

# Pender County Planning and Community Development

## Planning Division

805 S. Walker Street  
PO Box 1519  
Burgaw, NC 28425



Phone: 910-259-1202  
Fax: 910-259-1295  
www.pendercountync.gov

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## Carlson Tracts General Use Rezoning

**Case Number:** REZONE 2023-45

**Application Type:** General Use Rezoning

**Applicant:** DR. Horton Inc.

**Owners:** Mary Beth Morgan Carlson

**Location:** The subject properties are located along US Hwy 17 approximately 0.8 miles north of Scotts Hill Loop Road. The subject properties are located within the Topsail Township.

**Property ID #(s):** 3271-64-5893-0000, 3271-65-9054-0000

**Description:** Request for the approval of a Zoning Map Amendment to rezone approximately 20.13 acres across two tracts from the RP, Residential Performance zoning district to the PD, Planned Development zoning district.

**Current Zoning:** RP, Residential Performance

**Proposed Zoning:** PD, Planned Development

### Public Hearings

- **Planning Board**
  - **April 4**, at 7:00 PM in the auditorium at the Pender County Hampstead Annex, 15060 US HWY 17, Hampstead.
  
- **Board of County Commissioners**
  - TBD

### Application Materials

- Application Package
- Project Narrative
- Boundary Survey/Proposed Site Plan

### Staff Review

- Staff Report for the April 4, 2023 Planning Board meeting to be uploaded once distributed to Planning Board members for review.

Case Planner: Luke Yarborough, (910) 259-1274; lyarborough@pendercountync.gov

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## GENERAL USE REZONING

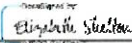
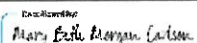
### GENERAL

1. An applicant shall be required to schedule a pre-submittal meeting with the Administrator at least thirty (30) days prior to submission of an application.
2. Amendments to the Zoning Map, also called a Rezoning, shall be made in accordance with the provisions of the Pender County UDO and shall follow the review process as shown in Figure 1 at the end of Section 3.4.
3. The County Commissioners shall approve or deny amendments to the Zoning Map of Pender County, as may be required from time to time.
4. Rezoning must correspond with the boundary lines of existing platted lots or tracts. Where the boundaries of a rezoning request do not follow a boundary line or a split zoned property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of the UDO. An illustration containing a metes and bounds description is required.
5. All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, the rezoning shall be expanded to include all property necessary to meet zoning requirements.
6. Must show substantial compliance with the goals and policies of the Comprehensive Land Use Plan and other adopted plans.

### APPROVAL STANDARDS

1. 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).
2. 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.
3. 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.
4. Whether the proposed amendment is reasonable as it relates to the public interest.

## APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
<b>Application No.</b>	<b>ZMA</b>	<b>Date</b>	
<b>Application Fee</b>	<b>\$</b>	<b>Invoice</b>	
<b>Pre-Application Conference</b>		<b>Hearing Date</b>	
<b>SECTION 1: APPLICANT INFORMATION</b>			
<b>Applicant's Name:</b>	DR Horton, Inc.	<b>Owner's Name:</b>	Carlson, Mary Beth Morgan
<b>Applicant's Address:</b>	4049 Belle Terre Blvd.	<b>Owner's Address:</b>	8139 Market Street
<b>City, State, &amp; Zip</b>	Myrtle Beach, SC 29579	<b>City, State, &amp; Zip</b>	Wilmington, NC 28411
<b>Phone Number:</b>	843 737 2904	<b>Phone Number:</b>	910-520-3333
<b>Email Address:</b>	WHRiddick@drhorton.com	<b>Email Address:</b>	carolinacarlsonsmgail.com
<b>Legal relationship of applicant to landowner:</b> Purchaser / Developer			
<b>SECTION 2: PROJECT INFORMATION</b>			
<b>Property Identification Number (PIN):</b>	3271-64-5893-0000 3271-65-9054-0000	<b>Total property acreage:</b>	20.13
<b>Current Zoning District:</b>	RP	<b>Proposed Zoning District:</b>	PD
<b>Project Address:</b>	11471 US Hwy 17, Wilmington, NC 28411		
<b>Description of Project Location:</b>	From Wilmington, N on Hwy 17, 0.83 miles past Blake Farm Blvd & turn left onto gravel drive. Go past Duke transfer station and property is on your right.		
<b>SECTION 3: SIGNATURES</b>			
<b>Applicant's Signature</b>		<b>Date:</b>	2/1/2023
<b>Applicant's Name Printed</b>	Elizabeth Shelton	<b>Date:</b>	2/1/2023
<b>Owner's Signature</b>		<b>Date:</b>	2/1/2023
<b>Owner's Name Printed</b>	Mary Beth Morgan Carlson	<b>Date:</b>	2/1/2023
<b><u>NOTICE TO APPLICANT</u></b>			
<ol style="list-style-type: none"> <li>1. Applicant must also submit the information described on the Rezoning Checklist.</li> <li>2. Applicant or agent authorized in writing must attend the public hearing.</li> <li>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.</li> <li>4. All fees are non-refundable</li> <li>5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda</li> </ol>			

### 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 <b>first class</b> 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 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.					
<b>Office Use Only</b>						
<input type="checkbox"/>	ZMA Fees: ( <i>\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter</i> )	Total Fee Calculation: \$				
<b>Attachments Included with Application: (Please include # of copies)</b>						
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
<b>Payment Method:</b>	<b>Cash :</b> <input type="checkbox"/> \$ _____		<b>Credit Card:</b> <input type="checkbox"/> Master Card <input type="checkbox"/> Visa		<b>Check:</b> <input type="checkbox"/> Check # _____	
<b>Application received by:</b>					<b>Date:</b>	
<b>Application completeness approved by:</b>					<b>Date:</b>	
Dates scheduled for public hearing:						
<input type="checkbox"/> <b>Planning Board:</b>						
<input type="checkbox"/> <b>Board of Commissioners:</b>						

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





ENGINEERS

SURVEYORS

PLANNERS

February 3, 2023

M&C 04245-0038 (40)

Pender County Planning  
805 South Walker Street  
Burgaw, NC 28425

**RE: Carlson Tracts  
(Zoning Map Amendment)**

Pender County Planning Department:

We submit the following to serve as the application narrative required as part of the Zoning Map Amendment submission for the above referenced area.

The applicant, DR Horton, Inc., is applying for approval for a Zoning Map Amendment for two tracts of land referred to as the Carlson Tracts. The Pender County Parcel Identification Numbers (PINs) for the two tracts are: 3271-64-5893-0000 and 3271-65-9054-0000, with combined acreage of approximately 20.13 acres.

Current parcel information is described in the following table:

Owner	Owner Address	PIN	Zoning	Acreage
Carlson, Mary Beth Morgan	8139 Market Street Wilmington, NC 28411	3271-64-5893-0000	RP	10.6*
Carlson, Mary Beth Morgan	8139 Market Street Wilmington, NC 28411	3271-65-9054-0000	RP	10.19*
<b>Total:</b>				<b>± 20.13</b>

\*Per Pender County GIS (1/30/23)

DR Horton, Inc. is in contract with the property owner to purchase both tracts, contract documentation is included in this application package.

Concurrent with this Zoning Map Amendment application, the applicant is submitting a Future Land Use Plan Amendment to change the Future Land Use classification of the two parcels from Medium Density Residential and Neighborhood Mixed Use to Regional Mixed Use.

This Zoning Map Amendment is for the Carlson Tract to be amended from Residential Performance (RP) to Planned Development (PD) zoning designation.

243 North Front Street

Wilmington, NC 28101

Phone 910.343.1028

Fax 910.251.3282

www.mckimcreed.com

The proposed Planned Development (PD) zoning district at this location will be in alignment with the Pender County Unified Development Ordinance (UDO) and is supported by the goals of the Pender 2.0: Comprehensive Land Use Plan for the following reasons:

1. **The range of uses permitted by the proposed change are 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).**
  - a. The permitted land use category of Planned Development allows for a mix of uses within the overall master planned development that can best support Pender County Residents.
  - b. The PD classification allows for greater flexibility of design which would assist in preserving any environmentally sensitive areas that may be present.
  - c. The PD classification promotes pedestrian and transit friendly development, beneficial to the health and safety of residents and / or workers in the area.
  - d. The Carlson Tract's adjacency to both US 17 and the Blake Farm Planned Development maintains a consistent character with adjacent properties and the general neighborhood. The Carlson Tract as PD zoning reinforces the goals of the UDO and Future Land Use Plan by filling in an existing gap of Regional Mixed Use with PD zoning along the US 17 corridor.
  
2. **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**
  - a. In utilizing the flexibility of the PD, structures may be clustered to reduce utility infrastructure compared to that of a traditional development.
  - b. The Carlson Tract is positioned to utilize existing transportation infrastructure in support of the PD zoning and the Comprehensive Land Use plan.
  - c. Pender County Utilities is actively coordinating construction and permitting activity to support expanded potable water capacity via new public facilities including wells, water mains, water towers, and a reverse osmosis plant. This planned infrastructure will directly support this area.
  - d. Pluris, LLC has existing wastewater infrastructure adjacent to this area with potential available capacity to support development intensity associated with the proposed PD zoning.

3. **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.**
  - a. The PD zoning is consistent with the Comprehensive Land Use Plans goal of clustering land use mixes and densities along US 17 and the adjacent PD zoning tracts.
  - b. The Carlson Tract is not included within any areas of environmental concern, according to the CAMA Land Use Plan, thus supporting the PD Zoning.
  
4. **The proposed amendment is reasonable as it relates to the public interest.**
  - a. The mix of uses permitted with PD zoning is beneficial to the public interest as it offers a variety of land uses in a location close to other goods and services.
  - b. The flexibility of design in PD zoning promotes pedestrian friendly development, connectivity within the site and to other sites, and encourages the preservation of open space.

For these reasons and in the applicant's opinion, this proposed zoning map amendment is in alignment and is substantially compliant with the goals and policies of the Comprehensive Land Use Plan.

Respectfully,  
McKIM & CREED, INC.

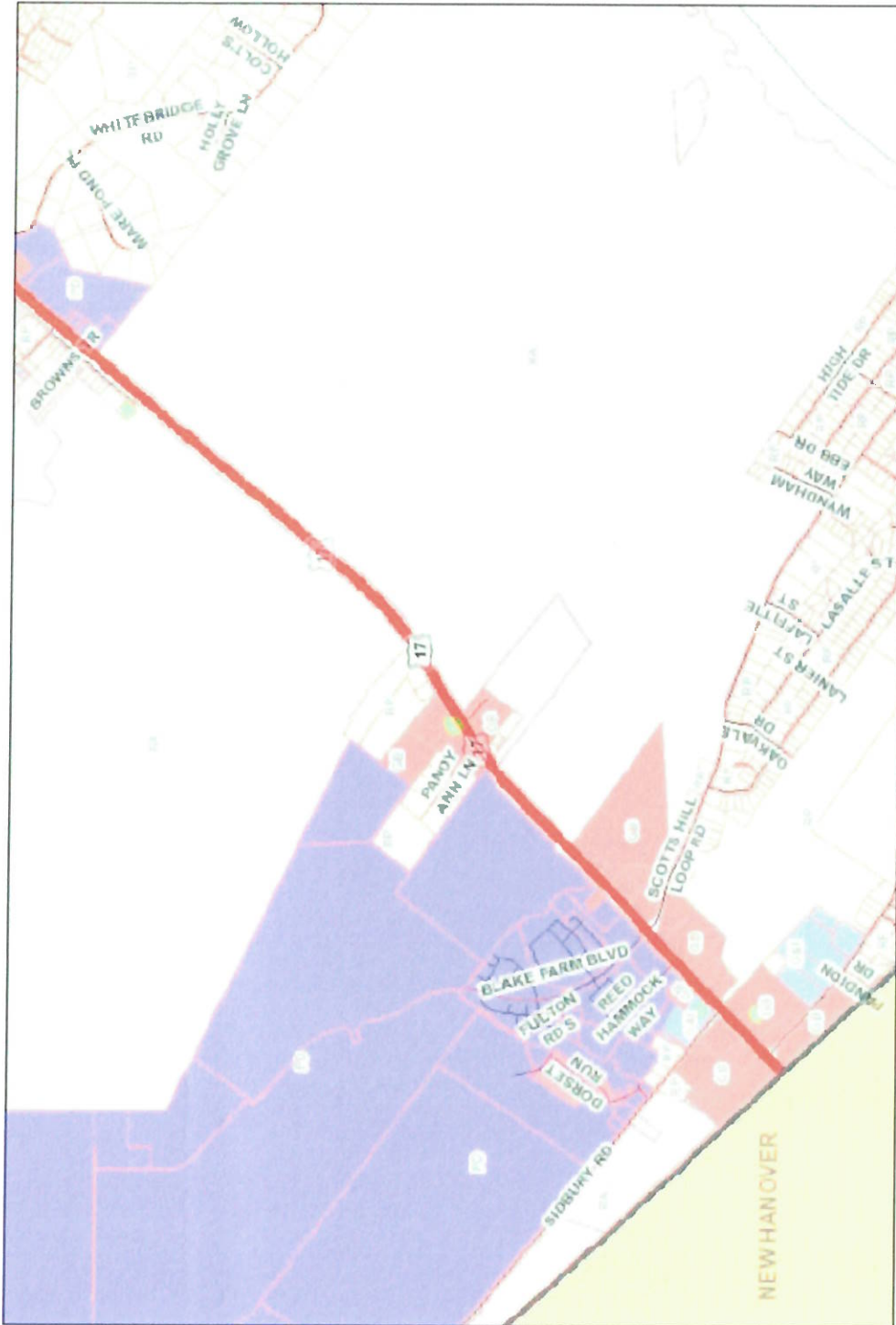


Trae H. Livick, PE  
Project Engineer

Enclosure: Exhibit A: Carlson Tract - Future Land Use Vicinity Map

EXHIBIT A

Carlson Tract - Pender County Zoning



February 2, 2023



