

PLANNING STAFF REPORT ZONING MAP AMENDMENT

SUMMARY:

Hearing Date: November 4, 2015 Planning Board
December 14, 2015 Board of Commissioners

Applicant: Michael Pollak

Property Owner: Capstone Ventures and Ruth C. Kalmar Lewis et al

Case Number: 000016-2015

Rezoning Proposal: Michael Pollak, applicant, on behalf of Capstone Ventures and Ruth C. Kalmar Lewis, owners, is requesting approval of a Zoning Map Amendment of two (2) tracts totaling approximately 45.4 acres from RP, Residential Performance zoning district to PD, Planned Development zoning district.

Property Record Number, Acreage, and Location: The subject properties recorded on Register of Deeds Map Book 23 Page 26 and Map Book 1 Page 44 (Attachment 1), are located to the west of Sloop Point Loop Road (SR 1563) to the north and west of Friendly Lane (private) in the Topsail Township and may be further identified by Pender County PINs; 4214-22-7567-0000 and a portion of 4214-50-8387-0000.

RECOMMENDATION

The application consists of a general use rezoning of two (2) tracts totaling approximately 45.4 acres from RP, Residential Performance zoning district to PD, Planned Development 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 consistent with one (1) goal and three (3) policies of the 2010 Comprehensive Land Use Plan and conflicts with none. Therefore, the Administrator is respectfully recommending approval of the request as described.

HISTORY

The subject properties are currently vacant and undeveloped.

DESCRIPTION

Michael Pollak, applicant, on behalf of Capstone Ventures and Ruth C. Kalmar Lewis, owners, is requesting approval of a Zoning Map Amendment of two (2) tracts totaling approximately 45.4 acres from RP, Residential Performance zoning district to PD, Planned Development zoning district. The subject properties, recorded on Map Book 23 Page 26 and Map Book 1 Page 44 are located to the west of Sloop Point Loop Road (SR 1563) to the north and west of Friendly Lane (private) in the Topsail Township and may be further identified by Pender County PINs; 4214-22-7567-0000 and a portion of 4214-50-8387-0000.

The minimum acreage to rezone to PD, Planned Development, zoning district is five (5) acres. As these parcels are in an assemblage comprising of approximately 45.4 acres the request meets the minimum acreage for rezoning per Section 4.14 Zoning District Dimensional Requirements of the Pender County Unified Development Ordinance, for the PD, Planned Development zoning district.

The PD, Planned Development zoning district is a mixed use district. The Planned Development District encourages progressive land planning and design concepts and is intended to provide an alternative to a conventional development. The PD Districts allows projects of innovative design and layout that may not otherwise be permitted under this Ordinance due to the strict application of zoning district or general

development standards. The PD District shall not be used as a means of circumventing the County’s adopted land development regulations.

Utilities

The properties have access to Pender County public water along Sloop Point Loop Road (SR 1563) eight (8) inch water line and a six (6) inch line along Friendly Lane (private). It is the applicant’s intention to connect to the regional sewer provider Pluris LLC. on the subject properties. Both properties cannot be used for building development, unless an approved waste water disposal method has been approved and permitted by the Pender County Environmental Health Department or the appropriate State Agency.

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 “Mixed Growth.” 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. As this is a general use rezoning to a mixed use PD, Planned Development zoning district, this request is compliant with the 2010 Comprehensive Land Use Plan future land use designation.

This Zoning Map Amendment request is consistent with one (1) goal and three (3) policies of the 2010 Comprehensive Land Use Plan and conflicts with none. The following goals and policies within this plan may be relevant to support the proposed Zoning Map Amendment:

Policy A.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.1.3 The County shall actively direct growth towards suitable land areas and away from fragile resource areas, conservation areas, and hazardous areas.

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.

Water and Sewer Goal 2A.1.3 Seek regional cooperation and coordination to maximize service delivery while minimizing duplication of infrastructure and services.

Unified Development Ordinance Compliance

This request is a general use rezoning to the PD, Planned Development zoning district. All uses permitted in the PD, Planned Development zoning district would be permissible on the subject properties, however the PD zoning district requires Planning Board review and approval of all development plans as outlined in Section 4.8.1 of the Pender County Unified Development Ordinance.

Specifically, the PD, Planned Development zoned property which is less than one hundred (100) acres in area and are not part of an approved Master Development Plan as of April 20, 2015 shall submit a Master Development Plan in accordance with Section 6.1. A mix of uses shall be required. However, a mix of residential and non-residential uses shall not be required. The Planning Board shall review the proposed use(s) and the overall design to determine if the Master Development Plan is in accordance within the standards of the Pender County Unified Development Ordinance and any other adopted plans according to Section 4.8.1.B.2.C. Uses allowed in the PD District shall be consistent with the Table of Permitted Uses in Section 5.2.3, the Comprehensive Land Use Plan, and shall be in accordance with a Master Development Plan as prescribed in Section 3.5 and Section 4.8.1.2.B.

Existing Zoning and Land Use

The subject properties are located to the north and west of the residential subdivision known as Sloop Point South along Friendly Lane (private) as shown in Attachment 1. To the south of the subject parcels is the Phase II of the approved residential subdivision known as Wyndwater (Case 11035). To the north is low density residential and undeveloped land.

The existing zoning in the proximity of the requested Zoning Map Amendment is RP, Residential Performance zoning district and PD, Planned Development zoning district to the south for the aforementioned residential subdivisions; Sloop Point South and Wyndwater.

Environmental Concerns

There are currently no areas of the properties located within any Special Flood Hazard Area (SFHA). There may be a small portion of the Kalmar subject property that contains wetlands. Any impact or disturbance to the wetlands requires a JD, Jurisdictional Determination from the Army Corps of Engineers as well as a wetlands impact permit. Any areas of the subject properties which 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 45.4 acres from RP, Residential Performance zoning district to PD, Planned Development 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 consistent with one (1) goal and three (3) policies of the 2010 Comprehensive Land Use Plan and conflicts with none. Therefore, the Administrator is respectfully recommending approval of the request as described.

BOARD ACTION FOR REZONING REQUEST

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous: _____

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