

# Pender County Planning and Community Development

## Planning Division

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## MINUTES

**Pender County Planning Board Meeting  
December 3, 2013 7:00 p.m.  
Pender County Public Meeting Room  
805 S. Walker Street, Burgaw, North Carolina**

**Call to Order:** Chairman Boney called the meeting to order at 7:00 pm.

**Roll Call:** Chairman Boney

Pender County Planning Board Members:

Boney: X Marshburn: X Baker: X Edens: X McClammy: X Nalee:    Williams: X

- 1. Adoption of the Agenda:** Board member Edens made the motion to adopt the agenda; seconded by Board member Williams. The vote was unanimous.
- 2. Adoption of the Minutes: (November 12, 2013)** Board member Williams made the motion to adopt the minutes; seconded by Board member Marshburn. The vote was unanimous.
- 3. Public Comment:** Chairman Boney asked if there were any signups for public comment; due to no signups, Chairman Boney closed the floor to public comments and opened the floor for the public hearings.

*\*(Public Hearings Opened)\**

**4. Comprehensive Land Use Plan Map Amendment:**

Coleman Parks, applicant, on behalf of Parks Family Forestry, LLC, owner, requested an amendment to the 2010 Pender County Comprehensive Land Use Plan, Future Land Use Map. The requested amendment is to reclassify the subject property's Future Land Use Classification from Rural Growth to Suburban Growth. The subject property is located north of Island Creek Road, adjacent to the New Hanover County line. There is one tract totaling ±125 acres associated with this request and may be identified as PIN 3252-97-7356-0000. Senior Planner Ashley Frank presented and gave background information for agenda item 4. Senior Planner Ashley Frank stated that staff respectfully recommended that the request be denied, that staff and the applicant's engineer were available to answer any questions that the Board may have. Chairman Boney asked if the engineer would like to make a statement; Jimmy Fentress, Stroud Engineering, stated that he was in attendance as the author of the application and in support of the request he would like to point out a couple of aspects that were conflicting with the conditions that apply with rural growth. Mr. Fentress stated that there was a water line in place and that the owner planned to handle any cost occurred in order to connect to the existing water line and that there were no agriculture areas in the vicinity. Mr. Fentress described the demographics of the surrounding properties, and stated that the classification of Island Creek road as a collector street would support a suburban growth classification. Mr. Fentress asked the Board to consider the application based on the merits that the road is a collector; the water line is in the vicinity, that the soils will support septic systems, and that there is an existing subdivision located next to the said property. Chairman Boney asked what types of soils were on the property;

Mr. Fentress handed out a map of the soils to the Board and gave a review of the soil types. Board member Edens asked if the existing subdivision existed prior to the land use adoption; Senior Planner Ashley Frank answered that the subdivision was established in the mid 80's prior to zoning. The Board held their discussion and Chairman Boney asked if anyone had a motion.

Board member Edens made a motion to approve the presented Comprehensive Land Use Plan Map Amendment; seconded by Board member Williams. The vote was 5 to 1 in favor of the approval.

## **5. Master Development Plan:**

Jeff and Nonie Morris, applicants and owners, requested the approval of a Master Development Plan for a 3-phase Mixed Use Subdivision. The request consisted of developing 268 single family residential units and 2.7 acres of commercial square footage to be located on approximately ±104 acres. The proposed project is located along the south side of US Highway 17, just north of Sloop Point Loop Road (SR 1563) between Champion Drive and Amanda Lane, adjacent to the former site of the Topsail Greens Golf Course in Hampstead. There are nine tracts associated with this request. The property is zoned PD, Planned Development District and may be identified as Pender County PINs 4204-95-5947-0000; 4204-96-0846-0000; 4214-13-6819-0000; 4214-14-7062-0000; 4204-95-2776-0000; 4214-13-2528-0000; 4204-94-9912-0000; 4214-23-2200-0000; 4204-95-0573-0000. Planner Ariail presented and gave background information for agenda item 5. Planner Ariail stated that staff and the applicant were available for any questions. Chairman Boney asked if the Board had any questions for staff, Board member Williams asked if the areas of non-compliance would be finalized prior to recording; Planner Ariail answered yes. Board member Edens asked what was the Board's purpose in approving a Master Development Plan, when the Board approves a Master Plan what is that saying to the applicant or what is the approval allowing; Director Breuer explained the Board's purpose. Board member Edens asked if it would be normal protocol to approve a Master Plan that was missing criteria; Director Breuer answered yes and explained that the process allowed the Board to recommend conditions and to give the applicant approval to move forward with their plan with the understanding that each phase would be presented to the Board for final approval. Chairman Boney asked to hear from the applicant; Jeff Morris, applicant, thanked the Board for their time and explained that he was working with staff to work out the plans, that it was his impression that the purpose of tonight's meeting was to ask for approval on his conceptual plan. Mr. Morris gave a brief history of the property, explained his future plans for a subdivision, and stated that the missing criteria would be completed prior to any recording. Mr. Morris praised staff for their hard work in assisting him with his proposed Master Plan, but stated that he had a big issue with the proposed connectivity to the other development known as The Oaks and that there may be an issue with meeting the Fire Marshall's requirements. Board member Williams asked the applicant if there would be any problems meeting the requirements; Mr. Morris answered no, that the only foreseen issue was the requested connectivity. Planner Ariail reiterated that Mr. Morris was more than willing to meet the requirements, but staff was asking for a public connection between the two developments for inner connectivity, like the one the Board approved at the last meeting for the Oaks development, but the applicant was not agreeing to that request. Director Breuer informed the Board that the connectivity was an Ordinance provision and that the Planning Board does not have the authority to modify the provisions of the Ordinance unless the Board recommends that staff create a text amendment, which he did not recommend. Chairman Boney asked to hear from the sign ups. Mr. Rick Biberstein, attorney for the applicants, stated that he was present to speak about the connectivity suggested by the Planning Department, that the connectivity was a great concern for the applicant due to the issue of safety, that as Mr. Morris had stated his roads were designed with sharper radius to reduce speeding, which is an approved design standard for private roads as he understood it; Director Breuer commented that private roads were allowed if they were internal to the development and they have to be built and designed to DOT's standards; Attorney Biberstein stated that his engineer says different and that the applicants are concerned that the connectivity will be used by the public as a short cut to get to US Hwy 17. Attorney Biberstein stated that the applicants wished to request the connecting road be established for emergency use only. Attorney

Biberstein cited a case in history and explained that the requirement was not beneficial to the applicant so therefore was an excessive requirement. Attorney Biberstein stated that it was the applicants request for the Planning Board to approve the request without requiring the public connectivity. Attorney Thurman advised the Board that they did not have the authority to waive that provision. Angela Warren, 211 Cardinal Acres Drive, stated that the residents of Cardinal Acres were unaware of the time limits of developments or the lease laws and wondered how long they would have before having to relocate. Attorney Thurman stated that there would be no way for him to comment without knowing the terms of the leases. Mr. Morris stated that they would send out letters to the residents letting them know that leases would not be renewed, but that would be three years from now. Tommy Batson, Pender County Fire Marshall and Emergency Management Office, stated that the plans were submitted to their office to review for fire code and safety of the community. Mr. Batson stated that there were a couple of discrepancies with the submitted plans; that in section D of the fire code, there has to be 96 feet of pavement to allow the turning radius needed for fire trucks to be able to adequately turn around, that the dead stubs are required to have an approved apparatus turn around if they or greater than 150 feet, and subdivisions with over 30 homes must have fire department access roads; Mr. Batson explained where the Fire Marshalls office would like to see the access roads located in order to help evacuate home owners if need be. Mr. Morris stated that his engineer was following DOT's guidelines, and was not sure if he was required to follow any other guidelines; Mr. Batson responded that if a County has adopted a fire code then those guidelines have to be met. Chairman Boney closed the floor for public comment and the Board began their discussion. After a brief discussion Chairman Boney asked if there were any motions.

Board member Williams made a motion to approve the presented Master Development Plan; seconded by Board member Edens. The vote was unanimous.

**6. Zoning Text Amendment:**

Pender County, applicant, requested an amendment to the Pender County Unified Development Ordinance. The proposal consists of amending: Section 7.10.5, specifically amending the surface standards by adding a provision to increase the flexibility in administering the surfacing standards for site(s) recognized by the National Register of Historic Places; Section 8.1.2, Applicability of the Landscaping and Buffering standards as they apply to site(s) recognized by the National Register of Historic Places and Section 4.14 Zoning District Dimensional Requirements, specifically amending the building separation setbacks for the GI, General Industrial and Industrial Transitional Districts. Director Breuer presented and gave background information for agenda item 6. Upon the conclusion of Director Breuer's presentation Board member McClammy made a motion.

Board member McClammy made a motion to approve the presented Zoning Text Amendment; seconded by Board member Williams. The vote was unanimous.

**7. Zoning Text Amendment:**

Pender County, applicant, requested an amendment to the Pender County Unified Development Ordinance. The proposal consists of removing Article 9, Flood Damage Prevention to create an independent document titled Pender County Flood Damage Prevention Ordinance and all associated administrative changes. Director Breuer presented and gave background information for agenda item 7. There was no discussion among the Board.

Board member Marshburn made a motion to approve the presented Zoning Text Amendment; seconded by Board member Williams. The vote was unanimous.

**8. Adoption of the 2014 Meeting Dates:**

Director Breuer presented the draft meeting dates for 2014 and asked the Board if there were any conflicts that they were aware of; the Board was in approval of the dates presented with the exception of the November 2014 date and requested that the presented date be changed to November 5, 2014.

Board member Edens made a motion to approve the presented 2014 Meeting Dates with the requested change of the November 2014 meeting date; seconded by Board member Williams. The vote was unanimous.

*\*(Public Hearings Closed)\**

**9. Discussion Items:**

- a. Planning Staff Items:** Director Breuer advised the Board that the election of officers would be held at the January meeting.
  
- b. Planning Board Members Items:** Board member Williams asked for clarification on the UDO requirements for connectivity, Board Member McClammy agreed and asked if staff could send the Board a written briefing on connectivity. Board member Edens complimented staff on the layout of the staff reports for this meeting and stated that they were easy to follow while reading.

**10. Next Meeting:** Scheduled for January 7, 2014.

**11. Adjournment:** The meeting adjourned at 9:07 pm.