

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

**6:00 P.M. Monday**  
**March 14, 2022**

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

MEMBERS PRESENT

Eric Dunham, Chair  
Joy Easley, Vice Chair  
Clifton Cheek  
Richard Leary  
Ron Medlin  
Christopher Wood

MEMBERS ABSENT

William Bittenbender  
Brett Riggs, Alternate

STAFF PRESENT

Marc Pages, Principal Planner  
Connie Marlowe, Admin. Asst. II  
Garrett Huckins, Planning Tech.  
Hugo Bryant, Jr., Zoning Tech.  
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

Frank Braxton  
Irina Zaslavskaya  
Gerald Kirby  
Joey White  
Naomi Hewett

Robert Johnston  
John Hankins  
Jeff Petroff  
Nicholas Hewett

I. CALL TO ORDER.

Mr. Dunham called the meeting to order at 6:01 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE.

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

III. ROLL CALL.

Mr. William Bittenbender and Mr. Brett Riggs were absent.

IV. AGENDA AMENDMENTS.

There were none.

V. PUBLIC COMMENT.

There were none.

VI. NEW BUSINESS.

A. Planned Development – PD-71

Name: Holden Beach Landing  
Applicant: CLD Engineering  
Tax Parcels: 21500060, 21600112, 2160011604, and 2160011802  
Location: Holden Beach Road SW (NC 130)  
Description: Holden Beach Landing is a proposed planned development to consist of 186 single family lots on 109.29 acres creating an overall density of 1.8 dwelling units per acre.

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

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; and
- Place a note on the site plan that the stormwater system shall be designed to accommodate the 25-year storm event.

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

Mr. Frank Braxton, representative for CLD Engineering PLLC, addressed the Board on behalf of the applicant. Mr. Braxton reiterated that this is a 186 single-family lot planned development with commercial (3.30 acres) near the front of the project. He stated that there was a mining

permit on this site that resulted in a borrow pond. Mr. Braxton said they have studied the floodway as addressed in the Technical Review Committee (TRC) meeting as well as the clogged ditches in the area that was discussed at the neighborhood meeting. As a result, they have moved lots outside the floodway and off Bell's Creek and they will provide clean-out the clogged ditches. He stated that the lots in the AE Flood Zone are buildable lots and the homes will be elevated 2' above base flood elevation. Mr. Braxton said they have worked with the North Carolina Department of Transportation (NCDOT) regarding the location and design of the entranceway to the site. He further stated that the Traffic Impact Analysis has been completed and approved by NCDOT.

Mr. Gerald Kirby, owner of 1443 Stanbury Road SW, addressed the Board. Mr. Kirby was concerned with the drainage ditches that run through the subject property and he asked that the main ditches that run through the subject property stay intact as they were designed by NCDOT to drain the water from Stanbury Road SW (SR 1124) to the Bell Branch area and eventually end up in the Shallotte River. Mr. Kirby further stated that there are 2 culverts that run under Stanbury Road SW (SR 1124) near 1467 and 1529 Stanbury Road SW and the water from the north side of Stanbury Road SW (SR 1124) flows toward the residents on the south side of Stanbury Road SW (SR 1124) through the 2 culverts as it was designed to do. He proceeded to say that the surface water and subsurface water runs toward Bell Branch. Mr. Kirby said NCDOT was maintaining the lead ditches from Stanbury Road SW (SR 1124) to Bell Branch and Brunswick County Mosquito Control maintained the lead ditches until that program was discontinued. Mr. Kirby said the proposed project indicated that there will be homes constructed in close proximity to the lead ditches that drain from Stanbury Road SW (SR 1124) to Bell Branch. Mr. Kirby identified the lead ditches from Stanbury Road SW (SR 1124) to Bell Branch on a visual map that vary from 4' to 8' deep and 6' to 10' wide. He had photos (via a visual map) of the area after a spring rain. He approached the Board with a photo of the area where there is current flooding issues in the area. Ms. Easley asked Mr. Kirby if the drainage ditches run through his property? Mr. Kirby said the ditches come up to his property. Mr. Kirby proceeded to say that the residents along Stanbury Road SW (SR 1124) will be flooded if the lead ditches are removed. Mr. Kirby asked that the drainage issue be addressed prior to the approval of this project.

Mr. Jeff Petroff, representative for CLD Engineer, addressed the Board. Mr. Petroff said the subject property is downstream from Mr. Kirby's property and the subject property is receiving stormwater runoff from other properties in the immediate area. He stated that they are currently evaluating the situation to address the water runoff from the existing vertical cut ditches. Mr. Petroff said they plan to reroute the water to the ditches they build on a 3:1 slope while maintaining the existing ditches that will not be rerouted. Mr. Petroff further stated that the ditches that will be rerouted will be built to a cross section that can be maintained and accommodate the volumes of water coming through the ditches. Mr. Petroff concluded that water will be captured and conveyed to their treatment devices and released. He stated that the project will be designed to a 25-year storm event.

Mr. Cheek asked about the abandoned borrow pit that will be used for stormwater treatment improvements. Mr. Petroff explained that they will likely have to do some filling and bypass the water that is coming through the site and put their water into the stormwater pond where the borrow pit used to be. Mr. Petroff said they will clean-out the ditch(es) where water is not flowing properly. Mr. Leary asked who will be responsible for keeping the ditches clean? Mr. Petroff said the ditches will be a part of the overall stormwater system and maintained by the homeowner's association (HOA) of the subject property.

Mr. Joey White, owner of 1529 Stanbury Road SW, addressed the Board. Mr. White said he has made contact with NCDOT regarding stormwater drainage issues on his property. He stated that he has done repairs to assist with stormwater drainage issues to the main ditch that crosses over the subject property. Mr. White discussed drainage issues via an email photo sent to Mr. Pages earlier today. Mr. Dunham asked Mr. White how long the water remains on his property? Mr. White said, during the winter months, the water is usually there for months and approximately 2' deep when there is a lot of rain.

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

Mr. Dunham clarified that there appears to be an issue with water flowing through the subject property. However, the developer intends to clean-out the ditches and reroute the water, where possible. Ms. Easley said the U.S. Army Corps of Engineers will have to approve any changes proposed by the developer.

Ms. Easley made a motion to approve Holden Beach Landing Planned Development (PD-71) with the noted conditions presented in the Staff Report and the existing ditches in the project area will not be deadheaded and/or closed; rather, the existing ditches will be rerouted through permitting with the U.S. Army Corps of Engineers and the motion was unanimously carried.

B. Rezoning Z-837 – Robert Johnston.

Request rezoning of approximately 8.80 acres located at 791 Bricklanding Road SW near Shallotte from NC (Neighborhood Commercial) to C-LD (Commercial Low Density) for Tax Parcel 21300057.

LAND USE PLAN MAP AMENDMENT LUM-837:

Request to amend Tax Parcel 21300057 located at 791 Bricklanding Road SW (NC 179) near Shallotte from LDR (Low Density Residential) to Commercial.

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

Mr. Pages said staff recommends approval from NC (Neighborhood Commercial) to C-LD (Commercial Low Density) for Tax Parcel 21300057 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map from LDR (Low Density Residential) to Commercial for Tax Parcel 21300057 located at 791 Bricklanding Road SW (NC 179).

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

Mr. Robert Johnston addressed the Board. Mr. Johnston stated that the proposed zoning change is the highest and best use of the property for future development on the property in question.

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 Parcel 21300057 from NC (Neighborhood Commercial) to C-LD (Commercial Low Density) in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Commercial for Tax Parcel 21300057.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for REZONING be

**APPROVED – NOT CONSISTENT WITH COMPREHENSIVE PLAN**

- The Planning Board finds that the proposed zoning amendment is NOT consistent with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning is not consistent with the CAMA Land Use Plan (Comprehensive Plan) as it is classified as LDR (Low Density Residential). However, a CAMA Land Use Plan amendment has been requested to Commercial.

- The Planning Board further finds that the approval of the proposed zoning amendment will amend the CAMA Land Use Plan (Comprehensive Land Use Plan) and the following changes have been considered to meet the needs of the community:

There are commercial nodes in this area.

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

There is a need for more commercial activity that cannot be achieved in the current zoning district.

The Chairman stated that any person with standing may appeal the decision of the Planning Board. If an appeal is received in the allotted time, the case will move forward to the Brunswick County Board of Commissioners for a Public Hearing and their consideration. He further stated that if notice of the appeal is not provided in writing within 15 days, then the decision of the Planning Board shall be final.

C. Rezoning Z-839 – Ruslan Zaslavskiy.

Request rezoning of approximately 1.93 acres located on Ocean Highway West (US 17) near the intersection of Mt. Pisgah Road SW (SR 1130) from RR (Rural Low Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 1670005802.

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

Mr. Pages said staff recommends approval from RR (Rural Low Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 1670005802.

Mr. Cheek asked to be recused citing a potential conflict of interest.

Ms. Easley made a motion to recuse Mr. Cheek and the motion was unanimously carried.

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

Mr. Nicholas Hewett and Ms. Naomi Hewett addressed the Board. Mr. Hewett said, when the property was surveyed, property stakes were placed approximately 8' onto their property and they want assurance that the property corners are corrected and there is no infringement on their property. Mr. Dunham suggested that they either talk to the surveyor that surveyed the property incorrectly to resurvey the property or they can hire another surveyor to identify the property corners of Naomi Hewett's property (Tax Parcel 1670005801). However, if the matter cannot be resolved, the surveyor board can be contacted to assist in a resolution.

Ms. Irina Zaslavskaya addressed the Board. Ms. Zaslavskaya stated that they want to change the zoning to place a small business on the property.

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

Mr. Wood made a motion to approve Tax Parcel 1670005802 from RR (Rural Low Density Residential) to C-LD (Commercial Low Density).

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for REZONING be

**APPROVED – CONSISTENT WITH COMPREHENSIVE PLAN**

- The Planning Board finds that the proposed zoning amendment is consistent with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning is consistent with the CAMA Land Use Plan (Comprehensive Plan) as it is classified as Commercial.

- The Planning Board further finds that the approval of the proposed zoning amendment will amend the CAMA Land Use Plan (Comprehensive Land Use Plan) and the following changes have been considered to meet the needs of the community:

Based on the Staff Report, the County and its participating municipalities strongly support commercial nodes, including town and village centers, and the prohibition of strip commercialization.

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

The property is located in an area designed as commercial and it is adjacent to a major corridor.

The Chairman stated that any person with standing may appeal the decision of the Planning Board. If an appeal is received in the allotted time, the case will move forward to the Brunswick County Board of Commissioners for a Public Hearing and their consideration. He further stated that if notice of the appeal is not provided in writing within 15 days, then the decision of the Planning Board shall be final.

Ms. Easley made a motion for Mr. Cheek to rejoin the Board and the motion was unanimously carried.

VII. OTHER BUSINESS.

- Flood Resiliency Update.

Mr. Pages addressed the Board. He stated that Brigit Flora, Stormwater Engineer, asked that she have more time to review the proposed resolution that was recommended by the Board at the 08-Mar-22 so it will likely reappear at the 11-Apr-22 Planning Board meeting.

VIII. ADJOURNMENT.

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