

PLANNING STAFF REPORT

Zoning Map Amendment

SUMMARY:

Hearing Date: September 10, 2013 – Planning Board
October 21, 2013 – Board of Commissioners

Application Number: 11000 – Coastal Land Design PLLC (ZMA)

Applicant: Coastal Land Design PLLC

Property Owner: Rocky Point Ventures LLC

Rezoning Proposal: The request consists of rezoning one tract from PD, Planned Development to GI, General Industrial zoning district.

Property Record Numbers, Acreage, and Location: The property consists of 21.14 acres, is located on Carver Drive, Rocky Point, and may be identified by PIN 3223-51-3062-0000.

Staff Recommendation: The request complies with the criteria set forth in Article 3.3.8 of the Unified Development Ordinance. The request is also consistent with 7 policies the 2010 Comprehensive Land Use Plan and conflicts with 3 items. Therefore, staff respectfully recommends that the request be approved.

DESCRIPTION:

Coastal Land Design, PLLC, applicant, on behalf of Rocky Point Ventures LLC, owner, is requesting approval of a general use rezoning for one tract totaling 21.14 acres from PD, Planned Development to the GI, General Industrial zoning district.

The existing zoning in the surrounding area consists of PD, Planned Development, RP, Residential Performance and GI, General Industrial. Currently, the 21.14 acre property is underdeveloped with dense vegetation.

This property is bordered by a platted, 1.18 units per acre density subdivision known as Summit Ridge on the North and West sides and to the South by an industrial complex, commonly known as the Coty Plant, which is not in operation. Carver Drive borders the Eastern portion of the property. The surrounding area has several tracts that are currently zoned GI, General Industrial. Use of this area includes construction, offices and trucking services.

A previous development proposal shows the parcel as “Future Development” for the Summit Ridge subdivision (Attachment 1). The Register of Deeds Map Book 32 Page 89 indicates this property may have 404 Wetlands on this property; there is also a recorded one hundred foot utility right of way for Carolina Power and Light (Attachment 2 & 3). Any development proposals for the property would require a survey of the property and additionally may require delineation by the Army Corps of Engineers to determine if wetlands are present.

The 2010 Comprehensive Land Use Plan designates the subject property as Suburban Growth. As residential development increases in suburban areas, designation of large tracts for significant economic development projects will become more difficult because fewer locations will exist that have the characteristics of an attractive economic development site, particularly in terms of proximity to existing residential areas. Because of the close proximity to general industrial zoned properties and existing residential areas, an industrial use of this property could be economically beneficial. Suburban growth area does not preclude the development of economic sites considered important to the economic sustainability of Pender County.

This is a general use rezoning which will encompass all uses permitted-by-right in the GI, General Industrial zoning district, as shown in the Permitted Use Table 5.2.3 of the *Pender County Unified Development Ordinance*. The GI zoning district is intended to allow a variety of industrial uses including; utilities, construction, manufacturing, wholesale trade, transportation and warehousing, information, finance and insurance, real estate and rental and leasing, professional, scientific and technical services, management of companies and enterprises, administrative and support and waste management and remediation services, accommodation and food services, other services, public administration, and other miscellaneous uses.

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 public notification sign has been placed on the property.
- B) Existing Zoning in Area:** The existing zoning in the vicinity of the subject property consists of PD, Planned Development, GI, General Industrial and RP, Residential Performance zoning districts.
- C) Existing Land Use in Area:** The existing land uses of the surrounding property consist of a 1.18 units per acre density single-family residential use in the subdivision known as Summit Ridge bordering three sides of the property. The tract was originally "Future Development" for Summit Ridge Subdivision at time of Master Plan submittal (Attachment 1, 2 & 3). On the Southern border of the property is the industrial complex, commonly known as the Coty Plant which is not in operation.
- D) 2010 Comprehensive Land Use Plan Compliance:** The 2010 Comprehensive Land Use Plan designates the subject property as Suburban Growth. This land use classification identifies those areas of the county where significant residential growth is expected to occur over within the Land Use Plan's planning horizon. Because of the close proximity to general industrial zoned properties and existing residential areas, an industrial use of this property would be economically beneficial. Suburban growth area does not preclude the development of economic sites considered important to the economic sustainability of Pender County.

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

- a) **Growth Management Goal 1A.1:** Manage the physical growth and development of Pender County by promoting more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the predominant rural lifestyle and coastal environment that makes the County a unique place to live.
- b) **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.
Pender County Utilities has indicated the site has the potential for future sewer and water connections.
- c) **Growth Management Policy 1A.1.4:** The County should develop and utilize innovative and flexible land planning techniques that encourage developments to efficiently use land resources that result in more compact urban areas, infill development, redevelopment, and the adaptive re-use of existing buildings.
- d) **Growth Management Policy 1A.1.5:** The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.
- e) **Economic Development Goal 10A.1** Promote economic development which meets the needs of the County for expanding the non-residential tax base and providing well-paying jobs.
- f) **Economic Development Policy 10A.1.2:** Commit County resources to improve and expand efforts to retain and recruit industries. Place emphasis on re-use of vacant buildings, recruitment of clean industries, and creation of jobs. (Clean industries are generally defined as sustainable businesses that participate in environmentally friendly activities to ensure that all processes, products, and manufacturing activities to adequately address environmental concerns.)
- g) **Economic Development Policy 10A.1.6:** New and expanding industries and businesses shall be encouraged to 1) diversify the local economy, 2) train and utilize a more highly skilled labor force and 3) increase per capital income.

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

- a) **Growth Management Policy 1A.6:** Use conditional zoning process to enable developers to contribute to addressing the impact of developments on capital facilities and other resources; incorporate regulations into new Unified Development Ordinance to enable a small project to address specific impacts to an existing adjacent community.
- b) **Preferred Development Patterns Policy 3A.1.3:** Support the inclusion in the UDO of conditional zoning which provides more flexibility for the land owner/developer and the County to mutually agree upon specific development conditions and requirements. (Conditional zoning is a method that incorporates all

the site-specific standards directly into the zoning district regulations and then applies that zoning district only to the property that is the subject of the rezoning petition.)

- c) **Rocky Point Small Area Plan Policy 4B.1.4:** New development within the small area should be compatible with existing residential uses.

E) Unified Development Ordinance Compliance: Article 3.3.8 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board before a favorable recommendation of approval for rezoning can be made. The proposed rezoning meets the standards of Article 3.3.8 of the Unified Development Ordinance.

3.3.8 Review Criteria for Rezoning

The Planning Board and Board of Commissioners shall consider the following matters in considering a rezoning request:

- 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.*

G) Summary & Staff Recommendation: The proposal consists of rezoning a 21.14 acre tract from PD, Planned Development, to GI, General Industrial. The request complies with the criteria set forth in Article 3.3.8 of the Unified Development Ordinance. The request is also consistent with 7 policies the 2010 Comprehensive Land Use Plan and conflicts with 3 items. Therefore, staff respectfully recommends that the request be approved.

VOTING AND RESOLUTION:

Planning Board

Motion: _____ **Seconded** _____

Approved: _____ **Denied:** _____ **Unanimous** _____

Boney: ___ Marshburn: ___ Baker: ___ Edens: ___ McClammy: ___ Nalee: ___ Williams: _____