

Pender County Planning and Community Development

Planning Division

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MINUTES

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

In the absence of Chairman Boney, Vice-Chairman Williams presided

Call to Order: Vice-Chairman Williams called the meeting to order at 7:00 pm.

Roll Call: Vice-Chairman Williams

Pender County Planning Board Members:

Boney: Williams Edens: Garrett: Marshburn: Millette: Nalee

- 1. Adoption of the Agenda:** Board member Edens made the motion to approve the agenda; seconded by Board member Garrett. The vote was unanimous.
- 2. Approval of Minutes:** Board member Garrett made the motion to approve the minutes from the July 10, 2012 meeting; seconded by Board member Edens. The vote was unanimous.
- 3. Public Comment:** Vice-Chairman Williams opened the floor to public comment; the floor was closed for public comment due to no sign ups for comment.

(Public Hearing Opened)

4. Zoning Map Amendment:

John and Christopher Batts, applicants and owners, requested approval of a Zoning Map Amendment for a general use rezoning of approximately ±2.46 acres from RP, Residential Performance District, to GB, General Business District. The property is located at 71 Mill Creek Road, Hampstead, along the northeast corner of NC Highway 50 and Mill Creek Road just east of Shepards Road, and may be identified by Pender County PINs: 4236-32-9928-0000 and 4236-33-9282-0000. Planner Frank presented and gave background information for agenda item 4. Board member Millette asked what the buildings across from the requested rezoning parcel consisted of; Planner Frank answered that it was a manufactured home park. Board member Millette asked if there had been any responses from adjoining property owners; Planner Frank answered no. Board member Nalee asked if the responses from the TRC had been addressed; Planner Frank answered that the responses have been reviewed with the applicant but, they would not actually be addressed until the applicant applied for a building permit. Board member Garrett asked if the business was established prior to 2003; Planner Frank answered yes, that the applicant provided a burden of proof stating that the business was established prior to the county-wide rezoning in 2003 that changed the zoning of the property. Vice-Chairman Williams stated that since no one signed up for public comment he would close the public hearing and entertain any motions the Board may have.

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

5. Master/Preliminary Plan:

Hampstead Town Center, LLC, applicant, on behalf of First Troy SPE, LLC, owner, requested the approval of a master plan and preliminary plan for the Hampstead Town Center outparcels. The project is located along the east side of US Highway 17 at the intersection of Ravenswood Road. The property is identified by Pender County PIN 3293-86-5490-0000 and is zoned PD, Planned Development. Planner Andrea presented and gave background information for agenda item 5. Board members had a brief discussion regarding the ingress and egress of the outparcels; Planner Andrea stated that the ingress and egress was approved during the approval process of the Commercial Master Plan and that there was no additional ingress and egress being requested. Vice-Chairman Williams asked Planner Andrea for clarification on which ordinance this project was being reviewed under; Planner Andrea answered the Zoning Ordinance. Vice-Chairman Williams clarified that the case before the Board was solely regarding the three out parcels of the project. Board member Edens asked if the developers decided to make any changes to what the Board may approve, such as three fast food restaurants instead of one, would the project have to be brought back before the Board; Director Breuer answered that if any changes were made to the uses, then yes the Board would have to approve or deny the changes. Board member Millette stated that he recalled there being some conditions placed on the original approval, two that stood out to him was a barrier fence being placed between the commercial site and the neighborhood behind it and an agreement that the developer for this project in conjunction with the developer across the street would maintain Ravenswood road. Director Breuer responded that in reference to the conditions, a barrier fence was shown on the site plan along with landscaping and was approved; in regards to the maintenance of Ravenswood road an agreement had been recently recorded which required the developer of the current project to be responsible until such time Department of Transportation took over Ravenswood road. Board member Millette asked if under the filed agreement, would property owners be subject to any assessments; Director Breuer responded that he would have to defer that question to Mr. Rowe to answer. Vice-Chairman Williams stated that if there were no further questions from the Board he would like to have the applicant answer the deferred question and any others the Board may have. Rick Rowe, president of Wakefield Associates, appeared on behalf of the applicant. In response to Board member Millette's question regarding property owners being subject to assessments; Mr. Rowe answered no. Mr. Rowe discussed the plans of having the Department of Transportation take over Ravenswood road stating that an engineer had been hired to assist with the process. Vice-Chairman Williams asked if there were any other questions for the applicant, due to no more questions, Vice-Chairman opened the floor to public comments. Bob Julius, resident, stated that the rear of his property bumped up to the back of the access road behind the development and his concern was, when would the barrier fence be installed; Mr. Rowe answered that once all the utility work was completed the fence would be installed. Mr. Julius concluded by stating that he just wanted to make sure that the original conditions were met and that he did not appreciate a gas station being proposed. Vice – Chairman stated that there were no other sign ups but, did anyone else wish to comment. A male, resident of 434 Widgeon Drive, Hampstead, did not approach the podium but stated that he objected to a gas station and a fast food restaurant being proposed. The wife of the gentleman approached the podium and asked if speed bumps could be installed on Ravenswood road; Mr. Rowe answered that since the developer's plans were to have the road turned over to the Department of Transportation then the installation of speed bumps would ultimately be up to the Department of Transportation. A female, resident of 110 Widgeon Drive, Hampstead, stated that she also objected to having another gas station and fast food restaurant and did not see the need for more of them in Hampstead, especially due to the types of people that gas stations attracted which made her feel that the safety of the residents would become an issue. A male, resident of 116 Widgeon Drive, Hampstead, stated that his concern was about where the treatment plant for the development would be located; Planner Andrea pointed out on the maps the location of the proposed treatment plant and reminded the gentleman that the site had already been approved.

The gentleman asked if Planner Andrea could guarantee him that there would be no noise from the plant to keep him up at night; Vice-Chairman responded that the Planning Department Staff or Board could not make such a guarantee and would hope that he could understand that. Mr. Julius asked if the design of the shopping center stay the same; Mr. Rowe reviewed over the design elements of the project and explained that the gas station was not a convenient store; it was a few gas pumps with a small building, which was affiliated with Lowes Foods' reward program for discounted gas. Asa Harris, representative for The John McAdams Company, addressed the Board to point out the details regarding the purposed outparcels, so that everyone would be well informed of the proposal, stating that the proposal was for six gas pumps, a small kiosk type building with a canopy and that the outer parcel would be approximately two hundred and fifty feet away from the rear property line. Vice-Chairman Williams closed the public hearing, Board members began their discussion of the case. Board member Millette made the proposal that the Board review each out parcel separate. Board member Edens asked if the proposal was possible since the parcel were not subdivided; Director Breuer answered that yes the Board could review the uses for each parcel. Board members continued discussing the provided details of the project such as proposed uses, ingress and egress, size of buildings and acreage being used. Board member Millette proposed setting a condition that a pylon sign be used instead of three separate signs for the outer parcels to eliminate some of the visual clutter along Hwy 17. Mr. Rowe agreed to one pylon sign for the shopping center and three ground signs that would not exceed five feet in height for the three outer parcels.

Board member Garrett made the motion to approve the Master/Preliminary plan as presented with the condition that the signs for the out parcel shall not be greater than five feet high; seconded by Board member Edens. The vote was unanimous.

6. Pender County Comprehensive Transportation Plan:

The Pender County Planning Board held a public hearing for the adoption of the Pender County Comprehensive Transportation Plan. Copies of the draft maps and recommendations were available for review and comment at the Planning Department offices in Burgaw and Hampstead and online at www.pendercountync.gov. Director Breuer gave background information on agenda item 6 and introduced Shane York, Engineer for Department of Transportation. Mr. York gave a brief presentation of the Comprehensive Transportation Plan, stating that nothing had changed since he presented a draft of the plan at the last Board meeting. Board member Nalee made comments regarding the need for transportation in the Western side of Pender County and hoped to see something positive come out of the transportation plan for that need. Vice-Chairman Williams opened the floor for the public hearing, there were no public comments, Vice-Chairman closed the public hearing and opened the floor for the Board's discussion, due to no discussion Vice-Chairman Williams stated he would like to entertain any motions.

Board member Edens made the motion to approve the Pender County Comprehensive Transportation plan as presented; seconded by Board member Garrett. The vote was unanimous.

(Public Hearing Closed)

7. Discussion Items:

a. Planning Staff:

Director Breuer thanked the Board for their support and thanked Planner Andrea on hard work for the LID project. Director Breuer reminded the Board of the scheduled work session that would take place prior to the next meeting and encouraged Board members to email any questions or items they may have for the work session.

b. Planning Board Members:

Board member Millette asked for an update on projects that had been previously approved by the Board. Director Breuer gave a brief update on those projects status.

8. Adjournment: Meeting adjourned at 9:30 pm.