

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
December 12, 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
Ron Medlin
Clifton Cheek
Richard Leary
Christopher Wood

MEMBERS ABSENT

William Bittenbender
Harry Richard Ishler, Alternate

STAFF PRESENT

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

OTHERS PRESENT

John Hankins
Dan Weeks
Patrick Newton
Venee Robinson
Carl Parker
Marion Reaves
Myrone Hewett
Marianne Schmitt
Riana Smith
Kyle Johnson

Kyle Johnson
John Parker
Sandra Robinson
Andre Herring
Dale Gore
Utrillia Johnson
John Johnson
Jaymus Stanley
Elmer Tolle
Tim Hampton

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.

Mr. William Bittenbender and Mr. Richard Ishler were absent.

IV. CONSIDERATION OF MINUTES FROM THE 14-NOV-22 MEETING.

Mr. Cheek made a motion to approve the 14-Nov-22 minutes as presented and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

There were none.

VI. PUBLIC COMMENT.

There were none.

VII. OLD BUSINESS.

A. Blueprint Brunswick 2040 Future Land Use Plan

Ms. Dixon addressed the Board. Ms. Dixon said the consultants (McGill Associates - Meg Nealon, Michael Norton and Debbie Wilson) and staff discussed a lengthy PowerPoint presentation at the 05-Dec-22 Planning Board Workshop outlining the proposed Plan. She said Blueprint Brunswick 2040 Future Land Use Plan (Plan) has to be approved by the Board of Commissioners as well as an approval and certification process with the Division of Coastal Management. Ms. Dixon further stated that the 6 participating municipalities (Bald Head Island, Belville, Bolivia, Navassa, Northwest, and Sandy Creek) will have to approve the Plan.

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

Mr. Patrick Newton addressed the Board regarding his disapproval of Blueprint Brunswick 2040 Future Land Use Plan. Mr. Newton provided the Board with a handout (attached) and he read excerpts that he said Ms. Dixon assured him that she can address each item. Mr. Newton was concerned with the County creating a new UDO (Unified Development Ordinance) as suggested in the Plan that will likely be a negative impact to existing properties in the unincorporated areas of the County. He wanted to know when the UDO would be changed as suggested by the Plan because the meetings held in different communities was only the beginning of this process. Mr. Newton said, if the Board feels they have received adequate input to move forward with the Plan,

a letter should be sent to all property owners within the incorporated areas of Brunswick County stating, "Brunswick County has drafted a new land use plan. In the short-term this plan will likely create a new Unified Development Ordinance and new zoning maps that have no resemblance to the current zoning maps. These changes could significantly affect the types of uses allowed for your property. These changes could also significantly increase or decrease the value of your property." Mr. Newton said if there are no responses submitted back from this letter or a similar letter, he will be proving wrong. He further stated that the current UDO and zoning maps are sufficient and he is fearful of the zoning maps being turned upside down, which will create total chaos and disruption for the property owners in the unincorporated areas of the County.

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

Mr. Leary asked staff if they would respond to some of Mr. Newton's concerns? Ms. Dixon said she offered to have a sit-down discussion with Mr. Newton in an effort to address his questions. Ms. Dixon said the conservation areas (i.e., wetlands and areas in permanent conservation) are identified as unbuildable and the Plan guides areas that can be developed where there is public water and sewer available. Ms. Dixon agreed that the Plan recommends UDO changes, but any alterations to the UDO has to go through the public hearing process with the Planning Board and final approval is determined by the Board of Commissioners. She said the current UDO does not have an institution district and business typed districts that can be beneficial to current and future commercial development. Mr. Pages interjected that the term non-conforming is not appropriate for a land use plan; rather, the zoning is consistent or not consistent with the land use plan. He reiterated that the Plan is not regulatory, but it is a tool to help guide development. Ms. Dixon added that the State mandates that a current Plan has to be in place if the County enforces zoning so it is imperative that a Plan be put in place.

Mr. Leary said the Planning Board Workshop was very informative and some of his concerns were answered during that meeting. As a result, Mr. Leary made a motion to recommend approval to the Board of Commissioners and the motion was unanimously carried.

VIII. NEW BUSINESS.

A. Planned Development – PD-93

Name: Cedar Crossing
Applicant: H & W Design
Tax Parcel(s): 2000005901, 2000005902, 2000A002, 2000A015, and 2000A017
Location: Cedar Grove Road SW (SR 1125) and Stanley Road SW (SR 1119)
Description: Cedar Crossing is a proposed planned development consisting of 79 single family lots on 27.18 acres creating an overall density of 2.9 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
- The existing vegetation within the peripheral buffer shall be preserved.

Mr. Pages added that the entrances will be directly opposite of each other on Cedar Grove Road SW (SR 1125) and there is another connection for the southern portion of the project directly onto Stanley Road SW (SR 1119). He further stated that there were concerns about the cemetery nearby, but the cemetery is several hundred feet to the south and will not be impacted.

Mr. Dunham asked staff if the housing type has been discussed with the developer(s)? He was concerned with the homes being built without garages and no parking area for visitors. Mr. Pages said it is staff's understanding that the homes will be constructed with garages, but they can require such. However, each lot will have to have 2 parking spaces on the site excluding the garage.

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

Mr. Dan Weeks, H&W Design, addressed the Board on behalf of the applicant. Mr. Weeks discussed a PowerPoint presentation (attached) outlining the proposed project. He stated that there are no flood zones associated with the project. Mr. Weeks read some of the components of the project as outlined in the PowerPoint presentation. Mr. Weeks said they have a lower projected price point to provide opportunities for workforce affordable housing. He further stated that covenants and deed restrictions will be put in place to manage and protect the intended buffer proposed for the project. Mr. Weeks proceeded to discuss the difference in a planned development and major subdivision, which is also an option for this project.

Mr. Michael Rokoski, Partner of RFHC, Inc., addressed the Board. Mr. Rokoski stated that he and his partner are aware of the need for affordable housing and the proposed project is designed to accommodate such with the smaller lot sizes feature. He stated that some of the homes may not have a garage in an effort to further reduce the cost for affordability purposes and the homes will be stick built.

Mr. Dunham expressed concern with visitors (friends, repair person[s]) not having a place to park on site. Mr. Rokoski said there will be space to park along the islands in the middle of each side, which is across from the housing area in the center area and a sheltered area for school bus purposes.

Mr. Wood asked Mr. Rokoski what feedback was received at the neighborhood meeting? Mr. Rokoski went over the concerns at the neighborhood meeting as outlined in the PowerPoint presentation, which included overall density, flooding on adjacent properties, increase in property taxes, project price point of homes (upper \$200k – low \$300k), timeframe of completion (8-10 months to be shovel ready and approximately 2 years before new neighbors move in), increase in traffic (North Carolina Department of Transportation [NCDOT] must issue a driveway permit

once the preliminary site plan is approved by the Planning Board), historical assessment (related to the cemetery and there are no wetlands on the site), grading and clearing occurred on the perimeter of the site, and he proceeded to discuss the many comments that were addressed at the neighborhood meeting. Mr. Rokoski said the increase in property taxes is a concern, but they are offering lots at a more affordable price point that will hopefully mitigate the increase in property taxes.

Mr. Marion Reaves addressed the Board. Mr. Reaves felt that \$200k homes is not affordable housing and he also felt that taxes will increase in the Cedar Grove community if the subject project is approved. Mr. Reaves said there are several people in the Cedar Grove community on fixed incomes and they cannot afford an increase in taxes. He further stated that the Cedar Grove community should have had more input into what would be impacting their community. Mr. Reaves said there have been several approved developments throughout the County that has caused a lot of traffic congestion. He was also concerned with the need for additional jobs in the area. Mr. Dunham said he has appealed his tax value to the Brunswick County Tax Office and they assess taxes based on what is on your property. Mr. Reaves responded by saying his taxes have never decreased.

Mr. Carl Parker, President of the Brunswick County NAACP, addressed the Board. He stated that he had a meeting with Commissioner Sykes about help with another issue and she said sometimes you have to help yourself and he agreed with her statement to a certain degree. Mr. Parker concurred with Mr. Reaves with regards to the Cedar Grove community not being included in the process because there are residents that have been living in the Cedar Grove community for several decades. Mr. Parker said the Cedar Grove Community is Requesting an Injunction against PD-93 (attached). He suggested that the developers build their project in another neighborhood because the Cedar Grove community does not want this development in their backyard. Mr. Parker said they currently have a petition opposing the development because the Cedar Grove community was not afforded enough time to prepare for what is proposed to be in their backyard. He asked that the Board take the Cedar Grove community into consideration during their decision-making process.

Mr. John Johnson addressed the Board. Mr. Johnson felt that the proposed project will affect his family and property due to the potential runoff from the subject property. He said NCDOT recently put a 4 way stop sign at the intersection of Stanley Road SW (SR 1119) and Cedar Grove Road SW (SR 1125) and vehicles run the stop signs, which result in accidents. He felt that the proposed development will only contribute to more accidents at this intersection.

Mr. Dale Gore addressed the Board. Mr. Gore expressed concern with where cars will park when buffers will have to be in place. He said there is current flooding the area and the proposed retention ponds will not help with flooding issues. Mr. Gore also felt that taxes will be increased if this project is approved. He said there is a lot of history in the Cedar Grove community that may be lost if this development happens. Mr. Gore said they do not want this development in their backyard.

Mr. Dunham said the proposed project shows 2 large stormwater ponds and they should hold water for a 100-year storm event. He further stated that there will be less stormwater control measures and open space if the property is not developed as a planned development. Mr. Dunham said he is satisfied with the proposal as submitted with regards to the availability of additional parking for guest and service personnel.

Mr. Dale Gore readdressed the Board. Mr. Gore asked Mr. Dunham if he satisfied or concerned with the availability of additional parking because he previously said he was concerned with adequate parking? Mr. Dunham said he was concerned with the availability of additional parking and the applicant clarified that they will be able to accommodate additional parking within the project. Mr. Gore was concerned with vehicles parking on the street if there are homes constructed without a garage. Mr. Dunham said there will be space on each lot for 2 parking spaces and there will be additional parking around the 2 islands on the south and north of the project. Mr. Gore was concerned with the proposed retention ponds not being able to hold a 5-inch rainstorm. He said there are 5 canal ditches on Empire Road SW that are always clogged that need to be clean of debris.

Mr. Dunham asked staff who would be responsible for clearing ditches? Mr. Pages said NCDOT cleans ditches on State-maintained roads and the County seeks assistance from hunters to keep beavers from damming up ditches. Ms. Dixon added that the State has programs to assist with ditches dammed up by beavers, but the property owner has to be involved in the process. Mr. Dunham suggested that Mr. Gore get with staff to get the contact information for the appropriate agency.

Ms. Utrillia Johnson addressed the Board. Ms. Johnson said she works with the sewer department in Southport and their field staff is always working during hurricanes because retention ponds overflow and they have to keep the retention ponds pumped. Ms. Johnson wanted assurance that the retention ponds will not overflow during a hurricane. Mr. Dunham said when there is excessive rain there are no safeguards that can prevent stormwater runoff. Ms. Johnson said the developer said pump stations are quiet, but that is not always the case. She was concerned with stormwater runoff flowing on her property that will potentially be generated from the proposed development as well as a creek in the area when there is a major rainstorm or hurricane.

Mr. Rokoski readdressed the Board. He stated that the pump station Ms. Johnson is referring to is the sewer lift station. He stated that their stormwater system is gravity designed based on topography.

Mr. Cheek asked the criteria for the 100-year storm event? Mr. Weeks said the pond is designed for a 25-year storm event and they flatten the slopes to contain the water in the pond if there is a 100-year storm event to ensure the water does not flap over the top of the pond.

Ms. Marianne Schmitt addressed the Board. Ms. Schmitt said the subject parcels are heavily wooded and no stormwater control is needed at the current time. She stated that the area where the pond is proposed is currently dry. Ms. Schmitt said the surrounding homeowners are situated on ½ acre or more so this development does not fit this neighborhood because the size of the lots are 1/8 of an acre. She asked that the Board take into consideration the Cedar Grove community concerns.

Mr. Jaymus Stanley, Pastor of Cedar Grove Missionary Baptist Church, addressed the Board. Pastor Stanley asked if the developer considered the community or just the property in question. He further stated that there is a handicapped person that lives in this area and that individual travels the road daily. He, too, expressed concern with the additional traffic that will be generated by the proposed development. Pastor Stanley felt that more study needs to be done before approving this development.

Mr. Myrone Hewett addressed the Board. Mr. Hewett said Cedar Grove is a predominantly black community that was established in 1872. He stated that this community consist mainly of retired senior citizens that reside on land that was passed down through generations and they will likely hand down the property to their heirs. He said they are not in the real estate business; rather, they are in the survival business. Mr. Hewett felt that this project was not properly introduced to all of the Cedar Grove community. He reiterated that there is a lot of history in the community and the proposed development will bring in a concentration of strangers to an established community. He reiterated that there is a petition of 96 homeowners opposed to this development that will be in close proximity to the Cedar Grove community.

Mr. Andre Herring addressed the Board. Mr. Herring concurred with all of the previous concerns from the citizens living in the Cedar Grove community. Mr. Herring asked if the lots do not sell as anticipated, what will happen with the property? Mr. Dunham said they can come back with another proposal if the project is disapproved.

Ms. Venee Robinson, President of Cedar Grove Improvement Association, addressed the Board. Ms. Robinson said the proposed development will be detrimental to their community with regards to senior citizens that are living on fixed incomes. Ms. Robinson expressed concern with people being forced to move from their homestead if taxes are increased due to the proposed project. She asked that the Board review the injunction against this development before making a decision on the matter.

Mr. Reaves readdressed the Board. He asked who is the current owner of the property in question?

Ms. Sandra Robinson addressed the Board. Ms. Robinson said she is proud of her community and those who showed their support by attending tonight's meeting. She asked that the Board give the citizens of the Cedar Grove community time to be informed of what is happening. She felt that the Cedar Grove community has not been duly informed and the citizens need to prepare themselves for the potential impact to their livelihood.

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

Mr. Wood stated that the property in question was not inherited; rather, it has been put on the market for sale and is currently under contract. Ms. Easley said the property is currently owned by Rolling Meadows Inc., which is a corporation with an address of 5201 Monroe Road in Charlotte NC. She stated that the President of the corporation is William L. Bryant, the Treasurer is Douglas V. Golightly, the Secretary is Wiley W. Jones and the Assistant Secretary is Deborah Knight.

Ms. Easley said the design of the project exceeds the minimum requirements of the County UDO and Stormwater Ordinance. She further stated that someone in the Cedar Grove community has decided to sell their property and the applicant has a contract to purchase pending the outcome of this meeting. She proceeded to say that this Board cannot stop the sale of property. As a result, Ms. Easley made a motion to approve Cedar Crossing (PD-93) with the noted conditions in the Staff Report and the motion was unanimously carried.

B. Rezoning Z-858 – John Parker (% Karen Hope Ludlum).

Request rezoning of approximately 7.73 acres located at the intersection of Old Georgetown Road SW (SR 1163) and Bricklanding Road SW (NC 179) near Shallotte from R-7500 (Medium Density Residential) to NC (Neighborhood Commercial) for Tax Parcel 21300069.

LAND USE PLAN MAP AMENDMENT LUM-858:

Request to amend Tax Parcel 21300069 located at the intersection of Old Georgetown Road SW (SR 1163) and Bricklanding Road SW (NC 179) near Shallotte from LDR (Low Density Residential) to Commercial.

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

Mr. Meredith said staff recommends approval from R-7500 (Medium Density Residential) to NC (Neighborhood Commercial) for Tax Parcel 21300069 with the noted conditions in the Staff Report in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Commercial.

Mr. Dunham asked if any of the area is developed? Mr. Meredith said the surrounding area is vacant and the property is south of Shallotte. Mr. Pages added that there is commercial property (Sign Shop on Maple Hill Road SW [SR 1207]) and a few other businesses to the east of the subject property.

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

Ms. Riana Smith, representative for Rhetsen Company, addressed the Board. Ms. Smith said the proposed development is consistent with the proposed Blueprint Brunswick 2040 Land Use Plan because the property is situated between two roads (Bricklanding Road SW [NC 179] and Old Georgetown Road SW ([SR 1163]) at a roundabout, which is not an ideal area for residential use. She said the property is ideal for a NC (Neighborhood Commercial) use.

Mr. Cheek asked why the applicant chose NC zoning rather than C-LD zoning? Ms. Smith said the permitted uses in the NC zoning district are more conducive to their intended use of the property.

Mr. Elmer Tolle addressed the Board. Mr. Tolle said they consulted with staff with regards to requesting NC zoning and it fits with the area.

Mr. Cheek asked if the neighborhood commercial will be eliminated in Blueprint Brunswick 2040 Land Use Plan? Mr. Pages said there will be a community commercial category in the Blueprint Brunswick 2040 Land Use Plan that will accommodate this zoning designation.

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 approve Tax Parcel 21300069 from R-7500 (Medium Density Residential) to NC (Neighborhood Commercial) with the noted conditions in the Staff Report in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Commercial and the motion was unanimously approved.

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). However, an 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 Plan) and the following changes have been considered to meet the needs of the community:

The property is adjacent to similar zoning.

- 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.

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-859 – Walking Stick Progressive Holdings, LLC (% Kyle Johnson)

Request rezoning of approximately 70.82 acres located at the intersection of Southport-Supply Road SE (NC 211) and Smithtown Road SE (SR 1193) near Supply from SBR-6000 (High Density Site Built Residential), C-LD (Commercial Low Density), and R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 1860000912.

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

Mr. Meredith said staff recommends approval from SBR-6000 (High Density Site Built Residential), C-LD (Commercial Low Density), and R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 1860000912 with the noted conditions in the Staff Report.

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

Mr. Kyle Johnson addressed the Board on behalf of the applicant. He stated that they purchased the property in 2016 and didn't realize the property was split-zoned on the corner of Smithtown Road SE (SR 1193). Mr. Johnson said the lot line was abandoned in April 2006 and left residentially zoned (approximately 1.1 acre) unlike the rest of the property that is zoned C-LD.

Mr. Tim Hampton, owner of Tax Parcel 186IA004, addressed the Board. Mr. Hampton was concerned with the entrance and exit for a commercial entity being off Smithtown Road SE (SR 1193), which will be near his property. Mr. Dunham said they will have to receive approval from NCDOT. Mr. Pages interjected that NCDOT will decide where the driveway cut(s) will be for the property. Mr. Hampton was concerned with an increase in traffic on a residential road (Smithtown Road SE [SR 1193]) that could have a negative impact on his property because he was concerned with keeping his neighborhood residential. Mr. Pages added that a required buffer (.60 opacity) will have to be in place to curtail commercial development from building close to a residential use.

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

Mr. Wood made a motion to approve Tax Parcel 1860000912 from SBR-6000 (High Density Site Built Residential), C-LD (Commercial Low Density) and R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) with the noted conditions in the Staff Report and the motion was unanimously approved.

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

APPROVED – CONSISTENT WITH COMPREHENSIVE PLAN

- The Planning Board finds that the proposed zoning amendment is consistent with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning is consistent with the CAMA Land Use Plan (Comprehensive Plan).

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

The proposed zoning will correct a split-zoned property and the area is in transition.

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.

IX. OTHER BUSINESS.

- Planning Board Case Update.

Ms. Dixon addressed the Board. She stated that Zoning Cases Z-855 and Z-856CZ were approved at the Planning Board's 14-Nov-22 meeting and there were no written appeals within the allotted time (15 days), so the Board's decision stands.

Ms. Dixon stated that the Town of St. James withdrew their ETJ request. RiverSea Expansion was appealed to the Board of Commissioners and they upheld the Planning Board's decision to deny the request. She stated that Carmel Village appeal process must go through the court system because the Planning Board approved the planned development and the Board of Commissioners can only hear planned development cases denied by the Planning Board. Ms. Dixon said staff drafted a letter to the persons wanting to file an appeal to the Planning Board's decision regarding the matter being appealed through the court system rather than the Board of Commissioners.

X. ADJOURNMENT.

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