

MINUTES

PLANNING BOARD

BRUNSWICK COUNTY, NC

**4:00 P.M. Monday
February 10, 2025**

**County 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
James (Jim) Board

MEMBERS ABSENT

Ron Medlin
William Bittenbender, At-Large
Allen Brittain, At-Large
Harry Richard Ishler, Alternate

STAFF PRESENT

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

OTHERS PRESENT

Dylan Phillips, Brunswick Beacon
Erin Catlett
Matthew Haley, Cape Fear Engineering

Jody Bland, Norris & Bland Engineering
Dale Werenko
Tina Axelsson

I. CALL TO ORDER.

Mr. Cheek called the meeting to order at 4:01 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.

Ron Medlin, William Bittenbender, Allen Brittain, and Harry "Richard" Ishler were absence.

IV. CONSIDERATION OF THE MINUTES FROM THE 13-JAN-25 MEETING.

Mr. Leary made a motion to approve the 13-Jan-25 minutes as presented and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

Ms. Dixon addressed the Board. She stated that the Board of Commissioners adopted a public hearing policy and suggested that the Chair read the new policy after public comments.

VI. PUBLIC COMMENTS.

There were no public comments.

Mr. Cheek read the Brunswick County Public Hearing Policy (attached) that was adopted by the Brunswick County Board of Commissioners in its entirety. He stated that copies are available for public consumption.

VII. PUBLIC HEARINGS.

A. Rezoning Z-908 – Cape Fear Marine Terminal LLD (%Norris and Bland Consulting Engineers).

Request rezoning of approximately 153.19 acres located at 380 Battleship Road NE near Leland, NC from I-G (Industrial-General) and RR (Rural Low Density Residential) to I-G (Industrial-General) for Tax Parcel 03900017 and an adjacent portion of the Cape Fear River.

LAND USE PLAN MAP AMENDMENT (LUM-908):

Request to amend the Blueprint Brunswick 2040 CAMA Land Use Plan Map from Open Space – Conservation 1 (OSC1) to Industrial Intensive (I-I) for Tax Parcel(s) 03900017 and an adjacent portion of the Cape Fear River located at 380 Battleship Road NE (SR 1300) near Leland, NC. This Land Use Plan Amendment totals approximately 153.19 acres.

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). He provided the Board with school capacity charts (attached) for the nearby schools.

Mr. Connor said staff recommends approval from I-G (Industrial-General) and RR (Rural Low Density Residential) to I-G (Industrial-General) for Tax Parcel 03900017 and an adjacent portion of the Cape Fear River located at 380 Battleship Road NE near Leland, NC in conjunction with an amendment to the Blueprint Brunswick CAMA Land Use Plan Map to Industrial Intensive (I-I).

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. He stated that this is a split-zoned property and the entire area is industrial and not conducive to residential use of the property. Mr. Bland said the RR (Rural Low Density Residential) property to the southwest is the U.S. Army Corps of Engineers' (Corps of Engineers) dredge spoil area and it, too, is not conducive to residential use.

Mr. Cheek asked about the acreage difference on the application and what was presented in the Staff Report. Mr. Pages said the Staff Report indicates the acreage of the subject property and that portion of the Cape Fear River that is adjacent to the parcel in question.

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

Mr. Leary made a motion to approve Tax Parcel 03900017 and an adjacent portion of the Cape Fear River located at 380 Battleship Road near Leland, NC and adopt the consistency and reasonableness determination statement in conjunction with an amendment to the Blueprint Brunswick CAMA Land Use Plan Map to Industrial Intensive (I-I) and the motion was unanimously carried.

CONSISTENCY & REASONABLENESS DETERMINATION

Per NCGS, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment (including map and text amendments), a statement regarding plan consistency shall be adopted.

This request is NOT CONSISTENT with the Blueprint Brunswick 2040 Comprehensive Plan place type designation and CONSISTENT with the goals, recommendations, and policies of the plans adopted by Brunswick County (listed below). Staff also finds the request REASONABLE, appropriate, and in the public interest based upon the following findings:

- The Blueprint Brunswick 2040 Comprehensive Plan (CAMA Plan) goals and objectives support the rezoning:
 - Consistent with the goals and objectives
 - ED-1 Maintain and expand job opportunities in the County.
 - Encourage additional employment in areas designated as “Employment” on the Future Land Use and Conservation Map, which have the following attributes:
 - Areas with County investments advancing in economic development initiatives, including existing business/industrial parks, particularly those along US 74/76 and other sites with access to highways, rail, and the Port of Wilmington.
 - Promote the assets that make Brunswick County competitive, including highway, rail, port access, a skilled workforce through the training provided by Brunswick Community College (BCC), available properties (including sites and buildings that may be redeveloped), and the quality of life.
 - Consistent with the characteristics of the area, existing zoning in the area, and adjacent uses.
 - This rezoning will correct a split zoning.

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

Mr. 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.

B. Height Allowance – Hot Mix Asphalt Plant.

The applicant requests a maximum height allowance of 90 feet be granted for a proposed storage silo for an asphalt plant and associated uses located at 180 Barnhill Road NW near Supply, NC. The entire zoning area encompasses approximately 16.11 acres.

Mr. Marc Pages addressed the Board. He read the Staff Report (attached) and identified the subject property and surrounding properties on a visual map. He further stated that there is no flood zone on the site and a special use permit was issued for an asphalt plant on January 9, 2025.

Mr. Pages said staff recommends approval for a 90-foot-tall loading silo adjacent to Barnhill Road NW.

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

Ms. Erin Catlett, Fox Rothchild, addressed the Board. Ms. Catlett stated that a Special Use Permit was issued by the Board of Adjustment (BOA) on January 9, 2025 for a new asphalt plant at the current site and they are requesting an additional height above 75’ for a loading silo that will far exceed the minimum setback requirements. Ms. Catlett discussed a PowerPoint presentation (attached) outlining the site with the proposed 90-foot-tall silo adjacent to Barnhill Road NW.

Mr. Gaver asked if any of the neighbors were opposed to the special use at the BOA meeting and Ms. Catlett replied, no. She proceeded to say an adjacent property owner, Douglas Hewett, (Tax Parcel(s) 1820009101 and 1820009301) testified at the BOA meeting and he had no objections to the asphalt plant.

Mr. Leary asked if the applicant was aware that they needed the additional height for the silo prior to BOA’s approval of the asphalt plant? Ms. Catlett replied, yes. She further stated that staff advised the applicant to obtain the Special Use Permit approval from the BOA and then request a height allowance for the silo from this Board.

Mr. Cheek asked the distance from the silos to the edge of Barnhill Road NW? Mr. Dale Werenko, Withers and Ravenel, said the silo(s) are approximately 97’ from Barnhill Road NW. Mr. Board asked if there is only 1 access point to the site for trucks and/or emergency equipment? Mr. Werenko said the subject property is accessed off Barnhill Road NW and there is ingress into the facility and egress out of the facility. Mr. Board asked if the area(s) are large

enough for a fire truck and Mr. Werenko said yes and he explained the points of ingress and egress for emergency vehicles.

Mr. Board said the rap and aggregate storage yard appears to be the vast majority of the property. He asked if this area will be clear cut and open space? Mr. Werenko said that area was previously approved by the BOA on January 9, 2025 as part of the asphalt plant.

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

Mr. Gaver made a motion to approve a 90-foot-tall loading silo adjacent to Barnhill Road NW based on the Staff Report and the motion was unanimously carried.

C. Planned Development – PD-143

Name: Remuda Run Planned Development
Applicant: Dream Finders Home
Tax Parcel(s): 2120001910
Location: Ocean Isle Beach Road SW (SR 1184) and Watts Road SW (SR 1153)
Description: Remuda Run is a proposed planned development consisting of 60 single-family units and 95 townhouse units on approximately 45.02 acres, creating an overall density of 3.44 dwelling 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 provided the Board with school capacity charts (attached) that indicate Union Primary Elementary is currently out of capacity. However, Shallotte Middle and West Brunswick High Schools have adequate capacity.

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. Gaver asked staff if Open Space 1 (OS-1) that is approximately 18.79 acres, consist mostly of a pond? Mr. Pages said that is correct. Mr. Gaver asked if there are any other open space areas? Mr. Pages said the wetlands and the amenity (with a mail kiosk) adjacent to Ocean Isle Beach Road (SR 1184). Mr. Gaver asked if the wetlands are wet? Mr. Pages said they are 404 Federally protected wetlands.

Mr. Board asked if stormwater retainment was addressed at the Technical Review Committee (TRC) because the plan indicates that the stormwater management system will be designed to attenuate the 25-year/24-hour storm event and the project stormwater management plan will be evaluated for the 100-year/24-hour storm event. Mr. Pages deferred the question to the developer's representative (Matthew Haley). Mr. Board said the plan indicates that a Traffic Impact Analysis (TIA) will be completed. Mr. Pages said a TIA is not required prior to

Planning Board approval because the project will generate less than 2,000 vehicle trips per day. Mr. Pages said the plan indicates that a TIA will be completed prior to construction. Ms. Dixon added that TIAs are required, but not before the Planning Board's approval.

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

Mr. Matthew Haley, Cape Fear Engineering, addressed the Board on behalf of the developer. Mr. Haley stated that the plan was submitted to the North Carolina Department of Transportation (NCDOT) and NCDOT determined that a full TIA was not required, but a turn-lane warrant analysis will be required. He stated that the work has been concluded and both a left and right-hand turn-lanes will be required, which will trigger some road widening either in NCDOT's right-of-way or an adjustment will be made on the project site to accommodate the turn-lane(s). He further stated that turn-lane 1 analysis report has been submitted to NCDOT for their review and approval. Mr. Haley said they intend to design 2 stormwater ponds to attenuate the 25-year/24-hour storm event and the ponds will be evaluated for the 100-year storm event, which means they will model the larger storm event and ensure the ponds have the capacity to handle the 100-year storm event without overtopping the bank so the higher flows will be controlled through emergency spillways or overflow structures. Mr. Gaver asked why the project cannot be designed to the 100-year storm event? Mr. Haley responded that the implications specific to this project are not exactly known because they have not gone to that level of design. He further stated that, in order to handle the larger storm event, it will be a combination of larger pond surface area and more pond storage depth. He stated that the site is fairly constrained with an odd geometry, buffering, and larger 404 wetlands area. He said, during the final design, they may have an opportunity to address designing the project to a 100-year storm event.

Mr. Board asked about the location of the pump station, which appears to be close to the residential areas and how odor control will be addressed? Mr. Haley said, during the final design, they will coordinate with the Brunswick County Engineering Department to review the requirements for odor control. They have attempted to locate the pump station as far away from the residence as feasibly possible to minimize odor concerns as well as screen the pump station area as required by the Brunswick County Unified Development Ordinance (UDO).

Mr. Gaver said he has concerns with the project being designed to the 25-year storm event because the Board has seen a trend of developments designing their project to the 100-year storm event due to recent flooding from tropical storms and Hurricanes. Mr. Gaver proceeded to say that he is not comfortable with open space being mostly a pond area for residence that could potentially be hazardous for children in the community. The amenity area is proposed just outside of the 30' buffer and in close proximity to a major road (Ocean Isle Beach Road SW). Mr. Haley said for a point of clarification the OS-1 area is approximately 19 acres that includes the area within the 404 Federally protected wetlands as well as a pond that encompasses about 2 acres of the OS-1 area. Mr. Haley said there appears to be some concerns with the proposed project and his client is not present for him to confer with about the Board's concerns. He suggested that the matter be continued until further analyses can be done regarding the stormwater system and they can possibly present something larger than a 25-year storm event. Mr. Gaver suggested that they review potentially providing affordable/workforce housing within the proposed plan. Mr. Cheek said staff can assist with the affordable/workforce housing guidelines. Mr. Pages clarified that the Board is requesting the attenuation of the stormwater pond to the 100-year/24-hour storm event and Mr. Gaver agreed.

Ms. Tina Axelsson, 650 Ocean Isle Beach Road SW, addressed the Board. Ms. Axelsson said her property (Chiropractic Office) is directly across the street from the proposed project. She was concerned with the current traffic on Ocean Isle Beach Road SW due to the rapid speed

vehicles travel on this road. She stated that there have been several accidents on this road and the proposed turn-lane(s) should alleviate some of those issues. Ms. Axelsson was also concerned with stormwater drainage because trees absorb the water and trees should be left, wherever possible. She stated that the nearby ditches fill with water when there is flooding in the area. She concluded that this is a growing area and growth should be done smartly.

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 table this matter, as requested by Mr. Haley, until March 10, 2025 at 4:00 p.m. in the Commissioners Chambers and the motion was unanimously carried.

VIII. OTHER BUSINESS.

- UDO Modernization Project Update.

Ms. Dixon addressed the Board. She stated that the County held 3 community meetings (Town Creek Community Building at 6:00 p.m. on Monday January 27th with 26 attendees, St. James Community Center at 6:00 p.m. on Wednesday January 29th with 129 attendees, and Shallotte BSRI Senior Center on Thursday January 30th with 80 attendees). Ms. Dixon said the consultant is putting together responses to information gathered at the public input meetings. The responses will be provided to staff and the steering committee. Ms. Dixon said the Board and the public will be provided with a copy of the consultant's responses to information gathered at the 3 input meetings. Ms. Dixon said she anticipates a more formal presentation meeting in the Spring and staff is waiting for the outcome of the new Legislative Bill that may change Senate Bill 382.

Mr. Board asked if the House has repealed Senate Bill 382 and Ms. Dixon said she is unsure. Mr. Pages said House Bill 24 to repeal the entire section has not been approved. Mr. Board said Senate Bill 11 said the changes would apply to 10 counties in the northern part of the State, which excludes Brunswick County. Mr. Gaver said he attended the community meeting at Town Creek and staff as well as the consultant did a fantastic job answering questions and educating the public.

- Planning Board Case Update.

Ms. Dixon addressed the Board. She stated that there were no appeals submitted for the previously approved rezoning case Z-904 and Z-907CZ at the 13-Jan-25 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.