

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
March 8, 2021

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

MEMBERS PRESENT

Eric Dunham, Chair
Joy Easley, Vice Chair
Richard Leary
Brett Riggs, Alternate
William Bittenbender
Christopher Wood

MEMBERS ABSENT

Eileene Shake
Ron Medlin

STAFF PRESENT

Kirstie Dixon, Director
Connie Marlowe, Admin. Asst. II
Marc Pages, Senior Planner
Brandon Hackney, Project Planner
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

John Hankins
J. Phillip Norris, Norris & Tunstall Engineering
Randy Hardee

Gary Edge
James Hardy
Sasha Vann

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.

Mr. Ron Medlin and Ms. Eileene Shake were absent.

IV. CONSIDERATION OF MINUTES OF THE 08-FEB-21 MEETING.

Mr. Bittenbender made a motion to approve the minutes as presented and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

There were none.

VI. PUBLIC COMMENT.

There were none.

VII. PUBLIC HEARINGS.

A. Planned Development – PD-40

Name:	Sunrise Cove Planned Development
Applicant:	Norris and Tunstall Consulting Engineers, PC
Tax Parcels:	A Portion of 2100010201
Location:	8030 Ocean Highway West (US 17)
Description:	Sunrise Cover is a proposed Planned Development consisting of 174 single family lots on a gross site of 40.06 acres creating an overall density of 4.34 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; and
- That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance

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

Mr. J. Phillip Norris, Norris and Tunstall Engineering, addressed the Board on behalf of the applicant. Mr. Norris said they have addressed the Technical Review Committee's (TRC) concerns, a Transportation Impact Analysis (TIA) is currently being completed and they will

comply with all recommendations from the North Carolina Department of Transportation (NCDOT) based on the TIA. He further stated that they will comply with all other Federal, State and local regulations such as stormwater, design of the water and sewer systems and erosion control.

Mr. Dunham asked Mr. Norris how the property will be affected by the extension of SC Highway 31 (Hwy. 31) if it connects to US 17 in Brunswick County? Mr. Norris said the exact route has not been determined, but he thought there will be minimal effect to the proposed project if US 17 is the chosen route for the extension of Hwy. 31.

Mr. Riggs asked Mr. Norris if they are proposing 1 egress for the project? Mr. Norris replied, yes. Mr. Dunham clarified that there will be a stubout to Tax Parcel 21000098 for future connection to the subject property and Mr. Norris replied, yes.

Mr. James Hardy, adjoining property owner, addressed the Board. Mr. Hardy expressed concern with the magnitude of traffic that will be generated by the proposed development. Mr. Hardy said, currently, there is on-going construction on the property that will only be exacerbated when individual lots are developed. He was also concerned with additional traffic to the area if Hwy. 31 is connected to US 17 in Brunswick County. Mr. Hardy spoke about previous stormwater issues that occurred in the area during a heavy rainstorm. Mr. Hardy said his family may come back with a similar project and he hopes they receive the same treatment as the applicant. Mr. Hardy said he hopes the development doesn't happen, but he wished the applicant the best of luck.

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

Mr. Bittenbender made a motion to approve PD-40 (Sunrise Cove Planned Development) with the noted conditions presented in the Staff Report and the motion was unanimously carried.

B. Rezoning Z-809 – Randy Hardee.

Request rezoning of approximately 242.22 acres located on Southport-Supply Road SE (NC 211) near Oak Island from R-7500 (Medium Density Residential) to RR (Rural Low Density Residential) for a portion of Tax Parcel 18600015.

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 R-7500 (Medium Density Residential) to RR (Rural Low Density Residential) for a portion of Tax Parcel 18600015.

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

Mr. J. Phillip Norris addressed the Board on behalf of the applicant. Mr. Norris said they are requesting a down zoning from a higher intensive use to a lower intensive use. He stated that there are a tremendous amount of wetlands on the property and they have applied for a State mining permit.

Mr. Dunham asked if the remaining portion of the property is not within wetlands? Mr. Norris said some of the remaining portion of the property is wetlands, but the family chose to remove that portion from consideration.

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 a portion of Tax Parcel 18600015 from R-7500 (Medium Density Residential) to RR (Rural Low Density Residential) and the motion was unanimously carried.

APPROVED – The proposed zoning amendment is APPROVED

- 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) as it is classified as LDR (Low Density Residential).

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

The majority of the property is wetlands and undevelopable. The proposed zoning change will allow for a viable use of the property without decreasing the tax base because of the inability to develop the property in the current zoning designation.

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-810 – Jennings D. Edge and Betty Jo Edge (Heirs).

Request rezoning of approximately 9.74 acres located off Ocean Highway West (US 17) behind 9019 Ocean Highway West (US 17) near Calabash from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 2260001603.

LAND USE PLAN MAP AMENDMENT LUM-810:

Request to amend Tax Parcel 2260001603 and 2260001601 (Added by Staff) located off Ocean Highway West (US 17) behind 9019 Ocean Highway West (US 17) near Calabash 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 R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 2260001603 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Commercial for Tax Parcels 2260001603 and 2260001601 (Added by Staff).

Mr. Leary asked staff if access to US 17 will be through Tax Parcel 2260001601 (adjoining property)? Mr. Pages replied, yes unless the applicant can gain access through another avenue. Mr. Dunham clarified that the applicant currently owns Tax Parcel 2260001601.

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

Mr. Gary Edge addressed the Board. Mr. Edge said his family has owned this property for several years. He stated that they intend to expand their commercial business. He further stated that the subject property (Tax Parcel 2260001603) will be incorporated into Tax Parcel 2260001601, which is off US 17.

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 Tax Parcel 2260001603 from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Commercial for Tax Parcels 2260001603 and 2260001601 (Added by Staff) 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 CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The property is currently 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:

There is similar zoning adjoining the subject property and there were no objections from the community.

- 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 the adjoining property, which is off a major corridor (US 17).

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.

D. Rezoning Z-811 – Greta Gause.

Request rezoning of approximately 1.06 acres located at 930 Holden Beach Road SW (NC 130) near Shallotte from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 1980000203.

LAND USE PLAN MAP AMENDMENT LUM-811:

Request to amend Tax Parcel 1980000203 located at 930 Holden Beach Road SW (NC 130) near Shallotte 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 R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 1980000203 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Commercial for Tax Parcel 1980000203.

Mr. Dunham asked the zoning designation along Holden Beach Road SW (NC 130)? Mr. Pages said there is mixed zoning along NC 130, but it is predominantly commercial zoning closer to the municipality (Town of Shallotte). He reiterated that there is a mixture of residential and/or commercial in this particular area and further along NC 130 there are commercial nodes.

Mr. Dunham said the applicant is not present so the Board can either move forward with the Public Hearing or table the matter until the applicant can be present. Mr. Dunham suggested that the Board move forward with the Public Hearing so anyone from the public can be heard.

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

Ms. Sasha Vann addressed the Board. Ms. Vann asked what is happening along NC 130? She stated that she owns property on Holden Beach Road SW (NC 130) not too far from the subject property. She felt that there is more residential than commercial uses along NC 130. Mr. Dunham said the Board hear requests and determine if the zoning change is reasonable and in the public's best interest. Mr. Dunham said the subject property is proposing to be rezoned to C-LD and other properties are not being considered for a zoning change.

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

Mr. Dunham asked staff if the matter should be tabled or moved forward for consideration by the Board? Mr. Pages said the applicant is hoping that the Board will make a determination in her absence, if possible. After consulting Attorney Batton, the Board decided to move forward with a decision.

Mr. Leary made a motion to approve Tax Parcel 1980000203 from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Commercial for Tax Parcel 1980000203 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 CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The property is currently 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:

There were no objection from the community.

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

The area is in transition.

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.

- Brunswick Blueprint 2040 Youth Art Contest Announcement

Ms. Dixon addressed the Board. She stated that staff provided the Board with a flyer (attached) of the Blueprint Brunswick 2040 Art Contest for Grades K-12 or those home schooled from ages 5 to 17.

- Planning Board Cases Update

Ms. Dixon addressed the Board. She stated that there were no rezonings from the previous meeting. She further stated the applicant for Zoning Case Z-811 requested at the Board of Commissioners' meeting that this rezoning be brought back to staff for consideration of a conditional rezoning. Ms. Dixon said the conditional rezoning will be presented to the Planning Board for a consideration in the near future.

Ms. Dixon reminded the Board of the Workshop on 16Mar21 at 5:30 p.m., which will be available virtually for those members unable to attend in person. She stated that Brigit Flora, Brunswick County Stormwater Engineer, will also provide a stormwater training presentation at the Workshop.

IX. ADJOURNMENT.

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