

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

**6:00 P.M. Monday**  
**January 11, 2021**

**Commissioners Chambers**  
**David R. Sandifer Administration Bldg.**  
**County Government Center**  
**Old U.S 17 East**

MEMBERS PRESENT

Eric Dunham, Chair  
Richard Leary  
Ron Medlin  
Brett Riggs, Alternate  
William Bittenbender

MEMBERS ABSENT

Joy Easley, Vice Chair  
Eileene Shake

STAFF PRESENT

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

OTHERS PRESENT

John Hankins  
Robert Cohen  
Jeff Malpass  
Susan McKee  
Sheldon Caison

Joseph Bland  
Steve Shuttleworth  
Paulette Sheville  
Connie Caison

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.

Ms. Joy Easley and Ms. Eileene Shake were absent.

IV. CONSIDERATION OF MINUTES OF THE 14-DEC-20 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. OLD BUSINESS - PUBLIC HEARING.

A. Rezoning Z-805 – Robert Cohen, David Hewett and David Fulford.

Request rezoning of approximately 20.09 acres located at 975 Holden Beach Road SW (NC 130) from R-6000 (High Density Residential) and NC (Neighborhood Commercial) to C-LD (Commercial Low Density) for Tax Parcels 1990000501, 19900006 and 1990000701.

LAND USE PLAN MAP AMENDMENT LUM-805:

Request to amend Tax Parcels 1990000501, 19900006 and 1990000701 located at 975 Holden Beach Road SW (NC 130) from Commercial, LDR (Low Density Residential) and MDR (Medium Density Residential) to Commercial.

Mr. Dunham said this matter was tabled at the previous meeting because the applicant was not able to attend.

Mr. Pages addressed the Board. Mr. Pages 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-6000 (High Density Residential) and NC (Neighborhood Commercial) to C-LD (Commercial Low Density) for Tax Parcels 1990000501, 19900006 and 1990000701 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Commercial for Tax Parcels 1990000501, 19900006 and 1990000701.

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

Mr. Robert Cohen addressed the Board. Mr. Cohen provided the Board with photos (attached) of the intended use of the property. Mr. Dunham asked Mr. Cohen if he has right-of-way access to the parcels requested to be rezoned? Mr. Cohen stated that he is only purchasing Tax Parcel

1990000501, which has direct access off Holden Beach Road SW (NC 130). He said Mr. Fulford owns Tax Parcels 19900006 and 1990000701. Mr. Cohen said he was advised by staff to approach Mr. Fulford about including his parcels so the zoning change will be contiguous to existing C-LD zoning. Mr. Cohen further stated that he is a general contractor and he is currently working in Holden Beach, which prompted the need to locate a building in this area. He concluded that he would like to rent space in the commercial building that will be constructed on the site.

Mr. Sheldon Caison addressed the Board. Mr. Caison asked why the other properties are being rezoned if the applicant is only purchasing 1 parcel? Ms. Bunch said the other properties were included because there is similar zoning to the east of Tax Parcels 19900006 and 1990000701 and a zoning change to Tax Parcel 1990000501 could be considered spot zoning. Mr. Caison asked what uses area allowed in C-LD zoning and Ms. Bunch read some of the permitted uses in the C-LD zoning district. Mr. Caison asked what the applicant intends to place on the property? Mr. Pages said the applicant indicated that he is a contractor, but any used in the C-LD zoning district can be placed on the property provided all minimum requirements are met. Mr. Caison added that there is no access to the larger portion of Tax Parcel 19900006. Mr. Dunham said the property owner will have to obtain access prior to developing that portion of Tax Parcel 19900006.

Ms. Connie Caison addressed the Board. Ms. Caison spoke in opposition to the zoning change because her son intends to build a home behind the subject property and she was not in favor of a business being in front of his residence.

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

Mr. Leary made a motion to approve Tax Parcels 1990000501, 19900006 and 1990000701 from R-6000 (High Density Residential) and NC (Neighborhood Commercial) to C-LD (Commercial Low Density) in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Commercial and the motion was carried with Mr. Bittenbender abstaining due to his late arrival to the meeting.

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 property is currently designated as Commercial, LDR (Low Density Residential) and MDR (Medium 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 were no changes considered and/or offered.

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

There is commercial zoning nearby.

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. NEW BUSINESS.

### A. Planned Development – PD-37

Name:	Bella Point Planned Development (Revision)
Applicant:	J & S Land Development
Tax Parcels:	2020000103
Location:	Sunset Harbor Road SE (SR 1112)
Description:	The developers of Bella Point Planned Development are proposing to modify the previously approved master plan by adding 48 lots for a total of 193 single-family lots on a gross site of 75.01 acres creating an overall density of 2.6 dwelling units per acre.

Mr. Pages addressed the Board. He read the Staff Report (attached). Mr. Pages identified the subject property and surrounding properties on a visual map. He added that there are 3 stub-outs to adjacent properties including Seawatch Planned Development to accommodate potential future growth.

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

Mr. Dunham asked staff if Seawatch Planned Development surrounds the subject property? Mr. Pages identified the stub-out area adjacent to Seawatch Planned Development on a visual map.

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

Mr. Joseph Bland, Norris and Tunstall Engineering, addressed the Board on behalf of the developer. Mr. Bland stated that some of the lots have been resized and North Carolina Department of Transportation (NCDOT) is requiring a left turn lane. Mr. Dunham asked the average lot size with the proposed revision? Mr. Steve Shuttleworth addressed the Board. Mr. Shuttleworth said the average lot size will be approximately 7,200 square feet. He reiterated that there will be a stub-out to Seawatch Planned Development and additional access points will be

discussed with neighboring properties such as Seawatch Planned Development. He further stated that an existing easement off Sunset Harbor Road SE (SR 1112) that runs through the property will be paved.

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

Mr. Bittenbender made a motion to approve PD-37 (Bella Point Planned Development Revision) with the noted conditions presented in the Staff Report and the motion was unanimously carried.

**B. Rezoning Z-802 – Steven Buie.**

Request rezoning of approximately 1.04 acres of the former street and right-of-way known as Dutch Street SE off of Southport-Supply Road SE (NC 211) near Southport from Undesignated to C-LD (Commercial Low Density) for portions of Tax Parcels 22100032, 22100033, 2210003301 and 2060001.

**LAND USE PLAN MAP AMENDMENT LUM-802:**

Request to amend portions of Tax Parcels 22100032, 22100033, 2210003301 and 20600001 located off of Southport-Supply Road SE (NC 211) near Southport from Undesignated to Commercial.

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

Mr. Pages said staff recommends approval from Undesignated to C-LD (Commercial Low Density) for portions of Tax Parcels 22100032, 22100033, 2210003301 and 20600001 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Commercial for portions of Tax Parcels 22100032, 22100033, 2210003301 and 20600001.

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

Mr. Jeff Malpass addressed the Board on behalf of the developer. Mr. Malpass said his client owns the property abutting the street and right-of-way formerly known as Dutch Street SE excluding Tax Parcel 20600001 currently owned by Duke Energy Progress Inc.

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

Mr. Bittenbender made a motion to approve portions of Tax Parcels 22100032, 22100033, 2210003301 and 20600001 from Undesignated to C-LD (Commercial Low Density) in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map 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

**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 property is currently undesignated. 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 was no public input.

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

The former street and right-of-way (Dutch Street SE) will be combined with adjacent properties and the combination will make the area conforming to surrounding zoning.

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. Rezoning Z-806 – Paulette Sheville.

Request rezoning of approximately 0.136 acres located at 679 Boyette Street SE near Southport from R-6000 (High Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 234AC01308.

Mr. Pages addressed the Board. Mr. Pages 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-6000 (High Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 234AC01308

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

Ms. Paulette Sheville addressed the Board. Ms. Sheville said she purchased Tax Parcels 234AC01306, 234AC01307 and 234AC01308 last year with the intention of placing a commercial structure on the properties, but the subject property (Tax Parcel 234AC01308) is not zoned for commercial purposes.

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

Mr. Bittenbender made a motion to approve Tax Parcel 234AC01308 from R-6000 (High Density Residential) to C-LD (Commercial Low Density) and the motion was unanimously carried.

**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 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 similar zoning adjoining the subject 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.

D. Rezoning Z-808 – Curry Martin.

Request rezoning of approximately 3.92 acres located off Southport-Supply Road SE (NC 211) near Bolivia from NC (Neighborhood Commercial) to RR (Rural Low Density Residential) for Tax Parcel 1850001502.

LAND USE PLAN MAP AMENDMENT LUM-808:

Request to amend Tax Parcel 1850001502 located off Southport-Supply Road SE (NC 211) from Mixed Use to LDR (Low Density Residential).

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

Mr. Pages said staff recommends approval from NC (Neighborhood Commercial) to RR (Rural Low Density Residential) for Tax Parcel 1850001502 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to LDR (Low Density Residential) for Tax Parcel 1850001502.

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

Ms. Susan McGee addressed the Board. Ms. McGee stated that she has a contract to purchase the property and she intends to build an outright permitted use on the subject property if the proposed zoning change is approved.

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

Mr. Dunham asked if the applicant and/or property owner understands that the property may not be rezoned back to the current zoning if the requested zoning change is approved?

Mr. Leary made a motion to re-open the Public Hearing and the motion was unanimously carried. Mr. Dunham explained to Ms. McGee that this zoning change may not be approved if a request is

made to revert to NC zoning in the future. Ms. McGee said the intended use of the property is not allowed in the current zoning district; thus, prompting the zoning change. Ms. Bunch interjected that the new land use plan may trigger a number of rezonings on Southport-Supply Road SE (NC 211) for consistency purposes.

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

Mr. Leary made a motion to approve Tax Parcel 1850001502 from NC (Neighborhood Commercial) to RR (Rural Low Density Residential) in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to LDR (Low 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

**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 property is currently designated as Mixed Use. However, a CAMA Land Use Plan amendment has been requested to LDR (Low Density Residential).

- 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 is similar zoning nearby and there was no opposition from the public.

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

There is similar zoning nearby.

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.

**IX. OTHER BUSINESS.**

- Planning Board Cases Update

Mr. Pages addressed the Board. He stated that Zoning Case Z-800 was denied at the Planning Board's 09-Nov-20 meeting and the applicant filed an appeal on 16-Nov-20 to the County Manager so this matter will be heard at the Board of Commissioners' 19-Jan-21 meeting for consideration. He further stated that Zoning Case Z-803 was approved at the Planning Board's

14-Dec-20 meeting and no rezoning appeals were received so the Planning Board's decision stands for Zoning Case Z-803.

X. ADJOURNMENT.

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