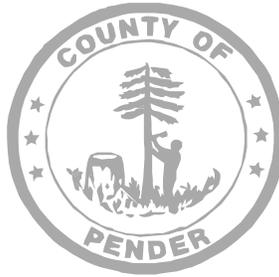


Pender County Planning Department

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



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MINUTES
Pender County Planning Board Meeting
March 4, 2008
7:00 p.m.

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

Call to Order: Vice-Chairperson Karen Gonzales

Roll Call: Vice-Chairperson Karen Gonzales

Pender County Planning Board Members:

Garrett X Gonzales Marshburn Millette Newman Smith Walton X

1. Approval of Minutes: December 4, 2007 and February 5, 2008

Motion: Smith Seconded Marshburn Vote 5-0

Motion: Marshburn Seconded Millette Vote 5-0

Public Hearing

Chairperson Karen Gonzales opened the Public Hearing for Zoning Map Amendment for Taylor Greene.

Planner Ashley Frank presented the case to the Planning Board.

- 2. Zoning Map Amendment – Taylor Greene**, applicant, on behalf of Topsail Humane Society, owner, is requesting a rezoning of 12.13 acres from R-20 (Residential District) to B-1 (Neighborhood Business District). The property is located on NC Highway 210, between Brickyard Road and Rowan Road in Hampstead, NC.

She stated that it is in compliance with the 2005 CAMA Land Use Plan; however, it is conflicting with the Pender County Zoning Ordinance, Section 5.3.

Taylor Greene, applicant, on behalf of Topsail Humane Society stated that they wish to build an indoor kennel and veterinary's office on the property. It will give them access to the current facility located in Burgaw which they hope to take over.

Burt Millette asked the applicant approximately how many dogs would be in the kennel at one time.

He stated there would be approximately 100 dogs at one time.

Kathy Lewis, founder and operator of the Humane Society stated that they only had thirty (30) dogs at this time.

The only time they expect it to be at full capacity is if there was an emergency, like a hurricane. A custodian will be on duty from 7 a.m. to 6 p.m. There have been no problems with odor or noise. She has no intention of utilizing an outdoor kennel.

Christopher Smith asked if she had been looking for land that was properly zoned for a kennel.

Ms. Lewis replied that they have been actively looking for land since 2003 that would meet their needs and budget and not be in the middle of a neighborhood or a subdivision. She envisions the building to be approximately 5000 feet which will be enclosed. They also run a boarding business to help defer the cost.

The applicants stated that they would like the property to be zoned B1 which does not allow for an outdoor kennel but will allow them to have a veterinarian on staff. They did not want to have to move in a few years because of the proposed Hwy 17 bypass. *Ashley furnished copies of the map for the highway bypass; of DOT's seven proposed routes*

Attorney Thurman reminded the board *that it doesn't matter what the specific proposal is, the question before the board - is this property suitable for B1.*

Dr. Jack Griffin, Pender County Health Director, stated that the county is not building a shelter. The Board of Health is recommending to the Board of Commissioners that they provide a contract to Topsail Humane Society to operate the shelter on the west side of the county. This is to have more officers in the field; there is not enough manpower to staff the shelter and care for the animals.

Several citizens voiced their concerns about the request to rezone the property for Topsail Humane Society.

- 1) location is not good
- 2) dogs need a lot of space
- 3) illegal dropping off of dogs
- 4) demised property value
- 5) portion of land included in bypass study
- 6) there is a need for a shelter but not in a residential neighborhood - noise
- 7) concerned about the runoff

Ms. Lewis stated that when an animal dies it is buried on property that the county owns on the western side of the county. This will continue until it is no longer feasible. At such time a crematorium will be purchased and it will be located on the western side of the county.

The public hearing was closed and there was discussion among the Planning Board members.

Ashley Frank addressed the concern of the board about the rezoning. The Staff met with the applicants and suggested RT (Rural Transition zoning) because most of the commercial uses that are listed in the Permitted Uses Table are via Special Use Permit. This would require a public hearing to be heard by the Board of Commissioners.

William Marshburn made the motion not to approve the request for B1 but support the Staff's recommendation for RT (Rural Transition). This was seconded by Christopher Smith. The vote was 3-1; in favor of the motion Marshburn, Gonzales, and Smith. Burt Millette dissented from voting.

The meeting was called back to order by Vice-Chairman Karen Gonzales after a short recess.

Kenneth Vafier reviewed the case for zoning text amendment with the board.

3. Zoning Text Amendment – Planning Staff will present an amendment to height requirements for dry stack boat storage facilities as requested by the Pender County Planning Board at the February 5, 2008 meeting.

This was originally a proposal from an applicant separate from the planning department to change the height. The Staff forwarded the case to the Board of Commissioners with a recommendation of denial. The Board of Commissioners saw the need to address commercial offices and instituted uses in Pender County; they sent it back to the Planning Board as a discussion item.

Some recommendations are:

- 1) an applicant would need a special use permit which means the use could not be given by right.
- 2) Maximum of 48' would require adding one (1) foot of setback on all sides over the required 35'.
- 3) This ruling would affect any new application applying for new dry stack facility.

Planning Board Member Burt Millette stated that other dry storages facilities in the county have not had problems adhering to the 35' height. What is the cause for this need?

Charles Newman, Fire Commission, stated that under the fire code any boat storage over 12,000 sq. ft. is required to have a sprinkler system.

Charles Wilson, citizen, stated that putting boat storage facilities in residential areas *when you change a precedence and create a precedence you have started something when you don't know where it's going*. The facility should be 250' to the nearest residential structure and these facilities are noisy.

Another concerned citizen stated that an amendment is constituting commingling commercial with residential and that could be dangerous.

The public hearing was closed. There was discussion among the board members.

Christopher Smith made the motion to deny the request to amend the height; Burt Millette seconded the motion and the vote was unanimous 4-0.

Ashley Frank presented the zoning map amendment from R20C – B3 for Mike Nadeau.

4. Zoning Map Amendment – Mike Nadeau, applicant, on behalf of Senca Properties, LLC, owner, is requesting a rezoning of 9.02 acres from R-15, Residential District to B-3, Scenic/Gateway Business District. The property is located near the intersection of US Highway 17 and Scotts Hill Loop Road in southeastern Pender County.

Applicant, Mike Nadeau, represents SENCA Properties. He stated that 240 acres are located in New Hanover County and 55 acres were rezoned which is the location of the Medical Office Park. He is asking zoning of the B3 property on corner be extended down to Scotts Hill Loop Road.

Burt Millette made the motion to approve the zoning map amendment; seconded by William Marshburn. The vote was unanimous 4-0.

Kenneth Vafier introduced the next case to the board. This application is to put the road into St. George's Reach and the request is for the location of the road only. Any additional development proposals along this roadway, commercial, residential, or infer structure improvements must go through Planning Board review as per Section 17 Planned Development Guidelines of the Pender County Zoning Ordinance. The proposed road name is St. George's Blvd. and has been approved.

5. Planned Development Preliminary Plat– Country Club Road Assemblage, LLC, applicant, on behalf of Cary Bruton, owner, is requesting approval of a preliminary site plan for the road connector phase of St. George’s Reach. The property is zoned PD, Planned Development District and consists of the construction of a connector road between US Highway 17 and Country Club Drive in Hampstead, NC.

Burt Millette asked if the board should be looking at and approving a parcel of property that is only a partial master plan. This is a large piece of property and the board is being asked to approve the road when they don’t know what is going on with the rest of the property and this looks to him like an incomplete plan.

Attorney Thurman stated that it is like any other phase that you have. If they come in for a portion of the residential they’re just going to show the next lot vacant area as future development. They will bring this in and at that time it will or/will not be approved. This is only preliminary and if any development that would go into lots 1, 2, and 3 which would have to be dealt with at this time. There is no approval other than the existence of the three lots outside the footprint of the road way. This is consistent with what the developers have said they were going to do.

Christopher Smith reminded the board that the reason for doing the road first was to get the traffic off of Country Club Drive.

Andy Garrich with Generation Development stated that they bought in the road first because they committed to it because it was part of the Master Plan and the three lots are being cut by default.

Karen Gonzales asked the applicant how long it would take for the road to be completed.

He stated that it would determine how quickly he could get through the review and approval process. As soon as the preliminary plan is approved he will get the engineer start the construction drawing which will take a couple of months. It will take four to five months to go through the DOT process. Permits will go in the latter part of this year and it will be completed the early part of next year.

Burt Millette made a comment concerning the sewer plant. He has a problem with the plant being built in someone else’s backyard. The developer has an abundance of property to put the plant in a more centrally located place.

Several citizens were concerned that:

- 1) Stormwater, sewer, dust and air quality issues
- 2) curve in road that causes the headlights to shine directly on citizen’s house

Karen Gonzales asked the applicant to remember when he builds the road there are residences along the road and there will be a considerable amount of dust.

The applicant stated that putting down water to control the dust on a dry day is not unusual. There is no problem with adding a site and sound buffer on the citizen’s property just needs direction as to how much.

Burt Millette motioned to approve the request to put the road in upon condition that the developer comes back with a plan for a site and sound buffer at the curve where it starts at Country Club. Christopher Smith seconded the motion and the vote was unanimous 4-0.

Attorney Thurman stated that this condition would be added to the ones already in the Staff Report.

6. Development Agreement Public Hearing – The Pender County Planning Board will hold a public hearing on the draft Development Agreement for St. George’s Reach.

Attorney Trey Thurman stated that there had been some misconception on what the Staff had or had not done. There have been no negotiations in terms of anything Pender County will be getting out of the Development Agreement. Neither he nor the Staff has attempted it. There was an attorney that former Planning Director Raczkowski had retained to look at technical aspects of the agreement. There have been no efforts in terms as what Pender County get in some sort of trade off. Staff has done everything correctly in handling this matter.

Burt Millette said it would be nice if the board could have a workshop, discuss the items and blend them into the Development Agreement. He doesn't know enough at this point to discuss it.

Christopher Smith stated that there seems to be some confusion on items in the draft. He wants to hear what the public comments are. The developers have made presentations as to what they are planning to do. These are the type of things that should be spelled out in the Development Agreement.

Attorney Greg Henshaw prepared the Development Agreement, stated that he had sent the information in the agreement to the attorney retained by Pender County a few weeks ago and was hoping for some response so that he could continue.

Vice-Chairman Karen Gonzales stated that she would like to see specifics spelled out in the agreement so there won't be any confusion later on. There was agreement among the board members to this statement.

Burt Millette mentioned that there needs to be a workshop on the draft Development Agreement. This would consist of the Board Members, planners, and St. George's Reach representatives.

Other citizen comments concerned when road will be paved and the more specific the agreement is the better off everyone will be

Burt Millette motioned to table the discussion on the Development Agreement for thirty(30) days. This motion was seconded by Christopher Smith. The vote was unanimous 4-0.

7. Discussion Items

- **Discussion Items by Planning Board Members**
 - Attorney Thurman reminded the Board that the Public Meeting Room was going to be use for the next few weeks as a heads up when scheduling their workshop.
- **No Discussion Items by Planning Staff**
- **No Items for Discussion by Members of the Public**

8. Adjournment

Board Action for March 4, 2008 Minutes:

Motion: _____ Seconded _____

Approved: _____ Denied: _____ Unanimous _____

Reynolds _____ Gonzales _____ Garrett _____ Marshburn _____ Millette _____ Smith _____ Williams _____