

# Pender County Planning and Community Development

## Planning Division

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## MINUTES

**Pender County Planning Board Meeting**  
**March 1, 2011 7:00 p.m.**  
**Pender County Public Meeting Room**  
**805 S. Walker Street, Burgaw, North Carolina**

**Call to Order:** At the request of Kyle Breuer, Director; Board member Millette called meeting to order at 7:00 pm.

**Roll Call:** Board member Millette

Pender County Planning Board Members:

Garrett:  Boney:  Marshburn:  Millette:  Smith:  Williams:  Edens:

- 1. Election of Officers:** Trey Thurman, County Attorney opened the floor for Chairman nominations; Board member Williams nominated Board member Millette; Board Member Millette did not accept the nomination and nominated Board member Williams; Board member Williams declined the nomination. Board member Millette nominated Board member Marshburn; Board member Marshburn declined the nomination. Board member Williams nominated Board member Boney; Board member Boney accepted the nomination for Chairman. With no other nominations Trey Thurman, County Attorney closed the floor and asked that the Board vote; Vote unanimously passed in favor of Board member Boney as Chairman of the Pender County Planning Board. With Chairman Boney's approval Trey Thurman, County Attorney continued the process of electing officers and opened the floor for Vice-Chairman Nominations. Board member Millette nominated Board member Smith; Board member Smith was not present. With no other nominations Trey Thurman, County Attorney closed the floor and asked that the Board vote; Vote unanimously passed in favor of Board member Smith as Vice-Chairman of the Pender County Planning Board. Trey Thurman, County Attorney asked that Chairman Boney assume his position. Chairman Boney stated to the Board members and audience that he would try his best to execute his new position with the knowledge that he had and that it was important to him to base his decisions on what he believed which was "Everyone had the right to do anything they would like to until it infringes on the rights of others."
- 2. Adoption of the Agenda:** Board member Millette made the motion to approve the agenda; seconded by Board member Williams. Vote unanimously passed.
- 3. Approval of Minutes:** Board member Millette made the motion to approve minutes from the January 4, 2011 meeting; seconded by Board member Williams. Vote unanimously approved.
- 4. Public Comment:** Chairman Boney opened the floor to public comments; floor was closed due to no public comments.

*\*(Public Hearing)\**

**5. Master Development Plan:** J. Wright Holman, III, applicant and owner, is requesting the approval of a master plan for Cypress Station. The development consists of four commercial units on approximately 3.1 acres. The proposed project is located at the northwest corner of US Highway 17 and Hoover Road in Hampstead. The property is zoned GB, General Business and can be identified as PIN(s): 3282-98-8323-0000 and 3282-98-7567-0000. Ken Vafier, Senior Planner presented and provided background information for Agenda Item 5. Ken Vafier, Senior Planner opened the floor for any questions and advised that the applicant and Tara Murphy with WMPO were available to answer any questions. Board member Millette asked if the ownership of the McDonald's property the same as the property being discussed; Ken Vafier, Senior Planner answered no, that the McDonald's property was sold separately. There was some discussion from Board members about possible right of ways; if they actually existed or not. Ken Vafier, Senior Planner stated that staff recommended any and all connections to Peanut Road be considered for circulation of traffic. Board member Williams asked what was the activity taking place on Burns Lane; Ken Vafier stated he would like to refer the question to the applicant; Jimmy Ellington, member of the Cypress Station group; stated that there were improvements being made to Burns Lane to accommodate the neighbors and to create the landscape buffers that were required. Tara Murphy with WMPO, stated to the Board that the WMPO would like to see a connector street to Peanut Road to reduce traffic on Highway 17. Board member Williams asked who would be responsible for developing connector streets; Jimmy Ellington, member of the Cypress Station group, stated that they would be willing to accommodate in anyway but it seems that any connector streets at this time would cause more traffic problems then relief. Josh Mihaly, stated to the Board that he helped design the project and that inner connectivity within the development would be sufficient in reducing traffic on Highway 17 at this time; that all the group is asking for is a Preliminary Master Development Plan approval. Dr. Shyam Garg, stated to the Board that he was in the process of rebuilding his doctor's office located across from the proposed development on Highway 17 and that he was very concerned for the safety of his patients and school traffic traveling in an area that is already congested. Dr. Shyam Garg concluded by asking the Board to please consider the existing traffic issues in the area of Hoover Road and Highway 17 before making any decision in favor of the Cypress Station Development. Chairman Boney closed the floor to public comments and opened discussion among Board members. After much discussion between Board members and the applicants regarding the requirements of the Department of Transportation. Chairman Boney asked if there were any motions.

Board member Williams made the motion to approve the Master Development Plan as presented; seconded by Board member Smith. Vote unanimously passed.

*\*(Public Hearing)\**

**6. Master Development Plan:** Mihaly Land Design, PLLC, applicant, on behalf of Robert King, owner, is requesting the approval of a master plan for Kings Heritage Farm. The development consists of thirty single family residential units on approximately 32.22 acres. The proposed project is located at the northeast corner of Old Post Office Road and Watts Landing Road in Hampstead. The property is zoned RP, Residential Performance and can be identified as PIN 4225-54-3760-0000. Planner Moncado presented and provided background information on Agenda Item 6. Board member Millette asked what was going on with the other 66 acres that is not being developed; Planner Moncado referred the question to the applicant. Josh Mihaly, addressed the Board on behalf of the applicant and stated that the applicant only wanted to develop a small portion of the property. After much discussion between Board members and Mr. Mihaly regarding the planned development meeting all preliminary requirements Chairman Boney opened the floor for public comment. Marianne Orr addressed the Board to make it known that her family was currently in Litigation with Mr. and Mrs. King over deeded access matters. Mrs. Orr asked the Board to please consider that the development

of Kings Heritage Farm would prevent access to her property. Trey Thurman, County Attorney stated that the Board had no jurisdiction to decide access. Chairman Boney closed the floor to public comments and opened discuss among the board. Board members had a brief discussion regarding the ingress and egress of the development. Board member Edens asked why the applicant chose to have the roads private verses public; Applicant responded the decision was based on the plans design, that if the roads were public they would have to be constructed to the Department of Transportation's standards which would take away planned opened space and character of the development. Chairman Boney asked if there were no more questions or comments would anyone like to make a motion.

Board member Williams made the motion to approve the Master Development Plan as presented; seconded by Board member Smith. Vote unanimously passed.

- 7. Zoning Text Amendment:** Stephanie Gasparovic and Associates, Inc., applicant, is requesting approval of a zoning text amendment to the Unified Development Ordinance, Article 9. The amendment request is to add language to allow temporary off premise directional real estate signs. Director Breuer provided background information for Agenda Item 7 and stated that the applicant had presented text that was included in the Board members packets to be discussed and voted on for approval. Ladd Gasparovic, Attorney addressed the board on behalf of the applicant and stated that the matter before them has been discussed at previous Planning Board meetings; which led to the creation of the text being presented to them, with the hopes of resolving this matter. After a long discussion of the revisions that the Board recommended to the Proposed Text Amendment language, Board member Millette stated that the Board needed to make a decision on the issue of allowing off premise directional real estate signs before wasting any more time on the language. Cameron Moore addressed the Board on behalf of the Wilmington Cape Fear HBA and the Topsail Island Association of Realtors and stated that the language can be changed but the issue is the gray areas of the Unified Development Ordinance regarding on and off premise real estate signs. Mr. Moore introduced Bryan Moxey from Coldwell Banker Sea Coast Realty to present to the Board the importance of signs in regards to selling property. Mr. Moxey discussed the results of a recent tally of just under a thousand inbound telephone calls his office had received requesting information; 81% were driven by signs, .05% from Star News ads, 9% from the Internet and 10% from a mixture of other sources. Mr. Moxey concluded by saying that signs build good neighborhoods, increases the sales of homes which increases revenue for the county. Chuck Wilson stated to the board that there are good and bad signs but with that said he believed the proposal should be denied; he was concerned that by approving off premise real estate signs visual clutter would be created on the corner of Highway 210 and Highway 17 which has become the heart of downtown Hampstead. Randy Cox, President elect of the Topsail Island Association of Realtors addressed the Board in support of the sign ordinance. After much discussion among Board members regarding the pros and cons of allowing off premise real estate signs and the need for modifying the text of the Unified Development Ordinance for a clear understanding of what is allowed; Chairman Boney asked if there were any motions. Director Breuer stated that regardless of how the Board moves with the matter he still has to craft language to clarify the Ordinance regarding on and off premise signs.

Board member Millette made the motion to deny the request for the Text Amendment; seconded by Board member Smith. Vote resulted in Board members Millette, Smith and Marshburn voting in favor of the motion; Chairman Boney, Board members Williams and Edens voting against the motion.

With the vote hung there was more discussion among the Board members on allowing or not allowing off premise real estate signs and creating language to clarify the Unified Development Ordinance.

Board member Williams made the motion that staff work with the real estate community to create language to change the Unified Development Ordinance so that off premise real estate signs are allowed; and to present to the Board for approval; seconded by Board member Edens. Vote unanimously passed.

*\*(End Public Hearing)\**

**8. Discussion Items:**

**a. Planning Staff:** The discussion items listed on the Agenda were not discussed due to the meeting being adjourned.

**b. Planning Board Members:** None

**9. Adjournment:** Meeting adjourned at 10:10 pm.