

Pender County Planning and Community Development

Planning Division

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MINUTES

**Pender County Planning Board Meeting
September 10, 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 Williams made the motion to adopt the agenda; seconded by Board member McClammy. The vote was unanimous.
- 2. Adoption of the Minutes: (August 6, 2013)** Board member Marshburn made the motion to adopt the minutes; seconded by Board member Baker. The vote was unanimous.
- 3. Public Comment:** Chairman Boney asked if there were any signups for public comment; due to no signups, Chairman Boney closed the floor to public comments and opened the floor for the public hearings.

(Public Hearings Opened)

4. Zoning Map Amendment:

Coastal Land Design, PLLC, applicant, on behalf of Rocky Point Ventures, LLC, owner, requested approval of a Zoning Map Amendment for a general use rezoning of one tract totaling 21.14 acres from PD, Planned Development to GI, General Industrial zoning district. The property is located off of Carver Drive in Rocky Point and may be identified by Pender County PIN 3223-51-3062-0000. Planner O'Hare presented and gave background information for agenda item 4. Board member McClammy asked for the purpose of clarification, was it stated in the presentation that there were policies that conflicted with the request; Planner O'Hare answered that within the Comprehensive Land Use Plan document, seven of the policies supported the rezoning request and that three of them conflicted. Board member McClammy asked which policies conflicted; Planner O'Hare referred to the provided staff report and reviewed the conflicting policies. Chairman Boney asked what type of business if any was the applicant planning to put in the location. Attorney Thurman responded that the Board had to consider all of the permitted use that are allowed in General Industrial zoning district could and would be used, when making their decision on approving a rezoning request. Board member McClammy asked if staff had received any negative comments from adjoining property owners, Planner O'Hare responded that she did receive four emails from property owners in the subdivision, River Hills, some of those residents were in the audience and that she had received four telephone calls inquiring about the rezoning request. Chairman Boney asked what the concerns from the property owners were; Planner O'Hare responded that some of the property owners who called were in the audience and perhaps they would like to speak to the Board. Board member

Williams asked if Ms. O'Hare would review the details of the Coty Plant which is located on the property. Planner O'Hare gave a brief description of the property's layout, area surrounding the Coty Plant, and the size of the existing structure and stated that the plant is vacant. Frank Braxton, applicant, spoke on behalf of the owners and stated that the owners had no plans at this time. Board member Baker asked if the purpose of the rezoning request was for marketing purposes, Mr. Braxton answered yes. David Foster, property owner, spoke on behalf of the River Hills Home Owners Association, stating that there were concerns regarding the uses that would be allowed so close to homes and what effect an approved rezoning would have on their property values. Chairman Boney asked if notifications were sent out to adjoining property owners, Planner O'Hare answered yes.

Board member Williams made a motion to approve the presented Zoning Map Amendment; the motion died due to the lack of a second. Board member Baker made a motion to deny the presented Zoning Map Amendment; seconded by Board member McClammy. There was a brief discussion between the Board and the Attorney regarding the length of time the applicant would have to apply for a conditional rezoning if the Board voted to deny the request. The applicant asked permission to speak to the Board, the applicant stated that the owners were not trying to create an issue with the neighbors, since the owners had no plans at this time, they would be willing to come back before the Board to request a conditional rezoning. The applicant withdrew the application.

5. Zoning Text Amendment

Pender County, applicant, requested an amendment to the Pender County Unified Development Ordinance. The proposal consists of amending Sections 2.4.1. and 2.4.7. to reflect updated voting procedures for the Board of Adjustment as well as amending the definition of unnecessary hardship pursuant to new statutory guidelines in accordance with H.B. 276; An Act to Clarify and Modernize Statutes Regarding Zoning Boards of Adjustment. Planner O'Hare presented and gave background information on agenda item 5. There was no discussion.

Board member McClammy made a motion to approve the presented Zoning Text Amendment; seconded by Board member Williams. The vote was unanimous.

6. Zoning Text Amendment

Pender County, applicant, requested an amendment to the Pender County Unified Development Ordinance. The proposal consists of amending Section 7.10, Off-Street Parking and Loading/Parking Requirements by adding a Parking Study option. Planner McCarthy presented and gave background information for agenda item 6. Board member Baker requested that staff revise section A. General, 3) J) to include that the provided traffic count be within two years, and asked in regards to section B 1) B), how would staff or the Planning Board be able to know the accuracy of the data submitted, Planner McCarthy explained the process in which staff would verify the information, Board member Baker suggested rewording the statement to take the responsibility of verifying date off of the Planning Board.

Board member McClammy made a motion to approve the presented Zoning Text Amendment with the discussed modifications; seconded by Board member Marshburn. The vote was unanimous.

(Public Hearings Closed)

7. Discussion Items:

a. Planning Staff Items:

Attorney Thurman discussed an economic project that would be taking place and that the Board may be called on for a special meeting in order to meet deadlines regarding the

project.

b. Planning Board Members Items:

The Board welcomed new staff members.

- 8. Next Meeting:** Scheduled for October 1, 2013.
- 9. Adjournment:** The meeting adjourned at 9:00 pm.

