

**MINUTES**  
**PLANNING BOARD**  
**BRUNSWICK COUNTY, NC**

**6:00 P.M. Monday**  
**May 9, 2022**

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

MEMBERS PRESENT

Eric Dunham, Chair  
Joy Easley, Vice Chair  
William Bittenbender  
Richard Leary  
Ron Medlin  
Christopher Wood

MEMBERS ABSENT

Clifton Cheek  
Britt Riggs, Alternate

STAFF PRESENT

Kirstie Dixon, Director  
Marc Pages, Principal Planner  
Connie Marlowe, Admin. Asst. II  
Garrett Huckins, Planning Tech.  
Nicole Morgan, Project Planner  
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

J. Phillip Norris, P.E.  
Allen Yuhasz  
Joan Tomasello  
Evelyn Johnson  
Susan Chopard  
Roy Walton  
Brad Schuler  
Martha Robinson

John Hankins  
Brad Durrell  
Van Walton  
Julie Farrell  
Gerald A. Kirby  
Angela Davis  
Justin Bishop

I. CALL TO ORDER.

Mr. Dunham called the meeting to order at 6:00 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE.

Mr. Dunham said a prayer. The Chair asked everyone to stand and face the U.S. Flag to say the Pledge of Allegiance.

III. ROLL CALL.

Mr. Clifton Cheek and Mr. Brett Riggs were absent.

IV. CONSIDERATION OF MINUTES FOR 11-APR-22 MEETING.

Mr. Bittenbender made a motion to approve the 11-Apr-22 minutes as presented and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

There were none.

VI. PUBLIC COMMENT.

There were none.

VII. NEW BUSINESS.

A. Rezoning Z-838 (S Longwood LLC, Longwood Properties LLC & KCS Farms LLC [%J. Phillip Norris, P.E.]

Request rezoning of approximately 2,131.82 acres located off Pea Landing Road NW (SR 1304) near Carolina Shores from RR (Rural Low Density Residential) and R-7500 (Medium Density Residential) to R-7500 (Medium Density Residential) for Tax Parcels 19300025, 19400027, 19400028, 1940000201, 1940000202, 1940000203, 1940000204 and 1940000205.

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

Mr. Pages said staff recommends approval from RR (Rural Low Density Residential) and R-7500 (Medium Density Residential) to R-7500 (Medium Density Residential) for Tax Parcels 19300025, 19400027, 19400028, 1940000201, 1940000202, 1940000203, 1940000204 and 1940000205.

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

Mr. Phillip Norris, Norris & Tunstall Engineering, addressed the Board on behalf of the applicants. Mr. Norris said they have worked with staff and reduced the initial acreage by approximately 1,000 acres and they also changed the zoning designation from R-6000 (High Density Residential) to R-7500 (Medium Density Residential), which allows for less density. He

further stated that the applicant has no immediate plans to develop the property, but they feel this zoning change is the highest and best use of the property. Mr. Norris said the subject property is in close proximity Brunswick Plantation (The Hamptons) and there is development activity occurring in that section of Brunswick Plantation so the applicants want the zoning designation of the subject properties to be consistent with the surrounding area for potential future development purposes. Mr. Norris said, if the property is developed, drainage, flooding and traffic will be addressed with the appropriate agencies (North Carolina Department of Transportation [NCDOT], Brunswick County Stormwater, and North Carolina Department of Environmental Quality Division of Water Quality) prior to development occurring. Mr. Norris concluded that residential dwellings are allowed in the current zoning. Mr. Wood said he is appreciative that the applicants changed the zoning designation to R-7500 rather than R-6000 because there are a tremendous number of wetlands on the property that would have likely increased the density and Mr. Dunham concurred. Mr. Norris stated that they had a cursory wetland delineation done on the property and there is a fair number of wetlands on the site as well as a 100-year flood zone and non-encroachment areas.

Ms. Susan Chopard, President of the Brunswick Plantation Board of Directors, addressed the Board. Ms. Chopard read a letter (attached) from the Brunswick Plantation POA's Board of Directors.

Ms. Julie Farrell addressed the Board. Ms. Farrell expressed concerns with this property being in a watershed area that should be preserved, and preventative measures put in place to protect surrounding properties from potentially flooding. Mr. Dunham said the property has to be rezoned if the intended use is not permitted and/or permissible and a plan is presented after the zoning change. Mr. Pages stated that the zoning change is based on all uses allowed in the R-7500 zoning district and flooding, drainage, traffic, etc., is addressed at the time the proposed project is submitted for review and approval.

Ms. Evelyn Johnson addressed the Board. Ms. Johnson said the initial zoning change was near property that she owns (Gwynn Farm Road NW), but it has since been removed from the rezoning request. She stated that she is concerned with development coming to the area and the potential flooding issues generated from the Caw Caw Canal like they experienced when she grew up in the area. Mr. Dunham said the County has a stormwater administrator that will address stormwater runoff.

Ms. Joan Tomasello addressed the Board. Ms. Tomasello was concerned with the permitting process, in that, the property is cleared before a permit is issued. Ms. Dixon clarified that the State regulates land clearing, environmental impacts, and erosion control. Ms. Tomasello asked if there is any recourse to keeping property from being clear-cut and Ms. Dixon replied, no. Mr. Pages added that wetlands are protected and delineated by the US Army Corps of Engineers. Ms. Dixon further explained that there are State permits required for environmental impacts and erosion control.

Mr. Brad Durrell addressed the Board. Mr. Durrell felt that wetland delineations should be required prior a zoning change. He asked staff to explain the difference in RR (Rural Low Density Residential), R-7500 (Medium Density Residential) and R-6000 (High Density Residential) zoning districts. Mr. Pages proceeded to explain the difference in the 3 zoning designations regarding permitted uses and/or minimum dimensional requirements.

Ms. Julie Farrell readdressed the Board. Ms. Farrell asked about the State not permitting the County to regulate clear-cutting a lot. Ms. Dixon reiterated that the State regulates land clearing.

Mr. Batton interjected that the State can regulate and/or allow the County to require additional requirements if there is a need beyond what the State regulates.

Mr. Norris readdressed the Board. Mr. Norris reiterated that flooding concerns are important and should be addressed at the time a project is presented for consideration.

Mr. Van Walton addressed the Board. Mr. Walton asked about the density for R-7500 and R-6000 zoning districts and Mr. Pages explained the density difference in R-7500 and R-6000 zoning districts.

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

Mr. Wood made a motion to approve Tax Parcels 19300025, 19400027, 19400028, 1940000201, 1940000202, 1940000203, 1940000204 and 1940000205 from RR (Rural Low Density Residential) and R-7500 (Medium Density Residential) to R-7500 (Medium Density Residential) and the motion was unanimously carried.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for REZONING be

**APPROVED – CONSISTENT WITH COMPREHENSIVE PLAN**

- The Planning Board finds that the proposed zoning amendment is consistent with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning is consistent with the CAMA Land Use Plan (Comprehensive Plan) as it is classified as LDR (Low Density Residential).

- The Planning Board further finds that the proposed zoning amendment is reasonable and in the public's interests for the following reasons:

There is public water and sewer in the area, there are no capacity deficiencies for this section of Pea Landing Road or No. 5 School Road and there is adequate school capacity in the area.

The Chairman stated that any person with standing may appeal the decision of the Planning Board. 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. He further stated that if notice of the appeal is not provided in writing within 15 days, then the decision of the Planning Board shall be final.

**B. Rezoning Z-843 – Kathleen Yuhasz.**

Request rezoning of approximately 2.52 acres located off Southport-Supply Road SE (NC 211) near Bolivia from SBR-6000 (High Density Site Built Residential) to C-LD (Commercial Low Density) for Tax Parcel 1850001731.

**LAND USE PLAN MAP AMENDMENT – LUM-843:**

Request to amend Tax Parcel 1850001731 located off Southport-Supply Road SE (NC 211) near Bolivia from LDR (Low Density Residential) to Commercial.

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

Mr. Pages said staff recommends approval from SBR-6000 (High Density Site Built Residential) to C-LD (Commercial Low Density) for Tax Parcel 1850001731 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map from LDR (Low Density Residential) to Commercial for Tax Parcel 1850001731.

Mr. Bittenbender asked staff if NCDOT provided a rating for this section of Southport-Supply Road SE (NC 211) that has no capacity deficiencies and Mr. Pages replied, yes.

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

Mr. Allan Yuhasz addressed the Board. Mr. Yuhasz said they built a building on the C-LD-CZ property (Tax Parcel 18500013) that is utilized for office and storage space. He stated that the proposed zoning change is the highest and best use of the subject property because there is a waiting list in his neighborhood (Winding River) for storage space. He proceeded to show the Board Conceptual Layout Plans A or B (attached) that will likely be the intended use of the subject property that includes a natural vegetative buffer so the structure(s) will not be an eyesore from Southport-Supply Road SE (NC 211). He further stated that he has spoken with NCDOT and road improvements (entrances and exits) will likely have to be approved by NCDOT. Mr. Batton reminded the Board that this a zoning change and not a development approval.

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

Mr. Leary made a motion to approve Tax Parcel 1850001731 from SBR-6000 (High Density Site Built Residential) to C-LD (Commercial Low Density) in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map from LDR (Low Density Residential) to Commercial and the motion was unanimously carried.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for REZONING be

**APPROVED – NOT CONSISTENT WITH COMPREHENSIVE PLAN**

- The Planning Board finds that the proposed zoning amendment is NOT consistent with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning is not consistent with the CAMA Land Use Plan (Comprehensive Plan) as it is classified as LDR (Low Density Residential). However, a CAMA Land Use Plan amendment has been requested to Commercial.

- The Planning Board further finds that the approval of the proposed zoning amendment will amend the CAMA Land Use Plan (Comprehensive Land Use Plan) and the following changes have been considered to meet the needs of the community:

There is commercial zoning to the east of the subject property.

- The Planning Board further finds that the proposed zoning amendment is reasonable and in the public's interests for the following reasons:

There is a need for storage space in the area, which is the applicant's intended use of the property and there was no opposition from the public.

The Chairman stated that any person with standing may appeal the decision of the Planning Board. 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. He further stated that if notice of the appeal is not provided in writing within 15 days, then the decision of the Planning Board shall be final.

C. Rezoning Z-844 – Gerald A. Kirby.

Request rezoning of approximately 65.84 acres located off Stanbury Road SW (SR 1124) near Holden Beach from SBR-6000 (High Density Site Built Residential) to R-6000 (High Density Residential) for Tax Parcels 21600104, 21600108, 2160010905, 2150005101, 2150004803, 2160010901, 2160010902, 2160010904, 21600119, 2160010403, 21600107, 21600105, 2160010410 and 21600111.

LAND USE PLAN MAP AMENDMENT – LUM-844:

Request to amend Tax Parcels 21600104, 2160010905, 2150005101, 2150004803, 21600119, 2160010403 and 2160010410 located off Stanbury Road SW (SR 1124) near Holden Beach from LDR (Low Density Residential) to MDR (Medium Density Residential).

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

Mr. Pages said staff recommends approval from SBR-6000 (High Density Site Built Residential) to R-6000 (High Density Residential) for Tax Parcels 21600104, 2160010905, 2150005101, 2150004803, 21600119, 2160010403 and 2150010410 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map from LDR (Low Density Residential) to MDR (Medium Density Residential) for Tax Parcels 21600104, 2160010905, 2150005101, 2150004803, 21600119, 2160010403 and 2160010410.

Ms. Easley made a motion to open the Public Hearing and the motion was unanimously carried.

Mr. Gerald Kirby, owner of 1443, 1441 and 1467 Stanbury Road SW, addressed the Board. Mr. Kirby stated that the property owners were not aware that these properties were zoned SBR-6000 (High Density Site Built Residential) until Mr. Mallard Kirby attempted to place a manufactured home on his property for his daughter and discovered manufactured homes are not allowed in SBR-6000 zoning. Mr. Kirby said other property owners realized that they would not be allowed to either rebuild on their property should something happen to their homes or expand other uses (commercial activity) that have been on their property prior to the current zoning designation.

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

Ms. Easley made a motion to approve Tax Parcels 21600104, 21600108, 2160010905, 2150005101, 2150004803, 2160010901, 2160010902, 2160010904, 21600119, 2160010403, 21600107, 21600105, 2160010410 and 21600111 from SBR-6000 (High Density Site Built

Residential) to C-LD (Commercial Low Density) in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map from LDR (Low Density Residential) to Commercial for Tax Parcels 21600104, 2160010905, 2150005101, 2150004803, 21600119, 2160010403 and 2160010410 and the motion was unanimously carried.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for REZONING be

**APPROVED – NOT CONSISTENT WITH COMPREHENSIVE PLAN**

- The Planning Board finds that the proposed zoning amendment is NOT consistent with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning is not consistent with the CAMA Land Use Plan (Comprehensive Plan) as it is classified as LDR (Low Density Residential). However, a CAMA Land Use Plan amendment has been requested to MDR (Medium Density Residential).

- The Planning Board further finds that the approval of the proposed zoning amendment will amend the CAMA Land Use Plan (Comprehensive Land Use Plan) and the following changes have been considered to meet the needs of the community:

The existing uses cannot be replaced if the structures are destroyed.

- The Planning Board further finds that the proposed zoning amendment is reasonable and in the public's interests for the following reasons:

There is similar zoning nearby and there was no opposition from the public.

The Chairman stated that any person with standing may appeal the decision of the Planning Board. 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. He further stated that if notice of the appeal is not provided in writing within 15 days, then the decision of the Planning Board shall be final.

D. Rezoning Z-845 (Bell Creek Development Group, LLC [%Kathy Garris])

Request rezoning of approximately 49.65 acres located off Bell Swamp Connection NE (SR 1407) near Bolivia from C-LD (Commercial Low Density) and C-I (Commercial Intensive) to C-LD (Commercial Low Density) for Tax Parcels 09700033 and 0970003102.

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

Mr. Pages said staff recommends approval from C-LD (Commercial Low Density) and C-I (Commercial Intensive) to C-LD (Commercial Low Density) for Tax Parcels 09700033 and 0970003102.

Ms. Easley made a motion to open the Public Hearing and the motion was unanimously carried.

Mr. Brad Schuler, representative for Paramounte Engineering, addressed the Board on behalf of the applicant. Mr. Schuler said the property is currently split-zoned and the applicant intends to

develop the site as 1 project, which has presented some challenges as a split-zoned parcel. He further stated that the zoning change is consistent with surrounding zoning as well as the CAMA Land Use Plan Classification Map.

Mr. Roy Walton addressed the Board. Mr. Walton was concerned with how property taxes will be affected. He stated that there is a ditch on the property line that runs to an existing pond on the back of Tax Parcel 09700024. Mr. Walton said there is currently a stormwater runoff issue in the area from the 4-lane road. He felt that their field will be flooded as well as his property across the road from the subject property. Mr. Walton said he has been denied assistance from the State and County regarding the stormwater runoff issue(s) that currently exist in the area. He further stated that the water will eventually end up in an existing pond that will likely overflow and flood his fields. Mr. Dunham said a stormwater permit will have to be obtained from the County and the State if the property is developed for commercial use. Mr. Walton wanted assurance that they will get assistance should additional flooding occurs as result of future development. Mr. Dunham asked staff to provide Mr. Walton with Brigit Flora, Brunswick County Stormwater Administrator, contact information.

Ms. Angela Davis addressed the Board. Ms. Davis asked how her taxes will be affected as a result of the zoning change? Mr. Dunham said tax values are determined by the Brunswick County Tax Office. Ms. Davis reiterated that flooding is currently a concern in the area

Ms. Martha Robinson, 270 Bell Swamp Road NE, addressed the Board. Ms. Robinson asked about buffers regarding 0.2 opacity and Mr. Pages explained how opacity is defined. Ms. Robinson said she is also concerned with stormwater runoff and drainage when this property is developed. Mr. Dunham said the applicant will have to submit a development plan for review and approval by the County Stormwater Administrator and the State. He suggested that Ms. Robinson speak with Brigit Flora, Brunswick County Stormwater Administrator, regarding stormwater runoff being maintained on the site. Mr. Pages reiterated that this is a zoning change, but when the site plan is submitted, it will be reviewed and approved by the appropriate County departments and State agencies.

Mr. Van Walton addressed the Board. Mr. Walton stated that there are wetlands on the subject property. He asked if there is a plan available for public consumption? Mr. Pages said the applicant will have to submit a plan to staff for review and approval if the use is outright permitted. Otherwise, any other development will have to be submitted to this Board for review and approval. Ms. Dixon encouraged Mr. Walton to speak with Brigit Flora regarding any stormwater runoff issues.

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 Tax Parcels 09700033 and 0970003102 from C-LD (Commercial Low Density) and C-I (Commercial Intensive) to C-LD (Commercial Low Density) and the motion was unanimously carried.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for REZONING be

**APPROVED – CONSISTENT WITH COMPREHENSIVE PLAN**

- The Planning Board finds that the proposed zoning amendment is consistent with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning is consistent with the CAMA Land Use Plan (Comprehensive Plan) as it is classified as Commercial.

- The Planning Board further finds that the proposed zoning amendment is reasonable and in the public’s interests for the following reasons:

This change will correct a split-zoned parcel and it is a less intensive zoning change.

The Chairman stated that any person with standing may appeal the decision of the Planning Board. 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. He further stated that if notice of the appeal is not provided in writing within 15 days, then the decision of the Planning Board shall be final.

E. Rezoning Z-846 (SDW, Inc. (%Sandy Wood).

Request rezoning of approximately 0.62 acres located off Lanvale Road NE (AR 1438) near Leland from NC (Neighborhood Commercial) to R-6000 (High Density Residential) for Tax Parcel 0370002015.

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

Mr. Pages said staff recommends approval from NC (Neighborhood Commercial) to R-6000 (High Density Residential) for Tax Parcel 0370002015.

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

Mr. Justin Bishop addressed the Board on behalf of the property owner. Mr. Bishop said there is similar zoning nearby and the zoning change is consistent with the CAMA Land Use Plan Classification Map.

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

Mr. Bittenbender made a motion to approve Tax Parcel 0370002015 from NC (Neighborhood Commercial) to R-6000 (High Density Residential) and the motion was unanimously carried.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for REZONING be

**APPROVED – CONSISTENT WITH COMPREHENSIVE PLAN**

- The Planning Board finds that the proposed zoning amendment is consistent with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning is consistent with the CAMA Land Use Plan (Comprehensive Plan) as it is classified as Community Commercial.

- The Planning Board further finds that the proposed zoning amendment is reasonable and in the public's interests for the following reasons:

There is R-6000 zoning nearby and there was no opposition from the public.

The Chairman stated that any person with standing may appeal the decision of the Planning Board. 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. He further stated that if notice of the appeal is not provided in writing within 15 days, then the decision of the Planning Board shall be final.

#### VIII. OTHER BUSINESS.

- Planning Board Case Update

Ms. Dixon addressed the Board. She stated that Zoning Cases Z-842 and Z-840CZ were approved at the 11-Apr-22 meeting and there were no appeals, so the Board's decision stands.

- Blueprint Brunswick Update.

Ms. Dixon addressed the Board. She stated that staff is waiting on a draft plan that should be presented to the committee and the Board will receive a copy of the draft plan in the next 30 to 60 days.

Ms. Dixon introduced Ms. Nicole Morgan as the new Project Planner and the Board welcomed Ms. Morgan.

#### IX. ADJOURNMENT.

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