

# Pender County Planning and Community Development

## Planning Division

805 S. Walker Street  
PO Box 1519  
Burgaw, NC 28425



Phone: 910-259-1202  
Fax: 910-259-1295  
[www.pendercountync.gov](http://www.pendercountync.gov)

## MINUTES

**Pender County Planning Board Meeting  
September 13, 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 Williams made the motion to approve the agenda; seconded by Board member Smith. The vote was 4 in favor and 2 opposed; Board member Millette stated that he was not sure if a public hearing should be held for Agenda Item 4 since the County Attorney was not present. Chairman Boney discussed continuing with discussion items and table all public hearing items; Board member Williams felt that the Board should continue with the Agenda as prepared. Senior Planner Vafier stated that the County Attorney had advised staff that he could be reached by telephone if needed and that the public hearings could be heard without his presence.

Board members voted to continue with the agenda as prepared. The vote was unanimous.

- 2. Approval of Minutes:** Board member Williams made the motion to approve the minutes from the August 2, 2011 meeting; seconded by Board member Smith. The vote was unanimous.
- 3. Public Comment:** Chairman Boney opened the floor to public comment; floor was closed due to no public comment.

*\*(Public Hearing Opened)\**

- 4. Zoning Map Amendment:** Mark Walton, Walton Engineering, applicant, on behalf of Buyers Brokers and Consultants Inc, owner, is requesting approval of a Zoning Map Amendment of a general use rezoning for two tracts totaling 721.76 acres from PD, Planned Development District, to RA, Rural Agricultural District. The property is located on the south side of Island Creek Road along the Pender County, New Hanover County Line in Scotts Hill and may be identified as Pender County PINs 3262-25-8994-0000 and 3262-69-4150-0000. Planner Frank presented and gave background information on Agenda Item 4. Board member Garrett asked how would the approved Master Plan be affected if the Board approved the rezoning request; Planner Frank replied that staff had contacted Richard Ducker from the School of Government, and his opinion was that if the rezoning was approved the Master Plan would no longer have entitlements. Planner Frank also explained to the Board that if the Board of Commissioners adopted the rezoning there would be a significant change to the outline of the original Master Plan causing it to become null and void. Board members asked if the other land owners had been notified regarding the rezoning request; Planner Frank responded that legal notices had been mailed. Chairman Boney asked if any other land owners were present; Planner Frank responded no. Chairman Boney asked if staff had received any affidavits or any

responses from the notified land owners; Planner Frank responded no. Board member Garrett asked staff if the County Attorney had voiced any opinions concerning the County being held liable by other land owners involved with the approved Master Plan; Planner Frank replied that through conversations with staff and the County Attorney it was decided that upon a Board decision staff would send a notice of determination to the land owners which would give them the opportunity to file an appeal within 30 days. Richard L. Burrows, attorney, addressed the Board on behalf of the property owner, Mr. Burrows gave a brief background of himself and ownership of the said property. Mr. Burrows stated the previous land owner caused the problem for the future of the approved Master Plan once they re-conveyed the property, which resulted in them not being the property owners or having any rights to build on the property. Mr. Burrows also stated that the surrounding land owners that may still be interested in the Master Development Plan could seek to revise the plan excluding the said property, that all his client was asking is to return the property to its original zoning classification. Mark Walton, Walton Engineering, applicant, stated to the Board that he would like to clarify that since the property was no longer owned by the group involved with the East Haven Master Development Plan they could not record the property. Board member Garrett asked if there had been any contact with the other owners in regards to revising the Master Plan excluding the said property; Mr. Walton responded no, that they were notified of the rezoning request but no one was present. Board member Williams stated for clarification that if the rezoning request was approved, then the original approved Master Development Plan for East Haven would be null and void. Al Friemark, resident, stated that he had questions and concerns regarding the rezoning request for property that was adjacent to Titan Cement's property. Mr. Friemark stated that approval of the rezoning could give opportunity for a quarry operation, which could be a major disadvantage for Pender County so therefore with the uncertainties of Titan Cement's plans, he urged Board members to hold off on making a decision regarding the rezoning request. Allie Sheffield, president of Pender Watch & Conservancy, stated to the Board that she also had concerns regarding the rezoning and Titan Cement, it was known that Titan Cement needed more property for their quarry operation to expand and there was no better place than the said property if the rezoning request was approved. Ms. Sheffield stated that there was no option for a quarry in a Planned Development zone; however a quarry could operate with a Special Use Permit in a Rural Agricultural zone. Attorney Burrows asked the Board to keep in mind their responsibility was to make a decision based on the facts of the application before them not speculation of what might occur in the future and that the facts were that application met all criteria of the ordinance for rezoning. Chairman Boney closed the floor to public comment.

Board member Williams made the motion to approve the Zoning Map Amendment as staff recommended; seconded by Board member Smith. The vote was 3 in favor and 3 opposed. Agenda item 4 was tabled until the next month's meeting.

5. **Zoning Map Amendment:** Pender County, applicant, is requesting to rezone one tract of land totaling 25.44 acres, from RA, Rural Agricultural to GI, General Industrial. The property is located at 4235 US Hwy 421 and may be identified as Pender County PIN 2293-04-7583-0000. Planner Moncado presented and gave background information on Agenda Item 5. Board members had a brief discussion regarding how the property was rezoned.

Board member Millette made the motion to approve the Zoning Map Amendment as presented; seconded by Board member Williams. The vote was unanimous.

6. **Planned Development Preliminary Plan:** Jeff Beaudoin, applicant and owner, is requesting approval of a Preliminary Plan for Phases I & II of the Community Aquatic Lifestyle Center. The proposed project is located along the west side of Country Club Drive, ±600' south of Avila Drive,

Hampstead, NC. The property is zoned Planned Development and received Master Plan approval 8/3/2010. The property may be identified as Pender County PIN 4203-36-1126-0000. Ken Vafier, Senior Planner, presented and gave background information for Agenda item 6. Board member Millette asked if the applicant was meeting the required landscape buffer; Ken Vafier, Senior Planner, replied yes. Board members had a brief discussion with staff to clarify what Phase II consisted of. Board member Williams stated that there appeared to be a road leading into Hawksbill Cove but no connection, would there be a connection. Jeff Beaudoin, applicant, responded that at this point that it is actually a ditch, however, Hawksbill Cove representatives have stated that the Community Aquatic Lifestyle Center could connect. Board member Millette asked the applicant if he felt there would be any issues with boarding horses next to a residential area; Mr. Beaudoin responded that the area was heavily buffered.

Board member Millette made the motion to approve the Preliminary Plan as presented; seconded by Board member Garrett. The vote was unanimous.

- 7. Zoning Text Amendment:** Pender County, applicant, is requesting approval of an amendment to the Pender County Unified Development Ordinance. The proposal consists of amending Section 4.14, 5.2.3, 5.3.3, and Appendix A, with the creation of Section 3.20, 5.3.9.A, and 5.3.9.B, as well as revising references and language in Articles 1-12 and Appendix A. A detailed description of each amendment is available in the Planning Department offices for review. Planner Moncado presented and gave background information on Agenda Item 7. Board member Williams and Garrett asked for clarification on the new changes; Planner Moncado reviewed the changes.

Board member Millette made the motion to approve the Zoning Text Amendment as presented; seconded by Board member Smith. The vote was unanimous.

*\*(Public Hearing Closed)\**

**8. Discussion Items:**

**a. Planning Staff:**

- i. **Low Impact Development:** Planner Andrea presented drafted language for a text amendment adding Low Impact Development to the Pender County Unified Development Ordinance. After some discussion on Dimensional Standards, Board members asked Planner Andrea to revisit 7.14 B and email suggested changes to Board members for review.
- ii. **Hampstead Commons:** Planner Frank asked the Board to clarify if staff needed to present Hampstead Commons' Master Plan/Preliminary Plat revisions to the Board as a complete submission; Board members responded yes.
- iii. **UDO Updates/Amendments:** Planner Moncado stated that storage containers being used as accessory structures were starting to appear all around the county and staff would like to know if the Board would support language being drafted to regulate the uses and permitted areas for storage containers. Board members agreed that issues would arise without some sort of regulations and encouraged staff to move forward with drafting a Text Amendment.

**b. Planning Board Members: NONE**

- 9. Adjournment:** Meeting adjourned at 9:30 pm.