

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
November 14, 2016

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, Alternate
Richard Leary
Chris Stanley
Troy Price
Randy Ward

MEMBERS ABSENT

None

STAFF PRESENT

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

OTHERS PRESENT

John Hankins
Lewis Dozier
Tara Murphy
Dorothy McElwee
David Mullaney
Graham Black

Phil Norris, Norris & Tunstall Engineering
Perry Davis
Terry Pope, State Port Pilot
Mary Mullaney
Steve Wingfield

I. CALL TO ORDER.

The Chair called the meeting to order at 6:03 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 12-SEP-16 and 24-OCT-16 MEETINGS.

Mr. Bittenbender made a motion to approve the minutes of 12-Sep-16 as written and the motion was unanimously carried.

Ms. Easley made a motion to approve the minutes of 24-Oct-16 as written and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

Ms. Dixon said staff would like to add discussion regarding the Brunswick County Unified Development Ordinance (UDO) changes under Other Business (Item D).

VI. PUBLIC COMMENT.

There were none.

VII. PUBLIC HEARINGS.

A. Rezoning Z-748 – M. Grey Vick

Request to rezone approximately 0.68 acres located at 4392 Long Beach Road SE (NC 133) near Oak Island from SBR-6000 (High Density Site Built Residential) to C-LD (Commercial Low Density) for Tax Parcel 221ID005.

Ms. Dixon addressed the Board. She read the Staff Report (attached). She identified the subject property and surrounding properties on a visual map.

Ms. Dixon said staff recommends approval from SBR-6000 (High Density Site Built Residential) to C-LD (Commercial Low Density) for Tax Parcel 221ID005. Ms. Dixon stated that the applicant has not arrived. [The Board moved forward with the Public Hearing in the applicant's absence].

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

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

The Board discussed the worksheet and concluded the following:

- I. Will the uses permitted by the proposed change be appropriate for the area concerned?

Yes. There is similar zoning nearby and the site is currently being used for commercial purposes; thus, bringing the property into compliance if the zoning change occurs.

- II. Does adequate public school facilities and other public services/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change?

Yes. This rezoning request is located in the Southport Elementary School District, which has adequate capacity; South Brunswick Middle School District has adequate capacity; and South Brunswick High School District has a two year capacity warning.

This rezoning is located in the Southport Fire District.

Water is available by Brunswick County Utilities off Long Beach Road SE (NC 133). Sewer is available by Southeast Brunswick Sanitary District off Long Beach Road SE (133). It is the developer's responsibility to connect to the water and sewer systems.

This rezoning has access off Long Beach Road SE (NC 133), which has no capacity deficiencies at this time. There is one (1) North Carolina Department of Transportation (NCDOT) Transportation Improvement Program (TIP) Project in this area.

- AV-5721 is the Cape Fear Regional Jet Port improvements. Construction began 2016.

- III. Is the proposed change consistent with the CAMA Land Use Plan or any other adopted land use document?

Yes. The proposed change is consistent with the CAMA Land Use Plan.

- IV. Is the proposed amendment reasonable as it relates to the public interest?

Yes. There was no opposition from the public and the property is currently being used for commercial purposes.

THEREFORE, on the basis of all the foregoing, Mr. Ward made a motion to recommend to the Board of Commissioners to approve from SBR-6000 (High Density Site Built Residential) to C-LD (Commercial Low Density) Tax Parcel 221ID005. The motion was unanimously carried.

B. Rezoning Z-749 – Norris & Tunstall Engineers, P.C. (%Phil Norris)

Request to rezone approximately 30.54 acres located at 1526 and 1530 Lanvale Road NE (SR 1438) and off Old Fayetteville Road NE (SR 1328) near Leland from MR-3200 (Multifamily Residential) to R-6000 (High Density Residential) for Tax Parcels 02900046, 02900087, and 02900089.

Ms. Dixon addressed the Board. She read the Staff Report (attached). She identified the subject property and surrounding properties on a visual map.

Ms. Dixon said staff recommends approval from MR-3200 (Multifamily Residential) to R-6000 (High Density Residential) for Tax Parcels 02900046, 02900087, and 02900089.

Mr. Dunham asked staff about the high school servicing this area being out of capacity. Ms. Dixon said there are plans to increase classrooms at North Brunswick High School in FY 2017, 2019, and 2020.

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

Mr. Phil Norris, Norris & Tunstall Engineering, addressed the Board on behalf of the applicant. Mr. Norris said this is a down zoning from MR-3200 to R-6000. Mr. Norris said he represented the project when it was rezoned from R-6000 to MR-3200. Mr. Norris said the current owner/developer has decided that he wants to develop the property for single family residence. He further stated that there will be a substantial reduction in allowable density should the zoning change occur.

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

The Board discussed the worksheet and concluded the following:

- I. Will the uses permitted by the proposed change be appropriate for the area concerned?

Yes. There is similar zoning surrounding the property.

- II. Does adequate public school facilities and other public services/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change?

Yes. This rezoning request is located in the Lincoln Elementary School District, which has adequate capacity; Leland Middle School District has adequate capacity; and North Brunswick High School District is out-of-capacity.

This rezoning is located in the Leland Fire District.

Water and sewer are available by Brunswick Regional Water & Sewer District (H₂GO). It is the developer's responsibility to connect to the water and sewer systems.

This rezoning has access off Old Fayetteville Road NE (SR 1437), Lanvale Road NE (SR 1438), Dale Street NE (SR 1466), and Flat Path (Unpaved Private Road), which have no capacity deficiencies at this time. There are five (5) North Carolina Department of Transportation (NCDOT) Transportation Improvement Program (TIP) Project in this area.

- R-3601 is an interchange at NC 133 & US 17/76/17. This project is under construction and completion is anticipated 2016.
- U-4738 is the new bridge crossing over the Cape Fear River from Brunswick County to New Hanover County. This project is in the planning and study stages, completion is not scheduled, and construction is currently unfunded.

- R-2633 is I-140 Bypass. US 17 in Brunswick County to I-40 in New Hanover County. This project has been divided into many sections. Construction is underway and completion is anticipated 2025.
- B-5622 is bridge replacement over Sturgeon Creek near Old Fayetteville Road NE (SR 1437). This project is in the planning stage and completion is anticipated 2019.
- B-5637 is bridge replacement over Sturgeon Creek near Village Road NE (SR 1472). This project is in the planning stage and completion is anticipated 2022.

III. Is the proposed change consistent with the CAMA Land Use Plan or any other adopted land use document?

Yes. The proposed change is consistent with the CAMA Land Use Plan.

IV. Is the proposed amendment reasonable as it relates to the public interest?

Yes. There was no opposition from the public and there will be less allowable density in R-6000 zoning.

THEREFORE, on the basis of all the foregoing, Mr. Leary made a motion to recommend to the Board of Commissioners to approve from MR-3200 (Multifamily Residential) to R-6000 (High Density Residential) Tax Parcels 02900046, 02900087, and 02900089. The motion was unanimously carried.

C. Planned Development Conceptual Plan Approval – PD-7

Name: Waterbrook Woods Planned Development (Revision)
 Applicant: Cape Fear Engineering (%Perry Davis)
 Tax Parcel: 22800009 and 2280000902
 Location: Located on Old Georgetown Road SW (SR 1163) near Ocean Isle Beach, NC.
 Description: This is a proposed revision to an existing Planned Development which will consist of 377 single family lots and 44 multi-family units on a gross site of 238.55 acres creating an overall density of 1.76 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. 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. Perry Davis, Cape Fear Engineering, addressed the Board on behalf of the applicant(s). Mr. Davis said this project was approved as a Planned Unit Development (PUD) in 2005 and the 2 sections consisted of 181 lots were recorded. He stated that they are not proposing any changes to the recorded lots and existing roadways. Mr. Davis said there is approximately 110 acres of undeveloped uplands with approximately 80 acres of wetlands. He said the infrastructure will be completed in phases and the necessary improvements where the recorded lots (approximately 50 lots) are located will also be completed. He further stated that they are increasing the number of single family units from 303 to 377 and they are also proposing townhomes along Old Georgetown Road SW (SR 1163). Mr. Davis said the proposed amenity site has been relocated to the area where this development will occur. He stated that the developable areas are not adjacent to the existing platted lots and a buffer is typically required in those instances. Mr. Davis said the entrance to the Planned Development (PD) is not complete, but the developer will complete the entrance. He said the North Carolina Department of Transportation (NCDOT) will require a turn lane on Old Georgetown Road that will be installed by the developer.

Mr. Dunham asked about the amenity site that was originally proposed as an Ocean Ridge amenity site that is no longer in that location. Mr. Davis reiterated that the amenity site will be centrally relocated to this project. He stated that there are discussions regarding the existing homeowners becoming a member of this amenity site. Mr. Dunham was concerned with approximately 2,000 homeowners that were promised an amenity center that will not come to fruition. Mr. Davis said the proposed amenity center could potentially service the current homeowners if they pay a membership fee to be a part of the proposed development. Mr. Dunham said only the sections in Waterbrook Woods would have access to the amenity site and Mr. Davis concurred. Mr. Dunham asked about the common area that was originally in Sections 1 and 2. Mr. Davis said the developer intends to rename this particular section as it will not be a part of the existing recorded development. He further stated that there will be signage to identify Waterbrook Woods and this particular area.

Mr. Steve Wingfield, owner of 6512 Stonley Circle SW, addressed the Board. Mr. Wingfield was opposed to the proposed townhomes along Old Georgetown Road SW (SR 1163) because they are inconsistent with any other development along that area. He stated that the new single family lots are much smaller than the existing recorded lots. He further stated that the new development will funnel traffic through to a single exit at Old Georgetown Road SW (SR 1163) via private roads owned and maintained by Ocean Ridge Plantation. Mr. Wingfield felt that this development is poor planning because it does not enhance the existing area.

Mr. Graham Black, Real Star Communities, addressed the Board. Mr. Graham said they are under contract to purchase the remaining land assets at Waterbrook Woods, which includes 49 platted lots and upland property. Mr. Graham said they have no intentions of fulfilling promises made in the past. He said there are currently 181 lots (50 lots with no roads) and 3 homes. Mr. Graham said they are home builders. He further stated that they intend to move the amenity center near the rear of the property. He reiterated that they will create 2 adjoining neighborhoods (Waterbrook Woods, which consist of 181 lots [they own 49 of those lots] and this community will consist of approximately 196 single family lots). He said the original amenity site will be housed with their model home, which will be staffed 7 days a week. Mr. Black said the project will be developed in phases (30 to 40 lots per phase). He said the homes will be built to the same specifications as Waterbrook Woods lot owners had to build. He said they are obligated to build roads that were not built by the previous developer. Mr. Black said, as part of the first phase, they will be completing the entrance road off Jenerette Road SW with an entry monument, which will include a monument for Waterbrook Woods. Mr. Black said they are considering gating the community off Jenerette Road SW. Mr. Black said the townhomes will be single story, single

family attached with 4 units to a group including a garage. He said they intend to provide buffering with a berm from Old Georgetown Road SW (SR 1163).

Mr. Dunham asked who will own the roads to the development? Mr. Black said they will own Waterbrook Way and the other roads (Beckman, Handberry, Marston, Parnell, and Holston) will be deeded back to Ocean Ridge Plantation Master Association as originally planned. Mr. Black concluded that they are here to increase property values for the current property owners.

Mr. & Mrs. Mary and David Mullaney addressed the Board. Mr. & Mrs. Mullaney said they are appreciative of the applicant's intent of this property and they support the project. Mr. & Mrs. Mullaney said their property is substantially less in value and the proposed development will increase their property value and she supports the project.

Ms. Dorothy McElwee addressed the Board. Ms. McElwee said she is appreciative of Mr. Black's intent of the property because it will potentially increase her property value, which is substantially less than the purchase price.

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

Mr. Pages suggested that the Board require a condition that a berm be part of the vegetative buffer area along Old Georgetown Road SW (SR 1163) as Mr. Black indicated that is their intent.

Mr. Price made a motion to approve the Planned Development with the noted conditions by staff including a berm be included in the buffer area along Old Georgetown Road SW (SR 1163) and the motion was unanimously carried.

D. Planned Development Conceptual Plan Approval – PD-8

Name: Chatham Glenn Planned Development (Revision)
Applicant: McKim & Creed (%Tara Murphy)
Tax Parcel: 2270002301
Location: Located on Seaside Road SW (NC 904) near Sunset Beach, NC.
Description: This is a proposed revision to an existing Planned Development which will consist of 158 single family lots on a gross site of 113.5 acres creating an overall density of 1.39 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. 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
- Revise the project density on the site plan to show 1.39 dwelling units per acre.

Mr. Dunham asked staff if property owners in Section 6A, Phase IV of Ocean Ridge Plantation were sent notification? Mr. Pages said only adjacent and/or adjoining property owners received notification of the proposed project. He further stated that there is an adjoining property (owned

by MAS Properties) between the subject property and those homeowners in Section 6a, Phase IV of Ocean Ridge Plantation that received notification of the proposed project.

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

Ms. Tara Murphy, McKim & Creed, addressed the Board on behalf of the applicant. Ms. Murphy reiterated that this is a request to modify a previously approved development. She stated that the current ownership team is interested in providing existing infrastructure to the 34 lots with some proposed minor modifications to some of the lot lines in order to allow for changes based on a revised wetland delineation and the lot configuration that will respond to their product type. Ms. Murphy said the overall plan has 34 lots in Phase 1 and there will be 2 additional phases with 13 additional lots to Phases 2-4 in the rear of the development. She said the vehicular circulation pattern has not changed substantially since the last configuration. Ms. Murphy said they are proposing private roads to be built to NCDOT minimum standards. She stated that the new plan eliminates 2 cul-de-sacs. There will be sidewalks on one side of the road throughout the neighborhood, which will be approximately 1 mile of continuous sidewalk to assist residents with accessing the future amenity center that will be in Phase 1. Ms. Murphy said density will be increased for 15 lots in the proposed project. However, there are extensive wetlands on the site, which will keep density low. Ms. Murphy said they are not proposing any changes to the previously identified access points (Seaside Road SW [NC 904] and Old Georgetown Road SW [SR 1163]).

Mr. Graham Black addressed the Board. Mr. Black said the amenities will be installed in the first phase. He said they intend to make changes to the first phase of 34 lots in order to add more conventional stormwater ponds. He further stated that they have purchased the property in its entirety and home construction is underway.

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

Mr. Price made a motion to approve the Planned Development with the noted conditions by staff and the motion was unanimously carried.

VIII. OTHER BUSINESS.

A. Hazard Mitigation Plan Update

Mr. Pages addressed the Board. He stated that the Hazard Mitigation Plan has been adopted and hard copies have been distributed to the participating towns.

B. 2017 Planning Board Schedule(s)

Ms. Dixon addressed the Board. She stated that the 2017 Planning Board Schedule was included in the Board's packet prior to the meeting for informational purposes.

C. Planning Board Cases Update

Ms. Dixon addressed the Board. She stated that Z-741CZ, Z-745, Z-746, and Z-747 were approved by the Board of Commissioners at their Monday November 7, 2016 meeting.

D. UDO Changes.

Ms. Dixon addressed the Board. She stated that staff is in the process of updating the UDO to address concerns brought to staff's attention as well as areas that staff feel should be better addressed. She asked Board members to provide any changes or items they feel that need to be addressed within the next week. Ms. Dixon said staff is also looking at revising the staff report format and asked Board members for suggestions.

Mr. Dunham suggested that the County address the potential of amenities being in place and property set aside upfront in the event a developer foregoes moving forward with developing an approved project.

IX. ADJOURNMENT.

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