



# AGENDA BRUNSWICK COUNTY PLANNING BOARD

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

**Commissioners Chambers  
David R. Sandifer Administration Bldg.  
Brunswick County Government Center**

- 1) Call to Order.
- 2) Invocation.
- 3) Pledge of Allegiance.
- 4) Roll Call.
- 5) Consideration of Minutes from the October 10<sup>th</sup> Meeting.
- 6) Agenda Amendments.
- 7) Public Comment.
- 8) Public Hearing.

A. Blueprint Brunswick Future Land Use Plan.

B. Planned Development – PD-92

Name: Old Lennon Road Tract

Applicant: Norris and Tunstall Engineering

Tax Parcel: 16900012, 1690001202, and 1850001503

Location: Old Lennon Road (SR 1504)

Description: Old Lennon Road PD is a proposed planned development to consist of 252 single family lots on 105.26 acres, creating an overall density of 2.39 dwelling units per acre.

C. Rezoning Z-855

Proposed rezoning of approximately 1.97 acres located at 411 Ocean Highway West (US 17) near Supply from CLD (Commercial Low Density) and R-7500 (Medium Density Residential) to CLD (Commercial Low Density) for Tax Parcel 1680003709.

LAND USE PLAN MAP AMENDMENT LUM-855:

Request to amend Tax Parcel 1680003709 located at 411 Ocean Highway West (US 17) near Supply from LDR (Low Density Residential) to Mixed Use.

D. Rezoning Z-856CZ

Proposed conditional rezoning of approximately 93.26 acres located Southport-Supply Road (NC 211) near St. James from CI (Commercial Intensive) to CLD (Commercial Low Density) for Tax Parcels 20400016, 20400017, 20400043, 20400045, 20400047.

LAND USE PLAN MAP AMENDMENT LUM-856CZ:

Request to amend Tax Parcel 20400016, 20400017, 20400043, 20400045, 20400047 located Southport-Supply Road (NC 211) near St. James from Industrial to Commercial.

E. Town of St. James ETJ (Extra Territorial Jurisdiction) Request.

9) Other Business.

- Brunswick County Wellhead Protection Overlay District.
- Planning Board Case Update.

10) Adjournment.

**MINUTES**

**PLANNING BOARD**

**BRUNSWICK COUNTY, NC**

**6:00 P.M. Monday  
October 10, 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  
Harry Richard Ishler, Alternate  
Christopher Wood

MEMBERS ABSENT

Richard Leary  
Ron Medlin

STAFF PRESENT

Kirstie Dixon, Director  
Marc Pages, Principal Planner  
Helen Bunch, Zoning Administrator  
Connie Marlowe, Admin. Asst. II  
Garrett Huckins, Planning Tech.  
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

J. Phillip Norris, Norris & Tunstall Engineering  
Sean Lamora  
Terry Boldt  
John Ross  
Wesley Hinson, Land Use Attorney  
Joseph Butler  
Ed Dalton  
Buz Ketcham  
Jeff Mandly  
Ben James  
Vikki Vahsen  
Craig Eckert  
Jackson Starling  
Patrick Newton  
Jean Toner

Mark Hewett  
Josh Crook  
Wendy Hewett  
Sara Shirley, American Engineering  
Alan Nelson  
Tom Brennan  
Peggy Dotson  
Jeff Ehrlich  
Brian Cohan  
Hans Martens  
Gary Quilliam  
Daniel Castellich  
Bobby Johnson  
Tyler Newman

I. CALL TO ORDER.

Mr. Dunham called the meeting to order at 6:04 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE.

Mr. Dunham 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. Richard Leary and Mr. Ron Medlin were absent.

IV. CONSIDERATION OF MINUTES FROM THE 12-SEP-22 MEETING.

Mr. Bittenbender made a motion to approve the 12-Sep-22 minutes as presented and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

The Chair moved Carmel Village Planned Development (PD-91) to Item A under New Business and Gilbert Road/Benton Road Tract Planned Development (PD-87) was moved to Item B due to the vast number of residents present for Carmel Village Planned Development (PD-91) consideration.

VI. PUBLIC COMMENT.

There were none.

VII. NEW BUSINESS.

A. Planned Development – PD-91

Name: Carmel Village  
Applicant: John Ross, Micheaux Resource Management, LLC  
Tax Parcel(s): 1850001707, 1850001508 and 18500012  
Location: Southport-Supply Road SE (NC 211) and Zion Hill Road SE (SR 1114)  
Description: Carmel Village is a proposed planned development consisting of 400 single family lots and 167 townhomes on 291.80 acres creating an overall density of 1.95 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;
- A road connection shall be required across the wetlands connecting Road A and Road C in Phase 1 of the development;
- The Road A connection to Zion Hill Road SE (SR 1114) shall be limited to a right-in/right-out or emergency use only to reduce potential conflicts with school traffic. The developer shall coordinate with the North Carolina Department of Transportation (NCDOT) for exact design and layout;
- A pedestrian crosswalk with signage shall be installed across Zion Hill Road SE (SR 1114) to accommodate school walkers before Phase 2 is recorded. The developer shall coordinate with Brunswick County Schools and NCDOT to determine the exact location and configuration of the crosswalk; and
- Label the future connection to Calvin Frink Drive SE shall be for emergency use only and will be gated.

Ms. Easley asked staff how much of the 214 acres of open space is unusable wetlands? Mr. Pages said the plans state that 122.40 acres is wetlands, which is outline in Item 6 regarding exceptional design. He further stated that 109.20 acres will be placed in a Conservation Easement. Ms. Easley asked if Road A is the means for ingress and egress for Phase 1 and Phase 2 because those areas do not connect? Mr. Pages said they will connect because staff has imposed a condition to require such. Mr. Pages pointed out how the traffic will flow in and out of the proposed development.

Mr. Bittenbender asked if there was consideration to increase the design of the project from the 25-year storm event to a 100-year storm event and Mr. Pages said there were some discussions about it at the Technical Review Committee (TRC) meeting, but Brigit Flora with stormwater suggested the project be designed to the 25-year storm event. He said the Board can add a condition requesting the project be designed to the 100-year storm event. Mr. Pages added that there is not a lot of flood zone property in this area.

Mr. Cheek asked staff what is the reduction in lot dimensions? Mr. Pages said the developer is proposing 188 (42' wide lots) and 212 (52' wide lots). He further stated that SBR-6000 (High Density Site Built Residential) allows for 60' wide lots in the conventional development standards and the R-7500 (Medium Density Residential) allows for 75' wide lots in the conventional development standards so they are asking for flexibility from the conventional development standards. Mr. Pages said they are requesting a reduction in setbacks for the townhomes to 5' on the side, which is usually 10' and street side reduction to 10' rather than the required 15'.

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

Mr. John Ross, Professional Engineer, addressed the Board on behalf of the proposed project. He introduced the project development team (Sara Shirley, J. Phillip Norris, and Wesley (Wes) Hinson). Mr. Ross thanked staff for their assistance in moving this project forward and he said they concur with the conditions listed in the Staff Report.

Ms. Sara Shirley, American Engineering, addressed the Board. Ms. Shirley briefly discussed a PowerPoint presentation (attached). Ms. Shirley said they reviewed the CAMA Land Use Plan and the Brunswick County Unified Development Ordinance (UDO) to ensure this project met the minimum requirements and, in some instances, it exceeds the minimum requirements outlined in the UDO. Ms. Shirley said, during the neighborhood meeting, the 2 major concerns were traffic and stormwater. She stated that these concerns will be addressed via a Traffic Impact Analysis (TIA) that must be approved by the North Carolina Department of Transportation (NCDOT) and stormwater control measures that will be reviewed and approved by the Stormwater Engineer, Brigit Flora. Ms. Shirley said they are committed to designing the project to a 100-year storm event. She continued discussing the proposed density for the project in relation to the conventional standards. Ms. Shirley also discussed traffic improvements, approval criteria as well as planned development criteria that is outlined in the attached PowerPoint presentation.

Mr. J. Phillip Norris, Norris and Tunstall Consulting Engineers, addressed the Board. Mr. Norris addressed exceptional design as outlined in the attached PowerPoint presentation by saying they will provide a 30' buffer along the street frontage rather than 20' and the existing white 3-rail fence will remain along the length of the property on Zion Hill Road SE (SR 1114). He said pedestrian connections to Virginia Williamson Elementary School will be provided and the locations will be determined by NCDOT and staff. He further stated that environmentally sensitive areas (wetlands, streams, stream buffers) will be left undisturbed to the fullest extent possible. There is a proposed road crossing through a wetland area that will require a permit from the U.S. Army Corps of Engineers (Corps of Engineers). Mr. Norris reiterated that the project will be designed to a 100-year storm event. He concluded that the Conservation Easement will be implemented as shown on the plan.

Ms. Shirley readdressed the Board and discussed the layout of the proposed plan off Zion Hill Road SE (SR 1114) with the buffer cross sections as outlined in the attached PowerPoint presentation. They also provided photos of potential amenity areas proposed for the project.

Mr. Wesley (Wes) Hinson, Land Use Attorney with Hinson & Faulk Law Firm, addressed the Board on behalf of Carmel Village. Mr. Hinson said this project meets the Brunswick County Unified Development Ordinance and the CAMA Land Use Plan and the project is consistent with the unique natural characteristics of the site.

Mr. Dunham asked when the property was zoned R-7500 and SBR-6000? Mr. Ross said the property was zoned R-7500 and SBR-6000 when he purchased it and he was uncertain how long it has been zoned as such.

Ms. Shirley said the reduced setbacks only apply to the townhomes, but they are proposing to have a 20' setback between townhomes. Mr. Wood was appreciative of the 20' setback between townhomes for fire safety purposes. He explained a situation in North Myrtle Beach (Cherry Grove area) South Carolina where several townhomes were destroyed during a fire due to their close proximity to each other.

Mr. Alan Nelson, Winding River Plantation Community Association Board of Directors (Board of Directors), addressed the Board. Mr. Nelson said the Board of Directors is concerned with traffic and safety, which is outlined in the attached handout. He stated that the Sheriff's Office did a traffic study on Zion Hill Road SE (SR 1114) that showed over 2,500 vehicles passing per day over an 8 day period. He said the Board of Directors felt that the Traffic Impact Analysis (TIA) should be submitted prior to the approval of this project. He further stated that they believe there are better internal street options as well as alternative ingress and egress methods for future residents of the project that will result into safer movement between sections of the subject property and fewer intersections on both NC 211 (Southport-Supply Road SE) and Zion Hill Road SE (SR 1114). Mr. Nelson said the Board of Directors feels it is prudent to delay this project until Blueprint Brunswick CAMA Land Use Plan has been adopted.

Mr. Dunham asked staff how the proposed project will be affected by Blueprint Brunswick CAMA Land Use Plan? Ms. Dixon said the Blueprint Brunswick CAMA Land Use Plan has not been adopted and the proposed project has to be reviewed based on the current CAMA Land Use Plan.

Mr. Wood asked Mr. Nelson if he said the Sheriff's Office completed a traffic study? Mr. Nelson said a speed limit device was placed in the neighborhood that counted traffic.

Mr. Joseph Butler, resident of Winding River Plantation since 2004, addressed the Board. Mr. Butler said Winding River Plantation will be affected by this development. He addressed neighborhood compatibility from the attached handout. He expressed concern regarding safety for children attending Virginia Williamson Elementary School as well as the parents and residents of Winding River Plantation. Mr. Butler felt that this project will be intrusive to this neighborhood.

Mr. Tom Brennan, resident of Winding River Plantation for 9 years, addressed the Board. Mr. Brennan addressed flooding to the area from the attached handout. He identified wetlands (Carolina Bay - Pocosin, Headwater Forest and Pine Flat) in the area. He stated that the subject property surrounds Virginia Williamson Elementary School. Mr. Brennan said the majority of the stormwater runoff funnels to Winding River Plantation in a tiny creek between Blossom Tree and Woodbridge Lane and there are current flood issues and he feels that developing this property will likely compound the flooding issues. He further stated that an existing wooden bridge could be at-risk with more water coming to Winding River Plantation. He mentioned the flooding that occurred during Hurricane Florence. Mr. Brennan said Winding River Plantation request that the Corps of Engineers and the North Carolina Department of Environmental Quality (NCDEQ) determine if the creek in Winding River Plantation between Blossom Tree Lane and Woodbridge Lane can safely handle stormwater runoff from the 52-acre parcel without threat to existing homes and property along its banks. He also felt that the structural risk to the bridge should be evaluated from the proposed stormwater design for this project. Mr. Brennan provided photos of flooding to a home during Hurricane Florence and standing water during Hurricane Ian.

Mr. Dunham asked the development team to address the stormwater concerns. Mr. Norris readdressed the Board. He stated that there are various locations for potential retention ponds on the plan based on the current water flow and a boundary and topographic survey will be done so they can identify exactly where the water flows. Mr. Norris said they would like to have an opportunity to consult with Mr. Brennan regarding the current stormwater issues to assist in the designing of the project. He reiterated that this is a conceptual plan and it is subject to change. Ms. Shirley interjected that a wetlands delineation study was completed by Southern

Environmental Group in April 2022 and the wetlands delineation must be approved by Army Corps of Engineers.

Mr. Ed Dalton, resident of Winding River Plantation, addressed the Board. He addressed traffic, safety, and evacuation from the attached handout. Mr. Dalton reiterated that a TIA should be submitted prior to the Board's decision and he also concurred that Blueprint Brunswick CAMA Land Use Plan should be adopted prior to approval of Carmel Village. He discussed statistics regarding traffic patterns in the immediate area. He felt that the townhomes should have access off NC 211 (Southport-Supply Road SE) and not Zion Hill Road SE (SR 1114). He was concerned that infrastructure will not be in place to support the future traffic that will be generated by the proposed project. Mr. Dalton was also concerned that the development growth will have a significant impact on communities during an emergency evacuation situation. He stated that Steven Barger, Chairman of the Brunswick County Board of Education, is also concerned about traffic and he quoted Mr. Barger saying, "traffic does concern me, which is why I voice my concerns about traffic with Commissioner Forte this very morning". He further stated that a plan should be in place regarding road development before any development is approved.

Mr. Dunham reiterated that NCDOT approval is after the project has been approved by the Planning Board. He said, in all likelihood, the proposed entrances will probably be altered before the plan is approved by NCDOT.

Ms. Peggy Dotson, resident of Winding River Plantation, addressed the Board. Ms. Dotson addressed the environmental aspect as it relates to existing trees that can absorb water depending on their size and age as outlined in the attached handout. Ms. Dotson also expressed concern regarding endangered species being negatively impacted if trees are removed. Ms. Dotson said there are red-headed woodpeckers present in Winding River Plantation and there is a nesting in tree on her property. She, too, asked that the project be delayed until Blueprint Brunswick CAMA Land Use Plan is finalized and compatibility can be assessed, the assessment of the downstream flooding impact on Winding River Plantation has been performed, an adequate traffic study is completed and NCDOT recommended changes are understood and the timing for completion of infrastructure changes is determined and coordinated with development growth and funding. Mr. Dunham again stated that NCDOT approval is after the project has been approved.

Mr. Brennan readdressed the Board. He asked that the Board consider the reasonableness of this project to an established neighborhood. Mr. Brennan said the residents in Winding River Plantation rely on the Planning Board to make a sound decision because NCDOT's decision will be too late for the current residents of Winding River Plantation with regards to a fire, access to police, emergency services, and all other emergency situations. He reiterated that there have been issues with flooding in the area and safe evacuation before a major storm.

Ms. Shirley readdressed the Board. She reiterated that all comments and concerns by the residents of Winding River Plantation have been addressed or will be addressed with the appropriate agencies once the project moves through the different phases of the process.

Mr. John Ross readdressed the Board. He explained the criteria that must be included within a Traffic Impact Analysis (TIA), which addresses existing and proposed conditions in the area.

Mr. Buz Ketcham, member of the Board of Directors of Winding River Plantation, addressed the Board. Mr. Ketcham asked that slash and burn not be allowed because the community is predominantly elderly. He suggested a solid fence be required between the project and the Virginia Williamson Elementary School as an effort to deter inquisitive children from accessing

the site during the development phase. Mr. Ketcham was also concerned with a crosswalk on a 45 mile per hour road. Mr. Ketcham asked that the project be table for 1 month so the school board can have an opportunity to see how the proposed development will impact Virginia Williamson Elementary School.

Mr. Jeff Ehrlich, resident of Palmetto Creek, addressed the Board. Mr. Ehrlich concurred with the residents of Winding River Plantation, in that, there are traffic concerns on NC 211 (Southport-Supply Road SE) where vehicles are unable to get in/out of developments. Mr. Dunham said NCDOT will approve all road infrastructure off NC 211 (Southport-Supply Road SE). Mr. Ehrlich pointed out that there is a nuclear plant nearby and NC 211 (Southport-Supply Road SE) is not equipment to handle the traffic in a nuclear emergency evacuation.

Mr. Jeff Mandly, resident of Winding River Plantation, addressed the Board. Mr. Mandly was concerned with the potential of creating a traffic nightmare and a potential threat to school safety on Zion Hill Road SE (SR 1114). He suggested that the developer submit a different plan that shows a road from the townhomes to NC 211 (Southport-Supply Road SE), which could connect with the rest of the development. Mr. Pages added that staff recommended a road connection across the wetlands connecting Road A and Road C in Phase 1 of the development.

Mr. Brian Cohan addressed the Board. Mr. Cohn said there is wetlands behind Virginia Williamson Elementary School and he was concerned with the potential of a major fire in the area where the townhomes are located due to their close proximity to each other. Mr. Pages added that fire and emergency services were represented at the Technical Review Committee (TRC) meeting and their comments are provided.

Mr. Ben James, resident of Winding River Plantation, addressed the Board. He was concerned with traffic coming out on Zion Hill Road SE (SR 1114) in Phase 2. Mr. James suggested a bridge be erected across the wetlands to allow for traffic flow onto NC 211 (Southport-Supply Road SE) to avoid traffic congestion on Zion Hill Road SE (SR 1114). He reiterated that the existing vegetation should remain. Mr. James said the proposed development equates to approximately 14 lots per acre if only upland acreage is considered.

Mr. Hans Mertens, resident of Winding River Plantation, addressed the Board. Mr. Mertens felt that the Board's decision should be based on facts and not opinions. He felt that the project should be tabled and all issues expressed by the public should be resolved before a decision is made by the Board. He stated that the Board should not be pressured into making a decision unless all of the information received tonight is accurate because the residents of this area will be handcuffed with your decision. He again felt that Blueprint Brunswick CAMA Land Use Plan should be in place before a decision is made.

Ms. Vikki Vahsen, resident of Winding River Plantation, addressed the Board. Ms. Vahsen said her property is approximately 150' from Tax Parcel 1850001508 and 31 acres of the 51 acres is buildable and the rest of the parcel is wetlands. She reiterated that there are existing flooding issues in the area Mr. Pages clarified that the developer is proposing approximately 130 homes around Virginia Williamson Elementary School and approximately 90 townhomes across Zion Hill Road SE (SR 1114).

Mr. Gary Quilliam, resident of Winding River Plantation, addressed the Board. He stated that there are several developments off NC 211 (Southport-Supply Road SE) that will have to accommodate school aged children. Mr. Quilliam suggested that the County purchase the

property and expand Virginia Williamson Elementary School and put a junior high school across Zion Hill Road SE (SR 1114) where the townhomes are proposed.

Mr. Craig Eckert, representative of Board of Education, addressed the Board. Mr. Eckert said the Board of Education is aware of the approved developments in this area and other areas of the County and there is capacity available in the surrounding schools (Virginia Williamson Elementary, Supply Elementary and Southport). Mr. Eckert reiterated that all traffic concerns will have been addressed before a TIA is approved by NCDOT.

Ms. Katherine Desilva addressed the Board. She asked about the right turn onto Zion Hill Road SE (SR 1114) and how the traffic will access NC 211 (Southport-Supply Road SE)? Mr. Pages said staff recommends a road connection across the wetlands connecting Road A and Road C in Phase of the development be provided.

Ms. Shirley reiterated that they are following all the minimum requirements of the UDO and they are exceeding some requirements such as committing to design the project to a 100-year storm event. Mr. Wood felt that the numbers are skewed because the requirements include total acreage rather than buildable area. Ms. Shirley said their presentation outlines the density requirements allowable by-right and the proposed allowable upland acreage.

Mr. Cheek asked Ms. Shirley the length of the road across the wetlands connecting Road A and Road C that was recommended by staff? Ms. Shirley said approximately 200'.

Mr. Tom Brennan readdressed the Board. Mr. Brennan reiterated that there are wetlands where homes are proposed.

Mr. John Sherer addressed the Board. Mr. Sherer suggested that the lot sizes be based on the zoning district, spread out the lots and lower the number of units.

Mr. Cheek asked Ms. Shirley about the wetlands delineation by Southern Environmental Group on 26-Apr-22 and whether the lots are in the wetlands. Ms. Shirley said no lots are proposed in the wetlands. She reiterated that the Corps of Engineers will have to approve the wetlands and the wetlands delineation may change.

Mr. Daniel Castellich addressed the Board. Mr. Castellich felt that infrastructure should be in place prior to the approval of a development. He stated that the Board should look at the full picture before making a decision.

Mr. Pages explained that a planned development does allow for clustering of homes to increase open space areas.

Mr. Ed Dalton readdressed the Board. Mr. Dalton felt that in all practicality the base zoning district should be applied.

Mr. Wes Henson readdressed the Board. He stated that this is the first step in the process and several approvals are required from many agencies before the proposed project comes to fruition. He asked that the Board review the Staff's Report when making their decision.

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

Mr. Cheek reiterated that several agencies will have to review and approve the project prior to development. He stated that the developer has done a tremendous job putting this project together and Ms. Easley concurred. She further stated that the property is not in a flood zone, which is atypical.

Mr. Wood was pleased that they are proposing a 20' separation townhomes to minimize fire hazards.

Mr. Cheek made a motion to approve Carmel Village Planned Development (PD-91) with the noted conditions presented in the Staff Report as well as requiring that the project be designed to a 25-year collection and 100-year storage and provide a 20' buffer between townhomes and the motion was unanimously carried.

B. Planned Development – PD-87

Name: Gilbert Road/Benton Road Tract  
Applicant: Norris and Tunstall Engineering  
Tax Parcel(s): 15300018 and 15300017  
Location: Intersection of Gilbert Road SE (SR 1501) and Benton Road SE (SR 1502)  
Description: Gilbert Road/Benton Road Tract is a proposed planned development consisting of 153 single family lots and 58 townhomes on 64.53 acres creating an overall density of 3.27 dwelling units per acre.

This project was originally denied by the Planning Board on 08-Aug-22. The applicant has since revised the project plans and resubmitted for the Planning Board's consideration.

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 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.

Mr. J. Phillip Norris, Norris and Tunstall Consulting Engineers, addressed the Board. Mr. Norris said they have addressed the concerns expressed at the neighborhood meeting. Mr. Norris said they met with homeowners that have been impacted by previous flooding in the area to obtain benchmarks. He stated that the 100-year flood elevation on this property, per the Federal Emergency Management Agency (FEMA) maps is 9.4', but based on the data from neighbors, the flooding elevation was as high as 22' during previous storms. Mr. Norris said they are designing

the plan so no lots or streets will be below 22' flooding elevation. All lots will be outside the wetlands and the flood zone areas. Mr. Norris said open space and recreation space has increased from the previous plan because lots are in a more clustered configuration. He further stated that the stormwater ponds have increased in size and number from the previous submitted plan. He further stated that the site has been designed to meet the 100-year storm event. Mr. Norris concluded that they concur with staff's recommendation with the noted conditions,

Mr. Cheek asked Mr. Norris if water will be absorbed on the site from neighboring properties and filtered into the retention ponds? Mr. Norris said they have to maintain any stormwater on this site whether it is from this site or neighboring properties.

Ms. Easley thanked Mr. Norris for revising the project to address the Board's concerns and neighboring properties and Mr. Bittenbender concurred.

Mr. Mark Hewett addressed the Board. Mr. Hewett expressed concern with excessive development in the area, which requires removal of trees that should be preserved. He was also concerned with clear-cutting the property. He stated that there are 9 ponds behind his property and the ponds are always full of water. Mr. Hewett felt that the proposed ponds for this site will not retain all the water that could potentially flood the area. Mr. Hewett said there is a great deal of wildlife in the area that will likely be destroyed by the proposed development.

Mr. Norris readdressed the Board. He stated that there will be tree cutting where streets, lots and retention ponds are proposed, but approximately 40 acres will remain undisturbed.

Mr. Sean Lamora addressed the Board. He said Ford Branch is between his property and the subject property overflows onto their property during a regular rainstorm. Mr. Lamora said when the subject is built up for development, the water is likely going to end up on his property. He felt that he will have no recourse if his property floods as a result of the proposed project being built up higher than the adjacent properties. He asked that the neighbors be protected from potential flooding as a result of this development.

Mr. Josh Crook addressed the Board. Mr. Crook commended Mr. Norris and Mr. Keyes for the revised plan. He stated the process has been followed according to the UDO. He stated that there are several planned developments (approximately 1609 units) approved in close proximity (approximately 4 miles) to each other. Mr. Crook was also concerned with whether schools will have the capacity to accommodate more children that maybe living in this development. Mr. Crook said there is a map of significant development in the County on the Planning departments website, but there is nothing about building schools or expanding the existing schools. Mr. Dunham said other departments and agencies are involved in the process upfront. Mr. Crook further stated that during hurricanes people were unable to maneuver around except by boat due to excessive flooding. He stated that there are other non-environmentally sensitive areas in the County that can be developed. Mr. Crook said he lost a lot of personal items during a previous hurricane due to flooding. He felt that neighboring properties will have more stormwater runoff if this project is built up 22' above flood elevation.

Mr. Terry Boldt addressed the Board. Mr. Boldt said the property across the street to the north was clear-cut approximately a year ago, so all of that water comes down through the Lockwood Folly River and Ford Branch. He stated that the property across the road was clear-cut about a year ago and all the water from Brunswick Community College flows to Ford Branch, which borders their property. He felt that the subject property will flood. Mr. Boldt further stated that there are no plans to build schools in this area. He asked that the Board deny this development.

Mr. Boldt said the developer is not from this County and they don't care what happens in the County. He, too, felt like there are other places in the County more suitable for development.

Ms. Wendy Hewett addressed the Board. Ms. Hewett said her property has flooded in the past and she was fearful of losing possessions again when there is another flood in this area as result of this development. Ms. Hewett said they are building up the property and the neighboring properties will suffer from the potential flooding that will result from the proposed development. She asked that the Board consider the current residents in this area and not approve this development because they have lost so much from previous storms.

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

Mr. Dunham asked Mr. Norris how flooding will be handled on the subject property?

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

Mr. Norris readdressed the Board. He stated that the proposed development will not create flooding to adjacent properties, but he cannot guarantee that flooding will not happen in the future. Mr. Norris said the subject property will not cause stormwater runoff to neighboring properties. He further stated that clear-cutting can contribute to stormwater runoff, but they will be putting in retention ponds on the site to capture to stormwater runoff. Mr. Norris said the will use fill material from the ponds to buildup areas on the site to prevent runoff.

Mr. Cheek asked if the proposed ponds will be at natural grade and Mr. Norris concurred.

Mr. Sean Lamora readdressed the Board. He stated that there are 3 residents that have artisan wells and there are springs in the area that will fill-up with water as well as the ponds and the displacement of the water will be different.

Mr. Terry Boldt readdressed the Board. He reiterated that the ponds will fill-up because of the water table in the area and the artisan wells. He stated that there is massive amounts water currently in the area.

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

Mr. Bittenbender made a motion to approve Gilbert Road/Benton Road Tract Planned Development (PD-87) with the noted conditions presented in the Staff Report and the motion was unanimously carried.

C. Rezoning Z-854 – Fully Loaded Marine, LLC (%Derek Treffinger).

Request rezoning of approximately 1.82 acres located at 4664 Todd Road SW (SR 1147) near Shallotte from NC (Neighborhood Commercial) and I-G (Industrial General) to I-G (Industrial General) for Tax Parcels 21300077 and 2130006402.

LAND USE PLAN MAP AMENDMENT LUM-854:

Request to amend Tax Parcels 21300077 and 2130006402 located at 4664 Todd Road SW (SR 1147) near Shallotte from LDR (Low Density Residential) to Industrial.

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 I-G (Industrial General) for Tax Parcels 21300077 and 2130006402 with the noted conditions in the Staff Report in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Industrial.

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

Mr. Jackson Starling, representative for East Coast Engineering, addressed the Board on behalf of the applicant. He made himself available for any questions.

Mr. Bobby Johnson addressed the Board. Mr. Johnson asked how his family's property will be affected? Mr. Johnson said his family owns 4 parcels (Tax Parcels 2130006405, 2130006413, 2130006404 and 22900089) adjacent to the subject property and the subject property used to be owned by his family. Mr. Dunham said it depends on how the property will be utilized. Mr. Johnson said it will continue to be heirs property so the future generations can have a place to live. Mr. Pages said the I-G zoning is limited to industrial uses and it would have to be rezoned for residential use, but only the applicant's property is being requested to change to I-G (Industrial General). Mr. Pages added that the applicant will have to provide a buffer between the I-G property and the NC (Neighborhood Commercial) property that is adjoining the subject property.

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

Mr. Cheek made a motion to approve Tax Parcels 21300077 and 2130006402 from NC (Neighborhood Commercial) to I-G (Industrial General) 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 Industrial.

- 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:

This property borders similar zoning.

- 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 adjacent to similar zoning on three sides.

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. Text Amendment – Brunswick County Wellhead Protection Overlay District.

To implement a Wellhead Protection Zoning Overlay District within the Unified Development Ordinance by updating Sections 4.8.8 and 5.2.3.

Mr. Dixon addressed the Board. She stated that Brunswick County Public Utilities approached the department about creating a wellhead protection area. Ms. Dixon presented a PowerPoint presentation (attached) regarding a Wellhead Protection Plan. She stated that text amendments will be required to the UDO if the Wellhead Protection Overlay District is approved. Ms. Dixon said staff recommendation is in conjunction with the Brunswick County Public Utilities, CAMA Land Use Plan and Policies and the Wellhead Protection Plan from 2013 approval along with a change to clarify that traditional stormwater ponds are allowed.

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

Mr. Tyler Newman, representative for BASE (Business Alliance for a Sound Economy), addressed the Board. He asked that the matter be table to allow for additional education, discussion with landowners and guidance from the Board of Commissioners as outlined in his handout (attached).

Mr. Patrick Newton addressed the Board. Mr. Newton said he provided comments (attached) to Ms. Dixon to be included in the Wellhead Protection Area Overlay Zoning District. He concurred with Mr. Newman regarding the text amendment being tabled for further review.

Ms. Jean Toner, Mayor of St. James, addressed the Board. Mayor Toner thanked the County for presenting the Wellhead Protection Overlay District. She said there are some issues that may require further review and she agreed that this matter should not be rushed, but it is a necessity.

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

Mr. Bittenbender made a motion to table the matter up to 60 days and the motion was unanimously carried.

VIII. OTHER BUSINESS.

- Town of St. James ETJ (Extraterritorial Jurisdiction) request.

Ms. Dixon addressed the Board. She stated that the Town of St. James is requesting an ETJ (Extraterritorial Jurisdiction) and she proceeded to explain the process for a town to request an ETJ. Ms. Dixon said the County has an ETJ Expansion Policy that was previously provided to the Board in their agenda packet. She stated that a public hearing will be scheduled for the 14-Nov-22 Planning Board meeting for consideration and the Planning Board will make a recommendation to the Board of Commissioners to consider the matter at their next available meeting.

- Planning Board Case Update.

Mr. Pages addressed the Board. He stated that Zoning Case Z-852CZ was approved at the Planning Board's 12-Sep-22 meeting and there were no written appeals within the allotted time (15 days), so the Board's decision stands.

- Blueprint Brunswick Update.

Ms. Dixon addressed the Board. She discussed a PowerPoint presentation (attached) regarding the purpose of Blueprint Brunswick. She stated that there will be a public forum on 25-Oct-22 at the Brunswick Senior Center in Supply at 6:00 p.m. and 3 Board members can attend without violating the General Statutes requirements regarding the open meetings law. Mr. Dunham stated he will not be available for the regular Board meeting and he suggested 3 persons available for the regular meeting attend the public forum on 25-Oct-22. Mr. Ishler, Mr. Wood and Mr. Bittenbender said they would attend the public forum on 25-Oct-22 at 6:00 p.m. at the Brunswick Senior Center in Supply, NC.

IX. ADJOURNMENT.

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

**BRUNSWICK COUNTY  
STAFF REPORT AND RECOMMENDATION**

Application No. PD-92

Applicant: Norris & Tunstall Consulting Engineering, P.C.

Project Name: Old Lennon Road Planned Development

Property Location: Old Lennon Road (SR 1504)

Parcel Numbers: 16900012, 1690001202, & 1850001503

Zoning District: RR (Rural Residential)  
RR Density Maximum – 2.9 Dwelling Units per Acre  
*“The Rural Low Density Residential District is intended to accommodate nonresidential agricultural uses and low density residential development, as well as limited nonresidential uses that are supportive of the County’s traditional agricultural orientation including farming, silviculture operations and related activities. Development in this District should rely predominantly on individual wells and septic tank systems for domestic water supply and sewage disposal, respectively, although clustered residential development served by public water and wastewater systems may be allowed.”*

Surrounding Zoning **North:** R-7500 (Medium Density Residential)  
**South:** R-7500 and RR (Rural Residential)  
**East:** RR and SBR-6000 (High Density Site Built Residential)  
**West:** R-7500

Proposed Use: Old Lennon Road PD is a proposed planned development to consist of 252 single family lots on 105.26 acres, creating an overall density of 2.39 dwelling units per acre.

**Approval Criteria**

- The majority of surrounding uses consists of single family residential, agricultural, and vacant land.
- The Future Land Use Map denotes this area as Medium Density Residential and is in the process of being updated through the Blueprint Brunswick Project.
- Parking will be off street with a minimum of 2 driveway parking spaces per lot.
- Proposed infrastructure:
  1. **Water** and **Sewer** will be provided by Brunswick County.
  2. **Roads** will be private.
- The proposed development will have a 30-foot, 0.6 opacity peripheral buffer using existing vegetation to satisfy the requirement. Supplemental landscaping will be installed where necessary. The developer is also proposing a 30-foot street buffer on Old Lennon Road.

- The required open space for the development is approximately 15.82 acres. The developer is proposing 48.42 acres of dedicated open space. The developer is also proposing 11.53 acres of recreation space of which 2.37 acres are required.
- The proposed project will generate approximately 2,411 vehicle trips per 24-hour weekday volume. A Traffic Impact Analysis and driveway permit from NCDOT will be required prior to the recording of the individual lots.
- The Exceptional Design elements to be included in the project are as follows:
  1. The developer is proposing 48.42 acres of open space where as 15.82 acres are required.
  2. The developer is proposing 11.53 acres of recreation space where as 2.37 acres are required.
  3. The stormwater ponds will be constructed to treat the 100-year storm event.
  4. Sidewalks are proposed on one side of internal streets.
  5. All lots except lots 139-142 are located outside of the AE Flood Zone. A Letter of Map Revision (LOMR) may be required to remove the lots from the flood zone.
  6. A 30' street buffer along Old Lennon Road is proposed rather than the minimum 20' street buffer.
- The design flexibility elements requested for the project are as follows:
  1. Reduction in lot dimensions.
  2. Reduction in setbacks.
- Significant portions of the site are in an AE flood zone. The rear of lots 139-142 lie within the AE Flood zone but this may be remedied with a LOMR. The majority of the property located in the AE Zone will be in passive open space.
- There is an existing family cemetery on Tax Parcel 1690001202 (noted on site plan).
- Adjacent property owners were notified via US mail and a notification sign was posted on the subject property.
- A neighborhood meeting was held on November 3, 2022.
- TRC was held on October 4, 2022.

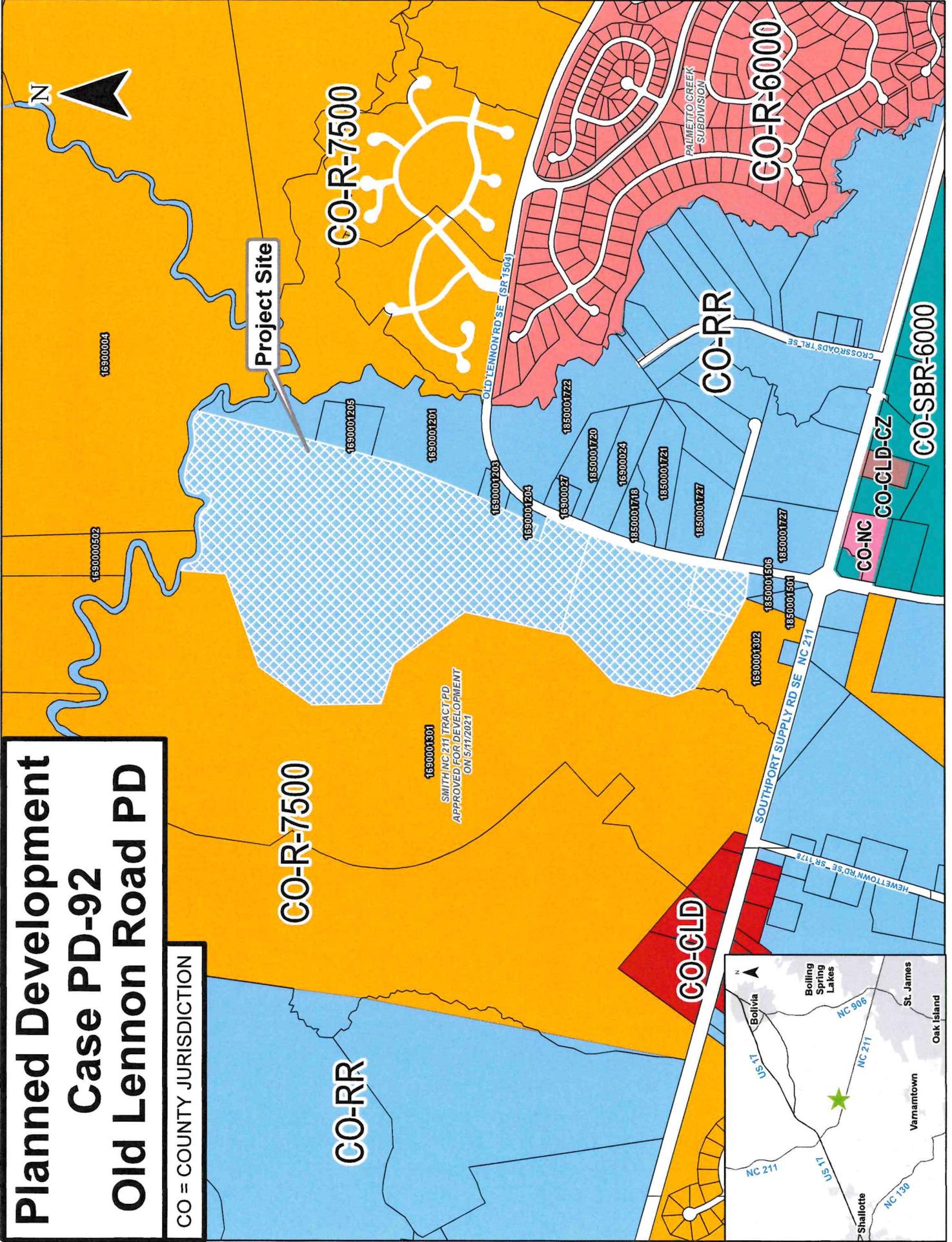
If approved, this development shall have a vested right for a period of three years. A two-year extension may be requested by the applicant to the Brunswick County Planning Department.

Staff recommends approval based on the following conditions:

1. 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.
2. That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
3. 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.

# Planned Development Case PD-92 Old Lennon Road PD

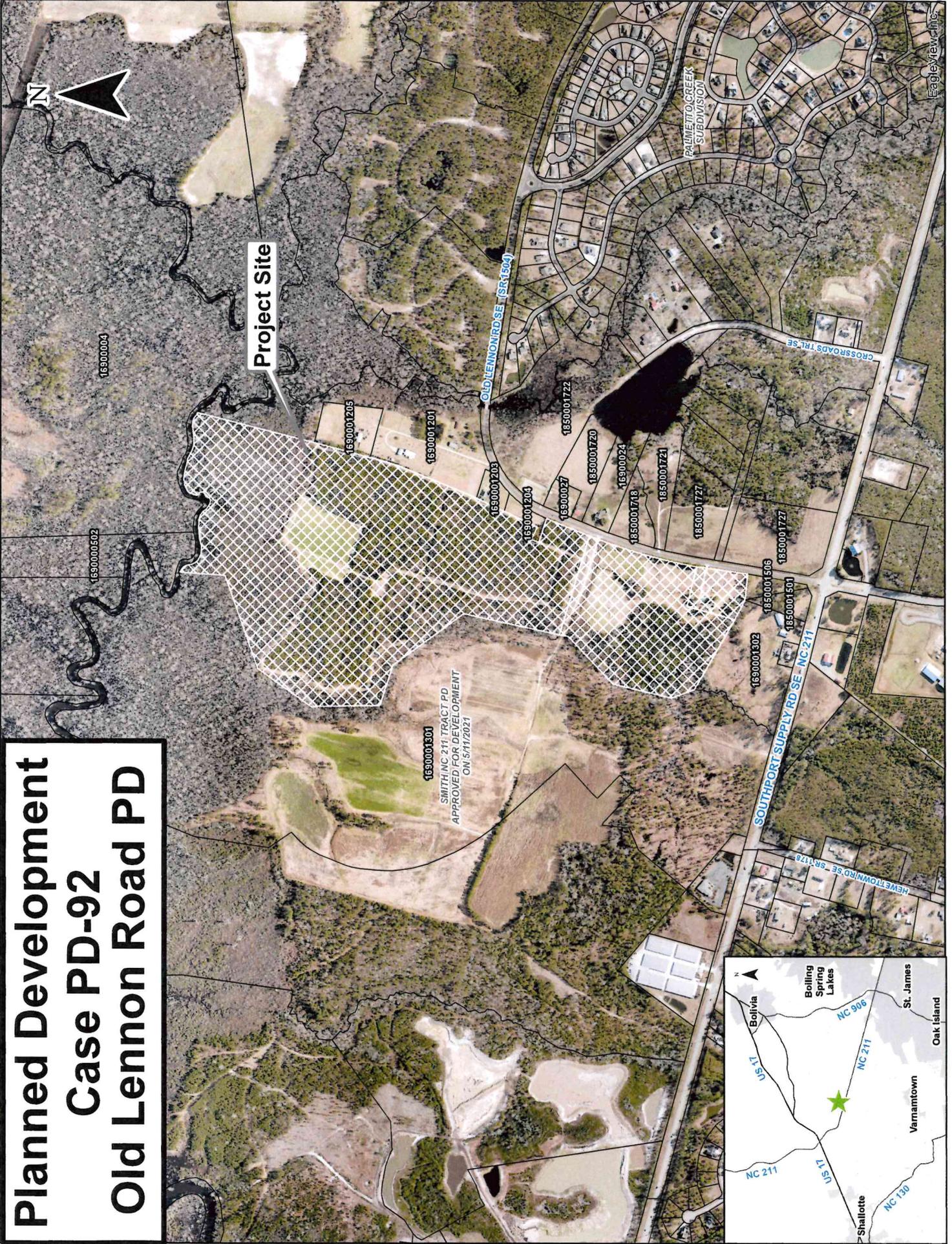
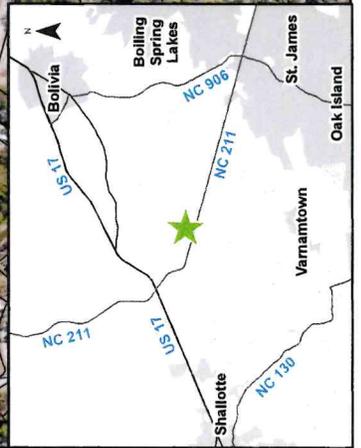
CO = COUNTY JURISDICTION



# Planned Development Case PD-92 Old Lennon Road PD

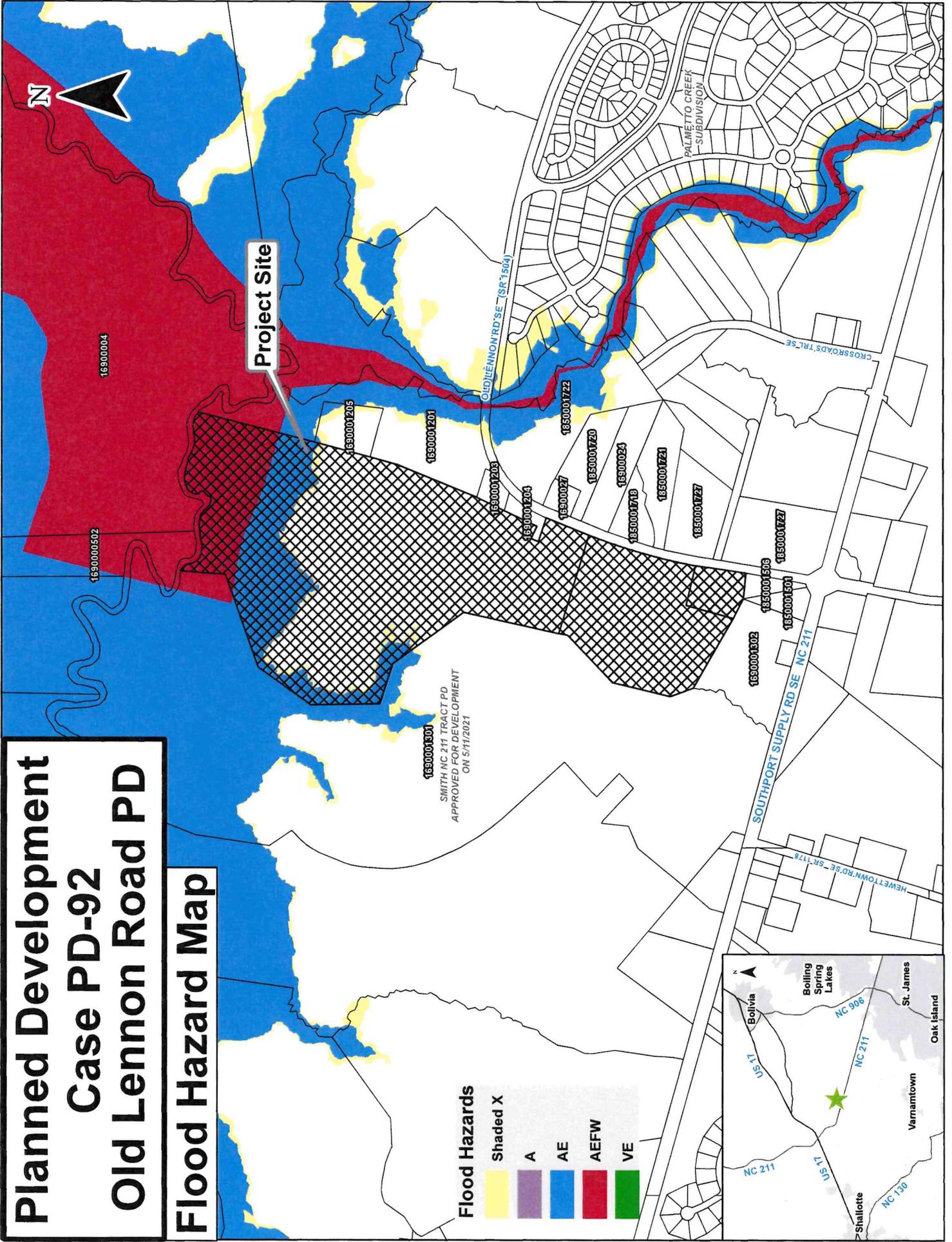
Project Site

1690001301  
SMITH NC 211 TRACT PD  
APPROVED FOR DEVELOPMENT  
ON 5/17/2021



# Planned Development Case PD-92 Old Lennon Road PD

## Flood Hazard Map





NT# 22068



## Planned Development (PD)

**Application and Checklist**  
 Fee: \$500 (Brunswick County Jurisdiction)  
 \$880 (City of Northwest Jurisdiction)  
 Brunswick County Planning Dept. 910-253-2025

For Office Use Only	
File #	AD-92 Invoice # 542546
Date Received:	9/16/22
Northwest Jurisdiction	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

This application is a request to construct a Planned Development consistent with a submitted master site plan that identifies permitted land uses, densities, building setbacks, heights, lot layout, buffers, off-street parking and street widths. This application should only be used if the proposed development is requesting flexibility in zoning requirements in order to achieve a development as an alternative to a conventional zoning design standards. Please reference Section 4.3.1. of the Unified Development Ordinance (UDO) for requirements regarding Planned Developments (PD's).

Please fill out form completely, supplying all necessary information and documentation to support your request.

Property Owner	Name	Shawn H. Lennon	Phone	
	Address	452 Lennon Lakes Dr. SE	Fax	
	City, St, Zip	Bolivia, NC 28422-4203	Email	

Applicant or Representative	Name	Joseph K. Bland, P.E. / Norris & Tunstall	Phone	910-287-5900
	Address	Consulting Engineers, P.C. 1429 Ash- Little River Rd.	Fax	910-287-5902
	City, St, Zip	Ash, NC 28420	Email	jbland@ntengineers.com

Property Information	Address			
	Tax Parcel(s)	16900012, 1690001202, 1850001503	Project Name	Old Lennon Road Subdivision
	Acreage	105.26	Modification or Expansion Of Existing PD?	Yes No X
	Current Zoning	RR	Single Family Acres	Lots 251
Public Utilities Available?	Water <input checked="" type="checkbox"/> yes Sewer <input checked="" type="checkbox"/> yes	Multi-Family Acres	0 Units 0	
		Commercial Acres	0	

Authorization	Property Owner Signature		dotloop verified 08/18/22 6:49 PM EDT QCKA-87TE-TFGY-KDC7	Date	
	Applicant/Representative Signature			Date	9/13/22

**Please submit three folded copies and one electronic copy of the site plan with application.**

## Neighborhood Meeting

Old Lennon Rd Subdivision NT#22068

11/3/22 5:30 pm

### Sign In

- |                            |                                |              |                  |
|----------------------------|--------------------------------|--------------|------------------|
| 1. Michael & Annette Laska | 901 Old Lennon Rd              | 910-754-6219 | hmlaska@atmc.net |
| 2. Shawn Lennon            | 452 Lennon Lakes Dr            |              |                  |
| 3. June & Jimmy Clemmons   | 811 German Shepherd Rd         |              |                  |
| 4. Kevin Henry             | 201 Rushton Circle, Wilmington |              | 910-232-3238     |
| 5. Mario Lawrence          | 1094 Southport Supply Rd SE    |              | 910-448-0325     |

### Summary

The meeting was held at the senior center in Supply and 7 adjacent property owners attended. A brief description of the proposed development was given by the engineer. Residents were then given the chance to ask questions & voice concerns. The talking points are summarized below:

- Traffic & impact on infrastructure (a traffic impact analysis will be required)
- The possibility of adjusting the drive entrance so to not shine headlights in the Laska's house which is immediately across Old Lennon Rd
- Utilities & potential availability to tap in
- The existing cemetery onsite & requirements for such
- Permits that will be required for development
- Approximate construction timeline
- NC 211 expansion
- Future NCDOT improvements in Brunswick County



## BRUNSWICK COUNTY PLANNING DEPARTMENT

75 Government Drive, Building I • P.O. Box 249 • Bolivia, NC 28422

[www.brunswickcountync.gov/planning](http://www.brunswickcountync.gov/planning) • (910)253-2025

October 6, 2022

Norris and Tunstall Consulting Engineers  
Attn: Phil Norris  
1429 Ash-Little River Road  
Ash, NC 28420

**RE: Old Lennon Road Tract Planned Development  
File # PD-92**

Dear Mr. Norris,

The Technical Review Committee (TRC) at their October 4, 2022 meeting reviewed the preliminary plans for the above referenced project.

Please find below comments with regards to the review of the project.

Comments from Planning:

Marc Pages – 910-253-2056 – [marc.pages@brunswickcountync.gov](mailto:marc.pages@brunswickcountync.gov)

- Please consider removing the lots from the AE flood zone and converting this area to open/recreation space.
- Please label the adjacent Planned Development (Rivergate).
- Please show where the walking trails will connect to roads. In addition please connect trails to the amenity site.
- Please provide a cul-de-sac detail with radius.
- Please label the 0.6 opacity for the peripheral buffer.
- Please show the existing cemetery on site with access.
- Please note that the proposed development is within a half mile of a Voluntary Agricultural District.
- Please note the mail kiosk locations.
- Please note if sidewalks are proposed.
- Please indicate a school bus stop at the pocket park.
- Please note the pump station location.
- Please note that a neighborhood meeting is encouraged per UDO Section 9.2.

Comments from Stormwater

Brigit Flora – 910-253-2405 – [brigit.flora@brunswickcountync.gov](mailto:brigit.flora@brunswickcountync.gov)

- A State Erosion Control Permit will be required for clearing and/or grading.
- Project will require both state and county stormwater permits.
- The notes indicate that the stormwater system will be designed to accommodate the 100-year 24-hour storm at a minimum which is encouraged for this site.



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### Comments from Flood Plain Administrator

James Paggioli – 910-253-2043 – [james.paggioli@brunswickcountync.gov](mailto:james.paggioli@brunswickcountync.gov)

- Floodway for Lockwood Folly is established in this area and all proposed work is located outside it.
- Lots 137-140 are partially located in AE zone.
- Section 404/Non 404 Wetlands should be depicted on the plans.

### Comments from Engineering

Amy Aycock – 910-253-2047 – [amy.aycock@brunswickcountync.gov](mailto:amy.aycock@brunswickcountync.gov)

Existing 12" watermain on Old Lennon Road

- Existing 18" high pressure forcemain on Hwy 211.
- A connection to the Rivergate water and gravity sewer would be desirable with a maximum use of gravity sewer within this proposed project then switching to low pressure sewer. If this is not feasible another new pump station will be required for this development. Pump station odor control may be required.
- Proposed water and sewer mains not shown on proposed plan. All water and sewer design shall meet all county design manual requirements.
- Fire hydrants required at subdivision entrances and every 800' maximum spacing.
- NCDOT Encroachment required – Primary and Secondary.

### Comments from Fire Code Official

Nick Banister – 814-460-1304 – [nick.banister@brunswickcountync.gov](mailto:nick.banister@brunswickcountync.gov)

1. Need to provide a utility plan showing fire hydrants located at the entrances for (Old Lennon Road) to the development and then spaced every 800' feet apart as measured as a fire department hose lay method along the path of travel by the fire apparatus. The maximum distance to a fire hydrant within the development shall not exceed 400' feet. [F]507.5.1 2018 NC Fire Prevention Code.
2. Need to provide letter for joining subdivisions with through access or provide a fire apparatus approved turn-around per [F]503.2.5 of the 2018 NC Fire Prevention Code.
3. Need to complete a "fire application" to apply for a fire development permit online at <https://www.brunswickcountync.gov/code-administration/permits/>
4. For additional information on the fire development permit see <https://www.brunswickcountync.gov/fire-marshal/development-subdivision-fire-approval-process/>

Please provide a digital set of revised plans to the Brunswick County Planning Department by 5:00 p.m. on October 14, 2022.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Marc C. Paggioli".



## BRUNSWICK COUNTY PLANNING DEPARTMENT

75 Government Drive, Building I • P.O. Box 249 • Bolivia, NC 28422

[www.brunswickcountync.gov/planning](http://www.brunswickcountync.gov/planning) • (910)253-2025

**Marc A. Pages**

Brunswick County Principal Planner

# PD-92

## ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME 1	NAME 2	ADDRESS	CITY	STATE	ZIP
16900004	COUNTY OF BRUNSWICK	C/O FINANCE DEPT	PO BOX 249	BOLIVIA	NC	28422
16900024	LASKA MURIEL ANNETTE		901 OLD LENNON RD SW	BOLIVIA	NC	28422
1690000502	GRISSETT LYNN ETALS		PO BOX 195	SUPPLY	NC	28462
1850001721	MOORE NANCY L (LT)	% LORI C BOYER	1255 SOUTHPORT SUPPLY SE	BOLIVIA	NC	28422
1850001722	CLEMMONS JAMES W ETUX	CLEMMONS JUNE L	811 GERMAN SHEPHERD RD	BOLIVIA	NC	28422
1690001203	SUPPLY MISSIONARY BAPTIST CHURCH INC		PO BOX 15	SUPPLY	NC	28462
1690001201	CLEMMONS JUNE L ETVIR	CLEMMONS JAMES W	811 GERMAN SHEPHERD RD SE	BOLIVIA	NC	28422
1850001718	LASKA MURIEL A ETVIR	LASKA H MICHAEL	901 OLD LENNON ROAD	BOLIVIA	NC	28422
1690001204	CLEMMONS JAMES W ETUX	CLEMMONS JUNE L	811 GERMAN SHEPHERD RD SE	BOLIVIA	NC	28422-8284
1690001302	SHADE LLC THE		168 ENGLEWOOD CT SE	BOLIVIA	NC	28422-8360
1850001506	SHADE LLC THE		168 ENGLEWOOD CT SE	BOLIVIA	NC	28422-8360
1850001501	SHADE LLC THE		168 ENGLEWOOD CT SE	BOLIVIA	NC	28422-8360
1690001205	WAGNER DOUGLAS ETALS		817 GERMAN SHEPHERD RD SE	BOLIVIA	NC	28422-8284
1850001720	LASKA H MICHAEL ETUX	LASKA ANNETTE	901 OLD LENNON RD SE	BOLIVIA	NC	28422
1850001727	CLEMMONS JUNE L AND	MOORE NANCY L	1255 SOUTHPORT SUPPLY RD	BOLIVIA	NC	28422
1690001301	O & P LAND DEVELOPERS LLC		PO BOX 1366	LUMBERTON	NC	28359-1366
169000027	WILLIAMS NEAL HENRY		915 OLD LENNON RD SE	BOLIVIA	NC	28422-7645

## OWNER(S)

PARCEL ID	NAME	NAME 2	ADDRESS	CITY	STATE	ZIP
1850001503	LENNON DEBBIE T		810 OLD LENNON RD SE	BOLIVIA	NC	28422-7646
1690001202	LENNON SHAWN H		452 LENNON LAKES DR SE	BOLIVIA	NC	28422-4203
169000012	LENNON SHAWN H		452 LENNON LAKES DR SE	BOLIVIA	NC	28422-4203

## APPLICANT(S)

PARCEL ID	NAME	NAME 2	ADDRESS	CITY	STATE	ZIP
	JOSEPH K. BLAND, P.E.		1429 ASH-LITTLE RIVER RD	ASH	NC	28420
	NORRIS & TUNSTALL CONSULTING ENGINEERING, P.C.					

# REZONING STAFF REPORT



Prepared by Marc Pages, Principal Planner

Rezoning Case#: Z-855

November 14, 2022

## APPLICATION SUMMARY

The applicant, Louie Lewis, requests to rezone Tax Parcel 1680003709 (formerly Tax Parcels 1681A008, 1681A009, 1681A010, 1681A011, 1681A013, and 1681A014) from CLD (Commercial Low Density) and R-7500 (Medium Density Residential) to CLD (Commercial Low Density). This rezoning request is conventional therefore, no conditions are proposed. All owners and adjacent owners have been notified via first class mail.

### Location

411 Ocean Highway West and Walnut Tree Ct SW

### Tax Parcel

1680003709

### Current Zoning

CLD and R-7500

### Proposed Zoning

CLD

### Surrounding Zoning

CLD, R-7500 and RR

### Current Use

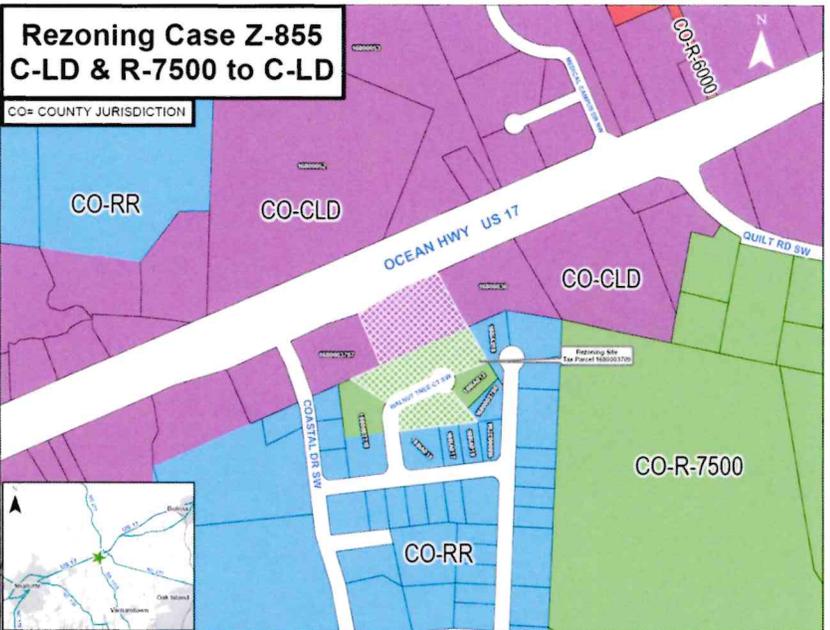
Vacant

### Surrounding Land Uses

Residential, Commercial, Vacant

### Size

1.97 Acres



## SITE CONSIDERATIONS

**Zoning History:** The zoning designation on this property has remained unchanged since County Zoning was adopted in 1994. A Rezoning request was previously requested on this property for R-7500 to CLD but was denied – Rezoning Case # Z-206 – March 1998.

**Buffers:** If rezoned to CLD, all non-residential uses will require a 0.4 (vacant) or 0.6 (developed) opacity buffer to R-7500 areas and a 0.6 (vacant) or 0.8 (developed) to the RR areas.

**Traffic:** There are no capacity deficiencies for this section of Ocean Highway West (US 17).

**Utilities:** Water and Sewer is available on Ocean Highway West (US 17) from Brunswick County Utilities.

**Schools:** Supply Elementary School, Cedar Grove Middle School and West Brunswick High School have adequate capacity.

**CIP Projects in Area:** New Early College High School (FY 2022).

**NCDOT Road Improvements in Area:**

**U-5932** NC 211 and US 17– Upgrade to interchange (2025).

**U-6104** US 17 (Shallotte Bypass) – Upgrade to interchange (2027).

**Environmental Impacts:**

- No portions of the site lay within a Flood Hazard Zone.
- Biodiversity & Wildlife Habitat Assessment Score: Portions of the site score a 0 out of 10 due to no wetlands on the site.
- The rezoning site is located within a half mile of a Voluntary Agricultural District.

## ANALYSIS

*"This District is intended primarily to be used in outlying areas, adjacent to major thoroughfares, with yards and other provisions for reducing conflicts with adjacent residential uses, and with substantial setbacks to reduce marginal friction on adjacent major thoroughfares. Commercial uses in this District will serve the needs of residential neighborhoods for auto-dependent commercial facilities; and serve the needs of highway oriented tourist business."*

**CAMA Land Use Plan Classification:** LDR (Low Density Residential)

- Proposed Zoning is not consistent with CAMA Land Use Plan.
- Land Use Amendment (LUM-855) proposed from Low Density Residential to Mixed-Use.

**Applicable CAMA Land Use Policies:**

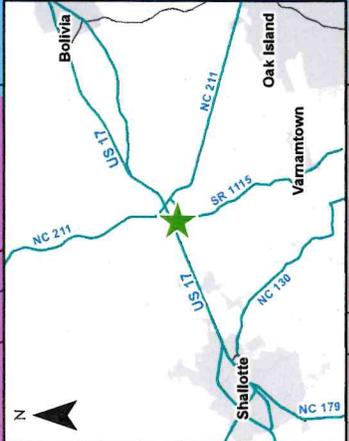
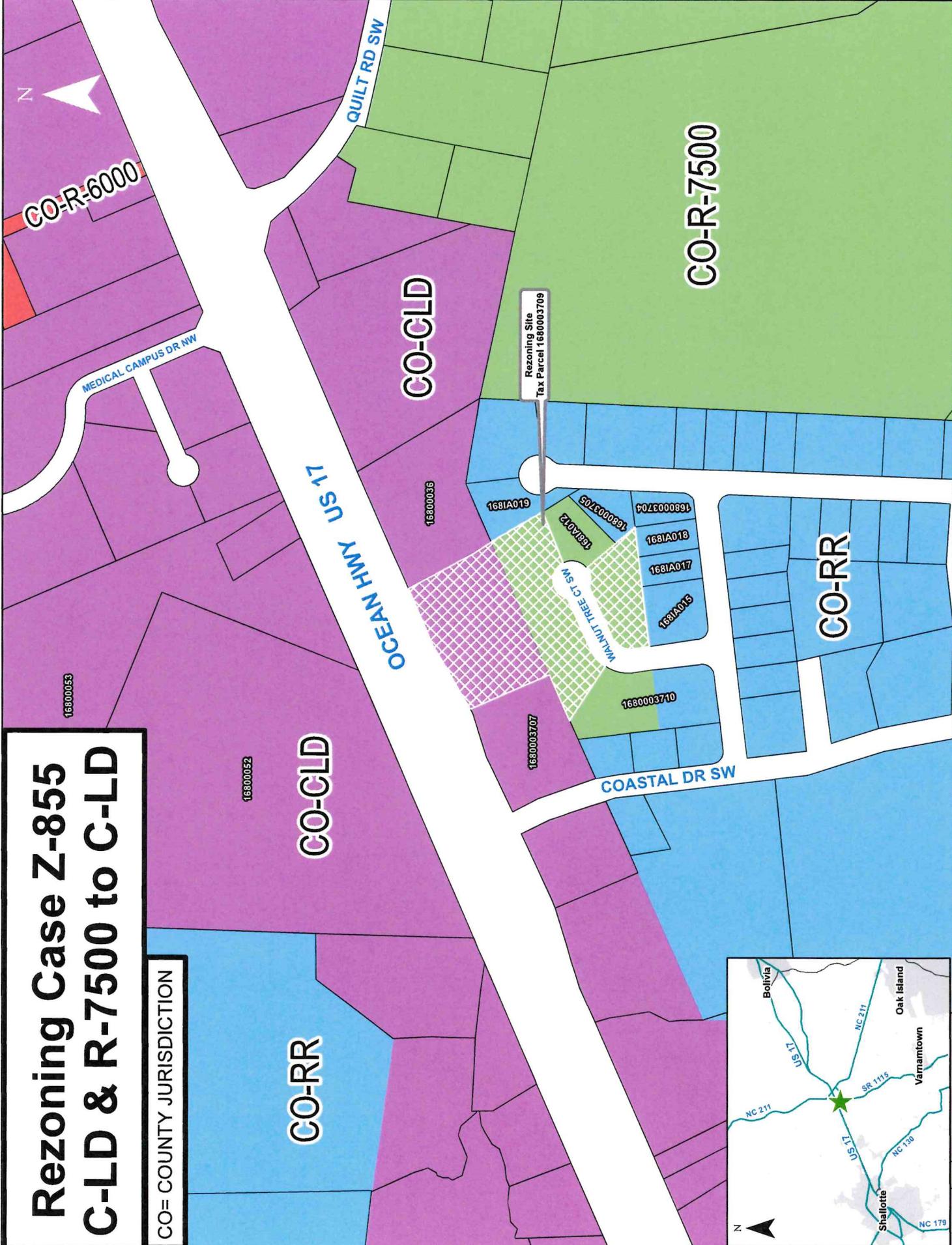
- P.16 Brunswick County and its participating municipalities strongly support commercial nodes, including town or village centers, and the prohibition of strip commercialization.

## STAFF RECOMMENDATION SUMMARY

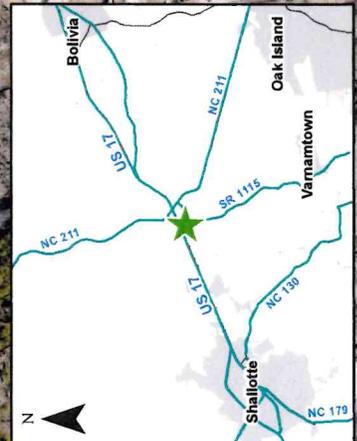
Staff recommends **APPROVAL TO CLD FOR A PORTION OF TAX PARCEL 1680003709** based upon information provided, surrounding area, current uses, the Brunswick County CAMA CORE Land Use Plan, and other adopted Brunswick County plans and policies.

# Rezoning Case Z-855 C-LD & R-7500 to C-LD

CO= COUNTY JURISDICTION



# Rezoning Case Z-855 C-LD & R-7500 to C-LD



# Rezoning Case Z-855 C-LD & R-7500 to C-LD





# REZONING APPLICATION

*For Office Use Only*

Rezoning Case Z- 855 Invoice # 546507  
 Date Received 4/13/22  
 Northwest Jurisdiction YES  NO

Brunswick County Planning • PO Box 249, Bolivia, NC 28422 • Phone: (910) 253-2025/1-800-621-0609 • Fax: (910) 253-2437  
 Complete the following application. This form must be completely filled out. Incomplete applications will result in a delay of this application and slow down the rezoning process

<b>APPLICANT INFORMATION</b> (This person will be the contact person and will receive all mailings)	
Applicant Name(s): <u>Louie A. Lewis Revocable Living Trust</u> <u>Attn: Leslie Robinson</u>	
Mailing Address: <u>237 Ocean Hwy</u> <u>Supply, NC 28462</u>	
Phone: <u>910-477-0838</u>	Email: <u>lacrealestate11c@gmail.com</u>
<b>PROPERTY OWNER INFORMATION</b> (If different from above)	
Owner Name(s): <u>Louie A. Lewis Revocable Living Trust</u>	
Mailing Address: <u>237 Ocean Hwy</u> <u>Supply, NC 28462</u>	
Phone: <u>910-209-3679</u>	Email: <u>lewisautosales@atnc.net</u>
<b>PROPERTY INFORMATION</b>	
Property Address and/or Description of Location: <u>411 Ocean Hwy Supply, NC</u> <u>located directly off Hwy 17. Currently used as Commercial</u>	
Parcel Tax ID #(s): <u>*1680003709</u> <u>Inst of Combination Rec. BK 4910/887</u> <u>168IA008, 168IA009, 168IA010</u> <u>168IA011, 168IA014, 168IA013</u>	Total Site Acreage: <u>Combined</u> <u>3.82 +- Acres</u>
Current Zoning District(s): <u>Lockwood Holly</u> <u>Township</u>	Proposed Zoning District(s): <u>Same</u>
Conditional Zoning Request <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<i>Conditional Zoning have additional submittal requirements such as Conceptual Site Plan, Proposed Conditions, Proposed Uses, and the holding of a neighborhood meeting. Please include the additional information as an attachment to this application</i>	
<b>NOTE:</b> If multiple parcels are being proposed for rezoning then write "see attached" and attach the list of the parcels. Make sure to include the Tax Parcel ID #, owner name(s)/address, and acreage information.	

**STATEMENT OF REASONABLENESS**

Please explain why the proposed zoning is reasonable for the area. Possible reasons could be the rezoning is consistent with the character of the area, the rezoning will match the surrounding zoning or the rezoning is consistent with the Land Use Plan

411 Ocean Hwy Supply, NC Parcel # 1680003709  
Currently zoned Commercial and being used as  
Commercial. Iota recently Combined that  
join parcel 1680003709 \* See ROD Bk 4910 Pg 87  
\* See attached Instrument of Combination  
Requesting Combined parcels be acknowledged as Comm  
LAND USE COMPATIBILITY

Future Land Use Map Classification. Commercial

Is the proposed rezoning consistent with the Land Use Plan?  YES  NO

If not consistent, please explain the change in conditions of the community which justify amending the Land Use Plan Map

Instrument of Combination Attached  
BK 4910 Pg 87  
Since 1998  
Lots 8,9,10,11,13,14 are owned by Louie Lewis and  
recorded on map N/15. These lots have been used  
as additional land for Commercially Zoned Parcel 1680003709

NOTE: The future Land Use Map Classification comes from the Brunswick Co. CAMA CORE Land Use Plan. If a rezoning request is not consistent then an amendment is required. Planning Staff can assist with this determination.

**APPLICANT/OWNER SIGNATURE**

In signing of this Rezoning Application, I certify that I have understand the application guidelines and that incomplete applications will delay my application and my rezoning. I ALSO UNDERSTAND THAT MY REZONING REQUEST MUST BE CONSISTENT WITH THE LAND USE PLAN. I further certify that I am authorized to submit this application and that all the information presented in this application is accurate to the best of my knowledge, information, and belief.

Applicant Signature: Louie G. Lewis Date: 9/13/22

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner Signature \_\_\_\_\_ Date: \_\_\_\_\_

NOTE: If there are multiple owners that need to sign have them sign under the owner signature or attached additional sheets.

**Brunswick County Jurisdiction Fees**

- <1.0 acres (\$350)
- 1.0 to <5 acres (\$400)
- 5.0 to <25 acres (\$450)
- 25 to <50 acres (\$600)
- 50+ acres (\$1,200)
- Conditional Zoning (Add \$200)

**City of Northwest Jurisdiction Fees**

- <1.0 acres (\$1,650)
- 1.0 to <5 acres (\$1,760)
- 5.0 to <25 acres (\$1,870)
- 25 to <50 acres (\$2,090)
- 50+ acres (\$2,200)
- Conditional Zoning (Add \$550)

Please note that any continuance request after initial advertising will incur and additional \$500 fee for Brunswick County Jurisdiction and \$550 for City of Northwest Jurisdiction.

# CASE Z-855

## ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME 1	NAME 2	ADDRESS	CITY	STATE	ZIP
16800053	GORE D S		402 OCEAN HWY SW	SUPPLY	NC	28462
16800052	GORE ZENO	% GLADYS V. BELLAMY	122 BIG MACEDONIA ROAD	SUPPLY	NC	28462
1680003707	LEWIS LOUIE JR ETUX	LEWIS ANGELA C	237 OCEAN HIGHWAY EAST	SUPPLY	NC	28462
168IA019	HEDRICK STEPHEN EARLE ETUX	HEDRICK LYDIE DENISE	54 SHADE TREE LN SW	SUPPLY	NC	28462-3322
168IA017	LEONARD TABITHA RENEE		54 HOMES DR SW	SUPPLY	NC	28462-6002
1680003705	CORONA JUAN C		4630 WHITE ST APT 207	SHALLOTTE	NC	28470-4748
168IA012	CORONA JUAN C		4630 WHITE ST APT 207	SHALLOTTE	NC	28470-4748
1680003710	LEWIS LOUIE A JR ETUX	LEWIS ANGELA	427 OCEAN HWY W	SUPPLY	NC	28462
16800036	YOSEF INC		3811 COTTONWOOD DR	DURHAM	NC	27705-5363
168IA018	TRUSCELLO BOBBY		46 HOMES DR SW	SUPPLY	NC	28462
1680003704	GAINES IDA R		11053 CENTRAL HILL RD	WINDSOR	VA	23487-8150
168IA015	GULLICKSON ERWIN LYLE JR ETALS		1090 OLD OCEAN HWY	BOLIVIA	NC	28422-8585

## OWNER(S)

PARCEL ID	NAME	NAME 2	ADDRESS	CITY	STATE	ZIP
1680003709	LOUIS A LEWIS REVOCABLE LIVING TRUST		237 OCEAN HWY E	SUPPLY	NC	28462-3359

## APPLICANT(S)

PARCEL ID	NAME	NAME 2	ADDRESS	CITY	STATE	ZIP
	LOUIS A LEWIS REVOCABLE LIVING TRUST		237 OCEAN HWY E	SUPPLY	NC	28462

# REZONING STAFF REPORT



Prepared by Nicole Morgan, Project Planner

Rezoning Case#: Z-856CZ

November 14, 2022

## APPLICATION SUMMARY

The applicant, CA Five, LLC, requests to rezone Tax Parcels 20400016, 20400017, 20400043, 20400045, and 20400047 to C-LDCZ (Commercial Low Density Conditional Rezoning). This conditional zoning is proposing mixed use planned development limited to a maximum of 680 residential duplex and townhouse dwellings, accessory buildings, home occupation, and the following commercial uses: office, public and civic uses, daycare, educational facilities, medical facilities, parks and open areas, commercial parking, funeral home, indoor recreation (excluding adult and sexually oriented businesses), outdoor advertising, outdoor recreation, overnight accommodation, restaurants, microbrewery, retail sales and service, self-service storage facility, vehicle sales and service, water oriented commercial uses, and professional offices, with any uses prohibited within the proposed wellhead protection overlay district being excluded. The applicant held a Neighborhood Meeting on October 19, 2022. The owners and adjacent owners have been notified of the proposed rezoning via first class mail. A site plan is provided, and several conditions have been proposed and agreed upon by the owner.

### Location

Southport-Supply Rd. (SR 211)

### Tax Parcels

20400016, 20400017, 20400043,  
20400045, 20400047

### Current Zoning

CI (Commercial Intensive)

### Proposed Zoning

C-LD CZ (Commercial Low Density  
Conditional Rezoning)

### Surrounding Zoning

C-LD, C-I, DA-CLD (St. James  
Jurisdiction)

### Current Use

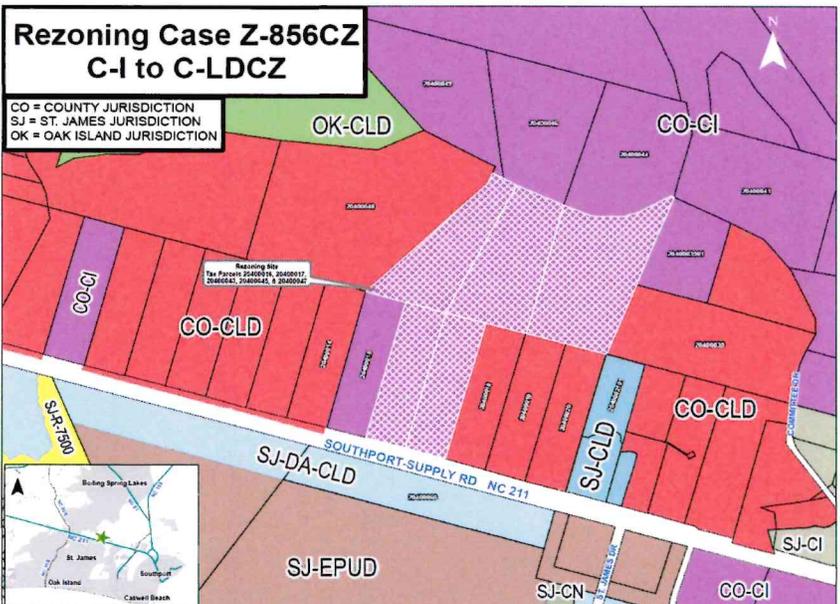
Vacant

### Surrounding Land Uses

Vacant Land, Firing Range

### Size

93.26 acres



## SITE CONSIDERATIONS

**Zoning History:** The zoning designation on this property has remained unchanged since County Zoning was adopted in 1994

**Buffers:** The site plan denotes a 30', 0.6 opacity perimeter buffer OR a 20', 0.6 opacity perimeter buffer with 100% opaque wooden or vinyl fence. Developer will also be required to install a 20' wide street buffer along the entire street frontage (NC-211).

**Traffic:** There are capacity deficiencies for this section of Southport-Supply Rd. (NC-211); however, the road is scheduled to be widened in the near future. A Traffic Impact Analysis will be required, and the developer will be responsible for obtaining a NCDOT driveway permit prior to construction.

**Utilities:** Water and Sewer is available from Brunswick County Utilities. Utility connection will require developer responsibility to connect to the water and sewer system.

**Exceptional Design:** Elements to be included in the project are as follows:

1. Stormwater analysis of the 100-year storm flow.
2. Development will comply with the requirements of the proposed Wellhead Protection Area Overlay District. Commercial uses proposed and agreed upon will exclude all commercial uses prohibited in the proposed Wellhead Protection Area Overlay District.

**Schools:** Southport Elementary School, South Brunswick Middle School and South Brunswick High School have adequate capacity.

**CIP Projects in Area:** Smithville Park Phase 3 (FY 2024), Wastewater Transmission Line – Midway Road to West Brunswick Treatment Plant (FY 2024).

**NCDOT Road Improvements in Area:** NC 211 Widening -In Progress.

### **Environmental Impacts:**

- No portions of the site lay within a Flood Hazard Zone.
- Biodiversity & Wildlife Habitat Assessment Score: The site scores a 6 out of 10 due to wetlands on portions of the site.
- The rezoning site does not lay within a half mile of a Voluntary Agricultural District.

## ANALYSIS

The base zoning district for the conditional rezoning will be C-LD because the proposed uses most closely aligns with this district. The C-LD district allows a maximum of 13.6 dwelling units per acre.

Conditional Zoning is established to offer flexibility to meet project and community needs that are not accommodated by conventional zoning districts. These districts allow approval with individualized development standards adopted as part of the rezoning. Property is rezoned to these districts in response to and consistent with the applicant's submitted site plan, list of uses, list of conditions, and any rules or regulations, that would govern development of the site. The property owner and Brunswick County must agree to all conditions. The applicant must hold at least one neighborhood meeting on the proposal prior to the Planning Board's public hearing. These districts are potentially available in conjunction with any of the conventional zoning classifications the site.

*"The C-LD district is intended primarily to be used in outlying areas, adjacent to major thoroughfares, with yards and other provisions for reducing conflicts with adjacent residential uses, and with substantial setbacks to reduce marginal friction on adjacent major thoroughfares. Commercial uses in this District will serve the needs of residential neighborhoods for auto-dependent commercial facilities; and serve the needs of highway-oriented tourist business."*

### **CAMA Land Use Plan Classification:** Commercial & Industrial

- Proposed zoning is NOT consistent with CAMA Land Use Plan for tax parcels 20400043, 20400045, and 20400047. Proposed zoning IS consistent with CAMA Land Use Plan for tax parcels 20400016 and 20400017.
- Land Use Amendment (LUM 856-CZ) proposed from Industrial to Commercial for tax parcels 20400043, 20400045 and 20400047.

### **Applicable CAMA Land Use Policies:**

- P.15 states that Brunswick County supports greater residential densities in areas that are accessible to water and sewer service(s). Agricultural and low-density residential land uses should be located in areas that do not have central water or sewer service.
- P.49 states that Brunswick County supports directing more intensive land uses to areas that have existing or planned infrastructure.

# **STAFF RECOMMENDATION SUMMARY**

Staff recommends **APPROVAL TO C-LD CONDITIONAL ZONING IN ACCORDANCE WITH THE SITE PLAN, THE LIST OF CONDITIONS AND LIST OF PERMITTED USES FOR TAX PARCELS 20400016, 20400017, 20400043, 20400045, AND 20400047 BASED** upon information provided, surrounding area, current uses, the Brunswick County CAMA CORE Land Use Plan, and other adopted Brunswick County plans and policies.

## **Permitted Uses:**

- 1. Planned Development - maximum of 680 residential duplex and townhouse dwellings.**
- 2. Accessory Structures**
- 3. Home Occupation**
- 4. Commercial – limited to office, public and civic uses, daycare, educational facilities, medical facilities, parks and open areas, commercial parking, funeral home, indoor recreation (excluding adult and sexually oriented businesses), outdoor advertising, outdoor recreation, overnight accommodation, restaurants, microbrewery, retail sales and service, self-service storage facility, vehicle sales and service, water oriented commercial uses, and professional offices, with any uses prohibited within the proposed wellhead protection overlay district being excluded.**

## **Conditions:**

- 1. All development shall comply with all applicable federal, state, and local requirements and with the Brunswick County Unified Development Ordinance (UDO) and shall conform to the site plan, the list of permitted uses (subject to all limited standards imposed by the UDO), and all design features as submitted, and approved as part of this conditional rezoning as kept on file by the Brunswick County Planning Department.**
- 2. All applicable County and State Stormwater Permits must be obtained prior to any development. No natural drainage areas will be cut off or disturbed before obtaining the permits.**
- 3. All conditions listed have been agreed upon by the owner at this time and must be followed. If any these conditions are violated the owner of the property will be in violation of the Brunswick County Unified Development Ordinance (UDO) and all permits shall be subject to revocation and any other enforcement actions available by law.**
- 4. Conditional Zoning approval does not constitute an authorization to construct. All applicable federal, state and county requirements will be necessary to obtain building permits. This includes any requirements deemed essential by local Emergency Services.**
- 5. A stormwater analysis of the 100-year storm flow shall be conducted.**

**In signing of these conditions, I agree with the proposed conditions and permitted uses listed herein and I agree to develop in accordance with the site plan site plan that is approved as part of this conditional rezoning. I certify that I understand that the above tax parcel will be conditionally zoned within the Brunswick County and that zoning designation goes with the property and not the owner. I further certify that I understand that making major changes to the site plan, the conditions, or the permitted uses will require a rezoning (AKA zoning map amendment) to be requested and approved by Brunswick County.**

**Register Agent/Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_**

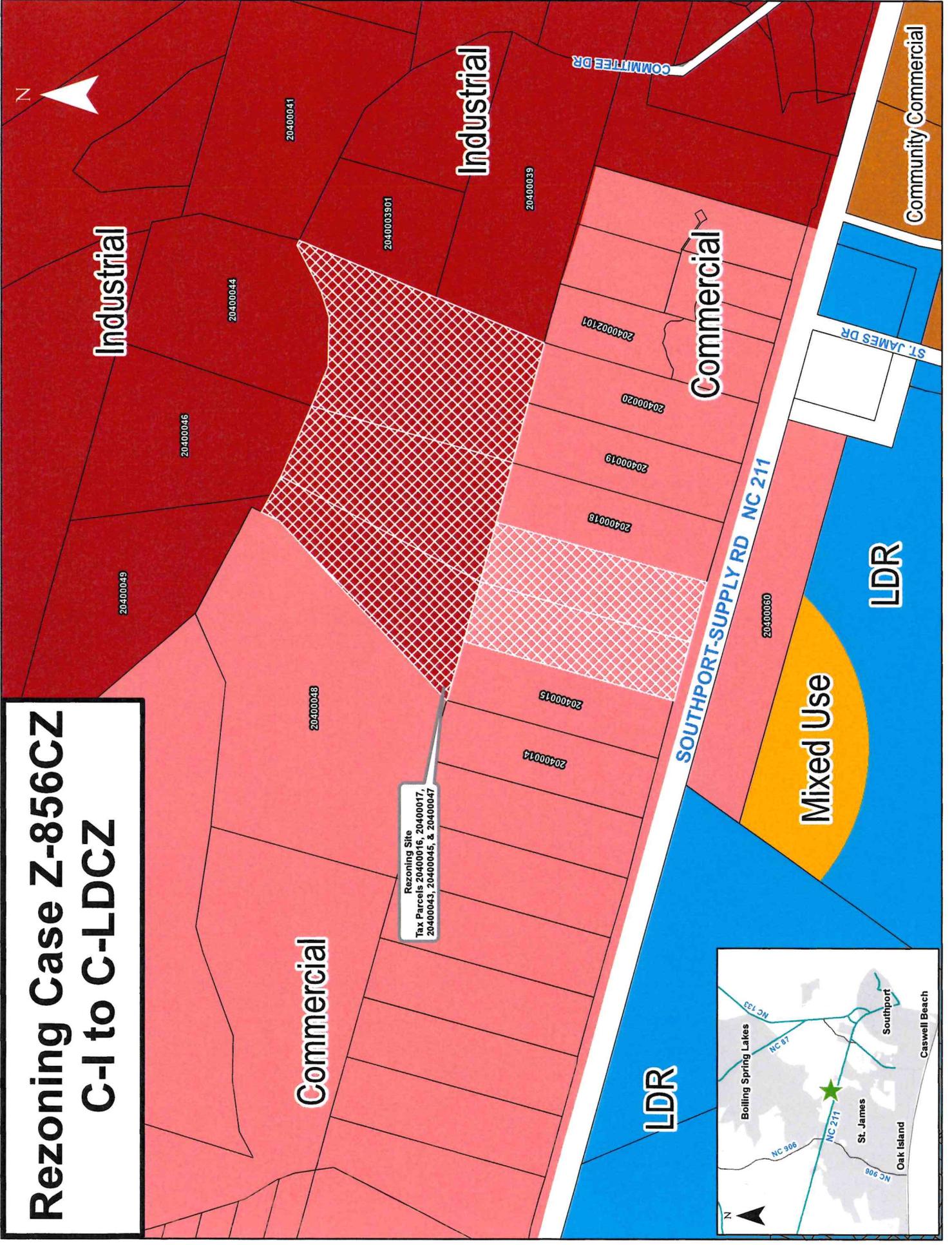


# Rezoning Case Z-856CZ C-I to C-LDCZ

Rezoning Site  
Tax Parcels 20400016, 20400017,  
20400043, 20400045, & 20400047



# Rezoning Case Z-856CZ C-I to C-LDCZ





NOTE: THESE PARCELS LIE WITHIN THE PROPOSED WELLSHEAD PROTECTION OVERLAY DISTRICT

**Current Zoning** C-I Commercial Intensive

**Proposed Zoning** C-LD Conditional Commercial Low Density Conditional

**Conditional Zoning - Conditions:**

- Development will comply with applicable C-LD sections of the current Revised and Readopted Unified Development Ordinance of Brunswick County.
- Development will further comply with conditions of the proposed Wellshead Protection Overlay District Ordinance.

**Conditional Rezoning - Proposed Uses**

- Development of no more than 680 Residential Duplex and Townhouse dwellings of up to 8 attached units with the associated clubhouse, parking and amenities on approximately 86 acres of the site.
  - Maximum permitted density allowed in C-LD = 13.6 units/total acre
  - Proposed maximum density = 7.3 units/acre
  - Minimum open space required = 15% (13.9 acres of 93.26 acres)
  - Proposed minimum open space provided = 15% (13.9 acres of 93.26 acres)
  - Minimum recreation space required = 15% (2.09 acres of 13.9 acres)
  - Proposed recreation space provided = 15% (2.09 acres of 13.9 acres)
- Development of Commercial, Office and/or Public and Civic uses on approximately 7 acres of the site. Uses prohibited in the Wellshead Protection Overlay District are excluded. Proposed uses include: Day Care, Educational Facilities, Medical Facilities, Parks and Open Area, Commercial Parking, Funeral Home, Indoor Recreation (excluding Adult & Sexually Oriented Businesses), Outdoor Advertising, Outdoor Recreation, Overnight Accommodation, Planned Development, Restaurants, Microbrewery, Retail Sales and Services, Self-Service Storage Facility, Vehicle Sales and Service, Water Oriented Commercial Uses, and Professional Offices.

**Site Conditions**

- Wetlands to be delineated prior to construction.
- There are currently no natural streams or lakes identified on the site.
- Existing manmade ponds are approximately located on the plan.
- There are no significant existing trees or other vegetation on the site.

**Site Layout**

- This Conceptual Site Plan shows the general arrangement of buildings, streets, drives, parking/loading areas, amenities, landscape areas, stormwater management areas, buffers, and setbacks. Compliance with Performance and Design Standards and other applicable C-LD sections of the current in the Revised and Readopted Unified Development Ordinance is intended.
- A Traffic Impact Analysis (TIA) is required.

**Utilities**

- Water and Sanitary Sewer Services will be provided by Brunswick County Public Utilities. Water service from a main along NC211 is anticipated. The applicant is evaluating both vacuum and low pressure sewer systems for residential development and gravity sewer for commercial development. A lift station discharging to force main along NC211 is anticipated. Improvement designs will conform with applicable Brunswick County Public Utilities and Engineering Policies, Ordinances, Standards and Specifications.
- Stormwater Management design will meet the requirements of Brunswick County Stormwater ordinance and proposed Wellshead Protection Overlay Ordinance. County and State Stormwater permits and Land Quality Sedimentation and Erosion Control permit required.
- The subject property is located outside of the established SFHA to date. Development plan Stormwater Calculations to include an analysis of 100 year storm flows for the determination of the direction of flows exiting the site. This analysis should not be a Floodplain H & H study, but a typical storm water analysis.

**Fire**

- Fire hydrants and fire apparatus access to be provided per NCGFC.

SITE DATA	
Total Site Area	93.26 AC
Parcels	20400016 [Existing C-I, Proposed C-LD Conditional] 20400017 [Existing C-I, Proposed C-LD Conditional] 20400043 [Existing C-I, Proposed C-LD Conditional] 20400045 [Existing C-I, Proposed C-LD Conditional] 20400047 [Existing C-I, Proposed C-LD Conditional]
Deed Reference	D8 03776 PG 1287 D8 03776 PG 1287 D8 03732 PG 0092 D8 03567 PG 0230 D8 03592 PG 0629

Building Type Data			
Building A - 2plex	Square Footage	3,905 sf	Height
Building B - 4plex	5,511 sf first floor	1,487 sf second floor	±18'-10" off
Building C - 4plex	7,011 sf		±26'-6" off
Building D - 6plex	10,326 sf		±19'-4" off
Building E - 6plex	7,740 sf first floor	4,413 sf second floor	±26'-10" off





# REZONING APPLICATION

*For Office Use Only*

Rezoning Case Z- 850CZ Invoice # 542530  
 Date Received 9/16/22  
 Northwest Jurisdiction  YES  NO

Brunswick County Planning • PO Box 249, Bolivia, NC 28422 • Phone: (910) 253-2025/1-800-621-0609 • Fax: (910) 253-2437  
 Complete the following application. This form must be completely filled out. Incomplete applications will result in a delay of this application and slow down the rezoning process.

<b>APPLICANT INFORMATION</b> (This person will be the contact person and will receive all mailings)	
Applicant Name(s): <b>CA Five, LLC</b> <b>ATTN: Jay Jesensky, Vice President of Development</b>	
Mailing Address: <b>629 Euclid Avenue, Suite 1300</b> <b>Cleveland, Ohio 44114</b>	
Phone: <b>216-401-6084</b>	Email: <b>jjesensky@starkenterprises.com</b>
<b>PROPERTY OWNER INFORMATION</b> (If different from above)	
Owner Name(s): <b>T and G Real Estate Services, Inc.</b> <b>T and T Ventures, Inc.</b>	
Mailing Address: <b>3424 Southport Supply Rd SE</b> <b>Bolivia, NC 28422-7952</b>	
<b>2868 Trailwood Drive</b> <b>Southport, NC 28461</b>	
Phone: -	Email: <b>tomrechicharsales@gmail.com</b>
<b>PROPERTY INFORMATION</b>	
Property Address and/or Description of Location: <b>Lots 17,18, 73, 72, 71 of Morehead Farms Plat located off of Southport-Supply Road SE, Brunswick County, NC</b>	
Parcel Tax ID #(s): <b>20400017 (13.09 acres) 20400016 (13.07 acres)</b> <b>20400047 (17.22 acres) 20400045 (20.80 acres)</b> <b>20400043 (29.08 acres)</b>	Total Site Acreage: <b>93.26 acres</b>
Current Zoning District(s): <b>CI</b> <b>Commercial Intensive</b>	Proposed Zoning District(s): <b>C-LD Conditional</b> <b>Commercial Low Density</b>
Conditional Zoning Request <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
<i>Conditional Zoning have additional submittal requirements such as Conceptual Site Plan, Proposed Conditions, Proposed Uses, and the holding of a neighborhood meeting. Please include the additional information as an attachment to this application.</i>	
<b>NOTE:</b> If multiple parcels are being proposed for rezoning then write "see attached" and attach the list of the parcels. Make sure to include the Tax Parcel ID #, owner name(s)/address, and acreage information.	

**STATEMENT OF REASONABLENESS**

Please explain why the proposed zoning is reasonable for the area. Possible reasons could be the rezoning is consistent with the character of the area, the rezoning will match the surrounding zoning, or the rezoning is consistent with the Land Use Plan:

The proposed rezoning to C-LD will provide consistent zoning with adjacent property to the east and west. The property is adjacent to a major thoroughfare as intended for this district and development will comply with applicable code provisions. The primary townhome project component will contribute to the County's draft housing goal of providing opportunities for a range of housing types and the commercial project uses will serve the needs of residential neighborhoods for auto-dependent commercial facilities as well as highway oriented tourist business.

**LAND USE COMPATIBILITY**

Future Land Use Map Classification: **Commercial**

Is the proposed rezoning consistent with the Land Use Plan?  YES  NO

If not consistent, please explain the change in conditions of the community which justify amending the Land Use Plan Map:

NOTE: The future Land Use Map Classification comes from the Brunswick Co. CAMA CORE Land Use Plan. If a rezoning request is not consistent then an amendment is required. Planning Staff can assist with this determination.

**APPLICANT/OWNER SIGNATURE**

In signing of this Rezoning Application, I certify that I have understand the application guidelines and that incomplete applications will delay my application and my rezoning. I ALSO UNDERSTAND THAT MY REZONING REQUEST MUST BE CONSISTENT WITH THE LAND USE PLAN. I further certify that I am authorized to submit this application and that all the information presented in this application is accurate to the best of my knowledge, information, and belief.

Applicant Signature: \_\_\_\_\_

Date: 9/7/2022

Owner Signature: Tam Debecker

Date: 9/9/2022

Owner Signature: Tam Debecker

Date: 9/8/2022

NOTE: If there are multiple owners that need to sign have them sign under the owner signature or attached additional sheets.

**Brunswick County Jurisdiction Fees**

- <1.0 acres (\$350)
- 1.0 to <5 acres (\$400)
- 5.0 to <25 acres (\$450)
- 25 to <50 acres (\$600)
- 50+ acres (\$1,200)
- Conditional Zoning (Add \$200)

**City of Northwest Jurisdiction Fees**

- <1.0 acres (\$1,650)
- 1.0 to <5 acres (\$1,760)
- 5.0 to <25 acres (\$1,870)
- 25 to <50 acres (\$2,090)
- 50+ acres (\$2,200)
- Conditional Zoning (Add \$550)

Please note that any continuance request after initial advertising will incur and additional \$500 fee for Brunswick County Jurisdiction and \$550 for City of Northwest Jurisdiction.



## BRUNSWICK COUNTY PLANNING DEPARTMENT

75 Government Drive, Building I • P.O. Box 249 • Bolivia, NC 28422

[www.brunswickcountync.gov/planning](http://www.brunswickcountync.gov/planning) • (910)253-2025

October 7, 2022

Jay Jesensky  
CA Five, LLC  
629 Euclid Ave., Suite 1300  
Cleveland, OH 44114

**RE: St. James Village Conditional Zoning  
File # Z-856CZ**

Dear Mr. Jesensky,

The Technical Review Committee (TRC) at their October 4, 2022 meeting reviewed the preliminary plans for the above referenced project.

Please find below comments with regards to the review of the project.

Comments from Planning:

Nicole Morgan – 910-253-2039 – [nicole.morgan@brunswickcountync.gov](mailto:nicole.morgan@brunswickcountync.gov)

- Please note that the peripheral buffer will be 30', 0.6 visual opacity, or 20' with 100% opaque wooden, or vinyl fence, 0.6 visual opacity.
- Please note the 20' street buffer.
- Please note that there will be a minimum of 2 off-street, non-garage, parking spaces per dwelling unit.
- Please include minimum building separations on plan.
- Please label the buildings A through E, as shown on Building Type Data Table.
- Please include the maximum density permitted in C-LD (Commercial Low Density) in the Site Data Table.
- Please include the maximum density proposed in the Site Data Table.
- Please include the minimum open space and recreation space required in the Site Data Table.
- Please include proposed open space and proposed recreation space in the Site Data Table.
- Please include adjacent property uses.
- A berm is highly recommended along the rear property line, adjacent to the existing shooting range.
- Please note if proposed development will have sidewalks.
- Please note if street trees will be incorporated within the development.
- At a minimum, street trees along the main access road are highly recommended.
- Please provide a stub-out along the rear property line – Consider extending the proposed road next to the existing pond.
- Please provide a stub-out to parcel 20400018 – Consider extending the road North of parcel 20400018.



## BRUNSWICK COUNTY PLANNING DEPARTMENT

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- Please consider extending the cul-de-sac to loop into adjacent road on the southwest side of the existing pond.
- Please consider including walking trails around existing ponds and pocket parks in open space areas.
- Please note that a TIA is required.
- Please note an access easement will be required if subdividing property as shown.
- Please note that a neighborhood meeting is required as per UDO Section 9.2.

### **\*PROPOSED WELLHEAD PROTECTION OVERLAY DISTRICT\***

- Please note these parcels lie within the proposed Wellhead Protection Overlay District. Copies of the proposed Wellhead Protection Overlay District have been provided and are also available on the County's website at [www.brunswickcountync.gov](http://www.brunswickcountync.gov).
- Plans indicate the proposed development will comply with the conditions of the proposed Wellhead Protection Overlay District.
  - Please note that stormwater ponds may not meet the requirements of the proposed Wellhead Protection Overlay District.
  - Please note that various uses are not permitted within the proposed Wellhead Protection Overlay District. All commercial uses shall be specified on the plan.

#### Comments from Stormwater

William Pinnix – 910-253-2408 – [william.pinnix@brunswickcountync.gov](mailto:william.pinnix@brunswickcountync.gov)

- County Stormwater permit required.
- Land Quality Sedimentation and Erosion Control permit required.
- State Stormwater permit will need to be provided to County Stormwater.

#### Comments from Engineering

Amy Aycock – 910-253-2047 – [amy.aycock@brunswickcountync.gov](mailto:amy.aycock@brunswickcountync.gov)

- Existing 12" watermain stub-out on Hwy 211 across from St. James Town Hall complex for connection – will have to install an extension of the 12" water main within the ROW to Hwy 211 to serve this project and then appropriately sized main throughout for domestic and fire flows.
- Existing 16" high pressure force main on Hwy 211 – proposed to be relocated and upsized during the NCDOT R-5021 TIP roadway widening project.
- Proposed water and sewer mains not shown on proposed plan.
- For sewer – Brunswick County's 1<sup>st</sup> choice is gravity sewer system, low pressure is 2<sup>nd</sup> choice or a combination of gravity and low pressure sewer preferred before a vacuum system is considered – vacuum will not be viewed favorably for this project.
- The proposed subdivision of the commercial tract from the residential will require separate sewer systems. Per state and county rules public sewer cannot cross property boundaries.



## BRUNSWICK COUNTY PLANNING DEPARTMENT

75 Government Drive, Building I • P.O. Box 249 • Bolivia, NC 28422

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- Pump station site odor control may be required.
- Fire hydrants required at subdivision entrance and every 400' or as required by County Fire Marshall.
- NCDOT encroachment required – Controlled Access Hwy 211.

### Comments from Soil and Water

Elliot Swain – 910-253-2832 – [elliot.swain@brunswickcountync.gov](mailto:elliot.swain@brunswickcountync.gov)

- The proposed development land area contains the following soils: Murville mucky fine sand, Leon fine sand, and Mandarin fine sand. 74.6% of the site consists of Murville mucky fine sand which is identified as a hydric soil as listed by the NRCS Soil Data Access (SDA) Hydric Soils list. Constructing on this soil type is not recommended. If construction is planned on native soils, ponding/flooding will be a primary concern.
- If the site has not been delineated for wetlands we recommend having a wetland delineation done prior to construction to avoid any violations of Section 404 of the Clean Water Act.
- Please note that soil maps are approximations. Onsite soil sampling is required to determine actual onsite soils.

### Comments from Fire Code Official

Nick Bannister / Andrew Thompson – 910-253-2041 –

[andrew.thompson@brunswickcountync.gov](mailto:andrew.thompson@brunswickcountync.gov)

- Need to provide a utility plan showing fire hydrants located at the entrance for to the development off Southport-Supply Road and then spaced every 800' feet apart as measured as a fire department hose lay method along the path of travel by the fire apparatus. The maximum distance to a fire hydrant within the development shall not exceed 400' feet. A minimum of one fire hydrant to be located within 100' feet from the fire sprinkler FDC connection where a commercial building has a fire sprinkler system (Proposed Clubhouse and Commercial Buildings). [F]507.5.1 2018 NC Fire Prevention Code.
- Amenity parking in excess of 150' feet in depth will require fire apparatus turn-around or reduced to less than 150' feet in depth as measured along the path fire apparatus travel. [F]503.2.5 of the 2018 NC fire prevention code.
- Need to complete a "fire application" to apply for a fire development permit online at <https://www.brunswickcountync.gov/code-administration/permits/>
- For additional information on the fire development permit see <https://www.brunswickcountync.gov/fire-marshal/development-subdivision-fire-approval-process/>

### Comments from Floodplain Administration

James Paggioli – 910-253-2054 – [james.paggioli@brunswickcountync.gov](mailto:james.paggioli@brunswickcountync.gov)

- A hydrology study will be required. Contact Floodplain Administration for more information.



## BRUNSWICK COUNTY PLANNING DEPARTMENT

75 Government Drive, Building I • P.O. Box 249 • Bolivia, NC 28422

[www.brunswickcountync.gov/planning](http://www.brunswickcountync.gov/planning) • (910)253-2025

Comments from Brunswick County Schools

Craig Eckert – 910-782-5078 - [ceckert@bcswan.net](mailto:ceckert@bcswan.net)

- Please consider designating the amenity area for school bus pickup/drop off.

Please provide a digital set of revised plans to the Brunswick County Planning Department by 5:00 p.m. on October 14, 2022.

If you have any questions, please feel free to contact me.

Sincerely,

*Nicole Morgan*

Nicole Morgan  
Brunswick County Project Planner



# BRUNSWICK COUNTY PLANNING DEPARTMENT

75 Government Drive, Building I • P.O. Box 249 • Bolivia, NC 28422

www.brunswickcountync.gov/planning • (910)253-2200

## MEMORANDUM

DATE: November 4, 2022

TO: Brunswick County Planning Board

FROM: Kirstie Dixon, Planning Director

RE: **Town of St. James Extraterritorial Jurisdiction (ETJ) Request**

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On August 8, 2022, the Town of St. James formally submitted an Extraterritorial Jurisdiction (ETJ) request to the Planning Department. Authority for counties to grant municipalities ETJs are within the North Carolina General Statutes (NCGS). NCGS 160D-202 addresses Municipal Extraterritorial Jurisdiction and provides basic guidelines. For municipalities like the Town of St. James with a population of less than 10,000, an ETJ may extend up to one mile from its corporate limits. The NCGS requires county approval if the county enforces zoning and subdivision regulations. Brunswick County adopted the Brunswick County ETJ Expansion Policy to guide the ETJ process in Brunswick County in 1995. The policy exercises the authority for Brunswick County to evaluate and approve all ETJ expansions. Below outlines the submittal requirements, review meeting, Town of St. James public hearing, evaluation criteria, and approval process & timeline of key events as provided in more detail below:

- **Submittal Requirements**

The policy outlines key items required as a part of the formal submission including the proposed ETJ boundary, documentation addressing the concerns of the municipality and commitment to general development planning, and outlining the capability and qualifications to provide land use planning, zoning, subdivision regulation, and building code programs within the proposed ETJ area.

- **Review Meeting**

The policy requires a Review Meeting to be held with the municipality at least 14-days prior to Planning Board. Two Review Meetings are scheduled one internally and one with the Town of St. James to gain input from Brunswick County employees in various departments. These meetings identify changes/impacts to the level of services and concerns that need to be addressed within this request. *Both Review Meetings were held on August 29, 2022.*

- **Town of St. James Public Hearing**

NCGS 160D-202 requires the municipality to hold a public hearing on the ETJ proposal. *The Town of St. James held a Public Hearing on the ETJ on November 2, 2022.*

- **Evaluation Criteria**

The policy provides three ETJ evaluation criteria that should be reviewed and evaluated. Below outlines the three criteria:

- 1) *Commitment to General Development Planning.*  
To determine the municipality’s ability to provide services; commitment to good planning; the ability to manage growth and development; comprehensive planning including stormwater planning, transportation planning, infrastructure planning, and capital improvement programming (CIP).
- 2) *Annexation Within Ten Years.*  
ETJ requests should be granted in areas anticipated for annexation within ten years. To determine the municipality's ability to annex within ten years.
- 3) *Evidence of Feasibility for Urban Density Development.*  
To determine if the municipality can accommodate urban development and urban densities while protecting the integrity of the county’s rural areas.

- **Approval Process & Timeline of Key Events**

The policy provides specified time frames and deadlines for key events. For example, the Planning Director must forward the ETJ Expansion Request to the Planning Board for approval no later than 60 days following submission and the Review Meeting must be completed at least 14 days prior to Planning Board. The Town of St. James has requested that the schedule change with Planning Board beginning their review on October 10, 2022, as opposed to September 12, 2022. Planning Board received information on October 10, 2022. A public hearing is scheduled for the November 14, 2022 Meeting. Following the public hearing, Planning Board will consider the request and make a formal recommendation. It’s anticipated that the Board of Commissioners will hold a public hearing and consider the ETJ Request at their December 5, 2022 Board Meeting.

**TIMELINE OF KEY EVENTS & DATES**

<b><i>Submittal Date</i></b>	<b><i>August 8, 2022</i></b>
<b><i>Internal Staff Review Meeting</i></b>	<b><i>August 29, 2022</i></b>
<b><i>Review Meeting with St. James</i></b>	<b><i>August 29, 2022</i></b>
<b><i>St. James Public Hearing</i></b>	<b><i>November 2, 2022</i></b>
<b><i>Planning Board</i></b>	<b><i>October 10, 2022 &amp; November 14, 2022</i></b>
<b><i>Board of Commissioners</i></b>	<b><i>December 5, 2022</i></b>

**Attachments**

- 1) *Brunswick County Planning Staff Report*
- 2) *Town of St. James ETJ Request dated August 8, 2022,*
- 3) *Email from Jeff Rupp requesting a Change to Schedule,*
- 4) *Supplemental ETJ Information from the Town of St. James,*
- 5) *Email from Jeff Rupp about annexation*
- 6) *Review Meeting Summary Memo*
- 7) *Town of St. James ETJ Map*
- 8) *St. James ETJ Owners & Adjacent Owners List*
- 9) *Brunswick County ETJ Expansion Policy*
- 10) *Town of St. James ETJ Request Staff Presentation*

# BRUNSWICK COUNTY STAFF REPORT AND RECOMMENDATION

Request Type: Extraterritorial Jurisdiction (ETJ)

Applicant: Town of St. James

Request: The Town of St. James formally requested an Extraterritorial Jurisdiction (ETJ) in accordance with Brunswick County ETJ Expansion Policy.

Parcel Numbers: 20400035, 20300045, 20400008, 20400037, 20400030, 2190000101, 2190000117, 20400024, 20400023, 20400022, 2040002201, 20400032, 20400038, 2040003901, 20400031, 2190000156, 20300044, 20300043, 20400020, 20400019, 20400018, 20400025, 20400040, 20400039, 20300042, 20400043, 2040002503, 20400029, 2190000188, 2190000158, 20400045, 20400016, 20400017, 2030004501, 20300047, 20300046, 20400047, 20400033, 20400034, 20400028, 20500035, 20500034, 20500033, 20400036, 20500036, 20400015, 20400013, 20400014, 20400048, 2030004803, 20400006, 20400007, 20400050, 20300048, 2030004801, 2030004802, 20400009, 20400010, 20400011, and 20400012.

Location: General area along Southport-Supply Road (NC 211).

Description: The ETJ area consists of the above tax parcels and encompasses approx. 1,004.79 acres, 60 parcels, and 31 different owners.

## **ETJ Evaluation Criteria**

- The uses within the proposed ETJ area include public community wells, offices, billboard signs, vacant lands, timber lands, a junkyard, and a single source borrow mine.
- Surrounding uses consist of single-family residential, public community wells, non-residential/commercial uses, and vacant lands.
- Zoning within the ETJ area is primarily zoned CLD (Commercial Low Density) as well as CI (Commercial Intensive) and R-7500 (Medium Density Residential) within Brunswick County.
- Existing Brunswick County Zoning Verses Town of St. James Proposed Zoning District Comparison:
  - The zoning district intent of the proposed Town of St. James CLD district & Brunswick County CLD district is similar, and the uses are different.
  - The zoning district intent of the proposed Town of St. James CLD district & Brunswick County CI district is different, and the uses are substantially different.
  - The zoning district intent of the proposed Town of St. James CLD district & Brunswick County R-7500 district is substantially different, and the uses are substantially different.
- Land Use Plan Classification & Policies: The Future Land Use Map from the Brunswick County CAMA Land Use Plan adopted in 2007 denotes this area as Commercial and Industrial. *The proposed Blueprint Brunswick Comprehensive Land Use Plan denotes this area as Commercial and Open Space – Conservation 1.*

- A small portion of the ETJ area is located within the AE flood hazard zone on Tax Parcels 20400024, 20400025, 2040002503, 20400037, 20400038, and 20400039.
- Biodiversity & Wildlife Habitat Assessment Score: The ETA area primarily scores a 9 out of 10 due to substantial wetlands, rare plant species, and high-quality habitat communities in the area. Other parts of the area score between 5 and 7.
- The proposed ETJ area is within the wellhead protection area as outlined in the Wellhead Protection Plan adopted by Brunswick County on January 28, 2013. The ETJ area does not lay within a half mile of a Voluntary Agricultural District.
- There are not any pending permits within Brunswick County's online permitting system.
- Pending projects within the ETJ area:
  1. Wellhead Protection Overlay Zoning District – The ETJ area is within the proposed zoning overlay district.
  2. Rezoning Case Z-856CZ – This conditional rezoning is proposing a mixed-use planned development consisting of 680 residential duplex and townhouse dwellings and commercial areas consisting of the following uses: office, public and civic uses, daycare, educational facilities, medical facilities, parks, and open areas, commercial parking, funeral home, indoor recreation (excluding adult and sexually oriented businesses), outdoor advertising, outdoor recreation, overnight accommodation, restaurants, microbrewery, retail sales and service, self-service storage facility, vehicle sales and service, water-oriented commercial uses, and professional offices, accessory buildings, and home occupations. This rezoning will go to Planning Board on November 14, 2022, for consideration.
  3. Evolve Southport Apartments – The Evolve Southport Apartments located at 3756 Southport-Supply Road are under review by Planning Staff and by other County Departments. The proposed project consist of 240 multi-family units. The original application was submitted October of 2021 and went to TRC November of 2021. This project has went through multiple revisions. Multifamily is an administrative approval within the CLD District and this project is nearing approval.
- Brunswick County Utilities provides some water and sewer in this area and will continue without any changes or impacts.
- St. James does not employ a full-time planner at this time. The town clerk serves as zoning administrator. The clerk handles text amendments, zoning permits, and related questions. Cape Fear Council of Governments is contracted to provide planning services and handles enforcement, inspections, and complex items.
- Brunswick County provides services to the Town of St. James through an MOU including the following services: floodplain administration, fire code administration, building code administration, and stormwater administration. These services will continue without any changes or impacts.
- The Town of St. James and Oak Island have an annexation agreement in place. None of the parcels within the proposed ETJ area conflict with the agreement.
- The Brunswick County Review Meeting was held on August 29, 2022.
- The St. James public hearing was held on November 2, 2022.
- Property owners and adjacent property owners were notified via US mail.

If approved, County development regulations will remain in effect St. James adopts regulations OR 60 days.

Staff reviewed and evaluated the three ETJ evaluation criteria outlined within the Brunswick County ETJ Expansion Policy. Based upon the criteria and information received from the Town of Sta. James, Planning Staff recommends **DENIAL** of the Town of St. James ETJ due to the following criteria not being met:

- Criteria # 2 (Annexation within 10 years) states that ETJ requests should be granted in areas anticipated for annexation within ten years. The Town of St. James has indicated that there are no plans to proceed with annexations of the ETJ area within ten years and therefore does not meet this criterion.
- Criteria #1 (Commitment to General Development Planning) requires the municipality to commit to good planning, have the ability to manage growth and development, and have comprehensive planning including stormwater planning, transportation planning, infrastructure planning, and capital improvement programming (CIP). The following demonstrates how the ETJ request does not meet this criterion:
  - The Town of St. James does not provide in-house development-related services and lacks an in-house planner. All services are contracted through a service agreement including planning services, floodplain administration, fire code administration, building code administration, and stormwater administration. Except for planning services provided by the Cape Fear Council of Governments, all services are provided by Brunswick County.
  - The ETJ area includes a commercial corridor that encompasses vacant lands that will likely be developed in the future. The Town of St. James lacks experience in facilitating commercial development and multi-family projects.
- Criteria #3 (Feasibility For Urban Density Development) requires the municipality to accommodate urban development and urban densities while protecting the integrity of the county's rural areas. The Town of St. James proposed CLD is not consistent with the current zoning in the area and does encourage current planning trends such as mixed-use development.



# TOWN of ST. JAMES

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AUG 08 2022

August 8, 2022

Kirstie Dixon  
Planning Director  
Brunswick County Planning  
PO Box 249  
Bolivia, NC 28422

Re: Town of St. James Request for Establishment of an Extra Territorial Jurisdiction (ETJ)

Dear Ms. Dixon,

Pursuant to the Brunswick County ETJ Extension Policy (1995) please find attached the following documents relating to the request of the Town of St. James for the establishment of an ETJ for the Town:

1. Resolution adopted by the St. James Town Council;
2. Map of the Proposed St. James ETJ;
3. List of parcels in the proposed ETJ; and
4. Narrative of the Town's request for the ETJ.

The proposed ETJ encompasses properties that have a unique impact on the future environmental and economic development of the Town of St. James and the immediate area impacting our residents. The Council seeks to guide development in this area to address these impacts.

If you have any questions regarding this request, please do not hesitate to contact me and I look forward to attending your planning commission meeting when this item is heard by the commission.

Respectfully,



Jeffrey E. Repb  
Town Manager

cc: Steve Stone, County Manager



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AUG 08 2022

# TOWN OF ST. JAMES

RESOLUTION # 2022-05

## RESOLUTION REQUESTING THAT THE BRUNSWICK COUNTY COMMISSIONERS APPROVE THE CREATION OF AN EXTRATERRITORIAL JURISDICTION BOUNDARY FOR THE TOWN OF ST. JAMES

WHEREAS, the Brunswick County Commissioners have the authority under N.C.G.S 160A-360 to evaluate and approve extraterritorial jurisdictional (ETJ) requests; and WHEREAS, the extraterritorial jurisdiction of a municipality in Brunswick County is the area one-mile beyond the corporate limits in which a town may exercise planning, zoning, and building inspection as in its corporate limits; and

WHEREAS, the Town of St. James is requesting the creation of a ETJ that encompasses sixty (60) parcels with approximately One Thousand and Eight (1,008) acres of mostly commercially zoned land; and

WHEREAS, the area of the ETJ encompasses properties that have a unique impact on the future environmental and economic development of the Town of St. James and the immediate area impacting our residents; and

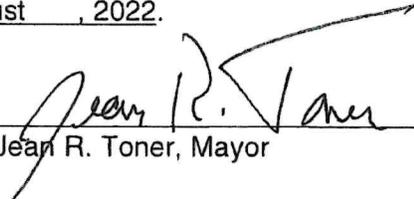
WHEREAS, the Town will be committed to working with the County to incorporate best planning and zoning practices to protect the Castle Haynes aquifer from encroachment and threatening the area drinking water supply, and

WHEREAS, the Town of St. James intends to provide the same level of planning, zoning, and building inspections as it provides lands within its incorporated boundaries to the ETJ area.

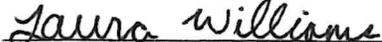
NOW, THEREFORE, BE IT RESOLVED, that the following documents, attached hereto and incorporated herein by reference as required in the Brunswick County ETJ Expansion Policy (1995), are presented by the Town of St. James to the Brunswick County Commissioners for the establishment of the St. James ETJ:

1. ETJ Map.
2. List of Properties by Parcel Number, Zoning Classification & Acreage.
3. Written Narrative addressing the critical concerns of the Town of St. James for the need to create an ETJ.

Adopted this 3<sup>rd</sup> day of August, 2022.

  
 \_\_\_\_\_  
 Jean R. Toner, Mayor

ATTEST:

  
 \_\_\_\_\_

Laura Williams, Town Clerk



OBJECTID	ZCODE	Parcel Number	ACRES
1	CO-CLD	20400014	13.77223571
2	CO-CI	20400008	13.23994772
3	CO-R-7500	2190000101	2.330742497
4	CO-R-7500	2190000156	4.918883794
5	CO-CLD	20400020	13.34355425
6	CO-CLD	20500036	18.25316878
7	CO-CLD	20400013	13.70027432
8	CO-CLD	20400012	13.82658475
9	CO-CLD	20400011	13.83560585
10	CO-CLD	20400010	13.80896746
11	CO-CLD	20400009	13.73863743
12	CO-CLD	20400048	56.4954594
13	CO-CLD	20400007	14.57364293
14	CO-CLD	20400006	17.89823044
15	CO-CLD	20300047	13.38586397
16	CO-CLD	20300046	13.40277282
17	CO-CLD	2030004501	6.678325008
18	CO-CLD	20300045	6.686761719
19	CO-CLD	20300044	13.41110374
20	CO-CLD	20300043	13.37040578
21	CO-CLD	20300042	13.44005471
22	CO-CLD	20300048	13.73990224
23	CO-CLD	2030004801	13.26503426
24	CO-CLD	2030004802	12.09461157
25	CO-CLD	2030004803	12.01302643
26	CO-CLD	20400050	63.21863498
27	CO-CLD	20400019	13.1899101
28	CO-CLD	20400018	13.10782042
29	CO-CLD	2040002201	5.25532584
30	CO-CLD	2040002503	3.691986737
31	CO-CLD	20400024	16.87363547
32	CO-CLD	20400023	12.46766839
33	CO-CLD	20400022	6.428296293
34	CO-CLD	20400039	31.3977117
35	CO-CLD	20400040	14.42821333
36	CO-R-7500	2190000188	13.34005781
37	CO-R-7500	2190000158	30.25620112
38	CO-CLD	20500035	17.95770907
39	CO-CLD	20500034	17.94609903
40	CO-CLD	20500033	17.95724451
41	CO-CLD	20400036	17.94151486
42	CO-CLD	20400035	19.70641431
43	CO-CLD	20400034	19.54655978
44	CO-CLD	20400029	14.76062712
45	CO-CLD	20400033	19.6761603
46	CO-CLD	20400032	19.50214766
47	CO-CLD	20400031	19.73080446
48	CO-CLD	20400030	19.60923351
49	CO-CI	20400037	30.65561515
50	CO-CI	20400017	13.08875796
51	CO-CI	20400016	13.07336329
52	CO-CI	20400015	13.05276633
53	CO-CI	20400038	51.09996502
54	CO-CI	2040003901	13.2105228
55	CO-CI	20400043	29.07761868
56	CO-CI	20400045	20.77227629
57	CO-CI	20400047	17.22328213
58	CO-CLD	20400028	5.503156559
59	CO-R-7500	2190000117	6.261653791
60	CO-CLD	20400025	11.92930861

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AUG 08 2022

1. **Written documentation shall accompany the request and shall address the critical concerns of the municipality, which are being met by the ETJ proposal.**

As the area around the Town of St. James continues to experience significant development pressure, the Town is requesting extraterritorial jurisdiction (ETJ) within the area depicted on the attached map to ensure a cohesive development pattern that meets the expectations of the citizens of St. James who are also Brunswick County residents most directly impacted by future development along the corridor.

Water quality and stormwater management are high priorities for the Town of St. James, as evidenced by an ongoing voluntary Stormwater Monitoring Project and partnership with both Brunswick County and the St. James Property Owners Association (POA) to manage stormwater infrastructure. The Town is willing to extend this partnership through coordinating on the Well Head Protection Overlay project currently being considered by the County and would like the opportunity to further manage stormwater runoff through evaluating the current regulatory provisions within the Town's Unified Development Ordinance (UDO). In particular, the Town is supportive of the regulatory provisions of the proposed Well Head Protection Overlay that may limit the height of future structures, impose limitations on the depth of excavation, establish maximum impervious surface coverage percentages, and prohibit uses which may impair ground water quality.

The Town is committed to pursuing opportunities for managing growth in this developing portion of Brunswick County for the benefit of its residents, recognizing and building upon the work of the Blueprint Brunswick 2040 plan. Providing the Town, the ability to exercise land use controls on the subject parcels will allow more local oversight of this growing commercial corridor, ensuring that the design and intensity of development balances property rights with community desires and needed services. At present, along the NC 211 corridor, all parcels proposed for inclusion in the ETJ have commercial zoning district designation from the County. The Town of St. James envisions this area to have a similar commercial designation, with a priority on the creation of high quality walkable mixed-use development that will serve as a resource for proximal neighborhoods. Commercial activity is somewhat limited at present along this stretch of NC 211 adjacent to the Town of St. James corporate limits. The Town envisions strategies to create viable commercial and retail opportunities to help support the needs of both County and St. James residents.

Housing affordability is an increasing concern throughout the County. Without adequate housing for the County's workforce, it can be difficult to support the tourism and service sector industry which is so vital to the local economy. To help support future affordable housing efforts, the Town envisions the establishment of regulatory provisions to allow for horizontal and vertical mixed use development proposals within the proposed ETJ area along the NC 211 corridor. By locating higher density residential uses in close proximity to retail and services and adequate infrastructure, it can further reduce the cost of construction while also ensuring the housing units have sufficient access to necessary goods and services.

Should this request for ETJ be received favorably, the Town is committed to a thoughtful process ensuring that the Town's comprehensive plan and development regulations are appropriately applied to the subject properties that encompass the environmental quality and land use considerations most important to local residents.

**2. Documentation shall accompany the request outlining the specific commitment to General Development Planning as outlined in Article VI, Section 1:**

***"The municipality should demonstrate a commitment to comprehensive planning, preferably including adopted land use and infrastructure planning to include water, sewer, storm water planning, and transportation plans, a capital improvements program (CIP) and funding to implement the CIP, and the implementation of land use regulations such as zoning, subdivision regulations, and building codes. Where such plans have not actually been adopted, a municipality could demonstrate commitment by including service construction in an adopted CIP or completing preliminary engineering studies."***

- a. The Town frequently engages in comprehensive planning, with the most recent full update occurring in 2021:  
[https://www.townofstjamesnc.org/vertical/sites/%7BF8CF8D32D-A03D-47D6-AE34-DCA8B6F446F1%7D/uploads/Comprehensive\\_Plan\\_VI.pdf](https://www.townofstjamesnc.org/vertical/sites/%7BF8CF8D32D-A03D-47D6-AE34-DCA8B6F446F1%7D/uploads/Comprehensive_Plan_VI.pdf)
- b. Brunswick County provides water and sewer service within the Town and also has an agreement with the Town to administer its Stormwater Ordinance.
- c. The Town is actively involved in regional transportation planning, as a member of the Town Council sits on the Cape Fear RPO Transportation Advisory Committee, the Town Manager serves on the Cape Fear RPO RTCC, and the Town participated in both the Brunswick County Comprehensive Transportation Plan and NC 211 East Coast Greenway Feasibility Study.
- d. While there is no presently adopted Capital Improvement Plan (CIP), the Town is committed to ongoing coordination with the County Utility Department regarding future capital projects or infrastructure expansion which should be appropriately reviewed as part of the development approval process.
- e. The Town has a Unified Development Ordinance which contains zoning and subdivision regulations: <https://www.townofstjamesnc.org/index.asp?SEC=28FC45FE-C52F-472B-B36C-F7BFA7951903>
- f. Brunswick County provides building inspections for the Town.
- g. The Town Council and County Commissioners recently entered into an interlocal agreement to undertake a project to jointly fund design and construct capital improvements to the Town's water system to improve chronic water pressure issues within the Town and surrounding area with American Rescue Plan (ARP) monies received by each entity. This includes the area of the ETJ.

**3. Outline the capability and qualifications of the municipality to provide land use planning, zoning, subdivision regulation, and building code programs within the proposed ETJ area.**

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AUG 08 2022

As mentioned in response to Question 2, the Town proactively engages in comprehensive planning and administers a Unified Development Ordinance containing zoning and subdivision regulations, while partnering with Brunswick County to provide building inspections. Additionally, the Town contracts with the Cape Fear Council of Governments on an as-needed basis to provide additional capacity when complex planning matters arise.

## Kirstie Dixon

---

**From:** Jeff Repp <jrepp@stjames.town>  
**Sent:** Tuesday, August 30, 2022 2:39 PM  
**To:** Kirstie Dixon  
**Cc:** Wes Macleod; Laura Williams  
**Subject:** Proposed ETJ Schedule of Events

**CAUTION:** This email originated from outside of Brunswick County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kirstie,

Please accept this message as a formal request for the Brunswick County Planning Commission to begin their review of the Town's ETJ request at their October 10<sup>th</sup> meeting, as opposed to the September 12<sup>th</sup> meeting as originally contemplated. By moving their review date back the Town will be able to host the mandated public hearing for the property owners in the proposed ETJ area prior to the commissioners meeting when they would make their recommendation to the County Commissioners.

### ETJ TIMELINE

September 25, 2022	Town sends out notice to ETJ properties for November 2, 2022 public hearing on ETJ
October 10, 2022	County Planning Commission receives SJ ETJ request for review
October 19, 2022	SJ Town Council/Planning Commission hold workshop on proposed zoning to ETJ
<b>November 2, 2022</b>	<b>Town Council holds ETJ hearing per 106D-202</b>
November 14, 2022	County Planning Commission meets and makes recommendation to County Commissioners.
December 5, 2022	County Commissioners receive and approve/disapprove ETJ request
December 16, 2022	SJ Planning Commission meets and recommends zoning to Town Council
January 4, 2023	Town Council meets and holds public hearing and then approves (1) ordinance extending ETJ and (2) ordinance rezoning for ETJ area.

Please let me know if this meets with your schedule and I apologize in advance if I messed up the meeting dates...I guessed.

Thanks



Jeffrey E. Repp  
Town Manager  
Town of St. James  
4140A Southport-Supply Road  
St. James, NC 28461



# TOWN OF ST. JAMES

RECEIVED

SEP 19 2022

September 19, 2022

Kirstie Dixon  
Planning Director  
Brunswick County Planning  
PO Box 249  
Bolivia, NC 28422

Re: Supplemental ETJ Information

Dear Ms. Dixon,

Pursuant to the August 29<sup>th</sup> City/County review meeting on the Town's request for the creation of an extra territorial jurisdiction (ETJ), please find the attached requested supplemental information.

1. Revised ETJ Map with Zoning Classification  
Attached is a map showing the current County zoning and the Towns proposed zoning upon the approval of the ETJ.
2. Revised ETJ Narrative to Include 10-Year Annexation Plan  
Attached is a revised narrative including a plan for the next ten (10) years regarding the Town's annexations plans for the ETJ area. As you are aware with the 2010 general assembly revisions to the annexation laws, the annexations would have to be of a voluntary nature. The County's 1995 ETJ policy was created when involuntary annexations by municipalities was still legal.
3. Supplemental Town Planning Services  
Attached is the February 2022 services agreement between the Town of St. James and the Cape Fear Council of Governments (CFCOG) for supplemental planning services. The Town would use CFCOG to assist in planning and development activities related to the ETJ.

Please let me know if you need an additional information in advance of your October planning commission meeting.

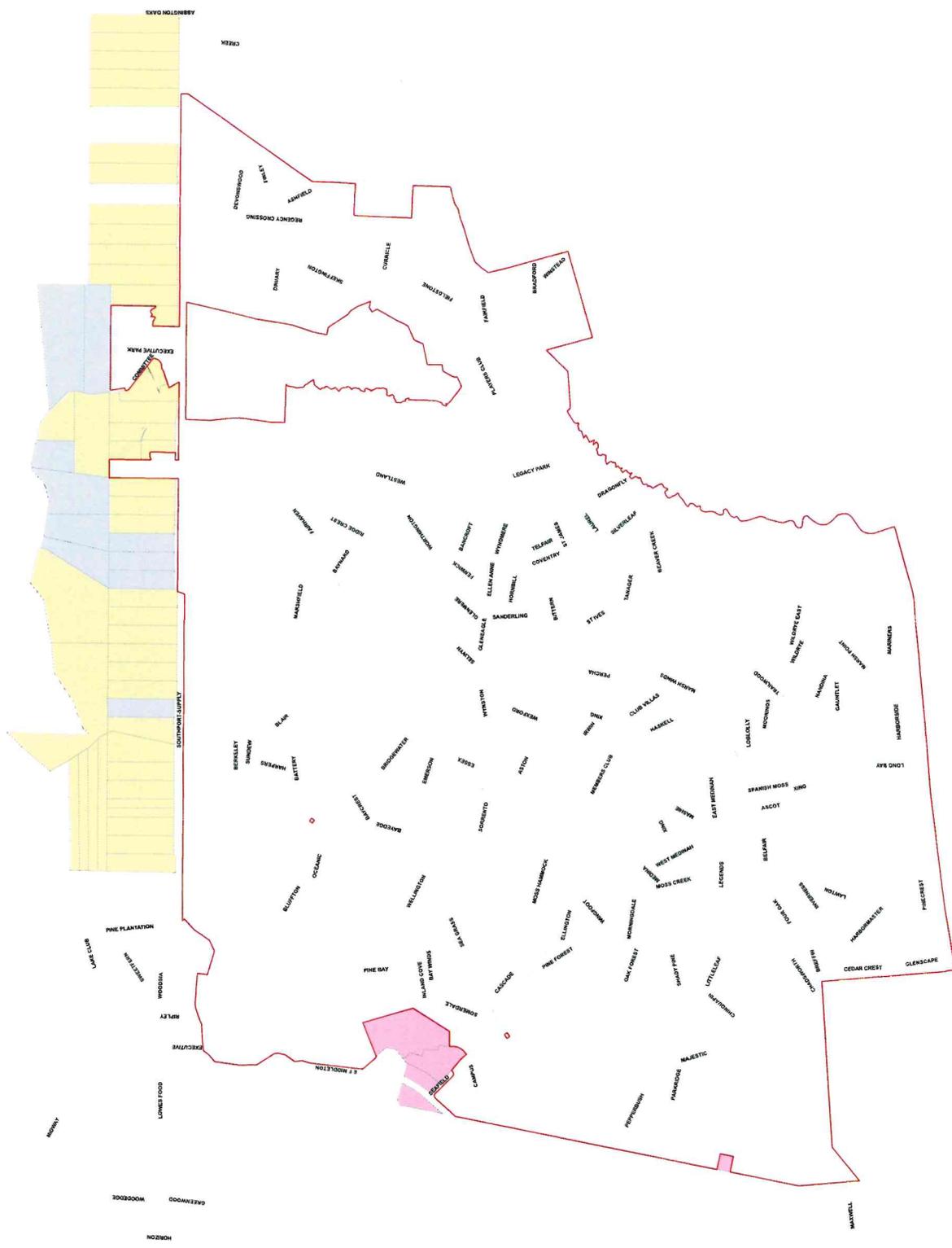
Respectfully,

Jeffrey E. Repp  
Town Manager

cc: Wes Mcleod, CFCOG



**Proposed  
Extraterritorial  
Jurisdiction  
ZONING  
CLASSIFICATION  
September 1, 2022**



- TOWN OF ST. JAMES
- CURRENT ZONING = PROPOSED ZONING
- CO-CL1 = S-J-CLD (19)
- CO-CL2 = S-J-CLD (46)
- CO-CL3 = S-J-CLD (10)



1 inch = 300 feet

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SEP 19 2022

**To:** Brunswick County  
**From:** Town of St. James; Town Manager – Jeff Repp  
**Date:** September 19, 2022  
**Re:** Extraterritorial Jurisdiction Request

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## **INTRODUCTION**

As the area around the Town of St. James continues to experience significant development pressure, the Town is requesting extraterritorial jurisdiction (ETJ) to ensure a cohesive development pattern that meets the expectations of the citizens of St. James, who are also Brunswick County residents, and are therefore most directly impacted by future development along the corridor.

Water quality and stormwater management are high priorities for the Town of St. James, as evidenced by an ongoing voluntary Stormwater Monitoring Project and partnership with both Brunswick County and the St. James Property Owners Association (POA) to manage stormwater infrastructure. The Town is willing to extend this partnership through coordinating on the Wellhead Protection Overlay project currently being considered by the County, and would like the opportunity to further manage stormwater runoff through evaluating the current regulatory provisions within the Town's Unified Development Ordinance (UDO). In particular, the Town is supportive of the regulatory provisions of the proposed Wellhead Protection Overlay that may limit the height of future structures, impose limitations on the depth of excavation, establish maximum impervious surface coverage percentages, and prohibit uses which may impair ground water quality.

The Town is committed to pursuing opportunities for managing growth in this developing portion of Brunswick County for the benefit of its residents, recognizing and building upon the work of the Blueprint Brunswick 2040 plan. Providing the Town the ability to exercise land use controls on the subject parcels will allow more local oversight of this growing commercial corridor, ensuring that the design and intensity of development balances property rights with community desires and needed services. At present, along the NC 211 corridor, all parcels proposed for inclusion in the ETJ will be designated in the Town's Commercial Low Density zoning district, which is similar to the existing County zoning district. The Town of St. James envisions this area to have commercial establishments and development, with a priority on the adoption and preservation of the proposed Wellhead Protection Overlay district. In total, there are 61 parcels proposed for inclusion in the Town's ETJ. Only five (5) parcels currently include a residential zoning designation.

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Existing County Zoning	Proposed Town Zoning	Number of Parcels
CO-CLD	SJ-CLD	46
CO-CI	SJ-CLD	10
CO-7500	SJ-R-10	5

Should this request for ETJ be received favorably, the Town is committed to a thoughtful process ensuring that the Town’s comprehensive plan and development regulations are appropriately applied to the subject properties that encompass the environmental quality and land use considerations most important to local residents.

The Town proactively engages in comprehensive planning and administers a UDO containing zoning and subdivision regulations, while partnering with Brunswick County to provide building inspections. Additionally, the Town contracts with the Cape Fear Council of Governments on an as-needed basis to provide capacity when complex planning matters arise.

As required of the Brunswick County ETJ Expansion Policy document, please find the following responses to criteria outlined in Article VI, Section 1.

**1. Commitment to General Development Planning:**

*“The municipality should demonstrate a commitment to comprehensive planning, preferably including adopted land use and infrastructure planning to include: water, sewer, storm water planning, and transportation plans, a capital improvements program (CIP) and funding to implement the CIP, and the implementation of land use regulations such as zoning, subdivision regulations, and building codes. Where such plans have not actually been adopted, a municipality could demonstrate commitment by including service construction in an adopted CIP or completing preliminary engineering studies.”*

- a. The Town frequently reviews and updates its land development ordinances to most adequately serve the needs of property owners and residents. This includes needs attributed to the development community. Recently, the Town modified several development ordinance provisions to help streamline the permitting process.
- b. Brunswick County provides water and sewer service within the Town and also has an agreement with the Town to administer its Stormwater Ordinance.
- c. The Town is actively involved in regional transportation planning, as a member of the Town Council sits on the Cape Fear RPO Transportation Advisory Committee, the Town Manager serves on the Cape Fear RPO RTCC and the Town participated in both the Brunswick County Comprehensive Transportation Plan and NC 211 East Coast Greenway Feasibility Study.

- d. While there is no presently adopted Capital Improvement Plan (CIP), the Town is committed to ongoing coordination with the County Utility Department regarding future capital projects or infrastructure expansion which should be appropriately reviewed as part of the development approval process.
- e. The Town has a Unified Development Ordinance which contains zoning and subdivision regulations:  
<https://www.townofstjamesnc.org/index.asp?SEC=28FC45FE-C52F-472B-B36C-F7BFA7951903>
- f. Brunswick County provides building inspections for the Town.

## **2. Annexation within ten years.**

*ETJ extensions should be granted primarily for areas anticipated to be developed and annexed within ten years. The ten-year period projection should be used as a guideline and is adopted with the understanding that actual progress in development and annexation of a given ETJ area may vary from that originally projected at the time of ETJ extension. The ten-year period projection should be based on the best information available concerning Municipal and County policies and plans, and development experience and projections.*

Since the establishment of the County's ETJ Extension Policy in 1995, the NC General Assembly has modified the allowable local government procedures for involuntary annexation associated with contiguous growth areas. For many years, local governments in North Carolina periodically expanded their corporate limits in accordance with growth occurring at the corporate limit boundaries. Because this tool is no longer available to local governments, the Town of St. James has no definite plans to proceed with annexation of the ETJ area, unless specifically petitioned on a voluntary basis. The Town intends rather to assist with the focused oversight and support of land use related actions in the proposed ETJ boundary. The Town does have an annexation agreement in place with the Town of Oak Island. No parcels contained within the proposed ETJ would conflict with the terms of the existing annexation agreement, if annexed into the Town.

## **3. Evidence of Feasibility for Urban Density Development.**

*Areas proposed for ETJ extension by a municipality should be capable of being developed to urban standards. The Land Use Plans and Development Standards of Municipalities should encourage this urban development. However, this requirement does not include conservation or other protected areas. This standard will serve to protect the integrity of the county's rural areas.*

The areas proposed for ETJ extension are currently capable of being developed to urban standards. The Town intends to allocate a commercial zoning designation (Commercial Low Density) to 56 of the total 61 parcels proposed for inclusion within the ETJ. The Commercial Low Density (CLD) zoning district has similar characteristics to the

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SEP 19 2022

County's existing CLD district. In addition, utilities are available to support urban type development. However, in accordance with the proposed Wellhead Protection Overlay district, the Town will limit development intensity to protect the area groundwater supplies. While development will have potential limitations related to height and impervious coverage as part of the overlay district, a rural development pattern is not intended. Retail and commercial uses to serve area citizens will be supported. The Town's Land Use Plan supports low density commercial development along the NC 211 corridor.

## SERVICES AGREEMENT

THIS SERVICES AGREEMENT (the "Agreement"), is dated this 5<sup>th</sup> day of January 2022 by and between the Cape Fear Council of Governments (hereinafter referred to as "CFCOG"), 1480 Harbour Dr, Wilmington, NC 28401 and the Town of St. James (hereinafter referred to as "CLIENT"), 4140A Southport-Supply Road, St. James, NC 28461.

IN CONSIDERATION OF the mutual benefits and obligations set forth in this Agreement, the receipt and sufficiency of which consideration is hereby acknowledged, the CLIENT and the CFCOG agree as follows:

1. **Engagement:** The CFCOG hereby agrees to an engagement for services to be delivered to the CLIENT and the CLIENT accepts the engagement upon the terms and conditions hereinafter set forth.
2. **Scope of Services:** The CFCOG shall develop, perform and complete the scope of services set forth in EXHIBIT A (hereinafter referred to as the "Scope of Services").
3. **Compensation:** The CLIENT shall pay the CFCOG a sum not to exceed \$3,000 per month as compensation for the services set forth in EXHIBIT A. The CFCOG will submit invoices on a monthly basis. The CLIENT will make timely payments and the final payment will be made within 30 days of the end of the Contract Period.
4. **Term:** This Agreement shall be in effect for the period commencing on 01/01/2022 and ending no later than 06/30/2022 ("Contract Period").
5. **Failure to Pay:** If the CLIENT fails to make any payment to the CFCOG for services and expenses within 30 days after the CFCOG'S invoice then the CFCOG may, after giving seven (7) days written notice to the CLIENT, suspend services under this Agreement until the CLIENT has paid in full the amounts due for services and other chargeable expenses.
6. **Termination for Convenience:** This Agreement may be terminated by either the CLIENT or the CFCOG with or without any cause or justification, upon one (1) month's written notice. Notice shall be deemed to have been given when it is delivered personally by hand to the CFCOG or to the Chief Elected or Administrative Official of the CLIENT. In the event of such termination of service, the CFCOG shall be paid for all services provided to date.
7. **Indemnification:** Excluding liability, loss, damage, cost and expenses resulting from the negligence of the CFCOG, Client shall indemnify CFCOG and release CFCOG from any and all liability, loss, damage, cost and expense including any liabilities or losses sustained because of CFCOG's performance of the Scope of Services.
8. **Independent Legal Review:** Nothing in this Contract shall relieve CLIENT from engaging its own legal counsel to the work product produced by CFCOG in connection with its performance of the Scope of Services.

9. **Severability:** If any provision of this Agreement, or the application thereof to either party is illegal, unenforceable, or otherwise held invalid in any respect by government promulgation, operation of law, court decree or otherwise, such holding(s) shall not affect the other provisions or applications of this Agreement which can be given effect without the invalid provision.

10. **Benefit:** This Agreement shall be binding on and shall inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns except to the extent that the right to assign the Agreement is limited in paragraph 14(d) below.

11. **Records:** The CFCOG agrees to make available to the CLIENT, or to its designated representative, all of its records which relate to the services, and agrees to allow the CLIENT or said representative to audit, examine and copy any and all data, documents, proceedings, records and notes of activity relating in any way to these services. Access to these records shall be allowed upon request at any time during normal business hours and as often as the CLIENT or said representatives may deem necessary.

12. **Force Majeure:** In the event that either party is unable to perform its obligations under this Agreement as a result of a force majeure, neither party shall be liable to the other for direct or consequential damages resulting from lack of performance. "Force Majeure" shall mean pandemic, fire, earthquake, flood, act of God, strikes, work stoppages, or other labor disturbances, riots or civil commotions, litigation, war, or other act of any foreign nation, power of government, or governmental agency or authority, or any other cause like or unlike any cause mentioned above which is beyond the control of either party.

13. **Entire Agreement:** This agreement constitutes the entire agreement and there are no oral or other representations regarding the subject of this Agreement that are binding on either party. All changes to this Agreement must be in writing, signed by both parties. It is understood and agreed that email correspondence shall constitute "a writing" to this Agreement unless expressly excluded herein.

14. **Special Provisions and Conditions:**

(a) **Nondiscrimination:** CFCOG agrees not to discriminate by reason of age, race, religion, color, sex, national origin, or handicap related to the activities of this Agreement.

(b) **Conflict of Interest:** CFCOG certifies that to the best of its knowledge no employee or officer of any public agency interest in this Agreement has any pecuniary interest in the business of the CLIENT or of the Agreement, and that no person associated with the CFCOG has any interest that would conflict in any manner with the performance of the Agreement.

(c) **Compliance with Laws:** The CFCOG shall at all times observe and comply with all laws, ordinances and regulation of the State, Federal and Local government which may in any manner affect the performance of the Agreement.

(d) **Non-Assignability:** The CFCOG shall not assign any interest in the Agreement and shall not transfer any interests in the same without prior written consent of the CLIENT; provided, however, that claims for money due to the CFCOG from the CLIENT under this Agreement may be assigned to any commercial bank or other financial institution without such approval.

(e) **Personnel:** The CFCOG represents that it has, or will secure, at its own expense, all personnel required to carry out and perform the scope of services of this Agreement. Such personnel shall not be employees of or have any relationship to any of the members of the CLIENT.

15. **Governing Law:** This Agreement has been executed in and shall be governed by the laws of the State of North Carolina.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the first date written above.

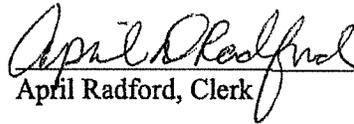
**CAPE FEAR COUNCIL OF GOVERNMENTS**

BY:



Allen Serkin, Executive Director

ATTEST:



April Radford, Clerk

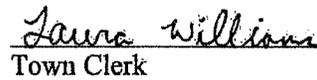
**TOWN OF ST. JAMES**

BY:



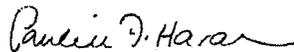
Jeff Repp, Town Manager

ATTEST:



Town Clerk

This instrument has been preaudited in the manner required by the Local Government Fiscal Control Act.



Finance Officer

## **EXHIBIT A: Scope of Services**

Per this agreement, the CFCOG will provide on-call planning and zoning technical services at our hourly rate, plus travel at IRS mileage rate. An on-call, hourly agreement guarantees that you will only pay for what you need. The CFCOG will provide services upon request which may include staffing Planning Board, Board of Adjustment, and Town Council meetings; developing staff reports for board meetings; performing technical review for variances, appeals, special use permits, subdivisions, rezonings, and related development approvals; drafting text amendments as requested by Town staff and boards; creating maps and other technical products; and communicating directly with developers and property owners.

The CFCOG will send invoices monthly reflecting hours worked, hourly rate, travel costs, and a summary of tasks completed.

The following rates apply for FY 2021-2022:

- LGS Director (Wes MacLeod) \$100/hr
- Planner (Sam Shore) \$75/hr
- Intern \$20/hr

OCT 10 2022

**Kirstie Dixon**

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**From:** Jeff Repp <jrepp@stjames.town>  
**Sent:** Thursday, October 13, 2022 12:35 PM  
**To:** Kirstie Dixon  
**Cc:** Wes Macleod; Commissioner Sykes; Steve Stone; David Morgan; David M. DeLong; Jim Board; Lynn Dutney; Jean Toner  
**Subject:** St. James ETJ Request - Annexation

**CAUTION:** This email originated from outside of Brunswick County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kirstie,

Thank you for your introductory presentation on Monday evening regarding the ETJ process.

Some feedback that I have received from that presentation is that there is a mistaken belief that the approval of the ETJ **will automatically** lead to the annexation of the area within ten (10) years. I hope that you can express to the county planning commission and other county officials that the 1995 County ETJ policy predates the 2010 change in state statutes removing the provisions for "involuntary annexation" by local governments. Thus, the town has no authority to annex lands unless the property is brought to the town on a voluntary basis. Our written narrative addressed that point in our submittal which I have provided below.

## **2. Annexation within ten years.**

*ETJ extensions should be granted primarily for areas anticipated to be annexed within ten years. The ten-year period projection should be used and is adopted with the understanding that actual progress in development and annexation of a given ETJ area may vary from that originally projected ETJ extension. The ten-year period projection should be based on the best available information concerning Municipal and County policies and plans, and development experience and projections.*

Since the establishment of the County's ETJ Extension Policy in 1995, the Assembly has modified the allowable local government procedures for annexation associated with contiguous growth areas. For many years, local governments in North Carolina periodically expanded their corporate limits in accordance with the ETJ Extension Policy occurring at the corporate limit boundaries. Because this tool is no longer available to local governments, the Town of St. James has no definite plans to proceed with the annexation of the ETJ area, unless specifically petitioned on a voluntary basis. The Town intends rather to assist with the focused oversight and support of land use in the proposed ETJ boundary. The Town does have an annexation agreement with the Town of Oak Island. No parcels contained within the proposed ETJ boundary conflict with the terms of the existing annexation agreement, if annexed in the future.

Town staff will also make this point next month to the commission at the public hearing, but the sooner this small fire can be addressed I believe the better for us all.

Thanks, and let me know if you have any questions.



Jeffrey E. Repp

Town Manager

Town of St. James

4140A Southport-Supply Road

St. James, NC 28461

[910] 253-4730

[jrepp@stjames.town](mailto:jrepp@stjames.town)

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Since the establishment of the County's ETJ Extension Policy in 1995, the NC General Assembly has modified the allowable local government procedures for involuntary annexation associated with contiguous growth areas. For many years, local governments in North Carolina periodically expanded their corporate limits in accordance with growth occurring at the corporate limit boundaries. Because this tool is no longer available to local governments, the Town of St. James has no definite plans to proceed with annexation of the ETJ area, unless specifically petitioned on a voluntary basis. The Town intends rather to assist with the focused oversight and support of land use related actions in the proposed ETJ boundary. The Town does have an annexation agreement in place with the Town of Oak Island. No parcels contained within the proposed ETJ would conflict with the terms of the existing annexation agreement, if annexed into the Town.



# BRUNSWICK COUNTY PLANNING DEPARTMENT

75 Government Drive, Building I • P.O. Box 249 • Bolivia, NC 28422

[www.brunswickcountync.gov/planning](http://www.brunswickcountync.gov/planning) • (910)253-2200

## MEMORANDUM

DATE: September 2, 2022

TO: Jeff Repp, Wes Macleod

FROM: Brunswick County Planning

RE: **Town of St. James Extraterritorial Jurisdiction Request – Review Meeting Summary**

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On Monday, August 29<sup>th</sup>, a Review Meeting **was held** with multiple Brunswick County departments with representatives from the Town of St. James (TOSJ) regarding the Town of St. James Extraterritorial Jurisdiction (ETJ) request. This meeting is required per the Brunswick County ETJ Expansion Policy. During this meeting, comments were received from the various departments regarding changes/impacts to the level of services and concerns that need to be addressed to implement the ETJ. Below are the departments comments and a summary of questions/comments.

**ENVIRONMENTAL HEALTH (Danny Thornton - [danny.thornton@brunswickcountync.gov](mailto:danny.thornton@brunswickcountync.gov) – 253-2252)**

No concerns. Will continue to provide services to St. James.

**SOIL AND WATER (Elliot Swain - [elliott.swain@brunswickcountync.gov](mailto:elliott.swain@brunswickcountync.gov) – 253-2832)**

No comment.

**FLOOD (Jim Paggioli - [james.paggioli@brunswickcountync.gov](mailto:james.paggioli@brunswickcountync.gov) – 253-2054)**

No change. Will continue floodplain administration for St. James and in proposed ETJ area per MOU agreement.

**CODE ADMINISTRATION (Kevin Somersett - [kevin.somersett@brunswickcountync.gov](mailto:kevin.somersett@brunswickcountync.gov) – 253-2048)**

No change. Will continue building code administration & building inspections for St. James and in proposed ETJ area per MOU agreement.

**FIRE (Andrew Thompson - [andrew.thompson@brunswickcountync.gov](mailto:andrew.thompson@brunswickcountync.gov) – 253-2041)**

No change. Will continue fire code administration & fire investigative services for St. James and in proposed ETJ area per MOU agreement.

**PLANNING AND ZONING (Gilbert Combs – [gilbert.combs@brunswickcountync.gov](mailto:gilbert.combs@brunswickcountync.gov) – 253-2292)**

If the ETJ request is approved, the Planning Department will no longer provide planning, zoning, subdivision services within the ETJ area.

Below are the list of questions (with town responses from the discussion) and general comments/concerns:

- What public buildings located in the gated areas of the Town would the residents in the ETJ have access to?
  - *They technically would not be in the incorporated areas unless there is some extension of the POA. They would have limited access. Anything they would want from a recreational standpoint would be just like anyone else wanting recreational access to St. James.*
- How does your ordinance accommodate mixed use development?
  - *Upper story residential dwellings permitted in commercial structures by right in current TOSJ CLD zoning district. Wellhead Protection Overlay could handle prohibition of certain structures. After the county adopts the overlay, TOSJ would adopt same ordinance.*
- Are you willing to go ahead and adopt the wellhead protection area overlay zoning district?
  - *We plan to bring it before our bodies of government after the County has adopted.*
- Planning Staff has concerns about staffing levels. Does the Town have a contract with the Cape Fear Council of Governments? Can we get a copy? Does/ would the contract cover ALL planning services? What planning/zoning tasks can existing Town staff accomplish? Enforcement? Site inspections? (COG may not do these)
  - *The Town Clerk serves as the zoning administrator. Town staff can handle zoning questions and text amendments. For more complicated items we reach out at our discretion to the COG. We can provide a contract between TOSJ and the COG.*
  - *There are situations where the COG can handle enforcement and site inspections.*
- When was the last time a commercial project was approved in the Town? When was the last text amendment brought before the Council?
  - *Generations Church on 211 outside of the POA is a recent project. Some residential developments received final plat approval. Another set of condos currently in progress within St. James corporate limits. The COG assisted the Town in making several text amendments to streamline approval process.*
- What is the general process and timeline of your plan or zoning approvals?
  - *Major projects approved by planning board only, 30-45 days starting when an application is determined to be complete.*
- Please address your 10-year annexation plan. (required by the ETJ expansion policy)
  - *Local governments had a different set of tools back when this policy was developed and eventually adopted. We would be supportive of voluntary annexations but would not pursue. \*\*staff has asked that a written statement addressing an annexation policy be provided*

Please address the following so that Planning Staff can complete their review:

- Provide a copy of the contract with Cape Fear Council of Governments,
- Provide the proposed zoning of the properties proposed to into the ETJ.
- Provide written documentation of Town of St. James annexation plans in the future.

**COMMUNITY ENFORCEMENT** (Kirstie Dixon - [kirstie.dixon@brunswickcountync.gov](mailto:kirstie.dixon@brunswickcountync.gov) – 253-2027)

No change to the enforcement of the Solid Waste Ordinance. There will be a change in enforcement of the UDO (zoning and subdivision regulations).

**ENGINEERING** (Bill Pinnix - [william.pinnix@brunswickcountync.gov](mailto:william.pinnix@brunswickcountync.gov) – 253-2408)

No change for water and sewer plan reviews for projects in that area and along the 211 corridor.

**STORMWATER** (Brigit Flora - [brigit.flora@brunswickcountync.gov](mailto:brigit.flora@brunswickcountync.gov) – 253-2405)

No change. Agreement in place with town to handle stormwater permitting.

**UTILITIES** (John Nichols - [john.nichols@brunswickcountync.gov](mailto:john.nichols@brunswickcountync.gov) – 253-2653)

Q/A with Town

- Utilities is concerned about protecting the aquifer as a raw water source and contemplating overlay districts implemented through zoning department. The question is, if the Town’s ETJ request were approved, what assurances would the Town provide that they would implement and retain the overlay district and requirements not just with current elected board but with future boards as well?
  - *In the narrative we covered environmental concerns, highlighting issues with the Marisol site. TOSJ would like to get on top of these concerns and plan to adopt the overlay district as the county has proposed.*
- With future boards how are we going to ensure consistency?
  - *Cannot guarantee. Current board is interested as proposed.*

**LEGAL** (Bryan Batton - [bryan.batton@brunswickcountync.gov](mailto:bryan.batton@brunswickcountync.gov) – 253-2030)

No comment.

**ADMINISTRATION** (Haynes Brigman - [haynes.brigman@brunswickcountync.gov](mailto:haynes.brigman@brunswickcountync.gov) – 253-2033)

We are still trying to analyze this request as it would affect the entire county. Utilities and Planning seem to have the most questions. Wellhead protection is important and long-term consideration of the wellheads is important. Whether the wellheads fall into the planning jurisdiction of Brunswick County or Town of St. James, at the end of the day, Brunswick County bears the financial cost to fix any issues. It is important to consider the financial consequences of aquifer impacts.

**Updated Timeline of Key Events**

**TIMELINE OF KEY EVENTS & DATES**

<b><i>Submittal Date</i></b>	<b><i>August 8, 2022</i></b>
<b><i>Internal Staff Review Meeting</i></b>	<b><i>August 29, 2022</i></b>
<b><i>Review Meeting with St. James</i></b>	<b><i>August 29, 2022</i></b>
<b><i>St. James Public Hearing</i></b>	<b><i>November 2, 2022*</i></b>
<b><i>Planning Board</i></b>	<b><i>October 10, 2022 &amp; November 14, 2022</i></b>
<b><i>Board of Commissioners</i></b>	<b><i>December 5, 2022</i></b>

\* On August 30<sup>th</sup> Mr. Repp, St. James Town Manager requested a delay in the process and that the request be brought to the Planning Board for initial review at their October 10, 2022 meeting.

# St. James ETJ Request



Map prepared by the St. James Planning Department. The map is for informational purposes only and does not constitute a contract. The map is subject to change without notice. The map is not to be used for any other purpose. The map is not to be used for any other purpose. The map is not to be used for any other purpose.

### St. James ETJ Request Property Owner List

Parcel Number	Name1	Name2	Address	City	State	ZipCode
20400035	PANNULLO VINCENZO ETUX	URREA ALBA	1728 W BEACH DR	OAK ISLAND	NC	28465
20300045	LETS GO CAMPING LLC		22A SALISBURY ST W	WRITSVLLE BCH	NC	28480
20400008	HILLTOP HOLDINGS III LLC		4716 HILLTOP RD	GREENSBORO	NC	27407
20400037	FOWLER OLIVER J AND	FOWLER SHIRLEY	736 RIDGECREST LN	ROCKY POINT	NC	28457
20400030	FOWLER OLIVER J AND	FOWLER SHIRLEY	736 RIDGECREST LN	ROCKY POINT	NC	28457
2190000101	BRUNSWICK ELECTRIC MEMBERSHIP	ATTN: ROBERT LEAVITT	P O BOX 826	SHALLOTTE	NC	28459
2190000117	NC DEPARTMENT OF TRANSPORTATION		5501 BARBADOS BLVD	CASTLE HAYNE	NC	28429
20400024	CANAL ASSOCIATES LLC		P O BOX 10879	SOUTHPORT	NC	28461
20400023	CANAL ASSOCIATES LLC		P O BOX 10879	SOUTHPORT	NC	28461
20400022	CANAL ASSOCIATES LLC		P O BOX 10879	SOUTHPORT	NC	28461
2040002201	CANAL ASSOCIATES LLC		P O BOX 10879	SOUTHPORT	NC	28461
20400032	PAT NEWTON PROPERTIES LLC		POST OFFICE BOX 3292	CARY	NC	27519
20400038	SOUTHPORT DEVELOPMENT INC		3905 ST JAMES DRIVE	SOUTHPORT	NC	28461
2040003901	SOUTHPORT DEVELOPMENT INC		3905 ST JAMES DR SE	SOUTHPORT	NC	28461
20400031	EAKINS VERNON RAY ETUX	EAKINS BEVERLY	PO BOX 245	BURGAW	NC	28425
2190000156	ST JAMES PLANTATION PROPERTY OWNERS		3628 SAINT JAMES DR SE	SOUTHPORT	NC	28461
20300044	ALLISON JOHN GARY & A J A MCCALL		865 TIP TOP ROAD	BREVARD	NC	28712
20300043	ALLISON JOHN GARY & A J A MCCALL		865 TIP TOP ROAD	BREVARD	NC	28712
20400020	HARBOR DEVELOPMENT CORP ETALS		PO BOX 433	OAK ISLAND	NC	28465
20400019	HARBOR DEVELOPMENT CORP ETALS		PO BOX 433	OAK ISLAND	NC	28465
20400018	HARBOR DEVELOPMENT CORP ETALS		PO BOX 433	OAK ISLAND	NC	28465
20400025	HARBOR DEVELOPMENT CORP ETALS		PO BOX 433	OAK ISLAND	NC	28465
20400040	HARBOR DEVELOPMENT CORP ETALS		PO BOX 433	OAK ISLAND	NC	28465
20400039	HARBOR DEVELOPMENT CORP ETALS		PO BOX 433	OAK ISLAND	NC	28465
20300042	SOSEBEE TODD		PO BOX 1104	BESSEMER CITY	NC	28016
20400043	T & T VENTURES INC		2868 TRAILWOOD DRIVE	SOUTHPORT	NC	28461
2040002503	GENERATIONS CHURCH		4019 EXECUTIVE PARK BLVD	SOUTHPORT	NC	28461
20400029	MJV HOLDING CO LLC		8201 E. OAK ISLAND DR	OAK ISLAND	NC	28465
2190000188	LIBERTY HEALTHCARE NURSING PROP		2334 S 41ST ST	WILMINGTON	NC	28403
2190000158	RESERVE DEVELOPMENT CO LLC		PO BOX 10879	SOUTHPORT	NC	28461
20400045	T AND G REAL ESTATE SERVICES INC		3424 SOUTHPORT SUPPLY RD SE	BOLIVIA	NC	28422
20400016	T&G REAL ESTATE SERVICES INC		3424 SOUTHPORT SUPPLY RD SE	BOLIVIA	NC	28422
20400017	T&G REAL ESTATE SERVICES INC		3424 SOUTHPORT SUPPLY RD SE	BOLIVIA	NC	28422
2030004501	BOSTIC WILLIAM E JR		22 W SALISBURY STREET	WRIGHTSVILLE BCH	NC	28480
20300047	BOSTIC WILLIAM E JR		22 W SALISBURY STREET	WRIGHTSVILLE BCH	NC	28480
20300046	BOSTIC WILLIAM E JR		22 W SALISBURY STREET	WRIGHTSVILLE BCH	NC	28480
20400047	T & G REAL ESTATE SERVICES INC		3424 SOUTHPORT SUPPLY RD SE	BOLIVIA	NC	28422
20400033	NORTH CAROLINA STATE UNIVERSITY FOU		CAMPUS BOX 7501	RALEIGH	NC	27695
20400034	KDA INVESTMENTS INC		380 HAMILTON DR SE	BOLIVIA	NC	28422
20400028	ST JAMES SQUARE OF WILMINGTON LLC		3807 PEACHTREE AVE S-200	WILMINGTON	NC	28403
20500035	ROBINETTE CLAUDIA S EXEC AND	SMITH LOIS M	1227 ROCKINGHAM RD	ROCKINGHAM	NC	28379
20500034	ROBINETTE CLAUDIA S EXEC AND	SMITH LOIS M	1227 ROCKINGHAM RD	ROCKINGHAM	NC	28379
20500033	ROBINETTE CLAUDIA S EXEC AND	SMITH LOIS M	1227 ROCKINGHAM RD	ROCKINGHAM	NC	28379
20400036	ROBINETTE CLAUDIA S EXEC AND	SMITH LOIS M	1227 ROCKINGHAM RD	ROCKINGHAM	NC	28379
20500036	ROBINETTE CLAUDIA S EXEC AND	SMITH LOIS M	1227 ROCKINGHAM RD	ROCKINGHAM	NC	28379
20400015	SEAGLASS ENTERPRISES LLC		5609 CALTON DR	RALEIGH	NC	27612
20400013	JONES HOLDING NC LLC		150 SANTIAGO DR	JUPITER	FL	33458
20400014	JONES HOLDING NC LLC		150 SANTIAGO DR	JUPITER	FL	33458
20400048	JONES HOLDING NC LLC		150 SANTIAGO DR	JUPITER	FL	33458
2030004803	EVOLVE AT ST JAMES LLC		2918 MARTINSVILLE RD STE A	GREENSBORO	NC	27408
20400006	EVOLVE AT ST JAMES,LLC		2918 MARTINSVILLE RD STE A	GREENSBORO	NC	27408
20400007	EVOLVE AT ST JAMES LLC		2918 MARTINSVILLE RD STE A	GREENSBORO	NC	27408
20400050	EVOLVE AT ST JAMES LLC		2918 MARTINSVILLE RD STE A	GREENSBORO	NC	27408
20300048	EVOLVE AT ST JAMES LLC		2918 MARTINSVILLE RD STE A	GREENSBORO	NC	27408
2030004801	EVOLVE AT ST JAMES LLC		2918 MARTINSVILLE RD STE A	GREENSBORO	NC	27408
2030004802	EVOLVE AT ST JAMES LLC		2918 MARTINSVILLE RD STE A	GREENSBORO	NC	27408
20400009	BARNHILL CONTRACTING COMPANY		800 TIFFANY BLVD STE 200	ROCKY MOUNT	NC	27804
20400010	BARNHILL CONTRACTING COMPANY		800 TIFFANY BLVD STE 200	ROCKY MOUNT	NC	27804
20400011	BARNHILL CONTRACTING COMPANY		800 TIFFANY BLVD STE 200	ROCKY MOUNT	NC	27804
20400012	BARNHILL CONTRACTING COMPANY		800 TIFFANY BLVD STE 200	ROCKY MOUNT	NC	27804

### St. James ETJ Request Adjacent Property Owner List

Parcel Number	Name1	Name2	Address	City	State	ZipCode
20400002	BRUNSWICK ELECTRIC MEM CORP		P O BOX 826	SHALLOTTE	NC	28459
20400060	ST JAMES DEVELOPMENT CO LLC		PO BOX 10879	SOUTHPORT	NC	28461
2040005601	ST JAMES DEVELOPMENT CO LLC		PO BOX 10879	SOUTHPORT	NC	28461
2040005501	ST JAMES DEVELOPMENT CO LLC		PO BOX 10879	SOUTHPORT	NC	28461
2200002771	ST JAMES DEVELOPMENT CO LLC		P O BOX 10879	SOUTHPORT	NC	28461
2200002762	ST JAMES DEVELOPMENT CO LLC		P O BOX 10879	SOUTHPORT	NC	28461
2200002761	ST JAMES DEVELOPMENT CO LLC		P O BOX 10879	SOUTHPORT	NC	28461
2200002760	ST JAMES DEVELOPMENT CO LLC		P O BOX 10879	SOUTHPORT	NC	28461
20400059	ST JAMES DEVELOPMENT CO LLC		P O BOX 10879	SOUTHPORT	NC	28461
2210006401	J T M DEVELOPMENT INC		106 LIVE OAK LANE	WILMINGTON	NC	28411
22100064	J T M DEVELOPMENT INC		106 LIVE OAK LANE	WILMINGTON	NC	28411
2190000155	ST JAMES PLANTATION PROPERTY OWNERS		3628 SAINT JAMES DR SE	SOUTHPORT	NC	28461
20400041	ALLISON JOHN GARY & A J A MCCALL		865 TIP TOP ROAD	BREVARD	NC	28712
2200002503	CAPE FEAR MEMORIAL PK INC		1411 N HOWE ST	SOUTHPORT	NC	28461
2050003702	SOUTHPORT ABBINGTON OAKS LLC		2964 PEACHTREE RD NW STE 640	ATLANTA	GA	30305
21800001	DWE III LLC AND	LADANE ENTERPRISES LLC	2618 NEW VILLAGE WAY	WILMINGTON	NC	28405
2040002601	SOUTHEAST BRUNSWICK SANITARY DIST		4240 COMMITTEE DRIVE	SOUTHPORT	NC	28461
2200002501	OVERTON THOMAS R ETUX	OVERTON NATALIE D	3743 LADY JANE CT	SOUTHPORT	NC	28461
20400005	BRUNSWICK ENVIRONMENTAL PLANNING		222 E MEADOW RD	EDEN	NC	27288
20500037	HAYWOOD EQUITY GROUP LTD PARTNERSHIP		PO BOX 458	GASTONIA	NC	28053
20500038	HAYWOOD EQUITY GROUP LTD PARTNERSHIP		PO BOX 458	GASTONIA	NC	28053
2190000177	RESERVE DEVELOPMENT CO LLC		PO BOX 10879	SOUTHPORT	NC	28461
2190000185	RESERVE DEVELOPMENT CO LLC		PO BOX 10879	SOUTHPORT	NC	28461
2190000193	RESERVE DEVELOPMENT CO LLC		PO BOX 10879	SOUTHPORT	NC	28461
20400068	RESERVE DEVELOPMENT CO LLC		PO BOX 10879	SOUTHPORT	NC	28461
21900001	RESERVE DEVELOPMENT CO LLC		PO BOX 10879	SOUTHPORT	NC	28461
20300050	RESERVE DEVELOPMENT CO LLC		PO BOX 10879	SOUTHPORT	NC	28461
2040005806	ST JAMES SQUARE OF WILMINGTON LLC		3807 PEACHTREE AVE S-200	WILMINGTON	NC	28403
2190000184	FLAGSHIP DOSHER SOUTHPORT LLC		2701 COLTSGATE RD SUITE 300	CHARLOTTE	NC	28211
2030001720	PINE FOREST DEVELOPMENT COMPANY LLC		355 INDUSTRIAL PARK DR	BOONE	NC	28607
22100063	CMC MARKETING INC		5116 W BEACH DR	OAK ISLAND	NC	28465
2030002804	THOMAS J YOUNG JR REV LIVING TRUST		PO BOX 14	WINNABOW	NC	28479
219PB021	BARTON BOYCE		3908 CORPORATION CIR	CHARLOTTE	NC	28216
219PB022	BARTON BOYCE		3908 CORPORATION CIR	CHARLOTTE	NC	28216
2040005301	UNIQUE PLACES TO SAVE		2425 MICA MINE LN	WAKE FOREST	NC	27587
2040005304	UNIQUE PLACES TO SAVE		2425 MICA MINE LN	WAKE FOREST	NC	27587
219JH00105	ST JAMES PLANTATION POA INC		4140 SOUTHPORT SUPPLY RD SE # B	SOUTHPORT	NC	28461
203NA00105	ST JAMES PLANTATION POA INC		4140 SOUTHPORT SUPPLY RD SE # B	SOUTHPORT	NC	28461
2198B00103	ST JAMES PLANTATION POA INC		4140 SOUTHPORT SUPPLY RD SE # B	SOUTHPORT	NC	28461
219CF00101	ST JAMES PLANTATION POA INC		4140 SOUTHPORT SUPPLY RD SE # B	SOUTHPORT	NC	28461
219PB00105	ST JAMES PLANTATION POA INC		4140 SOUTHPORT SUPPLY RD SE # B	SOUTHPORT	NC	28461
219PB00104	ST JAMES PLANTATION POA INC		4140 SOUTHPORT SUPPLY RD SE # B	SOUTHPORT	NC	28461
2190000125	ST JAMES PLANTATION POA INC		4140 SOUTHPORT SUPPLY RD SE # B	SOUTHPORT	NC	28461
203NA00107	ST JAMES PLANTATION POA INC		4140 SOUTHPORT SUPPLY RD SE # B	SOUTHPORT	NC	28461
20400064	ARBOR CREEK COMMUNITY ASSOC INC		PO BOX 83	PINEHURST	NC	28370
20400063	ARBOR CREEK COMMUNITY ASSOC INC		PO BOX 83	PINEHURST	NC	28370
20400053	TRI CITY SOUTHPORT LLC		1227 ROCKINGHAM RD	ROCKINGHAM	NC	28379
2210005701	HEWETT BOBBY C ETUX	HEWETT JOHNNIE	PO BOX 10754	SOUTHPORT	NC	28461
20400021	TOWN OF ST JAMES		4140 SOUTHPORT SUPPLY RD SE	SAINT JAMES	NC	28461
2040002202	TOWN OF ST JAMES		4140 SOUTHPORT SUPPLY RD SE	SAINT JAMES	NC	28461
2040002101	TOWN OF ST JAMES		4140 SOUTHPORT SUPPLY RD SE	SAINT JAMES	NC	28461
2210006304	ISLAND CONTRACTING INC		1008 CAPTAIN ADKINS DR SE	SOUTHPORT	NC	28461
2040005802	BRUNSWICK COUNTY	C/O FINANCE DEPT	PO BOX 249	BOLIVIA	NC	28422
20400056	ST JAMES PLANTATION POA INC		4140 SOUTHPORT SUPPLY RD SE # B	SOUTHPORT	NC	28461
20400055	ST JAMES PLANTATION POA INC		4140 SOUTHPORT SUPPLY RD SE # B	SOUTHPORT	NC	28461
20300049	BRANDT ERIC A ET	BRANDT RUTH T	1032 BELLA COOLA ROAD	LAKE WACCAMAW	NC	28450
20400058	HARBOR DEV CORP & D R DEV CORP		222 E MEADOW RD	EDEN	NC	27288
2190000180	SEASIDE MEDICAL PLAZA OWNERS ASSOC		PO BOX 10879	SOUTHPORT	NC	28461
2190000183	SEASIDE MEDICAL PLAZA OWNERS ASSOC		PO BOX 10879	SOUTHPORT	NC	28461
20400026	HARBOR DEVELOPMENT CORP ETALS		PO BOX 433	OAK ISLAND	NC	28465
18700023	EQUITY INVESTMENTS ASSOCIATES LLC		11675 RAINWATER DR STE 220	ALPHARETTA	GA	30009
20400051	EQUITY INVESTMENT ASSOCIATES LLC		11675 RAINWATER DR STE 220	ALPHARETTA	GA	30009
2050003701	SACHI DEVELOPMENT CORP		622 TIMBER LAKE LN	WILMINGTON	NC	28411
205PB00103	SACHI DEVELOPMENT CORP		622 TIMBER LAKE LN	WILMINGTON	NC	28411
2200002519	BERRY KENT		4884 COASTAL DR SE	SOUTHPORT	NC	28461
2210005702	NORTH CAROLINA ASSEMBLIES OF GOD INC		2660 YONKERS RD STE 130	RALEIGH	NC	27604
219PB023	YOUNGDAHL MICHAEL S ETUX	YOUNGDAHL MARTHA L	3208 INLAND COVE DR	SAINT JAMES	NC	28461
2040002501	GENERATIONS CHURCH		4019 EXECUTIVE PARK BLVD	SOUTHPORT	NC	28461
20400044	BANNISTER CHARLES HEIRS		4748 TRACE CT	SOUTHPORT	NC	28461
2040002602	EAST COAST INVESTMENTS LLC		222 E MEADOW RD	EDEN	NC	27288
205PB019	H & H CONSTRUCTORS OF FAYETTEVILLE LLC		7200 FALLS OF NEUSE RD STE 202	RALEIGH	NC	27615
205PB020	H & H CONSTRUCTORS OF FAYETTEVILLE LLC		7200 FALLS OF NEUSE RD STE 202	RALEIGH	NC	27615
205PB015	HDP GROVES LLC		1316 SHERMAN AVE UNIT 215	EVANSTON	IL	60201
205PB016	H&H CONSTRUCTORS OF FAYETTEVILLE LLC		7200 FALLS OF THE NEUSE STE 202	RALEIGH	NC	27615
205PB017	H&H CONSTRUCTORS OF FAYETTEVILLE LLC		7200 FALLS OF THE NEUSE STE 202	RALEIGH	NC	27615
205PB018	H&H CONSTRUCTORS OF FAYETTEVILLE LLC		7200 FALLS OF THE NEUSE STE 202	RALEIGH	NC	27615
2040002502	HARBOR DEVELOPMENT CORP AND	D R DEVELOPMENT CORP	PO BOX 661	EDEN	NC	27289
20400049	GILBERT LEWIS M AND	GILBERT ROBERT P	206 E VIRGINIA AVE	NASHVILLE	NC	27856
20400046	GILBERT LEWIS M AND	GILBERT ROBERT P	206 E VIRGINIA AVE	NASHVILLE	NC	27856

203NA028	WALSH JOHN J		3915 OCEANIC BAY DRIVE	ST JAMES	NC	28461
219PB024	GEMELLI WAYNE ETUX	GEMELLI SHARON	3578 WHITE SPRUCE GLEN	SAINT JAMES	NC	28461
219JH036	KANE STEVEN M ETUX	KANE KAREN A	38 ORCHARD FARMS RD	COLCHESTER	CT	06415
219JH038	ORMAECHE GIOVANNI ETUX	OROZCO MARIA	398 ISLAND RD	RAMSEY	NJ	07446
219PB027	HAWKINS RONALD DEAN ETUX	HAWKINS KATHLEEN SITES	2515 PARK RIDGE DR	SOUTHPORT	NC	28461
219JH027	COOK FAMILY REV LIVING TRUST THE		2519 PARKRIDGE DR	SOUTHPORT	NC	28461
2040005803	BRUNSWICK COUNTY	C/O FINANCE DEPT	PO BOX 249	BOLIVIA	NC	28422
219PB025	POHLAR TRENTON L ETUX	POHLAR PAMELA C	857 IRONWOOD TRL	GREENWOOD	IN	46143
219JH031	FIORINO ANTHONY ETUX	FIORINO CARROL	16 CHURCH ROAD	MILFORD	NJ	08848
219JH028	OPSAHL MARK A ETUX	OPSAHL NANCY A	2523 PARK RIDGE DR	SOUTHPORT	NC	28461
219JH030	MANNING ROY E ETUX	MANNING TRACEY A	3306 DOVER WOOD LN	FUQUAY VARINA	NC	27526
219JH034	OCONNOR FRANCIS D JR ETUX	OCONNOR MARILENA	3528 LACEBARK CT	SOUTHPORT	NC	28461
205PB00105	SACHI DEVELOPMENT CORP		622 TIMBER LAKE LN	WILMINGTON	NC	28411
205PB00104	SACHI DEVELOPMENT CORP		622 TIMBER LAKE LN	WILMINGTON	NC	28411
219JH035	MERINO JESUS R ETUX	ORMAECHE JENNIFER K	69 CHURCH ST	RAMSEY	NJ	07446
2040005812	6144 CAROLINA BEACH RD LLC		27570 MOONCREST DR	CARMEL	CA	93923
219PB026	NIZOLOSKI PHILIP T ETUX	STEFFEN THERESA M	3223 BAY WINDS DR	SOUTHPORT	NC	28461
2040005811	LONGBAY INVESTMENTS LLC		PO BOX 3955	WILMINGTON	NC	28406
219PB020	ABBOTT BRENDA L		4735 WINTERBERRY CT	WILLIAMSBURG	VA	23188
219JH033	COASTLINE HOMES NC LLC		5710 OLEANDER DR STE 101	WILMINGTON	NC	28403
219JH037	BERTONCIN STEVEN ETUX	BERTONCIN PAMELA W	3535 LACEBARK CT	SOUTHPORT	NC	28461
219JH029	JAMES R LINTON REV LIV TRUST THE		2527 PARKRIDGE DR	SOUTHPORT	NC	28461
205PB006	H & H CONSTRUCTORS OF FAYETTEVILLE LLC		7200 FALLS OF NEUSE RD STE 202	RALEIGH	NC	27615
205PB001	H & H CONSTRUCTORS OF FAYETTEVILLE LLC		7200 FALLS OF NEUSE RD STE 202	RALEIGH	NC	27615
205PB002	H & H CONSTRUCTORS OF FAYETTEVILLE LLC		7200 FALLS OF NEUSE RD STE 202	RALEIGH	NC	27615
205PB004	H & H CONSTRUCTORS OF FAYETTEVILLE LLC		7200 FALLS OF NEUSE RD STE 202	RALEIGH	NC	27615
2040005805	D & N PROPERTIES OF NC LLC		3950 EXECUTIVE PARK BLVD	SOUTHPORT	NC	28461
205PB023	HDP GROVES LLC		1316 SHERMAN AVE UNIT 215	EVANSTON	IL	60201
205PB012	HDP GROVES LLC		1316 SHERMAN AVE UNIT 215	EVANSTON	IL	60201
205PB011	HDP GROVES LLC		1316 SHERMAN AVE UNIT 215	EVANSTON	IL	60201
205PB024	HDP GROVES LLC		1316 SHERMAN AVE UNIT 215	EVANSTON	IL	60201
205PB025	HDP GROVES LLC		1316 SHERMAN AVE UNIT 215	EVANSTON	IL	60201
205PB027	HDP GROVES LLC		1316 SHERMAN AVE UNIT 215	EVANSTON	IL	60201
205PB028	HDP GROVES LLC		1316 SHERMAN AVE UNIT 215	EVANSTON	IL	60201
205PB029	HDP GROVES LLC		1316 SHERMAN AVE UNIT 215	EVANSTON	IL	60201
205PB030	HDP GROVES LLC		1316 SHERMAN AVE UNIT 215	EVANSTON	IL	60201
205PB031	HDP GROVES LLC		1316 SHERMAN AVE UNIT 215	EVANSTON	IL	60201
205PB022	H&H CONSTRUCTORS OF FAYETTEVILLE LLC		7200 FALLS OF THE NEUSE STE 202	RALEIGH	NC	27615
205PB013	H&H CONSTRUCTORS OF FAYETTEVILLE LLC		7200 FALLS OF THE NEUSE STE 202	RALEIGH	NC	27615
205PB008	H&H CONSTRUCTORS OF FAYETTEVILLE LLC		7200 FALLS OF THE NEUSE STE 202	RALEIGH	NC	27615
205PB005	H&H CONSTRUCTORS OF FAYETTEVILLE LLC		7200 FALLS OF THE NEUSE STE 202	RALEIGH	NC	27615
205PB021	H&H CONSTRUCTORS OF FAYETTEVILLE LLC		7200 FALLS OF THE NEUSE STE 202	RALEIGH	NC	27615
205PB003	H&H CONSTRUCTORS OF FAYETTEVILLE LLC		7200 FALLS OF THE NEUSE STE 202	RALEIGH	NC	27615
205PB009	H&H CONSTRUCTORS OF FAYETTEVILLE LLC		7200 FALLS OF THE NEUSE STE 202	RALEIGH	NC	27615
205PB010	H&H CONSTRUCTORS OF FAYETTEVILLE LLC		7200 FALLS OF THE NEUSE STE 202	RALEIGH	NC	27615
205PB007	H&H CONSTRUCTORS OF FAYETTEVILLE LLC		7200 FALLS OF THE NEUSE STE 202	RALEIGH	NC	27615
205PB014	H&H CONSTRUCTORS OF FAYETTEVILLE LLC		7200 FALLS OF THE NEUSE STE 202	RALEIGH	NC	27615
205PB026	H&H CONSTRUCTORS OF FAYETTEVILLE LLC		7200 FALLS OF THE NEUSE STE 202	RALEIGH	NC	27615
2040005808	3900 EXECUTIVE PARK LLC	ATTN MARTIN WOZNAK	3030 MARSH WINDS CIR UNIT 704	SOUTHPORT	NC	28461
2040005809	3921 EXECUTIVE PARK LLC	ATTN MARTIN WOZNAK	3030 MARSH WINDS CIR UNIT 704	SOUTHPORT	NC	28461
2040005807	3922 EXECUTIVE PARK LLC	ATTN MARTIN WOZNAK	3030 MARSH WINDS CIR UNIT 704	SOUTHPORT	NC	28461
219JH032	LARRY E BLANKENSHIP IRREVOCABLE TRUST	LINDA S BLANKENSHIP IRREVOCABLE TRU	3546 LACEBARK CT	SOUTHPORT	NC	28461

**BRUNSWICK  
COUNTY  
ETJ  
EXPANSION  
POLICY**

BRUNSWICK COUNTY PLANNING DEPARTMENT  
COUNTY GOVERNMENT CENTER  
20 REFERENDUM DRIVE  
BOLIVIA, NORTH CAROLINA 28422  
PHONE (910) 253-2025  
OCTOBER 30, 1995

## ARTICLE I. PURPOSE

The purpose of this policy is to recognize and emphasize that municipalities and their extraterritorial jurisdictions are integral parts of Brunswick County and that many planning decisions should be coordinated with municipal plans, goals and objectives. This policy is intended to be a planning tool for growth, and a proactive response to ETJ requests.

## ARTICLE II. DESCRIPTION

The extraterritorial jurisdiction of a municipality in Brunswick County is the area one-mile beyond the corporate limits in which a town may exercise the same planning, zoning and building inspection authority as in its corporate limits. With the approval of the Board of County Commissioners, a municipality of 10,000 or more population but less than 25,000 may exercise these powers over an area extending not more than two miles beyond its limits. A municipality of 25,000 or more population may exercise these powers over an area extending not more than three miles beyond its limits.

## ARTICLE III. AUTHORITY

Brunswick County hereby exercises authority to evaluate ETJ Expansion Requests under the authority granted under N.C.G.S. 160A-360.

## ARTICLE IV. EXTRATERRITORIAL JURISDICTION REVISIONS

Brunswick County realizes the need of ETJ extensions. The Board of County Commissioners approval is required for extension of ETJ in Brunswick County, under N.C.G.S. 160A-360(e):

- (e) No city may hereafter extend its extraterritorial powers under this Article into any area for which the county at the time has adopted and is enforcing a zoning ordinance and subdivision regulations and within which it is enforcing the State Building Code. However, the city may do so where the county is not exercising all three of these powers, or when the city and the county have agreed upon the area within which each will exercise the powers conferred by this Article.

N.C.G.S. 160A-360(b) describes the rationale for requesting extension of ETJ:

- (b.) Areas included in ETJ shall be based upon existing or projected urban development and areas of critical concern to the city, as evidenced by officially adopted plans for its development...

Because of the implementation of zoning, subdivision regulations, and building codes, no expansion of ETJ boundaries are granted without an intergovernmental agreement between the entities involved.

Under N.C.G.S. 160A-360(g), any ETJ extension may be rescinded. To rescind an ETJ extension, the government, which granted or accepted the ETJ must send to the other unit of government a two year written notice repealing the original resolution. In addition, the resolution granting ETJ may be modified at any time by mutual consent of the county and the municipality.

N.C.G.S. 160A-360(g) states:

- (g.) When a local government is granted powers by this section subject to the request, approval, or agreement of another local government, the request, approval, or agreement shall be evidenced by a formally adopted resolution of that government's legislative body. Any such request, approval, or agreement can be rescinded upon two years' written notice to the other legislative bodies concerned by repealing the resolution. The resolution may be modified at any time by mutual agreement of the legislative bodies concerned.

## ARTICLE V. PROCEDURE FOR SECURING APPROVAL FOR ETJ EXPANSION REQUESTS

### Section A. Presentation Requirements

1. The municipality shall present a map of its proposed ETJ boundaries on a county tax map in a scale of sufficient size to clearly define the boundaries by natural or geographic features easily identifiable on the ground. This scale shall not be smaller than 1" = 400'.
2. Written documentation shall accompany the request and shall address the critical concerns of the municipality, which are being met by the ETJ proposal.
3. Documentation shall accompany the request outlining the specific commitment to General Development Planning as outlined in Article VI, Section 1.
4. Outline the capability and qualifications of the municipality to provide land use planning, zoning, subdivision regulation, and building code programs within the proposed ETJ area.

### Section B. Review of the Expansion Request

1. Municipalities requesting ETJ expansion should submit six (6) copies of all required documents to the Brunswick County Planning Director, a minimum of twenty-eight (28) days prior to the monthly Planning Board Meeting. The Planning Director shall then forward a copy of the proposed expansion plan to all appropriate agencies for review and comments. Following the evaluation period, a review meeting shall be set with town officials and appropriate agencies not less than fourteen (14) days prior to the Planning Board Meeting, to discuss the proposal. The Planning Director shall forward the ETJ Expansion Request to the Planning Board for approval no later than sixty (60) days following submission.
2. The Brunswick County Planning Board shall review all applications for ETJ expansion and shall determine the adequacy of the documentation supplied and conduct fact finding meetings as deemed necessary. The Planning Board shall then make a formal recommendation to the Brunswick County Board of Commissioners concerning the request within sixty (60) days.
3. The formal recommendation of the Brunswick County Planning Board will be forwarded to the Brunswick County Board of Commissioners along with all findings, maps, documentation and support materials for consideration and final action by the Board. It shall be the responsibility of the Board of Commissioners to take action in an expeditious manner, provided all pertinent information and documentation has been submitted in order for the Board to make their decision.

## ARTICLE VI. ETJ EVALUATION CRITERIA

The purpose of ETJ evaluation criteria is to evaluate the potential for an area's development, the municipality's ability to provide services and its capability and commitment to good planning and managing of development. In addition to conformance with the criteria, the Planning Board and Board of Commissioners will also consider the opinions of residents and property owners in the area request for ETJ, and shall include those opinions in their consideration.

The criteria are as follows:

1. Commitment to General Development Planning.

The municipality should demonstrate a commitment to comprehensive planning, preferably including adopted land use and infrastructure planning to include: water, sewer, storm water planning, and transportation plans, a capital improvements program (CIP) and funding to implement the CIP, and the implementation of land use regulations such as zoning, subdivision regulations, and building codes. Where such plans have not actually been adopted, a municipality could demonstrate commitment by including service construction in an adopted CIP or completing preliminary engineering studies.

2. Annexation Within Ten Years.

ETJ extensions should be granted primarily for areas anticipated to be developed and annexed within ten years. The ten-year period projection should be used as a guideline, and is adopted with the understanding that actual progress in development and annexation of a given ETJ area may vary from that originally projected at the time of ETJ extension. The ten year period projection should be based on the best information available concerning Municipal and County policies and plans, and development experience and projections.

3. Evidence of Feasibility for Urban Density Development

Areas proposed for ETJ extension by a municipality should be capable of being developed to urban standards. The Land Use Plans and Development Standards of Municipalities should encourage this urban development. However, this requirement does not include conservation or other protected areas. This standard will serve to protect the integrity of the county's rural areas.

ARTICLE VII. MINOR CORRECTIONS TO ETJ BOUNDARIES

For a two-year period following the effective date of this policy, municipalities may make minor corrections to their ETJ line to adjust for lot splits, and other irregular boundary configurations without adhering to the standards of this policy. These minor corrections will have no direct impact on expansions. Minor corrections must be approved through the normal ETJ approval process.

**PAT NEWTON PROPERTIES, LLC**

PO Box 3292

Cary, NC 27519-3291

919-218-1965

November 2, 2022

Mr. Jeffrey Repp  
Town Manager  
St. James Town Council  
4140-A Southport-Supply Road SE  
St. James, NC 28461

Dear Mr. Repp and St. James Town Council:

I am opposed to the Town of St. James attempting to create an Extra Territorial Jurisdiction (ETJ) as described in your letter dated September 15, 2022. For more than 33 years I have owned Tax Parcel 20400032 located directly across from the Regency Crossing / Highway 211 intersection. I also own the two outdoor advertising structures located on this site.

Zoning of this property under the town's Unified Development Ordinance (UDO) will cause extreme harm to me by severely limiting the allowable use of the property and by severely impairing its value. Under existing use of the property, the town's UDO contains specific language that would effectively prohibit the use and development of the entire 20-acre parcel.

For nearly 30 years, Brunswick County's comprehensive UDO has effectively and adequately served to regulate land use of the parcels within the proposed ETJ. There is no rationale for the Town of St. James to have zoning authority and land use control of this property. Recent concerns over wellhead protection are being addressed by Brunswick County and this issue should not be cause for the town to establish an ETJ.

One glaring negative of the ETJ is reflected in the UDO comparison analysis performed by the Cape Fear Council of Governments. Nearly 50 percent of the CLD uses permitted administratively and by Special Use Permit under the Brunswick County UDO are not allowed under the St. James UDO. This adds further to the harm that will be inflicted on the affected property owners.

I do not wish to have an adversarial relationship with the Town of St. James and I hope the feeling is mutual. However, should the ETJ become reality, adversity will be unavoidable because of the inherent conflicts that will emerge between the town and all the affected owners.

For the record, please include this letter in the minutes of your November 2, 2022 Public Hearing.

Sincerely,



Patrick Newton, Manager  
Pat Newton Properties, LLC

My name is Vernon Eakins, my wife and I own property along Hwy 211 which would be under the control of this proposed ETJ if it is approved.

First I would like to **Thank** those who made this meeting possible and to the citizens attending this meeting.

I have no new arguments against this proposal, I can only once again state that The arguments that have been voiced at other attempts for the town getting an ETJ are still very much valid today as they were then.

St. James is a town behind Gates, residents can leave and go out and about to other parts of the county and beyond if so desired but I and maybe some of you here tonight can not enter into St. James. The town is **exclusive** not inclusive, yet the town, some of its residents and maybe others who have an interest want to be able to control what goes on outside those gates on a far greater disproportionate base than they deserve.

\ I am going to read excerpts from the letter that I received from the Town of St. James. “ If approved by the Brunswick County Board of Commissioners, planning and zoning authority would transfer from the county to the town. The table below illustrates the county zoning currently in effect and the Proposed town zoning that would be applied if the ETJ is approved”.

Let us all take note about the wording in the last sentence that I just read---”Proposed Town Zoning”. This is another election year and I am very thankful that we as a people have the right to chose those who will represent us in the offices of government . But as so many election cycles in the past, we hear proposal of what every person running for office thinks we want to hear and will entice our vote for them. And like so many other election cycles most of those proposals go to the wayside just like I'm afraid St. James proposed zoning and ordinances will go to the wayside while new and more restrictive ones will be installed to serve their town and their interest. We should all know that what is said to you today may be entirely different to what is said and done tomorrow. There are Laws of Nature that do not

change, but proposed Laws/ordinances can and very often do change which often times leaves us to say “If I had know that **I would have objected.**

Now lets us go to the last Paragraph in the letter. 'The ETJ is not an annexation of the property into the town. You will not be getting a tax bill from the town. It is an extension of planning and zoning authority as provided by N.C.G.S.160D-202 to allow the town to plan for future growth that will **Impact** the residents of St. James”

Let us pay attention to two important subjects addressed in this paragraph –

1<sup>st</sup>..allow the town to plan for future growth that will **Impact** the residents of St. James. You will notice that no where in this letter is any mention of the **Impact** that will occur for the owners of the parcels of land that make up the One Thousand acres that will be under the ETJ if this proposal is approved by the Commissioners. The only concern that this proposed ETJ is addressing is St. James and its residents, no other property owner or resident of this county

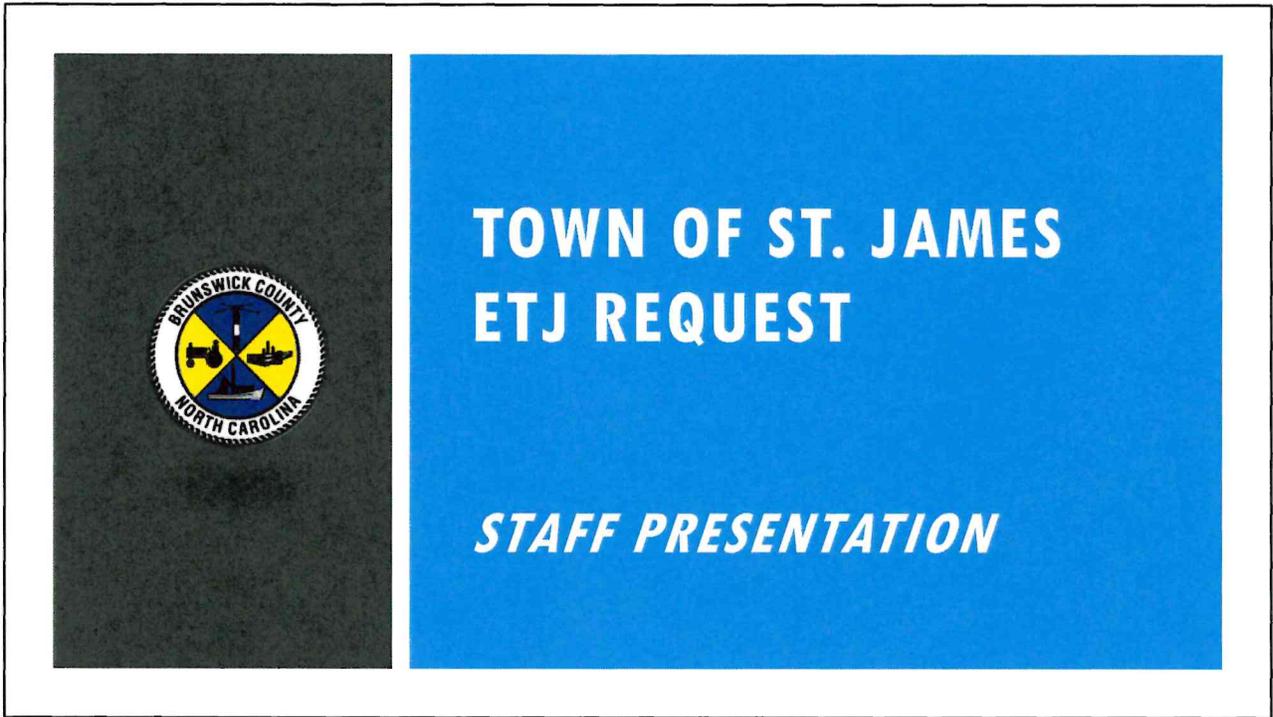
2<sup>nd</sup>. “It is not an annexation of your property - you will not be getting a tax bill from the town'

We should all know that taxation can come in many forms, not all are just simple notices of a monetary amount levied against your property. Taxation can and does come in the form of 'Control”of what can and cannot be allowed.

As a property owner in this county I accept what the citizens of this county thru the elected officials determine what is best for the county. But I strongly object to any notion that people who live behind **Guarded gates** can determine in a disproportionate way what is and is not allowed to happen on property that is beyond those Guarded gates. **I have full confidence** that the leaders of this county can continue to best serve the people as that have done in the past and the property that make up the land mass of the county thru **Their continued control of the Planning and Zoning that takes place.**

I urge the board of Commioners to deny this proposed ETJ and to allow the County Planning and Zonning department to continue to determine what is in the Best interest of the county.

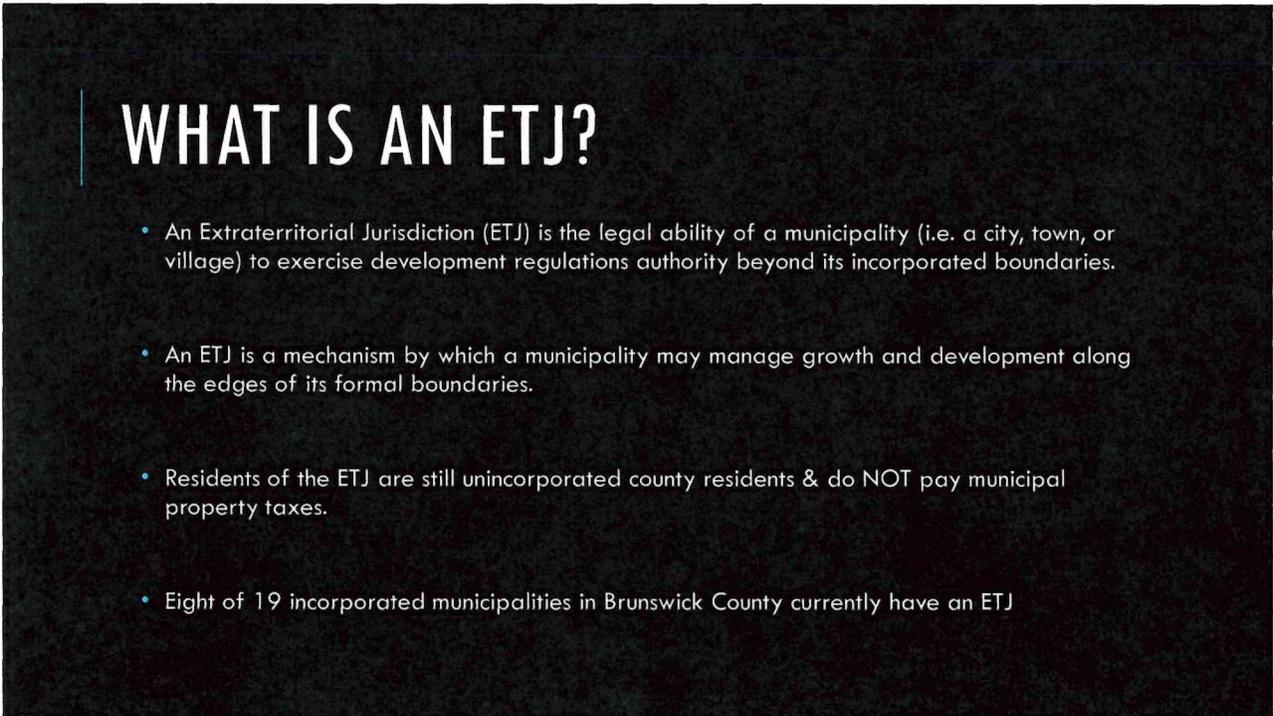
Thank You.

The slide is divided into two vertical panels. The left panel has a dark grey background and features the Brunswick County North Carolina seal, which is circular with a yellow and blue design and the text 'BRUNSWICK COUNTY' and 'NORTH CAROLINA'. The right panel has a solid blue background with white text. The text reads 'TOWN OF ST. JAMES' and 'ETJ REQUEST' in large, bold, sans-serif font, and 'STAFF PRESENTATION' in a smaller, italicized, sans-serif font below it.

**TOWN OF ST. JAMES**  
**ETJ REQUEST**

*STAFF PRESENTATION*

1

The slide has a dark grey background. At the top, the title 'WHAT IS AN ETJ?' is written in large, white, sans-serif font. Below the title, there is a bulleted list of four items, each starting with a white dot. The text is white and sans-serif.

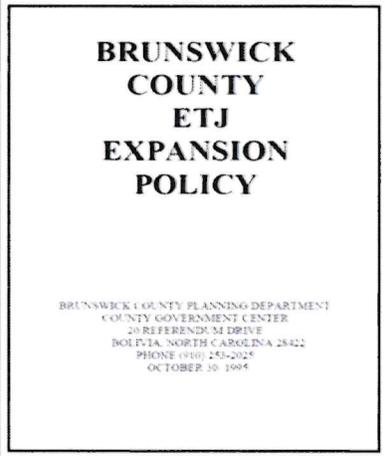
## WHAT IS AN ETJ?

- An Extraterritorial Jurisdiction (ETJ) is the legal ability of a municipality (i.e. a city, town, or village) to exercise development regulations authority beyond its incorporated boundaries.
- An ETJ is a mechanism by which a municipality may manage growth and development along the edges of its formal boundaries.
- Residents of the ETJ are still unincorporated county residents & do NOT pay municipal property taxes.
- Eight of 19 incorporated municipalities in Brunswick County currently have an ETJ

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# EVALUATING AN ETJ REQUEST

- ❑ Brunswick County ETJ Expansion Policy outlines the following:
  - Submittal Requirements
  - Defines the Process & Timeline
    - Review Meeting – Held August 29, 2022
    - St. James Public Hearing – November 2, 2022
  - Evaluation Criteria
- ❑ Vested rights apply to existing projects.
- ❑ St. James Submittal Packet August 8<sup>th</sup> and provided required information & documents.
- ❑ Representation on Planning Board and Board of Adjustment, but only serve for actions within ETJ unless ordinance provides otherwise
- ❑ Planning Board Public Hearing & Consideration November 14, 2022
- ❑ Commissioners Public Hearing & Consideration December 5, 2022



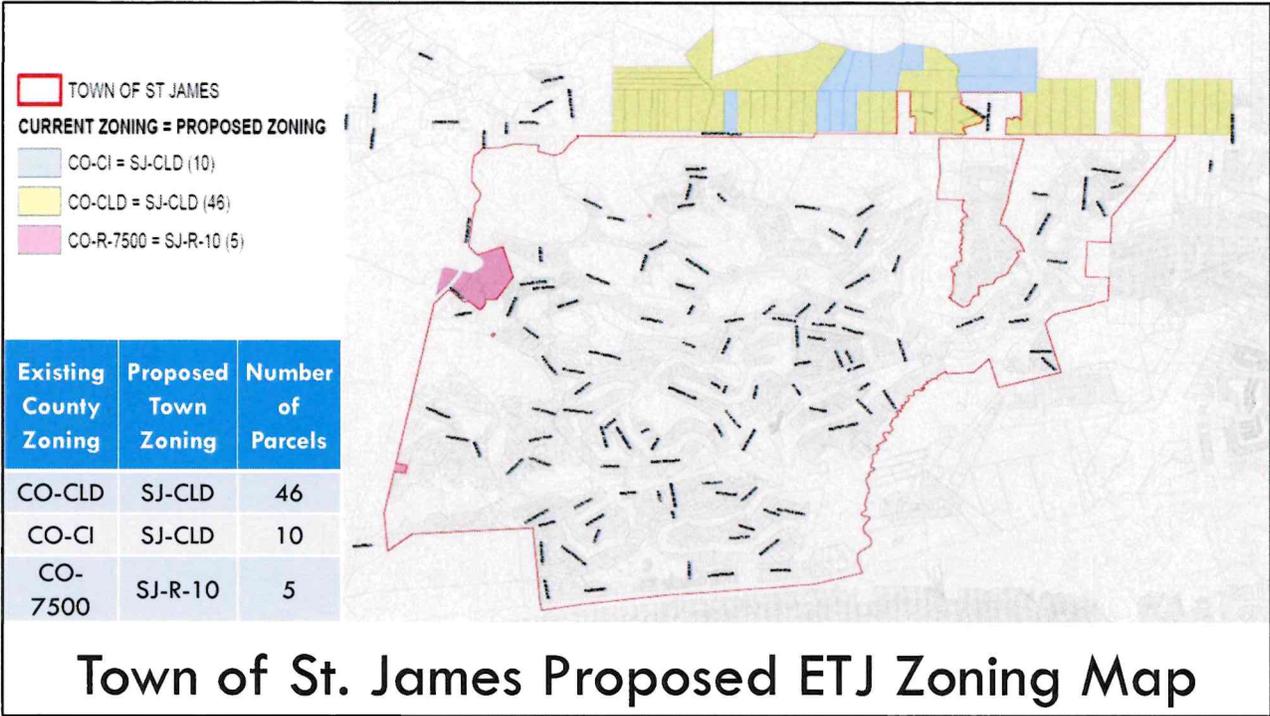
3

## St. James ETJ Request

- Located off of NC 211 & Middleton Road.
- The Area is Zoned Primarily CLD (Commercial Low Density) as well as CI (Commercial Intensive) & R-7500 (Medium Density Residential)
- Proposed ETJ Area Encompasses:
  - 1,004.79 acres
  - 60 Parcels
  - 31 Owners

Existing County Zoning	Proposed Town Zoning	Number of Parcels
CO-CLD	SJ-CLD	46
CO-CI	SJ-CLD	10
CO-7500	SJ-R-10	5

4



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## ST. JAMES REQUEST

The Area is Zoned Primarily CLD (Commercial Low Density) as well as CI (Commercial Intensive) & R-7500 (Medium Density Residential)

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6

# COUNTY CLD VS. TOWN CLD COMPARISON

INTENTS OF PROPOSED TOWN CLD DISTRICTS & COUNTY CLD DISTRICT ARE SIMILAR BUT USES ARE DIFFERENT

## ALLOWED BY BOTH:

- Banks
- Bed and breakfasts
- Boat storage facilities.
- Daycare facilities
- Medical offices
- Indoor recreation facilities
- Parks
- Nursing Facilities
- Plant nurseries and landscaping services
- Restaurants
- Retail stores
- Grocery Store
- Government Offices & Facilities
- Upper-story residential
- Professional Office
- Kennels
- Commercial Parking

## ALLOWED BY COUNTY, SPECIAL USE PERMIT REQUIRED BY TOWN:

- Facilities with drive-throughs
- Gas stations
- Car Wash
- Veterinary Establishments
- Hotels
- Hospitals
- Education Facilities
- Cemeteries/Mausoleums
- Self-Storage

## ALLOWED BY COUNTY, NOT ALLOWED BY TOWN:

- Planned Development (Residential/Mixed-Use/Commercial)
- Bona-fide Farm
- Agriculture
- Light industrial
- Automobile & Truck Repair, Towing, Renting, & Sales
- Uses that have Outdoor Storage
- Outdoor Recreation
- Billboards
- Business Park
- Outdoor lodging (campground, RV resort)
- Accessory Dwelling
- Residential (single-family, semi-attached, mobile homes, duplex, townhomes, semi-attached, multifamily)

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# COUNTY CI VS. TOWN CLD COMPARISON

INTENTS OF PROPOSED TOWN CLD DISTRICTS & COUNTY CI DISTRICT IS DIFFERENT AND USES ARE SUBSTANTIALLY DIFFERENT

## ALLOWED BY BOTH:

- Banks
- Boat storage facilities.
- Daycare facilities
- Medical offices
- Indoor recreation facilities
- Parks
- Restaurants
- Retail stores
- Grocery Stores
- Upper-story residential
- Government Offices & Facilities
- Professional Office

## ALLOWED BY COUNTY, SPECIAL USE PERMIT REQUIRED BY TOWN:

- Facilities with drive-throughs
- Gas stations
- Car Wash
- Veterinary Establishments
- Hotels
- Hospitals
- Education Facilities
- Cemeteries/Mausoleums

## ALLOWED BY COUNTY, NOT ALLOWED BY TOWN:

- Planned Development (Commercial/Industrial)
- Bona-fide Farm
- Agriculture
- Light industrial
- Outdoor Storage
- Billboards
- Automobile & Truck Repair, Towing, Renting, & Sales
- Boat Repair
- Business & Industrial Parks
- Research & Development
- Wholesale & Services
- Warehousing & Storage
- Brewery
- Accessory Dwelling
- Residential (single-family, mobile home, multifamily)

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# COUNTY CLD VS. TOWN R-7500 COMPARISON

INTENTS OF PROPOSED TOWN CLD DISTRICTS & COUNTY R-7500 DISTRICT ARE SUBSTANTIALLY DIFFERENT AND THE USES ARE SUBSTANTIALLY DIFFERENT

### ALLOWED BY BOTH:

- Bed and breakfasts
- Daycare facilities
- Parks
- Nursing Facilities
- Government Offices & Facilities

### ALLOWED BY COUNTY, SPECIAL USE PERMIT REQUIRED BY TOWN:

- Cemeteries/Mausoleums

### ALLOWED BY COUNTY, NOT ALLOWED BY TOWN:

- Planned Development (Residential/Mixed-Use)
- Bona-fide Farm
- Outdoor lodging (RV resort)
- Accessory Dwelling
- Residential (single-family, double-wide mobile homes)

# EVALUATION CRITERIA

The policy provides three ETJ evaluation criteria that should be reviewed and evaluated. Below outlines the three criteria:

- 1) **COMMITMENT TO GENERAL DEVELOPMENT PLANNING.**  
To determine the municipality's ability to provide services; commitment to good planning; the ability to manage growth and development; comprehensive planning including stormwater planning, transportation planning, infrastructure planning, and capital improvement programming (CIP).
- 2) **ANNEXATION WITHIN TEN YEARS.**  
ETJ requests should be granted in areas anticipated for annexation within ten years. To determine the municipality's ability to annex within ten years.
- 3) **EVIDENCE OF FEASIBILITY FOR URBAN DENSITY DEVELOPMENT.**  
To determine if the municipality can accommodate urban development and urban densities while protecting the integrity of the county's rural areas.

# QUESTIONS ON ST. JAMES ETJ REQUEST?



11

# QUESTIONS, THOUGHTS & FEEDBACK



Kirstie Dixon  
Planning Director  
910/253-2027  
kirstie.dixon@brunswickcountync.gov



12

## PAT NEWTON PROPERTIES, LLC

PO Box 3292 Cary, NC 27519-3291 919-218-1965

November 2, 2022

Mr. Jeffrey Repp  
Town Manager  
St. James Town Council  
4140-A Southport-Supply Road SE  
St. James, NC 28461

Dear Mr. Repp and St. James Town Council:

I am opposed to the Town of St. James attempting to create an Extra Territorial Jurisdiction (ETJ) as described in your letter dated September 15, 2022. For more than 33 years I have owned Tax Parcel 20400032 located directly across from the Regency Crossing / Highway 211 intersection. I also own the two outdoor advertising structures located on this site.

Zoning of this property under the town's Unified Development Ordinance (UDO) will cause extreme harm to me by severely limiting the allowable use of the property and by severely impairing its value. Under existing use of the property, the town's UDO contains specific language that would effectively prohibit the use and development of the entire 20-acre parcel.

For nearly 30 years, Brunswick County's comprehensive UDO has effectively and adequately served to regulate land use of the parcels within the proposed ETJ. There is no rationale for the Town of St. James to have zoning authority and land use control of this property. Recent concerns over wellhead protection are being addressed by Brunswick County and this issue should not be cause for the town to establish an ETJ.

One glaring negative of the ETJ is reflected in the UDO comparison analysis performed by the Cape Fear Council of Governments. Nearly 50 percent of the CLD uses permitted administratively and by Special Use Permit under the Brunswick County UDO are not allowed under the St. James UDO. This adds further to the harm that will be inflicted on the affected property owners.

I do not wish to have an adversarial relationship with the Town of St. James and I hope the feeling is mutual. However, should the ETJ become reality, adversity will be unavoidable because of the inherent conflicts that will emerge between the town and all the affected owners.

For the record, please include this letter in the minutes of your November 2, 2022 Public Hearing.

Sincerely,



Patrick Newton, Manager  
Pat Newton Properties, LLC

## **REBUTTAL TO THE TOWN OF ST. JAMES EXTRA TERRITORIAL JURISDICTION REQUEST**

### **SUMMARY**

This document is a rebuttal to the Extra Territorial Jurisdiction (ETJ) request from the Town of St. James to Brunswick County. It refutes the Town's narrative containing numerous supportive claims for the ETJ. Several of the rejection statements independently serve as reason for the County to deny the Town's request. The ETJ request also fails to meet requirements of the Brunswick County ETJ Expansion Policy. For these reasons, the Brunswick County Planning Board should recommend against granting the ETJ and the Brunswick County Commissioners should deny the ETJ request.

### **NARRATIVE REBUTTAL**

The St. James ETJ narrative states that "the Town is requesting extraterritorial jurisdiction (ETJ) to ensure a cohesive development pattern that meets the expectations of the citizens of St. James". An ETJ is not intended to be used as a protective zoning tool for a municipality. As a fully gated municipality, the Town has inherent protection from any potential outside interference or conflicting interests. The undeveloped property between Highway 211 and the St. James developed residential area is fully within the Town's municipal limits. This area provides an additional buffer for the Town. Highway 211 thereby serves as the natural and appropriate boundary between the Town's zoning jurisdiction and the County's jurisdiction. The Town should not have zoning authority beyond Highway 211.

While St. James is technically an incorporated town, in reality it is a fully gated, monolithic residential planned unit development. The Town has defined itself as an isolated entity. Accordingly, the Town's UDO is crafted and selectively designed to control the specific land use that constitutes the Town area behind the gates. The Town's UDO is not appropriate for land use control beyond the Town's municipal limits. The commercial property located within the proposed ETJ consists of open parcels owned by various individuals and entities with ranging interests. Forcing these owners to conform to the Town's self-serving UDO would result in perpetual conflict between the Town and these owners. It would also create a non-harmonious condition inconsistent with the spirit of an ETJ.

The Town's narrative includes rambling language about stormwater management and the Town's support "of the regulatory provisions of the proposed Wellhead Protection Overlay". The Town's support of County actions or initiatives does not justify the Town having an ETJ. By requesting an ETJ, the Town is contradicting itself by stating it supports the actions of Brunswick County while simultaneously implying that the County's UDO is inadequate for the needs of the Town.

Amid more confusing and irrelevant text, the narrative proceeds to reference the "Town's Commercial Low Density Zoning district, which is similar to the existing County zoning district." This is untrue. A comparison analysis performed by the Cape Fear Council of Governments shows that nearly 50 percent of the CLD uses permitted administratively and by Special Use Permit under the Brunswick County UDO are not allowed under the St. James UDO. A 50 percent reduction in allowable uses is hardly similar. Furthermore, the Town's UDO contains text that is far more restrictive than the County's UDO. An example is that under the Town's UDO, the presence of a nonconforming sign severely limits development of the entire parcel where the sign is located.

The narrative further asserts that "the Town of St. James envisions this area to have commercial establishments and development". This statement is highly questionable. Not one square foot has been developed on the three miles of commercial frontage along Highway 211 that is located with the Town's municipal limits.

Several references are made to the proposed "Wellhead Protection Overlay" district. Brunswick County is solely responsible for the operation and safety of the County's water supply wells located near and even within the proposed ETJ area. The ETJ area comprises nearly 1/3 of the proposed Wellhead Protection Area under that is under County zoning. With concern over land use activities potentially affecting the wells, it would be completely illogical for the County to relinquish zoning authority of this area to St. James. This alone is sound reason for Brunswick County to reject the ETJ request. Moreover, the County should never grant an ETJ of this vicinity to any municipality.

## BRUNSWICK COUNTY ETJ EXPANSION POLICY ANALYSIS

### Criteria 1: Commitment to General Development Planning.

The Town has not demonstrated a commitment to any of the items specified in the planning criteria. Nothing in the Town's response provides evidence showing that it meets the criteria. The response only states that the Town has a UDO, that the Town is involved with the Cape Fear RPO, and that Brunswick County provides water, sewer, and building inspections for the Town. Ironically, the only planning criteria item the Town specifically addresses is the requirement for a Capital Improvements Program (CIP) and the Town admits that it does not have a CIP.

The Town clearly fails to meet Criteria 1.

### Criteria 2: Annexation within ten years.

The Town of St. James is not a growing municipality. The purpose of an ETJ is to accommodate long term planning for a municipality expecting growth into the ETJ. Annexation is a requisite of that growth. The Town of St. James cannot grow beyond its existing boundaries without annexation. Since annexation is not possible without the voluntary cooperation of the owners to be annexed, organized growth into the ETJ is not possible.

The Town clearly fails to meet Criteria 2.

### Criteria 3: Evidence of Feasibility for Urban Density Development.

While the proposed ETJ area is potentially capable of being developed to urban standards, the Town's UDO does not address urban development and the UDO is not designed for urban development.

The Town clearly fails to meet Criteria 3.

This document was written and prepared by:

Patrick Newton, Manager  
Pat Newton Properties, LLC  
PO Box 3292  
Cary, NC 27519-3292

Submitted via email on November 7, 2022 to:

Kirstie Dixon [Kirstie.Dixon@brunswickcountync.gov](mailto:Kirstie.Dixon@brunswickcountync.gov)

Marc Pages [Marc.Pages@brunswickcountync.gov](mailto:Marc.Pages@brunswickcountync.gov)