



## REQUEST FOR BOARD ACTION

ITEM NO. 19.

**DATE OF MEETING:** October 18, 2010

**REQUESTED BY:** Kyle Breuer, Director, Department of Planning and Community Development

**SHORT TITLE:** Public Hearing and Resolution Requesting Approval of a Zoning Map Amendment

**BACKGROUND:** On May 11, 2010, the Town of Burgaw Board of Commissioners voted to adopt a new Extraterritorial Planning Jurisdiction (ETJ) which became effective July 13, 2010. As a result of this change, properties that had previously fallen under the Town of Burgaw's planning and zoning jurisdiction have been relinquished and will be entirely zoned under the planning and zoning jurisdiction of Pender County. Due to this change, 19 parcels will require Pender County zoning district classifications.

**SPECIFIC ACTION REQUESTED:** To hold a public hearing and consider the request to zone 19 parcels and approximately 540 acres to RA, Rural Agricultural District, and RP, Residential Performance District.

**PLANNING STAFF REPORT**  
**Zoning Map Amendment 10-10-18-02**

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**SUMMARY:**

**Hearing Date:** September 7, 2010 – Planning Board  
October 18, 2010 – Board of County Commissioners

**Application Number:** ZMA 10-10-18-02 Pender County

**Applicant:** Administrator, Division of Planning

**Property Owners:** Multiple

**Zoning Proposal:** Request to zone properties affected by the Town of Burgaw's ETJ reduction to RA, Rural Agricultural District and RP, Residential Performance District.

**Property Record Numbers, Acreage, and Location:** The area in consideration for zoning contains 19 parcels and is approximately 540 acres located north of the Town of Burgaw. Property identification numbers and exact locations can be found on the accompanying map.

**Administrator Recommendation:** Administrator respectfully recommends approval of the request.

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**DESCRIPTION:**

On May 11, 2010, the Town of Burgaw Board of Commissioners voted to adopt a new Extraterritorial Planning Jurisdiction (ETJ) which became effective July 13, 2010. As a result of this change, properties that had previously fallen under the Town of Burgaw's planning and zoning jurisdiction have been relinquished and will be entirely zoned under the planning and zoning jurisdiction of Pender County. Due to this change, the affected 19 parcels will require Pender County zoning district classifications.

Staff is proposing to zone these properties based off of current land use and adjacent zoning classifications (please refer to attached map) to efficiently transition to Pender County zoning districts.

**EVALUATION:**

- A. Public Notifications:** Public Notice of the proposal for map change has been advertised in the Pender Post and Topsail Voice and adjacent property owners have been given written notice of the request.
- B. Existing Zoning in Area:** The subject properties, as well as all adjoining tracts, are zoned either RA, Rural Agricultural District or RP, Residential Performance District.
- C. Existing Land Use in Area:** The area in consideration is contains very low net density residential uses.
- D. 2005 Land Use Plan Compliance:**

**Transition Area:** Properties located east of US Hwy 117 contain Transition Area classification with a Conservation Area II overlay. The plan indicates that this classification provides for areas of more intensive community development where the county is making plans to develop public services, particularly water and sewer services, and where access to transportation is excellent. There is an existing water line running parallel to US Hwy 117.

**Rural Area:** The properties located west of US Hwy 117 are all classified as Rural Area. This land classification provides for agricultural and forestry operations that are key to the preservation of the county's rural landscape and that remain a major part of the county's economic base. This rezoning request is consistent with the 2005 Land Use Plan (See attached CAMA Land Use map).

**E. Comprehensive Land Use Plan Compliance:**

**Rural Growth:** The Rural Growth land use classification defines those 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. This request is consistent with this land use classification.

**Suburban Growth:** The Suburban Growth land use classification identifies those areas of Pender County where significant residential growth is expected to occur. This request is consistent with this land use classification.

**F. 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. The proposed rezoning meets the standards of Article 3.3.8 of the Unified Development Ordinance.

**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.*

**F) Summary & Staff Recommendation:** The proposal consists of zoning 19 tracts totaling ±554 acres. The request complies with the criteria set forth in Article 3.3.8 of the Unified Development Ordinance. The request is also consistent with the 2005 CAMA Land Use Plan and Comprehensive Land Use Plan. Therefore, staff respectfully recommends that the request be approved.

**VOTING AND RESOLUTION:**

**Planning Board**

Motion: \_\_\_\_\_ Seconded \_\_\_\_\_

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Unanimous \_\_\_\_\_

Reynolds \_\_\_ Boney \_\_\_ Garrett \_\_\_ Marshburn \_\_\_ Millette \_\_\_ Smith \_\_\_ Williams \_\_\_

ITEM NO: \_\_\_\_\_

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED**, that on October 18, 2010, the Pender County Board of Commissioners (approved, modified, denied) a rezoning request for property as described herein and Jimmy T. Tate, Chairman to the Board, is authorized to execute the order implementing this resolution and provide notice to the applicant of the action taken herein.

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECONDED \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS \_\_\_\_\_

YEA VOTES: Tate \_\_\_\_\_ Blanchard \_\_\_\_\_ Brown \_\_\_\_\_ Rivenbark \_\_\_\_\_ Williams \_\_\_\_\_

\_\_\_\_\_  
Jimmy T. Tate  
Chairman

October 18, 2010  
Date

\_\_\_\_\_  
ATTEST

\_\_\_\_\_  
DATE