

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
March 9, 2020

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

MEMBERS PRESENT

Eric Dunham, Chair
Ron Medlin
William Bittenbender
Tom Simmons
Brett Riggs, Alternate

MEMBERS ABSENT

Alvin Nobles
Richard Leary
Joy Easley, Vice Chair

STAFF PRESENT

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

OTHERS PRESENT

Ray Ellixson
John Hankins
Barbara McQuery
Donald Johnson
Don Webber

Bryan Spencer
Heather Burkett
Richard Collier
Warren Weaver
David Wethington

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. Joy Easley, Mr. Richard Leary and Mr. Alvin Nobles were absent.

IV. CONSIDERATION OF MINUTES OF THE 10-FEB-20 MEETING.

Mr. Bittenbender made a motion to approve the 10-Feb-20 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-787CZ – Ray Ellixson.

Request rezoning of approximately 5.67 acres located on Midway Road SE (NC 906) near the intersection of Lewis Loop Road (SR 1506) from R-7500 (Medium Density Residential) to RRCZ (Rural Low Density Residential Conditional Zoning) for Tax Parcel 1710004806.

Land Use Plan Map Amendment LUM-787CZ:

Request to amend Tax Parcel 1710004806 located on Midway Road SE (NC 906) near the intersection of Lewis Loop Road (SR 1506) from MDR (Medium Density Residential) to LDR (Low Density Residential).

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 RRCZ (Rural Low Density Residential Conditional Zoning) for Tax Parcel 1710004806 with the noted conditions in the Staff Report in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to LDR (Low Density Residential) for Tax Parcel 1710004806.

Mr. Dunham asked staff if the kennels on site will remain and Mr. Pages replied, yes. Mr. Pages said the existing kennels are for personal use rather than commercial kennels. The Chair clarified that the applicant will be allowed to place a storage building on the site prior to the placement of a home on the property and Mr. Pages concurred.

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

Mr. Allen Ray Ellixson, Sr. addressed the Board. Mr. Ellixson stated that he has several personal items (camper, trailers, farm tractors, bush hog) that he wants to store in a building on the subject property.

Ms. Barbara McQuery addressed the Board. Ms. McQuery said her parents live at 1339 Midway Road SE, which is 2 parcels from the subject property. She was pleased that the applicant chose to eliminate kennels as a permitted use on the subject property. Ms. McQuery expressed concern with the potential of commercial activity encroaching in the residential neighborhoods if the RR zoning designation is expanded beyond the subject property and she suggested a moratorium is needed. She further stated that they are not opposed to the applicant's intended use of the property.

Ms. Heather Burkett addressed the Board. Ms. Burkett was concerned with allowing further zoning changes along Midway Road SE (NC 906) that may result in commercial activity encroaching in residential neighborhoods. She asked that staff meet with the residents on Midway Road SE to discuss minimizing zoning changes that could potentially negatively impact the existing residential community. Mr. Dunham stated that staff is in the process of updating the Comprehensive CAMA Land Use Plan and suggested property owners get with staff to review future land use on Midway Road SE (NC 906).

With no further comments, Mr. Bittenbender made a motion to close the Public Hearing and the motion was unanimously carried. Mr. Dunham asked that the Public Hearing be reopened so he can ask Mr. Ellixson a question. Mr. Simmons made a motion to reopen the Public Hearing and the motion was unanimously carried.

Mr. Dunham asked Mr. Ellixson why the zoning change will be reasonable and in the public's interest? Mr. Ellixson said he intends to utilize the property in a positive manner and the property will remain in his family.

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

Mr. Bittenbender made a motion to approve Tax Parcel 1710004806 to RRCZ (Rural Low Density Residential Conditional Zoning) with the noted conditions in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to LDR (Low 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

APPROVED – NOT CONSISTENT WITH COMPREHENSIVE PLAN

- 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 property is currently classified as MDR (Medium Density Residential). However, a CAMA Land Use Plan 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 Land Use Plan) and the following changes have been considered to meet the needs of the community:

The proposed conditions in the Staff Report and agreed upon by the applicant meets the needs of the community and there will be no commercial activity on the site.

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

The proposed conditions have been agreed upon by the applicant and there was no opposition from the public.

The Chairman stated that any person with standing may appeal the decision of the Planning Board. 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.

B. Planned Development – PD-28

Name: Calabash Station
 Applicant: H&H Homes (%Bryant Spencer)
 Tax Parcels: 22500110, 2250011001, 2250011003, 2250011004, 2250011005, 2250010902, 2250011101 and 2250011107
 Description: Calabash Station is a proposed Planned Development consisting of 251 single family lots on a gross site of 93.45 acres creating an overall density of 2.69 dwelling units per acre.

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.

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

Mr. Richard Collier, McKim and Creed Engineering, addressed the Board on behalf of H&H Homes and RHH Land. Mr. Collier presented a PowerPoint presentation to the Board that included a timeline of the proposed project. He further explained the current site conditions and proposed development that will include a 45’ wide emergency access road with a siren activated gate. Mr. Collier said there will be right and left turn lanes to the site as well as a pump station on site. He stated that there is an existing ditch on the western portion of the property that extends north to Meadowlands that will be cutoff during the redesign of the subject property. Mr. Collier

said stormwater runoff is directed to the stormwater ponds on site and the sediment will discharge into the wetlands and Shingletree Swamp.

Mr. Dunham asked Mr. Collier if there are any creeks or ditches in the entryway to the site? Mr. Collier said there is a ditch along Calabash Road NW (SR 1300), but there are no creeks or ditches in the entryway to the site.

Mr. Donald Johnson, President of Meadowlands Property Owners Association, addressed the Board. Mr. Johnson said they are concerned about the maintenance of the canal between Meadowlands and the subject property because it is currently unclear who is responsible for the canal. Mr. Collier said the ditch line is between both properties and there is a common ownership of the ditch.

Mr. Warren Weaver addressed the Board. Mr. Weaver was concerned with traffic on Calabash Road NW (SR 1300) and potential stormwater runoff from the proposed project. He stated that they currently have flooding issues in the area when it rains. He further stated that they have contacted the North Carolina Department of Transportation (NCDOT) and NCDOT said there are not enough accidents on the road to warrant any improvements.

Mr. David Wethington, 552 Calabash Road NW, addressed the Board. Mr. Wethington was concerned with the proposed emergency access becoming another means of ingress and egress for the future property owners of Calabash Station. Mr. Dunham said the developer is proposing to have a siren activated gate at the emergency access. Mr. Collier clarified that the siren activated gate will be placed after the left turn into the proposed development. Mr. Collier said there will be a 20' gravel driveway for fire access into the development and the siren activated gate will be just beyond the left turn into the development. Mr. Wethington felt that his property will be flooded when the proposed project is developed. Mr. Dunham suggested that Mr. Wethington consult with the County Stormwater Engineer, Brigit Flora, regarding potential flooding of his property. Mr. Wethington asked if the potential wildlife impact has been considered? Mr. Dunham said he was uncertain if wildlife impact has been considered. Mr. Wethington asked the type of housing proposed in the development? Mr. Collier said there will be one story and two story homes in the development. Mr. Wethington asked who will be responsible for maintaining the 30' peripheral buffer? Mr. Pages said Calabash Station Property Owner's Association will be required to maintain the peripheral buffer and all open space areas.

Mr. Don Webber, 568 Calabash Road NW, addressed the Board. Mr. Webber was concerned with a buffer not being required in the vicinity of the emergency access road. Mr. Pages said a buffer is not required near the emergency access road because it will not be utilized on a daily basis. Mr. Pages said staff felt that the emergency access is advantageous to the development, but buffers outside the road access is optional for the developer to provide. Mr. Webber asked that there be assurance that the 45' emergency access only be used for emergency purposes. Mr. Webber added that there is a powerline easement on the rear of his property and he was concerned that the siren activated gate is in close proximity to that area. After reviewing the preliminary map submitted by the developer, it was determined that the powerline easement appears to be outside the area where the siren activated gate is proposed on the subject property. Mr. Webber further expressed concerns of the number of lots proposed in close proximity to Shingletree Swamp. Mr. Dunham said the developer is proposing 4 stormwater ponds on site, but stormwater will have to be approved prior to development moving forward.

Mr. David Wethington readdressed the Board. Mr. Wethington asked why the 45' emergency access road is being installed if it is not required? Attorney Batton interjected that the 45' easement is already in place and Mr. Dunham concurred.

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

Mr. Simmons made a motion to approve Calabash Station Planned Development with the noted conditions including adding a note on the plat map that the second southerly access off Calabash Road NW (SR 1300) is to be graveled and only used for emergency purposes and the motion was unanimously carried.

VIII. OTHER BUSINESS.

- Census 2020.

Ms. Dixon addressed the Board. She stated that staff provided information in the Board's packet (attached) regarding 2020 Census. Ms. Dixon said postcards will be mailed to County citizens regarding the 2020 Census and the process is anticipated to be completed at the end of the calendar year.

- Planning Board Cases Update

Ms. Dixon addressed the Board. She stated that Zoning Case Z-788 was not appealed during the allotted time so the Planning Board's decision stands and a mailed notice was sent to the applicant stating such.

- Administrative Adjustment Report

Ms. Dixon addressed the Board. She stated that the Board previously received a copy of the Administrative Adjustment Report (attached) in their packet. She stated that an administrative adjustment authorizes the Planning Director to approve modifications to the requirements of the ordinance such as a reduction of up to 10 percent of any required yard and minor adjustments to site plans.

IX. ADJOURNMENT.

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