

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
May 13, 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

Alvin Nobles
Tom Simmons
William Bittenbender

STAFF PRESENT

Marc Pages, Senior Planner
Connie Marlowe, Admin. Asst. II
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

Joshua Torbich
John Hankins

Thomas Scheetz
Lewis Dozier

I. CALL TO ORDER.

The Chair called the meeting to order at 6:00 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. Alvin Nobles, Mr. Tom Simmons and Mr. William Bittenbender were absent.

IV. CONSIDERATION OF MINUTES OF THE 08-APR-19 MEETING.

Mr. Leary made a motion to approve the 08-Apr-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-780 – Joshua Torbich and Brunswick Electric Membership Corporation

Request rezoning of approximately 4.76 acres located at 401 and 545 Hickman Road NW (SR 1303) from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 2250003702 and 2250003703.

Land Use Plan Map Amendment LUM – Z-780:

Request to amend Tax Parcels 2250003702 and 2250003703 located at 401 and 545 Hickman Road NW (SR 1303) from LDR (Low Density Residential) to Commercial.

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 (Low Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 2250003702 and 2250003703 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Commercial for Tax Parcels 2250003702 and 2250003703.

Mr. Dunham asked staff if Brunswick Electric Membership Corporation (BEMC) substation is a permitted use on Tax Parcel 2250003703? Mr. Pages stated that utility facilities are permitted in the R-7500 zoning district, but BEMC requested the zoning change in the event they decided to utilize their property for commercial purposes in the future. Ms. Easley asked staff how long the bed and breakfast has been located on Tax Parcel 2250003702? Mr. Pages said he was unsure. Ms. Easley asked if the bed and breakfast is a permitted use in the current zoning district? Mr. Pages said a bed and breakfast is a permissible use that requires a Board of Adjustment special use permit approval in the R-7500 zoning district.

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

Mr. Joshua Torbich addressed the Board. Mr. Torbich stated that he spoke with representatives of BEMC as well as the owner of Tax Parcel 22500037 (Jennie and William Bennett) that is currently split-zoned C-LD and R-7500 and neither representatives of BEMC nor Jennie and William Bennett had objections to the rezoning. [Tax Parcel 2250003703 is currently owned by

BEMC and it is proposed to be rezoned to CLD]. Mr. Torbich further stated that there is C-LD zoning on both sides of the road east of the subject properties down Hickman Road NW (SR 1303) back to the intersection of Ocean Hwy W (US 17). Mr. Pages interjected that he, too, spoke with the owner of Tax Parcel 22500037 and they were not interested in rezoning their entire parcel to C-LD at this time.

Mr. Dunham asked staff about the potential for spot zoning and Mr. Pages said staff had no concerns with the zoning change being considered as spot zoning.

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

Mr. Leary made a motion to recommend to the Board of Commissioners to approve Tax Parcels 2250003702 and 2250003703 to C-LD (Commercial Low Density) in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Commercial for Tax Parcels 2250003702 and 2250003703 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 to Commercial.

- 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 zoning amendment meets the needs of the community as there is existing infrastructure in the area and there is commercial zoning nearby.

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

There is similar zoning nearby and there is existing infrastructure in the area.

B. Planned Development Revision – PD-23

Name: Bella Point
Applicant: Pamela Warner
Tax Parcels: 2020000103
Location: On Sunset Harbor Road SE (SR 1112)
Description: Bella Point is an approved Planned Development consisting of 145 single family lots on a gross site area of 74.7 acres creating an overall density of 2.43 units per acre. The developer of Bella Point is proposing to eliminate a roadway connection to Sunset Harbor Road SE (SR 1112).

The rest of the development will remain unchanged from the master plan approved in July 2006.

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. Dunham asked staff if the North Carolina Department of Transportation (NCDOT) is amenable to the proposed revision to eliminate a roadway connection to Sunset Harbor Road SE (SR 1112) and Mr. Pages replied yes. Mr. Pages said the developer will likely have to install a turn lane as part of the driveway permit approval process.

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

Mr. Thomas Scheetz, Norris & Tunstall Consulting Engineers, addressed the Board on behalf of the applicant. Mr. Scheetz stated that NCDOT is requiring right and left turning lanes and they will be required to pipe the ditch approximately 1,000 feet. He further stated that the stormwater permit is still active from the initial approval of Bella Point PD.

Mr. Leary asked why the developer is eliminating 1 of the entrances to the project? Mr. Scheetz said the developer elected to eliminate that entrance because it is not required. Mr. Dunham asked if the stormwater ponds drain into a creek? Mr. Scheetz said he is uncertain where the drainage ends up, but the stormwater ponds were initially approved as part of Bella Point PD.

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

Ms. Easley made a motion to approve Bella Point Planned Development Revision and the motion was unanimously approved.

VIII. OTHER BUSINESS.

- Planning Board Cases Update

Mr. Pages addressed the Board. He stated Zoning Case Z-778CZ and Z-779 were approved at the Board of Commissioners' Monday 15-Apr-19 meeting as presented.

IX. ADJOURNMENT.

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