

**MINUTES**  
**PLANNING BOARD**  
**BRUNSWICK COUNTY, NC**

**6:00 P.M. Tuesday**  
**March 8, 2022**

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

**MEMBERS PRESENT**

Eric Dunham, Chair  
William Bittenbender  
Clifton Cheek  
Richard Leary  
Ron Medlin  
Christopher Wood

**MEMBERS ABSENT**

Joy Easley, Vice Chair  
Brett Riggs, Alternate

**STAFF PRESENT**

Kirstie Dixon, Director  
Marc Pages, Principal Planner  
Connie Marlowe, Admin. Asst. II  
Robert Lewis, Project Planner  
Bryan Batton, Asst. County Attorney

**OTHERS PRESENT**

Dan Koeller  
John Wall  
Richard Kollier  
Ken McGill

Anne Feig  
Kathleen Mularczyk  
Richard Skorny

**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. The Chair asked everyone to stand and face the U.S. Flag to say the Pledge of Allegiance.

III. ROLL CALL.

Ms. Joy Easley and Mr. Brett Riggs were absent.

IV. CONSIDERATION OF MINUTES OF THE 10-JAN-22 MEETING.

Mr. Cheek noted a correction on page 6, seventh paragraph should say, "With no further comments, Mr. ~~Cheer~~ Cheek made a motion to close the Public Hearing and the motion was unanimously carried. Mr. Leary made a motion to approve the 10-Jan-22 minutes with the noted correction and the motion as unanimously carried.

V. AGENDA AMENDMENTS.

Mr. Dunham stated that Zoning Case Z-836 has been postpone until the April 11<sup>th</sup> Planning Board meeting at the applicant's request.

VI. PUBLIC COMMENT.

There were none.

VII. PUBLIC HEARINGS.

A. Major Subdivision – SS-279

|              |                                                                                                                                                                      |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Name:        | Fairway Acres                                                                                                                                                        |
| Applicant:   | Timmons Group                                                                                                                                                        |
| Tax Parcels: | 2290002005                                                                                                                                                           |
| Location:    | Beach Drive SW (NC 179)                                                                                                                                              |
| Description: | Fairway Acres is a proposed major subdivision consisting of 53 single family homes on a gross site of 16.99 acres creating an overall density of 3.1 units per acre. |

Ms. Dixon addressed the Board. She read the Staff Report (attached). Ms. Dixon identified the subject property and surrounding properties on a visual map.

Ms. Dixon 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 major subdivision 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.
- Major Subdivision 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 made a motion to open the Public Hearing and the motion was unanimously carried.

Mr. Dan Koeller, owner of Duck Pond Ventures, addressed the Board. Mr. Koeller said a portion of the subject property is on Bricklanding's golf course. He stated that a portion of the green and 2 t-boxes are on their property, and they are working with the Community Partners Golf Association to dedicate an easement for the golf course on the green and the t-box so no development will occur in those areas.

Mr. John Wall, representative for Timmons Group, addressed the Board. Mr. Wall said they are proposed 51 single-family lots rather than 53 single-family lots as initially proposed.

Mr. Ken McGill, President of Community Properties Group, addressed the Board. Mr. McGill said the community is looking forward to having a positive neighboring partnership with the proposed community.

Mr. Richard Skorny, President of Oakbrook II and a member of the Board of Directors of Bricklanding Plantation, addressed the Board. Mr. Skorny said they are concerned with stormwater runoff as there are several proposed developments for this area. He stated that Bricklanding Plantation was designed in 1987 and the infrastructure was designed to handle what was constructed at that time. Mr. Skorny said an engineering study (conducted by East Coast Engineering) was completed in the early 2000s and the risers on the golf course were undersized to handle the floodwaters in Goose Creek. He further stated that Southern Oaks (residential development in Bricklanding Plantation) has flooded on more than one occasion. Mr. Skorny said they are in the process of getting a new engineering study to provide a method to improve the flow of water in the area. He provided maps (attached) of the area where another planned development was approved in 2018 (Greenside Manor) and there are current stormwater issues in the area. Mr. Pages interjected that Greenside Manor (approximately 40 lots) was an expansion of Brunswick Plantation that was approved by the Planning Board around 2018. Mr. Skorny proceeded to say that there are maps showing areas that currently do not exist on the ground. Mr. Skorny identified areas on a map where the water currently flows in relation to the proposed project. He stated that Oakbrook II will have a large amount of stormwater runoff as a result of the developments under construction in the area and the proposed project. Mr. Skorny was concerned with his community not being prepared for the potential stormwater runoff and he was also concerned with who will be responsible for potential repairs.

Mr. Dunham asked staff if the County Stormwater Engineer provided any feedback for this project? Mr. Pages said Brigit Flora, Stormwater Engineer, recommended that additional attenuation of up to 25-year 24-hour storm be designed, if feasible, in addition to the normal 1-year and 10-year 24-hour storms, but the developer is designing the project to a 10-year storm event.

Ms. Anne Feig, owner of Tax Parcel 229NA003, addressed the Board. Ms. Feig was concerned with homes from the proposed development being in close proximity to her property and the potential stormwater runoff once the foliage is removed on the subject property. Mr. Pages stated that stormwater runoff must be contained on the subject property and not sheet flow to the adjacent property.

Ms. Kathleen Mularczyk addressed the Board. Ms. Mularczyk stated that she currently has stormwater runoff from the cart path (between the 9<sup>th</sup> and 10<sup>th</sup> hole of Bricklanding Plantation golf course) and she was concerned with the potential of stormwater runoff from the proposed project. Mr. Koeller addressed Ms. Mularczyk regarding stormwater runoff to her property. He stated that stormwater will be captured and released into the stormwater retention ponds on site. He further stated that they will consider redesigning the project to the 25-year storm event, which may result in the loss of 4 lots or the removal of the t-boxes on their property. He further stated that they may put in an addition stormwater control measure (i.e., pond) on the left side of the property by the green. Mr. Koeller said he will also research requiring a 20' buffer on the rear lots to maintain a larger separation from Ms. Feig's property.

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

After a brief discussion, Mr. Leary made a motion to table the matter until the applicant can research the concerns regarding the project being designed to the 25-year storm event rather than the proposed 10-year storm event and potentially providing a 20' buffer for the rear lots of the project and the motion was unanimously carried.

B. Rezoning Z-832 – Malmo Ventures LLC.

Request rezoning of approximately 685.23 acres located off Malmo Loop Road NE (SR 1417) near Leland from RR (Rural Low Density Residential) to SBR-6000 (Site Built High Density Residential) for Tax Parcel 0280000106.

LAND USE PLAN MAP AMENDMENT LUM-832:

Request to amend Tax Parcel 0280000106 located off Malmo Loop Road NE (SR 1417) near Leland from LDR (Low Density Residential) to MDR (Medium Density Residential).

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

Mr. Pages said staff recommends approval from RR (Rural Low Density Residential) to SBR-6000 (Site Built High Density Residential) for Tax Parcel 0280000106 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map from LDR (Low Density Residential) to MDR (Medium Density Residential) for Tax Parcel 0280000106 located off Malmo Loop Road NE (SR 1417).

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

Mr. Richard Kollier, representative of McKim and Creed, addressed the Board. Mr. Kollier said they intend to develop a planned development on the subject property if the zoning change is approved. He stated that 98% of the area to be developed is outside of wetlands and they are currently conducting a flood study because they plan to erect a bridge across the floodway. Mr. Kollier said they are currently conducting a traffic study and a scoping document has been provided by the North Carolina Department of Transportation (NCDOT). He further stated that a wetlands survey has been submitted to the US Army Corps of Engineers for delineation of wetlands on the site.

Mr. Cheek asked Mr. Kollier the acreage of wetlands on the property and Mr. Kollier said approximately 250 acres is currently in wetlands.

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

Mr. Cheek made a motion to approve Tax Parcel 0280000106 from RR (Rural Low Density Residential) to SBR-6000 (Site Built High Density Residential) in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to MDR (Medium Density Residential) for Tax Parcel 0280000106.

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 CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning is not consistent with the CAMA Land Use Plan (Comprehensive Plan) as it is classified as LDR (Low Density Residential). However, a CAMA Land Use Plan 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 CAMA Land Use Plan (Comprehensive Land Use Plan) and the following changes have been considered to meet the needs of the community:

Based on the Staff Report, the County supports greater residential densities in areas that are accessible to water and sewer service(s) and the County supports directing more intensive land uses to areas that have existing or planned infrastructure.

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

The zoning change is consistent with surrounding zoning.

The Chairman 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-835 – Bianchi Properties LLC (%John Bianchi).

Request rezoning of approximately 0.77 acres located off Kelly Road NE near Leland from RR (Rural Low Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 084BA012 and 084BA013.

LAND USE PLAN MAP AMENDMENT LUM-835:

Request to amend Tax Parcels 084BA012 and 084BA013 located off Kelly Road NE near Leland from LDR (Low Density Residential) to Commercial.

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

Mr. Pages said staff recommends approval from RR (Rural Low Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 084BA012 and 084BA013 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map from LDR (Low Density Residential) to Commercial.

Mr. Bittenbender asked if sewer is available to the site and Mr. Pages said lots will have individual on-site wastewater systems.

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

Mr. Mark Bianchi addressed the Board. Mr. Bianchi stated that they intend to build a showroom with an upstairs office that will be connected to a warehouse building on the rear of the property. Mr. Bianchi further stated that they will have material storage on the rear and the opposite side of the road.

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

Mr. Leary made a motion to approve Tax Parcels 084BA012 and 084BA013 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map from LDR (Low Density Residential) to Commercial.

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 CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning is not consistent with the CAMA Land Use Plan (Comprehensive Plan) as it is classified as LDR (Low Density Residential). However, a CAMA Land Use Plan amendment has been requested to Commercial.

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

The change is consistent with adjacent properties.

- 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.

The Chairman 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.

- Flood Resiliency Update

Ms. Dixon addressed the Board. She stated that staff conducted a roundtable discussion regarding projects being designed to the 25-year storm event. Ms. Dixon said staff drafted a resolution (attached) that includes 3 recommendations to better address water drainage, stormwater and flooding in Brunswick County. She further stated that most of the stormwater concerns usually addressed to the Planning Board are a result of projects that were approved prior to the County implementing a Stormwater Ordinance. After lengthy discussion, the Board revised Option 2 of the resolution to say, "Consider requiring new development projects located in historically susceptible and flood-prone areas of Brunswick County (i.e., Caw-Caw Canal Area and other tidal creeks) to be designed to greater standards such as routing the 100-year storm through the pond for stormwater elements and roadways." The Board suggested that staff revise the resolution and bring back to the Board for final approval once the Stormwater Engineer has reviewed the 3 recommendations.

- Transportation Planning Update

Ms. Bunch addressed the Board. She discussed a PowerPoint presentation (attached) regarding transportation initiatives in the County. Ms. Bunch asked that the Board endorse the proposed transportation initiatives to better address transportation concerns. Mr. Dunham made a motion to endorse the Brunswick County Comprehensive Transportation Plan's (CTP) initiatives and the motion was unanimously carried.

- Planning Board Cases Update

Ms. Dixon addressed the Board. She stated that Zoning Cases Z-827 and Z-830 were approved at the 10-Jan-22 meeting and there were no appeals, so the Board's decision stands.

Mr. Bittenbender said there is a sign on the site for Zoning Case Z-800CZ and Ms. Dixon said staff will investigate to determine what is happening on the site.

#### IX. ADJOURNMENT.

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