



MINUTES
Planning Board Meeting
Wednesday, September 1, 2021
Pender County Hampstead Annex
7:00 PM

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

MEMBERS ABSENT: Delva Jordan

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

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1 CALL TO ORDER
Chairman called the meeting to order at 7:01 pm

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ADOPTION OF AGENDA

a) Agenda Adopted

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

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			
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CARRIED.

6 ADOPTION OF MINUTES

- a) Planning Board Minutes from 7-6-2021 Meeting

Moved by Jeff Beaudoin, seconded by Norman K. (Ken) Teachey

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			
	6	0	0	1

CARRIED.

7 PUBLIC COMMENT

8 PUBLIC HEARINGS

- a) REZONE 2021-25

13

Elloyd McIntire, applicant and owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 69.67 acres of land from RA, Rural Agricultural zoning district to RP, Residential Performance zoning district. The subject property is located at the terminus of Pine Village Drive, approximately one-half mile southwest of the intersection of Pine Village Drive and NC HWY 210.

Greg Feldman, Planner I, presented the case on behalf of the applicant. He gave a brief presentation and overview of the project. Mr. Feldman explained that the applicant is proposing to rezone approximately 69.67 acres from RA, Rural Agricultural zoning district to RP, Residential Performance zoning district. Because this is a general use rezoning, a conceptual plan is not included within the application. If approved, the site could be developed based upon all uses that are permitted by right or by Special Use Permit in the RP, Residential Performance zoning district. However, any future development of the site must comply with the standards of the RP, Residential Performance zoning district and is subject to review and approval by the Technical Review Committee (TRC) to ensure compliance with all applicable local, State, and Federal regulations.

Elloyd McIntire, applicant, see attached statement read by Mr. McIntire to the board.

Nancy Kurul, 431 Pine Village Dr., presented to the board her two major concerns. One being the poor condition of the roads and one access. She stated the HOA has received a quote of around 127,000.00 dollars to repair the roads. The roads were deeded to the Grand Oaks HOA in 2008 and she feels that further development will impact the cost and maintenance of the roads to homeowners already established in Grand Oaks. Ms. Kurul expressed concerns with the storm water system as well.

Amy Liam, declined to speak

Todd Bryant, 296 Pine Village Dr., expressed concerns with increased traffic and shape of the roads currently and the distrust with the applicant.

Tammy Hinkle, 230 Pine Village Dr., told the board she agreed with everything the other speakers stated and shared their concerns.

Ellen Riportella, declined to speak.

Janet Corbett-Badger, 366 Pine Village Dr., expressed concerns of traffic increase being dangerous. She also spoke to the board in regards to the roads already being in a declining shape.

Mike Badger, declined to speak

Britton Jones, 332 Pine Village Rd., spoke to the board regarding the wetlands behind his property and how the runoff is currently already an

issue. Does not feel that adding more lots is going to help the runoff situation at all considering he is currently on his fourth septic system alone.

Damien Buchanan, Planning Board Member, asked if Pine Village Dr. was deeded to the HOA and will it ever be turned over to DOT? Travis Henley, Director, stated yes, the HOA was deeded the road and to his knowledge it was never proposed to be turned over to DOT. He confirmed that if this rezoning is passed any use allowed in RP zoning would have access to use Pine Village Dr. Jeff Beaudoin, Planning Board Member, confirmed if the Grand Oaks Phase is done all the roads would have to be up to DOT standards and wanted to know if the access road would have to meet those standards as well. Travis Henley stated that it depended on what the individual development plan looked like. It will also depend on if access is granted at another location.

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

Motion to Deny

	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			
	6	0	0	1

CARRIED.

[Mcintire Statment](#)

b) MDP 2021-30

Evolve Acquisitions LLC, applicant on behalf of Lanwillo Development Co. and Headwaters Properties LLC, owners, is requesting the approval of a Master Development Plan within the PD, Planned Development zoning district to allow for a mixed-use development consisting of 174 multi-family units and three commercial outparcels, with numerous potential commercial uses. The subject properties consist of 4 tracts of land totaling approximately 24.26 acres and are located on the eastern

side of US HWY 17 between its intersections with Hughes Road to the south and Deerfield Drive to the north.

Greg Feldman, Planner I, presented the case on behalf of the applicant. He gave a brief presentation and overview of the project. Mr. Feldman, explained to the board that the request is consistent with the Future Land Use Map, as well as three goals, two objectives, and four policies within the Pender 2.0 Comprehensive Land Use Plan, while conflicting with one objective and two policies with the Plan. The proposed Master Development Plan is also compliant with the Pender County Unified Development ordinance. Therefore, Planning Staff is recommending the approval of the Master Development Plan as detailed in the report for the development known as Evolve Headwaters Apartments. All future development, phases, or changes to the Master Development Plan are subject to the Planning Board review and approval. The applicant is proposing to construct a mixed-use development, Evolve Headwaters Apartments, consisting of 174 multi-family units within seven multi-family apartment buildings. One building is proposed to contain 30 dwelling units while the remaining 6 buildings will contain 24 dwelling units each. Additionally, the proposal includes 3 outparcels reserved for non-residential development along US HWY 17 to the north of the US HWY 17/Hughes Road intersection. The proposal also includes associated amenities for the residential uses, four new roadways, a wastewater pump station, and other associated infrastructures. He also reviewed the conditions agreed up by the applicant.

Damien Buchanan, Planning Board, asked staff if the above conditions were advised by the staff or the applicant. Mr. Feldman stated that these conditions were part of the original plan and proposed by the applicant with no new conditions being added. Staff did reach out to the applicant to confirm no changes to the conditions were made. John Gruntfest, Planning Board, requested to know if staff made any recommendations at all. Mr. Feldman deferred to Travis Henley, Planning Director, for that answer. Mr. Henley, stated that other than review the plan for its conformance in regards to regulations outlined in the UDO, and providing comments where deficiencies may have been found we did not make any direct suggestions. Staff typically does not do that. Mr. Gruntfest stated he understood that, but he only asked because this is the third time as community that we are being asked about this specific property and it does not seem that too much has changed. Chairman of the Planning Board did question if this had gone to the Technical Review Committee. Travis Henley, stated it was sent to the TRC and solicited comments. The comments are included in the agenda packet.

Jim Cirello a landscape architect with Paramount Engineering, Inc. Thanked the board and everyone for being there. He thanked the Pender County Planning staff for recommending approval of the project and presenting on their behalf. The presentation from Paramount is attached to these minutes for review. He stated he did not want to repeat what the planning staff had already covered but did want to present several key points. He stated that the he did want to repeat the the proposal is consistent with three goals, two objectives, and four policies within the Pender 2.0 Comprehensive Land Use Plan, and is in conflict with nothing of the counties documents, plans, and ordinances. As mentioned we have been through TRC review and addressed any of the technical issues. Mr. Cirello mentions that this project is proposing 174 units which is 120 units less than the previous project. Included in the project is 174 units in 7 buildings. All are 24 unit buildings except one which is 30. The proposed open space for this project exceeds the counties requirements. Storm water is going to be designed to meet the 100 year storm, again exceeding the requirements from the county. He stated that there is preliminary approval for a signal light at the intersection of the collector roads.

The Chairman asked Mr. Cirello to confirm that the significant material difference is the number of units. Mr. Cirello stated yes the units were decreased by 120 units and this is a by-right application we are not requesting a rezone.

John Gruntfest, planning board member requesting to know that proposed elevation from the pumphouse to the Pluris destination across the highway. Tim Clinkscales, engineer for Paramount, clarified that the board wanted to know what the elevation difference is between the pump station and highway 17.

Pat Donovan-Brandenburg, 201 Creekview Dr., speaking as a resident and also the secretary for SWANC (Storm water Association of NC) expressed concerns with water quality and storm water run off. She stated that storm water ponds are a cheap and fast proposal for storm water run off. She expressed concern with the flooding currently happening and where the ponds would be located.

David Lisbon, 629 Hughes Rd., expressed concerns over traffic impact and the overcrowding of schools. He stated that a study done by WMPO from 2010 to 2012 showed significant changes that needed to be made in Washington Acres and Hughes road which none of the changes have taken place up to this point. One of these changes was straitening Washington Acres drive to a 90 degree intersection with 17 and permanent barriers on Hughes road. He shared with the board the

accident report that was covered in the study as well. He stated he thought the bypass and the above changes needed to take place before anymore development was approved.

Shehla Korff, 116 Center Drive, stated to the board that she did not see 3 story buildings fitting into the neighborhood. She expressed concern over the storm water run off as well. She also spoke in regards to the school overcrowding. She concluded by stating the lead attorney for this group of developers is a member of the NC General Assembly who is the chairman of the education and stated she would think he would understand that school buildings need to be built first.

Kim Dickerson, 48 Sally Lane, declined to speak

Elizabeth Jordan, 406 E Creekview Dr., expressed her concern with the development conflicting with the beauty and over all look of this community.

Justin Murray, 101 Hughes Rd., expressed concerns over the development and requested a 30 foot buffer around the property and consider the infrastructure before approving.

Larry Brew, 134 Deerfield Dr., stated to the board Article 1.4.1 E of the Pender County Unified Development Ordinance states it is the purpose of the this ordinance to protect the character of established residential neighborhoods. He respectfully asked the board how the Headwaters project achieves this goal.

Ron Stier, 115 Deerfield Dr., declined to speak

Claudia Mueller, 976 Washington Acres Dr., expressed her concerns for the traffic impact and the amount of accidents it will cause.

Amy Schaefer, Attorney for the applicant, requested the board remember why they are here as someone stated earlier. She stated that the last time they were there they were requesting a rezoning which is a legislative decision that you make a recommendation on to go to the Board of Commissioners. Ms. Schaefer also stated that there are quasi judicial decisions that boards can hear and are sworn to testimony etc. These two types of public hearings are offer discretion. She stated that this hearing is an administrative review which is what this meeting was for to approve the Master Development Plan. Ms. Schaefer stated this hearing is to determine if the project meets the technical requirements. If the project does not meet those requirements the board can request conditions to meet those requirements. She stated the applicant has

gone above and beyond those technical requirements with additional conditions because that is what they came in for and what they had promised the citizens of the neighborhoods.

Tim Clinkscales, Paramount Engineering, stated to the board that the applicant will meet all state requirements with the ponds. He stated Pender County requires a 10 year storm water plan they are presenting a 100 year, which he states is something the applicant does not have to do. Mr. Clinkscales stated the emergency spill ways would be located on the south side of the property. He stated that the pump station is an improvement considering how many septic systems have failed in this area. He stated the height requirement is the same no matter the use. He also spoke in regards to the traffic light and that it has been approved by NC DOT. Mr. Gruntfest, Planning Board member, wanted to know when the traffic light was approved by NC DOT. Mr. Clinkscales stated to the board that they have met with NC DOT multiple times recently and over the years in discussion of the light. Mr. Gruntfest asked him again if we know when it was approved just like initially this development was approved to some degree originally, Mr. Gruntfest continued to state how the population and traffic has changed since this began.

Caroline Cheeves, WMPO Ramey Kemp Associates, gave a brief overview of the traffic impact analysis.

Jason Swain, Realtor Swain and Associates, spoke about the use and growth in surrounding towns. He spoke about the collector road that would be installed working with county master plan. Respects the concerns of board about the growth of Hampstead.

Mr. Gruntfest, planning board member, stated he had a few different issues. I'm here to speak for our community. And for this neighborhood, unfortunately, for you guys, I live in this neighborhood, and I've been down this road I spoke with you, specifically five, six years ago. And I don't agree with your architect, a landscape architect who believes that your entire design and plan conforms to every one of our, our Udo specifications because 1.4. And I thank you, gentlemen, for reading our Udo. It's our responsibility to preserve the quality of life, I think she'll also mentioned it preserve the quality of life of these neighborhoods. And there's one main thing that no one is spoke about. And that's, this is a very dense project in two residential neighborhoods, which has been our contention from the very beginning. Before I sat on this board, that was our contention. And so and that's why he asked the question before, when when was this approved? Because the density has changed dramatically. The school thankfully, Dr. Hill spoke up. And

and if we are only here, and you can help me understand this, Travis, because if we're here to rubber stamp this, as your comment indicated, he was not aware of that.

Travis Henley, Planning Director, explained the administrative process to the board.

Moved by John Gruntfest, seconded by Damien Buchanan

Motion to Deny

	For	Against	Abstained	Absent
Damien Buchanan	x			
Jeffrey Pitts		x		
Theatrice McClammy	x			
Delva Jordan				x
Jeff Beaudoin	x			
John Gruntfest	x			
Norman K. (Ken) Teachey	x			
	5	1	0	1

CARRIED.

c) MDP 2021-31

Tribute Investment and Development, Inc., applicant on behalf of Wilbur R. Corbett Trust, owner is requesting the approval of a Master Development Plan within the PD, Planned Development zoning district to allow for a mixed-use development consisting of 9 single-family lots and 116 townhomes for a total of 125 units. The subject property consists of one tract of land totaling approximately 20.38 acres and is located on the eastern side of US HWY 17 across from Christian Chapel Road.

Carlene Shaw, Planner I, presented the case on behalf of the applicant. She gave a brief presentation and overview of the project. Characteristics of the RP to east RA south mixed use to the west. Partial cleared. 29 4-unit multiplexes – single family will be cottages. Applicant would put a C2 buffer on the boarder of residential property. Applicant is proposing multi-use path on the western side.

Amy Schaefer, from Atty Lee Kaess represents the applicant points out that this an administrative review.

Josh Mihaly, of Mihaly Land Design townhouse are of the quadraplex design with 279 parking spaces. Front parcel is not officially open space but will remain that way. Storm water will be built for the 100-year event. The front parcel will be maintained resembling a field.

Mary Allen, 239 Mare Pond Place, asking for another traffic light.

Elizabeth Jordon, 406 E. Creekview Drive, declined to speak.

Denise Frietag, 40 Otter Pond Lane, understands the housing boom but does there have to be so many houses put in such a small area?

Julia Ayala, 806 S Green Tee Road, owner of the Topsail Montessori, huge improvement since April. Consideration as to where the collector road will be located. She is concerned for the safety of the children as they outside all day.

Josh Mihaly, readdress the board to speak about collector road location. He suggests the road be at the south of property.

Moved by Jeffrey Pitts, seconded by Damien Buchanan

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			
	6	0	0	1

CARRIED.

d) Pender County Collector Street Plan 2021

Pender County, applicant, is requesting the adoption of an update to the 2016 Pender County Collector Street Plan. A detailed description of proposed

changes and updates is located in the Pender County Planning and Community Development Offices.

Travis Henley, Director the plan as a whole was presented in July. There is additional language in the plan with points of clarification. Comprehensive plan already includes incentives to include collector road in their plans as cost sharing.

Cameron Moore of the Wilmington-Cape Fear Home Builders Association thinks it is too costly and will drive builders away. Challenges the plan as urbanistic.

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

Motion to approve

	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			
	6	0	0	1

CARRIED.

9 DISCUSSION

10 NEXT MEETING DATE

October 5, 2021
7:00 PM
Location TBD

11 ADJOURNMENT

Opening Statement

Mr. Chairman and members of the board

My Name is Elloyd E. McIntire, I am the owner of the Grand Oaks Development Company, LLC. and the Developer of the Pine Village and the Grand Oaks Communities, on NC HWY 210 in Rocky Point, NC 28457.

I started developing property in Pender County in 1966 with the approval of a permit from this body For a Mobile Home Park when, Mr. Mc jet was the Planning Director. At the time Carver Boat Company was moving into the area. The only available housing in the area was the Hitching Post Mobile Home Park. near Paul's Place on NC HWY 117. The permit was approved by the Board of Commissioners and the development of Pine Village Mobile Home Park begin. The Mobile Home Park was completed and opened in 1988

In 1996 I applied for a permit to start development of the Grand Oaks Community property. This area consisting of 63 acres to be developed in Three (3) phases. The approval of a permit was approved by this body when, Mrs. Angela Faison was the Planning Director and approved by the Board of Commissioners The first phase of the development which is the Oak Ridge Sub-Division which I started, was completed and opened in 2000.

In 2007 I applied for a permit to start development of phase Two (2) of the Grand Oaks Community, which is the Oak Ridge II Sub-Division, it was completed and opened for sales in 2008. The remaining lots in Oak Ridge II Sub-Division was sold to Tioga LLC Construction Inc., part in 2020 and the balance of the lots this year 2021 with, the exception of lot # 19.

I am here tonight requesting a zone change of the balance of the original plat of 127.5 acres, from RA to RP, the change will make all the lots throughout the Grand Oaks Community nearly equal in size. if approved, will allow me to begin phase three (3) the last and final phase of Grand Oaks. Thanking you in advance.

Sincerely yours

Elloyd E. McIntire Sr.
Developer Grand Oaks Community