

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
December 14, 2015

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

MEMBERS PRESENT

Eric Dunham, Chair
Cynthia Henry
Chris Stanley
Randy Ward

MEMBERS ABSENT

Michael Polychrones
Joy Easley, Vice Chair
Troy Price

STAFF PRESENT

Michael Hargett, Director
Connie Marlowe, Admin. Asst.
Marc Pages, Land Planner

OTHERS PRESENT

John Hankins
Lewis Dozier

Phil Norris

I. CALL TO ORDER.

The Chair called the meeting to order at 6:05 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. Michael Polychrones, Ms. Joy Easley, and Mr. Troy Price were absent.

IV. CONSIDERATION OF MINUTES OF THE 12-OCT-15 MEETING.

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

V. AGENDA AMENDMENTS.

Mr. Hargett asked that the 2016 Brunswick County Major Subdivision and Planned Development Project Submittal Deadlines Schedule (provided to Board at the meeting) and an update regarding future UDO refinements be considered under Other Business.

VI. PUBLIC COMMENT.

There were none.

VII. PUBLIC HEARINGS.

A. PLANNED DEVELOPMENT CONCEPTUAL PLAN APPROVAL (PD-6).

Name: Ploof Road Apartments Planned Development
Applicant: Phil Norris
Tax Parcel(s): 04700039 and 0470004302
Location: Located on Ploof Road SE (SR 1566) near Leland, NC
Description: The proposed Planned Development consists of 240 multi-family units on a gross site of 15.19 acres creating an overall density of 15.83 units per acre.

Mr. Pages addressed the Board. Mr. Pages read the Staff Report (attached). Mr. Pages identified the proposed area on a visual map indicating that the applicant is proposing 1, 2 and 3 bedroom apartments. He said there will be 2 entrances onto Ploof Road SE (SR 1566) and no entrance is proposed off US 17 as it is a controlled access corridor. 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
- Verification of Energy Star ratings shall be required prior to the issuance of a certificate of occupancy.

The Chair asked staff what Leland's C-2 is zoning. Mr. Pages said it is the general business district for Leland, which is similar to the County's C-LD zoning. The Chair asked staff if the housing development across the street is located on Sand Pebble Drive SE. Mr. Pages said the housing development (Birch Creek) across the street is on Birch Creek Drive SE, but there is another housing development (Arbors at Westgate) on Sand Pebble Drive SE that is further down the street from the subject property.

Mr. Pages said, after conferring with Mr. Norris, staff would like to revise Condition #3 to say, "Verification of Energy Star ratings will be required before issuance of a building permit". The Chair asked staff if an energy star certification will be required, which requires a design review and an after construction review? Mr. Hargett said the energy star rating relates to appliances and installation. He further stated that verification should be done upfront rather at the certificate of

occupancy to alleviate any potential problems and the applicant is in agreement with verification of Energy Star ratings being required prior to the issuance of a building permit.

Mrs. Henry asked staff to elaborate on the superior architectural design. Mr. Pages said the applicant has indicated that they are utilizing brick, hardy plank, gables, painted porches, balconies, vinyl cedar, and the articulation in the building profile as indicated in the photos displayed on the screen.

Mrs. Henry made a motion to open the Public Hearing and the motion was unanimously carried.

Mr. Phil Norris, Norris, Tunstall Consulting Engineers, addressed the Board. Mr. Norris said there is drainage way along one of the property lines from US 17 and it transverses the site and proceed out of the other side of the property. He said this drainage way provided an opportunity to leave a greenway appearance through the property. Mr. Norris said this particular layout allowed for them to have an additional building on the site. He further stated that they exceed the minimum buffer requirements. He said it became apparent that this site lends itself to higher density. He reiterated that they exceed the minimum requirements for open space and recreational space as outlined in the Staff Report. Mr. Norris said public water and sewer will be available to the site. He said they will also exceed the minimum requirements for stormwater retention. He concluded they have worked closely with staff in creating this project and he made himself available for any technical questions regarding the proposed project.

The Chair asked about the parking spaces near US 17 that are designated differently than the other proposed parking spaces. Mr. Norris said those parking spaces are garages. The Chair asked the total number of proposed parking spaces for the project? Mr. Pages replied, 425 parking spaces, which equates to 1.77 parking spaces per unit.

Mrs. Henry asked if the apartments are smaller in size because of the higher density. Mr. Norris said they are standard size apartments with a mixture of 1, 2 and 3 bedrooms. Mrs. Henry asked the rental cost per unit? Mr. Norris said he was unsure, but felt it will be comparable to the market in this particular area. Mr. Hargett said staff offered the workforce housing option to the developer which would indicate a lower than market value, but they opted not to incorporate such in this project. He agreed that it appeared the rental cost would be market rate.

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

Mrs. Henry made a motion to approve Ploof Road Planned Development with the noted conditions by staff as amended (Condition #3: Verification of Energy Star ratings shall be required prior to the issuance of a building permit) and the motion was unanimously carried.

VIII. OTHER BUSINESS.

A. Proposed Text Amendment – Performance Guarantee Percentage

Mr. Hargett addressed the Board. He stated that the proposed text amendment (attached) decreases the percentage of performance bonds from 150% to 125% of the estimated cost. Mr. Hargett said, as a part of the revisions to the Brunswick County Unified Development Ordinance (UDO), the Board recommended to the Board of Commissioners that bonding be eliminated with the exception of minor items (i.e., landscaping, utilities, and the second lift of asphalt on roads). Mr. Hargett said legislature passed an amendment to the General Statutes that specifically set the limit of performance bonds to 125%. He said the County needs to make this adjustment in the

UDO to comply with the legislation. Mr. Hargett said staff has been in discussions with the Engineering Department regarding eliminating the provision for the second lift of asphalt on roads and require the roads be fully installed as part of a refinement to the UDO.

The Chair asked staff about platting approval not being allowed until all issues have been resolved. Mr. Hargett said the final plat cannot be recorded until all infrastructure has been installed and approved. He said the Board did include a provision to allow the construction of up to 2 models prior to completion of infrastructure with adequate roads being in place for emergency vehicles. He further stated that lots cannot be conveyed or models cannot be sold until the final plat has been recorded.

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

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

Mrs. Henry asked staff if this is a local decision or does every county or city have to adopt this requirement. Mr. Hargett said each jurisdiction makes the determination whether or not they will allow bonding.

Mrs. Henry made a motion to recommend to the Board of Commissioners to approve the proposed text amendment and the motion was unanimously carried.

B. 2016 Brunswick County Major Subdivision and Planning Development Project Submittal Deadlines Schedule

The Chair stated that the 2015 Planning Board Schedule included the 11-Jan-16 meeting and deadlines for submission of application(s). The Chair said he spoke with staff prior to the meeting and there appears to be no conflicts with holidays on the proposed schedule.

With no further comments, Mr. Stanley made a motion to approve the 2016 Brunswick County Major Subdivision and Planned Development Project Submittal Deadlines Schedule and the motion was unanimously carried.

C. UDO Refinements Update

Mr. Hargett reported that staff is in embarking on further refinements to the UDO via clarifications and minor changes (e.g., not requiring the second lift of asphalt on roads). He stated that staff is reviewing the potential refinements as a group and changes will be presented at the February 2016 meeting for the Board's review and approval. He encouraged the Board to provide any changes they deem necessary to staff as soon as possible to be incorporated with staff's recommended refinements to the UDO. The Chair asked that staff notify the Board members to provide their comments/suggestions to staff at their earliest convenience.

IX. ADJOURNMENT.

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

**BRUNSWICK COUNTY
STAFF REPORT AND RECOMMENDATION**

Application No. PD-6

Applicant: Phil Norris

Project Name: Ploof Road Apartments

Property Location: Ploof Road

Parcel Number(s): 04700039 and 0470004302

Zoning District: C-LD

Surrounding Zoning **North:** LE-C-2 (Leland Jurisdiction) **South:** CO-IG and BE-R-10 (Belville Jurisdiction) **East:** CO-IG and CO-R-6000 **West:** CO-IG and LE-C-2

Proposed Use: Planned Development consisting of 240 multi-family units on a gross site of 15.19 acres creating an overall density of 15.83 units per acre.

Approval Criteria

- The majority of the surrounding uses consists of single family residential, light commercial and light industrial land. The proposed development is consistent with the 2007 Future Land Use Map which denotes this area as Commercial.
- The proposed project density of 15.83 dwelling units per acre exceeds the 13.6 du/ac maximum for conventional multifamily development. Per UDO Section 6.1 the applicant may apply for site design flexibility, and in this case increased density, if he/she incorporates elements of exceptional design into the site plan. The proposed exceptional design elements are as follows:
 1. Increased open space – 30% or 4.55 acres of the total area is required to be open space. The applicant is proposing 53.7% or 8.16 acres of open space. Of the required open space a minimum of 15% or 0.68 acres of recreational space is required. The applicant is proposing 4.98 acres of recreation space.
 2. Stormwater will be designed to exceed the 50 year storm event where the minimum is to exceed the 10 year event.
 3. Buildings will be Energy Star rated.
 4. Heritage trees will be preserved where possible.
 5. Larger periphery buffers that exceed the minimums of the UDO.
 6. Superior architectural design with upgraded exterior materials.
- The proposed project meets minimum vehicular access point requirements.
- Proposed infrastructure will include:
 1. **Water** and **Sewer** will be provided by Brunswick Regional Water and Sewer (H2GO).
 2. **Roads** will be private.

- **Open Space** is required at 30% of the total project area. The developer is proposing **8.16** acres of open space of which **4.55** acres are required of the required open space, 15% is required to be useable recreation area. The developer is proposing 4.98 acres of recreational open space of which 0.68 acres is required.
- Adjacent property owners were notified via US mail and a notification sign was posted on the subject property.
- **TRC** was held on November 19, 2015 in which all comments were addressed.
- According to NCDOT's Average Annual Daily Traffic Counts, there are no capacity deficiencies for this section of Ploof Road. An approved NCDOT driveway permit shall be required prior to recording of the individual lots.

If approved, this development shall have a vested right for a period of three years. A two year extension may be requested by the applicant to the Brunswick County Planning Department.

Staff recommends approval based on the following conditions:

1. 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.
2. That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
3. Verification of Energy Star ratings shall be required prior to the issuance of a building permit.



Brunswick County Planning & Community Development
P. O. Box 249 Bolivia, NC 28422

MEMORANDUM

DATE: December 3, 2015

TO: Planning Board Members

FROM: Mike Hargett

RE: Proposed Text Amendment – Performance Guarantee Percentage

During the 2015 Session, the NC General Assembly amended the legislation pertaining to performance guarantees. Bryan Batton and I have reviewed the legislation and have concluded that our Unified Development Ordinance is consistent with the recent amendments, with the exception of the amount of the performance guarantees. Our ordinance currently requires that guarantees be 150% of the estimated cost of the required improvements. This figure was based on the guarantees being limited to minor items, such as landscaping, and the final lift of asphalt.

The recent amendment by the General Assembly specifically limits performance guarantees to 125% of the estimated cost. Accordingly, it is proposed that the Unified Development Ordinance be amended such that the “150%” figure as it pertains to performance guarantees be replaced with “125%” in all applicable sections of the ordinance.

2016 Brunswick County Major Subdivision and Planned Development *Project Submittal Deadlines*

Project Submittal Deadline*	TRC Meeting Date	TRC Revision Due Date	Planning Board Meeting Date
1/4/2016	1/14/2016	1/22/2016	2/8/2016
2/1/2016	2/11/2016	2/19/2016	3/14/2016
3/7/2016	3/17/2016	3/28/2016*	4/11/2016
4/4/2016	4/14/2016	4/22/2016	5/9/2016
5/2/2016	5/12/2016	5/20/2016	6/13/2016
6/6/2016	6/16/2016	6/24/2016	7/11/2016
7/5/2016*	7/14/2016	7/22/2016	8/8/2016
8/1/2016	8/11/2016	8/19/2016	9/12/2016
9/6/2016*	9/15/2016	9/23/2016	10/10/2016
10/3/2016	10/13/2016	10/21/2016	11/14/2016
11/7/2016	11/17/2016	11/28/2016*	12/12/2016
12/5/2016	12/15/2016	12/22/2016*	1/9/2017
1/3/2017*	1/12/2017	1/20/2017	2/13/2017

* Applications and plans are due by 5:00 pm on the submittal deadline day. **Incomplete applications cannot be processed.**

* This date was changed from its regularly scheduled date due to a holiday.