

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



AGENDA

Pender County Planning Board Meeting

June 1, 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: May 5, 2010 meeting**
- 3. Public Comments**
- 4. Review of 2010 Comprehensive Parks and Recreation Master Plan**
- 5. Discussion Items**
 - a. Planning Staff
 - i. Review of comments from the May 17, 2010 BOCC Public Hearing
 - ii. June 21, 2010 Public Hearings at BOCC
 1. Comprehensive Land Use Plan
 2. UDO
 3. P&R Plan
 - iii. Next meeting: July _____, 2010
 - b. Planning Board Members
- 6. Adjournment**

PLANNING AND COMMUNITY DEVELOPMENT

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MINUTES

**Pender County Planning Board Meeting
May 5, 2010 Special time @ 6:00 p.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina**

Call to Order: Chairman Reynolds

Roll Call: Chairman Reynolds

Pender County Planning Board Members:

Reynolds X Garrett X Marshburn X Millette ___ Smith ___ Williams ___ Boney X

- 1. Adoption of the Agenda:** Motion to approve adoption of agenda made by M. Boney. Seconded by B. Millette. Vote passed 4-0.
- 2. Approval of Minutes: April 6, 2010:** Director Davenport identified spelling error on the attachments. ("Exhibit" misspelled). Board member Garrett questioned whether his attendance at April meeting should be modified to reflect his presence. Director Davenport explained that he was marked absent for roll call, but came in during the latter part of the meeting. Director Davenport will clarify procedure. Motion to approve minutes with clarification and three attachments for April 6, 2010 was made by R. Garrett. Seconded by W. Marshburn. Vote passed 4-0.
- 3. Public Comments:** Chairman Reynolds opened the floor for public comments for agenda item #4. Chairman Reynolds closed the floor after no response for public comments for agenda item #4.

6:00PM

- 4. PD Master Plan Review:** Stephen Carpenter, applicant, on behalf of Bonnie Smith, owner, is requesting approval of a master plan for 4 lots on 22 acres. The property is located north of Marcil Village subdivision, accessed off of Marcil Lane, Hampstead, NC. The property is zoned PD, Planned Development District and may be identified by PIN # 4236-00-9314-0000.

Director Davenport presented PD Master Plan Review to the Board. (H. Williams arrived @ 6:20 pm)

Stephen Carpenter, applicant on behalf of property owner, commented that there was not a problem with the conditions being set forth. Mr. Carpenter explained that they have completed sedimentation and erosion control and stormwater requirements also wetlands had been delineated. Mr. Carpenter requested that the cul-de-sac be removed, because the cul-de-sac served no purpose. Mr. Carpenter explained that only lot three would benefit from the cul-de-sac and that the ordinance does not require a cul-de-sac to be installed. Board members concluded that a "turn around" will be required and could be handled by staff instead of returning to Planning board. Board member Boney questioned the Special

Flood Hazard Area shown on the proposed plat. Director Davenport commented that the based flood elevations may have to be established. Board member Boney expressed concerns regarding development in the SFHA, especially on lot three (majority of SFHA identified on this lot). Board member Garrett questioned the ownership of the property located behind proposed subdivision and accessibility to the property. Board member Garrett was concerned about inner connectivity to the adjoining property and whether it was planned to be developed. Mr. Carpenter verified that there was not any proposed development at this time. Director Davenport explained that any development or further division of property would have to come back to the Planning board for approval. Board member Boney continued to question potential construction in the SFHA. Director Davenport explained that construction in the SFHA required various certificates i.e. elevation certificate that needed to be provided throughout the development/construction process to ensure compliance. Board member Williams addressed the wetlands and wetness of the property. Mr. Carpenter commented that traditionally the wetland area had been used for civil culture throughout the years and had been built up from original levels. Motion to approved master plan was made by R. Garrett; seconded by W. Marshburn. Vote passed 4-1. (M. Boney against.)

5. Discussion Items presented by Director Davenport were as followed:

- a. Planning staff will present Land Use Development Plan, Unified Development Ordinance and Park & Recreation Master Plan to the Board of County Commissioners' at the last B.O.C.C. meeting May 17, 2010 at 7 pm.
- b.
- c.

Discussion Items presented by Planning board members were as followed:

- a. Board member Garrett wanted clarification on water sources regarding mandatory connections to water systems. Director Davenport this remains unclear until Utilities Ordinance is in place.
- b. Board member Williams wanted clarification as to what happens procedurally after tonight regarding the U.D.O. Director Davenport reviewed with Board members the remaining schedule for adoption of the U.D.O.

Discussion Items from County Attorney

- 6. Adjournment:** Chairman Reynolds adjourned meeting at 6:45 p.m.

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: June 1, 2010

RE: Review of comments from BOCC Public Hearing on 2010 UDO

The Board of Commissioners held the first public hearing on the UDO and comments were presented from various sides of several issues. Staff is requesting the Planning Board to review the below and attached comments/recommendations and forward your recommendations as appropriate to the Board of Commissioners for the June 21, 2010 public hearing.

Article 4 Zoning Districts

- **PD District** (This district is intended to create innovative and flexible design with mixed uses-and the suggestions are intended to encourage such versus sprawl development)
 - Reduce the minimum acreage requirement for rezoning in the PD District from 100 acres to 25 acres
 - Increase residential density maximum in the PD District from 5 dwelling units/acre to 7 dwelling units/acre
- **RM District** (The comprehensive plans promoted a variety of housing types, and allowing a variety of types and the suggestions below regarding a residential mixed district helps accomplish this.)
 - Amend the Residential Multi-Family district name to Residential Mixed
 - Reduce the minimum acreage requirement for rezoning in the RM District from 25 acres to 10 acres
 - Increase residential density maximum in the RM District from 5 dwelling units/acre to 7 dwelling units/acre
 - Add detached conventional single-family dwellings and zero lot line housing types under the RM District to the Table of Permitted Uses
- **RP District** (Reducing dimensional requirements where public utilities are available, as suggested below, reduces sprawl which encourages more efficient use of public services)
 - Reduce the minimum lot size in the RP District from 15,000 sq. ft. to 12,000 sq. ft where public utilities (water and sewer) are available
 - Reduce the minimum lot width in the RP District from 80' to 60' where public utilities (water and sewer) are available

- **General Business and Office-Institutional Districts** (Again, the suggestions below address reducing dimensional requirements to help prevent sprawl. They also provide for accommodation for a variety of size businesses and help reduce costs for acquiring and developing land (the ordinance already includes considerable performance standards that any development must meet). The proposed height allowance will allow for tourism opportunities (hotel development) currently excluded by height restrictions.
 - Reduce the minimum lot size in General Business (GB) and Office-Institutional (OI) Districts from 15,000 sq. ft. to 7,500 sq. ft.
 - Reduce the minimum lot width in General Business (GB) and Office-Institutional (OI) Districts from 80' to 50'
 - Add a provision to allow 1' of increased height for every 2' of additional setbacks to the front and sides, not to exceed 100' maximum height

- **Industrial Transition and General Industrial Districts** (200' width unnecessary- renders some properties unusable)
 - Reduce minimum lot width in the Industrial Transition and General Industrial Districts from 200' to 100'
 - Revise the provision to allow 1' of increased height for every 1' of additional setback from *all sides* to the front and sides only (exclude rear)

- **4.12.4 TC-17 Overlay**
 - Keep the TC-17 Overlay in the UDO? Several speakers requested this section to be deleted. Several others requested it to remain.
 - Require structures with 4 or more units to fall under the Overlay standards?
 - Apply architectural standards for outparcels in shopping centers (when the main building is large enough to "trigger the standards")?
 - Encouraging design standards to follow anchor tenant design or materials?
 - Requiring utilities to be placed underground at all points feasible and safe?
 - Increase square footage "trigger" to target "big box" developments only (i.e. Lowes, Wal-Mart, etc.)?
 - Change name to accurately reflect design standards and repeal references to transportation or traffic management?

Article 6 Development Standards and Subdivision Design

- **6.7.1.G Minimum Number of Lots Required on a Final Plat**
 - This regulation was left incomplete somehow, Staff is proposing the following for Planning Boards recommendation:
 - Minimum amount of lots to be recorded on Final Plat
 - 10 or less – 100%
 - 11 to 34 – 50% upon initial recordation, remainder thereafter
 - 35 to 100 – minimum of 25 lots/units upon initial recordation, minimum increments of 10 lots thereafter
 - 100 or more – minimum of 50 lots/units upon initial recordation, minimum increments of 10 lots thereafter.

Article 9 Signs

- **Article 9.5.1.C.1.a Signs Not Requiring Zoning Approval**
 - Allow multi-tenant establishments with more than 5 units or 400' or more of road frontage two banners for 10 days per month (Currently the UDO proposes one banner per shopping center no matter how large or how much road frontage, all banners must be affixed to existing free standing sign)
- **Article 9.7.B Signs Approved in the Commercial and Mixed Use Districts and Non-residential Uses in the Residential Districts/Sign Height**
 - Change height from 25' (current) to 30'
- **Article 9.9 Shopping Center Signs, Malls, Strip Malls, and office, Business and Industrial Parks/Buildings**
 - Recommend renaming the above heading to: Shopping Center Signs, Malls, and Strip Malls only
 - Allow an increase in square footage for multi-tenant signage with an increase of road frontage. For example: For each lineal foot of road frontage, an applicant could increase their sign square footage by 0.25. Example: If Shopping Center A has 600' of road frontage, they would be allowed an additional 50 sq. ft. of signage area to be divided between two signs.
- **ADD Article 9.14 Special Use Permit for Off Premise Business and Directional Signs in Residential Districts and General Business Districts**

A business owner may apply for a SUP for an off-premise business or directional sign in a Residential District or General Business District in accordance with and with written permission of the property owner on which the sign shall be placed. Such sign shall not exceed 32 sq. ft. in area, 10 ft. in height, and not be located within any street right of way.

Here is the remaining schedule for the UDO project:

- **06/21/10:** 2nd Public Hearing 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.

Pender County Small Business

Equal Treatment to All

May 17, 2010

Subject: Pender County Unified Development Ordinance

I am a Pender County Small Business Owner. I encourage economic development through land ownership, professional, retail and wholesale services. My purpose is educate about **Anti Business Ordinance** like the TC-17 Overlay.

Pender County small businesses and our youth are part of the solution to achieve gains in tax revenue and employment. After the county achieves success in revenue collections then the tax values of homes will increase.

Pender County Small Business submits the following comments to the 2010 Pender County Comprehensive Land Use and Unified Development Ordinance.

4.12.4 Zoning Districts TC-17 Overlay

Comment: Requiring an overlay on Highway 17 for aesthetics in only one region of Pender County is unfair and **anti-business**. There are no special purposes for example: historic districts, flood zones or airports along the entire length of Highway 17 which would trigger the need for an overlay. Why should this be the only Highway in Pender County that should look more aesthetically pleasing than the rest of the county? This overlay should be applied county wide or not at all.

Furthermore, the architectural design standards for larger buildings on Highway 17 would make the costs so much higher, that the small business owner could not possibly build their proposed building. This would result in less tax dollars generated for the county. **Take a look at Brunswick County cost of dismantling their HWY 17 Overlay.** Or call Jim Bradshaw Executive Director of Brunswick County Economic Development Commission. 910-253-4429.

Recommendation: Delete the entire anti business TC-17 Overlay Section.

5.2.4 The Table of Permitted Uses contains all of the provisions controlling uses in the various districts.

Reference NAICS 561 to 562 pages 68

Comment: Of particular note is government solid waste haulers are permitted in virtually all districts, while private waste haulers are only permitted in GI. This is questionable legally on equal protection and due process grounds. What makes government solid waste haulers acceptable throughout the county, while private solid waste haulers are limited to General Industrial districts of which the county only has 3 or 4 tiny ones? Is there something magic about government trash that makes it stink less?

Recommendation: All haulers should be permitted in all zoning like public solid waste.

9.4 Exemptions

H. Interior Window Signs located on the interior of the windows and with a total area not exceeding 1/2 square foot per lineal foot of the building front wall space.

Comment: The first amendment protects these rights of free speech, particularly within one's own building.

Recommendation: Delete this section.

9.5.1. C. (1 A). Other Temporary Signs

a) Shopping Centers and multi-tenant developments may utilize one banner, for promotional Purposes which may be displayed. Such banner shall be **affixed to the development's existing, permanent, free-standing sign** and shall be displayed for no more than ten (10) calendar days during each month. The maximum allowable square footage shall be sixty (60) square feet.

Comment; This precludes a business from advertising sales at special times of the year. Examples: Christmas, Easter, Fourth of July, Memorial Day, Presidents Day, Labor Day, and other specific days set aside for sales. Further, a business such as a restaurant may run a weekend special or a daily special for a couple of days as a means of gaining business.

Since signs are the lifeblood of business, it seems that more latitude needs to be given business establishments for temporary signs. All types of businesses zones should be treated equally. It is felt that the following statement concerning the time frame.

Recommendation: Delete (1 a) and treat all business Equal.

Certified Small Business Owner
Applying for Hub Zone Certification

Ron Shirley ronshirley4@gmail.com 910-270-2997

Hwy 17 Pender County Corridor Overlay (PCCO)

The PCCO is not just about Hampstead; it is about Eastern Pender (County line to County line) Hwy 17 is the gateway to Pender County.

The PCCO Citizens Committee's recommendations focus on future commercial development along HWY 17 (not residential)

They are not about today's recessionary times. They are about the future.

Mains sewer + economic recovery + coastal access + excellent schools = rapid growth.

The purpose of the CO was to propose developmental standards meeting the needs of both business and its residential customers while preserving the area's coastal character.

PCCO's standards are modelled on those adopted by Surf City and Onslow Co. to the north and Brunswick Co. to the south. They have not been arrived at arbitrarily.

From its original stand-alone concept, the PCCO has been incorporated into the proposed UDO ; not as proposed, but with several changes made arbitrarily by the UDO Committee which are at odds with the Citizens Committee's objectives.

As stewards of Eastern Pender County, I urge you to honour the following requests:

- Retain the architectural & other related standards for buildings of more than four(4) retail businesses.
- Retain the architectural & other related standards for all out-parcel buildings
- Retain underground utilities.
- Do not fall into the trap of adopting this CO's provisions to highways county- wide as proposed by others (it will likely lead to an even further dilution of standards)
- Adopt a more meaningful "Statement of Purpose" for the CO than that adopted by the UDO
- In order to avoid further delay to the UDO and the CO, adopt the requested retentions within the framework of the UDO (as opposed to authorizing the CO to revert to its original stand-alone configuration)

Respectfully,
Stuart Mossman
Member, PCCO Citizens Committee

Comments of Chuck Wilson

Before the Pender County Board of Commissioners Public Hearing

May 17, 2010

Mr. Chairman, Commissioners, my name is Chuck Wilson and I am a resident of Hampstead. I served as one of 13 members of the Highway 17 Overlay District Citizens Committee. I am here tonight to support the recommendations of the Board of Commissioners appointed citizens committee, a group that worked nearly a year in the development of their recommendations. As you know, these recommendations address design and other standards for FUTURE commercial development along the Highway 17 Pender County corridor. Among the reasons that such standards are implemented in other communities is the desire to create a more attractive commercial area that will result in an increase in home purchasers, an enhancement of property values, an increased sense-of community, a larger customer base and a far stronger commercial area over a sustained period.

I believe there are five important points to share with you:

-PROCESS YOU ESTABLISHED WAS SOUND. You made sure it represented all interests, that it was guided by the Lower Cape Fear Council of Governments and that the citizens committee you named was provided adequate time (in this case one year) to review "best practices" of different localities and counties and to reach sound recommendations. The discussion was collegial. In point of fact the major substantive recommendations were agreed to without objection.

-The Highway 17 overlay district will achieve IMPORTANT BENEFITS FOR BOTH RESIDENTS AND BUSINESS : Why is it important? It is important because growing suburban communities must compete with other communities because home purchasers, tourists and customers vote with their feet when it comes to buying a home, selecting a vacation site or determining where to shop.

Page two:

That's why the Republican lead Brunswick County Board of Commissioners established their Highway 17 Overlay District process and implemented design and/or material standards for virtually all commercial structures. It's also why the Democratic led Surf City Town Council led by Mayor Zander Guy have also adopted building DESIGN and related STANDARDS for commercial development similar to those proposed by your citizens committee. It's also why there are three overlay districts at work in the city of Wilmington dealing with improving the appearance of the designated areas including enhanced landscaped buffers for the Dawson-Wooster Corridor, architectural building design and material standards as well as signage restrictions for the Wrightsville Ave. corridor and full Planned Development District provisions for the South 17th Street/Independence Boulevard corridor. All three overlay districts include "further use restrictions on the underlying districts." And incidentally, Wilmington and New Hanover County have in the queue plans to implement an overlay district for the unattractive and unsuccessful Market St. commercial area in hopes of bringing that commercial area back from the brink.

-THE TIMING IS RIGHT: Significant segments of the Highway 17 Corridor in Pender County are not yet developed. It is far easier to create a successful commercial corridor that benefits both business and residents by establishing good standards before an area is developed than trying to recreate an area after it has developed badly.

-THE COST OF INACTION IS HUGE. Without the proposed Highway 17 Overlay District we could become like the most unattractive areas of Market Street where customers don't like to shop, commercial developers don't like to invest and homeowners don't like to buy. What is the problem? There are too many signs, poor landscaping, bad building design and massive above ground utilities. It has collectively created an unattractive visual clutter that has insured failure.

Page three;

-IMPROVEMENTS TO PLANNING BOARD DRAFT NEED TO BE MADE;
The Pender County Planning Board did not include key recommendations made by the citizen committee and we won't achieve the benefits without some crucial improvements by the Board of Commissioners.

IMPROVEMENTS NEEDED TO PLANNING BOARD DRAFT

There are three changes that we ask you to make to bring the Highway 17 Overlay District into alignment with the citizen committee recommendations.

1. Architectural design standards should be applicable to new strip centers and shopping centers of four or more units. Otherwise **ALMOST ALL FUTURE DEVELOPMENT** will be exempted.
2. Provide that out parcels in a development incorporate the architectural materials and elements used in the principal buildings. Shopping centers in Rocky Point and Porters Neck are examples of incorporating the architectural materials and elements in their out parcels.
- 3 .We need to include a better statement of intent and goals for the Highway 17 Overlay District than the neutral wording contained in the current intent

In summary, coastal Pender County **COMPETES** for home purchasers, tourists and customers with other similar communities throughout our region. To be successful we must never forget that people **VOTE WITH THEIR FEET**. Adoption of the Highway 17 Overlay District Citizens Committee recommendations will help allow us to compete successfully and thus to strengthen both our residential community and our commercial corridor over a sustained period of time. Thank you.

Charles Wilson 393 Howards Lane Hampstead, NC 28443

Telephone: (910) 270-4893

COUNTY COMMISSIONER'S MEETING
May 17, 2010
UNIFORM DEVELOPMENT ORDINANCE
COMMENTS OF CHARLES DAVID MORISON, ATTORNEY .

1. I am here tonight representing Lea Properties and Bert and Jack Lea who have done business in Hampstead, before it was Hampstead;
2. I Commend Patrick Davenport and staff for development of Uniform Development Ordinance.
 - a. Patrick Davenport
 - i. Although he has ruled against me on my last application, I find Development Director Davenport to be Fair and competent, with extensive knowledge of Planning and Development, and I hope you can keep him;
3. His staff has had a truly thankless job navigating the course of Planning in Pender County through Four Planning Directors since 1996, each with their own planning agenda.
4. However, I came to talk with you tonight about Section 4.12.4 - The so-called Transportation Corridor Overlay - which extends 1000 feet on each side of Highway 17
 - a. I'm not going to belabor the details of the ordinance but I want you to consider two provisions;

4.12.4 A. Intent - Major Thoroughfares have unique **traffic management** needs, development pressures, and aesthetic characteristics.....

Now an ordinary reasonable person would expect this provision to have something to do with transportation and traffic on Highway 17. In fact it has nothing whatever to do with traffic or transportation but rather dictates building construction regulations for all buildings of 15,000 square feet or larger. With respect to those buildings it dictates a number of things. The reason I'm speaking to you tonight is subpart E.

4.12.4 E 1, 2, 3 - Primary Facades - Nonresidential structures shall incorporate individual facade modules along the primary facade. Each facade shall contain a minimum of five architectural elements. At least two architectural of the architectural elements shall be unique and cannot be replicated along the remaining length of the primary facade. A minor material may not exceed fifteen percent of the facade module. No single approved architectural material may cover greater than sixty percent of the facade module....

Now I have some questions for you "What is a "facade module" and why must every building of 15000 square feet or more have them? Further each facade must have five architectural elements. Why must all buildings of 15,000 square feet have at least five in each facade module. What are the approved architectural materials.

5. ***As drafted the Transportation Corridor Overlay prohibits metal buildings**

and also appears to prohibit cinder block construction.

The definitions of Approved Architectural materials do not include cinder block, or metal. Vinyl and metal siding may be used as a minor material of the building facade. In other words no cinder block or metal buildings over 15,000 square feet. The only "approved architectural materials" are 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. ...Vinyl and metal siding may be used as a minor material of the building facade (No more than 15%)

In passing I note the provision which states "only one approved architectural material may be reused on any immediately adjacent facade module." What does that mean? If I have a wood and brick facade does that mean I can't have a metal, oops sorry metal is prohibited, does that mean I can't have a wood and brick facade next to it?

6. Law -

I didn't come here tonight to beat you over the head with the law and threaten to sue the county. However, I would strongly urge you to ask the County Attorney how the courts have addressed ordinances which are held to have "no rational basis for a classification" in a regulation. Attempting to regulate esthetics through a transportation regulation raises the issue of improper classification. More importantly I would urge you to ask him how the courts have addressed classifications such as "no mobile homes" or "no metal or cinderblock buildings" without a rational basis for the distinction.

Finally I would urge you to ask him what the courts have done with ordinances which are so vague and imprecise that reasonable men are required to guess at their meaning. i.e. (Can I have a wood and brick facade module, next to a split faced block and cement module?) I think you will find that arbitrary and capricious classifications have been invalidated. I for one don't want Pender County to have to expend a great deal of it's time and resources defending a defective ordinance, especially when it's not in the county's best interest.

7. Conclusions -

First, if the Transportation Corridor Overlay is adopted it would be my considered opinion that no big box store could be built on Highway 17 in Pender County. I don't believe Lowe's, Walmart, K-Mart would be interested in the expense of having to guess how many facade elements they have to have, or what "approved architectural materials" they could use. I don't think they'd be interested if metal buildings were prohibited. To put the ordinance in perspective, the existing Hampstead Food Lion Complex, Lea and Atlantic Seafood, Ace Hardware, and several Pender County schools would not be permitted under the Transportation Corridor Overlay Ordinance.

The Board needs to ask itself if precluding large retail stores on Highway 17 is in the best interest of it's citizens. The sales tax revenue from one large retail outlet is considerable. After all we are a tourist supported community. Do you really want to outlaw large retail outlets? I don't think so.

In conclusion members of the Board I would submit to you that business on Highway 17 is good for Pender County. As a matter of fact I would submit to you that Highway 17 represents the most important business center in Pender County. Business needs a stable regulatory scheme that

they can depend on. They need to be able to predict what regulations they're going to have to meet. Outlawing large metal buildings and requiring expensive and arbitrary esthetic facades is not in the best interest of the county or it's citizens. If Pender County develops a reputation as unfriendly to business, it will jeopardize the tax base to the detriment of all of its taxpayers. I urge you to reject the Transportation Overlay Corridor Overlay.

Charles David Morison

May 17, 2010

Mr. Patrick Davenport, AICP
Planning Director
Pender County
P.O. Box 1519
Burgaw, NC 28425

Subject: Pender County Unified Development Ordinance

Dear Patrick:

The Greater Hampstead Chamber of Commerce (GHCOC) is a non-profit corporation organized as a "For Membership" organization and operates for the benefit of its membership and to serve those general purposes as more specifically defined by its members and Board of Directors. The Mission of the GHCOC is to enhance the quality of life of the citizens of the Greater Hampstead area through the promotion of business, economic development, and tourism of the Greater Hampstead area and surrounding communities. In pursuing this Mission, the Chamber shall endeavor, where appropriate, to coordinate its activities with other organizations, individuals and agencies having the same general interests and objectives.

In accordance, the GHCOC formally submits the following comments in response to the DRAFT Pender County Unified Development Ordinance:

ARTICLE 4: ZONING DISTRICTS

Policy 4.12.4 TC-17 Transportation Corridor Overlay – U.S. Highway 17 (Refer to Document for entirety of Policy)

(GHCOC COMMENT) As stated, the *Intent* of this Policy is stated as follows: *Major thoroughfares have unique traffic management needs, developmental pressures, and aesthetic characteristics that require the establishment of additional developmental standards to meet the County's goals and fulfill the purposes of this ordinance.* Yet, within this policy, traffic management needs are never addressed. As safety should be the primary purpose of any Transportation Corridor Overlay District policy, this is highly misleading. The only issues addressed within this policy are aesthetic, and therefore not only is this a misnomer, but the issues of equal protection and uniform applicability within the scope of zoning enforcement are questionable as this policy is written. Giving special treatment to non-special areas for the purposes of aesthetics may put the County in a vulnerable legal position. Neighboring counties with TC Overlay districts are not so restrictive, and Brunswick County for one is currently looking at amending their "Corridor Development Standard Overlay District" for the purposes of relaxing standards that in some cases have been found to be "too extensive" with costs that are "exorbitant" for businesses. The GHCOC would like to see, at the very least, a renaming of this policy to a "Corridor Development Standard Overlay District," such as within the Brunswick County document, or something of the like that calls this overlay district what it truly is. As well, recommendation to strike *traffic management needs* from the first sentence of this Policy section to read as follows: *"Major thoroughfares have unique developmental pressures and aesthetic characteristics that require the establishment of additional developmental standards to meet the County's goals and fulfill the purposes of this ordinance.* Further recommendation to increase 4.12.4.F.4 to, "Maximum sign height for any wall, canopy or free-standing sign shall be twenty-five (25) feet."

ARTICLE 9: SIGNS

Policy 9.5.1C.1.a: Signs Not Requiring Zoning Approval – Shopping Centers and multi-tenant developments may utilize one banner, for promotional purposes which may be displayed. Such banner shall be affixed to the development's existing, permanent, free-standing sign and shall be displayed for no

more than (10) calendar days during each month. The maximum allowable square footage shall be sixty (60) square feet.

(GHCOC COMMENT) The use of temporary signs is critical in order for businesses to survive and prosper. Upon further review, policy is too restrictive for larger, multi-unit shopping centers. Use of only one banner for a period of 10 total days to be divided between a large number of businesses makes it almost functionally impossible for those businesses located within a larger strip mall to take advantage of a portion of the proposed 10 day period temporary signage for the purposes of sales, specials, etc. The GHCOC would urge the County use the following statement instead.

Policy 9.5.1C.1.a: Signs Not Requiring Zoning Approval - Shopping Centers and multi-tenant developments with over five (5) units or 400 or more footage of road frontage may utilize nor more than two banners, for promotional purposes which may be displayed. Such banners shall be affixed to the development's existing, permanent, free-standing sign and shall be displayed for no more than (10) calendar days during each month. The maximum allowable square footage shall be sixty (60) square feet.

Policy 9.7.B: Signs Approved in the Commercial and Mixed Use Districts and Non-residential Uses in the Residential Districts/Sign Height - The maximum height of signs described in this section shall be twenty-five (25') feet.

(GHCOC COMMENT) Recommendation to retain the current code of thirty (30) feet.

9.9 SHOPPING CENTER SIGNS, MALLS, STRIP MALLS, AND OFFICE, BUSINESS AND INDUSTRIAL PARKS/BUILDINGS

(GHCOC COMMENT) Recommend renaming the above heading to: **SHOPPING CENTER SIGNS, MALLS, AND STRIP MALLS** only, and to apply same verbiage as it pertains to 9.9.3.

Additionally, the GHCOC Would like to see the following policy added to enhance this section:

Policy 9.14: Special Use Permit for Off-Premise Business and Directional Signs in Residential Districts and General Business Districts – A business owner may apply for a Special Use Permit for an off-premise business or directional sign in a Residential District or General Business District in accordance with and with written permission of the property owner on which the sign shall be placed. Such sign shall not exceed 32 sq. ft. in area, 10 ft. in height, and not be located within any street right of way.

The GHCOC appreciates the opportunity to comment on the DRAFT Pender County Unified Development Ordinance. If you have any questions about these comments, please feel free to give me a call at 910.270.9642.

Sincerely,

Elizabeth Schoenleber
Executive Director, GHCOC

PLANNING AND COMMUNITY DEVELOPMENT

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To: Pender County Planning Board

From: Patrick T. Davenport, Director

Date: June 1, 2010

RE: Review of DRAFT 2010 Comprehensive Parks and Recreation Master Plan

Staff is requesting the Planning Board to review the DRAFT 2010 Comprehensive Parks and Recreation Master Plan and provide comments as appropriate. Planning Board members were previously sent an electronic copy of the Plan but it is still under revision at time of printing this agenda.

The review will focus on two major sections: Existing facilities and Recommendations for future facilities. This should increase the Board's familiarity with existing and proposed park sites, so when developments are being reviewed, potential impacts or improvement opportunities can be noted.

Here is the remaining schedule for the Parks and Recreation Plan:

- **06/21/10:** Public Hearing 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.

Existing, Planned, and Recommended Parks and Recreation Opportunities

