

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
June 12, 2023

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

MEMBERS PRESENT

Eric Dunham, Chair
Richard Leary
Ron Medlin
Clifton Cheek
Christopher Wood
Harry Richard Ishler, Alternate

MEMBERS ABSENT

Joy Easley, Vice Chair
William Bittenbender

STAFF PRESENT

Kirstie Dixon, Director
Connie Marlowe, Admin. Asst. II
Garrett Huckins, Planning Tech.
Ron Meredith, Project Planner
Bryan Batton, Asst. County Attorney
Josh Littler, Intern

OTHERS PRESENT

John Hankins
Whitney Sauls
Justin Whiteside, Ocean Isle Asst. Town Admin.

Phil Norris, Norris and Tunstall Eng.
Jonathan Williamson

I. CALL TO ORDER.

Mr. Dunham called the meeting to order at 6:00 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE.

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

III. ROLL CALL.

Ms. Easley and Mr. Bittenbender were absent.

IV. CONSIDERATION OF MINUTES FROM THE 08-MAY-23 MEETING.

Mr. Leary made a motion to approve the 08-May-23 minutes as presented and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

There were none.

VI. PUBLIC COMMENT.

There were none.

VII. NEW BUSINESS.

A. Planned Development – PD-104

Name: Forest View Townhomes Planned Development
Applicant: Norris and Tunstall Engineering Consultants
Tax Parcel(s): 20800011, 2090004201, 2090004202, 22500141, a portion of 2090004204
Location: Ash-Little River Road NW (SR 1300)
Description: Forest View is a proposed planned development consisting of 107 townhouse units on 22.99 acres creating an overall density of 4.65 dwelling units per acre.

Mr. Meredith addressed the Board. He read the Staff Report (attached). Mr. Meredith identified the subject property and surrounding properties on a visual map.

Mr. Meredith said staff recommends approval based on the following conditions:

- That the development shall proceed in conformity with all plans and design features submitted as part of the planned development application and kept on file by the Brunswick County Planning Department.
- That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
- Planned Development approval does not constitute an authorization to construct. All applicable Federal, State and County approvals/permits will be necessary to obtain final plat approvals and building permits. This includes Stormwater, Utilities, and Fire Marshal requirements.

Mr. Dunham asked staff the nature of the Place Type Open Space – Conservation 1? Mr. Meredith stated that the Place Type Open Space – Conservation 1 is a land use classification that is based on the land use and existing conditions on the site as well as environmental features; whereas, zoning designations are specific to the parcel. Ms. Dixon added that wetlands and flood zones are elements related to the Place Type Open Space – Conservation 1. Mr. Meredith further stated that the proposed project has the majority of development outside of the AE flood zone.

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

Mr. Phillip Norris, Norris and Tunstall Consulting Engineers, addressed the Board on behalf of the property owner. He stated that they concur with the Staff Report inclusive of the conditions set forth in the Staff Report. Mr. Norris said a neighborhood meeting was held even though it was not required, but no public attended. He further stated that there is a tremendous amount of open space on the property for a potential park and walking trails in the active open space that is outside of wetland areas. He concluded that they are proposing off-street parking throughout the development in addition to the 2 required parking spaces.

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

Mr. Cheek made a motion to approve PD-104 (Forest View Townhomes Planned Development) and the motion was unanimously carried.

B. Ocean Isle Beach Extraterritorial Jurisdiction (ETJ) Expansion Request

Proposed ETJ Expansion for the Town of Ocean Isle Beach of approximately 15.83 acres located off Hale Swamp Road SW (SR 1154). The request consists of four parcels – Tax Parcels 22900090, 2290000101, 2290000109, and 2290000104.

Ms. Dixon addressed the Board. She stated that the Town of Ocean Isle Beach (Town) is requesting to add 4 tax parcels (22900090, 2290000101, 2290000109, and 2290000104) to their Extraterritorial Jurisdiction (ETJ) and the parcels will be zoned C-3 (Commercial Highway District). Ms. Dixon said 3 of the parcels (22900090, 2290000109 and 2290000104) have split jurisdictions. Ms. Dixon defined an ETJ and she briefly discussed the Brunswick County ETJ Expansion Policy. She further explained the 3 Evaluation Criteria (Commitment to General Development Planning, Annexation within 10 years, and Evidence of Feasibility for Urban Density Development) that the ETJ Expansion must adhere to. Ms. Dixon continued to read the Staff Report (attached). She concluded that Senate Bill 675 is a fast-moving bill in the NC Legislature that could impact this request as Senate Bill 675 proposes to nullify all ETJs in North Carolina, effective June 1, 2023.

Ms. Dixon said staff recommends approval of the Town of Ocean Isle Beach ETJ Expansion request.

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

Mr. Justin Whiteside, Ocean Isle Beach Assistant Town Administrator, addressed the Board on behalf of the Town. Mr. Whiteside said Senate Bill 675 is based on the county's population and the ETJ would not be abolished, but the current bill does not allow for the Town to expand their ETJ after June 1, 2023. He stated that the Town is working with house representation to modify the language in the Senate Bill 675 since the Town began the ETJ Expansion process prior to

June 1, 2023. Mr. Whiteside reiterated that there are 4 property owners that approached the Town about being included in the Town's ETJ. He further stated that the Town will modify their land use plan to include the subject properties. Mr. Whiteside said some of the parcels are within the Town's airport layout plan so they will be annexed within the Town if the property owner's choice to do so via voluntary annexation. Mr. Dunham asked Mr. Whiteside the amount of land that will be included in the airport parcel in the future? Mr. Whiteside said he is unsure of the actual amount of land involved, but a lot of the properties are along Beach Drive that are currently in the Town's ETJ.

Ms. Whitney Sauls, owner of Tax Parcel 2290000104, addressed the Board on behalf of herself and other property owners in favor of the ETJ Expansion. Ms. Sauls said they would like to be under one (1) jurisdiction for future development of their property.

Mr. Jonathan Williamson, owner of Tax Parcel 229000090, spoke in favor of the ETJ Expansion so his property can be under one (1) jurisdiction for potential future development. He stated that he has worked with the Town and it has always been a smooth transition.

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

After some discussion regarding whether or not the Town has met the Brunswick County ETJ Expansion Policy criteria, Mr. Wood made a motion to approve the Town of Ocean Isle Beach's ETJ Expansion request and the motion was unanimously carried.

VIII. OTHER BUSINESS.

- Planning Board Case Update.

Ms. Dixon addressed the Board. She stated that Zoning Cases Z-866 and Z-867 were approved at the Planning Board's 08-May-23 meeting and there were no written appeals within the allotted time (15 days), so the Board's decision stands.

IX. ADJOURNMENT.

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