

Pender County Planning and Community Development

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MEMORANDUM

To: Planning Board
From: Planning Staff
Date: January 4, 2017
RE: Density Zoning Text Amendment

History

On September 16, 2016 Staff received a formal application to amend the density calculation as well as the maximum allowable density in the Pender County Unified Development Ordinance. The applicant asserts that the intent is to simplify the County's density calculations and increase the allowable units per acre within the RM, Residential Mixed and PD, Planned Development zoning district.

In subsequent weeks following the submitted application, staff worked with the applicant and their agents towards workable language to present to the Planning Board. At the November 1, 2016 Planning Board meeting, the Board decided that this issue would be best suited for further discussions of the Zoning Text Amendment Committee (Attachment 1). This subcommittee is tasked with further examining the proposed Ordinance language submitted and potential impacts this amendment could bring. The subcommittee met on November 18, 2016 to further discuss this issue.

The Planning Board convened on December 6, 2016 during their regularly scheduled meeting in regards to the proposed amendments. It was determined that staff would provide additional research to the Board in regards to traffic, schools, and stormwater to serve as supplemental information when evaluating this amendment request and potentially adopting language to allow for additional density.

Traffic

When a proposed development project comes before the Planning Board or Staff, what considerations are given for the proposed development in regards to conditions based on traffic generation?

Currently, the Unified Development Ordinance outlines requirements for a Traffic Impact Analysis (TIA) for any development which generates 100 trips in the morning or peak hours or 1,000 trips per day based on the Institute of Transportation Engineers Trip Generation Manual.

If a development generates more than the specified amount of trips, additional traffic studies are required. The TIA is a document submitted by a traffic engineer specifically identifying trip distributions and phased improvements based on the development proposal. These impacts are studied on the existing transportation network and how the additional traffic would impact the existing roadways. The NCDOT, WMPO and Pender County staff are all involved with review and approval of TIA documents. Any improvements recommended in a TIA are required prior to finalizing the development. Improvements to the roadway network through recommendations of the TIA are to maintain the existing Level of Service of a particular intersection(s), not to improve that intersection based on the anticipated increase of traffic.

If the specific TIA threshold is not met by a proposed development, NCDOT regulates specific improvements to the transportation network, which typically is through the Driveway Permit process. Examples of improvements which could be required through a Driveway Permit are; deceleration lanes, left turn lanes, re-striping pavement or other physical improvements.

There may be other means in which local regulations can further address traffic control and congestion, examples of this may include that a TIA improve Level of Service, increase access management standards above and beyond NCDOT requirements, or performing localized studies in regards to traffic signals and timing in a specific location.

There are other ways that Pender County could improve traffic, by employing an agency or representative to conduct a traffic signal study. A traffic signal study would ensure that all of the signals in a highly traveled corridor have a specific plan for time of day or time of year and are coordinated throughout. Such a study could be expensive and may not be feasible given budget constraints.

Staff has been working closely with the WMPO regarding current traffic volumes on US HWY 17 and the capacity that the roadway can hold. Analysis will be undertaken to show what projections Coastal Pender County may see with increased trips being added to the roadway network. Projections will be taken out to the year 2040 and will include assumptions of the Hampstead Bypass being constructed, as well as, not being constructed. This will show how the roadway network will perform with current and future development and how scheduled improvements may alleviate congestion while still taking into account maximum build out scenarios based on current regulations.

Schools

When a new development is proposed, how can we ensure that we are adequately planning for growth in coordination with Pender County Schools?

Pender County Schools are represented on the Technical Review Committee (TRC) which particular projects are reviewed by prior to the Planning Board or Board of County Commissioners. The schools are given ample opportunity to comment and discuss current developments through this process. In North Carolina, counties cannot deny projects based on over-capacity of the system, rather plan for additional facilities through the capital planning process. A tool that can be utilized by counties is for land reservation through a particular development project in which the Board of Education can purchase property within 18-months of the reservation (NCGS 153A-331(f)). Again, it's important that coordination takes place so that entities are prepared for this potential action.

Staff is preparing an analysis to show what the per household student population is to apply to future unit projections. Staff will utilize historical data as well as Certificate of Occupancy issuance and lot recordation as baselines for the analysis.

Stormwater

What can be done to improve the drainage and stormwater which could be getting worse from additional impervious surfaces from new development?

State Stormwater regulations address the quality of the water which protects the surface waters of the US. Pender County has additional standards beyond a State Stormwater Permit issued by NCDEQ. The Unified Development Ordinance regulations regarding stormwater are contained in Section 7.9.1 to accommodate for a ten-year storm event without flooding or substantial ponding of water in the areas included in the plan. The plan must also accommodate any discharge from properties in upland portions of the drainage basin that flows through the property for the same storm event for the type development for which that property is zoned. This plan is submitted and sealed by the appropriate licensed professional.

The Unified Development Ordinance can be amended to increase the storm event which the County requires design to. This could be a 10- year, 25-year, 50-year or 100-year storm event. When considering higher density developments, increased stormwater quantity regulations could be considered, which may provide increased protection during higher rainfall events. This may fall under the “innovative” design criteria for increased density allowance.

The Low Impact Development Certification (LID) generally mimics a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source. The stormwater management should not be treated in large drainage areas rather, LID addresses stormwater through small, cost-effective landscape features located at a smaller area. LID certification is contained in the Unified Development Ordinance Section 7.14. LID certification is included as an additional criteria to consider for awarding additional density credits.

Criteria for Additional Density Bonus

As previously agreed by the Planning Board and the Zoning Text Amendment Subcommittee of the Planning Board, criteria should be devised in order to consider giving density credits beyond outlined in the Unified Development Ordinance.

Ordinance text currently states in Section 4.8.1.C.2 In effort to encourage quality urban design and environmentally sensitive development, an increase in density may be allowed by the Planning Board when such an increase can be justified by superior design or the provision of additional amenities such as public and/or private open space.

The issue arises that the superior design and additional amenities are not clearly identified as objective criteria for the Planning Board to weigh in their decision to award density credits. In keeping with the applicant's submittal, the menu of options for the applicant to present to be awarded credits was grouped into nine (9) themes. Each theme needs to have specific Ordinance regulation as to what is involved so that there is an assumption if it is completed, then the Planning Board may grant additional density credits.

If additional credits or incentives are deemed appropriate by the Planning Board, a specific decision regarding how the density is calculated with these bonuses is imperative. Applicants and staff need to be clear on how the items provided interact with the earning potential of density bonuses associated with each. This could be additional densities given for a number out of the total (example: 3 items out of 9 on the list) in order to relay how much additional 'bonus' is given depending on what the developer does above and beyond. For example, if the developer donates park land, builds a school and clusters the development should they be allowed 8 units per acre or should it be a certain amount of credits per item above and beyond the regular density, for instance adding 0.5 dwelling units/acre for each item.

The applicant did submit additional items to the 9 listed above to total 18 different 'credits'. This comprehensive list can be seen in Attachment 6. As some may be combined, and all must be compliant with the 2010 Comprehensive Land Use Plan staff has recommended 9 themes for consideration.

For purposes of discussion, Staff has begun working on all nine (9) topic areas and is looking for consensus on one -three (1-3) at this meeting.

1. Workforce Housing
2. Low Impact Development
3. Major or Minor Collector Street
4. Pedestrian Access
5. Additional Open Spaces (more than double required)
6. Public Facilities
7. Historic Preservation
8. Proximity to a Major Employer
9. Innovative Stormwater Design

Table 1 includes the three (3) themes for discussion at this time including recommended Unified Development Ordinance zoning text amendment recommendation and 2010 Pender County Future Land Use Plan policies of support.

Further Action and Recommendation

If the Planning Board feels the proposed Unified Development Ordinance zoning text amendment concepts are appropriate given the applicant's submittal and the additional research from staff then these items will be considered for text amendment in coming months. The other criteria will be presented in February for the Planning Board's discussion and direction. By obtaining consensus on three (3) concepts at a time the Planning Board can continue to review the topic areas completely before final zoning text amendment recommendation. Staff will continue to correspond with the applicant regarding their intentions and additional research to present.