



MINUTES
Planning Board Meeting
Tuesday, July 6, 2021
Pender County Public Assembly Room
7:00 PM

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

MEMBERS ABSENT: Jeff Beaudoin
 Damien Buchanan

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

1 CALL TO ORDER

Chairman called meeting to order at 7:00 PM

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ADOPTION OF AGENDA

- a) Adoption of Agenda with discussion on Agenda item 7 (c) Rezone 2021-24

Moved by Norman K. (Ken) Teachey, seconded by Delva Jordan

Motion 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			
	5	0	0	2

CARRIED.

b) Discussion of Rezone 2021-24

Travis Henley, Director, explained to the board some updates received on Rezone 2021-24. He stated that we had advertised this case a few weeks ago in accordance with state statues and the Pender County Unified Development Ordinance. With that being said within the last couple of days before this hearing the Planning Department was contacted by a member of the public via their real estate agent questioning ownership of one of the two parcels that are subject properties in the proposal. The parcel in question is the front smaller parcel that is zoned General Business that has frontage along Us highway 17. Given that there are questions about the ownership of the property, rezoning applications do require all owners to be consenting. Mr. Henley stated he wanted to communicate this information to the board. He stated after discussion with the county attorney, the Planning Board Chairman, and the applicant, one option is to table the item to the next meeting or to a date uncertain while the issues are addressed. The other option is to simply not consider this parcel in this application.

Sonya Edens, Applicant, addressed the board stating they purchased these properties back in 2019 and have paid the taxes and the deeds are in their names. Ms. Edens and her husband were not aware of any ownership issues with the properties. She state to the board they have contacted their closing attorney to get more information. She requested to move forward with the rezoning of the back parcel if possible and just table the front parcel until information is resolved.

Trey Thurman, Attorney, explained to the board there is not an issue to precede with the rezoning of the larger tract.

6 PUBLIC COMMENT

7 ADOPTION OF MINUTES

Tabled to next meeting due to clinch in attachment of minutes.

8 PUBLIC HEARINGS

a) MDP 2021-29

Gideon Smith, Senior Planner, presented on behalf of the applicant requesting approval of a Master Development Plan within the PD, Planned Development zoning district for the construction of two structures consisting of an 11,880 square foot preschool and a 10,080 square foot multi-use commercial building, with a third 5,800 square foot multi-use commercial building for future development. All permitted uses within the commercial buildings are to be included as part of the Master Development Plan. The subject property consists of an approximately 4.21-acre tract of land located on the northeastern corner of the intersection of US HWY 17 and Bay Ridge Road in the Topsail Township and may be further identified by Pender County PIN: 4204-87-1130-0000. Mr. Smith included descriptions of neighboring properties and all requested information in regards to the application. He stated a traffic impact analysis would need to be completed. Mr. Smith also shared the significant tree survey as well as the public input meeting information.

Micheal Nadeau, Commercial Broker, presented on behalf of the applicant and the developer. Gave a brief overview of the project and layout.

Liz Peloquin, owner of Creative Minds Preschool, expressed to the board the need for a bigger school with the growth of the county.

Shelly Martin, Pender County Smart Start, spoke to the board in favor of the application.

Russell Wright, 135 Bay Ridge Rd, had some questions on access to the facility and the traffic impact it will have on his neighborhood. Wanted to know why the 60 foot right of way could not be used. Requested to have a gate put up as well.

Shannon Royer, 116 Penquin Pl, spoke in favor of the application.

Nadia Gleason, 55 Crestwood Ct., spoke to the board in favor of the application.

Connie Carr Costin, Pender County Smart Start, addressed the board in favor of this application.

Micheal Nadeau, stated that the questions Mr. Wright asked would be best answered by the Department of Transportation. He said the developer agreed to the 8 foot fence along the buffer. The board asks what roads will be widened. Mr. Nadeau stated Bay Ridge road will be widened by the developer but does not have to be to DOT specifications.

The board asked staff and the applicant representative about storm water control points? Michael Nadeau stated that there will be an infiltration system subsurface that will retain water. Gideon Smith, Senior Planner, added that the NC DEQ will evaluate the storm water conditions as well before the project is complete. Travis Henley, Director of Planning, also noted to the board that the engineer will have to sign off on all storm water points as well.

Moved by Norman K. (Ken) Teachey, seconded by Jeffrey Pitts

Motion 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			
	5	0	0	2

CARRIED.

b) REZONE 2021-23

Gideon Smith, Senior Planner, presented on behalf of the applicant. He gave an overview of the property and the request. He noted planning staff is submitting the proposal for Planning Board disposition. The proposed rezoning is for one parcel totaling approximately 3.64 acres from the RP, Residential Performance zoning district to the GB, General Business zoning district. The proposal was found to be in conformance with the Pender County Unified Development Ordinance. While the proposal was found to be consistent with one policy within the Pender

2.0 Comprehensive Land Use Plan, the proposal was found to conflict with two policies as well as the Future Land Use Map within Pender 2.0. Based on the conflicts with Pender 2.0, Planning staff respectfully recommend denial of the request as outlined in this report.

Sonia Edens, 15226 US Hwy 17, she shared findings that this parcel can only maintain around 400 gallons of water a day which is less than a 4 bedroom home. This is an issue with building residential on the parcel. Ms. Edens, expressed their intent for the property.

Trey Thurman, Attorney, reminded the board that the use of the property shared by Ms. Edens should not be considered in their decision.

Hugh Hawthorne, 101 Holiday Drive, stated if the rezoning was approved he would like a fence/buffer against his property behind the applicants parcel.

Joy Walmer, 109 Holiday Drive, expressed concerns in regards to noise disturbance and stated she did not feel that commercial zoning on this parcel is what is best for the area.

Milton Redd, declined to speak.

Travis Henley, Director of Planning, stated the NC DOT has done a study on consideration of turning 210 into a four lane highway.

Sonia Edens, the applicant stated that the property was mowed and ditches cleaned out and buffers will be used once the property is developed.

The Board requested to know from staff if the bypass was considered when the future land use plan was adopted. Travis Henley, stated yes but the amount of right away was not.

Sonia Edens, addressed the board once more asking if the application could be tabled and possibly revisited at a later date with a Conditional Rezoning so that the board and neighbors could see the plan and make a decision.

The board and staff discussed what would need to happen to table and come back with a conditional rezoning.

Motion made to table to a date uncertain.

Moved by John Gruntfest, seconded by Jeffrey Pitts

Motion Tabled to date uncertain

	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	0	0	2

CARRIED.

c) REZONE 2021-24

Gideon Smith, Senior Planner, presented to the board on behalf of the applicant. The proposed Zoning Map Amendment is compliant with the Pender County Unified Development Ordinance. In addition, the request is consistent with the Future Land Use Map, as well as three policies within the Pender 2.0 Comprehensive Land Use Plan while conflicting with none. Overall, the proposed RP, Residential Performance zoning district rezoning request is generally consistent with the Pender 2.0 Comprehensive Land Use Plan because it is in line with the recommended densities in the Low-Density Residential future land use category and is compatible with the existing development pattern in this area. Therefore, Planning staff recommend approval of the Zoning Map Amendment as detailed in this report. Please note it is only ONE parcel at this time. He also clarified that with only parcel being included now the maximum number of structures would only be 2 instead of 3.

Sonia Edens, applicant, stated to the board that they are just looking to put a couple of single family dwellings on the property.

Travis Henley, Planning Director, asks the county attorney if the board would need to make a motion and vote on splitting up the parcels as discussed at the beginning of the meeting.

Trey Thurman, Attorney, stated that two separate motions would not be needed.

Mr. Gruntfest made a motion to separate/exclude the front parcel originally included in the application and table that rezoning until the next meeting of August 3, 2021. With this motion he also recommended a motion to approve the rezoning of the rear parcel included in this application.

Moved by John Gruntfest, seconded by Norman K. (Ken) Teachey

Motion approved for rear parcel rezoning and front parcel rezoning tabled until 8-3-2021 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			
	5	0	0	2

CARRIED.

9 DISCUSSION

10 NEXT MEETING DATE

August 3, 2021 7 P.M.

11 ADJOURNMENT

Chairman adjourned the meeting at 8:22 p.m.