

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

**6:00 P.M. Monday**  
**January 14, 2019**

**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  
Troy Price  
William Bittenbender

MEMBERS ABSENT

Tom Simmons  
Alvin Nobles

STAFF PRESENT

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

OTHERS PRESENT

Jason Caines  
Lewis Dozier  
Terry Pope, State Port Pilot  
Steve Spindler  
Bob Maskara

Steve Shuttleworth  
John Hankins  
Denise Pocius  
Howard Hall

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. Tom Simmons and Mr. Alvin Nobles were absent.

IV. CONSIDERATION OF MINUTES OF THE 10-DEC-18 MEETING.

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

V. AGENDA AMENDMENTS.

There were none.

VI. PUBLIC COMMENT.

There were none.

VII. PUBLIC HEARINGS.

A. Rezoning Z-777 – Jason Caines

Request to rezone approximately 3.58 acres located off Acres Lane SE near Southport from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 205PA04006 and 205PA04009.

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 R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 205PA04006 and 205PA04009.

Mr. Dunham asked staff if Dutchman Acres was approved as a Major Subdivision and Mr. Pages concurred.

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

Mr. Jason Caines addressed the Board. Mr. Caines stated that he has owned the subject property for approximately 1 year. He further stated that he has spoken with MDI Management LLC and the developer of Southport Crossing regarding an access easement off Southport Crossing Way SE for ingress and egress to the subject property. Mr. Caines said the access point is off Southport-Supply Road SE (NC 211). Mr. Dunham clarified that the subject property will not generate any traffic on Acres Lanes SE and Mr. Caines concurred.

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

Ms. Easley made a motion to recommend to the Board of Commissioners to approve from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) Tax Parcels 205PA04006 and 205PA04009 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 is within a commercial node and infrastructure (public water and sewer) is in place.

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

The zoning change is consistent with surrounding zoning and this zoning change will be a better use for the subject property.

**B. Major Subdivision Plan Approval – SS-268**

Name: Paramounte Major Subdivision  
Applicant: Steve Shuttleworth  
Tax Parcel: 18500021  
Location: Southport-Supply Road SE (NC 211)  
Description: Paramounte is a proposed Major Subdivision consisting of 103 single family lots on a gross site of 53.76 acres creating an overall density of 1.92 units per acre.

Mr. Pages addressed the Board. He read the Staff Report (attached). Mr. Pages identified the proposed area on a visual map. He further stated that the proposed development will have access through Avalon Planned Unit Development (PUD) [Avalon] and no direct access off Southport-Supply Road SE (NC 211). Mr. Pages said there is a connection on South King Fisher Drive into Avalon shown on the site plan. He said there are significant wetlands on the northwestern boundary of the property adjacent to Palmetto Creek PUD (Palmetto Creek) that will be undisturbed open space. Mr. Pages said there are approximately 9 lots that will be adjacent to Palmetto Creek. There is a proposed internal connection on Pleasant Hollow Court SE to the recently approved Meridian Forest Major Subdivision (Meridian Forest), which has not begun construction. Mr. Pages said both parcels received preliminary approval approximately 13 years ago as Avalon II PUD and the development was later renamed Paramounte Planned Development. He stated that no development has occurred on the site and the property was then purchased by 2 different owners with each owner retaining a separate parcel when the property was split. Mr. Pages concluded that Meridian Forest was approved last year on the other parcel (Tax Parcel 1850002101).

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.
- The developer must record a road maintenance agreement with Avalon PUD in the Brunswick County Registry of Deeds and a copy of the agreement must be provided to the Brunswick County Planning Department.

Mr. Leary asked staff if there is an outlet to Southport-Supply Road SE (NC 211)? Mr. Pages replied, no.

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

Mr. Steve Shuttleworth addressed the Board. Mr. Shuttleworth reiterated that the subject property was approved as part of a master plan with higher density than both Meridian Forest and Paramounte Major Subdivision in the past. At that time, there was a proposed access to Southport-Supply Road SE (NC 211), but the property went through foreclosure and the subject property was purchased by his client(s). Mr. Shuttleworth said they designed a plan that will tie into Avalon and the North Carolina Department of Transportation (NCDOT) has agreed that the left turn into Avalon and the deceleration lane will accommodate the additional traffic generated by this project. He further stated that they are proposing 2 additional connections to Meridian Forest so the project will have access through that development when it is developed to minimize curb cuts and disbursement of traffic. Mr. Shuttleworth stated that there are 3 access points; South Fisher King Drive SE that ties into NC 211 directly across from Avalon, and the 2 access points on the northern boundary (Maltwood Court SE and Celtic Court South) that tie into St. Joseph Lane SE, which is within Avalon and goes out to Lennon Road SE. He said they provided a stub-out on the southern portion of the project to a future cul-de-sac in Meridian Forest. Mr. Shuttleworth said he has spoken with representatives of Meridian Forest and they are amenable to such. He said they are also facilitating access from Meridian Forest to the main road of the subject property for interconnectivity purposes. Mr. Shuttleworth concluded that they thought about extending Celtic Court South with the cul-de-sac on the southwestern boundary of the property, but it would not be cost-effective to construct a road in that area as there are wetlands in the vicinity.

Mr. Dunham clarified that access to the property will be through Avalon on South Fisher Drive SE and St. Joseph Lane SE and Mr. Shuttleworth concurred. Mr. Dunham asked if the main entrance will be through Meridian Forest once it is developed? Mr. Shuttleworth said they will have access through Meridian Forest, but it will not be their main entrance. Mr. Leary asked Mr. Shuttleworth if the roads in Avalon are public roads? Mr. Shuttleworth said the roads in Avalon are private roads and the roads in this development will also be private roads.

Ms. Denise Pocius addressed the Board. Ms. Pocius asked the difference in active open space and open space? Mr. Pages explained that active space is typically recreational space (pocket parks, amenity centers, picnic areas) and open space is usually passive; in that, it is generally areas that are undisturbed. Ms. Pocius asked if the project can be changed once it is approved? Mr. Pages stated that any major modifications will have to be approved by the Planning Board. Ms. Pocius asked if Avalon has to agree with the road access before this project can move forward? Mr. Pages said the developer will have to have a road maintenance agreement to move forward. Ms. Pocius asked if Avalon has agreed to a road maintenance agreement? Mr. Pages said he is uncertain if such has occurred, but it must happen before moving forward. Ms. Pocius

asked the timeframe for the project? Mr. Pages said the County's approval is good for 3 years with the option of a 5 year extension requested by the applicant. Ms. Pocius asked the following questions for the applicant to address: 1). Are there any proposals to place barriers or fencing between this project and Palmetto Creek? 2). What are the proposed price points for the new homes and the size of the homes? 3). Will this be an age restrictive community? 4). What amenities are planned for the community?

Mr. Dunham asked staff if a neighborhood meeting was held for this project? Mr. Pages replied, no. He further stated that a neighborhood meeting is not required. Mr. Dunham suggested that requiring a neighborhood meeting should be considered as part of the approval process. Ms. Dixon interjected that staff encourages the applicant to hold a neighborhood meeting, but it is not required.

Mr. Steve Spindler addressed the Board. Mr. Spindler asked where the wetlands are located on the site? Mr. Dunham identified the wetlands on the site that are in close proximity to Palmetto Creek. Mr. Spindler asked about passive and active open spaces. Mr. Pages said the wetlands near Palmetto Creek are passive open space and cannot be disturbed. Mr. Pages said the passive open space along the northwestern boundary with Palmetto Creek will not be developed and he identified the area(s) on a visual map. Mr. Dunham asked staff where the active open space is on the site? Mr. Pages said the applicant is proposing a walking trail and he identified the area on a visual map. He further stated that the majority of the boundary of the subject property near Palmetto Creek will be open space with the exception of 4 lots on the northwestern boundary and 5 lots on the southwestern boundary that is separated by vegetation and a road from Palmetto Creek.

Mr. Howard Hall addressed the Board. Mr. Hall asked how the proposed development will impact the floodplain? Mr. Pages said any development within a flood zone will have to receive approval from the Brunswick County Floodplain Administrator. He further stated that stormwater approval will be required from the State and County. Mr. Hall asked if there has been any discussions to revise the existing flood maps to current conditions since Hurricane Florence and Hurricane Matthew? Ms. Dixon interjected that the Federal Emergency Management Agency (FEMA) approved the current flood maps in August 2018 and they will decide if further studies are necessary to revise the newly approved flood maps.

Mr. Bob Maskara addressed the Board. Mr. Maskara asked if the homes in this project will be visible from Palmetto Creek? Mr. Pages said there are no homes proposed near Palmetto Creek. Mr. Makara asked if waterlines will be installed on the subject property in close proximity to Andora Drive SE? Mr. Pages said the applicant is proposing underground utilities. Mr. Maskara agreed with the concept to require a neighborhood meeting so adjoining property owners can have an opportunity to address their concerns. Mr. Dunham said there is a potential for property owners on northwest and southwest boundary of Palmetto Creek to see homes constructed in this development.

Mr. Spindler re-addressed the Board. Mr. Spindler asked where the amenity center will be located on the site? Mr. Dunham said there is no amenity center proposed for this project. He said the applicant is proposing a walking trail around the ponds. Mr. Spindler asked why the development did not move forward initially?

Mr. Shuttleworth re-addressed the Board to answer some of the public's concerns. He apologized for not having a neighborhood meeting due to the holidays and finding a location to hold the meeting. Mr. Shuttleworth said the wetlands will remain intact with the exception of the

proposed 2 crossings on the main street that comes through the majority of the property. He stated that they will be installing a pipe across the wetlands to get from 1 upland area to another. He said he is uncertain whether or not homes will be visible from Palmetto Creek. Mr. Shuttleworth said the subject property is not in a flood zone. He stated that he is not sure what the price will be for the homes, but the built upon area will be comparable to Palmetto Creek and Avalon. He further stated that Avalon has agreed to road maintenance, but there is nothing in writing at this time. He stated that a wood chip walking trail is proposed on the western boundary near Palmetto Creek. He proceeded to say that they are proposing development to begin in June 2019 and actual structures on the ground is proposed at the end of the year. Mr. Shuttleworth said they have no intentions to erect a fence because they would rather leave the natural vegetation in place. Mr. Shuttleworth reiterated that the only homes likely to be seen by Palmetto Creek property owners from this development will be on southwestern boundary of the subject property. He further state that there are no age restrictions on selling lots.

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 Paramounte Major Subdivision with the noted conditions and the motion was unanimously approved.

#### VIII. OTHER BUSINESS.

- Planning Board Cases Update

Ms. Dixon addressed the Board. She stated that there were several zoning cases (Z-769, Z-771CZ, Z-772, Z-775 and Z-776) and text amendments regarding Campgrounds and RV Resorts that were approved at the Board of Commissioners' Monday 17-Dec-18 meeting. She stated Zoning Case Z-766 was tabled at the Board of Commissioners' Monday 17-Dec-18 meeting in an effort to allow adjoining property owners to provide comments to the Board before they make a decision on the matter at their meeting on Tuesday 22-Jan-19. She further stated that Z-770CZ will be presented to the Board of Commissioners at their Monday 18-Feb-19 meeting for consideration at the applicant's request because he wanted to research and/or explore his options for developing the property.

- North Carolina School of Government Training Video

Ms. Dixon addressed the Board. She provided a video training from the NC School of Government regarding planning practices.

#### IX. ADJOURNMENT.

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