



REQUEST FOR BOARD ACTION

ITEM NO. 13.

DATE OF MEETING: October 15, 2012

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

SHORT TITLE: Public Hearing and Resolution Requesting a Zoning Map Amendment to Adopt County Zoning 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 county zoning. Pender County, applicant, is requesting approval of a Zoning Map Amendment to adopt zoning 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 PINs 4225-03-5033-0000; 4225-12-0236-0000.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider a request for a Zoning Map Amendment to adopt county zoning on two (2) tracts totaling 49.02 acres. The requested zoning district is RP, Residential Performance District.

RESOLUTION

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

on October 15, 2012 the Pender County Board of Commissioners (approved, modified, denied) a request to adopt county zoning 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

10/15/2012
Date

ATTEST

10/15/2012
Date

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: October 2, 2012 – Planning Board
October 15, 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 Zoning Map Amendment to adopt zoning 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 PINs 4225-03-5033-0000; 4225-12-0236-0000. The requested zoning district to be applied to the tracts is RP, Residential Performance District.

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; 4225-12-0236-0000.

Planning Board Recommendation: On October 2, 2012, the Pender County Planning Board voted unanimously in favor of passing a motion to recommend approval of the aforementioned zoning request.

Staff Recommendation: The request complies with the criteria set forth in Article 3.3.8 of the Unified Development Ordinance. The request is consistent with the Comprehensive Land Use Plan. Therefore, staff respectfully recommends that the request be approved.

DESCRIPTION:

Pender County, applicant, is requesting approval of a Zoning Map Amendment to adopt county zoning on 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 zoning.

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 zoning classifications on the tracts. The property was currently 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 zoning classification of RP, Residential

Performance District has a minimum lot size of 15,000 sq. ft., consistent with the previous Surf City zoning district.

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. According to National Flood Insurance Rate Map (2/16/2007), panel 4225J, 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) designation. The base flood elevation has been established at 8'.

The proposed zoning district will encompass all uses permitted-by-right in the RP, Residential Performance District, as shown on the Permitted Use Table 5.2.3 of the Pender County Unified Development Ordinance. The Residential Performance District is intended to allow a variety of residential uses and densities and also limited commercial activities as well as agritourism. Existing or new agricultural and farm uses shall be allowed on undeveloped land prior to development.

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, 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 and vacant tracts to the north. Along the eastern and southern boundary is an existing travel trailer park and to the west is low density residential (*Virginia Creek Forest subdivision*). The subject properties border the Virginia Creek to the south.
- E) 2010 Comprehensive Land Use Plan Compliance:** This property is located in the Mixed Use land classification which is a land use classification designating locations where a mixture of higher density/intensity uses are to be encouraged. The adjacent and surrounding properties are all classified as Mixed Use. The RP, Residential Performance District is supported by this land use classification.
 - a) 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.*
- 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.

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.

G) Summary & Staff Recommendation: This proposal consists of a Zoning Map Amendment to apply RP, Residential Performance District zoning to two (2) tracts totaling 49.07 acres. The request complies with the criteria set forth in Article 3.3.8 of the Unified Development Ordinance. The request is consistent with the 2010 Comprehensive Land Use Plan. The Pender County Planning Board is recommending approval of this request. Therefore, staff respectfully recommends that the request be approved.

Planning Board

Motion: Edens Seconded: Marshburn

Approved: X Denied: _____ Unanimous: X

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

SESSION LAW 2012-95
SENATE BILL 900

AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE
LIMITS OF THE TOWN OF SURF CITY.

The General Assembly of North Carolina enacts:

SECTION 1. The corporate limits of the Town of Surf City are reduced by removing three tracts totaling approximately 49.02 acres annexed by the Town Council of the Town of Surf City on May 2, 2006, as recorded with the Secretary of State as Ordinance 2006-05-02-2.

SECTION 2. This act becomes effective June 30, 2012.

In the General Assembly read three times and ratified this the 28th day of June, 2012.

s/ Walter H. Dalton
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives





Applicant:
Pender County

Owner:
Larry Batson

Zoning
Map Amendment

RP, Residential
Performance

Case # 10768

Legend

-  Subject Property
-  Surf City Municipal Limits



VICINITY MAP





Applicant:
Pender County

Owner:
Larry Batson

Zoning
Map Amendment

RP, Residential
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Legend

- Subject Property
- Zoning Classification**
 - General Business (GB)
 - General Industrial (GI)
 - Industrial Transfer (IT)
 - Office & Institutional (OI)
 - Rural/Agricultural (RA)
 - Planned Development (PD)
 - Residential Performance (RP)
 - Environmental Conservation (EC)
 - Incorporated Areas (INCORP)
 - Manufactured Home Park (MH)
 - Residential Uses (RF)

ZONING MAP





Applicant:
Pender County

Owner:
Larry Batson

Zoning
Map Amendment

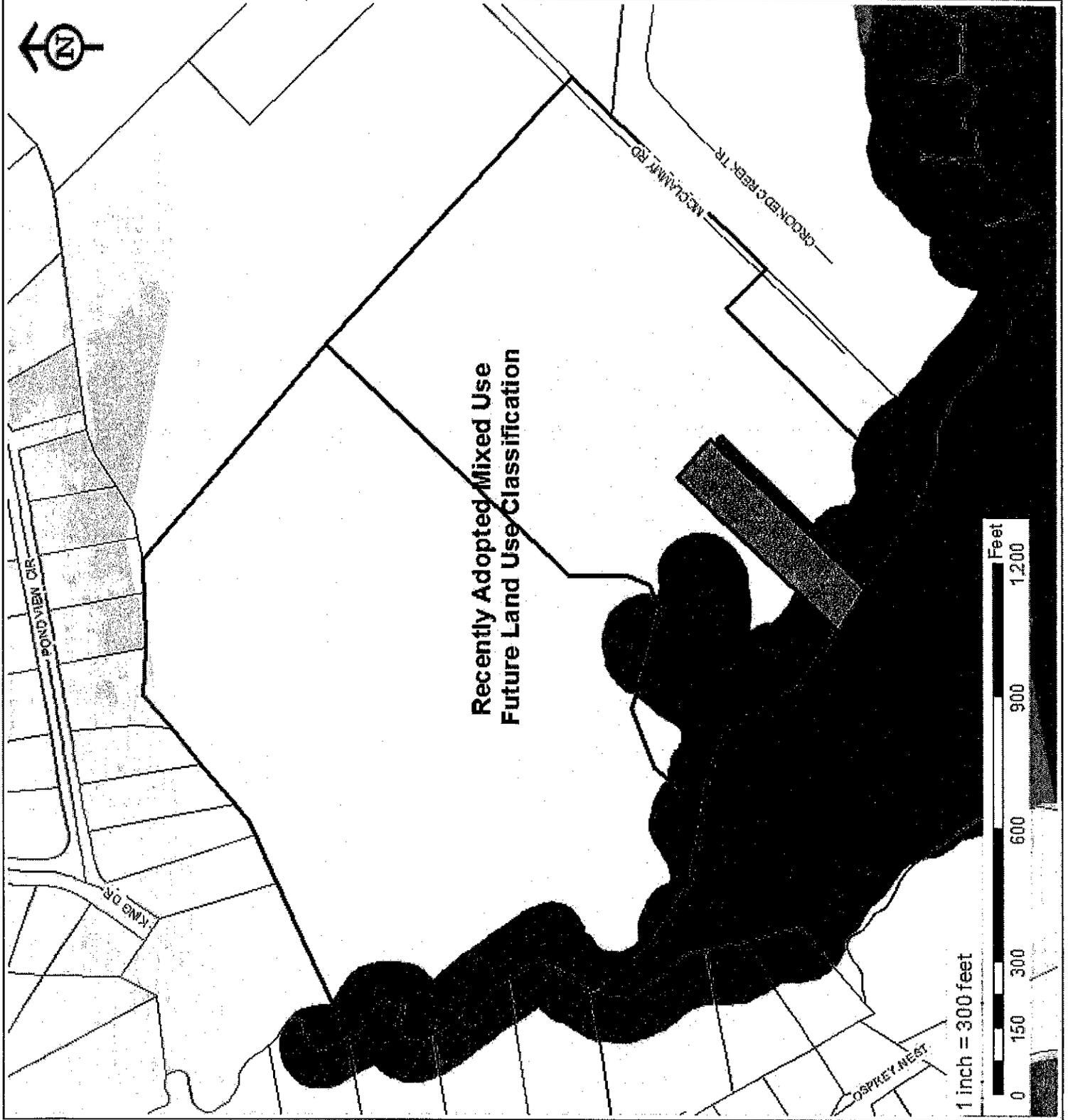
RP, Residential
Performance

Case # 10768

Legend

-  Subject Property
-  Surf City Municipal Limits
- Future Land Use**
-  Conservation
-  Industrial
-  Mixed Use
-  Rural Growth
-  Suburban Growth

2010
Comprehensive
Future Land Use





Applicant:
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Zoning
Map Amendment

RP, Residential
Performance

Case # 10768

 **Subject Property**
Flood Hazard Areas
A
AE
AEFW
SHADED X
VE



Flood Hazard Areas



1 inch = 1,000 feet

