

# **PLANNING AND COMMUNITY DEVELOPMENT**

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## **MINUTES**

**Pender County Planning Board Meeting**

**November 3, 2009**

**7:00 p.m.**

**Pender County Public Meeting Room  
805 S. Walker Street, Burgaw, North Carolina**

*Note: The Pender County Planning Board Meeting adjourns at 11:00 p.m. Any item not discussed shall be placed on the next regular Planning Board Meeting agenda, unless otherwise stated. The items may not be discussed in the order as shown on the agenda. The agenda may be revised by the Planning Board.*

**Call to Order:** Chairman Reynolds

**Roll Call:** Chairman Reynolds

Pender County Planning Board Members:

Reynolds  Garrett  Marshburn  Millette  Smith  Williams  Boney  Newman

**1. Approval of Minutes:** October 6, 2009

Motion made by Board member Williams to approve minutes. Seconded by Board member William Marshburn. Vote unanimously approved 7-0.

**Public Hearings**

**2. 2010 Draft Comprehensive Land Use Plan**

<http://www.pendercountync.gov/Government/Departments/PlanningCommunityDevelopment/PlanningZoning/SpecialProjects/ComprehensivePlan.aspx>

Mr. Davenport advised the draft document has been sent for review for the required topics for the CAMA Land Use Plan to the Coastal Resource Commission (CRC) division of Coastal Management. Ultimately, the CRC will offer input and approval. It is approximately 98% completed and suggested the board delay review, however was open for questions.

Mr. Williams voiced concern with Section 2 page 11, *Policy 2B1.12*. His concern stems from the standpoint of enhanced safety in the transportation corridor district and cited Hwy 17, Hwy 117, Hwy 421, and Hwy 53, rather than interest from pure architectural standards. Mr. Davenport said that with training, the planning staff could be involved in the driveway permitting program especially if the local requirements met or exceeded the DOT. Ideally, DOT would sign off after staff approval ensuring fairness (denied entrance/taking someone's property rights away, driveway separations) for the property owners. He did caution there may

be state involvement for solutions with arterial highways and/or home entrance issues, etc. Mr. Williams is concerned the board may be limited in the future (road widening vs. home location). Mr. Davenport suggested putting a comma, after "appearance" and before "reasonable architectural standards..." in *Policy 2B1.12*. Mr. Smith also suggested changing "Corridor District" to "Districts" (plural) so as to be all encompassing. Mr. Smith also commended the planning staff on their diligent efforts to create the document.

Mr. Davenport advised there is a public hearing scheduled before the Board of Commissioners on December 14, 2009 with a final public hearing in April of 2010 after additions and revisions from the CRC. The Board of Commissioners will vote on the plan in May with the adoption date and effective date of July 1, 2010 in conjunction with the UDO. The Planning Department has received very favorable reviews and expects to submit this plan for an award next year since there are very few localities with a Comprehensive Land Use Plan and a CAMA Land Use Plan rolled into one document. The current Land Suitability Analysis (LSA) model is subjective.

### **Discussion Items**

Chairman Reynolds opened the floor to public comments.

Cameron Moore stepped forward representing Cape Fear Home Builders Association and Business Alliance for a sound Economy (BASE), Topsail Island Association of Realtors, the Pitt county Economic development Partnership and the Wilmington-Cape Fear Home Builders Association.

Mr. Moore submitted a revision of Policy 2B.1.12:

*(The County should if warranted conduct studies and engage in special planning initiatives for major transportation corridors within the county to determine and implement where necessary Transportation corridor plans to help preserve, maintain existing transportation facilities and corridors, and create continuity and identify within a corridor).* Mr. Williams felt it left everything more open and generic allowing "anything we wanted to do". Member Smith commented the revision was more clear and understandable. Mr. Davenport explained the intention was to build policy backing for any DOT regulations in the new ordinance so that anything that gets changed in the future will be legally defensible. Mr. Millett was concerned the Transportation Overlay Corridor would be emasculated. Mr. Reynolds suggested modifying the original policy statement. Mr. Davenport pointed out a concern that the suggested policy might qualify the ability to do other things if an overlay was not needed. After much review, the board decided to blend the current and the submitted statement.

\*\*Mr. Davenport will send out a revised policy for review by the board via email and next meeting.

Mr. Donald Ellson was concerned with the transportation Hwy 17 corridor being "Ogdenized". Chairman Kevin Reynolds corrected Mr. Ellson that the policy did not address Hwy 17 and that it was a development/mission statement, not an ordinance/policy.

NOTE: Mr. Davenport explained that proper formatting could not be finalized until after all revisions for final publishing.

Chairman Reynolds closed the floor to public hearing without exception.

### **3. Planning Staff**

- **Hwy 17 Overlay Committee recommendation/additional design and architectural standards for commercial development**

Chairman Reynolds chose to skip this discussion in the interest of brevity and

postponed discussion.

- **2010 Unified Development Ordinance**

- a. **Review Authority Table** – 2.11 Summary of Review Authority  
Table submitted for board review, specifically, Site Development Plan issues. Discussion of PD development leeway (allowing creativity and better development) with approval verses strict requirements up front to give developer road map reducing time and money. Suggestion is for standard/basic parameters/requirements, but leave design of master plan to developer for innovative techniques and flexibility.  
Mr. Millett proposed a question: Should Special Use Permits be reviewed by Planning Board before being presented to the Board of Commissioners?  
\*\*Mr. Davenport will approach the BOCC for response, along with the County Attorney and County Manager.
- b. **Table of Permitted Uses** – refer to submitted documentation with package. Definition of single family dwellings will be determined by fee simple ownership of the land including duplexes rather than multifamily dwellings such as townhouses.  
\*\*Distinction will be made in documentation for Modular Designs meeting NC Building codes and Manufactured Homes meeting H.U.D. requirements.  
\*\*NAICS manuals will be ordered for Planning Board members for sector references.
- c. **Schedule of District Requirements** – refer to submitted documentation within package. Discussions regarding height without change.  
\*\*Footnote (3) regarding additional height will be revisited.
- d. **Residential District- Housing/Lot types** – refer to submitted documentation within package. Board preference to see graphics to help understand housing types. Discussions pursued regarding family subdivisions.  
\*\*Planning Board needs to determine Minimum Area for Rezoning (keeping in mind issues of family subdivisions, especially in residential performance zone).  
\*\*Structure separation requirements vs. side line separations based on minimum lot sizes will be revisited by staff.

- **Hwy 17 Overlay Committee recommendation/additional design and architectural standards for commercial development**

Mr. Davenport reviewed and updated page 4, “Outcomes” of the overlay Citizens Advisory Committee’s final report. Mr. Davenport requested board to review Surf City standard as a template for county UDO.

\*\*Board would like staff to develop some guidelines for minimum commercial dimensions and guidelines with possible input from an experienced engineer.

4. **Planning Board Members** – no additional comments.

5. **Public Comment**

Chairman Reynolds opened the floor to public comments.

Ms. Karna Godridge of Hampstead spoke in response to Mr. Williams’ remarks of building appearance and landscaping describing how the upgraded appearance of Leland increased attraction and shopping due to the enhancement. In addition, Ms. Godridge pointed out the BOCC appointed the Planning Board to develop the overlay and feels Hwy 17 overlay should run from county line to county line being in compliance with *Policy 2B.1.12* from the new

Comprehensive Land Use Plan. If county wide standards were to be applied, they would need to accommodate "mom and pop businesses" in areas such as Maple Hill and other rural areas.

Ms. Sue LoRusso questioned if the transportation corridor overlay idea was being thrown out and doing it everywhere or still use major thoroughfares as corridor overlay.

Mr. Reynolds replied that it was being viewed to be implemented countywide.

Mr. Williams commented the results returned from the staff may warrant an overlay for a portion of Hwy 17 or all of Hwy 17 but he would want it to be all inclusive with continuity for the whole county. He explained the results from the committee only reported about Hwy 17; however, he did not believe when the committee was appointed, the BOCC was not thinking about the potential of the overlay being countywide.

Mr. Davenport explained the concept of an "overlay" is to have additional standards/regulations enacted on top of existing base zoning district regulations already in place. The overlay will need to be uniformly applied with equal protection and legally defensible. It may not be an actual overlay district, but will meet the requirements of certain development types.

Mr. Paul Godwin of Hampstead is concerned that the DOT is in process of designing Hwy 17 as a six-lane highway and feels Hwy 17 is more important than other parts of Hwy 17.

Chairman Reynolds requested all community residents participate in seeing Pender County enhanced impartially.

Mr. Davenport stated BOCC must study the alternatives of widening Hwy 17 since so many businesses would be affected.

Chairman Reynolds closed the floor to public comments.

**6. Adjournment – 10:35 P.M.**