

PLANNING STAFF REPORT

Comprehensive Land Use Plan- Map Amendment

SUMMARY:

Hearing Date: March 4, 2014 - Planning Board
April 21, 2014- Board of Commissioners

Case Number: 11121-ZMA

Applicant: Coleman Parks

Property Owner: Parks Family Forestry, LLC

Proposal: Coleman Parks, applicant, on behalf of Parks Family Forestry, LLC, owner, is requesting a zoning map amendment for a general use rezoning from RA, Rural Agricultural, to RP, Residential Performance District.

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 ±125 acres associated with this request and may be identified as PIN 3252-97-7356-0000. The request is limited to 80 acres of a ±125 acre tract (Attachment 1).

Pender County Planning Board Recommendation:

Staff Recommendation: The proposal consists of rezoning 80 acres out of ±125 acres from RA, Rural Agricultural, to RP, Residential Performance District. The request is consistent with the Suburban Growth Land Use Classification as depicted in the 2010 Comprehensive Land Use Plan; therefore, Staff respectfully recommends approval of the request.

Description

Coleman Parks, applicant, on behalf of Parks Family Forestry, LLC, owner, is requesting a zoning map amendment for a general use rezoning of (1) tract totaling ±125 acres from RA, Rural Agricultural, to RP, Residential Performance District. The tract is located north of Island Creek Road, adjacent to the New Hanover County Line.

The applicant is not applying to rezone the entire tract. A map of the requested zoning boundaries has been submitted (Attachment 1) showing the zoning district lines with dimensional notation. Per the UDO, “where the boundaries of a rezoning request do not follow a boundary line or a split zoned property line...[a]n illustration containing a metes and bounds description is required” (§3.3.1).

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 requested RP, Residential Performance District is intended to allow a variety of residential uses and densities and also limited commercial activities as well as agritourism.

The current zoning classification of RA, Rural Agricultural requires a minimum lot size of 1 acre or 43,560 ft². The applicant would like to rezone the property to the RP, Residential Performance District, with the minimum lot size of 15,000 ft².

Land Use Classification

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. 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 Suburban Growth.
- E. *Unified Development Ordinance Compliance:*** This is a general use rezoning which will allow all uses permitted-by-right in the RP, Residential Performance zoning district. The RP zoning district "is intended to allow a variety of residential uses and densities and also limited commercial activities as well as agritourism." (§ 4.7.2)

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 80 acres out of ±125 acres from RA, Rural Agricultural, to RP, Residential Performance District. The request is consistent with the Suburban Growth Land Use Classification as depicted in the 2010 Comprehensive Land Use Plan; therefore, Staff respectfully recommends approval of the request.

VOTING AND RESOLUTION:

Motion: _____ Seconded _____

Approved: _____ Denied: _____ Unanimous: _____

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