

# **PLANNING AND COMMUNITY DEVELOPMENT**

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



## **AGENDA**

**Pender County Planning Board Meeting**  
**April 6, 2010 Special time @ 6:00 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 \_\_\_

1. **Adoption of the Agenda**
2. **Approval of Minutes: March 2<sup>nd</sup> and 11<sup>th</sup>, 2010 meetings**
3. **Public Comments**

**6:00PM**

4. **Subdivision Review: Preliminary Plat**

The Applicant John Benson, on behalf of the property owner, D&J Properties of Hampstead, LLC, is requesting Preliminary Plat Approval for a 29 Lot Subdivision to be located along Harrison Creek Road and Island Creek Road.

**7:00PM**

5. **Public Hearing:** Recommendations on adoption of the 2010 Unified Development Ordinance (UDO) and supplementary zoning map revisions
6. **Discussion Items**
  - a. Planning Staff
    - i. May 4, 2010 meeting date change to: May 5, 2010.
    - ii. May 5, 2010 Public Hearing for Comprehensive Land Use Plan
    - iii. UDO Review continued if necessary
  - b. Planning Board Members
7. **Adjournment**

**PLANNING STAFF REPORT**  
**Major Subdivision** (Benson unnamed Subdivision)  
**Planning Board Hearing**

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**SUMMARY:**

**Hearing Date:** April 6, 2010

**Applicant:** Jon Benson

**Property Owner:** D&J Properties of Hampstead, LLC

**Case Number:** PP 010-04-06-01 Benson

**Development Proposal:** The applicant is proposing a Major Subdivision to be located along Harrison Creek Road and Island Creek Road. The subdivision currently is unnamed; however, the applicant is currently working with the Pender County Road Naming Coordinator on name approval.

**Location and Land Use:** The proposed subdivision is located off of NC Highway 210, where NC Highway 210 becomes Island Creek Road. The surrounding area is low density residential, along with large vacant tracts used for farming and timber operations. Avendale Subdivision and Cross Creek Subdivision are located to the north of the subject's property.

**Zoning District of Property:** The property is currently zoned R-20, Residential District.

**Staff Recommendation:** Planning Staff recommends conditional approval based on all final preliminary plat items being met as well as the consideration of the Technical Review Committees comments (TRC).

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**Detailed Proposal Discussion:**

The applicant is requesting approval for the Preliminary Plat on Island Creek and Harrison Creek Roads. The applicant is proposing a total of 29 single family detached dwellings on 29.9 acres with 3.8 acres of open space. A tract totaling 4.4 acres will remain under control of the owner. The applicant is proposing the development to be completed in two (2) phases; Phase I would be Lots 1 through 7 with the remaining lots, 8 through 29, completing Phase II. The owner's tract is not shown as future development and would require planning board approval prior to future subdivision.

The minimum lot size is proposed at 20,412 square feet (.4686 acres) with a maximum lot size will be 1.5 acres. Currently 3.8 acres of open space are provided in this proposal, meeting the 15% open space requirement. As proposed, no pedestrian access is shown to access the open space; a pedestrian access easement of at least 15 feet is required by the Pender County Subdivision Ordinance.

A Homeowners Association will be established for maintenance of common areas and roads. The property does not contain any Special Flood Hazard Areas or Areas of Environmental Concern. All applicable state and federal agency permits including stormwater, sediment and erosion control and wetlands delineations will need to be supplied prior to the approval of final preliminary approval.

**Technical Review Committee (TRC) comments/concerns:**

**Pender County Utilities (PCU):**

All lots are proposed to be served by County water and individual on-site septic systems, subject to review and approval from Pender County Utilities (PCU) and Environmental Health, respectively. PCU stated that Pender County water is available via an existing waterline located along Harrison Creek Road. Pender County Environmental Health will require all 29 lots to submit for septic evaluations.

**NC DOT:**

The roads serving the subdivision will be built to NCDOT minimum standards but be dedicated as private. Ingress and egress for Phase I (Lots 1 -7) will be provided by direct access to Harrison Creek Road. The N.C. Department of Transportation is requiring lots 1-7 to meet a minimum driveway spacing of 100 feet or shared driveways (access points) will be needed. Phase II will have access to Harrison Creek via Chase Lane, a proposed private road. All site triangles will need to be shown and a driveway permit will be required.

**WMPO:**

The Wilmington Metropolitan Planning Organization recommends the road network provide for future connectivity via stub-outs to adjacent properties for future development. Staff does not necessarily agree with this comment since a stub connection would serve limited purposes and involve disturbance of jurisdictional wetlands. The subject property is located within the limits of a possible future transportation improvement corridor for the N.C. Department of Transportation, TIP Project R-3300 (Coastal Pender Bypass). However, the preferred alignment for the project has not been selected and such not be used in the decision making process.

**PCEM:**

Pender County Emergency Management has requested the fire hydrants be install in the subdivision, as the current proposed road network will make it difficult for fire tanker trucks to enter, exit and turning around.

**P&R:**

Pender County Planning and Community Development, Division of Parks and Recreation would like to encourage language that future bicycle/pedestrian improvements are allowed in the 30' easement along the south side of Island Creek Road. Island Creek Road will be proposed as a bicycle/pedestrian link between the proposed Coastal Pender Greenway and the Wilmington Blue Clay Corridor Bicycle Facility in the 2010 Pender County Comprehensive Parks and Recreation Master Plan

**US ACE:**

Based on a preliminary review of available resources, US Army Corps of Engineers (ACE) stated it appears there may be jurisdictional waters located within the property which are subject to the permit requirements of Section 404 of the Clean Water Act. A delineation of any jurisdictional waters in the project area prior must be submitted prior to construction. A Section 404 permit will be required if the applicant needs to fill jurisdictional waters.

**Staff Recommendation:**

Planning Staff is submitting the Preliminary Plat layout for Planning Board review. The submission as presented tonight is sufficient for Planning Board disposition.

Final Preliminary Approval will not be effective until all requirements of preliminary submission as prescribed in the Subdivision Ordinance are complete, the submission shows compliance with all subdivision and zoning requirements and the Director has signed a copy of the Preliminary Plat. All land use and setback requirements under the Pender County Zoning Ordinance for the R-20 district will apply to all lots.

**The approval is also subject to the all conditions prescribed in the Pender County Zoning and Subdivision Ordinances.**

# PLANNING AND COMMUNITY DEVELOPMENT

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## SUBDIVISION APPLICATION

Date 2-18-2010

Application Fee \$ 790<sup>00</sup>

PP10-04-06-01 Benson

### I. PROPERTY INFORMATION:

Record #: 0

Lot #: 0

Parcel ID #: 3273-01-4518-0000

Zoning District: R-20

Property Location/Address: ISLAND CREEK RD SR 1002

Subdivision Name: No Name (yet) Phase: 2 proposed Phases

Review Type (check one):  Major  Minor

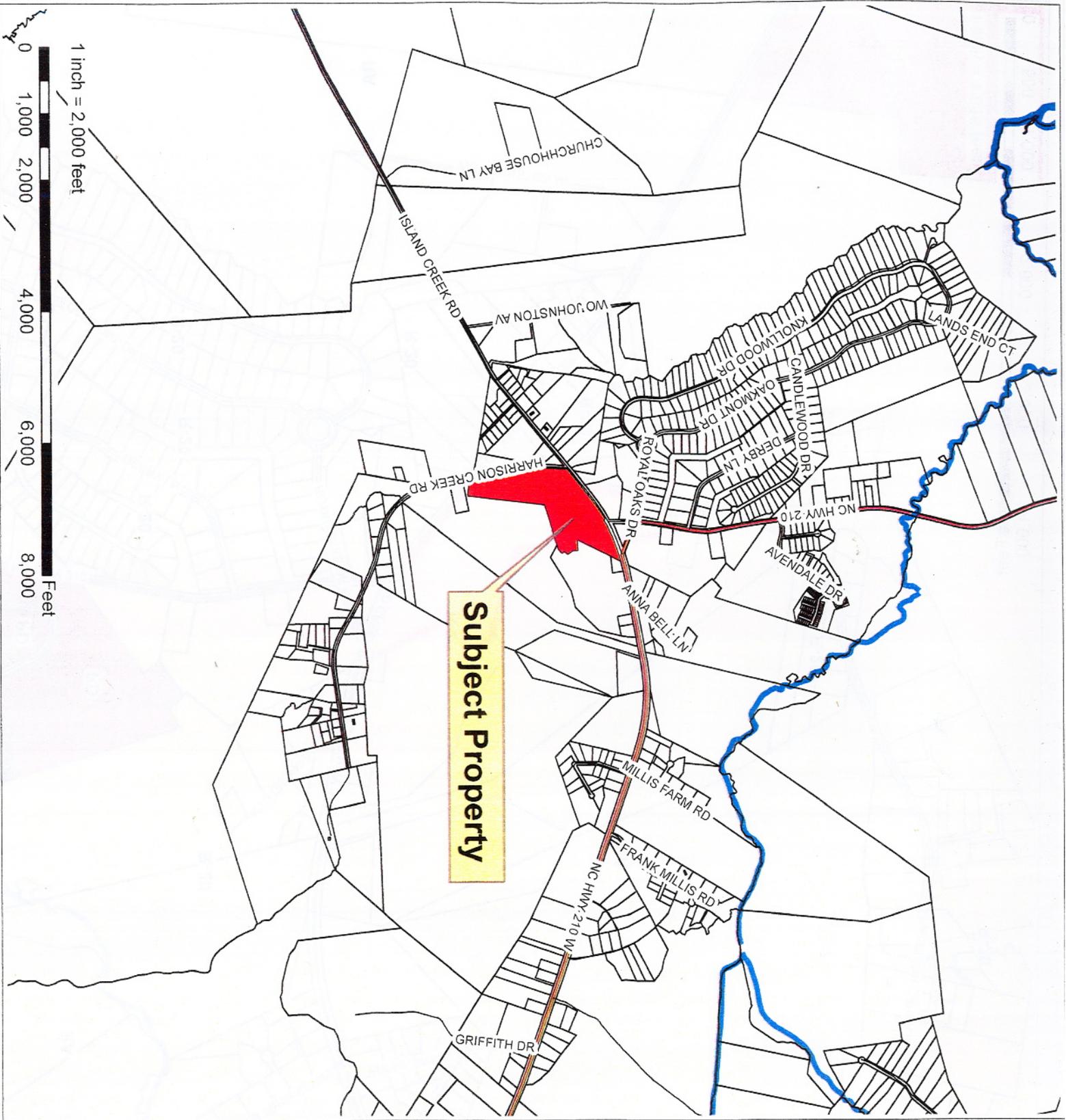
II. A complete submission must be in the Planning and Community Development Department office 45 days prior to the scheduled Planning Board public hearing date. All of the information listed below must be included for the submission to be considered complete:

- Application Fee
- 18 (11x17) map copies for the Planning Board
- 2 full size map copies
- CD containing maps and/or document files in .pdf format

*of emailed*  
\*Please refer to Preliminary Plat Checklist for further requirements.

### III. SIGNATURE OF OWNER/APPLICANT:

*Richard Buckshaw*



**Subject Property**



**Applicant:**  
Jon Benson

**Owner:**  
D&J Properties of  
Hampstead, LLC

**"Unnamed"**  
Subdivision  
29 Lots

PP 010-04-06-01  
Preliminary Plat

**Legend**

- Subject Property
- Hydrography
- Parcels



**VICINITY MAP**



**Applicant:**  
Jon Benson

**Owner:**  
D&J Properties of  
Hampstead, LLC

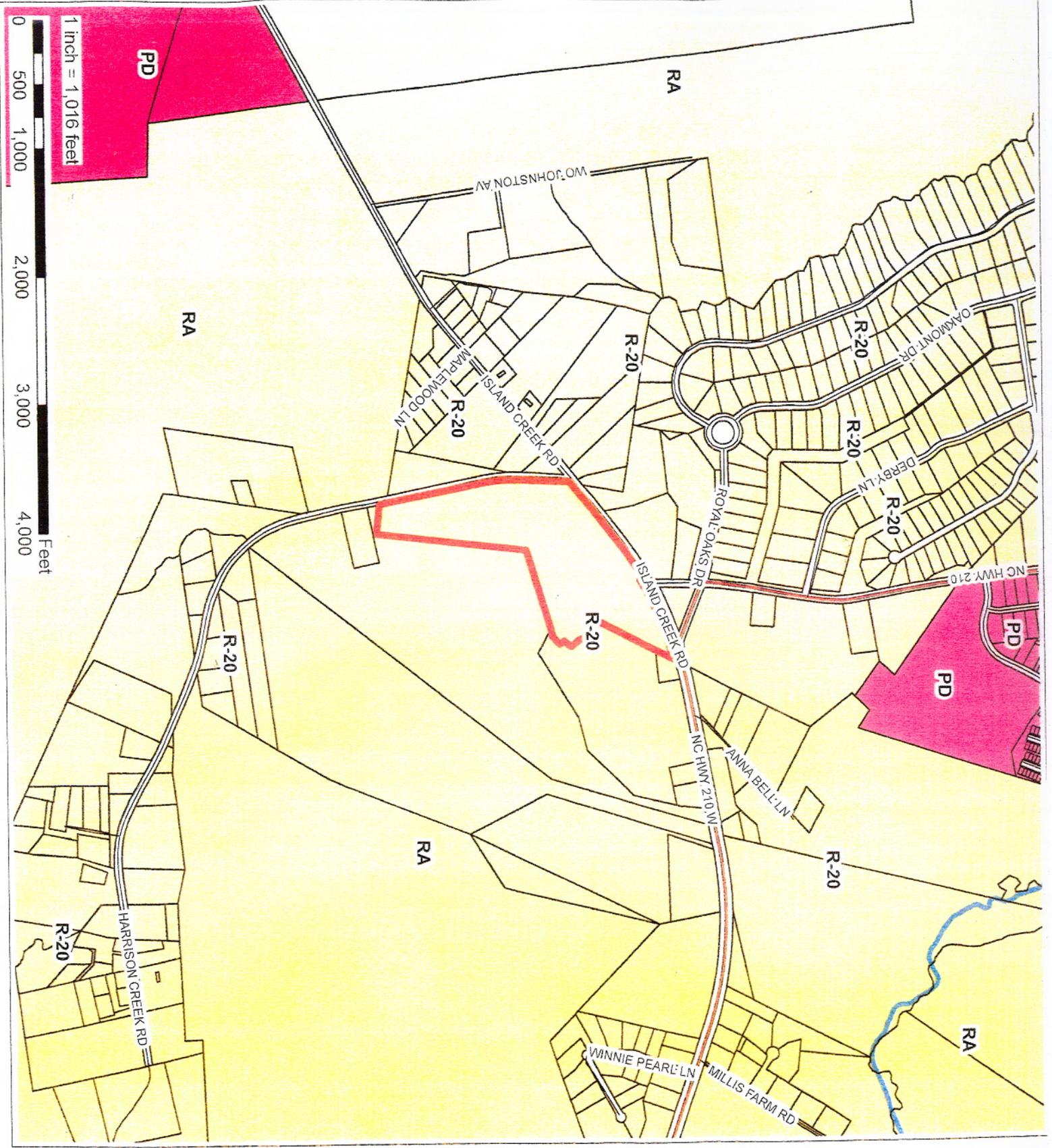
**"Unnamed"**  
Subdivision  
29 Lots

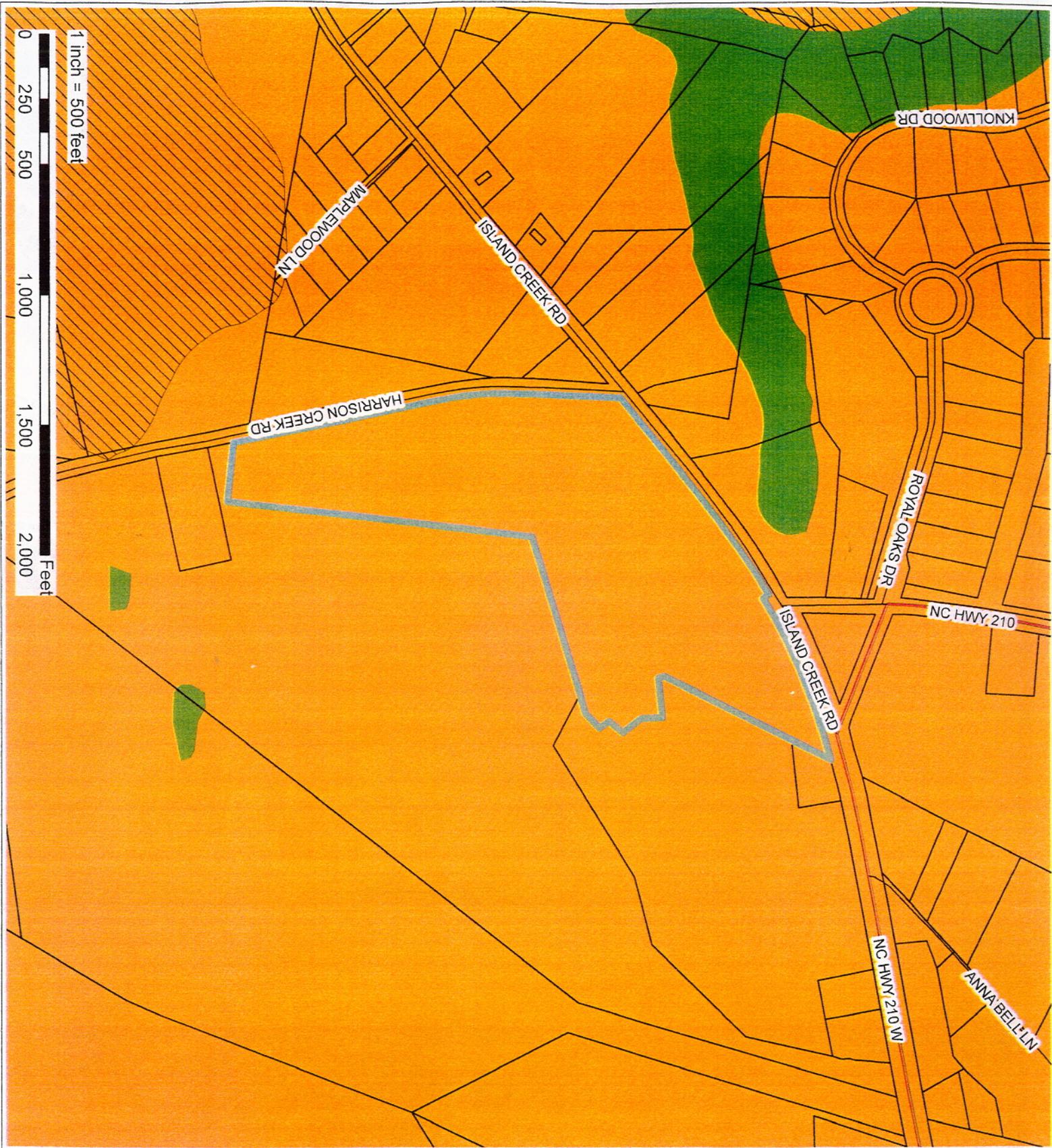
**PP 010-04-06-01**  
Preliminary Plat

	Subject Property
	<b>Zoning Classification</b>
	B-1
	B-2
	B-3
	I-1
	I-2
	Incorporated Area
	PD
	R-10
	R-15
	R-20
	R-20C
	RA
	RT



**ZONING MAP**



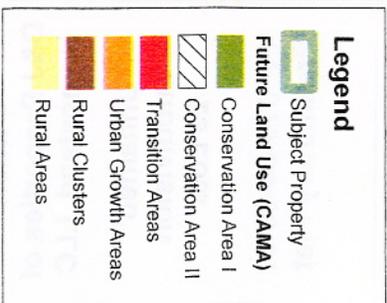


**Applicant:**  
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**"Unnamed"**  
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CAMA Land Use



**Applicant:**  
Jon Benson

**Owner:**  
D&J Properties of  
Hampstead, LLC

**"Unnamed"**  
Subdivision  
29 Lots

**PP 010-04-06-01**  
Preliminary Plat

**Legend**

 Subject Property



**Aerial Map**







# PLANNING AND COMMUNITY DEVELOPMENT

CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING  
PARKS AND RECREATION • PLANNING AND ZONING



To: Pender County Planning Board

From: Patrick T. Davenport, Director

Date: April 6, 2010

RE: Public Hearing- 2010 UDO document and supplementary zoning map revisions

Staff is requesting the Planning Board to hold a public hearing on the 2010 UDO document and supplementary zoning map revisions and to direct staff to make any revisions as a result of comments received. After receiving comments from the public hearing and subsequent discussions if necessary, staff requests that the Planning Board forward a favorable recommendation of adoption to the Board of Commissioners as appropriate. On March 26, 2010, staff delivered updated UDO draft documents reflective of comments received during formal meetings held on March 2<sup>nd</sup>, March 11<sup>th</sup>, and other input received from several sources. Hard copies of the updated versions were also delivered to various outlets around the County and the electronic versions were sent to several individuals and organizations that have requested this service.

Approximately 4,000 notification letters were mailed to property owners with tax billing addresses outside Pender County informing of the proposed zoning map revisions and UDO adoption. Additionally, a ½ page newspaper advertisement in the Pender Post was placed for two consecutive weeks prior to this meeting. Approximately 9,000 total parcels are affected by the zoning map revisions as summarized below. A summary of the zoning changes is attached.

- Rural Agricultural (RA) District designation will remain generally unchanged but may increase in area depending on other zoning parcel's re-designation.
- R-20, R-20C, R-15 and R-10 will all merge into the Residential Performance (RP) District; This district may increase in area depending on other zoning parcel's re-designation.
- Planned Development (PD) will remain generally unchanged, with the exception of rezoning certain parcels in the Watts Landing Rd. area using similar criteria for RT revisions.
- A Manufactured Housing Community (MH) District will be created as a "floating" zone (no parcels initially assigned to this district).
- B-1, B-2 and B-3 will all be reassigned into a new General Business (GB) District
- Industrial, Heavy (I-2) will become General Industrial (GI) District
- Industrial, Light (I-1) will become Industrial Transition (IT) District and will receive some RT parcels.
- An Environment Conservation (EC) District will be created; Assigned to this district would be State owned properties such as NC Game lands, Holly Shelter, Angola Bay, and other parcels owned by the Nature Conservancy and Coastal Land Trust, etc.
- Rural Transition (RT) district will be dissolved with the new classification to be assigned considering: Existing use of property; Parcel size (greater than 43,560 sq ft and vacant = RA); Adjoining uses/zoning; Property owner input/request
- Airport (A) District will be dissolved- Aviation Support Overlay (AVO) District created and applied to Wallace Airport Area
- Establishment of a new Transportation Corridor Overlay (TC-17) along US Highway 17 placed 1,000 feet either side of the highway centerline from the New Hanover County line to the Onslow County line on parcels in unincorporated Pender County.

- Watershed Critical Area and Watershed Protection Area will be converted to overlays; the underlying zoning districts will be rezoned to RA
- Office and Institutional (OI) District will be created and assigned to uses such as government offices, privately owned offices, schools, churches.

Staff is proposing the following timeline for the remaining review, adoption and effective dates of the UDO for the Planning Board's information.

- **05/05/10:** is available for a continuation of the public hearing at Planning Board, if necessary.
- **05/03/10:** 1<sup>st</sup> reading at Board of Commissioners if public hearing is closed at the 04/06/10 Planning Board meeting and recommendation of adoption is forwarded by the Planning Board.
- **05/18/10:** 1<sup>st</sup> reading at the Board of Commissioners meeting if public hearing is continued to 05/05/10 Planning Board meeting
- **06/21/10:** 2<sup>nd</sup> reading and adoption at Board of Commissioners meeting
- **06/22/10-06/30/10:** Final revisions and formatting completed by staff (if necessary) and final copies sent for publication
- **07/01/10:** Effective date, publishing and copies distributed to various recipients.

@ to April Mins  
for P.B

Comments of Charles Wilson, Member Highway 17 Citizens Overlay Committee  
Relative to the Highway 17 Overlay Corridor Section (4.14.4)  
Of the Draft Unified Development Ordinance

My name is Charles Wilson. I am a resident of Hampstead and served as a member of the Highway 17 Overlay Citizens Committee. I am here to endorse the unanimous recommendations of the citizens committee and to share with you changes that I believe need to be made to the current draft of the proposed UDO ordinance in order to make it consistent with the intent of the 13 member citizens committee.

First, I believe it is important to share with you some background on the creation of the Highway 17 overlay committee and the thorough process that was utilized in developing the recommendations. A summary follows:

**Process utilized in developing the overlay district recommendations:**

- The Planning Board under the leadership of Mark Walton and the Board of Commissioners unanimously approved the creation of a citizens committee to develop recommendations for the creation of a Highway 17 commercial Overlay District. Thank you for your support.
- Then planning director Joey Raczkowski publicly supported the creation of the citizens committee and the creation of an overlay district. He noted that such districts are particularly useful in large and very diverse counties such as Pender.
- Prior to the creation of the citizens committee, a public information session was held by the Pender County Planning Department on November 15, 2007 at the Topsail High School. In an extremely well attended session, attendees were informed of the purpose of the effort, input was sought and a sign-up was provided for those interested in being named to the citizens committee. See attachment A.
- Prior to the public information session, Mr. Raczkowski sent his staff to visit with most business owners along the highway 17 corridor to educate them about the effort and to invite them to the public session. An excellent representation of business and residents attended the session.

Page three:

**What will the citizens committee's recommendations achieve?**

It has long been recognized that unattractive run-on, hodge-podge commercial development in urban and suburban strips results in a loss of a sense of community for residents and a less robust commercial area for business owners. In short, the development of a less cluttered and more uniformly attractive commercial area is a win-win for both residents and business people alike. Hundreds of communities throughout the country have addressed the harmful effects of faceless "run on development" with better standards that have improved the quality of life for residents and the economic health of their commercial areas. The creation of the improved standards for new commercial development along the Highway 17 corridor in Pender County will achieve what similar provisions have achieved in so many other communities throughout the southeast and elsewhere. It would be a virtual sin for us not to implement what we know has worked elsewhere with such positive effect. In addition to the clear benefits of a stronger sense of community for residents and a stronger commercial areas more attractive to customers a number of other benefits typically result. These include increased property values, and improved tourism. Since highway 17 is the gateway to our coastal beaches, a more attractive gateway will help attract more tourists to Surf City and our other beaches with the resulting spin-off benefits to businesses on the highway 17 corridor. **What other program can you name that costs virtually nothing yet results in the above economic and quality-of-life benefits for our citizens?**

**Modifications needed to the Planning Board UDO draft relating to the Highway 17 Overlay District:**

First, a personal thank you to those of you who serve on the planning board and those who have served on the UDO and land use committees that have resulted in the product we have before us today. The totality of the extensive effort will help move our county forward. As it relates to the section of the UDO relative to the Highway 17 Overlay District I believe there are six changes that need to be made to the planning board draft to bring the document into compliance with what I believe is the clear intent of the citizen committee recommendations. These changes are as follows:

Pave five:

feet and/or **four (4) or more units**. The draft UDO only includes the 15,000 square foot standard but does not include the "4 or more units" provision.

**Why is this important?** Adding the provision that four or more units would fall under the architectural standards provisions of the overlay ordinance is important because it closes a loop hole that would allow someone to build a strip center at just under 15,000 square feet to avoid the requirements. Clearly a strip center or shopping center with four (4) or more units is large enough so that the standards should apply even if the commercial development is under 15,000 square feet.

**Request:** Language recommended by the Highway 17 citizens committee should be added back to require that a shopping centers or strip centers, etc. with four (4) or more units are also required to meet the architectural and related standards of the Highway 17 Overlay District.

**3. A BETTER STATEMENT OF PURPOSE for the Overlay District's architectural standards is important to include:**

**Why is this important?** The brief statement outlining the intent of the "Transportation Corridor Overlay – U.S. Highway 17" fails to convey in any meaningful way the reason the new standards are being established and what is hoped to be achieved. Including such a statement helps developers understand what is desired and thus helps achieve the goals for the overlay. I have attached one example from the recently adopted Brunswick County UDO that provides the language that they used for a similar purpose as well as an example from New Hanover County (attachment B). Numerous other examples are available. The citizens committee tried to keep it simple by recommending language that stated that the goal was to achieve an appearance along the commercial corridor that was "historically found in an upscale community." This is a short hand term commonly used and generally understood. It was also the essential language that Surf City included in their code. Their language refers to "architecture styling and scale that is historically found in an upscale coastal community." This language should not be considered as sacrosanct, however, and other language could be utilized.

**Request:** Add one additional sentence to the "intent" section of 14.4.4 A to read as follows:

Page seven:

5. **The accessory structures language in the current draft of the UDO needs to be clarified:**

The Highway 17 citizens committee included language to require that all accessory buildings associated with the strip malls, shopping centers, etc. that fall under the architectural standards section of the Highway 17 Overlay District "shall be of materials that are visually compatible in appearance with the principle structure." This does not mean identical materials, just materials that are "compatible" in appearance.

**Concern:** The language in the draft UDO section dealing with the Highway 17 Overlay moves in the opposite direction. Section 4.14.4 1b specifically exempts from the above requirement "accessory structures as defined in section 2, less than 600 square feet." It gets even more confusing, however, because Section 14.4.4 4d of the draft provides that "all accessory buildings shall be of materials that are visually compatible in appearance with the principle structure."

**Request:** Clarify the conflicting language to make clear that accessory structures of both greater than and less than 600 square feet must use materials that are "visually compatible in appearance with the principle structure."

#### Conclusion

The cumulative impact of the weakening changes made to the citizens committee's unanimous recommendations are significant and will make it harder to achieve the goals intended for the Highway 17 Overlay District. Thank you for considering the above recommended modifications to the current draft of the UDO related to the Highway 17 Overlay District.