

TOWN OF ST. JAMES
PLANNING BOARD MEETING MINUTES
June 3, 2025

The St. James Planning Board held a Meeting on June 3, 2025 at 10:30am in the Earl Dye Council Chamber at Town Hall.

Board Members Present: Chair Merry MacBarb, Board Members Duane Stewart, Bill Kozub, Richard Ishler, and Trent Pohlar, and Alternate Barry Fulton.

Others Present: Town Manager Jeff Repp, Assistant Zoning Administrator Jamie Burns, Cape Fear COG Local Government Services Director Wes MacLeod, and 5 residents.

CALL TO ORDER AND INTRODUCTIONS

Chair Merry MacBarb called the meeting to order at 10:31am and introductions were made.

Jeff Repp, Town Manager, introduced himself as the zoning administrator for the town of St. James. Councilor Jim Board, introduced himself as a member of the town council and council representative/liaison with the committee. He noted that he also serves on the county planning board. Merry MacBarb introduced herself as the current chair of the board and a long time member of the planning committee. She noted the significant changes that she has seen during her 15-year residency in St. James. Duane Stewart introduced himself as a retired civil engineer and planner for Durham, North Carolina, expressed that he is looking forward to being on the board. Bill Kozub briefly introduced himself, mentioning his residency in St. James since 2016. Richard Ishler introduced himself as a former commercial realtor and mentioned his previous involvement with the comprehensive planning committee. Barry Fulton introduced himself, highlighting his involvement with the planning commission primarily in the private sector, dealing with developing data centers across the southeast and southwest. Trent Pohlar introduced himself as a recent resident of St. James, having moved here about three years ago. He mentioned his current employment with a company in Indianapolis and his 21-year experience serving on the advisory planning commission for the City of Greenwood, Indiana. Wes MacLeod introduced himself as serving in a planning consulting role. He explained that he was transitioning out of his council position but hoped to continue serving the town in a private consulting capacity. He expressed his delight in being present to discuss the functioning of the planning board.

Merry MacBarb thanked everyone for their interest in serving on the committee.

OVERVIEW OF PLANNING COMMISSION RESPONSIBILITIES IN ST. JAMES

Mr. Repp provided a brief introduction to responsibilities of the planning board, stating that the planning board in St. James is unique due to how the town was created. He explained that St. James was a private community before incorporating, governed by a development agreement approved by the county in the 1970s. He noted that St. James incorporated in 1999 and assumed zoning authority about five years later. Mr. Repp mentioned that the planning board is relatively new in a relatively new town. He explained that St. James is primarily built out, with any recent development governed by the development agreement, which excluded Planning Board input. As

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a result, typical issues that would come before the board in other jurisdictions do not exist in St. James.

Wes MacLeod, Local Government Services Director, provided an overview of the legal context for local governments in North Carolina, explaining that the state is becoming more of a Dillon's rule state in terms of planning and zoning. He described the four types of land use decisions: legislative, advisory, administrative, and quasi-judicial. Advisory is typically the common function of planning boards across North Carolina. He discussed Planning Board basics and the Town of St. James Planning Board responsibilities. A map of the development agreement was presented and Mr. MacLeod explained that the text on the map has certain uses and areas specified in terms of what is allowed.

UNIFIED DEVELOPMENT ORDINANCE (UDO)

Conditional Zoning & Canal Development PUD

Mr. MacLeod briefly went through the typical conditional zoning process. He explained that conditional zoning is a legislative decision that allows for flexibility in development while ensuring that the local government and developer agree on the terms. He mentioned that conditions are typically developed through an iterative process, with input from staff, the planning board, and the applicant. There is not currently a timeline for the Town Council's decision. There is currently a House bill that if enacted would require a 90-day timeline from start to finish which would be inclusive of staff, planning board, and governing board reviews.

Mr. Repp explained that conditional zoning was not in the original version of the UDO. Several years ago, the town attempted to establish extraterritorial jurisdiction (ETJ) through petitioning the county, but it was not granted by the planning commission. The town adopted the conditional zoning process to align with Brunswick County's practices. Mr. Repp noted that conditional zoning has never been used in the town to date but will likely be relevant for an upcoming proposal involving annexation and development around the municipal complex. Mr. Repp discussed the potential conditional zoning project. He explained that developers are approaching the town for annexation and conditional zoning of an area outside the current town limits. Mr. Repp mentioned that this would be the first part of St. James where the planning board would have full control over development.

There was a lengthy discussion regarding the proposed development. The concept plan has been reviewed by the town council but has not been approved. Nothing has been formally submitted at this time. The planning board asked questions and discussed various aspects of the potential project, including:

- Stormwater management requirements
- Traffic impacts and road improvements
- Potential commercial uses and restrictions
- Aesthetic considerations for outparcels
- How it would relate to existing development in St. James

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2019 Development Agreement

Mr. Repp explained the current development agreement in place for properties within St. James, noting that while most are governed by the Property Owners Association (POA) some areas are not. He mentioned that the agreement was contingent upon the approval of an annexation and provides flexibility for the developer. The new proposed development would be outside this existing agreement and would be governed by the new conditional zoning.

UDO TEXT AMMENDMENT RECOMMENDATIONS

9.1.7 ALTERNATIVE PARKING PLANS – REMOTE PARKING CHANGE

Mr. Repp introduced a proposed text amendment to increase the allowed distance for off-site/satellite parking from 500 feet to approximately 1770 feet. He explained that this change was requested by Generations Church to accommodate their potential future expansion.

The planning board discussed various aspects of the proposed change, including:

- Whether it should apply broadly or be limited to specific uses like churches
- The possibility of making it a conditional use requiring case-by-case approval
- Potential impacts on other properties or future developments
- Alternative approaches like variances

After discussion, a motion was made to recommend the amendment to the town council.

Planning board member Richard Ishler moved to recommend approval of the text amendment to increase the allowed distance for remote parking from 500 feet to 2000 ft. Zoning code would be amended to reflect 2000 ft. The motion was seconded by Trent Pohlar. Motion carried.

Vote: 4 in favor, 1 opposed

8.88 SWIMMING POOL SETBACK CLARIFICATION

Mr. Repp presented a proposed amendment to clarify the setback requirements for in-ground swimming pools. He explained that the current code is unclear, leading to interpretation issues for staff. The amendment would allow in-ground pools to be constructed within the rear yard setback, but not within 5 feet of the property line.

The board discussed the implications of this change, including differences between in-ground and above-ground pools. Mr. Repp clarified that the pool itself could not be within the five-foot setback, but a hard surface could be.

Bill Kozub moved to recommend approval of the text amendment to clarify swimming pool setback requirements for in-ground swimming pools. The motion was seconded by Trent Pohlar. All members voted in favor and the motion carried.

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Vote: 5/0

ADJOURNMENT

Before adjourning, Richard Ishler raised a question about the correct name for the board, noting inconsistencies between “planning commission” and “planning board” in various documents. Mr. Repp acknowledged this inconsistency and stated that the correct name should be whatever is specified in the UDO and ordinance.

Councilor Board inquired about pending legislation that might affect the board’s decisions. Mr. MacLeod mentioned House Bill 765, which proposes various changes to local government planning authority, including:

- Limiting the time for reviewing development applications
- Restricting local regulation of parking, driveway curb cuts, and road standards
- Allowing “tiny homes” in certain circumstances

Board Member Pohlar made a motion to adjourn the meeting. All were in favor.

The meeting was adjourned at 12:00pm.

Respectfully Submitted,

Approved,

Jamie Burns
(Asst. Zoning Admin. / Clerk)

Merry MacBarb
(Chair)