

**PLANNING STAFF REPORT
ZONING MAP AMENDMENT**

SUMMARY:

Hearing Date: April 5, 2016 Planning Board
May 16, 2016 Board of Commissioners
Applicant: Charles M. Elam, II
Property Owner: Southeast Custom Homes, Inc.
Case Number: ZMA 170-2016

Rezoning Proposal: Charles M. Elam II, applicant, on behalf of Southeast Custom Homes Inc., owner, is requesting approval of a Zoning Map Amendment of one (1) tract totaling approximately 39.48 acres from the RA, Rural Agricultural zoning district to the RP, Residential Performance zoning district.

Property Record Number, Acreage, and Location: The subject property is located on NC HWY 210 approximately 850 feet to the west of the intersection of NC HWY 133 and NC HWY 210 in the Long Creek Township and may be further identified by Pender County PIN: 3214-16-3938-0000.

RECOMMENDATION

The application is for a zoning map amendment of one (1) tract totaling approximately 39.48 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 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. There are no known conflicts with any adopted plans.

HISTORY

The subject property was designated as R-20 prior to the County-wide comprehensive rezoning in 2010. With the adoption of the 2010 Pender County Unified Development Ordinance, the designation of the subject property was changed to RA, Rural Agricultural zoning district.

On July 10, 2007 a Major Residential Subdivision known as Wanet Landing was conditionally approved by the Pender County Planning Board to include fifty-two (52) single family residential lots on the subject property. The project then obtained Preliminary Plat approval on April 14, 2008. The project has since expired as no portions of the subdivision was completed prior to the termination of the Permit Extension Act of 2009, which kept the approval valid until July 10, 2013.

DESCRIPTION

Charles M. Elam II, applicant, on behalf of Southeast Custom Homes Inc., owner, is requesting approval of a Zoning Map Amendment of one (1) tract totaling approximately 39.48 acres from the RA, Rural Agricultural zoning district to the RP, Residential Performance zoning district. The subject property is located on NC 210 approximately 850 feet to the west of the intersection of NC HWY 133 and NC HWY 210 in the Long Creek Township.

The minimum acreage to rezone to RP, Residential Performance zoning district is five (5) acres according to Section 4.14 of the Pender County Unified Development Ordinance. This request is complaint as there are approximately 39.48 acres requested for Zoning Map Amendment.

Access

The property has direct access to NC 210 approximately 850 feet to the west of the intersection of NC HWY 133 and NC HWY 210. There is currently no site access on the subject property and any improvements or driveway permit is subject to review and approval by NCDOT at the time of a development application.

Utilities

Public water is available at the subject property through Pender County Utilities, however no public wastewater service is available. Any final zoning approvals are contingent upon review and approval by Pender County Utilities and the Environmental Health Department.

Environmental Concerns

There are no Areas of Environmental Concern (AEC) located on the property nor any regulated Special Flood Hazard Area (SFHA) according to FEMA Flood Insurance Rate Map Number 3720321400J, adopted February 16, 2007. There may be wetlands located on the property subject to review and approval of the Army Corps of Engineers.

All applicable state, federal and local agency permits are required prior to the issuance of final zoning.

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 on the subject parcel is RA, Rural Agricultural zoning district. Directly adjacent to this property to the east is zoned RP, Residential Performance zoning district as well some properties zoned RP, Residential Performance to the north and a portion of the land due west of the subject parcel. The majority of the land to the west of the subject property is zoned RA, Rural Agricultural zoning district. There is one parcel zoned O& I, Office and Institutional zoning district across NC HWY 210.

C) Existing Land Use in Area: The parcel is currently vacant. The properties to the north, south, east and west are low density residential and vacant. Directly north of the parcel the existing land use is a Religious Organization (St. Paul United Holy Church).

D) 2010 Comprehensive Land Use Plan: The 2010 Comprehensive Land Use Plan designates the subject property 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 General Use Rezoning 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 Conditional Zoning map amendment;

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.1.4 The County shall actively direct growth towards suitable land areas and away from fragile natural 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.

E) Unified Development Ordinance Compliance: Article 3.3 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board before a favorable recommendation of approval for a rezoning can be made.

3.3.8 Review Criteria for Rezoning

The Planning Board and Board of Commissioners shall consider the following matters in considering a rezoning request:

- F. 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);
- G. 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;
- H. 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.

RECOMMENDATION

The application consists of a zoning map amendment request for approximately 39.48 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 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. The request does not conflict with any existing policies, land uses, or zoning classifications. The Administrator respectfully recommends approval of the general use rezoning request.

BOARD ACTION FOR CONTIDTIONAL REZONING REQUEST

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous: _____

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