



MINUTES

Pender County Planning Board Meeting
December 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

1. Approval of Minutes: November 3, 2009

Motion made by Board member Williams to approve minutes. Seconded by Board member William Marshburn. Vote unanimously approved 6-0.

Public Hearings

- 1. Master Development Plan – Presented by Kyle Breuer** (detailed discussion within handout)
- Caison Drive Properties, LLC, applicant and owner, is requesting approval of a master plan for a commercial/multi-family development. The applicant is proposing 384 Multi-Family units and approximately 200,000 sq. ft. of commercial space. The property is located along the west side of U.S. Highway 17, just north of Caison Drive. The property is zoned PD, Planned Development and may be identified as PIN #'s 4204-01-9183-000L, 4204-21-0164-0000, 4204-20-6843-0000 and 4204-10-9252-0000.

Mr. Garrett questioned the amount of usable acreage for parking/building vs. open space/ wetlands for public use.

Owner speculated no less than 6 acres. Owner cited several areas of open space; however, it appeared much of the open space would be used as drainage fields/repair areas in the first phase. With the third phase the drain fields would be abandoned and existing buildings would be tied into the community sewer. May partner with Kiwanis for activity area or maintain activity center on site.

Mr. Reynolds questioned Mr. Breuer regarding the sewer/water line and if approval of the master plan could be made without a response.

Mr. Breuer responded while he had sent out the TRC packets, he had not received a response from Mr. Michael Mack. Mr. Breuer agreed that as part of the CAMA requirements, approval could not be made without input from Mr. Mack beyond the master plan stage.

The right-side property line was questioned by Mr. Williams and whether DOT's future Hampstead bypass' right-of-way would cause a loss of units.

Brian Kaiser, applicant said as of now, DOT has no funding and while he can't speak on their behalf, expectations for DOT approval for narrowing the ROW alignment at earliest, may be spring or summer, 2010. If there was a loss, DOT would extend fair market value.

Type of tenant has been researched however; Fair Housing Laws disallow speculation of the number of children or tenant base. Only trends from published reports can be accessed and queries from realtors. The price range of homes, based on a two income family supports a family with multi-aged children.

Mr. Garrett was also concerned with the development in the 3rd phase; building upon a former drain field may compromise the environment.

The applicant felt there would be enough excavation to allay any leeching problems when building on top of the abandoned drain fields.

When questioned by Mr. Williams regarding a density comparison of the property across the street from the proposed master plan, the applicant explained that there was heavier density on Hampstead Place Apartments due to the flood plain (retention pond, dam for the retention pond and wetlands). Visually there would be more open space on the proposed property of 9 units/acre (net density) compared to 12 units/acre as declared in the ordinance; however there was no clear direction on how to calculate it.

The applicant explained to Mr. Williams that all pervious parking (not major road ways/or DOT) was desired; however, once the master plan was approved, the calculations would be reviewed considering state storm water regulations as well as CAMA requirements keeping the project as simple as possible.

Mr. Millette suggested addressing Phase I and deal with other Phases as they develop.

The applicant wanted clarification from the board of the concern of density or infrastructure to understand what direction he needed to take.

Mr. Garrett said his concern was with the density; however, he liked the idea of affordable multifamily units which would aide in the future growth of a community in terms of single family homeowners as well as starter homeowners moving up to larger homes. It would also help the sales tax as well as tax base with the proposed commercial units.

Once sewer is available, the 9 units/acre would be the maximum build out the applicant explained. The applicant went on to say potential developers and commercial interests would enjoy an opportunity to bring sewer to the area given the significant amount of tap and usage fee money in one location.

Mr. Thurman informed the board there were many previously approved subdivisions in the queue before this project for water at least through 2011; but while there were endeavors (future water plant) to augment the system, it was currently at capacity. There currently is no commitment for water with this project as much as the county would like to provide it even though the infrastructure is in place.

Mr. Williams felt there could be a conditional approval of the master plan based on the approval of water commitment.

Mr. Reynolds offered anyone else to speak without response; therefore entertained a motion to approve the master plan.

Mr. Williams made a motion to approve. Mr. Boney seconded it. Motion passed 4-2.

Discussion Items

2. Planning Staff

- **Highway 17 Overlay text and map amendments** – Mr. Patrick Davenport stated an agreement was reached the BOCC and Planning Board may have had some miscommunication regarding the intent of the overlay and the committee; however, Mr. Reynolds assured Mr. Thurman the Planning Board wanted to do the BOCC's bidding regarding the overlay. It was understood that some issues might need to be addressed separately with the UDO even though BOCC rectified their previous decision to incorporate it with the overlay. In addition, it was identified that the overlay cost was a critical factor since it was essentially a mass rezoning and therefore, by law, notification had to go out to all commercial owners as well as the vast number of people who owned property that would abut the commercial properties.

Mr. Davenport explained going from 1000' of center-line on each side, county-line to county-line, notification would have to go out to upwards of 2000 people using newspaper ads, which would take considerable staff time, and could be implemented at earliest on March 14, 2010 subject to public hearing input. In addition, the UDO would certainly be delayed possibly until August, 2010 understanding a fulltime diversion of staff member time to ferret an undoubtedly high volume of calls along with an ongoing workload. Mr. Davenport referred to the draft in the packet which was submitted to the overlay committee. He explained it was crafted to be inserted into the current ordinance and therefore formatting begins with numbering at 8.9.

Mr. Davenport explained the staff reviewed the committee's submission (based on constituents' concerns in Hampstead area) and has cited some concerns and suggested some revisions for the board to review as detailed in the "Issues and Options for Consideration" document enclosed with the board's packet. Mr. Davenport requested feedback from the board understanding the information would be submitted to the BOCC for evaluation. The BOCC would then determine if it should be submitted for public hearings or returned to the Planning Board for further consideration based on the BOCC's review. Should the determinations be accepted, this could be rolled into the UDO.

Board chose to go forward with the following amendments to the committee's submission:

8.9A: Purpose – accepted staff's recommendations.

8.9B: Applicability

- Accepted proposal of 1000' of center-line
- Accepted proposal of exempting institutional buildings (non profits, churches, etc.)
- Accepted proposal of exempting all other residential structures (townhouses, multifamily etc.)
- Accepted proposal of exempting light industry; however opposed to exempting warehouses, storage and buildings;
- Accepted proposal of exempting accessory structures no greater than 600' (gas station canopies, accessory storage buildings) or would have to meet standards of primary structure
- Accepted proposal of structures with minimum size of 15,000'
- Proposed to include remodeling more than 50% any building

NOTE: Access management will be addressed in the new UDO

8.9B(1): Utilities

- a) Proposed to reject placing utility lines underground.
- b) Accepted ground mounted mechanical equipment screened from view.
- c) Proposed to amend to “All rooftop mechanical equipment shall be screened from the line of sight of the public and public sidewalks.

8.9B(3): Architectural standards

Section a)

- Accepted proposal of avoiding monolithic wall appearances
- Proposed submission of an artist rendering
- Proposed change to require licensed design professional seal on the plans
- Accepted sketch renderings by any applicant
- Remove term: “upscale community”

Section b) Primary façades

- Proposed quantity at least but not limited to 5 different architectural elements
- Proposed striking quality of architectural elements

Section c) Secondary façades

- Accepted as stated

8.9B(4): Signage

- Proposed retaining current Zoning Ordinance as outlined under Section 16 – Signs.

New Definitions

- Accepted definitions proposed

NOTE: Zoning reviews/approval before permit issuance by permit technicians will be completed by planning staff under new UDO (all commercial projects are currently planning staff reviewed).

• **Transportation planning items**

• **Project Request form**

Board agreed to form and posting it on website

• **Public input schedules**

Board approved of creating schedule to be implemented after major priorities completed in future

• **2010 Zoning Map revisions supporting 2010 UDO**

Object is to consolidate R districts into a master plan reviews. Also to avoid situations such as split zoning areas and correct the up-zoning changes (Watts Landing area).

Intentions are to implement UDO with overlay to eliminate two mailings

3. Planning Board Members

No discussion by board members

4. Public Comment

No Public Comment

5. Adjournment