

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
August 14, 2023

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

MEMBERS PRESENT

Eric Dunham, Chair
Joy Easley, Vice Chair
William Bittenbender
Richard Leary
Jason Gaver
Clifton Cheek

MEMBERS ABSENT

Harry Richard Ishler, Alternate
Ron Medlin

STAFF PRESENT

Kirstie Dixon, Director
Marc Pages, Principal Planner
Connie Marlowe, Admin. Asst. II
Ron Meredith, Project Planner
Garrett Huckins, Planning Tech.
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

John Hankins
Andy Smith
Keenan Jones
Savanna Tenenoff, Brunswick Beacon

Sheila McLamb
Dan Weeks, H&W Design
Sara Shirley, Kimley-Horn

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.

Mr. Ron Medlin and Mr. Harry Richard Ishler were absent.

IV. CONSIDERATION OF MINUTES FROM THE 10-JUL-23 WORK SESSION AND REGULAR MEETING.

Mr. Leary made a motion to approve the 10-Jul-23 Work Session and Regular meeting minutes as presented and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

There were none.

VI. PUBLIC COMMENT.

Mr. John Hankins, 315 Big Macedonia Road NW (SR 1342), addressed the Board. Mr. Hankins stated that his property is adjacent to Buffalo Lane NW and there is a lot of traffic accessing Buffalo Lane NW, which is a private road. He stated that the traffic backs out onto Big Macedonia Road NW (SR 1342), which is close to a curve that can pose a potential hazard. Mr. Hankins said when Mr. Brookshire (owner of Tax Parcel 16800049) locks the gate on Buffalo Lane NW, vehicles are turning around on his property to exit out of Buffalo Lane NW and get back on Big Macedonia Road NW (SR 1342) because GPS is directs traffic onto Buffalo Lane NW to get to Ocean Hwy West (US 17). Mr. Hankins asked if a sign can be erected saying "No Thru Traffic" to deter motorists from using Buffalo Lane NW as an ingress to Ocean Hwy West (US 17). Mr. Dunham said the Planning Board does not adjudicate road or traffic issues. Mr. Hankins said Ms. Jan Clemmons with GIS had the Buffalo Lane NW sign erected last year. Mr. Pages said the County erects road name signs, but no other road signage. He suggested that Mr. Hankins speak with Jan Clemmons in GIS regarding potentially rerouting traffic or Mr. Hankins can put up a sign stating "No Thru Traffic" on Buffalo Lane NW.

VII. NEW BUSINESS.

A. Rezoning Z-870 – Sheila K. McLamb.

Request rezoning of approximately 3.40 acres located off Seaside Road SW (NC 179) near Sunset Beach from C-LD (Commercial Low Density) and R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 2273A154.

LAND USE PLAN MAP AMENDMENT LUM-870:

Request to amend the Blueprint Brunswick 2040 CAMA Land Use Plan Map from LDR (Low Density Residential) to MDRM (Medium Density Residential Mixed) for Tax Parcel 2273A154

located off Seaside Road SW (NC 179) near Sunset Beach. This Land Use Plan Amendment totals approximately 3.40 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 from C-LD (Commercial Low Density) and R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 2273A154 located off Seaside Road SW (NC 179) in conjunction with an amendment to the Blueprint Brunswick 2040 CAMA Land Use Plan Map to MDRM (Medium Density Residential Mixed).

Mr. Dunham asked staff about the Board of Commissioners' denial of the subject property in November 2001 as outlined in the Staff Report. Mr. Meredith said he was unable to gather information as to why the Board of Commissioners denied the request for a zoning change at that time. He stated that Ms. Sheila McLamb may have some insight as to why the zoning change was denied by the Board of Commissioners in November 2001.

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

Ms. Sheila K. McLamb addressed the Board. Ms. McLamb said she has practiced law for 40 years in Brunswick County and she has owned and operated several businesses within the County. She stated that the proposed zoning change is appropriate for this area. Ms. McLamb said she is unsure why the zoning change was denied in 2001, but this area has changed a great deal since that time. She further stated that this is the ideal location for commercial services to accommodate the growing number of residents in this area. Ms. McLamb further stated that there are no wetlands on the property per an environmental engineer that conducted a wetlands study on this site. Ms. McLamb concluded that she has spoken with the Planning Director of the Town of Sunset Beach (Town) about her intentions to request a zoning change for Tax Parcel 2273A155 (in the Town's jurisdiction) and he was receptive to the potential change to commercial, which has to be approved by the town council board.

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 approve Tax Parcel 2273A154 to C-LD (Commercial Low Density) located off Seaside Road SW (NC 179) in conjunction with an amendment to the Blueprint Brunswick 2040 CAMA Land Use Plan Map to MDRM (Medium Density Residential Mixed) and the motion was unanimously carried.

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

APPROVED – NOT CONSISTENT WITH COMPREHENSIVE 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 is not consistent with the CAMA Land Use Plan (Comprehensive Plan). However, an amendment has been requested to MDRM (Medium Density Residential Mixed).

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

The proposed change will better serve the residential neighbors in the area.

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

There is similar zoning nearby and this will correct a split-zoned property.

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.

B. Planned Development – PD-105

Name: Heartsease at Ocean Isle (Formally Sunset Commons) Planned Development
Applicant: Heartsease @ Ocean Isle, LLC
Tax Parcel(s): 2270002308, 2270002321 and 2270002322
Location: Seaside Road SW (NC 904)
Description: Heartsease at Ocean Isle is a proposed planned development consisting of 48 semi-attached units and 88 multifamily units on 24.32 acres creating an overall density of 5.59 dwelling units per acre. PD-29, Sunset Commons, was a planned development previously approved for this site consisting of 48 semi-attached dwellings on 18.35 acres that created an overall density of 2.61 units per acre.

Mr. Marc Pages addressed the Board. He read the Staff Report (attached). He stated that the applicant is adding 2 parcels (2270002321 and 2270002322), which consist of 88 multifamily units. Mr. Pages identified the subject property and surrounding properties on a visual map.

Mr. Pages 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. Bittenbender asked about the project being designed to a 100-year storm event rather than a 25-year storm event. Mr. Dunham said the Board, typically, requires a project be designed to a 100-year storm event when the property is in a flood zone. Mr. Pages interjected that there are no flood zones on the subject property.

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

Mr. Andy Smith, Heartsease LLC, addressed the Board. Mr. Smith stated that the project was not economically feasible as previously approved (Sunset Commons - PD-29) so, they added Tax Parcels 2270002321 and 2270002322 in an effort to make the project more viable. He stated that the multifamily section will be small, 2 story units with individual entrances. He further stated that the wetlands have been preserved through open space. Mr. Smith said the rear section (previously approved as PD-29) was issued a state stormwater permit as well as utility approvals. He concluded that they are ready to submit an application for a county stormwater permit based on the original design.

Mr. Dunham asked Mr. Smith if there is an agreement on the road (Chatham Glenn SW)? Mr. Smith said they own the road and there is a negotiation between them and Lennar Carolinas LLC regarding access to their property from Chatham Glenn SW.

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

Mr. Leary made a motion to approve PD-105 (Heartsease at Ocean Isle Planned Development) with the noted conditions in the Staff Report and the motion was unanimously carried.

C. Planned Development – PD-108

Name: Danford Tract Planned Development
Applicant: H&W Design
Tax Parcel(s): 1250004702 and 1250004703
Location: Danford Road SE (SR 1513)
Description: Danford Tract is a proposed planned development consisting of 76 single family lots and 190 townhouse lots on 131.34 acres creating an overall density of 2.19 dwelling units per acre.

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

Mr. Pages 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. Leary clarified that the second entrance to the project is within the floodplain and Mr. Pages concurred. Mr. Leary asked staff if there are any arrangements to keep that area accessible? Mr. Pages said it is not required, but the primary access to the project is not within a floodplain. He further stated that there is no other opportunity for additional access to the property. He concluded that neither the Fire Marshal nor the Floodplain Administrator had any objections to the second entrance being in the floodplain.

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

Mr. Dan Weeks, H&W Design, addressed the Board. Mr. Weeks stated that this is a phased project with the first phase being 76 single family lots on the main road and the second phase is 190 townhouse units that have not been designed at this time. Mr. Weeks said the retention ponds are over engineered to control up to 100-year, 24-hour storm pre-development standards. He reiterated that a North Carolina Department of Transportation (NCDOT) Driveway Permit will be required and NCDOT will dictate the scoping for this project and any potential roadway improvements along Danford Road SE (SR 1513). The wetlands on the site will be put into open space and they will provide buffers to adjacent properties. Mr. Weeks said they have met and/or exceeded TRC requirements.

Mr. Cheek said about Roads 3 and 4 being extended in the future? Mr. Weeks said they do not anticipate any further designs in those areas, so the roads were stubbed out based upon the geometry of the plan. Mr. Cheek felt that Lots 48-50 would have better rear yards if they were not backing up to Lots 51-53. Mr. Weeks said the developer agreed with the design of the lots as presented.

Mr. Keenan Jones addressed the Board. Mr. Jones (owner of Tax Parcel 14000069) was concerned with Road 2 that is proposed through the wetlands creating a potential flooding issue. He stated that there is a creek between the subject property and his property that water currently flow through with ease. Mr. Pages said stormwater approval will have to be met to ensure that water continues to flow through the area and not pose a negative impact to Mr. Jones' property.

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

Mr. Leary made a motion to approve PD-108 (Danford Tract Planned Development) with the noted conditions in the Staff Report and the motion was unanimously carried.

D. Planned Development – PD-109

Name: Grove at Olde Georgetown (Modification) Planned Development
Applicant: MCP Acquisitions, LLC
Tax Parcel(s): 1850000905
Location: Southport-Supply Road SE (NC 211)
Description: Olde Georgetown is a previously approved planned development. The applicant is requesting a modification to the approved plan in a portion of Phase 3 of the development. This portion of Phase 3 was originally approved for 157 single family lots on 49.20 acres creating an overall density of 3.19 dwelling units per acre. The applicant is proposing a

modification consisting of 250 single family cottages on 49.20 acres creating an overall density of 5.08 dwelling units per acre.

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

Mr. Pages 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.
- Smithtown Road SE (SR 1193) connection to be installed with an emergency accessible gate.

Mr. Dunham clarified that this was originally 1 planned development, but the declarant is unclear? He asked if each property owner will develop their own tract? Mr. Pages said the owner is the declarant of the northeastern portion and they are requesting a modification consisting of 250 single family cottages on the 49.20 acre.

Ms. Easley clarified that the hatched area is wetlands and Mr. Pages concurred. She asked if the developer is proposing that the project be designed to the 25-year storm event and Mr. Pages replied, yes.

Mr. Cheek asked staff if the proposed cottages will be located on single family lots? Mr. Pages said it is staff's understanding that the cottages will be built for rent. He further stated that the lots could be subdivided in the future as long as there is adequate separation between the structures. Ms. Dixon added that they could be changed to condos if the developer chooses to do so.

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

Ms. Sara Shirley, representative for Kimley-Horn, addressed the Board and briefly discussed a PowerPoint presentation (attached) explaining the original approval with the proposed modification. Ms. Shirley said they are, initially, losing 2 lots with the modification to the plan. She said they are committing to a higher stormwater standard and they are proposing an innovative design package, which allows for smaller footprint on the site and preserves open space. Ms. Shirley further stated that all homes are individual homes with open space around the home that will be maintained by a property owners association.

Ms. Easley asked how large the wetland area is of the 49.20 acres and Ms. Shirley said approximately 20 acres are wetlands. She added that they are proposing a perimeter buffer between Phase 1 and Phase 3 to preserve trees and maintain privacy between the 2 neighborhoods. Ms. Easley said the Board usually requires that a plan be designed to a 100-year

storm event when there are wetlands and/or flood zones on the site. Ms. Shirley said the County's Stormwater Ordinance requires plans to be designed to a 10-year storm event, but they are committed to designing the project to a 25-year storm event. She stated that this is an isolated wetland that is not part of an overall floodway or floodplain.

Mr. Dunham asked Ms. Shirley if she was aware of any flooding in the area? Ms. Shirley said the adjacent neighbors had concerns about flooding on Smithtown Road SE (SR 1193) off the site and they explained that they consider any off-site stormwater that comes into or through the property and mitigate.

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-109 (Grove at Olde Georgetown Modification Planned Development) with the noted conditions in the Staff Report and the motion carried 5 to 1 with Ms. Easley opposing.

E. Text Amendment – Public Training Facilities.

Ms. Dixon addressed the Board. She stated that the County has been working with Brunswick Community College to provide training for fire departments, which requires parking for fire vehicles and extinguishing fires. As a result, Ms. Dixon said staff discovered that such a use is currently not addressed in the UDO, which prompted the proposed text amendment (attached) to permit public training facilities in the I-G (Industrial General) zoning district. However, staff recommends that public fire training facilities be permitted in the I-G (Industrial General) because there does not appear to be any other public training facilities within the unincorporated areas of Brunswick County.

Mr. Cheek suggested that the terminology be "First Responder Training Facilities" and staff was in agreement.

Ms. Dixon read staff's recommendation and consistency and reasonableness determination (attached). She said staff recommends approval to add First Responders Training Facilities to the Brunswick County Unified Development Ordinance Use Table as a permitted use in the I-G (Industrial General) zoning district.

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

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

Mr. Cheek made a motion to recommend to the Board of Commissioners to approve a text amendment to add "First Responders Training Facilities" as a permitted use in the I-G (Industrial General) zoning district and the motion was unanimously carried.

CONSISTENCY & REASONABLENESS DETERMINATION

Per NCGS, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment (including map and text amendments), a statement regarding plan consistency shall be adopted.

This request is (X) CONSISTENT () NOT CONSISTENT with the goals, recommendations, and policies of the following plans adopted by Brunswick County and is (X) REASONABLE () NOT REASONABLE and appropriate based upon the following findings:

- Clarifies Unified Development Ordinance (UDO) by addressing a use that was not permitted.
- Blueprint Brunswick Goals & Objective, Education Goal, states that Brunswick County should promote quality education and lifelong learning opportunities.
- ED-1, states that Brunswick County should maintain and expand job opportunities in the County.
- ED-1 Bullet #2, supports workforce development/training.

<input type="checkbox"/> <i>Agricultural Development Plan</i> <input type="checkbox"/> <i>Brunswick County Comprehensive Transportation Plan (CTP)</i> <input type="checkbox"/> <i>Brunswick County Trail Plan</i> <input checked="" type="checkbox"/> <i>Blueprint Brunswick 2040 Comprehensive Plan (CAMA Plan)</i>	<input checked="" type="checkbox"/> <i>Unified Development Ordinance</i> <input type="checkbox"/> <i>Southeastern North Carolina Hazard Mitigation Plan</i> <input type="checkbox"/> <i>Airport Height Control Ordinance</i> <input type="checkbox"/> <i>Other: _____</i>
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VIII. OTHER BUSINESS.

- Planning Board Case Update.

Ms. Dixon addressed the Board. She stated that Rezoning Cases Z-868 and Z-869 were approved at the Planning Board’s 10-Jul-23 meeting and there were no written appeals within the allotted time, so the Board’s decision stands.

- Election of Officers.

Mr. Dunham opened nominations for Chair. Mr. Bittenbender nominated Mr. Dunham for Chair. With no other nominations, Mr. Leary made a motion to close nominations and the motion was unanimously carried. Mr. Dunham was unanimously elected as Chair.

Mr. Dunham opened nominations for Vice Chair. Mr. Leary nominated Ms. Easley for Vice Chair. With no other nominations, Mr. Leary made a motion to close nominations and the motion was unanimously carried. Ms. Easley was unanimously elected as Vice Chair.

IX. ADJOURNMENT.

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