PLANNING STAFF REPORT
Conditional Zoning Map Amendment

SUMMARY:

Hearing Date:	August 2, 2016 Planning Board (1st hearing) September 7, 2016 (2nd hearing) October 4, 2016 (3rd hearing) November 21, 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 137 conventional single family detached homes and 228 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 appears to meet all criteria set forth in Section 3.4.4 Review Criteria for Rezoning of the Pender County Unified Development Ordinance. The application is supported by one (1) goal and eight (8) policies of the 2010 Pender County Comprehensive Land Use Plan and conflicts with none. The application supports the Pender County Collector Street Plan. The Administrator respectfully recommends approval of this Conditional Use Rezoning request.

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.

The Planning Board reviewed a different version of this plan on August 2, 2016. The review of the project was tabled at the August meeting due to several concerns. Specific concerns that were cited were that the density bonus being requested exceeded 50% of allowable density, and that a collector street represented on the Pender County Collector Street Plan was not included in the project design. The Applicant has submitted a revised plan that addresses both of these concerns.

The first version of the plan had a density of 8 units per acre and featured 135 single family homes and 264 apartment units in 12 buildings. The new version of the plan has density of 7.1 units per acre and features 137 single family homes and 228 apartment units in 10 buildings. The new plan also features specific areas where exceptional design will be utilized, as was requested at the August 2, 2016 Planning Board meeting. These areas have been incorporated into the plan, which if approved will serve as a binding contract with the developer.

The earlier version of the plan did not include a collector road parallel to US HWY 17, and therefore was not compliant with Section 7.5.1 of the Pender County Unified Development Ordinance, which 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. Road C on the plan has been upgraded to a collector street, featuring shared driveways, and eliminating individual lot access and stubbing out on the north end for a future connection.

The Planning Board reviewed this plan a second time at their meeting on September 7, 2016. After a public hearing, Planning Board member Nalee made a motion to deny the plan. There was no second to the motion, therefore the motion died. The County attorney requested that the Planning Board table the issue if they were not going to make a motion and vote, and the Chairman tabled the issue.

The Planning Board will be reviewing this project for the third time on October 4, 2016. The Pender County Unified Development Ordinance, Section 3.4 describes the procedures for a Conditional Rezoning, and indicates that rezoning standards are followed. Section 3.3.6 D states that if the Planning Board fails to make a recommendation within 75 days following the date of the first hearing, the County Commissioners may process the request without a recommendation. The first public hearing on this project took place on August 2. After October 15, this project is eligible to be heard without a recommendation from the Planning Board.

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 7.1 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 137 proposed residential units on single family lots and 228 multifamily units in 10 (ten) 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 (SR 1569) 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 the private wastewater provider 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 7.1 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 five (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. Exceptional design locations have been identified on the site plan. The Planning Board will make a determination on whether the density is appropriate for the design provided.

The Applicant has listed on the site plan types of exceptional design that may be included in this development. These include bio-retention systems/rain gardens, the use of permeable pavement, water harvesting systems, swales and infiltration basins. These activities are all supported in the NC State Low Impact Development Guidebook.

DENSITY CALCULATIONS	
Total Apartment Units: 228 Total Single Family Units: 137 Grand Total Units: **365**	
Total Acreage	**78.39**
Total Non-Residential Acreage (ROW,parking,sidewalks)	**10.14**
Total Wetlands Acreage (11.65) –Total Passive Open Space (5.45)	**5.59**
Total Open Space (.03 acres/unit)	**10.95**
Active Open Space	6.43
Passive Open Space	6.06
Total Developable Land Acreage	**51.53**
Maximum Allowable Density Units/Acre (max. 5du/ac allowed	**257.66**
Total Proposed Density Units/Acre using 399 units	**7.1**

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 10.95 acres, with 6.43 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.

The applicant has initiated a property transfer with property owners that abut Old Marsh Road (private). Although not finalized, the density calculations were performed without the acreage proposed to be involved in this transfer. The purpose of this transfer is to give the property owners the land they have historically utilized for access to their properties, which currently belongs to the Applicant. Additionally, there is still a 10-foot buffer with a fence proposed in this 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 365 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, and has demonstrated it on the site plan. 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 two required collector roads. One collector road is demonstrated going east/west (Road A), and one is demonstrated going north/south (Road C). 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. Compliance with these requirements is fulfilled by Roads A and C.

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 (SR 1569) 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 US HWY 17 with Hoover Road (SR 1569) 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. Road C will also be constructed as a 60' public right of way with dual sidewalks, demonstrating compliance with the Pender County Collector Street Plan. The remaining roads are proposed as 50-foot public right of ways. 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 – COLLECTOR (generally east-west)	60' Public ROW with dual sidewalks with 24' pavement
Road B (connects A & C)	50' Public ROW with sidewalk with 24' pavement
Road C – COLLECTOR (generally north-south)	60' Public ROW with dual sidewalks with 24' pavement
Road D (south of road A, generally east-west)	50' Public ROW with sidewalk with 24' pavement
Road E (connects F & A, generally north-south)	50' Public ROW with sidewalk with 24' pavement
Road F (connects B & C & intersects E, generally north-west)	50' Public ROW with sidewalk 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. The roads as proposed appear to be compliant with the Pender County Collector Street Plan.

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. It is notable that the project includes 34 less units than originally were proposed.

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. A written response was provided stating that the conditions observed in the area did not warrant a reduction in speed.

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.

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 conditions include:

1. Specific approval of density bonus, not to exceed 8 units per acre.
2. Finalization of property exchange along Old Marsh Road.
3. Installation of 10-foot fence on western property boundary.

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 appears to meet all criteria set forth in Section 3.4.4 Review Criteria for Rezoning of the Pender County Unified Development Ordinance. 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 plan application supports the Pender County Collector Street Plan. The Administrator respectfully recommends approval of this Conditional Rezoning.

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)**