

Pender County Planning and Community Development

Planning Division

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MINUTES

**Pender County Planning Board Meeting
March 6, 2012 7:00 p.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina**

Call to Order: In the absence of the Chairman and Vice-Chairman, Board member Millette presided as Chairman and called the meeting to order at 7:00 pm.

Roll Call: Presiding Chairman Millette

Pender County Planning Board Members:

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

- 1. Adoption of the Agenda:** Board member Garrett made the motion to approve the agenda; seconded by Board member Williams. The vote was unanimous.
- 2. Approval of Minutes:** Board member Edens made the motion to approve the minutes from the February 7, 2012 meeting; seconded by Board member Williams. The vote was unanimous.
- 3. Public Comment:** Presiding Chairman Millette opened the floor to public comment; floor was closed due to no public comment.
- 4. Presentation:** Director Breuer introduced Suraiya Rashid from the Wilmington Metropolitan Planning Organization; Ms. Rashid presented the Cape Fear Commutes 2035 Transportation Plan, stating that the plan was driven by the public and prepared by the Wilmington Metropolitan Planning Organization (WMPO), which is the local organization responsible for regional transportation planning in the area. Ms. Rashid stated that federal law requires the preparation of this plan specifying what issues the plan must consider. The Cape Fear Commutes 2035 Transportation Plan details how transportation needs should be addressed over the next twenty-five years, establishes the goals and objectives for the improvement of travel conditions within the WMPO planning area, makes specific recommendations for transportation projects and funding sources, and must identify funding sources for all of the proposed projects. Ms. Rashid also stated that the plan considers all modes of transportation, including automobiles, trucks, buses, trains, airplanes, ferries, bicycles, and walking. Ms. Rashid concluded her presentation by asking if the Board members had any questions. Board member Garrett asked Ms. Rashid if bike lanes were a part of the plan for Pender County and if so could she give a timeframe on when the bike lanes would be completed; Ms. Rashid answered yes bike lanes were in the plan for Pender County, but it was hard to say when the project would be completed due to funding. Chairman Millette asked Ms. Rashid if she could give a number regarding how much of the public was involved with the plan; Ms. Rashid answered that 3,238 survey responses were received. Presiding Chairman Millette asked if there were multiple surveys or just one; Ms. Rashid answered that it was only one survey distributed through several different outlets and that it could only be completed once. There were no further questions from the Board. Board members thanked Ms. Rashid for her presentation.

(Public Hearing Opened)

5. Zoning Map Amendment: John Silvia, applicant and owner, is requesting approval of a Zoning Map Amendment for a general use rezoning of one (1) tract totaling 2.37 acres from RP, Residential Performance District, to RA, Rural Agricultural District. The property is located along the south side of Ashton Road east of Little Kelly Road in Rocky Point and may be identified as Pender County PIN 3216-56-5573-0000. Planner Frank presented and gave background information on agenda item five. Planner Frank concluded her presentation by stating that staff recommended approval of the requested Zoning Map Amendment. Board member Garrett asked how long the said property had been zoned RP, Residential Performance; Planner Frank stated that the said property had been Residential Performance since the Unified Development Ordinance took effect in July of 2010 and it was zoned from R20 in 2003. Board member Garrett asked when it was zoned and approved for camping; Planner Frank stated that the campground had existed since 1983 prior to Pender County having a Zoning Ordinance. Presiding Chairman Millette asked what adjoining property did Mr. Silvia own; Planner Frank pointed out the property is owned by Mr. Silvia. Presiding Chairman Millette questioned why the applicant was only requesting to rezone two acres; Planner Frank explained that the rest of the property was a legal non-conforming use, but to further expand his use the other parcel would have to come into compliance with the Unified Development Ordinance. Board member Williams stated that according to the Deed it appeared to be a recent conveyance; Planner Frank responded that she would like to refer to the applicant for the response. Mr. Silvia, applicant, addressed the Board and stated that nothing has ever been on the property, but his business. He continued that he sold the parcel in question with the restaurant about five years ago and when the new owner was faced with foreclosure, he decided to purchase it back from the bank. Presiding Chairman Millette asked Mr. Silvia why was he not requesting to rezone all of the adjoining properties; Mr. Silvia answered that the situation had him confused he did not even understand why he had to request the rezoning being heard, that all he wanted was to have everything legal and right to continue the business he has always had on the property. Presiding Chairman Millette stated that he foresees Mr. Silvia coming back to the Board at a later date asking for a rezoning for the remainder of his property; Mr. Silvia answered that if the Board saw him before them again it would be for the purpose of asking if they wanted to buy his property. Board members had a brief discussion with the applicant and staff regarding the requested rezoning. Board member Williams stated that he would advise the applicant to consider rezoning all of the properties to be the same.

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

6. Zoning Text Amendment

Pender County, applicant, is requesting approval of an amendment to the Pender County Unified Development Ordinance. The proposal consists of amending Sections 3.4.1, 3.4.6, 3.4.8, 5.2.3, 5.3.3.B, 5.3.3.C, 6.5.C, and Appendix D. Director Breuer presented agenda item six and stated that staff was able to answer any questions that the Board may have. Board member Edens asked staff to correct the spelling error of the word niece located on the Grantor/Grantee Certificate; staff noted the needed correction. Presiding Chairman Millette asked what the difference was between Home Occupation and a Cottage Occupation since some of the language seemed confusing; Director Breuer explained the difference and stated that staff would make sure the language was consistent and clear.

Board member Edens made the motion to approve the Zoning Text Amendment as presented with the proposed changes agreed on by the Board and staff; seconded by Board member Garrett. The vote was unanimous.

(Public Hearing Closed)

7. Discussion Items:

a. Planning Staff:

- i. **Manor at Mill Creek:** Director Breuer stated that the Board requested to hear a revision received by staff as a discussion item, Director Breuer stated that the revision was for the development of two lots utilizing off-site septic easements within the common area in the Manor at Mill Creek, a subdivision initially approved by the Board in May 2006 and subsequently recorded in June 2007. After giving a brief history of the subdivision, Director Breuer advised that with the Board's guidance, staff would be able to facilitate the request administratively. Presiding Chairman Millette asked what were the regulations regarding owners that would be using the common lots for septic and would any signatures be required; Director Breuer answered that final plats had to have owner signatures, so staff would require signatures of any owners that would be effected by changes on the presented plat. Eric Litvak, developer, addressed the Board to answer any questions they might have. Board member Williams stated that his only concern was that the current property owners that purchased their lots under an already approved and recorded plat should be notified of any changes that result in a new plat. Mr. Litvak stated that a title company would be looking over his shoulder to make sure what he did was fair and that it would be impossible for him to get twenty two signatures to sign off on a new plat. Presiding Chairman Millette asked if it would be within the Board's duties to request Mr. Litvak to notify the property owners of changes via certified mail; Attorney Thurman answered that he felt it was a fair request. Mr. Litvak stated that he would be happy to meet the Board's request. Director Breuer asked Mr. Litvak to provide staff with a copy of the notice and a receipt of return for the certified mailings. The Board requested that at the minimum the seven lots that would be impacted by the change, be notified by certified mail by Mr. Litvak so that staff could continue to process the request at the administrative level.
- ii. **Thoroughfare Setbacks (Continued from 2/7/2012):** Director Breuer provided the Board with the number of properties that might be affected by thoroughfare setbacks and requested the Board's recommendation on moving forward with this project. Board member Garrett asked if the Board should wait to make comments until there were more Board members present. Presiding Chairman Millette responded that there was no reason why the present Board members could not make comments for staff to consider. Board members had concerns with the taking of property owner's property but agreed that something did have to be done. Board members advised staff to move forward with language that would grandfather established property and formulate standards such as minimum square footage and road frontage.
- iii. **Permitted Uses within the GB, General Business District (Continued from 2/7/2012):** Director Breuer stated that staff had prepared a breakdown of uses within the UDO that have existing development standards as well as proposed uses to include additional standards, require a SUP, and removal from the General Business zoning district. Director Breuer asked the Board if they would like to proceed and work through the list of uses or would the Board prefer to continue until the next meeting when more Board members were present. Presiding Chairman Millette stated that he agreed with Board member Garrette that the discussion item be continued to the next meeting.

b. Planning Board Members:

- i. **Family Subdivisions:** Board member Williams stated that he had been contacted with complaints on how family subdivisions are approved, but if staff felt there were no issues then he had no issue.

8. Adjournment: Meeting adjourned at 9:05 pm.