



MINUTES
Planning Board Meeting
Wednesday, April 3, 2024
Pender County Public Assembly Room
7:00 PM

MEMBERS PRESENT:

Delva Jordan, Chairman
Damien Buchanan, Vice-Chairman
Jeffrey Pitts
John Gruntfest
Jeff Beaudoin
Margaret Mosca

MEMBERS ABSENT:

Norman "Ken" Teachey

OTHERS PRESENT:

Daniel Adams, Planning Director
Justin Brantley, Deputy Planning Director
Taylor Davis, Current Planner
Tucker Cherry, Current Planner
Adam Moran, Long Range Planner
Donna Sayre, Planning Technician
Trey Thurman, County Attorney
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 made by Damien Buchanan, seconded by

Jeffrey Pitts. Vote is unanimous.

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 (Ken) Teachey				X
	6	0	0	1

CARRIED.

6 ADOPTION OF MINUTES

February 6, 2024, Meeting Minutes

Mr. Buchanan stated that he feels there are discrepancies in this set of minutes and asked staff why these minutes were not prepared for the last meeting. Mr. Adams stated that it was due to a staff error and the minutes were not complete in time to be brought in front of the Board at last month's meeting. Mr. Buchanan stated he has some concerns due to the meeting having a unique rezoning request to where the Planning staff was recommending approval but the Planning Board recommended denial. He stated that when the case went to the Board of Commissioners, those members did not have the benefit of hearing the other side of the story. Mr. Buchanan stated that if a situation comes up again where the staff is recommending one thing and the Board decides another, the minutes need to be approved before the case goes to the Commissioners. He stated that the minutes should be available so the Commissioners can read the discussions, read the questions that were asked, and see how the Planning Board made their decision and why.

Mr. Buchanan stated he would like additional time to read over the minutes to check for accuracy and would like to table the adoption of the February 6, 2024, minutes.

Mr. Buchanan made a motion to table the adoption of the February 6, 2024, minutes with Ms. Mosca seconding the motion.

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 (Ken) Teachey				X
	6	0	0	1

CARRIED.

March 5, 2024, Meeting Minutes

Mr. Buchanan stated that he would motion to approve the minutes, but some changes need to be made. Mr. Pitts, Mr. Gruntfest and Mr. Beaudoin agreed. Changes included verifying and correcting attendance, correcting the voting blocks, and adding additional language that was stated by members during the making of a motions for cases Rezone 2023-59, Rezone 2024-63, and ZTA 2023-21.

Mr. Buchanan made a motion to approve the March 5, 2024, minutes with the changes provided by the Board members. Mr. Pitts seconded the motion.

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 (Ken) Teachey				X
	6	0	0	1

CARRIED.

7 PUBLIC COMMENT

Laura Puryear, 209 Abbey Lane, stated that one of the new Mongo projects is being developed near where she resides and is concerned as to what is happening particularly with the road that is not accounted for in the original traffic analysis. She stated that she did stop and ask what was being proposed and was told a possible cut-

through road that would be used as a work road. Ms. Puryear would like a new traffic study to be completed. She stated that she would like updates since she knows of no new proposals coming before the Board for approval.

8 PUBLIC HEARINGS

a) REZONE 2024-64

Adam Moran, Long Range Planner, presented the staff report.

HRP RRJ Hampstead, LLC., applicant, on behalf of Cedar on the Green Rentals, LLC., owner, and the North Carolina Department of Transportation, owner, is requesting the approval of a General Use Zoning Map Amendment to rezone six tracts of land totaling approximately 2.18 acres from the RP, Residential Performance zoning district to the GB, General Business zoning district.

The subject properties are located at the corner of Jenkins Road and North St. John's Church Road, approximately 500 feet northwest of the intersection of US Highway 17 and Country Club Drive in the Topsail Township and may be further identified by Pender County PIN(s) 3293-76-1416-0000, 3293-76-0432-0000, 3293-76-1324-0000, 3293-76-1248-0000, 3293-76-1281-0000, and 3293-76-2444-0000.

Mr. Moran stated that the Department of Transportation has the Super Street Project which is proposed to modify US Highway 17 and part of the project includes adjusting or re-aligning Jenkins Road and North St. John's Church Road to create a curve when heading towards the school properties.

Mr. Buchanan asked if the property has been acquired by DOT. Mr. Moran stated that one parcel has been. Mr. Buchanan asked if the turn had been acquired by DOT to which Mr. Moran responded negatively.

Mr. Buchanan asked that due to DOT not owning all the land, if the developer would want to develop, would it force DOT to act immediately to acquire the property. Mr. Adams stated that he does not feel that is a question that staff would be responding to or answering. Mr. Adams stated that Mr. Thurman may have a response.

Mr. Buchanan asked if making a curve in this area has been a project identified in DOT's future 2040 or 2045 Transportation plan. Mr. Moran stated that the map that being shown presently is a map that was taken off DOT's website with a Project Number of U5732 and he believes that the project will not start until the first half of the By-pass project has been completed.

Mr. Jordan asked Mr. Thurman if he is correct in thinking that the Board cannot take into consideration the plans of DOT. Mr. Thurman stated that Zoning approval cannot be withheld based on what DOT may or may not do.

Mr. Beaudoin asked if there is a one-hundred-foot setback to build on US Highway 17. Mr. Moran stated that the right-of-way varies along US Highway 17 and does not recall what the setback is in this area.

Mr. Buchanan asked if the applicant is requesting the property owned by DOT be rezoned. Mr. Moran responded affirmatively and stated that DOT had to provide approval for the submission of the application.

Mr. Adams stated that the building setback for zoning purposes would be from the property line and not right-of-way.

Mr. Jordan asked for clarification as to which parcel is currently owned by DOT. Mr. Moran responded by stating that the property closest to the school property is already owned by DOT.

Mr. Buchanan asked for clarification to Mr. Moran's statement that DOT had to sign off on the application. Mr. Moran stated that whenever a rezoning is applied for, owner(s) must sign the document to avoid rezonings by an individual who does not own the property. He stated that the applicant had to submit documentation that indicated DOT was approving the rezoning request. Mr. Buchanan asked if DOT was neutral, and Mr. Moran stated that he cannot speak on behalf of DOT, but that DOT did provide approval for the submittal of the application. Mr. Brantley stated that DOT consented to the rezoning request and that the applicant may be able to provide more information on that than the Planning staff can.

Mr. Beaudoin asked if it is known how DOT intends on using the property. Mr. Moran stated that he imagines that they will incorporate the parcel in their future plan to curve the road. Mr. Beaudoin asked if the Planning staff thinks that if this rezoning is approved, DOT will then acquire all the property in the area. Mr. Adams and Mr. Thurman stated that the Planning staff cannot speculate on that theory.

Mr. Thurman stated that it is unknown if the future DOT project will or will not happen and we have no control over it. Mr. Thurman stated that with a General Use Rezoning request, all uses must be considered, and the Board can only consider the roadway as it exists currently and not what may be in the future.

Mr. Jordan asked what the distance is between the corner parcel and the school. Mr. Adams stated that it is over five-hundred feet and closer to six hundred. Mr. Jordan stated that the area of the high school is busy and is concerned over the safety of the children.

Mr. Jordan asked if the members have any additional questions for the staff at this time and no questions were presented.

Attorney Maggie Bennington, representing the applicant stated that this rezoning request is not detrimental to adjacent properties as it already is bordered on two sides by roadway and the other two sides are currently zoned GB, General Business. She stated it will not affect the character of the area, in fact, it will provide additional commercial services to the surrounding residents.

Ms. Bennington stated that the Ordinance supports development and growth in areas where there are adequate facilities, and this area is served by public water and private sewer service. She stated that this request will not affect the health and safety of the residents because under the current zoning of RP, each lot would have their own driveway onto Jenkins Road and if zoned GB, it will allow for a safer internal shared driveway for the parcels.

Ms. Bennington stated that commercial traffic peaks at different time than residential traffic which will reduce the traffic during the school's transit hours, which would be beneficial to this area given the amount of school traffic.

Ms. Bennington stated that this rezoning request is consistent with four policies and two goals of the Comprehensive Land Use Plan.

Mr. Jordan asked if there were any questions for Ms. Bennington and no questions were presented.

Sadie Black, 609 St. John's Church Road, stated that her main concern is what is the intended use of the property. Mr. Thurman stated that a General Use Rezoning request does not have to specify what the intended use will be rather the Board has to consider all options available listed within the Table of Permitted Uses in the Ordinance.

Mr. Jordan asked Ms. Black to identify her parcel of land and she stated she owns 609 and 633 St. John's Church Road but resides at 609.

Mr. Thurman informed Ms. Black that the Planning staff can provide her with the Table of Permitted Uses and with a General Use Rezoning, the applicant could potentially pursue any activity that is permitted in that district. Mr. Thurman stated that North Carolina law states that if a General Use Rezoning is applied for, the Board must base it on all possibilities and not on the applicant's intent. He stated that ownership or plans could change. Mr. Thurman stated that if this proceeds, the case would go before the Board of Commissioners in May where she could address her concerns.

Ms. Black asked if the applicant would sell the property, could a strip club or anything be opened in this location. Mr. Thurman and Mr. Buchanan both responded that there are restrictions as to what would be allowed in the requested zoning district and a strip club would not be permitted.

Mr. Jordan asked if smoke shops are a permitted use, and his concern stems from the fact that a high school is in close proximity with high schoolers going back and forth. Mr. Thurman stated that if it is a permitted use, the Board needs to consider if that use would be appropriate here. Mr. Adams stated that a smoke shop is a permitted use.

Mr. Gruntfest asked what the smallest permissible lot size in the GB zoning district is with Mr. Adams responding with fifteen thousand square feet. Mr. Gruntfest stated that the Board can't consider it remaining one business or parcel of property then because it could be potentially divided numerous times. Mr. Adams stated that the property could be divided.

Mr. Buchanan stated he is uncomfortable with all the different potential uses and that the request is inconsistent with the Comprehensive Land Use Map. He stated that this area is not out in the middle of nowhere or in the outskirts but rather the property is right in the center of a very highly trafficked area that benefits the entire community. Mr. Buchanan stated he is not against this being redeveloped if it was something that the Board understood, the public had an opportunity for input, and it was known exactly what use was going to be at this location.

Mr. Buchanan stated that he is against the General Use Rezoning request but would probably be in favor of a Conditional Rezoning if an appropriate use was being proposed. He stated that he is not in favor of a bar or a tobacco vape shop located in this area.

Mr. Buchanan made a motion to deny the request and although Planning staff found policies and goals consistent with the Pender 2.0 Comprehensive Land Use Plan, the proposal is inconsistent with the Future Land Use Map. This request is an infill project with multiple potential uses that could have negative impacts on the community. Mr. Beaudoin seconded the motion.

Motion to deny

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest	X			
Jeff Beaudoin	X			
Norman (Ken) Teachey				X
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CARRIED.

Mr. Adams stated that the Planning Board is a recommending board, and the final decision will be made by the Board of Commissioners. This case will be heard on May 20, 2024, and adjacent property owners will once again receive mailers notifying them of the meeting. The meeting will be held at 7:00 p.m. in this same room.

9 DISCUSSIONS

Mr. Jordan asked if a review of the minutes needs to be discussed. Mr. Buchanan stated that he feels there are important points missing and would like to review the February minutes more closely before discussing further.

Ms. Mosca recommended that the minutes be completed within seventy-two hours of the meeting and distributed for review. She stated this should allow for the meeting to still be fresh in the minds of all parties involved. Mr. Adams stated that the Planning staff will do their best to get them done as quickly as possible.

Mr. Adams stated that the County has hired a Stormwater Engineer to help enforce the stormwater regulations in the code. He stated at the next meeting a text amendment will be presented to improve the language as it relates to stormwater. Mr. Adams stated that the text amendment is not changing any of the regulations but rather how the documents will be submitted.

Mr. Adams stated that there has been discussion from several members of the public at past Commissioners meetings concerning how accessory structures are permitted on residential lots. Mr. Adams stated that a text amendment for this should also be presented to the Planning Board at the May meeting.

Mr. Buchanan asked for clarification as to how the Ordinance currently reads. He stated that if he has a parcel of land with a home on it and owns the parcel beside it and he wants to put an accessory building on the empty lot, he would not be able to as the Ordinance reads now. Mr. Adams stated that accessory structures must be on a parcel that already has a primary structure on it. Mr. Buchanan stated that the property owners could combine the parcels together and be compliant. Mr. Adams stated that combining the properties would be one option.

Ms. Mosca asked for clarification as to what defines an accessory structure. Mr. Adams read from the Ordinance the definition of an accessory structure.

Mr. Buchanan asked if this pertains to the RA zoning district only. Mr. Adams stated that the accessory building section of the Ordinance pertains to all residential districts.

Mr. Jordan asked if in the RA zoning district, would a primary structure need to be placed on a lot before an accessory building. Mr. Adams stated that in all residential zoning districts, an accessory structure can only be placed on a property if there is

already a primary structure established, unless the property has been deemed to be a Bona-Fide Farm.

Mr. Jordan stated it's the people who abuse the system that make it harder for those people who want to do right.

Mr. Pitts asked if docks are exempt from being an accessory structure. Mr. Adams stated that docks are not considered an accessory structure.

Mr. Adams informed the Board of the cases that will be heard at the May meeting. He stated that the cases will be on the east side of the County. Mr. Jordan asked Mr. Adams if he anticipates many of the public to showing up. Mr. Adams stated that the one case will probably have several of the public attend the meeting.

Mr. Adams informed the Board of the joint meeting being held with the Board of Commissioners on April 23, 2024, with a starting time of 4:00 p.m. Mr. Buchanan asked how long the meeting would last with Mr. Adams responding an hour and a half. Mr. Adams stated a presentation will be made from the WMPO and DOT. Mr. Buchanan asked if the presentation will mainly be about traffic and roads to which Mr. Adams responded affirmatively. Mr. Buchanan asked that all Board members be provided with a copy of the Collector Street policy.

Mr. Buchanan requested that when the text amendment is presented to them, that the Planning staff provide multiple examples of what has been stated by the public and what the staff has heard, to which Mr. Adams stated that providing examples would not be a problem.

Mr. Buchanan made a motion to hold the May 7, 2024, meeting in Hampstead with a starting time of 7:00 p.m. with Mr. Pitts seconding the motion

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 (Ken) Teachey				X
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CARRIED.

10 NEXT MEETING DATE

May 7, 2024, at 7:00 p.m.
Pender County Hampstead Annex
15060 US Hwy. 17
Hampstead, NC 28443

11 ADJOURNMENT

Mr. Pitts made a motion to adjourn with Mr. Buchanan seconding the motion. The vote was unanimous.

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 (Ken) Teachey				X
	6	0	0	1

CARRIED.