

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

Lewis Road Dry Stack Conditional Rezoning

Case Number: REZONE 2023-54

Application Type: Conditional Rezoning

Applicant: Jason Ruegg, Lewis Landing, LLC

Owners: Sloop Point Marina Owners Association, Inc., Glenn Matthew Lewis, Mark M Lewis, Mark Lewis

Location: 579 Lewis Rd., Hampstead, NC – At the end of Lewis Rd., approximately .5 miles from the intersection of Lewis Rd. and Sloop Point Loop Rd.

Property ID #(s):

4224-01-6909-0000, 4224-02-7017-0000, 4224-02-7174-0000, 4224-02-0810-0000

Description: Conditional Rezoning application for a project consisting of an expansion of the existing Conditional Zoning District GB-CD1 from 224 boat dry stack spaces to the proposed 580 total dry stack spaces and a restaurant, office, and retail space. The subject property is zoned Residential Performance and General Business - Conditional District 1 (GB-CD1) consists of approximately 6.8 acres.

Current Zoning: RP, Residential Performance; General Business –Conditional District 1 (GB-CD1)

Technical Review Committee Meeting

10/5/2023

Board of County Commissioners/Planning Board Meeting (TENTATIVE DATES)

PB: 11/14/2023, BOCC: 12/5/2023

Included: Application Materials, Application Package, Project Narrative

APPLICATION PACKAGE

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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. **Pre-submittal Meeting**
Date of Meeting August 11, 2023
2. **Signed Application**
3. **Payment**
\$500 for the first 5 acres; \$10/ acre thereafter up to 1,000 acres; \$5 per acre thereafter
4. **Generalized Site Development Plan**
All applications which specify an intended use must include a generalized site development plan drawn to a suitable scale, supporting information and text which specifies the use or uses intended for the property and any development standards to be approved concurrently with the rezoning application.
5. **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.
6. **Public Input Meeting Report**
A meeting summary shall be submitted in accordance with the Unified Development Ordinance. This item is not required at the time of application submittal but must be received by the Administrator prior to any public hearings are noticed.
Will be held at a later date.
7. **Digital Submission**
For all documents submitted in paper copy, a digital copy shall be sent via email or digital drive.
8. **Adjacent Property List**
A list of names and addresses, as obtained from the county tax listings and tax abstract, to the owners of all properties located within 500-feet of the perimeter of the project bounds.
9. **Adjacent Property Envelopes**
The applicant shall provide two sets of business envelopes addressed to each of the owners of all properties located within 500-feet of the perimeter of the project bounds and accompanied with the amount of postage required for first class postage. No return address shall be placed on the envelopes at the time of submission.

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

Signature of Applicant


Jason Ruggs

Printed Name

Lewis Landing LLC


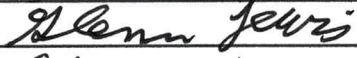
Date

9/1/23

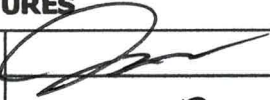

Staff Initials: _____

Date: _____

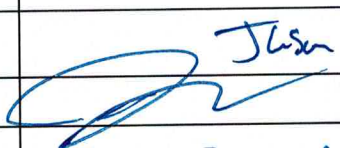
APPLICATION FOR CONDITIONAL REZONING

THIS SECTION FOR OFFICE USE			
Application No.	ZMA-CD	Date	
Application Fee	\$	Invoice Number:	
Pre-Application Conference		Hearing Date	
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Lewis Landing, LLC	Owner's Name:	*See attached
Applicant's Address:	1701 J.E.L. Wade Drive	Owner's Address:	
City, State, & Zip	Wilmington, NC 28401	City, State, & Zip	
Phone Number:	910-791-6707 (rep)	Phone Number:	
Email Address:	bschuler@paramounte-eng.com (rep)	Email Address:	
Legal relationship of applicant to landowner: Contract purchaser			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	4224-01-6909-0000; 4224-02-7017-0000; 4224-02-7174-0000; 4224-02-0810-0000	Total property acreage:	+/- 6.8 Acres
Current Zoning District:	GB-CD1 & RP	Proposed Zoning District:	Conditional GB
Project Address or Location:	579 Lewis Road		
Proposed Uses to be Considered (Include NAICS Code):			
Dry Stack Boat Storage; Restaurant; Office; Retail; Boat Sales; Boat Service			
Proposed Uses to be Eliminated from Consideration (Include NAICS Code):			
All not listed above and/or on the site plan.			
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	9/1/23
Applicant's Name Printed	Jason Ruess - Lewis Landing LLC	Date:	7/1/23
Owner's Signature		Date:	9/1/23
Owner's Name Printed	Glenn Lewis	Date:	9/1/23
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> 1. Applicant must also submit the information described on the Rezoning Checklist. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing. 4. All fees are non-refundable 5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda 			

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Email Address:	bschuler@paramounte-eng.com (rep)	Email Address:	
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Proposed Uses to be Eliminated from Consideration (Include NAICS Code):			
All not listed above and/or on the site plan.			
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	9/1/23
Applicant's Name Printed	Jason Pwess - Lewis Landing	Date:	9/1/23
Owner's Signature		Date:	9/1/23
Owner's Name Printed	MARK Lewis	Date:	9/1/23
NOTICE TO APPLICANT			
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City, State, & Zip	Wilmington, NC 28401	City, State, & Zip	
Phone Number:	910-791-6707 (rep)	Phone Number:	
Email Address:	bschuler@paramounte-eng.com (rep)	Email Address:	
Legal relationship of applicant to landowner: Contract purchaser			
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Dry Stack Boat Storage; Restaurant; Office; Retail; Boat Sales; Boat Service			
Proposed Uses to be Eliminated from Consideration (Include NAICS Code):			
All not listed above and/or on the site plan.			
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	
Applicant's Name Printed	Jason Russ	Date:	9/11/23
Owner's Signature		Date:	9/11/23
Owner's Name Printed	Sloop Point Marina Owners Association	Date:	9/11/23
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> 1. Applicant must also submit the information described on the Rezoning Checklist. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing. 4. All fees are non-refundable 5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda 			

Conditional (Zoning Map) Amendment Checklist

<input type="checkbox"/>	Signed application form					
<input type="checkbox"/>	Application fee					
<input type="checkbox"/>	A list of names and addresses, as obtained from the county tax listings & tax abstract, all adjacent property owners, including property owners directly across any road or road easement, & owners of the property under consideration for rezoning.					
<input type="checkbox"/>	Two (2) business size envelopes legibly addressed with first class postage for each of the adjacent and abutting property owners on the above list.					
<input type="checkbox"/>	Accurate legal description or a map drawn to scale showing the property boundaries that are to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.					
<input type="checkbox"/>	12 (11"x17") map copies to be distributed to the Planning Board					
<input type="checkbox"/>	20 (11"x17") map copies to be distributed to the Board of Commissioners					
<input type="checkbox"/>	Digital (.pdf) submission of all application materials					
<input type="checkbox"/>	Public Input Meeting Report (Section 3.4.3 or see Public Input Meeting on the first page of this application)					
<input type="checkbox"/>	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.					
<input type="checkbox"/>	All applications which specify an intended use must include a generalized site development plan drawn to a suitable scale, supporting information and text which specifies the use or uses intended for the property and any development standards to be approved concurrently with the rezoning application					
<input type="checkbox"/>	<p>A generalized site development plan shall include the following items:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A vicinity map drawn to a suitable scale which illustrates adjacent or nearby roadways, railroads, waterways & public facilities. <input type="checkbox"/> A (metes and bounds) boundary of the parcel or portion of the parcel to be rezoned and developed. <input type="checkbox"/> All existing easements, reservations and rights of way. <input type="checkbox"/> Delineation of all Areas of Environmental Concern including but not limited to federal jurisdictional wetlands. <input type="checkbox"/> For residential uses, the number of units, heights and a generalized location. For non-residential uses, the height, approximate footprint and location of all structures. <input type="checkbox"/> If a known use is proposed: Traffic impact report, parking and circulation plans illustrating dimensions, intersections and typical cross sections. <input type="checkbox"/> All proposed setbacks, buffers, screening and landscaping. <input type="checkbox"/> Phasing. <input type="checkbox"/> Signage. <input type="checkbox"/> Outdoor lighting. <input type="checkbox"/> Current zoning district designation and current land use status. <input type="checkbox"/> Other information deemed necessary by the Administrator, Planning Board, or Board of Commissioners, including but not limited to a Traffic Impact Analysis or other report from a subject matter expert. 					
Office Use Only						
ZMA-CD Fees: (<i>\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter</i>)	Total Fee Calculation: \$					
Attachments Included with Application: (Please include # of copies)						
CD /other digital version	<input type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets	# of large	# of 11X17	Other documents/Reports	<input type="checkbox"/> Y <input type="checkbox"/> N
Payment Method:	Cash : <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa		Check: <input type="checkbox"/> Check # _____		
Application received by:						Date:
Application completeness approved by:						Date:
Dates scheduled for public hearing:		<input type="checkbox"/> Planning Board:		<input type="checkbox"/> Board of Commissioners:		

Conditional Rezoning Standards Checklist

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

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

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

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

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

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

PROJECT NARRATIVE



**Lewis Tract Dry Stack
579 Lewis Road
Conditional Rezoning Narrative & Supplemental Information**

Ownership

Parcel 4224-01-6909-0000

Owner: Sloop Point Marina Owners Association Inc.
1701 N. JEL Wade Drive
Wilmington, NC 28401

Parcel 4224-02-7017-0000

Owner: Lewis, Glenn Matthew
585 Lewis Road
Hampstead, NC 28443

Parcel 4224-02-7174-0000

Owner: Lewis, Mark M
405 Lewis Road
Hampstead, NC 28443

Parcel 4224-02-0810-0000

Owner: Lewis, Mark
668 Lewis Road
Hampstead, NC 28443

Applicant Information

Jason Ruegg
Lewis Landing, LLC
1701 JEL Wade Drive
Wilmington, NC 28401

Agent Information

Paramounte Engineering, Inc.
122 Cinema Drive
Wilmington, NC 28403
bschuler@paramounte-eng.com
910-791-6707

Proposal

Lewis Landing, LLC, is requesting to expand an existing dry stack boat storage operation located at 579 Lewis Road. The site is directly adjacent to the Intracoastal Waterway and state boat ramp. The existing facility (Sloop Point Marina) was rezoned to a conditional GB district in 2017 and allows for 224 dry stack spaces. The proposed rezoning would expand this district to the abutting property to allow for 356 additional dry stack spaces (580 total spaces). In addition, the rezoning would allow for the existing ships store/bait shop to be converted into a restaurant. The proposed uses that would be permitted in the district – drystack storage, restaurant, office, retail, boat sales, and boat service – are compatible with the existing uses of the site and consistent with the County’s Comprehensive Plan.

Existing Conditions

The subject site is currently being used for boat storage and associated activities (ship store/bait shop, dry stacks, docks, boat lift). The existing business provides a place for folks to store their boat and access the Intracoastal Waterway. The proposal will allow for additional dry stacks to be installed where outdoor boat storage is currently taking place.





Image of the subject site from the Intracoastal Waterway.

Operational Characteristics

The dry stack business operates from 8am to 5pm, seven days a week. Customers reserve a launch time for their boat via a smartphone app. With the app, the business spreads out the launch times so that there are no peak arrival times. In addition, it takes about 4 minutes for a boat to be moved from the dry stacks to the dock, which limits how many boats can be prepared for launched within a given time.

The existing dry stack operation sees peak reservations on the weekends in the months of July and August. The average Saturday in July/August has about 60 reservations per day.

Due to the operational characteristics that provide for the launch times to be spread out, the proposal is not expected to generate the number of trips that would warrant a traffic impact analysis.

Pender 2.0: Comprehensive Land Use Plan

The Comprehensive Plan classifies that subject site as Commercial Waterfront and Coastal Residential.



The Commercial Waterfront classification promotes development that supports and enhances coastal activities, water-based recreation, and the tourism industry. Desired uses within these areas include water-based restaurants and retail establishments and water-based recreational uses. Inappropriate uses include residential and industrial development.

The proposed rezoning is exactly what is promoted in the Commercial Waterfront classification as it promotes the enjoyment of the Intracoastal Waterway and coastal activities.

While the western portion of the subject site is classified as Coastal Residential, it is important to note that the property has been used for commercial purposes for decades, specifically with outdoor boat storage. The proposed rezoning would expand this boat storage operation allowing more residents and visitors to access and enjoy the Intracoastal Waterway as promoted in Commercial Waterfront areas.

PARAMOUNT

ENGINEERING, INC.

August 30, 2023
23120.PE

PIN: 4224-02-7017-0000, 4224-02-7174-0000,
4224-02-0810-0000, & 4224-01-6909-0000
Glenn Lewis, Mark Lewis, &
Sloop Point Marina Owners Association Inc., Tracts

Being a tract of land located in Topsail Township, Pender County, State of North Carolina; being a part of the tracts as shown in Deed Book 943 at Page 134, Deed Book 2021 at Page 107, Deed Book 4650 at Page 2777, Deed Book 4778 at Page 2198, and Deed Book 4764 at Page 389, and a portion of Tracts 3 and 5 as shown in Map Book 15 at Page 80 and the tract shown in Map Book 61 at Page 35 of the Pender County Register of Deeds; said Tract being more particularly described as follows:

Beginning for reference at an iron pipe found at the southeastern corner of Tract 4 as shown in Deed Book 2185 at Page 180 of the Pender County Register of Deeds. Said iron pipe having NC State Plane coordinates of N: 242,947.49, E: 2,420,201.77. Thence S 47°14'02" E – 359.49 feet to a concrete monument found. Thence with the southern line of Mark Lewis, S 27°06'27" E – 103.41 feet to a point. Said point is the principal place of beginning for this survey.

Thence with the southern line of Ronald Baxley as shown in Deed Book 4731 at Page 872, S 27°06'27" E – 171.18 feet to an iron pipe found;

Thence with the southern line of Moores Landing Road and Sterling Melton as shown in Deed Book 4733 at Page 406 & 413 the following courses;

S 27°09'39" E - 29.97 feet to a concrete monument found;
S 27°06'51" E - 53.27 feet to a point;
S 45°43'17" E - 212.60 feet to a point;
S 40°58'17" E - 90.18 feet to a point;
S 51°01'59" W - 23.00 feet to a point;
S 38°56'36" E - 249.40 feet to a point at the intracoastal waterway;

Thence with the intracoastal waterway the following courses;

S 37°34'11" W - 157.42 feet to an iron pipe found;
S 83°12'17" W - 205.37 feet to an iron pipe found;
S 44°40'11" E - 9.40 feet to a point;
S 67°21'59" W - 64.44 feet to a point;
S 70°21'35" W - 35.84 feet to a point;

Thence with the line of Sloop Point Marina Owners Association Inc., as shown in Deed Book 4764 at Page 389 and Map Book 61 at Page 35 the following courses;

N 33°05'19" W - 140.55 feet to an iron rod found;

N 61°59'44" E - 69.57 feet to an iron pipe found;

N 43°42'10" W – 20.79 feet to an iron pipe found;

N 43°42'08" W – 285.00 feet to an iron pipe found on the northern right of way line of Lewis Road (NCSR 1564, 60-foot right of way);

Thence with the northern right of way of Lewis Road, N 43°44'46" W – 239.53 feet to a point;

Thence leaving Lewis Road and with a line through Deed Book 943 at Page 134, N 46°13'37" E – 432.86 feet to a point. Said point is the principal place of beginning for this survey.

Having an area of 296,008 square feet or 6.80 acres, more or less.

SITE PLAN(S)

