



MEETING MINUTES

BRUNSWICK COUNTY PLANNING BOARD REGULAR MEETING OFFICIAL MINUTES

March 10, 2025
4:00 PM

The Brunswick County Planning Board met in Regular Session on March 10, 2025 at 4:00 p.m. in the Commissioners' Chambers of the David R. Sandifer Administration Building, located at the Brunswick County Government Center, 30 Government Center Drive, Bolivia, North Carolina.

MEMBERS PRESENT

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

MEMBERS ABSENT

Ron Medlin
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
Matthew Hailey, Cape Fear Engineering
Jennifer Parham
Mandy DesFonds
Maryann Azzato
Donald Caison
Charles Ward
Rynal Stephenson

John Hankins
Larry Parham
Nate Pound
Renate McLamb
Tom Harrington
Amy Schaefer
Karl Utter

I. CALL TO ORDER

Chair Cheek called the meeting to order at 4:00 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE

Chair 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. Harry "Richard" Ishler were absent.

IV. APPROVAL OF MINUTES

Mr. Leary made a motion to approve the 10-Feb-25 minutes as presented and the motion was unanimously carried.

V. AGENDA AMENDMENTS

There were none.

VI. PUBLIC COMMENT

There were none.

VII. OLD BUSINESS

A. Planned Development – PD-143

- Name: Remuda Run Planned Development
- Applicant: Dream Finders Home
- Tax Parcel(s): 2120001910
- Location: Ocean Isle Road SW (SR 1184)
- 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 units per acre.

Mr. Marc Pages addressed the Board. He reminded the Board that this planned development was tabled at the 10-Feb-25 meeting and he read an abridged Staff Report (attached). Mr. Pages said the applicant has designed the project to the 100-year storm event, which was a previous concern of the Board. Mr. Pages identified the subject property and surrounding properties on a visual map. He provided the Board with school capacity charts (attached) for nearby schools.

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. Pages further stated that the Board previously had concerns about stormwater, open space and the applicant potentially providing workforce housing for the project.

Mr. Board 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 application. Mr. Haley stated that the stormwater ponds will be designed to attenuate for the 100-year/24-hour storm event as shown in the General Notes (Note 8) of the plan. Mr. Haley said the developer is not in favor of providing workforce housing due to the size of the project. There will be additional open space (potentially an open field) for everyone in the community including young children within the amenity area where the mail kiosk is proposed. Mr. Brittain asked how this will be documented and Mr. Pages said the Board will have to add a condition stating such. Vice Chair Gaver thanked Mr. Haley for designing the project to a 100-year storm event and providing additional open space for the community.

Mr. Board asked Mr. Haley to explain how they designed the project from the 25-year storm event to the 100-year storm event? Mr. Haley said it is a function of additional calculations and analysis that provided a comfort level that the plan can handle the larger storm event. He further stated that the shape of the stormwater pond will have a larger elevation from the normal water level to the top of the bank, but they hadn't discussed the increase to their client before the previous meeting. Mr. Board asked if there are plans to maintain the ponds so they will not become shallow as debris collects in the ponds? Mr. Haley said they will have to obtain a State Stormwater Permit and an operations and maintenance agreement is part of the permit that specifies certain maintenance activity and the frequency of inspections.

Mr. Larry Parham addressed the Board. Mr. Parham said he owns property (Tax Parcel 2120001909) next to the proposed development on Watts Road SW (SR 1153). He asked if the service road was going to exit onto Watts Road SW (SR 1153) through the project? Chair Cheek replied, yes. Mr. Parham asked if the road will be paved? Mr. Pages said Watts Road SW (SR 1153) is an unimproved state-maintained road. Mr. Parham was concerned with the wear and tear on the road with the potential traffic that will be generated by this development. Mr. Pages said the North Carolina Department of Transportation (NCDOT) will be responsible for the maintenance of Watts Road SW (SR 1153). Mr. Parham asked the type of buffer the development will install? Chair Cheek said it is normally trees and Mr. Pages added that existing vegetation will remain and additional landscaping will be required for the 30' buffer area. Chair Cheek advised Mr. Parham to call NCDOT if Watts Road SW (SR 1153) begins to deteriorate as a result of this project.

Ms. Jennifer Parham addressed the Board. Ms. Parham said her family was the previous owner of the subject property and she was concerned that the Venus Flytraps and Pitcher Plants not be disturbed. Mr. Pages said an Environmental Study was not required, but the wetland areas are protected where the

Venus Flytraps and Pitcher Plants migrate.

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

Vice Chair Gaver made a motion to approve. Mr. Leary asked about adding another condition regarding the recreational area. Mr. Pages said there is a list of open space items that are considered as recreational space that the developer can do. Mr. Leary reminded the Board that the applicant's representative offered to make available certain open space in the amenity area.

Mr. Brittain made a motion to reopen the public hearing and the motion was unanimously carried. Mr. Haley re-addressed the Board. He said they are thinking about having an open lawn area that will be accessible for recreational activities in the amenity area off Ocean Isle Beach Road SW (SR 1184) in addition to the proposed pool and clubhouse. Mr. Brittain asked if the plans will reflect such? Mr. Haley said the plans will be updated in the General Note section. Mr. Pages asked how much of the area will be dedicated to recreational open space? Mr. Haley said it is difficult to say the square footage and/or dimensions of the area that will be set aside for recreational space because he do not know what the entire layout will be. Vice Chair Gaver asked Mr. Haley if he is comfortable with providing a percentage of the area? Mr. Haley said they would be comfortable with setting aside 20% of the amenity area for recreational space.

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

Vice Chair Gaver made a motion to approve PD-143 (Remuda Run) with the noted conditions in the Staff Report as well as Condition 4 stating that 20% of the amenity area be made available for recreational open space and the motion was unanimously carried.

VIII. PUBLIC HEARINGS

A. Planned Development – PD-140

Name: Real Green Planned Development
Applicant: Lennar Carolinas
Tax Parcel(s): 16300012
Location: Russtown Road NW (SR 1315)
Description: Real Green is a proposed planned development consisting of 258 single-family units on approximately 81.20 acres, creating an overall density of 3.18 dwelling units per acre.

Mr. Marc Pages addressed the Board. He stated that the new name for this project is Magnolia Farms. Mr. Pages read the Staff Report (attached). Mr. Pages identified the subject property and surrounding properties on a visual map. He provided the Board with school capacity charts (attached) for nearby schools.

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.

Chair Cheek asked about staff recommending installing road calming measures on the long straight road within the development at the Technical Review Committee (TRC) meeting and Mr. Pages said it will likely be stop signs at the 4-way stops as proposed by the developer.

Mr. Brittain asked if the stormwater ponds and barrier (dyke) around the pond can be in the wet areas? Mr. Pages said the stormwater pond will not be in the wetlands area, but there can be some stormwater elements in the flood zone.

Mr. Board asked why a higher density (proposed 3.18 dwelling units per acre, but 2.9 dwelling units per acre is allowed) is proposed for this project and Mr. Pages said there is an exceptional design element that allows for up to a 25% density bonus. Mr. Pages said staff feels that the coverage on buffers (50-foot buffer as opposed to the minimum 30-foot buffer), the project is being designed to the 100-year storm event, no lots will be in the flood zone, and there will be wetland buffers. Mr. Board felt that the density maximum is in place for a reason and he suspects that what staff calls extraordinary will probably be the standard when the Brunswick County Unified Development Ordinance (UDO) is updated. As such, Mr. Board said he disagrees with staff for allowing the higher density for this project.

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

Mr. Nate Pound, Thomas and Hutton Engineering, addressed the Board. He stated that there will be a 75' buffer on the east side of the property. Vice Chair Gaver asked why they increased the buffer to 75' and Mr. Pound said it is within the Voluntary Agricultural District (VAD). Mr. Pages stated that 50' is the minimum buffer for projects adjacent to a VAD, but a 75' buffer is proposed in the UDO update.

Ms. Mandy DesFonds addressed the Board. Ms. DesFonds asked if the 4-way stop signs will be within the development or on Russtown Road NW (1315)? Mr. Pages said the 4-way stop signs will be within the development. He said the access to the site off Russtown Road NW (SR 1315) will likely have a turn lane. Ms. DesFonds asked about the road near Ashton Farm Planned Development. Mr. Pages said there will be an entrance to the north around the curve to Ashton Farms and there will probably be other road improvements in the area. Ms. DesFonds said there are bicyclists that travel Russtown Road NW (SR 1315) detouring from NC 904 to avoid excessive traffic. Mr. Pages said NCDOT will have to determine if the road shoulder should be widened. Ms. DesFonds asked if this development will be gated? Mr. Pages said it is not proposed to be gated and if it becomes a gated community, the gate will have to be siren-activated for emergency responders such as fire and rescue. Chair Cheek added that the plan shows the proposed driveway that connects to Maple Road is where the 4-way stop is proposed.

Ms. Renate McLamb addressed the Board. She asked if adjacent property owners will be required to connect to utilities? Chair Cheek said utilities will be on Russtown Road NW (SR 1315) and

connection is voluntary for adjacent property owners. Ms. McLamb asked if her well will be affected by the development and Mr. Pages said he is unsure.

Ms. Maryann Azzato (6680 Barbeque Road) addressed the Board. Ms. Azzato asked when sewer will be on Russtown Road NW (SR 1315)? Mr. Pages said the developer will have to extend sewer from US 17 down Russtown Road NW (SR 1315) up to the development. Mr. Brittain asked if adjacent property owners have the ability to connect to the sewer system? Mr. Pages said sewer will be provided by the County and other property owners can connect if they meet the minimum criteria to connect. Chair Cheek asked if additional lift stations will be required or is the developer responsible for installing a lift station(s) within their development? Mr. Pages said the developer will be responsible for installing a lift station(s) within their development.

Mr. Board asked about school capacity, in that, schools will be at-capacity in the next 5 to 7 years according to the school capacity charts. He asked if the Board of Education is aware and are there plans in place to address this matter? Mr. Pages said a school representative attends the TRC meeting and they provide comments, if needed. Mr. Pages said the school representative said it is a challenge to estimate school-aged children moving into a development(s) because a considerable amount of people moving to the County are retirees. Mr. Board asked if representatives for fire and police are a part of the process and Mr. Pages replied, yes. Mr. Brittain asked why the TRC notes do not reflect the school representative's comments? Mr. Pages said the school representative either did not provide any comments or he did not attend the TRC meeting. Mr. Brittain felt that there should be documentation reflecting attendance or that they did not attend the TRC meeting and Mr. Pages said he will note comments received and/or the representative did not attend the TRC meeting.

Mr. Leary made a motion to close the public hearing. Vice Chair Gaver clarified that the developer is asking for some exceptional design elements. Mr. Pages said the developer is requesting an increase in density, which falls under the exceptional design density bonus. He reiterated that staff feels the project is designed well above the minimum requirements in other areas. Vice Chair Gaver asked about the stormwater pond being in an area that cannot be built on. Mr. Pages concurred that a stormwater pond can be in a wet area. He reminded the Board that this is a preliminary plan and is subject to change. Vice Chair Gaver said the developer is only proposing to increase the buffer (75' as opposed to the minimum 50') near a VAD with no other trade-offs. Mr. Pages said the Board has to decide if the developer has gone far enough with the proposed exceptional design to warrant 23 additional lots. Vice Chair Gaver felt that there seems to be a trend where the scales are tipping in the wrong direction for smart growth and he is not in favor of allowing 23 additional lots without the developer providing something that will benefit the community. Chair Cheek asked Vice Chair Gaver what would be more acceptable and Vice Chair Gaver said dedicating homes to affordable housing and more useable open space. He said there is another development (Ashton Farms) nearby and the Board has to do their due diligence and determine what is best for the future of the County.

Mr. Brittain made a motion to reopen the Public Hearing and the motion was unanimously carried. Vice Chair Gaver asked Mr. Pound if he could address the Board's concerns. Mr. Pound re-addressed the Board. He said they are proposing pocket parks, no lots are within the 100-year flood zone, they are providing a 25' vegetative setback from the wetlands, the plan is designed to the 100-year storm event, and they are installing a 75' vegetative buffer adjacent to the VAD. Vice Chair Gaver clarified that the pocket parks will be useable open space, larger buffers will be installed near the VAD, and the project is designed to a 100-year storm event and Mr. Pound concurred. Mr. Pound added that the developer proposed those upgrades to account for the additional 23 lots requested in this plan. Chair Cheek asked about the size of the pocket parks and Mr. Pound said the pocket parks are

approximately 80' - 100' wide. Chair Cheek asked about the workforce housing element and Mr. Pound said it does not work for them at this time, but he is willing to confer with his client, if need be. Mr. Pages said 5% of the total units equate to 13 homes. Mr. Pound said they can potentially reduce the number of additional dwelling units to 5% density bonus. Mr. Leary asked Mr. Pound if he can make that decision and Mr. Pound replied, yes. The additional 13 lots would equate to 245 with a 5% as part of the density bonus. Chair Cheek clarified that the developer will dedicate 10 dwelling units to workforce housing and Mr. Pound disagreed. Mr. Pound said in lieu of providing workforce housing, they will reduce the number of additional units from 28 to 13 dwelling units. Mr. Board reiterated that there are limits for a reason regarding the number of allowable dwelling units and he was not in favor of increasing the number of units regardless of the additional design features.

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

Mr. Leary made a motion to approve PD-140 (Real Green Planned Development) with the noted conditions in the Staff Report as well as Condition 4 that states the density will be lowered to 5% rather than 10%, which reduces the number of dwelling units from 258 single-family units to 245 single-family units and the motion carried 4 to 2 with Mr. Board and Mr. Brittain opposing.

B. Planned Development – PD-144

Name: Dowdy Tract Planned Development
Applicant: H + W Design
Tax Parcel(s): 1540006108
Location: Gilbert Road SE (SR 1501) and Redbrook Place SE
Description: Dowdy Tract is a proposed planned development consisting of 46 single family units on approximately 17.70 acres, creating an overall density of 2.60 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. He provided the Board with school capacity charts (attached) for nearby schools.

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.
- Secure and record a road maintenance agreement with Goose Marsh Planned Development prior to construction.
- Revise the gross density in the site data to state 2.60 dwelling units per acre.

Mr. Brittain asked if the road (Redbrook Place SE) to Goose Marsh Planned Development is a paved private road and Mr. Pages said yes.

Mr. Board was concerned with schools being at-capacity in approximately 5 years according to the school capacity chart(s). He asked if there is anything the Board can do in conjunction with the Board of Education to address the issue? Mr. Pages said he can present the Board's concerns to the TRC and the school representative. He stated that a developer in the past agreed to donate 30 acres for a school and staff will continue to advocate such, wherever possible. He stated that there were no comments from the school in the TRC meeting, but they are notified of the meeting. Mr. Board said the public is concerned with infrastructure and the capacity to support new development. Mr. Board said he has not personally seen any changes to the infrastructure other than the Northwest Water Plant that will be a part of the County's infrastructure. Mr. Pages said he will provide the Board with the Capital Improvement Plan (CIP) information. Mr. Board said he is also concerned with police and fire protection. Mr. Pages said matters are discussed at the TRC meetings and some developments have been stalled until the concerns are addressed. Vice Chair Gaver suggested that a representative from the school board and EMS meet with the Board and Mr. Pages said he can request their presents to attend a Board meeting. Mr. Pages said up to 3 Board members can attend the TRC meetings to get an idea how the process works. Chair Cheek suggested that the TRC members attend the Board meeting and provide insight to the Board and Mr. Pages said he will try to put together a staggered number of the TRC members to appear at a Board meeting because there are approximately 50 members that participate virtually or in-person at the TRC meetings. Vice Chair Gaver felt that all the TRC members address the Board during a potential workshop. Mr. Pages suggested that there be more than one meeting based on the number of entities involved and comments that may be expressed by the Board.

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

Mr. Tom Harrington, H + W Design, addressed the Board on behalf of the developer. He stated that the road layout was altered because of addressing issues.

Mr. Board asked if the open space along Gilbert Road SE (SR 1501) is considered the recreational space? Mr. Harrington said it is along Gilbert Road SE (SR 1501) to the rear of Lots 1 -8. Mr. Board asked if there will be a fence between the open space and Lots 1 - 8. Mr. Harrington said there is typically space between the areas, but not a fence. Mr. Board said Note 17 states that the stormwater management system will be designed to attenuate the 25-year/24-hour storm event on a project wide basis. Mr. Harrington said he cannot address that directly, but it was addressed at the TRC meeting. Mr. Pages said it is address on the plan under Note 24, which states "County stormwater requirements: Pre/Post for the first 1-10 and 25-year design storms. SCM must be able to handle the 100-year storm event without overtopping the SCM."

Vice Chair Gaver asked Mr. Harrington what they are offering to provide in lieu of the design flexibility elements (reduction in lot dimensions and setbacks) requested for this project? Mr. Harrington said they are meeting the minimum requirements of the UDO. Chair Cheek said they altered the project design to handle the 100-year storm event and Mr. Board agreed.

Mr. Donald Caison, 880 Gilbert Road SE, addressed the Board. Mr. Caison said there is a drainage behind his home that conveys stormwater flow from the subject property as well as property located on the opposite side of Gilbert Road SE that ends up in the Lockwood Folly River, which is at the rear of his property. Mr. Caison said during Hurricane Florence and PTC#8 the water level in the drainage ditch became dangerously close to flooding his home. He stated that the subject property is mostly

wooded, which allows for a significant amount of stormwater absorption into the land that ultimately slows down stormwater runoff from the property in question. Mr. Caison felt that the proposed project will potentially increase the speed and volume of stormwater runoff across his property and further threaten his home with flooding. He asked that this planned development not be approved due to the potential harm it will cause to his home and property. He stated that the developer is in the process of constructing a 669 units development that will eventually connect to this development and place an unreasonable burden on the watershed. Mr. Caison asked if the setbacks previously discussed by the Board will affect the buffer zone? Chair Cheek said the reduced setbacks are for each individual lot. However, there is a minimum 30' buffer on the perimeter of the development.

Mr. Brittain asked Mr. Caison if he spoke with the developer regarding his concerns and Mr. Caison said no. Vice Chair Gaver said the plan indicates that a neighborhood was recommended, but not required. Mr. Board asked Mr. Harrington if he could address Mr. Caison's concerns. Mr. Harrington said the intent of the 100-year storm study and the pond(s) is to minimize these situations. He further stated that water has to be collected on the subject property and distributed properly within the ranges of the 100-year storm event. Chair Cheek clarified that there was not a neighborhood meeting and Mr. Harrington concurred. Mr. Harrington further stated that a neighborhood meeting is not required.

With no further comments, Vice Chair Gaver made a motion to close the Public Hearing and the motion was unanimously carried. Mr. Board said he is concerned with schools being at-capacity in approximately 8 years and the recreational open space (2.41 acres) not being usable open space for the community. He agreed with Mr. Harrington about the proposed pond(s) potentially solving some of the flooding issues. He suggested Mr. Harrington and Mr. Caison have a discussion on how the proposed stormwater control measures will be implemented.

Vice Chair Gaver asked if the road maintenance agreement with Goose Creek Planned Development has been secured? Mr. Pages said he is not aware of any discussion between the two parties.

Mr. Brittain made a motion to reopen the Public Hearing and the motion was unanimously carried. Vice Chair Gaver asked Mr. Harrington if there were discussions between the developer and Goose Marsh Planned Development about a road improvement agreement and Mr. Harrington said that is a condition of approval, but it is doable.

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

Mr. Leary asked staff if there is anything in the plan that is not in compliance with the UDO? Mr. Pages said only Conditions 4 and 5 outlined in the Staff Report and the conflict in Notes 17 and 24 under the General Notes on the plan. Mr. Brittain felt that a neighborhood meeting should be required and Mr. Pages said it will be a requirement in the UDO update. Mr. Pages said a neighborhood meeting is currently required when there is a modification and/or an expansion of an approved planned development.

Chair Cheek asked staff why the side yard setbacks were reduced from 7' to 5'? Mr. Pages said the minimum side yard setback is 5' in a conventional standard. He stated that planned developments normally request a front yard setback reduction and this development is requesting a 10' front yard setback; whereas, a conventional front yard setback in a major subdivision is 25'. He reminded the

Board that a planned development is allowed that flexibility design so open space areas are larger to accommodate communal open space.

Vice Chair Gaver made a motion to approve PD-144 (Dowdy Tract Planned Development) with the noted conditions in the Staff Report and the motion carried 5 to 1 with Mr. Brittain opposing.

C. Planned Development – PD-145

Name: Timber Farms Planned Development (Modification)
Applicant: H + W Design
Tax Parcel(s): 19400008, 19500004, 21100063, 2110004607, 2110006904, 21100069 and 2110006905
Location: Ocean Highway West (US 17) and Longwood Road NW (NC 904)
Description: Timber Farms is a previously approved (September 2024) planned development that consisted of 1,700 single-family units, 300 townhouse units, and 500 multifamily units on approximately 849.97 acres, creating an overall density of 2.94 dwelling units per acre. The applicant is proposing a modification to the approved development involving a change to the connectivity of the site by gating the northwest portion of the development for an age targeted community. The proposed modification also includes a change to the unit type, consisting of 1,708 single family units, 228 duplex units, 164 townhome units, and 400 multifamily units on approximately 849.97 acres, creating an overall density of 2.94 dwelling units per acre.

Mr. Marc Pages addressed the Boar and read the Staff Report (attached). Mr. Pages said the applicant is proposing a change to the connectivity of the site by gating the northwest portion of the development for an age targeted community.

Mr. Pages said staff recommends denial based upon the following findings:

- The proposed configuration of the modified collector street layout would negatively affect vehicular connectivity in the area.

Mr. Pages said this will be a downgrade in the previously approved project. He stated that connectivity (arterial roads) in the site is extremely important and the arterial roads should be open to the residents within the development as well as the general public. Mr. Pages pointed out that there is a school nearby off Pea Landing Road NW (SR 1304) that children in the community will be attending, the commercial along US 17 will offer greater connectivity of the commercial portion to the general public and the proposed plan will require more travel time to the school and the commercial area. However, if the Board approves the proposed planned development modification, staff recommends 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. Pages said staff recommends a compromise that the developer keep the arterial road open and gate the side street. He identified the subject property and surrounding properties on a visual map. Mr. Pages provided the Board with school capacity charts (attached) for the nearby schools.

Mr. Leary asked Mr. Pages to explain, in more detail, staff's objection to the modification? Mr. Pages proceeded to say staff's approval of the original planned development was based on the connectivity to Pea Landing Road NW (SR 1304) because it greatly improved connectivity in the area with the collector street. He said staff mandated no individual driveways were allowed off the collector street so traffic flow will be smoother in the development. He said the developer kept the arterial road from US 17 to NC 904 on the right side of the project.

Mr. Brittain asked staff if a Traffic Impact Analysis (TIA) was required for the proposed modification? Mr. Pages said staff requested input from NCDOT regarding whether the current TIA should be updated and NCDOT said the proposed modifications did not warrant an update to the previously approved TIA.

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

Ms. Amy Schaefer, Lee Kaess PLLC, addressed the Board on behalf of the developer. Ms. Schaefer discussed a PowerPoint presentation (attached) regarding the proposed plan to modify the unit types with diversity housing types to accommodate a broader range of homebuyers without increasing density. She stated that they are proposing an age-targeted community, which reduces traffic, lower impacts of water and sewer, tax benefit of property increases without an impact on local schools, and higher property values. Ms. Schaefer said they have multiple access points throughout the commercial portion of the project that can be utilized by the age-restricted residents. The central roundabout is replaced with a 3-way t-intersection and the relocated road will reduce impacts on the wetlands.

Mr. Brittain asked about the wetlands and Ms. Schaefer identified the area outlined in her PowerPoint presentation. Vice Chair Gaver said the commercial tract in the Board's packet does not show the ingress and egress that is in the PowerPoint presentation. Mr. Matthew Haley addressed the Board. Mr. Haley said the additional access points were part of the TIA that was approved by NCDOT and they are in the process of being fully designed and permitted. Vice Chair Gaver asked if the project will be in compliance with the additional access points at the front of the neighborhood? Attorney Ryan said the UDO states, "For residential developments with more than 300 lots (or equivalent dwelling units), the Planning Board may specify that more than three points of access shall be provided". Ms. Schaefer added that the UDO also states, "Required points of access may provide access restrictions in the form of an electronically controlled gate that may be opened by emergency responders via siren activation or other approved method", which is what they are proposing. Attorney Ryan said the Pea Landing connection (gated or not) would count as an external point of access.

Vice Chair Gaver asked if the road from PODs #6 and #7 through the wetlands currently exists or is the road proposed? Ms. Schaefer said that road is part of the approved plan and the proposed relocation is reducing the impact on the wetlands area. Mr. Board asked if the access is a bridge over the wetlands? Mr. Haley said there is an old historic road that runs through this area for timbering/agricultural purposes. He further stated that the previous version of the plan showed the

road with a hard turn that would have clipped some of the wetlands. But it did not follow the alignment of the historic timber/agricultural road so the revised plan straightens the road to follow the old road to minimize the impact on the wetlands while providing connectivity. Mr. Haley said it is a raised road with crossing drainage culverts that will be improved in the same location. Chair Cheek asked if the crossing is for golf carts and Mr. Haley said it will accommodate golf carts, pedestrians, and bicycles.

Mr. Charles Ward, adjacent property owner, addressed the Board. Mr. Ward asked how much buffer area is from the retention pond and Chair Cheek said there is a 30' minimum buffer area and approximately 50' from the amenity pond'. Mr. Ward asked what measures are in place to prevent flooding to adjacent property owners? Mr. Haley said they looked at the design aspects of the embankment material, level of compaction and the ponds are analyzed for large storm events to minimize the likelihood that they will overtop the bank. He stated that there are no ponds in this development that would require compliance to the Dam Safety Act, but there are other rules and regulations in place in addition to the Brunswick County Stormwater and State minimum requirements. Chair Cheek asked if the amenity ponds are built to stormwater criteria? Mr. Haley said they are part of the Brunswick County Stormwater Permit and incorporated in the State Permit for reference. The amenity ponds will have to be interconnected to each other or permitted with the State for treatment.

Vice Chair Gaver asked about PODs #10A and #10B. Mr. Haley said POD #10A is planned for duplex (Casita) units and #10B is planned for multi-family apartments and the layouts are unknown at the current time so they are shown as a bubble.

Mr. Karl Utter addressed the Board. Mr. Utter said he lives in Russtown Farms and the proposed development will be developed across from Russtown Farms. He has lived on his property for 40 years and the area (NC 904 and NC 130) currently floods; especially, during a hurricane. He stated that residents have difficulty getting out of the area during massive flooding. Mr. Utter said this area cannot handle any additional flooding that will likely be generated from this property. He said he has called the US Army Corps of Engineers (Corps of Engineers) and the State because there is no adequate drainage in the area except Butler Lake. He said properties north of this development flood during Hurricanes and there is no way out. He felt that more roads should be built to handle the excessive traffic from the new developments. Chair Cheek said the roads are either State-maintained or privately owned. Mr. Utter said the drainage ponds are not connected and they will not properly absorb the stormwater runoff. Chair Cheek said the proposed stormwater ponds will alleviate some of the stormwater runoff concerns.

Vice Chair Gaver asked Mr. Utter if his concerns with the Corps of Engineers have been addressed? Mr. Utter said the Corps of Engineers and State have been to the area and they only govern so far off the water. He said there is not a ditch line where he lives because it is overgrown with debris. He reiterated that there is flooding in the area and this development is only going to add to the flooding issue. Chair Cheek suggested that Mr. Utter contact the North Carolina Department of Environmental Quality (NCDEQ) if the ponds overflow on the subject property. Mr. Pages also suggested that Mr. Utter contact the Brunswick County Stormwater Administrator regarding stormwater concerns.

Ms. Schaefer re-addressed the Board. She stated that the gates will have to be open during a state of emergency.

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

Vice Chair Gaver made a motion to approve PD-145 (Timber Farms Planned Development Modification) with the noted conditions in the Staff Report. The motion died for lack of a second. Mr. Leary made a motion to reopen the Public Hearing and the motion was unanimously carried.

Mr. Leary asked if the developer would like to rethink the modified plan and Ms. Schaefer said yes. She asked the Board to provide some guidance so they can go back and take a look at the modified plan. Mr. Pages reiterated that staff's alternative is to keep the arterial road ungated and gate the side streets into the development. He stated that staff is aware that there are some challenges because of the wetlands area. Chair Cheek asked what the impact will be from a staff's perspective if the entire community is gated from the commercial node and off NC 904? Mr. Pages said staff would not support that because the original approval was based on connectivity in the area to the general public and during emergency situations as expressed by an adjacent property owner.

Mr. Rynal Stephenson, Traffic Engineer with DRMP, addressed the Board. Mr. Stephenson said his firm prepared the traffic study for this project and the gate will be open for thru traffic in the event of a flood. He said the traffic will flow in and around the development in the same manner whether a gate is installed. Mr. Stephenson said the gate will not restrict or change traffic patterns within the neighborhood. He further stated that the non-gated portion of the community will not want to go out to Pea Landing Road NW. Non-residents cutting through the community will be cut-off, but it would be faster for those travelers to go up/down NC 904 instead of coming through the community.

Ms. Dixon interrupted the meeting because the parking lot was beginning to flood due to the torrential rainstorm and water was entering the building. As a result, Mr. Leary made a motion to continue this public hearing and the remaining public hearings on Monday April 14, 2025 at 4:00 p.m. in the Commissioners' Chambers and the motion was unanimously carried.