



AGENDA BRUNSWICK COUNTY PLANNING BOARD

**6:00 P.M. Monday
January 12, 2015**

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

- 1) Call to Order.
- 2) Invocation.
- 3) Pledge of Allegiance.
- 4) Roll Call.
- 5) Consideration of the Minutes of the December 8, 2014 Meeting.
- 6) Agenda Amendments.
- 7) Public Comment.
- 8) Public Hearings.
 - A. Consideration of Rezoning as a Result of Deannexaion Property from the Town of Shallotte.
 1. Rezoning Z-726 – Brunswick County Planning & Community Development (Todd Rd near Shallotte)
Proposed rezoning of approximately 192.33 acres located at 4237, 4249, 4311, 4335, 4415, 4489, 4495, 4569, and 4651 Todd Road (SR 1147) near Shallotte from Undesignated and IG (Industrial General) to IG (Industrial General) and R-7500 (Medium Density Residential) for Tax Parcels 2290003205, 2290003208, 2290003217, 22900044, 2290004402, 2290004404, 2290004405, 2290004503, and a portion of 2290005201.
LAND USE PLAN MAP AMENDMENT LUM-727:
Proposed land use amendment of approximately 192.33 acres located at 4237, 4249, 4311, 4335, 4415, 4489, 4495, 4569, and 4651 Todd Road (SR 1147) near Shallotte from Undesignated and Industrial to Industrial and LDR (Low Density Residential) for Tax Parcels 2290003205, 2290003208, 2290003217, 22900044, 2290004402, 2290004404, 2290004405, 2290004503, and a portion of 2290005201.
 2. Rezoning Z-727 – Brunswick County Planning & Community Development (Ocean Hwy near Shallotte)
Proposed rezoning of approximately 4.75 acres located at 1409 Ocean Highway (US 17) near Shallotte from Undesignated to CLD (Commercial Low Density) for Tax Parcel 1670006006.
LAND USE PLAN MAP AMENDMENT LUM-727:
Proposed land use amendment of approximately 4.75 acres located at 1409 Ocean Highway (US 17) near Shallotte from Undesignated to Commercial for Tax Parcel 1670006006.

B. Consideration of Preliminary Special Exception Approval.

1. SE-202

Name: S & W Campground (Expansion)

Tax Parcel: 1980007302

Developer: Linda Stephens and John Parsons

Location: 532 Holden Beach Road (NC 130)

Description: Applicant requests a Special Exception Permit for the expansion of an existing Campground consisting of 56 campsites on approximately 5.8 acres. Including this expansion, the Campground will consist of a total of 78 campsites on 8.6 acres.

9) Other Business.

10) Adjournment.

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
December 8, 2014

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

MEMBERS PRESENT

Steve Candler, Chair
Eric Dunham, Vice Chair
Cynthia Henry
Joy Easley
Troy Price
Randy Ward

MEMBERS ABSENT

Chris Stanley

STAFF PRESENT

Michael Hargett, Director
Helen Bunch, Zoning Administrator
Kirstie Dixon, Planner II
Connie Marlowe, Admin. Asst.
Marc Pages, Land Planner
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

Gregory Kot
James Price
John Hankins

Iris Bellamy
Lewis Dozier
Joe Johnson, Alternate

I. CALL TO ORDER.

The Chair called the meeting to order at 6:00 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE.

Mrs. Henry 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 10-NOV-14 MEETING.

Mr. Randy Ward noted a correction on page 6, under Item IX. (A) Bella Point PUD should reference Mark Stocks rather than ~~Mark Stines~~ as the Land Surveyor. Mrs. Henry noted a correction on page 1, last paragraph, should say the Chair said a prayer. With no further comments, Mr. Ward made a motion to approve the minutes with the noted corrections and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

There were none.

VI. PUBLIC COMMENT.

Mr. Lewis Dozier addressed the Board. He stated that he previously attended a meeting where someone spoke regarding the County's population being comprised of retirees and tourist. Mr. Lewis was concerned with the potential misconception. He stated that there are a variety of individuals living in the County and everyone should be taken into consideration in the decision-making process. He stated that he was pleased with the Planning Board's approach and he asked that they consider keeping the underprivileged in the area.

VII. REQUESTS FOR EXTENSION OF PLANNED UNIT DEVELOPMENT APPROVAL.

A. Brunswick Trails PUD (SE-175)

Ms. Dixon addressed the Board. She stated that this project was originally approved on 14-Jan-08 for an 882.16 acre tract consisting of 930 single-family lots and 671 multi-family units. Ms. Dixon said the project is set to expire in January 2015. She said the applicant is requesting a 2 year extension (attached). Ms. Dixon said a portion of the property is in Bolivia's jurisdiction, but the Board will only be approving that portion of the project in the unincorporated area of the County.

With no further comments, Mrs. Henry made a motion to approve a 2 year extension for Brunswick Trails PUD, and the motion was unanimously carried.

VIII. PUBLIC HEARING AND CONSIDERATION OF THE FOLLOWING REZONINGS.

The Chair explained the process the Board would take in regards to the Public Hearing. He asked that the public keep all comments brief and address the matter at hand. The Chair stated that those persons for or against the matter at hand will be given an opportunity to speak.

The Chair said once the Public Hearing portion is over, the public would not be allowed to address the Board on Public Hearing matters when the Board begins their discussion on the matter at hand. The Chair stated that when the Board makes their decision, the Board will make a

recommendation to the Board of Commissioners and they will make the final decision as to whether a request will be granted or denied.

A. Rezoning Z-723 – Kot Hostetler Architects (Gregory Kot)

Request to rezone 51.84 acres located off Mt. Pisgah Road SW (SR 1133) and at 1679 Empire Road SW (SR 1130) near Shallotte from RR (Rural Low Density Residential) and R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) and R-7500 (Medium Density Residential) for Tax Parcel 19900127.

Land Use Plan Map Amendment LUM-723:

Request to amend 26.87 acres located off Mt. Pisgah Road SW (SR 1133) and Empire Road SW (SR 1130) near Shallotte from LDR (Low Density Residential) to Commercial for a 10 acre portion of Tax Parcel 19900127 and Tax Parcels 19900102, 1990010203, 19900103, 19900124, 1990012402, and 1990012403 (added by staff).

Ms. Dixon addressed the Board. She read the Staff Report (attached). She identified the subject property and surrounding properties on a map displayed on an overhead projector.

Ms. Dixon said staff recommends approval from RR (Rural Low Density Residential) and R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) and R-7500 (Low Density Residential) for Tax Parcel 19900127 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map from LDR (Low Density Residential) to Commercial for a 10 acre portion of Tax Parcel 19900127 and Tax Parcels 19900102, 1990010203, 19900103, 19900124, 1990012402, and 199012403 (added by staff) located off Mt. Pisgah Road SW (SR 1133) and Empire Road SW (SR 1130) near Shallotte, NC.

Mrs. Henry asked staff if the minimum buffer requirements will differ since the property in question will be split-zoned? Ms. Dixon said the property is on one parcel and minimum buffers will be imposed based on how the property is developed and the adjoining use(s) to the developed area. Ms. Easley clarified that the property is a bona fide farm and Ms. Dixon concurred. Ms. Dixon said the property owner is currently receiving a tax deduction as a bona fide farm. Mr. Dunham asked about the property being split-zoned. Ms. Dixon said staff do not encourage split-zoning, but the applicant's intended use warrants different zoning districts on the same parcel.

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

Mr. Gregory Kot addressed the Board on behalf of the applicant. Mr. Kot said they intend to submit a comprehensive plan for the subject property if the zoning request is approved. He stated that the proposed use of the property will comply with the minimum requirements of the Brunswick County Unified Development Ordinance (UDO).

Mr. Arnold Dillon addressed the Board. Mr. Dillon said he is concerned with the potential use of the property as he has been told that low income housing is the anticipated use for the property. Mr. Dillon said if such occurs, he would request a fence be erected to buffer the applicant's use from his property that is north of the subject property.

Ms. Beverly Faircloth addressed the Board. Ms. Faircloth was concerned with commercial zoning being in the area in close proximity to her family's property (Tax Parcels 1990006410, 1990006411, 1990006403, 1990006408, and 1990006409), which is to the north of the subject property. She further stated that the majority of the property in the area is farmland. Ms. Easley

asked Ms. Faircloth if she knows the farming activity on the subject property? Ms. Faircloth replied, soybeans.

Mr. Charles Hassell, owner of Tax Parcel 1990012403, addressed the Board. Mr. Hassell was concerned with the future use of the property and the potential impact it could have on his printing business in the area.

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

Mrs. Henry asked staff if the commercial portion of the property is occupied? Ms. Dixon said that portion of the property is currently vacant.

There was an individual that asked if she could speak. Ms. Easley made a motion to re-open the Public Hearing and the motion was unanimously carried.

Ms. Jessie Dillon addressed the Board. Ms. Dillon expressed concern with what will be placed on the property. She stated that there are five generations of her family that will be impacted by the future use of said property.

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

Mrs. Henry asked staff if there will be a buffer between the applicant's property and the Dillons' property? Ms. Dixon replied, yes. Mr. Dunham asked staff to read some of the permitted uses in Neighborhood Commercial (NC) zone and Ms. Dixon read a list of permitted uses in the NC Zoning District.

The Board discussed the worksheet and concluded the following:

I. Will the uses permitted by the proposed change be appropriate for the area concerned?

The creation of C-LD is not appropriate as it creates a commercial node and split-zoning the property is not an appropriate recommendation by the Board. However, the R-7500 is appropriate for the area.

II. Does adequate public school facilities and other public services/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change?

Yes. This rezoning request is located in the Supply Elementary School District, which has adequate capacity; Cedar Grove Middle School District has adequate capacity; and West Brunswick High School District is out-of-capacity.

This rezoning is located in the Civietown Fire District.

Water is available by Brunswick County Utilities via a twelve inch (12") main off Empire Road SW (SR 1130) and Mt. Pisgah Road SW (SR 1133). Sewer is available by Brunswick County Utilities via a twenty inch (20") force main off Mt. Pisgah Road SW (SR 1133). It is the developer's responsibility to connect to the water and sewer systems.

This rezoning has access off Mt Pisgah Road SW (SR 1133) and Empire Road SW (SR 1130), which have no capacity deficiencies at this time. There are no North Carolina

Department of Transportation (NCDOT) Transportation Improvement Program (TIP)
Projects and Studies in this area.

III. Is the proposed change consistent with the CAMA Land Use Plan or any other adopted land use document?

No. However, an amendment has been requested. The R-7500 zoning is consistent with the CAMA Land Use Plan.

IV. Is the proposed amendment reasonable as it relates to the public interest?

There were objections from adjoining property owners and the proposed C-LD zoning is not appropriate for the area.

THEREFORE, on the basis of all the foregoing, Ms. Easley made a motion to recommend to the Board of Commissioners to deny Tax Parcel 19900127 from RR (Rural Low Density Residential) and R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) and R-7500 (Medium Density Residential). The motion was unanimously carried.

Mr. Hargett suggested that the Board consider rezoning the entire tract to R-7500 as the Board did not seem to object to the R-7500 zoning designation. The Board discussed rezoning the property to R-7500. Mr. Price made a motion to rezone the property to R-7500 and the motion was unanimously carried.

The applicant asked if he could re-address the Board. Attorney Batton said, if the Public Hearing is re-opened, another motion would have to be made. Mr. Price rescinded his motion.

After a brief discussion, Mr. Dunham made a motion to re-open the Public Hearing and the motion carried with the Chair opposing. Mr. Kot asked if the rezoning request can be withdrawn if his client does not want the entire tract rezoned to R-7500 prior to the Board of Commissioners' meeting? Ms. Dixon replied, yes.

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

Mr. Dunham made a motion to recommend to the Board of Commissioners to rezone Tax Parcel 19900127 from RR (Rural Low Density Residential) and R-7500 (Medium Density Residential) to R-7500 and the motion was unanimously carried.

B. Rezoning Z-724 – Iris Bellamy

Request to rezone 0.80 acres located at the corner of Bowman Street SW and Boones Neck Road SW (SR 1137) near Holden Beach, NC from MR-3200 (Multifamily Residential) to R-7500 (Low Density Residential) for Tax Parcel 2300007125.

Ms. Dixon addressed the Board. She read the Staff Report (attached). She identified the subject property and surrounding properties on a map displayed on an overhead projector.

Ms. Dixon said staff recommends approval from MR-3200 (Multifamily Residential) to R-7500 (Low Density Residential) for Tax Parcel 2300007125 located at the corner of Bowman Street SW and Boones Neck Road SW (SR 1137) near Holden Beach, NC.

Mrs. Henry made a motion to open the Public Hearing and the motion was unanimously carried. With no further comments, Mr. Ward made a motion to close the Public Hearing and the motion was unanimously carried.

The Board discussed the worksheet and concluded the following:

- I. Will the uses permitted by the proposed change be appropriate for the area concerned?

There is similar zoning nearby.

- II. Does adequate public school facilities and other public services/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change?

Yes. This rezoning request is located in the Supply Elementary School District, which has adequate capacity; Cedar Grove Middle School District has adequate capacity; and West Brunswick High School District is out-of-capacity.

This rezoning is located in the Tri-Beach Fire District.

Water is available by Brunswick County Utilities via a twelve inch (12") main off Boones Neck Road SW (SR 1137) and Bowman Street SW. Sewer is available by Brunswick County Utilities via a sixteen inch (16") force main off Boones Neck Road SW (SR 1137). It is the developer's responsibility to connect to the water and sewer systems.

This rezoning has access off Boones Neck Road SW (SR 1137) and Bowman Street SW, which have no capacity deficiencies at this time. There are no North Carolina Department of Transportation (NCDOT) Transportation Improvement Program (TIP) Projects and Studies in this area.

- III. Is the proposed change consistent with the CAMA Land Use Plan or any other adopted land use document?

Yes. The proposed change is consistent with the CAMA Land Use Plan.

- IV. Is the proposed amendment reasonable as it relates to the public interest?

There is similar zoning nearby and there were no objections from the public.

THEREFORE, on the basis of all the foregoing, Mr. Dunham made a motion to recommend to the Board of Commissioners to approve Tax Parcel 2300007125 from MR-3200 (Multifamily Residential) to R-7500 (Low Density Residential) located at the corner of Bowman Street SW and Boones Neck Road SW (SR 1137) near Holden Beach, NC. The motion was unanimously carried.

C. Rezoning Z-725 – James H. Price

Request to rezone 1.18 acres located at 1060 B-Var Road SW (SR 1211) near Holden Beach, NC from MR-3200 (Multifamily Residential) to C-LD (Commercial Low Density) for Tax Parcel 232LA001.

Ms. Dixon noted that the applicant is not present.

Ms. Dixon addressed the Board. She read the Staff Report (attached). She identified the subject property and surrounding properties on a map displayed on an overhead projector.

Ms. Dixon said staff recommends approval from MR-3200 (Multifamily Residential) to C-LD (Commercial Low Density) for Tax Parcel 232LA001 located at 1060 B-Var Road SW (SR 1211) near Holden Beach, NC.

Mr. Dunham asked staff which parcel the restaurant is located on? Ms. Dixon said the restaurant is housed on Tax Parcel 232LA00303. The Board discussed rezoning adjoining properties (Tax Parcel 232LA002 and 232LA00303) to Commercial Low Density (C-LD). Mr. Hargett said staff made an attempt to notify the other affected property owners (Tax Parcel 232LA002 and 232LA00303) to no avail. He felt that Tax Parcel 232LA002 may not be in agreement as there is currently a residential dwelling on that particular property and the tax value may increase should the zoning change to commercial from residential.

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

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

The Board discussed the worksheet and concluded the following:

- I. Will the uses permitted by the proposed change be appropriate for the area concerned?

There is similar zoning nearby.

- II. Does adequate public school facilities and other public services/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change?

Yes. This rezoning request is located in the Virginia Williamson Elementary School District, which has adequate capacity; Cedar Grove Middle School District has adequate capacity; and West Brunswick High School District is out-of-capacity.

This rezoning is located in the Tri-Beach Fire District.

Water is available by Brunswick County Utilities via an eight inch (8") main off B-Var Road SW (SR 1211) and Bowman Street SW. Sewer is not available at this time. It is the developer's responsibility to connect to the water system.

This rezoning has access off B-Var Road SW (SR 1211), which has no capacity deficiencies at this time. There are no North Carolina Department of Transportation (NCDOT) Transportation Improvement Program (TIP) Projects and Studies in this area.

- III. Is the proposed change consistent with the CAMA Land Use Plan or any other adopted land use document?

Yes. The proposed change is consistent with the CAMA Land Use Plan.

- IV. Is the proposed amendment reasonable as it relates to the public interest?

There is similar zoning nearby.

THEREFORE, on the basis of all the foregoing, Mrs. Henry made a motion to recommend to the Board of Commissioners to approve Tax Parcel 232LA001 from MR-3200 (Multifamily Residential) to C-LD (Commercial Low Density) located at 1060 B-Var Road SW (SR 1211) near Holden Beach, NC. The motion was unanimously carried.

IX. OTHER BUSINESS.

The Chair said staff has provided the 2015 Planning Board schedule. Mr. Ward made a motion to adopt the 2015 Planning Board schedule and the motion was unanimously carried.

X. ADJOURNMENT.

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

DRAFT

REZONING STAFF REPORT

Date: January 12, 2015

Case#: Z-726

Tax Parcel(s): 2290003205, 22900003208, 2290003217, 22900044, 2290004402,
2290004404, 2290004405, 2290004503, and a portion of 2290005201

Acreage: 192.33

Applicant(s): Brunswick County Planning & Community Development (Ocean Hwy near Shallotte)



APPLICATION OVERVIEW:

The Brunswick County Planning & Community Development recommends rezoning Tax Parcels 2290003205, 2290003208, 2290003217, 22900044, 2290004402, 2290004404, 2290004405, 2290004503, and a portion of 2290005201 to R-7500 and IG and update the Land Use Map from undesignated and Industrial to Industrial and LDR (Low Density Residential). A portion of rezoning site was deannexed from the Town of Shallotte as part of Session Law 2014-68 (SB 846) and therefore does not have a zoning or land use designation. That property was previously zoned MF-10 (Multi-Family Residential District) under Shallotte's Zoning Jurisdiction. The owners have been notified of the proposed rezoning and land use plan amendment via certified and first class mail. Adjacent owners have been notified of the proposed rezoning and land use plan amendment via first class mail.

ZONING ANALYSIS

Proposed Zoning Request:

From: Undesignated & IG (Industrial General)

To: IG (Industrial General) & R-7500 (Medium Density Residential)

R-7500 (Medium Density Residential)

"The R-7500, R-6000, and SBR-6000 districts are established to provide for orderly suburban residential development. A limited number of commercial and civic uses are allowed, subject to the restrictions necessary to preserve and protect the residential character of the neighborhood. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities. Due to the higher intensity developments contained in this district, it is intended to be applied to properties served by public sewer and water systems."

IG (Industrial General)

"The I-G District is intended to provide locations for enterprises engaged in a broad range of manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise or equipment. Lands in this District are to be located on or near Major Thoroughfares as identified in the Major Thoroughfare Plan or Cooperative Transportation Plan; to rail service; and to in-place infrastructure such as water, sewer, and/or natural gas."

SURROUNDING AREA ZONING DESIGNATIONS:

North: IG & R-7500

South: IG, R-7500, & R-6000 & Shallotte's Jurisdiction (MF-10 Multi-Family Residential District)

East: IG & R-7500

West: NC & R-7500

PROJECT BOUNDARY BUFFERS: NO CHANGE

| MINIMUM REQUIRED PROJECT BOUNDARY BUFFER* | | | | |
|---|--|---|---|---|
| Required Opacity | Alternative 1 | Alternative 2 | Alternative 3 Plantings + 6-Foot Fence | Alternative 4 Plantings + 6-Foot Wall |
| 0.2 | 10 feet 1 canopy 1 understory 7 shrubs | 10 feet 1 canopy 2 understory 3 shrubs | Not available | Not available |
| 0.4 | 20 feet 2 canopy 4 understory 25 shrubs | 20 feet 2 canopy 6 understory 9 shrubs | Not available | Not available |
| 0.6 | 30 feet 3 canopy 6 understory 34 shrubs | 30 feet 3 canopy 8 understory 13 shrubs | 20 feet 0 canopy 3 understory 3 shrubs | 15 feet 0 canopy 3 understory 3 shrubs |
| 0.8 | 50 feet 5 canopy 7 understory 43 shrubs | 50 feet 4 canopy 10 understory 17 shrubs | 35 feet 0 canopy 5 understory 7 shrubs | 25 feet 0 canopy 5 understory 7 shrubs |
| 1.0 | 80 feet 5 canopy 8 understory 49 shrubs | 80 feet 4 canopy 11 understory 19 shrubs | 60 feet 0 canopy 5 understory 7 shrubs | 40 feet 5 canopy 0 understory 9 shrubs |

* Buffer Depths and Plants Required Per 100 Linear Feet

LAND USE ANALYSIS

Current Surrounding Area Land Use(s):

- Agricultural/Conservation/Forestry Lands Vacant/Undeveloped Property
 Residential Commercial Industrial Institutional Utility

Brunswick County CAMA Land Use Plan Land Use Classification: Undesignated & Industrial

- Consistent with the Land Use Plan Map Not Consistent with Land Use Plan Map

Brunswick County CAMA Land Use Plan policies affecting this rezoning:

- P.15 states that Brunswick County supports greater residential densities in areas that are accessible to water and sewer service(s). Agricultural and low-density residential land uses should be located in areas that do not have central water or sewer service.
- P.49 states that Brunswick County supports directing more intensive land uses to areas that have existing or planned infrastructure.
- P.107 states that Brunswick County encourages clean industry in locations where appropriate services can be provided, where transportation facilities are adequate, where environmental impacts can be fully mitigated, and where surrounding land uses are compatible.
- 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.

Capital Improvement Plan (CIP):

- CIP Projects No CIP Projects

| CIP Project(s) | Scheduled |
|-------------------------------|----------------|
| New Lincoln Elementary School | FY 2017 |
| New Town Creek Middle School | FY 2017 |
| Vocational High School | FY 2018 & 2019 |
| Shallotte Park | FY 2018 & 2019 |

Future Surrounding Areas Land Use(s):

The area surrounding this rezoning request has been experiencing some changes based upon recent land development activities submitted to the Brunswick County Planning Department. Several developments (Glenn Kirk Major Subdivision, Saucepan Bay Major Subdivision, Ocean Isle Palms PUD, and Tidewater PUD) have been approved in the area totaling 1,158 units. *The Town of Shallotte is located next to the rezoning site.*

The rezoning is comprised of nine parcels. Tax Parcels 2290003205, 2290004404, and 2290004405 are vacant. Tax Parcels 2290003208, 2290003217, 22900044, and 2290004402 are being used for residential purposes. Tax Parcels 2290004503 has a cell tower and residential.

INFRASTRUCTURE AND SERVICE IMPACTS

SCHOOL CAPACITY:

| <u>Elementary School:</u> <u>Union</u> | <u>Middle School:</u> <u>Shallotte</u> | <u>High School:</u> <u>West Brunswick</u> |
|---|---|---|
| <input checked="" type="checkbox"/> Adequate Capacity | <input checked="" type="checkbox"/> Adequate Capacity | <input type="checkbox"/> Adequate Capacity |
| <input type="checkbox"/> Two-Year Capacity Warning | <input type="checkbox"/> Two-Year Capacity Warning | <input type="checkbox"/> Two-Year Capacity Warning |
| <input type="checkbox"/> Out-of-Capacity | <input type="checkbox"/> Out-of-Capacity | <input checked="" type="checkbox"/> Out-of-Capacity |

MAJOR ROADWAY IMPACTS:

ROAD ACCESS AND CAPACITY: **Wilmington MPO** **Grand Strand MPO**

| <u>Roads</u> | <u>Capacity Deficiencies</u> |
|---------------------|------------------------------|
| Todd Road (SR 1147) | None |

NC DOT PROJECTS AND STUDIES: **NONE**

UTILITIES:

CURRENT WATER AND SEWER AVAILABILITY

WATER: Not Available Available

PROVIDER:

Brunswick County Utilities

Brunswick Regional Water & Sewer District (H₂GO)

Southeast Brunswick Sanitary District

SEWER: Not Available Available

It is the developer's responsibility to connect to the water systems.

SIZE OF WATER LINE: 8-inch
LOCATION: Todd Road

ENVIRONMENTAL IMPACTS

- Located within a FEMA Flood Hazard Zone (AE & Shaded X).
- Located near a watercourse/water body (Little Saucepan Creek).
- Located in the Lockwood Folly Watershed and in the area of the *Lockwood Folly River Water Quality Study*. The Brunswick County Board of Commissioners have accepted the Lockwood Folly River Roundtable Strategy report.
- Located in a Significant Natural Heritage Area.

OTHER SITE CONSIDERATIONS

- | | |
|--|--|
| <input checked="" type="checkbox"/> Will correct a split zoning on a parcel(s). | <input type="checkbox"/> Located within a growth corridor. |
| <input type="checkbox"/> Potentially could create a <i>spot zoning</i> . | <input type="checkbox"/> Classified as a Bona Fide Farm. |
| <input checked="" type="checkbox"/> Located near IG & R-7500 zoned property. | <input checked="" type="checkbox"/> Located within a Fire District (Shallotte Point). |
| <input type="checkbox"/> Located in an Overlay Zoning District. | <input checked="" type="checkbox"/> Located within 1/2 mile of a Voluntary Agricultural District (VAD) |
| <input checked="" type="checkbox"/> Located near other property designated as Industrial and LDR in the <i>Brunswick County CAMA Land Use Plan</i> . | <input checked="" type="checkbox"/> Cemetery located near the rezoning (Register Cemetery). |
| | <input type="checkbox"/> Historic Site(s) known to be located near the rezoning. |

STAFF RECOMMENDATION SUMMARY

Staff recommends ***APPROVAL TO IG AND R-7500 IN CONJUNCTION WITH A LAND USE PLAN AMENDMENT TO INDUSTRIAL AND LDR*** based upon information provided, surrounding area, current uses, the Brunswick County CAMA CORE Land Use Plan, and other adopted Brunswick County plans and policies.

Case No. Z-726

COUNTY OF BRUNSWICK
REZONING REQUEST
FINDINGS
BOARD CONSIDERATION WORKSHEET

Applicant: Brunswick County Planning & Community Development

Owner: Delane Todd, Doris Scott, Mechelle Willoughby and Robin Todd, Betty Ridgeway, Lake Serene LLC, Scott Byrd, Deirdre Todd, Todd Farms LLC

Property Location: Located at 4237, 4249, 4311, 4335, 4415, 4489, 4489, 4495, 4569, and 4651 Todd Road SW (1147), Shallotte NC 28470

Tax Parcel #(s): 2290003205, 22900008, 2290003217, 22900044, 2290004402, 2290004404, 2290004405, 2290004503, and a portion of 2290005201

I. Will the uses permitted by the proposed change be appropriate for the area concerned?

II. Does adequate public school facilities and other public facilities/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change?

III. Is the proposed change consistent with the CAMA Land Use Plan or any other adopted land use document?

IV. Is the proposed amendment reasonable as it relates to the public interest?

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

Planning Board recommends: Approval Denial

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

SESSION LAW 2014-68
SENATE BILL 846

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF SHALLOTTE AND TO CLARIFY THE TOURISM DEVELOPMENT AUTHORITY REQUIREMENTS PERTAINING TO THE OCCUPANCY TAX AUTHORIZED FOR THE TOWN OF SOUTHPORT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The following described property is removed from the corporate limits of the Town of Shallotte:

FIRST TRACT:

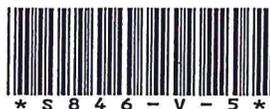
BEING all of that certain tract or parcel containing 15.60 acres more or less as more fully described in a survey plat dated 4 January 2005, revised 21 February 2005 entitled "Survey for Charles Andrew Russ of 15.60 acres" prepared by James R. Tompkins, PLS, and recorded in Map Cabinet 32, Page 163 in the Office of the Register of Deeds for Brunswick County, North Carolina which plat reference is made and which is incorporated herein for greater certainty of description of said property.

SECOND TRACT:

BEING all right, title and interest of Grantor in and to that certain road right-of-way and easement as more fully described in an instrument dated 29 November 2000 from Slickrock Development, LLC to Register Estate Corporation recorded in Deed Book 1419, Page 51 in the Office of the Register of Deeds for Brunswick County, North Carolina which right-of-way and easement connects the northern line of the property herein conveyed with State Road 1147 (Todd Road) as more fully shown and described in said easement and in the plate hereinabove referenced. Reserving and preserving nevertheless a non-exclusive right-of-way and easement for ingress, egress and regress between State Road 1147 (Todd Road) and the Register Cemetery in favor of the Representatives and/or Trustees of the Register Cemetery and family members thereof as more fully described in an instrument recorded in Deed Book 1419, Page 46, Brunswick County Registry.

THIRD TRACT:

That certain Tract of land being in Lockwood Folly Township, Brunswick County, North Carolina, said Tract being the Tracts described in deed book 2086 page 215 and deed book 2415 page 511 of the Brunswick County Register of Deeds and being more fully described as follows: Commencing at NCGS monument Sauce Reset, said monument having Nad 83 grid coordinates of North 70,535.97 and East 2,178,838.44; thence South 73°54'24" East a distance of 7629.15 feet to NCGS monument B 161 Reset, said monument having Nad 83 grid coordinates of North 68,420.48 and East 2,186,168.62; thence South 44°28'15" West, a distance of 2089.53 feet an iron rod found, the true Point of Beginning. Thence from the Point of Beginning, South 08°55'07" West, a distance of 204.17 feet to a point; thence South 07°07'05" East, a distance of 95.22 feet to a point; thence South 11°57'21" East, a distance of 283.58 feet to a point; thence North 05°39'18" East, a distance of 104.98 feet to an iron rod found; thence North 89°36'15" East, a distance of 223.85 feet to an iron rod found; thence South 07°57'04" East, a distance of 68.60 feet to a point; thence South 07°57'04" East, a distance of 104.44 feet to a point; thence South 51°07'43" East, a distance of 264.88 feet to a point; thence South 42°58'09" East, a distance of 408.71 feet to a point on the western right of way of Bay Road (60' ROW); thence with said right of way, South 19°16'42" West, a distance of 72.77 feet to a point; thence leaving said right of way, North 54°11'34" West, a distance of 103.79 feet to a point; thence North 47°01'40" East, a distance of 124.55 feet to a point; thence North 42°58'20" West, a distance of 319.33 feet to a point; thence South 41°15'52" West, a



distance of 151.16 feet to a point; thence North 51°07'02" West, a distance of 121.56 feet to a point; thence South 37°25'11" West, a distance of 134.79 feet to a point; thence South 37°25'11" West, a distance of 123.96 feet to a point; thence South 40°42'01" West, a distance of 58.59 feet to a point; thence South 46°34'05" West, a distance of 46.09 feet to a point; thence South 50°42'25" West, a distance of 28.18 feet to a point; thence South 48°33'52" East, a distance of 112.43 feet to a point; thence South 41°15'52" West, a distance of 119.66 feet to a point; thence South 14°48'49" East, a distance of 50.33 feet to a point; thence South 76°16'18" West, a distance of 448.29 feet to a point; thence South 76°29'21" West, a distance of 251.75 feet to a point; thence North 18°38'59" West, a distance of 288.42 feet to a point; thence South 73°47'59" West, a distance of 57.92 feet to a point; thence South 71°59'06" West, a distance of 162.40 feet to a point; thence South 76°50'13" West, a distance of 168.30 feet to a point; thence South 87°14'55" West, a distance of 51.88 feet to a point; thence North 66°29'30" West, a distance of 100.71 feet to a point; thence North 68°42'36" West, a distance of 108.06 feet to a point; thence North 06°12'56" East, a distance of 352.96 feet to a point; thence North 06°01'47" East, a distance of 448.48 feet to a point; thence South 76°32'40" West, a distance of 77.30 feet to a point; thence South 65°55'40" West, a distance of 271.81 feet to a point; thence South 74°57'40" West, a distance of 323.67 feet to a point; thence North 02°42'40" East, a distance of 49.10 feet to a point; thence North 83°51'24" West, a distance of 234.44 feet to a point; thence North 02° 20'49" East, a distance of 1237.35 feet to a point; thence South 68°27'50" East, a distance of 587.44 feet to a point; thence South 70°59'01" East, a distance of 40.77 feet to a point; thence South 68°09'35" East, a distance of 46.56 feet to a point; thence South 72°19'06" East, a distance of 65.62 feet to a point; thence South 73°33'49" East, a distance of 60.29 feet to a point; thence South 67°11'59" East, a distance of 485.15 feet to a point; thence North 15°05'18" East, for a distance of 190.95 feet; thence North 88°02'30" East, for a distance of 152.36 feet; thence North 87°02'30" East, for a distance of 133.34 feet; thence South 02°07'24" West, for a distance of 301.81 feet; thence South 02°07'24" West, for a distance of 50.22 feet; thence South 82°29'10" East, a distance 471.74 feet to the Point of Beginning, containing 69.14 acres, more or less as shown on a plat prepared by McKim & Creed, entitled Annexation Plat of Four existing Tracts of Land Equaling 69.14 Acres and dated February 22, 2007.

FOURTH TRACT:

A certain tract or parcel of land lying and being in Lockwood Folly Township, Brunswick County, North Carolina and being that certain tract as described in Deed Book 1258, Page 691, Records of Brunswick County and being more particularly described as follows: Beginning at an iron stake set on the southern right-of-way of U.S. 17 (R/W varies), said iron being located by the following tie traverse: Commencing on an existing tack at the intersection of centerlines of the southbound lane of said U.S. 17 and S.R. 1131 and runs thence North 70 degrees 27 minutes 18 seconds 2703.03 feet to an existing N.C.D.O.T. Right-of-way Monument (Sta. No. 1096+00) located on the aforesaid southern right-of-way of U.S. 17; thence with said right-of-way North 67 degrees 22 minutes 39 seconds East 92.28 feet to the Point and Place of Beginning and proceeds from said beginning and with said right-of-way North 67 degrees 22 minutes 39 seconds East 279.92 feet to an iron stake set, said iron being located South 67 degrees 22 minutes 39 seconds West 142.37 feet from an existing N.C.D.O.T. Right-of-Way Monument (Sta. No. 1101+14.52); thence leaving said right of way South 07 degrees 19 minutes 26 seconds East 804.50 feet to an existing iron; thence North 73 degrees 42 minutes 42 seconds West 347.57 feet to an existing iron pipe; thence North 02 degrees 38 minutes 20 seconds West 593.41 feet to the beginning and contains 4.73 acres and being according to a survey by Jimmy D. Etheridge, P.L.S. dated January 13, 1999.

FIFTH TRACT:

Beginning at a point being a concrete monument in the south R/W of SR 1147, Todd Road SW, and located North 77 degrees 10 minutes 41 Seconds West a distance of 1,962.18 feet from a nail in the intersection of SR 1147 and SR 1151; Thence from said beginning point leaving said R/W and with property line of Denney B. Stevens South 08 degrees 04 minutes 57 seconds West a distance of 1237.00 feet to an existing iron rod, thence continuing with Stevens South 08 degrees 10 minutes 53 seconds West a distance of 309.67 feet to an existing iron rod, a corner to Stevens and Weldon Todd, thence with Todd North 61 degrees 24 minutes 28 seconds West a distance of 392.55 feet to an existing iron rod, a corner to Todd and J.P. Russ, thence with Russ North 61 degrees 39 minutes 15 seconds West a distance of 573.26 feet to an existing iron rod, a corner to J.P. Russ and Charles A. Russ, thence with Russ North 61 degrees 39 minutes 15 seconds West a distance of 570.78 feet to a

right-of-way disc, thence South 19 degrees 38 minutes 53 seconds West a distance of 206.14 feet to a point, thence South 17 degrees 53 minutes 40 seconds West a distance of 240.01 feet to an existing iron rod (bent) a corner to Russ and Albert Joyner heirs, thence with Joyner North 80 degrees 06 minutes 43 seconds West a distance of 923.21 feet to an existing iron rod, a corner to Clifton Black, thence with Black North 09 degrees 50 minutes 38 seconds East a distance of 342.72 feet to an existing iron rod, a corner to James Johnson Heirs, thence with Johnson North 88 degrees 25 minutes 20 seconds East a distance of 537.45 feet, to an existing iron rod on line at the edge of a pond, continuing 226.50 feet, a total of 763.95 feet to a point in said pond, thence North 28 degrees 01 minutes 46 seconds West a distance of 49.19 feet, thence North 63 degrees 13 minutes 04 seconds West a distance of 87.66 feet, thence North 15 degrees 21 minutes 19 seconds West a distance of 558.73 feet to an existing iron rod, thence North 01 degrees 17 minutes 20 seconds East a distance of 150.64 feet to a new iron rod set, thence North 07 degrees 56 minutes 05 seconds West a distance of 210.49 feet to a new iron rod set, thence north 12 degrees 46 minutes 53 seconds West a distance of 155.08 feet to a new iron rod set, thence North 04 degrees 16 minutes 12 seconds East a distance of 135.74 feet to an existing iron rod, thence North 04 degrees 10 minutes 30 seconds East a distance of 300.82 feet to an existing iron rod (bent) located in the south R/W of Todd Road, thence with said R/W South 87 degrees 50 minutes 36 seconds East a distance of 70.63 feet to a new iron rod set, thence South 84 degrees 19 minutes 43 seconds East a distance of 55.97 feet to a new iron rod set, thence South 81 degrees 12 minutes 50 seconds East a distance of 56.59 feet to a new iron rod set, thence south 78 degrees 11 minutes 43 seconds East a distance of 55.49 feet to a new iron rod set, thence South 75 degrees 34 minutes 28 seconds East a distance 58.13 feet to a new iron rod set, thence south 74 degrees 03 minutes 29 seconds East a distance of 59.35 feet to a new iron rod set, thence South 73 degrees 29 minutes 54 seconds East a distance of 76.51 feet to a new iron rod set, thence South 73 degrees 10 minutes 12 seconds East a distance of 102.57 feet to a new iron rod set, thence South 73 degrees 13 minutes 13 seconds East a distance of 82.02 feet to a new iron rod set, thence 71 degrees 32 minutes 02 seconds East a distance of 118.04 feet to a new iron rod set, thence South 67 degrees 15 minutes 09 seconds East a distance of 106.89 feet to a new iron rod set, thence South 63 degrees 53 minutes 32 seconds East a distance of 120.40 feet to a new iron rod set, thence South 62 degrees 07 minutes 15 seconds East a distance of 127.54 feet to a concrete monument, thence south 62 degrees 50 minutes 29 seconds East a distance of 1,775.38 feet to the place and point of beginning. Excepted from this boundary is an interior parcel known as the Register Cemetery with description as follows: Beginning at an existing iron rod in the west side of a 20 foot easement recorded in the Brunswick county registry at Deed Book 644, page 493 said iron rod located South 12 degrees 52 minutes 09 seconds West a distance of 552.31 feet from the R/W of Todd Road, thence along west side of said easement South 12 degrees 28 minutes 32 seconds West a distance of 211.08 feet to an existing iron rod, thence North 83 degrees 32 minutes 05 seconds West a distance of 131.97 feet to an existing iron rod, thence leaving said easement North 61 degrees 47 minutes 06 seconds West a distance of 12.04 feet to an existing iron rod, thence North 10 degrees 27 minutes 26 seconds East a distance of 180.92 feet to an existing iron rod, thence North 87 degrees 10 minutes 30 seconds East a distance of 154.69 feet to the place and point of beginning. Together with and subject to covenants, easements and restrictions of record. Said property contains 79.48 acres, more or less. Also this property is subject to easements as recorded in the Brunswick county registry at Deed Book 1419, page 52 and Deed book 644, page 493 and a lease with easement as recorded at Deed book 1957, page 769. For a more accurate description reference is hereby made to a plat of survey for William L. Smith dated August 14, 2006.

SECTION 1.(b) This section has no effect upon the validity of any liens of the Town of Shallotte for ad valorem taxes or special assessments outstanding before the effective date of this section. Such liens may be collected or foreclosed upon after the effective date of this section as though the property were still within the corporate limits of the Town of Shallotte.

SECTION 1.(c) This section becomes effective July 31, 2014.

SECTION 2.(a) Section 1(e) of Chapter 639 of the 1989 Session Laws, as amended by S.L. 2002-129, reads as rewritten:

"(e) Distribution and use of tax revenue. – The-Until the Southport Board of Aldermen adopts a resolution levying a room occupancy tax under subsection (a1) of this section, the City of Southport shall use at least two-thirds of the funds to promote travel and tourism in

Southport and shall use the remainder for tourism-related expenditures. When the Southport Board of Aldermen adopts a resolution levying a room occupancy tax under subsection (a1) of this section, City of Southport shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Southport Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Southport and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the city of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a city or to attract tourists or business travelers to the city. The term includes tourism-related capital expenditures."

SECTION 2.(b) Section 1.2 of Chapter 639 of the 1989 Session Laws, as enacted by S.L. 2002-129, reads as rewritten:

"**Sec. 1.2. Southport Tourism Development Authority.** – When the Southport Board of Aldermen adopts a resolution levying a room occupancy tax under subsection (a1) of Section 1 of this act, it shall also adopt a resolution creating a city Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the city, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the city. The Board of Aldermen shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Southport shall be the ex officio finance officer of the Authority."

SECTION 2.(c) Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 10th day of July, 2014.

s/ Daniel J. Forest
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

BRUNSWICK COUNTY PLANNING AND COMMUNITY DEVELOPMENT
PO BOX 249
BOLIVIA NC 28422
910-253-2025/1-800-621-0609/910-253-2437(fax)

REZONING APPLICATION FORM

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.

Leave blank - to be completed by Planning Department staff

DATE RECEIVED: 12-5-14

CASE: Z- 726

RECEIVED
DEC 05 2014

RECEIPT #: N/A

- FEE: \$300 (<5.00 acres)
 \$500 (5.00 to 49.99 acres)
 \$750 (50.00 to 99.99 acres)
 \$1,000 (>100 acres)
 \$200 (Land Use Amendment Request)

LAND USE PLAN CONSISTENCY:
 Consistent with Future Land Use Plan
 NOT Consistent with Land Use Plan and a Land Use Amendment is Required
Current Land Use Classification: NONE
Requested Land Use Classification: Industrial and LDR

Contact Information:

Brunswick Co.
Applicant/Agent: Planning and Community Development
(This person will be the contact person and will receive all mailings)

Address: P.O. Box 249, Bolivia, NC 28422

Phone: 910/253-2025 Fax: 910/253-2437

Email: plan@brunswickcounty.nc.gov

Property Owner(s): See Attached
(If the owner is different than the applicant)

Address: _____

Phone: _____ Fax: _____

Email: _____

Property Information:

Property Location/Address(es): See Attached

Tax Parcel Identification Number(s): See Attached

Current Use of Property(ies): See Attached

Acreage to be Rezoned: Approx. 192.33

Zoning Information:

Current Zoning District(s): Undesignated and IG

Requested Zoning District(s): IG and R-7500

Purpose of Zoning Change (optional): _____

Spot Zoning Statement:

In the space below, please indicate whether the proposed rezoning will or will not constitute a spot zoning and explain why the proposed rezoning will or will not constitute a spot zoning (For more information on spot zoning, refer to the attachment on spot zoning).

This rezoning will not constitute a spot zoning because there is adjacent R-7500 and IG zoning.

BRUNSWICK COUNTY CAMA LAND USE PLAN CONSISTENCY

All rezoning requests must be consistent with the Brunswick County CAMA Land Use Map

Current Land Use Classification(s): Undesignated and Industrial

This rezoning request is: Consistent with the CAMA Land Use Map.

NOT consistent with the CAMA Land Use Map.

IF THE REZONING REQUEST IS NOT CONSISTENT WITH THE CAMA LAND USE MAP:

A Land Use Map Amendment is **REQUIRED**. All rezoning requests **MUST BE CONSISTENT** with the Brunswick County CAMA Land Use Map and/or the Brunswick County CAMA Land Use Plan. All Land Use Amendments must be consistent with one or more of the adopted Land Use Plan Policies located within the Brunswick County CAMA Land Use Plan Update document and/or demonstrate a change in the character of the area that warrants a departure from the adopted Land Use Plan. In the space below, please explain why the proposed Land Use Amendment will be consistent with the Brunswick County CAMA Land Use Plan and how the character of the area has changed (A copy of the Brunswick County CAMA Land Use Plan and Map can be obtained online at www.brunswickcountync.gov).

Undesignated needs a designation. existing

Requested Land Use Classification(s): Industrial and LDR

With my signature, I certify that I have read the application guidelines below and I have submitted *one (1) folded* copies of a recent plat or survey of the property(ies) and/or area requested to be rezoned. I UNDERSTAND THAT MY REZONING REQUEST MUST BE CONSISTENT WITH THE LAND USE PLAN MAP AND/OR CAMA LAND USE PLAN. *I also understand that incomplete applications will result in a delayed review of the application and rezoning process.*

Kintie D. J.

Applicant Signature

Date

Owner Signature

Date

APPLICATION GUIDELINES

1. All applications must be submitted with:
 - A. A **non-refundable** application fee; and
 - B. **One (1) folded copy** of a recent plat of survey or other map showing the location and dimensions of the subject property. All property lines and dimensions must be visible.
2. All rezoning requests **MUST BE CONSISTENT** with the Future Land Use Map and/or the CAMA Land Use Plan. If the application is not consistent, the applicant should seek an amendment to the Future Land Use Map and/or CAMA Land Use Plan prior to moving forward with the rezoning request.
3. All rezoning requests for rezoning must be received in the Planning Department office per the Rezoning Deadline Schedule. **DUE TO GROWTH-RELATED ACTIVITY, FINAL SCHEDULING OF REQUESTS WILL BE MADE FOLLOWING THE SUBMITTAL OF THE REQUEST.**
4. Rezoning Review Process:
 - A. Rezoning requests are first reviewed by the Brunswick County Planning Department for consistency with Future Land Use Map and/or the CAMA Land Use Plan. The Planning Department will then make a recommendation to the Brunswick County Planning Board.
 - B. The Brunswick County Planning Board then reviews the request and holds a public hearing for public comment. The Planning Board makes a recommendation to the Board of Commissioners. The Planning Board may recommend the request be approved as submitted, approved with conditions, denied, or deferred to a later meeting.
 - C. The Brunswick County Board of Commissioners then reviews the request and determines whether to conduct their own public hearing on the request. A public hearing is then conducted. The Board of Commissioners have the final determination. The request may be approved as submitted, approved with conditions, denied, or deferred to a later meeting.
5. Planning Board meetings are normally held the second Monday of the month at 6:00 P.M. in the Commissioners' Chambers at the Brunswick County Government Center.
6. Brunswick County Planning Board policy requires attendance of the applicant (or his/her representative) at the Planning Board public hearing.
7. The Brunswick County Board of Commissioners normally hear rezoning cases the third Monday of the month at 6:00P.M. in the Commissioners' Chambers at the Brunswick County Government Center.

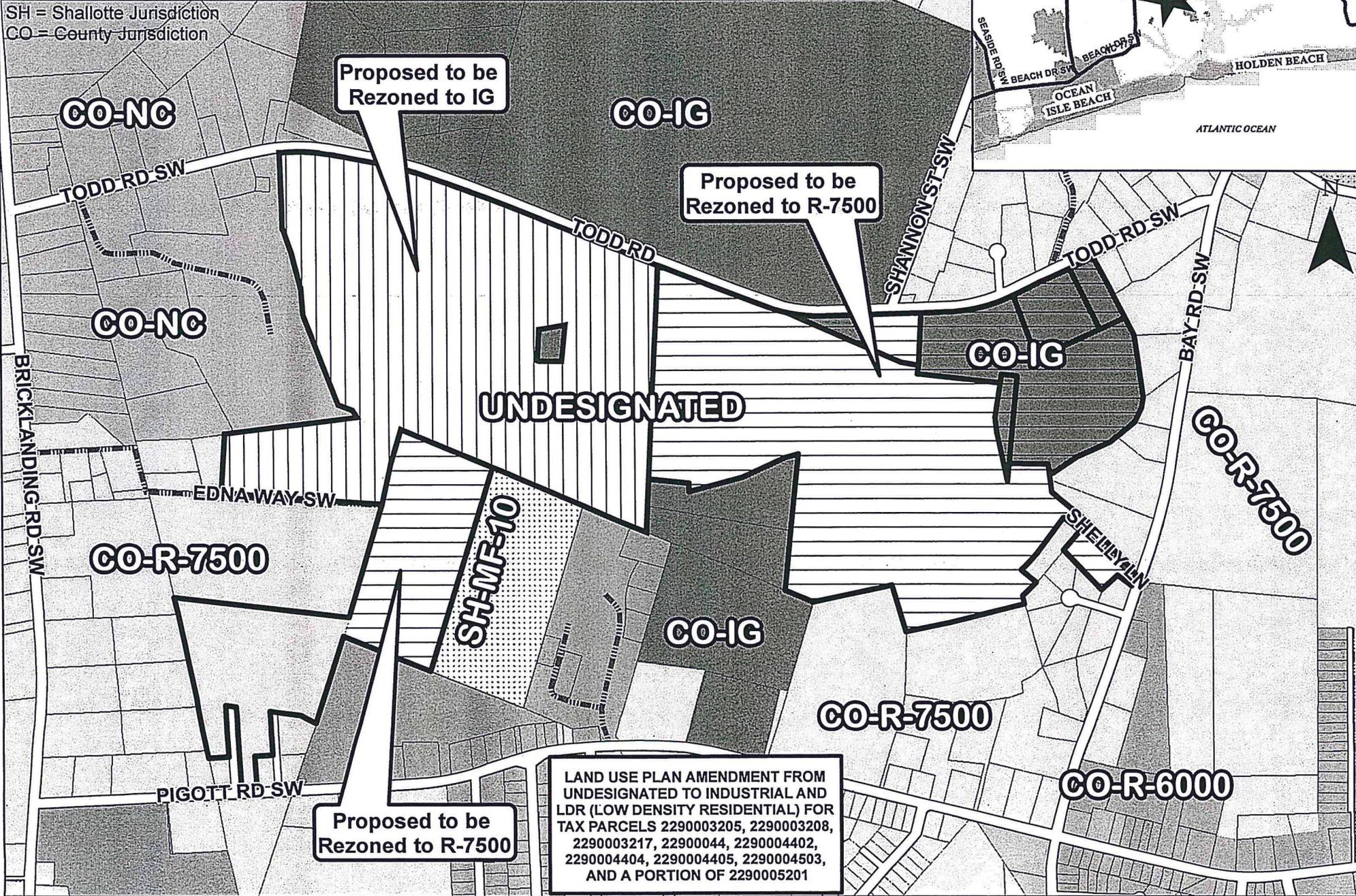
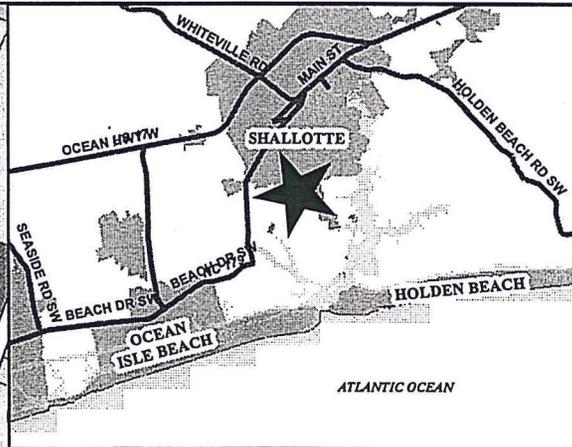
Property Owners

| Parcel | Property Address | Current Use | Existing Zoning | Proposed Zoning | Acreage | Owner | Address1 | Address2 | City | State | Zip Code |
|------------------------------|--------------------------|----------------------------|---------------------|-----------------|---------------|------------------------------------|---------------|-------------------------|------------|-------|----------|
| 2290003217 | 4237 Todd Rd | Residential | IG | R-7500 | 1.41 | WILLOUGHBY MECHELLE & ROBIN TODD | | 57 TODD RD | BLADENBORO | NC | 28320 |
| 2290003208 | 4249 Todd Rd | Residential | IG | R-7500 | 3.61 | TODD EDDIE DELANE ETUX DEIRDRE LEE | | PO BOX 511 | SHALLOTTE | NC | 28459 |
| 2290004404 | 4311 Todd Rd | Vacant | <i>Undesignated</i> | R-7500 | 1.8 | LAKE SERENE LLC | | 4 BRIERWOOD ROAD | SHALLOTTE | NC | 28470 |
| 2290003205 | --- | Vacant | IG | R-7500 | 16.42 | TODD MAGALENE TRUSTEE | % DELANE TODD | PO BOX 511 | SHALLOTTE | NC | 28459 |
| 2290004405 | --- | Vacant | IG | R-7500 | 1.04 | PHELPS JERRY M ETALS | % DORIS SCOTT | 1368 SCOTT LANE | SHALLOTTE | NC | 28470 |
| 22900044 | 4415 Todd Rd | Residential | IG | R-7500 | 67.33 | LAKE SERENE LLC | | 4 BRIERWOOD ROAD | SHALLOTTE | NC | 28470 |
| 2290004402 | 4335 Todd Rd | Residential | IG | R-7500 | 0.97 | RIDGEWAY BETTY M | | 4335 TODD ROAD SW | SHALLOTTE | NC | 28470 |
| 2290004503 | 4489, 4495, 4651 Todd Rd | Cell Tower and Residential | <i>Undesignated</i> | IG | 79.51 | BYRD SCOTT ETUX ADRIENNE | | 10922 CRIDER COURT | BRISTOW | VA | 20136 |
| 2290005201 (a portion of) | 4569 Todd Rd | Agriculture | <i>Undesignated</i> | R-7500 | 15.52 | TODD ROAD FARMS LLC | | 1286 RIVERBEND DRIVE SW | SHALLOTTE | NC | 28470 |
| | | | | | Total: | 187.61 | | | | | |

Rezoning Case Z-726

Undesignated & IG to R-7500 & IG

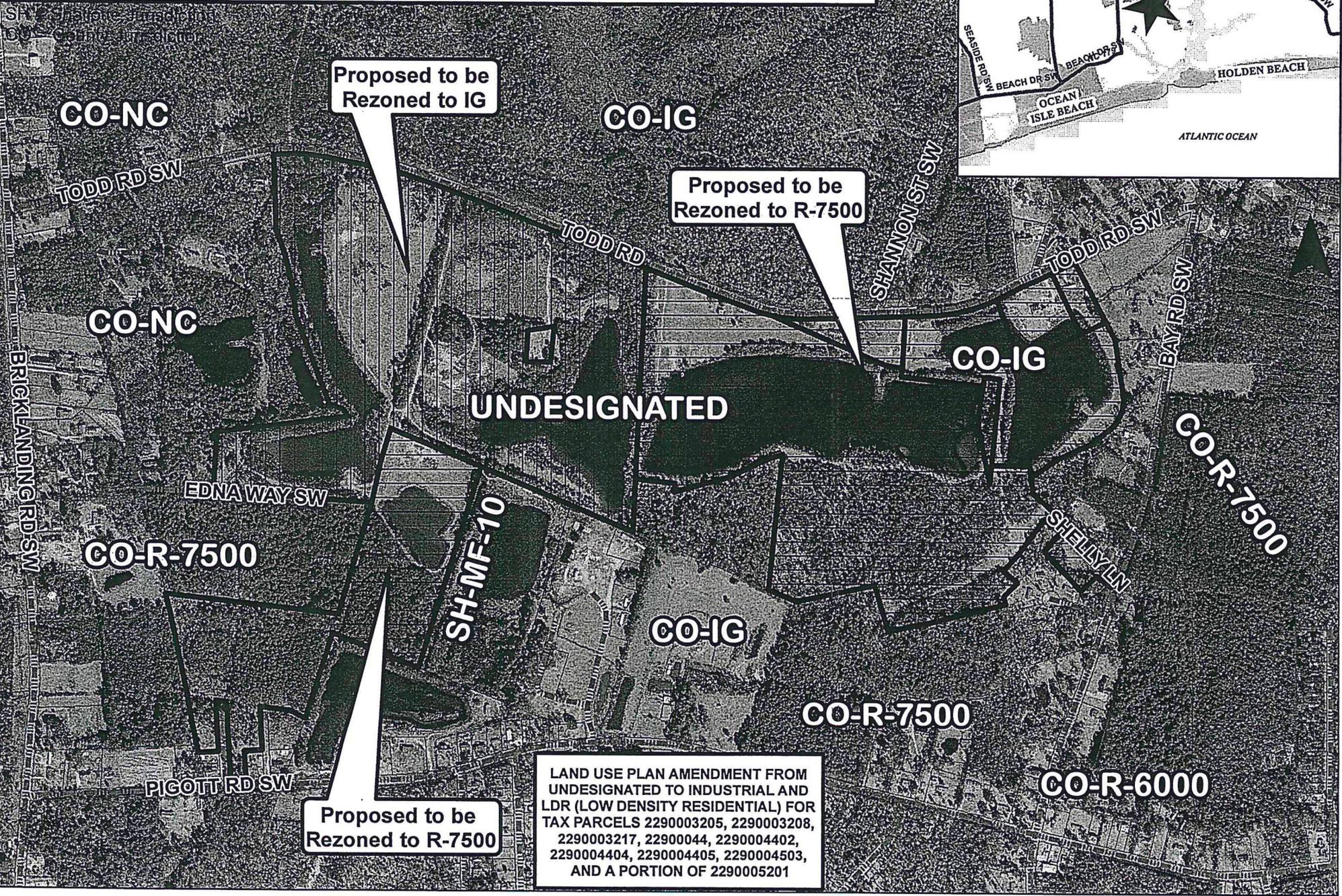
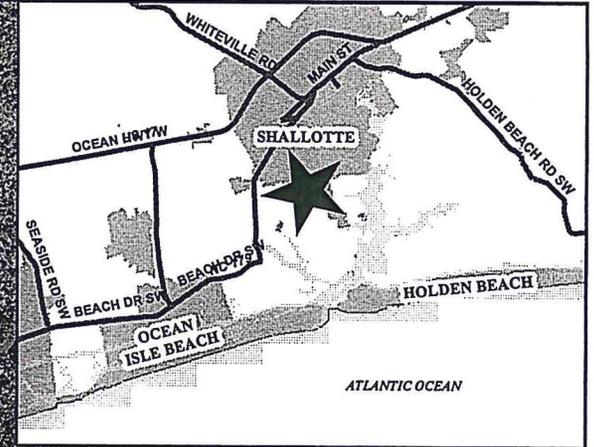
SH = Shallotte Jurisdiction
 CO = County Jurisdiction



LAND USE PLAN AMENDMENT FROM UNDESIGNATED TO INDUSTRIAL AND LDR (LOW DENSITY RESIDENTIAL) FOR TAX PARCELS 2290003205, 2290003208, 2290003217, 22900044, 2290004402, 2290004404, 2290004405, 2290004503, AND A PORTION OF 2290005201

Rezoning Case Z-726

Undesignated & IG to R-7500 & IG



Proposed to be
Rezoned to IG

Proposed to be
Rezoned to R-7500

Proposed to be
Rezoned to R-7500

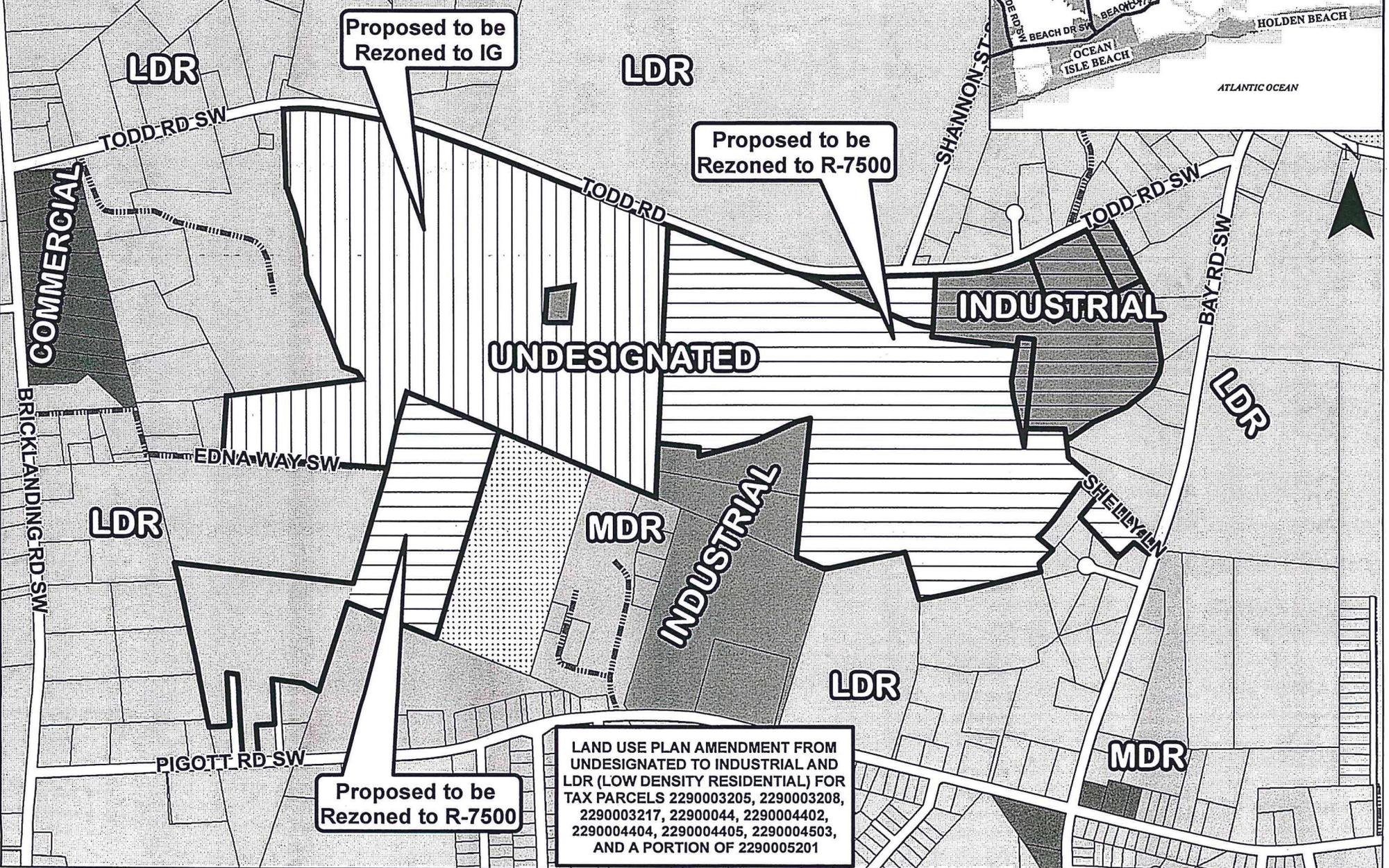
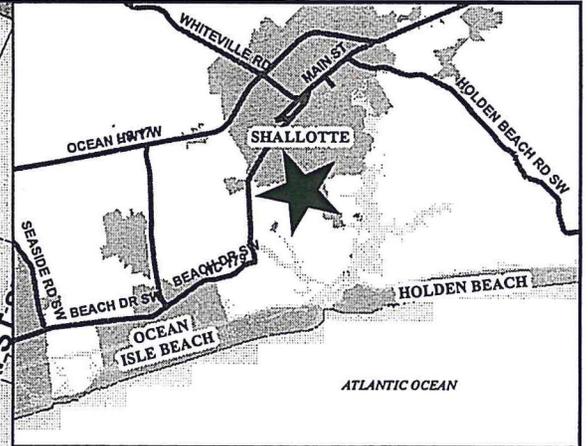
LAND USE PLAN AMENDMENT FROM UNDESIGNATED TO INDUSTRIAL AND LDR (LOW DENSITY RESIDENTIAL) FOR TAX PARCELS 2290003205, 2290003208, 2290003217, 22900044, 2290004402, 2290004404, 2290004405, 2290004503, AND A PORTION OF 2290005201

Rezoning Case Z-726

Undesignated & IG to R-7500 & IG

SH = Shalotte Jurisdiction
CO = County Jurisdiction

LAND USE PLAN



CASE Z-726

ADJACENT PROPERTY OWNER(S)

| PARCEL ID | NAME | C/O | ADDRESS | CITY | STATE | ZIP |
|------------|------------------------------------|---------------|-------------------------|------------|-------|-------|
| 2290003217 | WILLOUGHBY MECHELLE & ROBIN TODD | | 57 TODD RD | BLADENBORO | NC | 28320 |
| 2290003208 | TODD EDDIE DELANE ETUX DEIRDRE LEE | | PO BOX 511 | SHALLOTTE | NC | 28459 |
| 2290004404 | LAKE SERENE LLC | | 4 BRIERWOOD ROAD | SHALLOTTE | NC | 28470 |
| 2290003205 | TODD MAGALENE TRUSTEE | % DELANE TODD | PO BOX 511 | SHALLOTTE | NC | 28459 |
| 2290004405 | PHELPS JERRY M ETALS | % DORIS SCOTT | 1368 SCOTT LANE | SHALLOTTE | NC | 28470 |
| 22900044 | LAKE SERENE LLC | | 4 BRIERWOOD ROAD | SHALLOTTE | NC | 28470 |
| 2290004402 | RIDGEWAY BETTY.M. | | 4335 TODD ROAD SW | SHALLOTTE | NC | 28470 |
| 2290004503 | BYRD SCOTT ETUX ADRIENNE | | 10922 CRIDER COURT | BRISTOW | VA | 20136 |
| 2290005201 | TODD ROAD FARMS LLC | | 1286 RIVERBEND DRIVE SW | SHALLOTTE | NC | 28470 |

OWNER(S)

| PARCEL ID | NAME | C/O | ADDRESS | CITY | STATE | ZIP |
|------------|-------------------------------------|------------------------|-------------------------|--------------|-------|-------|
| 2290006009 | STEVENS CHARLES & RUTH ANN (LT) | % MISTY GRAINGER ETALS | 4812 PIGOTT RD SW | SHALLOTTE | NC | 28470 |
| 2290006004 | HAWES MISTY GRAINGER | | 4812 PIGOTT RD SW | SHALLOTTE | NC | 28470 |
| 2290006003 | CLEMMONS WILBUR LEVERN ETUX BETTY | | 4824 PIGOTT RD SW | SHALLOTTE | NC | 28470 |
| 2290006005 | SACCO STEPHEN P ET HEATHER | | 102 CLOVE RD | NEW ROCHELLE | NY | 10801 |
| 2290006006 | BOWENS CHRISTY D | | 4850 PIGOTT ROAD | SHALLOTTE | NC | 28470 |
| 22900060 | LONG SAUNDRA T | | 4860 PIGOTT RD SW | SHALLOTTE | NC | 28470 |
| 2290003505 | LEONARD INVESTMENTS INC | | 365 CASTLE FORD RD | BOONE | NC | 28607 |
| 22900032 | REGISTER WILLIAM T ETUX MARTHA H | TRUSTEES | 1039 BAY ROAD | SHALLOTTE | NC | 28470 |
| 2290003206 | BARNES JERRY W | | 1071 BAY RD SW | SHALLOTTE | NC | 28459 |
| 2290003502 | TEETERS THOMAS T & DORIT L TRUSTEES | | 365 CASTLE FORD RD | BOONE | NC | 28607 |
| 22900035 | CAMARA JESSICA LEE | | 1119 BAY ROAD | SHALLOTTE | NC | 28470 |
| 2290003506 | CALLIS KENNETH G & KARIN M TRUSTEES | | PO BOX 3076 | WAQUOIT | MA | 02536 |
| 2290003507 | BRYCE LINDA ETVIR DAVE | | 1149 BAY ROAD SW | SHALLOTTE | NC | 28470 |
| 2290004301 | DEAN BARBARA J | | 896 CHARLTON ROAD | SCOTIA | NY | 12302 |
| 22900043 | CANADY ARNOLD | | 1207 BAY RD SW | SHALLOTTE | NC | 28470 |
| 2290004310 | IZCANO ERLIN G ETUX ANA I | | 4310 CEDAR OAK LANE | SHALLOTTE | NC | 28470 |
| 2290004309 | CORTES DAVID ET JENNIFER | | PO BOX 982 | SHALLOTTE | NC | 28459 |
| 2130006505 | KOCEK JEFFREY SCOTT ETUX PAUL SUE | | 23753 NORTH 200 EAST RD | LONG POINT | IL | 61333 |
| 2290003214 | JACKSON MICHAEL | | 7350 HIGHWAY 131 | BLADENBORO | NC | 28320 |

| | | | | | | |
|------------|-----------------------------------|--------------------------|--------------------------|------------------|----|-------|
| 2290004308 | RIVERA OLGA I SEMANO | | 329 CALLE ACERINA | ARECIBO | PR | 00612 |
| 2290004307 | CORTES DAVID ET JENNIFER | | PO BOX 982 | SHALLOTTE | NC | 28459 |
| 2290003202 | DAVIS DONALD GLENN ETALS | | 9019 SHILOH ROAD | IVANHOE | NC | 28447 |
| 2290004406 | PHELPS JERRY M ETALS | % DORIS SCOTT | 1368 SCOTT LANE | SHALLOTTE | NC | 28470 |
| 2290004407 | LONG HOLLY HEWETT TRUSTEE | | 1664 VILLAGE POINT RD SW | SHALLOTTE | NC | 28470 |
| 22900065 | WARD B B | % DAVID B WARD EXEC | PO BOX 508 | SHALLOTTE | NC | 28459 |
| 22900064 | HUGHES C W JR (LT) | % A HUGHES & AMY WATKINS | 1800 VILLAGE POINT ROAD | SHALLOTTE | NC | 28470 |
| 2290006407 | TODD ROBIN | | 485 SASSAFRAS RD | BLADENBORO | NC | 28320 |
| 2290006401 | TODD ROBIN | | 485 SASSAFRAS RD | BLADENBORO | NC | 28320 |
| 2290004501 | GUNDRUM DAVID R ETUX KAREN | | 5839 WATTS RD | OCEAN ILSE BEACH | NC | 28469 |
| 22900061 | INMAN JAMES HENRY ET WANDA | | 4760 PIGOTT RD SW | SHALLOTTE | NC | 28459 |
| 22900089 | JOHNSON BOBBY W ETALS | | 4722 TODD RD SW | SHALLOTTE | NC | 28470 |
| 2290005101 | BLACK CLIFTON WAYNE | | 4780 EDNA WAY SW | SHALLOTTE | NC | 28470 |
| 22900052 | JOYNER ALBERT HRS | C/O MARION S ABRAHAM | 13476 SE 97TH AVE | CLACKAMAS | OR | 97015 |
| 22900033 | ROGERS MARY GWEN C ETALS | % WILLIAM D CHADWICK | 590 RED FOX TRAIL | HAMPSTEAD | NC | 28443 |
| 2290003209 | WILLOUGHBY MECHELLE ETALS | | 57 TODD RD | BLADENBORO | NC | 28320 |
| 2290003301 | REED MICHAEL ETUX MICHELLE A | | 4236 TODD RD SW | SHALLOTTE | NC | 28470 |
| 2290003302 | GORE DONALD RAY ETUX WANDA CHERYL | | 4250 TODD ROAD SW | SHALLOTTE | NC | 28470 |
| 2290003218 | COX DIANE CAY ETVIR SCOTT WILLIAM | | 1512 N 1329 RD | STREATOR | IL | 61364 |
| 2290003201 | WHITE WILLIAM K | | PO BOX 231 | SHALLOTTE | NC | 28459 |
| 21300065 | DENNIS & THOMPSON INC | | 5818 BEACH DRIVE SW | SHALLOTTE | NC | 28470 |
| 2130006418 | WILLOUGHBY MECHELLE ETALS | | 57 TODD RD | BLADENBORO | NC | 28320 |
| 2130006402 | WILLOUGHBY MECHELLE ETALS | | 57 TODD RD | BLADENBORO | NC | 28320 |
| 21300077 | WILLOUGHBY MECHELLE ETALS | | 57 TODD RD | BLADENBORO | NC | 28320 |
| 2130006404 | GORE JOHNNIE J ET PAULINE | | 8092 REVERE DRIVE | MCDONOUGH | GA | 30252 |
| 2290005902 | FULWOOD MARY | | DRAWER 1218 | SHALLOTTE | NC | 28459 |
| 22900088 | JOHNSON JAMES H | | 756 ETTA LANE NW | SUPPLY | NC | 28462 |
| 2290005804 | SMITH BETTY | | 3365 ASH LITTLE RIV RD | ASH | NC | 28420 |
| 2290005802 | GREEN TAMMY | | 201 LYNNFIELD LANE | GARNER | NC | 27529 |
| 22900057 | STEPHENS RANDY E | | 1041 BRICKLANDING RD SW | SHALLOTTE | NC | 28470 |

APPLICANT(S)

| PARCEL ID | NAME | C/O | ADDRESS | CITY | STATE | ZIP |
|-----------|---|-----|-------------|------------|-------|-------|
| --- | BRUNSWICK COUNTY PLANNING & COMMUNITY DEVELOPMENT | | PO BOX 7221 | WILMINGTON | NC | 28406 |

REZONING STAFF REPORT



Date: January 12, 2015

Case#: Z-727

Tax Parcel(s): 1670006006

Acreage: 4.75

Applicant(s): Brunswick County Planning & Community Development (Ocean Hwy near Shallotte)

APPLICATION OVERVIEW:

The Brunswick County Planning & Community Development recommends rezoning Tax Parcel 1670006006 to CLD and update the Land Use Map from undesignated to Commercial. The rezoning site was deannexed from the Town of Shallotte as part of Session Law 2014-68 (SB 846) and therefore does not have a zoning or land use designation. The property was previously zoned B-2 (Business District) under Shallotte's Zoning Jurisdiction. The owner have been notified of the proposed rezoning and land use plan amendment via certified and first class mail. Adjacent owners have been notified of the proposed rezoning and land use plan amendment via first class mail.

ZONING ANALYSIS

Proposed Zoning Request:

From: Undesignated

To: CLD (Commercial Low Density)

"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."

SURROUNDING AREA ZONING DESIGNATIONS:

North: RR

East: B-2 (Business District - Shallotte's Jurisdiction)

South: RR

West: RR

PROJECT BOUNDARY BUFFERS: NO CHANGE

| MINIMUM REQUIRED PROJECT BOUNDARY BUFFER* | | | | |
|---|--|---|---|---|
| Required Opacity | Alternative 1 | Alternative 2 | Alternative 3 Plantings + 6-Foot Fence | Alternative 4 Plantings + 6-Foot Wall |
| 0.2 | 10 feet 1 canopy 1 understory 7 shrubs | 10 feet 1 canopy 2 understory 3 shrubs | Not available | Not available |
| 0.4 | 20 feet 2 canopy 4 understory 25 shrubs | 20 feet 2 canopy 6 understory 9 shrubs | Not available | Not available |
| 0.6 | 30 feet 3 canopy 6 understory 34 shrubs | 30 feet 3 canopy 8 understory 13 shrubs | 20 feet 0 canopy 3 understory 3 shrubs | 15 feet 0 canopy 3 understory 3 shrubs |
| 0.8 | 50 feet 5 canopy 7 understory 43 shrubs | 50 feet 4 canopy 10 understory 17 shrubs | 35 feet 0 canopy 5 understory 7 shrubs | 25 feet 0 canopy 5 understory 7 shrubs |
| 1.0 | 80 feet 5 canopy 8 understory 49 shrubs | 80 feet 4 canopy 11 understory 19 shrubs | 60 feet 0 canopy 5 understory 7 shrubs | 40 feet 5 canopy 0 understory 9 shrubs |

* Buffer Depths and Plants Required Per 100 Linear Feet

LAND USE ANALYSIS

Current Surrounding Area Land Use(s):

Agricultural/Conservation/Forestry Lands

Vacant/Undeveloped Property

Brunswick County CAMA Land Use Plan Land Use Classification: Undesignated

- Consistent with the Land Use Plan Map Not Consistent with Land Use Plan Map

Brunswick County CAMA Land Use Plan policies affecting this rezoning:

- P.15 states that Brunswick County supports greater residential densities in areas that are accessible to water and sewer service(s). Agricultural and low-density residential land uses should be located in areas that do not have central water or sewer service.
- 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.
- 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.

Capital Improvement Plan (CIP):

- CIP Projects No CIP Projects

| CIP Project(s) | Scheduled |
|-------------------------------|----------------|
| New Lincoln Elementary School | FY 2017 |
| New Town Creek Middle School | FY 2017 |
| Vocational High School | FY 2018 & 2019 |
| Shallotte Park | FY 2018 & 2019 |

Future Surrounding Areas Land Use(s):

The area surrounding this rezoning site has not been experiencing much growth based upon recent land development activities submitted to the Brunswick County Planning Department. The rezoning site is located in the Morris Mitchel Subdivision. *The rezoning site is contains an existing retail business.*

INFRASTRUCTURE AND SERVICE IMPACTS

SCHOOL CAPACITY:

| <i>Elementary School:</i> <u>Supply</u> | <i>Middle School:</i> <u>Cedar Grove</u> | <i>High School:</i> <u>West Brunswick</u> |
|---|---|---|
| <input checked="" type="checkbox"/> Adequate Capacity | <input checked="" type="checkbox"/> Adequate Capacity | <input type="checkbox"/> Adequate Capacity |
| <input type="checkbox"/> Two-Year Capacity Warning | <input type="checkbox"/> Two-Year Capacity Warning | <input type="checkbox"/> Two-Year Capacity Warning |
| <input type="checkbox"/> Out-of-Capacity | <input type="checkbox"/> Out-of-Capacity | <input checked="" type="checkbox"/> Out-of-Capacity |

MAJOR ROADWAY IMPACTS:

ROAD ACCESS AND CAPACITY: **Wilmington MPO** **Grand Strand MPO**

| Roads | Capacity Deficiencies |
|------------------------|-----------------------|
| Ocean Hwy West (US 17) | None |

NCDOT PROJECTS AND STUDIES: **NONE**

UTILITIES:

| | |
|---|--|
| <u>CURRENT WATER AND SEWER AVAILABILITY</u> | |
| <u>WATER:</u> | <input type="checkbox"/> Not Available <input checked="" type="checkbox"/> Available |
| <u>PROVIDER:</u> | SIZE OF WATER LINE: <u>30 inch line</u> LOCATION: <u>US 17</u> |
| <input type="checkbox"/> Brunswick County Utilities | |
| <input checked="" type="checkbox"/> Brunswick Regional Water & Sewer District (H ₂ GO) | |
| <input type="checkbox"/> Southeast Brunswick Sanitary District | |
| <u>SEWER:</u> | <input type="checkbox"/> Not Available <input checked="" type="checkbox"/> Available |
| <u>PROVIDER:</u> | SIZE OF WATER LINE: <u>8-inch force main</u> LOCATION: <u>US 17</u> |
| <input checked="" type="checkbox"/> Brunswick County Utilities | |
| <input type="checkbox"/> Brunswick Regional Water & Sewer District (H ₂ GO) | |
| <input type="checkbox"/> Southeast Brunswick Sanitary District | |
| <i>The rezoning site is currently connected to and utilizing the water and sewer systems.</i> | |

ENVIRONMENTAL IMPACTS

- Located within a FEMA Flood Hazard Zone (AE).
- Located near a watercourse/water body (Alligator Branch).
- Located in the Lockwood Folly Watershed and in the area of the *Lockwood Folly River Water Quality Study*. The Brunswick County Board of Commissioners have accepted the Lockwood Folly River Roundtable Strategy report.
- Located in a Significant Natural Heritage Area.

OTHER SITE CONSIDERATIONS

- | | |
|--|--|
| <input type="checkbox"/> Will correct a split zoning on a parcel(s). | <input checked="" type="checkbox"/> Located within a growth corridor. |
| <input type="checkbox"/> Potentially could create a <i>spot zoning</i> . | <input type="checkbox"/> Classified as a Bona Fide Farm. |
| <input checked="" type="checkbox"/> Located near commercially zoned property. | <input checked="" type="checkbox"/> Located within a Fire District (Supply). |
| <input type="checkbox"/> Located in an Overlay Zoning District. | <input checked="" type="checkbox"/> Located within 1/2 mile of a Voluntary Agricultural District (VAD) |
| <input checked="" type="checkbox"/> Located near other property designated as Commercial and LDR in the <i>Brunswick County CAMA Land Use Plan</i> . | <input type="checkbox"/> Cemetery known to be located near the rezoning. |
| | <input type="checkbox"/> Historic Site(s) known to be located near the rezoning. |

STAFF RECOMMENDATION SUMMARY

Staff recommends APPROVAL TO CLD IN CONJUNCTION WITH A LAND USE PLAN AMENDMENT TO COMMERCIAL based upon information provided, surrounding area, current uses, the Brunswick County CAMA CORE Land Use Plan, and other adopted Brunswick County plans and policies.

Case No. Z-727

**COUNTY OF BRUNSWICK
REZONING REQUEST
FINDINGS
BOARD CONSIDERATION WORKSHEET**

Applicant: Brunswick County Planning & Community Development

Owner: Ameron, Inc

Property Location: Located at 1409 Ocean Highway W (US 17), Shallotte NC 28470

Tax Parcel #(s): 1670006006

I. Will the uses permitted by the proposed change be appropriate for the area concerned?

II. Does adequate public school facilities and other public facilities/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change?

III. Is the proposed change consistent with the CAMA Land Use Plan or any other adopted land use document?

IV. Is the proposed amendment reasonable as it relates to the public interest?

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

Planning Board recommends: Approval Denial

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

SESSION LAW 2014-68
SENATE BILL 846

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF SHALLOTTE AND TO CLARIFY THE TOURISM DEVELOPMENT AUTHORITY REQUIREMENTS PERTAINING TO THE OCCUPANCY TAX AUTHORIZED FOR THE TOWN OF SOUTHPORT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The following described property is removed from the corporate limits of the Town of Shallotte:

FIRST TRACT:

BEING all of that certain tract or parcel containing 15.60 acres more or less as more fully described in a survey plat dated 4 January 2005, revised 21 February 2005 entitled "Survey for Charles Andrew Russ of 15.60 acres" prepared by James R. Tompkins, PLS, and recorded in Map Cabinet 32, Page 163 in the Office of the Register of Deeds for Brunswick County, North Carolina which plat reference is made and which is incorporated herein for greater certainty of description of said property.

SECOND TRACT:

BEING all right, title and interest of Grantor in and to that certain road right-of-way and easement as more fully described in an instrument dated 29 November 2000 from Slickrock Development, LLC to Register Estate Corporation recorded in Deed Book 1419, Page 51 in the Office of the Register of Deeds for Brunswick County, North Carolina which right-of-way and easement connects the northern line of the property herein conveyed with State Road 1147 (Todd Road) as more fully shown and described in said easement and in the plate hereinabove referenced. Reserving and preserving nevertheless a non-exclusive right-of-way and easement for ingress, egress and regress between State Road 1147 (Todd Road) and the Register Cemetery in favor of the Representatives and/or Trustees of the Register Cemetery and family members thereof as more fully described in an instrument recorded in Deed Book 1419, Page 46, Brunswick County Registry.

THIRD TRACT:

That certain Tract of land being in Lockwood Folly Township, Brunswick County, North Carolina, said Tract being the Tracts described in deed book 2086 page 215 and deed book 2415 page 511 of the Brunswick County Register of Deeds and being more fully described as follows: Commencing at NCGS monument Sauce Reset, said monument having Nad 83 grid coordinates of North 70,535.97 and East 2,178,838.44; thence South 73°54'24" East a distance of 7629.15 feet to NCGS monument B 161 Reset, said monument having Nad 83 grid coordinates of North 68,420.48 and East 2,186,168.62; thence South 44°28'15" West, a distance of 2089.53 feet an iron rod found, the true Point of Beginning. Thence from the Point of Beginning, South 08°55'07" West, a distance of 204.17 feet to a point; thence South 07°07'05" East, a distance of 95.22 feet to a point; thence South 11°57'21" East, a distance of 283.58 feet to a point; thence North 05°39'18" East, a distance of 104.98 feet to an iron rod found; thence North 89°36'15" East, a distance of 223.85 feet to an iron rod found; thence South 07°57'04" East, a distance of 68.60 feet to a point; thence South 07°57'04" East, a distance of 104.44 feet to a point; thence South 51°07'43" East, a distance of 264.88 feet to a point; thence South 42°58'09" East, a distance of 408.71 feet to a point on the western right of way of Bay Road (60' ROW); thence with said right of way, South 19°16'42" West, a distance of 72.77 feet to a point; thence leaving said right of way, North 54°11'34" West, a distance of 103.79 feet to a point; thence North 47°01'40" East, a distance of 124.55 feet to a point; thence North 42°58'20" West, a distance of 319.33 feet to a point; thence South 41°15'52" West, a



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distance of 151.16 feet to a point; thence North 51°07'02" West, a distance of 121.56 feet to a point; thence South 37°25'11" West, a distance of 134.79 feet to a point; thence South 37°25'11" West, a distance of 123.96 feet to a point; thence South 40°42'01" West, a distance of 58.59 feet to a point; thence South 46°34'05" West, a distance of 46.09 feet to a point; thence South 50°42'25" West, a distance of 28.18 feet to a point; thence South 48°33'52" East, a distance of 112.43 feet to a point; thence South 41°15'52" West, a distance of 119.66 feet to a point; thence South 14°48'49" East, a distance of 50.33 feet to a point; thence South 76°16'18" West, a distance of 448.29 feet to a point; thence South 76°29'21" West, a distance of 251.75 feet to a point; thence North 18°38'59" West, a distance of 288.42 feet to a point; thence South 73°47'59" West, a distance of 57.92 feet to a point; thence South 71°59'06" West, a distance of 162.40 feet to a point; thence South 76°50'13" West, a distance of 168.30 feet to a point; thence South 87°14'55" West, a distance of 51.88 feet to a point; thence North 66°29'30" West, a distance of 100.71 feet to a point; thence North 68°42'36" West, a distance of 108.06 feet to a point; thence North 06°12'56" East, a distance of 352.96 feet to a point; thence North 06°01'47" East, a distance of 448.48 feet to a point; thence South 76°32'40" West, a distance of 77.30 feet to a point; thence South 65°55'40" West, a distance of 271.81 feet to a point; thence South 74°57'40" West, a distance of 323.67 feet to a point; thence North 02°42'40" East, a distance of 49.10 feet to a point; thence North 83°51'24" West, a distance of 234.44 feet to a point; thence North 02° 20'49" East, a distance of 1237.35 feet to a point; thence South 68°27'50" East, a distance of 587.44 feet to a point; thence South 70°59'01" East, a distance of 40.77 feet to a point; thence South 68°09'35" East, a distance of 46.56 feet to a point; thence South 72°19'06" East, a distance of 65.62 feet to a point; thence South 73°33'49" East, a distance of 60.29 feet to a point; thence South 67°11'59" East, a distance of 485.15 feet to a point; thence North 15°05'18" East, for a distance of 190.95 feet; thence North 88°02'30" East, for a distance of 152.36 feet; thence North 87°02'30" East, for a distance of 133.34 feet; thence South 02°07'24" West, for a distance of 301.81 feet; thence South 02°07'24" West, for a distance of 50.22 feet; thence South 82°29'10" East, a distance 471.74 feet to the Point of Beginning, containing 69.14 acres, more or less as shown on a plat prepared by McKim & Creed, entitled Annexation Plat of Four existing Tracts of Land Equaling 69.14 Acres and dated February 22, 2007.

FOURTH TRACT:

A certain tract or parcel of land lying and being in Lockwood Folly Township, Brunswick County, North Carolina and being that certain tract as described in Deed Book 1258, Page 691, Records of Brunswick County and being more particularly described as follows: Beginning at an iron stake set on the southern right-of-way of U.S. 17 (R/W varies), said iron being located by the following tie traverse: Commencing on an existing tack at the intersection of centerlines of the southbound lane of said U.S. 17 and S.R. 1131 and runs thence North 70 degrees 27 minutes 18 seconds 2703.03 feet to an existing N.C.D.O.T. Right-of-way Monument (Sta. No. 1096+00) located on the aforesaid southern right-of-way of U.S. 17; thence with said right-of-way North 67 degrees 22 minutes 39 seconds East 92.28 feet to the Point and Place of Beginning and proceeds from said beginning and with said right-of-way North 67 degrees 22 minutes 39 seconds East 279.92 feet to an iron stake set, said iron being located South 67 degrees 22 minutes 39 seconds West 142.37 feet from an existing N.C.D.O.T. Right-of-Way Monument (Sta. No. 1101+14.52); thence leaving said right of way South 07 degrees 19 minutes 26 seconds East 804.50 feet to an existing iron; thence North 73 degrees 42 minutes 42 seconds West 347.57 feet to an existing iron pipe; thence North 02 degrees 38 minutes 20 seconds West 593.41 feet to the beginning and contains 4.73 acres and being according to a survey by Jimmy D. Etheridge, P.L.S. dated January 13, 1999.

FIFTH TRACT:

Beginning at a point being a concrete monument in the south R/W of SR 1147, Todd Road SW, and located North 77 degrees 10 minutes 41 Seconds West a distance of 1,962.18 feet from a nail in the intersection of SR 1147 and SR 1151; Thence from said beginning point leaving said R/W and with property line of Denney B. Stevens South 08 degrees 04 minutes 57 seconds West a distance of 1237.00 feet to an existing iron rod, thence continuing with Stevens South 08 degrees 10 minutes 53 seconds West a distance of 309.67 feet to an existing iron rod, a corner to Stevens and Weldon Todd, thence with Todd North 61 degrees 24 minutes 28 seconds West a distance of 392.55 feet to an existing iron rod, a corner to Todd and J.P. Russ, thence with Russ North 61 degrees 39 minutes 15 seconds West a distance of 573.26 feet to an existing iron rod, a corner to J.P. Russ and Charles A. Russ, thence with Russ North 61 degrees 39 minutes 15 seconds West a distance of 570.78 feet to a

right-of-way disc, thence South 19 degrees 38 minutes 53 seconds West a distance of 206.14 feet to a point, thence South 17 degrees 53 minutes 40 seconds West a distance of 240.01 feet to an existing iron rod (bent) a corner to Russ and Albert Joyner heirs, thence with Joyner North 80 degrees 06 minutes 43 seconds West a distance of 923.21 feet to an existing iron rod, a corner to Clifton Black, thence with Black North 09 degrees 50 minutes 38 seconds East a distance of 342.72 feet to an existing iron rod, a corner to James Johnson Heirs, thence with Johnson North 88 degrees 25 minutes 20 seconds East a distance of 537.45 feet, to an existing iron rod on line at the edge of a pond, continuing 226.50 feet, a total of 763.95 feet to a point in said pond, thence North 28 degrees 01 minutes 46 seconds West a distance of 49.19 feet, thence North 63 degrees 13 minutes 04 seconds West a distance of 87.66 feet, thence North 15 degrees 21 minutes 19 seconds West a distance of 558.73 feet to an existing iron rod, thence North 01 degrees 17 minutes 20 seconds East a distance of 150.64 feet to a new iron rod set, thence North 07 degrees 56 minutes 05 seconds West a distance of 210.49 feet to a new iron rod set, thence north 12 degrees 46 minutes 53 seconds West a distance of 155.08 feet to a new iron rod set, thence North 04 degrees 16 minutes 12 seconds East a distance of 135.74 feet to an existing iron rod, thence North 04 degrees 10 minutes 30 seconds East a distance of 300.82 feet to an existing iron rod (bent) located in the south R/W of Todd Road, thence with said R/W South 87 degrees 50 minutes 36 seconds East a distance of 70.63 feet to a new iron rod set, thence South 84 degrees 19 minutes 43 seconds East a distance of 55.97 feet to a new iron rod set, thence South 81 degrees 12 minutes 50 seconds East a distance of 56.59 feet to a new iron rod set, thence south 78 degrees 11 minutes 43 seconds East a distance of 55.49 feet to a new iron rod set, thence South 75 degrees 34 minutes 28 seconds East a distance 58.13 feet to a new iron rod set, thence south 74 degrees 03 minutes 29 seconds East a distance of 59.35 feet to a new iron rod set, thence South 73 degrees 29 minutes 54 seconds East a distance of 76.51 feet to a new iron rod set, thence South 73 degrees 10 minutes 12 seconds East a distance of 102.57 feet to a new iron rod set, thence South 73 degrees 13 minutes 13 seconds East a distance of 82.02 feet to a new iron rod set, thence 71 degrees 32 minutes 02 seconds East a distance of 118.04 feet to a new iron rod set, thence South 67 degrees 15 minutes 09 seconds East a distance of 106.89 feet to a new iron rod set, thence South 63 degrees 53 minutes 32 seconds East a distance of 120.40 feet to a new iron rod set, thence South 62 degrees 07 minutes 15 seconds East a distance of 127.54 feet to a concrete monument, thence south 62 degrees 50 minutes 29 seconds East a distance of 1,775.38 feet to the place and point of beginning. Excepted from this boundary is an interior parcel known as the Register Cemetery with description as follows: Beginning at an existing iron rod in the west side of a 20 foot easement recorded in the Brunswick county registry at Deed Book 644, page 493 said iron rod located South 12 degrees 52 minutes 09 seconds West a distance of 552.31 feet from the R/W of Todd Road, thence along west side of said easement South 12 degrees 28 minutes 32 seconds West a distance of 211.08 feet to an existing iron rod, thence North 83 degrees 32 minutes 05 seconds West a distance of 131.97 feet to an existing iron, thence leaving said easement North 61 degrees 47 minutes 06 seconds West a distance of 12.04 feet to an existing iron rod, thence North 10 degrees 27 minutes 26 seconds East a distance of 180.92 feet to an existing iron rod, thence North 87 degrees 10 minutes 30 seconds East a distance of 154.69 feet to the place and point of beginning. Together with and subject to covenants, easements and restrictions of record. Said property contains 79.48 acres, more or less. Also this property is subject to easements as recorded in the Brunswick county registry at Deed Book 1419, page 52 and Deed book 644, page 493 and a lease with easement as recorded at Deed book 1957, page 769. For a more accurate description reference is hereby made to a plat of survey for William L. Smith dated August 14, 2006.

SECTION 1.(b) This section has no effect upon the validity of any liens of the Town of Shallotte for ad valorem taxes or special assessments outstanding before the effective date of this section. Such liens may be collected or foreclosed upon after the effective date of this section as though the property were still within the corporate limits of the Town of Shallotte.

SECTION 1.(c) This section becomes effective July 31, 2014.

SECTION 2.(a) Section 1(e) of Chapter 639 of the 1989 Session Laws, as amended by S.L. 2002-129, reads as rewritten:

"(e) Distribution and use of tax revenue. – The Until the Southport Board of Aldermen adopts a resolution levying a room occupancy tax under subsection (a1) of this section, the City of Southport shall use at least two-thirds of the funds to promote travel and tourism in

Southport and shall use the remainder for tourism-related expenditures. When the Southport Board of Aldermen adopts a resolution levying a room occupancy tax under subsection (a1) of this section, City of Southport shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Southport Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Southport and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the city of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a city or to attract tourists or business travelers to the city. The term includes tourism-related capital expenditures."

SECTION 2.(b) Section 1.2 of Chapter 639 of the 1989 Session Laws, as enacted by S.L. 2002-129, reads as rewritten:

"**Sec. 1.2.** Southport Tourism Development Authority. – When the Southport Board of Aldermen adopts a resolution levying a room occupancy tax under subsection (a1) of Section 1 of this act, it shall also adopt a resolution creating a city Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the city, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the city. The Board of Aldermen shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Southport shall be the ex officio finance officer of the Authority."

SECTION 2.(c) Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 10th day of July, 2014.

s/ Daniel J. Forest
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

water supply, and sewerage substantially in excess of such requirements and costs if the district were developed solely for commercial uses.

- (I) CW Commercial Waterfront District. This district is established to preserve and reserve adequate areas for water-related uses in the Town. In promoting the general purposes of this Ordinance, the specific intent of this section is:
- (1) To resolve the conflicts in demand for the limited amount of water access areas in favor of those uses that will benefit a large number of persons.
 - (2) To encourage the construction and continued use of the land for water-related activities.
 - (3) To prohibit heavier commercial use of the land and to give priority to water-dependent uses.
- (J) B-2 Business District. This district is established in which the principal use of land is for the retailing of durable goods, provision of commercial services to residential and industrial areas and the provision of services to transients. In promoting the general purposes of this Ordinance, the specific intent of this section is:
- (1) To encourage the use of land for commercial establishments grouped together to minimize strip development along roadways.
 - (2) To discourage any use which because of its character would interfere with the use of land for other commercial activities.
 - (3) To discourage any use, which because of its character or size, would create requirements and costs for public services, such as police and fire protection, water supply and sewerage substantially in excess of such requirements and costs if the district were developed solely for commercial uses.
- (K) O/I Office and Institutional District. This district is established as a district in which the principal use of land is to provide for the business, office, and institutional needs of the community. This district will function as a transitional land use between more intensive commercial and industrial uses and less intensive residential uses. This district is normally small and may include older homes undergoing conversion. The regulations within this district are designed to permit development of the permitted functions and still protect and be compatible with nearby or adjacent residential districts. This district may also function as a method to reduce the intensity of development along thoroughfares between large commercial uses.
- (L) LI Light Industrial District. A district established to accommodate office parks, commercial warehousing, light industrial uses, light assembly and manufacturing uses, research facilities and other business related uses which serve the manufacture, assembly and distribution of component parts which are pre-assembled, and not of a primary material, or resource nature (like coal, ore, silica, etc.). In promoting the general purposes of this Ordinance, the specific intent of this section is:
- (1) To encourage the construction of and the continued use of the land for wholesale and light industrial buildings and related research facilities.

BRUNSWICK COUNTY PLANNING AND COMMUNITY DEVELOPMENT
PO BOX 249
BOLIVIA NC 28422
910-253-2025/1-800-621-0609/910-253-2437(fax)

REZONING APPLICATION FORM

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.

Leave blank - to be completed by Planning Department staff

DATE RECEIVED: 12-5-14

CASE: Z-727

RECEIVED
DEC 05 2014

RECEIPT #: N/A

- FEE: \$300 (<5.00 acres)
 \$500 (5.00 to 49.99 acres)
 \$750 (50.00 to 99.99 acres)
 \$1,000 (>100 acres)
 \$200 (Land Use Amendment Request)

LAND USE PLAN CONSISTENCY:

- Consistent with Future Land Use Plan
 NOT Consistent with Land Use Plan and a Land Use Amendment is Required

Current Land Use Classification: NONE

Requested Land Use Classification: Commercial

Contact Information: BRUNSWICK CO.

Applicant/Agent: PLANNING and Community Development
(This person will be the contact person and will receive all mailings)

Address: P.O. Box 249, Bolivia, NC 28422

Phone: 910/253-2025 Fax: 910/253-2437

Email: plan@brunswickcountync.gov

Property Owner(s): Ameron Inc.
(If the owner is different than the applicant)

Address: 960 Hilltop Rd, Oakboro, NC 28129

Phone: --- Fax: ---

Email: ---

Property Information:

Property Location/Address(es): 1409 Ocean Hwy W

Tax Parcel Identification Number(s): 1670606006

Current Use of Property(ies): Commercial Structure with existing business

Acreage to be Rezoned: 4.746

Zoning Information:

Current Zoning District(s): Undesignated

Requested Zoning District(s): CLD

Purpose of Zoning Change (optional): Deannex from Shallotte

Spot Zoning Statement:

In the space below, please indicate whether the proposed rezoning will or will not constitute a spot zoning and explain why the proposed rezoning will or will not constitute a spot zoning (For more information on spot zoning, refer to the attachment on spot zoning).

The rezoning is not a spot zoning because there is other commercial zoning nearby.

BRUNSWICK COUNTY CAMA LAND USE PLAN CONSISTENCY

All rezoning requests must be consistent with the *Brunswick County CAMA Land Use Map*

Current Land Use Classification(s): Undesignated

- This rezoning request is:
- Consistent with the CAMA Land Use Map.
 - NOT consistent with the CAMA Land Use Map.

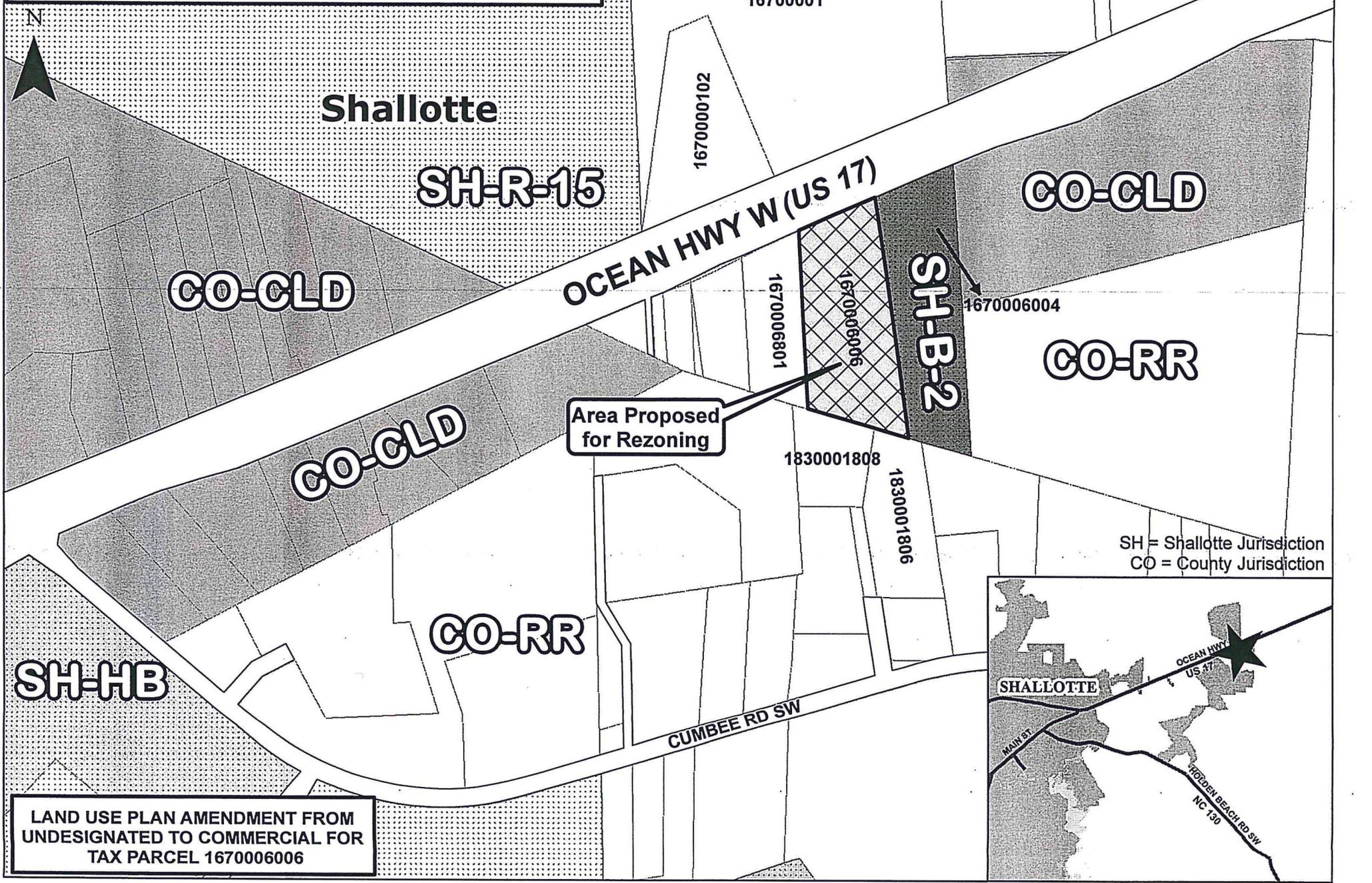
IF THE REZONING REQUEST IS NOT CONSISTENT WITH THE CAMA LAND USE MAP:

A Land Use Map Amendment is *REQUIRED*. All rezoning requests MUST BE CONSISTENT with the *Brunswick County CAMA Land Use Map* and/or the *Brunswick County CAMA Land Use Plan*. All Land Use Amendments must be consistent with one or more of the adopted Land Use Plan Policies located within the Brunswick County CAMA Land Use Plan Update document and/or demonstrate a change in the character of the area that warrants a departure from the adopted Land Use Plan. In the space below, please explain why the proposed Land Use Amendment will be consistent with the Brunswick County CAMA Land Use Plan and how the character of the area has changed (A copy of the Brunswick County CAMA Land Use Plan and Map can be obtained online at www.brunswickcountync.gov).

Currently not designated because it was recently deannexed from the Town of Shallotte. Other commercial located near this site and existing commercial structure on the site

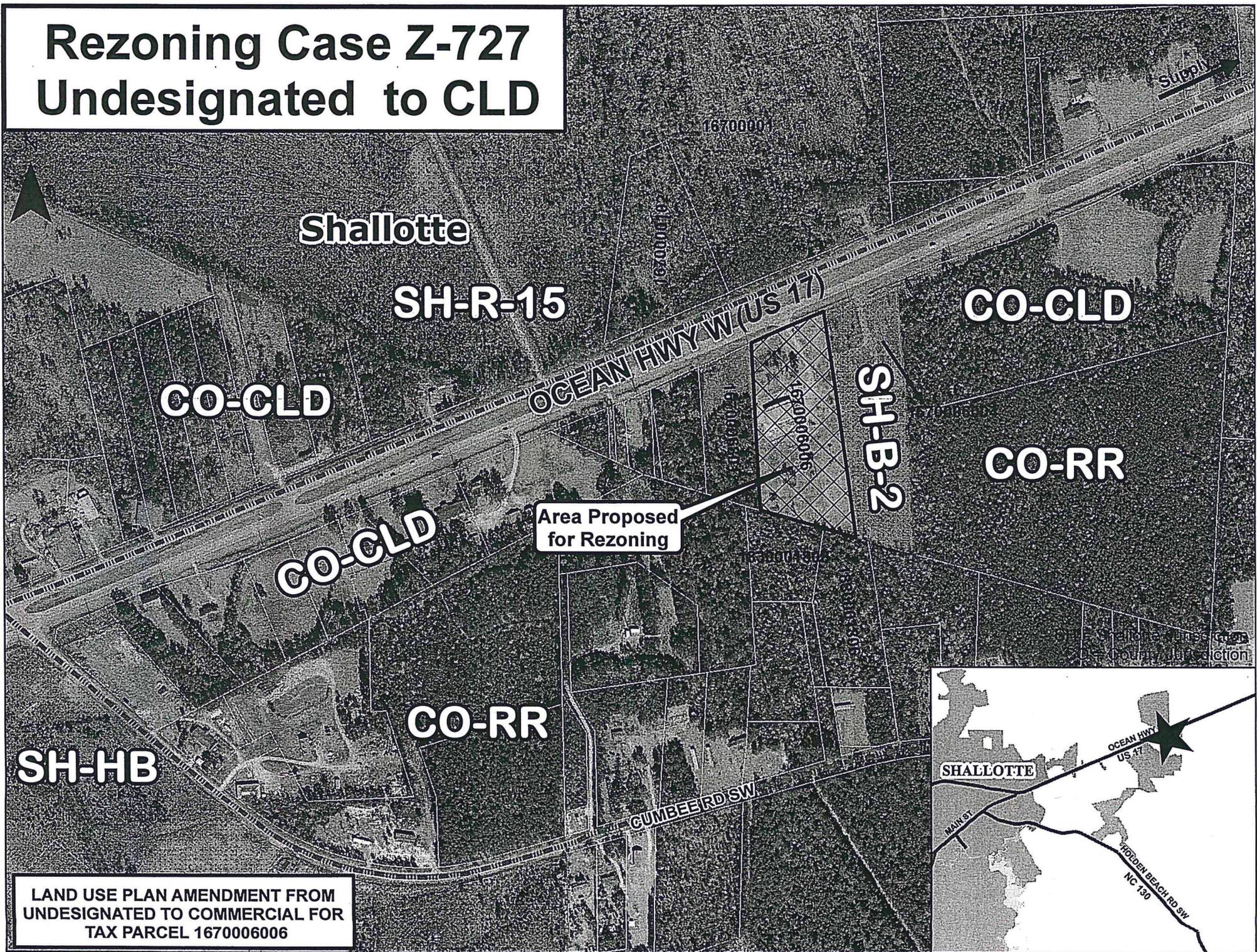
Requested Land Use Classification(s): Commercial

Rezoning Case Z-727 Undesignated to CLD



LAND USE PLAN AMENDMENT FROM
UNDESIGNATED TO COMMERCIAL FOR
TAX PARCEL 1670006006

Rezoning Case Z-727 Undesignated to CLD



Shallotte

SH-R-15

CO-CLD

CO-CLD

OCEAN HWY W (US 17)

SH-B-2

CO-RR

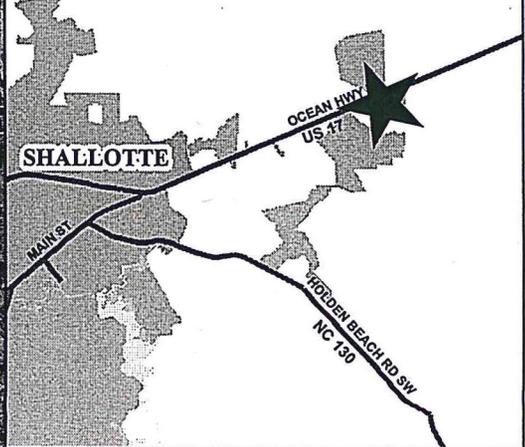
Area Proposed
for Rezoning

CO-CLD

CO-RR

SH-HB

CUMBEE RD SW



LAND USE PLAN AMENDMENT FROM
UNDESIGNATED TO COMMERCIAL FOR
TAX PARCEL 1670006006

Rezoning Case Z-727 Undesignated to CLD

LAND USE PLAN

LAND USE PLAN AMENDMENT FROM
UNDESIGNATED TO COMMERCIAL FOR
TAX PARCEL 1670006006

Shalotte

MIXED USE

MIXED USE

Shalotte

OCEAN HWY W
(US 17)

16700001

1670000102

1670006801

1670006006

SH-B-2

1670006004

COMMERCIAL

LDR

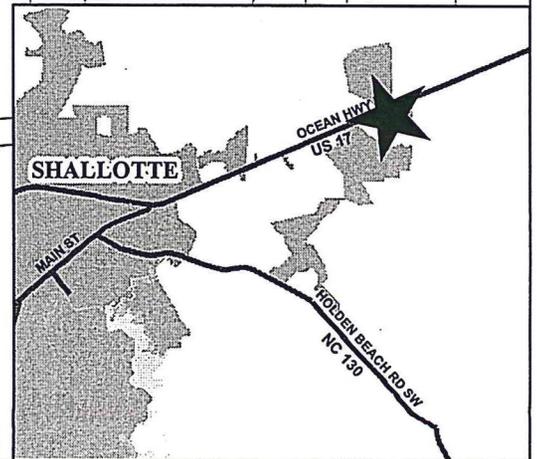
Area Proposed
for Rezoning

1830001808

1830001806

LDR

SH = Shalotte Jurisdiction
CO = County Jurisdiction



CASE Z-727

ADJACENT PROPERTY OWNER(S)

| PARCEL ID | NAME | C/O | ADDRESS | CITY | STATE | ZIP |
|------------|------------------------------------|---------------------|-------------------|-------------|-------|-------|
| 1670006801 | MYERS JACK LINVILLE TRUSTEE | | 160 BIG JACK ROAD | THOMASVILLE | NC | 27360 |
| 1670006006 | AMERON INC | | 960 HILLTOP RD | OAKBORO | NC | 28129 |
| 1830001808 | WILLIAMS CHRISTOPHER ETALS | | 285 ODGEN STREET | ORANGE | NJ | 7050 |
| 16700001 | GORE DOROTHY M ETALS | % MORRIS F MITCHELL | 143 MCMILLY RD NW | SHALLOTTE | NC | 28470 |
| 1670000102 | MITCHELL CHARLIE MORRIS F CURTIS L | | 816 HWY 378 | CONWAY | SC | 29526 |

OWNER(S)

| PARCEL ID | NAME | C/O | ADDRESS | CITY | STATE | ZIP |
|------------|------------|-----|----------------|---------|-------|-------|
| 1670006006 | AMERON INC | | 960 HILLTOP RD | OAKBORO | NC | 28129 |

APPLICANT(S)

| PARCEL ID | NAME | C/O | ADDRESS | CITY | STATE | ZIP |
|-----------|---|-----|-------------|------------|-------|-------|
| --- | BRUNSWICK COUNTY PLANNING & COMMUNITY DEVELOPMENT | | PO BOX 7221 | WILMINGTON | NC | 28406 |

CAMPGROUND SITE PLAN REVIEW CHECK SHEET

For Office Use Only

File Number: SE-202
 Date Submitted: 12/2/14
 Fee Pd. Receipt #: _____

Application Date: Dec 2, 2014

Please complete the following check sheet/application. This form must be completed in its entirety. Please keep in mind that incomplete applications will result in a delayed review of this project and may slow down the permitting process. To assist you in keeping track of needed information, please use the checkbox when each item has been completed.

- I. Applicant / Agent Information (person that will get the mailings)
- Name: Linda Stephens C/O: _____
- Daytime Telephone: 910-231-8640 Email Address: linda.stephens1948@gmail.com
- Mailing Address: 532 Holden Beach Rd. Shallotte NC 28470 Fax: 866-927-6040
- II. Property Owner / Developer (if different from above)
- Name: John Parsons C/O: _____
- Daytime Telephone: 910 209 0742 Email Address: _____
- Mailing Address: 532 Holden Beach Rd Fax: _____
- Town/State/Zip: Shallotte NC 28470

Is this a modification/expansion of an existing Campground? Yes No

Tax Parcel Number(s): 1980007302

Total Overall Site Acreage: 8.61 Acre(s) Total Wetlands: _____ Acre(s)

NOTE: A campground shall require minimum gross land area of three acres.

****ERROR - MUST BE AT LEAST 3 ACRES****

Proposed Name of Project: S2W Campground

Location of Property (Street Address or General Location): 532 Holden Beach Rd Shallotte NC 28470

Public Water and Sewer?

(Please place a "Y" in the box if **YES** to **BOTH**)

NOTE: If Utilities are Public, Please Note Provider on Site Plan

Please place a "Y" Only in the box below the applicable Zoning Classification

| ZONING CLASSIFICATION: | |
|------------------------|------|
| RR | C-LD |
| | y |

CAMPGROUND SITE PLAN REVIEW CHECK SHEET

Please indicate how you intend to handle the installation of infrastructure.

Letter of Credit/Performance Bond

- Developer financed and installed. Final plats will not be accepted until all infrastructure has been installed, and inspected and approved by Engineering. Please see Section 3.7.16. of the UDO.

Miscellaneous

- If the project is to be developed in phases, include a general breakdown showing the various phases and the estimated schedule.

Please submit 16 *folded* copies and a digital copy (a shapefile is preferred but a .dwg file is acceptable) on CD of the plan prior to the deadline shown on the attached schedule to the Brunswick County Planning Department.

With my signature, I certify that I have shown on the plan or provided documentation for the information above. I understand that incomplete applications will result in a delayed review of the project and slow down the permitting process.

Linda Stephens
(Please Print Name)

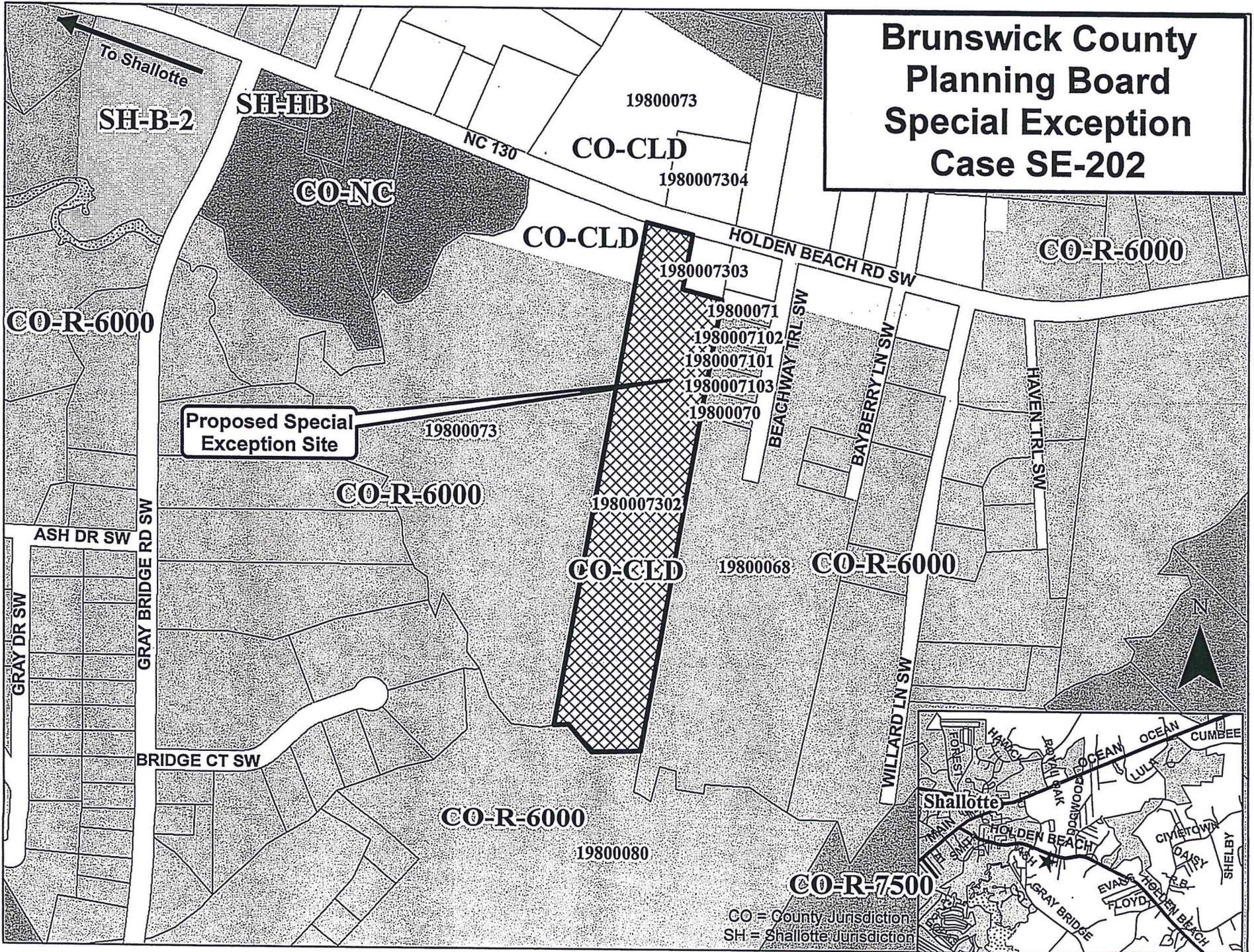
Linda Stephens
Signature

12-2-14
Date

Brunswick County Department Contact Information

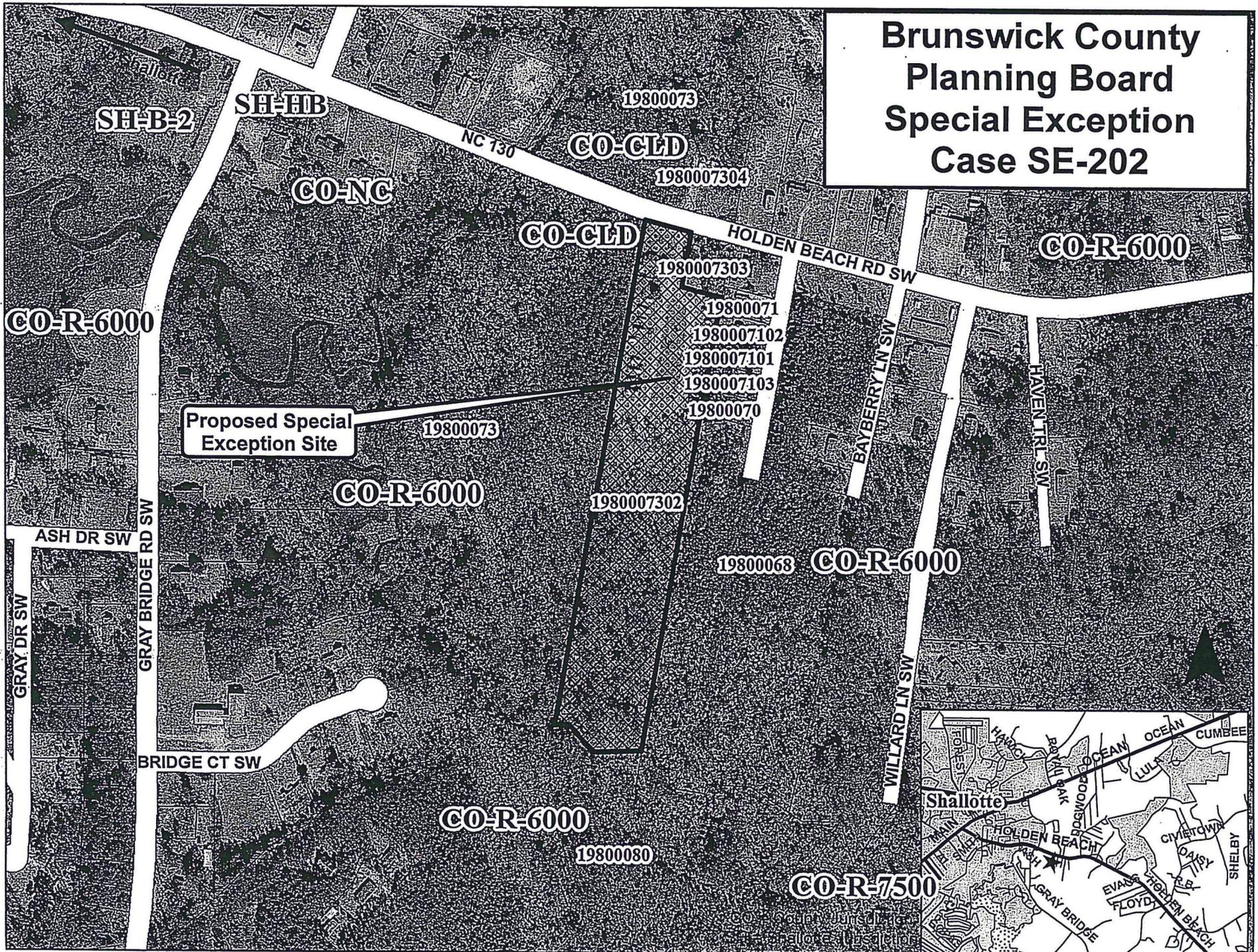
| | | | |
|----------------------|----------------|------------------|----------------|
| Planning | (910) 253-2025 | Engineering | (910) 253-2500 |
| Building Inspections | (910) 253-2050 | Fire Marshal | (910) 253-4376 |
| Environmental Health | (910) 253-2250 | Public Utilities | (910) 253-2657 |

Brunswick County Planning Board Special Exception Case SE-202



CO = County Jurisdiction
SH = Shallotte Jurisdiction

Brunswick County Planning Board Special Exception Case SE-202



PROPERTY OWNER LIST - SE-202

| PETITIONER | | | | | |
|-------------------|----------------|---------------------|-------------|--------------|------------|
| PARCEL ID | NAME | ADDRESS | CITY | STATE | ZIP |
| | LINDA STEPHENS | 532 HOLDEN BEACH RD | SHALLOTTE | NC | 28470 |

| OWNER | | | | | |
|------------------|----------------|------------------------|-------------|--------------|------------|
| PARCEL ID | NAME | ADDRESS | CITY | STATE | ZIP |
| 1980007302 | PARSONS JOHN R | 532 HOLDEN BEACH RD SW | SHALLOTTE | NC | 28470 |

| ADJOINING PROPERTY OWNERS | | | | | |
|----------------------------------|-------------------------------------|--------------------------|--------------|--------------|------------|
| PARCEL ID | NAME | ADDRESS | CITY | STATE | ZIP |
| 19800068 | WORRELL JOYCE C | 1206 PINCKNEY STREET | WHITEVILLE | NC | 28472 |
| 19800080 | CALLENDER MICHAEL R ETUX SHARON | 2930 POCONO TRL SW | SHALLOTTE | NC | 28470 |
| 19800072 | HILL WANDA P | 738 PERKINS ROAD | PIKEVILLE | NC | 27863 |
| 1980007304A | VERIZON WIRELESS | 180 WASHINGTON VALLEY RD | BEDMINISTER | NJ | 07921 |
| 1980007304 | GRAY JOHN B JR ET ELIZABETH C ETALS | 213 TIFFANY CIRCLE | GARNER | NC | 27529 |
| 1980007303 | CARR MARGUERITE & PHELPS PRISCILLA | P O BOX 387 | SHALLOTTE | NC | 28459 |
| 19800071 | HIGGINS BRIAN ET SUSAN | 459 BEACHWAY TRAIL | SHALLOTTE | NC | 28470 |
| 1980007102 | MARTIN VERNA H | 2707 PROVIDENCE CH RD | CLIMAX | NC | 27233 |
| 1980007101 | PARDUE CARL W | 5019 LANGSIDE RD | GREENSBORO | NC | 27405 |
| 1980007103 | CECIL CARL EDWARD ET BARBARA | 114 KNOX ROAD | MCLEANSVILLE | NC | 27301 |
| 19800070 | CECIL CARL EDWARD ET BARBARA | 114 KNOX ROAD | MCLEANSVILLE | NC | 27301 |
| 19800073 | GRAY JOHN B JR ET ELIZABETH C ETALS | 213 TIFFANY CIRCLE | GARNER | NC | 27529 |



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

December 12, 2014

Linda Stephens
532 Holden Beach Road
Shalotte, NC 28470

**RE: S & W Campground Expansion
File # SE-202**

Dear Ms. Stephens,

Please find below comments with regards to the review of the above referenced project:

- Please clearly indicate the existing portion of the campground as Phase 1, the 8 campsite expansion as Phase 2 and the future 48 campsite expansion as Phase 3.
- Please prominently show on the site plan the name of the Campground, Tax Parcel ID, Property Owner, Acreage, Zoning Designation, and Open Space Acreage.
- Buffers/Landscaping/Screening:
 - In the first phase of the proposed expansion, please indicate the 20' buffer will contain 2 canopy trees, 6 understory trees and 9 shrubs consistent with approved species per Section 7.1.6.C of the Brunswick County Unified Development Ordinance (UDO). Please indicate on both the east and west sides of the property
 - Please accurately indicate the area where the proposed landscaping will be installed and where you propose to utilize existing vegetation to satisfy buffer requirements.
 - Please note that a Heritage Tree Survey will be submitted to the planning department for review prior to development of the future phase of the development.
 - Please indicate the screening for the dumpsters will comply with Section 6.10. of the UDO.
- General Site Notes to be added to the Site Plan:
 - Please add note to the site plan that no permanent accessory structures will be placed on the campsites consistent with Section 5.3.8.A.4.xi.
 - Please note on the site plan that a NCDOT driveway permit and encroachment agreement must be secured prior to final zoning approval.
 - Please indicate that all campsites will be a minimum of 25 feet wide and 1,250 square feet in size.
 - Please note that all parking will be off street.
 - Please note that only one RV/camper is allowed per campsite.
 - Please indicate the roads will be private and maintained by the campground owner.
 - Please indicate that the future road expansion must be surfaced with a minimum of 6 inches of compacted stone consistent with Section 5.3.8.A.5.iii.d. of the UDO.
 - Please note that each campsite will be served by county water.
 - Please note that each campsite will have an individual septic connection served by an on-site wastewater system.
 - Due to the lack of on-site restroom facilities, please note that primitive or tent camping will not be permitted.

- Brigit Flora, County Stormwater Engineer, has indicated that a stormwater permit is not required for the initial 8 campsite expansion. However, the future 48 campsite expansion will require both a County and State stormwater permit at the time of development.
- I have also included correspondence from the Environmental Health Department that will assist you during construction of the project (attached).

For your information, because the Planning Board will be in quasi-judicial mode during the hearing for the special exception, there are specific people who may present the case and provide testimony.

Because the Planning Board will be quasi-judicial mode during the hearing for the special exception, there are specific findings that must be made for the project to be approved. The burden of providing testimony so that the Board may make these findings is on the person authorized to represent the case. If the testimony is not provided, the Planning Board cannot make these finding, therefore resulting in denial of the project. The findings that must be made are as follows:

- That the proposed use will be in harmony with the area and not substantially injurious to the value of properties in the general vicinity;
- That the proposed use will be in conformance with all special requirements applicable to the use;
- That the proposed use will not adversely affect the health or safety of the public; and
- That the proposed use will adequately address all twelve (12) **review factors** listed in **Section 3.3.9.B.** of the Brunswick County Unified Development Ordinance.

Please return 3 *folded* copies of the revised plans to the Brunswick County Planning Department by 5:00 p.m. on December 29, 2014. 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,



Marc Pages
Land Planner

Marc Pages

DOT Comments

Subject: RE: S & W RV Park

From: Roan, Jon [<mailto:jroan@ncdot.gov>]
Sent: Friday, December 19, 2014 2:45 PM
To: lindastephens1948; Helen Bunch
Subject: RE: S & W RV Park

Linda,
Since your property is located outside the Town of Shallotte and it is Brunswick County jurisdiction. I am sending this email to Helen Bunch to document your request. Thanks, Jon

Helen,
I don't see any issues by adding on the additional 8 sites to the existing 22 sites that was approved in 1983. As stated in the email below, any future expansion to this property, it will require a new driveway permit and roadway improvements may be required if warranted. Thanks, Jon

From: lindastephens1948 [<mailto:lindastephens1948@atmc.net>]
Sent: Friday, December 19, 2014 1:55 PM
To: Roan, Jon
Subject: RE: S & W RV Park

Can I get something in writing for the planning board. Thanks Linda Stephens

----- Original message -----

From: "Roan, Jon"
Date: 12/19/2014 12:06 PM (GMT-05:00)
To: linda stephens
Subject: RE: S & W RV Park

Linda,
Proceed on with additional 8 sites as depicted in your drawing as is. No driveway permit is needed at this time. However, any future build out of the remaining site will require a new driveway permit and roadway improvements may be required if warranted. Thanks, Jon

-----Original Message-----

From: linda stephens [<mailto:lindastephens1948@atmc.net>]
Sent: Friday, December 19, 2014 10:56 AM
To: Roan, Jon
Subject: S & W RV Park

John, attached is info for the park. We want to add 8 sites now. Later 48 more sites. We have 22 sites in the park at the present time. We were hoping we could get by without doing anything to the entrance until we start on the third phase. Please advise. Thanks, Linda Stephens

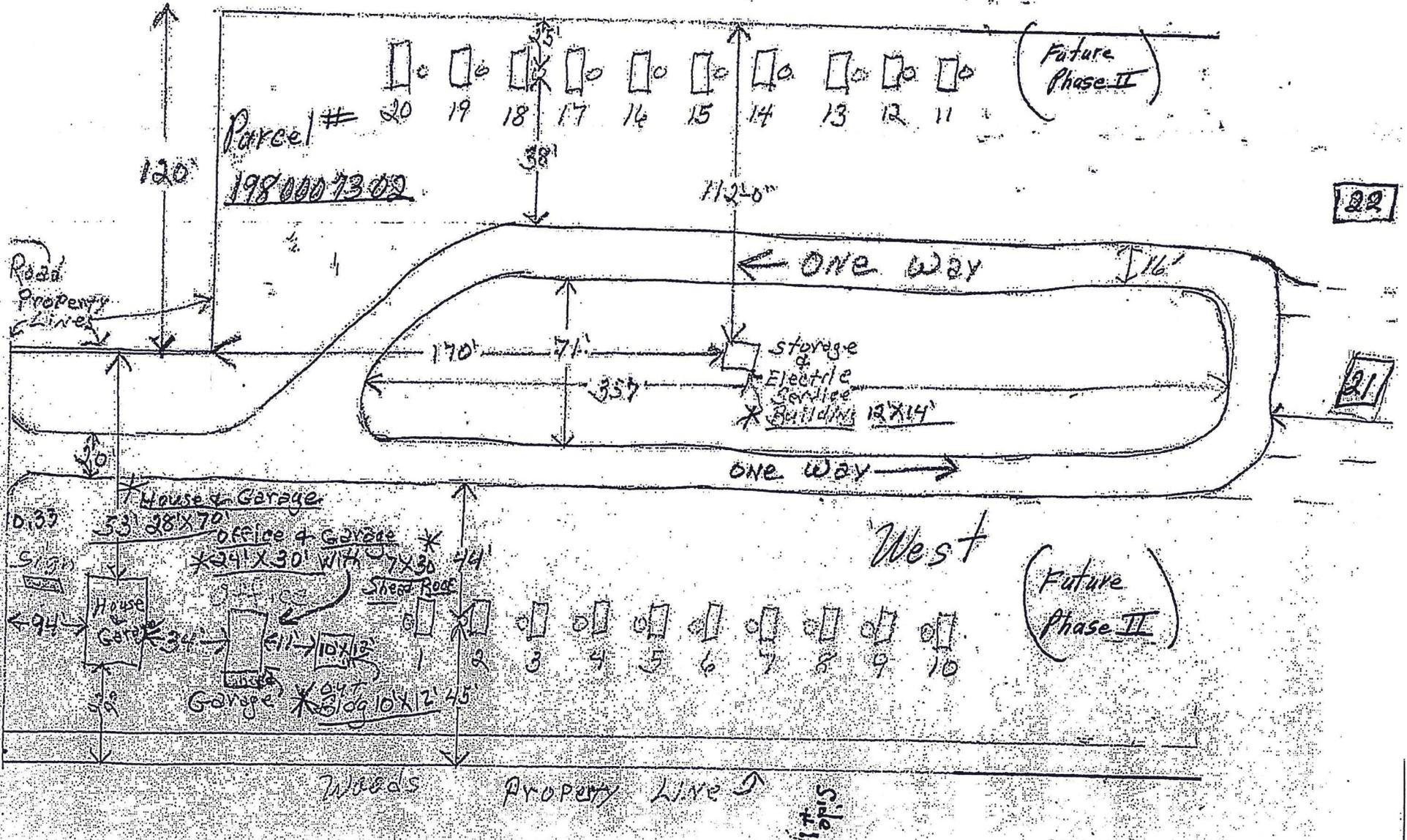
Linda Stephens
Coldwell Banker Sea Coast Advantage Holden Beach
3247 Holden Beach Rd SW

00

RECEIVED
DEC 17 2014

S&W Campground Parcel # 198 000 7302

Phase I East



**BRUNSWICK COUNTY
SPECIAL EXCEPTION
STAFF REPORT AND RECOMMENDATION**

Application No. SE-202

Applicant: Linda Stephens and John Parsons

Project Name: S & W Campground (Expansion)

Property Location: Holden Beach Road (NC 130)

Parcel Number(s): 1980007302

Zoning District: CLD (Commercial Low Density)

Surrounding Zoning **North** CLD **South** R-6000 (High Density Residential)
East R-6000 and CLD **West** R-6000 and CLD

Proposed Use of Property: Campground

The project was submitted to the Planning Department on December 2, 2014.

The project is proposing an expansion of 56 campsites on 5.8 acres. Including this expansion, the campground will consist of 78 campsites on a gross site of 8.6 acres.

Approval Criteria

1. **Circulation:** All campsites will be accessed internally. According to NCDOT's Average Annual Daily Traffic Counts, this section of Holden Beach road is near capacity.
2. **Parking and Loading:** All parking will be off-street.
3. **Service Entrances and Areas:** None indicated on plan. No separate construction entrances indicated on plan.
4. **Lighting:** All lighting shall be internally oriented and designed in accordance with Section 6.6 of the UDO.
5. **Signs:** Each campsite will be identified by a permanent number which must be visibly displayed. No new on-premise sign(s) are indicated on site plan. Any on-premise signs identifying the development must comply with Section 10.7.11. of the UDO.
6. **Utilities:** Water service to be provided by Brunswick County. Each campsite shall have a individual sewer connection to an on-site septic system.
7. **Open Space:** The developer is proposing 0.8 acres of recreational open space of which 0.47 acres is required.
8. **Environmental Protection:** No heritage trees are located within the proposed area of the phase 2 expansion. A heritage tree survey shall be required prior to the development of phase 3. County and State stormwater permits must be obtained prior to any construction.
9. **Screening, Buffering and Landscaping:** The proposed project meets all periphery buffer requirements providing a .4 opacity 20' peripheral buffer with the required landscaping. Refuse dumpsters shall be screened in accordance with section 6.10 of the UDO.
10. **Effect on Adjoining Property:** Campground access shall be provided off of the existing entrance on Holden Beach Road. Appropriate buffers for this expansion

are indicated on the site plan. Refuse collection shall be provided via dumpsters within the campsite.

11. Compatibility: The majority of the surrounding uses consists of vacant land, manufactured homes and stick-built houses.

12. Impacts on Military Installations: This project is not within a 5 mile perimeter of any Military Installation.

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 special exception application and kept on file by the Brunswick County Planning Department.
2. That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
3. That if the specified conditions addressed in this special exception are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Planning Board for another special use permit and receiving their approval can the use be again permitted.
4. An updated NCDOT driveway permit shall be required for the 48 additional campsites included in phase 3.
5. A heritage tree survey shall be required prior to the development of phase 3.

**BRUNSWICK COUNTY
SPECIAL EXCEPTION (SE-202)
S & W CAMPGROUND (EXPANSION)
FINDINGS OF FACT WORKSHEET**

Having heard all of the evidence and arguments presented at the hearing, the Planning Board, at its regular meeting, determined that the application is complete / incomplete and finds:

I. WHETHER THE PROPOSED USE IS IN HARMONY WITH THE AREA AND NOT SUBSTANTIALLY INJURIOUS TO THE VALUE OF PROPERTIES IN THE GENERAL VICINITY:

Yes

No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

II. WHETHER THE PROPOSED USE IS IN CONFORMANCE WITH ALL SPECIAL REQUIREMENTS APPLICABLE TO THE USE:

Yes

No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

**BRUNSWICK COUNTY
SPECIAL EXCEPTION (SE-202)
S & W CAMPGROUND (EXPANSION)
FINDINGS OF FACT WORKSHEET**

- III. WHETHER THE USE, IF DEVELOPED AS PROPOSED, WILL NOT ADVERSELY AFFECT THE HEALTH AND SAFETY OF THE PUBLIC:
 Yes
 No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

- IV. WHETHER THE USE, IF DEVELOPED AS PROPOSED, WILL ADEQUATELY ADDRESS THE TWELVE (12) REVIEW FACTORS IDENTIFIED IN SECTION 3.3.9.B. OF THE BRUNSWICK COUNTY UNIFIED DEVELOPMENT ORDINANCE:
 Yes
 No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

DECISION:

1. GRANT:

I move that we grant the special exception because the proposed use, if developed as proposed and subject to the conditions imposed below:

- a) WILL BE IN HARMONY WITH THE AREA AND NOT SUBSTANTIALLY INJURIOUS TO THE VALUE OF PROPERTIES IN THE GENERAL VICINITY,
- b) WILL BE IN CONFORMANCE WITH ALL SPECIAL REQUIREMENTS APPLICABLE TO THE USE,
- c) WILL NOT ADVERSELY AFFECT THE HEALTH AND SAFETY OF THE PUBLIC,
- d) WILL ADEQUATELY ADDRESS THE TWELVE (12) REVIEW FACTORS IDENTIFIED IN SECTION 3.3.9.B. OF THE BRUNSWICK COUNTY UNIFIED DEVELOPMENT ORDINANCE.

CONDITIONS:

- 1. That the development shall proceed in conformity with all plans and design features submitted as part of the special exception application and kept on file by the Brunswick County Planning Department.
- 2. That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
- 3. That if the specified conditions addressed in this special exception are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Planning Board for another special use permit and receiving their approval can the use be again permitted.
- 4. An updated NCDOT driveway permit shall be required for the 48 additional campsites included in phase 3.
- 5. A heritage tree survey shall be required prior to the development of phase 3.

2. DENY: (state all that are applicable)

I move that we deny the special exception because the proposed use, if developed as proposed:

- a) WILL NOT BE IN HARMONY WITH THE AREA AND NOT SUBSTANTIALLY INJURIOUS TO THE VALUE OF PROPERTIES IN THE GENERAL VICINITY,
- b) WILL NOT BE IN CONFORMANCE WITH ALL SPECIAL REQUIREMENTS APPLICABLE TO THE USE,
- c) WILL ADVERSELY AFFECT THE HEALTH AND SAFETY OF THE PUBLIC,
- d) DOES NOT ADEQUATELY ADDRESS THE TWELVE (12) REVIEW FACTORS IDENTIFIED IN SECTION 3.3.9.B. OF THE BRUNSWICK COUNTY UNIFIED DEVELOPMENT ORDINANCE.