

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

**6:00 P.M. Monday**  
**September 12, 2022**

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

MEMBERS PRESENT

Joy Easley, Vice Chair  
William Bittenbender  
Ron Medlin  
Christopher Wood  
Harry Richard Ishler, Alternate

MEMBERS ABSENT

Eric Dunham, Chair  
Clifton Cheek  
Richard Leary

STAFF PRESENT

Kirstie Dixon, Director  
Marc Pages, Principal Planner  
Connie Marlowe, Admin. Asst. II  
Gilbert Combs, Project Planner  
Garrett Huckins, Planning Tech.  
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

John Hankins  
Micah Jones  
Allison Engelbretson  
Joseph Humphrey  
Lana Humphrey  
Steve Parker  
Robert Balland  
Pete Samsel  
Alan Davis  
Debbie Bjorkman  
Martha Chapman  
Kim Smith

George & Dorothy Uchman  
John Danford  
Brigit Flora  
James Paggoili  
Joe Smith  
Derek Norfleet  
Roger Shew  
Jamison Fair  
Becky Locke  
Tom Lombardi  
Shirley Sullivan  
William Benton

I. CALL TO ORDER.

Ms. Easley called the meeting to order at 6:00 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE.

Ms. Easley said a prayer. Ms. Easley asked everyone to stand and face the U.S. Flag to say the Pledge of Allegiance.

III. ROLL CALL.

Mr. Eric Dunham, Mr. Richard Leary, and Mr. Clifton Cheek were absent.

IV. CONSIDERATION OF MINUTES FROM THE 08-AUG-22 MEETINGS.

Mr. Bittenbender made a motion to approve the 08-Aug-22 minutes as presented and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

There were none.

VI. PUBLIC COMMENT.

There were none.

VII. NEW BUSINESS.

A. Rezoning Z-852CZ – George & Dorothy Uchman.

Request conditional rezoning of approximately 2.9 acres located at 9831 Blackwell Road SE (SR 1551) near Belville from IG (Industrial General) to RRCZ (Rural Low Density Residential Conditional Zoning) for Tax Parcel 0380002002.

LAND USE PLAN MAP AMENDMENT LUM-852CZ:

Request to amend Tax Parcel 0380002002 located at 9831 Blackwell Road SE (SR 1551) near Belville from Industrial to LDR (Low Density Residential).

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

Mr. Combs said staff recommends approval from IG (Industrial General) to RRCZ (Rural Low Density Residential Conditional Zoning) for Tax Parcel 0380002002 with the noted conditions in the Staff Report in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to LDR (Low Density Residential).

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

Mr. George Uchman addressed the Board. Mr. Uchman said the proposed structure will be a hobby shop for him and his son to work on old cars.

Mr. Wood asked the height of the tower on the site? Mr. Combs said the tower is 227' in height. Mr. Wood expressed concerned with the proposed structure being 88' (close proximity to the tower fall zone) from a 227' high tower. Mr. Combs said setback from the tower is based on the zoning district plus an additional 6" for every foot of the tower height, which equates to 138'. er. Ms. Easley clarified that the structure will be 88' as opposed to 138' from the tower and Mr. Combs replied, yes.

Mr. Wood asked who owns the tower? A member of the audience said the tower is owned by American Towers.

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

Mr. Bittenbender made a motion to approve Tax Parcel 0380002002 from IG (Industrial General) to RRCZ (Rural Low Density Residential Conditional Zoning) with the noted conditions in the Staff Report in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map and the motion carried 3 to 2 with Mr. Wood and Ms. Easley opposing.

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). However, an amendment has been requested to LDR (Low Density Residential).

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

There was no public opposition.

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

There was no public opposition.

Ms. Easley 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. She 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.

B. Planned Development – PD-83

Name: East Lake Planned Development  
Applicant: Criteria Engineering and Criteria Development  
Tax Parcel(s): 0360000701, 0350004104, and a portion of 02800001  
Location: Malmo Loop Road NE (SR 1417) and Colon Mintz Road NE (SR 1416)  
Description: East Lake is a proposed planned development consisting of 3,925 single family lots, 693 townhome units, and 300 multi-family units on 2114.27 acres creating an overall density of 2.38 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;
- Individual driveways shall be restricted on the collector road south of the northernmost traffic circle down to the local road adjacent to the proposed 1.23-acre park; and
- Add Tax Parcels 0350004102 and 0350004101 to the site data table on the site plan.

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

Mr. Micah Jones, representative for Criteria Engineering and Criteria Development, addressed the Board. Mr. Jones concurred with the Staff Report. He stated that they are proposing approximately 5,000 units and a wetland delineation has been completed. He further stated that there were concerns of stormwater and traffic at the neighborhood meeting. Mr. Jones said they are amenable to over designing their stormwater system and traffic will be addressed through the Traffic Impact Analysis (TIA) and potential road improvements will have to be address as required by the North Carolina Department of Transportation (NCDOT). Mr. Jones projected that the project completion will be approximately 15 years, depending on market conditions.

Ms. Easley asked if the single family lots are in the unstudied AE flood zone area? Mr. Jones said he is uncertain of the number of single family lots in the AE flood zone area. He stated that the base flood elevations will be identified during the flood study and flood zones will be noted.

Mr. Wood asked if the property is surrounded by water and Mr. Jones concurred. Mr. Wood felt the project should meet the 100-year storm event and Mr. Bittenbender concurred. Mr. Jones said they would agree to that condition.

Mr. Steve Parker addressed the Board. Mr. Parker said this property was an ammunition terminal and the property is extremely wet. Mr. Parker said the proposed area for a school will be the responsibility of the taxpayers and not the developer. He felt that the roads cannot handle this

project as well as the Malmo Loop Tract Planned Development (PD-72), which is proposed across the street.

Ms. Lana Humphrey addressed the Board. Ms. Humphrey said the roads are currently washed out. Ms. Humphrey was concerned with stormwater runoff that will be generated from this project and she pointed out that several areas will be affected by the water that is discharged from this site. Ms. Humphrey was concerned with wildlife being displaced and coming up to residential homes because they no longer have a safe habitat. She felt that development should be put on hold until infrastructure is in place to handle new development. She was also concerned with potential accidents as result of the additional traffic in the area that will be generated from this project.

Mr. Joseph Humphrey, resident of Colon Mintz Road, addressed the Board. Mr. Humphrey said he has witnessed retention ponds failing on different occasions. He was concerned with the potential for additional flooding to the area as a result of the proposed development. Mr. Humphrey expressed concern with current contaminated waters in the area and the potential for additional contamination that will likely be generated for this project. Mr. Humphrey said he is opposed to the proposed development.

Mr. Pete Samsel addressed the Board. Mr. Samsel was opposed to the proposed development because there is not enough infrastructure in the area to support this project and/or Malmo Loop Tract Planned Development (PD-72). He felt that the children will have to deal with flooding issues during their adult life.

Mr. Roger Shew addressed the Board. Mr. Shew said this area is extremely wet. Mr. Shew felt that there will be difficulty with ingress and egress in the area if this project is approved. He felt that the County should take a step back or pause on approving development until the flooding issues and other community issues have been resolved.

Mr. Wood asked Brigit Flora her opinion on the issues in the area previously expressed by members of the community? Ms. Flora said as long as the project meets the Brunswick County Stormwater Ordinance, the project can be approved. Ms. Easley asked Ms. Flora if her office inspects stormwater ponds? Ms. Flora said they inspect stormwater ponds once the engineer certifies that the stormwater pond is designed per the plan submitted and a final inspection is conducted, in addition to annual inspections to ensure the stormwater pond is still in compliance and maintained properly. Ms. Easley asked Ms. Flora if they do inspections when someone complains about a stormwater issue and Ms. Flora replied, yes.

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

Ms. Easley made a motion to deny East Lake Planned Development (PD-83) based on the significant wetlands on the site and flooding in the area from historical data voiced by neighboring property owners and the representative for the developer was unable to disclose the percentage of the site in the unstudied A flood zone, which could cause some base flood elevation issues with the layout of the project and the motion was unanimously carried.

Ms. Easley reminded the audience that the developer can file an appeal to the Brunswick County Board of Commissioners or resubmit the plan with revisions to the Planning Board for consideration.

C. Planned Development – PD-89

Name: Ocean Isle Mixed Use Planned Development  
Applicant: Paramounte Engineering  
Tax Parcel(s): 22900008 and a portion of 24400007  
Location: Beach Drive SW (NC 179) and Hale Swamp Road SW (SR 1154)  
Description: Ocean Isle Mixed Use is a proposed planned development consisting of 84 townhomes, 36 duplexes, and 304 multi-family units on 73.52 acres creating an overall density of 5.76 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; and
- 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. Wood made a motion to open the Public Hearing and the motion was unanimously approved.

Ms. Allison Engelbretson, representative for Paramounte Engineering, addressed the Board. Ms. Engelbretson briefly discussed a PowerPoint presentation (attached) regarding this project. She said this project is close to the Ocean Isle Beach Airport runway. The project is bisected by Jinnys Branch and there is a floodway that runs through the site as illustrated in orange on the plan. There will not be a road connection through the floodway or any of the floodplain areas. She stated that they have to provide 2 points of entry for each project side and they are proposing the apartments and the amenities (playground, dog parks, clubhouse, and pool) associated with the apartments have access off NC 179. She pointed out the other points of entry and amenities in those areas. Ms. Engelbretson said they are keeping all of the flood zone areas open, excluding a small impact with a building in the 500-year flood area. She further stated that they have to meet a fire requirement in a wetlands area, which is very minuscule. Phase 2 is a mixture of uses, which includes a commercial (storage units with RV and boat storage) component, clubhouse, leasing office, townhomes and duplexes.

Mr. Robert Balland, Professional Engineer for Paramounte Engineering, addressed the Board. Mr. Balland said the development side is on higher land and not near the floodways. He stated that they can meet the 100-year storm event. He further stated that the downstream culvert issue is being addressed by NCDOT, according to his knowledge. Mr. Balland said they will provide 2 pump stations, gravity sewer is on Hale Swamp Road SW (SR 1154), and there is a 12" water main off Hale Swamp Road SW (SR1154).

Mr. Derek Norfleet addressed the Board. Mr. Norfleet was concerned with flooding in the area and he felt that the proposed development will only compound the current flooding issues in the

area. He felt that Goose Creek Road SW (SR 1155) has not been taking into consideration regarding potential flooding from the proposed development. Mr. Norfleet also expressed concern with his property value if there are rental units on the site. He said Goose Creek Road SW (SR 1155) has been closed for approximately 1 month by NCDOT while they work to repair it. He proceeded to say NCDOT is excavating part of the road by Brickland Golf Course. Mr. Norfleet said if the bridge is not repaired or replaced, there will be a problem with evacuation from the area. He felt that a traffic study should be completed for Goose Creek Road SW (SR 1155).

Mr. Joe Smith addressed the Board. Mr. Smith was concerned with the additional traffic that will be generated from this project because Goose Creek Road SW (SR 1155) is currently being used as a cut-through. He was also concerned with the wetlands on the site and the potential of endangering wildlife and shellfish in the area.

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

Mr. Wood made a motion to approve Ocean Isle Mixed Use Planned Development (PD-89) with the noted conditions presented in the Staff Report and added the condition that the project be designed to the 100-year storm event and the motion was unanimously carried.

D. Planned Development – PD-90

Name: Southport Meadows Planned Development  
Applicant: Timmons Group  
Tax Parcel(s): A portion of 22100004  
Location: Long Beach Road SE (NC 133) and River Road SE (NC 87)  
Description: Southport Meadows is a proposed planned development consisting of 128 single family lots and 120 townhomes on 160.39 acres creating an overall density of 1.55 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; and
- 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. Bittenbender made a motion to open the Public Hearing and the motion was unanimously approved.

Mr. Jamison Fair, representative for Pulte Homes, addressed the Board. Mr. Fair concurred with the Staff Report. He said the TIA has been completed and approved and the recommendations

from the report have been incorporated into the plan. He stated that no development will be in the flood zone.

Mr. Alan Davis addressed the Board. Mr. Davis said this area floods during storms and there is usually standing water on the property. He stated that there is a ditch in the area where water is not flowing properly. He presumed that they built a road extremely high as an effort to drain the property.

Ms. Becky Locke addressed the Board. Ms. Locke said there will be stormwater runoff to Dutchman Creek from this lot and this area cannot handle more homes. She said there is not enough roads in the area to handle the additional traffic that will be generated by this development.

Ms. Debbie Bjorkman, resident of River Mist Subdivision, addressed the Board. She, too, was concerned with stormwater runoff and suggested the project be designed to a 100-year storm event.

Mr. Tom Lombardi addressed the Board. He asked where the entrances will be to the project and Mr. Fair identified those areas. Mr. Lombardi said there is water currently flowing to ponds in River Mist Subdivision and Mr. Fair identified the proposed retention ponds on the site. Mr. Fair said the subject property is approximately 1,000' from River Mist Subdivision.

Ms. Martha Chapman addressed the Board. Ms. Chapman said there are 3 houses at the end on J Swain Blvd and J Swain Blvd is supposed to go through this development. She reiterated that there is standing water in the area. She asked Mr. Fair where the retention ponds will be on the subject site and Mr. Fair identified 5 proposed retention ponds on the site. Ms. Chapman was also concerned with traffic that will be generated by this project as there is currently congestion in the area.

Ms. Shirley Sullivan, resident of River Mist Subdivision, addressed the Board. Ms. Sullivan was concerned with the growth rate numbers that was used for the TIA study. She felt that the growth rate numbers were probably based on the State 2% growth rate, whereas, the County is growing at 4% or greater. She felt the numbers should be doubled if the growth rate was based off the State growth rate percentage to get the real traffic impact. Ms. Sullivan was concerned with whether or not J Swain Blvd is going through the subject property.

Mr. Batton asked Mr. Pages if the developer is asking to extend J Swain Blvd and Mr. Pages replied, no. Mr. Batton clarified that J Swain Blvd is not part of the project approval. Ms. Sullivan said there are homeowners concerned about J Swain Blvd because their properties will be impacted. Mr. Batton said NCDOT will have to address that matter.

Ms. Kim Smith, resident of Wescott Estates, addressed the Board. Ms. Smith asked if the retention ponds will drain to Dutchman Creek and Mr. Fair replied, yes. She said Wescott Estates was flooded during Hurricane Florence and she was opposed to the development.

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

Mr. Wood made a motion to approve Southport Meadows Planned Development (PD-90) with the noted conditions presented in the Staff Report and added the condition that the project be designed to a 100-year storm event and the motion was unanimously carried.

E. Major Subdivision – SS-281

Name: Holden Oaks  
Applicant: Lennar Carolinas, LLC  
Tax Parcel(s): 1820008306  
Location: Royal Oak Road NW (SR 1345)  
Description: Holden Oaks is a proposed major subdivision consisting of 220 single family lots on a gross site of 70.83 acres creating an overall density of 3.1 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 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;
- Major Subdivision 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
- If Sanders Forest Drive NW is to be used as an active access to the property, a road maintenance agreement must be secured prior to construction.

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

Mr. John Danford, representative for Thomas and Hutton, addressed the Board. Mr. Danford said there is an existing creek that runs through the property that feeds into the Shallotte River. He stated that they are proposing a green space around the creek that will be accessible to the residents of subdivision.

Mr. William Benton addressed the Board. Mr. Benton said owns Tax Parcels 1820008304, 18200008301 and 18300082 on the other side of Sanders Forest Drive NW. He said he normally repair Sanders Forest Drive after a storm event. He was concerned with stormwater runoff on his property and whether or not Sanders Forest Drive NW will be utilized as a secondary road. He further stated that Royal Oak Road NW (SR 1345) is a dangerous road and vehicles have ended up on his property from traffic accidents because this portion of Royal Oak Road NW (SR 1345) in on a blind curve.

Mr. Danford re-addressed the Board. He provided the Board with a copy of the deed (attached) granting an easement and perpetual right-of-way to Sanders Forest through Holden Oaks (previously owned Bobby and Carolyn Long) to gain access Royal Oak Road NW (SR 1345). He stated that the property owners in Sanders Forest have been responsible for Sanders Forest Road NW, which is not in the best condition. Mr. Danford agreed that a road maintenance agreement should be secured prior to construction because they would like to use Sanders Forest Drive NW

full time to gain access to Holden Oaks Major Subdivision. He recognized that the road will have to be improved.

Mr. Benton was concerned with Royal Oak Road NW (SR 1345) being improved in this area. Mr. Danford said they will comply with NCDOT's approval criteria. Mr. Pages said NCDOT will require a driveway permit and possibly an updated permit for Sanders Forest, which will likely be when NCDOT require improvements to the intersection of Royal Oak Road NW (SR 1345) and Sanders Forest Drive NW.

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

Mr. Bittenbender made a motion to approve Holden Oaks Major Subdivision (SS-281) with the noted conditions presented in the Staff Report and the motion was unanimously carried.

#### VIII. OTHER BUSINESS.

- Planning Board Development Information and Related Resources

Ms. Dixon addressed the Board. She stated that staff provided the Board with copies of the Development Information and Related Resources prior to the meeting that includes the Transportation Improvement Plan, informational list of key departments/agencies, projects the Planning department is currently working on, major subdivisions and planned developments.

- Planning Board Case Update.

Ms. Dixon addressed the Board. She stated that PD-84 (RiverSea PD Modification) was appealed to the Board of Commissioners and PD-87 (Gilbert/Benton PD) opted the resubmit their plan to the Planning Board as a modification, which will be on the 10-Oct-22 agenda. Both projects were denied at the 08-Aug-22 Planning Board meeting.

- Blueprint Brunswick Update.

Ms. Dixon addressed the Board. She stated that there will be a community meeting on 25-Oct-22 at 6:00 p.m. at the Supply Senior Center and up to 3 Planning Board members can attend so anyone interested should contact Ms. Dixon. If more than 3 members are interested in attending, the Chair can assist staff with deciding which 3 Board members can attend.

Ms. Easley asked staff to provide a larger map of the projects for consideration so the information is more readable and the other Board members agreed.

#### IX. ADJOURNMENT.

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