

PLANNING STAFF REPORT

Zoning Map Amendment

SUMMARY:

Hearing Date: November 5, 2014 – Planning Board
December 1, 2014 – Board of Commissioners

Application Number: 11257 – Stroud Engineering, PA (ZMA)

Applicant: Stroud Engineering, PA

Property Owner: Jack Stocks/TIOGA, LLC

Rezoning Proposal: The request consists of rezoning three tracts from PD, Planned Development to RP, Residential Performance zoning district.

Property Record Numbers, Acreage, and Location: The property consists of 83.81 acres, is located on Carver Drive (SR 1437), Rocky Point, and may be identified by PIN(s) 3223-34-8834-0000; 3223-35-4303-0000; 3223-46-7092-0000.

Staff Recommendation: The request complies with the criteria set forth in Article 3.3.8 of the Unified Development Ordinance. The request is not in conflict with 2010 Comprehensive Land Use Plan; therefore, staff respectfully recommends that the request be approved.

DESCRIPTION:

Stroud Engineering, PA, applicant, on behalf of Jack Stocks and TIOGA, LLC, owners, is requesting approval of a general use rezoning for three tracts totaling 83.81 acres from PD, Planned Development to RP, Residential Performance zoning district.

Currently, the 83.81 acre property is undeveloped and has approximately 693 feet of frontage (chord length) along Carver Drive, and is bordered along the rear by Turkey Creek, a tributary of the Northeast Cape Fear River. A portion of the property is located within the 100 year floodplain (Zone AE) as shown on FIRM Community Panel 3720 3223 00J.

The existing zoning in the surrounding area consists of PD, Planned Development and RP, Residential Performance. The parcel to the south of the subject parcel is part of the Bellhammon Plantation subdivision and is zoned PD, Planned Development. According to Map Book 31, Page 40 and Map Book 31, Page 50, Bellhammon Plantation requires a minimum lot size of 15,000 square feet. To the south, across from the subject tract contains The Pines, a residential subdivision containing 16 lots with a minimum lot size of 19,000 square feet (Map Book 31, Page 7). To the east contains the residential subdivision The Knolls at Turkey Creek (Map Book 56, Page 46), which was approved through the Master Development Plan process and contains 26 lots with a 15,000 square foot minimum lot size. *Map Book and Page references are accompanying this report.*

The 2010 Comprehensive Land Use Plan designates the subject property as Suburban Growth. This land use classification identifies those areas of the county where significant residential growth is expected to occur over within the Land Use Plan's planning horizon.

This is a general use rezoning which will encompass all uses permitted-by-right in the RP, Residential Performance zoning district, as shown on the Permitted Use Table 5.2.3 of the *Pender County Unified Development Ordinance*. The Residential Performance zoning district is intended to allow a variety of residential uses and densities and also limited commercial activities as well as agritourism.

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 vicinity of the subject property consists of PD, Planned Development, and RP, Residential Performance zoning districts.
- 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 within the subdivision of The Pines, Bellhammon Plantation, and The Knolls at Turkey Creek.
- D) **2010 Comprehensive Land Use Plan Compliance:** The 2010 Comprehensive Land Use Plan designates the subject property as Suburban Growth. This land use classification identifies those areas of the county where significant residential growth is expected to occur over within the Land Use Plan's planning horizon.

The following goals and policies within this plan support the rezoning request:

- 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.
 - b) **Growth Management 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.
 - c) **Growth Management 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.
 - d) **Growth Management Policy 1A.1.3:** The County shall actively direct growth towards suitable land areas and away from fragile natural resource areas, conservation areas, and hazardous areas.
 - e) **Rocky Point Small Area Plan Policy 4B.1.4:** New development within the small area should be compatible with existing residential uses.
- E) **Unified Development Ordinance Compliance:** Article 3.3.8 of the 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 proposal consists of rezoning three tracts containing approximately 83.81 acres from PD, Planned Development, to RP, Residential Performance. The request complies with the criteria set forth in Article 3.3.8 of the Unified Development Ordinance. The request is also consistent with the 2010 Comprehensive Land Use Plan. Therefore, staff respectfully recommends that the request be approved.

VOTING AND RESOLUTION:

Planning Board

Motion: _____ **Seconded** _____

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

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