

Pender County Planning and Community Development

Planning Division

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MINUTES

Pender County Planning Board Meeting Tuesday, August 2, 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:

- 1. Adoption of the Agenda:** Vice-Chairman Fullerton made the motion to adopt the agenda as presented; seconded by Board member Edens. The vote was unanimous.
- 2. Adoption of the Minutes: (July 6, 2016)** Vice-Chairman Fullerton made the motion to adopt the minutes as presented; seconded by Board member Carter. The vote was unanimous.
- 3. Public Comment:** No sign-ups for public comment.

(Public Hearings Open)

4. Conditional Zoning Map Amendment:

DRC Hampstead, LLC, applicant, on behalf of Jesse F. Lea SR et al, owner, requested approval of a Conditional Zoning Map Amendment for three (3) tracts totaling approximately 78.39 acres from RP, Residential Performance zoning district to RM-CD 2, Residential Mixed conditional zoning district 2. The request is to allow the following NAICS uses only: conventional single family detached homes, multifamily and associated neighborhood amenities in a proposed residential mixed use development known as Sparrows Bend. The project proposal consists of 135 conventional single family detached homes and 264 multifamily units. The subject properties are located to the north of and with access on US HWY 17 and along the east side of Hoover Road (SR 1569). The subject properties are in the Topsail Township and may be further identified by Pender County PINs 3293-01-5693-0000, 3293-11-0659-0000 and 3293-01-9640-0000. Planner Fiester presented and gave background information for agenda item four (4). Allison Engebretson and Tim Clinkscales, applicants, gave an overview of the project's plans which included the layout of the property, the use of existing wetlands as amenities, and the intended exceptional design.

Board member Edens – What is proposed for exceptional design?

Applicants – Stated that the their exceptional design practices was explained in the provided narrative not in the plan itself, but some examples would be; using the natural features and topography of the property, preserving the large oak trees and other mature trees, using the vegetated ridge located on the property as a natural buffer, low impact development practices such as; rain gardens and barrels, swales, and infiltration basins.

Ms. Engebretson explained that they understood they were not providing the required collector road, they were not ignoring the requirement, they did try to incorporate it, but due to wetlands they felt they could not meet the requirement. They hoped the collector road guidelines would change and needed guidance on what is appropriate for a collector road.

Director Breuer – The Planning Board cannot waive the regulations of the ordinance, the alignments shown on the collector street plan map can be moved, and so the requirements could be achieved. The applicants would also have to meet the interconnectivity requirements. Staff has prepared a memo regarding Collector Street Policies and the possible need for a text amendment, which will be discussed during the discussion items portion of the agenda, but for now current requirements of the ordinance and adopted plans have to be met in order to be approved.

Board members discussed their role as a board in terms of adding conditions to the request, the conditions recommended by staff, and the overall process of a conditional rezoning request. Discussion ensued regarding the collector street plan requirements, the difference between meeting requirements of adopted plans versus policies and goals, density, and the pros and cons of the Pender County Collector Street Plan.

D Logan, applicant, explained the makeup of the density for his proposed plan, stating that the multifamily aspect of the plan accounted for the majority of the density.

Board member Edens – As a Planning Board member reviewing a plan that request more density based on exceptional design, there needs to be clarification on what exceptional design practices are being used.

Mr. Logan – They were unsure of what they needed to do and needed clarification as to what it meant as well.

Director Breuer – Gave examples from discussions that had been held; community spaces, interconnectivity, and a roadway network with minimum cul de sacs.

Vice-Chairman Fullerton – Agreed that the Board needed some type of formula or criteria, which would be fair to the development community, to justify a request for more density.

Mr. Logan – Understood what the Board was saying, but tonight they were asking for a recommendation from the Board for their request of a conditional rezoning with the listed conditions. As far as the road, he understands the safety aspect, but street with no driveways will allow drivers to speed and a street that has a dead end will become a dumping area.

Chairman Williams – The requested density is not too much considering the availability of sewer and water, a connection to Hoover Road would be a major benefit, and superior design standards need to be defined.

Ms. Engebretson - Referenced a chart in The Pender County Comprehensive Land Use Plan that was used as guidance in determining the requested density, the plan supports higher density in regards to suburban growth/mixed use areas where sewer and water are available.

Ashley Freeman, 102 Kingsport Drive, Hampstead, concerned with infrastructure, schools, water and sewer not being available for current residents, but new residents would have it right away, Pender County not prepared for the type of growth the present development would bring, traffic, and safety.

Michael Buttitta, 104 Kingsport Drive, Hampstead, concerned with the impact the development's proposed pond and runoff would have on his property, density, home values, additional connection to

NC HWY 210, and the condition of Hoover Road if development is approved and is used for construction traffic.

Judy Leiner, 82 Daffodil Drive, Hampstead, concerned with adequate barrier between her property and the proposed development, condition of Hoover Road, traffic, and the need for a connection to NC HWY 210.

Mr. Logan – Appreciated the comments and addressed them; Density – Pender County does not have a multifamily ordinance, the requested density is reasonable for a multifamily type product, the chart referenced earlier that was used as guidance is page 268 Appendix D10 of The Pender County Comprehensive Land Use Plan; Schools – cited a Census report that calculates the number of children living in apartments is less than those that live in single family homes, apartments are taxed at a higher rate than single family homes which increases revenue for local governments. Water and Sewer – project will have water and sewer. Traffic – traffic counts have been done and will have to comply and do whatever is required to handle the flow of the increased traffic. Speed – developers do not want speed in their neighborhoods, the standards of Collector roads include no single driveways may be permitted, that is conducive to speed. Zoning – are asking for a conditional rezoning, meaning the plans have to be stated. Runoff – runoff will be directed toward the south pond, no additional runoff will flow north. Hoover Road and NC HWY 210 – Department of Transportation is still working on the plans for Hoover Road, unable to make a connection to NC HWY 210 because do not own the land where a connection could be made.

Chairman Williams closed the public hearing and opened the floor for the Board's discussion. Lengthy discussion ensued regarding the strengths of the presented plan, the plan not meeting the requirements of the Pender County Collector Street Plan, the request to increase density and not having a formula or standards to justify approving the request, traffic impact, speeding, amending the adopted plans of the County to be compatible with each other, the inability to approve a request that does not conform to the standards and requirements of the Pender County Unified Development Ordinance, maintenance and enforcement of exceptional design features presented in the plan, and the lack of the schools involvement during the TRC process.

Board member Edens - Expressed her thoughts on supporting or making a motion to approve the requested Conditional Zoning Map Amendment with the conditions that the development's buffers must meet the requirements of the ordinance and the proposed road C has to be built to collector street standards.

Board member McClammy – Issues in the plan need to be addressed, suggested tabling the request until those issues are addressed.

Board member McClammy made the motion to table the requested Conditional Zoning Map Amendment until deemed necessary by staff and/or applicant; seconded by Board member Baker. The vote was unanimous.

(Public Hearings Closed)

5. Discussion Items:

a. Planning Staff Items:

- i. Zoning Text Amendment Update:
 - a. Cul de sac Text Amendment: Planner Fiester presented and explained the background information, photographs that were taken during staff's onsite study of mock emergencies, and gave an overview of the proposed language that would be presented to the Board for a Zoning Text Amendment recommendation.

Tommy Batson, Pender County Fire Marshal, explained the typical emergency response process and further explained the photographs from the mock emergency study as it pertained to the response teams, equipment, and position of emergency vehicles. Mr. Batson stated that when waterlines are laid during a fire emergency neighborhoods are closed; no one can get in or out so therefore, recommends any subdivision with thirty (30) or more lots should have more than one entrance/exit.

Board member McClammy - Thanked Chairman Williams, Director Breuer and Staff for collaborating with the Fire Marshall to conclude this matter, it has been on the agenda for quite some time.

Director Breuer - Thanked the Fire Marshall and the Emergency teams for assisting staff in the study and thanked staff for their hard work. Director Breuer stated for purpose of clarity the recommendation presented by Mr. Batts was not currently a requirement in the ordinance, but developers were required to make stub outs for future connections.

Board members – Staff shall move forward and present the text amendment to the Board for a recommendation.

Senior Planner O'Hare – Staff will present the amendment to the Board at their September meeting.

- b. Staff Text Amendment: Planner Fiester gave an overview of the amendments that staff is preparing, stating that draft language will be presented to the Board for review, but recommended that the Text Amendment Sub Committee meet prior to a presentation to the Board.

Director Breuer – Staff has had meetings with the development community about the levels of collector streets and the allowances of straying away from the standards or requirements of providing collector streets when certain conditions exist. The draft language provided to the Board in their packets only addresses the allowance for not meeting the standards/requirements based on existing conditions a discussion would have to take place on the possibility of having levels of collector streets and standards for each level. Discussion ensued between the Board, staff and present developers regarding the intent of the collector street plan, the issues of the plan, and suggestions on improving the plan. Chairman Williams recommended that the text amendment subcommittee meet with staff and begin working toward resolving the issues, Director Breuer invited the members of the development community to attend the meetings and stated that a meeting would be scheduled for the upcoming week.

- ii. Comprehensive Land Use Plan Update: Director Breuer stated that the Council of Government submitted a proposal to work with staff on updating the plan, would the subcommittee like to meet with the Council of Government representatives to discuss the the updates prior to staff making a presentation to the Board of Commissioners; Board members preferred to meet with them later. Director Breuer stated that he would move

forward with his presentation to the Board of Commissioners.

- iii. TRC Update: Senior Planner O'Hare had no updates. Director Breuer stated that staff would have an update to present during next month's work session.

b. Planning Board Members Items:

Board member Nalee – Would like to volunteer with some guidance, to research what other communities define as outstanding design.

Chairman Williams – Need to look at density and what will or not be allowed.

Discussion ensued regarding pros and cons of growth, developers' rights to develop land, and the role and responsibility of good planning.

- 6. Next Meeting:** Wednesday, September 7, 2016, Work Session at 6:00 pm. Vice-Chairman Fullerton gave notice that he would be absent.

- 7. Adjournment:** 10:50 pm

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