



**MINUTES**  
**Pender County Planning Board Meeting**  
**May 5, 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\_\_\_Boney\_\_\_Marshburn\_\_\_Millette\_\_\_Smith\_\_\_Williams\_\_\_Newman X

1. **Approval of Minutes:** April 7, 2009
  - a. **Motion to approve:** Hiram Williams
  - b. **Seconded:** William Marshburn
  - c. **Vote:** 7-0
  
2. **Presentation of DRAFT recommendations for the Topsail Area Comprehensive Transportation Plan**

Tyler Bray with the North Carolina Department of Transportation - Planning Branch gave a presentation of the next thirty years in the Topsail area, taking care of all the transportation efficiencies throughout the area with this plan, including highway, pedestrian, and bicycle. There is a pedestrian element from Surf City included in the plan. He briefly presented some of the major recommendations. The major facilities are going to be US 17, NC 210, NC 172, and NC 50. Tonight he is just looking for the okay so this can be taken before the Board of Commissioners. Once okayed by them it can then go to the public. There will be four involvement sessions, one in each of the four municipalities on June 10 & 11 in their specific towns. There has to be a freeway from North Carolina to South Carolina along US Hwy 17. There are restrictions as it travels through the Holly Ridge area. The CTP visited nine different alternatives for what could be done for Hwy 17. Impacts have been minimized as much as possible. There are two interchanges that will need to be built. One at existing Hwy 210; the interchange will not adversely affect the existing development that is there. It will be moved to a new location to be determined at a later date. On the northern side where NC 210 comes back into US 17, where the school exists there would be another interchange eventually put there. As Onslow County starts and continues their development with their CTP they will be doing recommendations for that area. It is recommended that NC 210 from existing US 17 down to where the bridge starts will be improved be a four lane divided facility. There will be a change once you get into Surf City. Hwy 210 turns to the left and follows North New River Drive. As a part of this plan the proposal is to take Hwy 210 along Roland Avenue to where it intersects

with New Topsail Drive and at the existing intersection, replace the existing traffic signal with a roundabout and then reroute NC 210 along Topsail Drive where Topsail Drive and North New River intersect; put another roundabout and continue NC 210 on towards North Topsail Beach. Surf City is in favor of this proposed plan.

Hiram Williams asked if the roundabout in Surf City was going to be a major undertaking.

Mr. Bray stated with these recommendations as they are now will not take any buildings but will fit in the existing right-of-way. Ocean Isle Beach has replaced the same road alignment.

Rick Garrett stated that the Holly Ridge bypass is not given much room for expansion and why wasn't it carried out further on Hwy 17.

Mr. Bray stated that what is not shown on the maps is the Holly Shelter Game Lands. There are two training air strips that are north of Holly Ridge that Camp Lejeune uses for parachuting and aircraft carrier training. They would not support any recommendations that would go north or between the two strips. Holly Ridge would not support anything to the south. This is where all of their planned growth is directed.

He stated that because there is no more public access on Hwy 172 as it goes into Camp Lejeune, DOT has stopped providing those maps until they come up with a recommendation to change or make the route official again, its off the books. The plan has extended the section that goes through Sneeds Ferry and continues along NC 210 and will make any necessary improvements. Major recommendation for the bike map, has started in Pender County and Surf City of protecting the right-of-way along the power line easement. This goes through the entire planning area. This is an eight(8) foot wide paved path for anything that is off road and only used for bikes or pedestrians.

Malcolm Boney asked if any environmental concerns came to his attention during his study.

He answered that the only thing looked at specifically on a new location was the US 17 bypass. Any other widenings that were proposed on this plan, environmental impacts were not looked at.

There was unanimous approval from the Planning Board to take the presentation to the Commissioners.

### ***Subdivision Review***

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

- Schoolview Major Subdivision, Preliminary Plat Review (Revision)** - Southwind Surveying and Engineering applicant, on behalf of Scott Gerow, owner, is requesting revision of the Preliminary Plat approval for Schoolview Subdivision (formally known as Scott Gerow Subdivision). The revision would include off-site septic systems to be installed within the area approved as open space. The property is zoned R-20 Residential District and the subdivision is located off of NC Highway 133, across from Cape Fear Elementary School, in Rocky Point, NC.

During the Preliminary approval phase done in June 2007 there was an approval for 21 lots. Some of the conditions attached by the Planning Board were (1) that all utilities would be underground, (2) all lots

would utilize individual septic systems, (3) streets would stub out for future interconnectivity; (4) one driveway permit would be issued for the entrance and open space would equal 3.53 acres. The amended plan is for off-site septic systems. Recess Lane and Schoolview Drive will stub out to provide future connectivity. The subdivision ordinance does not specify off-site fields which would encompass the open space.

Hiram Williams wanted to know why the change and why it is coming back to the Planning Board.

In June 2007 the Planning Board approved on-site septic. When the Staff evaluated the plan it was discovered that the off-site septic was being used and a STOP WORK order was issued. The application is being presented tonight to get approval for the off-site system.

Linwood Jones, Southwind Surveying and Engineering, spokesperson for the project stated that the open space requirement has been met. The soils have been tested and the septic system design has been submitted to the Health Department.

Rick Garrett asked if there was not an issue that when the board originally looked at the plan the sites were going to be on-site and now they are off-site.

Mr. Jones stated that it depends on the terminology. In his opinion based on his experience it still is on-site. **It is** on the subdivision site.

Chairman Reynolds stated that when the project first came to the board the plan was to have a septic system on each lot.

Mr. Jones stated that he presented to the board a subdivision with twenty-one (21) lots.

Chairman Reynolds replied that it was reported that each lot would have on-site septic system which to him means that the system is built on the lot that the house is built on. If this was the intent from the beginning it should have been on the original submission rather than call it open space.

Linwood Jones stated that the soil was not tested before the Preliminary Plat was presented.

Chairman Reynolds said that his concerns were for lots 1 and 21 that someone will be buying a house that has three septic tanks fields located on it because at some point they will have to be serviced. He asked if the drain fields would be deeded with the lots or be owned by the HOA.

Mr. Jones answered that all the drain fields would be owned by the HOA. The easement will be assigned to another lot but will be owned by HOA.

Burt Millette asked if the lines from each lot are going to run to the open space, are they going to cross other lots.

He replied that the lines are running in an easement to the back of the lot along the property line, the western and eastern line. The pipes are in a common ditch with one (1) foot separation between them with magnet tape to make it easy to locate.

Chairman Reynolds told Linwood Jones that this was his Final Preliminary Plat and if there are easements or anything that is going to belong to the HOA and how they are going to be tracked to the open space to do the drain fields it should have been on the plat. Some sort of easement is going to have to be placed on the plat. He cannot personally approve the plat without all the information on it for the board to make sure that the board is not doing something it is not suppose to do. The overall design is poor.

Hiram Williams stated that there was no lot size designation on the plat. He would feel more comfortable knowing that there is adequate easement space for a machine to enter and turnaround for repair.

Rick Garrett stated that the map from June 2007 had the information.

Malcolm Boney said that he did not see the Built Upon Area percentage. The concentration of the drain fields are considered like concrete. He would like to know what the percentage for the houses, streets and others combined is. The higher the density the more the concentration of contaminates and pollutions.

Brief discussion among the board to decide on the additional information needed.

Rick Garrett stated that the alternatives were to: 1) approve the plat. 2) table it (give the applicant clear instructions as to what the board wants to see); or 3) deny it.

Chairman Reynolds asked if the board wanted to table the request or give him some direction.

Burt Millette stated that he would like for the developer to be given instruction through the Staff. The Staff can work with Mr. Jones and bring it back in thirty or sixty days.

Chairman stated that he would be willing to meet with the developer and staff to bring the concerns and try to find a solution. He asked Planner Breuer to invite Harry Lewis Environmental Health to the meeting to get more clarification.

Rick Garrett wants to make sure everyone is in agreement with the items of concern so when the developer returns it will be clear. If Environmental Health is pushing this, why? Some of the density can be reduced and therefore reduce some of the spacing as well. If the density was the front, it would be better.

Planner Breuer explained what the situation was. He said that after the Planning Board approval, all the permits have to be submitted, submit the revised plan, and then the Planning Staff signs off. In this case the developer received permits and did not return to the Planning Department to get the plat signed off. It was noticed that construction was taking place without a signed preliminary plat. They had been working with Environmental Health and not the Planning Department which lead to no communication between the departments. Planning did not know this was going on.

Burt Millette made the motion to table the request until the July 2009 Meeting, seconded by Rick Garrett. The vote was unanimous 7-0.

## ***Public Hearing***

Planner Kyle Breuer presented the next case to the Planning Board. The proposal will take place on 14.71 acres which will hold coastal events such as but not limited to concerts, rodeos, carnival rides, skilled challenges, children's play area, concessions and vendors. The hours of operations will be limited to dusk and held twice monthly.

4. **PD Master Plan/Change of Use** – John Grim, applicant and owner, is requesting a change of use from Garden & Landscape Plants & Supplies to Indoor & Outdoor Recreation Establishments, Privately Operated. The property is located along the west side of U.S. Hwy 17, approximately 1/8 mile south of the Belvedere Plantation Subdivision entrance or Long Leaf Drive (S.R. 1675), Hampstead, North Carolina. The property is currently zoned PD, Planned Development and may be identified as PIN # 4204-21-9305-0000.

Malcolm Boney asked Kyle Breuer to reiterate for him again concerning the traffic on some of the things that will be done potentially that will limit the amount of increased congregation on Hwy 17.

The process will require an engineered plan which will show capacity and vehicles and basically this plan will be sent to the NCDOT for their engineering expertise and review. A driveway permit will be issued according to the submitted plan. The county will not give a final approval until Staff has a State Permit in hand.

With the services and used are temporary. The porta-potties will need to be removed at the end of the events. Any construction of stage and booths will need to be removed also. A scaled site-plan will need to be reviewed.

John Grim, applicant and owner of property classifies the project as an event facility or park. It has been a nursery for years and once all the nursery accoutrements are out it will be graded off and eleven(11) acres of grass will be planted and there is an existing road going through the property. This event will be seasonal, during the warmer months. Noise from concerts will be directed away from the neighbors of Belvedere and families across the street.

In summary several citizens spoke on the same concerns of:

- (1) ingress, egress,
- (2) traffic, traffic, traffic's major problems,
- (3) the alcohol beverages with there being schools and churches near by;
- (4) there is already a paint ball park in Hampstead;
- (5) noise;
- (6) issue of litter;
- (7) overflow of parking;
- (8) will be hard to stop activities at dusk(7:00 p.m.)
- (9) none of the three(3) developers live in the Hampstead area;

Chairman Reynolds stated that this does not meet the requirements of a Master Plan submission. It's a concept drawn on a piece of paper. There are applicants that spend thousands of dollars to bring in professional map for submissions of Master Plans Review. There is not drainage shown, no mention of how to get in or out, the parking is inadequate, bathroom, beer tent and stage problems. The type of establishment that he wants to have is not suitable for Hampstead. There are other places in Hampstead

where events can be held. The school is open to certain events.

Burt Millette stated that the board is not sure of what they are being asked to approve because the applicant is not sure how many times he will hold the events, whether twice monthly, once weekly, Saturdays or Sundays, there are a list of items but are not limited to. Not clearly defined enough. Would not approve as submitted there are too many questions.

Mr. Grim stated that it would be hard for him to depict what each event is going to do. Each event will have its own footprint so it will have to be arranged accordingly. Everything would be mobile and would change with each event.

There was a lengthy discussion from the board concerning the concept of the applicant's request of not having the details that are required.

Burt Millette made the motion to deny the application, seconded by William Marshburn. The vote: Millette, Marshburn, Reynolds, Garrett, and Boney in favor of denial; Williams and Smith against.

## 5. Discussion Items

- **Planning Staff**

- Comprehensive Land Use Plan

- Review of outline for Policies

- *two items to consider in order to forward to BOC (and outline format of Land Use Plan Policies, broken down into ten(10) broad issues which will be broken down into more detailed sections.)*

- *Committee has a positive recommendation on format and outline*

- *Meeting on May 19, 2009*

- *Want approval on format from the Planning Board*

- *Infrastructure and community services will include any services that the county offers.*

- *On track to get the CLU-Plan adopted in January 2010*

- Road Show Schedule

- *Community meetings to gather public input*

- *Statements to have citizens make comments on*

- *Need to get approval from the BOC on road schedule on 5-18-09*

- *Will not have the same display at every meeting.*

- *Dates are not set in stone*

- *Open house in October*

- *Planning Board Member to attend meeting in their area*

- *Drop Penderlea and add Rocky Point to the schedule – these will be evening meetings.*

- Unified Development Ordinance

- Review of Articles 1, 2, 11 and 12

- *subdivision audit under way*

- subdivision revisions come back to Planning Board
- add subdivisions/Major
- sample of completed Master Plan with all details in June

- Application and Development review flow chart
  - description on how the flow chart will work
  - Planning Board would like to see **Final Draft**
- Table of Uses-Existing ordinances using NAICS
  - sample table of Permitted Uses in NAICS format
  - broken down in sectors

- Planning Board meeting locations
  - - Meeting should remain at the county seat (Burgaw)
  - Conditional zoning will be held in district of request
- Comp Plan and UDO Committees-attendance update
  - Sam Harrell has to resign from committee
  - Next meeting May 19, 2009

- **No Planning Board Members**
- **No Public Comment**

**6. Adjournment**

**Board Action for May 5, 2009 Minutes:**

Motion: \_\_\_\_\_ Millette \_\_\_\_\_ Seconded \_\_\_\_\_ Smith \_\_\_\_\_

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

Reynolds: X Garrett: X Boney: X Marshburn: X Millette: X Smith: X Williams: X