

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
July 10, 2017

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
Troy Price
Tom Simmons
Randy Ward
William Bittenbender, Alternate

MEMBERS ABSENT

Chris Stanley

STAFF PRESENT

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

OTHERS PRESENT

Sherry M. Jackson
John Hankins
Mark Tipton
Brian Slattery, Brunswick Beacon
Calvin Chandler, Attorney-at-Law
Stan Rogoff
Judy Farley

C.W. Hamilton
Lewis Dozier
Alan Lewis
Robert Tucker
Ken McGill
Robert Korlesky

I. CALL TO ORDER.

The Chair called the meeting to order at 6:14 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. Chris Stanley was absent.

IV. CONSIDERATION OF MINUTES OF THE 10-APR-17 MEETING.

Ms. Easley 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. PUBLIC HEARINGS.

A. Rezoning Z-752 – Sherry M. Jackson.

Request to rezone approximately 2.74 acres located at 1231 Ocean Hwy West (US 17) near Shallotte from RR (Rural Low Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 16700061 and 1670000302.

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 RR (Rural Low Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 16700061 and 1670000302.

Mr. Dunham asked staff about the commercially-zoned property to the southwest of the subject property. Ms. Dixon said there has been rezonings in the area in the past few years. [Tax Parcel 16700060 was rezoned from RR to C-LD in October 2006].

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

Ms. Sherry Jackson addressed the Board on behalf of the property owners. Ms. Jackson said the subject properties will be used for an overflow for storage of trailers from the property owner's current business. Ms. Dixon interjected that boat storage would require administrative approval and Ms. Jackson said the property owners are aware of such.

With no further comments, Ms. Easley 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 commercial zoning nearby.

- 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 Supply Elementary School District, which has adequate capacity; Cedar Grove Middle School District has adequate capacity; and West Brunswick High School District has adequate capacity.

This rezoning is located in the Supply Fire District.

Water is available by Brunswick County Utilities off Ocean Hwy W. (US 17). Sewer is not available at this time. It is the developer's responsibility to connect to the water system.

This rezoning has access off Ocean Hwy W (US 17), which has no capacity deficiencies at this time. There are two (2) North Carolina Department of Transportation (NCDOT) Transportation Improvement Program (TIP) Project in this area.

- U-5932 is an upgrade to the interchange at US 17 and NC 211 in Supply. This is a new project and construction is proposed FY2025.
- U-5862 is a realignment of the interchange at US 17 and Main Street in Shallotte. Construction is scheduled for FY2020.

- 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 were no objections from the public and there is an existing business associated with the zoning change, which is beneficial to the area.

THEREFORE, on the basis of all the foregoing, Mr. Ward made a motion to recommend to the Board of Commissioners to approve from RR (Rural Low Density Residential) to C-LD (Commercial Low Density) Tax Parcels 16700061 and 1670000302 and the motion was unanimously carried.

B. Planned Development Conceptual Plan Revisions – PD-11

Name: The Greenside Manors at Bricklanding (Bricklanding PD Revision)
Applicant: Mark Tipton – Whistler Investment Group
Tax Parcel: 244CC018
Location: Located off Beach Dr. (NC 179) and Goose Creek Rd. SW (SR 1155)
Description: This is a proposed revision to the Bricklanding Planned Development which will consist of adding 30 single-family residential lots for a total of 818 units on a gross site of 345.62 acres for an overall density of 2.37 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. and

Mr. Dunham asked staff about the 0.6 acres of open space added and Mr. Pages said that is the peripheral buffer on the western boundary of the proposed development and the street buffer along Goose Creek Road SW. Mr. Dunham asked staff the history of ownership of the property. Mr. Pages said it is staff's understanding that the subject property was in foreclosure and there is a separate portion to the north of this tract that is owned by another developer.

Ms. Easley made a motion to open the Public Hearing.

Mr. Alan Lewis addressed the Board on behalf of the applicant. Mr. Lewis said the subject property is not owned by the entity that owns the golf course or clubhouse; rather, it is owned by CTC Brunswick Holding LLC, but Mark Tipton (owner of the Whistler Investment Group) is affiliated with two other partners. Mr. Lewis said they held a neighborhood meeting and he has been trying to coordinate closely with the POA President, Ken McGill, to keep him abreast of the status of the project. Mr. Lewis said the proposed project meets the County's minimum requirements, but the property in question is subject to the master covenants of Bricklanding Plantation so additional refinements imposed by the master covenants of Bricklanding Plantation that are more restrictive than the County's minimum requirements must occur prior to recordation of the plat. He stated that the rear yard setbacks for Bricklanding Plantation differ from the County's minimum requirements; in that, the County allows for a 15' rear setback and they are proposing a 9' rear yard setback for the lots not bordering the golf course fairway. He stated that Bricklanding Plantation Master Covenants require a 30' strip between the house and the edge of the golf course property.

Mr. Lewis said there were concerns expressed at the neighborhood meeting about the width of the roadway, but the proposed roadway width meets the County's minimum roadway width requirement for a cul-de-sac roadway. He stated that they will be meeting with the POA to discuss potentially increasing the roadway width. Mr. Lewis further stated that stormwater management control has been a concern on the project and the various options were discussed at the neighborhood meeting that would comply with the County and State minimum requirements. Mr. Lewis said they will likely construct a stormwater retention pond(s) to handle stormwater runoff before it is released into the POA's lake, but the location of the retention pond(s) has not been determined. He stated that the plan shows the typography of the property and the property along Goose Creek Road SW has a higher elevation than the rear of the property where the cul-de-sac is located. He further stated that they are following the natural drainage pattern of the property. Mr. Lewis said they are aware that infrastructure must be conveyed to the POA and they are committed to working with them to make that happen, while meeting the County and State minimum requirements. Mr. Lewis introduced Robert Tucker, Director of Engineering for East Coast Engineering, and Attorney Calvin Chandler. Mr. Lewis concluded that they are seeking approval from the Board so they can move forward with working with Bricklanding Plantation POA as well as the County and State agencies for approval of the proposed project. Mr. Lewis said all infrastructure must be installed and approved when construction is complete.

Mr. Dunham asked if the proposed lots will be part of the master POA or will a separate POA be created to govern these properties? Mr. Lewis said each community within Bricklanding Plantation typically has their own neighborhood association, but each community is a member of the master association. He further stated that the POA will be responsible for street maintenance, street lights, and stormwater infrastructure. He stated that water and sewer services will be maintained by the County as they are the provider. Mr. Lewis said they are proposing a low-pressure sewer system to connect into existing gravity sewer, but they must obtain an easement from a northern property owner to connect into a nearby manhole beside an existing sewer pump station. He said they are hoping to utilize a gravity collection system. Mr. Bittenbender asked Mr. Lewis if the cul-de-sac meets the minimum requirements for turnaround for a fire truck? Mr. Lewis replied, yes. Mr. Dunham asked Mr. Lewis if the lots will be a re-configuration if an agreement cannot be reached with the northern property owner for an easement? Mr. Lewis said they may lose up to 2 lots if a joint venture is not worked out with the northern property owner. However, Mr. Lewis said the joint venture is looking favorable at the current time.

Mr. Ken McGill, President of Bricklanding Master Community Association, addressed the Board. Mr. McGill read a letter (attached) outlining their concerns with the proposed project. Mr. McGill said they are concerned with stormwater management control on the individual parcel of land, the potential loss of open/green space as this property was always included in the PUD as golf course green space, and they are concerned with the size and number of lots proposed as there is minimal space available to accommodate the proposed lots as well as infrastructure to support the development. He suggested that a revised plan be submitted to correspond with the existing planned community. He also expressed concern with accessibility through the community because nearby property is owned by the golf course that would have to provide accessibility for the proposed development. Mr. McGill asked that sewer concerns be addressed prior to approval from this Board to ensure the proposed system can be managed by the existing infrastructure.

Mr. Dunham clarified that the applicant is aware that there are concerns with regards to stormwater approval with the County and State as well as other concerns that must be addressed. He asked Mr. McGill if he is satisfied with the proposed project if all State and County minimum requirements are met? Mr. McGill said they want assurance that the proposed development will not add to the existing infrastructure, which includes the nearby ponds that feed into the existing stormwater management system. Mr. McGill felt that all concerns should be resolved prior to a decision being made by the Board. Mr. Dunham stated that this a conceptual plan approval request and all issues must be addressed prior to the recordation of a plat. Mr. McGill reiterated that they would like for the issues to be resolved prior to approval from this Board. Mr. Dunham said layout changes normally occur from the preliminary stage to final plat approval.

Mr. Leary asked the difference in the setback requirements that the developer is proposing versus what is required by Bricklanding Plantation Master Community Association? Mr. McGill said they are proposing 15' setbacks and there is a 40' setback from golf course property. Mr. McGill said there is a 7½' setback on the side yard and the developer is proposing 5' side yard setback. He also expressed concern with the potential of homes being reduced in size to meet the minimum setbacks and whether they will fit into the rest of the community. Mr. Lewis re-addressed the Board. He stated that a neighboring community (Windsong) has setbacks that are somewhat comparable to what they are proposing. He stated that they may have to adjust the size of some of the lots to meet the minimum side yard setbacks or they may have to construct 2 story homes to comply with a neighboring community with regards to the minimum square footage requirement. Mr. Lewis reiterated that they will continue to work with the POA in addressing their minimum requirements. Ms. Easley stated that the Planning Board and County Code Administration do not get involved in deed restrictions. Mr. Lewis said the developer is

committed to being a good neighbor by developing a 30-lot project to be part of the Bricklanding Plantation community.

Mr. Stan Rogoff, resident of Bricklanding Plantation, addressed the Board. Mr. Rogoff expressed concern with the property owner not being honorable. Mr. Dunham said this Board cannot address the property owner's integrity. Mr. Rogoff was concerned with the potential financial stability of this company and how the potential buyers and the County will be affected. Mr. Rogoff said they are not opposed to the potential neighbors that will buy into the community, but they are hesitate to believe the developer will fulfill his obligations because of past experiences in the community. Mr. Dunham said the County does not bond anymore so all infrastructure must be in place prior lots being platted. Mr. Pages interjected that infrastructure will be inspected by the County and State prior to the recordation of a plat.

Mr. Robert Korlesky, President of Oak Brook III Community Association Inc., addressed the Board. Mr. Korlesky felt that 30 additional homes in the proposed location is too close to adjoining properties. He stated that they have 101 buildable lots and 28 of those lots are currently vacant. Mr. Korlesky said the maximum impervious coverage is 4,800 square feet for each lot and the calculations for the vacant lots should be taken into consideration with regards to stormwater management. He further stated that there are other areas that produce stormwater runoff into the existing pond that is owned by the golf course and the golf course owner is opposed to the proposed development. Mr. Korlesky said there is another development that has a bulkhead on the pond that supports part of the soil for the Southern Oaks community and adding 30 lots could potentially be detrimental to the Southern Oaks community.

Mr. Dunham asked about the setback differences in Bricklanding Plantation versus the proposed setbacks for this project. Mr. Lewis said they are only concerned with the side yard setbacks, which is 7½' versus the 5' they are proposing. He stated that they may have to lose a few lots to comply with the 7½' side yard setback or build the homes a little narrower.

Mr. Richard Eroh, property owner in Southern Oaks, addressed the Board. Mr. Eroh expressed concern with stormwater management and the current flooding issues in the area.

Mr. Judy Farley, Vice President of Oak Brook II HOA, addressed the Board. She provided the Board with photographs of an existing bulkhead at Southern Oaks and the potential stormwater management issues that may occur with 30 additional lots in the area. Ms. Farley said she is the architectural representative for Oak Brook II and the proposed lots sizes (50' x 100') will not support a 1,600 square foot home, which is the minimum square footage for a residential dwelling. She stated that they have denied similar applications submitted to the architectural review board because minimum setbacks could not be met. Ms. Farley stated that Bricklanding Master Community Association and Oak Brook II HOA are opposed to the proposed development. Ms. Farley said they want a revised plan with more information of what exactly will be put in the community.

Mr. Robert Tucker, Director of Engineering for East Coast Engineering, addressed the Board. Mr. Tucker said they will comply with the County and State regulations regarding stormwater management. He stated that the proposed retention pond will help control stormwater runoff in the area.

Ms. Farley asked if the Board approves this project, will the proposed plan be recorded as presented? Mr. Dunham said all issues (POA minimum setback requirements and stormwater approval by the State and County) must be addressed before a plat can be recorded. [However, Brunswick County does not get involved in restrict covenants imposed within a residential community]. Mr. Lewis said they will work with the POA Board in Bricklanding, they will

comply with County and State minimum regulations regarding stormwater and changes will likely occur regarding the lots sizes prior to lots being platted. Ms. Farley again asked if the lot sizes will be platted as currently presented? Mr. Lewis replied, no.

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

Mr. Price made a motion to approve the Greenside Manors at Bricklanding Planned Development with the noted conditions by staff and the motion was unanimously carried. Mr. Dunham encouraged the adjacent property owners to follow-up with the developer to ensure all their concerns are addressed.

VIII. OTHER BUSINESS.

- Cape Fear Regional Bicycle Plan.

Ms. Dixon addressed the Board. She briefly discussed the proposed Cape Fear Regional Bicycle Plan (attached). Ms. Dixon said staff is requesting the Board's endorsement of the Plan.

Mr. Leary asked staff the cost for the project? Ms. Dixon said the North Carolina Department of Transportation (NCDOT) will include the bike trails in plans submitted for road improvements as well as construction of new roads, where applicable.

Mr. Simmons made a motion to endorse the Cape Fear Regional Bicycle Plan and the motion was unanimously carried.

- Brunswick County Trail Plan Update.

Ms. Dixon addressed the Board. She previously provided each Board member with a copy of the Brunswick County Trail Plan in their agenda packet. Ms. Dixon said there are additional Trail Plans available upon request.

- Planning Board Cases Update.

Ms. Dixon addressed the Board. She stated that the Board of Commissioners approved the UDO Refinements at their 15-May-17 meeting.

IX. ADJOURNMENT.

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