

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
July 10, 2023

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

MEMBERS PRESENT

Eric Dunham, Chair
Richard Leary
Jason Gaver
Harry Richard Ishler, Alternate

MEMBERS ABSENT

Joy Easley, Vice Chair
William Bittenbender
Ron Medlin
Clifton Cheek

STAFF PRESENT

Kirstie Dixon, Director
Connie Marlowe, Admin. Asst. II
Ron Meredith, Project Planner
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

John Hankins
Justin Bishop, Malpass Engineering & Surveying
Jody Bland, Norris & Tunstall Engineering

Jeff Malpass, Malpass Engineering & Surveying
Robin Edwardsen

I. CALL TO ORDER.

Mr. Dunham called the meeting to order at 6:01 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE.

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

III. ROLL CALL.

Ms. Joy Easley, Mr. Ron Medlin, Mr. William Bittenbender, and Mr. Clifton Cheek were absent.

IV. CONSIDERATION OF MINUTES FROM THE 12-JUN-23 WORK SESSION AND REGULAR MEETING.

Mr. Leary made a motion to approve the 12-Jun-23 Work Session and Regular meeting 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-106

Name: Galloway Landing Planned Development
Applicant: Malpass Engineering
Tax Parcel(s): 15300001
Location: Galloway Road NE (SR 1401)
Description: Galloway Landing is a proposed planned development consisting of 485 single family lots and 260 townhouse lots on 256.53 acres creating an overall density of 2.90 dwelling units per acre.

Mr. Ron 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 number of wetlands on the site? Mr. Meredith deferred the question to the applicant.

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

Mr. Justin Bishop, representative for Malpass Engineering and Surveying, addressed the Board. Mr. Bishop reiterated the proposed project will consist of 485 single family lots and 260 townhome lots. The roads will be private and the project will connect to County water and sewer. He further stated that the project has 130.06 acres of dedicated open space and 38.48 acres are required. They are proposing 13.65 acres of recreational space of which 5.77 acres are required. Mr. Bishop said they are providing an additional periphery buffer adjacent to the IG (Industrial General) zoned property.

Mr. Dunham asked Mr. Bishop the number of wetlands on the site? Mr. Bishop identified the wetlands on a visual map. Mr. Dunham asked why a neighborhood meeting was not held? Mr. Bishop said the developer chose not to have a neighborhood meeting. He stated most of the neighboring properties are currently vacant and the County owns the property across the creek. Mr. Meredith interjected that there are approximately 67.95 acres of wetlands on the site. He further stated that 62.40 acres are 404 Federal Wetlands and 5.55 acres are isolated wetlands.

Mr. Leary asked Mr. Bishop if they considered developing the project to the 100-year storm event? Mr. Bishop said Brigit Flora, County Stormwater, indicated in the TRC (Technical Review Committee) that the project should be designed to the 100-year storm event? Mr. Bishop said they are amenable to designing the project to the 100-year storm event. Mr. Leary asked how the current plan will be affected if the project is designed to the 100-year storm event? Mr. Bishop said they may loss a few lots if a retention pond has to be enlarged.

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

Mr. Leary made a motion to approve PD-106 (Galloway Landing Planned Development) with the three (3) conditions in the Staff Report and he added a fourth condition stating that the project be designed to the 100-year storm event and the motion was unanimously carried.

B. Rezoning Z-868 – Paul McDonough (%Norris & Tunstall Consulting Engineering).

Request rezoning of approximately 22.60 acres located off Ash-Little River Road NW (SR 1300) near Ash from SBR-6000(Site Built High Density Residential) and RR (Rural Low Density Residential) to SBR-6000 (Site Built High Density Residential) for Tax Parcels 2090005402 and 2090005401

LAND USE PLAN MAP AMENDMENT LUM-868:

Request to amend the Blueprint Brunswick 2040 CAMA Land Use Plan Map from Rural Agricultural and Open Space Conservation 1 Place Types to HDR (High Density Residential) Place Type for Tax Parcels 2090005402 and 2090005401 located off Ash-Little River Road NW (SR 1300) near Ash, NC. This land use plan amendment totals approximately 22.60 acres.

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

Mr. Meredith said staff recommends approval to SBR-6000 (Site Built High Density Residential) in conjunction with an amendment to the Blueprint Brunswick CAMA Land Use Plan Map for Tax Parcels 2090005402 and 2090005401 located off Ash-Little River Road NW (SR 1300) to HDR (High Density Residential) Place Type.

Mr. Dunham asked staff how the parcels gain access off Ash-Little River Road NW (SR 1300)? Mr. Meredith said the properties appear to be land-locked, but the applicant can better address how the subject properties gain access from Ash-Little River Road NW (SR 1300).

Mr. Leary clarified that a portion of Tax Parcel 2090005401 is currently zoned SBR-6000 (Site Built High Density Residential) and all of Tax Parcel 2090005402 is currently zoned RR (Rural Low Density Residential) and Ms. Dixon concurred.

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

Mr. Jody Bland, Norris & Tunstall Engineering, addressed the Board. He stated that there is a home on the split- zoned parcel (2090005401) and is an easement through the SBR-6000 property that will have connection off Ash-Little River Road NW (SR 1300). He stated that the applicant wanted to keep the subject property consistent with the adjacent SBR-6000 zoning because it will be the highest and best use of the property.

Mr. Dunham asked Mr. Bland if there are wetlands on the property? Mr. Bland said there is a wetland pocket in the lower portion of the center parcel, but no wetland delineation has been done.

Mr. Robin Edwardsen addressed the Board. He asked if all the cases are being combined? Mr. Dunham said each case is being considered separately.

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

Mr. Leary made a motion to approve Tax Parcels 2090005402 and 2090005401 to SBR-6000 (Site Built High Density Residential) located off Ash-Little River Road NW (SR 1300) with an amendment to the Blueprint Brunswick 2040 Plan Map for Tax Parcels 2090005402 and 2090005401 located off Ash-Little River Road NW (SR 1300) to HDR (High Density Residential) and the motion was unanimously carried.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for REZONING be

APPROVE – NOT CONSISTENT WITH BLUEPRINT BRUNSWICK 2040 COMPREHENSIVE LAND USE PLAN

- The Planning Board finds that the proposed zoning amendment is not consistent with the Blueprint Brunswick 2040 CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning amendment is not consistent. However, a land use plan map amendment has been requested to HDR (High Density Residential).

- The Planning Board further finds that the approval of the proposed zoning amendment will amend the Blueprint Brunswick 2040 Comprehensive Plan and the following changes have been considered to meet the needs of the community:

It is consistent with neighboring properties.

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

There is similar zoning nearby.

Mr. Dunham stated that any person with standing may appeal the decision of the Planning Board. If an appeal is received in the allotted time, the case will move forward to the Brunswick County Board of Commissioners for a Public Hearing and their consideration. He further stated that if notice of the appeal is not provided in writing within 15 days, then the decision of the Planning Board shall be final.

C. Rezoning Z-869 – S. Longwood, LLC and Longwood Properties (%J. Phillip Norris).

Request rezoning of approximately 964.88 acres located off Gwynn Road NW (SR 1306) near Ash from RR (Rural Low Density Residential) to R-7500 (Medium Density Residential) for Tax Parcels 17700015, 17700016, 17800090, and 1780000301.

LAND USE PLAN MAP AMENDMENT LUM-869:

Request to amend the Blueprint Brunswick 2040 CAMA Land Use Plan Map from MDR (Medium Density Residential) and Open Space Conservation 1 Place Types to MDR (Medium Density Residential) for Parcels 17700015, 17700016, 17800090, and 1780000301 located off Gwynn Road NW (SR 1306) near Ash, NC. This land use plan amendment totals approximately 964.88 acres.

Mr. Ron Meredith addressed the Board. He read the Staff Report (attached) and identified the subject property and surrounding properties on a visual map. Mr. Meredith stated that staff added Tax Parcel 17700016 in an effort to maintain consistency with the rezoning request. He further stated that staff contacted that property owner and they were agreeable to their property being added to the zoning change.

Mr. Meredith said staff recommends approval to R-7500 (Medium Density Residential) for Tax Parcels 17700015, 17700016, 17800090 and 1780000301 located off Gwynn Road NW (SR 1306) in conjunction with an amendment to the Blueprint Brunswick 2040 Plan Map located off Gwynn Road NW (SR 1306) to MDR (Medium Density Residential) Place Type.

Mr. Leary asked staff about the surrounding areas being zoned RR (Rural Low Density Residential) even though staff is recommending approval with a land use amendment. Mr. Meredith said the place types are not parcel specific; rather, the land use plan is based on impervious surface or wetlands as well as other factors. He further stated that the Blueprint Brunswick 2040 CAMA Land Use Plan is different than what the Board is used to with regards to consistency. Ms. Dixon added that the North Carolina General Statutes allows for the land use plan to consider flood zones, soil types and wetlands, which does not make it parcel specific. Ms. Dixon further stated that this is a large parcel and that was a determining factor for staff to recommend approval with an amendment to the Blueprint Brunswick 2040 CAMA Land Use Plan Map.

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

Mr. Jody Bland, representative for Norris & Tunstall Engineering, addressed the Board. He stated that they have worked with staff on this zoning change and they felt like this will be a good transition from RR (Rural Low Density Residential) to R-7500 (Medium Density Residential).

Mr. Robin Edwardsen addressed the Board. Mr. Edwardsen expressed concerned with the Blueprint Brunswick 2040 Land Use Plan being changed to accommodate the subject property. He was also concerned with the applicant asking for a variance from the Blueprint Brunswick 2040 CAMA Land Use Plan. He said this Plan is supposed to guide Brunswick County for at least a decade. Mr. Edwardsen said the Board needs to think about the best interests for the public going forward. He felt that if the Board approves this zoning request, it will open the door for surrounding properties to submit similar zoning changes. He urged the Board to deny this request because it is not consistent with the Blueprint Brunswick 2040 CAMA Land Use Plan. Mr. Dunham said some of the property is currently consistent with the Blueprint Brunswick 2040 Land Use Plan and the applicant is requesting that the entire property be consistent. Ms. Dixon interjected that a large portion of the land use classification is MDR (Medium Density Residential), which is consistent with the requested zoning change. She stated that there are some portions of the property that are classified as conservation. Mr. Edwardsen asked staff if this is a conditional zoning request? Mr. Meredith said this is a conventional zoning request and conditions cannot be placed on conventional zoning request. Mr. Edwardsen reiterated his concerns if this zoning change is granted. Mr. Dunham said the land classification allows for the requested zoning change.

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

Mr. Leary asked staff the difference between the RR (Rural Low Density Residential) and R-7500 (Medium Density Residential) zoning districts? Mr. Meredith said they both are residential zoning districts, but the minimum density requirements differs and the RR (Rural Low Density Residential) zoning allows for some commercial uses that are friendly to agricultural uses. Ms. Dixon added that a major difference is singlewide mobile homes are not allowed in the R-7500 zoning district, but they are allowed in the RR zoning district.

Mr. Leary made a motion to approve Tax Parcels 17700015, 17700016, 17800090, and 1780000301 to R-7500 (Medium Density Residential) located off Ash-Little Road NW (SR 1300) with an amendment to the Blueprint Brunswick 2040 Plan Map for Tax Parcels 17700015, 17700016, 17800090, and 1780000301 located off Ash-Little Road NW (SR 1300) to MDR (Medium Density Residential) and the motion was unanimously carried.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for REZONING be

APPROVE – NOT CONSISTENT WITH BLUEPRINT BRUNSWICK 2040 COMPREHENSIVE LAND USE PLAN

- The Planning Board finds that the proposed zoning amendment is not consistent with the Blueprint Brunswick 2040 CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning amendment is not consistent. However, a land use plan map amendment has been requested to MDR (Medium Density Residential).

- The Planning Board further finds that the approval of the proposed zoning amendment will amend the Blueprint Brunswick 2040 Comprehensive Plan and the following changes have been considered to meet the needs of the community:

The parcel is partially consistent with the Blueprint Brunswick 2040 CAMA Land Use Plan, but other parts are classified as Open Space Conservation Place Type.

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

The change will comply with that portion of the land use plan that is MDR (Medium Density Residential).

Mr. Dunham stated that any person with standing may appeal the decision of the Planning Board. If an appeal is received in the allotted time, the case will move forward to the Brunswick County Board of Commissioners for a Public Hearing and their consideration. He further stated that if notice of the appeal is not provided in writing within 15 days, then the decision of the Planning Board shall be final.

VIII. OTHER BUSINESS.

- Planning Board Case Update.

Ms. Dixon addressed the Board. She stated that PD-104 (Forest View Townhomes Planned Development) was approved at the Planning Board's 12-Jun-23 meeting and there were no written appeals within the allotted time, so the Board's decision stands. Ms. Dixon said a public hearing has been scheduled at the Board of Commissioners' regular meeting on 17-Jul-23 for consideration of the Town of Ocean Isle Beach's ETJ (Extraterritorial Jurisdiction) Expansion request.

IX. ADJOURNMENT.

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