

# Pender County Planning and Community Development

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## Minutes Pender County Planning Board February 6, 2018, 7:00 PM Pender County Public Assembly Room 805 S. Walker Street, Burgaw, North Carolina

**Call to Order:** Vice-Chairman Fullerton called the meeting to order at 7:00 PM

**Roll Call:** Vice-Chairman Fullerton

Pender County Planning Board Members:

Fullerton:  Baker:  Carter:  Jordan:  McClammy:  Nalee:  Rhodes:

- 1. Adoption of the Agenda:** Board member Rhodes made the motion to approve the agenda as presented; seconded by Board member Nalee. The vote was unanimous. The motion carried.
- 2. Election of Officers:** Director Breuer instructed the Board that according to the bylaws, a Chairman and Vice-Chairman would need to be nominated and approved due to Mr. Williams' departure from the Board. Director Breuer opened the floor for nominations for Chairman of the Pender County Planning Board. Board member Carter nominated Vice Chairman Fullerton for Chairman. Seconded by Board member McClammy. There were no further nominations. The vote was unanimous. The motion carried. Director Breuer opened the floor for nominations for Vice-Chairman. Board member McClammy nominated Board member Nalee for Vice-Chairman. Seconded by Board member Jordan. There were no further nominations. The vote was unanimous. The motion carried.
- 3. Public Comment:** None

*\*(Public Hearings Opened)\**

**4. Major Site Development Plan**

Trask Land Development, Caviness & Cates Watson Caviness, applicant, on behalf of The Blakes of Scotts Hill LLC, Pender Farm Commercial LLC, and BMMF JV, LLC, owners, are requesting approval a Major Site Development Plan for Tracts 1 and 2 within the approved mixed-use development known as Blake Farm. Tract 1 will consist of non-residential uses including office, restaurant, and aquarium, Tract 2 consists of multi-family development containing 240 units within 10 separate structures. The subject property is currently zoned PD, Planned Development zoning district and according to the Pender County Unified Development Ordinance, § 5.2.3 Table of Permitted Uses, all uses in this district would be proposed for future allowance.

The properties combine for approximately ± 31.5 acres and are located to the west of US HWY 17, at the intersection of US HWY 17 and Blake Farm Boulevard (private) in the Topsail Township and may

be further identified by Pender County PINs: 3271-31-5757-0000, 3271-43-5404-0000 and 3271-32-4553-0000. Director Breuer presented the case and welcomed questions from the Board.

Vice-Chairperson Nalee asked what category would the aquarium be in the UDO? Director Breuer informed the Board, this would fall under NAICS 712 of the UDO. Which include museums, historical sites and similar institutions. Further discussion ensued regarding the allowable uses presented as part of the Major Site Development Plan. Director Breuer explained that the Applicant has presented a list of uses that encompasses all uses in the PD, Planned Development zoning district and that it was the Applicant's intention to maintain flexibility in future uses or tenants that may occupy this portion of the development. Board member McClammy asked about precedence and Director Breuer responded that this was the first time that all uses in the PD district had been requested to be allowable uses without coming back for a revision to the Plan.

Vice-Chairperson Nalee asked about the road accesses. Director Breuer answered that Blake Farm Blvd. will be the main access to the sites presented. Also, the project includes access from US HWY 17 that will traverse through the commercial portion of the project and provide a second access to the multifamily portion of the project. Future phases have not been approved yet and would require that they come back before the Board for approval.

Board member McClammy inquired about the staff recommendation and open space acreage. Director Breuer explained that the open space acreage is calculated based on the total amount of units contained in the overall Master Development Plan and not by each phase.

Board member Baker clarified that if there were to be any changes to the Master Development Plan, there would have to have a revision. At this time there were no further questions from the Board.

Loftee Smith, Applicant representative, responded to the Staff Report and invited questions from the Board. Vice Chairperson Nalee asked if the aquarium does not happen, what is the alternative? Mr. Smith stated there is no other plan currently. If the aquarium does not come to be, we would look for another use; possibly office or retail. Depending upon what happens to the land to the east or the north we could possibly extend the road where the aquarium is. Vice Chairperson Nalee asked if that change would have to come back before the Board because it would change category. Director Breuer explained, if the Board approves the Major Site Plan as it is presented, extending the road to create a stub out north would not require a revision back before the Board. We haven't had any discussion about extending the road. Chairman Fullerton clarified the developers request for future uses. The Board also inquired about the possibility of other future businesses, classifications and allowable uses to include available parking.

Bryn Blakenship, 10169 Sidbury Road, Wilmington, NC addressed the Board. She wanted to know where the project was in relation to her property line and also informed the Board she had not been receiving notifications. Current Planner Meredith informed Ms. Blakenship she lives more than 500 feet from the proposed project and therefore notifications were not sent based on Ordinance standards. Ms. Blakenship commented on the potential of a buffer being located adjacent to her property. Director Breuer stated there would be project boundary buffers and those would be applied when that portion of the property is developed.

Board member Jordan asked if each phase must come before the Board for approval. Director Breuer responded affirmatively that each phase must come before the Board for approval. Board

member Jordan also inquired about the height requirements. Director Breuer explained, in a PD district, they are required to set their own maximum height limitations and those were approved at the Master Development Plan stage.

Board member McClammy suggested as we go through, Staff bring updated information to the Board with what is or is not working well; asking staff to keep the Board refreshed and informed on anything unusual going on with this project. This will help keep the Board informed and assist in future decision making. Board member McClammy made a motion to approve the Major Site Development Plan as presented. Board member Carter seconded the motion. Discussion from Board Members ensued.

The applicant was called back to expand on background study. The applicant informed the Board they have constructed similar projects in other parts of the state. The applicant named Cary Towne Center, Mid Towne Commons and a new project in Morrisville, NC. The intent is to be a place where you can go and park and walk to the various buildings that is pedestrian oriented and shared parking. The motion to approve the Major Site Development Plan was unanimous. The motion carried.

## **5. Zoning Map Amendment**

RSC Engineering, PLLC, applicant, on behalf of Judy Matteson, owner, is requesting approval of a Zoning Map Amendment for one (1) tract totaling approximately ±0.46 acres from RP, Residential Performance zoning district to GB, General Business zoning district. The subject property is located at 22506 US HWY 17, in the Topsail Township, along the east side of US HWY 17, approximately 250 feet south of the intersection of US HWY 17 and Groves Point Drive (private) and may be further identified by Pender County PIN: 4215-67-8410-0000. Senior Planner Pat O'Mahony presented the case. Staff presented an email that was sent to the Planning Department regarding the case voicing opposition of the rezoning application. A copy of the email was given to the Board.

Chairman Fullerton asked for questions of Staff. There were none.

Judy Matteson, owner, addressed the Board with her plans for a general use rezoning for a flower shop. There were no questions from the Board for the owner. There was some discussion concerning the email that was received opposing the rezoning. Chairperson Fullerton questioned the source of the email. Director Breuer reminded the Board that this was a general use rezoning and they can't take into consideration any specific use that the owner has stated and that all uses permitted in the GB, General Business zoning district should be considered.

Board member Carter made a motion to approve the Zoning Map Amendment for general use rezoning as presented. The motion was seconded by Board member Rhodes. Five Board members in favor. Board member Jordan and Vice Chairperson Nalee opposed. Motion carried.

## **6. Comprehensive Land Use Plan Update**

The Pender County Planning Board held a public hearing to consider the adoption of Pender 2.0, the County's Comprehensive Land Use Plan. Staff member Pat O'Mahony presented the Plan. Director Breuer reported the comments and responses from the community. He also stated the goal is to get a recommendation from the Board to move forward with the adoption process.

Wes McLeod, Pender County 2.0 Consultant, addressed the Board.

Hiram Williams addressed the Board as a representative for The Business Alliance for a Sound Economy (BASE) and as a resident himself. Mr. Williams stated, we do feel strongly about the work of this project and asked the Board to work on water and sewer at the county level. Mr. Williams expressed his gratitude to Staff. He also, would like to advocate for the workforce in our County.

Board Member Rhodes agrees with Comprehensive Land Use Plan for the infrastructure, good work force and good roadway systems.

Vice Chairperson Nalee made a motion to approve Pender 2.0 with the submitted changes to include Staff working with stakeholders to update and revise as needed. Motion was seconded by Board member McClammy. All in favor. The motion carried.

*\*(Public Hearings Closed) \**

**7. Discussion Items:**

**a. Planning Staff Items:**

- i. Technical Review Committee Project Update. Director Breuer invited Board members to attend the meeting the following morning. He also advised the Board that an agenda for the meeting is in their packet.

- b. Planning Board Members Items:** Board member McClammy stated an observation of small homes on US HWY 17 that are located near large, unsightly structures that are too close to houses. Chairperson Fullerton suggested implementing buffering and height requirements. Director Breuer mentioned the current ordinance and the increased buffering based on distance within residential structures.

**8. Next Meeting:** March 6, 2018 (Work Session @ 6:00 PM)

**9. Adjournment:** 9:57 PM