

# Pender County Planning and Community Development

## Planning Division

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## MINUTES

**Pender County Planning Board Meeting  
April 9, 2013 7:00 p.m.  
Pender County Public Meeting Room  
805 S. Walker Street, Burgaw, North Carolina**

**Call to Order:** Chairman Boney called the meeting to order at 7:00 pm.

**Roll Call:** Chairman Boney

Pender County Planning Board Members:

Boney:  Marshburn:  Baker:  Edens:  McClammy:  Nalee:  Williams:

- 1. Adoption of the Agenda:** Board member McClammy made the motion to adopt the agenda; seconded by Board member Marshburn. The vote was unanimous.
- 2. Adoption of the Minutes:** Board member Marshburn made the motion to adopt the minutes from the March 5, 2013 Planning Board Work Session and Meeting; seconded by Board member Williams. The vote was unanimous.
- 3. Public Comment:** Chairman Boney opened the floor to public comment; the floor was closed for public comment due to no sign ups.

*\*(Public Hearings Opened)\**

**4. Master Development Plan:**

Rocky Point Holdings LLC, applicant and owner, requested the approval of a Master Development Plan for the expansion of an existing use. The request included the construction of a 9,750 square foot structure on 4.51 acres. The proposed project is located at 589 Carver Drive in Rocky Point. The property is zoned PD, Planned Development District and may be identified as Pender County PIN 3223-55-9108-0000. Planner McCarthy presented and gave background information for agenda item 4. Chairman Boney requested to hear from the applicant. Charles Cazier, project engineer, stated that the owner was out of town, but there was a representative available; Mr. Cazier stated that Planner McCarthy did a good job of explaining the project. Planning Board member Edens asked if there was an open air structure located on the site now that they were inclosing; Mr. Cazier answered no there was not a structure there at this time, they were proposing to build a structure to store the equipment on site, Mr. Cazier added that the structure would not be a heated structure, nor would it have plumbing, that it was basically a warehouse. Director Breuer asked Mr. Cazier if he could give a brief description to the Board of what the property is used for; Mr. Cazier responded that the property was used to store mobile power generators and vehicles that are used for additional power at large events. Board member Baker asked if the structure would be free standing or attached to the existing building; Mr. Cazier answered that the structure would be free standing. Chairman Boney asked if there were any other questions from the Board; Board member Baker recommended that on technical review comments, staff should change the wording in their staff reports from consideration to requirements in order to prevent misinterpretations; Director Breuer

noted the recommendation. Chairman Boney requested to hear from any one that signed up to speak on agenda item 4. Dwayne Glover, Summit Ridge resident, stated that he was just interested in what was being built but, the engineer had answered all his questions when he addressed the board. Mike Mantooth, Summit Ridge resident, stated that he was also in attendance to find out what was being built and that he had no other questions. Tony Anderson, adjoining property owner, asked how tall the proposed structure would be, would the structure be used for the purpose of spray painting the equipment, because he had breathing problems and did not want him and his wife to have to smell and inhale the paint fumes, and how would the structure effect his property value. Chairman Boney asked for the applicant to respond to Mr. Anderson's concerns. Mr. Cazier answered that in regards to the structure's purpose; it was for storage of the equipment, it would not be used for spray painting, and the height of the building would be similar to the existing structure which he believed was 20 foot. Mr. Anderson stated that he had a garden and a building that tall would knock the sunlight out, and the purpose of the building is for storage today but, what would stop it from being used for painting tomorrow, Mr. Anderson continued to state that he had COPD and it was a result from working for the company and was concerned about him and his wife's overall health and felt a building that size would decrease his property value. Board member Edens asked Mr. Anderson if looking at the site plan was his property identified as Rosa Anderson, Mr. Anderson answered yes, Board member Edens stated that if she understood the site plan the location of the proposed structure was roughly 280 feet away from his property line. The Board members reviewed over the proposed site plan with Mr. Anderson, after reviewing the site plan Mr. Anderson stated that he was confused on the location of the proposed structure and apologized. Board member Baker asked if the narrative submitted by the applicant's binding; Chairman Boney asked Director Breuer to respond. Director Breuer stated that this was a matter he was going to bring up, that within the Planned Development District the Planning Board has the authority to set setbacks and building heights, the proposed setbacks for this project seem applicable but, a building height would need to be established. Chairman Boney stated that he felt the setbacks were fine and the applicant stated the building would be roughly 20 feet, which he felt was fine also but, would like to hear from the other Board members. Director Breuer reviewed over the height maximum in other districts, which was between 40 to 50 feet depending on the district, Director Breuer stated that he wanted to review this since the applicant stated the building would be 20 feet, so the applicant would not limit themselves and be binding by the Planning Board's approval process, because if the building turned out to taller than 20 feet they would have to come back before the Planning Board. Mr. Cazier stated that he did not have an exact height at this time but, it would be similar to the existing buildings which were somewhere between 20 to 30 feet high. Chairman Boney suggested setting the height limit at 30 feet, other Board members agreed.

Board member Marshburn made the motion to approve the Master Development Plan as presented; seconded by Board member McClammy. Board member Baker requested that the approval also include the maximum height limitation of 30 feet and the stated requirements from TRC located in the staff report; Chairman Boney revised the motion to include Board member Baker's request. The vote was unanimous.

**5. Preliminary Plat:**

Signature Pender County NC, LP, applicant and owner, requested approval of a Preliminary Plat for a major subdivision. The request consisted of developing 45 single family residential lots on approximately 23.14 acres. The proposed project is located along the north side of Sloop Point Loop Road (SR 1563), south of Doral Drive (across from North Topsail Elementary School) in Hampstead. The property is zoned RP, Residential Performance District and may be identified as Pender County PIN 4214-10-3282-0000. Planner Frank presented and gave background information for agenda item 5. Chairman Boney asked if the owner or engineer would like to make any additional comments, to

please come up to address the Board. Mike Pollock, Signature Pender County NC, LP, stated that he would like to thank Kyle Breuer, Planning Director and Ashley Frank, Planner II, for all their hard work and he was looking forward to moving forward with the project. Chairman Boney asked to hear from any sign-ups. Billy Batson, adjoining property owner, asked where the septic field was proposed to be located; Mr. Pollock responded that all of the lots with the exception of three would have the septic located on the lot. Mr. Batson asked once all the homes were built and sold who would be responsible for the septic field in which those three lots drained into; Mr. Pollock answered the responsibility would be placed on those lot owners and the HOA. Mr. Pollock assured Mr. Batson that this project was going to be a really nice up-scale look for the community. Mr. Batson stated that he had no problem with the development; he just wanted to make sure that the sewer would not be running into the creek and if there was ever a problem, to whom would be responsible for it. Chairman Boney closed the public hearing due to no more sign-ups and opened the floor for the Board's discussion. Board member Baker stated that in the applicant's submittal they stated that some lots would require off site septic systems, could staff point out where those lots were located. Planner Frank responded that at the time the staff report was presented to the Board the applicants had not completed their report in which they had stated that there may be a potential for off-site septic systems and if they were going to have to utilize an off-site septic it would be located in the area referred to as C4 on the site map. Board member Baker asked if the maps would be revised to show the location of the off-site septic system; Planner Frank answered yes, that if off-site septic systems were needed. David Greer, Developer, presented new maps to the Board that showed the lots requiring off-site septic systems and the location of the off-site septic system. Mr. Greer reviewed the updated site plan with the Board and stated that there would be 4 lots that would require an off-site septic system, lots 8, 43 and 39 would drain into a septic field located beside the retention pond and lot 11 would drain into a septic field located at the back of lot 45. Chairman Boney asked if there were any other questions from the Board.

Board member Edens made the motion to approve the Preliminary Plat as presented; seconded by Board member Williams. The vote was unanimous.

#### **6. Zoning Map Amendment:**

Stroud Engineering, P.A., applicant, on behalf of Jack Stocks, owner, requested approval of a Zoning Map Amendment for a general use rezoning of one tract totaling 15 acres from PD, Planned Development District, to RP, Residential Performance District. The property is located off of Carver Drive in Rocky Point and may be identified by Pender County PIN 3223-45-0612-0000. Senior Planner Andrea presented and gave background information on agenda item 6. Senior Planner Andrea noted that the Pender County PIN number presented in the Board's packet was different than the current PIN number, after submitting the application the applicants recorded a new map to make the subject property its own parcel and the new Pender County PIN was 3223-56-1274-0000. Chairman Boney asked if there were any questions from the Board. Board member Edens asked if the Turnstone Development was developed or approved prior to the adoption of the Unified Development Ordinance (UDO); Senior Planner Andrea answered that he believed it was. Board member Edens stated the purpose of her question was to clarify that under the current UDO commercial uses were required in Planned Development Districts; Senior Planner Andrea responded that Board member Edens was correct. Chairman Boney asked if there were any additional questions.

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

*\*(Public Hearings Closed)\**

**7. Discussion Items:**

**a. Planning Staff:**

- i. County Zoning Evaluation:** Director Breuer stated that at the previous meeting the Board had requested that staff provide the zoning changes throughout the County since the adoption of the UDO; staff did so by providing a spreadsheet to the Board with their packets. Director Breuer stated that at this time staff requested guidance from the Board on how to proceed on the matter. After a brief discussion between Director Breuer and the Board, the Board decided that it would be best to handle the matter on an applicant by applicant basis verses a staff initiated mass rezoning.
  
- ii. Shared Parking:** Director Breuer stated that shared parking was discussed during the Planning Board's work session that took place in March, as a follow up staff had researched practical information regarding the practices of shared parking and provided two scenarios for the Board to review. After reviewing the scenarios the Board recommended that staff look at the UDO's language regarding shared parking as a choice not a requirement for developers. Director Breuer responded that staff would follow the Board's recommendation and present some language to the Board at a later date.
  
- iii. Permitted Uses:** Director Breuer stated that staff had identified some issues within the UDO's Table of Uses regarding use code 71399 and would like to recommend adding use codes Postal Services (NAICS 491110) and Civic and Social Organizations (813410) that may have been over looked during the creation and adoption of the UDO. Director Breuer also requested that the Board evaluate the subject of outdoor shooting ranges for the appropriateness in certain zoning districts. The Board requested that staff draft the needed language and present the matter at the next Board meeting as a Text Amendment.

**b. Planning Board Members:**

**8. Next Meeting:** May 7, 2013

**9. Adjournment:** Meeting adjourned at 9:00 pm.