

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
May 14, 2018

Commissioners Chambers
David R. Sandifer Administration Bldg.
County Government Center
Old U.S 17 East

MEMBERS PRESENT

Eric Dunham, Chair
Joy Easley, Vice Chair
Richard Leary
Ron Medlin
Troy Price
Tom Simmons
Randy Ward

MEMBERS ABSENT

None

STAFF PRESENT

Kirstie Dixon, Director
Brandon Hackney, Project Planner
Connie Marlowe, Admin. Asst. II
Marc Pages, Senior Planner
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

Joseph Keech
Tariq Nizam
Lewis Dozier
Marva Ross
Robin Vanvliet

Terry Pope, State Port Pilot
John Hankins
William Bittenbender, Alternate
Edward Vanvliet

I. CALL TO ORDER.

The Chair called the meeting to order at 6:01 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE.

Mr. Dunham said a prayer. The Chair asked everyone to stand and face the U.S. Flag to say the Pledge of Allegiance.

III. ROLL CALL.

There were no members absent.

IV. CONSIDERATION OF MINUTES OF THE 09-APR-18 MEETING.

Ms. Easley made a motion to approve the minutes as written and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

Ms. Dixon asked that an Item E (Planning Board Training) be added to Other Business.

VI. PUBLIC COMMENT.

There were none.

VII. PUBLIC HEARINGS.

A. Rezoning Z-763 – Joseph Keech

Request to rezone approximately 2.60 acres located off Mt. Misery Road NE (SR 1426) and Arden Road NE near Leland from R-6000 (High Density Residential to C-LD (Commercial Low Density) for Tax Parcel 023PD005.

Mr. Pages addressed the Board. He read the Staff Report (attached). He identified the subject property and surrounding properties on a visual map and he provided drone footage of the area.

Mr. Pages said staff recommends approval from R-6000 (High Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 023PD005.

Mr. Dunham asked staff about the existing commercial zoning in the area. Mr. Pages said there are some nearby properties that are in the Town of Leland, but the other commercial properties within the County's jurisdiction were originally zoned as such.

Ms. Easley made a motion to open the Public Hearing and the motion was unanimously carried.

Mr. Joseph Keech, property owner, addressed the Board. Mr. Keech said they purchased the subject property in November 2017 and they developed Summerlin Estates which is northwest of the subject property. Mr. Keech said this area, specifically Mt. Misery Road NE (SR 1426), is in transition and the subject property is better suited for commercial purposes.

With no further comments, Mr. Ward made a motion to close the Public Hearing and the motion was unanimously carried.

Mr. Leary made a motion to recommend to the Board of Commissioners to approve Tax Parcel 023PD005 to C-LD and the motion was unanimously carried.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the ZONING AMENDMENT be recommended to the Board of Commissioners for

APPROVAL – CONSISTENT WITH COMPREHENSIVE PLAN

- The Planning Board finds that the proposed zoning amendment is consistent with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning amendment is consistent with the Comprehensive Plan (CAMA Land Use Plan), in that, this area is mixed use.

- The Planning Board further finds that the proposed zoning amendment is reasonable and in the public interest for the following reasons:

The area is in transition as there is existing commercial zoning nearby and there were no objections to the zoning change.

B. Rezoning Z-764 – Tariq Nizam

Request to rezoned approximately 1.65 acres located off Stone Chimney Road SW (SR 1119) and Old Ferry Road Connection SW (SR 1115) near Holden Beach from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 2160007604, 2160007605, 2160007608 and 2160007609.

Land Use Plan Map Amendment LUM-764:

Request to amend Tax Parcels 2160007604, 2160007605, 2160007608 and 2160007609 located off Stone Chimney Road SW (SR 1119) and Old Ferry Connection Road SW (SR 1115) near Holden Beach from LDR (Low Density Residential) to Commercial.

Mr. Pages addressed the Board. He read the Staff Report (attached). He identified the subject property and surrounding properties on a visual map and he provided drone footage of the area.

Mr. Pages said staff recommends approval from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 2160007604, 2160007605, 2160007608 and 2160007609 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map for Tax Parcels 2160007604, 2160007605, 2160007608 and 2160007609 located off Stone Chimney Road SW (SR 1115) and Old Ferry Connection Road SW (SR 1115) near Holden Beach from LDR (Low Density Residential) to Commercial.

Mr. Leary made a motion to open the Public Hearing and the motion was unanimously carried.

Mr. Tariq Nizam addressed the Board. Mr. Nizam said they purchased the property with the intention to develop the property for commercial purposes. He stated that there is existing commercial nearby.

Mr. Edward Vanvliet addressed the Board in opposition to the zoning change because he felt that this is a very busy intersection that vacationers utilize while traveling to Holden Beach. Mr. Vanvliet felt a change in the zoning designation to commercial will add more traffic to this area, which is predominantly a residential community. Mr. Vanvliet further stated that the applicant has not indicated his intended use of the property if it is changed to C-LD.

Ms. Easley asked Mr. Vanvliet if he lives in the area and he replied that he lives in Varnamtown and he frequently travels through this area.

Ms. Marva Moss addressed the Board. Ms. Moss asked how the property will be used? Mr. Dunham said any use that is allowed in C-LD would be allowed provided all minimum requirements are met.

Ms. Robin Vanvliet addressed the Board. Ms. Vanvliet asked what the applicant's intent is with the property? Mr. Patton said specific uses cannot be considered by the Board. Ms. Vanvliet reiterated Mr. Vanvliet's concerns of being in opposition to the zoning change. She further stated that there have been multiple accidents at the intersection of Stone Chimney Road SW (SR 1119) and Old Ferry Connection Road SW (SR 1115). Ms. Vanvliet was also concerned with her property value being decreased if the property is zoned C-LD.

With no further comments, Ms. Easley made a motion to close the Public Hearing and the motion was unanimously carried.

Mr. Dunham asked staff if there are any road improvements proposed in the area? Mr. Pages said not at this time, but a North Carolina Department of Transportation (NCDOT) Driveway Permit would be required for any commercial development.

Mr. Dunham asked the applicant if the properties will be combined and Mr. Nizam said yes. Mr. Pages concurred that the tax parcels will have to be combined to develop the property for commercial purposes. Mr. Pages further stated that NCDOT will review the area to determine if any improvements will be necessary at the intersection such as a flashing light, signalization, a 4 way stop sign or deceleration lane.

Ms. Easley made a motion to recommend to the Board of Commissioners to approve Tax Parcels 2160007604, 2160007605, 2160007608 and 2160007609 to C-LD in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map for Tax Parcels 2160007604, 2160007605, 2160007608 and 2160007609 located off Stone Chimney Road SW (SR 1115) and Old Ferry Connection Road SW (SR 1115) near Holden Beach from LDR (Low Density Residential) to Commercial.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the ZONING AMENDMENT be recommended to the Board of Commissioners for

APPROVED – NOT CONSISTENT WITH COMPREHENSIVE PLAN

- The Planning Board finds that the proposed zoning amendment is NOT consistent with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning amendment is not consistent with the CAMA Land Use Plan. However, an amendment has been requested from LDR (Low Density Residential) to Commercial.

- The Planning Board further finds that the approval of the proposed zoning amendment will amend the CAMA Land Use Plan (Comprehensive Plan) and the following changes have been considered to meet the needs of the community:

The CAMA Land Use Plan strongly supports commercial nodes and this area is in transition.

- The Planning further finds that the proposed zoning amendment is reasonable and in the public interest for the following reasons:

The proposed amendment will reduce driveway connections on a heavily traveled road(s).

C. Proposed Unified Development Ordinance Text Amendment to Require Setback Certification

Ms. Dixon addressed the Board. Ms. Dixon stated that the proposed text amendment (attached) will require a foundation survey for new residential principal and accessory structures with certain provisions. She further stated that future inspections would be prohibited until the foundation survey has been received and approved by the Zoning Administrator or designee. Ms. Dixon said a signed and sealed letter from a Professional Land Surveyor identifying the property and structure and certifying that the structure meets or exceeds the setback for the zoning district in which it is located may be provided in lieu of a survey map. Ms. Dixon outlined the exceptions that includes decks, patios, fences, etc. Ms. Dixon said the Board of Adjustment endorses this text amendment as a result of a variance request denial where a minimum setback could not be met because the home was too close to the front property line and the home had to be reconfigured.

Mr. Medlin asked staff if decks and patios are exempted from providing a foundation survey and Ms. Dixon replied yes. Mr. Medlin was concerned with enclosed decks being built without a permit. Ms. Dixon said that language can be changed to exempt just open decks.

After lengthy discussion, regarding whether a survey should be required upfront, Mr. Batton reminded the Board that they have to consider the matter before them that was advertised for a public hearing.

Ms. Easley made a motion to open the Public Hearing and the motion was unanimously carried.

With no further comments, Mr. Leary made a motion to close the Public Hearing and the motion was unanimously carried.

Ms. Easley made a motion to recommend to the Board of Commissioners to approve the Setback Certification Text Amendment with a change in Section 3.1.4.C.d. Setback Certification to say open decks rather than ~~decks~~ are exempt from providing a foundation survey.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the ZONING AMENDMENT be recommended to the Board of Commissioners for

APPROVAL – CONSISTENT WITH COMPREHENSIVE PLAN

- The Planning Board finds that the proposed zoning amendment is consistent with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning amendment is consistent with the CAMA Land Use Plan as there is no impact.

- The Planning Board further finds that the proposed zoning amendment is reasonable and in the public interest for the following reasons:

This amendment will eliminate potential structures from being placed within the setback and eliminate cost to relocate a structure.

VIII. OTHER BUSINESS.

- Mirasol Planned Development (PD-1) Extension Request.

Mr. Pages addressed the Board. He stated that the developer, Malcolm Jones, has requested a 2 year extension for Mirasol Planned Development (PD-1) that was approved on 08-Jun15 as little activity (minimal grading) has occurred on the site. Mr. Pages said staff recommends approval.

Mr. Leary made a motion to approve a 2 year extension for Mirasol Planned Development (PD-1) and the motion was unanimously carried.

- CAMA Core Land Use Plan Status Report

Ms. Dixon addressed the Board. She stated that staff is presenting the Brunswick County CAMA Core Land Use Plan Status Report that is required by the State. Ms. Dixon briefly discussed the Status Report (attached) on the implementation of the Brunswick County CAMA Core Land Use Plan.

- New Staff

Ms. Dixon addressed the Board. She introduced Mr. Brandon Hackney as the Project Planner. Ms. Dixon said Mr. Hackney will be focusing on commercial development projects. The Board welcomed Mr. Hackney to staff.

- Planning Board Cases Update

Ms. Dixon addressed the Board. She stated that zoning cases Z-760 and Z-762 were approved at the Board of Commissioners 23-Apr-18 as well as the Fire Code Text Amendment. Ms. Dixon said zoning case Z-761 was tabled at the 23-Apr-18 meeting because a citizen expressed concerns at that meeting that were later addressed by staff with the citizen. She stated that Z-761 will be considered for approval at the Board of Commissioners' 21-May-18 meeting.

- Planning Board Training

Ms. Dixon addressed the Board. She stated that staff is trying to schedule a training session, but staff did not receive many responses from Board members when the request was sent via a Doodle Survey. Ms. Dixon said staff has selected 31-May-18 and 06-Jun-18 as potential dates for the training. She asked that each Board member get with Mr. Hackney before leaving to provide the best date and time based on the tentative dates and times. She further stated that the Cape Fear Council of Governments will be hosting the event. Ms. Dixon said if the selected dates/times are not conducive to everyone's schedule, staff will select additional dates to accommodate everyone's schedule as much as possible.

IX. ADJOURNMENT.

- With no further business, Mr. Leary made a motion to adjourn and the motion was unanimously carried.