



MINUTES

Pender County Planning Board Meeting
April 7, 2009
7:00 p.m.

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

Call to Order: Chairman Reynolds

Roll Call: Chairman Reynolds

Pender County Planning Board Members:

Reynolds ___ Garrett ___ Marshburn ___ Millette ___ Smith X Williams X Newman X

1. Approval of Minutes: March 3, 2009

Motion: William Marshburn

Seconded: Burt Millette

Vote:4-0

Planning Director Patrick Davenport introduced new Planning Board Member Malcolm Boney.

Subdivision Review

Planner Kyle Breuer presented the Trenney Lea Major Subdivision case to the board.

- 2. Trenney Lea Major Subdivision, Preliminary Plat Review** – Kenny Eason, applicant on behalf of Legend Builders owner, is requesting revision of the Preliminary Plat approval for Trenney Lea Subdivision. The major subdivision consists of revising the 10 approved lots to 20 lots on 76.72 acres. The property is zoned R-20 Residential District and the subdivision is located along the west side of Hoover Road, approximately (1/4) mile south of the South Topsail Elementary School in Hampstead.

Trenney Lea Subdivision received Planning Board approval on December 4, 2006 and final Preliminary approval through Staff on January 10, 2008. With the property being located next to South Topsail Elementary the school board would like to see bicycle and pedestrian access. There was discussion from a previous meeting with the recommendation that Renee Drive be utilized as a collector street prior to the collector street plan. If approved all state and federal permits will have to be amended to reflect the increase in lot numbers and a letter of compliance be submitted to the Planning Department.

Burt Millette asked if the recommendation from the Planning Department would be continuant upon the adoption of the MPO for the extension of Renee Drive.

Planner Breuer stated that recommendation is based on recommendation. The Staff would like to see this constructed as a public road eventhough it is not mandated. Previously when the recommendation came through, the MPO plan was not in place.

Burt Millette stated if it is not a public road, then the responsibility will go to the twenty home owners to maintain what is in effect a connector road.

Kyle Breuer remarked that the Staff goes with the adopted plans and the recommendation from that plan would be that the main road serving Trenney Lea would be dedicated as public with the reserve for future connection to adjacent property owners so that the connection between Hoover Road and NC 210.

Chairman Reynolds asked Planner Breuer which of the lots were going to be revised.

He replied that from the final preliminary that was approved by Staff in June. This is basically splitting some of the four and five acre lots. Lots 15 – 20 went from three lots to six lots; lots 1-3, 4, 5, & 6, are what use to be lots 1, 2, & 3. There is a division of the open space where lot nine (9) is located. The open space was 2.07 acres with the revision it is now 1.8 acres. The open space is still in compliance.

Rick Garrett asked of the open space that is left, is any of it usable?

Planner Breuer stated that he had not checked to see how much of the space was usable.

Kenneth Eason, developer/owner for the project, stated that two years ago when he started the project he came before the board they spoke of the MPO right-of-way and wanted to connect Hoover Road into NC 210. The board at that time agreed it would be better to connect Renee Drive into Hwy 210 than to try and go through property that he pointed to on the screen. Even though he is dividing the property from 10 acres to 20 lots it still considered low density and a total of seventy-five (75) acres. Approval from the stormwater runoff revision should be no problem. He asked the board if they wanted to go back now and try to make this a public road.

Burt Millette asked Mr. Eason if Renee Drive existed at this time and in what capacity; public or private.

He replied that it was a private dirt road.

Mr. Millette asked who owned the private road?

Planner Breuer stated that he did not research the ownership. There is a possibility it could be an easement with rights going to the property owners.

Chairman Reynolds asked the applicants if there would be a problem getting septic tanks on the lots. He noticed a bit of wetland delineation and it seems to be very marginal. He asked if there was a dedicated easement going to lot 6; he said that it needs to be marked on the map and there needs to be access to the open space located at the back of the property.

Planner Breuer reiterated for school access the Staff would like to see atleast a ten foot pedestrian easement, so someone could legally walk to school and be safe as possible. The school board would like to see the access where is located now, he is not sure if it really matters. The legal access is the important thing. A meeting will be arranged with the school board and Mr. Eason.

Mr. Eason will supply an easement.

Chairman Reynolds asked Board Member Boney if he was comfortable voting on this item.

Mr. Boney remarked that he did understand everything that was said but chose not to vote.

Chairman Reynolds made the motion to excuse Mr. Boney from the vote; seconded by William Marshburn and the vote was unanimous.

Burt Millette motioned to approve the request with the stipulation that Trenney Lea Drive be provided as a right-of-way; with sufficient space to allow DOT standards to be met in the future. A bicycle and pedestrian right-of-way be provided after consultation with Staff and Board of Education and meeting all other staff conditions.

Seconded: Rick Garrett

Vote: Millette, Marshburn, Garrett, Williams

Chairman Reynolds opened the public hearing.

Planner Kenneth Vafier presented the case to the board.

Public Hearing

- 3. Master Plan & Preliminary Plat** - ESP & Associates, applicant, on behalf of Dave Hoover of Carolina Coast Properties, owner, is requesting an amendment to the Master Plan of Pinnacle Ridge. The request is to add 7 lots to the already approved plan. The property is located along the west side of US Highway 17, across from Sloop Point Loop Road, in Hampstead, North Carolina.

The request will add 7 lots making a total of 75 lots from the 68 that were approved in 2006. The new lots vary in size from 28000 – 58000 square feet. The revision will remove 5.65 acres of open space from the previously approved 71.65 acres. Fifty-one percent is preserved as open space.

Burt Millette asked if any of the seven new lots had been sold.

Chad Rivers, applicant, stated that sixty-one percent of the project is open space. This exceeds the fifteen percent requirement. Gross density is 5.8 and not a dense development. He said that one of the lots has been sold and the owners met with the person and do not have an issue with the lots being constructed across the street from them. This is lot 50.

Jim Verteramo, resident of Quarter Horse Lane said it was wrong for a developer to sell land that has woods across the way and then proceed to attempt to put in houses. He had a letter from the owner of lot 50 stating that he was in opposition to the new houses going up.

Attorney Thurman stated that these procedures were not quasi judicial, was presented a letter, of whom he said he could not confirm or deny its verify, he then read the letter to the board, from the property owner of Lot 50. He read the letter for the record and they will get verification if the property owner did write the letter.

Mr. Verteramo stated that the leach fields were not discussed in the previous presentation to the board. Was the subject of off-site septic leach fields. Detailed plans to this type of system must be included and they are not. The leach field is located behind his property. The water quality will jeopardize the water quality of his cat fish pond which is a source of food for his family. Mr. Hoover gave his word that a fifty-foot buffer would be maintained as a natural area. Trees will have to be cut down in order to maintain the leach fields. The constructed berm is not shown on any reports. Developer has not complied with the conditions of approval legal easement onto Quarter Horse Lane. In 9-12-06 Mr. Bradshaw stated that he would speak to the property owners and inform them of the conditions and what the county was trying to achieve. Quarter Horse Lane is a privately owned road and the homeowners pay taxes and maintain it. This emergency easement is deemed not suitable by the local fire department. Currently through traffic is using the road for construction vehicles and local traffic coming and going from the Second Wind Gym. The easement at the end of Quarter Horse Lane is not being maintained for emergency vehicles.

Director Patrick Davenport did confirm that John A. Martinelli was the resident at lot 50 and he did write the letter in opposition to the new development taking place.

There were several other citizens speaking concerning the same matters of the easement and flooding in this development. Water stands when there is a hard rain. There is a concern about well water.

A rebuttal was done by the applicant to the comments. He did not know of the letter from the homeowner stating that he was not happy with the new development going in front of him. There will be a buffer between the drainfield and Mr. Verteramo's property. The state requires this buffer to be in place. The berm that was discussed was built at the request of the neighbors but the berm can be removed if they are not happy with it. Mr. Hoover would be more than happy to gate the emergency drive-through.

The Planning Board recommended that the gate be approved by the fire department and EMS.

Motion: Burt Millette to deny the seven lots

Seconded: William Marshburn

Vote: 4-1

Planner Kyle Breuer presented the next public hearing to the Planning Board.

4. **Zoning Map Amendment** - Barbara R. Daniels, applicant and owner, is requesting to rezone one tract, totaling ±1 acre, from I-1, Industrial District (Light), to R-20 C, Residential District (Conventional). The property is located at 209 Sloop Point Loop Road, Hampstead, N.C. and can be identified as PIN # 4204-74-7049-0000.

He stated that the adjacent property owner had requested the extension of the district to his property and it was granted.

Barbara Daniels, applicant, stated she was not notified that her property was being rezoned in 2003. She just would like to have the original zoning restored.

Attorney Thurman explained the mailing procedure to her and why she may not have gotten a letter; but it was advertised in the local papers.

Motion to approve: William Marshburn

Seconded: Rick Garrett

Vote: Unanimous

Planner Ashley Frank presented the case before the Planning Board.

5. **Zoning Map Amendment** - Kevin O. Mills & J.F. Larsen, applicants and owners, are requesting to rezone three (3) tracts, totaling 6.46 acres from RT, Rural Transitional District, to B-2, Business District (Highway). The property is located on the western side of US Hwy 17 N, across from Royal Tern Drive and may be identified as PIN #'s 4215-33-2329-0000; 4215-23-9366-0000; and 4215-23-2795-0000.

J. F. Larson, applicant stated that they were trying to streamline and be uniformed.

Chairman Reynolds stated that he was not going to change his previous vote. He is looking at the situation long term with the request property backed up against a residential area.

Motion: Burt Millette to approve

Seconded; Malcolm Boney

Against: Kevin Reynolds

Vote: 4-1

Discussion Items

- **Discussion Items by Planning Staff**
 - Updates on Comprehensive Land Use Plan and UDO projects
 - Short updates on C:LUP/UDO projects
 - Next CLUP Meeting to be held on April 15 @ 9:00 a.m.
- **Discussion Items by Planning Board Members**
 - Meetings will probably pick up to two a month later in the summer.
- **Discussion Items by Members of the Public**

Board Action for April 7, 2009 Minutes:

Motion: _____ Seconded _____

Approved: _____ Denied: _____ Unanimous _____

Reynolds ___ Garrett ___ Boney ___ Marshburn ___ Millette ___ Smith ___ Williams ___

Adjournment