



AGENDA

BRUNSWICK COUNTY

PLANNING BOARD

6:00 P.M. Monday
May 11, 2015

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

- 1) Call to Order.
- 2) Invocation.
- 3) Pledge of Allegiance.
- 4) Roll Call.
- 5) Oath of Office – New Board Member.
- 6) Election of Chair.
- 7) Consideration of the Minutes of the April 13, 2015 Meeting.
- 8) Agenda Amendments.
- 9) Public Comment.
- 10) Presentations.
 - A. FEMA Flood Maps Update (Reggie Hucks, Chief Building Inspection/Floodplain Administrator)
 - B. Water and Sewer Expansion Plans (Jerry Pierce, Utilities Director)
 - C. Transportation Update (Helen Bunch, Zoning Administrator)
- 11) Public Hearing and Consideration of the Reestablishment of Vested Rights.
Windermere Estates (SE-191) – off Mt. Misery Road.
- 12) Other Business.
- 13) Adjournment.

MINUTES
PLANNING BOARD WORKSESSION
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
April 13, 2015

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

MEMBERS PRESENT

Steve Candler, Chair
Cynthia Henry
Joy Easley
Troy Price
Christopher Stanley
Randy Ward

MEMBERS ABSENT

Eric Dunham, Vice Chair
Joe Johnson, Alternate

STAFF PRESENT

Michael Hargett, Director
Helen Bunch, Zoning Administrator
Kirstie Dixon, Planner II
Connie Marlowe, Admin. Asst.
Marc Pages, Land Planner
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

John Hankins
Kacy Cook

Lewis Dozier
Terry Pope, State Port Pilot

I. CALL TO ORDER.

The Chair called the meeting to order at 6:01 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE.

Mrs. Henry 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. Eric Dunham and Mr. Joe Johnson were absent.

IV. CONSIDERATION OF MINUTES OF THE 09-FEB-15 MEETING.

Mrs. Henry made a motion to approve the minutes as written and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

There were none.

VI. PUBLIC COMMENT.

There were none.

VII. PRESENTATIONS

A. North Carolina Wildlife Green Growth Toolbox

Ms. Kacy Cook, Land Conservation Biologist with NC Wildlife Resources Commission, addressed the Board. Ms. Cook thanked the Board for the opportunity to speak. She briefly discussed a power point presentation (attached) outlining Green Growth. She stated that the goal is the bridge the gap between wildlife biologists and land use decision makers to provide information such as maps of wildlife habitat before development begins. She further stated that the Green Growth Toolbox can be used to plan for landscapes where wildlife and natural resources are secure. Ms. Cook said one of their goals is not to negatively impact property rights. She stated that the green growth toolbox on their website provides all of their resources including GIS datasets of maps of priority wildlife habitats, green growth handbook, training workshops, free technical assistance, and a modest amount of funding to local governments that qualify called partners for green growth. Ms. Cook said the project has been successful for five years. She further outlined the six components of the green growth toolbox. Ms. Cook said they focus on the pattern of development to protect and prevent endangering wildlife. Ms. Cook said their goal is to keep species off of the federal endangered species list prior to development. Ms. Cook concluded with providing several benefits of green growth.

Mrs. Henry said she attended the workshop at Brunswick Community College and there was a diverse group in attendance. She stated that she was surprised about the number of endangered species in Brunswick County as a result of the patterns of development that do not practice green growth.

Mr. Stanley asked Ms. Cook the benefit of stream buffers. Ms. Cook said stream buffers clean the water before it gets to the stream. She stated that accessible trails enhance development and promotes green growth.

Mr. Hargett said staff is pleased with incorporating the green growth toolbox with the revised UDO to encourage designers to utilized best management practices during the development process. Ms. Dixon added that GIS is creating a stand-alone website to access conservation data for green growth.

The Chair suggested that educational training to communities is the key to ensure green growth stays on the forefront. He commended the NC Wildlife Commission for providing information promoting green growth without negatively impacting development.

B. The New UDO Procedures Review

Mr. Hargett addressed the Board. He provided the Board with a copy of the newly revised UDO. He stated that the major changes to the UDO are in Article 3 (Common Review and Approval Procedures) and Article 6 (Design and Performance Standards). Mr. Hargett discussed the approval process, which focuses on major and minor site plan development. He stated that conditional zoning is a new tool that has been added to the Planning Board's recommendation to the Board of Commissioners. Mr. Hargett said conditional zoning is petition-based by the applicant that includes a mandatory neighborhood meeting.

Mr. Pages discussed site design flexibility. He briefly discussed some of the elements associated with site design flexibility. Mr. Pages provided examples of exceptional design/best management practices. He stated that the planned development section of the UDO allows the developer to be creative and the developer will provide staff with what they want to do.

C. Hazard Mitigation Plan Update

Mr. Pages addressed the Board. He stated that the Hazard Mitigation Plan (HMP) grant was approved as a regional grant for \$65k and Holland Consulting Planners is the consulting company working on the project. Mr. Pages defined HMP and why it is needed and the HMP has to be updated every 5 years. He discussed the HMP process for approval. Mr. Pages said there will be three meetings throughout the County. The first meeting is scheduled for April 14, 2015 in Oak Island, the second meeting will be April 24, 2015 in Leland, and the third meeting is scheduled for May 1, 2015 in Shallotte. Mr. Pages concluded with the HMP timeline with submittal date in September 2015.

Ms. Easley asked Mr. Pages if the County will receive credit for having the plan under the Community Rating System (CRS)? Mr. Pages replied, yes. He stated that the County will receive a point from having their first meeting within the 30 days of the kickoff in a floodplain area.

VIII. PROPOSED ETJ LEGISLATION.

Ms. Dixon addressed the Board. She stated that House Bill 51 (Justice for Rural Citizens Act) addresses removing extraterritorial jurisdictions (ETJs) in North Carolina. Ms. Dixon said the bill is in House and it passed first reading, but it has been referred to the committee on local government. Ms. Dixon said HB 51 must pass the House and Senate and then approved by the Governor before it becomes law. She stated that the County has 15,792 acres within a town's ETJ, which consists of 3% of the County. Ms. Dixon said there are 8 towns that are affected by potential ETJ removals.

The Chair asked staff how the process will occur? Mr. Hargett said staff would likely prepare a plan to rezone all areas at one time after discussing the zoning change with the effected property owners. He further stated that staff will consult with legal to ensure proper notification requirements are met.

The Chair felt that the House Bill will pass, which may necessitate hiring an additional planner on staff. He felt that the County should be proactive by anticipating the approval of HB51. Mr. Hargett said staff has discussed this matter and there is a vacant position that may be filled when necessary.

IX. OTHER BUSINESS.

Mr. Hargett said the Chair suggested that water and sewer be addressed, but Jerry Pierce was unavailable until the May 2015 Planning Board meeting. He stated that Ms. Bunch will also be providing an update on transportation at the May 2015 meeting.

The Chair said he will be resigning from the Planning Board effective April 30, 2015. He thanked everyone for their support. The Chair said he has accepted a position, but he is unable to disclose any further information at this time. He stated that there will be a reception on May 28, 2015 from 11:30 – 1:30 at the Board of Realtors office. Mrs. Henry wished Mr. Candler well in his new endeavors. Mr. Hargett and the other Board members concurred.

X. ADJOURNMENT.

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

Jesse L. Malpass
2088 Neils Eddy Road
Riegelwood, NC 28456
Phone: 910-520-9663

April 20, 2015

To: Marc Pages
Brunswick County Planning

Re: Windermere Estates PUD (File # SE-191)

I am requesting the Planning Department consider Windermere Estates PUD to have vested rights and that the Preliminary Approval still be valid. The following construction activities and acquisitions have already been performed on/for the site:

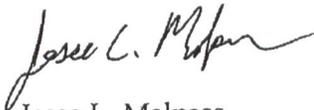
1. Clearing of Site (root mat and stump removal)
2. Installation of NCDOT Driveway (stone and asphalt)
3. Installation of Bore under Mt. Misery Road (steel casing pipe)
4. Installation of Water Main within Mt. Misery Road Right-of-Way
5. Surveying for Construction Activities
6. Acquisition of Drainage Easement on Adjacent Property for Pond Outfall Pipe

Below is a breakdown of the approximate expenses already incurred by the developer for the above mentioned construction activities.

1. Clearing = \$128,000
2. Driveway = \$2,760
3. Bore = \$11,875
4. Water Main = \$6,500
5. Surveying = \$3,500

The approximate total expenses of construction activities and acquisitions already performed on/for the site is \$152,635.

Sincerely,



Jesse L. Malpass



Brunswick County Planning and
Community Development
P.O. Box 249
75 Courthouse Drive N.E., Bldg I
Bolivia NC 28422

DATE: May 11, 2015
TO: Brunswick County Planning Board Members
FROM: Marc A. Pages, Land Planner
RE: **Vested Rights - Windermere Estates PUD - SE-191**

Background:

Windermere Estates is a Planned Unit Development that was approved by the Brunswick County Planning Board on May 10, 2010. The original approved master plan consisted of 51 single family lots and 42 townhome units on a gross site of 18.28 acres. Since its approval no lots have been recorded but some site work has been completed. Due to the lack of further activity at the site and the absence of written requests to extend the project, the development's approval period expired on January 1, 2015.

The applicant, Jesse L. Malpass, has submitted a request per Section 9.5. of the Brunswick County Unified Development Ordinance to reestablish Vested Rights for Windermere Estates PUD.

