

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
Tuesday, September 1, 2015 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 7:01 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 staff had requested to remove agenda item eight (8). Board member Fullerton made the motion to adopt the agenda as presented excluding agenda item eight (8); seconded by Vice-Chairman McClammy. The vote was unanimous.
- 2. Adoption of the Minutes: (August 4, 2015)** Board member Fullerton made the motion to adopt the minutes; seconded by Vice-Chairman McClammy. The vote was three (3) in favor with Board member Baker abstaining from voting due to his absence from the August meeting.
- 3. Public Comment:** No sign-ups for public comment.

(Public Hearings Open)

4. Zoning Map Amendment:

Nicholas K. and Carol S. Shepard, applicants, on behalf of Whitehouse Investments LLC, owner, requested approval of a Zoning Map Amendment for a general use rezoning of one (1) tract totaling one (1) acre from RP, Residential Performance zoning district to GB, General Business zoning district. The subject property is located at 13471 US HWY 17 in Hampstead, approximately one (1) mile south of the intersection of US HWY 17 and NC HWY 210 and may be further identified by Pender County PIN 3282-42-3687-0000. Senior Planner O'Hare presented and gave background information for agenda item four (4). Board member Baker asked if the said property was the only tract included in the request and if the requested zone be consistent with the properties to the north; Senior Planner O'Hare answered yes there was only one tract included in the request and that the request was consistent with the parcels located far north and across US HWY 17. Board member Baker asked for an update on the median project planned for US HWY 17; Director Breuer stated that it was a TIP project, the design is being done now and construction should start in 2019 or 2020, Director Breuer added that the project would begin at Washington Acres Drive and continue North along US HWY 17 to Sloop Point Loop Road. Board member Baker asked if the property remained Residential Performance (RP) district, would it be less dense than the requested General Business (GB) district; Director Breuer answered that the General Business (GB) district does not allow residential uses, so therefore the density would be less. Vice-Chairman McClammy asked how long the said property and the surrounding properties had been zoned Residential Performance; Senior Planner O'Hare answered since 2010, prior to 2010 the properties were zoned Rural Transitional (RT) district. Vice-

Chairman McClammy stated that the Board packets indicated that the applicant had purchased the property around 2005 and the existing zoning was Rural Transitional (RT), Planner O'Hare stated the information provided was correct and gave the Board the definition of the Rural Transitional (RT) district. Board member Fullerton asked staff if all of the properties in the said area would meet the criteria to be rezoned to General Business (GB). Director Breuer answered they would be consistent in staff's recommendations to the Planning Board; Board member Fullerton stated that from a planning stand point that would create a problem, if the corridor is best suited for a business district then maybe the parcel along the corridor be rezoned to General Business (GB) and the properties in the rear remain Residential Performance (RP), Board member Fullerton added that piecemeal zoning is not a healthy practice, if it is done that way we don't know what we will get cause once the property is rezoned to General Business any approved business use would be allowed on the property. Vice-Chairman McClammy asked for examples of by-right business uses that would be allowed if the request was approved; Senior Planner O'Hare gave several examples listed in the Table of Permitted Uses within the Pender County Unified Development Ordinance. The Board members discussed the impact an approval would cause on the current property owners in the area. Chairman Williams asked to hear from the applicant and anyone who had signed up to speak. Kyle Shepard, applicant, stated that he was requesting the Zoning Map Amendment because his business use was permitted when he purchased the property, he believes that if he wanted to sell the property he wouldn't be able to under the current zoning, not that he has any plans at this time to sell or for a different business; Chairman Williams asked Mr. Shepard if he was trying to maintain the current use; Mr. Shepard answered yes and may want to rebuild his office and he may have a hard time doing that since the property is currently zoned Residential Performance (RP) and that wouldn't be fair; Director Breuer stated that allowable uses are normally not discussed, but for the Board's knowledge the current use on the property is allowed via a Special Use Permit in the Rural Agricultural (RA) and Residential Performance (RP) districts and by-right in the Planned Development (PD), General Business (GB), General Industrial (GI), Industrial Transitional (IT) and Office Institutional (OI). Board members and the applicant held a brief discussion regarding the various business that are currently located around the applicant's property; the applicant stated that he believed he had a good case for making his request and that he only wanted to be compliant in regards to the use on his property and the zoning district. Sheron Howard, 13501 US HWY 17, Hampstead, stated that her and her husband had been residents/property owners for over forty (40) years and have never experienced any problems with businesses in the area, Mrs. Howard asked if the rezoning was approved would her property taxes increase?; Attorney Thurman answered no. Mrs. Howard asked if the request was approved and Mr. Shepard sold his property could other business come in that would increase traffic and noise; Director Breuer answered that staff or the Board could not answer that for certain because one type of business may and another may not. Mrs. Howard stated that they like it quiet and not a whole lot of traffic in and out so they are against the rezoning request. Vice-Chairman McClammy commented that he does worry about the impact of the current property owners and would vote to oppose the request. Board member Fullerton commented that he believed the Board had the opportunity to meet both of the expressed concerns; Mr. Shepard could make his business conforming by applying for a Special Use Permit, which would answer the concerns of the Shepard's as to what would be located next to their property for the time being, because there is a chance of change in the future, it is happening all around that area, but for now he feels the property is too small to be rezoned and would support opposing the request.

Board member Fullerton made a motion to deny the requested Zoning Map Amendment as presented; seconded by Vice-Chairman McClammy. The vote was three (3) in favor of denial and one (1) opposed.

5. Zoning Map Amendment:

Coleman Parks, applicant, on behalf of Corbett Industries Inc, owner, requested approval of a Zoning Map Amendment for a general use rezoning of two (2) tracts totaling approximately 133.59 acres from RA, Rural Agricultural zoning district to RP, Residential Performance zoning district. The subject properties are located along NC HWY 210 approximately 1,500 feet east of the intersection of NC HWY 210 and Island Creek Road (SR 1002) and along Harrison Creek Road (SR 1573) approximately 2,000 feet south of the intersection of Island Creek Road (SR 1002) and Harrison Creek Road (SR 1573) and may be further identified by Pender County PINs 3273-10-0849-0000 and 3273-33-1459-0000. Senior Planner O'Hare presented and gave background information for agenda item five (5). Chairman Williams asked for clarification on the zoning of the properties; Senior Planner O'Hare explained that both properties were zoned Rural Agricultural (RA). The Board members had no questions for staff; Chairman Williams requested to hear from anyone who had signed up to speak. William Whitehead, 3421 NC HWY 210, Hampstead, stated that he has lived on his property for thirty (30) years and asked if there would be a required buffer between his property and anything placed on the adjoining property; Director Breuer stated that no buffers are required between zoning districts that are the same and the Board would not be able to apply conditions to a by-right subdivision. Vice-Chairman McClammy asked what would be the general setback requirement; Senior Planner O'Hare explained the setback requirements for the Residential Performance (RP) District. Director Breuer stated that the property owners could possibly negotiate buffers between themselves and offered for Mr. Whitehead to call the Planning Department for any contact information if he wished to contact the property owner. Floyd Robinson, 1134 Harrison Creek Road, Hampstead, Mr. Robinson stated that his concern was for the church that was located in the area of the request, the church members were concerned about the tax rate increasing due to the possible development and if there were set plans available for where the bypass would be; Director Breuer offered for Mr. Robinson to come to the Planning Department to view the bypass plans. Chairman Williams asked if the applicant was present and if so would they wish to speak; the applicant was not present. Chairman Williams stated that if there were no further sign-ups or comments/questions from the Board he would entertain a motion.

Board member Fullerton made a motion to approve the Zoning Map Amendment as presented; seconded by Board member Baker. The vote was unanimous.

6. Preliminary Plat:

Signature Top Sail NC, LP, applicant, on behalf of Signature Top Sail NC, LP and Jeffery Morris et. al. owners, requested approval of a Preliminary Plat for Phase III of the mixed-use development proposal known as Wyndwater. Specifically, the request for Phase III approval includes sixty-nine (69) single-family conventional lots and forty (40) single-family attached duplex lots. The subject property is zoned PD, Planned Development zoning district. The properties are located to the north of Doral Drive (SR 1693), northwest of Sloop Point Loop Road (SR 1563), south of the conditionally approved Master Development Plan known as Cardinal Pointe and east of US HWY 17 in Hampstead and may be further identified by Pender County PINs; 4214-12-3906-0000 and a portion of 4204-94-9912-0000. Senior Planner O'Hare presented, gave background information and provided the Board with an updated memo for agenda item six (6). Vice-Chairman McClammy commented that during the Board's discussion at the previous hearing, connectivity, drainage, and open space were significantly discussed, how many of the twelve (12) outstanding items relate to connectivity; Senior Planner O'Hare answered that she would call the Board's attention to item two (2) and nine (9) of the provided memo and also stated that some items are not request they are requirements. Vice-Chairman McClammy commented that there were items that were previously approved and are still before the Board as outstanding items. Board member Baker asked why the request was before the Board prior to completion. A lengthy discussion took place between staff, applicant and Board members regarding the outstanding items and the Preliminary Plat process. Chairman Williams asked to hear from anyone who had signed up to speak. Ron Maier, 911 Kontiki Court, Hampstead, stated that his concern is the flow of traffic, he believes Champion Drive, which is a private road, would be

utilized, a new road should be built as soon as possible, why couldn't the developer build the future road now; Mr. Pollok, applicant answered they couldn't build a future road now because at the present time they do not own the property where they propose to build the road. Board members and the applicant continued to discuss the outstanding items and timeline of when those items would be completed. Due to the board's uncertainties on what they would be approving with items remaining outstanding, the Board suggested tabling the item.

Vice-Chairman McClammy made a motion to table the requested Preliminary Plat to the next Planning Board meeting; Board member Fullerton seconded the motion and requested that all outstanding items be definable. The vote was unanimous.

7. Master Development Plan:

Oak Ridge Properties at Olde Point, LLC, applicant and owner, requested approval of a Master Development Plan and Major Site Development Plan approval for Phase One (1) of a mixed use development known as Oak Ridge at Olde Point. The subject properties are zoned PD, Planned Development zoning district. The proposed project is located to the east of US HWY 17 between Ravenswood Road (SR 1687) and Country Club Road (SR 1565) in Hampstead and may be further identified by Pender County PINs; 3293-86-0162-0000, 3293-85-0858-0000, 3293-75-7714-0000, 3293-75-6669-0000, 3293-95-1967-0000, 3293-96-2122-0000, 3293-96-3164-0000, and 3293-75-6604-0000. Senior Planner O'Hare presented and gave background information for agenda item seven (7). The Board members had no questions for staff; Chairman Williams requested to hear from anyone who had signed up to speak. Mike Gallant, applicant, stated that he did have a trip count for the plans and they were one hundred (100) am or pm; and that the first phase didn't trigger a TIA so one was not needed to complete that phase, Mr. Gallant explained that they could not do a TIA until it was determined what would be located on the front parcels. Mr. Gallant presented the development plan for phase one. Mr. Gallant stated that they did have an issue with staff's recommended sidewalk; due to the location of the property and the storm water pond, that there are no current sidewalks and if they built one it would not be leading to anything. David Sneed, Principle for Old Pointe, stated that in 2012 the title to Ravenswood Road was deeded to a Road Maintenance Association, since that time discussions have taken place with the owner of Hampstead Town Center to partner in the maintenance of Ravenswood Road. Mr. Sneed stated the percentage has not been finalized yet, that once the build out is completed they will have the percentage and the road maintenance agreement will be finalized and recorded. Mike King, attorney for Hampstead Town Center, gave the background and history for Ravenswood Road, that there is a declaration recorded in the Pender County Registered of Deeds; that an agreement has not been entered yet, but an agreement will be made. Attorney King stated that his client would prefer that a percentage be agreed upon and an agreement recorded prior to any approvals. Attorney Thurman stated that the parties would be responsible for creating and recording their maintenance agreement. Vice-Chairman McClammy asked what road standards would the Board be approving, Attorney King read the recorded declaration stating what the maintenance of Ravenswood Road would entail. Discussion ensued on what the declaration stated and what would be considered a passable condition; both parties assured the Board that they had every intention to make Ravenswood road as safe and passable as possible. Vice-Chairman McClammy asked staff if they suggested or requested sidewalks to be developed; Director Breuer stated that it was a recommendation based off reviews made by staff of current plans and location, during the discussion it was mentioned that the sidewalks wouldn't go anywhere, but staff's standpoint is that you have to start somewhere, we have to plan for a possible future development that will connect to existing sidewalks. Tim Clinkscales, Engineer, stated that he was present to bring to the attention the need to address the drainage issues for the roadway prior to a road maintenance agreement. Chairman Williams stated that if there were no further sign-ups or comments/questions from the Board he would entertain a motion.

Vice-Chairman McClammy made a motion to approve the Master Development Plan as presented including staff's recommendations as stated in the staff report and that a TIA will be required once the threshold of one hundred (100) peak hour trips have been reached; seconded by Board member Fullerton. The vote was unanimous.

(Public Hearings Closed)

8. Zoning Text Amendment: *(Removed from the agenda as an action item)*

Pender County, applicant, requested the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance to amend Section 8.1 and 8.2. The specific request is to revise the requirements for buffer location and applicability. Director Breuer stated that in the review of the Zoning Text Amendment proposal staff had a concern that needed clarification from the Board prior to holding a public hearing. Staff requested clarification from the Board regarding Section 8.1.2 Applicability letter C. *A new use is introduced or an existing use is expanded on site or*, would the Board want to define a percentage of expanding that would require buffers. The Board recommended that staff define a percentage of fifty percent (50%) if the use is changed.

9. Discussion Items:

a. Planning Staff Items:

- i. Addressing Changes: Director Breuer stated that on July 1, 2015 the Planning Department acquired GIS and Addressing. Director Breuer reviewed the provided memo regarding the Addressing Ordinance Changes, stated that a signature line would be added on a Final Plat for the Addressing Coordinator and the ordinance would be amended to allow cluster boxes. Chairman Williams commented that addresses need to be issued sooner than later.
- ii. Collector Street and Comprehensive Land Use Plans Update: Director Breuer gave an overview of the memo provided to the Board and stated that he felt the first Collector Street Plan Steering Committee meeting went well and the second was scheduled for October 1, 2015 at 4pm and will take place at the Hampstead Annex. Director Breuer stated that the RFQ went out and will inform the Planning Board once interviews are set. Director Breuer stated that if the Planning Board wished they could email him interview questions that they would like to have asked.
- iii. Director Breuer stated that Megan and he would be out of town on October 6, 2015 and proposed to change the meeting date if the Board wished to do so. The Board recommended moving the meeting to October 13, 2015.

b. Planning Board Members Items: Chairman Williams stated that he had received a telephone call regarding a case on the next agenda; Director Breuer explained that there would be a community meeting regarding that matter on Wednesday, September 2, 2015 and the Board was welcome to attend. Chairman Williams stated that he would not be able to preside at the October meeting.

10. Next Meeting: October 13, 2015

11. Adjournment: 11:10 pm

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