

# Pender County Planning and Community Development

## Planning Division

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## MINUTES

### Pender County Planning Board Meeting Wednesday, July 5, 2017 7:00 p.m. Pender County Public Assembly Room 805 S. Walker Street, Burgaw, North Carolina

**Call to Order:** Chairman Williams called the meeting to order at 7:00 pm and read the opening statement explaining the type of meeting being held and the process of the meeting.

**Roll Call:** Chairman Williams

Pender County Planning Board Members:

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

- 1. Adoption of the Agenda:** Vice-Chairman Fullerton made the motion to adopt the agenda as presented; seconded by Board member Nalee. The vote was unanimous.
- 2. Adoption of the Minutes: (June 6, 2017 Work Session and Regular Meeting)** Vice-Chairman Fullerton made the motion to adopt the June 6, 2017 minutes for the work session and regular meeting as presented; seconded by Board member Carter. The vote was five (5) in favor of the motion with Board member Baker abstaining due to his absence from the work session and meeting.
- 3. Public Comment:** None

*Board member McClammy arrived for the meeting.*

*\*(Public Hearings Open)\**

#### **4. Zoning Map Amendment:**

T. Farnell Shingleton, applicant and owner, requested approval of a Zoning Map Amendment for approximately 30,000 square feet of one (1) tract totaling approximately  $\pm 1.05$  acres from GB, General Business zoning district to RP, Residential Performance zoning district. The subject property is located in the Topsail Township, along the west side of US HWY 17, approximately 2,700 feet south of the intersection of Washington Acres Road (SR 1582) and US HWY 17 and may be further identified by Pender County PIN: 3282-32-9022-0000. Planner O'Mahony presented and gave background information for agenda item four (4). Chairman Williams asked if the request included the portion of the property where the large tank was located; Planner O'Mahony answered no, and pointed out on the provided map the section of the property that was included in the request.

Farnell Shingleton, applicant, stated that he had nothing else to add, that staff had presented his request well, he only wished to have the zoning of the property back to what it was, and hoped that the Board would approve the request.

Board member Baker read the following sentence from page two (2) of the staff report "Any final zoning approvals are contingent upon review and approval by Pender County Utilities and appropriate local and state agencies", and asked if those approvals would have to be in place before the County

Commissioners could approve this request; Director Breuer explained that the sentence read was in regards to any sort of development plan for the property, not the zoning. Board member Baker asked if final approval of the request by the County Commissioners could be given prior to all of the conditions being identified and resolved; Director Breuer stated yes and explained that final zoning approval was for any proposed use on the property and was not the same as a rezoning, which was what was before the Board for a recommendation to the Board of Commissioners; the request was to change the zoning of the property which could be approved before any development plans were submitted.

Vice-Chairman Fullerton made the motion to approve the requested Zoning Map Amendment as presented; seconded by Board member McClammy. The vote was unanimous. The motion carried.

#### **5. Zoning Map Amendment:**

Sandra Rivenbark, applicant and owner, requested approval of a Zoning Map Amendment for two (2) tracts totaling approximately ±10.71 acres from GB, General Business zoning district to RA, Rural Agricultural zoning district. The subject properties are located in the Burgaw Township, along the west side of NC HWY 53, approximately 5,000 feet north of the intersection of NC HWY 53 and Interstate 40 and may be further identified by Pender County PINs: 3330-37-8350-0000 & 3330-37-5189-0000. Planner O'Mahony presented and gave background information for agenda item five (5). Chairman Williams commented that the parcel appeared to be one of the ones that was rezoned years ago, Director Breuer concurred. Vice-Chairman Fullerton asked if staff had plans for the remaining General Business (GB) parcels in the area, Director Breuer stated that staff intends on focusing on the area during the Comprehensive Land Use Plan update.

Sandra Rivenbark, applicant, stated that she was unaware of the current zoning of her property until she started trying to sell her house, so she is requesting the rezoning so that she may be able to sale the house.

Vice-Chairman Fullerton advised Ms. Rivenbark to use caution, that at one time it made sense to someone to zone the area General Business (GB) due to its proximity to the interstate and even if the Board approved the request there would still be large tracts of land in the area zoned General Business (GB) that might make it difficult to sell her house. Ms. Rivenbark stated that her family owned one of the large tracts and would be making application to rezone it as well and there were other property owners in attendance that planned to do the same. Vice-Chairman Fullerton commented that he would advise them to be vocal and persistent in getting the properties rezoned.

Bobbi Bell, 1484 US HWY 117 S., Burgaw, stated that she was Ms. Rivenbark's real estate agent and commented that the trend in the area is not going commercial, there is no high speed internet, water or sewer available in the area, there has been a lot of interest in the property, but the buyers were unable to get a home loan due to the current zoning, and there is three (3) interested parties under contract contingent on the outcome of requested rezoning.

Ervin Taylor, 4240 HWY 53 E., Burgaw, stated that he and his wife strongly urged the Board to vote in favor of rezoning Ms. Rivenbark's property since their grandson was under contract to purchase the property, they are a very close family and are excited that their grandson has found property close to them.

Board member Nalee stated that she was in favor of the request and urged the property owners to heed Vice-Chairman Fullerton's comments and work as a group to have the entire area rezoned.

Board member Nalee made the motion to approve the requested Zoning Map Amendment; seconded by Vice-Chairman Fullerton Board member Nalee. The vote was unanimous. The motion carried.

\*(Public Hearings Closed)\*

## **6. Discussion Items:**

### **a. Planning Staff Items:**

- i. **Density:** Director Breuer gave a presentation and overview of the memo provided to the Board stating that staff had amended the density calculation to not penalize an applicant for providing open spaces beyond the required acreage and to clearly identify criteria for which the Planning Board may authorize up to eight (8) units per acre in the Planned Development (PD) and Residential Mix (RM) zoning districts as outlined in Section 4.8.1.C.2. of the Unified Development Ordinance (UDO). Director Breuer also explained that staff had met with officials from NOAA in regards to recorded storm events about Resilient Stormwater Design and provided the Board with additional precipitation information to examine historic trends and occurrences. Vice-Chairman Fullerton asked what would be the qualifier for "Workforce Housing" would there be a mechanism in place to make sure that the person who purchased the housing met the standards? Director Breuer stated that it was a great question and he would have to verify and get an answer for the Board. Vice-Chairman Fullerton stated that if there is no mechanism to make sure that the "initial" buyer is eligible to take advantage of "Workforce Housing" based on their income then it doesn't need to be included because there would be no way to enforce it. Chairman Williams stated that in some jurisdictions the issue is handled by the Housing Authority. Director Breuer asked if staff cannot find a mechanism to assure that the housing is going to a qualified person, would the Board wish to remove "Workforce Housing"? The Board encouraged staff to continue working toward having a mechanism in place, stating that it was worth working on until it is right. Director Breuer stated that staff would continue working toward a mechanism and update the Board.
- ii. **Comprehensive Plan Update:** Planner O'Mahony gave an overview of the memo provided to the Board and stated that 1400 surveys had been received, the survey period would close at the end of the month, and a meeting was scheduled with the area schools.
- iii. **TRC Update:** Director Breuer gave an overview of the memo provided to the Board.

**b. Planning Board Members Items:** Chairman Williams commented on how diverse the County is and thanked staff for all their hard work. Board member Baker stated that he didn't know if everyone was aware that the IT Department changed the website over the weekend, that he had spent hours on the telephone with Verizon thinking that it was issues with his internet, and that he was thinking of sending a letter to someone in charge explaining that if they are going to change things to put out a notice. Board member Baker then thanked staff for getting all the meeting materials to him. Director Breuer stated that staff is working on making sure the Board's information is on the new website.

**c. Announcements:** Director Breuer advised the Board that there was a full agenda for their August meeting.

**7. Next Meeting:** August 1, 2017

**8. Adjournment:** 8:49 pm

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