

Pender County Planning and Community Development

Planning Division

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MINUTES

**Pender County Planning Board Meeting
May 6, 2014 7:00 p.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina**

Call to Order: Board member Nalee called the meeting to order at 7:00 pm.

Roll Call: Board member Nalee

Pender County Planning Board Members:

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

Due to a lack of a quorum, Board Member Nalee continued the Planning Board meeting until May 15, 2014 at 7:00 pm.

MINUTES

**Pender County Planning Board Meeting
May 15, 2014 7:00 p.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina**

Call to Order: Chairman Williams called the meeting to order at 7:45 pm.

Roll Call: Chairman Williams

Pender County Planning Board Members:

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

- 1. Adoption of the Agenda:** Board member Boney made the motion to adopt the agenda; seconded by Vice-Chairman McClammy. The vote was unanimous.
- 2. Adoption of the Minutes: (April 1, 2014)** Board member Boney made the motion to adopt the minutes; seconded by Vice-Chairman McClammy. The vote was unanimous.
- 3. Public Comment:** Chairman Williams asked if there were any signups for public comment; due to no signups, Chairman Williams closed the floor to public comments and opened the floor for the public hearings.

(Public Hearings Open)

4. Zoning Map Amendment:

Harold A. Harris, applicant and owner, requested approval of a Zoning Map Amendment for a general use rezoning of .89 acres from GB, General Business to RP, Residential Performance zoning district.

The property is located along the north side of US HWY 17 S, approximately 130' southeast of the Pender/Onslow County boundary and may be identified by Pender County PIN 4226-97-2074-0000. Planner McCarthy presented and gave background information for agenda item 4. Chairman Williams asked what the zoning was for the surrounding properties; Planner McCarthy answered that the property is adjacent to properties zoned General Business and Residential Performance. Harold Harris, applicant, explained to the Board that he was requesting the rezoning so that he may place a home on the property, and that in 2010 there was mobile homes on the property. Director Breuer stated for the record that if the Board were so inclined to approve the Zoning Map Amendment, it was a General Use Rezoning so any specific use of the property that has been mentioned in the hearing should not be taken into consideration, that all uses allowed in the Residential Performance Zoning District would be allowed by right if rezoned. Chairman Williams asked if there were no further questions or comments, he would entertain a motion.

Vice-Chairman McClammy made a motion to approve the Zoning Map Amendment as presented; seconded by Board member Nalee. The vote was unanimous.

5. Master Development Plan:

John L. Pierce & Associates P.A., applicant, on behalf of Sampson-Bladen Oil Co. Inc, owner, requested the approval of a Master Development Plan for a 2.37 acre, multi-use commercial site. There is one (1) tract associated with this request, located along the southwestern corner of the intersection of NC HWY 133 and US HWY 117. The parcel is currently zoned GB, General Business and may be identified by Pender County PIN 3233-34-7536-0000. Planner McCarthy presented and gave background information for agenda item 5. Chairman Williams asked to see the zoning of the surrounding properties; Planner McCarthy presented the Zoning Map which indicated the property and the surrounding properties were zoned General Business. Chairman Williams asked if there were any questions for staff from the Board at this time, due to no questions Chairman Williams asked to hear from the applicant. John L. Pierce, applicant, stated that he was representing the Han-Dee Hugo, that all permits for the project had been obtained, the location of the project is prime, the developer would be handling the cost of road improvements at the sites' location, and would be happy to answer any questions that the Board might have. Board member Nalee commented that the project was moving along quickly, she travels past the site on a regular basis, and would like to know what stage the development was at; Mr. Pierce responded that the pad for the Han-Dee Hugo was being constructed, that they had the permits, but were limited as to what they could do pertaining to the whole project until they got approval on the Master Development Plan. Board member Nalee requested to see a map that clearly identified the ingress and egress of the development; Mr. Pierce provided a map to the Board for their review and discussion. Chairman Williams asked if there were no further questions or comments, he would entertain a motion.

Board member Boney made a motion to approve the Master Development Plan as presented; seconded by Vice-Chairman McClammy. The vote was unanimous.

6. Master Development Plan:

The Way of Truth Free Gospel Church of Christ, applicant and owner, requested approval of a Master Development Plan for the construction of a church, activity center, and recreational softball field on approximately 7.42 acres. The project will be constructed in two separate phases. Phase One will encompass the church construction while Phase Two allowing for the activity center and softball field. The proposed development is located along the east side of US HWY 117 between River Road and Church Street, approximately 1.3 miles south of the Duplin/Pender County line. The property is zoned O&I, Office and Institutional Zoning District and may be identified by Pender County PIN(s)

3314-28-1506-0000; 3314-18-8863-0000. Agenda item 6 was withdrawn by the applicant prior to the meeting.

7. Preliminary Plat Approval:

Signature Pender County NC, LP, applicant, on behalf of First Federal Bank, owner, requested Preliminary Plat approval for Phase Two of the approved Master Development Plan for Wyndwater. Phase Two includes fifty-five (55) single family homes on approximately 28.35 acres. The proposed development is located to the north of Doral Drive, northwest of Sloop Point Loop Road (SR 1563), south of the approved Cardinal Pointe subdivision and east of US HWY 17 in Hampstead. The property is zoned PD, Planned Development District and may be identified by Pender County PIN 4214-12-8251-0000. Planner O'Hare stated for the record that the applicant's name had change to Signature Topsail NC, Ltd after the staff report was published; Planner O'Hare presented, gave background information for agenda item 7, and stated that staff had been working with the applicant on their submittal and that the project has had slight changes since their site plan was submitted and published in the staff report; the major changes included roadway connectivity, fifty six lots instead of fifty five, and multi-use path details; Planner O'Hare provided the Board with a memo regarding the applicant's changes and a new site map. Board member Nalee asked if the applicant would be providing connection from the development to Kiwanis Park, via the multi-use path; Planner O'Hare responded that the engineer was working with staff to complete their submittal to the MPO's project list. Vice-Chairman McClammy commented that initially it was stated that the applicant intended to have the connectivity to Hampstead Kiwanis Park as their rec unit requirement; and asked if there was an issue with that intent, Planner O'Hare explained that it was still the applicant's intent that they were going through the MPO's process to have the project approved. Director Breuer reviewed the MPO's grant program. Chairman Williams asked if the streets of the development were private or public; Planner O'Hare answered that they were public, to be dedicated NCDOT roadways. Chairman Williams asked if the applicant wished to speak. Mike Pollak, Developer, thanked Planner O'Hare for working with them on their last minute changes; that things were moving methodically. Mr. Pollak stated that the submittal to the MPO was due at the end of the summer, and that they were working to make sure they scored high for the grant. Chairman Williams stated that if there were no more questions from the Board he would entertain a motion.

Board member Boney made a motion to approve the Preliminary Plat as presented; seconded by Vice-Chairman McClammy. The vote was unanimous.

(Public Hearings Closed)

8. Discussion Items:

- a. Planning Staff Items:** Director Breuer discussed the following items with the Board.
 - i. Director Breuer updated the Board on Board member Marshburn stating that Mr. Marshburn was hospitalized due to having bronchitis, that staff sent him a card on behalf of the Board and staff.
 - ii. Director Breuer invited and encouraged the Board to attend the public event that FOCUS was hosting on May 22, 2014 at the Hilton Riverside; Board member Nalee asked Director Breuer to please resend the email with the invitation.
 - iii. Director Breuer distributed a zoning map to the Board and asked that they focus on the highlighted area of the map; Director Breuer stated that a citizen had come into the office and it was discovered that his property was zoned Rural Agricultural, RA; the citizen nor Planning staff was aware of this but, it was researched and found that in 2009 the County went through a zoning process and during that process a mapping error was

done that changed the citizen's property to RA from its prior B2 zone which was the business zone at the time. Director Breuer stated that staff advised the citizen that they would inform the Planning Board of the error, discuss any concerns, provide a public outreach to the effected property owners and move forward with rezoning the property to the current business zone General Business, GB. Vice-Chairman asked if staff would be the applicant; Director Breuer answered yes, that there would be no burden on the property owners.

- iv. Director Breuer stated that his next item was for general discussion in preparation for the Blake Farm project, Director Breuer commented that the project would be located on the old East Haven tract that is adjacent to Sidbury Road and US HWY 17. Director Breuer explained that through working with the developer it was found that large scaled projects are having an extremely difficult time meeting the criteria for elements that need to be shown on the Master Development Plan, for example housing types, location, lot sizes, and setbacks; items that may not be developed for fifteen years, which would have a bearing in the types of homes that the market demands at that time. Director Breuer stated that staff was looking into creating a Development Agreement for large scaled projects, which would outline performance measures, standards, and how staff would review revisions to the plan; at this time staff just wanted to bring the Board into the thought process of creating a Development Agreement. Board member Nalee asked to have examples of what would be in such an agreement; Director Breuer provided the Board with some examples of standards. Director Breuer stated that staff had asked the applicant to wait until the July meeting to present their request so that staff will have time to work with the Board to develop a Development Agreement. Director Breuer further explained that a Development Agreement would be a document that would be recorded at the Register of Deeds binding it to the property and that there would have to be a mutual agreement between the County and the Developer to disband the agreement, that it would give vested protection, that the project would have to abide by the effective Ordinance at the time of the agreement. Staff and Board members held a brief discussion regarding different possibilities, and examples of the need for such an agreement. Vice-Chairman McClammy encouraged staff to move forward with a Development Agreement draft to present to the Board and asked staff to research what is done in surrounding jurisdictions; the Board agreed with Vice-Chairman McClammy's request.
- v. Director Breuer asked the Board if they wanted to hold a discussion regarding Board member Edens' email concerning parking or if they preferred to hold the discussion when Board member Edens was present; it was the consensus of the Board to wait and discuss the item when Board member Edens was present.

b. Planning Board Members Items:

9. Next Meeting: Scheduled for June 3, 2014; Work Session at 6:00 pm.

10. Adjournment: The meeting adjourned at 9:30 pm.