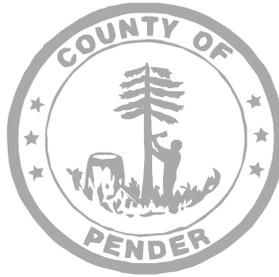


# Pender County Planning Department

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



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## MINUTES Pender County Planning Board Meeting April 7, 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:

Gonzales\_\_\_Garrett\_\_\_Marshburn\_x\_Millette\_\_\_Reynolds\_\_\_Smith\_\_\_Williams\_\_\_Newman\_\_\_

### 1. Election of Chairman:

**Motion for Kevin Reynolds:** Rick Garrett **Seconded** Burt Millette **Vote** 6-0

### 2. Approval of Minutes: March 4, 2008

**Motion** Burt Millette **Seconded** Chris Smith **Vote** 6-0

### Public Hearing

TOG Properties, LLC was moved up to first on the agenda.

Planner Kyle Breuer presented the case to the board.

3. **Zoning Map Amendment – TOG Properties, LLC**, applicant and owner, is requesting a rezoning of 1,532.11 acres zoned RA, Rural Agricultural and FA, Flood Hazard Area, to PD, Planned Development. The property is located between Sapps Road and Godfrey Creek Road, extending to Trumpeter Creek and Holly Shelter Game Preserve, Hampstead, NC.

Rick Garrett asked questioned for classifications of the surrounding properties. What type of building is permitted in Conservation II?

Conservation II has a limited net density (1 unit per acre) and residential development. Conservation I is stricter than II. Buildable area was not calculated for this project.

There are no public roads going through the property at this time, just the easements of Godfrey Creek and Sapps Road. The developers will meet with the MPO to discuss their proposals.

Board Members wanted to know if any preliminary discussion had taken place of not dumping this amount of traffic onto Hwy. 210.

Paul Clark, representative for the TOG Properties, stated that they are at the beginning stages of the project. They want to build a sustainable type development. They also want to work with the board and staff throughout the process. They do understand the interconnectivity issues not loading Hoover Road with excessive traffic.

John Bradish is concerned about the impact of the zoning change on the bypass. Three of the bypass alternatives appear to be directly affected by the land.

- changing from RA to PD will increase the density of traffic significantly on Hoover Road.
- will decrease the value of residents property;
- will impact the cost of the bypass in the millions, delay the progress of Hampstead
- premature to approve the zoning until the bypass has been selected

Eric Witback, Hideaway Shores, representative to the GGHA.

- This property cannot meet any of the Section 5 facts for rezoning.
- Eg. Conservation areas 1 and 2, wetlands
- To rezone a rural conservation area to PD would be contrary to the Pender County Land Use Plan.

In the Board discussion Rick Garrett stated if PD were allowed the board would have more control.

Chairman Kevin Reynolds stated that this is a unique situation because of the urban and rural growth area splitting the property. PD could only be one unit per acre.

A motion was made by Burt Millette to deny; seconded by Christopher Smith. Hiram Williams opposed the motion. The vote was 5-1 in favor of the motion to deny the request.

Board Member Hiram Williams stated that his reason for opposition was that there would be better control over the property if it were zoned PD. At this time it stands at RA (Rural Agricultural). The property can be cut one acre lots and run roads all through it all they have to do is met the guidelines that are currently available to them. This is probably not the kind of development that the county needs.

Attorney Thurman reminded the public that the BOC will hear this case on May 19, 2008.

Kyle Breuer presented the last case to the board for Duplin Land Development, Inc.

In January 22, 2008 the applicant's request to rezone 362 tract from RA to PD was approved by the BOC. Moore's Landing will utilize the central lake style approach. The intent is to create a large lake in a highly immunity community. Two options for wastewater treatment: (1)Secure land for an off-site system or (2) to build on site. It is undetermined at this time. Access to the subdivision will be provided via Blueberry Road, this will lead to the main entrance of the development. This is proposed to be a split road access through a gated entrance. All roads will be built to DOT standards and private. There is a fifty foot buffer on either side of the stream.

Burt Millette asked Attorney Thurman if there would be water capacity to serve this development.

Attorney Thurman responded by stating that they are going to build a minimum of a two million gallon facility. There will be water available throughout the county. The allocation will be determined by the Commissioners. There is no water reserved for this development. What and when this will be available is not something he can answer at this point.

- 4. Planned Development Master Plan – Duplin Land Development, Inc,** applicant, on behalf of Pender Properties, LLC, owner, is requesting approval of a Planned Development Master Plan consisting of 495 residential units on 362.44 acres. The property is located west of US Highway 421, just north of Blueberry Road in Currie, NC.

Mark Ashner with the CE Group is before the board with an actual proposed Master Plan for the property. There are no commercial activities proposed for the property other than the immunity structures that support the residents within the project. The numbers need to be transposed for the Villa and Estate lots. The Villa lot has a 5000 square foot minimum and averages 4-5 units to the acre and the Estate lot has a 14000 square foot minimum and is typically a half an acre. The plans are to install a community well with anticipation that it will support fifty to sixty completed homes before the well is taken off line. The primary intent is to locate the wastewater treatment plant on the property. The wastewater system will be owned and operated by a regulated utility through the states utilities commission rather than a homeowners association. They have done upgrades to Blueberry Road to be able to accommodate heavier truck traffic.

Burt Millette asked the applicant what he meant by adequate fire flow.

The applicant replied that the county water system will have high service pumps at the water plant and the pressure coming down the county transmission main will adequate for the development to have fire hydrants throughout the development.

Attorney Thurman stated that there would be no fire pressure to the hydrants since USDA funding is being used. USDA has told the county that they cannot provide pressure at urban fire fighting intervals as part of the system and use USDA's funding.

Rick Garrett asked how the water being pumped out will be handled.

There will be two points of discharge that will allow water to move down into an existing channel and will mimic the stormwater plan will ultimately have.

The temporary construction entrance will be closed as a construction entrance but it will become an emergency access entrance.

Hiram Williams reminded the applicant that the height for Pender County is 35 feet.

Chairman Reynolds opened the public hearing.

James Dixon, property owner, expressed concerns about the development going in adjacent to his property on Blueberry Road adjacent to the project.

- Value of property will be affected by marketability;
- Unsightly berms with no maintenance; could not find any information in the ordinance pertaining to berms;
- Type "C" buffer of 25' is used only between residential – he feels it should be a "B" buffer
- Run-off into the lake from pet waste, landscaping chemicals
- Streams on the property were altered. DENA will probably take jurisdiction of the stream next to his property
- He has a shallow well on his property. Project will affect his well, it will run dry, and ponds from the waste treatment that are next to his wells in the northeast corner from his well.

Chairman Reynolds asked Kyle Breuer to review the plan on the buffer.

Planner Kyle Breuer stated that the buffer proposed on the Master Plan is a Buffer “C”. He read the definition from the ordinance. “C” buffer is more stringent than buffer “B”. The berm is something that the developer will be putting in at his own discretion. There is no control over the height of the berm.

The developer addressed the board by stating that he had met with the Dixon’s and stated that they wanted to be good neighbors. If the Dixon’s don’t want a berm they don’t have to put a berm in. They would like to have a berm along Blueberry Road; they are not interested in trying to devalue Mr. Dixon’s property.

Hiram Williams asked if there could be a denser vegetative hedge.

Mr. Dixon will work with the developer prior to the preliminary plat review so that buffer will be agreed upon.

Rick Garrett mentioned that if there is a shallow well and at the time of dewatering this may affect the Dixon’s well. There are ways that the excavation can be done that would be protective of the well. He asked what the distance was between the infiltration pond and the Dixon’s property.

Attorney Thurman stated that in reference to dewatering in the past there have been requirements with Special Use Permits and it would be appropriate if the board wishes to consider it. A bond needs to be posted to cover the cost of drilling a new well.

Chairman Reynolds stated that he was a little disappointed in the fact that the density had increase from the original presentation to the board.

Karen Gonzales asked why the increase in density after the Board had made their recommendation and expected the developer to follow it.

Rick Garrett mentioned that there is inconsistency with the LUP which is 1 unit per acre.

Hiram Williams made the motion to accept the P.D. plan with the 1.2 unit density; seconded by Rick Garrett. Garrett, Smith and William were in favor of the motion. Millette, Gonzales and Reynolds were in opposition.

Chairman Reynolds asked for another motion. Karen Gonzales made the motion to accept the proposed development with a density level of 1.1 instead of the 1.37. Burt Millette seconded the motion. The vote was unanimous 6-0.

The developer will need to resubmit a revised Master Plan to Staff with the corrected calculation of 1.1 density.

## **5. Discussion Items**

- **Discussion Items by Planning Board Members**

- There is no draft Development Agreement from St. George’s Reach to discuss.

Hiram Williams asked when and how did the Development Agreement come into play.

Karen Gonzales remarked that St. George’s Reached initiated the procedure.

Attorney Thurman stated that there was a presentation by a lawyer and presented as a way to address some of the issues. At the time; since, there were concerns about the development this was looked at as a way to look at things that weren't getting addressed at the Master Plan stage because the Master Plan is development at elevation. The numbers of lots and streets have not been laid out at this point. The Master Plan stated the density and the kind of structures in general terms. If no agreement is reached, St. George's Reach can proceed under the existing ordinance and existing Master Plan. Putting the road in was a condition that the developers agreed to with the Board of Commissioners concerning traffic being dumped on Country Club Road.

- **No Discussion Items by Planning Staff**
- **No Items for Discussion by Members of the Public**

**6. Adjournment**

**Board Action for April 7, 2008 Minutes:**

Motion: \_\_\_\_\_ Seconded \_\_\_\_\_

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Unanimous \_\_\_\_\_

Reynolds \_\_\_ Gonzales \_\_\_ Garrett \_\_\_ Marshburn \_\_\_ Millette \_\_\_ Smith \_\_\_ Williams \_\_\_