

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
December 11, 2023

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

MEMBERS PRESENT

Eric Dunham, Chair
Joy Easley, Vice Chair
Richard Leary
Jason Gaver
Clifton Cheek
Ron Medlin

MEMBERS ABSENT

William Bittenbender
Harry 'Richard' Ishler, Alternate

STAFF PRESENT

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

OTHERS PRESENT

John Hankins
Cindy Babson
Phil Norris, Norris & Tunstall Consulting Eng.
Kevin Pierce
Gregory Nance
Robert Jesus
Josh Torbich

Ash Ramos
Tyler Newman, BASE
Lauren Jesus
Johnia McCumbee
David Ballengee
Carolyn McCarthy

I. CALL TO ORDER.

Mr. Dunham called the meeting to order at 6:02 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE.

Mr. Dunham said a prayer. He asked everyone to stand and face the U.S. Flag to say the Pledge of Allegiance.

III. ROLL CALL.

Mr. William Bittenbender and Mr. Harry 'Richard' Leary were absent.

IV. CONSIDERATION OF THE MINUTES FROM THE 13-NOV-23 MEETING.

Mr. Leary made a motion to approve the 13-Nov-23 minutes as presented and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

There were none.

VI. PUBLIC COMMENT.

Ms. Ash Ramos, resident of Shallotte Point, addressed the Board. Ms. Ramos said continual approval of developments (especially in the Town of Shallotte) are destroying wetlands, clear-cutting trees, and displacing wildlife in the communities. She said there are several new developments in the Shallotte Point area, which encompasses mixed wetlands and forest lands. She was concerned about the eco-system and the potential for water contamination for those property owners that have well water. Ms. Ramos felt that the continued development will have adverse impacts and environmental sustainability such as worsening the effects of drought, expanded flood zones, increased flooding, declining migratory and non-migratory bird populations as well as the displacement of enumerable species of plants, insects and animals. She proceeded to say that water quality is affected, which could potentially cause harm to citizens that rely on well water for consumption. She asked that the Board put a halt on development in the unincorporated areas of the County until all residents have access to clean drinking water and an environmental study has been completed on the impacts of the destruction of wetlands and forest. She reiterated that there are several areas in the County where wetlands are being disturbed. Ms. Ramos asked the Board to stand up for the values and interests that impact the current citizens daily lives rather than bending to developers.

Mr. Dunham asked Ms. Ramos if her concerns with development are in the incorporated area of the Town of Shallotte? Ms. Ramos said she was expressing concern with development in incorporated and unincorporated areas of Brunswick County. Mr. Dunham asked Ms. Ramos if she knew specific areas in the County where wetlands are being compromised? Ms. Ramos replied, yes. She further stated that she is aware of the U.S. Army Corps of Engineers (Corps of Engineers) allowing wetlands to be disturbed as long as mitigation occurs, and she disagreed with this concept. Ms. Ramos said she has been informed that there are different areas in the County where wetlands are being disturbed for development purposes. Mr. Dunham asked staff if there are any developments approved by the Board where wetlands have been disturbed? Ms. Dixon said staff is not aware of any wetlands being disturbed without the Corps of Engineers' approval.

Ms. Cindy Babson addressed the Board. Ms. Babson said in the surrounding areas of Ash, there have been 28, 904 lots approved since 2021. She further stated that there are 66,916 people that will be coming to this County based on developments approved since 2021. Ms. Babson felt that there is not enough infrastructure, law enforcement, schools, medical facilities, etc. in place to accommodate the potential increase in population. Ms. Babson felt that development should be halted through a moratorium (North Carolina General Statute [NCGS] 160D-107). She concluded that this is not to stop development; rather, it is an opportunity to slow down

development until potential negative impacts (clear-cutting of trees, wetland disturbance, infrastructure demands, etc.) have been addressed.

Mr. Batton addressed the Board regarding NCGS 160D-107 Moratoria, which states that local governments may adopt temporary moratoria on any development approval required by law, except for the purpose of developing and adopting new or amended plans or development regulations governing residential uses. He clarified the legislature has specifically prohibited local governments from issuing a moratorium for residential developments.

VII. GUEST PRESENTATION FROM BUSINESS ALLIANCE FOR A SOUND ECONOMY (BASE) ON THE STATE OF HOUSING.

Mr. Tyler Newman addressed the Board. Mr. Newman discussed a PowerPoint presentation (attached) outlining the housing need for rental and for sale homes. He stated that people travel from other areas to work in Brunswick County because of the high cost for rental housing or to own a home in Brunswick County. Mr. Newman said infrastructure has to be in place when jobs are made available as well as affordable housing for the people moving to the area. Mr. Newman said emphasis should be placed on a combination of jobs, infrastructure and encouraging all types of housing that is affordable for rent or sale to accommodate the influx of people moving to the area for retirement or jobs.

Mr. Dunham asked if there are other areas in the State that deal with job creation in their community? Mr. Newman said there are outside agencies that facilitate job placement in most areas throughout the State, but Brunswick County has an in-house agency (Brunswick Business & Industrial Development [BID]) to facilitate creating jobs for commercial and industrial purposes. He reiterated that infrastructure has to be in place to assist with housing needs for people coming to the County to live and work.

Mr. Cheek asked how much of the 70% undeveloped area shown in the presentation is the Green Swamp? Ms. Dixon said a small percentage. The Board thanked Mr. Newman for his presentation.

VIII. NEW BUSINESS.

A. Major Subdivision – SS-285

Name: Pea Landing Major Subdivision
Applicant: J. Phillip Norris (Norris and Tunstall Consulting Engineers P.C.)
Tax Parcel(s): 21000071
Location: Pea Landing (SR 1304) north of Jessie Mae Monroe Elementary School
Description: Pea Landing is a proposed major subdivision consisting of 85 single-family lots on 28.76 acres creating an overall density of 3.0 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.
- The development of the parcel(s) complies with all regulations as specified in the Brunswick County Unified Development Ordinance.
- A pedestrian connection extending to the right-of-way is required to the existing school location to the south.

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

Mr. Phil Norris, Norris & Tunstall Consulting Engineers, addressed the Board. Mr. Norris stated that they are proposing larger lots and all State and local minimum requirements have been met. Mr. Norris said the subject property adjoins the Jessie Mae Monroe Elementary School and a pedestrian access will be provided to the school. He stated that the applicant agrees with the conditions outlined in the Staff Report and there are no wetlands on the site as well as vacant agricultural fields that have not been farmed in several years.

Mr. Dunham clarified that there will not be buffers on the perimeter of the property. Mr. Norris concurred. He further stated that buffers are not required for a major subdivision, unlike planned developments.

Ms. Lauren Jesus, owner of Tax Parcel 2100007203, addressed the Board. She stated that she lives adjacent to the project. Ms. Jesus disagreed with Mr. Norris regarding the property not being farmed for several years because she said there was corn growing on the subject property 2 years ago. Ms. Jesus asked how the pedestrian walkway will be built to the school? Mr. Cheek said the plan shows there will be a sidewalk to the adjoining school property. Ms. Jesus said there are gulleys and swales in the area, which causes her property to flood when there is a heavy rain. Mr. Dunham said the developer is proposing a stormwater retention pond in close proximity to Ms. Jesus' property as well as a retention pond near Pea Landing Road NW (SR 1304). She asked Mr. Norris who is the developer of the proposed development? Mr. Norris replied, the Abernathys.

Mr. Kevin Pierce, owner of Tax Parcels 2100006601, 2100006608 and 2100006609, addressed the Board. Mr. Pierce was concerned with the trees remaining on the site near his property as well as the ravine staying intact to provide adequate drainage to the area. He was also concerned with 85 homes being in close proximity to an elementary school and the potential for a pedophile being near the elementary school. Mr. Pierce expressed concern about the current traffic on Pea Landing Road NW (SR 1304) and the potential for further congestion that will be generated from the proposed development. Mr. Pierce felt that adding more homes in the area will only compound an already overburdened road as well as neighbors from this community trespassing on his property thinking that it is a nature trail and not private property. Mr. Pierce said he is very concerned for the safety of his family and the families that have children attending Jessie Mae Monroe Elementary School.

Mr. Dunham asked Mr. Pierce if he was opposed to children being able to walk to school? Mr. Pierce said there may not be children living in the proposed development because a lot of the people that move to the County are retirees with no school aged children.

Ms. Johnia McCumbee addressed the Board. Ms. McCumbee read a statement published by WECT on 19-Sep-23 quoted by Ms. Dixon stating, "there is a lot of economic development going on, there is lot of retirees who are relocating here and from Brunswick County as their new home and we have to accommodate some of that growth. And through that there's different projects". Ms. McCumbee felt that the County is accommodating the developers, engineers, builders, and

retirees not here yet. She asked when will the existing citizens of Brunswick County be accommodated?

Mr. Gregory Nance, 430 Pea Landing Road NW, addressed the Board. He stated that his property has flooded in the past and he felt that when this property is developed it will only increase flooding in the area. Mr. Nance said there are several vehicles travelling Pea Landing Road NW (SR 1304) at a high rate of speed, especially dump trucks, on a daily basis and adding more homes will only exacerbate the problem. He reiterated that people moving to the area are usually retirees with no school aged children.

Ms. McCumbee re-addressed the Board. She concurred with Mr. Nance regarding Pea Landing Road NW (SR 1304) not being safe for travel due to the high volume of traffic and the narrowness of the road. She further stated that there are several deer crossings on Pea Landing Road NW (SR 1304).

Mr. David Ballengee addressed the Board. Mr. Ballengee expressed concern with changing the County (cultural destruction) to accommodate new development. He felt that the previous issues should be addressed before more development is approved. Mr. Ballengee said no one is addressing affordable housing because \$345k is not affordable for the average person working in the County.

Mr. Robert Jesus, 328 Pea Landing Road NW, addressed the Board. He stated that the proposed retention ponds have been on Mr. Cribb's property for quite a while and they were not intended to be retention ponds; rather, they are shallow ponds. He stated that there is currently an issue with run-off from Jessie Mae Monroe Elementary School going through the rear of the subject property. He further stated that there is a ditch that goes around his property and comes down to the north side of his property and Mr. Cribb's property.

Mr. Norris re-addressed the Board. He stated that the existing ponds on Mr. Cribb's property are not related to this project. He stated that they are proposing new retention ponds on the subject property that will capture run-off from the property in question prior to leaving the property. He suggested that he meet with the adjacent property owners regarding their concerns of stormwater run-off in the area so their concerns can be addressed. Mr. Norris concluded that the ditch on the north side will remain. He reiterated that they will have to comply with all Federal, State and local minimum requirements prior to development. Mr. Dunham asked how the stormwater system will be designed? Mr. Norris said the project is designed for the 25-year storm event. Mr. Norris clarified his previous statement regarding farming activity on the property by saying the property is overgrown with weeds and it has not been farmed recently.

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

Mr. Cheek asked staff if there is a minimum buffer requirement? Mr. Meredith said buffers are not required for major subdivisions, unlike planned developments where buffers are required.

Mr. Leary made a motion to approve SS-285 (Pea Landing Major Subdivision) with the noted conditions in the Staff Report and the motion carried 5 to 1 with Mr. Cheek opposing,

B. Rezoning Z-876 – Phil Norris (%Norris and Tunstall Consulting Engineers, P.C.).

Request rezoning of approximately 28.95 acres located off Ash-Little River Road NW (SR 1300) near Ash from RR (Rural Low Density Residential) to SBR-6000 (High Density Site Built Residential) for Tax Parcel 20900056.

LAND USE PLAN MAP AMENDMENT LUM-876:

Request to amend the Blueprint Brunswick 2040 CAMA Land Use Plan Map from RA (Rural Agricultural) to Medium Density Residential-Mixed Use for Tax Parcel 20900056 located off Ash-Little River Road NW (SR 1300) near Ash, NC. This Land Use Plan Amendment totals approximately 28.95 acres.

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

Mr. Meredith read the staff's recommendation and the consistency and reasonableness determination. He said staff recommends approval from RR (Rural Low Density Residential) to SBR-6000 (High Density Site Built Residential) for Tax Parcel 20900056 located off Ash-Little River Road NW (SR 1300) near Ash in conjunction with an amendment to the Blueprint Brunswick 2040 CAMA Land Use Plan Map to Medium Density Residential-Mixed Use.

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

Mr. Phil Norris addressed the Board on behalf of the owner. Mr. Norris said the current zoning allows for RV Parks and the applicant had a design created for an RV Park, but the Thorpes decided to sell the property to an adjacent property under development because they did not want to take on the financial responsibility of developing an RV Park. He further stated that the adjacent property owner intends to expand his proposed development if this zoning change occurs. Mr. Norris reiterated that there are wetlands in a corner of the property and there are some floodplain areas and both will be preserved.

Ms. Johnia McCumbee addressed the Board. She asked about the number of homes allowed on an acre of property in the proposed zoning district? Mr. Meredith replied, 7.8 units per acre. Ms. McCumbee suggested that less homes be allowed on an acre of property to minimize clear-cutting of trees and provide for more space between structures. She felt that wells will run dry in the area with the potential of adding more homes. Ms. McCumbee said she was opposed to the zoning change.

Ms. Carolyn McCarthy, owner of Tax Parcel 19300026, addressed the Board. Ms. McCarthy was concerned with drainage in the area. She stated that there is flooding in the area and there is a very deep ditch adjoining her property that is unsafe to maneuver around with her RV. Ms. McCarthy felt that the development should be slowed down.

Mr. Dunham said this is a request to rezone the property. Ms. McCarthy said the rezoning request is the first step to developing the property. Mr. Dunham said, if the applicant chooses to develop the property, another public hearing will be held. Ms. McCarthy concluded that she is concerned about all the overdevelopment on Ash-Little River Road NW (SR 1300) and in the Ash community.

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 Parcel 20900056 to SBR-6000 (High Density Site Built Residential) located off Ash-Little River Road NW (SR 1300) in conjunction with an amendment to the Blueprint Brunswick 2040 CAMA Land Use Plan Map to Medium Density Residential-Mixed Use 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 NOT CONSISTENT with the Blueprint Brunswick 2040 Comprehensive Plan place type designation; however, it is 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:

- 1. The Blueprint Brunswick 2040 Comprehensive Plan (CAMA Plan) goals and objectives supports the rezoning:
 - o Consistent with following Goals and Objectives
 - LU-2 – Support development in areas that are best suited for future development.
 - o The proposal is not located within a significant heritage natural area.
 - o The subject property is designated as a residential on the Residential Suitability Map.
- 2. Consistent with the characteristics of the area and the previous rezonings and planned developments to similar districts within the immediate vicinity.
- 3. Inconsistencies exist:
 - o The Blueprint Brunswick 2040 Comprehensive Plan (CAMA Plan) Place Type.

<input type="checkbox"/> Agricultural Development Plan	<input checked="" 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: _____

Mr. Dunham stated that any person with standing may appeal the decision of the Planning Board. If an appeal is received in the allotted time, the case will move forward to the Brunswick County Board of Commissioners for a Public Hearing and their consideration. He further stated that if notice of the appeal is not provided in writing within 15 days, then the decision of the Planning Board shall be final.

C. Rezoning Z-877 (Phillip Norris - %Norris and Tunstall Consulting Engineers, P.C.).

Request rezoning of approximately 1.51 acres located at 593 Holden Beach Road SW (NC 130) near Shallotte, NC from C-LD (Commercial Low Density) and R-6000 (High Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 1980004303.

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

Mr. Meredith said staff recommends approval from C-LD (Commercial Low Density) and R-6000 (High Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 1980004303.

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

Mr. Josh Torbich, CEO of Christian Recovery Center, addressed the Board. He stated that this zoning change will correct a split-zoning of the property. Mr. Torbich stated there is a 7,000 square foot thrift store on the property that sells donated items for the benefit of their non-profit organization.

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

Mr. Gaver made a motion to approve Tax Parcel 1980004303 to C-LD (Commercial Low Density) located at 593 Holden Beach Road SW (NC 130) 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:

1. 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 residential suitability map identifies the subject parcels as generally suitable for residential development.
2. The proposed rezoning will correct a split rezoning.
3. 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"/> Agricultural Development Plan	<input checked="" 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: _____

Mr. Dunham stated that any person with standing may appeal the decision of the Planning Board. If an appeal is received in the allotted time, the case will move forward to the Brunswick County Board of Commissioners for a Public Hearing and their consideration. He further stated that if notice of the appeal is not provided in writing within 15 days, then the decision of the Planning Board shall be final.

VIII. OTHER BUSINESS.

- Planning Board Case Update.

Ms. Dixon addressed the Board. She stated that PD-115 (Ashton Farms Planned Development), PD-116 (Berkley Bay Planned Development), PD-117 (Crosswind Planned Development Expansion), and PD-118 (The Preserve at White Rock Lake Planned Development) were approved at the Planning Board's 13-Nov-23 meeting and there were no written appeals within the allotted time, so the Board's decision stands.

Ms. Dixon reminded the Board of the Community Input meeting on 12-Dec-23 at 6:00 p.m. at the Senior Center (101 Stone Chimney Road SW) in Supply regarding incorporating more green space within the Brunswick County Unified Development Ordinance (UDO).

IX. ADJOURNMENT.

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