

PLANNING STAFF REPORT
Conditional Zoning Map Amendment

SUMMARY:

Hearing Date: August 2, 2016 Planning Board
September 19, 2016 BOCC
Applicant: DRC Hampstead, LLC
Property Owner: Jesse F. Lea SR et al
Case Number: CZMA 305-2016

Rezoning Proposal: DRC Hampstead, LLC., applicant, on behalf of Jesse F. Lea SR et al, owner, is requesting approval of a Conditional Zoning Map Amendment for three (3) tracts totaling approximately 78.39 acres from RP, Residential Performance zoning district to RM-CD 2, Residential Mixed conditional zoning district 2. The request is to allow the following NAICS uses only: conventional single family detached homes, multifamily and associated neighborhood amenities in a proposed residential mixed use development known as Sparrows Bend. The project proposal consists of 135 conventional single family detached homes and 264 multifamily units.

Property Record Numbers, Acreage, and Location: The subject properties are located to the west of US HWY 17 and along the east side of Hoover Road (SR 1569). The subject properties are in the Topsail Township and may be further identified by Pender County PINs 3293-01-5693-0000, 3293-11-0659-0000 and 3293-01-9640-0000.

RECOMMENDATION

The application consists of a conditional rezoning of three (3) tracts totaling approximately 78.39 acres from RP, Residential Performance zoning district to RM-CD 2, Residential Mixed conditional zoning district. As submitted, the request does not meet all criteria set forth in Section 3.4.4 Review Criteria for Rezoning of the Pender County Unified Development Ordinance. Specifically, Section 3.4.4 (A) (1) that requires consideration of the plan's consistency to all adopted land use plans and the Unified Development Ordinance. The project potentially conflicts with two (2) adopted plans. The application may be considered inconsistent with the Pender County Collector Street Plan Appendix A, Maps 9 and 10 and also the US 17/NC 210 Highway Corridor Study Appendix C Map 1, as the plans do not provide a collector road to traverse north on the subject property as is identified in these documents. Planning staff has met with the applicant to identify these inconsistencies and is unable to vary from the standards of the ordinance.

The application is supported by one (1) goal and eight (8) policies of the 2010 Pender County Comprehensive Land Use Plan. The project is potentially in conflict with one (1) policy of the 2010 Pender County Comprehensive Land Use Plan.

HISTORY

The property is currently undeveloped except for a dirt access way that has been recently cleared. Noteworthy, there are two parcels existing as an island within the parcel proposed for development. Pender County PIN 3293-11-0659-0000 is approximately 0.35 acres and Pender County PIN 3293-01-9640-0000 is approximately 1.26 acres and are currently listed on Pender County GIS as a former septic easement for the commercial development known as the Bailey Shoppes, located to the southeast. These parcels are included in the acreage for development on the proposed project.

DESCRIPTION

This application consists of a conditional rezoning of three (3) tracts totaling approximately 78.39 acres from RP, Residential Performance zoning district to RM-CD 2, Residential Mixed conditional zoning district 2. The density proposed on the entire tract is eight (8) units per acre.

Proposed Uses

The proposed uses within the RM-CD 2, Residential Mixed conditional zoning district 2 are only to include; single family dwelling conventional detached (NAICS 236117), multifamily housing (NAICS 236116) and other typical neighborhood amenities or project infrastructure as described in the Applicant's narrative and demonstrated on the Applicant's site plan. All other uses will be prohibited unless an alteration is made to the approval. Any changes to the requested petition shall be processed in accordance with amendments to the zoning map and in accordance with Section 3.4 of the Pender County Unified Development Ordinance.

It is the Applicant's intention to develop the site for a single family residential subdivision and a multifamily housing complex. There are 135 proposed residential units on single family lots and 264 multifamily units in 12 (twelve) apartment buildings on the subject parcel. The multifamily units will range between 1 (one) and 3 (three) bedrooms according to the Applicant.

Proposed Lot Sizes

According to the submitted site plan; the minimum lot size proposed is 6,000 sq. ft. and the maximum lot size proposed is 12,000 sq. ft. As proposed, the maximum height of the single family units is requested at 35 feet. The maximum height of the multifamily buildings is requested at 45-feet according to the Applicant, consistent with RM, Residential Mixed regulations. Setbacks of this conditional rezoning are proposed below:

	Residential Mixed (RM) Proposed Setbacks (in feet)	Residential Performance (RP) Existing Zoning District Setbacks (in feet)
Front Yard	5	30
Side Yard	5	10
Corner Yard	5	15
Rear Yard	10	25
Chord Length	40	30

Services (Wastewater/Water)

The Applicant is proposing a public water connection to Pender County Utilities and all review and approvals for the public water service are per Pender County Utilities Department. As indicated at the Technical Review Committee meeting on July 6, a water main connection between Hoover Road and the existing 8-inch water main at the Bailey Shoppes will be required. A letter to confirm capacity to serve has been provided by Pender County Utilities and is included as Attachment 7 in this application.

An intent to service letter was provided by the applicant on behalf of Pluris Hampstead LLC to service the entire project (Attachment 5). The Applicant shall work directly with Pluris Hampstead LLC. and Pender County for wastewater approval for service to each phase of the development prior to final approval.

Density

The proposed density is 8.0 units per acre. The RM, Residential Mixed zoning district allowable density is calculated similar to the PD, Planned Development zoning district. Section 4.8.1.C (1) of the Pender County Unified Development Ordinance is the section that defines the standards for the density calculation and allows a density of 5 units per acre. This project is requesting a density bonus above the typically allowable 5 units per acre in accordance with Section 4.8.1C. (2) under environmentally sensitive design. This section states that an effort to encourage quality urban design and environmentally sensitive development, an increase in density may be allowed by the Planning Board when such an increase can be justified by superior design or the provision of additional amenities such as public and/or private open space. The Applicant's intent is to utilize Low Impact Design (LID) measures to the greatest extent possible and to preserve mature existing vegetation, according to the submitted site plan and their narrative. The Planning Board will make a determination on whether the density is appropriate for the design provided.

DENSITY CALCULATIONS	
Total Apartment Units: 264	
Total Single Family Units: 135	
Grand Total Units: 399	
Total Acreage	78.39
Total Non-Residential Acreage (ROW, parking, sidewalks)	9.94
Total Wetlands Acreage (11.65) – Total Passive Open Space (5.45)	6.20
Total Open Space (.03 acres/unit)	12.42
Active Open Space	6.97
Passive Open Space	5.45
Total Developable Land Acreage	49.83
Maximum Allowable Density Units/Acre (max. 5du/ac allowed)	249.15
Total Proposed Density Units/Acre using 399 units	8.0

Open Space

All new residential subdivisions shall provide open space in the amount of 0.03 acres per dwelling unit within the subdivision. The Applicant is required to provide 11.97 acres of open space with at least 5.985 acres of active open space. Active open space is defined as areas such as a park for village commons providing space for outdoor recreation activities according to Section 7.6.1.B. of the Pender County Unified Development Ordinance. The Applicant has provided 12.42 acres, with 6.97 acres as active open space, sufficiently meeting Open Space requirements for the proposed development.

Buffers

The buffers provided are consistent with the buffer requirements in the Pender County Unified Development Ordinance Section 8.2.8, Project Boundary Buffer. The south project border is proposed to be a B-3 Buffer. The north project border is proposed to be a B-4 Vegetative Buffer. The east project border is proposed to be a C-4 Buffer. The western project border is proposed to be a B-4 Vegetative Buffer, as well as undisturbed project area.

Recreational Units

All developments containing thirty-four (34) units or more are required to provide recreational units per Section 7.6.2 of the Pender County Unified Development Ordinance. With 399 units proposed the applicant is required to provide 4 (four) recreational units, which equates to \$40,000. This can be installed on the property, approved in conjunction with the Parks and Recreation Master Development Plan or a payment in lieu of dedication can be made as the Board deems appropriate. The Applicant intends to develop the recreation facilities within the subject property. The Parks and Recreation Supervisor stated in her TRC report that a playground should be installed for children ages 2-12 (See Attachment 8). The Applicant has agreed to provide this amenity as requested. Recreation amenity estimates are provided in Attachment 10.

Roadways

The Applicant is proposing public roadways in the single family detached dwelling area of this conditional rezoning request and private driveways and parking lots in the multifamily portion of the conditional rezoning request.

The plan as presented provides a required collector roadway arranged to the east/west (Road A), but fails to demonstrate the installation of a required collector roadway going north/south. An adjustment to this requirement cannot be made administratively or through the conditional rezoning or Master Development Plan process. The required collector roadways are demonstrated in Figure 1.

Figure 1:



According to Section 7.5.1 of the Pender County Unified Development Ordinance the layout of streets as to arrangement, width, grade, character and location shall conform to the Pender County Collector Street Plan or any other approved Transportation Improvement Plan. This roadway is demonstrated in the Pender County Collector Street Plan in Appendix A, Maps 9 and 10, Proposed Collector Street Alignments. It is also demonstrated in Appendix C, Map One "Illustrations Showing Preferred Access Plan" of the 2012 US 17/NC 210 Corridor Study.

In the March 2012 US 17/NC 210 Corridor Study, Section 8 Policy Recommendations, Section 8.2 states, "a future collector street is planned just north of Hampstead United Methodist Church. The street could serve one parcel, in which case it would intersect US 17 with a right-in/right-out only configuration. The collector street could however be extended by private property owners to serve multiple parcels; by doing so, sufficient traffic volume may be served such that a traffic signal on US 17 or a superstreet type median opening may be warranted. If approved by NCDOT, then the collector street, median opening and/or traffic signal would be funded by private sources" (Attachment 11).

The following options could bring the proposed project into compliance:

1. Amend the Conditional Rezoning Request to provide the appropriate north-south collector road
2. Amend the Pender County Collector Street Plan
3. Seek a variance from the requirement from the Board of Adjustment

These options were presented to the applicant at two separate meetings that took place on this development on June 15, 2016 and June 27, 2016. At the present time, no alternatives have been presented.

Ingress and Egress Opportunities

The Applicant has provided evidence of legal rights for ingress and egress from US Hwy 17. Presently there is a full-movement intersection in this location. Plans have been proposed as a part of the NCDOT Highway 17 Median Project (TIP Project U5732) to alter the intersection, however at this time the intent is to leave it as a fully functioning interstation. This project is located within the U-5732 project bounds. Any full access or signal requests are reviewed and approved through NCDOT.

Road A will intersect with Hoover Road and provide ingress and egress opportunities to the development as well.

Roads

There are six (6) roads proposed as a part of the Sparrows Bend project. They have not been given formal names at this point in time and are referred to as Roads A-F. Road A connects Highway 17 with Hoover Road and is proposed as a 60' public right of way and the notes indicate there will be sidewalks on both sides, demonstrating compliance with the Pender County Collector Street Plan. The remaining roads are proposed as 50-foot public right of ways and the plans indicate there will be dual sidewalks. Road cross section compliance is demonstrated on the site plan provided. The Addressing Coordinator has requested that road names be submitted at the earliest opportunity. The proposed cul de sac has a radius of 40-feet. This is in compliance with Section 7.5 and has been approved by the Fire Marshal.

ROAD NAME & DIRECTION	DESCRIPTION
Road A (generally east-west)	60' Public ROW with dual sidewalks with 24' pavement
Road B (connects A & C)	50' Public ROW with dual sidewalks with 24' pavement
Road C (generally north-south)	50' Public ROW with dual sidewalks with 24' pavement
Road D (south of road A, generally east-west)	50' Public ROW with dual sidewalks with 24' pavement
Road E (connects F & A, generally north-south)	50' Public ROW with dual sidewalks with 24' pavement
Road F (connects B & C & intersects E, generally north-west)	50' Public ROW with dual sidewalks with 24' pavement
Apartment Road	Traffic will be two-way, 24' wide and require a street name

For road cross section requirements, refer to Section 5, Design Requirements, of the Pender County Collector Street Plan. They have been included as Attachment 13.

Traffic

Traffic Impact Analysis

According to Section 6.1.4 (A) 16 of the Pender County Unified Development Ordinance, any Master Development Plan proposal in a mixed use district that proposes to generate more than 100 trips during the peak morning or evening hours, or 1,000 trips per day requires a Traffic Impact Analysis. Trip estimates must be based on the latest version of the Institute of Transportation Engineers Trip Generation Manual per Section 6.1.4 (A) 14. A Traffic Impact Analysis has been initiated and the traffic impact has been scoped by the WMPO and is included as Attachment Three (3). A full draft of the Traffic Impact Analysis has been provided as Attachment 12.

Environmental Concerns

The subject parcels, of ±78.39 acres does contain portions of environmentally sensitive areas including wetlands and floodplains.

Wetlands

There are wetlands located throughout the property. These areas have been delineated and a Notification of Jurisdictional Determination has been provided (Attachment Four). Any development within these areas may be subject to the permit requirements of Section 404 of the Clean Water Act.

Flood

A portion of the subject property is within designated Flood Zone X according to the 2007 Flood Insurance Rate Maps (FIRMs), Map Number 3720329200J, Panel Number 3292. The Shaded X zone is a moderate risk area with 0.2% annual chance floodplain where the average flooding depths are less than one (1) foot. The preliminary FIRMs released last year show a portion of this property to be located in an A Flood Zone. This area is proposed for stormwater retention on the site plan. Any development within the Special Flood Hazard Area would be required to comply with the Pender County Flood Damage Prevention Ordinance.

CAMA

After a preliminary analysis, it appears there are no CAMA Areas of Environmental Concern located on the project site.

Public Input Meeting

On July 12, 2016 the Applicant held a Community Meeting at the Hampstead Annex Auditorium from 4:00 PM until 5:30 PM in accordance with Section 3.4.3 of the Pender County Unified Development Ordinance. Approximately 13 citizens were present at the meeting; the roster can be found in Attachment 6. A report of the community meeting can be found in Attachment 9. Concerns raised at this community meeting include but were not limited to:

1. Adequate buffers between existing uses and the proposed project are necessary (fence or berm suggested)
2. Motorists are traveling too fast on Hoover Road (SR 1569). This may be exacerbated with a new development.
3. There is an existing drainage problem around the Kingsport residential subdivision.
4. Peak traffic hour congestion is present at the Hoover Road (SR 1569) and US HWY 17 intersection.
5. Multi-family housing may decrease single family home values.

Following the Community Meeting, the Director of Planning and Community Development contacted the NCDOT regarding the perceived speeding on Hoover Road (SR 1569). He requested information on a previously completed study that considered lowering the speed limit from 45 miles per hour to 35 miles per hour. Staff also contacted the DEQ regarding any stormwater permitting or maintenance requirements on the Kingsport residential subdivision. No follow-up has been provided at this time.

Technical Review Committee

On July 6, 2016 the Pender County Technical Review Committee reviewed the Applicant’s submittal; the responses were collected as Attachment 8.

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 subject property is located on the north side of US HWY 17 and is currently zoned RP, Residential Performance zoning district. The seven (7) properties to the south of this parcel are zoned GB, General Business. The property located to the southwest is zoned OI, Office and Industrial zoning district. All other surrounding properties to the north, east and west are zoned RP, Residential Performance zoning district.
- C) Existing Land Use in Area:** The subject property is located to the north of a shopping center. There is a gas station located to the south of the property as well. The property to the north and the east is undeveloped. The Hampstead United Methodist Church is located to the southwest. The Kingsport residential subdivision is located to the north. Low density residential and vacant land surrounds the remainder of the project.
- D) 2010 Comprehensive Land Use Plan Compliance:** 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, unincorporated areas of the County, i.e., Hampstead/Scotts Hill, Rocky Point, and portions of US 421 South. Suburban Growth designates areas where public water and public sewer are available or are planned in the near future. The project request is consistent with this description, as there is both public sewer and water available.

The following goals and policies within this plan which may support the rezoning request:

Growth Management Goal 1.A.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 should develop and utilize innovative and flexible land planning techniques that encourage developments to efficiently use land resources that result in more compact urban areas, infill development, redevelopment, and the adaptive re-use of existing buildings.

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.

Policy 1A.1.6 Use conditional zoning process to enable developers to contribute to addressing the impact of developments on capital facilities and other resources; incorporate regulations into new Unified Development Ordinance to enable a small project to address specific impacts to an existing adjacent community.

Emergency Services Policy 2E.1.2 Ensure that streets and parking lots within new developments are designed and constructed to accommodate the turning radius and load bearing requirements for emergency services vehicles and equipment.

Preferred Development Patterns Policy 3A.1.3 Support the inclusion in the UDO of conditional zoning which provides more flexibility for the land owner/developer and the County to mutually agree upon specific development conditions and requirements. (Conditional zoning is a method that incorporates all the site-specific standards directly into the zoning district regulation and then applies that zoning district only to the property that is the subject of the rezoning petition.

Coastal Pender Small Area Plan Policy 4A1.2 Establish flexible development regulations which encourage a variety of mixed use infill and re-development along the US HWY 17 corridor.

The following policy in the 2010 Comprehensive Land Use Plan potentially conflicts with the proposal:

Policy 2B.1.7 Ensure that the Coastal Pender Collector Street Plan, adopted on May 21, 2007, is used consistently when reviewing new development proposals within the Hampstead and Scotts Hill areas of the County. Consider applying Plan recommendations for roadway connectivity to all new developments countywide.

E) Unified Development Ordinance Compliance: Article 3.3.8 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board before a favorable recommendation of approval for rezoning can be made.

3.4.4 Review Criteria for Rezoning

- A. When evaluating an application for the creation of a conditional zoning district, the Planning Board and Board of Commissioners shall consider the following:
- 1) The application's consistency to the general policies and objectives all adopted Land Use Plans and Unified Development Ordinance.
 - 2) The potential impacts and/or benefits on the surrounding area, adjoining properties.
 - 3) The report of results from the public input meeting.

F) Conditions for Approval of Petition

Section 3.4.5 Conditions of Approval of Petition gives the Pender County Planning Board the ability to add reasonable and appropriate conditions. Potential additions include:

1. Insertion on North/South Collector Road or legally acceptable alternative.
2. Specific approval of density bonus, not to exceed 8 units per acre.
3. Additional buffers along the western property bounds.

RECOMMENDATION

The application consists of a conditional rezoning of three (3) tracts totaling approximately 78.39 acres from RP, Residential Performance zoning district to RM-CD 2, Residential Mixed conditional zoning district 2. As submitted, the request may not meet all criteria set forth in Section 3.4.4 Review Criteria for Rezoning of the Pender County Unified Development Ordinance. Specifically, Section 3.4.4 (A) (1) that requires consideration of the plan’s consistency to all adopted land use plans and the Unified Development Ordinance. The project potentially conflicts with two (2) adopted plans. The application may be considered inconsistent with the Pender County Collector Street Plan Appendix A, Maps 9 and 10 and also the US 17/NC 210 Highway Corridor Study Appendix C Map 1, as the plans do not provide a collector road to head north on the subject property as is identified in these documents. The project is supported by the 2010 Comprehensive Land Use Plan, as it is consistent with one (1) goal and eight (8) policies of the 2010 Pender County Comprehensive Land Use Plan. The project potentially conflicts with one (1) policy.

Section 3.4.4 (A) (1) requires consideration of the plan’s consistency to all adopted land use plans and the Unified Development Ordinance. Section 7.5.1 of the Pender County Unified Development Ordinance requires that the layout of streets as to arrangement, width, grade, character and location shall conform to the Pender County Collector Street Plan or any other approved Transportation Improvement Plan. This is a potential conflict to consider in the evaluation of the Sparrows Bend Conditional Rezoning request.

BOARD ACTION FOR REZONING REQUEST

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous: _____

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

Attachments:

- 1. Wetlands Location Map (1 page)**
- 2. Southern Environmental Evaluation (2 pages)**
- 3. WMPO Scoping for TIA (5 pages)**
- 4. US Army Corps Jurisdictional Determination (5 pages)**
- 5. Utilities Commission Pluris Letter (2 pages)**
- 6. Community Meeting Attendance (1 page)**
- 7. PCU Water Availability Letter (1 page)**
- 8. TRC Attendance Form and Comments (12 pages)**
- 9. Report from Community Meeting (2 pages)**
- 10. Recreation Estimates (1 page)**
- 11. US 17/NC 210 Corridor Study Excerpt (1 page)**
- 12. Draft Traffic Impact Analysis for Lea Tract (42 pages)**
- 13. Street Cross Sections (2 pages)**