

# Pender County Planning and Community Development

## Planning Division

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



Phone: 910-259-1202  
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## Falls Mist Revision Conditional Rezoning

**Case Number:** REZONE 2023-47-R

**Application Type:** Conditional Rezoning

**Applicant:** Stroud Engineering, PA

**Owners:** Rocky Point Properties, LLC; Farm & Garden, LLC

**Location:** The proposed development is south of NC HWY 210, approximately  $\pm 0.03$  miles east of the intersection of NC HWY 210 and Balcombe Rd (SR 1425), and west of US HWY 117

**Property ID #(s):** 3234-29-6506-0000, 3234-38-5366-0000, 3234-24-6900-0000 & 3234-53-1216-0000

**Description:** Stroud Engineering, applicant, on behalf of Rocky Point Properties, LLC and Farm and Garden, LLC, owners, is requesting the approval of a revision to a previously approved Conditional Zoning Map Amendment that involved three (3) tracts totaling approximately 301 acres. This Conditional Zoning Map Amendment was approved by the Board of County Commissioners at their January 18, 2022 meeting. This approval allowed for 750 single family detached residential units, an associated sewage treatment facility (NAICS 221320), and a farmers' market (NAICS 445230). The applicant is requesting two modifications: 1. To remove the approved connection to Fall Brook Lane and establish another access to US HWY 117 through PIN 3234-53-1216-0000, which is currently zoned RP, Residential Performance; 2. Reduce the approved side yard setbacks for single-family homes from 10 feet to 5 feet. This revision would bring the Conditional Zoning District to approximately 310.56 acres. The previously approved total unit count, associated sewage treatment facility, and farmers market are not to be modified as part of this revision.

**Current Zoning:** PD-CD1, Planned Development Conditional District 1 & RP, Residential Performance

**Board of County Commissioners/Planning Board Meeting/Technical Review Committee**

PB: 5.2.2023, BOCC: 3.11.2024

**Included:** Application Materials, Application Package

# **APPLICATION PACKAGE**

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## **CONDITIONAL REZONING**

### **Intent**

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

### **Application**

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

### **Public Input Meeting**

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

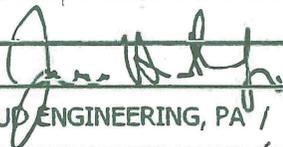
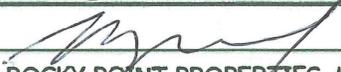
- 1. The report for the public hearing will include a summary of the public input meeting.
- 2. The applicant shall mail a notice for the public input meeting to adjoining property owners not less than ten (10) days prior to the scheduled meeting.
- 3. The notice shall include the time, date and location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

### **Review**

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

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

THIS SECTION FOR OFFICE USE			
Application No.	ZMA-CD	Date	
Application Fee	\$	Invoice Number:	
Pre-Application Conference		Hearing Date	
<b>SECTION 1: APPLICANT INFORMATION</b>			
Applicant's Name:	STROUD ENGINEERING, PA	Owner's Name:	Rocky Point Properties, LLC & Farm & Garden, LLC
Applicant's Address:	102-D Cinema Dr.	Owner's Address:	332 Military Cutoff Road
City, State, & Zip	Wilmington, NC 28403	City, State, & Zip	Wilmington, NC 28405
Phone Number:	910-815-0775	Phone Number:	910-338-3585
Email Address:	jfentress@stroudengineer.com	Email Address:	corporate@tributecompanies.com
Legal relationship of applicant to landowner:	ENGINEER		
<b>SECTION 2: PROJECT INFORMATION</b>			
Property Identification Number (PIN):	3234-29-6506-0000 = 35.25ac. RP 3234-38-5366-0000 = 57.20ac. RA	Total property acreage:	310.56 AC
Current Zoning District:	3234-24-6900-0000 = 208.64ac. RP 3234-53-1216-0000 = 9.47ac. RP	Proposed Zoning District:	310.56 AC
Project Address or Location:	HWY 210 / OFF HWY 210 & OFF 117 S. US HWY		
Proposed Uses to be Considered (Include NAICS Code):			
SINGLE FAMILY			
Proposed Uses to be Eliminated from Consideration (Include NAICS Code):			
<b>SECTION 3: SIGNATURES</b>			
Applicant's Signature		Date:	3/2/2023
Applicant's Name Printed	STROUD ENGINEERING, PA / James H. Fentress, Jr.	Date:	
Owner's Signature		Date:	03.02.2023
Owner's Name Printed	ROCKY POINT PROPERTIES, LLC / Mark Maynard	Date:	
<b><u>NOTICE TO APPLICANT</u></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>			

**NARRATIVE**



# STROUD ENGINEERING, P. A.

CONSULTING ENGINEERS  
102D CINEMA DRIVE  
WILMINGTON, NORTH CAROLINA 28403  
WWW.STROUDENGINEER.COM  
LICENSE NO. C-0647

December 21, 2021

Pender County Planning Department  
805 S. Walker Street  
Burgaw, North Carolina 28425

Re: Falls Mist Conditional Zoning Map Amendment  
Rocky Point, Pender County

To Whom it May Concern,

What follows is an application for the amendment of the Conditional Zoning Map approved for the Falls Mist Planned Development. There are two revisions requested in this effort. The first and primary is the removal of the required roadway connection to the Fall Brook subdivision road network. As presently approved, Fall Brook Lane will be connected to the Falls Mist development. The Pender County Unified Development Ordinance, UDO, Article 7.4.1.F is the basis of the required roadway connection. Through the original iterative rezoning process, an additional 9.4 acre parcel adjacent to the north of the Fall Brook subdivision tract was purchased and incorporated into the plan to provide collector street connection to US Highway 117 for the Falls Mist development. This alternate route is intended to relieve the collector street traffic through the Fall Brook Subdivision on the basis of ordinance required road connectivity, the stub right of way is still to be connected. The connection to Fall Brook Lane requires a lengthy wetland crossing. The alternate route enables a significant reduction of wetland impacts effectively minimizing the environmental affect of this development. Article 7.5.1.A (b) of The UDO affords exception to the cross-connection requirements provided environmental hardships that may be realized by such connection. On this basis, avoidance of the wetland impacts necessitated by the Fall Brook Lane connection is substantiated.

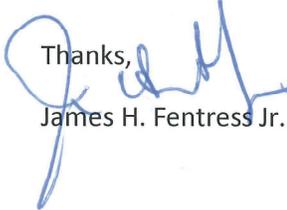
Article 4.14 (1) reports that setbacks for the PD zone are to be as shown by the Master Development Plan. The originally approved Master Development Plan represented PD zoning residential side setbacks to be ten feet. The developer is requesting the PD zoning residential side setbacks to be reduced to five feet to afford the builder opportunity to maximize the building envelope on smaller lots. On this premise, Note 10. Now represents the PD zoning residential side setbacks to be five feet. No other setbacks are proposed to be revised.

We hope the attached submission addresses the requirements to amend these two aspects of the Conditional Zoning Map. Please include this compilation for the next available review itinerary. Feel free to contact me with any additional needs that may arise in this regard.

Attachments

JHF/jf  
File W:\MASTER\PW1585\TRC\CSHAW RESPONSE 122121.doc

Thanks,

  
James H. Fentress Jr. PE, PLS

# **SITE PLAN(S)**

