

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
October 9, 2023

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

MEMBERS PRESENT

Eric Dunham, Chair
Joy Easley, Vice Chair
William Bittenbender
Richard Leary
Jason Gaver
Clifton Cheek
Ron Medlin

MEMBERS ABSENT

Harry Richard Ishler, Alternate

STAFF PRESENT

Kirstie Dixon, Director
Marc Pages, Principal Planner
Connie Marlowe, Admin. Asst. II
Ron Meredith, Project Planner
Tyler Connor, Planner I
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

John Hankins
Daniel Durler
Dylan Phillips, Brunswick Beacon
Carl Parker
Richard Alvarez
Stephanie Long

Phil Norris, Norris & Tunstall Engineering
Jamey Cross, Star News
Lisa Smith Trejo
Betty Hewett
Brandon Simmons

I. CALL TO ORDER.

Mr. Dunham called the meeting to order at 6:00 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE.

Mr. Dunham said a prayer. He asked everyone to stand and face the U.S. Flag to say the Pledge of Allegiance.

III. ROLL CALL.

Mr. Harry Richard Ishler was absent.

IV. AGENDA AMENDMENTS.

Mr. Pages said staff will provide the 11-Sep-23 minutes at the next regular meeting for consideration.

V. PUBLIC COMMENT.

Mr. Carl Parker addressed the Board. He read an article from the Center for Disease Control (CDC) regarding the cause of diseases in the counties of North Carolina. Mr. Parker said Brunswick County has the highest rate of cancer as a result of environmental issues (e.g., rusty and smelly water). He stated that he has been working to get adequate drinking water and sewer issues addressed in the undeveloped areas of the County. He further stated that the Board needs to slow down on approving new development and the County should refocus, reset and revise the County's vision to develop the undeveloped areas that need infrastructure.

Ms. Betty Hewett addressed the Board. She stated that she lives on Exum Road NW about 2 miles from a hog farm. Ms. Hewett said she has a potable well and septic tank on her property and she was bothered by the County allowing a community to be built in the Ash area that will have public water and sewer. She said she has to worry about the kind of water she is drinking because she lives in close proximity to a hog farm. Ms. Hewett felt that the Ash community should have been asked if they want the Ashton Farms Planned Development in their community. Ms. Hewett proceeded to say that she is disappointed in the Planning Board and Board of Commissioners. She said she was told that studies have been done stating the proposed planned development would not affect the churches, schools and roads in the Ash area. Mr. Dunham said this Board does not regulate farming activities and Mr. Pages concurred. Mr. Pages said there are state agencies (e.g., Department of Environmental Quality) that regulate hog farms. Mr. Dunham suggested that Ms. Hewett get with staff and he suggested that staff can provide her with the appropriate agency to talk with regarding this matter. Mr. Pages added that agricultural uses are addressed in the State Statutes and they are exempt from some County requirements.

Ms. Lisa Smith Trejo addressed the Board. Ms. Trejo said she grew up in the Ash community. She was concerned with properties being rezoned when there is current water and septic issues in the Ash community. There are people that cannot drink their water, but Ashton Farms Planned Development is proposed in the Ash community with public water and sewer. Ms. Trejo was concerned with wildlife habitat being invaded by the proposed construction and the potential for some undesirable wildlife (poisonous snakes) ending up in her yard. She felt that the people currently living in the area should be the Board's focal point and not how much money that can be made from new development.

Mr. Richard Alvarez addressed the Board. Mr. Alvarez asked if traffic studies are available to the general public? Mr. Pages said staff and/or the North Carolina Department of Transportation (NCDOT) can provide a copy of the traffic studies. He said traffic studies are not always required prior to a property being developed. Mr. Pages proceeded to explain the process when a traffic study is required by NCDOT and/or the County. Mr. Pages said Helen Bunch is the contact person for the County regarding traffic concerns.

Ms. Trejo re-addressed the Board. She stated that there are homeless people as well as stray pets that need help. She said the County needs to stop worrying about making money and take care of the people already in the County as well as address the current water and sewer issues. Ms. Trejo said Ash-Little River Road NW (SR 1300) needs to be improved. Ms. Easley said NCDOT is responsible for road improvements to State-maintained roads, but the County does not own or maintain roads.

Mr. Jason Gaver addressed Ms. Trejo by saying the Board is not the enemy in this process. He stated that he is a disabled combat veteran and the President of the Board of Directors for Brunswick County Habitat for Humanity (Habitat for Humanity). He said Habitat for Humanity is trying to be part of the solution for the citizens of Brunswick County. He asked Ms. Trejo to meet with him after this meeting to discuss some of the concerns of displaced individuals in the County and she agreed to do so.

VI. NEW BUSINESS.

A. Planned Development – PD-114

Name: Supsura Tract (Expansion) Planned Development
Applicant: J. Phillip Norris (Norris and Tunstall Engineering)
Tax Parcel(s): 20900054, 2090005402 and a Portion of 2090005401
Location: Ash-Little River Road NW (SR 1300)
Description: Supsura Tract is a proposed planned development that was originally approved in August 2021 and modified in August 2022 for 146 single family lots on a gross site of 35.21 acres creating an overall density of 4.2 units per acre. The applicant is proposing to expand the planned development by adding 62 lots on an additional 12.79 acres for a total of 208 single family lots on 48.01 acres creating an overall density of 4.33 dwelling units per acre.

Mr. Marc Pages addressed the Board. He read the Staff Report (attached). Mr. Pages identified the subject property and surrounding properties on a visual map. Mr. Pages said, it is his understanding that this project name has changed to Sterling Oaks Planned Development.

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.

- Planned Development approval does not constitute an authorization to construct. All applicable Federal, State and County approvals/permits will be necessary to obtain final plat approvals and building permits. This includes Stormwater, Utilities, and Fire Marshal requirements.
- Amend the site data table to show the correct Parcel ID's for the project and to correct the project density calculations.

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

Mr. Phil Norris, Norris and Tunstall Consulting Engineering, addressed the Board. Mr. Norris said they are in agreement with the staff report. He reiterated that this is an addition to a subdivision that is currently under construction that was approved in August 2021 and modified in August 2022. Mr. Norris said all the existing permits (Federal, State and County) will be amended to include this area. The wetlands on the site will not be impacted. He proceeded to say that there is a floodplain in the rear of property and no development will be within the 100-year floodplain. He further stated that the project will be designed to the 100-year storm event. Mr. Dunham asked about an existing stormwater pond on the site. Mr. Norris said the stormwater pond will be modified to accommodate the additional runoff from the expansion, which is part of an amendment to the existing stormwater permit approval. He further stated that the natural drainage flows in that direction.

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 PD-114 (Sterling Oaks [formerly Supsura Tract] Expansion Planned Development) with the noted conditions in the Staff Report and the motion was unanimously carried.

B. Rezoning Z-874 – David Fort (%Phil Norris).

Request rezoning of approximately 87.49 acres located off Ash-Little River Road NW (SR 1300) near Ash from RR (Rural Low Density Residential) to R-7500 (Medium Density Residential) for Tax Parcels 1770000801, 1770000802 and 1770000804.

LAND USE PLAN MAP AMENDMENT LUM-874:

Request to amend the Blueprint Brunswick 2040 CAMA Land Use Plan Map from OSC-1 (Open Space Conservation 1) to MDR (Medium Density Residential) for Tax Parcels 1770000801, 1770000802 and 1770000804 located off Ash-Little River Road NW (SR 1300) near Ash, NC. This Land Use Plan Amendment totals approximately 87.49 acres.

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

Mr. Meredith read the staff's recommendation and the consistency and reasonableness determination. He said staff recommends approval from RR (Rural Low Density Residential) to R-7500 (Medium Density Residential) for Tax Parcels 1770000801, 1770000802 and 1770000804 located off Ash-Little River Road NW (SR 1300) near Ash in conjunction with an

amendment to the Blueprint Brunswick 2040 CAMA Land Use Plan Map to MDR (Medium Density Residential).

Mr. Dunham asked about Tax Parcel 1770000803 remaining RR (Rural Low Density Residential). Mr. Meredith said staff attempted to reach out to the property owner to no avail.

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

Mr. Phil Norris, Norris and Tunstall Consulting Engineering, addressed the Board. He stated that several months ago a rezoning was approved to R-7500 to the east of the subject property (Tax Parcel 1780000301) and Tax Parcel 177000804 was inadvertently left out of the rezoning request at that time. He further stated that other property owners joined in the zoning change. Mr. Norris said there are no current plans to develop the property. He said the portions of the site that are environmentally sensitive will be delineated and avoided for development. Mr. Cheek asked Mr. Norris if wetlands have been delineated by the U.S. Army Corps of Engineers? Mr. Norris said he is not aware of a wetlands' delineation on Tax Parcel 1770000804, but there appears to be wetlands on the site based on the map presented by staff.

Mr. Brandon Simmons addressed the Board. He stated that he lives in Longwood on a small family farm. Mr. Simmons was opposed to the zoning change. He reiterated that the staff report stated that portions of the site have sensitive animal and plant habitat as well as wetlands. He further stated that the parcels are within ½ mile of a VAD (Voluntary Agricultural District). Mr. Simmons said he read online that the applicant said, "this area of Brunswick County is transitional from a rural agricultural use to more high-density residential uses. The rezoning is compatible with adjacent existing zones." Mr. Simmons proceeded to say that according to published data, these claims are not entirely accurate. In 2017, there were 231 farms in Brunswick County with an average farm size of 193 acres according to the agricultural census. Furthermore, according to the 2023 tax records and maps from Brunswick County, all directly adjacent properties on 3 sides of the requested parcels have a RR zoning designation, which contradicts the applicant's statement. Mr. Simmons said the Blueprint Brunswick 2040 CAMA Land Use Plan states, "County leaders can intentionally help ensure the conservation and sensitive integration of such features as development continues to shape the County. It further states that we should conserve and expand agriculture because agriculture is more viable in areas where there is a sufficient amount of land and areas uninterrupted by other development. Mr. Simmons said things that make agriculture viable are distance from encroaching development as well as access to road network for maneuvering farm equipment. He stated that North Carolina has lost 2.37 million acres of cropland and forestland from 1987 to 2007, an estimated 325 acres daily according to Environment NC Research Center. North Carolina ranked 2nd in the nation of potential agricultural land lost by year 2040 according to research from the American Farmland Trust. Mr. Simmons concluded that a majority of developments in the County are considered luxury housing with cost anticipated at \$300,000, while 38.9% of people within Longwood zip code live in poverty. He reiterated his opposition to the zoning change because he felt that infrastructure is not in place to support the development.

Ms. Trejo addressed the Board. She again expressed her concern with water, sewer, roads and schools in the nearby area. Mr. Dunham said schools have adequate capacity according to the staff report. Mr. Pages interjected that there is no site plan associated with this rezoning request and Mr. Meredith concurred. Mr. Meredith stated that the applicant will have to submit a site plan prior to the development of the property that will require approval from this Board.

Ms. Betty Hewett asked if the property is being rezoned for development? Mr. Meredith said the applicant has a right to request a zoning change and there is a potential for the property to be developed thereafter.

Ms. Stephanie Long addressed the Board. Ms. Long cautioned the Board on approving parcels for future development. She asked if the proposed zoning change would be appropriate for the Ash community? She reiterated that County wastewater is not available and Mr. Meredith concurred. He stated that public water is available to the area, but the developer will be responsible for connection. She asked that staff further explain biodiversity and wildlife habitat assessment and Mr. Meredith proceeded to explain staff's findings that were addressed in the staff report, but the rezoning request cannot be denied solely for this purpose.

Mr. Norris re-addressed the Board. He stated that this is forestry land and not farmland. He reiterated that there are no plans for development at the current time. Mr. Norris said there are several approvals required from the appropriate agencies before the property can be developed.

Mr. Simmons re-addressed the Board. He asked for clarification of the number of dwelling units allowed in the R-7500 zoning district and Mr. Pages read the minimum dwelling units allowed in the R-7500 zoning district when there is public water and sewer available or when there is not both public water and sewer available to the property.

Mr. Cheek asked staff if residents are allowed to tie into public sewer or water when a developer connects and Mr. Pages replied, yes with certain provisions.

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

Mr. Cheek made a motion to approve Tax Parcels 1770000801, 1770000802 and 1770000804 to R-7500 (Medium Density Residential) located off Ash-Little River Road NW (SR 1300) in conjunction with an amendment to the Blueprint Brunswick 2040 CAMA Land Use Plan Map to MDR (Medium Density Residential) and adopt the consistency and reasonableness determination statement and the motion was unanimously carried.

CONSISTENCY & REASONABLENESS DETERMINATION

Per NCGS, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment (including map and text amendments), a statement regarding plan consistency shall be adopted.

This request is **CONDITIONALLY CONSISTENT** with the goals, recommendations, and policies of the following plans adopted by Brunswick County and is **REASONABLE** and appropriate based upon the following findings:

- The Blueprint Brunswick 2040 Comprehensive Plan (CAMA Plan) supports the rezoning.
 - The majority of the site is consistent with the Medium Density Residential Place Type of the western portion of the subject parcel.
 - LU-2 – Support development in areas that are best suited for future development.
 - Allows for the growth and expansion of housing.

- Compatible with nearby zoning.

<input type="checkbox"/> <i>Agricultural Development Plan</i>	<input checked="" type="checkbox"/> <i>Unified Development Ordinance</i>
<input type="checkbox"/> <i>Brunswick County Comprehensive Transportation Plan (CTP)</i>	<input type="checkbox"/> <i>Southeastern North Carolina Hazard Mitigation Plan</i>
<input type="checkbox"/> <i>Brunswick County Trail Plan</i>	<input type="checkbox"/> <i>Airport Height Control Ordinance</i>
<input checked="" type="checkbox"/> <i>Blueprint Brunswick 2040 Comprehensive Plan (CAMA Plan)</i>	<input type="checkbox"/> <i>Other: _____</i>

Mr. Dunham 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-875 (Daniel Durler).

Request rezoning of approximately 4.12 acres located at 125, 179 and 191 Southport-Supply Road SE (NC 211) near Supply, NC from C-LD (Commercial Low Density) and R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 16800004, 1680000401 and 16800005 (Added by Staff).

LAND USE PLAN MAP AMENDMENT LUM-875:

Request to amend the Blueprint Brunswick 2040 CAMA Land Use Plan Map from MDR (Medium Density Residential) to MDR-M (Medium Density Residential-Mixed Use) for Tax Parcels 16800004, 1680000401 and 16800005 (Added by Staff) located 125, 179 and 191 Southport-Supply Road SE (NC 211) near Supply, NC. This Land Use Plan Amendment totals approximately 4.12 acres.

Mr. Ron Meredith addressed the Board. He read the Staff Report (attached) and identified the subject property and surrounding properties on a visual map. Mr. Meredith proceeded to staff's recommendation and consistency and reasonableness determination (attached).

Mr. Meredith said staff recommends approval from C-LD (Commercial Low Density) and R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 16800004, 1680000401 and 16800005 (Added by Staff) located at 125, 179 and 191 Southport-Supply Road SE (NC 211) near Supply, NC in conjunction with an amendment to the Blueprint Brunswick 2040 CAMA Land Use Plan Map to MDR-M (Medium Density Residential-Mixed Use).

Ms. Easley asked if the church parcel (168000005) was added to the rezoning change? Mr. Meredith said yes. He said staff spoke with representatives from the church regarding adding the church's property to the zoning change.

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

Mr. Daniel Durler addressed the Board. He stated that the zoning change will meet the characteristics of the area because there is existing commercial property in the immediate area.

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

Mr. Cheek made a motion to approve Tax Parcels 16800004, 1680000401 and 16800005 (Added by Staff) to C-LD (Commercial Low Density) located 125, 179 and 191 Southport-Supply Road SE (NC 211) in conjunction with an amendment to the Blueprint Brunswick 2040 CAMA Land Use Plan Map to MDR-M (Medium Density Residential-Mixed Use) and adopt the consistency and reasonableness determination statement and the motion was unanimously carried.

CONSISTENCY & REASONABLENESS DETERMINATION

Per NCGS, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment (including map and text amendments), a statement regarding plan consistency shall be adopted.

This request is CONSISTENT with the goals, recommendations, and policies of the following plans adopted by Brunswick County and is REASONABLE and appropriate based upon the following findings:

- The property is currently split zoned C-LD (Commercial Low Density) and R-7500 (Medium Density Residential).
- The Blueprint Brunswick 2040 Comprehensive Plan (CAMA Plan) goals and objectives support rezoning.
 - Consistent with the commercial (Retail & Office) Place Type on the future land use classification map.
 - LU-2 – Support development in areas that are best suited for future development.
 - NR-5 – Minimize and mitigate the impacts of stormwater run-off from development.
 - IWS-4 – Coordinate water and sewer services with new development.
 - ED-1 – Maintain and expand job opportunities in the County.
 - HW-5 – Continue to grow opportunities for education and employment within the County.

<input type="checkbox"/> <i>Agricultural Development Plan</i>	<input checked="" type="checkbox"/> <i>Unified Development Ordinance</i>
<input type="checkbox"/> <i>Brunswick County Comprehensive Transportation Plan (CTP)</i>	<input type="checkbox"/> <i>Southeastern North Carolina Hazard Mitigation Plan</i>
<input type="checkbox"/> <i>Brunswick County Trail Plan</i>	<input type="checkbox"/> <i>Airport Height Control Ordinance</i>
<input checked="" type="checkbox"/> <i>Blueprint Brunswick 2040 Comprehensive Plan (CAMA Plan)</i>	<input type="checkbox"/> <i>Other: _____</i>

Mr. Dunham 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. OTHER BUSINESS.

- Planning Board Case Update.

Mr. Pages addressed the Board. He stated that Rezoning Cases Z-871 and Z-872 were approved at the Planning Board's 11-Sep-23 meeting and there were no written appeals within the allotted time, so the Board's decision stands.

IX. ADJOURNMENT.

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