

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
November 9, 2020

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
William Clark
William Bittenbender
Brett Riggs, Alternate
Ron Medlin

MEMBERS ABSENT

Eileene Shake

STAFF PRESENT

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

OTHERS PRESENT

John Hankins
Scott Stewart
Rodney Conlogue
Pauline Haran
Don McGuire
Stephen Dragos
Jean Toner, Mayor of St. James
James McGarry

Joseph Bland, Norris & Tunstall Engineering
Dan Weeks
Patricia McGarry
Taylor Ryan
Jerry Iverson
Dan Kingsbury
Edward Dickie

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

III. ROLL CALL.

Ms. Eileene Shake was absent.

IV. CONSIDERATION OF MINUTES OF THE 12-OCT-20 MEETING.

Mr. Leary 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 HEARING.

A. Planned Development – PD-34

Name:	Hickmans Branch Cove Planned Development
Applicant:	J. Phillip Norris, Norris and Tunstall Engineering
Tax Parcels:	22500136 and portions of 22500132 and 2250013208
Location:	993 Calabash Road NW (SR 1300)
Description:	Hickmans Branch Cove is a proposed planned development consisting of 65 single-family units on a gross site of 16.84 acres creating an overall density of 3.86 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. He further stated that there is a cemetery on the site with an existing access road from Calabash Road NW (SR 1300) that will be preserved.

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. Dunham asked staff if the proposed development will be impacted by S.C. 31 route through Brunswick County? Mr. Pages said there are no definitive locations for S.C. 31 at this time, but 1 of the routes could potentially impact this area.

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

Mr. Joseph Bland, representative for Norris and Tunstall Engineering, addressed the Board. He stated that they will meet the minimum requirements of the Brunswick County Unified Development Ordinance (UDO) and they will continue to work with the North Carolina Department of Transportation (NCDOT) regarding minimum access requirements. He further stated that they will comply with all State and local minimum requirements for stormwater and erosion control. Mr. Bland concluded that they will, also, continue to work with Brunswick County regarding the utility connections.

Mr. Dunham asked Mr. Bland if they have explored whether or not the routing of S.C. 31 through Brunswick County will impact this project? Mr. Bland said they have notified the developer that the plan may have to be modified if the project is impacted by the location of S.C. 31 through Brunswick County.

Ms. Patricia McGarry, property owner in Meadowlands, addressed the Board. She clarified that the old Brunswick County Library is not at the end of Calabash Road NW (SR 1300); rather; it was off McLamb Road NW (SR 1301).

Mr. Rodney Conlogue, owner of Tax Parcel 22500135, addressed the Board. Mr. Conlogue expressed concern regarding potential stormwater runoff that will be generated from this development. Mr. Dunham said the County’s Stormwater Engineer, Brigit Flora, will address stormwater issues prior to approval of development on the site. Mr. Conlogue was also concerned with potential safety issues associated with the additional traffic generated from this development. Mr. Dunham said NCDOT will address traffic concerns. Mr. Conlogue asked the type of housing that will be in the area? Mr. Dunham said the applicant is proposing single family units. Mr. Bland reiterated that they will comply with State and local minimum requirements regarding stormwater.

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

Ms. Easley made a motion to approve PD-34 (Hickmans Branch Cove Planned Development) with the noted conditions presented in the Staff Report and the motion was unanimously carried.

B. Planned Development – PD-35

Name:	Demarest Park Planned Development
Applicant:	Scott D. Stewart
Tax Parcels:	0570006539
Location:	On Maco Road NE (NC 87) near the intersection of I-140 and Ocean Hwy E (US 17)

Description: Demarest Park is a proposed planned development consisting of 90 townhome lots on a gross site of 38.11 acres creating an overall density of 2.36 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

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

Mr. Scott Stewart addressed the Board. Mr. Stewart stated that he previously appeared before the Board for a zoning change to C-LD for this property. Mr. Stewart provided a site layout (attached) of the property including the potential neighborhood features and existing site conditions. Mr. Stewart said he is seeking approval for 90 units that will be a mixture of townhomes and/or single-family units. He further stated that he intends to preserve as many heritage trees as possible.

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

Mr. Leary made a motion to approve PD-35 (Demarest Park Planned Development) with the noted conditions presented in the Staff Report and the motion was unanimously carried.

C. Rezoning Z-800 – Dan Weeks.

Request rezoning of approximately 135.70 acres located at 3940, 3950 and 3954 Southport-Supply Road SE (NC 211) from C-LD (Commercial Low Density) to C-I (Commercial Intensive) for Tax Parcels 20400048, 20400014, 20400013, 20400012, 20400011, 20400010 and 20400009.

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 C-LD (Commercial Low Density) to C-I (Commercial Intensive) for Tax Parcels 20400048, 20400014, 20400013, 20400012, 20400011, 20400010 and 20400009.

Mr. Bittenbender asked staff if the mining activity on Tax Parcel 20400048 is permissible in the current zoning district? Mr. Pages said that mining activity was an NCDOT project that was exempt from zoning requirements. Mr. Bittenbender asked staff if the current mining operation is part of an NCDOT project? Mr. Pages said Helen Bunch, Zoning Administrator, said the mining operation was part of an NCDOT project. Ms. Dixon interjected that staff is not sure if NCDOT is still conducting the mining activities on the site because they are not required to notify the Planning Department.

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

Mr. Dan Weeks addressed the Board. Mr. Weeks stated that the property was rezoned to C-LD in March 2015 and approved in June 2015 for a planned development (Mirasol Planned Development) that expired June 2020. He stated that the property owner feels C-I zoning is the most appropriate zoning designation at this time.

Ms. Jean Toner, Mayor of the Town of St. James, addressed the Board in opposition to the zoning change and provided the Board with a copy (attached) of her concerns regarding public safety and the potential negative impact to the surrounding area should the property be rezoned to C-I.

Mr. Dan Kingsbury, Broker for St. James Properties, addressed the Board. Mr. Kingsbury said there is a need for more housing in the area. He felt that C-I zoning is not appropriate for this area.

Mr. Stephen Dragos, resident of the Town of St. James, addressed the Board. He provided the Board with a map (attached) of the Town of St. James and Pine Forest development indicating the demographics for both areas. Mr. Dragos said there is a market for commercial development along the roadway, but C-I zoning is not appropriate for this area. He further stated that the subject property is being used by 18 wheelers entering and exiting the property on a 2-lane road, which is not conducive to the residential area. Mr. Dragos said C-I zoning is intended for uses which require close access to major highways and Southport-Supply Road SE (NC 211) is not a major highway.

Mr. Jerry Iverson, President of the Property Owners Association (POA) in St. James Plantation, addressed the Board. Mr. Iverson said the POA is responsible for the infrastructure, amenities, parks, roads, common areas, wetlands, ponds, security and stormwater system. He felt potential industrial substances would be will be harmful to St. James Plantation's ponds, creeks, Carolina Bays and the residential community as a whole. He provided the Board with statistical information regarding the existing and proposed homes in St. James Plantation. Mr. Iverson was opposed to the zoning change.

Mr. Don McGuire, President of the Board of Directors of St. James Fire Department, addressed the Board. Mr. McGuire stated that there have been several traffic incidents in the area and he provided statistics of accidents (145) in this area (intersection of Midway Road to St. James Plantation main gate and to the Regency gate) from 2017 to the present. Mr. McGuire was concerned with hazardous spills that cannot be contained and the potential emissions from the hazardous materials in their residential neighborhood. He further stated that the Military Ocean Terminal – Sunny Point (MOTSU) normally assists with hazardous spills. However, if MOTSU cannot respond, they contact a hazardous team from Wilmington, which could be detrimental if response time is delayed. Mr. McGuire concluded that C-I zoning is not the right fit for this area.

Ms. Pauline Haran addressed the Board. Ms. Haran expressed concerns with the need for local shopping, the ability to attract new businesses to the area, the ability to keep a qualified workforce and affordable housing. Ms. Haran said that sales tax dollars will leave the County if qualified workforce is not available. She felt that industry is needed in the County, but the proposed zoning is not appropriate for this area.

Mr. Taylor Ryan addressed the Board. Mr. Ryan read a statement (attached) of his concerns regarding the living shoreline along the St. James Intracoastal Waterway (ICW). Mr. Ryan said the proposed zoning change is in close proximity to a residential, tourist area with several ponds

that could be polluted should industrial activity be permitted on the subject property. Mr. Ryan reiterated opposition to the zoning change.

Mr. Edward Dickie, resident of St. James Plantation and Town Manager of St. James, addressed the Board. Mr. Dickie concurred with the previous comments. He, too, was opposed to the proposed zoning change.

Mr. Dunham asked staff if the proposed zoning district is commercial intensive and Mr. Pages replied, yes. Mr. Pages proceeded to read some of the commercial and light industrial uses allowed in the C-I zoning district. Mr. Dunham asked staff the minimum buffer requirement along NC 211? Mr. Pages said the minimum buffer is, typically, a 20' landscaped buffer, but the minimum setbacks are 50' for the front yard.

Ms. Easley asked staff if residential uses are allowed in the C-I zoning district and Mr. Pages replied, yes.

Mr. Leary clarified that there are currently 4 C-I zoned parcels (3 to the east and 1 to the west) abutting the subject property off Southport-Supply Road SE (NC 211) and Mr. Pages concurred.

Ms. Easley asked staff if the current use of Tax Parcel 20400048 is exempted from zoning because it is an NCDOT project and Mr. Pages, replied yes. Ms. Easley asked if the property remained C-LD, would the current mining operation be allowed if NCDOT was not involved? Mr. Pages replied, no. Ms. Easley asked if mining operations are allowed in the C-I zoning district? Mr. Pages said mining operations are permissible by Board of Adjustment approval in the C-I zoning district.

Mr. Bittenbender asked staff if the fill material extracted from Tax Parcel 20400048 was for an NCDOT project? Mr. Pages reiterated that the County's Zoning Administrator said the mining operation was for an NCDOT project. Ms. Dixon interjected that the fill material was used for the Long Beach Road connection. Mr. Bittenbender said there has been activity on the site post the Long Beach Road connection opening. Ms. Dixon said the Long Beach Road connection was the initial site the fill material was used for, but staff is uncertain of any other NCDOT projects that fill material would be needed from this particular site.

Mr. Dunham asked Mr. Weeks how the property is being used at the current time? Mr. Weeks said Tax Parcel 20400048 is a borrow pit that NCDOT used for the widening on NC 133. Mr. Dunham asked if there is any activity occurring on the site at the current time? Mr. Weeks said there is a smaller borrow pit on Tax Parcel 20400012 that the owner received a permit to mine.

Mr. Weeks addressed concerns previously expressed. He stated that a private company (Land Management) toured the site and determined that there are no wetlands on the property. Mr. Weeks said there is a need for industry in this area to mesh with the existing light commercial use(s) to serve the needs of the community. He, too, felt the necessity for the affordable housing along with a balance for commercial and industrial uses to sustain a viable workforce area. Mr. Weeks said the developer has no plans to develop the property in the immediate future.

Mayor Toner readdressed the Board. Mayor Toner said there are several uses that are allowed in the C-I zoning district other than those read by staff. She proceeded to read more intensive uses allowed in the C-I zoning district. She reminded the Board that any permitted use in C-I zoning can be placed on the subject property. Mr. Pages clarified that Mayor Toner read items permitted in the Industrial General zoning district rather than Commercial Intensive zoning district. Ms.

Dixon added that C-I uses were previously added to planned developments for those citizens that like to live where they work.

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

Mr. Bittenbender made a motion to deny the zoning change and the motion carried 6 to 1 with Mr. Dunham voting no.

☒ DENIED – INCONSISTENT WITH COMPREHENSIVE PLAN

- The Planning Board finds that the proposed zoning amendment is consistent with the CAMA Land Use Plan (Comprehensive Plan) and is not in the public's interest for the following reasons:

There is a potential negative impact to the immediate area, there is no major corridor nearby and the proposed zoning change is not compatible with the surrounding development.

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-801 – Henry Bennett.

Request rezoning of approximately 24.21 acres located at 341 Shingletree Road NW (SR 1302) from Undesignated to R-7500 (Medium Density Residential) for Tax Parcel 2250003911.

LAND USE PLAN MAP AMENDMENT LUM-801:

Request to amend Tax Parcel 2250003911 located at 341 Shingletree Road NW (SR 1302) from Undesignated to LDR (Low Density Residential).

Mr. Pages addressed the Board. Mr. Pages read the Staff Report (attached). He stated that the property owner supports the R-7500 (Medium Density Residential) zoning designation for the subject property. He identified the subject property and surrounding properties on a visual map.

Mr. Pages said staff recommends approval from Undesignated to R-7500 (Medium Density Residential) for Tax Parcel 2250003911 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to LDR (Low Density Residential) for Tax Parcel 2250003911.

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

Mr. James McGarry, property owner in Meadowlands, addressed the Board. He asked what advertisements were sent to notify property owners in the area of the proposed zoning change? Mr. Pages said abutting property owners are notified via US Mail, a sign is posted on the property and the zoning change is advertised in the local newspaper. He provided Mr. McGarry with a copy of the adjacent property owners that were notified. Mr. Pages further stated that property owners in Meadowlands would not have received a letter regarding the proposed zoning change

because they are not directly adjacent to the subject property. Mr. McGarry asked the difference in the R-7500 (Medium Density Residential) and LDR (Low Density Residential)? Mr. Pages said R-7500 is the zoning designation and LDR is the CAMA Land Use Plan classification that is proposed for the subject property so the property will be consistent with the CAMA Land Use Plan. Mr. Pages also explained the maximum dwelling units allowed in the R-7500 zoning district. Mr. McGarry was concerned with a ditch in the area and the potential of flooding when the subject property is developed. Mr. Dunham said stormwater will be addressed by the County's Stormwater Engineer when a project is submitted for approval.

Ms. Patricia McGarry addressed the Board. Ms. McGarry said there is a lot of development in the area. She, too, was concerned with potential flooding in the area. Mr. Dunham said a stormwater permit will be required from the County and State prior to developing the property. Ms. McGarry asked staff to clarify whether or not minimum buffers will be required? Mr. Pages said conventional development will not require buffers, but a planned development will require a 30' buffer.

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 Tax Parcel 2250003911 from Undesignated to R-7500 (Medium Density Residential) in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to LDR (Low 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 – 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 undesignated as the property was in the Town of Carolina Shores planning and zoning jurisdiction. However, a CAMA Land Use Plan amendment has been requested to LDR (Low 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 will become consistent with the surrounding area(s).

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

The property is undesignated and it is being proposed to be designated to LDR (Low Density Residential).

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 addressed the Board. He stated that Z-797, Z-798 and Z-799 were approved at the Planning Board's 12-Oct-20 meeting and no rezoning appeals were received so the Planning Board's decision stands.

- Blueprint Brunswick Project Update.

Mr. Pages addressed the Board. He stated that Blueprint Brunswick Project is in the early stages and he provided the Board with a flyer (attached) of the Focus Group meeting dates. He encouraged participation from the Board members.

IX. ADJOURNMENT.

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