



MINUTES
Planning Board Meeting
Tuesday, November 2, 2021
Pender County Public Assembly Room
7:00 PM

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

MEMBERS ABSENT: Jeff Beaudoin

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

1 CALL TO ORDER

Chairman called meeting to order 7:00 pm.

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ADOPTION OF AGENDA

a) Motion to approve the agenda

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.

6 ADOPTION OF MINUTES

- a) Motion to adopt the minutes from September 1, 2021

Moved by John Gruntfest, 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 2021-26

Sonya and Randall Edens, applicant, and owner, are requesting approval of a Conditional Zoning Map Amendment to rezone approximately 3.64 acres of land located on the northern corner of the intersection of NC HWY 210 and Whispering Pines Court from RP, Residential Performance zoning district to GB-CZ4, General Business Conditional Zoning District 4 to develop a Recreational Vehicle (RV), Boat, and Trailer Storage Lot. The subject property is located in the Topsail Township and may be further identified by Pender County PIN 3283-10-9257-0000.

Gideon Smith, Senior Planner, presented on behalf of the applicant. The applicant is proposing to rezone approximately 3.64 acres from RP, Residential Performance zoning district to GB-CZ4, General Business Conditional Zoning District 4 to allow for an outdoor Recreational Vehicle (RV), Boat, and Trailer Storage Lot. The proposed storage lot will be fenced with two automated gates, allowing it to be a 24-hour, self-serve business for customers to drop off or pick up their vehicles at their convenience. According to the applicant, no structures are currently proposed on the subject site, however, if at some point in the future a building is proposed, all applicable setbacks and landscaping buffers must be met in accordance with this conditional district request. In addition, any changes to an approved conditional zoning district or to the standards, uses, requirements, or conditions attached to the approved conditional zoning district will be required to follow the same review procedures as the original Conditional Rezoning, including Planning Board and Board of County Commissioners consideration. According to the applicant's site plan, the subject site will be developed in four phases with at grade gravel surfacing (parking). Additional information regarding the development is detailed in subsequent sections in this report.

The planning board requested confirmation on the inconsistency with the Land Use Plan and the density of the parcel and current by-right density, as well as the date of the Land Use Plan and if the by-pass was considered in the plan.

Gideon Smith, Senior Planner, stated the reason its inconsistent is because its not part of a planned development. The density is 3 to 6 units per acre. Current by-right density would be 2 to 3 units per 15,000 square foot lot. The Land Use Plan was adopted in 2018 and the by-pass was considered at that time.

Sonya Edens, applicant, stated to the board that after the General Use Rezoning application was presented in July and was tabled the applicant held a public input meeting. The information expressed at the meeting have been incorporated in the conditions of approval.

The board requested clarification on the phasing of the project including the fence and conditions. Also, projected height of anything on the parcel and if the fence could be 10 instead of 8 feet in height. Parking, lighting, and road maintenance were brought up as well.

Sonya Edens, applicant, stated she thought max height would be 10 to 12 feet for an RV and the phasing would be done based on needs. Ms. Edens stated they would consider the 10-foot fence, but it would for sure be made to not see through. Also, would have assigned spots and the lighting would be installed. She stated that they would help maintain the

access road along with other property owners due to the road being private. Ms. Edens clarified to the board the concerns from the public access meeting. Access, drainage, and operating hours and fencing. There would be no on-site security and access in the property would be with a key fob or phone application. The property would be accessible 24 hours a day. A storm water plan is currently being drafted.

Trey Thurman, attorney, suggested that a condition of no occupancy of the RVs on the property and the applicant agreed.

Randall Edens, 15226 US HWY 17, Hampstead, NC declined to comment.

Hugh Hawthorne, 101 Holiday Drive, requested clarification how this plan is different than the last application, is the property for sale, if the property is sold why does it have to stay a storage business and road access safety.

Trey Thurman, attorney, rezoning applications are applied to the property not the owner.

Gideon Smith, Senior Planner, explained that this request is bounded by the conditional rezoning and conditions and specific site plan. The request that was presented in July was for a general use rezoning not specific to any use. All conditions would transfer with the property.

Travis Henley, Planning Director, indicated that the access road was developed before turn arounds and width conditions were enforced by the county.

Nick Eddy, 1955 Hwy 210, requested clarification on what property is being rezoned, will it affect future rezoning request. As a homeowner already displaced by the bypass and moved his house, he is concerned with the future of the area.

Travis Henley, Director of Planning, stated this answer requires us to be very speculative. If this rezoning was approved by the board with the inconsistencies, state law states rezoning in this category automatically amends the Land Use Map. Staff uses the Future Land Use Map to evaluate proposals so therefore the amended map would affect future rezoning requests.

Sonya Edens, applicant, stated the road is a two-lane, and the second entrance could possibly block one lane but not both as the gates will be

automatic. Spot zoning with residential and commercial mix is not an option for this property. Property is not for sale. She suggested the use of landscaping as the buffer and discussion of possible use tall trees and making the buffer more visual softening to address Mr. Buchanan's concerned with visual appearance of property and the line of sight.

Mr. McClammy, Chairman, opened the floor for discussion from the board. Ken Teachey, Board Member, expressed concern with the property being in the middle of residential area, concerned with future rezoning of the area. Delva Jordan, Vice Chairman, expressed some concerns regarding the bypass and that this was considered a residential area. Also, concerned about accessibility. Damian Buchanan, Board Member, expressed concerns If pursued, with spot rezone that the language in that sets future standards. Really needs to see changes to the road line of sight in that buffer off 210 and specifics on fencing and landscaping. Concerned with what fence will look like because it is so residential, chain link with plastic lacing is not very attractive. John Gruntfest, board member stated it was great use of the land as it sits but would like to take in consideration of the neighbors and the corridor to see if road can be widened.

Travis Henley, Director, stated the only way to live in a camper that is not in an RV park or campground, was after Florence for 1 year due to shortage of housing. When it is tied to the private residence as it is being repaired.

The board stated for 3 conditional items, 2 currently listed in the application and one additional to include language stating no residential occupancy in stored property.

The Chairman asks when this would be coming back before the board with only 1 item currently on the December 7th Planning Board agenda, Trey Thurman, Attorney, indicated that it could be tabled without a date.

Damien Buchanan, board member, makes a motion to table until applicant is ready to include 3 conditions increasing setback along 210 and potential road widening, specific landscaping, and maintenance of whispering pines road.

Delva Jordan, Vice Chairman, expressed concern with overstepping bounds as a condition/option of widening road 210 because at one time we could not take in consideration the bypass.

Travis Henley, Director, indicated the widening of 210 has been studied in the past and is still on the table.

Moved by Damien Buchanan, seconded by John Gruntfest

Motion to Table for future review

	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	1	0	1

CARRIED.

b) ZTA 2021-14

Pender County, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend Section 4.10.2 "GI: General Industrial" and Section 5.3.12.F "Industrial Parks" to revise and clarify standards related to building height within approved Industrial Parks within the GI, General Industrial zoning district. A detailed description of the proposed changes is available in the Pender County Planning and Community Development Department Offices.

Travis Henley, Director of Planning, presented the request for approval of a zoning text amendment in the UDO specifically to amend section 4.10.2 GI which describes the general industrial zoning district and section 5.3.12.F which describes industrial parks to revise and clarify standards related to maximum building height within approved industrial parks that are within the general industrial zoning district. Currently, maximum building height can be increased when setbacks from property lines are increased. However, in scenarios where industrial uses are concentrated together in an Industrial Park, it is more appropriate to base maximum building height on distance from the building to the external boundary of the park itself, as it is at that point those different types of land uses can interact. Pender County, applicant, has requested this text amendment to the Unified Development Ordinance to provide clarity as to the regulation of maximum building height within approved Industrial Parks. Currently, any building proposed within the GI, General Industrial zoning district has a baseline maximum building

height of fifty (50) feet. Section 4.10.2 of the Pender County Unified Development Ordinance allows for additional building height above 50 feet when the proposed building is further from its property lines than is required by the Ordinance, at a ratio of one additional foot of building height for every one additional foot of setback. For example, the required setbacks within the GI, General Industrial zoning district are 50 feet from the front property line and 25 feet from the sides and rear property lines. If a building is proposed to be 100 feet from the front property line and 75 feet from the sides and rear property lines, then the maximum height for this building would be 100 feet, due to the 50-foot increase in setbacks from all property lines. This regulation is currently applicable to all properties within the GI, General Industrial zoning district and is intended to allow for increased height for industrial buildings in a way that maintains harmony within the surrounding community, particularly when bordering against non-industrial uses. The proposed text amendment is in recognition of the concentration of industrial uses within Industrial Parks, and as such, tying maximum building height to setbacks from property lines within the Industrial Park is not the intent of this section of the Ordinance. The proposed text amendment seeks to rectify this by tying maximum height not to the individual property lines within an Industrial Park, but to the external boundaries of the Industrial Park as approved via Special Use Permit.

Theo McClammy, Planning Board Chairman, inquired if the consistency in this recommendation is similar to other industrial parks. Travis Henley, Director of Planning, indicates that it is similar to New Hanover but may not be working exactly same way. Industrial uses are becoming more complex, and more people are looking at Pender County.

Delva Jordan, Planning Board Vice Chairman, was concerned if this going to detour people from considering Pender County. Travis Henley, Director, states this amendment is less strict than New Hanover and what we currently have.

Moved by Damien Buchanan, 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			
	6	0	0	1

CARRIED.

9 ITEMS FROM THE COUNTY ATTORNEY, PLANNING DIRECTOR AND STAFF

Motion to schedule Meeting Date

- a) Chairman asks for motion to add the first meeting date of 2022 session as January 4, 2022 to be held in Burgaw County Commissioners Chamber.

Moved by Jeffrey Pitts, 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.

10 NEXT MEETING DATE

December 7, 2021
805 S. Walker St
Burgaw, NC 28425

11 CLOSED SESSION (IF APPLICABLE).

- a) Motion to go into closed session made at 8:55 P.M. Motion to enter into closed session pursuant to G.S. 143-318.11: 3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open

merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time; 4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session; The Board exited closed session at 9:35 P.M.

12 ADJOURNMENT