



MINUTES
Planning Board Meeting
Tuesday, February 2, 2021
15060 US Highway 17/Hampstead Annex
7:00 PM

MEMBERS PRESENT: Theatrice McClammy
 Delva Jordan
 Jeff Beaudoin
 Damien Buchanan
 John Gruntfest
 Jeffrey Pitts
 Norman K. (Ken) Teachey

MEMBERS ABSENT:

OTHERS PRESENT: Travis Henley, Planning Director
 Tera Cline, Administrative Assistant
 Other Staff and Members of the Public.

1 CALL TO ORDER

Chairman called the meeting to order at 7:00 PM.

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ADOPTION OF AGENDA

Moved by Damien Buchanan, seconded by Jeff Beaudoin

Agenda approved.

	For	Against	Abstained	Absent
Theatrice McClammy	x			
Delva Jordan	x			
Jeff Beaudoin	x			
Damien Buchanan	x			

John Gruntfest	x			
Jeffrey Pitts	x			
Norman K. (Ken) Teachey	x			
	7	0	0	0

CARRIED.

6 ADOPTION OF MINUTES

Moved by Damien Buchanan, seconded by Jeffrey Pitts

Minutes approved.

	For	Against	Abstained	Absent
Theatrice McClammy	x			
Delva Jordan	x			
Jeff Beaudoin	x			
Damien Buchanan	x			
John Gruntfest	x			
Jeffrey Pitts	x			
Norman K. (Ken) Teachey	x			
	7	0	0	0

CARRIED.

7 PUBLIC COMMENT

8 PUBLIC HEARINGS

a) MDP-R 2020-26

Signature Top Sail NC, Ltd., applicant and owner, and also on behalf of Capstone Ventures LLC. and Ruth C. Kalmar, owners, is requesting a revision to the previously approved Master Development Plan for the mixed-use development known as Wyndwater. Specifically, this request is to modify the existing residential and non-residential acreages within the development, provide certainty as to allowable uses in Phase 5, and establish Phase 11 as seventy-six (76) townhome units. The subject properties are approximately ±234.28 acres. The property is located to the east of US HWY 17, north of Doral Drive (SR 1693), west of Sloop Point Loop Road (SR 1563), and south of the Cardinal Acres Lane (private) in the Topsail Township. The properties may be further identified by Pender County PIN(s): 4204-84-9111-0000; 4214-50-8387-

0000; 4213-59-0181-0000; 4214-31-5745-0000; 4204-75-9493-0000;
and 4204-85-1358-0000.

Travis Henley, Director, presented the request on behalf of applicant. He went over the specific revision the applicant is requesting. Mr. Henley also gave a brief history on the Wyndwater development. He further explained that the only phases open for discussion at this time are phases 5 and phases 11 of the Wyndwater project. He gave a brief overview of the conditions of approval.

The planning board discussed collector roads and the original development plan with Mr. Henley. The board discussed with the director storm water management plan, buffers and, surrounding roads and properties. The board also discussed significant trees and clarification on original density numbers and proposed density numbers.

Harold Ballitch, 307 Rudden Court, requested information on phase 7. Mr. Henley explained that phase 7 was not included in this revision request and would not be approved without another public hearing, etc.

Marto Pinerio, 614 Galley Court, requested to know how many units would be included in each townhome and also had questions in regards to retaining ponds, slabs, and width of roads.

William Spence, 330 Topsail Plantation, expressed to the board his concerns with traffic.

Al Burfield, 353 Topsail Plantation, expressed to the board his concerns about what impact the development will have on his septic system and drain water. Requested to know who is responsible of maintaining Topsail Plantation road once the development is complete. He also brought up that the traffic analysis report needed to be updated to current traffic numbers.

The board requested Mr. Mike Pollock, developer, step back up to address questions. He stated the homes would be placed on slabs, said the roads will be built to all specifications that are required. The board asked Mr. Pollock if there was a legal easement in regards to Topsail Plantation Drive. He stated he believed there was and the development portion of the road would be turned over to NC Department of Transportation.

The Planning Board brought up in discussion the concern of the AO floodplain running through some of the parcel and what that impact might be. The board questioned possibly using some low impact storm

water development practices or possibly rain guards.

The applicant approached the board and explained that under the new flood maps that certain area up for discussion is not showing in a flood plain. He also stated that they were not at the stage in the development to agree to a different storm water system. Garry Pape, engineer with GSP Engineering working on the project, spoke to the board and stated that there certainly could be more discussion on a different system and possibly rain guards but felt with what they are proposing now following all codes and adhering to all county and state requirements that it will work. The applicant stated that he has no problem keeping anyone involved with the project in the loop in regards to findings etc., throughout the development process.

The Chairman recommended not approving at this time and give the applicant some time to continue the dialogue with staff in regards to the board's concerns.

Mr. Henley, Director, agreed that discussions could take place with the applicant in regards to the boards concerns and be brought back to the next meeting if that is what the board directs.

Trey Thurman, County Attorney, explained that since the public hearing for this case has been closed then all that would need to be continued to the next meeting would be the boards discussion on what staff and the applicant have discussed.

The board requested a continuance on this matter, so that staff and the applicant could discuss the townhomes parcel density, use and storm water runoff system.

Motion made to continue discussion until the March 02, 2021 Planning Board Meeting.

Moved by Damien Buchanan, seconded by Delva Jordan

Continued to March 02, 2021 Planning Board Meeting

	For	Against	Abstained	Absent
Theatrice McClammy	x			
Delva Jordan	x			
Jeff Beaudoin	x			

Damien Buchanan	x			
John Gruntfest	x			
Jeffrey Pitts	x			
Norman K. (Ken) Teachey	x			
	7	0	0	0

CARRIED.

b) REZONE 2020-19

Chris & Vickie Jones, applicants, on behalf of PH **Lanco** Inc, owner, is requesting approval of a Conditional Zoning Map Amendment of one (1) tract totaling approximately ±8.42 acres from PD, Planned Development zoning district to CZ-1, Conditional Zoning district 1 to allow for boat sales and service (NAICS 441222), recreational vehicle storage (NAICS 531130), and storage of boats and watercraft outdoors or on dry stack structures. The subject property is located in the Topsail Township at the intersection of US HWY 17 and Pinnacle Parkway (Private), to the west of US HWY 17 and to the south of Pinnacle Parkway, and may be further identified by Pender County PIN: 4204-65-5211-0000.

Sam Shore, Planner II, presented a brief overview of the request to include information on flood areas, storm water drainage system and traffic. He also gave a brief history on the parcel and an overview of the public input meeting. Sam Shore also reviewed the three mutually agreed upon conditions and conditions not mutually agreed upon by the applicant.

The board asked Sam Shore to repeat what the three conditions were that were not agreed upon by the applicant. Mr. Shore again read the conditions.

The board also requested to know the state and county storm water requirement. The board also had a brief discussion with staff and the director about right of ways and road maintenance of Pinnacle parkway as well as the history of rezoning for this parcel. The board questioned fuel storage and containment as well.

Daniel Adams, Flood Plain Administrator, was asked by the board to explain the different types of flood plains located on this parcel.

Bryce Morrison, Cape Fear Commercial, addressed the board representing the applicants.

The board requested Mr. Morrison to address the three conditions that were not agreed upon. He gave a brief overview of why the applicant was not agreeing with the conditions. The board and Mr. Morrison also discussed traffic impact.

There was open discussion by the board and Travis Henley and the applicant representative in regards to conditions and plans for the site.

The Chairman opened the floor for a motion. Motion for approval was made based on the following three conditions:

1. Unless and until Pinnacle Parkway is accepted for maintenance by the North Carolina Department of Transportation, or other public entity, the applicant and its successors, assigns and Grantees shall be responsible for payments for maintenance and repair of the roadway based on the ratio of usage and the cause for the need for repair and maintenance to the Pinnacle Ridge HOA or successor entity with responsibility for road maintenance.
2. No structures shall be constructed in a Special Flood Hazard Area as illustrated on the 2007 effective flood maps (Panel 3720329300J) or the 2014 preliminary flood maps (Panel 3720420400K).
3. The applicant shall construct a 5' sidewalk along the property boundary with US Hwy 17.

Moved by Jeffrey Pitts, seconded by Delva Jordan

Motion Defeated

	For	Against	Abstained	Absent
Theatrice McClammy		x		
Delva Jordan	x			
Jeff Beaudoin	x			
Damien Buchanan		x		
John Gruntfest		x		
Jeffrey Pitts	x			
Norman K. (Ken) Teachey		x		
	3	4	0	0

DEFEATED.

Moved by Damien Buchanan, seconded by Norman K. (Ken) Teachey

Second motion made to include the following additional conditions:

- 1. Unless and until Pinnacle Parkway is accepted for maintenance by the North Carolina Department of Transportation, or other public entity, the applicant and its successors, assigns and Grantees shall be responsible for payments for maintenance and repair of the roadway based on the ratio of usage and the cause for the need for repair and maintenance to the Pinnacle Ridge HOA or successor entity with responsibility for road maintenance.*
- 2. No structures shall be constructed in a Special Flood Hazard Area as illustrated on the 2007 effective flood maps (Panel 3720329300J) or the 2014 preliminary flood maps (Panel 3720420400K).*
- 3. The applicant shall construct a 5' sidewalk along the property boundary with US Hwy 17. .*
- 4. The applicant shall place wetlands on the property under permanent conservation easement.*
- 5. The site shall be designed, constructed, and certified by a qualified engineer to meet the standards of Section 7.14 Low Impact Development of the Pender County Unified Development Ordinance.*

	For	Against	Abstained	Absent
Theatrice McClammy	x			
Delva Jordan		x		
Jeff Beaudoin	x			
Damien Buchanan	x			
John Gruntfest	x			
Jeffrey Pitts		x		
Norman K. (Ken) Teachey	x			
	5	2	0	0

CARRIED.

9 DISCUSSION

The board discussed the next meeting date and social distancing etc. The director updated the board on possibly using another location for bigger meetings and public input meetings as well.

10 NEXT MEETING DATE

March 2, 2021 Work Session to begin at 6:00 PM and Planning Board Meeting
at 7:00 PM

Pender County Public Assembly Room
805 N. Walker St, Burgaw NC

11 ADJOURNMENT

Chairman adjourned meeting at 10: 28 PM