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

MINUTES

Pender County Planning Board Meeting
October 15, 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 7:05 pm.

Roll Call: Chairman Boney
Pender County Planning Board Members:
Boney: X Marshburn: _ Baker: _ Edens: X McClammy: X Nalee: X Williams: X

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: (September 10, 2013)** Board member McClammy made the motion to adopt the minutes; seconded by Board member Williams. 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:**
Pender County, applicant and owner, requested approval of a Zoning Map Amendment for a general use rezoning of one (1) tract totaling 16.86 acres from PD, Planned Development District, to OI, Office and Institutional District. The property is located at 312 Transfer Station Road, Hampstead, on the south side of US Highway 17, between Annandale Trace and Leeward Lane and may be identified by Pender County PIN 4203-17-8616-0000. Director Breuer presented and gave background information for agenda item 4. Chairman Boney asked if there were any questions from the Board or sign ups; Attorney Thurman answered that there were two sign ups. Chairman Boney opened the floor for public comments. Dennis Eckhardt, 320 Annandale Trace, asked what would be done to protect the neighboring home owners, that the last thing he wanted was to have to look at a Transfer Station. Chairman Boney asked Mr. Eckhardt if there were any type of barriers between his property and the subject property; Mr. Eckhardt answered, only some woods at this time but, not enough to really be considered a buffer, Mr. Eckhardit added that he did not feel the public hearing was totally in regards to moving the Transfer Station scales, that he believed the real purpose was to be able to move the recycling and trash collections to the subject property. Director Breuer responded that as stated in the staff report the rezoning would be used to accommodate future uses of the property. Mr. Eckhardit stated that he understood and that it would be a good idea if him and others didn't live in that area, that it would kill their property values. Director Breuer stated to the Board that there were not conditions that the Planning Board could place on the requested Zoning Map Amendment, that buffers would be required. Chairman Boney asked Mr. Eckhardit if he wished

to say anything else; Mr. Eckhardit thanked the Board for their time. Attorney Thurman called the next sign up. Jamie Jernigan, 395 Annandale Trace, stated that he also had concerns regarding the noise, trash and animals that would be caused due to the move of the Convenience Center, Mr. Jernigan also stated that he had great concerns regarding the water quality, since they were unable to receive County water, that in the past there had been impact studies done. Chairman Boney asked Mr. Jernigan to point out his property on the provided map, and thanked him for his time. Chairman Boney asked if staff could comment on the impact studies that Mr. Jernigan had spoken about; Director Breuer stated that staff did not have any impact studies that maybe Solid Waste or Utilities may have some, that the only thing staff had was the preliminary wetlands map provided in the Board's packets. Bryan McCabe, Engineer for Pender County Utilities Department, stated that he had never seen an impact study, not saying that it doesn't exist, he would just have to research it further, as far as water studies; the water is treated on site. Mr. McCabe gave a brief update of current changes taken place with the wastewater treatment to make it even more environmental friendly. Board member Nalee asked Mr. McCabe if he could address the issue of the noise; Mr. McCabe stated that he was not the Director of the Department but, he could try to speak to the issue. Mr. McCabe stated that he is sure it is very noisy, that the dumpsters are lifted by heavy trucks and slammed down on concrete and the Transfer Station does have long hours, Mr. McCabe explained that all the trash in the County is transported to the Transfer Station for disposal to Sampson County; that it is a major operation for the Solid Waste Department and has been at that location since 1988. Mr. McCabe stated that as far as the Convenience Center, it is one of many all over the County, where residents take their trash and recyclables, that there is a lot of traffic in and out of the Convenience Centers but, far more traffic at the Transfer Station. Board held a brief discussion regarding moving the Convenience Center elsewhere, Mr. McCabe stated that due to traffic and the Hampstead Bypass the Convenience Center has to be moved, the subject site was identified in 2010 and the directive that the Solid Waste Department received was to proceed on the subject property. Board members held a brief discussion with Mr. McCabe regarding buffers; Mr. McCabe assured the Board that all requirements would be met. Board members continued a discussion regarding their concerns for the home owners neighboring the subject property and gave conditional suggestions; Attorney Thurman stated that a Public Hearing for the Board of Commissioners had already been advertised for Monday, October 21, 2013, so on behalf of the applicant, they are not interested in submitting an application for a Conditional Rezoning. Attorney Thurman advised the Board that if they wished to deny the request before them, they could and their recommendation would be presented to the Board of Commissioners. Board member McClammy asked that with the request before them, what options or alternatives does the Planning Board have to add or impose conditions; Director Breuer responded that the Board has to consider all uses allowed by right in the requested Zoning District and cannot, (that it is illegal), place conditions on a requested General Use Rezoning. Board member McClammy asked if the Board's concern for the home owners be presented to the Board of Commissioners, Director Breuer stated that the meeting minutes would not be available prior to the next Commissoners' meeting, so staff would recommend that if the Board wished to deny the request to state the reason within their motion so that way it would be included in the staff report and presented to the Board of Commissioners.

Board member Nalee made a motion to deny the presented Zoning Map Amendment due to the lack of conditions in place to protect the neighboring home owners from negative impacts; seconded by Board member Williams. The vote was 3 to 2 in favor of the denial.

5. Zoning Text Amendment

Pender County, applicant, requested an amendment to the Pender County Unified Development Ordinance. The proposal consisted of amending: Section 3.5.2.D, addressing the waiver criteria for Master Development Plan requirements in the Commercial and Industrial Districts; Section 5.2.3, Table of Permitted Uses by adding the use of an Industrial Park to the General Industrial (GI) zoning district; Section 5.3.11, adding use standards to Industrial Parks located within the GI District, and adding a definition of an Industrial Park to Appendix A. Director Breuer presented and gave

background information for agenda item 5. Board members held a brief discussion with staff for clarity on the amendment of the text and process changes. Board member Edens commented that it seemed to be a lot of work for staff and that the presented amendment looked really nice. Chairman Boney asked if there were any sign ups; Attorney Thurman stated that there were no sign ups but, Mr. Rick Benton, former County Manager, which now works with WBD, was in the audience and available to answer any questions the Board may have in regards to why the changes were being made. Board member Williams asked Mr. Benton if the changes Pender County was making consistent with what is seen in Industrial Parks located in other Counties; Mr. Benton responded that it is most helpful in terms of giving the Planning Department flexibility in accommodating the different business types that would like to locate in the Industrial Park.

Board member Williams made a motion to approve the presented Zoning Text Amendment; seconded by Board member Edens. The vote was unanimous.
(Public Hearings Closed)

6. **Discussion Items:**

   a. **Planning Staff Items:**

      i. Update – Maple Hill Small Area Plan – Director Breuer gave the Board an update on the Maple Hill Small Area Plan and asked the Board for feedback on moving forward with the plan. Director Breuer's update included the date of the set Public Meeting which would be on November 13, 2013 and an outline of staff's dates and deadlines for presenting the final plan for approval. Director Breuer also requested to meet with Chairman Boney and Board member Marshburn, since they were the Planning Board representatives for the Maple Hill Small Are Plan, prior to the November Community meeting, to discuss and set questions for the meeting. It was the Board's consent for the Planning Staff to move forward with the Maple Hill Small Area Plan as discussed.

      ii. Update – Local Transportation Prioritization – Director Breuer gave the Board dates for upcoming Community Meetings being held for input on transportation projects. Mr. Breuer stated that a meeting for the RPO area would be held on October 29, 2013 at the Public Meeting room in Burgaw, and a meeting for the MPO area would be held on October 30, 2013 at the Hampstead Library.

      iii. Attorney Thurman invited the Board to attend a ceremony planned for October 18, 2013 at the Water Plant located at the Industrial Park, at 10:00 am, for an important announcement.

   b. **Planning Board Members Items:** None

7. **Next Meeting:** Scheduled for November 12, 2013.

8. **Adjournment:** The meeting adjourned at 8:35 pm.