

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Tuesday
December 10, 2018

Second Floor Training Room
David R. Sandifer Administration Bldg.
County Government Center
Old U.S 17 East

MEMBERS PRESENT

Eric Dunham, Chair
Joy Easley, Vice Chair
Richard Leary
Ron Medlin
Alvin Nobles
Troy Price
William Bittenbender

MEMBERS ABSENT

Tom Simmons

STAFF PRESENT

Kirstie Dixon, Director
Connie Marlowe, Admin. Asst. II
Brandon Hackney, Project Planner
Marc Pages, Senior Planner
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

Tim Butler
Brad Sedgwick
Brenda Albright
David Lurix

Owen Metts
John Hankins
Sean Lennon

I. CALL TO ORDER.

The Chair called the meeting to order at 6:01 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. Tom Simmons was absent.

IV. CONSIDERATION OF MINUTES OF THE 22-OCT-18 AND 13-NOV-18 MEETINGS.

Mr. Bittenbender made a motion to approve the 22-Oct-18 and 13-Nov-18 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-773 – Tim Butler

Request to rezone approximately 8.97 acres located off Whiteville Road NW (NC 130) near Shallotte from RR (Rural Low Density Residential) to IG (Industrial General) for a portion of Tax 16400029.

Land Use Plan Map Amendment LUM-773:

Request to amend a portion of Tax Parcel 16400029 located off Whiteville Road NW (NC 130) from Conservation to Industrial.

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

Mr. Hackney said staff recommends approval from RR (Rural Low Density Residential) to IG (Industrial General) for a portion of Tax Parcel 16400029 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Industrial for a portion of Tax Parcel 16400029.

Mr. Dunham clarified that the zoning change will be adjacent to the applicant's and/or the Town of Shallotte's zoning, which is currently heavy industrial. Ms. Easley asked staff if the hatched area of the subject property will be subdivided with a different tax parcel number and staff concurred. Ms. Dixon said the subdivision of the current parcel is not a condition of the zoning change, but the applicant submitted a survey map indicating the subdivided portion for consideration to be rezoned.

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

Mr. Tim Butler, applicant, made himself available for questions and there were no questions from the Board.

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

Mr. Price made a motion to recommend to the Board of Commissioners to approve a portion of Tax Parcel 16400029 to IG (Industrial General) in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Industrial for a portion of Tax Parcel 16400029 and the motion was unanimously carried.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for REZONING be recommended to the Board of Commissioners for

APPROVAL – The proposed zoning amendment is APPROVED

- The Planning Board finds that the proposed zoning amendment is not consistent with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning amendment is not consistent with the Comprehensive Plan (CAMA Land Use Plan). The proposed zoning amendment is currently zoned RR (Rural Low Density Residential) and classified as Conservation in the CAMA Land Use Plan. However, a CAMA Land Use Plan Map amendment has been requested.

- The Planning Board further finds that the approval of the proposed zoning amendment will amend the CAMA Land Use Plan (Comprehensive Plan) and the following changes have been considered to meet the needs of the community:

The proposed portion of the parcel to be rezoned is adjacent to similar zoning (Heavy Industrial) in the Town of Shallotte’s jurisdiction.

- The Planning Board further finds that the proposed zoning amendment is reasonable and in the public interest for the following reasons:

The proposed zoning amendment is adjacent to a major thoroughfare with existing infrastructure for industrial development.

B. Rezoning Z-774 – Owen Metts

Request to rezone approximately 19.27 acres located off Randolphville Road NE (SR 1402) near Bolivia from NC (Neighborhood Commercial) to C-LD (Commercial Low Density) for Tax Parcels 139AA007, 139AA025, 139AA027, 139AA030, 139AA031, 139AA008, 139AA019, 139AA020, 139AA011, 139AA001, 139AA029, 139AA032, 139AA004, 139AA016, 139AA002, 139AA015, 139AA003, 139AA017, 139AA022, 139AA02201, 139AA02202, 139AA018, 139AA021, 139AA005, 139AA026, 193AA02601, 139AA013, 139AA010, 139AA009, 139AA006, 139AA028, 139AA012, 139AA023, and 139AA014.

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

Mr. Pages said staff recommends approval from NC (Neighborhood Commercial) to C-LD (Commercial Low Density) for Tax Parcels 139AA007, 139AA025, 139AA027, 139AA030, 139AA031, 139AA008, 139AA019, 139AA020, 139AA011, 139AA001, 139AA029, 139AA032, 139AA004, 139AA016, 139AA002, 139AA015, 139AA003, 139AA017, 139AA022, 139AA02201, 139AA02202, 139AA018, 139AA021, 139AA005, 139AA026, 193AA02601, 139AA013, 139AA010, 139AA009, 139AA006, 139AA028, 139AA012, 139AA023, and 139AA014.

Ms. Dixon stated that an administrative adjustment was allowed for Tax Parcel 139AA004 to ensure the minimum setbacks could be met to accommodate a single family dwelling in the current zoning district.

Mr. Dunham asked staff about the property being zoned commercial for a residential development. Mr. Pages stated that single family dwellings are permitted in the NC and C-LD zoning districts. He further stated that the minimum setbacks are larger in the NC zoning district (25' front and rear yards) than the C-LD zoning district (25' front yard and 6' rear yard). Mr. Dunham expressed concern about the property being developed for residential purposes in a commercial zoning district. Ms. Easley interjected that there are other residential dwellings in the area that are not part of this subdivision that are currently zoned commercial.

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

Mr. Owen Metts addressed the Board. Mr. Metts made himself available for questions. Mr. Dunham asked why the zoning change is being requested? Mr. Metts said the zoning change was requested to ensure minimum setbacks for a residential dwelling can be met as they are less in the C-LD zoning district than the current zoning designation.

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

Mr. Bittenbender made a motion to recommend to the Board of Commissioners to approve from NC (Neighborhood Commercial) to C-LD (Commercial Low Density) Tax Parcels 139AA007, 139AA025, 139AA027, 139AA030, 139AA031, 139AA008, 139AA019, 139AA020, 139AA011, 139AA001, 139AA029, 139AA032, 139AA004, 139AA016, 139AA002, 139AA015, 139AA003, 139AA017, 139AA022, 139AA02201, 139AA02202, 139AA018, 139AA021, 139AA005, 139AA026, 193AA02601, 139AA013, 139AA010, 139AA009, 139AA006, 139AA028, 139AA012, 139AA023, and 139AA014 and the motion was unanimously carried.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for REZONING be recommended to the Board of Commissioners for

APPROVAL – The proposed zoning amendment is APPROVED

- The Planning Board finds that the proposed zoning amendment is consistent with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning amendment is consistent with the Comprehensive Plan (CAMA Land Use Plan) as it is within a commercial node.

- The Planning Board further finds that the proposed zoning amendment is reasonable and in the public interest for the following reasons:

The zoning change is consistent with nearby zoning and all lot owners in the subdivision are in favor of the zoning change.

C. Planned Development Approval – PD-21

Name: Autumn Trail Planned Development
Applicant: JBS Consulting
Tax Parcel: 1680011002, 16800112 and 1680011201
Location: Southport-Supply Road SE (NC 211)
Description: Autumn Trail is a proposed planned development consisting of 74 townhome units on a gross site of 24.39 acres creating an overall density of 3.03 units per acre.

Mr. Pages addressed the Board. He read the Staff Report (attached). He stated that the developer intends to place the 404 wetlands into a conservation easement, but he is not prepared to commit to doing so at this time. 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. Brad Sedgwick, JBS Consulting, addressed the Board on behalf of Atrium Homes. He made himself available for questions. Mr. Leary asked Mr. Sedgwick why the developer is not willing to commit to placing 404 wetlands in a conservation easement? Mr. Sedgwick said they are working with the Coastal Federation about placing the 404 wetlands in a conservation easement, but they have been busy due to Hurricane Florence and the actual details have not be worked out. He further stated that there is an open space area to the north of the retention pond and they are proposing a pedestrian access and picnic tables in that location for this community.

Ms. Brenda Albright, 620 Southport-Supply Road SE, addressed the Board. Ms. Albright asked if the proposed 6' opaque fence could be higher? Mr. Pages said the fence height could be increased to 8' with an administrative adjustment via a request from the developer. He further stated that the fence will be extended up to the stormwater pond(s). Mr. Pages clarified that fencing will not be in the open space area where the walking trail and picnic areas are proposed. Ms. Albright was concerned with trespassers on her property because her family hunts on their property. She was fearful of inadvertently causing harm to a trespasser while they are hunting on their property. Ms. Dixon suggested that signs be erected on Ms. Albright's property informing potential trespassers that hunting occurs on the property to ensure no harm comes to a person walking nearby.

Mr. Sean Lennon, 810 Old Lennon Road SE, addressed the Board. Mr. Lennon was also concerned with the proposed development interfering with him hunting on his property. He felt that a berm should be placed in the area where the walking trail and picnic areas are proposed rather than a 6' opaque fence because pedestrians will likely trespass on his property as well as

Ms. Albright's property. Mr. Pages said the developer would have to cross a wetland to erect fencing in that particular area. Mr. Lennon was not opposed to the developer erecting the proposed fence up to the wetlands. Mr. Lennon felt that "no trespassing" signs will not keep people off his property unless he catches the trespasser.

Mr. David Lurix, 703 Creekway Circle SE, addressed the Board. Mr. Lurix was concerned with the entrance to the subject property potentially creating a traffic congestion issue. Mr. Pages said the developer is required to obtain a North Carolina Department of Transportation (NCDOT) permit and NCDOT is requiring access to the project be directly across from RiverSea Plantation Planned Unit Development. He further stated that NCDOT may require some intersection road improvements such as a deceleration lane. Mr. Lurix asked if Southport-Supply Road SE (NC 211) will be widened in this area? Mr. Pages stated that there are plans to widen NC 211 in the future, but he was unsure of the exact location at this time. Mr. Lurix asked the number of stories of the townhomes and Mr. Sedgwick said 1 ½ stories. Mr. Lurix asked Mr. Sedgwick if there will be a gate at the front entrance of the proposed development? Mr. Sedgwick replied, no. Mr. Lurix asked if a traffic light will be installed and Mr. Pages said NCDOT will determine if a traffic light is necessary.

With no further comments, Mr. Price made a motion to close the Public Hearing and the motion was unanimously carried. Mr. Dunham asked staff how the subject property was zoned C-LD in the middle of RR zoning? Mr. Pages said the subject property was previously owned by a church and they wanted to build a retreat so the property was rezoned approximately 7 years ago to accommodate the intended use. Ms. Dixon added that townhomes are allowed in the current zoning district through administrative review and approval, but a planned development encourages exceptional design features and the developer is proposing such in this project.

Mr. Price made a motion to approve Autumn Trail Planned Development with the noted conditions and the motion was unanimously approved.

VIII. OTHER BUSINESS.

- Planning Board 2019 Schedule

Ms. Dixon addressed the Board. She stated that staff previously provided a copy of the 2019 Planning Board meeting schedule as well as the project deadline schedule to the Board to reserve the dates.

- Planning Board Cases Update

Ms. Dixon addressed the Board. She stated that there are several zoning cases and text amendments regarding Campgrounds and RV Resorts that will be presented at the Board of Commissioners' Monday 17-Dec-18 meeting for consideration.

IX. ADJOURNMENT.

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