



DRAFT MINUTES
Planning Board Meeting
Tuesday, March 7, 2023
Pender County Hampstead Annex Auditorium
7:00 PM

MEMBERS PRESENT: Delva Jordan, Chairman
Damien Buchanan, Vice-Chairman
Jeffrey Pitts
Norman “Ken” Teachey
Margaret Mosca

MEMBERS ABSENT: John Gruntfest
Jeff Beaudoin

OTHERS PRESENT: Daniel Adams, Planning Director
Justin Brantley, Senior Planner
Donna Sayre, Planning Technician
Trey Thurman, County Attorney
Members of the Public

1 CALL TO ORDER

Chairman Delva Jordan called the meeting to order at 7:03 pm.

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ADOPTION OF AGENDA

Motion to approve agenda as presented made by Margaret Mosca, seconded by Ken Teachey.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman (Ken) Teachey	X			
	5	0	0	2

CARRIED.

6 ADOPTION OF MINUTES

Motion to approve the February 7, 2023, Planning Board minutes made by Ken Teachey, seconded by Jeffrey Pitts.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman (Ken) Teachey	X			
	5	0	0	

CARRIED.

7 PRESENTATIONS

There were no presentations.

8 PUBLIC COMMENT

Kim Meyer, 102 Leslie Lane, presented Mr. Adams with a packet of documents to pass out to the Board members. She referenced the discussion held at the February 7, 2023, Planning Board meeting concerning proposed changes to Section 8.1.3 of the Unified Development Ordinance. Ms. Meyers stated that there was a request and discussion about revising the Section to provide commercial developers' with leniency for any commercial or industrially zoned properties struggling to satisfy the current significant tree requirements and is asking before any decision is made that the Board familiarize themselves with Section 8.1.3 and Section 8.1.1. She stated that in Section 8.1.1, it provides the intent of Article 8, which would address air pollution, erosion control, reducing air and stream pollution, reducing stormwater run-off, plus trees provide a substantial value to the community and surrounding areas. Ms. Meyer stated that trees also provide a buffer for lights, noise, and glare from cars, and play a vital role in our environment.

Ms. Meyer stated that most of Pender County is in watershed areas and significant trees play an important role in her community. She is asking for the Board to consider adding restrictions or requirements to Section 8.13, such as providing some controls over what can be developed or how when developing around historical landmarks, such as Poplar Grove Plantation. She stated that it is important to the community to keep a certain appeal or certain look and what the community currently observes is development without any forethought as to how it will impact the area.

Ms. Meyer stated that she was unable to locate in the UDO, but has the understanding that if trees are replanted, those trees would only need to exist for two years and if the trees die at two years and one day, then there is no recourse. She would like to see that requirement extended to five years so that the trees could establish their root systems. Ms. Meyer asked who was enforcing the time requirement, how is non-compliance reported, and what is the repercussion of non-compliance.

Ms. Meyer stated that she plans to attend the next Board of Commissioners' meeting to promote a full-time position for a Stormwater Manager due to several proposed projects where stormwater runoff analysis has been done but the analysis could have been done by someone who is not familiar with the area or even visited the location. She stated that Pender County has areas that have no stormwater drainage plans, including retention or detention ponds, and the water pools at the lowest locations, as indicated by the pictures she provided the Board. Her community is very concerned about proposed building to be done in their

area and the impacts of stormwater runoff and erosion.

Ms. Meyer stated that the Board of Adjustment meetings that she has attended, members of the public cannot speak unless they are adjacent to the property where the proposed development is to be located. She requested that the Board reconsider and allow any member of the public in that area that feels that he or she will be impacted by traffic and stormwater runoff, be allowed to express their views and provide factual evidence as to how they will be impacted.

Ms. Meyer asked the Board members to be cognizant in their decision making of the facts and the evidence. She also asked the Board to question current projects and if these projects have positive impacts on the area. The Board needs to be proud of the decisions and communities that the County is building for future generations.

Michele Hickman, 341 Lafayette Street, stated that she lives in a subdivision that has no drainage plan due to it being approved back in 1983. Ms. Hickman stated that their area floods every time there is any storm. She stated as you drive down US Highway 17, you can see that trees are just being “plowed down” and does not understand how that is being allowed. Ms. Hickman stated that developers should not be allowed to clear cut one lot but state they will not remove trees from a different lot due to the Developer having the potential of bringing back another project on the saved tree lot and wanting to develop it also.

Ms. Hickman stated her concern includes pavement being put everywhere which is going to cause more flooding.

Ms. Hickman asked the Board to improve the tree mitigation requirements and not allow developers to clear cut property for the sake of development. She stated that she recently saw a proposal of using Dogwood trees as mitigation trees but Dogwood trees are being attacked by a virus and aren't even going to survive, so she does not see the point.

Ms. Hickman stated that Pender County is beautiful land and that the county is growing way to fast and a pause needs to be taken to account for what has been happening with development recently.

Wolf Herrmann, 4205 Scotts Hill Loop Road, stated that he lives close to the area of the proposed Circle K gas station that will contain twelve pumps and a five-thousand square foot food mart. He stated that he is not happy with the plan and his main concern is that fact that every plan he has seen show the trees gone. Mr. Herrmann stated that there are trees in this area that are one hundred and fifty years old and pines that are one hundred and twenty feet tall and are

the best air conditioners that you don't have to buy.

Mr. Herrmann stated that if it is possible to save a tree that he does not know why they are not being saved. He states that the law should not be changed to diminish what the developers have to do concerning stormwater runoff and tree mitigation.

Mr. Herrmann stated that the area needs more schools and not gas stations.

Charles Rowan, 206 South Gadwall Court, stated that what is taking place in Hampstead is not environmentally right. He stated that when Publix was being built, a very large tree was dug up and moved two hundred yards and put in the Publix parking lot, so that shows that it is possible to save trees. Mr. Rowan stated that what the developers are doing and what they are being allowed to do is not right.

Juliette Madison, 178 Champion Drive, stated that she did not read the whole UDO, but she did read the purpose of the UDO. She stated that the first obligation of the Board is to promote the health, safety and general welfare of the residents of Pender County. Ms. Madison stated that the Board is hearing tonight that the community does not feel that way. She stated that preserving the overall quality for residents and visitors is not being done by allowing wholesale cutting of trees. Ms. Madison stated that protecting the character of established residential neighborhoods is not happening either. She stated that minimizing congestion and encouraging environmentally responsive development practices are not priorities either.

Ms. Madison stated that if the previous listed items are taking place, the community is unable to see how and where. She stated that all the community sees when they pull out their driveways, is clearcutting of trees with no regard to the nearby residents.

Ms. Madison stated her concern for the wildlife in the areas where so many trees are being cut down and not replaced.

Ms. Madison stated that she does not know how the Board can justify advising the Board of Commissioners to approve an Order modifying the tree mitigation when the proposed changes are not what is best for the community as a whole.

Ms. Madison asked the Board to consider a way to restrict the developers. She stated that she knows the developers have rights set within the current ordinance but what is being requested tonight are rezoning requests and the Board does have control over whether they approve the rezonings.

9 PUBLIC HEARINGS

a) REZONE 2022-41

Justin Brantley, Senior Planner, presented the staff report.

Wade J Pudwill with WithersRavenel, applicant, on behalf of Hoover Road Investments, LLC, owner, is requesting the approval of a Zoning Map Amendment to rezone three tracts of land totaling approximately 72.1 acres from RP, Residential Performance zoning district to the RM, Residential Mixed zoning district. The subject properties are located on the east side of Hoover Road, across from Tim Moore Drive in the Topsail Township and may be further identified by Pender County PINS 3288-94-9377-000, 3283-93-1673-0000, and 3283-83-9765-0000.

Mr. Brantley stated that a portion of the property is cleared but there is a significantly forested area to the southeast of the site.

Mr. Brantley stated that the Residential Mixed (RM) District is designed to allow for a variety of conventional built and multifamily housing types which can be accommodated dependent on necessary infrastructure including but not limited to community or regional utilities and infrastructure. A variety of housing types shall be allowable, however only one housing type is required for development. The type of development shall be compatible with surrounding land uses and consistent with the goals and policies of the Comprehensive Land Use Plan.

Mr. Brantley stated that if approved, the site could be developed based upon all uses that are permitted by right or by Special Use Permit in the RM, Residential Mixed zoning district. There are eleven Residential by-right Uses, five Commercial by-right uses, and two uses with a Special Use Permit approval. Any future development of the site must comply with the standards of the RM, Residential Mixed zoning district and will be subject to review and approval by the Technical Review Committee (TRC) and Planning Board to endure compliance with all applicable local, State, and Federal regulations.

Mr. Brantley stated that dimensional standards in the PD, Planned Development, and RM, Residential Mixed zoning districts are required to be specified on a Master Development Plan.

Mr. Brantley stated that a Traffic Impact Analysis (TIA) is not required for a general use rezoning since a site-specific development plan is not

required to be included in the application packet. If approved and developed in the future, estimated trip generation data will be required during the review of any site-specific development plan to determine if a TIA is required.

Mr. Brantley state that the NCDOT Average Annual Daily Traffic (AADT) performed in 2020 states that Hoover Road, in between Stacy Greg Road and Godfrey Creek Road has a volume of 3,600 with a planning capacity of 13,895 so the volume over capacity ratio is .26, which shows that it is about twenty-five percent at capacity on this section of Hoover Road. He stated that there would be the ability to handle more traffic on this road based on the figures presented and design of the road.

Mr. Brantley stated that there is public water available through Pender County Utilities (PCU) and according to available GIS data, the nearest PCU water main is along the west side of Hoover Road. Mr. Brantley stated based on available data and information from private sewer providers, private sewer is available at this location. The method of water and sewer will be determined when a site-developed plan is submitted for review.

Mr. Brantley stated that this property is located directly adjacent to the Future Hampstead By-Pass. He informed the Board members of potential traffic patterns once the By-Pass is complete. Mr. Brantley stated that it is his understanding that the By-Pass project will be completed in 2027 or 2028, but that projection may change over time.

Mr. Brantley asked the Board members if they had any questions pertaining to the By-Pass project and Mr. Jordan stated he has a question, but it does not pertain to the By-Pass. He then asked Mr. Brantley to describe the differences between RP, Residential Performance, and RM, Residential Mixed zoning districts. Mr. Brantley informed the Board members that the RP zoning district is a residential zoning district that does not allow multi-family developments but does allow single family and duplexes with possible town homes also. He stated that the minimal lot size in a RP zone that does not have public water or sewer available is 15,000 square feet lot, if the lot has public water and sewer available to it, the lot size is reduced to 12,000 square feet. Mr. Brantley then stated if the Developer chooses to do a low impact development stormwater design, then the lot size can be further reduced by twenty-five percent, which would mean a lot size of 9,000 square feet.

Mr. Jordan verified the 9,000 square foot lot with Mr. Brantley. He then stated that would mean four and a quarter or four and a half units per

acre and Mr. Brantley stated that it would be hard to anticipate due to many factors being considered when considering density.

Mr. Brantley stated that RM, Residential Mixed zoning district is also a residential zoning district that allows multi-family development and other single family type of homes. He stated that the RM zoning district would be guided by the Land Use Plan in terms of what the density would be. The RM zoning district is similar to the PD, Planned Development zoning district though it focuses more on residential.

Mr. Brantley stated that the properties are currently within the RP, Residential Performance zoning district. Properties immediately adjacent to the subject properties are currently zoned RA, Rural Agricultural, and RP, Residential Performance.

Mr. Brantley stated that the subject properties are located within the Regional Mixed Use and Medium Density Residential Future Land Use Categories within the Pender 2.0 Comprehensive Land Use Plan. The Regional Mix category will allow for the strategic allocation of future development and population growth, without limiting land use conflicts within existing neighborhoods. Growth is focused in locations that are served by water and sewer infrastructure and are located along planned major collector roadways and exiting primary roadway corridors in the southern portion of the county.

Mr. Brantley stated that the preferred land use mix is primarily commercial, retail, and office with multi-family residential uses. He stated that large employment centers and retail spaces are encouraged with single-family uses accounting for less than twenty-five percent of a development proposal and should complement a more substantial mix of commercial/office and multi-family development.

Mr. Brantley informed the Board members that when the most recent version of the Land Use Plan that was adopted back in 2016 or 2017, the Commissioners elected to designate this particular area around the By-Pass as Regional Mixed Use due to the county wanting to see more mixed uses and not just conventional residential. The Commissioners were wanting to see not only commercial uses but also high-density residential development.

Mr. Brantley stated that based on the application, staff is in favor of this request due to various reasons. He stated two of the reasons include the existing infrastructure to support public water and sewer and the future existence of the Hampstead By-Pass. Mr. Brantley stated that the County designated this area as Regional Mixed Use most likely due to the future location of by-pass.

Mr. Brantley stated that the Planning Department found the rezoning to be consistent with the Pender 2.0 Comprehensive Land Use Plan's Future Land Use Map. The proposal is supported by Policy 5.1.C, Coordination with Infrastructure/Services, Policy 5.1.D, Focused Growth and Development, Policy 5.1.H, Mixed Use Development, Policy 5.1.I, Multi-family Residential Development, Policy 5.1.J, Multi-family Residential Development and Infrastructure, and Policy 5.1.V, Residential Development. Mr. Brantley stated that due to the request being consistent with the Future Land Use Plan, the Planning Department respectfully recommends the approval of the Rezoning.

Mr. Buchanan asked when the Comprehensive Plan and Future Land Use Map adopted by the Board of Commissioners. Mr. Adams stated that they were adopted on August 20, 2018. Mr. Buchanan stated that less than five years ago, this plan was adopted as part of the County's policy and what the county would like to see moving forward and Mr. Brantley confirmed his statement.

Mr. Jordan asked the Board members if there were any additional questions for the planning staff. No questions were presented at that time.

Sam Franck of 127 Racine Drive, representative of Hoover Road Investments, stated that Tim Long, representative of the owner company, was also present and available to respond to any questions that Board may have for him.

Mr. Franck stated that this land is more appropriately zoned RM under the Comprehensive Plan and Future Land Use Map. He stated that the RM zoning district allows mixing residential uses above and beyond residential uses that are currently permitted. The diversity of housing types with both density and based on building standards established in the code is healthy, appropriate, and consistent with the desired use described in the Comprehensive Land Use Plan.

Mr. Franck stated that the request is also consistent with the near-by uses. The properties are located immediately adjacent to the pending by-pass and north of the Sparrow Bend subdivision, which is an existing residential mixed use development in its own right. The properties are also located on Hoover Road down from the Planned Development known as Castle Bay. Mr. Franck stated that the more diverse and higher density residential uses allowed in the RM district would be compatible with all these adjacent and near-by uses.

Mr. Franck gave an overview of the differences between RP, Residential Performance and RM, Residential Mixed zoning districts.

Mr. Franck stated that this rezoning will encourage development of a currently vacant parcel of land. He stated that a large portion of the land lacks any type of landscaping, tree cover, or ground cover whatsoever. He stated that granting the rezoning request will open the door to making it realistic to redevelop the property in a manner consistent with the market demand and consistent with the Land Use Plan.

Mr. Franck stated that this rezoning request is consistent with the Comprehensive Plan and the Future Land Use Plan and the best for public interest due to it promoting the diversity of housing within the county. He stated the rezoning would also promote infill development of the currently underutilized site. Mr. Franck stated that due to all the reasons he had just provided the Board, he requests the recommendation of approval of this rezoning.

Mr. Jordan asked the Board members if they have any questions of the applicant. Mr. Buchanan stated that he does, but he would like to hear from the public first.

Joy Birchum, 87 Downy Drive, stated that she lives in Sparrow Bend subdivision. She stated that she is concerned to hear that water and sewer will be available in this area when she was recently informed that the Hampstead area is about to run out of water. Ms. Birchum stated that she is concerned about what future water restrictions will affect the existing residents' daily lives. She feels that the pace of new construction has surpassed the current water limits.

Ms. Birchum stated that South Topsail Elementary is already at max capacity, along with most other schools in the county and asked if there is a plan to build another school or to expand an existing school. She stated that the schools cannot handle more children so where would this leave the children to attend school.

Ms. Birchum stated that Hoover Road is only a two lane road and is already in need of repairs due to potholes and bumps. She stated that the traffic study was from 2020 before Sparrows Bend was even built, so she finds this to be very outdated information. Ms. Birchum stated with the by-pass being built, that the numbers will increase significantly.

Ms. Birchum stated that she lives in Sparrows Bend, directly adjacent to the proposed properties and is wanting to know the direct effects this proposal will have on her entire neighborhood.

David Missish, 151 Castle Bay Drive, stated that he travels Hoover Road every day and is concerned with safety issues. He stated that

Hoover Road is already collapsing due to heavy truck traffic due to the construction of the by-pass. Mr. Missish also stated his concern for the elementary school traffic.

Ashley Freeman, 102 Kingsport Drive, stated that he lives in a small neighborhood that has not been mentioned tonight. Their neighborhood is right in between Sparrows Bend and the proposed development. He does not feel the traffic numbers are accurate. It is a fight everyday to get into his neighborhood from Hoover Road due to the traffic backing up.

Mr. Freeman stated that he cannot obtain county water and sewer, but yet the county continues to add and change more and more density, which the county cannot support.

Angela Pelizzari-Suggs, 850 Hoover Road, stated that traffic is backed up during school drop off times and there is already a current need for a bigger elementary school. She would like to see Hoover Investments donate the land to the state so a bigger school could be built.

Ms. Pelizzari-Suggs stated that due to zoning and setback requirements, she cannot have an Accessory Dwelling Unit located on her property but Hoover Road Investments will be able to do so if this request is granted.

Ms. Pelizzari-Suggs stated that if this rezoning request is approved, the current residents of Hampstead will be pushed out. She feels a fifty-five and older community should be considered for this site due to the need.

Karen Zopf, 572 Captain Beam Blvd., stated that she lives in Olde Pointe, which is how developments should be done by leaving trees where they are. The roads cannot handle the traffic increase and the schools will not be able to handle the demand. She feels the county does not need more development, but rather connector roads. She stated that when there is an accident on Hwy. 17, traffic has nowhere to go. Ms. Zopf stated that she feels there is too much pavement already and that the natural beauty of the area is being destroyed.

Deborah Volberg, 98 Starling Drive, stated that she is concerned with the influx of heavy construction equipment that will be necessary to continue building in the area. The construction vehicles currently utilize Thrush Trail seven days a week and this will only destroy the roads further. She is requesting that the Board consider contingencies when approving mixed uses.

Connie Nelson, 706 Highlands Drive, stated that she has grandchildren residing in Sparrows Bend and is greatly concerned with the safety issues that additional traffic will bring.

Terry Gilbee, 78 Moorehead Court, stated that she recently moved here and has many concerns pertaining to this rezoning request. She stated that removing trees will effect air quality and the school traffic is ridiculous and is surprised nobody has been killed. Ms. Gilbee stated if there is an accident on Hwy, 17, they are stuck for an undetermined amount of time due to no other routes. She feels that developing should be stopped until proper schools, roads and sidewalks can be implemented. Ms. Gilbee stated that the only thing being thought of is money and nobody thinks of the residents.

Anna Christina Hunt, 193 Thrush Trail, stated that she is speaking on behalf of herself and some of her neighbors in Sparrow Bend. She stated that their HOA is still currently owned by the developer, which happens to be Mr. Franck's client, so they do not have representation by the HOA.

Ms. Hunt stated that Thrush Trail is not mentioned in the proposal and that this is a small residential area. The schools are already overcrowded and cannot handle an influx of students.

Ms. Hunt stated that they feel they need more information as to what the plan development entails as she feels the plan is unclear. Due to lack of information, they are requesting that the Board waits to vote or votes unfavorably. She stated that she does not feel the Board has enough information to approve the request. If this request is approved, it will certainly be detrimental to the area.

Jonathan Haydt, 293 Thrush Trail, stated that he has concerns for both the school and traffic. He stated that this area is not set up for additional medium or high-density development.

Mr. Franck spoke to the Board pertaining to the concerns that the public had presented. He stated that they are not asking the Board to approve a plan of development tonight but rather just a rezoning.

Mr. Franck stated that the completion of the by-pass is going to change traffic patterns for the better. It will allow residents to travel North and South along the route 17 corridor without burdening the street nearly to the extent that they are currently.

Mr. Franck stated that in regards to schools, there is no reason to believe that a development of diversity and mixed residential uses would contribute a greater number of students to the public schools than development of strictly single-family homes as would be proposed under the RP that is available today. He stated that multi-family homes contribute significantly fewer students per home than single-family homes. Mr. Franck stated that approximately two-hundred and fifty homes would be needed to contribute the same number of students that a hundred single-family homes does.

Mr. Franck stated that the landowner has owned this property for a significant period of time and is a citizen who deserves every right and opportunity to develop their property as any other citizen does.

Mr. Franck stated that due to the reasons he just described and for consistency with the Comprehensive Plan that he requests that the Board votes in favor of the rezoning.

Mr. Buchanan asked Mr. Franck if Sparrows Bend Drive has already been turned over to DOT. Mr. Frank referred to Mr. Long who stated that it has been offered for dedication but has not been accepted. Mr. Buchanan questioned as to whether there is certain criteria that needs to be met before it will be accepted by DOT and Mr. Franck stated that the road does need to meet certain standards before DOT will accept it. Mr. Buchanan asked if this is going to be the second egress with Mr. Franck stating that this will actually be the third ingress and egress option.

Mr. Buchanan asked if sewer would be provided by Pluris or another private sewer company. Mr. Franck stated that is a future step but Pluris handling the sewer is what they are thinking but a plan has not been laid out for the site nor have they sought specific allocations for sewer.

Mr. Buchanan asked Mr. Franck to speak of the by-pass traffic patterns and how this development will access the by-pass. Mr. Franck used a map from the staff's presentation to respond to Mr. Buchanan's question.

Mr. Buchanan asked if a Master Plan was eventually presented, would that trigger a new traffic study due to the 2020 study being outdated. Mr. Franck stated that as far as he has knowledge of DOT updates the numbers regardless of whether a new development has been proposed.

Mr. Brantley stated that the numbers are outdated but DOT does not have any newer data. He stated that if any project in the County generated over one hundred trips per peak hour, then a TIA (Traffic Impact Analyses) would be completed by an engineering firm that focuses on traffic.

Mr. Jordan asked where the second egress would be located. Mr. Frank stated that the second egress would be located in the vicinity of Tim Moore Drive.

Mr. Jordan asked the Board members if there were any additional questions for the applicant. No questions were presented.

Mr. Teachey asked when the by-pass is to be completed. Mr. Brantley stated to his understanding that it should be completed in 2027 or 2028, but does mention that funding issues with the state may potentially delay the completion date. Mr. Buchanan asked if this was for the entire by-pass with Mr. Brantley stated that he believes it will be the entire project.

Mr. Teachey asked the applicant if this rezoning request is approved, what is the time line to develop. Mr. Long stated they are looking to start the permitting entitlement process now along with the rezoning effort that is taking place now so they will be getting started with engineering and the Traffic Impact Analysis. These steps will allow them to move ahead with the Master Development Plan. Mr. Long stated that the first shovel in the ground should take place in January of 2024, if all goes as planned. Mr. Teachey stated that the building will take place long before the by-pass is completed, so he is not sure if this is a good fit.

Mr. Teachey stated that he wants the public to understand that no matter what the decision is tonight, the landowners can develop that property, regardless of whether it is zoned RP or RM.

Mr. Jordan asked if the Board members have any additional questions for the applicant. No questions were presented.

Ms. Mosca stated that the NC DOT website shows that the portion of the bypass near the properties is projected to be completed by the fall of 2026. She stated that this estimate was last years, so they are ahead of schedule currently.

Mr. Buchanan stated that he does have kids in school, understands the need for affordable housing, that this request is consistent with the Comprehensive Plan, understands the concerns of the public and is torn

by the decision. He stated that he has no control over traffic and that this Board is only an advisory board and regardless of the vote this evening, the final decision will be made by the Board of Commissioners.

Mr. Teachey stated that the Board has guidelines regardless of personal opinions. He stated that the Board of Commissioners will make the final decision.

Ms. Mosca stated that she has a concern with the lack of infrastructure.

Mr. Buchanan made a motion to approve, seconded by Mr. Pitts.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman (Ken) Teachey		X		
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CARRIED.

Mr. Jordan informed the public that this hearing will next go in front of the Board of County Commissioners on April 17, 2023, for approval or denial. Mr. Adams stated that the meeting will be held in Burgaw at 7:00 p.m.

b) REZONE 2023-42 FLUMA

Justin Brantley, Senior Planner, presented the staff report.

McAdams Homes, LLC, applicant and owner, is requesting the approval of a Future Land Use Map Amendment for two tracts of land totaling approximately 29.6 acres from Low Density Residential to Medium Density Residential. The Subject properties are located north of Country Club Drive approximately 850 feet southwest of Transfer Station Road in the Topsail Township and may be further identified by Pender County PINS 4203-35-3108-000 and 4203-25-5746-0000.

Mr. Brantley explained the FLUMA (Future Land Use Map Amendment) process which is similar to a Zoning Map Amendment.

Mr. Brantley identified the previously established subdivisions located near the property which includes Belvedere to the northeast, directly to the southwest is Carolina Creek, The Villages at Olde Point, Emerald Ridge, to the south is Olde Point Estates, southwest is Olde Point, and back to the east is Kings Ransome and Hideaway Shores.

Mr. Brantley stated that this thirty-acre tract of land is undeveloped at this time. The properties are currently zoned PD, Planned Development which would require a Master Plan approval by the Planning Board. He stated regardless of whether it was low density or medium density, it would still require Planning Board approval.

Mr. Brantley stated that the NCDOT Average Annual Daily Traffic (AADT) performed in 2020 states that Country Club Drive, in between Kings Landing Road and Transfer Station Road has a volume of 5,500 with a planning capacity of 13,895 so the volume over capacity ratio is .40, which shows that it is at forty percent capacity on this section of Country Club Drive. He stated that there would be the ability to handle more traffic on this road based on the figures presented and the design of the road.

Mr. Brantley stated that there is public water available through Pender County Utilities (PCU) and according to available GIS data, the nearest PCU water main is along the east side of Country Club Drive. Mr. Brantley stated based on available data and information from private sewer providers, private sewer is available at this location. The method of water and sewer will be determined when a site-specific development plan is submitted for review.

Mr. Brantley stated that the PD, Planned Development zoning district relies on the underlying Future Land Use Plan to determine what densities are allowed and what type of housing is permitted.

Mr. Brantley stated that Low Density Residential future land category is located on the fringe of medium density residential uses and within existing single-family neighborhoods. These areas are typically established single-family neighborhoods with a low-density residential development pattern. Appropriate uses include single-family dwellings and neighborhood-scale institutional facilities. Commercial and industrial uses are inappropriate in these areas, as are large institutions and other significant traffic generators. Duplexes and townhomes may be suitable when proposed as part of a master planned community whereby the dimensional requirements and uses forming the outer boundary of the community are compatible with the adjacent properties or permissible uses. Clustering of new communities is encouraged. Development density within this category is two dwelling units per acre or less. Water and sewer service may not be available in these areas, per the Future Land Use Plan.

Mr. Brantley stated that single-family residential uses – detached, duplexes

and townhomes may be suitable when included as part of a master planned community. Recreation, parks, and open space are desired uses in Low Density Residential. Inappropriate uses would include non-residential development, single-family dwellings – attached, and multi-family residential uses. Mr. Brantley stated Low Density Residential transportation infrastructure includes collector, local and minor, and other local roads, five-foot sidewalks on one side, bicycle lanes, and multi-use paths.

Mr. Brantley stated that Medium Density Residential uses are vital to supporting Pender County's growing population by strategically locating more dense residential development in areas that will not create conflicts with existing neighborhoods. These uses are located in close proximity to supporting services and a mixture of development types and are generally found in the southern portion of the County. Appropriate uses include single-family residences, duplexes, townhomes, community recreation and open space uses, and neighborhood-scale institutional uses such as religious and civic organizations. Townhomes may be suitable when proposed as part of a master planned community whereby the dimensional requirements and uses forming the outer boundary of the community are compatible with the adjacent properties or permissible uses. Clustering of new residential communities is encouraged.

Mr. Brantley stated that planned communities may also include well-integrated neighborhood-scale commercial and office uses. Industrial and manufacturing uses, and office uses not located within a planned community, are inappropriate. Development density within this category is three to six dwelling units per acre or less.

Mr. Brantley stated that desired uses for Medium Density Residential are single-family dwellings, detached and duplex (up to two units per structure), townhomes may be suitable when included as part of a master planned community, age-appropriate retirement housing, recreation, parks, and open space. He stated inappropriate uses would be multi-family residential uses, commercial, office and institutional development not integrated into a planned community, and industrial development. Mr. Brantley stated Medium Density Residential infrastructure includes arterial, collector (major, local and minor), and local roads, five foot sidewalks and crosswalks at primary intersections, bicycle lanes and multi-use paths.

Mr. Brantley stated that the Planning Department found the proposed Future Land Use Plan Amendment to be consistent with the Pender 2.0 Comprehensive Land Use Plan. The proposal is supported by Policy 5.1.C, Coordination with Infrastructure/Services, Policy 5.1.D, Focused Growth and Development, Policy 5.1.V, Residential Development, and Goal 5.1.Z, Cluster Development

Incentive. Mr. Brantley stated that the Planning staff recommends approval of the proposed change to the Pender 2.0 Comprehensive Land Use Plan's Future Land Use Map for the subject parcels from Low Density Residential to Medium Density Residential due to being consistent with three policies and one goal of the Pender 2.0 Comprehensive Land Use Plan. He stated that the Planning staff also supports this request because it has the potential to allow development within these two tracts to better confirm with the existing development patterns in this area of Pender County. Lots in this area of the County range from .2 acres in size to around half an acre.

Mr. Brantley stated that while the County is exploring options for the siting of new school facilities within the County, it is important to understand that staff supports this request in terms of the long-term growth of the county but certainly acknowledges capacity issues that the county is currently facing. While it is difficult to predict when the development of this site would move forward, it is clear that the developer would have to go through the Master Development Plan approval process which requires a public hearing and approval by the Pender County Planning Board. Once approved, the developer would need to pursue the approval of a preliminary plat and final plat prior to the recordation of any lots. While difficult to predict, this process can often take a few years to complete.

Mr. Brantley stated that the Planning staff supports the requested change to the Future Land Use Plan as it has the potential to provide a broader variety of housing types in an area where infrastructure to support such development is available.

Mr. Jordan asked if any members of the Board had questions for Planning staff and no questions were presented.

Attorney Maggie Bennington, representing applicant and landowner, McAdams Homes, LLC., stated that they are requesting an amendment to the Future Land Use Map. She stated that the properties are located on Country Club Drive and total approximately thirty acres. The larger tract is 27.07 acres and the adjacent smaller track is 2.57 acres.

Ms. Bennington stated that the property is currently zoned PD, Planned Development and appropriate uses include single-family dwellings as well as duplexes. She stated that townhomes are permitted if submitted as part of a master development plan. Ms. Bennington stated that water and sewer are both available at this location, which would allow for three to six units per acre.

Ms. Bennington stated that the proposed parcels are located in close proximity to a parcel to the north which is designated as Regional Mixed Use and the proposed modification would provide an area of transition between the higher density land use designation to the north on Hwy. 17 and the lower density designation to the south closer to coastal resources.

Ms. Bennington stated that low density residential to medium density does not change the range of uses or housing types. She stated that it is importance to remember that all uses must come before the Planning Board and Board of Commissioners for approval pursuant to a master development plan.

Ms. Bennington stated that medium density is appropriate for this area as it only slightly increases the density while remaining in conformity with the neighboring residential projects.

Ms. Bennington stated that low density residential as well as medium density residential are both appropriate based on transportation and infrastructure.

Ms. Bennington stated that the Land Use Plan calls for the clustering of residential developments. She stated that this is an area where similar projects have been constructed or planned and permitted for construction.

Ms. Bennington stated that the proposed Future Land Use Map Amendment that they are requesting is consistent with the Pender County 2.0 Comprehensive Land Use Plan. The amendment focuses on growth and development where there is already necessary infrastructure. She stated that the request is compatible with the current surroundings and aligns with the County's clustering of residential development for preservation of coastal natural resources.

Mr. Pitts asked if there is an agreement in place to get the public to Transfer Station Road. Ms. Bennington stated that she does believe that an agreement is part of the plan.

Mr. Buchanan asked if they intended to use Country Club Drive as an egress. Ms. Bennington referred the question to Grady Gordon. Mr. Gordon stated that they do not have a site plan currently but at this point, the idea they have is to connect to Country Club Drive and to Transfer Station, which will allow interconnectivity with adjacent neighborhoods. Mr. Buchanan asked if there are easements currently to run roads through and Mr. Grady responded affirmatively.

Mr. Jordan asked the Board members if they have any additional questions for the applicant with no questions being presented.

Brian Apple, 73 Bowman Field Circle, stated that he just moved to Hampstead and is very concerned with the traffic issues and the fact that there is no direct egress onto Country Club from this community which would mean that Arden Drive, would be both the ingress and egress. He stated he did not understand increasing density when traffic is already bad. Mr. Apple stated that there are water issues in his community without the back half of his neighborhood even being developed. He feels this needs to be addressed before approving.

Lydia Hampel, 134 Moores Landing Road, stated that she has been a resident for over twenty years and water has been an issue in Hampstead for a very long time. She stated that she feels Pender County is developing too quickly and the issues of septic, water, and traffic need to be addressed before anymore developing is permitted.

Brian O'Neill, 212 Bowman Field Circle, stated that he feels increasing the density will increase traffic, which is already a safety issue. He stated that increasing the density of the neighboring parcel will be detrimental by bringing more homes which will cause more traffic. Mr. O'Neill asked the Board to do their job by not allowing more density to an already overpopulated area.

Steven Sugg, 1381 Country Club Drive, stated that he knows that Mr. Beaudoin previously owned the properties that are currently owned by McAdams Homes. Mr. Buchanan stated that Mr. Beaudoin recused himself in the past with any decision that may have benefited him. He stated that this request is not compatible with the surroundings and that medium density residential will only bring in more traffic.

Mr. Jordan stated that before the meeting he read a statement asking if any Board members were going to benefit from any of the decisions tonight and all members responded negatively. He stated that it is custom that if any member could benefit from a decision, that he or she recuse themselves. Mr. Jordan stated that all the Board members are residents of Pender County who are businessmen and woman. He stated that the Board is not there to do any shady dealings.

Mr. Buchanan stated that in the past, the owner who was a Planning Board member recused himself every time so that he did not have any influence on the Board due to having financial gain to make. He stated that this process is the proper, customary, and legal way to handle these situations and that it was all done correctly.

Wes Hill, 539 Arden Drive, stated that Arden Drive is going to be a thoroughfare

to Country Club Drive if another egress ingress is not provided. He stated that there is no need to add any additional traffic to this area. Mr. Hill stated that he bought to live in a neighborhood, not on a thoroughfare to get to Transfer Station Road.

Bill Besch, 28 Allbrook Way, stated that traffic is a major concern of his. He stated that Arden Drive is going to become a very busy street and the children in the neighborhood will be greatly affected. Water is a huge concern due to the struggle the area is already experiencing. Mr. Besch stated that a mass number of natural resources are lost each time a new community is being built. He then asked the Board members to carefully consider all aspects before deciding and to make sure the decision that is made is a wise one.

Matt Sayre, 94 Arden Drive, stated that he moved here in 2010 and loves the area. He stated that his child does not ride the bus to and from school due to some of the things he was hearing and learning while riding. Mr. Sayre stated that the schools are also overpopulated and that will only get worse as more land is developed in the area. He stated that traffic is a major concern especially for medical personnel to get to all areas in a timely manner. Mr. Sayre stated that the people in that area not wanting or needing the change to higher density, which would just create more houses. He stated that he understands that the Board is here to decide based on maps and information that the Commissioners and general public stated years ago but the Board should be able to tell from the people speaking tonight that these are different people with much different membership or demographic.

Mr. Buchanan stated that the Planning Board has passed a resolution requesting new maps, a new Comprehensive Plan, and new Future Land Use Maps so the Board is aware that things have changed, and updates need to be made.

Mr. Jordan asked Mr. Adams if Arden Drive is a connector street to which Mr. Brantley stated that it does not appear to be a collector street. Mr. Brantley stated when Carolina Creek was being planned, the developers were required to stub to adjacent properties to provide future connectivity for fire access and emergency vehicles.

Attorney Amy Schaefer, representing applicant and owner McAdams Homes stated she has been told by the Planning staff that they would need to comply with the two units per acre even though the surrounding projects did not comply with the two units per acre policy. Due to this, they have had to ask for the map amendment and then bring a site plan will be presented. Ms. Schaefer stated that without this map change, they cannot request anything more than two units per acre.

Mr. Buchanan stated that they could request a conditional rezoning to enable them to proceed. Ms. Schaefer asked if a conditional rezoning would still need to comply with the Future Land Use Map. Mr. Brantley stated that the intention would be for it to comply with the Future Land Use Map designation underneath the property.

Mr. Jordan asked if there were any more questions for the Planning staff or applicants and no questions were presented.

The Planning Board members discussed their thoughts with each other. Mr. Teachey stated that he does not feel that he can agree and approve with this request. Mr. Buchanan stated he is not so concerned with the density due to surrounding properties and he feels that the only way to keep traffic off Country Club Drive would be to obtain a Conditional Rezoning. Mr. Pitts stated that he is fine with the increase in density but would like to have assurances that the traffic is not coming out on Country Club Drive.

Mr. Buchanan asked if the applicant wanted to rebuttal and Ms. Schaefer stated that she has no rebuttal but has clarification instead. She stated that they had anticipated bringing a master plan development which would show the road connections. Ms. Schaefer stated that with a master development plan the Planning Board would not have the ability to put in place conditions like a conditional rezoning would allow. Mr. Buchanan stated he cannot vote for this if there is going to be an ability to put an egress directly onto to Country Club Drive.

Ms. Schaefer asked with the permission of the Planning Board and staff, could they table the Future Land Use Amendment request while they work on a Conditional Rezoning application. Mr. Buchanan asked if sixty days would be enough time for the applicant. Ms. Schaefer stated that sixty days would be sufficient and if not, they will let the Planning staff know. She stated that they will be working closely with the staff. Mr. Buchanan asked for clarification purposes that they were not withdrawing the current case with Ms. Schaefer stating that they are not withdrawing.

Mr. Adams asked Mr. Thurman about options for continuing or tabling this case. Mr. Thurman stated that a date could be chosen and both the Conditional Rezoning and Map Amendment could be heard at the same meeting. Mr. Adams stated that sixty days would be the May 2, 2023, meeting and that should allow the staff time to work with the applicant.

Mr. Buchanan made a motion to table this item to the May 2, 2023, meeting with Mr. Pitt seconding the motion.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				
Norman (Ken) Teachey	X			X
	5	0	0	2

CARRIED.

Mr. Brantley informed the Board members that upcoming items to be heard are located in the Hampstead area so holding meetings at the Annex will most likely happen for the next several meetings.

Mr. Buchanan made a motion to hold the May 2, 2023, meeting at the Hampstead Annex location. Mr. Mosca seconded the motion.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				
Norman (Ken) Teachey	X			X
	5	0	0	2

CARRIED.

c) REZONE 2023-46

Daniel Adams, Planning Director, presented the staff report.

Mr. Adams informed the Board members that they may remember a very similar case at the January 2023 Planning Board meeting. There was a property line dispute that a neighbor brought forth. He stated that the applicant did more research on the overlapping deeds so this is more of a revised request.

Michael Nadeau, applicant on behalf of John Rowland, owner, is requesting the approval of a Zoning Map Amendment to rezone approximately 0.27 acres of land across two tracts that total approximately 1.65 acres from the RP, Residential Performance zoning district to the GB, General Business zoning district. The subject properties are located on St. Johns Church Road, approximately 600 feet from where the road terminates to the west. The subject properties are located with the Topsail Township and may be further identified by Pender County PINS 3293-54-0393-000 and 3293-54-2403-0000.

Mr. Adams stated that the previous request was for the stretch on that odd shaped parcel that heads down towards US Hwy 17. This area was involved in the property dispute, so that portion has been removed from the request.

Mr. Adams stated that the intent of GB, General Business, district is to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses.

Mr. Adams stated that due to this being a general use rezoning, a conceptual plan is not included within the application. If approved, the site could be developed based upon all uses that are permitted by right or by Special Use Permit in the GB, General Business zoning district. He stated that any future development of the site must comply with the standards of the GB, General Business zoning district and is subject to review and approval by the Technical Review Committee (TRC) to ensure compliance with all applicable local, State, and Federal regulations.

Mr. Adams stated that there is one residential use by right. He then stated that there are eighty-three commercial by right uses and fifteen uses needing Special Use Permit approval.

Mr. Adams stated that most properties that front Hwy 17 are zoned GB, General Business and the properties closer to St. Johns Church Road are zoned RP for Residential Performance. He stated that there are residential uses surrounding this property.

Mr. Adams stated that a Traffic Impact Analysis (TIA) is not required for a general use rezoning since a site-specific development plan is not required to be included in the application packet. If approved and developed in the future, estimated trip generation data will be required during the review of any site-specific development plan to determine if a TIA is required.

Mr. Adams stated that the NCDOT Average Annual Daily Traffic (AADT) performed in 2021 states that US Hwy 17, between Alfonso Nixon Drive and Williams Love Grove Church Road has a volume of 44,000 with a planning capacity of 37,323. The volume over capacity ratio is 1.18, which shows that US Hwy 17 is over capacity.

Mr. Adams stated that there is public water available through Pender County Utilities (PCU) via St. Johns Church Road and sewer is available through Pluris via US Hwy 17 provided a utility easement was granted for both parcels. The method of water and sewer service will be determined when a site-specific development plan is submitted for review.

Mr. Adams stated the zoning request includes two parcels, with the first being identified by PIN 3293-54-0393-0000 which is located in the Neighborhood Mixed Use Future Land Use classification and the Medium Density Residential Future Land Use Classification. He stated that the second parcel identified by PIN 3293-54-2403-0000 is located within the Medium Density Residential Future Land Use classification.

Mr. Adams stated that the Neighborhood Mixed Use Future Land Use category will allow a transition between more intense commercial, office, and residential development to lower density residential neighborhoods. The Neighborhood Mixed Use category is primarily dedicated to non-residential uses that provide services, entertainment, and amenities to residents within a three-mile radius. Land use and development within this category is closely coordinated with existing and planned roadway transportation networks, while encouraging bicycle and pedestrian access. This future land use category should be composed of a mixture of integrated commercial, office, institutional, and single-family residential uses. Appropriate uses include neighborhood-scale retail, restaurant, and office establishments, religious and education institutions, and higher density detached and attached single-family residences. Large-scale or intense commercial establishments, multi-family development, and industrial operations are not appropriate. Mr. Adams stated that building footprints are generally limited to 15,000 square feet in size or smaller.

Mr. Adams stated that the Medium Density Residential Future Land Use category is established in areas that are typically in close proximity to supporting services and a mixture of development types. Appropriate

uses include single-family dwellings, duplexes, community recreation and open space uses, and neighborhood-scale institutional facilities such as religious and civic organizations. Commercial and industrial uses are inappropriate in these areas, as are large institutions and other significant traffic generators.

Mr. Adams stated that the proposed zoning district, General Business, is consistent with the Neighborhood Mixed Use Future Land Use classification due to the General Business districts intention to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents that include office, retail, and personal service uses. The General Business zoning district is not consistent with the Medium Density Residential Future Land Use classification as commercial development should be integrated into a planned community. He stated that commercial uses are generally inconsistent with the Medium Density Residential Future Land Use classification, the subject parcels' size and proximity to Neighborhood Mixed Use aligns with the classifications' desire to provide a low intensity transitional use between commercial and residential neighborhoods. Mr. Adams then stated the proposal is consistent with the spirit of supporting Medium Density Residential classification because the parcel will be in close proximity with supporting services and a mixture of development types, which is desired in the Medium Density Residential classification.

Mr. Adams stated that the Planning Department found the rezoning to be consistent with the Pender 2.0 Comprehensive Land Use Plan's Future Land Use Map. The proposal is supported by Policy 5.1.D, Focused Growth and Development, Policy 5.1.E, Compatible Development, and Policy 5.1.K, Commercial Development. Mr. Adams stated that due to the request being consistent with the Unified Development Ordinance, the Planning Department respectfully recommends the approval of the Rezoning.

Mr. Jordan expressed that he remembers this case from the January meeting and recalls multiple member of the public being present to speak. He then stated his surprise that no members of the public are present today to speak.

Brian Nadeau, applicant, stated that the reason the members of the public who spoke at the January meeting were not in attendance was due to the applicant not wanting to be in the middle of a family dispute, so the disputed property was removed from the request.

Mr. Buchanan thanked Mr. Nadeau for doing the right thing and allowing the Families to figure out the land dispute.

Mr. Buchanan made a motion to approve, seconded by Mr. Pitts.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman (Ken) Teachey	X			
	5	0	0	2

CARRIED.

10 DISCUSSIONS

Mr. Pitts asked if there was any way to arrange the items to be heard so that an uncomplicated case, such as Mr. Nadeau's could be heard first instead of sitting and waiting throughout the whole meeting. Mr. Buchanan stated that the order of hearings could be made at the time when the agenda is approved.

Mr. Adams informed the Board members that there was a discussion of a closed session. He stated that Mr. Thurman is not physically present at the meeting but present by telephone. Mr. Buchanan asked where the closed session would take place due to the microphones being present in the auditorium. Mr. Adams stated that they could hold the closed session upstairs, if the Board would prefer. Mr. Buchanan asked Mr. Thurman if he would prefer the closed session to be held tonight or another date. Mr. Thurman stated that it would be entirely up to the discretion of the Board.

Mr. Brantley asked Mr. Thurman if tonight is not the best time to hold the closed session, could a special Planning Board meeting be called. Mr. Thurman stated that no advertising would need to be done for the special called meeting as long as a date and time was decided on during this current meeting.

Mr. Buchanan made a motion to enter closed session under N.C. General Statute, 143.318.11, Item 3, Attorney Client Privilege. Mr. Pitts seconded the motion.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman (Ken) Teachey	X			
	5	0	0	2

CARRIED.

Planning Board members entered closed session at 10:26 p.m. and left closed session at 10:46 p.m.

11 NEXT MEETING DATE

Mr. Adams stated that there are two items on the agenda for the April meeting that are located in the Hampstead area. He stated that it is at the discretion of the Board as to where they want to hold the meeting.

Mr. Buchanan made a motion to hold the April 4, 2023 meeting at the Hampstead Annex building. Mr. Pitts seconded the motion.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman (Ken) Teachey	X			
	5	0	0	2

CARRIED.

April 4, 2023, at 7:00 p.m.
Pender County Hampstead Annex Building
15060 US Hwy 17
Hampstead, NC 28443

12 ADJOURNMENT

Mr. Pitts made a motion to adjourn. Mr. Buchanan seconded the motion.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman (Ken) Teachey	X			
	5	0	0	2

CARRIED.

Meeting adjourned at 10:47 p.m.