

**MINUTES**

**PLANNING BOARD**

**BRUNSWICK COUNTY, NC**

**6:00 P.M. Monday  
November 13, 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  
Harry Richard Ishler, Alternate

MEMBERS ABSENT

Ron Medlin

STAFF PRESENT

Kirstie Dixon, Director  
Marc Pages, Principal Planner  
Connie Marlowe, Admin. Asst. II  
Ron Meredith, Planner  
Tyler Connor, Planner I  
Dennis Rabon, Zoning Administrator  
Jeff Walton, Planner II  
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

John Hankins  
Chuck Munn  
Don Harley  
Cindy Babson  
Richard Collier, McKim and Creed  
Julie Youngman  
David Ballengee  
Savanna Tenenoff, Brunswick Beacon  
Carl Parker  
Richard Alvarez  
Cindy Davis  
John Richards, Thomas & Hutton  
Amy Schafer  
Mario Lawrence  
Jeff Petroff, CLD Engineering

Polly Hewett Long  
Tim Evans  
Wendy Sibley  
Len McLamb  
Johnia McCumbee  
Wendy Brown  
Christy Merek  
Lisa Smith Trejo  
Courtney Milliken  
Brandon Simmons  
Belinda Benz  
Terri Alston  
Charles Cazier  
Nate Allen, CLD Engineering  
Robin Vanvliet

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. Ron Medlin was absent.

IV. CONSIDERATION OF MINUTES FROM THE 11-SEP-23 AND 09-OCT-23 MEETINGS.

Mr. Bittenbender made a motion to approve the 11-Sep-23 and 09-Oct-23 minutes as presented and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

Ms. Dixon addressed the Board. She stated that staff will provide an update to the Board regarding the Holden Beach Causeway under VIII. Other Business.

VI. PUBLIC COMMENT.

There were no public comments.

VII. NEW BUSINESS.

A. Planned Development – PD-115

Name: Ashton Farms Planned Development  
Applicant: Thomas and Hutton Engineering  
Tax Parcel(s): 146NA004, 146NA005, 146NA006, 146NA007, 146NA008, 146NA009, 16300008, 16300009, 16300013, 16300014, a Portion of 16300015, and 16300017  
Location: Whiteville Road NW (NC 130), Russtown Road NW (SR 1315) and Longwood Road NW (SR 1321)  
Description: Ashton Farms is a proposed planned development consisting of 2,750 single-family lots, 200 townhome lots and 20.50 acres of commercial on a total of 1,256.50 acres, creating an overall density of 2.35 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 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.
- That the collector spine road connecting Russtown Road NW (SR 1315) and Whiteville Road NW (NC 130) shall not be gated and shall be open for public use. Furthermore, this collector spine road shall have limited individual driveways to promote traffic flow and reduce conflicts. This road shall be installed and open to through traffic prior to any certificate of occupancy (CO) is granted for any residential structure in Section R-4.
- The applicant has indicated that some of the trail system and open space shall be open to the public. Identify those trails and areas that will be accessible to the public including public parking site(s).
- Note on the site plan that the land provided for the Fire/EMS Station shall be a minimum of 4 acres and the final site shall be selected after consultation with the local fire chief.
- Provide a vehicular stub out or access easement to Tax Parcel 1630001502.

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

Mr. Chuck Munn, Director of Development for Hoya Investment Corporation, addressed the Board on behalf of the applicant. Mr. Munn said Thomas & Hutton is the engineering firm for this project. Mr. Munn said they met with staff on several different occasions and they are in agreement with staff's conditions for approval of the project. He said developing the property as a planned development (PD) will allow for the best and highest use of the property. Mr. Munn said the proposed PD will be 2.3 units per acre; whereas, 5.8 units per acre are allowed in the R-7500 (Medium Density Residential) zoning district. He stated that additional landscape buffers and open space (250 acres in a PD and 65 acres in R-7500) are required. He said they are providing 500 areas of dedicated open space and 37.7 acres of recreational space. There will be a wide variety of housing options (architectural style) and lot sizes; there will be useable street scape including connectivity for vehicles, bicycles, golf carts and pedestrians; this will be a LID (Low Impact Development) project that will include bioretention swales, rain gardens and street trees. Mr. Munn said they will be installing approximately 5 miles off-site force main for sewer and approximately 2 miles off-site for public water, which will be available to properties subject to the County's Public Utilities capacity. He further stated that they will comply with all minimum requirements as outlined in the Staff Report. Mr. Munn concluded that they feel that the PD approach is more appropriate for this area.

Mr. Carl Parker, representative of Brunswick County NAACP (National Association for the Advancement of Colored People) addressed the Board on behalf of the Ash community. Mr. Parker expressed concern with stormwater issues and the potential of wells drying up if this project is approved. He felt that public water should be available to the entire Ash community. Mr. Parker felt that money should be set aside to build up the Ash community prior to allowing more development in the area, which could potentially place a burden on the community.

Ms. Lisa Trejo addressed the Board. She concurred with Mr. Parker's comments. Ms. Trejo expressed concern with homeless people in the area that need assistance as well as the excessive traffic that will be generated by the proposed development. Ms. Trejo felt that there is a potential for schools to be more overcrowded and the wildlife is being run out of its habitat.

Mr. Brandon Simmons addressed the Board. Mr. Simmons said Appendix D of the Blueprint Brunswick 2040 CAMA Land Use Plan (Plan) lists significant natural heritage areas and protected lands within the County. The Plan states, "These areas include complex natural areas, areas that sustain remnant species, pocosins, wooded swamps, prime wildlife habitats, or registered natural landmarks". He stated that Table D-2.7 Heritage Areas Map Ref. #31 list Long Bays Savana and Carolina Bays and a large portion of Ashton Farms PD is within this area. Mr. Simmons proceeded to say that building should be responsible, while preserving the delicate ecosystem for future generations. Mr. Simmons was also concerned with the wetland areas being disturbed where side streets are proposed in close proximity to wetlands and natural heritage areas. Mr. Simmons asked if D.R. Horton is the builder for this project? Mr. Dunham said the Board has not been informed of the builder for the project. Mr. Simmons provided unfavorable building practices done by D.R. Horton in Hawkeswater according to an article in the Port City Daily on 16-May-19. He quoted an article from Dallas News where an entire subdivision sued D.R. Horton for damages in Anderson County, SC and was awarded \$15 million dollars on 27-Sep-23. He stated that D.R. Horton prides themselves on being the largest homebuilders in the country by volume, but he felt the focus should be on quality rather than quantity. Mr. Simmons asked the Board to deny the request or postpone the matter until other arrangements can be made. He, personally, felt that the site would be better suited for a state park and wildlife refuge to preserve resources and educate the public.

Ms. Easley asked Mr. Simmons to indicate on a map where the areas are located that he was speaking about? Mr. Simmons approached the Board and presented 2 maps of the areas in question.

Ms. Polly Hewett Long addressed the Board. Ms. Long said she served on the Committee for the County Historic Survey and she traveled around the County documenting the history and heritage. Ms. Long said since that time, she only sees destruction of the heritage of the County because wetlands have been filled (i.e., Brunswick Plantation). She said roads are overcrowded and this development will only compound the problem. Ms. Long asked the Board to eliminate clear cutting and restrict and/or adjust the density requirements in the Brunswick County Unified Development Ordinance (UDO).

Mr. Tim Evans addressed the Board. Mr. Evans felt that the UDO is destroying the culture of the County. He stated that the Ash community has no representation from the Planning Board or the Board of Commissioners. He said the TRC (Technical Review Committee) has reviewed the project and staff is recommending approval with conditions as outlined in the Staff Report. He further stated that the NC Law says if there is a gray area such as who has the approving authority, such action(s) is grounds for an appeal. Mr. Evans said the developer has been working on the property building roads and stormwater ponds and Section 3.1.1. in the UDO requires a development permit be issued prior to development. Mr. Evans reiterated that the Ash community does not have representation because the Board of Commissioners have decided that the final decision will be the Planning Board as outlined in the UDO. He urged the Board to lift their moral integrity and deny this project.

Mr. Don Harley, Listing Agent for the property, addressed the Board in favor of the project. He felt that the neighbors will benefit from the development because there is an extension of public utilities that homeowners will be able to tie into, stormwater drainage will be improved, there is a

commercial component of the project to provide commerce to the area and there will be reserved land for a potential fire station to the area.

Ms. Wendy Sibley addressed the Board. Ms. Sibley provided statistical information regarding the student to teacher ratio (Elementary – 23 to 1, Middle – 25 to 1, High School – 25-30 to 1) relevant to the Shallotte and Ash areas of the county. Ms. Sibley said there is a current problem with the availability of veterinary services in the county as well as assisted living and long-term care facilities. She expressed concern with the people moving into the county when there is already limited availability of services or capacity deficiencies for services such as medical, schools, and emergency/first responders.

Ms. Cindy Babson addressed the Board. She stated that she is part of the petition against Ashton Farms being approved for development in the County. She said she currently live about ¼ of a mile from the proposed project. She read statistical information regarding development approvals in the County from 2021 to the present date with a focus on the western part of the County. Ms. Babson said there have been 31 PDs and some expansions for existing PDs approved with 11,234 acres of disturbed land, which encompasses wetlands, animals, trees, pervious land, open space, farms, hog farms, horse farms, chickens, and ponds. She further stated that there are 12,567 structures, which equates to approximately 2.60 people per household (according to the US Census), thus, adding 32,674.20 people in the western part of the County. The population growth rate is 898% for the upcoming years. Ms. Babson felt that there should be a solution to slow down growth in the County and she suggested a moratorium be placed on development.

Mr. Len McLamb addressed the Board. Mr. McLamb was concerned with the schools being overcrowded and the current need for road improvements.

Ms. Johnia McCumbee addressed the Board. Ms. McCumbee expressed concern with educational deficiencies in the County and the potential for more children if proposed development is approved, which will further overcrowd the schools and pose a negative impact on the teacher's ability to teach in an effective manner. She reiterated that work has been done on the subject property and wetlands have been disturbed. Mr. Dunham informed the audience that the delineation of federal wetlands is determined by the US Army Corps of Engineers (Corps of Engineers).

Ms. Julie Youngman, Southern Environmental Law Center, addressed the Board. Ms. Youngman asked that the Board consider the potential impact of converting forested marshy areas into impervious surfaces. She stated that flooding can end up on neighboring properties and there are several other factors to consider such as endangered species, shellfish, water filtration to keep groundwater clean, etc. that can be detrimental to the area because of the proposed development.

Ms. Wendy Brown, adjacent to the subject property and a business owner in the area, addressed the Board. Ms. Brown was concerned with the community being safe and the potential for an increase in traffic accidents on NC 130 if the proposed project is approved.

Mr. David Ballengee addressed the Board. Mr. Ballengee asked if tax dollars will be used to build the roads in this community since it is no longer a gated community? Mr. Ballengee said NC 130 and Longwood Road NW (SR 1321) are already congested and this development will compound the traffic issues. Mr. Ballengee said the stormwater plan previously discussed at the neighborhood meeting showed the sand mine on Longwood Road NW (SR 1321) not being a part of the property, even though the project is named Ashton Farms Sand Mine. He stated that they had this sand mine and another sand mine drawn in as part of their stormwater runoff. Mr. Ballengee asked what will happen to the water that was going to eventually end up in the sand mine areas? Mr. Ballengee was concerned about his well water (water table being affected by

runoff from this development). He concluded that there are several ponds in the area that were not there before the applicant purchased this property. Mr. Ballengee said this property will flood again just as it flooded during Hurricane Floyd. Mr. Ballengee was opposed to the development.

Ms. Christy Merek, business owner (Tree Service) in the area, addressed the Board. Ms. Merek said she started the petition against Ashton Farms PD that was previously submitted to the County. She stated that she owns a family farm in the nearby area and the proposed project will be a nuisance to her family. Ms. Merek said she has several livestock on her property and they cannot handle loud noises. Ms. Merek said her livestock provide for some of her income and she has already lost a lot of livestock due to predatory animals coming on her property because they are pushed out of their habitat. She was also concerned about chemicals (pesticides, soil erosion, etc.) used at the many homes built in this development that will be harmful to her garden, livestock and family. Ms. Merek warned the Board that they will be receiving calls from the new homeowners in this development regarding discharge of firearms when the people are hunting, noisy farm equipment (tractors, combines, etc.), fumes and odors, and noisy livestock in the area. Ms. Merek was also concerned with the additional traffic that will be generated by the proposed development because there are existing traffic issues (being forced off the road, no shoulder to pull off the road, and accidents in the area). She reiterated the need to protect the wetlands for wildlife habitat and plant growth. She said the more critical roles are protecting water quality, preventing floods and erosion. Ms. Merek felt that the proposed development is not a fit for the Ash area and will pose a negative impact to the area. She reiterated that a moratorium needs to be put in place and she urged the Board to protect their community by denying the applicant's request.

Ms. Courtney Milliken addressed the Board. Ms. Milliken was concerned with limited medical providers in the County and she provided statistics of wait times in emergency rooms, doctor's offices and other medical facilities that are currently scheduled several months in advance for appointments. Ms. Milliken said the proposed development will only escalate that number and place more stress on the provider as well as the people in need of care. She, too, expressed the same concerns previously expressed regarding schools, current road conditions, traffic, and the potential disruption of the current peaceful quality of life in the Ash community.

Ms. Cindy Davis, 2275 Whiteville Road NW, addressed the Board. Ms. Davis said the expanded commercial development along NC 130 would require more emergency services and facilities. She stated that she lives approximately 350' from the commercial portion of the proposed project. She urged the Board to preserve their community character (rural Ash) by denying this project. Ms. Davis said careful planning is crucial to strike a balance between meeting the needs of the community and avoiding overdevelopment. It is essential to consider the capacity of local infrastructure, transportation systems and the impact on neighboring residential areas. Ms. Davis further stated that the additional influx of residences and businesses require efficient infrastructure including transportation networks, utilities, and public services. She proceeded to say infrastructure development should keep pace with the growth of new development and retail commercial activity to prevent a strain on existing systems. Ms. Davis felt that infrastructure is currently lagging in meeting the needs of the County, especially, the Ash community. She concluded by saying property taxes can be increased when a residence is in close proximity to commercial development. She was also concerned with the environmental impact and excessive traffic that will be generated from the commercial component of the proposed project and the potential for crime in close proximity to her home, which she stated earlier is approximately 350' from the proposed commercial area.

Ms. Belinda Benz addressed the Board. Ms. Benz said Wet Ash Swamp, north of Ludlum Road NW, should be preserved. She stated that Wet Ash Swamp flows to the Waccamaw River and there are flood zones on the east side of the property in question as well as her property. Ms.

Benz reiterated that Ashton Farms is not a farm and the Ash community is not pleased with the developer insinuating otherwise. She stated that there are woodpeckers on her property that need to be protected. She said her husband retired 3 years early because he has cancer and air quality is paramount to his wellbeing. Ms. Benz, too, was concerned with air quality, wildlife, wetlands and flooding. Ms. Benz concluded that the County is putting the cart before the horse because Hwy 31's route through the County has not been determined, which will make a significant to the County once the location is determined.

Mr. Chuck Munn re-addressed the Board. He stated that this project will not be a gated community and the roads will be owned and maintained by the homeowner's association of the PD, but open to the public for through travel. He further stated that no County tax dollars will be used to build the roads; rather, private funds will be used to install all of the infrastructure development for this project. Mr. Munn concluded that they are committed to adhering to all Federal, State and local minimum requirements. He clarified that his company has not done any work on the property to date. He said there has been some activity at the sand mine between the owner and the contractor doing the work. He reiterated that his company has no involvement in the activities going on related to the sand mine or other work on the property. Mr. Munn said stormwater, wetlands, and wildlife will be better off with the proposed PD than a major subdivision submittal because there are extra buffers and open space requirements in a PD approval.

Ms. Trejo re-addressed the Board. Ms. Trejo mentioned a flooding situation where assistance was not provided to the Ash community during that time, but assistance was extended to the more affluent neighborhoods. She reiterated that the Ash community just wants a peaceful life and this development will potentially diminish the quiet environment. She reiterated that wildlife has no place to go because their habitat is being built upon. Ms. Trejo expressed her concerns about wetlands being preserved, which will minimize flooding in the area. Mr. Dunham said the diagram presented to the Board shows 30 ponds proposed for the area, but he is unsure if they are all wetlands and stormwater ponds.

Mr. John Richards, Engineer for Thomas & Hutton Engineering, addressed the Board and he stated that there are 30 stormwater ponds (earthen ponds) excavated from uplands. He said the Corps of Engineers will be reviewing the entire site.

Mr. Evans re-addressed the Board. He asked if this project has been approved by stormwater and Mr. Pages replied, no. Mr. Evans said the ponds cannot be stormwater ponds without approval from stormwater. He reiterated that work is being done on the site without proper permits. Mr. Evans was upset with Mr. Richards and Mr. Munn saying they have a stormwater plan when no stormwater permit has been issued by the State or locally.

Ms. Merek re-addressed the Board. She stated that Bobby Harrelson is the owner of the property and there is work being done on the property. She said she witnessed a bobcat being driven through the wetlands and there is another gate to keep people out of the area where work is being done.

Ms. McCumbee re-addressed the Board and asked that wildlife be relocated to a safe area if this project is approved.

Mr. Dunham said even though the developer does not have an approved stormwater plan, the project submittal shows where they intend to place retention ponds. He said those ponds may change once the project is reviewed by stormwater.

Mr. Ballengee re-addressed the Board and asked about stormwater ponds being in low areas and the potential for pollutants to be gathered in wetlands. Mr. Dunham said the Board has not reviewed the developer's stormwater plan, so he is unsure if the wetlands will be affected by the location of the stormwater ponds. Mr. Ballengee said the area where the stormwater ponds are indicated are wetland areas on the site.

Ms. Benz re-addressed the Board and asked the Board to review the new flood maps that were approved by FEMA (Federal Emergency Management Agency) in 2018 before making a decision on this project. Mr. Pages said the Board previously received the flood hazard areas that impact the subject property.

Ms. Terri Alston addressed the Board. Ms. Alston felt that the County is not prepared for the proposed development. She reiterated that there are currently not enough medical facilities in the area, public sewer and water capacity, and emergency services available to the citizens in the County. She felt that public transportation should be factored into the equation. She was concerned with the disposal of waste. Mr. Dunham said the developer will be responsible for connecting to the County's public water and sewer systems.

Ms. Cindy Davis re-addressed the Board and asked that the buffer requirements be doubled if this project is approved.

Mr. Richard Alvarez addressed the Board. Mr. Alvarez reiterated that the property is being worked on at the current time. He felt that this is gentrification. He reiterated that the people in this area hunt, fish and farm and the proposed project do not fit into the lifestyle in the Ash community.

Mr. Cheek asked Mr. John Richards who delineated the wetlands (map says SEGL) on the plan? Mr. Richards said a private consulting firm was hired by the owner to delineate the wetlands that will require the Corps of Engineers' approval. Mr. Cheek asked about sewer connection to a 10" force main down NC 130 to US 17. Mr. Richards said the sewer force main runs down Russtown Road NW up to US 17 and there is a lift station to service this project that has already been issued. Mr. Cheek clarified that the permit was issued on 21-Sep-22 for 1,400 three bedrooms residences. Mr. Cheek asked where the sewer capacity will come from for the remaining homes proposed for this project? He asked if another lift station have to be constructed to accommodate the rest of the project? Mr. Richards said there is a potential for another lift station that the developer will fund. Mr. Cheek asked if the 10" force main will be overloaded if there is future development in this area? Mr. Richards said the County Engineer will have to address that matter. Mr. Richards reminded the Board that this is the first phase of the approval process and most of the items covered in this meeting will be addressed if the PD is approved.

Ms. Easley asked staff about the verbiage in the Blueprint Brunswick 2040 CAMA Land Use Plan regarding protection of significant heritage areas? Ms. Dixon said they are delineated by the State and most of the areas are in conservation and/or wetlands.

Mr. Gaver asked staff if they are aware of work being done on the site. He asked if there is any prohibition in place preventing the current landowner from working on the site? Mr. Pages said it depends on the level of work (timbering is allowed, but other land disturbing activity requires State approval before any undertaken occurs). Mr. Pages said when he put signs on the site regarding this meeting, there were dump trucks leaving the previously permitted sand mine. Mr. Gaver said he is concerned about work being done on the site and asked staff to investigate.

Mr. Cheek asked staff about the site being developed as a major subdivision versus a planned development. Mr. Pages said the property could be developed for residential purposes only as a

major subdivision in the current zoning district and no buffers would be required with only 5% open space required rather than 20% required for a planned development.

Mr. Dunham clarified that the applicant could come back with another plan that can allow for more homes to be built on the site with a commercial component and Mr. Pages concurred. Mr. Pages interjected that, if the Board denies the planned development, the applicant could revise the planned development and resubmit a new plan for approval.

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

Ms. Easley made a motion to deny PD-115 (Ashton Farms Planned Development) based on significant heritage areas, the project not being designed to the 100-year stormwater event, and the plan, site design and development intensity is not appropriate for or tailored to the unique natural characteristics of the site, such as significant wooded areas, specimen trees, wetlands, significant historic resources, steep slopes, and floodplains and the motion was unanimously carried.

Mr. Cheek suggested that, if the project is resubmitted for approval, the collector spine road is connected throughout the project to Longwood Road NW (SR 1321) for the ease of emergency first responders to the area.

#### B. Planned Development – PD-116

Name: Berkley Bay Planned Development (Modification)  
Applicant: Berkley Bay, LLC  
Tax Parcel(s): 16900012, 1690001202, and 1850001503  
Location: Old Lennon Road SE (SR 1504)  
Description: Berkley Bay is a modification to a previously approved planned development called Old Lennon Tract. Old Lennon Tract was approved in November 2022, consisting of 252 single-family lots on 105.26 acres, creating an overall density of 2.39 dwelling units per acre. The applicant is proposing to modify the planned development by reducing the single-family lots to 178, adding 108 townhouse units, and adding 8 semi-attached units, on 107.93 acres, creating an overall density of 2.72 dwelling units per acre.

Mr. Marc Pages addressed the Board. He read the Staff Report (attached). Mr. Pages added that Condition 5 in the Staff Report is a result of the property owner at Tax Parcel 16900024, at the previous meeting, expressing concern of headlights shining into their home from vehicles entering and exiting the proposed development. He said, since that time, the entrance has been moved approximately 60' to the south, but staff suggested both parties come to an agreement of some type of screening to alleviate any nuisance (shining car lights) to the property owner of Tax Parcel 16900024. Mr. Pages identified the subject property and surrounding properties on a visual map.

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.
- Portions of Lots 65-68 should be removed from the AE Flood Zone by relocation or filing a LOMR (Letter of Map Revision) with the Floodplain Administrator.
- (Condition carried over from Case # PD-92) – work with the property owner of Tax Parcel 16900024 to provide screening designed to block light from headlights coming from the development entrance.

Mr. Dunham asked staff how the stormwater ponds will be constructed? Mr. Pages said the project will be designed to the 100-year storm event.

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

Ms. Amy Schafer addressed the Board on behalf of the applicant. Ms. Schafer reiterated that the subject property is currently RR (Rural Low Density Residential) and there is a current PD for 252 residential units. They are requesting 294 residential units with the proposed project, which is an additional 42 residential units creating an increase of approximately 0.33 units per acre. Ms. Schafer said the applicant is different from the original approved project and they want to add more housing types to the project. Ms. Schafer's PowerPoint (attached) outlined the proposed housing types as well as the exceptional design for the project.

Mr. Gaver asked about sidewalks in the neighborhood. Ms. Schafer said there will be sidewalk connections throughout the property in front of the homes. Mr. Gaver said there is currently an affordable housing issue in the County and the proposed townhomes will help alleviate some of that issue.

Mr. Cheek asked if Lots 51 and 52 are impacted by the AE Flood Zone? Mr. Charles Cazier, Intracoastal Engineering, addressed the Board. Mr. Cazier said those lots are in the flood zones, but the buildings will be outside the flood zones. However, they are proposing to fill in some of those flood zone areas. Ms. Easley clarified that they are filling some areas in the flood zone, but they are applying for a LOMR (Letter of Map Revision) with the Brunswick County Floodplain Administrator and Mr. Cazier concurred.

Ms. Johnia McCumbee addressed the Board. Ms. McCumbee was concerned with services (medical facilities, first responders, schools, roads, etc.) not being readily available to accommodate 800 more people to the area coupled with all the other previously approved developments. She was also concerned with local businesses not having staff to provide commerce for the additional people that will be living in the development.

Mr. Mario Lawrence addressed the Board. Mr. Lawrence was opposed to the PD. He felt that the price market (approximately \$300k) is not affordable housing. He stated that there are current traffic issues on NC 211 (Southport-Supply Road SE) as well as overcrowded schools in the County. Mr. Lawrence asked who the contact person is at the Board of Education that provides information regarding school capacity? Mr. Pages said Craig Eckert is the contract person in the school system.

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

Mr. Cheek made a motion to approve PD-116 (Berkley Bay Planned Development Modification) with the noted conditions in the Staff Report and include Lot 51 and 52 in Condition 4 and the motion was unanimously carried.

C. Planned Development – PD-117

Name: Cresswind Planned Development Expansion  
Applicant: McKim and Creed  
Tax Parcel(s): 21300066, 21300067, 21300068, 2130006701, 2290002902, 2290002903 and 229BA001-229BA096  
Location: Bricklanding Road SW (NC 179) and Old Georgetown Road SW (SR 1163)  
Description: Cresswind is a planned development that was approved in December 2021 consisting of 314 single-family lots and 58 townhomes for a total of 372 residential units on 68.64 acres, creating an overall density of 5.42 dwelling units per acre. The applicant is proposing to modify the planned development to contain a total of 271 single-family lots and 156 townhomes on 150.80 acres for an overall density of 2.84 dwelling units per acre. This proposed modification will include the previously recorded sections of Lakeview and The Park at Ocean Pines subdivisions.

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 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.
- Roads and utilities consistent with UDO standards shall be provided to the six independently owned lots.
- Roads and utilities consistent with UDO standards shall be provided to the six independently owned lots.

Mr. Bittenbender asked why the project will be designed to the 25-year storm event? Mr. Pages said there is no flood zone in close proximity to the site and the previously approved project was designed to the 25-year storm event.

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

Mr. Richard Collier, representative for McKim and Creed, addressed the Board. He stated that this is a re-development of Cresswind with a reduction in density. He said, previously, there was

a “Build for Rent” Phase (Phase 1A and Phase 1B on this plan) of the development that had approximately 378 acres, which has not been as successful as they thought. As a result, the developer revised this area to single-family and townhome lots, which resulted in a decrease of residential units. Phase 2 is an addition with six individually owned lots in the center of the project that will be provided with public water and sewer connection. Mr. Collier reiterated that they will comply with the open space requirements, there will be a clubhouse and pool area on site and permits are in hand for any impacts generated by the proposed project. He concluded that the project will be designed to the 25-year storm event and they will route the 50-year storm and 100-year storm through the stormwater ponds to make sure they are protecting downstream.

Ms. Johnia McCumbee addressed the Board. She expressed concern with adding 1,100 people to the County population and the potential imposition to first responders, medical facilities, schools, police, and frontline workers. Ms. McCumbee said there is currently a high volume of traffic in the vicinity where this project is proposed. She said there will likely be safety issues in the area when residential dwellings are built because law enforcement do not have the manpower to direct traffic in this heavily traveled area during tourist season, especially, at the round-about.

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-117 (Cresswind Planned Development Expansion) with the noted conditions in the Staff Report and the motion was unanimously carried.

D. Planned Development – PD-118

Name: The Preserve at White Rock Lake Planned Development  
Applicant: Dream Finder Homes, LLC  
Tax Parcel(s): 21600039  
Location: Stone Chimney Road SW (SR 1115)  
Description: The Preserve at White Rock Lake is a planned development, consisting of 91 single-family lots on 42.81 acres, creating an overall density of 2.13 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 added that Sandy Bluff Subdivision is adjoining the subject property and there were discussions to potentially provide interconnectivity, but there is a stream and other environmental issues that prohibit such from occurring. He further stated that the road ends approximately 120’ from the subject property.

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.

Mr. Gaver asked staff to define a wetland impact and why it would be allowed? Mr. Pages said a permit has to be issued by the Department of Environmental Quality and the US Army Corps of Engineers to disturb wetlands and they decide where and how much wetlands can be disturbed with the appropriate mitigation. Mr. Gaver asked how the walking trail (active open space) will be constructed because it is proposed through the wetlands? Mr. Pages said it can be mulch or an elevated boardwalk, depending on the wetland type involved.

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

Mr. Nate Allen, CLD Engineering, addressed the Board. Mr. Allen reiterated that they are proposing 91 single-family lots with an average lot size of 7,800 square feet. He said they are requesting a PD because of the wetland acreage around the property. There will be 19.92 acres of open space, which is predominantly wetlands. Mr. Allen said the walking trail is another method for people to gain access to the mail kiosk area and other amenities in the neighborhood without driving a vehicle. He said they are proposing normal curbs and gutter and paved roads throughout the project that will drain to 4 proposed stormwater ponds that are designed for the 1 year, 10 year and 25-year 24-hour storm event. Mr. Allen said no increase is allowed in the peak stormwater discharge on the entire site, so it has been engineered to capture any water that is on the site and treated in the stormwater ponds. Gravity sewer will serve the site with a pump station on site.

Mr. Cheek asked if a portion of Lot 17 lies within the 404 wetlands? Mr. Allen said Lot 17 will be outside of the 404 wetlands.

Mr. Gaver asked why the plan shows a 100-year Flood Zone AE, but the applicant is proposing the plan be designed to the 25-year storm event? Mr. Allen said they are not developing in 100-year Flood Zone AE. Mr. Gaver suggested that the plan be designed on a higher threshold. Mr. Pages said there were discussions at the TRC meeting, but Bridgit Flora recommended the project be designed to the 25-year storm event and the 100-year storm event be analyzed to ensure there is no overtopping of the SCMs (Stormwater Control Measures).

Mr. Jeff Petroff, Engineer with CLD Engineer, addressed the Board. He stated what is called wetlands and where the flood zone is located is really surface water and the area is heavily saturated. Mr. Petroff said designing the project to the 100-year flood would create more clearing and more impact to the wetlands, which will increase the costs of the lots. Mr. Petroff said with the location to the wetland draws that go to surface water, the 25-year design made more sense rather than over designing the pond(s). Mr. Gaver was not convinced that the 25-year design is appropriate since the stormwater engineer felt that the 100-year storm event should be analyzed. Mr. Cheek asked Mr. Petroff to explain the 100-year attenuation? Mr. Petroff said they will analyze the 100-year storm event to ensure they are not flooding anything in the neighborhood or downstream, but they do not want to oversize the pond(s) to meet the pre/post development.

Ms. Robin Vanvliet addressed the Board. Ms. Vanvliet was concerned with the potential impact on Stone Chimney Road SW (SR 1115) regarding flooding and traffic congestion. She stated that the road is very narrow with no shoulder to pull off the road, if needed. Ms. Vanvliet said this is her evacuation route out of the County and there have been problems evacuating in the past. She further stated that this is a direct route from NC 211 (Southport-Supply Road SE) and US 17 to get to Holden Beach. She concluded that she is concerned how the entire area with regards to medical facilities, first responders, schools, police, etc. will be impacted.

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

Mr. Gaver made a motion to approve PD-118 (The Preserve at White Rock Lake) with the noted conditions in the Staff Report and the stormwater system be analyzed to the 100-year storm event to ensure no overtopping of stormwater control measures (SCMs) and the motion was unanimously carried.

#### VIII. OTHER BUSINESS.

- Holden Beach Causeway

Ms. Dixon addressed the Board. She stated that GSATS (Grand Strand Area Transportation System) hired a consultant to do a transportation plan for the Holden Beach Causeway, which will be released in the near future. Ms. Dixon said the plan will be presented to the Board of Commissioners for approval. She further stated that some of the recommendations in the plan will affect the UDO, which may prompt an overlay district to be incorporated in the UDO.

Ms. Dixon stated that staff is scheduling a Community Input meeting on 12-Dec-23 at the Senior Center (101 Stone Chimney Road SW) in Supply on how to incorporate more green space within the UDO. She further stated that more information will be forthcoming.

- Planning Board Case Update.

Ms. Dixon addressed the Board. She 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. She further stated that Rezoning Cases Z-874 and Z-875 were approved at the Planning Board's 09-Oct-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.