



REQUEST FOR BOARD ACTION

ITEM NO. 17.

DATE OF MEETING: April 22, 2014

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

SHORT TITLE: Request to rezone a portion of one tract from RA, Rural Agricultural to RP, Residential Performance Zoning District.

BACKGROUND: Coleman Parks, applicant, on behalf of Parks Family Forestry, LLC, owner, is requesting approval of a Zoning Map Amendment for a general use rezoning for 80 acres of a 125 acre tract from RA, Rural Agricultural, to RP, Residential Performance Zoning District. The subject property is located north of Island Creek Road, adjacent to the New Hanover County line and may be identified by Pender County PIN 3252-97-7356-0000. The Planning Board unanimously voted to recommend approval of the rezoning request on March 4, 2014.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the request to rezone 80 acres of a 125 acre tract from RA, Rural Agricultural to RP, Residential Performance Zoning District.

RESOLUTION

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

on April 22, 2014 the Pender County Board of Commissioners (approved, modified, denied) a Zoning Map Amendment request, as described herein. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

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

J. David Williams, Jr., Chairman

4/22/2014
Date

ATTEST
Delivered

4/22/2014
DATE

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: March 4, 2014 - Planning Board
April 22, 2014- Board of Commissioners

Case Number: 11121-ZMA

Applicant: Coleman Parks

Property Owner: Parks Family Forestry, LLC

Proposal: Coleman Parks, applicant, on behalf of Parks Family Forestry, LLC, owner, is requesting a zoning map amendment for a general use rezoning from RA, Rural Agricultural, to RP, Residential Performance District.

Property Record Numbers, Acreage, and Location: The subject property is located north of Island Creek Road, adjacent to the New Hanover County line. There is one tract totaling ±125 acres associated with this request and may be identified as PIN 3252-97-7356-0000. The request is limited to 80 acres of a ±125 acre tract (Attachment 1).

Pender County Planning Board Recommendation: The Pender County Planning Board, after holding a public hearing on March 4, 2014, unanimously recommended approval of the request.

Staff Recommendation: The proposal consists of rezoning 80 acres out of ±125 acres from RA, Rural Agricultural, to RP, Residential Performance District. The request is consistent with the Suburban Growth Land Use Classification as depicted in the 2010 Comprehensive Land Use Plan; therefore, Staff respectfully recommends approval of the request.

Description

Coleman Parks, applicant, on behalf of Parks Family Forestry, LLC, owner, is requesting a zoning map amendment for a general use rezoning of (1) tract totaling ±125 acres from RA, Rural Agricultural, to RP, Residential Performance District. The tract is located north of Island Creek Road, adjacent to the New Hanover County Line.

The applicant is not applying to rezone the entire tract. A map of the requested zoning boundaries has been submitted (Attachment 1) showing the zoning district lines with dimensional notation. Per the UDO, “where the boundaries of a rezoning request do not follow a boundary line or a split zoned property line...[a]n illustration containing a metes and bounds description is required” (§3.3.1).

Zoning Classification

The subject property is currently zoned RA, Rural Agricultural. Section 4.7.1 of The Pender County Unified Development Ordinance (UDO) currently defines the RA, Zoning District as a zoning district intended to accommodate non-residential agricultural uses and very low density residential development (minimum of 1 du/ac), as well as limited non-residential uses, in rural areas adjacent to agricultural operations. Development in this District should rely predominantly on individual wells and septic tank systems for domestic water supply and sewage disposal.

The requested RP, Residential Performance District is intended to allow a variety of residential uses and densities and also limited commercial activities as well as agritourism.

The current zoning classification of RA, Rural Agricultural requires a minimum lot size of 1 acre or 43,560 ft². The applicant would like to rezone the property to the RP, Residential Performance District, with the minimum lot size of 15,000 ft².

Land Use Classification

Suburban Growth

The Pender County 2010 Comprehensive Land Use Plan defines the Suburban Growth land use classification as areas of Pender County where significant residential growth is expected to occur within the planning horizon. Areas designated as Suburban Growth are located primarily adjacent to municipal planning jurisdictions and within or near high growth, unincorporated areas of the County, i.e., Hampstead/Scotts Hill, Rocky Point, and portions of US 421 South. Suburban Growth designates areas where public water and public sewer are available or are planned in the near future.

Achievable residential densities would be dependent on the type and level of public services that are available. Higher density residential development would be supported where both public water and sewer are available, provided adequate buffers and design features can minimize impacts on neighboring lower density residential properties. Uses that would typically be allowed in Suburban Growth areas include medium-high density residential (single-family site-built and modular homes); limited non-residential uses - commercial, office, or public/institutional - meeting locational criteria. Locational criteria for non-residential uses include frontage and access to a major State highway or secondary road, location at a major intersection, proximity to similar uses, and spatial separation from non-compatible uses such as existing residential development. As residential development increases in suburban areas, designation of large tracts for significant economic development projects will become more difficult because fewer locations will exist that have the characteristics of an attractive economic development site, particularly in terms of proximity to existing residential areas. It is noted that designation as a Suburban Growth area does not preclude the development of economic development sites considered important to the economic sustainability of Pender County

Public Infrastructure:

According to Pender County Utilities (PCU), there is an existing eight (8) inch waterline that runs just to the west of the intersection of Hunters Court and Island Creek Road. A waterline extension to the subject property would only be installed by a developer as Pender County Utilities does not currently plan on a waterline extension in the subject property.

At this time sewer services are not available to the subject property.

Environmental Issues:

A portion of the subject property is located within the Special Flood Hazard Area (SFHA) Zones AE and AEFW along Island Creek which is a tributary to the Northeast Cape Fear River; according to the 2007 Flood Insurance Rate Maps (FIRMs), Map Number 3720325200K, Panel Number 3252 and Map Number 3720326200K, Panel Number 3262. Any development located within the SFHAs will be required to meet the prescribed standards as outlined in the Pender County Unified Development Ordinance Article 9, Flood Damage Prevention.

The subject property may have Areas of Environmental Concern (AECs), as designated by the Coastal Resources Commission under the authority of the Coastal Area Management Act (CAMA). Tidal and/or navigable waters within Pender County are classified as Public Trust Area up to the normal high water line or normal water level and are subject to the CAMA. The Public Trust Shoreline AEC extends 30' landward of the normal high water line or normal water level. These lands would also be subject to CAMA.

EVALULATION:

- 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 RA, Rural Agricultural to the east; PD, Planned Development to the south, and bounded by New Hanover County's I-2, Heavy Industrial District to the west and north.
- 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 the eastern boundary.
- D. *2010 Comprehensive Land Use Plan Compliance:*** The 2010 Comprehensive Land Use Plan designates the subject property as Suburban Growth.
- E. *Unified Development Ordinance Compliance:*** This is a general use rezoning which will allow all uses permitted-by-right in the RP, Residential Performance zoning district. The RP zoning district "is intended to allow a variety of residential uses and densities and also limited commercial activities as well as agritourism." (§ 4.7.2)

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 80 acres out of ±125 acres from RA, Rural Agricultural, to RP, Residential Performance District. The request is consistent with the Suburban Growth Land Use Classification as depicted in the 2010 Comprehensive Land Use Plan; therefore, Staff respectfully recommends approval of the request.

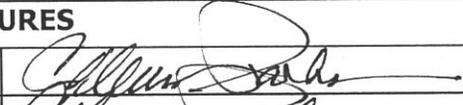
VOTING AND RESOLUTION:

Motion: Edens Seconded: Boney

Approved: _____ Denied: _____ Unanimous: X

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

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 11121	Date	1/17/2014
Application Fee	\$ 1250. ⁰⁰	Receipt No.	140196
Pre-Application Conference	10/18/2013	Hearing Date	3/4-PB 4/22-BOCC
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Coleman Parks	Owner's Name:	Parks Family Forestry, LLC
Applicant's Address:	214 Barnacle Circle	Owner's Address:	2021-A Corporate Drive
City, State, & Zip	Lexington, SC 29072	City, State, & Zip	Wilmington, NC 28405
Phone Number:	(803)957-0359	Phone Number:	(910)799-8080
Legal relationship of applicant to land owner:			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3252-97-7356-0000	Total property acreage:	80 acres
Current Zoning District:	RA	Proposed Zoning District:	RP
Project Address :	Island Creek Road		
Description of Project Location:	Pender County/New Hanover County Line on North Side of Island Creek Rd in Pender City		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	1-14-2014
Owner's Signature		Date:	1-14-2014
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> 1. Applicant must also submit the information described on the Rezoning Checklist. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing. 4. All fees are non-refundable 5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda 			



STROUD ENGINEERING, P.A.

CONSULTING ENGINEERS
102-D CINEMA DRIVE
WILMINGTON, NORTH CAROLINA 28403
(910) 815-0775

Island Creek Road Subdivision

January 17, 2014

Pender County Rezoning Narrative

The subject one hundred and twenty five acre property is currently zoned Rural Agricultural, RA. RA zoning requires one acre minimum lot sizes. The landowner desires to rezone eighty acres of this property to Residential Performance, RP, to enable a residential subdivision of medium density. The CAMA Land Use Classification is Suburban Growth. The RP zoning classification is consistent with the Suburban Growth land classification. This property falls within the Wilmington Urban Area Metropolitan Planning Organization, MPO's Planning Boundary. The property across Island Creek Road is zoned PD for a planned Mixed Use. We are asking for a General Use rezoning to RP to enable the desired residential development. The plan shows the wetland flood plain area of the property to remain RA zoning. The subject property can support 15,000 square foot lots given the existence of public water along its frontage and sufficient soils to support septic tanks and leach fields. Island Creek Road is considered a collector road. The proposed RP zone will enable lot development similar to that which exists immediately adjacent the property. The uses enabled by the RP zone should not adversely affect the adjoining properties.



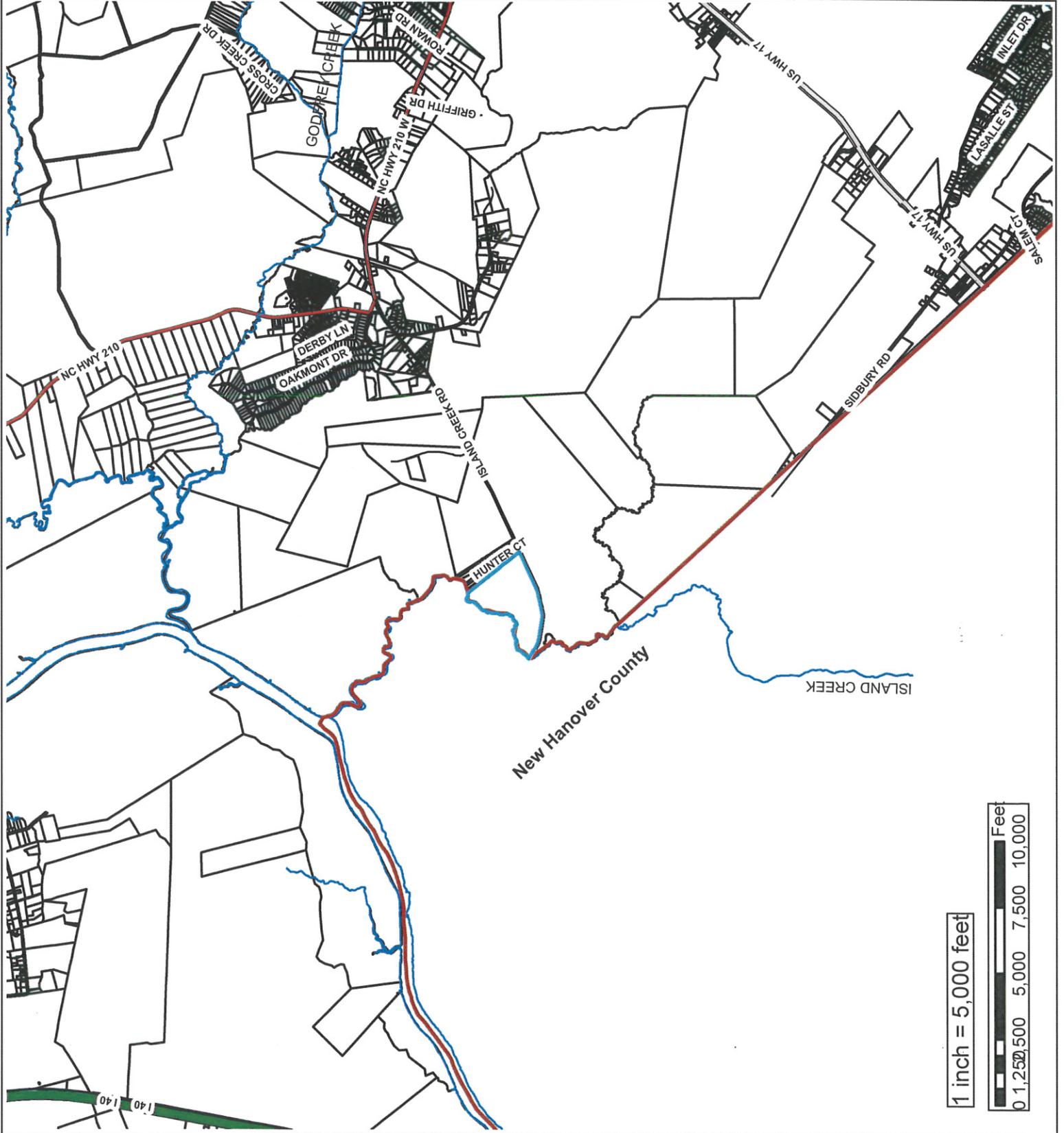
Applicant:
Coleman Parks

Owner:
Parks Family Forestry, LLC

Zoning Map Amendment
11121



Vicinity





Applicant:
Coleman Parks

Owner:
Parks Family Forestry, LLC

Zoning Map Amendment
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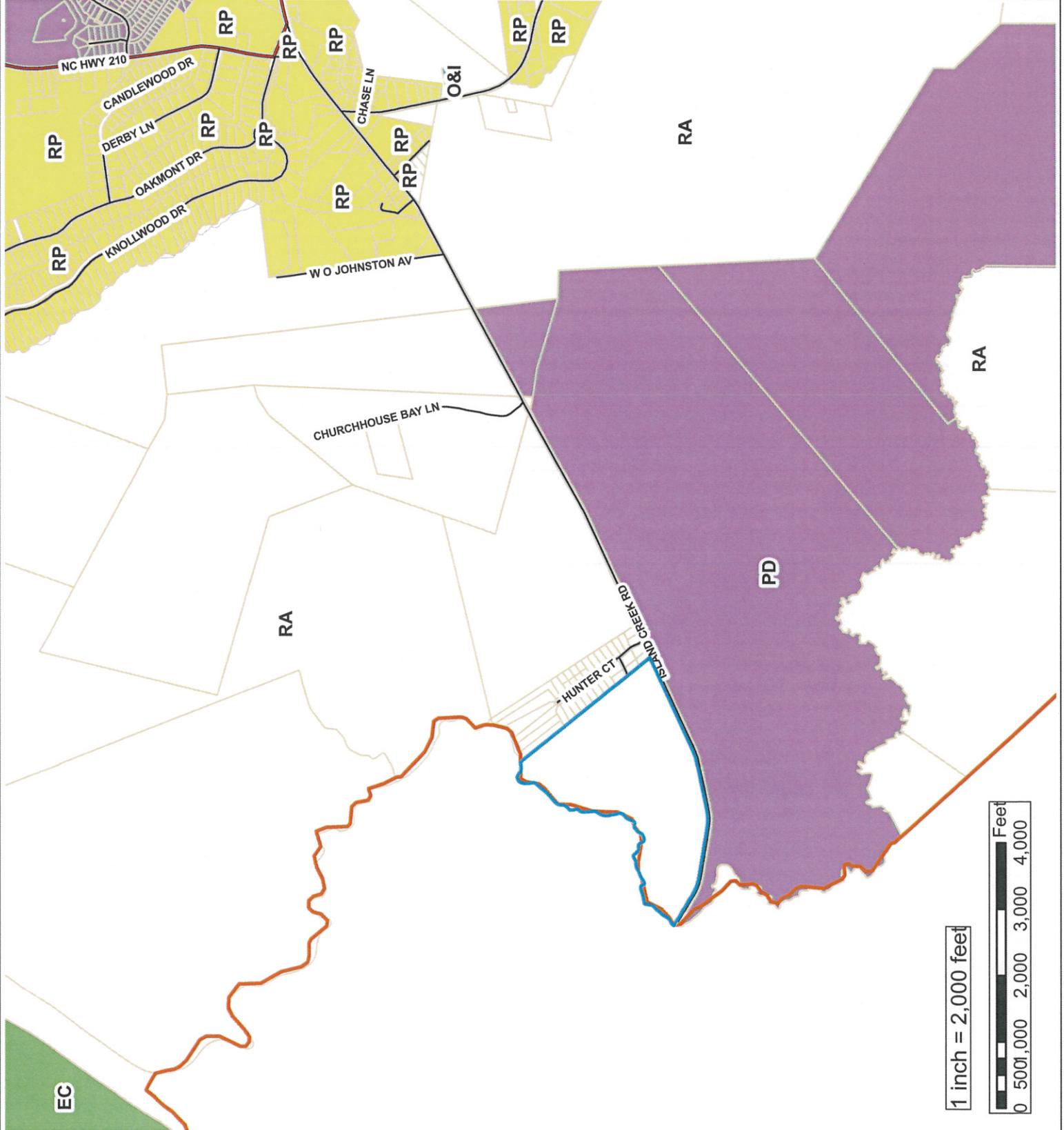
Legend

Zoning Classification

JDO Zoning	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)



Current Zoning





Applicant:
Coleman Parks

Owner:
Parks Family Forestry, LLC

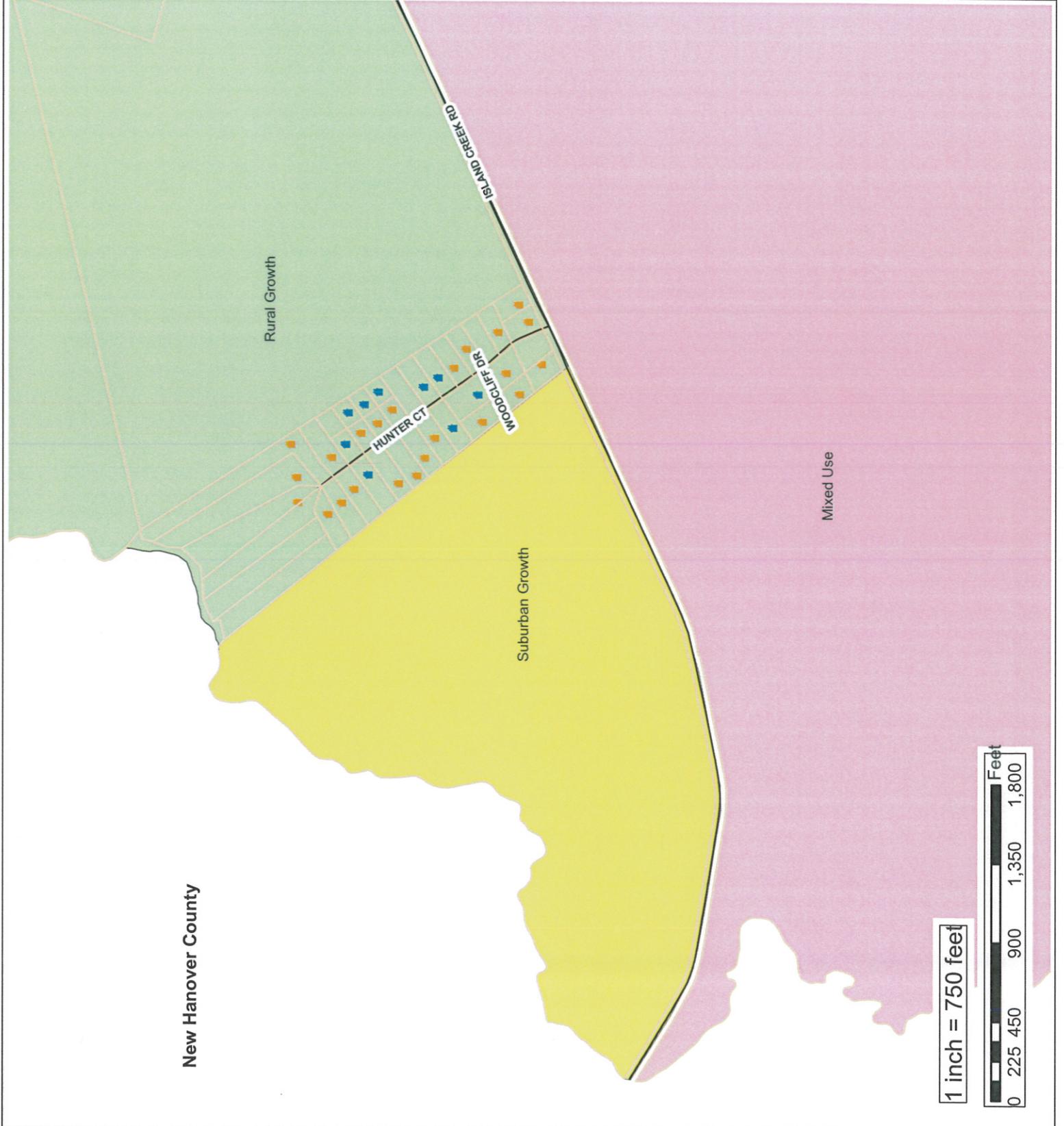
Zoning Map Amendment
11121

Legend
Future Land Use

- Conservation
- Industrial
- Mixed Use
- Rural Growth
- Suburban Growth



Future Land Use



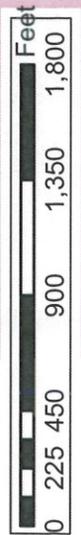
New Hanover County

Rural Growth

Suburban Growth

Mixed Use

1 inch = 750 feet





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Zoning Map Amendment
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Aerial - 2012





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Legend

Flood Hazard Areas

- A
- AE
- AEFW
- SHADED X
- VE



Flood Hazard Areas

