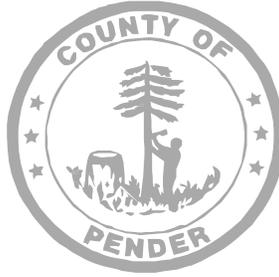


Pender County Planning Department

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

December 4, 2007

7:00 p.m.

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

Call to Order: Vice-Chairman Kevin Reynolds

Roll Call: Vice-Chairman Kevin Reynolds

Pender County Planning Board Members:

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

1. **Approval of Minutes:** None Submitted (Barbara James out since 11/09/07 on FMLA)

Planning Priorities Update - None (Joey Raczkowski absent)

Public Hearing

2. **Zoning Map Amendment – Montague Woods, LLC**, applicant and owner, Bernard Morris, is requesting a rezoning portion of two tracts totaling 56.15 acres from RA, Rural Agricultural District to R-20, Residential District. The property is located at 7167 US Highway 421 in Currie, NC. Property surrounded by RA (~3200' from nearest R-20 to NE and ~6500 from nearest R-20 to West). Existing land use is SFR dwellings adjacent to south and vacant land on all other sides. Preliminary plat for 10 lot subdivision as been approved for southern adjacent properties. 2005 CAMA land use classified as rural or low net residential density (1 residential/usable acre of project land).

- Montague Woods is a ten lot subdivision with preliminary plat approval
- Staff recommends to prevent split zoning the remainder of the 6 acres be recombined into the parcel after the final plat is approved;
- Staff noted there have been no rezoning or cases in last 6 months in that area;
- Staff suggests study of limited access effects of traffic on Hwy 421; and
- Staff recommends overseeing protection of future Hwy 421 corridor

Rick Biberstein, applicant's representative, explained issues of traffic, impact upon farm atmosphere, density and Hwy 421 traffic, which caused the Planning Board and Board of Commissioners to deny request in April, 2007 have been addressed and hopefully alleviated via:

- Acquired Vineyard Woods; a ten 1-acre lot subdivision on the south side of proposed area and adjacent to properties on Richard Switch Road creating a buffer zone between rezoning area and current residents
- Create connector road which will serve as access to Richard Switch Road for subdivision, as well as, the rezoned area when subdivided with main access off Hwy 421
- Offer of vegetative tree buffer surrounding proposed rezoning area allowing self containment and negating any impact on existing habitants
- Provide pick-up service for waste management for Home Owners Association thereby reducing need to travel Richard Switch Road unless in emergent situation
- Trash pickup

Attorney Thurman stated that one has to look at the criteria of the Land Use Plan that is provided to the Planning Board from which they make recommendations and one of those is compliance with the land use plan.

Bernie Morris addressed Chairman Reynolds by stating that he seems to be inclined to say that because the property is RA, he doesn't have a right to rezone.

Attorney Thurman stated that under the land use plan this is designated a rural area and the definition of rural is low density which equals to no more than one (1) residence per acre. The Planning Board is supposed to rely on the land use plan as a guide when making recommendation to the Board of Commissioners and they take this information into account.

Burt Millette asked applicant Bernie Morris when he purchased the property and if he knew how it was zoned when he purchased the property.

He replied that he purchased it in May and he was aware of the zoning when he purchased the property

Public Comments:

- Ronnie Brinkley, area home owner, explained the need for keeping area RA citing water and sewer issues, as well as, probable negative impact to emergency response for higher density area the proposal would bring.
- J.E. Lewis, Jr., Richard Switch Road homeowner, cited increased density as unacceptable. Also concerned with long range plans and reminded board the land was purchased knowing the first request for rezoning had been denied; homeowners are committed to seeing rezoning proposal denounced using any legal recourse at their disposal.
- Allison Hafy questioned allowance of submission of petition to Planning Board for declining rezoning request; County Attorney accepted petition citing total of 93 signatures of mostly Currie residents.
- Mr. Rowel also voiced concerns of water and sewer going towards Belvedere where he resides with proposed rezoning

Board member Christopher Smith questioned applicant for further explanation of rezoning.

Applicant Bernie Morris responded more \$200,000 price range houses would allow for more flexibility with reduced set backs and lot sizes which would encourage home owners who found landscaping upkeep undesirable and enabling manageability by an HOA.

Board member Rick Garrett had concerns of increased density with the rezoning of reduced lot sizes.

Motion to deny rezoning of Map Amendment for Montague Woods from RA to PD put forth.

Motion: Millette Seconded: Garrett Vote: Unanimous

Planner Jeff Jowett introduced the Text Amendment case to the board. This amendment is to allow freestanding drive-up automatic ice vending machines as an accessory use to all commercial uses permitted within the PD, B1, B2, B3, RT, I1, I2, and RA Zoning Districts.

3. Zoning Text Amendment – Craig Wilson, applicant, is requesting an amendment to Section 8.9, Table of Permitted Uses of the Pender County Zoning Ordinance.

Craig Wilson, applicant did a presentation stating that he would like to place the ice-vending machines in Pender County. Ice is created in a modular structure which can prove to be much cleaner, more efficient and quicker. The machine delivers ice in about eight seconds with completion in approximately 3 minutes.

Discussion suggested conformity of architecture and landscaping although there was opposition stating it was visual pollution and unacceptable to Hampstead. The building can blend in with whatever the shopping center architecture is.

Marilyn Constine voiced concern about placement of ice machines in PD (Planned Development) residential zones. The machine might be a good fit for a shopping area not necessarily for residential.

Motion to table amendment item offered until January, 8, 2008 meeting.

Motion: Garrett Seconded: Smith Vote: Unanimous

This item tabled until January 8, 2008 meeting

Planner Kyle Breuer presented the next case to the Planning Board.

4. Zoning Map Amendment – Haden Stanziale, applicant, on behalf of Keith Avant, owner, is requesting a rezoning of three parcels totaling 25 acres from R-20C, Residential Conventional Housing District to PD, Planned Development District. The property is located at the corner of Country Club Road and Mallard Bay Road in Hampstead, NC.

Daniel Lucas, representative for Haden Stanziale, stated that the project was completely surrounded by PD development. There are no plans at this time for a design layout of the tract.

Public Comments:

- James Gobble of 22 Mallard Bay Road (across from Montague Woods); submitted 88 signatures (no one approached was in favor of rezoning) on petition to object to rezoning request citing traffic issues, noise elevation created by EMS if expansion of assisted living homes; also questions density increase may unduly burden school population.
- Bill Harris, nearby property owner, concerned about quality and value of homes degrading his.
- Bill Hadle, property owner behind Montague, concerned with rezoning district prior to knowing what is intended. Attorney explained not legally required to present intent before rezoning, however, board member referred to applicant letter submitted stating intent to be over 55 residential housing. Board member cited the question is if the zoning request change consistent with other requirements with good planning practices, etc.
- Harbor Club resident, John Common, along with another resident, requests rejection of rezoning wanting to see area stay residential.
- Yacht Basin resident, Gary Rourke, voiced opposition to rezoning PD, citing inability to control construction once rezoned thereby potentially negatively impacting value of his property.

Christopher Smith asked the applicant to explain the comment *to allow flexibility and building setbacks and lot size*.

He stated with PD smaller lots are allowed. The aim is to attract persons that don't want large homes, smaller yards, so that the landscaping will be at a manageable size. This is just a consideration if that becomes the route that the developer takes.

Another resident commented that he was opposed to rezoning citing reduced lot sizes would reduce house size thereby reducing property value.

Motion to deny rezoning of parcels put forth.

Motion: Millette Seconded: Smith Vote: 4-2 Opposed: Reynolds, Marshburn

5. Discussion Items

• Discussion Items by Planning Board Members

Some board members frustrated with getting the agenda Friday before board meeting citing inability to respond to public questions. Distinction explained between overview of agenda notice in paper vs. full packet created for distribution taking decidedly more time to produce. Suggestion was made for piecemeal distribution. County attorney offered extending the time frame of 60 days to get on the agenda for turnaround citing the deadline for 30 days out when submitted on last day left little time for proper preparation. However, that would likely create incomplete submissions and disgruntled developers for extended time to review requests. Staff explained lengthy process from obtaining proposal to complete preparation in addition to absence of Administrative Assistant. Issue was settled by unanimous agreement to attempt improvement of packet submission by 2 or 3 days.

Board member concerned with discussion of overlay 3 weeks prior now stymied. Staff explained determination of recommendations now with BOC. It is BOC's responsibility to appoint committee and is slated for January, 2008. Web site posted with list sent to Joey today.

Question as to whether Planning Board had provided input on Development Agreement of St. George's Reach or only Master Plan. It was clarified that input would be created in writing toward issues presented at Commissioners' meeting.

Staff recommendation of projects clarified and further explained that Planning Board has responsibility of recommending approval/denial of applicant requests for BOC and that it is the burden of the Commissioners as governing body to determine final outcome. Board agreed to keep status quo.

Concerns rose about hearsay of moving governing body to Hampstead and communication between staff, planning board and community less than adequate. Other board members were not of same understanding. Questions rose about e-mail tree. County Attorney explained original e-mails may be forwarded for various reasons and reminded board that this is public information. Mr. Garrett requested his work e-mail be kept confidential. Controversy questioned about rift between east and west side of county and suggested more attention towards east because of overlay.

- Discussion Items by Planning Staff (none)
- Items for Discussion by Members of The Public (none)

6. Adjournment