

Pender County Planning and Community Development

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**Minutes
Pender County Planning Board
April 4, 2018, 7:00 PM
Pender County Public Assembly Room
805 S. Walker Street, Burgaw, North Carolina**

Call to Order: Chairman Fullerton called the meeting to order at 7:02 PM.

Roll Call: Chairman Fullerton

Pender County Planning Board Members:

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

- 1. Adoption of the Agenda:** A motion to adopt the Agenda as presented was made by Vice-Chairperson Nalee and seconded by Board member Rhodes. All in favor. The motion carried.
- 2. Adoption of the Minutes:** Chairman Fullerton commented that there were three sets of minutes for regular meetings and one for the Work Session. Chairman Fullerton advised the Board to vote on each one separately. Motion to adopt the minutes for the January 24, 2018 meeting was made by Board member McClammy and seconded by Board member Jordan. All in favor. The motion carried. Motion to adopt the minutes for the February 6, 2018 meeting was made by Board member Rhodes and seconded by Vice Chairperson Nalee. All in favor. The motion carried. Motion to adopt the minutes for March 6, 2018 was made by Board member McClammy and seconded by Board member Jordan. All in favor. The motion carried. The motion to adopt the minutes for March 6, 2018 Work Session minutes was made by Vice Chairperson Nalee and seconded by Board member Jordan. All in favor. The motion carried.
- 3. Public Comment:** None

(Public Hearings Opened)

4. Zoning Map Amendment

Henry Nadeau, applicant, on behalf of Hilda Edens, owner, is requesting approval of a Zoning Map Amendment for one (1) tract totaling approximately ±6.5 acres from PD, Planned Development zoning district to GB, General Business zoning district. The subject property is located at 20120 US HWY 17, in the Topsail Township, along the east side of US HWY 17, on the southeast corner of US HWY 17 and Edens Lane (SR 1728) and may be further identified by Pender County PIN: 4204-97-4204-0000.

Senior Planner Pat O'Mahony presented the details of the Zoning Map Amendment; requesting the subject tract be rezoned from PD, Planned Development zoning district to GB, General Business zoning district. Senior Planner O'Mahony indicated the request does not conflict with any polices found in the 2010 Comprehensive Land Use Plan. According to the applicant and Pender County GIS mapping, the site was formerly occupied by multiple manufactured homes. Senior Planner O'Mahony also stated any future development or improvements are subject to review and approval by NCDOT at the time of a site development application. There are no Special Flood Hazard Areas or preliminary wetlands identified on the property. Currently, public water and private septic services are available and has direct access to US HWY 17 and Edens Lane. He concluded by stating both staff and the applicant were available to address any questions or concerns the Board may have.

The Board inquired about what is adjacent to the property according to section 3.3.8.A of the UDO. Vice Chairperson Nalee stated the property seemed more developed on one side more than the other. Senior Planner O'Mahony briefly specified the adjoining properties and included that the property to the south was formerly a mobile home dealership.

The Board questioned the nature of business north of the property. Director Breuer specified the existing structures and services offered. He also clarified that the property to the north included a two-story structure with commercial uses on the first floor and residential use on the second floor.

Board member Jordan requested additional clarification from staff explaining past use of the subject property. Both Director Breuer and Senior Planner O'Mahony provided facts of the subject property.

The Board asked if the proposed rezoning was consistent with the new land use plan that is pending approval. Board member Rhodes expressed concerns of approval without the new land use plan. Chairman Fullerton stated the County Attorney is not here but was certain in saying the Board can only approve or disapprove based on the current land use plan. Director Breuer advised based on the proposed new classification, the subject property is a low density residential area. There is a locational criteria policy that may allow consideration for commercial use.

Applicant, Henry Nadeau, Creative Commercial Properties, representing Hilda Edens addressed the Board. Mr. Nadeau began by stating Pluris sewer is located approximately one quarter of a mile south of the subject property. There is potential for sewer service in the future. Mr. Nadeau also made the Board aware the property behind this subject property is Wyndwater Development and as their project expands, there will be a demand for commercial services in this area. Due to the property being on a corner lot and full turn around, it would make this parcel more desirable.

The Board asked Mr. Nadeau if the rezoning would be for future use. Mr. Nadeau responded there are no future contracts or plans for this site due to the uncertainty of the PD district.

There were no sign ups from the audience.

Open discussion with the Board.

Board member Rhodes expressed her approval of the rezoning by stating it was the logical place for a business. Board member Rhodes made the motion to approve the Zoning Map Amendment as presented by staff. Board member McClammy seconded the motion. All in favor. The motion carried.

5. Zoning Map Amendment

Henry Nadeau, applicant, on behalf of Betty A. Davis et al, owner, is requesting approval of a Zoning Map Amendment for one (1) tract totaling approximately ±1.30 acres from PD, Planned Development zoning district to GB, General Business zoning district. The subject property is located at 83 Country Club Drive (SR 1565), in the Topsail Township, along the north side of Country Club Drive (SR 1565), approximately 300' feet from corner of US HWY 17 and Country Club Drive (SR 1565) and may be further identified by Pender County PIN: 3293-75-8455-0000.

Senior Planner Pat O'Mahony presented the Zoning Map Amendment requesting the approval of the subject property from PD, Planned Development zoning district to GB, General Business zoning district. The request is consistent with two policies in the 2010 Comprehensive Land Use Plan and no conflicting policies. He made the Board aware of a correction of the last page of the report pertaining to the size of the property. Senior Planner O'Mahony detailed the subject property currently occupied by a vacant mobile home that is in the process of being removed. The subject property is surrounded by Planned Development zoned properties and General Business adjacent to the west and southwest across from Country Club Dr. Public water and private sewer are available to the subject property. There are no Special Flood Hazard Areas or preliminary wetlands identified. He briefly detailed the demographics of the area surrounding the subject property. He also reminded the Board that the Wilmington Health Office; part of the Oak Ridge at Olde Point Master Development Plan was approved by the Planning Board on September 1, 2015. The subject property has direct access to Country Club Drive. Any improvements are subject to review and approval by NCDOT. He concluded by stating both staff and the applicant were available to address any questions or concerns the Board may have.

The Board questioned the properties around the subject property and the zone. Staff identified properties addressed as 104 and 84 Country Club Drive? as residential uses and to the right, are vacant. The Board also questioned what zones were in the area on the subject property. Staff specified both Planned Development and General Business were in the subject property area.

Board member Rhodes reported most package plants have an odor and asked if there had been any problems to date. Staff responded there are no documented complaints. She also commented in her opinion, if you put homes there and there is a smell, she would rather put a business there rather than a home. There are homes directly across the street and she would like to protect the occupants in those houses. Board member Jordan commented that there is a wooded buffer between the residents as well as lots 104 and 84?. The Board also inquired about the treatment plant and the distance from the subject property. The Board also questioned the NCDOT analysis and how they would determine the amount of traffic that will be generated. Staff advised the Board it is determined based on the use and hours of operation.

Henry Nadeau, applicant, representing owner Betty Davis, addressed the Board; requesting a rezoning from PD to GB. Mr. Nadeau stated there is a contract in effect for this property. Dr. Steven Homestead, local dentist, desires to expand his business to the subject property. Mr. Nadeau mentioned details that would attract a business on the property. Mr. Nadeau also mentioned personal and local accomplishments of Dr. Homestead. Director Breuer stated for the record, staff appreciates the comments from Mr. Nadeau, however, the Board we must consider all uses in a general use zoning district. Staff is not attempting to deter anyone's thought process. He also expressed his appreciation for the comments from Mr. Nadeau.

No questions from the Board for the applicant.

The board requested clarification on PD and how it relates to multiple uses. Staff explained according to current regulations and the way it is written, it is priority to update the zoning which has been in place since 2003.

Open Board discussion included the impact of existing and future residential uses, buffers and driveway standards and comparison between general and conditional rezoning. The Board also clarified if the residents surrounding the subject property had been notified. The board then requested additional clarification regarding general use and how the subject property relates to structure. Staff explained each item to include scenarios of possible future uses.

The Board expressed concerns about the possible different uses of the subject property, no frontage onto HWY 17 and traffic patterns, buffer standards, the proximity of the neighborhood and the overall investment of the current residents.

The Board also inquired if the residents around the subject property had been notified. Staff confirmed that all residents had been notified and informed the Board of received telephone calls inquiring about the rezoning of the property.

Mr. Nadeau addressed the Board. Due to the widening of the road, the subject property will be smaller than the 1.3 acres. With Wilmington Health and other factors, this will never be a residential property in the future.

Chairman Fullerton stated the Board is not opposed to a dentist office however, if the dentist office does not open, the property is open to a list of uses. The Board's concern is the residential uses and the current traffic on Country Club. The Board does not want to leave this property wide open to General Business. We would like to have some control over what type of business is going to be on this location.

Board member McClammy stated as this portion of the county grows, the GB abutting the neighborhood will continue to be a challenge. He appreciated the property owner's commitment to invest in the county. However, the residents of the area have invested in their properties.

Board and staff discussion continued pertaining to possible options for the property.

Board member Rhodes made the motion to approve the Zoning Map Amendment as presented in the staff report. Vice Chairperson Nalee seconded the motion. Chairman Fullerton and Board member McClammy did not support the motion. The motion was approved three to two. The motion carried.

6. Zoning Text Amendment

Pender County, applicant, is requesting approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend Section 7.9 'Drainage Facilities and Utility Easements' to revise current stormwater regulations for new developments.

Director Breuer presented the case. He stated the goal of this amendment is to provide clear standards and to mitigate impacts from rain events of a wide magnitude. On March 2, 2018, staff held a workshop with members of the engineering community at the Hampstead Annex. Staff also reached out to stakeholders to provide their comments. Concerns were raised regarding the necessity of the 50-year return period and the issues the event may cause for project designers. New development projects that requires a North Carolina Department of Environmental Quality Stormwater Permit is required to meet the proposed stormwater ordinance. All projects shall meet this requirement for the 10 and 25-year return periods. The state looks at the quality of runoff not the quantity. The county is responsible for flood control and this is what this ordinance addresses. Existing language from the Pender County UDO along with the proposed Ordinance language is found in Attachment 1. Staff nor the engineers are not clear on the meaning. It provides room for interpretation on a case by case basis. Staff would like to work with the Board with to develop additional standards.

Director Breuer stated Stormwater management is a concern in Pender County due to its location in the southeastern NC. He also mentioned the effects of uncontrolled stormwater on the natural resources. Staff is currently working with the Coastal Federation to develop a plan to apply for projects in the future.

Director Breuer informed the Board the statement in section 7.9.D.2.b. should be removed from the Stormwater Ordinance because it is previously mentioned.

The Board commended the engineers for their participation in this project. Board also recommended hiring an engineer on staff. Staff commented that we have a good relationship with the engineering community and they understand that we must protect Pender County in the future.

The Board asked staff for a possible product of the 50-year study. Staff described possible results of effect a 50-year event as it pertains to the elevation, retention and soil.

Board member McClammy made a motion to approve the Zoning Text Amendment to amend Section 7.9 Drainage Facilities and Utility Easements to revise current stormwater regulations for new developments. Board member Rhodes seconded the motion. All in favor. The motion carried.

(Public Hearings Closed)

7. Discussion Items:

a. Planning Staff Items:

i. FY 18-19 Work Plan

Director Breuer presented the Work Plan. He informed the Board some of the projects are contingent upon funding. Staff provided a list of priorities for the upcoming year and detailed each one.

The Board questioned if the County could provide sidewalks. Staff explained if the county agrees to maintain them, sidewalks are allowed. Staff also mentioned the collaboration with the Board of County Commission and NCDOT for the median project in Hampstead.

The Board suggested staff inform the Board of County Commissioner and Parks & Rec Director how much time and resources the Planning Staff in contributing to the Parks and Recreation Department. The Board also mentioned most time internal customers i.e. schools, library or parks and recreation benefit from services they do not contribute to. Staff explained how the Parks and Recreations Department is a part of the Planning Department however, they do have a separate budget. Staff also informed the Board of plans to hire additional staff to accommodate the demand for recreation in the county. The Board expressed appreciation for staff's efforts.

ii. Training – April 13th 9 a.m. – 11 a.m. (805 S. Walker Street, Burgaw)

Director Breuer invited all Board members to the training and briefly detailed the meeting. Chairman Fullerton requested that all Board member arrive early to leave on time.

iii. TRC Update

Director Breuer stated the TRC met this morning at 9:00AM.

b. Planning Board Members Items:

i. Workforce Housing Initiative

Director Breuer stated there is a community effort to address Workforce Housing in Pender County. Through the combined efforts of a local realtor and a housing consultant to address Workforce Housing. Staff attended two meetings and plan to combine our efforts with non-profit, Pender County Housing Initiatives to address organization of meetings, policies of education, affordability of housing and other facets of workforce housing. At the next meeting, the Future Land Use Map will reflect our support of Workforce Housing.

The Board was impressed with the community's effort to utilize all the resources that the county offers. Discussion continued among Board members and staff.

Chairman Fullerton mentioned he observed at the Board of County Commissioners meeting, an invocation and salute to the flag is included in their agenda and would like for this Board to do the same. Director Breuer stated this item will be added to the discussion items for the next meeting.

Additional discussion among the Board regarding the amount of time spent on a small property vs larger projects.

8. Next Meeting: May 1, 2018

9. Adjournment: 9:08 PM