

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Tuesday
November 13, 2018

Second Floor Training Room
David R. Sandifer Administration Bldg.
County Government Center
Old U.S 17 East

MEMBERS PRESENT

Eric Dunham, Chair
Joy Easley, Vice Chair
Richard Leary
Alvin Nobles
Troy Price
Tom Simmons

MEMBERS ABSENT

William Bittenbender
Ron Medlin

STAFF PRESENT

Kirstie Dixon, Director
Helen Bunch, Zoning Administrator
Brandon Hackney, Project Planner
Connie Marlowe, Admin. Asst. II
Marc Pages, Senior Planner
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

Marva Moss
Julia Sealey
Deanna Lewis
John Hankins
Jeremy Timco

Karen Gaughan
Thomas Scheetz
Heather Burkert
Lewis Dozier
Tim Moon

I. CALL TO ORDER.

The Chair 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. Ron Medlin and Mr. William Bittenbender were absent.

IV. AGENDA AMENDMENTS.

Ms. Dixon stated that D.R. Horton requested that Hawkeswater Planned Development Revision (PD-20) be withdrawn for consideration.

V. PUBLIC COMMENT.

There were none.

VI. OLD BUSINESS.

A. Rezoning Z-766 – Marva S. Moss and Edna S. Bryant (Tabled 09-Jul-18)

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) Tax 0570007203.

Land Use Plan Map Amendment LUM-766:

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

Mr. Dunham said this matter was tabled at the 09-Jul-18 Planning Board meeting because it appeared to be spot zoning. At that time, the Board suggested that the applicant contact adjoining property owners about including other parcels in the rezoning request.

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

Ms. Marva Moss addressed the Board. Ms. Moss said she spoke with adjacent property owners and they were not interested in including their property with the requested zoning change. Ms. Moss said there were previous discussions of developing Tax Parcel 05700068 for commercial purposes, but the project never happened. She further stated that there are other commercial uses nearby and there is a potential for other commercial projects in the area. She said the subject property is small, but it can be used for commercial purposes if the rezoning is granted. Ms. Moss expressed concern with how the flooding from Hurricane Florence impacted the property with regards to the tax value assessment?

Ms. Karen Gaughan addressed the Board. Ms. Gaughan said she lived in Stoney Creek and her home was flooded during Hurricane Florence. She stated that she and her husband are concerned

with the potential of flooding as result of excessive development in the area. Ms. Gaughan said she and her husband asked the Town of Leland (Town) to work with US Army Corps of Engineers (Corps of Engineers) to conduct a study on why this area flooded during Hurricane Florence. She reiterated her concern for excessive development that may put the current residents at risk for flooding. Mr. Dunham asked Ms. Gaughan if the Corps of Engineers has responded to their inquiry? She said the Corps of Engineers has to have a fund sharing partnership with the Town and the Town has agreed to do so. She further stated that the Town and the Corps of Engineers are in the beginning phase.

Ms. Moss readdressed the Board. She stated that they are not trying to build on the property in question. Ms. Moss reiterated that there is a limited area they can develop on the 1.15 acres tract. Mr. Dunham asked Ms. Moss if there are wetlands on the subject property? Ms. Moss said the Corps of Engineers has not delineated any wetlands on the property. Mr. Dunham said rezoning the subject property appears to be spot zoning as previously discussed at the 09-Jul-18 meeting,

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

Mr. Pages said staff recommends denial from RR (Rural Low Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 0570007203 as previously stated in the Staff Report (attached).

Mr. Leary made a motion to recommend to the Board of Commissioners to deny Tax Parcel 0570007203 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 recommended to the Board of Commissioners for

☒ **DENIAL – INCONSISTENT WITH COMPREHENSIVE PLAN**

- The Planning Board finds that the proposed zoning amendment is not consistent with the CAMA Land Use Plan (Comprehensive Plan) and is not in the public interest for the following reasons:

It appears to be spot zoning and the property is not adjacent to a major intersection or any intersection being utilized for commercial purposes.

VII. PUBLIC HEARINGS.

A. Major Subdivision Plan Approval – SS-267

Name: Vineyard Grove Major Subdivision
Applicant: Leland School Road, LLC
Tax Parcel: 029AB023
Location: Leland School Road NE (SR 1441)
Description: Vineyard Grove is a proposed major subdivision consisting of 31 single-family lots on a gross site of 6.45 acres creating an overall density of 4.74 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 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.

Ms. Simmons asked the distance from the entrance to Leland Elementary School? Mr. Batton said this site is where the old elementary school use to be located, which is now the ballpark.

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

Mr. Thomas Scheetz, Norris and Tunstall Consulting Engineers, addressed the Board on behalf of the applicant. He stated that there will be a walking trail around the stormwater pond and a 10' pedestrian easement between Lots 13 and 14 to Port City Community Church property (Tax Parcel 02900001).

Ms. Julia Sealey, owner of Tax Parcels 029AB021 and 029AB022), addressed the Board. She felt that a study should be done on Leland School Road NE (SR 1441) because it is used as a shortcut from Mt. Misery Road NE (SR 1426) to Village Road NE (SR 1472) and vehicles are travelling at high speeds. Mr. Dunham asked staff if there was a representative from the North Carolina Department of Transportation (NCDOT) at the Technical Review Committee (TRC) meeting? Mr. Pages said NCDOT is requiring a driveway permit, but a traffic impact study is not required by NCDOT. Ms. Sealey felt that the proposed development will be adding a lot of homes to the area. Ms. Sealey was also concerned with a ditch near her property that is cluttered with debris. Mr. Pages said any ditches in the NCDOT right-of-way with debris should be cleared by NCDOT. Ms. Sealey said there is a ditch between her house and the property to be developed. Mr. Scheetz said that particular ditch will be cleared of debris and maintained by his client.

Ms. Deanna Lewis, owner of Tax Parcel 029AA009, addressed the Board. Ms. Lewis asked where the entrance will be to the development? Mr. Scheetz identified the entrance to the site on a visual map. Ms. Lewis said the proposed entrance will be in front of her property. She asked if there will be a traffic light installed to alleviate the additional traffic that will be generated from this development? Mr. Dunham replied, no. He reiterated that NCDOT is only requiring a driveway permit be obtained for this project. Ms. Lewis reiterated that several people use Leland School Road NE (SR 1441) as a shortcut between Mt. Misery Road NE (SR 1426) and Village Road NE (SR 1472). She asked if the speed limit could be reduced and Mr. Dunham said NCDOT would make that determination. Mr. Pages reiterated that an NCDOT Driveway Permit will be required, but a traffic impact study is not required for this particular project. Ms. Lewis was concerned with whether NCDOT is aware of the number of vehicles that travel Leland School Road NE (SR 1441) on a daily basis. Mr. Pages said NCDOT do annual traffic counts and those numbers can be obtained from NCDOT. Subsequently, Leland School Road NE (SR 1441) is not above the threshold to require a traffic impact study.

Mr. Scheetz readdressed the Board. He stated that his client is willing to install a 10' buffer on the northern and southern boundary of the property and the ditch near Ms. Sealey's property will

be cleared of debris and maintained to ensure the stormwater pond functions properly on the subject property. Mr. Scheetz reiterated that they will be applying for the NCDOT Driveway Permit.

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 Vineyard Grove Major Subdivision with the noted conditions including a 10' buffer on the northern and southern boundary of the property and the motion was unanimously approved.

B. Rezoning Z-775 – Jeremy Timco

Request to rezone approximately 16.57 acres located off Holden Beach Road SW (NC 130) near Holden Beach from C-LD (Commercial Low Density) and R-6000 (High Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 232HC00802, 232HC00803, and 232HC00801.

Land Use Plan Map Amendment LUM-775:

Request to amend Tax Parcels 232HC00802 and 232HC00803 located off Holden Beach Road SW (NC 130) near Holden Beach from LDR (Low Density Residential) and MDR (Medium Density Residential) to Commercial.

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

Mr. Pages said staff recommends approval from C-LD (Commercial Low Density) and R-6000 (High Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 232HC00802, 232HC00803 and 232HC00801 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Commercial for Tax Parcel 232HC00802, 232HC00803 and 232HC00801.

Mr. Dunham asked staff if Tax Parcel 232HC007 should be included in the CAMA Land Use Plan amendment? Mr. Pages said Tax Parcel 232HC007 is currently classified as commercial in the CAMA Land Use Plan Map, but it is split zoned R-6000 and C-LD. Ms. Dixon said staff has elected not to add parcels without the homeowner's consent because it could potentially become controversial.

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

Ms. Heather Burkert addressed the Board on behalf of the applicant. Ms. Burkert said the zoning change will be consistent with the surrounding area as well as eliminate the existing split-zoning of the parcel.

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

Mr. Price made a motion to recommend to the Board of Commissioners to approve from C-LD (Commercial Low Density) and R-6000 (High Density Residential) to C-LD (Commercial Low Density) Tax Parcels 232HC00802, 232HC00803 and 232HC00801 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map from LDR (Low Density Residential) and MDR (Medium Density Residential) to Commercial for Tax Parcels

232HC00802, 232HC00803 and 232HC00801 located off Holden Beach Road SW (NC 130) 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 not consistent with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning amendment is not consistent with the Comprehensive Plan (CAMA Land Use Plan). However, a CAMA Land Use Plan Map amendment has been requested and the property is split-zoned.

- The Planning Board further finds that the 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 area is in transition and the change will encourage a town and village center rather than commercial strip development.

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

The change will encourage a town and village center rather than commercial strip development.

D. Rezoning Z-776 – Tim Moon

Request to rezone approximately 0.19 acres located at 7040 Allred Street SW near Ocean Isle Beach from R-6000 (High Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 243PI025.

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

Ms. Easley asked to be excused from the matter citing a potential conflict of interest. Mr. Price made a motion to recuse Ms. Easley and the motion was unanimously carried.

Mr. Dunham asked about access to the property. Mr. Pages stated that there is access from the marina to Allred Street SW and the subject property via a swing gate.

Mr. Hackney said staff recommends approval from R-6000 (High Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 243PI025.

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

Mr. Tim Moon addressed the Board. Mr. Moon said the subject property will be used for overflow parking from the marina and the existing home on the site will be demolished. He further stated that he may build a home on the property in question in the future.

Mr. Nobles asked if access to the subject project will be off Allred Street SW? Mr. Moon replied, yes. Mr. Moon said the marina is accessed off Somerset Road SW (SR 1161), but the subject property is a stand-alone parcel off Allred Street SW. He further stated that traffic will come through the marina and drive to the overflow parking area, if needed. He reiterated that he may build a house on the property in the future, but it will have access off Allred Street SW.

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

Mr. Price made a motion to recommend to the Board of Commissioners to approve from R-6000 (High Density Residential) to C-LD (Commercial Low Density) Tax Parcel 243PI025 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 the area is currently zoned for commercial use.

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

The area is currently classified as mixed use and there was no opposition from the public.

Mr. Dunham made a motion for Ms. Easley to rejoin the Board and the motion was unanimously carried.

- E. Proposed Revisions to the Campground and RV Resort standards in Article 5, Section 5.3.8 of the Brunswick County Unified Development Ordinance.

Mr. Pages addressed the Board. He stated that the proposed amendments will provide more flexibility for Campgrounds and RV Resorts as result of feedback from existing Campground owners and potential Campground and RV Resort owners. Mr. Pages discussed the proposed amendments (attached).

Mr. Leary asked if the industry wants to create smaller campsites and Mr. Pages concurred. Ms. Dixon added that staff wants to ensure Outdoor RV Resorts requirements are doable and the industry feels that the current requirements do not work. Ms. Dixon added that 1 R

Mr. Dunham asked staff who is responsible for ensuring the surface has a minimum of six inches of compacted stone? Mr. Pages said the Engineering Department will verify such.

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

Mr. Jeremy Timco addressed the Board. He asked if yurts will be allowed in a campground? Mr. Pages said the lot width may prohibit such because yurts may not be able to fit, depending on their size.

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

Mr. Price made a motion to recommend to the Board of Commissioners to approve the text amendments for Campgrounds and RV Resorts and the motion was unanimously carried.

☒ **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:

There is no impact to the Comprehensive Plan (CAMA Land Use Plan).

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

The proposed text amendment comports with industry standards.

VIII. OTHER BUSINESS.

- Planning Board Cases Update

Ms. Dixon addressed the Board. She stated that all Zoning Cases from 22-Oct-18 (excluding Z-770CZ that was postponed by the applicant until February 2019) and tonight's meeting will be considered at the Board of Commissioners 17-Dec-18 meeting.

IX. ADJOURNMENT.

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