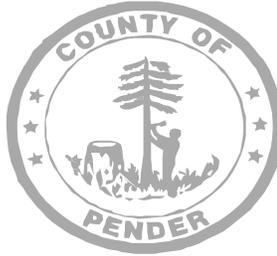


Pender County Planning Department

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

August 7, 2007

7:00 p.m.

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

I. Call to Order: Vice-Chairman Kevin Reynolds

II. Roll Call: Vice-Chairman Kevin Reynolds

Pender County Planning Board Members:

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

III. Approval of Minutes: July 10, 2007

Motion: Karen Gonzales Seconded: Christopher Smith Vote: unanimous
Bert Millette mentioned that on the discussion of Planning Board Members, he had made a presentation on Hampstead overlay and asked it be added to minutes.

IV. Ralph Kays, Pender County Code Enforcement Officer, did a slide presentation on current code enforcement issues around the county which included junked cars, trash in yards, and signs in violation. He also mentioned the number of increased calls of complaints that he has received for the pass year, how many cases have been solved and approximately how many had been turned over to the county attorney.

Joey Raczkowski, Pender County Planning Director, presented a discussion on overlay districts stating that an overlay district is a covering over what is already in place. Having an overlay district will not get rid of the existing activities but it will make the new rules easier to enforce.

Director Raczkowski had been asked to put together a presentation to disseminate proper information and educate everyone on the concepts of Overlay Districts. This presentation was given to the Board of Commissioners at a workshop. It's all concerning the use of land. In order to achieve objectives there needs to be a systematic way of achieving them. This is a method that is worked out in advance. Planning for communities all comes down to land use planning, the Planning Board recommends to the Board of Commissioners, which is public policy, on how to regulate the land use in Pender County. It does encompass a wide variety of disciplines and seeks to order and regulate the use of land in an efficient and ethical way. The planning process always has to continually pursue the public interest.

The citizens do have rights to participate in the planning process. In Pender County the citizens have ample opportunity to express their views. The Staff strives to give the citizens and Board good and accurate information and educate the public. Planning does strive to expand choice and opportunity for all persons recognizing a special responsibility to plan for the needs of disadvantaged groups and persons. One needs to think about how this will affect the county in the future when looking at land use and making decisions. It is beneficial to plan because it protects the quality of life; protects private property investments, promotes a clear vision of the future and bonds the community together with a common goal. Good planning encourages and supports strong economic growth for the county and nation. There has to be a balance in planning between art and science. There are three levels to meet the balance (1) identifying what you have - which is the existing Land Use Plan in the county by category (2) identifying what you want - is the Future Land Use Plan which is in part the CAMA Land Use Plan; the county does not have a comprehensive land use plan and (3) then enact the goals, policies, objectives and regulations in order to achieve them.

An Overlay District attaches to underlined regulations that are already in place. It is not a district in itself that operates by itself; but, attaches to the current regulations. It is created by the local legislator (Board of Commissioners) at the Planning Board's recommendations. They are to identify special resources or development areas and adopt new provisions that apply in that area in addition to what already exists in the countywide ordinances.

Overlays are proactive and they guide future development. They cannot fix what has already happened. They can address it to a certain extent but cannot go in and force existing development to comply with new standards. Only in the case of redevelopment or new development can overlays be effective. They can be along an intersection, park, highways and entire neighborhoods. They do cross zoning classifications anywhere additional regulations are needed.

Vice-Chairman Kevin Reynolds introduced the first subdivision review.

Planning Director Joey Raczkowski reviewed the case with the board.

V. Subdivision Review

- 1. Arbor Park, Preliminary Plat Review – Mark A. Stocks**, applicant, on behalf of Dal-Jones Investments, LLC, owner, is requesting Preliminary Plat approval for Arbor Park. The subdivision consists of 90 lots on 93.37 acres. The property is zoned R-20, Residential District and is located on the east side of Chesire Road in Rocky Point, NC.

Director Raczkowski stated that the applicant plans are for 20,000 square foot lots, there are 8 acres of open space which meets the open space requirement. A HOA will be established and there will be private roads constructed to DOT standards. An onsite wastewater treatment plant will be constructed. Individual septic and well will be installed at this time. This is a by-right subdivision.

Vice-Chairman Reynolds asked if this subdivision has access to get to Highway 133.

Planners stated that there was nothing on the plat to indicate access.

Rick Garrett asked if part of the property was in a conservation area. Does the Staff know if portions of the lots that are shown from site 65-75 have enough useable space?

Vice-Chairman Kevin Reynolds asked if the applicant had a proposed site for the wastewater treatment plant.

Mark Stocks, land surveyor, stated that they were working in the preliminary stages with the soil analysis. They have decided not to do individual septic tanks but a collection system and try to dispose of sewage on site. The soil structure is too tight to handle septic tanks. The county has no water so they have to do individual wells.

Planning Director Raczkowski asked Mr. Stocks if the wastewater treatment site would affect his layout of the subdivision.

He replied that it would. They will be using portions of the lots on Trail Mark Road and Smallwood Court which consist of Lots 23-25, 26, and 28.

Chairman Reynolds stated that he thinks the subdivision need to come back before the board because they are too many changes on the preliminary. He stated that the design was an issue and doesn't see how the Board can approve it is because there are major lot changes.

Attorney Thurman stated that there is a limit on what they can show because it depends on the nature of what sort of wastewater management facility they use. A wastewater treatment facility would require a SUP and there is no way to show that with certainty.

Mr. Marks stated that this is a drainage field not a package plant. They are working towards getting a drain field on the project. They cannot get a discharge permit on this particular river basin.

Planning Director stated that if Mr. Marks was going to use on site drain field applications then they would not have to have a SUP and he apologized to the board for the mistake. He moves towards recommendation based upon them using the on-site septic fields. If they go to an individual package plant that would take in lot acreage, then the condition would be that it comes back before the Planning Board for reapproval for the subdivision.

Vice-Chairman Reynolds stated his other concern was only one way in and out of the subdivision. This is a congested intersection and a very small road. If the entrance gets blocked there is no way for a fire truck or ambulance to get into the subdivision.

Mr. Marks stated with this being a private community they are trying to limit the access. They are providing connectivity between lots 42 - 43, and lots 37 - 38.

Bert Millette asked why there were private roads and if all of the lots are not sold who will maintain the roads.

Rick Garrett stated that he would like to know how much of this is going to require either off-site septic or if they don't have to put in a wastewater treatment facility, if they have to set aside a certain amount of property for community drain field, this is information that would be good to know.

Christopher Smith motioned that the board approve the request for the by-right subdivision; Rick Garrett seconded the motion. The vote was 5-1. Gonzales Smith, Garrett, Marshburn, Reynolds for and Millette opposed.

Chairman introduced the next case to the board and turned it over to the Planning Director.

Planning Director Raczkowski gave a short introduction to the case from the Staff Review. All lots are to be served by county water and the roads are to be public. Staff recommends approval subject to all regulations and conditions noted on pages 2-6.

2. **Avenel, Preliminary Plat Review – Sherwin D. Cribb**, applicant, on behalf of Johnson-Lee-Newkirk, LLC, owner, is requesting Preliminary Plat approval for Avenel. The subdivision consists of 12 lots on 10.23 acres. The property is zoned R-20, Residential District and is located on the south side of Johnson Lee Road, north of Burgaw, NC.

Vice-Chairman Reynolds asked if the collection site for the twenty-five bedrooms was adequate.

Bert Millette asked if the twelve homes would be adequately served with a septic system for twenty-five bedrooms.

Mary Ellen Dunnsmore, employee for Sherman Cribb, representing Johnson Newkirk stated that there are three leaching type systems that will service twenty-five bedrooms each. They are going to use two (2) systems of twenty-five to service fifty bedrooms total.

Burt Millette moved to approve the Preliminary Plat for Avenel. Richard Garrett seconded the motion. The vote was unanimous.

Planning Director Raczkowski explained that this is the same tract that was split vote to recommend approval by the Planning Board and it was denied by the Board of Commissioners to rezone this property to PD(Planned Development). The applicant has submitted the subdivision with 10(ten) lots. This is a by-right subdivision.

3. **St. George's Reach, Phase I, Preliminary Plat Review – Southwind Surveying & Engineering**, applicant, on behalf of Country Club Road Assemblage, LLC, owner, is requesting Preliminary Plat approval for St. George's Reach, Phase I. The subdivision consists of 10 lots on 13.5 acres. The property is zoned R-20C, Residential Conventional Housing District and is located along the Atlantic Intracoastal Waterway, south of Country Club Road, in Hampstead, NC.

Vice-Chairman Reynolds asked who is going to retain ownership of the open space.

Don Hamilton stated that there will be an individual well on each lot. Intracoastal Drive had already been consumed so if the interconnectivity is approved Sound View Drive will be extended. The Homeowners Association will have ownership of the open space.

Attorney Thurman reminded the Board that they are only to consider what was before them tonight. They could not ask questions on future development.

Karen Gonzales made the motion to approve the Preliminary Plat Review for St. George's Reach, Phase I. This was seconded by Rick Garrett. The vote was unanimous.

The following case was tabled until the applicant would be present to answer questions.

4. **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 TABLED 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.

VI. Public Hearing

Vice Chairman Kevin Reynolds opened the public hearing with Belvedere Plantation.

Planning Director Raczkowski stated at the last meeting the Board wanted to see the total number of lots reduced, the lot size increase and to look at setbacks issues. The lots have been reduced from 8 -6. The setbacks will be consistent with the Pender County's Zoning Ordinance. They have completed the request of the board.

1. **Belvedere Plantation, PD Master Plan and Preliminary Plat Review – Withers & Ravenel**, applicant, on behalf of Jack Broadbridge, owner, is requesting approval of a PD Master Plan and Preliminary Plat for Belvedere Plantation. The plan consists of 8 lots on 5.90 acres. The property is zoned PD, Planned Development District and is located on Fairway Drive, off South Belvedere Drive, in Hampstead, NC.

Item tabled from the July 10, 2007 meeting

The attorney for the applicants stated that the lot sizes have been reduced. The restrictive covenants states what the lot sizes are. They have met the request of the Board.

Attorney David Morrison for Belvedere Homeowners Association stated that the Association is still in opposition of the review because they feel that it is incompatible for this section and will have a detrimental impact on Belvedere.

George Myer gave a presentation and passed out to the board copies of a counter proposal for not wanting the additional lots in Belvedere Plantation.

Following a lengthy discussion among the Planning Board Members Bert Millette made the motion to deny the request; seconded by Christopher Smith. The vote was 4-2 to deny the participant.

Vice-Chairman Reynolds introduced the last case.

2. **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.

Planning Director Raczkowski stated that this is a speculative rezoning the developer does not have any concrete plans for development at this time. The Land Use Plan identifies this as an urban growth area with would support business type development.

Mr. McGee spokesperson for the Cravens stated that they owned most of the property across the back of the site. They do live near the Hwy 17 Corridor and there is commercial property near by. Its easier to market the site as commercial than residential. There are several businesses along this corridor.

Christopher Smith motioned to table the request until the applicant could meet with the Staff to decide what the best avenue would be to go. Richard Garrett seconded the motion and the vote was unanimous.

VII. Discussion Items

1. Discussion Items by Planning Board Members

-Consider doing overlay for Rocky Point

2. Discussion Items by Planning Staff

-Moving forward on selecting a firm for countywide Stormwater Program.

-Made a visit to Brunswick County to see their junk car demolition program

-Preliminary research on Technical Review Committee will met with a consultant

-Overlay District for Hampstead

3. Items for Discussion by Members Of The Public

VIII. Adjournment