

# Pender County Planning and Community Development

## Planning Division

805 S. Walker Street  
PO Box 1519  
Burgaw, NC 28425



Phone: 910-259-1202  
Fax: 910-259-1295  
[www.pendercountync.gov](http://www.pendercountync.gov)

## MINUTES

**Pender County Planning Board Meeting**  
**April 1, 2014 7:00 p.m.**  
**Pender County Public Meeting Room**  
**805 S. Walker Street, Burgaw, North Carolina**

**Call to Order:** Chairman Williams called the meeting to order at 7:05 pm.

**Roll Call:** Chairman Williams

Pender County Planning Board Members:

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

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

Matt Mulhollen, Topsail High School, presented to the Board an overview of his Senior Project which was a PowerPoint presentation entitled "Sustainable Housing Community". Mr. Mulhollen described and discussed the following topics of his PowerPoint; Idea, Potential Home Design, Why, Advantages, Necessities to Develop Community, Associated Costs, Minimum Requirements, Minimum Height, Sanitation, Emergency Escape, Design Criteria, Location on Lot, Minimum Interior Areas, Stairways, Impediments, and Conclusion. Mr. Mulhollen also presented the Board with a model of a "Small House" which he designed and constructed. Chairman Williams commented that it was a very interesting concept, which has become quite popular in some areas. Director Breuer thanked Mr. Mulhollen and stated that a lot of their discussion had been enlightening to him, that he felt the important thing that could be taken from the presentation is the question of is there a change in the demographic that might warrant this type of product, and if so should we be on the forefront of it to look at community design. Director Breuer also stated that Mr. Mulhollen would be presenting his presentation to the Board of Commissioners at their April meeting. Director Breuer encouraged the Board to ask any questions and commented that he was thrilled to see the engagement of the high school community's interest in the area of community designs. Board member Nalee stated that she had been looking into purchasing a small house and felt the day would come where there would be a huge need for this type of community. Board members discussed how the concept is actually working in other countries and their thoughts regarding the idea. Chairman Williams advised Mr. Mulhollen to keep moving forward and that they may read about him in the paper someday. Vice-Chairman McClammy stated to Mr. Mulhollen that his presentation certainly highlighted and illustrated

the high standards of academic excellence at Topsail High School, as another alumnus he really appreciated him being here. Mr. Mulhollen thanked the Board for their time.

*\*(Public Hearings Open)\**

**5. Zoning Text Amendment:**

Pender County, applicant, requested the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. The request was to add Public Safety Telecommunication Towers as a permitted use via Special Use Permit to Section 5.2.3, Table of Permitted Uses, as well as, establish development standards within Section 5.3, Uses With Standards. Also, requested was an amendment to Section 3.15, Administrative Adjustment, specifically, Section 3.15.2.A, Action by Administrator. Director Breuer presented and gave background information for agenda item 5. Director Breuer explained that in regards to the requested Administrative Adjustment Text Amendment, there was a mistake made in a subdivision and was caught after CO's had been issued for setbacks, it was his opinion that the applicants should not have to be put through the Variance procedure due to the mistakes made on all ends, so if the requested Text Amendment was approved it would assist in resolving the current issue without causing undo cost on everyone involved. Board member Edens asked for clarification on what the Administrator would have control to do if the amendment was approved; Director Breuer explained the Administrator would have control to amended the setback requirements should something happen by mistake, that the Administrator would not have the authority to approve a project that didn't meet the required setbacks. Attorney Thurman gave the Board a brief example of what type of situations would call for an Administrative Adjustment and emphasized that it would not be a loop hole to disobey the Unified Development Ordinance requirements. Board member Edens asked if it was staff's opinion that the requested Text Amendment was the best way to handle the current and if any future situations of the said type; Director Breuer answered that it was thought about long and hard, if it was an isolated case than he would have recommended the Variance procedure but, since it is not isolated to one lot, that it is about eight lots in the same area, a Text Amendment was his recommendation. Chairman Williams stated that as a builder, he understood that mistakes can happen and explained how it happen on a project he was a part of, so he could understand the need for a process to correct those types of mistakes. Board member Baker asked in reference to the requested Text Amendment regarding Public Safety Telecommunication Towers, was it a specific Telecommunication Tower used for public safety or is it public safety for Telecommunication Towers; Director Breuer stated that he would move on to the second portion of the requested Text Amendment and to answer the question it was a Telecommunication Tower designated for public safety uses only, that it was not a commercial tower to be used by companies such as Verizon or AT&T, that it is used by Federal, State, and Local Safety Agencies. Attorney Thurman explained that there was an area on the East side of the County where the communication signals were weak or not available, so therefore a new tower would have to be constructed, which is the reason for the request. Board members held a brief discussion regarding the requested Text Amendments. Board member Baker asked Director Breuer if he would discuss in detail the fall zone, setbacks and the height of the towers; Director Breuer explained that today's telecommunication towers are designed to be self-supporting at the base and engineered to fall and collapse on themselves; so therefore a typical fall zone does not necessarily equal the tower's height, so a fall zone would be based on the structure; the ordinance would state that the setback would have to be equal to the tower's height however, if the fall zone is represented the Board of Commissioners could reduce the setbacks to equal the fall zone of the tower but, in no cases can they reduce the setbacks more than fifty percent. Attorney Thurman added that a represented fall zone has to be submitted by an engineer with their seal. Board members discussed the given information to make sure they understood what was being requested. Chairman Williams asked if there were no further questions or discussion he would entertain a motion.

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

*\*(Public Hearings Closed)\**

## **6. Discussion Items:**

### **a. Planning Staff Items:**

- i. Cul De Sac Radius Discussion: Planner O'Hare stated that at recent Planning Board meetings there had been discussion and questions regarding the variations of cul de sac radius requirements throughout the different agencies, so staff had done some research to give the Board some clarity on the issue. Planner O'Hare reviewed section 7.5.1 F of the Pender County Unified Development Ordinance and explained that those regulations were derived from the NCDOT 2010 Subdivision Manual, that since Pender County did not own or maintain roads within the County, they referred to NCDOT's standards; Planner O'Hare gave an overview of the provided table, which included the agency, their cul de sac radius requirements, and their comments on how they determine their requirements; the Board was also given a copy of the NCDOT Subdivision Roads Minimum Construction Standards document. Planner O'Hare explained that the future steps would be that Planning Staff would continue to reach out to the appropriate agencies for their request and requirements and will present the findings at the May Planning Board meeting as a discussion item. Director Breuer stated that staff was trying to work with the agencies to resolve the inconsistencies so that they could guide builders to the right requirements, that it will take discussions and demonstrations to get all agencies on the same page so that plans can move forward. Board member Edens commented that the chart was very helpful. Chairman Williams stated that it would be interesting to learn where the school system obtained their information because he found it hard to believe that it would take 90 feet of pavement to turn a school bus around; staff responded that they would research Chairman Williams' request. Vice-Chairman McClammy asked staff to bring reports of the dialogue with the agencies back to the Board. Director Breuer stated that staff would bring the items back to the Board for an update at the work session in June.
- ii. Technical Review Committee Procedures: Planner O'Hare reviewed the current Technical Review Committee procedure and explained that staff would like to propose making changes to the process that would allow for a meeting with all of the TRC members to discuss projects prior to Planning Board meetings. Proposed text was given to the Board for review for a possible text amendment. Planner O'Hare stated that staff would continue to explore the needed changes and present it as an action item to the Board in June. Board members agreed that due to the lack of participation in the past, a sit down meeting seems to be a great step in the right direction and praised staff for their work.

- b. Planning Board Members Items:** Board member Baker suggested that it would be helpful if the documents inside the Resource folder on the Board member's webpage, had a date included in the file name; staff noted to rename the documents for easier access.

**7. Next Meeting:** Scheduled for May 6, 2014.

**8. Adjournment:** The meeting adjourned at 8:30 pm.