

MINUTES

PLANNING BOARD

**6:00 P.M. Monday
August 6, 2020**

**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
William Bittenbender
William Clark
Brett Riggs, Alternate

MEMBERS ABSENT

Ron Medlin

STAFF PRESENT

Kirstie Dixon, Director
Marc Pages, Senior Planner
Connie Marlowe, Admin. Asst. II
Jennifer Skaggs, Planning Tech.

OTHERS PRESENT

J. Phillip Norris, Norris & Tunstall Consulting
Brigit Flora, County Stormwater Engineer
Audrey Vetter
Warren Weaver
Mary Yates
Brent Kanipe
Gary Fields

Richard Collier
Peter Simons
Don Johnson
Dr. Edmund Proctor
Ryan Grant
Panda Cox

I. CALL TO ORDER.

Mr. Dunham called the meeting to order at 6:02 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. RECOGNITION OF NEW PLANNING BOARD MEMBER BILL CLARK.

Mr. Dunham recognized Mr. Clark as a new Board member and the Board members welcomed Mr. Clark.

IV. ROLL CALL.

Mr. Ron Medlin was absent.

V. CONSIDERATION OF MINUTES OF THE 08-JUN-20 MEETING.

Mr. Leary made a motion to approve the 08-Jun-20 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. Planned Development – PD-31

Name: Calabash Palms
Applicant: Calabash Townhouses, LLC – Amanda MacLeod
Tax Parcel: 2250011702
Location: Calabash Road NW (SR 1300)
Description: Calabash Palms is a proposed planned development consisting of 69 townhome units on a gross site of 9.56 acres creating an overall density of 7.22 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;

- That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance; and
- All Exceptional Design elements must proceed in conformity of the site plan.

Mr. Dunham asked staff if there are requirements for townhomes in the current zoning district? Mr. Pages said there are no special requirements for townhomes in the R-7500 zoning district. He further stated that the applicant is proposing a garage with an additional parking space (recommended by staff) in the driveway as well as 23 communal spaces.

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

Mr. Richard Collier, representative for McKim and Creed, addressed the Board on behalf of the applicant. Mr. Collier stated that the applicant is proposing 69 townhomes on approximately 9.56 acres. He stated that the property is wooded on 2 sides with a single-family dwelling to the north of the subject property. Mr. Collier said Calabash Station is across the street and will be under construction in the near future; Spring Mill Plantation is to the north, Carolina Shores is to the west and Ocean Forest Subdivision is to the south of the subject property. He stated that they will be preserving the existing heritage trees on site. Mr. Collier said they will install a 6' perimeter fence outside of the proposed buffer; there will be a pump station to this site and Calabash Station; there will be acquiring a North Carolina Department of Transportation (NCDOT) driveway permit with a right turn lane; there will be a mail kiosk and dog park on site; the stormwater pond(s) are shown on the site plan as well as adequate buffering with plantings that will exceed the minimum requirements as outlined in the Brunswick County Unified Development Ordinance (UDO); and all utilities (public water and sewer) will be underground. Mr. Collier concluded that a neighborhood meeting was held at Meadowlands with many adjacent property owners in attendance.

Mr. Dunham asked Mr. Collier to identify the area on the northern portion of the map presented to the Board? Mr. Collier said there is a pond in that area as well as a ditch that drains to the existing pond and the street. Mr. Dunham clarified that the applicant is proposing 3 stormwater ponds on the subject property and Mr. Collier concurred.

Mr. Peter Simons, President of Oceanside Place, addressed the Board. Mr. Simons said 40 year old trees will be removed to develop the site and those trees current assist with stormwater drainage in the area. He presented the Board with 2 photos (attached) dated 30-Jun-20 of existing drainage issues near Oceanside Place and the subject property. He further stated that there is a culvert (3" in diameter) that traverses under Calabash Road NW (SR 1300), which is buried under the area shown on the photos that depicts a normal rainstorm. Mr. Simons said NCDOT is aware of the stormwater runoff situation in this area. Mr. Simons expressed concern with the potential negative impact the additional impervious surface coverage (approximately 48 acres total) from the proposed project as well as other approved projects (i.e., Calabash Station) in the area. Mr. Simons said there is an on-going (more than 6 years) silt buildup and containment of concrete waste issues in Spring Mill Plantation, which was developed (25% of the project) by H&H Homes (proposed developers of this project). Mr. Simons felt that the proposed townhome community is not compatible with the surrounding development. He further stated that Calabash Road NW (SR 1300) is a heavily traveled road with excessive speeding and NCDOT has been contacted about reducing the speed limit to no avail.

Ms. Audrey Vetter, owner of Tax Parcel 2250011703, addressed the Board. Ms. Vetter was concerned with stormwater drainage on her property from the subject property because the pond that runs through the subject property goes into her property to another pond. She was concerned

with how her property will be impacted if the water is re-routed and the existing trees are removed. Mr. Dunham said the applicant is proposing to leave existing trees on the perimeter of the property and plant shrubs on the site.

Mr. Don Johnson, President of Meadowlands POA, addressed the Board. Mr. Johnson expressed concern of stormwater drainage and the potential increase in traffic that will be generated by this development. He stated that it is their understanding that runoff will drain to Shingletree Swamp and there is a potential that Meadowlands will be flooded when heavy rains occur. Mr. Johnson reiterated that Calabash Road NW (SR 1300) is not wide enough to support the additional traffic generated from this development. Mr. Dunham said the applicant is proposing a right turn lane, but they have not received a driveway permit from NCDOT at this time.

Mr. Collier re-addressed the Board. He stated that there are ditches in the area to filter stormwater runoff as well as a culvert with a 36" pipe. Mr. Collier said some of the water will be collected on site and re-routed through their stormwater pond(s). However, some of the stormwater runoff will be released to existing ditches in the area. Ms. Easley clarified that a State Stormwater Permit will be required prior to developing the property and Mr. Collier concurred. Mr. Collier concluded that they, too, approached NCDOT about reducing the speed limit to no avail.

Mr. Warren Weaver addressed the Board. Mr. Weaver said stormwater on the south end of the site currently drains to a perimeter ditch near Oceanside Place that is in line with the 36" pipe that goes under the road and all stormwater runoff from the subject property is running to the ditch where the 36" pipe is located. Mr. Dunham said the applicant is proposing that stormwater runoff from the subject property will be flowing in 3 different directions. Mr. Weaver agreed, but he said all the runoff will eventually flow to the 36" pipe that goes under Calabash Road NW (SR 1300).

Dr. Edmund Proctor addressed the Board. Dr. Proctor expressed concern with the collective developments in the area that involves several hundred homes that will generate an excessive amount of stormwater runoff. He asked that the Board consider the potential impact to existing residents in the area as a result of the newly approved developments that are forthcoming.

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

Ms. Easley made a motion to approve Calabash Palms Planned Development with the noted conditions and the motion was unanimously carried.

B. Major Subdivision – SS-275

Name: Whispering Pines Major Subdivision Revision
Applicant: Norris & Tunstall Consulting Engineers, P.C.
Tax Parcel(s): 243PF00101, 243PF00102, 243PF00103, 243PF00104, 243PF00105, 243PF00106, 243PF00107, 243PF00108, 243PF00109, 243PF00110, 243PF00111, 243PF00112, 243PF00113, 243PF00114, 243PF00115, 243PF00116, 243PF00117, 243PF00118, 243PF00119, 243PF00120, 243PF00121, 243PF00122, 243PF00123, 243PF00124, 243PF00125, 243PF00126, 243PF00127, 243PF00128
Location: West side of Whispering Pines Street SW (SR 1268)

Description: Whispering Pines Major Subdivision was originally approved in 1991 with 28 single-family lots on 6.98 acres creating an overall density of 4.01 dwelling units per acre. The proposed revision will add 19 lots and result in a total of 47 lots on 6.98 acres creating an overall density of 6.73 dwellings units per acre.

Ms. Skaggs addressed the Board. She read the Staff Report (attached). Ms. Skaggs identified the subject property and surrounding properties on a visual map.

Ms. Skaggs 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 major subdivision 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 Stormwater Ordinance and Brunswick County Unified Development Ordinance.

Ms. Easley asked staff if the proposed turn-around will be placed on the last lot of the proposed development at the end of Whispering Pine Street SW (SR 1268)? Ms. Skaggs said it will be in Yancey Lane SW right-of-way. She further stated that Yancey Lane SW is currently not an improved road. Mr. Bittenbender asked if more traffic will be on Yancey Lane SW if the turn-around is placed in the right-of-way? Ms. Skaggs said it is intended to be a turn-around and not generate additional traffic on Yancey Lane SW. Ms. Easley asked if the lots on the Intracoastal Waterway utilize Yancey Lane SW as a means of ingress and egress? Mr. Pages interjected that Yancey Lane SW is not a vehicular access right-of-way as it is 20' wide.

Mr. Dunham asked about the existing 28 lots and Ms. Skaggs said those lots will be reconfigured to create the proposed 47 lots.

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

Mr. Phil Norris, Norris and Tunstall Consulting Engineers, addressed the Board on behalf of the applicant. Mr. Norris reiterated that this is an existing subdivision accessed from an NCDOT maintained street (Whispering Pine Street SW). He stated that the developer intends to subdivide the existing 28 lots into smaller lots to create a total of 47 lots because public water and sewer will be available to this project, which would allow for smaller lots than initially approved. Mr. Norris further stated that the sewer system has been reviewed by the County and plans have been submitted to the state for a sewer permit. He stated that there were concerns regarding public sewer and stormwater runoff at the neighborhood meeting. Mr. Norris said concerns were expressed about the natural drainage in this area draining onto neighboring properties on Waterloo Street SW. He said they have completed a topographic survey of the property and the property owners on Waterloo Street SW were correct about the flow of stormwater runoff. Mr. Norris said they have submitted a conceptual grading plan to the County showing how the lots can be regraded so the water drains toward Whisper Pine Street SW (SR 1268) rather than Waterloo Street SW, which should resolve some of the current drainage issues. Mr. Norris concluded that a grading plan will have to be submit if fill material is added to a lot to demonstrate what stormwater control measures will be implemented to ensure there is no negative impact to adjacent properties. Mr. Dunham clarified that the lots will be regraded so stormwater runoff drains toward Whispering Pine Street SW (SR 1268) and a culvert is on both

sides of Whispering Pine Street SW (SR 1268). Mr. Norris said there are no culverts on Whisper Pine Street SW (SR 1268), but there are surface streams.

Mr. Bittenbender asked where the sewer line will be installed? Mr. Norris said the sewer line will be located on the west side of Whispering Pine Street SW (SR 1268) within the NCDOT's right-of-way.

Ms. Mary Yates, 2011 Waterloo Street SW, addressed the Board on behalf of Mavis Freeman (2049 Waterloo Street SW) and Richard "Dick" and Fredrica "Freddy" Tatum (1961 Waterloo Street SW). Ms. Yates read a letter (attached) from Ms. Freeman addressing her concerns of the proposed development that will double in lot size and the potential additional stormwater runoff from the proposed project. Ms. Yates said the attached survey map notes that 12 of the 28 lots in Whispering Pines Subdivision may not be suitable for human habitation as outlined in Ms. Freeman's letter. She stated that adjacent property Dick Tatum is also concerned with stormwater runoff. Ms. Yates said she, too, have stormwater runoff during rainstorms. She was not opposed to public sewer in the area, but she felt that the current property owners should be protected from any negative impact from this project. She further stated they would like to see an erosion control and stormwater plan for the proposed project prior to development beginning.

Mr. Ryan Grant, 2009 Waterloo Street SW, addressed the Board. Mr. Grant was concerned with stormwater runoff being contained on the subject property because there are existing stormwater runoff issues in the area. He, too, wanted to see the developer's plan for stormwater control and he was concerned with stormwater runoff not being addressed until each lot is developed. Mr. Grant said the proposed turn-around currently holds water.

Mr. Dunham asked the County Stormwater Engineer if she would like to address the adjacent property owner's stormwater concerns? Ms. Brigit Flora, County Stormwater Engineer, addressed the Board. Ms. Flora said this is an existing project that was created prior to State and/or County stormwater requirements. However, a stormwater permit would be required if the project disturbed more than an acre of land at one time. Ms. Flora further stated that she has been informed that each lot will be developed and stormwater approval will be required if a lot is elevated more than 4". Mr. Dunham asked Mr. Norris about the proposed grading plan. Mr. Norris reiterated that they submitted a conceptual grading plan to the County due to the stormwater runoff concerns expressed by adjacent property owners, but there is no requirement to provide a grading plan for approval by the County Stormwater Engineer. He stated that each homeowner will have to submit a grading plan to the County for approval when a lot is developed for residential use.

Mr. Riggs asked Ms. Flora the minimum requirements for a residential lot to be developed? Ms. Flora responded that the grading plan has to show that the lot will be graded in such a manner that will not pose a negative impact on the adjacent properties; in that, stormwater runoff is not increased and/or stormwater runoff will not make the existing issues worse. She stated that may require some type of underground infiltration system be installed. Ms. Easley clarified that the County Stormwater Engineer will ensure minimum stormwater requirements are met and Ms. Flora said a final inspection is required for every stormwater permit issued.

Mr. Brent Kanipe, 1861 Waterloo Street SW, addressed the Board. Mr. Kanipe said there is a ditch on the subject property and a portion of the ditch was closed off near his home so a property owner could use the area for a septic field. He said the home was eventually torn down because there were always problems with the property owner's septic system. Mr. Kanipe said that particular ditch is always clogged so he installed a pipe on his property to assist with water

flowing back out to the street. Mr. Kanipe felt that stormwater runoff should be addressed before building permits are applied for on individual lots. He suggested a retention pond and/or rain garden be installed to help with stormwater runoff.

Ms. Panda Cox, owner of 1721 Waterloo Street SW, addressed the Board. Ms. Cox said she has owned her property since the 1990s. She stated that her on-site wastewater system takes up the majority of her backyard and she has 2 additional lots that are unsuitable for septic. She further stated that she installed a French drain on 1 of her lots (1727 Waterloo Street SW) to prevent stormwater runoff from encroaching onto her neighbor's property. Ms. Cox was opposed to the additional 19 lots that will be added to the area with the current stormwater runoff issues in the area. Ms. Cox said the proposed turn-around on Yancey Street SW will not accommodate an emergency vehicle (e.g., fire and rescue) and the additional traffic will only add to a congested area.

Mr. Gary Fields, 1941 Whispering Pine Street SW, addressed the Board. Mr. Fields said there was a ditch between properties in this community, but the ditch has been filled throughout the years. He stated that everyone in this neighborhood has septic issues when there is a major rainstorm. Mr. Fields reiterated that the developer intends to divert the water to the street rather than individual lots. He further stated that Mr. Norris addressed the adjacent property owners' issues at the neighborhood meeting and the stormwater runoff issues should get better with the proposed grading plan submitted by Mr. Norris. Mr. Norris re-addressed the Board. He stated that the proposed conceptual grading plan can be submitted as part of the record and used as a guide for stormwater approval.

Mr. Fields re-addressed the Board. Mr. Fields said his 30' motorhome as well as emergency vehicles travel on the existing road with no difficulty.

Ms. Yates re-addressed the Board. Ms. Yates felt that the developer is trying to circumvent the rules to apply for a State Stormwater Permit. She was concerned with the potential negative impact from stormwater runoff if the proposed lots are built up higher than the existing lots in the area.

Mr. Fields re-addressed the Board. He said he was told there is a sewer line on Sommersett Road SW, specifically, for the marina and it is not available for individual lots.

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

Mr. Leary made a motion to approve Whispering Pines Major Subdivision Revision with the noted conditions and the motion was unanimously carried.

IX. OTHER BUSINESS.

- Planning Board Cases Update

Ms. Dixon addressed the Board. She stated that Rezoning Case Z-789 was approved at the Planning Board's 08-Jun-20 meeting and no rezoning appeal was received so the Planning Board's decision stands.

Ms. Dixon said the proposed text amendment for model homes at the 10-Aug-20 has been requested to be postpone and staff will request such during the agenda amendments section at that 10-Aug-20 meeting.

- Appointment of Planning Board Members to Joint Land Use Plan and Parks & Recreation Master Plan Advisory Committee.

Ms. Dixon addressed the Board. She provided background on the process involved in creating this document(s). Ms. Dixon said there will be members from the Planning Board and Parks & Recreation Board to comprise the Committee. Mr. Dunham said Mr. Bittenbender, Mr. Medlin and he will serve on the Committee from the Planning Board.

- Election of Officers.

Mr. Dunham opened nominations for Chair. Mr. Bittenbender nominated Mr. Dunham for Chair. Mr. Leary made a motion to close nominations and the motion was unanimously carried. Mr. Dunham was unanimously elected as Chair.

Mr. Dunham opened nominations for Vice Chair. Mr. Leary nominated Ms. Easley for Vice Chair. Mr. Bittenbender made a motion to close nominations and the motion was unanimously carried. Ms. Easley was unanimously elected as Vice Chair.

X. ADJOURNMENT.

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