

**PLANNING STAFF REPORT**  
**Zoning Map Amendment**

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**SUMMARY:**

**Hearing Date:** July 1, 2014 – Planning Board  
July 7, 2014 – Board of Commissioners  
**Case Number:** 11193 – Pender County Camp Kirkwood Road (ZMA)  
**Applicant:** Pender County  
**Property Owner:** Multiple: Melanie G. Herring, Miranda Rodriguez, and Keith Tatro

**Rezoning Proposal:** Pender County, applicant, on behalf of Melanie G. Herring, Miranda Rodriguez, and Keith Tatro, owners, is requesting approval of a Zoning Map Amendment for a general use rezoning for four (4) tracts totaling 15.69 acres from RA, Rural Agricultural to the GB, General Business district.

**Property Record Number, Acreage, and Location:** The subject properties are located on the northwest corner of the intersection of Camp Kirkwood Road and US HWY 117, and may be identified by Pender County PIN(s): 3322-45-8223-0000 (1.00 acre), 3322-44-8909-0000 (5.57 acres), 3322-44-7653-0000 (7.93 acres), and 3322-44-4210-0000 (1.19 acres). There are four tracts associated with this request totaling 15.69 acres.

**Staff Recommendation:** The request complies with all criteria set forth in Article §3.3.8 of the *Pender County Unified Development Ordinance*. The request is not in conflict with the *2010 Comprehensive Land Use Plan*. Staff respectfully recommends that the request be approved.

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**HISTORY:**

These tracts of land were changed from RA, Rural Agricultural, to B-2, Business District (Highway) in 1999 by the Pender County Board of Commissioners. The four properties were inadvertently affected by a zoning change in 2009 in which the tracts were reverted to the RA, Rural Agricultural because of technical error.

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**DESCRIPTION:**

Pender County, applicant, on behalf of Melanie G. Herring, Miranda Rodriguez, and Keith Tatro, owners, is requesting approval of a Zoning Map Amendment for a general use rezoning for four (4) tracts totaling 15.69 acres from RA, Rural Agricultural to the GB, General Business district.

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These tracts of land were changed from RA, Rural Agricultural, to B-2, Business District (Highway) in 1999 by the Pender County Board of Commissioners. The four properties were inadvertently affected by

a zoning change in 2009 in which the tracts were reverted to the RA, Rural Agricultural because of technical error. The intention of the Planning and Community Development Department is to rectify this mistake and request that the Board change the zoning of the properties to GB, General Business to closely mimic what was in place.

Each of these four tracts of land meets the minimum lot size of 15,000 square feet and the minimum rezoning acreage requirement of one acre for the GB, General Business district. The tracts are not located within the Special Flood Hazard Area (SFHA). As shown on the aerial, tracts one, two, and three have direct access via US HWY 117. Tracts three and four have direct access via Camp Kirkwood Road.

This is a general use rezoning which will encompass all uses permitted-by-right in the GB, General Business district as shown on the Permitted Use Table 5.2.3 of the Pender County Unified Development Ordinance. The GB, General Business district is primarily intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses.

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## **PROJECT EVALUATION:**

This zoning map amendment request has been evaluated for compliance with the Pender County Unified Development Ordinance and the Pender County Comprehensive Land Use Plan, as well as the existing land uses and zoning classifications in the surrounding area.

- 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 sign has been placed on the subject property.
- B. *Existing Zoning:*** All adjacent properties are zoned RA, Rural Agricultural.
- C. *Existing Land Use:*** The property area is bordered by a vacant wooded tract to the north, by a single-family residence and agricultural land across Camp Kirkwood Road to the south, by Dabby's Grill and agricultural land across US HWY 117 to the east, and by Pop's Auto Shop, a single-family residence, and a wooded tract to the west.
- D. *2010 Comprehensive Land Use Compliance:*** The 2010 Comprehensive Land Use Plan designates the subject property "Rural Growth." 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 non-residential 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. The following goals and policies within this plan may be relevant to the proposed Zoning Map Amendment:
  - 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.*

- i. Policy IA.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.*
- ii. Policy IA.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. Unified Development Ordinance Compliance:** This is a general use rezoning, which will allow all uses permitted-by-right in the GB, General Business zoning district. The GB, General Business district is primarily intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses. (§ 4.9.1)

**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.*

**F. Summary and Administrator Recommendation:** The application consists of a general use rezoning of four tracts (15.69 acres total) from RA, Rural Agricultural to the GB, General Business zoning district. As submitted, the application is in compliance with the standards of the Pender County Unified Developed Ordinance and is not in direct conflict of the Comprehensive Land Use Plan. Staff respectfully recommends approval for this general use rezoning.

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**Planning Board**

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

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

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