

# **PLANNING AND COMMUNITY DEVELOPMENT**

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## **MINUTES**

**Pender County Planning Board Meeting  
December 2, 2008  
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 \_\_\_ Gonzales \_\_\_ Garrett \_\_\_ Marshburn \_\_\_ Millette \_\_\_ Smith x Williams \_\_\_ Newman \_\_\_

### **1. Approval of Minutes:** November 5, 2008

Motion: Karen Gonzales; Seconded: William Marshburn; and Vote: Unanimous

### **Public Hearings**

Chairman Kevin Reynolds opened the public hearing.

Ashley Frank presented the case to the board stating that the applicant was returning for an amendment to the Master Plan. The original site plan designed the seven lots as open space and were suppose to be turned over to the Home Owners Association.

- 2. Planned Development Master Plan: ESP & Associates, applicant,** on behalf of Dave Hoover, owner is requesting an amendment to the Pinnacle Ridge Planned Development Master Plan and Final Plat. The amendment consists of 7 additional lots to be subdivided out of the parcel identified as 4204-66-4733-0000, giving the development a total of 75 single family residential lots. The total acreage of the development is 129.34. The property is located of US Highway 17, across from Sloop Point Loop Road, in Hampstead, North Carolina.

Chad Rivers was not present. Jamie Tel from ESP represented him. He stated that he was not there at the beginning of the project and it was his understanding at the time the seven lots wouldn't perk and that was why they were taken off the preliminary map. After hiring a consultant, it was discovered that an off-site septic field could be used to supply the lots and they were added back to the plat.

Board Member Hiram Williams has a problem with the developer marking the seven lots as open space and now wanting to develop the property.

Dave Hoover, developer, stated that he had recorded the subdivision in phases. Mr. Hoover implied that he was the only member of the HOA and was under the impression that 75% of the homes had to be sold before the open space was turned over to the HOA.

Chairman Reynolds reiterated that was not the case.

The board can not approve an amendment because the map was recorded as having open space.

The Attorney made a recommendation that this request cannot be approved. The developer needs to work with Staff to see if something can be worked out.

Burt Millette made the motion to deny the request for a map amendment and that the Planning Staff reconcile any map discrepancies and come back to the board with the final recommendation as to what the map should look like. The motion was seconded by Rick Garrett and the vote was unanimous 7-0.

Chairman Reynolds informed Mr. Hoover that he would need to meet with Attorney Thurman and Staff to get resolved what needs to be marked on the map.

Director Patrick Davenport introduced the Public Hearing item on amending the zoning ordinance to the board which would allow for a change in the expiration date on Special Use Permits. The proposed change is to have two six month extension change to be granted by the zoning administrator.

**3. Zoning Ordinance Text Amendment:** Staff is requesting a text amendment to Section §15.4 General Provisions Concerning Special Use Permits. The proposed text amendment would revise the allowable extensions of the Special Use Permit expiration time periods granted by the Zoning Administrator from two-**3** month extensions to two **6**-month extensions.

Burt Millette asked why this proposal is being confined to Special Use Permits.

Mr. Davenport stated that generally SUP are for items that require state permits such as stormwater, wastewater treatment plants. Having to require permits from other state agencies usually requires an extensive amount of time. It takes a minimum of two years for some permits to be completed so the two three(3) month extensions aren't really beneficial.

Hiram Williams made the motion to approve the extension period for Special Use Permits; seconded by William Marshburn. The vote was unanimous 7-0.

This will go before the Board of Commissioners on January 20, 2009.

Chairman Reynolds opened the public hearing for Item #4 Zoning Map & Text Amendment for the FA District.

**4. Zoning Ordinance Map and Text Amendments:** Staff is requesting a comprehensive zoning map amendment to eliminate the Flood Hazard Area (FA) zoning district from the official County zoning map and eliminate all associated references from the zoning ordinance; rezone the areas affected by the FA District to a certain zoning district according to a prescribed methodology; Establish a Flood Hazard Overlay District to replace the FA Zoning District.

Director Davenport explained that in 2003 the county implemented a new zoning district that was called Flood Hazard Area. He will refer to this as the FA District and at the time that district mirrored the flood hazard areas that were on the current flood insurance rate maps. The maps were approved by FEMA and in 2003 the districts were the same as the 100 year flood zone. There has been confusion among the Staff and by the residents affected by the FA zoning district. Staff does not understand the intent of the FA District and why it was done. There was no description or intuition passed on as to what happens when the FEMA FIRMS are revised. Does the FA Zoning District get revised with it? It is unusual to establish a stand alone zoning district which mirrors an FEMA flood hazard area. Most localities make it an overlay district and not an actual zoning district with lot sizes and uses allowed. There is a Flood Damage Prevention Ordinance but those regulations are tied to the 100 year flood zone that are shown on the FIRMS and is not tied to the FA Zoning District. In 2007 the 100 year

flood maps were changed by FEMA. The flood areas changed but the FA Zoning District did not change. Residents were left with part or all of their property taken out of the FA District; some were taken out of the flood hazard district from FEMA but their property remained zoned Flood Hazard Area. This meant that some residents were still restricted with very few allowed uses under the Permitted Use Table listed in the FA District even though their property had been removed from a Flood Hazard Area.

The proposal is for two zoning map revisions and text revisions. The FA and FA\_Dash (is not mentioned in the Pender County Zoning Ordinance). The proposal is to eliminate both zoning districts and rezone the affected parcels to the most appropriate district according to the methodology that the staff has let the computer determine. Many parcels are being affected and the properties are to be rezoned to the most appropriate district. The text amendment is to create Flood Hazard overlay district language which reflects the FEMA maps and reflects the Pender County Flood Damage Prevention Ordinance. He gave a slide presentation to represent the different land use designations and properties being split. There are approximately 8000 residents affected by this rezoning.

He referenced the public hearing document in the packets: the flood hazard overlay district language will be added but the stricken areas in Section 8.1. Everything that references FA will be deleted from the zoning ordinance. Section 8.6 "Descriptions", uses under the FA column in the Permitted Use Table will be deleted.

Anyone that has a vacant lot at this time of 20,000 sq. ft. that is zoned FA will be grandfathered and be able to build on the lot with approval of well and septic. It will still have to build according to the Flood Damage Prevention Ordinance.

Hiram Williams made the motion to accept the four actions requested by Planning Staff; seconded by Karen Gonzales to:

- (1) to eliminate FA and
- (2) to eliminate FA\_ to establish a flood hazard overlay map
- (3) text amendments to delete FA text and
- (4) add FA overlay language text

The vote was 7-0 in favor. This will go before the Board of Commissioners on January 20, 2009.

#### ***Discussion Items***

- **Discussion Items by Planning Staff**
  - Density regulations for residential development (continued)
- **Discussion Items by Planning Board Members**
- **Discussion Items by Members of the Public**  
No discussion items by members of the public.

#### **5. Adjournment**

##### **Board Action for December 2, 2008 Minutes:**

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

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

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