

Pender County Planning and Community Development

Planning Division

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MINUTES

Pender County Planning Board Meeting
March 4, 2014 7:00 p.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina

Call to Order: Chairman McClammy called the meeting to order at 7:05 pm.
Due to the absence of Chairman Williams; Vice-Chairman McClammy presided as the Chairman.

Roll Call: Chairman McClammy
Pender County Planning Board Members:
Williams: McClammy: Baker: Boney: Edens: Marshburn: Nalee:

- 1. Adoption of the Agenda:** Board member Edens made the motion to adopt the agenda; seconded by Board member Marshburn. The vote was unanimous.
- 2. Adoption of the Minutes: (February 4, 2014)** Board member Edens made the motion to adopt the minutes; seconded by Board member Marshburn. The vote was unanimous.
- 3. Public Comment:** Chairman McClammy asked if there were any signups for public comment; due to no signups, Chairman McClammy closed the floor to public comments and opened the floor for the public hearings.

(Public Hearings Open)

- 4. Adoption of the Maple Hill Small Area Plan:**
The Pender County Planning Board held a public hearing for the adoption of the Maple Hill Small Area Plan. Director Breuer presented and gave background information for agenda item 4. Director Breuer stated that staff recommended approval and would present the Maple Hill Small Area Plan to the Board of Commissioners for adoption. Chairman McClammy reviewed the procedure for speaking during a Public Hearing and asked if there were any signups for agenda item 4; Attorney Thurman responded that there were no signups. Chairman McClammy asked Director Breuer when the plan would be presented to the Board of Commissioners; Director Breuer answered that a public hearing would be held on March 17, 2014. Chairman McClammy asked if any member of the Board had any questions or comments on agenda item 4. Board member Boney commented that he felt the plan was needed; he thanked Director Breuer, staff and the Maple Hill Small Area Plan Steering Committee for all of their input and work to complete the plan. Chairman McClammy recommended that staff send out letters of thanks to the Maple Hill Small Area Plan Steering Committee for their participation.

Board member Boney made a motion for the Adoption of the Maple Hill Small Area Plan; seconded by Board member Nalee. The vote was unanimous.

5. Preliminary Plat Approval:

Signature Pender County NC, LP applicant, on behalf of First Federal Bank, owner, requested Preliminary Plat approval for Phase One of the approved Master Development Plan for The Oaks at Sloop Point. Phase One includes forty-two (42) single family homes on approximately 25.58 acres. The proposed development is located to the north of Doral Drive, northwest of Sloop Point Loop Road (SR 1563), south of the approved Cardinal Pointe subdivision and east of US Highway 17 in Hampstead. The property may be further identified by PIN 4214-12-8251-0000. The property is zoned PD, Planned Development District. Director Breuer presented and gave background information for agenda item 5. Director Breuer stated that staff's recommendation was as follows: The approval is also subject to the all conditions required by the Pender County Planning Board and regulatory State and Federal Agencies. The submitted Preliminary Plat for Phase I of the Oaks at Sloop Point must meet all Pender County Unified Development standards, particularly those outlined in Section 6.4 Preliminary Plat Contents; the following items are outstanding and must be finalized prior to Final Preliminary Plat approval:

- 1.** Certificate of approval by the Pender County Addressing Coordinator for proposed road names
- 2.** Soil suitability analysis indicating the suitability of the property for individual septic tanks or an Improvement Authorization Permit for each lot unless community sewer is available and a conditioned approval for connection is submitted. The soil suitability analysis of the property shall also indicate the suitability of the soil for the type structures proposed;
- 3.** Approval by NCDOT of connection of subdivision roads with DOT maintained roads (Driveway Permit);
- 4.** Street construction & street drainage plans as approved by DOT District Engineer with letter of approval (for public streets);
- 5.** Acceptance of operation and maintenance of the system by a Public or Community Water system as defined in this Ordinance and;
- 6.** Sediment & Erosion Control Plans as approved by Land Quality (with letter of approval).

The request is consistent with the 2010 Pender County Comprehensive Land Use Plan and Pender County Unified Development Ordinance; therefore planning staff recommends the approval of the Preliminary Plat for Phase One (1) of The Oaks at Sloop Point. Any and all future development, phases or changes to this Master Development Plan are subject to the Planning Board review and approval. Chairman McClammy asked if there were any questions or comments from the Board. Board member Baker suggested that the Planning staff create an open items list for this project and other projects that could be shared with the Board for the purpose of keeping the Board updated as the projects move forward. Board member Baker requested that the issue of the open space requirement be added as item 7 to the outstanding items list. Chairman McClammy asked Director Breuer what would be the language for item 7; Director Breuer responded item 7 would state that Rec unit shall be applied to offsite improvements for Bike and Ped facilities as noted by the applicant and staff, shall that project not happen Phase I shall come back before the Board for evaluation of the recreational unit. Chairman McClammy asked if the Board agreed with the intent of item 7, Board member Edens stated that she agreed, but didn't feel that the item would need to come back before the Board; The Board agreed that if needed the matter could be handled at the administrative level. Board member Edens commented that the proposed cul-de-sacs have a 35 foot radius and a 6 foot shoulder, the MPO talks about a 40 foot radius, and the school request a 45 foot radius, that the Board could not hold the applicant to a higher standard then what is required by the UDO; Board member Edens stated that she did not like the disconnect between the different agencies. Board member Edens asked in regards to the 35 foot right away to access lots 1, 2 and 3; if it differed from the original plan, Director Breuer responded it was shown as an alley way and it didn't differ from the

original plan; Board member Edens asked would an emergency vehicle be able to get to lot 1; Director Breuer stated that the applicant would be able to address how they propose the connections and access for lots 1, 2, and 3. Chairman McClammy requested to hear from the applicant. Mike Pollock, applicant, stated that he and David Greer were the current owners of the property. Mr. Pollock thanked staff for their assistance that everyone had been working very methodical to deliver what was approved by the Board in November, what is being presented tonight is within the rules and what was requested and nothing new is being asked for. Mr. Pollock gave a brief update on the project stating that they had included sidewalks throughout the development, that there would be three ponds, and ped and bike trails that would connect throughout the development. Mr. Pollock thanked the Board for their time and referred any engineering questions to Garry Pape, Project Engineer. Board member Boney asked Mr. Pape if he would address the access concerns for lot 1, 2, and 3; Garry Pape, Project Engineer, responded that a 30 foot easement with 16 foot wide pavement was being proposed at the moment, those lots were designed large so if needed the plans could be manipulated if needed, that the applicant will work with the Utilities Department and Emergency Management to provide safe access and turn around room for larger vehicles. Board member Edens asked what was proposed beside lot 1 that looked like a flag strip; Mr. Pape answered that it was a buffer strip between lot 1 and the existing lot; Board member Edens asked if it would be a grass area, Mr. Pape answered that it would be planted and have a fence, that it was a part of the buffer that went around the lots and met the right of way. Board member Edens commented that she seen a match line for off-site septic, and asked if they knew how many off-site septic there would be; Mr. Pape answered that it is being worked on now, a sewer easement is shown between lots 26, 27, 28, 29, and between lots 38 and 39, still waiting on soil analysis, it may be around 10 lots total. Board member Edens asked if there would be a HOA responsible for maintaining the 30 foot wide stretch of private road that access lots 1, 2, and 3; Mr. Pape answered yes, that would be the intent; Board member Edens asked so therefore that would be the only part owned by the HOA and the rest of the roads would be turned over to DOT; Mr. Pape answered yes. Director Breuer asked other than the discussed space, were there any proposals for a turnaround for lots 1, 2, and 3; Mr. Pape answered that there would be an easement, like a modified hammerhead turn around. Board member Baker asked would that the 6 foot fence mentioned in the plans is a wooden fence; Director Breuer answered that the ordinance requires a wooden stockade. Mr. Baker asked who would maintain the sidewalks within the development; Director Breuer answered that if the sidewalks are built within a public right of way they can be turned over and maintained by DOT or maintained by the HOA; Mr. Pape commented that the sidewalks would be owned and maintained by the HOA. Chairman McClammy asked to hear from anyone who had signed up to speak. Al Burfield, 353 Topsail Plantation Dr. Hampstead, NC, Mr. Burfield stated that he had four questions that he would like to ask and then have the appropriate person respond if that was ok with the Board. Mr. Burfield asked the following questions; 1. Who owned and was responsible for Topsail Greens and Topsail Plantation Drive; it was always his understanding that both roads were own by the golf course, so since the golf course was sold, does the new owners take responsibility for those roads; 2. At the point of when the property behind his property is developed, what is the potential impact on his well and sewer system, would he be forced into a County water system or some sort of sewer connection; 3. What Phase of the plan would his property be included in and what are the plans for that Phase; 4. Reference was made to a flood zone area, is the area deemed a flood zone and would the development create flooding issues for the surrounding properties. Director Breuer stated to the Chairman that he could address two of the questions and then defer to the applicant for answers on the other questions; Director Breuer stated that in reference to question 2, that it is not the current policy of the County to require any mandatory connection unless an individual themselves would be subdividing their property; in reference to question 4, Director Breuer stated that what is identified in Topsail Greens currently is the un-numbered A Zone, which was applied to the property in 2007 when the County adopted the most recent Flood Maps, the applicant will be required to do a Flood Study for the property to delineate what the actual Flood Zone is and what the Base Flood Elevation is established at; so there is a good chance that existing property owners would have the information needed to prove that they are or not in a flood zone. Mr. Pollock stated in reference to question 1, they owned

Topsail Green Drive, that it was deeded to them in the transaction, but Topsail Plantation Drive was not deeded to them; that he cannot speak to who owns it because he does not know, research would have to be done to determine who owns Topsail Plantation Drive. Mr. Pollock stated in reference to question 3, they honestly didn't know what Phase would include the property behind Mr. Burfield's property, that options are still being explored, that when a plan is created it would have to be presented to the Board for approval, but at this time they just didn't have a plan. Mr. Burfield commented that it was his understanding that Topsail Plantation Drive was the original access road to what became the golf course. Mike Messercola, 414 Masters Lane Hampstead, NC, stated that his property butts up to the golf course, that's apart of Phase I and stated that behind his property there is an old dirt road that has been there, will it be a part of Phase I or is it an easement and after that road there is an irrigation ditch, what is the plans for the ditch, will it be filled in; that in the two years he has owned his property he has seen the ditch overflow with water twice, if the ditch is filled in, will there be some sort of underground drainage; and what would be the buffer requirement between the two properties, would a fence be placed right on his property line. Mr. Pollock addressed Mr. Messercola's concerns as follows: There is a ditch and it will be filled in and a whole new drainage system will be installed to carry the water all the way to the Intercostal Waterway; that in regards to the mentioned road, it is not really a road, it was used by the golf course as an access area; it will be part of that lot's backyard, that there is a 20 foot setback for any type of structure, but the fence would be placed on the property line. Mr. Messercola stated that in the area of the ditch is pretty much the only natural buffer between the two properties, would that natural buffer be cut down; Mr. Pollock answered that as much as possible of the natural buffer on the backside would be left as is. Mr. Messercola asked if the homes in Phase I would have septic and well; Mr. Pollock answered that they would be on County water and have individual septic. Mr. Messercola stated that he sees the current traffic cut through via Doral Drive and funnel down Masters Lane to avoid Sloop Point Loop Road, he has a great concern regarding the size of the current roads and traffic increase with a new development, would it be possible for the residents to propose speed bumps, signage or reducing the speed limit in the area; Director Breuer stated that there would be no vehicular connection to Doral Road or Masters Lane, the County will have to defer to the State when they issue the driveway permit, there will be conditions tied to that permit addressing deceleration lanes, most likely, and any offsite improvements that would need to be done, which would be the developer's responsibility; addressing Sloop Point Loop Road or Masters Lane with speed calming devices would have to go through DOT the County has no authority over the public roadway system, Director Breuer stated if that is the desire of the community, if they contacted him, he would be more than happy to facilitate the request or steer them in the right direction with the proper contacts. Dan Dolan, 412 Masters Lane Hampstead, NC, stated that he shared a lot of the same concerns as Mr. Messercola, that most of his questions had already been answered, however the ditch was more like a gully and he didn't understand how the drainage would be better if they filled in the area; no one can guarantee anything at this point, but if it is not better are there any plans in the budget to add more drainage or help any property owners that are affected by flooding; Mr. Dolan explained that is property set a lot lower than Topsail Greens, that the existing ditch is the only buffer that prevents water from flowing into his backyard, that on paper the plan looks good, but what happens is it doesn't work, is the burden on the adjoining property owners; Garry Pape, Project Engineer, responded to Mr. Dolan's concern by stating that the current ditch in question had a pipe that connected the ditch to a pond, it appears that the pipe has collapsed so there is no way for the water to flow to the pond, the pond has no out fall so at this point if the water was able to flow to the pond it was remain there; the developer is going to build an outlet structure that will pick up all the water from Phase I development and take it to the pond, a pipe will be installed to give the pond an out fall and would be design to withhold the 10 year storm event; Mr. Dolan asked with the ditch filled in what would prevent the water from flowing onto his property; Mr. Pape answered that the back of the proposed lots would be graded towards the road and away from the back adjoining lots, and designed so that the water would drain to the developed ditches, flow to the pond and away from the property. Mr. Dolan asked if in the future the plan or design does not work and his property gets flooded, is there any money in the developer's budget to help him out as a private homeowner; Mr.

Pape answered that he could not design for hypothetical; Mr. Dolan asked Mr. Pape if he had his guarantee that the system would work; Mr. Pape responded that he could not guarantee anything that he has submitted signed plans stating that he is designing a system that will do what it is designed to do, which is what is required by the State of North Carolina. Chairman McClammy asked if there was in further discussion from the Board.

Board member Boney made a motion to approve the Preliminary Plat for Phase I as presented with staff's conditions and to add the stated condition as condition 7; seconded by Board member Baker. The vote was unanimous.

6. Zoning Map Amendment:

Coleman Parks, applicant, on behalf of Parks Family Forestry, LLC, owner, requested approval of a zoning map amendment for a general use rezoning of 80 acres from RA, Rural Agricultural, to RP, Residential Performance zoning district. The property is located along the north side of Island Creek Road (SR 1002), east of the New Hanover/Pender County boundary and may be identified by Pender County PIN 3252-97-7356-0000. Director Breuer presented and gave background information for agenda item 6. Chairman McClammy asked if there were any questions from the Board. Board member Baker requested that the word "meeting" in the paragraph under Environmental Issues of the Staff Report be removed as it appeared to be a mistake. Board member Edens commented that the adjacent subdivision appears to have quite a bit of density, is that allowed in the RA, Rural Agricultural Zone, Director Breuer explained that the subdivision in question was approved prior to the County adopting Zoning. Board member Edens asked what the benefit of split zoning was, was there a tax benefit, why would an applicant request to have one portion of a property rezoned, but leave the rest as is; Director Breuer referred the question to the applicant. Coleman Parks, applicant, answered that it is due to the fee, that if you are requesting a rezoning the fee is based on the acreage.

Board member Edens made a motion to approve the Zoning Map Amendment as presented; seconded by Board member Boney. The vote was unanimous.

(Public Hearings Closed)

7. Discussion Items:

a. Planning Staff Items:

Director Breuer stated that there were no applicant submitted cases for April, but staff may be presenting a Zoning Text Amendment, may be requesting a recommendation for an update of the Collector Street Plan.

b. Planning Board Members Items:

Chairman McClammy requested a chart of the regulatory agencies, their level and requirements for cul-de-sac design.

8. Next Meeting: Scheduled for April 1, 2014.

9. Adjournment: The meeting adjourned at 9:00 pm.