

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
December 13, 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
William Bittenbender
Clifton Cheek
Richard Leary
Ron Medlin
Christopher Wood

MEMBERS ABSENT

None

STAFF PRESENT

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

OTHERS PRESENT

John Hankins
Mark Lyczkowski
Gloria & William Bland
James Sheffield

Allison Engebretson
Mike Fields
Jorge Herrera
Timothy Chestnut

I. CALL TO ORDER.

Mr. Dunham called the meeting to order at 6:02 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.

There were no members absent.

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

Mr. Leary made a motion to approve the 08-Nov-21 minutes as presented and the motion as unanimously carried.

V. AGENDA AMENDMENTS.

Mr. Pages said the Planning and Development Resource Information under Other Business has been removed from the agenda for discussion.

VI. PUBLIC COMMENT.

There were none.

VII. PUBLIC HEARING.

A. Planned Development – PD-62.

Name: Cresswind Planned Development
Applicant: Paramounte Engineering
Tax Parcel(s): 21300066, 21300067 and 21300068
Location: Bricklanding Road SW (NC 179) and Old Georgetown Road SW (SR 1163)
Description: Cresswind is a proposed planned development consisting of 314 single family lots and 58 townhomes for a total of 372 residential units on 68.64 acres creating an overall density of 5.42 dwelling units per acre.

Mr. Cheek asked to be recused citing a potential conflict of interest. Ms. Easley made a motion to recuse Mr. Cheek and the motion was unanimously carried.

Mr. Pages addressed the Board. He read the Staff Report (attached). Mr. Pages stated that the developer would like the flexibility to construct residential units without subdividing the property for the purposes of providing rentable property. 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. Pages further stated that the developer intends to have internal connections to the existing cul-de-sac on the south side of the project. However, the developer currently has three connections (2 connections off Bricklanding Road SW [NC 179] and 1 connection off Old Georgetown Road SW [SR 1163]) to the site. He reiterated that some acreage will not be subdivided to accommodate the proposed rented residential units.

Ms. Easley asked if sewer is available to the site? Mr. Pages said sewer is in the area, but it will be the developer's responsibility to provide sewer to the project.

Mr. Bittenbender asked staff about properties for rent that is unenforceable by the County as stated in the Staff Report. Mr. Pages said staff cannot enforce whether the homes will be for sale or rent, but the Brunswick County Unified Development Ordinance (UDO) does provide for flexibility; in that, the properties do not have to be subdivided as long as the dwellings are for rent. Mr. Pages further stated that any property sold that is for rent, the property would have to be subdivided and conveyed to the buyer.

Mr. Dunham asked Mr. Batton if he was aware of any scenarios similar to what the developer is proposing regarding build for rent dwellings and Mr. Batton replied, no. Mr. Pages interjected that he has seen examples of detached condominiums where the footprint of the structure is subdivided and sold. Mr. Pages further stated that the developer mentioned that he has done this type of project in other areas.

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

Ms. Allison Engebretson, representative for Paramounte Engineering, addressed the Board on behalf of the developer. Ms. Engebretson said they intend to have a mixture of uses on the property that will consist of single-family dwellings, townhomes and build for rent homes. They are designing a road from Bricklanding Road SW (NC 179) up to Hale Swamp Road SW as the main corridor to the project and no driveway cuts will be off the main corridor. Ms. Engebretson said the build for rent homes will be operated by a management company and developed in 2 phases. She further stated that grounds and maintenance will be included in the fees and this section will be self-contained, which includes amenities and a dog park. Ms. Engebretson said the units will consist of single-family homes and/or duplexes with a garage and on-street parking (parallel parking and drive aisles), in some instances. She stated that the single-family build for rent homes will be marketable to \$100k per year households and those homes will be developed on approximately 34 acres of this project.

Mr. Dunham asked Ms. Engebretson the number of townhomes, build for rent homes and single-family homes are proposed for this project? Ms. Engebretson said 58 townhomes, no more than 263 build for rent homes and 51 single-family homes. Mr. Dunham asked the area proposed for each rental space? Ms. Engebretson said there is approximately 13 feet that is rented with each space to accommodate for outdoor area space.

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 Cresswind Planned Development (PD-62) with the noted conditions presented in the Staff Report and the motion was unanimously carried.

Ms. Easley made a motion to bring Mr. Cheek back on the panel and the motion was unanimously carried.

B. Planned Development – PD-67.

Name: Turnpike Road Tract Planned Development
Applicant: MAD M&R LLC
Tax Parcel(s): 18400038
Location: Turnpike Road SW (SR 1129) and Hewett Road SW (SR 1128)
Description: Turnpike Road Tract is a proposed Planned Development consisting of 447 single family lots on 185.84 acres creating an overall density of 2.41 dwellings units per acre.

Mr. Pages addressed the Board. He read the Staff Report (attached). Mr. Pages said staff was concerned with flood elevations on the northern portion of the project (Phases 1 and 2, which is between Hewett Road SW [SR 1128] and Turnpike Road SW [SR 1129]), so the developer agreed to design these phases to the 25-year storm event. He further stated that Phase 3 will still be designed to the 10-year storm event due to sloping issues in that particular area. Mr. Pages proceeded to identify 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
- Amend plan stating that Phase 1 and 2 (between Hewett Road SW [SR 1128] and Turnpike Road SW [SR 1129]) will be designed to meet the 25-year storm event.

Ms. Easley clarified that the nearest sewer line is along Mt. Pisgah Road SW (SR 1130) and Mr. Pages said there is sewer available on Mt. Pisgah Road SW (SR 1130) and Stone Chimney Road SW (SR 1115). He further stated that the developer has not specified where they will tie into the sewer system for this project.

Mr. Leary asked staff if there will be complications for the developer to design the project to the 100-year storm event? Mr. Pages said the stormwater ponds will likely have to be larger or additional stormwater ponds maybe necessary to meet the minimum requirements for stormwater approval.

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

Mr. Mark Lyczkowski addressed the Board on behalf of the applicant. He stated that they are only developing 100 acres of the 185.84 acres tract because approximately 86 acres of the site are in wetlands and the floodplain area. He said they are proposing 1 road crossing in the wetland area on the northside of the project. Mr. Lyczkowski said it is their intent to place the 86 acres of wetlands into a conservation easement, so they are protected in perpetuity. Mr. Lyczkowski reiterated that they are proposing to provide public sewer via Stone Chimney Road SW (SR 1115) or Mt. Pisgah Road SW (SR 1130) to the site. Mr. Lyczkowski said there are 7 active parks/open space that are not in the designated wetlands and Note 19 on the plan outlines that recreational space will be utilized for a dog park, open play field, playground, picnic and grill area, benches and sitting area, pool and bathhouse or walking trails.

Mr. Dunham asked Mr. Lyczkowski if there were stormwater concerns addressed at the neighborhood meeting? Mr. Lyczkowski replied, yes. He stated that was those stormwater concerns prompted the developer to design this project to a 25-year storm event, rather than a 10-year storm event.

Mr. Mike Fields addressed the Board. Mr. Fields expressed concern with the current flooding issues in the area. He asked when the natural landscape and habitat will become an issue because there is a lot of clearing of property that will alter the natural vegetation on the site and disturb the natural habitat in the area. He further stated that the south side of the subject property is wet throughout the year.

Mr. Timothy Chestnut addressed the Board. Mr. Chestnut was opposed to the project and asked the Board to deny the project.

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

Mr. Dunham said the proposed stormwater measures for this project should assist with the flow of stormwater drainage. Mr. Pages added that the Brunswick County Stormwater Engineer and Floodplain Administrator suggested that the plan be designed to the 25-year storm event and the developer agreed. Ms. Easley said there are a lot of wetlands on the subject property and she was not comfortable with the project being designed to meet the 25-year storm event. She felt that this project should be designed to meet the 100-year storm event because of the magnitude of wetlands on this site coupled with flooding in the area within the past few years as previously stated by Mr. Fields.

Mr. Wood made a motion to re-open the Public Hearing and the motion was unanimously carried. Mr. Wood asked Mr. Lyczkowski if the developer is opposed to designing the project to a 100-year storm event? After conferring with his engineer, Mr. Lyczkowski said they will design the north side of the project to a 100-year storm event.

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

Ms. Easley made a motion to approve Turnpike Road Tract Planned Development (PD-67) with the noted conditions presented in the Staff Report with a revision to Condition 4 stating that the Phases 1 and 2 (between Hewett Road SW [SR 1128] and Turnpike Road SW [SR 1129]) will be designed to meet the 100-year storm event and the motion was unanimously carried.

C. Planned Development – PD-68.

Name: Russ Tract Planned Development
Applicant: Norris and Tunstall Consulting Engineering
Tax Parcel(s): 19700018
Location: Old Shallotte Road NW (SR 1316)
Description: Russ Tract is a proposed Planned Development consisting of 112 single family lots and 180 townhomes on 54.55 acres creating an overall density of 5.35 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;
- Provide guaranteed access to Tax Parcels 19700017 and 19700016;
- Relocate the proposed intersection at Wildwood Street NW and Cockatoo Drive NW for better alignment; and
- Obtain the necessary permits/permission from the Town of Shallotte to connect to Wildwood Street NW prior to construction.

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

Mr. Thomas Scheetz, representative for Norris and Tunstall Consulting Engineering, addressed the Board. Mr. Scheetz said they are aware of the drainage issues in the northeast section of the project and they will be addressing those drainage issues.

Mr. Wood asked Mr. Scheetz if the adjoining property owners will have access to their property and Mr. Scheetz replied yes. Mr. Pages identified the 30' access points shown on the plan where adjoining property owners can gain access to their property.

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

Mr. Wood made a motion to approve Russ Tract Planned Development (PD-68) with the noted conditions presented in the Staff Report and the motion was unanimously carried.

D. Rezoning Z-826 – Jorge Herrera & James Sheffield.

Request rezoning of approximately 21.32 acres located at Dixie Lane SW off Bricklanding Road SW (NC 179) near Shallotte from R-7500 (Medium Density Residential) to RR (Rural Low Density Residential) for Tax Parcels 2130000501, 2130000207 and 2130000208.

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 Tax Parcels 2130000501, 2130000207 and 2130000208.

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

Mr. James Sheffield addressed the Board. Mr. Sheffield said he and his neighbor (Jorge Herrera) want to keep the property rural because they have farm animals (chickens and ducks) on their property. He stated that he owns a tree company and Mr. Herrera owns a building company and Mr. Herrera plans to make this area his permanent homestead when he retires. Mr. Sheffield said he wants to use his property (Tax Parcel 2130000501) as a nursery to grow fruits, vegetable, trees and shrubs. He further stated that he wasn't to have a mulch business on the rear portion of his property.

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

Mr. Cheek made a motion to approve Tax Parcels 2130000501, 2130000207 and 2130000208 and the motion was unanimously carried.

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

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:

There were no objections from the public and the property will be used for agricultural purposes.

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.

E. Rezoning Z-827 – Sheila McLamb.

Request rezoning of approximately 1.41 acres located at 5561, 5567 and 5573 Old Georgetown Road SW (SR 1163) near Shallotte from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 2130000113, 2130000103 and 2130000105.

LAND USE PLAN MAP AMENDMENT LUM-827:

Request to amend Tax Parcels 2130000113, 2130000103 and 2130000105 located at 5561, 5567 and 5573 Old Georgetown Road SW (SR 1163) 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 Parcels 2130000113, 2130000103 and 2130000105 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan from LDR to Commercial for Tax Parcels 2130000113, 2130000103 and 2130000105 located at 5561, 5567 and 5573 Old Georgetown Road SW (SR 1163).

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

Mr. Dunham asked if the applicant and/or a representative was present? There was no applicant and/or representative present. Mr. Leary made a motion to table the matter until the applicant or a representative is present and the motion was unanimously carried.

F. Rezoning Z-828 – J. Phillip Norris.

Request rezoning of approximately 30.49 acres located off Green Swamp Road SE (NC 211) near Supply from RR (Rural Low Density Residential) to R-6000 (High Density Residential) for Tax Parcel 15200037.

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 R-6000 (High Density Residential) for Tax Parcel 15200037.

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

Mr. Thomas Scheetz, representative for Norris and Tunstall Consulting Engineering, addressed the Board on behalf of the owner. He stated that the owner is requesting a zoning change to better fit the growing area.

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 Tax Parcel 15200037 from RR (Rural Low Density Residential) to R-6000 (High Density Residential) and the motion was unanimously carried.

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

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 Mixed Use.

- 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 fits the character of the area.

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.

G. Rezoning Z-829 – J. Phillip Norris.

Request rezoning of approximately 42.50 acres located off Ash-Little River Road NW (SR 1300) near Ash from RR (Rural Low Density Residential) to SBR-6000 (High Density Site Built Residential) for Tax Parcels 20900054 and 2090005403.

LAND USE PLAN MAP AMENDMENT LUM-829:

Request to amend Tax Parcels 20900054 and 2090005403 located off Ash-Little River Road NW (SR 1300) near Ash from LDR (Low Density Residential) and Conservation to MDR (Medium Density Residential).

Mr. Pages addressed the Board. Mr. Pages read the Staff Report (attached). Mr. Pages said the initial zoning change was from RR (Rural Low Density Residential) to R-6000 (High Density Residential), but the applicant agreed to revise his request to SBR-6000 (High Density Site Built Residential) to better fit with surrounding zoning. 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 (High Density Site Built Residential) for Tax Parcels 20900054 and 2090005403 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan from LDR and Conservation to MDR (Medium Density Residential) for Tax Parcels 20900054 and 2090005403 located off Ash-Little River Road NW (SR 1300).

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

Mr. Thomas Scheetz, Norris and Tunstall Consulting Engineers, addressed the Board on behalf of the applicant. Mr. Scheetz said the zoning change will allow for increase in density and it will better fit the growing area.

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

Mr. Cheek asked staff where the access is for the parcel and Mr. Pages identified the access point off Ash-Little River Road NW (SR 1300) via a visual map.

Mr. Leary made a motion to approve Tax Parcels 20900054 and 2090005403 from RR (Rural Low Density Residential) to SBR-6000 (High Density Site Built Residential) in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan to MDR (Medium Density Residential) for Tax Parcels 20900054 and 2090005403 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 proposed zoning is not consistent with the CAMA Land Use Plan (Comprehensive Plan) as it is classified as LDR (Low Density Residential) and Conservation. 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:

The property is accessible to public water and sewer and there is similar zoning nearby.

- 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 in the immediate area.

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.

- Planning Board Cases Update

Mr. Pages said Zoning Case Z-800CZ is still in a holding process as we are waiting for the consultant to provide well testing results to Brunswick County Public Utilities.

- Blueprint Brunswick Update

Mr. Pages said the Community Open House was well attended on 18-Nov-21 and there will be a follow-up meeting next week with the consultant.

IX. ADJOURNMENT.

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