REQUEST FOR BOARD ACTION

ITEM NO. 20.

DATE OF REQUEST: January 9, 2009

REQUESTED BY: Staff, Planning and Community Development Department, Patrick T. Davenport, Director

SHORT TITLE: Discussion Item- Update, discussion and direction of Highway 17 Overlay Committee's results

BACKGROUND: On December 16, 2008, the Highway 17 Overlay Committee reviewed the attached report and draft ordinances prepared by the consultant. The Committee recommended the adoption of the ordinances and staff forwarded the package to the Planning Board during the January 6, 2009 meeting. The Planning Board discussed the Committee's results and recommended that the package be forwarded to the Comprehensive Plan and Unified Development Ordinance Committees for their consideration and for the review to occur in the context of the ongoing Projects.

SPECIFIC ACTION REQUESTED: The Board of Commissioners provide staff with a consensus of direction regarding the draft ordinances the Overlay Committee has forwarded. Two possible options are for staff to process these ordinance revisions independently of the Comp. Plan and UDO Projects or to refer these documents to the consultant (Wooten) and the appropriate committees for consideration in the context of the ongoing Projects.

***No resolution is necessary with this item.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.

_____
Initial

No resolution is necessary with this item.

AMENDMENTS:

MOVED_____ SECONDED_____

APPROVED_____ DENIED_____UNANIMOUS

YEA VOTES: Tate___ Brown ___ Blanchard ___ Rivenbark ___ Williams ___

_____ _____
Jimmy T. Tate, Chairman Date

_____ _____
ATTEST Date

DRAFT

Final Report of the US Highway 17

Citizen's Advisory Committee

December, 2008

Committee Members

Marge Ciardella

Bob Costine

Chuck Demers

Karen Gonzales

Burt Millette

Stuart Mossman

Bob Murphy

Ellery Murphy

Tony Musolino

Gary Poirier

Todd Rademacher

Bonnie Smith

Chuck Wilson

Staff

Patrick Davenport, Director

Kyle Breuer

Ken Vafier

Ashley Frank

Penny Tysinger, Facilitator

BACKGROUND

A group of citizens living in the Hampstead area approached the Board of Commissioners about doing something with all the growth taking place along US Highway 17 by implementing additional regulations in this area. It was agreed that the concept of an overlay zoning district should be developed. The Commissioners contracted with the Cape Fear Council of Governments to work with these citizens. A public forum was held in Hampstead in October, 2008 to explain the overlay zoning district concept. The overlay will deal with 5 components. These components are Aesthetics (Architecture), Landscaping, Signage, Transportation Matters (Access & Connectivity) and Land Uses. Citizens were invited to visit stations throughout the room and discuss each of these components and give staff member's ideas of what they would like these components to look like along Highway 17. The meeting was very well attended by citizens living in and near US Highway 17 as well as elected and appointed Board members.

COMMITTEE STRUCTURE

The Board of Commissioners appointed a Citizen's Advisory Committee and tasked them to develop an overlay district for US Highway 17 in Pender County from the New Hanover County Line to the Pender County Line. The only municipality, the Town of Surf City was made a part of this process since they have jurisdiction along Highway 17. The Commissioners contracted with the Cape Fear Council of Governments (Penny Tysinger) to facilitate this process. The Committee began meeting in February, 2008. Committee members were: Marge Ciardella, Bob Costine, Chuck Demars, Karen Gonzales (Planning Board representative), Burt Millette, Stuart Mossman, Bob Murphy, Ellery Murphy, Tony Musolino, Gary Poirier, Todd Rademacher (Town of Surf City representative), Bonnie Smith, and Chuck Wilson. The Committee also partnered with NC DOT, Wilmington Urban Area MPO, and the Cape Fear RPO.

The Advisory Committee met monthly beginning in February, 2008 to learn about the process of developing zoning amendments, the local authority Pender County has in developing an amendment, and reviewed the results of the public forum and developed the actual items they would like to recommend for the amendment.

The Committee decided not to address Land Uses or Transportation issues since during this process, the County began new initiatives with the development of a new UDO and Comprehensive Land Use Plan. The Committee did come to a consensus on Architectural elements for nonresidential structures located within the overlay district, Landscaping elements, and signage elements. The proposed text amendment is attachment to this report.

OUTCOMES

The following items were discussed during the committee meetings and the Committee understood these items were outside of the original scope of work. The committee unanimously agreed these items need further discussion by the Planning Board and Board of Commissioners.

- **Implement the Collector Street Plan completed by the MPO.**
- **Consider implementing an overlay on the other major thoroughfares within the County.**
- **Consider a ban on billboards throughout the County. {The planning staff carried this further and the Board of Commissioners adopted an amendment to the signage provisions concerning billboards in October, 2008. Billboards are now allowed only on I-40 with several additional standards.}**
- **Continue to push for the construction of the Hampstead Bypass.**
- **Consider joining the national effort called the Highway 17 Association.**
- **Forward the document, "Ten Ways to Mange Roadway Access in your Community" to the Planning Board so that the concepts contained in the document can be applied to the new UDO.**
- **Increase enforcement of existing codes within the overlay district.**

RECOMMENDATION

The Citizen's Highway 17 Advisory Committee recommends adoption of the proposed overlay district with an effective date upon adoption. The Committee also recommends this overlay be carried forward in the UDO process. In addition, the Committee proposes a list of issues concerning further development within the County as well as along the Highway 17 corridor and requests the Planning Board to study these issues further as they develop the UDO.

ATTACHMENTS:

1. Draft of the Highway 17 Overlay District text amendment.
2. Coastal Pender Collector Street Plan by Wilmington Urban Area MPO
3. 10 Ways to Manage Roadway Access in Your Community by Center for Urban Transportation Research

ITEM NO:_____

DRAFT

PLANNING STAFF REPORT
Zoning Text Amendment

SUMMARY:

Hearing Date: TBD , 2009 – Pender County Board of Commissioners
Applicant: Staff

Zoning Text & Map Amendment Proposal: To add an overlay district to the current Pender County Zoning Ordinance § 8.X, Overlay Districts subsection 8.X.1 US Highway 17 Corridor Overlay District with the necessary text to apply to property 1000 feet on either side of US Highway 17 rights of way through Pender County from the New Hanover county line to the Onslow county line and to zone all the effected properties.

Staff Recommendation: Staff recommends forwarding this request to add the Highway 17 corridor overlay district to the Pender County Zoning Ordinance.

Hwy 17 Overlay Citizen Committee Recommendation: The Committee recommended forwarding this amendment request to the Planning Board for their consideration. In addition, the Committee has submitted a report on additional issues that arose from committee meetings on Highway 17. The Committee recommends this report be accepted, move forward to the Commissioners for acceptance, and utilized by the UDO and Comprehensive Plan Committees.

Planning Board Recommendation: The Pender County Planning Board, at the TBD, 2009 meeting, voted (_-_) to pass a motion to recommend APPROVAL of the request amending the current Pender County Zoning Ordinance § 8-X Overlay Districts to allow the Highway 17 Corridor Overlay district.

DESCRIPTION:

Currently, the Pender County Zoning Ordinance has only one overlay district. In general, overlay districts allow additional standards to be placed on property. The base underlying zoning district must still be met and should there be a conflict between the base underlying zoning district and the overlay district, the more stringent will apply. The proposed amendment creates a corridor overlay for US Highway 17 through Pender County from county line to county line.

Section 8.X US Highway 17 Corridor Overlay District

The US Highway 17 Corridor Overlay District shall contain property extending 1000 feet on each side of the US Highway 17 rights of way. This overlay covers all portions of US Highway 17 within Pender County. If property is split by this boundary, the entire property is subject to these overlay standards. The base underlying zoning district standards apply in addition to these overlay district standards. Should there be a conflict between the base underlying zoning district and the overlay

district, the more stringent standards shall apply. Single family residential and two family residential are exempt from these standards.

Purpose: Major thoroughfares have unique traffic management needs, development pressures, and aesthetic characteristics that require the establishment of additional development standards to meet the County's goals and fulfill the purpose of this ordinance. The intent of the overlay district is to require development along the corridor that is aesthetically consistent, responsive to development pressures, and proportional to the area's traffic management issues.

The overlay district shall apply the following standards:

UTILITIES

1) All new utility lines, including but not limited to electric, telephone and TV cable shall be placed underground.
2) All ground mounted mechanical equipment shall be screened from view from the designated highway by the use of walls, fences, or landscaping.
3) All rooftop mechanical equipment shall be screened from the line of sight of public and private rights of way, private roads, and public sidewalks.

SERVICE, LOADING, & EQUIPMENT STORAGE AREAS

1) Service areas, including storage, special equipment, maintenance, and loading areas, shall be screened with landscaping and or architectural treatment so as not to be visible from the primary highway.
2) If shopping carts are utilized on the property, they shall be located inside the building or shall be screened from the public view. Shopping cart return areas for the public use are allowed in the parking lot areas.
3) Refuse containers, recycling facilities, trash compactors and the like shall be enclosed in a building material that matches the structure or is visually compatible with the structure. Public views of these areas should be limited.

ARCHITECTURAL STANDARDS

1) Nonresidential structures shall create a façade designed to reduce massive building scale and eliminate solid monolithic wall appearance. Façade modules shall be incorporated into the building architectural and shall be consistent with the architectural styling and scale that is historically found within an upscale community. This may be accomplished through building scale, materials, and forms, all of which may be embodied in architecture which is contemporary as well as traditional. Architectural plans shall be submitted with a site plan.
2) Primary Facades - Nonresidential structures shall incorporate individual façade modules along the primary façade. Each façade module shall contain a minimum of five architectural elements. At least two of the architectural elements shall be unique and cannot be replicated along the remaining length of the primary façade. A minor material may not exceed fifteen

percent of the façade module. Each façade module shall contain at least two approved architectural materials. No single approved architectural material may cover greater than sixty percent of the façade module area. Only one approved architectural material may be reused on any immediately adjacent façade module.

3) Secondary Facades - Nonresidential structures shall incorporate individual façade modules along fifty percent of the secondary façade. All façade modules within the secondary façade shall be evenly distributed and spaced along the entire length of the secondary façade. Developers may choose to eliminate façade modules on the secondary façade entirely if the façade is screened from view of the public street by means of a screening device of vegetations and or a wall/fence complimentary to the architectural design of the building. Each secondary façade module shall contain a minimum of five architectural elements. At least two of the architectural elements shall be unique and cannot be replicated along the remaining length of the secondary façade. Each secondary façade module shall contain at least two approved architectural materials. No single approved material may cover greater than sixty percent of the façade module area. Only one approved architectural material may be reused on any immediately adjacent façade module.
4) All accessory buildings shall be of materials that are visually compatible in appearance with the principal structure.

SIGNAGE

In addition to the base signage requirements, the following standards shall apply in the overlay district:

1) Each parcel shall have an overall sign plan which reflects a consistent style and specify the size and color scheme for proposed signage.
2) Materials used in signs and their support structures shall reflect the building served by the sign.
3) Sign colors shall be harmonious with the building which they serve.
4) Outdoor advertising, billboards, off premises signage are not allowed in the overlay district.
5) Freestanding signs have a maximum height of 15 feet.
6) All Freestanding signs shall be consistent with and complimentary to the architectural styling of the building. The pole or support structure of all freestanding signs shall be landscaped with evergreen plant material that obscures the pole or support structure to within three feet of the signage display area upon maturity.
7) All wall signage areas shall be consistent with and complimentary to the architectural styling of the building. Signage areas shall be clearly delineated on the building elevation plans and or renderings.

Section 2 DEFINITIONS

The following definitions should be added to Section 2 of the Zoning Ordinance:

Approved Architectural Material – The structural or applied surface component of a façade including brick, rock, tinted or textured concrete masonry units, wood plank, fiber cement siding, precast concrete, tilt up concrete, shakes, split faced block, marble or simulated substitute. All materials shall be of a high quality. Vinyl and metal siding may be used a minor material of the building façade.

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Architectural Element – A façade module feature that is applied, inserted, incorporated or construct ed into or upon the primary or secondary façade including real or faux windows, real or faux doors, awnings, gables, parapets, porticos, porte cocheres, arcades, arches, cupolas, columns, roof lines, material projections, recesses, cornices, etc.

Big Box Development – A single structure containing at least 50,000 square feet of gross floor area that is constructed for the purpose of retail or wholesale occupancy.

Façade – The visible exterior portion of a building wall which extends from the ground to the top of the wall or roof line.

Façade, Primary – The façade containing the highest number of customer's entrances.

Façade, Secondary – A façade which is designed to be viewed from a public street but is not the primary façade.

Façade, Other – Any façade which is not considered a primary or secondary façade.

Façade, Module – A sixty foot or shorter horizontal section of façade containing a minimum of five unique architectural elements.

Minor Material – An architectural material that is described as being lesser, as in size, extent, or importance. A minor material may not exceed fifteen percent of a façade module.

Outparcel – A parcel of land associated with and located within a shopping center, mall, or big box development, which is designated on an approved site plan as a location for a structure with an intended use.

Shopping Center – Mercantile establishment consisting of a carefully landscaped complex of shops representing leading merchandisers; usually includes restaurants and a convenient parking area; a modern version of a traditional marketplace. May also referred to as a mall or plaza.
Note: There is a current definition of shopping center in the ordinance---is it the intent to replace existing definition with this definition.

2005 CAMA Land Use Plan states the following for development in Rural Areas of Pender County:

- *Rural area commercial development should be encouraged to locate near crossroad centers or other locations with good access and should be limited to local convenience stores, farm supply stores, and generally accepted rural business establishments.*

ITEM NO:_____

EVALUATION:

A) ***Public Notifications:*** Public Notice of the request for text & map change has been advertised in the Pender Post and Topsail Voice.

B) ***Public Information Meeting/Public Forum II:*** A second forum was held at Topsail High School on _____ to present the Committee's report and proposed text amendment.

C) ***Planning Staff Recommendation to Planning Board:*** The proposal from the Planning Staff and the Hwy 17 Overlay Citizen's Committee consists of amending the current Pender County Zoning Ordinance §2 Definitions and Section 8.8 Overlay Districts and amending the Zoning Map to apply the US Hwy 17 Corridor overlay zoning designation to all properties abutting Hwy 17 and extending 1,000 feet on either side of the Hwy 17 rights of way.

VOTING AND RESOLUTION:

Planning Board

Motion:_____Seconded_____

Approved:_____Denied:_____Unanimous_____

Reynolds ___ __ Gonzales ___ _ Garrett ___ _ Marshburn ____ Millette ___ _ Smith ____ Williams ____

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on _____, 2009, the Pender County Board of Commissioners (approved, modified, denied) a zoning ordinance text amendment and applicable rezoning request for property as described herein and Jimmy Tate, Chairman to the Board, is authorized to execute the order implementing this resolution and provide notice to the applicant of the action taken herein.

AMENDMENTS:

MOVED _____ **SECONDED** _____

APPROVED_____**DENIED**_____**UNANIMOUS**_____

YEA VOTES: Williams _____**Tate** _____**Blanchard** _____**Brown** _____ **Rivenbark** ___

ITEM NO:_____

_____

Jimmy Tate,
Chairman

Date

_____

ATTEST
Delivered

DATE