

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
September 13, 2021

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
Christopher Wood
Brett Riggs, Alternate
William Bittenbender

MEMBERS ABSENT

Clifton Cheek

STAFF PRESENT

Kirstie Dixon, Director
Connie Marlowe, Admin. Asst. II
Garrett Huckins, Zoning Tech.
Justin Brantley, Project Planner
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

Leslie Robinson
John Sandlin
John Hankins
Lewis Dozier
Mike Nichols, Paramounte Engineering
Parker Pelham
Melissa Jackson
Corbett Hankins

Steve Shuttleworth
Bobby Evans
Joseph Bland, Norris & Tunstall Eng.
Connie McKoy
Gary Silivanch
Matt Haley
LaTonya Young

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.

Mr. Clifton Cheek was absent.

IV. CONSIDERATION OF MINUTES OF THE 09-AUG-21 MEETING.

Mr. Bittenbender made a motion to approve the 09-Aug-21 minutes as presented and the motion as unanimously carried.

V. AGENDA AMENDMENTS.

Ms. Dixon stated that Item F (PD-63) under New Business has been withdrawn at the request of the applicant.

VI. PUBLIC COMMENT.

There were none.

VII. OLD BUSINESS.

A. Rezoning Z-817 – Leslie Robinson.

Request rezoning of approximately 3.44 acres located off Ocean Highway West (US 17) near Supply from MR-3200 (Multifamily Residential) and C-LD (Commercial Low Density) to C-LD (Commercial Low Density) for Tax Parcel 16800056.

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

Ms. Dixon said staff recommends approval from MR-3200 (Multifamily Residential) and C-LD (Commercial Low Density) to C-LD (Commercial Low Density) for Tax Parcel 16800056.

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

Ms. Leslie Robinson addressed the Board. Ms. Robinson stated that a portion of the property is currently zoned C-LD (Commercial Low Density) off Ocean Hwy West (US 17) and this zoning change will correct a split-zoning of the property. She further stated that they have no immediate plans for the property, the proposed zoning change is the highest and best use of the property.

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

Mr. Riggs made a motion to approve Tax Parcel 16800056 from MR-3200 (Multifamily Residential) 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

APPROVED – 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 zoning is consistent with the CAMA Land Use Plan (Comprehensive Plan) as it is classified as Mixed Use.

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

There were no objections from the public. The zoning change will correct a split-zoned property.

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.

VIII. PUBLIC HEARINGS.

A. Rezoning Z-820 – George Galloway, Greta Galloway, Joseph Galloway and Kimberly Galloway.

Request rezoning of approximately 50.79 acres located at 94 Green Swamp Road SE (NC 211) near the intersection of Green Swamp Road SW (NC 211) and Ocean Highway West (US 17) near Supply from RR (Rural Low Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 16800072, 16800073 and 16800074.

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

Mr. Brantley said staff recommends approval from MR-3200 (Multifamily Residential) to C-LD (Commercial Low Density) for Tax Parcels 16800072, 16800073 and 16800074.

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

Mr. Gary Silivanch and Mr. Parker Pelham addressed the Board on behalf of the owners. Mr. Silivanch stated that the North Carolina Department of Transportation (NCDOT) will be purchasing several properties in this area to erect a bridge. As a result, several commercial establishes, including but not limited to, Hardees, Bojangles, Circle K and McDonalds will no longer be operational in their current locations. Mr. Silivanch said the subject parcels are adjacent to C-LD zoning. He further stated that the off ramp of the bridge is proposed at the foot of Tax Parcel 1680007401, which is currently zoned C-LD. Mr. Silivanch said they intend to meet with the owners of Tax Parcel 1680007401 to see if they will be interested in joining into a potential shopping center. He said other

retailers in the area are interested in a shopping center concept. He concluded that the proposed zoning change is the highest and best use of the properties in close proximity to the location of the bridge.

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

Ms. Easley made a motion to approve Tax Parcels 16800072, 16800073 and 16800074 from MR-3200 (Multifamily Residential) 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

APPROVED – 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 zoning is consistent with the CAMA Land Use Plan (Comprehensive Plan) as it is classified as Mixed Use.

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

There is a need for commercial in the area that will be lost to the proposed bridge construction in the area.

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. Rezoning Z-821 – John Sandlin (%Claredon Properties).

Request rezoning of approximately 32.46 acres located at the intersection of Doshier Cut-off SE (SR 1621) and River Road SE (NC 87) near Southport from MR-3200 (Multifamily Residential) to C-LD (Commercial Low Density) for Tax Parcels 2210000401 and 2210000407.

LAND USE PLAN MAP AMENDMENT LUM-821:

Request to amend Tax Parcels 2210000401 and 2210000407 located at the intersection of Doshier Cut-off SE (SR 1621) and River Road SE (NC 87) near Southport from HDR (High Density Residential) to Commercial.

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

Mr. Brantley said staff recommends approval for Tax Parcels 16800072, 16800073 and 16800074 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan to Commercial for Tax Parcels 16800072, 16800073 and 16800074.

Mr. Dunham asked if the property is bordering the City of Southport planning and zoning jurisdiction? Mr. Brantley said the property to the northwest is in the City of Southport planning and zoning jurisdiction.

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

Mr. Mike Nichols, representative for Pararmounte Engineering, addressed the Board on behalf of the applicant. Mr. Nichols stated that they are requesting the zoning change to allow for a greater mixture of uses on the site. He further stated that there are commercial uses in the area and this zoning change will serve as a transition between the industrial and residential zoning. He concluded that there is currently C-LD zoning to the southwest of the subject property.

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

Ms. Easley made a motion to approve Tax Parcels 16800072, 16800073 and 16800074 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan to Commercial for Tax Parcels 16800072, 16800073 and 16800074 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 proposed zoning is not consistent with the CAMA Land Use Plan (Comprehensive Plan) as it is classified as HDR (High Density Residential). However, a CAMA Land Use Plan amendment has been requested to Commercial.

- 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:

There are commercial uses nearby and the zoning change will allow for commercial uses at the intersection of River Road SE (NC 87) and Doshier Cut-Off SE (SR 1621).

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

This zoning change will provide for a transition between the industrial and residential zoning districts in the immediate area.

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.

C. Planned Development – PD-59

Name: Anderson Tract Planned Development
Applicant: Norris and Tunstall Consulting Engineers (%Phil Norris)
Tax Parcel(s): 22500026, 2250002601 and a portion of 2250002603
Location: Hickman Road NW (SR 1303)
Description: Anderson Tract is a Planned Development consisting of 295 townhomes on a gross site of 67.23 acres creating an overall density of 4.38 units per acre.

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

Ms. Dixon 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;
- Planned Development approval does not constitute an authorization to construct. All applicable Federal, State and County approvals/permits will be necessary to obtain final plat approvals and building permits. This includes Stormwater, Utilities and Fire Marshal requirements; and
- Label the vacant southeast area of the development as designated open space.

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

Mr. Joseph Bland, representative for Norris and Tunstall Consulting Engineering, addressed the Board on behalf of the developer. Mr. Bland stated that they have worked with the developer to determine the most viable type of development on the site to find a mix of density that maximizes the property due to wetlands on the southeast corner of the site. He further stated that they held a neighborhood meeting and no one attended the meeting. Mr. Bland said the project will be designed to the 100-year storm event. Mr. Bland concluded that a Traffic Impact Analysis (TIA) is required for this project and they will design the project in accordance with the TIA.

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

Mr. Leary made a motion to approve Anderson Tract Planned Development (PD-59) with the noted conditions presented in the Staff Report and the motion was unanimously carried.

D. Planned Development – PD-60

Name: Hardee Tract (Modification)
Applicant: Norris and Tunstall (%Phil Norris)
Tax Parcel(s): 22500111105, 22500113 and 22500112
Location: 544 Calabash Road NW (SR 1300)
Description: Hardee Tract is Planned Development that was originally approved on 12-Apr-21 for 197 single family units on 49.61 acres for an overall density of 3.97 units per acre. The developers of Hardee Tract are proposing a modification to the planned development to consist of 146 single family lots

and 54 semi-attached units on a gross site of 49-61 acres creating an overall density of 4.03 units per acre.

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

Ms. Dixon 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
- Planned Development approval does not constitute an authorization to construct. All applicable Federal, State and County approvals/permits will be necessary to obtain final plat approvals and building permits. This includes Stormwater, Utilities and Fire Marshal requirements.

Mr. Dunham asked where the proposed stub out connects? Ms. Dixon said the stub out connection is to the south of the proposed project.

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

Mr. Joseph Bland, representative for Norris and Tunstall Engineering Consulting, addressed the Board on behalf of the developer. Mr. Bland said this is a modification to the existing approval for a change in product for the semi-attached homes that wrap-around the stormwater pond in the center as well as across the north side adjacent to the H&H Development that is under construction. Mr. Bland said the road network will remain the same and there will be a net increase of 3 units.

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

Ms. Easley made a motion to approve PD-60 (Hardee Tract Planned Development) with the noted conditions presented in the Staff Report and the motion was unanimously carried.

E. Planned Development – PD-61

Name:	Middle Creek Village
Applicant:	H&W Design
Tax Parcel(s):	Portions of Tax Parcels 1390000901, 1390005902 and 1390006606
Location:	Old Ocean Hwy (US 17 Business)
Description:	Middle Creek Village is a proposed Planned Development consisting of 470 single family lots, 120 duplexes and 153 townhomes for a total of 743 residential units on 259.75 acres creating an overall density of 2.86 units per acre.

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

Mr. Brantley 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
- Planned Development approval does not constitute an authorization to construct. All applicable Federal, State and County approvals/permits will be necessary to obtain final plat approvals and building permits. This includes Stormwater, Utilities and Fire Marshal requirements.

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

Mr. Matt Haley, representative from Cape Fear Engineering, addressed the Board. He reiterated that the allowable density is 5.8 units per acre as stated in the Staff Report, but they are proposing 2.86 dwelling units per acre. He stated that the site will include single family homes, duplexes and townhomes. Mr. Haley said the primary entrance to the site will be off Old Ocean Hwy (US 17 Business) and a secondary entrance to the site is off N. Piney Grove Road NE (SR 1445). He further stated that the proposed project is consistent with adopted plans with significantly more open space (138.87 acres as opposed to the 51.95 required acreage) than is required. He stated that there are wetlands and flood zones on the site with minimal impacts to the wetlands excluding roadway connections that will have to be approved by the U.S. Army Corps of Engineers. However, floodways will be avoided. Mr. Haley said a TIA is required for the project and any road improvements will be built to NCDOT specifications.

Mr. Dunham asked about the color codes on the map and Mr. Haley said the blue and green lines are floodplain designations. Mr. Dunham asked about the site being designed to a 25-year storm event. Mr. Haley said that is correct, but they will evaluate for the 100-year storm event to ensure there are no spillways and the infrastructure is sized appropriately.

Ms. LaTonya Young, resident of the Piney Grove community, addressed the Board. Ms. Young said this area floods during hurricanes and torrential rains. She was concerned with the potential flooding that could be generated from this development. Mr. Dunham said the stormwater engineer will be responsible for ensuring stormwater runoff does not impact adjacent properties. Ms. Young asked if the developer will be held accountable for any stormwater runoff onto adjacent property owners? Ms. Dixon interjected that the plan must meet the 25-year storm event or they will have to reappear before the Board for further approval. She further stated that they will study the 100-year storm event for feasibility purposes in some locations on the site. Mr. Young was also concerned with the potential traffic that will be generated from this project. Mr. Dunham said a TIA will be required and NCDOT will determine any necessary improvements to US 17 Business and/or N. Piney Grove Road SE (SR 1445).

Mr. Bobby Evans addressed the Board. Mr. Evans asked why the developer is proposing 4 retention ponds? Mr. Haley said the stormwater ponds are located on the low end of the project to collect stormwater drainage from the site and treat the stormwater runoff before the water leaves the site. He said the retention ponds are designed to hold the water and slow it down before it leaves the property, which is addressed as part of the stormwater permit process. He further stated that no stormwater ponds are proposed in the wetland areas; rather, they are located in the upland portions of the property. Mr. Haley said they will ensure adjoining properties are not negatively impacted. Mr. Evans asked about pollution (insecticides) from future homesites to the creek and Ms. Dixon said the State monitors water quality and the County regulates water quantity.

Ms. Easley said Ms. Young was concerned with what happens after the Board approves the project and there are issues with stormwater runoff. Ms. Dixon said adjacent property owners can notify the County Stormwater Engineer, Brigit Flora, regarding any future stormwater issues.

Mr. Connie McKoy addressed the Board. Mr. McKoy said his home flooded during a major storm and the current swamp should be cleaned out because of beavers and falling debris to ensure the water flows properly prior to the development of the proposed project. He suggested that the Board provide a guarantee that the County will be responsible for any stormwater runoff issues to the area as a result of this project. Mr. Haley identified the flood areas and wetlands as designated on a visual map. Ms. Dixon said a stormwater permit will be required and she suggested that Brigit Flora, County Stormwater Engineer, be contacted about current and/or future stormwater issues. Mr. McKoy asked that the Board contact the US Army Corps of Engineers to clean out the swamp before granting this project. Mr. Dunham said the developer has several approval processes to undergo after the Board approves this preliminary plan.

Ms. Melissa Jackson addressed the Board. Ms. Jackson said she lives in the Piney Grove community and she is concerned how the proposed project will affect their community because Piney Grove is a low-income community. She stated that the tax value will increase if the developer builds \$240,000 homes nearby. Ms. Jackson was concerned with current residents being pushed out of the community. Ms. Jackson was also concerned with the potential traffic that will be generated by this development off N. Piney Grove Road NE (SR 1445), which is currently deteriorating. She felt that the project should provide access off US 17. Mr. Dunham said the developer is proposing an entrance off Old Ocean Hwy (US 17 Business) and N. Piney Grove Road SE (SR 1445). Mr. Dunham said NCDOT will consider any necessary road improvements to N. Piney Grove Road NE prior to granting a driveway permit for the proposed project. Mr. Dunham said this property does not have direct access off US 17. Ms. Dixon interjected NCDOT only grants limited access off US 17. Ms. Jackson said the 2010 Brunswick County Comprehensive Transportation Plan designates the Piney Grove bridge as a deficit bridge and the traffic generated from this development will further deteriorate the Piney Grove bridge. Mr. Dunham said NCDOT will determine any necessary road improvements once the TIA is complete. Mr. Dunham said this is a preliminary approval and all the appropriate agencies will have to approve this project prior to development beginning. Ms. Jackson said there are 4 branches of water (Ramshead Branch, Piney Grove Swamp, Middle Branch and Pine Long Branch) running around and through the proposed site that can pose a negative impact to adjoining properties. Ms. Jackson reiterated that the Piney Grove community is a low-income area and the proposed project will increase their tax value; thus, posing a potential hardship for the current property owners. She concluded that they do not want to be pushed out of the community.

Mr. Dunham asked if there is a price point on the housing that will be built in this planned development? Mr. Shuttleworth replied, no. He stated that they build subdivisions, but the pricing structure for lots will allow for a substantially lower pricing than in other subdivisions. Ms. Jackson said the developer informed the Piney Grove community at the neighborhood meeting that the housing price would start at approximately \$240,000, which will likely increase the current property owner's taxes.

Mr. Corbett Hankins addressed the Board. Mr. Hankins asked how the swamp will be cleaned up? Mr. Dunham said staff said the State normally addresses this matter because the County has no regulatory jurisdiction. Ms. Dixon said she will contact the County Stormwater Engineer regarding stormwater drainage issues and staff will research who needs to be contacted from the State to address the beaver issue in the area. Mr. Hankins reiterated that there are on-going flooding issues in the County that resulted from Hurricane Floyd and Hurricane Florence, which occurred less than 25 years.

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 deny PD-61 (Middle Creek Village) and the motion carried 6 to 1 with Mr. Dunham opposing.

IX. OTHER BUSINESS.

- Planning and Development Resource Information

Ms. Dixon addressed the Board. She briefly discussed the development process (attached). She discussed Stage 1 and 2 of the development process.

- Planning Board Cases Update

Ms. Dixon addressed the Board. She stated that Zoning Cases Z-818 and Z-819 were approved at the 09-Aug-21 meeting and there were no written objections within the 15-day requirement, so these zoning cases are approved. She further stated that Z-800CZ is still in a holding process as we are waiting for the consultant to provide results to Brunswick County Public Utilities regarding impacts to wells in the surrounding area.

- Blueprint Brunswick Update

Ms. Dixon addressed the Board. She stated the Blueprint Brunswick is moving forward and an email is forthcoming regarding a community meeting in October to discuss updates on the website.

Mr. Dunham suggested that the Stormwater Ordinance be updated to require planned developments to be designed to the 100-year storm event. Mr. Brantley said there is legislation forthcoming to prohibit local governments from exceeding State stormwater requirements. Ms. Easley felt that long-term residents can provide knowledgeable input regarding current and previous flooding and standing water in communities to assist regulatory agencies, local government and other interested parties to address future growth in the County.

X. ADJOURNMENT.

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