

Pender County Planning and Community Development

Planning Division

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



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

Conditional Zoning Map Amendment

Case Number: REZONE 2025-90

Application Type: Conditional Rezoning

Applicant: Equitas Law Partners LLP

Owner: CKBuff Enterprises LLC

Location: The site is located on the east side of US Highway 17 between Edens Lane and Union Bethel Road.

Property ID #(s): 4214-07-4802-0000 and 4214-08-0545-0000

Description: Application to rezone from RP, Residential Performance, to a conditional zoning district to allow the construction of 50 townhome units and 20 single family detached units across approximately 20 acres.

Total Area of Project: 20.35 ac

Current Zoning: RP, Residential Performance

Application Materials

Application
Site Plan

APPLICATION

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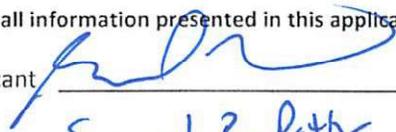
Conditional Zoning Map Amendment Submission (Conditional Rezoning)

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

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

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

Signature of Applicant

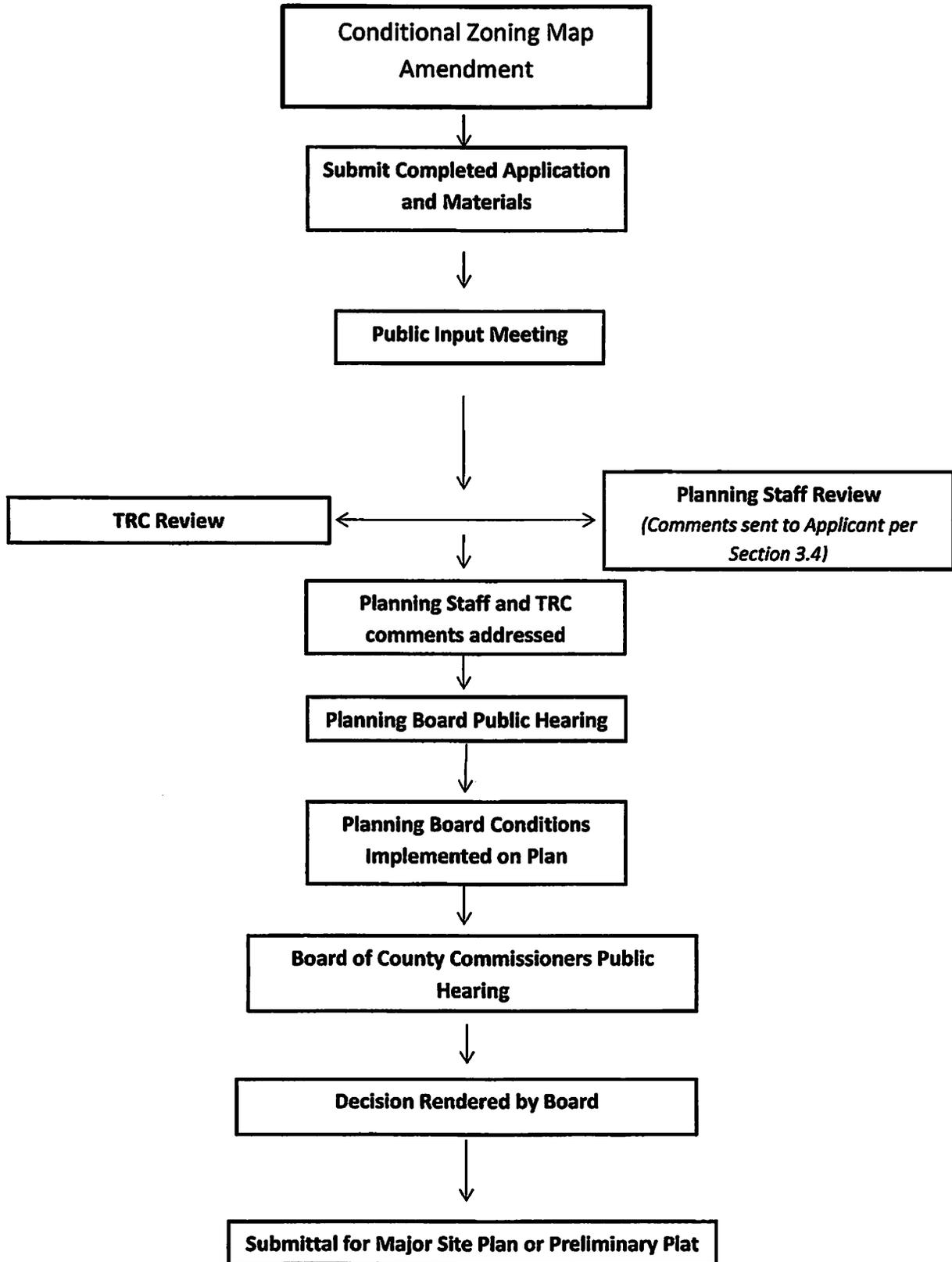


Printed Name

Samuel B. Poth

Date _____

Staff Initials:	_____
Date:	_____



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CONDITIONAL REZONING

Intent

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

Application

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

Public Input Meeting

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

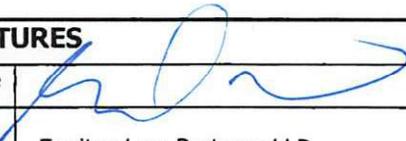
- 1. The report for the public hearing will include a summary of the public input meeting.
- 2. The applicant shall mail a notice for the public input meeting to adjoining property owners not less than ten (10) days prior to the scheduled meeting.
- 3. The notice shall include the time, date and location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

Review

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

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

APPLICATION FOR CONDITIONAL REZONING

THIS SECTION FOR OFFICE USE			
Application No.	ZMA-CD	Date	
Application Fee	\$	Invoice Number:	
Pre-Application Conference		Hearing Date	
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Equitas Law Partners LLP	Owner's Name:	CKBuff Enterprises LLC
Applicant's Address:	330 Military Cutoff Rd., Ste A2	Owner's Address:	439 Whitebridge Rd.
City, State, & Zip	Wilmington NC 28405	City, State, & Zip	Hampstead NC 28443
Phone Number:	(910) 500-1532	Phone Number:	(910) 500-1532
Email Address:	sam@equitaslp.com	Email Address:	sam@equitaslp.com
Legal relationship of applicant to landowner:			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	4214-07-4802-0000 4214-08-0545-0000	Total property acreage:	20.35
Current Zoning District:	RP	Proposed Zoning District:	PD
Project Address or Location:	Hwy 17 / Topsail Township		
Proposed Uses to be Considered (Include NAICS Code):			
Proposed rezoning to PD to provide 50 town home lots and 20 single-family detached lots.			
Proposed Uses to be Eliminated from Consideration (Include NAICS Code):			
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	
Applicant's Name Printed	Equitas Law Partners LLP	Date:	
Owner's Signature	 <small>Chris Buffalino (Apr 3, 2025 18:12 EDT)</small>	Date:	
Owner's Name Printed	CKBuff Enterprises LLC	Date:	
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> 1. Applicant must also submit the information described on the Rezoning Checklist. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing. 4. All fees are non-refundable. 5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda. 			

Conditional (Zoning Map) Amendment Checklist

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

Office Use Only

ZMA-CD Fees: (<i>\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter</i>)				Total Fee Calculation: \$			
Attachments Included with Application: (Please include # of copies)							
CD /other digital version	<input type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets	# of large	# of 11X17	Other documents/Reports	<input type="checkbox"/> Y <input type="checkbox"/> N	
Payment Method:	Cash : <input type="checkbox"/> \$ _____		Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa		Check: <input type="checkbox"/> Check # _____		
Application received by:					Date:		
Application completeness approved by:					Date:		
Dates scheduled for public hearing:			<input type="checkbox"/> Planning Board:		<input type="checkbox"/> Board of Commissioners:		

Conditional Rezoning Standards Checklist

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

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

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

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

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

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

NARRATIVE

Narrative
CKBUFF Enterprises, LLC
Rezoning

Applicant and Owner request that the subject properties be rezoned to Conditional District for approximately twenty (20) acres along Highway 17, north of Hampstead and close to the planned Hampstead Bypass exchange. The proposed development consists of fifty (50) town home lots and twenty (20) single-family detached lots. The property is accessed through two connections to Highway 17: one which would directly access the commercial property and another that primarily serves the townhouses and single-family development.

The property is bordered by Longley Supply and boat storage to the south-west, Highway 17 to the west, a trailer park and undeveloped land to the south, and undeveloped land to the north and east. As a result, there are no immediate current neighbors to the townhouse designated portion of the property and other commercial uses adjacent to the commercial designation portion of the property. Adjacent zoning is a mix of RP and PD, and the property is currently zoned RP. Examples of uses allowed by right in the RP district include single-family detached conventional housing and duplexes, temporary manufactured homes, and family care homes.

While the current future land use map designates the area around the property as low density residential, this designation is outdated and not practical. The property is located along a busy highway, in close proximity to the planned Hampstead Bypass, which is scheduled to begin construction next summer. Pender County is currently working on revising the Future Land Use Plan and it is highly likely that the low-density residential designation for this property will change. This use type is consistent with Land Use Compatibility Goals 5.1.E-F and I.

SITE PLAN

SITE DATA TABULATION

OWNER / APPLICANT: CKBUFF ENTERPRISES LLC
 439 WHITEBRIDGE ROAD
 HAMPSTEAD, NC 28443
 PROJECT ADDRESS: HIGHWAY 17
 TAX PARCEL IDENTIFICATION #: 4214-07-4802-0000 (19.77 AC.)
 4214-08-0545-0000 (0.59 AC.)
 TOTAL PARCEL AREA: 20.36 AC
 RECORDED DEED BOOK: 4762/831
 CURRENT ZONING: RP (RESIDENTIAL PERFORMANCE)
 PROPOSED ZONING: CZ (CONDITIONAL ZONING DISTRICT)
 EXISTING LAND USE: VACANT
 PROPOSED LAND USE: RESIDENTIAL TOWN HOMES/SINGLE FAMILY
 FUTURE LAND USE CLASSIFICATION: LOW DENSITY RESIDENTIAL (2 DU/AC.)
 WITH SEWER AND WATER

BUILDING INFORMATION
 NUMBER OF PROPOSED TOWNHOME BUILDINGS: 10 BUILDINGS (5-UNITS EA.) / 50 UNITS
 NUMBER OF SINGLE FAMILY RESIDENTIAL LOTS: 20 UNITS
 TOTAL NUMBER OF PROPOSED UNITS: 70

PROPOSED BUILDING HEIGHT: 45' MAX. (2-STORY)

DIMENSIONAL STANDARDS (SETBACKS)

TOWNHOMES
 FRONT SETBACK: 20' (FROM R.O.W.)
 SIDE SETBACK: 10' (FROM R.O.W. OR PROPERTY LINE
 (20' MIN. BUILDING SEPARATION))
 REAR SETBACK: 25' (FROM PROPERTY LINE)

SINGLE FAMILY RESIDENTIAL LOTS

MIN. LOT SIZE: 50' X 130' (6,500 SF)
 FRONT SETBACK: 20'
 SIDE SETBACK: 5'
 REAR SETBACK: 25'

SITE PARKING

ALL PARKING SPACES ARE 9' WIDE X 18' LONG
 REQUIRED RESIDENTIAL PARKING: NONE
 PROPOSED RESIDENTIAL PARKING: (2) SPACES PER UNIT

FLOOD NOTES

THE SUBJECT PARCEL LIES WITHIN FLOOD ZONE X
 (MINIMAL FLOOD RISK) AS INDICATED BY FEMA FLOOD
 ZONE PANEL 4214, MAP NUMBER 3720421400J, BEARING
 AN EFFECTIVE DATE OF FEBRUARY 16, 2007.

SIGNAGE

1. NO FREESTANDING SIGN SHALL BE WITHIN 10' OF A PROPERTY LINE
2. A SEPARATE SIGN PERMIT IS REQUIRED.

PROJECT PHASING

1. THE PROJECT IS CURRENTLY PROPOSED AS ONE SINGLE PHASE.

LIGHTING

ALL SITE LIGHTING FOR NON-RESIDENTIAL, MIXED USE OR MULTI-FAMILY USES SHALL BE LOCATED AND DIRECTED SO NOT TO SHINE OR REFLECT ONTO ANY ADJACENT RESIDENTIAL ZONING DISTRICTS AND/OR USES. PROPOSED LAYOUT PROVIDED FOR REFERENCE ONLY AND FINAL DESIGN TO BE DETERMINED BY ELECTRICAL/LIGHTING PROVIDER.

OPEN SPACE

OPEN SPACE REQUIREMENT: 0.03 ACRES PER UNIT
 NUMBER OF PROPOSED UNITS: 70 UNITS TOTAL

TOTAL OPEN SPACE REQUIRED: 2.1 ACRES
 OPEN SPACE PROVIDED: 2.1 ACRES MINIMUM

50% OF 2.1 OPEN SPACE ACRES SHALL BE ACTIVE OPEN SPACE
 1.05 ACRES REQUIRED
 1.36 ACRES PROVIDED (SEE PLAN)

STORMWATER

1. STORMWATER MANAGEMENT WILL BE DESIGNED IN ACCORDANCE WITH STATE STORMWATER STANDARDS AND PER PENDER COUNTY
2. FULL PERMIT APPROVALS TO BE PROVIDED TO COUNTY WHEN RECEIVED
3. STORMWATER WILL BE HANDLED ON SITE IN COMPLIANCE WITH ALL STATE AND COUNTY STORMWATER STANDARDS.
4. COUNTY AND / OR STATE STORMWATER PERMITS MUST BE OBTAINED PRIOR TO ANY CONSTRUCTION. NO NATURAL DRAINAGE AREAS WILL BE CUT OFF OR DISTURBED BEFORE OBTAINING THE PERMITS

UTILITY NOTES

WATER WILL BE PROVIDED BY PENDER COUNTY UTILITIES
 SEWER WILL BE PROVIDED BY PLURIS HAMPSTEAD LLC

HISTORICAL & ARCHAEOLOGY NOTES

1. NO KNOWN HISTORIC OR ARCHAEOLOGICAL SITES EXIST ON ANY OF THE SUBJECT PARCELS.

SIGNIFICANT TREE SURVEY

1. A SIGNIFICANT TREE SURVEY IS UNDERWAY AND WILL BE PROVIDED UPON COMPLETION.

MAX. DWELLING UNITS CALCULATION

MAX. DWELLING UNITS (DU) = ZONING DENSITY * MULTIPLIED BY ACRES (AC) NOT IN RESOURCE CONSERVATION AREAS (RCAs) + ACRES IN RCAs DIVIDED BY 2 (50%)
 *ZONING DENSITY FOR CZ DISTRICT BASED ON FUTURE LAND USE PLAN
 TOTAL SITE: 20.19 AC.
 TOTAL SITE WETLANDS (RCA'S): - 2.68 AC.
 TOTAL SITE NOT IN RCAs: 17.51 AC.
 (17.51 X 2.0 = 35.02) + (2.68 X 2.0 / 2 = 2.68) = 37.7 DU / AC.

DENSITY CALCULATION

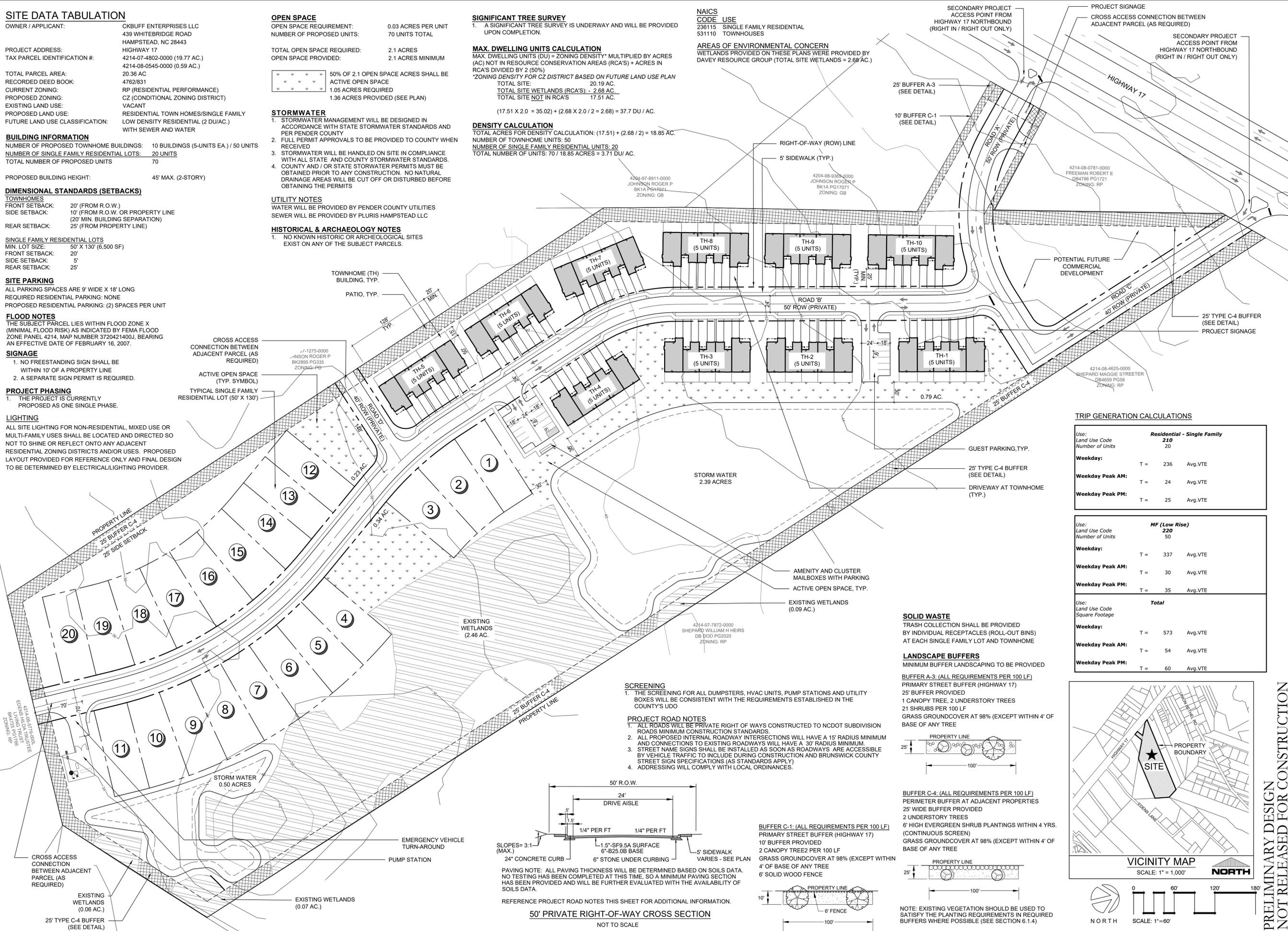
TOTAL ACRES FOR DENSITY CALCULATION: (17.51) + (2.68 / 2) = 18.85 AC.
 NUMBER OF TOWNHOME UNITS: 50
 NUMBER OF SINGLE FAMILY RESIDENTIAL UNITS: 20
 TOTAL NUMBER OF UNITS: 70 / 18.85 ACRES = 3.71 DU/ AC.

NAICS

CODE USE
 236115 SINGLE FAMILY RESIDENTIAL
 531110 TOWNHOUSES

AREAS OF ENVIRONMENTAL CONCERN

WETLANDS PROVIDED ON THESE PLANS WERE PROVIDED BY DAVEY RESOURCE GROUP (TOTAL SITE WETLANDS = 2.68 AC.)



TRIP GENERATION CALCULATIONS

Use:	Residential - Single Family
Land Use Code	210
Number of Units	20
Weekday:	T = 236 Avg.VTE
Weekday Peak AM:	T = 24 Avg.VTE
Weekday Peak PM:	T = 25 Avg.VTE

Use:	MF (Low Rise)
Land Use Code	220
Number of Units	50
Weekday:	T = 337 Avg.VTE
Weekday Peak AM:	T = 30 Avg.VTE
Weekday Peak PM:	T = 35 Avg.VTE

Use:	Total
Land Use Code	
Square Footage	
Weekday:	T = 573 Avg.VTE
Weekday Peak AM:	T = 54 Avg.VTE
Weekday Peak PM:	T = 60 Avg.VTE

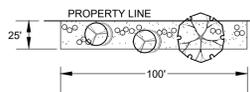
SOLID WASTE

TRASH COLLECTION SHALL BE PROVIDED BY INDIVIDUAL RECEPTACLES (ROLL-OUT BINS) AT EACH SINGLE FAMILY LOT AND TOWNHOME

LANDSCAPE BUFFERS

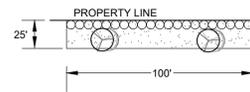
MINIMUM BUFFER LANDSCAPING TO BE PROVIDED

- BUFFER A-3: (ALL REQUIREMENTS PER 100 LF)**
 PRIMARY STREET BUFFER (HIGHWAY 17)
 25' BUFFER PROVIDED
 1 CANOPY TREE, 2 UNDERSTORY TREES
 21 SHRUBS PER 100 LF
 GRASS GROUNDCOVER AT 98% (EXCEPT WITHIN 4' OF BASE OF ANY TREE)



BUFFER C-4: (ALL REQUIREMENTS PER 100 LF)

- PERIMETER BUFFER AT ADJACENT PROPERTIES
 25' WIDE BUFFER PROVIDED
 2 UNDERSTORY TREES
 6' HIGH EVERGREEN SHRUB PLANTINGS WITHIN 4 YRS. (CONTINUOUS SCREEN)
 GRASS GROUNDCOVER AT 98% (EXCEPT WITHIN 4' OF BASE OF ANY TREE)



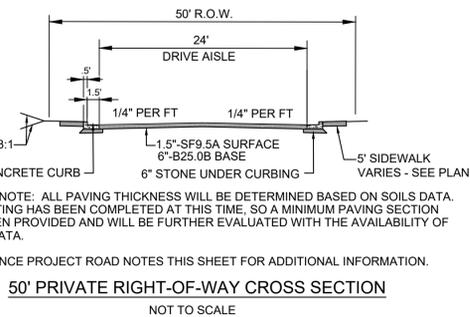
NOTE: EXISTING VEGETATION SHOULD BE USED TO SATISFY THE PLANTING REQUIREMENTS IN REQUIRED BUFFERS WHERE POSSIBLE (SEE SECTION 6.1.4)

SCREENING

1. THE SCREENING FOR ALL DUMPSTERS, HVAC UNITS, PUMP STATIONS AND UTILITY BOXES WILL BE CONSISTENT WITH THE REQUIREMENTS ESTABLISHED IN THE COUNTY'S UDO

PROJECT ROAD NOTES

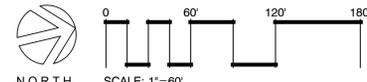
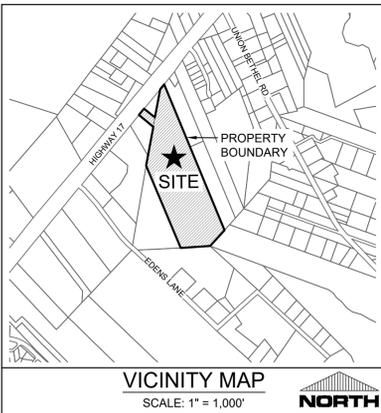
1. ALL ROADS WILL BE PRIVATE RIGHT OF WAYS CONSTRUCTED TO NCDOT SUBDIVISION ROADS MINIMUM CONSTRUCTION STANDARDS.
2. ALL PROPOSED INTERNAL ROADWAY INTERSECTIONS WILL HAVE A 30' RADIUS MINIMUM AND CONNECTIONS TO EXISTING ROADWAYS WILL HAVE A 30' RADIUS MINIMUM.
3. STREET NAME SIGNS SHALL BE INSTALLED AS SOON AS ROADWAYS ARE ACCESSIBLE BY VEHICLE TRAFFIC TO INCLUDE DURING CONSTRUCTION AND BRUNSWICK COUNTY STREET SIGN SPECIFICATIONS (AS STANDARDS APPLY)
4. ADDRESSING WILL COMPLY WITH LOCAL ORDINANCES.



PAVING NOTE: ALL PAVING THICKNESS WILL BE DETERMINED BASED ON SOILS DATA. NO TESTING HAS BEEN COMPLETED AT THIS TIME. SO A MINIMUM PAVING SECTION HAS BEEN PROVIDED AND WILL BE FURTHER EVALUATED WITH THE AVAILABILITY OF SOILS DATA.

REFERENCE PROJECT ROAD NOTES THIS SHEET FOR ADDITIONAL INFORMATION.

50' PRIVATE RIGHT-OF-WAY CROSS SECTION
 NOT TO SCALE



CLIENT INFORMATION:
 CKBUFF ENTERPRISES LLC
 439 WHITEBRIDGE ROAD
 HAMPSTEAD, NC 28443

PARAMOUNT ENGINEERING
 122 Cinema Drive
 Wilmington, North Carolina 28403
 (910) 791-6707 (O) (910) 791-6760 (F)
 NC License #: C-2846

SITE PLAN
 HILLTOP LANDING
 HIGHWAY 17 N, PENDER COUNTY
 NORTH CAROLINA

PROJECT STATUS:
 CONCEPTUAL LAYOUT:
 FINAL DESIGN:
 RELEASED FOR CONSTRUCTION:
 DRAWING INFORMATION:
 DATE: 11/20/2024
 SCALE: 1" = 60'
 DESIGNED:
 CHECKED:

SEAL
C-1
 PEI JOB#: 00000.00

PRELIMINARY DESIGN NOT RELEASED FOR CONSTRUCTION