



REQUEST FOR BOARD ACTION

ITEM NO. 17

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 RA, Rural Agricultural zoning district to the RP, Residential Performance zoning district.

BACKGROUND: Charles M. Elam II, applicant, on behalf of Southeast Custom Homes Inc., owner, is requesting approval of a Zoning Map Amendment of one (1) tract totaling approximately 39.48 acres from the RA, Rural Agricultural zoning district to the RP, Residential Performance zoning district.

SPECIFIC ACTION REQUESTED: To Hold a Public Hearing and Consider the Approval of a Zoning Map Amendment from RA, Rural Agricultural 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 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: 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
Applicant: Charles M. Elam, II
Property Owner: Southeast Custom Homes, Inc.
Case Number: ZMA 170-2016

Rezoning Proposal: Charles M. Elam II, applicant, on behalf of Southeast Custom Homes Inc., owner, is requesting approval of a Zoning Map Amendment of one (1) tract totaling approximately 39.48 acres from the RA, Rural Agricultural zoning district to the RP, Residential Performance zoning district.

Property Record Number, Acreage, and Location: The subject property is located on NC HWY 210 approximately 850 feet to the west of the intersection of NC HWY 133 and NC HWY 210 in the Long Creek Township and may be further identified by Pender County PIN: 3214-16-3938-0000.

RECOMMENDATION

The application is for a zoning map amendment of one (1) tract totaling approximately 39.48 acres from RA, Rural Agricultural zoning district to RP, Residential Performance zoning district. As submitted, the request complies with all criteria set forth in Section 3.3 Review Criteria for Rezoning of the Pender County Unified Development Ordinance and is consistent with one (1) goal and three (3) policies of the 2010 Comprehensive Land Use Plan and conflicts with none. There are no known conflicts with any adopted plans. At their meeting on April 5, the Planning Board unanimously recommended approval of this rezoning request.

HISTORY

The subject property was designated as R-20 prior to the County-wide comprehensive rezoning in 2010. With the adoption of the 2010 Pender County Unified Development Ordinance, the designation of the subject property was changed to RA, Rural Agricultural zoning district.

On July 10, 2007 a Major Residential Subdivision known as Wanet Landing was conditionally approved by the Pender County Planning Board to include fifty-two (52) single family residential lots on the subject property. The project then obtained Preliminary Plat approval on April 14, 2008. The project has since expired as no portions of the subdivision was completed prior to the termination of the Permit Extension Act of 2009, which kept the approval valid until July 10, 2013.

DESCRIPTION

Charles M. Elam II, applicant, on behalf of Southeast Custom Homes Inc., owner, is requesting approval of a Zoning Map Amendment of one (1) tract totaling approximately 39.48 acres from the RA, Rural Agricultural zoning district to the RP, Residential Performance zoning district. The subject property is located on NC 210 approximately 850 feet to the west of the intersection of NC HWY 133 and NC HWY 210 in the Long Creek Township.

The minimum acreage to rezone to RP, Residential Performance zoning district is five (5) acres according to Section 4.14 of the Pender County Unified Development Ordinance. This request is complaint as there are approximately 39.48 acres requested for Zoning Map Amendment.

Access

The property has direct access to NC 210 approximately 850 feet to the west of the intersection of NC HWY 133 and NC HWY 210. There is currently no site access on the subject property and any improvements or driveway permit is subject to review and approval by NCDOT at the time of a development application.

Utilities

Public water is available at the subject property through Pender County Utilities, however no public wastewater service is available. Any final zoning approvals are contingent upon review and approval by Pender County Utilities and the Environmental Health Department.

Environmental Concerns

There are no Areas of Environmental Concern (AEC) located on the property nor any regulated Special Flood Hazard Area (SFHA) according to FEMA Flood Insurance Rate Map Number 3720321400J, adopted February 16, 2007. There may be wetlands located on the property subject to review and approval of the Army Corps of Engineers.

All applicable state, federal and local agency permits are required prior to the issuance of final zoning.

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 on the subject parcel is RA, Rural Agricultural zoning district. Directly adjacent to this property to the east is zoned RP, Residential Performance zoning district as well some properties zoned RP, Residential Performance to the north and a portion of the land due west of the subject parcel. The majority of the land to the west of the subject property is zoned RA, Rural Agricultural zoning district. There is one parcel zoned O& I, Office and Institutional zoning district across NC HWY 210.

C) Existing Land Use in Area: The parcel is currently vacant. The properties to the north, south, east and west are low density residential and vacant. Directly north of the parcel the existing land use is a Religious Organization (St. Paul United Holy Church).

D) 2010 Comprehensive Land Use Plan: The 2010 Comprehensive Land Use Plan designates the subject property as Suburban Growth. The Suburban Growth land use classification identifies those 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, un-incorporated areas of the County. Suburban Growth designates areas where public water and public sewer are available or are planned in the near future. 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) that meet 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

This General Use Rezoning is consistent with one (1) goal and three (3) policies of the 2010 Comprehensive Land Use Plan and conflicts with none. The following goals and policies within this plan may be relevant to support the proposed Conditional Zoning map amendment;

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.

Policy 1A.1.4 The County shall actively direct growth towards suitable land areas and away from fragile natural resource areas, conservation areas and hazardous areas.

Policy 1A.1.5: The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.

E) Unified Development Ordinance Compliance: Article 3.3 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board before a favorable recommendation of approval for a rezoning can be made.

3.3.8 Review Criteria for Rezoning

The Planning Board and Board of Commissioners shall consider the following matters in considering a rezoning request:

- F. 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);
- G. 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;
- H. 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.

RECOMMENDATION

The application consists of a zoning map amendment request for approximately 39.48 acres from RA, Rural Agricultural zoning district to RP, Residential Performance zoning district. As submitted, the request complies with all criteria set forth in Section 3.3.8 of the Pender County Unified Development Ordinance and is consistent with one (1) goal and three (3) policies of the 2010 Comprehensive Land Use Plan. The request does not conflict with any existing policies, land uses, or zoning classifications. The Planning Board unanimously recommended approval of this rezoning request at their meeting on April 5, 2016.

BOARD ACTION FOR CONTIDTIONAL REZONING REQUEST

Motion: Fullerton Seconded: McClammy

Approved: X Denied: _____ Unanimous: X

Williams: __ Fullerton: _ Baker: __ Edens: __ McClammy: __ Nalee: __

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No	ZMA 170-2016	Date	2-16/2016
Application Fee	\$ 844.80	Receipt No	INVOICE # 877
Pre-Application Conference	12/1/2015	Hearing Date	PB 4/5/2016 BOC 5/16/2016
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Charles M. Elam, II	Owner's Name:	Southeast Custom Homes, Inc.
Applicant's Address:	208 Bates Retreat	Owner's Address:	126 Cardinal Dr Ext Suite 101
City, State, & Zip	Hampstead, NC 28443	City, State, & Zip	Wilmington, NC 28405
Phone Number:	(919) 427-0636	Phone Number:	(910) 798-8840
Legal relationship of applicant to land owner: The applicant is the President of Southeast Custom Homes, Inc.			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3214-16-3938-0000	Total property acreage:	39.48
Current Zoning District:	RA	Proposed Zoning District:	RP
Project Address :	n/a		
Description of Project Location:	The south side of NC Hwy 210 approximately 800 feet west of the intersection with NC Hwy 133		
SECTION 3: SIGNATURES			
Applicant's Signature	<i>Charles M. Elam II</i>	Date:	2-16-2016
Owner's Signature	<i>PRESIDENT: Charles M. Elam II</i>	Date:	2-16-2016
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.
1 <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.
2 <input checked="" type="checkbox"/>	18 (11"x17") map copies to be distributed to the Planning Board
3 <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 3 acres; \$10/acre thereafter up to 1,000 acres; \$9/acre thereafter) Total Fee Calculation: \$ 844.80
Attachments Included with Application: (Please include # of copies)	
CD /other digital version: <input type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets: # of large <input type="checkbox"/> 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 type="checkbox"/> Visa
	Check <input checked="" type="checkbox"/> Check # 5824
Application received by: <i>Megan O'Hare</i>	Date: 2/16/2015
Application completeness approved by: <i>Megan O'Hare</i>	Date: 2/18/2015
Dates scheduled for public hearing:	
<input checked="" type="checkbox"/> Planning Board:	4/15/2016
<input checked="" type="checkbox"/> Board of Commissioners:	5/12/2016

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

Print Form



celam@southeastcustomhomes.com
www.SoutheastCustomHomes.com

February 17, 2016

Pender County Planning and Community Development
c/o Kyle Breuer
Post Office Box 1519
Burgaw, North Carolina 28425

Re: Property Rezoning Request from RA to RP Zoning Classification

Dear Mr. Breuer and Members of the Pender County Planning Board,

I am the owner of 39 acres of land located on NC Hwy 133 in the Long Creek area of Pender County. The property was zoned R-20 during 2007. The property acquired the current zoning classification of RA with the adoption of the Pender County UDO in 2010. I am seeking to have the property rezoned to RP.

Thank you for your consideration.

Sincerely,

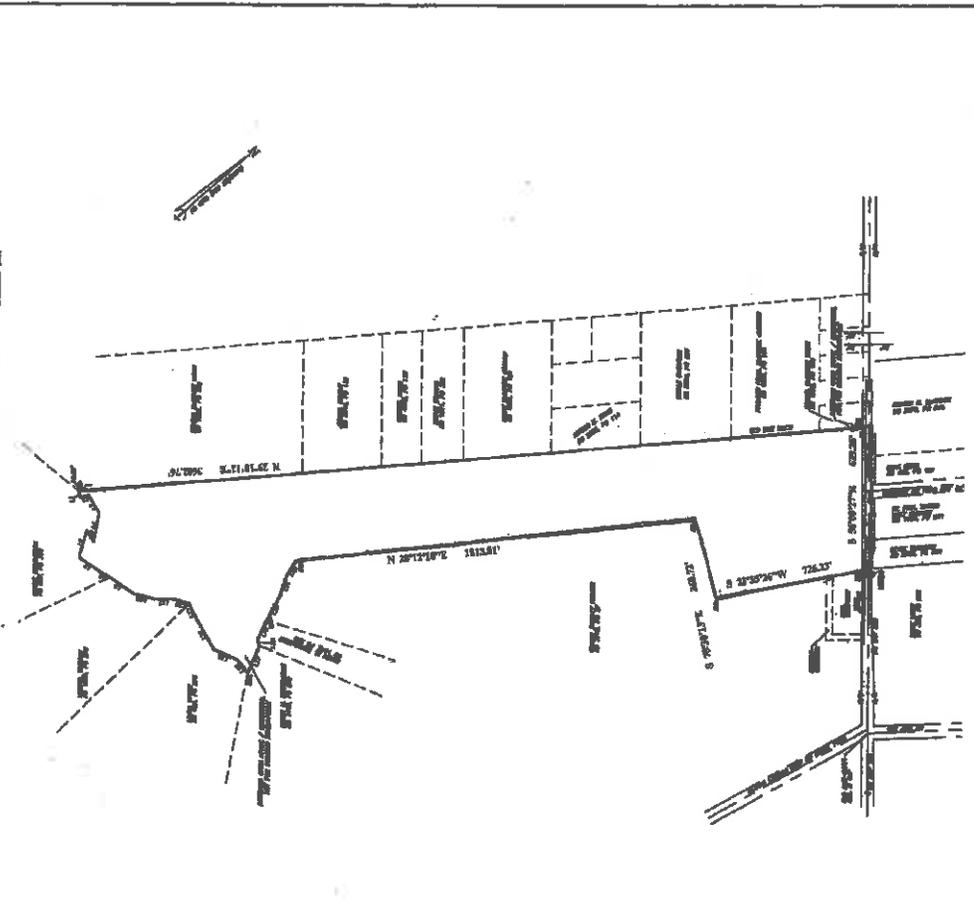
A handwritten signature in cursive script that reads "Chaz Elam".

Charles "Chaz" M. Elam, II

COURTY IMPROVEMENTS
 LOTS 20 THROUGH 27 FASE 010
 FENDER COUNTY TOWNSHIP

NOTES:

1. FROM PLATD MAP INFORMATION:
 PLAT NO. 3703/044 2014 J. FLEED ZONE X
 MAP NO. 3703/044/0017 EVIDENTIARY DATE FEBRUARY 04, 2007.
2. THE PROPERTY LINES ARE AS NOTED ON MAP.
3. ALL DISTANCES ARE MEASURED FROM THE CORNERS.
4. ALL DISTANCES ARE MEASURED FROM THE CORNERS.
5. ALL DISTANCES ARE MEASURED FROM THE CORNERS.
6. ALL DISTANCES ARE MEASURED FROM THE CORNERS.



SOUTHEAST CUSTOM HOMES, INC.
 LONG CREEK TOWNSHIP
 FENDER COUNTY - NORTH CAROLINA
 SCALE: 1" = 400'

400 0 400 800 1200
 GRAPHIC SCALE - FEET

I, Henry D. Carr, PLS, certify that this plat was drawn under my supervision from an accurate survey of the land shown hereon and that the same is a true and correct representation of the same as the same was surveyed and as the same is shown on the plat as published in 1:10,000' and is correct to the best of my knowledge and belief. Witness my original Signature, License Number and Seal this _____ day of _____ AD, 2016.

Henry D. Carr, PLS
 No. License No. L-2580

PRELIMINARY - FOR REVIEW AND COMMENTS ONLY

ANNELEY D. CARR, PLS
 ROBERT H. CARLISLE & ASSOCIATES, PA
 3170 W. HUNTERS LANE, SUITE 100
 WELLSVILLE, NORTH CAROLINA 28045
 PHONE: 810-385-0010
 FAX: 810-385-0016