

MINUTES

PLANNING BOARD

BRUNSWICK COUNTY, NC

**4:00 P.M. Monday
August 12, 2024**

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

MEMBERS PRESENT

Jason Gaver
Richard Leary
William Bittenbender, At-Large
Allen Brittain, At-Large

MEMBERS ABSENT

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

STAFF PRESENT

Kirstie Dixon, Planning Director
Connie Marlowe, Admin. Asst. II
Jeff Walton, Planner II
Garrett Huckins, Planning Tech.
Tyler Connor, Planner I
Phillip Coates, Planner I
Ryan King, Asst. County Attorney

OTHERS PRESENT

Jody Bland, Norris and Bland Engineering
Mike Nichols, Paramounte Engineering
Bob Liepa, State Port Pilot
Dylan Phillips, Brunswick Beacon
Tim Clinkscales, Paramounte Engineering
Ulysses Jenkins
Sue Hodgkin
Cheryl Roy
Stewart Terrell
Fred Fiss
Phillip Dudley
Matthew Lawrence
Karen Friemel
Cindy Babson
William Rainwater

Hal Workman
John Workman
Christie Marek
Marilyn Matteo
Eddie Jenkins
Frank Popelars
Charles Paul
Evan Peterson
Carolyn Mitchum
Karen Mosteller
Robert Fullerton
Karen Jackson
Craig Stoeckle
Jenny Prunty

I. CALL TO ORDER.

Attorney Ryan King stated that the Board will have to elect a Chair due to the absence of Vice Chair, Joy Easley. Mr. Leary made a motion to nominate Jason Gaver as Chair and the motion was unanimously carried.

Mr. Gaver called the meeting to order at 4:09 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE.

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

III. ROLL CALL.

Ms. Joy Easley, Mr. Harry 'Richard' Ishler, Mr. Ron Medlin, and Mr. Clifton Cheek were absent.

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

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

V. AGENDA AMENDMENTS.

Ms. Kirstie Dixon said staff would like to add Tree and Landscaping Text Amendment Update under Other Business.

VI. PUBLIC COMMENTS.

Ms. Christie Marek, 2986 Longwood Road NW, Ash, NC, addressed the Board. Ms. Marek said she created Stop Overdevelopment in Brunswick County and the Non-Profit Brunswick County Conservation Partnership in March 2024. Ms. Marek said they are not against growth and developing, but they are against irresponsible developing that poses a health and safety risk on communities in the County. She further stated that we are under a State of Emergency and the County has flooding issues as well as rising rivers. Ms. Marek said there has been 10 breaks of wastewater and untreated discharges in the County's rivers and neighborhoods in the past 7 months. She provided statistical information (attached) regarding gallons of wastewater discharge in 2024. Ms. Marek said she has been told by past and present employees working in Brunswick County Public Utilities that the pumps are at capacity. She asked that a moratorium be put in place to stop residential clear-cutting and residential development until the Brunswick County Unified Development Ordinance (UDO) has been updated and an investigation plan is in place to protect our health and safety. Ms. Marek said there is e-coli is on the beach in Oak Island.

VII. NEW BUSINESS.

A. Planned Development – PD-129

Name: Hankins Tract
Applicant: Norris and Bland Engineering
Tax Parcel(s): 1390006601
Location: Old Ocean Highway (US 17B)
Description: Hankins Tract is a proposed planned development consisting of 93 single-family units on 26.81 acres creating an overall density of 3.47 dwellings units per acre.

Mr. Phillip Coates addressed the Board. Mr. Coates read the Staff Report (attached) and he identified the subject property and surrounding properties on a visual map.

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

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

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

Mr. Brittain asked staff if the Technical Review Committee's (TRC) comments have been resolved and did staff receive a digital set of revised plans? Ms. Dixon said all TRC comments as well as a digital set of the revised plans have to be submitted before the proposed project will be placed on the agenda for the Board's consideration.

Mr. Jody Bland, Norris and Bland Engineering, addressed the Board. Mr. Bland stated that the project will be designed to the 100-year storm event. He said the pump station that was originally shifted west has been moved away from the adjacent properties. There will be a dog park on the project site. Mr. Bland said the right-of-way for Brunswick Electric Membership Corporation (BEMC) will not be developed. He stated that a roadway crossing has been adjusted that will cross approximately 2,500 square feet of wetlands to improve the internal circulation for emergency services that will provide a loop rather than a dead-end road(s). Mr. Bland concluded that they will coordinate with the North Carolina Department of Transportation (NCDOT) during the driveway permit phase of the project.

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

Mr. Leary made a motion to approve PD-129 (Hankins Tract) with the noted conditions in the Staff Report and the motion was unanimously carried.

B. Planned Development – PD-128

Name: The Preserve at White Rock Lake (Modification)
Applicant: Hal Workman
Tax Parcel(s): 21600039
Location: Stoney Chimney Road SW (SR 1115)
Description: The Preserve at White Rock Lake is a planned development that was approved in November 2023 for 91 single-family lots on a gross site of 42.81 acres creating an overall density of 2.13 units per acre. The applicant is proposing to modify the planned development by adding 8 single-family lots for a total of 99 single-family lots on 42.81 acres creating an overall density of 2.3 dwelling units per acre.

Mr. Phillip Coates addressed the Board. Mr. Coates read the Staff Report (attached) and he identified the subject property and surrounding properties on a visual map.

Mr. Coates 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.
- Revise the maximum building height in the site data table to indicate 40-feet.

Mr. Brittain asked staff if the portions of open space in the AE flood zone can be used? Ms. Dixon said it will be natural land. Mr. Brittain asked if staff received plans as requested in the TRC comments? Ms. Dixon said some of the TRC comments were not addressed before the requested date, so this project was not placed on the agenda for consideration until this month's meeting to ensure all TRC comments were addressed.

Mr. Leary asked if there were discussions about designing the project to the 100-year storm event? Ms. Dixon said it is, typically, discussed at the TRC meeting, but she was unsure of the outcome because she did not attend that TRC meeting.

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

Mr. Hal Workman, 98 Hampton Drive, Holly Ridge NC 28445, introduced himself to the Board.

Mr. John Workman, 98 Hampton Drive, Holly Ridge NC 28445, addressed the Board. Mr. Workman said he is certain that there were discussions at the TRC meeting about designing the project to the 100-year storm event. Ms. Dixon added that this is an older project that was previously approved prior to the Board suggesting that projects should be designed to the 100-year storm event.

Mr. Hal Workman said they want to add more open space and green space than was previously submitted for approval. He further stated that some lots have been shifted.

Ms. Christie Marek, 2986 Longwood Road NW, Ash, NC, addressed the Board. Ms. Marek was concerned with potential flooding and whether or not the Federal Emergency Management Agency (FEMA) has made a site visit. She suggested that the buffer be larger to ensure the proposed homes are protected from potential flooding issues. Ms. Marek asked if the property has been clear-cut? Mr. John Workman said the property has not been clear-cut. Ms. Marek suggested that a wildlife study be conducted in the area. She expressed concern with the trees remaining to minimize flooding in the area.

Mr. John Workman said they intend to keep trees on the property, wherever possible. Ms. Dixon said property can be developed in flood zones provided that a flood permit is obtained from the Floodplain Manager(s). She stated that the developer has opted to not build in the flood zone. Ms. Dixon said wildlife studies are typically conducted by the State.

Mr. Hal Workman said they are changing lot lines and reducing the roads to provide additional open space than was previously approved for this project.

Ms. Marek re-addressed the Board. She stated that the developer is adding 8 homes to the previously approved project and Ms. Dixon concurred.

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

Mr. Leary made a motion to approve PD-128 (The Preserve at White Rock Lake Modification) with the noted conditions in the Staff Report and the motion was unanimously carried.

C. Major Subdivision – SS-287

Name: Clearwell Estates Major Subdivision (%Mike Nichols)
Applicant: Paramounte Engineering
Tax Parcel: Portion of 01600058
Location: Clearwell Drive NE south of Mt. Misery Road NE (SR 1428)
Description: Clearwell Estates is a proposed Major Subdivision consisting of 79 single-family units on 66.50 acres creating an overall density of 1.19 dwelling units per acre.

Mr. Tyler Connor addressed the Board. Mr. Connor read the Staff Report (attached) and he identified the subject property and surrounding properties on a visual map.

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

- That the development proceeds in conformity with all plans and design features submitted as part of the major subdivision application and kept on file by the Brunswick County Planning Department.
- That the development of the parcel(s) complies with all regulations as specified in the Brunswick County Unified Development Ordinance.
- Major Subdivision 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.

- Prior to construction, a road maintenance agreement must be secured between the developer and owner of Clearwell Road NE.

Mr. Gaver asked if the total number of lots is 47 or 79 because the Staff Report indicates 47 proposed lots under the Approval Criteria? Ms. Dixon said the project consist of 79 single-family lots. Mr. Gaver asked staff if the 756 vehicle trips per 24-hour weekday volume apply to 47 or 79 single-family lots? Ms. Dixon said the 756 vehicle trips per 24-hour weekday volume applies to 79 single-family lots.

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

Mr. Tim Clinkscales, Paramounte Engineering, addressed the Board. He clarified that the trips per day is 756 for 79 single-family lots.

Mr. Mike Nichols, 122 Cinema Drive, Wilmington, NC 28403, addressed the Board on behalf of Paramounte Engineering. Mr. Nichols said this is a low impact development and there will a second entrance for emergency purposes. Mr. Nichols said they have 2 stub outs for future use.

Mr. Gaver asked the applicant to elaborate on the project being a low impact development project. Mr. Clinkscales said the State stormwater allows for a project that is less than 24% impervious to be a low-density project, which allows for swales rather than retention ponds. He stated that the County exempts projects from water quantity requirements that are less than 15% impervious.

Mr. Eddie Jenkins, 3987 Thunder Hill Road NE, addressed the Board. Mr. Jenkins said he is adjacent to the subject property and Rattlesnake Creek runs through the subject property and behind his house. He was concerned with the potential stormwater runoff when the subject project is clear cut and the potential impact to his property if a retention is not in place to capture stormwater that will be generated from the proposed development. Mr. Jenkins was also concerned with other property owners currently living in the area if the impervious are exceeds the allowable amounts imposed by the State and County.

Mr. Clinkscale re-addressed the Board. He said a TIA will be required if this project exceeds the threshold allowed by NCDOT and stormwater will be addressed by the County Stormwater Engineer (15% impervious) as well as the State (24% impervious). He stated that they cannot restrict the flow to Rattlesnake Creek and there will be a minimal impact regarding stormwater runoff. He further stated that there are stormwater ponds proposed for detention purposes.

Mr. Jenkins re-addressed the Board. Mr. Jenkins was concerned with the potential of stormwater runoff and the current stormwater issues. He stated that there is a development that is currently creating stormwater runoff issues in the area. Ms. Dixon suggested that Mr. Jenkins speak with the County Stormwater Engineer so they can address his concerns of potential stormwater issues in the area.

Mr. Ulysses Jenkins, 4038 Butler Road NE, addressed the Board. Mr. Jenkins asked if the yield sign near the water plant on Clearwell Drive NE will become a stop sign from Clearwell Drive NE to Butler Road NE? He stated that the yield sign is not always recognized by vehicles travelling at a high rate of speed in the area. Ms. Dixon said she will get with Mr. Jenkins about who he should contact regarding this matter.

Ms. Christie Marek, 2986 Longwood Road, addressed the Board. Ms. Marek said there are a considerable amount of wetlands on the property, but wetlands that do not have water flowing through them are not protected. She asked if a buffer will be around all of the wetlands or the protected wetlands? Ms. Dixon said a major subdivision requirements are different from a planned development; in that, they do not have to cluster out of wetlands. She said the developer has indicated that the protected wetlands will not be disturbed.

Ms. Marek was not comfortable with the proposed plan being approved. Ms. Dixon said the NC Wildlife recommends buffers on wetlands, but major subdivision requirements are not the same as a planned development. She stated that the minimal requirements for a major subdivision have been met by the developer. Ms. Marek was unclear regarding the 15% impervious requirement for a project to be a low-density project and Mr. Clinkscales clarified the 15% impervious requirement by the County for a development to be a low density project.

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

Mr. Brittain made a motion to approve SS-287 (Clearwell Estates Major Subdivision) with the noted conditions in the Staff Report and the motion was unanimously carried.

VIII. OTHER BUSINESS.

- Transportation Impact Analysis (TIA) Update

Ms. Dixon addressed the Board. She stated that the Planning Board Subcommittee met after this matter was tabled at 08-Jul-24 meeting and it was discussed with the development community via a staff meeting. There were suggestions made and staff is working on changes to the TIA text amendment based on those discussions. She further said staff will continue working with the subcommittee and a revised document will be presented to the Board at a later date. Mr. Gaver added that the subcommittee wants to get this right and not push or rush a document that is not clearly thought through.

- UDO Committee Assignments.

Ms. Dixon addressed the Board. She stated that the UDO Committee is on-going and the consultant will be reviewing the UDO for the recommended changes.

- Planning Board Case Update.

Ms. Dixon addressed the Board. She stated that there were no appeals submitted for the previously approved rezoning cases (Z-885CZ, Z-893, Z-896, and Z-897) at the 08-Jul-24 Planning Board meeting, so the Board's decision stands. She stated that a written appeal has been submitted for Z-895 and the matter will be placed on the Board of Commissioner's 16-Sep-24 Board meeting for consideration.

- Tree and Landscaping Text Amendment Update

Ms. Dixon addressed the Board. She stated that a meeting was held with the development community and this matter will come back before the Board in the near future for consideration. Mr. Gaver said a public informational meeting was held that was well attended with a lot of feedback. Ms. Dixon said information will be posted online regarding when the next meeting will be held.

IX. PUBLIC COMMENTS.

Mr. Gaver reopened the public comment section.

Ms. Marilyn Matteo, 7721 Morgan Creek Road NE, addressed the Board. She stated that she is a licensed NC Rehabber. She expressed concerned with wildlife not being protected and clear-cutting is being done without including any professional wildlife personnel to ensure wildlife is protected. As a result of the clear-cutting, wildlife is forced to invade in residential communities looking for food. She reiterated that rehabbers should be involved upfront in the approval process for new development.

X. PUBLIC HEARINGS, CONTINUED.

D. Rezoning Z-898 – Formerly City of Southport Extra Territorial Jurisdiction (ETJ).

Request initial zoning of approximately 1,911 acres located in the former City of Southport ETJ near Southport, NC to various County Zoning Districts.

Mr. Jeff Walton addressed the Board. He stated that there was a concern with the Board having a potential conflict of interest, so staff recommends that the Board remove 5010 Robert Ruark Drive, Southport NC (Tax Parcel 221OA037) from tonight's proceedings and discussed at the 09-Sep-24 Planning Board meeting. He furthered stated that staff recommends removing 2 properties fronting Rob Gandy Blvd SE (Tax Parcels 221LA01501 and 221MC00702). He proceeded to reading the Staff Report (attached) and identified the subject property and surrounding properties on a visual map. Mr. Walton read the consistency and reasonableness determination statement (attached).

Mr. Walton said staff recommends approval of the initial zoning of properties that were formerly in the City of Southport's ETJ to RR (Rural Low Density Residential), R-7500 (Medium Density Residential), R-6000 (High Density Residential), SBR-6000 (High Density Site Built Residential), MR-3200 (Multifamily Residential), C-LD (Commercial Low Density), NC (Neighborhood Commercial), I-G (Industrial General), and CP (Conservation and Protection) near Southport, NC excluding 5010 Robert Ruark Drive, Southport NC (Tax Parcel 221OA037) and the 2 properties fronting Rob Gandy Blvd SE (Tax Parcels 221LA01501 and 221MC00702) and adopt the consistency and reasonableness determination statement.

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

Mr. Charles Paul, 2217 Marlin Drive, Wilmington, NC addressed the Board as the and Chief Executive Officer of Bald Head LTD. Mr. Paul said he owns Project Indigo Phase 2 and they do not object to proposed zoning by the County.

Ms. Cheryl Roy addressed the Board for a property owner at 6240 Lookout Pointe. She said the property owner lives in California and they did not receive a public notice. The property is owned by Gala and Halley Armstrong (GGH Properties LLC) and it is adjacent to a 50 acre that will be zoned SBR-6000 (High Density Site Built Residential). They are concerned about the zoning potentially preventing walkability on the beach, an increase in traffic congestion, noise, lack of privacy, overcrowding, and pushing infrastructure limits, especially, on River Road SE, Howe Street and NC 133. There is a substantial part of the acreage that is marshland controlled by the Coastal Area Management Act (CAMA), which could pose flooding issues that could potentially go into the Landing development. They are also concerned with wildlife exposure and tree destruction.

Mr. Gaver asked staff to address the public notice policy. Ms. Dixon said staff mailed over 900 public notices and the address information is retrieved from the Tax office. Ms. Roy was concerned with the property being proposed at a higher density (SBR-6000). She further stated that there is no infrastructure available to the area. Mr. Walton said the proposed zoning was based on what was nearby. Ms. Roy was concerned with their community changing and wildlife being displaced with development. She encouraged the Board to come to the area and see all the traffic congestion in the area. Mr. Walton said staff is recommending SBR-6000 based on the surrounding uses, but if the Board chooses to zone the property to a lower density (R-7500), it is within their purview.

Mr. Evan Peterson, 6237 Navigator Lane, asked that the Board not zone the area high density as previously mentioned by Ms. Roy because he lives in that area. He said there are wetlands in the area, but there is a 30' easement from a berm into the wetlands. He, too, asked that it be zoned low density residential. He said there is wildlife in his backyard that will likely be displaced.

Mr. Stewart Terrell, 356 Trevally Court SE, addressed the Board as Southport City Manager. He read a handout (attached) that was previously presented to the Board. He suggested that the city and county work together to protect the future generations. He felt that the County zoning is not compatible with the city's zoning. Mr. Gaver asked staff if they worked with the City of Southport to determine the best zones for the former ETJ area and Mr. Walton said yes. He further stated that staff has been working with the City of Southport since June 2024. Ms. Dixon said staff has zoned areas as close as feasibly possible to the existing zoning in the former ETJ area.

Ms. Carolyn Mitchum, 7002 Robert Ruark Drive, addressed the Board. She was confused with an area being zoned to high density that is currently zoned rural low density. Ms. Dixon explained the justification for the zoning proposed was to ensure the prohibition of businesses in the area.

Mr. Fred Fiss, 216 N. Atlantic Ave, addressed the Board. Mr. Fiss said he serves on the Planning Board and they worked to reduce the height requirement from 40' to 30' in their business district. The County's maximum height requirement is 50', which is inconsistent with the existing height requirements. Ms. Dixon explained the height restrictions currently in the UDO applies to the unincorporated areas of Brunswick County.

Mr. Gaver was in favor of changing the maximum height requirement to 30' for commercial uses on Howe Street. Attorney King said the UDO would have to be amended to reduce the maximum height requirements. Ms. Dixon added that the entire County would be affected by the change.

Ms. Dixon said staff is considering creating a commercial zoning district in the UDO re-write to accommodate similar situations throughout the County.

Ms. Karen Mosteller, 310 N, Atlantic Ave, addressed the Board. Ms. Mosteller was concerned with N. Howe Street being developed with 50' commercial buildings. She felt that the Board and staff do not have the tools to mesh County zoning with similar existing zoning for the former ETJ areas.

Mr. Gaver asked what happens if the zoning does not occur. Ms. Dixon said the former ETJ will not be zoned, which means there will be no height or use limits. Attorney Ryan King said there is the potential for a freefall and the County will be forced to issue a permit if someone applied for a use in the former ETJ area(s). Ms. Mosteller re-addressed the Board. She suggested that a committee be set aside to make amendments to the UDO.

Mr. Philip Dudley, 218 Sellers Street, addressed the Board. Mr. Dudley said trees slow and redirect damaging winds, they provide shade, they are a habitat for birds and flies that eat mosquitoes, and they protect wetlands. He stated that there needs to be a greenway for wildlife.

Mr. Robert Fullerton, 3898 Timber Stream Drive, addressed the Board. Mr. Fullerton said this will affect all municipalities in the County. He asked that transition zoning be considered or a conservation zone be created to help diminish the relinquishment of the ETJ area.

Mr. Matthew Lawrence, 1003 Bussells Turn SE, addressed the Board. Mr. Lawrence asked if permits could be halted until the issues are resolved? Attorney King said legislature does not allow for a moratorium to be placed on residential development.

Ms. Karen Jackson, 725 Jabbertown Road SE, addressed the Board. She was concerned with the area being zoned high density and not rural low density. Mr. Walton said staff reviewed Jabbertown Road and there are smaller lots on that road. He stated another zone would make some current uses non-conforming. Ms. Jackson asked if the zoning designation can be changed? Mr. Walton reiterated that the proposed zoning is based on what is in the area and not making current uses non-conforming.

Ms. Karen Friemel, 6247 Lookout Pointe Drive, addressed the Board. Ms. Friemel suggested that developers be held accountable to provide things that are needed in the area such as infrastructure (water, sewer, roads).

Mr. Craig Stoeckle, 1240 N, Caswell Ave, addressed the Board. Mr. Stoeckle was concerned with taller structures being built near his home. He stated that there are traffic concerns in the area and there are alligators eating animals (dogs) in the area. He further stated that there are also flooding issues in the area and he asked that the Board to consider the current residents before making a decision on this matter.

Ms. Cindy Babson, 2245 Whiteville Road NW, addressed the Board. She, too, asked that a moratorium be put in place to slow development.

Ms. Jenny Prunty, 5906 Dutchman Creek Road SE, addressed the Board. Ms. Prunty was concerned with this matter being rushed. She urged the Board to work with the city and potentially overlay the city's zoning with the County's zoning. She suggested that an extension be requested because she understood such could be requested per Representative Charlie Miller.

Attorney King said there is no extension in place to his knowledge. He reiterated that the County has been instructed to adopt zoning for the former ETJ area within 60 days.

Mr. Frank Popelars, 1023 Captain Atkins Drive, addressed the Board. Mr. Popelars said a property owner in Smithville Woods violated the tree ordinance and that is why this matter is before this Board. He stated a petition was done in approximately 45 days to relinquish the ETJ area. He, too, suggested that an extension be requested from the State.

Ms. Christie Marek, 2986 Longwood Road NW, addressed the Board. Ms. Marek said an extension can be requested. She suggested that a section of the proposed zoning be postponed until September 2024. She stated that a moratorium can be put in place to protect the health and safety of the community (i.e., evacuation issues, wildlife preservation). Mr. Gaver asked her to explain the extension and Ms. Marek said if there is an issue (health and safety concerns), an extension can be requested, but it may not be granted. Ms. Dixon interjected that the General Assembly is not in session until November 2024 and Attorney King concurred. Otherwise, they will have to have an emergency session called for this matter to be heard.

Ms. Sue Hodgkin, 608 Cottage Point Way, addressed the Board. She stated that she serves on the City of Southport Planning Board. Ms. Hodgkin concurred that an extension can be requested, but the General Assembly would have to call a special session. She encouraged the Board and staff to work with the city and try to create a positive impact for the former ETJ area(s).

Mr. William Rainwater, 3008 Robert Ruark Drive SE, addressed the Board. Mr. Rainwater said he, too, signed a petition when a local neighbor was cited for cutting trees. He said there are wetlands and wildlife that can be potentially damaged if this matter is not well thought out.

Mr. Gaver addressed the audience regarding what happens next as a result of the mandate from the State. He asked staff what are the Board's options? Ms. Dixon said the Board can approve staff's recommendations, approve staff's recommendation with changes, or postpone the matter. She said postponing the matter will mean these properties will not be zoned until the County such time as the County zone the former ETJ area. Mr. Gaver asked staff if delaying the zoning until the Board's 09-Sep-24 meeting have any value? Ms. Dixon said the map will not change and amending the UDO will take approximately 90 days.

With no further comments, Mr. Bittenbender made a motion to close the Public Hearing and the motion was unanimously carried. Mr. Leary asked if the UDO re-write is the best course of action and Ms. Dixon said it would be ideal for the consulting firm to update the UDO. Mr. Leary asked if the height restriction could be limited to a 30' maximum for the former ETJ area? Ms. Dixon said it will have to be a conditional zoning request for that entire area and signed permission from each property owner will have to be received.

Mr. Gaver stated that any person with standing may appeal the decision of the Planning Board to the Brunswick County Board of Commissioners. Notice of the appeal must be provided in writing within 15 days. If no appeal is received, then the decision of the Planning Board shall be final. 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.

Mr. Leary made a motion to approve the initial zoning of properties that were formerly in the City of Southport's ETJ to RR (Rural Low Density Residential), R-7500 (Medium Density Residential), R-6000 (High Density Residential), SBR-6000 (High Density Site Built Residential), MR-3200 (Multifamily Residential), C-LD (Commercial Low Density), NC

(Neighborhood Commercial), I-G (Industrial General), and CP (Conservation and Protection) near Southport, NC, remove the 3 properties (Tax Parcels 221OA037, 221LA01501 and 221MC00702) 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:
 - G-1 - Make consulting Blueprint Brunswick in advance of decision making a regular practice of the County’s elected and appointed officials, County staff, and the County’s strategic partners.
 - LU-1 - Recognize the County’s position in its evolution and how to leverage that position for positive change.
 - LU-2 - Support development in areas that are best suited for future development.
 - NR-1 - Conserve natural resources of the County.
 - DQ-2 - Maintain the character of the County, particularly the unique features that contribute to the identity of the place.
- The Commercial Suitability Map identifies parcels along George II Hwy as more suitable for commercial development.
 - Consistent with the characteristics of the area, existing zoning in the area, and adjacent uses.
 - Biodiversity and Wildlife Habitat Assessment Score: Within the SP-ETJ, the assessment score ranges from 0 within the developed/commercial areas but increases from 7 to 9 indicating more wildlife habitat. Areas in this zone are the larger undeveloped parcels.
 - The NC General Assembly relinquished the City of Southport’s ETJ effective July 1, 2024, giving Brunswick County 60 days to enact zoning or the area will be unzoned.

<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 checked="" 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. Gaver stated that any person with standing may appeal the decision of the Planning Board to the Brunswick County Board of Commissioners. Notice of the appeal must be provided in writing within 15 days. If no appeal is received, then the decision of the Planning Board shall be final. 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.

E. Rezoning Z-899 & Z-899CZ– De-annexed Parcels in the former City of Boiling Spring Lakes.

Request initial zoning of six recently de-annexed parcels totaling approximately 23.79 acres located in the former City of Boiling Spring Lakes to C-LD (Commercial Low Density), RR (Rural Low Density Residential), and C-LDCZ (Commercial Low Density Conditional Zoning) near Boiling Spring Lakes, NC.

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

Mr. Walton said staff recommends approval to C-LD (Commercial Low Density), RR (Rural Low Density Residential) for Tax Parcels 1730000101, 17300025, 17300026, 17300019 and 11300039 and C-LDCZ (Commercial Low Density Conditional Zoning) for Tax Parcel 1560000702 located in the former City of Boiling Spring Lakes and adopt the consistency and reasonableness determination statement.

Mr. Bittenbender 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. Brittain made a motion to approve Tax Parcels 1730000101, 17300025, 17300026, 17300019 and 11300039 to C-LD (Commercial Low Density) and RR (Rural Low Density Residential), approve Tax Parcel 1560000702 to C-LDCZ (Commercial Low Density Conditional Zoning) based on the permitted use(s) and conditions outlined in the Staff Report, 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:

- LU-2 – Support development in areas that are best suited for future development.
- LU-4 – Conserve viable agriculture while facilitating the transition of some existing working lands affected by urbanization.
- The Commercial Suitability Map identifies parcels along George II Hwy as more suitable for commercial development.
- Consistent with the characteristics of the area, existing zoning in the area, and adjacent uses.
- Biodiversity and Wildlife Habitat Assessment Score: Vacant land within the proposed zoning score 9 out of 10 or has a high possibility of biodiversity and wildlife on the site. Developed properties along George II Hwy. score 0 out of 10 and have little change of biodiversity or wildlife on site.

<input type="checkbox"/> <i>Agricultural Development Plan</i>	<input checked="" 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. Gaver stated that any person with standing may appeal the decision of the Planning Board to the Brunswick County Board of Commissioners. Notice of the appeal must be provided in writing within 15 days. If no appeal is received, then the decision of the Planning Board shall be final. 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.

XI. ADJOURNMENT.

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