

MINUTES

PLANNING BOARD

BRUNSWICK COUNTY, NC

**6:00 P.M. Tuesday
November 12, 2024**

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

MEMBERS PRESENT

Clifton Cheek, Chair
Jason Gaver, Vice Chair
Richard Leary
Harry Richard Ishler, Alternate
William Bittenbender, At-Large
Allen Brittain, At-Large
James (Jim) Board

MEMBERS ABSENT

Ron Medlin

STAFF PRESENT

Kirstie Dixon, Director
Marc Pages, Deputy Director
Connie Marlowe, Admin. Asst. II
Tyler Connor, Planner I
Phillip Coates, Planner I
Dennis Rabon, Zoning Administrator
Garrett Huckins, Planning Tech.
Jeff Walton, Planner II
Ryan King, Asst. County Attorney

OTHERS PRESENT

Savanna Tenenoff, Star News
Bradley Jarrell
Jody Bland, Norris & Bland Engineering
Thomas Scheetz
Craig Stoeckle
Josh Torbich
Belinda Willetts
Tim Long
Elliot Swain

Jason Brady, Brunswick Beacon
Ian Johnson
Terry Alston
Lora Sharkey
Karen Mosteller
Matthew Morabito
Elaine Jordan
Patrick Newton

I. CALL TO ORDER.

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

II. INVOCATION/PLEDGE OF ALLEGIANCE.

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

III. ROLL CALL.

Mr. Ron Medlin was absent.

IV. CONSIDERATION OF THE MINUTES FROM THE 14-OCT-24 MEETING.

Mr. Bittenbender made a motion to approve the 14-Oct-24 minutes as presented and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

Mr. Marc Pages asked that Item J (Rezoning Z-902) under Public Hearings be moved to Item F for consideration on the agenda.

VI. PUBLIC COMMENTS.

Mr. Cheek read a brief statement saying that this is an opportunity for the public to discuss items that are not on the agenda for a public hearing. He further stated that there is a public comment policy available if anyone is interested in a copy.

There were none.

VII. OLD BUSINESS.

A. Major Subdivision – SS-284

Name: Maco Commons Major Subdivision
Applicant: 2 Tracts Development, LLC
Tax Parcel(s): 0350004513 and 0350004514
Location: Maco Road NE (NC 87)
Description: Maco Commons is a proposed Major Subdivision consisting of 25 single-family units on 27.10 acres creating an overall density of 0.92 dwelling units per acre.

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

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

- That the development shall proceed in conformity with all plans and design features submitted as part of the major subdivision 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.
- 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.
- The proposed fire suppression system (dry hydrant) must be approved by the Fire Chief prior to construction.
- Per the Flood Damage Prevention Ordinance, a Hydrology and Hydraulics Study is required to be provided that establishes the Base Flood Elevation (BFE) for the development site. Should any improvements be proposed with the newly established BFE (Approved Floodplain) then a Floodplain Development Permit is required for the development construction (i.e. Roads, Fill, Infrastructure) and future homes will be required to obtain individual Floodplain Development Permits when constructed.

Mr. Brittain stated that comments from Environmental Health show the project as a total of 32 single-family lots, but staff shows 25 single-family lots. Mr. Pages said the developer initially had a proposal for 32 single-family lots, but that number has been reduced to 25 single-family lots and any additional lots will require another approval by this Board.

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

Mr. Bradley Jarrell, 1401 Colon Mintz Road, addressed the Board. Mr. Jarrell said they are working with an engineer, FEMA (Federal Emergency Management Agency) and the Floodplain Administrator to address the wetlands issue. Mr. Cheek asked what type of wetlands are on the site? Mr. Jarrell said they are not 404 wetlands, but FEMA is involved in the matter. Mr. Cheek asked if the septic fields will service multiple sites and he wondered the number of bedrooms for each site. Mr. Harrell said they are working with a soil scientist that has designed the layout and the shared drained fields will be designed by an engineer. He was uncertain of the number of bedrooms for each site. Mr. Board asked if 15-25 lots will share a drain field? Mr. Harrell said approximately 4 lots (Lots 20-23) will share a drain field, while other lots will have individual septic systems.

Mr. Ian Johnson, 8040 Footpath Road, addressed the Board. Mr. Johnson was concerned with the additional traffic utilizing the existing easement directly in front of his property that he currently own. He was also concerned with who will be financially responsible for repairs when the asphalt deteriorates because he is not financially able to make repairs to the road in the future. He further stated that Bill Fish Drive is currently acting as a small levy and there is a 15" culvert under Perennial Lane that handles most storms, but PTC#8 (Potential Tropical Cyclone #8) flooded that portion of Mr. Johnson's property. Mr. Johnson asked if the developer could assist with installing a larger culvert that can handle what has become a levy on the north side of his property to help drain the west side of his property.

Mr. Cheek asked staff about road maintenance for the private roads. Mr. Pages said an HOA (Homeowners Association) will have to be formed to maintain the private roads, stormwater and open space areas in the proposed development. Mr. Pages said the maintenance will be required from the North Carolina Department of Transportation's (NCDOT) right-of-way into the development. Mr. Jarrell said they are aware that an HOA has to be formed to handle roads, stormwater, and open space areas. Mr. Jarrell said they will present the culvert issue to their engineer to determine the appropriate size the pipe needs to be.

Mr. Bittenbender asked if the common area(s) will accommodate all of the lots and Mr. Harrell said the common area(s) will not accommodate all of the lots, but there are other common areas proposed. Mr. Pages added that a County and State stormwater permit will have to be obtained. Mr. Jarrell said they currently have an approved stormwater permit(s).

Mr. Brittain asked if they have talked to the adjacent property owners and Mr. Jarrell said he spoke with 1 of the property owners in the immediate area.

Mr. Gaver clarified that Perennial Lane and Bill Fish Drive will be maintained by the HOA of this development and Mr. Johnson would not be responsible for improvements to the road and Mr. Pages concurred. Mr. Gaver further stated that the HOA will be responsible for the drainage issues. Mr. Pages said Mr. Johnson is responsible for the drainage on his property and any runoff from his property. Mr. Pages said the 2 parties can meet to discuss a resolution to the existing culvert issues if they so choose to do so.

Mr. Johnson readdressed the Board. He asked if he will still own his portion of the easement and the developer maintains the easement and Mr. Pages concurred. Mr. Johnson asked if it is okay for Bill Fish Drive to act as a levy because water cannot flow north. He asked if it is his responsibility to move the natural flow through the culvert on his property? He encouraged Mr. Johnson to speak with Brigit Flora or Richard Christensen regarding any stormwater issues.

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

Mr. Gaver made a motion to approve SS-284 (Maco Commons Major Subdivision) with the noted conditions in the Staff Report (attached) and he encouraged the developer to meet with Mr. Ian Johnson to assist with installing a larger culvert in the area and the motion carried 5 to 2 with Mr. Leary and Mr. Brittain opposing.

B. Major Subdivision – SS-288

Name: Parker Tract Major Subdivision
Applicant: Norris & Bland Consulting Engineers P.C.
Tax Parcel(s): 21400016
Location: Shell Point Road SW (SR 1132)
Description: Parker Tract is a proposed Major Subdivision consisting of 154 single-family units on 91.41 acres creating an overall density of 1.68 dwelling units per acre.

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

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

- That the development shall proceed in conformity with all plans and design features submitted as part of the major subdivision 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.
- 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.
- Add a note to the site plan that indicates the total provided recreation space will be 1.38 acres.

Mr. Pages added that the developer is proposing a vehicular traffic bridge connecting the northern and southern portions of the site. There will be a connection onto High Meadows Drive SW (SR 1826) and Shell Point Road SW (SR 1132) as well as across an existing pond.

Mr. Board expressed concern with the proximity of the bridge to the Shallotte River and the potential of the bridge being flooded if there is a major storm. Mr. Pages said the northern portion of the site will have an exit onto High Meadows Drive SW (SR 1826) and the southern portion of the site will have an exit onto Shell Point Road SW (SR 1132).

Mr. Cheek asked if the 20' gravel emergency gated access will be a connectivity point to Shell Point Road SW (SR 1132)? Mr. Pages said that has been removed because the Fire Marshal has determined that that emergency access is no longer warranted. He reiterated that there will be 2 exits (High Meadows Drive SW and Shell Point Road SW) on the site.

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

Mr. Jody Bland (1429 Ash-Little River Road), Norris and Bland Engineering, addressed the Board. He stated that the interconnection over the dike that creates the pond will require a geotechnical engineer to perform the full analysis for structural stability. There will be approximately 8 ponds in addition to the main pond on the site for stormwater purposes. There are multiple points of ingress and egress to the site. Mr. Bland said they will comply with the 20' buffer indicated by staff. The property will be served with public water that will be dedicated to the Brunswick County Public Utilities, individual on-site wastewater systems are proposed for each lot, roads, common areas, and stormwater will be maintained by the HOA.

Mr. Gaver asked if there were any comments at the neighborhood meeting? Mr. Bland said there were comments about traffic, the actual development in proximity to the existing neighborhoods, schools, operation of the stormwater ponds and what happens during a flood event (project designed to the 100-year storm event). Mr. Cheek asked if the dike will have a culvert that runs underneath. Mr. Bland said the dike will have a small outfall structure and it will be maintained. Mr. Board asked if they are comfortable with the elimination of the 20' emergency gravel gated access and Mr. Bland said they are comfortable with it based on the Fire Marshal's input. He stated that if the Board desires for it to remain, they will comply. He further stated that there is an existing cemetery on the 20' gravel access road so the gate would be behind the cemetery entrance so as not to impede access to the cemetery if the gate remains. Mr. Board reiterated his concern of the bridge potentially flooding and/or collapsing if there is a

major storm. Mr. Pages interjected that the emergency connection connects to Canna Place SW.

Ms. Terry Alston, 1215 Fletcher Hewett Road SW, addressed the Board on behalf of herself and Randy Mayfield (1306 Fletcher Road SW). Ms. Alston said she and 2 other property owners in the area are concerned with the effect the proposed development(s) will have on their property. She was concerned with the types of homes that will be placed on the property, traffic increase generated from this development, heavy equipment, and potential stormwater runoff. She was also concerned with Canna Place SW and High Meadows Drive SW because those are residential areas that cannot handle the excessive traffic that will be generated by the proposed project. The proposed development will be built in 2 flood zone areas. Ms. Alston was concerned with 154 individual on-site wastewater systems in a relatively small area. Ms. Alston read a letter (attached) from Randy Mayfield because he was unable to attend the meeting. Mr. Mayfield had concerns with the types of homes that will be built, potential stormwater issues, air pollution from vehicles, noise pollution, roads, heavy equipment, and wildlife. She concluded that there are a lot of unhappy people that currently reside in the area.

With no further comments, Mr. Leary made a motion to close the Public Hearing and the motion was unanimously carried. Ms. Alston had another question. Mr. Leary made to reopen the Public Hearing and the motion was unanimously carried. Ms. Alston asked if there is a way to determine the housing types and Mr. Cheek said the Board does not have access to that information at the current time. Mr. Leary made a motion to close the Public Hearing and the motion was unanimously carried.

Mr. Board was concerned with the water issues, wetlands on-site, and the individual on-site wastewater systems and the close proximity to the Shallotte River and Mr. Gaver concurred. Mr. Gaver was also concerned with the density and this project changes the dynamics of the area coupled with its close proximity to the Shallotte River. Mr. Cheek reiterated that the developer intends to design the project to the 100-year storm event. Mr. Gaver felt that the risk is too high even if the project is built to the 100-year storm event due to the high density associated with the area. Mr. Ryan King reminded the Board that this is a major subdivision and whether or not it fits the area is not a part of the Board's decision-making process. He further stated that if the Board chooses to deny, a specific reason must be stated as well as a remedy for approval. Mr. Gaver explained to staff that he has concerns with the density of the project and its proximity to the Shallotte River that may cause flooding to future homes. Mr. Pages said the subject property is currently zoned R-6000 (High Density Residential), which allows for up to 4.4 dwelling units per acre for 10,000 square foot lots. He stated that the developer is proposing 1.68 dwelling units per acre that includes the flood areas, ponds, and wetlands. However, Mr. Pages agreed that the proximity of on-site wastewater systems to the Shallotte River is a valid concern.

Mr. Gaver made a motion to deny SS-288 (Parker Tract Major Subdivision) due to the on-site wastewater systems proximity to the Shallotte River and a potential risk to future homeowners and the motion was unanimously carried.

C. Major Subdivision – SS-289

Name: Harper Acres Major Subdivision
Applicant: Headwaters Engineering of the Cape Fear, PLLC
Tax Parcel(s): 2210002704
Location: Robert Ruark Drive SE (SR 1852)

Description: Harper Acres is a proposed Major Subdivision consisting of 15 single-family units on 7.96 acres creating an overall density of 1.88 dwelling units per acre.

Mr. Phillip Coates addressed the Board. Mr. Coates read the Staff Report (attached). 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 major subdivision 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.
- 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.

Mr. Gaver asked staff if school capacity will be insufficient in 8 to 10 years and staff said it appears that there will not be adequate school capacity based on the projected numbers on the graph. Mr. Gaver asked if the subject property was submitted to the City of Southport before the ETJ (Extraterritorial Jurisdiction) relinquishment? Mr. Pages replied, yes. He stated that a zoning change was denied by the City of Southport and the ETJ relinquishment occurred shortly after. Mr. Gaver clarified that the subject property is surrounded by residential zoning with the exception of commercial zoned property to the northeast and Mr. Coates concurred.

Mr. Board asked staff if a buffer is required between this development and the commercial property? Mr. Coates replied, no. Mr. Pages added that there is an existing buffer on the commercial property. Mr. Brittain interjected that there is an existing retention pond on the commercial property.

Mr. Gaver asked staff why the pedestrian easement to Lord Thomas Avenue is being removed? Mr. Pages said staff was approached by the HOA of Cades Cove Place and they have a deed restriction that limits any pedestrian or vehicular easements on Tax Parcel 221MF00101, which is between the subject property and Lord Thomas Avenue.

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

Mr. Thomas Scheetz, Headwaters Engineering of the Cape Fear, PLLC, addressed the Board. He stated that this is a small low-density, low impact neighborhood with 15 lots. Mr. Scheetz said the average lot size is approximately 17,000 square feet and the site will be designed to the 100-year storm event. Mr. Scheetz said both the State and County stormwater permits have been reviewed and approved.

Ms. Lora Sharkey, 432 Cades Trail, addressed the Board. She stated that her property backs up to conserved open space. Ms. Sharkey felt that a buffer should be included in the proposed development where the conservation open space borders this project, which house wildlife refuge. She further stated that there are 2 homes at the beginning of Cades Trail that will be impacted by the proposed project unless a buffer is required.

Mr. Cheek asked Mr. Scheetz what are the plans for the 20' drainage easement? Mr. Scheetz said it will be a small swale going down each property line, which prevents them from erecting a buffer. He said they are providing a 20' street buffer along Robert Ruark Drive and there will be some buffer on the lots. Mr. Scheetz reiterated that the project is a low-density stormwater design, which equates to less grading or cutting of trees. Mr. Gaver clarified that the proposed swale prevents the developer from erecting a buffer along the property line and Mr. Scheetz replied, yes. He said a buffer could be placed inside the property line, but it is not required. Mr. Leary asked the dimension of the swale and Mr. Scheetz said it varies from 5' wide to 15' wide. He felt the buffer would not be reasonable. Mr. Gaver asked why the buffer would not be reasonable. Mr. Scheetz said because it is not required and the project is being designed above the minimum requirements. Ms. Dixon reminded the Board that planned developments require a buffer around the perimeter of the property, but major subdivisions do not require a buffer. However, the developer can choose to install a buffer, but staff cannot hold the developer to it.

Mr. Craig Stoeckle, 1240 N. Caswell Ave, addressed the Board. Mr. Stoeckle was concerned with storm drainage, wildlife, and privacy as outlined in the UDO. Mr. Stoeckle said he was told that this area was identified as Eagle Aire development and it would never be developed. He provided copies of emails from other neighbors (Shawn and Tera McCulloch and Eugene Stallings) in the area that concur with Mr. Stoeckle's comments. He read excerpts from the UDO (Article 6, Section 6.1) regarding Design Flexibility promoting quality development without imposing financial or regulatory burdens on projects. He presumed that included not instilling a financial burden on existing homeowners. Mr. Stoeckle said he had 9" of water in his crawlspace during PTC#8 and he shuttered to think what will happen to his property when the proposed development is built and another major storm hits the area. Mr. Stoeckle was concerned with wildlife (alligators and coyote) being moved from their habitat and potentially being a danger to the people in the immediate area. Mr. Stoeckle asked that a buffer (10' fence) be around the perimeter of the property. Mr. Cheek reminded Mr. Stoeckle that this is a major subdivision and planned development requirements cannot be applied to major subdivisions.

Mr. Scheetz readdressed the Board. He stated that they are going above and beyond the minimum requirements for a major subdivision. He reiterated that their proposed density is 65% of what is allowed because it is a low-density project.

Ms. Karen Mosteller, 310 N. Atlantic Ave, addressed the Board. She said low density addresses the number of units and not the size of a lot. Ms. Mosteller said they can design smaller lots to allow for more open space and a larger buffer between adjacent parcels.

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

Mr. Leary made a motion to approve SS-289 (Harper Acres Major Subdivision) with the noted conditions in the Staff Report (attached) and the motion was unanimously carried.

D. Planned Development – PD-132

Name: Sterling Oaks Planned Development Expansion
Applicant: Norris & Bland Consulting Engineers, PC
Tax Parcel(s): 20900056
Location: Ash-Little River Road NW (SR 1300)

Description: Sterling Oaks is a previously approved planned development consisting of 208 single-family units on 45.78 acres with an overall density of 4.54 units per acre. The applicant is proposing an expansion to the approved development. The proposed expansion consists of adding 130 single-family units and 30.34 acres. With the expansion, the overall development will consist of 338 single-family units on 76.12 acres creating an overall density of 4.44 dwelling units per acre.

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

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

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

Mr. Brittain clarified that the turn lane was completed on May 1, 2023 for the initial project and Mr. Pages agreed. Mr. Brittain asked if there were other road improvements required by NCDOT for the proposed expansion? Mr. Pages said the turn lane will accommodate this area.

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. He stated that their office is in close proximity to the subject property. He stated that they are completing Phase 1 site work of the project and this is an expansion (Phase 4) of the project. Mr. Bland said they worked with the Technical Review Committee (TRC) and addressed comments from the TRC. There was a neighborhood meeting and 1 neighbor called about connecting to sewer because their property will not perk. The project is designed to the 100-year storm event. He added there was no flooding in the area during Tropical Cyclone #8. Traffic upgrades are required and a center left turn lane has been installed. NCDOT required a right turn lane for this project and there is a right turn lane at the intersection of Ash-Little River Road NW (SR 1300) and No. 5 School Road NW (SR 1305) has many road improvements for traffic calming measures. Mr. Bland said water and sewer are available to the site and the pump station designed for Phase 1 is adequately sized to accommodate this expansion. He further stated that there is a 30' vegetative perimeter buffer.

Mr. Gaver thanked Mr. Bland for the information provided to the Board regarding the turn lane for this project. He asked if there are any major changes to the project? Mr. Bland said the expansion allows for a secondary entrance to the project.

Mr. Cheek asked if the pond (open space) at the top of the project is in the AE flood zone? Mr. Bland said there is a section of the pond in the AE flood zone. He stated that it is common for a

stormwater pond to be allowed in the flood zone because it creates storage and it is not a negative impact; rather, it is a benefit.

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

Mr. Gaver made a motion to approve PD-132 (Sterling Oaks Planned Development Expansion) with the noted conditions in the Staff Report (attached) and the motion was unanimously carried.

E. Planned Development – PD-134

Name: Watson Tract Planned Development
Applicant: Norris & Bland Consulting Engineers, P.C.
Tax Parcel(s): 0080006806
Location: Northwest Road (SR 1419)
Description: Watson Tract is a previously approved planned development consisting of 95 single family units and 76 duplex units on 59.17 acres creating an overall density of 2.89 units per acre.

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

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

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

Mr. Cheek asked staff about the number of lots (95 single-family units and 75 duplex units) because the staff report says 130 lots. Mr. Pages said a duplex will be 2 units on 1 lot.

Mr. Board asked if the duplexes are located north of the stormwater pond and Mr. Pages replied, yes. Mr. Board asked if lots 93, 94 and 95 will be developed? Mr. Pages said the owner wanted to retain some acreage for their own personal use within the project. Mr. Board asked if there is only 1 entrance to the entire development and Mr. Pages replied, yes. Mr. Pages added that there are 3 proposed stub outs (2 stub outs to the west of the site and 1 stub out to the east of the site).

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

Mr. Jody Bland, 1429 Ash-Little River Road, addressed the Board. Mr. Bland said they worked with staff and addressed TRC comments. He said the 3 lots on the rear will be retained by the developer for family use. There will be a 30-foot perimeter buffer and a 100-foot buffer retained in the lots. He stated that they held a neighborhood meeting and there were no major

concerns expressed at the neighborhood meeting. He stated that a neighbor has requested that a stub out at the rear be in the buffer and not the property line. Mr. Bland said the project is designed to the 100-year storm event. There is a Duke Power easement and a gas main easement that the developer is working with those entities to ensure they maintain the appropriate distance from those easements. All drainage will be diverted to the on-site stormwater ponds and there is no concern of stormwater runoff in the area because the area is fairly undeveloped.

Mr. Gaver asked if the 3 lots (93, 94 and 95) retained by the developer will be part of the HOA and Mr. Bland replied, yes.

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

Mr. Gaver made a motion to approve PD-134 (Watson Tract Planned Development) with the noted conditions in the Staff Report (attached) and the motion was unanimously carried.

F. Rezoning Z-902 – Christian Recovery Centers, Inc (%Josh Torbich)

Request rezoning of approximately 2.26 acres located at 605 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 19800044.

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. Connor read the consistency and reasonableness determination statement (attached).

Mr. Connor 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 19800044 located at 605 Holden Beach Road SW (NC 130) near Shallotte, NC.

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

Mr. Josh Torbich, CEO of Christian Recovery Centers, addressed the Board. He stated that this zoning change will correct a split-zoned parcel. He further stated that they operate a small retail thrift store that is adjacent to the subject property.

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

Mr. Gaver made a motion to approve Tax Parcel 19800044 to C-LD (Commercial Low Density) located at 605 Holden Beach Road SW (NC 130) near Shallotte, 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 support the rezoning:
 - Consistent with the 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 identify the subject parcels as more suitable for residential and commercial development.
- 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>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. Cheek 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.

G. Accessory Dwelling Units (ADU) Text Amendment.

Mr. Dennis Rabon addressed the Board. Mr. Rabon explained how the text amendment was initiated when an applicant's primary dwelling did not meet the minimum dimensional requirements in area for a lot that is currently zone R-6000 (High Density Residential), which requires a minimum lot area of 10,000 square feet without both public water and sewer availability. He further stated that the applicant's lot is just shy of 8,000 square feet in area. He proceeded to read the Staff Report and consistency and reasonableness determination statement (attached).

Mr. Rabon said staff recommends approval for the proposed accessory dwelling units text amendment and adopt the consistency and reasonableness determination statement. Ms. Dixon added that staff was in the process of eliminating this requirement in the UDO rewrite, but the applicant needs the change before the rewrite of the UDO.

Mr. Cheek clarified that the removal of Item C will eliminate the need for the primary use to meet the minimum dimensional area requirements and Mr. Rabon concurred.

Mr. Gaver asked what happens if the Board denies the text amendment? Mr. Rabon said the applicant currently applied for a permit to place an ADU on a parcel (zoned R-6000) that is less than 10,000 square feet in area because the lot does not have both water and sewer availability.

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

Mr. Matthew Morabito, 8529 Buffalo Road, addressed the Board. Mr. Morabito said he intends to move to the area, but they cannot add-on to the existing home because the septic area is in the rear so they decided to build an accessory dwelling for his father-in-law. Mr. Morabito said they wanted him nearby with his own living area. His said the accessory dwelling meets the minimum requirements, but the lot size does not meet the minimum lot area as stated by staff. He stated that he will have to seek other property if the proposed text amendment is not approved. He reiterated that they intend to move his father-in-law to the area in approximately 2 years because he will be doing the majority of the construction of the ADU.

Ms. Belinda Willetts, 6056 Funston Road SE, addressed the Board in favor of the proposed text amendment. She felt that a person should be allowed to build anywhere on their property.

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

Mr. Gaver made a motion to recommend to the Board of Commissioners to approve the Accessory Dwelling Units 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:

- Support efforts to increase workforce and affordable housing.
- Expand housing choices within Brunswick County to respond to changing preferences to increase housing affordability in the County.

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

H. Tree and Landscaping Text Amendment.

Ms. Kirstie Dixon addressed the Board. She stated that there are a number of items to discuss and she felt that the Board should vote on each item individually. Ms. Dixon said the Board can either approve or revise or deny each item as they are presented. Ms. Dixon read Item 1 (attached) regarding the minimum number of trees as well as the tree size required for residential and commercial lots. Ms. Dixon said the Planning Board subcommittee made changes to this item by reducing the number of trees from 3 to 2 trees on residential lots and 15 to 12 trees on commercial lots that includes industrial, multifamily, townhomes, office, institutional, public and civic uses. This requirement excludes business parks and industrial parks.

Ms. Dixon said staff recommends approval of Item 1 of the Tree and Landscaping Text Amendment.

Mr. Brittain said staff indicated at the previous meeting that the consultant is aware of these changes and Ms. Dixon concurred. He said the proposed changes are consistent with the rewrite of the UDO and Ms. Dixon replied, yes. Ms. Dixon said staff is just updating the current UDO with the proposed changes and they will be a part of the UDO rewrite.

Mr. Gaver asked the proposed changes are enforceable if they are adopted? Ms. Dixon said the minimum tree requirement for residential lots is required before a certificate of occupancy can be issued, but staff will not enforce thereafter if a tree is removed by act of God or man. Mr. Brittain asked if this will be the same when the UDO is rewritten and Ms. Dixon replied, yes. Mr. Gaver did not see the need to make a requirement that is not enforceable.

Mr. Gaver made a motion to open the Public Hearing on Item 1 and the motion was unanimously carried.

Ms. Elaine Jordan (Attorney for MAS Properties), 131 Ocean Boulevard West, addressed the Board. She said her comments applies to this text amendment as well as the Traffic Impact Analysis (TIA) and Transportation Overlay Zone (TOZ) text amendments. Ms. Jordan said the Planning Board is a gate keeper and the gate should not be open unless the Board is certain items for consideration are ready for the Board of Commissioners' level. She stated that the proposed text amendments have been tabled approximately 3 times with no significant changes. As a result, Ms. Jordan felt that the text amendments are not ready to move forward. Ms. Jordan said the cost of planting trees will drive up the cost for constructing a home. She asked the Board to wait for the rewrite of the UDO and not piece mill language in the current UDO. Ms. Jordan said there can be responsible growth in the County. She further stated that there is opposition both ways on the proposed text amendments (Tree and Landscaping, TIA and TOZ) for consideration.

Ms. Karen Mosteller, 310 N. Atlantic Ave, addressed the Board. Ms. Mosteller said the proposed text amendment encourages retention of trees to minimize clear cutting of trees.

Mr. Tim Long, 211 Bedrock Court, addressed the Board. He, too, felt that the text amendments are not ready to move forward. Mr. Long felt that there should be some more tweaking of the text amendments. He agreed that requiring 2 trees on a residential lot will increase the cost of a home that will be passed on to the potential buyer.

Ms. Dixon clarified that commercial properties must comply with a minimum of 12 trees per disturbed acre because it will be part of their landscape plan that must be maintained in perpetuity. Mr. Gaver asked how staff will enforce the requirement? Ms. Dixon said commercial properties are currently enforceable. Mr. Pages added that there are parking requirements and buffer requirements for commercial uses. Mr. Gaver pointed out that there is a difference between requirements and enforcement. He said these amendments are the result of citizens complaining to the Board of Commissioners about clear-cutting of trees. He said this language will not stop a developer from clear-cutting a lot. The time, effort and energy spent will not satisfy the core driver of what is the actual concern of the citizens. Mr. Gaver said staff is not going to the site to ensure the minimum number of trees are present on the site after the certificate of occupancy has been issued. Mr. Pages reiterated that inspections are conducted prior to the issuance of a certificate of occupancy.

Mr. Board felt that it is more important to preserve trees on a site. He agreed with Mr. Gaver, in that, this will not stop clear-cutting of trees. Mr. Gaver added that the goal is to stop clear-cutting, but we cannot tell a landowner that existing trees cannot be removed. He reiterated that the proposed language will not disallow clear-cutting of trees, rather, the Board can say that language has been added to the UDO that does not address the issue at hand.

Mr. Board asked how clear-cutting of trees can be stopped? Ms. Dixon said the State has to allow such a mandate. Mr. Pages interjected that the State has to grant the authority for the County to adopt a tree ordinance. As a result, the County is tasked with requiring tree replacement or incentives to encourage developers to preserve trees on a site. He said developers will argue that trees have to be removed so the site can be graded and stormwater elements can be installed.

Mr. Gaver felt that more work needs to be done before this is approved to appease the Board of Commissioners. Mr. Gaver said if this is adopted and later changed in the UDO rewrite, there are going to be some major repercussions.

Mr. Cheek clarified that a legislative bill will have to be passed for a Tree Ordinance to be implemented and Ms. Dixon concurred. Ms. Dixon said the Board of Commissioners requested such, but no action will likely be taken until the next session. Mr. Gaver said he was present when this matter was discussed by the Board of Commissioners and they knew it was not going to happen, but they sent a letter requesting it. Mr. Board said if clear-cutting continues, this will not address what the Board of Commissioners tasked the Planning Board to do. Mr. Pages said there are other elements within this text amendment that can mask or hide some of the clear-cutting of trees. Ms. Dixon said clear-cutting has to be done so stormwater measures can be put in place and individual lot can be identified on the ground.

Mr. Patrick Newton addressed the Board. He stated that an attorney (Mr. Shipman) indicated at a previous meeting that the County is setting itself up for a lawsuit if an illegal ordinance amendment is adopted.

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

Mr. Gaver made a motion to recommend denial of Item 1 of the proposed text amendment to the Board of Commissioners because this item is not ready to move forward and the motion was unanimously carried.

Ms. Dixon stated that Item 2 (attached) better defines heritage trees. Mr. Brittain suggested that cypress trees be added as a heritage tree.

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

Ms. Belinda Willetts, 6056 Funston Road SE, addressed the Board. She felt that all trees that are native to Brunswick County should be included as a heritage tree. Mr. Board said this section does allow for other tree species that are 18” or greater that is included in Appendix A of the UDO.

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

Mr. Board made a motion to recommend approval of Item 2 to the Board of Commissioners and the motion was unanimously carried.

Ms. Dixon read Item 3 that amends the amount of open space and recreation area that has to be provided under the minimum open space requirements (Section 6.4.4.B.) in the UDO. She stated that the open space minimum requirement has not changed, but the recreation area has been increased from 15% to 25%. Mr. Gaver clarified that there will be more usable space outside of the wetlands.

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

Ms. Lara Sharkey, 432 Kings Trail, addressed the Board. She agreed with the increased amounts of open space and usable recreation area (uplands). Ms. Sharkey said if open space is set aside at the time a development is approved, more trees will be preserved and the public concerns can be addressed regarding minimizing clear-cutting of trees. She felt that the percentages for open space should be higher in the overall development plan. Mr. Cheek said the intent of this item is to not allow wetlands to be included in the open space and recreation area percentage calculations and Mr. Pages concurred. Mr. Pages said wetlands have to be preserved and not disturbed or the US Army Corps of Engineers (Corps of Engineers) has to approve any disturbance in federal wetlands.

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

Mr. Gaver felt that item is not quite ready and should be addressed by the consultants in the UDO rewrite. As such, Mr. Gaver made a motion to recommend denial of Item 3 to the Board of Commissioners because it is not ready to move forward and the motion carried 6 to 1 with Mr. Board opposing.

Ms. Dixon read Item 4 that states open space should be distributed evenly and trees disbursed per acre.

Mr. Board said the plans that have been presented since he has been on the Board include amenities, stormwater elements, buffers and utility easements in their calculations for open space. Mr. Pages said pocket parks are disbursed in developments.

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

Ms. Karen Mosteller, 310 N. Atlantic Avenue, addressed the Board. She asked that 404 wetlands be excluded as well as stormwater ponds as open space, but a pathway around the stormwater pond(s) can be considered as open space. She supported the tree information with relationship to open space. Ms. Mosteller said connectivity for wildlife is critical in creating corridors.

Mr. Tim Long felt that this item is not ready to move forward. He also felt that the number of trees required per acre is alarming. He further stated that a lot of land is usually contiguous to wetlands that cannot be disturbed.

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

Mr. Gaver made a motion to recommend denial for Item 4 to the Board of Commissioners based on the fact that there are comments from the development community and citizens that this item needs more tweaking and the motion was unanimously carried.

Ms. Dixon read Item 5 that addresses usable recreational areas standards with incentives.

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

Mr. Jody Bland, Norris and Bland Engineering, addressed the Board. Mr. Bland said NCDOT can be petitioned to take a road, but you cannot force NCDOT to accept a road. He suggested that a commentary be added stating that if NCDOT does not accept a collector street, the development is allowed to continue with whatever incentives that are realized based on the installation of the collector road. Ms. Dixon agreed with Mr. Bland with regards to NCDOT has to accept collector streets or the roads will have to be private. She further stated that staff has spoken with NCDOT about accepting collector streets.

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

Mr. Board asked staff about iv. (B) that references affordable housing; in that, he did not think the Planning Board could address housing types or prices of homes in a development. Ms. Dixon said affordable housing is associated with planned developments in conjunction with a developer agreement between the developer and the County to provide long-term affordable housing. Mr. Pages added that this has been in the UDO for quite some time.

Mr. Gaver made a motion to recommend denial for Item 5 to the Board of Commissioners based on the discussion and this item is not ready to move forward and the motion carried 6 to 1 with Mr. Brittain opposing.

Ms. Dixon read Item 6 that addresses collector or thoroughfare street buffers related to the number of trees (canopy and/or understory) required and incentives when existing trees are retained and usable for non-residential development. Mr. Pages added that number 4 (iv) allows for flexibility to preserve trees in a non-residential area. Mr. Gaver asked staff if there is definition for a minor change? Ms. Dixon said it is not defined in the UDO, but it is reviewed by staff on a case-by-case basis. Mr. Pages said major changes would be circulation issues, severe setback reductions or something of that nature. Mr. Cheek clarified that there is no definition for a minor or major change and Ms. Dixon concurred.

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

Ms. Lora Sharkey, 432 Cage Trail, addressed the Board in favor of Item 6 because it will assist staff in negotiating with the developer to preserve existing trees.

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

Mr. Gaver made a motion to recommend denial for Item 6 to the Board of Commissioners due to some uncertainty of this item. He said he is in support of making proposed changes, but he don't think that this item is ready to move forward and the motion carried 5 to 2 with Mr. Brittain and Mr. Ishler opposing.

Ms. Dixon read Item 7 that states a 75' minimum buffer depth and 0.6 plantings on the inner 30' of buffer for proposed residential units adjoining existing bona fide farming activity in a Voluntary Agricultural District (VAD) and the VAD recommended this change.

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

Mr. Elliott Swain, 6271 Funston Road SE, addressed the Board on behalf of the VAD Board and as a county employee that assist with the Administration of the VAD program. He felt that the agricultural community would agree with this item because it is both for the benefit of the homeowner and the agricultural operation. Mr. Cheek asked Mr. Swain to address the VAD request for a 100' buffer depth rather than the proposed 75' buffer depth. Mr. Swain said the initial buffer depth was 75' due to the spraying of products from hog farms, but 100' buffer depth may have been suggested for greater protection for both parties (farm and adjacent property owner).

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

Mr. Gaver made a motion to recommend approval for Item 7 to the Board of Commissioners and the motion was unanimously carried.

Ms. Dixon read Item 8 that addresses the planting list in Appendix A recommended by North Carolina Cooperative Extension.

Mr. Gaver 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. Brittain suggested that cypress trees be added to the planting list in Appendix A of the UDO. Ms. Dixon said staff will research the matter, but she thinks cypress trees are recommended in the general list of Appendix A of the UDO. She reminded the Board that these are additions and removals from the general list recommended by NC Cooperative Extension.

Mr. Gaver made a motion to recommend approval for Item 8 to include cypress trees if not on the current list to the Board of Commissioners and the motion was unanimously carried.

Ms. Dixon said staff recommends approval on Items 2, 7, and 8 of the Tree & Landscaping Text Amendment and to adopt the consistency and reasonableness determination statement.

Mr. Leary made a motion to recommend approval of Items 2, 7, and 8 of the Tree & Landscaping Text Amendment to the Board of Commissioners and adopt the consistency & 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:

- The Blueprint Brunswick 2040 Comprehensive Plan (CAMA) goals & objectives support these text amendments.
- NR-2 – maintain the “green” of Brunswick County as development continues.

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

Mr. Gaver made a motion to table Items I and J (Transportation Overlay Zone [TOZ] and Traffic Impact Analysis [TIA] Text Amendments) until December 9, 2024 at 4:00 p.m. in the Cafeteria (Building D) due to the late hour and the Board has other business that has to be considered and the motion was unanimously carried.

VIII. OTHER BUSINESS.

- UDO Modernization Project Update.

Ms. Dixon addressed the Board. She stated that the consultant has been meeting with stakeholder groups to address the rewrite of the Brunswick County Unified Development Ordinance (UDO). Ms. Dixon said if any Board members (no more than 3 members in 1 setting) want to meet with the consultant, staff will arrange a date, time and location so any concerns with the UDO can be shared with the consultant. After all the meetings, there will be a public event and then the consultant will begin drafting different sections of the UDO rewrite. The Board of Commissioners have requested new zoning districts prior to the UDO adoption so the consultant is working on that. Mr. Board asked where the public meeting will be held? Ms. Dixon said she is unsure at this time, but there will likely be multiple meetings in different locations within the County.

- Planning Board Case Update.

Ms. Dixon addressed the Board. She stated that Zoning Case Z-895 that was appealed to the Board of Commissioners was denied by the Board of Commissioners, so the Planning Board's decision was upheld. Zoning Case Z-898 (Southport ETJ Relinquishment) was approved excluding 1 parcel. The Board of Commissioners will consider the excluded parcel at their December 2, 2024 meeting. She stated that there were no appeals submitted for Zoning Cases Z-900 and Z-901 so the Board's decision stands.

- Planning Board's Rules of Procedure Amendment.

Ms. Dixon addressed the Board. She stated that staff recommends moving the meeting start time from 6:00 p.m. to 4:00 p.m. each month. Mr. Cheek said this is to better accommodate the amount of activity on the agenda as well as better manage County resources and staff overtime.

Mr. Gaver made a motion to change the Planning Board's meeting time to 4:00 p.m. and update the Rules of Procedure to reflect the new start time and the motion was unanimously carried.

XI. ADJOURNMENT.

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