



MEETING MINUTES

BRUNSWICK COUNTY PLANNING BOARD REGULAR MEETING OFFICIAL MINUTES

August 11, 2025
4:00 PM

The Brunswick County Planning Board met in Regular Session on August 11, 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
James (Jim) Board
William Bittenbender, At-Large
Ron Medlin
Howard Stocks, At-Large
Cecelia Herman, Alternate

MEMBERS ABSENT

Richard Leary

STAFF PRESENT

Kirstie Dixon, Director
Marc Pages, Deputy Director
Connie Marlowe, Admin. Asst. II/CAMA LPO
Tyler Connor, Planner I
Garrett Huckins, GIS Planning Analyst
Ryan King, Asst. County Attorney

OTHERS PRESENT

Jody Bland
James Paggioli
Alex Cameron
Ramey Kemp
Luke Forelle
Bill Adams
Don Hadley
Randy Maifeld
Candy Maifeld
Thomas Scheetz
John O'Donovan
Kiki Herr

Dylan Phillips, Brunswick Beacon
Sam Franck
Andy Mills
Jonathan Warner
Robin Shetzlan
Suzanne Sternkoff
Trisha Howarth
Jason Long
Sandra Long
Patrick Newton
Jack Hamilton
Nathaniel Hulk

I. CALL TO ORDER

Chair Cheek called the meeting to order at 4:01 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. Richard Leary was absent.

IV. ELECTION OF CHAIR AND VICE CHAIR

Mr. Jason Gaver made a motion to nominate Mr. Clifton Cheek as Chair. With no other nominations, the Board voted unanimously for Mr. Cheek to be Chair.

Mr. Howard Stocks made a motion to nominate Mr. Gaver as Vice Chair. With no other nominations, the Board voted unanimously for Mr. Gaver to be Vice Chair.

V. APPROVAL OF MINUTES

Mr. Bittenbender made a motion to approve the 14-Jul-25 minutes as presented and the motion was unanimously carried.

VI. AGENDA AMENDMENTS

There were none.

VII. PUBLIC COMMENT

There were none.

VIII. PRESENTATION

Ms. Taylor McDaniel, Cooperative Extension Consumer Horticulture Agent and VAD Coordinator, addressed the Board regarding the Brunswick County Voluntary Agricultural District (VAD) Promotional Video to educate the public about agriculture in Brunswick County. She stated that there are currently 207 landowners involved in the program and they have recently approved 5 more landowners with 2 pending applications that will be voted on for acceptance into the program, which is approximately 30,000 acres of farmland participating in the VAD program. Ms. McDaniel said the outreach video is an educational tool for stakeholders to utilize to learn more about the VAD program. The outreach video is on their website, Facebook, and other social media forums. She presented the promotional video of the

VAD program. Chair Cheek and other members of the Board thanked Ms. McDaniel for the informative promotional video of the VAD program.

IX. OLD BUSINESS

A. Planned Development – PD-146

Name: Hooper Road Tract Planned Development
Applicant: Colliers Engineering and Design
Tax Parcel(s): 01000010, 01000021, 0100002101 010JE023 and 00600011
Location: Hooper Road NE (SR 1427) and Black Chestnut Drive NE (SR 1745)
Description: Hooper Road Tract is a proposed planned development consisting of 1,670 single-family units on approximately 594.09 acres, creating an overall density of 2.81 dwelling units per acre.

Mr. Marc Pages addressed the Board. Mr. Pages read the Staff Report (attached) and identified the subject property and surrounding properties on a visual map. He provided the Board with school capacity charts (attached) for the 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 said the main change to the project is a connector road to Black Chestnut Drive NE (SR 1745), more trails are proposed throughout the project, an additional driveway access for the eastern portion of the development, and an emergency access to the south of the eastern portion has been removed. However, the stub-out will remain for future interconnectivity. There is an additional school proposed in the north area of the Jackey's Creek site that is anticipated to open in August 2028. Mr. Pages reminded the Board that this is a preliminary plan that requires further approval from other departments and State agencies.

Ms. Herman asked about the 2 emergency exits and the main entrance to the site that were addressed in the June 2025 plan submitted for consideration. Mr. Pages clarified that the developer proposed 2 emergency entrances and 3 main entrances on Hooper Road NE (SR 1427). The developer has eliminated 1 of the emergency entrances, but there are 4 entrances on Hooper Road NE (SR 1427) as well as an access road off Black Chestnut Road NE (SR 1745). Chair Cheek added that the emergency access will have a stub-out for future interconnectivity and Mr. Pages concurred.

Mr. Board said it appears that there has been a considerable amount of work to transform this development from the previous submittal to the project presented for approval tonight. He felt that the proposed plan is just shifting the traffic, but there will still be a lot of traffic congestion in this particular area with acceleration lanes and stop lights that will not alleviate the situation. He stated

that the Board has had a lot of discussion on this project and he read a statement (attached) of his opinion on this matter. Mr. Board said the Board of Commissioners must take responsibility to care for how this County is developed. He further stated that there have been a number of text amendments to change the current Brunswick County Unified Development Ordinance (UDO) recommended by this Board that have been voted down by the Board of Commissioners for a variety of reasons. He felt that the Board of Commissioners don't want change and the development of a new UDO has been pushed back. He said the Board of Commissioners is using the excuse that the people in Raleigh, NC are changing laws daily, but a decision has to be made on the local level. Mr. Board said a more restrictive UDO should be implemented so development can be maintained without destroying the County.

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

Mr. Sam Franck, Attorney, addressed the Board on behalf of the applicant. Mr. Franck said the applicant worked with staff for approximately a year ago to meet the minimum standards set forth in the UDO and the matter was considered at the June 9, 2025 Planning Board meeting where feedback was requested from the Board. He stated that the June 9, 2025 Plan was for 1722 single-family units, 4 access points off Hooper Road NE (SR 1427) only, 2 emergency access points, and a 20' streetscape buffer along Hooper Road NE. Mr. Franck said the current plan shows a 52-lot reduction (now 1,670 single-family units), there is an additional primary access point off Hooper Road NE (SR 1427) as well as Black Chestnut Drive NE (SR 1745), streetscape buffers have been increased along Hooper Road NE (SR 1427), and the plan provides more open space. He stated that there are 6 access points, 1 emergency access point and 6 stub outs for future connectivity. Mr. Franck discussed the Traffic Impact Analysis (TIA) with regards to road improvement requirements set forth by the North Carolina Department of Transportation (NCDOT) that include signalized intersection(s), a right turn lane and a roundabout. He proceeded to discuss the exceptional design features of the project that provides for more open space, cluster density, no construction within the floodplain, project designed to the 100-year storm event, trail network provided throughout the community to provide for passive recreation, and the boulevard entry along Hooper Road NE (SR 1427) provides for 2 points of ingress and egress as well as a desirable feature with regard to the streetscape of the total community. Mr. Franck briefly discussed the phasing plan, in that, they anticipate that approximately 200 homes will be constructed each year and he provided images of how they envision the community after total buildout.

Chair Cheek asked when they anticipate home construction to begin? Mr. Franck said it will probably take approximately 3 years before construction begins and total buildout in 8 years if everything is approved by all entities in a timely fashion. Ms. Herman asked if the entire 594.09 acres will be clear cut and Mr. Franck said there are a significant number of wetlands and open space on site that will not be disturbed. Mr. Alex Cameron, Blue Fern Development, said they will phase the project and clear-cutting tress will be done per phase.

Mr. Board asked if the open space provided will include the wetlands (115 acres). Mr. Andy Mills, Colliers Engineering Design, replied, yes. Mr. Mills said they are providing approximately 35 acres of upland open space. Mr. Board clarified that the 115 acres of wetlands is not usable open space for the residents of this community. Mr. Mills said that is why they are providing approximately 35 acres of upland open space for walking trails, pocket parks and a kayak launch. Mr. Board said open space should be usable space and not something to look at. Mr. Mills pointed out that they are moving the units out of the wetlands. Mr. Board asked if the proposed access off Black Chestnut Drive NE (SR 1745) is through an existing development? Mr. Franck said the connection across and to Black Chestnut Drive NE (SR 1745) is across a residential lot. Mr. Board asked the number of lots that are associated with the development off Black Chestnut Drive NE (SR 1745)? Mr. Franck said there is a planned community (Hoods Creek Village) with approximately 53 homes in the immediate area, but

there are more homes along Black Chestnut Drive NE (SR 1745), but he was uncertain of the specific number of homes. Mr. Board was concerned with traffic being able to leave this area in the event of a catastrophe emergency and Mr. Franck said the Board was concerned with an additional access point other than Hooper Road NE (SR 1426) and they have secured another access off Black Chestnut Drive NE (SR 1745). Mr. Franck added that NCDOT is aware of this project and they have expressed what road improvements are necessary for this project to be developed. Mr. Ramey Kemp, RFK Engineers, introduced himself to the Board. Mr. Board asked Mr. Kemp if NCDOT has any plans to upgrade Hooper Road NE (SR 1427) in the near future? Mr. Kemp said Hooper Road NE (SR 1427) is a 2-lane road that can carry 18,000 cars per day and there will probably be about 15,000 cars a day travelling this road by 2030. He stated that the number of cars to travel this road will continue to grow due to natural growth of the County. Mr. Board felt that the road will not sustain that level of traffic. Mr. Kemp asked Mr. Board if he felt the road should be resurfaced because the road does not need to be widened to handle 14,000 cars per day. Mr. Board felt that Hooper Road NE (SR 1427) was not designed to carry this much traffic on a day-to-day basis because it was a farm country road that was likely a horse tract that was paved. Chair Cheek reminded Mr. Board that it is not within the Planning Board's purview to address roads and Mr. Board said he understood. Mr. Kemp responded that most roads in the State were dirt roads and NCDOT has a program to improve roads, where necessary. Chair Cheek asked if the proposed trail network is encroaching in federal jurisdictional wetlands? Mr. Andy Mills said he is uncertain if the wetlands are federal wetlands.

Mr. Jonathan Warner, 3680 Rivergate Way NE, addressed the Board and he said the landfill in Bolivia is closing and there is a water shortage this summer. Mr. Warner stated that the developer is proposing to clear cut thousands of trees even though it will be done in phases of the project. As a result of the clear cutting of trees, his community (Bluffs on the Cape Fear) will be vulnerable to flooding because they are adjacent to the Cape Fear River. He was concerned with evacuating when another storm hits the area because their back entrance is down Hooper Road NE (SR 1427). There are several communities under construction or being proposed for development in this area. Mr. Warner suggested that the project be delayed or the developer reduces the number of proposed units because the project will have a devastating effect on the Bluffs on the Cape Fear.

Mr. Luke Forelle, 3660 Dogwood Road NE, addressed the Board. He read a statement (attached) as owner of Eagles Nest property, which is adjacent to the subject property. Mr. Forelle was concerned with no interconnectivity to Dogwood Road NE since the developer rescinded their agreement and sought interconnectivity through Black Chestnut Drive NE (SR 1745). He further stated that doing so, his project is no longer economically viable because they were going to connect to the Hooper Tract's sewer system to accommodate approximately 100 new affordable homes in the Eagle Nest community. He asked that the initial emergency access (ingress and egress to Dogwood Road NE) be put back in place for the 443 units on the east side of Hooper Road NE (SR 1427) in exchange for sewer connection to their proposed development so there can be a future interconnection at the stub out. Chair Cheek said the access point appears to be still in place. Mr. Forelle said the access point that was shown in the June 9, 2025 meeting was on the southeast side of the property, but it has been removed since that time.

Ms. Robin Shetzlan, 4066 Bay Colony Road NE, addressed the Board regarding road congestion and gaining access (left turn) onto the road. She asked who is supervising the clear-cutting of trees that results in controlled burning. Ms. Shetzlan said her community (Bluffs on the Cape Fear) is concerned with the potential stormwater runoff from this project. She, too, felt that the number of units should be reduced for this project.

Mr. Bill Adams, 3821 Silver Melon Road NE, addressed the Board. Mr. Adams read a statement regarding preservation of trees, providing controlled growth, prohibition of controlled burns, sustainable design such as permeable pavers to manage stormwater, integration of solar shingles and other renewable energy technologies to reduce carbon emissions. Mr. Adams said he is opposed to the proposed project design. He felt that bike trails connecting the communities would allow for residents to travel safely without cars for work, school, or daily errands.

Ms. Suzanne Sternkoff, 3769 Golden Pear Run NE, addressed the Board as a resident of the Bluffs on the Cape Fear regarding public safety (EMS, fire, and police). She said their community is in Navassa fire district and there is 1 fire department in the area. She said Leland's and Northwest's fire departments (Leland's Fire department responded to 3,200 calls a year in the last 5 years) are nearby. There are several developments being constructed in the area as well as the existing project. She was concerned with the potential environmental damage to the Cape Fear River if/when this development comes to fruition. Ms. Sternkoff reiterated that the number of units for this project should be decreased. She was concerned with not enough manpower being available to provide adequate fire protection.

Mr. Don Hadley, 7055 Dockview Court NE, addressed the Board regarding housing, emergency services availability, adequate entrances and exits in the area, overcrowded schools, police, fire and postal services (currently overburdened), potential flooding and waste management, clear cutting trees, closure of the landfill, and lack of adequate roadway connections even with the proposed future highway expansions. He stated that there are several developments in the area that will add more than 10,000 people.

Mr. Franck re-addressed the Board. He concurred that this is a planned development that must meet the minimum requirements set forth in the UDO for the Board to grant approval. Mr. Franck said they responded to the Board's request and secured another entrance (Black Chestnut Drive NE [SR 1745]) other than Hooper Road NE (SR 1427). He stated that the speakers for the Bluffs on the Cape Fear were not agreeable to interconnectivity through their community.

Vice Chair Gaver asked staff if the plan meets the UDO minimum requirements and Mr. Pages said yes. Vice Chair Gaver asked what happens if the project is denied and Mr. Ryan King explained the recourse would be for the developer to file an appeal with Superior Court or they could go back to the drawing board and make significant changes such as reducing the number of units and come back to the Planning Board for approval. Vice Chair said the project was previously presented to the Board and the Board asked for additional information that has been provided by the developer. He further stated that the developer is proposing a reduction of in the number of units from 1,722 units to 1,670 units. Chair Cheek said the plan exceeds the minimum requirements in some areas and he thanked the developer for reducing the number of units to 1,670 units. Ms. Herman agreed with her colleagues, in that, the Board has an obligation to approve this project if it meets the minimum requirements of the UDO.

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

Vice Chair Gaver made a motion to approve PD-146 (Hooper Road Tract Planned Development) with the noted conditions in the Staff Report and the motion carried 4 to 3 with Mr. Board, Mr. Medlin and Mr. Bittenbender opposing.

X. PUBLIC HEARINGS

A. Major Subdivision – SS-288

Name: Parker Tract Major Subdivision
Applicant: Norris and Bland Consulting Engineers (%Jody Bland)
Tax Parcel(s): 21400016, 21400017 and 21400018
Location: Located off Shell Point Road SW (SR 1132) and High Meadows Drive SW (SR 1826)
Description: Parker Tract is a major subdivision consisting of 102 single-family units on approximately 92.89 acres, creating an overall density of 1.10 dwelling units per acre.

Mr. Marc Pages addressed the Board. Mr. Pages read the Staff Report (attached) and identified the subject property and surrounding properties on a visual map. Mr. Pages said the previous plan was denied in November 2024 and the applicant has reduced the number of lots from 154 single-family units to 102 single-family units. He provided the Board with school capacity charts (attached) for the 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 major subdivision 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.
- Major Subdivision 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.
- Add a 20' street buffer along Fletcher Hewett Road SW.

Mr. Pages stated that there are 2 developments (northern side will be accessed off High Meadows Drive SW (SR 1826) and the southern end of the project will be accessed directly off Shell Point Road (SR 1132) with no vehicular access between the 2 developments. He stated that there is an existing earthen dam between the 2 projects, but the stability of the dam is questionable so the internal connection was negated. However, there will be pedestrian access. He concluded that there are estate lots (larger lots) proposed on the north side of the large pond.

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

Mr. Jody Bland, Norris and Bland Engineering Consulting, addressed the Board. Mr. Bland said the lots on the peninsula at the end are outside the AE Flood Zone. He stated that they hired a licensed soil scientist (Craig Turner from Davey Resource Group) and all lots on site will accommodate an on-site wastewater system (septic system). Mr. Bland said 2 parcels were added to the project and he pointed out those parcels on a visual map. He stated that the lots range from 14,000 square feet to 16,000 square feet in area. The project will be designed to the 100-year storm event. Mr. Pages interjected that there is an existing access easement to a cemetery on the northeast side of the project adjacent to Canal Place that will remain.

Mr. Board asked if there is consideration to widen the roads and Mr. Bland said he will discuss this matter with the developer, but the proposed road width meets the minimum requirements. Mr. Board expressed concern with fire access on the tight roads and large vehicles passing each other without causing an accident. Chair Cheek asked about the access bridge across the dam on the previous plan and Mr. Bland said there was concern over interconnectivity and secondary fire access due to the number of units, but the units were reduced and the secondary access is no longer required. He further stated that the earthen dam is not desirable for heavy vehicle crossing, so they will study the earthen dam to make sure it is in good working order.

Mr. Randy Maifeld, 1306 Fletcher Hewett Road SW, addressed the Board in opposition to the proposed project. He stated that there are currently 50 approved sites throughout the County, which equate to 15,000 acres and 40,000 units. Mr. Maifeld reiterated that the lots will be served by on-site wastewater systems (septic systems), which will likely leech into adjacent properties. He provided the Board with a photo of the area after the developer clear cut the property. He said many of the homes border wetlands and sewage may seep into the wetlands that will be monitored by the U.S. Army Corps of Engineers (Corps of Engineers). Mr. Maifeld said most of the roads in and out of this area are 2 lane roads with 1 way in and out of the area. He expressed concern with the length of time construction will occur in the area, which will disrupt lives in the immediate area due to the inability to access roads with ease. Mr. Maifeld reiterated his concern with all the lots in the area being served by on-site wastewater systems (septic systems). He felt that a buffer should be between Fletcher Hewett Road SW and the subject property, but it was not addressed in the plan. He suggested that a buffer be placed on the 8 lots that border his property to deter trespassers from entering his property. Mr. Maifeld also expressed concern with potential flooding when the detention ponds are full and he questioned whether the proposed amount open space that will be provided is accurate. Mr. Maifeld felt that there should be more thought put into the plan because he is not in favor of overdevelopment.

Mr. Jason Long, 3180 Shell Point Road SW, addressed the Board regarding the project being built around the pond that was initially a marshy swamp that was dammed to create the pond and water crosses Shell Point Road SW (SR 1132) to this area. Mr. Long said there is a 10" pipe to move the water and during a heavy rain his property is flooded. He further stated that detention ponds are dug when homes are built, but the water will flow to the existing pond and potentially flood his property. Mr. Long said the pipe fills with debris and he has to clean out the pipe so the water can drain properly. He said the State has been to the area, dugout and packed dirt in the pipe that is about to cave in. He was concerned with more frequent flooding on his property because more development is coming to the area.

Chair Cheek asked Mr. Bland about the dam issue and Mr. Bland said a study will be done on the existing pond and upgrades will be done, if necessary. Chair Cheek clarified that there are 6 stormwater ponds proposed on the site and Mr. Bland concurred. Mr. Bland said the ponds will capture and release any stormwater in flow from the development at a rate lower than the pre-development runoff rate. He further stated that the proposed stormwater ponds will be outside the 100-year floodplain. Vice Chair Gaver asked if there was a conversation at the previous public hearing about the history of the dam? Chair Cheek said he thinks that a pipe was put there to help move the flow of water in the area. Mr. Maifeld re-addressed the Board. He said the previous owner wanted to keep the area intact and natural. He reiterated that the proposed wetlands are not usable wetlands and he, again, expressed his opposition to the project.

Vice Chair Gaver asked Mr. Bland to address the potential discrepancy in the acreage of proposed wetlands/open space. Mr. Bland said Mr. Maifeld is addressing a land use map from data created by

Geographic Information Systems (GIS) regarding open space that has nothing to do with the proposed project. He further stated that open space in the project is identified as upland areas (areas around the pond and the actual ponds count toward active and passive open space). Mr. Pages added that Mr. Maifeld's comments are based on the Blueprint Brunswick 2040 CAMA Land Use Map that classify the subject property as MDR-M (Medium Density Residential – Mixed) and the green areas are classified as Open Space - Conservation 1 (areas of possible wetlands and flood zones). Chair Cheek asked about the maximum number of dwelling units allowed per acre with both public water and sewer availability and Mr. Page replied, 7.3 dwelling units per acre and 4.4 dwelling units per acre with on-site wastewater systems (septic systems).

Ms. Candy Maifeld, 1306 Fletcher Hewett Road SW, addressed the Board. Ms. Maifeld asked what the blue AE and shaded yellow areas mean on the flood map? Mr. James Paggioli, Brunswick County Floodplain Administrator, addressed the Board. Mr. Paggioli said the blue areas are AE flood zones regulated by the County through the Flood Damage Prevention Ordinance, the green areas are VE flood zones, and the yellow areas are Shaded X flood zones that are between the 100- and 500-year floodplain that is not regulated by the County for building purposes.

Ms. Sandra Long, 3180 Shell Point Road SW, addressed the Board. Ms. Long asked if an aerator will be placed in the pond to filter the green moss that develops in the water and prevent the water from properly flowing. Chair Cheek said they intend to have the dam evaluated to ensure water is flowing properly. She reiterated that the water backs up on their property when it cannot flow properly through the dam. Mr. Bland readdressed the Board and he said the Geotech will study the earthen dam for the structural stability and he will study the pond outflow and determine the undersized outfall. He further stated that the undersized outfall is restricting flow out and creating stagnant water. Mr. Bland said, if the developer desires to do so, a fountain can be installed to help aerate that.

With no further comments, Mr. Board made a motion to close the public hearing and the motion was unanimously carried. Chair Cheek said there have been significant changes (number of units reduced from 154 to 102, which reduced dwelling units per acre from 1.68 to 1.10) and the project is more closely aligned with the lay of the land than the denied project in September 2024. Vice Chair Cheek said he was concerned with health and safety issues at the previous public hearing in relation to septic systems potentially overflowing into the watershed. Vice Chair Gaver said the developer has revised the plan by reducing the number of lots, but he was not completely convinced that the risk does not still exist. Attorney Ryan King reminded the Board that the standards for a major subdivision are different from a planned development, in that, the Board has to determine whether it meets the minimum requirements set forth in the UDO.

Mr. Stocks made a motion to approve SS-288 (Parker Tract Major Subdivision) with the noted conditions in the Staff Report and the motion carried 5 to 2 with Mr. Board and Vice Chair Gaver opposing.

B. Rezoning Z-920CZ – (Larry Price).

Request rezoning of approximately 7.24 acres located at 7136 River Road SE (NC 133) near Southport, NC from R-7500 (Medium Density Residential) to C-I CZ (Commercial Intensive Conditional Zoning) for a portion of Tax Parcel 18900012.

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 R-7500 (Medium Density Residential) to C-I CZ (Commercial Intensive Conditional Zoning) for a portion of Tax Parcel 18900012 located at 7136 River Road SE (NC 133) near Southport, NC based on the permitted use(s) and conditions outlined in the Staff Report and adopt the consistency and reasonableness determination statement.

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

Mr. Thomas Sheetz, Headwaters Engineering, addressed the Board on behalf of the applicant. Mr. Sheetz said the applicant intends to use the subject property for a future commercial project the is yet to be determined because the proposed zoning change is a good fit for the area and there is similar zoning to the north and south as well as industrial zoning to the rear of the property. The property is off of a major highway (NC 133) and the zoning change will potentially provide future jobs in the County.

Mr. Patrick Newton addressed the Board. Mr. Newton said he supports the zoning change, but he was opposed to residential uses being prohibited because the joint land use study regarding Sunny Point objective statement says, "The overarching purpose of conducting the MOTSU Joint Land Use Study was to identify ways: 1). To protect and preserve the military and defense related operational capabilities of MOTSU". Mr. Newton said that statement is basically saying that Brunswick County is going to protect Sunny Point. He felt that the County cannot protect Sunny Point and it has no obligation to protect Sunny Point even if it could. Mr. Newton said the proposed zoning change makes the MOTSU document void. Mr. Newton said he discussed this matter with a consultant with Benchmark that created the MOTSU document about its validity. Mr. Newton said there is no such thing as the K88 blast zone referenced in the document, rather, there is a restriction on the easement that is beyond the Sunny Point boundary. He said that is where their rights stop and his rights begin. He felt that the MOTSU document should not be referenced in the land use plan. Vice Chair Gaver clarified that Mr. Newton is in favor of the zoning change, but he is not in favor of prohibiting residential uses and Mr. Newton concurred.

Mr. Sheetz re-addressed the Board. He stated that they are fine with or without the condition to prohibit residential uses in the conditional zoning. Chair Cheek asked how to address Mr. Newton's concerns if this is referenced in the UDO? Ms. Dixon said it is not referenced in the UDO, but staff has always discouraged residential uses along this corridor in response to conversations with the Sunny Point Commander. She reiterated that the applicant intends to place a commercial entity on the property and they agreed to the conditions set forth in the Staff Report, which prohibits residential uses. She further stated that the area is in a secondary blast zone. Attorney King stated that the conditions will only apply to the landowner and the landowner agreed to the conditions.

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

Vice Chair Gaver made a motion to approve a portion of Tax Parcel 18900012 to CI CZ (Commercial Intensive Conditional Zoning) located at 7136 River Road SE (NC 133) near Southport, NC and adopt the consistency and reasonableness determination statement and the motion was unanimously approved.

CONSISTENCY & REASONABLENESS DETERMINATION

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

This request is CONSISTENT with the Blueprint Brunswick 2040 Comprehensive Plan place type designation and CONSISTENT with the goals, recommendations, and policies of the plans adopted by Brunswick County (listed below). Staff also finds the request REASONABLE, appropriate, and in the public interest based upon the following findings:

- The Blueprint Brunswick 2040 Comprehensive Plan (CAMA Plan) goals and objectives support the rezoning:
 - Consistent with the goals and objectives
 - ED-1. Maintain and expand job opportunities in the County.
 - LU-5. Direct growth away from areas not well-suited for development.
 - Limit development and discourage residential development in close proximity to Military Ocean Terminal Sunny Point (MOTSU) facilities.
 - Consistent with characteristics of the area, existing zoning in the area, and adjacent uses.
- The Commercial Suitability Map indicates the property as suitable for commercial development.

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| ☐ <i>Agricultural Development Plan</i> | ☒ <i>Unified Development Ordinance</i> |
| ☐ <i>Brunswick County Comprehensive Transportation Plan (CTP)</i> | ☐ <i>Southeastern North Carolina Hazard Mitigation Plan</i> |
| ☐ <i>Brunswick County Trail Plan</i> | ☐ <i>Airport Height Control Ordinance</i> |
| ☒ <i>Blueprint Brunswick 2040 Comprehensive Plan (CAMA Plan)</i> | ☐ <i>Other: _____</i> |

Chair 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.

C. Rezoning Z-922CZ – (John & Jessica O'Donovan).

Request rezoning of approximately 3.30 acres located at 8573 River Road SE (NC 133) near Southport, NC from C-LD (Commercial Low Density) to RRCZ (Rural Low Density Conditional Zoning) for Tax Parcel 2210001701.

Mr. Jeff Walton addressed the Board. He read the Staff Report (attached) and identified the subject property and surrounding properties on a visual map. Mr. Walton read the consistency and reasonableness determination statement (attached).

Mr. Walton said staff recommends approval from C-LD (Commercial Low Density) to RRCZ (Rural Low Density Residential Conditional Zoning) for Tax Parcel 2210001701 located at 8573 River Road SE (NC 133) near Southport, NC based on the permitted use(s) and conditions outlined in the Staff Report and adopt the consistency and reasonableness determination statement.

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

Mr. John O'Donovan addressed the Board. Mr. O'Donovan said there is a lack of recreational opportunities as listed in the Blueprint Brunswick 2040 CAMA Land Use Plan and their proposed development (Shore Shots) will provide for much needed recreational uses in the County. Mr. O'Donovan presented displays of the site that will include miniature golf, cornhole, beach volleyball and outdoor movies. He stated that the concept is intended for 55 degrees and over and the concession will be pre-packaged items (soda, beer, water, self-serve). Mr. O'Donovan said the hours of operation during peak season will be 10:00 a.m. to midnight, during shoulder season (April, May, September and October), 10:00 a.m. to 10:00 p.m. and the off season (weather dependent and primarily weekends and holidays) 10:00 a.m. to 9:00 p.m. He stated that the facility will have 8 full time employees (14 part time employees to make up the 8 full time employees) during peak season and 3 full time employees (5 or 6 part time employees to make up the 3 full time employees) during off season. Chair Cheek asked if the volleyball courts will be sand and Mr. O'Donovan replied yes. Vice Chair Gaver asked Mr. O'Donovan when he expects the project to be completed? Mr. O'Donovan said he anticipates an open date in Spring 2026, but no later than Summer 2026.

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

Vice Chair Gaver made a motion to approve Tax Parcel 2210001701 to RRCZ (Rural Low Density Residential Conditional Zoning) located at 8573 River Road SE (NC 133) near Southport, NC and adopt the consistency and reasonableness determination statement and the motion was unanimously approved.

CONSISTENCY & REASONABLENESS DETERMINATION

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

This request is CONSISTENT with the Blueprint Brunswick 2040 Comprehensive Plan place type designation and CONSISTENT with the goals, recommendations, and policies of the plans adopted by Brunswick County (listed below). Staff also finds the request REASONABLE, appropriate, and in the public interest based upon the following findings:

- The Blueprint Brunswick 2040 Comprehensive Plan (CAMA Plan) goals and objectives support the rezoning:
 - Consistent with the goals and objectives
 - HW-2. Ensure equitable access to healthcare and healthy environments by increasing access to gathering places as a way of fostering social connections.
 - ED-3. Maintain tourism as a key component of the local economy.
- The request is consistent with characteristics of the area, existing zoning in the area, existing structures on site, and adjacent uses.
- Biodiversity and Wildlife Habitat Assessment for the proposed request scores of 0 out of 10.

- Bring recreational opportunities to the area.

- | | |
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| ☐ <i>Agricultural Development Plan</i> | ☒ <i>Unified Development Ordinance</i> |
| ☐ <i>Brunswick County Comprehensive Transportation Plan (CTP)</i> | ☐ <i>Southeastern North Carolina Hazard Mitigation Plan</i> |
| ☐ <i>Brunswick County Trail Plan</i> | ☐ <i>Airport Height Control Ordinance</i> |
| ☒ <i>Blueprint Brunswick 2040 Comprehensive Plan (CAMA Plan)</i> | ☐ <i>Other: _____</i> |

Chair 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.

D. Rezoning Z-923CZ – (Brunswick County %Three Sixty Five LLC).

Request rezoning of approximately 1.44 acres located at 1501 N. Howe Street (NC 211) near Southport, NC from NC (Neighborhood Commercial) to C-LD CZ (Commercial Low Density Conditional Zoning) for Tax Parcel 221MA03302.

Mr. Jeff Walton addressed the Board. He read the Staff Report (attached) and identified the subject property and surrounding properties on a visual map. Mr. Walton read the consistency and reasonableness determination statement (attached).

Mr. Walton said staff recommends approval from NC (Neighborhood Commercial) to C-LD CZ (Commercial Low Density Conditional Zoning) for Tax Parcel 221MA03302 located at 1501 N. Howe Street (NC 211) near Southport, NC based on the permitted use(s) and conditions outlined in the Staff Report and adopt the consistency and reasonableness determination statement.

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

Mr. Jack Hamilton, 114 N. Caswell Avenue, addressed the Board. Mr. Hamilton said he occupies the building adjacent to the property and he requested that the matter be tabled until the actual use is disclosed. He felt that the current zoning is adequate for the subject property and what the citizens in downtown Southport prefer. Mr. Hamilton said he was not notified of the zoning change and he is uncertain of the intended use of the building and the citizens of the City of Southport should be aware of the proposed use of the building. He stated that the building he currently occupies floods during rainstorms and he is unsure if the use of this building will add to that problem. He reiterated that the proposed zoning change should be postponed until more public information about the proposed use will be disclosed before the Board considers this matter.

Chair Cheek asked about NC zoning and Ms. Dixon said the NC zoning district is not referenced in the Blueprint Brunswick 2040 CAMA Land Use Plan (Plan), but there is equivalent commercial in the Plan. She added that staff study this corridor to rezone the entire former ETJ (Extraterritorial Jurisdiction) of Southport and NC zoning was less intensive, but a lot of owners prefer C-LD and staff was directed by the

Board of Commissioners to initiate any zoning change requested by a property owner in the former ETJ of Southport for the next 2 years. She concluded that staff is discouraging billboards in the area, which prompted the conditional zoning.

Ms. Kiki Herr, 318 W. Brunswick Street, addressed the Board and she felt the current zoning designation is adequate. She was concerned with the beauty of Southport being tarnished with the uses allowed in C-LD zoning such as a car wash or any other eyesore that would not represent Southport. She, too, said proper notice was not provided to landowners nearby. Ms. Herr said this is a tight nit community and the community is not open to any use that is allowed in the C-LD zoning district.

Mr. Nathaniel Hulk, 4881 Beach Tree Drive, addressed the Board on behalf of the buying group of the building being discussed. Mr. Hulk said the building has been vacant (abandoned and boarded up) for 21 years. He said he wants to refurbish the building and put a golf cart business with heritage trees, bright windows, and Bermuda shuttles that will have a Southport vibe at this location. He stated that they want to beautify the area. Ms. Dixon said the Board cannot consider Mr. Hulk's intended use because any use in the C-LD zoning district is allowed.

Ms. Dana Hamilton addressed the Board. She stated that she and her husband have a business next door to the vacant building. Ms. Hamilton said they would like a nice facility next door to their building. She was concerned with all the uses permitted in the C-LD zoning district that could become a neighbor that may not be wanted or needed in this particular location.

Vice Chair made a motion to close the public hearing. Vice Chair asked why the property is being rezoned? Ms. Dixon said the property owner's intended use (golf cart sales) is not allowed in the current zoning district. Attorney King explained that staff initiated the zoning change at the direction of the Board of Commissioners to assist property owners that were unaware of the change of zoning to their property when staff inherited the ETJ of Southport. Vice Chair felt that adjacent property owners should have been notified. Ms. Dixon said adjacent property owners were notified by mail, a sign was posted on site, and an advertisement was placed in both County newspapers 2 consecutive weeks prior to the public hearing.

Vice Chair Gaver said the Board's options are to approve or deny the rezoning request. Ms. Dixon said the Board can table the matter, but staff need clear directions on what to do to proceed forward at the next meeting. Chair Cheek asked if there is another zoning designation that would allow for golf cart sales other than C-LD? Vice Chair Gaver asked if the rezoning could be approved with the use discussed by the property owner as the use on the property? Attorney King said the property owner has to consent to the conditions and he has consented to what has been presented by staff. He said if the Board wants specific conditions, they would be better off denying the current request because the property owner has already agreed to the conditions set forth. Vice Chair Gaver asked if the matter could be tabled for a month? Attorney King reminded the Board that this is a staff-initiated request so the Board would have to say why the matter is tabled and what other information is needed for the matter to be reconsidered. Ms. Dixon said the RR (Rural Low Density Residential) zoning district allows for golf cart sales. Vice Chair Gaver felt that the RR zoning may not be appropriate for the area. Ms. Dixon said the RR zoning district is inconsistent with the development of what the applicant wants to do. Vice Chair Gaver was concerned with other landowners not receiving proper notification, but staff has assured the Board that sufficient notification was made to adjacent property owners.

Mr. Board made a motion to reopen the public hearing and the motion was unanimously carried.

Ms. Trisha Howarth, owner of building in question, addressed the Board. She stated that they listed the building for sale only to discover that the zoning was changed (unbeknownst to them because they did not receive notification of the zoning change) to NC from Highway Commercial when the property was in Southport's ETJ. She stated that there is C-LD zoning nearby.

Ms. Dana Hamilton readdressed the Board. She stated that they are tenants of the building next to the subject property. Ms. Hamilton said the other properties that are zoned C-LD do not have road frontage.

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

Chair Cheek clarified that, if the Board approve or deny the rezoning request, anyone with standing can appeal the Board's decision to the Board of Commissioners and Attorney King concurred. Attorney King said the Board of Commissioners would hold a public hearing as if the Planning Board never heard the matter.

Mr. Board made a motion to deny the zoning change based upon a lack of proper and reasonable notice to the residents in the area. Attorney King said the Board has to adopt a consistency and reasonableness statement to deny the request. Mr. Board revised his motion to deny the zoning change because it is not within reasonableness or consistent with the normal proceedings to notify adjacent property owners. Attorney King said if the Board's issue is with notice to adjacent property owners, he would suggest the matter be tabled and re-notice rather than deny the rezoning request. After discussion regarding the reasoning for denial, Mr. Board rescinded his motion.

Mr. Stocks made a motion to approve Tax Parcel 221MA03302 to C-LD CZ (Commercial Low Density Conditional Zoning) located at 1501 N. Howe Street (NC 211) near Southport, NC and adopt the consistency and reasonableness determination statement and his motion died for lack of a second to the motion.

Vice Chair Gaver made a motion to reopen the public hearing. He asked Mr. Hamilton if the owner of the building he currently rents will file an appeal or show up for an appeal process and Mr. Hamilton said his landlord does not live locally so he would not have read the local newspaper. He further stated that he is uncertain if notification was received in the mail by the property owner (his landlord).

Vice Chair Gaver asked Ms. Kiki Herr how close she lives to the subject property. Attorney Kiing interjected that she does not have standing based on her address. Ms. Herr said she is approximately 2 miles from the subject property.

Vice Chair Gaver made a motion to close the public hearing and the motion was unanimously carried. Vice Chair Gaver made a motion to table the matter until September 8, 2025 at 4 p.m. and staff not readvertise so the adjacent property owners can be made aware of the zoning change by word of mouth and the motion was unanimously carried.

XI. OTHER BUSINESS.

A. Planning Board Case Update.

Ms. Dixon addressed the Board and she stated that Zoning Case Z-917 was appealed to the Board of Commissioners and the matter will be heard de novo at their September 15, 2025 meeting.

B. UDO Modernization Project Update.

Mr. Pages addressed the Board and he stated that due to the late hour, staff will send a link of the UDO update PowerPoint presentation to the Board that was presented to the Board of Commissioners at their August 4, 2025 meeting by the consultant (Mike Harvey with InFocus) of an overview of where we are in the UDO update.

Attorney Kiing asked Mr. Board if he wants staff to do anything with the statement he read tonight? Mr. Board said he wants the Board of Commissioners to receive a copy of his statement and he made a motion that his statement be read during the PD-146 public hearing be made available to the Board of Commissioners as a specific request for action by the Planning Board and the motion carried 6 to 1 with Mr. Bittenbender opposing.

XII. ADJOURNMENT.

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