



## REQUEST FOR BOARD ACTION

ITEM NO. 13.

**DATE OF MEETING:** May 20, 2013

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

**SHORT TITLE:** Request to Rezone One Tract from PD, Planned Development to RP, Residential Performance District.

**BACKGROUND:** Stroud Engineering, PA, applicant, on behalf of Jack Stocks, owner, is requesting approval of a Zoning Map Amendment for a general use rezoning of one tract totaling 15.6 acres from PD, Planned Development to RP, Residential Performance. The property is located on Carver Drive in Rocky Point, may be identified by Pender County PIN 3223-56-0612-0000.

**SPECIFIC ACTION REQUESTED:** To hold a public hearing and consider the request to rezone a 15.6 acre tract from PD, Planned Development to RP, Residential Performance zoning district.

**RESOLUTION**

**NOW, THEREFORE, BE IT RESOLVED**, that on May 20, 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 5/20/2013  
Date

\_\_\_\_\_  
ATTEST 5/20/2013  
DATE

**PLANNING STAFF REPORT**  
**Zoning Map Amendment**

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**SUMMARY:**

**Hearing Date:** April 9, 2013 – Planning Board  
May 20, 2013 – Board of Commissioners  
**Application Number:** 10893 – Stroud Engineering, PA (ZMA)  
**Applicant:** Stroud Engineering, PA  
**Property Owner:** Jack Stocks

**Rezoning Proposal:** The request consists of rezoning one tract from PD, Planned Development to RP, Residential Performance zoning district.

**Property Record Numbers, Acreage, and Location:** The property consists of 15.6 acres, is located on Carver Drive, Rocky Point, and may be identified by PIN 3223-56-0612-0000.

**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.

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**DESCRIPTION:**

Stroud Engineering, PA, applicant, on behalf of Jack Stocks, owner, is requesting approval of a general use rezoning for one tract totaling 15.6 acres from PD, Planned Development to RP, Residential Performance zoning district.

Currently, the 15.6 acre property is undeveloped and has approximately 435 feet of frontage along Carver Drive, and is bordered along the rear by Turkey Creek, a tributary of the Northeast Cape Fear River. A portion of the property is located within the 100 year floodplain (Zone AE) as shown on FIRM Community Panel 3720 3223 00J.

The existing zoning in the surrounding area consists of PD, Planned Development and RP, Residential Performance. The parcel to the west of the subject parcel is approximately 81.4 acres, undeveloped, and zoned PD, Planned Development. To the east of the subject parcel is a platted, moderate density (0.40 acre lots) subdivision known as Turnstone Plantation.

The 2010 Comprehensive Land Use Plan designates the subject property as Suburban Growth. This land use classification identifies those areas of the county where significant residential growth is expected to occur over within the Land Use Plan's planning horizon.

This is a general use rezoning which will encompass all uses permitted-by-right in the RP, Residential Performance zoning district, as shown on the Permitted Use Table 5.2.3 of the *Pender County Unified Development Ordinance*. The Residential Performance zoning district is intended to allow a variety of residential uses and densities and also limited commercial activities as well as agritourism.

## 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 PD, Planned Development, and RP, Residential Performance zoning districts.
- C) Existing Land Use in Area:** The existing land uses of the surrounding property consist of vacant/undeveloped areas in addition to moderate density single-family residential uses along Paige Hall Ct., Dreytown Hall Ct., and elsewhere along Carver Drive.
- D) 2010 Comprehensive Land Use Plan Compliance:** The 2010 Comprehensive Land Use Plan designates the subject property as Suburban Growth. This land use classification identifies those areas of the county where significant residential growth is expected to occur over within the Land Use Plan's planning horizon.

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) **Growth Management Policy 1A.1.3:** The County shall actively direct growth towards suitable land areas and away from fragile natural resource areas, conservation areas, and hazardous areas.
  - e) **Rocky Point Small Area Plan Policy 4B.1.4:** 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 87 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: Edems Seconded Marshburn

Approved: 7-0 Denied: \_\_\_\_\_ Unanimous \_\_\_\_\_

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



**Applicant:**  
Stroud Engineering PA

**Owner:**  
Jack Stocks

**Zoning Map  
Amendment  
# 10893**



**VICINITY**





**Applicant:**  
Stroud Engineering PA

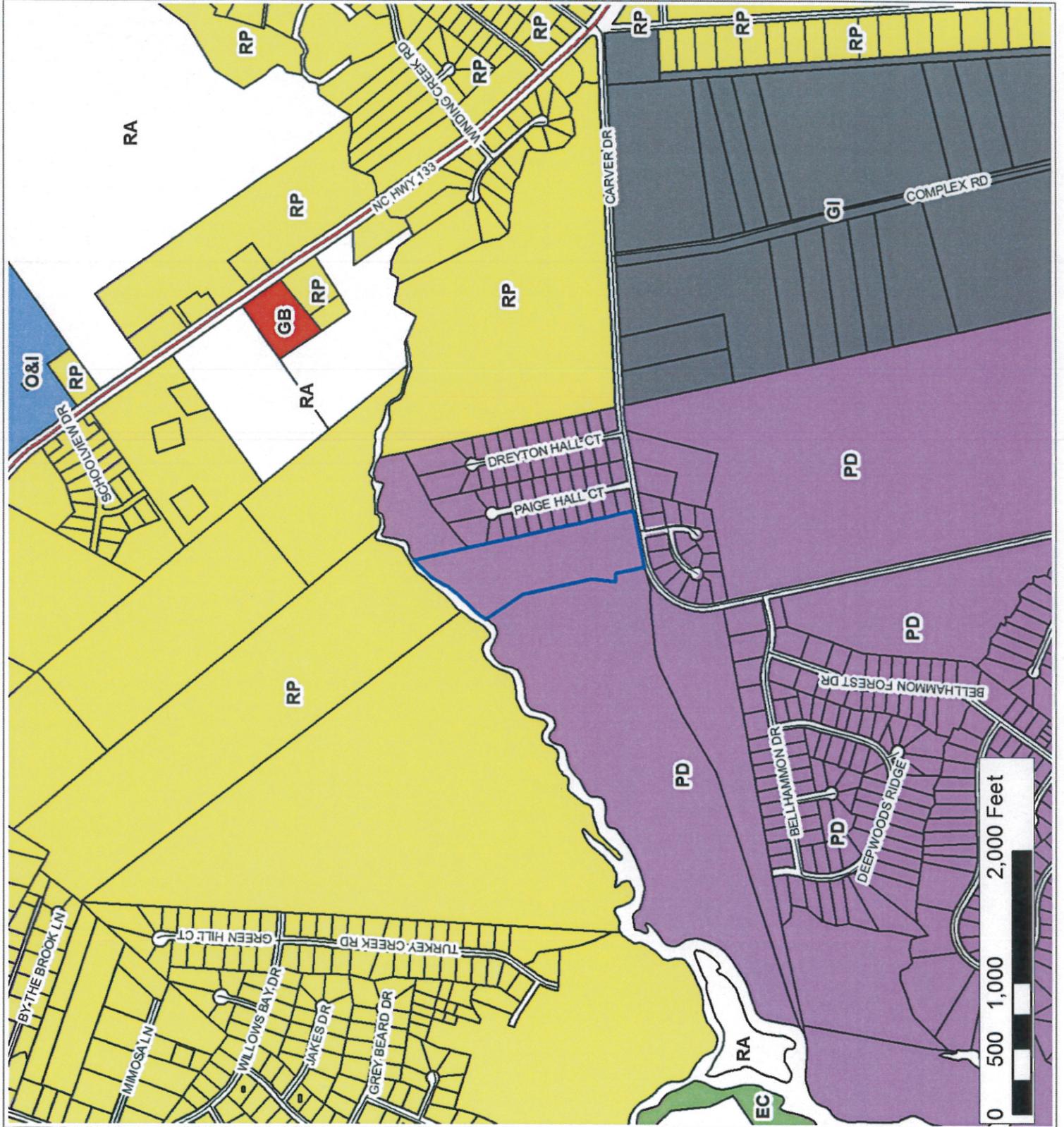
**Owner:**  
Jack Stocks

**Zoning Map  
Amendment  
# 10893**

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



**ZONING**





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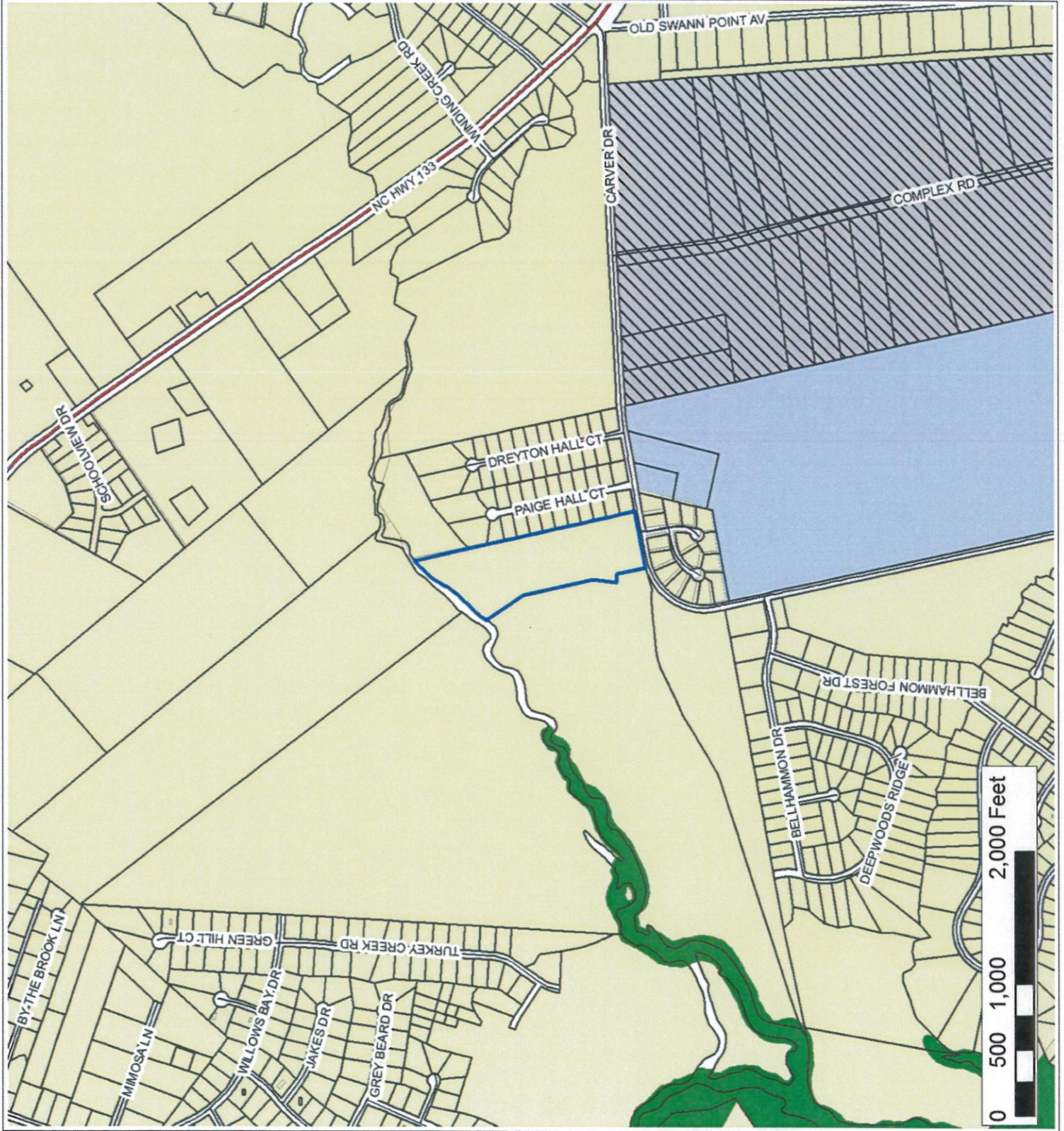
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**2010 Land Use Classification**

- Conservation
- Industrial
- Mixed Use
- Office, Institutional, Business
- Rural Growth
- Suburban Growth



**LAND USE  
CLASSIFICATION**





**Applicant:**  
Stroud Engineering PA

**Owner:**  
Jack Stocks

**Zoning Map  
Amendment  
# 10893**



**2012 AERIAL**





**Applicant:**  
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**Zoning Map  
Amendment  
# 10893**

Subject Parcel  
Special Flood Hazard Area  
AE VE



**Special Flood  
Hazard Area**

