



MINUTES

Pender County Planning Board Meeting
July 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 ___ Boney ___ Marshburn ___ Millette ___ Smith ___ Williams ___ Newman ___

1. Approval of Minutes:

Motion: Rick Garrett made the motion to approve the June 2, 2009 Minutes.

Seconded: Christopher Smith seconded the motion to approve.

Vote: The vote was 6-0.

Subdivision Review

Planning Director Patrick Davenport presented Schoolview Subdivision revision to board.

- 2. Schoolview Major Subdivision, Preliminary Plat Review (Revision)** – Tabled from the May 5, 2009 Planning Board. 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.

Director Patrick Davenport explained that the final disposition of this request is; can the area between the drain fields be counted as provided open space? The area in question is approximately 7/10 of an acre. Director Davenport commented that the current Zoning Ordinance does not directly address this particular request, but made mention that the intent of open space is to be left in its natural state. Director Davenport explained that if the request is approved, this would fulfill the requirement for open space related to this subdivision.

Discussion about drain field locations, what defines a “special purpose lot”, ingress and egress to drain fields took place between Board and Director Davenport.

Mr. Charles Busby, attorney for applicant addressed the Board regarding how “open space” is defined in the Zoning Ordinance. Attorney Busby explained that the language defined in the Zoning Ordinance gives

direction on the usability of the areas defined as “open space”. Attorney Busby shared examples of “active and passive” recreational activities.

Chairman Reynolds commented that the Board does not want to set precedence for this type of request for the use of “open space”. Chairman Reynolds explained that the Board had previously addressed this issue and it was understood by the surveyor and developer of the subdivision what was expected in the revision. Chairman Reynolds acknowledged that the area at the front of the subdivision was resolved by “special purpose lots”, but the area at the back of the subdivision was still an issue.

Discussion between the Board and Attorney Busby continued about how “open space” could be utilized was addressed. Attorney Trey Thurman reminded the Board and Attorney Busby that both opinions on how “open space” may be utilized differs, but the issue at hand still needs to be resolved.

Discussion of what is allowed in the “open space” took place between Board members and Attorney Busby.

Attorney Busby addressed the idea of “payment in lieu” as a means to mitigate the requirement of open space. Attorney Thurman suggested addressing this request at this time, rather than later.

Director Davenport defined “payment in lieu” and explained that there were several counties in the state that used this methodology as an effort to satisfy requirements within a subdivision that cannot meet “open space” requirements. Director Davenport gave various examples of how this payment is calculated. Attorney Thurman discussed with Board members how “payment in lieu” is generally calculated and what happens to the funds when “payment in lieu” is exercised.

Burt Millette commented that he didn’t feel qualified to make a decision regarding the request for “payment in lieu” without adequate time to study the concept.

Christopher Smith provided an alternative suggestion to help meet the requirement for “open space”.

Discussions about the concept of “payment in lieu” were commented on by Board members and attorneys.

Chairman Reynolds and Board members were in agreement that “payment in lieu” would not be considered as an alternative to satisfy “open space” requirement for this subdivision.

Motion made to deny revised configuration of subdivision as shown on plat. Motion approved by Malcolm Boney and seconded by Burt Millette. Vote unanimously passed 6-0.

****Public Hearing***

Senior Planner Ken Vafier presented Avendale Subdivision revision to board.

- 3. PD Master Plan Revision, Avendale Subdivision-** Stroud Engineering, P.A., applicant, on behalf of Avendale Development, owner, is requesting a revision to the approved master plan for Avendale Subdivision. The revision consists of replacing multi-family home sites with single-family home sites along with other lot reconfiguration. The property is located along NC Hwy 210, between Harrison’s Creek & S.R. 1002, and is zoned PD, Planned Development. The property may be identified as PIN #'s 3273-16-3336-0000, 3273-14-5830-0000.

Chairman Reynolds questioned the amount of “open space” lost due to the increase in the amount of the lots

being proposed. Chairman Reynolds wanted to know the difference in the lot size being proposed and the lots that were previously approved.

Senior Planner Vafier commented that even with the increase in the number of lots being proposed, the required “open space” dedication is still being met. Senior Planner Vafier deferred the questions regarding proposed lot sizes differentiation to the applicant.

Jimmy Fentress (Stroud Engineering, P.A.) commented that the previous lots widths were 70’ wide and the minimum under the present proposal would be 54’ wide. Mr. Fentress reviewed some potential assets that the current proposal would bring to the subdivision.

Chairman Reynolds addressed potential concerns that may occur with smaller lots sizes i.e. driveway, house aesthetics, etc. . .

Discussion of lot sizes, “open space” requirements and number of units continued between Board members and Mr. Fentress.

Mr. Fentress provided a photograph of the potential house style being proposed for these lots. Mr. Fentress reviewed the cost of single family units being proposed versus the townhomes that were originally proposed. Mr. Fentress explained that there would not be a difference in cost. Mr. Fentress addressed the ability to isolate the area being changed from the existing development and reviewed the capacity of the main collector road, wastewater treatment facility and the storm water management system originally permitted with regards to the proposed revisions. Mr. Fentress commented that the covenants would have to be revised to ensure a maximum impervious is allotted to each lot that is in keeping with what is already permitted to the ponds in place. Mr. Fentress continued to review assets that the proposed revision would bring to the community.

Public comments were given by several citizens expressing their disapproval of the proposed revision. Citizens were concerned about how the number of potential houses would impact traffic on Highway 210, the potential for devaluation in tax value due to the influx in smaller homes and current drainage issues that are currently present.

Rick Garrett questioned the smallest lot size of what was originally approved.

Mr. Fentress addressed the proposed lot sizes, wastewater run-off, perceived aesthetics of the proposed homes and the ability to install a “no-peek” buffer to isolate the revised development from the existing development.

Public comments continued regarding the inability to correct current problems that exist in the subdivision and lack of communication with the developer.

Burt Millette addressed his concerns about “changing the game” on an approved subdivision.

Christopher Smith suggested that the developer and current residences of subdivision meet to address concerns.

Chairman Reynolds suggested lot sizes remain the same.

Malcolm Boney suggested that the request be tabled until the developer and the homeowners could meet to see if a compromise could be agreed upon.

Board members continued to discuss the agenda item being proposed.

Attorney Thurman remind the Board that action regarding this revision would have to be settled regardless if the item is tabled.

Burt Millette made the motion to deny the revision and seconded by Rick Garrett. Vote passed 6-0.

4. Discussion Items:

- Review of *Draft* County-wide Land Use Plan Map
- Review of *Draft* Small Area Land Use Plans and Policies
 - Coastal Pender
 - Rocky Point
 - 421 Corridor
- Discussion of issues/consensus building on future UDO zoning districts

Director Davenport presented and discussed with Board members the aforementioned items in extensive details.

Board members discussed density, cluster development, table of permitted uses and “open space” requirements as it pertained to the new Unified Development Ordinance. Board members expressed concerns regarding “by right” development in particular zoning districts. Board members suggested “special use” permits come through the Planning Board before being presented to the Board of County Commissioners.

- **Planning Board Members**
- **Public Comment**

5. Adjournment

Board Action for July 7, 2009 Minutes:

Motion: Millette Seconded Williams

Approved: x Denied: Unanimous x

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