

**MINUTES**

**PLANNING BOARD**

**BRUNSWICK COUNTY, NC**

**6:00 P.M. Monday  
May 13, 2024**

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

MEMBERS PRESENT

Joy Easley, Vice Chair  
Ron Medlin  
Clifton Cheek  
Jason Gaver  
Harry Richard Ishler, Alternate

MEMBERS ABSENT

Eric Dunham, Chair  
William Bittenbender  
Richard Leary

STAFF PRESENT

Kirstie Dixon, Planning Director  
Connie Marlowe, Admin. Asst. II  
Marc Pages, Deputy Planning Director  
Garrett Huckins, Planning Tech.  
Tyler Connor  
Helen Bunch, Planner III

OTHERS PRESENT

Dylan Phillips, Brunswick Beacon  
Robert Russ  
Paul Taltavall  
Cameron Moore  
Twanda Williams  
Jeff Earp  
Jody Bland  
David Way  
Jim Bradshaw  
Brian Britt  
Lora Sharkey  
Tyler Newman  
Elaine Jordan  
Christy Marek  
Earlene Hardy Cox  
Heather Burkert  
Tina Smith  
James Hardy  
Sam Carteret

Allison Engebretson, Paramounte Eng.  
Michael Lagamba  
Herman Hill  
Patrick Newton  
Majorie Burnside  
Tim Clinkscales  
Charles Stevens  
Gene Vasile  
Perry Davis  
Doug Wendel  
Jean Toner, Mayor of St. James  
Steve Parker  
Gary Shipman  
Craig Andrews  
Jim Hardy  
Howard Herring  
Ash Ramos  
Ashley Frank

I. CALL TO ORDER.

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

II. INVOCATION/PLEDGE OF ALLEGIANCE.

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

III. ROLL CALL.

Mr. Eric Dunham, Mr. Richard Leary and Mr. William Bittenbender were absent.

IV. CONSIDERATION OF THE MINUTES FROM THE 08-APR-24 MEETING.

Mr. Medlin made a motion to approve the 08-Apr-24 minutes as presented and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

Ms. Easley stated that Items D, E, and F (Tree and Landscaping Text Amendment, Transportation Overlay Zone Text Amendment and Traffic Impact Analysis Text Amendment) under New Business are being moved up on the agenda above Old Business for consideration due to the large number of attendees present to discuss these text amendments.

VI. NEW BUSINESS.

A. Tree and Landscaping – Proposed Text Amendment

Ms. Dixon addressed the Board. She stated that the Board has options to either make a recommendation to the Board of Commissioners to approve or remand the items to staff for additional study or hold another workshop or table the matter(s) up to 60 days for further review or outright deny the items. Ms. Dixon said the proposed text amendments are based on feedback from public input meetings. She stated that the proposed text amendment is not a tree ordinance and it will not mandate the preservation of trees. The State has to allow tree regulations prior to the County regulating trees on a site. Ms. Dixon proceeded to discuss the proposed Tree & Landscaping text amendment (attached) that has been revised since it was presented to the Board in draft form at the previous Board meeting based on feedback staff received on 07-May-24. The proposed text amendment addresses required trees, open space, usable recreation space, street buffers, and an updated approved landscaping species list recommended by NC Cooperative Extension. Ms. Dixon said there is an incentive to preserve trees, but there is no requirement to preserve trees and all existing, approved projects will not be affected by this text amendment. She stated that the inspectors will be tasked with ensuring 3 trees

are on site prior to issuance of a certificate of occupancy for single family lot. Ms. Dixon provided examples of lots utilizing the proposed text amendment suggestions for recreational open space via incentives that will allow for up to a 60% reduction of the total required recreational space. She further stated that staff is proposing the number of canopy trees or understory trees every 100 linear feet be twice the current requirement along collector or thoroughfare street buffers in the Brunswick County Unified Development Ordinance (UDO) for non-residential development. There will be a 100' buffer depth for residential units adjoining an existing bona fide farming activity in a Voluntary Agricultural District (VAD) and a 0.60 opacity with plantings on the inner 50' of buffer. Ms. Dixon went over questions that were submitted to staff regarding how this text amendment will affect existing development. She reiterated that this is not a tree ordinance and no tree permit will be required. She stated that there will not be any enforcement of trees on a single-family lot, but an inspection will be made to ensure they are on site prior to the issuance of a certificate of occupancy.

Mr. Cheek asked staff if diseased or dead trees will have to be replaced? Ms. Dixon said single-family lots will not have to replace diseased or dead trees because there will be no enforcement action taking on this matter. She stated that diseased or dead trees in a street buffer currently have to be replaced, but enforcement is only complaint driven.

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

Mr. Gene Vasile, President of the ABCPOA (Alliance of Brunswick County Property Owners Association), addressed the Board. Mr. Vasile read a statement (attached) commenting on the Tree and Landscaping, TOZ and TIA text amendments in support of the 3 proposed text amendments.

Mr. Jim Bradshaw addressed the Board. He stated that he addressed the Board of Commissioners regarding the clear-cutting of trees and the need to preserve trees, wherever possible, in the County. Mr. Bradshaw said staff held meetings for the public to provide input regarding this matter. He commended staff for their efforts to address a growing concern throughout the County. Mr. Bradshaw expressed his support for the proposed text amendment.

Mr. Perry Davis addressed the Board. Mr. Davis said was his understanding that the Board of Commissioners authorized staff to hire a consultant to revise the UDO as a whole and not piece meal revisions to the current UDO. Mr. Davis was opposed to the proposed text amendment. He was concerned with donated property as an incentive would not be taxable. He was also concerned with no enforcement of the proposed text amendment. Mr. Davis wondered if there is any recourse when a homeowner cuts down a tree(s) they do not like.

Mr. Brian Britt addressed the Board. Mr. Britt said he and his parents own property (renters moved out in April 2024) at 2893 Southport-Supply Road SE that is littered with garbage and they mowed the yard. He stated that the driveway is being worked on and they are seeking assistance to complete the project.

Mr. Doug Wendel, Executive Director of Hardee Investment Holdings, addressed the Board on behalf of Benjy Hardee. Mr. Wendel said Mr. Hardee is concerned with fairness and that a previously approved planned development be grandfathered and exempted from the proposed requirements. He asked that all 3 text amendments be tabled and a Study Committee be created that Mr. Hardee can be a part of to discuss the concerns and needs of Brunswick County.

Ms. Lora Sharkey addressed the Board. Ms. Sharkey wanted to address green space and open space. Ms. Sharkey was concerned with conservation for wildlife. She felt that the proposed increase in open space is a step in the right direction, but increasing the required percentage of recreation space defeats the need to have land set aside for wildlife. She quoted the Blueprint Brunswick 2040 Plan - Section 4, "Brunswick County has evolved beyond the point of needing to accept all forms of economic growth. The County has transitioned to a position that allows leaders to be more discerning in their appraisals of opportunities. Natural Resources (Goal #2) – maintain the "green" of Brunswick County as development continues. Require open space in new development and re-development to accomplish the conservation objectives. Natural Resources, such as trees, vegetation, water, wildlife habitats, shall be integral parts of all open spaces. Prioritize areas delineated in the Green/Blue Network Master Plan in meeting open space requirements, especially in conservation design options. Encourage conservation design in new residential development. Examine existing development and evaluate buffer standards in the UDO to determine whether there are conditions under which more substantial buffers in terms of width and amount of vegetation are needed to protect and promote areas of conservation". Ms. Sharkey said this is a step in the process, but not the end result. Ms. Sharkey provided a handout (attached) addressing conservation as there is a need to focus on conservation within the UDO.

Ms. Jean Toner, Mayor of St. James, addressed the Board. She stated that the Board of Commissioners asked that the proposed text amendments be fast tracked because a re-write of the UDO will take approximately 2 years. Mayor Toner said there were safety and security issues relative to traffic and flooding. She reiterated that staff held numerous public hearings regarding the proposed text amendments. She stated that the new offsets will be a reduction in open space and lower than the existing UDO standards. Mayor Toner said the TIA is needed because there are several lots (approximately 5,000 approved with 1 entrance) that could pose a safety hazard in the Town of St. James' fire district.

Mr. Tyler Newman, representative of BASE (Brunswick Alliance for a Sound Economy), addressed the Board. Mr. Newman said they are concerned with how the region continues to grow. What Brunswick County does as far as jobs, infrastructure and housing impacts what happens in New Hanover and Pender counties. He said making requirements extremely complex and overburdening to develop in Brunswick County will push people farther into Columbus County and create more travel time for the individuals working in New Hanover County. Mr. Newman suggested that this matter be tabled for further review as part of the UDO re-write.

Mr. Steve Parker addressed the Board. Mr. Parker was concerned with wetlands being developed. He asked that the Board listen to the citizens of Brunswick County. He was

concerned about the removal of trees, which affects water movement. He stated that more trees are being removed than is required to be planted in the proposed text amendment.

Mr. Cameron Moore, Executive Officer of the Wilmington Cape Fear Homebuilders Association (Association), addressed the Board. Mr. Moore stated that he sent their comments to staff last week expressing the Association's concerns. He, too, felt that this matter should be tabled and a committee be established to further study this matter. Mr. Moore felt that requiring 3 trees for single-family lots be eliminated because it will create a costly burden because home prices are increasing, while the size of homes decreases. Mr. Moore said the cost to plant the 3 trees will be placed on the consumer. He addressed the proposed open space and he felt that incentives for larger lots will increase sprawl within the County that will put a strain on emergency services, water, sewer and roadways. Mr. Moore said the proposed text amendment is too broad and needs to be further studied.

Ms. Elaine Jordan addressed the Board. Ms. Jordan asked if the most recent drafts of the text amendments are available to the public. She said the County is seeking state legislation for approval to regulate trees, but it has not been obtained at the current time. Ms. Jordan felt that this is a tree ordinance disguised as a text amendment. She said the County needs to wait for State approval for a tree ordinance instead of drafting a text amendment to regulate trees. She reiterated that the Blueprint Brunswick 2040 Plan does address a re-write of the UDO, rather than piecemealing the UDO with individual text amendments. She suggested the matter be tabled and further study be conducted to ensure this is done correctly for all the citizens of Brunswick County.

Mr. Gary Shipman, Attorney-at-Law, addressed the Board regarding re-writing the UDO and not approving sections of the UDO. He felt that the Board's attempt to approve certain items in the UDO will not accomplish what the Board seeks to accomplish.

Ms. Christy Marek addressed the Board. She expressed concern of irresponsible growth, in that, the clear cutting of trees needs to stop as well as open burning that poses problems to individuals using oxygen. Ms. Marek said all citizens as well as environmental groups such as the Coastal Federation should be represented if a committee is formed to further study this matter. Ms. Marek felt that a moratorium on tree cutting should be implemented and recreational open space should be 50% rather than 25% as proposed in this text amendment.

Mr. Craig Andrews addressed the Board. Mr. Andrews felt that donating property as an incentive appears to be a bribe for deep pocket individuals. He further stated that staff admitted that there will be no enforcement of requiring 3 trees on a single-family lot once the certificate of occupancy has been issued. Mr. Andrews felt that this is an attempt to cater to certain entities to move in the area. He felt that the matter should be revisited prior to approval of the proposed text amendment.

Ms. Earlene Hardy Cox addressed the Board. Ms. Cox said there is no distinction between all the concerns that are related to big HOAs/POAs (Homeowners Associations/Property Owners Associations) and big land development companies versus

the individual landowners in the County. She asked that the Board consider the residents that have lived here their entire life.

Mr. Jim Hardy addressed the Board. Mr. Hardy said he appeared before the Board approximately 2 years ago regarding property being clear-cut by large scale development, but the proposed text amendment is suggesting that 3 trees be planted on a single-family lot after over 100 acres of property was clear cut. Mr. Hardy said the trees that were clear cut were absorbing water and now those areas are flooding. Mr. Hardy further stated that the property behind the Government Center (Middle Creek Village) has caused tremendous flooding. He felt that a 100' buffer depth from an existing bona fide farming activity in a VAD will not be sufficient for proposed adjoining residential dwellings. He suggested that the matter be tabled until all affected parties have an opportunity to participate in a discussion on the matter.

Ms. Heather Burkert addressed the Board. She provided a handout (attached) to the Board. Ms. Burkert read excerpts from her handout regarding the purpose of the UDO that references preserving the overall quality of life for residents and visitors. Ms. Burkert said she is not against development as long as the current landowners are respected. She said development should be done in a smart and responsible manner. Ms. Burkert said the health, safety, and general welfare of the existing residents should be considered.

Mr. Howard Herring addressed the Board. Mr. Herring asked that any requirements for vegetation replacement will include information necessary to make a decision to utilize foliage that is native to this area and not from Florida.

Ms. Tina Smith addressed the Board as a native of Brunswick County. Ms. Smith felt that any decisions made should be for all the citizens of the County. She asked the Board to make sound decisions for all the people and future generations that will have to live with the decisions made by this Board.

Ms. Ash Ramos addressed the Board. Ms. Ramos said the natural lands, forestry areas and wetlands need to be viewed as intrinsically valuable. She stated that no one is totally against development, but the public wants well-informed, planned and smart development. She, too, expressed her disdain for clear-cutting of trees and filling-in wetlands. She felt that humans and nature should be able to intermingle.

With no further comments, Mr. Gaver made a motion to close the Public Hearing and the motion was unanimously carried. Mr. Gaver said comments from the public consisted of a tree ordinance disguised as a text amendment; the proposed text amendment is not enforceable, so why is it being considered; a consultant has been hired to re-write the UDO, so why piece meal updates to the UDO; and the public and other stakeholders have not had an opportunity to provide input on the proposed text amendment [Mr. Gaver did not agree with this statement]. Mr. Gaver said he did not think the Board is at a point where the proposed text amendment should move forward because there needs to be some more work on the text amendment and Ms. Easley and Mr. Cheek agreed. Mr. Gaver commended the staff on getting to this point, but the text amendment is not at the point for approval. Mr. Cheek said the intent is there, but there is room for improvement.

He further stated that a committee should be formed to vet and review the matter with input from the residents, developers, and other interest groups.

Mr. Gaver made a motion to recommend to the Board of Commissioners to deny the Tree and Landscaping Text Amendment as it is not consistent with the goals, recommendations and policies of the Blueprint Brunswick 2040 Plan and the motion was unanimously carried.

B. Transportation Overlay Zone (TOZ) – Proposed Text Amendment.

Ms. Dixon addressed the Board. She stated that the TOZ will require more landscaping along major highways. Ms. Dixon said there was a TOZ previously in the UDO and the Board of Commissioners decided to add a TOZ back to the UDO to provide more buffers and landscaping requirements on certain roads for commercial uses including planned developments, major subdivisions, major site plans, multifamily, townhomes, industrial, and public and civic uses. She stated that staff mailed out 8,258 notices to affected property owners or adjacent property owners on certain roads in the County. She went over the proposed text amendment (attached) and explained its purpose and intent, applicability, and development standards. Ms. Dixon discussed comments received from the public regarding the proposed text amendment.

Mr. Cheek asked if staff knows the number of property owners that will be able to comply with the 100' buffer requirement? Ms. Dixon said that only applies to residential projects (planned developments, multifamily, townhomes, and major subdivisions) along major designated highways (US 17, NC 211 and US 74/76). Mr. Pages interjected that the 100' buffer can be used as open space and stormwater facilities.

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

Mr. James Hardy addressed the Board. Mr. Hardy said he received 5 letters and thought he should have received 1 letter to save money. He was concerned with all the new developments that get public sewer and water and the locals cannot get public water and sewer. Mr. Hardy was concerned about his property being taken as result of all the proposed changes and Mr. Pages explained that single lots for residential purposes are exempt from the TOZ requirements. Otherwise, non-residential or large-scale developments will have additional buffer requirements imposed as a result of the TOZ requirements. Mr. Hardy said his property is zoned commercial and he wondered if his house is destroyed, will he be able to rebuild another residential dwelling and Mr. Pages replied, yes.

Ms. Ashley Frank addressed the Board. Ms. Frank said the language proposed is subjective and arbitrary. Ms. Frank said she has 2 tracts on US 74/76 with approximately 6,600 linear feet (approximately 15 acres) on the highway that will be taken because the proposed text amendment prohibits any development in that area. She asked how the proposed text amendment will impact what she can put on her property? Ms. Dixon said the property could be developed through a cluster option (planned development) and infrastructure and open space can be in those areas. Ms. Frank said the purpose and

intent says, “Standards are provided to ensure thoroughfares are developed with more treescapes, improve traffic efficiency and safety by reducing visual clutter and avoiding unattractive site design.” She said if the goal is to improve treescapes, why not increase density in the current buffer requirements. She was unclear how giving 100’ of trees will make traffic more efficient when the North Carolina Department of Transportation (NCDOT) controls access on these roadways. Ms. Frank asked for an example of visual clutter and avoiding unattractive design. Ms. Frank concluded that this text amendment should be tabled and landowners should have an opportunity to provide feedback on a viable solution to what is needed and desired along major thoroughfares.

Mr. Sam Carteret addressed the Board. Mr. Carteret asked who the TOZ is for because motorists don't care how the road looks when they are travelling along the major thoroughfares within Brunswick County. He felt that there is too much control being imposed on the citizens of Brunswick County. He, too, felt that the landowners should have an opportunity to provide feedback on a viable solution to what is needed or desired along major thoroughfares.

Ms. Ash Ramos addressed the Board. She clarified that the TOZ is for new development and staff agreed. Ms. Ramos said the current homeowners will not be impacted by the proposed TOZ and staff replied, yes.

Ms. Elaine Jordan addressed the Board. She stated that this is government regulations imposed on a large amount of property in the County. She suggested that this matter be tabled until the citizens have had sufficient time to review the proposed text amendment. Mr. Pages clarified that the distance (760’) is for mapping purposes and it doesn’t mean that 760’ into your development is subject to the proposed minimum requirements of the TOZ. There are areas in the County where the right-of-way is very wide that have to be identified. The only areas subject to the TOZ are those areas that front the major roads listed in the TOZ.

Mr. Herman Hill addressed the Board. He asked where the road will be built on NC 130? Ms. Dixon said the TOZ addresses existing roads and NC 130 is listed as a road within the TOZ. Mr. Hill said he is a native of Brunswick County and there are a lot of trees being cut down as well as animals being ran out of their habitat into citizens’ yards.

Mr. Tyler Newman addressed the Board. He was concerned with the potential impact on property rights. He felt there should be additional discussions before the TOZ is recommended for approval to the Board of Commissioners.

Mr. Cameron Moore addressed the Board and concurred with Mr. Newman's comments. He stated that a cluster design will not work in some situations. He stated that further study should be done because the proposed text amendment was not made available to the public until tonight. He reiterated that the additional cost associated with designing a project will be placed on the consumer.

Mr. Patrick Newton addressed the Board. Mr. Newton said canopy and understory trees should not be required in a street buffer within 400’ of an outdoor advertising structure. He stated that the email he sent to staff outlines the specifics about how a tree will block

an outdoor advertising structure. He further stated that signs are a legal, by right, permitted use. He stated that requiring a street buffer with trees will block a sign and it is in direct contradiction of a legitimate use. He stated that the sign industry is asking for language to be inserted to not require canopy and understory trees in a street buffer within 400' of an outdoor advertising structure.

Mr. Ishler asked Mr. Newton where the 400' criteria came from? Mr. Newton said that measurement depends upon the height of the sign, setback of the sign and the type of vegetation. Mr. Newton said there needs to be 600'-700' of total visibility because that is the threshold point where the information on the sign can be read.

Ms. Christy Marek addressed the Board. Ms. Marek said the buffers are supposed to protect the adjacent property from future flooding and the developers will not be in favor of this text amendment because it takes money out of their pockets. Ms. Marek felt that there are tree services in the area that can trim trees so a sign can be visible to the travelling public.

Ms. Twanda Williams addressed the Board. Ms. Williams was concerned with some residents not receiving a letter that front on the roads listed in the TOZ. She felt that further research should be conducted and all affected property owners receive proper notification of any future meeting(s). Mr. Pages said there are instances where some property owners receive more than 1 letter or some property owners may not receive a letter due to postal issues or human error. Ms. Williams was not interested in a buffer in front of her property. Mr. Pages said a buffer is not required for single-family lots developed for residential purposes.

With no further comments, Mr. Gaver made a motion to close the Public Hearing and the motion was unanimously carried. Mr. Gaver said his comments are the same as the previous text amendment, in that, the matter needs further study.

Mr. Gaver made a motion to recommend to the Board of Commissioners to deny the Transportation Overlay Zone as it is not consistent with the goals, recommendations and policies of the Blueprint Brunswick 2040 Plan and the motion was unanimously carried.

C. Traffic Impact Analysis (TIA) – Proposed Text Amendment

Ms. Dixon addressed the Board. She stated that the TIA text amendment (attached) was a direct request by the Board of Commissioners that will provide better information to the Planning Board to assist the Planning Board in their decision-making process. Ms. Dixon read questions that were presented to staff prior to the meeting and answered those questions.

Mr. Gaver said he has attended the Board of Commissioners' meetings and this matter has been discussed ad libitum. Mr. Gaver asked staff the Board's options regarding approval or denial? Ms. Dixon said the Board can either approve or deny or approve with recommended changes.

Mr. Cheek asked staff what happens if there are changes after the TIA is submitted to the Planning Department? Ms. Dixon said the TIA will have to be resubmitted to NCDOT for approval. Mr. Cheek asked staff if they knew the cost of a TIA? Ms. Dixon said the TIA could cost up to \$10,000, but it depends on the size of the project. Mr. Cheek said it could be costly for the developer and Ms. Dixon said revisions will likely not cost as much as an initial TIA.

Mr. Gaver asked if a TIA review recommendation is part of the UDO re-write? Ms. Dixon said this is not part of the monies appropriated for the re-write of the UDO.

Mr. Cheek asked if the traffic impact worksheet (recommended by a citizen) is similar to what is currently submitted with the estimated number of vehicle trips per 24 hour weekday volume? Ms. Dixon said it provides a lot of traffic data, but not traffic improvements that will be made.

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

Mr. Cameron Moore addressed the Board. He stated that the TOZ is for terminology purposes. He suggested that a TIW (Traffic Impact Worksheet) or Engineers Report be required rather than a TIA. Mr. Moore stated that the County is not in the road business and NCDOT has to approve all road improvements for roads maintained by NCDOT. Mr. Moore said requiring a TIA prior to project submittal to the Board will delay a project for approximately 6-8 months. He felt that this could potentially force the Board to approve a project because the developer has received NCDOT's approval that they may not feel should be approved without additional conditions.

Mr. Majorie Burnside addressed the Board. She felt that a TIA is extremely important to the County as a whole. Ms. Burnside said the developers should not be running the County. She further stated that the citizens of the County safety should be top priority.

Mr. Tyler Newman addressed the Board. Mr. Newman said this text amendment will only delay the inevitable. He reiterated that the County does not own or maintain roads.

Mr. Gene Vasile addressed the Board. Mr. Vasile said the TIA is very important to controlling growth. Mr. Vasile said the Board will have a better understanding of where traffic issues will be addressed by NCDOT prior to their approval of the project.

Mr. Jeff Earp addressed the Board. Mr. Earp said the TIA is an intense, complicated and technical document. He said a TIA can cost in excess of \$100,000 and take up to 18 months for approval from NCDOT. He was concerned with the excessive burden on the landowner, developer and builder if a TIA is required upfront.

Ms. Christy Marek addressed the Board. Ms. Marek was concerned with the developers stopping controlled development. She stated that the TIA is required if there a 200 vehicle trips at peak hour or 2,000 vehicle trips per day. Ms. Marek was in favor of requiring a TIA upfront.

Mr. Jim Bradshaw addressed the Board. Mr. Bradshaw said the Board of Commissioners had discussions with NCDOT about the proposed text amendment. He was in favor of requiring a TIA upfront.

Ms. Ash Ramos addressed the Board. She stated that there are several counties that currently require a TIA prior to any developments being approved. She stated that a TIA will help safety and traffic congestion. Ms. Ramos was in favor of the TIA text amendment.

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

Mr. Cheek agreed with Mr. Newman's comment that roadways are not in the County's purview. He felt that the Board should see a TIA, TIW, an Engineers Report as well as the scoping and submittal to determine what information the Board wants prior to making a decision and Ms. Easley agreed.

Mr. Cheek made a motion to table the Traffic Impact Analysis Text Amendment and he asked staff to bring back a TIA, TIW, an Engineers Report and a scoping and submittal so the Board can determine which document will be the most useful in their decision-making and the motion was unanimously carried.

## VII. OLD BUSINESS.

### A. Planned Development - 97

Name: Trest Tract (Tabled at the 08May23 Planning Board Meeting)  
Applicant: Paramounte Engineering  
Tax Parcel(s): 2100001804  
Location: Hickman Road NW (SR 1303)  
Description: Trest Tract is a proposed planned development consisting of 182 townhouse units on 34.35 acres creating an overall density of 5.97 dwelling units per acre.

This project was tabled at the 08May23 Planning Board Public Hearing due to concerns about potential flood impacts and the Board suggested that the applicant obtain a CLOMR (Conditional Letter of Map Revision) from FEMA. The project at that time proposed 205 townhomes, but has since been amended to propose 182 townhouse units.

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.
- The proposed pump station will require the elevation of control equipment to the 500-year floodplain elevation.
- A Floodplain Development Permit will be required for all work, roads, fill and other development activities as described by the Flood Damage Prevention Ordinance, prior to the start of any construction.

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

Ms. Allison Engebretson, representative for Paramounte Engineering, addressed the Board. She discussed a PowerPoint presentation (attached). She stated that changes were made from the previous plan submitted in May 2023 by decreasing the unit count from 205 to 182 as a result of a product change that will have garages on each unit as well as parking outside each unit. The project will still be designed to the 100 storm event and there is 16 acres of untouched land in the rear that will be used for stormwater purposes. The units will be clustered closer to Hickman Road NW (SR 1303) with a central green space and usable recreation area between units. Ms. Engebretson said there will be walking trails looped throughout the development. She further stated that the units will be 2 stories and approximately 20 acres will be dedicated to tree and landscaped areas throughout the site. Ms. Engebretson said they had 4 meetings with neighbors (Brunswick Plantation and Crow Creek) and a variety of plans were presented. It was discovered that they do not want a secondary emergency only access, so they shifted the secondary emergency only access onto Hickman Road NW (SR 1303). The main access has been moved directly in line with the Dollar General after speaking with NCDOT to take advantage of the required turn lanes and add a turn lane to this development. She stated that the secondary entrance will remain closer to the Crow Creek area. Crow Creek was concerned with the secondary emergency only access; the developer will be responsible for maintaining their side of the ditch that splits the property line between Crow Creek and the project; the developer will provide the 45' buffer and increasing the intensity of plantings; and vegetation will be planted between the 2 projects.

Mr. Tim Clinkscales, Civil Engineer for Paramounte Engineering, addressed the Board regarding a CLOMR (Conditional Letter of Map Revision) request to FEMA (Federal Emergency Management Agency). He stated that they have to do a preliminary grading plan, the stormwater pond has to be sized and the Brunswick County Floodplain Administrator has to sign-off and the information is sent to FEMA for approval. Mr. Clinkscales stated that the project will be designed up to and including the 100-year storm peak flow. He stated that all structures will be elevated to meet the 2' freeboard above Base Flood Elevation (BFE) and they will request a CLOMR-F (Conditional Letter of Map Revision with Fill) from FEMA.

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

Mr. Cheek said the applicant has provided the additional information requested at the previous meeting as well as a traffic analysis. As a result, Mr. Cheek made a motion to approve PD-97 (Trest Tract Planned Development) with the noted conditions in the Staff Report as well as a sixth condition that all units will be built 2' above base flood elevation and the motion was unanimously carried.

## VIII. NEW BUSINESS.

### A. Planned Development – PD-126

Name: McMullan Tract  
Applicant: Norris and Bland Consulting Engineers  
Tax Parcel(s): Portions of 2120001803, 21200035, 2130000601 and 2280000101  
Location: Ocean Isle Beach Road SW (SR 1184)  
Description: McMullan Tract is a proposed planned development consisting of 550 single-family units on 249 acres creating an overall density of 2.21 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.

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

Mr. Jody Bland, Norris and Bland Engineering, addressed the Board. Mr. Bland said neighbors expressed concerns with stormwater at the neighborhood meeting and they are designing the project to the 100-year storm event. The neighbors were also concerned with interconnectivity, which is a request from the Fire Marshal that each development have 1 point of ingress and egress. He stated that this will allow for a secondary access point for both developments. Mr. Bland said Lakewood Estates currently has flooding issues on the northwest edge where water runs across the road during a high flow rain event. He further stated that this will not be unabated access because there were major concerns about that from the adjoining neighbors. The developer met with the HOA (Homeowners Association) and he is will to work with the HOA regarding interconnectivity. If the matter is not resolved, they will consult with NCDOT to create a secondary access (for emergency access only) to the project or they will approach the seller and get a longer emergency access down Old Georgetown Road SW (SR 1163). Mr. Bland said the Fire Marshal prefers interconnectivity between the 2 developments. Easement documents were provided to the HOA from either the current property owner or the seller and their HOA's attorney is reviewing the document for validity. He stated that the project has less density than allowed because the project could be clustered.

Mr. Charles Stevens addressed the Board. Mr. Stevens was concerned with water discharge to the proposed 9 stormwater ponds, which they are proposing to run in the wetland areas. He said the wetland areas are behind his property and he was concerned with water not being absorbed

when the trees are cut down to develop this project. Mr. Stevens said there are stormwater issues currently in the area and most of the ponds overflow across the road. He stated that there is only one access point in his community and there may be up to 2' of water across the road when there is a rainstorm. Mr. Stevens felt that the proposed project will cause more water issues because wetlands cannot soak up the water. He was also concerned with taxes increasing if the County has to come in and repair damages (fixing roads, providing public water and sewer and electrical services) to the area potentially caused by this project. He suggested that a \$5,000 impact fee be placed on each lot so growth can pay for growth.

Mr. David Way, property owner in Benton Wood of Lakewood Estates, addressed the Board. Mr. Way was concerned with stormwater drainage when the subject property is developed because there are current flooding issues in the area. Mr. Way said a lake was previously dug on the westside of McMullan property that created additional flooding issues in the area. He, too, was concerned with where the water will flow to when it leaves the subject property. He was also concerned with the proposed emergency exit because there is no easement onto Lakewood Estates. Mr. Way said they are currently trying to work out a deal with Pulte Homes that will be beneficial to all parties.

Mr. Michael Lagamba addressed the Board. He stated that he worked for NCDOT for 13 years. Mr. Lagamba said there are stormwater issues in the area and this development will only exacerbate the stormwater issue. Mr. Lagamba said their development does not have the money to replace the damaged piping, which is likely contributing to the flood situation. He said the homeowners in Lakewood Estates currently have to wait to get out of their neighborhood due to traffic congestion on the weekends. Mr. Lagamba said there is no turn lane at the end of the road and this project will only generate more traffic in the area. He felt that a TIA should be required upfront. There are a lot of approved projects in the area and no road improvements have been made to Ocean Isle Beach Road SW (SR 1184) to benefit the Lakewood Estates community.

Mr. Paul Taltavall addressed the Board. Mr. Taltavall concurred with the previous statements regarding a stormwater issue in the area. He stated that there is a seasonal creek on the northwestern side of the subject property that is labeled as a pond on the plan.

Mr. Robert Russ addressed the Board. Mr. Russ said there is flooding across Lakewood Drive and individuals that live in the community have to travel through the flooded area. He suggested that another road be looked at for egress during hurricanes as an evacuation route. Mr. Russ felt that the builder and Fire Marshal should be consulted about a fire access road being used to get emergency vehicles to the area from Old Georgetown Road SW (SR 1163) to Benton Wood on the far east side of Lakewood Estates.

Mr. Cheek asked if the road floods more in one area of Lakewood Drive SW than others. Mr. Russ identified the area where the flooding occurs on a display map. He felt that an exit out to Old Georgetown Road SW (SR 1163) would benefit all parties.

Ms. Easley asked Mr. Bland if they are aware of the previous concerns expressed? Mr. Bland said yes, and those areas will be taking into consideration when the stormwater system will be designed. Mr. Bland added that a TIA will be required for this project.

Mr. Cheek asked about the siren activated gate. Mr. Bland said the siren activated gate was brought up at the neighborhood meeting with the Lakewood Estates community. Mr. Cheek felt that there is a need for additional access points for both of the communities. Mr. Bland said interconnectivity (proposed entrance off Ocean Isle Beach Road SW [SR 1184] will be their emergency egress in the event flooding occurs) will address this issue. Mr. Bland said they are

happy to entertain a condition if the developer unable to get the interconnection worked out with Lakewood Estates. Mr. Cheek asked if Highland Street SW connects to that area? It was determined that Highland Street SW is not paved at the current time. Ms. Easley clarified that there will be a secondary emergency access point and Mr. Bland concurred.

Mr. Gaver asked if the flooding concerns have been addressed? Mr. Bland said there have been discussions with regards to a trade-off that will allow for interconnectivity. Mr. Gaver said he does not feel comfortable approving the project because it may cause more burden on the Lakewood Estates community. Mr. Bland said they are improving the stormwater drainage condition downstream with the proposed project stormwater design.

Mr. Cheek asked Mr. Bland the developers' intended solution to repair the roadway? Mr. Bland said the developer is exploring several avenues to assist in alleviating the stormwater drainage issue in Lakewood Estates, including but not limited to, potentially replacing an undersized pipe and/or damaged pipe, a monetary contribution to the Lakewood Estates HOA once their turnover is completed so funding is available for whatever road maintenance is decided on within Lakewood Drive SW. Mr. Gaver said he wants that conservation to continue prior to approval of this project by the Board. Mr. Cheek felt that a condition could be added to address this matter. Mr. Pages said there have been road maintenance agreements between the 2 parties in the past as a condition of approval. Mr. Bland said the HOA does not own the road because the developer has not turned the roads over to the HOA.

Mr. Gaver asked if the developer agreed to a resolution of the current issues, would that be acceptable and 2 gentlemen from the community said yes. Mr. Gaver said he would agree to the approval of the project with a condition added to the approval process.

Mr. Cheek made a motion to approve PD-126 (McMullan Tract Planned Development) with the noted conditions in the Staff Report as well as a fourth condition to establish a road and repair agreement of Lakewood Drive SW to mitigate flooding issues of the roadway at the stream crossing and to establish a rear development connectivity road from the PD-126 to Lakewood Drive SW near Benton Woods portion of Lakewood Estates and the motion was unanimously carried.

B. Rezoning Z-887 – Mark Stanaland (%Brunswick County Government).

Request rezoning of approximately 26.73 acres located north of Andrew Jackson Hwy (US 74/76) and south of Northwest Road NE near Northwest, NC from RR (Rural Low Density Residential) to I-G (Industrial General) for Tax Parcel 0140000201.

Mr. Marc Pages addressed the Board. He read the Staff Report (attached) and identified the subject property and surrounding properties on a visual map. Mr. Pages proceeded to staff's recommendation and consistency and reasonableness determination statement (attached).

Mr. Pages said staff recommends approval from RR (Rural Low Density Residential) to I-G (Industrial General) for Tax Parcel 0140000201 located north of Andrew Jackson Hwy (US 74/76) and south of Northwest Road NE near Northwest, NC.

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

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

Mr. Cheek made a motion to approve Tax Parcel 0140000201 to I-G (Industrial General) located north of Andrew Jackson Hwy (US 74/76) and south of Northwest Road NE near Northwest, NC and adopt the consistency and reasonableness determination statement 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 Blueprint Brunswick 2040 Comprehensive Plan place type designation and CONSISTENT with the goals, recommendations, and policies of plans adopted by Brunswick County (listed below). Staff also finds the request REASONABLE, appropriate, and in the public interest based upon the following findings:

- The Blueprint Brunswick 2040 Comprehensive Plan (CAMA Plan) goals and objectives supports the rezoning:
  - Consistent with following Goals and Objectives
    - LU-2 – Support development in areas that are best suited for future development.
    - ED-1 Maintain and expand job opportunities in the County.
  - The Industrial Suitability Map identifies the subject parcel as generally suitable for industrial development.
  - Not in a significant heritage natural area.
- The proposed site is directly adjacent to the Mid-Atlantic Industrial Rail Park.
- Consistent with the characteristics of the area, existing zoning in the area, and the previous rezonings to similar districts within the immediate vicinity.
- Biodiversity and Wildlife Habitat Assessment score of 5 out of 10.

<input type="checkbox"/> <i>Agricultural Development Plan</i> <input type="checkbox"/> <i>Brunswick County Comprehensive Transportation Plan (CTP)</i> <input type="checkbox"/> <i>Brunswick County Trail Plan</i> <input checked="" type="checkbox"/> <i>Blueprint Brunswick 2040 Comprehensive Plan (CAMA Plan)</i>	<input type="checkbox"/> <i>Unified Development Ordinance</i> <input type="checkbox"/> <i>Southeastern North Carolina Hazard Mitigation Plan</i> <input type="checkbox"/> <i>Airport Height Control Ordinance</i> <input type="checkbox"/> <i>Other: _____</i>
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Ms. Easley stated that any person with standing may appeal the decision of the Planning Board. If an appeal is received in the allotted time, the case will move forward to the Brunswick County Board of Commissioners for a Public Hearing and their consideration. She further stated that if notice of the appeal is not provided in writing within 15 days, then the decision of the Planning Board shall be final.

D. Rezoning Z-888 – L&L Ventures Holdings, LLC (%Norris and Bland Consulting Engineers).

Request rezoning of approximately 51.52 acres located on No. 5 School Road NW (SR 1305) near Ash, NC from RR (Rural Low Density Residential) to SBR-6000 (High Density Site Built Residential) for Tax Parcels 20900036, 2090002701, 20900025, 20900027, 2090002702, 20900026 and 2090002402 (Added by Staff).

Mr. Marc Pages addressed the Board. He read the Staff Report (attached) and identified the subject property and surrounding properties on a visual map. Mr. Pages proceeded to staff's recommendation and consistency and reasonableness determination statement (attached).

Mr. Pages said staff recommends approval from RR (Rural Low Density Residential) to SBR-6000 (High Density Site Built Residential) for Tax Parcels 20900036, 2090002701, 20900025, 20900027, 2090002702, 20900026 and 2090002402 (Added by Staff) located on No. 5 School Road NW (SR 1305).

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

Mr. Jody Bland, Norris and Bland Engineering, addressed the Board on behalf of the owner. He stated that the property is contiguous to SBR-6000 zoning and that corner of No. 5 School Road NW (SR1305) is operating as commercial with storage on 1 side of the street and a nursing home on the other side of the street. He further stated that the uses in SBR-6000 are more conducive to their intended use of the property.

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

Mr. Cheek made a motion to approve Tax Parcels 20900036, 2090002701, 20900025, 20900027, 2090002702, 20900026 and 2090002402 (Added by Staff) to SBR-6000 (High Density Site Built Residential) located on No. 5 School Road NW (SR 1305) and adopt the consistency and reasonableness determination statement 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 Blueprint Brunswick 2040 Comprehensive Plan place type designation and CONSISTENT with the goals, recommendations, and policies of plans adopted by Brunswick County (listed below) and is REASONABLE, appropriate, and in the public interest based upon the following findings:

- The Blueprint Brunswick 2040 Comprehensive Plan (CAMA Plan) goals and objectives supports the rezoning:
  - Consistent with following Goals and Objectives
    - LU-2 – Support development in areas that are best suited for future development.
    - The proposal is not located within a significant heritage natural area.

- The subject property is designated as generally suitable on the Residential Suitability Map.
- Consistent with the characteristics of the area, existing zoning in the area, and the previous rezonings to similar districts within the immediate vicinity.

<input type="checkbox"/> <i>Agricultural Development Plan</i> <input type="checkbox"/> <i>Brunswick County Comprehensive Transportation Plan (CTP)</i> <input type="checkbox"/> <i>Brunswick County Trail Plan</i> <input checked="" type="checkbox"/> <i>Blueprint Brunswick 2040 Comprehensive Plan (CAMA Plan)</i>	<input type="checkbox"/> <i>Unified Development Ordinance</i> <input type="checkbox"/> <i>Southeastern North Carolina Hazard Mitigation Plan</i> <input type="checkbox"/> <i>Airport Height Control Ordinance</i> <input type="checkbox"/> <i>Other: _____</i>
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Ms. Easley stated that any person with standing may appeal the decision of the Planning Board. If an appeal is received in the allotted time, the case will move forward to the Brunswick County Board of Commissioners for a Public Hearing and their consideration. She further stated that if notice of the appeal is not provided in writing within 15 days, then the decision of the Planning Board shall be final.

IX. OTHER BUSINESS.

- UDO Rewrite Update.

Mr. Pages addressed the Board. He stated that the contract (N-Focus) has been approved by the Board of Commissioners and staff will be recruiting 3 board members to assist in facilitating the re-write of the UDO. He further stated that the committee will be formed at the direction of the Board of Commissioners to provide input/feedback to the re-write of the Brunswick County Unified Development Ordinance.

- Planning Board Case Update.

Mr. Pages addressed the Board. He stated that there were no appeals submitted for the previously approved rezoning cases (Z-882, Z-883 and Z-884)) at the 08-Apr-24 Planning Board meeting, so the Board's decision stands.

IX. ADJOURNMENT.

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