

PLANNING STAFF REPORT
Comprehensive Plan Map Amendment

Summary:

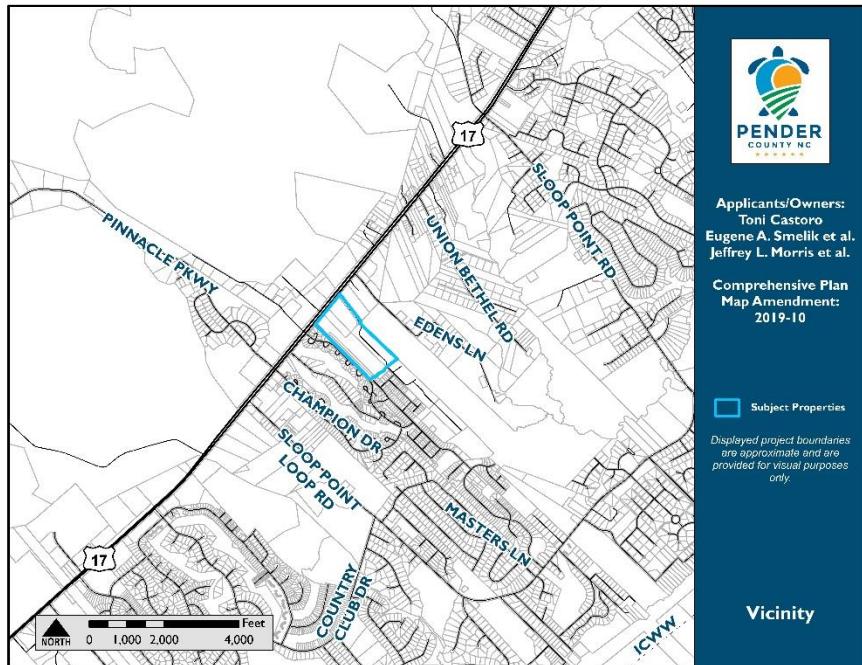
Hearing Date: July 8, 2019, Planning Board
August 19, 2019, Board of County Commissioners

Case Number: CPMA 2019-10

Applicants/Owners: Toni Castoro
Jeffrey L. Morris et al.
Eugene A. Smelik et al.

Map Amendment Proposal:

Toni Castoro, Jeffrey L. Morris et al., and Eugene A. Smelik et al., applicants and owners, are requesting approval of an amendment to the Pender 2.0 Comprehensive Land Use Plan Future Land Use Map for all of six (6) tracts and a portion of one (1) tract totaling approximately ±47.50 acres from the Low Density Residential future land use category to the Regional Mixed Use future land use category.



Property Record Numbers and Location: The subject properties are located on the east side of US HWY 17 approximately ±1,000 feet north of the intersection of US HWY 17 and Topsail Plantation Drive (Private) and approximately ±700 feet south of the intersection of US HWY 17 and Edens Lane (SR 1728) in the Topsail Township. The subject properties can be identified by the following Pender County PINs: 4204-86-8697-0000; 4204-86-6499-0000; 4204-96-0846-0000; 4204-95-2776-0000; 4204-85-9739-0000; 4204-95-0565-0000; and a portion of 4204-95-5947-000L.

RECOMMENDATION

The application described in this report proposes amending the Pender 2.0 Comprehensive Land Use Plan to change the future land use designation of all of six (6) tracts and a portion of one (1) tract totaling ±47.50 acres from the Low Density Residential future land use category to the

Regional Mixed Use future land use category. The proposal is consistent with four (4) policies and conflicts with one (1) policy within the Pender 2.0 Comprehensive Land Use Plan. Staff evaluation noted benefits and drawbacks of the proposal in terms of being a resource for residents in the area, potential incompatibility with surrounding neighborhoods at the time of development, and potential impacts on infrastructure.

Planning staff therefore recommend denial of the request as is outlined in this report. However, Staff also recommend a tabling of the request until various topics can be addressed, namely: 1) a change in requested future land use category from Regional Mixed Use to Neighborhood Mixed Use; 2) a parallel amendment to the Pender County Collector Street Plan; and 3) adoption of Access Management Standards as part of the Pender County Unified Development Ordinance Update Project.

COMPREHENSIVE PLAN MAP AMENDMENT PROCESS

The Pender County Future Land Use Map is created to provide guidance for zoning and land use decisions and is a key feature of the Pender 2.0 Comprehensive Land Use Plan. The Map displays the County's long-range land use and development goals and planned future growth patterns throughout the County planning jurisdiction and includes twelve (12) future land use categories, each of which establish unique sets of desired land uses and development characteristics.

Originally established by the 2010 Pender County Comprehensive Land Use Plan and continued by the Pender 2.0 Comprehensive Land Use Plan, amendments to adopted land use plans in Pender County shall follow the same process as utilized in a General Use Zoning Map Amendment. This requires a pre-submittal meeting between the applicant(s) and Planning Staff at least thirty (30) days prior to application submission and public hearings before both the Planning Board and the Board of County Commissioners, in which the Planning Board will provide a recommendation of approval or denial and the Board of County Commissioners will make a final decision. Should the application be approved, the Future Land Use Map within the Pender 2.0 Comprehensive Land Use Plan shall be the only map amended. The official zoning map of Pender County will not be changed as part of this application.

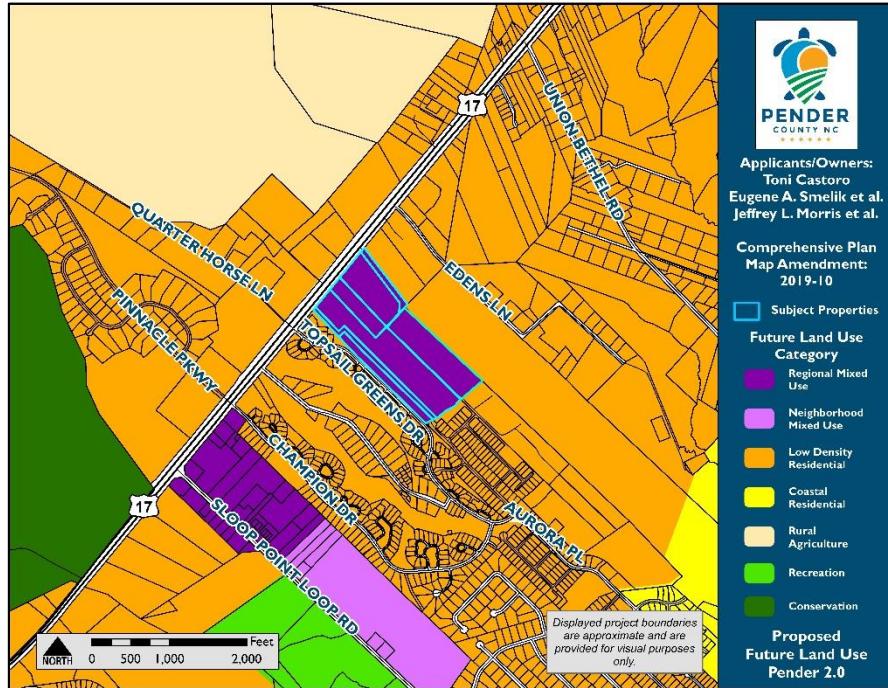
DESCRIPTION

The subject properties are located to the east of US HWY 17 and immediately to the north of the Topsail Greens and Wyndwater communities. Most of the parcels with direct access to US HWY 17 are currently vacant, with one housing a billboard and another containing Amanda Ln. (Private). Amanda Ln. provides access to the Cardinal Acres Manufactured Home Park, which is located partly on a portion of one of the subject parcels (PIN 4204-95-5947-000L) and connects to additional private streets (Cardinal Acres Dr. and Oriole Dr.) to the east of the subject parcels.

Future Land Use Map and Categories: The Pender 2.0 Comprehensive Land Use Plan established a diverse range of future land use categories in the context of the Future Land Use Map. The

Future Land Use Map is not intended to reflect current growth patterns or zoning districts. Instead, the Future Land Use Map displays the County's preferred growth scenario over a 30-year time horizon based on emerging trends in population growth, infrastructure improvements, and environmental concerns. The Future Land Use Map is among the primary tools available to Planning Staff, the Planning Board, and the Board of County Commissioners in evaluating development proposals such as Master Development Plans, Rezonings, and Special Use Permits.

The Future Land Use Map within the Pender 2.0 Comprehensive Land Use Plan is drawn almost entirely using parcel lines but is not intended to be parcel-specific. It is intended that boundaries between differing future land use categories shown on the map are general areas for the blending of one preferred development scenario into another and vice versa.



All of the subject properties are currently designated within the Low Density Residential future land use category. The following is the description of this future land use category from the Pender 2.0 Comprehensive Land Use Plan:

The Low Density Residential future land category is located on the fringe of medium density residential uses and within existing single-family neighborhoods. These areas are typically established single-family neighborhoods with a low density residential development pattern. Appropriate uses include single-family dwellings and neighborhood-scale institutional facilities. Commercial and industrial uses are inappropriate in these areas, as are large institutions and other significant traffic generators. Duplexes and townhomes may be suitable when proposed as part of a master planned community whereby the dimensional requirements and uses forming the outer boundary of the community are compatible with the adjacent properties or permissible uses. Clustering of new communities is encouraged.

Development density within this category is two dwelling units an acre or less. Water and sewer service may not be available in these areas.

The subject properties and much of the US HWY 17 corridor within Pender County north of the Hampstead Bypass' northern interchange (R-3300B) is designated as either Low- or Medium-

Density Residential future land use classifications. This was done in order to preserve the corridor's effectiveness for local and through traffic and to avoid the "strip" commercial development pattern seen throughout much of Hampstead today. As such, much of the intense commercial and residential growth is directed by the Future Land Use Map within the portion of the US HWY 17 corridor that will be bypassed in order to take advantage of the reduction in traffic volumes along that portion of US HWY 17 that the Bypass will create.

The application proposes to change the future land use designation for the subject properties to the Regional Mixed Use future land use category. A description of this future land use category from the Pender 2.0 Comprehensive Land Use Plan is provided below:

The Regional Mixed-Use category will allow for the strategic allocation of future development and population growth, while limiting land use conflicts within existing neighborhoods. Growth is focused in locations that are served by water/sewer infrastructure and are located along planned major collector roadways and existing primary roadway corridors in the southern portion of the County (I-40, US 17, US 117, US 421, and NC-210). This future land use category provides access to retail, office, and multi-family residential uses. These land uses are primarily accessed by the automobile, but facilities should be included to increase the viability of access via walking or cycling.

The preferred land use mix is primarily commercial/retail and office with multi-family residential uses. Large employment centers and retail spaces are encouraged. Higher density single-family uses should account for less than 25% of a development proposal and should complement a more substantial mix of commercial/office and multi-family development. Development within this category should provide ample landscaping and street trees to present an inviting environment to travelers passing through the County. More intense commercial and offices uses requiring larger lots sizes, parking area, and stormwater infrastructure are permitted in this land use category. Artisan manufacturing is encouraged in this category.

Big box buildings, such as department stores, variety stores, warehouse retail centers, grocery stores, furniture outlets, and similar buildings shall be designed such that the exterior façade has the appearance of several smaller, human scale, buildings through the use of vertical treatments and elements that break up the horizontal wall.

Internal circulation patterns should create street-like spaces lined with on-street angled or parallel parking and parking areas. Internal pedestrian connections should also be provided whereby structures within a development are connected with each other. Sidewalks should connect all buildings within the site and to adjoining sites. Sidewalks should have street trees and pedestrian lighting. Surface parking lots should be heavily shaded, landscaped, and located in the rear of new development where practicable. Shared parking should be encouraged where multiple uses are located within walking distance (1/4 mile). Stormwater infrastructure should be located behind buildings or incorporated into the design of the development as an amenity. Development density

within this category allows for up to 15 units per acre for multi-family residential development and up to 10 units per acre for single family development.

Access: Five of the subject parcels have direct access to US HWY 17, with the remaining parcels gaining access to US HWY 17 via private streets present on the subject properties. Any future development or improvements are subject to review and approval by NCDOT at the time of a site development plan application.



Utilities: Pender County Utilities currently provides public water service to the Topsail Greens and Wyndwater communities and also has mains located under US HWY 17. Additionally, Pluris of Hampstead, LLC provides wastewater services to the Wyndwater community. Any development proposals and approvals are contingent upon review and approval by Pender County Environmental Health and appropriate local and state agencies based on future uses.

Environmental: Based on currently adopted FEMA Flood Insurance Rate Maps, there is one area of Special Flood Hazard Areas in the "AO" Zone that covers portions of five parcels, concentrated closer to US HWY 17. Per the Pender County Flood Damage Prevention Ordinance, at the time of a development proposal, any construction in the AO Zone will be required to elevate two feet above the highest elevation present on a given parcel. Preliminary, not-yet-adopted flood maps decrease the amount of area within the subject parcels included in the AO Zone, though one small area along the southern boundary of the subject parcels, immediately adjacent to Topsail Greens Dr., is still included in the AO Zone.

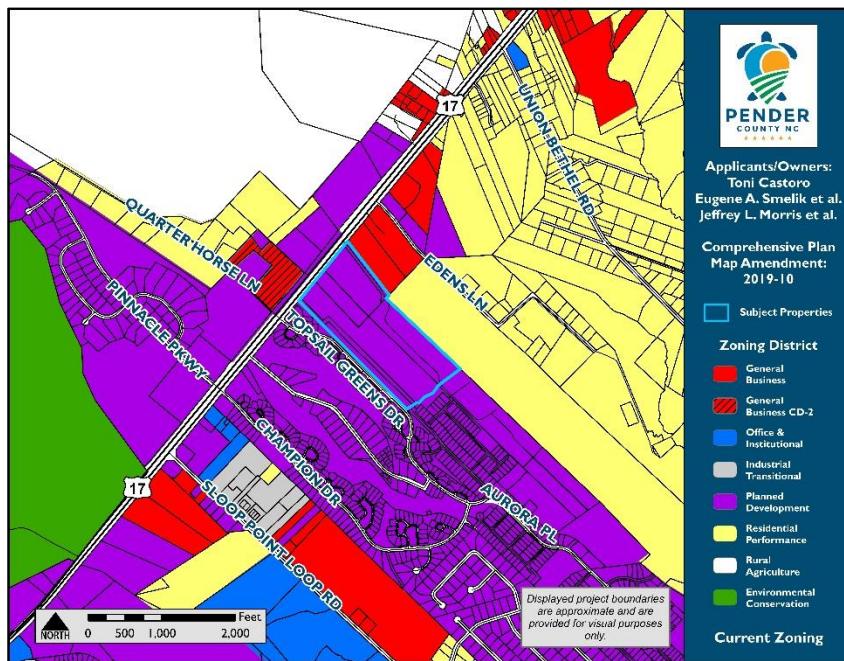
According to the National Wetland Inventory (NWI) and North Carolina Division of Coastal Management (DCM), multiple areas of preliminary wetlands exist throughout nearly all of the subject parcels.

In accordance with Recommended Action 3.1.I.1 in the Pender 2.0 Comprehensive Land Use Plan, the subject properties were evaluated in relation to the Biodiversity/Wildlife Habitat Assessment data provided by the North Carolina Wildlife Resources Commission. Land that has been

inventoried through this Assessment is ranked on scale ranging from 1 to 10, with higher numbers signifying a more prevalent presence of “more rare, abundant, and diverse species and habitats” in those areas and are thus a higher priority for preservation and conservation. Within the subject parcels, highest Assessment ranking found is a 6, covering most of the parcels located between US HWY 17 in the west, Topsail Greens Drive to the south, Wyndwater to the east, and Amanda Lane to the north. A rating of “6” signifies that the lands are a “high priority” to conserve due to their ecological value.

EVALUATION

Public Notifications: Public notice of the proposal for an amendment to the Comprehensive Land Use Plan has been advertised in the Pender-Topsail Post and Voice. Adjacent property owners within 500 feet of the proposal have been given written notice of the request and a public notification sign has been placed along US HWY 17 on one of the subject properties.

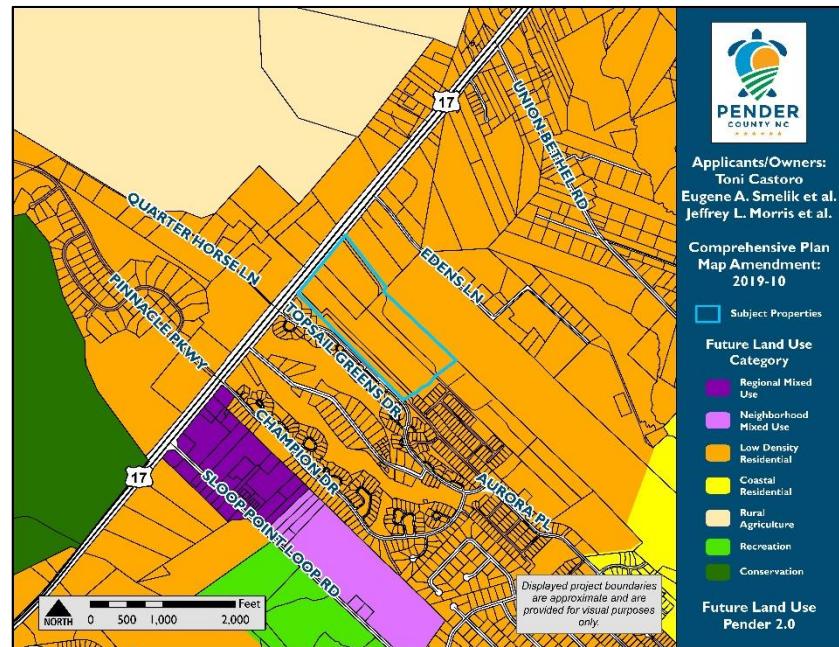


Existing Zoning in Area: All of the subject properties are zoned PD, Planned Development zoning district, as are all parcels associated with the neighboring Topsail Greens and Wyndwater communities to the south as well as across US HWY 17. To the north, the subject parcels are bordered by properties zoned GB, General Business near US HWY 17, as well as properties zoned RP, Residential Performance zoning district.

Existing Land Use in Area: Three of the subject parcels are currently included in the Cardinal Acres Manufactured Home Park, while the rest of the subject parcels are primarily vacant. The single-family residential neighborhoods of Topsail Greens and Wyndwater (partially under construction) border the subject parcels to the south, with primarily vacant land to the north and east and a few commercial businesses to the west across US HWY 17.

Future Land Use Designations in Area: The Future Land Use Map within the Pender 2.0 Comprehensive Land Use Plan describes the County's desired development patterns in the long-term future taking into consideration the availability of infrastructure and services for current and future residents and visitors, environmental protection, and natural and manmade hazards. The Future Land Use Map is the primary tool used by Pender County officials to evaluate zoning decisions.

The subject parcels as well as all surrounding parcels are within the Low Density Residential future land use category, as is much of the US HWY 17 corridor between Sloop Point Loop Road (SR 1563) and Sloop Point Road (SR 1561). The nearest instance of areas within the Regional Mixed Use future land use category exist at the intersection of US HWY 17 and



Sloop Point Loop Road (SR 1563), with areas designated within the Neighborhood Mixed Use future land use category to the east along Sloop Point Loop Road (SR 1563) across from Hampstead Kiwanis Park.

Much of the US HWY 17 corridor within Pender County north of the Hampstead Bypass' northern interchange (R-3300B) is designated as either Low- or Medium-Density Residential future land use classifications. This was done in order to preserve the corridor's effectiveness for local and through traffic and to avoid the "strip" commercial development pattern seen throughout much of Hampstead today. As such, much of the intense commercial and residential growth is directed by the Future Land Use Map within the portion of the US HWY 17 corridor that will be bypassed in order to take advantage of the reduction in traffic volumes along that portion of US HWY 17 that the Bypass will create.

Pender 2.0 Comprehensive Land Use Plan: The Pender 2.0 Comprehensive Land Use Plan currently designates the subject properties as Low Density Residential, a future land use category established in many places throughout the County to continue the predominantly single-family residential development style that currently exists in these areas. These areas are not appropriate for commercial uses, nor are they appropriate for large institutional uses nor other significant traffic generators. Preferred gross development density is less than two (2) units per acre.

The applicants have requested the designation be changed to Regional Mixed Use, which has been established to designate areas for commercial, office, and multi-family uses in areas where necessary infrastructure exists to support it, including proximity to major roadways such as US HWY 17. Primarily intended for large employment and activity centers, this future land use category does support instances of high-density single-family development when proposed as less than 25% of a larger mixed-use development. Gross development density for multi-family residential uses is up to 15 units per acre, and for single-family residential uses up to 10 units per acre.

The proposed amendment for the future land use designation of the subject properties represents a significant change from one of the lowest intensity future land use categories to the highest. With the Low Density Residential future land use category being established primarily to protect existing single-family neighborhoods, the proposed change could lead to future development proposals that may be incompatible with those neighborhoods but nonetheless supported by the Plan. At the same time, the US HWY 17 corridor north of Sloop Point Loop Road (SR 1563) is all primarily Low Density Residential and providing additional areas for commercial development in the Future Land Use Map can serve as a resource and employment opportunity for residents in the immediate vicinity, the Topsail Township, and travelers along the US HWY 17 corridor.

The Pender 2.0 Comprehensive Land Use Plan also establishes a Neighborhood Mixed Use future land use category which is intended to establish areas of transition between higher intensity commercial and residential development and low-density residential neighborhoods. A description of the future land use category is below:

Neighborhood mixed use allows for a transition between more intense commercial, office, and residential development to lower density residential neighborhoods. The neighborhood mixed use category is primarily dedicated to non-residential uses that provide services, entertainment, and amenities to residents within a three mile radius. Land use and development within this category is closely coordinated with existing and planned roadway transportation networks, while encouraging bicycle and pedestrian access. This future land use category should be composed of a mixture of integrated commercial, office, institutional, and single-family residential uses. This future land use classification is not intended to be solely reserved for mixed use developments. Single use developments that contribute toward an integrated land use pattern of appropriate commercial, office, civic, and medium density residential uses are encouraged.

Appropriate uses include neighborhood-scale retail, restaurant, and office establishments; religious and educational institutions; and higher-density single-family residences – attached and detached. Large-scale or intense commercial establishments, multi-family development, and industrial operations are not appropriate. Building footprints are generally limited to 15,000 square feet in size or smaller. These areas should be served by water and sewer infrastructure. Development density within this category allows for up to 10 units per acre for residential development.

It is the determination of Staff that the spirit and intent of the Neighborhood Mixed Use future land use category is more appropriate for the subject properties than the Regional Mixed Use future land use category. The Neighborhood Mixed Use future land use category supports development that still provides a resource for nearby residents for employment, goods, and services, while also establishing a preferred growth scenario that is still compatible with the current and future low density residential development that surrounds the subject properties.

The proposed amendment is consistent with the following policies within the Pender 2.0 Comprehensive Land Use Plan:

Policy 5.1.L: Office and Employment Centers: The County vigorously supports the development of large-scale office and employment centers to increase the number of jobs located within the County.

Policy 5.1.V: Residential Development: The County supports a range of housing types and development at appropriate densities and locations that are compatible with their surroundings and are in accordance with the future land use map.

The proposal is supported by the above policies due to the Regional Mixed Use future land use category's support of large scale office and employment centers as well as a range of housing types for residential development. However, the proposed amendment is inconsistent with the following policies:

Policy 5.1.D: Focused Growth and Development: The County supports a growth pattern that includes low density single-family residential communities, but also allows for the strategic placement of higher density residential, mixed uses, and commercial development to accommodate and support future population growth, where necessary infrastructure exists or is planned.

Policy 5.1.H: Mixed Use Development: The County supports a wide range of commercial and residential development at varying intensities, when appropriately located, and provided that impacts to adjacent property owners and traffic congestion is mitigated.

Policy 5.1.W: Single-Family Residential Development: The County shall maintain areas exclusively for conventional single-family development. Conversion of single-family homes to two-family and/or multi-family residential uses within established single-family neighborhoods shall be discouraged.

The proposal does seek to establish an area for mixed use development, which is supported by the above policies. What leads to the proposal being in conflict with the above policies is in the location, where a Regional Mixed Use future land use category would support development that is incompatible with both current and future development patterns in the immediate vicinity and inconsistent with the long term vision for the County's preferred growth scenario along the US HWY 17 north of the northern Hampstead Bypass interchange.

Pender County Collector Street Plan: In recognition of the increased development intensity and increased traffic that could be a result of this change to the Future Land Use Map, Staff propose updates to the Pender County Collector Street Plan should the request be approved. The Collector Street Plan calls for collector streets to be spaced approximately 750 to 1,500 feet apart in areas with a development density greater than four (4) units per acre, as is requested by this proposal. Therefore, based on the size of the project area, Staff propose two (2) additional collector streets parallel to US HWY 17 between Topsail Greens Drive (Private) and Edens Lane (SR 1728).

Unified Development Ordinance Update Project: A comprehensive update to the Pender County Unified Development Ordinance (UDO) is currently underway. One major feature of the updated document are access management standards, which are being drafted by Staff, the project consultant, and the Wilmington Metropolitan Planning Organization. These standards will establish rules and regulations governing the means by which development can access major roadways, to include driveway spacing standards and cross-access connectivity. These standards are to be implemented into the updated UDO with the goal of ensuring the continued efficient operation of current primary roadways and protecting the benefits seen by future infrastructure investments such as the Hampstead Bypass (R-3300A and R-3300B) and Hampstead Median Project (U-5732), including the US HWY 17 corridor north of the northern boundaries of both projects.

Unified Development Ordinance Compliance: Per the guidelines for evaluating Comprehensive Plan Amendments stated above, these amendments are to follow the same process as used in evaluating a General Use Rezoning. Section 3.3 of the Unified Development Ordinance (Revised January 22, 2019) provides for standards that shall be followed by the Planning Board and Board of County Commissioners before a favorable recommendation of approval for a rezoning can be made. Section 3.3.8 states the Board must consider the availability of public water, wastewater, and roads for the subject parcel.

Utilities: Public water and private sewer services are available in the immediate vicinity of the subject properties. Any development proposal and final zoning approvals of said development are contingent upon review and approval by Pender County Environmental Health and all other appropriate local and state agencies and utility providers.

Traffic and Roadways: Most of the subject properties have direct frontage on US HWY 17, with the remainder gaining access to US HWY 17 through private streets (Amanda Ln.) located on the subject parcels. The subject properties are located north of the northern-most interchange of the Hampstead Bypass (R-3300A and R-3300B) and are also located north of the Hampstead Median Project's northern boundary (U-5732).

Average Annual Daily Trips (AADT) and capacity of US HWY 17 in this area are 35,000/29,990 (Vehicles to Capacity or V/C), which represent a V/C ratio of 1.17:1. A development proposal is not included in this application, therefore no direct impact to the roadway system can be anticipated at this time. However, the rise in appropriate residential development densities and

support of commercial and office-type uses associated with the request could result in larger traffic volumes in the future.

Furthermore, according to projections provided by NCDOT, traffic volumes in 2040 are expected to reach an Average Annual Daily Trips (AADT) figure of 56,600 trips per day along US HWY 17 north of Sloop Point Loop Road (SR 1563). Improvements to this section of roadway are suggested in the US 17/NC 210 Corridor Study (2012), including specific recommendations to upgrade US HWY 17 between Sloop Point Loop Road (SR 1563) and the Onslow County line to a Superstreet. However, improvements to this corridor are not included in the current State Transportation Improvement Program nor in any long-range transportation plans.

Schools: There is no development proposal associated with this application, therefore no direct impact to Pender County Schools can be anticipated or measured. However, the increase in appropriate residential development densities associated with such a request could result in some degree of impact to Pender County Schools in the future.

RECOMMENDATION

The application described in this report proposes amending the Pender 2.0 Comprehensive Land Use Plan to change the future land use designation of all of six (6) tracts and a portion of one (1) tract totaling ±47.50 acres from the Low Density Residential future land use category to the Regional Mixed Use future land use category. The proposal is consistent with four (4) policies and conflicts with one (1) policy within the Pender 2.0 Comprehensive Land Use Plan. Staff evaluation noted benefits and drawbacks of the proposal in terms of being a resource for residents in the area, potential incompatibility with surrounding neighborhoods at the time of development, and potential impacts on infrastructure.

Planning staff therefore recommend denial of the request as is outlined in the report. However, Staff also recommends a tabling of the request until the following additional concerns can be addressed:

1. The future land use category requested by the applicant be amended to Neighborhood Mixed Use instead of Regional Mixed Use to establish a preferred growth scenario for the subject parcels that is more compatible with surrounding low-density neighborhoods while still providing a resource for employment, goods, and services for nearby residents.
2. Staff propose a drafting of a parallel amendment to the Pender County Collector Street Plan that establishes new collector streets in the location of the subject properties, spaced approximately 1,000 feet apart and to run parallel to US HWY 17 across the subject properties from Topsail Greens Drive (Private) to Edens Lane (SR 1728).
3. Access Management Standards are formulated and adopted as part of the Unified Development Ordinance Update Project.

3.3.8 Review Criteria for Rezoning

Per guidelines for consideration of a Comprehensive Plan Amendment, The Planning Board and Board of Commissioners shall utilize general use rezoning guidelines 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.

BOARD ACTION FOR COMPREHENSIVE PLAN MAP AMENDMENT REQUEST

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous: _____

Fullerton: ____ Nalee: ____ Baker: ____ Carter: ____ Jordan: ____ McClammy: ____