

# Pender County Planning and Community Development

## Planning Division

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## MINUTES

**Pender County Planning Board Meeting  
Wednesday, July 8, 2015 7:00 p.m.  
Pender County Public Meeting Room  
805 S. Walker Street, Burgaw, North Carolina**

**Call to Order:** Chairman Williams at 7:02 pm.

**Roll Call:** Chairman Williams

Pender County Planning Board Members:

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

- 1. Adoption of the Agenda:** Board member Edens made the motion to adopt the agenda; seconded by Board member Marshburn. The vote was unanimous.
- 2. Adoption of the Minutes: (June 2, 2015)** Board member Marshburn made the motion to adopt the minutes; seconded by Board member Edens. The vote was 4 in favor with Vice-Chairman McClammy and Board member Fullerton abstaining from voting due to their absence from the June meeting.
- 3. Public Comment:** No sign-ups for public comment.

*\*(Public Hearings Open)\**

**4. Zoning Map Amendment:**

Paula Leick, applicant, on behalf of Marc and Paula Leick, owners, requested approval of a Zoning Map Amendment for a general use rezoning of one (1) tract totaling one (1) acre from RA, Rural Agricultural zoning district to GB, General Business zoning district. The subject property is located along the northwest side of US HWY 117, approximately one thousand feet north of the intersection of Camp Kirkwood Road (SR 1318) and US HWY 117, and may be further identified by Pender County PIN 3322-45-8395-0000. Senior Planner O'Hare presented and gave background information for agenda item 4. Board member Fullerton stated that unfortunately when there are Zoning Districts someone has to be next to another zone, if the request is granted "How far do we want the General Business zone to go away from the said intersection and along Hwy 117" cause the same argument could be used for the next one (1) acre lot which currently has a house on it, it would be like the "domino effect". Board member Fullerton commented that the applicant had no said plans for the property and had stated that their property was devalued since it's located next to the General Business zone, but he was not sure if there was any evidence from the Tax office to support the applicants statement. Board member Fullerton asked what would be staff's recommendation on how much General Business would they want to see in that location and stated that his concern was for the protection of the northern properties in the RA, Rural Agricultural zone and the expansion of the General Business zone without any firm idea of how far the General Business zone will go. Chairman Williams asked what the distance was between the intersection and the south corner of the said property; Ms. O'Hare stated that staff had a rough calculation of about one thousand (1000) feet and

that the 2010 Comprehensive Land Use Plan doesn't provide a specific definition for how far away the location must be from an intersection. In response to Board member Fullerton, Attorney Thurman stated that the Tax office only does a revaluation of property every eight (8) years and that a zoning change to the property next to yours would not result in a value change to your property. Director Breuer stated that the location criteria in the plan were subjective due to no definition and staff would need direction from the Board on how to define the location. Paula Leick, applicant, stated that her request is based on the fact that she was not aware of any changes to the adjoining property prior to 2014 when she received a letter regarding the change due to a mapping error, it was her understanding that the whole area was residential, that she had no intentions of building a home on the property and doesn't believe she would ever do such since it is next to commercial and believed it would be hard to sell as residential. There were no sign-ups for comments. Chairman Williams opened the floor for the Board's discussion. Board member Fullerton stated that he didn't think rezoning requests should be taken lightly, that with all respect to the applicant when they bought the property it was adjacent to business properties that were changed to residential by mistake, which was corrected in September 2014, the County doesn't have a plan to have a business area in that location, and there is just not a good reason for further expansion of the current GB, General Business zone. Ms. Leick asked if she could respond, Chairman Williams allowed the applicant to respond. Ms. Leick stated that she bought the property in 1996, that there were seven (7) properties at that time and they were all zoned residential and the original property owner had restrictions attached to the deeds. Board member Fullerton asked if staff had any dates of when any of the said properties became business; Director Breuer answered that when staff did their research for a previous case, the property owner had petitioned in 1999 to rezone the property from RA, Rural Agricultural to B2 but did not include the tract being requested. Board member Edens stated that one thousand (1000) feet didn't seem like a far distance from an intersection. Vice-Chairman McClammy asked Director Breuer to refresh the Board with the history of the other parcels; Director Breuer gave an overview of the GIS mapping error that resulted into the staff driven Zoning Map Amendment in September 2014.

Board member Edens made a motion to approve the requested Zoning Map Amendment as presented; seconded by Board member Marshburn. The vote was 5 for approval and 1 against.

Director Breuer stated that the request would be heard by the Pender County Board of Commissioners at their August 2015 meeting.

##### **5. Master Development Plan Revision:**

Signature Top Sail NC, LTD, applicant and owner, requested a revision to the previously approved Master Development Plan, for the residential subdivision known as Wyndwater. Specifically the request is to increase the overall project area, add attached duplex housing type, and increase the overall project density. The subject property is zoned PD, Planned Development zoning district. The property is located to the north of Doral Drive (SR 1693), northwest of Sloop Point Loop Road (SR 1563), south of the approved Cardinal Pointe subdivision and east of US Highway 17 in Hampstead. The property may be further identified by Pender County PINs 4214-12-4590-0000 and a portion of the property located at 4204-94-9912-0000. Senior Planner O'Hare presented and gave background information for agenda item 5. The Board had no questions for staff at this time; Chairman Williams asked to hear from the applicant. Mike Pollak, developer, thanked staff for their work and gave an overview of the project, Mr. Pollak showed the Board the project's website and explained the type of products they planned to build and thanked the Board for considering the request. Chairman Williams asked if the primary reason for the request was due to sewer becoming available; Mr. Pollack answered yes and the fact that the project was growing. Chairman Williams opened the floor for sign-ups and reminded everyone that there was usually a two (2) minute time limit per speaker but the Board had agreed to allow four (4) minutes per speaker. Ron Maier, 911 Kontiki Court, thanked staff for spending time with the residents and explaining what was taking place next to their community; stated that he understands Topsail Greens Drive belongs to developer, but has concerns

about the traffic increase on Topsail Greens Drive as a result of Phase III; that it would seem logical for a new road to be built at the time of installing the new sewer lines, the density increase, protection of the wetlands, drainage issues, and would prefer to have a C4 Buffer for Phase I and Phase II. Bob Cramblitt, 811 Jetty Court, stated that he liked the community, hopes that the existing community doesn't get compromised by the new development. Mr. Cramblitt gave an overview of his community and neighbors. Paul Godridge, 623 Outrigger Court, stated that his concern was that Phase III would increase traffic on Champion Drive which was a private road, that it would be "human nature" for people to use Champion Drive due to it being a closer and faster route. Al Burfield, 353 Topsail Plantation Drive, stated that his concerns were; that when public sewer and water was available existing property owners would be required to tap into it, the plan for traffic control, and stated that he wished the developers would break out the mapping of their proposed development that it would be nice to see the plans for the future phases and traffic flow. Mary Rogers, 910 Lighthouse Court, president of the Topsail Greens Homeowners' Association, asked permission to read an email from a resident that couldn't make the meeting, Chairman Williams allowed the request. Ms. Rogers read an email from Richard Sponable, 908 Lighthouse Court, stating that he was opposed to the request, that this would be the second request from the applicant and the whole plan had changed. Ms. Rogers stated that the development plans were beautiful and nice, but her concern was the traffic and hoped that the developers would make it a priority to build a new road for the main entrance of the development. Due to no further sign-ups, Chairman Williams opened the floor for the Board's discussion. Board member Nalee commented that it was clear the residents' concerns were traffic and density. Mike Pollak, developer, stated that the technical aspects come after the Master Plan approval, that once the plan is approved the next step would be to submit a traffic impact analysis; unfortunately he had no answers regarding the proposed traffic flow because they haven't gone through the process yet. Director Breuer stated that for the point of clarification and not to get ahead of the process, the Master Development Plan before the Board is to allow the duplex housing type which will increase the density, the developer will have to be back before the Board with a specific plan for each phase in order to move forward with development and as a response to Mr. Burfield's concern, at this time the County has no regulations requiring existing homes to tap into public water and doesn't believe that a private utility provider such as Pluris, has the authority to make existing homes connect. Board member Edens asked the developer to point out on the site map where the proposed duplexes would be located, Mr. Pollak pointed out the proposed area on the site map. Vice-Chairman McClammy commented that he understood the residents' concerns and asked when would answers be available regarding the traffic plans; Director Breuer stated that a Traffic Impact Analysis would be done and from that recommendations for improvements would be determined, but the Traffic Impact Analyze is not designed to analyze private internal roadways of developments; Mr. Breuer gave a detailed overview of the process, but did not have an exact date for when the traffic plans would be finalized, but it would be prior to the approval of the Master Development Plan. Vice-Chairman McClammy asked Ms. Rogers if the residents had given any thought to concrete recommendations in regards to the requested revisions of the Master Plan; Ms. Rogers answered no, just exploring options and will discuss ways to limit traffic from using Champion Drive, would be happier if a second road was built to enter the development. Chairman Williams stated that the overall density did not appear to be a tremendous change and asked staff for confirmation on the density change; staff confirmed the calculations. Chairman Williams asked for any other questions or comments, due to nothing further Chairman Williams asked for a motion.

Vice-Chairman McClammy made a motion to approve the requested Master Development Plan Revision as presented and stated in the staff report; seconded by Board member Fullerton. Senior Planner O'Hare asked if the motion included the potential approved conditions stated in the staff report; Vice-Chairman asked Ms. O'Hare to please state those conditions. Vice-Chairman stated that the said conditions were included in his motion; Board member Fullerton confirmed his second and noted that the conditions could be found in the staff report. The vote was unanimous.

*\*(Public Hearings Closed)\**

**6. Discussion Items:**

**a. Planning Staff Items:**

- i. Buffers Update:** Director Breuer stated that when staff receives inquiries regarding development standards, they analyze them and like to bring them to the Boards attention. Director Breuer explained the current buffer regulations, the inquiry requesting a change, the change options proposed in the memo provided to the Board and asked the Board for direction in regards to a staff driven Zoning Text Amendment. Board member Fullerton recommended option 1 "Use Buffer" with defined conditions. The Board directed staff to move forward with creating some conditions and bring it back to the Board for discussion.
- ii. Collector Street Plan Update:** Director Breuer advised the Board that the Board of Commissioners appointed the Collector Street Plan Steering Committee on July 7, 2015, the kickoff meeting would be held in approximately two (2) weeks and staff would provide the Board with an update each month.
- iii. Comprehensive Land Use Plan Update:** Director Breuer advised the Board that funding had been approved for an update to the Comprehensive Land Use Plan, staff was currently working on preliminary planning and information inventory, and that Allen Serkin would be coming next month to give a presentation.
- iv. General Announcements:** Senior Planner O'Hare reminded the Board of the TRC meeting scheduled for Tuesday, July 14, 2015. Director Breuer announced that Ms. O'Hare had received her CZO certification.

**b. Planning Board Members Items:**

Chairman Williams announced that he was a Granddad; his daughter had a baby boy on Monday. He then thanked Senior Planner O'Hare for the job she did at the last meeting in Director Breuer's absence.

- 7. Next Meeting:** August 4, 2015, Director Breuer stated that there were no cases for the August meeting and proposed having the scheduled September work session in August if no case came in before the deadline for the September meeting. The Board accepted Director Breuer's proposal; Director Breuer advised the Board that he would follow up via email once the deadline for the September meeting passed.

- 8. Adjournment:** 9:15 pm

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