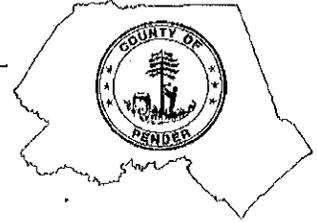


# **PLANNING AND COMMUNITY DEVELOPMENT**

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



## **MINUTES**

**Pender County Planning Board Meeting**

**February 2, 2010**

**6:00 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 X Williams X Boney X

### **1. Adoption of the Agenda**

Staff was requested by BOCC to move public comments to front of meeting. Board agreed a time limit of three minutes for issues outside of agenda unless the Chairman deemed otherwise. Motion made by Board member Williams to adopt agenda. Motion seconded by Board member Garrett. Vote unanimously approved 6-0.

### **2. Approval of Minutes: January 5, 2010.**

Motion made by Board member Garrett to approve minutes. Motion seconded by Board member Millette. Vote unanimously approved 6-0.

### **3. Public Comments – Ms. Barbara Baker**

Ms. Baker presented information regarding historical batteries and breast work value on The Manor at Cypress Lakes subdivision site plan: lots 1, 2, 5 and 9. Ms. Baker is requesting Board, Planning staff and developer to review the report by the NC Cultural Resources. She would like to see lots 1, 2, 6 & 7 have protection from any disturbance by creating a protected open space area. Copies of the report were submitted to the board, staff and developer and will be on file in the Planning Office.

## **Subdivision Review**

### **1. The Manor at Cypress Lakes – Patrick Davenport**

Staff has initiated this agenda item to address conditions related to access requirements, historical feature preservation, and any other issues as needed for The Manor at Cypress Lakes. The subdivision was previously approved by the Planning Board for 33 lots on 25 acres on February 6, 2007. The property is zoned R-20, Residential District and is accessed off of Thomas Lane via Washington Acres Rd in Hampstead, NC.

Mr. Garrett questioned if the area around lot 28 was part of the historic breast work. Mr. Davenport replied it was not; it was part of the drainage feature.

Mr. Fentress, of Stroud Engineering stepped forward to say that while these issues were not part of the original process, there is every intention to honor the commitments in the developer's letter submitted.

They also stated they would work with the planning staff to see these commitments will be followed. Work has been extensive towards recording the deed; however, the applicant intends to follow through with commitment.

Mr. Millette questioned public access to the breast works with most of the open space being swamp, not contiguous and lots would have to be trespassed on to gain access.

Mr. Fentress, applicant, commented that whatever was required to honor the subdivision ordinance and the commitment in the letter addressed preservation of that area through reconfiguration of some of the lots and creating open space.

Mr. Thurman identified access easements already indicated on the plat with open space on lots 13 and 14 that run to the open space to lots 18 and 19.

Mr. Eric Litvak, managing member of TL Ventures, stated initially in 2006, a letter from the state indicated the property was clear; however even with a history background, historical value was only recognized as a drainage easement. Applicant is willing to have deed/covenant restrictions to preserve lots 5 and 6 and create open space for that area and move lot line or whatever it takes; however, in lot 1, it is isolated and nothing there except wetlands in someone's backyard and difficult to do anything there.

Mr. Garrett questioned whether lots 6 and 7 would become solely open space facing Turtle Grove Ct.

Mr. Litvak responded that he envisioned the front being open space and the rear being buildable.

Mr. Litvak explained to Mr. Williams there would still be 33 lots, a park in front of 6 and 7 and deed restrict everything except lot 1; unless another suggestion could be offered. Cul-de-sac and curbing already built therefore access would be through lot 8 or be bridged.

Mr. Litvak explained to Mr. Millette he wasn't a builder, however representations and conciliations would be with the approval that runs with the land and at least one of the builders has been involved from the beginning. In addition, historic value improves marketability.

Mr. Roughton indicated submitted letter of commitment to preserve historical elements of site accepted into the record would be sufficient and work with staff for the recording process of altering 4 lots.

Mr. Davenport responded in the affirmative when Mr. Garrett asked if he was acceptable to working through the required changes. Mr. Davenport said there would be a formal approval of the preliminary plat and would carry over to the final plat and he assured Board it could be completed in house.

Mr. Thurman identified that everyone was willing to work in good faith to reconfigure the lot lines as needed for the necessary outcome and cited previous site on Pelican Reef where staff was allowed to use their discretion to work out retention/preservation of old post road. Mr. Thurman emphasized that it wasn't a requirement and appreciated the developer willing to work out changes.

Motion was made by Mr. Garrett to conditionally approve applicant's request to move forward with development of this and that staff follows the changes of the lot lines assuming letter of commitment by developer followed with lot lines changed to preserve and conserve the open space for public access to the historical site and issues with the road are resolved to applicant's desires.

Mr. Williams wanted motion amended to put deed restrictions on those lots with breast work to look contiguous.

Mr. Garrett amended motion to preserve in perpetuity those lots with breast work. Mr. Williams seconded motion. All were in favor; 6 - 0.

## 2. Discussion Items

### Planning Staff – Patrick Davenport

- **Announcement: February 15, 2010 Joint meeting with Board of Commissioners**  
Meeting will be held at 7:00P.M. with public hearing for the Comprehensive Land Use Plan; discussion by staff of current projects and updates of the Comprehensive Land Use Plan, with review/highlights of changes in UDO including Hwy. 17 Overlay, Parks and Recreation Plan in development, Water and Sewer infrastructure plan and economic initiatives presented by County Manager as well as a map indicating residential growth trends prepared by the staff. Any other topics may be brought up for discussion. Closed session items may not allow dinner service; however, no detailed discussion, only high level highlights would be addressed. Any revisions to the UDO at this meeting will be corrected tomorrow with a final draft ready for public review by the end of the week. Copies will be made for Planning Board, BOCC and distributed in several areas of the county along with the Comprehensive Land Use Plan to the BOCC. March will be set aside for review with formal public hearings expected in April, 2010.

Mr. Williams was assured he had the latest revision of the Comprehensive Land Use Plan. Mr. Davenport explained it was with Division of Coastal Management for review for compliance with CAMA land use topics; if revisions needed, corrections will be made and new pages for insertion will be made available to the board.

- **Decision for additional meeting during March to continue review of UDO**  
Board agreed special additional meeting Thursday, March 11, 2010 at 6:00 P.M. to review entire UDO.  
\*\*Board will consider all future meetings begin at 6:00 P.M.
- **Project updates:**
  - **2010 Comprehensive Land Use Plan** – waiting on DCM review; Planning Board would have final review in April. May 17, 2010 BOCC would approve plan with implementation in conjunction with UDO July 1, 2010. However, if there is a delay in the new UDO, Hwy 17 Overlay will be rolled into current ordinance via text amendment.

Chairman Reynolds dismissed Attorney Thurman after explaining refusal of political signs on personal property in ordinance is not defensible under First Amendments Rights.

- **2010 Unified Development Ordinance**  
May 17, 2010 BOCC will approve Comprehensive Land Use Plan with implementation in conjunction with UDO July 1, 2010. However, if there is a delay in the new UDO, Hwy 17 Overlay will be rolled into current ordinance via text amendment.
- **2010 UDO**
  - **Zoning Map revisions continued**  
Please refer to previous packets and subsequent changes.  
Mr. Reynolds was told that if any part of a parcel that touches the overlay then the entire parcel would be affected by the commercial regulations in Hwy 17 Overlay. Map color scheme is standard/universal with other maps. List for of 5,076 tax records for people whose mailing address is outside of Pender County will receive notification of zoning changes. In addition, newspaper ads for those within Pender County will comply with State Code. Public hearing will address the map and the ordinance on April 6, 2010. While staff has received positive feedback regarding the draft ordinance for the aviation overlay; however still awaiting response from Wallace International Airport for detailed regulation input regarding distance from runway/approach but underlying district will be RA and town of Wallace is trying to incorporate that area. Concern rose for

compatible use when there are so many different types of zoning in the Penderlea area. Staff will offer help with small area plans. Burgaw is in process of extending their extra territorial jurisdiction. State approved request will now go back to City Council for final approval removing designated area from County jurisdiction. However, until finalized, the zoning by the County will be in place. ETJ behaves similarly to annexation; however town taxes are not levied. Major complaint by residents near Alligator Lane off Hwy. 117 of not being able to do minor add-ons without a variance petition was rectified by zoning change from B-2 (required strict setbacks) to residential with non-residential remaining business. State surveyor should be submitting a report to the Commissions soon regarding a boundary dispute between Pender and Onslow County.

\*\*Patrick to share annexation shape file with board at next meeting.

○ **Landscaping**

Ms. Sue Lorusso suggested holding a meeting with nurseryman, landscape architect, herself and Mr. Breuer to clarify language to meet the intent for landscaping and buffering ordinance including storm water vegetation regulation.

\*\*Staff will correct identified missing information on page 7-2 (7.1.3A.1) referencing special flood hazard areas for significant tree surveys.

\*\*Suggestions from meeting review of Article 7 will be submitted to board by email to be incorporated with draft by 2/5/10 for printing.

○ **Signs**

Board agreed to change regulation (4.14.4.B.5.d) sign of 20' in the Overlay and maintain the regulation (9.8.A) 25' free standing. On Page 9-6, Mr. Millette identified need for clarification of language. Also, 9.11-Prohibited Signs, would like to see windblown/inflated signs included. In addition, language needs to be clarified for 9.7 to reflect the intent. Board agreed 9.5.D.4 to maintain current language. Board chose to remove sentence referencing construction signs in 9.5.E. Under Exemptions (9.4) or Signs Not Requiring Zoning Approval (9.5) Mr. Williams would like to see language included to allow off site real estate signs. Non-compliant signs referenced in 9.13.C will have a language change.

\*\*Staff to make appropriate changes to Article 9.

○ **Development Regulations and Subdivision Design**

Changes regarding drainage throughout document will be made, as well as language for 6.2.2.B or 6.2.2.I will be addressed, keeping only one. Most of Article 6 carried over from current ordinance. Major thoroughfares will be maintained by DOT. Off-Street Parking (6.8) language referencing Day Care needs to be changed. Open Space Requirements listed in 6.1.2.2 are now incorporated into the ordinance including Parks and Recreation Comprehensive Master Plan. Request regarding item Amount of Payment (6.1.2.2.C) needs to reflect a comparable lot size sale. Article 6.1.2.3.A

\*\*Staff will correct Page 18 to reflect correct lettering sequences under 6.7.1.A-M., as well as the language.

\*\*Staff will work up a proposal for Amount of Payment using comparable lot size.

\*\*Numbering needs to be corrected for Article 6 to reflect correct sequence especially on pages 6-24 through 6-31.

\*\*Article 4 revisions will be presented along with changes for review of draft.

**Planning Board Members - None**

**2. Adjournment**