

Pender County Planning and Community Development

Planning Division

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MINUTES

Pender County Planning Board Meeting
Tuesday, June 2, 2015 7:00 p.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina

Call to Order: Chairman Williams at 7:00 pm.

Roll Call: Chairman Williams

Pender County Planning Board Members:

Williams: McClammy: Baker: Edens: Fullerton: Marshburn: Nalee:

- 1. Adoption of the Agenda:** *Chairman Williams stated that the County Attorney was running late so therefore he requested that the Board change the order of the Agenda and hear Agenda item 5 before item 4.* Board member Marshburn made the motion to adopt the agenda with the requested order change; seconded by Board member Nalee. The vote was unanimous.
- 2. Adoption of the Minutes: (April 8, 2015)** Board member Nalee made the motion to adopt the minutes; seconded by Board member Marshburn. The vote was unanimous.
- 3. Public Comment:** No sign-ups for public comment.

(Public Hearings Open)

4. Zoning Text Amendment: (Item 5 on the Agenda)

Pender County, applicant, requested the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance to amend Section 3.2.2.B to allow for electronic submittal of required foundation surveys and to amend Section 3.2.2.D to remove the requirement of in-field setback verifications. Planner Christy presented and gave background information for agenda item 5. Board member Baker asked what the plan or process would be to backup electronic files; Mr. Christy stated that he was not sure that the Pender County Information Technology Department maintained the servers and backup processes. Board member Baker requested that staff follow up with information regarding where the servers were housed and the process for backing up electronic files. Board member Baker recommended that in the proposed text under section 3.2.2 D 3 staff replace the word "above" with greater than or excess of. Board member Baker asked for clarification that there would still be a point where an Inspector visited the site; Mr. Christy answered yes, the Inspector would still go to the site to perform a foundation inspection. The Board held a brief discussion with staff to clarify the point of which an inspector would visit the site.

Board member Edens made a motion to approve the requested Zoning Text Amendment as presented with Board member Baker's recommendation; seconded by Board member Marshburn. The vote was unanimous.

5. Master Development Plan: (Item 4 on the Agenda)

Walt Knott, applicant, on behalf of Springfield Plantation II Inc, HCT Pender LLC, River Rock Farm LLC, owners, requested the approval of a Master Development Plan for a mixed-use development known as Lane's Ferry Landing. The request consisted of developing residential portions to include; 2,114 single family residential lots, 456 attached townhomes and 125 multi-family units, as well as, approximately ± 27 acres of non-residential areas on approximately ± 987.95 acres. The proposed development is located to the north and south of NC HWY 210, to the east and west by Moore Town Road (SR 1518), due east of Interstate 40 and west of the NE Cape Fear River. There are three (3) parcels associated with this request, all are zoned PD, Planned Development zoning district; and may be further identified by Pender County PINs 3245-84-0109-0000; 3255-11-7659-0000; 3245-80-3934-0000. Senior Planner O'Hare presented and gave background information for agenda item 4. Ms. O'Hare explained that after the applicant submitted their application and staff completed their staff report, the applicant responded to staff's requests of outstanding items that would need to be addressed; staff provided the applicant's responses to the Board in the form of a memo and Ms. O'Hare thoroughly reviewed the responses with the Board. Chairman Williams opened the floor for the Board to ask staff questions; Board member Nalee asked what would be the projected population growth for the entire project; Ms. O'Hare responded that she had not calculated a population. Board member Baker asked if staff was making one overall recommendation or a recommendation for each outstanding item; Ms. O'Hare answered staff made recommendations on each outstanding item. Board member Edens asked what the Board should be looking at to make an approval since there was a lot of information before them to review; Ms. O'Hare stated that the Board should focus on the eight (8) outstanding items on page eleven (11) of the staff report, roadways, interconnections to existing parcels, buffers, which the applicant will have to meet the Pender County Ordinance requirements, waste water system, amenity sites (timing and location), setbacks, and height limitations. Chairman Williams opened the floor to the applicant; Walt Knott, applicant, requested to address any concerns the Board may have regarding the eight (8) outstanding items issued by the Technical Review Committee and to then present a PowerPoint, so that the members of the audience could see and understand the project plans. Mr. Knott stated that they were here to be good partners with Pender County and that it was their idea to reach out to Pender County Utilities and the school system in regards to water/sewer and a new school/public park. Mr. Knott echoed Ms. O'Hare's presentation on the outstanding items listed by the TRC and stated that the development would have a ten (10) to twenty (20) year build out timeframe. Mr. Knott presented a PowerPoint and gave a detailed overview of the development plans. Board member Nalee asked if the recreation areas be public or private; Mr. Knott stated that at the TRC meeting the Pender County Parks and Recreation Director explained that the County lacked public recreation areas, so therefore they proposed a public recreation area behind the proposed school, if and when that plan became reality. Ms. O'Hare clarified that the school and the public park sites were not included in the Master Development Plan being presented that the recreational sites within the development would be private. Board member Baker asked if the commercial areas of the project be available to the public; Mr. Knott stated that the commercial space would be available to the public. Chairman Williams asked the applicant to point out on the map the proposed public and private roads; Mr. Knott did so. The Board, staff and applicant had a brief discussion regarding the reason for proposing certain roads as public and others as private and staff recommendations for stub outs for inter-connectivity. Chairman Williams opened the floor for Public Comments; Mr. Knott asked if he would have the opportunity to address any comments made; Chairman Williams answered yes, that he may come back to the podium to respond. Chris Jarvas, 226 Westbrook Drive, stated that the proposed development was very overwhelming, is opposed, would be a major impact on the area, many people in that area live in the country because they don't want neighbors, wondered why that area couldn't be used for corporations instead of homes, the area needs jobs and stated her concerns for the environmental effect to the Cape Fear River.

Reta Shiver, 27 Thankful Road, stated that she and many neighbors were in favor of the development; the project would be great for the construction industry, on the job training for students in the community, add diversity to the County and would improve the tax base.

Bill and Eileen Shober, 1943 Rebecca Kennedy Road, stated that they were not opposed to the development, but opposed to the density of the project, they projected seven thousand (7,000) people would be added to the area and that would be too much of an impact on traffic.

John Thomas, 11931 NC Hwy 210, stated that he opposed the plan, it was too much density for that area, he likes the quiet which would be destroyed with such a large population and asked that the Board consider asking the developer to decrease the density.

Haywood Stringfield, 394 Thankful Road, stated that he was a plumber and his concern was the treatment of the wastewater, that once the wastewater was dumped into the ground a lot of wells in the area would be contaminated, the density was too much, traffic would be increased, taxes would be raised, questioned what the elderly on fixed incomes in the area would do, stated that he would rather have a rock quarry and was opposed to the development plan.

David Greer, NC Hwy 210, explained where the property he owned was located. Mr. Greer stated that the first map he viewed showed a boat launch facility near his property line; Mr. Greer asked the applicant if that was still the plan; Mr. Knott answered that they had not fully decided. Mr. Greer expressed concerns regarding setbacks and would prefer to have a larger buffer between his property and the developer's property. Mr. Greer also questioned if the developer had thought about stubbing to his existing service road.

Misty Fisher, 9424 NC Hwy 210, stated that she owned a licensed child care facility and respected everyone's opinions, but her long term plans were to expand and open a child care facility on NC Hwy 210, so the proposed plan would be a benefit and felt that it would be a positive thing for the area.

Allen James, 11010 NC Hwy 210, stated that he owns the Lane's Ferry Grill and Dock, described the location of his property and gave a brief history of the property. Mr. Allen stated that he had concerns with the density and traffic access to NC Hwy 210, but as a business person the opportunity to service the people that will be working in the community to build the development, will be ideal for his business. Mr. Allen stated that there were concerns regarding the sewer situation not so much the water treatment, but understands those concerns, more concerned with being isolated even more if a water treatment plant is put in place because he would not have access to it just like he doesn't have access to public sewer and cannot expand his business as is, if public sewer is not worked out between the developer and the County there will be no reason for public sewer to become available anytime soon, so that raises concerns for what will happen to his business once the proposed development develops. Mr. Allen explained that they also had a dock and a landing that they are very restricted on what they can do, that the "Corps" have not been very corporative in allowing improvements, even to their own facility, so is not sure what they would do about a new facility going in, but regardless his ability to be successful would be diminished. Mr. Allen concluded by stating that he did support growth, the County needed to attract housing, jobs that come with housing and even the businesses that would compete with his.

Cleve Simpson, 12360 NC Hwy 210, stated that speaking from the prospective of a former County Commissioner, he is in favor of growth (managed growth), that it is coming whether it is wanted or not, the best thing that can be done is to prepare for and manage it. Mr. Simpson gave a brief history of his ties and experiences within the community and stated that growth is good to a certain level that he acknowledges and agrees with what has been said for and against the proposed development, but we have to recognize reality and work together to find a way to make growth

work. Mr. Simpson stated that he was in support of the proposed development and believed that in the future Rocky Point would be the center of economic development.

Attorney Thurman stated that there were no further sign ups to speak, but David Smith, Pender County Schools was in attendance if the Board wished to hear any comments from the school's perspective. Chairman Williams stated that the Board would hear any comments.

David Smith, Pender County Schools, stated that he only had general comments, that naturally a development such as this one would create more children for the schools to manage, that their job is to educate children. Mr. Smith stated that the school system appreciated the offer of land and planned to meet with the developer in the future along with the representatives of Pender County since it would be a joint venture between them all, that is would be hard to state the location of a new school at this point, there would need to be time to plan. Chairman Williams asked for clarification that a school site would have to be approved by the state; Mr. Smith answered yes, that was correct.

Chairman Williams stated that he seen the Deputy Fire Marshall in the audience and asked if he would like to make any comments.

Tommy Batson, Deputy Fire Marshall, Pender County Emergency Management, stated that the applicant had met all of Emergency Management's concerns with the exception of one (1). Mr. Batson explained that the fire district that serves that area is Rocky Point and at the present time Rocky Point does not have any access to any height over thirty-five (35) feet, so the recommendation from Emergency Management is to limit the height of the commercial buildings to thirty-five (35) feet instead of the proposed forty-five (45) feet until a later date or Rocky Point has the means to provide service above thirty-five (35) feet. Board member Edens asked if the developer provided fire suppressions in areas that would be above thirty-five (35) feet would that satisfy the recommendation; Mr. Batson answered no, because at this time the fire department would only be able to manually or physically get up to thirty-five (35) feet with their present resources, that fire suppressions are only able to maintain a fire until a fire department arrives to gain control of the fire. Attorney Thurman stated that another issue would be the safety of our firefighters because even if the equipment was not available they would still try to fight the fire, putting their safety at risk.

Chairman Williams called for a seven (7) minute break. Chairman Williams called the meeting back to order at 9:00 pm.

Chairman Williams opened the floor to the applicant. Walt Knott, applicant, made the following responses to the comments and concerns stated during Public Comment; there will be a traffic impact study conducted and there will be requirements that will have to be met; the proposed homes would provide a large increase of new property taxes for the County; as far as density they did not max their density out, if they wanted to they could request more, they would much rather tap into public sewer than to build a sewer/water treatment plant, and in regards to the height limitation he would request that if the Board recommended approval based off of that condition, that the recommendation be conditioned to be reevaluated at a later time. Mr. Knott concluded by respectfully asking the Board to approve his Master Development Plan and stated that more detailed items would be available during the approval process of each Phase.

Chairman Williams closed the Public hearing and opened the floor for the Board's discussion. The Board asked to again clarify what was expected of them to approve or deny at this point; Ms. O'Hare stated that if the Board was incline, they could use the stated eight (8) outstanding items as a guide to base their discussions and decisions. The Board thoroughly discussed each outstanding item amongst themselves, with the attorney, with the applicant, and with staff. After having their discussions the Board stated the following conditions.

Water

Coordination and phasing with Pender County Utilities must occur to prevent impacts on existing water infrastructure. Coordination through Pender County Utilities shall occur prior to approval of Preliminary Plat for each phase of the approved Master Development Plan. Water shall be located outside the paved areas.

Waste Water

If the Rocky Point Topsail Water and Sewer District are feasibly able to service the development, then the applicant shall connect to Pender County Utilities for wastewater disposal. If a connection is deemed not feasible by the Rocky Point Topsail Water and Sewer District within 90-days of Master Development Plan then, the applicant shall be approved for a private package treatment facility for wastewater as shown on the approved Master Development Plan. Shall public utility connection be available in the future, a revision to the approved Master Development Plan will not be required. Any additional development proposed on the identified wastewater treatment disposal site shall require further review and approval by the Pender County Planning Board. Feasibility shall be deemed appropriate by both the developer and the Rocky Point Topsail Water and Sewer District.

Safety Concerns

Structure height proposed at thirty-five (35) feet or higher shall be examined for proper fire suppression at each phase approval by the Planning Board based on coordination with the Fire Marshall concerning;

1. Equipment
2. Fire Suppression
3. Resources of the Rocky Point Volunteer Fire Department

Setbacks within the detached Single Family portion of the Master Development Plan shall be five (5) feet.

Roadways

The applicant shall provide four (4) connections to adjacent properties. The three (3) proposed stub connections shall be consistent with the plan site submittal. A fourth connection shall be demonstrated from the area identified as "Mixed Use Commercial A" to the adjacent parcel immediately west, further identified by Pender County PIN 3245-61-5597-0000 (Thomas Property), in order to promote development connectivity and reasonable access to the adjacent properties.

Additional roadways may require public dedication and be built to public collector street standards as outlined in Section 7.5.3.C of the Unified Development Ordinance. All identified right-of-way in each phase shall be evaluated for these factors to determine additional public dedication and collector street design, reviewed at each phase.

Buffers

Buffers are approved as submitted on the site plan whereas; in the case where the buffer proposed is more stringent than the required buffer, the applicant shall provide the more stringent buffer type. The portions of required buffer around the property which do not meet the minimum buffer standards per Section 8 of the Pender County Unified Development Ordinance shall comply be amended to comply with standards. The following amendments shall be made prior to the approval of the Master Development Plan;

1. Phase I:
 - a. Buffering around the existing outparcel (industrial site) on the western portion the property shall be a Buffer B;

- b. Buffering around the proposed wastewater treatment facility shall be a Buffer C on the outer bounds of the property.
2. Phase II:
- a. Buffering along the northeastern side of Phase II property shall be labelled as a Buffer B;
 - b. Area adjacent to all streets shall be labeled at minimal as a Buffer A;
 - c. The parcels lying south of Phase II may require a Buffer C extending from Moore Town RD (SR 1518) through to the NE Cape Fear River;
3. Phase III:
- a. Buffering of the property by the identified "Area A" shall require a Buffer C nearest to the single family residential outparcel;
 - b. All areas adjacent to NC HWY 210 and Moore Town Road (SR 1518) shall require a Buffer A;
 - c. South of Rebecca Kennedy Rd. (SR 1517) may require a Buffer C due to single family dwellings on adjacent properties which may be within fifty (50) feet of the property line;
 - d. North of Rebecca Kennedy Rd. (SR 1517), the eastern property line shall require a Buffer B and a Buffer C where applicable.

Amenities: per UDO doesn't need conditions.

Environmental: No additional changes- builder will build to UDO standards and Flood Damage Prevention Ordinance Standards.

Board does not want to see another version of the Master Development Plan Map

Board member Edens made a motion to approve the requested Master Development Plan as presented with the stated conditions and amendments to the site plan that were discussed and agreed upon by the Planning Board, Applicant and Staff; seconded by Board member Baker. The vote was 4 in favor with Board member Nalee abstaining from voting.

(Public Hearings Closed)

6. Discussion Items:

a. Planning Staff Items: NONE

b. Planning Board Members Items: Board member Baker requested to have the minutes sent to the Board early for review; Chairman Williams requested that the minutes also be sent to the applicant for review.

7. Next Meeting: July 7, 2015,

8. Adjournment: 11:00 pm

The entire recording of the Planning Board Meeting is on file with the permanent records in the Planning Department office.