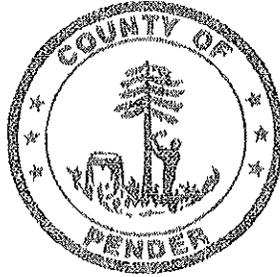


Pender County Planning Department

Joey Raczkowski, Planning Director

Mark Walton, Chairman
Kevin Reynolds, Vice-Chairman
Rick Garrett
Karen Gonzales
William Marshburn
Burt Millette
Christopher Smith
Charles Newman, Fire Commission



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MINUTES

Pender County Planning Board Meeting
September 11, 2007
7:00 p.m.

Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina

Call to Order: Chairman Walton

Roll Call: Chairman Walton

Pender County Planning Board Members:

Walton ___ Reynolds ___ Smith ___ Garrett ___ Millette ___ Gonzales X Marshburn ___ Newman X

1. Approval of Minutes: August 7, 2007

The motion to accept minutes as written by Kevin Reynolds; seconded by Rick Garrett and the vote was 6-0.

2. Water and Sewer Capacity Update

Paul Parker, Assistant County Manager, Public Utilities Director, gave an update of the water and sewer on where the county has been, where they are presently and what the future holds. There is going to be a workshop in a few weeks for the BOCC to explain in detail the water and sewer capacity. The bonds were passed in 1996 for \$30,000,000 for water. Construction of Rocky Point, Topsail Water and Sewer should be finished in December. There are approximately 4500 customers and this will include almost 200 miles of water lines from Wallace to Shepards Road next to the Onslow County line. He is in the process of seeing if more that 800,000 gallons of water per day can be pumped. Utilities will regroup with the water capacity because they don't know how much is being used. They are not approving any additional water lines for extensions for big subdivisions until they get a tally on how capacity they are going to sell, how much the existing developers are going to buy. This is hoped to be finished by 2011.

Chairman Mark Walton asked about sewer.

Mr. Parker replied one can go on the Website under Utilities Department; there is a Master Plan for Water and Sewer. In 2002 they purchased 75000 gallons of sewer capacity that have all been allocated on paper from the City of Wilmington, The city is not in a position to give Pender any more allocation. There is no way to know how much capacity is been used until the invoices come in from customers.

There were other questions concerning adding pumps and a parallel line to first booster pump station from Wallace.

Attorney Thurman stated that the 800,000 was a forty year commitment. The 48000 is just temporary.

3. Planning Priorities Update

Director Raczkowski stated that (1) He has met with Penny Tysinger from the COG to do a workshop at the end of the month. This is to get help with starting the TRC; (2) There is a development tracking chart in the process of being implemented. Research projects are on track; (3) Met with Brunswick County on the abatement; (4) Overlay Districts – in the process of updating the GIS computer and that has limited ability to move forward on the Flood Hazard Overlay District project; (5) The department is in the position to proceed in getting a qualified firm on the Stormwater project. The aim is working towards the program being operational by August of next year. If there is a moratorium because it is a time limited item, it will affect these priorities that have been put in place. Moratorium is a very serious matter and this will mean that all available resources will go towards that project.

Burt Millette stated that he would like to see the subject of conditional zoning back on the table. He suggested doing a zoning amendment to the PD District or do a cut and paste job if it has to be done in sixty days.

Mark Walton said that the board needs to know the legalities of doing conditional zoning. There has been a lot of work done to establish priorities, the staff has done a lot of work, and the board needs to be careful about shuffling priorities.

Kevin Reynolds made the motion for the Planning Director to stay the course of the items on the agreed Priorities List and this was seconded by William Marshburn. Vote was unanimous.

4. Discussion of a moratorium on Special Use Permits

Burt Millette made the motion to schedule a Public Hearing on the six month moratorium for the next meeting of the board and this was seconded by Christopher Smith. The vote was unanimous.

The moratorium is not for the entire county, just for the Hwy 17 corridor.

An amendment that the moratorium be from county line to county line was added to the motion that there would be no need for a public hearing if the Board of Commissioners decides to adopt the moratorium.

Planner Ashley Frank presented the case for Oak Ridge at Grand Oaks to the board and public.

Subdivision Review

5. **Oak Ridge at Grand Oaks, Section II, Preliminary Plat Review** – Elloyd C. McIntyre, applicant and owner, is requesting Preliminary Plat approval for Oak Ridge at Grand Oaks, Section II. The subdivision consists of 29 lots on 26.32 acres. The property is zoned RT, Rural Transition District and is located on the south side of NC Highway 210, off of Pine Village Drive in Rocky Point, NC.

This item tabled from the August 7, 2007 meeting

Christopher Smith stated that there was concern for interconnectivity to be left for future development which would adjoin the subdivision.

Mr. Lloyd McIntire, applicant, stated that the only property he will be connecting to would be the additional property that is left out of the 101 acres which is going to be connected to Pine Village Drive. This is the only access that he has from Hwy 210.

Attorney Thurman explained that the ordinance required a stub street to be put in so that if an emergency comes up there would be another way to emergency vehicle to access the subdivision.

Mr. McIntire was concerned about having another entrance in a gated community.

It was explained to him that the stub street stops at his property line and it's for the next development to be able to connect to his for emergency access. The connectivity will be between lots 7 and 8.

Rick Garrett made the motion to approve with the conditions that there be an interconnectivity stub street between lots 7 & 8 in the subdivision. Kevin Reynolds seconded the motion; the vote was unanimous 6-0.

Chairman Walton called for a short recess.

The board was called back to order by Chairman Walton.

Planner Kenneth Vafier presented revision of the Creekside at Willows Bay review to the board and public. The case is unique because of the three lots on an easement within a major subdivision.

6. **Creekside at Willows Bay, Phase IV, Preliminary Plat Revisio** -- Hanover Design Services, applicant, on behalf of Penland, Inc., owner, is requesting approval of a revision to an approved preliminary plat for Phase IV of Creekside at Willows Bay. The revision consists of 58 lots on 85.34 acres. The property is zoned R-20, Residential District, and FA, Flood Hazard Area District and is located off Willows Bay Drive in Rocky Point, NC.

Board members wanted to know if the total area of lot 186 included the easement as well.

Doug Golightly stated that there were 2900 feet in the mentioned lot. If he takes out any amount he will still have the 2000 required footage and the easement still has the required amount

The revision to the plan was because there were concerns about the bottom area of land surrounding Marian Court. S&MA did a compaction test. There were no guarantees that the road or houses would not sink. He has fewer lots but feels comfortable about his plan for the three lots.

Burt Millette asked him what the condition of the open space was.

Mr. Golightly stated that most of the land was swamp. All streets are public.

Richard Garrett made the motion that the request be approved with conditions set by Staff. Kevin Reynolds seconded the motion. The vote was 5-1. Christopher Smith opposed.

Planning Director Raczkowski passed out the 5.9 criteria by which the Board reviews all zoning request. He also presented a letter from the applicant stating that his clients would like to amend the previous request for rezoning the property. They would now like to be rezoned to RT(Rural Transition). This is a general use rezoning request.

There were no questions for Staff.

Public Hearing

7. **Zoning Map Amendment -- McGee Building, Inc.**, applicant, on behalf of David and Margaret Craven, owners, is requesting a rezoning of 13.515 acres from R-20, Residential District to B-2, Highway Business District. The property is located off US Highway 117 and Oaks Plantation Drive, approximately .5 miles south of NC Highway 133, in Rocky Point, NC.

This item tabled from the August 7, 2007 meeting

Phil McGee stated that his clients were in agreement to have the land rezoned to RT.

3

Christopher Smith made the motion to accept the rezoning as RT; seconded by Rick Garrett. The motion passed 4-2 Marshburn & Reynolds opposed. Members Millette, Walton, Garrett, and Smith in favor.

Chairman Walton introduced the next Zoning Map Amendment case to the board and public.

- 8. **Zoning Map Amendment – Jonathan Arnn**, applicant, on behalf of Donald Charland, owner, is requesting a rezoning of 5 acres from RT, Rural Transition District to B-2, Highway Business District. The property is located at 21758 US Highway 17, north of Hampstead, NC.

Jonathan Arnn received a SUP to do repairs to motorcycles in a shop that he is leasing. He would now like to start selling motorcycles but it will require a SUP in a B2 zone. The current shop has been there for a number of years but the zoning district does not allow for selling of motorcycles.

John Charland owner of the building said that Mr. Arnn was a good tenant and he keeps the business clean and would like to see him be able to sell motorcycles.

Burt Millette made the motion to deny the request to rezone the property to B2. Kevin Reynolds seconded the motion. The vote was 5-1. Walton did not vote in favor of the motion.

The Chairman Walton introduced the last case for zoning map amendment for Generation Development.

- 9. **Zoning Map Amendment – Generation Development**, applicant, on behalf of Country Club Road Assemblage, LLC, owner, is requesting a rezoning of eight tracts totaling 376 acres from R-20C, Residential Conventional Housing District to PD, Planned Development District. The property is located on the south side of Country Club Road and extends southeast to the Intracoastal Waterway in Hampstead, NC.

There were several citizens speaking to the pros and cons of the subdivision going in. There were concerns about the roads, buffers and density.

After a lengthy discussion among the Planning Board members concerning what could and could not be done by not holding the case up for sixty days and the County Attorney explaining what they needed to look at the motion was made.

The motion was made by Christopher Smith to approve the rezoning request. This was seconded by Rick Garrett and the vote passed unanimously.

10. Discussion Items

- Discussion Items by Planning Board Members
- Discussion Items by Planning Staff
- Items for Discussion by Members Of The Public

11. Adjournment

Board Action for September 11, 2007 Minutes:

Motion: _____ Secoded _____

Approved: _____ Denied: _____ Unanimous _____

Walton _____ Reynolds _____ Garrett _____ Gonzales _____ Marshburn _____ Millette _____ Smith _____