

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

**6:00 P.M. Monday**  
**February 10, 2020**

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

MEMBERS PRESENT

Eric Dunham, Chair  
William Bittenbender  
Richard Leary  
Ron Medlin  
Alvin Nobles  
Brett Riggs, Alternate

MEMBERS ABSENT

Joy Easley  
Tom Simmons

STAFF PRESENT

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

OTHERS PRESENT

Buddy Seymour  
John Hankins  
Heather Burkert  
Les Petosky  
Barbara McQuery  
Elizabeth Williams

Frank Braxton  
Maude Kelley  
Randy Richardson  
Donald Caison  
David Purser

I. CALL TO ORDER.

Mr. Dunham 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.

Ms. Easley and Mr. Simmons were absent.

IV. CONSIDERATION OF MINUTES OF THE 12-NOV-19 MEETING.

Mr. Leary made a motion to approve the 12-Nov-19 minutes as presented and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

The Chair stated that Zoning Case #Z-787 has been postponed by the applicant until further notice and that case will not be considered tonight.

VI. PUBLIC COMMENT.

Ms. Heather Burkert addressed the Board. Ms. Burkert was concerned with the potential impacts that zoning changes on Midway Road SE (NC 906) will have on the current farming communities. She stated that she currently operates an agri-tourism business on Midway Road SE and she expressed her concerns about the rural heritage being lost as result of potential zoning changes. Ms. Burkert said smart growth planning should be implemented on Midway Road SE to preserve the rural character. She suggested that no zoning changes occur on Midway Road SE until a study can be completed with input from the community regarding the development direction of Midway Road in an effort to maintain the integrity of residential uses.

Ms. Dixon stated that, it was her understanding, that this area was zoned R-7500 in May 2007 because property owners did not want single-wide mobile homes and/or commercial activity in the area. Ms. Burkert agreed with Ms. Dixon's recollection of the current zoning designation along Midway Road S and she asked that the Board keep in mind their predecessors reasoning for the current zoning designation. The Chair stated that there is an item for consideration that is off Midway Road SE. Ms. Dixon said that rezoning case is in close proximity to Southport-Supply Road SE (NC 211) and it is currently classified as mixed use in the CAMA Land Use Plan. Ms. Burkert suggested that the mixed use land classification be clearly defined and commercial zoning be restricted to that area. Ms. Dixon said the mixed use land classification has been defined. She further stated that the CAMA Land Use Plan is in the process of being updated and any inconsistencies will be addressed.

Ms. Barbara McQuery addressed the Board. Ms. McQuery was concerned with commercial zoning continuing in the rural portions along Midway Road SE. She concurred with Ms. Burkert's comments and she suggested that property owners on Midway Road SE have input in what happens in the rural areas on Midway Road SE.

Ms. Maude Kelley addressed the Board. Ms. Kelley said she grew up in a farming environment and she moved back to the area for a residential, farming lifestyle. She, too, was concerned with commercial zoning creeping into the neighborhood. She further stated that her family is a third generation farming family. Ms. Kelley said she would like to see the area stay rural.

Mr. Randy Richardson addressed the Board. Mr. Richardson said his grandparents purchased a farm on Midway Road SE in 1948. He, too, felt that all property owners on Midway Road SE should have a say in what happens in the area.

## VII. PUBLIC HEARINGS.

### A. Planned Development – PD-26

Name: International Logistics Park of North Carolina  
Applicant: Buddy Seymour  
Tax Parcel: A portion of 01400008  
Description: The International Logistics Park is a proposed industrial planned development that is proposing an industrial park with four lots with up to 1,182,640 square feet of industrial space on a gross site of 96.03 acres.

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 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.

The Chair asked staff if a separate parcel(s) will be created for this project and Mr. Pages concurred. Mr. Pages said each lot will have a separate parcel, but the entire property is currently zoned Industrial General (IG).

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

Mr. Buddy Seymour, Windsor Development Group, addressed the Board on behalf of the applicant. Mr. Seymour stated that this is the first phase of the proposed development that will consist of 4 lots. Mr. Seymour said they intend to construct part of the first building at the entrance, which will be approximately 150,000 square feet on a speculative basis. He further stated that they will prepare other sites so as potential tenants come in the facility will be available to occupy. Mr. Seymour said the industrial development business is important to communities as it creates jobs and it will increase the tax base.

The Chair asked what will be housed on site? Mr. Seymour said there will be industrial uses such as manufacturing and warehousing. Mr. Seymour said the proposed building to be constructed will be 30' clear on the inside to allow for warehousing operations and other industrial activities. Mr. Nobles asked if the building will be finished? Mr. Seymour said the first building will be constructed if utilities are made available to the site. He further stated that it will be a shell building and the prospective tenant will finish the building to their specifications.

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

Mr. Bittenbender made a motion to approve International Logistics Park of North Carolina Planned Development with the noted conditions and the motion was unanimously carried.

B. Planned Development – PD-27

Name: Goose Marsh (Modification)  
Applicant: Coastal Land Design  
Tax Parcel: 15300014, 153MA001-003, 153MB001-070, 15400061, 1540006102-105, and 1540006109  
Location: Gilbert Road SE (SR 1501)  
Description: Goose Marsh is a proposed planned development to modify the existing Goose Marsh Major Subdivision which will consist of 669 single family lots on a gross site of 316.17 acres creating an overall density of 2.11 dwelling units per acre.

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

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(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance;
- Remove the pedestrian access to Tax Parcel 1540006107; and
- Remove the buffer area from Lots 491-494.

Mr. Pages said staff received an email from Stacey Oetzel (attached) expressing concerns regarding an existing sign, a well head and other items potentially encroaching on her property. She noted within her email, she is having her property re-surveyed to determine if there are any encroachments on her property and she will keep all interested parties apprised of the results. Mr. Pages interjected that her concerns are private civil issues that must be addressed through the civil process.

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

Mr. Frank Braxton, Coastal Land Design, addressed the Board on behalf of the applicant. Mr. Braxton reiterated that this project was purchased after the initial development stalled. He said the developer is outdoor oriented and they are proposing 3+ miles of trails which includes sidewalks. He further stated that they have reduced the number of proposed lots and increased the recreational area. Mr. Braxton said they met with the existing property owners in the area and there were no objections to the proposed development. Mr. Braxton said they are adding a second entrance and amenities (lake and clubhouse) to enhance the area. He said there is an existing pump station as well as water and sewer lines on the site. A Transportation Impact Analysis (TIA) has been completed and they are ready to move forward will developing the property.

Mr. Les Petosky, resident of Goose Marsh, addressed the Board. Mr. Petosky was concerned with who will be responsible for current road damage and the potential for additional road

damage when construction begins for this project. Mr. Pages said the roads in this development are private. He further stated that the road(s) will have to be constructed to the North Carolina Department of Transportation's (NCDOT) minimum standards prior to recordation of any lots. Mr. Petosky said there are currently 7 homes in Goose Marsh and those property owners should not be responsible for damage to the road(s) as a result of heavy equipment used to construct this project. Mr. Petosky asked who the builder will be to construct homes on site once the project begins developing? Mr. Braxton said there will likely be a combination of a builder(s) and/or a property owner(s) building a custom home(s). Mr. Braxton said the applicant will not have a road in disrepair when they are marketing lots for sale as it could deter a potential buyer.

Mr. Donald Caison addressed the Board. Mr. Caison was concerned with a buffer being inside the lots and the potential of a stormwater pond being in close proximity to his property. Mr. Pages said the applicant has submitted an updated plan where the lots do not extend to the boundary. Mr. Pages further stated that there is a buffer area required near the stormwater pond and stormwater elements can be within a buffer as long as landscaping is included within the edge of the property to impede visibility of the stormwater pond area.

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 approve Goose Marsh Planned Development (Modification) with the noted conditions and the motion was unanimously carried.

C. Rezoning Z-788 – LPM Group Inc. (%David Purser)

Request rezoning of approximately 8.60 acres located at 2651 and 2671 Midway Road SE (NC 906) from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 18700001 and 1870000102.

Mr. Pages addressed the Board. Mr. Pages 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 C-LD (Commercial Low Density) for Tax Parcels 18700001 and 1870000102.

The Chair clarified that there are mixed use and commercial land classifications in the immediate area and Mr. Pages concurred.

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

Mr. David Purser addressed the Board. Mr. Purser stated that there is a shooting range to the west of the subject property and the Town of Oak Island has commercial zoning adjoining the property. Mr. Purser said the wetlands have been preliminary delineated by the U.S. Army Corps of Engineers on the subject property. He concluded that commercial development in the area will benefit the residential community.

Ms. Elizabeth Williams addressed the Board. Ms. Williams expressed concern with previous fatalities as a result of excessive traffic in the area. She was concerned with changing the zoning designation when commercial uses are currently allowed. Ms. Williams felt that additional commercial uses will be a detriment to homeowners on Midway Road SE. The Chair asked staff

how long this particular area has been designated as commercial? Mr. Pages replied, more than a decade.

Mr. Purser re-addressed the Board. He stated that the current zoning will allow for approximately 40 homes, which will generate approximately 80 vehicle trips per day; whereas, the proposed zoning will be considerably less vehicle trips per day.

Ms. Barbara McQuery addressed the Board. Ms. McQuery felt that commercial zoning should not be extended down Midway Road SE in the residential neighborhoods. She further stated that she is opposed to the zoning change and asked that a study be conducted in the area with input from the affected property owners.

Mr. Randy Richardson addressed the Board. Mr. Richardson expressed concern with commercial zoning encroaching into their residential neighborhood. He felt that there should be a stopping point for commercial zoning on Midway Road SE.

Ms. Heather Burkert addressed the Board. Ms. Burkert said this is an example of what the property owners on Midway Road SE are concerned about happening that will eventually phase out the residential neighborhoods. She asked that no further commercial or RR rezoning occurs beyond this point on Midway Road SE.

Ms. Maude Kelley addressed the Board. Ms. Kelley asked the applicant the intended use of the property? Mr. Purser said they have not determined a specific use for the property. Ms. Kelley was concerned with commercial activity in close proximity to a curve. Mr. Purser reiterated that the property could be developed for 40 residential homes, which equates to 80 vehicle trips per day and a commercial project will generate much less traffic. Mr. Pages interjected that an NCDOT driveway permit will be required and road improvements maybe required such as a turning lane and/or deceleration lane prior to a commercial project being approved. Ms. Kelley reiterated her safety concerns with a curve in close proximity to the subject property.

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

The Chair said he is concerned with rezonings that require a CAMA Land Use Plan amendment. However, this particular zoning change is compatible with the CAMA Land Use Plan. He stated that there is currently MDR (Medium Density Residential) land classification that provides for a buffer between commercial and residential uses along Midway Road SE. Mr. Pages said staff agrees that the MDR land classification is a defining line between the residential and commercial zoning. He further stated that staff has previously recommended changing the CAMA Land Use Plan Map where property was near a major corridor and/or a commercial node in a residential area because it would be beneficial to the residential community.

Mr. Bittenbender made a motion to approve Tax Parcels 18700001 and 1870000102 to C-LD (Commercial Low Density) and the motion was unanimously carried.

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

**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:

The property is surrounded by mixed use and commercial as outlined in the CAMA Land Use Plan.

The Chairman stated that any person with standing may appeal the decision of the Planning Board by providing written notice to the County Manager within 15 days of the decision. If an appeal is received in the allotted time, the case will move forward to the Brunswick County Board of Commissioners for a Public Hearing and their consideration. He further stated that if notice of the appeal is not provided in writing within 15 days, then the decision of the Planning Board shall be final.

#### VIII. OTHER BUSINESS.

- Planning Board Cases Update

Ms. Dixon addressed the Board. She stated that there were 2 zoning cases (Z-782 and Z-786) that was approved at the Board of Commissioners' Tuesday January 21, 2020 meeting.

- Project Updates

Ms. Dixon addressed the Board regarding current projects (Comprehensive Land Use Plan, NCDOT Road Projects, and Carolina Bays Parkway) staff is working on.

- Deadline Schedules

Mr. Pages addressed the Board. He stated that the Board was previously provided a copy of the 2020 Planning Board schedule and deadlines (attached) for application submittals for rezonings, major subdivisions and planned developments.

#### IX. ADJOURNMENT.

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