



DRAFT MINUTES
Planning Board Meeting
Tuesday, April 4, 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
Jeff Beaudoin

MEMBERS ABSENT:

John Gruntfest

OTHERS PRESENT:

Daniel Adams, Planning Director
Justin Brantley, Senior Planner
Greg Feldman, Long Range 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 7:02 pm.

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ADOPTION OF AGENDA

Motion to amend the agenda by allowing Item 8.3, REZONE 2023-45, to be moved and heard first made by Damien Buchanan, seconded by Jeff Beaudoin.

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			
	6	0	0	1

CARRIED.

6 ADOPTION OF MINUTES

Motion to approve the March 7, 2023, Planning Board minutes with two corrections made on page 23 pertaining to the two voting blocks, made by Damien Buchanan, 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			
	6	0	0	1

CARRIED.

7 PUBLIC COMMENT

Laura Puryear, 209 Abbey Lane, stated that she feels that there has been reckless building in and around the Scotts Hill area which has caused numerous accidents, some critical and deadly. She stated that many local newspapers have written about the traffic in the Scotts Hill area.

Ms. Puryear stated that before any more building is approved, the roads and traffic situations need to be fixed. She stated that she is upset due to the fact that the Planning Board's vision statement is not being followed as a guideline.

Jennifer Mackenzie, 103 Leslie Lane, informed the Board that most people think droughts are caused by not enough rain and coastal flooding is caused by too much rain, but both of those answers would be wrong. She stated that almost all rain begins in the oceans and once the molecules are heavy enough to form a rain cloud then they are moved by trade winds to land. Ms. Mackenzie stated that once a rain cloud reaches land, it can travel no further than four hundred miles inland. Ms. Mackenzie added that the canopy in the 65 acre Abby Nature Preserve is massive and incredibly significant. She stated that Pender County is one of the top five regions responsible for tree cover loss and this is not a list that Pender County should want to be on. Ms. Mackenzie stated that she will share this information with all media and as a journalist herself, she takes a very personal interest in this issue.

Kim Meyer, 102 Leslie Lane, stated that she attended the Board of Commissioners meeting the day before and the Chairwoman, Jackie Newton, indicated that stake holders are the members of our communities. Ms. Meyer stated that it is not only about the businesses and the people that want to move into the area, but also about the current residents. She stated that the vision statement indicated that new development should consider existing neighborhoods and her biggest concern is that when new neighborhoods are being built, stormwater runoff is not sufficiently addressed. Ms. Meyer stated that she asked the Commissioners to consider a storm water manager in previous meetings and hopes that Pender County can employ one soon to help manage stormwater runoff.

Ms. Meyer stated that the Abby Nature Preserve is a part of the North Carolina Coastal Trust and should hopefully never be developed. She stated that the immediate forest before the Preserve is going to be clear cut and that is a major concern.

Ms. Meyer stated that she attended the Planning Board meeting last month and that there were many concerned citizens requesting the Board to at least pause their decision. She requested that the Planners consider putting on their website the number of homes, apartments, or complexes that are being approved by the Boards and then provide the progress of new schools, roads and other infrastructure that is needed to support these developments. Ms. Meyer stated that she does not know where that information is provided on the website.

Ms. Meyer stated that a new website has been created named SaveScottsHill.org. She stated that this site was developed to provide the community with information but then she attends the meeting tonight and finds out about a rezoning in her area that the community was not aware of. Ms. Meyer stated that they are not getting the information that they want though she has repeatedly asked but it appears to fall on deaf ears. She stated that they want to be involved, they are the community and would love to work with the County.

Mr. Buchanan stated that an individual owning private land is allowed to develop their land by right without this Board or the Board of Commissions approval. He stated that there are some things that a landowner can do with his land that the Board has no control over other than making sure that the Ordinance is followed.

Mr. Buchanan stated that he agrees that a better stormwater management process is needed and the way that can happen is through an Ordinance. He stated that the Planning Board has requested the need for a new Ordinance. Mr. Buchanan stated that he feels that a new Comprehensive Land Use Map and Ordinance would help improve the standards.

Mr. Buchanan stated that the Ordinance requires adjacent property owners within five hundred feet of a proposed property be notified by mail. He stated that there is a sign posted on the property and also a legal ad is run in the local paper. Mr. Buchanan stated that the Board will work with the Planning staff to provide the public with more information by means of the County website.

Ms. Meyer stated that she wants to work with the Planning Board and staff concerning the changes to the UDO. She stated that it is her understanding that a fee of \$250.00 would need to be paid in order to recommend a proposed change. Ms. Meyer stated that she wants to work with the Commissioners on the issue of the \$250.00 application fee due to the fact that many members of the public may not have that extra amount to pay.

Ms. Puryear stated that she understands that property is individually owned but

does feel that the property should be developed a certain way keeping in mind traffic, watershed, and all the other issues presented. She stated that the public does not feel they are being listened to. Ms. Puryear stated that she understands building will take place but feels it needs to be done responsibly. She stated that she feels the Planning Board members are the first eyes that see the developments being proposed and someone needs to let the community know what is happening.

Ms. Mackenzie stated that Pender County had the opportunity to buy the Foy property and that the tree section of the Ordinance should have been looked at before the purchase of the Foy property and not after. She stated that the sale is not the Foy family's or the citizens' fault but rather the elected officials of the County. Ms. Mackenzie stated that she feels the County let down the people who live in this County.

8 PUBLIC HEARINGS

a) REZONE 2023-45

Daniel Adams, Planning Director, presented the staff report.

Mr. Adams stated that the applicant's representative, Spruill Thompson, was in the audience.

Mr. Jordan asked if the properties are adjoining. Mr. Adams stated that the large parcel in the middle, but not included with this application, is also owned by the Applicant and is zoned GB, General Business.

Mr. Jordan asked the Board members if they had any questions for the Planning staff. No questions were presented.

Mr. Daniels stated that the Applicant is present and is prepared to answer any questions the Board members may have but did not prepare a presentation.

Mr. Buchanan asked if the bottom part of the property backs up to Kiwanis Park with Mr. Daniels stating the property is not adjacent to the park.

Mr. Jordan asked the Board members if they had any questions for the Applicant and no questions were presented.

Mr. Buchanan stated that this request is straightforward due to there being no close neighbors for it to impact and that the property is located

on the highway. Mr. Buchanan asked if rezoned, would there be any uses allowed that are not currently allowed. Mr. Daniels stated that the PD district is a mixture of uses whereas the proposed GB district would give up rights to develop residentially for the most part.

Mr. Beaudoin 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			
	6		0	1

CARRIED.

b) REZONE 2023-43 FLUMA and REZONE 2023-44

Greg Feldman, Long Range Planner, presented the staff report for both rezonings.

Mr. Feldman informed the Board that the applicant and representatives are present.

Mr. Buchanan asked Mr. Feldman to go back to the slide that contains the traffic information. He asked for verification of the vehicle compacity percentage to which Mr. Feldman responded with 98 percent. Mr. Buchanan asked if that percentage considers the future bypass or just current traffic. Mr. Feldman stated that this study contains current traffic counts only without considering any future roadway improvements.

Mr. Beaudoin asked how many units the requested PD, Planned Development, zone will allow. Mr. Feldman stated that the zoning map does not dictate density but rather the Future Land Use Map dictates density. Mr. Feldman said that the properties are currently designated as Medium Density Residential with some Neighborhood Mixed Use. He stated medium density allows for three to six dwelling units an acre whereas with the current zoning of RP, Residential Performance, allows for three dwelling units per acre, by right.

Mr. Feldman stated that the requested Future Land Use category, Regional Mixed Use, allows for up to fifteen multi-family units per acre. Mr. Feldman stated that if the properties were rezoned to PD, a Master Plan would then have to be brought before the Planning Board. He also stated if the Future Land Use Map was amended to Regional Mixed Use, a Master Development Plan could be submitted that has a development pattern showing fifteen units per acre.

Mr. Beaudoin stated that the Regional Mixed Use designation basically allows for the basis on which to increase the density. Mr. Feldman agreed and stated that the density is determined by the Future Land Use categories.

Mr. Feldman encouraged the Board to consider every possibility that could take place with the two proposed parcels if both or either request was to be approved.

Mr. Beaudoin stated that if the rezoning to PD is approved, a developer would still need to submit a Master Plan that would need to adhere the PD requirements.

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

Richard Collier with McKim and Creed, representative of Applicant, informed the Board of some history pertaining to this property. He stated that he knows the history with Blake Farm is not in consideration today but having a connector road, Atlantic Avenue, and water connection helps the County in many ways. He stated that Atlantic Avenue would connect from US Hwy 17 through Blake Farm through a roundabout and ultimately connect with Sidbury Road. He stated this route would be another way of removing some of the traffic that would utilize Hwy 17.

Mr. Collier stated that the Land Use Plan somehow skipped this piece of property with its three- or four-hundred-foot-deep Neighborhood Mixed Use and Regional Mixed Use, which is further south. He stated that since it is undeveloped land, he understands why it was left residential. Mr. Collier stated that a multi-family or a more medium density type situation with fifteen units is what is expected along a major thoroughfare as it transitions back into the single family residential.

Mr. Collier stated that the applicant would like to use the property that wraps around the emergency center as a multi-family facility. There would be an exit out by the way of Atlantic Avenue which would extend down to Hwy 17.

Mr. Collier stated that the rezoning request to PD is to blend in with the current Blake Farm as that development moves forward. Mr. Horton is currently developing and building lots in Blake Farm so he feels that this is a natural progression of the development pattern in the Blake Farm community. He stated that Blake Farm

has apartments currently being built on Blake Farm Boulevard. Single family units will begin to be located and built beyond the apartments.

Mr. Collier stated that they are requesting a modification to the Land Use Plan to the Regional Mixed Use and then allowing the rezoning to PD so that there is consistency with Blake Farm.

Mr. Collier stated that a traffic study has already been conducted and water planning has already been completed. He stated that a well will be adjacent to the fire station that will help Pender County's water system. Mr. Collier stated that they have been working with the County on additional well sites in Blake Farm.

Mr. Collier stated that he realizes all the factors he has spoken of have nothing to do with the rezoning request but he was just trying to provide a broader picture and he wanted to lay that information out for the Board members. He stated that he knows that the facts he has presented cannot be taken into consideration but he feels it is worth the Board to understand a broader picture.

Mr. Beaudoin asked Mr. Collier if Atlantic Avenue is located between the two parcels. Mr. Collier stated that Atlantic Avenue will come out directly beside the emergency access. Mr. Collier stated that the road will follow the Blake Farm property line. Mr. Beaudoin asked if the road will then connect into Blake Farm and Mr. Collier responded affirmatively.

Mr. Collier stated that he is available to answer any questions pertaining to their application requests. He stated that they are requesting a rezoning and a Future Land Use Map amendment. Mr. Collier stated that if approved, the applicant would still need to come back before the Planning Board with a Master Plan due to it being zoned PD.

Mr. Jordan asked if the other members have any additional questions for Mr. Collier and no questions were presented.

Mr. Teachey stated that he had a question for the staff concerning Atlantic Avenue. He asked with the current zoning, would a connector street need to be extended anyways. Mr. Adams stated that there is a proposed collector road and alignment on this parcel.

Ian Flannery, 6752 Parker Farm Road, stated that he is here on behalf of the Applicant also. He stated that he signed up in the event that he could answer any questions that Mr. Collier may not have been able to answer.

Mr. Jordan asked Mr. Flannery if he was in favor of the applications and Mr. Flannery responded that he is.

Mr. Buchanan stated that in the future, applicant representatives do not need to sign up to speak. Mr. Adams asked if Mr. Riddick, was also a representative of the Applicant. Mr. Flannery responded affirmatively.

Mr. Jordan asked if the Board members had any questions for the Applicants.

Mr. Beaudoin asked if the concept is apartment buildings or multi-family units. Mr. Flannery stated that the applicant has nothing concrete currently. He stated he knows it is just a rezoning, but he was just curious. Mr. Collier stated that he did not want to imply in any way, shape or form that the applicant is requesting anything but the Rezoning and Amendment to the Future Land Use Map.

Mr. Buchanan stated that he is uncomfortable with this request due to the traffic and also the unknown. He stated that he does not know how the applicant is planning on developing the property. Mr. Buchanan stated that there are a lot of questions and while he is not against growth and development, he does believe that given the amount of public concern about not knowing what is happening in the County and not enough public engagement, any request to change the density of an area needs to go through a Conditional Rezoning process. This process would allow public comment and the public would know what exactly is being requested. Mr. Buchanan stated that it allows a dialogue between the community and the landowners.

Mr. Beaudoin asked if a community meeting is part of the Planned Development process. Mr. Daniels stated that a community meeting is not part of the process when a Master Plan is submitted.

Mr. Buchanan asked Mr. Collier if the applicant would be willing to go through the Conditional Rezoning process. Mr. Collier stated that he does not know if the Conditional Rezoning process would be necessary due to both processes providing the same items. Mr. Buchanan stated that conditions can be placed with a Conditional Rezoning and Mr. Collier stated that conditions can be placed in a PD development also.

Mr. Daniels stated a correction is needed on the record. A community meeting would be required in a Planned Development Master Plan submittal.

Mr. Beaudoin stated that he has a significant amount of experience dealing with Planned Developments and a community meeting would be required to hear the concerns and possibly adjust the plan to keep all parties satisfied. Mr. Beaudoin

stated that this will come before the Planning Board again to evaluate the whole plan, including density.

Mr. Collier stated that they are asking for the PD rezoning so that the applicant knows what they are designing for instead of making a guess as to what the Board could approve. He stated that if it is rezoned PD, the applicant will know what the tolerance of the density will be and what types of dwellings would be allowed in that district.

Mr. Beaudoin stated that he feels one of the biggest issues will be traffic. He stated that a traffic study may need to be done and possible improvements completed as a result of the study.

Ms. Mosca asked Mr. Adams when the Future Land Use Map was created. Mr. Adams stated that the plan process started in 2017 and it was adopted in 2018. Ms. Mosca asked why this one particular section was not included and zoned the way it was. Mr. Adams stated that he does not know if he has a good answer to her question. Mr. Teachey stated that he feels that there were many areas skipped and shouldn't be zoned the way they are.

Mr. Beaudoin asked if this land was not originally included with Blake Farm due to an access easement issue. Mr. Collier stated that there was an access easement across this piece of property for Atlantic Avenue to connect, but it did not get recorded so it was suddenly gone, the land was sold to the Carlson family, and there was no longer an easement.

Mr. Pitts stated that he feels that the Board is very concerned with density and he does like the idea that a Planned Development Master Plan must be brought back before the Board.

Mr. Buchanan stated that Planned Developments can be tricky, and he does not feel he has a full understanding right now to make an informed decision. He would prefer to table the decision until the Board has a better understanding.

Mr. Feldman reminded the Board that these applications are being treated as two separate applications so two separate motions would need to be made. Mr. Feldman stated that 2023-43 would be the Future Land Use Map Amendment and 2023-44 would be the general Rezoning.

Ms. Mosca made a motion to table item 2023-43 FLUMA until the May 2, 2023, meeting with Mr. Buchanan 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	X			
Norman (Ken) Teachey	X			
	6	0	0	1

CARRIED.

Ms. Mosca made a motion to table item REZONE 2023-44 until the May 2, 2023, meeting with Mr. Buchanan 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	X			
Norman (Ken) Teachey	X			
	6	0	0	1

CARRIED.

Mr. Buchanan made a motion to hold the May 2, 2023, meeting at the Hampstead Annex. Mr. Teachey 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			
	6	0	0	1

CARRIED.

Mr. Feldman stated that due to the applications being tabled to a certain date, there will not be another public notice, signs will not be posted, and no ad will run in the paper.

9 DISCUSSIONS

Justin Brantley, Senior Planner, led an informal discussion with the Planning Board members pertaining to solar farms and new requirements that will be proposed soon.

Mr. Buchanan made a motion to enter closed session under N.C. General Statute, 143.318.11, Item 3, Attorney Client Privilege. Ms. 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	X			
Norman (Ken) Teachey	X			
	5	0	0	1

CARRIED.

Planning Board members entered closed session at 9:11 p.m. and left closed session at 9:38 p.m.

10 NEXT MEETING DATE

May 2, 2023, at 7:00 p.m.
Pender County Hampstead Annex Building
15060 US Hwy 17
Hampstead, NC 28443

11 ADJOURNMENT

Mr. Beaudoin 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			
	6	0	0	1

CARRIED.

Meeting adjourned at 9:47 p.m.