



MINUTES
Planning Board Meeting
Tuesday, July 2, 2024
Pender County Hampstead Annex
7:00 PM

MEMBERS PRESENT:

Delva Jordan, Chairman
Damien Buchanan, Vice-Chairman
Jeffrey Pitts
Norman “Ken” Teachey
John Gruntfest
Jeff Beaudoin
Margaret Mosca

MEMBERS ABSENT:

OTHERS PRESENT:

Daniel Adams, Planning Director
Justin Brantley, Deputy Planning Director
Tucker Cherry, Current Planner
Taylor Davis, Current 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 Mr. Pitts, seconded by Mr. Beaudoin.

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			
	7	0	0	0

CARRIED.

6 ADOPTION OF MINUTES

Mr. Gruntfest made a motion to approve the May 7, 2024, minutes, seconded by Ms. Mosca.

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			
	7	0	0	0

CARRIED.

7 PUBLIC COMMENT

Susan Christie, 367 Olde Point Road, stated she is concerned with only Jacksonville and Wilmington being Hampstead's evacuation routes in an emergency situation. She is asking for the Board to consider having studies done to find out how long it would take to evacuate residents and to consider the results in future decisions pertaining to

approvals and decisions. Ms. Christie stated that she spoke with the Fire Marshall and was told that when a community is developed with 100 homes or more, there has to be two emergency accesses. She then asked if that information was correct. Mr. Adams stated that he does believe that information is correct. Ms. Christie asked if there were any circumstances that would prompt the Board to consider exempting that regulation. Mr. Adams stated that the Planning Board handles zoning matters and does not enforce the state fire code.

Ms. Christie stated she would like the Board to consider the percentage of renters versus homeowners in the Hampstead area. She stated that renters are not invested in the community and often bring crime to an area. Ms. Christie stated she feels that the Board is allowing for a lot of high-density low-cost housing which causes concerns in the community.

8 PUBLIC HEARINGS

a) REZONE 2024-66

Tucker Cherry, Current Planner, presented the staff report.

KG Plaza, LLC, applicant and owner, is requesting to modify an existing conditional rezoning district to allow for the residents of the Sanctuary at Forest Sound to store recreational vehicles (boats, RV's, campers, and trailers, within a private facility in the development. The private storage facility will be approximately 3.5 acres and consists of 106 spaces. The existing conditional district was approved in 2015 and allowed for the development of 106 single-family homes.

The subject property is located approximately 500 feet east of the intersection of US Highway 17 and Forest Sound Road, south of Forest Sound Road, in the Topsail Township and may be further identified by PIN 3292-17-8903-0000.

Mr. Cherry stated that the original site plan consisted of 154 storage units but the Applicant chose to reduce the number to 106 units after the public input meeting to match what is in the residential portion of the neighborhood. He stated that there was an overall reduction of 30 percent in the footprint.

Mr. Cherry stated that traffic with this proposal will be limited mostly to Forest Sound Road and the numbers will be comparable to what already exists as it's a private amenity for the community only.

Mr. Buchanan asked for clarification as to what changed from the original site plan to the revised. Mr. Cherry stated that the proposed number of storage units was decreased. Mr. Buchanan asked if the previous 154 units was ever approved with Mr. Cherry responding negatively.

Mr. Buchanan asked for the width of the A-4 buffer. Mr. Cherry stated 30 feet. He stated that the applicant will use as much of the existing vegetation as possible with the rest being landscaped accordingly.

Mr. Buchanan asked if this proposal is approved, could the developer put in dry stack storage or other storage containers. Mr. Cherry stated that there would be not storage units, like a mini-storage facility nor are dry stacks being proposed. Mr. Buchanan asked if those requirements were a condition. Mr. Cherry stated that there are three current conditions with the first condition being that it stays private and only for the use of the residents, the second is that the project complies with the Pender County UDO, and lastly all local, state, and federal regulations are met. Mr. Cherry stated that prohibiting dry stacks is not a condition currently.

Mr. Buchanan asked if they did erect a dry stack storage unit, what would the maximum height be. Mr. Cherry stated 40 feet.

Mr. Gruntfest stated that they are proposing 104 spaces for the 104 homes located in the community so unless there are more homes added, there should not be any reason to build more storage units.

Mr. Jordan asked the Board if there were any additional questions for staff and no questions were presented.

Attorney Matt Nichols, 3205 Randall Parkway, stated that he is representing the owner/applicant and present with him tonight is Robert Jackson, Dean Hardison, and Brad Schuler, who is a Land Planner with Paramount Engineering.

Mr. Nichols stated that this project is not a commercial use and is not open to the public. He stated that it is only for the residents of The Sanctuary at Forest Sound to store recreational vehicles such as travel trailers, boats, and trailers. Mr. Nichols stated that there will be no renting or selling of any of the spaces and the residents will be able to utilize the storage spaces.

Mr. Nichols stated that the number of proposed storage spaces has been limited to exactly match the number of lots.

Mr. Nichols stated that there will be no dry-stacking storage and no covering on the storage.

Mr. Nichols stated that the overall development was approved back in November of 2015 and was for approximately 120 acres. He stated that the proposed modification area being proposed is approximately 4.5 acres out of the 120 previously approved.

Mr. Nichols stated that his client is willing to address any roadway issues caused by construction or normal wear and tear.

Mr. Nichols stated that this project will not impact local schools, will add no significant amount of traffic and is not changing the residential density in that area.

Mr. Nichols stated that the storage area will be gated and will consist mainly of seasonal or periodic usage. He stated that the storage unit area will be controlled and managed by the HOA which would be responsible for abiding by all conditions.

Mr. Nichols stated that boating is a big part of Pender County as well as Coastal North Carolina.

Mr. Gruntfest asked if the area that is not being used as storage will be cleared for any other reason. Mr. Nichols stated that a lot of that area is wetlands so would not be cleared and no other development is proposed that he is aware of.

Mr. Beaudoin asked if the residents of The Sanctuary at Forest Sound have access to the Forest Sound boat ramp. Mr. Nichols stated that the residents currently must use the public boat ramp. Mr. Beaudoin asked if the storage area would be paved or graveled. Mr. Nichols stated it would be graveled.

Mr. Jordan asked if the 30 percent diminished footprint would be used for some other future development. Mr. Nichols stated that there is no immediate plan that he is aware of but regardless, any additional development would have to be approved by both the Planning Board and the Board of County Commissioners.

Ms. Mosca asked if the HOA Covenants would be changed to state that there is no rental or leasing out of the storage units. Mr. Nichols stated that the Covenants would be amended and if that requirement is made a condition, then enforcement of it would be that much stronger.

Mr. Teachey asked who was going to enforce the storage units and make sure only residents are utilizing them. Mr. Nichols stated that responsibility would lie with the HOA.

Mr. Pitts asked if the applicant explored the option of accessing this property via Lea Drive Extension. Mr. Nichols stated that to his knowledge the environmental features of the present wetlands would make using Lea Drive Extension not feasible.

Mr. Pitts asked if the road maintenance agreement is between the HOA or the Developer and Forest Sound. Mr. Nichols stated that there is a Property Improvement Agreement that is dated August 17, 2018, and it is between Forest Sound HOA, Inc., Grey Bull, Inc., and his client, KG Plaza, Inc. Mr. Pitts asked how that agreement is conveyed so that the road is always maintained. Mr. Nichols stated that regardless as to whether this proposal is approved or denied, his client is responsible for 50 percent of the road maintenance.

Ms. Mosca asked for clarification concerning the road maintenance agreement and if it will stay in place once all the homes have been built and the developer has turned it over to the HOA.

Mr. Buchanan asked Mr. Nichols to state the three parties involved in the agreement. Mr. Nichols stated Forest Sound HOA, Inc., Grey Bull Inc., and his client, KG Plaza, LLC.

Mr. Jordan asked if after the property is developed will it be turned over to the HOA. Mr. Nichols responded affirmatively.

Mr. Jordan asked if the Board members had any additional questions for the Applicant and no questions were presented.

Robert Jackson, 604 Maritime Way, stated that he is with the Grey Bull portion of the Property Improvement Agreement. He stated that back during the rezoning time frame, they were limited to 106 single family lots. Mr. Jackson stated that the agreement is binding and goes with the land, regardless of who owns it. He stated that they agreed to re-pave the road once construction was complete and they also paid \$35,000.00 into a reserve for a gate to be installed to help avoid trespassing from taking place.

John Andrew Chapman, 249 Grovediere Lane, stated that he bought his property in May of 2015, and is happy with the proposed boat storage due to it being needed. He stated that he does object to the use of Forest Sound Road due to his concern of how long it would take emergency vehicles get to the storage units.

Mr. Chapman stated that Forest Sound will not benefit whatsoever from the boat storage, yet they are being asked to grant ingress and egress. He stated that the developer should consider having an internal access or use the Lea Drive side of the property for access.

Robert Erickson, 43 Dewberry Lane, stated that he represents Sun Communities. He then stated that he is not sure about this HOA, but most HOA's will not allow parking of RV's or boats in individual driveways. Mr. Erickson stated his concern of the additional traffic coming off US Hwy. 17, which is already congested.

Kathy Dobeck, 746 Corcus Ferry Road, stated that this developer has a habit of not keeping promises in the past. She is concerned that they will not abide by any rules or conditions placed on this proposal. Ms. Dobeck stated that the buffering in between the houses was never planted, and that flooding has increased with roads washing out. She stated that she and her husband are concerned that the HOA will not physically be able to maintain the roads, as needed.

Mike Sorg, 960 Corcus Ferry Road, stated that he is not opposed to the boat storage itself, but rather the entrance to the boat storage being located on Forest Sound Road. He stated that the developers have other ways to access it and one of those options should be utilized. Mr. Sorg stated that the boat storage will only minimally increase the amount of traffic that uses Forest Sound Road, and he is more concerned with larger boats making the necessary turns required to reach the boat storage area. He stated he is also concerned with additional flooding and the washing out of the road.

Matt Mooney, 711 Corcus Ferry Road, stated that he is the president for Forest Sound HOA. He stated that there are at least three other ways to access this property and they should be further explored. Mr. Mooney stated that the HOA has not been paid for the 2023 expenses and is not sure about the 2022 due to him not being on the HOA Board at that time.

Mr. Beaudoin asked what the 2023 expenses amounted to. Mr. Mooney stated that he would have to check for an exact amount but is roughly around \$4,000.00. Mr. Mooney stated that if the Board chooses to approve the boat storage, then he is requesting that access is not granted through the Forest Sound neighborhood.

Brandon Meier, 31 Alydar Court, stated that he and his family have lived in The Sanctuary at Forest Sound for almost three years. He stated that the people in his community serve their community and hopefully will continue to do so. Mr. Meier stated that the Lea Drive area is wetlands to his understanding so that would not be a good route to take.

Linda Larkins, 104 Blue Heron Lane, stated that she is concerned with a parking area being put right in the middle of wetlands and asked if a wetland study had been done. She stated that wetlands need to be preserved. Ms. Larkins asked if a permeable material will be used to help control flooding and run-off concerns. She asked if the storage area will be constructed totally on dry land or will dirt be brought in to raise the level of the wetlands. Ms. Larkins stated that her last concern would be with a washing station and the dirty water it would produce.

Mr. Buchanan asked if there was a map available that shows the wetland area. Mr. Adams stated that there is a map that has a preliminary delineation of wetlands but is not certain if the applicant has done any further study of the site. Mr. Nichols confirmed that the line shown on the map is the delineated wetlands line.

Mr. Buchanan asked what type of surface will be used. Mr. Nichols stated it would be an impervious gravel and that can be a condition if the Board should choose to do so.

Mr. Buchanan asked about the length and width of the turn lane to accommodate larger boats. Brad Sheer, Engineer with Paramount Engineering, stated that there will be forty-foot turn radius' which would accommodate emergency vehicles and a RV towing a boat behind it.

Mr. Jordan asked for clarification as to what vehicles were used to determine if the turn lane was long and wide enough. Mr. Schuler stated that they used a fire truck, an RV towing a smaller boat, and WB 50 semi-truck.

Mr. Jackson stated that the easement for Duke and Pender County Utilities is in existence today on Forest Sound Road. He stated that both communities use the utility easements and are located on The Sanctuary at Forest Sound side of the property so Duke Energy and Pender Utilities would not be crossing private property without a signed easement in place.

Mr. Jordan asked if an entrance off Lea Drive Extension has been explored. Mr. Jackson stated that to use Lea Drive Extension, the Corp of Engineers has determined that wetlands would need to be crossed and to have an interior entrance to the storage area, many acres would need to be filled in. Mr. Jackson stated that they are limited by the Army Corps of Engineers permit to no more than one half acre of wetland impact and they are already close to that half acre.

Mr. Teachey asked if there is legal ingress and egress to the property. Mr. Jackson stated that the legal easement is recorded in a Deed. Mr. Teachey asked if that stays with the land and Mr. Jackson responded affirmatively. Mr. Teachey asked if there are utilities on this portion of the road. Mr. Jackson stated both Duke Power and Pender County Utilities have a recorded easement.

Mr. Jordan asked if there were any more questions for the Applicant and none were presented.

Mr. Teachey asked Planning staff if the use of impervious materials is currently a condition. Mr. Cherry stated that the use of impervious material is not a current condition, but the Board could make it a condition.

Mr. Buchanan stated that the conditions of using impervious gravel and being 100 percent responsible for any damages to roadways are the only two that he has heard. Mr. Thurman stated that Ms. Mosca asked for the condition of having the HOA Covenants revised/amended. Mr. Adams asked Mr. Buchanan if he wanted to add no dry stack structures as a condition.

Mr. Teachey asked if there is a limit as to what size of boat could be brought into the facility with Mr. Cherry responding negatively.

Mr. Jordan asked if there were any additional questions for the Planning staff or Applicant and no questions were presented.

Mr. Buchanan made a motion to approve the Zoning Map Amendment and to make a finding that the approval is consistent with Policy 5.1.F and Recommended Action

5.1.K.I of the Pender 2.0 Comprehensive Land Use Plan. The proposed rezoning is consistent with the Low Density Residential Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan. The Plan is reasonable and in the public interest because it has the potential to be generally consistent with current land uses in the vicinity. The conditions of approval are that the project will meet all requirements of the Pender County Unified Development Ordinance, the Applicant will meet all local, state, and federal regulations, the storage facility shall remain private and only for the use of residents for the Sanctuary at Forest Sound with the HOA Covenants being updated to reflect this, and damage or maintenance needed to the road after completion of the development will be 100 percent responsibility of the Applicant, the storage facility site will be an pervious surface, no dry-stack storage permitted, and the entrance apron of the storage facility will be pervious concrete at a minimum of 161 feet in length. Mr. Teachey 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			
	7	0	0	0

CARRIED.

b) REZONE 2024-67

Daniel Adams, Planning Director, presented the staff report.

Pender County Planning & Community Development, applicant, on behalf of CMH Homes, Inc., dba Clayton Homes, owner, is requesting the approval of a General Use Zoning Map Amendment to rezone one parcel of land totaling approximately .14 acres from PD, Planned Development zoning district to the RP, Residential Performance zoning district.

The subject property is located on Cole Drive approximately ¼ mile southeast of the intersection of Sloop Point Loop Road and Cole Drive in the Topsail Township. The property may be further identified by Pender County PIN 4213-48-6218-0000.

Mr. Adams stated that since this is a General Rezoning, there is no site-specific development plan associated with the proposal which means the Board would have to

consider all uses that are permitted by right or by Special Use Permit in the RP zoning district.

Mr. Adams stated that there is not a representative of the owner present at the meeting but that the Planning staff has been in close contact with them concerning this project.

Mr. Jordan asked if the Board has the authority to place conditions on this so that it does not become a commercial piece of property. Mr. Adams stated that conditions cannot be placed on a General Use Rezoning. Mr. Adams stated that the parcel is currently zoned PD, Planned Development, which has substantially more commercial uses than would be allowed by right than a residential lot would.

Mr. Beaudoin asked if the other lots on Cole Drive are vacant. Mr. Adams stated that most of the lots closer to Sloop Point Loop Road have homes on them. He stated that some of the lots closer to this proposed parcel are cleared but does not believe that currently there are any homes.

Mr. Jordan asked if Cole Drive is a paved street. Mr. Adams stated that it is partially paved then is a gravel and dirt mixture.

Mr. Jordan asked if there were any additional questions for staff and no questions were presented.

Mr. Pitts made a motion to approve the Zoning Text Amendment and to make a finding that the approval is consistent with the Pender 2.0 Comprehensive Land Use Plan and said approval is reasonable and in the public interest and furthers the goals of the Pender 2.0 Comprehensive Land Use Plan because it is consistent with Policies 5.1.V, Policy 5.1.W, and Goal 5.8. Mr. Buchanan 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			
	7	0	0	0

CARRIED.

9 DISCUSSIONS

Comprehensive Plan Update

Mr. Adams stated that the first steering committee meeting met on June 24, 2024, with a good group of people attending. He stated that the Board will be updated of the progress at least every other month.

Mr. Adams stated that public engagement is slated to start in the fall and the staff will need the Board to help engage the public and keep them engaged.

Mr. Buchanan asked if minutes are taken during the meetings. Mr. Adams stated that the County's consultant has taken minutes, and it has been talked about as to how to make the minutes available. Mr. Buchanan asked if the minutes and presentations can be made available to the Planning Board to which Mr. Adams responded affirmatively.

Mr. Buchanan stated he attended the meeting and there was interesting data that was presented that would be important for the Board to review.

Mr. Jordan stated that the Board has not had a workshop in quite a while so this may be a very good topic to hold a workshop on. Mr. Adams stated that there are also some text amendments that are currently being worked on that would be good to include in a workshop also.

Mr. Adams stated that a few of the consultants that gave presentations at the first meeting may be willing to conduct a virtual presentation for the Board during the workshop.

Mr. Thurman introduced the new County Manager, Michael Silverman to the Board.

Mr. Buchanan made a motion to hold the August 6, 2024, meeting in Hampstead with a starting time of 7:00 p.m. 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			
	7	0	0	0

CARRIED.

10 NEXT MEETING DATE

August 6, 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 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			
	7	0	0	0

CARRIED.