

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: September 7, 2016 Planning Board
 October 17, 2016 Board of Commissioners
Case Number: ZMA FLUMA 323-2016
Applicant: Creative Commercial Properties
Property Owner: P.H. LANCO, Inc.

Map Amendment Proposal: Creative Commercial Properties, applicant, on behalf of P.H. LANCO, Inc. owner, is requesting approval of an amendment to the 2010 Pender County Comprehensive Plan Future Land Use Map for one (1) tract totaling approximately 8.42 acres from Rural Growth to Mixed Use future land use designation.

Property Record Numbers, Acreage, and Location: The subject property is located along the west side of US HWY 17 and to the south of Pinnacle Parkway (private), directly northwest of the US HWY 17 intersection with Champion Drive (private) in the Topsail Township and may be further identified by Pender County PIN: 4204-65-5211-0000.

Comprehensive Plans and Policies Committee (CPPC) Consensus: The Pender County CPPC was e-mailed for comments on this proposal on July 18, 2016. No comments were received on the proposal.

RECOMMENDATION:

This proposal consists of changing one (1) tract totaling ±8.42 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 near the border of Future Land Use designations where Rural Growth abuts Mixed Use. The majority of the parcels to the east are classified Mixed Use, which is in line with the development patterns being realized in this area due to the availability of water, sewer and highway access. The parcel directly to the north is also designated Rural Growth, however it is zoned PD, Planned Development zoning district and has an approved Major Site Plan for a retail use issued on January 20, 2016. Due to availability of water, sewer and the proximity to business uses, Staff respectfully recommends that the request for Mixed Use land use classification be approved.

PROJECT HISTORY: This parcel is recorded in Map Book 633, Page 186. The parcel is a result from a subdivision north of it called The Pinnacle. Proof of legal access to Pinnacle Parkway has been included as attachment one.

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. 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 ±8.42 acres Future Land Use Classification from Rural Growth to Mixed Use.

The subject property is located along the west side of US HWY 17 and to the south of Pinnacle Parkway (private), directly northwest of the US HWY 17 intersection with Champion Drive (private) in the Topsail Township. There is direct access to the property off of US HWY 17 and Pinnacle Parkway (private).

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, as 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 applicant asserts that the property no longer aligns with the Rural Growth Land Use Classification because there is now access to sewer and water and the development trends in this area are no longer agricultural in nature. It was likely assigned this designation due to the fact there were no plans for such an extension in this area when the plan was drafted and subsequently adopted, as well as the proximity to conservation areas (Holly Shelter Game Lands).

The landscape of the US HWY 17 corridor is changing rapidly. In January of 2016, a Master Development Plan was approved to construct a Dollar General directly north of the subject property, making the request for a new designation warrant 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 to the east across US HWY 17 and to the development directly to the north across Pinnacle Parkway (private).

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.

A portion of this property does appear to be in the A Flood Zone as demonstrated on the effective Flood Insurance Map #3720421500J (FIRM) dated February 16, 2007. In preliminary flood maps released last year, the parcel appears to be in both A and AE flood zones.

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 PD, Planned Development zoning district. All parcels adjacent to this property are also zoned PD, Planned Development zoning district, with the exception of one parcel to the east across HWY 17 zoned O&I, Office and Institutional zoning district.

- C. **Existing Land Use in Area:** The parcel is currently undeveloped. There is a Dollar General retail store to the north. The property to the southwest is wooded and undeveloped. The property to the northeast is the Pinnacle Ridge residential subdivision. The property to the south is owned by J.L. Anderson Construction.
- D. **2010 Comprehensive Land Use Plan:** The 2010 Comprehensive Land Use Plan classifies the subject property as Rural Growth. It classifies all adjacent parcels to the north and west Rural Growth as well. Parcels to the south are split between Mixed Use and 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 ±8.42 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, and the property has access to HWY 17 and to water and sewer utilities, which is consistent with the Mixed Use land use classification. 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: ___

