

PLANNING STAFF REPORT
Zoning Map Amendment— Conditional Rezoning

SUMMARY:

Hearing Date: January 6, 2015– Planning Board
January 20, 2015– Board of Commissioners
Case Number: 11031-R
Applicant: Pender County
Property Owner: Pender County

Rezoning Proposal: Pender County, applicant and owner, is requesting approval of a zoning map amendment for a conditional rezoning of one (1) tract from PD, Planned Development zoning district, to OI-CD1, Office & Institutional conditional zoning district. The proposed use of the property— the existing Pender Solid Waste Transfer Station and proposed Hampstead Convenience Center— shall be classified as NAICS, North American Industry Classification System Number 562111- Solid Waste Collection Public.

Property Record Number, Acreage, and Location: The subject property is located at 248 Transfer Station Road (SR 1695) in Hampstead, and may be further identified by Pender County PIN 4203-17-8616-0000. There is one (1) tract associated with this request totaling ± 19.21 acres.

Planning Board Recommendation: On January 6, 2015, the Pender County Planning Board voted unanimously in favor of passing a motion to recommend approval of the aforementioned conditional rezoning request with a revision to Condition number five (5) in Section F.

Staff Recommendation: A conditional rezoning of this property to OI-CD1, Office & Institutional conditional zoning district is consistent with three (3) policies in the 2010 Comprehensive Land Use Plan and conflicts with one (1) policy. It is also in conflict with the 2010 Comprehensive Land Use Plan conservation designation of this tract. However, all County-owned property was designated as conservation in 2010. A public meeting was held on November 10, 2014 to address the potential impacts to adjacent property owners. Based on comments from the community and applicant, and if mutually established conditions can be placed on the property to mitigate impacts, staff respectfully recommends approval of the conditional rezoning request.

HISTORY:

This parcel was rezoned from RA, Rural Agricultural zoning district to PD, Planned Development zoning district during a comprehensive rezoning in November 2003. On October 21, 2013, the Pender County Board of Commissioners unanimously denied a request for a zoning map amendment for a general use rezoning of the subject property from PD, Planned Development zoning district to OI, Office & Institutional zoning district. This denial was based on Pender County Planning Board's recommendation, at their September 15, 2013 meeting, that the applicant, Pender County, submit a conditional rezoning application with conditions established to mitigate noise and other impacts to nearby properties.

DESCRIPTION:

Pender County, applicant and owner, is requesting approval of a zoning map amendment for a conditional rezoning of one (1) tract totaling \pm 19.21 acres from PD, Planned Development zoning district, to OI-CD1, Office & Institutional conditional zoning district. The proposed use of the property— the existing Pender Solid Waste Transfer Station and proposed Hampstead Convenience Center— shall be classified as NAICS, North American Industry Classification System Number 562111- Solid Waste Collection Public. The subject property is located at 248 Transfer Station Road (SR 1695) in Hampstead, and may be further identified by Pender County PIN 4203-17-8616-0000.

The Solid Waste Transfer Station is currently on the site and is operated by Pender Solid Waste. The Transfer Station's primary purpose is to serve as a collection location for all incorporated and unincorporated municipal solid waste in Pender County. All municipal solid waste collected at the Transfer Station is transported to a landfill located in Sampson County. This operation is six days a week Monday through Saturday from 8am until 4:30pm and is available to the general public, private collectors, and municipal collectors. Pender Solid Waste anticipates this facility has the capacity to accept municipal solid waste, including growth, for the next fifteen to twenty (15-20) years.

On November 15, 2010 the Board of Commissioners voted 4-0 to relocate the scales and associated scale house for the County's Transfer Station in coordination with the Hawksbill Cove Master Development Plan proposal (case 10771), which received conditional Planning Board approval for 1,023 single-family residential units on October 2, 2012 (Exhibit 1). This consent included ingress/egress to the Transfer Station solid waste facilities on a new location within the County's site and the future right of way connection in the current scale location.

The Hampstead Convenience Center is currently located at 17619 US HWY 17 in Hampstead. This property may be further identified by Pender County PIN 3293-98-7023-0000. The Hampstead Convenience Center is one of twelve (12) centers throughout the County to provide for convenient disposal of general household waste and recycled materials. The Hampstead Convenience Center will be relocated from its present location to 248 Transfer Station Road (SR 1695) as part of this conditional rezoning request.

Public Input Meeting Summary:

According to Pender County Unified Development Ordinance Section 3.4.3, prior to scheduling a public hearing on the rezoning application, the applicant must conduct one public input meeting. On November 10, 2014, Pender Solid Waste held the required meeting at the Pender County Hampstead Annex located at 15060 US HWY 17. The meeting was attended by three (3) individuals. At the meeting, the applicant introduced the proposed site plan and discussed the following items:

1. Project will be in two (2) phases – scale relocation followed by the Hampstead Convenience Center relocation;
2. The scales will not be relocated until Transfer Station Road (SR 1695) is extended by the developer of Hawksbill Cove, necessitating the scale relocation;

3. The proposed NCDOT bypass is not the major impetus for the Hampstead Convenience Center relocation; rather, it is safety concerns;
4. Construction for the Hampstead Convenience Center relocation will begin in approximately one year from the subject public input meeting;
5. Proposed OI-CD1 rezoning will not affect the zoning of adjacent PD, Planned Development zoning districts;
6. A formal public hearing will be held on Jan. 6, 2015 where concerns can also be voiced;
7. An eight-foot (8') shadow box fence is proposed as a visual buffer around the northwest and southwest perimeter of the project area.

The attendees of the meeting had the following concerns:

1. Traffic, noise, and groundwater contamination;
2. Diminishment of property values;
3. Illegal dumping on adjacent properties;
4. Litter and debris along Transfer Station Road (SR1695);
5. Feeding and establishment of feral cats.

Environmental Concerns:

According to FEMA Flood Insurance Rate Map number 3720420300J (adopted February 16, 2007) the tract is not located within any Special Flood Hazard Area (SFHA). Additionally there are no navigable waters on these properties requiring compliance with CAMA regulations managed by the Division of Coastal Management. There are identified federal jurisdictional wetlands on the property, and the property owner has received a Notification of Jurisdictional Determination from the U.S. Army Corps of Engineers (Exhibit 2).

EVALUATION:

- A. *Public Notifications:*** Public Notice of the proposal for map change has been advertised in the Pender-Topsail Post and Voice. Adjacent property owners have been given written notice of the request, and a sign has been placed on the subject property.
- B. *Existing Zoning:*** All adjacent properties are zoned PD, Planned Development zoning district.
- C. *Existing Land Use:*** The existing land uses of the surrounding property consist of two offices to the northeast, undeveloped private land to the southeast, single-family residences on Annandale Trace (private road) to the southwest, and a private cemetery to the northwest.
- D. *2010 Comprehensive Land Use Plan Compliance:*** The 2010 Comprehensive Land Use Plan designates the subject property as conservation. This land use classification identifies areas that are owned in fee simple or have protective easements. These areas represent areas of special significance and unique characteristics that make them worthy of preservation. Current conservation areas are typically owned by Federal or State agencies or private conservation groups and are often designated as Areas of Environmental Concern (AECs). A conditional rezoning of this property to OI-CD1, Office & Institutional conditional zoning district is in conflict with the 2010 Comprehensive Land Use Plan conservation designation of this tract. However, all County-owned property was designated as conservation in 2010.

The following goals and policies within this plan support the conditional rezoning request:

- **Growth Management Policy 1A.1.2:** Encourage development in areas where the necessary infrastructure— roads, water, sewer, and schools— are available, planned or can be most cost effectively provided and extended to serve existing and future development.
- **Solid Waste Management Goal 2F.1:** Ensure adequate capacity and proper management of solid waste, including reducing, reusing and recycling materials.
- **Solid Waste Management Policy 2F.1.4:** When siting collection centers, consider surrounding land uses, traffic and aesthetics.

The following goals and policies within this plan may not support the conditional rezoning request:

- **Growth Management Goal 1A.1.3:** The County shall actively direct growth towards suitable land areas and away from fragile natural resource areas, conservation areas, and hazardous areas.

E. *Unified Development Ordinance Compliance:* Article 3.4.4 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board before a favorable recommendation of approval for a conditional rezoning can be made.

3.4.4 Review [Criteria for Conditional Rezoning]

- A. 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 all adopted Land Use Plans and Unified Development Ordinance.
 - 2) The potential impacts and/or benefits on the surrounding area, adjoining properties.
 - 3) The report of results from the public input meeting.

F. *Conditions to Approval of Petition:*

1. Pender Solid Waste shall continue to monitor existing groundwater wells as required by the local regulatory authority;
2. Pender Solid Waste shall coordinate with selected contractor, at the request of adjacent property owners, to remove errant waste disposed of on adjacent properties;
3. Pender Solid Waste shall coordinate with selected contractor to establish a schedule to litter-sweep Transfer Station Road (SR 1695);
4. Promoting the feeding of animals that may constitute a nuisance or hazard on-site shall be prohibited;
5. Pender Solid Waste shall install a shadow box fence ten (10) feet in height along the northwest and southwest sides of the project area in order to minimize the visual impact for adjacent property owners. This height shall be increased as necessary to provide a visual barrier to the Hampstead Convenience Center prior to final zoning approval. Additionally, Pender Solid Waste shall provide a vegetated buffer twenty (20) feet in width along the southwest side of the project area and a quarter of the way up the northwest side of the project area. The buffer shall consist of broadleaf evergreen vegetation that is six (6) feet in height at planting and ten (10) feet in height within four (4) years of planting. The vegetated buffer shall be visually-opaque at maturity. The buffer shall contain no vegetation that is toxic to horses or any other livestock (As recommended at the January 6, 2015 Planning Board meeting);

6. Hours of operation for the Transfer Station shall be Monday through Saturday from 8:00am to 4:30pm;
7. Hours of operation for the Hampstead Convenience Center shall be Monday through Saturday from 7:00am to 7:00pm and Sunday from 1:00pm to 7:00pm;
8. Operators shall inspect the site daily, and any windblown trash shall be disposed of in appropriate containers. When conditions are extremely dry, the operator shall have water and hoses to wet down surfaces as necessary;
9. No sorting, separation, or material recovery shall be conducted at the Transfer Station;
10. Disposal of items that are banned from solid waste landfills shall not be allowed at the Pender County Solid Waste Transfer Station. Loads shall be occasionally screened by operators to ensure compliance;
11. A major site development plan shall be required prior to issuance of permit for the construction of any building or improvement on the site.

SUMMARY AND STAFF RECOMMENDATION:

The application consists of a zoning map amendment for a conditional rezoning of one (1) tract (\pm 19.21 acres total) from PD, Planned Development zoning district, to OI-CD1, Office & Institutional conditional zoning district. The proposed use of the property— the existing Pender Solid Waste Transfer Station and proposed Hampstead Convenience Center— shall be classified as NAICS, North American Industry Classification System Number 562111- Solid Waste Collection Public. A conditional rezoning of this property to OI-CD1, Office & Institutional conditional zoning district is consistent with three (3) policies in the 2010 Comprehensive Land Use Plan and conflicts with one (1) policy. It is also in conflict with the 2010 Comprehensive Land Use Plan conservation designation of this tract. However, all County-owned property was designated as conservation in 2010. A public meeting was held on November 10, 2014 to address the potential impacts to adjacent property owners. Based on comments from the community and applicant, and with recommendation from the Pender County Planning Board for a revision to Condition number five (5) in Section F, staff respectfully recommends approval of the conditional rezoning request.