

PLANNING STAFF REPORT ZONING MAP AMENDMENT

SUMMARY:

Hearing Date: September 1, 2015 Planning Board
October 26, 2015 Board of Commissioners
Applicant: Coleman Parks
Property Owner: Corbett Industries Inc.
Case Number: 11440

Rezoning Proposal: Coleman Parks, applicant, on behalf of Corbett Industries Inc., owner, is requesting approval of a Zoning Map Amendment for a general use rezoning of two (2) tracts totaling approximately 133.59 acres from RA, Rural Agricultural zoning district to RP, Residential Performance zoning district.

Property Record Number, Acreage, and Location: The subject properties, recorded on Register of Deeds Book 0352 Page 0335 and Book 0756 Page 0241 (Exhibit 1) and described in Real Estate Contract (Exhibit 2), are located along NC HWY 210 approximately 1,500 feet east of the intersection of NC HWY 210 and Island Creek Rd. (SR 1002) and along Harrison Creek Rd. (SR 1573) approximately 2,000 feet south of the intersection of Island Creek Rd. (SR 1002) and Harrison Creek Rd. (SR 1573) and may be further identified by Pender County PINs 3273-10-0849-0000 and 3273-33-1459-0000.

RECOMMENDATION

The application consists of a general use rezoning of two (2) tracts totaling approximately 133.59 acres from RA, Rural Agricultural zoning district to RP, Residential Performance zoning district. As submitted, the request complies with all criteria set forth in Section 3.3.8 Review Criteria for Rezoning of the Pender County Unified Development Ordinance and is not in conflict with the 2010 Comprehensive Land Use Plan. The application is consistent with one (1) goal and two (2) policies of the 2010 Pender County Comprehensive Land Use Plan and conflicts with none. The Administrator respectfully recommends approval of the Zoning Map Amendment as described in this report.

HISTORY

The portions of the subject properties south of NC HWY 210 were designated as RA, Rural Agricultural zoning district on the 2003 Pender County Zoning Map. The area north of NC HWY 210 was zoned R-20, Residential zoning district and FA, Flood Hazard Area District on the 2003 Pender County Zoning Map. With the adoption of the 2010 Pender County Unified Development Ordinance, the designation of both properties was changed to RA, Rural Agricultural zoning district.

DESCRIPTION

Coleman Parks, applicant, on behalf of Corbett Industries Inc., owner, is requesting approval of a Zoning Map Amendment for a general use rezoning of two (2) tracts totaling approximately 133.59 acres from RA, Rural Agricultural zoning district to RP, Residential Performance zoning district. The

subject properties, recorded on Register of Deeds Book 0352 Page 0335 and Book 0756 Page 0241 (Exhibit 1) and described in Real Estate Contract (Exhibit 2), are located along NC HWY 210 approximately 1,500 feet east of the intersection of NC HWY 210 and Island Creek Rd. (SR 1002) and along Harrison Creek Rd. (SR 1573) approximately 2,000 feet south of the intersection of Island Creek Rd. (SR 1002) and Harrison Creek Rd. (SR 1573). The properties may be further identified by Pender County PINs 3273-10-0849-0000 and 3273-33-1459-0000. The subject tracts are vacant, wooded, and undeveloped.

The subject properties meets the minimum lot size of 15,000 square feet and the minimum rezoning acreage requirement of five (5) acres per Section 4.14 Zoning District Dimensional Requirements of the Pender County Unified Development Ordinance, for the RP, Residential Performance zoning district. Additionally, the subject properties meet the requirement of Pender County Unified Development Ordinance Section 4.14.3 as they are adjacent to properties that are currently zoned RP, Residential Performance zoning district.

As shown on the aerial, the easternmost tract has direct access to Harrison Creek Rd. (SR 1573) to the southwest and direct access to NC HWY 210 to the north. The westernmost tract is split by NC HWY 210; therefore it has direct access to NC HWY 210 to the north and to the south.

The properties have access to Pender County water but do not have access to a sewer system.

EVALUATION

This Zoning Map Amendment request has been evaluated for compliance with the Pender County Unified Development Ordinance and the 2010 Pender County Comprehensive Land Use Plan, as well as the existing land uses and zoning classifications in the surrounding area. The Zoning Map Amendment does not conflict with any existing policies, land uses, or zoning classifications.

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.*

2010 Comprehensive Land Use Compliance: The 2010 Comprehensive Land Use Plan designates the subject properties as “Suburban Growth.” The Suburban Growth land use classification identifies those 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, un-incorporated areas of the County. Suburban Growth designates areas where public water and public sewer are available or are planned in the near future. 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) that meet 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

This Zoning Map Amendment request is consistent with one (1) goal and two (2) policies of the 2010 Comprehensive Land Use Plan and conflicts with none. The following goals and policies within this plan may be relevant to the proposed Zoning Map Amendment:

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.

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.

Policy 1A.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.

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 as shown in Section 5.2.3 Permitted Use Table of the Pender County Unified Development Ordinance. According to Section 4.7.2 of the Pender County Unified Development Ordinance, the RP, Residential Performance zoning district is intended to allow a variety of residential uses and densities as well as limited commercial activities and agritourism. Existing or new agricultural and farm uses shall be allowed on undeveloped land prior to development. The RP, Residential Performance zoning district shall meet the following general standards:

- 1) Buildings on the periphery of a Residential Performance Development shall be setback no less than twenty (20’) feet from the adjoining property line. Additional buffers may be required based on the adjacent land use. See buffer chart in Section 8.2.6.
- 2) All undivided areas within the development (other than street rights-of-way, parking, and structures) shall be designated as open space as defined in Appendix A Definitions and Article 8. Such open space shall be offered to the public or encumbered for the perpetual benefit of the residents.
- 3) Private streets will be permitted in Performance Residential Developments; however, dedication of public streets and utility easements shall be required if such are indicated on the

official plans as adopted by Pender County or any municipality if it is determined by the County Planning Board.

- 4) When a development proposal is submitted under this Article, it shall be processed as a Master Plan.
- 5) Projects proposing less than ten (10) lots shall be submitted as one phase and must be contiguous when submitted for final plat.
- 6) A homeowners association shall be established and kept continuously active, for the maintenance of open and private spaces and stormwater runoff, along with any private water, sewer or roads, when warranted.
- 7) All requirements of Article 9 Flood Damage Prevention must be met.
- 8) Any land designated as usable open space shall be used in calculating the density for a proposed development.
- 9) Buffer strips shall be required and maintained by the Homeowner's Association.
- 10) All preliminary plans shall provide the approximate delineation of Corps of Engineers Section 404 and Section 10 Wetlands.

US 17/NC 210 Corridor Study: The subject properties are located within the project study area of the US 17/NC 210 Corridor Study. Any development on the subject properties would be subject to the recommendations of the Study. The Study proposes a NC HWY 210 typical section that includes a 120-foot right-of-way with travel lanes, raised, planted median, and ten (10)-foot multi-use path. Additionally, the proposed Hampstead Bypass alignment runs through the southern area of both properties.

Existing Zoning and Land Use: The subject tracts are vacant, wooded, and undeveloped. Adjacent properties to the north and southwest, as well as a portion of properties adjacent to the east are zoned RA, Rural Agricultural zoning district and are primarily wooded, undeveloped tracts. To the south and west, as well as a portion of properties adjacent to the east are zoned RP, Residential Performance zoning district. Some of the tracts are developed with single-family residential houses. The Kings Landing subdivision is adjacent to the west. Immediately south of the Kings Landing subdivision, an adjacent two (2)-acre tract is zoned OI, Office & Institutional zoning district, and existing land use is a church. Along NC HWY 210, adjacent to the east, lies a ±5.07-acre tract that is zoned GB, General Business zoning district, and existing land use is a church and heavy equipment/trucking yard.

Environmental Concerns: According to FEMA Flood Insurance Rate Map Number 3720327300J Panel 3273 and Map Number 3720327200J Panel 3272 (adopted February 16, 2007) the northernmost area of the easternmost property is located within the AE Flood Zone, with Harrisons Creek being the flood source. The remaining areas of the properties are not located within any Special Flood Hazard Area (SFHA). Additionally there are no navigable waters on this property requiring compliance with CAMA regulations managed by the Division of Coastal Management. Areas of the subject properties may contain wetlands and would need to be verified before any land disturbing activities take place.

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 properties. Prior to any development on the subject properties, all necessary local, state, and federal permits would be required.

RECOMMENDATION

The application consists of a general use rezoning of two (2) tracts totaling approximately 133.59 acres from RA, Rural Agricultural zoning district to RP, Residential Performance zoning district. As submitted, the request complies with all criteria set forth in Section 3.3.8 Review Criteria for Rezoning of the Pender County Unified Development Ordinance and is not in conflict with the 2010 Comprehensive Land Use Plan. The application is consistent with one (1) goal and two (2) policies of the 2010 Pender County Comprehensive Land Use Plan and conflicts with none. The Administrator respectfully recommends approval of the Zoning Map Amendment as described in this report.

BOARD ACTION FOR REZONING REQUEST

Motion: _____ **Seconded:** _____

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

Williams: ___ **McClammy:** ___ **Fullerton:** ___ **Baker:** ___ **Edens:** ___ **Marshburn:** ___ **Nalee:** ___