Pender County
Planning and Community Development

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MEMORANDUM

To: Pender County Planning Board

From: Pender County Planning and Community Development

Date: March 3, 2015

RE: Planned Development Zoning District

The PD, Planned Development zoning district is intended to provide an alternative to the conventional development and conventional standards of other zoning districts. With innovative design and layout, a "tradeoff" is made by allowing for flexible regulations to suit a specific project and to incorporate other progressive land planning and design concepts.

Prior to the adoption of the Unified Development Ordinance (UDO), properties were zoned to the PD District without an approved Master Development Plan, rendering it difficult to process a more traditional type of development. Current PD zoning standards address large, multi-use developments that may be seeking the "tradeoff" for flexible regulation and that may be more inclusive in regards to having a mixture of uses within one overall project design.

Because some properties that are currently zoned PD are not covered by an approved Master Development Plan, issues arise when development approval is sought from a property owner or applicant for a more traditional type of development. The UDO currently offers no objective guidance for the development or change of use on these PD tracts that are not covered by a Master Development Plan. Currently, proposed development for existing PD properties that are not part of a Master Development Plan is subjectively reviewed by the Planning Board and requires a mix of commercial and residential uses. This subjective review effectively causes difficulty for staff to provide guidance, and does not provide the developer with any level of certainty of approval. In an effort to address these types of requests and still maintain the PD District, staff is presenting four options to consider.

OPTION ONE—

Draft a zoning text amendment to address existing PD properties. The zoning text amendment will address Section 4.8 of the UDO and focus on clearing up any ambiguity within the PD zoning district standards. Additionally, an amendment to the Comprehensive Land Use Plan will be considered in order to clarify the definition and description of the mixed use land use classification.

The zoning text amendment will address three types of existing PD properties:

1. Existing properties that were part of a master planned development not approved under the provisions of the UDO. An example of this type would be existing subdivisions such as Belvedere or Olde Point that may have been created prior to zoning.
    a. Option for consideration: Establish determined setbacks, etc. for the development types. This can be accomplished by adopting the standards that were in effect at time of recordation or standards outlined for the PD District prior to the adoption of the UDO (derived from "Zoning Ordinance").
2. Vacant properties that were zoned PD prior to the adoption of the UDO and that do not meet the minimum acreage standards currently outlined in the provisions of the UDO (100 acres).
    a. Option for consideration: Require submittal of a Master Development Plan meeting the PD District requirements as outlined in the UDO, but do not require a mix of residential/non-residential uses. The Planning Board would review the plan and approve the uses presented if the overall development meets the design and innovation standards outlined in the overall district provisions.
3. Existing developed properties zoned PD seeking a change of use, or other alteration to the development. An example of this is a stand-alone commercial use requesting an expansion of footprint or a change of use from one NAICS use category to another category.
    a. Option for consideration: If an applicant or property owner is seeking a change in building footprint or use, require submittal of a Master Development Plan meeting the PD District requirements as outlined in the UDO, but do not require a mix of residential/non-residential uses. The Planning Board would review the plan and approve the uses presented if the overall development meets the design and innovation standards outlined in the overall district provisions. If a building footprint alteration or a change of use from one NAICS use category to another category is not being proposed, submittal of a Master Development Plan will not be required, and an administrative approval allowance could be provided.

- Questions-
    - Can we incentivize developers to provide mixed-use development?
- Pros:
    - Provides a clearer process for developing PD properties
- Cons:
    - Removes the requirement of a mix of non-residential and residential uses and may not be consistent with a future land use classification as prescribed by the Comprehensive Land Use Plan.

OPTION TWO—

Keep Section 4.8 as currently written but remove language from 4.8.1.B. requiring that a minimum of two types of uses be "a mix of residential and non-residential uses." All proposed development within the PD zoning district would still require submittal of a Master Development Plan meeting the PD District requirements as outlined in the UDO. The Planning

Board would review the plan and approve the uses presented if the overall development meets the design and innovation standards outlined in the overall district provisions.

- Questions-
  - Would removing the mix of residential and non-residential uses miss the point of the PD district?
  - Can regulation be added to fulfill the mixed-use component/requirement of the Comp Plan?
- Pros:
  - Minimal change required.
- Cons:
  - May not accomplish the mix of uses concept of the PD district.
  - May become a way to circumvent the by-right prescriptions of the UDO; PD district would become a "free-for-all" district with no prescribed setbacks, etc.
  - Requires a subjective Planning Board review, which is difficult for staff to provide guidance, and doesn't provide developer with any level of certainty of approval.

OPTION THREE—

Rezone existing PD parcels to an existing by-right zoning district and then create an overlay district (UDO Section 4.12) to promote progressive land planning and design concepts.

- Questions-
  - To which existing by-right zoning district would PD parcels be rezoned? (GB, General Business district?)
  - What will be the nature of the overlay district?
- Pros:
  - All parcels would have prescribed standards, and additional concepts could be applied.
  - Provides for a by-right review process with clear standards for development.
- Cons:
  - Extensive staff time and public hearing process for rezoning and overlay district implementation.
  - Confusing process to general public and PD property owners.
  - There may not be enough provisions in the GB district to meet the mixed-use classification requirements of the Comp Plan (Comp Plan calls for a mix of uses including commercial and residential).

OPTION FOUR—

Keep Section 4.8 as-is.

- Questions-
  - Is this a sustainable option?
- Pros:
  - No change required (could be revised with UDO update)
- Cons:
  - No objective guidance in the UDO for the development or change of use on PD tracts that are not covered by a Master Development Plan
  - Subjectivity in Master Dev elopement Plan/Planning Board review

Planning Staff's intent is to communicate the recommended change to the Board of County Commissioners at their March 16, 2015 meeting.

Attachments:

- Mixed Use section excerpt from Comprehensive Land Use Plan
- Map of Coastal Pender Small Area Plan from Comprehensive Land Use Plan

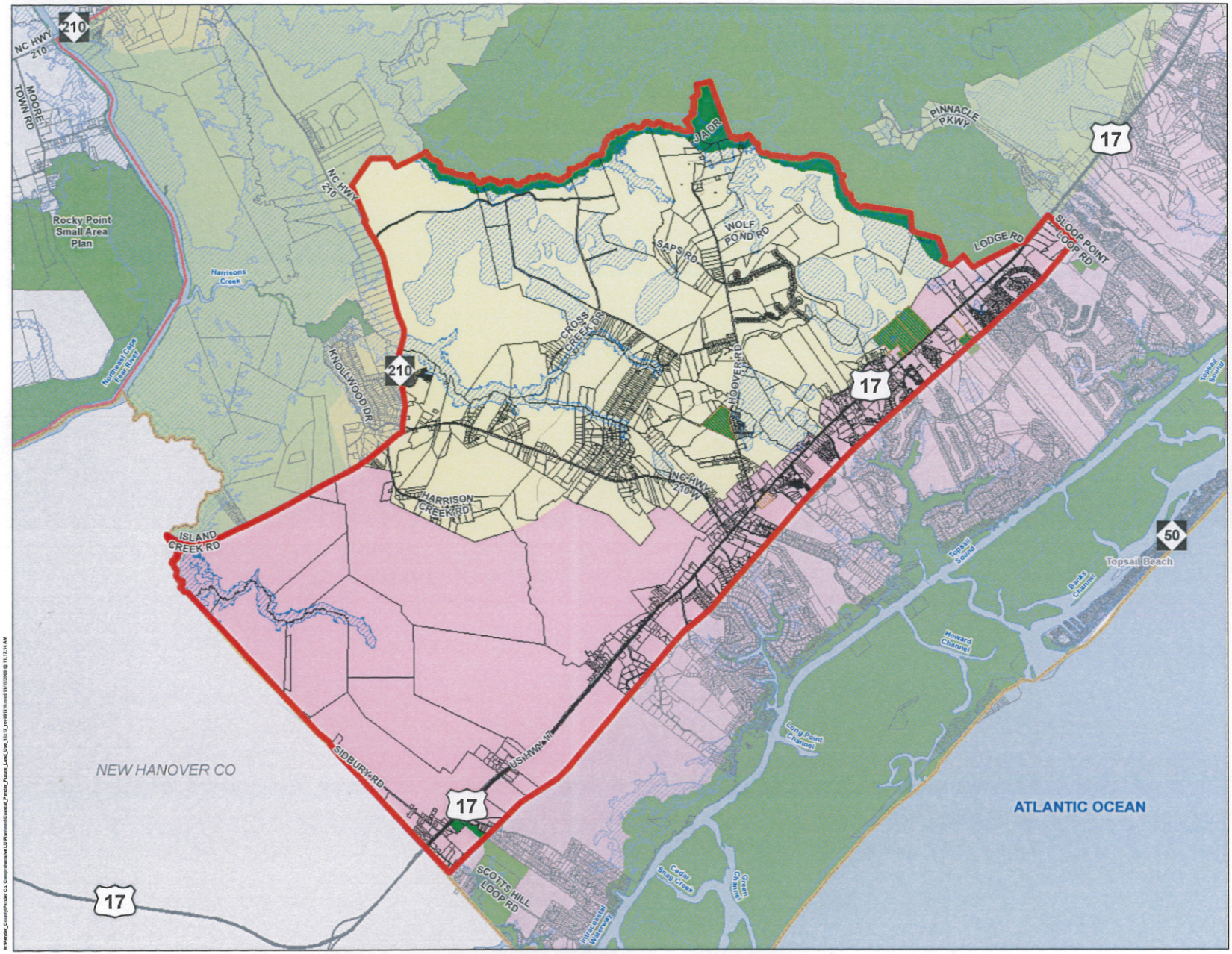
Mixed Use

The Mixed Use land use 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

Mixed Use areas are intended to help reduce sprawl by concentrating a mix of uses in convenient locations; by promoting an efficient sustainable pattern of land uses, and by providing most of the goods and services needed by residents in a coordinated, concentrated manner. Mixed Use areas are intended to reduce the number and length of auto trips by placing higher-density housing close to shopping and employment center. They also should function to improve the quality of life for residents living in higher density housing by placing daily conveniences, shops, and employment within walking distance;

The road network within Mixed Use areas should be designed to ensure that adjacent residential areas will have direct access to the non-residential portions of the mixed use center in lieu of entering and exiting through thoroughfares and/or collector streets. Developments should provide or contribute to a pedestrian and road network that connects non-residential and existing residential uses (multi-family and single-family) developments.

Mixed Use areas are designated within the Coastal Pender and Rocky Point Small Area Plans.



COASTAL PENDER SMALL AREA PLAN

Future Land Use

11-10-09

Pender County, North Carolina

PRELIMINARY
FOR PLANNING
PURPOSES ONLY

Legend

Future Land Use Classification

- Conservation
- Mixed Use
- Rural Growth
- Suburban Growth

Flood Zone

- 100 Year Floodplain
- Floodway

Other Features

- Planning Boundary
- County Owned Property
- Water Body
- US Route
- NC Route
- Road Centerline
- River Stream
- Parcel
- Municipality
- County Boundary

THE WOOTEN COMPANY

1 inch = 5,000 feet

0 5,000 10,000
Feet