

## **PLANNING STAFF REPORT**

### **Comprehensive Land Use Plan- Map Amendment**

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#### **SUMMARY:**

**Hearing Date:** December 3, 2013- Planning Board  
January 21, 2012- Board of Commissioners

**Case Number:** 11054-CMA

**Applicant:** Coleman Parks

**Property Owner:** Parks Family Forestry, LLC

**Proposal:** Coleman Parks, applicant, on behalf of Parks Family Forestry, LLC, owner, is requesting an amendment to the 2010 Pender County Comprehensive Land Use Plan, Future Land Use Map. The requested amendment is to reclassify the subject property's Future Land Use Classification from Rural Growth to Suburban Growth.

**Property Record Numbers, Acreage, and Location:** The subject property is located north of Island Creek Road, adjacent to the New Hanover County line. There is one tract totaling  $\pm 125$  acres associated with this request and may be identified as PIN 3252-97-7356-0000.

**Comprehensive Plans and Policies Committee (CPPC) Consensus:** The Pender County CPPC **recommends denial of this request**; please see attachment 1.

#### **Pender County Planning Board Recommendation:**

**Staff Recommendation:** This proposal consists of changing one (1) tract totaling  $\pm 125$  acres from Rural Growth to Suburban Growth as shown on the 2010 Comprehensive Plan Future Land Use Map. The Pender County Comprehensive Plans and Policies Committee (CPPC) recommend denial of this request; therefore, staff respectfully recommends that the request be denied.

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#### **Description**

As outlined in the 2010 Comprehensive Plan; Policy 11A.1.4 any request to amend either the written text and/or the maps within the Plan shall follow the same process as a text or map amendment as described in the Unified Development Ordinance.

The applicant is requesting approval of an amendment to the 2010 Comprehensive Plan Future Land Use Map. The adoption of the 2010 Comprehensive Land Use Plan Future Land Use Map placed the subject property into the Rural Growth Land Use Classification. The proposed amendment would change one (1) tract totaling  $\pm 125$  acres from Rural Growth to Suburban Growth.

#### **Zoning Classification**

The subject property is currently zoned RA, Rural Agricultural. Section 4.7.1 of The Pender County Unified Development Ordinance (UDO) currently defines the RA, Zoning District as a zoning district intended to accommodate non-residential agricultural uses and very low density residential development (minimum of 1 du/ac), as well as limited non-residential uses, in rural areas adjacent to

agricultural operations. Development in this District should rely predominantly on individual wells and septic tank systems for domestic water supply and sewage disposal.

The zoning classification is currently consistent with in the Future Land Use Classification. According to the applicant's submittal, the property owner would like to rezone the property to allow more moderate density single family residential development on the tract; however the North Carolina General Statute § 153A-341 states:

*“Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest.”*

The applicant is seeking a Comprehensive Plan Amendment, specifically requesting the Future Land Use Classification be changed from in Rural Growth to Suburban Growth.

The current zoning classification of RA, Rural Agricultural requires a minimum lot size of 1 acre or 43,560 ft<sup>2</sup>. The applicant would like to rezone the property to the RP, Residential Performance District, with the minimum lot size of 15,000 ft<sup>2</sup>; a land use reclassification to Suburban Growth would be required.

### **Land Use Classification**

#### *Rural Growth*

The Rural Growth land use classification defines those areas of Pender County where urban services, i.e., public water and sewer services, are not expected to be extended within the planning horizon. Rural Growth areas are where preservation of agricultural operations is a primary concern and where conflicts between agricultural and non-agricultural uses are to be discouraged.

The Rural Growth Use Classification is described in the 2010 Comprehensive Land Use Plan as areas that are intended to protect agricultural and forestry operations that are a major part of the County's economic base and that are key to preservation of the County's rural landscape. Major job-creating activities that are compatible with farms, forestry and very low-density development are appropriate.

Development within Rural Growth areas should be limited to only those types of land uses and development intensities that can be accommodated by services typical in non-urban areas, e.g., private on-site water supply (or public water, as available) and on-site septic systems. Development with private package sewage treatment plants or premature extension of public sewer systems into these areas is discouraged. Public sewer should not be extended except to the extent necessary to protect public health when existing community wastewater systems fail or a pattern of failure of on-site systems occurs in a specific area.

Uses that would typically be allowed in Rural Growth areas include very low-density residential development (single-family site-built, modular, and manufactured homes) on one acre or greater size lots; agriculture, forestry, churches; very limited nonresidential uses - commercial, office, or public/institutional - meeting locational criteria. Locational criteria for non-residential uses in Rural Growth areas include frontage and access to a major State highway or secondary road, location at a

major rural intersection, proximity to similar existing non-residential uses, and spatial separation from non-compatible uses such as existing residential development.

### *Suburban Growth*

The Pender County 2010 Comprehensive Land Use Plan defines the Suburban Growth land use classification as areas of Pender County where significant residential growth is expected to occur within the planning horizon. Areas designated as Suburban Growth are located primarily adjacent to municipal planning jurisdictions and within or near high growth, unincorporated areas of the County, i.e., Hampstead/Scotts Hill, Rocky Point, and portions of US 421 South. Suburban Growth designates areas where public water and public sewer are available or are planned in the near future.

Achievable residential densities would be dependent on the type and level of public services that are available. Higher density residential development would be supported where both public water and sewer are available, provided adequate buffers and design features can minimize impacts on neighboring lower density residential properties. Uses that would typically be allowed in Suburban Growth areas include medium-high density residential (single-family site-built and modular homes); limited non-residential uses - commercial, office, or public/institutional - meeting locational criteria. Locational criteria for non-residential uses include frontage and access to a major State highway or secondary road, location at a major intersection, proximity to similar uses, and spatial separation from non-compatible uses such as existing residential development. 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. It is noted that designation as a Suburban Growth area does not preclude the development of economic development sites considered important to the economic sustainability of Pender County

### **Public Infrastructure:**

According to Pender County Utilities (PCU), there is an existing eight (8) inch waterline that runs just to the west of the intersection of Hunters Court and Island Creek Road (Attachment 2). A waterline extension to the subject property would only be installed by a developer as Pender County Utilities does not currently plan on a waterline extension in the subject property.

At this time sewer services are not available to the subject property.

### **Environmental Issues:**

A portion of the subject property is located within the Special Flood Hazard Area (SFHA) Zones AE and AEFW along Island Creek which is a tributary to the Northeast Cape Fear River; according to the 2007 Flood Insurance Rate Maps (FIRMs), Map Number 3720325200K, Panel Number 3252 and Map Number 3720326200K, Panel Number 3262. Any development located within the SFHAs will be required to meet the meeting the prescribed standards as outlined in the Pender County Unified Development Ordinance Article 9, Flood Damage Prevention.

The subject property may have Areas of Environmental Concern (AECs), as designated by the Coastal Resources Commission under the authority of the Coastal Area Management Act (CAMA). Tidal and/or navigable waters within Pender County are classified as Public Trust Area up to the normal high water line or normal water level and are subject to the CAMA. The Public Trust Shoreline AEC

extends 30' landward of the normal high water line or normal water level. These lands would also be subject to CAMA.

**EVALULATION:**

- 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 RA, Rural Agricultural to the east; PD, Planned Development to the south, and bounded by New Hanover County's I-2, Heavy Industrial District to the west and north.
- C. Existing Land Use in Area:** The existing land uses of the surrounding property consist of vacant/undeveloped areas in addition to moderate density single-family residential uses along the eastern boundary.
- D. 2010 Comprehensive Land Use Plan Compliance:** The 2010 Comprehensive Land Use Plan designates the subject property as Rural Growth.
- E. Unified Development Ordinance Compliance:** The Pender County Comprehensive Land Use Plan proposes all plan text or map amendments to follow Article 3.3.8 of the Unified Development Ordinance, which provides standards that shall be followed by the Planning Board before a favorable recommendation of approval can be made.

**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:** This proposal consists of changing one (1) tract totaling ±125 acres from Rural Growth to Suburban Growth as shown on the 2010 Comprehensive Plan Future Land Use Map. The Pender County Comprehensive Plans and Policies Committee (CPPC) recommend denial of this request; therefore, staff respectfully recommends that the request be denied.

**VOTING AND RESOLUTION:**

Motion: \_\_\_\_\_ Seconded \_\_\_\_\_

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Unanimous: \_\_\_\_\_

Boney: \_\_\_ Marshburn: \_\_\_ Baker: \_\_\_ Edens: \_\_\_ McClammy: \_\_\_ Nalee: \_\_\_ Williams: \_\_\_\_\_

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**Comprehensive Plans and Policies Committee (CPPC) Comments:**

**Comment 1**

The property will be located approximately ¾ mile away from the proposed by-pass in a very rural area, other than the Ideal Cement plant which is located 1 mile to the west. In addition to the SFHA area the tract contains 404 wetlands. A small pocket of Baymeade soils could be suitable for septic systems but those soils only comprise about 45% of the property. Without public water and sewer this property is better suited to Rural Growth development.

For the reasons above I cannot support this request.

**Comment 2**

If you look at the property there is very little in the way of development in that area and the argument that the Hampstead By-pass will change the area I don't agree with. First the By-pass may never happen and at the least it will be 2020. Second it is an area of farms and that makes the property the exact reason that the land is designated as Rural Growth. I would vote no on the rezoning.

**Comment 3**

This buyer is definitely one to be ahead of the curve in all aspects of planning and development. I have a hunch that he knows what Pluris is proposing with the package plant on Island Creek. But I digress.... here are my interpretations of the facts, as of right now, based on the information provided:

The property in questions does have the conservation issues we discussed during the committee meetings: 404 wetlands, Flood Hazard areas, Public Trust Shoreline, etc.

The property does have the water line, but PCU has not confirmed or planned to extend the line.

Pluris has a SUP proposed, not confirmed, and it is subject to a commissioner vote. We do not know if that will be approved or not.

The Wilmington MPO does not supersede or force Pender County into approving new land classifications at will.

Based on these assumptions, I am not in favor of the amendment to the Pender County CLUP to include the Suburban Growth land classification.

