

PLANNING STAFF REPORT

Zoning Map Amendment

SUMMARY:

Hearing Date: October 15, 2013 – Planning Board
October 21, 2013 – Board of Commissioners

Application Number: 11031 – Pender County (ZMA)

Applicant: Pender County

Property Owner: Pender County

Rezoning Proposal: The request consists of a Zoning Map Amendment for a general use rezoning of one (1) tract from PD, Planned Development to OI, Office Institutional zoning district.

Property Record Numbers, Acreage, and Location: The property is located at 312 Transfer Station Road (S.R. 1695), Hampstead off the south side of US Highway 17, between Annandale Trace Lane and Leeward Lane. There is one (1) tract, totaling 16.586 acres, associated with this request, and the subject property may be identified by Pender County PIN 4203-17-8616-0000.

Policy Compliance: The request does not comply with the criteria set forth in Article 3.3.8 of the Unified Development Ordinance specifically Section 3.3.8.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.

The request is however, consistent with 3 policies the *2010 Comprehensive Land Use Plan* and conflicts with 2 items.

DESCRIPTION:

Pender County, applicant and owner, is requesting approval of a general use rezoning for one tract totaling 16.856 acres from PD, Planned Development to the OI, Office and Institutional zoning district.

The existing zoning in the surrounding area consists of PD, Planned Development. Prior to a comprehensive rezoning in November 2003 this parcel was zoned RA, Rural Agriculture. Currently, the 16.856 acre property houses the Pender Solid Waste Transfer Station.

Based on a preliminary analysis dated February 2012, the property does contain federal jurisdictional wetlands, subject to federal regulation. There are identified wetlands on the property (Attachment 1 & 2). 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 subject property is located within Zone X, areas outside of the 0.2 percent annual chance floodplain, according to the 2007 Flood Insurance Rate Maps (FIRMs) adopted February 16, 2007, Map Number 3720420300J, Panel Number 4203.

This property is bordered to the Northwest by two offices, to the Northeast by Master Development Plan referred to as Hawkbill Cove (Conditional Planning Board approval on October 2, 2012), to the East by undeveloped private land, to the South by single family residences on Annandale Trace, and to the West by a private cemetery.

Current activity on the site is operated by Pender County Utilities. The Solid Waste Transfer Station is a collection location for all incorporated and unincorporated municipal solid waste in Pender County, which then is transported to a landfill located in Sampson County. This operation is six days a week Monday through Sunday from 8am until 4:30pm. General public, private collectors and municipal collectors all frequent this site. Pender County Utilities anticipate this facility has the capacity to accept municipal solid waste, including growth for the next 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 Hawkbill Cove Development Proposal (Attachment 3). This consent included ingress/egress to the transfer station solid waste facilities on a new location on the County's property and the future right of way connection in the current scale location. The re-location of the scales and associated scale house to re-align Transfer Station Rd. has not occurred to date.

The re-zoning of this property from PD, Planned Development to OI, Office and Institutional would allow for more conforming use of the property as currently there are no residential components. Solid waste collection is a permitted use in the OI, Office and Institutional zoning district and PD, Planned Development. However with no residential aspects anticipated for this site OI, Office and Institutional will allow for future expansion of Pender County Solid Waste operations on this tract.

The NC DOT anticipates the Hampstead Bypass Northern interchange will impact the current location of the Hampstead Convenience Center at 17585 US Highway 17 (PIN: 3293-98-7023-0000). As the planning process continues for the Hampstead Bypass, assessments must be made to determine the location best suited for the convenience center. There is a potential to move convenience center operations to the Transfer Station Rd. (subject) property; this would be possible with the re-zoning of this parcel to OI, Office and Institutional zoning classification.

The *2010 Comprehensive Land Use Plan* designates the subject property as conservation. According to the Comprehensive Land Use Plan, 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). Currently, conservation areas comprise approximately 131,393 acres (24.7%) of the land area within the Pender County zoning jurisdiction. The *2010 Comprehensive Land Use Plan* details the conservation classification was established to protect the value of natural systems, especially land and water features. With this classification development of these properties is limited. The *2010 Comprehensive Land Use Plan* does not

support up-zoning properties which are designated as conservation, such as the OI, Office and Institutional which would increase intensity beyond the current use of the property.

This is a general use rezoning which will encompass all uses permitted-by-right in the OI, Office and Institutional zoning district, as shown in the Permitted Use Table 5.2.3 of the *Pender County Unified Development Ordinance*. The OI zoning district is intended to provide for institutional and office areas for government, professional and medical purposes. This district is compatible with and supports adjacent residential and business uses and will allow multi-family residential uses above non-residential 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 the PD, Planned Development zoning district.
- C) *Existing Land Use in Area:*** The existing land uses of the surrounding property consist of a two offices to the North, to the East by undeveloped private land, to the South by single family residences on Annandale Trace, and to the West by a private cemetery. An OI, Office Institutional re-zoning of the subject property is compatible with the existing land uses in the area.
- 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 re-zoning of this property to OI, Office Institutional is in direct conflict with the *2010 Comprehensive Land Use Plan* conservation designation of this tract.

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

- a) **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.
Adequate infrastructure is currently located on property for the potential OI, Office Institutional use.
- b) **Solid Waste Management Goal 2F:1:** Ensure adequate capacity and proper management of solid waste, including reducing, reusing and recycling materials.
- c) **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 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 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 3.3.8 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 does not meet the standards of Article 3.3.8 of the Unified Development Ordinance. Specifically letter C does not comply, as there is a direct conflict with re-zoning a parcel identified as conservation in the *2010 Comprehensive Land Use Plan* to an OI, Office Institutional zoning district.

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 16.856 acre tract from PD, Planned Development, to OI, Office Institutional. The request does not comply with the criteria set forth in the Unified Development specifically Section 3.3.8.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.

The request is also consistent with 3 policies *the 2010 Comprehensive Land Use Plan* and conflicts with 2 items.

Current conditions support a zoning map amendment. The proposed OI, Office and Institutional re-zoning is compatible with current land use on Transfer Station Rd. and the surrounding area.

Additionally, the subject property's current use of the transfer station and associated scale house is consistent with the proposed OI, Office and Institutional zoning district.

Future development activity on the subject property is limited due to the land use classification as conservation from the *2010 Comprehensive Land Use Plan*. Development or expansion of services would not be permissible with the conservation land use classification. Due to the NC DOT's projection of the location for the Hampstead Bypass Northern interchange the current Hampstead Convenience Center at 17585 US Highway 17 (PIN: 3293-98-7023-0000) may require re-location to the subject property only permissible if the zoning classification category was OI, Office Institutional.

It is recommended staff carefully examine the conservation as a viable future land use classification for specific County owned property. Inconsistent amendments will only be approved for compelling reasons, and will result in a subsequent amendment to the *2010 Comprehensive Land Use Plan*. Staff will prepare a *2010 Comprehensive Land Use Plan* amendment to better address the actual and anticipated conditions of this site and surrounding areas. All adjoining land is classified as Mixed Use.

VOTING AND RESOLUTION:

Planning Board

Motion: _____ **Seconded** _____

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

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