



REQUEST FOR BOARD ACTION

ITEM NO. 22,

DATE OF MEETING: March 18, 2013

REQUESTED BY: Benjamin Andrea, Senior Planner, Planning & Community Development

SHORT TITLE: Request to a Portion of One Tract from GB, General Business District to RA, Rural Agricultural District.

BACKGROUND: Kenny Vollrath, applicant, on behalf of Charles and Molly Long, owners, are requesting approval of a Zoning Map Amendment for a general use rezoning of 1.6 acres of a 2.64 acre tract from GB, General Business zoning district, to RA, Rural Agricultural zoning district. The property is located at 7761 US Highway 117 and may be identified by Pender County PIN 3235-64-8933-0000.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the request to rezone 1.6 acres of a 2.64 acre tract from GB, General Business zoning district, to RA, Rural Agricultural zoning district.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, that on March 18, 2013, the Pender County Board of Commissioners (approved, modified, denied) a Zoning Map Amendment request for property as described herein. The Chairman and County Manager are authorized to execute any documentation necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

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

George R. Brown, Chairman

3/18/2013
Date

ATTEST

3/18/2013
DATE

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: March 5, 2013 – Planning Board
March 18, 2013 – Board of Commissioners

Application Number: 10856 – Vollrath (ZMA)

Applicant: Kenny Vollrath

Property Owner: Charles and Molly Long

Rezoning Proposal: The request consists of rezoning 1.6 acres of a 2.64 acre tract from GB, General Business District to RA, Rural Agricultural District.

Property Record Numbers, Acreage, and Location: The property consists of 2.64 acres, is located at 7761 US Highway 117, and may be identified by PIN 3235-64-8933-0000.

Staff Recommendation: The request complies with the criteria set forth in Article 3.3.8 of the Unified Development Ordinance. The request is not in conflict with 2010 Comprehensive Land Use Plan; therefore, staff respectfully recommends that the request be approved.

DESCRIPTION:

Kenny Vollrath, applicant, on behalf of Charles and Molly Long, owners, is requesting approval of a general use rezoning for approximately 1.6 acres of a 2.64 acre tract from GB, General Business district to RA, Rural Agricultural district. The applicant is proposing to rezone and then subdivide a portion of the property, as detailed in the site map submitted by the applicant.

Currently the entire 2.64 acre tract is zoned GB, General Business and has approximately 172 feet of road frontage on US Highway 117, as well as two existing driveways onto the highway. The property currently hosts three structures: a single-family residential structure, a pool house adjacent to an in-ground pool, and an accessory building in the form of a shop/storage building.

Currently, the single family residential use is considered the primary use, with the pool house and shop/storage building being accessory uses. However, because of the existing zoning of the property, the primary use (residential) is considered nonconforming, as are the existing single-family residential structure and the accessory structures. The rezoning, as proposed, would not increase the degree of non-conformity of the structures or uses.

The applicant is proposing to subdivide the existing parcel as depicted on the submitted site map. Upon cursory review, the conceptual subdivision proposal as depicted on the applicant's site plan may be approved, however, a subdivision plat must be submitted for review and recordation in accordance to *Article 6 – Development Requirements and Content of the Pender County Unified Development Ordinance*.

The existing land use in the area consists mostly of single-family residential uses aside from some miscellaneous business uses across US Highway 117. The existing zoning in the vicinity of the subject property includes GB, General Business, and RA, Rural Agricultural. For visual representation of the existing zoning in the area, please refer to the Zoning Map included with the Staff Report.

This is a general use rezoning which will encompass all uses permitted-by-right in the RA, Rural Agricultural zoning district, as shown on the Permitted Use Table 5.2.3 of the *Pender County Unified Development Ordinance*. The Rural Agricultural zoning district is intended to accommodate non-residential agricultural uses and very low density residential development (minimum of 1 du/acre), as well as limited non-residential uses, in rural areas adjacent to agricultural operations. Development in this district should rely predominately on individual wells and septic tank systems for domestic water supply and sewage disposal.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:**Cape Fear Council of Governments RPO**

Applicant may want to check with DOT about a modified driveway permit.

Four County Electric Company

No response

NC DENR Division of Coastal Management

No comment

NC DENR Division of Forestry

No response

NC DENR Division of Land Resources

No response

NC DENR Division of Waste Management

No response

NC DENR Division of Water Quality

No response

NC DOT Division of Highways

No issues/problems with request

NC DOT Transportation Planning Branch

No response

NC Office of State Archaeology

No response

NC Wildlife Resources Commission

No response

Pender County Building Inspections

No response

Pender County Emergency Management

No response

Pender County Environmental Health

No response

Pender County Fire Marshal

No response

Pender County Parks and Recreation

No issues/comments with request

Pender County Public Library

No response

Pender County Public Utilities

No comment

Pender County Schools

No response

Pender County Sheriff's Department

No response

Pender County Soil and Water Conservation District

No issues/problems with request

Progress Energy Corporation

No response

US Army Corps of Engineers

No response

Wilmington Metropolitan Planning Organization

No comment as subject property out of WMPO planning area

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 in the vicinity of the subject property consists of GB, General Business, and RA, Rural Agricultural.
- C) Existing Land Use in Area:* The existing land uses of the surrounding properties consist primarily of single-family residential uses with some miscellaneous commercial uses across the highway from the subject property.
- D) 2010 Comprehensive Land Use Plan Compliance:* The 2010 Comprehensive Land Use Plan classifies the subject property as Office/Institutional/Commercial (OIC). According to the 2010 Comprehensive Land Use Plan, areas with this designation should be planned to accommodate a range of land uses including higher density residential uses that would buffer and transition to surrounding lower density residential areas.

The following goals and policies within this plan support the rezoning request:

- a) **Growth Management 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.
 - b) **Growth Management 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.
 - c) **Growth Management 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.
 - d) **Rocky Point Small Area Plan Policy 4B1.4:** New development within the small area should be compatible with existing residential uses.
- 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. 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.*

G) Summary & Staff Recommendation: The proposal consists of rezoning an approximate 1.6 acre portion of a 2.64 acre tract from GB, General Business, to RA, Rural Agricultural. 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 2010 Comprehensive Land Use Plan. Therefore, staff respectfully recommends that the request be approved.

VOTING AND RESOLUTION:

Planning Board

Motion: McClammy **Seconded** Marshburn

Approved: 5-1 **Denied:** Unanimous

Boney: X Marshburn: X Baker: Edens: X McClammy: X Nalee: A Williams: X