

**MINUTES**  
**PLANNING BOARD**  
**BRUNSWICK COUNTY, NC**

**6:00 P.M. Monday**  
**October 14, 2019**

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

MEMBERS PRESENT

Joy Easley, Vice Chair  
William Bittenbender  
Richard Leary  
Ron Medlin  
Brett Riggs

MEMBERS ABSENT

Eric Dunham, Chair  
Alvin Nobles  
Tom Simmons

STAFF PRESENT

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

OTHERS PRESENT

Jeff Malpass  
John Hankins  
John Shirk, Floodplain Admin.  
Ira Potter  
Wendy Rackley

Justine Bishop, PE  
Martha Robinson  
Colleen Potter  
James Dobiac  
Jasper Taylor

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. OATH OF OFFICE – Brett Riggs.

Ms. Marlowe administered the Oath of Office to Mr. Brett Riggs. Ms. Easley and the other members welcomed Mr. Riggs to the Board.

IV. ROLL CALL.

Mr. Eric Dunham, Mr. Alvin Nobles and Mr. Tom Simmons were absent.

V. CONSIDERATION OF MINUTES OF THE 09-SEP-19 MEETING.

Mr. Leary made a motion to approve the 09-Sep-19 minutes as presented and the motion was unanimously carried.

VI. AGENDA AMENDMENTS.

There were none.

VII. PUBLIC COMMENT.

There were none.

VIII. PUBLIC HEARINGS.

A. Rezoning Z-785 – David Koon

Request rezoning of approximately 0.157 acres located at 3676 Sunset Harbor Road SE (SR 1112) from C-LD (Commercial Low Density) to R-6000 (High Density Residential) for Tax Parcel 234AB020.

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

Mr. Pages said staff recommends approval from C-LD (Commercial Low Density) to R-6000 (High Density Residential) for Tax Parcel 234AB020.

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

With no further comments, Mr. Leary 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 Parcel 234AB020 to R-6000 (High Density Residential) 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 property is currently classified as Mixed Use.

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

There is infrastructure (public water) in the area and there was no opposition to the zoning change.

B. Planned Development – PD-25

Name: Sunset Estates  
Applicant: Jeff Malpass  
Tax Parcel: A portion of 09700029  
Location: Bell Swamp Road NE (SR 1406 and Bell Swamp Connection (SR 1407)  
Description: Sunset Estates is a proposed Planned Development consisting of 231 single family lots on a gross site of 79.69 acres creating an overall density of 2.90 dwelling units per acre.

Mr. Pages addressed the Board. He read the Staff Report (attached). Mr. Pages noted that Haw Hill Raceway (Tax Parcel 0970000701) is located to the east of the subject property and periodically has auto race events on their property. He identified the subject property and surrounding properties 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;
- That the development of the parcel shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance; and
- Indicate a 5 foot front setback for the typical townhouse lot details; and
- Add a note on the master plan that indicates the project site lies within a half mile of the Voluntary Agricultural District (VAD).

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

Mr. Justin Bishop, Professional Engineer, addressed the Board on behalf of the applicant. Mr. Bishop stated that the 5 foot front setback for the townhouse lot details was an oversight and it will be corrected. He reiterated that they are proposing 176 single family detached lots and 55 townhomes with private roads. He further stated that public water and sewer will be provided to

the site by extending the force main down Bell Swamp Connection NE (SR 1407 to the existing force main from US 17.

Ms. Martha Robinson, 270 Bell Swamp Road NE, addressed the Board. Ms. Robinson stated that the proposed development is in a Voluntary Agricultural District. She further stated that the plat should disclose that the development is within a VAD and she proceeded to read a list of the agricultural activities associated with a VAD. Ms. Robinson concluded that there is a swine operation in the VAD.

Mr. James Dobiac, 175 Kings Hollow NE, addressed the Board. Mr. Dobiac expressed concern with potential stormwater issues that maybe generated by the proposed development. He stated that his property currently floods approximately 4 times a year during a basic rainfall. Mr. Dobiac suggested that the property be graded and contoured to drain toward Bell Swamp. Mr. Pages interjected that the applicant has to receive stormwater approval from the County and the State. Mr. Bishop stated that they are proposing 3 stormwater ponds on the site toward the north side of the site close to Bell Swamp and the roads will drain in that direction.

Mr. Ira Potter addressed the Board. Mr. Potter said he owns Haw Hill Raceway across the road from the subject property and he farms on his property. Mr. Pages stated that it has been noted on the preliminary plan that Mr. Potter's racetrack is nearby.

Ms. Wendy Rackley, 317 Bell Swamp Road NE, addressed the Board. Ms. Rackley expressed concern with wildlife being displaced as a result of the proposed development. She stated that this is a quiet community with a mixture of residential homes (manufactured homes and stick built homes). Ms. Rackley was also concerned with a potential increase in taxes and additional traffic that will be generated from the proposed development.

Ms. Coleen Potter addressed the Board. Ms. Potter said she and husband have horses and they raise farm animals and crops on their property. She was concerned with stormwater runoff ending in Bell Swamp and their fields. Ms. Dixon interjected that the VAD program protects the homeowners that have agricultural activities on their property.

Mr. Jasper Taylor, 186 Bell Swamp Connection NE, addressed the Board. Mr. Taylor said his property currently floods when there is a heavy rain. He felt that any activity on the subject property will negatively impact his property.

Mr. Bishop readdressed the Board. He stated that this will be a high density development with curb and gutters, catch basins in the roads and stormwater runoff will be contoured to the proposed stormwater ponds. Mr. Bishop said the State requires them to treat a certain amount of runoff and the County stormwater permit requires post-development flow rate for the 1 year event and the 10 year event, 24 hour storms may not exceed the pre-development flow rate. He reiterated that there will be curb and gutter on the roads with catch basins and piping to the wet ponds to the north of the property.

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

Mr. Bittenbender asked if the proposed plan meets the County Stormwater requirements? Mr. Pages reiterated that the applicant will have to meet the minimum stormwater requirements for both the County and State.

Mr. Leary made a motion to approve Sachi Major Subdivision Expansion with the noted conditions and the motion was unanimously carried.

C. Proposed Text Amendments to the Brunswick County Unified Development Ordinance.

Ms. Dixon addressed the Board. She provided a brief overview regarding the proposed text amendments (attached) to the Brunswick County Unified Development Ordinance (UDO) that address the recently approved Session Law 2019-99 (HB 237) to allow the Planning Board to grant final approval on rezonings. She further stated that once the Planning Board makes a decision, any person with standing may appeal the Planning Board's decision by written notice to the County Manager within 15 days of the decision; otherwise, the Planning Board's decision will be final. Ms. Dixon stated that the Board of Commissioners requested the NC General Assembly extend this authorization and their request was approved through Session Law 2019-99 (House Bill 237). Ms. Dixon discussed each section of the UDO that will be updated to reflect the proposed amendments.

Ms. Dixon said staff recommends approval of the proposed text amendments to the UDO to allow the Planning Board to grant final approval on rezonings with a provision that any person with standing may appeal the Planning Board's decision by written notice to the County Manager within 15 days of the decision and the decision is final if no appeal is presented in the 15 day timeframe.

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

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

Mr. Bittenbender made a motion to recommend to the Board of Commissioners to approve the proposed text amendments to the Brunswick County Unified Development Ordinance and the motion was unanimously carried.

**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 text amendment is consistent with the CAMA Land Use Plan (Comprehensive Plan) as it will not affect the plan and it is a procedural change that will comply with Session Law 2019-99 (House Bill 237).

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

Based on Session Law 2019-99 (House Bill 237), this procedure will streamline the process and reduce approval time for rezonings.

D. Proposed Text Amendments to the Brunswick County Unified Development Ordinance (Flood Damage Prevention).

Mr. John Shirk, Floodplain Administrator, addressed the Board regarding amendments (attached) to the Flood Damage Prevention Ordinance. He stated that the County participates in the National Flood Insurance Program (NFIP) and the County is a Community Rating System (CRS) community. As a result, those property owners located in a flood hazard area can receive a 10% reduction in flood insurance. Mr. Shirk said 30 of the 226 flood map panels were not updated last year when the Flood Damage Prevention Ordinance was revised in August 2018 so those map panels have to be revised prior to December 2019. Mr. Shirk stated that the proposed changes are housekeeping items that have to be updated so the County can continue to be in compliance with NFIP requirements. He further stated that 1 of the new changes is an automatic adoption clause which is located in Section 7.1.3.(B), General Provisions, Basis for Establishing the Special Flood Hazard Area, that does not require further Board approval after January 1, 2021 for map adoption and flood insurance study adoption. He concluded that there are date changes regarding the Pre/Post FIRM on the table in Section 7.1.6., Legal Status Provisions.

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

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

Mr. Bittenbender made a motion to recommend to the Board of Commissioners to approve the proposed text amendments to the Brunswick County Unified Development Ordinance and the motion was unanimously carried.

**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 text amendment is consistent with the CAMA Land Use Plan (Comprehensive Plan) as it will not affect the Plan and these are minor modifications required for the County to maintain the Community Rating System (CRS) status.

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

The proposed text amendment will allow for the County to continue participating in the National Flood Insurance Program (NFIP) and maintain the CRS standing.

IX. OTHER BUSINESS.

- Planning Board Cases Update

Ms. Dixon addressed the Board. She stated that there are several rezonings (Z-781, Z-782, Z-783, and Z-784) that will be considered at the Board of Commissioners' Monday 21-Oct-19 meeting for approval. She stated that Z-781 and Z-782 rezonings were delayed for consideration by the Board of Commissioners at their Monday 16-Sep-19 meeting due to Hurricane Dorian.

- Planning Projects Update

Ms. Dixon addressed the Board. She provided the Board with an update of the Planning Department's projects that include:

- NCDOT Transportation Forum, tentatively scheduled for Wednesday 20-Nov-19
- Holden Beach Causeway project
- Comprehensive Land Use Plan
- Hazard Mitigation Plan
- NC 211 Corridor Feasibility Plan

- Our County Data Book

Ms. Dixon addressed the Board. She provided the Board with a copy of the 2019 Fall Our County Data Book, which is also available online on the Planning Department's website.

X. ADJOURNMENT.

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