



MINUTES

Pender County Planning Board Meeting
September 1, 2009
7:00 p.m.

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

Note: The Pender County Planning Board Meeting adjourns at 11:00 p.m. Any item not discussed shall be placed on the next regular Planning Board Meeting agenda, unless otherwise stated. The items may not be discussed in the order as shown on the agenda. The agenda may be revised by the Planning Board.

Call to Order: Chairman Reynolds

Roll Call: Chairman Reynolds

Pender County Planning Board Members:

Reynolds Garrett Marshburn Millette Smith Williams Boney Newman

Approval of Minutes: August 4, 2009

Motion made by Board member Christopher Smith to approve minutes. Seconded by Board member William Marshburn. Vote unanimously approved 7-0.

Planner Ashley Frank presented minor subdivision case to Board.

Subdivision Review

- 1. Minor Subdivision:** Mark Stocks, applicant, on behalf of Kevin Harker, owner, is requesting a 2-Lot Minor Subdivision to be located along an existing access easement in the Equine Acres Subdivision. The minor division is located at 5887 NC Highway 210 (Lot 15), and can be identified as PIN 3264-83-4082-0000. The property is zoned RA Rural Agricultural and is located off of NC Highway 210, in Rocky Point, NC.

Board member Burt Millette requested that Planner Frank re-review the requirements for a three lot subdivision.

Planner Frank explained that a subdivision less than four lots can be signed off administratively. Mrs. Frank explained that there are two types of three lot subdivisions:

(1) access on NCDOT road and (2) access on access easement. However, if the lots were created before the Subdivision Ordinance in 2004, it's eligible for the three lot division, but if the lot creations occurred after 2004, the exemption is not allowed.

Mr. Millette questioned whether the lots could be divided again.

Planner Frank explained that because the property is zoned RA, a master plan is not required; it's a subdivision by right. Mrs. Frank went on to explain that due to the tract being five acres it could be divided five more times, if minimum lot standard can be met, installation of a NCDOT standard road, and Planning Board approval.

Board member Christopher Smith questioned whether a Homeowner's Association is in place for Equine Acres.

Planner Frank was unsure because Equine Acres didn't have to go through the subdivision review, therefore, a copy of the Homeowner's Association agreement would not be available.

Board members and Planner Frank discussed the 60' access easement shown on the plat, ownership of the easement, and how the parcels behind the current lots are accessed.

Attorney Trey Thurman reviewed with the Board access requirements for an exempt subdivision.

Mark Stocks, surveyor (applicant on behalf of owner) explained the intent of the proposed division. Mr. Stocks reviewed with Board members, the scope of Equine Acres i.e. branches. Mr. Stocks explained that most of the current owners have no intent of subdividing the property. Mr. Stocks commented that because of financial reasons, the homeowner is requesting to subdivide this property. Therefore, this type of request should not be recurring. Mr. Stocks continued to review the layout of Equine Acres i.e. horse riding trails, walking trails, etc...

Board member Christopher Smith questioned the size of the access easement.

Mr. Stocks explained that although 30' is showing on the property, the property owner still have right to the 60' easement.

Attorney Thurman explained to the Board members how easement usage is allowed.

Board members and Mr. Stocks continued to discuss the potential subdivision and whether the adjacent lots have been sold. Board member Millette questioned whether the adjacent owners have been notified regarding the proposed request.

Attorney Thurman explained to Board why notification was not given to adjacent property owners e.g. this is not a public hearing.

Board members continued to discuss the requirements for a subdivision that is not a three lot subdivision.

Attorney Thurman wanted to know from Mr. Stocks, if the easement had been named.

Mr. Stocks commented that he is working with the Addressing Coordinator regarding the naming the easement and eventually the easement will be named.

Board member Millette inquired as to how each lot is currently accessed.

Mr. Stocks commented that the first phase of the subdivision is accessed by Hwy 210.

Board members, Planner Frank, and Mr. Stocks discussed easement requirements if the lots were divided up any further and the number of easements that are currently in Equine Acres.

Attorney Thurman reminded the Board that the decision could not be based on what might happen in the future or marketing plans for the subdivision.

Board members continued to discuss the requirements of a three lot subdivision, the potential of dividing the current lots even further and easement requirements to the back lots with Attorney Thurman and Planner Frank.

Motion to approve subdivision request was made by Board member Williams and seconded by Board member Millette. Vote passed 6-1 with Christopher Smith casting opposing vote.

****Public Hearings***

Planner Kyle Breur presented PD Master Plan continued from August 4, 2009 to the Board.

- 2. PD Master Plan continued from August 4, 2009-** Jeffrey Beaudoin, applicant and owner, is requesting approval of a master plan for an Indoor/Outdoor Recreation Establishment, privately operated. The request is to construct a community aquatic lifestyle center with adjunct facilities. The property is located along the west side of Country Club Drive, ±600' south of Avila Drive, Hampstead, NC. The property is zoned PD, Planned Development, and may be identified as PIN # 4203-36-1126-0000. This item was tabled from the August 4, 2009 meeting.

Planner Breur explained that this item was tabled from the August 4, 2009 meeting in order to give Planning staff time to address concerns regarding this proposal that were identified during that meeting.

Planner Breur reviewed the issues that were not addressed i.e. open space, lot dimensions, stormwater pond location, septic, and well location. Mr. Breur reviewed the changes that had been made to the site plan. Mr. Breur explained that tract four will be dedicated as a stormwater pond and a notation will be made on the final plat that the lot cannot be used for human or

building occupancy for this parcel and tract one and five have been combined to make one tract. Mr. Breur explained that Planning staff met with Ms. Genna Morgan on August 21, 2009 to address concerns she had with this development.

Board member Rick Garrett questioned whether or not all the issues had been addressed.

Planner Breur reviewed with Board the issues that had been discussed with Ms. Morgan.

Chairman Kevin Reynolds reviewed the corrections made on the site plan. Mr. Reynolds questioned whether parking spaces were permitted within the setbacks or buffers.

Planner Breur explained that parking spaces could be placed within the setbacks, but not the buffers.

Board members and Planner Breur discussed how parking spaces are calculated and future connection to Transfer Station Rd.

Director Patrick Davenport explained that what is shown on the site plan does not reflect an accurate location for the county's dump site.

Board members and Planner Breur reviewed length of the cul-de-sac for the proposal and the turnaround design for emergency vehicles.

Board member Williams questioned the installation of the infrastructure when the map is recorded.

Planner Breur explained that a bond may be need to be provided or the infrastructure put in place before the plat is recorded.

Mr. Jeff Beaudoin (applicant) explained that the turn around could be constructed in a manner that would be suitable for emergency vehicles. Mr. Beaudoin provided alternate locations for a turn around to the Board. Mr. Beaudoin acknowledged that he understood that a road had to be constructed to tract five prior to the subdivision being recorded.

Board member Millette questioned Director Davenport whether he could ask the Board of County Commissioners' the county could grant this applicant access through county property to connect to Transfer Station Rd. during construction. Mr. Millette expressed concerns regarding traffic impact on Country Club Rd. during the construction phase.

Director Davenport commented that he would bring this suggestion up to the county manager.

Ms. Genna Morgan (adjacent property owner) commented that in order to get access to Transfer Station Rd., a 10' ditch would have to be filled and she owned part of the ditch. Ms. Morgan discussed the inadequacy of the existing buffers on the property and requested that more buffers be installed. Ms. Morgan requested that a fence be installed as well.

Board member Millette questioned Ms. Morgan as to whether or not her concerns had been met.

Ms. Morgan commented that most of her concerns were addressed, but still had issues concerning the lighting, buffers and water pressure.

Planner Breur explained that indirect lighting is addressed in the current Zoning Ordinance, but lighting will still be on the property.

Board members, Planner Breur and Attorney Thurman discussed alternative options to increase the buffer requirements and lighting options.

Motion to approve the site layout as submitted was made by Board member Williams and seconded by Board member Garrett. Vote unanimously approved 7-0.

Planner Kyle Breur presented Zoning Map Amendment case to the Board.

- 3. Zoning Map Amendment** – Sarah Margaret Godwin, applicant and owner, is requesting to rezone one tract, totaling 52.96 acres, from RA, Rural Agricultural District, to R-20, Residential District. The property is located east of the intersection of Clarks Landing Road (S.R. 1408) and Clarks Landing Loop Road (S.R. 1427), Long Creek Township. The property may be identified as PIN # 3203-79-4539-0000.

Board member Garrett discussed the density classification of the property with Planner Breur.

Chairman Reynolds questioned whether buffers are required in the Conservation I area.

Planner Breur explained that a determination from Division of Water Quality would have to be done on the tributary.

Board member Williams questioned the road frontage of the property.

Mrs. Margaret Godwin (owner) explained that the property would be a very attractive area for a residential community. Mrs. Godwin explained that restrictions would be put in place for potential owners and maintaining the wood buffers would be a priority. Mrs. Godwin explained that she wanted to keep the land as close to the nature-like concept as possible. Mrs. Godwin explained that the lot sizes may vary between ½ and 1 acre lot.

Chairman Reynolds opened the floor to public comments.

Ms. Candice Alexander (adjacent property owner) expressed that she liked the concept with controlled restrictions. Ms. Alexander explained that if the tract is developed she wanted it to be a nice, upscale subdivision.

Ms. Loretta Cane commented that she would rather have the larger lots developed versus the smaller lots.

Chairman Reynolds closed the floor to public comments.

Board members discussed the lot sizes and water services provided to the area with Planner Breur.

Motion to approve rezoning request was made by Board member Garrett and seconded by Board member Williams. Vote unanimously approved.

Director Patrick Davenport reviewed the following discussion items with Board.

4. Discussion Items

- **Planning Staff**
 - Comprehensive Plan project
 - Continued review of Comprehensive Plan Maps and Policies
 - Remaining Project schedule
- **Planning Board Members:** Continued discussion of the aforementioned items.
- **Public Comment:** See Public Comments above.

5. Adjournment: Chairman Reynolds adjourned meeting at 10:15 pm.

Board Action for September 1, 2009 Minutes:

Motion: _____ Seconded _____

Approved: _____ Denied: _____ Unanimous _____

Reynolds _____ Garrett _____ Boney _____ Marshburn _____ Millette _____ Smith _____ Williams _____