

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
January 8, 2024

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
Richard Leary
Jason Gaver
Clifton Cheek

MEMBERS ABSENT

Ron Medlin
Harry Richard Ishler, Alternate

STAFF PRESENT

Marc Pages, Principal Planner
Connie Marlowe, Admin. Asst. II
Garrett Huckins, Planning Tech.
Tyler Connor, Planner I
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

John Hankins
Cindy Babson
Stephen Kane
Sheila McLamb
Johnia McCumbee
Savanna Tenenoff, Brunswick Beacon
Catherine Stuey

Leslie Robinson
Buddy Milliken
Carlo Montagano
Ash Ramos
Stacey Callahan
Jamey Cross, Star News

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

III. ROLL CALL.

Mr. Ron Medlin and Mr. Harry 'Richard' Ishler were absent.

IV. CONSIDERATION OF THE MINUTES FROM THE 11-DEC-23 MEETING.

Mr. Leary made a motion to approve the 11-Dec-23 minutes as presented and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

There were none.

VI. PUBLIC COMMENT.

There were none.

VII. GUEST PRESENTATION FROM CARLO MONTAGANO OF BRUNSWICK COUNTY HABITAT FOR HUMANITY.

Mr. Carlo Montagano, Executive Director of Brunswick County Habitat for Humanity, addressed the Board. He stated that Brunswick County Habitat for Humanity's (Habitat for Humanity) mission is to partner with volunteers and families to build decent, affordable housing for those in need. He said they build new homes and homeowners never pay more than 30% of their gross income for a 30-year mortgage, which includes taxes and homeowners' insurance. Mr. Montagano proceeded to say that they have 2 mortgage partners (First Bank and USDA) that finance loans for eligible participants and the current interest rates at 1% - 2%. Habitat for Humanity will build their one hundredth home this year and they anticipate building 8 homes this year and 10 homes next year. Mr. Montagano explained the eligibility and selection criteria that families must meet to qualify for the program such as a willingness to partner in building their own home and the ability to pay a total of \$3,000 to pre-fund an escrow account (for property taxes and insurance). He concluded that they serve single parents, seniors and black families (which encompasses approximately 50% of Habitat families).

Mr. Stephen Kane, Board Member and Broker in Charge with Keller Williams Realty (Oak Island Office), addressed the Board. He stated that the median sales price in Brunswick County in 2018 was \$239,500 and \$365,500 in 2023, which was a 53% increase. He discussed the increase in land sales (49% increase) and housing sales (92% increase) in the past 5 years. Mr. Kane further stated that 86 homes (28% of the market) sold for less than \$250k in 2018 and 97 homes (7% of the market) sold for less than \$250k. He said only 24 of the 97 homes sold in 2013 were single family homes, which is less than 2% of 1,358 homes on the market in 2023.

Mr. Buddy Milliken, Board member, addressed the Board. He showed photos of a subdivision (Fuller Court Subdivision Community Greenspace Project) in Leland that Habitat for Humanity was involved in developing. He said there has been an abundance of developed property in the County throughout the years. Mr. Milliken said density is a major component when trying to maintain the quality of life in the County. He showed photos in their PowerPoint presentation of other areas such as Charleston SC, Germany and Italy and how these areas were developed in relation to density. He concluded that density without mixed use can result in more traffic, which exacerbates the problem. He said building places with mixed use allows residents choices of mobility other than exclusive automobile use, which is a direct impact on a family's budget as well as a family's ability to buy an affordable house and maintain an affordable way to live.

Mr. Montagano reiterated types of families in need of affordable housing, eligibility criteria such as household income, housing needs, ability to pay and willingness to partner (through sweat equity). He said they assist people with fixing their debt even if they do not qualify for the program, which opens the door for those families to reapply for a habitat home when their debt is cleared.

Mr. Gaver said he is the President of the Board of Directors for Brunswick County Habitat for Humanity, and he addressed the household income information. He explained that those families that qualify for the program are frontline workers such as first responders, retail sales workers, restaurant workers, educators, etc. Mr. Gaver said the Board of Directors are charged with meeting immediate needs in the County for affordable housing. Mr. Gaver as well as the other Board members thanked the presenters for their presentation.

VIII. NEW BUSINESS.

A. Rezoning Z-878 – Sheila McLamb.

Request rezoning of approximately 4.02 acres located off Seaside Road SW (NC 179) near Sunset Beach, NC from C-LD (Commercial Low Density), R-7500 (Medium Density Residential) and R-6000 (High Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 2273A154.

Mr. Marc Pages addressed the Board. He read the Staff Report (attached) and identified the subject property and surrounding properties on a visual map. Mr. Pages proceeded to staff's recommendation and consistency and reasonableness determination (attached).

Mr. Pages said staff recommends approval from C-LD (Commercial Low Density), R-7500 (Medium Density Residential) and R-6000 (High Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 2273A154.

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

Ms. Sheila McLamb addressed the Board as the sole member of New Purpose LLC. She asked that the Board accept staff's recommendation to rezone the subject property. She further stated that the area to be rezoned is a small slither on the east side of the predominant portion of the property in question. Ms. McLamb said this portion of the parcel is of no value if the zoning change is not granted. She said a large portion of the proposed zoning change area will likely be used as a buffer to the adjoining residential neighborhood. Ms. McLamb said there is a need for commercial services for the people moving to the area, it will provide employment opportunities

to the area and it will increase the tax base for the County. She concluded that she has applied for a wetland delineation and it is pending with the U.S. Army Corps of Engineers.

Ms. Stacey Callahan addressed the Board. She stated that she lives in Sea Trail Plantation and she felt that there is not a need for more store fronts in the area because there are several vacant buildings in the area that can be utilized for commercial purposes. She further stated that there is a vacant building where a grocery was housed that is currently being used to store cases of drinking water. Mr. Dunham interjected that that building is currently being rented by a company to ensure another grocery store is not placed in that location. Ms. Callahan said there is an enormous amount of traffic in the area that will only be compounded if more commercial activity comes to the area. She concluded that businesses are currently having difficulty getting people to work and opening additional businesses is not going to change the fact that people do not work.

Ms. Ash Ramos addressed the Board. Ms. Ramos asked when the natural areas, trees and wetlands will be considered valuable? Mr. Dunham said the owner of the property is responsible for preserving the natural habitat, whenever possible. Mr. Pages added that this is a conventional rezoning and any use in C-LD zoning district such as residential dwellings and multifamily uses allowed with certain provisions.

Ms. Johnia McCumbee addressed the Board. Ms. McCumbee said there is a need for economic growth to create job opportunities, but there are vacant buildings throughout the County that can accommodate economic growth without constantly building more structures. Mr. Dunham said in the Town of Shallotte, older commercial facilities are being renovated to accommodate new commercial uses, but that is/was a lengthy process.

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 Tax Parcel 2273A154 to C-LD (Commercial Low Density) located off Seaside Road SW (NC 179) and adopt the consistency and reasonableness determination statement and the motion was unanimously carried.

CONSISTENCY & REASONABLENESS DETERMINATION

Per NCGS, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment (including map and text amendments), a statement regarding plan consistency shall be adopted.

This request is CONSISTENT with the Blueprint Brunswick 2040 Comprehensive Plan place type designation and CONSISTENT with the goals, recommendations, and policies of plans adopted by Brunswick County (listed below) and is REASONABLE, appropriate, and in the public interest based upon the following findings:

1. The Blueprint Brunswick 2040 Comprehensive Plan (CAMA Plan) goals and objectives supports the rezoning:
 - Consistent with following Goals and Objectives
 - LU-2 – Support development in areas that are best suited for future development.

- The residential suitability map identifies the subject parcels as generally suitable for residential development.
2. The proposed rezoning will correct a split rezoning.
 3. Consistent with the characteristics of the area, existing zoning in the area, and the previous rezonings to similar districts within the immediate vicinity.

<input type="checkbox"/> <i>Agricultural Development Plan</i>	<input checked="" type="checkbox"/> <i>Unified Development Ordinance</i>
<input type="checkbox"/> <i>Brunswick County Comprehensive Transportation Plan (CTP)</i>	<input type="checkbox"/> <i>Southeastern North Carolina Hazard Mitigation Plan</i>
<input type="checkbox"/> <i>Brunswick County Trail Plan</i>	<input type="checkbox"/> <i>Airport Height Control Ordinance</i>
<input checked="" type="checkbox"/> <i>Blueprint Brunswick 2040 Comprehensive Plan (CAMA Plan)</i>	<input type="checkbox"/> <i>Other: _____</i>

Mr. Dunham 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.

B. Rezoning Z-879 – Coastal Permitting Consulting LLC (%Leslie Robinson).

Request rezoning of approximately 6.62 acres located at 1628 Holden Beach Road SW (NC 130) near Supply, NC from R-7500 (Medium Density Residential) and R-6000 (High Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 2150010011.

LAND USE PLAN MAP AMENDMENT LUM-879:

Request to amend the Blueprint Brunswick 2040 CAMA Land Use Plan Map from LDR (Low Density Residential) and Open Space – Conservation 1 Place Types to MDR-Mixed (Mixed Residential Living) for Tax Parcel 2150010011 located at 1628 Holden Beach Road SW (NC 130) near Mt. Pisgah Road SW (SR 1130). This Land Use Plan Amendment totals approximately 6.62 acres.

Mr. Marc Pages addressed the Board. He read the Staff Report (attached) and identified the subject property and surrounding properties on a visual map.

Mr. Pages read the staff’s recommendation and the consistency and reasonableness determination. He said staff recommends denial from R-7500 (Medium Density Residential) and R-6000 (High Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 2150010011 located at 1628 Holden Beach Road SW (NC 130) near Supply, NC.

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

Ms. Leslie Robinson, Coastal Permitting and Consulting LLC, addressed the Board on behalf of the owner. Ms. Robinson said she understands that this a non-conforming zone for the property based on the fact that the lot does not meet the minimum width requirement (100’ wide and the

subject property is 60' wide), but there is a 11.85-acre tract owned by Sampson Bladen Oil Company Inc. currently zoned C-LD that is contiguous to the subject property. Ms. Robinson said rezoning the subject property to C-LD makes logical sense as it adjoins Tax Parcel 2150000201 that is being developed for commercial purposes. She further stated that there are no homes in close proximity to this property and rezoning the property to C-LD could potentially allow for commercial parking and/or other commercial activities that will provide for a better flow of traffic in the area. Ms. Robinson felt that the property could not be used for residential purposes because a large portion of the rear of the property is in a flood zone and public sewer is not available to the parcel. Ms. Robinson said if the applicant had a recorded instrument of combination with Sampson Bladen Oil Company, Inc. this zoning change would be reviewed from a different perspective. She proceeded to say they intend to work with Sampson Bladen Oil Company, Inc. for future development of the subject property.

Mr. Dunham asked staff what advice has been provided to the applicant regarding this zoning change? Mr. Pages said staff has explained the denial recommendation based on an analysis of how the zoning change is not consistent with the Blueprint Brunswick 2040 Comprehensive Plan place type designation, the goals, recommendations, and policies of the plans adopted by Brunswick County as well as the zoning change not being reasonable, appropriate and in the public's interest. He further stated that this zoning change will create a non-conforming lot, and the wetlands, floodplains, nearby waterways and fish habitat on the site is a concern. Mr. Pages said a combination of the property with Tax Parcel 2150000201 would eliminate the non-conformity regarding minimum lot width. Ms. Robinson interjected that the zoning change will provide for more commercial growth. She felt that as the area is developed, there will be a need for more accessibility for the fire departments and other emergency services.

Mr. Gaver clarified that Ms. Robinson stated that the owner of the subject property is willing to work with the adjoining property owner (Tax Parcel 2150000201) to combine said property with Tax Parcel 2150010011. Ms. Robinson said the applicant is 92 years old and he would like to see the property be used in a positive manner to benefit the County as a whole. She envisioned the property being used for a fire department or community benefit program such as a park or anything that will benefit the residents of the County. Ms. Robinson said this site can provide additional parking for Sampson Bladen Oil Company, Inc. or emergency access to their property if the property is rezoned. Mr. Gaver said the zoning change seems to be more sensible as there is C-LD property adjoining the subject property. Mr. Bryan Batton interjected that the Board has to consider all uses that are allowed in the C-LD zoning district and not specific uses.

Mr. Dunham asked staff if the property is rezoned and the applicant submitted a plan, would the plan be denied because the parcel does not meet minimum lot width requirements? Mr. Pages said the property can still be developed, but other requirements (State Building Code and any other applicable requirements) will have to be met. He proceeded to say that a newly created lot has to be a minimum of 100' in width in the C-LD zoning district. He said, if this parcel is rezoned, it will be a legal, non-conforming lot. Mr. Dunham asked why Sampson Bladen Oil Company, Inc. has not been approached about combining the lots? Ms. Easley said only the same owner of property can record an instrument of combination and there are 2 separate owners of the properties in question. Mr. Bittenbender felt that this seems to be a forced solution to a problem of the subject property not meeting the minimum lot width requirements set aside in the Brunswick County Unified Development Ordinance as well as the zoning change not being consistent with the Blueprint Brunswick 2040 Comprehensive Plan as outlined in the Staff Recommendation Summary.

Ms. Catherine Stuey addressed the Board. Ms. Stuey expressed concern with the high biodiversity areas that are irreplaceable and the need to preserve these areas. She felt that the County needs to draw the line when it comes to wetlands and wildlife preservation.

Ms. Ash Ramos addressed the Board. She said there is a considerable amount of wetlands on the subject property and they should be preserved to protect the survival of mankind.

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

Mr. Cheek felt that the zoning change is appropriate for the area. Mr. Dunham said there is nothing to preclude the property from being used as commercial with the proper permits being issued and Mr. Pages agreed.

Mr. Gaver made a motion to approve Tax Parcel 2150010011 to C-LD (Commercial Low Density) located at 1628 Holden Beach Road SW (NC 130) in conjunction with an amendment to the Blueprint Brunswick 2040 CAMA Land Use Plan Map to MDR-Mixed (Mixed Residential Living) and the motion carried 4 to 2 with Mr. Leary and Mr. Bittenbender opposing.

Mr. Dunham 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.

- 2024 Planning Board Schedule

Mr. Pages addressed the Board. He presented the 2024 Planning Board Meeting Schedule (attached) to the Board for their consumption.

- Planning Board Case Update.

Mr. Pages addressed the Board. He stated that Zoning Cases Z-876 and Z-877 were approved at the Planning Board's 11-Dec-23 meeting and there were no written appeals within the allotted time, so the Board's decision stands.

Mr. Pages addressed the Board regarding the February Planning Board meeting by saying there will be a lengthy agenda because there are 6 items for consideration.

IX. ADJOURNMENT.

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