

MINUTES

PLANNING BOARD

BRUNSWICK COUNTY, NC

**4:00 P.M. Monday
March 11, 2024**

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

MEMBERS PRESENT

Joy Easley, Vice Chair
Richard Leary
William Bittenbender
Clifton Cheek
Jason Gaver

MEMBERS ABSENT

Eric Dunham, Chair
Harry Richard Ishler, Alternate
Ron Medlin

STAFF PRESENT

Kirstie Dixon, Planning Director
Connie Marlowe, Admin. Asst. II
Marc Pages, Principal Planner
Ron Meredith, Planner II
Garrett Huckins, Planning Tech.
Tyler Connor, Planner I
Bryan Batton, County Attorney

OTHERS PRESENT

John Richards
Glen Tranthan
Kathleen Arthur
Carla White
Johnia McCumbee
Margarite Burnside
Christie Marek
Cindy Babson
Courtney Milliken
Ash Ramos
Holly Hewett Long
Greg Wayne
Vincent Falso
Nell Brame
Allison Engebretson
Landon Weaver

Craig Northacker
Bob Fulton
Tom Simmons
Matt Nichols, Attorney-at-Law
Belinda Benz
Cyndi Davis
Brandon Simmons
Michele Russo
Julie Youngman
Terri Holley
Zachary Gible
Kerri Henry
Jody Bland
Nate Pound
Jonathan Guy
Mark Robertson

Eric McCumbee

I. CALL TO ORDER.

Ms. Easley called the meeting to order at 4:05 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE.

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

III. ROLL CALL.

Mr. Eric Dunham, Mr. Harry 'Richard' Ishler and Mr. Ron Medlin were absent.

IV. CONSIDERATION OF THE MINUTES FROM THE 12-FEB-24 MEETING.

Mr. Leary made a motion to approve the 12-Feb-24 minutes as presented and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

There were none.

VI. PUBLIC COMMENT.

Mr. Greg Northacker addressed the Board. Mr. Northacker said he has environmental concerns regarding water flow and usage. According to data generated in 2009 regarding water usage, the was estimated to have a population of 150,000 in 2050, but the population of the County is almost at that point. Mr. Northacker felt that this data should be considered because the Board has a fiduciary duty to all of the citizens of the County.

Mr. Glen Tranthan, resident of Shallotte, addressed the Board. Mr. Tranthan read the definition of a comprehensive plan. He said his water and sewer bills had precautions about disposal and usage because the lift station is being overburdened and the demand for water is increasing. He further stated that his electric bill cautioned about electricity use during peak power times because the grid is being overburdened. Mr. Tranthan said he has been having problems with his internet service and Focus Broadband said the equipment is fine, but he has skips in time with internet. Focus Broadband told Mr. Tranthan the skips in time are a result of his internet being shut down so internet service can be provided to new developments. Mr. Tranthan said he is being asked to limit the usage of his services to accommodate new developments. Mr. Tranthan said the roads are flooding due to rainstorms because properties are being clear-cut to accommodate new development. He stated that there are delays getting appointments for medical treatment because there are so many people migrating to the County that need medical attention and not enough medical staff to service people in a timely manner. Mr. Tranthan felt that the Board does not

represent the people that currently live in the County because growth is not being managed. He felt that there is too much development proposed in Brunswick County and the current citizens are being pushed out to accommodate new property owners.

Mr. Bob Fulton, 3898 Timber Stream Drive, addressed the Board. Mr. Fulton asked that the Board not rush to approve development. He stated that the Board of Commissioners recently discussed a rewrite of the Brunswick County Unified Development Ordinance (UDO) as suggested in the Blueprint Brunswick 2040 Plan. He further stated that staff said changes can be made to the UDO such as a tree ordinance via special legislation as well as several other revisions related to tree preservation. He reiterated that the Board should not rush to approve projects and he asked that the Board wait for the response from the North Carolina legislature before ruling to allow more clear-cutting that is a result of new projects being approved.

Ms. Kathleen Arthur addressed the Board. She stated that there is currently not an acceptable level of emergency services, access to quality healthcare, decent water pressure, and traffic congestion issues in the County. She, too, asked that the Board slow down approving development until the UDO has been updated to address the growing demands of excessive development.

Mr. Tom Simmons, 1462 Longleaf Road, addressed the Board. Mr. Simmons expressed concern with how much more damage will be done to the County because staff said it will take about 18 months to rewrite the UDO. He said the Board needs to listen to the residents of the County and send a message that you hear what they are saying with managed growth.

Ms. Carla White addressed the Board. Ms. White said citizens of the County are fishers, shellfish gathers, farmers, and hunters. Agriculture and fisheries are 2 of the driving forces that built the County into what it is today. She stated that both of these industries are being lost to development due to the rise in real estate, high inflation, tourism and the disappearance of working waterfronts as well as declining water quality. She said stormwater pollution, which is caused by residence, can be detrimental to shellfish and humans if digested. She concluded by saying we need to do better to protect our beaches, riverways and fisheries from stormwater pollution as they are an economic importance to the County and State.

VII. OLD BUSINESS.

A. Planned Development – PD-115 (Resubmittal)

Name: Ashton Farms
Applicant: Thomas and Hutton Engineering
Tax Parcel(s): 146NA004, 146NA005, 146NA006, 146NA007, 146NA008, 146NA009, 16300008, 16300009, 16300014, 16300015 (Portion of), and 16300017.
Location: Whiteville Road NW (NC 130), Russtown Road NW (SR 1315) and Longwood Road NW (SR 1321)
Description: Ashton Farms is a proposed planned development consisting of 2,750 single-family lots, 200 townhome lots and 20.50 acres of commercial on a total of 1,256.50 acres creating an overall density of 2.35 dwelling units per acre.

Mr. Marc Pages addressed the Board. He read the Staff Report (attached). Mr. Pages said staff received an inventory report (see attached) from 1995 regarding 2 rare animals (Bachman's

sparrow and red-cockaded woodpecker) and 4 rare plant species (savanna milkweed, Venus flytrap, shortleaf yellow-eyed grass, and savanna yellow-eyed grass) known to be in this area. He stated that the information was provided to staff from the Natural Heritage Program by Scott Pullman. He further stated that the applicant provided a wildlife and endangered species evaluation from Newkirk Forestry and Land Management (attached). The report says, "Based upon the field evaluation and available data for DNR and the USFWS current site conditions and management, it is the opinion of Newkirk Forestry and Land Management LLC, that it is unlikely that this site supports any of the listed species. However, it is recommended that a more detail survey be performed during the flowering periods for both Cooley's meadowrue and rough-leaved loosestrife. While Venus flytraps were not observed during field investigations, it is also recommended that further coordination with DNR be initiated regarding the two historical records for this state threatened species within the project boundaries." 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.
- Per recommendation from the Natural Heritage Program and Endangered Species Evaluation and prior to construction, the developer shall conduct a wildlife survey of the project site to identify possible endangered or protected species.
- A 30' buffer shall be provided around all protected wetlands on the project site.
- Note on the site plan that the land provided for the Fire/EMS Station shall be a minimum of 4 acres and the final site shall be selected after consultation with the local fire chief.
- The developer must coordinate with the Brunswick County Planning Department and the Brunswick County Attorney's Office to guarantee the long-term affordability of the Workforce Housing units for households earning below 80% of the HUD median income for the area. This may involve establishing a Development Agreement, implementing Deed Restrictions, or devising other similar arrangements between the developer and Brunswick County.

Ms. Easley asked if staff spoke with Dr. W. Mac Baughman and Mr. Pages replied, yes. Ms. Easley asked if someone from Newkirk actually visited the site? Mr. Pages said their report indicated that fields surveys were conducted 27-Feb-24 to identify the potential for suitable onsite habitat. Ms. Easley asked if the R-4 area (Single Family Residential) is listed as Open Space Conservation-1. Mr. Pages said that area is predominantly MDR (Medium Density Residential) Place Type to the south and LDR (Low Density Residential) Place Type is to the east. He further stated that the OSC-1 Place Type is the wetlands area that will be preserved.

Mr. Batton asked if there is a plan for the street trees and Mr. Pages said no, but they will have to be outside the utility easements.

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

Mr. Matt Nichols, Attorney for the applicant, addressed the Board. Mr. Nichols introduced their development team and discussed a PowerPoint presentation (attached). He stated that the proposed PD is the best use of the property. Mr. Nichols discussed the benefits of the PD rather than developing the property under the current zoning district (R-7500). He further discussed the details of the site relating to density, recreational space, and wetlands. He reiterated that the revisions made to the plan after the denial of the initial plan submitted on 13-Nov-23 include the following: 1) a 30' wetland riparian buffer in areas identified as "high" in the Natural Heritage Program. 2) increase stormwater ponds capacity to accommodate the 100-year storm event. 3) all collector spine roads shall not be gated and open for public use. 4) 5% of the single-family homes shall be Workforce Housing Units, which equates to 118 homes. Mr. Nichols further stated that there is a small commercial area off NC 130 (Whiteville Road NW) and 4 acres will be set aside for a Fire/EMS Station. He stated that this is a 10-15 year build out plan for this project. Mr. Nichols proceeded to show the benefits of a PD, which allows for flexibility and exceptional design. He said there will be a regional pump station built that will be an additional 5 miles of force main and an additional 2 miles of water lines. There is a possible future connection to future open space area. Mr. Nichols reiterated that the developer is providing 500 acres of dedicated open space, whereas 251.30 acres is required. He stated that they are proposing sidewalks on 1 side of the street, which will reduce the impervious coverage; they will be using bioretention swales, curb outlets, disconnected roof drains, street lighting, pocket parks, trails variety of housing types and an amenity center. He said the sidewalks and trail system will be open to the public. Mr. Nichols concluded that the conditions in the Staff Report are acceptable to the applicant.

Mr. Cheek asked about Note #8 (All roads will be built to NCDOT minimum paving standards for subdivision roads) and if they will be turned over to NCDOT? Mr. Nichols said they can be turned over to NCDOT if NCDOT will accept the roads. Mr. Nichols reiterated that the roads will be open to the public.

Mr. Bittenbender asked if the proposed project will generate 27,479 vehicle trips per 24-hour weekday volume? Mr. Nichols said the plan is projected to generate 27,479 vehicle trips per 24-hour weekday volume at buildout, which is anticipated in approximately 15 years. Mr. Cheek asked if a TIA (Traffic Impact Analysis) will be required and Mr. Nichols replied, yes. He further stated that a TIA will be required for different segments of the plan. Mr. Nichols said road improvements will have to be made, which will assist in distributing traffic in the area.

Mr. Cheek asked about the 3 Fire/EMS areas shown on the plan and Mr. Pages said 1 of 3 areas will be chosen as the location once the Fire Marshal/Fire Chief are consulted.

Mr. Gaver asked if there are any other developments the developer has received approval for that are similar to this project? Mr. Gaver asked about the workforce housing component and how can the Board be assured that this will happen and not discarded later in the development process. Mr. Nichols said the projects that he has been involved in with regards to workforce housing, typically have a timeframe for the structures to be built. Mr. Batton interjected that this will be the first workforce housing project in the County and the County envisions restrictive covenants or deed restrictions on each deed that will outline eligibility requirements to live in the workforce housing units. He further stated that eligible clients would have to maintain ownership from 30 – 60 years so the home cannot be resold soon after an eligible applicant occupies the home. Mr. Gaver felt that the percentage (80%) should be lowered to truly capture eligible clients for the Workforce Housing component of the project. Mr. Chuck Munn (HIC Land, LLC) addressed the Board. He stated that his organization has been involved in several communities such as Heather

Glen (Little River, South Carolina), Lakes of Carolina (Columbia, South Carolina), and Parkwest (Mount Pleasant, South Carolina). He further stated that they intend to comply with the minimum requirements when they develop this community.

Mr. Craig Northacker, resident of Carolina Shores, addressed the Board. Mr. Northacker said the water quality should be examined for the entire community and not just the subject property. He was concerned with what will happen in the future to this area when the site is anticipated to be built out. He was also concerned with the road system, specifically Hwy. 31. when the proposed project reaches buildout. Mr. Northacker offered his services to assist in ensuring that the environment is protected.

Ms. Johnia McCumbee addressed the Board. She provided the Board with images (attached) of the area from 2005, 2007, 2009, 2017, 2020 and 2023 depicting the topography of the parcel. Ms. McCumbee said this is a well-planned development, but it is premature for the Ash community because infrastructure is not in place to support a development of this magnitude. She said the photos submitted to the Board show alterations to the wetlands from 2005 to 2023. Ms. McCumbee asked that the development be continued until further studies can be done to determine what has happened to the property in the past 20 years.

Ms. Belinda Benz addressed the Board. Ms. Benz said her family has a 100-acre land grant on the Waccamaw River. She stated that she saw a bald eagle approximately 1 mile from her house about a month ago and there is a red-cockaded woodpecker on her property every morning. She was concerned with the Ash community being changed if this development comes to fruition. She emphasized that her husband is battling an illness and the proposed development can be detrimental to his health if the trees are removed from the site. Ms. Benz felt that development should slow down because the County cannot handle all the proposed developments.

Ms. Carla White addressed the Board. Ms. White was concerned with childcare and potential traffic congestion on Whiteville Road NW (NC 130) near West Brunswick High School (WBHS). She further stated that a student attending WBHS was hit by a car last year attempting to crossover the road (NC 130) when he was dropped off by his mother. Ms. White felt that the student's mother made the decision to drop her son off so she would not be late for work because getting in and out of WBHS is extremely difficult with all of the traffic in the early morning. Ms. White said WBHS is at capacity according to the late David Robinson (previous member of the Board of Education). She wondered if the residents of D.R. Horton homes are happy with their homes.

Ms. Margarite Burnside addressed the Board on behalf of Brittany Earp, who was unable to attend tonight's meeting. She read a statement for Brittany Earp who owns approximately 20 acres adjacent to the subject property. Ms. Earp statement (read by Ms. Burnside) addressed the environment, displacement of residents, wildlife habitat, inadequate medical facilities, and water quality. She was concerned with clear-cutting and aesthetic control when homes are constructed in the proposed development. She further stated that the lack of medical facilities, traffic, roads and environmental concerns (impeding wetlands/marsh) are matters to consider. The developer used scare tactics and misrepresentation to acquire land for the proposed project. Ms. Burnside concluded that Ms. Earp is opposed to the proposed planned development.

Ms. Cyndi Davis, 2275 Whiteville Road NW, addressed the Board. She stated that her property is approximately 350' from the proposed commercial component of the project. Ms. Davis said smart growth is important and infrastructure should be in place to support smart growth. Ms. Davis reiterated that the roads are currently overcrowded and she wondered why the County does

not require impact reports to be submitted regarding existing police, fire stations, health care, and postal service before a project is approved. She wondered if the influx of people during the tourist season is being considered during the Board's decision-making process. She felt that the new development will cause an increase in taxes and it can potentially pose a tax burden on the existing property owners. Ms. Davis was concerned with people gathering at the commercial portion of the project to socialize, which could pose a negative impact on her property (approximately 350' from the commercial area). Ms. Davis said the commercial area of the project could lead to the loss of the rural character of the Ash community. It will also generate more traffic, safety concerns, increased pollution, destruction of natural habitat, increase in property values, increase in noise and more criminal activity.

Ms. Christie Marek addressed the Board. Ms. Marek said the County needs smart growth rather than growth on steroids. She felt that the proposed development does not belong in the Ash community. She provided the Board with a petition (attached) in opposition to the proposed development. Ms. Marek said there are woodpeckers (babies) in the area as well as predatory animals on her property. Ms. Marek said there are traffic and road concerns in the area as well as wetland and habitat concerns. She asked that a 125' buffer be imposed around the wetlands, but no less than 75' as advised by the Coastal Federation. Ms. Marek said she has lost livestock because there is flooding in the area. There are historical wetlands in the area that need to be restored and protected. Ms. Marek concluded that Ash is an unincorporated community without representation and she asked the Board to deny the project or continue the project until further studies can be done so the families and farms can remain safe from harm that maybe generated by this development. Ms. Marek added that Waccamaw school is overcrowded and there are not enough bus drivers to transport students to and from school at decent hours.

Mr. Brandon Simmons addressed the Board regarding conservation easements as they relate and benefit the parcels that consist of the proposed development and he read excerpts (attached) from the Blueprint Brunswick 2040 Comprehensive Land Use Plan outlining his concerns. Mr. Simmons said the conserved open space (wetlands) should be placed in a conservation agreement with the Coastal Land Trust with a condition stating that some type of partnership with the Natural Conservation Group for the wetland areas. He further stated that a CP (Conservation Protection) district could be put in place for these areas as described in the UDO, Article 4, Section 4.7.1., Special Purpose Space Districts.

Ms. Cindy Babson addressed the Board. Ms. Babson felt that some of the parcels (146NA004, 146NA005, 146NA006 and 146NA007) were not rezoned from RR (Rural Low Density Residential) to R-7500 (Medium Density Residential) and she urged staff to review the matter further. Mr. Pages said staff will verify the current zoning of the property. Ms. Babson said this is a good plan, but the revisions made by the developer seem to be a method to appease the Ash community. She said they will be watching closely to ensure this development does not negatively impact their community. She stated that there is currently a problem with traffic congestion on Whiteville Road NW (NC 130) and the North Carolina Department of Transportation (NCDOT) suggested interconnectivity to reduce traffic congestion on NC 130. She further stated that there is not enough infrastructure to support the proposed development. There are failing septic systems in the area and this development will only place additional burdens on the community.

Ms. Michele Russo addressed the Board. Ms. Russo said she moved to the area in 2018 and she supports the workforce housing proposal. She further stated that she is not in favor or against the proposed project, but she was pleased to see that the working class is being considered.

Ms. Courtney Milliken addressed the Board. Ms. Milliken said medical providers are currently overwhelmed and adding more development is only going to compound the issue. She stated that the proposed development will disrupt the Ash community's way of life. Ms. Milliken said wildlife will have to migrate once construction begins, which could be harmful to other animals and children in the area. She stated that there will be a considerable amount of traffic increase and potential flooding to the area generated by the proposed project. Ms. Milliken said her property adjoins the subject property and the additional homes will only make traffic on NC 130 and Longwood Road NW (NC 904) more unsafe to travel. She, too, was concerned with clear-cutting of trees, which reduces and minimizes flooding.

Ms. Julie Youngman addressed the Board. She stated that some species will not be present this time of the year that live in this area. She was concerned with shellfish being destroyed when impervious surfaces (pavement) are built in wet areas. She felt this is equivalent to biting the hand that feeds you. Ms. Youngman said just because it is allowed, it doesn't mean it's wise to approve. She stated that the potential homeowners in this development will experience flooding if homes are built in wet areas. Ms. Youngman said the Board should be aware that emergency vehicles may have difficulty rescuing a citizen in distress if there are accessibility issues to a property due to a flooded road. She said the Board can take a pause to do the kind of land use planning that their constituents are asking for and make sure they (the Board) are making wise decisions.

Ms. Ash Ramos addressed the Board. Ms. Ramos said there is a grant funded program on Longwood Road NW (NC 904) for a force main and low-pressure sewer project. She asked if the developer will tie-into the grant funded program on Longwood Road NW? If the developer ties-into the sewer project, will the developer be required to pay an additional fee or will it be a separate infrastructure line from the sewer grant program? Mr. Pages said the developer is proposing to run public sewer up Russtown Road NW (SR 1315). Mr. Gaver asked Ms. Ramos what her question is to staff? Ms. Ramos asked if the developer will be able to take advantage of the sewer grant that is supposed to assist eligible participants to tie-into sewer or will the developer have to build their own sewer, independent of the sewer grant project?

Ms. Terri Holley addressed the Board. She stated that she lives in a D.R. Horton community in Calabash. Ms. Holley said D.R. Horton develops in phases and they fill lots, which causes flooding on adjacent properties. She further stated that there will be clear-cutting in the proposed development.

Ms. Holly Hewett Long addressed the Board. Ms. Long felt that the Board should visit the area before they vote to approve a development. Mr. Gaver said these are allegations and accusations that are unfounded and not true. Ms. Long said it was not her intent to allege or accuse anyone of not visiting the site, rather, it was her opinion. She said there is extreme flooding when there is a major storm and clear-cutting the trees takes away the wind break away. Ms. Long said the neighborhood meeting was designed to tell the community what will be coming to the area and the community was not asked about the current conditions of the area because they don't care about the conditions of their community. She, too, felt that the Board should cater to the citizens rather than the developers.

Mr. Cheek asked if the applicant would address the public's concerns regarding State stormwater requirements and the operation of retention ponds. Mr. John Richards, Civil Engineer with Thomas & Hutton, addressed the Board. He explained that the project has to meet the State minimum requirements for water quality and the County's minimum requirements of water quantity. The County, normally, requires the project to be designed to a 10-year storm event and

they reviewed the project based on a 25-year storm event, but the County asked that the project be designed to the 100-year storm event. As such, there will be a substantial amount of storage on the site and stormwater runoff will be captured on site up to the 100-year amount (11" of rainfall within a 24-hour storm). As a result, the ponds will be oversized and flooding will be minimized. Mr. Cheek clarified that stormwater will be from actual rooftops on the site and maintained on the subject property and Mr. Richards concurred. Mr. Cheek asked if outside waters will run on this site and be contained on this property? Mr. Richards replied, yes. He further stated that they study runoff from other sites when they design the retention ponds and capture the stormwater on the site.

Mr. Cheek asked if the developer is aware of the sewer grant project Ms. Ramos mentioned earlier? Mr. Scott Lloyd, HIC Land LLC, addressed the Board. He said they are aware of the sewer grant project, but their sewer system has been designed by Norris and Tunstall and it is permitted. Mr. Lloyd said water and sewer permits are issued to Brunswick County Public Utilities (Public Utilities) and the developer installs the infrastructure (public water and sewer). He said there is a large sewer pump station and the force main has been permitted. The force main starts at US 17 and travels up NC 904 (Longwood Road NW), then makes a right hand turn onto Russtown Road NW (SR 1315) to the site and then curls around back to US 17 and ties-into the force main on US 17. Mr. Richards said they have an approximate 2-miles of water line extension that has not been designed and permitted at the current time and it will likely go past this project and tie-in at Longwood Road NW (NC 904), so the system will be looped. He stated that the developer will be responsible for the cost and the systems will be dedicated to Public Utilities. Mr. Cheek asked if the developer will be participating in the sewer grant program? Mr. Richards said they are not part of that sewer grant program or the proposed grant program on NC 130 (Holden Beach Road NW), but they will work with Public Utilities to help support public water and sewer to these areas.

Mr. Cheek asked about the wildlife study by Newkirk Forestry and Land Management regarding threatened and endangered species. He said the study was done at a time that they couldn't complete a full analysis because it wasn't during a breeding or migratory season. Mr. Cheek asked if they would be willing to conduct further studies of the area? Mr. Richards said they have accepted the condition outlined in the staff report to conduct a wildlife survey of the project site to identify possible endangered or protected species. Mr. Gaver asked if an individual developing their property would have to do a wildlife or species study? Mr. Pages replied, no. Mr. Derek Myers, Senior Biologist for Newkirk Forestry and Land Management, addressed the Board. Mr. Myers said a study is not required unless it is through a permitting process. Mr. Myers said the study is conducted during the right time of the season for the threatened and endangered species.

Mr. Cheek asked if there are buffer requirements around the wetlands or can development be constructed up to the wetlands? Mr. Pages said there are setback requirements, but there are no wetland buffer requirements. He said the State has riparian buffer requirements. He proceeded to say that staff is recommending a 30' buffer surrounding the wetlands on the site and it is noted on the site plan.

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

Mr. Cheek said the developer has done an exceptional job addressing the Board's previous concerns by providing the Newkirk Forestry and Land Management study regarding threatened and endangered species, an increase in the wetland riparian buffers, addressing stormwater

capacities and adding workforce housing to the project. Mr. Bittenbender was concerned with the number of vehicle trips per 24-hour weekday volume (27,479). Mr. Cheek reminded Mr. Bittenbender that the 27,479 vehicle trips will not come to fruition until approximately 15 years or when the project reaches buildout.

Mr. Cheek made a motion to approve PD-115 (Ashton Farms Planned Development) with the noted conditions in the Staff Report and the motion was carried 4 to 1 with Mr. Bittenbender opposing.

VIII. PUBLIC HEARINGS.

A. Major Subdivision SS-286

Name: Village in the Meadows
Applicant: Steve Brandt (Clayton Real Estate)
Tax Parcel(s): 0050001723 and 0050001725
Location: Blue Banks Loop Road NE (SR 1422) and Millers Path NE
Description: Village in the Meadows is a proposed major subdivision consisting of 47 single-family lots on 48.49 acres, creating an overall density of 0.96 dwelling units per acre.

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

Mr. Meredith said staff recommends approval based on the following conditions:

- That the development shall proceed in conformity with all plans and design features submitted as part of the major subdivision application and kept on file by the Brunswick County Planning Department.
- That the development of the parcel(s) complies with all regulations as specified in the Brunswick County Unified Development Ordinance.
- Any road deficiencies on Millers Path NE east of Grist Creek Wynd NE may need to be upgraded to meet minimum roadway standards.

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

Mr. Zachary Gible, Manager of Clayton Homes in Wilmington, addressed the Board. This will be 1 of 4 retail locations involved in building this major subdivision. Mr. Leary asked Mr. Gible if there are other investors involved in this project? Mr. Gible said there are 4 retail locations (Clayton Homes in Shallotte, Oak Wood Homes in Wilmington, Clayton Homes in Hampstead and Clayton Homes in Wilmington) involved in this project. He further stated that the 4 stores will be working together to build out this major subdivision.

Mr. Gaver said the plat map shows possible wetlands (10.1 acres). Mr. Greg Wayne, Hanover Design Services, addressed the Board. Mr. Wayne said those wetlands have been delineated, but the U.S. Army Corps of Engineers (Corps of Engineers) has not approved the wetland delineation.

Mr. Cheek asked the size of Lot 1? Mr. Wayne said Lot 1 is 80' wide. Mr. Cheek asked if Lot 1 will be accessed from the interior road (Northern Meadows Court) due to the wetlands on the site near Millers Path and Mr. Wayne said yes.

Ms. Kerri Henry addressed the Board. Ms. Henry said she purchased a lot adjacent to the project that has a 45' easement to be shared with Lot 47 near Blue Banks Loop Road NE (SR 1422) and she wanted to know if a road would be constructed. She was concerned with where the stormwater drainage will go from the 10.1 acres of possible wetlands. Mr. Wayne said the 45' easement will not be improved and Lot 47 will have its own driveway permit. Mr. Wayne said they will be seeking a low density permit with the State and there will be side swales on the street. He said they are proposing a wet basin for fire protection and all sewer will be going in that wet basin from the street and released in the wetland pocket that turns into a branch before Blue Banks Loop Road NE (SR 1422). Mr. Wayne said no water will be going to the west or the east; rather, water will travel to the north of the site.

Mr. Cheek asked if either of the CA Drainage & Utility Easement areas (Active and Passive Open Space) will be a retention area? Mr. Wayne said the wetland basin will be used for fire protection and it will meet the pre/post development requirement by the County for stormwater detainment. Mr. Gaver asked Mr. Wayne to define what that means as it relates to fire requirements? Mr. Wayne said they are installing dry fire hydrants in that area in case there is a fire and they will be installing a pump at the wet basin to feed the lines for the fire flow.

Mr. Vincent Falco addressed the Board. He said he is a property owner that abuts up to several areas of the proposed development. Mr. Falco was concerned with the project gaining access through a private road (Millers Path) and the potential road improvements that will need to be made as a result of construction vehicles travelling to the subject property. He was also concerned with the land being surveyed to verify property corners. Mr. Wayne said they have located the existing property corners and all new lots will be surveyed. He stated that a road maintenance agreement (attached) is in place and the existing potholes on the road will be repaired. Mr. Gaver clarified that there is a plan in place for maintenance of the road during the construction process as well as a road maintenance agreement and Mr. Meredith said that is correct.

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

Mr. Leary made a motion to approve SS-286 (Village in the Meadows) with the noted conditions in the Staff Report and the motion was unanimously carried.

B. Planned Development – PD-107

Name: Salty Peanut Villas
Applicant: Chris and Stacie Morrison
Tax Parcel: 232GA001 and 232GB00101.
Location: Holden Beach Road SW (NC 130) and McLamb Ave SW (SR 1843)
Description: Salty Peanut Village is a proposed planned development consisting of 14 single family units on 2.61 acres creating an overall density of 5.36 dwelling units per acre.

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

Mr. Pages said staff recommends approval based on the following conditions:

- That the development shall proceed in conformity with all plans and design features submitted as part of the planned development application and kept on file by the Brunswick County Planning Department.
- That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
- Planned Development approval does not constitute an authorization to construct. All applicable Federal, State and County approvals/permits will be necessary to obtain final plat approvals and building permits. This includes Stormwater, Utilities, and Fire Marshal requirements.

Mr. Gaver asked staff how long the TRC is valid? Mr. Pages said there is no limitation on the TRC period. He stated that the lengthy process between the TRC and the project coming before the Board was a result of the developer, initially, wanting to connect to public sewer and discovering it would be cost prohibitive due to an expensive pump station cost. So, the developer elected to place on-site wastewater systems on the site. He proceeded to explain that staff has discretion to send the project back to TRC if there are significant changes to the project, but there were no significant changes to the project since the TRC meeting. Ms. Easley clarified that there will be individual septic systems on each lot? Mr. Pages said there will be group systems that have to be approved by the Brunswick County Environmental Health (Environmental Health).

Mr. Cheek asked if the units will be individual units and Mr. Pages concurred. Mr. Pages said these parcels will not be subdivided, but they will be in common for potential rental properties. Ms. Easley asked if each unit will have a pool and Mr. Pages replied, yes. Mr. Gaver asked about the note on the plan that says the parcels must be recombined prior to construction. Mr. Pages said there are currently 2 parcels and they have to be combined.

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

Mr. Jody Bland, Norris & Bland Engineering, addressed the Board. Mr. Bland said the owner chose to have septic systems on the sites. He further stated that there is no formal cul-de-sac at the end of McLamb Avenue SW (SR 1848) and they are proposing a modified hammerhead that emergency services can utilize for turnaround.

Mr. Cheek asked if there will be a gate to the development? Mr. Bland replied, no.

Ms. Nell Brame addressed the Board. Ms. Brame asked if access will be on a secondary road and not Holden Beach Road SW (NC 130) and Mr. Pages replied, yes. She felt that this is a small area (2.61 acres) for the proposed 14 single-family units. Mr. Cheek said the property will not be subdivided into individual lots, but the land will be shared with different homes on the property.

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

Mr. Cheek made a motion to approve PD-107 (Salty Peanut Villas Planned Development) with the noted conditions in the Staff Report and the motion was unanimously carried.

C. Planned Development – PD-124

Name: Hickman Farms
Applicant: Lennar Carolinas, LLC
Tax Parcel(s): 22500035
Location: Ocean Hwy (US 17) and Hickman Road NW (SR 1303)
Description: Hickman Farms is a proposed planned development consisting of 216 townhouse units on 55.10 acres creating an overall density of 3.92 dwelling units per acre.

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

Mr. Pages said staff recommends approval based on the following conditions:

- That the development shall proceed in conformity with all plans and design features submitted as part of the planned development application and kept on file by the Brunswick County Planning Department.
- That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
- Planned Development approval does not constitute an authorization to construct. All applicable Federal, State and County approvals/permits will be necessary to obtain final plat approvals and building permits. This includes Stormwater, Utilities, and Fire Marshal requirements.

Mr. Pages further stated that staff recommended that the developer provide a pedestrian walkway between the 2 developments to allow for walkability of the site as well as accessibility to an amenity center in the southern portion of the property without homeowners driving to the area via US 17 or Hickman Road NW (SR 1303). He stated that there are significant wetland areas between Crow Creek condominiums and a 30' buffer is on the northern boundary, which is adjacent to the golf course and a 30' buffer along US 17.

Mr. Leary asked if the wet ponds are stormwater ponds and Mr. Pages concurred. Mr. Leary asked if the developer has agreed to the pedestrian walkway and Mr. Pages replied, yes. Mr. Pages said they are proposing an elevated boardwalk over the wetlands.

Mr. Cheek asked if there were discussions to have a connector between the majority of the development to the 5 lots adjacent to Hickman Road NW (SR 1303)? Mr. Pages said staff felt that a vehicular connection would be costly as well as an impact to the wetlands. The pedestrian walkway seems to be the most practical solution to allow access to the amenity center.

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

Mr. Nate Pound, Engineer for Thomas & Hutton, addressed the Board. Mr. Pound said they try to minimize impacts to wetlands so that is why they chose not to put a road through the wetlands. He said they, also, did not want to create a potential cut-through from Hickman Road NW (SR 1303) to US 17.

Mr. Gaver asked Mr. Pound if they considered addressing stormwater management beyond a 25-year storm event? Mr. Pound said they do take into consideration the 100-year storm event and

all the stormwater ponds will be designed with emergency overflows to safely pass the 100-year storm event.

Ms. Cindy Babson addressed the Board. Ms. Babson asked if a TIA is required for the project and Mr. Pages said yes. She said Hickman Road SW (SR 1303) is already maxed out. Mr. Pages added that Note 15 on the site plan says, "A TIA will be completed prior to permitting and construction per NCDOT and Brunswick County requirements.

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

Mr. Leary made a motion to approve PD-124 (Hickman Farms Planned Development) with the noted conditions in the Staff Report and the motion was unanimously carried.

D. Planned Development – PD-123

Name: Inland Reserve
Applicant: Bill Clark Homes of Wilmington, LLC
Tax Parcel(s): 24300008, 2430000801, 243JA002 and 243JA003.
Location: Beach Drive SW (NC 179)
Description: Inland Reserve is a planned development consisting of 457 single-family lots and 168 townhouse units totaling 625 units on 212.15 acres creating an overall density of 2.95 dwelling units per acre.

Mr. Marc Pages addressed the Board. He read the Staff Report (attached). Mr. Pages identified the subject property and surrounding properties on a visual map. Mr. Pages added that there is an existing concrete facility on the southeast corner of the project and the buffers will be increased approximately 188' because the developer is relocating a townhouse building and a couple of lots to accommodate larger buffers from the adjacent concrete facility.

Mr. Pages said staff recommends approval based on the following conditions:

- That the development shall proceed in conformity with all plans and design features submitted as part of the planned development application and kept on file by the Brunswick County Planning Department.
- That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
- Planned Development approval does not constitute an authorization to construct. All applicable Federal, State and County approvals/permits will be necessary to obtain final plat approvals and building permits. This includes Stormwater, Utilities, and Fire Marshal requirements.

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

Ms. Allison Engebretson, Paramounte Engineering, addressed the Board. Ms. Engebretson stated that they are immediately adjacent to Ocean Isle Beach (OIB) Extraterritorial Jurisdiction (ETJ). There are 2 entrances (Evergreen Lane SW and Bulk Thorpe Road SW) to the site and Evergreen Lane SW will be the main entrance to the site. She discussed the project site via a PowerPoint presentation (attached). The plan will be built out in phases that will consist of different product types (single-family lots and townhomes). There are a large number of wetlands (24.25 acres) on the site and most of the wetlands are to the rear of the property near Calabash Creek as well as the

drainage path for water. Ms. Engebretson said there are a large number of stormwater ponds on the site as well as an existing pond that will be expanded; there will be an amenity center and clubhouse off the entrance of Evergreen Lane SW. There are 18 phases to the project, but more than 1 phase may be built at a time. They have had discussions with Brunswick County and OIB fire about the existing gravel road (Bulk Thorpe Road SW) that extends to the site and whether or not it is adequate for fire trucks. There is an existing gate where their gate will be installed and there are existing logging roads on the site that were used for timbering purposes that occurred in the past. Ms. Engebretson said buffers have been added at the request of the Carolina Ready Mix concrete facility that is adjacent to the subject property. The Eastbrook buffer will be altered to remove existing tall pine trees and those tall pine trees will be replaced with adequate vegetation to meet the minimum buffer requirements of the UDO.

Mr. Jonathan Guy, Kimley Horn and Associates, addressed the Board. Mr. Guy said they have been coordinating with NCDOT regarding the traffic study as outlined in the functional classification map, which is part of the scoping package submitted to NCDOT as well as the active NCDOT STIP (State Transportation Improvement Programs) projects. The NC 179 Bridge Improvement is currently underway, but not listed in the NCDOT STIP. Mr. Guy said they used this information to understand current traffic patterns based on historical data for all the major thoroughfares and local roads near the project site. An NCDOT coordination meeting was held on 13-Feb-24 and the County was included in that meeting. NCDOT requested only 2 of the 18 proposed phases be considered for the project. He reiterated that the scoping package has been submitted to NCDOT and they are waiting for concurrence and they will coordinate collection of turning movement counts while utilizing existing data that NCDOT will provide for the study area intersections.

Mr. Cheek asked Mr. Guy what he means by 2 phases being considered for the project? Mr. Guy said they will take the single-family section and the townhomes section and divide those into 2, which becomes 2 phases.

Mr. Landon Weaver, representative for Bill Clark Homes, addressed the Board. Mr. Weaver said they will probably do more than 1 phase of the 18 phases at one time so they can have flexibility to develop a phase based on the market. He stated that they developed Sunset Ridge, The Retreat, and The Sanctuary at Sunset Beach. Mr. Weaver said they are a family-owned business and they have been in the area for a long time.

Mr. Mark Robertson addressed the Board in support of the project. Mr. Robertson said he owns 6 parcels along Eastbrook Avenue SW. He stated that he spoke to the developer about the tall pine trees in the 30' buffer along Eastbrook Avenue SW corridor that are proposed to be replaced.

Mr. Eric McCumbee addressed the Board on behalf of the Carolina Ready Mix concrete facility and they are not opposed to the project. Mr. McCumbee thanked staff and the developer for increasing the buffer from their concrete facility. He further stated that their facility is grandfathered and they intend to submit a nonconforming use certificate as requested by staff, so their business will be identified as a legal nonconforming use.

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

Mr. Leary made a motion to approve PD-123 (Inland Reserve Planned Development) with the noted conditions in the Staff Report and the motion was unanimously carried.

E. Text Amendment – Proposed Roadways in Industrial and Business Parks.

Amend Article 4, Section 4.3.1.E., Planned Development Requirements, to allow Industrial and Business Park PD plat maps to be recorded prior to the installation of roadways.

Ms. Dixon addressed the Board. She stated that the County currently has 2 new industrial parks. Ms. Dixon said the County discovered that there are different needs (timing of road development) in the industrial parks, which prompted this text amendment. She read the proposed text amendment (attached). She said staff has been working with Brunswick BID (Business and Industry Development) and staff recommends approval with the consistency and reasonableness determination statement.

Mr. Cheek made a motion to recommend to the Board of Commissioners to approve the text amendment to allow Industrial and Business Park PD plats to be recorded prior to the installation of roadways and the motion was unanimously carried.

CONSISTENCY & REASONABLENESS DETERMINATION

Per NCGS, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment (including map and text amendments), a statement regarding plan consistency shall be adopted.

This request is CONSISTENT with the goals, recommendations, and policies of the following plans adopted by Brunswick County and is REASONABLE and appropriate based upon the following findings:

- Bring economic development and employment opportunities to the County.
- The Blueprint Brunswick 2040 Comprehensive Plan (CAMA Plan) goals and objectives supports these text amendments.
 - ED-1. Maintain and expand job opportunities in the County.

<input type="checkbox"/> Agricultural Development Plan	<input type="checkbox"/> Unified Development Ordinance
<input type="checkbox"/> Brunswick County Comprehensive Transportation Plan (CTP)	<input type="checkbox"/> Southeastern North Carolina Hazard Mitigation Plan
<input type="checkbox"/> Brunswick County Trail Plan	<input type="checkbox"/> Airport Height Control Ordinance
<input checked="" type="checkbox"/> Blueprint Brunswick 2040 Comprehensive Plan (CAMA Plan)	<input type="checkbox"/> Other: _____

F. Text Amendment – Voluntary Agricultural District (VAD) Program.

Amend Article 2, Section 2.5, Agricultural Advisory Board, and Article 4, Section 4.9., Voluntary Agricultural District Program, to align with State standards, State model ordinance and to add an Enhanced Voluntary Agricultural District option known as EVAD.

Mr. Tyler Connor addressed the Board. Mr. Connor discussed the proposed changes to Article 2, Section 2.5, Agricultural Advisory Board and Article 4, Section 4.9., Voluntary Agricultural District Program of the UDO as recommended by the VAD Board to align with State standards. He read the benefits of an Enhanced Voluntary Agricultural District (EVAD) versus the Voluntary Agricultural District (VAD); in that, the EVAD members can sale nonfarm products; they receive the higher percentage of NC Division of Soil and Water Conservation Agriculture Cost Share Program funds; and they have priority consideration for grants awarded from State departments, institutions, or agencies.

Mr. Connor read staff's recommendation and consistency and reasonableness determination (attached). Mr. Connor said staff recommends approval of the proposed text amendment to update the VAD Program in Article 2, Section 2.5, Agricultural Advisory Board, and Article 4, Section 4.9., Voluntary Agricultural District Program, to align with State standards, State model ordinance and to add an Enhanced Voluntary Agricultural District option known as EVAD.

Mr. Cheek made a motion to recommend to the Board of Commissioners to approve the text amendment to update the VAD Program in Article 2, Section 2.5, Agricultural Advisory Board, and Article 4, Section 4.9., Voluntary Agricultural District Program, to align with State standards, State model ordinance and to add an Enhanced Voluntary Agricultural District option known as EVAD and the motion was unanimously carried.

CONSISTENCY & REASONABLENESS DETERMINATION

Per NCGS, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment (including map and text amendments), a statement regarding plan consistency shall be adopted.

This request is CONSISTENT with the goals, recommendations, and policies of the following plans adopted by Brunswick County and is REASONABLE and appropriate based upon the following findings:

- Meets current North Carolina General Statutes (NCGS) for Voluntary Agricultural District.
- Consistent with the state model ordinance for Voluntary Agricultural Districts.
- Protect the existing agricultural character of the County.
- Preserve agricultural opportunities in the County.
- The Brunswick County Agricultural Development Plan goals and objectives support these text amendments.
 - Goal #1 – Strengthen farm and forestry viability and the agricultural economy through economic development, education, and marketing.
 - Goal #5 – Protect farmland as a valuable natural resource.
 - Goal #6 – Foster greater recognition of public support for agriculture through increases in education and awareness
- The Blueprint Brunswick 2040 Comprehensive Plan (CAMA Plan) goals and objectives supports these text amendments.
 - LU-4. Conserve viable agriculture while facilitating the transition of some existing working lands affected by urbanization.
 - HW-4. Ensure equitable access to healthy food.

- Support the continuation of viable agriculture as well as programs to connect people with locally produced, healthy food. (Refer to LU-4).

<input checked="" type="checkbox"/> <i>Agricultural Development Plan</i>	<input type="checkbox"/> <i>Unified Development Ordinance</i>
<input type="checkbox"/> <i>Brunswick County Comprehensive Transportation Plan (CTP)</i>	<input type="checkbox"/> <i>Southeastern North Carolina Hazard Mitigation Plan</i>
<input type="checkbox"/> <i>Brunswick County Trail Plan</i>	<input type="checkbox"/> <i>Airport Height Control Ordinance</i>
<input checked="" type="checkbox"/> <i>Blueprint Brunswick 2040 Comprehensive Plan (CAMA Plan)</i>	<input type="checkbox"/> <i>Other: _____</i>

VIII. OTHER BUSINESS.

- Planning Board Public Comment Policy.

Ms. Dixon addressed the Board. She provided the Board with a copy of the Public Comment Policy (attached), which will require individuals to sign in prior to the meeting if they wish to speak during the public comment period of the meeting. It limits the public comment period to 30 minutes and individuals have 3 minutes to speak or 8 minutes if an individual is representing a group of people. Any persons on the sign-in sheet that do not get a chance to speak will be allowed to speak at the next meeting based on the order of the names left on the sign-in sheet after the 30-minute period of the public hearing section.

Mr. Gaver made a motion to adopt the public comment policy that will be effective 08-Apr-24 and the motion was unanimously carried.

- UDO Rewrite

Ms. Dixon addressed the Board. She stated that the Board of Commissioners budgeted this fiscal year for an update to the UDO. They recently voted for staff to move forward with the project and staff is currently looking for a consultant, which is the first step in the process. Ms. Dixon said staff will get back with the Board with the layout of the project, which is anticipated to take approximately 18 months. She stated that staff have several areas that need to be clarified in the UDO that will be incorporated in the rewrite process.

- Treescape and Landscape Meeting

Ms. Dixon said there was a Treescape and Landscape meeting in December 2023 and she provided a summary report for the Board’s review and staff asked the Board for feedback prior to this meeting. She said the Board of Commissioners received a copy of the summary report and they, too, will provide feedback to staff. Ms. Dixon said text amendments can be made to the UDO to address some of these concerns. She said those text amendments will likely be presented to the Board at the April 8th meeting and a public hearing will be held in May 2024. She further stated that there will probably be about 6 text amendments to address green space. Ms. Dixon said the second part to this will require a tree ordinance that requires special legislation from the State and the Board of Commissioners is still reviewing this component of the treescape and landscaping amendments to the UDO. This may result in a resolution from the Board of

Commissioners to the State in support of a tree ordinance. Mr. Leary asked if clear-cutting trees will be addressed and Ms. Dixon replied, yes.

- Traffic Impact Analysis (TIA)

Ms. Dixon addressed the Board. She stated that the Board of Commissioners is exploring when the TIA should be required. NCDOT is tentatively scheduled to appear at the Board of Commissioners' next meeting (16-Mar-24) to discuss the TIA process.

- Planning Board Case Update.

Ms. Dixon said there are currently 8 cases for consideration at the April 8th meeting. Ms. Easley suggested that there be a limit to the number of items on the agenda. Ms. Dixon said having 2 meetings a month is an option or having the meeting at an earlier time to prevent a backlog of cases to be presented to the Board for consideration.

Ms. Dixon stated that Zoning Cases Z-880 and Z-881 were approved at the Planning Board's 12-Feb-24 meeting and there were no written appeals within the allotted time, so the Board's decision stands.

IX. ADJOURNMENT.

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