Pender County

Agenda

Planning Board Meeting

Tuesday, November 1, 2022 @ 7:00 PM

Pender County Public Assembly Room

		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.	October 4, 2022 Meeting Minutes 10/4/2022 Meeting Minutes - Pdf		3 - 14
7.	PUBLIC COMMENT		
8.	PUBLIC HEARINGS		
8.1.	REZONE 2022-37: General Use Rezoning of Two Tracts in the Long Creek Township from GB, General Business to RP, Residential Performance REZONE 2022-37 - Pdf		15 - 42
8.2.	REZONE 2022-38: General Use Rezoning of One Tract from RA, Rural Agriculture and GI, General Industrial to GB, General Business and GI, General Industrial REZONE 2022-38 - Pdf		43 - 67
9.	DISCUSSION		
10.	NEXT MEETING DATE		
10.1.	November 15th, 2022 at 7pm Commissioners' Chambers 805 S. Walker Street Burgaw, NC 28425		
11.	ADJOURNMENT		

Pender County
Request for Board Action

TO:	Planning Board
FROM:	Donna Sayre
DATE:	November 1, 2022
SUBJECT:	October 4, 2022 Meeting Minutes

SUMMARY:
See attached meeting minutes from the October 4th, 2022 meeting of the Pender County Planning Board.

ACTION REQUESTED:
To review and approve 10/4/2022 meeting minutes.

MINUTES
Planning Board Meeting
Tuesday, October 4, 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
Justin Brantley, Senior Planner
Greg Feldman, Current Planner
Daniel Adams, Flood Plain Administrator
Donna Sayre, Administrative Specialist
Members of the Public.

1 CALL TO ORDER

Chairman Delva Jordan called the meeting to order at 7:05 pm

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ADOPTION OF AGENDA

Motion to approve agenda as presented made by Margaret Mosca, seconded by Damien Buchanan.

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 August 2, 2022, Planning Board minutes made by John Gruntfest, seconded by Damien Buchanan.

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) REZONE 2022-34

Daniel Adams, Flood Plain Administrator, presented the staff report.

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.

Mr. Adams stated that the Residential Performance zoning district is intended to allow a variety of residential uses and densities and limited commercial activities as well as agritourism. 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. 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 Department.

Mr. Adams stated that 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 packet. 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.

Mr. Adams stated that the Planning Department found the rezoning to be consistent with the Pender 2.0 Comprehensive Land Use Plan's Future Land Use Map. The proposal is supported by Policy 5.1.V, Residential Development, and Policy 5.1.W, Single-family Residential Development. Mr. Adams stated that due to the request being consistent with the Unified Development Ordinance the Planning Department respectfully recommends the approval of the Rezoning. Mr. Jordan asked about the traffic numbers. Mr. Adams reiterated the numbers that were provided, in the staff report.

Mr. Buchanan asked if there was a current structure on the property and Mr. Adams stated that there is a building on the property that has been used commercially in the past. Mr. Buchanan asked if the building is

delipidated. Mr. Adams stated that from the outside it does not appear to be delipidated.

Mr. Henley stated that this property is zoned commercial when all the properties around it are zoned residential.

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

Applicant, Nancy Romero addressed the Board.

Mr. Jordan asked if the building was currently unoccupied. Ms. Romero stated that it was currently unoccupied but has been a seafood establishment and a hardware store in the past. Ms. Romero stated that there is the main building along with two garage type buildings in the back.

Mr. Jordan stated that this lot was zoned commercial while the lots surrounding it are zoned residential. Mr. Buchanan stated that the property should revert to residential to be consistent with the surrounding zonings.

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

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

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.

b) REZONE 2022-35

Greg Feldman, Current Planner, presented the staff report.

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.

Mr. Feldman stated that if approved, the site could be developed based upon all uses that are permitted by right or by Special Use Permit in the General Business zoning district. Any future development of the site must comply with the standards of the General Business zoning district and will be subject to review and approval by the Technical Review Committee (TRC) to ensure compliance with all applicable local, State, and Federal regulations.

Mr. Feldman stated that 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. He stated that in the General Business zoning district, upper story residential is permitted and pertaining to commercial uses, this zoning district allows eighty-three uses by-right and eighteen uses with a Special Use Permit.

Mr. Feldman stated that 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 packet. 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.

Mr. Feldman stated that the proposed rezoning request to the 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 Policies 5.1.C, Coordination with Infrastructure/Services; 5.1.D, Focused Growth and Development; 5.1.H,

Mixed Use Development; and 5.1.K, Commercial Development. Mr. Feldman stated that due to the request being consistent with the Unified Development Ordinance the Planning Department respectfully recommends the approval of the Rezoning.

Mr. Gruntfest asked if NCDOT was working in that area currently and Mr. Henley stated that he is not sure if it is NCDOT working in that area or if it was a developer.

Mr. Feldman stated that upper-story residency is like Mayfaire with a “live there work there” setup.

Mr. Buchanan asked about the meaning of Regional Mixed Land Use. Mr. Feldman provided the definition. Mr. Buchanan asked if apartments are allowed, and Mr. Feldman responded with a negative answer.

Mr. Jordan inquired as to whether the lot next door contained a residence. Mr. Feldman responded affirmatively. Mr. Jordan asked if the home was occupied, and Mr. Feldman stated that it appears that the home is occupied.

Mr. Jordan asked the Board members if there were any additional questions for the Planning Department staff, and no questions were presented.

Applicant, Peter Vinal addressed the Board.

Mr. Jordan asked Mr. Vinal if the residence next door was occupied. Mr. Vinal stated that the home was occupied, and he has spoken to the resident who stated that he had no issues with the rezoning. Mr. Vinal also stated that he spoke to the pastor of a nearby church who also did not express any concerns with the rezoning request.

Mr. Jordan asked the Board members if there were any additional questions of the applicant and no questions were presented.

Mr. Gruntfest asked if Lea Drive Extension was the County’s responsibility to maintain. Mr. Henley stated that Pender County does not maintain roads and that the road is either maintained by the state or a private entity.

Mr. Buchanan stated that he feels that this rezoning is consistent with the Land Use Plan.

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

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.

c) REZONE 2022-36

Greg Feldman, Current Planner, presented the staff report.

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 PIN 3282-85-3556-000, 3282-85-8450-000, and 3282-95-2659-000.

Mr. Feldman stated that PIN 3282-85-3556-000 totals approximately 8.29 acres and is within the Planned Development zoning district, PIN 3282-85-8450-000 is approximately 0.31 acres and is within the Residential Performance zoning district, and PIN 3282-95-2659-000 is approximately 6.61 acres and is also within the Planned Development zoning district.

Mr. Feldman stated that if approved, the subject properties could be developed based upon all uses that are permitted by right or by Special Use Permit in the General Business zoning district. Any future development of the site must comply with the standards of the General Business zoning district and will be subject to review and approval by the Technical Review Committee (TRC) to ensure compliance with all applicable local, State, and Federal regulations.

Mr. Feldman stated that 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. He stated that in the General Business zoning district, upper story residential is permitted and pertaining to commercial uses, this zoning district allows eighty-three uses by-right and eighteen uses with a Special Use Permit.

Mr. Feldman stated that 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 packet. 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.

Mr. Feldman stated that the proposed rezoning request to the 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 Policies 5.1.C, Coordination with Infrastructure/Services; 5.1.D, Focused Growth and Development; 5.1.H, Mixed Use Development; and 5.1.K, Commercial Development. Mr. Feldman stated that due to the request being consistent with the Unified Development Ordinance the Planning Department respectfully recommends the approval of the Rezoning.

Mr. Gruntfest questioned as to whether a traffic analysis has been done for Headwaters Drive. Mr. Feldman stated that DOT has been contacted but no response has been received.

Mr. Henley clarified that both the current and proposed zoning is consistent with the Land Use Plan.

Mr. Jordan asked if there were any issues with connected streets and if the parcel that is shaped as a little sliver will be used as a street? Mr. Henley stated that this particular parcel could be used as a road but it not likely.

Mr. Buchanan asked if the egress would require a buffer and Mr. Henley answered affirmatively.

Mr. Jordan asked the Board members if they had any additional questions for the Planning Department staff and no questions were brought forth.

Spruill Thompson addressed the Board.

Mr. Thompson stated that there are parties currently interested in the property. He acknowledged that there are two septic systems/fields in the back of the lot and that area needs to be respected.

Mr. Jordan asked the Board members if they have any questions for Mr. Thompson and no members responded.

Laura Ehlberg of 108 Bay Blossom Court stated that she is representing the residents of Bay Blossom. She stated that she lives in the property that butts up one of the proposed parcels and is concerned with stormwater run-off. Ms. Ehlberg states she understand commercial uses on the parcel located on US Hwy 17 but is unsure as to need for commercial uses on the parcel located in the back. She stated that noise is already a concern and feels commercial uses will only increase that.

Ms. Ehlberg stated that there is no turn out lane at US Highway 17 and Headwater and inquired as to whether one will be installed. Mr. Henley stated that will depend on what use will be requested for the parcel as each use has different requirements. She then asked who will maintain the utility easement and Mr. Buchanan stated that the easement and septic areas are on private land and that developers normally respect those areas. He also gave an overview of how the Planned Development zoning district is already commercial and if the General Business rezoning request is granted, there will be less options available in the General Business zoning district.

Ms. Ehlberg asked if homeowners will be notified when a use of the land has been applied for. Mr. Henley stated that adjacent homeowners will be sent notice of the TRC meeting and the homeowners can attend that meeting.

Mr. Henley and Mr. Gruntfest discussed easements including the two being shown on the GIS map.

Jeff Turpin stated that he has been the owner of Hampstead Shopping Center for five to six years and is in favor of the rezoning request. He feels that the General Business zoning request is a perfect fit for the area. Mr. Turpin stated that the sewer plant has been decommissioned and area homeowners could tap into the sewer lines if they choose. As to stormwater run-off, he stated that there is retention pond behind the shopping center.

Donna Rice of 160 Great Oak Drive asked if a traffic light will be installed due to very dangerous traffic conditions. Mr. Henley stated that once a proposal is made for a use of the land, then NCDOT will be given the proposed traffic counts and the developer will have to make whatever improvements are required. Mr. Henley discussed the Hampstead median project where the center turn lane will be gone and there will be no turning left on Hwy. 17. Making a U-turn will be needed.

Mr. Jordan asked the Board members if they had any additional questions for the Planning Department staff or the applicant and no additional questions were presented.

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

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

Mr. Brantley, Senior Planner, discussed Tree Mitigation. Currently, if a significant tree is cut down then the ratio of 2:1 needs to be planted back. Some Developers are having problems being able to meet that ratio due to the amount of land available. Variance case 2021-05 applied for by Hampstead Self-Storage was referenced. Currently, there is no fee-in-lieu option for tree mitigation and the board members discussed that option.

Mr. Brantley, Senior Planner, discussed the Ordinance's Parking requirements. The Planning staff and board discussed allowing larger parking lots to have alternative surfacing methods, such as gravel. They also discussed the number of required spaces and other options that may be available for less spaces or for the owner of the business to make the decision of how many parking spaces they desire. This does not include handicapped spaces.

The next item Mr. Brantley spoke about pertains to accessory dwelling units. Additional clarification is need on Multiple Principal Dwelling on a property. Mr. Brantley stated that currently accessory swellings may not exceed 33 percent of the heated floor space of the principal dwelling unit. The staff and board discussed a cap size requirement for all accessory dwelling units and remove the 33 percent requirement. He also stated that clarification is needed

for manufactured homes not being used as an accessory dwelling unit, in which the board discussed.

Mr. Brantley stated that these items would be further researched and brought back for further discussion in the near future.

10 NEXT MEETING DATE

November 1, 2022, at 7:00 p.m.
Pender County Administration Building
805 S. Walker Street
Burgaw, NC 28425

11 ADJOURNMENT

Meeting adjourned at 9:02 p.m.

Pender County
Request for Board Action

TO:	Planning Board
FROM:	Chris Hatcher
DATE:	November 1, 2022
SUBJECT:	REZONE 2022-37: General Use Rezoning of Two Tracts in the Long Creek Township from GB, General Business to RP, Residential Performance

SUMMARY:
Elloyd Mcintire, applicant and owner, is requesting the approval of a Zoning Map Amendment to rezone two tracts totaling approximately .97 acres of land from GB, General Business zoning district to RP, Residential Performance zoning district. The subject property is located south of NC Highway 210, approximately 60 feet southeast of the intersection of Pine Village Drive and NC Highway 210 in the Long Creek Township and may be further identified by Pender County PIN(S) 3214-09-5485-0000 and 3214-09-5323-0000.

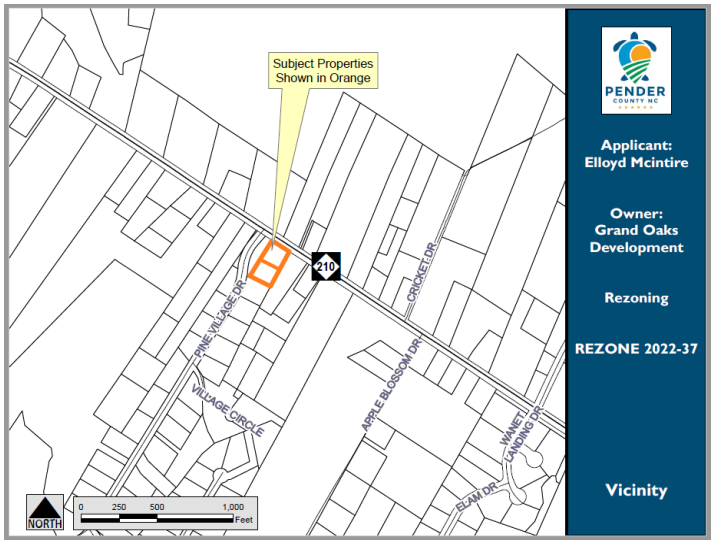
ACTION REQUESTED:
To hold a public hearing and consider the rezoning request.

ATTACHMENTS:
1. Staff Report
2. Application
3. Narrative
4. Legal Description
5. Parcel Map
6. Table of Permitted Uses from UDO

STAFF REPORT FOR REZONE 2022-37
ZONING MAP AMENDMENT APPLICATION

APPLICATION SUMMARY	
Case Number	REZONE 2022-37
Hearing Dates	November 1, 2022, Planning Board December 5, 2022, Board of Commissioners
Applicant	Elloyd Mcintire
Property Owner(s)	Grand Oaks Development
Parcel Identification Numbers	3214-09-5485-0000 and 3214-09-5323-0000
Acreage	.97
Township	Long Creek
Pender 2.0 Future Land Use Category	Low Density Residential

REZONING PROPOSAL
Elloyd Mcintire, applicant, on behalf of Grand Oaks Development, is requesting the approval of a Zoning Map Amendment to rezone two tracts totaling approximately .97 acres of land from GB, General Business zoning district to the RP, Residential Performance zoning district.
LOCATION
The subject property is located south of NC Highway 210, approximately 60 feet southeast of the intersection of Pine Village Drive and NC Highway 210 in the Long Creek Township.



REZONING PROPOSAL

The applicant is proposing to rezone two lots that total approximately .97 acres from the GB, General Business zoning district to the RP, Residential Performance zoning district. The Residential Performance District allows for a variety of residential uses and densities and also limited commercial activities as well as agritourism. Existing or new agricultural and farm uses shall be allowed on undeveloped land prior to development.

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 RP, Residential Performance zoning district. However, any future development of the site must comply with the standards of the RP, Residential Performance 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.

Dimensional Requirements
As this is a general use rezoning, the standard setbacks in the RP, 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 properties.

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 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 RP, Residential Performance zoning district. The table below provides a general list of typical developments permitted in the RP, Residential Performance zoning district. A comprehensive list of all uses from Section 5.2.3 of the UDO is included in Attachment 1.

	RA, Rural Agriculture
Residential Uses	≈ 7 uses by-right (Detached -Conventional, Attached: Duplex, Accessory Dwelling Unit, Manufactured home) ≈ 1 use w/ SUP (Cottage Occupation)
Commercial Uses	≈ 16 uses by-right (Solid Waste Collection Public, Public Administration, Bona fide Farm Purpose, Public Parks, etc.) ≈ 33 uses w/ SUP (Borrow Pit Sand Mining, Other electric Power Generation, Artisan Manufacturing, Food and Beverage Stores, Postal Service, Real Estate and Rental and Leasing, etc)

TRANSPORTATION INFRASTRUCTURE

Access

The subject properties have direct access to NC HWY 210 via a private right-of-way and access easement. NC HWY 210 is a NCDOT maintained Minor Arterial Road based on the WMPO Functional Classification Map.

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.

Road	Location	Volume	Capacity	V/C
NC HWY 210	Between McIntyre Church Rd and Little Kelly Rd	4600	20943	.22

OTHER INFRASTRUCTURE

Utilities
Public water is available through Pender County Utilities (PCU) on this section of NC HWY 210. The method of water and wastewater will be determined when a site-specific development plan is submitted for review.

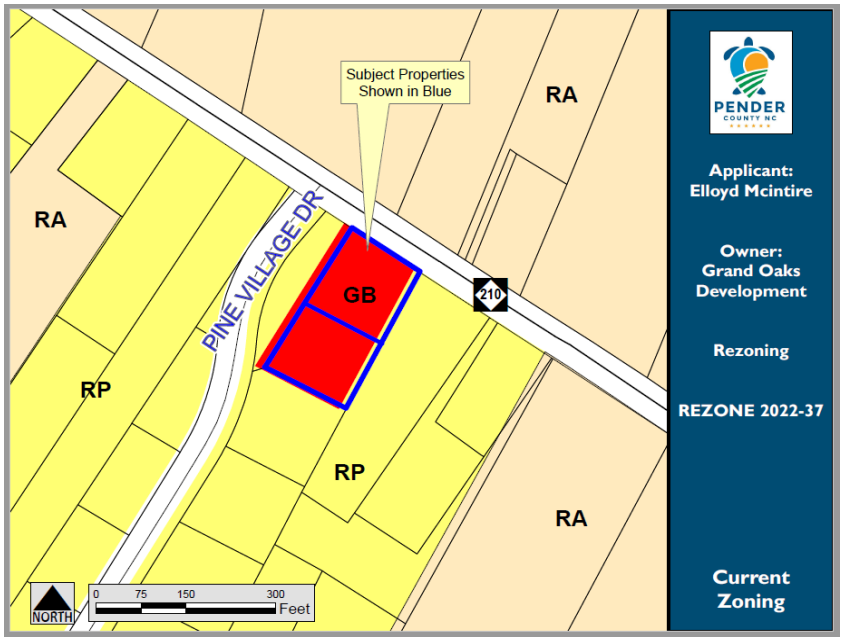
Schools
There is no development proposal associated with this general use rezoning, so no specific impacts to the school system are known at this time.

ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject property does not contain any Special Flood Hazard Areas[1].
Wetlands	The subject property does not contain any 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

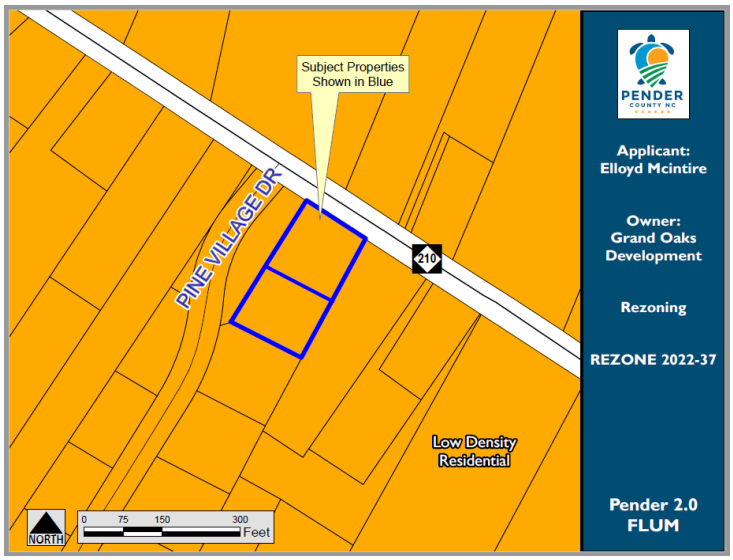
Below: Zoning Map of the Area



CHARACTERISTICS OF THE SURROUNDING AREA		
	LAND USE	**ZONING**
North	Residential, Agricultural	RA, Rural Agricultural
East	Vacant, Residential	RP, Residential Performance RA, Rural Agricultural
South	Residential	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 immediately adjacent to the subject properties are currently zoned RP, Residential Performance and RA, Rural Agricultural as indicated by the table above.



Pender 2.0 Comprehensive Land Use Plan Compliance: The subject property is located within the Low Density Residential Future Land Use Classification within the Pender 2.0 Comprehensive Land Use Plan and as shown in the Future Land Use Map to the left. The Low Density Residential future land use category is located on the fringe of medium density residential uses and within existing single-family neighborhoods. These areas are typically established single-family neighborhoods with a low-density residential development pattern. Within the Low Density Residential future land use category, development density is two dwelling units an acre or less. Desired uses are detached single-family dwellings, duplexes and townhomes when included as part of a master planned community, as well as recreation, parks, and open space. Inappropriate uses include non-residential development, attached single-family dwellings, multi-family residential uses as well as commercial and industrial uses as are large institutions and other significant traffic generators.

The proposed zoning district, Residential Performance, is found to be consistent with the Low Density Residential future land use classification which identifies a desired development density of two dwelling units an acre or less. The two lots associated with this request total approximately .97 acres and are located within the Oak Ridge subdivision. While the Residential Performance zoning district allows up to three dwelling units per acre, due to the size of the lots in question it is likely that they will only accommodate one home per lot if developed residentially. Staff further finds that this request is consistent with the surrounding zoning as well as the surrounding uses in the area.

In addition to consistency with the Future Land Use Map, the proposal was found to be consistent with the following policy 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.

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 one policy within the Pender 2.0 Comprehensive Land Use Plan.

The proposed RP, Residential Performance zoning district rezoning request is consistent with the Pender 2.0 Comprehensive Land Use Plan, Future Land Use Map, 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 policy in the Pender 2.0 Comprehensive Land Use Plan:

- **5.1.V: Residential Development**

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

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.

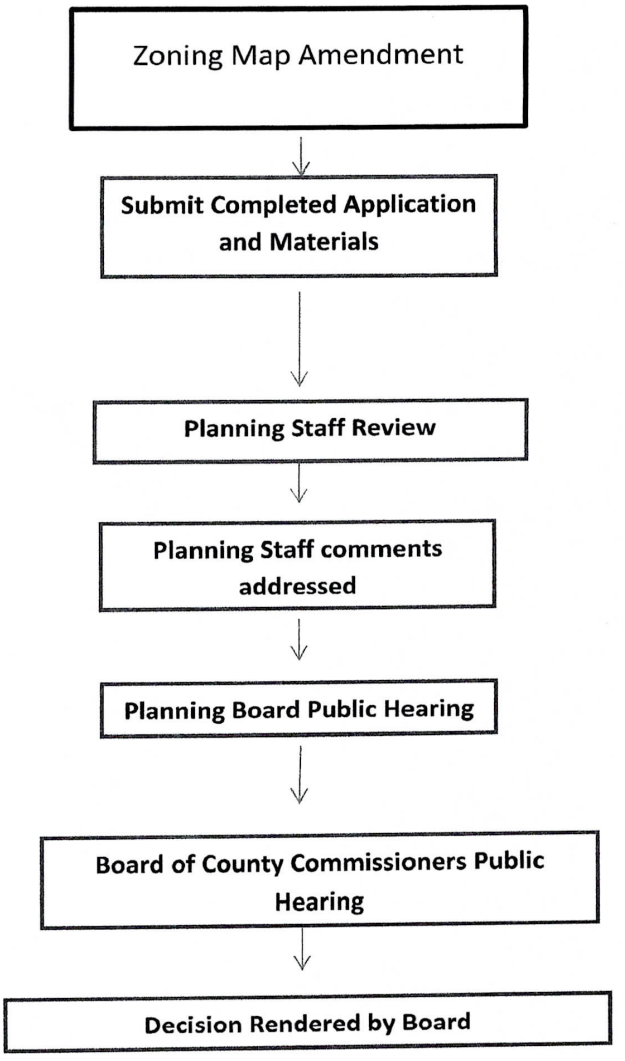
1. ✓ **Pre-submittal Meeting**
   Date of Meeting 8-17-2022
2. ✓ **Signed Application**
3. ✓ **Payment**
   $500 for the first 5 acres; $10/ acre thereafter up to 1,000 acres; $5 per acre thereafter
4. ✓ **Requested Revision Boundary Map**
   Rezoning must correspond with the boundary lines of existing 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 Elloyd E. McIntire Date 8-31-2022

Printed Name ELLOYD E. MCINTIRE

Staff Initials:	
Date:	


Zoning Map Amendment
Submit Completed Application and Materials
Planning Staff Review
Planning Staff comments addressed
Planning Board Public Hearing
Board of County Commissioners Public Hearing
Decision Rendered by Board

Zoning Map Amendment Specific Requirements

1. **Application Submittal**
   - Application
   - Rezoning must correspond with the boundary lines of existing platted lots or tracts. Where the boundaries of a rezoning request do not follow a boundary line or a split zoned property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this Ordinance. An illustration containing a metes and bounds description is required.
   - All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, the rezoning shall be expanded to include all property necessary to meet zoning requirements.
   - Must show substantial compliance with the goals and policies of the Comprehensive Land Use Plan.
   - The rezoning application must contain a description and/or statement of the present and proposed zoning regulation or district boundary, and the name(s) and address(es) of the owner(s) of the property involved as required by General Statute.
   - The applicant shall provide an accurate legal description or a map drawn to scale showing the property boundaries that are to be rezoned, in sufficient detail for the rezoning to be located on the Official Zoning Map.

2. **Planning Board and Board of Commissioners Review Criteria (per Section 3.3.8)**
   A. Whether the range of uses permitted by the proposed change would be appropriate to the area concerned (including not being detrimental to the natural environment, not adversely affecting the health or safety of residents or workers in the area, not being detrimental to the use or development of adjacent property, and not materially or adversely affecting the character of the general neighborhood);
   B. Whether adequate public facilities/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;
   C. Whether the proposed change is consistent with the County's Comprehensive Land Use Plan and CAMA Land Use Plan or any other adopted land use document.
   D. Whether the proposed amendment is reasonable as it relates to the public interest.

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GENERAL USE REZONING

GENERAL

1. An applicant shall be required to schedule a pre-submittal meeting with the Administrator at least thirty (30) days prior to submission of an application.

2. Amendments to the Zoning Map, also called a Rezoning, shall be made in accordance with the provisions of the Pender County UDO and shall follow the review process as shown in Figure 1 at the end of Section 3.4.

3. The County Commissioners shall approve or deny amendments to the Zoning Map of Pender County, as may be required from time to time.

4. Rezoning must correspond with the boundary lines of existing platted lots or tracts. Where the boundaries of a rezoning request do not follow a boundary line or a split zoned property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of the UDO. An illustration containing a metes and bounds description is required.

5. All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, the rezoning shall be expanded to include all property necessary to meet zoning requirements.

6. Must show substantial compliance with the goals and policies of the Comprehensive Land Use Plan and other adopted plans.

APPROVAL STANDARDS

1. Whether the range of uses permitted by the proposed change would be appropriate to the area concerned (including not being detrimental to the natural environment, not adversely affecting the health or safety of residents or workers in the area, not being detrimental to the use or development of adjacent property, and not materially or adversely affecting the character of the general neighborhood).

2. Whether adequate public facilities/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change.

3. Whether the proposed change is consistent with the County's Comprehensive Land Use Plan and CAMA Land Use Plan or any other adopted land use document.

4. Whether the proposed amendment is reasonable as it relates to the public interest.

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA REZONE-2022-37	**Date**	9/2/2022
Application Fee	$ $500.00	**Invoice**	00028398
Pre-Application Conference	8-17-2022	**Hearing Date**	PB: 11/1/2022 BOCC: 12/5/2022

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	ELLOYD E. MCINTIRE	**Owner's Name:**	SAME
Applicant's Address:	309 PINE VILLAGE DR.	**Owner's Address:**	
City, State, & Zip	ROCKY POINT NC	**City, State, & Zip**	
Phone Number:	910-675-9337 / 675-3383	**Phone Number:**	
Email Address:	emcintyre2@ec.rr.com	**Email Address:**	
Legal relationship of applicant to landowner:	SAME		

SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3219-09-5323-0000 3214-09-5485-0000	**Total property acreage:**	0.51 0.46 0.97 AC
Current Zoning District:	GB	**Proposed Zoning District:**	RP
Project Address:	124 PINE VILLAGE DR - ROCKY POINT NC 28457		
Description of Project Location:	LOTS 1 + 2 AT THE ENTRANCE OF PINE VILLAGE + HWY NC 210		

SECTION 3: SIGNATURES			
Applicant's Signature	Elloyd E. McIntire	**Date:**	8-31-2022
Applicant's Name Printed	ELLOYD E. MCINTIRE	**Date:**	8-31-2022
Owner's Signature	SAME AS ABOVE	**Date:**	8-31-2022
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

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:	CDH	**Date:**	9/1/2022
Application completeness approved by:	CDH	**Date:**	9/2/2022

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

Pender County Zoning

Narrative

Date: 29 August 2022

To: Pender County Zoning & Commissioners

Mr. Chairman & Members of the Board

My name is Elloyd E. Mcintire, I Am the Developer of the Grand Oaks Development Sub-Divisions, I am here tonight for the purpose of requesting a zoning change of lots 1 & 2 at the entrance of Hwy NC 210 and Pine village Drive from GB to RP. In 2008 I had those lots approved for the Grand Oaks Development Co. Office Complex. Due to the Downturn in 2008, I was unable to build the new offices at that time because, I had Started Development of the Oak Ridge II Section of Grand Oaks, and I had to use the funds that I had for the offices to complete the Oak Ridge II Section. As A result of the time period from 2008 until the time that I was able to sell the lots in the Oak Ridge II Section, which was in 2020 and 2021. Too much time have passed between 2008 and now that I no

longer need those two lots for the office space because, I have my office at the Grand Oaks Golf Driving Range now. Those two lots were residual from 1981 until 1998 so, I am just requesting your permission to change the zoning back to residual, I have Combine the two lots into one to use as a family home building lot. I thank you in advance.

Elloyd E. McIntire

Elloyd E. McIntire

Grand Oaks Developer

Legal Description for Recombination of Lots 1 and 2, Pine Village of Grand Oaks
For Grand Oaks Development Company, LLC

Located in Long Creek Township, Pender County, North Carolina

Beginning at a point in the center line of NC Highway 210 (60 foot wide public right of way), said point located at the northwestern corner of Lot 1, Pine Village of Grand Oaks as recorded in Map Book 36 at Page 110, Pender County Registry. Said point also located South 51 degrees 33 minutes 30 seconds East – 77.27 feet from the center line intersection of Pine Village Drive (60 foot wide public right of way) and NC Highway 210. Running thence from said point of beginning, continuing with the center line of NC Highway 210, South 51 degrees 33 minutes 30 seconds East – 141.90 feet to a point; thence along the eastern line of Lot 1 and 2, Pine Village of Grand Oaks, South 32 degrees 00 minutes 00 seconds West – 300.00 feet (passing over iron rods at 30.19 feet and 172.20 feet) to an iron rod, the southeastern corner of Lot 2; thence, along the southern line of Lot 2, North 57 degrees 59 minutes 58 seconds West – 161.40 feet to an iron rod, the southwestern corner of Lot 2; thence, with the western line of Lots 1 and 2, North 35 minutes 41 seconds 35 minutes East – 316.58 feet (passing over iron rods at 128.07 feet and 286.55 feet) to the point of beginning, containing 42,358 square feet, more or less, after exclusion of the right of way of NC Highway 210, as claimed by NC Department of Transportation.

Together with a 30 foot wide access easement, as shown on Map Book 36 at Page 110, Pender County Registry – located along and west of the western line of Lots 1 and 2.

All bearings are in angular relation to Magnetic North (MB 36, Pg 110) and all distances are horizontal field measurements.

Elizabeth F Smith

NORTH CAROLINA PROFESSIONAL SEAL L-5195 LAND SURVEYOR ELIZABETH F. SMITH

8/30/22

STATE OF NORTH CAROLINA PENDER COUNTY

I, Amy Everett, REVIEW OFFICER of Pender County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Amy Everett 8/30/22
Review Officer Date

STATE OF NORTH CAROLINA PENDER COUNTY

Filed for registration on the:

Doc No: 20106950
Recorded: 08/30/2022 01:55:26 PM
Fee Amt: $21.00 Page 1 of 1

Pender County North Carolina
Sharon Lear Willoughby, Register of Deeds
BK 70 PG 114 - 114 (1)

Slide No._____.

By

SURVEY REFERENCE:

A PART OF DEED BOOK 2892 AT PAGE 255, LOTS 1 & 2, MAP BOOK 36 AT PAGE 110, PENDER COUNTY REGISTRY

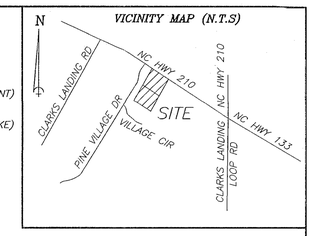
NOTES:

1. FEMA FLOOD MAP INFORMATION: PENDER COUNTY FLOOD INSURANCE RATE MAP: MAP No.: 3720321400J FLOOD ZONE: X MAP EFFECTIVE DATE: FEBRUARY 16, 2007.
2. CORNERS ARE MARKED AS NOTED ON MAP.
3. ALL BEARINGS ARE MAGNETIC (MB 36, PG 110).
4. ALL DISTANCES ARE HORIZONTAL FIELD MEASUREMENTS.
5. AREA COMPUTED BY THE COORDINATE METHOD.
6. MAP DRAWN FROM EXISTING MAPS AND DEEDS OF RECORD, PENDER COUNTY REGISTRY.

LEGEND:

- EIR (EXISTING/FOUND IRON ROD)
- EIP (EXISTING/FOUND IRON PIPE)
- IPS (IRON PIPE SET)
- EIS (EXISTING/FOUND IRON STAKE)
- IRS (IRON ROD SET)
- CMS (CONCRETE MONUMENT SET)
- ECM (EXISTING/FOUND CONC MONUMENT)
- NCGS GRID MONUMENT
- ERRS (EXISTING/FOUND RAILROAD SPIKE)
- RRSS (RAILROAD SPIKE SET)
- N&C (NAIL AND CAP FOUND)
- PK\MAG (PK OR MAG NAIL SET)
- EPK (EXISTING/FOUND PK NAIL)
- EOA (EXISTING/FOUND OLD AXLE)
- PROPERTY LINE
- NON-SURVEYED LINE
- EASEMENT LINE

VICINITY MAP (N.T.S)

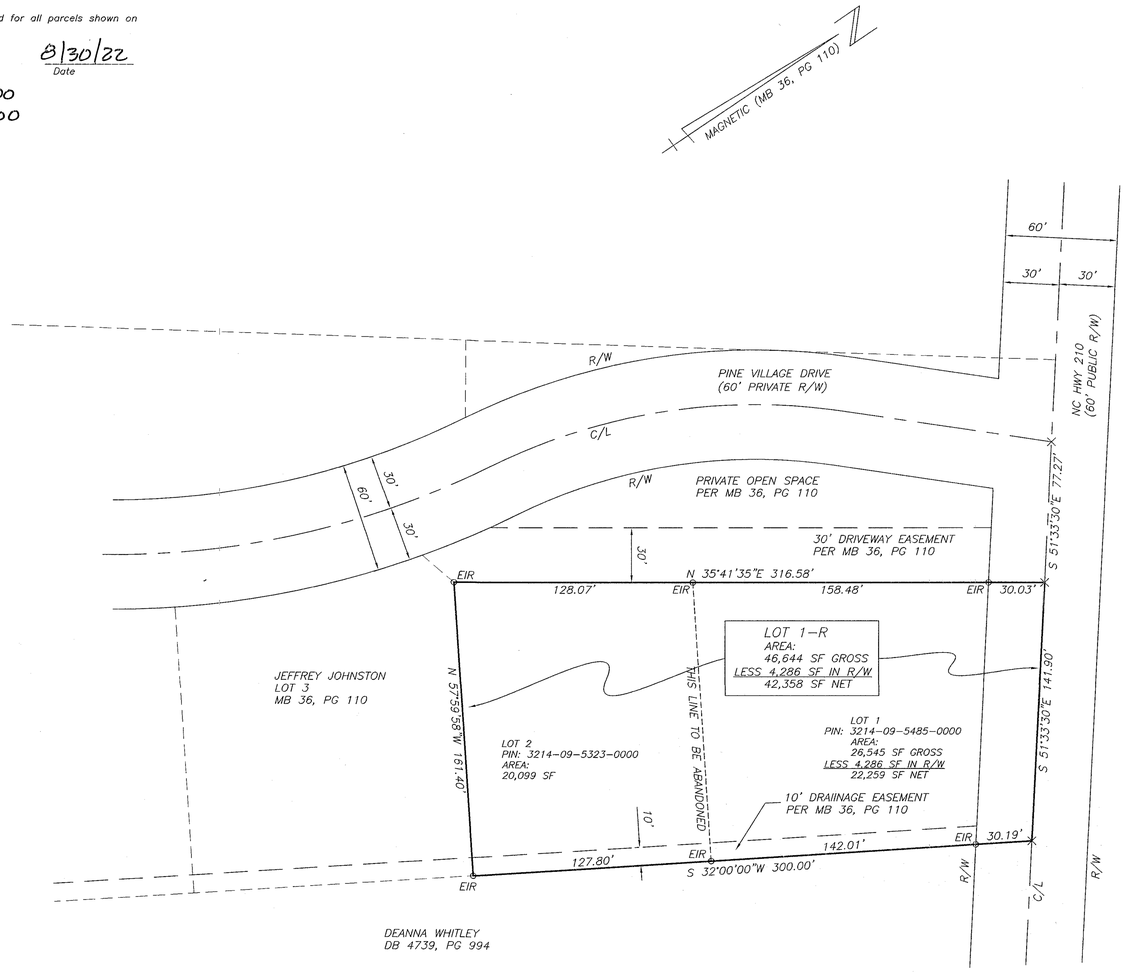


Parcel Identifier Certificate

Parcel Identifiers have been issued for all parcels shown on this plat.

Amy Everett 8/30/22
Tax Supervisor Date

3214-09-5323-0000
3214-09-5485-0000



All new access easements shown or designated on this plat, include the transfer of an easement to Pender County, its employees and agents for access for emergency personnel (police, fire & rescue) and Pender County and its employees for administration of all Pender County Ordinances.

All new access easements shown or designated on this plat, include the transfer of an easement to public entities and public utilities for the purpose of installation and maintenance of water, sewer, electric and communication lines.

Exempt Subdivision
Pender County
DAS
Office of Planning
Date 8/30/2022

OWNER:

GRAND OAKS DEVELOPMENT COMPANY, LLC
124 PINE VILLAGE DRIVE
ROCKY POINT NC 28457

The subdivision shown on this plat does not contain Special Flood Hazard Areas and is not located in a Floodway as delineated by the Federal Emergency Management Agency.

The subdivision shown on this plat does not contain Areas of Environmental Concern as delineated by the North Carolina Coastal Resources Commission.

Witness my original signature, registration number and seal this 30th day of August, AD, 2022.

Elizabeth F. Smith
Elizabeth F. Smith
Professional Land Surveyor
NC License No. L-5195

NORTH CAROLINA PROFESSIONAL SEAL L-5195 LAND SURVEYOR ELIZABETH F. SMITH

I, Elizabeth F. Smith, Professional Land Surveyor L-5195, state that this plat is a survey of another category, such as the recombination of existing parcels, a court-ordered survey or other exception to the definition of subdivision and is therefore not subject to subdivision regulation.(RECOMBINATION OF EXISTING PARCELS)

Elizabeth F. Smith
Elizabeth F. Smith
Professional Land Surveyor
NC License No. L-5195

NORTH CAROLINA PROFESSIONAL SEAL L-5195 LAND SURVEYOR ELIZABETH F. SMITH 8/30/22

CERTIFICATE OF SURVEY AND ACCURACY (G.S. 47-30)

I, Elizabeth F. Smith, PLS, certify that this plat was drawn under my supervision from an actual survey made under my supervision from information found in Pender County Registry, as noted hereon, that the ratio of precision as calculated is 1:10,000+; that the boundaries not surveyed are shown as dashed lines as noted; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original Signature, License Number, and Seal, the 30th day of August, AD, 2022.

Elizabeth F. Smith
Elizabeth F. Smith
Professional Land Surveyor
NC License No. L-5195

NORTH CAROLINA PROFESSIONAL SEAL L-5195 LAND SURVEYOR ELIZABETH F. SMITH

ELIZABETH F. SMITH, PLS
ROBERT H. GOSLEE & ASSOCIATES, PA
LAND SURVEYORS - LAND PLANNERS
317 E. MURRAY ST. / P.O. BOX 133
WALLACE, NORTH CAROLINA 28466
NC CORPORATE LICENSE No. C-1167
910-285-4210
Email: davis@gosleesurveying.com

MAP OF RECOMBINATION
FOR

GRAND OAKS DEVELOPMENT COMPANY, LLC

OF LOTS 1 & 2, PINE VILLAGE OF GRAND OAKS

LONG CREEK TOWNSHIP - PENDER COUNTY - NORTH CAROLINA
SCALE: 1" = 50' AUGUST 23, 2022

50 0 50 100 150
GRAPHIC SCALE - FEET

FILE No. PJ-13-07-RECOMB-LOTS 1-2

MB 70 PG 114

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 Unit		D	D	P		D					
Accessory Dwelling Unit on Non Residential Principal Uses		D				D			P	P	
Manufactured Home		P	D		P						
Manufactured Home Park					PMD						
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	

		Zoning Districts									
Use Type	**Ref NAICS**	**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	

5.3 USES WITH STANDARDS

5.3.1 General

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

Pender County
Request for Board Action

TO:	Planning Board
FROM:	Chris Hatcher
DATE:	November 1, 2022
SUBJECT:	REZONE 2022-38: General Use Rezoning of One Tract from RA, Rural Agriculture and GI, General Industrial to GB, General Business and GI, General Industrial

SUMMARY:
Ryan Krall, applicant on behalf of Rocky Point Interchange, LLC, owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 70 acres of land from RA, Rural Agricultural and GI, General Industrial zoning districts to the GI, General Industrial and GB, General Business zoning districts. More specifically, the applicant is requesting to rezone approximately 11 acres of Pender County PIN 3235-91-0904-0000 from the RA, Rural Agricultural zoning to district to the GB, General Business zoning district and requesting approximately 13 acres be rezoned from the RA, Rural Agricultural zoning district to the GI, General Industrial zoning district. Approximately 46 acres would remain in the GI, General Industrial zoning district. The subject property is located in the Rocky Point Township between US Highway 117 and Interstate 40, approximately 1000 feet south of NC Highway 210.

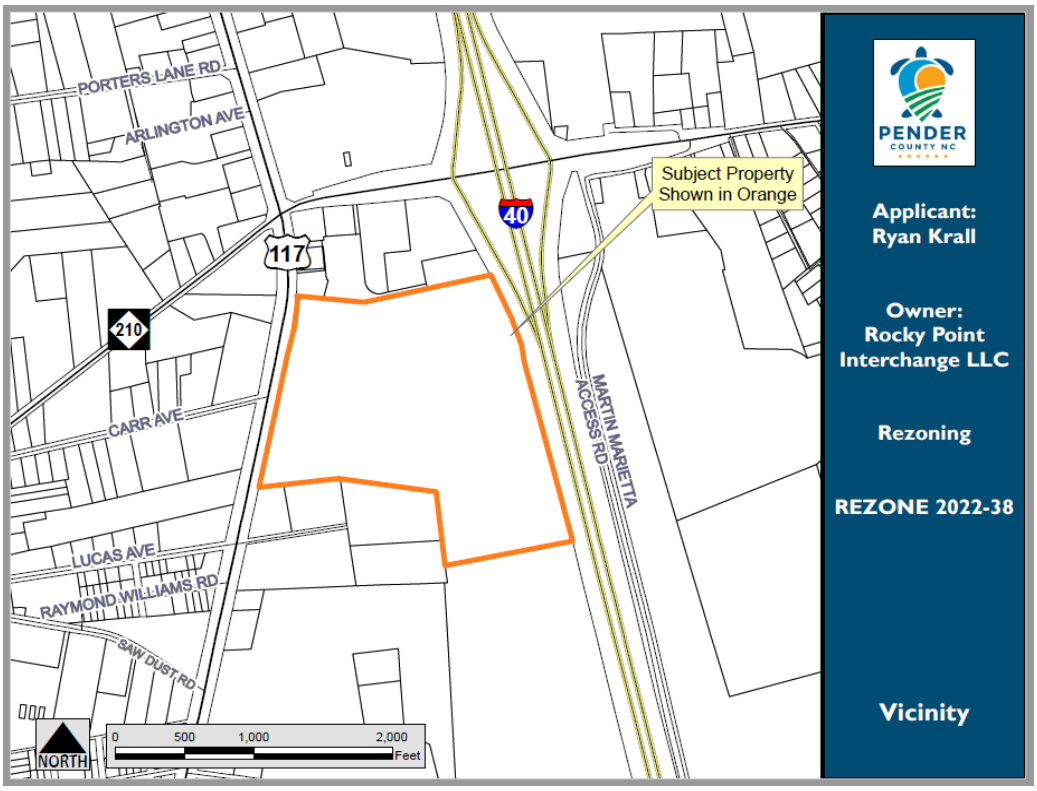
ACTION REQUESTED:
To hold a public hearing and consider the rezoning request.

ATTACHMENTS:
1. Staff Report
2. Application
3. Letter of Agency
4. Narrative
5. Site Map
6. Table of Permitted Uses from UDO

STAFF REPORT FOR REZONE 2022-38
ZONING MAP AMENDMENT APPLICATION

APPLICATION SUMMARY	
Case Number	REZONE 2022-38
Hearing Dates	November 1, 2022, Planning Board December 5, 2022, Board of Commissioners
Applicant	Ryan Krall
Property Owner(s)	Rocky Point Interchange, LLC
Parcel Identification Number	3235-91-0904-0000
Acreage	70.66
Township	Rocky Point
Pender 2.0 Future Land Use Category	Regional Mixed Use

REZONING PROPOSAL
Ryan Krall, applicant on behalf of Rocky Point Interchange, LLC, owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 70.66 acres of land from RA, Rural Agricultural and GI, General Industrial zoning districts to the GI, General Industrial and GB, General Business zoning districts. More specifically, the applicant is requesting to rezone approximately 11 acres of from the RA, Rural Agricultural zoning to district to the GB, General Business zoning district and requesting approximately 13 acres be rezoned from the RA, Rural Agricultural zoning district to the GI, General Industrial zoning district. Approximately 46 acres would remain in the GI, General Industrial zoning district.
LOCATION
The subject property is located in the Rocky Point Township between US Highway 117 and Interstate 40, approximately 1000 feet south of NC Highway 210.



REZONING PROPOSAL

The applicant is proposing to rezone one tract of land totaling approximately 70.66 acres from the RA, Rural Agricultural and GI, General Industrial to zoning districts to the GB, General Business and GI, General Industrial zoning districts. "Exhibit B" within the staff report is a detailed description of the desired rezoning per the applicant. The intent of GB, General Business 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. The GI District is intended to provide locations for enterprises engaged in a broad range of manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise or equipment which may not be compatible with certain Industrial Transitional uses. These uses generally are more intense and are located on larger tracts.

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 and GI, General Industrial zoning districts. However, any future development of the site must comply with the standards of the GB, General Business and GI, General Industrial zoning districts and the Unified Development Ordinance, and is subject to review and approval by the Technical Review Committee (TRC) to ensure compliance with all other applicable local, State, and Federal regulations.

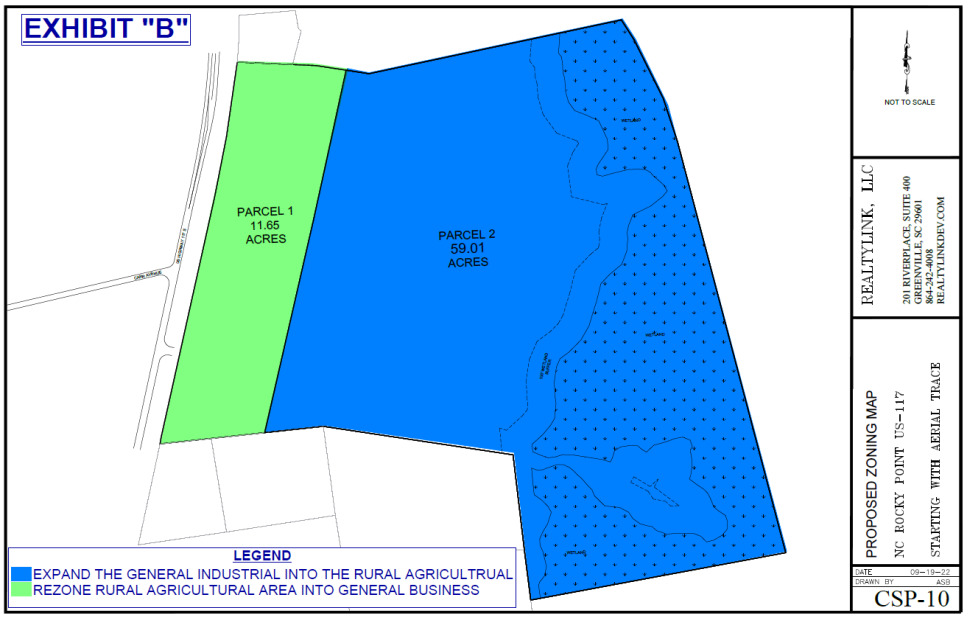
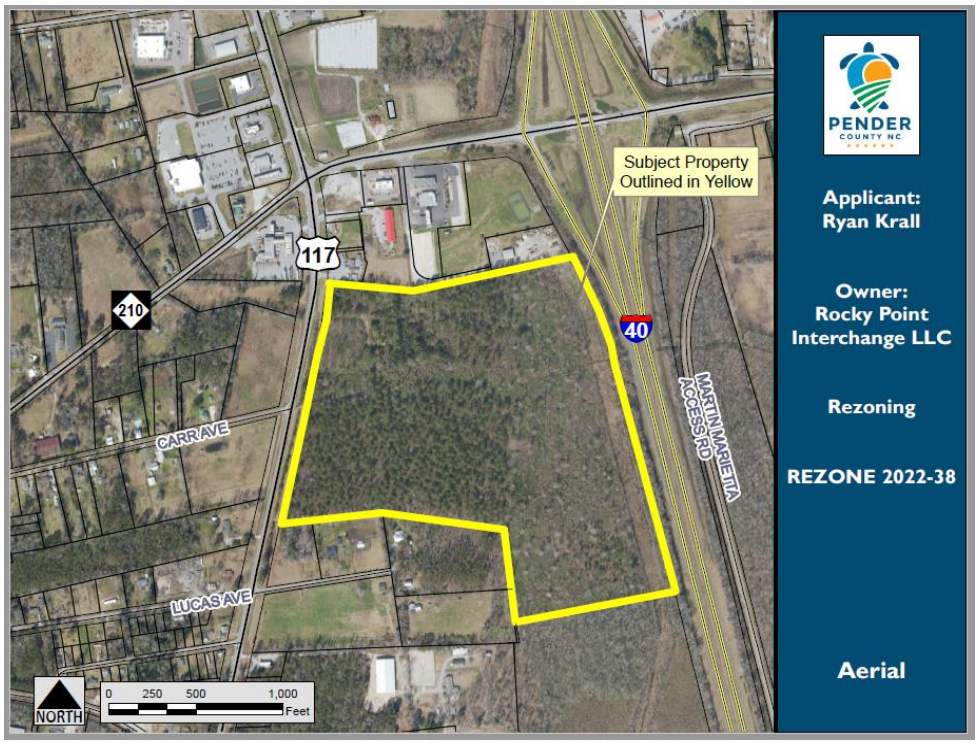


EXHIBIT "B"
PARCEL 1
11.65
ACRES
PARCEL 2
59.01
ACRES
LEGEND
EXPAND THE GENERAL INDUSTRIAL INTO THE RURAL AGRICULTRUAL
REZONE RURAL AGRICULTURAL AREA INTO GENERAL BUSINESS
NOT TO SCALE
REALTYLINK, LLC
201 RIVERPLACE, SUITE 400
GREENVILLE, SC 29601
864-242-8008
REALTYLINKDEV.COM
PROPOSED ZONING MAP
NC ROCKY POINT US-117
STARTING WITH AERIAL TRACE
DATE 09-19-22
DRAWN BY ASB
CSP-10


Subject Property
Outlined in Yellow
117
210
40
CARR AVE
LUCAS AVE
MARTIN MARIETTA
ACCESS RD
NORTH
0 250 500 1,000
Feet
PENDER
COUNTY NC
Applicant:
Ryan Krall
Owner:
Rocky Point
Interchange LLC
Rezoning
REZONE 2022-38
Aerial

Dimensional Requirements
As this is a general use rezoning, the standard setbacks in the GB, General Business and GI, General Industrial zoning district would 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.

Minimum Setback (General Business)	
Front	25'
Side	10'
Rear	10'
Corner	12'
Max. Height	40'
Structure Separation	20'

Minimum Setback (General Industrial)	
Front	50'
Side	25'
Rear	25'
Corner	25'
Max. Height	50'
Structure Separation	NC Building Code

The minimum lot size in the GB, General Business district is 15,000 square feet, and the minimum lot size for the GI, General Industrial district is one (1) acre. The subject property is compliant with both zoning district standards.

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 and GI, General Industrial zoning districts. The table below provides a general list of typical developments permitted in the GB, General Business and GI, General Industrial zoning district. A comprehensive list of all uses from Section 5.2.3 of the UDO is included in Attachment 1.

	GB, General Business
Residential Uses	≈ 1 uses by-right (Upper Story Residential, Agritourism) ≈ 1 use w/ SUP (Cottage Occupation)
Commercial Uses	≈ 83 uses by-right (Construction of buildings, Artisan Manufacturing, Motor Vehicle and Parts Dealers, Non Store Retailers, Real Estate and Rental and Leasing, ect.) ≈ 15 uses w/ SUP (Truss Manufacturing, RV Parks and Recreational Camps, Storage of Boats and Watercraft, ect)

	GI, General Industrial
Residential Uses	≈ 1 uses by-right (Accessory Dwelling Unit on Non-Residential Principal Uses, Agritourism)
Commercial Uses	≈ 87 uses by-right (Other Electric Power Generation, Specialty Trade Contractors, Food Manufacturing, Machinery Manufacturing, ect.) ≈ 19 uses w/ SUP (Nonmetallic Mineral Mining & Quarrying, Industrial Park, Telecommunication Facilities, ect.)

TRANSPORTATION INFRASTRUCTURE

Access

The subject property has direct access to US HWY 117 which is identified as a NCDOT maintained Major Arterial Road based on the WMPO Functional Classification Map.

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) – 202[1]; WMPO Roadway Capacities - 2020

Road	Location	Volume	Capacity	V/C
US 117	North of US 117 and Carr Ave Intersection	7000	20943	.33

OTHER INFRASTRUCTURE

Utilities

Public water and sewer are available through Pender County Utilities (PCU). The method of water and sewer service will be determined when a site-specific development plan is submitted for review.

Schools

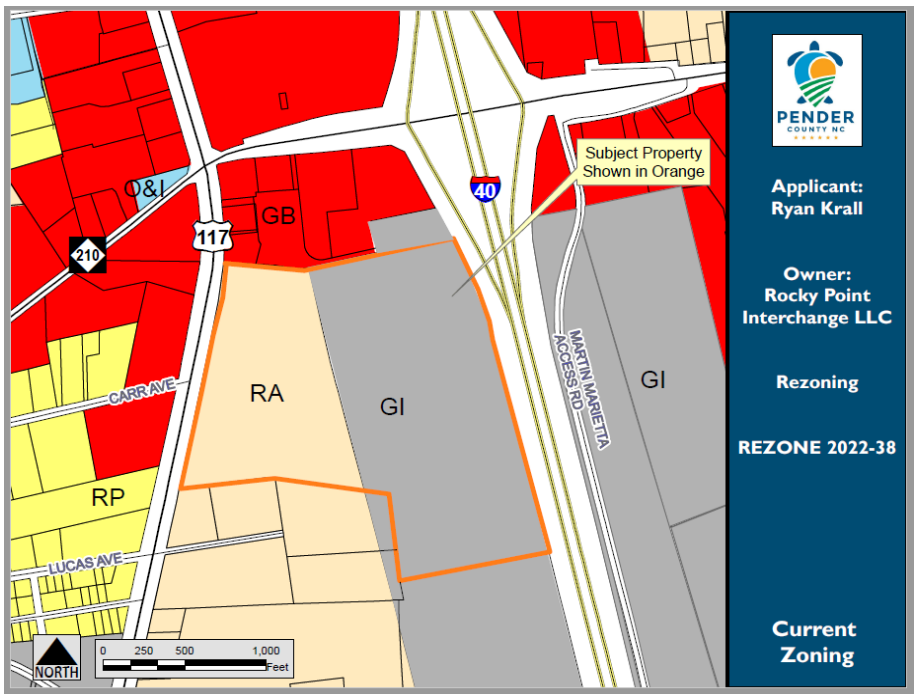
There is no development proposal associated with this general use rezoning, so no specific impacts to the school system are known at this time.

ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject property does not contain any Special Flood Hazard Areas[1].
Wetlands	Portions of the subject property may contain 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 are 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 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)

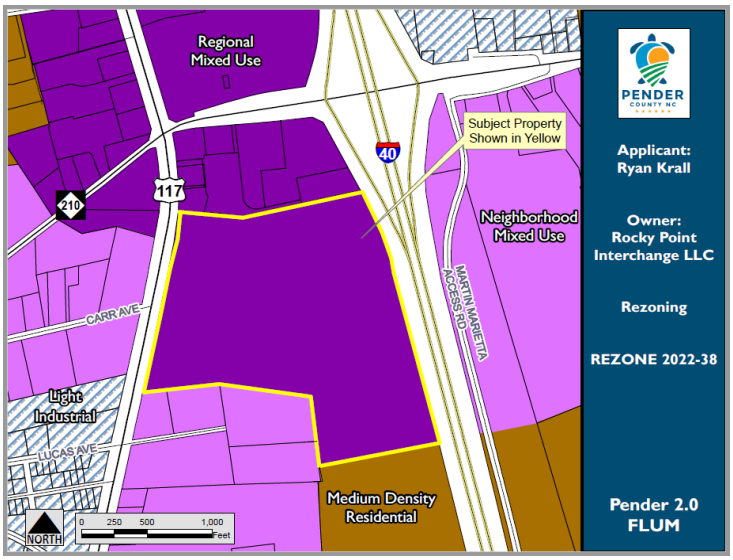
EVALUATION

Below: Zoning Map of the Area



CHARACTERISTICS OF THE SURROUNDING AREA		
	LAND USE	**ZONING**
North	Commercial	GB, General Business GI, General Industrial
East	Vacant	GI, General Industrial
South	Residential, Vacant	RA, Rural Agricultural GI, General Industrial
West	Residential, Vacant	GB, General Business RP, Residential Performance RA, Rural Agricultural

Surrounding Zoning
The subject property is currently within the RA, Rural Agricultural and GI, General Industrial zoning districts. Properties immediately adjacent to the subject properties are currently zoned RP, Residential Performance, RA, Rural Agricultural, GI, General Industrial, and GB, General Business 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 Classification within the Pender 2.0 Comprehensive Land Use Plan and as shown in the Future Land Use Map to the right. The Regional Mixed Use future land use category will allow 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. Within the Regional Mixed Use future land use category, the preferred land use mix is primarily commercial/retail and office with multi-family residential uses. Large employment centers and retail spaces are encouraged. The preferred land use mix is primarily commercial/retail and office with multi-family residential uses. Large employment centers and retail spaces are encouraged. More intense commercial and offices uses requiring larger lots sizes, parking area, and stormwater infrastructure are permitted in this land use category. Artisan manufacturing is encouraged in this category.

The proposed zoning districts, General Business and General Industrial, are consistent with the Regional Mixed Use future land use classification due to the General Business districts intention 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. Additionally, the General Industrial district is intended to provide locations for enterprises engaged in a broad range of manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise or equipment which may not be compatible with certain Industrial Transitional uses. These uses generally are more intense and are located on larger tracts.

The expansion of the GI, General Industrial, zoning district associated with the request is partly a result of a significant portion of wetlands being located in the existing General Industrial area which has limited the utilization of this designation. However, the establishment of 11.65 acres of the GB, General Business, zoning district along US Hwy 117 will act as a buffer between the US Hwy 117 and the expanded GI, General Industrial zoning district in the rear of the property. This GB, General Business zoning district, buffer will allow the property to blend in with the surrounding commercial land uses along this section of US Hwy 117.

In addition to consistency with the Future Land Use Map, the proposal was found to be consistent with the following four policies within the Pender 2.0 Comprehensive Land Use Plan:

> **Policy 5.1.D: Focused Growth and Development:** The County supports a growth pattern that includes low density single-family residential communities, but also allows for the strategic placement of higher density residential, mixed uses, and commercial development to accommodate and support future population growth, where necessary infrastructure exists or is planned.
>
> **Policy 5.1.E: Compatible Development:** The County supports new commercial and multi-family developments that blend with surrounding neighborhoods and limit traffic, noise, and light impacts on existing residential uses.
>
> **Policy 5.1.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.

Policy 5.1.N Industrial Uses and Business Development: The County supports the recruitment and siting of compatible industrial, heavy commercial, and large-scale employment establishments in areas that are consistent with County's future land use map. Compatible heavy commercial and employment center uses are also appropriate within the Regional Mixed Use future land use category.

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 four policies within the Pender 2.0 Comprehensive Land Use Plan. Furthermore, the allowable uses within the requested zoning districts are compatible with existing zoning and existing land uses in 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:

- **5.1.D: Focused Growth and Development**
- **5.1.E: Compatible Development**
- **5.1.K: Commercial Development**
- **5.1.N Industrial Uses and Business Development**

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

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**	**Date**	
Application Fee	**$**	**Invoice**	
Pre-Application Conference		**Hearing Date**	

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Ryan Krall	**Owner's Name:**	M. Shameer Lookman
Applicant's Address:	201 Riverplace, Suite 400	**Owner's Address:**	6806 Finian Drive
City, State, & Zip	Greenville, SC 29601	**City, State, & Zip**	Willmington, NC 28409
Phone Number:	864-603-1760	**Phone Number:**	
Email Address:	rkrall@realtylinkdev.com	**Email Address:**	shameerlook@gmail.com
Legal relationship of applicant to landowner:			

SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3235-91-0904-0000	**Total property acreage:**	70.66 acres
Current Zoning District:	Rural Agricultural & General Industrial	**Proposed Zoning District:**	59.01 ACRES - GENERAL INDUSTRIAL 11.65 ACRES - GENERAL BUSINESS
Project Address:	East of intersection Carr Avenue and US Highway 117 - Rocky Point, NC		
Description of Project Location:	Undeveloped land between US Highway 117 and Interstate 40		

SECTION 3: SIGNATURES			
Applicant's Signature		**Date:**	10-24-2022
Applicant's Name Printed	RYAN J. KRALL	**Date:**	10-24-2022
Owner's Signature		**Date:**	10 14 22
Owner's Name Printed	M. S. LOOKMAN	**Date:**	10 14 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

LETTER OF AGENCY

RE: PIN: A portion of Parcel ID #3235-91-0904-0000

Property Address: A portion of real property consisting of 70.66 acres and having Parcel ID #3235-91-0904-0000, and being located on Highway 117 South in the City of Rocky Point, County of Pender, State of North Carolina (see EXHIBIT "A" attached hereto)

Property Owner: Rocky Point Interchange, LLC

In connection with the above referenced Property, I hereby give my permission for the business listed below to act as an agent for the purpose of submitting an application for the rezoning of a portion of the Property totaling approximately 41.44 acres (see EXHIBIT "B" attached hereto).

Authorized Agent: RealtyLink, LLC and/or NC Rocky Point US 117, LLC

Agent/Business Address: 201 Riverplace, Suite 400, Greenville, SC 29601

Agent/Business Contact Name: Ryan Krall

Agent/Business Telephone Number: 864-603-1760

Agent/Business Email: rkrall@realtylinkdev.com

Witness

PROPERTY OWNER:

Rocky Point Interchange, LLC

By:
Print Name: M. S. LOOKMAN
Title: OWNER

Date: 9-1- , 2022

Date: October 13, 2022

Pender County Planning Commission & City Council

805 South Walker Street

P.O. Box 1519

Burgaw, NC 28425

Re: Letter of Intent describing the proposed zoning change and development

Parcel PIN: 3235-91-0904-0000

Dear Sir or Madam:

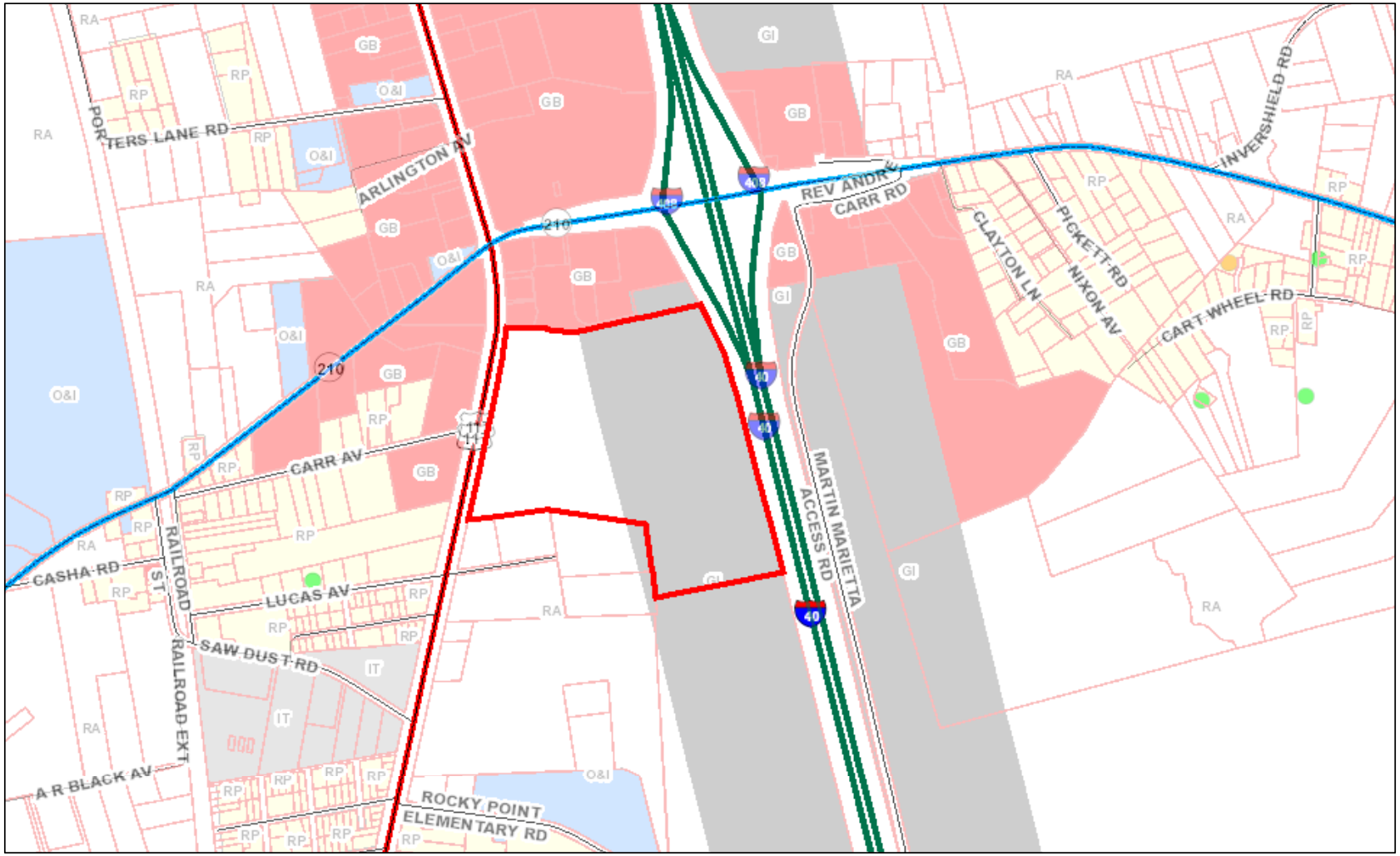
The proposed use of the above referenced property is commercial/retail development in the General Commercial development portion of the property fronting US HWY 117 and the rezoning is, also, intended to expand the GI district as a result of the wetland lands bordering the rear portion of the property as shown in the submitted site map.

Sincerely,

Name: Ryan Krall, P.E.

Title: Development Manager

201 Riverplace, Suite 400 | Greenville, SC 29601 | O: 864.242.4008 | F: 864.232.0160



PIN: 3235-91-0904-0000

Owner: ROCKY POINT INTERCHANGE LLC
6806 FINIAN DRIVE
WILMINGTON, NC 28409

Deed Ref: 2833/335

Property Address:

Description: E/S 117 & B/S I40 & 1630

Sale Price: $975,000
Sale Date: LAST_SALE_DATE
Plat: NOPLAT
Account No: 883261
Township: ROCKY POINT
Subdivision:
Tax Codes: G01 F24 R40 S64

Acres: 70.66
Land Value: $132,075
Building Value: $0
Total value: $132,075
Deferred Value: $0
Exempt Amount: 0
PCL Class: R
Heated Sq Feet:

EXHIBIT "A"

1:12,038

0 0.075 0.15 0.3 mi

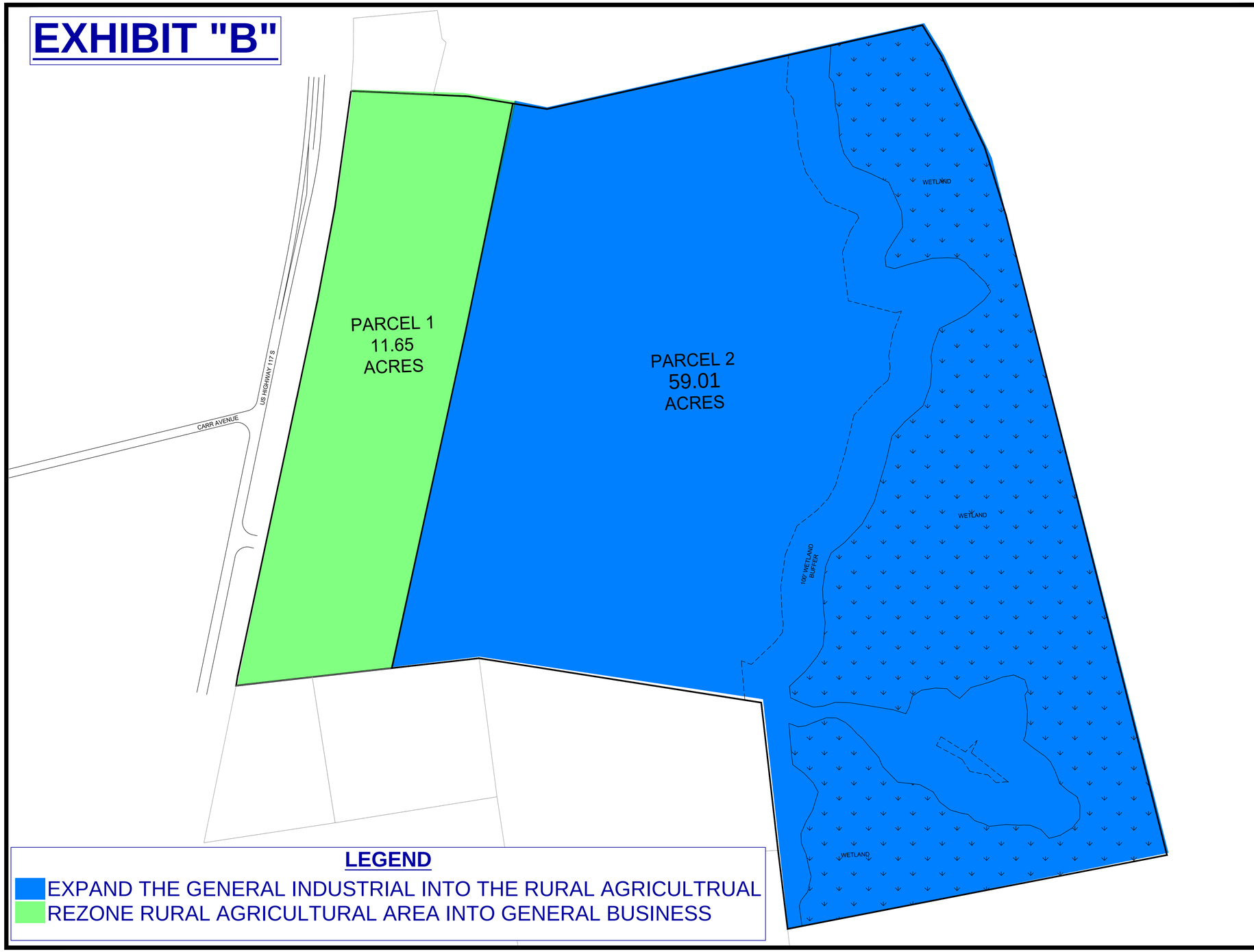
0 0.125 0.25 0.5 km

1 inch = 1,003 feet

12/2/2005

N W E S

EXHIBIT "B"



LEGEND

EXPAND THE GENERAL INDUSTRIAL INTO THE RURAL AGRICULTRUAL

REZONE RURAL AGRICULTURAL AREA INTO GENERAL BUSINESS

NOT TO SCALE

REALTYLINK, LLC

201 RIVERPLACE, SUITE 400
GREENVILLE, SC 29601
864-242-4008
REALTYLINKDEV.COM

PROPOSED ZONING MAP

NC ROCKY POINT US-117

STARTING WITH AERIAL TRACE

DATE	09-19-22
DRAWN BY	ASB

CSP-10

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 Unit		D	D	P		D					
Accessory Dwelling Unit on Non Residential Principal Uses		D				D			P	P	
Manufactured Home		P	D		P						
Manufactured Home Park					PMD						
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	

		Zoning Districts									
Use Type	**Ref NAICS**	**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	

5.3 USES WITH STANDARDS

5.3.1 General

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