

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

**6:00 P.M. Monday**  
**July 9, 2018**

**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  
Tom Simmons  
William Bittenbender

**MEMBERS ABSENT**

Troy Price

**STAFF PRESENT**

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

**OTHERS PRESENT**

Phil Tripp  
Andrew Voralik  
Charles Warren  
Charles Clemmons  
Edna Bryant  
Elizabeth Nelson  
Michael Fullwood  
Mike Long

Terry Pope, State Port Pilot  
John Hankins  
Olga Voralik  
Marva Moss  
Alvin Nobles  
Lewis Dozier  
Barbara Stanley

**I. CALL TO ORDER.**

The Chair called the meeting to order at 6:08 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. Troy Price was absent.

IV. OATH OF OFFICE.

Ms. Marlowe administered the Oath of Office to Mr. Eric Dunham for reappointment to the Board.

V. CONSIDERATION OF MINUTES OF THE 11-Jun-18 MEETING.

Mr. Leary made a motion to approve the minutes as written and the motion was unanimously carried.

VI. AGENDA AMENDMENTS.

There were none.

VII. PUBLIC COMMENT.

There were none.

VIII. PUBLIC HEARINGS.

A. Major Subdivision Plan Approval – SS-266

Name:	Broadwater Landing Major Subdivision
Applicant:	Tripp Engineering
Tax Parcel:	0980001906
Location:	Located on George II Highway (NC 87)
Description:	Broadwater Landing is a proposed major subdivision consisting of 27 single-family lots on a gross site of 55.8 acres creating an overall density of 0.48 units per acre.

Mr. Pages addressed the Board. He read the Staff Report (attached). Mr. Pages identified the proposed area 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 major subdivision 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
- Include a 10' wide easement within the street buffer adjacent to George II Highway (NC 87) for a future greenway.

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

Mr. Phil Tripp, Tripp Engineering, addressed the Board on behalf of the developer. He stated that there was a development (71 lots) submitted a decade ago on the subject, but the property was not developed due to the economic downturn. Mr. Tripp said the developer revised the layout by reducing the number of lots (27 lots) and increasing lot sizes to an average of 1.69 acres. Mr. Tripp said all Technical Review Committee (TRC) comments have been addressed. He further stated that public water will be available to the site.

Mr. Charles Clemmons, owner of Broadwater Farms, addressed the Board. Mr. Clemmons said his 300-acre family farm is adjacent to the subject property and they participate in the Voluntary Agricultural District (VAD) Program. He stated that he and his family has operated Broadwater Farms, a major swine and cattle operation, for the past 25 years. Mr. Clemmons said he and his family are opposed to the potential traffic that will be generated by the proposed development and they are opposed to the proposed development sharing their farm name. Mr. Clemmons was concerned with their farm being bombarded with trespassers and the potential of those trespassers violating bio-security laws imposed on their farm. Mr. Clemmons said major subdivisions and farming activities normally do not mix.

Mr. Dunham clarified that the property is not proposed to be rezoned and Mr. Page concurred. Mr. Dunham asked Mr. Pages if the applicant can achieve the same goal if he parceled out each lot? Mr. Pages replied, yes. Mr. Dunham asked Mr. Pages the difference in developing a major subdivision as opposed to parceling out lots? Mr. Pages said a major subdivision approval requires upfront improvements (stormwater, paved roads, extending water lines) to property. Whereas, a minor subdivision is reviewed and administratively approved and no infrastructure improvements will be required.

Mr. Clemmons readdressed the Board. He stated that NC 87 is a dangerous road as there is an enormous amount of traffic currently on this road and the proposed development will only enhance the danger. He thanked the Board for allowing him to speak.

Mr. Tripp readdressed the Board. Mr. Tripp said the developer is aware of Broadwater Farm and he does not intend to be an unpleasant neighbor. He reiterated that they are proposing lots more than 1 acre in size. Mr. Tripp asked that the Board consider approval of the proposed project. Ms. Dixon reiterated that Mr. Clemmons' farm participates in the VAD program and they are protected from neighboring communities should someone complain about the farming activities nearby.

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

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

**B. Rezoning 7-765 – Andrew and Olga Voralik**

Request to rezone approximately 1.95 acres located off Hickman Road NW (SR 1303) near Calabash from RR (Rural Low Density Residential) to R-7500 (Medium Density Residential) for Tax Parcel 2290002909.

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 RR (Rural Low Density Residential) to R-7500 (Medium Density Residential) for Tax Parcel 2250002909.

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

Mr. Andrew and Mrs. Olga Voralik addressed the Board. Mr. Voralik said they want to rezone the property to its original zoning designation to conform with the surrounding properties.

Mr. Mike Long, adjoining property owner, addressed the Board. Mr. Long was concerned with the intended use of the property. The Chair asked Mr. Pages to read the permitted uses in RR and explain the difference from the current zoning district. Mr. Pages said the RR zoning district is flexible, in that, it allows some light commercial uses as well as residential uses. He stated that the R-7500 zoning district is more of a residential zoning district. Mr. Pages read some of the permitted uses in the RR zoning district. Ms. Easley interjected that the zoning will revert to the original zoning, which is the same zoning designation as Mr. Long's property.

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 recommend to the Board of Commissioners to approve Tax Parcel 2250002909 to R-7500 (Medium 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 proposed zoning amendment is consistent with the Comprehensive Plan (CAMA Land Use Plan) as it will remain low density residential.

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

The proposed amendment will be consistent with nearby surrounding properties.

C. Rezoning Z-766 – Marva S. Moss and Edna S. Bryant

Request to rezone approximately 1.15 acres located off Hazels Branch Road SE (SR 1619) near Leland from RR (Rural Low Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 0570007203.

Land Use Plan Amendment LUM – 766:

Request to amend Tax Parcel 0570007203 located off Hazels Branch Road SE (SR 1619) near Leland from LDR (Low Density Residential) to Commercial.

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 denial from RR (Rural Low Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 0570007203.

Mr. Dunham asked Mr. Pages to explain the Conservation land classification and the percentage of the subject property that is wetlands. Mr. Pages said there are wetlands on a portion of the northeast portion of the site. He further stated that conservation areas are generally undevelopable due to environmental considerations such as existing wetlands. Ms. Dixon further stated that flood zones can be a trigger for conservation areas as well.

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

Ms. Marva Moss addressed the Board. Ms. Moss stated that the subject property has been in her family for more than 90 years. She stated that the intended use of the property will not pose a negative impact to the surrounding area. She said there are trees on the northside of the property as well as a Circle K business, Morgan Creek is to the east of the subject property, there is an edge of wetlands on the south side of the subject property and Hazel Branch Road SE (SR 1619) and US 17 are to the west of the subject property. Ms. Moss reiterated that the property in question is 1.15 acres and the intended use will not negatively impact the surrounding properties. She further stated that the adjoining property owners are not opposed to the zoning change. Ms. Moss said the U.S. Army Corps of Engineers (Corps of Engineers) has not delineated any wetlands on the subject property so she was uncertain who has deemed it as wetlands. Ms. Moss said she has permission from property owners to the east of the property in question and they are not opposed to the zoning change. Ms. Moss asked that the Board consider changing the zoning designation.

Mr. Dunham said the property zoning change appears to be spot zoning because it is not contiguous to commercially-zoned property. Ms. Moss asked if the adjoining property owners (the Jameses and the Youngs) were contacted to be included in the zoning change, would the zoning change still be considered as spot zoning? Ms. Dixon said staff met and discussed this with Ms. Moss and suggested that adjoining parcels be included to strengthen the rezoning to C-LD to no avail. Ms. Moss said the adjoining property owners did give them a verbal approval of the zoning change. Ms. Dixon said it is staff's understanding that the adjoining property owners were not in favor of changing the zoning designation from RR (Rural Low Density Residential) to C-LD (Commercial Low Density) because they didn't want their taxes to increase.

Mr. Leary asked staff if they would be in favor of the zoning change if the property owners to the east of the subject property agreed to include their properties in the rezoning? Ms. Dixon replied, yes. Mr. Simmons suggested that this matter be table until the adjacent property owners can be contacted by Ms. Moss about joining the rezoning request to C-LD.

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 table the matter until Monday 10-Sep-18 and the applicant meet with adjoining property owners to include their properties in the rezoning request.

D. Rezoning Z-767 – Alvin Nobles

Request to rezone approximately 17.83 acres located off Ocean Highway West (US 17) near Shallotte from C-LD (Commercial Low Density) to C-I (Commercial Intensive for Tax Parcel 21200025).

Land Use Plan Amendment LUM – 767:

Request to amend Tax Parcel 21200025 located off Ocean Highway West (US 17) near Shallotte from LDR (Low Density Residential) to Commercial.

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 C-I (Commercial Intensive) for Tax Parcel 21200025 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map for Tax Parcel 21200025 located off Ocean Highway West (US 17) near Shallotte from LDR (Low Density Residential) to Commercial.

Ms. Easley asked Mr. Pages to read the permitted uses in the C-I zoning district and Mr. Pages proceeded to read some of the permitted uses in the C-I zoning district that differ from the C-LD zoning district. He stated that C-I is a more intensive commercial use.

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

Mr. Alvin Nobles, owner of Carters and Nobles, addressed the Board. Mr. Nobles said the property was previously used as a flea market that wasn't profitable. Mr. Nobles said he has a potential buyer that want to use the property for an intensive commercial use (selling and installing granite counter tops). Mr. Nobles concluded that he has owned the subject property for 12 years.

Mr. Mike Fullwood addressed the Board on behalf of his family. Mr. Fullwood said they are concerned with the proposed use for site and the potential for noise, dust and waste. He stated that his family lives and farms on their property. Mr. Fullwood was concerned with how the proposed zoning change will affect their property and whether this will be considered spot zoning. Mr. Batton said the applicant is proposing a more intense commercial use on a parcel that is currently zoned for light commercial use. Mr. Fullwood asked if their taxes will be affected? Mr. Dunham said the applicant is only requesting his property be rezoned so neighboring properties should be not be affected for tax purposes. Mr. Batton said the County is currently conducting a 2019 tax revaluation so all property values are subject to change in January 2019, but this proposed zoning change should not affect the tax value of neighboring properties.

Ms. Barbara Stanley addressed the Board. Ms. Stanley asked about property being changed. Mr. Dunham clarified the difference in the zoning designation and the CAMA Land Use Plan classification. He further stated that staff will review the area in the future to determine the best course of action to unify the zoning and land classification for this corridor area.

With no further comments, Ms. Easley 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 21200025 from C-LD (Commercial Low Density) to C-I (Commercial Intensive) in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map for Tax Parcel 21200025 located off Ocean Highway West (US 17) near Shallotte from LDR (Low Density Residential) to Commercial 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 – 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 amendment is not consistent with the CAMA Land Use Plan as it is currently classified as LDR (Low Density Residential) and the entire US 17 corridor need to be addressed.

- The Planning Board further finds that approval of the proposed zoning amendment will amend the CAMA Land Use Plan (Comprehensive Plan) and the following changes have been considered to meet the needs of the community:

The proposed zoning amendment will bring the subject property into compliance with zoning and the CAMA Land Use Plan.

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

This amendment is on US 17 corridor, infrastructure (public water and sewer) is available and there are commercial properties in the surrounding area.

IX. OTHER BUSINESS.

- Planning Board Cases Update

Ms. Dixon addressed the Board. She stated that Zoning Case Z-763 and Z-764 were approved by the Board of Commissioners as well as a text amendment regarding setback certifications (effective 01-Jul-18) at their 18-Jun-18 meeting.

- Unified Development Ordinance Refinements.

Ms. Dixon addressed the Board. She stated that a workshop will be held at 3:00 p.m. on 13-Aug-18 prior to the regular Planning Board meeting.

- Election of Officers

Mr. Dunham opened the floor for nominations for Chair. Mr. Bittenbender made a motion to nominate Mr. Dunham for Chair. Ms. Easley made a motion to close nominations and the motion was unanimously carried. Ms. Easley made a motion to appoint Mr. Dunham as Chair and the motion was unanimously carried.

The Chair opened the floor for nominations for Vice Chair. Mr. Medlin made a motion to nominate Ms. Easley for Vice Chair. Mr. Simmons made a motion to close nominations and the motion was unanimously carried. Mr. Simmons made a motion to appoint Ms. Easley as Vice Chair and the motion was unanimously carried.

X. ADJOURNMENT.

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