

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
March 11, 2019

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
Ron Medlin
Troy Price

MEMBERS ABSENT

Tom Simmons
William Bittenbender
Alvin Nobles

STAFF PRESENT

Kirstie Dixon, Director
Connie Marlowe, Admin. Asst. II
Marc Pages, Senior Planner
Helen Bunch, Zoning Administrator
Justin Brantley, Zoning Tech.
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

Holly Smith
Pauline Benton
Richard Malin
Edward Rowe
Alice Poole
Kendall Hardee
Richard Moore, McKim & Creed

Jim Fish, BSRI President/CEO
Douglas Talbot
Joseph Fiore
Rev. Lavar Marlow
Diane Urban
Fred Thorn

I. CALL TO ORDER.

The Chair called the meeting to order at 6:02 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE.

Ms. Easley 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, Mr. Alvin Nobles and Mr. William Bittenbender were absent.

IV. CONSIDERATION OF MINUTES OF THE 11-FEB-19 MEETING.

Mr. Leary made a motion to approve the 11-Feb-19 minutes as presented and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

There were none.

VI. PUBLIC COMMENT.

There were none.

VII. PUBLIC HEARINGS.

A. Rezoning Z-778CZ – Holly Smith and Jim Fish

Request to rezone approximately 4.35 acres located off Calabash Road NW (SR 1300) near Calabash, NC from R-7500 (Medium Density Residential) to MR-3200CZ (Multifamily Residential Conditional Zoning) for a portion of Tax Parcel 2250008302.

Land Use Plan Map Amendment LUM-778CZ:

Request to amend a portion of Tax Parcel 2250008302 located off Calabash Road NW (SR 1300) near Calabash, NC from LDR (Low Density Residential) to HDR (High Density Residential).

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 R-7500 (Medium Density Residential) to MR-3200CZ (Multifamily Residential Conditional Zoning) for a portion of Tax Parcel 2250008302 with the noted conditions in the Staff Report in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to HDR (High Density Residential) for a portion of Tax Parcel 2250008302.

Mr. Dunham asked staff the minimum buffer opacity for the proposed project? Mr. Pages said a 0.40 buffer opacity is required with 4 different alternatives that includes plantings or plantings with fence and/or wall. Mr. Dunham asked staff if there is any existing vegetation on the site?

Mr. Pages said there is some vegetation on the site that has not reached maturity. Mr. Pages said the developer will have to adhere to the minimum buffer opacity requirements prior to final approval of the project.

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

Ms. Holly Smith addressed the Board. Ms. Smith said this site was chosen due to its close proximity to daily necessities (grocery store, pharmacy and medical facilities) for the senior community. She stated that the proposed facility will be 60 units consisting of 1 and 2 bedroom apartments with approximately 8,000 square feet of common area for seniors and disabled persons 45 years of age or older (10% of the residents are typically disabled persons). Ms. Smith said this program is through the IRS where tax credits are sold to for-profit corporations to qualify for a reduction in their tax liability. She stated that, in exchange, the units are kept affordable to 60% of area median income. Ms. Smith said once the financing has been secured, a couple can have an income up to \$40,000 per year and still be eligible to live on site. Ms. Smith further stated that there were several concerns regarding stormwater runoff and they will comply with the County's stormwater minimum requirements.

Mr. Jim Fish, Brunswick Senior Resources Center, Inc. (BSRI), addressed the Board. Mr. Fish said BSRI has a Memorandum of Understanding (MOU) to provide services for the senior community in the County. He stated that 2 of BSRI's biggest challenges are affordable senior housing and transportation. Mr. Fish said the average median age in the Calabash area is over 62 years of age. He stated that this facility will be instrumental with assisting BSRI evacuate seniors during emergency situations (e.g., hurricanes) because it is easier to pick-up a group of individuals as opposed to driving to different locations throughout the County. Mr. Fish said there are a lot of substandard living conditions in the County and this facility will be available for those persons that cannot afford to repair/replace a dilapidated structure. Mr. Fish said there is a growing need for such facilities because living conditions are becoming more problematic due to destruction of homes during hurricane season. He stated that most of the senior population utilize BSRI's services such as Meals On Wheels, assistance with medication and mobility, and transportation. He further stated that BSRI provides shuttle transportation to the senior center(s) for those persons interested in visiting a senior center. Mr. Fish said BSRI partners with other organizations to provide better services for the senior community while releasing the tax burden on the citizen(s). Mr. Fish concluded that the proposed facility will allow for the aging community to receive services via BSRI in their home. He reiterated that this facility will provide another option to individuals that are living in homes that are in need of significant repairs and/or need to be replaced.

Ms. Easley asked Mr. Fish the average monthly rental for a 2 bedroom unit in the proposed facility? Ms. Smith said approximately \$695, which includes water, sewer and trash pick-up. She further stated that the maximum income per household is approximately \$40,000 and they will not increase rent at-will should the market dictate otherwise because they want long term tenants.

Mr. Dunham asked Ms. Smith if tenants typically stay on site unless they have to pick-up necessities from the store or visit the doctor? Ms. Smith said most tenants travel during the day when there is less traffic on the road. She stated that they are proposing 1.25 parking spaces per apartment, but typically no more than 60% of the tenants own cars and the vehicles usually remain in the parking lot. She stated that there is a transportation van that cost a small fee for passengers that make a reservation 24 hours in advance for the service. Mr. Fish interjected that Brunswick Transit Services (BTS) provides that service via a subcontract that is paid by BSRI.

Mr. Dunham asked Ms. Smith if they are opting to purchase the entire parcel or a portion of Tax Parcel 2250008302? Ms. Smith said they intend to purchase the entire tract, but she is uncertain how the remainder of the parcel will be developed at this time. She stated that they will be back before the Board for approval to develop the remainder of the parcel when they decide how they want to develop the remaining portion of the property.

Mr. Richard Malin, 430 Kershaw Street SW, addressed the Board. Mr. Malin expressed concern with traffic and the proposed facility potentially utilizing Oceanside Place Major Subdivision (Oceanside Place) sewer pump station that currently has issues. He felt that the proposed facility should have their own pump station. Mr. Dunham said those matters will have to be addressed by the County engineer and approved by Brunswick County Public Utilities. Mr. Malin was also concerned with potential flooding in the area. Mr. Dunham said the applicant is proposing a stormwater pond on site to address stormwater runoff.

Mr. Joseph Fiore, owner of Tax Parcel 225OA002, addressed the Board. Mr. Fiore suggested that the ingress/egress to the proposed project be adjacent to Oceanside Place to ensure traffic safety. He was concerned with inadequate parking spaces on the site and the potential of pedestrian traffic crossing Calabash Road NW (SR 1300) because individuals are trying to find a parking nearby.

Mr. Edward Rowe, President of Board of Directors at Oceanside Place, addressed the Board. Mr. Rowe was concerned with speeding motorists on Calabash Road NW (SR 1300). He stated that they have inquired with the North Carolina Department of Transportation (NCDOT) to reduce the speed limit from 55 miles per hour to 45 miles per hour. Mr. Rowe said NCDOT has agreed to do a study of Calabash Road NW (SR 1300) that may take up to 12 weeks before a decision is made. He stated that the residents in Oceanside Place are concerned with the proposed facility being a part of their sewer system. Mr. Dunham said the Board relies on County staff to ensure sewer capacity is available to accommodate this particular project.

Rev. Lavar Marlow (Tax Parcel 2250008301) addressed the Board on behalf of his family. Rev. Marlow said his family is concerned with the proposed road to the subject property being in close proximity to an existing home on their tract. He stated that they are also concerned with the potential of stormwater runoff from the proposed property and trash being in close proximity to his family's property. He stated that they are not opposed to the intended use of the property, but they want to ensure that the use does not negatively impact their property. Mr. Dunham said the applicant is proposing refuse to be on the northwestern side (opposite side) of the property. Mr. Pages added that a 0.40 opacity buffer and/or 20' opacity buffer is required adjacent to Tax Parcel 2250008301 because there is an existing residence on the property. However, the buffer could be reduced to 15' if the developer erects a 6' fence.

Ms. Alice Poole addressed the Board. Ms. Poole expressed concern with emergency (police, fire and rescue) and medical facilities being available within Brunswick County to accommodate the additional residents to the area.

Ms. Diane Urban addressed the Board. Ms. Urban stated that she lives in the Town of Carolina Shores and they have an upcoming meeting regarding a low-income facility being proposed adjacent to the CVS Pharmacy, which is 0.9 miles from the subject property and the potential need for emergency and medical care facilities to accommodate the residents of that facility. She reiterated that traffic, speeding motorists, and flooding should be a consideration prior to approval of both projects.

Mr. Kendall Hardee, owner of Tax Parcel 22500113, addressed the Board. Mr. Hardee said he farms on his property, which is to the north of the subject property. He stated that there is an existing farm road on the subject property that he uses to gain access to his property. Mr. Dunham asked Mr. Hardee if there is a deeded easement through the subject property to access Mr. Hardee's property? Mr. Hardee said they have used that road since the 1950s, but there is not a recorded deeded easement. He stated that he discussed purchasing an easement from the current owner to no avail. Mr. Hardee further stated that he has consulted with attorneys and he was told that the current property owner cannot deny him access to his property since he has been using that road to gain access to his property. Mr. Hardee said he is not opposed to the proposed use of the subject property, but he expressed concerns with the potential effect of property values nearby if the proposed facility is allowed. Mr. Dunham asked Mr. Hardee if there is a stream between the subject property and Mr. Hardee's property? Mr. Hardee said there is a ditch between the properties.

Mr. Fred Thorn, Realtor, addressed the Board. Mr. Thorn said he has been working with Wrathel and Ann Mitchell, current property owners of the subject property, and they have never giving anyone permission to use the subject property to gain access to any other property. Mr. Thorn stated that Mr. Hardee currently owns Tax Parcel 2250011105 that can be used to gain access to his parcel to the north of the Mitchells property. Mr. Hardee interjected that said property (Tax Parcel 2250011105) cannot accommodate a driveway and a 60' easement to connect to his landlocked property (Tax Parcel 22500113). Mr. Hardee further stated that the corner of Tax Parcel 2250011105 is in the middle of an existing ditch. He stated that he discussed this situation with Mr. Mitchell in 2006 when there was an offer to purchase his property and Mr. Mitchell's property, but the deal fell through because he couldn't provide a 60' easement to Tax Parcel 22500113. Mr. Hardee said he purchased the smaller tract (Tax Parcel 2250011105) after-the-fact. He reiterated that he cannot build a road on that particular property because it is too narrow on the northern boundary.

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

Mr. Dunham clarified that Mr. Hardee will not have access to his property (Tax Parcel 22500113) if the farm road is eliminated. Mr. Pages said Mr. Hardee could petition the courts for a cart path if the farm road is no longer accessible to his property. Ms. Smith said they have spoken with Mr. Hardee about providing an area of the subject property for accessibility to his tract, but that particular area is heavily vegetated. Mr. Dunham further stated that there is a potential driveway access issue and a potential for stormwater runoff. Mr. Dunham suggested that the applicant address these issues and come back to the Board. Ms. Smith said she has to have zoning approved prior to 05-May-19 or the project will not happen. After some discussion regarding driveway access to the property, potential stormwater runoff, and access to Mr. Hardee's property, the Board agreed that these issues will be addressed by County staff and other pertinent agencies and Mr. Hardee will have to address his access with the owner or he can petition the court through a civil lawsuit for access through Mr. Mitchell's property.

Mr. Pages asked that Item 3 under conditions of the Staff Report be amended to say "Project Boundary buffers and street buffers shall be provided per the Brunswick County Unified Development Ordinance ~~site plan~~, with the associated vegetation."

Mr. Dunham made a motion to recommend to the Board of Commissioners to approve a portion of Tax Parcel 2250008302 to MR-3200CZ (Multifamily Residential Conditional Zoning) with the amended noted conditions in the Staff Report in conjunction with an amendment to the Official

Brunswick County CAMA Land Use Plan Map to HDR (High Density Residential) for a portion of Tax Parcel 2250008302 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). However, a CAMA Land Use Plan Map amendment has been requested for a change in zoning to MR-3200CZ with conditions.

- 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:

Per the conditions outlined in the Staff Report, the proposed zoning amendment meet the needs of the community.

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

Due to the aging population in the County, there is a dire need for senior housing and the proposed facility will provide such.

B. Rezoning Z-779 – Pauline Benton

Request to rezone approximately 11.55 acres located off Holden Beach Road SW (NC 130) near Holden Beach, NC from SBR-6000 (Site Built High Density Residential) and C-LD (Commercial Low Density) to C-LD (Commercial Low Density) Tax Parcels 21600113 and 2160011303.

Land Use Plan Map Amendment LUM-779:

Request to amend Tax Parcels 21600113 and 2160011303 located off Holden Beach Road SW (NC 130) near Holden Beach, NC from MDR (Medium Density Residential) to Commercial.

Ms. Dixon addressed the Board. He 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 (Site Built High Density Residential) and C-LD (Commercial Low Density) to C-LD (Commercial Low Density) for Tax Parcels 21600113 and 2160011303 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Commercial for Tax Parcels 21600113 and 2160011303 and the motion was unanimously carried.

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

Ms. Pauline Benton addressed the Board. Ms. Benton stated that the property is split-zoned and they want to make the entire property C-LD. She stated that the subdivided parcel (2160011303) is family-owned and they intend to place a home on that tract.

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

Mr. Leary made a motion to recommend to the Board of Commissioners to approve from SBR-6000 (Site Built High Density Residential) and C-LD (Commercial Low Density) to C-LD (Commercial Low Density) Tax Parcels 21600113 and 2160011303 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Commercial for Tax Parcels 21600113 and 2160011303 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). However, a CAMA Land Use Plan Map amendment has been requested. The proposed change will correct a split-zoned parcel.

- 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 property is located along a commercial corridor and this change will correct a split-zoning situation.

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

The property is split-zoned and located along a commercial corridor with infrastructure in place.

C. Planned Development Approval – PD-22

Name: The Bluffs on the Cape Fear (Expansion) Planned Development
Applicant: Douglas Talbot
Tax Parcel: 0100002121, 0100002125, 0100002128, 0100002127, 0100002126, 0100002123, 0100002124, 0100002122, 0100002102, 0060001230 and 0060001205
Location: Located off Dogwood Road NE (SR 1428) and Hooper Road NE (SR 1427)
Description: The Bluffs on the Cape Fear Planned Development was originally approved in September 2008 for 555 single-family lots. The developer of The Bluffs on the Cape Fear is proposing to expand and modify the planned development master plan by adding five lots, changing interior connectivity, and adding a Boat and RV Storage Area. The proposed

revision will result in a total of 560 single-family lots on a gross site of 379.33 acres creating an overall density of 1.50 units per acre.

Mr. Pages addressed the Board. He 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.

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

Mr. Douglas Talbot addressed the Board and introduced Mr. Richard Moore with McKim and Creed. Mr. Talbot said they started this project in 2007 and they want to expand and complete the project. He stated the original plan included a boat and RV storage to provide an amenity to the development.

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 approve The Bluffs on the Cape Fear (Expansion) with the noted conditions and the motion was unanimously approved.

VIII. OTHER BUSINESS.

- 2018 Administrative Adjustment Report

Ms. Dixon addressed the Board. She stated that staff previously provided a copy of the 2018 Administrative Adjustment Report (attached) for the Board's review. Ms. Dixon briefly discussed the administrative adjustments that were granted in 2018.

- Planning Board Cases Update

Ms. Dixon addressed the Board. She stated Zoning Case Z-777 was approved at the Board of Commissioners' 18-Feb-19 meeting. Ms. Dixon said Zoning Case Z-770CZ was denied by the Board of Commissioners at their 18-Feb-19 meeting

IX. ADJOURNMENT.

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