

Pender County Planning and Community Development

Planning Division

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MINUTES

Pender County Planning Board Meeting Tuesday, May 3, 2016 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 7:00 pm

Roll Call: Chairman Williams

Pender County Planning Board Members:

Williams: Fullerton: Baker: Carter: Edens: McClammy: Nalee:

Board member McClammy arrived after roll call

- 1. Adoption of the Agenda:** Vice-Chairman Fullerton made the motion to adopt the agenda as presented; seconded by Board member Baker. The vote was unanimous.
- 2. Adoption of the Minutes: (April 5, 2016 and March 1, 2016)** Vice-Chairman Fullerton made the motion to adopt the minutes; seconded by Board member Nalee. The vote was unanimous.
- 3. Public Comment:** No sign-ups for public comment.

(Public Hearings Open)

- 4. Preliminary Plat Revision:** Signature Top Sail NC, LTD, applicant, on behalf of J L Morris Enterprises of Hampstead Inc., Morris Jeffrey Let al, and Signature Top Sail NC, LTD, owners, requested a revision to the previously approved Phase III Preliminary Plat for the mixed-use development proposal known as Wyndwater. Specifically this request is to; increase the overall project area from \pm 39.34 acres to \pm 43.43 acres, increase the total units from sixty-nine (69) single-family conventional lots and forty (40) single-family attached duplex lots to one hundred eighteen (118) single-family conventional lots. The subject properties are 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. The properties may be further identified by Pender County PINs; 4214-12-3906-0000, 4214-04-6027-0000, 4214-04-9162-0000, and 4214-23-2200-0000. Senior Planner O'Hare presented, gave background information for agenda item four (4) and stated that staff recommended adding the following condition: Required connection to the proposed Evening Walk (private) roadway from the existing Topsail Greens Drive (private) as a through roadway on the western portion of Phase III. Chairman Williams opened the floor for any questions from the Board for staff.

Board member Edens – What is the difference between single family and single- family conventional?
Senior Planner O'Hare – The original proposal showed duplexes, but the product type has changed to single family dwellings.

Vice-Chairman Fullerton – Has staff addressed the MPO's comments?

Senior Planner O'Hare – Yes, staff is working with them.

Due to no further questions for staff, Chairman Williams called for the applicant to speak. Mike Pollak, applicant, thanked the Board for their time, explained that they have been listening to the market and are tweaking the product to what the buyers want. Mr. Pollak stated that he and his colleagues were opposed to staff's recommended condition that required the connection of the proposed Evening Walk roadway to the existing Topsail Greens Drive. The applicant and the Board had a lengthy discussion regarding the recommended connection. Mr. Pollak stated the he believed the required inner-connection had already been established and asked that the plan be approved as designed. Chairman Williams opened the floor for any sign-ups; there were no sign-ups, but Jeff Morris, J L Morris Enterprises of Hampstead, Inc., asked to make a comment. Mr. Morris explained homes existed across from the proposed connection, that he felt those homeowners would not appreciate a road connection, and that the proposed connection would not be an easy one due to the location of the existing road. Director Breuer explained that the staff's recommendation was based off of the requirements stated in the Pender County Unified Development Ordinance. Chairman Williams opened the floor for the Board's discussion.

Board member Edens made a motion to approve the requested Preliminary Plat Revision as presented; seconded by Board member Baker. The vote was unanimous.

- 5. Preliminary Plat:**Signature Top Sail NC, LTD, applicant, on behalf of Capstone Ventures LLC, owner, requested the approval of a Preliminary Plat for Phase IV of the mixed-use development proposal known as Wyndwater. Specifically, the request for Phase IV approval includes fifty-four (54) single-family conventional lots on ± 22.4 acres. The subject property is zoned PD, Planned Development zoning district. The properties are located to the north of Wyndwater Phase II, to the south of vacant undeveloped land, to the east of the conditionally approved Cardinal Pointe Master Development Plan (Case 11067) and to the west of Friendly Lane (private). The subject property may be further identified by Pender County PIN: 4214-22-7567-0000. Senior Planner O'Hare presented and gave background information for agenda item five (5). There were no questions from the Board; Chairman Williams asked to hear from the applicant. Mike Pollak, applicant, stated that there was nothing controversial about the request and thanked Senior Planner O'Hare for all of her hard work.

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

- 6. Zoning Text Amendment:**Pender County, applicant, requested the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance: Article 1 General Provisions, Article 6 Development Requirements and Content, Article 7 Design Standards, Article 11 Enforcement and Penalties, Appendix A, and add Articles 12 and 13. Specifically, the request is to amend: the Traffic Impact Analysis requirements (Section 6.1.2.A.15, Section 6.1.3.A.7, Section 6.1.4.A.16, Section 6.3.C.7 and Section 6.4.A.20); replace references to the Coastal Pender Collector Street Plan with the Pender County Collector Street Plan (Sections 1.5, Section 7.2.6, 7.2.7, 7.5.1); update cul de sac radius requirements (Section 7.5.1.F) and to incorporate the Addressing and Road Naming Ordinances into the Unified Development Ordinance (Articles 11, 12, and 13 and Appendix A). Jessica Fiester. Planner II presented and gave background information for agenda item six (6). There were no questions from the Board. Director Breuer further explained the purpose of revising the requirements of the Traffic Impact Analysis. Director Breuer informed the Board that a few hours prior to the meeting staff had received an updated memo from Tommy Batson, Pender County Fire Marshal, stating that effective July 1, 2016, he would not approve any cul de sac radius under forty-eight (48) feet, therefore staff is asking for the Board's guidance on moving forward with the text amendment. Chairman Williams asked Attorney Thurman if the Fire Marshal had the authority to do what he has stated. Attorney Thurman stated that he would have to research the laws to determine whose jurisdiction had the authority. Director Breuer stated that the Board could move forward and

make a recommendation, make a recommendation excluding the cul de sac radius section or could table the entire amendment request. Chairman Williams stated that his opinion would be to move forward with the item as staff has presented. Lengthy discussion ensued among the Board, staff, and the attorney.

Vice-Chairman Fullerton made a motion to approve the second, third, fourth and fifth Zoning Text Amendments outlined in the staff report and table a recommendation for Zoning Text Amendment one until further discussion takes place with the Fire Marshal; seconded by Board member McClammy. The vote was unanimous.

(Public Hearings Closed)

7. Discussion Items:

a. Planning Staff Items:

- i. Zoning Text Amendment Update: Jessica Fiester, Planner II, gave an overview of the upcoming items for the June work session.
- ii. Comprehensive Land Use Plan Update: Director Breuer stated that staff would continue to work on the plan, but the County Manager did reduce the budget for updating the plan.
- iii. TRC Updates: Senior Planner O'Hare provided an update to the Board of the current projects being reviewed by the TRC.

b. Planning Board Members Items:

- i. Board member McClammy stated that there were some proposed updates to the ordinance that he felt the building community would appreciate and suggested that staff send out newsletters updating the development community of such things. Director Breuer stated that staff has had discussions regarding newsletters and it is a goal.
- ii. Board member Edens stated that she experienced part of the last meeting from the audience as an applicant, she realized that the Board's discussions take away from the case and felt those types of discussions should take place after the cases have been heard. Mrs. Edens also express her concerns on the way her actions were questioned by Board members; she felt she did everything she was supposed to do under the circumstances. Chairman Williams praised Board member Edens for the way she handled the situation at the last meeting. Vice-Chairman Fullerton stated that he also felt Board member Edens handled the situation appropriately. Board member McClammy suggested that the staff work with the County Attorney to create language to be used by all Board members to recuse themselves from a meeting.

8. Next Meeting: June 7, 2016, work session and cases for the regular meeting.

9. Adjournment: 9:30 pm

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