



# Pender County

## Agenda

**Board of County Commissioners Meeting  
Monday, May 20, 2024 @ 4:00 PM  
Pender County Public Assembly Room  
805 S. Walker Street, Burgaw, NC**

		Presenter	Page
1.	CALL TO ORDER		
2.	INVOCATION		
3.	PLEDGE OF ALLEGIANCE		
4.	ADOPTION OF AGENDA		
5.	PUBLIC HEARING		
6.	PUBLIC INFORMATION		
6.1.	Pender County Comprehensive Transportation Plan Update <a href="#">Pender County Comprehensive Transportation Plan Update - Pdf</a>	Moran	5 - 14
6.2.	Presentation to honor the Pender County Health Department <a href="#">Carousel Center Award - Pdf</a>	Moser	15
7.	PUBLIC COMMENT		
8.	CONSENT AGENDA		
8.1.	Approval of Purchase Order for the Axon Body Camera 3 & Axon Air Contract Year 2 in the amount of \$103,076.77. <a href="#">Axon Body 3 &amp; Axon Air Contract Year 2 payment - Pdf</a>	Cutler	17 - 29
8.2.	Acceptance of the Opioid Settlement Funds, Approval of Budget Amendment and Purchase Order for the purchase of two vehicles <a href="#">Opioid Settlement Funds- DARE - Pdf</a>	Cutler	31 - 34
8.3.	April 29, 2024, BOCC Budget Work Session Minutes <a href="#">Budget Work Session Minutes - Pdf</a>	Stanfield	35 - 39
8.4.	May 2, 2024, BOCC Budget Work Session Minutes <a href="#">Budget Work Session - Pdf</a>	Stanfield	41 - 44
8.5.	May 9, 2024, Budget Work Session Minutes <a href="#">Budget Work Session Minutes - Pdf</a>	Stanfield	45 - 48
8.6.	May 6, 2024, BOCC Meeting Minutes <a href="#">BOCC Meeting Minutes - Pdf</a>	Stanfield	49 - 58
8.7.	Gift Donation from Civic Credit Union <a href="#">CIVIC Credit Union Grant) - Pdf</a>	Brame	59 - 63
8.8.	Resolution of the Pender County Board of Commissioners Authorizing Upset Bid Process with respect to the Disposition by Sale of Parcel 4302-66-0296-0000 Located off of Hwy 50 in Maple Hill, NC <a href="#">4302-66-0296-0000 Upset Bid - Pdf</a>	Blue	65 - 68

8.9.	Resolution of the Pender County Board of Commissioners Authorizing Upset Bid Process with respect to the Disposition by Sale of Parcel 3214-28-3786-0000 Located off of McIntyre Church Road in Long Creek, NC <a href="#">3214-28-3786-0000 Upset Bid - Pdf</a>	Blue	69 - 72
9.	APPROVALS AND RESOLUTIONS		
9.1.	Approval of Resolution Adopting Procedures Related to the Collection of Minimal Ad Valorem Taxes and Refunds and the Administration of Small Underpayments and Overpayments of Ad Valorem Taxes <a href="#">Ad Valorem Taxes and Refunds - Pdf</a>	Radke	73 - 82
9.2.	Approval to increase Batson Road PO to HighFill Engineering for Contract Amendment #1 <a href="#">Approval to increase Batson Road PO to HighFill Engineering for Contract Amendment #1 - Pdf</a>	Colon	83 - 94
10.	DISCUSSION		
11.	APPOINTMENTS		
12.	MAPLE HILL WATER AND SEWER DISTRICT		
13.	ROCKY POINT WATER AND SEWER DISTRICT		
14.	SCOTTS HILL WATER AND SEWER DISTRICT		
15.	MOORES CREEK WATER AND SEWER DISTRICT		
16.	CENTRAL PENDER WATER AND SEWER DISTRICT		
17.	PENDER COUNTY BOARD OF HEALTH		
17.1.	Pender County Health Department Updates <a href="#">Health Department - Pdf</a>	Moser	95 - 103
18.	SOCIAL SERVICES BOARD		
19.	ITEMS FROM THE COUNTY ATTORNEY, COUNTY MANAGER, ASSISTANT COUNTY MANAGER, & COUNTY COMMISSIONERS		
20.	CLOSED SESSION (IF APPLICABLE).		
21.	7PM PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP AMENDMENTS/ RESOLUTIONS		
21.1.	REZONE 2023-59: Request to rezone approximately 2.37 acres of an approximately 5.65 acre parcel from the RA, Rural Agricultural zoning district to the CZ-5, Conditional Zoning District 5 in the Long Creek Township <a href="#">REZONE 2023-59 - Pdf</a>	Taylor	105 - 152
21.2.	REZONE 2024-63: Request to reclassify 2.37 acres of a 5.65 acre parcel from the Medium Density Residential future land use category to the Neighborhood Mixed Use future land use category in the Long Creek Township <a href="#">REZONE 2024-63 - Pdf</a>	Taylor	153 - 200
21.3.	REZONE 2024-64: Request to rezone approximately 2.18 acres from the Residential Performance zoning district to the General	Moran	201 - 241

Business zoning district in the Topsail Township

[REZONE 2024-64 - Pdf](#)

22. ADJOURNMENT





## Pender County Pender County Comprehensive Transportation Plan Update

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**TO:** Board of County Commissioners  
**FROM:** Adam Moran  
**DATE:** May 20, 2024  
**SUBJECT:** Pender County Comprehensive Transportation Plan Update

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**SUMMARY:**

Pender County, its municipalities, the Cape Fear Rural Transportation Planning Organization, and the North Carolina Department of Transportation have created a steering committee to start the Pender County Comprehensive Transportation Plan (CTP). The CTP is a 25-30 year long range, multi-modal transportation plan that will assess Pender County's existing and future transportation needs including roadways, bicycle, pedestrian, transit, and rail facilities and services. The goals of a CTP are to assist with identifying transportation deficiencies, setting short- and long-term transportation priorities, establishing a relationship between local and regional expectations, and to reinforce and support other local and regional planning and funding initiatives. Once this plan is finalized, it will be presented to the Board of County Commissioners for consideration of adoption. Planning staff will keep the Board updated on the development of the CTP throughout the process.

One of the most important pieces of information required to develop a CTP is to gather the county growth data. This data is gathered from the Wilmington Travel Demand Model (which includes all of Pender County) and the Office of State Budget and Management (OSBM) to determine future population growth. The annual growth rate for this CTP is 2% according to the Wilmington Travel Demand Model from 2021 through 2050. The county is growing at a much higher rate than the state of North Carolina – which is at 1.3% annual growth.

The Steering Committee is creating a document that enumerates the long-range Vision, Goals, and Objectives for the county. We want feedback from residents and visitors of the county to help in the creation of the Vision, Goals, and Objectives as well as to guide the entire CTP process. There are English and Spanish versions of the survey. The survey can be accessed by scanning the QR code on the flier; clicking on these links: English (<http://metroquestsurvey.com/vb8o8s>) and Spanish (<http://metroquestsurvey.com/toh82>); mailing a completed paper copy (contact project

staff for a paper copy); or emailing a completed copy of the survey to Sam Boswell at [sboswell@capefearcog.org](mailto:sboswell@capefearcog.org). The survey will be open from: June 1 to September 1. Points of contact for the plan include Sam Boswell, Director of the Cape Fear Rural Transportation Planning Organization (email: [sboswell@capefearcog.org](mailto:sboswell@capefearcog.org) or phone: 910-395-4553) or Nazia Sarder, NCDOT Transportation Planning Division Engineer (email: [nsarder@ncdot.gov](mailto:nsarder@ncdot.gov) or phone: 919-707-0980).

**ATTACHMENTS:**

1. Presentation



**NORTH CAROLINA**  
Department of Transportation

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# Pender County Comprehensive Transportation Plan (CTP)

*Update for the Pender County Board of County Commissioners*  
*May 20, 2024*



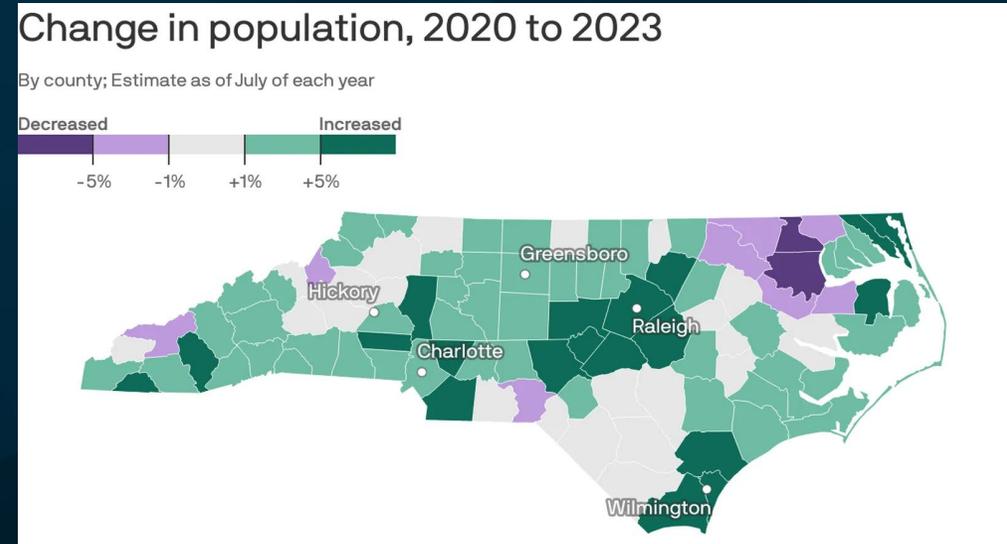
Connecting people, products, and places safely and efficiently with customer focus, accountability, and environmental sensitivity to enhance the economy and vitality of North Carolina



# Pender County Growth Rate

Page 5 of 10

- 2<sup>nd</sup> fastest growing in state
- Forecasted growth, 2021-2050
  - 2% for the county
- The State of North Carolina is growing at 1.3% annually



# Pender County Vision, Goals, and Objectives Survey

Page 6 of 10

- The CTP Steering Committee wants feedback from residents and visitors to help create the Vision, Goals, and Objectives (VGOs) and guide the CTP process
- The Steering Committee has created a survey seeking guidance on the VGOs for the Pender County area
- Survey will be open from: June 1 – September 1

# ✓ Pender County Comprehensive Transportation Plan

Learn a bit about this initiative before you begin.

WELCOME

## We need your help!

Pender County invites you to help develop the Pender County Comprehensive Transportation Plan (CTP).

1. A CTP is a long-range plan that will assist local governments in making transportation decisions for the next 25-30 years.
2. All modes of transportation will be studied: highway, bicycle, pedestrian, ferry, rail, and transit.
3. The ultimate goal for these long-range projects is to be submitted to NCDOT for funding and construction.
4. We want to serve you and your needs in regards to transportation in Pender County. By taking this survey, you will help us create a vision for the area, its residents, and visitors.
5. Survey closes on September 1st! Make your voice heard now.

**Español**

**→ Next**

Paper survey is available on the Pender County CTP page. Refer to wrap up slide for the paper survey link.

§ 136-66.2. Development of a coordinated transportation system and provisions for streets and highways.



2

Ranking Priorities

3

Rating Importance

4

MAP IT

5

WRAP UP



ncdot.gov

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Survey will be open from: June 1 – Sept. 1

# Have thoughts on improving our transportation network?

Take the survey for the **PENDER COUNTY** Comprehensive Transportation Plan

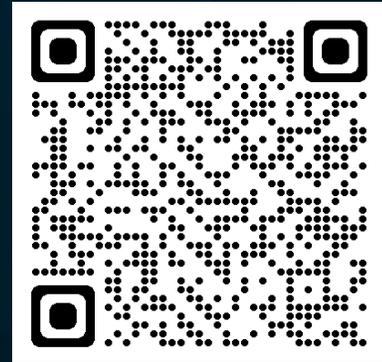
## Four Ways to Take the Survey

- 1 Scan the QR Code.
  -   
English
  -   
Español
- 2 Click the link below or type it in your browser.
  - English: <http://metroquestsurvey.com/vb8o8s>
  - Español: <http://metroquestsurvey.com/toh82>
- 3 Mail completed paper surveys.
  - To: Sam Boswell  
Cape Fear RPO  
1480 Harbour Drive  
Wilmington, NC 28401
- 4 Email your survey.
  - To: Sam Boswell  
[sboswell@capefearcog.org](mailto:sboswell@capefearcog.org)

Available until September 1, 2024



English



Español



# Contact Us

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**Sam Boswell**

**Cape Fear Council of Governments Regional  
RPO Director**

[sboswell@capefearcog.org](mailto:sboswell@capefearcog.org)

910.395.4553

**Nazia Sarder**

**NCDOT Transportation Planning Division  
Engineer**

[nsarder@ncdot.gov](mailto:nsarder@ncdot.gov)

919.707.0980

 [ncdot.gov](http://ncdot.gov)

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 [View All Channels](#)



# Thank you!

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## Pender County Public Information

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**TO:** Board of County Commissioners  
**FROM:** Carolyn Moser  
**DATE:** May 20, 2024  
**SUBJECT:** Presentation to honor the Pender County Health Department

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**SUMMARY:**

This will be a plaque presentation to honor Pender County Health Department achieving the distinction of Partner in Prevention. The *Partner in Prevention* designation, awarded by Darkness to Light, signifies an entity's commitment to protecting children from sexual abuse. This national standard helps parents and caregivers recognize organizations that prioritize child protection, fostering demand for prevention efforts and raising awareness and conversation around the issue. Carousel Child Advocacy Center is incredibly proud to partner with Pender County Health Department in this capacity to prioritize primary prevention and create more protective communities.





## Pender County Request for Board action

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**TO:** Board of County Commissioners  
**FROM:** Alan Cutler  
**DATE:** May 20, 2024  
**SUBJECT:** Approval of Purchase Order for the Axon Body Camera 3 & Axon Air Contract Year 2 in the amount of \$100,182.05.

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**SUMMARY:**

Axon's Body 3 bundles hardware, software, accessories, equipment refreshes, and warranties together to help equip your officers with the solutions they need to stay safe. Axon represents the entire network of devices, applications, and people that is revolutionizing public safety around the world. Our mission is to protect life. Our technologies give law enforcement the confidence, focus, and time they need to keep their communities safe. Our suite of connected products from body cameras to evidence management, has given police agencies the flexibility and the versatility to operate with increased transparency and efficiency.  
Year 2 payment.

These funds will come account 510-404500.

**ACTION REQUESTED:**

Approval of Purchase Order for the Axon Body Camera 3 & Axon Air Contract Year 2 in the amount of \$100,182.05.



## **Pender County Sheriff – Axon Body 3 & Axon Air Contract Re-write**

Axon's Body 3 bundles hardware, software, accessories, equipment refreshes, and warranties together to help equip your officers with the solutions they need to stay safe.

Axon represents the entire network of devices, applications, and people that is revolutionizing public safety around the world. Our mission is to protect life. Our technologies give law enforcement the confidence, focus, and time they need to keep their communities safe. Our suite of connected products from body cameras to evidence management, has given police agencies the flexibility and the versatility to operate with increased transparency and efficiency.

### **Justification:**

- Re-writing Contract #'s (00022253 & 00078868) will consolidate two separate contracts into a single invoice and simplify future purchases and renewals.
- Contract Re-write will move all users to unlimited data storage within Evidence.com, resulting in savings over a 5-year period since additional a la carte storage will not be necessary to purchase moving forward.
- Alleviates need for contract (00022253) renewal on 07/14/2024 as both existing contracts will be combined into one and start over.
  - This guarantees 2023 pricing for both contracts without expected inflation increases upon their current renewal dates.
- Re-written contract includes an entire Drone program (Hardware & Licensing) discounted to a total of **\$7,106.38**.
  - This will ensure that your Drone program is fully integrated with the rest of your technologies.
- Upon completion of the Re-write new hardware will be provided for the (100) cameras and (10) 8-Bay Docks that are already owned to ensure that the Department is utilizing brand new equipment when the contract begins.
  - Through our Technology Assurance Plan (TAP) all (100) cameras and (10) Docks will be refreshed/updated every 2.5 year of the contract term.

### **Anticipated Savings Versus 2027 Renewal of Existing Contracts:**

- Estimated Cost based on Average Inflation rate for renewal of the same program in 2027:
  - **\$586,833.49+**
- Estimated Minimum Savings if we proceed with Re-write versus a renewal of total contract in 2027:
  - **\$104,499.13**

**Axon Enterprise, Inc.**  
 17800 N 85th St.  
 Scottsdale, Arizona 85255  
 United States  
 VAT: 86-0741227  
 Domestic: (800) 978-2737  
 International: +1.800.978.2737

**Q-449997-44979.643RM**  
 Issued: 02/22/2023  
 Quote Expiration: 03/31/2023  
 Estimated Contract Start Date: 04/01/2023  
 Account Number: 187670  
 Payment Terms: N30  
 Delivery Method:



SHIP TO	BILL TO	SALES REPRESENTATIVE	PRIMARY CONTACT
Business:Delivery Invoice-605 E Fremont St 605 E Fremont St Burgaw, NC 28425-5115 USA	Pender County Sheriff's Office - NC 605 E Fremont St Burgaw, NC 28425-5115 USA Email:	Rob Marangelo Phone: Email: rmarangelo@axon.com Fax:	Mike Collier Phone: (910) 604-1135 Email: mcollier@pendersheriff.com Fax:

**Quote Summary**

Program Length	60 Months
<b>TOTAL COST</b>	<b>\$445,253.46</b>
<b>ESTIMATED TOTAL W/ TAX</b>	<b>\$458,118.89</b>

**Discount Summary**

Average Savings Per Year	\$36,499.59
<b>TOTAL SAVINGS</b>	<b>\$182,497.94</b>

**Payment Summary**

Date	Subtotal	Tax	Total
Apr 2023	\$44,525.26	\$1,286.55	\$45,811.81
Apr 2024	\$100,182.05	\$2,894.72	\$103,076.77
Apr 2025	\$100,182.05	\$2,894.72	\$103,076.77
Apr 2026	\$100,182.05	\$2,894.72	\$103,076.77
Apr 2027	\$100,182.05	\$2,894.72	\$103,076.77
<b>Total</b>	<b>\$445,253.46</b>	<b>\$12,865.43</b>	<b>\$458,118.89</b>

Quote Unbundled Price: \$627,751.40  
 Quote List Price: \$584,353.40  
 Quote Subtotal: \$445,253.46

Quote Unbundled Price:  
 Quote List Price:  
 Quote Subtotal:

**Pricing**

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
<b>Program</b>									
100553	TRANSFER CREDIT - SOFTWARE AND SERVICES	1		\$1.00	(\$20,573.34)	(\$20,573.34)	(\$20,573.34)	(\$1,388.71)	(\$21,962.05)
100552	TRANSFER CREDIT - GOODS	1		\$1.00	(\$33,751.20)	(\$33,751.20)	(\$33,751.20)	(\$2,278.22)	(\$36,029.42)
BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	10	60	\$69.79	\$34.66	\$34.66	\$20,796.00	\$1,403.73	\$22,199.73
BWCamTAP	Body Worn Camera TAP Bundle	100	60	\$36.22	\$32.50	\$32.50	\$195,000.00	\$13,162.54	\$208,162.54
CLASSTUAS	AXON AIR, CLASS 1 UAS BUNDLE	1	60	\$183.34	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>A la Carte Hardware</b>									
100684	AXON AIR,DJI MAVIC 3 THERMAL (NA)SP PLUS	1		\$5,998.00	\$5,998.00	\$5,998.00	\$5,998.00	\$404.89	\$6,402.89
100689	AXON AIR,DJI MAVIC 3 ENTERPRISE SERIES-BATTERY KIT	1		\$659.00	\$659.00	\$659.00	\$659.00	\$44.49	\$703.49
AB3C	AB3 Camera Bundle	70		\$749.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
AB3MBD	AB3 Multi Bay Dock Bundle	10		\$1,638.90	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
AB3C	AB3 Camera Bundle	30		\$749.00	\$749.00	\$749.00	\$22,470.00	\$1,516.71	\$23,986.71
<b>A la Carte Software</b>									
73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	105	60	\$24.00	\$22.93	\$22.93	\$144,480.00	\$0.00	\$144,480.00
100112	AXON AIR, E.COM PILOT DATA LIC	3	60	\$32.55	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Basic.License	Basic License Bundle	100	60	\$15.00	\$16.25	\$16.25	\$97,500.00	\$0.00	\$97,500.00
Pro.License	Pro License Bundle	5	60	\$39.00	\$42.25	\$42.25	\$12,675.00	\$0.00	\$12,675.00
<b>A la Carte Services</b>									
100612	AXON AIR, 2HR VIRTUAL TRAINING BY DRONESENSE	1		\$250.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
12326	AXON AIR, DPGS PART 107 TRAINING: 2 YR ACCESS	3		\$200.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total</b>							<b>\$445,253.46</b>	<b>\$12,865.43</b>	<b>\$458,118.89</b>

## Delivery Schedule

### Hardware

Bundle	Item	Description	QTY	Estimated Delivery Date
AB3 Camera Bundle	11534	USB-C to USB-A CABLE FOR AB3 OR FLEX 2	77	03/01/2023
AB3 Camera Bundle	11534	USB-C to USB-A CABLE FOR AB3 OR FLEX 2	33	03/01/2023
AB3 Camera Bundle	71026	MAGNET MOUNT, FLEXIBLE REINFORCED, RAPIDLOCK	77	03/01/2023
AB3 Camera Bundle	71026	MAGNET MOUNT, FLEXIBLE REINFORCED, RAPIDLOCK	33	03/01/2023
AB3 Camera Bundle	73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK	70	03/01/2023
AB3 Camera Bundle	73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK	1	03/01/2023
AB3 Camera Bundle	73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK	30	03/01/2023
AB3 Camera Bundle	73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK	2	03/01/2023
AB3 Multi Bay Dock Bundle	70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	10	03/01/2023
AB3 Multi Bay Dock Bundle	71019	NORTH AMER POWER CORD FOR AB3 8-BAY, AB2 1-BAY / 6-BAY DOCK	10	03/01/2023
AB3 Multi Bay Dock Bundle	74210	AXON BODY 3 - 8 BAY DOCK	10	03/01/2023
A la Carte	100684	AXON AIR,DJI MAVIC 3 THERMAL (NA)SP PLUS	1	03/01/2023
A la Carte	100689	AXON AIR,DJI MAVIC 3 ENTERPRISE SERIES-BAITERY KIT	1	03/01/2023
Body Worn Camera Multi-Bay Dock TAP Bundle	73689	MULTI-BAY BWC DOCK 1ST REFRESH	10	09/01/2025
Body Worn Camera TAP Bundle	73309	AXON CAMERA REFRESH ONE	103	09/01/2025
Body Worn Camera Multi-Bay Dock TAP Bundle	73688	MULTI-BAY BWC DOCK 2ND REFRESH	10	03/01/2028
Body Worn Camera TAP Bundle	73310	AXON CAMERA REFRESH TWO	103	03/01/2028

### Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
AXON AIR, CLASS 1 UAS BUNDLE	100579	AXON AIR, UAS LICENSE (CLASS 1)	1	04/01/2023	03/31/2028
AXON AIR, CLASS 1 UAS BUNDLE	100584	AXON AIR, ADVANCED STREAMING ADD-ON	1	04/01/2023	03/31/2028
AXON AIR, CLASS 1 UAS BUNDLE	100586	AXON AIR, API INTEGRATIONS ADD-ON	1	04/01/2023	03/31/2028
Basic License Bundle	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE	100	04/01/2023	03/31/2028
Basic License Bundle	73840	EVIDENCE.COM BASIC ACCESS LICENSE	100	04/01/2023	03/31/2028
Pro License Bundle	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE	15	04/01/2023	03/31/2028
Pro License Bundle	73746	PROFESSIONAL EVIDENCE.COM LICENSE	5	04/01/2023	03/31/2028
A la Carte	100112	AXON AIR, E.COM PILOT DATA LIC	3	04/01/2023	03/31/2028
A la Carte	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	105	04/01/2023	03/31/2028

### Services

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
A la Carte	100612	AXON AIR, 2HR VIRTUAL TRAINING BY DRONESENSE	1		
A la Carte	12326	AXON AIR, DPGS PART 107 TRAINING: 2 YR ACCESS	3		

### Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date

**Warranties**

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Body Worm Camera TAP Bundle	80464	EXT WARRANTY, CAMERA (TAP)	100	04/01/2023	03/31/2028
Body Worm Camera TAP Bundle	80464	EXT WARRANTY, CAMERA (TAP)	3	04/01/2023	03/31/2028
Body Worm Camera Multi-Bay Dock TAP Bundle	80465	EXT WARRANTY, MULTI-BAY DOCK (TAP)	10	03/01/2024	03/31/2028

**Payment Details**

Apr 2023		Item	Description	Qty	Subtotal	Tax	Total
Invoice Plan	100112	AXON AIR, E.COM PILOT DATA LIC		3	\$0.00	\$0.00	\$0.00
Year 1	100552	TRANSFER CREDIT - GOODS		1	(\$3,375.12)	(\$227.82)	(\$3,602.94)
Year 1	100553	TRANSFER CREDIT - SOFTWARE AND SERVICES		1	(\$2,057.34)	(\$138.87)	(\$2,196.21)
Year 1	100612	AXON AIR, 2HR VIRTUAL TRAINING BY DRONESENSE		1	\$0.00	\$0.00	\$0.00
Year 1	100684	AXON AIR,DJI MAVIC 3 THERMAL (NA)SP PLUS		1	\$599.80	\$40.49	\$640.29
Year 1	100689	AXON AIR,DJI MAVIC 3 ENTERPRISE SERIES-BATTERY KIT		1	\$65.88	\$4.45	\$70.33
Year 1	12326	AXON AIR, DPGS PART 107 TRAINING; 2 YR ACCESS		3	\$0.00	\$0.00	\$0.00
Year 1	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE		105	\$14,448.00	\$0.00	\$14,448.00
Year 1	AB3C	AB3 Camera Bundle		70	\$0.00	\$0.00	\$0.00
Year 1	AB3C	AB3 Camera Bundle		30	\$2,247.00	\$151.67	\$2,398.67
Year 1	AB3MBD	AB3 Multi Bay Dock Bundle		10	\$0.00	\$0.00	\$0.00
Year 1	BasicLicense	Basic License Bundle		100	\$9,750.00	\$0.00	\$9,750.00
Year 1	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle		10	\$2,079.60	\$140.37	\$2,219.97
Year 1	BWCamTAP	Body Worn Camera TAP Bundle		100	\$19,499.96	\$1,316.26	\$20,816.22
Year 1	CLASS1UAS	AXON AIR, CLASS 1 UAS BUNDLE		1	\$0.00	\$0.00	\$0.00
Year 1	ProLicense	Pro License Bundle		5	\$1,267.48	\$0.00	\$1,267.48
<b>Total</b>					<b>\$44,525.26</b>	<b>\$1,286.55</b>	<b>\$45,811.81</b>

Apr 2024		Item	Description	Qty	Subtotal	Tax	Total
Invoice Plan	100112	AXON AIR, E.COM PILOT DATA LIC		3	\$0.00	\$0.00	\$0.00
Year 2	100552	TRANSFER CREDIT - GOODS		1	(\$7,594.02)	(\$512.60)	(\$8,106.62)
Year 2	100553	TRANSFER CREDIT - SOFTWARE AND SERVICES		1	(\$4,629.00)	(\$312.46)	(\$4,941.46)
Year 2	100612	AXON AIR, 2HR VIRTUAL TRAINING BY DRONESENSE		1	\$0.00	\$0.00	\$0.00
Year 2	100684	AXON AIR,DJI MAVIC 3 THERMAL (NA)SP PLUS		1	\$1,349.55	\$91.10	\$1,440.65
Year 2	100689	AXON AIR,DJI MAVIC 3 ENTERPRISE SERIES-BATTERY KIT		1	\$148.28	\$10.01	\$158.29
Year 2	12326	AXON AIR, DPGS PART 107 TRAINING; 2 YR ACCESS		3	\$0.00	\$0.00	\$0.00
Year 2	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE		105	\$32,508.00	\$0.00	\$32,508.00
Year 2	AB3C	AB3 Camera Bundle		70	\$0.00	\$0.00	\$0.00
Year 2	AB3C	AB3 Camera Bundle		30	\$5,055.75	\$341.26	\$5,397.01
Year 2	AB3MBD	AB3 Multi Bay Dock Bundle		10	\$0.00	\$0.00	\$0.00
Year 2	BasicLicense	Basic License Bundle		100	\$21,937.50	\$0.00	\$21,937.50
Year 2	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle		10	\$4,679.10	\$315.84	\$4,994.94
Year 2	BWCamTAP	Body Worn Camera TAP Bundle		100	\$43,875.01	\$2,961.57	\$46,836.58
Year 2	CLASS1UAS	AXON AIR, CLASS 1 UAS BUNDLE		1	\$0.00	\$0.00	\$0.00
Year 2	ProLicense	Pro License Bundle		5	\$2,851.88	\$0.00	\$2,851.88
<b>Total</b>					<b>\$100,182.05</b>	<b>\$2,894.72</b>	<b>\$103,076.77</b>

Apr 2025		Item	Description	Qty	Subtotal	Tax	Total
Invoice Plan	100112	AXON AIR, E.COM PILOT DATA LIC		3	\$0.00	\$0.00	\$0.00
Year 3	100552	TRANSFER CREDIT - GOODS		1	(\$7,594.02)	(\$512.60)	(\$8,106.62)

Q-449997-44979.643RM

Page 5

<b>Apr 2025</b>						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	100553	TRANSFER CREDIT - SOFTWARE AND SERVICES	1	(\$4,629.00)	(\$312.46)	(\$4,941.46)
Year 3	100612	AXON AIR, 2HR VIRTUAL TRAINING BY DRONESENSE	1	\$0.00	\$0.00	\$0.00
Year 3	100684	AXON AIR,DJI MAVIC 3 THERMAL (NA)SP PLUS	1	\$1,349.55	\$91.10	\$1,440.65
Year 3	100689	AXON AIR,DJI MAVIC 3 ENTERPRISE SERIES-BATTERY KIT	1	\$148.28	\$10.01	\$158.29
Year 3	12326	AXON AIR,DPGS PART 107 TRAINING: 2 YR ACCESS	3	\$0.00	\$0.00	\$0.00
Year 3	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	105	\$32,508.00	\$0.00	\$32,508.00
Year 3	AB3C	AB3 Camera Bundle	70	\$0.00	\$0.00	\$0.00
Year 3	AB3C	AB3 Camera Bundle	30	\$5,055.75	\$341.26	\$5,397.01
Year 3	AB3MBD	AB3 Multi Bay Dock Bundle	10	\$0.00	\$0.00	\$0.00
Year 3	BasicLicense	Basic License Bundle	100	\$21,937.50	\$0.00	\$21,937.50
Year 3	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	10	\$4,679.10	\$315.84	\$4,994.94
Year 3	BWCamTAP	Body Worn Camera TAP Bundle	100	\$43,875.01	\$2,961.57	\$46,836.58
Year 3	CLASS1UAS	AXON AIR, CLASS 1 UAS BUNDLE	1	\$0.00	\$0.00	\$0.00
Year 3	ProLicense	Pro License Bundle	5	\$2,851.88	\$0.00	\$2,851.88
<b>Total</b>				<b>\$100,182.05</b>	<b>\$2,894.72</b>	<b>\$103,076.77</b>

<b>Apr 2026</b>						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4	100112	AXON AIR, E.COM PILOT DATA LIC	3	\$0.00	\$0.00	\$0.00
Year 4	100552	TRANSFER CREDIT - GOODS	1	(\$7,594.02)	(\$512.60)	(\$8,106.62)
Year 4	100553	TRANSFER CREDIT - SOFTWARE AND SERVICES	1	(\$4,629.00)	(\$312.46)	(\$4,941.46)
Year 4	100612	AXON AIR, 2HR VIRTUAL TRAINING BY DRONESENSE	1	\$0.00	\$0.00	\$0.00
Year 4	100684	AXON AIR,DJI MAVIC 3 THERMAL (NA)SP PLUS	1	\$1,349.55	\$91.10	\$1,440.65
Year 4	100689	AXON AIR,DJI MAVIC 3 ENTERPRISE SERIES-BATTERY KIT	1	\$148.28	\$10.01	\$158.29
Year 4	12326	AXON AIR,DPGS PART 107 TRAINING: 2 YR ACCESS	3	\$0.00	\$0.00	\$0.00
Year 4	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	105	\$32,508.00	\$0.00	\$32,508.00
Year 4	AB3C	AB3 Camera Bundle	70	\$0.00	\$0.00	\$0.00
Year 4	AB3C	AB3 Camera Bundle	30	\$5,055.75	\$341.26	\$5,397.01
Year 4	AB3MBD	AB3 Multi Bay Dock Bundle	10	\$0.00	\$0.00	\$0.00
Year 4	BasicLicense	Basic License Bundle	100	\$21,937.50	\$0.00	\$21,937.50
Year 4	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	10	\$4,679.10	\$315.84	\$4,994.94
Year 4	BWCamTAP	Body Worn Camera TAP Bundle	100	\$43,875.01	\$2,961.57	\$46,836.58
Year 4	CLASS1UAS	AXON AIR, CLASS 1 UAS BUNDLE	1	\$0.00	\$0.00	\$0.00
Year 4	ProLicense	Pro License Bundle	5	\$2,851.88	\$0.00	\$2,851.88
<b>Total</b>				<b>\$100,182.05</b>	<b>\$2,894.72</b>	<b>\$103,076.77</b>

<b>Apr 2027</b>						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5	100112	AXON AIR, E.COM PILOT DATA LIC	3	\$0.00	\$0.00	\$0.00
Year 5	100552	TRANSFER CREDIT - GOODS	1	(\$7,594.02)	(\$512.60)	(\$8,106.62)
Year 5	100553	TRANSFER CREDIT - SOFTWARE AND SERVICES	1	(\$4,629.00)	(\$312.46)	(\$4,941.46)
Year 5	100612	AXON AIR, 2HR VIRTUAL TRAINING BY DRONESENSE	1	\$0.00	\$0.00	\$0.00
Year 5	100684	AXON AIR,DJI MAVIC 3 THERMAL (NA)SP PLUS	1	\$1,349.55	\$91.10	\$1,440.65
Year 5	100689	AXON AIR,DJI MAVIC 3 ENTERPRISE SERIES-BATTERY KIT	1	\$148.28	\$10.01	\$158.29
Year 5	12326	AXON AIR,DPGS PART 107 TRAINING: 2 YR ACCESS	3	\$0.00	\$0.00	\$0.00

Apr 2027	Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5	73686		EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	105	\$32,508.00	\$0.00	\$32,508.00
Year 5	AB3C		AB3 Camera Bundle	70	\$0.00	\$0.00	\$0.00
Year 5	AB3C		AB3 Camera Bundle	30	\$5,055.75	\$341.26	\$5,397.01
Year 5	AB3MBD		AB3 Multi Bay Dock Bundle	10	\$0.00	\$0.00	\$0.00
Year 5	BasicLicense		Basic License Bundle	100	\$21,937.50	\$0.00	\$21,937.50
Year 5	BWCamMBDTAP		Body Worn Camera Multi-Bay Dock TAP Bundle	10	\$4,679.10	\$315.84	\$4,994.94
Year 5	BWCamTAP		Body Worn Camera TAP Bundle	100	\$43,875.01	\$2,961.57	\$46,836.58
Year 5	CLASS1UAS		AXON AIR, CLASS 1 UAS BUNDLE	1	\$0.00	\$0.00	\$0.00
Year 5	ProLicense		Pro License Bundle	5	\$2,851.88	\$0.00	\$2,851.88
<b>Total</b>					<b>\$100,182.05</b>	<b>\$2,894.72</b>	<b>\$103,076.77</b>

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

## Standard Terms and Conditions

Page 10 of 13

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at [www.axon.com/legal/sales-terms-and-conditions](http://www.axon.com/legal/sales-terms-and-conditions)), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at [www.axon.com/legal/sales-terms-and-conditions](http://www.axon.com/legal/sales-terms-and-conditions)), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

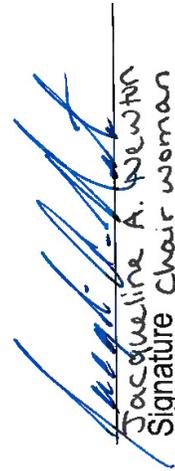
### Exceptions to Standard Terms and Conditions

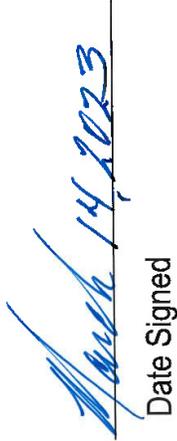
Agency has existing contract #22253 and #78868 (originated via Q-210643 and Q-403188) and is terminating that contract upon the new license start date (04/01/2023) of this quote.

Page 11 of 13

The parties agree that Axon is granting a refund of \$54,324.54 to refund paid, but undelivered services. This discount is based on a ship date range of 3/1/2023 - 3/15/2023, resulting in a 4/1/2023 license date. Any change in this date and resulting license start date will result in modification of this discount value which may result in additional fees due to or from Axon.

This credit is contingent upon agency payment of any outstanding invoices

  
Jacqueline A. Newton  
Signature Chair woman

  
Date Signed

2/22/2023



**ATTENTION**

This order may qualify for freight shipping, please fill out the following information.

	Who is the receiving contact and what is the contact phone number for this shipment?
	What are the receiving hours of operation?
	Is a loading dock available for this incoming shipment? If yes, are you able to unload pallets from the trailer or will the driver need to assist with unload?
	Do you have a forklift and/or pallet jack to transport pallets into your facility?
	Are there any delivery restrictions (no 53' trailers, no box trucks, etc.)?





**Pender County  
Acceptance of the Opioid Settlement  
Funds, Approval of Budget Amendment  
and Purchase Order for the purchase of  
two vehicles**

---

**TO:** Board of County Commissioners  
**FROM:** Alan Cutler  
**DATE:** May 20, 2024  
**SUBJECT:** Acceptance of the Opioid Settlement Funds, Approval of Budget  
Amendment and Purchase Order for the purchase of two vehicles

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**SUMMARY:**

The Sheriff's Office is requesting the Board to accept Opioid Settlement Funds. Westgate of Burgaw and Lookout Ford each have a vehicle on hold for the Sheriff's Office D.A.R.E. program. The vehicles are a 2024 Jeep Wrangler and a 2024 Ford Mustang, respectively. The total purchase amount for the two vehicles is \$95,301.00. The Sheriff's Office is asking the Board to approve a BOA in the amount of \$125,000.00 to cover the cost of the vehicles, title, and tags. The remainder of the funds will be used for DARE supplies, computer expenses for DARE staff, and other materials.

**ACTION REQUESTED:**

Approval of acceptance of the Opioid Settlement Funds, Approval of Budget Amendment in the amount of \$125,000.00 and Purchase Order for the purchase of two vehicles in the amount of \$95,301.00.

# WESTGATE

CHRYSLER DODGE Jeep RAM

## OF BURGAW

Date: 5/7/2024  
 Salesperson: Charles Bowman  
 Manager: JOSHUA MILLER  
 Customer ID #: 1137020

FOR INTERNAL USE ONLY

**CUSTOMER** KEITH WELLS Home Phone : (910) 471-5235  
605 E FREMONT ST  
 Address : BURGAW, NC 28425 Work Phone :  
PENDER  
 E-Mail : KEITH.WELLS@PENDERSHERIFF.COM Cell Phone : (910) 471-5235

**VEHICLE**

Stock # : B2967 New / Used : New VIN : 1C4PJXDG5RW250677 Mileage: 5  
 Vehicle : 2024 Jeep Wrangler Color : Black Clearcoat  
 Type : Sport 4dr 4x4 JLJL74

Market Value Selling Price	53,405.00
Discount	2,800.00
Rebate	2,500.00
Adjusted Price	48,105.00
Doc Fee	799.00
Cash Deposit	.00
Balance	48,904.00

Customer Approval: \_\_\_\_\_ Management Approval: \_\_\_\_\_  
 By signing this authorization form, you certify that the above personal information is correct and accurate, and authorize the release of credit and employment information. By signing above, I provide to the dealership and its affiliates consent to communicate with me about my vehicle or any future vehicles using electronic, verbal and written communications including but not limited to eMail, text messaging, SMS, phone calls and direct mail. Terms and Conditions subject to credit approval. For Information Only. This is not an offer or contract for sale.

*Mblake@pendersheriff.com*



Pender County Budget Ordinance Amendment

Fiscal Year **FY 2023-2024**

Department **510 - SHERIFFS DEPARTMENT**

**REVENUES**

	Account # (ORG-OBJECT)	Account Description	Amount
1	510-320019	Opioid Settlement Funds	125000
2			
3			
4			
5			
6			
7			
8			
9			
10			

Proposed Amendment:

**EXPENDITURES**

	Account # (ORG-OBJECT)	Account Description	Amount
1	510021-403310	Titles/Tags/Tax	3000
2	510021-403300	Supplies & Materials	13300
3	510021-406000	Computer Expense	2700
4	510021-407100	Non-Depreciable Capital	5000
5	510021-407403	Capital Outlay-Vehicle	96000
6	510021-404500	Contract Services	5000
7			
8			
9			
10			

**Total Revenues** 125000

**Total Expenditures** 125000

**Budget Amendment Balances when Zero.** 0

**Prepared By:** Angela Miller

**Email** amiller@pendercountync.gov



**Pender County  
April 29, 2024, BOCC Budget Work  
Session Minutes**

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**TO:** Board of County Commissioners  
**FROM:** Lexi Stanfield  
**DATE:** May 20, 2024  
**SUBJECT:** April 29, 2024, BOCC Budget Work Session Minutes

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**SUMMARY:**

Attached are the minutes for the April 29, 2024, BOCC Budget Work Session.



**MINUTES**  
**Board of Commissioners Budget Work Session**  
**Monday, April 29, 2024 4:00 PM**  
**Pender County Public Assembly Room**

**MEMBERS PRESENT:** Brad George  
Jacqueline A. Newton  
Jerry Groves

**MEMBERS ABSENT:** Wendy Fletcher-Hardee  
Fred McCoy

**OTHERS PRESENT:** David Andrews, County Manager  
Trey Thurman, County Attorney  
Lexi Stanfield, Clerk to the Board  
Allen Vann, Assistant County Manager  
Other Staff and Members of the Press and Public.

**1      OPENING PRESENTATION**

4:00PM David Andrews / Meg Blue

1.1 David Andrews, County Manager, and Meg Bue, Finance Director, gave presented a brief overview of the county budget for fiscal year 2024-25. The total recommended budget is \$197,737,214.00.

**2      REVENUE AND OPTION 4**

4:10PM Meg Blue

2.1 Meg Blue, Finance Director, presented the revenue and option 4 section of the budget. The General Fund Revenue Budget is \$115,508,720.00.

**3      HEALTH**

4:20PM Carolyn Moser

3.1 Carolyn Moser, Health and Human Services Director, presented the Health Department budget. Moser broke down line items that had increased from the previous year. Moser answered questions from the Board.

**4      REGISTER OF DEEDS AND AE&P**

4:50PM Sharon Willoughby

- 4.1 Meg Blue, Finance Director, presented the Register of Deeds and AE&P budget in lieu of Sharon Willoughby's (Director) absence. The biggest change reported was the revenue line. With the exception of salaries, there were no changes made from last year's budget.

**5 COOPERATIVE EXTENSION ADN GRANT FUND**

5:00PM Mark Seitz

- 5.1 Mark Seitz, Cooperative Extension Director, presented the Cooperative Extension and Grant Fund Budget. Seitz noted a major change in the budget for the FY24-25 is the Nutrition and Foods line item.

**6 VETERANS AFFAIRS**

5:10PM Michelle Leach

- 6.1 Michelle Leach, Veteran's Services Director, presented the Veteran's Affairs budget. Leach reported that an increase in staff has increased the Supplies and Materials line item. The percentage increases seemed high, but the monetary increase was not.

**7 LIBRARY**

5:20PM Allen Phillips-Bell

- 7.1 Allen Phillips-Bell, Library Director, presented the Library Budget. The biggest requests in the budget are salary increases and reclassifications of two positions. There are additional requests in the non-depreciative capital line item for new computers.

**8 ITS**

5:30PM Marcel Miranda

- 8.1 Marcel Miranda, Interim ITS Director, presented the ITS budget. There was no change in the budget from last year. Consultants agreed the budget has adequate funding. Miranda answer questions from the Board.

**9 BREAK**

5:45PM

**10 ELECTIONS**

6:00PM Gregory Jackson

- 10.1 Gregory Jackson, Elections Director, presented the Elections Budget. The only large changes in the budget are funding for new computer systems and a reclassification of one position.

**11 TOURISM AND TDA**

6:15PM Olivia Dawson

- 11.1 Olivia Dawson, Tourism Director, presented the Tourism Budget. The Tourism budget increased in supplies and other lower budget items. Dawson answered questions from the Board.

**12 TAX AND TOWNS**

6:30PM Melissa Radke

- 12.1 Melissa Radke, Tax Administrator, presented the Tax and Towns Budget. Radke reported there were many increases in the budget including reclassifications, new positions, supplies, vehicle, contracted services, postage, etc. Radke answered questions from the Board.

**13 OUTSIDE AGENCIES AND COURT FACILITIES**

6:45PM Jacob Orman

- 13.1 Jacob Orman, Budget Manager, presented the Outside Agencies and Court Facilities Budget. Orman reported that many requests stayed the same. W.A.R.M and Share the Table are both new requests. There are some budget decreases. The Clerk of Court Budget remains the same as last year.

**14 FINANCE, NON-DEPTMENTAL, DEBT SERVICE, TRANSFERS/OTHER, JCPC**

7:00PM Meg Blue

- 14.1 Meg Blue, Finance Director, presented the Finance, Non-Departmental, Debt Services, Transfers/Others, and JCPC budget. Blue reported the Finance Budget decreased by \$766 due to four reclassifications of positions. For the non-departmental budget there was an increase in merit, retiree insurance, NCACC insurance, etc. The general fund debt services included utilities debt and school debt. The transfer and other budget included the re-val transfer, DSS, school debt service, etc. The JCPC expenses are equal to the revenue.

**15 GOVERNING BOARD, COUNTY MANAGER, COUNTY ATTORNEY**

7:30PM David Andrews

- 15.1 David Andrews, County Manager, presented the Governing Board, County Manager, and Attorney budgets. The Governing Board budget has an increase in the salary line item. The Manager budget decreased one position and increased in contracted services and supplies. County Attorney budget is the same.

**16 WRAP UP DISCUSSION**

7:45PM David Andrews

16.1 The budget work session ended at 7:16PM.





**Pender County  
May 2, 2024, BOCC Budget Work  
Session Minutes**

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**TO:** Board of County Commissioners  
**FROM:** Lexi Stanfield  
**DATE:** May 20, 2024  
**SUBJECT:** May 2, 2024, BOCC Budget Work Session Minutes

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**SUMMARY:**  
Attached are the minutes for the May 2, 2024, BOCC Budget Work Session



**MINUTES**  
**Board of Commissioners Budget Work Session**  
**Thursday, May 2, 2024 4:00 PM**  
**Pender County Public Assembly Room**

**MEMBERS PRESENT:** Brad George  
Jacqueline A. Newton  
Fred McCoy  
Jerry Groves

**MEMBERS ABSENT:** Wendy Fletcher-Hardee

**OTHERS PRESENT:** David Andrews, County Manager  
Trey Thurman, County Attorney  
Lexi Stanfield, Clerk to the Board  
Allen Vann, Assistant County Manager  
Other Staff and Members of the Press and Public.

**1 PENDER COUNTY SCHOOLS**

4:00PM Dr. Breedlove - Superintendent

1.1 Superintendent Dr. Brad Breedlove presented the Pender County Schools' budget for FY24-25. Dr. Breedlove explained this year they utilized a zero-based budget process, meaning they did not base their budget on last year's but rather started at zero. Dr. Breedlove discussed the state and local budget factors for the budget and went over areas of need which included an increase in instructional support personnel, local supplement, and student support. Pender County Schools will not be receiving ESSER funds next year which has resulted in an increase of funds requested from the County. Dr. Breedlove answered questions from the Board.

**2 FORESTRY**

5:00PM Hagan Blake - Ranger

2.1 Ranger Blake Hagan presented the forestry budget. Ranger Hagan explained the County funds forty percent of their budget and the state funds sixty percent. Forestry is asking the County to fund \$331,344.00. This is a \$19,000.00 increase from last year and is mostly due to salaries. Ranger Hagan answered questions from the Board.

**3 SOIL AND WATER**

5:10PM Don Rawls - District Supervisor

- 3.1 District Supervisor Don Rawls presented the soil and water budget. Rawls asked the Board for \$99,346.00, an increase of roughly \$3,000.00 from last year. This is due to salaries. Rawls answered questions from the Board.

**4 FIRE - ATKINSON**

5:20PM Jason Turner - Chief

- 4.1 Chief Jason Turner presented Atkinson Fire's budget. Chief Turner discussed changes between last year and this year's budget which include a radio project, computer systems, etc. Chief Turner answered questions from the Board.

**5 FIRE - PENDERLEA DUPLIN**

5:30PM Taylor Johnson - Chief

- 5.1 Chief Taylor Johnson presented the Penderlea / Duplin Fire budget. Chief Johnson asked to increase the tax rate to seven cents. He answered questions from the Board.

**6 FIRE - ROCKY POINT**

5:40PM Michael Stophel - Chief  
Andrew Short - Deputy Chief

- 6.1 Chief Michael Stophel and Deputy Chief Andrew Short were not present to discuss the Rocky Point Fire budget.

**7 FIRE - PENDER CENTRAL (BURGAW)**

5:50PM James Gantt - Manager  
Sam George - Interim Chief

- 7.1 Manager James Gantt and Interim Chief Sam George presented the Pender Central (Burgaw) Fire budget. Manager Gantt asked the Board for \$250,000.00 for staffing. Manager Gantt and Chief George answered questions from the Board.

**8 BREAK**

6:00PM

**9 FIRE - PENDERLEA**

6:10PM Wray Lefler - Chief

- 9.1 Chief Wray Lefler presented the Penderlea Fire budget. Chief Wray requested County funding for staffing, radios, etc. He answered

questions from the Board.

**10 FIRE - MAPEL HILL**

6:20PM Harold Motley - Chief

10.1 Chief Harold Motley presented the Mapel Hill Fire budget. Chief Motley requested \$77,522.00. He answered questions from the Board.

**11 FIRE - SHILOH**

6:30PM Amy Burton - Fire Marshall

11.1 Fire Marshall Amy Burton presented the Shiloh Fire budget. Fire Marshall Burton requested all tax funds to be sent to Penderlea fire. The Board directed their questions to Fire Marshall Burton and County Manager David Andrews.

**12 PENDER EMS AND FIRE**

6:45PM Everett Baysden - Chief

12.1 Chief Everett Baysden presented the EMS and Fire budget. Chief Baysden noted there has not been a tax rate increase for fire since 2016 and for EMS since 2018. He discussed the growth in the County needs from EMS and Fire.

**13 SHERIFF, JAIL, ANIMAL CONTROL**

7:15PM Alan Cutler - Sheriff

13.1 Sheriff Alan Cutler presented the Sheriff, Jail, and Animal Control Budget. Sheriff Cutler expressed that he agreed with the budget laid out by County Management and Finance.

**14 EMERGENCY MANAGEMENT**

7:45PM Tommy Batson - Director

14.1 Director Tommy Batson presented the Emergency Management Budget with Fire Marshall Amy Burton. They both discussed what the budget would look like moving forward with the Fire Marshall office separating from Emergency Management.

14.2 The budget work session ended at 7:24PM.



**Pender County  
May 9, 2024, Budget Work Session  
Minutes**

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**TO:** Board of County Commissioners  
**FROM:** Lexi Stanfield  
**DATE:** May 20, 2024  
**SUBJECT:** May 9, 2024, Budget Work Session Minutes

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**SUMMARY:**

Attached are the minutes for the budget work session from May 9, 2024.



**MINUTES**  
**Board of County Commissioners Meeting**  
**Thursday, May 9, 2024 4:00 PM**  
**Pender County Public Assembly Room**

**MEMBERS PRESENT:** Brad George  
Jacqueline A. Newton  
Fred McCoy  
Jerry Groves

**MEMBERS ABSENT:** Wendy Fletcher-Hardee

**OTHERS PRESENT:** David Andrews, County Manager  
Lexi Stanfield, Clerk to the Board  
Allen Vann, Assistant County Manager  
Other Staff and Members of the Press and Public.

**1 FIRE - NORTHEAST PENDER (SURF CITY)**

4:00PM Allen Wilson - Chief

1.1 Chief Allen Wilson presented the Northeast Pender (Surf City) Fire budget. Northeast Pender is asking Pender County for \$250,000. Pender County has proposed \$50,000. There were no questions from the Board.

**2 Fire - Rocky Point**

2.1 Deputy Chief Andrew Short presented the Rocky Point Fire budget. Rocky Point Fire is asking for \$250,000 from Pender County. Pender County proposed the same amount in the budget. Deputy Chief Short reviewed where the funds would be used. Grants have been applied for but were denied. Rocky Point fire plans to use the funds for staff, radios, a new truck, and air packs. Deputy Chief Short answered questions from the Board.

**3 DSS**

4:15PM Wes Stewart

3.1 Wes Stewart, DSS Director, presented the Department of Social Services budget. Stewart discussed strains on the budget and line items he believes DSS will overspend based on the proposed budget by

management and finance. County Manager provided insight to the proposed budget. Stewart answered questions from the Board.

**4 PENDER COUNTY UTILITIES**

4:45PM Anthony Colon

- 4.1 Anthony Colon, Utilities Director, presented the Utilities budget. Colon gave a brief overview of the revenue and cash balance for utilities from FY2022-2024. Colon proposed a rate increase and a rate schedule for meters beginning in the FY2024-2025. Colon recommended adding four new positions to the Utilities staff and reclassifying two positions. Colon answered questions from the Board.

**5 SOLID WASTE**

5:15PM Anthony Colon / Jeremy Drummond

- 5.1 Anthony Colon and Jeremy Drummond, Utilities Director and Public Works Director respectively, presented the Solid Waste budget. Drummond stated he felt the County Managers office and Finance created a strong budget he agrees with. Colon added insight on how they budgeted certain line items. Solid Waste will be moved from the Utilities and will be under Public Works following the new fiscal year. Colon and Drummond answered questions from the Board.

**6 PUBLIC WORKS**

5:30PM Jeremy Drummond

- 6.1 Jeremy Drummond, Public Works Director, presented the Public Works budget. Drummond stated he agreed with the budget proposed by the County Managers office. No questions asked by the Board.

**7 PARKS AND RECREATION, SHOOTING RANGE**

6:00PM Zach White

- 7.1 Zach White, Parks and Recreation Director, presented the Parks and Recreation budget. White asked for a new position and there were some contract services proposed in the budget. Most of the budget was the same as FY2023-24. White answered questions from the Board.

White reviewed the Grounds budget. The grounds budget went down some from the previous year due to bringing some contracted services in-house.

While also reviewed the Holly Shelter Shooting Range budget. The shooting range revenues for next year are expected to meet the expenditures. The State has proposed for individuals under the age eighteen to shoot for free.

**8 BREAK**

6:15PM

**9 HOUSING**

6:30PM Sue Sava

- 9.1 Sue Sava, Housing Director, presented the Housing budget. Sava reported housing is not asking for anything new for Fiscal Year 2024-25. Sava is proposing a salary increase for one employee. No questions from the Board.

**10 INSPECTIONS**

6:45PM Daniel Adams

- 10.1 Daniel Adams, Planning Director, presented the Inspections budget. Adams reported not much has changed with the budget. Management has recommended separating Permitting and Inspections from the Planning Department and creating it's own department.

**11 PLANNING**

7:00PM Daniel Adams

- 11.1 Daniel Adams, Planning Director, presented the Planning budget. Adams stated he had nothing to add to the recommended budget.

**12 HAZARD MITIGATION**

7:20PM Daniel Adams

- 12.1 Daniel Adams, Planning Director, presented the Hazardous Mitigation budget to the Board. Adams agreed to the recommended budget.

**13 HR AND INSURANCES (WC/HEALTH/LGERS)**

7:30PM Pam Brame

- 13.1 Pam Brame, Human Resources Director, presented the HR and Insurances budget. Brame reported the HR budget was similar to the FY2023-2024 budget. Workers Comp figures are not in yet. The NCLEGRS employee premiums have not changed. The employer contribution went up last year. The state health plan will go to ETNA in 2025.

- 13.2 The budget work session ended at 6:40PM.



## Pender County May 6, 2024, BOCC Meeting Minutes

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**TO:** Board of County Commissioners  
**FROM:** Lexi Stanfield  
**DATE:** May 20, 2024  
**SUBJECT:** May 6, 2024, BOCC Meeting Minutes

---

**SUMMARY:**

Attached are the minutes from the May 6, 2024, BOCC meeting.



**MINUTES**  
**Board of County Commissioners Meeting**  
**Monday, May 6, 2024 4:00 PM**  
**Pender County Public Assembly Room**

**MEMBERS PRESENT:** Fred McCoy  
 Jacqueline A. Newton  
 Jerry Groves  
 Wendy Fletcher-Hardee  
 Brad George

**MEMBERS ABSENT:**

**OTHERS PRESENT:** David Andrews, County Manager  
 Trey Thurman, County Attorney  
 Lexi Stanfield, Clerk to the Board  
 Allen Vann, Assistant County Manager  
 Other Staff and Members of the Press and Public.

**1 CALL TO ORDER**

1.1 Chair George called the meeting to order at 4:00PM.

**2 INVOCATION**

2.1 Commissioner McCoy gave the invocation.

**3 PLEDGE OF ALLEGIANCE**

3.1 Commissioner Hardee led the Pledge of Allegiance.

**4 ADOPTION OF AGENDA**

Moved by Jacqueline A. Newton, seconded by Wendy Fletcher-Hardee

*Motion to Move item 8.1 to Approvals and Resolutions.*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>	<b>Absent</b>
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			

Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

Moved by Jacqueline A. Newton, seconded by Wendy Fletcher-Hardee

*Motion to Adopt the Agenda with the Amendment to 8.1.*

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

**5 CLOSED SESSION (IF APPLICABLE). OPEN SESSION TO RESUME AT 5:00PM**

Moved by Jacqueline A. Newton, seconded by Fred McCoy

*Motion to go into Closed Session for item one (1) Confidential Information, item three (3) Attorney Client Privilege, and item Six (6) six Personnel.*

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

Moved by Wendy Fletcher-Hardee, seconded by Fred McCoy

*Motion to Return to Open Session.*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>	<b>Absent</b>
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

**6 PUBLIC INFORMATION**

6.1 Focus Broadband - Pender County Update

Kris Ward from Focus Broadband presented the Board an update on the county-wide internet connection. Currently, Focus Broadband is providing service to over 3,000 homes. The estimated completion date is the first quarter of the year in 2026. The NC Great Grant that was awarded to Focus Broadband will provide service to an additional 1,200 homes. Focus Broadband and Pender County price matched the grant in the amount of \$547,000. The Focus Broadband retail store in Burgaw opened on March 23rd, 2024. There will be a grand opening on May 30th.

6.2 Final PFAS National Primary Drinking Water Regulation

Anthony Colon, Utilities Director, presented the Final PFAS National Primary Drinking Water Regulation presentation to the Board. Colon reviewed what PFAS are and the impacts they have on health and the environment. The federal government has finalized a National Drinking Water standard. Additionally, the EPA has also issued national regulatory limits for drinking water. The final ruling is expected to reduce exposure to 100,000 people. the maximum contamination level for PFOA and PFOS is 4.0 parts per trillion. PFNA, PFHxS, and HFPO-DA maximum contamination level is 10 parts per trillion. Colon reported that with the water treatment plant in Pender County, the contamination level is much lower than the maximum contamination level.

**7 PUBLIC COMMENT**

**8 CONSENT AGENDA**

8.1 Approval of a Budget Amendment to Budget Foster Children Donation Monies Received: \$5,255

Moved by Jacqueline A. Newton, seconded by Wendy Fletcher-Hardee

*Motion to Approve the Consent Agenda.*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>	<b>Absent</b>
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

- 8.2 April 2, 2024, BOCC Meeting Minutes
- 8.3 April 15, 2024, BOCC Meeting Minutes
- 8.4 April 19, 2024, BOCC Special Meeting Minutes
- 8.5 April 23, 2024, Joint Meeting Minutes
- 8.6 Motor Vehicle Releases and Refunds
- 8.7 Refund/Release Requests for items meeting NC G.S 105-381
- 8.8 Approval of BOA for Transfer of Grant Revenue Budget Between Line Items
- 8.9 Approval of Contract for Arbitrage Tracking of Future Debt Issuances
- 8.10 Approval of BOA for June County Manager Contracts
- 8.11 Approval of a BOA for TDA Promotions
- 8.12 Approval of Purchase Order to SHI International for Replacement Firewall Hardware, Support & Maintenance in the amount of \$47,081.09.
- 8.13 Resolution Authorizing the Donation of Viper Tower to State of NC

**9 APPROVALS AND RESOLUTIONS**

- 9.1 Approval of BOA & PO for countywide radio project in the amount of \$1,456,427.15

Sarah Fulton, Assistant to the County Manager, presented the item. Fulton began her presentation by reviewing the purpose of the project. It was reported that by June 2025, some of the radios in Pender County will be inoperable, leaving departments without necessary equipment. Fulton went over the process used when deciding which radios to

replace. She discussed the benefits of buying the radios in bulk. Fulton gave a brief overview breaking down the cost, quantity, and payments by department. Fulton answered questions from the Board.

9.2 Approval to adopt a FEMA Buyout Program policy

Corey Romero, NCACC Strategic Project Coordinator, gave a brief overview of the FEMA Buyout Program Policy. Romero stated Pender County has acquired over 140 properties through the policy since the 1990s. Challenges with the current procedures was discussed. These challenges include inefficient use of resources, lack of maintenance, other. Romero covered how the new policy would better benefit the county, the objectives, and the multiple use requirements.

Moved by Fred McCoy, seconded by Jerry Groves

*Motion to Adopt the FEMA Buyout Program Policy.*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>	<b>Absent</b>
Fred McCoy	x			
Jacqueline A. Newton		x		
Jerry Groves	x			
Wendy Fletcher-Hardee		x		
Brad George	x			
	3	2	0	0

CARRIED.

9.3 Approval of BOA & PO Increase to Bordeaux Construction for BOE Request Regarding New K-8 School Bond Project

Meg Blue, Finance Director, presented the item. Currently, Pender County is cash flowing \$5million for the design phase of the project. Pender County Schools is asking for Pender County to cash flow an additional \$17million due to a tight timeline. Pender County would be paid back by the school bonds. There would be a temporary impact on the general fund.

Moved by Jacqueline A. Newton, seconded by Wendy Fletcher-Hardee

*Motion to Approve the BOA and PI Increase to Bordeaux Construction for BOE Request.*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>	<b>Absent</b>
Fred McCoy	x			

Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

- 9.4 Approval of Purchase Order and Budget Amendment for Mobile Communications of America in the amount of \$38,580.91 for tower repairs.

Andy Devane and Sheriff Cutler presented the item together. Inspections were done on the 911 Center radio tower. Tower was damaged due to regular wear and tear. The vendor hired needs to outsource some of the work due to staffing issues. This has raised the price from \$38,580.91 to \$44,560.91.

Moved by Jacqueline A. Newton, seconded by Wendy Fletcher-Hardee

*Motion to Approve the PO and BOA for Mobile Communications of America.*

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

**10 DISCUSSION**

**11 APPOINTMENTS**

- 11.1 Appointment to the Advisory Board of Health

Moved by Jacqueline A. Newton, seconded by Wendy Fletcher-Hardee

*Motion to Table Item.*

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

**12 MAPLE HILL WATER AND SEWER DISTRICT**

- 12.1 Approval for Purchase Order for Maple Hill Wastewater Treatment Plant Office Building Construction to Clydesdale Project Handlers Inc. for \$123,162.82

Anthony Colon, Utilities Director, presented the item. A mobile home was approved for purchase to be the new office building for the Maple Hill Wastewater Treatment Plant however, it was not ADA compliant. Colon shared pictures of the current "office" and rent-a-john used by staff at the treatment plant. Colon asked the Board to approve a purchase order for a new office building that will include a bathroom, lounge, office, and kitchen. The construction team awarded the PO is Clydesdale Project Handlers, Inc. This PO would come out of the enterprise fund and is in the budget.

Moved by Jacqueline A. Newton, seconded by Wendy Fletcher-Hardee

*Motion to Approve Purchase Order for Maple Hill Wastewater Treatment Plant Office Building Construction to Clydesdale Project Handlers Inc.*

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

**13 ROCKY POINT WATER AND SEWER DISTRICT**

**14 SCOTTS HILL WATER AND SEWER DISTRICT**

**15 MOORES CREEK WATER AND SEWER DISTRICT**

**16 CENTRAL PENDER WATER AND SEWER DISTRICT**

**17 PENDER COUNTY BOARD OF HEALTH**

**18 SOCIAL SERVICES BOARD**

**19 ITEMS FROM THE COUNTY ATTORNEY, COUNTY MANAGER, ASSISTANT COUNTY MANAGER, & COUNTY COMMISSIONERS**

- 19.1 Trey Thurman, County, Attorney, shared Judge Jones denied the motion by Donald Sullivan in his case against the County.
- 19.2 David Andrews, County Manager, reminded the Board of the upcoming Budget Work Session on May 9th at 4PM.
- 19.3 Allen Vann, Assistant County Manager, praised Pam Brame, Pender County Utilities, Brandi Cobb, Anthony Colon, and other staff members for the hard work for recent events.
- 19.4 Commissioner McCoy stated he attended SpringFest over the weekend and enjoy himself.
- 19.5 Commissioner Newton thanked the Board for excusing her at the last regular board meeting.
- 19.6 Chairman George thanked Brandi Cobb and Pender Utilities staff for the hard work and effort they put into the Ribbon Cutting Ceremony in Scotts Hill.

**20 ADJOURNMENT**

- 20.1 The meeting adjourned at 6:01PM.

Moved by Jacqueline A. Newton, seconded by Wendy Fletcher-Hardee

*Motion to Adjourn the Meeting.*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>	<b>Absent</b>
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			

	5	0	0	0
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CARRIED.



## Pender County Grant Acknowledgement and Allocation for an Employee Summer Treat Event

---

**TO:** Board of County Commissioners  
**FROM:** Pamela Brame  
**DATE:** May 20, 2024  
**SUBJECT:** Gift Donation from Civic Credit Union

---

**SUMMARY:**

This report aims to formally acknowledge the receipt of a \$400 grant from Civic Credit Union. This generous contribution is earmarked for Pender County Government and execution of the Employee Summer Treat Event, scheduled for some time in June 2024. This event is designed to honor and appreciate the hard work and dedication of our employees. The grant significantly assists in covering costs associated with the event, ensuring a memorable experience for all attendees. Furthermore, the report outlines proposed budget allocation and event planning details to ensure transparent and effective use of the funds.

**ACTION REQUESTED:**

Approval from the Pender County Board of Commissioners is sought for the following:

1. Formal acceptance of the \$400 grant from Civic Credit Union.
2. Authorization to allocate the received funds towards the planning and execution of the Employee Summer Treat Event.

**ATTACHMENTS:**

Attachment: Sunset Slush Catering Fee

Marco Jaimes

Sunset Slushie

**From:** William Kelley <sunsetlushilm@gmail.com>  
**Sent:** Monday, March 4, 2024 8:41 AM  
**To:** Marco Jaimes  
**Subject:** [External]Re: Pender County NC Employee Appreciation Event

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Marco,  
 Thanks for reaching out, we do have availability on April 18th. What time are you thinking about for your employee appreciation event?

Below is our standard pricing:

- Event fee: \$50.00 per hour
- Per serving fee: \$3.50 per serving -- we can either keep track of # servings and tally up at the end or you can give each employee a ticket for 1 italian ice (which we can collect) or you can pre-pay for a certain # servings. The last option is how we did it before, but then there were more people who came, so we ended up keeping count of the overage and tallied up at the end of the event.
- We prescooped last time a large # of the servings, to make the line move quickly (& since you pre-paid for a certain #)

If you want to move forward with booking us, just let me know how you want to manage the per serving fee and I can draft up a contract for you to sign and lock in the date.

Thanks and let me know if you have any other questions,  
 Cassandra Kelley  
 Sunset Slush of Wilmington

On Mon, Mar 4, 2024 at 7:47 AM Marco Jaimes <mjaimes@pendercountync.gov> wrote:

Good morning Cassandra,

\$50.00 an hour  
 3.50 per serving

I was provided your information by a college of mine as a vendor that has worked with Pender County in the past.

I am reaching out to inquire about seeing if there is availability for April 18<sup>th</sup> for an employee appreciation event?

4/18/24

3 hours = 150  
 2 hours = 100  
 250

1750 for scoops

= \$2000

## Marco A. Jaimes, MSHR

HR Analyst I

Pender County Government

801 S. Walker St.

Burgaw, North Carolina 28425

Phone: (910)-259-0625

Fax: (910) 259-1457



--

Will & Cassandra Kelley, Owners  
Sunset Slush of Wilmington  
906 Castle Street  
Wilmington, NC 28401  
910-399-3267



Check us out on social

media: <https://www.instagram.com/sunsetslushwilmington/?hl=en> or <https://www.facebook.com/Sunset-Slush-of-Wilmington-100830765305725>

Pre Swooped in ~~the~~ Burgeru - show proof

Amplified as is...

Pender County Budget Ordinance Amendment

Page 5 of 5

Fiscal Year FY 2023-2024

Department 425 - HUMAN RESOURCES

REVENUES

	Account # (ORG-OBJECT)	Account Description	Amount
1	10-370013	Donations	400
2			
3			
4			
5			
6			
7			
8			
9			
10			

Proposed Amendment:

EXPENDITURES

	Account # (ORG-OBJECT)	Account Description	Amount
1	425-405100	Employee Luncheon	400
2			
3			
4			
5			
6			
7			
8			
9			
10			

Total Revenues 400

Total Expenditures 400

Budget Amendment Balances when Zero. 0

Prepared By: Angela Miller

Email: mjaimes@pendercountync.gov





**Pender County  
Resolution of the Pender County Board  
of Commissioners Authorizing Upset Bid  
Process with respect to the Disposition  
by Sale of Parcel 4302-66-0296-0000  
Located off of Hwy 50 in Maple Hill, NC**

---

**TO:** Board of County Commissioners  
**FROM:** Meg Blue  
**DATE:** May 20, 2024  
**SUBJECT:** Resolution of the Pender County Board of Commissioners Authorizing  
Upset Bid Process with respect to the Disposition by Sale of Parcel  
4302-66-0296-0000 Located off of Hwy 50 in Maple Hill, NC

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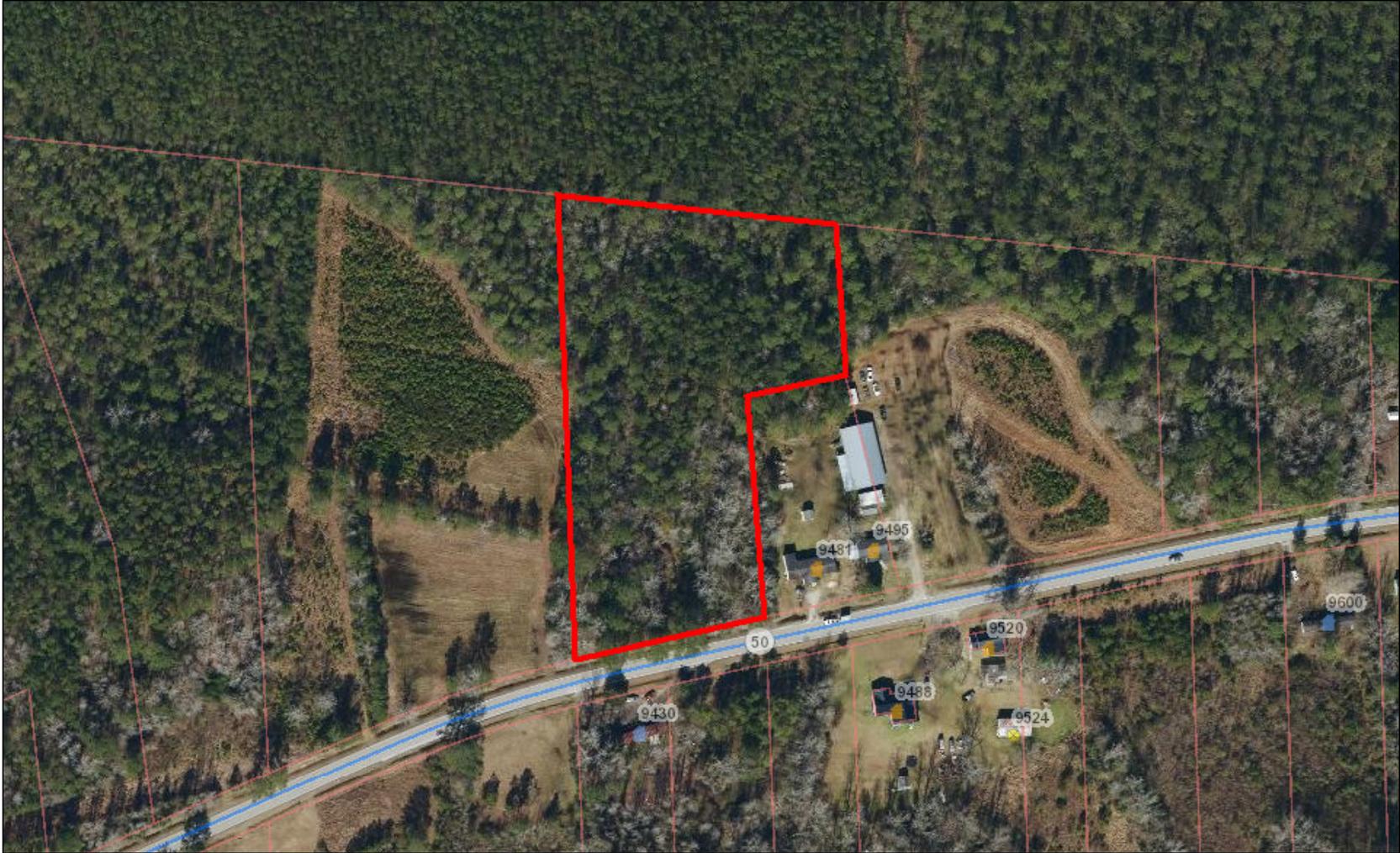
**SUMMARY:**

The County has received an offer of \$23,750 to purchase parcel 4302-66-0296-0000 located off of Hwy 50 in Maple Hill. County Staff reviewed the offer and sought the advice of the County Tax Administrator's office to measure the reasonableness of the offer terms. County Staff are of the opinion that the offer is fair and reasonable.

Per GIS, this parcel is approximately 3.75 acre wooded lot, on Hwy 50 in the Maple Hill community.

**ACTION REQUESTED:**

County Staff requests the Board's approval of a resolution to authorize the Upset Bid Process pursuant to G.S. 160A-269 with respect to the sale of parcel 4302-66-0296-0000. If the Board approves the attached resolution, and upon receipt of the deposit required by the statute, County Staff will publish notice of the offer, which begins the 10-day upset bid period under the statute. Should no upset bids be received, the County will accept the offer from Ms. Jessica Holmes, and proceed to due diligence and closing within approximately 1 month. Should an upset bid be received, Ms. Jessica Holmes' offer will terminate, and the upset bid process will run again, with Ms. Jessica Holmes having an opportunity to submit an upset bid.



**PIN:** 4302-66-0296-0000

**Owner:** WATKINS, DAVID HEIRS ETAL  
C/O NEBRASKA WATKINS  
MAPLE HILL, NC 28454

**Deed Ref:** 4606/1881

**Property Address:**

**Description:** TR 4 PB 50/99 DAVID WATKINS EST

**Sale Price:**

**Sale Date:** 9/4/2015  
**Plat:** 00500099

**Account No:** 968739  
**Township:** HOLLY

**Subdivision:**

**Tax Codes:** G01 F23 R40

**Acres:** 3.75

**Land Value:**

**Building Value:**

**Total value:**

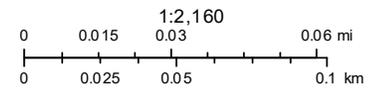
**Deferred Value:**

**Exempt Amount:** EXEM\_AMT

**PCL Class:** R

**Heated Sq Feet:**

## Pender County



1 inch = 180 feet

9/4/2015



**Board of County Commissioners**  
Brad George - Chair  
Jacqueline A. (Jackie) Newton-Vice Chair  
Archibald (Fred) McCoy  
Wendy Fletcher-Hardee  
Jerry Groves



**County Manager**  
David Andrews  
**Assistant County Manager**  
Allen Vann  
**County Attorney**  
Carl W. (Trey) Thurman  
**Staff Attorney**  
Patrick Buffkin

**A Resolution of the Pender County Board of Commissioners Authorizing Upset Bid Process with respect to the Disposition by Sale of Parcel 4302-66-0296-0000 Located on Hwy 50, Maple Hill, Holly Township**

WHEREAS, Pender County, North Carolina (hereinafter, “the County”) owns certain property located on Hwy 50, Maple Hill in Holly Township consisting of approximately 3.75 acres, assigned as Property Tax Identification Number 4302-66-0296-0000 in the records of the County’s Property Tax Administrators Office, more potentiality described in the deed in Book 4834 at pages 2154-2155, in the office of the Pender County Register of Deeds; and

WHEREAS, N. C. G. S. §§ 153A-176 and 160A-269 authorize the County to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the 3.75 acres parcel described herein, in the amount of \$23,750.00, which offer was submitted by Ms. Jessica Holmes.

NOW, THEREFORE, THE PENDER COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

1. The sale of the property described herein through the upset bid procedure of N.C. Gen. Stat. § 160A-269 shall be, and the same is hereby, authorized;
2. Upon receipt of the deposit in the amount required by N.C. Gen. Stat. § 160A-269, the Clerk to the Board of County Commissioners shall cause a notice of the proposed sale to be published in accordance with the requirements of that statute, including, that the notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset;
3. Persons wishing to upset the offer received shall submit a sealed bid with their offer to the office of the Clerk to the Board of Commissioners within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the Clerk to the Board of Commissioners shall open the bids received, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer;
4. If a qualifying higher bid is received, the Clerk to the Board of Commissioners shall cause a new notice of upset bid to be published and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Pender County Board of Commissioners;



5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer, which amount is not less than \$24,987.50;

6. A qualifying higher bid shall be accompanied by a deposit in the amount of five percent (5%) of the bid, which may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder at closing;

7. The terms of the final sale are that the Board of Commissioners must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed, and that the buyer must pay with cash at the time of closing;

8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids; and

9. If no qualifying upset bid is received after the initial public notice, the offer set forth above shall be, and the same is hereby, accepted, and the appropriate County officials are authorized to execute the instruments necessary to convey the property to Ms. Jessica Holmes.

Adopted by the Pender County Board of Commissioners this the \_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Brad George,  
Chair of the Board of Commissioners

ATTEST: \_\_\_\_\_  
Clerk to the Board of Commissioners



**Pender County  
Resolution of the Pender County Board  
of Commissioners Authorizing Upset Bid  
Process with respect to the Disposition  
by Sale of Parcel 3214-28-3786-0000  
Located off of McIntyre Church Road in  
Long Creek, NC**

---

**TO:** Board of County Commissioners  
**FROM:** Meg Blue  
**DATE:** May 20, 2024  
**SUBJECT:** Resolution of the Pender County Board of Commissioners Authorizing Upset Bid Process with respect to the Disposition by Sale of Parcel 3214-28-3786-0000 Located off of McIntyre Church Road in Long Creek, NC

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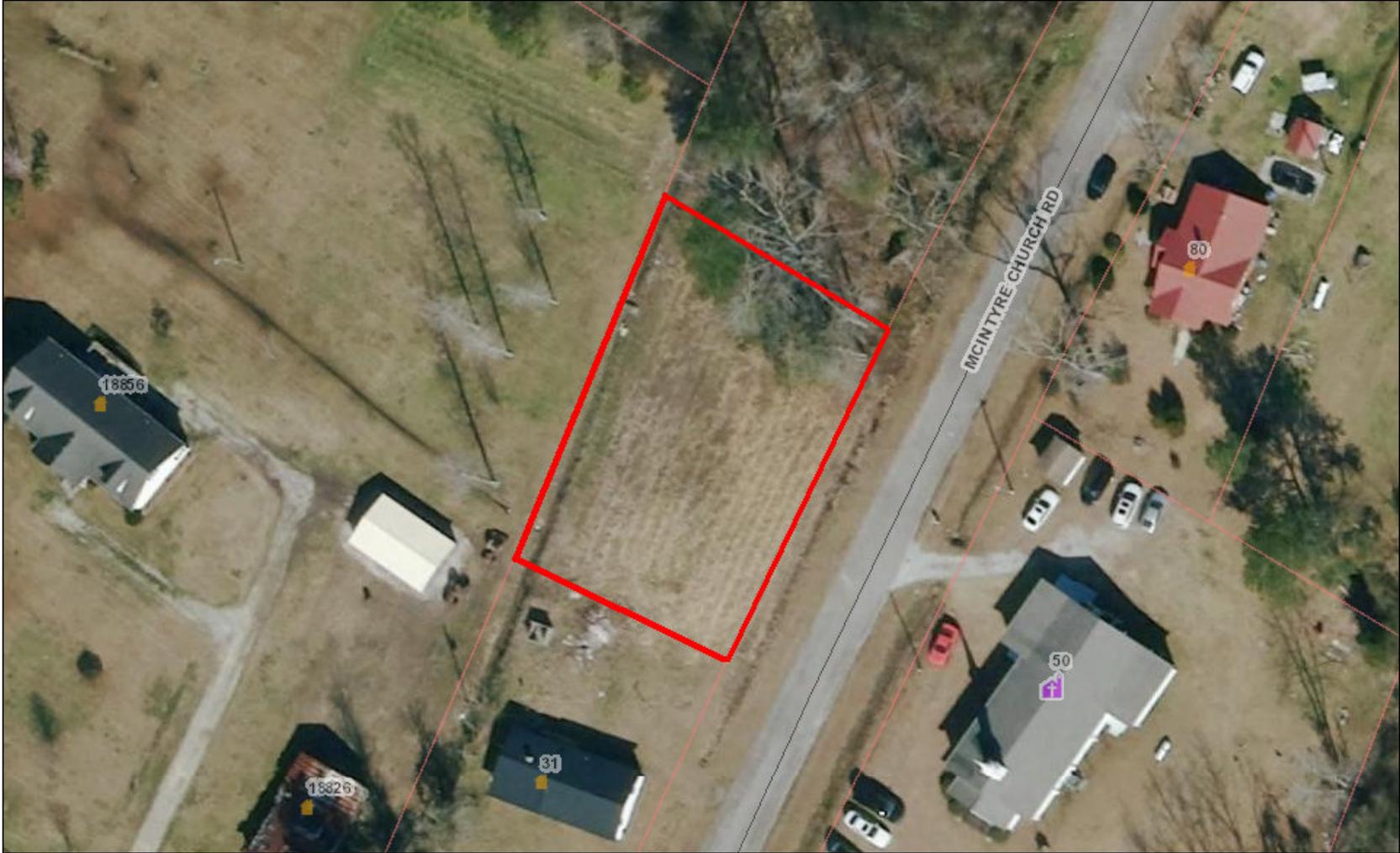
**SUMMARY:**

The County has received an offer of \$3,700 to purchase parcel 3214-28-3786-0000 located off of McIntyre Church Road in Long Creek. County Staff reviewed the offer and sought the advice of the County Tax Administrator's office to measure the reasonableness of the offer terms. County Staff are of the opinion that the offer is fair and reasonable.

Per GIS, this parcel is approximately 0.50 acre lot, on McIntyre Church Road in the Long Creek community.

**ACTION REQUESTED:**

County Staff requests the Board's approval of a resolution to authorize the Upset Bid Process pursuant to G.S. 160A-269 with respect to the sale of parcel 3214-28-3786-0000. If the Board approves the attached resolution, and upon receipt of the deposit required by the statute, County Staff will publish notice of the offer, which begins the 10-day upset bid period under the statute. Should no upset bids be received, the County will accept the offer from Mr. William McIntyre, and proceed to due diligence and closing within approximately 1 month. Should an upset bid be received, Mr. William McIntyre's offer will terminate, and the upset bid process will run again, with Mr. William McIntyre having an opportunity to submit an upset bid.



**PIN:** 3214-28-3786-0000

**Owner:** PENDER CNTY  
PO BOX 1047  
BURGAW, NC 28425

**Deed Ref:** 424/539

**Property Address:**

**Description:** N OF NC HWY 210/W OF SR 1432

**Sale Price:**

**Sale Date:** 10/08/1969

**Plat:** NOPLAT

**Account No:** 960614

**Township:** LONG CREEK

**Subdivision:**

**Tax Codes:** G01 F25 R40

**Acres:** 0.5

**Land Value:**

**Building Value:**

**Total value:**

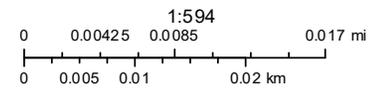
**Deferred Value:**

**Exempt Amount:** EXEM\_AMT

**PCL Class:** EX-1

**Heated Sq Feet:**

## Pender County



1 inch = 50 feet

10/08/1969



**Board of County Commissioners**  
Jacqueline A. (Jackie) Newton – Chair  
Wendy Fletcher-Hardee – Vice Chair  
Archibald (Fred) McCoy  
Jerry Groves  
Brad George



**County Manager**  
David Andrews  
**Assistant County Manager**  
Allen Vann  
**County Attorney**  
Carl W. (Trey) Thurman  
**Staff Attorney**  
Patrick Buffkin

**A Resolution of the Pender County Board of Commissioners Authorizing Upset Bid Process with respect to the Disposition by Sale of Parcel 3214-28-3786-0000 Located off McIntyre Church Rd, Long Creek Township**

WHEREAS, Pender County, North Carolina (hereinafter, “the County”) owns certain property located off McIntyre Church Rd in Long Creek Township consisting of approximately .50 acre, assigned as Property Tax Identification Number 3214-28-3786-0000 in the records of the County’s Property Tax Administrators Office, more potentiality described in the deed in Book 424 at page 539, in the office of the Pender County Register of Deeds; and

WHEREAS, N. C. G. S. §§ 153A-176 and 160A-269 authorize the County to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the .50 acre parcel described herein, in the amount of \$3,700.00, which offer was submitted by Mr. William McIntyre.

NOW, THEREFORE, THE PENDER COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

1. The sale of the property described herein through the upset bid procedure of N.C. Gen. Stat. § 160A-269 shall be, and the same is hereby, authorized;
2. Upon receipt of the deposit in the amount required by N.C. Gen. Stat. § 160A-269, the Clerk to the Board of County Commissioners shall cause a notice of the proposed sale to be published in accordance with the requirements of that statute, including, that the notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset;
3. Persons wishing to upset the offer received shall submit a sealed bid with their offer to the office of the Clerk to the Board of Commissioners within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the Clerk to the Board of Commissioners shall open the bids received, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer;
4. If a qualifying higher bid is received, the Clerk to the Board of Commissioners shall cause a new notice of upset bid to be published and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Pender County Board of Commissioners;



5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer, which amount is not less than \$3,935.00;

6. A qualifying higher bid shall be accompanied by a deposit in the amount of five percent (5%) of the bid, which may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder at closing;

7. The terms of the final sale are that the Board of Commissioners must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed, and that the buyer must pay with cash at the time of closing;

8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids; and

9. If no qualifying upset bid is received after the initial public notice, the offer set forth above shall be, and the same is hereby, accepted, and the appropriate County officials are authorized to execute the instruments necessary to convey the property to Mr. William McIntyre.

Adopted by the Pender County Board of Commissioners this the \_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Brad George,  
Chair of the Board of Commissioners

ATTEST: \_\_\_\_\_  
Clerk to the Board of Commissioners





**Pender County  
Approval of Resolution Adopting  
Procedures Related to the Collection of  
Minimal Ad Valorem Taxes and Refunds  
and the Administration of Small  
Underpayments and Overpayments of  
Ad Valorem Taxes**

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**TO:** Board of County Commissioners  
**FROM:** Melissa Radke  
**DATE:** May 20, 2024  
**SUBJECT:** Approval of Resolution Adopting Procedures Related to the Collection of Minimal Ad Valorem Taxes and Refunds and the Administration of Small Underpayments and Overpayments of Ad Valorem Taxes

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**SUMMARY:**

Requesting that the Board consider approving this resolution concerning the Procedures Related to the Collection of Minimal Ad Valorem Taxes and Refunds and the Administration of Small Underpayments and Overpayments of Ad Valorem Taxes.

NC G.S 105-321 & 357 authorizes the governing body of a county to adopt procedures related to the collection of minimal taxes and refunds and the administration of small under or overpayments to relieve the local government of administrative costs that exceed the value of taxes and refunds and over or under payments of taxes.

Due to the cost of printing and postage, and to assist the property owners with their own cost of payment and postage, it is the opinion of the Tax Administrator that the minimal billed amount should be moved from \$1.00 to \$5.00; this would eliminate billing any annual ad valorem tax bills with an amount of \$4.99 or less.

In addition, this resolution would authorize the Tax Administrator to apply any overpayments of under \$15.00 toward a taxpayers next years tax obligation and would eliminate the need for the administrative costs of printing and mailing refund checks to taxpayers for these small overpayments. The taxpayer would still have that overpayment listed in their account, applied as a prepayment to the next years taxes, and would be able to request that refund, if they so chose, in writing to the tax office before the end of the calendar year.

Lastly, this resolution would allow the Tax Administrator to treat small underpayments or overpayments, under \$1.00, as payment in full.

This would go into effect for the 2024 Tax Year if approved and would remain in effect until repealed or amended by resolution.

**ACTION REQUESTED:**

It is the request of the Tax Administrator to approve the resolution as presented.

**Board of County Commissioners**  
Brad George – Chair  
Jacqueline A. (Jackie) Newton – Vice Chair  
Wendy Fletcher-Hardee  
Archibald (Fred) McCoy  
Jerry Groves



**County Manager**  
David Andrews  
**Assistant County Manager**  
Allen Vann  
**County Attorney**  
Carl W. (Trey) Thurman  
**Staff Attorney**  
Patrick Buffkin

**A Resolution Adopting Procedures Related to the Collection of  
Minimal Ad Valorem Taxes and Refunds and the Administration of Small Underpayments  
and Overpayments of Ad Valorem Taxes**

**WHEREAS**, Chapter 105, Sections 321 and 357 of the North Carolina General Statutes authorize local governments to adopt procedures related to the collection of minimal taxes and refunds and the administration of small underpayments and overpayments to relieve the local government of administrative costs that exceed the value of the taxes and refunds and overpayments and underpayments of taxes; and

**WHEREAS**, the Tax Administrator estimates the administrative costs of billing a taxpayer for minimal taxes is five and no/100 dollars (\$5.00); and

**WHEREAS**, the Tax Administrator is of the opinion that the administrative costs of mailing refunds of less than fifteen and no/100 dollars (\$15.00) is inefficient and burdensome to the administration of the ad valorem tax in Pender County; and

**WHEREAS**, the Pender County Tax Administrator is of the opinion that the administrative costs of refunding or collecting small overpayments or underpayments (less than \$1.00) are greater than the value of the overpayment or underpayment.

**NOW, THEREFORE BE IT RESOLVED** by the Pender County Board of Commissioners that:

(1) Pursuant to G.S. 105-321(f), the Tax Administrator is directed not to collect minimal taxes charged on the tax records and receipts of the County, in a total original principal amount that does not exceed five dollars and no/100 (\$5.00).

(2) Pursuant to G.S. 105-321(g), the Tax Administrator is directed not to mail a refund of an overpayment of tax if the refund is less than fifteen and no/100 dollars (\$15.00), and to implement the procedures set forth in that subsection related to record keeping and reporting, in person refunds, and the accruing of interest on overpayments.

(3) Pursuant to G.S. 105-357(c), the Board of Commissioners permits the Tax Administrator to treat small underpayments of one and no/100 dollars (\$1.00) or less as fully paid and not to refund small overpayments of one and no/100 dollars (\$1.00) or less unless the taxpayer



requests a refund of the overpayment before the end of the fiscal year in which the small overpayment is made. The Tax Administrator shall implement the procedures set forth in that subsection related to record keeping and reporting.

(4) That direction set forth in paragraphs 1 and 2 of this Resolution shall be effective for the fiscal year 2024-2025 and all subsequent fiscal years unless amended or repealed by resolution.

(5) That the authorization set forth in paragraph 3 of this Resolution shall apply to fiscal year 2024-2025 and all subsequent years unless amended or repealed by resolution and shall apply to taxes levied for all previous fiscal years.

Adopted by the Pender County Board of Commissioners this the \_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Brad George, Chair of the Board of Commissioners

ATTEST: \_\_\_\_\_  
David Andrews, Clerk to the Board of Commissioners

RESOLUTION ADOPTING  
PROCEDURES RELATED TO  
THE COLLECTION OF  
MINIMAL AD VALOREM TAXES  
AND REFUNDS AND THE  
ADMINISTRATION OF SMALL  
UNDERPAYMENTS AND  
OVERPAYMENTS OF AD  
VALOREM TAXES

## SUMMARY

**This resolution has 3 elements included:**

- 1. Adoption of a minimal Tax Bill amount**
- 2. Allowing overpayments under \$15 to be put towards the next years tax bill to reduce administrative costs**
- 3. Approval of small over or underpayments to be deemed paid in full**

## MINIMAL TAX BILL

NC G.S. 105-321(f) allows the governing body to adopt a resolution directing the Tax Administrator NOT to collect minimal taxes charged on the tax records and receipts of the County, in a total originated principal amount that does not exceed a certain limit.

- It is the recommendation of the Tax Administrator to set this limit at **\$5.00**.
- No **bill** of \$4.99 or less would be billed to any taxpayer beginning in the 2024 tax year if approved

This limits the administrative costs including:

- Print
- Mail
- Taxpayer costs
  - checks, postage, credit card fees, etc.

In 2023 there were 1300 bills under this threshold totaling \$3,300 in total revenue

- \$2,600 County
- \$330 Fire (using .0925)
- \$330 EMS

Administrative costs to print and mail these bills alone **before taxpayer costs** is approx. \$1,300

## OVERPAYMENTS UNDER \$15 PUT TOWARD NEXT YEARS TAX LIABILITY

NC G.S 105-321(g) allows the governing body to adopt a resolution directing the Tax Administrator not to mail a refund of an overpayment of tax under \$15, and to instead apply them as a prepayment toward the next years tax liability

This would reduce the administrative costs associated with overpayments and refunds of small amounts in both the tax office as well as the finance office

- Lower the amount of refund checks mailed out
  - Reducing cost of checks, envelopes & postage for refunds under this threshold
  - Reduce time spent by staff
- This would begin as of July 1, 2024 if approved

## SMALL OVER & UNDER PAYMENTS OF AD VALOREM TAXES

NC G.S 105-357(c) allows the governing body to adopt a resolution directing the Tax Administrator to treat small underpayments or small overpayments of \$1.00 or less as fully paid and not to refund small overpayments of \$1.00 or less unless the taxpayer requests it

This is typical practice in most taxing jurisdictions in North Carolina

- Eases administrative costs associated with collection of balances under \$1.00 ; costs of refunding overpayments of \$1.00 or less
- Typically seen in underpayments
  - checks being written incorrectly by a few cents
  - interest being calculated incorrectly by the taxpayer
- Most overpayments are more than \$1.00
  - Would be covered by the prior item in this resolution



QUESTIONS?



## Pender County Request for Board Action

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**TO:** Board of County Commissioners  
**FROM:** Anthony Colon  
**DATE:** May 20, 2024  
**SUBJECT:** Approval to increase Batson Road PO to HighFill Engineering for Contract Amendment #1

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**SUMMARY:**

In November 2022, the Board of County Commissioners greenlit Pender County Utilities' decision to entrust HighFill Engineering with extending the water line along Batson Road in Hampstead. Originally, the contract encompassed design, permitting, and bidding phases. This amendment expands its scope to incorporate tasks essential to the construction phase of the project, marking a significant stride forward in infrastructure enhancement. The \$44,700 increase PCU is requesting for the Purchase Order has already been budgeted for the 2024 fiscal year.

**ACTION REQUESTED:**

Approval to increase PO536/FY24 by \$44,700 from 86-407460-6968.

**ATTACHMENTS:**

Original Contract  
Amendment #1



**SCOPE OF SERVICES, SCHEDULE, AND COMPENSATION**

Batson Road Water Line Extension  
Rocky Point/Topsail Water & Sewer District  
November 18, 2022

**Background:**

The Rocky Point/Topsail Water & Sewer District (Owner) owns and operates a water distribution system in eastern Pender County near Surf City, North Carolina. The properties along the circle at the western end of Batson Road previously requested water service and the Owner has engaged HIGHFILL to provide design through bidding services for the extension of the existing water distribution system to serve these properties.

**Scope of Work:**

ENGINEER will provide the following Basic Services:

Task 40 – Design Phase Services

1. Receive and review the topographic and property survey from the Owner. The Owner shall provide the survey in .pdf and .dwg (AutoCAD) format.
2. Facilitate virtual kick-off meeting to discuss project design and Owner details and preferences.
3. Prepare construction drawings in accordance with the Owner's design standards.
4. Prepare a project manual that includes Owner's standard technical specifications, supplemental technical specifications as needed, and Owner's bidding and contract documents.
5. Prepare opinion of probable construction cost based on the design documents.
6. Up to two site reconnaissance visits to verify alignment and address potential conflicts.
7. Provide a 90% set of construction documents for Owner review. Address Owner review comments and provide a final set of construction documents.

Task 50 – Permitting Phase Services

1. Prepare the following NCDEQ permit applications on behalf of the Owner:
  - a. Public Water Supply water line extension application.
  - b. Energy, Mineral, and Land Resources Erosion Control Plan application.
  - c. Energy, Mineral, and Land Resources Stormwater exemption request

Task 60 – Bidding Phase Services

1. Assist Owner with development of Advertisement for Bids.
2. Distribute electronic and hard copy bidding documents to plan rooms and perspective bidders. Maintain a planholders list during the bidding period.
3. Facilitate a pre-bid meeting with bidders and Owner.
4. Field questions from prospective bidders and prepare addenda. if required.
5. Attend bid opening, tabulate bids, and issue a letter of recommendation concerning award.

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*Engineering is our profession. Service is our passion.*

### Assumptions and Clarifications

1. Any services not specifically included in the above Basic Services will be considered Additional Services.
2. The scope includes design for approximately 2,600 LF of water line; 2,100 LF of water line around the loop on southwestern end of Batson Road and approximately 500 LF of water line on a road that intersects the Batson Road circle.
3. The kickoff meeting will be held virtually after review of survey provided by owner to address any water line alignment concerns.
4. The topographic and property survey required for design will be provided by the Owner in pdf and dwg format. Any additional survey beyond what is provided that will be required for design is not included and will be considered Additional Services.
5. Batson Road right-of-way at the circle is not an NCDOT maintained road and no NCDOT encroachment agreement is included.
6. It is assumed that the Batson Road right-of-way is upland and no wetlands delineation or Army Corps of Engineers jurisdictional determination is included.
7. The Owner will provide flow testing results to indicate adequate flow and pressure for this water line extension. No hydrant flow testing or water modeling is included.
8. No geotechnical investigation is included.
9. No SUE services are included.
10. No construction administration or observation is included.
11. One bidding process and opening are assumed. Project rebid for any reason is not included in the current scope.
12. Owner pays all permit fees.

### Schedule

The schedule will progress sequentially as follows:

- Task 40: 90% construction documents will be provided for Owner review 90 days after kickoff meeting. Final construction documents will be provided within 2 weeks of the receipt of the 90% construction document Owner comments.
- Task 50: Permitting phase services is anticipated as 90 days.
- Task 60: Bidding phase services is anticipated to be 30 days after Owner coordinated advertisement date.

ENGINEER shall endeavor to complete work tasks in accordance with the above schedule. Owner acknowledges that certain aspects of the project, including weather and Owner responses to information requests, are outside the ENGINEER'S direct control and may impact schedule significantly.

**COMPENSATION:**

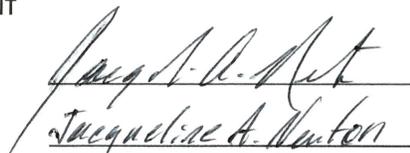
ENGINEER will perform services described in Tasks 40, 50, and 60 above for a Lump Sum amount of \$45,900. Services will be invoiced periodically on a percentage of work completed and work in progress.

Compensation for additional services, if required, will be negotiated prior to commencement of Additional Services.

IN WITNESS WHEREOF, the CLIENT and the ENGINEER have executed this Agreement as of the date written below and under the laws of the State of North Carolina.

**CLIENT**

By:

  
Jacqueline A. Newton

Title:

Chairman

Date:

December 8, 2022

Address

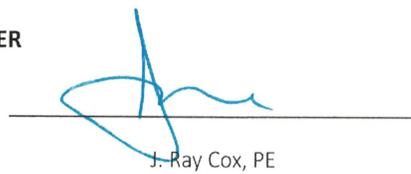
PO Box 995  
Burgaw, NC 28425

Phone

(910) 259-1200

**ENGINEER**

By:

  
J. Ray Cox, PE

Title:

Vice President

Date:

11/18/2022

Address

3804 Park Avenue, Unit A  
Wilmington, NC 28403

Phone

910-313-1516

**E-VERIFY REQUIREMENTS** - As a condition for payment under this purchase order, Vendor shall: (i) comply with N.C. Gen. Stat. Sections 64-25 et seq. (the "EVerify Requirements"); and (ii) cause each subcontractor hereunder to comply with such requirements. Vendor will indemnify and save harmless the County from all losses, damages, fees, costs, expenses, fines, and other liabilities resulting from any failure by Vendor or any subcontractor to comply with the E-Verify Requirements.

**PRE-AUDIT STATEMENT:**

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act, this the 8 day of December, 2022.

  
Meg Blue, Finance Officer

## TERMS AND CONDITIONS

- 1. Changes in the Work.** At any time after execution of this Agreement, CLIENT may order changes in ENGINEER Services consisting of additions, deletions, and revisions within the general scope of services being performed by ENGINEER under this Agreement and/or any applicable Work Authorizations. Whenever a change in the scope and/or time for performance of services occurs, or if CLIENT has notified ENGINEER of a change, ENGINEER shall submit to CLIENT a written estimate of the changes in cost and/or schedule, with supporting calculations and pricing. Pricing shall be in accordance with the pricing of this Agreement. CLIENT shall then confirm in writing that it has approved of the proposed changes to ENGINEER Services and that ENGINEER is authorized to proceed forward with the same. Except as specifically set forth herein, neither this Agreement or these Terms and Conditions may be modified, except as agreed to in writing by both Parties to the Agreement.
- 2. Termination of Agreement.** Either Party may terminate this Agreement and any associated Work Authorizations without cause and/or for convenience after giving five (5) days' written notice to the other Party. In the event CLIENT terminates ENGINEER services without cause and/or for CLIENT'S convenience, CLIENT shall be liable to promptly pay ENGINEER for all work performed through the date of termination, all of ENGINEER expenses directly attributable to the termination, including fair and reasonable sums for overhead and profit for work performed, and costs incurred by ENGINEER in terminating any contracts entered into in connection with the performance of its Services.
- 3. Standard of Care; Limited Warranty.** The standard of care for all professional services performed or furnished under this Agreement will be the care and skill used by members of ENGINEER'S profession practicing under similar circumstances at the same time and in the same locality. ENGINEER agrees to correct, at its own expense, any services provided that do not conform to the standard of care hereunder for a period of one year following the completion of services. Except as set forth herein, ENGINEER makes no warranties, express or implied, under this Agreement or otherwise, in connection with ENGINEER'S services, and ENGINEER hereby disclaims any and all express or implied warranties, including but not limited to the implied warranty of merchantability, the implied warranty of fitness for a particular purpose, and the implied warranty of workmanlike construction, to the fullest extent permitted by law.
- 4. Use of Documents.** It is understood and agreed that all documents prepared pursuant to this Agreement are the product of professional services intended for one-time use in the Project that is the subject of this Agreement. Such documents are and shall remain the property of ENGINEER, and they are not intended or represented to be suitable for re-use by CLIENT or others on extensions of the Project or on any other project. With ENGINEER'S consent, the CLIENT may retain copies for information and reference in connection with the occupancy and use of the Project. In the event Project documents provided to the CLIENT in machine-readable form are so converted, or in the event of any re-use without written verification or adaptation by ENGINEER for the specific purposes intended, the CLIENT agrees to assume all risks associated therewith and, to the fullest extent permitted by law, to hold harmless and indemnify ENGINEER from and against all claims, liabilities, losses, damages and costs arising out of or resulting from said unauthorized use. Any written verification or adaptation authorized or performed by ENGINEER will entitle ENGINEER to additional compensation at rates to be agreed upon by ENGINEER and the CLIENT.
- 5. Hazardous Materials.** To the fullest extent permitted by law, for any services provided by ENGINEER involving or relating to hazardous waste elements or to the removal or encapsulation of asbestos, the CLIENT agrees to indemnify and hold harmless ENGINEER and their consultants, agents and employees from and against all claims, damages, losses and expenses, direct and indirect, or consequential damages, including but not limited to fees and charges of attorneys and court and arbitration costs, arising out of or resulting from the performance of the work by ENGINEER, or claims against ENGINEER arising from the work of others, related to hazardous waste or asbestos activities.
- 6. Use of Electronic Media.** Copies of documents that may be relied upon by CLIENT are limited to the final printed copies (also known as hard copies) that are signed or sealed by ENGINEER. Files in electronic media format or text, data, graphics or other types that are furnished by ENGINEER to CLIENT are only for convenience of CLIENT. Any conclusions or information obtained or derived from such electronic media format will be at the user's sole risk. When transferring documents in electronic format, ENGINEER makes no representations as to the long-term compatibility, usability, or readability of documents resulting from the use of software application packages, operating systems or computer hardware differing from those in use by ENGINEER at the beginning of the assignment.
- 7. Limitation of Liability.** The total liability, in the aggregate, of ENGINEER and its directors, officers, or employees, and any of them, to CLIENT or anyone claiming by, under or through the CLIENT for any and all injuries, claims, losses, expenses, and damages whatsoever arising out of or in any way related to ENGINEER Services, shall be limited to or the total fees paid to ENGINEER by CLIENT, whichever is greater. In no event, however, shall any liability to CLIENT exceed the amount of applicable insurance that ENGINEER has procured for services under this Agreement.

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*Engineering is our profession. Service is our passion.*

**8. Payment Terms.** ENGINEER shall invoice CLIENT for Services in accordance with ENGINEER standard invoicing practices. Invoices are due and payable on receipt and should be remitted by check or wire transfer of immediately available funds. If CLIENT fails to make any payment due ENGINEER for services and expenses within thirty (30) days after receipt of invoice, the amounts due ENGINEER will be increased at the rate of 1.5% per month (or the maximum rate of interest permitted by law, if less) from accounts not paid within thirty (30) days.

If CLIENT reasonably objects to any portion of an invoice, CLIENT shall provide written notification to ENGINEER of CLIENT'S objection and the basis for such objection within fifteen (15) days of the date of receipt of the invoice. CLIENT shall not offset amounts due ENGINEER under a Work Authorization for any credit or disputes arising under a different Work Authorization. CLIENT shall waive any objections to ENGINEER invoice if it fails to timely provide such written notice to ENGINEER.

Failure of CLIENT to make payments when due shall be cause for termination of this Agreement (in accordance with Paragraph 2, above) or, at the option of ENGINEER, suspension of services under this Agreement until ENGINEER has been paid all amounts due.

In the event of litigation or other proceeding to enforce any payment obligation under this Agreement, the prevailing Party shall be entitled to recover from the other Party attorneys' fees and costs as may be reasonably incurred by reason of the litigation.

**9. Subsurface Investigations.** In soils, foundation, groundwater, and other subsurface investigations, the actual characteristics may vary significantly between successive test points and sample intervals and at locations other than where observations, exploration, and investigations have been made. Because of the inherent uncertainties in subsurface evaluations, changed or unanticipated underground conditions may occur that could affect total project cost and/or execution. These unforeseen conditions are not the responsibility of the ENGINEER.

**10. ENGINEER'S Personnel at Construction Site.** The presence or duties of ENGINEER'S personnel at a construction site, whether as onsite representatives or otherwise, do not make ENGINEER or ENGINEER'S personnel in any way responsible for those duties that belong to CLIENT and/or the construction contractors or other entities, and do not relieve the construction contractors or any other entity of their obligations, duties, and responsibilities, including, but not limited to, all construction methods, means, techniques, sequences, and procedures necessary for coordinating and completing all portions of the construction work in accordance with the construction Contract Documents and any health or safety precautions required by such construction work. ENGINEER and ENGINEER'S personnel have no authority to exercise any control over any construction contractor or other entity or their employees in connection with their work or any health or safety precautions and have no duty for inspecting, noting, observing, correcting, or reporting on health or safety deficiencies of the construction contractor(s) or other entity or any other persons at the site except the ENGINEER'S own personnel.

The presence of ENGINEER'S personnel at a construction site is for the purpose of providing to CLIENT a greater degree of confidence that the completed work will conform generally to the Contract Documents and that the integrity of the design concept as reflected in the Contract Documents has been implemented and preserved by the construction contractor(s). ENGINEER neither guarantees the performance of the construction contractor(s) nor assumes responsibility for construction contractor's failure to perform their work in accordance with the Contract Documents.

**11. Opinion of Probable Construction Costs.** ENGINEER'S opinion of probable construction costs, if rendered as a service under this Agreement, is based on assumed labor costs and approximate quantities of material and equipment, and therefore is of a conditional character. ENGINEER cannot guarantee the cost of work to be performed by others since market or bidding conditions can change at any time and changes in the scope or quality of the project may affect estimates.

**12. Delays Beyond the Control of the ENGINEER.** Events that are beyond the control of the ENGINEER may delay the performance of the Scope of Services. In the event that the performance of the Scope of Services by the ENGINEER is delayed beyond his control, the ENGINEER shall notify the CLIENT in writing of such delay and the reasons therefore, and the CLIENT extend the time of performance appropriately.

**13. CLIENT'S Responsibilities and Representations:**

- a. **Representative:** The CLIENT shall designate a single representative with respect to the services to be rendered under this Agreement who shall act on behalf of the CLIENT and issue instructions to the ENGINEER.
- b. **Criteria and Information:** The CLIENT shall provide all criteria and full information as to its requirements for the Project, including objectives, constraints, projected demands and service areas, well and water quality data and performance requirements.
- c. **Access:** The CLIENT shall arrange access for the ENGINEER to all public and private properties where such access is required for the performance of services under this Agreement.
- d. **Reviews:** The CLIENT shall examine all studies, reports, sketches, drawings, specifications, proposals, and other documents presented by the ENGINEER and shall render decisions pertaining thereto within a reasonable time as not to delay the services of the ENGINEER.
- e. **Permitting Fees:** The CLIENT shall be responsible for payment of all required regulatory application fees, and those fees are not included in this Agreement unless specifically stated otherwise.

**14. Permitting.** The ENGINEER cannot guarantee any regulatory approval or a timeframe in which that approval might be granted. The CLIENT should be aware that significant delays can occur during regulatory review, and those delays may impact project schedule and scope of work. No such delays are currently anticipated, but should any materialize, the ENGINEER will present to the CLIENT alternatives for addressing the matter causing the delay.

**15. Mutual Indemnity.** To the fullest extent permitted by law, CLIENT and ENGINEER each agree to indemnify the other Party and the other Party's officers, directors, partners, employees, and representatives, from and against losses, damages, and judgments arising from claims by third parties, including reasonable attorney's fees and expenses recoverable under applicable law, but only to the extent that they are caused by a negligent act, error, or omission of the indemnifying Party or any of the indemnifying Party's officers, directors, members, partners, agents, employees, or subconsultants in the performance of services under this Agreement.

**16. Mutual Waiver of Consequential Damages.** Neither the CLIENT nor the ENGINEER shall be liable to the other or shall make any claim for any incidental, indirect or consequential damages arising out of, related to, or connected in any way to the Project or this Agreement. This mutual waiver includes, but is not limited to, damages, related to loss of use, loss of profits, loss of income, loss of reputation, unrealized savings, or diminution of property value and shall apply to any cause of action including negligence, strict liability, breach of contract, and breach of warranty.

**17. Authorization by Purchase Order:** Purchase Order terms are not consistent with these Terms and Conditions. If CLIENT issues a Purchase Order for authorization of services, it is hereby understood that the Terms and Conditions herein shall replace any Terms and Conditions contained in or attached to the Purchase Order.

**18. Dispute Resolution.** Except as indicated herein, CLIENT and ENGINEER agree that they shall first submit any and all unsettled claims, counterclaims, disputes, and other matters in question between them, arising out of or relating to the Agreement to mediation in accordance with the North Carolina Rules Implementing Statewide Mediated Settlement Conferences in Superior Court Actions. Any such disputes not resolved by mediation shall be submitted to arbitration in accordance with the North Carolina Revised Uniform Arbitration Act (N.C.G.S. § 1-569.1 et seq).

**19. Governing Law and Venue:** This Agreement shall be governed by the laws of the State of North Carolina and the venue for any civil action between the parties shall be located in North Carolina.

**20. Special Conditions.** None.



## AMENDMENT NO. 1 TO CLIENT-ENGINEER AGREEMENT

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AMENDMENT NUMBER 1 dated April 24, 2024 to the AGREEMENT between the Rocky Point/Topsail Water & Sewer District ("CLIENT") and Highfill Infrastructure Engineering, P.C. ("ENGINEER") dated November 18, 2022 (the Agreement") concerning the Batson Road Water Line Extension (the "Project").

CLIENT and ENGINEER hereby agree to modify the Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

Pursuant to the Terms and Conditions of the Agreement, ENGINEER agrees to diligently and professionally perform professional services described in this Amendment for the proper completion of the Scope of Services. ENGINEER shall faithfully perform the Services required under this Amendment in accordance with the standard of care, skill, training, diligence and judgment provided by competent professionals who perform work of a similar nature to the work described in this Amendment and any Work Authorization. CLIENT agrees to pay for the Services performed by ENGINEER in accordance with this Amendment.

### **BACKGROUND:**

The initial agreement included tasks through design, permitting and bidding phases of the project. This amendment will add tasks associated with the construction phase of the project.

### **SCOPE OF SERVICES:**

ENGINEER will perform the following **Additional Services** upon Authorization:

#### **Task 70 – Construction Contract Administration**

ENGINEER will provide professional construction contract administration for a period of up to **90 calendar days**, as specifically stated below:

- 1) CLIENT's Representative: The ENGINEER will serve as the CLIENT's representative during the construction period.
- 2) The ENGINEER will assemble and distribute construction contract documents to the Contractor and CLIENT for execution.
- 3) Pre-Construction Conference: The ENGINEER will facilitate a Pre-Construction Conference prior to commencement of Work at the Site. Record and distribute a meeting summary.
- 4) Shop Drawings: The ENGINEER will review and approve or take other appropriate action in respect to Shop Drawings and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents. Such review and approvals or other action will not extend to means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction or to related safety precautions and programs.

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*Engineering is our profession. Service is our passion.*

- 5) Clarifications and Interpretations: The ENGINEER will respond to reasonable and appropriate Contractor requests for information and issue necessary clarifications and interpretations of the Contract Documents to CLIENT as appropriate to the orderly completion of Contractor's work. There are assumed to be no more than ten (5) RFI responses total.
- 6) Authorized Variations in the Work: The ENGINEER will review minor variations in the Work which do not involve an adjustment of Contract Price or the Contract Times and issue up to ten (5) Field Orders.
- 7) Change Orders: The ENGINEER will review and make recommendations related to Change Orders submitted or proposed by the Contractor or CLIENT. There are assumed to be no more than four (2) change orders total.
- 8) Engineer Visits to the Site: The ENGINEER will make at least one (1) visit to the Site per month (separate from Representative Project Representative Construction Observation) to observe the progress of the Work. These visits will be scheduled to coincide with the Monthly Progress Meetings already planned. Such visits and observations by ENGINEER are not intended to be exhaustive or to extend to every aspect of Contractor's work in progress. Observations are to be limited to spot checking, selective measurement, and similar methods of general observation of the Work based on ENGINEER's exercise of professional judgment. Based on information obtained during such visits and such observations, ENGINEER will evaluate whether Contractor's work is generally proceeding in accordance with the Contract Documents, and ENGINEER will keep CLIENT informed of the general progress of the Work.
- 9) The purpose of ENGINEER's site visits will be to enable ENGINEER to better carry out the duties and responsibilities specifically assigned in this Agreement to ENGINEER, and to provide CLIENT a greater degree of confidence that the completed Work will conform in general to the Contract Documents. ENGINEER shall not, during such visits or as a result of such observations of Contractor's work in progress, supervise, direct, or have control over Contractor's work, nor shall ENGINEER have authority over or responsibility for Contractor's means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction, for safety precautions and programs incident to Contractor's work, nor for any failure of Contractor to comply with laws and regulations applicable to Contractor's furnishing and performing the Work. Accordingly, ENGINEER neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform its work in accordance with the Contract Documents.
- 10) Coordination with CLIENT Observer or ENGINEER'S Resident Project Representative (RPR): The ENGINEER will coordinate with and review construction progress, daily observations, and daily reports of CLIENT observer and/or ENGINEER'S RPR.
- 11) Inspections and Tests: The ENGINEER may require special inspections or tests of Contractor's work as ENGINEER deems appropriate and may receive and review certificates of inspections within ENGINEER'S area of responsibility or of tests and approvals required by laws and regulations or the Contract Documents. ENGINEER'S review of such certificates will be for the purpose of determining that the results certified indicate compliance with the Contract Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Contract Documents. The ENGINEER shall be entitled to rely on the results of such tests and the facts being certified.
- 12) Recommendations with Respect to Defective Work: The ENGINEER will recommend to the CLIENT that Contractor's work be disapproved and rejected while it is in progress if, on the basis of ENGINEER'S

observations, ENGINEER believes that such work will not produce a completed Project that conforms generally to Contract Documents. CLIENT shall reject work observed by CLIENT'S inspector which could not be observed by ENGINEER.

- 13) Applications for Payment: The ENGINEER will receive and review applications for payment monthly and recommend amounts of payment to Contractor based on Client Inspector's or ENGINEER RPR's observations and accompanying supporting documentation. Such recommendations of payment will be in writing and will constitute ENGINEER's representation to CLIENT, based on Client's observations and ENGINEER'S review, that, to the best of ENGINEER's knowledge, information and belief, Contractor's work has progressed to the point indicated and that such work-in-progress is generally in accordance with the Contract Documents subject to any qualifications stated in the recommendation. In the case of unit price work, ENGINEER's recommendations of payment will include determinations of quantities and classifications of Contractor's work, based on observations and measurements of quantities provided with pay requests.
- 14) By recommending any payment, the ENGINEER shall not thereby be deemed to have represented that its observations to check Contractor's work have been exhaustive, extended to every aspect of Contractor's work in progress, or involved detailed inspections of the Work beyond the responsibilities specifically assigned to ENGINEER in this Agreement. It will also not impose responsibility on ENGINEER to make any examination to ascertain how or for what purposes Contractor has used the moneys paid on account of the Contract Price, nor to determine that title to any portion of the work in progress, materials, or equipment has passed to CLIENT free and clear of any liens, claims, security interests, or encumbrances, nor that there may not be other matters at issue between CLIENT and Contractor that might affect the amount that should be paid.
- 15) Evaluation of Substantial Completion: Promptly after notice from Contractor that it considers the entire Work ready for its intended use, in company with CLIENT and Contractor, the ENGINEER will conduct a site visit to determine if the Work is substantially complete. Work will be considered substantially complete following satisfactory completion of all items with the exception of those identified on a final punch list. If after considering any objections of CLIENT, ENGINEER considers the Work substantially complete, ENGINEER will notify CLIENT and Contractor.
- 16) Final Notice of Acceptability of the Work: The ENGINEER will conduct a final site visit to determine if the completed Work of Contractor is generally in accordance with the Contract Documents and the final punch list so that ENGINEER may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, ENGINEER shall also provide a notice that the Work is generally in accordance with the Contract Documents to the best of ENGINEER's knowledge, information, and belief based on the extent of its services and based upon information provided to ENGINEER upon which it is entitled to rely.
- 17) Construction Record Drawings: The ENGINEER will prepare construction record drawings based on red line (marked up) drawings provided by the Contractor and the Client's Inspector.
- 18) Close-out Documentation: The ENGINEER will collect and review Contractor's project close-out documentation and forward to the CLIENT.
- 19) Limitation of Responsibilities: The ENGINEER shall not be responsible for the acts or omissions of any Contractor, or of any of their subcontractors, suppliers, or of any other individual or entity performing or

furnishing the Work. The ENGINEER shall not have the authority or responsibility to stop the work of any Contractor.

#### **Task 80 – Construction Observation by RPR**

The ENGINEER will provide part time construction observation of the work through a RPR for a construction period assumed to consist of up to **90 calendar days** of active in-field construction. Periodic observation will be provided as deemed necessary for the engineer's certification.

- 1) The ENGINEER's RPR will attend the preconstruction conference and monthly progress meetings.
- 2) The ENGINEER's RPR will provide periodic observation to evaluate substantial compliance with plans, specifications, permits, and approved submittals and prepare field reports. Observation cost is based on an average of two (2) half-days visits per week during the 90-calendar day construction period.
- 3) The ENGINEER's RPR will field measure work quantities for review of pay estimate requests.
- 4) The ENGINEER's RPR will provide final observation of the work to evaluate compliance with plans, specifications, permits, and approved submittals.
- 5) The ENGINEER's RPR will review construction record drawings provided by the contractor.

#### **Assumptions and Clarifications**

- 1) CLIENT will provide THE ENGINEER with the original design documents, in an editable format.
- 2) The ENGINEER will be able to rely on the accuracy and completeness of the existing surveys, geotechnical reports, environmental studies, and design documents.
- 3) All necessary permits have been applied for and approved and delivered. CLIENT will deliver all permit documentation to the ENGINEER.
- 4) The CLIENT will provide a single point of contact representative who is responsible for operation of the water treatment plant during construction and coordinating information exchange.
- 5) Construction materials testing will be performed by others.
- 6) Regularly scheduled progress meetings are not anticipated due to short construction duration.
- 7) Analysis of construction delays or liquidated damage recommendations can be provided as Additional Services, if required.
- 8) If requested and as Additional Services, the ENGINEER can evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed during the bidding phase in accordance with the Contract Documents.
- 9) Written decisions regarding disagreements or claims between CLIENT and Contractor relating to the acceptability of Contractor's work or the interpretation of the requirements of the Contract Documents pertaining to the progress of Contractor's work can be provided as Additional Services, if desired. If so requested, ENGINEER shall be fair and not show partiality to CLIENT or Contractor and shall not be liable in connection with any decision rendered in good faith in such capacity.

**Additional Services** are those services not specifically included under the Basic Services of the Agreement.

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**SCHEDULE:**

Work schedule will progress as follows:

- Construction phase: 3 months

ENGINEER shall endeavor to complete work tasks in accordance with the above schedule. CLIENT acknowledges that certain aspects of the project, including regulatory review time and construction delays, are outside the ENGINEER'S direct control and may impact schedule significantly.

**COMPENSATION:**

ENGINEER will perform services described in Tasks 70 and 80 on a Time and Materials basis not to exceed \$44,700.00 without prior written notice. Labor and expenses on this task will be invoiced according to the ENGINEER's then-current Schedule of Rates. A copy of the current Schedule of Rates is attached.

Additional Services, if needed, will be completed on a time and materials or lump sum basis as agreed by both parties prior to commencement of Additional Services.

IN WITNESS WHEREOF, the CLIENT and the ENGINEER have executed this Amendment as of the date written below and under the laws of the State of North Carolina.

**CLIENT**

**ENGINEER**

By: \_\_\_\_\_

By: \_\_\_\_\_

Paul Shivers, P.E.

Title: Chairperson

Title: Vice President

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Address PO Box 995  
Burgaw, NC 28425

Address 3804 Park Avenue, Unit A  
Wilmington, NC 28403

Phone \_\_\_\_\_

Phone 910-313-1516



## Pender County Pender County Health Department Updates

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**TO:** Board of County Commissioners  
**FROM:** Carolyn Moser  
**DATE:** May 20, 2024  
**SUBJECT:** Pender County Health Department Updates

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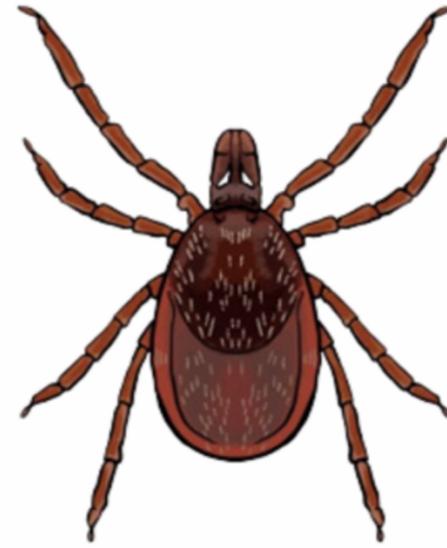
**SUMMARY:**  
Updates from the Pender County Health Department.

# PENDER COUNTY HEALTH DEPARTMENT — UPDATES —

May 21, 2024



# got ticks?



NC State entomology wants to understand what types of ticks people are pulling off of them. This request is part of a NC State citizen science project, and your participation is greatly appreciated! This project is FREE to all participants, and instructions are located inside of each tick kit.

## 4 Easy Steps



1. Grab a tick kit



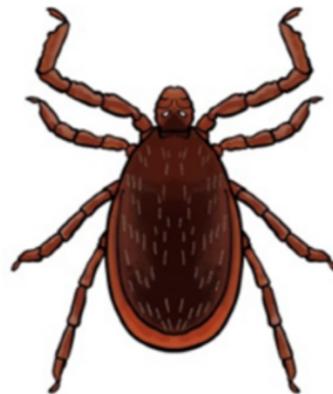
2. Put the tick in the tube



3. Fill out the short survey and sign back of exempt content form



4. Place the tube and survey into the return envelope, and mail it to us!



For questions and inquiries, contact:  
Ben Kane, REHS  
[bkane@pendercountync.gov](mailto:bkane@pendercountync.gov)  
Pender County Health Department  
(910) 259-1410



## **NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS (NACCHO)**

### **Hurricane Crisis Mentorship Program**

- **Focus on best practices on managing mosquitoes in disaster situations such as hurricanes and floods**
- **Connect with local, state and federal counterparts**
- **Pender County was matched with St. John's County, Florida (St. Augustine area), an established program. Visiting Pender 6/20/24**
- **Attend National Crisis Workshop: Managing Mosquitoes in Disaster Situations-Best Practices and Partnerships**
- **Develop a Pender County Disaster Preparedness Guide for Vector Control**

# Annual Opioid Settlement Community Meetings

- Each county receiving opioid settlement funds shall hold at least one annual meeting with all municipalities invited to receive input as to proposed uses of settlement funds and to encourage collaboration
- Meetings shall be open to the public

# PENDER COUNTY ANNUAL OPIOID SETTLEMENT COMMUNITY MEETINGS 2024

**Wednesday, May 29th  
6:00 P.M. - 7:00 P.M.**

**Hampstead Annex  
15060 US HWY 17  
Hampstead, NC**

**Thursday, May 30th  
6:00 P.M. - 7:00 P.M.**

**Pender County  
Health Department  
803 S. Walker St.  
Burgaw, NC**

# REGISTERED ENVIRONMENTAL HEALTH SPECIALISTS DEFENSE AND LIABILITY

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## G.S. 143-300.8

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- Environmental Health staff enforcing rules of the Commission for Public Health under the supervision authority of NC DHHS shall be defended by the Attorney General and shall be protected from liability on account of an act done or omission made in the scope of their official capacity.
- NC DHHS shall pay half of any judgement against local environmental health staff.
- The local health department employing the individual shall pay half of the judgement.

# **PENDER COUNTY HEALTH DEPARTMENT RECOGNIZED**

**2022 Community Health Assessment  
for exceeding the benchmarks set by  
the NC Local Health Department  
Accreditation Board.**

# Thank You!







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

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**TO:** Board of County Commissioners  
**FROM:** Taylor Davis  
**DATE:** May 20, 2024  
**SUBJECT:** REZONE 2023-59: Request to rezone approximately 2.37 acres of an approximately 5.65 acre parcel from the RA, Rural Agricultural zoning district to the CZ-5, Conditional Zoning District 5 in the Long Creek Township

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**SUMMARY:**

Rhetson Companies Inc., applicant, on behalf of Livvie R. Lewis, owner, is requesting the approval of a Conditional Zoning Map Amendment to rezone approximately 2.37 acres of a 5.65 acre tract from the RA, Rural Agricultural zoning district to the CZ-5, Conditional Zoning District 5. Specifically, the request is for a 12,480 square foot general retail store classified under NAICS 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 and is located in the Long Creek Township. The property may be further identified by Pender County PIN 3214-28-8318-0000.

**ACTION REQUESTED:**

Hold a public hearing and consider the proposal.

**ATTACHMENTS:**

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

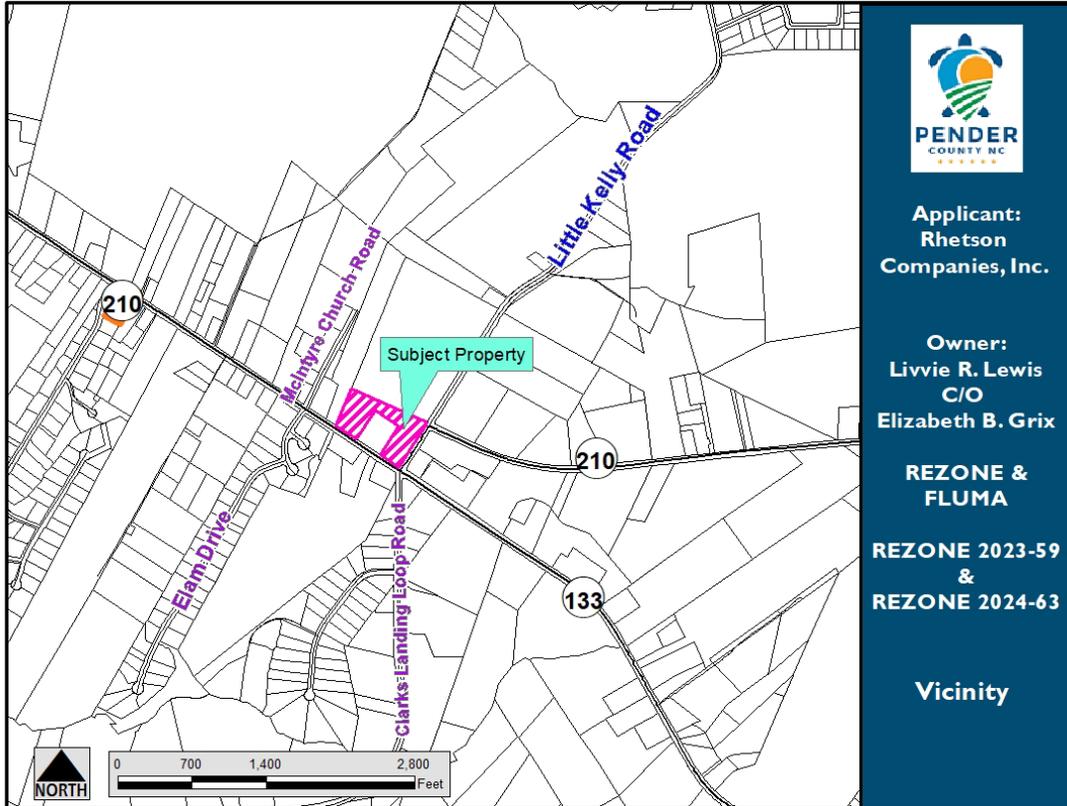
5. Attachment 2: Table of Permitted Uses
6. Attachment 3: Public Input Meeting Packet
7. Attachment 4: Survey

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

<b>APPLICATION SUMMARY</b>	
Case Number	REZONE 2023-59 & REZONE 2024-63 (FLUMA)
Hearing Dates	February 6, 2024 – Planning Board March 5, 2024 – Planning Board April 15, 2024 – Board of Commissioners May 20, 2024 – Board of Commissioners
Applicant	Rhetson Companies, Inc.
Property Owner	Livvie R. Lewis C/O Elizabeth B. Grix
Parcel Identification Number(s)	3214-28-8318-0000
Proposed Rezoning Area	Approximately 2.37 Acres
Township	Long Creek
Pender 2.0 Future Land Use Category	Medium Density Residential

<b>REZONING &amp; FLUMA PROPOSAL</b>
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 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.
<b>LOCATION</b>
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 and is located in the Long Creek Township. The property may be further identified by Pender County PIN 3214-28-8318-0000.

**Below: Vicinity Map of the Area**



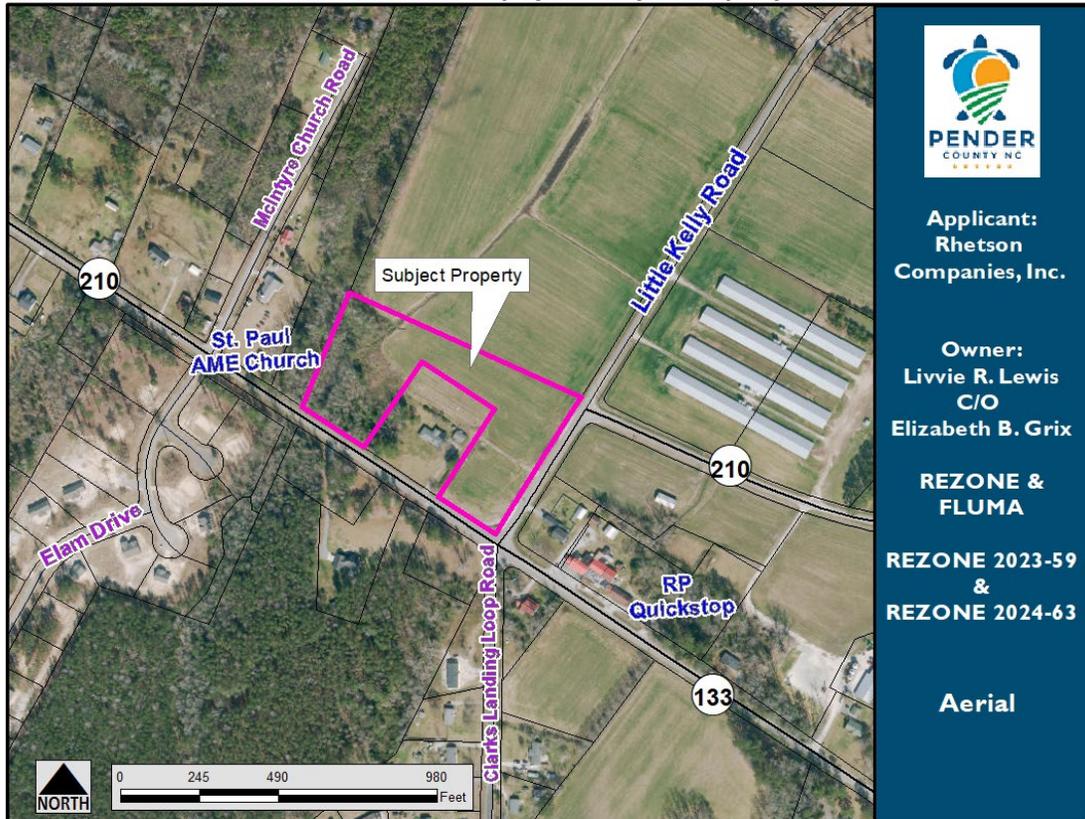
### REZONING & DEVELOPMENT PROPOSAL

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

The request is for a 12,480 square foot general retail store classified under NAICS code 452990, Other General Merchandise Stores. The entry point of the structure will face NC Highway 210 and be located at the southeastern corner of the parcel that sits at the intersection of NC Highway 210 and Little Kelly Road. The parcel is of unique shape whereby its configuration allows for an approximately 280-foot break in the center of its road frontage along NC Highway 210. It closely resembles a horseshoe in shape and partially surrounds an approximately 2.07-acre property containing one residential structure with an accessory building. Access to the development is proposed from NC Highway 210.

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

**Below: Aerial Map of the Subject Property**



***Intent of Conditional Zoning, Article 3.3.9.B***

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

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

**Dimensional Standards**

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

<b>Table 1: Proposed Commercial Dimensional Standards</b>	
Minimum Front Yard (NC Highway 210)	25'
Minimum Side Yard (Little Kelly Road)	12'
Minimum Side Yard (Adjoining Residential Boundary)	10'
Minimum Rear Yard (Property line abutting vacant RA)	10'
Maximum Building Height	25'

**Allowable Uses**

As shown on the site plan, the applicant is proposing a general commercial retail store classified under NAICS code 452990, Other General Merchandise Stores. This NAICS sector is comprised of industries with establishments primarily engaged in retailing new goods in general merchandise stores (except department stores, warehouse clubs, superstores, and supercenters). These establishments retail a general line of new merchandise, such as apparel, automotive parts, dry goods, hardware, groceries, housewares or home furnishings, and other lines in limited amounts, with none of the lines predominating.

**Landscaping and Buffers**

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

<b>Table 2: Proposed Buffers</b>	
Northern Boundary	B-1
Eastern Boundary (Little Kelly)	A-1
Southern Boundary (NC Highway 210)	A-1
Western Boundary	C-1

See buffer standards below from the Pender County UDO (Figure 1):

**Buffer A**

Buffer "A" This buffer is designed primarily for road frontage areas and should run parallel to the street to provide a continuous, aesthetically pleasing streetscape. The requirements for buffer "A" shall be met by any one of the following:

A-1) 15 foot wide strip with 3 canopy trees, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet (width may be reduced to 10' for existing developed lots that are subject to new buffer requirements), or

A-2) 20 foot wide strip with 3 canopy trees, 2 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 18 shrubs per 100 linear feet, or

A-3) 25 foot wide strip with 1 canopy tree, 2 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 21 shrubs per 100 linear feet, or

A-4) 30 foot wide strip with 1 canopy tree, 2 understory trees and either a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 32 shrubs per 100 linear feet.

**Buffer B**

Buffer "B" This buffer is a medium density planting area to be used primarily along non street boundary lines to provide spatial separation between similar types of uses. The requirements for buffer "B" shall be met by any one of the following:

B-1) 10 foot wide strip with 3 canopy trees, 4 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or

B-2) 15 foot wide strip with 3 canopy tree, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or

B-3) 20 foot wide strip with 1 canopy tree, 2 understory tree and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 15 shrubs per 100 linear feet, or

B-4) 25 foot wide strip with 0 canopy trees, 5 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 21 shrubs per 100 linear feet.

**Buffer C**

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

**Proposed Signs**

After discussion with staff and the Planning Board, the applicant has agreed to multiple conditions related to signs. Specifically, all signs must comply with Article 9.7 of the UDO, freestanding signs must be monument signs and not pylon signs, and signs shall be illuminated by uplighting only.

**Public Input Meeting**

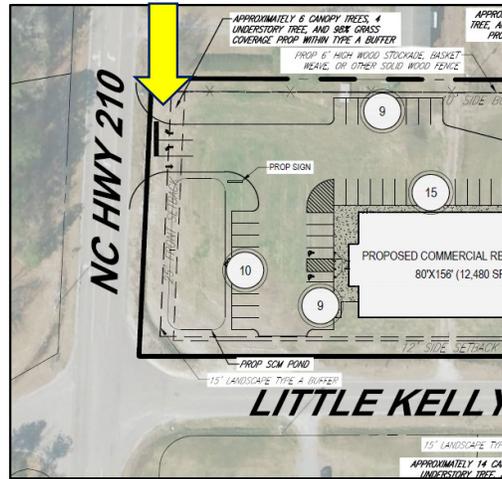
As required by Article 3.3.9 of the UDO, the applicant hosted a public input meeting located at Riley’s Creek Baptist Church on December 20<sup>th</sup> from 5:30-7:00pm. Notice of the meeting was mailed to all property owners within 500 feet of the subject parcel. As described in the applicant’s report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

**TRANSPORTATION INFRASTRUCTURE**

**Roadways and Access**

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

Figure 2: Site Entrance



**Traffic**

The UDO requires a Traffic Impact Analysis (TIA) to be completed when a development generates 100 trips in the morning or evening peak hours or over 1,000 trips per day. The proposed commercial retail use is not projected to generate enough traffic daily or during peak hours to require a TIA. Per NCDOT Average Daily Traffic calculations, NC Highway 210 between McIntyre Church Road and Little Kelly Road is experiencing 24% of its total available traffic capacity and the section of Little Kelly Road between NC Highway 210 and NC Highway 133 is experiencing 12% of its overall traffic capacity.

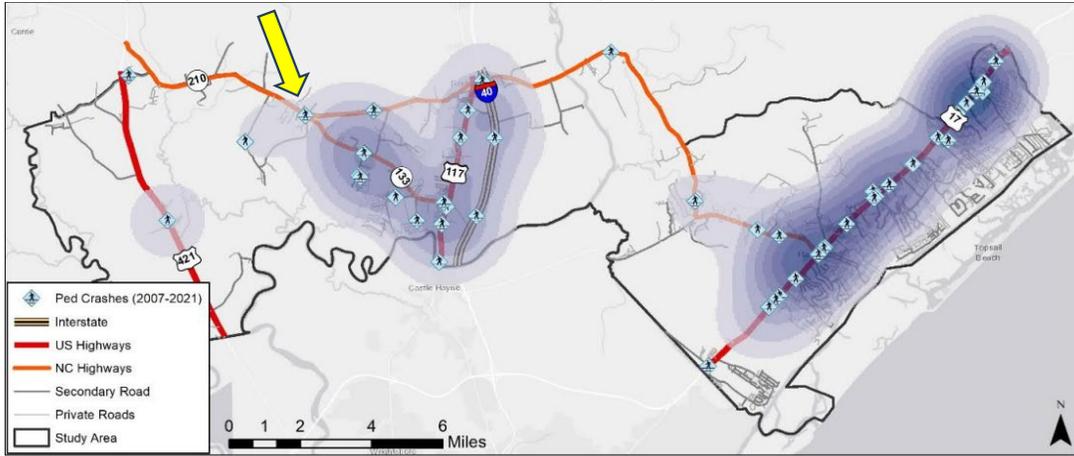
**NCDOT Annual Average Daily Traffic (AADT) – 2020; WMPO Roadway Capacities – 2020**

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

**Bicycle and Pedestrian Access**

The applicant has proposed including a 10-foot-wide easement dedicated for public use along the exterior portion of the subject property to be rezoned that fronts NC Highway 210 and Little Kelly Road. This easement is consistent with the dimensional requirements for the future construction of a multi-use path (MUP) as outlined in the recently adopted Pender County Bicycle and Pedestrian Plan. An MUP could increase needed pedestrian safety measures in this area. As shown in Figure 3 below, pedestrian crashes have already occurred near this intersection. Increases in pedestrian and bicycle traffic at this intersection can be reasonably expected with the addition of commercial development and increased vehicular and pedestrian trips. Staff is recommending this easement for an MUP be included as a condition of approval.

Figure 3: Pedestrian Crashes – Pender County Bicycle and Pedestrian Plan 2023



**OTHER INFRASTRUCTURE**

**Utilities**

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

**Stormwater**

Article 7.9 of the Pender County Unified Development Ordinance requires that stormwater infrastructure be built such that the post development runoff from the project be no more than ten (10) percent more than the pre-development runoff. Low-density projects are required to meet this standard for the 1 year 24-hour event, while high density projects shall meet this requirement for the 10- and 25-year return period events and be analyzed for the 50-year event. The applicant has proposed exceeding these standards by constructing a stormwater system which would accommodate a 10-, 25-, and 50-year event and be analyzed for a 100-year event.

Table 3: ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject property does not contain any Special Flood Hazard Areas. <sup>1</sup>
Wetlands	The subject property does not show characteristics of wetlands. <sup>2,3</sup>
Areas of Environmental Concern	The subject property does not contain any Areas of Environmental Concern (AEC). <sup>4</sup>

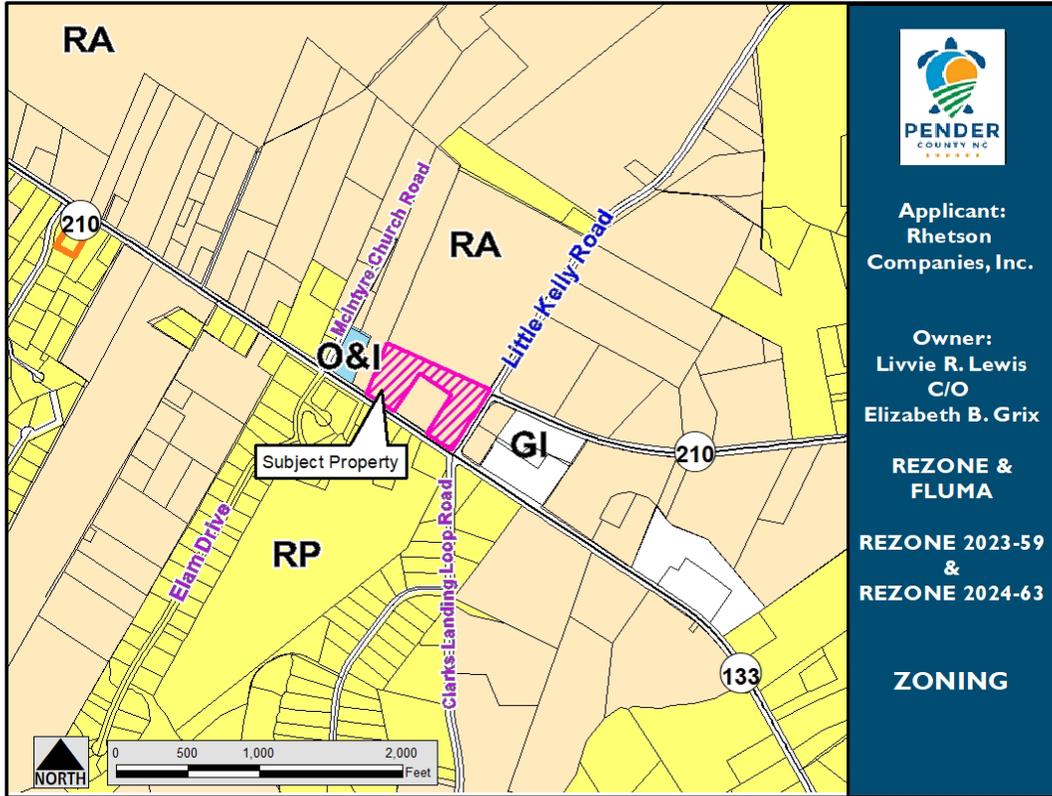
<sup>1</sup> According to the effective regulatory and preliminary Flood Insurance Rate Maps.

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

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

**EVALUATION**

*Below: Zoning Map of the Area*



**CHARACTERISTICS OF THE SURROUNDING AREA**

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

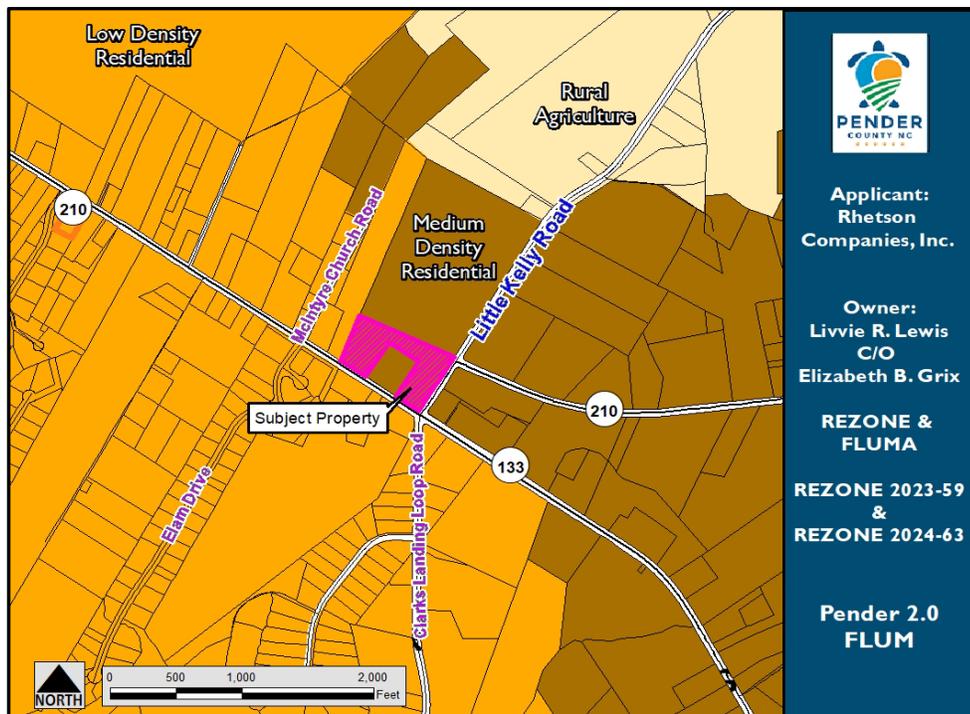
**Surrounding Zoning**

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

**Pender 2.0 Comprehensive Land Use Plan Compliance**

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

**Below: Future Land Use Map of the Area**



**Proposed Amendment to the Future Land Use Map**

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

***Medium Density Residential Overview – Current Future Land Use Category***

Medium Density Residential uses are vital to supporting Pender County’s growing population by strategically locating more dense residential development in areas that will not create conflicts with existing neighborhoods. These uses are in close proximity to supporting services and a mixture of development types and are generally found in the southern portion of the County. Appropriate uses include single-family residences, duplexes, townhomes, community recreation and open space uses, and neighborhood-scale institutional uses such as religious and civic organizations. Townhomes may be suitable when proposed as part of a master planned community whereby the dimensional requirements and uses forming the outer boundary of the community are compatible with the adjacent properties or permissible uses. Clustering of new residential communities is encouraged. Planned communities may also include well-integrated neighborhood-scale commercial and office uses. Industrial and manufacturing uses, and commercial and office uses not located within a planned community, are inappropriate. Development density within this category is three to six dwelling units an acre or less.

***Neighborhood Mixed Use Overview – Proposed Future Land Use Category***

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

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

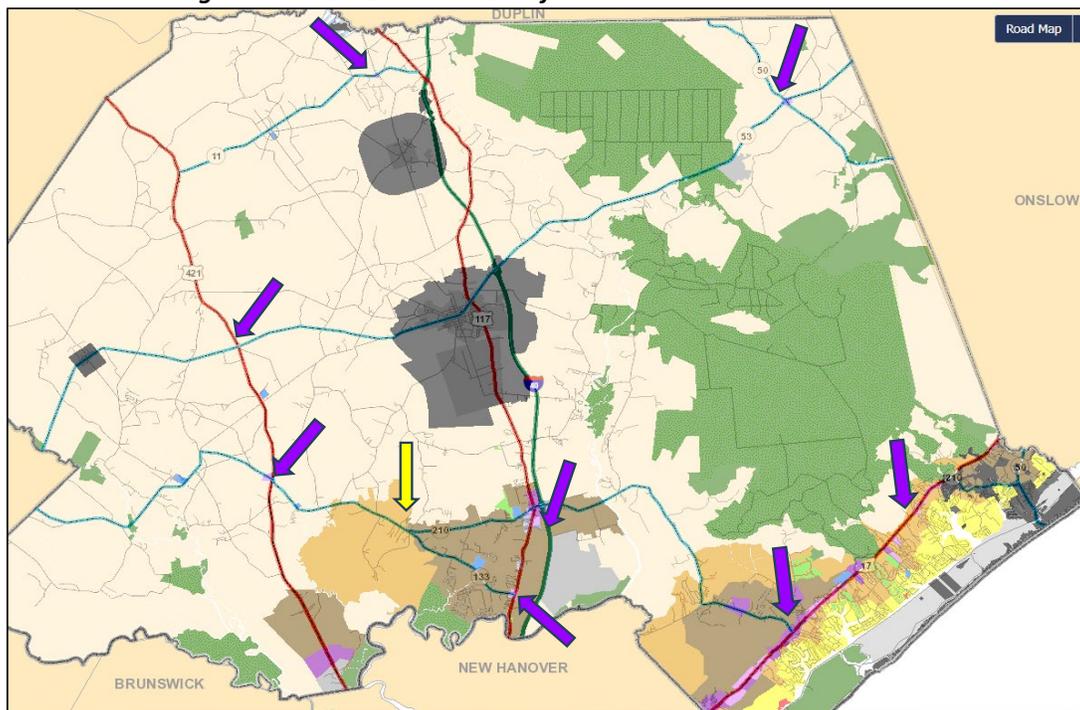
***Evaluation***

The proposal is not supported by the Medium Density Residential future land use category, which describes commercial uses that are not part of a master planned community as inappropriate. As noted in Figure 4 below, other similar intersections in the County, especially those where two highways meet, are designated as Neighborhood Mixed Use or Regional Mixed Use, and include commercial development. The proposed amendment to the FLUM brings this property into conformance with other similar intersections that support commercial uses that provide services to the predominantly residential uses nearby. Because this classification is typical of similar intersections, a reclassification of the property at the corner of NC Highway 210 and Little Kelly Road to Neighborhood Mixed Use would not be a deviation from the norm and would unify this intersection with other similar areas of the County. In this case, a reclassification to

Neighborhood Mixed Use could facilitate development in desired areas as sought after in the Comprehensive Plan.

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

**Figure 4: Future Land Use Classifications at Similar Intersections**



**Purple Arrow:** Similar Intersections Designated Neighborhood Mixed Use or zoned GB

**Yellow Arrow:** Subject Site

The proposal was also found to be consistent with at least five policies within the Pender 2.0 Comprehensive Land Use Plan:

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

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

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

**Policy 5.1.F: Conditional Zoning:** The County shall continue to use the conditional zoning process as a tool for encouraging desirable development outcomes.

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

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

### **3.3.9.B.3 Approval Criteria for Conditional Rezoning**

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

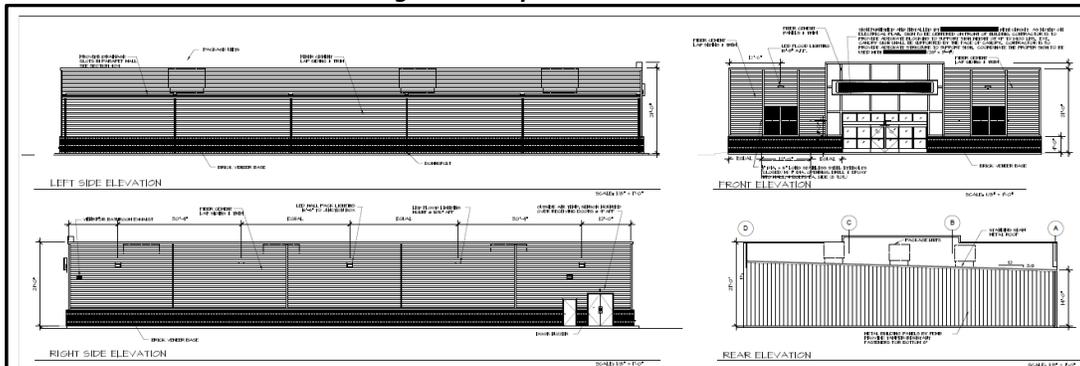
- A. The Approval Criteria for a Rezoning (Section 3.3.5).
- B. That the application meets the intent of a conditional rezoning, per this subsection.
- C. That the contents of the application are complete, sufficient, and recorded appropriately either as conditions of approval or on the associated site plan or preliminary plat, and that the appropriate procedures have been followed.
- D. The potential impacts and/or benefits on the surrounding area and adjoining properties.
- E. The report of results from the public input meeting.
- F. That sufficient guarantee is in place or can be made that any off-site impacts generated by the proposed project shall be mitigated appropriately at the time the need for the mitigating action is generated.

## RECOMMENDATION

Planning staff is submitting the proposed Conditional Zoning Map and Future Land Use Map Amendments to the Board of Commissioners for disposition. The proposal is supported by five policies within the Pender 2.0 Comprehensive Land Use Plan. Based on the information outlined in this report, staff is recommending approval of the proposed Conditional Zoning Map and Future Land Use Map Amendments.

This case was first heard by the Planning Board at their February 6 meeting, where they tabled the proposal so that staff could work with the applicant to address several issues brought up while the case was being presented. The Planning Board expressed concern with the types of uses that would be allowed on site, the design standards of the proposed structure, the hours of operation, exterior lighting, and the types of signs that were proposed. In response to these concerns, the applicant agreed to additional conditions of approval that narrowed the allowable uses of the site, established architectural standards for the proposed structure that include fiber cement lap siding on the front and side facades (see elevations below), reduced the hours of operation to 8AM to 9PM, minimized light pollution on adjacent properties, and only monument signs will be used as freestanding signs. At their March 5 meeting, the Planning Board voted (3-2) to recommend approval of the proposed Conditional Zoning Map and Future Land Use Map Amendments.

**Figure 5: Proposed Elevations**



## PROPOSED CONDITIONS OF APPROVAL

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

and County Commission find appropriate or the petitioner may propose. The following conditions have been proposed by staff:

1. The project shall comply with all requirements of the Pender County Unified Development Ordinance.
2. The project shall meet all other local, state, and federal regulations.
3. The project shall be designed such that the post development runoff from the project be no more than ten (10) percent more than the pre-development runoff for the 10-, 25-, and 50-year event and be analyzed for the 100-year event.
4. Dedicate a 10-foot-wide easement adjacent to the right-of-way along the site boundary adjacent to Little Kelly Road and NC Highway 210 for the development of a multi-use path. This easement shall be dedicated for public use.
5. Fencing along the C Buffer shall be at least 7 feet tall, measured from the grade of the parking lot.
6. Hours of operation shall be limited to 8AM to 9PM.
7. The buildings' front and side facades shall utilize fiber cement lap siding and trim materials with a four-foot stacked brick veneer wainscoting base. The entrance wall shall be broken up by approximately 64 square feet of louvered shutters on either side of the entrance doorway.
8. Monument signs shall be the only permitted free standing signs.
9. All exterior lighting shall be DarkSky compliant and shall not cast direct light beyond the property lines.
10. No sign shall be illuminated other than by uplighting and shall be lit during posted store operation hours only. No light emitted by or for a sign shall cross property lines and shall be shielded.
11. All signs shall comply with the standards set forth in Article 9 of the UDO.
12. Project elements such as mechanical equipment, storage areas, solid waste containers and handling areas shall be screened with materials similar to the structure and/or shall be located so as to not be visible from public streets.

**BOARD OF COMMISSIONERS ACTION NEEDED:**

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

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

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

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

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

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

Motion to deny the Conditional Zoning Map Amendment and to make a finding of denial because the proposal is inconsistent with the Future Land Use Map within the Pender 2.0 Comprehensive Land Use Plan. Said denial is reasonable and in the public interest and does not further the goals of the Pender 2.0 Comprehensive Land Use Plan because [INSERT REASONING]...

**PLANNING BOARD ACTION FOR FUTURE LAND USE MAP AMENDMENT**

MOTION TO APPROVE	SECONDED
Buchanan	Pitts

APPROVED	DENIED	UNANIMOUS
Yes		No

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey
No	Yes	Absent	Yes	Absent	Yes	No

**PLANNING BOARD ACTION FOR CONDITIONAL ZONING MAP AMENDMENT**

MOTION TO APPROVE	SECONDED
Pitts	Buchanan

APPROVED	DENIED	UNANIMOUS
Yes		No

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey
No	Yes	Absent	Yes	Absent	Yes	No

**REZONE 2023-59**  
**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](http://www.pendercountync.gov)

### Conditional Zoning Map Amendment Submission (Conditional Rezoning)

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

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

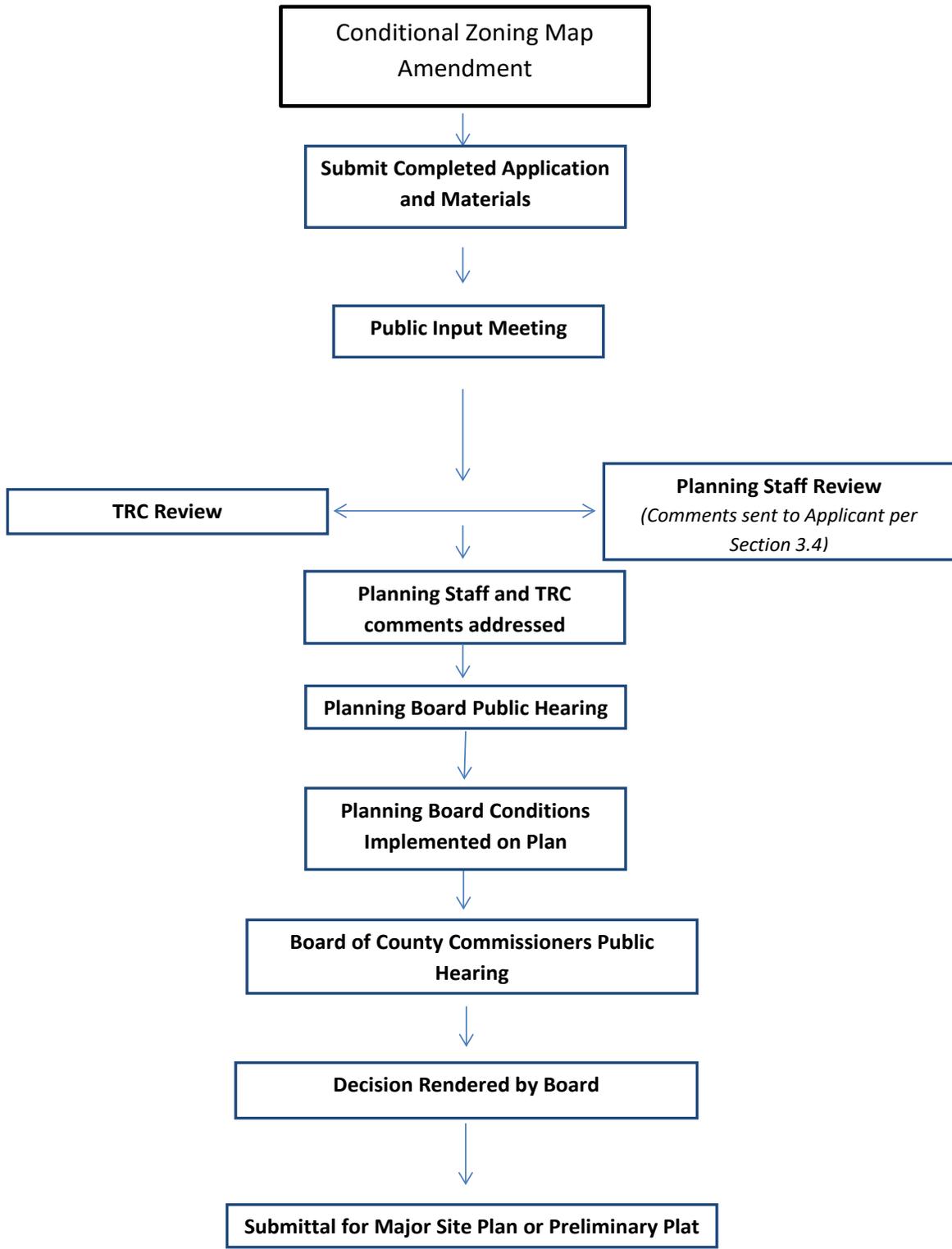
I certify that all information presented in this application is accurate to the best of my knowledge.

Signature of Applicant *Jamie S. Encinosa*

Date 10-31-23

Printed Name Jamie S. Encinosa

Staff Initials:	
Date:	



# Pender County Planning and Community Development

## Planning Division

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



Phone: 910-259-1202  
Fax: 910-259-1295  
[www.pendercountync.gov](http://www.pendercountync.gov)

## **CONDITIONAL REZONING**

### **Intent**

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

### **Application**

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

### **Public Input Meeting**

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

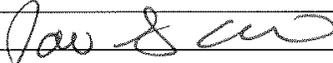
1. The report for the public hearing will include a summary of the public input meeting.
2. The applicant shall mail a notice for the public input meeting to adjoining property owners not less than ten (10) days prior to the scheduled meeting.
3. The notice shall include the time, date and location of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

### **Review**

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

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

## APPLICATION FOR CONDITIONAL REZONING

THIS SECTION FOR OFFICE USE			
Application No.	ZMA-CD REZONE 2023-59	Date	11.7.23
Application Fee	\$ 500	Invoice Number:	00036803
Pre-Application Conference		Hearing Date	TRC 12.7.23
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Rhetson Companies, Inc.	Owner's Name:	Livvie R. Lewis C/O Elizabeth B. Grix
Applicant's Address:	2075 Juniper Lake Road	Owner's Address:	3828 Echo Farms Blvd
City, State, & Zip	West End, NC, 28412	City, State, & Zip	Wilmington, NC, 28412
Phone Number:	910-944-0881	Phone Number:	910-512-4201
Email Address:	permits@rhetson.com	Email Address:	Bettyann1@ec.rr.com
Legal relationship of applicant to landowner:	Applicant under contract to purchase property		
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3214-28-8318-0000	Total property acreage:	5.65 acres
Current Zoning District:	Rural Agricultural	Proposed Zoning District:	General Business
Project Address or Location:	NC HWY 210 E, Wilmington, NC, 28412		
<b>Proposed Uses to be Considered (Include NAICS Code):</b>			
Single Tenant Commercial Retail Store      NAICS Code: 44-45 (Retail Trade)			
<b>Proposed Uses to be Eliminated from Consideration (Include NAICS Code):</b>			
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	Oct 31, 2023
Applicant's Name Printed	Jamie S. Encliosa (Chief Operating Officer; Rhetson Companies, Inc.)	Date:	
Owner's Signature		Date:	Oct 29, 2023
Owner's Name Printed	Livvie R. Lewis C/O Elizabeth B. Grix	Date:	
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> <li>1. Applicant must also submit the information described on the Rezoning Checklist.</li> <li>2. Applicant or agent authorized in writing must attend the public hearing.</li> <li>3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing.</li> <li>4. All fees are non-refundable</li> <li>5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda</li> </ol>			

## Conditional (Zoning Map) Amendment Checklist

<input type="checkbox"/>	Signed application form
<input type="checkbox"/>	Application fee
<input type="checkbox"/>	A list of names and addresses, as obtained from the county tax listings & tax abstract, all adjacent property owners, including property owners directly across any road or road easement, & owners of the property under consideration for rezoning.
<input type="checkbox"/>	Two (2) business size envelopes legibly addressed with <b>first class</b> postage for each of the adjacent and abutting property owners on the above list.
<input type="checkbox"/>	Accurate legal description or a map drawn to scale showing the property boundaries that are to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.
<input type="checkbox"/>	12 (11"x17") map copies to be distributed to the Planning Board
<input type="checkbox"/>	20 (11"x17") map copies to be distributed to the Board of Commissioners
<input type="checkbox"/>	Digital (.pdf) submission of all application materials
<input type="checkbox"/>	Public Input Meeting Report (Section 3.4.3 or see Public Input Meeting on the first page of this application)
<input type="checkbox"/>	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.
<input type="checkbox"/>	All applications which specify an intended use must include a generalized site development plan drawn to a suitable scale, supporting information and text which specifies the use or uses intended for the property and any development standards to be approved concurrently with the rezoning application
<input type="checkbox"/>	A generalized site development plan shall include the following items: <ul style="list-style-type: none"> <li><input type="checkbox"/> A vicinity map drawn to a suitable scale which illustrates adjacent or nearby roadways, railroads, waterways &amp; public facilities.</li> <li><input type="checkbox"/> A (metes and bounds) boundary of the parcel or portion of the parcel to be rezoned and developed.</li> <li><input type="checkbox"/> All existing easements, reservations and rights of way.</li> <li><input type="checkbox"/> Delineation of all Areas of Environmental Concern including but not limited to federal jurisdictional wetlands.</li> <li><input type="checkbox"/> For residential uses, the number of units, heights and a generalized location. For non-residential uses, the height, approximate footprint and location of all structures.</li> <li><input type="checkbox"/> If a known use is proposed: Traffic impact report, parking and circulation plans illustrating dimensions, intersections and typical cross sections.</li> <li><input type="checkbox"/> All proposed setbacks, buffers, screening and landscaping.</li> <li><input type="checkbox"/> Phasing.</li> <li><input type="checkbox"/> Signage.</li> <li><input type="checkbox"/> Outdoor lighting.</li> <li><input type="checkbox"/> Current zoning district designation and current land use status.</li> <li><input type="checkbox"/> Other information deemed necessary by the Administrator, Planning Board, or Board of Commissioners, including but not limited to a Traffic Impact Analysis or other report from a subject matter expert.</li> </ul>

### Office Use Only

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

## Conditional Rezoning Standards Checklist

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

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

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

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

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

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

# **REZONE 2023-59**

## **Narrative**



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

**Narrative**

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

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

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

# **ATTACHMENT 1**

## **Site Plan**



# **ATTACHMENT 2**

## **Table of Permitted Uses**

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

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

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

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

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

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

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

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

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

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

**5.3 USES WITH STANDARDS**

**5.3.1 General**

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

**ATTACHMENT 3**  
**Public Input Meeting Packet**



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

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

December 5, 2023

Dear Rocky Point Area Property Owner:

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

Meeting Date: December 20, 2023

Meeting Time: 5:30 pm – 7:00 pm

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

Type of Application: Conditional Rezoning Application

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

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

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

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

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

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

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

Sincerely,

Bohler Engineering

Cc: Pender County Planning and Community Development

[www.BohlerEngineering.com](http://www.BohlerEngineering.com)

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

18130 NC HWY 210, ROCKY POINT, NC

### Public Input Meeting Sign-In Sheet

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

## Public Input Meeting Sign-In Sheet

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

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



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

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

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

### Summary

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

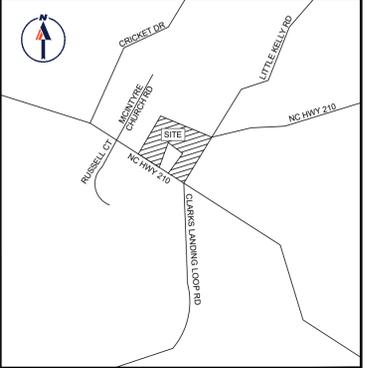
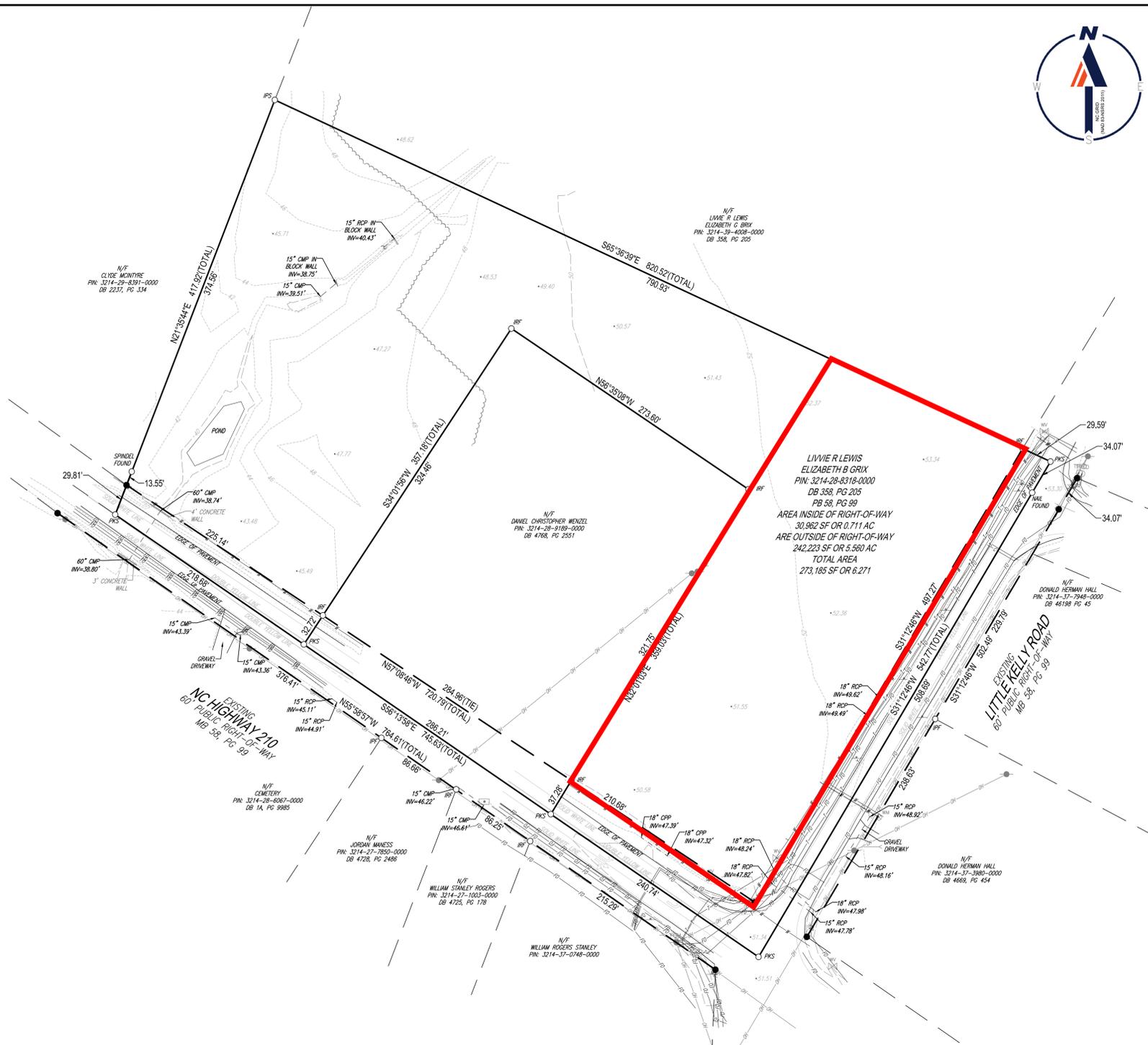
- Concerns with what community **ASSUMES** is a dollar store type retail.
- No commercial development of any kind: Concerns with disturbing their "country" living
- Intersection/traffic with store at intersection of 210 and Little Kelley
- Drainage
- Lighting
- Landscaping

# **ATTACHMENT 4**

## **Survey**

NOTES

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



VICINITY MAP  
NOT TO SCALE

- REFERENCES:
- DB 358, PG 205
  - DB 478, PG 255
  - DB 2237, PG 334
  - BM 58, PG 99
  - PB 26, PG 40

SURVEYOR CERTIFICATION

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

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

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

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

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

PRELIMINARY - NOT FOR RECORDATION,  
SALES OR CONVEYANCES

SURVEYOR NC L-3920

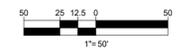


PRELIMINARY - NOT FOR RECORDATION,  
SALES OR CONVEYANCES

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LEGEND

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



TO:

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

PRELIMINARY - NOT FOR RECORDATION,  
SALES OR CONVEYANCES

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

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

DATE

ALTA/NSPS LAND TITLE SURVEY  
FOR  
**RHETSON COMPANIES, INC.**  
PIN: 3214-28-8318-0000  
DB 2478, PG 48  
PB 58, PG 99  
TOWN OF ROCKY POINT  
LONG CREEK TOWNSHIP  
PENDER COUNTY, NORTH CAROLINA

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

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

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



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

---

**TO:** Board of County Commissioners  
**FROM:** Taylor Davis  
**DATE:** May 20, 2024  
**SUBJECT:** REZONE 2024-63: Request to reclassify 2.37 acres of a 5.65 acre parcel from the Medium Density Residential future land use category to the Neighborhood Mixed Use future land use category in the Long Creek Township

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**SUMMARY:**

Rhetson Companies Inc., applicant, on behalf of Livvie R. Lewis, owner, is requesting the approval of a Conditional Zoning Map Amendment to rezone approximately 2.37 acres of a 5.65 acre tract from the RA, Rural Agricultural zoning district to the CZ-5, Conditional Zoning District 5. Specifically, the request is for a 12,480 square foot general retail store classified under NAICS 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 and is located in the Long Creek Township. The property may be further identified by Pender County PIN 3214-28-8318-0000.

**ACTION REQUESTED:**

Hold a public hearing and consider the proposal.

**ATTACHMENTS:**

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

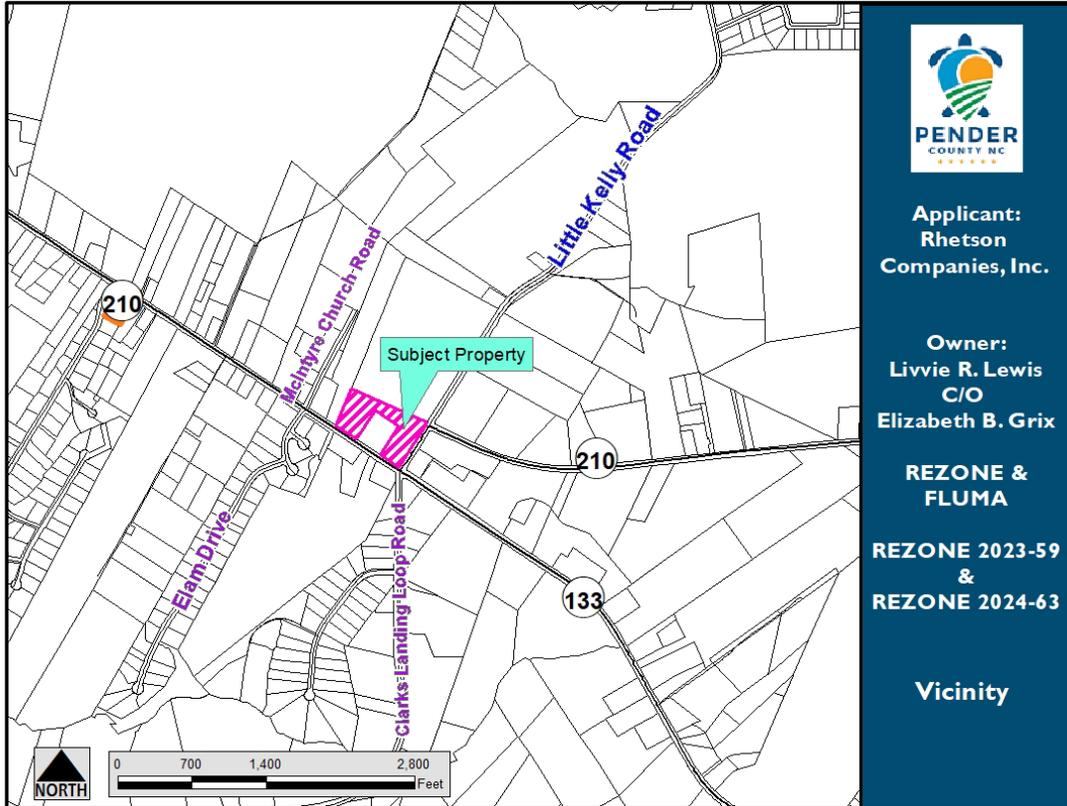
5. Attachment 2: Table of Permitted Uses
6. Attachment 3: Public Input Meeting Packet
7. Attachment 4: Survey

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

<b>APPLICATION SUMMARY</b>	
Case Number	REZONE 2023-59 & REZONE 2024-63 (FLUMA)
Hearing Dates	February 6, 2024 – Planning Board March 5, 2024 – Planning Board April 15, 2024 – Board of Commissioners May 20, 2024 – Board of Commissioners
Applicant	Rhetson Companies, Inc.
Property Owner	Livvie R. Lewis C/O Elizabeth B. Grix
Parcel Identification Number(s)	3214-28-8318-0000
Proposed Rezoning Area	Approximately 2.37 Acres
Township	Long Creek
Pender 2.0 Future Land Use Category	Medium Density Residential

<b>REZONING &amp; FLUMA PROPOSAL</b>
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 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.
<b>LOCATION</b>
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 and is located in the Long Creek Township. The property may be further identified by Pender County PIN 3214-28-8318-0000.

Below: Vicinity Map of the Area



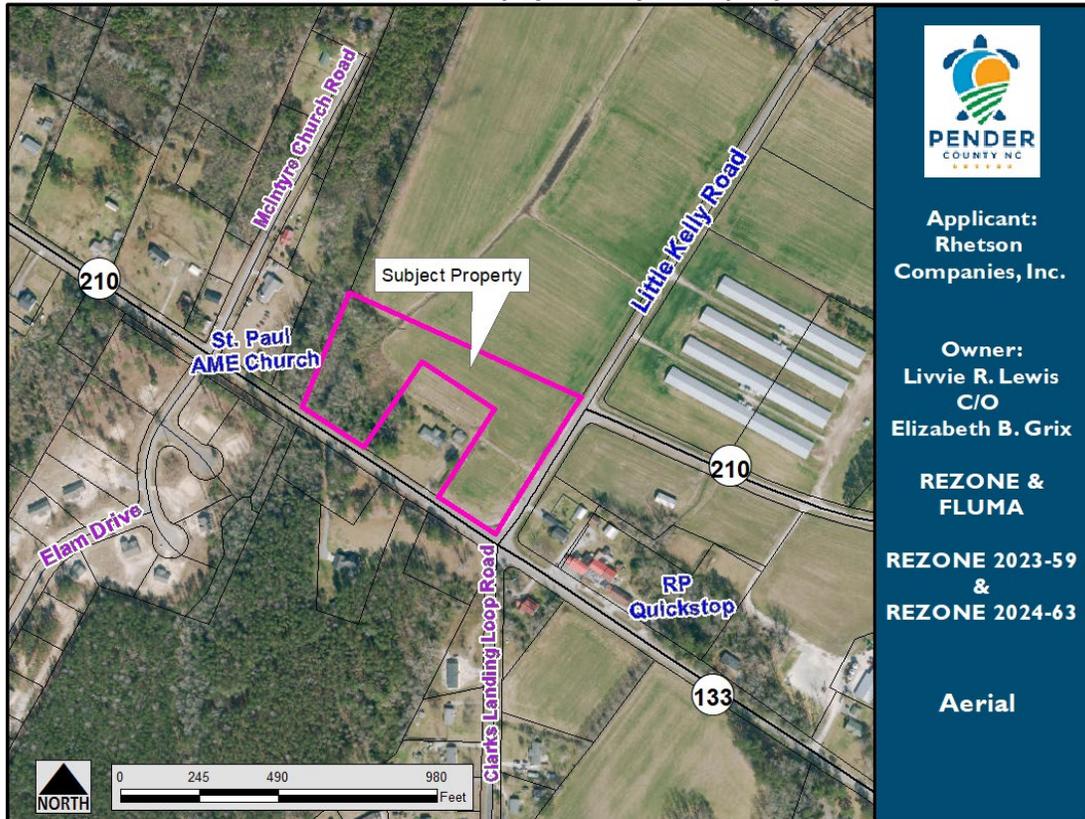
### REZONING & DEVELOPMENT PROPOSAL

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

The request is for a 12,480 square foot general retail store classified under NAICS code 452990, Other General Merchandise Stores. The entry point of the structure will face NC Highway 210 and be located at the southeastern corner of the parcel that sits at the intersection of NC Highway 210 and Little Kelly Road. The parcel is of unique shape whereby its configuration allows for an approximately 280-foot break in the center of its road frontage along NC Highway 210. It closely resembles a horseshoe in shape and partially surrounds an approximately 2.07-acre property containing one residential structure with an accessory building. Access to the development is proposed from NC Highway 210.

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

**Below: Aerial Map of the Subject Property**



**Intent of Conditional Zoning, Article 3.3.9.B**

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

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

**Dimensional Standards**

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

<b>Table 1: Proposed Commercial Dimensional Standards</b>	
Minimum Front Yard (NC Highway 210)	25'
Minimum Side Yard (Little Kelly Road)	12'
Minimum Side Yard (Adjoining Residential Boundary)	10'
Minimum Rear Yard (Property line abutting vacant RA)	10'
Maximum Building Height	25'

**Allowable Uses**

As shown on the site plan, the applicant is proposing a general commercial retail store classified under NAICS code 452990, Other General Merchandise Stores. This NAICS sector is comprised of industries with establishments primarily engaged in retailing new goods in general merchandise stores (except department stores, warehouse clubs, superstores, and supercenters). These establishments retail a general line of new merchandise, such as apparel, automotive parts, dry goods, hardware, groceries, housewares or home furnishings, and other lines in limited amounts, with none of the lines predominating.

**Landscaping and Buffers**

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

<b>Table 2: Proposed Buffers</b>	
Northern Boundary	B-1
Eastern Boundary (Little Kelly)	A-1
Southern Boundary (NC Highway 210)	A-1
Western Boundary	C-1

See buffer standards below from the Pender County UDO (Figure 1):

**Buffer A**

Buffer "A" This buffer is designed primarily for road frontage areas and should run parallel to the street to provide a continuous, aesthetically pleasing streetscape. The requirements for buffer "A" shall be met by any one of the following:

A-1) 15 foot wide strip with 3 canopy trees, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet (width may be reduced to 10' for existing developed lots that are subject to new buffer requirements), or

A-2) 20 foot wide strip with 3 canopy trees, 2 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 18 shrubs per 100 linear feet, or

A-3) 25 foot wide strip with 1 canopy tree, 2 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 21 shrubs per 100 linear feet, or

A-4) 30 foot wide strip with 1 canopy tree, 2 understory trees and either a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 32 shrubs per 100 linear feet.

**Buffer B**

Buffer "B" This buffer is a medium density planting area to be used primarily along non street boundary lines to provide spatial separation between similar types of uses. The requirements for buffer "B" shall be met by any one of the following:

B-1) 10 foot wide strip with 3 canopy trees, 4 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or

B-2) 15 foot wide strip with 3 canopy tree, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or

B-3) 20 foot wide strip with 1 canopy tree, 2 understory tree and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 15 shrubs per 100 linear feet, or

B-4) 25 foot wide strip with 0 canopy trees, 5 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 21 shrubs per 100 linear feet.

**Buffer C**

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

**Proposed Signs**

After discussion with staff and the Planning Board, the applicant has agreed to multiple conditions related to signs. Specifically, all signs must comply with Article 9.7 of the UDO, freestanding signs must be monument signs and not pylon signs, and signs shall be illuminated by uplighting only.

**Public Input Meeting**

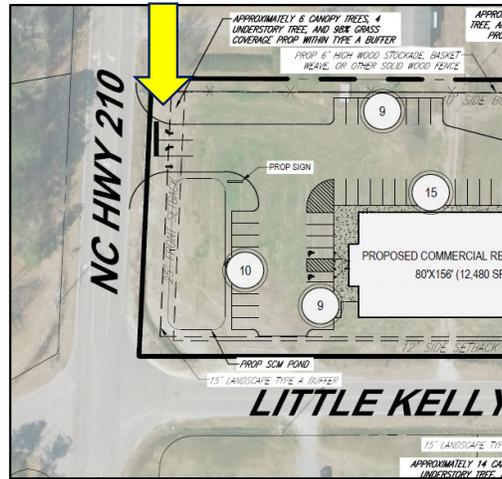
As required by Article 3.3.9 of the UDO, the applicant hosted a public input meeting located at Riley’s Creek Baptist Church on December 20<sup>th</sup> from 5:30-7:00pm. Notice of the meeting was mailed to all property owners within 500 feet of the subject parcel. As described in the applicant’s report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

**TRANSPORTATION INFRASTRUCTURE**

**Roadways and Access**

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

Figure 2: Site Entrance



**Traffic**

The UDO requires a Traffic Impact Analysis (TIA) to be completed when a development generates 100 trips in the morning or evening peak hours or over 1,000 trips per day. The proposed commercial retail use is not projected to generate enough traffic daily or during peak hours to require a TIA. Per NCDOT Average Daily Traffic calculations, NC Highway 210 between McIntyre Church Road and Little Kelly Road is experiencing 24% of its total available traffic capacity and the section of Little Kelly Road between NC Highway 210 and NC Highway 133 is experiencing 12% of its overall traffic capacity.

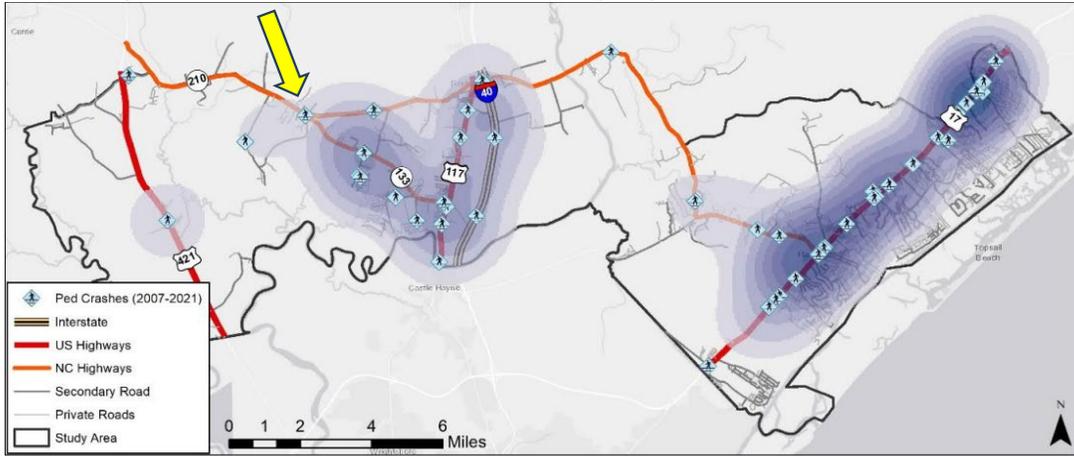
**NCDOT Annual Average Daily Traffic (AADT) – 2020; WMPO Roadway Capacities – 2020**

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

**Bicycle and Pedestrian Access**

The applicant has proposed including a 10-foot-wide easement dedicated for public use along the exterior portion of the subject property to be rezoned that fronts NC Highway 210 and Little Kelly Road. This easement is consistent with the dimensional requirements for the future construction of a multi-use path (MUP) as outlined in the recently adopted Pender County Bicycle and Pedestrian Plan. An MUP could increase needed pedestrian safety measures in this area. As shown in Figure 3 below, pedestrian crashes have already occurred near this intersection. Increases in pedestrian and bicycle traffic at this intersection can be reasonably expected with the addition of commercial development and increased vehicular and pedestrian trips. Staff is recommending this easement for an MUP be included as a condition of approval.

Figure 3: Pedestrian Crashes – Pender County Bicycle and Pedestrian Plan 2023



**OTHER INFRASTRUCTURE**

**Utilities**

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

**Stormwater**

Article 7.9 of the Pender County Unified Development Ordinance requires that stormwater infrastructure be built such that the post development runoff from the project be no more than ten (10) percent more than the pre-development runoff. Low-density projects are required to meet this standard for the 1 year 24-hour event, while high density projects shall meet this requirement for the 10- and 25-year return period events and be analyzed for the 50-year event. The applicant has proposed exceeding these standards by constructing a stormwater system which would accommodate a 10-, 25-, and 50-year event and be analyzed for a 100-year event.

Table 3: ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject property does not contain any Special Flood Hazard Areas. <sup>1</sup>
Wetlands	The subject property does not show characteristics of wetlands. <sup>2,3</sup>
Areas of Environmental Concern	The subject property does not contain any Areas of Environmental Concern (AEC). <sup>4</sup>

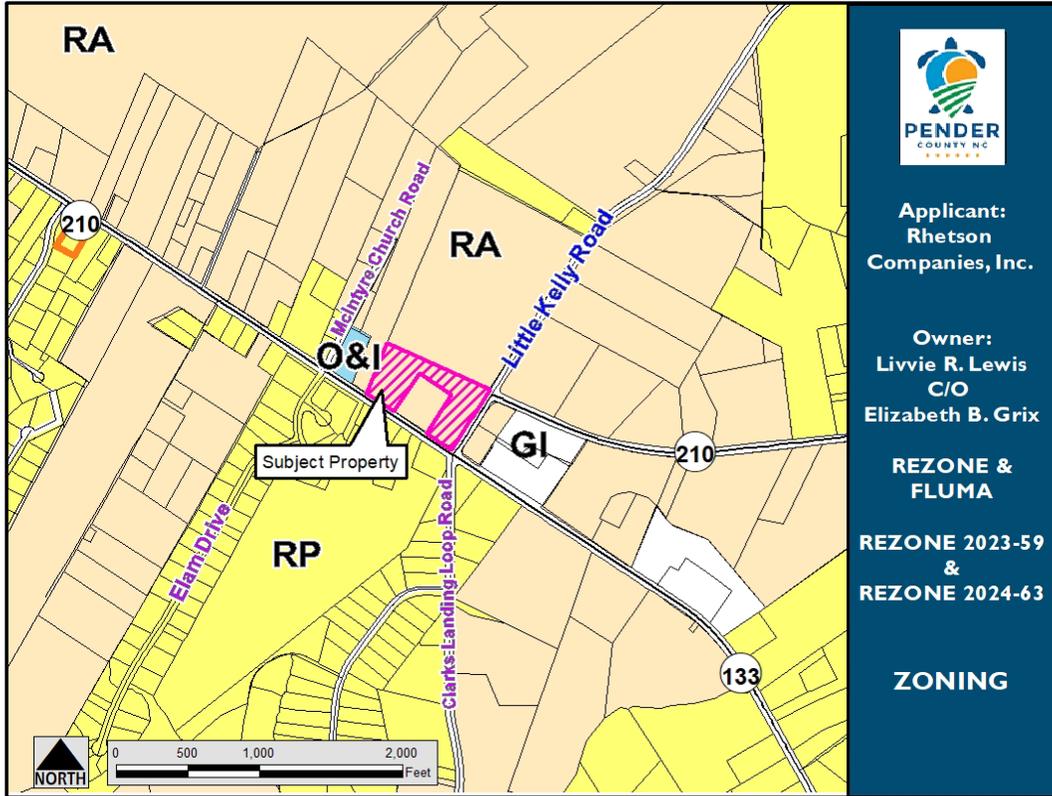
<sup>1</sup> According to the effective regulatory and preliminary Flood Insurance Rate Maps.

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

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

**EVALUATION**

*Below: Zoning Map of the Area*



**CHARACTERISTICS OF THE SURROUNDING AREA**

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

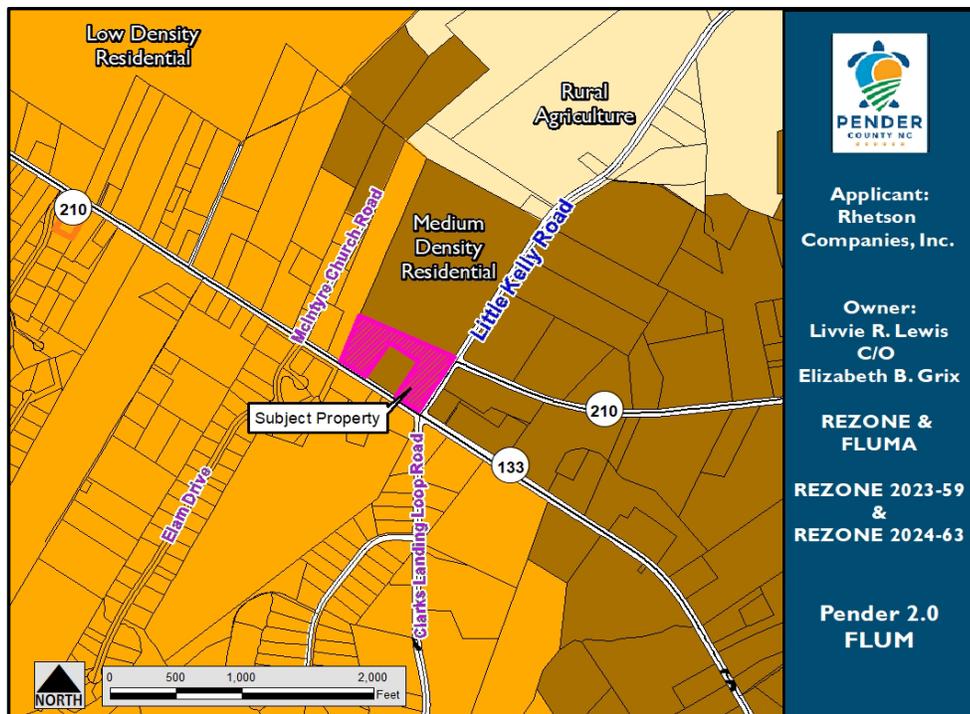
**Surrounding Zoning**

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

**Pender 2.0 Comprehensive Land Use Plan Compliance**

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

**Below: Future Land Use Map of the Area**



**Proposed Amendment to the Future Land Use Map**

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

**Medium Density Residential Overview – Current Future Land Use Category**

Medium Density Residential uses are vital to supporting Pender County’s growing population by strategically locating more dense residential development in areas that will not create conflicts with existing neighborhoods. These uses are in close proximity to supporting services and a mixture of development types and are generally found in the southern portion of the County. Appropriate uses include single-family residences, duplexes, townhomes, community recreation and open space uses, and neighborhood-scale institutional uses such as religious and civic organizations. Townhomes may be suitable when proposed as part of a master planned community whereby the dimensional requirements and uses forming the outer boundary of the community are compatible with the adjacent properties or permissible uses. Clustering of new residential communities is encouraged. Planned communities may also include well-integrated neighborhood-scale commercial and office uses. Industrial and manufacturing uses, and commercial and office uses not located within a planned community, are inappropriate. Development density within this category is three to six dwelling units an acre or less.

**Neighborhood Mixed Use Overview – Proposed Future Land Use Category**

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

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

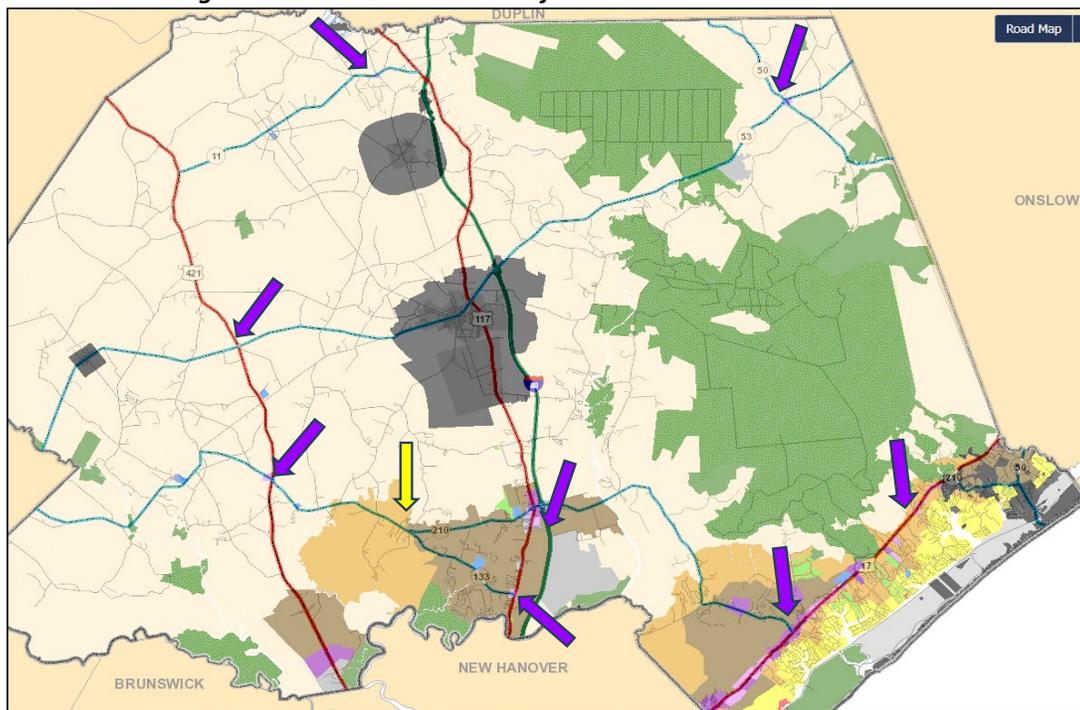
**Evaluation**

The proposal is not supported by the Medium Density Residential future land use category, which describes commercial uses that are not part of a master planned community as inappropriate. As noted in Figure 4 below, other similar intersections in the County, especially those where two highways meet, are designated as Neighborhood Mixed Use or Regional Mixed Use, and include commercial development. The proposed amendment to the FLUM brings this property into conformance with other similar intersections that support commercial uses that provide services to the predominantly residential uses nearby. Because this classification is typical of similar intersections, a reclassification of the property at the corner of NC Highway 210 and Little Kelly Road to Neighborhood Mixed Use would not be a deviation from the norm and would unify this intersection with other similar areas of the County. In this case, a reclassification to

Neighborhood Mixed Use could facilitate development in desired areas as sought after in the Comprehensive Plan.

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

**Figure 4: Future Land Use Classifications at Similar Intersections**



**Purple Arrow:** Similar Intersections Designated Neighborhood Mixed Use or zoned GB

**Yellow Arrow:** Subject Site

The proposal was also found to be consistent with at least five policies within the Pender 2.0 Comprehensive Land Use Plan:

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

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

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

**Policy 5.1.F: Conditional Zoning:** The County shall continue to use the conditional zoning process as a tool for encouraging desirable development outcomes.

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

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

### **3.3.9.B.3 Approval Criteria for Conditional Rezoning**

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

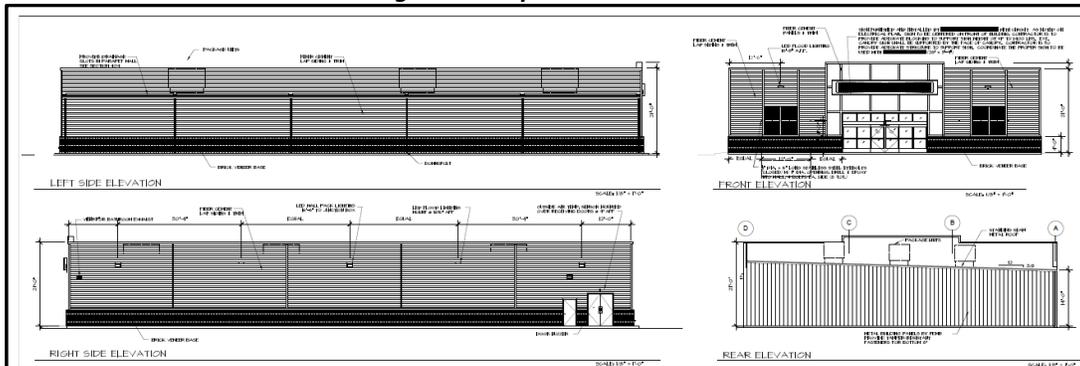
- A. The Approval Criteria for a Rezoning (Section 3.3.5).
- B. That the application meets the intent of a conditional rezoning, per this subsection.
- C. That the contents of the application are complete, sufficient, and recorded appropriately either as conditions of approval or on the associated site plan or preliminary plat, and that the appropriate procedures have been followed.
- D. The potential impacts and/or benefits on the surrounding area and adjoining properties.
- E. The report of results from the public input meeting.
- F. That sufficient guarantee is in place or can be made that any off-site impacts generated by the proposed project shall be mitigated appropriately at the time the need for the mitigating action is generated.

## RECOMMENDATION

Planning staff is submitting the proposed Conditional Zoning Map and Future Land Use Map Amendments to the Board of Commissioners for disposition. The proposal is supported by five policies within the Pender 2.0 Comprehensive Land Use Plan. Based on the information outlined in this report, staff is recommending approval of the proposed Conditional Zoning Map and Future Land Use Map Amendments.

This case was first heard by the Planning Board at their February 6 meeting, where they tabled the proposal so that staff could work with the applicant to address several issues brought up while the case was being presented. The Planning Board expressed concern with the types of uses that would be allowed on site, the design standards of the proposed structure, the hours of operation, exterior lighting, and the types of signs that were proposed. In response to these concerns, the applicant agreed to additional conditions of approval that narrowed the allowable uses of the site, established architectural standards for the proposed structure that include fiber cement lap siding on the front and side facades (see elevations below), reduced the hours of operation to 8AM to 9PM, minimized light pollution on adjacent properties, and only monument signs will be used as freestanding signs. At their March 5 meeting, the Planning Board voted (3-2) to recommend approval of the proposed Conditional Zoning Map and Future Land Use Map Amendments.

**Figure 5: Proposed Elevations**



## PROPOSED CONDITIONS OF APPROVAL

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

and County Commission find appropriate or the petitioner may propose. The following conditions have been proposed by staff:

1. The project shall comply with all requirements of the Pender County Unified Development Ordinance.
2. The project shall meet all other local, state, and federal regulations.
3. The project shall be designed such that the post development runoff from the project be no more than ten (10) percent more than the pre-development runoff for the 10-, 25-, and 50-year event and be analyzed for the 100-year event.
4. Dedicate a 10-foot-wide easement adjacent to the right-of-way along the site boundary adjacent to Little Kelly Road and NC Highway 210 for the development of a multi-use path. This easement shall be dedicated for public use.
5. Fencing along the C Buffer shall be at least 7 feet tall, measured from the grade of the parking lot.
6. Hours of operation shall be limited to 8AM to 9PM.
7. The buildings' front and side facades shall utilize fiber cement lap siding and trim materials with a four-foot stacked brick veneer wainscoting base. The entrance wall shall be broken up by approximately 64 square feet of louvered shutters on either side of the entrance doorway.
8. Monument signs shall be the only permitted free standing signs.
9. All exterior lighting shall be DarkSky compliant and shall not cast direct light beyond the property lines.
10. No sign shall be illuminated other than by uplighting and shall be lit during posted store operation hours only. No light emitted by or for a sign shall cross property lines and shall be shielded.
11. All signs shall comply with the standards set forth in Article 9 of the UDO.
12. Project elements such as mechanical equipment, storage areas, solid waste containers and handling areas shall be screened with materials similar to the structure and/or shall be located so as to not be visible from public streets.

**BOARD OF COMMISSIONERS ACTION NEEDED:**

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

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

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

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

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

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

Motion to deny the Conditional Zoning Map Amendment and to make a finding of denial because the proposal is inconsistent with the Future Land Use Map within the Pender 2.0 Comprehensive Land Use Plan. Said denial is reasonable and in the public interest and does not further the goals of the Pender 2.0 Comprehensive Land Use Plan because [INSERT REASONING]...

**PLANNING BOARD ACTION FOR FUTURE LAND USE MAP AMENDMENT**

MOTION TO APPROVE	SECONDED
Buchanan	Pitts

APPROVED	DENIED	UNANIMOUS
Yes		No

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey
No	Yes	Absent	Yes	Absent	Yes	No

**PLANNING BOARD ACTION FOR CONDITIONAL ZONING MAP AMENDMENT**

MOTION TO APPROVE	SECONDED
Pitts	Buchanan

APPROVED	DENIED	UNANIMOUS
Yes		No

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey
No	Yes	Absent	Yes	Absent	Yes	No

# **REZONE 2024-63**

## **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](http://www.pendercountync.gov)

**Future Land Use Plan Amendment Submission**

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

1.  **Pre-submittal Meeting**  
Date of Meeting 10-26-23 (rezoning)
2.  **Signed Application**
3. Pending **Payment**  
\$250
4.  **Requested Revision Boundary Map**  
Amendment must correspond with the boundary lines of existing platted lots or tracts. Where the boundaries of a 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 future land use designation 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, please bring a digital copy with paper submission
6. Already provided **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. Already provided **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

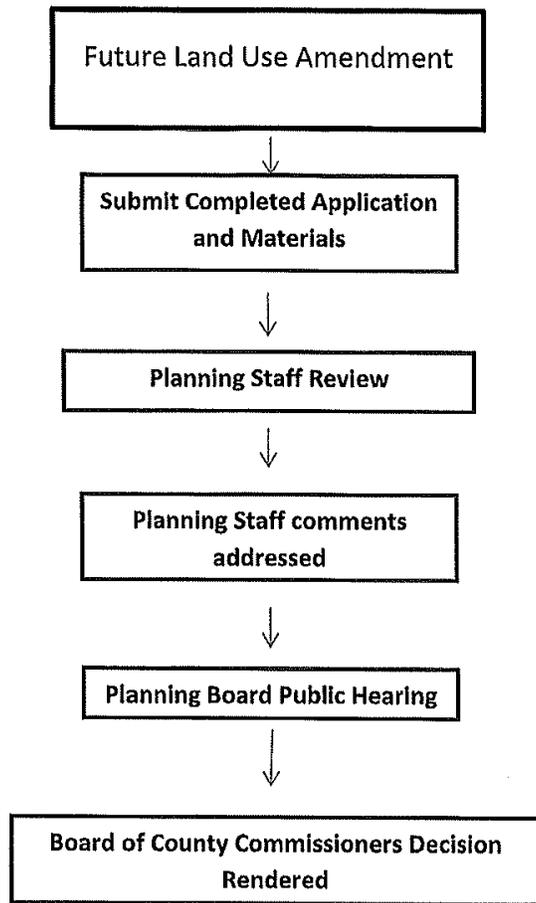
Jamie S. Encinosa

Date 1-18-24

Printed Name

Jamie S. Encinosa

Staff Initials:	_____
Date:	_____



## **Future Land Use Amendment Specific Requirements**

Same process and criteria for evaluation as a General Use Rezoning per Section 3.3.8 of the Unified Development Ordinance.

### **1. Application Submittal**

- Application
- Amendment 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 requirements shall be met within the boundaries of the area being re-classified. 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 requirements.
- Must show substantial compliance with the goals and policies of the Comprehensive Land Use Plan.
- The 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 amended, in sufficient detail for the rezoning to be located on the Comprehensive Land Use Plan.

### **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](http://www.pendercountync.gov)

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### **Comprehensive Plan Future Land Use Map Amendment**

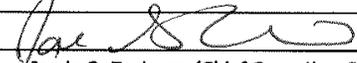
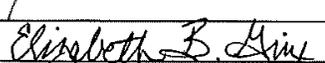
#### **GENERAL**

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 Future Land Use Map shall be made in accordance with the provisions of the Pender County Comprehensive Land Use Plan.
3. The County Commissioners shall approve or deny amendments to the Future Land Use Map of Pender County, as may be required from time to time.
4. Amendments must correspond with the boundary lines of existing platted lots or tracts.
5. All zoning requirements shall be met within the boundaries of the area being reclassified. If all of the requirements cannot be met on the site, the amendment 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 any other adopted land use document.
4. Whether the proposed amendment is reasonable as it relates to the public interest.

## Application for Future Land Use Amendment

THIS SECTION FOR OFFICE USE			
Application No.	CPMA	Date	
Application Fee	\$	Invoice Number:	
Pre-Application Conference		Hearing Date	
<b>SECTION 1: APPLICANT INFORMATION</b>			
Applicant's Name:	Rhetson Companies, Inc.	Owner's Name:	Livvie R. Lewis C/O Elizabeth B. Grix
Applicant's Address:	2075 Juniper Lake Road	Owner's Address:	3828 Echo Farms Blvd
City, State, & Zip	West End, NC, 28412	City, State, & Zip	Wilmington, NC, 28412
Phone Number:	(910) 944-0881	Phone Number:	(910) 512-4201
Email Address:	permits@rhetson.com	Email Address:	Bettyann1@ec.rr.com
Legal relationship of applicant to landowner: Applicant under contract to purchase property			
<b>SECTION 2: PROJECT INFORMATION</b>			
Property Identification Number (PIN):	3214-28-8318-0000	Total property acreage:	5.65 acres
Current FLU Classification	Rural Agricultural	Proposed FLU Classification:	General Business
Project Address:	NC HWY 210 E, Wilmington, NC, 28412		
Description of Project Location:	Remnant TR A PB 58/99 Livvie Lewis Division, Wilmington, NC, 28412		
<b>SECTION 3: SIGNATURES</b>			
Applicant's Signature		Date:	January 16, 2024
Applicant's Name Printed	Jamle S. Encinosa (Chief Operating Officer)	Date:	January 16, 2024
Owner's Signature		Date:	1-16-2024
Owner's Name Printed	Livvie R. Lewis C/O Elizabeth B. Grix	Date:	January 16, 2024
<b>NOTICE TO APPLICANT</b>			
<ol style="list-style-type: none"> <li>1. Applicant must also submit the information described on the Checklist.</li> <li>2. Applicant or agent authorized in writing must attend the public hearing.</li> <li>3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing.</li> <li>4. All fees are non-refundable.</li> <li>5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda.</li> </ol>			

### Future Land Use 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 <b>first class</b> postage for each of the adjacent and abutting property owners on the above list. (total of 16 envelopes with stamps)		
<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.		
<b>Office Use Only</b>			
<input type="checkbox"/>	<b>Plan Amendment: \$250</b>	<b>Total Fee Calculation: \$</b>	
<b>Attachments Included with Application: (Please include # of copies)</b>			
CD /other digital version	<input type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets	# of large
		# of 11X17	Other documents/Reports
	<input type="checkbox"/> Y <input type="checkbox"/> N		
<b>Payment Method:</b>	<b>Cash :</b> <input type="checkbox"/> \$ _____	<b>Credit Card:</b> <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	<b>Check:</b> <input type="checkbox"/> Check # _____
<b>Application received by:</b>			<b>Date:</b>
<b>Application completeness approved by:</b>			<b>Date:</b>
Dates scheduled for public hearing:			
<input type="checkbox"/> <b>Planning Board:</b>			
<input type="checkbox"/> <b>Board of Commissioners:</b>			

# **REZONE 2024-63**

## **Narrative**

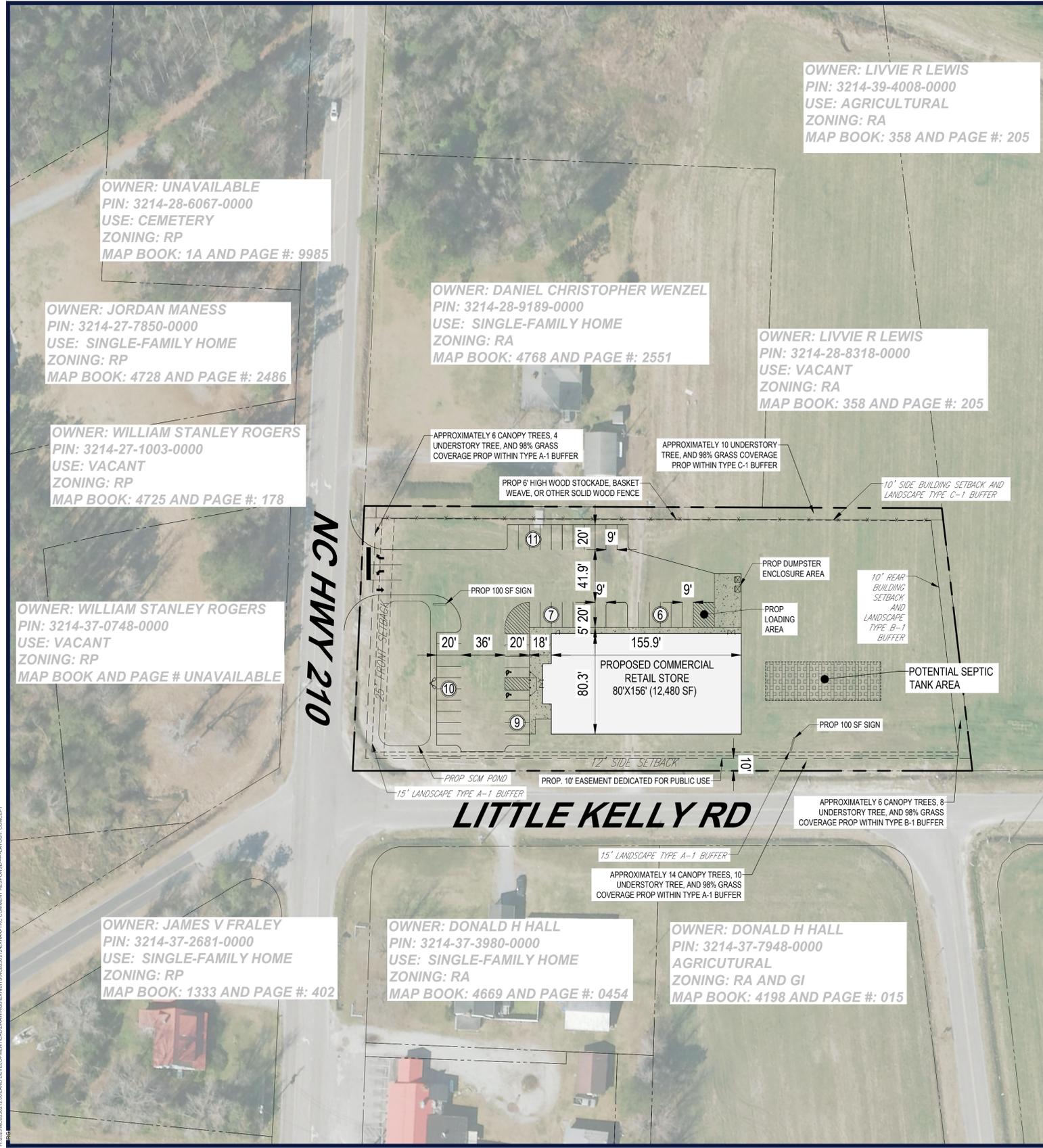
### **Amendment to the Future Land Use Plan Supporting Narrative**

This narrative highlights the supportive characteristics for an amendment to the Pender County Future Land Use Plan in conjunction with our application for rezoning the parcel at the intersection of Little Kelley Road and NC Hwy 210 further identified as parcel 3214-28-8318-0000. Below are characteristics of the parcel that we propose support an amendment to the future land use plan:

1. The parcel is located at the intersection of two major thoroughfare highways (NC Highway 210 and NC Highway 133) with an average daily traffic count of 4800 according to NCDOT. Intersections with high traffic are more conducive to commercial development.
2. The parcel has several non-residential surrounding it within an approximately 1 mile including RP Quickstop (formerly C.H. Clark & Sonds pork and sausage outlet), Pender County Packing Company, Rooks Farm Service Inc-Garage, Lewis Nursery and Farms, American Blueberries LLC, Caleco Soil Services, Inc., McNally's Farms, and several churches, along with four large chicken houses. Due to the plethora of non-residential uses, mixed-use may be a more accurate representation of how the area is currently being used.
3. The property previously operated as a pay at the pump gas station.
4. Initial Phase I environmental testing as identified Recognized Environmental Concerns (REC's) related to the previous gas station use and recommendations for additional environmental assessment in the form of a Phase II. These REC's may discourage residential development on the parcel due to cost to remedy concerns.
5. During pre-application and TRC meeting, planning staff expressed support for the area being primed for commercial growth.

# **ATTACHMENT 1**

## **Site Plan**



**CONCEPT PLAN NOTES**

1. THIS CONCEPT WAS PREPARED STRICTLY AND SOLELY BASED UPON INFORMATION IDENTIFIED IN THE PLAN REFERENCES.
2. THE CONCEPT DEPICTED HEREIN IDENTIFIES A DESIGN CONCEPT RESULTING SOLELY FROM LAYOUT PREFERENCES AND GUIDANCE DICTATED AND IDENTIFIED SOLELY BY THE CLIENT. THE FEASIBILITY WITH RESPECT TO OBTAINING LOCAL, COUNTY, STATE, AND OTHER APPLICABLE APPROVALS IS NOT WARRANTED, AND CAN ONLY BE ASSESSED AFTER FURTHER EXAMINATION AND VERIFICATION OF APPLICABLE REQUIREMENTS AND AFTER THE PROCUREMENT OF ALL NECESSARY JURISDICTIONAL APPROVALS.
3. THIS CONCEPTUAL PLAN IS PREPARED FOR CONCEPTUAL PRESENTATION PURPOSES, ONLY, AND IS NOT INTENDED TO AND SHOULD NOT BE UTILIZED AS A ZONING OR CONSTRUCTION DOCUMENT.
4. THE EXISTING CONDITIONS SHOWN HEREON ARE BASED UPON INFORMATION THAT WAS PROVIDED TO THE ENGINEER, AT THE TIME OF THE ENGINEER'S PREPARATION OF THIS CONCEPT PLAN, BY THE OWNER AND OTHERS NOT UNDER ENGINEER'S CONTROL, AND IS SUBJECT TO CHANGE AFTER PERFORMANCE OF ADDITIONAL DUE DILIGENCE, FIELD SURVEY OR BOTH.
5. IT IS STRONGLY RECOMMENDED THAT A ZONING CONFORMANCE ANALYSIS BE PERFORMED TO DETERMINE AND EVALUATE IF THERE ARE ANY RESTRICTIONS AND/OR ZONING ISSUES, CONCERNS OR RESTRICTIONS THAT MAY OR COULD IMPACT THE FEASIBILITY OF THIS PROJECT, AS THE OWNER HAS DESCRIBED IT.
6. PER PRELIMINARY DUE DILIGENCE, NO ENVIRONMENTAL CONCERNS HAVE BEEN IDENTIFIED ON THE PROPOSED PROJECT LOCATION OF THIS SITE.
7. LANDSCAPE ISLANDS ARE REQUIRED EVERY 120 FEET BETWEEN PARKING STALLS AND MUST BE 300 SF AT MINIMUM.
8. TERMINAL ISLANDS REQUIRED ON EITHER SIDE OF THE ROW.
9. THE PROJECT SHALL BE DESIGNED SO THAT THE POST DEVELOPMENT RUNOFF FROM THE PROJECT BE NO MORE THAN TEN (10) PERCENT MORE THAN THE PRE- DEVELOPMENT RUNOFF FOR THE 10-, 25-, AND 50- YEAR RETURN PERIOD EVENTS AND BE ANALYZED FOR THE 100-YEAR EVENT.

**CONCEPT PLAN DATA TABLE**

NAICS CODE	453
GAS PROVIDER	PIEDMONT GAS
ELECTRIC PROVIDER	DUKE ENERGY
WATER PROVIDER	PENDER COUNTY UTILITIES
APPLICANT NAME	GREG STEWART
APPLICANT ADDRESS	2075 JUNIPER LAKE ROAD WEST END NC, 27376
APPLICANT PHONE NUMBER	910-944-0881
APPLICANT EMAIL	GREG@RHETSON.COM
EX. PARCEL SIZE	5.65 AC
AREA OF PARCEL TO BE REZONED	2.37 AC
FRONT SETBACK	25'
SIDE SETBACK	10' AND 12'
REAR SETBACK	10'
FRONT BUFFER	15' TYPE A-1
SIDE BUFFER	15' TYPE A-1 AND 10' TYPE C-1
REAR BUFFER	10' TYPE B-1
REQUIRED PARKING	1 PER 225 SF: 12,480 SF ÷ 225 = 56 SPACES
PARKING PROVIDED	33 SPACES
PROP STORE HOURS	8AM - 10PM
PROP BUILDING HEIGHT	21'-0"
MAX HEIGHT	40'-0"
EMPLOYEE COUNT	6 PER DAY: 1 FULL TIME & 2 PART TIME PER SHIFT (MORNING & AFTERNOON)

**BOHLER**  
BOHLER ENGINEERING NC, PLLC

SITE CIVIL AND CONSULTING ENGINEERING  
LAND SURVEYING  
PROJECT MANAGEMENT  
LANDSCAPE ARCHITECTURE  
SUSTAINABLE DESIGN  
PERMITTING SERVICES  
TRANSPORTATION SERVICES

**REVISIONS**

REV	DATE	COMMENT	DRAWN BY
1	1-17-24	PENDER COUNTY PLANNING BOARD	IR RG

**811**  
Know what's below.  
Call before you dig.  
ALWAYS CALL 811  
It's fast. It's free. It's the law.

**DRAFT**

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY REVIEW AND APPROVAL. IT IS NOT BEING USED AS A CONSTRUCTION DOCUMENT, UNLESS INDICATED OTHERWISE.

PROJECT No.: NCB230212  
DRAWN BY: IRF  
CHECKED BY: RG  
DATE: 12/21/2023  
CAD I.D.:

PROJECT:  
**PROP. SITE PLAN DOCUMENTS**  
FOR  
RHETSON COMPANIES, INC  
PROPOSED DEVELOPMENT  
18860 NC HWY 210  
PENDER COUNTY  
ROCKY POINT AND NC  
PIN: 3214-28-8318-0000

**BOHLER**  
BOHLER ENGINEERING NC, PLLC  
NCBES 01102

4130 PARKLAKE AVENUE, SUITE 200  
RALEIGH, NC 27612  
Phone: (919) 578-9000  
NC@BohlerEng.com



SHEET TITLE:  
**CONCEPT PLAN**

SHEET NUMBER:  
REVISION 1 - 1-17-24

# **ATTACHMENT 2**

## **Table of Permitted Uses**

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

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



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

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

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

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

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

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

**5.3 USES WITH STANDARDS**

**5.3.1 General**

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

**ATTACHMENT 3**  
**Public Input Meeting Packet**



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

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

December 5, 2023

Dear Rocky Point Area Property Owner:

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

Meeting Date: December 20, 2023

Meeting Time: 5:30 pm – 7:00 pm

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

Type of Application: Conditional Rezoning Application

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

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

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

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

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

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

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

Sincerely,

Bohler Engineering

Cc: Pender County Planning and Community Development

[www.BohlerEngineering.com](http://www.BohlerEngineering.com)

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

18130 NC HWY 210, ROCKY POINT, NC

### Public Input Meeting Sign-In Sheet

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

## Public Input Meeting Sign-In Sheet

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

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



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

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

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

### Summary

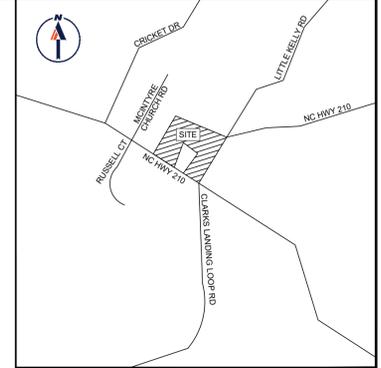
A public input meeting was held on December 20, 2023 at Riley's Creek Baptist Church located at 19845 NC Hwy 210 in Rocky Point, North Carolina. Below is a summary of concerns that were voiced by those in attendance as it relates to the proposed project located at the corner of Little Kelly Road and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

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

# **ATTACHMENT 4**

## **Survey**

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



VICINITY MAP  
NOT TO SCALE

- REFERENCES:**
- DB 358, PG 205
  - DB 478, PG 255
  - DB 2237, PG 334
  - BM 58, PG 99
  - PB 26, PG 40



**SURVEYOR CERTIFICATION**

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

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

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

- (1) CLASS OF SURVEY: "CLASS A"
- (2) POSITIONAL ACCURACY: 0.04"
- (3) TYPE OF GPS FIELD PROCEDURE: REAL-TIME KINEMATIC NETWORKS-NCVRS
- (4) DATES OF SURVEY: 11/21/2023-12/20/2023
- (5) DATUM/EPOCH: NAD 83 (2011) EPOCH 2010.00
- (6) PUBLISHED FIXED-CONTROL USE: NCVRS
- (7) GEOID MODEL: 2015 (CONUS)
- (8) COMBINED GRID FACTORS: 0.99997947
- (9) UNITS: US SURVEY FEET

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

**PRELIMINARY - NOT FOR RECORDATION, SALES OR CONVEYANCES**

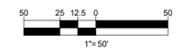
SURVEYOR: NC L-3920



BOHLER ENGINEERING- ALL RIGHTS RESERVED. THE SURVEYING PROFESSIONAL ENGINEER'S SEAL IS THE PROPERTY OF BOHLER ENGINEERING AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

**LEGEND**

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



TO:

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

**PRELIMINARY - NOT FOR RECORDATION, SALES OR CONVEYANCES**

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

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

DATE

ALTA/NSPS LAND TITLE SURVEY FOR  
**RHETSON COMPANIES, INC.**  
PIN: 3214-28-8318-0000  
DB 2478, PG 48  
PB 58, PG 99  
TOWN OF ROCKY POINT  
LONG CREEK TOWNSHIP  
PENDER COUNTY, NORTH CAROLINA

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

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

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



**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:** Board of County Commissioners  
**FROM:** Adam Moran  
**DATE:** May 20, 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 proposal.

**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**

<b>APPLICATION SUMMARY</b>	
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

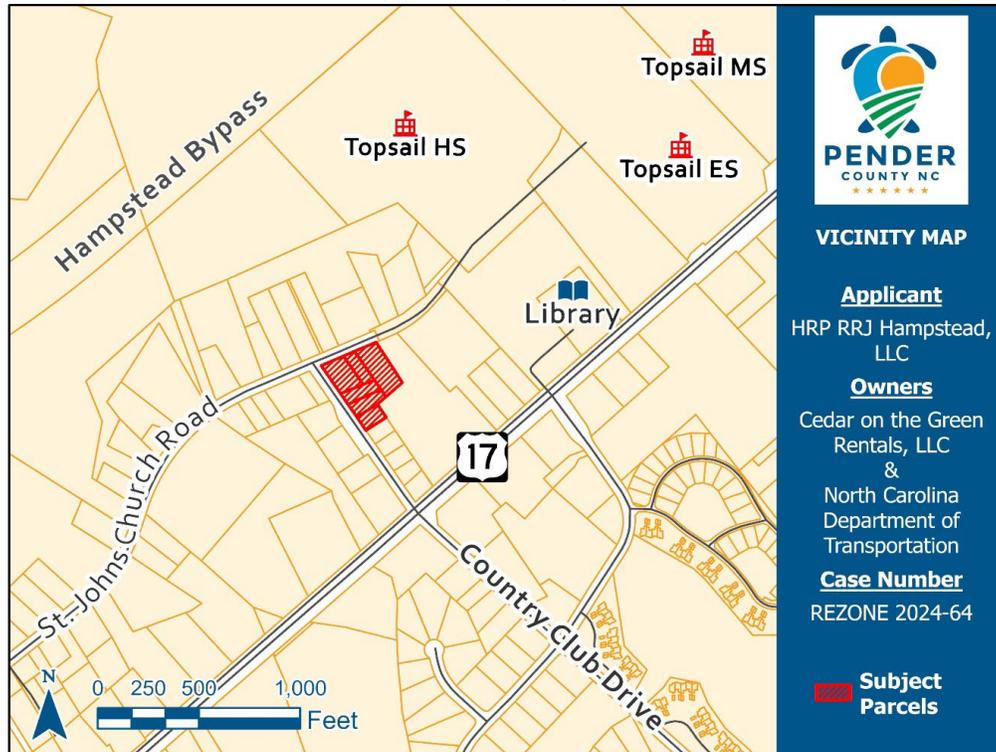
**REZONING PROPOSAL**

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)**



**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)	
<b>Residential Uses</b>	Upper Story Residential
<b>Commercial Uses</b>	<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. 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 any Special Flood Hazard Areas. <sup>1</sup>
Wetlands	Portions of the subject properties may contain wetlands. <sup>2, 3</sup> 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 US Army Corps of Engineers.
Areas of Environmental Concern	The subject property does not contain any Areas of Environmental Concern (AEC). <sup>4</sup>

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

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

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

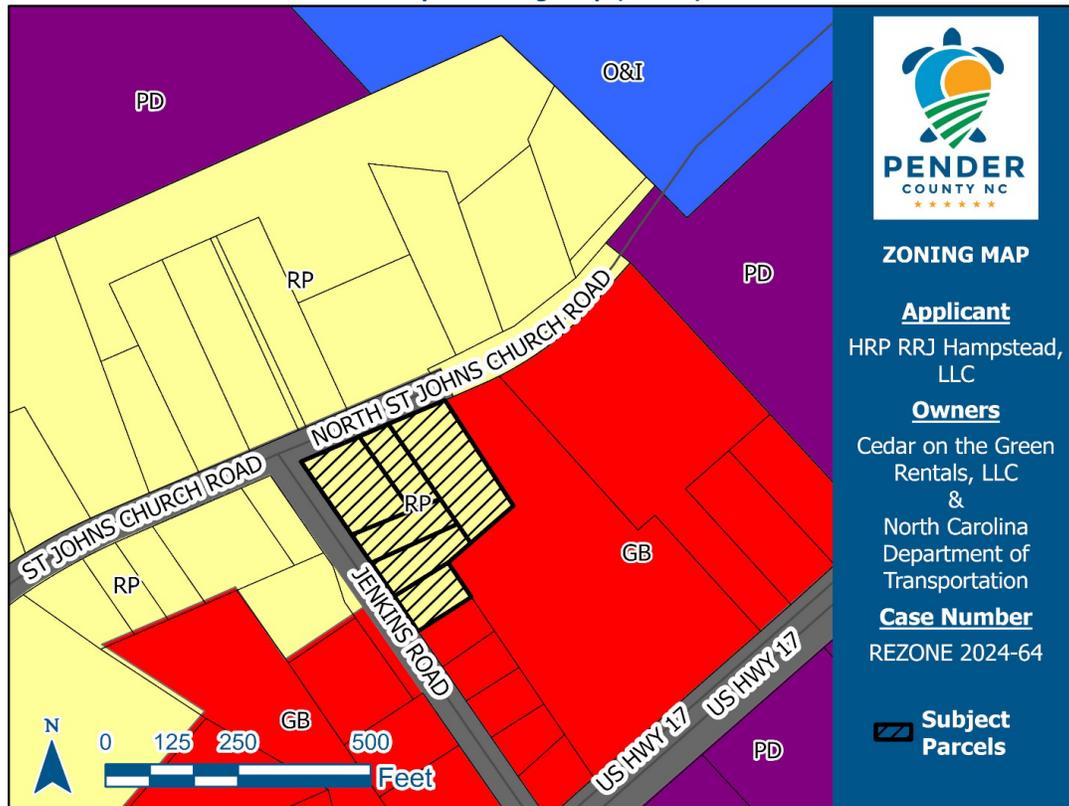
<sup>4</sup> According to the North Carolina Department of Environmental Quality (NCDEQ)

## EVALUATION

### 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 (GB) zoned parcels.

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

**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.

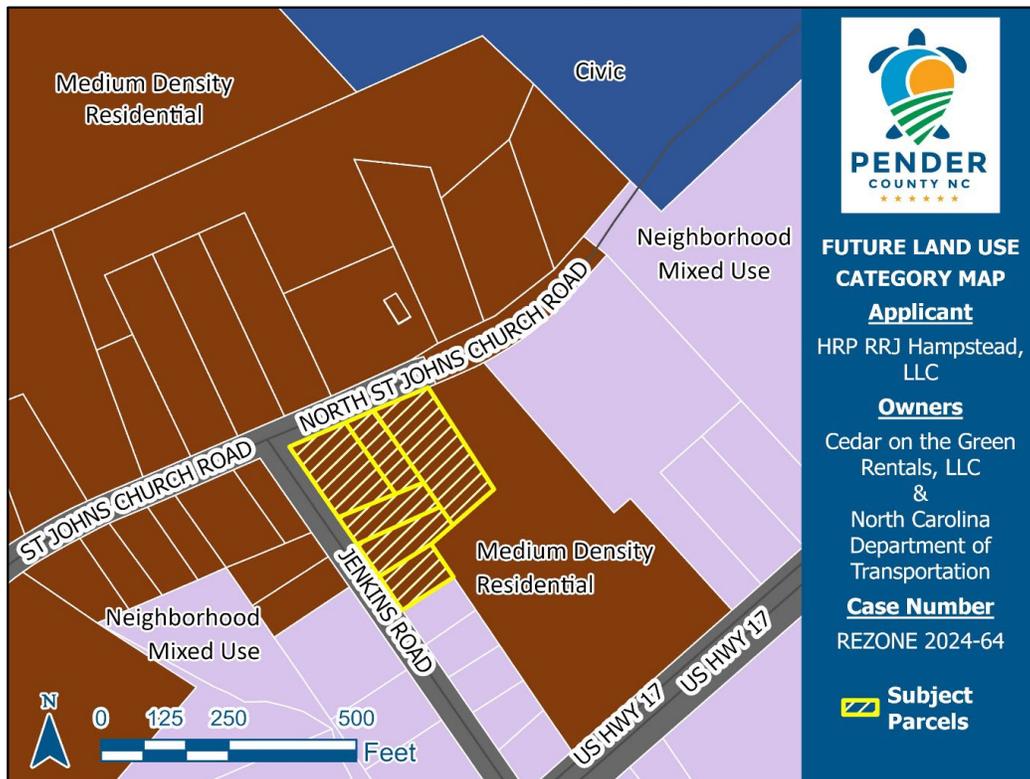
**Neighborhood Mixed Use**

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**

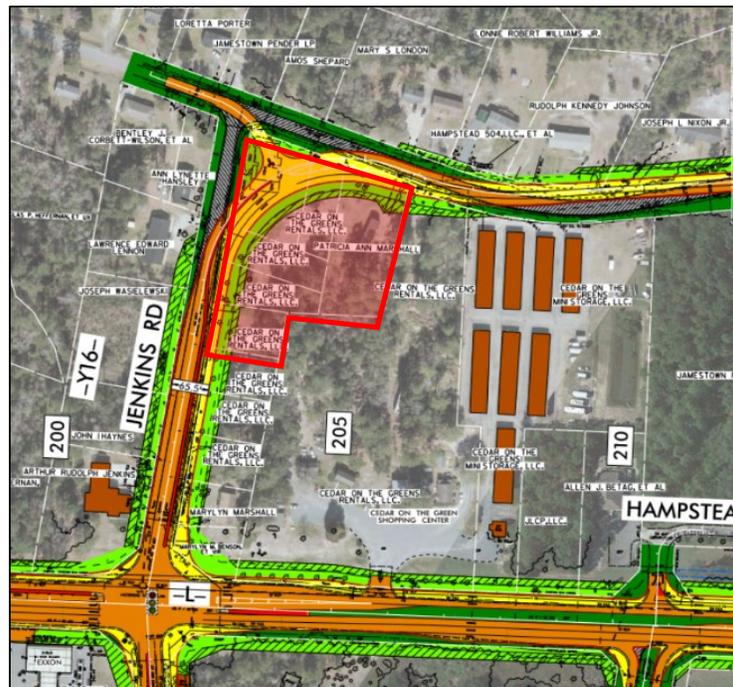
This proposal conflicts with the following policies within the Pender 2.0 Comprehensive Land Use Plan:

**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 in 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 Board of Commissioners disposition. The Planning Board, at their April 3, 2024 meeting, unanimously recommended denial of this application, noting the inconsistency with the Pender County Future Land Use Map and concerns over by-right development that could occur if the rezoning were to be approved considering its proximity to schools and housing. 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 into 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.

**BOARD OF COMMISSIONERS 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 goals and 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 said denial is reasonable and in the public interest and does not further the goals of the Pender 2.0 Comprehensive Land Use Plan because [INSERT REASONING]...

**PRIOR PLANNING BOARD ACTION FOR GENERAL USE REZONING**

MOTION	SECONDED
Buchanan	Beaudoin

APPROVED	DENIED	UNANIMOUS
	6-0	Yes

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey
Yes	Yes	Yes	Yes	Yes	Yes	Absent

**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](http://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.

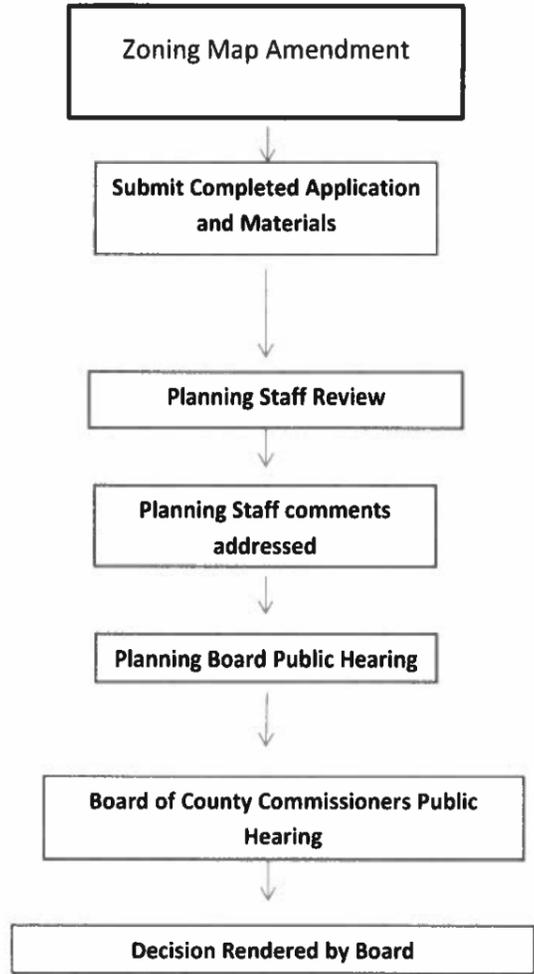
Signature of Applicant

\_\_\_\_\_  
Roger L. Young, Jr, Manager

Printed Name

Date 2/1/24

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](http://www.pendercountync.gov)

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**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.

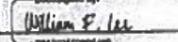
**APPLICATION FOR REZONING (Zoning Map Amendment)**

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
<b>SECTION 1: APPLICANT INFORMATION</b>			
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			
<b>SECTION 2: PROJECT INFORMATION</b>			
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		
<b>SECTION 3: SIGNATURES</b>			
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
<b>NOTICE TO APPLICANT</b>			
<ol style="list-style-type: none"> <li>1. Applicant must also submit the information described on the Rezoning Checklist.</li> <li>2. Applicant or agent authorized in writing must attend the public hearing.</li> <li>3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing.</li> <li>4. All fees are non-refundable.</li> <li>5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda.</li> </ol>			

**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
<b>SECTION 1: APPLICANT INFORMATION</b>			
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			
<b>SECTION 2: PROJECT INFORMATION</b>			
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		
<b>SECTION 3: SIGNATURES</b>			
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	<del>Nicholas F. Stone</del> Member	Date:
<b>NOTICE TO APPLICANT</b>			
<ol style="list-style-type: none"> <li>1. Applicant must also submit the information described on the Rezoning Checklist.</li> <li>2. Applicant or agent authorized in writing must attend the public hearing.</li> <li>3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing.</li> <li>4. All fees are non-refundable.</li> <li>5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda.</li> </ol>			

**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
<b>SECTION 1: APPLICANT INFORMATION</b>			
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			
<b>SECTION 2: PROJECT INFORMATION</b>			
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		
<b>SECTION 3: SIGNATURES</b>			
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:
<b>NOTICE TO APPLICANT</b>			
<ol style="list-style-type: none"> <li>1. Applicant must also submit the information described on the Rezoning Checklist.</li> <li>2. Applicant or agent authorized in writing must attend the public hearing.</li> <li>3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing.</li> <li>4. All fees are non-refundable</li> <li>5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda</li> </ol>			

**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 <b>first class</b> 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.
<b>Office Use Only</b>	
<input checked="" type="checkbox"/>	<b>ZMA Fees: (\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter)</b> <b>Total Fee Calculation: \$ 500.00</b>
<b>Attachments Included with Application: (Please include # of copies)</b>	
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
<b>Payment Method:</b>	<b>Cash:</b> <input type="checkbox"/> \$ _____
	<b>Credit Card:</b> <input type="checkbox"/> Master Card <input type="checkbox"/> Visa
	<b>Check:</b> <input checked="" type="checkbox"/> Check # <u>2714</u>
<b>Application received by:</b>	Daniel Adams <b>Date:</b> 2/2/2024
<b>Application completeness approved by:</b>	Adam Moran <b>Date:</b> 2/9/2024
Dates scheduled for public hearing:	
<input type="checkbox"/> <b>Planning Board:</b> 4.3.2024	
<input type="checkbox"/> <b>Board of Commissioners:</b> 5.20.2024	

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

<b>NAME</b>	<b>ADDR</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>
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

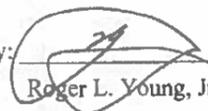
By: 

Name: Maxton M. Radford

Title: Real Property Agent II

AGENT:  
HRP RRJ HAMPSTEAD, LLC

Date: 1/31/24

By:   
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  
CA1E102E183C44E  
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 ± w/ 10 377 SQ FT ±  
 LOT 6 - 0.24 AC ± w/ 10 579 SQ FT ±  
 LOT 7 - 0.24 AC ± w/ 11 006 SQ FT ±  
 LOT 8 - 0.24 AC ± w/ 10 700 SQ FT ±  
 LOT 9 - 0.24 AC ± w/ 10 546 SQ FT ±  
 LOT 10 - 0.24 AC ± w/ 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 ± w/ 29 825 SQ FT ±

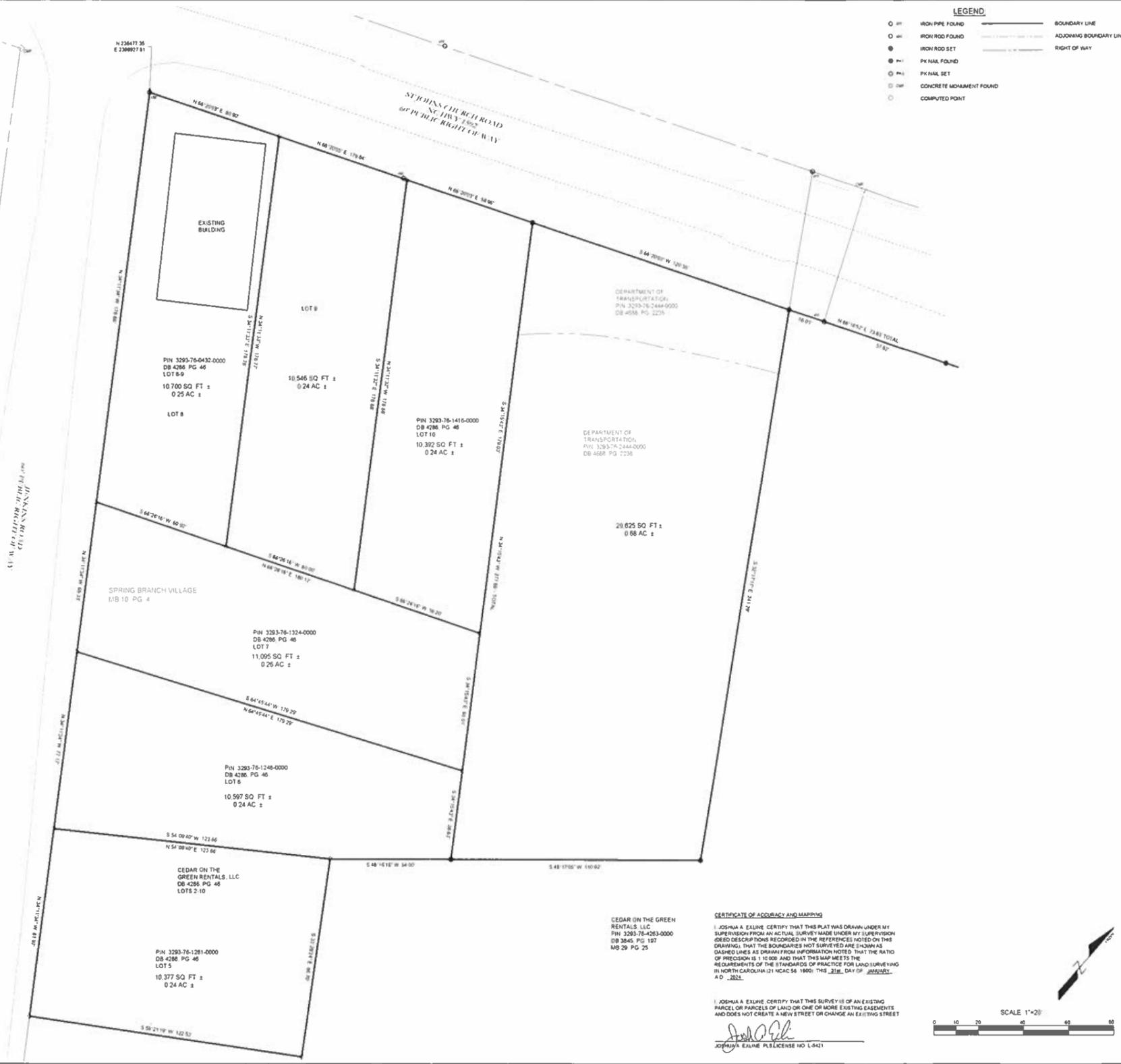
**PH**  
 3293-76-2444-0000

**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 5 SURVEY GRADE GPS IN CELESTIAL OPERATING MODE WITH REPEAT OBSERVATIONS
3. ALL DISTANCES ARE HORIZONTAL, GRADE DISTANCES
4. THE SUBJECT PARCEL IS LOCATED IN ZONE X - AREA OF MINIMAL FLOOD RISK - AS SHOWN BY FEMA PANEL NUMBER 3709270001 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		

**REVISIONS**


**CLIENT INFORMATION**

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

**PARAMOUNTE**  
 1375 S. W. 13<sup>TH</sup> AVENUE, SUITE 200  
 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  
 PRELIMINARY CONCEPT DRAWING

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

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

**SV-1**

PEI JOB# 23315 PE

General Rezoning Narrative

Page 28 of 41

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	Zoning Districts									
	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
<b>RESIDENTIAL</b>										
SFD-Detached: Conventional	P	P	P	P	P					
SFD-Detached: Zero Lot Line			P		P					
SFD-Attached: Duplex	P	P	P		P					
SFD-Attached: Multiplex			P		P					
SFD: Townhouse (5+ attached)			P		P					
Multifamily (condominium/ apartment)			P		P					
Upper Story Residential					P	P	P			
Accessory Dwelling 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						
<b>ACCESSORY USES AND STRUCTURES</b>										
Accessory Structures	P	P	P	P	P	P	P	P	P	
Cottage Occupations	SD	SD	SD		SD	SD				
Home Occupation	D	D	D	D	D	D				
Agritourism Activities on active farms	D	D	D	D	D	D	D	D	D	D

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
<b>Sector 21: MINING, QUARRYING, OIL AND GAS EXTRACTION</b>											
Nonmetallic Mineral Mining & Quarrying	2123	S								S	
Except: 212392 Phosphate Rock Mining											
Except: 212321 Borrow Pit Sand Mining			PMDS			PMD					
<b>Sector 22: UTILITIES</b>											
Fossil Fuel Electric Power Generation	221112									S	
Other Electric Power Generation	221119								S	S	
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)											
<b>Sector 23: CONSTRUCTION</b>											
Construction of Buildings	236						D		P	P	
Heavy and Civil Engineering Construction	237						D		P	P	
Specialty Trade Contractors	238						D		P	P	
<b>Sectors 31-33: MANUFACTURING</b>											
Artisan Manufacturing		S	S			P	P		P		
Food Manufacturing	311									P	
Beverage and Tobacco Product Manufacturing	312									P	
Textile Mills	313									P	
Textile Product Mills	314									P	
Apparel Manufacturing	315									P	

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
<b>Sectors 31-33: MANUFACTURING (cont.)</b>											
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
<b>Sectors 31-33: MANUFACTURING (cont.)</b>											
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	
<b>Sector 42: WHOLESALE TRADE</b>											
Wholesale Trade	42	S							P	P	
<b>Sectors 44-45: RETAIL TRADE</b>											
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
<b>Sectors 44-45: RETAIL TRADE (cont.)</b>											
Gasoline Stations	447	S				P	P		P		
Clothing and Clothing Accessories Stores	448	S				P	P		P		
Sporting Goods, Hobby, Book, and Music Stores	451					P	P		P		
Miscellaneous Store Retailers	453	S				P	P				
Non store Retailers	454	S				P	P		P		
Liquefied Petroleum Gas Dealers	454312									P	
<b>Sectors 48-49: TRANSPORTATION AND WAREHOUSING</b>											
Air Transportation	481								P	P	
Rail Transportation	482								P	P	
Truck Transportation	484								P	P	
Transit and Ground Passenger Transportation	485								P	P	
Interurban and Rural Bus Transportation	4852						P		P	P	
Taxi and Limousine Service	4853						P		P	P	
School and Employee Bus Transportation	4854								P	P	
Charter Bus Industry	4855								P	P	
Support Activities for Transportation	4881								P	P	
Support Activities for Road Transportation	4884	S					P		P	P	
Postal Services	491110	S	S			P	P	P			
Couriers and Messengers	492						P	P	P	P	
Warehousing and Storage	493	S							P	P	
<b>Sector 51: INFORMATION</b>											
Information	51					P	P	P	P	P	
Finance and Insurance	52	S	S			P	P	P	P	P	
<b>Sector 53: REAL ESTATE, RENTAL &amp; LEASING</b>											
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
<b>Sector 54: PROFESSIONAL, SCIENTIFIC, AND TECHNICAL SERVICES</b>											
Professional, Scientific & Technical Services	54	S	S			P	P	P	P	P	
<b>Sector 55: MANAGEMENT OF COMPANIES AND ENTERPRISES</b>											
Management of Companies and Enterprises	55	S	S			P	P	P	P	P	
<b>Sector 56: ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES</b>											
Administrative and Support Services	561	S				P	P	P	P	P	
Solid Waste Collection Public	562111	P	P	P	P	P	P	P	P	P	
Solid Waste Collection Private	562111									S	
Solid Waste Landfill	562212									S	
Solid Waste Combustors and Incinerators	562213									S	
Other Nonhazardous Waste Treatment and Disposal	562219	S					S		S	S	
Remediation Services	562910									S	
Materials Recovery Facilities	562920									S	
All Other Waste Management Facilities	56299									S	
<b>Sector 61: EDUCATIONAL SERVICES</b>											
Educational Services	611	P	S			P	P	P			
Business Schools, Computer & Management Training	6114	S				P		P	P		
Technical and Trade Schools	6115	S				P	P	P	P	P	
Other Schools and Instruction	6116	S				P	P	P	P		

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

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
<b>Sector 71: ARTS, ENTERTAINMENT, AND RECREATION</b> <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									
<b>Sector 72: ACCOMMODATIONS AND FOOD SERVICES</b>											
Hotels and Motels	72111					P	D	D			
Bed and Breakfast Inns	721191	S	S		S	P	P				
All Other Traveler Accommodation	721199	S	S		S	P	P				
RV Parks and Recreational Camps	7212	SD					SD				
Recreational and Vacation Camps	721214	S									S
Rooming and Boarding Houses	721310	S				P	P				
Full Service Restaurants	7221	S				P	P	P	P	P	
Limited Service Eating Places	7222	S				P	P	P	P	P	
Special Food Services	7223	S				P	P	P	P	P	
Drinking Places (Alcoholic Beverages)	7224	S				P	P				

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
<b>Sector 81: OTHER SERVICES, EXCEPT PUBLIC ADMINISTRATION</b>											
Automotive Repair and Maintenance	8111	S					P		P	P	
Electronic and Precision Equipment Repair and Maintenance	8112	S					P	P	P	P	
Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	8113								P	P	
Personal and Household Goods Repair and Maintenance	8114	S				P	P	P	P	P	
Personal Care Services	8121	P	S			P	P	P	P		
Funeral Homes and Funeral Services	81221	S					P	P	P	P	
Cemeteries and Crematories Except: Private Cemetery	81222	S	S			S	S	S	S	S	
Coin Operated Laundries and Drycleaners	812310	P				P	P				
Dry-cleaning and Laundry Services	812320	S				P	P		P	P	
Linen & Uniform Supply	81233								P	P	
Other Personal Services	8129	S				P	P	P	P		
Pet Care Services	812910	D					D		D	D	
Religious Organizations	8131	P	S			P	P	P	P		
Grant Making and Giving Services	8132					P	P	P	P		
Social Advocacy Organizations	8133					P	P	P	P		
Civic and Social Organizations	813410	S	S			P	P	P			
Business, Professional, Labor, Political, and Similar Organizations	8139					P	P	P	P		
Public Administration	92	P	P	P	P	P	P	P	P	P	

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
<b>MISCELLANEOUS USES</b>											
Adult and Sexually Oriented Businesses									S	S	
Adult Retail									S	S	
Bona fide Farm Purposes		D	D	D	D	D	D	D	D	D	D
Child Care Center		P	S			S	P	P			
Community Boating Facility		SD	SD	SD	SD	SD					
Community Boating Facility in conjunction with a Master Development Plan		SD	PMD	PMD	PMD	PMD					
Disaster Volunteer Housing		D	D	D	D	D	D	D	D	D	
Family Care Home		D	D	D	D	D					
Family Child Care Home		P	P			P	P	P			
Industrial Park										SD	
Marina (Commercial)		SD	PMD			PMD					
Portable Storage Containers		D	D	D	D	D	D	D	D	D	
Private Cemetery less than 6,000 sq. ft.		D	D				D	D	D		
Private Cemetery 6,000 sq. ft. and larger		S	S				S	S	S		
Public Parks		P	P	P	P	P	P	P	P	P	
Private Residential Boating Facility		D	D	D	D	D					
Salvage Operations		S								D	
Storage of Merchandise, Materials or Equipment On Site Inside or Outside An Enclosed Building, Excluding Salvage		S							P	P	
Storage of boats and watercraft outdoors or on dry stack structures							S				
Sweepstakes Center							SD		SD	SD	
Telecommunication Facilities		SD	SD			SD	SD	SD	SD	SD	
Telecommunication Facilities – Public Safety		SD	SD			SD	SD	SD	SD	SD	
Temporary Manufactured Homes		P	P			P					

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
<b>MISCELLANEOUS USES</b> <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	