

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

**6:00 P.M. Monday**  
**March 13, 2023**

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

MEMBERS PRESENT

Joy Easley, Vice Chair  
William Bittenbender  
Ron Medlin  
Richard Leary

MEMBERS ABSENT

Eric Dunham, Chair  
Clifton Cheek  
Christopher Wood  
Harry Richard Ishler, Alternate

STAFF PRESENT

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

OTHERS PRESENT

John Hankins  
Thomas Scheetz  
Erica Gassaway  
Nicholas Frederes  
Jacklyn Andrews  
Harvey Bell  
Perry Sellers  
Charles Russ  
Harold McCoy

Dan Weeks  
Grant Oehlert  
Ruth Dougherty  
Dilara Sholtis  
Linda Reburn  
James Brown  
James Clemmons  
Paul Webber

I. CALL TO ORDER.

Ms. Easley called the meeting to order at 6:00 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE.

Ms. Easley said a prayer. Ms. Easley asked everyone to stand and face the U.S. Flag to say the Pledge of Allegiance.

III. ROLL CALL.

Mr. Eric Dunham, Mr. Christopher Wood, Mr. Clifton Cheek, and Mr. Richard Ishler were absent.

IV. CONSIDERATION OF MINUTES FROM THE 13-FEB-23 MEETING.

Mr. Leary made a motion to approve the 13-Feb-23 minutes as presented and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

Mr. Pages said staff would like to briefly discuss the Brunswick County Comprehensive Transportation Plan (CTP) Public Involvement Sessions and some proposed text amendments under Other Business.

VI. PUBLIC COMMENT.

There were none.

VII. NEW BUSINESS.

A. Rezoning Z-862 – Carolina Shores ETJ (% Brunswick County).

Request rezoning of approximately 691.61 acres located west of Ocean Highway West (US 17) near Carolina Shores from CS-MFH I (Manufactured Home District I), CS-MFH II (Manufactured Home District II), CS-R8 (Residential District), CS-R15 (Residential District), CS-ID (Industrial District) and CS-NB (Neighborhood Business) to R-6000 (High Density Residential), R-7500 (Medium Density Residential), CI (Commercial Intensive), NC (Neighborhood Commercial) and C-LD (Commercial Low Density).

Ms. Easley addressed the property owners in this area with regards to the existing potential violations in the area and stated that the County (Planning Board and staff) cannot address these matters until County zoning has been established in the area, but staff has been made aware of some of the potential violations.

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

Mr. Meredith said staff recommends approval to R-6000 (High Density Residential), R-7500 (Medium Density Residential), CI (Commercial Intensive), NC (Neighborhood Commercial) and C-LD (Commercial Low Density).

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

Ms. Erica Gassaway addressed the Board. Ms. Gassaway asked what PD means on the Use Table in the Brunswick County Unified Development Ordinance (UDO)? Mr. Pages replied, Planned Development and he proceeded to explain where PDs are permitted as outlined in the Use Table of the UDO.

Ms. Ruth Dougherty addressed the Board. She asked if permits will be issued through the County and Mr. Meredith replied, yes. He stated that County permit applications can be submitted online at brunswickcountync.gov. via the Code Administration Department. Mr. Meredith further stated that any existing permits will be issued by the Town of Carolina Shores.

Mr. Nicholas Frederes addressed the Board. Mr. Frederes asked if the property owners abutting the Town of Carolina Shores will have any say when development occurs near their property? Ms. Dixon said adjacent property owners are notified when an abutting property is rezoned or a major project is submitted for review and approval that requires board approval whether or not the property is in the County or town's jurisdiction.

Jacklyn Andrews addressed the Board. Ms. Andrews asked if the property across from CVS is in the Town of Carolina Shores' planning and zoning jurisdiction? Mr. Meredith said portions of that area is in the Town's planning and zoning jurisdiction. He suggested that Ms. Andrews meet with him to discuss which parcels will be in the County. Ms. Andrews asked if the County's zoning will prevent residential dwellings on those properties? Mr. Meredith said the only affect will be if a residential building permit will be issued by the Town or County.

Ms. Dilara Sholtis addressed the Board. Ms. Sholtis was concerned about who will be responsible for cleaning up debris? Ms. Dixon said the County offers free dump week twice a year at the Landfill, but property owners are responsible for cleaning up their own property.

Ms. Linda Reburn addressed the Board. Ms. Reburn asked what commercial low density means? Mr. Meredith said commercial low density is the least intensive commercial district and it is similar, in nature, to the Town's neighborhood business zoning district.

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 Carolina Shores ETJ area that consist of approximately 691.61 acres west of Ocean Highway West (US 17) near Carolina Shores to R-6000 (High Density Residential), R-7500 (Medium Density Residential), CI (Commercial Intensive), NC (Neighborhood Commercial) and C-LD (Commercial Low Density) and the motion was unanimously approved.

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 Blueprint Brunswick CAMA Land Use Plan (Comprehensive Plan).

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

The subject properties will be zoned under the County’s zoning, which will be consistent with the Town’s zoning for these areas.

Ms. Easley 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. She 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. Planned Development – PD-96**

Name: Hall Tract Planned Development  
Applicant: H&W Design  
Tax Parcel(s): 1530001001  
Location: Old Ocean Highway (US 17B)  
Description: Hall Tract is a proposed planned development consisting of 136 single family homes on 135.88 acres creating an overall density of 1.0 dwelling units per acre.

Mr. Pages addressed the Board. He 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; and
- 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.

Ms. Easley asked staff the percentage of the 84.79 acres of dedicated open space are wetlands? Mr. Pages said 76.44 acres are wetlands. Mr. Leary clarified that Lot 113 will not be developed and Mr. Pages concurred. Mr. Pages said only the rear corner of Lot 113 is buildable due to setbacks and flood zone constraints. Mr. Leary asked the status of Lots 112 and 114? Mr. Pages said those lots are not in a flood zone, so those lots can be developed for residential purposes.

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

Mr. Dan Weeks, H&W Design, addressed the Board. Mr. Weeks said the lots are 60' x 125', which is consistent with the R-7500 (Medium Density Residential) zoning district when both water and sewer are available. He emphasized that this is a low-density project and the project will be designed to a 100-year storm event. Mr. Weeks said they are proposing useable open space with park spaces and trails (active and passive open space).

Mr. Harvey Bell addressed the Board. Mr. Bell felt that the AEFW flood zone shown on the map should be above the AE flood zone based on the past 3 hurricanes in the area. Mr. Bell said there was extensive flooding in his neighborhood. Mr. Bell said there is approximately 40 acres of non-wetlands and the remainder of the property is wetlands. Mr. Pages said this information is received from the Floodplain Administrator (James Paggioli) via FEMA (Federal Emergency Management Agency). Mr. Pages said property can be developed in a flood zone, but staff encourages developers to move all development outside the 100-year flood zone. He said the developer has done so with the project and the Floodplain Administrator concurs that what is proposed meets the current minimum standards. Mr. Bell expressed concern with wildlife being forced out of their habitat, the potential for traffic congestion, and complaints from the Eagle Creek community regarding farming activity in the area. Mr. Pages said the proposed project is reviewed by several County departments for compliance to minimum requirements and all comments from each department must be addressed prior to final approval of a project. Mr. Pages added that farming activities are protected in the VAD (Voluntary Agricultural District) and Mr. Bell's property is within the VAD area. He further stated that all plats have to state that the development is within ½ mile of a VAD area to protect agricultural uses in the area. Mr. Bell concluded that he is opposed to this project.

Mr. James Brown addressed the Board. Mr. Brown was concerned with stormwater runoff, trespassers on his property, and construction debris on his property. He suggested a fence be erected on the side to curtail construction debris on his property. He said his new neighbors should be made aware that they are moving in a VAD area. Mr. Pages reiterated that participation in VAD protects farming/agricultural activities. Mr. Brown concluded that he will put up signs down the property line that says, "Buyer Beware".

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 the Hall Tract Planned Development (PD-96) with the noted conditions presented in the Staff Report and the motion was unanimously carried.

C. Planned Development – PD-98

Name:	Clemmons Tract Planned Development
Applicant:	Norris and Tunstall Engineering
Tax Parcel(s):	1850001733
Location:	Southport-Supply Road SE (NC 211)
Description:	Clemmons Tract is a proposed planned development consisting of 70 single family homes on 24.17 acres creating an overall density of 2.89 dwelling units per acre.

Mr. Pages addressed the Board. He 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 recording of the individual lots, provide documentation for Crossroads Trail SE that the developer is authorized to pave this road and use it for access; and
- Specify the Recreation Space uses per UDO Section 6.4.4.C.2. on the site plan.

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

Mr. Thomas Scheetz, Norris & Tunstall Consulting Engineering, addressed the Board on behalf of the applicant. Mr. Scheetz said the ponds will be designed to the 100-year storm event. He stated that there was good input at the neighborhood meeting and some suggestions will be incorporated into the project design.

Ms. Easley asked the average lot size and Mr. Scheetz said the minimum and average is approximately 5,600 square feet. Ms. Easley asked if that is the minimum in the current zoning district? Mr. Pages said the minimum lot size for a major subdivision is 15,000 square feet in the current zoning district.

Mr. Bittenbender asked staff if the Fire Marshal had concerns with Lots 44-38 at the end of the street regarding no turnaround for fire trucks? Mr. Scheetz said that is currently a proposed driveway connection, but the North Carolina Department of Transportation (NCDOT) will not likely allow 3 driveway connections for this project. He said, if that is the case, there will have to be some sort of turnaround in that area.

Mr. Perry Sellers addressed the Board. Mr. Sellers reiterated that Crossroads Trail SE is a dirt road and there are current drainage problems in the area. He said there are 5 residences on the road at the current time and they want to be good neighbors. Mr. Sellers said he understands the developer is only going to pave half of Crossroads Trail SE, but the unpaved portion will continue to have drainage issues. He requested that the entire road be upgrade so there will be proper drainage to alleviate any potential problems between the current and future homeowners in the area. Mr. Scheetz said the developer was made aware of the current situation and he is taking it into consideration. Ms. Easley asked if the developer has ownership, possession, or easement rights to pave the entire road and Mr. Scheetz replied, no.

Mr. James Clemmons addressed the Board. Mr. Clemmons spoke on behalf of the owners of Crossroads Trail SE, in that, they will be granted access to the remainder of the road, if requested. But, further discussions are necessary prior to such occurring.

Mr. Charles Russ addressed the Board. Mr. Russ said has he lived on Crossroads Trail SE for the past 21 years. He felt that paving a portion of the road will only increase stormwater drainage issues. Mr. Russ suggested that the road be improved in its entirety. He said there was a request to do a 20' setback with a fence on the north side of the property back to the creek, but there is nothing proposed to this affect.

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

Ms. Easley asked staff if stormwater runoff issues will be taking into consideration when a portion of the road is paved? Mr. Pages said, during stormwater review, this matter will be evaluated.

Mr. Leary made a motion to approve Clemmons Tract Planned Development (PD-98) with the noted conditions presented in the Staff Report and the motion was unanimously carried.

D. Rezoning Z-861 – Grant Oehlert.

Request rezoning of approximately 0.98 acres located off Easy Street SE near Bolivia from R-7500 (Medium Density Residential) to R-6000 (High Density Residential) for Tax Parcels 201DA027, 201DA028 and 201DA029 located on Easy Street SE near Bolivia NC.

LAND USE PLAN MAP AMENDMENT LUM-861:

Request to amend the Official Brunswick County CAMA Land Use Plan Map from LDR (Low Density Residential) to MDR (Medium Density Residential) for Tax Parcels 201DA027, 201DA028 and 201DA029 located on Easy Street SE near Bolivia NC. This Land Use Plan Amendment totals approximately 0.98 acres.

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

Mr. Meredith said staff recommends approved from R-7500 (Medium Density Residential) to R-6000 (High Density Residential) for Tax Parcels 201DA027, 201DA028 and 201DA029 located on Easy Street SE near Bolivia NC with the noted conditions in the Staff Report in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to MDR (Medium Density Residential).

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

Mr. Grant Oehlert addressed the Board. Mr. Oehlert said he wants to place a singlewide mobile home on the property after the lots are combined because only 1 of the lots is suitable for an on-site wastewater system.

Mr. Paul Webber addressed the Board. Mr. Webber said he has a farm and there is other farming activity in the area. He further stated that there are drainage problems on the corner of Retreat Street SE at the cul-de-sac. He said the unimproved roads (dirt roads) in the community are currently maintained by the neighborhood. Mr. Webber was concerned with heavy traffic in the area, the potential of downgrading the area with singlewide mobile homes and his property value being decreased.

Ms. Easley asked staff the permitted residential uses in R-6000 (Medium Density Residential). Mr. Meredith read the allowable residential uses (singlewide and doublewide mobile homes, site-built homes, duplexes and modular homes). Mr. Pages added that singlewide mobile homes are not permitted in the current zoning district.

Mr. Harold McCoy addressed the Board. Mr. McCoy asked why the property is being rezoned for singlewide mobile homes? Ms. Easley said anyone can request a zoning change to a property. Mr. McCoy said he is opposed to the property being rezoned.

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 Parcels 201DA027, 201DA028 and 201DA029 located on Easy Street SE near Bolivia NC with the noted conditions in the Staff Report in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to MDR (Medium Density Residential) and the motion was unanimously approved.

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). However, an 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 Plan) and the following changes have been considered to meet the needs of the community:

The properties will be combined for septic suitability purposes and there is similar zoning nearby.

- 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.

Ms. Easley 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. She 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.

- Wellhead Protection Area Overlay Update.

Ms. Dixon addressed the Board. She stated that have been several studies conducted on wellhead protection and staff has reviewed the proposed Wellhead Protection Area Overlay based on limiting uses in the area. She stated that this matter will be presented as a Public Hearing at the next meeting and staff will be conducting a community meeting on Thursday March 23, 2023 at 6:00 p.m. at the St. James Community Center to gather further input for the public.

- Brunswick County Comprehensive Transportation Plan (CTP)

Ms. Dixon addressed the Board. She said there will be 3 in-person public involvement sessions from 5:00 p.m. – 7:30 p.m. as well as virtual public involvement sessions on the Brunswick County Comprehensive Transportation Plan (CTP) as outlined in the handout (attached) provided to the Board.

- Proposed Text Amendments

Ms. Dixon addressed the Board. She stated that staff is proposing some text amendments that are housekeeping items that will be presented at the April 10, 2023 meeting for Public Hearing. She said staff will send the Board the proposed text amendments next week for consideration at the April 10, 2023 meeting and those text amendments will be included in the Board packet for next months meeting.

Mr. Pages said there are several items for consideration at the April 10, 2023 meeting and he asked if the Board would prefer an earlier meeting time or a second meeting in April? The Board members said they would prefer starting the meeting early and not have 2 meetings in April.

- Planning Board Case Update.

Ms. Dixon addressed the Board. She stated that Zoning Case Z-860 was approved at the Planning Board's 13-Feb-23 meeting and there were no written appeals within the allotted time (15 days), so the Board's decision stands.

IX. ADJOURNMENT.

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