



REQUEST FOR BOARD ACTION

ITEM NO. 16

DATE OF MEETING: May 16, 2016

REQUESTED BY: Megan O'Hare, Senior Planner, Planning & Community Development

SHORT TITLE: Resolution Requesting Approval of a General Use Rezoning from IT, Industrial Transitional zoning district to the RP, Residential Performance zoning district.

BACKGROUND: Adam Batchler, on behalf of Batchlers, LLC. owner, is requesting approval of a general use rezoning of one (1) tract totaling approximately 6.023 acres from IT, Industrial Transitional zoning district to RP, Residential Performance zoning district.

SPECIFIC ACTION REQUESTED: To Hold a Public Hearing and Consider the Approval of a Zoning Map Amendment from IT, Industrial Transitional zoning district to RP, Residential Performance zoning district.

RESOLUTION

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

on May 16, 2016 the Pender County Board of Commissioners (approved, modified, denied) a Zoning Text 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: Brown ___ McCoy ___ Keith ___ Piepmeyer ___ Williams ___

George Brown, Chairman 5/16/2016
Date

ATTEST 5/16/2016
Date

**PLANNING STAFF REPORT
ZONING MAP AMENDMENT**

SUMMARY:

Hearing Date: April 5, 2016 Planning Board
May 16, 2016 Board of Commissioners
Application Number: ZMA 171-2016
Applicant: Adam Batchler
Property Owner: Batchlers, LLC

Rezoning Proposal: The request consists of rezoning one (1) tract from IT, Industrial Transitional zoning district to RP, Residential Performance zoning district.

Property Record Numbers, Acreage, and Location: The property proposed to be rezoned is a newly created parcel of approximately 6.023 acres. The property is located at 314 Shaw Highway (SR 1520), near the intersection of NC 210 in the Holly Township and may be further identified by Pender County PIN: 3255-57-2159-0000.

Staff Recommendation: This request complies with the criteria set forth in Article 3.3.8 of the Pender County Unified Development Ordinance. The request is not in conflict with 2010 Comprehensive Land Use Plan or any other adopted plans; therefore, Staff respectfully recommends that the request be approved. The Planning Board recommended approval of this rezoning at their meeting on April 5, 2016.

DESCRIPTION:

Adam Batchler, on behalf of Batchlers, LLC. owner, is requesting approval of a general use rezoning of one (1) tract totaling approximately 6.023 acres from IT, Industrial Transitional zoning district to RP, Residential Performance zoning district.

The area proposed for the rezoning is undeveloped. There is a distributing business and an accessory building to the south of the subject parcel which is zoned as IT, Industrial Transitional zoning district. The remainder of the land use in the vicinity is low density residential or undeveloped. The distributing business on the parent parcel will retain its IT, Industrial Transitional zoning designation.

The minimum acreage to rezone to RP, Residential Performance zoning district is five (5) acres as listed in Section 4.14 Zoning District Dimensional Requirements in the Pender County Unified Development Ordinance. This request is fulfilling that requirement as proposed.

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

Access

The property will be accessed off of Shaw Highway. Any development will require appropriate approvals from NCDOT.

Utilities

The applicant states that a well onsite will serve as the source of water. The applicant states a septic tank will be utilized to handle wastewater. All utilities will require appropriate permits for the desired use.

Environmental Concerns

A portion of the subject property may be located in the Special Flood Hazard Area (SFHA) Zone A according to the Flood Insurance Rate Map (FIRM) 3720325500J published February 16, 2007. In the DFIRMS preliminary maps released in August 2014, this portion of the property is no longer located in a designated flood zone. Any development will require compliance with the Flood Damage Prevention Ordinance prior to building permit issuance.

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 the RP, Residential Performance zoning district. The four parent parcels are zoned IT, Industrial Transitional.
- C) Existing Land Use in Area:** The existing land uses of the surrounding property consist of vacant/undeveloped areas in addition to low density residential units. To the north, east and west are undeveloped parcels. To the south is a low density mix of mobile homes and traditionally built residential structures.
- D) 2010 Comprehensive Land Use Plan Compliance:** The 2010 Comprehensive Land Use Plan designates the subject property as Rural Growth. This land use classification identifies those areas of the county where urban services, i.e., public water and sewer services, are not expected to be extended within the planning horizon. Rural Growth areas are where preservation of agricultural operations is a primary concern and where conflicts between agricultural and non-agricultural uses are to be discouraged.

Rural Growth areas are intended to protect agricultural and forestry operations that are a major part of the County's economic base and that are key to preservation of the County's rural landscape. Major job-creating activities that are compatible with farms, forestry and very low-density development are appropriate. Development within Rural Growth areas should be limited to only those types of land uses and development intensities that can be accommodated by services typical in non-urban areas, e.g., private on-site water supply (or public water, as available) and on-site septic systems. Development with private package sewage treatment plants or premature extension of public sewer systems into these areas is discouraged. Public sewer should not be extended except to the extent necessary to protect public health when existing community wastewater systems fail or a pattern of failure of on-site systems occurs in a specific area. Uses that would typically be allowed in Rural Growth areas include very low-density residential development (single-family site-built, modular, and manufactured homes) on one acre or greater size lots; agriculture, forestry, churches; very limited nonresidential uses - commercial, office, or public/institutional - meeting locational criteria. Locational criteria for non-residential uses in Rural Growth areas include frontage and access to a major State

highway or secondary road, location at a major rural intersection, proximity to similar existing non-residential uses, and spatial separation from non-compatible uses such as existing residential development.

Areas designated as Rural Growth are located primarily in the western portion of the County with other Rural Growth areas designated surrounding the Holly Shelter Game Land and Angola Bay Game Land in eastern Pender County. Agricultural/farming operations and very low residential development intensities

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

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.

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.

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) 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.*

RECOMMENDATION:

The proposal consists of rezoning 6.023 acres from IT, Industrial Transitional zoning district, 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. The Planning Board unanimously recommended approval of this rezoning at their meeting on April 5, 2016.

VOTING AND RESOLUTION:

Planning Board

Motion: Fullerton _____ **Seconded:** McClammy _____

Approved: X _____ **Denied:** _____ **Unanimous:** X _____

Williams: ___ **Fullerton:** ___ **Baker:** ___ **Edens:** ___ **McClammy:** ___ **Nalee:** ___

PIN # 3255-57-2154-0000

6.02 acres

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 171-2016	Date	1/26/2016
Application Fee	\$ 500	Receipt No.	INVOICE # 88
Pre-Application Conference		Hearing Date	PB 4/9/2016
SECTION 1: APPLICANT INFORMATION			B06 5/16/2010
Applicant's Name:	Adam Batchler	Owner's Name:	Eric Batchler
Applicant's Address:	49417 Pine Street	Owner's Address:	211 Herbey Ln
City, State, & Zip	Wilmington, NC 28403	City, State, & Zip	Wilmington, NC 28411
Phone Number:	910-262-2899	Phone Number:	910-512-2689
Legal relationship of applicant to land owner: <u>southern piece</u>			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3255-47-9069-0000 3255-47-9597-0000 - northern piece	Total property acreage:	4.95
Current Zoning District:	IT	Proposed Zoning District:	RP
Project Address :			
Description of Project Location: North of the intersection of 210 and Shaw Hwy			
SECTION 3: SIGNATURES			
Applicant's Signature	<u>Adam Batchler</u>	Date:	1-26-16
Owner's Signature	<u>[Signature]</u>	Date:	1-26-16
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. 			

* Per site plan updated on 3/14/16 total acreage is 6.023 ±, applicant has a balance of \$10,73. jt

Rezoning/Zoning Map Amendment Checklist

<input checked="" type="checkbox"/>	Signed application form
<input checked="" type="checkbox"/>	Application fee \$500 rezoning
<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 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 Fee: (\$500.00 per first 3 acres; \$10/acre thereafter up to 3,000 acres; \$5/acre thereafter)						Total Fee Calculation: \$	
Attachments Included with Application: (Please include # of copies)								
CD/other digital version	<input type="checkbox"/> Y <input type="checkbox"/> N	Plan sets	# of large	# of 11x17	Other documents/Reports	<input type="checkbox"/> Y <input type="checkbox"/> N		
Payment Method:	Cash <input type="checkbox"/> \$ _____	Credit Card <input type="checkbox"/> Master Card <input checked="" type="checkbox"/> Visa	Check <input type="checkbox"/> Check # _____					
Application received by:	Megan Shore					Date:	2/18/2016	
Application completeness approved by:	Megan Shore					Date:	2/18/2016	
Dates scheduled for public hearing:	4/15/2016							
Planning Board:	5/10/2016							
Board of Commissioners:								

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



To whom it may concern,

My name is Adam Batchler and my family owns Batchlers LLC. We own property on Shaw highway .2 miles north of the 210 intersection. I am contacting you to inform you that I am applying to rezone two portions of my property (GIS pin #3255-47-8069-0000 and 3255-47-8587-0000) from Industrial to Residential. I am doing so in order to allow my family to move into Pender county. I am alerting you to this proposed change to follow standard Pender county rezoning protocol. If you have any concerns our address is 262 Shaw highway. I would be happy to hear from any of my wonderful neighbors here in Pender county.

Thank you,



Adam Batchler
Batchlers LLC
262 Shaw highway
Rocky Point, NC 28457



Eric Batchler

