

MINUTES

PLANNING BOARD

BRUNSWICK COUNTY, NC

**4:00 P.M. Monday
June 10, 2024**

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

MEMBERS PRESENT

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

MEMBERS ABSENT

William Bittenbender
Harry Richard Ishler, Alternate

STAFF PRESENT

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

OTHERS PRESENT

Glenn Trantham
David Summerlin
Jody Bland, Norris & Bland Engineering
Fay Arican
Rodney Williams
Mark Venesky
Richard Collier
Savanna Tenenoff, Brunswick Beacon

Patrick Newton
Scott Byrd
Cindy Babson
Jackie Reynolds
Daphne Williams
Mary Ellen Venesky
John Hankins
Jamey Cross, Star News

I. CALL TO ORDER.

Mr. Dunham called the meeting to order at 6:00 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' Ishler were absent.

IV. CONSIDERATION OF THE MINUTES FROM THE 13-MAY-24 MEETING.

Mr. Leary made a motion to approve the 13-May-24 minutes as presented and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

There were none.

VI. PUBLIC COMMENTS.

Mr. Glenn Trantham addressed the Board. Mr. Trantham stated that the National Oceanic and Atmospheric Administration (NOAA) has predicted that there will be above normal storms this hurricane season and he was concerned that a safe evacuation route is in place to move people out of harm's way during major storms. He said there are no new roads being constructed to provide additional evacuation routes to accommodate the population increase in the County generated by all the approved developments. Mr. Trantham said the Brunswick County Unified Development Ordinance (UDO) is 9 years old and nothing has been done to amend the UDO, while the Board continues to approve developments. Mr. Trantham said the UDO should be a guide that is utilized and followed by developers for proposed zoning changes and development of property. He reminded the Board that they work for all the citizens of the County. Mr. Trantham felt that there is too much overdevelopment and more public facilities (police substations, fire stations, water purification plant, and hospital) to accommodate the excessive growth in the County. He further stated that no more development should be approved until the UDO has been amended to address the overdevelopment issues. Mr. Trantham said there are traffic congestion concerns, he currently has to boil his water before consumption, and the mail carriers stand in the rain to deliver mail because there are so many newly developed communities.

Mr. Dunham asked staff the number of amendments that have been made to the UDO? Ms. Dixon said there have been several amendments to the UDO since it was implemented including the 2 proposed text amendments on the agenda. She further stated that a consultant has been hired to assist in the re-write of the UDO that will be underway in the next few months.

Mr. Patrick Newton addressed the Board. He read excerpts from the May 13, 2024 meeting that says, "Mr. Gaver said he did not think the Board is at a point where the proposed text amendment [Tree and Landscaping 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. 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. Newton asked if the

committee has been formed? Mr. Gaver said Item 10 (UDO Committee Assignments) under Other Business on the agenda, is to discuss a UDO Committee. Mr. Newton said his comments are relative to the Transportation Overlay Zone (TOZ) and Tree and Landscaping Text Amendments. He further stated that Ms. Dixon said the proposed text amendments will be presented to the Board of Commissioners Monday 17-Jun-24 in a presentation and he was unclear of the purpose to do so. Ms. Dixon said the 2 proposed text amendments will be presented to the Board of Commissioners in presentation form for informational purposes only and no public hearing or action will be taken at that time. Mr. Newton was concerned with the process; in that, there is no feedback from the comments provided by the public at the 13-May-24 Planning Board meeting. He said it seems comments presented go into the ether (disappear).

VII. NEW BUSINESS.

A. Rezoning Z-889 – Southern Brunswick Development LLC (%David Summerlin).

Request rezoning of approximately 3.90 acres located at 130 Green Swamp Road NW near Supply, NC from RR (Rural Low Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 1680007201.

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

Mr. Connor said staff recommends approval from RR (Rural Low Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 1680007201 located at 130 Green Swamp Road NW near Supply, NC.

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

Mr. David Summerlin addressed the Board on behalf of the property owner. Mr. Summerlin said the property fronts NC 211; it is surrounded by C-LD and the subject project is consistent with the Blueprint Brunswick 2040 Plan.

Mr. Glenn Trantham addressed the Board. He wondered if this rezoning would be beneficial to the people of Brunswick County because NC 211 (Southport-Supply Road SE) is already overcrowded. He felt that this zoning change will only generate more traffic to the area. Mr. Dunham said the subject property is surrounded by C-LD. Mr. Trantham stated that there is an existing residential neighborhood to the south of the area that will be negatively impacted by this zoning change. Ms. Easley added that this area will have a different traffic pattern in a few years because the North Carolina Department of Transportation (NCDOT) will be reconfiguring the roads at the intersection of NC211 and US 17. She stated that the area is designated as Community Center and the existing businesses (BoJangles, Hardees, and Circle K) will be demolished when the new road is constructed, which will necessitate another area for commercial industry.

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

Mr. Cheek made a motion to approve Tax Parcel 1680007201 to C-LD (Commercial Low Density) located at 130 Green Swamp Road NW near Supply, 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 the 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 the following Goals and Objectives
 - LU-2 – Support development in areas that are best suited for future development.
 - LU-3 – Support the concentration of future development in nodes in unincorporated County areas to ensure more efficient infrastructure provision and service delivery.
 - ED-1 Maintain and expand job opportunities in the County.
 - The Commercial and Residential Suitability Maps identifies the subject parcel as more suitable for residential and commercial development.
 - Identified as a Community Center.
 - Not in a significant heritage natural area.
- 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 0 out of 10.

<input 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>

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.

B. Rezoning Z-890 – Scott and Adrienne Byrd.

Request rezoning of approximately 1.99 acres located east of 4673 Todd Road SW (SR 1147) near Shallotte, NC from I-G (Industrial General) to NC (Neighborhood Commercial) for Tax Parcel 2290004505.

LAND USE PLAN MAP AMENDMENT (LUM-890):

Request to amend the Blueprint Brunswick 2040 CAMA Land Use Plan Map from INDI (Industrial Intensive) to MDR-M (Medium Density Residential-Mixed Use) for Tax Parcel 2290004505 located east of 4673 Todd Road SW (SR 1147) near Shallotte, NC. This Land Use Plan Amendment totals approximately 1.99 acres.

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 the consistency and reasonableness determination statement (attached).

Mr. Pages said staff recommends approval from I-G (Industrial General) to NC (Neighborhood Commercial) for Tax Parcel 2290004505 located east of 4673 Todd Road SW (SR 1147) near Shallotte, NC in conjunction with an amendment to the Blueprint Brunswick 2040 CAMA Land Use Plan Map to MDR-M (Medium Density Residential-Mixed Use) for Tax Parcel 2290004505.

Mr. Dunham asked if this is the largest area in the County that is zoned NC? Mr. Pages said it is one of the largest NC zoned areas in the County. He further stated that there were a lot of sand mines in the area, which prompted the current zoning of the property. Mr. Pages said most of those sand mines are not in existence at the current time, so the area is in transition. Mr. Pages concluded that the area will likely be rezoned when the re-write of the UDO is implemented.

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

Mr. Scott Byrd, property owner, addressed the Board. He said he owns approximately 88 acres in the area and he has a home on Tax Parcel 2290004504. Mr. Byrd said he intends to sell the subject property for residential purposes. Mr. Byrd said there are speeders and some drug activity in the area. He said he hopes more residents will purchase property from him and build in the area in an effort to deter negative activity on Todd Road SW (SR 1147).

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

Mr. Leary made a motion to approve Tax Parcel 2290004505 to NC (Neighborhood Commercial) located east of 4673 Todd Road SW (SR 1147) near Shallotte, NC in conjunction with an amendment to the Blueprint Brunswick 2040 CAMA Land Use Plan Map to MDR-M (Medium Density Residential-Mixed Use) for Tax Parcel 2290004505 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 and CONSISTENT with the goals, recommendations, and policies of the 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 the following Goals and Objectives
 - LU-2 – Support development in areas that are best suited for future development.
 - The Commercial Suitability Map identifies the subject parcel as generally suitable for commercial development.
 - The Residential Suitability Map identifies the subject parcel as generally suitable for residential development.
 - Identified as a Community Center.
 - Not in a significant heritage natural area.
- Consistent with the characteristics of the area, existing zoning in the area, and adjacent uses.
- Biodiversity and Wildlife Habitat Assessment score of 0 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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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-891 – J. Phillip Norris.

Request rezoning of approximately 138 acres located at 7611 and 7707 Ocean Highway West (US 17) near Shallotte, NC from C-LD (Commercial Low Density) and R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 21100053 and 2110005303.

LAND USE PLAN MAP AMENDMENT (LUM-891):

Request to amend the Blueprint Brunswick 2040 CAMA Land Use Plan Map from MDR (Medium Density Residential) and OSC-1 (Open Space Conservation-1) to MDR-M (Medium Density Residential-Mixed Use) for Tax Parcels 21100053 and 2110005303 located at 7611 and 7707 Ocean Highway West (US 17) near Shallotte, NC. This Land Use Plan Amendment totals approximately 138 acres.

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 the consistency and reasonableness determination statement (attached).

Mr. Pages said staff recommends approval from C-LD (Commercial Low Density) and R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 21100053 and 2110005303 located at 7611 and 7707 Ocean Highway West (US 17) near Shallotte, NC in conjunction with an amendment to the Blueprint Brunswick 2040 CAMA Land Use Plan Map to MDR-M (Medium Density Residential-Mixed Use) for Tax Parcels 21100053 and 2110005303.

Ms. Easley clarified that Open Space Conservation-1 (OSC-1) Place Type does not seem to be compatible with the subject property and Mr. Pages concurred. He further stated that the wetland areas are designated OSC-1 Place Type in the Blueprint Brunswick 2040 Comprehensive Plan.

Mr. Leary 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 property owner. He stated that the applicant wants to correct a split-zoning issue and the proposed zoning designation is the highest and best use of the property.

Ms. Cindy Babson addressed the Board. Ms. Babson said the property is currently being cleared and Mr. Pages said the North Carolina Department of Environmental Quality will issue a Sedimentation & Erosion Control permit, if applicable. Ms. Babson felt that the proposed zoning change is not comparable to the area. She stated that the GIS mapping designates the property as wetlands and she was fearful of the wetlands being destroyed if the subject property is zoned C-LD (Commercial Low Density). Mr. Dunham interjected that no development could occur in wetlands without prior approval from the US Army Corps of Engineers (Corps of Engineers).

Mr. Patrick Newton addressed the Board. Mr. Newton said that U.S. Supreme Court case last year with Sackett v. EPA stated that isolated wetlands are not considered Corps of Engineers' jurisdictional wetlands if there is no connection to navigable waters. Mr. Pages added that staff's analysis for wetlands are based on preliminary data (LiDAR [Light Detection and Ranging] and soil types). He further stated that the Corps of Engineers delineates Section 404 wetlands. Mr. Newton said the issue is whether the Corps of Engineers has jurisdiction over the wetlands. He further stated that the U.S. Supreme Court's ruling says if there are isolated wetlands (wetlands not connected to navigable waters), the Corps of Engineers does not have jurisdiction. Ms. Dixon added that there are several types of wetlands, but the Corps of Engineers has jurisdiction of Section 404 wetlands. Mr. Pages said staff is waiting for guidance from the Corps of Engineers on this matter.

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

Mr. Medlin made a motion to approve Tax Parcels 21100053 and 2110005303 to C-LD (Commercial Low Density) located at 7611 and 7707 Ocean Highway West (US 17) near Shallotte, NC in conjunction with an amendment to the Blueprint Brunswick 2040 CAMA Land Use Plan Map to MDR-M (Medium Density Residential-Mixed Use) for Tax Parcels 21100053 and 2110005303 and adopt the consistency and reasonableness determination statement and the motion carried 5 to 1 with Mr. Cheek opposing.

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 and CONSISTENT with the goals, recommendations, and policies of the 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 the following Goals and Objectives
 - LU-2 – Support development in areas that are best suited for future development.
 - The Commercial Suitability Map identifies the subject parcel as generally suitable for commercial development.
 - The Residential Suitability Map identifies the subject parcel as generally suitable for residential development.
 - Not in a significant heritage natural area.
- Consistent with the characteristics of the area, existing zoning in the area, and adjacent uses.
- Biodiversity and Wildlife Habitat Assessment score of 0 out of 10.
- Will correct a split-zoning on both properties.

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

D. Rezoning Z-892 – Fay Arican.

Request rezoning of approximately 0.49 acres located at 3252 Oak Drive SW near Shallotte, NC from RR (Rural Low Density Residential) and SBR-6000 (High Density Site Built Residential) to RR (Rural Low Density Residential) for Tax Parcel 214CB01801.

LAND USE PLAN MAP AMENDMENT (LUM-892):

Request to amend the Blueprint Brunswick 2040 CAMA Land Use Plan Map from MDR (Medium Density Residential) to Rural/Agricultural for Tax Parcel 214CB01801 located at 3252 Oak Drive SW near Shallotte, NC. This Land Use Plan Amendment totals approximately 0.49 acres.

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 the consistency and reasonableness determination statement (attached).

Mr. Pages said staff recommends approval from RR (Rural Low Density Residential) and SBR-6000 (High Density Site Built Residential) to RR (Rural Low Density Residential) for Tax Parcel 214CB01801 located at 3252 Oak Drive SW near Shallotte, NC in conjunction with an amendment to the Blueprint Brunswick 2040 CAMA Land Use Plan Map to Rural/Agricultural for Tax Parcel 214CB01801.

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

Ms. Fay Arican, property owner, addressed the Board. Ms. Arican reiterated that the property is split-zoned and she wanted the entire property zoned Rural Low Density Residential (RR).

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

Mr. Cheek made a motion to approve Tax Parcel 214CB01801 to RR (Rural Low Density Residential) located at 3252 Oak Drive SW near Shallotte, NC in conjunction with an amendment to the Blueprint Brunswick 2040 CAMA Land Use Plan Map to Rural/Agricultural for Tax Parcel 214CB01801 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 and CONSISTENT with the goals, recommendations, and policies of the 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 the following Goals and Objectives
 - LU-2 – Support development in areas that are best suited for future development.
 - The Residential Suitability Map identifies the subject parcel as generally suitable for residential development.
 - Not in a significant heritage natural area.
- Consistent with the characteristics of the area, existing zoning in the area, and adjacent uses.
- Biodiversity and Wildlife Habitat Assessment score of 0 out of 10.
- Will correct a split-zoning on the property.

<input 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>

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

E. Rezoning Z-893 – Donald Keith Smith.

Request rezoning of approximately 15 acres located at 5740 Ocean Highway East (US 17) near Winnabow, NC from RR (Rural Low Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 09800047 and 0980004705.

LAND USE PLAN MAP AMENDMENT (LUM-893):

Request to amend the Blueprint Brunswick 2040 CAMA Land Use Plan Map from Rural/Agricultural and OSC-1 (Open Space Conservation-1) to Commercial for Tax Parcels 09800047 and 0980004705 located at 5740 Ocean Highway East (US 17) near Winnabow, NC. This Land Use Plan Amendment totals approximately 15 acres.

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 the consistency and reasonableness determination statement (attached).

Mr. Pages said staff recommends approval from RR (Rural Low Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 09800047 and 0980004705 located at 5740 Ocean Highway East (US 17) near Winnabow, NC in conjunction with an amendment to the Blueprint Brunswick 2040 CAMA Land Use Plan Map to Commercial for Tax Parcels 09800047 and 0980004705.

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

Mr. Jackie Reynolds addressed the Board. Mr. Reynolds said he has lived near the subject property for approximately 50 years. He stated that his private well has tested negative for the presence of GenX chemicals. Mr. Reynolds was concerned with overdevelopment and the potential for water contamination because Brunswick County has the highest content of GenX chemicals according to a news report.

Mr. Dunham asked if the property owner or a representative for the property owner was present and no one came forward. As a result, Mr. Leary made a motion to table Z-893 until the 08-Jul-24 Board

meeting and staff contact the applicant of the meeting date and time and the motion was unanimously carried.

F. Rezoning Z-894 – Daphne Williams.

Request rezoning of approximately 0.97 acres located at 614 Thomasboro Road SW (SR 1165) near Calabash, NC from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 2260000836.

LAND USE PLAN MAP AMENDMENT (LUM-894):

Request to amend the Blueprint Brunswick 2040 CAMA Land Use Plan Map from LDR (Low Density Residential) to Commercial for Tax Parcel 2260000836 located at 614 Thomasboro Road SW (SR 1165) near Calabash, NC. This Land Use Plan Amendment totals approximately 0.97 acres.

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 the consistency and reasonableness determination statement (attached).

Mr. Pages said staff recommends approval from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 2260000836 located at 614 Thomasboro Road SW (SR 1165) near Calabash, NC in conjunction with an amendment to the Blueprint Brunswick 2040 CAMA Land Use Plan Map to Commercial for Tax Parcel 2260000836.

Mr. Cheek clarified that a buffer will not be required on the north end of the property and Mr. Pages concurred.

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

Mr. Rodney and Daphne Williams addressed the Board. Mr. Williams said he and his wife have owned the subject property for an extended period of time. He stated that they want the property rezoned to C-LD. Ms. Williams said there is C-LD zoning on one side of the subject property and they and their 2 children own the parcels surrounding the subject property.

Mr. Mark Venesky, owner of Tax Parcel 241EC064, addressed the Board in opposition to the zoning change. He stated that Thomasboro Road SW (SR 1165) is a 2-lane road and the proposed change will negatively impact the current property owners in the area with regards to infrastructure and excessive traffic (approximately 4,000 more vehicles that will be generated from approximately 2,400 approved homes to the area. He wanted to know the plans to mitigate traffic and utility concerns. He felt that commercial zoning would be intrusive to a predominantly residential area.

Ms. Daphne Williams re-addressed the Board. She stated that she is a native of Brunswick County and she currently lives off Thomasboro Road SW (SR 1165). She said public water and sewer are available to the subject property. Mr. Rodney Williams added that C-LD will provide for more flexibility of the property.

Ms. Mary Ellen Venesky addressed the Board in opposition to the zoning change. Ms. Venesky said Thomasboro Road SW (SR 1165) is predominantly residential and C-LD will be intrusive to the existing residential communities. She reiterated that the property owners currently have a residence on Thomasboro Road SW (SR 1165) as well as their children. She felt that C-LD zoning is not reasonable

for this area. Ms. Venesky asked that the zoning change be denied so the integrity and quality of life of the surrounding residential communities can be maintained.

Mr. Dunham asked about the properties currently zoned C-LD and Mr. Pages said those tracts were zoned C-LD prior to the implementation (May 2007) of the UDO.

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

Mr. Cheek made a motion to approve Tax Parcel 2260000836 to C-LD (Commercial Low Density) located at 614 Thomasboro Road SW (SR 1165) near Calabash, NC in conjunction with an amendment to the Blueprint Brunswick 2040 CAMA Land Use Plan Map to Commercial for Tax Parcel 2260000836 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 and CONSISTENT with the goals, recommendations, and policies of the 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 the following Goals and Objectives
 - LU-2 – Support development in areas that are best suited for future development.
 - The Residential Suitability Map identifies the subject parcel as generally suitable for residential development.
 - Not in a significant heritage natural area.
- Consistent with the characteristics of the area, existing zoning in the area, and adjacent uses.
- Biodiversity and Wildlife Habitat Assessment score of 0 out of 10.
- Will correct a split-zoning on the property.

<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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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.

G. Planned Development – PD-127

Name: EV 211 Tract
Applicant: Logan Developers
Tax Parcel(s): 20300050 and Portions of 20300048, 2030004801, 2030004802, and 2030004803
Location: Southport-Supply Road SE (NC 211)
Description: EV 211 Tract is a proposed planned development consisting of 149 single-family units, 88 semi-attached units, and 67 townhomes totaling 304 residential units on 87.06 acres creating an overall density of 3.50 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. He stated that the planned development will likely have a name change from EV 211 Tract Planned Development to Pelican Cove Planned Development.

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.
- Establish a road maintenance agreement between the proposed EV 211 Tract and the adjacent Evolve at St. James multifamily development for the shared collector street (Weatherside Drive SE).
- Provide a stubout for a possible future connection to Tax Parcel 20300049.

Mr. Leary asked about the access point. Mr. Pages said the main access into the site is on the left-hand side of the southern portion of the site and the emergency access will be through some of the parking areas of the multifamily and connect to a gravel road that provides access for the well and utility pump station. Mr. Dunham asked staff how the secondary emergency road is accessed? Mr. Pages said the emergency road is accessed off Southport-Supply Road SE (NC 211). Mr. Cheek asked if the off-site pond is a stormwater pond for this development? Mr. Pages said that pond is for the multifamily section.

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

Mr. Richard Collier, representative for McKim and Creed, addressed the Board on behalf of Logan Homes. Mr. Collier said the project name is Pelican Cove rather than EV 211 Tract. He stated that part of the pond on the west side of the project is for this development. Mr. Collier discussed a PowerPoint Presentation (attached) and he stated that the project will have a mixture of single family, duplexes and

townhomes; the project will meet the minimum density and open space requirements; there will be a walking trail around the pond on the eastern and western sides of the site; there will be a 20' buffer with landscaping and a fence as well as a 30' buffer in some areas; there will be two groundwater wells with a 100' standoff radius and a 200'x200' fence with maintenance access to the wells; the main access to the site will be off Southport-Supply Road SE (NC 211) as well as an emergency vehicle access; there will be 2 stormwater wet ponds that have been designed to handle a 100-year storm event; there will be interconnectivity between St. James and the subject property; and public utilities will be dedicated to the County once the project is complete.

Mr. Patrick Newton asked why there is a 100' radius on the County wells? Mr. Collier said 100' radius on County wells is regulated by the State.

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

Mr. Leary made a motion to approve PD-127 (Pelican Cove Planned Development) with the noted conditions in the Staff Report and the motion was unanimously carried.

H. Above Ground Pool Fencing Text Amendment.

Ms. Dixon addressed the Board. She read the proposed text amendment (attached) and the consistency and reasonableness determination statement. Ms. Dixon said the proposed text amendment will ensure compliance with the State Building Code requirements. Ms. Dixon said staff recommends approval and adopt the consistency & reasonableness determination statement.

Mr. Leary asked the rationale for the proposed text amendment? Ms. Dixon said staff had requests for the amendment to the UDO and the text amendment is consistent with the State Building Code requirements. Mr. Batton added that there were discussions regarding the barrier of an above-ground pool qualifies as the fencing if the ladder is removed.

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 recommend to the Board of Commissioners to approve the Above Ground Pool Fencing Text Amendment and adopt the consistency and reasonableness determination statement and the motion carried 5 to 1 with Mr. Leary opposing.

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:

- Consistent with NC Building Code.
- Clarifies above-ground pool fencing requirements in the Unified Development Ordinance.

<input 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>

I. Zoning Board of Adjustment Alternate Member Text Amendment.

Ms. Dixon addressed the Board. She read the proposed amendment (attached) and the consistency and reasonableness determination statement that addresses adding an alternate member to ensure the Board has a quorum (4 sitting members) if 4 members are not available for a meeting. Ms. Dixon said staff recommends approval and adopt the consistency & reasonableness determination statement.

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

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

Mr. Cheek made a motion to recommend to the Board of Commissioners to approve the Zoning Board of Adjustment Alternate Member Text Amendment 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 goals, recommendations, and policies of the following plans adopted by Brunswick County and is REASONABLE and appropriate based upon the following findings:

- Better support Zoning Board of Adjustment meeting facilitation.
- Addresses Zoning Board of Adjustment workloads.

<input 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>

IX. OTHER BUSINESS.

- UDO Committee Assignments.

Ms. Dixon addressed the Board. She asked for volunteers to sit on the UDO Committee. Ms. Dixon said the Committee will hold 1 meeting a month either virtual or in-person. After a brief discussion about how the process will move forward, Mr. Leary, Mr. Gaver, and Mr. Cheek volunteered to serve on the UDO Committee.

- Planning Board Case Update.

Ms. Dixon addressed the Board. She stated that there were no appeals submitted for the previously approved rezoning cases (Z-887 and Z-888) at the 13-May-24 Planning Board meeting, so the Board’s decision stands.

- Tree and Landscaping and Transportation Overlay Zone Text Amendments.

Ms. Dixon addressed the Board. She stated that the Board of Commissioners decided that they wanted a presentation regarding the proposed text amendments for informational purposes only. Ms. Dixon said there will not be a public hearing, public comments and/or action taken on the matter when it is presented to the Board of Commissioners for informational purposes.

- Traffic Impact Analysis (TIA) Text Amendment.

Ms. Dixon addressed the Board. She said staff is gathering information in addition to the emailed documents (copy of a TIA and a Staff Report from another jurisdiction) sent to the Board members. Ms. Dixon said she will provide an engineer’s report in the near future, possibly at the 08-Jul-24 meeting.

IX. ADJOURNMENT.

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