

Pender County Planning and Community Development

Planning Division

805 S. Walker Street
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Burgaw, NC 28425



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AGENDA

Pender County Planning Board
Tuesday, November 1, 2011 7:00 p.m.
Topsail High School Media Center
245 North St. Johns Church Road, Hampstead, North Carolina

Call to Order: Chairman Boney

Roll Call: Chairman Boney

Pender County Planning Board Members:

Boney: ____ Smith: ____ Edens: ____ Garrett: ____ Marshburn: ____ Millette: ____ Williams: ____

1. Adoption of the Agenda

2. Approval of Minutes: October 4, 2011

3. Public Comment

4. US 17/NC 210 Corridor Study

The Pender County Planning Board will consider the US 17/NC 210 Corridor Study. The study was produced to identify near-term strategies to address safety and mobility deficiencies on US 17 and NC 210 in the Hampstead area.

5. Zoning Text Amendment

Pender County, applicant, is requesting approval of an amendment to the Pender County Unified Development Ordinance. The proposal consists of amending Sections 2.4.1.B.2, 3.10.3.K, 3.11.1.C.7, 5.2.3, 5.3.11.F-O, 6.2.C.18, 6.3.C.27, and Appendix A, along with the creation of Section 3.5.4.I, 3.9.3.I, 5.3.11.P, 9.4.2.A.1.h, as well as revising references and language in Articles 1-12 and Appendix A. A detailed description of each amendment is available in the Planning Department offices for review.

6. Discussion Items

- a. Planning Staff
 - i. Small Area Planning
 - ii. CAMA LUP Update
- b. Planning Board Members

7. Adjournment

4A

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To: Pender County Planning Board

From: Kyle M. Breuer, Director

Re: US 17/NC 210 Corridor Study

Date: November 1, 2011

The Wilmington Area Metropolitan Planning Organization and the North Carolina Board of Transportation commissioned the study of the US 17 and NC 210 Corridors within Pender County to identify near term strategies to address safety and mobility deficiencies on US 17 and NC 210 in Hampstead. The objective was to identify practical strategies that are consistent with the vision for Hampstead, that reduce the rate of injuries and fatalities in traffic crashes, reduce travel delay, and improve travel for pedestrians and bicyclists. The study report describes a preferred access plan for US 17 from Washington Acres Road to Sloop Point Loop Road (a distance of 5.66 miles) and for NC 210 from US 17 to Island Creek Road (a distance of 3.72 miles).

The planning process included three (3) public input workshops at Topsail High School, four (4) Steering Committee meetings, and three (3) focus group sessions for citizens, business owners, and economic developers. The public input meetings were heavily advertised and well attended.

Key recommendations of the study include the following:

- Preferred Access Plan for US 17
 - The preferred access plan for US 17 is to build a raised median and paved bulb-outs to facilitate U-turns at median openings on US 17 in Hampstead. The purpose of the median is to eliminate unsafe left-turn movements by allowing left-turns and U-turns only at well designed median opening intersections. The recently reconstructed intersections on US 17 in Scotts Hill and Sloop Point represent a good demonstration of how to implement the proposed access features. It is recommended that NCDOT staff determine the location, sequence and details of construction implementation of the median based on factors including, but not limited to the following:
 - Crash history and severity
 - Volume of left-turn traffic
 - Observation of traffic conflicts and driver confusion or unsafe behavior
 - Speed studies
 - Pending new development along US 17
 - Other factors deemed important by NCDOT

- Preferred Access Plan for NC 210 (*to Island Creek Rd.*)
 - The NC 210 corridor stretch from US 17 to Island Creek Road currently operates at a satisfactory level of service based on existing traffic counts. However, future traffic projections for this corridor will place increased demand along this roadway. Recommendations for the NC 210 corridor could be a two-lane median divided section with paved shoulders, a ditch on both sides and a multi-use path on one side. The multi-use path would be built at the edge of the right of way to maximize distances from the travel way and ensure adequate width for a drainage ditch. This section can be widened to a four-lane divided section when the traffic volume is warranted. The design will contain a planted median for controlled access as well as right of way to accommodate a multi-purpose path along one side of the roadway.

- Collector Street Network Recommendation
 - It is recommended that Pender County update the Coastal Pender Collector Street Plan (*adopted 2007*) to identify new road alignments that avoid or minimize wetland damage. It is also recommended that the plan create collector street design standards that allow narrow width streets to minimize speeding, incorporate natural traffic calming measures including changes in direction and street name changes, allow eyebrow type street insets within the development giving developers a slight parcel-bonus to offset their economic hardship claim.

- Traffic Law Enforcement Recommendation
 - The traffic law enforcement recommendation is to add traffic law enforcement personnel on US 17 in Hampstead in the ensuing budgets beginning with 2012-2013 through the mutual enforcement relationship with the State Highway Patrol. In addition to speeding citations, the enforcement teams should continue to enforce red light running violators, tailgating, and reckless driving including using the center turn lane to pass.

A project representative from Martin, Alexiou, Bryson, PC, the consulting firm hired to assist in the study, will update the Board concerning the draft US 17/NC 210 Corridor Study and resultant recommendations.

PLANNING STAFF REPORT
Zoning Text Amendment

SUMMARY:

Hearing Date: Planning Board – November 1, 2011
Board of County Commissioners – November 21, 2011

Applicant: Administrator, Division of Planning

Application Number: ZTA 10139 Pender County

Text Amendment Proposal: The request consists of amending the following sections within the Pender County Unified Development Ordinance: Sections 2.4.1.B.2, 3.10.3.K, 3.11.1.C.7, 5.2.3, 5.3.11.F-O, 6.2.C.18, 6.3.C.27, and Appendix A; along with the creation of an additional Section 3.5.4.I, Section 3.9.3.I, Section 5.3.11.P, Section 9.4.2.A.1.h, as well as revising references and language in Articles 1-12 and Appendix A.

Background: The following text amendments are the result of various administrative discussions and situational circumstances that have been brought to Staff's attention since the approval of the previous amendment.

Administrator Recommendation: Administrator respectfully recommends **amending** the Unified Development Ordinance as described in the staff report:

The following outline describes the proposed amendments by topic. The proposed amendment clarifies various issues that have arisen concerning reviewing and permitting temporary portable storage containers, Board of Adjustment member's term of office, site plan's period of validity, and defining public and private water and wastewater systems. The following is a description, by topic, of the changes that are proposed. A detailed packet of all the changes is included in the informational packet which has been distributed to accompany this report.

Portable Storage Containers

Staff is proposing language to review and permit portable storage containers. The proposed amendment is an outcome of the increasing popularity of temporary portable storage containers being used as accessory structures in the County. Currently, the Unified Development Ordinance does not provide any regulations or standards on the use of portable storage containers. Due to the lack of regulations, many portable storage containers are being used as permanent accessory structures instead of their intended purpose as a transit storage unit or temporary storage use. The proposed text amendment will provide regulations on the dimensions, location, allowed time, and use of portable storage containers in all residential, commercial, and industrial zoning districts.

Board of Adjustment Member's Term

Staff is proposing to revise existing term of office standards for Board of Adjustments members. The amendment will allow Board of Adjustment members to be reappointed up to four terms, not to exceed ten years. The proposed changes are consistent with NCGS § 153A-345.

Validity of Site Plans

Staff is proposing to revise the existing time periods in which residential and commercial site plans remain valid. Current standards provided for Minor Site Development Plans and Major Site Development Plans found in Section 3.6 and Section 3.7 are not consistent with the time periods outlined in Section 6.2 and Section 6.3. Additionally, there is no valid time period standards provided for Master Development Plans or Minor Subdivisions. The proposed corrections are to clarify how long all residential and commercial site plans are valid from the initial approval date.

Public and Private Water and Wastewater Systems

Throughout the Unified Development Ordinance, existing regulations identify guidelines regarding public and private water and wastewater systems. However, there is no language provided in Appendix A, Definitions that discerns between the different facilities. Staff is proposing the addition of four definitions in Appendix A in order to establish standards to differentiate public and private water and wastewater systems.

Miscellaneous Revisions

Additional revisions are proposed for Section 3.11.1 and Section 9.4.2 to clarify items that have been brought to Staff's attention since the approval of the previous amendment.

The proposed changes have been advertised in the Pender Post and Topsail Voice on Wednesday, October 19, 2011 and Wednesday, October 26, 2011.

Evaluation:

As prescribed in the Pender County Unified Development Ordinance (UDO) Article 3.18.5 in evaluating any proposed ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

- 1) The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
- 2) The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
- 3) Whether or not the proposed text amendment corrects an error in the Ordinance; and
- 4) Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.

In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents, the CAMA Land Use Plan, and the specific intent of this Ordinance.

Comprehensive Land Use Plan Compliance:

There are no other conflicting policies within any adopted land use documents.

Staff Recommendation:

The proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements; therefore, staff respectfully recommends that the amendments are approved as presented.

VOTING AND RESOLUTION:

Planning Board

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous: _____

Boney: ___ Smith: ___ Edens: ___ Garrett: ___ Marshburn: ___ Millette: ___ Williams: ___

BOARD OF ADJUSTMENT**2.4.1 Establishment, Membership, and Rules of Procedure****B. Membership**

- 1) The BOA shall consist of five (5) members who shall be residents of the County of Pender.
- 2) The members shall be appointed by the Board of Commissioners for a regular term of office of three (3) years. Board members ~~whose terms have expired~~ may be reappointed for **up to four terms** ~~one additional term~~ so long as their length of service on the Board does not exceed ~~six (6) years~~ **ten (10) years**. In appointing members to fill vacancies, the Board of Commissioners shall appoint persons to serve the remaining term of office rather than a full three (3) years.

3.5.4 Review

- I. **Planning Board Master Development Plan approval shall be valid for two (2) years.**

3.9.3 Review

- I. **Approval of the preliminary plat shall be valid for two (2) years of the approval date unless building permits have been obtained for construction.**

3.10.3 Review

- K. All conditions of preliminary plat approval must be completed and submitted within ~~24 months~~ **two (2) years** of the approval date.

3.11 SKETCH DEVELOPMENT PLAN**3.11.1 Sketch plans shall be submitted for the application and approval of the following development types:**

- A. Individual residential development in all applicable zoning districts.
- B. Accessory uses and structures as prescribed in Section 5.2, Table of Permitted Uses in all residential districts.
- C. Contents of sketch development plans
 1. Minimum scaled at 1"=60', boundary of the entire tract to be developed;
 2. Setbacks determined by zoning district and housing type;
 3. Driveway location;
 4. Existing accessory structures;
 5. Location of water/septic services or confirmation of hook up to public provided service;
 6. Any restrictions/easements located on the property including utilities, access, etc.;
 7. ~~Areas of Environmental Concern (Flood Hazard Areas, wetlands, CAMA determinations, etc.)~~
The location and approximate boundaries of existing environmental features as defined.

5.2.3 Table of Permitted Uses

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
MISCELLANEOUS USES											
Portable Storage Containers		D	D	D	D	D	D	D	D	D	

5.3.11 Miscellaneous Uses

F. Portable Storage Containers

- 1) A portable storage container may be placed for fifteen or less consecutive days in any twelve month period without issuance of a permit in all zoning districts, except Environmental Conservation.
- 2) All portable storage containers located on private property to be placed for sixteen or more consecutive days must apply for and obtain a permit. Each individual shall submit a complete application, site plan, and fee for review and approval by the Administrator or their agent.
- 3) All portable storage containers located in the front or side yard must be placed in an area primarily used for vehicular access such as a driveway or other paved surface.
- 4) All containers must adhere to the minimum setbacks for the zoning district when possible and must be five (5) from all other structures.
- 5) No portable storage container shall be greater than twenty (20) feet in length, eight (8) feet in width, or eight (8) feet in height.
- 6) More than one portable storage container shall be allowed on a single lot as long as the total square footage of all containers does not exceed 160 square feet.
- 7) Stacking of portable storage containers shall not be permitted.
- 8) No sign shall be attached to a portable storage container other than the provider’s contact information.
- 9) Portable storage containers shall be allowed no more than two (2) times on a lot for a period no longer than 60 days within a twelve (12) month period when the following items are met. A longer extension may be granted for portable storage containers located in all nonresidential districts, excluding Environmental Conservation, up to 180 days within a twelve (12) month period approved by the Administrator when the following items are met:
 - a. The principal structure is damaged and dilapidated and is undergoing repairs, reconstruction, or renovation.
 - b. A building permit has been issued for the repairs, constructions, reconstruction, or renovation, if required, and is valid throughout the extension.

6.2 MINOR SITE DEVELOPMENT PLAN CONTENTS

C. Site plan and details section

- 18) Administrator, approval date, and a statement that reads "site plan valid for ~~five~~ two (2) years from approval date."

6.3 MAJOR SITE DEVELOPMENT PLAN CONTENTS

C. Site plan and details section

- 27) A space labeled "Approved by the Pender County Unified Development Administrator" for the signature of the Administrator, approval date, and a statement that reads "site plan valid for ~~five~~ two (2) years from approval date."

9.4.2 Floodplain Development Application, Permit and Certification Requirements

A. Application Requirements. Application for a Floodplain Development Permit shall be made to the floodplain administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the floodplain administrator to apply for a floodplain development permit:

- 1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - h) When a lot or a portion thereof is located in a FEMA designated Special Flood Hazard Area for which elevations have been established, additional information will be required including a map of the lot or building site signed and sealed by a Licensed Surveyor showing an existing established elevation bench mark on the site within 50' of the proposed structure.

Appendix A – Definitions

COMMUNITY WASTEWATER SYSTEM: A sanitary wastewater facility which is publically or privately owned and established to serve more than one single residential dwelling, commercial, and/or industrial development and is approved through a state agency or utilities commission.

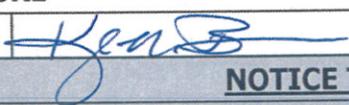
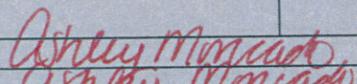
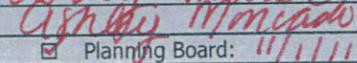
COMMUNITY WATER SYSTEM: A public water supply system established to serve all or a portion of a residential, commercial, and/or industrial development year round and is approved through a state agency or utilities commission.

PORTABLE STORAGE CONTAINERS: A container designed to store personal property which are typically rented and intended to be delivered, temporarily used, and removed by truck. Portable storage containers shall not be used as an accessory structure or dwelling and shall not impede public vehicular or pedestrian access or create a public safety hazard. This definition includes shipping containers and other portable self storage units.

PUBLIC WASTEWATER SYSTEM: A single system of wastewater collection, treatment, and disposal owned and operated by a sanitary district, water and sewer authority, county, municipality, or a public utility.

PUBLIC WATER SYSTEM: A water system owned and operated by a public entity, including municipal and sanitary district water systems, approved by a public entity or water and sewer district.

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE			
Application No.	ZTA 10139	Date	9/16/11
Application Fee	\$ N/A	Receipt No.	N/A
Pre-Application Conference	5/2/11	Hearing Date	11/1/11 - 11/21/11
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Pender County Planning and Community Development		
Applicant's Address:	805 S. Walker Street		
City, State, & Zip	Burgaw, NC 28425		
Phone Number:	910-259-1202		
SECTION 2: UDO TEXT TO BE AMENDED			
Current Text to be Amended (Please site accurate Article number referenced):			
Sections 2.4.1.B.2, 3.10.3.K, 3.11.1.C.7, 5.2.3, 5.3.11.F-O, 6.2.C.18, 6.3.C.27, and Appendix A.			
Additional revisions to Articles 1-12 and Appendix A.			
Proposed Text to be added:			
Section 3.5.4.I, Section 3.9.3.I, Section 5.3.11.P, and Section 9.4.2.A.1.h			
SECTION 3: SIGNATURE			
Applicant's Signature			Date: 10/13/2011
NOTICE TO APPLICANT			
If the applicant makes significant changes to the application for a text amendment after the Planning Board has made its recommendation, the Administrator may refer the modified request back to the Planning Board for an additional public hearing.			
TEXT AMENDMENT CHECKLIST			
<input checked="" type="checkbox"/>	Signed application form		
<input type="checkbox"/>	Application fee N/A		
<input type="checkbox"/>	A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO (shown on page 1 of this application)		
Office Use Only			
<input type="checkbox"/> ZTA Fees: \$250 N/A		Total Fee Calculation:	
Payment Method:	Cash : <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check: <input type="checkbox"/> Check # _____
Application Received By:			Date: 10/13/2011
Application completeness approved by:			Date: 10/13/2011
Dates Scheduled for Public Hearings:	<input checked="" type="checkbox"/> Planning Board: 11/1/11	<input checked="" type="checkbox"/> BOC: 11/21/11	

6 A

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MEMORANDUM

To: Pender County Planning Board

From: Ken Vafier, Senior Planner, Pender County Planning and Community Development

Date: November 1, 2011

RE: Small Area Planning in Pender County

The Board of Commissioners outlined priorities in the 2010-2012 Priority Implementation Plan for staff to develop Small Area Plans for populated communities throughout the County. This effort is also supported in the 2010 Comprehensive Land Use Plan, which contains three Small Area Plans-the Coastal Pender area, the Rocky Point area, and the US 421 Corridor.

A Small Area Plan analyzes, evaluates, reviews the constraints and opportunities, and develops goals and policies beyond the Pender County Comprehensive Plan within a specified geographic area. The primary purpose of the Small Area Plan is to develop a vision and subsequent actions that will realize the needs and uniqueness of a specific community. Expected completion time of an individual Small Area Plan is approximately 8-12 months depending on location and criteria.

The Planning Staff is requesting feedback on the priorities for initiating development and implementation of Small Area Plans within the County. The communities of Currie, Penderlea, Maple Hill, and Willard are all excellent communities in which to initiate the Small Area Plan process. The staff would like the Board members thoughts on prioritizing these areas to commence the planning process.