

ATTACHMENTS:
1. February 6, 2024 Planning Board meeting minutes



MINUTES
Planning Board Meeting
Tuesday, February 6, 2024
Hampstead Annex Auditorium
7:00 PM

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Jeff Beaudoin

OTHERS PRESENT:

Daniel Adams, Planning Director
Justin Brantley, Deputy Planning Director
Taylor Davis, Current Planner
Adam Moran, Long Range 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 7:04 pm.

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ADOPTION OF AGENDA

Motion to approve agenda made by Jeffrey Pitts, seconded by Ken 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 ADOPTION OF MINUTES

Motion to approve the January 3, 2024, minutes made by Margaret Mosca, seconded by John Gruntfest.

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.

7 APPROVALS AND RESOLUTIONS

7.1 Revision to the 2024 Planning Board Meeting Calendar

Daniel Adams, Planning Director, stated the calendar that was presented to the Board included a meeting on Tuesday, April 2, 2024, and due to the County being closed on Monday, April 1, 2024, to observe the holiday, the Board of County Commissioners chose to push their normal Monday meeting to Tuesday, April 2, 2024. He stated that he prepared a revised calendar with the Planning Board having a meeting date of Wednesday, April 3, 2024.

Damien Buchanan made a Motion to approve the revised meeting calendar amending the April 2, 2024, meeting to April 3, 2024, which was seconded by Jeffrey Pitts.

Motion to approve

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

CARRIED.

8 PUBLIC COMMENT

No public comment.

9 PUBLIC HEARING

a) REZONE 2024-63 & REZONE 2023-59

Taylor Davis, Current Planner, presented the staff report.

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. A request is also being made for the property for 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 from 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.

Riana Smith, Attorney for Applicant, stated that the rezoning request does meet the requirements of the Unified Development Ordinance for the Neighborhood Mixed Use category.

Ms. Smith stated that the Applicant will go through the necessary approval processes pertaining to all local, state, and federal agencies.

Ms. Smith stated that they will comply with all the conditions set by the Planning Board.

Ms. Smith stated that this request will not change the character of the neighborhood as there are several commercial properties currently located in the near vicinity.

Mr. Jordan asked if the members have any questions for Ms. Smith. Mr. Grunfest asked what factors made the Applicant choose this area. Ms. Smith stated that the area is already commercial in nature and that there are two major roads intersecting, which will help with commercial traffic. She stated that initial soil testing indicates petroleum which the landowner did verify there was a gas station in this location in the past. Ms. Smith stated that if remediation is necessary, commercial uses will have less conditions to be met than if a person chose to develop the land for residential use.

Brian Morrison, 46 Russel Court, stated that there is currently not a gas station across the street. He stated that the traffic numbers are not accurate due to the number being for 2020 during the pandemic when there was very little traffic. Mr. Morrison stated that he attended the meeting on the 20th, and most of the people attending opposed a dollar store at this location. He stated that a dollar store would increase the amount of traffic greatly and there are already frequent accidents at this intersection. Mr. Morrison stated the area residents have dollar stores in Burgaw, Rocky Point, Castle Hayne, and at Johnson Corner to utilize.

Nick Blair, 17785 NC HWY 210, stated that traffic is a major concern and he bought property in the County to be away from commercial businesses and does not want a business at this location. He stated that he does not agree with the statement that this rezoning and potential store will not change the area. Mr. Blair stated that there is no reason for a store in this location due to a convenience store already located at the intersection.

Kate LaSala, 91 Grand Oaks Blvd., stated that she previously emailed the Planners multiple articles from different agencies. She stated she is requesting a denial of this request as it is not in the best interest of the public due to safety issues. She stated many issues were brought up at the Riley's Creek meeting but feels the developers are not being honest with the Board members by not presenting all the input to the Board. Ms. LaSala stated that there are three other dollar stores within a ten-minute ride and does not feel one is needed in this location.

Amie Beegle, 743 Clarks Landing Road, stated that she has done her research and wants to see both sides. She stated she understands Pender County wants to grow and expand but does not feel this location is the right area for a commercial development. Ms. Beegle stated that crime is a concern, and the Pender County Sheriff's Department is already overwhelmed and understaffed.

Sonya Herring, 440 Clarks Landing Loop Road, stated that she is opposed to the rezoning and the dollar store due to the extra traffic and crime a dollar store will bring to the area. She stated the ingress and egress plan that has been presented is an accident waiting to happen. Ms. Herring stated that there are three other dollar stores in the nearby area and does not want to have one built outside her back door.

Janet Higgins, 4912 Trellis Court, stated that she is the owner's youngest daughter and grew up on this piece of property. She stated that her parents did everything necessary to start a strawberry farm in this location. Ms. Higgins stated that it was her parents wish that the farmland would become something useful for the neighborhood. She stated her mother was a wonderful neighbor who cared deeply for all living in the neighborhood. Ms. Higgins stated that a store is needed in this location and is not going to hurt anyone or anything.

Mr. Jordan asked if the Board had any questions for the Planning staff. Mr. Gruntfest asked what the speed limit was in that area. Mr. Adams stated that the speed limit on Hwy 210 is 55 miles per hour.

Mr. Buchanan stated that there are no roads maintained by Pender County. The roads are either maintained by NCDOT or are privately maintained. He stated that the County relies on DOT for funding and their studies concerning possible infrastructures that would be needed. Mr. Buchanan stated that Pender County has little control over roads.

Mr. Buchanan asked if the Board could require conditions pertaining to the roads. Mr. Adams stated that the Board could impose a condition concerning egress and ingress but would not be able to impose a condition pertaining to a turn lane or stop light. Mr. Thurman stated that the Planning Board does not have the authority to impose conditions on the behalf of NCDOT.

Mr. Teachey stated that if the access is located on Little Kelly Road, then there would be traffic backed up in that situation also.

Mr. Gruntfest asked if NCDOT has seen the proposal to which Mr. Adams affirmed that it was seen by a representative of DOT at the Technical Review Committee meeting that the County held. Mr. Adams asked Ms. Davis if DOT had any specific comments concerning the project to which Ms. Davis responded negatively.

Ms. Smith stated that they had already submitted the plans to DOT for preliminary approval and no modifications were required. She stated that access to the highway is dictated by DOT, and they have no say in the decision. Ms. Smith stated that she understands the concern about the traffic numbers being older but with the percentages only being twenty-four and twelve, there is still plenty of room for a traffic increase.

Mr. Buchanan asked about the access point on Little Kelly Road. Ms. Smith stated that DOT will dictate where access to the property will be located. Mr. Adams stated that DOT is the entity that issues driveway permits.

Mr. Thurman asked Ms. Smith if they submitted a preliminary plan to DOT with additional access points. Ryan Gallagher, Engineer, stated that the preliminary site plan was submitted to DOT and the only requirements were the access is to be located one-hundred feet off the radius of HWY 210 and for a thirty-foot access into the site for easier access for larger trucks.

Mr. Teachey asked Mr. Gallagher if they ever asked DOT if Little Kelly Road could be used as the access point. Mr. Gallagher stated that they did present a plan with Little Kelly Road being the access point, though DOT preferred the HWY 210 access location.

Greg Stewart, Applicant, stated that they are not opposed to working with DOT on a second entrance if that is something the Board feels strongly about. He stated he is uneasy about a condition being placed but is willing to work with the Planning staff and Planning Board on different conceptual plans. Mr. Stewart stated that they did present different access options to DOT and due to the large amount of roadwork that would need to be done to have the access point on Little Kelly Road, DOT recommended the access be located on HWY 210.

Mr. Buchanan stated that the Board needs to address issues and concerns of the citizens and try to find potential options.

Mr. Pitts asked Mr. Stewart if he would be open to conditions being imposed concerning the construction of the building. Mr. Stewart stated that they are willing to work with the Planning staff to meet any requirements stated in the UDO and to make sure the building blends in with the community.

Mr. Buchanan asked why the Applicant is requesting a sign large enough to require a Variance. Mr. Stewart stated that the sign on Little Kelly Road meets the UDO standards but the sign on HWY 210 would not and would need a Variance.

Mr. Thurman stated that the Planning Board does not grant Variances. The Applicant would need to apply to the Board of Adjustment for a Variance. He also stated that the Planning Board can recommend conditions to the Board of Commissioners and if the Applicant does not agree to the conditions, the rezoning would not be granted.

Mr. Gruntfest asked Mr. Thurman if a condition could be placed pertaining to the hours of operation. Mr. Thurman responded affirmatively.

Mr. Thurman stated that the requirements of the UDO are just a starting point. If conditions are recommended by the Planning Board and the Commissioners agree with those conditions, the Applicant would either need to agree to comply with the conditions or the rezoning would not be granted.

Mr. Pitts stated he has a concern with the twenty-five-foot pylon sign. Mr. Buchanan stated he is not in favor of a pylon sign in this location.

Mr. Buchanan asked what business is wanting to be located at this site. Mr. Stewart stated that they work with over fifteen clients and his company signs an NDA with each client which means he legally is not able to disclose that information.

Mr. Jordan asked Mr. Adams when it pertains to locating businesses at major intersections, what dictates a major intersection. Mr. Adams stated that there is not a definitive answer and that a major highway could intersect with another major highway, or a major highway could intersect with a high traffic road.

Mr. Gruntfest stated that he feels that the matter needs to be tabled for future consideration, to which Mr. Buchanan stated that he is not opposed to tabling the matter.

Mr. Buchanan stated that he agrees with the Planning staff that the area is growing, and the Future Land Use Map should be amended due to the growth. He stated that when moving forward, the best way to protect the community needs to be considered.

Mr. Buchanan asked Mr. Thurman what ability the Board has to state what type of business can be located in a particular area. Mr. Thurman stated that the Board would have limitations as to what type of business could be in a particular area.

Mr. Buchanan asked if the members want to discuss tabling the matter or does the Board want to move forward. Ms. Mosca stated she agrees with tabling the matter.

Ms. Smith stated that they do not know who the client is at this point, but all the clients they work with are willing to be good stewards to the community, including selling needed household items and food products. She stated that they are willing to work with the Planning staff on additional conditions but that there are already plenty of conditions in place that they must comply with.

Ms. Mosca stated that since they are requesting a Conditional Rezoning, the Board can add additional conditions above and beyond the requirements of the UDO.

Mr. Gruntfest stated that the Board does not meet in private, and that tonight is the first time the Board has openly discussed this matter. He stated that to be fair to both the Applicant and the public, if the Board feels strongly about tabling the matter, it would be done to benefit all parties involved. Mr. Gruntfest stated that it is the Board's right to table any matter brought before them.

Mr. Buchanan made a motion to table the matter until the March 2024, meeting to allow further research for ingress and egress options with DOT, the proper way to address uses allowed at this location, and for the staff to work with the Applicant concerning signage, siding, lighting, building height and the hours of operation.

Mr. Teachey stated his concern with limiting the hours due to big corporations having all their businesses on the same time schedule and may not want to have shorter hours.

Mr. Buchanan's motion was seconded by Mr. Pitts and the vote was unanimous.

Motion to approve

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

CARRIED.

Mr. Brantley informed the public that since the matter was tabled to a definite date, notices will not be mailed out again.

b) REZONE 2023-61

Mr. Adams, Planning Director, presented the staff report.

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 the CZ-6, 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 further be identified by Pender County PINs 3282-87-3771-0000 and 3228-88-1093-0000.

Mr. Pitts asked for condition clarification pertaining to the Peanut Road gate and driveway. Mr. Adams stated that the gate on Peanut Road will be permanently closed, and the Applicant has stated that the entrance on HWY 210 will be the primary entrance for truck traffic.

Mr. Jordan stated he is not feeling well and needs to leave with Mr. Buchanan leading the meeting. Mr. Pitts made a motion to excuse Mr. Jordan with Mr. Gruntfest seconding the motion. The vote was unanimous.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan				
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest	X			
Jeff Beaudoin				X
Norman (Ken) Teachey	X			
	5	0	0	1

CARRIED

Mr. Gruntfest asked if the Board can impose stricter conditions for ingress and egress for large truck traffic than what DOT may impose. Mr. Thurman stated that due to the roads being state maintained roads, the Board can't impose regulations, only DOT has the authority to do so.

Mr. Buchanan asked if this location ever had an Industrial use on it in the past.

Mr. Adams stated that his presentation included a statement that a rental equipment company storing their equipment at this location would not be very different than the previous business storing boats.

Attorney Sam Potter who is representing the Applicant stated that there is a new tire shop being permitted on the property and United Rentals is the Applicant's client that is interested in occupying the rest of the location.

Mr. Potter stated that previously a boat repair, sales, and storage business was located on the property from 2014 until June of 2023.

Mr. Potter stated that the tire business is permitted by right but having a United Rentals business located here is what is prompting the rezoning request.

Mr. Potter stated that during the community input meeting, the concern of stormwater issues was brought up. He stated that there will be no additional impervious space added to what is already existing.

Mr. Potter stated that the first two conditions that the Planning staff set compose of complying with the Unified Development Ordinance and the law, which his client will adhere to both. He stated that the third condition pertains to the cleaning of portable toilets on site with Mr. Potter stating that there will be no emptying of sewage on site and only the outside of the portable units will be cleaned. Mr. Potter stated that they agree with all the setback requirements except for the distance on the western property line. He stated that the Planning staff is recommending fifty feet while the Applicant is requesting twenty-five feet. Mr. Potter stated that they agree with the security and screen fencing and the shield lighting though the Applicant is requesting for the hours of operation to allow trucks to enter the property to drop off the rental units after hours. Mr. Potter stated that if the gates must be removed, it is on the order of NCDOT, which is the Department who should be handling that decision. He stated that the last condition of the Planning staff is that the mobile units can only be stacked two high and not three. Mr. Potter stated that the Applicant is requesting three high with a licensed Engineer stating would kind of anchors would need to be used and what actions would need to be taken within twelve hours of a named storm.

Mr. Potter stated that Joe Smith with Atlantic Seafood would like to speak but was not able to arrive at the meeting in time to sign up. Mr. Buchanan stated that Mr. Smith would be allowed to speak at the appropriate time.

Wesley Wooten, Applicant, expressed his happiness at having a national company interested in putting a facility in the Hampstead area. He stated that United Rentals has numerous business locations and operates not only in the United States but in other countries as well.

Mr. Wooten stated that United Rentals intends on using this site for primarily the rental of mobile type portable bathroom and offices.

Mr. Wooten stated that industrial type truck traffic has surrounded this property for years. He stated that in the past, a peanut processing plant was located there, then a lumber supply company, a hunting and fishing store, and churches.

Mr. Wooten stated that Topsail Tire will be located in the building to the right of where United Rental's proposed location will be but is not included in this rezoning request due to that type of business being a by-right business.

Mr. Wooten stated that United Rentals will increase the value of the tax base and will bring good paying jobs to Pender County.

Mr. Wooten stated that the uses they are requesting will decrease traffic in relation to what is there currently and in the past. He stated that there are residential properties around this piece of property, but businesses were in this area long before residential homes were.

Mr. Potter called witness Joe Smith to the stand. Mr. Smith stated he has lived in Hampstead for seventy-one years and is in support of United Rentals locating in this area as he does not see any disadvantages. He stated that once the traffic comes off the new Bypass, it would be helpful if some of the traffic could use Peanut Road instead of Hwy. 210.

Mr. Buchanan asked if Mr. Potter had any additional witnesses to which Mr. Potter responded negatively but would be happy to answer any questions. Mr. Buchanan asked the Board members if they had any questions currently for Mr. Potter and no questions were presented.

Michael Moody, 55 Aspen Road, stated that his issues with septic and smell have already been answered by Mr. Wooten and Mr. Potter but is still concerned about traffic and noise. He stated that there is no easy way out of Peanut Road and truck traffic should be kept on Hwy. 210. Mr. Moody also stated that he would like to see a higher cover wall/fence on Peanut Road.

Ms. Mosca stated that portable restrooms and offices are more industrial uses and do not serve the community or area. She stated that the residents of Pender County would not frequent this business daily. Mr. Teachey stated that he does not own a business but has used United Rentals many times.

Mr. Teachey asked what the reasons were for limiting the hours of operation. Mr. Adams stated that the residential areas nearby were a big factor when considering the hours of operation.

Mr. Gruntfest stated that stacking mobile offices three high is a major safety concern.

Mr. Pitts stated that if the mobile office units are allowed to be stacked three high, then buffering would be difficult no matter what was required. Mr. Adams stated that the Planning staff does not support stacking three high. Mr. Adams also stated that the intention of the fifty-foot buffer was to keep that type of activity more in the center of the site and not on a property boundary with residential homes.

Mr. Pitts asked if a unit is rented out and goes to another county besides Pender, who receives the sales tax from that transaction. Mr. Adams and Mr. Thurman both stated that they would have to investigate further to get a correct answer. Mr. Potter stated the county where the transaction takes place will be the county that receives the sales tax revenue.

Mr. Potter stated that this property will still be General Business concerning all the possible uses except for the two that are being requested that are not permitted in the GB zoning district. He stated that this property will not be considered industrial if this request is permitted. Mr. Potter stated that this request only allows the rental of particular types of equipment.

Mr. Potter stated that if the Board can agree with their other requests, then United Rentals would agree to only stacking the mobile offices two high. He stated that the policy of United Rentals is that if a named storm occurs, the stacked mobile units will be placed singularly on the property, and nothing will be left stacked.

Mr. Gruntfest asked who would be responsible for making sure that none of the portable toilets would be cleaned and sprayed out at the location. Mr. Wooten stated that portable toilets are transported empty and are filled with liquid chemicals on site. He stated that the toilets are then pumped before leaving the site and will return to the lot empty. Mr. Wooten stated that they are governed by standards concerning any chemicals mixed with water to fill the toilets.

Mr. Gruntfest asked if an MSDS sheet had been given to the Planning staff to which Mr. Wooten responded negatively. Ms. Mosca stated that the powder is toxic until it is diluted with water. Mr. Gruntfest asked if there were any regulations of how much powder can be stored at a location. Mr. Wooten stated he is not aware of any regulations on that matter.

Mr. Buchanan asked the Board members if there were any other questions for Mr. Wooten. Mr. Pitts stated that it has been stated that the nicer portable toilet units will be stored at the site but will there also be the individual ones that are commonly seen on construction sites. Mr. Wooten stated that there will be some kept on site, but they will not be seen over the fencing.

Ms. Mosca stated that Pender County can benefit from any business that generates tax money but is concerned this is not the right business for this location.

Mr. Teachey stated that he does not feel this request will be detrimental or harmful to the community and that Pender County needs the revenue that the business will bring in.

Mr. Potter asked the Board not to table this matter but to decide whether to deny or approve, if possible. He stated he has been working with both Mr. Adams and Mr. Thurman for months on this request and he does not feel continuing it so that they can work on it going to change anything. Mr. Thurman stated that they have indeed been working together for months and does not know if anything will change if they discuss it further but that it is the decision of the Board as to whether they table the matter.

Ms. Mosca made a 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.

Mr. Gruntfest seconded the motion.

Motion to deny

	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		
	4	1	0	2

CARRIED.

Mr. Pitts made a motion to recess the meeting with Mr. Teachey seconding the motion.

Motion to approve

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

CARRIED.

c) ZTA 2024-22

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

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 related to development applications' public meeting dates.

Mr. Moran stated that there will be a new Section, 3.22, of the Unified Zoning Ordinance that will provide a chart containing information pertaining to public hearings, public input meetings, and notification of the public all in one location instead of several locations.

Mr. Buchanan asked if there was any change to how the public is notified. Mr. Moran stated that there will be no change as to how the public is notified.

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

Motion to approve

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

CARRIED.

10 DISCUSSION

Uses Permitted via Special Use Permit

Adam Moran, Long Range Planner, presented the report.

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. Planning staff is preparing a text amendment to address this topic and is seeking feedback from the Planning Board.

Mr. Adams stated the Table of Permitted Uses defines which uses in which districts can be permitted by a Special Use Permit. He stated that a Conditional Rezoning can be pursued for any use in any zoning district whereas a Special Use Permit has specific uses in specific districts.

Mr. Buchanan asked if conditions can be placed on a Special Use Permit. Mr. Thurman stated that conditions can be placed but are limited.

The Board, Planning staff, and Mr. Thurman discussed the advantages and disadvantages of both a Special Use Permit and Conditional Rezoning.

11 NEXT MEETING DATE

March 5, 2024, at 7:00 p.m.
Burgaw, BOCC Meeting Room
Burgaw, NC 28425

12 ADJOURNMENT

Mr. Teachey made a motion to adjourn with Mr. Pitts 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 Grunfest	X			
Jeff Beaudoin				X
Norman (Ken) Teachey	X			
	5	0	0	2

CARRIED.



Pender County March 5, 2024 Meeting Minutes

TO: Planning Board
FROM: Daniel Adams
DATE: April 3, 2024
SUBJECT: March 5, 2024 Meeting Minutes

SUMMARY:

March 5, 2024 Meeting Minutes

ACTION REQUESTED:

Approval of minutes from the March 5, 2024 Planning Board meeting.

ATTACHMENTS:

1. March 5, 2024 Planning Board meeting minutes



MINUTES
Planning Board Meeting
Tuesday, March 5, 2024
Pender County Public Assembly Room
7:00 PM

MEMBERS PRESENT:

Delva Jordan, Chairman
Damien Buchanan, Vice-Chairman
Jeffrey Pitts
Norman "Ken" Teachey
John Gruntfest

MEMBERS ABSENT:

Jeff Beaudoin
Margaret Mosca

OTHERS PRESENT:

Daniel Adams, Planning Director
Justin Brantley, Deputy Planning Director
Taylor Davis, Current Planner
Tucker Cherry, Current Planner
Adam Moran, Long Range 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 7:02 pm.

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ADOPTION OF AGENDA

Motion to approve agenda made by Jeffrey Pitts, seconded by Ken Teachey.

Motion to approve

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

CARRIED.

6 PUBLIC COMMENT

No public comment.

7 PUBLIC HEARINGS

- a) REZONE 2023-59 and REZONE 2024-63

Taylor Davis, Current Planner, presented the staff report.

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 3214-28-8318-000.

Ms. Davis stated that after the last hearing, Planning staff and the applicant worked to further delineate the allowable uses. She stated that NAICS 453, General Retail Stores, is now being replaced by NAICS 452990, Other General Merchandise Stores.

Ms. Davis stated that the change is to prevent undesired tenants in this area, such as tobacco or vape shops, which would have fallen under the previously proposed code.

Ms. Davis stated all the zoning district's dimensional requirements stayed the same except for the building height which was proposed to be forty feet but has been changed to twenty-five.

Ms. Davis stated that the applicant is expecting the hours of operation to be from 8:00 a.m. until 9:00 p.m., which is changed from the 10:00 p.m. closing time that was discussed at the previous hearing. She stated that the applicant anticipates six employees being hired at this location.

Ms. Davis stated that the applicant originally proposed three internally illuminated signs, which two were freestanding and one being a wall sign in the form of channel letters. She stated both freestanding stands were proposed to be one hundred square feet in size and plan to front NC Hwy 210 and Little Kelly Road. Ms. Davis stated that Variances would have been required due to the size of the signs. She stated that the Planning staff discussed with the Applicant who agreed with a conditional approval that all signs shall comply with standards set forth in Article 9, specifically 9.7, of the UDO. Ms. Davis stated that the applicant also agreed to two other conditions pertaining to signs. She stated that the first condition would be that monuments signs would be the only permitted free standing signs and no sign should be illuminated other than by uplighting and should be lit during posted store operation hours only. No light emitted by or for a sign shall cross property lines and shall be shielded.

Ms. Davis read the twelve proposed conditions of approval to the Board.

Riana Smith, Attorney for applicant, stated that they have worked hard with the Planning staff to address the comments and input of both the Board and the public after the last hearing was continued the previous month.

Ms. Smith stated that there are approximately sixteen different civil, religious, and commercial operations that are within the immediate area.

Ms. Smith stated that this Conditional Rezoning request is not going to adversely affect the area due to the commercial businesses already located in near proximity. She stated that there are no wetlands involved and the property is not in a flood area.

Ms. Smith stated that there are petroleum odors detected at the site due to a gas station being located on this property in the past. She stated that the remediation required for a commercial property to be located at this site would be much less than for a residential purpose.

Ms. Smith stated that her client is happy to comply with the restriction of uses imposed by the Planning staff.

Mr. Jordan asked if there were any questions from the Board for Ms. Smith and no questions were presented.

Adrianna Pickett, 154 Nixon Avenue, feels this request is unfavorable. She stated she is not against a smaller local business in this location but is against a big corporate one. Ms. Pickett stated she does not want Rocky Point to lose its small-town charm and integrity to corporate businesses. She also stated she is concerned with the additional traffic generated and safety issues.

Kate Lesala, 91 Grand Oaks Blvd., stated that since the last meeting, twelve additional violent gun crimes have taken place at this store in various states. She stated that there are no businesses of this magnitude located in proximity to this site. Ms. Lesala stated she is not sure how her property value will not be lowered if a Dollar General is allowed at this site. She stated traffic on NC Hwy 210 is a safety concern as there are already regular accidents in this intersection area.

Janet Higgins, 4912 Trellis Court, stated that she is the youngest daughter of Livvie and Horace Lewis. She stated that her parents bought the property from Wayne Clark's parents, and it has always been commercial. Ms. Higgins stated that her parents always wanted a store put in this location, especially her mother, due to her inability to drive once she aged and getting to the store outside of the community was a challenge. She stated her mother had all the gas tanks removed when she decided to close her dollar gas pump business.

Amie Beegle, 743 Clarks Landing Road, stated she spoke at the last meeting also and is not in favor of this rezoning. She stated that Rocky Point does not need a commercial zone in this area due to many undeveloped prime commercial lots remaining. Ms. Beegle stated that the traffic counts that are being used are outdated and unreliable. She stated that the only reason the Board would vote to approve the request would be to help the owners sell the land.

Greg Stewart, 186 Norris Farm Drive, stated they have been working hard with the Planning staff to address all the comments that were made by the Board in the previous meeting. He stated that due to traffic concerns at the last meeting, they had a design drawn up and sent to DOT and they are open to a one entry concept if DOT directs them in that direction. He stated that they are open to meeting any of the requirements that DOT imposes.

Dana O'Donnell, 18130 NC Hwy 210, stated that she and her family settled in Rocky Point due to what it offers and the lifestyle it can provide and does not want to move from their location. She stated that she does not want a dollar store within walking distance of her house. Ms. O'Donnell stated that fertile land will be lost if this rezoning is granted and that would not benefit the community. She stated she attended the community meeting that was held and no one from the community supported the rezoning.

Brian Morrison, 46 Russell Court, stated that there are several dollar stores within a ten-mile radius which makes putting one in this location unacceptable. He stated putting a dollar store in this area is going to serve nobody. Mr. Morrison stated that traffic and crime are also concerns of his.

Mr. Buchanan asked if this location was a gas station in the past. Mr. Adams stated that the County's records do not go that far back but based on public comment, it appears as though one was located at this site years ago.

Mr. Teachey stated that the slide that Ms. Smith presented with all the businesses in that area indicated were mostly agriculture related and did not have people coming and going all day long. He stated that a lot of the businesses shown on the slide were there long before zoning was put into place. Mr. Teachey stated that the Board has heard from a lot of people between this meeting and the last and they need to be listened to so he does not feel he can vote in favor of it.

Mr. Jordan stated he agrees with Mr. Teachey in that all the people living in the area have voiced their opinion against the request and not one person being in favor of it.

Mr. Teachey stated that the only people speaking in favor of the project are the people trying to sell the land and the people trying to buy the land.

Mr. Buchanan stated that the Board of Commissioners have the final decision in this matter as the Planning Board is only an advisory board. He stated that Pender County is growing and within a three-mile radius of this property, seventy-two homes have been built since 2022, with forty-six being in the last year. Mr. Buchanan stated that he is thinking about the long-term plan when discussing this request.

Mr. Buchanan stated that two of the concerns brought up in the last meeting were the appearance of the building and the signage. He stated that they asked the applicant to make adjustments and they have. The exterior of the building has been upgraded and the illumination of signage after closing at night has been changed. He also stated that the Board requested no high pylon signs, which the applicant agreed to eliminate.

Mr. Grunfest stated that the responsibility that the Board has taken on sometimes can be difficult. He stated that all members of the Board do listen but there are tough

decisions to be made at times. Mr. Gruntfest stated that what he gathered from the last meeting and this meeting was that the public would not be as upset if a small quaint family-owned store was in this location but not a big corporate store.

Mr. Pitts stated that an increase in population leads to an increase in needed business regardless of the location.

Mr. Teachey stated that there are plenty of shopping options within a very close distance of this property. He stated in the past there used to be a small country store on every corner because people did not drive as much as they do now, but now driving into Wilmington is not so uncommon as it used to be.

Mr. Pitts stated that he thinks this type of store bridges a gap and does not think a dollar store will increase or add any additional crime to the area.

Mr. Buchanan asked if this request was to be approved, would a buffer of trees on Little Kelly Road be possible. Mr. Adams stated that a buffer is already required and so there will be some type of trees running along Little Kelly Road.

Mr. Jordan asked if the Board had any additional questions for the applicant, and none were presented.

Mr. Jordan asked about the appearance of the building. Mr. Adams stated that the brick façade will be on all sides of the building except for the side facing the septic area.

Mr. Jordan asked for clarification of the buffer requirement along Little Kelly Road. Mr. Adams stated that an "A" buffer is required which is a standard requirement for property lines adjacent to a street. To further explain an "A" buffer, Mr. Adams read the section of the UDO pertaining to "A" buffers.

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

Mr. Pitts made a motion to approve the Future Land Use Map Amendment and to make a finding that the approval is consistent with policies and goals 5.1.C, 5.1.D, 5.1E, 5.1.F, and 5.1.K in the Pender 2.0 Comprehensive Land Use Plan. Mr. Buchanan seconded the motion.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan		X		
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca				
John Gruntfest	X			
Jeff Beaudoin				X
Norman (Ken) Teachey		X		
	3	2	0	1

CARRIED.

Mr. Buchanan made a motion to approve the Conditional Zoning Map Amendment and to make a finding that the approval is consistent with policies and goals 5.1.C, 5.1.D, 5.1E, 5.1.F, and 5.1.K in the Pender 2.0 Comprehensive Land Use Plan. He stated that this area is growing and needs additional services for that growth. The motion includes the twelve conditions provided by Planning staff and the only use allowed is NAICS code 452990. Mr. Buchanan stated that NAICS codes 459991 and 453998 which encompass tobacco, vaping and potential cannabis dispensaries are strictly prohibited. Mr. Pitts seconded the motion.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan		X		
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca				
John Gruntfest	X			
Jeff Beaudoin				X
Norman (Ken) Teachey		X		
	3	2	0	1

CARRIED.

Mr. Adams stated that this matter will be heard by the Board of County Commissioners on April 15, 2024, and adjacent property owners will once again receive mailers notifying them of the meeting. He stated that the meeting will be held in the same room in Burgaw at 7:00 p.m.

Mr. Buchanan made a motion to take a five-minute recess with Mr. Teachey seconding the motion.

Motion to approve

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

CARRIED.

b) ZTA 2023-21

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

Pender County Planning & Community Development, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to remove the process of obtaining new Special Use Permits for certain specific land uses, mainly in residential zoning districts. Special Use Permits that have been approved previously would remain in place. Uses that are no longer allowed by Special Use Permit would require approval through the Conditional Rezoning process.

Mr. Adams stated that the burden on proof lies with the applicant for a Special Use Permit.

Mr. Adams, Mr. Moran, Mr. Thurman, and the Board members discussed Special Use Permit and quasi-judicial procedures and hearings.

Mr. Buchanan asked if all Conditional Rezoning requests go before the Technical Review Committee to which Mr. Adams responded affirmatively.

Mr. Buchanan and Mr. Pitts both asked how much of the county is zoned RA.

Mr. Brantley stated that over 60 percent is zoned RA.

Mr. Buchanan stated that this request is putting more restrictions on property, which he has a real problem with as an advocate of property rights.

Mr. Buchanan made a motion to table this matter for further staff review, board member discussion, and if this matter could potentially be rolled into the scope of services with the current consultant firm handling the Comprehensive Land Use Plan. Mr. Pitts seconded the motion.

Motion to table

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

CARRIED.

8 APPROVALS AND RESOLUTIONS

NC 210 East Coast Greenway Feasibility Study

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

The Cape Fear Council of Governments, in partnership with the Pender County Planning and Community Development Department, the Town of Surf City, and other partnering organizations as well as contracted consultant McAdams, have completed the NC 210 East Coast Greenway Feasibility Study. The study was completed last year and has been adopted by the Cape Fear Rural Transportation Planning Organization and the Town of Surf City. The feasibility study was conducted by a project team and steering committee which included staff members from the Cape Fear Rural Transportation Planning Organization, Duke Energy, the East Coast Greenway Alliance, Friends of the Mountains-to-Sea Trail, the Greater Topsail Area Chamber of Commerce and Tourism, North Carolina Department of Transportation, NC State Parks, Pender County, the Terry Benjey Cycling Foundation, the Town of Surf City, and the Wilmington Urban Area Metropolitan Planning Organization.

The plan studied potential alignments of the East Coast Greenway and Mountains-to-Sea Trail, which are planned to connect near where NC 210 heads towards Surf City from US Highway 17. The study team also engaged with the public to gain feedback and insight into local needs and desires for greenway facilities in the Hampstead and Surf City areas. Two public engagement meetings were conducted in the fall of 2022 and winter of 2023. These meetings found a desire to allow children to travel to school and for citizens to access businesses from the greenway. An online survey, which garnered 1,774 responses and elicited 1,500 comments found that greenway facilities like the East Coast Greenway are highly desired for transportation and recreation, with other noting that the facility could be a draw for tourism, especially in the beach areas. There is concern that the current conditions do not allow for safe connections for pedestrians and bicyclists in the area.

Public engagement events found that safe biking and walking routes and crosswalks are desired amenities that would encourage more people to walk or bike. When asked, respondents noted that they would be willing to travel three to ten miles (or more) on the greenway.

Mr. Buchanan stated that he is in support due to walking the bridge in Surf City daily and would utilize any extension. He feels that walking and biking are good healthy practices that many people enjoy.

Mr. Teachey expressed his support for putting Pender County's citizens safety first and foremost.

Mr. Buchanan made a motion to adopt the NC 210 East Coast Greenway Feasibility Study. Mr. Teachey seconded the motion.

Motion to table

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

CARRIED.

9 DISCUSSIONS

Mr. Adams informed the Board members that at the February 20, 2024, Board of Commissioners meeting, the Commissioners approved a contract with Clarion and Associates. He stated that the firm is located in Chapel Hill and will be writing the new Comprehensive Land Use Plan.

Mr. Jordan stated that the Board used to have trainings at least four times a year but he cannot recall when that happened last. Mr. Buchanan agreed with Mr. Jordan by stating that having regular refreshers would be nice and is needed. Mr. Adams stated that having training or speakers is an excellent idea and he will work on implementing the request.

10 NEXT MEETING DATE

April 3, 2024, at 7:00 p.m.
Pender County Public Assembly Room
805 S. Walker Street
Burgaw, NC 28425

11 ADJOURNMENT

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

Motion to approve

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

CARRIED.



Pender County
REZONE 2024-64: Request to rezone
approximately 2.18 acres from the
Residential Performance zoning district
to the General Business zoning district
in the Topsail Township

TO: Planning Board
FROM: Adam Moran
DATE: April 3, 2024
SUBJECT: REZONE 2024-64: Request to rezone approximately 2.18 acres from the Residential Performance zoning district to the General Business zoning district in the Topsail Township

SUMMARY:

HRP RRJ Hampstead, LLC, applicant, on behalf of Cedar on the Green Rentals, LLC, owner, and the North Carolina Department of Transportation, owner, is requesting the approval of a General Use Zoning Map Amendment to rezone six tracts of land totaling approximately 2.18 acres from the RP, Residential Performance zoning district to the GB, General Business zoning district.

The subject properties are located at the corner of Jenkins Road and North St. John's Church Road, approximately 500 feet northwest of the intersection of US Highway 17 and Country Club Drive in the Topsail Township and may be further identified by Pender County PINs 3293-76-1416-0000, 3293-76-0432-0000, 3293-76-1324-0000, 3293-76-1248-0000, 3293-76-1281-0000, and 3293-76-2444-0000

ACTION REQUESTED:

Hold a public hearing and consider the zoning map amendment request.

ATTACHMENTS:

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

**STAFF REPORT FOR REZONE 2024-64
ZONING MAP AMENDMENT APPLICATION**

APPLICATION SUMMARY	
Case Number	REZONE 2024-64
Hearing Dates	April 3, 2024 – Planning Board May 20, 2024 – Board of Commissioners
Applicant	HRP RRJ Hampstead, LLC
Property Owners & Parcel Identification Numbers (PINs)	3293-76-1416-0000 (Cedar on the Green Rentals, LLC) 3293-76-0432-0000 (Cedar on the Green Rentals, LLC) 3293-76-1324-0000 (Cedar on the Green Rentals, LLC) 3293-76-1248-0000 (Cedar on the Green Rentals, LLC) 3293-76-1281-0000 (Cedar on the Green Rentals, LLC) 3293-76-2444-0000 (NC Dept. of Transportation)
Acreage	±2.18 acres
Township	Topsail
Pender 2.0 Future Land Use Category	Medium Density Residential

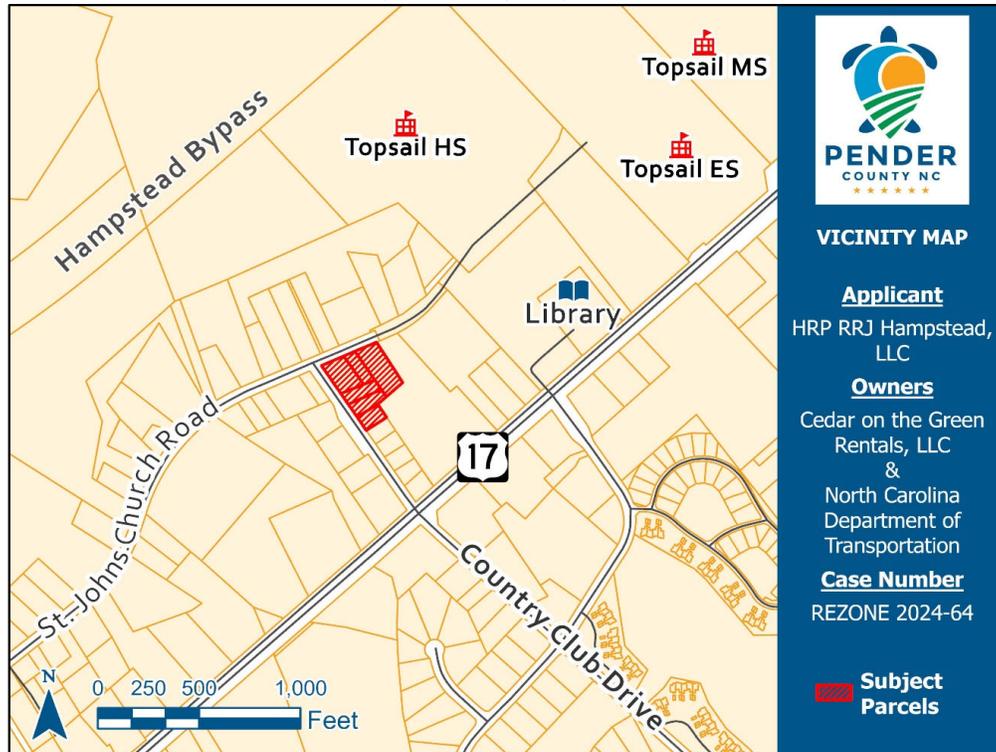
REZONING PROPOSAL

HRP RRJ Hampstead, LLC, applicant, on behalf of Cedar on the Green Rentals, LLC, owner, and the North Carolina Department of Transportation, owner, is requesting the approval of a General Use Zoning Map Amendment to rezone six tracts of land totaling approximately 2.18 acres from the RP, Residential Performance zoning district to the GB, General Business district.

LOCATION

The subject properties are located at the corner of Jenkins Road and North St. John’s Church Road, approximately 500 feet northwest of the intersection of US Highway 17 and Country Club Drive in the Topsail Township and may be further identified by Pender County PINs 3293-76-1416-0000, 3293-76-0432-0000, 3293-76-1324-0000, 3293-76-1248-0000, 3293-76-1281-0000, and 3293-76-2444-0000.

Map 1: Vicinity Map (Below)



REZONING PROPOSAL

The applicant is proposing to rezone approximately 2.18 acres of land from the Residential Performance (RP) zoning district to the General Business (GB) zoning district. Because this is a general use rezoning, a conceptual plan is not included within the application. If approved, the site could be developed based upon all uses that are permitted by right or by Special Use Permit in the General Business zoning district. Any future development of the site must comply with the standards of the General Business zoning district and is subject to review and approval by the Technical Review Committee (TRC) to ensure compliance with all applicable local, State, and Federal regulations.

Intent of the General Business Zoning District (Proposed)

The intent of the General Business district is to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses.

Intent of the Residential Performance Zoning District (Existing)

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

Map 2: Aerial Map (Below)



AERIAL MAP

Applicant

HRP RRJ Hampstead, LLC

Owners

Cedar on the Green Rentals, LLC & North Carolina Department of Transportation

Case Number

REZONE 2024-64

Subject Parcels

Dimensional Requirements

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

Table 1: Minimum Setback (General Business)*	
Front	25'
Side	10'
Rear	10'
Corner	12'
Max. Height	40'
Structure Separation	20'

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

Allowable Uses

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

Table 2: General Business (GB)	
Residential Uses	Upper Story Residential
Commercial Uses	<p>≈ 87 uses by-right (Artisan Manufacturing; Motor Vehicle and Parts Dealers; Furniture and Home Furnishings Stores; Gasoline Stations; Clothing Stores; Postal Services; Information, Finance and Insurance; Real Estate, Rental, and Leasing; Solid Waste Collection Public; Educational Services; Social Assistance; Museums, Historical Sites, and Similar Institutions; Bowling Centers; Full Service Restaurants; Drinking Places; Automotive Repair and Maintenance; Religious Organizations; etc.)</p> <p>≈ 16 uses w/ SUP (Truss Manufacturing; Other Nonhazardous Waste Treatment and Disposal; Outpatient Mental Health and Substance Abuse Hospital; Promoters of Performing Arts, Sports, and Similar Events; RV Park and Recreational Camp; Cemetery; Storage of boats outdoors)</p>

TRANSPORTATION INFRASTRUCTURE

Access

The subject properties have direct access to Jenkins Road and North St. John’s Church Road. The southernmost parcel in this proposal is approximately 500 feet from the intersection of Jenkins Road and US Highway 17. Development of the subject properties would require driveway approval from the North Carolina Department of Transportation (NCDOT).

Traffic

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

Table 3: NCDOT Annual Average Daily Traffic (AADT) – 2022				
Road	Location	Volume	Capacity	V/C
US Highway 17	Between Alfonso Nixon Dr and Ravenswood Rd	47,000	37,232	1.26
Jenkins Road (SR 1593)	Between St Johns Church Road and US Highway 17	No traffic data available.		
St Johns Church Road (SR 1592)	Between R J Nixon Rd and Jenkins Rd	No traffic data available.		

OTHER INFRASTRUCTURE & ENVIRONMENTAL CONCERNS

Utilities

Public water (through Pender County Utilities) is available at this site, as PCU has waterlines that run along both Jenkins Road and N. St. Johns Church Road. Based on information from private sewer providers, private sewer service is available near this location, along US Highway 17. A line extension would need to be installed to connect those properties to the system. The method of water and sewer service will be determined when a site-specific development plan is submitted for review.

Schools

There is no development proposal associated with this general use rezoning, so no specific impacts to the school system are known at this time. However, it is unlikely that the proposed rezoning would impact the school system. If this property were to be developed in accordance with its current zoning (Residential Performance), the impact on school capacity would likely be greater.

Table 4: Environmental Concerns	
Special Flood Hazard Areas	The subject properties do not contain Special Flood Hazard Areas. ¹
Wetlands	Portions of the subject properties may contain wetlands. ^{2,3} The location of any wetlands will be verified when a site-specific development plan is submitted for review. Any disturbance within these wetlands is subject to review and approval by the Corps of Engineers.
Areas of Environmental Concern	The subject properties 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 According to the NC Division of Coastal Management (NC DCM)

³ According to the National Wetlands Inventory (NWI)

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

EVALUATION

Surrounding Zoning

The subject property is currently within the Residential Performance (RP) zoning district. Properties in the immediate vicinity of the subject property are currently zoned Residential Performance (RP) and General Business (GB), with other nearby areas zoned as Planned Development (PD) and Office & Institutional (O&I) as indicated by the table below.

Map 3: Zoning Map (Below)

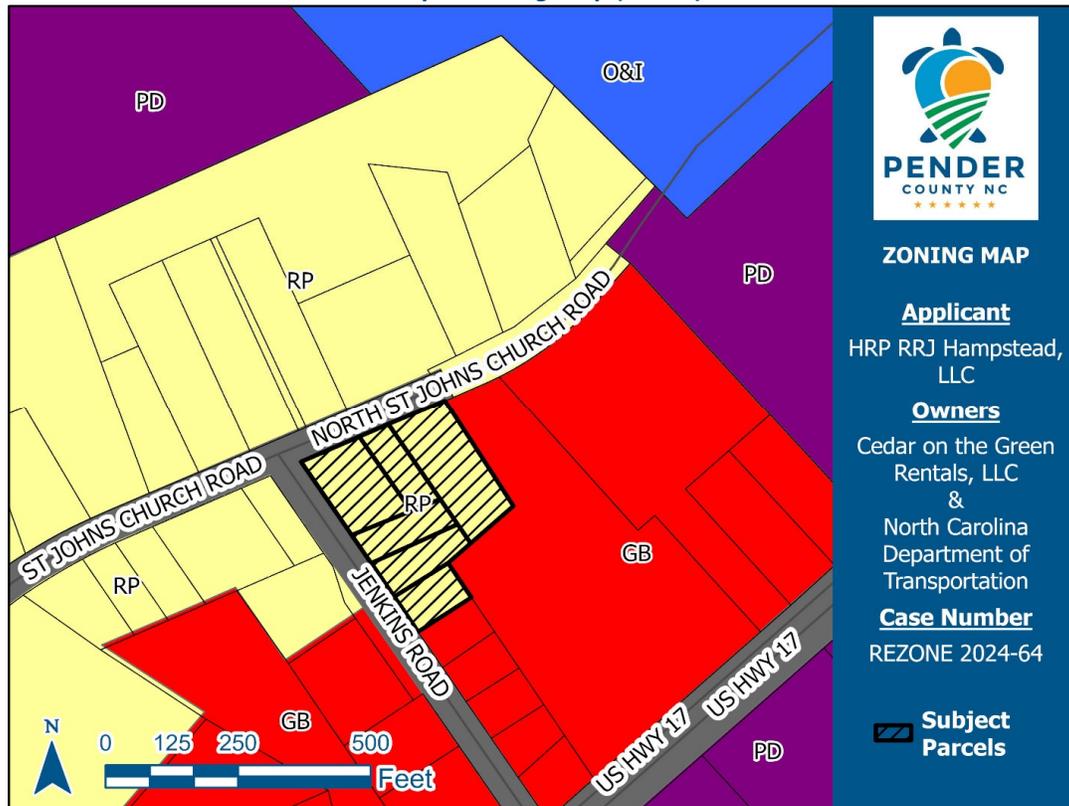


Table 5: Adjacent Uses and Zoning

Direction	Land Use	Zoning
North	Low Density Residential	Residential Performance (RP) Planned Development (PD)
East	Self-storage; Small-form retail; Public School Campus	General Business (GB) Office & Institutional (O&I)
South	Vacant	General Business (GB)
West	Low Density Residential; Vacant	Residential Performance (RP) General Business (GB)

Pender 2.0 Comprehensive Land Use Plan Compliance

If the current rezoning proposal is approved, the Future Land Use Map would be automatically updated to reflect the Neighborhood Mixed Use designation that is more consistent with commercial uses and is most similar to the adjacent General Business zoned parcels.

Table 6: Future Land Use Category	
EXISTING	PROPOSED
Medium Density Residential	Neighborhood Mixed Use
<p>Desired Uses</p> <ul style="list-style-type: none"> • Single-family dwellings – detached and duplex (up to two units per structure) • Townhomes may be suitable when included as part of a master planned community • Age-appropriate retirement housing • Recreation, parks, and open space 	<p>Desired Uses</p> <ul style="list-style-type: none"> • Commercial/retail and office uses that serve existing communities. Examples include restaurants, cafes, drug stores, healthcare facilities, professional offices, and retail-oriented uses. • Single-family dwellings – detached, duplex, and townhouse (up to ten units in a single structure)
<p>Inappropriate Uses</p> <ul style="list-style-type: none"> • Multi-family residential uses • Commercial, office, and institutional development not integrated into a planned community • Industrial development 	<p>Inappropriate Uses</p> <ul style="list-style-type: none"> • Establishments requiring large surface parking in excess of 20,000 sq. ft. • Low density residential uses • Industrial uses • Storage facilities

Medium Density Residential

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 located in close proximity to supporting services and a mixture of development types, and are generally found in the southern portion of the County. Appropriate uses include single-family residences, duplexes, townhomes, community recreation and open space uses, and neighborhood-scale institutional uses such as religious and civic organizations. 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.

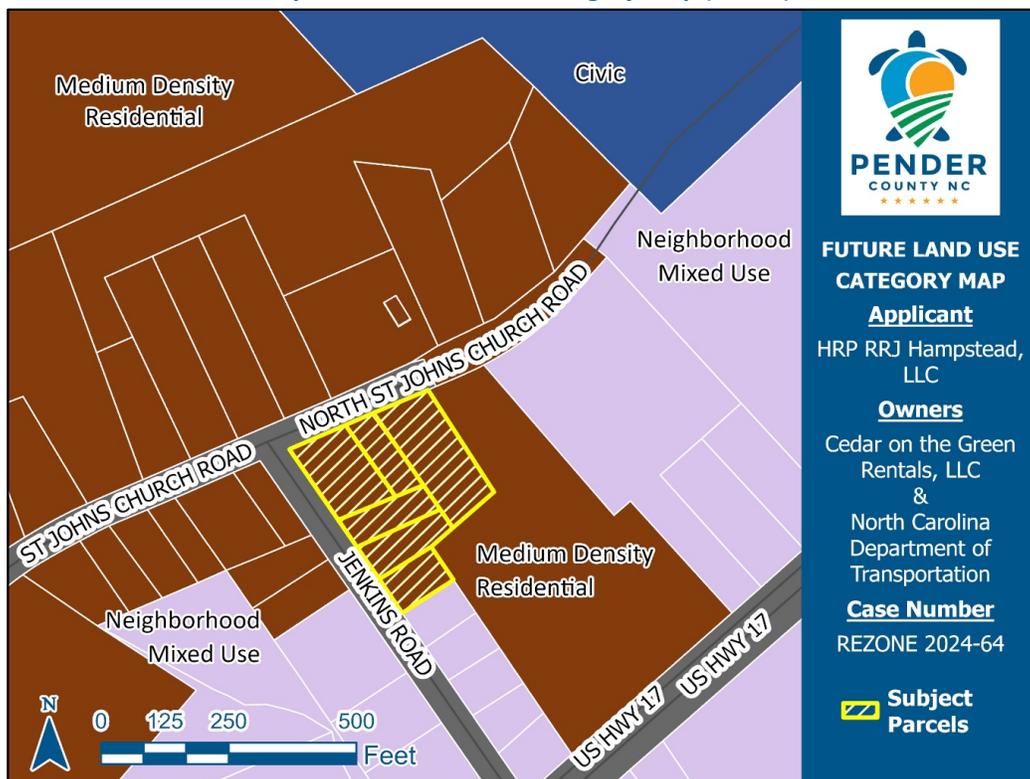
Neighborhood Mixed Use

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. This future land use classification 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. Development density within this category allows for up to 10 units per acre for residential development.

Map 4: Future Land Use Category Map (Below)



Pender 2.0 Comprehensive Land Use Plan Policy Evaluation

Policies that Support

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

Goal 5.1: Land Use and Growth Management: Manage the physical growth and development of Pender County by encouraging more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the rural heritage and coastal habitat that makes the County a unique place to live.

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

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

Goal 5.8: Topsail Planning Area: Protect existing single-family neighborhoods and coastal habitats from the expansion of incompatible land uses, while focusing more intensive growth and development in key locations along the US 17 corridor and in accordance with the US 17 Bypass and Collector Street Plan.

Policies that Do Not Support

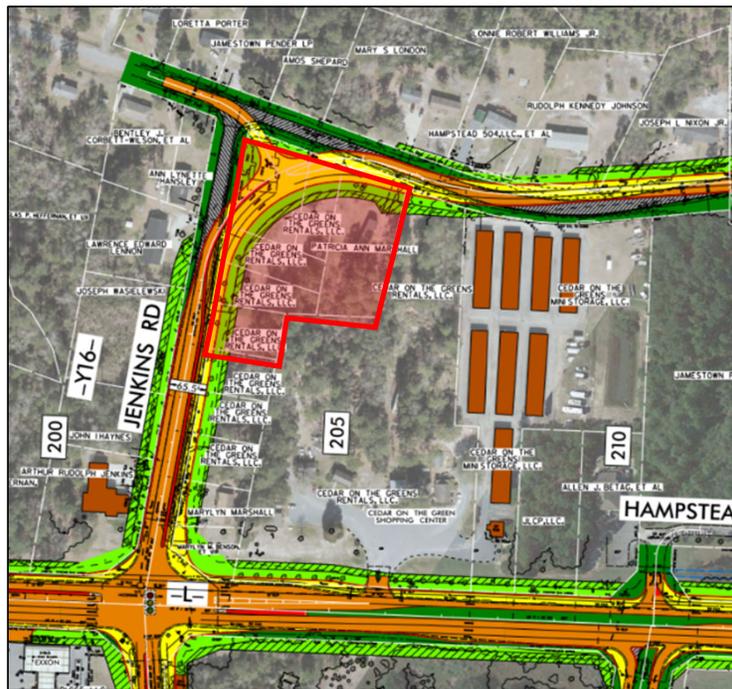
This proposal conflicts with the following policies within the Pender 2.0 Comprehensive Land Use Plan:

Policy 5.1.B: Land Use Plan Consistency: The County generally requires that any official land use and development related actions (e.g. re-zonings, text amendments, and special use permits) remain consistent with the policies adopted in this plan and any other applicable plan. Any actions that are inconsistent with such plans shall require a statement from the Planning Board and Board of Commissioners approving such decisions, as to the conditions taken into account in amending the Unified Development Ordinance to meet the development needs of the community, and why the action was reasonable and in the public interest.

Future North Carolina Department of Transportation (NCDOT) Road Realignment

The Board should be made aware that these parcels are included in the realignment of the Jenkins Road and St. Johns Church Road rights-of-way as part of the NCDOT’s Project U-5732, which is better known as the planned reconstruction of US Highway 17 as a “super-street.” All of the subject parcels will be affected by this project. Please see an excerpt of the NCDOT plan below (Figure 1) where the subject parcels are outlined in red and the new roadway is shown in yellow.

Figure 1: Future Jenkins Rd/St. Johns Church Rd Realignment (part of NCDOT Project U-5732)



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

3.3.5 Approval Criteria for Rezoning

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

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

CONSISTENCY OF PROPOSAL WITH COUNTY PLANS AND POLICIES

Planning & Community Development staff is submitting the proposed general use rezoning application for Planning Board consideration. This general use rezoning proposal is consistent with two goals and four policies of the Comprehensive Land Use Plan, which encourage and support the siting and development of commercial uses that are positioned in areas of the County where water, sewer, and a mix of uses are already available. As found in three of the noted policies (5.1.C, 5.1.D, and 5.1.K), uses that provide commercial development where infrastructure is already available is encouraged. Rezoning these parcels to the General Business zoning district will allow for commercial development to occur nearby other commercially zoned parcels in a heavily traveled area of the County. All permitted uses in the General Business zoning district should be considered by the Board as they evaluate this rezoning. Taking under consideration the siting of new commercial uses nearby existing commercial uses and along the US Highway 17 corridor that has existing utility infrastructure, staff respectfully recommends approval of this application.

PLANNING BOARD ACTION NEEDED:

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

- **Goal 5.1**
- **Policy 5.1.C**
- **Policy 5.1.D**
- **Policy 5.1.H**
- **Policy 5.1.K**
- **Goal 5.8**

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

PLANNING BOARD ACTION FOR GENERAL USE REZONING

MOTION	SECONDED

APPROVED	DENIED	UNANIMOUS

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey

REZONE 2024-64
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 Map Amendment Submission (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. **Pre-submittal Meeting**
Date of Meeting 1/16/24
- 2. **Signed Application**
- 3. **Payment**
\$500 for the first 5 acres; \$10/ acre thereafter up to 1,000 acres; \$5 per acre thereafter
- 4. **Requested Revision Boundary Map**
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.
- 4. **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.
- 5. **Digital Submission**
For all documents submitted in paper copy, bring a digital copy with paper submission.
- 6. **Adjacent Property List**
A list of names and addresses, of the owners of all properties located within 500-feet of the perimeter of the project bounds as obtained from the county tax listings and tax abstract, of the property under consideration for project parcel.
- 7. **Adjacent Property Envelopes**
The applicant shall provide a set of business envelopes addressed to each person of the owners of all the properties located within 500-feet of the perimeter of the project bounds, accompanied with the amount of postage required for first class postage.

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

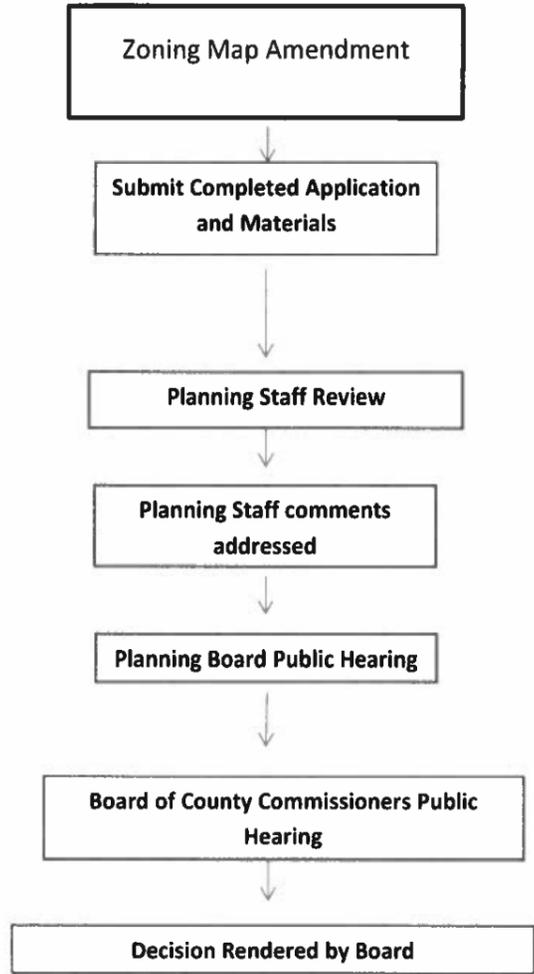
Signature of Applicant

Roger L. Young, Jr, Manager

Date 2/1/24

Printed Name

Staff Initials:	_____
Date:	_____



Zoning Map Amendment Specific Requirements

1. Application Submittal

- Application
- 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.
- All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, the rezoning shall be expanded to include all property necessary to meet zoning requirements.
- Must show substantial compliance with the goals and policies of the Comprehensive Land Use Plan.
- The rezoning application must contain a description and/or statement of the present and proposed zoning regulation or district boundary, and the name(s) and address(es) of the owner(s) of the property involved as required by General Statute.
- The applicant shall provide an accurate 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.

2. Planning Board and Board of Commissioners Review Criteria (per Section 3.3.8)

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

**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

Page 18 of 41

GENERAL USE REZONING

GENERAL

1. An applicant shall be required to schedule a pre-submittal meeting with the Administrator at least thirty (30) days prior to submission of an application.
2. Amendments to the Zoning Map, also called a Rezoning, shall be made in accordance with the provisions of the Pender County UDO and shall follow the review process as shown in Figure 1 at the end of Section 3.4.
3. The County Commissioners shall approve or deny amendments to the Zoning Map of Pender County, as may be required from time to time.
4. 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 the UDO. An illustration containing a metes and bounds description is required.
5. All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, the rezoning shall be expanded to include all property necessary to meet zoning requirements.
6. Must show substantial compliance with the goals and policies of the Comprehensive Land Use Plan and other adopted plans.

APPROVAL STANDARDS

1. Whether the range of uses permitted by the proposed change would be appropriate to the area concerned (including not being detrimental to the natural environment, not adversely affecting the health or safety of residents or workers in the area, not being detrimental to the use or development of adjacent property, and not materially or adversely affecting the character of the general neighborhood).
2. Whether adequate public facilities/services (i.e., water, wastewater, roads) 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.
3. Whether the proposed change is consistent with the County's Comprehensive Land Use Plan and CAMA Land Use Plan or any other adopted land use document.
4. Whether the proposed amendment is reasonable as it relates to the public interest.

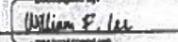
APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 2024-64	Date	2/2/2024
Application Fee	\$ 500.00	Invoice	00038428
Pre-Application Conference		Hearing Date	PB 4.3.24 - BOCC 5.20.24
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	HRP RRJ Hampstead, LLC	Owner's Name:	Cedar on the Green Rentals, LLC Department of Transportation
Applicant's Address:	3 Keel St, Suite 2	Owner's Address:	256 Osprey Pl Wilmington, NC 28411 (Cedar)
City, State, & Zip	Wrightsville Beach, NC 28480	City, State, & Zip	1546 Mail Service Center Raleigh, NC 27611 (DOT)
Phone Number:		Phone Number:	
Email Address:	ryoung@harboure.com	Email Address:	
Legal relationship of applicant to landowner: contract purchaser			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	32937604320000; 32937612480000 32937612810000; 32937613240000 32937614160000; 32937624440000	Total property acreage:	+/- 2.18 acres
Current Zoning District:	RP	Proposed Zoning District:	GB
Project Address:	58 N St. Johns Rd; 565 St. Johns Rd; 4 parcels on Jenkins Road		
Description of Project Location:	6 parcels in Spring Branch Village located at the intersection of Jenkins Rd and N St. Johns Church Rd		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	1/31/24
Applicant's Name Printed	Roger L. Young, Jr., Manager of HRP RRJ Hampstead, LLC	Date:	
Owner's Signature		Date:	01/30/2024
Owner's Name Printed	MAXTON M. RAPPOLD - REAL PROPERTY AGENT II Department of Transportation	Date:	01/30/2024
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. 			

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 2024-64	Date	2/2/24
Application Fee	\$ 500.00	Invoice	00038428
Pre-Application Conference		Hearing Date	PB 4.3.24 - BOCC 5.20.24
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	HRP RRJ Hampstead, LLC	Owner's Name:	Cedar on the Green Rentals, LLC Department of Transportation
Applicant's Address:	3 Keel St, Suite 2	Owner's Address:	256 Osprey Pl Wilmington, NC 28411 (Cedar)
City, State, & Zip	Wrightsville Beach, NC 28480	City, State, & Zip	1546 Mail Service Center Raleigh, NC 27611 (DOT)
Phone Number:		Phone Number:	
Email Address:	ryoung@harboure.com	Email Address:	
Legal relationship of applicant to landowner: contract purchaser			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	32937604320000; 32937612480000 32937612810000; 32937613240000 32937614160000; 32937624440000	Total property acreage:	+/- 2.18 acres
Current Zoning District:	RP	Proposed Zoning District:	GB
Project Address:	58 N St. Johns Rd; 565 St. Johns Rd; 4 parcels on Jenkins Road		
Description of Project Location:	6 parcels in Spring Branch Village located at the intersection of Jenkins Rd and N St. Johns Church Rd		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	2/1/24
Applicant's Name Printed	Roger L. Young, Jr., Manager of HRP RRJ Hampstead, LLC	Date:	
Owner's Signature		Date:	2/2/2024 2:13 PM EST
Owner's Name Printed	William F. Lee Managing Member	Nicholas F. Stone Member	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. 			

APPLICATION FOR REZONING (Zoning Map Amendment)

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Application No.	ZMA 2024-64	Date	2/2/24
Application Fee	\$ 500.00	Invoice	00038428
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SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	HRP RRJ Hampstead, LLC	Owner's Name:	Cedar on the Green Rentals, LLC Department of Transportation
Applicant's Address:	3 Keel St, Suite 2	Owner's Address:	256 Osprey Pl Wilmington, NC 28411 (Cedar)
City, State, & Zip	Wrightsville Beach, NC 28480	City, State, & Zip	1546 Mail Service Center Raleigh, NC 27611 (DOT)
Phone Number:		Phone Number:	
Email Address:	ryoung@harboure.com	Email Address:	
Legal relationship of applicant to landowner: contract purchaser			
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Property Identification Number (PIN):	32937604320000; 32937612480000 32937612810000; 32937613240000 32937614160000; 32937624440000	Total property acreage:	+/- 2.18 acres
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Project Address:	58 N St. Johns Rd; 565 St. Johns Rd; 4 parcels on Jenkins Road		
Description of Project Location:	6 parcels in Spring Branch Village located at the intersection of Jenkins Rd and N St. Johns Church Rd		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	2/1/24
Applicant's Name Printed	Roger L. Young, Jr., Manager of HRP RRJ Hampstead, LLC	Date:	
Owner's Signature		Date:	2/1/2024 10:03 AM EST
Owner's Name Printed	William F. Lee Managing Member	Nicholas Stone Member	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 			

Rezoning/Zoning Map Amendment Checklist

<input checked="" type="checkbox"/>	Signed application form
<input checked="" type="checkbox"/>	Application fee
<input checked="" type="checkbox"/>	A list of names and addresses, as obtained from the county tax listings and tax abstract, all adjacent property owners, including property owners directly across any road or road easement, and owners of the property under consideration for rezoning.
<input checked="" 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 checked="" type="checkbox"/>	Accurate legal description or a map drawn to scale showing the property boundaries to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.
<input checked="" type="checkbox"/>	18 (11"x17") map copies to be distributed to the Planning Board
<input checked="" type="checkbox"/>	20 (11"x17") map copies to be distributed to the Board of Commissioners
<input checked="" type="checkbox"/>	Digital (.pdf) submission of all application materials
<input checked="" 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.
Office Use Only	
<input checked="" type="checkbox"/>	ZMA Fees: (\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter) Total Fee Calculation: \$ 500.00
Attachments Included with Application: (Please include # of copies)	
CD /other digital version	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Plan Sets	# of large
# of 11X17	20
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 checked="" type="checkbox"/> Check # <u>2714</u>
Application received by:	Daniel Adams Date: 2/2/2024
Application completeness approved by:	Adam Moran Date: 2/9/2024
Dates scheduled for public hearing:	
<input type="checkbox"/> Planning Board: 4.3.2024	
<input type="checkbox"/> Board of Commissioners: 5.20.2024	

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

NAME	ADDR	CITY	STATE	ZIP
NIXON JOSEPH L JR	157 N ST JOHNS CHURCH RD	HAMPSTEAD	NC	28443
DEPARTMENT OF TRANSPORTATION	1546 MAIL SERVICE CENTER	RALEIGH	NC	27611
HEFFERNAN DOUGLAS P	1205 WIND SOFT CT	LELAND	NC	28451
WASIELEWSKI RICHARD JOSEPH	1232 MALLARD BAY ROAD	HAMPSTEAD	NC	28443
CEDAR ON THE GREEN RENTALS LLC	256 OSPREY PL	WILMINGTON	NC	28411
SIDBURY IVORY	661 ST JOHN CHURCH RD	HAMPSTEAD	NC	28443
BETAG ALLAN J L/E	1300 HOLLIBEN ROAD	SEVERNA PARK	MD	21146
HANSLEY ANN LYNETTE	1807 DUSTY MILLER LN APT 1105	WILMINGTON	NC	28412
NIXON WILLIAM T SR	9119 US HWY 117 S	ROCKY POINT	NC	28457
CERVERA APRIL SAYHAN	614 SAINT JOHNS CHURCH ROAD	HAMPSTEAD	NC	28443
HAMPSTEAD 8AC LLC	1022 ASHES DR SUITE 201	WILMINGTON	NC	28405
PORTER DANIEL L	16366 RUSTY RUDDER DR	WOODBIDGE	VA	22191
HAMPSTEAD 504 LLC	PO BOX 2277	WILMINGTON	NC	28402
SHEPARD AMOS	14325 CLAYBON TERRACE	CHESTER	VA	23831
HEFFERNAN DOUGLAS P	1205 WIND SOFT CT	LELAND	NC	28451
LENNON LAWRENCE EDWARD	211 N 7TH ST	WILMINGTON	NC	28401
JLCP LLC	320 SIMMONS DR	WILMINGTON	NC	28411
MARSHALL DIANN	656 ST JOHNS CHURCH RD	HAMPSTEAD	NC	28443
HEFFERNAN DOUGLAS P	1205 WIND SOFT CT	LELAND	NC	28451
OAK RIDGE PROPERTIES AT OLDE POINT LLC	PO BOX 4014	WILMINGTON	NC	28406
JOHNSON RUDOLPH KENNEDY	117 N ST JOHNS CHURCH RD	HAMPSTEAD	NC	28443
WILLIAMS LONNIE ROBERT JR	85 N ST JOHNS CHURCH RD	HAMPSTEAD	NC	28443
MARSHALL CHARLES L	632 ST JOHN S CHURCH RD	HAMPSTEAD	NC	28443
CORBETT-WILSON BENTLEY J				
C/O SADIE PAMELA LENNON BLACK	609 ST JOHNS CHURCH RD	HAMPSTEAD	NC	28443
JONES PHYLLIS DIANNE	67 N ST JOHN CHURCH RD	HAMPSTEAD	NC	28443
HAYNES JOHN I	1408 VALMEAD CT	FAYETTEVILLE	NC	28312
NIXON GULA HRS				
C/O JOSEPH U BATTS	16805 US HWY 17	HAMPSTEAD	NC	28443

AUTHORITY FOR APPOINTMENT OF PERSON
TO ACT ON MY BEHALF

The undersigned owner, Department of Transportation, does hereby appoint Roger L. Young, Jr., of HRP RRJ Hampstead, LLC, to act on my behalf for the purpose of the Pender County Zoning Map Amendment Submission for 6 parcels in Spring Branch Village located at the intersection of Jenkins Rd and N St. Johns Church Rd, Hampstead, NC.

The owner does hereby covenant and agree that said person has the authority to do the following acts for and on behalf of the owner:

- (1) To submit a proper application and any supplemental materials and
- (2) To act on the owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition.

This appointment agreement shall continue in effect until final disposition of the application submitted in conjunction with this appointment.

OWNER:
DEPARTMENT OF TRANSPORTATION

Date: 01/30/2024

By: *Maxton M. Radford*

Name: Maxton M. Radford

Title: Real Property Agent II

AGENT:
HRP RRJ HAMPSTEAD, LLC

Date: 1/31/24

By: *[Signature]*
Roger L. Young, Jr.

**AUTHORITY FOR APPOINTMENT OF PERSON
TO ACT ON MY BEHALF**

The undersigned owner, Cedar on the Green Rentals, LLC, does hereby appoint Roger L. Young, Jr., of HRP RRJ Hampstead, LLC, to act on my behalf for the purpose of the Pender County Zoning Map Amendment Submission for 6 parcels in Spring Branch Village located at the intersection of Jenkins Rd and N St. Johns Church Rd, Hampstead, NC.

The owner does hereby covenant and agree that said person has the authority to do the following acts for and on behalf of the owner:

- (1) To submit a proper application and any supplemental materials and
- (2) To act on the owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition.

This appointment agreement shall continue in effect until final disposition of the application submitted in conjunction with this appointment.

OWNER:
CEDAR ON THE GREEN RENTALS LLC

Date: _____

By: DocuSigned by:
William F. Lee
82A2036ED005468
William F. Lee, Managing Member

Date: _____

By: DocuSigned by:
Nicholas F Stone
CA1E100E183C44E
Nicholas Stone, Member

AGENT:
HRP RRJ HAMPSTEAD, LLC

Date: 2/2/24

By: Roger L. Young, Jr.

REZONE 2024-64

Narrative



SITE DATA
 SITE ADDRESS(S): 565 ST. JOHNS CHURCH ROAD
 HAMPS TEAD NORTH CAROLINA

OWNER INFORMATION
 CEDAR ON THE GREEN RENTALS LLC
 156 GIMNEY PLACE
 WASHINGTON, NC 28411

SITE AREA
 LOT 5: 0.24 AC ±, @ 10,377 SQ FT ±
 LOT 6: 0.24 AC ±, @ 10,579 SQ FT ±
 LOT 7: 0.26 AC ±, @ 11,095 SQ FT ±
 LOT 8: 0.25 AC ±, @ 10,700 SQ FT ±
 LOT 9: 0.24 AC ±, @ 10,546 SQ FT ±
 LOT 10: 0.24 AC ±, @ 10,392 SQ FT ±

PH
 3293-76-1281-0000 3293-76-1248-0000 3293-76-1124-0000
 3293-76-0432-0000 & 3293-76-1416-0000

DEED BOOK 4286 PAGE 46
MAP BOOK 10 PAGE 4

ZONING
 RP

SITE DATA
 SITE ADDRESS(S): 565 ST. JOHNS CHURCH ROAD
 HAMPS TEAD NORTH CAROLINA

OWNER INFORMATION
 DEPARTMENT OF TRANSPORTATION
 1546 MARK SERVICE CENTER
 RALEIGH, NC 27611

TOTAL SITE AREA
 0.88 AC ± @ 29,825 SQ FT ±

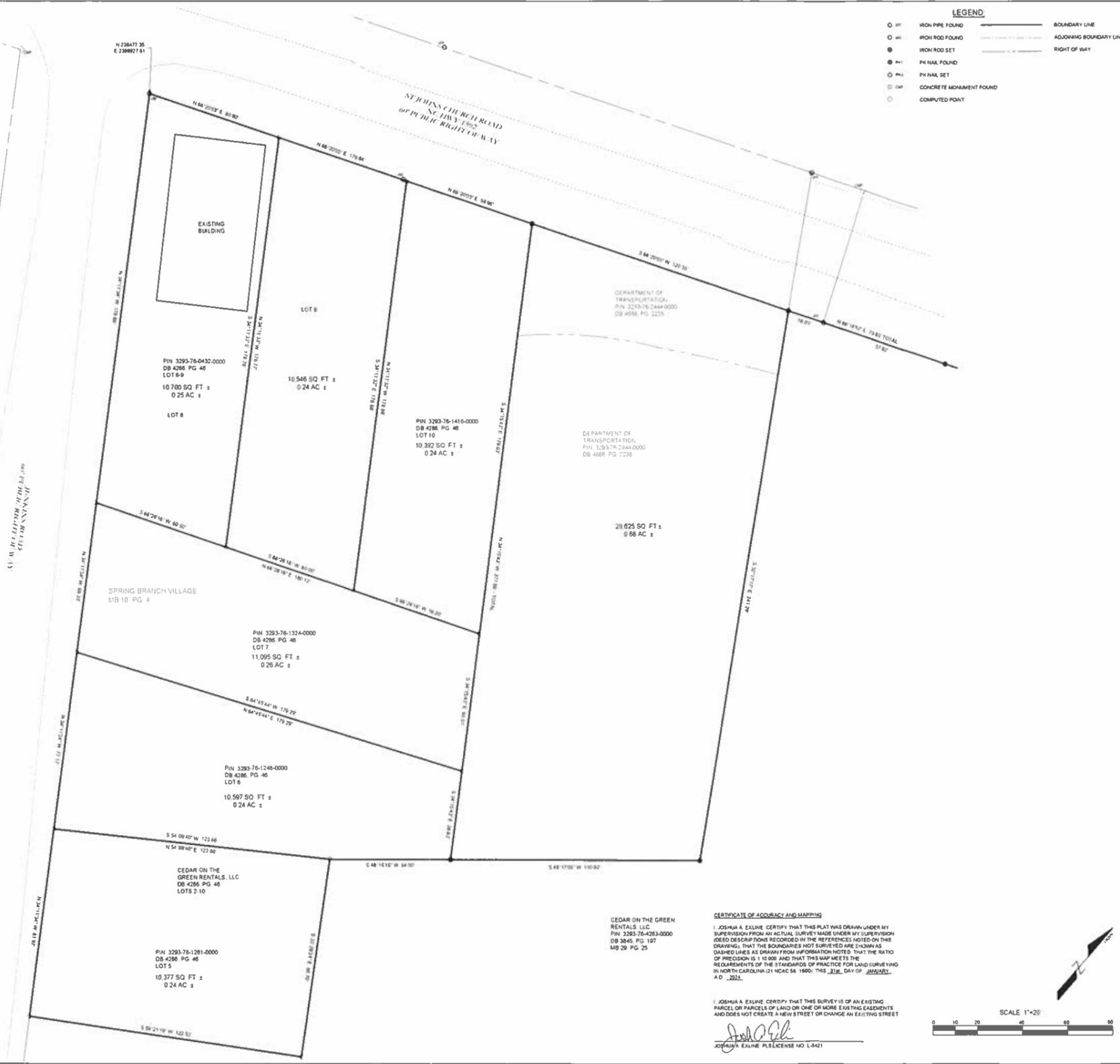
PH
 3293-76-2444-0000

DEED BOOK 488 PAGE 2236 & 2138
MAP BOOK 10 PAGE 4

ZONING
 RP

NOTES

1. AREA CALCULATED BY COORDINATE METHOD
2. HORIZONTAL DATUM (NAD 83 2011) AND VERTICAL DATUM (DAVD 88) WERE ESTABLISHED UTILIZING A TOPCON HIRE 6 SURVEY GRADE GPS IN CELOS OPERATING IN VBS MODE WITH REPEAT OBSERVATIONS
3. ALL DISTANCES ARE HORIZONTAL, UNLESS OTHERWISE NOTED
4. THE SUBJECT PARCEL IS LOCATED IN ZONE X - AREA OF MINIMAL FLOOD RISK - AS SHOWN BY FEMA PANEL NUMBER 370927000U BEARING AN EFFECTIVE DATE OF 02/12/2007
5. FIELD WORK COMPLETED ON NOVEMBER 17, 2023



LEGEND

○	IRON PIPE FOUND	—	BOUNDARY LINE
○	IRON ROD FOUND	- - -	ADJOINING BOUNDARY LINE
●	IRON ROD SET	---	RIGHT OF WAY
●	PK NAIL FOUND		
●	PK NAIL SET		
○	CONCRETE MONUMENT FOUND		
○	COMPUTED POINT		

CEDAR ON THE GREEN RENTALS, LLC
 PIN 3293-76-4263-0000
 DB 4286 PG 197
 MB 20 PG 25

CERTIFICATE OF ACCURACY AND MAPPING

I, JOSHUA A. EXLINE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (SEE DESCRIPTIONS RECORDED IN THE REFERENCES NOTED ON THIS DRAWING). THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS DASHED LINES AS DRAWN FROM INFORMATION NOTED. THAT THE RATIO OF PRECISION IS 1:10,000 AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56 1800) THIS 21ST DAY OF NOVEMBER, A.D. 2023.

I, JOSHUA A. EXLINE, CERTIFY THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET

Joshua A. Exline
 JOSHUA A. EXLINE PLS LICENSE NO. L-9421



REVISIONS

NO.	DATE	DESCRIPTION

CLIENT INFORMATION

HAMBOUR REAL ESTATE PARTNERS
 3 KEEL STREET - UNIT 2
 WRIGHTSVILLE BEACH, NC 28480

PARAMOUNTE
 1375 State Drive
 Wilmington, North Carolina 28413
 (910) 791-6717 (F) (910) 791-6761 (H)
 NC License # C-2846

EXHIBIT FOR ZONING
PLANNED COMMERCIAL
 565 ST. JOHNS CHURCH ROAD
 TOPSAIL TOWNSHIP
 PENDER COUNTY, NC

PROJECT STATUS
 CONCEPTUAL LAYOUT FROM EXHIBIT (not for recordation)

DRAWING INFORMATION
 DRAWN BY: JAE
 CHECKED BY: JAE
 DATE: 11/17/23

SEAL
 NORTH CAROLINA PROFESSIONAL SURVEYOR
 SEAL
 L-9421
 JOSHUA A. EXLINE

SV-1

PEI 708# 23315 PE

General Rezoning Narrative

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This rezoning request is for approximately 2.18 acres of property located along St. Johns Church Road and Jenkins Road more specifically identified as Parcels: 3293-76-1281-0000; 3293-76-1248-0000; 3293-76-1324-0000; 3293-76-0432-0000; 3293-76-1416-0000; & 3293-76-24444-0000. The properties, owned by North Carolina Department of Transportation and Cedar on the Greens Rentals, LLC, are currently zoned Residential Performance (RP) but bordered on two sides by public rights of way and the other two side by General Business (GB) zoned properties.



Pender County Zoning - GIS



Google Earth - Aerial

The North Carolina Department of Transportation right of way project 54023.2.1 will relocate the intersection of St. Johns Church Road and Jenkins Road, widen the rights of way, and create medians. These state transportation improvements are necessary for access improvements into the Topsail Middle School and High School campus. While these improvements are necessary, the future widening significantly hinders the use of the remaining land in each parcel. In total, all six parcels lose a combined 0.74 acres of land to the right of way project.

In addition to the NCDOT project, the range of uses permitted under the GB zoning are substantially more appropriate for the area than the uses allowed in RP. The adjacent properties are currently used for storage, a dental office, a real estate agent office, a nail salon, a driving school, and a home goods store. Furthermore, under RP zoning, each parcel would potentially be allowed its own driveway, and driveways in the future NCDOT planned curve are dangerous and may not be allowed. Combining safety and zoning compliance, rezoning the land to GB allows a safer internal shared driveway for these parcels, promotes uses in keeping with the closest neighboring uses, and provides greater potential for the land to become zoning compliant.

This rezoning request would be appropriate for the area by allowing a development pattern similar to the current uses, adjacent properties, and the general neighborhood. This rezoning request would not adversely impact the health or safety of residents or workers in the area and would in fact improve the safety of the area.

Adequate public facilities and services exist to serve the needs of any permitted uses likely to be constructed as a result of the requested rezoning. Based on the above, the proposed rezoning is reasonable and in the public interest.

ATTACHMENT 1

Table of Permitted Uses

TABLE OF PERMITTED USES

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

Use Category Specific Use Type	Residential					Mixed Use	Commercial	Industrial	Special Purpose	
	Zoning Districts									
Use Type	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

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
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 (Permitted)											
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	

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sectors 31-33: MANUFACTURING (cont.)											
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	

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sectors 31-33: MANUFACTURING (cont.)											
Concrete Pipe, Brick & Block Manufacturing	32733									P	
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 & Parts Dealers	441	S					P		P		
Furniture and Home Furnishings Stores	442						P		P		
Electronics & 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 & Personal Care Stores	446	S	S			P	P	P	P		

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sectors 44-45: RETAIL TRADE (cont.)											
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	
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, RENTAL & LEASING											
Real Estate, Rental & Leasing	53	S	S			P	P	P	P	P	
Commercial and Industrial Machinery and Equipment Rental and Leasing	5324								P	P	

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
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		

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
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			
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				

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 71: ARTS, ENTERTAINMENT, AND RECREATION <i>(continued)</i>											
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									
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				

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
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	

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					

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
MISCELLANEOUS USES <i>(continued)</i>											
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	