

**PLANNING STAFF REPORT
ZONING MAP AMENDMENT**

SUMMARY:

Hearing Date: October 4, 2016, Planning Board
November 21, 2016, Board of Commissioners

Applicant: Bill Clark Homes

Property Owner: LaBrenda Hurst Haynes, et al

Case Number: ZMA 363-2016

Rezoning Proposal: Bill Clark Homes, applicant, on behalf of LaBrenda Hurst Haynes et al, owner, is requesting approval of a Zoning Map Amendment for a portion of 4.03 acres of one (1) tract totaling approximately 7.36 acres from the GB, General Business zoning district to the RP, Residential Performance zoning district.

Property Record Number, Acreage, and Location: The subject property is located in the Topsail Township west of US HWY 17, approximately 920 feet north of the intersection of US HWY 17 and William's Store Road (SR 1568) and may be further identified by Pender County PIN: 3293-43-3901-0000.

RECOMMENDATION

The application is for a zoning map amendment for 4.03 acres of one (1) tract totaling approximately 7.36 acres from GB, General Business zoning district to RP, Residential Performance zoning district. As submitted, the request complies with the criteria set forth in Section 3.3 Review Criteria for Rezoning of the Pender County Unified Development Ordinance. This request is consistent with one (1) goal and five (5) policies of the 2010 Comprehensive Land Use Plan and conflicts with none, therefore the Administrator is respectfully recommending the approval of this rezoning request.

HISTORY

The parcel is currently wooded and undeveloped.

DESCRIPTION

Bill Clark Homes, applicant, on behalf of LaBrenda Hurst Haynes et al, owner, is requesting approval of a Zoning Map Amendment for 4.03 acres of one (1) tract totaling approximately 7.36 acres from the GB, General Business zoning district to the RP, Residential Performance zoning district. The subject property is located on US HWY 17, approximately 920 feet north of William's Store Road (SR 1568) and may be further identified by Pender County PIN: 3293-43-3901-0000. The property is located in the Topsail Township.

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, however note 3 in the same section states that if a parcel adjoins an established zoning district that is identical to the district that is applying for a rezoning then it is exempt from meeting the minimum area requirements for rezoning into that district. The definition of "adjacent or adjoining lot or land" in Appendix A, Definitions of the UDO defines this as a lot or parcel of land which shares all or part of a common lot line with another lot or parcel or land which is immediately across a street or road from said parcel or lot. The five parcels adjacent to the north and east of this property are currently zoned RP, Residential Performance zoning district, therefore qualifying this property to be eligible for rezoning.

The Applicant asserts that the northern portion of this tract is better suited for residential development than the southern portion of the tract. There is no rezoning proposal for the 3.33 acres of the lot that are currently fronting US HWY 17 and zoned GB, General Business zoning district, therefore there would be little impact to the commercial corridor.

Access

The property has direct access to US HWY 17, 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 along US HWY 17. No plans for wastewater have been submitted at this time. Any final zoning approvals are contingent upon review and approval by Pender County Utilities and appropriate state agencies. Private wastewater does run parallel to US HWY 17 at this location, however an intent to serve notification has not been provided.

Environmental Concerns

There are no Areas of Environmental Concern (AEC) located on the property, nor any regulated Special Flood Hazard Area (SFHA) according to FEMA Flood Insurance Rate Map Number 3720321400J, adopted February 16, 2007. There may be wetlands 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 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 GB, General Business zoning district. The properties to the north and east are zoned RP, Residential Performance zoning district. The property directly to the east is zoned GB, General Business. The property to the south is zoned O&I, Office and Institutional. There are two (2) properties to the northeast of this parcel that appear on the map to have split zoning designations between GB, General Business zoning district and RP, Residential Performance zoning district, although it appears the intent was for the zoning to be RP, Residential Performance zoning district.

C) Existing Land Use in Area: The parcel is currently wooded and undeveloped.

D) 2010 Comprehensive Land Use Plan: The 2010 Comprehensive Land Use Plan designates the subject property as Mixed Use. The Mixed Use land use classification designates 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. Mixed Use areas are intended to reduce the number and length of auto trips by placing higher-density housing close to shopping and employment center. They also should function to improve the quality of life for residents living in higher density housing by placing daily conveniences, shops, and employment within walking distance. The GB, General Business zoning district is consistent with the Mixed Use future land use categorization.

This General Use Rezoning is consistent with one (1) goal and five (5) 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 Conditional 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.1.3 The County shall actively direct growth towards suitable land areas and away from fragile natural resources areas, conservation areas, and hazardous areas.

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.

Policy 3A.1.2 To the extent possible, incorporate more flexible zoning categories that establish performance standards and do not exclude uses as much as encourage compatible co-location of uses to encourage sustainable land use patterns. Neo-traditional or traditional neighborhood planning standards should provide for a compatible mix of uses to encourage more livable communities.

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 consists of a zoning map amendment request for 4.03 acres of one (1) tract totaling approximately 7.36 acres from the GB, General Business zoning district to the RP, Residential Performance zoning district. As submitted, the request complies with the criteria set forth in Section 3.3.8 of the Pender County Unified Development Ordinance and is consistent with one (1) goal and five (5) policies in the 2010 Comprehensive Land Use Plan. Therefore, the Administrator respectfully recommends the approval of the rezoning request as described in this report.

BOARD ACTION FOR CONTIDTIONAL REZONING REQUEST

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous: _____

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