

Pender County Planning and Community Development

Planning Division

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MINUTES

Pender County Planning Board Meeting Tuesday, January 3, 2018 7:00 p.m. (Rescheduled) January 24, 2018, 7:00 PM Pender County Public Assembly Room 805 S. Walker Street, Burgaw, North Carolina

Call to Order: Chairman Williams called the meeting to order at 7:06 pm.

Roll Call: Chairman Williams

Pender County Planning Board Members:

Williams: Fullerton: Baker: Carter: Jordan: McClammy: Nalee:

- 1. Adoption of the Agenda:** Board member Nalee made a motion to approve the agenda as presented; seconded by Board member Carter. The vote was unanimous. The motion carried.
- 2. Adoption of the Minutes: (December 5, 2017 Work Session and Meeting)** Board member Nalee made a motion to adopt the December 5, 2017 Works Session minutes as presented; seconded by Board member Jordan. The vote was unanimous with four in favor; Board Member Baker abstained due to his absence. The motion carried. Board Member Nalee made a motion to adopt minutes as Regular Meeting as presented; seconded by Board member Jordan. The vote was unanimous with four in favor; Board member Baker abstained due to his absence. The motion carried.
- 3. Public Comment:** None

(Public Hearings Open)

4. Master Development Plan Revision and Preliminary Plat

Signature Top Sail NC, Ltd. applicant, on behalf of Lewis Ruth Caroline Kalmar et al and Signature Top Sail NC, Ltd owners, is requesting a revision to the previously approved Master Development Plan and Preliminary Plat approval for Phase 6 of the mixed-use development known as Wyndwater. Specifically, the request is to change the approved road layout shown in Phase 6 by amending the location of the required connection to the adjacent parcel and adding a 5-foot side yard setback to the prescribed master plan standards. In addition, the applicant is requesting preliminary plan approval for Phase 6 to include 45 single-family detached lots. The subject properties are zoned PD, Planned Development zoning district. The properties are located to the east of US HWY 17 north of Doral Drive (SR 1693), northwest of Sloop Point Loop Road (SR 1563), south and east of the Cardinal Acres Lane (private) in the Topsail Township. The properties may be further identified by Pender County PINs; 4213-59-0181-0000, 4214-22-7567-0000, 4214-04-4540-0000, 4204-84-9117-0000 and a portion of 4214-50-8387-0000.

Director Breuer presented the revision to the previously approved master development plan for Wyndwater associated with the preliminary plat for Phase 6. The main issue of concern is the condition on the master plan for the required connection to Amanda Lane in the Cardinal Acres Mobile Home Park and a spite strip present between the properties. Director Breuer stated, Pender County Planning staff and the applicant are here to answer any specific questions from the Board. Board member Nalee asked for clarification on the street location and right of ways.

Director Breuer indicated where the street network was previously and where they were presented in the revision. Further, Director Breuer suggested that the applicant discuss the condition change. Board member Baker questioned who implemented the spite strip. Director Breuer informed the Board it was a grantor/grantee general warranty deed drawn up in November 2017. Board member Baker asked what the spite strip was for. Director Breuer suggested the applicant discuss this item. Board member Baker also asked if the traffic study was still valid with the projected volumes on US HWY 17. Director Breuer responded, the TIA; Traffic Impact Analysis; must be updated when a phase comes online. The TIA provides the District Office of NCDOT guidance on what improvements will be required. There was some discussion concerning a traffic signal at the intersection of Topsail Greens Drive and US HWY 17.

Mike Pollock; applicant, representative of Signature Top Sail NC, Ltd., began by addressing the spite strip. Mr. Pollock explained the owner (grantor) wanted a buffer or a separation for distance from the remaining tract acreage. There is a 15-foot strip from the road to the back of the lots. Mr. Pollock also addressed the alignment of the road.

Chairman Williams opened the floor for comments from the public.

Harley Mullins, resident in Topsail Greens, expressed his delight in having the development that would increase his property value. Mr. Mullins also expressed his concerns about the pond. The change in the water fowl and how the change of the pond is affecting the wildlife in the community. Mr. Mullins' main concern is that the pond is not filled in or completely closed.

Chairman Williams responded that we have very little control over the stormwater that the state approves.

Becky Mullins; resident in Topsail Greens; stated that one of her concerns is the wildlife due to the pond. Another concern is the traffic on Champion Drive. She feels that there should be some other form of redirection of traffic other than waiting years down the road.

John Barfield; resident of 603 Harpoon Court; stated that he has been before the Board several times because of the closing of the pond. The drainage has been redirected but wants to be sure that it will not get blocked again with the new development. Mr. Barfield is also concerned with the increased traffic. The traffic has tripled in the last five years. Mr. Barfield wants to know who will be maintaining the roadways in Topsail Greens and if they reroute traffic, will Topsail Greens become a dirt road.

Mr. Pollock responded to the concerns from the public. The developer does own Topsail Greens Drive and has asked construction crews to use other routes. The roads are maintained by the developer. There are plans to have another road to connect from US HWY 17. The road should be maintained by the Wyndwater HOA.

Mr. Pollock continued and responded to the drainage issue to state that the ditch had not been maintained in 20 years. Now, the ditch has been cleaned out. We have no intention of filling all the ponds. In response to the wildlife, we are sensitive to those things as well.

Chairman Williams suggested that both subdivisions work together for a solution regarding the maintenance of Topsail Greens Drive. The Planning Board can't get involved. Situations that were created in years past are difficult to correct.

Board member Carter made the motion to approve the revision to the previously approved Master Development Plan and Preliminary Plat approval for Phase 6. The motion was seconded by Board member Nalee. Vote was unanimous. The motion carried.

5. Major Site Development Plan

Carolina Restaurant Group, Inc., applicant, on behalf of Hampstead Town Center, LLC., owner, is requesting the approval of a Major Site Development Plan for outparcel 3 from the approved Hampstead Town Center Master Development Plan (10762). The request is to establish the use of a restaurant. The subject property is zoned PD, Planned Development zoning district and according to the Pender County Zoning Ordinance §8.9 Table of Permitted Uses; restaurants are permitted in the PD, Planned Development zoning district. There is one (1) tract associated with this request totaling ± 1.01 acres. The subject property is located at the intersection of US HWY 17 and Ravenswood Road (Private) in the Topsail Township and may be further identified by Pender County PIN: 3293-86-2278-0000.

Director Breuer presented the request for approval of the major site development plan. He stated that this plan was originally approved in November 2006. Director Breuer reminded the Board of the structures that are currently at the Hampstead Town Center to include use and square footage. This parcel was approved in April 2017 for a multi-tenant building with three suites which included a medical office, general office and fast food use. The parcel was previously approved to have direct access on to US HWY 17. However, the new proposal shows that the subject tract is contained within the Town Center and has internal access through the main entrance of the development. A traffic impact analysis was submitted and approved.

Board member Nalee stated that she did not receive the correct information for this meeting. Director Breuer apologized and explained the facts of the error and stated that the accurate information is on their computer.

Chairman Williams questioned the area of the sidewalk on US HWY 17 in relation to the median project. Director Breuer explained that there would be enough area for the sidewalk.

Chairman Williams opened the floor to the applicant.

David Ayers, Special Projects Director for Carolina Restaurant Group-Wendy's gave the Board Members a printed rendering of the proposed structure to include pictures of the parking lot and sidewalk.

William Pugh, Engineer for the Issacs Group, described the flow of traffic, parking lot and landscape.

Board member Jordan made a motion to approve the Major Site Development Plan. Board member Carter seconded the motion. Vote was unanimous. The motion carried.

6. Discussion Items:

a. Planning Staff Items:

- i. Technical Review Committee Project Update: Director Breuer stated that due to the delay with the snow, the TRC meeting on January 3rd, 2018 had already occurred. The Board was asked to Direct their attention to the TRC Agenda.
- ii. The minutes for this meeting will be voted on during the March 6, 2018 meeting.
- iii. The Lower Cape Fear Stewardship Development Coalition Award Luncheon will be February 22, 2018. John Fullerton will be attending. Anyone wanting to attend should let staff know.
- iv. Over the past month, two public meetings were held to obtain feedback on the draft Comprehensive Plan; at the Library in Burgaw and at the Annex in Hampstead. Staff was on site, available to the public. However, the response from the public was not as expected. Staff will continue to move forward with Comp Plan and will present the draft Plan for public hearing at the next meeting.
- v. Since the last meeting, Chairman Williams term has been completed.
- vi. Director Breuer introduced Gideon Smith, Commercial Planner and presented Pat O'Mahony as the new Senior Planner.
- vii. The Board will elect a new Chairman and Vice chairman at the next meeting.

b. Planning Board Members Items:

7. Next Meeting: Wednesday, February 6, 2018

8. Adjournment: 8:46 pm

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