

**PLANNING STAFF REPORT
ZONING MAP AMENDMENT**

SUMMARY:

Hearing Date: July 6, 2016 Planning Board
August 15, 2016 Board of Commissioners
Applicant: Stroud Engineering
Property Owner: Jack Stocks
Case Number: ZMA 274-2016

Rezoning Proposal: Stroud Engineering, applicant, on behalf of Jack Stocks, owner, is requesting the approval of a Zoning Map Amendment for approximately 11.18 acres of one (1) tract totaling approximately 162.72 acres from the PD, Planned Development zoning district to the RP, Residential Performance zoning district.

Property Record Number, Acreage, and Location: The portion of the subject property is located on the south and east of Carver Road (SR 1437) approximately 2,880 feet west of the intersection with NC 133 and Carver Road (SR 1437) in the Rocky Point Township and may be further identified by Pender County PIN: 3223-53-8360-0000.

RECOMMENDATION

The application is for a zoning map amendment of one (1) tract totaling approximately 11.18 acres from PD, Planned Development 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 two (2) goals and four (4) policies of the 2010 Comprehensive Land Use Plan and conflicts with none. There are no known conflicts with any adopted plans. The Administrator is recommending approval of this zoning map amendment request.

HISTORY

The property is currently vacant and undeveloped.

DESCRIPTION

Stroud Engineering, applicant, on behalf of Jack Stocks, owner, is requesting approval of a Zoning Map Amendment of the portion of one (1) tract totaling approximately 11.18 acres from the PD, Planned Development zoning district to the RP, Residential Performance zoning district. The portion of the subject property is located on the south and east of Carver Road (SR 1437) approximately 2,880 feet west of the intersection with NC 133 and Carver Road (SR 1437) in the Rocky Point Township

The portion of the property for rezoning composes 11.18 acres to the southwest of the parent parcel of 162.72 acres. A metes and bounds survey has been included. The parcel is currently zoned PD, Planned Development zoning district.

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 exceeds the minimum requirement.

Access

The property has direct access to Carver Road (SR 1437), however there is no improved method of ingress and egress at this point in time. Any improvements are 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. Public sewer is available according to the applicant. It is the policy of Pender County Utilities, however, to utilize sewer for commercial development only. Any final zoning approvals are contingent upon review and approval by Pender County Utilities.

Environmental Concerns

There are no Areas of Environmental Concern (AEC) located on the subject property, nor any regulated Special Flood Hazard Area (SFHA) according to FEMA Flood Insurance Rate Map Number 3720321400J, adopted February 16, 2007. There does not appear be wetlands located on the property.

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 a 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 PD, Planned Development zoning district. The property to the north, east and west is zoned PD, Planned Development District. The balance of the parent parcel will remain PD, Planned Development zoning district. The property to the south is zoned RP, Residential Performance zoning district. The property to the east of the parent parcel is zoned OI, Office and Industrial zoning district.

C) Existing Land Use in Area: The parcel is currently wooded and undeveloped. The land to the north is the undeveloped parent parcel. The property to the west is the Summit Ridge residential subdivision. The property to the east is undeveloped. The property to the south is undeveloped. The property to the southeast is the River Landing residential subdivision.

D) 2010 Comprehensive Land Use Plan: The 2010 Comprehensive Land Use Plan designates the subject parcel as Office/Institutional/Commercial. The Office/Institutional/Commercial land use classification identifies those areas of Pender County at key locations, typically along major highways and at major intersections. The purpose of the OIC land use classification is to encourage more efficient and attractive development, integration of commercial uses with other land uses, and to discourage unsightly and inefficient strip commercial development. OIC areas should be planned to accommodate a range of land uses including small and large scale commercial uses possibly transitioning to office/institutional uses or higher density residential uses that would buffer and transition to surrounding lower density residential areas. These areas should be served by both public water and sewer.

There are no identified inconsistencies with the RP, Residential Performance zoning district and the Office/Industrial/Commercial Future Land Use designation regarding the subject parcel. The rezoning is consistent with the current zoning and land use of the properties to the south and south east of the subject parcel. The rezoning is consistent with the current land use to the west of the subject parcel.

This General Use Rezoning is consistent with four (4) goals 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 support the proposed General Use 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.1.1 Encourage development in and around municipal corporate limits and other developed areas within the County to yield a more compact pattern of development that will reduce suburban/rural; sprawl.

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

Rocky Point Goal 4B.1

The primary goal of the Rocky Point Small Area Plan is to accommodate higher density mixed use growth in and around the I-40 / US 117 and NC 210 intersections. Coordinating future growth with already planned projects within the area will be of prime importance. Large scale developments should expect to be supported by public utilities and closely evaluated through coordinated development plan review. Commercial, office and mixed used infill is expected to occur along the major highway corridors, particularly close to major intersections

Policy 4B.1.4 New development within the small area should be compatible with existing residential uses

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:

- 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.

RECOMMENDATION

The application is for a zoning map amendment of one (1) tract totaling approximately 11.18 acres from PD, Planned Development 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 four (4) goals and two (2) policies in the 2010 Comprehensive Land Use Plan. The request does not conflict with any existing policies, land uses, or zoning classifications. Therefore, the Administrator respectfully recommends the approval of the general use rezoning request.

BOARD ACTION FOR CONTIDTIONAL REZONING REQUEST

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous: _____

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