

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
August 8, 2022

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
Clifton Cheek
Richard Leary
Ron Medlin
Harry Richard Ishler, Alternate

MEMBERS ABSENT

Christopher Wood

STAFF PRESENT

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

OTHERS PRESENT

Lewis Dozier
J. Phillip Norris
Jim Bradshaw
Brian Neely
Norman Ingram
Eric Hill
Terry Boldt
Dan Weeks

Brigit Flora
James Turgal
Bob Trotter
Colin Tarrant
Mark Hewett
Joshua Crook
Tameka Small
James Luke

I. CALL TO ORDER.

Mr. Dunham called the meeting to order at 6:04 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.

Mr. Christopher Wood was absent.

IV. CONSIDERATION OF MINUTES FROM THE 11-JUL-22 MEETINGS.

Mr. Leary made a motion to approve the 11-Jul-22 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-84

Name: RiverSea Plantation (Modification)
Applicant: Norris & Tunstall Engineering
Tax Parcel(s): 1840000310
Location: Intersection of Southport-Supply Road SE (NC 211) and RiverSea Blvd.
Description: RiverSea Plantation is a planned development that was approved in 2003 and expanded in 2005 consisting of 539.8 acres for an overall density of 1.31 dwelling units per acre. The applicant is proposing to modify the 8.73 acres of commercial to mixed-use consisting of 77 townhomes, 24 multifamily units and 15,000 square feet of commercial/nonresidential. With this modification, the overall density of the planned development will increase to 1.50 dwelling units per acre.

Mr. 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;
- Add a 15' wide 0.2 opacity street buffer consistent with the UDO, Section 6.3.8.C. along RiverSea Blvd. to preserve existing trees present and supplement with additional landscaping, where necessary; and
- Provide an updated overall master plan with the total calculations of the project.

Mr. Dunham asked if there are single family homes surrounding the subject area? Mr. Pages replied, yes and he identified vacant lots in the areas on a visual map. Mr. Dunham asked how much of the surrounding area is developed? Mr. Pages said approximately 40% of the surrounding properties are developed with residential dwellings.

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

Mr. J. Phillip Norris, Norris and Tunstall Consulting Engineering, addressed the Board. Mr. Norris said the project went through the Technical Review Committee (TRC) review and all comments have been addressed. He said a neighborhood meeting was held. The site will be served by public water and sewer and they are proposing stub-outs. Mr. Norris said stormwater retention will be through off-site stormwater ponds that were permitted as part of the overall master plan so runoff from this development will connect into existing storm drains in the current street system.

Mr. James Turgal, resident of RiverSea Plantation and Secretary of the Board of Directors, addressed the Board. Mr. Turgal said the RiverSea Plantation community is opposed to the proposed project. Mr. Turgal expressed concern with the proposed build to rent townhomes being in the area. He said more than 80% of the residents in the RiverSea community are opposed to the proposed development. He was also concerned with RiverSea Blvd. being overburdened with the additional traffic generated by the proposed development. He said the developer (James Luke) has falsely advertised that the amenities in the RiverSea community will be available to residents in this area, but they will not be a part of the community and cannot partake in the amenities offered to RiverSea residents. Mr. Turgal provided the Board with an advertisement stating that RiverSea Plantation amenities are available to this area. A handout outlining features of the community (attached) was provided to the Board. He further stated that this area was originally approved for commercial purposes only and it should remain as such.

Mr. Jim Bradshaw, homeowner in RiverSea Plantation for 15 years, addressed the Board. Mr. Bradshaw said this site was initially approved for commercial and the deed restrictions outline such. Mr. Bradshaw said the 11-acre tract across the street was designated for multi-family. He was opposed to the proposed development. He felt that an approval of this project will change the dynamics of the intended use of this area

Mr. Dunham asked staff to explain the uses allowed in commercial? Mr. Pages said commercial areas in a planned development can be developed with any use that is allowed in the NC & C-LD zoning districts in the Brunswick County Unified Development Ordinance (UDO). He reminded the Board that the County cannot consider deed restrictions because they are a matter between the

property owner and the association that governs the restrictive covenants. Mr. Batton added that the Board cannot consider the restrictive covenants in their decision-making process because it is a private property issue. He further stated that the board of directors of the homeowner's association would be responsible for governing the restrictive covenants.

Mr. Bob Trotter, 704 Creek Way Circle SE, addressed the Board. Mr. Trotter asked that the proposed development be denied because it was initially approved for commercial use. He stated that this tract is an integral part of RiverSea Plantation and should remain a commercial area. He reiterated that there is an existing area across the street that was designated for multi-family use.

Mr. Brian Neely, President of the Property Owners Association, addressed the Board. He showed the Board a photo of how the was supposed to look like and what they are proposing now. Mr. Neely was opposed to the proposed development because this was not the intent of previously approved development. He stated that any development has to be approved by RiverSea Design Review Board, in that, it must be compatible with surrounding development and the proposed and the proposed plan is not compatible with the adjoining properties.

Mr. Colin Tarrant, Attorney for RiverSea Plantation Homeowners Association, addressed the Board. Mr. Tarrant reiterated that the multi-family area was approved in another location of RiverSea Plantation and this area should remain for commercial purposes as initially approved. He asked that the proposed development be denied.

Mr. Dunham asked if there is an agreement for this project to utilize RiverSea Blvd.? Mr. James Luke said it was understood that the subject property would have use of RiverSea Blvd. He said the proposed development will be less intense than the commercial activity that was approved for this area. He stated that they have retained legal counsel to resolve the road issue. Mr. Luke felt that the intended use of the roads is to service the entire community. He stated that he controls both parcels (this tract and the property originally approved for multi-family use) and the amenities advertised will be self-contained on their property.

Mr. Norris re-addressed the Board. He stated that they will tie-into a 12" waterline off NC 211 (Southport-Supply Road SE) to serve this project if it is approved.

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

Mr. Cheek asked staff about the density for the proposed project? Mr. Pages said density is based on the gross acreage of the planned development, which includes wetlands and stormwater ponds.

Ms. Easley made a motion to deny RiverSea Plantation Modification (PD-84) based on the lay of the land and the proposed small units are not compatible with the surrounding development and the motion was unanimously carried.

B. Planned Development – PD-87

Name: Gilbert Road/Benton Road Tract
Applicant: Norris and Tunstall Engineering
Tax Parcel(s): 15300018 & 15300017
Location: Intersection of Gilbert Road SE (SR 1501) and Benton Road SE (SR 1502)

Description: Gilbert Road/Benton Road Tract is a proposed planned development consisting of 214 single family lots on 64.53 acres creating an overall density of 3.3 dwelling units per acre.

Mr. 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
- Staff recommends removing Lots 83-86 from the AE Flood Zone and clustering the lots elsewhere in the development to minimize flood risk and potential property damage.

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

Mr. J. Phillip Norris, Norris and Tunstall Consulting Engineering, addressed the Board. Mr. Norris said the project has been through the TRC process and a TIA (Traffic Impact Analysis) has been submitted to the North Carolina Department of Transportation (NCDOT) for approval. Mr. Norris said they are aware that this area had significant flooding beyond the 100-year flood elevation in recent flooding events. He stated that they have spoken to Mr. James Paggioli, Brunswick County Floodplain Administrator, regarding photos or other information that will indicate the water height in this area during the last major storm event and Mr. Paggioli provided information about the water height on Gilbert Road SE (SR 1501) during the last major storm event. He further stated that they held a neighborhood meeting and some of the neighbors were willing to meet with their surveyor and show various locations where the water came to on their property. Mr. Norris said their intent is to be above the flood elevation once the surveyor compiles the data received from neighbors. Mr. Norris said they do not want to create a problem for the new residents and/or existing residents. There are several stormwater retention ponds that are proposed on the site that far exceeds the minimum requirements and they will meet or exceed the 100-year storm event. Mr. Norris said there will be public water and sewer available to the site and there is a great amount of open space on the property as well as wetlands along the floodplain area, which will be avoided.

Mr. Leary asked why Lots 83-86 are shown in the flood zone on the proposed plan? Mr. Norris said they are planning to excavate the pond in that area and potentially buildup those lots. He said Mr. Paggioli agreed that this would be a slight trade off.

Mr. Norman Ingram addressed the Board. Mr. Ingram was concerned with inadequate schools in the area and the shortage of teachers in the school system. He felt that the school system should be more involved prior to project approvals. Mr. Pages said there is a member of the Board of Education (Craig Eckert) that sits in the TRC meeting and he provides input regarding school

capacity needs. Mr. Dunham suggested that Mr. Pages give the schools representative information to Mr. Ingram so he can communicate his concerns with the school system. Ms. Dixon said staff had a meeting with the school system a few years ago to discuss the need for additional schools as more families are moving in the County and they address school capacity needs.

Mr. Mark Hewett, 260 Green Ridge Road, addressed the Board. Mr. Hewett was concerned with the eco-system being destroyed in the area. He stated that a pond behind his home is currently overflowing and he felt that the current development will generate more flooding to the area.

Mr. Eric Hill addressed the Board. Mr. Hill was concerned that there is inadequate infrastructure in this area to support the additional traffic that will be generated by the proposed development. He was concerned with what NCDOT has planned for this area. Mr. Pages interjected that a TIA is required for this project and NCDOT will likely require road improvements to the area, but those improvements may happen in phases. Mr. Hill also felt that the eco-system will be destroyed.

Mr. Joshua Crook, 270 Green Ridge Road, addressed the Board. Mr. Crook said his property has flooded and the proposed development (70%) was underwater during Hurricane Florence. He was concerned with flooding that may occur when the proposed project is developed. Mr. Crook said flood impacts are much bigger than the 500-year storm event because there have been 2 major storms within 28 years. He stated that during a major storm event several families were transported by boat from their homes to a safe location. He felt that the homes should be built on pilings as a method to curtail flooding issues. He suggested that this project be designed as a conservation subdivision. Ms. Dixon added that there was a project designed as a conservation subdivision a few years ago.

Mr. Terry Boldt, owner of Tax Parcel 15300001903, addressed the Board. Mr. Boldt reiterated that the eco-system will be destroyed. Mr. Boldt said this area was underwater during the last major storm in the area. He suggested that the development be placed in some other location of the County. He said schools, traffic and wildlife should also be considered in the Board's decision-making process.

Mr. Cheek agreed with staff's recommendation to remove Lot 83-86 from the AE Flood Zone.

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 deny Gilbert Road/Benton Road Planned Development (PD-87) because the area is prone to flooding and the small lots will likely have similar flooding issues and the motion was unanimously carried.

C. Planned Development – PD-88

Name: Supsura Tract (Modification)
Applicant: Norris & Tunstall Engineering
Tax Parcel(s): 2090005403 and 20900054
Location: Ash-Little River Road NW (SR 1300)
Description: Supsura Tract is a proposed planned development that was approved in August 2021 for 118 single family lots on a gross site of 42.21 acres creating an overall density of 2.8 units per acre. The applicant is

proposing to modify the planned development to have 148 single family lots on 35.21 acres creating an overall density of 4.2 dwelling units per acre.

Mr. 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; and
- Revise open space minimum calculations to reflect SBR-6000 at 25% standards.

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

Mr. J. Phillip Norris, Norris and Tunstall Consulting Engineering, addressed the Board. Mr. Norris concurred with the Staff Report. Mr. Norris said the project was previously approved, but the new owners are requesting additional density. He said public water and sewer is available to the site. He stated that no lots are intended to be in the 100-year floodplain. He stated that he will not place his engineer's seal on a project that will jeopardize the health and public safety of anyone. He further stated that there is adequate open space for this project and the stormwater ponds are designed to meet or exceed the 100-year storm event. Mr. Norris concluded that a TIA has been prepared for this project.

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 Supsura Tract Planned Development (PD-88) with the noted conditions presented in the Staff Report and the motion was unanimously carried.

D. Planned Development – PD-85

Name: Chappell Loop Tract
Applicant: H&W Design
Tax Parcel(s): 03800008
Location: 10082 Chappell Loop Road SE (SR 1524)
Description: Chappell Loop is a proposed planned development to consisting of 150 multi-family units on 20.52 acres creating an overall density of 7.3 dwelling units per acre.

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

Ms. Morgan 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;
- The distance around each building as measured from the fire apparatus access road shall meet Note 30 on Sheet L-2;
- The aggregate side of the front or side of the proposed buildings shall be perpendicular to the fire apparatus access road so that all portions of that side are located not less than 15', but not greater than 30' from the fire apparatus access road;
- The proposed second entry utilizing the exit driveway shall be subject to local approval by Leland Fire Chief as part of an alternative method;
- The stormwater system to be designed to the 25-year storm event;
- 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; and
- A 6' fence shall be installed on the northern side of the buffer adjacent to the parking lot.

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

Mr. Dan Weeks, H&W Design, addressed the Board. Mr. Weeks briefly discussed a PowerPoint presentation (attached). He stated that there are wetlands on the northern portion of the property. He said they hired a wetland consultant and the consultant thinks there is a Carolina Bay to the north and east of the subject property. This property was recently rezoned to R-6000 to be in concert with the surrounding zoning. The Fire Marshal has request 2 access points on Chappell Loop Road and they are providing stub-outs to the east and west of the property. Mr. Weeks said there will be a 30' vegetative buffer and the amenity area is located within the central core of the buildings. The stormwater system is designed for the 25-year storm event and will be evaluated for the 100-year storm event. Mr. Weeks said a neighborhood meeting was held and there were security concerns so they are proposing a 6' wooden security fence on the northern side of the buffer adjacent to the parking lot. He further stated that they have consulted with NCDOT regarding traffic impacts. Mr. Weeks concluded that they have designed the project in consideration of the adjacent property owners while meeting all the necessary requirements for approval.

Ms. Tameka Small addressed the Board. Ms. Small said there is a lot of flooding in the area. She expressed concerns with the increase in traffic that will generated by this project and the potential evasion of their privacy. Ms. Small felt that the integrity of the neighborhood will be compromised.

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

Mr. Cheek felt that the proposed 30' buffer and the installation of a 6' fence will help with alleviate some of the adjacent property owner's concerns.

Mr. Cheek made a motion to approve Chappell Loop Tract Planned Development (PD-85) with the noted conditions presented in the Staff Report and the motion was unanimously carried.

E. Planned Development – PD-86

Name: Fox Run
Applicant: Coastal Land Design
Tax Parcel(s): 19700127
Location: Intersection of Empire Road SW (SR 1330) and Mt. Pisgah Road SW (SR1130)
Description: Fox Run is a proposed planned development consisting of 121 single family lots and 102 semi-attached units on 51.88 acres creating an overall density of 4.3 dwelling units per acre.

Mr. 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; and
- 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 made a motion to open the Public Hearing and the motion was unanimously approved.

Mr. Frank Braxton, representative for CLD Engineering, addressed the Board. Mr. Braxton said they concur with the Staff Report. He stated that this project was previously approved, but they are reducing the density and eliminating the impervious fraction of the commercial. Mr. Braxton said they are proposing more open space and they are protecting the wetlands. The property is not in a flood zone, but there is some flooding on the northside of Empire Road SW (SR 1133). A TIA has been prepared and NCDOT is requiring turn lanes at the project entrances as well as road improvements at the intersection of Empire Road SW (SR 1133) and Mt. Pisgah Road SW (SR 1130).

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 Fox Run Planned Development (PD-86) with the noted conditions presented in the Staff Report and the motion was unanimously carried.

VIII. OTHER BUSINESS.

- Planning Board Case Update.

Ms. Dixon addressed the Board. She stated that Zoning Cases Z-841 and Z-851 were approved at the 11-Jul-22 and there were no appeals, so the Board's decision stands.

- Blueprint Brunswick Update.

Ms. Dixon addressed the Board. She stated that public meetings for Blueprint Brunswick will probably be held in October 2022 and the Steering Committee will review the document before the document is placed on the website.

IX. ADJOURNMENT.

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