



REQUEST FOR BOARD ACTION

ITEM NO. 25.

DATE OF MEETING: September 17, 2012

REQUESTED BY: Kyle M. Breuer, Director, Planning & Community Development Department

SHORT TITLE: Public Hearing and Resolution Requesting Approval of a Comprehensive Land Use Plan Amendment to Adopt Land Use Classifications for Two (2) Tracts Previously Located within the Town of Surf City's Municipal Limits.

BACKGROUND: During the past legislative session, Senate Bill 900 (SB 900) titled "AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF SURF CITY" was approved by the House and Senate providing for approximately 49.02 acres of property to be removed from the Town of Surf City's municipal limits. Subsequently, the property does not have a land use classification or county zoning. Pender County, applicant, is requesting approval of a Comprehensive Land Use Plan Amendment to adopt land use classifications on two (2) tracts located at the terminus of McClammy Road, Hampstead, NC. The properties are both owned by Larry Batson and may be identified by Pender County PIN's 4225-03-5033-0000; 4215-12-0236-0000.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider a request for a Comprehensive Land Use Plan Amendment to adopt a land use classification on two (2) tracts totaling 49.02 acres. The requested land use classification is Mixed Use.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the Pender County Board of Commissioners that:

on September 17, 2012 the Pender County Board of Commissioners (approved, modified, denied) a request to adopt county land use classification on approximately 49.02 acres as described herein. The Chairman/County Manager is authorized to execute any/all documentation necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Tate _____ Rivenbark _____ Ward _____ Williams _____

George R. Brown, Chairman

09/17/2012
Date

ATTEST

09/17/2012
Date

PLANNING STAFF REPORT
Comprehensive Land Use Plan Amendment

SUMMARY:

Hearing Date: September 11, 2012 – Planning Board
September 17, 2012 – Board of Commissioners

Case Number: 10768 – Batson

Applicant: Pender County

Property Owner: Batson, Larry et al

Zoning Proposal: Pender County, applicant, is requesting approval of a Comprehensive Land Use Plan Amendment to adopt a land use classification on two (2) tracts located at the terminus of McClammy Road, Hampstead, NC. The properties are both owned by Larry Batson and may be identified by Pender County PIN's 4225-03-5033-0000; 4215-12-0236-0000. The requested land use classification to be applied to the tracts is Mixed Use.

Property Record Numbers, Acreage, and Location: The request contains two (2) tracts totaling approximately 49.02 acres located at the terminus of McClammy Road, Hampstead, NC. The Pender County PIN's are 4225-03-5033-0000; 4215-12-0236-0000.

Planning Board Recommendation: On September 11, 2012, the Pender County Planning Board voted unanimously in favor of passing a motion to recommend approval of the aforementioned land use plan amendment.

Comprehensive Plans and Policies Committee (CPPC): The Pender County CPPC has no objection to this proposal.

Staff Recommendation: This proposal consists of a Comprehensive Land Use Plan Amendment to apply the Mixed Use land use classification to two (2) tracts totaling 49.07 acres. The request is consistent with the 2010 Comprehensive Land Use Plan and the Pender County CPPC has no objection to the request. Therefore, staff respectfully recommends that the request be approved.

DESCRIPTION:

Pender County, applicant, is requesting approval of a Comprehensive Land Use Plan Amendment to apply a land use classification to approximately 49.02 acres located at the terminus of McClammy Road, Hampstead, NC. During the past legislative session, Senate Bill 900 (SB 900) titled "AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF SURF CITY" was approved by the House and Senate providing for approximately 49.02 acres of property to be removed from the Town of Surf City's municipal limits. Subsequently, the property does not have county land use or zoning classifications. Following disposition of the proposed land use classification, staff will present a request to zone the properties.

On August 8, 2012, staff met with the property owner, along with the Town of Surf City to discuss the procedures and review the criteria for adopting county land use and zoning classifications on the tracts. The property was zoned R-15 according to Surf City records, providing for a residential zoning district with a 15,000 sq. ft. minimum lot size. The requested Mixed Use land use classification will support a zoning district classification which is similar to the previous Surf City zoning district governing these properties.

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, pedestrian and transit friendly manner. Mixed Use areas are designated within the Coastal Pender and Rocky Point Small Area Plans.

The property is currently accessed via McClammy Road, a 30' dirt access easement off of Watt's Landing Road (SR 1560). According to Pender County tax records, the tracts are both vacant of structures. There is Special Flood Hazard Areas located on the property with an AE Zone (subject to inundation by the 1-percent-annual-chance flood event). The base flood elevation has been established at 8'.

EVALUATION:

- A) Public Notifications:** Public Notice of the proposal to apply a land use classification has been advertised in the Pender-Topsail Post and 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 adjoining and adjacent properties are zoned RP, Residential Performance District.
- C) Existing Land Use in Area:** The existing land use in the area includes low density residential (1-2 units/acre) to the north (Virginia Creek Forest Subdivision), and very low density residential to the east and west. The subject tracts are bound by Virginia Creek to the south.
- G) Summary & Staff Recommendation:** This proposal consists of a Comprehensive Land Use Plan Amendment to apply the Mixed Use land use classification to two (2) tracts totaling 49.07 acres. The request is consistent with the 2010 Comprehensive Land Use Plan. Therefore, staff respectfully recommends that the request be approved.

Planning Board

Motion: Garrett Seconded: Marshburn

Approved: X Denied: _____ Unanimous: X

Boney: Williams: X Edens: X Garrett: X Marshburn: X Millette: X Nalee: X