

**PLANNING STAFF REPORT
MASTER DEVELOPMENT PLAN**

SUMMARY:

Hearing Date: April 5, 2016
Applicant: RSC Engineering, PLLC.
Property Owner: James E. Jones
Case Number: MDP 174-2016

Development Proposal: RSC Engineering, PLLC., applicant, on behalf of James E. Jones, owner, is requesting approval of a Master Development Plan for a commercial development known as Hypnotic Solutions Hypnosis Center. Specifically, this request is to allow for the following use; Offices of All Other Miscellaneous Health Practitioners (NAICS 621399).

Property Record Number, Acreage, and Location: The subject property is zoned PD, Planned Development zoning district and Other Miscellaneous Health Practitioners are permitted via Master Development Plan in the PD, Planned Development zoning district. The subject property is located to the north east of Sidbury Road (SR 1572) in the Topsail Township and may be further identified by Pender County PIN: 3271-21-3570-0000. The site currently consists of a single-family residence and is immediately surrounded by a single-family residential use to the south and bound by vacant tracts to the north, east, and west.

Zoning District of Property: The subject property is approximately ±0.69 acres and is zoned PD, Planned Development zoning district.

RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with two (2) policies included in the 2010 Pender County Comprehensive Land Use Plan and Pender County Unified Development Ordinance, as well as, other approved planning documents. However, the project conflicts with portions of the Mixed Use land use classification included in the 2010 Pender County Comprehensive Land Use Plan. Planning Staff recommends the approval of the Master Development Plan request as detailed in the report for the development known as Hypnotic Solutions Hypnosis Center.

DEVELOPMENT PROPOSAL

RSC Engineering, PLLC., applicant, on behalf of James E. Jones, owner, is requesting approval of a Master Development Plan for a commercial development known as Hypnotic Solutions Hypnosis Center. Specifically, this request is to allow for the following use; Offices of All Other Miscellaneous Health Practitioners (NAICS 621399). The subject property is zoned PD, Planned Development zoning district and Other Miscellaneous Health Practitioners are permitted via Master Development Plan in the PD, Planned Development zoning district.

According to Section 4.8.1.B.2.E, PD tracts that are requesting a change of use from one NAICS sector classification to another, expansion of existing use(s), or revision of existing standards shall submit a Master Development Plan in accordance with Section 6.1. A mix of uses shall not be required. The Planning Board shall review the proposed use(s) and overall design to determine if the Master Development Plan is in accordance with the standards of this Ordinance and any other adopted plans.

Buffers

All landscape and buffers are to be approved in accordance with Section 8.2.8, Project Boundary Buffer of the Pender County Unified Development Ordinance. In the PD, Planned Development zoning district the following

buffers are required per Section 8.2.8 of the Pender County Unified Development Ordinance (Attachment 1); a Buffer A along all boundaries adjacent to a street, a Buffer B along all other boundaries, and a Buffer C is required along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than one (1) acre and when a single family structure is within fifty (50) feet of the boundary of the development.

The applicant shows a Buffer A-1 on the property boundaries facing a street and a Buffer B-4 on the property boundaries to the north and east, and a Buffer C-4 on the south property boundary, all of which are in compliance with Ordinance standards. A landscape plan detailing the required number and species of trees is needed prior to final zoning approval.

Utilities

The project has existing connections to private well, subject to review and approval by Pender County Environmental Health. Wastewater service to the proposed development is proposed through an on-site septic system. The applicant is required by Environmental Health to apply for an existing septic approval. All review and approvals for the wastewater services are subject to review and approval of Pender County Environmental Health Department.

Street Connectivity and Access

Ingress and egress to the proposed office is obtained via a private access easement off of Sidbury Road (SR 1572), with a single driveway. According to NCDOT at the March 1, 2016 Technical Review Committee meeting, a driveway permit will not be required for this proposed development.

Cross access corridors are required for all nonresidential adjacent properties. All cross access corridors must meet the requirements found in Section 7.4.4 Cross Access Corridors of the Pender County Unified Development Ordinance. The proposed location, arrangement, and right-of-way widths of roads and streets, including roads and streets providing access to adjoining parcels is required for Master Development Plan submittals according to Section 6.1.4 of the Pender County Unified Development Ordinance. A 20' cross access easement is shown on the submitted site plan extending from the proposed development towards the north to the neighboring property.

According to Section 4.8.1.E of the Pender County Unified Development Ordinance, the on-site transportation system shall be integrated with the off-site transportation circulation system of the County. The road network within Planned Developments shall be designed to ensure that adjacent residential areas, internal and external to the project, have direct access to any non-residential portions of the planned development in lieu of entering and exiting through thoroughfares and/or collector streets. The submitted plan does not propose any new road connections. The proposal utilizes a recorded 650' long and 30' wide private access easement to the project site.

Traffic

A Traffic Impact Analysis (TIA) will not be required based on the total number of trips for the entire development. The applicant has provided trip generation information for the proposed the development. A total of 63 trips per day was submitted by the applicant and does not meet the one hundred (100) trips at peak AM and PM hours necessary to require a TIA according to the Pender County Collector Street Plan. The data submitted shows 3 trips at the AM peak hours and 7 trips for the PM peak hours.

Parking

According to the applicant's provided site plans, five (5) parking spaces will be provided based on the size of the office area. According to Section 7.10 of the Pender County Unified Development Ordinance, one (1)

parking space for every 300 square feet of floor area is required for office uses. The applicant satisfies the parking requirements set forth in Section 7.10 of the Pender County Unified Development Ordinance.

Pedestrian Access

According to Section 4.8.1.A.2 of the Pender County Unified Development Ordinance, the purpose of the Planned Development zoning district is to promote quality urban design and environmentally sensitive development by incorporating walkable, compact, pedestrian and transit friendly development and by allowing development to take advantage of special site characteristics, locations, and land uses.

Pedestrian enhancements consistent with the Planned Development zoning district include pocket parks, walking trails, and benches to promote the interconnectivity of each parcel and use. Such uses and amenities shall be shown on the submitted Master Development Plan, along with sidewalks on the perimeter of the property.

The proposed plan shows a new walking trail connecting to an existing walking trail that shown on the access easement directly adjacent to the subject property. The existing walking trail encircles the subject property and terminates at a small pond located to the southeast of the subject property. This proposal is consistent with the Planned Development zoning district requirements.

Environmental Concerns

Any additional impervious surfaces added to the development are subject to the review and approval of the North Carolina Division of Environmental Quality (NCDEQ) at the time of site development approval.

Wetlands

There appear to be wetlands located on-site near the rear of the property. All referenced wetlands are estimates by the National Wetlands Inventory (NWI).

Flood

The property is not located within a Special Flood Hazard Area according to Flood Insurance Rate Map (FIRM) 3720327100J.

Tree Survey

According to Section 8.1.3 of the Pender County UDO, a significant tree survey is required. No land disturbing or clearing is proposed for this site that would necessitate a significant tree survey.

Permits

All applicable state and federal agency permits including a Stormwater Management Permit, and Erosion Control Plan, wetlands impact permits, and NCDOT Driveway Permit may be required prior to the approval of final zoning as applicable.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES

Pender County's Technical Review Committee meeting was held on Tuesday March 1, 2016 at 2p.m. in Board of County Commissioners meeting room, in the Pender County Government Administration Building at 805 S. Walker Street, to review the proposal. Comments received are located in Attachment 2 incorporated within this report.

EVALUATION

A) Public Notifications: Public Notice of the proposal for the Master Development Plan 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 property lies within a PD, Planned Development zoning district. The properties surrounding the proposed project are zoned PD, Planned Development zoning district in all directions.

C) Existing Land Use in Area: The site is immediately surrounded by low density residential uses to the south, vacant properties to the north, east, and west, including the proposed mixed use Master Development Plan known as Blake Farm (Case #11166).

D) 2010 Comprehensive Land Use Plan: The subject parcel is identified as 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 nonresidential and existing residential uses (multi-family and single-family) developments.

The proposed project, located along a private access easement off of Sidbury Road (SR 1572), does not contain frontage to a major state highway or secondary road. There are few nearby non-residential uses in the area. Wesleyan Chapel United Methodist Church is the nearest non-residential use, located about 150' to the southeast of the subject parcel at the intersection of Sidbury Road (SR 1572) and US HWY 17. The site has an existing on-site septic system, and an existing well water connection, subject to review and approval by Pender County Environmental Health.

The following goals and policies may support this request:

1. **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.
2. **Growth Management 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.

The proposed project is consistent with two (2) goals and policies from the 2010 Pender County Comprehensive Land Use Plan.

The Mixed Use requires a project to be easily accessible and in a transit friendly location. The proposed project conflicts with this criteria found in the Mixed Use land use classification in that it does not provide an easily accessible, compact use near other mixed uses in transit friendly manner. The proposed use is located down an existing unpaved access easement, approximately 650' from Sidbury Road (SR 1572). The Mixed Use land use

classification promotes connections to existing residential uses. The proposed development provides a 20' wide cross access corridor easement located on the subject property for future connectivity to north.

RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with two (2) policies included in the 2010 Pender County Comprehensive Land Use Plan and Pender County Unified Development Ordinance, as well as, other approved planning documents. However, the project conflicts with portions of the Mixed Use land use classification included in the 2010 Pender County Comprehensive Land Use Plan. Planning Staff recommends the approval of the Master Development Plan request as detailed in the report for the development known as Hypnotic Solutions Hypnosis Center.

Potential Conditions

1. Provide a maintenance agreement for the private access easement leading to the proposed project location prior to final zoning approval.
2. Include pedestrian connection to future development to the north and east.

All items from Pender County Unified Development Ordinance, Section 6.1.4 Master Development Plan Contents, and mixed-use districts must be met prior to the approval of the Master Development Plan.

BOARD ACTION FOR MASTER DEVELOPMENT PLAN:

Motion: _____ **Seconded** _____

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

Williams: ___ Fullerton: ___ Baker: ___ Edens: ___ McClammy: ___ Nalee: _____