



MINUTES
Planning Board Meeting
Tuesday, November 1, 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:

Justin Brantley, Interim Planning Director
Chris Hatcher, Current Planner
Greg Feldman, Current Planner
Donna Sayre, Administrative Specialist
Elloyd McIntire, Applicant
Ryan Krall, Applicant
Members of the Public.

1 CALL TO ORDER

Chairman Delva Jordan called the meeting to order at 7:01 pm

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ADOPTION OF AGENDA

Motion to approve agenda as presented made by Jeffrey Pitts, seconded by Damien Buchanan.

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

	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 2022-37

Elloyd McIntire, applicant and owner, is requesting the approval of a Zoning Map Amendment to rezone two tracts totaling .97 acres of land from GB, General Business zoning district to RP, Residential Performance zoning district. The subject project is located south of NC Highway 210, approximately 60 feet southeast of the intersection of Pine Village Drive and NC Highway 210 in the Long Creek Township and may be further identified by Pender County PIN(S) 3214-09-5485-000 and 3214-09-5323-0000.

Chris Hatcher, Current Planner, presented the staff report.

Mr. Hatcher stated that properties immediately adjacent to the subject properties are currently zoned RP, Residential Performance and RA, Residential Agriculture.

Mr. Hatcher 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 Technical Review Committee (TRC) to ensure compliance with all applicable local, State, and Federal regulations.

Mr. Hatcher 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. Hatcher 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. Mr. Hatcher 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 inquired as to when the property became zoned GB, General Business. Mr. Hatcher responded that he does not know the exact date. A Special Use Permit was issued for the property, but it was never fulfilled.

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

Mr. Gruntfest asked if a perc test has been performed at the location and if one is relevant. Mr. Teachey stated that a perc test is not relevant and Mr. Buchanan agreed that it is not relevant to the Board. It is relevant to the applicant but not the Board.

Motion to approve made by Mr. Buchanan, seconded by Jeffrey Pitts.

	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

Ryan Krall, applicant on behalf of Rocky Point Interchange, LLC, owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 70 acres of land from RA, Rural Agricultural and GI, General Industrial zoning districts to the GI, General Industrial and GB, General Business zoning districts. More specifically, the applicant is requesting to rezone approximately 11 acres of Pender County PIN 3235-91-0904-000 from the RA, Rural Agricultural zoning district to the GB, General Business zoning district and requesting approximately 13 acres to be rezoned from the RA, Rural Agricultural zoning district to the GI, General Industrial zoning district. Approximately, 46 acres would remain in the GI, General Industrial zoning district. The subject property is in the Rocky Point Township between US Highway 117 and Interstate 40, approximately

1000 feet south of NC Highway 210.

Chris Hatcher, Current Planner, presented the staff report.

Mr. Hatcher stated that properties immediately adjacent to the subject property are currently zoned RP, Residential Performance and RA, Residential Agriculture, GI, General Industrial, and GB, General Business.

Mr. Hatcher stated that the GB, General Business zoning district is primarily intended to accommodate uses which require close access to major highways. The district was established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses. The GI, General Industrial zoning district is intended to provide locations for enterprises engaged in a broad range of manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise or equipment which may not be compatible with certain Industrial Transitional uses. These uses generally are more intense and are located on larger tracts. 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 and GI, General Industrial zoning districts and the Unified Development Ordinance, 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. Hatcher 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. Hatcher stated that the proposed rezoning request to the GB, General Business and GI, General Industrial zoning districts is consistent with the Regional Mixed-Use future land use category because the zoning districts would allow for the strategic allocation of future development and population growth, while limiting land use conflicts within existing neighborhoods. In addition to consistency with the Future Land Use Map, the proposed Zoning Map Amendment was found to be consistent with Policies 5.1.D, Focused Growth and Development; 5.1.E, Compatible Development, 5.1.K, Commercial Development and 5.1.N, Industrial Uses and Business Development. Mr. Hatcher 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 the board members if they have any other questions for staff.

Mr. Jordan inquired as to whether wetlands were on the property. Mr. Hatcher responded affirmatively. Mr. Jordan asked if a 100-foot buffer would be established and Mr. Brantley stated that there would not be.

Mr. Brantley informed the Board members that the applicant is requesting an expansion of the GI, General Industrial zoning district due to the wetlands. The request is asking for GI, General Industrial zoning in the back and GB, General Business zoning to be in the front of the property, next to the road. Mr. Jordan asked about what type of buffers would be used with the neighboring properties to the South. Mr. Hatcher stated that the buffer for GB, General Business zoning district would be Buffer "C", while for GI, General Industrial zoning district would be Buffer "D". Mr. Hatcher stated that the "C" buffer is generally, denser.

Ms. Mosca gave an overview of Buffer "C" and "D" from the Ordinance for the benefit of the other Board members and the public.

Mr. Buchanan asked if this property was rezoned as part of the blanket zoning that the County undertook. Mr. Hatcher stated that he was unable to find a past rezoning request on this property.

Tom Greer of 445 Lucas Avenue, stated that he has concerns pertaining to buffers, noise, and drainage issues. He also stated that in the past the property has only perked at the site of the old homestead. Mr. Greer asked if the public will have a say in what buffer is put in. Mr. Brantley stated that the developer elects which buffer is used if the project is by-right.

Amy Newbury-Smith of 511 Lucas Avenue asked what is projected to be built on this property. Mr. Brantley stated there are several by-right uses that are allowed in that area. Ms. Newbury-Smith asked if the public would have the opportunity to provide input and Mr. Brantley stated that the neighboring property owners would receive notice of the TRC meeting but would not necessarily have an opportunity to provide input. She then asked about a time frame for development. Mr. Hatcher stated that there is no time frame given for any projects.

Robert Pearsall of 500 Lucas Avenue expressed his concern to the Board as to where the run-off water will go if the property is developed.

Mr. Buchanan asked if sewer was available for commercial use at the location. Mr. Brantley stated that commercial use is available but not for residential. Mr. Thurman stated that the Board of Commissioners controls who can tap into the available sewer due to a limited amount being available. Mr. Buchanan then

stated that there is a potential opportunity for tapin but with no guarantee.

Ms. Mosca asked for examples of uses that would be gained and lost due to the rezoning request. Mr. Hatcher provided the Board and public with the requested information.

Mr. Buchanan stated that the zoning district GB, General Business, permits uses such as retail and restaurants while GI, General Industrial permits more manufacturing, warehouse, and storage uses.

Mr. Jordan asked where the run-off water would drain as to protect the neighbors. Mr. Hatcher stated that the County's wetland policy is the same as the State's and that would need to be followed.

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

Applicant, Ryan Krall addressed the Board. He stated that they plan to far exceed the minimum buffer requirements. The property is heavily wooded and they intend to use some of the heavily wooded area as natural buffers. Mr. Krall stated that they will use a civil engineer to help with any stormwater issues so that neighboring properties will not be affected negatively. He stated that there is no heavy manufacturing intended so the noise level in the area should not be changed. If the rezoning to GB, General Business is granted, that area will entail more retail and restaurant style uses while the GI, General Industrial could possibly bring fifty or more jobs to the area. There is no set development time frame but he would like to see development start within the next year. Mr. Krall stated that there is no current plan for heavy manufacturing. Their intended use is a wholesale, dealer to dealer, auto sales business.

Mr. Thurman stated that the Board and public must consider all potential uses associated with the proposed zoning district. The situation and scenario could change for many different reasons and the intention of Mr. Krall could change if the rezoning is granted.

Mr. Teachey stated that if the Planning Board votes to not approve, then the Board of Commissioners can still vote to approve and vice versa.

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

Mr. Buchanan stated that the area of Rocky Point is growing, and he feels this location would benefit from highway business uses.

Mr. Jordan asked if the buffer requirements could be increased. Mr. Thurman stated that no conditions could be placed at this time due to this being a general use rezoning request.

Motion to approve made by Mr. Teachey, seconded by Margaret Mosca.

	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 that the next meeting that was scheduled for November 14, 2022, has been rescheduled for November 15, 2022, due to a conflicting meeting.

The Board and Planning Department staff briefly discussed the Zoning Ordinance Amendment that is being heard at the November 15, 2022, meeting.

10 NEXT MEETING DATE

November 15, 2022, at 7:00 p.m.
Pender County Administration Building
805 S. Walker Street
Burgaw, NC 28425

11 ADJOURNMENT

Meeting adjourned at 8:26 p.m.