

**Town of Swansboro
Planning Board
Regular Meeting Minutes
September 6, 2022**

Call to Order

The meeting was called to order at 5:30 pm. Board members in attendance were Michael Favata, Christina Ramsey, Scott Chadwick, Ed McHale, Laurent Meilleur, Edward Binanay, and Sherrie Hancock.

Minutes

On a motion by Mr. Binanay, seconded by Mr. McHale, the minutes for June 20, 2022 special meeting, July 5, 2022, regular meeting and July 18, 2022 special meeting were approved unanimously.

Business

Rezoning Request – 140, 144, 150, 160 Queens Creek Road

Manager Webb reviewed that Emerald Coast, LLC, on behalf of themselves and other property owners had submitted a rezoning request for four parcels located on Queen Creek Road from O/I (Office and Institutional) to B-1 (Business). The areas were further identified as 140 Queens Creek Road containing 0.48 acres (tax parcel 1313-88), 144 Queens Creek Road containing one acre (tax parcel ID 1313-87) and 150 Queens Creek Road containing 1.35 acres (tax parcel ID 1313-85) 160 Queens Creek Road containing 5 acres (tax parcel ID 1313-85.1) the total acreage requested for rezoning is +/-7.83 acres. The properties are located within the ETJ.

The applicant was interested in commercial/office/flex space/condos/townhouse. However, the applicant had not requested conditional zoning and therefore, any uses permitted in the B-1 Zoning District would be applicable if approved.

Manager Webb reviewed that these properties were petition for rezoning prior and were reviewed for consideration in 2017, 2019 and 2020. *See attachment A.*

In conversation with the Town's Traffic Engineer Jeff Hochanadel, he shared that the traffic study conducted in 2019 would most likely not hold the same results. However, there was no such requirement for a Traffic Impact Analysis when rezoning is requested. A TIA only applies when a *project* is proposed, and in some instances when special use is requested.

It was also noted that some recent traffic movement improvements have been made along Queens Creek Road at the High School and NCDOT has indicated that there are plans for a traffic light at the Swansboro High School/Queens Creek Elementary entrance sometime in 2023.

Junior Freeman from Emerald Coast, LLC spoke representing all owners of the parcels. He shared that since the approved rezoning that was granted in 2020 there have been numerous attempts to sell these properties with many buyers interested but not willing to take a chance due to the restrictions on uses that O/I had compared to B-1. He also shared that properties along Queens Creek Road have no control over subdivisions that are built along that road which are the major contributors to the traffic on that road. He urged the board to consider approval of the rezoning. Mr. Freeman also shared that he was considering proposing an alternative traffic pattern around the Queen Creek intersection by way of a parcel that connects behind the Pirates Cover subdivision, however that process would be a long process.

Mr. Chadwick shared and read the below conclusion from the Towns traffic engineer:

Conclusions

Based on the subject analyses, the construction of a commercial development along Queens Creek Road will require the construction of offsite improvements at the intersection of NC 24 (W Corbett Avenue) / Queens Creek Road to meet guidelines provided in the Town's Unified Development Ordinance. Existing intersection capacity is inadequate to handle existing / future traffic volumes. The addition of ambient traffic growth and proposed commercial site trips will cause intersection conditions to further degrade in future conditions.

Mr. Chadwick shared that he felt future developments at this location and anywhere else in town would contribute to further congestion with that intersection.

Board members shared their concerns with the traffic issues that could arise from developments at this property, which is located directly across from the entrance to Queens Creek Elementary and Swansboro High School.

On a motion by Mr. Chadwick, seconded by Mr. Ramsey, the rezoning request was not recommended for approval to the Board of Commissioners and was not found to be consistent with the Future Land Use Plan. The motion was approved unanimously.

Adjournment

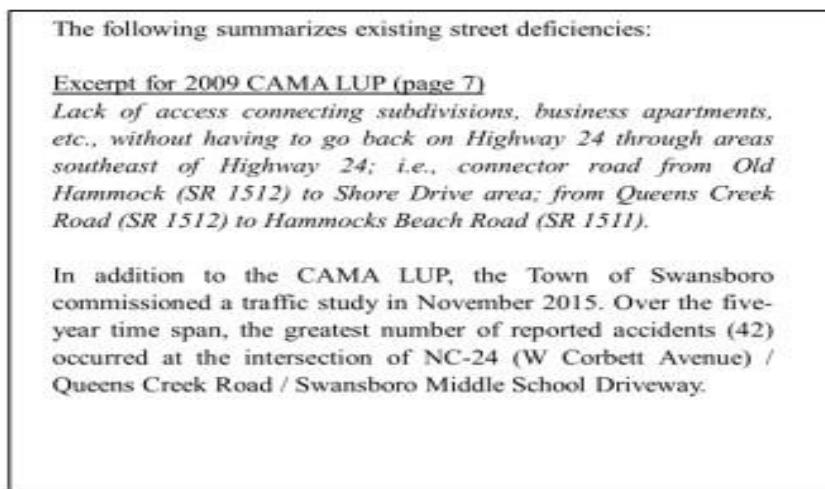
On a motion by Mrs. Ramsey, seconded by Mr. Chadwick, the meeting adjourned at 6:16 pm.

History:

The applicant submitted similar applications in 2017 and 2019 for 3 parcels, and as of July 28, 2021, tax parcel ID 1313-85 has been further subdivided into 2 lots. Below is a summary of the history.

2017

- On August 7, 2017, the Planning Board unanimously recommended denial for B1 rezoning request because it was not consistent with the CAMA Land Use Plan (LUP) of 2009 because of the lack of infrastructure supporting it. The Board considered the density for a B1 (and O/I zoning) and the effect it would have on the traffic on Queens Creek Road.
- At the September 12, 2017, BOC Public Hearing, former Planner Andrea Correll summarized excerpts from the CAMA LUP on street deficiencies and land suitability. It was noted that multiple improvements to Queens Creek Road were under review by NCDOT.



There was also discussion/clarification that O/I zoning was no more/less restrictive than B1, Property owners were agreeable to O/I if B1 was not approved.

The Board of Commissioners voted 3 to 2 in favor of the O/I rezoning. However, the vote required a 2/3 approval (4) to pass on the first reading. A second reading was required at the next meeting and approval could then be granted with a simple majority vote.

- At the October 10, 2017 Board of Commissioners meeting where a second reading was to take place, no motion was made for O/I zoning therefore, the property zoning remained R20 (Single Family).

2019/2020

- On September 23, 2019 (Special Meeting), the Planning Board voted 4-1 recommending approval for the B1 rezoning request deeming it consistent with the 2019 CAMA Land Use Plan. As part of their recommendation, the Planning Board noted that there were potential negative traffic impacts of developing the proposed property and recommended renewed efforts by Swansboro officials to engage NCDOT regarding traffic improvement recommendations to NC 24 (W. Corbett Avenue/Queens Creek Road/Middle School

driveway) contained in Section 6 of the Town of Swansboro's Traffic Impact Analysis from November 4, 2015.

- At their October 22, 2019, Public Hearing, the Board of Commissioners reviewed/discussed traffic issues along Queen Creek Road and the idea that O/I zoning may be a better zoning district. The vote was unanimous to table the request.
- Mr. Freeman subsequently withdrew his application and submitted a request to rezone the properties O/I - Office Institutional.
- At their December 2, 2019, regular meeting, the Planning Board voted unanimously to recommend approval for O/I zoning; stating that it was consistent with the approved Comprehensive Plan, specifically the CAMA Land Use Plan.
- At their January 13, 2020, Public Hearing, the Board of Commissioners voted unanimously to rezone parcels 1313-85, 1313-87 and 1313-88 located on Queens Creek Road from R- 20SF to O/I.