



REQUEST FOR BOARD ACTION

ITEM NO. 16.

DATE OF MEETING: December 1, 2014

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

SHORT TITLE: Resolution to Approve a Zoning Map Amendment (ZMA) for a general use rezoning of one tract located along Carver Drive (SR 1437) in Rocky Point from PD, Planned Development zoning district to RP, Residential Performance zoning district.

BACKGROUND: Stroud Engineering, PA, applicant, on behalf of Jack Stocks and TIOGA, LLC, owners, is requesting approval of a Zoning Map Amendment for a general use rezoning of three tracts totaling 83.81 acres from PD, Planned Development to RP, Residential Performance. The property is located along Carver Drive (SR 1437) in Rocky Point, and may be identified by Pender County PIN (s) 3223-34-8834-0000; 3223-35-4303-0000; 3223-46-7092-0000.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the request to rezone three tracts totaling 83.81 acres from PD, Planned Development zoning district to RP, Residential Performance zoning district.

RESOLUTION

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

the Pender County Board of Commissioners (approved, modified, denied) a Zoning Map Amendment (ZMA) for a general use rezoning as described herein, and the Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

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

Chairman 12/1/2014
Date

ATTEST 12/1/2014
Date

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: November 5, 2014 – Planning Board
December 1, 2014 – Board of Commissioners
Application Number: 11257 – Stroud Engineering, PA (ZMA)
Applicant: Stroud Engineering, PA
Property Owner: Jack Stocks/TIOGA, LLC

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

Property Record Numbers, Acreage, and Location: The property consists of 83.81 acres, is located on Carver Drive (SR 1437), Rocky Point, and may be identified by PIN(s) 3223-34-8834-0000; 3223-35-4303-0000; 3223-46-7092-0000.

Planning Board Recommendation: The Pender County Planning Board, at their November 5, 2014 meeting, unanimously recommended approval of the rezoning request and being consistent with the review criteria for a rezoning request.

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:

Stroud Engineering, PA, applicant, on behalf of Jack Stocks and TIOGA, LLC, owners, is requesting approval of a general use rezoning for three tracts totaling 83.81 acres from PD, Planned Development to RP, Residential Performance zoning district.

Currently, the 83.81 acre property is undeveloped and has approximately 693 feet of frontage (chord length) 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 south of the subject parcel is part of the Bellhammon Plantation subdivision and is zoned PD, Planned Development. According to Map Book 31, Page 40 and Map Book 31, Page 50, Bellhammon Plantation requires a minimum lot size of 15,000 square feet. To the south, across from the subject tract contains The Pines, a residential subdivision containing 16 lots with a minimum lot size of 19,000 square feet (Map Book 31, Page 7). To the east contains the residential subdivision The Knolls at Turkey Creek (Map Book 56, Page 46), which was approved

through the Master Development Plan process and contains 26 lots with a 15,000 square foot minimum lot size. *Map Book and Page references are accompanying this report.*

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 within the subdivision of The Pines, Bellhammon Plantation, and The Knolls at Turkey Creek.
- 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 three tracts containing approximately 83.81 acres from PD, Planned Development, to RP, Residential Performance. 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

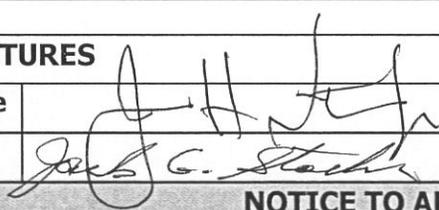
Motion: McClammy Seconded Baker

Approved: X Denied: Unanimous X

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

SEP 04 2014

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 11257	Date	9/4/14
Application Fee	\$ 1288.10	Receipt No.	142207
Pre-Application Conference	7/29/2014	Hearing Date	PB-11/5 BOCC - 12/2
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Stroud Engineering. P.A.	Owner's Name:	Jack Stocks / TIOGA, LLC
Applicant's Address:	102-D Cinema Dr.	Owner's Address:	2245 Page Road
City, State, & Zip	Wilmington, NC 28403	City, State, & Zip	Burgaw, NC 28425
Phone Number:	910-815-0775	Phone Number:	910-520-3083
Legal relationship of applicant to land owner: Engineer			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3223-34-8834-0000 3223-35-4303-0000 3223-46-7092-0000	Total property acreage:	83.81 Ac
Current Zoning District:	PD	Proposed Zoning District:	RP
Project Address :	Carver Road		
Description of Project Location:	Off Hwy 133/Off Bell Hammond Rd. SR 1437 Along Turkey Creek		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	9/3/2014
Owner's Signature		Date:	8-28-14
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 			

Rezoning/Zoning Map Amendment Checklist

<input checked="" type="checkbox"/>	Signed application form		
<input checked="" type="checkbox"/>	Application fee		
<input checked="" type="checkbox"/>	A list of names and addresses, as obtained from the county tax listings and tax abstract, all adjacent property owners, including property owners directly across any road or road easement, and owners of the property under consideration for rezoning.		
<input checked="" type="checkbox"/>	Two (2) business size envelopes legibly addressed with first class postage for each of the adjacent and abutting property owners on the above list.		
<input checked="" type="checkbox"/>	Accurate legal description or a map drawn to scale showing the property boundaries to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.		
<input checked="" type="checkbox"/>	18 (11"x17") map copies to be distributed to the Planning Board		
<input checked="" type="checkbox"/>	20 (11"x17") map copies to be distributed to the Board of Commissioners		
<input checked="" type="checkbox"/>	Digital (.pdf) submission of all application materials		
<input checked="" type="checkbox"/>	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.		
Office Use Only			
<input checked="" type="checkbox"/>	ZMA Fees: (\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter)		Total Fee Calculation: \$ 1288.10
Attachments Included with Application: (Please include # of copies)			
CD /other digital version	<input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> N	Plan Sets	# of large
			# of 11X17
			Other documents/Reports
			<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Payment Method:	Cash : <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check: <input checked="" type="checkbox"/> Check # 2712
Application received by:	Kyle Brewer		Date: 9/4/14
Application completeness approved by:			Date: 9/4/14
Dates scheduled for public hearing:			
<input checked="" type="checkbox"/> Planning Board: 10/5/14			
<input checked="" type="checkbox"/> Board of Commissioners: 12/2/14			

RETURN COMPLETED APPLICATION TO:
Pender County Planning & Community Development
805 South Walker Street
P.O. Box 1519
Burgaw, NC 28425

Print Form

SEP 04 2014

**STROUD ENGINEERING, P.A.**

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

PENDER PLANNING DEPT.

Rezoning Narrative for Properties of Jack Stocks on Carver Road

8/28/2014

Introduction

The three subject properties consist of eighty four acres total off of Carver Road, Rocky Point Township, in Pender County, NC, and belong to Jack Stocks. The property is generally bounded by Carver Road to the south, Turnstone Plantation to the east, and Turkey Creek to the north. We are proposing Residential Performance, RP, Zoning to enable residential only uses consistent with the immediately adjacent land uses. The Planned Development, PD, zoning that was established on the property prior to the Unified Development Ordinance, UDO, no longer allows for residential only development. There now has to be a mix of uses proposed in the PD zone.

Present Zoning

These properties were the parent tract for the property to the east, now known as The Knolls at Turkey Creek. This property was rezoned as Residential Performance in 2013. We want these three properties to be considered to be rezoned as RP as its adjacent parcel are.

Adjoining Land Uses

Land uses along Carver Road vary. In the immediate area of this property, the land use is residential, mostly manufactured homes. All properties adjacent to this piece are residential uses; however, these parcels are zoned Planned Development. Prior to the UDO, the landowner could propose residential only uses. The desire to develop a residential subdivision motivates this rezoning.

Proposed Residential Performance Rezoning

This proposal is for the rezoning of approximately eighty four acres from Planned Development, PD, to Residential Performance, RP zoning. This will enable exclusive residential development for subdivision to lots no smaller than fifteen thousand square feet given the availability of public water. Pender County Utilities has both water and sewer on Carver Road but it is understood that the sewer is for commercial uses only. The subject property, once rezoned, will be available to develop in similar fashion as the properties to which it is immediately adjacent.



Applicant:
Stroud Engineering, PA

Owner:
Jack Stocks/TIOGA, LLC

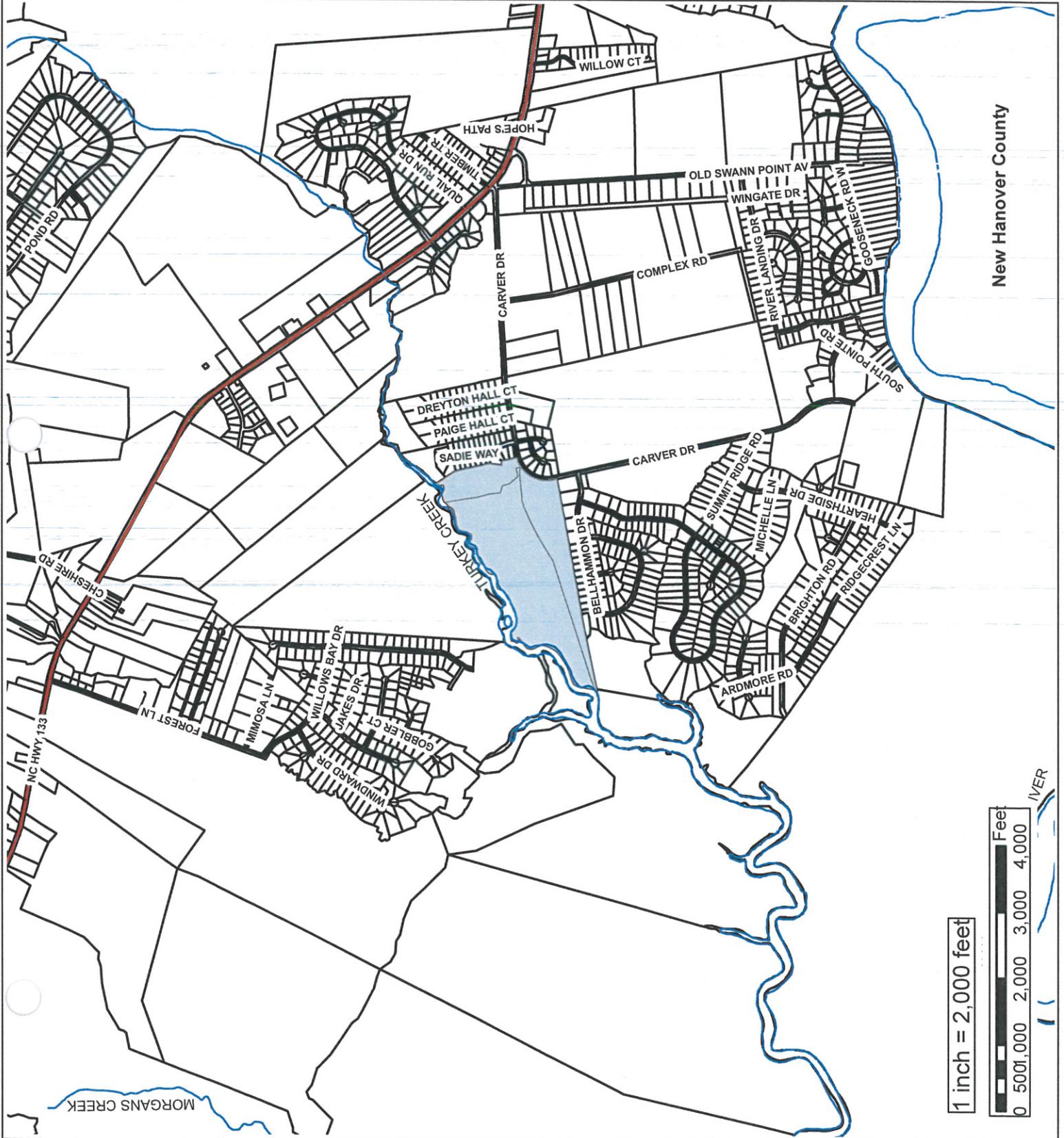
Zoning Map Amendment
11257

Legend

- Subject Property



Vicinity





Applicant:
Stroud Engineering, PA

Owner:
Jack Stocks/TIOGA, LLC

Zoning Map Amendment
11257

Legend

- Subject Property
- Rocky Point FLU Small Area Plan
- Land Use Classification
 - Conservation
 - Industrial
 - Mixed Use
 - Office, Institutional, Business
 - Rural Growth
 - Suburban Growth



Future Land Use





Applicant:
Stroud Engineering, PA

Owner:
Jack Stocks/TIOGA, LLC
Zoning Map Amendment
11257



Aerial - 2012





Applicant:
Stroud Engineering, PA

Owner:
Jack Stocks/TIOGA, LLC

Zoning Map Amendment
11257

Legend

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



Flood Hazard Areas

