

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

Application Information Conditional Rezoning – Little Kelly Road

Case Number: REZONE 2023-59

Application Type: Conditional Rezoning

Applicant: Rhetson Companies, INC.

Owners: Livvie R. Lewis C/O Elizabeth B. Grix

Location: Across the intersection of Clarks Landing Loop Rd where NC HWY 133 merges with NC HWY 210. The property fronts Little Kelly RD and US HWY 210

Property ID #(s): 3214-28-8318-0000

Description: Conditional Zoning District request from the RA, Rural Agriculture to the GB, General Business zoning district for commercial development of a retail store.

Current Zoning: RA, Rural Agriculture

Proposed Zoning: GB, General Business

Technical Review Committee Meeting: December 7th, 2023 at 9am

Board of County Commissioners/Planning Board Meeting: TBD

Application Materials

Application Package

Narrative

Site Plan

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 10-26-2023
2. **Signed Application**
3. **Payment** To be paid after invoice is sent digitally.
\$500 for the first 5 acres; \$10/ acre thereafter up to 1,000 acres; \$5 per acre thereafter
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.
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

Date

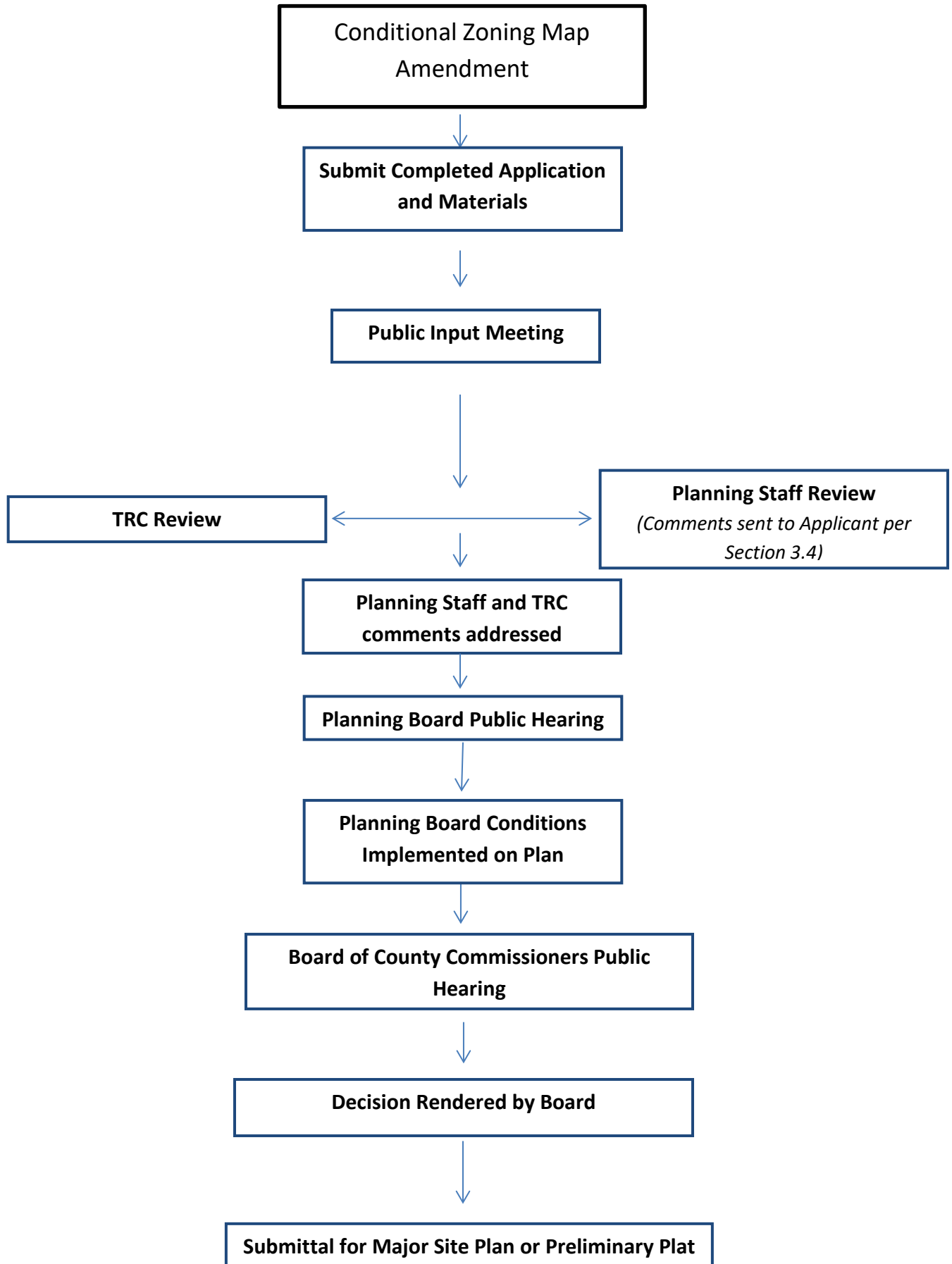
10-31-23

Printed Name

Jamie S. Encinosa

Staff Initials: _____

Date: _____



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CONDITIONAL REZONING

Intent

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

Application

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

Public Input Meeting

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

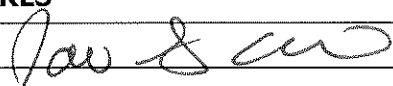
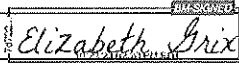
1. The report for the public hearing will include a summary of the public input meeting.
2. The applicant shall mail a notice for the public input meeting to adjoining property owners not less than ten (10) days prior to the scheduled meeting.
3. The notice shall include the time, date and location of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

Review

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

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

APPLICATION FOR CONDITIONAL REZONING

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

Conditional (Zoning Map) Amendment Checklist

<input type="checkbox"/>	Signed application form					
<input type="checkbox"/>	Application fee					
<input type="checkbox"/>	A list of names and addresses, as obtained from the county tax listings & tax abstract, all adjacent property owners, including property owners directly across any road or road easement, & owners of the property under consideration for rezoning.					
<input type="checkbox"/>	Two (2) business size envelopes legibly addressed with first class postage for each of the adjacent and abutting property owners on the above list.					
<input type="checkbox"/>	Accurate legal description or a map drawn to scale showing the property boundaries that are to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.					
<input type="checkbox"/>	12 (11"x17") map copies to be distributed to the Planning Board					
<input type="checkbox"/>	20 (11"x17") map copies to be distributed to the Board of Commissioners					
<input type="checkbox"/>	Digital (.pdf) submission of all application materials					
<input type="checkbox"/>	Public Input Meeting Report (Section 3.4.3 or see Public Input Meeting on the first page of this application)					
<input type="checkbox"/>	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.					
<input type="checkbox"/>	All applications which specify an intended use must include a generalized site development plan drawn to a suitable scale, supporting information and text which specifies the use or uses intended for the property and any development standards to be approved concurrently with the rezoning application					
<input type="checkbox"/>	A generalized site development plan shall include the following items: <ul style="list-style-type: none"> <input type="checkbox"/> A vicinity map drawn to a suitable scale which illustrates adjacent or nearby roadways, railroads, waterways & public facilities. <input type="checkbox"/> A (metes and bounds) boundary of the parcel or portion of the parcel to be rezoned and developed. <input type="checkbox"/> All existing easements, reservations and rights of way. <input type="checkbox"/> Delineation of all Areas of Environmental Concern including but not limited to federal jurisdictional wetlands. <input type="checkbox"/> For residential uses, the number of units, heights and a generalized location. For non-residential uses, the height, approximate footprint and location of all structures. <input type="checkbox"/> If a known use is proposed: Traffic impact report, parking and circulation plans illustrating dimensions, intersections and typical cross sections. <input type="checkbox"/> All proposed setbacks, buffers, screening and landscaping. <input type="checkbox"/> Phasing. <input type="checkbox"/> Signage. <input type="checkbox"/> Outdoor lighting. <input type="checkbox"/> Current zoning district designation and current land use status. <input type="checkbox"/> Other information deemed necessary by the Administrator, Planning Board, or Board of Commissioners, including but not limited to a Traffic Impact Analysis or other report from a subject matter expert. 					
Office Use Only						
ZMA-CD Fees: (<i>\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter</i>)				Total Fee Calculation: \$		
Attachments Included with Application: (Please include # of copies)						
CD /other digital version	<input type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets	# of large	# of 11X17	Other documents/Reports	<input type="checkbox"/> Y <input type="checkbox"/> N
Payment Method:	Cash : <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa		Check: <input type="checkbox"/> Check # _____		
Application received by:	Adam Moran				Date:	
Application completeness approved by:	Taylor Davis				Date: 11.7.23	
Dates scheduled for public hearing: 12.7.23		<input type="checkbox"/> Planning Board:			<input type="checkbox"/> Board of Commissioners:	
TRC						

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.

Narrative

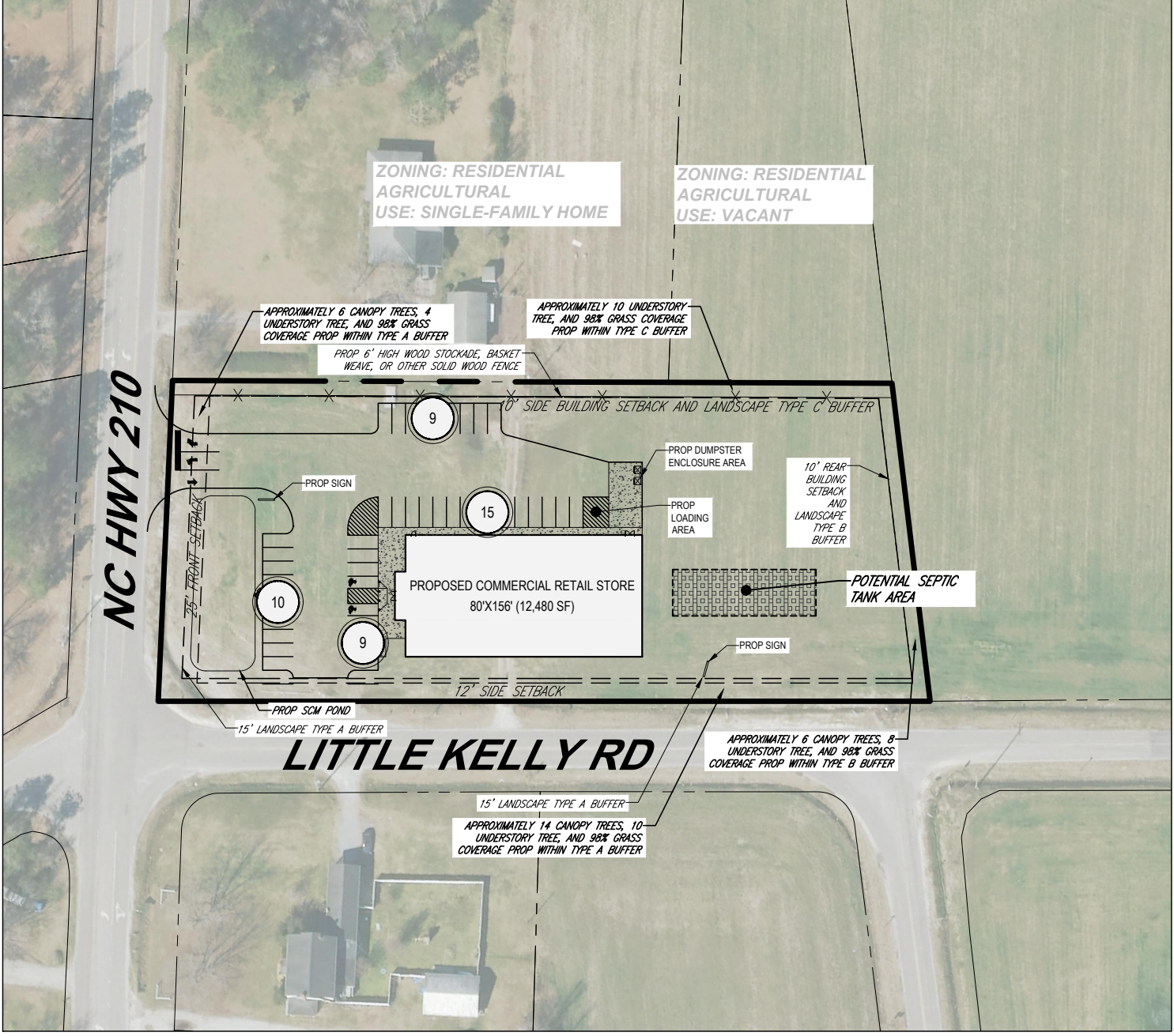
Project Name: Little Kelly Road & 210 Conditional Rezoning
Project Address: NC Hwy 210 E
Wilmington, NC 28412
Pender County

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.

SITE PLAN(S)

OVERALL SITE PLAN	LOCATION: NC HWY 210, ROCKY POINT, NC 28547		NOTE: THIS LAYOUT IS BASED UPON COUNTY GIS INFORMATION AND AERIAL PHOTOGRAPH. ALL DIMENSIONAL INFORMATION SHOWN HEREIN IS APPROXIMATE ONLY.
PROP. VARIETY STORE	DESIGNER	DATE	
TYPE: 12,480 SF PROTOTYPE A	COMPANY: BOHLER ENGINEERING NC	10/3/2023	
PARKING STALLS: 43	NAME: IVAN ROSALES		
PROPOSED PARCEL SIZE: ± 2.37 AC.	PHONE #: 919-578-9000		

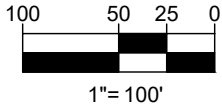


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10/03/2023 | IRF | NCB230212

BOHLER //
BOHLER ENGINEERING NC, PLLC
NCBELS P-1132
4130 PARKLAKE AVENUE, SUITE 200
RALEIGH, NC 27612
Phone: (919) 578-9000
NC@BohlerEng.com

PROPOSED COMMERCIAL RETAIL STORE



ROCKY POINT, NC 28457