

PLANNING AND COMMUNITY DEVELOPMENT

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MINUTES

Pender County Planning Board Meeting

January 5, 2010

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 X Garrett X Marshburn X Millette X Smith ___ Williams X Boney X Newman ___

1. Approval of Minutes: December 1, 2009

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

2. Election of Planning Board officers- Chairman and Vice Chairman

Attorney Thurman entertained nominations for the position of Chairman. Mr. Millette nominated Mr. Reynolds. Hearing no other nominations, Mr. Thurman put it to a vote. Approval of Mr. Reynolds remaining as chairman was unanimous, 6-0.

Mr. Thurman entertained nominations for Vice Chairman. Mr. Marshburn nominated Mr. Garrett and Mr. Garrett nominated Mr. Marshburn. With no other nominations, the floor was closed and the vote was 4 to 2 in favor of Mr. Garrett.

Mr. Patrick Davenport announced the BOCC had approved the request by the Planning Board membership to have their terms renewed by the commissioners. In addition, the Fire Marshall's position on the Planning Board has been eliminated by the BOCC since there is now a Technical Review Committee.

Subdivision Review – Kyle Breuer

- 3. Preliminary Plan** – Stroud Engineering, PA, applicant, on behalf of Avendale Development, LLC, owner, is requesting preliminary plan approval for Phase III of Avendale Subdivision. The proposal consists of 83 residential lots on approximately 27.11 acres. The property is located along NC Hwy 210, approximately ¼ mile north of Cross Creek Subdivision, Hampstead, NC. The property is zoned PD, Planned Development and may be identified as PIN # 3273-14-5830-0000.

Please refer to detailed summary, history and discussion enclosed with the agenda along with additional items recommended for inclusion by the Planning Board.

Mr. Garrett questioned item 8 in reference to the NCDOT driveway permit for connection to NC Highway 210. The staff report reflected connection to Washington Acres Road rather than NC Hwy

210. Please refer to the correction in the staff report.

Mr. Breuer affirmed that all other permits were valid as well as the storm water requirements were in order and valid for the subdivision.

Mr. Breuer apprised the board that he had spoken to Mr. Mack and confirmed there was allocation for water.

The Applicant, Mr. Jimmy Fentress of Stroud Engineer representing Avendale shared with the board that they had all permits except the DOT however, they have had dialogue approving the turn lane and therefore, they are in process of posting a bond for the turn lane (email verification can be produced upon request).

Mr. Fentress offered to entertain any questions from the board.

Mr. Garrett questioned if the overall open space had been satisfied with the preliminary plan. The applicant replied yes.

Without further comments from the board, the Chairman entertained a motion for approval of Phase III for Avendale Subdivision. Mr. Williams made a motion and Mr. Boney seconded it. The vote was unanimous 6-0.

Mr. Thurman informed the board of a joint meeting scheduled for February 15, 2010 with a retreat two weeks after on the 28th and 29th of 2010.

Mr. Davenport added there was a need and an opportunity for a BOCC to have a public hearing on the Comprehensive Land Use Plan and it could also cover the Planning Board's 2nd public hearing and the BOCC's first public hearing simultaneously on February 15, 2010. The BOCC expected the UDO to be presented that evening and it would help if the Planning Board was there also to do a review of the UDO. In addition, growth management and future expectations could also be discussed by the two boards.

Mr. Thurman explained the meeting would start at 4:00pm and then recess around 6:00pm for a meal served. Mr. Thurman asked the board to consider joining the BOCC on February 15, 2010.

Final public hearing of the Comprehensive Land Use Plan will be scheduled after the CAMA Land Use Plan has been reviewed for changes/additions by Coastal Resource Commission before it goes to the BOCC one last time.

Mr. Davenport said the prospect of meeting the BOCC on the 15th, could be revisited when the Planning Board met February 2, 2010 so that they would have time to consider their schedules.

**Mr. Davenport will send out email with tentative agenda times/dates for joint board meetings and future expectations per Mr. Garrett's request.

Mr. Williams raised a question regarding the decision by the County of Appeals against Union County Adequate Public Facilities Ordinance (APFO). Mr. Williams was concerned the ideas regarding funding for parks and recreation in the UDO may be in line with the APFO or what appeared to be voluntary mitigation payments.

Mr. Thurman was aware and had seen a discussion within the lawyer's list serve. He felt the real question was whether Union County would actually appeal given they had their APFO established for a while.

Mr. Thurman suggested waiting for potential ramifications of Union County case of possible extraction before determining direction of Planning Board with new development set asides for Parks and Recreation.

Mr. Williams recognized court of appeals will apply state wide until State Supreme court rules it isn't final. If there is an appeal for the adequate public facilities, information will come before finalizing UDO.

Mr. Garrett requested issue of adequate public facilities be put on an agenda for further discussion.

Mr. Davenport explained a Technical Review Committee comprised of all county departments along with school representation has been created so that zoning decisions which might impact school/water capacity or other agencies have a chance to give feedback before finalizing.

Mr. Thurman was able to depart.

Discussion Items

4. Planning Staff

- **Project updates:** Patrick Davenport
 - **2010 Comprehensive Land Use Plan**
Planning Staff has completed Comprehensive Land Use Plan and waiting on CRC to review it. There is a joint meeting on 2/15/2010 for the public hearing and second and final reading scheduled for the spring.
 - **2010 Unified Development Ordinance**
The staff will need an additional meeting other than the Planning Board meeting scheduled for 3/2/2010 during month of March in order to finalize the UDO. Staff is expecting the first full draft of the UDO to be prepared at the joint meeting scheduled for 2/15/2010 and presented to both boards as well as the general public.
**Planning Board to consider convenient date in March to convene with date set at February meeting.
 - **Highway 17 Overlay District**
BOCC has directed staff to put Overlay 17 ordinance most recently reviewed by the planning board incorporated into a section of the UDO and not do a separate text amendment assuming no delay in Overlay 17. However, if the UDO ends up being postponed until fall, Overlay 17 district ordinance will be incorporated into the current UDO.
- **2010 UDO**
 - **Zoning Map revisions**
Companion to the UDO is the zoning Map which illustrates where the districts are, and shows current and expected future growth. RT zoning area has incurred many concerns since 2003 when zoning was placed on different areas changed to RP. Staff needs board to review zoning map revisions to allow progress with UDO. Zoning map will be available on GIS by 2/15/10. No changes will be made to the district. PD districts will change to residential unless they were specifically requested. Areas around Watts Landing Road and those split zoned will be consolidated for residential especially if utilities come into the area.

The RP zone will be 20,000' to 10 acres for mostly residential sites attempting to correct issues incurred by R20 and R20C zoning.

Manufactured Housing or mobile homes will be a floating zone with no parcels initially assigned allowing future growth for MH subdivisions. Board approved proposed UDO zoning classification.

**Staff to email copy of revised zoning map to board members.

**Mr. Boney will help staff identify businesses in Maple Hill.

○ **Development regulations and Subdivision Design**

Street design proposal will be subject to the County Transportation Plan for road improvements over next 10 years with expectations of state cooperation. R/W widths proposal for new construction was accepted by Board.

**Staff to explore practices of other counties regarding dedication of R/W.

Board accepted staff proposal of road construction standards as submitted.

Cul de sac lengths were accepted by the board understanding they will be suitable for access by emergency vehicles.

Board accepted proposal by staff of sidewalks and pedestrian/bike trails.

Street light proposal by staff changed to require street lights at intersections of paved sidewalks/pedestrian trails.

Off street parking proposal accepted by board with understanding preference of pavement will be pervious and LID practices will be followed.

Access management proposal by staff was approved by Planning Board without change.

Staff proposal of sewer and water services for new development was accepted by Planning Board.

Storm water management proposal was accepted by Planning Board.

Open space environmental and hazard mitigation proposed by staff was accepted by the Planning Board; however, concerns regarding buildable area within Flood Hazard area to be revisited at next meeting.

Property/Home Owners Associations proposed by staff accepted by board with a change in transfer of amenities/land to HOA entity at time of permit issuance.

Minor/Family subdivision standards proposal will include no more than 3 lots approved by Planning Board. In addition, statement on plat proposed to change to "none of the lots shall be conveyed to non-family members for period of not less than (5) years. This issue was not finalized and shall be revisited.

○ **Open Space**

Planning Board is to revisit "fee in lieu of" and "recreational unit" determinations of fair market value vs. tax value along with buyout of small subdivisions of 25 lots or less.

○ **Landscaping And Buffering**

Sue Lorusso identified several issues within Article 7 document and will submit them in writing to Kyle Breuer.

**Staff will make corrections where indicated according to submissions by Sue Lorusso or Planning Board will revisit and review some of her issues.

○ **Signs**

Article 9 will be reviewed at next meeting due to time constraints.

5. Planning Board Members

No Comment

6. Public Comment

No Comment

7. Adjournment -11:27P.M.