

**PLANNING STAFF REPORT
ZONING MAP AMENDMENT**

SUMMARY:

Hearing Date: April 4, 2018, Planning Board
May 21, 2018, Board of County Commissioners
Applicant: Henry Nadeau
Property Owner: Hilda Edens
Case Number: REZONE 2018-01

Rezoning Proposal: Henry Nadeau, applicant, on behalf of Hilda Edens, owner, is requesting approval of a Zoning Map Amendment for one (1) tract totaling approximately ±6.5 acres from PD, Planned Development zoning district to GB, General Business zoning district.

Property Record Number, Acreage, and Location: The subject property is located at 20120 US HWY 17, in the Topsail Township, along the east side of US HWY 17, on the southeast corner of US HWY 17 and Edens Lane (SR 1728) and may be further identified by Pender County PIN: 4204-97-4204-0000.

RECOMMENDATION

The application is for one (1) tract totaling approximately ±6.5 acres from PD, Planned Development zoning district to GB, General Business zoning district. The request is consistent with two (2) policies 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

The subject property is currently vacant and has frontage on US HWY 17 and Edens Lane (SR 1728). The site was formerly occupied by multiple manufactured homes according to the applicant and Pender County GIS mapping.

Access

The subject property has approximately 300' of frontage on US HWY 17 as well as access on Edens Lane (SR 1728). Any future development or improvements are subject to review and approval by NCDOT at the time of a site development application.

Utilities

Public water and private septic services are currently available to the subject property. Any final zoning approvals are contingent upon review and approval by Pender County Environmental Health and appropriate local and state agencies based on future uses.

Environmental Conditions

There are no Special Flood Hazard Areas (SFHA) located on the subject parcels according to FEMA Flood Insurance Rate Map Number 3720420400J, adopted February 16, 2007. No preliminary 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 PD, Planned Development zoning district. The subject property is surrounded by RP, Residential Performance zoning district properties to the east, GB, General Business zoning district properties to the south and north, and PD, Planned Development zoning districts to the west and north.
- C. Existing Land Use in Area:** The subject property is currently vacant. Residential uses are located to the east. The subject parcel is bordered commercial uses to the north and south, with an embroidery shop and building supply shop to the north. Across US HWY 17 to the west there is vacant property and a residential structure to the northwest. Further to the southwest there is a fitness center and a proposed mini-storage facility.
- D. 2010 Comprehensive Land Use Plan:** The 2010 Comprehensive Land Use Plan designates the subject property as Mixed Use. The Mixed Use land use classification designates locations where a mixture of higher density/intensity uses is to be encouraged. Mixed Use areas should be characterized by physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high- and medium-density residential uses, arranged in a walkable, compact, pedestrian and transit friendly manner. Mixed Use areas are intended to help reduce sprawl by concentrating a mix of uses in convenient locations; by promoting an efficient sustainable pattern of land uses, and by providing most of the goods and services needed by residents in a coordinated, concentrated manner. Mixed Use areas are intended to reduce the number and length of auto trips by placing higher-density housing close to shopping and employment center. They also should function to improve the quality of life for residents living in higher density housing by placing daily conveniences, shops, and employment within walking distance.

The GB, General Business zoning district is consistent with the Mixed Use future land use categorization. This district is primarily intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses. The general use rezoning may also be consistent with Sections 3.3.8.A and 3.3.8.D of the UDO, as the services typically provided in the require access to major roadways and is consistent with the Future Land Use designation of the area.

This General Use Rezoning is consistent with two (2) policies found within the 2010 Comprehensive Land Use Plan and conflicts with none. The following policies within this plan may be relevant to support the proposed Zoning Map Amendment;

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.

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 private septic services are currently available to the subject property. Any final zoning approvals are contingent upon review and approval by Pender County Environmental Health and appropriate local and state agencies.

Traffic & Roadways

The subject property has direct access to US HWY 17 and Edens Lane (SR 1728). Any improvements are subject to review and approval by NCDOT at the time of a site development application. The rezoning request is not located within the boundary of the U5732 Hampstead Median Project. A development proposal is not required for a general use rezoning. Therefore, no impact to the roadway system can be anticipated at this time.

Schools

There is no development proposal associated with this general use rezoning. A general use rezoning from the PD, Planned Development zoning district to the GB, General Business zoning district would likely not result in any measurable impact to Pender County Schools.

The purpose of GB, General Business zoning district is to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses. Allowable uses in the GB, General Business zoning district include, but are not limited to:

- information services
- finance services
- educational services
- professional services
- scientific services
- technical services
- ambulatory health care services
- recreational services
- medical services
- fitness and recreation centers
- restaurants
- religious organizations
- electronic and household goods repair
- civic and social organizations
- child care centers
- hotels and motels

The proposed rezoning is consistent with the Mixed Use future land use classification because the services and uses typically provided in the GB, General Business zoning district are those that are compatible with the surrounding area by providing increased connectivity to job centers and services of the community.

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 application is for one (1) tract totaling approximately ±6.5 acres from PD, Planned Development zoning district to GB, General Business zoning district. The request is consistent with two (2) policies 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.

PLANNING BOARD ACTION NEEDED:

TO APPROVE: Motion to recommend approval of the Zoning Map Amendment and to make a finding that the approval is consistent with the 2010 Comprehensive Land Use Plan. The proposal is consistent with the following policies:

- **Policy 1A.1.2**
- **Policy 3A.1.4**

The proposed rezoning is consistent with the Mixed Use future land use classification because the services and uses typically provided in the GB, General Business zoning district require close access to major highways which serve the needs of surrounding residents.

TO DENY: Motion to deny the Zoning Map Amendment and to make a finding that though the denial is inconsistent with the 2010 Comprehensive Land Use Plan, said denial is reasonable and in the public interest and does not further the goals of the 2010 Comprehensive Land Use Plan because...

BOARD ACTION FOR ZONING MAP AMENDMENT REQUEST

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous: _____

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