

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: July 6, 2016 Planning Board
August 15, 2016 Board of Commissioners
Case Number: ZMA FLUMA 264-2016
Applicant: Live Oak Development
Property Owner: Kevin Mills et al

Map Amendment Proposal: Live Oak Development, applicant, on behalf of Kevin Mills et al, owner, is requesting approval of an amendment to the 2010 Pender County Comprehensive Plan Future Land Use Map for one (1) tract totaling approximately 5.53 acres from Rural Growth to Mixed Use future land use designation.

Property Record Numbers, Acreage, and Location: The subject property is located along the east side of Old Whitfield Road (SR 1726) and Machine Gun Road (private) approximately 1,200 feet to the west of US HWY 17 in the Topsail Township and may be further identified by Pender County PIN: 4215-23-1857-0000.

Comprehensive Plans and Policies Committee (CPPC) Consensus: The Pender County CPPC was e-mailed for comments on this proposal on June 6, 2016. Three members were no longer reachable at their email address on file. There are no known objections to this proposal. One positive comment was received.

Staff Recommendation: This proposal consists of changing one (1) tract totaling ±5.53 acres from the Rural Growth Land Use Classification to the Mixed Use Land Use Classification as shown on the 2010 Comprehensive Plan Future Land Use Map. The property is on the border of Future Land Use designations. The Pender County Comprehensive Plans and Policies Committee (CPPC) have no objection with this proposal. Therefore, staff respectfully recommends that the request be approved.

DESCRIPTION:

As outlined in the 2010 Comprehensive Plan; Policy 11A.1.4 any request to amend either the written text and/or the maps within the Plan shall follow the same process as a text or map amendment as described in the Unified Development Ordinance.

As outlined in the 2010 Comprehensive Plan, Policy 11A.1.1 a Comprehensive Plan and Policies Committee is maintained as an advisory group on proposed amendments to the Comprehensive Plan. The Committee should consider all proposed amendments and provide a recommendation to the Planning Board.

The applicant is requesting approval of an amendment to the 2010 Comprehensive Plan Future Land Use Map. The proposed amendment would change one (1) tract totaling ±5.53 acres Future Land Use Classification from Rural Growth to Mixed Use.

The property is located along the east side of Old Whitfield Road (SR 1726) and Machine Gun Road (private) approximately 1,200 feet to the west of US HWY 17 in the Topsail Township and may be further identified by

Pender County PIN: 4215-23-1857-0000. Old Whitfield Road (SR 1726) is a state-maintained road until the intersection with Oak Grove Drive (private). This is approximately 885 feet south of the subject property.

The adoption of the 2010 Comprehensive Land Use Plan Future Land Use Map placed the subject property into the Rural Growth land use classification.

The Rural Growth Land Use Classification is described in the 2010 Comprehensive Land Use Plan. The Rural Growth land use classification defines those areas of Pender County where urban services, i.e., public water and sewer services, are not expected to be extended within the planning horizon. Rural Growth areas are where preservation of agricultural operations is a primary concern and where conflicts between agricultural and non-agricultural uses are to be discouraged. The property aligns with this Land Use Classification because presently there is no sewer or water service to it. It was likely originally placed in this designation due to the fact there were no plans for such an extension in this area when the plan was developed, and an increased buffer to the Holly Shelter, (although properties further north of the tract are designated Mixed Use with less of a buffer). The area is changing quickly, and due to a new shopping center development approximately 1,100 feet south of the property and a medical office being planned on the 18.5 acre tract north and east of the property, the request for a new designation warrants a close examination. The area is deviating from agricultural tendencies and forming characteristics more appropriate for alignment with the Mixed Use Future Land Use Designation.

The applicant is requesting the Mixed Use Future Land Use Classification. This designation would be consistent with properties that are abutting to the south which are also designated Mixed Use. The property to the east is partially designated Mixed Use and partially designated Rural Growth.

The Mixed Use Land Use Classification is described in the 2010 Comprehensive Land Use Plan as designating 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, and 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. It should be noted that seven of the properties that adjoin the subject parcel are already partially or completely designated Mixed Use. It should also be noted that there is no direct requirement described for water and sewer services in this Land Use Designation category (although the uses do suggest that would be beneficial).

The property does not contain contain FEMA Special Flood Hazard Areas (SFHA) as demonstrated on the effective Flood Insurance Map #3720421500J (FIRM) dated February 16, 2007.

Comprehensive Plans and Policies Committee (CPPC) Comments:

Only one comment was received from this committee. It is included verbatim:

Mike Nadeau: It seems to me that the Rural Growth designation is largely not compatible with the Hampstead area. Obviously, there is not, and has not been, any real agriculture in east Pender (outside timberland). So, there is no "concern" about preserving those uses or preventing conflicts with modern residential growth. And, with water in place and sewer approaching Hampstead from the south and the north, it seems every stated parameter of the Rural Growth objectives are misplaced in east Pender. It seems safe to say that, over

time, almost all tracts in Rural Growth areas here will petition to change to a development friendly designation, if you do not go ahead and make this change in the next Land Use Plan update.

EVALUATION:

- A. **Public Notifications:** Public Notice of the proposal for map change has been advertised in the Pender Post and Topsail Voice. Adjacent property owners have been given written notice of the request, as well as a sign placed on the subject property.
- B. **Existing Zoning in Area:** The existing zoning on the subject parcel is RP, Residential Performance zoning district. Directly adjacent to this property to the north, south and west is zoned RP, Residential Performance zoning district as well. There is an undeveloped 18.5 acre tract of land to the northeast zoned GB, General Business zoning district.
- C. **Existing Land Use in Area:** The parcel is currently undeveloped. There is low density residential to the north, south and west. The parcel to the northeast is undeveloped. Approximately one quarter of a mile down Old Whitfield Road (SR 1726) there is a shopping center with a sporting store and several smaller stores in it.
- D. **2010 Comprehensive Land Use Plan:** The 2010 Comprehensive Land Use Plan classifies the subject property as Rural Growth. It classifies seven parcels to the south and east as Mixed Use and the parcels to the north and west as Rural Growth.

3.3.8 Review Criteria for Rezoning/Comprehensive LUP Map Amendments

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.

RECCOMENDATION:

This proposal consists of changing one (1) tract totaling ±5.53 acres from the Rural Growth Land Use classification to the Mixed Use Land Use classification as shown on the 2010 Comprehensive Plan Future Land Use Map. The Pender County Comprehensive Plans and Policies Committee (CPPC) have no objection with this proposal. The land use trends in this area are no longer of an agricultural nature. Therefore, staff respectfully recommends that the request be approved.

VOTING AND RESOLUTION:

Planning Board

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous: _____

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