



MINUTES
Planning Board Meeting
Tuesday, October 4, 2022
805 S. Walker Street/BOCC Meeting Room
7:00 PM

MEMBERS PRESENT: Delva Jordan, Chairman
Damien Buchanan, Vice-Chairman
Norman "Ken" Teachey
Jeffrey Pitts
Margaret Mosca
John Gruntfest

MEMBERS ABSENT: Jeff Beaudoin

OTHERS PRESENT: Travis Henley, Planning Director
Justin Brantley, Senior Planner
Greg Feldman, Current Planner
Daniel Adams, Flood Plain Administrator
Donna Sayre, Administrative Specialist
Members of the Public.

1 CALL TO ORDER

Chairman Delva Jordan called the meeting to order at 7:05 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 Damien Buchanan.

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 K. (Ken) Teachey	X			
	6	0	0	1

CARRIED.

6 ADOPTION OF MINUTES

Motion to approve the August 2, 2022, Planning Board minutes made by John Gruntfest, seconded by Damien Buchanan.

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 K. (Ken) Teachey	X			
	6	0	0	1

CARRIED.

7 PUBLIC COMMENT

There was no public comment.

8 PUBLIC HEARINGS

a) REZONE 2022-34

Daniel Adams, Flood Plain Administrator, presented the staff report.

Nancy Romero, applicant and owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 0.33 acres of land from the GB, General Business zoning district, to the RP, Residential Performance zoning district. The subject property is located at the intersection of Railroad Street and Casha Road, approximately one tenth of a mile south of NC Highway 210, in the Rocky Point Township and may be further identified by Pender County PIN 3235-50-3750-0000.

Mr. Adams stated that the Residential Performance zoning district is intended to allow a variety of residential uses and densities and limited commercial activities as well as agritourism. If approved, the site could be developed based upon all uses that are permitted by right or by Special Use Permit in the Residential Performance zoning district. Any future development of the site must comply with the standards of the Residential Performance zoning district and will be subject to review and approval as facilitated by the Pender County Planning Department.

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 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.V, Residential Development, and Policy 5.1.W, Single-family Residential 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 asked about the traffic numbers. Mr. Adams reiterated the numbers that were provided, in the staff report.

Mr. Buchanan asked if there was a current structure on the property and Mr. Adams stated that there is a building on the property that has been used commercially in the past. Mr. Buchanan asked if the building is

delapidated. Mr. Adams stated that from the outside it does not appear to be delapidated.

Mr. Henley stated that this property is zoned commercial when all the properties around it are zoned residential.

Mr. Jordan asked the board members if they have any other questions for staff and the board members offered no questions.

Applicant, Nancy Romero addressed the Board.

Mr. Jordan asked if the building was currently unoccupied. Ms. Romero stated that it was currently unoccupied but has been a seafood establishment and a hardware store in the past. Ms. Romero stated that there is the main building along with two garage type buildings in the back.

Mr. Jordan stated that this lot was zoned commercial while the lots surrounding it are zoned residential. Mr. Buchanan stated that the property should revert to residential to be consistent with the surrounding zonings.

Mr. Jordan asked the Board members if they have any additional questions for the staff or applicant and the board members offered no questions.

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

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 K. (Ken) Teachey	X			
	6	0	0	1

CARRIED.

b) REZONE 2022-35

Greg Feldman, Current Planner, presented the staff report.

Peter S. Vinal of TP Factory, LLC, applicant and owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 2.85 acres of land from the RP, Residential Performance zoning district, to the GB, General Business zoning district. The subject property is located on Factory Road approximately one tenth of a mile east of the intersection of Factory Road and US Highway 17 in the Topsail Township and may be further identified by Pender County PIN 3282-97-9136-0000.

Mr. Feldman 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 General Business zoning district. Any future development of the site must comply with the standards of the General Business zoning district and will be subject to review and approval by the Technical Review Committee (TRC) to ensure compliance with all applicable local, State, and Federal regulations.

Mr. Feldman stated that the GB, General Business zoning district is primarily intended 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. He stated that in the General Business zoning district, upper story residential is permitted and pertaining to commercial uses, this zoning district allows eighty-three uses by-right and eighteen uses with a Special Use Permit.

Mr. Feldman 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. Feldman stated that the proposed rezoning request to the General Business zoning district is consistent with the Regional Mixed-Use future land use category because the zoning district would allow various retail, office, and other commercial uses, near a major corridor, in an area where existing infrastructure needed to serve this type of development is present. In addition to the Future Land Use Map, the proposed Zoning Map Amendment was found to be consistent with Policies 5.1.C, Coordination with Infrastructure/Services; 5.1.D, Focused Growth and Development; 5.1.H,

Mixed Use Development; and 5.1.K, Commercial Development. Mr. Feldman stated that due to the request being consistent with the Unified Development Ordinance the Planning Department respectfully recommends the approval of the Rezoning.

Mr. Gruntfest asked if NCDOT was working in that area currently and Mr. Henley stated that he is not sure if it is NCDOT working in that area or if it was a developer.

Mr. Feldman stated that upper-story residency is like Mayfaire with a “live there work there” setup.

Mr. Buchanan asked about the meaning of Regional Mixed Land Use. Mr. Feldman provided the definition. Mr. Buchanan asked if apartments are allowed, and Mr. Feldman responded with a negative answer.

Mr. Jordan inquired as to whether the lot next door contained a residence. Mr. Feldman responded affirmatively. Mr. Jordan asked if the home was occupied, and Mr. Feldman stated that it appears that the home is occupied.

Mr. Jordan asked the Board members if there were any additional questions for the Planning Department staff, and no questions were presented.

Applicant, Peter Vinal addressed the Board.

Mr. Jordan asked Mr. Vinal if the residence next door was occupied. Mr. Vinal stated that the home was occupied, and he has spoken to the resident who stated that he had no issues with the rezoning. Mr. Vinal also stated that he spoke to the pastor of a nearby church who also did not express any concerns with the rezoning request.

Mr. Jordan asked the Board members if there were any additional questions of the applicant and no questions were presented.

Mr. Gruntfest asked if Lea Drive Extension was the County’s responsibility to maintain. Mr. Henley stated that Pender County does not maintain roads and that the road is either maintained by the state or a private entity.

Mr. Buchanan stated that he feels that this rezoning is consistent with the Land Use Plan.

Mr. Buchanan made a motion to approve, seconded by Mr. 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 K. (Ken) Teachey	X			
	6	0	0	1

CARRIED.

c) REZONE 2022-36

Greg Feldman, Current Planner, presented the staff report.

Lanwillo Development Company, applicant and owner, is requesting approval of a Zoning Map Amendment to rezone three tracts totaling approximately 15.21 acres of land from the PD, Planned Development and RP, Residential Performance zoning districts, to the GB, General Business zoning district. The subject properties are located on the east side of US Highway 17, along Headwaters Drive, approximately two-tenths of a mile south of the intersection of NC Highway 210 and US Highway 17 in the Topsail Township and may be further identified by Pender County PIN 3282-85-3556-000, 3282-85-8450-000, and 3282-95-2659-000.

Mr. Feldman stated that PIN 3282-85-3556-000 totals approximately 8.29 acres and is within the Planned Development zoning district, PIN 3282-85-8450-000 is approximately 0.31 acres and is within the Residential Performance zoning district, and PIN 3282-95-2659-000 is approximately 6.61 acres and is also within the Planned Development zoning district.

Mr. Feldman stated that if approved, the subject properties could be developed based upon all uses that are permitted by right or by Special Use Permit in the General Business zoning district. Any future development of the site must comply with the standards of the General Business zoning district and will be subject to review and approval by the Technical Review Committee (TRC) to ensure compliance with all applicable local, State, and Federal regulations.

Mr. Feldman stated that the GB, General Business, zoning district is primarily intended 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. He stated that in the General Business zoning district, upper story residential is permitted and pertaining to commercial uses, this zoning district allows eighty-three uses by-right and eighteen uses with a Special Use Permit.

Mr. Feldman 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. Feldman stated that the proposed rezoning request to the General Business zoning district is consistent with the Regional Mixed-Use future land use category because the zoning district would allow various retail, office, and other commercial uses, near a major corridor, in an area where existing infrastructure needed to serve this type of development is present. In addition to the Future Land Use Map, the proposed Zoning Map Amendment was found to be consistent with Policies 5.1.C, Coordination with Infrastructure/Services; 5.1.D, Focused Growth and Development; 5.1.H, Mixed Use Development; and 5.1.K, Commercial Development. Mr. Feldman stated that due to the request being consistent with the Unified Development Ordinance the Planning Department respectfully recommends the approval of the Rezoning.

Mr. Gruntfest questioned as to whether a traffic analysis has been done for Headwaters Drive. Mr. Feldman stated that DOT has been contacted but no response has been received.

Mr. Henley clarified that both the current and proposed zoning is consistent with the Land Use Plan.

Mr. Jordan asked if there were any issues with connected streets and if the parcel that is shaped as a little sliver will be used as a street? Mr. Henley stated that this particular parcel could be used as a road but it not likely.

Mr. Buchanan asked if the egress would require a buffer and Mr. Henley answered affirmatively.

Mr. Jordan asked the Board members if they had any additional questions for the Planning Department staff and no questions were brought forth.

Spruill Thompson addressed the Board.

Mr. Thompson stated that there are parties currently interested in the property. He acknowledged that there are two septic systems/fields in the back of the lot and that area needs to be respected.

Mr. Jordan asked the Board members if they have any questions for Mr. Thompson and no members responded.

Laura Ehlberg of 108 Bay Blossom Court stated that she is representing the residents of Bay Blossom. She stated that she lives in the property that butts up one of the proposed parcels and is concerned with stormwater run-off. Ms. Ehlberg states she understand commercial uses on the parcel located on US Hwy 17 but is unsure as to need for commercial uses on the parcel located in the back. She stated that noise is already a concern and feels commercial uses will only increase that.

Ms. Ehlberg stated that there is no turn out lane at US Highway 17 and Headwater and inquired as to whether one will be installed. Mr. Henley stated that will depend on what use will be requested for the parcel as each use has different requirements. She then asked who will maintain the utility easement and Mr. Buchanan stated that the easement and septic areas are on private land and that developers normally respect those areas. He also gave an overview of how the Planned Development zoning district is already commercial and if the General Business rezoning request is granted, there will be less options available in the General Business zoning district.

Ms. Ehlberg asked if homeowners will be notified when a use of the land has been applied for. Mr. Henley stated that adjacent homeowners will be sent notice of the TRC meeting and the homeowners can attend that meeting.

Mr. Henley and Mr. Gruntfest discussed easements including the two being shown on the GIS map.

Jeff Turpin stated that he has been the owner of Hampstead Shopping Center for five to six years and is in favor of the rezoning request. He feels that the General Business zoning request is a perfect fit for the area. Mr. Turpin stated that the sewer plant has been decommissioned and area homeowners could tap into the sewer lines if they choose. As to stormwater run-off, he stated that there is retention pond behind the shopping center.

Donna Rice of 160 Great Oak Drive asked if a traffic light will be installed due to very dangerous traffic conditions. Mr. Henley stated that once a proposal is made for a use of the land, then NCDOT will be given the proposed traffic counts and the developer will have to make whatever improvements are required. Mr. Henley discussed the Hampstead median project where the center turn lane will be gone and there will be no turning left on Hwy. 17. Making a U-turn will be needed.

Mr. Jordan asked the Board members if they had any additional questions for the Planning Department staff or the applicant and no additional questions were presented.

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

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 K. (Ken) Teachey	X			
	6	0	0	1

CARRIED.

9 DISCUSSION

Mr. Brantley, Senior Planner, discussed Tree Mitigation. Currently, if a significant tree is cut down then the ratio of 2:1 needs to be planted back. Some Developers are having problems being able to meet that ratio due to the amount of land available. Variance case 2021-05 applied for by Hampstead Self-Storage was referenced. Currently, there is no fee-in-lieu option for tree mitigation and the board members discussed that option.

Mr. Brantley, Senior Planner, discussed the Ordinance's Parking requirements. The Planning staff and board discussed allowing larger parking lots to have alternative surfacing methods, such as gravel. They also discussed the number of required spaces and other options that may be available for less spaces or for the owner of the business to make the decision of how many parking spaces they desire. This does not include handicapped spaces.

The next item Mr. Brantley spoke about pertains to accessory dwelling units. Additional clarification is need on Multiple Principal Dwelling on a property. Mr. Brantley stated that currently accessory swellings may not exceed 33 percent of the heated floor space of the principal dwelling unit. The staff and board discussed a cap size requirement for all accessory dwelling units and remove the 33 percent requirement. He also stated that clarification is needed

for manufactured homes not being used as an accessory dwelling unit, in which the board discussed.

Mr. Brantley stated that these items would be further researched and brought back for further discussion in the near future.

10 NEXT MEETING DATE

November 1, 2022, at 7:00 p.m.
Pender County Administration Building
805 S. Walker Street
Burgaw, NC 28425

11 ADJOURNMENT

Meeting adjourned at 9:02 p.m.