

**PLANNING STAFF REPORT
ZONING MAP AMENDMENT**

SUMMARY:

Hearing Date: July 5, 2017, Planning Board
August 21, 2017, Board of County Commissioners
Applicant: Sandra Rivenbark
Property Owner: Sandra Rivenbark
Case Number: ZMA 573-2017

Rezoning Proposal: Sandra Rivenbark, applicant and owner, is requesting approval of a Zoning Map Amendment for two (2) tracts totaling approximately ±10.71 acres from GB, General Business zoning district to RA, Rural Agricultural zoning district.

Property Record Number, Acreage, and Location: The subject properties are located in the Burgaw Township, along the west side of NC HWY 53, approximately 5,000 feet north of the intersection of NC HWY 53 and Interstate 40 and may be further identified by Pender County PINs: 3330-37-8350-0000 & 3330-37-5189-0000.

RECOMMENDATION

The application is for two (2) tracts totaling approximately ±10.71 acres from GB, General Business zoning district to RA, Rural Agricultural zoning district. As submitted, the request complies with the criteria set forth in Section 3.3.8.B of the Pender County Unified Development Ordinance. The request is consistent with one (1) policy in the 2010 Comprehensive Land Use Plan. The request does not conflict with any policies found in the 2010 Comprehensive Land Use Plan. Therefore, the Administrator respectfully recommends the approval of the rezoning request as described in this report.

DESCRIPTION

Sandra Rivenbark, applicant and owner, is requesting approval of a Zoning Map Amendment for two (2) tracts totaling approximately ±10.71 acres from GB, General Business zoning district to RA, Rural Agricultural zoning district. The subject properties are currently occupied by two residential uses addressed at 3256 and 3286 NC HWY 53 and an accessory structure.

Access

The subject properties have direct access to NC HWY 53. Any improvements are subject to review and approval by NCDOT at the time of a site development application.

Utilities

Public water and wastewater are not currently available to the subject properties. Any final zoning approvals are contingent upon review and approval by Pender County Environmental Health and appropriate local and state agencies.

Environmental Concerns

There are no Special Flood Hazard Areas (SFHA) located on the subject parcels according to FEMA Flood Insurance Rate Map Number 3720333000J, adopted February 16, 2007. No wetlands are identified on the property according to the National Wetlands Inventory (NWI).

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 within 500 feet of the proposal 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 GB, General Business zoning district. The subject property is surrounded by GB, General Business zoning district properties in each direction.
- C. Existing Land Use in Area:** The subject parcels are currently occupied by two residential structures and an accessory structure. The northernmost parcel is currently vacant. The subject parcel is bordered by residential uses to the south and vacant land to the north, west, and east. Further residential uses are located to the north near the intersection of NC HWY 53 and Murray Town Road (SR 1503).
- D. 2010 Comprehensive Land Use Plan:** The 2010 Comprehensive Land Use Plan designates the subject property as Rural Growth. The Rural Growth land use classification defines those areas of Pender 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. 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.

The RA, Rural Agricultural zoning district is consistent with the Rural Growth future land use categorization. The current zoning of the property conflicts with the Rural Growth future land use categorization. Similar areas in the county like Watha and Rocky Point, near major intersections, are zoned commercial. However, many of these areas have retained their residential characteristics. The subject parcel is located adjacent to low-density residential uses, vacant land, and agricultural farmland. The general use rezoning would be consistent with the classification by providing low density residential uses in an area without water and wastewater utility services. The general use rezoning may also be consistent with Sections 3.3.8.A and 3.3.8.D of the UDO, as residential development could be in the surrounding public's interest and could be appropriate considering the surrounding uses and characteristics of the area.

This General Use Rezoning is consistent with one (1) policy found within the 2010 Comprehensive Land Use Plan and conflicts with none. The following policy within this plan may be relevant to support the proposed Zoning Map Amendment;

Policy 3A.1.4 Consistently use the Comprehensive Land Use Plan, as well as other plans and studies, to determine if a rezoning request is appropriate and consistent with local policies.

This General Use Rezoning request does not conflict with any policies of the 2010 Comprehensive Land Use Plan.

- E. Unified Development Ordinance Compliance:** Section 3.3 of the Unified Development Ordinance 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 wastewater services are not available for the subject properties. Any final zoning approvals are contingent upon review and approval by Pender County Utilities and appropriate local and state agencies. Existing structures are serviced via private well and on-site septic systems.

Traffic & Roadways

The property has direct access to NC HWY 53. Any improvements are subject to review and approval by NCDOT at the time of a site development application. The rezoning request is not near any proposed NCDOT project area. A development proposal is not required for a general use rezoning. Therefore, no impact to the roadway system can be anticipated. According to Section 5.3.2 of the Pender County Unified Development Ordinance, three residential structures are permitted on residentially zoned properties, provided that each principal residential structure meets the minimum zoning district lot size requirements and that a plat drawn to scale by a licensed registered surveyor is submitted showing that all yards and other requirements of this Ordinance have been met for each structure.

Schools

There is no development proposal associated with this general use rezoning. A general use rezoning from the GB, General Business zoning district to the RA, Rural Agricultural zoning district could potentially impact Pender County Schools with the addition of residential uses. The RA, Rural Agricultural zoning district is restricted by lot size requirements found in Section 4.14 of the Pender County Unified Development Ordinance and the requirements of Section 5.2.3 listed above.

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.
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RECOMMENDATION

The application is for two (2) tracts totaling approximately ±10.71 acres from GB, General Business zoning district to RA, Rural Agricultural zoning district. As submitted, the request complies with the criteria set forth in Section 3.3.8.B of the Pender County Unified Development Ordinance. The request is consistent with one (1) policy in the 2010 Comprehensive Land Use Plan. The request does not conflict with any policies found in the 2010 Comprehensive Land Use Plan. Therefore, the Administrator respectfully recommends the approval of the rezoning request as described in this report.

BOARD ACTION FOR ZONING MAP AMENDMENT REQUEST

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous: _____

Williams: _____ Fullerton: _____ Baker: _____ Carter: _____ Jordan _____ McClammy: _____ Nalee: _____