

PITT COUNTY PLANNING BOARD  
**MINUTES July 17, 2019**  
 GREENVILLE, NORTH CAROLINA

The Pitt County Planning Board met in a regular session on Wednesday, July 17, 2019, at 5:30 p.m. in the 2<sup>ND</sup> FLOOR EUGENE JAMES AUDITORIUM of the Pitt County Office Building, 1717 W. 5th Street, Greenville, North Carolina.

**1. CALL TO ORDER**

Chairman Hines called the meeting to order at 5:30 p.m. and welcomed guests.

**2. PRAYER AND PLEDGE OF ALLEGIANCE**

Don Brown led the Board in a moment of prayer and Ricky Hines led the Pledge of Allegiance.

**The following members were present:**

Faye Barefoot	Ricky Hines
Don Brown	Steve Little
David Davenport	Tucker Moore
Brad Guth	Maria Rogerson
R.J. Hemby	Danny Smith

**The following members were absent:**

Johnny Pinner

**Staff in Attendance:**

James Rhodes, Director  
 Tabitha Auten, Office Manager  
 Eric Gooby, Senior Planner  
 Ben Rogers, Planner I  
 Mark Nottingham, Planner II  
 Jason Bryant, Planner I  
 Jordan Smith, Assistant County Attorney

**3. APPROVAL OF MINUTES OF JUNE 19, 2019 MEETING**

**UPON MOTION** by Brad Guth, seconded by Don Brown, the Pitt County Planning Board voted unanimously to approve the minutes of the June 19, 2019 meeting.

***REZONING REQUEST***

**4. GLEN STEINER REZONING:** Located on the northeastern side of NC 30, north of its intersection with SR 1545 (John Fleming Road) in the Carolina Township

Mr. Gooby advised the Board that Glen Steiner and Donald E. Farrow were present in the audience. Planning staff received a petition from Glen Steiner requesting that a portion of property owned by Glen Steiner and Donald E. Farrow be rezoned from General Commercial (GC) to Heavy Commercial (HC). Mr. Steiner and Mr. Farrow are asking that the rezoning request be postponed until the August meeting.

**UPON MOTION** by Steve Little and seconded by Maria Rogerson, the Board voted unanimously to postpone the request by Glen Steiner to rezone 6.44 acres located on the northeastern side of NC 30, north of its intersection with SR 1545 (John Fleming Road) in the Carolina Township from General Commercial (GC) to Heavy Commercial (HC) until the August Planning Board meeting.

## ***ZONING ORDINANCE AMENDMENTS***

### **5. PROPOSED AMENDMENTS TO THE PITT COUNTY ZONING ORDINANCE**

Mr. Gooby presented the Board with the following draft amendments to the Pitt County Zoning Ordinance. They are recommended for the following purposes: (1) to implement the recommendations of the Southwest Bypass Land Use Plan, (2) to consolidate all conditional and special uses into a single permit to be heard by the Board of Adjustment, (3) to amend the submittal requirements for Conditional District Rezoning, (4) to clarify that mail cluster box units are allowed on a Special Purpose Lot, and (5) to correct a numbering error and typo in Section 13 (B).

Mr. Gooby advised that the proposed amendments are proposed to become effective January 1, 2020, and will be presented for approval according to the following schedule:

- July 17, 2019                      Present draft amendments to Planning Board
- August 21, 2019                  Planning Board Public Hearing (tentative)
- September 23, 2019              Board of County Commissioners Public Hearing (tentative)

#### ***1. Implementation of the Southwest Bypass Land Use Plan***

Upon adoption of the Southwest Bypass Land Use Plan, Planning staff began working with Stewart, Inc. to develop amendments to the Zoning Ordinance that would implement the recommendations of the plan. These amendments include the following:

- **Cluster subdivision** regulations with additional standards for open space, site design, and incentives for lot size reductions;
- Creation of a **Renston Rural Historic District Overlay** to preserve historic properties, views, and the agricultural nature of the Renston Rural Historic District;
- List of permitted uses specific to the Renston Rural Historic District Overlay based on input received from stakeholders within the district;
- Creation of a **Southwest Bypass Corridor Overlay District** to provide enhanced landscaping, specific development standards, and vehicular access control measures for development within the Southwest Bypass Highway Corridor; and

- **Enhanced lighting** standards for non-residential development.

The proposed regulations and permitted uses for the Renston Rural Historic District Overlay were developed based on input received from stakeholders within the Renston area. Staff intends to reconvene with these stakeholders prior to the Planning Board public hearing in order to receive additional input on the proposed amendments. Attached are an outline and copies of the proposed amendments for the implementation of the Southwest Bypass Land Use Plan. The outline provides the page and section number of the ordinance that is proposed to be amended as well as a brief description of the amendment.

## **2. *Consolidation of Conditional and Special Uses***

Since adoption of the Pitt County Zoning Ordinance, land uses have been designated as permitted by right, permitted with specific development standards, or permitted upon issuance of either a conditional or special use permit. Requests for a conditional use permit are considered by the Pitt County Board of Commissioners, and special use permits are considered by the Board of Adjustment. Currently, there are 19 conditional uses and 8 special uses identified in Table 5-1 Table of Permitted Uses in the Pitt County Zoning Ordinance. Both types of permits require a public hearing using quasi-judicial procedures, wherein decisions must be based on factual evidence and testimony, not opinion about the popularity or desirability of the proposed use. Since 2003, the Board of Commissioners has reviewed 76 conditional use permits, consisting primarily of sand mines and residential day care facilities. The Board of Adjustment has reviewed 4 special use permits, 3 of which were outdoor shooting ranges. The Board of Adjustment is also responsible for issuing variances and hearing appeals of decisions made by the Zoning Administrator. Planning staff conducts an annual training session with the Board of Adjustment to keep members abreast of quasi-judicial procedures and the Board's responsibilities. Given this training and the lack of special use permit requests, staff believes that the Board of Adjustment should consider all such quasi-judicial requests, including conditional uses. The proposed amendments will delete all language regarding conditional uses and will change the existing conditional uses to special uses, granting approval authority to the Board of Adjustment.

Given the number of amendments being proposed for the consolidation of conditional and special uses and due to the fact that the amendments consist primarily of deletions with no new language being added, an outline of the proposed amendments has been provided to the Board in lieu of a more detailed summary. The outline provides the page and section number of the ordinance that is proposed to be amended as well as a brief description of the amendment. Also attached is a list of the current conditional and special uses from the Zoning Ordinance.

## **3. *Amend Section 14(G) Conditional Zoning Districts, Subsections 4, 5, 7, and 10***

4. Any use permitted under this process must also conform to the development regulations for the corresponding general zoning district unless more restrictive regulations or conditions are specifically proposed

by the applicant as part of the conditional zoning or planned development approval process. Uses that may be proposed and considered for a conditional zoning district shall be restricted to those uses permitted in the underlying general zoning district either by right or by special ~~or conditional~~ use permit unless more restrictive regulations or conditions are specifically proposed by the applicant as part of the conditional zoning or planned development process. If the proposed use is one allowed by special use permit, it shall be reviewed and approved by the Board of Commissioners rather than the Board of Adjustment.

5. Every petition for the reclassification of property to a conditional zoning district shall be accompanied by a ~~site sketch~~ plan containing the requisite information specified in ~~Appendix B~~ Section 15. In the course of evaluating the proposed ~~use request~~, the Board of Commissioners may request additional information deemed appropriate to provide a complete analysis of the proposal.
  
7. If a petition is approved under this Section, the district that is established, the approved petition and ~~site sketch~~ plan, and all conditions which may have been attached to the approval are binding on the property as an amendment to this Ordinance and to the zoning map. All subsequent development and use of the property shall be in accordance with the standards for the approved conditional zoning district, the approved petition and site plan, and all conditions attached to the approval. Only those uses and structures indicated in the approved petition and ~~site sketch~~ plan shall be allowed on the subject property. Any development in the district shall comply with all provisions of and conditions to the approved petition and ~~site sketch~~ plan. Any uses and structures on the subject property shall also comply with all standards and requirements for development in the underlying general zoning district unless more restrictive regulations or conditions are specifically proposed by the applicant as part of the conditional zoning process.
  
10. Minor changes in the detail of the ~~site sketch~~ plan which will not alter the basic relationship of the proposed development to surrounding properties or the standards and requirements of these regulations or to any conditions attached to the approval may be approved by the Zoning Administrator without going through the amendment process or a public hearing. The Zoning Administrator, at his discretion, may forward any application for changes in detail to the Board of Commissioners for its consideration as an amendment to this Ordinance or the zoning map. The applicant may appeal the decision of the Zoning Administrator to the Board of Adjustment for review and decision as to whether an amendment to the approved district shall be required.

Planning staff proposes to amend the submittal requirements for conditional district rezonings to require a conceptual sketch plan rather than a site plan. This would allow applicants to obtain approval for development projects prior to spending large amounts

on professional fees for engineering and site plans. Review and approval of a final site plan that meets the requirements of the conditional zoning district would be required prior to issuance of any zoning or building permits.

**4. *Amend Section 6(F) Special Purpose Lots***

*F. Special Purpose Lots*

Requirements of this Ordinance with respect to road frontage, minimum lot area, and minimum lot dimensions shall not apply to lots for family or church cemeteries, mail cluster box units, sewer lift stations, and similar utility uses. Such lots shall comply with the requirements below.

A “mail cluster box unit” is a centralized, community mail box, and is the preferred method of postal delivery for the United States Postal Service in new developments. Therefore such units are becoming more prevalent within new residential subdivisions. The proposed amendment clarifies that lots being utilized for installation of mail cluster box units shall be considered a Special Purpose Lot, and that such lots are not subject to dimensional requirements such as minimum lot area or width. Such lots shall be reviewed by the Zoning Administrator during the subdivision review process to ensure that the lot has sufficient size and dimensions to accommodate the proposed use.

**5. *Amend Section 13(B) Variances and Section 13(F) Board Action on Appeals and Variances***

- ~~vii.~~ v. The variance will neither result in the extension of a nonconforming situation in violation of Section 13.0 nor authorize the initiation of a nonconforming use of land.
- 3. A motion to deny a variance may be made on the basis that any one or more of the ~~six~~ five criteria set forth in subsection 13(B)(1)(b) are not satisfied or that the application is incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it. This motion is adopted as the Board of Adjustment's decision if supported by more than one fifth of the Board's membership (excluding vacant seats).

The proposed amendment corrects a numbering error and typo in Section 13 “Appeals, Variances, and Interpretations. There are five criteria listed in Section 13(B) that the Board of Adjustment must consider when granting a variance. The numbering in this section is incorrect. Section 13(F) incorrectly states there are six criteria rather than five.

***DEVELOPMENT REVIEW***

- 6. THE MEADOWS:** Located at the intersection of John Fleming Road and NC 30 in Carolina Township

Mr. Bryant presented the preliminary plat for The Meadows by noting the size and location of the development. He reviewed the conditions and requirements pertinent to the site. Mr. Bryant stated that notices were sent to all adjacent property owners in accordance with the Planning Board's Notification policy. Mr. Bryant advised that Planning staff received a couple of phone calls in regards to general design of the development and the types of homes being built. Mr. Bryant stated the Technical Review Committee has recommended conditional approval of this plan.

### **PRELIMINARY PLAN**

**The Meadows:** Located at the intersection of John Fleming Road and NC 30, in Carolina Township.

**Site Data:** 32.5 acres, 31 lots

**TRC Recommendation: Conditional Approval**

#### **CONDITIONS AND REQUIREMENTS**

**[Planning, Stormwater Administrator]**

1. A blue line stream exists on lot 36 and must be shown on the plan or proper documentation provided from NC Division of Environmental Quality stating that the feature is exempt.
2. Stormwater retention pond should match on sheets C-107 and D-104.

**[Planning, Floodplain Manager]**

3. A Construction plan and a Soil Erosion and Sedimentation Control Plan must be submitted and approved prior to any land disturbance related to this proposed development.
4. Portions of this proposed subdivision are located in a special flood hazard area and any development in a special flood hazard area requires a floodplain development permit.

**[Pitt County Planning]**

5. Clarify if lots 17 & 18 will be buildable.
6. Label use of small lot located on the south side of the entrance to subdivision (e.g. mailbox cluster location).
7. Additional stub out is required to parcel greater than 10 acres located along northern boundary.

**[NCDOT]**

8. A driveway permit will be required for the access.
9. Encroachment agreements will be required for any utility installed within the ROW.
10. NCDOT approved barricade devices should be installed at the end of Winterhaven Drive.
11. NCDOT approved signage should be install prior to roadway acceptance (Stop Signs, etc.)

12. The intersection of Winterhaven and Meadowview Dr. should have sight distances triangles.
13. A cluster mailbox provision is required.

**[GUC Electric]**

14. GUC will need a 10' electric easement running along the southern edge of the road right-of-way from lot 6 to John Fleming Road.

**[Stokes Regional Water Corporation]**

15. SRWC should be able to provide water to this subdivision with no problems. However, the owners need to contact us to pay a subdivision review fee so that our engineers can review and approve.

**[Pitt County Environmental Health]**

16. Each lot will be evaluated in accordance with rules .1940 of the Laws and Rules for Sanitary Sewage Collection, Treatment, and Disposal (15A NCAC 18A .1900).
17. No fill material (including construction spoils) is allowed on any area to be used for a sewage disposal system or 100% repair area. Any amount of fill found on these areas will be grounds for disapproval of the proposed lot.
18. The location of any proposed berms must be shown on all subsequent maps. The final dimensions of the completed berm must be shown so that the Environmental Health staff can verify that no portion of any berms will interfere with the sewage system or 100% repair locations.
19. Locations of any soil stock pilings should be shown on the construction plan. These stock pilings should be placed in an area not to be utilized for on-site sewage disposal.
20. If underground electrical lines or natural gas lines cross the property at any point, they must be flagged by ULOCCO before the site is evaluated by the Environmental Health staff.
21. The location of any existing or proposed drainage tile must be field located and shown of a surveyed map provided to Environmental Health staff.
22. A backhoe may be required for the site evaluations (15A NCAC 18A .1939(b)).
23. Any riparian buffers or floodways must be noted on subsequent maps.
24. No permits have been applied for at this time.

**GENERAL COMMENTS**

- This parcel is located within a Voluntary Agricultural district buffer.

**[Pitt County Schools]**

- As of June 2019 this is the Stokes and North Pitt school districts.

**[Southeast Drainage District]**

- The Meadows is outside of the existing drainage district.

**[Planning, GIS]**

- All approved road names have been added to our pending road name list and reserved for this development.
  - Meadow View Drive – Approved
  - Spring Ridge Court – Approved
  - Summer Crest Court – Approved
  - Autumn Valley Court - Approved
  - Winterhaven Drive - Approved

**[Pitt County Emergency Management]**

- Per 2018 Fire Prevention Code Appendix D concerning fire access roads, recommend increasing width of roadway to 26ft and cul-de-sacs to 96ft.

**[Soil and Water Conservation]**

- The site is currently in woods. Development will remove the site from future timber production.
  - All soil types but WaB have a high seasonal water table.
  - Soil types LoA and Co has a slow permeable characteristic.
  - Soil type WaB has a rapid permeable characteristic.
  - Soil type LoA has a high shrink swell potential.
  - Soil types ExA and Co have a moderate shrink swell potential.
  - Soil type WaB has a soil blowing potential.
  - Briery Swamp water shed.
- The following agencies have reviewed the Preliminary Plat for **THE MEADOWS** and **have no** comments:
  - Pitt County Planning, Zoning
- The following agencies have reviewed the Preliminary Plat for **THE MEADOWS** and **have not returned** comments:
  - United States Postal Service

Chairman Hines opened the public comment session for The Meadows preliminary plan.

Maria Rogers asked what will be the location of the storm water retention pond and if there will be an easement required to take that drainage off the end of the cul-de-sac into the pond.

Mr. Bryant advised that the proposed storm water retention pond will be located at Lot 17.

There being no further public comments, Chairman Hines closed the public comment session for The Meadows preliminary plan.

**UPON MOTION** by Steve Little, seconded by Faye Barefoot the Board voted unanimously to recommend conditional approval for the preliminary plan for The Meadows.

7. **GOBBLER'S RIDGE:** Located east of the intersection of Farmington Road and NC 33 in Grimesland Township

Mr. Bryant presented the preliminary plat for Gobbler's Ridge by noting the size and location of the development. He reviewed the conditions and requirements pertinent to the site. Mr. Bryant stated that notices were sent to all adjacent property owners in accordance with the Planning Board's Notification policy. Mr. Bryant advised that Planning staff received a couple of phone calls in regards to the adverse effect on adjacent property regarding drainage and general design of the development and the types of homes being built. Mr. Bryant stated the Technical Review Committee has recommended conditional approval of this plan.

### **PRELIMINARY PLAN**

**Gobbler's Ridge:** Located East of the intersection of Farmington Road and NC 33 East, in Grimesland Township.

**Site Data:** 53.3 acres, 30 lots

**TRC Recommendation: Conditional Approval**

### **CONDITIONS AND REQUIREMENTS**

#### **[Planning, Stormwater Administrator]**

1. No stormwater BMP's are required due to the nutrient loadings being below the maximum loading requirements for nitrogen and phosphorus and the attenuation calculations not showing more than a 10% increase in peak flow volumes from pre to post development.
2. The stormwater permit shall be valid for a period of two years from the date of issuance unless a valid building permit has been issued and maintained for the site or the stormwater permit has been revoked by Pitt County. If after two years the permitted activity has not begun nor a valid building permit secured, this permit shall expire.
3. All land purchases and transfers necessary to secure the property for development shall be completed prior to issuance of this permit.
4. The development of the tract shall proceed in conformity to all plans, design features, and restrictions submitted as part of the stormwater permit application and kept on file by the Pitt County Planning Department except that the Pitt County Stormwater Administrator may approve *minor* changes, consistent with the approved plan, as required by field conditions and in accordance with Section 15(G) of the Pitt County Stormwater Ordinance for Nutrient Control.
5. If any amendments are made to the approved plan, revised stormwater calculations must be submitted to the Pitt County Planning Department.

6. The pond that is labeled as “to be filled” must be shown on all subsequent submittals, including the map for record.
7. Details of proposed retention pond should be shown in construction plan.
8. 40’ ingress/egress at lot 16 is not sufficient for road construction to remaining parcel.

**[Planning, Floodplain Manager]**

9. The applicable Flood Insurance Rate Map (FIRM) is 3720561700J dated January 2, 2004.
10. During development of the construction plan, Per Section 140 C of the Subdivision Ordinance, ensure the design will mitigate adverse effects to drainage on neighboring properties.

**[NCDOT]**

11. A driveway permit will be required for the access.
12. Encroachment agreements will be required for any utility installed within the ROW.
13. Minimum of 10’x70’ sight triangles should be marked at the driveway entrances.
14. The crossline pipe ~ 200’ from NC33 should have a drop inlet, frame and grate. connecting the (2) 18” pipes rather than (2) flared end sections in such close proximity.
15. NCDOT approved barricade devices should be installed at the end of Hooks Drive.
16. NCDOT approved signage should be install prior to roadway acceptance.

**[Pitt County Environmental Health]**

17. Each lot will be evaluated in accordance with rules .1940 of the Laws and Rules for Sanitary Sewage Collection, Treatment, and Disposal (15A NCAC 18A .1900).
18. No fill material (including construction spoils) is allowed on any area to be used for a sewage disposal system or 100% repair area. Any amount of fill found on these areas will be grounds for disapproval of the proposed lot.
19. The location of any proposed berms must be shown on all subsequent maps. The final dimensions of the completed berm must be shown so that the Environmental Health staff can verify that no portion of any berms will interfere with the sewage system or 100% repair locations.
20. Locations of any soil stock pilings should be shown on the construction plan. These stock pilings should be placed in an area not to be utilized for on-site sewage disposal.
21. If underground electrical lines or natural gas lines cross the property at any point, they must be flagged by ULOCCO before the site is evaluated by the Environmental Health staff.
22. The location of any existing or proposed drainage tile must be field located and shown of a surveyed map provided to Environmental Health staff.
23. A backhoe may be required for the site evaluations (15A NCAC 18A .1939(b)).
24. Any riparian buffers or floodways must be noted on subsequent maps.
25. Permits have been applied for at this time

### GENERAL COMMENTS

- This parcel is within a half of a mile of a Voluntary Agricultural district buffer.

#### **[Pitt County Schools]**

- As of June 2019, the school districts are Wintergreen, Hope MS, D.H. Conley HS.

#### **[GUC Electric]**

- Approves this plan.

#### **[Eastern Pines Water Corporation]**

- As of today, we have enough water supply to meet the immediate growth in the Eastern Pines service area. With what we have and are planning, we will be able to supply water to the above listed subdivision.

#### **[Southeast Drainage District]**

- Gobblers Ridge Parcel is outside of the existing Drainage District.

#### **[Planning, GIS]**

- All approved road names have been added to our pending road name list and reserved for this development.
  - Hooks Drive – Approved
  - Gobblers Ridge Drive – Approved

#### **[Soil and Water Conservation]**

- Soils are prime farmland or have statewide importance for farming. Development will remove the site from agricultural production.
- The site is currently in woods. Development will remove the site from future timber production.
  - All soil types but WaB have a high seasonal water table.
  - Soil types LoA, CrB, and Co has a slow permeable characteristic.
  - Soil type WaB has a rapid permeable characteristic.
  - Soil types LoA and CrB have a high shrink swell potential.
  - Soil types ExA and Co have a moderate shrink swell potential.
  - Soil type WaB has a soil blowing potential.
  - Drain tile could be on site even though we do not have any on file.
  - Tar River water shed.
- The following agencies have reviewed the Preliminary Plat for **GOBBLER'S RIDGE** and **have no** comments:
  - Pitt County Emergency Management
  - Pitt County Planning, Zoning
- The following agencies have reviewed the Preliminary Plat for **GOBBLER'S RIDGE** and **have not returned** comments:
  - United States Postal Service

Chairman Hines opened the public comment session or Gobbler's Ridge preliminary plan.

Landon Weaver of Bill Clark Homes of Greenville, LLC advised that Richie Brown of Stroud Engineering has put together the preliminary plat for approval. Mr. Weaver stated as Mr. Bryant mentioned there were a couple of phone calls received from adjacent property owners. He stated that Bill Clark Homes obliged neighboring property owners to meet them onsite with Bill Clark Homes staff and try to alleviate any concerns that they have with drainage. Mr. Weaver stated when going through the studies of the Pitt County Subdivision Ordinance, it didn't show any requirements of a Best Management Practice (BMP), ponds or any type of retention. Mr. Weaver stated that the stormwater discharge is well below the requirements of the Pitt County Subdivision Ordinance. Mr. Weaver advised they have reached out to the adjoining property owners and they are going to put forth an effort to have stormwater retention on site. They are going to implement BMPs to try to alleviate concerns.

Amy Wells of 333 Farmington Road presented the Board with a hand drawn map showing the location of her property. Ms. Wells stated her property is in front of the drainage area that is a large gully about 50ft wide. The area floods about three times a year and during any hurricanes it takes about a day to drain back down. Ms. Wells stated that fortunately her property sits up high enough that currently it does not flood. She advised that her septic tank sits between her house and the gully and she has not had any problems with flooding in that area. Ms. Wells stated that it wouldn't take huge amounts of water in order for there to be a flooding problem in her back yard. Bill Clark Homes, along with Planning staff, has been out to her house and they have discussed the options that they are looking into to address the flooding problem. Ms. Wells stated that flooding is their primary concern, and that they don't want the development of Gobbler's Ridge and the location of the drainage to focus everything in a concentrated way to cause additional flooding onto their property. Ms. Wells stated that she realizes that the Pitt County Subdivision Ordinance requires that there not be additional burden on neighboring property. Ms. Wells stated that she feels Bill Clark Homes is making every effort in their design process. Ms. Wells advised that she is working with everyone to make sure the best option is chosen and that not just the minimum steps are taken as the Pitt County Subdivision Ordinance allows.

There being no further public comments, Chairman Hines closed the public comment session for Gobbler's Ridge preliminary plan.

**UPON MOTION** by R.J. Hemby, seconded by Tucker Moore, the Board voted unanimously to recommend conditional approval for the preliminary plan for Gobbler's Ridge.

## ***SUBDIVISION ORDINANCE AMENDMENTS***

### **8. PROPOSED AMENDMENTS TO THE PITT COUNTY SUBDIVISION ORDINANCE**

Mr. Nottingham presented the Board with the following amendments to the Pitt County Subdivision Ordinance. Mr. Nottingham noted the amendments are recommended to address items of concern and improve future development.

Mr. Nottingham advised the proposed amendments will be presented for approval according to the following schedule:

- July 17, 2019 - Present draft amendments to Planning Board
- August 21, 2019 - Planning Board Public Hearing
- September 23, 2019 - Board of County Commissioners Public Hearing (proposed January 1, 2020 effective date)

### ***Amend Section 141. Public Streets***

#### **D. General Street Standards**

6. Curb and gutter shall be installed on new streets when the average buildable lot size, exclusive of right-of-way, will be less than one acre.

*Staff Commentary: Curb and gutter can improve the longevity of associated drainage improvements. It can reduce the potential for conflict between utility providers and NCDOT. It is easier for homeowners to maintain and will reduce the amount of drainage calls and maintenance requests that Pitt County receives.*

#### **D. General Street Standards**

7. Sidewalks shall be installed along one side of the proposed streets in all new subdivisions when new streets are constructed and the average buildable lot size, exclusive of right-of-way, is less than one acre. If sidewalks are proposed on both sides of the street, one side can count towards the open space requirement referenced in Section 156. Sidewalks shall not be required in bulb portions of cul-de-sacs.

*Staff Commentary: Sidewalks provide a safe environment for pedestrians and also provide accessibility to newly required cluster mailboxes in new subdivisions as required by the North Carolina Building Code.*

## **2. Amend Section 146. Other Standards**

#### **G. Landscaped buffer along State roads**

For new subdivisions that have road frontage along state maintained roads and include the construction of new streets, a landscaped buffer meeting the requirements of Section 10H of the Pitt County Zoning Ordinance shall be installed along the existing state maintained right-of-way.

*Staff Commentary: This will enhance the aesthetics and quality of new subdivisions located in Pitt County.*

#### **H. Cluster Box Units (CBU's)**

For new subdivisions that contain cluster box units for postal service, the placement and design must conform to NCDOT's policy for placement of mail cluster box units on State

maintained subdivision streets, for new streets both public and private.

*Staff Commentary: This will ensure proper accessibility is provided to cluster box units.*

### **3. Amend Section 148. Road Maintenance Assurances**

#### **B. Maintenance**

“All of the following onsite and offsite improvements, as applicable, shall be adequately maintained per ~~Section 141.D.5~~ this ordinance until adoption by NCDOT.”

*Staff Commentary: This will improve clarity regarding road maintenance; the previously referenced section only addressed stub roads.*

### **4. Amend Section 149. Road Maintenance Violations and Corrective Action**

“Upon determination of a road maintenance violation ~~under Section 141.D.5 or Section 148.A~~ of this Ordinance,”

*Staff Commentary: This will improve clarity by including all sections of the ordinance regarding road maintenance.*

### **5. Amend Section 155. Table of Map Requirements**

#### **B. Locational Information**

10. Statement confirming the development is located within or outside of a ½ mile Voluntary Agricultural District buffer. (Show on preliminary and final plats.)

*Staff Commentary: This will help keep potential homeowners aware of surrounding agricultural operations.*

### **6. Add Section 156. Park, Recreation, and Open Space**

#### **Section 156. Park, Recreation, and Open Space**

A. Applicability. All new major residential subdivisions shall provide public or private park, recreation, or open space in the amount of 0.03 acres per lot or a payment-in-lieu of the open space dedication. Cluster developments as defined in the Pitt County Zoning Ordinance shall meet the open space requirements found in the Cluster Development section of the Zoning Ordinance.

B. Consistency with Adopted Plans. If any portion of a residential subdivision lies within an area designated on the officially adopted county greenway plan, recreation plan, comprehensive plan or other similarly adopted plans, such area shall be included as part of the area set aside to satisfy the public open space requirement of this section. This area shall be dedicated to public use.

C. Procedures for Dedication of Land.

1. Subdividers shall designate on the preliminary subdivision plat, the area or areas to be dedicated pursuant to this section.

2. Upon receipt of the preliminary subdivision plat, the Planning Department shall submit a copy thereof to the appropriate governing agency for review and approval.

3. The amount of the area to be dedicated should equal or exceed 0.03 acres per lot. When the area proposed for public dedication is less than 0.03 acres per lot, the governing agency may authorize a combination dedication and partial payment-in-lieu of dedication. The dedicated land shall form a single parcel, except where the technical review committee determines that two parcels or more would be in the public interest.

D. Private park and recreation dedication. Land that is set aside for private recreation or community open space meeting the above criteria will be accepted as fulfilling the requirements of this section in whole or in part. Such recreation or open space area is to be privately owned and maintained by all future residents of the subdivision, and shall be held by a homeowners' association or recreation association for the specific use of all residents of that subdivision. All such dedications shall be recorded on the final plat and maintenance provisions shall be adequately provided for in writing. Use of private recreation and open space areas is restricted to park and recreation purposes. Where private park and recreation space is to be used to satisfy the requirements of this Section, the documents creating the Homeowner's Association shall include language accepting the responsibility for necessary park/open space maintenance.

E. Payment-in-lieu of Dedication.

1. When a subdivision of land does not contain areas listed in Subsection B and/or C above, the County shall require a payment-in-lieu of the amount required for public dedication.

2. The amount of such payment shall be the product of the number of acres to be dedicated as outlined in Subsection A above and the average fair market value of the land being subdivided at the time of the submission of the preliminary subdivision plat. The Pitt County Tax Administration Department shall determine the average fair market value of the land based on the value of the land for property tax purposes, the information submitted by the subdivider and other relevant information.

3. All monies received by the County pursuant to this section shall be used for the acquisition and/or maintenance of land for public recreation, greenway, park, or open space areas that will benefit the general area of the new subdivision.

4. Such payment shall be made before recording the final plat for the subdivision. If a subdivision is developed in phases, a payment relating to each phase must be made prior to the recording of a final plat for each phase.

*Staff Commentary: This will provide additional recreation areas for Pitt County residents and improve the health, safety, and general welfare of the population.*

## **7. Amend Section 170. Definitions**

**Park, Recreation, and Open Space:** An area of land and/or water which is generally unimproved or improved with parks and recreation facilities and is reserved for recreation, resource protection, amenity, or buffer purposes. Open space may include up to 50% of lands that have sensitive environmental features and/or significant cultural resource areas, which may make them practically unbuildable.

*Staff Commentary: This revised definition will assist with implementing revised open space requirements mentioned in the amendments proposed in Section 156.*

## **8. Amend Appendix 1. Certifications**

**C. County acceptance of dedication:**

“I certify that Pitt County has approved this plan and any new public streets, easements, rights-of-way, and parks shown hereon, but assumes no responsibility to open or maintain the same. ~~(N.B. The County has no authority to maintain streets.)~~”

*Staff Commentary: Technically the County can assist NCDOT with street maintenance by financing necessary improvements and levying fees against the benefited property owners.*

Ms. Rogerson asked if there have been issues with the cluster mailboxes in neighborhoods and with maintenance. She asked if cluster mailboxes are maintained by Homeowners Associations.

Mr. Nottingham stated the cluster mailboxes are generally treated as common area and it is the responsibility of the Homeowners Association for maintenance.

Ms. Rogerson asked has there been any thought of looking into stub-outs on new subdivisions for interconnectivity in the proposed amendments.

Mr. Nottingham noted that with some of the last subdivision ordinance amendments stub-outs were addressed and stub-outs are required. At the most, two stub-outs are required. If there is any track over 10 acres there has to be a stub-out. If they want to be a public street the stub-out is required. Private streets don't require a stub-out.

## ***INFORMATIONAL ITEMS***

### **9. PITT COUNTY SCHOOLS REZONING REQUEST CONCERNS**

Mr. Rhodes presented the Board with a letter from Pitt County Schools that is primarily in response to recent annexation proposals considered throughout the County. Mr. Rhodes noted that in an effort to make sure that the Planning Board and other governing authorities have correct and accurate information when deciding the outcome of rezoning request, Pitt County Schools ask that the following information be considered:

- School Capacity Planning
- Future Planning
- Annexing Property

Mr. Rhodes advised that Pitt County Schools is requesting that future residential property rezoning request that increase housing density take into consideration the capacity situation in the district, as part of the approval process. Mr. Rhodes stated that he will request a meeting with Pitt County Schools staff to further discuss the content of the letter.

### **10. BALDWIN DESIGN CONSULTANT, P.A. REZONING REQUEST – ZONING ORDINANCE MAP AMENDMENT**

Mr. Rhodes advised the Board that the Planning Department received a petition from Baldwin Design Consultants, P.A. requesting that a portion of property owned by Happy Trail Farms, LLC be rezoned from Rural Residential (RR) to General Commercial (GC). The property is located on the southwestern side of NC 33 West, southeast of its intersection with Martin Luther King, Jr. Highway in the Belvoir Township. The property is 45.28 acres, of which 28.40 acres are proposed for rezoning.

Mr. Rhodes noted that the Planning Board reviewed this rezoning request at its June 19, 2019 meeting and voted unanimously to recommend denial of the request and to advise that it is not consistent with the Pitt County Comprehensive Land Use Plan and other applicable plans, and is not reasonable and not within the public interest. Mr. Rhodes advised that the Board of Commissioners denied the request to rezone the property owned by Happy Trail Farms, LLC from Rural Residential (RR) to General Commercial (GC) at its July 8, 2019 meeting.

#### **11. CENSUS 2020 COMPLETE COUNT COMMITTEE**

Mr. Rhodes advised the Board that on April 8, 2019, the Board of Commissioners approved the formation of Pitt County's Complete Count Committee (CCC), as part of outreach efforts to increase awareness of the 2020 Census. This advisory body will help the Census Bureau obtain a more complete population count for Pitt County in 2020 through partnerships with local governments and community organizations. On Tuesday, July 16th, 2019 from 10:00 AM to 12:00 PM, a CCC Training & Kickoff meeting was held at the Community Schools and Recreation Building. Mr. Rhodes noted that Bernadette Richards, the County's Census Partnership Specialist with the US Census, conducted training for the CCC members and highlight major initiatives for Census 2020.

Mr. Rhodes advised the Board that as of June 26, 2019, the Pitt County Complete Count Committee has 38 members.

Mr. Rhodes advised that the Board of Commissioners appointed Commissioner McLawhorn to the Pitt County Census 2020 Complete County Committee and endorsed the resolution in support of the 2020 United States Decennial Census at its July 8, 2019 meeting.

#### **12. 2019 NORTH CAROLINA HOUSING FINANCE AGENCY URGENT REPAIR GRANT BUDGET AMENDMENT, ASSISTANCE POLICY AND THE PROCUREMENT AND DISBURSEMENT POLICY (\$100,000) (NO COUNTY FUNDS)**

Mr. Rhodes advised the Board that on April 18, 2019, Pitt County was awarded an Urgent Repair Grant from North Carolina Housing Finance Agency for \$100,000. There is no County match. Planning staff anticipates 10 homes will be improved using these grant funds. Mr. Rhodes noted that Planning staff presented the Board of Commissions with a budget amendment and the Assistance Policy that provides information regarding the grant program, including the ranking system for applicants. Also presented to the Board of Commissioners was the County's proposed Procurement and Disbursement Policy. Mr. Rhodes advised that the Board of Commissioners approved the budget

amendment, Assistance Policy and the Procurement and Distribution policy at its July 8, 2019 meeting.

**13. BUDGET AMENDMENT – PLANNING – 2019 EMERGENCY SOLUTIONS GRANT (ESG) - \$15,000 SUPPLEMENTAL AWARD (NO COUNTY FUNDS)**

Mr. Rhodes advised the Board that the Planning Department has received \$15,000 in Emergency Solutions Grant funding to supplement the existing \$60,000 grant award and \$25,000 General Fund match previously budgeted. These funds are to be used to help homeless individuals and families regain stable housing in a short period of time. The Emergency Solutions Grant funds will be used to provide temporary financial assistance to eligible households. Mr. Rhodes advised the Board that the Board of Commissioners approved the budget amendment to accept the Emergency Solutions Grant supplemental award of 15,000 at its July 8, 2019 meeting.

**14. DEPARTMENTAL MONTHLY REPORT FOR JUNE**

**15. VARIOUS CORRESPONDENCE AND ARTICLES**

**16. ADJOURNMENT**

There being no further business, the Pitt County Planning Board adjourned at 6:30pm.

Respectfully submitted,  
/s/James Rhodes  
Executive Secretary