

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: September 9, 2014 – Planning Board
October 20, 2014 – Board of Commissioners
Case Number: 11225 – Whitebridge Development LLC/Kenneth Lloyd (ZMA)
Applicant: Julia Ayala
Property Owner: Whitebridge Development LLC

Rezoning Proposal: Julia Ayala, applicant, on behalf of Whitebridge Development LLC, owner, is requesting approval of a zoning map amendment for a general use rezoning for one tract totaling 2.05 acres from PD, Planned Development district, to GB, General Business district.

Property Record Number, Acreage, and Location: The subject property is located at 12900 US HWY 17 in Hampstead, and may be identified by Pender County PIN 3282-20-7160-0000. There is one tract associated with this request totaling 2.05 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.

HISTORY:

The subject property was zoned RA, Rural Agricultural district, until November 2003. During the Pender County comprehensive rezoning in 2003, the property was up-zoned to PD, Planned Development district.

DESCRIPTION:

Julia Ayala, applicant, on behalf of Whitebridge Development LLC, owner, is requesting approval of a Zoning Map Amendment for a general use rezoning for one tract totaling 2.05 acres from PD, Planned Development district, to GB, General Business district.

The subject property is located at 12900 US HWY 17 in Hampstead, and may be identified by Pender County PIN 3282-20-7160-0000. The tract hosts a building that is currently occupied by Wilcox & Wilcox Construction Company.

The subject property 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 tract is not located within the Special Flood Hazard Area (SFHA). The tract has direct access to US HWY 17 to the northwest and access to Whitebridge Road via an existing driveway through the parcel to the southeast. The subject property has existing septic on-site, as well as access to Pender County Utilities water.

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.

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 PD, Planned Development district.
- C. **Existing Land Use:** The property area is bordered by a single, 10.06 acre vacant tract to the northeast, southeast, and southwest. The adjacent 13.37 acre tract to the northwest is across US HWY 17, and contains a mix of non-residential uses.
- D. **2010 Comprehensive Land Use Compliance:** The *2010 Comprehensive Land Use Plan* designates the subject property “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. The following goals and policies within this plan may be relevant to the proposed Zoning Map Amendment:
 - a. **Growth Management Goal IA.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 one tract (2.05 acres total) from PD, Planned Development district to GB, General Business 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.

Planning Board

Motion: _____ **Seconded:** _____

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

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