



Pender County

Agenda

Planning Board Meeting

Tuesday, December 6, 2022 @ 7:00 PM

Pender County Public Assembly Room

	Presenter	Page
1. CALL TO ORDER		
2. ROLL CALL		
3. INVOCATION		
4. PLEDGE OF ALLEGIANCE		
5. ADOPTION OF AGENDA		
6. NEW BUSINESS		
6.1. Assign County Attorney Trey Thurman as Moderator		
6.2. Nomination and Selection of Chairman and Vice-Chairman		
6.3. Adoption of Pender County Planning Board 2023 Meeting Calendar		
7. ADOPTION OF MINUTES		
7.1. November 1, 2022 Meeting Minutes November 1, 2022 Meeting Minutes - Pdf		3 - 11
7.2. November 15, 2022 Meeting Minutes November 15, 2022 Meeting Minutes - Pdf		13 - 20
8. PRESENTATIONS		
9. PUBLIC COMMENT		
10. PUBLIC HEARINGS		
11. DISCUSSION		
12. NEXT MEETING DATE		
12.1. TBD		
13. ADJOURNMENT		



Pender County November 1, 2022 Meeting Minutes

TO: Planning Board
FROM: Justin Brantley
DATE: December 6, 2022
SUBJECT: November 1, 2022 Meeting Minutes

SUMMARY:

Meeting minutes from November 1, 2022 meeting attached.

ACTION REQUESTED:

Review and approve meeting minutes from November 1, 2022.



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.



Pender County November 15, 2022 Meeting Minutes

TO: Planning Board
FROM: Justin Brantley
DATE: December 6, 2022
SUBJECT: November 15, 2022 Meeting Minutes

SUMMARY:

Meeting Minutes from November 15, 2022 meeting attached.

ACTION REQUESTED:

Review and approve meeting minutes.



DRAFT MINUTES
Special Called Planning Board Meeting
Tuesday, November 15, 2022
805 S. Walker Street/BOCC Meeting Room
7:00 PM

MEMBERS PRESENT: Delva Jordan, Chairman
Damien Buchanan, Vice-Chairman
Margaret Mosca
Jeff Beaudoin

MEMBERS ABSENT: Norman "Ken" Teachey
Jeffrey Pitts
John Gruntfest

OTHERS PRESENT: Justin Brantley, Interim Planning Director
Daniel Adams, Interim Planning Director
Greg Feldman, Current Planner
Donna Sayre, Administrative Specialist
Trey Thurman, County Attorney

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 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 K. (Ken) Teachey				X
	4	0	0	3

CARRIED.

6 PUBLIC HEARINGS

a) ZTA 2022-17

Justin Brantley, Interim Planning Director, presented the staff report.

Pender County Planning and Community Development, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request to amend Section 5.2.3, Table of Permitted Uses, to remove 'Other Electric Power Generation (NAICS 22119)' as a use allowed via Special Use Permit in the RA, Rural Agricultural, RP, Residential Performance, and PD, Planned Development zoning districts. Additionally, the request includes modifying this section to require 'Other Electric Power Generation' to be approved via Special Use Permit in the IT, Industrial Transitional and GI, General Industrial zoning districts.

Mr. Brantley stated that Zoning Text Amendment seeks to limit various utility scale projects in residential or mixed-use districts as well as to require stricter approval criteria in industrial zoning districts.

Mr. Brantley stated that this proposal seeks to remove the use category of 'Other Electric Power Generation' in Section 5.3.2, Table of Permitted Uses, as a use allowed by Special Use Permit from the RA, Rural Agricultural, RP, Residential Performance, and the PD, Planned Development zoning districts as well as to modify this section to change the IT, Industrial Transitional, and GI, General Industrial, to change this

use from a use permitted by right to a use requiring Special Use Permit approval. Therefore, the RA, RP, and PD zoning districts would require a Conditional Rezoning to allow this use category. The Conditional Rezoning process would allow for greater flexibility by the Planning Board and Board of County Commissioners to recommend and/or require specific standards as a condition of approval.

Mr. Brantley stated that the proposed amendment would require this use category to abide by a stricter development approval standard in the IT and GI zoning districts by the Board of County Commissioners, through a Special Use Permit to ensure that the requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, moral, or welfare of the community or of the immediate neighbors of the property, and will not constitute a nuisance or a hazard or adversely affect the surrounding uses, etc.

Mr. Brantley stated that NAICS 22119 'Other Electric Power Generation' is in the utility category and is comprised of establishments primarily engaged in operating electrical power generation facilities (except hydroelectric, fossil, fuel, and nuclear). These facilities convert other forms of energy, such as solar, wind, or tidal power into electrical power. The electric energy produced in these establishments is provided to electric power transmission systems or to electric power distribution systems.

Mr. Brantley provided an overview of seven surrounding counties' policies pertaining to their solar farm approval procedures.

Mr. Brantley then provided the following information for zoning districts, contained in Section 4.7 of the UDO, Residential Zoning Districts:

4.7.1, RA, Rural Agricultural is intended to accommodate non-residential agricultural uses and very low-density residential development, as well as limited non-residential uses, in rural areas adjacent to agricultural operations. Development in this district should rely predominantly on individual wells and septic tank systems for domestic water supply and sewage disposal.

Planning staff finds that the RA zoning district does not support 'Other Electric Power Generation' as the district is intended to allow limited commercial uses and that this use category is often a large-scale utility project that may impact the rural character of this district.

4.7.2, RP, Residential Performance is intended to allow a variety of residential uses and densities and also limited commercial activities as well as agritourism. Existing or new agricultural and farm uses shall be allowed on undeveloped land prior to development.

Planning staff finds that the RP zoning district does not support 'Other Electric Power Generation' as the district is tinted to allow limited commercial uses and that this use category is often a large-scale utility project that may impact the residential character of this district.

Mr. Brantley provided the following information for zoning districts contained in Section 4.8 of the UDO, Mixed Use Districts:

4.8.1, PD, Planned Development encourages progressive land planning and design concepts and is intended to provide an alternative to a conventional development. The PD district allows projects of innovative design and layout that may not otherwise be permitted under this Ordinance due to the strict application of zoning district or general development standards. The PD district shall not be used as a means of circumventing the County's adopted land development regulations. Maximum density is determined by the Future Land Use classification within the adopted land use plan.

Planning staff finds that the PD zoning district should be utilized for more mixed-use type developments that promote a mixture of uses that complement one another and that the purposes of the district do not support 'Other Electric Power Generation' as this use may require a large tract of land that will not be regularly staff. Planning staff further finds that this district is intended to be better utilized for businesses that generate jobs and residential opportunities for the County.

Mr. Brantley provided the following information for zoning districts contained in Section 4.10 of the UDO, Industrial Districts:

4.10.1, IT, Industrial Transitional has the intent to provide for heavy commercial activities, involving larger scale marketing or wholesaling, where production and assembly occur onsite and retail sales of those products can be sold on premise where produced. In some cases, such areas may be transitional, located between business and industrial areas. In these areas, there will be a mixture of automobile and truck traffic. Flex space and technical uses are

allowed. Some of the uses in this district will require large areas of land and may have outdoor storage and display. The uses in this district shall not be sources of excessive noise, dust, smoke or other industrial nuisances. Such industrial transition areas shall be provided with safe and sufficient access.

Planning staff finds that this district does support 'Other Electric Power Generation' as the district is intended to allow larger scale commercial and/or utility uses. However, as discussed it is the recommendation of staff for this use to require Special Use Permit approval rather than being a use allowed by right.

Mr. Brantley proved the following information for zoning districts contained in the UDO, 4.10, General Industrial:

4.10.2, GI, General Industrial 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 of a more intense utility scale and are located on larger tracts.

Planning Staff finds that the GI zoning district does support 'Other Electric Power Generation' as the district is intended to allow larger scale uses. However, it is recommended by staff for this use to require Special Use Permit approval rather than being a use allowed by right.

Mr. Brantley stated that the proposed Amendment is supported by several policies in the Pender 2.0 Comprehensive Land Use Plan. The proposed Amendment was found to be consistent with Policies 5.1.E, Compatible Development; 5.1.F, Conditional Zoning; 5.1.N, Industrial Uses and Business Development; 5.1.CC, Agricultural Business; 5.1.EE, Rural Land Use Patterns; and 5.1.FF, Rural Non-Residential Uses. Mr. Brantley stated that due to the request being consistent with the Pender 2.0 Comprehensive Land Use Plan and the UDO the Planning Department respectfully recommends the approval of the Amendment.

Ms. Mosca stated that she is unable to identify the wording in NAICS 221119. Mr. Brantley stated the need to reference the 2007 version.

Mr. Buchanan stated that ordinances are a work in progress and are always changing and evolving.

Ms. Mosca asked for verification as to whether solar farms are permitted in the General Industrial and Industrial Transitional.

Mr. Brantley provided an overview of both zoning districts.

Ms. Mosca asked what is meant by “large scale”. Mr. Thurman stated that would be dependent on the area.

Mr. Buchanan asked about solar use for home or living off grid. Mr. Brantley stated that individual use is permitted while selling back commercially is different.

Mr. Jordan inquired as to what is considered too large for individual use. Mr. Brantley stated that if the purpose is commercial use, then the necessary steps would need to be taken.

Mr. Jordan asked Mr. Thurman about bona-fide farms being exempt from zoning. Mr. Thurman stated that solar farms are not included under the category of bona-fide farms.

Mr. Brantley stated that if solar panels are installed on a bona-fide farm for the farm use, then they would be exempt.

Mr. Jordan asked the Board members if they have any additional questions for the staff or need for further discussion. The board members offered no questions.

Mr. Buchanan made a motion to approve, seconded by Ms. 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
	4	0	0	3

CARRIED.

7 NEXT MEETING DATE

December 6, 2022, at 7:00 p.m.
Pender County Administration Building
805 S. Walker Street
Burgaw, NC 28425

8 ADJOURNMENT

Meeting adjourned at 7:52 p.m.