



Pender County

Agenda

Planning Board Meeting

Tuesday, October 4, 2022 @ 7:00 PM

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

	Presenter	Page
1. CALL TO ORDER		
2. ROLL CALL		
3. INVOCATION		
4. PLEDGE OF ALLEGIANCE		
5. ADOPTION OF AGENDA		
6. ADOPTION OF MINUTES		
6.1. August 2, 2022 Meeting Minutes August 2, 2022 Minutes - Pdf		3 - 8
7. PRESENTATIONS		
8. PUBLIC COMMENT		
9. PUBLIC HEARINGS		
9.1. REZONE 2022-34: Zoning Map Amendment of One Tract in the Rocky Point Township from GB, General Business to RP, Residential Performance REZONE 2022-34 - Pdf		9 - 33
9.2. REZONE 2022-35: Zoning Map Amendment of One Tract in the Topsail Township from RP, Residential Performance to GB, General Business REZONE 2022-35 - Pdf		35 - 56
9.3. REZONE 2022-36: Zoning Map Amendment of Three Tracts in the Topsail Township from PD, Planned Development and RP, Residential Performance to GB, General Business REZONE 2022-36 - Pdf		57 - 80
10. DISCUSSION		
11. NEXT MEETING DATE		
12. ADJOURNMENT		



Pender County Request for Board Action

TO: Planning Board
FROM: Travis Henley
DATE: October 4, 2022
SUBJECT: August 2, 2022 Meeting Minutes

SUMMARY:

Meeting Minutes from August 2, 2022 meeting attached.

ACTION REQUESTED:

Review and approve meeting minutes.



MINUTES
Planning Board Meeting
Tuesday, August 2, 2022
805 S. Walker Street/BOCC Meeting Room
7:00 PM

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Jeff Beaudoin

OTHERS PRESENT:

Travis Henley, Planning Director
Trey Thurman, County Attorney
Justin Brantley, Senior Planner
Chris Hatcher, Current Planner
Donna Sayre, Administrative Specialist
Members of the Public

1 CALL TO ORDER

Chairman Delva Jordan called the meeting to order at 7:08 pm

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ADOPTION OF AGENDA

Motion to approve agenda as presented made by Norman Teachey,
seconded by Margaret Mosca.

Motion to approve

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

CARRIED.

6 ADOPTION OF MINUTES

Motion to approve the February 1, 2022, and July 6, 2022, Planning Board minutes made by Damien Buchanan, seconded by Jeffrey Pitts.

Motion to approve

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

CARRIED.

7 PUBLIC COMMENT

There was no public comment.

8 PUBLIC HEARINGS

a) SUBLIM 2022-191

Chris Hatcher, Current Planner, presented the staff report.

Travis Holder, Applicant, on behalf of Hampstead Investment Group LLC, owner, is requesting the approval of a Limited Subdivision on one tract totaling approximately two acres of land in the PD, Planned Development Zoning District. The subject property is located on the north side of Edens Lane, approximately 400 feet east of its intersection with US HWY 17 and may be identified by Pender County PIN 4204-97-7306-0000.

Mr. Hatcher stated that the applicant is proposing to subdivide approximately two acres in the PD, Planned Development zoning district. The applicant has requested to create the subdivision using a "Limited Subdivision Three Lot Division – NCDOT Road." A Limited Subdivision Three Lot Division – NCDOT Road is a subdivision that is located on an existing NCDOT maintained roadway and is limited to no more than three parcels (excluding the remnant parcel, if the remnant parcel meets the requirements of this Ordinance.) With the remnant parcel meeting the requirements of the Pender County UDO, there will be four lots created with this Limited Subdivision, with the smallest lot proposed to be 21,016 square feet. The Planned Development District is intended to and encourages progressive land planning and design concepts and is intended to provide an alternative to a conventional development.

Mr. Hatcher stated that the Planning Department found the proposal to be consistent with the Pender 2.0 Comprehensive Land Use Plan's Future Land Use Map. He also stated that due to the request also being consistent with the Unified Development Ordinance based on sections 6.6.2 Limited Subdivision Three Lot Division – NCDOT Road and 4.8.1 PD: Planned Development District that the Planning Department respectfully recommends the approval of the Limited Subdivision, as requested.

Mr. Henley stated that the Planning Board sets lot sizes in the Planned Development Zoning District. The Planning Staff may approve the subdivision map with Planning Board approval.

Mr. Jordan asked the Board members if they have any questions for the staff and the Board members offered no questions.

Mr. Henley introduced surveyor, Howard Hoadley, to the Board members and asked Mr. Hoadley if he was wanting to speak to the Board, which Mr. Hoadley declined stating that he did not feel it was necessary unless the Board members had any questions that he could answer. Mr. Buchanan asked Mr. Howard if this project will be on public sewer and Mr. Howard responded affirmatively.

Mr. Buchanan made a motion to approve, seconded by Mr. Pitts.

Motion to approve

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

CARRIED.

9 DISCUSSION

Sam Shore, Planner with Cape Fear Council of Governments made a presentation before the Planning Board pertaining to growth and development of Pender County. He also responded to questions presented by the Board members.

Mr. Brantley presented the Board members with the agenda items of the TRC meeting scheduled for Thursday the 4th.

10 NEXT MEETING DATE

September 7, 2022 at 7:00 p.m.
Pender County Administration Building
805 S. Walker Street
Burgaw, NC 28425

Mr. Henley informed the Board members that there is tentatively one case on the agenda with

a likelihood of the case not moving forward at this time, which may affect as to whether a meeting in September will be held.

11 ADJOURNMENT

Meeting adjourned at 8:05 p.m.



Pender County Request for Board Action

TO: Planning Board
FROM: Daniel Adams
DATE: October 4, 2022
SUBJECT: REZONE 2022-34

SUMMARY:

Nancy Romero, applicant and owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 0.33 acres of land from the GB, General Business zoning district, to the RP, Residential Performance zoning district. The subject property is located at the intersection of Railroad Street and Casha Road, approximately one tenth of a mile south of NC Highway 210, in the Rocky Point Township and may be further identified by Pender County PIN 3235-50-3750-0000.

ACTION REQUESTED:

To hold a public hearing and consider the Zoning Text Amendment request.

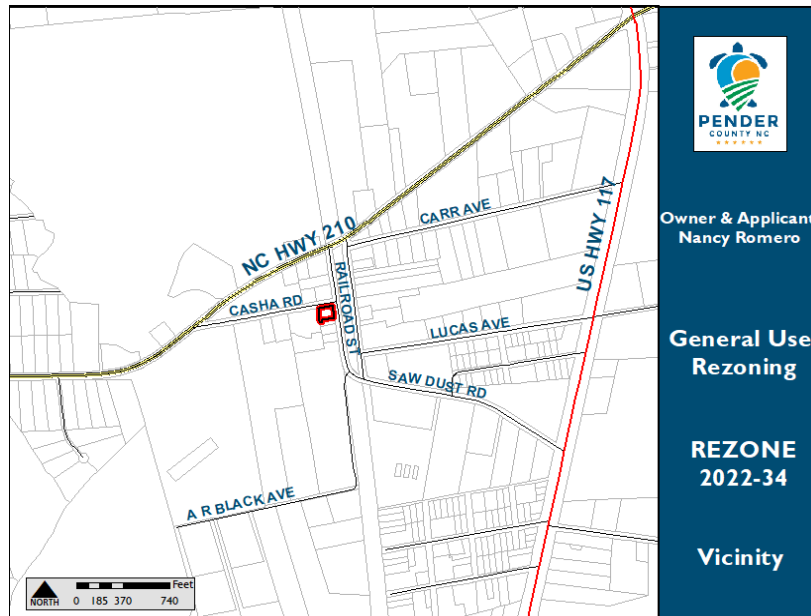
ATTACHMENTS:

1. Staff Report
2. Application
3. Narrative
4. Site Map
5. UDO - Table of Permitted Uses

STAFF REPORT FOR REZONE 2022-34
ZONING MAP AMENDMENT APPLICATION
Prepared by Daniel Adams, Hazard Mitigation Coordinator

APPLICATION SUMMARY	
Case Number	REZONE 2022-34
Hearing Dates	October 4, 2022 Planning Board November 21, 2022 Board of Commissioners
Applicant	Nancy Romero
Property Owner(s)	Nancy Romero
Parcel Identification Number	3235-50-3750-0000
Acreage	0.33
Township	Rocky Point
Pender 2.0 Future Land Use Category	Medium-Density Residential
Current Zoning District	GB, General Business
Proposed Zoning District	RP, Residential Performance

REZONING PROPOSAL
Nancy Romero, owner and applicant, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 0.33 acres of land from the GB, General Business zoning district to the RP, Residential Performance zoning district.
LOCATION
The subject property is located at the intersection of Railroad Street and Casha Road, approximately one tenth of a mile south of NC Highway 210, in the Rocky Point Township and may be further identified by Pender County PIN 3235-50-3750-0000.



REZONING PROPOSAL

The applicant is proposing to rezone approximately 0.33 acres from the GB, General Business zoning district to the RP, Residential Performance zoning district. The Residential Performance zoning district is intended to allow a variety of residential uses and densities and also limited commercial activities as well as agritourism.

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 Residential Performance zoning district. However, any future development of the site must comply with the standards of the Residential Performance zoning district and will be subject to review and approval as facilitated by the Pender County Planning and Community Development Department.



Dimensional Requirements

As this is a general use rezoning, the standard setbacks in the Residential Performance 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.

The subject property currently has a structure on it that does not appear to meet the dimensional requirements of the General Business or Residential Performance Zoning districts. Therefore, the structure is considered an existing non-conformity and the request to rezone the parcel to Residential Performance would not increase the degree of non-conformity.

Minimum Setback (Residential Performance)	
Front	30'
Side	10'
Rear	25'
Corner	15'
Max. Height	35'
Structure Separation	30'

The minimum lot size in this district is 15,000 square feet, and the subject property is compliant with this standard, as determined by a survey of the parcel submitted by the applicant.

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 Residential Performance zoning district. The table below provides a general list of typical developments permitted in the Residential

Performance 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.

	RP, Residential Performance
Residential Uses	Single Family Detached Dwelling, Duplex, Accessory Dwelling Unit, Manufactured Home
Commercial Uses	≈ 6 uses by-right (Family Child Care Home, Public Park, Temporary Fruit & Vegetable Stand, etc.) ≈ 33 uses w/ SUP (Artisan Manufacturing, Water Supply Facilities, Food and Beverage Stores, Educational Services etc.)

TRANSPORTATION INFRASTRUCTURE

Access

The property is accessible via Railroad Street (SR 1422) and Casha Road (SR 1429).

Traffic

A Traffic Impact Analysis (TIA) is not required for a general use rezoning since a site-specific development plan is not required to be included in the application package. 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.

NCDOT Average Annual Daily Traffic (AADT) – 2016, 2019; WMPO Roadway Capacities – 2021

Road	Location	Volume	Capacity	V/C
Casha Road	100 Block of Casha Road	310 (2016)	4,000	.078
Railroad Street	100 Block of Railroad Street	400 (2019)	4,000	.1

OTHER INFRASTRUCTURE

Utilities

Public water is available through Pender County Utilities (PCU) and according to available GIS data, PCU has water lines available along both Casha Road and Railroad Street. Based on available data and information from private sewer providers, sewer is not currently available in this location. 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.

ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject property does not contain any Special Flood Hazard Areas ¹ .
Wetlands	It does not appear that the property contains wetlands ^{2,3} . The location of any wetlands will be verified when a site-specific development plan is submitted for review. Any disturbance within these wetlands is subject to review and approval by the U.S. Army Corps of Engineers.
Areas of Environmental Concern	The subject property does not contain any Areas of Environmental Concern (AEC) ⁴ .

¹ According to the effective and preliminary Flood Insurance Rate Maps available via NC Flood Risk Information System (NC FRIS)

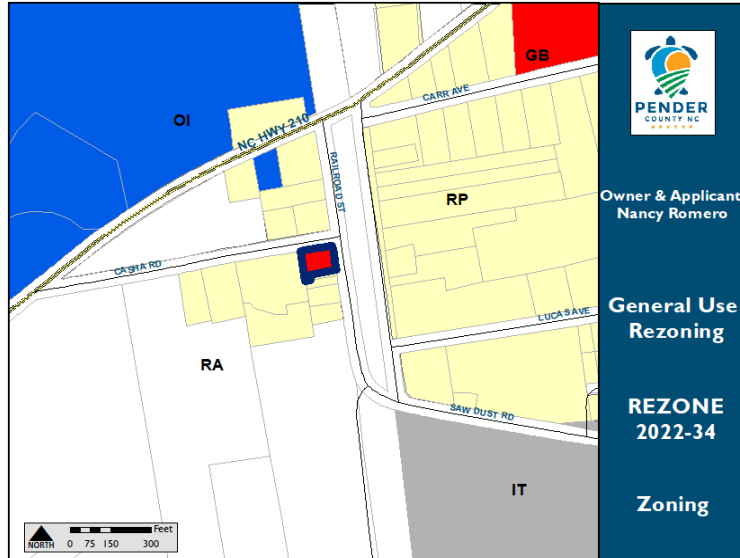
² According to the NC Division of Coastal Management (NC DCM)

³ According to the National Wetlands Inventory (NWI)

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

EVALUATION

Below: Zoning Map of the Area



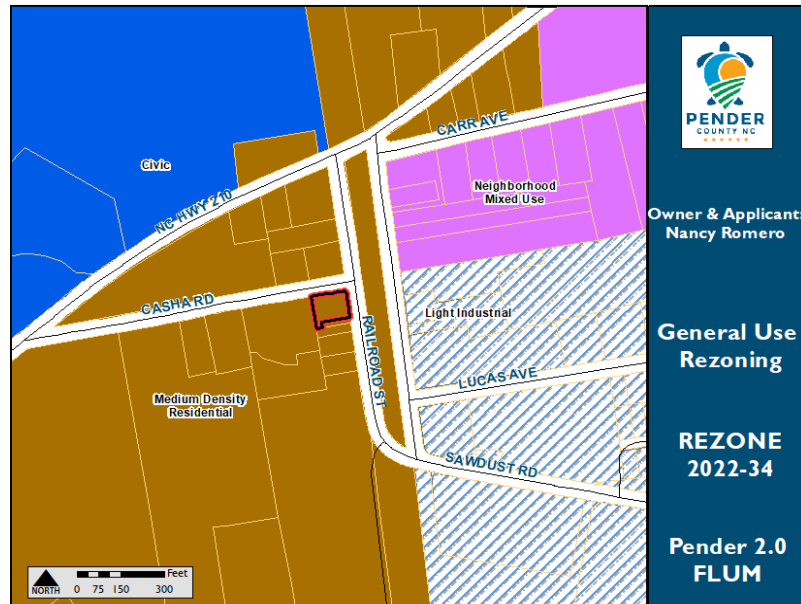
CHARACTERISTICS OF THE SURROUNDING AREA		
	LAND USE	ZONING
North	Residential	RP, Residential Performance OI, Office and Institutional
East	Residential	RP, Residential Performance
South	Vacant	RP, Residential Performance
West	Residential	RP, Residential Performance RA, Rural Agricultural

Surrounding Zoning

The subject property is currently within the GB, General Business zoning district. Properties in the immediate vicinity of the subject property are currently zoned RP, Residential Performance, RA, Rural Agricultural, and OI, Office and Institutional as indicated by the table above. A former rail line, owned by NCDOT, is located across Railroad Street from the subject property.

Pender 2.0 Comprehensive Land Use Plan Compliance: The subject property is located within the Medium Density Residential future land use classification as shown in the Future Land Use Map within the Pender 2.0 Comprehensive Land Use Plan. This future land use category is

established in areas that are typically 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 facilities such as religious and civic



organizations. Commercial and industrial uses that are not located within a planned community are inappropriate in these areas, as are large institutions and other significant traffic generators. 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. Development density within this category is three to six dwelling units per acre or less.

The Medium Density Residential Future Land Use classification is designed for areas that 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. The subject parcel is surrounded by parcels that are currently used for residential purposes, predominantly detached single family dwellings, within the Residential Performance zoning district. The parcel's current zoning of General Business is inconsistent with the future land use classification.

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

Policy 5.1.V: Residential Development: The County supports a range of housing types and development at appropriate densities and locations that are compatible with their surroundings and are in accordance with the future land use map.

Policy 5.1.W: Single-family Residential Development: The County shall maintain areas exclusively for conventional single-family development. Conversion of single-family homes to two-family and/or multi-family residential uses within established single-family neighborhoods shall be discouraged.

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.

RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The proposed Zoning Map Amendment is consistent with the Future Land Use Map and is supported by two policies within the Pender 2.0 Comprehensive Land Use Plan that encourage the preservation and development of single-family residential structures.

The proposed RP, Residential Performance zoning district rezoning request is consistent with the Pender 2.0 Comprehensive Land Use Plan and the allowable uses within the requested zoning district are compatible with the surrounding area. Therefore, Planning staff respectfully recommends approval of the Zoning Map Amendment as detailed in this report.

PLANNING BOARD ACTION NEEDED:

TO APPROVE: Motion to approve the 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:

- **Policy 5.1.V**
- **Policy 5.1.W**

The proposed rezoning is consistent with the Medium Density Residential Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan because it has the ability to provide supporting services in an area near existing residences in an area experiencing growth.

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

PLANNING BOARD ACTION FOR GENERAL USE REZONING						
MOTION				SECONDED		
APPROVED			DENIED		UNANIMOUS	
Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey

**Pender County
Planning and Community Development**

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



Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

Zoning Map Amendment Submission (Rezoning)

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

1. ☒ **Pre-submittal Meeting**
Date of Meeting 8/3/22
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

Nancy K Romero M

Date

8/4/22

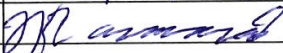
Printed Name

Nancy K Romero M

Staff Initials: _____

Date: _____

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA	Date	8/4/22
Application Fee	\$ 500.00	Invoice	
Pre-Application Conference	8/3/22	Hearing Date	
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Nancy Romero	Owner's Name:	Nancy Romero
Applicant's Address:	94 Railroad St.	Owner's Address:	94 Railroad St.
City, State, & Zip	Rocky Point, NC 28457	City, State, & Zip	Rocky Point, NC 28457
Phone Number:	910-297-0353	Phone Number:	910-297-0353
Email Address:	c.nancy81@gmail.com	Email Address:	c.nancy81@gmail.com
Legal relationship of applicant to landowner: Self			
SECTION 2: PROJECT INFORMATION 3235-50-3577-0000			
Property Identification Number (PIN):	3235-50-3750-0000 3235-50-3681-0000 3235-50-3684-0000	Total property acreage:	0.68
Current Zoning District:	Commercial 3235-50-3750 Residential, All others	Proposed Zoning District:	Residential (A11)
Project Address:	94 Railroad St. Rocky Point, NC 28457		
Description of Project Location:	Building with land		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	8/4/22
Applicant's Name Printed	Nancy K Romero M	Date:	8/4/22
Owner's Signature		Date:	8/4/22
Owner's Name Printed	Nancy K Romero M	Date:	8/4/22
NOTICE TO APPLICANT			
1. Applicant must also submit the information described on the Rezoning Checklist. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing. 4. All fees are non-refundable 5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda			

Rezoning/Zoning Map Amendment Checklist

☒	Signed application form
☒	Application fee
☒	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.
☒	Two (2) business size envelopes legibly addressed with first class postage for each of the adjacent and abutting property owners on the above list.
☒	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.
☒	18 (11"x17") map copies to be distributed to the Planning Board
☒	20 (11"x17") map copies to be distributed to the Board of Commissioners
☐	Digital (.pdf) submission of all application materials
☒	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.
Office Use Only	
☐	ZMA Fees: (\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter) Total Fee Calculation: \$
Attachments Included with Application: (Please include # of copies)	
CD /other digital version	☐ Y ☐ N
Plan Sets	# of large
	# of 11X17
Other documents/Reports	☐ Y ☐ N
Payment Method:	Cash : ☐ \$ _____
	Credit Card: ☐ Master Card ☐ Visa
	Check: ☐ Check # _____
Application received by:	Date:
Application completeness approved by:	Date:
Dates scheduled for public hearing: ☐ Planning Board: ☐ Board of Commissioners:	

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

Nancy Romero 94 Railroad St. Rocky Point, NC

Description of Request

It has come to our attention that PIN 3235-50-3750-0000, is zoned as General Business. The other portions of our property PIN's 3235-50-3681-0000, 3235-50-33674-0000, 3235-50-3577-0000 are zoned as residential. We are in the process of having an attorney combine all the plots as one.

We are unable to find when and why only one portion of the property was zoned as General Business. We request that it be rezoned to residential, so all the plots are listed the same. As you can see somewhere along the line, the property was subdivided in four sections, two larger and two smaller. All plots put together are only 0.68 acres.

All areas around the plots are residential as well. We hope that you will approve our request. We appreciate your time and consideration to correct this issue.

Sincerely,

Nancy Romero

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		Residential				Mixed Use	Commercial		Industrial		Special Purpose
		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
RESIDENTIAL											
SFD: Detached-Conventional		P	P	P	P	P					
SFD: Detached Zero Lot Line				P		P					
SFD-Attached: Duplex		P	P	P		P					
SFD-Attached: Multiplex				P		P					
SFD-Townhouse (5+ attached)				P		P					
Multifamily (condominium/apartment)				P		P					
Upper Story Residential						P	P	P			
Accessory Dwelling		D	D	P		D					
Accessory Dwelling on Non Residential Principal Uses		D				D			P	P	
Manufactured Home		P	D		P						
Manufactured Home Park					PMD						
ACCESSORY USES AND STRUCTURES											
Accessory Structures		P	P	P	P	P	P	P	P	P	
Cottage Occupations		SD	SD	SD		SD	SD				
Home Occupation		D	D	D	D	D	D				
Agritourism Activities on active farms		D	D	D	D	D	D	D	D	D	D
Sector 21: MINING, QUARRYING, OIL AND GAS EXTRACTION											
Nonmetallic Mineral Mining & Quarrying	2123	S								S	
Except: 212392 Phosphate Rock Mining											
Except: 212321 Borrow Pit Sand Mining			PMDS			PMD					
Sector 22: UTILITIES											
Fossil Fuel Electric Power Generation	221112									S	
Other Electric Power Generation	221119	S	S			S			P	P	
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												
Zoning Districts												
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC	
Sector 23: CONSTRUCTION												
Construction of Buildings	236						D		P	P		
Heavy and Civil Engineering Construction	237						D		P	P		
Specialty Trade Contractors	238						D		P	P		
Sectors 31-33 MANUFACTURING												
Artisan Manufacturing		S	S			P	P		P			
Food Manufacturing	311									P		
Beverage and Tobacco Product Manufacturing	312									P		
Textile Mills	313									P		
Textile Product Mills	314									P		
Apparel Manufacturing	315									P		
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
Sectors 31-33 MANUFACTURING											
Other Concrete Product Manufacturing	32739									P	
Gypsum Product Manufacturing	32742									P	
Fabricated Product Manufacturing	332									P	
Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing	3327								P	P	
Machinery Manufacturing	333									P	
Computer & Electronic Product Manufacturing	334								P	P	
Electrical Equipment, Appliance, & Component Manufacturing	335									P	
Transportation Equipment Manufacturing	336									P	
Furniture and Related Product Manufacturing	337								P	P	
Miscellaneous Manufacturing	339								P	P	
Sector 42 WHOLESALE TRADE											
Wholesale Trade	42	S							P	P	
Sectors 44-45 RETAIL TRADE											

Motor Vehicle 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	
Sectors 48-49: TRANSPORTATION AND WAREHOUSING											
Air Transportation	481								P	P	
Rail Transportation	482								P	P	
Truck Transportation	484								P	P	
Transit and Ground Passenger Transportation	485								P	P	
Interurban and Rural Bus Transportation	4852						P		P	P	
Taxi and Limousine Service	4853						P		P	P	
School and Employee Bus Transportation	4854								P	P	
Charter Bus Industry	4855								P	P	
Support Activities for Transportation	4881								P	P	
Support Activities for Road Transportation	4884	S					P		P	P	
Postal Services	491110	S	S			P	P	P			
Couriers and Messengers	492						P	P	P	P	
		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sectors 48-49: TRANSPORTATION AND WAREHOUSING											

Warehousing and Storage	493	S							P	P	
Sector 51: INFORMATION											
Information	51					P	P	P	P	P	
Finance and Insurance	52	S	S			P	P	P	P	P	
Sector 53: REAL ESTATE AND RENTAL AND LEASING											
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	
Sector 54: PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES											
Professional, Scientific, & Technical Services	54	S	S			P	P	P	P	P	
Sector 55: MANAGEMENT OF COMPANIES AND ENTERPRISES											
Management of Companies and Enterprises	55	S	S			P	P	P	P	P	
Sector 56: ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES											
Administrative and Support Services	561	S				P	P	P	P	P	
Solid Waste Collection Public	562111	P	P	P	P	P	P	P	P	P	
Solid Waste Collection Private	562111									S	
Solid Waste Landfill	562212									S	
Solid Waste Combustors and Incinerators	562213									S	
Other Nonhazardous Waste Treatment and Disposal	562219	S					S		S	S	
Remediation Services	562910									S	
Materials Recovery Facilities	562920									S	
All Other Waste Management Facilities	56299									S	
Sector 61: EDUCATIONAL SERVICES											
Educational Services	611	P	S			P	P	P			
Business Schools, Computer & Management Training	6114	S				P		P	P		
Technical and Trade Schools	6115	S				P	P	P	P	P	
Other Schools and Instruction	6116	S				P	P	P	P		

Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE											
Ambulatory Health Care Services	621					P	P	P			
Except: Outpatient Mental Health and Substance Abuse Centers	62142						P	S			
Hospitals	622	S				P	P	P			
		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE											
Except: Psychiatric and Substance Abuse Hospitals	6222							S			
Except: Outpatient Mental Health and Substance Abuse Hospitals	62142						S	S			
Nursing and Residential Care Facilities	623	S	S			P	P	P			
Except: Residential Mental Retardation, Mental Health & Substance Abuse Facilities	6232	S						S			
Social Assistance	624	S				P	P	P			
Vocational Rehabilitation Services	6243						P	P	P	P	
Sector 71: ARTS, ENTERTAINMENT, AND RECREATION											
Performing Arts Companies	7111	S				P	P				
Spectator Sports	7112	S					P		P		
Promoters of Performing Arts, Sports and Similar Events	7113	S				S	S				
Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures	7114					P	P	P			
Museums, Historical Sites and Similar Institutions	712	S				P	P	P			
Amusement and Theme Parks	713110	S				S	S				
Amusement Arcades	713120						P				
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									
Zoning Districts											
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 72: ACCOMMODATIONS AND FOOD SERVICES											
Hotels and Motels	72111					P	D	D			
Bed and Breakfast Inns	721191	S	S		S	P	P				
All Other Traveler Accommodation	721199	S	S		S	P	P				
RV Parks and Recreational Camps	7212	SD					SD				
Recreational and Vacation Camps	721214	S									S
Rooming and Boarding Houses	721310	S				P	P				
Full Service Restaurants	7221	S				P	P	P	P	P	
Limited Service Eating Places	7222	S				P	P	P	P	P	
Special Food Services	7223	S				P	P	P	P	P	
Drinking Places (Alcoholic Beverages)	7224	S				P	P				
Sector 81: OTHER SERVICES, EXCEPT PUBLIC ADMINISTRATION											
Automotive Repair and Maintenance	8111	S					P		P	P	
Electronic and Precision Equipment Repair and Maintenance	8112	S					P	P	P	P	
Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	8113								P	P	
Personal and Household Goods Repair and Maintenance	8114	S				P	P	P	P	P	

Personal Care Services	8121	P	S			P	P	P	P		
Funeral Homes and Funeral Services	81221	S					P	P	P	P	
Cemeteries and Crematories Except: Private Cemetery	81222	S	S			S	S	S	S	S	
Coin Operated Laundries and Drycleaners	812310	P				P	P				
Dry-cleaning and Laundry Services	812320	S				P	P		P	P	
Linen & Uniform Supply	81233								P	P	
Other Personal Services	8129	S				P	P	P	P		
Pet Care Services	812910	D					D		D	D	
Religious Organizations	8131	P	S			P	P	P	P		
Grant making and Giving Services	8132					P	P	P	P		
Social Advocacy Organizations	8133					P	P	P	P		
Civic and Social Organizations	813410	S	S			P	P	P			
Business, Professional, Labor, Political and Similar Organizations	8139					P	P	P	P		
Public Administration	92	P	P	P	P	P	P	P	P	P	
Zoning Districts											
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
MISCELLANEOUS USES											
Adult and Sexually Oriented Businesses									S	S	
Adult Retail									S	S	
Bona fide Farm Purposes		D	D	D	D	D	D	D	D	D	D
Child Care Center		P	S			S	P	P			
Community Boating Facility		SD	SD	SD	SD	SD					
Community Boating Facility in conjunction with a Master Development Plan		SD	PMD	PMD	PMD	PMD					
Disaster Volunteer Housing		D	D	D	D	D	D	D	D	D	
Family Care Home		D	D	D	D	D					
Family Child Care Home		P	P			P	P	P			
Industrial Park										SD	
Marina (Commercial)		SD	PMD			PMD					
Portable Storage Containers		D	D	D	D	D	D	D	D	D	
Private Cemetery less than 6,000 sq. ft.		D	D				D	D	D		

Private Cemetery 6,000 sq. ft. and larger		S	S				S	S	S		
Public Parks		P	P	P	P	P	P	P	P	P	
Private Residential Boating Facility		D	D	D	D	D					
Salvage Operations		S								D	
Storage of Merchandise, Materials or Equipment On Site Inside or Outside An Enclosed Building, Excluding Salvage		S							P	P	
Storage of boats and watercraft outdoors or on dry stack structures							S				
Sweepstakes Center							SD		SD	SD	
Telecommunication Facilities		SD	SD			SD	SD	SD	SD	SD	
Telecommunication Facilities – Public Safety		SD	SD			SD	SD	SD	SD	SD	
Temporary Manufactured Homes		P	P			P					
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	



Pender County Request for Board Action

TO: Planning Board

FROM: Greg Feldman

DATE: October 4, 2022

SUBJECT: REZONE 2022-35: Zoning Map Amendment of One Tract in the Topsail Township from RP, Residential Performance to GB, General Business

SUMMARY:

Peter S. Vinal of TP Factory, LLC, applicant and owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 2.85 acres of land from the RP, Residential Performance zoning district to the GB, General Business zoning district. The subject property is located on Factory Road approximately one tenth of a mile east of the intersection of Factory Road and US Highway 17 in the Topsail Township and may be further identified by Pender County PIN 3282-97-9136-0000.

ACTION REQUESTED:

To hold a public hearing and consider the Zoning Map Amendment request.

ATTACHMENTS:

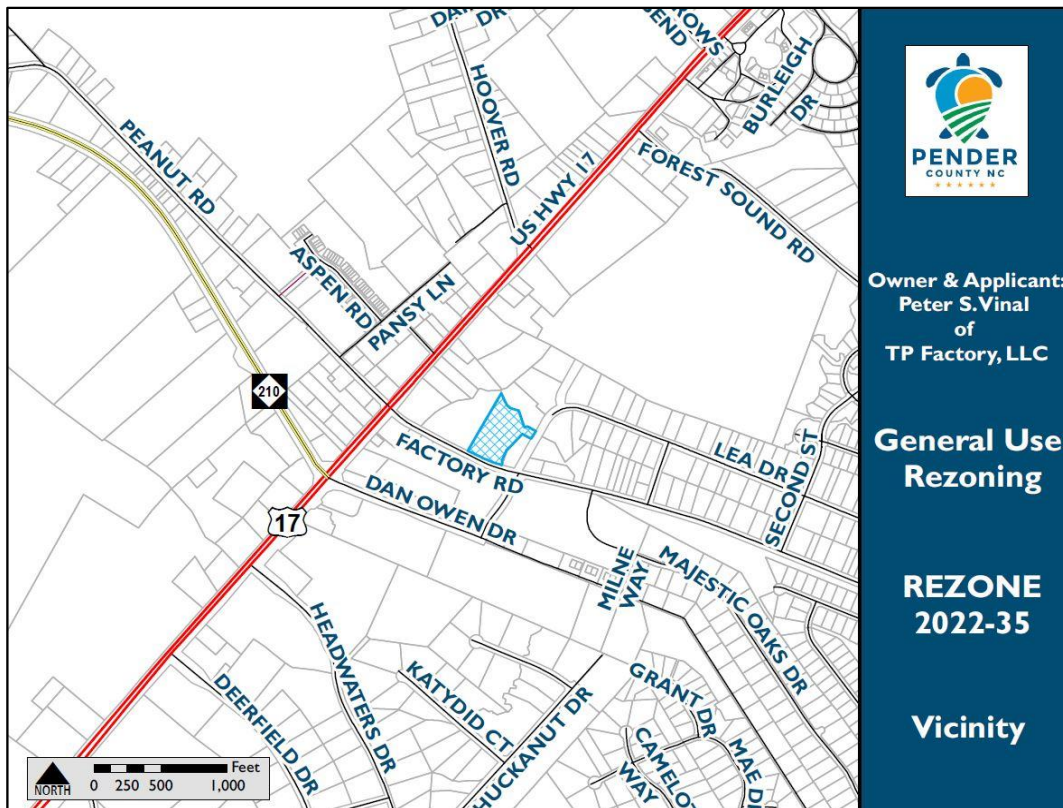
1. Staff Report
2. Application
3. Narrative
4. Site Map
5. UDO - Table of Permitted Uses

**STAFF REPORT FOR REZONE 2022-35
ZONING MAP AMENDMENT APPLICATION**

Prepared by Greg Feldman, Current Planner

APPLICATION SUMMARY	
Case Number	REZONE 2022-35
Hearing Dates	October 4, 2022 Planning Board November 21, 2022 Board of Commissioners
Applicant	Peter S. Vinal
Property Owner(s)	Peter S. Vinal, TP Factory, LLC
Parcel Identification Number(s)	3282-97-9136-0000
Acreage	2.85
Township	Topsail
Pender 2.0 Future Land Use Category	Regional Mixed-Use
Current Zoning District	RP, Residential Performance
Requested Zoning District	GB, General Business

REZONING PROPOSAL
Peter S. Vinal, applicant and owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 2.85 acres of land from the RP, Residential Performance zoning district to the GB, General Business zoning district.
LOCATION
The subject property is located east of US Highway 17, approximately one tenth of a mile east of the intersection of Factory Road and US Highway 17 in the Topsail Township and may be further identified by Pender County PIN 3282-97-9136-0000.



REZONING PROPOSAL

The applicant is proposing to rezone approximately 2.85 acres from the RP, Residential Performance zoning district to the GB, General Business 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 GB, General Business zoning district. However, any future development of the site must comply with the standards of the GB, 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.

The GB, General Business zoning district is primarily intended 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.



Dimensional Requirements

As this is a general use rezoning, the standard setbacks in the GB, 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 properties.

Dimensional Requirements (General Business)	
Front	25'
Side	10'
Rear	10'
Corner	12'
Max Height	40'
Structure Separation	20'
Lot Width	80'

The minimum lot size in this district is 15,000 square feet, and the subject property is compliant with this standard.

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 GB, General Business zoning district. The table below provides a general list of typical developments permitted in the GB, General Business zoning district. A comprehensive list of all uses from Section 5.2.3 of the UDO is included in Attachment I.

	GB, General Business
Residential Uses	Upper story Residential
Commercial Uses	≈ 83 uses by-right (Retail Trade, Real Estate and Rental and Leasing, Professional Scientific and Technical Services, Educational Services, ≈ 18 uses w/ SUP (Utilities, Manufacturing, Arts, Entertainment, and Recreation etc.)

TRANSPORTATION INFRASTRUCTURE

Access

The subject property has direct access to Factory Road (SR 1570). Redevelopment 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 rezoning since a site-specific development plan is not required to be included in the application package. 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.

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

Road	Location	Volume	Planning Capacity	V/C
Factory Road	Entirety	2,400	10,979	0.22

OTHER INFRASTRUCTURE

Utilities

Public water is available through Pender County Utilities (PCU) and according to available GIS data, the nearest PCU water main is along the east side of US HWY 17. Based on available data and information from private sewer providers, private sewer is available at this location. The method of water and sewer service will be determined when a site-specific development plan is submitted for review.

Schools

There is no development proposal associated with this general use rezoning, so no specific impacts to the school system are known at this time. However, because the proposed rezoning is from a predominantly residential zoning district to a predominantly commercial zoning district, an impact to school capacity is not anticipated.

ENVIRONMENTAL CONCERNS

Special Flood Hazard Areas	The subject property does not contain any Special Flood Hazard Areas ¹ .
Wetlands	The subject properties may contain characteristics of wetlands. ^{2, 3}
Areas of Environmental Concern	The subject property does not contain any Areas of Environmental Concern (AEC) ⁴ .

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

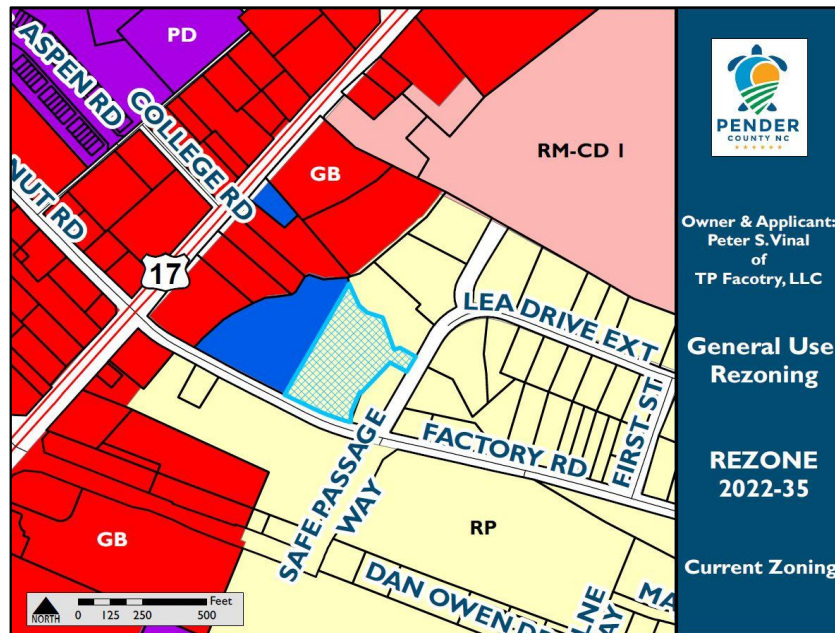
² According to the NC Division of Coastal Management (NC DCM)

³ According to the National Wetlands Inventory (NWI)

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

EVALUATION

Below: Current Zoning Map of the Area



CHARACTERISTICS OF THE SURROUNDING AREA

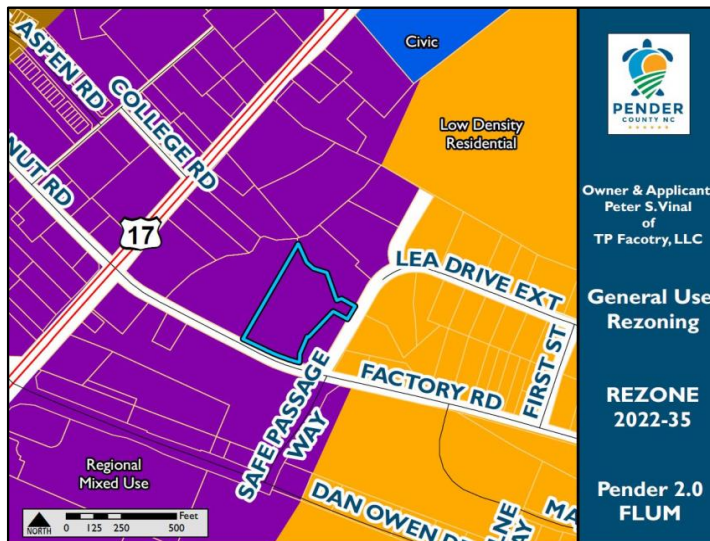
	LAND USE	ZONING
North	Residential, Commercial, Vacant	RP, Residential Performance, O&I, Office and Institutional and GB, General Business
East	Residential	RP, Residential Performance
South	Commercial, Residential, Vacant	GB, General Business and RP, Residential Performance
West	Commercial, Residential, Vacant	GB, General Business; O&I, Office and Institutional

Surrounding Zoning

The subject property is currently within the RP, Residential Performance zoning district. Properties immediately adjacent to the subject properties are currently zoned GB, General Business and RP, Residential Performance as indicated by the table above.

Pender 2.0 Comprehensive Land Use Plan Compliance:

The subject property is located within the Regional Mixed Use Future Land Use Category as shown in the Future Land Use Map (FLUM) within the Pender 2.0 Comprehensive Land Use Plan. Regional mixed use allows for the strategic allocation of future development and population growth, while limiting land use conflicts within existing neighborhoods. Growth is focused in locations that are served by water/sewer infrastructure and are located along planned major collector roadways and existing primary roadway corridors in the southern portion of the County (I-40, US 17, US 117, US 421, and NC-210). This future land use category provides access to retail, office, and multi-family residential uses. These land uses are primarily accessed by the automobile, but facilities should be included to increase the viability of access via walking or cycling.



The proposed rezoning request to the GB, General Business zoning district is consistent with the Regional Mixed Use future land use category because the zoning district would allow various retail, office, and other commercial uses, near a major corridor, in an area where existing infrastructure needed to serve this type of development is present. In addition to the Future Land Use Map, the proposed Zoning Map Amendment was found to be consistent with the following 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.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.

The proposed Zoning Map Amendment was found to be consistent with the policies above because it has the potential to provide commercial opportunities in an area allocated for a transition between residential and commercial land uses.

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. 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.

RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board recommendation. The proposed Zoning Map Amendment is consistent with the Future Land Use Map and four policies within the Pender 2.0 Comprehensive Land Use Plan. The proposed rezoning is also consistent with the

PLANNING BOARD ACTION NEEDED:

TO APPROVE: Motion to approve the 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:

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

The proposed rezoning is consistent with the Neighborhood Mixed Use Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan because it has the potential to be generally consistent with current land uses in the vicinity.

TO DENY: Motion to deny the Zoning Map Amendment and to make a finding of denial because although the proposal is consistent with the Pender 2.0 Comprehensive Land Use Plan, said denial is reasonable and in the public interest and does not further the goals of the Pender 2.0

Unified Development Ordinance and would allow for uses similar to those allowed on other properties in the immediate vicinity. Based on this consistency, Planning Staff respectfully recommends approval of the Zoning Map Amendment as detailed in this report.

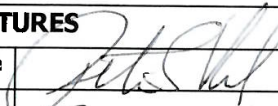
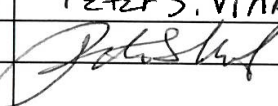
PLANNING BOARD ACTION FOR GENERAL USE REZONING

MOTION	SECONDED

APPROVED	DENIED	UNANIMOUS

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey

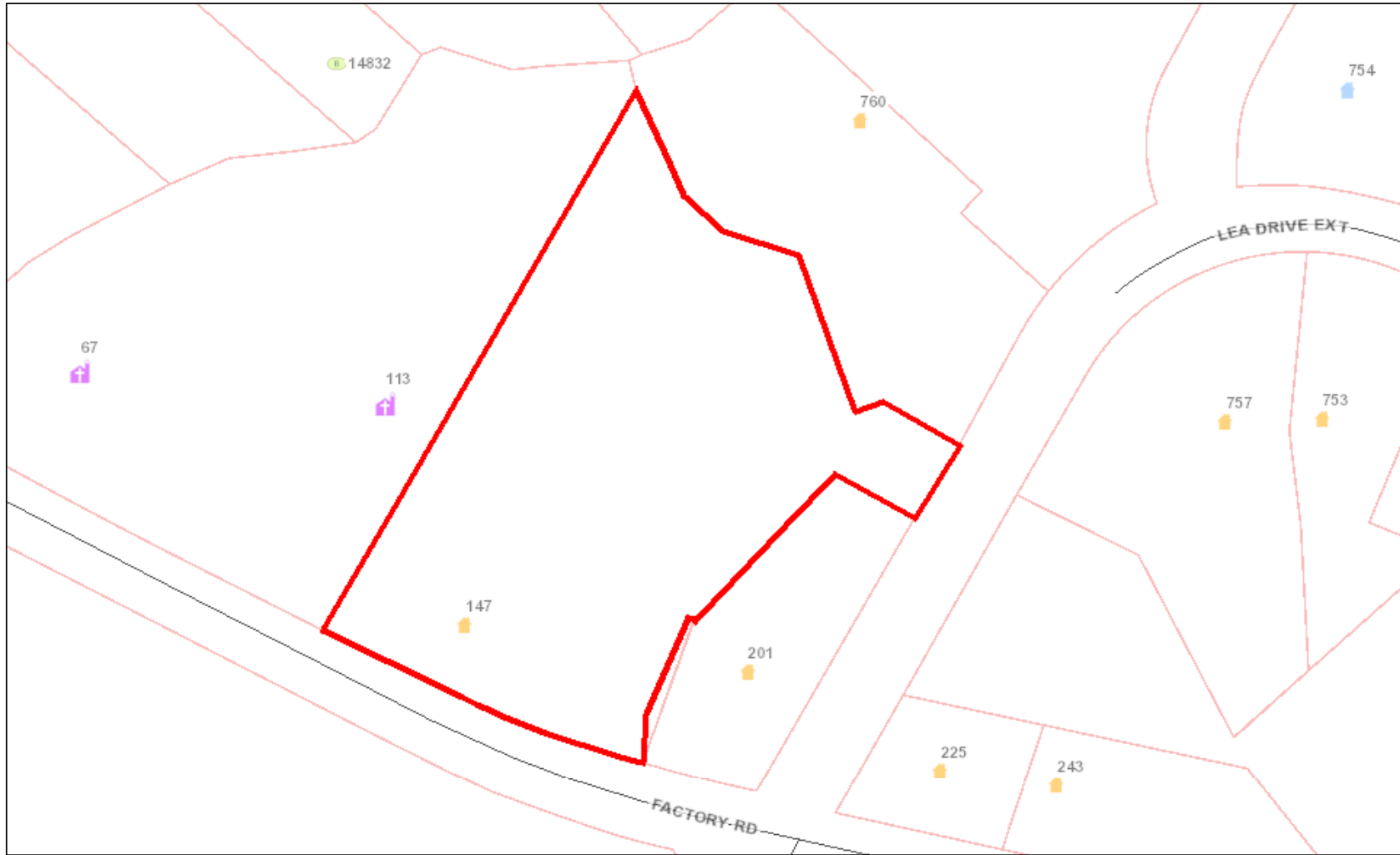
APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 2022-35	Date	8/16/2022
Application Fee	\$ 500⁰⁰	Invoice	00028060
Pre-Application Conference	N/A	Hearing Date	10/4-PB 11/21 BOC
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	T P Porter, LLC	Owner's Name:	Peter S. Vinal
Applicant's Address:	163 Voyager Way	Owner's Address:	SAA
City, State, & Zip	Hampstead, NC 28443	City, State, & Zip	
Phone Number:	910-264-1804	Phone Number:	
Email Address:	NOANNIE71@aol.com	Email Address:	
Legal relationship of applicant to landowner: Same - via LLC, Also ~~DR~~ DR. Thomas Melin Partner.			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3229-72-3819-0000 3282-97-9136-0000	Total property acreage:	2.85
Current Zoning District:	~~RP~~ (Commercial) (Overlay)	Proposed Zoning District:	GB
Project Address:	147 Factory Rd		
Description of Project Location:	Just off Corner of Hwy 17, Factory Rd Next to Church.		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	7/11/22
Applicant's Name Printed	Peter S. Vinal (TP Factory LLC)		Date:
Owner's Signature		Date:	
Owner's Name Printed			Date:
NOTICE TO APPLICANT			
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			

As a real estate broker i saw this property 147 Factory Rd on the market. I saw it was in the Commercial overlay district on line. So i got my partner Dr. Melin and i purchased the property. I just moved here in salters haven and everyone was telling me that everyone needs a new place to go. So i felt like this was the perfect spot to do just that.

property is zoned RP and want to rezone it to GB.

Currently a new traffic circle at end of safe passage is under construction which we had to give up some of our front property features, etc on our property to DOT to help that construction. I was told because of all the new development going on currently. So this would be such a good fit.

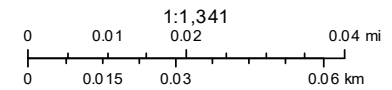


PIN: 3282-97-9136-0000
 Owner: TP FACTORY LLC
 163 VOYAGER WAY
 HAMPSTEAD, NC 28443
 Deed Ref: 4759/1875
 Property
 Address: 147 FACTORY RD
 Description: TR 2R PB 68/56 HOWARD DIV/RECOMB

Sale Price: \$340,000
 Sale Date: LAST_SALE_DATE
 Plat: 00680056
 Account No: 1013495
 Township: TOPSAIL
 Subdivision:
 Tax Codes: G01 F29 R40 S64

Acres: 2.83
 Land Value: \$144,912
 Building Value: \$120,028
 Total value: \$264,940
 Deferred Value: \$0
 Exempt Amount: 0
 PCL Class: R
 Heated Sq Feet: 2440

Pender County



1 inch = 112 feet

7/26/2021



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		Residential				Mixed Use	Commercial		Industrial		Special Purpose
		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
RESIDENTIAL											
SFD: Detached-Conventional		P	P	P	P	P					
SFD: Detached Zero Lot Line				P		P					
SFD-Attached: Duplex		P	P	P		P					
SFD-Attached: Multiplex				P		P					
SFD-Townhouse (5+ attached)				P		P					
Multifamily (condominium/apartment)				P		P					
Upper Story Residential						P	P	P			
Accessory Dwelling		D	D	P		D					
Accessory Dwelling on Non Residential Principal Uses		D				D			P	P	
Manufactured Home		P	D		P						
Manufactured Home Park					PMD						
ACCESSORY USES AND STRUCTURES											
Accessory Structures		P	P	P	P	P	P	P	P	P	
Cottage Occupations		SD	SD	SD		SD	SD				
Home Occupation		D	D	D	D	D	D				
Agritourism Activities on active farms		D	D	D	D	D	D	D	D	D	D
Sector 21: MINING, QUARRYING, OIL AND GAS EXTRACTION											
Nonmetallic Mineral Mining & Quarrying	2123	S								S	
Except: 212392 Phosphate Rock Mining											
Except: 212321 Borrow Pit Sand Mining			PMDS			PMD					
Sector 22: UTILITIES											
Fossil Fuel Electric Power Generation	221112									S	
Other Electric Power Generation	221119	S	S			S			P	P	
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												
Zoning Districts												
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC	
Sector 23: CONSTRUCTION												
Construction of Buildings	236						D		P	P		
Heavy and Civil Engineering Construction	237						D		P	P		
Specialty Trade Contractors	238						D		P	P		
Sectors 31-33 MANUFACTURING												
Artisan Manufacturing		S	S			P	P		P			
Food Manufacturing	311									P		
Beverage and Tobacco Product Manufacturing	312									P		
Textile Mills	313									P		
Textile Product Mills	314									P		
Apparel Manufacturing	315									P		
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
Sectors 31-33 MANUFACTURING											
Other Concrete Product Manufacturing	32739									P	
Gypsum Product Manufacturing	32742									P	
Fabricated Product Manufacturing	332									P	
Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing	3327								P	P	
Machinery Manufacturing	333									P	
Computer & Electronic Product Manufacturing	334								P	P	
Electrical Equipment, Appliance, & Component Manufacturing	335									P	
Transportation Equipment Manufacturing	336									P	
Furniture and Related Product Manufacturing	337								P	P	
Miscellaneous Manufacturing	339								P	P	
Sector 42 WHOLESALE TRADE											
Wholesale Trade	42	S							P	P	
Sectors 44-45 RETAIL TRADE											

Motor Vehicle 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	
Sectors 48-49: TRANSPORTATION AND WAREHOUSING											
Air Transportation	481								P	P	
Rail Transportation	482								P	P	
Truck Transportation	484								P	P	
Transit and Ground Passenger Transportation	485								P	P	
Interurban and Rural Bus Transportation	4852						P		P	P	
Taxi and Limousine Service	4853						P		P	P	
School and Employee Bus Transportation	4854								P	P	
Charter Bus Industry	4855								P	P	
Support Activities for Transportation	4881								P	P	
Support Activities for Road Transportation	4884	S					P		P	P	
Postal Services	491110	S	S			P	P	P			
Couriers and Messengers	492						P	P	P	P	
		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sectors 48-49: TRANSPORTATION AND WAREHOUSING											

Warehousing and Storage	493	S							P	P	
Sector 51: INFORMATION											
Information	51					P	P	P	P	P	
Finance and Insurance	52	S	S			P	P	P	P	P	
Sector 53: REAL ESTATE AND RENTAL AND LEASING											
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	
Sector 54: PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES											
Professional, Scientific, & Technical Services	54	S	S			P	P	P	P	P	
Sector 55: MANAGEMENT OF COMPANIES AND ENTERPRISES											
Management of Companies and Enterprises	55	S	S			P	P	P	P	P	
Sector 56: ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES											
Administrative and Support Services	561	S				P	P	P	P	P	
Solid Waste Collection Public	562111	P	P	P	P	P	P	P	P	P	
Solid Waste Collection Private	562111									S	
Solid Waste Landfill	562212									S	
Solid Waste Combustors and Incinerators	562213									S	
Other Nonhazardous Waste Treatment and Disposal	562219	S					S		S	S	
Remediation Services	562910									S	
Materials Recovery Facilities	562920									S	
All Other Waste Management Facilities	56299									S	
Sector 61: EDUCATIONAL SERVICES											
Educational Services	611	P	S			P	P	P			
Business Schools, Computer & Management Training	6114	S				P		P	P		
Technical and Trade Schools	6115	S				P	P	P	P	P	
Other Schools and Instruction	6116	S				P	P	P	P		

Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE												
Ambulatory Health Care Services	621					P	P	P				
Except: Outpatient Mental Health and Substance Abuse Centers	62142						P	S				
Hospitals	622	S				P	P	P				
		Zoning Districts										
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC	
Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE												
Except: Psychiatric and Substance Abuse Hospitals	6222							S				
Except: Outpatient Mental Health and Substance Abuse Hospitals	62142						S	S				
Nursing and Residential Care Facilities	623	S	S			P	P	P				
Except: Residential Mental Retardation, Mental Health & Substance Abuse Facilities	6232	S						S				
Social Assistance	624	S				P	P	P				
Vocational Rehabilitation Services	6243						P	P	P	P		
Sector 71: ARTS, ENTERTAINMENT, AND RECREATION												
Performing Arts Companies	7111	S				P	P					
Spectator Sports	7112	S					P		P			
Promoters of Performing Arts, Sports and Similar Events	7113	S				S	S					
Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures	7114					P	P	P				
Museums, Historical Sites and Similar Institutions	712	S				P	P	P				
Amusement and Theme Parks	713110	S				S	S					
Amusement Arcades	713120						P					
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									
Zoning Districts											
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 72: ACCOMMODATIONS AND FOOD SERVICES											
Hotels and Motels	72111					P	D	D			
Bed and Breakfast Inns	721191	S	S		S	P	P				
All Other Traveler Accommodation	721199	S	S		S	P	P				
RV Parks and Recreational Camps	7212	SD					SD				
Recreational and Vacation Camps	721214	S									S
Rooming and Boarding Houses	721310	S				P	P				
Full Service Restaurants	7221	S				P	P	P	P	P	
Limited Service Eating Places	7222	S				P	P	P	P	P	
Special Food Services	7223	S				P	P	P	P	P	
Drinking Places (Alcoholic Beverages)	7224	S				P	P				
Sector 81: OTHER SERVICES, EXCEPT PUBLIC ADMINISTRATION											
Automotive Repair and Maintenance	8111	S					P		P	P	
Electronic and Precision Equipment Repair and Maintenance	8112	S					P	P	P	P	
Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	8113								P	P	
Personal and Household Goods Repair and Maintenance	8114	S				P	P	P	P	P	

Personal Care Services	8121	P	S			P	P	P	P		
Funeral Homes and Funeral Services	81221	S					P	P	P	P	
Cemeteries and Crematories Except: Private Cemetery	81222	S	S			S	S	S	S	S	
Coin Operated Laundries and Drycleaners	812310	P				P	P				
Dry-cleaning and Laundry Services	812320	S				P	P		P	P	
Linen & Uniform Supply	81233								P	P	
Other Personal Services	8129	S				P	P	P	P		
Pet Care Services	812910	D					D		D	D	
Religious Organizations	8131	P	S			P	P	P	P		
Grant making and Giving Services	8132					P	P	P	P		
Social Advocacy Organizations	8133					P	P	P	P		
Civic and Social Organizations	813410	S	S			P	P	P			
Business, Professional, Labor, Political and Similar Organizations	8139					P	P	P	P		
Public Administration	92	P	P	P	P	P	P	P	P	P	
Zoning Districts											
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
MISCELLANEOUS USES											
Adult and Sexually Oriented Businesses									S	S	
Adult Retail									S	S	
Bona fide Farm Purposes		D	D	D	D	D	D	D	D	D	D
Child Care Center		P	S			S	P	P			
Community Boating Facility		SD	SD	SD	SD	SD					
Community Boating Facility in conjunction with a Master Development Plan		SD	PMD	PMD	PMD	PMD					
Disaster Volunteer Housing		D	D	D	D	D	D	D	D	D	
Family Care Home		D	D	D	D	D					
Family Child Care Home		P	P			P	P	P			
Industrial Park										SD	
Marina (Commercial)		SD	PMD			PMD					
Portable Storage Containers		D	D	D	D	D	D	D	D	D	
Private Cemetery less than 6,000 sq. ft.		D	D				D	D	D		

Private Cemetery 6,000 sq. ft. and larger		S	S				S	S	S		
Public Parks		P	P	P	P	P	P	P	P	P	
Private Residential Boating Facility		D	D	D	D	D					
Salvage Operations		S								D	
Storage of Merchandise, Materials or Equipment On Site Inside or Outside An Enclosed Building, Excluding Salvage		S							P	P	
Storage of boats and watercraft outdoors or on dry stack structures							S				
Sweepstakes Center							SD		SD	SD	
Telecommunication Facilities		SD	SD			SD	SD	SD	SD	SD	
Telecommunication Facilities – Public Safety		SD	SD			SD	SD	SD	SD	SD	
Temporary Manufactured Homes		P	P			P					
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	



Pender County Request for Board Action

TO: Planning Board

FROM: Greg Feldman

DATE: October 4, 2022

SUBJECT: REZONE 2022-36: Zoning Map Amendment of Three Tracts in the
Topsail Township from PD, Planned Development and RP, Residential
Performance to GB, General Business

SUMMARY:

Lanwillo Development Company, applicant and owner, is requesting approval of a Zoning Map Amendment to rezone three tracts totaling approximately 15.21 acres of land from the PD, Planned Development and RP, Residential Performance zoning districts to the GB, General Business zoning district. The subject properties are located on the east side of US Highway 17, along Headwaters Drive, approximately two-tenths of a mile south of the intersection of NC Highway 210 and US Highway 17 in the Topsail Township and may be further identified by Pender County PINs 3282-85-3556-0000, 3282-85-8450-0000, & 3282-95-2659-0000.

ACTION REQUESTED:

To hold a public hearing and consider the Zoning Map Amendment request.

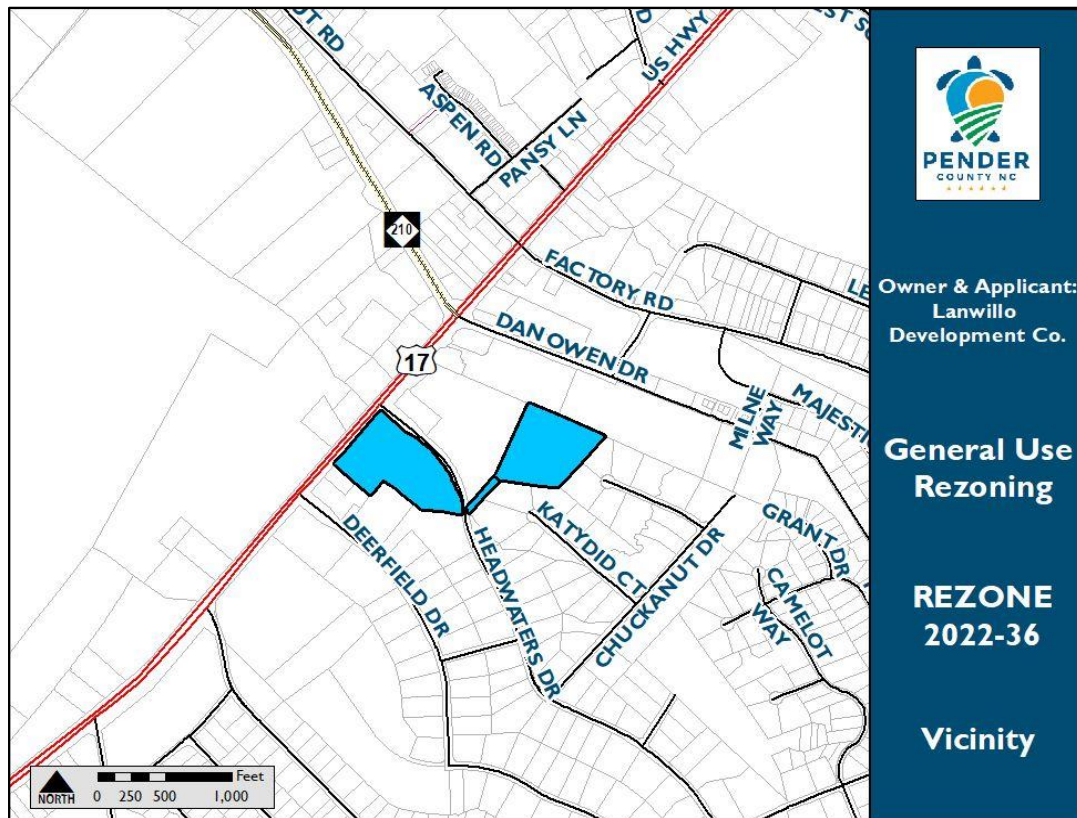
ATTACHMENTS:

1. Staff Report
2. Application
3. Narrative
4. Site Map 1
5. Site Map 2
6. UDO - Table of Permitted Uses

**STAFF REPORT FOR REZONE 2022-36
ZONING MAP AMENDMENT APPLICATION**
Prepared by Greg Feldman, Current Planner

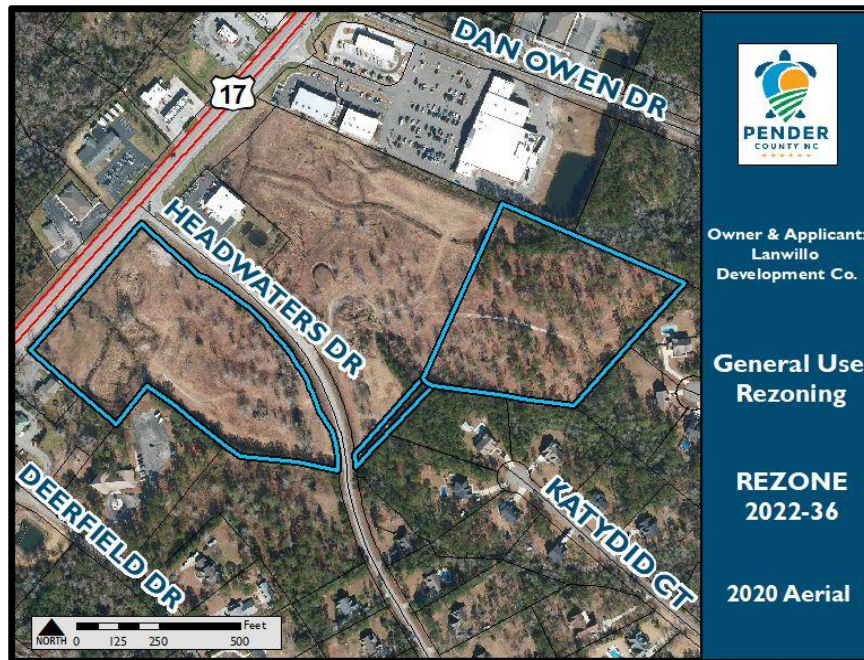
APPLICATION SUMMARY	
Case Number	REZONE 2022-36
Hearing Dates	October 4, 2022 Planning Board November 21, 2022 Board of Commissioners
Applicant	Lanwillo Development Company
Property Owner(s)	Lanwillo Development Company
Parcel Identification Number(s)	3282-85-3556-0000, 3282-85-8450-0000, & 3282-95-2659-0000
Acreage	15.21 (Total Acreage)
Township	Topsail
Pender 2.0 Future Land Use Category	Regional Mixed-Use & Low-Density Residential
Current Zoning District(s)	PD, Planned Development & RP, Residential Performance
Requested Zoning District	GB, General Business

REZONING PROPOSAL
Lanwillo Development Company, applicant and owner, is requesting approval of a Zoning Map Amendment to rezone three tracts totaling approximately 15.21 acres of land from the PD, Planned Development and RP, Residential Performance zoning districts to the GB, General Business zoning district.
LOCATION
The subject properties are located on the east side of US Highway 17, along Headwaters Drive, approximately two-tenths of a mile south of the intersection of NC Highway 210 and US Highway 17 in the Topsail Township and may be further identified by Pender County PINs 3282-85-3556-0000, 3282-85-8450-0000, & 3282-95-2659-0000.



REZONING PROPOSAL

The applicant is proposing to rezone three tracts, under common ownership, totaling approximately 15.21 acres from the PD, Planned Development and RP, Residential Performance zoning districts to the GB, General Business zoning district. Pender County PIN 3282-85-3556-0000 totals approximately 8.29 acres and is within the PD, Planned Development Zoning District, PIN 3282-85-8450-0000 is approximately 0.31 acres and is within the RP, Residential Performance zoning district, and PIN 3282-95-2659-0000 is approximately 6.61 acres and is also within the PD, Planned Development zoning district. Because this is a general use rezoning, a conceptual plan is not included within the application. If approved, the subject properties could be developed based upon all uses that are permitted by right or by Special Use Permit in the GB, General Business zoning district. However, any future development of the site must comply with the standards of the GB, 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.



The GB, General Business zoning district is primarily intended 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.

Dimensional Requirements

As this is a general use rezoning, the standard setbacks in the GB, 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 properties.

Dimensional Requirements (General Business)	
Front	25'
Side	10'
Rear	10'
Corner	12'
Max Height	40'
Structure Separation	20'
Lot Width	80'

The minimum lot size in this district is 15,000 square feet, and the subject properties are compliant with this standard.

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 GB, General Business zoning district. The table below provides a general list of typical developments permitted in the GB, General Business zoning district. A comprehensive list of all uses from Section 5.2.3 of the UDO is included in [Attachment I](#).

	GB, General Business
Residential Uses	Upper story Residential
Commercial Uses	≈ 83 uses by-right (Retail Trade, Real Estate and Rental and Leasing, Professional Scientific and Technical Services, Educational Services, etc.) ≈ 18 uses w/ SUP (Utilities, Manufacturing, Arts, Entertainment, and Recreation, etc.)

TRANSPORTATION INFRASTRUCTURE

Access

The subject properties have direct access to US Highway 17 and Headwaters Drive (SR 1741). Redevelopment 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 rezoning since a site-specific development plan is not required to be included in the application package. 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.

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

Road	Location	Volume	Planning Capacity	V/C
US HWY 17	14000 Block	39,000	66,000	0.59

OTHER INFRASTRUCTURE

Utilities

Public water is available through Pender County Utilities (PCU) and according to available GIS data, the nearest PCU water main is along the east side of US HWY 17. Based on available data and information from private sewer providers, private sewer is available at this location. The method of water and sewer service will be determined when a site-specific development plan is submitted for review.

Schools

There is no development proposal associated with this general use rezoning, so no specific impacts to the school system are known at this time. However, because the proposed rezoning is to a predominantly commercial zoning district, an impact to school capacity is not anticipated.

ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject property does not contain any Special Flood Hazard Areas ¹ .
Wetlands	The subject properties may contain characteristics of wetlands. ²
Areas of Environmental Concern	The subject property does not contain any Areas of Environmental Concern (AEC) ⁴ .

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

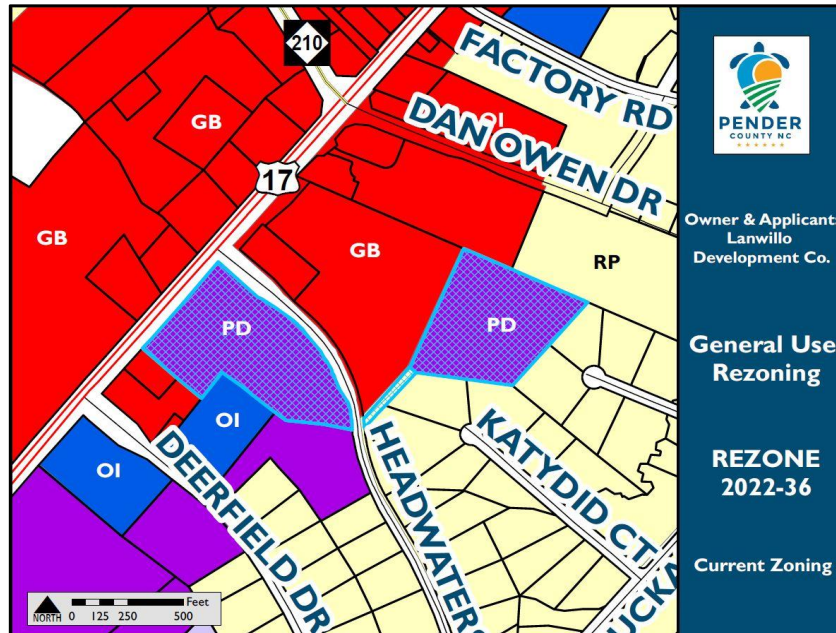
² According to the NC Division of Coastal Management (NC DCM)

³ According to the National Wetlands Inventory (NWI)

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

EVALUATION

Below: Current Zoning Map of the Area



CHARACTERISTICS OF THE SURROUNDING AREA

	LAND USE	ZONING
North	Commercial, Residential, Vacant	GB, General Business; RP, Residential Performance
East	Residential	RP, Residential Performance
South	Commercial	GB, General Business; O&I, Office and Institutional; PD, Planned Development
West	Commercial, Vacant	GB, General Business

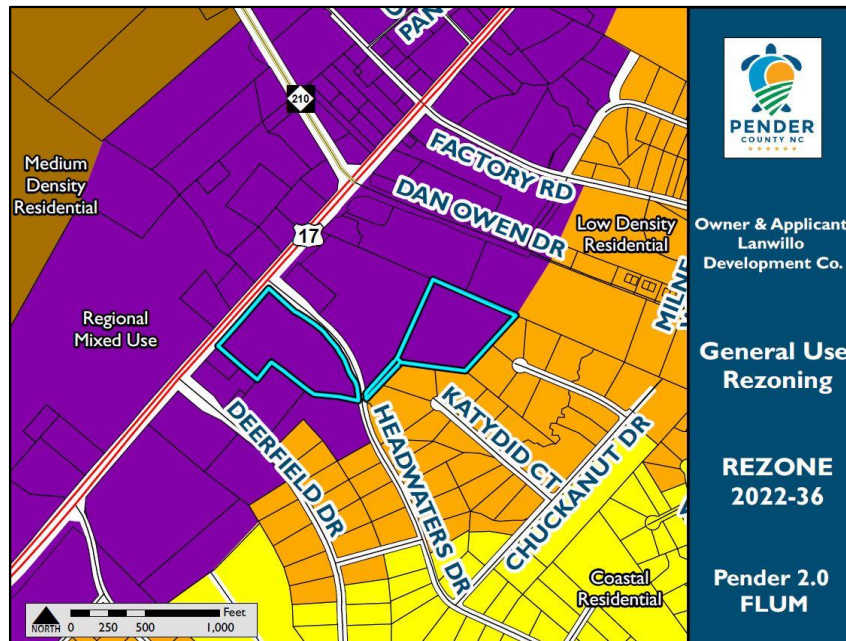
Surrounding Zoning

The subject properties are currently within the PD, Planned Development and RP, Residential Performance zoning districts. Properties immediately adjacent to the subject properties are currently zoned GB, General Business, RP, Residential Performance, PD, Planned Development, and O&I, Office and Institutional as indicated by the table above.

**Pender 2.0
Comprehensive
Land Use Plan
Compliance:**

Pender County
PIN 3282-85-
8450-0000

consists of
approximately
0.31 acres and is
within the Low-
Density Future
Land Use
Classification
while PINs 3282-
85-3556-0000 and
3282-95-2659-
0000 are within
the Regional
Mixed Use Future
Land Use



Category as shown in the Future Land Use Map within the Pender 2.0 Comprehensive Land Use Plan. Regional Mixed Use allows for the strategic allocation of future development and population growth, while limiting land use conflicts within existing neighborhoods. Growth is focused in locations that are served by water/sewer infrastructure and are located along planned major collector roadways and existing primary roadway corridors in the southern portion of the County (I-40, US 17, US 117, US 421, and NC-210). This future land use category is intended to include retail, office, and multi-family residential uses.

The GB, General Business zoning district is consistent with the Regional Mixed Use future land use category because of its allowance of retail, office, and other similar uses in an area near an existing primary corridor and in an area where infrastructure needed to support these types of uses already exists.

As previously mentioned, one tract associated with this request totals approximately 0.31 acres and is located within the Low-Density Future Land Use Classification. Commercial land uses are identified as inappropriate land uses within this classification. However, given the context of the proposal, the shape and location of this particular tract, and its relationship to other parcels in the context of the Future Land Use Map and the Official Zoning Map, the proposal overall is found to be consistent with the Future Land Use Map.

While the proposal is found to be consistent, it is important to note that the current zoning of the properties is also consistent with the Future Land Use Map as well, particularly the parcels zoned PD, Planned Development zoning district, because of their allowance of a mixture of uses including residential.

REZONE 2022-36 Staff Report PB 10.4.2022

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In addition to the proposal's consistency with the Pender 2.0 Comprehensive Land Use Plan, the proposal was also found to be consistent with the following policies within the 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.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.

The proposed Zoning Map Amendment was found to be consistent with the policies above because it has the potential to provide commercial opportunities in an area allocated for those uses by the Pender 2.0 Comprehensive Land Use Plan.

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. 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.

RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The proposed Zoning Map Amendment is consistent with the Future Land Use Map and four policies within the Pender 2.0 Comprehensive Land Use Plan, as well as being consistent with the Pender County Unified Development Ordinance. Planning Staff respectfully recommends approval of the Zoning Map Amendment as detailed in this report.

PLANNING BOARD ACTION NEEDED:

TO APPROVE: Motion to approve the 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:

- **Policy 5.1.B**
- **Policy 5.1.D**
- **Policy 5.1.H**
- **Policy 5.1.K**

The proposed rezoning is consistent with the Neighborhood Mixed Use Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan because it has the potential to be generally consistent with current land uses in the vicinity.

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

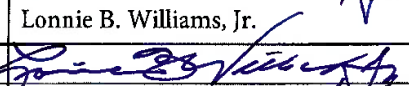
PLANNING BOARD ACTION FOR GENERAL USE REZONING

MOTION	SECONDED

APPROVED	DENIED	UNANIMOUS

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 2022-36	Date	8/18/2022
Application Fee	\$ 602⁰⁰	Invoice	00028094
Pre-Application Conference		Hearing Date	10/4-PB 11/21 8004
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Lanwillo Development Co.	Owner's Name:	Lanwillo Development Co.
Applicant's Address:	2325 Tattersalls Drive	Owner's Address:	2325 Tattersalls Drive
City, State, & Zip	Wilmington, NC 28403	City, State, & Zip	Wilmington, NC 28403
Phone Number:	(910) 619-0248	Phone Number:	(910) 619-0248
Email Address:	lonnie@lonniewilliams-legal.com	Email Address:	lonnie@lonniewilliams-legal.com
Legal relationship of applicant to landowner: Same			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3282-85-3556-000 3282-95-2659-0000 3282-85-8450-0000	Total property acreage:	8.29 Acres 6.61 Acres 0.31 Acres 15.21 Acres
Current Zoning District:	PD and RP	Proposed Zoning District:	GB
Project Address:	Headwaters and US Hwy 17		
Description of Project Location:	Two parcels on the north side of Headwaters Drive and one on the south side.		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	08/03/22
Applicant's Name Printed	Lonnie B. Williams, Jr.	Date:	
Owner's Signature		Date:	08/03/22
Owner's Name Printed	Lonnie B. Williams, Jr.	Date:	
NOTICE TO APPLICANT			
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			

August 2, 2022

Dear Pender County Planning Board
and Pender County Commissioners:

Rezoning of 15.21 Acres to GB

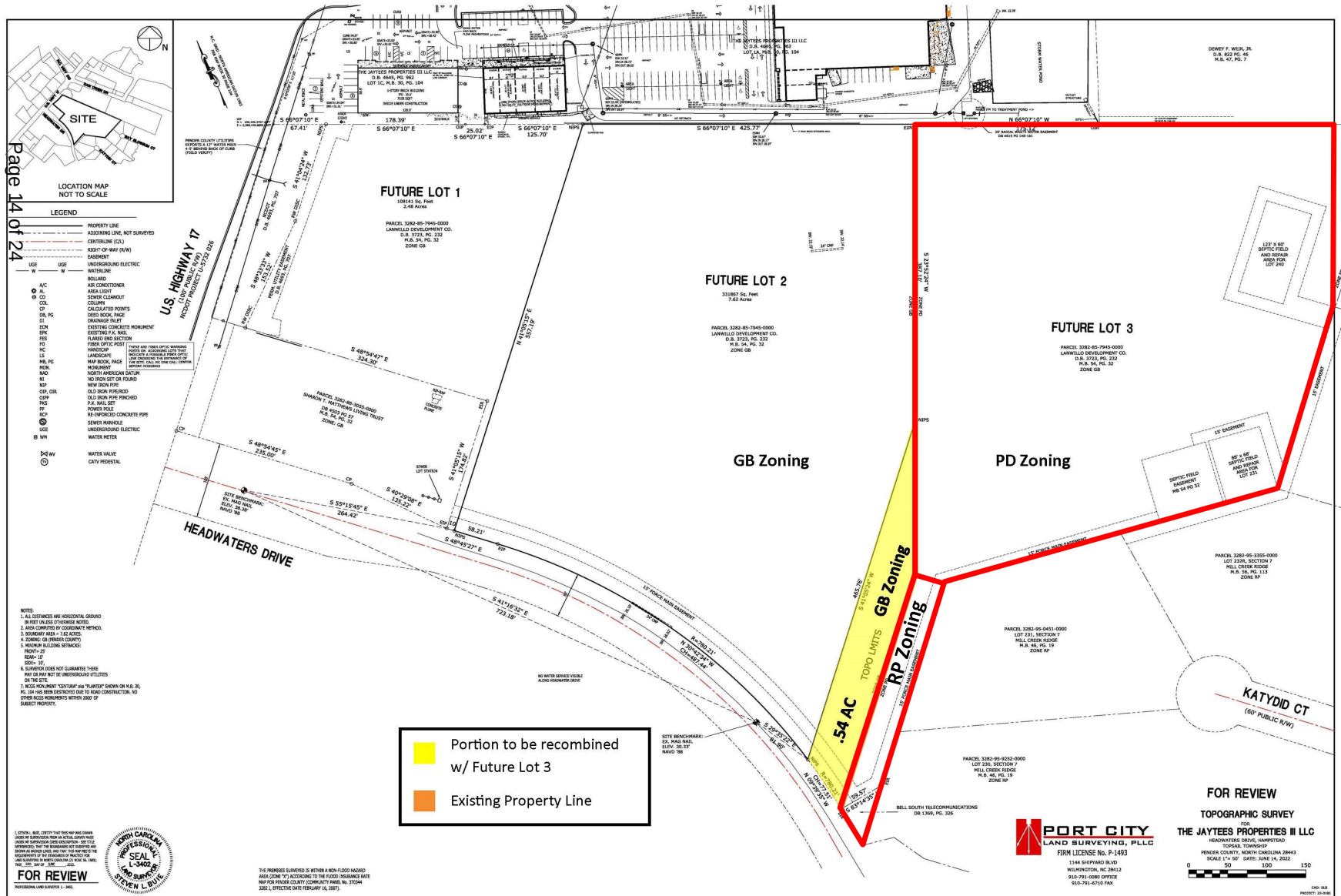
This correspondence shall accompany the Rezoning Application for LANWILLO Development Co. and shall serve as the narrative for the rezoning request. This entire property was originally part of the Deerfield and Headwaters development. However, all of this frontage was held out for commercial development as it had frontage on Highway 17. The original zoning was PD.

At some point in the past, Pender County determined that this commercial frontage should be classified as GB rather than PD. The small parcel that is a utility easement somehow received the zoning designation of RP. The Applicant respectfully requests the rezoning of all of this property to GB to clean up the zoning so it can be developed for commercial enterprise.

According to Staff, this request is in keeping with the future Land Use Code and will receive the recommendation of approval from Staff. Your consideration in this matter is greatly appreciated.

Respectfully Submitted,

Lonnie B Williams, Jr., President
LANWILLO Development Co.



Color 5

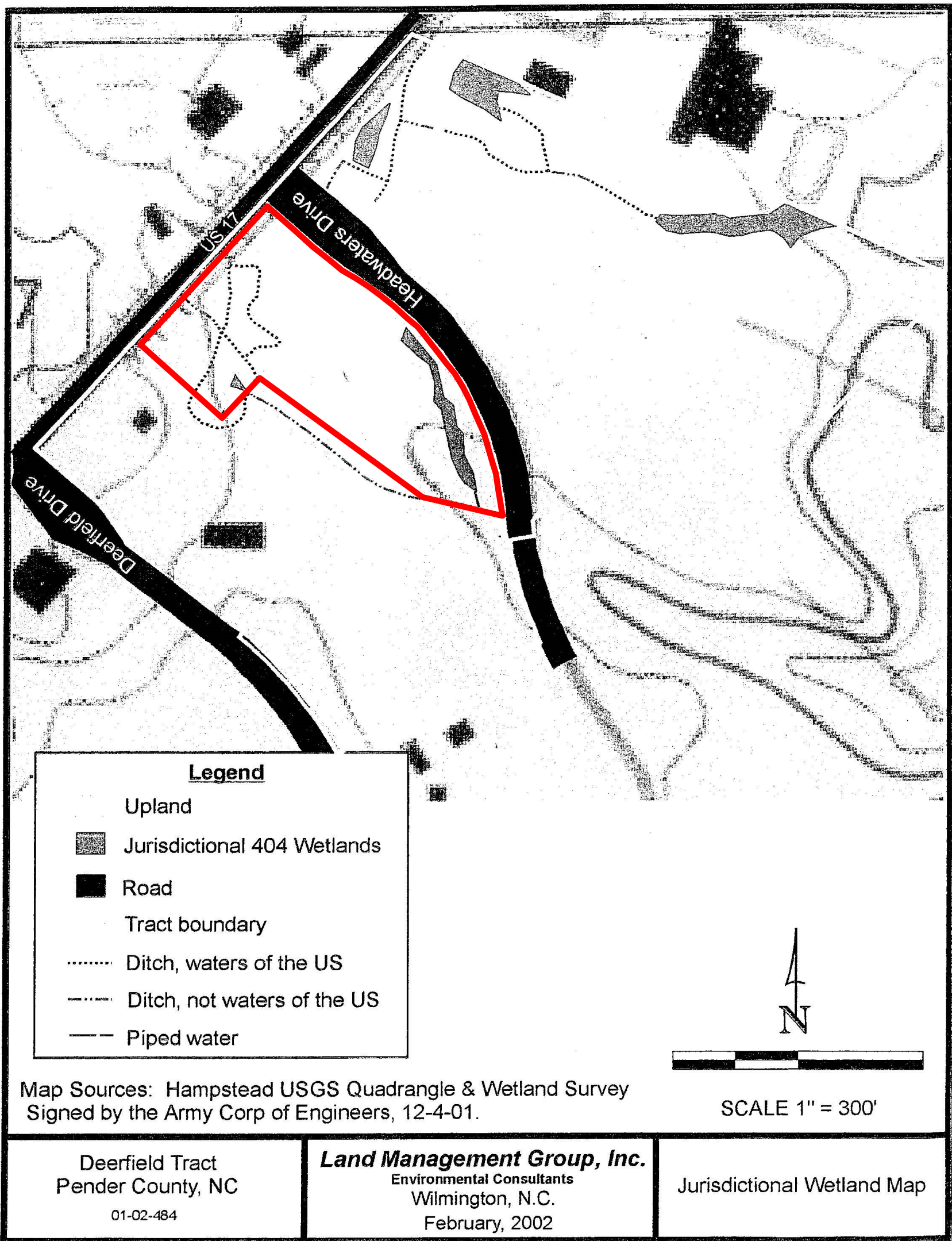


TABLE OF PERMITTED USES											
P=Permitted Use D=Permitted w/ Use Standards S=Special Use Approval Required SD=Special Use Approval Required w/ Additional Standards PM=Permitted in conjunction w/ the MDP process											
Use Category Specific Use Type		Residential				Mixed Use	Commercial		Industrial		Special Purpose
		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
RESIDENTIAL											
SFD: Detached-Conventional		P	P	P	P	P					
SFD: Detached Zero Lot Line				P		P					
SFD-Attached: Duplex		P	P	P		P					
SFD-Attached: Multiplex				P		P					
SFD-Townhouse (5+ attached)				P		P					
Multifamily (condominium/apartment)				P		P					
Upper Story Residential						P	P	P			
Accessory Dwelling		D	D	P		D					
Accessory Dwelling on Non Residential Principal Uses		D				D			P	P	
Manufactured Home		P	D		P						
Manufactured Home Park					PMD						
ACCESSORY USES AND STRUCTURES											
Accessory Structures		P	P	P	P	P	P	P	P	P	
Cottage Occupations		SD	SD	SD		SD	SD				
Home Occupation		D	D	D	D	D	D				
Agritourism Activities on active farms		D	D	D	D	D	D	D	D	D	D
Sector 21: MINING, QUARRYING, OIL AND GAS EXTRACTION											
Nonmetallic Mineral Mining & Quarrying	2123	S								S	
Except: 212392 Phosphate Rock Mining											
Except: 212321 Borrow Pit Sand Mining			PMDS			PMD					
Sector 22: UTILITIES											
Fossil Fuel Electric Power Generation	221112									S	
Other Electric Power Generation	221119	S	S			S			P	P	
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												
Zoning Districts												
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC	
Sector 23: CONSTRUCTION												
Construction of Buildings	236						D		P	P		
Heavy and Civil Engineering Construction	237						D		P	P		
Specialty Trade Contractors	238						D		P	P		
Sectors 31-33 MANUFACTURING												
Artisan Manufacturing		S	S			P	P		P			
Food Manufacturing	311									P		
Beverage and Tobacco Product Manufacturing	312									P		
Textile Mills	313									P		
Textile Product Mills	314									P		
Apparel Manufacturing	315									P		
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
Sectors 31-33 MANUFACTURING											
Other Concrete Product Manufacturing	32739									P	
Gypsum Product Manufacturing	32742									P	
Fabricated Product Manufacturing	332									P	
Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing	3327								P	P	
Machinery Manufacturing	333									P	
Computer & Electronic Product Manufacturing	334								P	P	
Electrical Equipment, Appliance, & Component Manufacturing	335									P	
Transportation Equipment Manufacturing	336									P	
Furniture and Related Product Manufacturing	337								P	P	
Miscellaneous Manufacturing	339								P	P	
Sector 42 WHOLESALE TRADE											
Wholesale Trade	42	S							P	P	
Sectors 44-45 RETAIL TRADE											

Motor Vehicle 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	
Sectors 48-49: TRANSPORTATION AND WAREHOUSING											
Air Transportation	481								P	P	
Rail Transportation	482								P	P	
Truck Transportation	484								P	P	
Transit and Ground Passenger Transportation	485								P	P	
Interurban and Rural Bus Transportation	4852						P		P	P	
Taxi and Limousine Service	4853						P		P	P	
School and Employee Bus Transportation	4854								P	P	
Charter Bus Industry	4855								P	P	
Support Activities for Transportation	4881								P	P	
Support Activities for Road Transportation	4884	S					P		P	P	
Postal Services	491110	S	S			P	P	P			
Couriers and Messengers	492						P	P	P	P	
		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sectors 48-49: TRANSPORTATION AND WAREHOUSING											

Warehousing and Storage	493	S							P	P	
Sector 51: INFORMATION											
Information	51					P	P	P	P	P	
Finance and Insurance	52	S	S			P	P	P	P	P	
Sector 53: REAL ESTATE AND RENTAL AND LEASING											
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	
Sector 54: PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES											
Professional, Scientific, & Technical Services	54	S	S			P	P	P	P	P	
Sector 55: MANAGEMENT OF COMPANIES AND ENTERPRISES											
Management of Companies and Enterprises	55	S	S			P	P	P	P	P	
Sector 56: ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES											
Administrative and Support Services	561	S				P	P	P	P	P	
Solid Waste Collection Public	562111	P	P	P	P	P	P	P	P	P	
Solid Waste Collection Private	562111									S	
Solid Waste Landfill	562212									S	
Solid Waste Combustors and Incinerators	562213									S	
Other Nonhazardous Waste Treatment and Disposal	562219	S					S		S	S	
Remediation Services	562910									S	
Materials Recovery Facilities	562920									S	
All Other Waste Management Facilities	56299									S	
Sector 61: EDUCATIONAL SERVICES											
Educational Services	611	P	S			P	P	P			
Business Schools, Computer & Management Training	6114	S				P		P	P		
Technical and Trade Schools	6115	S				P	P	P	P	P	
Other Schools and Instruction	6116	S				P	P	P	P		

Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE											
Ambulatory Health Care Services	621					P	P	P			
Except: Outpatient Mental Health and Substance Abuse Centers	62142						P	S			
Hospitals	622	S				P	P	P			
		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE											
Except: Psychiatric and Substance Abuse Hospitals	6222							S			
Except: Outpatient Mental Health and Substance Abuse Hospitals	62142						S	S			
Nursing and Residential Care Facilities	623	S	S			P	P	P			
Except: Residential Mental Retardation, Mental Health & Substance Abuse Facilities	6232	S						S			
Social Assistance	624	S				P	P	P			
Vocational Rehabilitation Services	6243						P	P	P	P	
Sector 71: ARTS, ENTERTAINMENT, AND RECREATION											
Performing Arts Companies	7111	S				P	P				
Spectator Sports	7112	S					P		P		
Promoters of Performing Arts, Sports and Similar Events	7113	S				S	S				
Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures	7114					P	P	P			
Museums, Historical Sites and Similar Institutions	712	S				P	P	P			
Amusement and Theme Parks	713110	S				S	S				
Amusement Arcades	713120						P				
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									
Zoning Districts											
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 72: ACCOMMODATIONS AND FOOD SERVICES											
Hotels and Motels	72111					P	D	D			
Bed and Breakfast Inns	721191	S	S		S	P	P				
All Other Traveler Accommodation	721199	S	S		S	P	P				
RV Parks and Recreational Camps	7212	SD					SD				
Recreational and Vacation Camps	721214	S									S
Rooming and Boarding Houses	721310	S				P	P				
Full Service Restaurants	7221	S				P	P	P	P	P	
Limited Service Eating Places	7222	S				P	P	P	P	P	
Special Food Services	7223	S				P	P	P	P	P	
Drinking Places (Alcoholic Beverages)	7224	S				P	P				
Sector 81: OTHER SERVICES, EXCEPT PUBLIC ADMINISTRATION											
Automotive Repair and Maintenance	8111	S					P		P	P	
Electronic and Precision Equipment Repair and Maintenance	8112	S					P	P	P	P	
Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	8113								P	P	
Personal and Household Goods Repair and Maintenance	8114	S				P	P	P	P	P	

Personal Care Services	8121	P	S			P	P	P	P		
Funeral Homes and Funeral Services	81221	S					P	P	P	P	
Cemeteries and Crematories Except: Private Cemetery	81222	S	S			S	S	S	S	S	
Coin Operated Laundries and Drycleaners	812310	P				P	P				
Dry-cleaning and Laundry Services	812320	S				P	P		P	P	
Linen & Uniform Supply	81233								P	P	
Other Personal Services	8129	S				P	P	P	P		
Pet Care Services	812910	D					D		D	D	
Religious Organizations	8131	P	S			P	P	P	P		
Grant making and Giving Services	8132					P	P	P	P		
Social Advocacy Organizations	8133					P	P	P	P		
Civic and Social Organizations	813410	S	S			P	P	P			
Business, Professional, Labor, Political and Similar Organizations	8139					P	P	P	P		
Public Administration	92	P	P	P	P	P	P	P	P	P	
Zoning Districts											
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
MISCELLANEOUS USES											
Adult and Sexually Oriented Businesses									S	S	
Adult Retail									S	S	
Bona fide Farm Purposes		D	D	D	D	D	D	D	D	D	D
Child Care Center		P	S			S	P	P			
Community Boating Facility		SD	SD	SD	SD	SD					
Community Boating Facility in conjunction with a Master Development Plan		SD	PMD	PMD	PMD	PMD					
Disaster Volunteer Housing		D	D	D	D	D	D	D	D	D	
Family Care Home		D	D	D	D	D					
Family Child Care Home		P	P			P	P	P			
Industrial Park										SD	
Marina (Commercial)		SD	PMD			PMD					
Portable Storage Containers		D	D	D	D	D	D	D	D	D	
Private Cemetery less than 6,000 sq. ft.		D	D				D	D	D		

Private Cemetery 6,000 sq. ft. and larger		S	S				S	S	S		
Public Parks		P	P	P	P	P	P	P	P	P	
Private Residential Boating Facility		D	D	D	D	D					
Salvage Operations		S								D	
Storage of Merchandise, Materials or Equipment On Site Inside or Outside An Enclosed Building, Excluding Salvage		S							P	P	
Storage of boats and watercraft outdoors or on dry stack structures							S				
Sweepstakes Center							SD		SD	SD	
Telecommunication Facilities		SD	SD			SD	SD	SD	SD	SD	
Telecommunication Facilities – Public Safety		SD	SD			SD	SD	SD	SD	SD	
Temporary Manufactured Homes		P	P			P					
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	