

Pender County Planning and Community Development

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MINUTES

Pender County Planning Board Meeting
November 12, 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: 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: (October 15, 2013)** Board member McClammy made the motion to adopt the minutes; seconded by Board member Williams. The vote was 5 in favor, Board member Baker abstained due to his absence at the October 15, 2013 meeting.
- 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. Conditional Rezoning:

EFS Properties, LLC, applicant and owner, requested approval of a Conditional Rezoning of one tract totaling 55.69 acres from RP, Residential Performance, to RA-CD, Rural Agricultural – Conditional District. The rezoning requests was for NAICS 2123 Nonmetallic Mineral Mining and Quarrying, specifically for a 12.7 acre sand mine and associated areas for stockpiling and haul roads totaling 16.66 acres. The property is located approximately 3,400 ft. northeast of the intersection of Shaw Hwy and NC 210, Rocky Point, and may be identified by PIN 3255-78-6248-0000. Director Breuer presented and gave background information for agenda item 4; Director Breuer stated that staff recommended approval with the listed conditions:

1. Maximum depth of the pit/excavation area will be limited to twenty (20') feet in depth measured from the natural ground level.
2. Hours of operation shall be from 7am to 7pm Monday through Saturday.
3. Mining/extraction activities on-site shall be limited to ten (10) years.
4. Material mined/extracted shall be limited to sand only.
5. The project shall comply with all applicable requirements as outlined in the Pender County Unified Development Ordinance.
6. No junk, debris, trash, inoperable vehicles, recycled or salvaged materials shall be stored on the site.

7. All operations must follow federal, state, and local standards, regulations, ordinances, permits, statutes, and/or laws.
8. As shown on the site plan submitted for the project, a No Disturb Buffer of at least 100' shall be maintained around the permitted Pit/Excavation Area.

Chairman Boney asked to hear from the applicant; Charles Cazier with Intercostal Engineering addressed the Board on behalf of the applicant; Mr. Cazier stated that rezoning request was needed in order to be allowed to mine, and the purpose of mining was to create a water feature for a future residential development on the site in which at that time the applicant would request for the site to be rezoned back to RA, Rural Agricultural; Mr. Cazier further explained that if the soil was left onsite the applicant would not have to apply for a mining permit but, since the soil would be hauled offsite, a mining permit was required. Board member Edens asked for clarification, that the intention was for a pond, for the future residential development; Mr. Cazier responded yes. Board member Edens asked was the dirt being moved for the purpose of selling it; Mr. Cazier responded yes. Director Breuer stated that he had questions for the applicant; Mr. Breuer asked Mr. Cazier if he could address the dewatering activities on the site, other activities that may occur, and if the dewatering activities will have any impacts on the adjacent streams, particularly Atkins' Creek; Mr. Cazier answered that the plan of construction was to provide a stock pile area on the side to excavate the soil and leave it on the land to dry, that they do not purpose to pump or provide well pointing of any type. Chairman Boney stated that he did not get a firm answer regarding Atkins' Creek; Director Breuer stated that he received a telephone call and that the caller's concern was if Atkins' Creek would be affected, or if any water would be disbursed to the creek because there has been issues with beaver damning and a history of backing up; Mr. Cazier responded that with their proposed development there is not a substantial amount of impervious area proposed, most of the runoff will be surface runoff, with the state regulations and their one hundred foot buffer of undisturbed area around the site, they did not anticipate any additional runoff from their site to the creek. Board member Williams asked that when the applicant finished the mining would the buffer still be a one hundred percent no disturb; Mr. Cazier answered that right now there were no plans for the back area; Mr. Williams stated that the current plans showed the buffer on the sides and the front also; Mr. Cazier responded that when the property reverted back to a subdivision of some sort, the lots would be located at the front; Mr. Williams asked if there was any anticipation of a buffer around the pond; Mr. Cazier answered no. Mr. Williams asked Director Breuer if the Board approved the presented rezoning would that mean there would or would not be buffers later on; Director Breuer answered that when a future application was submitted requesting a rezoning of the site, a public hearing would be once again held and the guidelines of the requested zoning district would have to be followed. Board member Edens asked that in regards to the Health Departments comments, what was the applicant planning to do as far as water and sewer; Mr. Cazier answered as far as the construction trailer, they were allowed to use a well for water and would provide a septic system. Board member Edens asked Director Breuer if Pender County required a Special Use permit for mining; Director Breuer explained the application process, which does include the obtaining the required Special Use permit and that the request before the Planning Board would also be presented to the Board of Commissioners in December. Board member Edens asked if the applicant if the mining permit had been issued; Mr. Cazier answered no that it was in process. Board member Baker asked that in regards to conditions one and four, he did not see any core samples provided in the applicant packet so how were the twenty foot depth and sand only restrictions determined; Mr. Cazier responded that soil samples have not been done at this time but if they dig and find something other than sand they will not go any deeper. Board member Baker commented that it seemed to him that if the restriction was included that somehow the applicant had to know that they would hit sand at twenty feet. Mr. Cazier commented that the sand only restriction was included by the Environmental Health staff that applied for the mining permit. Board member Baker asked if the digging went to twenty feet and there was no sand, then the digging would have to stop or else they would violate the permit; Mr. Cazier stated that his understanding of the sand requirement is that the only material abstracted and moved from the site was sand. Director Breuer stated for clarification, the twenty feet requirement was determined through mitigations between the applicant and the adjacent property owners due the

well concerns. Board member Baker referenced item number seven of the conditions and asked if there was another permit that was not included in the Board's packet; Director Breuer answered that the applicant would be required to obtain a State mining approval and advise the Board that a State mining approval does not supersede local regulations. Board member Baker asked what was the application in the packet that set the limit of digging to thirty feet and would it have to be revised to include the requirement of twenty feet as the limit; Director Breuer answered that it was the application submitted to the State and that the conditions or requirements determined by the local Boards and would become a regulatory check list item for the County as opposed to the State. Board member Baker asked when the public hearing would be held for the Board of Commissioners; Director Breuer answered December 9, 2013; Board member Baker asked when was the next Planning Board meeting; Director Breuer answered December 3, 2013. Board member Baker asked if the Board would be able to approve the minutes showing the actions the Planning Board took on this hearing prior to the Board of Commissioners' public hearing; Director Breuer answered yes.

Chairman Boney opened the floor to those who signed up to speak on agenda item 4. Shirley Cherry, 9424 NC Hwy. 210, Rocky Point, explained that she owned an adjoining property, that her property was currently for sale and was concerned that the value of her home would be decreased and that she might not be able to rent her home until it sells, due to no one will want to live next to a mining operation. Gene Girard, 8905 NC Hwy. 210, Rocky Point, stated that his property was about one thousand yards from the stated site and that one of his biggest concerns was the depth of digging being thirty feet but, he realized now that it was changed to twenty feet; Mr. Girard stated that he felt that wells outside of the five hundred feet mark would be affected as well. Mr. Girard asked how much cubic yard of sand would be removed on over what period of time; Mr. Cazier answered that the proposed construction is for three years and the cubic yard of sand was listed in the state mining application. Mr. Girard asked how much would the traffic increase with the heavy trucks hauling the sand; Mr. Cazier stated that they had a traffic study performed by Davenport Engineering and according to their report there would be thirty five trips a day, five entering and three exiting at the a.m. peak, three entering and five exiting at the p.m. peak, using seventeen to eighteen trucks. Tom Nichols, 8845 NC Hwy. 210, Rocky Point, stated that he owned property about a thousand feet or so East from the said site and just wanted to go on record stating that he was against the rezoning request because he was not sure that the mining would not harm the wells in the area and that there has been no talk about what the mining company would do the alleviate any well problems if they do occur; Mr. Cazier responded in regards to the well concerns, the state permit requires that wells within five hundred feet of the site, Mr. Cazier reiterated that there would be no pumping or well pointing that the construction taking place would be the same as any other residential project but, since the sand was being removed from the site a mining permit was required. Mr. Cazier stated that he was aware of the property owners' concerns regarding the values of their homes that the applicant was simply trying to create something that would increase the value of the said property which could in turn increase the values of their properties. Lloyd Mares, 9948 NC Hwy. 210, stated that he owned property that adjoined the said site and that the applicant had stated that they would not be doing any pumping but, had anyone done any core samples or done any test holes; Mr. Cazier answered not at this time. Mr. Mares stated that he is a state certified well driller that he drills wells in the area all the time, which in the stated area rock can be hit in the range of seventeen to twenty- three feet, and once the rock is hit water will come up (water that is drinking water for a lot of the property owners) and once the water comes up they will have to start pumping so what will be done with that water. Mr. Cazier responded that all the water from the site would be relieved by gravity to the back of the site that digging could take place in the water table but, the soil would be left on the ground to dry out before being removed from the site. Mr. Mares commented that he could not understand how their process could work that in order for them to see what they were digging some pumping or dewatering would have to take place; Mr. Cazier responded that they have been told that no pumping will be needed. Director Breuer advised the Board that if they inclined to approve the request they could condition that no pumping take place on the site. Ms. Cherry re-approached the Board and stated that she just wanted to add in regards to rock in the area, her original well collapsed and it took three attempts to dig a new well due to all the rocks.

Mr. Girard re-approached the Board and commented that he could not believe what was going on. That the applicant was going to mine sand without a core sample; they did not know where the water table was and he wondered if they even knew what they were getting into that there was a lot of missing informant on the application explaining what they would be doing. Chairman Boney closed the session for public comment and asked if the Board had any comments. Board member Nalee asked what would actually be hauled away from the site and what water would supply the pond; Mr. Cazier responded that they would be willing to supply core samples at the Board of Commissioners' meeting, Director Breuer stated that it would be up to the Planning Board to make that recommendation. Board member Williams commented that he understood the request to be mining sand, that they did not want to mine rock and that there are many different grains and quality of sand that it could be field dirt or high quality mason sand that they haul off the site. Board member Williams explained the processes as he understood it and asked the applicant if the dirt would be contained while it was drying; Mr. Cazier answered yes. Board member Baker referenced a letter provided by Southern Environmental Group, Inc. that stated "no response will be interpreted as "no objection", by the DLR" and asked if there was any record known of where the DLR has said no response from the Technical Review Committee is accepted; Director Breuer responded that as a requirement of applying they have to notify a local jurisdiction, so the referenced letter was addressed to the Pender County Manager. Board member Baker asked if the "no response" comment meant for something other than the Technical Review Committee; Director Breuer responded that in this case Southern Environmental Group, Inc., applied to the state so it was just by virtue of copy that the County received the notification, when staff sent the project to the Technical Review Committee the Division of Land Resources, DLR did not respond with any comments, staff's concerns over land use issues bare no relevance to the DLR and staff has gone through this with numerous mine applications, so typically if the County receives a cover letter such as the one being discussed, the County will not provide any comments because the project has to abide by the County regulations to receive land use approval. Mr. Breuer further explained that an applicant could receive a permit from the state to mine without obtaining local approval however; they would have to obtain local approval if there are standards in place in order to proceed with their project. Board member Baker again commented that he was not sure who they were referring to when it stated in the letter that no comment would mean no objection and he interpreted it as meaning no response from the County Manager meant on objection from the County; Director Breuer responded that the only thing the County could respond back on would be Environmental factors and that a permit could not be denied or approved off of land use. Board member Baker and Director Breuer continued a brief discussion on the process of the applying for a mining permit through the state and local jurisdiction. Board member McClammy asked that on previous mines that were approved was there any history of imposing testing conditions or requirements on the site; Director Breuer responded that the Planning Board has not that this is the first mine case the Planning Board has heard that the Board of Commissioners have historically replicated the conditions stated in the state mining application, that the state will require the testing and moderating of wells in the location of the site. Director Breuer stated that he felt it would be appropriate for the Planning Board to require the applicant to provide a synopsis of what was in the pit area, prior to going before the Board of Commissioners so that the community would have a better understanding of exactly what the applicant is going to do and if the Planning Board wanted to add the condition it would be appropriate. Board member Nalee referenced the state application applied for by the applicant and commented that digging below the water table was checked yes and it stated that the applicant would be pumping water; Board member Nalee asked if a core sample would show where the water table is located and if someone could clarify if the process of pumping water would or would not take place; Mr. Cazier responded that a core sample will show the location of the water table and that the referenced application was submitted prior to the decision of no water pumping was made by the applicant. Board member Edens asked if there was still the potential to dig below the water table; Mr. Cazier answered yes. Board members held a brief discussion regarding setting a condition that would require the applicant to stop digging at a certain point before reaching the aquifer level. Through their discussion the Board decided that without a core sample report and someone with the knowledge of what the report

stated to advise them, they did not feel comfortable applying that type of condition. Board member McClammy asked if Director Breuer or the applicant could address that under federal or state regulations, if the application was approved, what would be the continuing monitoring or testing requirements imposed on mining operations over the life span of the operation; Director Breuer responded that as far as the County's requirements the applicant would be in compliance until the County was notified of violation, the County would not schedule an annual inspection of the site, DLR is there to do that, Director Breuer wished to defer to the applicant to address the testing and monitoring requirements. Board member McClammy requested to hear from the applicant if he had any information regarding the monitoring and testing requirements for the live span of the project; Mr. Cazier stated that they have committed to the mining operation to be completed in three years, that there would be weekly monitoring during the three years, due to rainy weather there may be daily monitoring. Board member McClammy asked what type of activities would take place while monitoring, would there be equipment onsite running test or would water samples be taken and sent for testing; Mr. Cazier answered that water samples would be taken. Board member McClammy asked if the water samples would be sent to an independent company with expertise in the field, for testing; Mr. Cazier answered yes. Board member McClammy asked that if there were found to be any unusual results, would the applicant be required based on Federal or State law to self-report to any regulatory agencies; Mr. Cazier answered that the applicant is required to keep records of any reports on site and are asked for and reviewed by DLR when they come to do inspections on the site. Board member McClammy gave a summary of Mr. Cazier's answers for clarity purposes, summarizing that there would be active monitoring of the water and any run off, the applicant would be required to self-report any discrepancies; Mr. Cazier stated that the applicant is required to keep a log of the monitoring and note any discrepancies; Board member McClammy asked if the records were available to a regulatory agency; Mr. Cazier answered yes. Board member Edens asked if there would be monitoring wells; Mr. Cazier answered that he did not believe there was. Board member McClammy stated that he would support adding to staff's eight conditions, a condition that would impose no water pumping on the site and in regards to the depth of digging the Board does not have the information to apply a condition. Chairman Boney stated that he would like to have a condition added regarding the depths of digging; Director Breuer reminded the Board that the twenty foot limit on digging was provided by the applicant and with all due respect that limited must have been set for the purpose of the amount need to be removed and that it was ten feet less than approved by the State. Chairman Boney thanked Director Breuer for his input and asked if anyone would like to give a motion.

Board member McClammy made a motion to approve the presented Conditional Rezoning with nine conditions; the eight that were included in the Board's packet and the ninth condition being no water pumping on site; seconded by Board member Edens with an amendment to condition three; Board member Edens requested to change the period of ten years to the applicant's noted three year construction time frame; Board member McClammy accepted Board member Edens' amendment to his motion. The vote was 5 to 1 in favor of the approval.

5. Master Development Plan:

James and Ellen Cornette, applicants and owners, requested approval of a Master Development Plan for a 16 lot Major Subdivision. The project is located along Williams Store Road (SR 1568) off Highway 17 in Hampstead. There is one tract associated with this request totaling 8.65 acres. The property is zoned RP, Residential Performance District, and may be identified by PIN 3293-61-3723-0000. Planner Ariail presented and gave background information for agenda item 5. Chairman Boney asked to hear from the applicants. Jim and Ellen Cornette, applicant and owners, addressed the Board, Mr. Cornette stated that they had obtained approval for their project several years ago but, due to the economic environment things set fallow for a couple of years. Mr. Cornette explained that they had committed to the home owners down Maready Branch that they would extend the road down to allow them access to the new road that they would construct, they had all their permits in hand, all their septic permits are regular conventional in ground septic systems, the soils are

fantastic, have done own internal wetlands review and there are no wetlands, so at this point they were seeking re-approval of the project. Chairman Boney asked Director Breuer what was staff's recommendation; Director Breuer answered to approve. Board member Edens asked what was the access easement on the bottom right of the site plan; Mrs. Cornett answered that by having that as an access easement it gives the potential of DOT taking it over and continuing the road to Tide Landing Court and gives road radius for turns. Chairman Boney asked if there were any sign-ups for public comment on agenda item 5. Scott Carter, 70 Maready Branch, Hampstead stated that he attended the last meeting when the project was originally approved and just wanted to make sure the plans had not changed. James Hansley Sr., adjoining property owner, asked where the location of the access easement would be because it ran across his property and he wanted to make sure it would not disturb his well area; Mr. Cornett gave some background information regarding the purchase of the easement from Mr. Hansley, and described the location and size of the easement. Board member McClammy asked Director Breuer if Williams Store road was currently a private road; Director Breuer answered that Williams Store road was a secondary road up to a certain point and that where the state maintenance ends it becomes a private access easement; that the ordinance would require the applicant to improve the access easement from where the state maintenance ends to entrance of their development and would have to be built to state standards but, could be maintained as a private road. Board member McClammy asked for clarification, for the point of where Williams Store road ended and the access easement began; Director Breuer, Mr. Carter and the applicant pointed out the location. Board member Williams asked if there was currently a house on the subject property; Mr. Cornette answered no, that there was a home at one time but, all that is left is the foundation. Chairman Boney asked if there were any other questions from anyone or did any Board member have a motion.

Board member Williams made a motion to approve the presented Master Development Plan; seconded by Board member Nalee. The vote was unanimous.

6. Master Development Plan:

Signature Pender County LMTD, applicant, on behalf of First Federal Bank, owner, requested the approval of a Master Development Plan for a 3-phase Mixed Use Subdivision. The request consists of developing 185 single family residential units and commercial square footage to be located on approximately ±143 acres. The proposed project is located along the south side of US Highway 17 between Champion Drive and Amanda Lane, Hampstead (formally known as the Topsail Greens Golf Course). The property is zoned PD, Planned Development District and may be identified as Pender County PIN 3273-16-3369-0000. Ashley Frank, Senior Planner, presented, gave background information for agenda item 6 and stated that Planning Staff recommended conditional approval of the Master Development Plan based on the provisions of the Pender County Unified Development Ordinance (UDO) § 3.5.4; as well as the Master Development Plan (MDP) contents being met as prescribed in § 6.1 and that staff would also recommend the Planning Board waive the Preliminary Plat public hearing as outlined in the UDO Section 2.11, Summary of Review Authority. Chairman Boney asked to hear from the applicant. Mike Pollok introduced himself and David Greer as the Developers of the project. Mr. Pollok thanked the Planning staff for their assistance with the subject project, as they moved forward to come up with a homogeneous use of the property to create a residential development. Mr. Pollok thanked the Board for their consideration. Chairman Boney asked to hear from anyone who signed up and wished to speak. Ron Maier, 911 Kontiki Ct., commented that he attended the Developer's open house meeting and have had good communications; since there is no longer going to be a golf course he believed the Developer's plan was the next best thing and that their proposed plan looks good but, the concerns of the Topsail Green's Community Association is the up keep of the areas of the golf course that was located on the subject property that runs through the Topsail Greens' community. Mr. Maier stated that the developers had promised them pristine conditions but, the Association had some concerns that they wanted to express. Mr. Maier stated the concerns as follows: property owners would be protect from

potential flooding issues, drainage system, safety of the access road, request that construction trucks not use the subject access road during the development process, and how the new storm water requirements will be met. George King Jr., 247 Doral Drive, stated that his concern was the easement off of Doral Drive and how it would be used; Ashley Frank, Senior Planner, answered that a pedestrian/bike path is being proposed to connect to Doral Drive and that in the case of an emergency Pender County EMS or Fire Officials could possibly utilize the access. Director Breuer stated that there had been numerous discussions with the applicant to dedicate that access as an emergency access and staff would like to see a condition as such placed on an approval of the requested Master Development Plan. Robert Dougan, 214 Champion Drive, stated that his concerns were: the management company having the finances to complete the project, the resurfacing of Topsail Green Road and deeding it to the Topsail Green's community, which he disagrees with transferring the deed, would construction trucks be using Champion Drive, which is a private road, would there be any up keep on the man-made ponds, and the plans show a future park which is adjacent to his property and he would like there be some type of buffer between his property and the park. Jeff Morris, applicant for a project north of the subject project, asked for clarification regarding staff's proposed connectivity between the two developments; Ashley Frank, Senior Planner, clarified by pointing out on the map where the options for connectivity would be to create a viable connection. Mr. Morris and Mrs. Frank held a brief discussion regarding the connectivity that he proposed on his application. Chairman Boney closed the public comment session due to there being no more sign ups and asked the Board if anyone had questions at this time. Board member Baker commented that he was missing any evaluations from the School Board regarding the impact of projected students, since they have already stated that they are overcrowded in some of the grade schools and is concerned that no comments were received from the School Board regarding that side of the project. Board member Baker asked if there were any way to go back and ask the School Board and ask them what they thought the additional loading of the school system would be with these projects because he felt it should be presented for the Planning Board to review before making a decision; Ashley Frank, Senior Planner, responded that staff had attempted to contact Pender County Schools three different times and the comment submitted was all that was provided by the school system, Director Breuer added that staff meet with the Facilities Director, to elude to the study or plan that they are preparing and staff had meet with them in the past to try and give them a picture of what was in the future for projects, staff held these meetings with the hope of receiving some feedback which to this date staff has not received any. Board member Williams made the comment that there were no regulations in the State of North Carolina that would allow the County or State to impose any type of restriction on a piece of property because of the impacts on a school system, hospital system or anything like that, so staff or the Board could gather as much information as they wanted or could but, it should not impact the Board's decision on whether land is worthy of a subdivision or not. Director Breuer stated that the only allowance that the County does have would be to require potential land purchase, set aside land for the County to purchase from the developer, if it was indicated on the plan that there was a future public facility planned for that site. Board member Baker asked what provisions if any are there to prevent the traffic from the development going thru Topsail Greens via Topsail Green Drive, which is a private road; Ashley Frank, Senior Planner, responded that staff had recommended conditions for the Board to review prior to a vote on the proposal; one conditions would be for the Developer to clarify what their intention was for Topsail Green Drive and if they are purposing connection, what type of connection. Staff discussed a few examples of the type of conditions the Board could place on the proposal. Board member Baker commented that if the roads were snubbed or blocked off it would be a lot more forceful than just putting a requirement that they not use the roads; Director Breuer stated that it could be accomplished either way. Board member Baker commented that in regards to Doral Drive, if emergency vehicles could use it , what is to prevent private vehicles from using it as well; Director Breuer responded that hopefully the design and visual signs stating pedestrian access only would prevent private vehicles using it. Board member McClammy asked if staff could summarize the recommended conditions that have been mentioned; Ashley Frank, Senior Planner explained that the conditions had been discussed with the applicant, with the exception of ones that were requested

during Public Comment; Mrs. Frank reviewed the list of recommended conditions as follows; future connection to the proposed Cardinal Point, Master Development Plan, connection to the current vacant tract known as the Capstone property, the access alley would have to be constructed to DOT standards, the Developers would have to clarify the intent of Topsail Greens Drive, all areas shown as future development would have to be presented to the Planning Board under the existing ordinance at the time of the application submittal, required to follow the Flood study recommendations, connection to Doral Drive which staff recommends a Multipurpose path, limiting construction traffic on Champion Drive, and a buffer between the future park and residents. Director Breuer stated that he would like for the applicant to discuss what they propose for controlling the construction traffic; Mr. Pollock stated that there had been numerous conversations with the association regarding the road; at this point the bank owns the road, through the conversations the applicant has agreed to limited the construction traffic so that the neighborhood is not encumbered by it, that ideally they would like to limit their presence by using Sloop Point Road. Mr. Dougan stated that he did not want any construction traffic on Champion Road that they had to maintain the road since it was private and felt there should be some condition requiring the applicant to maintain the property for Phase 2 and 3 while constructing Phase 1. Michael Viteki, representative for Capstone Property, stated that for clarity on the proposed connection, that it is not currently an actual road. Brooke Webber, resident that resides on Sloop Point Road, stated that she was concerned about Sloop Point Road being the only access for the new development and asked that there be a condition requiring another access point; Mrs. Webber stated that she loved the idea of a multiuse path and would like to see a condition requiring a cross walk for the children walking or riding their bikes to and from the school. Mr. Maier presented pictures of the ponds on the golf course that are dried up and asked if there could be a condition to require that the existing ponds be maintained. Chairman Boney closed the floor to public comments and opened the floor for the Board's discussion. Director Breuer requested that the Board diligently review the conditions prior to making any motions. Chairman Boney asked the Board their views regarding the issue of construction traffic; Board member Edens asked to see a map that showed the proposed access points more clearly; Ashley Frank, Senior Planner, provided the Board with the requested map. Board member Edens asked if it would be feasible for all access to be off of Sloop Point Road; Director Breuer stated that it would be against the intent of the Planned Development Zoning District. Board member Baker suggested that any motion include the statement that there would be only one entrance and one exit from Oaks at Sloop Point and all other streets in that area would be snubbed out so that they do not connect with any other adjacent streets and the developer could come back to present a proposal to open the snubbed streets, that way traffic would be prevented from using those private streets. Mr. Tomlinson, resident of Friendly Lane, asked if the utility easement on Friendly Lane be utilized for construction traffic, the applicant stated that they had no plans to use Friendly Lane or the utility easement for construction traffic. The Board held a discussion regarding how to form a motion to include the suggested recommendations. The Board further discussed staff's recommendations, and if there was a way to condition the type of vehicles that could not access the private roads. Board member Baker made a motion to approve the presented Master Development Plan with the condition of one entrance and one exit from the Oaks on Sloop Point onto Sloop Point Road and all other streets in that development be snubbed out until some future request for connection; the motion died due to lack of a seconded, Board Edens stated that she felt there was more discussion needed regarding all of staff's recommended conditions, that the other conditions were being overlooked due to the concerns over construction traffic. Chairman Boney requested that the Board discuss their views regarding the other conditions. Board member Edens suggested that the Board let staff review the recommended conditions. Director Breuer stated the following conditions:

1. Provide connection to adjacent property to future development to the northwest (documented under case #11067 submitted for the December Planning Board meeting).
2. Provide connection to identified "Capstone Property"
3. Allow for "alternative" design for alleyway as shown on sheet C-3.4
4. Allow for emergency access along the connection to Doral Drive

The Board held a brief discussion to review their thoughts on staff's recommended conditions.

Board member McClammy made a motion to approve the presented Master Development Plan with the stated four conditions recommended by staff; seconded by Board member Edens. The vote was unanimous.

Chairman Boney called for a five minute recess at 10:15 pm and called the meeting back to order at 10:20 pm.

7. Master Development Plan:

Avendale Development, LLC, applicant and owner, requested the approval of a revision to a previously approved Master Development Plan and Preliminary Plat, specifically amending Phase 4 of the Avendale Residential Subdivision. The request consists of adding an additional 24 single family units to the previously approved 35 single family units and the removal of 48 proposed townhome sites located within Phase 4. This request will decrease the total development density from the originally approved 250 units to 211 units. The project is located along the east side of NC Highway 210 south of Harrison Creek and west of Cross Creek Subdivision. The property is zoned PD, Planned Development District and may be identified as Pender County PIN 4214-12-8251-0000. Ashley Frank, Senior Planner, presented and gave background information for agenda item 7. Chairman Boney requested to hear from the applicant. Jimmy Fentress, Stroud Engineering, stated that he was the author of the plan presented seven years ago, included in the plan was eighty or so townhomes; there has been no market for multifamily, townhome types and the applicant would rather move forward with single family homes. Board member Williams asked if the proposed lot sizes were compatible with the existing lots; Mr. Fentress answered they were smaller than the lots in the existing phases. The Board held a brief discussion on the types of homes that would be built.

Board member Williams made a motion to approve the presented Master Development Plan; seconded by Board member Edens. The vote was unanimous.

(Public Hearings Closed)

8. Discussion Items:

a. Planning Staff Items:

- i. Flood Damage Prevention Ordinance – Director Breuer referenced the memo given to the Board prior to the meeting and explained to the Board that staff was working on a text amendment to present to the Board, that would remove flood standards out of the UDO and create a stand-alone Flood Damage Prevention Ordinance; and would like some feedback from the Board. Director Breuer also stated that staff would need a recommendation from the Board on whether to allow or not to allow mobile homes in the floodway. Board member Edens asked for the definition of a floodway; Director Breuer provided the definition. The Board held a brief discussion of various examples of what would be considered floodways. The Board recommended that staff move forward with the text amendment and bring back to the Board for approval.
- ii. Historically Significant Sites – Director Breuer stated that staff was requesting the Board's recommendation for staff to move forward with a text amendment to allow flexibility for parking and landscaping requirements for Historically Significant Sites. Director Breuer explained in detail the reason for the request. The Board recommended that staff move forward with the text amendment and bring back to the Board for approval.
- iii. Director Breuer Thanked the Board for their time and Board member Nalee for their tour trip around the Eastern side of the County on Friday, November 8, 2013.

b. Planning Board Members Items:

Chairman Boney reminded the Board of Maple Hill Small Area Plan Community Meeting that would take place on Wednesday, November 13, 2013 from 5:00 pm until 6:30 pm.

9. Next Meeting: Scheduled for December 3, 2013, which will include a Work Session that will start at 6:00 pm.

10. Adjournment: The meeting adjourned at 11:00 pm.