

MINUTES

PLANNING BOARD

BRUNSWICK COUNTY, NC

**4:00 P.M. Monday
December 9, 2024**

**County Cafeteria (Building D)
County Government Center
35 Courthouse Drive NE**

MEMBERS PRESENT

Clifton Cheek, Chair
Jason Gaver, Vice Chair
Richard Leary
Harry Richard Ishler, Alternate
William Bittenbender, At-Large
Allen Brittain, At-Large

MEMBERS ABSENT

Ron Medlin
James (Jim) Board

STAFF PRESENT

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

OTHERS PRESENT

Bob Liepa, State Port Pilot
Carl Parker
Twanda Williams
Mark Stocks
Firas Salah
Greg Williams
John Tunstall
Lora Sharkey
Greyson Kelley
Larry Smith

Dylan Phillips, Brunswick Beacon
Della Hann
Patrick Newton
Lynn Franco
Ginny Prunty
Charles Paul
Frank Popelars
Lorelai Kelley
Jim McKee

I. CALL TO ORDER.

Mr. Cheek called the meeting to order at 4:00 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 and Mr. Jim Board were absent.

IV. CONSIDERATION OF THE MINUTES FROM THE 12-NOV-24 MEETING.

Mr. Leary made a motion to approve the 12-Nov-24 minutes as presented and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

There were none.

VI. PUBLIC COMMENTS.

There were none.

VII. OLD BUSINESS – PUBLIC HEARINGS.

A. Transportation Overlay Zone (TOZ) Text Amendment.

Ms. Kirstie Dixon addressed the Board. Ms. Dixon said the proposed text amendment (attached) is in response to the public complaining about excessive tree removal prior to parcels being developed. She stated that staff is working with the consultant so this item will be added to the UDO rewrite. Ms. Dixon discussed the proposed text amendment (attached) regarding its purpose and intent, applicability, and development standards. She stated that the TOZ will apply to thoroughfares within Brunswick County's planning jurisdiction such as US Highway 17, US Highway 74//76, NC 130, NC 87, NC133, NC 179, NC 904 and NC 906. Stand-alone single-family and two-family (including Class A, B, and C Mobile Homes) on a parcel, and bona fide farms are exempt.

Mr. Cheek clarified that the segments on the visual map displayed that are not highlighted in yellow lie within an incorporated area of the County and Ms. Dixon concurred. She stated that the proposed text amendment would not apply to the incorporated areas in the County.

Mr. Gaver made a motion to open the Public Hearing and the motion was unanimously carried. Mr. Carl Parker, President of the Brunswick County NAACP, addressed the Board. Mr. Parker asked staff when condemnation will play a part in the TOZ and Ms. Dixon said condemnation does not come into play with regards to the TOZ. She stated that the proposed TOZ text amendment only applies to new and/or expansions of existing non-residential uses. Mr. Parker was concerned with properties being condemned to suit new development. He also expressed concern with no diversity on the Planning Board, who are appointed by the Board of

Commissioners. He felt that all citizens are not being represented when decisions are made that affect everyone's livelihood. Mr. Leary asked Mr. Parker if he is opposed to the TOZ and Mr. Parker replied, yes.

Ms. Della Hann addressed the Board. Ms. Hann asked the color difference (blue and gray) in the visual map displayed on the monitor? Mr. Cheek said the blue areas on the map are parcels in an incorporated area of the County and the gray areas are parcels within the County's jurisdiction. Ms. Hann asked when the proposed text amendment goes into effect? Ms. Dixon explained that the Planning Board makes recommendations to the Board of Commissioners and the Board of Commissioners will either approve or deny or approve with changes. Ms. Hann asked if existing approved projects will have to comply with this text amendment? Mr. Cheek said all future projects submitted after the proposed text amendment is approved will have to comply with the minimum requirements of this text amendment and Ms. Dixon concurred.

Ms. Twanda Williams addressed the Board. Ms. Williams said she attended the May 13, 2024 Planning Board meeting and the Board tabled this matter. She stated that she attended a Board of Commissioners' (Commissioners) meeting on July 8, 2024 and Mr. Haynes Brigman and Ms. Kirstie Dixon made a presentation to the Commissioners about the TOZ. Ms. Williams said in Robert's Rule of Order tabled items do not move forward until further discussion by the board (Planning Board) that tabled matter. She went on to say that the Commissioners decided to table the matter until feedback was received from the Planning Board. Ms. Dixon said staff did not move forward to the Commissioners with this matter when it was tabled by the Planning Board at the May 13, 2024 meeting. Ms. Dixon said Mr. Haynes Brigman (former Deputy County Manager) took a list of items to the Commissioners for their input, which was prior to the Planning Board tabling the matter. Ms. Williams said when she listened to the Commissioners July 8, 2024 meeting, Ms. Dixon was on the recording and she concurred with Mr. Brigman. Ms. Williams said she is speaking for herself and other affected property owners that were not aware of the meeting tonight because no letters were received regarding this matter coming back before the Planning Board. She was concerned with her property or property near her property being rezoned to commercial that will be subject to comply with the proposed text amendment. Mr. Pages interjected that this matter was not presented to the Commissioners as a public hearing; rather, it was presented to the Commissioners for informational purposes only. Ms. Williams was baffled that a recommended proposal was presented to the Commissioners when this matter was tabled at the Planning Board level. Mr. Pages disagreed and he reiterated that there was a discussion with no proposed vote on the matter. Ms. Williams advised staff to listen to the Commissioners recorded meeting on July 8, 2024 because the recording suggest otherwise. Mr. Pages concluded that the Planning Board has to either recommend approval or denial before the Commissioners will take action on a text amendment. Ms. Williams said she is opposed to this text amendment and there are people in her community and surrounding areas that are opposed to this text amendment. She concluded that further study should be done before moving forward.

Mr. Patrick Newton addressed the Board. Mr. Newton provided the Board with a handout (attached) requesting Section 4.8.9.C.3.v.c). be amended to include, "Canopy and understory trees are not required in street buffers located within 400 feet of an Outdoor Advertising Structure." He further stated that a developer or landowner may freely choose to install trees in the buffer adjacent to a billboard if they choose to do so. Any sign visibility issues will be between the landowner and the sign company. Mr. Gaver thanked Mr. Newton for his comments. He stated that he and the Chair agree with his comments and they have asked the consultant to include this language in the UDO rewrite. Mr. Gaver further stated that he and the Chair are on the subcommittee for the UDO rewrite. Mr. Newton asked that his provision be added to the TOZ whether the TOZ is tabled or if the Planning Board recommend either approval or denial to the Commissioners.

Mr. Mark Stocks, Lamar Advertising, concurred with Mr. Newton's comments. He provided the Board with photos (attached) of Lamar Advertising signs that will be subject to the proposed minimum if they have to be replaced or rebuilt.

Ms. Lynn Franco addressed the Board. Ms. Franco said signs support businesses and provide income to the sign industry, but they are unattractive. She felt that trees should be trimmed near billboards.

Mr. Firas Salah addressed the Board. Mr. Salah said he understands the purpose and intent of the TOZ, but he was opposed to the TOZ because this will prohibit growth in the County. He suggested that the requirements be less stringent because the proposed minimum requirements will have a negative impact to the County.

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

Mr. Gaver felt that the TOZ is not ready to move forward because a consultant has been hired to rewrite the UDO and this document cannot be enforced. As a result, Mr. Gaver made a motion to recommend to the Board of Commissioners to deny the Transportation Overlay Zone (TOZ) Text Amendment and add "Canopy and understory trees are not required in street buffers located within 400 feet of an Outdoor Advertising Structure" in Section 4.8.9. C.3.v.c). Mr. Leary was not a proponent of denying the text amendment; rather, he thought that both the Transportation Overlay Zone (TOZ) and the Traffic Impact Analysis (TIA) should be reverted to the consultant to be included in the overall UDO rewrite. He stated that this is piece milling the current UDO. The motion carried 5 to 1 with Mr. Bittenbender opposing.

B. Traffic Impact Analysis (TIA) Text Amendment.

Ms. Dixon addressed the Board. She stated that the current UDO does not address the timing of a TIA. The Commissioners voted this spring to require a TIA prior to Planning Board consideration of a project, which is currently not addressed in the UDO as such. Ms. Dixon said staff wanted the UDO to clearly state when a TIA will be required. She went over the proposed text amendment (attached) that will require a TIA for projects that generate 200 vehicle trips at peak hour or 2,000 vehicle trips per day for commercial and industrial projects. Ms. Dixon further stated that the text amendment will require a North Carolina Department of Transportation (NCDOT) approved scoping report be submitted to the Planning Department instead of a TIA prior to submission to the Planning Board for consideration. She further stated that the Planning Board subcommittee recommended a scoping report be submitted as part of the submitted application for consideration.

Mr. Cheek clarified that a TIA is not required until the first plat is submitted for recordation and Ms. Dixon concurred. He stated that a scoping analysis must be provided to the Planning Department before a project submission is presented to the Planning Board for consideration.

Mr. Gaver asked staff if this is an appropriate balance between the 18 months required for a TIA approval versus the citizens and Commissioners' concerns that a TIA is not required at the right time and Ms. Dixon concurred.

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

Ms. Ginny Prunty, 5906 Dutchman Creek Road, addressed the Board. Ms. Prunty clarified that a TIA is required if there are at least 200 vehicle trips at peak hour or 2,000 vehicle trips per day, which is a 100% increase from the previous proposed language. Ms. Dixon explained that

NCDOT has different thresholds for requiring a TIA and the previous numbers (100 vehicle trips at peak hour or 1,000 vehicle trips per day) would not have triggered a TIA requirement from NCDOT. The project would have to provide a mini-TIA (driveway study). Ms. Prunty said there are a lot of project approvals with less than 200 vehicle trips at peak hour that will have an impact on traffic patterns and infrastructure. Ms. Prunty felt that a study should be done to consider the number of approved developments that do not meet the threshold for a TIA requirement by NCDOT.

With no further comments, Mr. Bittenbender made a motion to close the public hearing.

Mr. Brittain said staff has been working on this text amendment for approximately 6 months and the County has hired a consultant to rewrite the UDO. He stated that this item can either be approved or the proposed language can be included in the rewrite of the UDO. The Chair clarified that this matter will move forward to Commissioners with the Planning Board's recommendation. Mr. Ryan King said it is his understanding that the Commissioners want to hear this matter at their January meeting.

Mr. Gaver said he and other members (Mr. Cheek and Mr. Leary) of the sub-committee have worked on this text amendment and it appears that there is a balance of the threshold when a TIA will be required. However, he felt that it is more appropriate for this text amendment to be included in the UDO rewrite. As a result, Mr. Gaver made a motion to recommend to the Board of Commissioners to deny the Traffic Impact Analysis (TIA) Text Amendment and the motion was unanimously carried.

VIII. NEW BUSINESS – PUBLIC HEARINGS.

A. Planned Development – PD-131

Name: Brecourt Manor Planned Development Expansion
Applicant: Norris & Tunstall Consulting Engineers, PC
Tax Parcel(s): A portion of 16800072 and 16800073
Location: Green Swamp River Road (NC 211)
Description: Brecourt Manor is a planned development consisting of 137 single-family units on 33.23 acres with an overall density of 4.12 units per acre.

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

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

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

Mr. Cheek clarified that the Board is only considering the yellow highlighted area on the submitted plan and Mr. Pages concurred. Mr. Pages said there are other future proposed areas (commercial and multifamily) that are by-right uses that are administratively approved.

Mr. Brittain asked staff if the County has adequate capacity for public water and sewer? Mr. Pages replied, yes. He further stated that this project was discussed at the Technical Review Committee (TRC) meeting and Brunswick County Engineering and Public Utilities confirmed that there is a force main available to the site and the sewerage plant is directly north of the property. Mr. Brittain asked staff if all of the other approved developments are factored into whether or not there is adequate public water and sewer capacity available? Mr. Pages said all projects subject for approval by the Planning Board must have TRC approval prior to the Board's consideration. Ms. Dixon added that Public Utilities has invested several million dollars into public water and sewer infrastructure.

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

Mr. Greg Williams, Managing Partner of CC&W Development Group, addressed the Board. Mr. Williams stated that the project site is a total of 77 acres. The commercial area (multifamily and townhomes) they are proposing are permitted by-right. He reiterated that there will be 137 single-family units with 2 access points onto Southport-Supply Road SE (NC 211) and 1 entranceway off U.S. 17. They are negotiating with D.R. Horton to provide interconnectivity with their project located to the west of the subject property. He stated that the TIA has been approved by NCDOT. There was a neighborhood meeting on August 29, 2024 in Supply, NC and Mr. Fred Long was the only attendee in the meeting. Mr. Williams said Mr. Long was in favor of the project, pleased that there may be a grocery store in the area and he hoped that an ACE Hardware comes to the area. Mr. Williams said they have met with ACE Hardware about potentially locating on the project site. The project price for single-family homes will begin at 350k, but there is no builder under contract at the current time. He reiterated that NCDOT has approved their TIA and the Fire Marshal was satisfied with the access points and proposed interconnectivity. He stated that the project will be designed to stormwater approval and the project will be an asset to the County because there is an opportunity for an additional grocery store in the County as well as a potential hotel, restaurant(s) and shopping center.

Mr. Carl Parker addressed the Board with concerns of existing areas that do not have public water and sewer, but they pay a fire tax with no fire hydrant(s) nearby. Mr. Parker suggested that grants (State and Federal) be sought to assist citizens that need public water and sewer. He felt that the fire tax fee could be used to bring public water and sewer to the areas in the County that are normally overlooked. Mr. Gaver asked Mr. Parker if he has any specific comments about PD-131 because his previous comments are more appropriate during the Public Comment section of the meeting. Mr. Parker said he is opposed to the proposed project and existing, undeveloped areas that have been marginalized should be developed. Mr. Cheeks explained that fire fees fund the fire departments and first responders. Mr. Pages added that the developer will be responsible for installing infrastructure (public water and sewer) within the development including fire hydrants.

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

Mr. Leary made a motion to approve PD-131 (Brecourt Manor Planned Development) with the noted conditions in the Staff Report and the motion was unanimously carried.

B. Planned Development – PD-137

Name: Indigo Planned Development
Applicant: East West Partners
Tax Parcel(s): 22100027, 2210002901, 221OA001, 2370000401, 2370000419, 2370000418, 2370000417, 2370000422, 23700005, 2370000502, 237000020, 23700018, 2370001601, 23700016 and 23700015
Location: Robert Ruark Drive SE (SR 1852) and West 9th Street (SR 1209)
Description: Indigo is a previously approved planned development consisting of 400 single family units, 200 duplex/townhouse units, and 500 multifamily units on 326.96 acres creating an overall density of 3.36 units per acre.

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

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

- That the development shall proceed in conformity with all plans and design features submitted as part of the planned development application and kept on file by the Brunswick County Planning Department.
- That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
- Planned Development approval does not constitute an authorization to construct. All applicable Federal, State and County approvals/permits will be necessary to obtain final plat approvals and building permits. This includes Stormwater, Utilities, and Fire Marshal requirements.
- Prior to construction, locate and protect the “English Field” gravesite(s) purported to be near the intersection of West 9th Street (SR 1209) and Maple Street.

Mr. Gaver pointed out there is a potential for a school capacity deficiency in 2025 and Mr. Pages agreed if there are no additional expansions proposed prior to that time. He stated that the school representative (Craig Eckert) is invited to TRC meetings, but he did not cite any concerns with school capacity. He stated that Mr. Eckert was mainly concerned with bus pickup points and the proximity to the school. Mr. Pages proceeded to say that there is a proposed intersection improvement near the school that the developer will have to accommodate with cross walks. Mr. Cheek asked staff if the graphs presented to the Board include the residents that will be produced by the neighborhoods? Mr. Pages said they do, but it is difficult to predict. He said Mr. Eckert always asks the market for each development and Mr. Pages said there are situations that clearly denote the housing age group, but the actual number is not none regarding school age children.

Mr. Brittain clarified that there is an entrance on Robert Ruark Drive SE (SR 1852) and Indigo Plantation Drive, which is an extension of W. 9th Street (SR 1209). It is anticipated that 80% of the daily traffic will utilize Robert Ruark Drive (SR 1852). Mr. Brittain felt that a stop light should be at that road? Mr. Pages said there will be a left turn lane and there is a potential for a third connection on W. 11th Street. The developer will have to work with the City of Southport (City) to obtain interconnectivity. Mr. Cheek asked staff the areas that are in the City and Mr. Pages identified those areas displayed on the visual map.

Mr. Cheek asked staff about the areas currently zoned IG (Industrial General). Mr. Pages said the IG zoned areas are the Duke Power Plant cooling canal corridor. Mr. Cheek said it was noted that clear-cutting is prohibited by the developer. Mr. Pages said the developer is

proposing that they will clear areas to install roads, infrastructure (water and sewer), and lot by lot basis to minimize clear-cutting of trees on the site. Mr. Cheek said there appears to be some properties in the VE flood zone and Mr. Pages concurred. He stated that there is a small area to the southwest that is in both the AE and VE flood zones, but development is allowed in the AE and VE flood zones with certain provisions.

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

Mr. Charles “Chad” Paul, CEO of Bald Head Limited, addressed the Board as the property owner and co-partner with East West Partners. Mr. Paul said they have an Architectural Review Board (ARB) that addresses clear-cutting so each property owner will have to pull a tree survey on a lot-by-lot basis. Mr. Paul said they own several properties in the former extraterritorial jurisdiction (ETJ) of the city and the subject property is the larger parcel(s). He said they are presenting a top-notch conservative development and they are providing 50% more open space than is required. The project will be developed by local builders and they plan to develop more projects in the County. Mr. Paul said they intend to leave existing vegetation as part of the open space. He stated that they cannot force the neighboring development to connect to this project. They own several lots in Smithville Woods and they will make connectivity available to them. All roads will have sidewalks on both sides of the road. Mr. Paul said the homes will mirror the homes designed in the city with porches against the sidewalk and rear facing garages. Mr. Paul proceeded to say that they will continue to work collaboratively with the city on their properties within the city’s jurisdiction. He stated that they provided an approved TIA at the TRC meeting for 1542 units.

Mr. Leary asked Mr. Paul about their proposed development in the AE and VE flood zones. Mr. Paul said they have been developing in the AE and VE flood zones on the Village of Bald Head Island (BHI) for 40 years per the Federal Emergency Management Agency’s (FEMA) minimum requirements. He further stated that any development in the VE flood zone will be 42’ with the first floor on stilts.

Mr. Cheek clarified that sidewalks will be on both sides of the road and Mr. Paul concurred. Mr. Cheek asked if the stormwater ponds are designed to accommodate the 100-year storm event? Mr. Paul said the stormwater ponds are built to attenuate and the project is near the ocean so they know where the stormwater will go.

Mr. John Tunstall, Norris and Tunstall Consulting Engineers, addressed the Board. Mr. Tunstall said they will follow the current stormwater guidelines of the County and they will attenuate pre/post development to the 25-year storm event and hold to the 100-year storm event. Mr. Cheek clarified that the stormwater ponds will be built to the 25-year storm event and attenuate or hold the 100-year storm event. Mr. Tunstall said the stormwater ponds will not attenuate the 100-year storm event, but they will hold the 100-year storm event without overtopping. Mr. Paul added that the topography shows the stormwater drains to Dutchman Creek for the property at the main road near Indigo Plantation Drive and Robert Ruark Drive (SR 1852).

Mr. Gaver said the TIA was done in February 2022, which was likely completed 3 years ago. Mr. Paul said the original TIA was requested by the State to account for the traffic on July 4th going in and out of Southport. It was later determined through citizen discussions that a broader TIA should be done to include the traffic on W. 9th Street (SR 1209) for the elementary school and NCDOT sent a letter to them saying an additional TIA was not required.

Ms. Ginny Prunty, 5906 Dutchman Creek Road, addressed the Board. Ms. Prunty said the map shows a mixed-use area that was proposed as an 80,000 square foot medical building in March

2022 that was briefly mentioned in an information meeting held in November 2024. She stated that the map does not indicate what the commercial area will be. She felt that a commercial facility of that magnitude is unacceptable with the current traffic and the potential traffic that will be generated by the proposed use. She felt that the traffic study (completed in 2021) is not up-to-date and will not accurately account for the traffic in the area. She asked if the specific commercial use must be identified and Mr. Pages said staff cannot require the specific commercial uses prior to the Board's consideration of the project. However, the developer must apply for approval of the specific commercial use and that use will be reviewed and approved administratively. Mr. Pages said staff was also concerned with the approval date of the TIA and NCDOT Director Benjamin Hughes said that the initial TIA is still acceptable and valid. Ms. Prunty still expressed her concerns regarding the increase in traffic since the TIA was completed and she felt that it is not logical. Ms. Prunty felt that the residential community will be disrupted by the additional traffic that will be generated from the commercial area of the project. She was concerned with the proposed turn lanes onto N. Howe Street (NC 211) from Robert Ruark Drive (SR 1852) as there is only 1 turn lane proposed on W. 9th Street (SR 1209), which may potentially pose a problem. Ms. Prunty felt that eminent domain will have to occur for the turn lane onto Robert Ruark Drive (SR 1852) and there is no light at W. 11th Street. Ms. Prunty asked if the roads will be private and Mr. Pages replied, yes. She asked how long the roads into the development will be private? Mr. Pages said until the developer either dedicates the roads to NCDOT or the development is annex into the city because the County does not own or maintain roads. Mr. Cheek interjected that the Board does not have any jurisdiction over roads because NCDOT regulates road improvements via a TIA approval.

Mr. Frank Popelars, resident of Smithville Woods, addressed the Board. Mr. Popelars said there was a meeting at Supply that indicated this project would be annexed into the City of Southport. He wondered what happens after the project is annexed into the city even though this Board is going through all the planning reviews of the project. Mr. Pages said this plan will be vested and any additions to the plan will have to be approved by the city when or if they are annexed. Mr. Popelars asked when the project will be annexed into the city? Mr. Paul said the original Indigo Plantation property was developed and approved in the 1980s by the County because the city did not have the manpower on staff. He further stated that they will work with the city regarding what portions of the development the city will annex.

Mr. Cheek clarified that it is the intent of the developer(s) to annex into the city. Mr. Paul said the annexation is subject to the areas the city wants to annex and he felt it will likely be annexed in phases.

Ms. Lora Sharkey, 432 Cades Trail, addressed the Board. Ms. Sharkey expressed concern with the undeveloped, non-recreational open space being clustered and this is the type of development that North Carolina Wildlife Resources is asking we make part of the green growth development. She said the developer should be commended for taking the time to not fragment the existing ecosystems that are in place and they are working with the land to protect wildlife preservation.

Ms. Lorelai Kelley, 5971 Dutchman Creek Road, addressed the Board. Ms. Kelley said traffic is very congested when the elementary school is done for the day. She felt that more rooftops and people are only going to exacerbate traffic congestion. Ms. Kelley said the city's structure will not be able to handle the excessive traffic that will be generated by the proposed project. Mr. Pages interjected that staff has been working with the city regarding the proximity of the school and traffic on W. 9th Street (SR 1209), so the main corridor up to Robert Ruark Road (SR 1852) will have limited driveways to accommodate thru traffic.

Mr. Greyson Kelley, 5971 Dutchman Creek Road, addressed the Board. He stated that there is a lot of wildlife such as fox squirrels and woodpeckers in the area and removal of trees will displace or kill the wildlife.

Mr. Jim McKee, 114 South Davis Street, addressed the Board. Mr. McKee expressed concern with preservation of historic and pre-historic assets that are in the ground. North Carolina has a 12,000-year history of occupation by humans (prehistoric and Native American history) and there was a fear that graves would be lost. Mr. McKee commended the developer for surveying for at least 1 English Field gravesite and he felt that this should be a lesson to all developers to make all attempts to preserve human remains.

Mr. Paul readdressed the Board. He said they are not planning to cut a road through Smithville Woods, but they are willing to work with the neighborhood to do a golf cart or pedestrian accessway. Mr. Paul reiterated that they cannot force a community to connect to the proposed project. He stated that they currently own lots near the elementary school and the English Field gravesite(s) is nearby. Mr. Paul said that area is in the city's planning and zoning jurisdiction. He further stated that they dedicated 2 lots off W. 11th Street to the city if they wanted to extend the road. He reiterated that there will be sidewalks on side(s) of the street that have homes.

Mr. Larry Smith addressed the Board. Mr. Smith said he works with the Brunswick County Schools and they keep up with planned development(s) so the numbers should be accurate that were presented to the Board regarding school capacity. He stated that Brunswick County Schools are aware that there may be a capacity issue at South Brunswick High School in 2028. The school system has a purchase agreement for property near Jackey's Creek and they are in the due diligence stage of the process for an elementary school. There are also plans to build a high school in the area to alleviate some of the students that would attend South Brunswick High School.

Mr. Paul said water and plumbing has been completed to accommodate the proposed medical facility for this project. He further stated that there are no plans to build a 7-story building, but it will likely be a maximum of 4 stories.

Mr. Brittain asked if there are plans for docks into Dutchman Creek and Mr. Paul replied, no.

Ms. Lynn Franco readdressed the Board. Ms. Franco was concerned with evacuation routes for the additional traffic that will be generated from this project because there are 2 roads that will be utilized unless there is more interconnectivity. Mr. Pages said the approved TIA shows 80% of the traffic for this development will be using Robert Ruark Drive (SR1852) and 20% of the traffic will be utilizing W. 9th Street (SR 1209). Mr. Pages added that this will not be a gated community so traffic will have access through this development.

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

Mr. Leary made a motion to approve PD-137 (Indigo Planned Development) with the noted conditions in the Staff Report and the motion carried 5 to 1 with Mr. Gaver opposing.

C. Rezoning Z-903 – Brunswick County Planning Department).

Request rezoning of approximately 735.85 acres located off Thomasboro Road SW (SR 1165) and Sandpiper Bay Drive near Calabash, NC from Undesignated to CP (Conservation and Protection) for Tax Parcels 2260000104, 2260000101, and 2260000103.

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 Undesignated to CP (Conservation and Protection) for Tax Parcels 2260000104, 2260000101, and 2260000103 located off Thomasboro Road SW (SR 1165) and Sandpiper Bay Drive near Calabash, NC.

Mr. Connor stated that staff received 3 emails (Deborah and Robert Hardos, Dennis and Andrea Behrendt, and Chris and Jennie Fry) in support of the zoning the subject properties.

Mr. Brittain asked how this area was mistakenly annexed in the Town of Calabash. Mr. Pages said it is his understanding that there was a transition between town managers that resulted in the annexation of the subject properties into the town’s planning and zoning jurisdiction.

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. Leary made a motion to approve Tax Parcels 2260000104, 2260000101, and 2260000103 to CP (Conservation and Protection) located off Thomasboro Road SW (SR 1165) and Sandpiper Bay Drive near Calabash, 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-5 – Direct growth away from areas not well-suited for development.
 - NR-1 – Conserve natural resources of the County.
 - NR-2 – Maintain the “green” of Brunswick County as development continues.
 - All three subject parcels are in a recorded Conservation Easement.

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

Mr. 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.

IX. OTHER BUSINESS.

- 2025 Planning Calendar.

Mr. Pages addressed the Board. He provided the Board with the 2025 Planning Board Calendar. He stated that the deadline for application submittal, TRC meeting date, and the project revision date have changed to accommodate advertising all planned developments and major subdivisions in the local newspaper as requested by administration.

- UDO Modernization Project Update.

Ms. Dixon addressed the Board. She stated that the project is moving forwarding. There will be 3 community meetings (Town Creek Community Building at 6:00 p.m. on Monday January 27th, St. James Community Center at 6:00 p.m. on Wednesday January 29th, and Shallotte BSRI Senior Center on Thursday January 30th) in January 2025. Ms. Dixon said staff sent out a save the date today and staff will be contacting the Director of Communications to put the information on social media. She stated that up to 3 Board members can attend a meeting(s).

- Planning Board Case Update.

Ms. Dixon addressed the Board. She stated that there were no appeals submitted for the previously approved rezoning case Z-902 at the 12-Nov-24 Planning Board meeting, so the Board's decision stands.

XI. ADJOURNMENT.

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