

# Pender County Planning and Community Development

## Planning Division

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## MINUTES

**Pender County Planning Board Meeting**  
**Wednesday, November 5, 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:** Board member Edens made the motion to adopt the agenda; seconded by Board member Marshburn. The vote was unanimous.
- 2. Adoption of the Minutes: (October 7, 2014)** Board member Marshburn made the motion to adopt the minutes; seconded by Board member Edens. The vote was 5 in favor; Board member Nalee abstained due to her absence at the October 7, 2014 meeting.
- 3. Public Comment:** Chairman Williams asked if there were any sign-ups for public comment; due to no sign-ups, Chairman Williams closed the floor to public comment and opened the floor for the public hearings.

*\*(Public Hearings Open)\**

**4. Zoning Map Amendment:**

Edward Sinram, applicant and owner, requested a Zoning Map Amendment for a general use rezoning of one (1) tract totaling  $\pm 0.51$  acres from GB, General Business District, to RP, Residential Performance District. The property is located at 22018 US HWY 17, across from Morris Drive (private). The subject property may be further identified by Pender County PIN 4215-55-1517-0000. Director Breuer presented and gave background information for agenda item 4. Board member Baker asked if the rationale of the request was due to the large adjacent tract being zoned Residential Performance (RP) and if that meant any tract zoned General Business (GB) that was adjacent to a Residential Performance (RP) zone, could be considered for rezoning if requested; Director Breuer answered only if the adjacent district met the minimum acreage requirement. Board member Baker asked if anyone knew what the tax ratio was between the Residential Performance (RP) and General Business (GB) zones; Director Breuer stated that he did not know the answer, that he could only assume that the tax value would decrease if it was strictly residential. Attorney Thurman added that it would also depend on the area of the County regardless of the zoning. Board member Nalee commented that she believed it was discussed before that some properties were zoned General Business along US HWY 17 under the assumption that they would be better suited for businesses; Director Breuer commented that she was correct and that staff has to look to the Pender County Comprehensive Land Use Plan for guidance for making recommendations for rezoning requests, there were no policies that would discourage this request, so staff had no other options except to

recommend approval. Robert Ramagosa, adjacent property owner, stated that it would be a huge change in regards to the taxes of the property if the request was approved and that he never understood why the corridor was zoned the way it was since there is some areas zoned General Business (GB) and others zoned Residential Performance (RP); Director Breuer noted that some of the areas mentioned are within the town of Surf City's jurisdiction not Pender County's jurisdiction. Mr. Ramagosa stated that he didn't have an issue with the applicant's request; his issue was with how the corridor was zoned. Edward Sinram, applicant, stated that the reason for his request was so that he could live on the property, that when he purchased the property it was zoned Rural Transition (RT) which allowed residential use. Chairman Williams opened the floor for the Board's discussion. Board members discussed the request; Chairman Williams opened the floor for a motion.

Board member Edens made a motion to approve the Zoning Map Amendment as presented; seconded by Board member Nalee. The vote was 2 in favor of approval, 4 opposed.

Vice-Chairman McClammy made a motion to deny the Zoning Map Amendment; seconded by Board member Baker. The vote was 4 in favor of approval, 2 opposed. The request Zoning Map Amendment was denied.

#### **5. Zoning Map Amendment:**

Stroud Engineering, P.A., applicant, on behalf of Jack Stocks and TIOGA, LLC, owners, requested a Zoning Map Amendment for a general use rezoning of three (3) tracts totaling approximately ±83.81 acres from PD, Planned Development District to RP, Residential Performance District. The properties are located along Carver Drive (SR 1437) between Tom's Creek Road (private) and Bellhammon Drive (SR 1456) in Rocky Point. The subject properties may be further identified by Pender County PIN(s) 3223-34-8834-0000; 3223-35-4303-0000; and 3223-46-7092-0000. Director Breuer presented and gave background information for agenda item 5. Jimmy Fentress, Stroud Engineering, stated that he prepared the application for the request and that the rezoning request was to limit the use of the property to strictly residential, that if the applicant developed the property under the current zone which is Planned Development other uses would have to be included. Board member Nalee asked how the property was accessed, Mr. Fentress stated that at this time there was no master plan to show access they were only requesting a rezoning, that they could not move forward with any plans until the request was approved or denied. Chairman Williams opened the floor for the Board's discussion. Board members discussed the request; Chairman Williams opened the floor for a motion.

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

#### **6. Comprehensive Transportation Plan:**

Pender County and NCDOT held a public hearing for recommendation on adoption of the draft Pender County Comprehensive Transportation Plan. Director Breuer provided background for agenda item 6 and introduced Nora McCann, NC DOT, and Allen Serkin, RPO. Through questions and comments from Board members, it was discovered that the materials listed on the NC DOT website that were provided to the Board were not updated documents. The Board was inclined to move forward with a recommendation without the updated materials and clear understanding of what the adoption request was for. Board members requested that the update materials be provided and the hearing be tabled until the December 2, 2014 meeting.

Vice-Chairman McClammy made a motion to table the public hearing for the Comprehensive Transportation Plan; seconded by Board member Baker. The vote was unanimous.

*\*(Public Hearings Closed)\**

**7. Discussion Items:**

**a. Planning Staff Items:**

- i. First physical TRC (Technical Review Committee) Meeting held November 4, 2014 Senior Planner O'Hare gave an overview of the first TRC meeting and thanked the Planning Board members that attended. Ms. O'Hare stated that staff was planning to facilitate the meetings once a month. Vice-Chairman McClammy asked for feedback from the Board members who attended. Board member Baker commented that he was impressed with the turnout and recommended that minutes and attendance of the meetings be taken. Chairman Williams commented that he was impressed with staff, but not fond of the fact the Emergency Management did not send a representative to the meeting. Board member Edens commented that there was a lot of good dialogue and recommended having name tags or introductions at the future meetings.

**b. Planning Board Members Items:**

- i. Chairman Williams stated that he would not be able to attend the December 2, 2014 meeting and asked Vice-Chairman McClammy if he would be available to preside, Vice-Chairman McClammy confirmed that he would be attending. Board member Marshburn also stated that he would not be able to attend the December 2, 2014 meeting as well.

**8. Next Meeting:** December 2, 2014

**9. Adjournment:** 9:00 pm