

PLANNING STAFF REPORT

Zoning Map Amendment

SUMMARY:

Hearing Date: January 7, 2014 – Planning Board
February 18, 2014 – Board of Commissioners

Application Number: 11083 – Pender County (ZMA)

Applicant: Jensen’s Inc.

Property Owner: Same

Rezoning Proposal: The request consists of a Zoning Map Amendment for a general use rezoning of one hundred six (106) parcels from RP, Residential Performance to MH, Manufactured Housing Community zoning district.

Property Record Numbers, Acreage, and Location: The properties for rezoning are commonly known as the Coastal Plantation by Jensen Communities which are located east of US Highway 17, north of Forest Sound Road and south of Hampstead Pines in Hampstead. There are one hundred six (106) parcels included in this request totaling approximately one hundred eight (108) acres. Pender County PIN numbers to further identify the properties are provided in Attachment 1, submitted by the applicant.

STAFF RECOMMENDATION:

Staff respectfully recommends approval for the general use rezoning of the one hundred six (106) parcels, owned by Jensen’s Inc. from RP, Residential Performance to MH, Manufactured Housing Community zoning district.

The request complies with all criteria set forth in Article 3.3.8 of the *Pender County Unified Development Ordinance*. The proposed rezoning of the subject property consistent with five (5) policies the *2010 Comprehensive Land Use Plan* and does not conflict with any goals or policies in this document.

HISTORY:

Jensen’s Coastal Plantation was established in 1982 for seventy-seven (77) homesites. The subject property was previously zoned RA, Rural Agricultural and B-2, Business District (Highway) at the adoption of zoning in Pender County on July 1, 1988. As part of the Pender County comprehensive rezoning in November 2003, the property was then rezoned from RA, Rural Agricultural to R-20, Residential District zoning, with the portion of the property along US Highway 17 remaining zoned as B-2, Business District (Highway).

The Pender County Board of Commissioners approved Special Use Permit (SUP) 10388 on August 18, 2003 for the Jensen’s subject property. The SUP allowed for an expansion of the original Manufactured Home community from seventy-seven (77) to one hundred seventy-five

(175) units. As only a portion of this expansion was ever constructed, this is still a valid SUP (Attachment 3).

Jensen's Coastal Plantation was developed and platted under the regulations of the *Mobile Home and Travel Trailer Park Ordinance (1984)*, thereby grandfathering the existing structures and parcels in compliance with zoning regulations identified in the *Pender County Unified Development Ordinance*.

DESCRIPTION:

Jensen's Inc., applicant and owner, is requesting approval of a general use rezoning for one hundred six (106) parcels totaling approximately one hundred eight (108) acres from RP, Residential Performance to the MH, Manufactured Housing Community zoning district. Currently located on the subject properties is the manufactured housing community, commonly known as Jensen's Coastal Plantation. According to the applicant, ninety-nine (99) manufactured homes with approximately one hundred sixty-six (166) residents make up Jensen's Coastal Plantation (Attachment 2).

The existing zoning in the surrounding area is RP, Residential Performance surrounding the Jensen's Inc. properties on the northern, southern and eastern boundaries. Additionally GB, General Business and PD, Planned Development borders the properties to the west.

Jensen's Coastal Plantation was developed and platted under the regulations of the *Mobile Home and Travel Trailer Park Ordinance (1984)*, thereby grandfathering the existing structures and parcels in compliance with zoning regulations. Any further development on the property would require the approval of this rezoning request as well as compliance with all Pender County regulations of the *Pender County Unified Development Ordinance*, Section 5.3.2.D. Manufactured Home Community.

UNIFIED DEVELOPMENT ORDINANCE COMPLIANCE:

Section 4.7.4 of the *Pender County Unified Development Ordinance* defines the MH, Manufactured Housing Community zoning district as;

The MH Manufactured Housing Community District is designed to provide for planned communities for manufactured homes. This district is intended for the location of manufactured homes on land under common ownership or for the creation of lots for manufactured homes. Such planned developments are intended to be provided with appropriate roadways and amenities and suitable landscaping and transition areas to blend the Manufactured Housing Community with surrounding land uses.

This is a general use rezoning which will encompass all uses permitted-by-right in the MH, Manufactured Housing Community zoning district, as shown on the Permitted Use Table 5.2.3 of the *Pender County Unified Development Ordinance*.

The minimum acreage to rezone to a MH, Manufactured Housing Community is five (5) acres, which Jensen's Coastal Plantation far exceeds with approximately one hundred eight (108) acres.

All lots in the Jensen's Coastal Plantation are under common ownership under Jensen's Inc.; thereby the properties for rezoning are in compliance with this requirement of the MH, Manufactured Housing Community zoning district.

Adequate Public Services

According to the applicant, currently all properties are serviced by Pender County Utilities for water; there is a community waste water system, with six (6) homes on individual septic systems. Any new development or expansion of services would be contingent upon Pender County Utilities and Environmental Health approvals. Community waste water or private sewer will be determined in the Master Development Plan submitted to the Planning Board.

Jensen's Coastal Plantation accesses directly onto US Highway 17 in Hampstead. All roads within this rezoning request are currently private. Necessary roadway improvements or new roadways will be addressed at the time of a Master Development Plan submittal to the Planning Board.

Environmental Concerns

The Register of Deeds Map Book 39 Page 102 indicates there may be 404 Wetlands on this property; as identified in the plat recorded for Section 3 of Jensen Coastal Plantation recorded on June 14, 2005 (Attachment 4). 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.

None of the properties for this rezoning request are located within an identified the Special Flood Hazard Area (SFHA) according to the FEMA approved Flood Insurance Rate Maps (FIRMs) from 2007. Additionally there are no navigable waters on these properties requiring compliance with CAMA regulations managed by the Division of Coastal Management. Future development on the sites would require a re-examination of all environmental concerns for compliance.

PROJECT 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 surrounding area is RP, Residential Performance surrounding the Jensen's Inc. properties on the northern, southern and eastern boundary. Additionally GB, General Business and PD, Planned Development borders the properties to the west.
- C) *Existing Land Use in Area:*** The existing land uses surrounding the subject properties consists of mainly residential development. To the north bordering the Jensen's Inc. properties are residential subdivisions along Grandview Drive. To the south and east of the subject properties are low density residential structures. And finally, to the west is the commercial property known as Hampstead Village and mainly underdeveloped GB, General Business tracts with single family residential structures. A MH, Manufactured Housing Community rezoning would be 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 Mixed Use. The Mixed Use land classification designates locations where a mixture of higher density/intensity uses is to be encouraged. Mixed Use areas should be characterized by physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high-and medium-density residential uses, arranged in a walkable, compact, pedestrian and transit friendly manner. A re-zoning of this property to MH, Manufactured Housing Community zoning district complies with the 2010 Comprehensive Land Use Plan designation of these properties. There are no goals and policies within this plan may not support the rezoning request. The following goals and policies within this plan support the rezoning request:

- **Policy 1A.1.1** Encourage development in and around municipal corporate limits and other developed areas within the County to yield a more compact pattern of development that will reduce suburban/rural sprawl.
- **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.
- **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 visitor s and permanent residents alike.
- **Goal 3A.1** Develop a preferred growth pattern that includes traditional suburban communities but also allows for higher density residential development and for innovative mixed-use developments to encourage more compact, sustainable growth patterns.

E) Unified Development Ordinance Compliance: Article 3.3.8 of the *Pender County 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 request consists of a general use rezoning of one hundred six (106) parcels from RP, Residential Performance to MH, Manufactured Housing Community zoning district. The request complies with all criteria set forth in Article 3.3.8 of the

Pender County Unified Development Ordinance. The proposed rezoning of the subject property consistent with five (5) policies the *2010 Comprehensive Land Use Plan* and does not conflict with any goals or policies in this document. Therefore, staff respectfully recommends approval for the general use rezoning of all aforementioned properties.

VOTING AND RESOLUTION:

Motion: _____ **Seconded:** _____

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

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