



# AGENDA

## BRUNSWICK COUNTY

### PLANNING BOARD

**6:00 P.M. Monday**  
**September 9, 2019**

**Commissioners Chambers**  
**David R. Sandifer Administration Bldg.**  
**Brunswick County Government Center**

- 1) Call to Order.
- 2) Invocation.
- 3) Pledge of Allegiance.
- 4) Roll Call.
- 5) Consideration of Minutes of the August 12, 2019 Meeting.
- 6) Agenda Amendments.
- 7) Public Comment.
- 8) Public Hearing.

A. Proposed Rezoning Z-783 – Scott Stewart

Proposed rezoning of approximately 85.18 acres located on Maco Rd across from Oakview Dr NE from RR (Rural Residential) to CLD (Commercial Low Density) for Tax Parcels 05700065, 05700067, and 0460001007.

B. Proposed Rezoning Z-784 – Brunswick County Planning Department

Proposed rezoning of approximately 0.3 acres located south of the intersection of Sunset Harbor Rd and Swain St from Undesignated, R-6000 (High Density Residential), and CLD (Commercial Low Density) to CLD (Commercial Low Density) for Tax Parcels 223EF00202 and 223EF003.

C. Proposed Major Subdivision Expansion – J. Phillip Norris

Sachi Subdivision was originally approved in February 2019 with 18 single-family lots. This expansion proposes 47 additional lots for a total of 65 single-family lots on a gross site of 13.95 acres creating an overall density of 4.66 units per acre.

- 9) Other Business.
  - Planning Board Case Update.
  - Planning Projects Update
  - Appointment of Planning Board Representative to the Holden Beach Causeway Study Committee
- 10) Adjournment.

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

**6:00 P.M. Monday**  
**August 12, 2019**

**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  
Alvin Nobles  
Tom Simmons

MEMBERS ABSENT

None

STAFF PRESENT

Kirstie Dixon, Director  
Marc Pages, Senior Planner  
Connie Marlowe, Admin. Asst. II  
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

Frank Braxton  
John Hankins

Wayne Hickerson  
Ryan Kaiser

I. CALL TO ORDER.

The Chair called the meeting to order at 6:01 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.

There were no members absent.

IV. CONSIDERATION OF MINUTES OF THE 08-JUL-19 MEETING.

Mr. Leary made a motion to approve the 08-Jul-19 minutes as presented and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

There were none.

VI. PUBLIC COMMENT.

There were none.

VII. PUBLIC HEARINGS.

A. Rezoning Z-781 – Frank Braxton, Coastal Land Design

Request rezoning of approximately 30.24 acres located west of the intersection of Heartwood Loop Road NE and Old Forest Road NE from C-I (Commercial Intensive) to SBR-6000 (High Density Site Built Residential) for Tax Parcel 0460006004.

Mr. Pages addressed the Board. He read the Staff Report (attached). He identified the subject property and surrounding properties on a visual map. Mr. Pages said the Town of Leland (Town) is attempting to annex Lanvale Forest, which is anticipated to be considered in November 2019 by the Town. Mr. Pages further stated that there have been some concerns about the proximity of the zoning change to the Military Installation and railroad, but options for development will be discussed once a plan is submitted for consideration. Mr. Pages further stated that a road maintenance agreement from Lanvale Forest Homeowners Association will be required should this property remain in the unincorporated area of Brunswick County. Mr. Pages said Malcolm Charles, Installation Manager, with the Military Ocean Terminal – Sunny Point (MOTSU), initially, had concerns with the proposed zoning change, but after review, they have no issues with the proposed zoning change. He stated that MOTSU prefers residential zoning adjacent to their site rather than heavy commercial zoning.

Mr. Pages said staff recommends approval from C-I (Commercial Intensive) to SBR-6000 (High Density Site Built Residential) for Tax Parcel 0460006004.

Mr. Dunham asked staff the depth of the southern strip of the subject property? Mr. Pages said the narrow strip is 100' wide. He further stated that all the development of the property will be in the northern portion of the property.

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

Mr. Frank Braxton, Coastal Land Design, addressed the Board on behalf of the applicant. Mr. Braxton stated that the proposed zoning is a continuation of what is existing in the area with regards to lot sizes and housing types. He stated that the existing zoning district is not appropriate for the area. Mr. Braxton said they have spoken with MOTSU and they are satisfied with the intended use of the property. Mr. Braxton further stated that they are aware that a private road maintenance agreement will have to be in place unless the Town of Leland annexes this area. At such time, Mr. Braxton said they will petition the Town to maintain the roads.

Mr. Wayne Hickerson, 1232 Springvale Terrace Court, addressed the Board in opposition to the zoning change. Mr. Hickerson read a letter (attached) expressing concerns with potential public safety issues in case of an emergency situation. Mr. Hickerson asked that the Board deny the zoning change. If approved, he suggested that future sellers provide potential buyers with a copy of the Joint Land Use Study, no further zoning requests allowing public access or development be approved within the study area, and the County adopt all applicable recommendations of the Joint Land Use Study.

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

Mr. Leary asked staff about the Joint Land Use Study (LU-1) from MOTSU. Mr. Pages reiterated that representatives from MOTSU were initially opposed to residential development, but after further study, they felt that residential zoning was better suited for the area than the current zoning designation.

Ms. Easley asked staff who was involved in the Joint Land Use Study (Study)? Ms. Dixon said nearby municipalities, Brunswick and New Hanover Counties. Commissioner Williams and Helen Bunch were representatives for Brunswick County. Ms. Dixon further stated that the Study has not been adopted and/or approved by the entities involved. Mr. Pages interjected that the Study was finalized last month. Ms. Easley asked if this area is a switch yard or terminal storage area? Ms. Dixon replied, that this area is a switch yard.

Mr. Dunham asked if the property is developed for residential purposes, will it be presented to the Board for consideration? Mr. Pages replied, yes. Mr. Pages added that residential development is permitted in the current zoning district, but the minimum lot sizes are 10,000 square feet as opposed to 6,000 square feet in the proposed zoning district.

Mr. Leary made a motion to recommend to the Board of Commissioners to approve Tax Parcel 0460006004 to SBR-6000 (High Density Site Built Residential) and the motion was unanimously carried.

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

**APPROVAL – The proposed zoning amendment is APPROVED**

- 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 amendment is consistent with the Comprehensive Plan (CAMA Land Use Plan) and residential uses are permitted in the current zoning district.

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

The proposed zoning amendment is preferred by the Military Ocean Terminal – Sunny Point adjacent to the corridor surrounding the switching yard and there is similar zoning nearby.

B. Rezoning Z-782 – Beckington Land Group

Request rezoning of approximately 16.64 acres located on Old Fayetteville Road NE (SR 1437) across from Clancy Drive NE from R-6000 (High Density Residential) to MR-3200 (Multifamily Residential) for Tax Parcel 02900087.

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 from C-I (Commercial Intensive) to SBR-6000 (High Density Site Built Residential) for Tax Parcel 02900087.

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

Mr. Ryan Kaiser addressed the Board. Mr. Kaiser made himself available for questions from the Board.

Mr. Dunham asked if the proposed use will be a major subdivision? Mr. Pages said the property will likely be developed for multifamily use, which is approved by staff.

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

Ms. Easley made a motion to recommend to the Board of Commissioners to approve Tax Parcel 02900087 to MR-3200 (Multifamily Residential) and the motion was unanimously carried.

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

**APPROVAL – The proposed zoning amendment is APPROVED**

- 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 amendment is consistent with the Comprehensive Plan (CAMA Land Use Plan) and it is consistent with surrounding properties.

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

The proposed zoning amendment was previously zoned MR-3200 in October 2012 and multifamily housing is needed in the County.

VIII. OTHER BUSINESS.

- Planning Board Cases Update

Mr. Pages addressed the Board. He stated that Zoning Case Z-780 was approved at the Board of Commissioners' Monday 17-Jun-19 meeting and the UDO Refinements will be presented at the Board of Commissioners' Monday 19-Aug-19 meeting for approval.

IX. ADJOURNMENT.

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

DRAFT

# REZONING STAFF REPORT



Prepared by Marc Pages, Senior Planner

Rezoning Case#: Z-783

September 9, 2019

## APPLICATION SUMMARY

The applicant requests to rezone Tax Parcels 05700065, 05700067 and 0460001007 from RR (Rural Residential) to CLD (Commercial Low Density). This rezoning request is conventional therefore, no conditions or site plans are proposed. All owners and adjacent owners have been notified via first class mail.

### Location

Maco Road SE (NC 87), Wilbur McKeithan Way, Maco Light Freeway (I-140)

### Tax Parcel(s)

05700065, 05700067 and 0460001007

### Current Zoning

RR

### Proposed Zoning

CLD

### Surrounding Zoning

RR, CLD, BE-R-10 (Belville Jurisdiction), LE-R-6 (Leland Jurisdiction)

### Current Use

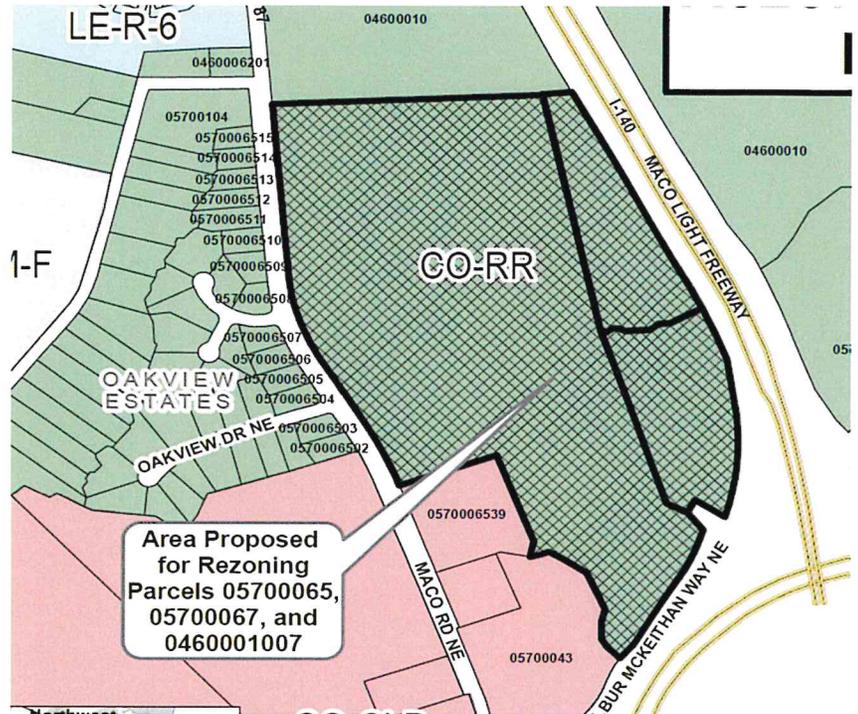
Vacant Land

### Surrounding Land Uses

Residential, Vacant Lands

### Size

85.18 acres



## SITE CONSIDERATIONS

**Zoning History:** There are not any known zoning changes to the rezoning site since introduction of zoning in 1994.

**Buffers:** If rezoned to CLD, all uses will require a 0.6 (vacant) or 0.8 (developed) opacity buffer to RR areas.

**Traffic:** There are no known capacity deficiencies for Maco Road (NC 87), Wilbur McKeithan Way or Maco Light Freeway (I-140). The developer shall be responsible for obtaining an NCDOT driveway permit prior to construction.

**Utilities:** Water and Sewer is available from Brunswick Regional Water and Sewer (H2GO).

**Schools:** Town Creek Elementary School is currently out of capacity. Leland Middle School is currently near capacity. North Brunswick High School has adequate capacity.

**CIP Projects in Area:** Northwest Water Plant Expansion-Phase 3 (FY 2020). New Town Creek Middle School (FY 2019).

**NCDOT Road Improvements in Area:** Maco Road (NC 87) and Andrew Jackson Highway (US 74/76) Interchange (R-4462) – Currently in Design Process, Cape Fear River Crossing Project.

**Environmental Impacts:** Biodiversity & Wildlife Habitat Assessment Score: Small portions of the rezoning site scores a 6 out of 10 due to wetlands classified as substantial.

## ANALYSIS

*"This District is intended primarily to be used in outlying areas, adjacent to major thoroughfares, with yards and other provisions for reducing conflicts with adjacent residential uses, and with substantial setbacks to reduce marginal friction on adjacent major thoroughfares. Commercial uses in this District will serve the needs of residential neighborhoods for auto-dependent commercial facilities; and serve the needs of highway-oriented tourist business."*

**CAMA Land Use Plan Classification:** *Low Density Residential (LDR)*

- Proposed Zoning is not consistent with CAMA Land Use Plan.
- Associated Land Use Plan Amendment (LUM-783):  
Request to amend Tax Parcels 05700065, 05700067 and 0460001007 from LDR to Commercial.

**Applicable CAMA Land Use Policies:**

- P.16 states that Brunswick County strongly supports commercial nodes, including town or village centers, and the prohibition of strip commercialization.
- P.17 states that Brunswick County encourages/supports commercial development (nodes) at the intersections of major roads consistent with the County's future land use map.

## STAFF RECOMMENDATION SUMMARY

Staff recommends APPROVAL TO CLD FOR TAX PARCELS 05700065, 05700067 AND 0460001007 BASED upon information provided, surrounding area, current uses, the Brunswick County CAMA CORE Land Use Plan, and other adopted Brunswick County plans and policies.

# CONSISTENCY STATEMENT

## FOR BRUNSWICK COUNTY PLANNING BOARD

ZONING AMENDMENT DESCRIPTION OR CASE NUMBER: Z-783



### THE BRUNSWICK COUNTY PLANNING BOARD RECOMMENDATION

**THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the ZONING AMENDMENT be recommended to the Board of Commissioners for**

**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 Planning Board further finds that the proposed zoning amendment *is reasonable and in the public interest* for the following reasons: \_\_\_\_\_  
\_\_\_\_\_

**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 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 Planning Board further finds that the proposed zoning amendment *is reasonable and in the public interest* for the following reasons: \_\_\_\_\_  
\_\_\_\_\_

**DENIED**

- The Planning Board finds that the proposed zoning amendment  **is**  **is not** consistent with the CAMA Land Use Plan (Comprehensive Plan) and  **is**  **is not** in the public interest for the following reasons: \_\_\_\_\_  
\_\_\_\_\_

**TABLED**

- The Planning Board **TABLES** the proposed zoning amendment to  **Next Planning Board Meeting**  **A Future Planning Board Meeting** in \_\_\_\_\_ months.

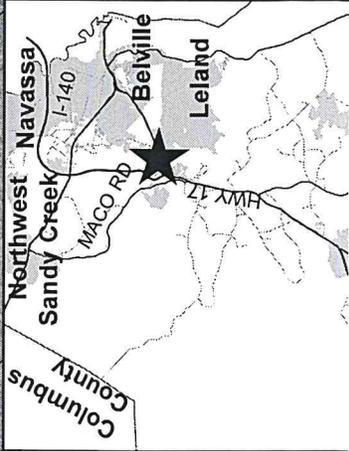
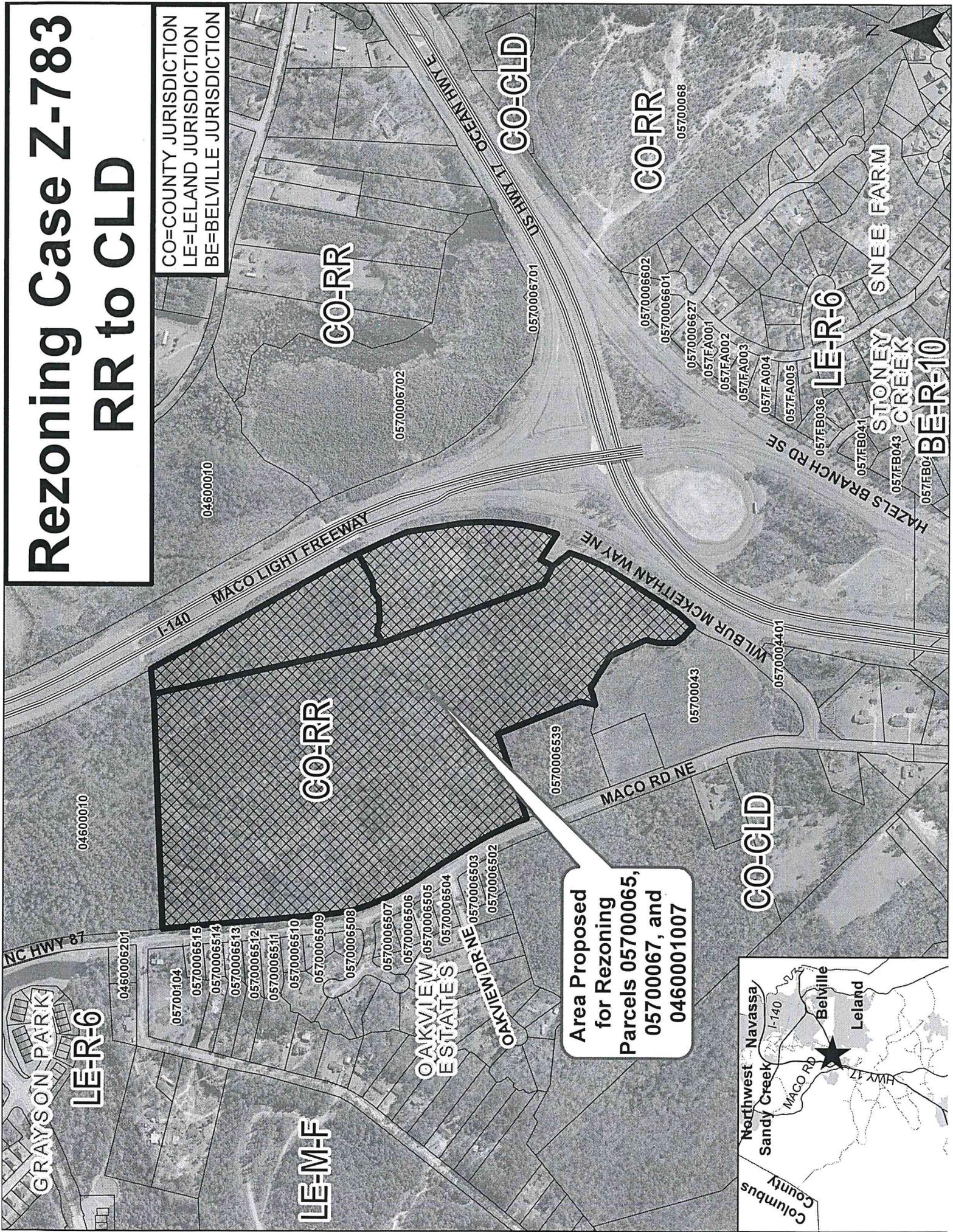
**Excerpt from N.C.G.S. § 153A-341:**

Zoning regulations shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration as to, among other things, the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the county. In addition, the regulations shall be made with reasonable consideration to expansion and development of any cities within the county, so as to provide for their orderly growth and development.



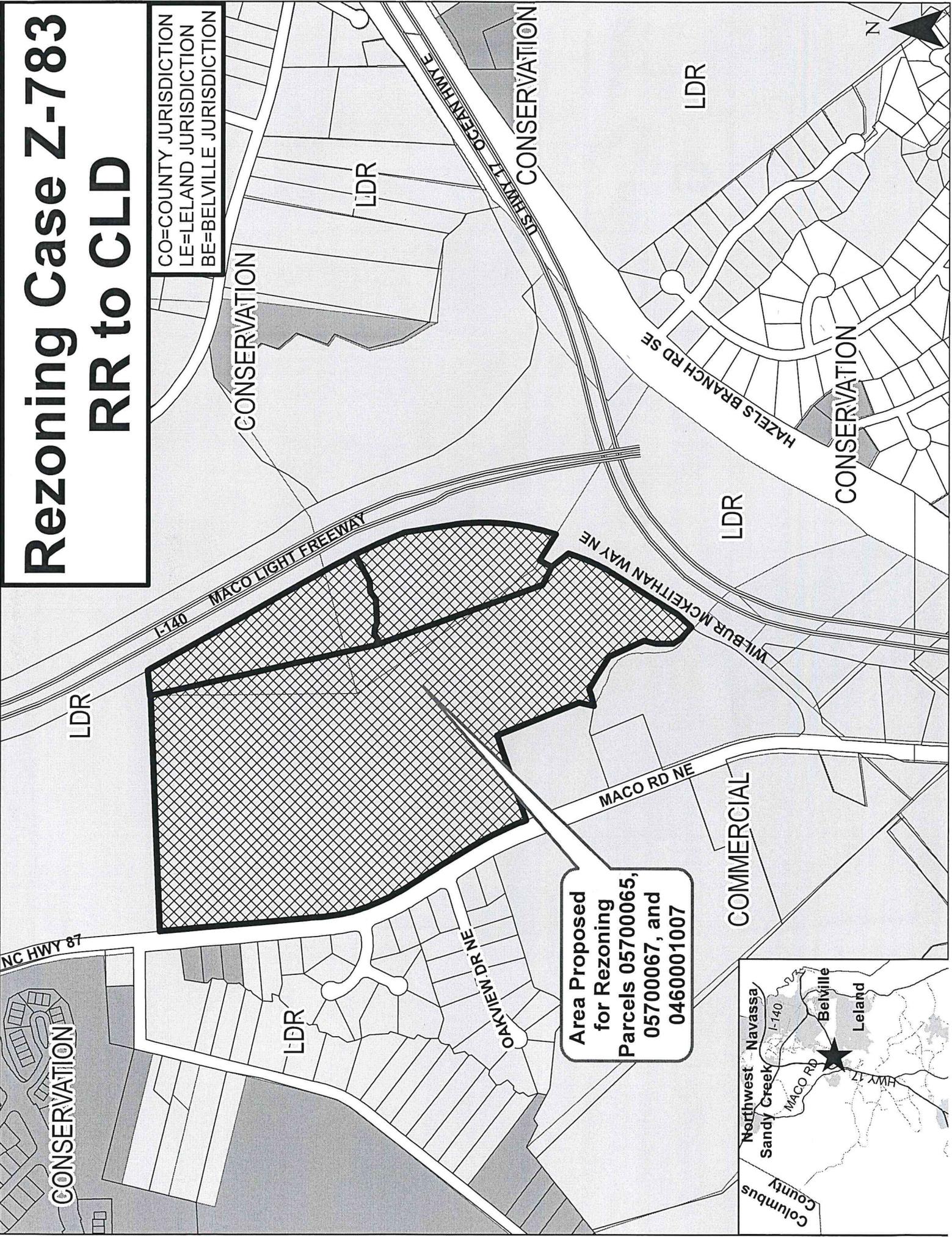
# Rezoning Case Z-783 RR to CLD

CO=COUNTY JURISDICTION  
LE=LELAND JURISDICTION  
BE=BELVILLE JURISDICTION

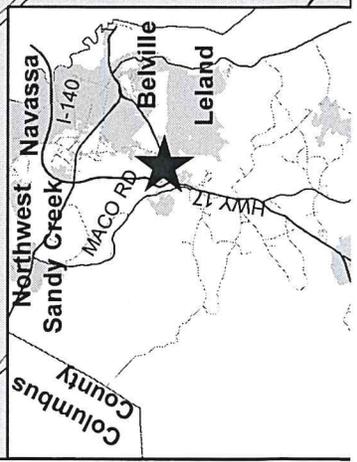


# Rezoning Case Z-783 RR to CLD

CO=COUNTY JURISDICTION  
LE=LELAND JURISDICTION  
BE=BELVILLE JURISDICTION



Area Proposed  
for Rezoning  
Parcels 05700065,  
05700067, and  
0460001007





# REZONING APPLICATION

*For Office Use Only*

Rezoning Case Z- 783 Invoice # 8370332019

Date Received 8/2/19

Northwest Jurisdiction  YES  NO

Brunswick County Planning • PO Box 249, Bolivia, NC 28422 • Phone: (910) 253-2025/1-800-621-0609 • Fax: (910) 754-2740

Complete the following application. This form must be completely filled out. Incomplete applications will result in a delay of this application and slow down the rezoning process.

**APPLICANT INFORMATION** (This person will be the contact person and will receive all mailings)

Applicant Name(s):  
SCOTT D. STEWART

Mailing Address:  
6933 RUNNING BROOK TERRACE  
WILMINGTON, N.C. 28411

Phone: 910-231-2428 Email: SCOTTSTEWART6933@YAHOO.COM

**PROPERTY OWNER INFORMATION** (If different from above)

Owner Name(s):  
DEMAREST PATZK LLC

Mailing Address:  
6933 RUNNING BROOK TERRACE  
WILMINGTON, N.C. 28411

Phone: 910 231 2428 Email: SCOTTSTEWART6933@YAHOO.COM

**PROPERTY INFORMATION**

Property Address and/or Description of Location:  
WILBUR MCKETHAM WAY, MACO 249D, 1-140

Parcel Tax ID #(s): 05700065; 05700067; 046001007 Total Site Acreage: 4-85.18

Current Zoning District(s): RR Proposed Zoning District(s): CLD

Conditional Zoning Request  YES  NO

*Conditional Zoning have additional submittal requirements such as Conceptual Site Plan, Proposed Conditions, Proposed Uses, and the holding of a neighborhood meeting. Please include the additional information as an attachment to this application.*

**NOTE:** If multiple parcels are being proposed for rezoning then write "see attached" and attach the list of the parcels. Make sure to include the Tax Parcel ID #, owner name(s)/address, and acreage information.

## STATEMENT OF REASONABLENESS

Please explain why the proposed zoning is reasonable for the area. Possible reasons could be the rezoning is consistent with the character of the area, the rezoning will match the surrounding zoning, or the rezoning is consistent with the Land Use Plan:

- THIS REZONING REQUEST IS CONSISTANT WITH THE EXISTING CONTIGUOUS CLD ZONING CHARACTER OF THE AREA WITH 3,228 LINEAR FEET OF FRONTAGE ON I-140, US 17 INTERCHANGE AND 1,934 LF OF FRONTAGE ON NC HWY 87
- THIS REZONING IS CONTIGUOUS TO EXISTING CLD ZONING

## LAND USE COMPATIBILITY

Future Land Use Map Classification: LDR

Is the proposed rezoning consistent with the Land Use Plan?  YES  NO

If not consistent, please explain the change in conditions of the community which justify amending the Land Use Plan Map:

- THE EXISTING LAND USE PLAN WAS ADOPTED PRIOR TO THE INCLUSION AND COMPLETION OF THE I-140, US HWY 17 INTERCHANGE WHICH HAS NOW MODIFIED THE CONDITIONS OF THE COMMUNITY JUSTIFYING AMENDING THE LAND USE PLAN FOR THESE PARCELS FROM RB TO CLD.

NOTE: The future Land Use Map Classification comes from the Brunswick Co. CAMA CORE Land Use Plan. If a rezoning request is not consistent then an amendment is required. Planning Staff can assist with this determination.

## APPLICANT/OWNER SIGNATURE

In signing of this Rezoning Application, I certify that I have understand the application guidelines and that incomplete applications will delay my application and my rezoning. I ALSO UNDERSTAND THAT MY REZONING REQUEST MUST BE CONSISTENT WITH THE LAND USE PLAN. I further certify that I am authorized to submit this application and that all the information presented in this application is accurate to the best of my knowledge, information, and belief.

Applicant Signature: \_\_\_\_\_

Date: 8-2-19

Owner Signature: \_\_\_\_\_

Date: 8-2-19

Owner Signature: N/A

Date: N/A

NOTE: If there are multiple owners that need to sign have them sign under the owner signature or attached additional sheets.

### Brunswick County Jurisdiction Fees

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> <1.0 acres (\$350)      | <input type="checkbox"/> 1.0 to <5 acres (\$400)        | <input type="checkbox"/> 5.0 to <25 acres (\$450)       |
| <input type="checkbox"/> 25 to <50 acres (\$600) | <input checked="" type="checkbox"/> 50+ acres (\$1,200) | <input type="checkbox"/> Conditional Zoning (Add \$200) |

### City of Northwest Jurisdiction Fees

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> <1.0 acres (\$1,500)      | <input type="checkbox"/> 1.0 to <5 acres (\$1,600) | <input type="checkbox"/> 5.0 to <25 acres (\$1,700)     |
| <input type="checkbox"/> 25 to <50 acres (\$1,900) | <input type="checkbox"/> 50+ acres (\$2,000)       | <input type="checkbox"/> Conditional Zoning (Add \$500) |

| CURVE | CHORD BEARING | CHORD LENGTH | DELTA ANGLE | TANGENT | RADIUS  | ARC LENGTH |
|-------|---------------|--------------|-------------|---------|---------|------------|
| C1    | S 23°03'45" E | 207.63       | 158.04      | 158.04  | 4373.00 | 152.56     |
| C2    | S 22°59'18" E | 149.35       | 114.80      | 114.80  | 3125.00 | 114.80     |
| C3    | S 20°00'00" E | 2000.00      | 178.44      | 178.44  | 2000.00 | 355.93     |
| C4    | S 27°25'12" E | 106.54       | 81.72       | 81.72   | 263.39  | 81.72      |

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 23°03'45" E | 207.63   |
| L2   | S 22°59'18" E | 149.35   |
| L3   | S 20°00'00" E | 2000.00  |
| L4   | S 27°25'12" E | 106.54   |
| L5   | S 44°41'12" W | 52.30    |
| L6   | S 50°10'50" W | 29.46    |
| L7   | N 89°10'50" W | 61.72    |
| L8   | N 77°47'37" E | 50.50    |
| L9   | N 85°43'31" E | 50.69    |
| L10  | S 89°57'12" E | 51.75    |
| L11  | S 72°52'04" E | 48.81    |
| L12  | S 27°25'12" E | 48.17    |
| L13  | N 81°51'21" W | 48.17    |
| L14  | S 84°48'06" W | 50.70    |
| L15  | N 66°40'57" E | 19.06    |
| L16  | S 85°53'45" W | 17.72    |
| L17  | S 64°54'45" W | 67.79    |
| L18  | S 83°35'14" W | 138.00   |
| L19  | N 79°49'03" E | 61.37    |
| L20  | N 39°13'17" W | 10.22    |
| L21  | S 73°19'09" E | 20.96    |
| L22  | S 73°19'09" E | 20.96    |
| L23  | N 82°51'21" W | 30.46    |
| L24  | N 65°17'00" W | 30.46    |
| L25  | S 67°03'32" W | 121.76   |
| L26  | S 54°17'05" W | 48.65    |
| L27  | S 85°24'47" W | 55.10    |
| L28  | N 67°46'45" W | 90.52    |
| L29  | S 89°56'03" W | 73.20    |
| L30  | S 13°18'04" E | 50.09    |
| L31  | S 13°18'04" E | 50.09    |
| L32  | N 76°48'48" W | 118.50   |
| L33  | N 76°48'48" W | 118.50   |
| L34  | S 40°51'54" W | 104.93   |
| L35  | N 40°51'54" E | 38.28    |
| L36  | S 24°10'38" W | 113.11   |
| L37  | S 40°23'12" E | 4.59     |
| L38  | S 46°00'56" E | 82.61    |
| L39  | S 35°10'27" E | 45.34    |
| L40  | N 02°00'59" W | 90.12    |
| L41  | N 13°04'53" E | 62.70    |
| L42  | N 68°52'34" E | 71.87    |
| L43  | N 68°52'34" E | 71.87    |
| L44  | N 68°52'34" E | 36.73    |
| L45  | S 23°45'59" W | 53.54    |
| L46  | S 12°46'45" W | 78.40    |
| L47  | N 39°07'21" W | 137.45   |

**SYMBOL LEGEND:**

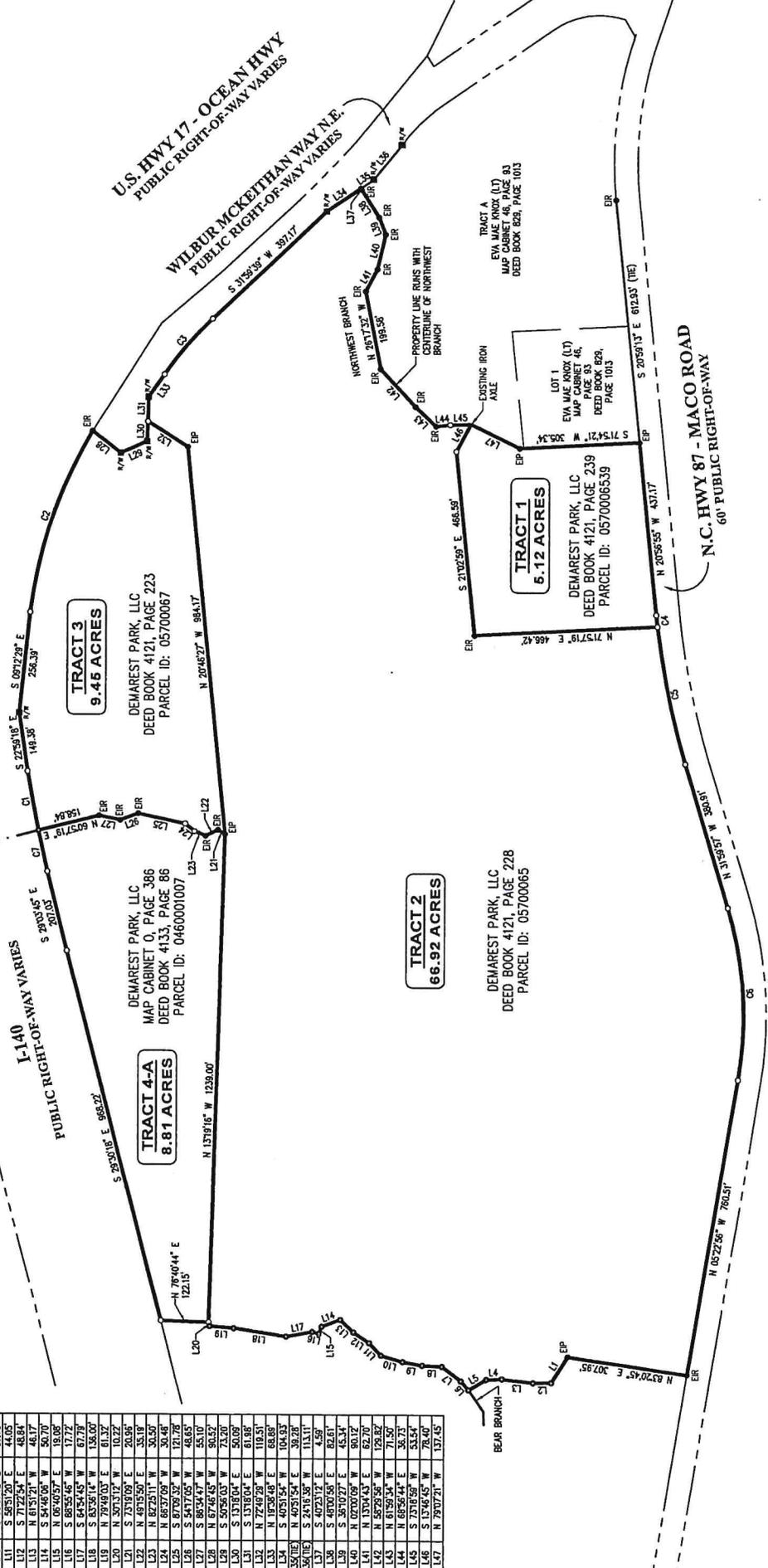
- EXISTING IRON (AS NOTED)
- REBAR SET
- ✱ EXISTING RIGHT-OF-WAY MONUMENT
- △ R/S RAILROAD SPIKE
- CALCULATED POINT NOT SET

**LINE TYPE LEGEND:**

- SURVEYED LINES (BOUNDARY)
- - - LINES NOT SURVEYED (ADJOINERS)
- · - · - RIGHT-OF-WAY

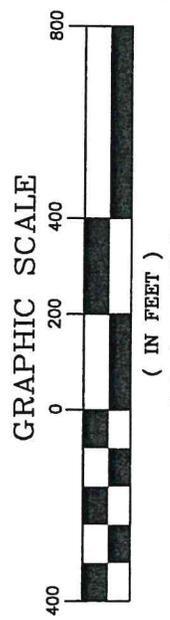
**ABBREVIATIONS:**

- EIP EXISTING IRON PIPE
- EIR EXISTING IRON ROD
- ECM EXISTING CONCRETE MONUMENT



**EXHIBIT NOTE**

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.



**ATLANTIC COAST SURVEY, PLLC**

LICENSE P-0822

PO Box 12588, Wilmington, NC 28405  
(910) 292-4899 www.atlanticcoastsurvey.com

# CASE Z-783

## ADJACENT PROPERTY OWNER(S)

| PARCEL ID | NAME                               | ADDRESS                   | CITY         | STATE | ZIP        |
|-----------|------------------------------------|---------------------------|--------------|-------|------------|
| 570003901 | SMITH NANCY S                      | 2714 OLEANDER DR          | WILMINGTON   | NC    | 28403      |
| 570006505 | VAUGHAN ESSIE CARTER               | 291 MACO ROAD NE          | LELAND       | NC    | 28451      |
| 570006506 | VAUGHAN ESSIE CARTER               | 291 MACO RD NE            | LELAND       | NC    | 29451      |
| 570006507 | BARNETT KEVIN L ET KELLY           | 7293 LEIGH CT NE          | LELAND       | NC    | 28451      |
| 570006508 | BROWN TEENA MARIE                  | 6037 BROMLEY AVENUE       | LAS VEGAS    | NV    | 89107      |
| 570006509 | STRIKLAND FREDERICK JR             | 319 MACO RD               | LELAND       | NC    | 28451      |
| 570006701 | SELLERS MARILYN K                  | 1166 WILLOW POND LANE     | LELAND       | NC    | 28451      |
| 5700104   | RABON RONNIE LEE ET ELIZABETH      | P O BOX 1119              | LELAND       | NC    | 28451      |
| 057FA001  | KAHOE TERRY J                      | 43 SE COMBINE LANE        | LELAND       | NC    | 28451      |
| 057FA004  | BLAGG AMANDA ANN GUPTON            | 55 COMBINE LANE SE        | LELAND       | NC    | 28451      |
| 5700043   | KNOX EVA MAE (LT)                  | 7883 OCEAN HWY E          | LELAND       | NC    | 28451      |
| 570006512 | GANTT VIRGINIA                     | 6300 MOSSY ROCK COURT     | CASTLE HAYNE | NC    | 28429      |
| 570006627 | SUMRELL DONALD W ET NANCY A        | 7 BRIDLE WAY              | LELAND       | NC    | 28451      |
| 570006702 | SELLERS MARILYN KNOX               | 1166 WILLOW POND LANE     | LELAND       | NC    | 28451      |
| 057FB043  | WELSH SHANNON & DAWN KRUSE         | 7395 YELLOWSTONE COURT    | LELAND       | NC    | 28451      |
| 570006513 | GANTT OLINDA LONG                  | 359 MACO RD NE            | LELAND       | NC    | 28451      |
| 570006401 | MERCER BONNIE LEA                  | 7350 HAZELS BRANCH RD SE  | LELAND       | NC    | 28451      |
| 570006511 | VANOVER HOLLY NICHOL               | 339 MACO ROAD             | LELAND       | NC    | 28451      |
| 057FB036  | WILLIAMS ADAM ETUX REBECCA         | 1090 LIVINGSTON CHAPEL RD | DELCO        | NC    | 28436      |
| 570006502 | HARRELSON LAWRENCE BUREN ET VICKIE | 6730 PALMATIER TRL        | LELAND       | NC    | 28451      |
| 4600010   | GOODMAN JOSEPH HENRY AND           | 1309 LOVINGSTON LANE      | WILMINGTON   | NC    | 28409      |
| 5700068   | H I P III LLC                      | PO BOX 1550               | JAMESTOWN    | NC    | 27282      |
| 460006201 | FLOWERS SAMANTHA R                 | 7350 PINECLIFF DR NE      | LELAND       | NC    | 28451      |
| 570006510 | KENNEY AARON LYLE                  | 329 MACO RD NE            | LELAND       | NC    | 28451      |
| 570004401 | SUMMERLIN KATHERINE ETVIR          | 126 MACO ROAD NE          | LELAND       | NC    | 28451      |
| 057FB044  | WATSON MICHAEL F ET JANNA P        | 9045 GARDENS GROVE RD     | LELAND       | NC    | 28451      |
| 057FB041  | MOORE KWABENA L                    | 1525 GRANDIFLORA DR       | LELAND       | NC    | 28451-9532 |
| 570006601 | ROMERO JOSE S ETUX                 | 29 COMBINE LN SE          | LELAND       | NC    | 28451-9651 |
| 570006514 | ROBINSON WESLEY L ETUX             | 369 MACO ROAD             | LELAND       | NC    | 28451      |
| 057FA002  | GRAHAM LENZY O ETUX                | 47 COMBINE LN SE          | LELAND       | NC    | 28451-9651 |
| 570006504 | SELLERS BETTY JO KEEL ETALS        | 275 MACO RD NE            | LELAND       | NC    | 28451-8694 |
| 057FA003  | ANDERSON ALISON C                  | 51 COMBINE LN SE          | LELAND       | NC    | 28451-9651 |
| 570006503 | BAILEY LORI ANN                    | 261 MACO RD NE            | LELAND       | NC    | 28451-8694 |
| 570006515 | KENNARD RANDY MARK                 | 379 MACO RD NE            | LELAND       | NC    | 28451-7809 |
| 570006539 | DEMAREST PARK LLC                  | 6933 RUNNINGBROOK TER     | WILMINGTON   | NC    | 28411-9690 |
| 057FA005  | MOORE NELL F                       | 59 COMBINE LN SE          | LELAND       | NC    | 28451-9651 |
| 570006602 | SILVA JUAN ETUX                    | 25 COMBINE LN SE          | LELAND       | NC    | 28451      |

**OWNER(S)**

| PARCEL ID | NAME              | ADDRESS               | CITY       | STATE | ZIP        |
|-----------|-------------------|-----------------------|------------|-------|------------|
| 460001007 | DEMAREST PARK LLC | 6933 RUNNINGBROOK TER | WILMINGTON | NC    | 28411-9690 |
| 57000065  | DEMAREST PARK LLC | 6933 RUNNINGBROOK TER | WILMINGTON | NC    | 28411-9690 |
| 57000067  | DEMAREST PARK LLC | 6933 RUNNINGBROOK TER | WILMINGTON | NC    | 28411-9690 |

**APPLICANT(S)**

| PARCEL ID | NAME          | ADDRESS                    | CITY       | STATE | ZIP   |
|-----------|---------------|----------------------------|------------|-------|-------|
| 57000065  | SCOTT STEWART | 6933 RUNNING BROOK TERRACE | WILMINGTON | NC    | 28411 |

# REZONING STAFF REPORT



Prepared by Marc Pages, Senior Planner

Rezoning Case#: Z-784

September 9, 2019

## APPLICATION SUMMARY

Planning Staff requests to rezone Tax Parcels 233EF00101 and 233EF003 from Undesignated, R-6000 (High Density Residential), and CLD (Commercial Low Density) to CLD (Commercial Low Density). This rezoning request is conventional therefore, no conditions are proposed. All owners and adjacent owners have been notified via first class mail. This rezoning is being initiated by planning staff due to the abandonment of a former right-of-way and the resultant lack of zoning designation on the parcel.

### Location

Sunset Harbor Road (SR 1112),  
Swain Street (SR 1230)

### Tax Parcel(s)

233EF00101 and 233EF003

### Current Zoning

Undesignated, R-6000 (High Density Residential), CLD (Commercial Low Density)

### Proposed Zoning

CLD (Commercial Low Density)

### Surrounding Zoning

R-6000 and CLD

### Current Use

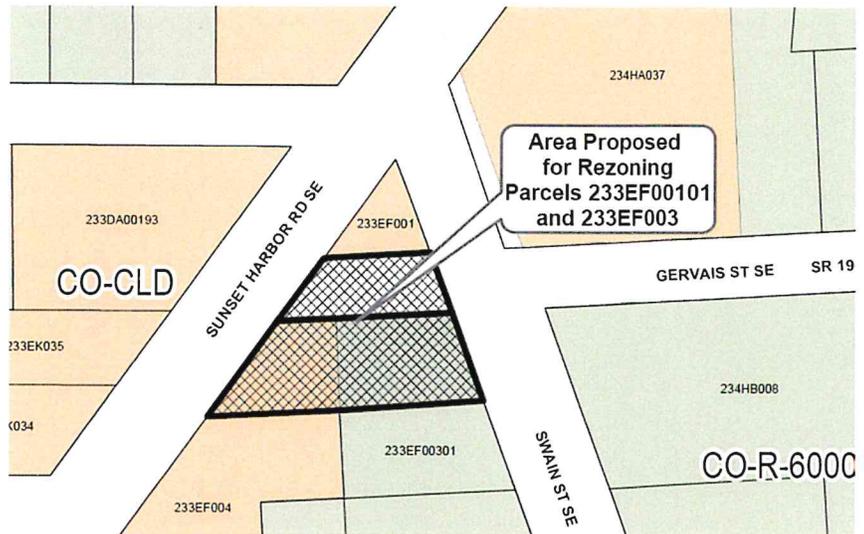
Vacant Land

### Surrounding Land Uses

Residential, Commercial, Vacant Lands

### Size

0.3 acres



## SITE CONSIDERATIONS

**Zoning History:** There are not any known zoning changes to the rezoning site since introduction of zoning in 1994. Parcel 233EF00101 is currently unzoned due to the aforementioned right-of-way abandonment. Parcel 233EF003 is currently split zoned.

**Buffers:** If rezoned to CLD, all non-residential uses will require a 0.4 (vacant) or 0.6 (developed) opacity buffer to R-6000 areas. A buffer is not required for non-residential uses zoned CLD unless there is existing residential then a 0.4 opacity buffer will be required.

**Traffic:** There are no capacity deficiencies for this section of Sunset Harbor Road (SR 1112) or Swain Street (SR 1230). The developer shall be responsible for obtaining an NCDOT driveway permit prior to construction.

**Utilities:** Water is available from Brunswick County Utilities along Sunset Harbor Road. Sewer is not available in the area. Water connection will require developer responsibility to connect to the water and sewer system.

**Schools:** The Virginia Williamson Elementary School, Cedar Grove Middle School and South Brunswick High School have adequate capacity.

**CIP Projects in Area:** NC 211 R-5021 NCDOT Utility Relocation (FY 2020), Southport WWT Expansion (FY 2019), New Early College High School (FY 2022)

**NCDOT Road Improvements in Area:** Widen NC 211 from Midway Road (NC 906) to NC 87 (Project R-5021) – Pre-Construction Phase (Anticipated Construction 2019 - 2021). Convert US 17 & NC 211 intersection to interchange (Project U-5932) – Design Phase (Anticipated Construction 2024).

**Environmental Impacts:** Biodiversity & Wildlife Habitat Assessment Score: 0 out of 10. No portions of the rezoning site contain environmentally sensitive areas.

## ANALYSIS

*"This District is intended primarily to be used in outlying areas, adjacent to major thoroughfares, with yards and other provisions for reducing conflicts with adjacent residential uses, and with substantial setbacks to reduce marginal friction on adjacent major thoroughfares. Commercial uses in this District will serve the needs of residential neighborhoods for auto-dependent commercial facilities; and serve the needs of highway oriented tourist business."*

**CAMA Land Use Plan Classification: Mixed Use**

- Proposed Zoning is consistent with CAMA Land Use Plan

**Applicable CAMA Land Use Policies:**

- P.16 states that Brunswick County strongly supports commercial nodes, including town or village centers, and the prohibition of strip commercialization.
- P.49 states that Brunswick County supports directing more intensive land uses to areas that have existing or planned infrastructure.
- P.112 states that Brunswick County will encourages industrial and commercial development in areas with existing infrastructure that does not infringe on existing medium density residential areas.

## STAFF RECOMMENDATION SUMMARY

Staff recommends **APPROVAL TO CLD FOR TAX PARCEL 233EF00101 AND 233EF003** based upon information provided, surrounding area, current uses, the Brunswick County CAMA CORE Land Use Plan, and other adopted Brunswick County plans and policies.

# CONSISTENCY STATEMENT

## FOR BRUNSWICK COUNTY PLANNING BOARD

ZONING AMENDMENT DESCRIPTION OR CASE NUMBER: Z-784



### THE BRUNSWICK COUNTY PLANNING BOARD RECOMMENDATION

**THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the ZONING AMENDMENT be recommended to the Board of Commissioners for**

**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 Planning Board further finds that the proposed zoning amendment *is reasonable and in the public interest* for the following reasons: \_\_\_\_\_  
\_\_\_\_\_

**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 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 Planning Board further finds that the proposed zoning amendment *is reasonable and in the public interest* for the following reasons: \_\_\_\_\_  
\_\_\_\_\_

**DENIED**

- The Planning Board finds that the proposed zoning amendment  **is**  **is not** consistent with the CAMA Land Use Plan (Comprehensive Plan) and  **is**  **is not** in the public interest for the following reasons: \_\_\_\_\_  
\_\_\_\_\_

**TABLED**

- The Planning Board **TABLES** the proposed zoning amendment to  **Next Planning Board Meeting**  **A Future Planning Board Meeting in \_\_\_\_\_ months.**

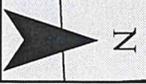
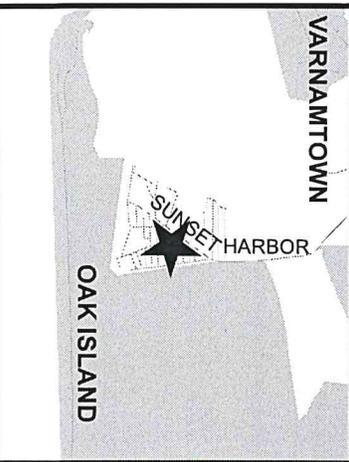
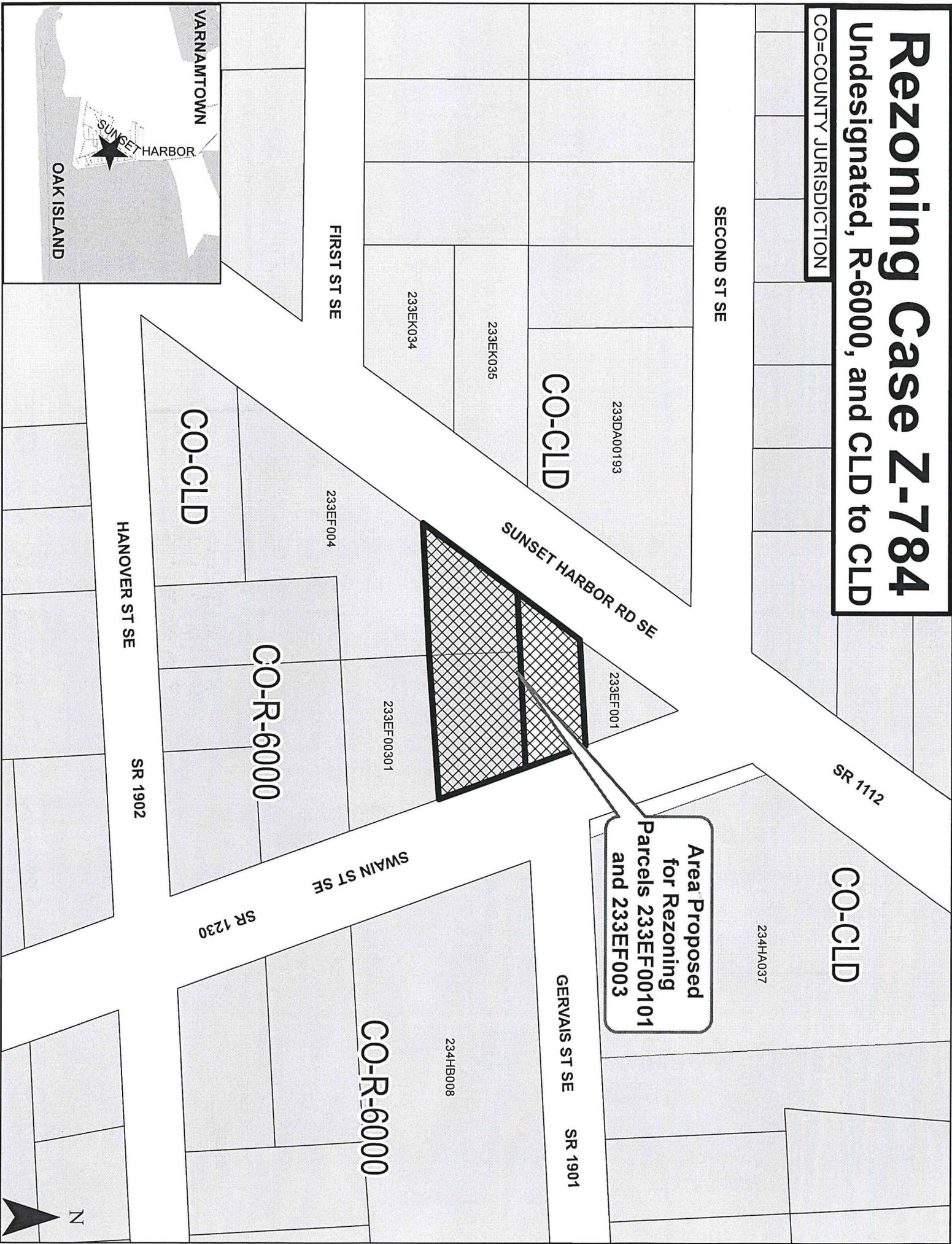
Excerpt from N.C.G.S. § 153A-341:

Zoning regulations shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration as to, among other things, the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the county. In addition, the regulations shall be made with reasonable consideration to expansion and development of any cities within the county, so as to provide for their orderly growth and development.

# Rezoning Case Z-784

Undesignated, R-6000, and CLD to CLD

CO=COUNTY JURISDICTION

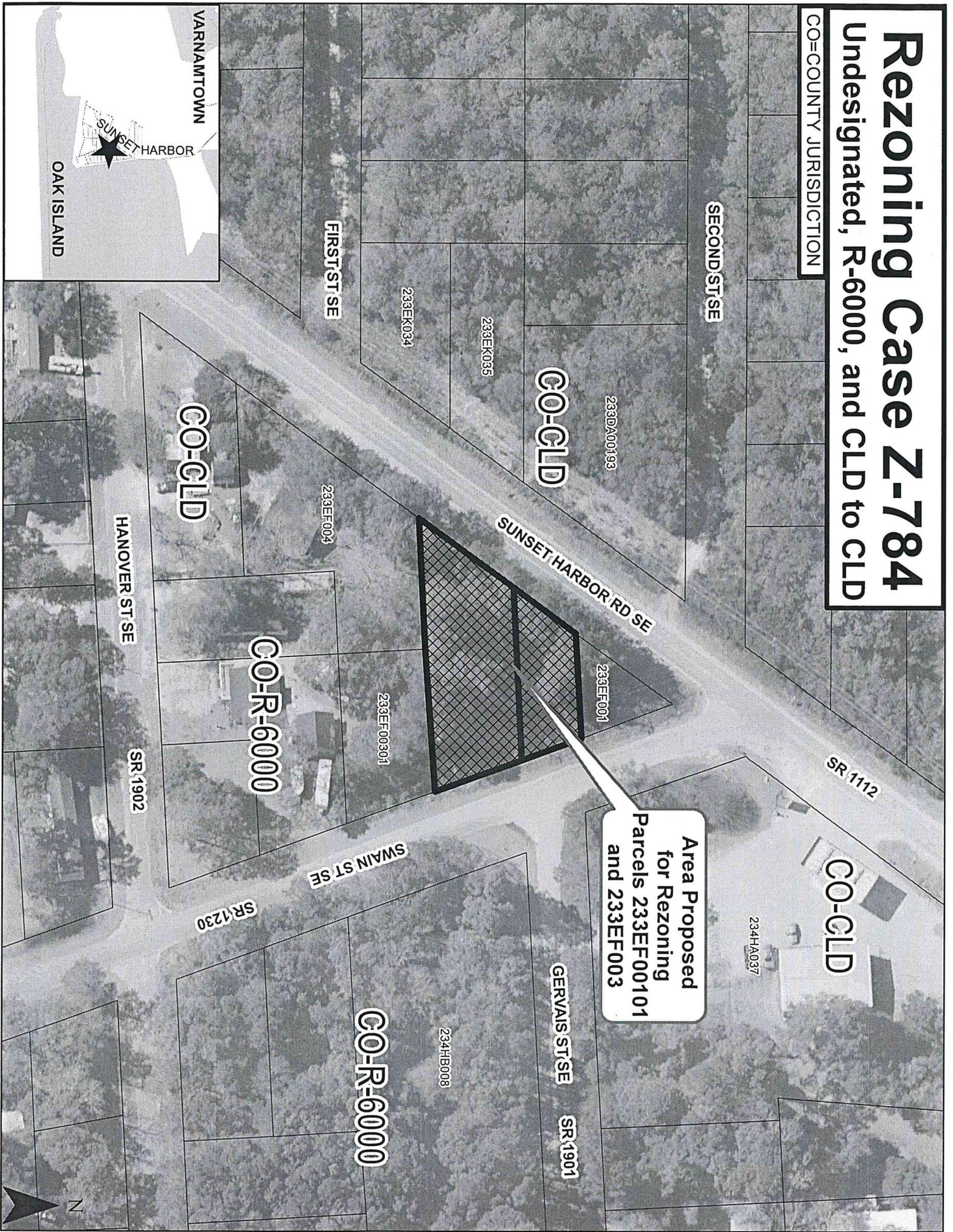


# Rezoning Case Z-784

Undesignated, R-6000, and CLD to CLD

CO=COUNTY JURISDICTION

Area Proposed  
for Rezoning  
Parcels 233EF00101  
and 233EF003



VARNAMTOWN

SUNSET HARBOR

OAK ISLAND

SECOND ST SE

FIRST ST SE

CO-CLD

CO-CLD

CO-R-6000

HANOVER ST SE

SR 1902

SWAIN ST SE

SR 1230

CO-R-6000

GERVAIS ST SE

SR 1901

CO-CLD

SR 1112

234HA037

234HB008

233EF001

233EF00301

233EF004

233EK035

233EK034

233DA00193

N

# Rezoning Case Z-784

Undesignated, R-6000, and CLD to CLD

CO=COUNTY JURISDICTION

SECOND ST SE

MIXED USE

FIRST ST SE

SUNSET HARBOR RD SE

SR 1112

MIXED USE

Area Proposed  
for Rezoning  
Parcels 233EF00101  
and 233EF003

GERVAIS ST SE

SR 1901

MIXED USE

SWAIN ST SE

SR 1230

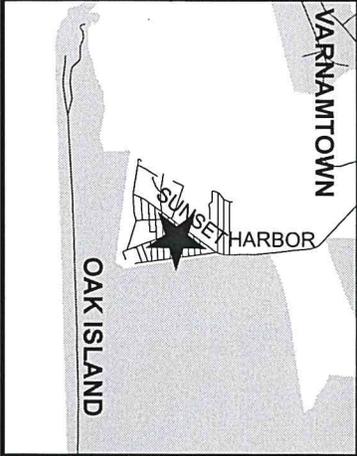
MIXED USE

HANOVER ST SE

SR 1902

VARNAMTOWN

OAK ISLAND





# REZONING APPLICATION

|  |                      |
|--|----------------------|
| <i>For Office Use Only</i>   |                      |
| Rezoning Case Z- <u>784</u>  | Invoice # <u>N/A</u> |
| Date Received <u>8/2/19</u>  |                      |
| Northwest Jurisdiction <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |                      |

Brunswick County Planning • PO Box 249, Bolivia, NC 28422 • Phone: (910) 253-2025/1-800-621-0609 • Fax: (910) 754-2740

Complete the following application. This form must be completely filled out. Incomplete applications will result in a delay of this application and slow down the rezoning process.

**APPLICANT INFORMATION** (This person will be the contact person and will receive all mailings)

Applicant Name(s): Brunswick County Planning Dept.  
c/o Marc Page's

Mailing Address: PO Box 249  
Bolivia, NC 28422

Phone: 910-253-2056 Email: marc.pages@brunswickcountync.gov

**PROPERTY OWNER INFORMATION** (if different from above)

Owner Name(s): Philip Boling

Mailing Address: 561 Lockwood Folly Rd  
Bolivia, NC 28422

Phone: ~~910-842-8058~~ Email:

**PROPERTY INFORMATION**

Property Address and/or Description of Location: Intersection of Sunset Harbor Rd. + Swain St.

|  |                                      |
|--|--------------------------------------|
| Parcel Tax ID #(s):<br><u>233 EF 00101<br/>233 EF 003 (Portion of)</u> | Total Site Acreage:<br><u>0.3 ac</u> |
|--|--------------------------------------|

Current Zoning District(s): Undesignated R-600+CLD Proposed Zoning District(s): CLD

Conditional Zoning Request  YES  NO

Conditional Zoning have additional submittal requirements such as Conceptual Site Plan, Proposed Conditions, Proposed Uses, and the holding of a neighborhood meeting. Please include the additional information as an attachment to this application.

**NOTE:** If multiple parcels are being proposed for rezoning then write "see attached" and attach the list of the parcels. Make sure to include the Tax Parcel ID #, owner name(s)/address, and acreage information.

**STATEMENT OF REASONABLENESS**

Please explain why the proposed zoning is reasonable for the area. Possible reasons could be the rezoning is consistent with the character of the area, the rezoning will match the surrounding zoning, or the rezoning is consistent with the Land Use Plan:

Property currently not zoned (former Right-of-Way),  
CLD is appropriate due to same zoning  
directly adjacent & property is located on  
main arterial road in area (Sunset Harbor Road).

**LAND USE COMPATIBILITY**

Future Land Use Map Classification: *Mixed Use*

Is the proposed rezoning consistent with the Land Use Plan?  YES  NO

If not consistent, please explain the change in conditions of the community which justify amending the Land Use Plan Map:

NOTE: The future Land Use Map Classification comes from the Brunswick Co. CAMA CORE Land Use Plan. If a rezoning request is not consistent then an amendment is required. Planning Staff can assist with this determination.

**APPLICANT/OWNER SIGNATURE**

In signing of this Rezoning Application, I certify that I have understand the application guidelines and that incomplete applications will delay my application and my rezoning. I ALSO UNDERSTAND THAT MY REZONING REQUEST MUST BE CONSISTENT WITH THE LAND USE PLAN. I further certify that I am authorized to submit this application and that all the information presented in this application is accurate to the best of my knowledge, information, and belief.

Applicant Signature: *M. Papp*

Date: *6/2/19*

Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_

NOTE: If there are multiple owners that need to sign have them sign under the owner signature or attached additional sheets.

**Brunswick County Jurisdiction Fees**

*N/A - Staff Initiated*

- <1.0 acres (\$350)
- 1.0 to <5 acres (\$400)
- 5.0 to <25 acres (\$450)
- 25 to <50 acres (\$600)
- 50+ acres (\$1,200)
- Conditional Zoning (Add \$200)

**City of Northwest Jurisdiction Fees**

- <1.0 acres (\$1,650)
- 1.0 to <5 acres (\$1,760)
- 5.0 to <25 acres (\$1,870)
- 25 to <50 acres (\$2,090)
- 50+ acres (\$2,200)
- Conditional Zoning (Add \$550)

Please note that any continuance request after initial advertising will incur and additional \$500 fee for Brunswick County Jurisdiction and \$550 for City of Northwest Jurisdiction.

# CASE Z-784

## ADJACENT PROPERTY OWNER(S)

| PARCEL ID  | NAME                                | ADDRESS                   | CITY     | STATE | ZIP        |
|------------|-------------------------------------|---------------------------|----------|-------|------------|
| 233EF004   | MARSHALL CATHY JEAN GIBSON          | P O BOX 177               | TATUM    | SC    | 29594      |
| 233EK035   | BOLING AGNES & TONIA BURNETT TRUSTE | 1800 ATLANTIC BLVD C336   | KEY WEST | FL    | 33040      |
| 233EF00301 | BOLING AGNES & TONIA BURNETT TRUSTE | 1800 ATLANTIC BLVD C336   | KEY WEST | FL    | 33040      |
| 233EK034   | BOLING AGNES & TONIA BURNETT TRUSTE | 1800 ATLANTIC BLVD C336   | KEY WEST | FL    | 33040      |
| 233DA00193 | BOLING PHILIP ETUX                  | 561 LOCKWOOD FOLLY ROAD   | BOLIVIA  | NC    | 28422      |
| 233EF001   | BOLING PHILIP ETUX                  | 561 LOCKWOOD FOLLY ROAD   | BOLIVIA  | NC    | 28422      |
| 234HB008   | STILL TERRY                         | 590 HANOVER RD SE         | BOLIVIA  | NC    | 28422-7876 |
| 234HA037   | MAY WAY COMPANY INC                 | 9876 N OLDE TOWNE WYND SE | LELAND   | NC    | 28451      |

## OWNER(S)

| PARCEL ID  | NAME               | ADDRESS                 | CITY    | STATE | ZIP   |
|------------|--------------------|-------------------------|---------|-------|-------|
| 233EF003   | BOLING PHILIP ETUX | 561 LOCKWOOD FOLLY ROAD | BOLIVIA | NC    | 28422 |
| 233EF00101 | BOLING PHILIP ETUX | 561 LOCKWOOD FOLLY ROAD | BOLIVIA | NC    | 28422 |

## APPLICANT(S)

| PARCEL ID  | NAME                                     | ADDRESS    | CITY    | STATE | ZIP   |
|------------|--|------------|---------|-------|-------|
| 233EF003   | BRUNSWICK COUNTY PLANNING C/O MARC PAGES | PO BOX 249 | BOLIVIA | NC    | 28422 |
| 233EF00101 | BRUNSWICK COUNTY PLANNING C/O MARC PAGES | PO BOX 249 | BOLIVIA | NC    | 28422 |

Presenter Bayley Ret: Bay  
Total 17 Rev 0 Int. 0  
Ck \$ 17 Cash \$ 17  
Refund: \_\_\_\_\_ Cost: \_\_\_\_\_ Finance \_\_\_\_\_  
 Portions of document are illegible due to condition of original  
 Document contains signature of original instrument that cannot be reproduced or copied.

**WITHDRAWAL OF STREET FROM DEDICATION**

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

THIS WITHDRAWAL OF STREET FROM DEDICATION, made and entered into this the 20 day of January, 2010, by and among **AGNES T. BOLING AND TONIA B. BURNETT** as Co-Trustees of the **William D. Boling Trust** and **PHILIP BOLING** and wife, **DAWN BOLING**, hereinafter referred to as "Owners";

WITNESSETH:

WHEREAS Owners and their predecessors in title caused a subdivision map entitled "Sunset Harbor Additions 7 and 8 to be recorded on January 15, 1973 in Map Book 11, Page 67, Brunswick County Registry (the "Subdivision Map");

WHEREAS the "Subdivision Map" contains an area which is a portion of "Gervais Street" as shown on said map which is bounded now or formerly as follows: on the North by an unnumbered triangular lot which adjoins the northern right-of-way of Gervais Street; on the East by the western right-of-way of Swain Street; on the South by the northern property lines of Lots 58 and 59 and on the West by the eastern right-of-way of Howells Point Road, State Road 1112, all as shown on that map recorded in Map Book 11, Page 67, Brunswick County Registry and hereinabove referenced (the "Street");

WHEREAS this section of the "Street", although shown as a street on the subdivision map, has never actually been constructed or otherwise opened on the ground as a street or roadway;

WHEREAS, Owners are tenants in common of all properties, including all open areas, common areas and streets not heretofore conveyed, including the Street herein described, and have succeeded to all rights of the original dedicators of the streets and other areas of the subdivision;

WHEREAS more than fifteen (15) years have elapsed since the "Street" was dedicated as a street or roadway without it ever having been constructed, improved or otherwise opened or utilized as a street on the ground, and North Carolina General Statute Section 136-96 provides in such circumstances that the same is conclusively presumed to be abandoned and no person thereafter shall have any right or cause of action to enforce any public or private easement therein and the same may be withdrawn from dedication.

NOW, THEREFORE, in consideration of the premises, Owners have declared and do hereby declare the Street hereinabove described, a portion of Brookneal Street, to be withdrawn from dedication and by these presents do hereby declare that the Street as herein described be forever withdrawn as a public or private street or roadway for any purposes, the same having been abandoned as heretofore stated.

Prepared by: **BAXLEY SMITHWICK PLLC, Attorneys at Law**  
Without Opinion of Title



IN WITNESS WHEREOF, Owners have hereto caused this instrument to be duly executed, the day and year first above written.

Agnès T. Boling (SEAL)  
AGNES T. BOLING, as Co-Trustee of the  
William D. Boling Trust

Tonia B. Burnett (SEAL)  
TONIA B. BURNETT, as Co-Trustee of  
the William D. Boling Trust

Philip Boling (SEAL)  
PHILIP BOLING

Dawn Boling (SEAL)  
DAWN BOLING

STATE OF NORTH CAROLINA  
COUNTY OF BRUNSWICK

I certify that the following person appeared before me this day, acknowledging to me that they voluntarily signed the foregoing document for the purposes therein stated and in the capacity therein indicated: **Agnès T. Boling and Tonia B. Burnett as Co-Trustees of the William D. Boling Trust.**

Christopher P. Powell  
Notary Public

Notary's Printed Name: Christopher P. Powell

My Commission Expires: 10.15.15

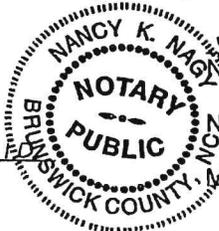


STATE OF NORTH CAROLINA  
COUNTY OF BRUNSWICK

I certify that the following person appeared before me this day, acknowledging to me that they voluntarily signed the foregoing document for the purposes therein stated and in the capacity therein indicated: **Philip Boling and wife, Dawn Boling.**

Nancy K. Nagy  
Notary Public  
Notary's Printed Name: Nancy K Nagy  
My Commission Expires: 2-13-12

Date 1-20-10



**BRUNSWICK COUNTY  
STAFF REPORT AND RECOMMENDATION**

Application No. SS-272  
Applicant: J. Phillip Norris  
Project Name: Sachi Major Subdivision Expansion  
Property Location: Off of Southport-Supply Rd (NC 211) behind Abbington Oaks Apartments.  
Parcel Number: 2050003701  
Zoning District: CLD (Commercial Low Density)  
Surrounding Zoning **North:** CI (Commercial Intensive) **South:** CLD (Commercial Low Density)  
**East:** R-7500 (Medium Density Residential) **West:** CLD (Commercial Low Density)  
Proposed Use: Sachi Subdivision was approved in February of 2019 with 18 single-family lots. This expansion proposes to add 47 lots for a total of 65 single-family lots on a gross site of 13.95 acres creating an overall density of 4.66 units per acre.

**Approval Criteria**

- The minimum residential lot size in the CLD zoning district with water and sewer is 6,000 square feet. The average lot within the development size is 6,400 square feet.
- A 0.6 opacity buffer will be installed adjacent to the R-7500 boundary with Dutchman Acres (20 ft. wide with a 6 ft. opaque fence). Existing vegetation will serve as a visual buffer and will be supplemented by additional landscaping where needed.
- The proposed 65 lots will generate approximately 621 vehicle trips per 24-hour weekday volume. A turning lane may be required by NCDOT. This will be addressed when obtaining a driveway permit.
- Parking will be off-street, and the proposed project meets the minimum vehicular access point requirements. A stubout will be provided on Abbington Oaks Way to access parcel 20500036 to accommodate for future development.
- Proposed infrastructure will include:
  1. **Water** and **Sewer** will be provided by Brunswick County Utilities.
  2. **Roads** will be private. Abbington Oaks Way is a private road that is owned and maintained by the owners of Abbington Oaks Development. A road maintenance agreement with the owners of Abbington Oaks will be required before the recordation of individual lots.
- **Open Space** is required at 7% of the development area. The developer is proposing **0.98** acres of total open space of which **0.98** acres is required. Of the required open space, 15% is required to be useable recreation area. The developer is proposing **0.15** acres of recreational open space of which **0.15** acres is required.
- Surrounding uses consist of multi-family residential, single family residential, and vacant land.
- Adjacent property owners were notified via US mail and a notification sign was posted on the subject property.
- **TRC** was held on August 15, 2019.

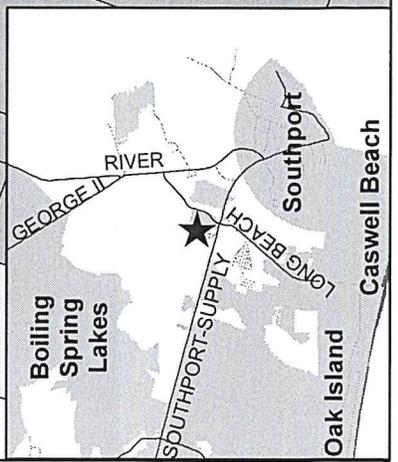
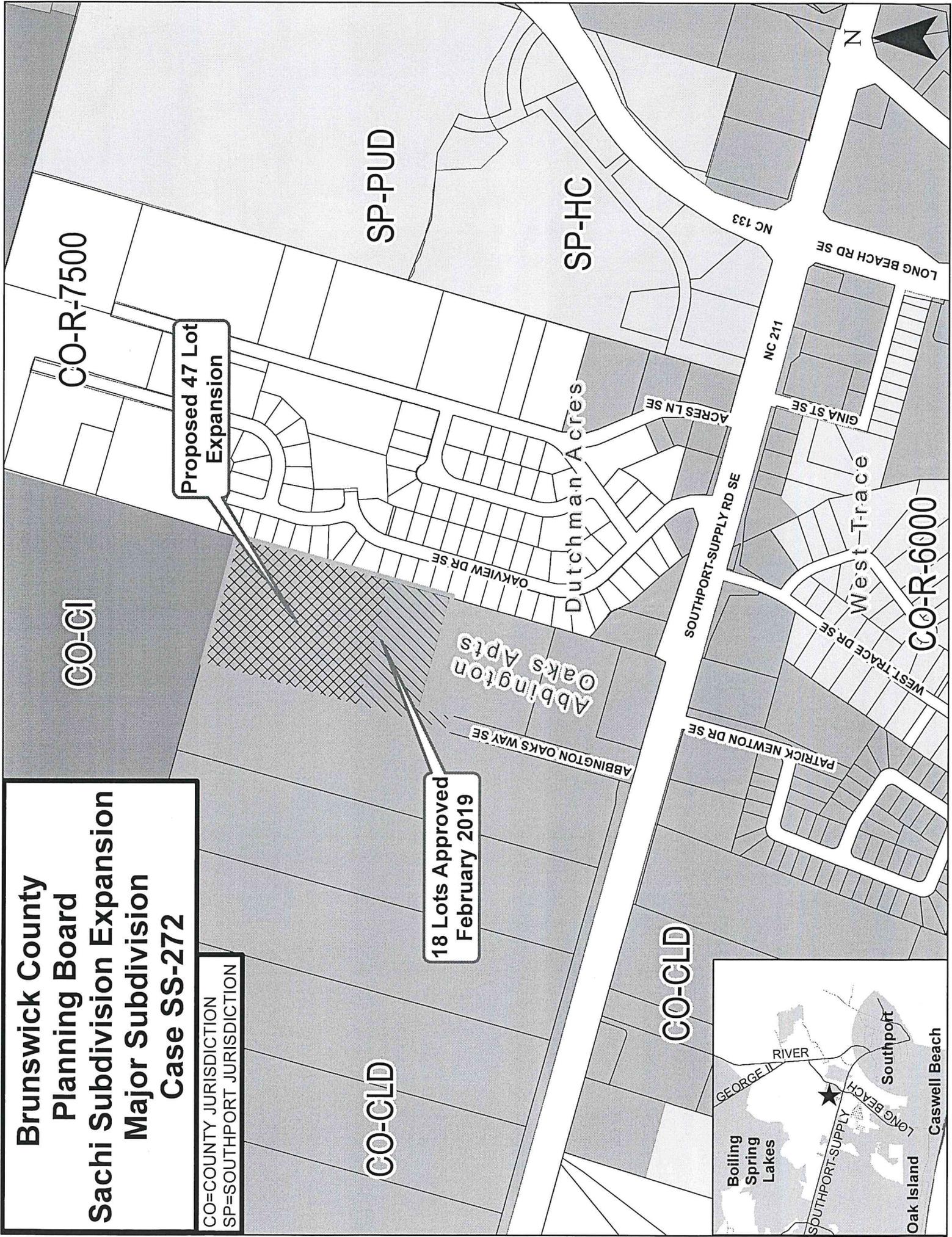
If approved, this development shall have a vested right for a period of three years. A two-year extension may be requested by the applicant to the Brunswick County Planning Department.

Staff recommends approval based on the following conditions:

1. 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.
2. That the development of the parcel shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
3. That a road maintenance agreement be recorded with the owners of Abbington Oaks apartments.

**Brunswick County  
 Planning Board  
 Sachi Subdivision Expansion  
 Major Subdivision  
 Case SS-272**

CO=COUNTY JURISDICTION  
 SP=SOUTHPORT JURISDICTION



Proposed 47 Lot  
 Expansion

18 Lots Approved  
 February 2019

CO-R-7500

SP-PUD

SP-HC

CO-CL

CO-CLD

CO-CLD

CO-R-6000

Abington  
 Oaks Apts

Dutchman Acres

West-Trace

NC 133

NC 211

N

OAKVIEW DR SE

ACRES LN SE

GINA ST SE

LONG BEACH RD SE

SOUTHPORT-SUPPLY RD SE

WEST TRACE DR SE

ABINGTON OAKS WAY SE

PATRICK NEWTON DR SE

GEORGE RIVER

SOUTHPORT

Caswell Beach

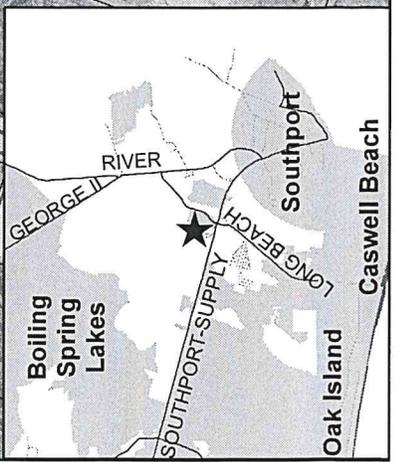
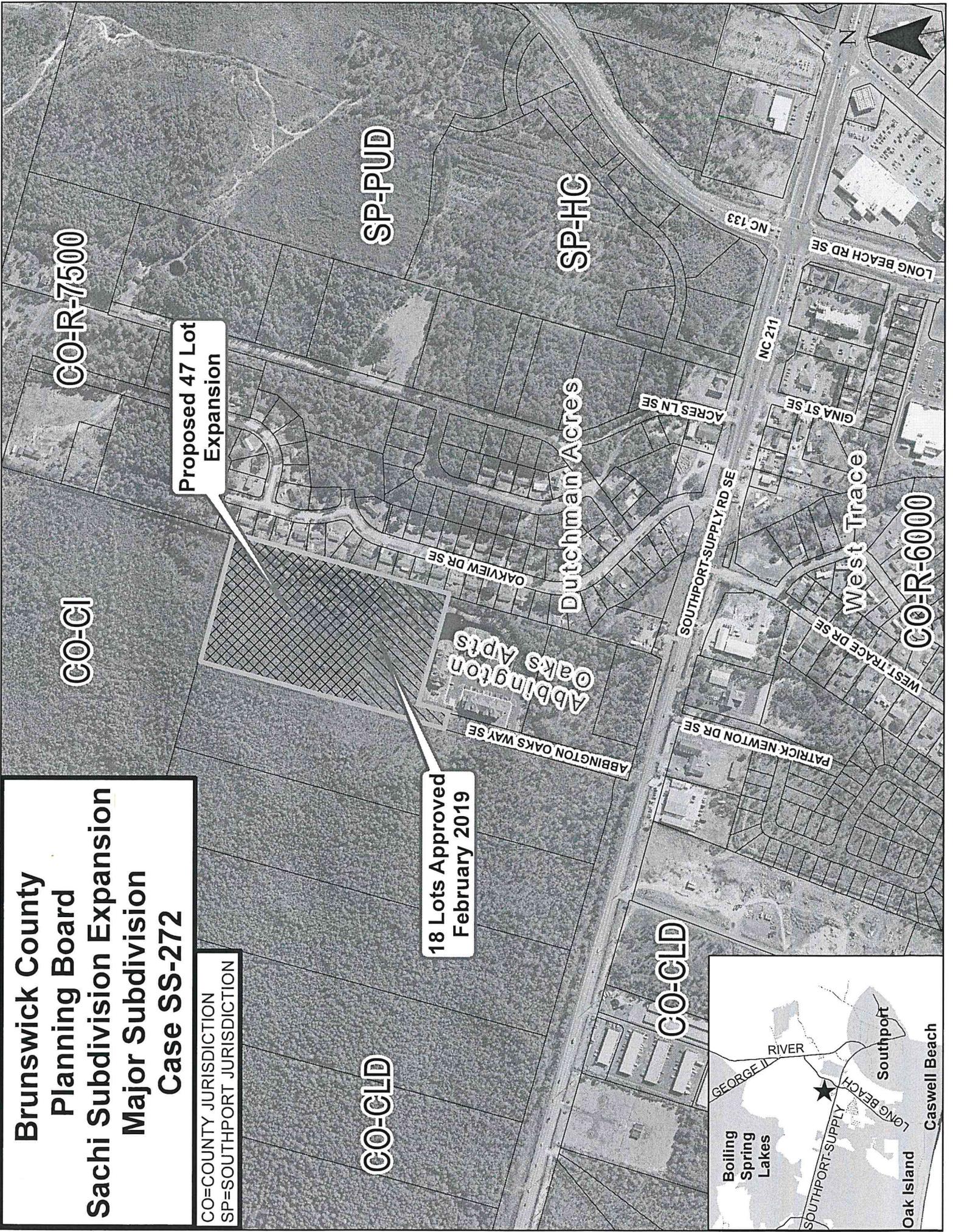
Oak Island

SOUTHPORT-SUPPLY

LONG BEACH

**Brunswick County  
 Planning Board  
 Sachi Subdivision Expansion  
 Major Subdivision  
 Case SS-272**

CO=COUNTY JURISDICTION  
 SP=SOUTHPORT JURISDICTION



CO-R-7500

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SP-HC

CO-CL

Proposed 47 Lot  
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OAKVIEW DR SE

Abington  
 Oaks Apts

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ABBINGTON OAKS WAY SE

ACRES LN SE

SOUTHPORT-SUPPLY RD SE

PATRICK NEWTON DR SE

CO-CLD

West Trace

WEST TRACE DR SE

CO-R-6000

NC 133

NC 211

LONG BEACH RD SE

GINA ST SE

RIVER

GEORGE II

SOUTHPORT-SUPPLY

Southport

Oak Island

Caswell Beach

N





**Brunswick County Planning Department**  
P.O. Box 249  
75 Courthouse Drive N.E., Bldg I  
Bolivia, NC 28422  
(910) 253-2025

August 15, 2019

J. Phillip Norris P.E.  
1429 Ash-Little River Rd  
Ash, NC 28461

**RE: Sachi Major Subdivision Expansion**  
**File # SS-269**

Dear Mr. Norris,

The Technical Review Committee (TRC) at their August 15, 2019 meeting reviewed the preliminary plans for the above referenced project.

Please find below comments with regards to the review of the project.

- Evaluate the location of the outlet of the stormwater pond to ensure minimal impact to adjacent properties. The outlet of the pond currently discharges at a 90-degree angle to the existing ditch which may cause erosion issues.
- Stormwater drainage easements will need to be shown on the plan wherever there is stormwater infrastructure through private property. There will also need to be a minimum 10' maintenance easement around the stormwater pond.
- Since there is no location for an emergency overflow in the stormwater pond, it must be designed to handle up to the 100-year storm event through the primary outlet device.
- This project require will require a revised driveway permit from NCDOT to include the increased number of lots and may require turning lanes. Please contact Angel Hammers with NCDOT for additional details – 398-9100 or [akhammers@ncdot.gov](mailto:akhammers@ncdot.gov).
- Provide a street detail with asphalt and base.
- Label right-of-way widths
- Indicate specific uses of recreation spaces.
- Revise density calculations with the correct number of lots.
- Label lot widths on lots 7-9, 21-23, and 29-31.
- List minimum lot widths of other lots will be 60 feet.
- Label the 0.6 buffer on the east side of the development adjacent to the R-7500 zoned parcels. Indicate proposed 6' fence.
- Label the 0.2 opacity 10' buffer on the north side of the development adjacent to the C-I zoned parcel.
- Label roads as private.
- Note or show 10' non-county utility easement on roads.

- Install 8" watermain up to loop drive, then can have a 6" loop waterline.
- Add fire hydrant at 8" connection point on Abbington Oaks Way.
- Sewer forcemain connection will have to be relocated to take into account the existing easement surrounding the Abbington Oaks Pump Station.
- ATMC has facilities available to provide fiber to the home service for telephone, cable, and internet service to the project. Please contact Dane Stanley prior to construction to forward a digital file of the project. He may be contacted at [jdstanley@atmc.coop](mailto:jdstanley@atmc.coop).
- Please forward a digital file of the project to Brunswick Electric 30 days prior to construction. Contact Tim Dean at 754-4391.

Please return 3 *folded* copies of the revised plans to the Brunswick County Planning Department by 5:00 p.m. on August 23, 2019. Please accompany the paper plans with a digital set as well. This may be in the form of a CD or via e-mail. Revisions will be reviewed, and you will be asked for additional copies for Planning Board distribution.

If you have any questions, please feel free to contact me at 910-253-2056.

Sincerely,

A handwritten signature in cursive script that reads "Marc A. Pages". The signature is written in black ink and is positioned above the typed name.

Marc Pages  
Senior Planner



# Major Subdivision

Application and Checklist

Fee: \$350

NT#18113

|                                |                        |
|--------------------------------|------------------------|
| <b>For Office Use Only</b>     |                        |
| File # <u>SS-272</u>           | Receipt # <u>23825</u> |
| Date Submitted: <u>7/12/19</u> |                        |

This application is a request to obtain approval to construct a Major Subdivision of more than 10 lots consistent with a submitted master site plan that identifies permitted land uses, densities, building setbacks, heights, lot size, width, buffers, off-street parking and street widths. Please reference Section 8.2.12. of the Brunswick County Unified Development Ordinance (UDO) for requirements regarding Major Subdivisions.

Please fill out form completely, supplying all necessary information and documentation to support your request.

|                       |               |                             |       |                         |
|-----------------------|---------------|-----------------------------|-------|-------------------------|
| <b>Property Owner</b> | Name          | <u>DEB 211, LLC</u>         | Phone | <u>910-209-5051</u>     |
|                       | Address       | <u>4028 Barnes Bluff</u>    | Fax   |                         |
|                       | City, St, Zip | <u>Southport, NC, 28461</u> | Email | <u>elbiii@ec.rr.com</u> |

|                                    |               |                                 |       |                                |
|------------------------------------|---------------|---------------------------------|-------|--------------------------------|
| <b>Applicant or Representative</b> | Name          | <u>J. Phillip Norris. P.E.</u>  | Phone | <u>910-287-5900</u>            |
|                                    | Address       | <u>1429 Ash-Little River Rd</u> | Fax   |                                |
|                                    | City, St, Zip | <u>Ash, NC, 28461</u>           | Email | <u>pnorris@ntengineers.com</u> |

|                             |                             |   |
|-----------------------------|-----------------------------|---|
| <b>Property Information</b> | Address                     | <u>Abbingtion Oaks Way</u>  |
|                             | Tax Parcel(s)               | <u>2050003701</u>   |
|                             | Acreage                     | <u>14.65</u>  |
|                             | Current Zoning              | <u>CLD</u>  |
|                             | Public Utilities Available? | Water <input checked="" type="checkbox"/> Sewer <input checked="" type="checkbox"/> |

|                            |  |   |
|----------------------------|--|---|
| <b>Project Information</b> | Project Name                                       | <u>Sachi Subdivision</u>  |
|                            | Modification or Expansion Of Existing Subdivision? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
|                            | Single Family Acres                                | <u>13.95</u>  |
|                            | Commercial Acres                                   | <u>0</u>  |
|                            | Number of Lots                                     | <u>65</u>   |

|                      |                                    |                    |      |                  |
|----------------------|------------------------------------|--------------------|------|------------------|
| <b>Authorization</b> | Property Owner Signature           | <u>[Signature]</u> | Date | <u>7-11-19</u>   |
|                      | Applicant/Representative Signature | <u>[Signature]</u> | Date | <u>7/11/2019</u> |

**Please submit fifteen folded copies and one electronic copy of the site plan with application.**

# CASE SS-272

## ADJACENT PROPERTY OWNER(S)

| PARCEL ID  | NAME                                 | ADDRESS                  | CITY       | STATE | ZIP        |
|------------|--------------------------------------|--------------------------|------------|-------|------------|
| 205PA021   | HERRMANN FAMILY REVOCABLE TRUST THE  | 4683 BRIGHTS PIKE        | MORRISTOWN | TN    | 37814      |
| 205PA017   | DAVIS JAMES HAROLD SR ET INGRID      | 6221-E NORTH HILLS DRIVE | RALEIGH    | NC    | 27609      |
| 205PA025   | WATTS LEIGH ANN                      | 4703 PINEVIEW DRIVE      | SOUTHPORT  | NC    | 28461      |
| 205PA020   | E W GORE RENTAL LLC                  | 111 OWENS STREET         | SOUTHPORT  | NC    | 28461      |
| 205PA019   | E W GORE RENTAL LLC                  | 111 OWENS STREET         | SOUTHPORT  | NC    | 28461      |
| 205PA018   | McCLELLAN CLAUDE ETUX                | 4749 OAKVIEW DR          | SOUTHPORT  | NC    | 28461      |
| 2050003702 | SOUTHPORT ABBINGTON OAKS LLC         | 2964 PEACHTREE RD NW     | ATLANTA    | GA    | 30305      |
| 205PA028   | DEAN JEFFREY J                       | 4503 SWEETBAY DR SE      | SOUTHPORT  | NC    | 28461      |
| 205PA026   | HINES DAVID MURPHY                   | 210 AUSTIN ST            | ROCKWELL   | NC    | 28138-8714 |
| 205PA023   | MAIGMAN EMERLYN M                    | 4717 OAKVIEW DR          | SOUTHPORT  | NC    | 28461-9491 |
| 205PA029   | GARNER GARY W ET                     | 4677 PINEVIEW DRIVE      | SOUTHPORT  | NC    | 28461      |
| 20500037   | HAYWOOD EQUITY GROUP LTD PARTNERSHIP | PO BOX 458               | GASTONIA   | NC    | 28053-0458 |
| 205PA024   | PAULEY KATRINA M                     | 99 W SCOTCHTOWN ST NW    | SUPPLY     | NC    | 28462-1017 |
| 20500036   | ROBINETTE CLAUDIA S EXEC AND         | 1227 ROCKINGHAM RD       | ROCKINGHAM | NC    | 28379-4958 |
| 205PA030   | BUFF BRIAN S ETUX MICHELLE ANTHONY   | 213 NE 67TH ST           | OAK ISLAND | NC    | 28465      |
| 205PA022   | THRONEBURG JOAN                      | 4725 OAKVIEW DR          | SOUTHPORT  | NC    | 28461-9491 |
| 20400053   | TRI CITY SOUTHPORT LLC               | 1227 ROCKINGHAM RD       | ROCKINGHAM | NC    | 28379-4958 |
| 205PA027   | RAYGOZA ESMEREIDA AND                | 4689 PINEVIEW DR         | SOUTHPORT  | NC    | 28461-9495 |

## OWNER(S)

| PARCEL ID  | NAME        | ADDRESS           | CITY      | STATE | ZIP   |
|------------|-------------|-------------------|-----------|-------|-------|
| 2050003701 | DEB 211 LLC | 4028 BARNES BLUFF | SOUTHPORT | NC    | 28461 |

## APPLICANT(S)

| PARCEL ID  | NAME              | ADDRESS                  | CITY | STATE | ZIP   |
|------------|-------------------|--------------------------|------|-------|-------|
| 2050003701 | J. Phillip Norris | 1429 Ash-Little River Rd | Ash  | NC    | 28461 |