

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
April 8, 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
Tom Simmons

MEMBERS ABSENT

William Bittenbender
Alvin Nobles

STAFF PRESENT

Kirstie Dixon, Director
Connie Marlowe, Admin. Asst. II
Marc Pages, Senior Planner
Bryan Batton, Asst. County Attorney
Justin Brantley, Zoning Tech.
Jennifer Dickinson, Zoning Tech.

OTHERS PRESENT

Jack Stocks
Wayne Hickerson
John Hankins

Howard Resnik
Patrick Cummings
Lewis Dozier

I. CALL TO ORDER.

The Chair called the meeting to order at 6:00 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. Alvin Nobles and Mr. William Bittenbender were absent.

IV. CONSIDERATION OF MINUTES OF THE 11-FEB-19 MEETING.

Mr. Leary made a motion to approve the 11-Mar-19 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. Major Subdivision Plan Approval – SS-270

Name: Finley Farms
Applicant: Mark Stocks
Tax Parcels: 046EA001 and 046EA002
Location: Springstone Drive NE between Hearthstone and Tara Forest Subdivisions
Description: Finley Farms is a proposed major subdivision consisting of 9 single family lots on a gross site of 4.55 acres creating an overall density of 1.98 units per acre.

Mr. Bryan Batton, Asst. County Attorney, addressed the Board. Attorney Batton stated that the Board can only consider whether or not the actual plan submitted meets the minimum major subdivision requirements and all other concerns related to traffic, infrastructure, stormwater, etc. will be addressed by the appropriate departments and/or agencies prior to development of the property if the plan is approved by the Board.

Mr. Pages addressed the Board. He read the Staff Report (attached). Mr. Pages identified the proposed area on a visual map. Mr. Pages added that there were 3 subdivision waivers granted on parcels associated with this project that equated to 9 separate lots. As a result, staff decided that the proposed project constitutes a major subdivision for the totality (18 lots) of the subdivided parcels.

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 major subdivision 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; and
- Please list the density calculation on the site plan which is 1.98 units per acre.

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

Mr. Jack Stocks addressed the Board. Mr. Stocks stated that the proposed 9 lot subdivision meets the minimum requirements for a major subdivision.

Ms. Easley asked who will own the property defined as open space on the proposed development? Mr. Stocks said the homeowners' association will own and maintain those areas. Ms. Easley asked if there is an existing homeowners' association for the previously developed 9 lots? Mr. Stocks replied, yes. Mr. Pages interjected that the Brunswick County Unified Development Ordinance (UDO) requires that a homeowners' association be responsible for the common area(s) and the private road (Finley Farms Court).

Mr. Wayne Hickerson, 1232 Springvale Terrace Court, addressed the Board. Mr. Hickerson asked when final approval of the project will occur? Attorney Batton said the developer will submit the final plat to staff for approval once all minimum requirements have been met by the appropriate departments and/or agencies (i.e., stormwater, engineering, and H₂GO). Mr. Pages added that the Planning Department will not sign-off on the final plat for recordation until all minimum requirements have been met by the appropriate departments and/or other agencies. Mr. Hickerson proceeded to explain his concerns with potential stormwater runoff into Hearth Stone Place. He stated that he previously spoke with the County Stormwater Engineer, Brigit Flora, about his concerns and provided photos of the activity occurring on the subject property that involved land disturbing activity greater than 1 acre on the property in question. Mr. Hickerson was opposed to the approval of this development and suggested that this matter be table and another meeting be scheduled. He further stated that the Leland Town Counsel have indicated that they may want to offer their views to the Planning Board, but there were not enough calendar days to do so prior to this meeting.

Mr. Patrick Cummings, 1528 Misty Run Court, addressed the Board. Mr. Cummings concurred with the statements made by Mr. Wayne Hickerson. He reiterated the potential stormwater runoff from the subject property into Hearthstone Place. Mr. Cummings said their subdivision has become inundated with stormwater runoff resulting from development in close proximity to their community.

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

Ms. Easley made a motion to approve Finley Farms Major Subdivision with the noted conditions and the motion was unanimously approved.

B. Major Subdivision Plan Approval – SS-271

Name:	Avalon Crossing
Applicant:	Steve Shuttleworth
Tax Parcel:	1850002202
Location:	Corner of Southport-Supply Road SE (NC 211) and South Fisher King Drive SE

Description: Avalon Crossing is a proposed major subdivision consisting of 30 single family lots on a gross site of 12.31 acres creating an overall density of 2.43 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 stated that there are significant wetlands that separate this project from the remainder of Avalon PD. He further stated that a road maintenance agreement will be required because South Fisher King Drive is a private road.

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 major subdivision 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; and
- Please provide a pedestrian access from Ovates Loop to the southern portion of the development via a wood pedestrian bridge across the wetlands.

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

Mr. Howard Resnik, representative for CSD Engineering, addressed the Board. Mr. Resnik said this area is the remaining portion of Avalon PD that was originally reserved for commercial purposes. Mr. Resnik said the owner elected to develop the property under a lower density development. Mr. Resnik said most of the utilities are in place and they intend to minimize the impact on wetlands.

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

Mr. Leary made a motion to approve Avalon Crossing Major Subdivision with the noted conditions and the motion was unanimously approved.

C. Unified Development Ordinance Text Amendment

Applicant: Seabrooke Development LLC
Article: 3.4.12.D.
Description: Text amendment proposes to eliminate the requirement for sidewalks to be in place prior to the recordation of the final plat, but instead require them to be in place prior to the issuance of a Certificate of Occupancy for a home.

Ms. Bunch addressed the Board. She stated that staff received a text amendment request (attached) from Seabrooke Development LLC to change the sidewalk requirement from requiring sidewalks to be in place prior to the recordation of the final plat to requiring sidewalks to be in place prior to the issuance of a Certificate of Occupancy (CO) for a home. Ms. Bunch briefly discussed when sidewalks should be installed. She stated that staff has 2 options (attached) for the Board to consider. Option 1 states, "Sidewalks do not require an improvement guarantee, but must be in place for the specific parcel prior to the issuance of a Certificate of Occupancy for any structure on that parcel." Option 2 states, "Sidewalks are considered major improvements." Staff

also provided the Board with an email (attached) from Mr. Robert T. Kohler regarding his concerns related to sidewalks.

Ms. Bunch said staff recommends approval of Option 1, which states “Sidewalks do not require an improvement guarantee, but must be in place for the specific parcel prior to the issuance of a Certificate of Occupancy for any structure on that parcel.”

Mr. Dunham asked staff to explain the proposed process if there is a vacant lot between 2 developed lots? Ms. Bunch said sidewalks will be installed once the parcel has been developed and prior to the issuance of a CO for any structure on the parcel. She further stated that there may be sections of the sidewalk not installed if Option 1 is approved because it would only be required when a parcel is developed. Mr. Dunham clarified that sidewalks will not be required for undeveloped lots under Option 1 and Ms. Bunch concurred. Ms. Dixon added that staff met with Code Administration and they concur that sidewalks, typically, are installed when a home is built and prior to the issuance of a CO. Mr. Dunham was concerned with sidewalks not being installed if a lot(s) is not developed. Ms. Dixon said sidewalks are an amenity, rather than a requirement. Mr. Pages interjected that placing conditions for when sidewalks should be installed will likely cause developers to not include sidewalks in their project. Mr. Dunham was fearful of sidewalks not being installed in developments that are not built out. Ms. Easley reiterated that sidewalks are not required to be installed; rather, they are an amenity to a development.

Mr. Medlin asked if the lots are sold with the understanding that sidewalks will be installed? Mr. Pages said staff do not regulate marketing strategies for developers, but sidewalks are normally shown on the master plan. Attorney Batton said there was an in-depth discussion about whether or not sidewalks are major or minor improvements. He stated that it was determined by County staff that the best mechanism to monitor sidewalk installations would be prior to the issuance of a CO. Mr. Medlin expressed concern with gaps in sidewalks if a lot is not developed next to a developed lot.

Attorney Batton stated that the text amendment also eliminates ~~electric utilities~~ as a minor improvement because it is not considered as such.

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

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

Ms. Easley made a motion to recommend to the Board of Commissioners to approve Option 2 (attached) of the text amendment which clarifies sidewalks as major improvements 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:

The proposed text amendment is consistent with the CAMA Land Use Plan (Comprehensive Plan) as it has 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:

Sidewalks provide for better connectivity within a development.

VIII. OTHER BUSINESS.

- Agricultural Development Plan for Brunswick County

Ms. Dixon addressed the Board. She stated that staff previously provided a copy of the Agricultural Development Plan (Plan) for Brunswick County (attached) to the Board. Ms. Dixon briefly discussed the Plan and she asked the Board to endorse the Plan.

Mr. Medlin made a motion to support the Agricultural Development Plan for Brunswick County and the motion was unanimously carried.

- Planning Board Cases Update

Ms. Dixon addressed the Board. She stated Zoning Case Z-778CZ and Z-779 will be presented at the Board of Commissioners' 15-Apr-19 meeting for consideration.

IX. ADJOURNMENT.

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