

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
November 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
William Bittenbender
Clifton Cheek
Richard Leary
Harry Richard Ishler, Alternate
Christopher Wood

MEMBERS ABSENT

Ron Medlin

STAFF PRESENT

Kirstie Dixon, Director
Connie Marlowe, Admin. Asst. II
Garrett Huckins, Planning Tech.
Nicole Morgan, Project Planner
Ron Meredith, Project Planner
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

John Hankins
Patrick Newton
Michael Norton
April Williams
Juan Corona
Leslie Robinson
Sam Shore
Richard Caffrey
Jeff Satterwhite
Vernon Eakins
Pauline Haran

Joseph Bland, Norris & Tunstall Engineering
Meg Nealon
Mario Lawrence
Tina Culbreth
Carl Frey
Jeff Repp
Mayor Jean Toner
Amy Schaefer
Taylor Ryan
Alan North

I. CALL TO ORDER.

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

II. INVOCATION/PLEDGE OF ALLEGIANCE.

Mr. Cheek said a prayer. Mr. Dunham 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 10-OCT-22 MEETING.

Mr. William Bittenbender made a motion to approve the 10-Oct-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. Blueprint Brunswick 2040 Future Land Use Plan

Ms. Dixon addressed the Board. Ms. Dixon said the Consultants with McGill Associates, Ms. Meg Nealon and Mr. Michael Norton, will discuss a PowerPoint presentation (attached) outlining the Blueprint Brunswick 2040 Future Land Use Plan. She stated that they will discuss the plan overview, the process, the vision, key recommendations and the next steps. She said staff is requesting a favorable recommendation to the Board of Commissioners. She further stated that this a marketing and communication tool that tells where development (residential, commercial or industrial) is needed. The Plan is also a growth management tool that will guide development approvals, zoning regulations, subdivision regulations and ensure services and infrastructures are in place and available. Ms. Dixon proceeded to say that the Plan is a policy guide for services, amenities, parks, transportation, conservation and infrastructure. The Plan identifies the opportunities as well as challenges that the County has and it assists with mitigating those challenges. The Plan will assist with funding through the Comprehensive Improvement Plan (CIP) as well as grant applications and private investments. Ms. Dixon said the Plan is required by North Carolina General Statutes in the Coastal Area Management Act (CAMA) and 160D.

The Plan is a collaboration with other plans such as the Transportation Plan, Water and Sewer Plans, and the Agricultural Development Plan. Ms. Dixon said the Plan is composed of 2 projects (Comprehensive Land Use Plan and Parks & Recreation Master Plan). Ms. Dixon introduced the Consultants, Ms. Meg Nealon (Nealon Planning) and Mr. Michael Norton (McGill Associates) working with staff on the Blueprint Brunswick 2040 Future Land Use Plan.

Ms. Nealon continued with the PowerPoint presentation and discussed the vision and realizing the vision. She stated that they have had a wide variety of activities (meetings [including participating municipality meetings], public forums, focus groups [virtual meetings], online surveys, presentations and interviews with individuals conducted by staff, and an art contest that involved the younger generation) to engage the public. Ms. Nealon continued to discuss different aspects of the Plan. Mr. Norton addressed the Parks & Recreation Master Plan that is included in the overall plan. Ms. Nealon proceeded to discuss the recommendations for land use development as outlined in the PowerPoint presentation. Mr. Norton addressed stormwater runoff impacts from developments as well as utilities (water and sewer) availability within new development. Ms. Nealon further discussed the need for affordable housing and she pointed out the participating towns (Bald Head Island, Belville, Bolivia, Navassa, Northwest, and Sandy Creek) included in the process. Ms. Nealon concluded that they have other recommendations that crossover in different elements in the Plan such as natural resources and public access. She stated that the Plan is based on comments from the citizens about what is valuable in the County such as open space and public access. Ms. Nealon reiterated the recommendations and the fact that they are focused on the supply and demand based on the need in different areas of the County. Ms. Nealon said they are looking for feedback from the Board so the Plan can move forward to the Board of Commissioners as part of the adoption process. Ms. Dixon interjected that staff received comments (attached) from Ms. Kacy Cook and Tyler Newman, Brunswick Alliance for a Sound Economy (BASE).

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

Mr. Patrick Newton addressed the Board. Mr. Newton felt that this matter should be further reviewed and feedback received from the development community before this document moves forward to the Board of Commissioners for consideration. Mr. Dunham said the consultants and staff have offered many opportunities for feedback from the citizens in the County. Mr. Batton interjected that the public has responded to developing the Plan, but not feedback from the actual Plan. Ms. Dixon said staff received feedback from the public during open house. Mr. Newton said he has never seen this presentation and he asked if it is on the website. Ms. Dixon said the Plan has been on the website for a month. She reiterated that the Plan will be submitted to the Board of Commissioners on 05-Dec-22 for consideration. She suggested that Mr. Newton read the document and provide feedback prior to the 05-Dec-22 Board of Commissioners' meeting.

Ms. Easley asked staff if the Board has received the entire document? Ms. Dixon said the Board was provided a link to the website to access the Plan.

Mr. Mario Lawrence addressed the Board in support of Blueprint Brunswick 2040 Land Use Plan. Mr. Lawrence said he teaches Environmental Science and this is a hot topic because the future of the County is a big concern. He stated that there is a lot of development and the availability of infrastructure to accommodate existing and future development is paramount.

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

Mr. Dunham made a motion to recommend approval of Blueprint Brunswick 2040 Land Use Plan to the Board of Commissioners and the motion failed with Mr. Cheek, Ms. Easley, Mr. Bittenbender, and Mr. Leary voting no. Mr. Batton said the matter can move forward to the Board of Commissioners with a “no” recommendation or the Board can ask for additional discussion without moving forward to the Board of Commissioners. Mr. Cheek said this a great plan, but he felt that more public input is warranted.

Mr. Batton asked if the Board received the appendices of the Plan? Ms. Dixon said the appendices are on the website, in which, a link was provided to the Board. She stated that the document was also provide in dropbox, but staff can provide a paper copy to the Board. Ms. Easley said she prefers a printed copy. Mr. Dunham asked if staff can provide a printed copy of the Plan to the Planning Board members and Ms. Dixon replied, yes.

Mr. Wood said he agrees with Mr. Cheek and he made a motion for a hard copy of the Plan to be provided to the Board and this matter come back to the Board for further review and discussion and the motion was unanimously carried.

B. Planned Development – PD-92

Name: Old Lennon Road Tract
Applicant: Norris and Tunstall Engineering
Tax Parcel(s): 16900012, 1690001202 and 1850001503
Location: Old Lennon Road (SR 1504)
Description: Old Lennon Road Planned Development is a proposed planned development consisting of 252 single family lots on 105.26 acres creating an overall density of 2.39 dwelling units per acre.

Ms. Dixon addressed the Board. She read the Staff Report (attached). She identified the subject property and surrounding properties on a visual map.

Ms. Dixon 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 building permits. This includes Stormwater, Utilities, Fire Marshal requirements;
- Lots 139-142 should be removed from the AE Flood Zone by relocation or filing a LOMR (Letter of Map Revision) with the Floodplain Administrator; and
- Work with Rivergate (Smith NC 211) PD to relocate the main proposed driveway onto Old Lennon Road SE (SR 1504) at least 100 feet to the north or south to minimize impact on the existing single-family dwelling located on Tax Parcel 169000224 across Old Lennon Road SE (SR 1504). If all attempts fail at relocating

the main driveway, provide screening on Tax Parcel 16900024 with permission of the property owner. The screening should be 100% opaque and designed to block light from headlights on the main driveway.

Ms. Dixon said, during the neighborhood meeting, the neighbor at Tax Parcel 16900024 expressed concerns with headlights shining on their property because the proposed entrance is directly in front of their property and staff was also concerned with a potential intrusion to the adjacent property. She stated that the developer is trying to work with Rivergate to relocate the main driveway or provide 100% opaque screening with the permission of the property owners at Tax Parcel 16900024.

Mr. Wood asked if this planned development is proposing only 1 ingress and egress and Ms. Dixon replied, yes. Ms. Easley asked if the LOMR goes to the Federal Emergency Management Agency (FEMA) and Ms. Dixon replied, yes. Mr. Dunham asked staff what happens if FEMA does not grant the LOMR for Lots 139-142? Ms. Dixon said staff is suggesting that the lots be clustered out of the AE Flood Zone.

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

Mr. Joseph Bland, Norris and Tunstall Engineering, addressed the Board. Mr. Bland said the lots in question will be designed out of the AE Flood Zone if a LOMR is not received from FEMA. He further stated that they will not disturb the family cemetery in the area. Rivergate driveway stem that connects to Old Lennon Road SE (SR 1504) is their secondary access, which is required for fire purposes and the driveway stem was purchased through an easement of the Lennon property and the rights of access is retained by Lennon development. As a result, there is multiple ingress/egress points along Old Lennon Road SE (SR 1504) as well as interconnectivity to route through Rivergate (Smith NC 211) PD. Mr. Bland said the project will be designed to the 100-year storm event and they are proposed a 30' peripheral buffer. The project will be served by Brunswick County water and sewer, which will be designed and dedicated.

Ms. April Williams, property owner across the street from where the driveway is proposed, addressed the Board. Ms. Williams expressed concern with the speed limit on Old Lennon Road SE (SR 1504) and the potential for reducing the speed limit in the area. Mr. Dunham said the North Carolina Department of Transportation (NCDOT) will have to reduce the speed limit and he suggested she contact NCDOT regarding reducing the speed limit.

Mr. Mario Lawrence addressed the Board in opposition to the proposed development. He stated that Board has already approved approximately 500 homes in this area and there is currently a congestion problem in the area. Mr. Lawrence said the schools in the area are close to being at capacity and there are current plans to expand North Brunswick Schools due to capacity issues. He further stated that the family cemetery is not in compliance with the Brunswick County Unified Development Ordinance (UDO). Mr. Lawrence suggested that the project be delayed until a traffic study has been conducted by NCDOT. Ms. Dixon interjected that NCDOT has plans to widen Southport-Supply Road SE (NC 211), but it will be completed in segments.

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

Mr. Leary made a motion to approve Old Lennon Road Tract (PD-92) with the noted conditions as outlined in the Staff Report and the motion was unanimously carried.

C. Rezoning Z-855 – Leslie Robinson (%Louie Lewis).

Request rezoning of approximately 1.97 acres located at 411 Ocean Highway West (US 17) near Supply from C-LD (Commercial Low Density) and R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 1680003709 (formerly Tax Parcels 168IA008, 168IA009, 168IA010, 168IA011, 168IA013 and 168IA014).

LAND USE PLAN MAP AMENDMENT LUM-855:

Request to amend Tax Parcel 1680003709 (formerly Tax Parcels 168IA008, 168IA009, 168IA010, 168IA011, 168IA013 and 168IA014) located at 411 Ocean Highway West (US 17) near Supply from LDR (Low Density Residential) to Mixed Use.

Ms. Nicole Morgan addressed the Board. Ms. Morgan read the Staff Report (attached). She identified the subject property and surrounding properties on a visual map.

Ms. Morgan said staff recommends approval from C-LD (Commercial Low Density) and R-7500 to C-LD (Commercial Low Density) for Tax Parcel 1680003709 (formerly Tax Parcels 168IA008, 168IA009, 168IA010, 168IA011, 168IA013 and 168IA014) with the noted conditions in the Staff Report in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Mixed Use.

Mr. Dunham asked what is on the properties that are currently zoned R-7500 (Medium Density Residential)? Ms. Dixon said those properties are currently vacant. She further stated that there were several properties that have been combined. Mr. Dunham said there are several RR (Rural Low Density Residential) zoned properties within the subject property and he asked the current use on those properties. Ms. Dixon said the adjacent properties are not being used for residential purposes because the road is impassible. Ms. Dixon said most of the properties are owned by Mr. Louie Lewis. Ms. Easley clarified that there is a platted road with no improvements and Ms. Dixon concurred. Mr. Dunham asked if staff contacted the adjacent properties zoned R-7500 to rezone their properties and Ms. Dixon replied, no.

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

Ms. Leslie Robinson addressed the Board on behalf of the applicant. Ms. Robinson reiterated that several parcels (6) have been legally combined to Tax Parcel 1680003709 and the easement is accessible for the subject property. She further stated that the owner of the parcels at the end of Walnut Tree Court SW will maintain access even though those properties are accessed off Shade Tree Lane SW. Ms. Dixon clarified that there is an existing right-of-way (Walnut Tree Court SW).

Ms. Tina Culbreth, Daughter of Mr. Louie Lewis, addressed the Board. She stated that her father has owned this property since 1970 and he developed the property. Ms. Culbreth said there is an open field and the front of the property is used for a commercial business (Mobile Home Dealership). Mr. Cheek asked why Tax Parcel 1680003710 was not included in the rezoning request? Ms. Culbreth said that property is owned by Mr. Louie Lewis' son (Louie Lewis, Jr.). She said the majority of the property in close proximity to the subject property is owned by the Lewis family and they received notification of the proposed zoning change.

Mr. Juan Corona, owner of Tax Parcels 168IA012 and 1680003705, addressed the Board. Mr. Corona wanted to make sure he can access his property. Mr. Dunham said he will have access off Walnut Tree Court SW. Ms. Dixon reiterated that Walnut Tree Court SW is a right-of-way and it can be improved.

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

Mr. Wood made a motion to approve Tax Parcel 1680003709 (formerly Tax Parcels 168IA008, 168IA009, 168IA010, 168IA011, 168IA013 and 168IA014) from C-LD (Commercial Low Density) and R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) 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 was unanimously approved.

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 Mixed Use.

- 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:

The proposed zoning will correct a split-zoned property.

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

This will correct a split-zoned property, there was no opposition from the public and there is similar zoning nearby.

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.

D. Rezoning Z-856CZ – Jay Jesensky (%CA Five, LLC)

Request rezoning of approximately 93.26 acres located at Southport-Supply Road (NC 211) near St. James from C-I (Commercial Intensive) to C-LDCZ (Commercial Low Density Conditional Zoning) for Tax Parcels 20400016, 20400017, 20400043, 20400045 and 204000473.

LAND USE PLAN MAP AMENDMENT LUM-856CZ:

Request to amend Tax Parcels 20400043, 20400045 and 204000473 located at 3929 and 3931 Committee Drive SE near St. James, NC to Commercial. This land use plan amendment totals approximately 67.10 acres.

Ms. Nicole Morgan addressed the Board. Ms. Morgan read the Staff Report (attached). Ms. Morgan said the properties are in the proposed Wellhead Protection Overlay District and the proposed Town of St. James ETJ (Extraterritorial Jurisdiction). She identified the subject property and surrounding properties on a visual map.

Ms. Morgan said staff recommends approval from C-I (Commercial Intensive) to C-LDCZ (Commercial Low Density Conditional Zoning) for Tax Parcels 20400016, 20400017, 20400043, 20400045 and 20400047 with the noted conditions in the Staff Report in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Commercial for Tax Parcels 20400043, 20400045, and 20400047.

Ms. Easley asked if the map depicts the main entrance to St. James and Ms. Morgan replied, yes. Mr. Dunham asked if Tax Parcel 20400015 will remain C-I (Commercial Intensive)? Ms. Dixon said that property meets the current CAMA Land Use Plan. Mr. Batton asked if Condition 7 (A stormwater analysis of the 100-year storm flow shall be conducted) means the project will plan for 100-year storm or they will study the 100-year storm flow? Ms. Morgan said they will have to review it and Mr. Jim Paggioli, Floodplain Administrator, asked that this condition be included.

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

Mr. Carl Frey, CA Five, LLC addressed the Board. Mr. Frey stated that this is the first step to move forward in the process to develop the property for townhomes. He stated that the property is not in flood zone and this is a concept plan, in which, additional alterations will likely be done before the site is developed.

Ms. Easley asked about the note from Elliott Swain regarding wetland delineation. Mr. Frey said they will address this matter with the U.S. Army Corps of Engineers.

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 approve Tax Parcels 20400016, 20400017, 20400043, 20400045, and 20400047 from C-I (Commercial Intensive) to C-LDCZ (Commercial Low Density 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 for Tax Parcels 20400043, 20400045, and 20400047 to Commercial and the motion was unanimously approved.

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 Commercial for Tax Parcels 20400043, 20400045, and 20400047.

- 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:

The conditional zoning allows for the property to be used for something rather than industrial that will be a better fit for the area.

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

The conditional zoning allows for the property to be used for something rather than industrial that will be a better fit for the area.

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.

E. Town of St. James ETJ (Extraterritorial Jurisdiction) Request.

Ms. Dixon addressed the Board. She provided the Board with comments (attached) previously received regarding the Town of St. James ETJ request. Ms. Dixon explained the ETJ process via a PowerPoint presentation (attached). She read the Staff Report (attached). Ms. Dixon said staff recommends denial based on Criteria #2, Criteria #1 and Criteria #3 outlined in the Brunswick County ETJ Expansion Policy (attached).

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

Mr. Jeff Repp, Town Manager of St. James, addressed the Board. Mr. Repp asked that the Board recommend approval to the Board of Commissioners for the Town of St. James proposed ETJ request. He stated that the Town began the process following the North Carolina General Statute 160D-202 for the creation of a ETJ several months ago. He said they held a public hearing on 02-Nov-22 where the 61 affected property owners were invited to attend. Mr. Repp said there were a number of issues brought up at the public hearing from the property owners. He stated that the County's current ETJ Policy (Adopted in 1995) is not in compliance with today's General Statutes that requires a collaborative effort with the Town and residents/landowners. Mr. Repp said the Town Council was concerned with the difference in the County and the Town's permitted uses for commercial uses. Mr. Repp said they will have a residential component associated with any commercial activity in the ETJ area. He concluded that the matter will appear before the Town in January 2023 for consideration.

Mr. Sam Shore, Planner with the Cape Fear Council of Government (COG), addressed the Board. Mr. Shore briefly discussed a PowerPoint presentation (attached) regarding the timeline and review criteria in the County's ETJ Expansion Policy. He said the Town is prepared and

financially able to hire additional staff, as needed to address development of the properties in the ETJ area. Mr. Shore reiterated that the County's ETJ Policy was adopted in 1995 and the General Statute was adopted in 2012, which requires a collaborative effort between the Town and landowners for annexation to occur.

Ms. Easley asked if any landowners in the proposed ETJ area that attended the 02-Nov-22 Public Hearing were receptive to being included in the ETJ? Mr. Repp said he had conversations with approximately 5 landowners in the ETJ area and they were curious about the ETJ process, but they did speak in favor or against the ETJ. Ms. Easley said the proposed parcels are not contiguous as there appears to be some gaps in parcels. Mr. Repp said there are 2 parcels that are part of a 3,000 acre tract that have frontage on Southport-Supply Road SE (NC 211) and they extend outside the 1 mile area. He further stated that the ETJ boundary can only be within 1 mile of the corporate limits.

Mr. Wood asked if the Town of St. James has a planning board and Mr. Repp replied, yes. He stated that the COG assists the Town with planning and zoning matters, when needed.

Mayor Jean Toner addressed the Board. Mayor Toner spoke in support of the ETJ and she read a letter (attached) previously submitted to the Board stating such. Mr. Wood asked if the Town has any letters of the 31 residents in support of the ETJ? He asked why the County should agree to the proposed ETJ if the affected residents will not have access to the facilities in the private St. James community. Mayor Toner said the affected property owners have access to the Town's facilities (Town Hall, Executive Park and Community Center). Mr. Wood asked if they will be allowed to go into St. James' gated community? Mayor Toner said St. James is a municipality with town boundaries for a private housing development. She further stated that many communities have private housing developments such as Landfall and Porters Neck in Wilmington, NC. Mr. Wood said the properties in question are not within St. James city limits, but St. James wants authority to govern over properties outside their gated community. Mayor Toner said these parcels will have a dramatic impact on the 7,000 residents directly across the street. Mr. Wood said St. James' authority will have a dramatic impact on the parcels in the proposed ETJ. Mayor Toner said they will fall under St. James UDO rather than the County's UDO. Mr. Wood said those properties are outside the private community of St. James. Mr. Wood said he do not see a valid reason to approve the proposed ETJ request other than St. James wants control of the area outside their private community. Mayor Toner said the town wants to ensure that the development of those properties do not have a negative impact on the 7,000 residents within their private community across the road.

Ms. Easley asked Mayor Toner if there are specific areas of the County's UDO that is detrimental to the Town and Mayor Toner said there are uses in the County's UDO that can be detrimental to the residences (approximately 7,000) in St. James based on a comparison analysis with the County's UDO and the Town's UDO conducted by COG. Ms. Easley clarified that there are no specific detriments in the County's UDO to the Town and Mayor Toner concurred.

Mr. Patrick Newton addressed the Board. He discussed a letter (attached) that he presented to the Town addressed to Mr. Repp and St. James Town Council. He read an excerpt from the letter stating that the Town's UDO would effectively prohibit the use and development of his 20-acre parcel. Mr. Newton said none of the affected property owners that attended the 02-Nov-22 were in favor of the proposed ETJ. Mr. Newton read a Rebuttal to the Town of St. James letter (attached). Mr. Newton stated that an ETJ is not supposed to be a protective zoning tool for a town that is fully gated. He further stated that the Town's UDO is designed to control and regulate the private community of St. James. Mr. Newton said only allow 50% of the County's

commercial uses are allowable in St. James UDO. Mr. Newton asked that the Board recommend denial to the Board of Commissioners.

Mr. Richard Caffrey addressed the Board. He read a letter (attached) previously provided to the Board in support of the ETJ request.

Ms. Amy Schaefer, Lee/Kaess Law Firm, addressed the Board on behalf of several homeowners in the proposed ETJ area. She asked how many properties in the affected area are vested or currently under development? Ms. Schaefer said vested properties could potentially be grandfathered non-conforming uses if this request is approved. She said her clients have lots of unanswered questions regarding the ETJ request. Mr. Dunham said the Board has heard a lot of unanswered questions.

Mr. Jeff Satterwhite, owner of Tax Parcel 20400015, addressed the Board in opposition of the ETJ request. He felt that the County is better equipped to handle the planning and zoning along this corridor.

Mr. Taylor Ryan addressed the Board and read a handout (attached) previously provided to the Board in favor of the ETJ request.

Mr. Vernon Eakins addressed the Board. Mr. Eakins read a letter (attached) previously submitted to the Board in opposition to the proposed ETJ request and he asked that the Board recommend denial to the Board of Commissioners.

Mr. Alan North addressed the Board. He felt that the Town is infringing into the County's territory without consideration of the landowners affected outside the Town. He was concerned with whether or not St. James has the capability to handle the additional area and who is going to oversee the Town to ensure they are operating in the best interest of all parties, especially, outside of their private gated community.

Ms. Pauline Haran, resident of St. James, addressed the Board. She read a letter (attached) previously provided to the Board in support of the ETJ request. She stated that they will hire qualified personnel to oversee the planning and zoning of the ETJ area. Ms. Haran said they are offering help to the County by requesting the proposed ETJ. Mr. Wood interjected that the Town is asking to oversee and control the area adjoining the Town's incorporated private community. Ms. Haran said the Town is offering to provide assistance to the County with the proposed ETJ request. She was baffled as to why the Town's proposed ETJ request is being perceived in a negative manner. Mr. Wood said the Town is infringing on those landowners' rights. He felt that St. James should not be allowed to tell those landowners what they can do with their property because those properties are not within St. James' private community. Ms. Haran felt that the area will be of great value under St. James because they have a bird's eye view of the area and how the area can be developed for the betterment of all concerned. She concluded with asking the Board for their support in recommending the ETJ request to the Board of Commissioners.

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

Mr. Ishler asked the number of ETJ's in the County and Ms. Dixon replied, 8 towns. She said they were approved more than 20 years ago.

Ms. Easley said the ETJ request does not meet the County's ETJ Expansion Policy. She further stated that no one has said how the County's UDO is detrimental to the Town of St. James. Therefore, Ms. Easley made a motion to deny the Town of St. James ETJ request. Mr. Bittenbender pointed out that staff recommended a zoning change of several parcels to allow sand mines in this area and he understands the Town's need to have some control of this area. Ms. Dixon interjected that the sand mine (Mirasol) was approved by the State as a single source borrow pit. Mr. Batton asked Ms. Dixon what happened to the rezoning request? Ms. Dixon said it is still pending because the property owner is awaiting on information from utilities. The motion carried 5 to 2 with Mr. Ishler and Mr. Bittenbender opposing. Mr. Batton clarified that this will be a recommendation of denial to the Board of Commissioners.

VIII. OTHER BUSINESS.

- Brunswick County Wellhead Protection Overlay District.

Ms. Dixon addressed the Board. She stated that the Brunswick County Wellhead Protection Overlay District is under review by staff and there will likely be some revisions before the matter is brought back to the Board for consideration.

- Planning Board Case Update.

Ms. Dixon addressed the Board. She stated that Zoning Case Z-854 was approved at the Planning Board's 10-Oct-22 meeting and there were no written appeals within the allotted time (15 days), so the Board's decision stands. Ms. Dixon said Carmel Village (PD-91) has been appealed to the Board of Commissioners.

IX. ADJOURNMENT.

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