

MINUTES

PLANNING BOARD

BRUNSWICK COUNTY, NC

**6:00 P.M. Monday
October 22, 2018**

**Cooperative Ext. Training Room
Building N
County Government Center
Old U.S 17 East**

MEMBERS PRESENT

Eric Dunham, Chair
Joy Easley, Vice Chair
Richard Leary
Ron Medlin
Troy Price

MEMBERS ABSENT

Tom Simmons
William Bittenbender

STAFF PRESENT

Kirstie Dixon, Director
Helen Bunch, Zoning Administrator
Connie Marlowe, Admin. Asst. II
Marc Pages, Senior Planner
Brandon Hackney, Project Planner
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

Terry Pope, State Port Pilot
William B. Miller, Jr.
Don Harley
Kevin Henry
Mary Russ
Steven Russ
Henry Sherrill
Larry Leggett
Thomas Scheetz
Leon Franks
Denotra Franks
Jane Whitaker

Donald Ward
Allan D. Yuhasz
Jerry Blanks
Richard Hutton
Tammy Chamberlin
Elena Blanks
George Magee
Janet Rockenhauser
Arthur Bellamy
Sue Carlisle
Steve Shuttleworth

I. CALL TO ORDER.

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

II. INVOCATION/PLEDGE OF ALLEGIANCE.

Mr. Dunham said a prayer. The Chair asked everyone to stand and face the U.S. Flag to say the Pledge of Allegiance.

III. ROLL CALL.

Mr. Tom Simmons and Mr. William Bittenbender were absent.

IV. CONSIDERATION OF MINUTES OF THE 13-AUG-18 MEETING.

Ms. Easley made a motion to approve the minutes as written and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

There were none.

VI. PUBLIC COMMENT.

There were none.

VII. PUBLIC HEARINGS.

A. Rezoning Z-769 – Donald R. Ward

Request to rezone approximately 18.57 acres located off Sunset Harbor Road SE (SR 1112) near Bolivia from NC (Neighborhood Commercial) to C-LD (Commercial Low Density) for Tax Parcel 2010001307.

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

Mr. Hackney said staff recommends approval from NC (Neighborhood Commercial) to C-LD (Commercial Low Density) Tax Parcel 0570007203.

Mr. Dunham asked staff if the existing C-LD that is contiguous to the subject property is currently developed? Mr. Pages said there are some commercial uses in the vicinity.

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

Mr. Donald Ward addressed the Board. He stated that the requested zoning change is the highest and best use of the property.

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

Mr. Leary made a motion to recommend to the Board of Commissioners to approve Tax Parcel 2010001307 to C-LD (Commercial Low Density) and the motion was unanimously carried.

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

APPROVAL – The proposed zoning amendment is APPROVED

- The Planning Board finds that the proposed zoning amendment is consistent with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning amendment is consistent with the Comprehensive Plan (CAMA Land Use Plan) and other parcels in the immediate area.

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

The proposed amendment is adjacent to similar zoning and infrastructure is in place.

B. Rezoning Z-770CZ – William Bryan Miller, Jr.

Request to rezone approximately 1.4 acres located off Pirate Shores Drive SW near Holden Beach from R-6000 (High Density Residential) and R-7500 (Medium Density Residential) to C-LDCZ (Commercial Low Density Conditional Zoning) for Tax Parcels 231LE02302, 231MA006 and 231MA008.

Land Use Plan Map Amendment LUM-770CZ:

Request to amend Tax Parcels 231LE02302, 231MA006 and 231MA008 located off Pirate Shores Drive SW near Holden Beach from HDR (High Density Residential) to Commercial.

Ms. Bunch addressed the Board. She read the Staff Report (attached). She identified the subject property and surrounding properties on a visual map.

Mr. Dunham asked staff how the subject is accessed because Pirate Shore Drive SW appears to be a dead end road? Ms. Bunch stated that Pirate Shore Drive SW is a dirt road off Seashore Road SW (SR 1139) that intersects with Shane Street SW.

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

Mr. Bryan Miller addressed the Board. Mr. Miller stated that he intends to offer storage of boats in preparation for the expanded growth to this area and provide residents access to the Atlantic Intracoastal Waterway (AICW). He provided maps of the area as well as a map of the expected growth to this area. He further stated that there was a previous proposal for a larger boating facility, but this is a small scale project that will generate less traffic to the area. Mr. Miller said concerns were expressed in the neighborhood meeting regarding Shane Street SW being used to gain access to the AICW, but Shane Street SW will only be accessible for emergency purposes and parking for the proposed facility will be located off Dal Street SW. The main entrance to the facility will be from Pirate Shores Drive SW. Mr. Miller said there were concerns expressed regarding the existing bridge and he intends to assist with improvements and maintenance of the existing bridge through a

percentage base agreement as the boat storage facility grows. Mr. Dunham asked Mr. Miller if he is proposing to pay 25% of the cost for improvements and/or maintenance of the bridge upfront? Mr. Miller said the agreement states that when the boat storage facility is 25% occupied, he will contribute 25% of the cost and he will contribute 50% of the cost of improvements and/or maintenance to the bridge when the proposed facility is half occupied. Mr. Miller addressed other concerns regarding safety and security that were discussed at the neighborhood meeting. He stated that there will be recommended hours of operation, County emergency contact numbers, the County Noise Ordinance will be posted on-site and other County Ordinances will be adhered to as well as any Federal and State minimum requirements. He stated that the intended use will be strictly for residential use and/or vessels used for non-commercial purposes. Mr. Miller said the previously approved (through the North Carolina Department of Environmental Quality, Division of Coastal Management) boating facility was proposing 102 boat slips and he is proposing 60 boat slips. Mr. Miller concluded that the proposed facility will offer boating and water recreational opportunities for the community.

Mr. Dunham asked the applicant the water level in the area and Mr. Miller replied, the water depth is approximately 24”.

Mr. Jerry Blanks (owner of Tax Parcels 231MA007 and 231MA004) addressed the Board. Mr. Blanks spoke in opposition to the conditional rezoning because it will change the dynamics of the neighborhood. He stated that his property is surrounded by this project. Mr. Blanks was also concerned with lights shining in his home and excessive traffic that will be generated by the intended use. He stated that the proposed facility will be open to the general public and cause a disruption to their quiet neighborhood. Mr. Blanks said their Property Owners Association (POA) will have to improve the road(s) in the community and the applicant’s portion will be minimal until he has a certain number of boat slips sold. Mr. Blanks expressed concern with other uses that are allowed should this conditional use be allowed. Mr. Blanks said he expressed concern with a privacy fence being erected around his property at the neighborhood meeting, but he was told the privacy fence would have to be erected at his expense and he felt the privacy fence would very costly. He provided the Board with copies of emails from other homeowners opposing the conditional rezoning.

Mr. Dunham asked staff the minimum buffer requirements? Ms. Bunch explained the minimum alternative buffers that are available for the applicant to install. She further stated that whichever minimum buffer the applicant chooses would be the applicant’s responsibility to construct and/or install that buffer. Ms. Bunch said the applicant is proposing fencing and a wall in one section and vegetation in other sections and she proceeded to point out those areas on a visual map. Mr. Dunham asked Mr. Blanks why a fence will be necessary if the applicant is proposing to provide buffering which will consist of vegetation. Mr. Blanks said he do not want to look at a parking lot and recreational vehicles (RV), which was proposed at the neighborhood meeting. Ms. Bunch clarified that the conditional zoning allows for wet boat storage, single family detached residential, and accessory building. She stated that, after the neighborhood meeting, RVs were removed from uses that could be allowed. Ms. Easley asked staff the nearest commercial property in the area? Ms. Dixon said there is no commercial zoning and/or property in the immediate area and that is why the applicant requested a conditional rezoning.

Mr. Kevin Henry, representative for Harbour Town Investments LLC, addressed the Board. Mr. Henry said the docking facility/elevated boat ramp that was approved by the North Carolina Department of Environmental Quality, Division of Coastal Management (Coastal Management) has expired and there is no future growth coming to this area. He stated that his clients are trying to sell the property and public sewer is not available in the near future.

Mr. Richard Hutton, owner of Tax Parcel 231MA005, addressed the Board. Mr. Hutton said he is opposed to any commercial uses in the area. He felt that people gaining access to the boat storage area will be trespassing on the current homeowners' property. Mr. Hutton felt that the proposed use will generate more traffic to the area. Mr. Dunham said the applicant is proposing to place a 6' fence on the north and western boundary adjacent to Mr. Blanks' property. Ms. Bunch interjected that access off Shane Street SW is proposed for emergency and handicap access only and the applicant is proposing a turnaround. She further stated that traffic should park off Dal Street SW and access the boardwalk to the boat storage facility. Mr. Dunham clarified that there is nothing to prevent vehicular traffic from utilizing Shane Street SW to access the boat storage facility and Mr. Miller agreed. However, Mr. Miller stated that the lease contract will stipulate how to access the boat storage facility.

Ms. Mary Russ, owner of Tax Parcel 231MA003, addressed the Board. Ms. Russ was concerned with the potential noise, lighting and pollution from the proposed use.

Ms. Tammy Chamberlin, 2807 Pirate Shores Drive SW, addressed the Board on behalf of her father. Ms. Chamberlin was opposed to the potential traffic that will be generated from the proposed conditional zoning. She felt that the current road conditions are in disarray and the proposed facility will only compound the matter. Ms. Chamberlin was also concerned with the potential noise from vehicles pulling trailers to unload boats to the boat storage facility. She further expressed concern with a privacy fence and vegetation blocking her view of the AICW.

Mr. Steven Russ, 2839 Pirate Shores Drive SW, addressed the Board. Mr. Russ expressed concern with excessive traffic, lights shining in homes and pollution to the AICW. Mr. Russ was also concerned with not being able to enjoy the AICW if the proposed facility is allowed.

Ms. Elena Blanks addressed the Board. Ms. Blanks read 2 emails from other property owners (Zane Styers, 2252 Dal Street SW and Terry and Irene Jenrette, 2235 Dal Street SW) in opposition to the intended use of the property.

Mr. Henry Sherrill, 2239 Shane Street SW, addressed the Board. Mr. Sherrill spoke in opposition to the zoning change. He reiterated that the intended use is not compatible with their community as it will generate additional traffic, noise and has a potential for visitors to trespass on private lots trying to gain access to the boat storage facility. Mr. Sherrill asked that the Board deny the applicant's request. Mr. Sherrill concluded that the proposed facility will potentially devalue their property.

Mr. Dunham asked the applicant to explain the property road maintenance agreement? Mr. Miller said he is proposing to pay 25% of road maintenance and improvements once he has sold 25% of the boat slips if the community hires a road maintenance service and he will pay 50% of road maintenance and improvements costs once he has sold 50% of the boat slips.

Mr. George Magee, 2240 Shane Street SW, addressed the Board. Mr. Magee reiterated his opposition to any commercial use(s) coming to the area and changing the dynamics of their residential community.

Mr. Larry Leggett, 2830 Pirate Shore Drive SW, addressed the Board. Mr. Leggett said his bedroom window will be near the proposed parking lot. He, too, reiterated his neighbor's concerns in opposition to the proposed project because the intended use will be an intrusion into a residential community.

Mr. Henry Sherrill re-addressed the Board. Mr. Sherrill was concerned with access and it was determined that access will be provided.

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

Mr. Dunham asked if the applicant has received riparian rights to construct the boat storage facility as the subject property does not have direct access to the AICW? Ms. Bunch said the applicant will have to receive approval from Coastal Management to develop the property for the intended use.

Ms. Easley asked Attorney Batton about the potential of spot zoning if the conditional zoning is approved. Attorney Batton stated that conditional zoning is, by definition, spot zoning. He explained that the process for the conditional zoning is limited to 3 uses (Wet Boat Storage, Single Family Detached Residential and Accessory Building) and those uses have to be reasonable and in the public's interest to be permitted.

Ms. Bunch said staff recommends approval from R-6000 (High Density Residential) and R-7500 (Medium Density Residential) to C-LDCZ (Commercial Low Density Conditional Zoning) Tax Parcels 231LE02302, 231MA006 and 231MA008 with the noted conditions in the Staff Report in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Commercial for Tax Parcels 231LE02302, 231MA006 and 231MA008.

Ms. Easley reiterated the intent of the C-LD zoning district. Ms. Easley made a motion to recommend to the Board of Commissioners to deny the conditional zoning because it is not compatible with surrounding development and it is not reasonable and the motion was unanimously carried.

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

DENIED – INCONSISTENT WITH COMPREHENSIVE PLAN

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

The intended use is not, specifically, for the neighborhood, it is a commercial project that will lease/rent boat slips to the general public and traffic will be increased on a dirt road.

C. Rezoning Z-771CZ – Allan D. Yuhasz

Request to rezone approximately 1.54 acres located off Southport-Supply Road SE (NC 211) near Bolivia from SBR-6000 (Site Built High Density Residential) to C-LD-CZ (Commercial Low Density Conditional Zoning) for Tax Parcel 18500013.

Land Use Plan Map Amendment LUM-771CZ:

Request to amend Tax Parcel 18500013 located off Southport-Supply Road SE (NC 211) near Bolivia from LDR (Low Density Residential) to Commercial.

Ms. Bunch addressed the Board. She read the Staff Report (attached). She identified the subject property and surrounding properties on a visual map.

Ms. Bunch said staff recommends approval from SBR-6000 (Site Built High Density Residential) to C-LDCZ (Commercial Low Density Conditional Zoning) Tax Parcel 18500013 with the noted

conditions in the Staff Report in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Commercial for Tax Parcel 18500013.

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

Mr. Allan Yuhasz addressed the Board. He stated that the proposed use will generate minimal traffic. He stated that there is a need for the intended use (contractor office, storage and workshop for 3 buildings with outdoor storage in rear for further development) on the subject property. He further stated that this area is in transition, which creates a demand for businesses.

Mr. Dunham asked staff if this area will be increased to 4 lanes and Ms. Bunch said the additional lanes will likely be on the opposite side of NC 211, but there is the potential for all of NC 211 to be 4 lanes in the future.

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

Mr. Leary made a motion to recommend to the Board of Commissioners to approve from SBR-6000 (Site Built High Density Residential) to C-LDCZ (Commercial Low Density Conditional Zoning) Tax Parcel 18500013 with the noted conditions in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map from LDR (Low Density Residential) to Commercial for Tax Parcel 18500013 located off Southport-Supply Road SE (NC 211) and the motion was unanimously carried.

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

APPROVAL – The proposed zoning amendment is APPROVED

- The Planning Board finds that the proposed zoning amendment is not consistent with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning amendment is not consistent with the Comprehensive Plan (CAMA Land Use Plan). However, a CAMA Land Use Plan Map amendment has been requested.

- The Planning Board further finds that the approval of the proposed zoning amendment will amend the CAMA Land Use Plan (Comprehensive Plan) and the following changes have been considered to meet the needs of the community:

There are conditions proposed by staff and there was no opposition at neither the neighborhood meeting nor the Planning Board meeting.

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

The subject property is adjacent to a major thoroughfare and the conditional uses will be beneficial to the neighborhood.

D. Rezoning Z-772 – Don Harley and Anne Adams

Request to rezone approximately 30.87 acres located off Ocean Highway East (US 17) near Bolivia from RR (Rural Low Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 1110002202, 1110002203, 1110002205 and 1110002206.

Land Use Plan Map Amendment LUM-772:

Request to amend Tax Parcels 1110002202, 1110002203, 1110002205 and 1110002206 located off Ocean Highway East (US 17) near Bolivia from LDR (Low Density Residential) to Commercial.

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

Mr. Pages said staff recommends approval from RR (Rural Low Density Residential) to C-LD (Commercial Low Density) Tax Parcels 1110002202, 1110002203, 1110002205 and 1110002206 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Commercial for Tax Parcels 1110002202, 1110002203, 1110002205 and 1110002206.

Mr. Dunham asked staff where the wetlands are located on the subject property? Mr. Pages pointed out the approximate wetlands area on a visual map. He further stated that the wetlands will be have to be delineated and a buffer (up to 0.80 opacity) will be imposed for any non-residential use. Ms. Easley asked if the property can be farmed if it is rezoned to C-LD? Mr. Pages replied, yes.

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

Mr. Don Harley, Commercial Real Estate Broker with Coldwell Bankers, addressed the Board on behalf of the property owner. Mr. Harley said the requested zoning change is the highest and best use of the subject property. He stated that there will be a natural buffer where the existing ditch is located as well as on the southeast side of the site.

Mr. Dunham asked staff what is located on Tax Parcel 11100011? Mr. Pages said there appears to be a single-family residence on that site as well as a powerline easement.

Mr. Charley Hewett, owner of Tax Parcel 1110001307, addressed the Board. Mr. Hewett said he hunts in the area and would like to continue hunting in the area. He stated that he spoke with Mr. Harley prior to the meeting regarding the intended use of Tax Parcel 1110002203 that is adjacent to his property. Mr. Hewett said he is concerned with someone complaining about him hunting nearby if the property is developed.

Ms. Janet Rockenhauser, owner of Tax Parcel 111KA003, addressed the Board. Ms. Rockenhauser expressed concern with the potential of additional traffic and noise generated from the proposed development.

With no further comments, Mr. Leary made a motion to close the Public Hearing. Ms. Rockenhauser asked if she could ask another question?

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

Ms. Rockenhauser re-addressed the Board. She asked how the property will be developed. Mr. Harley said they have no plans for a specific development at this time.

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

Mr. Price made a motion to recommend to the Board of Commissioners to approve from RR (Rural Low Density Residential) to C-LD (Commercial Low Density) Tax Parcels 1110002202, 1110002203, 1110002205 and 1110002206 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map from LDR (Low Density Residential) to Commercial

for Tax Parcels 1110002202, 1110002203, 1110002205 and 1110002206 located off Ocean Highway East (US 17) and the motion was unanimously carried.

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

APPROVAL – The proposed zoning amendment is APPROVED

- The Planning Board finds that the proposed zoning amendment is not consistent with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning amendment is not consistent with the Comprehensive Plan (CAMA Land Use Plan). However, a CAMA Land Use Plan Map amendment has been requested.

- The Planning Board further finds that the approval of the proposed zoning amendment will amend the CAMA Land Use Plan (Comprehensive Plan) and the following changes have been considered to meet the needs of the community:

There is similar zoning nearby.

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

The property is adjacent to a major thoroughfare and other commercial property.

E. Planned Development Approval – PD-15

Name: Country Walk Planned Development
Applicant: Ed Burnett
Tax Parcel: A portion of 11100014
Location: Bell Swamp Connection NE (SR 1407)
Description: Country Walk is a proposed planned development consisting of 92 single-family lots on a gross site of 37.61 acres creating an overall density of 2.45 units per acre.

Mr. Pages addressed the Board. He read the Staff Report (attached). Mr. Pages identified the proposed area on a visual map.

Mr. Pages said staff recommends approval based on the following conditions:

- That the development shall proceed in conformity with all plans and design features submitted as part of the planned development application and kept on file by the Brunswick County Planning Department; and
- That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.

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

Mr. Thomas Scheetz, Norris and Tunstall Consulting Engineers, addressed the Board on behalf of the applicant. Mr. Scheetz made himself available for any questions.

Mr. Dunham asked staff if the parcel will be subdivided? Mr. Pages said the parcel does not have to be subdivided for the applicant to develop the property, but it will likely be subdivided.

Mr. Arthur Bellamy, owner of Tax Parcel 0970002616, addressed the Board. Mr. Bellamy said this is an agricultural area and he has his neighbor (James Clemmons) have a total of 95 cows. Mr. Bellamy felt that an 8' fence should be erected for buffer purposes to ensure their livestock is protected and not harmed by the proposed development. He stated that the proposed development will cause more congestion to the area and a traffic light should be installed to alleviate the additional traffic that will be generated by this development. Mr. Dunham asked Mr. Scheetz if they have conferred with the North Carolina Department of Transportation (NCDOT) regarding road improvements? Mr. Scheetz said they have spoken with NCDOT and NCDOT has determined that a turn lane is not needed off Bell Swamp Connection NE (SR 1407). Mr. Bellamy reiterated the need for an 8' fence to protect his cows from the proposed development. Mr. Bellamy was concerned that a traffic light needs to be installed on US 17 near Bell Swamp Connection NC (SR 1407) because motorists are currently travelling at a very high speed in this area. Mr. Pages interjected that NCDOT is in the process of superstreeting all of US 17. Ms. Dixon asked Mr. Bellamy if he and his neighbor participate in the Voluntary Agricultural District (VAD) Program. She stated that the VAD Program is designed to protect farmers when development move into their neighborhood and she encouraged him to participate in the VAD program.

Mr. Leon Franks, owner of Tax Parcel 1110001402, addressed the Board. Mr. Franks asked where the entrance to the proposed development will be located? Mr. Pages replied, Bell Swamp Connection NE (SR 1407) and he pointed out the area on a visual map. Mr. Franks was concerned with Kentucky Avenue NE being accessed to the proposed project rather than Bell Swamp Connection NE (SR 1407) to gain access to US 17. Mr. Dunham said there does not appear to be a connection to the subject property from Kentucky Avenue NE and Mr. Pages concurred. Mr. Franks felt that someone could use Kentucky Avenue NE to gain access to the proposed development and not assist in the maintenance of Kentucky Avenue NE. Mr. Scheetz interjected that homes will be built in the area abutting Kentucky Avenue NE, which will prevent access from Kentucky Avenue NE to the proposed development. Mr. Pages added that the buffer will also deter such from happening. Mr. Franks asked how long the applicant will have to complete the project? Mr. Dunham said the applicant has a vested right for 3 years and they can request an extension provided there is activity occurring on the site. Mr. Franks was concerned with the project coming back and forth to the Board for approval(s) and Mr. Pages explained that this is a new approval request because the previously approved project expired. Mr. Franks asked if the applicant will be building homes on the lots or is the applicant selling the lots? Mr. Scheetz said they are designing the property for 92 homes.

Ms. Sue Carlisle, owner of Tax Parcel 1110001304, addressed the Board. Ms. Carlisle asked what her limitations will be when the property is developed? Mr. Pages said Ms. Carlisle property is currently zoned RR and she can develop the property for residential purposes and some light commercial uses. He further stated that the proposed development will not affect her property. Ms. Carlisle was concerned with the potential traffic issues that will be generated as a result of the proposed development. She, too, felt that there should be road improvements to the area to assist with traffic congestion. Mr. Dunham said the applicant will have to get a driveway permit from NCDOT prior to developing the property. Mr. Dunham suggested that the adjacent property owners contact NCDOT regarding their traffic concerns.

With no further comments, Mr. Leary made a motion to close the Public Hearing and the motion was unanimously carried. There was another member of the audience that asked to speak.

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

Ms. Denotra Franks addressed the Board. Ms. Franks asked if other parcels could be added to the approved PD? Ms. Dixon said the applicant would have to come back to the Board for approval if other parcels were included. Ms. Franks about wetlands on the site. Mr. Scheetz said there are multiple dry basins on the site. Ms. Franks asked if the pond will be included within the development and Mr. Scheetz replied, yes.

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

Mr. Price made a motion to approve Country Walk Planned Development with the noted conditions and the motion was unanimously carried.

F. Planned Development Approval – PD-19

Name: Leland Commercial Planned Development
Applicant: TRS Holdings LLC
Tax Parcel: 04600040, 04600041, 0460004601, 04600046 and 046LA061
Location: Ocean Highway E. (US 17) and Carol-Lynn Drive NE (SR 1732)
Description: Leland Commercial is a proposed planned development consisting of 123 townhome units and 11.29 acres of commercial on a gross site of 30.17 acres creating an overall density of 4.08 units per acre.

Mr. Pages addressed the Board. He read the Staff Report (attached). Mr. Pages identified the proposed area on a visual map.

Mr. Pages said staff recommends approval based on the following conditions:

- That the development shall proceed in conformity with all plans and design features submitted as part of the planned development application and kept on file by the Brunswick County Planning Department;
- That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance;
- Clearly delineate the cemetery with a fence or similar and ensure a minimum of 25 feet clearance to any structure; and
- Indicate a 6 foot wooden fence will be installed 10 feet south of the property line adjacent to Tax Parcel 0460004805.

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

Mr. Steve Shuttleworth addressed the Board. Mr. Shuttleworth said they met with Mr. Duffy to discuss installing a 6' privacy fence off the property line and that they have added a second stormwater pond. He further stated that they intend to provide a barrier to identify the cemetery. Mr. Shuttleworth concluded that they have been in contact with NCDOT regarding a driveway permit.

Ms. Jane Whitaker addressed the Board on behalf of Erez Weiss, owner of Tax Parcel 0460004804. Ms. Whitaker asked what will happen next to her property? Mr. Shuttleworth stated that they will not be developing within 60' of her property. Ms. Whitaker asked about the townhomes? Mr. Shuttleworth said there will be a combination of 1 and 2 story townhomes. Ms. Whitaker asked about the commercial portion of the project? Mr. Shuttleworth said they have no current plans for the commercial area of this project.

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

Mr. Price made a motion to approve Leland Commercial Planned Development with the noted conditions and the motion was unanimously carried.

VIII. OTHER BUSINESS.

- Planning Board Cases Update

Ms. Dixon addressed the Board. She stated that Zoning Case Z-766 was withdrawn by the applicant for consideration until the 13-Nov-18 Planning Board meeting. Ms. Dixon said Zoning Case Z-765 and Z-767 were approved by the Board of Commissioners as presented.

Ms. Dixon said there will be a text amendment(s) for campgrounds as well as several other cases for consideration at the 13-Nov-18 Planning Board meeting.

IX. ADJOURNMENT.

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