

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
February 13, 2017

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

MEMBERS PRESENT

Joey Easley, Vice Chair
William Bittenbender, Alternate
Chris Stanley
Troy Price
Tom Simmons
Randy Ward

MEMBERS ABSENT

Eric Dunham
Richard Leary

STAFF PRESENT

Mike Hargett, Director
Helen Bunch, Zoning Admin.
Connie Marlowe, Admin. Asst.
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

John Hankins
Stanley Figlewski
Terry Pope, State Port Pilot
Brian Slattery, Brunswick Beacon
Hugh Campbell
David Polston
Sandy Roberson
Doug Turner
Larry Heustess
Wayne Smith

Lewis Dozier
Thomas Brendle
Calvin Chandler, Attorney-At-Law
Sonya Rozier
Davis Milligan
Phillip Joyner
Mark Giordano
Amanda Holder
Scott Nonnenman
Alvin (Buddy) Milliken

I. CALL TO ORDER.

Ms. Easley called the meeting to order at 6:02 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE.

Ms. Easley said a prayer. She asked everyone to stand and face the U.S. Flag to say the Pledge of Allegiance.

III. ROLL CALL.

Mr. Eric Dunham and Mr. Richard Leary were absent.

IV. CONSIDERATION OF MINUTES OF THE 12-DEC-16 MEETING.

Mr. Bittenbender 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-750CZ – Community Real Estate/Stanley Figlewski.

Request to rezone approximately 12.18 acres located at 5220 Ocean Hwy West (US 17) near Shallotte from C-LD (Commercial Low Density) and R-7500 (Medium Density Residential) to C-LDCZ (Commercial Low Density Conditional Zoning) Tax Parcel 21200011.

Land Use Plan Map Amendment LUM-750CZ:

Request to amend approximately 12.18 acres located at 5220 Ocean Hwy West (US 17) near Shallotte from LDR (Low Density Residential) to Commercial Tax Parcel 21200011.

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

Ms. Bunch said staff recommends approval from C-LD (Commercial Low Density) and R-7500 (Medium Density Residential) to C-LDCZ (Commercial Low Density Conditional Zoning) Tax Parcel 21200011 with the noted conditions listed in the Staff Report as well as the permitted uses in Areas A and B in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map from LDR (Low Density Residential) to Commercial for Tax Parcel 21200011.

Mr. Chris Stanley asked staff about the different buffers proposed on the east side (50') and west side (20') of the property as both sides are adjacent to R-7500 zoning. Ms. Bunch said there is a residential dwelling on the east side of the property and vacant property on the west side. She further stated that during the neighborhood meeting, the applicant(s) and neighbors agreed to these minimum buffers. Ms. Bunch said the proposed 50' buffer exceeds the minimum buffer requirements of the Brunswick County Unified Development Ordinance (UDO). She said there is an existing 60' right-of-way (Old Shallotte Road NW [SR 1316]) as well as a 25' buffer that a dwelling unit has to be setback from the property line.

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

Mr. Davis Milligan, representative for Clara M. Russ Estate, addressed the Board. Mr. Milligan said he is selling the subject property to Community Real Estate for an assisted living facility.

Ms. Sonya Rozier, Project Manager for Brunswick Community and Assisted Living, addressed the Board. Ms. Rozier provided a brief overview of their intent to develop the subject property for an assisted living facility that has been approved through the State via a certificate of need (CON). Ms. Rozier said they met with several entities and individuals associated with the need for such a facility (Brunswick County Department of Social Services, Brunswick Senior Resources, clergy, physicians, and senior adults) that provided insight to their company regarding where the facility should be located in the County. Ms. Rozier said they submitted an application for 110 bed facility with 48 dedicated dementia care beds and the application was approved in the spring of 2016. She further stated that they canvassed the community and walked door-to-door twice as well as held a neighborhood meeting.

Mr. Hugh Campbell, operator of the proposed facility, addressed the Board. Mr. Campbell said they will operate a 110 bed assisted living facility that is licensed in the State. He said they will provide supervision, medication administration, and assistance with activities of daily living for frail and elderly adults. Mr. Campbell said their care model is comprised of 2 units, which includes assisted living for 62 beds and a 48 bed unit dedicated to caring for individuals with Alzheimer or dementia-related diagnoses. He stated that there is a demand for these services in Brunswick County as population ages. Mr. Campbell said they want to partner with the County, develop a quality facility and be a high-quality provider for assisted living and Alzheimer care.

Ms. Easley asked Mr. Campbell if the Alzheimer unit will be under lock and code entry? Mr. Campbell replied, yes. He further stated that they will afford the safety and security necessary for Alzheimer and dementia care.

Mr. David Polston, Architect for the project, addressed the Board. Mr. Polston said his company is based out of Wilmington, NC. He further stated that their practice focuses on the design of buildings for older adults. Mr. Polston said they created a design and projected budget for the State as part of the CON process for the proposed assisted living facility that includes an Alzheimer section of the facility. Mr. Polston briefly discussed the proposed layout of the facility including the outer appearance of the facility.

Mr. Bittenbender asked Mr. Polston how the area for dementia patients separate from the other residents of the facility? Mr. Polston briefly explained how the building will be designed to separate the 2 units, while maintaining security and safety.

Mr. Stanley Figlewski, Community Real Estate, addressed the Board. Mr. Figlewski reiterated that they went door-to-door prior to the neighborhood meeting and provided literature to adjoining property owners. He stated that neighbors were concerned with potential traffic generated from the facility along Old Shallotte Road NW (SR 1316) as well as natural vegetation remaining. Mr. Figlewski said there were concerns expressed by adjoining property owners with sky lighting and exactly how the property is going to be developed. Mr. Figlewski said they are proposing a 50' buffer along Old Shallotte Road NW (SR 1316) and the east side of the property and a 20' buffer on the west side of the property. He said there will not be any access along Old Shallotte Road NW (SR 1316) other than a possible utility easement. Mr. Figlewski said they made attempts to satisfy the concerns of the neighbors as a result of the discussion generated from the neighborhood meeting. He stated that their proposal is preliminary because they have not completed some of the engineering work with the specific outline of the project.

Mr. Phillip Joyner, Civil Engineer for the project, addressed the Board. He stated that they have not completed a topographic layout or boundary survey or geotechnical evaluation of the soils, which may shift where the actual building will be located. Mr. Joyner said they are proposing to put the stormwater retention pond in the rear right corner of the site. He reiterated that no traffic will be generated from Old Shallotte Road NW (SR 1316) other than a utility easement. Mr. Joyner said a dumpster pad is proposed in the rear corner of the property that will be screened as required by the UDO. He further stated that all lighting on site will comply with the UDO. Mr. Joyner said the North Carolina Department of Transportation (NCDOT) has issued preliminary approval of the driveway location.

Mr. Tom Simmons asked Mr. Joyner the anticipated size of the stormwater retention pond? Mr. Joyner said they have not calculated the actual size of the stormwater retention pond because the project is in the preliminary stage. Mr. Joyner said they anticipate the stormwater retention pond will be the size shown.

Mr. Chris Stanley asked why the location of the facility is closer to Old Shallotte Road NW (SR 1316) rather than US 17? Mr. Campbell said the facility is located there for security and safety of the residents. Mr. Stanley asked if the Board will see the project again if there is a change in the project? Mr. Hargett said if there is a substantial change (more than 10% of the preliminary plan or staff is not comfortable with administrative approval) to the project, the project will re-appear before the Board.

Mr. Sandy Roberson, Community Real Estate, addressed the Board. Mr. Roberson said there may be other development (physician office or other medical facility) closer to US 17 that will be beneficial to the proposed facility and the community as a whole. Mr. Roberson said they want to invest in the County and they want the opportunity to serve the County and its residents.

Mr. Mark Giordano, owner of Tax Parcel 1960002003, addressed the Board. Mr. Giordano was concerned with the potential of other commercial development closer to US 17, which is why the facility is located closer to Old Shallotte Road NW (SR 1316). He felt that the building should be closer to US 17.

Mr. Doug Turner, owner of Tax Parcel 1960002021, addressed the Board. Mr. Turner was concerned with the applicant choosing this particular site when there is other commercial property available for the intended use in the County. He expressed concern with the potential noise generated from the facility and the proposed buffers not being adequate for the existing property owners nearby.

Ms. Amanda Holder addressed the Board. Ms. Holder was in favor of the facility, but not in this residential community. She stated that her family will have a front yard view of the facility. Ms. Holder was concerned with the property being rezoned to commercial.

Mr. Larry Heustess, owner of Tax Parcel 1960002006, addressed the Board. Mr. Heustess felt that the building should be closer to US 17 with adequate buffers so visibility will be minimal for adjacent property owners.

Mr. Scott Nonnenman, owner of Tax Parcels 1960002016 and 1960002012, addressed the Board. Mr. Nonnenman felt the minimum buffers should be larger. Mr. Nonnenman said he likes the applicant's proposed building design, but he also felt that the facility should be moved closer to US 17 rather than reserving the area for other commercial development along US 17.

Mr. Wayne Smith, owner of Tax Parcel 1960002022, addressed the Board. Mr. Smith said the applicant(s) approached him about purchasing property he currently owns on the south end of the County, but he pulled out of the deal. He stated that he spoke with Ms. Rozier about whether or not she would want to live in close proximity to such a facility and she said she would not want to live near such a facility. Mr. Smith felt that the intended use of the property does not fit in this area. He stated that there are activities (i.e., farming and dove hunting) that occur in the area that is not conducive to an assisted living facility providing Alzheimer and dementia care. He suggested that the Board members visit the area to see what is in the area.

Mr. Calvin Chandler, representative for Dana and Patricia Sargent (owners of Tax Parcel 1960002028), addressed the Board. Mr. Chandler said his clients are not thrilled with the proposed facility in close proximity to their home. He said his clients want a 50' buffer on the west side of the property. Mr. Chandler said his clients want to protect their investment and ensure the residential appeal is maintained in the area.

Mr. Stanley Figlewski re-addressed the Board. Mr. Figlewski said they did not purchase Mr. Smith's property because there were wetlands on Wayne Smith's property that were discovered after-the-fact. He said they looked at several properties to ensure wetlands were not present on the site(s) and this property met their needs. Mr. Figlewski said they met with Ms. Margaret Zemke (owner of Tax Parcel 19600024), who is the closest residence and she was agreeable to a 30' buffer. He further stated that the neighbors asking for a larger buffer live across Old Shallotte Road NW (SR 1316) and their homes are approximately 150' from Old Shallotte Road NW (SR 1316). He stated that they agreed to provide a 50' buffer from the rear property line in an effort to accommodate those neighbors. Mr. Figlewski said they spoke with Dr. Garris and he was agreeable to a 20' buffer on the west side of the property. He reiterated that the proposed facility is needed in the County and they have received approval from the State to operate as an assisted living facility.

Mr. Sandy Roberson re-addressed the Board. Mr. Roberson said this a residential facility even though it is a commercial project. He stated that there will not be a significant impact to the community generated from the facility because traffic and noise will not be any different than what occurs in a residential community. Mr. Roberson reiterated that there will be no ingress or egress on Old Shallotte Road NW (SR 1316). He stated that the building will be more than 100' from the neighbors across Old Shallotte Road NW (SR 1316). Mr. Roberson said there are no guarantees that this project will be successful, but they are investing \$8 million to make it happen because they see the need for such a facility in this area.

Mr. Alvin E. (Buddy) Milliken, Jr. addressed the Board. Mr. Milliken felt that the current depth of commercial zoning along US 17 is not adequate to accommodate the intended use of this property. He stated that the current commercial zoning does not take in consideration the current market for commercial activity in this area.

Ms. Easley asked Mr. Milliken if the facility could fit in Area A on the site? Mr. Milliken said he cannot answer that question.

Mr. Mark Giordano re-addressed the Board. He stated that there are no residential dwellings on the opposite side of US 17. Mr. Giordano said there is enough property to build this facility closer to US 17, but they intend to use the property closer to US 17 for more commercial activity. He said they are trying to maximize the use of the property to gain more profit and he felt that it is unfair to the other property owners nearby.

Ms. Sonya Rozier re-addressed the Board. Ms. Rozier said they were told by staff that whatever they presented (site plan) will be included as part of their approval. Ms. Rozier said she is a licensed nursing home administrator and she would not be offended by living in close proximity to such a facility.

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

Ms. Bunch said the applicant and owner agreed to the conditions that are a part of the Staff Report.

The Board discussed the worksheet and concluded the following:

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

No. The site plan does not provide for adequate buffers from the residential uses 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 Union Elementary School District, which has a two-year capacity warning; Shallotte Middle School District has adequate capacity; and West Brunswick High School District has adequate capacity.

This rezoning is located in the Shallotte Fire District.

Water is available by Brunswick County Utilities off Old Shallotte Road NW (SR 1316) and Ocean Hwy West (US 17) via a twelve inch (12") and twenty-four inch (24") line. Sewer is available by Brunswick County Utilities off Ocean Hwy West (US 17) via a twenty-four inch (24") force main. It is the developer's responsibility to connect to the water and sewer systems. The Town of Shallotte also has water and sewer lines along Old Shallotte Road NW (SR 1316). These lines are located approximately ½ mile east of the rezoning site.

This rezoning has access off Ocean Hwy W (US 17) and Old Shallotte Road NW (SR 1316), which have no capacity deficiencies at this time. There is one (1) North Carolina Department of Transportation (NCDOT) Transportation Improvement Program (TIP) Project in this area.

- R-3436 is a new multi-lane limited access highway extending from S.C. 9 in Horry County, S.C., across the North Carolina State line to US 17 in Brunswick County. This project is the planning and study stage.

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

No. However, a CAMA Land Use Plan amendment has been requested.

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

Yes. There is a need for the proposed facility.

Mr. Chris Stanley suggested that the matter be tabled and the applicant and adjacent property owners meet and try to resolve the buffer issue prior to the Board voting on the matter. Attorney Batton said that is an option for all interested parties to consider, but the applicant would have to agree to any changes to the conditions previously agreed upon.

After some discussion about whether to proceed with a recommendation to the Board of Commissioners, Mr. Simmons made a motion to table the matter until March 13, 2017 and the applicant and adjacent property owners have a meeting to discuss potentially increasing the proposed buffers. The motion was unanimously carried.

B. Rezoning Z-751 – Thomas Brendle.

Request to rezone approximately 9.04 acres located at 8570, 8573, 8580 and 8593 River Road SE (NC 87) near Southport from NC (Neighborhood Commercial) to C-LD (Commercial Low Density) Tax Parcels 22100012, 2210001701 and portions of 22100013 and 2210001702.

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

Ms. Bunch said staff recommends approval from NC (Neighborhood Commercial) to C-LD (Commercial Low Density) Tax Parcels 22100012, 2210001701 and portions of 22100013 and 2210001702.

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

Mr. Thomas Brendle, co-applicant/owner, addressed the Board. Mr. Brendle said he and his brother are available for questions.

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 in the City of Southport.

- 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 North 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 and sewer is not available at this time. It is the developer's responsibility to connect to the water system.

This rezoning has access off River Road SE (NC 87), which have no capacity deficiencies at this time. There is two (2) North Carolina Department of Transportation (NCDOT) Transportation Improvement Program (TIP) Project in this area.

- AV-5271 is the Cape Fear Regional Jet Port improvements. This project was scheduled for construction 2016.
- R-5021 is NC 211 widening to a 4 lane divided highway from NC 87 to Midway Road SE (SR 1500). This project letting date is June 2018.

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

Yes. The proposed 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.

THEREFORE, on the basis of all the foregoing, Mr. Ward made a motion to recommend to the Board of Commissioners to approve from NC (Neighborhood Commercial) to C-LD (Commercial Low Density) Tax Parcels 22100012, 2210001701 and portions of 22100013 and 2210001702. The motion was unanimously carried.

VIII. OTHER BUSINESS.

- Brunswick County Greenway, Bike Route, and Paddle Trail Network Plan

Mr. Hargett addressed the Board. He discussed a PowerPoint presentation (attached) outlining the Greenway, Bike Route, and Paddle Trail Network Plan (Plan). Mr. Hargett asked that the Planning Board endorse or recommend approval of the Plan so it can be presented to the Board of Commissioners at their March 6, 2017 meeting.

With no further comments, Mr. Bittenbender made a motion to recommend to the Board of Commissioners to approve the Plan and the motion was unanimously carried.

- 2016 Administrative Adjustment Annual Report

Mr. Hargett addressed the Board. He said the Board was previously provided with a copy of the 2016 Administrative Adjustment Annual Report (attached) that allows for up to a 10% administrative adjustment for required setbacks as well as other minor adjustments to site plans, fence heights, etc.

- Brunswick County Data Book

Mr. Hargett addressed the Board. He stated that the Data Book was put together by two interns last summer at the direction of Kirstie Dixon.

IX. ADJOURNMENT.

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