

# Pender County Planning and Community Development

## Planning Division

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## MINUTES

**Pender County Planning Board Meeting  
April 5, 2011 7:00 p.m.  
Pender County Public Meeting Room  
805 S. Walker Street, Burgaw, North Carolina**

**Call to Order:** Chairman Boney called meeting to order at 7:05 pm.

**Roll Call:** Chairman Boney

Pender County Planning Board Members:

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

- 1. Adoption of the Agenda:** Board member Millette made the motion to approve the agenda; seconded by Board member Williams. Vote unanimously passed.
- 2. Approval of Minutes:** Board member Williams made the motion to approve the minutes from the March 1, 2011 meeting; seconded by Board member Millette. Vote unanimously approved.
- 3. Public Comment:** Chairman Boney opened the floor to public comments; floor was closed due to no public comments.

*\*(Public Hearing)\**

- 4. Master Development Plan:** Stroud Engineering, applicant, on behalf of Pender Properties, LLC, owner, is requesting the approval of a master development plan for Hoover Road Subdivision. The development consists of 209 single family residential units on approximately 145.57 acres. The proposed project is located east of Hoover Road and approximately 1.5 miles north of US Highway 17 in Hampstead. The property is zoned RP, Residential Performance and can be identified as PIN 3293-06-9673-0000. Planner Moncado presented and gave background information for Agenda Item 4. Planner Moncado advised the Board that the applicant was present to answer any questions. Board member Millette asked staff if it would be possible to show an overlay of the proposed Hampstead Bypass corridors; Director Breuer stated that the selected corridor was not available however, he could print a map showing what the Department of Transportation had available. Board member Millette requested that Director Breuer print the map so that the Board could see what areas would be affected with the proposed development plan. Board member Edens questioned why Grandview Drive extension was not shown on the maps; Planner Moncado responded that Grandview Drive extension was not being proposed at this time. Board member Williams stated that it appeared that Barnett Drive was across two parcels; Planner Moncado answered that was correct and both parcels were owned by the same owner. Luke Menius, agent for Stroud Engineering addressed the Board to clarify that the proposed access easement was 15 ft not 12 ft. and that there were 4 proposed future access points not 3. Board member Millette expressed his concerns about there only being 1 ingress/egress for a development of 200 homes being proposed at this time; Luke stated that there were provisions made for future ingresses/egresses. Board member Edens asked if the developers where proposing to make improvements to the Emergency access so that it may be used if necessary

as a secondary ingress/egress; Luke Menius responded yes. Board member Millette asked if the development was planned to be completed in phases; Brian Kaiser, Agent for the property owner responded that the Master Plan was presented with the understanding that at any time during development the project could be broke down into sub phases as long as the Master Plan stayed the same, any alterations to the Master Plan would have to be presented to the Planning Board for approval before moving forward. Chairman Boney expressed his concern with the proposed development was going straight through the property being proposed for the Hampstead Bypass; Board member Edens stated that the Planning Board should not choose to approve or disapprove a Master Development Plan based on what may or may not happen with the Hampstead Bypass; Board member Williams agreed with Board member Edens and further stated that if a proposal is presented that works and meets the Unified Development Ordinance there is no reason why the Planning Board should not approve it. Board member Millette asked the applicants how they intended to deal with the proposed corridor of the Hampstead Bypass; Brian Kaiser responded that he has had conversations with members of the Department of Transportation and that they are fully aware of the Master Plan being presented, the developers plan to make any reasonable accommodations without losing their right to develop their property if the Department of Transportation moves forward with the Hampstead bypass, but at this time no comments or request have been made concerning this project. Board member Millette asked what the developers time schedule was; Brian Kaiser answered that it would be hard to say; Chairman Boney asked for a ballpark figure; Brain Kaiser responded that it could possibly take 24-36 months to have developed lots ready but again it would be hard to say do to the processes of development. Don Ellson, on behalf of Pender Watch, addressed the Board with concerns of only one Emergency egress but after hearing the earlier conversations concerning the ingresses/egresses he was satisfied, Mr. Ellson also stated that he would like to see more recreational areas within the development such as an athletic field, and Mr. Ellson addressed the Board with concerns regarding water and sewer availability and questioned how a Master Development Plan could be approved without knowing if the property would perk; Chairman Boney responded that water and sewer issues would be addressed at a later stage of development; Board member Williams referred to the Master Development Plan being a conceptual plan, the beginning of the development process. That approving a Master Development Plan was giving permission to move forward and see if development could be completed. Mr. Ellson stated that he felt it would be difficult for the Board to pull back from a Master Development Plan at some point once it was approved, but that was just his opinion and thanked the Board for their time. After discussion among Board members and Trey Thurman, County Attorney, Chairman Boney asked if there were any other questions or would anyone like to make a motion. Board member Millette stated that he would like to see a second ingress/egress but would not require it to be included as a condition in the proposed development at this time.

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

*\*(Public Hearing)\**

- 5. Ordinance Text Amendment:** Philip Andrews, applicant, is requesting an amendment to the Pender County Unified Development Ordinance, Section 5.2.3, Table of Permitted Uses. The applicant is requesting to add language to allow all other amusement and recreation industries to be permitted via Special Use Permit in the RP, Residential Performance District. Director Breuer presented and gave background information for Agenda Item 5. After some discussion among Board members, Attorney Thurman and Director Breuer regarding definitions, Board member Millette requested to hear from the applicant. Philip Andrews, applicant addressed the Board and stated that he was requesting the Ordinance Text Amendment so that he could pursue a canoeing guide

business. Mr. Andrews acknowledged members of the audience that flew remote control airplanes and were having the same issue as he was in that they were all unable to apply for a Special Use Permit for their recreational activities taking place in the Residential Performance District. Board member Millette stated that what Mr. Andrews was doing was great but if you looked at the list it would permit anything in any residential area of the county and was there any reason why he didn't apply to rezone his property; Mr. Andrews stated that he was advised by staff to seek an Ordinance Text Amendment. Director Breuer stated that there are other areas in the County that are zoned Residential Performance that could be utilized for recreational uses, that is supported by the Pender County Land Use plan which supports opportunities for Eco Tourism. After some discussion among Board members it was suggested that Board members could revise the text to permit specific uses via a Special Use permit in the Residential Performance District. Board members discussed and agreed that the following specific uses; Recreational Aviation clubs, Canoeing, Fishing Clubs, Flying Clubs, Kayaking, and River rafting; Guide services which include fishing, hunting, and tourist, could be permitted in the Residential Performance District via a Special Use Permit. Chairman Boney asked if anyone had any other questions or comments.

Board member Smith made the motion to approve the Ordinance Text Amendment with the agreed upon revisions; seconded by Board member Edens. Vote unanimously passed.

*\*(End Public Hearing)\**

## **6. Discussion Items:**

### **a. Planning Staff:**

- i. Draft Real Estate Signage Text:** Director Breuer gave the Planning Board members an update on the proposed text amendment language that staff was directed to work with applicants on creating and opened the matter for discussion. Board member Millette applauded staff for their efforts and proposed that item 11 be revised by replacing the percentage requirement with a set time frame such as permitted for 2 years and then renew for 2 years and increasing lots/units. After some discussion, Board members agreed to increase lots/units to 15, to omit the definition of end user and item 8. The Board requested that staff make the revisions and bring the text back before the Board for review.
- ii. Unified Development Ordinance Updates:** Director Breuer stated that staff had been working on a comprehensive Unified Development Ordinance revision in the form of Text Amendments. At this time staff was requesting direction from the Board to help clarify certain procedures. After discussion of possible changes to the Unified Development Ordinance Board members requested that staff draft the proposed changes and present to the Board.

### **b. Planning Board Members:** None

## **7. Adjournment:** Meeting adjourned at 9:15 pm.