

MINUTES  
PLANNING BOARD  
BRUNSWICK COUNTY, NC

6:00 P.M. Monday  
August 10, 2015

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

MEMBERS PRESENT

Eric Dunham, Chair  
Joy Easley, Vice Chair  
Cynthia Henry  
Michael Polychrones  
Chris Stanley  
Randy Ward

MEMBERS ABSENT

Troy Price  
Joe Johnson

STAFF PRESENT

Michael Hargett, Director  
Connie Marlowe, Admin. Asst.  
Marc Pages, Land Planner  
Bryan Batton, Interim County Attorney

OTHERS PRESENT

John Hankins

Scott Stewart

I. CALL TO ORDER.

The Chair called the meeting to order at 6:02 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE.

Mrs. Henry 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 and Mr. Joe Johnson were absent.

IV. CONSIDERATION OF MINUTES OF THE 13-JUL-15 MEETING.

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

V. AGENDA AMENDMENTS.

There were no agenda amendments.

VI. PUBLIC COMMENT.

There were none.

VII. PUBLIC HEARINGS.

A. CONSIDERATION OF THE ESTABLISHMENT OF VESTED RIGHTS – TIMBER CREEK PLANTATION PUD (SE-141)

Mr. Pages addressed the Board. He stated that Timber Creek Plantation (Timber Creek) was approved by the Brunswick County Planning Board September 25, 2006. Mr. Pages said the originally approved master plan consisted of 196 single family lots on a gross site of 112 acres. He further stated that no lots have been recorded, but some infrastructure has been installed. The development approval period is scheduled to expire September 25, 2015. Mr. Jack Stocks, applicant, submitted a request per Section 9.5 of the Brunswick County Unified Development (UDO) to establish vested rights (attached). Mr. Pages said staff recommends approval for the establishment of vested rights.

The Chair asked staff for clarification as to whether the Board will be approving the establishment of vested rights or will the Board be approving an extension of time for Timber Creek as stipulated in Mr. Stocks' letter. Mr. Pages said the original approval does not expire until September 25, 2015 so it is an establishment of vested rights as well as an extension of time for 3 years with the option to apply for an additional 2 years. Mr. Pages said the Permit Extension Act of 2009 (Senate Bill 831) previously provided relief for this project due to the economic downturn at that time.

Mr. Stanley asked staff if there is a mechanism in place to authenticate the costs incurred by the developer? Mr. Pages said he spoke with the Engineering Department and they indicated that some infrastructure has been installed, but the exact numbers submitted by Mr. Stocks were not verified.

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

Mr. Polychrones made a motion to approve the vested rights for 3 years with an option for 2 additional years for Timber Creek Plantation and the motion was unanimously carried.

B. PLANNED DEVELOPMENT CONCEPTUAL PLAN APPROVAL (PD-3).

Name: Compass Pointe Planned Development Expansion and Consolidation  
Applicant: CP Brunswick LLC (%Scott Stewart)  
Tax Parcel(s): 0210007501, 02200005, and a portion of 0160000113  
Location: Located on Andrew Jackson Hwy (US 74/76) near Leland, NC  
Description: The Compass Pointe Planned Development Expansion consists of adding 3 parcels totaling 91.62 acres. Tax Parcel 0210007501, consisting of 37.48 acres, is proposed for commercial/mixed use. Tax Parcels 02200005 and 0160000113, consisting of 54.14 acres, are proposed for residential use. The re-approval of the existing planned development is included to consolidate the project into a single planned development. Including this expansion, the consolidated planned development will consist of 3,289 single-family lots and 2,608 multi-family units on a total of 2,173.64 acres creating an overall density of 2.71 units per acre.

Mr. Pages addressed the Board. Mr. Pages read the Staff Report (attached). Mr. Pages identified the proposed areas on a visual map. He stated that the applicant is proposing the same number of residential units. However, the density has been reduced because the acreage has increased. Mr. Pages said there is a fire insurance issue that has to be resolved through the Fire Marshal (Scott Garner) and the applicant has been working with Mr. Scott Garner to resolve that matter. 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;
- That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance;
- Revise the Tax Parcel IDs for Tracts A and C on the site plan to indicate the correct numbers as issued by Brunswick County GIS;
- Revise the site data table on the site plan to indicate the recreation open space requirement is 81.51 acres; and
- Add a note on the site plan that a street buffer consistent with UDO Section 6.3.8. will be installed on the portion of the development that fronts Andrew Jackson Hwy.

Mr. Polychrones informed the Board that he is resident of Compass Pointe PUD and a member of the Homeowners Association (HOA).

Mrs. Henry asked if this is a modification or expansion? Mr. Hargett said the proposed project is both an expansion and modification of the existing PUD.

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

Mr. Scott Stewart addressed the Board. Mr. Stewart said he consulted with staff approximately 1 year ago regarding the entrance to Compass Pointe PUD (Compass Pointe) off Andrew Jackson Hwy. He stated that he designed the proposed modification/expansion to Compass Pointe that included a mixed-use component based on the flexibility allowed in the UDO. He stated that a rezoning was approved for Tax Parcel 0210007501 in November 2014 for mixed-use purposes. Mr. Stewart said they wanted to create an opportunity to have services for Compass Pointe as well as contiguous properties along the corridor. Mr. Stewart further stated that they wanted this

project to be human scale by creating an outdoor room environment. Mr. Stewart presented slides (attached) displaying the image(s) they wanted to capture with a mixture of residential and commercial components. He reiterated that this inclusion of the smaller tract is a housekeeping matter. He concluded that 25% of the residential component of Compass Pointe has been built.

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

Ms. Easley made a motion to approve the Planned Development with the noted conditions by staff and the motion was unanimously carried.

C. OTHER BUSINESS.

There was none.

D. ADJOURNMENT.

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

**Timberbrook, Inc.**  
**211 North 5<sup>th</sup> Avenue**  
**Wilmington, NC 28405**  
**910-763-8124**

**July 29, 2015**

**Brunswick County Planning Department**  
**Mark Pages, Planner**  
**75 Court House Drive, NE**  
**Bolivia, NC 28422**

**RE: Request for Vesting Rights, Timber Creek Subdivision, Preliminary Plan Approval**

**Dear Mr. Pages,**

**This letter is a request for an approval for an extension of the Timber Creek Subdivision Preliminary Plan at your next meeting.**

**This is requested due to the lack of demand for lots in this area of the county.**

**With my request, I have included a cost to date summary of the infrastructure and expenditures for this project. Also included is a copy of the storm water permit. I am asking for the planning board to take it into consideration due to all the construction that has taken place in the past several years.**

**Please let me know if there are other documents that you may need.**

**Sincerely,**

  
**Jack G Stocks,**  
**President**  
**Timberbrook, Inc.**

*Timberbrook, Inc.*  
*211 North 5<sup>th</sup> Avenue*  
*Wilmington, NC 28405*  
*910-763-8124*

July 29, 2015

Mr Pages,

Below is the infrastructure cost to date for Timbercreek Plantation.

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Surveying & Engineering	89,600.00
Clearing and Grading	87,300.00
Sewer System	268,000.00
Water System	142,000.00
Off Site Water Extension	82,000.00
Electric Service	82,600.00
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Total	\$751,500.00



06117  
Michael F. Easley, Governor

William G. Ross Jr., Secretary  
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director  
Division of Water Quality

March 9, 2007

Jack G. Stocks, President  
Timber Brook, Inc.  
211 North Fifth Street  
Wilmington, NC 28401

MAR 14 2007

**Subject: Stormwater Project No. SW8 070208  
Timber Creek Plantation  
Low Density Subdivision with a Curb Outlet System  
Brunswick County**

Dear Mr. Stocks:

The Wilmington Regional Office received a Stormwater Management Permit Application for Timber Creek Plantation on February 9, 2007 with additional information on March 8, 2007 to complete the application. Staff review of the plans and specifications has determined that the project, as proposed, will comply with the Stormwater Regulations set forth in Title 15A NCAC 2H.1000. We are forwarding Permit No. SW8 070208 dated March 9, 2007, for the construction of the subject project.

This permit shall be effective from the date of issuance until rescinded and shall be subject to the conditions and limitations as specified therein, and does not supercede any other agency permit that may be required. Please note that the permittee shall submit the Certification to the Division within 30 days of completion of the project in accordance with sections II (6) and (7).

If any parts, requirements, or limitations contained in this permit are unacceptable, you have the right to request an adjudicatory hearing upon written request within sixty (60) days following receipt of this permit. This request must be in the form of a written petition, conforming to Chapter 150B of the North Carolina General Statutes, and filed with the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, NC 27611-7447. Unless such demands are made this permit shall be final and binding.

If you have any questions, or need additional information concerning this matter, please contact either M. J. Naugle or me at (910) 796-7215.

Sincerely,

Edward Beck  
Regional Supervisor  
Surface Water Protection Section

ENB/mjn: S:\WQS\STORMWAT\PERMIT\070208 feb07  
cc: Charles Cazier, Tripp Engineering, P. C.  
Brunswick County Inspections  
NCDOT District Engineer  
M. J. Naugle  
Wilmington Regional Office  
Central Files

One  
North Carolina  
Naturally

**BRUNSWICK COUNTY  
PLANNED DEVELOPMENT  
STAFF REPORT AND RECOMMENDATION**

Application No. PD-3

Applicant: CP Brunswick LLC

Project Name: Compass Pointe Planned Development Expansion and Consolidation

Property Location: Andrew Jackson Highway (US 74/76)

Parcel Numbers: 0210007501, 02200005 and a portion of 0160000113

Zoning District: CLD (Commercial Low Density) and CI (Commercial Intensive)

Surrounding Zoning: **North** SBR-6000 (Site Built High Density Residential)  
**South** CI and RR (Rural Residential) **East** CI and SBR-6000  
**West** CI

Submittal Date: July 6, 2015

TRC Date: July 16, 2015

Proposed Use: Compass Pointe is proposing to expand the existing planned development by adding three parcels totaling 91.62 acres. Tax Parcel 0210007501, consisting of 37.48 acres, is proposed for Commercial/Mixed Use. Tax Parcels 02200005 and 0160000113, consisting of 54.14 acres, are proposed for Residential Use. The re-approval of the existing planned development is included to consolidate the project into a single planned development. Including this expansion, the consolidated planned development will consist of 3,289 single-family lots and 2,608 multifamily units on a total of 2,173.64 acres creating an overall density of 2.71 units per acre.

**Approval Criteria**

- The majority of the surrounding uses consists of single family residential and undeveloped land. The proposed development is consistent with the 2007 Future Land Use Map which denotes this area as Low Density Residential and Commercial.
- The proposed project meets minimum vehicular access point requirements.
- The proposed project meets all street design requirements regarding construction and emergency service standards. The proposed development has a link/node ratio that exceeds the requirement of 1.3 set forth in Section 6.11.3.B. of the UDO (Unified Development Ordinance).
- A 0.6 opacity buffer is proposed along the periphery of the development consistent with Section 6.3.9. of the UDO.

- Proposed infrastructure will include:
  1. **Water** and **Sewer** will be provided by Brunswick Regional Water and Sewer (H2GO).
  2. **Roads** will be private.
- **Open Space** is required at 25% of the total project area. The developer is proposing **581.03** acres of open space of which **543.41** acres are required. Of the required open space, 15% is required to be useable recreation area. The developer is proposing 102.99 acres of recreational open space of which 81.51 acres is required.
- Adjacent property owners were notified via US mail. The Commander of the Sunny Point Military Terminal was also notified via certified mail as this development lies within a 5 mile radius of the switch yard terminal.
- **TRC** was held on July 16, 2015 in which all comments were addressed.
- A neighborhood meeting consistent with UDO Section 9.2. of the UDO was properly announced and was held on July 28, 2015.
- According to NCDOT's Average Annual Daily Traffic Counts, there are no capacity deficiencies for this section of Andrew Jackson Hwy. Proposed US Interstate I-140 is directly adjacent to the development and is currently under construction. Completion date is scheduled for November 2017.
- Final driveway design plans and permit applications have been submitted to NCDOT to obtain driveway access for Andrew Jackson Highway.
- All Commercial and Multifamily Areas will be subject to site specific review.

If approved, this development shall have a vested right for a period of three years. A two year extension may be requested by the applicant to the Brunswick County Planning Department.

Staff recommends approval based on the following conditions:

1. 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.
2. That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
3. Revise the Tax Parcel ID's for Tracts A and C on the site plan to indicate the correct numbers as issued by Brunswick County GIS.
4. Revise the site data table on the site plan to indicate the recreation open space requirement is 81.51 acres.
5. Add a note on the site plan that a street buffer consistent with UDO Section 6.3.8. will be installed on the portion of the development that fronts Andrew Jackson Hwy.



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Lilies & Lace

LUMINA STATION  
OFFICE

GenSys NETWORKS  
LUMINA STATION  
OFFICE

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