



AGENDA BRUNSWICK COUNTY PLANNING BOARD

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

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

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

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

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

B. Proposed Rezoning Z-782 – Beckington Land Group

Proposed rezoning of approximately 16.64 acres located on Old Fayetteville Rd NE across from Clancy Dr NE from R-6000 (High Density Residential) to MR-3200 (Multifamily Residential) for Tax Parcel 02900087.

- 9) Other Business.
 - Planning Board Case Update.
- 10) Adjournment.

MINUTES

PLANNING BOARD

BRUNSWICK COUNTY, NC

**6:00 P.M. Monday
July 8, 2019**

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

MEMBERS PRESENT

Eric Dunham, Chair
Joy Easley, Vice Chair
Richard Leary
Tom Simmons
William Bittenbender
Alvin Nobles

MEMBERS ABSENT

Ron Medlin

STAFF PRESENT

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

OTHERS PRESENT

John Hankins

Lewis Dozier

I. CALL TO ORDER.

Mr. Dunham called the meeting to order at 6:02 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. Medlin was absent.

IV. OATH OF OFFICE – William Bittenbender.

Ms. Marlowe administered the Oath of Office to William Bittenbender. The Chair and other Board members welcomed Mr. Bittenbender as a re-appointed Board member.

V. ELECTION OF CHAIR AND VICE CHAIR.

Mr. Dunham opened the floor for nominations for Chair.

Mr. Bittenbender nominated Mr. Dunham as Chair. With no further nominations, Mr. Leary made a motion to close nominations and the Board voted unanimously for Mr. Dunham to be Chair.

Mr. Dunham opened the floor for nominations for Vice Chair.

Mr. Simmons nominated Ms. Easley as Vice Chair. With no further nominations, Mr. Leary made a motion to close nominations and the Board voted unanimously for Ms. Easley to be Vice Chair.

VI. CONSIDERATION OF MINUTES OF THE 13-MAY-19 MEETING.

Mr. Leary made a motion to approve the 13-May-19 minutes as presented and the motion was unanimously carried.

VII. AGENDA AMENDMENTS.

There were none.

VIII. PUBLIC COMMENT.

There were none.

IX. PUBLIC HEARINGS.

A. Unified Development Ordinance Text Amendment

Ms. Dixon addressed the Board. She provided a brief overview regarding the proposed Brunswick Unified Development Ordinance (UDO) Text Amendments. Ms. Dixon said there are several UDO revisions that span back to 2018 that include housekeeping changes as well as NC General Statutes mandated revisions. Ms. Dixon proceeded to present the proposed amendments.

Ms. Easley asked staff the height restriction for an uncovered at-grade structure that is proposed to be amended in Article 4, Section 4.14.4.E.3.i., Permitted Obstruction in Required Yards, to allow uncovered at-grade patio structures (patios, decks, or terraces), when screened from adjacent

residential dwellings, to be located between the edge of the structure and the property line? Ms. Dixon stated that the NC State Building Code limits such structures to be no more than 18 inches in height to be exempt from building code regulations and they are proposed to be exempt from zoning requirements.

Ms. Bunch presented an amendment to Article 5, Section 5.4.1.C., Accessory Structures in all Residential Districts to be 5' from the side and rear property line(s) as a result of a Board of Adjustment variance request. She explained that the Board of Adjustment felt that the UDO should be amended to accommodate accessory structures having the same side and rear yard minimum setback as a primary structure. Mr. Dunham clarified that the proposed revision will allow for accessory structures to have the same side and rear yard as the primary use regardless of the structure height and Ms. Bunch concurred.

Ms. Bunch proceeded to explain an amendment to Article 5, Section 5.5.3., that will provide clarity and extend temporary housing for major and minor disasters. Mr. Dunham stated that Item B. Emergency Temporary Housing Associated with a Major Disaster period wording is unclear and he suggested that staff clarify the actual timeframe temporary housing can remain without surpassing the allotted time, which is 18 months from the date of the official major disaster declaration. Ms. Dixon said staff will review the language and make the appropriate change to reflect an initial 120 day period plus an additional 6 months with the issuance of a temporary use permit as well as allowing for 3 month increments on a case-by-case basis up to a maximum of 18 months from the date of the official major disaster declaration.

Ms. Bunch proceeded with the presentation with an amendment to Article 6, Section 6.4.2., Screening Standards, to clarify that enclosures are required around dumpsters to reduce trash and debris from blowing around on commercial property adjacent to residential or residentially zoned property. Ms. Easley asked staff if there is a specified distance the enclosure has to be to the dumpster(s)? Ms. Bunch stated that there are standard requirements based on the dumpster size that dictates the side of the enclosure. Ms. Easley asked staff if a fence would suffice as an enclosure? Ms. Bunch said staff has not encountered such, but she would discourage fencing because the actual dumpster should be enclosed to ensure debris is not blowing around on either the subject property or adjacent property(ies).

Ms. Bunch presented an amendment to Article 9, Section 9.11.10, Statute of Limitations For Legal Action. She stated that the reference to "Administrative enforcement actions" has been stricken, which is currently Item 3(a), at the direction of the County Attorney's office. Mr. Dunham asked staff if legal action cannot be taken after 5 years if the violation is known to the governing body, an agent, or an employee of the unit of local government or if the violation can be determined from the public record of the unit of local government? Ms. Bunch replied, yes.

Ms. Dixon presented amendments to the definition section to include agritourism as defined by the NC General Statutes and she proposed eliminating the current definition for agricultural tourism business. She further stated that the NC General Statutes no longer allows for a Farm Identification Number (FIN) issued by the United States Department of Agriculture Farm Service Agency to be considered sufficient evidence that a property is being used for bona fide farm purposes. Ms. Easley asked Ms. Dixon the section of the NC General Statutes that restricts FINs as sufficient evidence that the property is being used for bona fide farm purposes? Attorney Batton interjected that NC General Statutes 153A-340(b)(2)(e) addresses the removal of Farm Identification Number as sufficient evidence that a property is being used for bona fide farm purposes.

Ms. Dixon said staff recommends approval with the noted change to revise the proposed language to reflect an initial 120 day period for temporary housing to remain on the lot plus an additional 6 months

with the issuance of a temporary use permit as well as allowing for 3 month increments on a case-by-case basis up to a maximum of 18 months from the date of the official major disaster declaration to Article 5, Section 5.5.3.(B), Emergency Temporary Housing Associated with a Major Disaster.

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

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

Attorney Patton suggested that, in the definition for temporary housing the following sentence be stricken: "This type of housing shall be permitted following a major disaster" and the Board agreed.

Mr. Leary made a motion to recommend to the Board of Commissioners to approve the proposed text amendments with the noted corrections to the Brunswick County Unified Development Ordinance and the motion was unanimously carried.

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 text amendment is consistent with the CAMA Land Use Plan (Comprehensive Plan) as it is not a part of the CAMA Land Use Plan (Comprehensive Plan).

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

Based on changes to the NC General State Statutes requirements and clarification purposes, the proposed amendment is reasonable and in the public interest.

X. OTHER BUSINESS.

- Planning Board Cases Update

Ms. Dixon addressed the Board. She stated that the text amendment to allow sidewalks to be installed on residential lots after plat recordation within subdivisions and planned developments was approved by the Board of Commissioners at their Monday 20-May-19 meeting and Zoning Case Z-780 was approved by the Board of Commissioners at their Monday 17-Jun-19 meeting.

Mr. Nobles thanked his fellow Board members and staff for their kindness during his time of illness as a result of an automobile accident. Everyone wished Mr. Nobles a speedy recovery.

XI. ADJOURNMENT.

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

REZONING STAFF REPORT



Prepared by Marc Pages, Senior Planner
Rezoning Case#: Z-781
August 12, 2019

APPLICATION SUMMARY

The applicant requests to rezone Tax Parcel 0460006004 from CI (Commercial Intensive) to SBR-6000 (High Density Site Built Residential). This rezoning request is conventional therefore, no conditions or site plans are proposed. All owners and adjacent owners have been notified via first class mail.

Location

Heart Wood Loop Road NE off of
Old Forest Drive NE

Tax Parcel(s)

0460006004

Current Zoning

CI

Proposed Zoning

SBR-6000

Surrounding Zoning

R-6000 (High Density Residential),
LE-R-6 (Leland Jurisdiction), R-7500
(Medium Density Residential) and
MI (Military Installation)

Current Use

Vacant Land

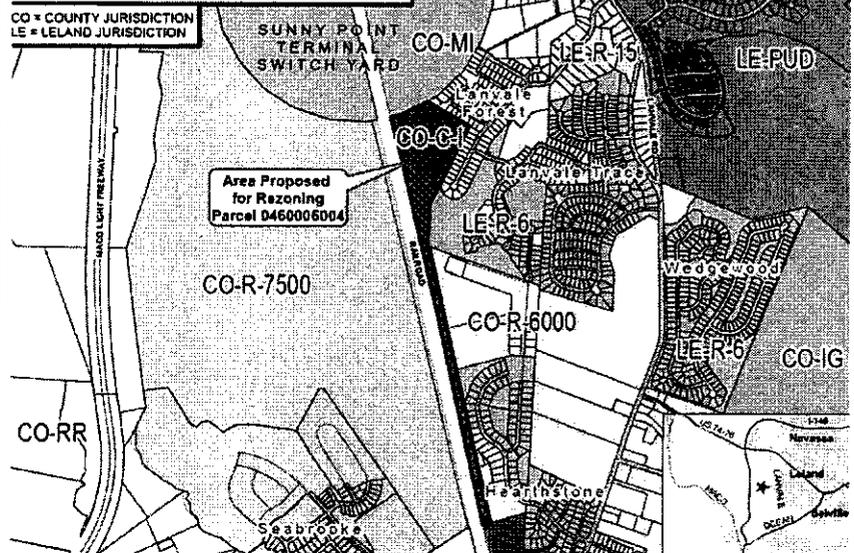
Surrounding Land Uses

Residential, Military Use, Vacant
Lands

Size

30.24 acres

Rezoning Case Z-781 C-I to SBR-6000



SITE CONSIDERATIONS

Zoning History: There are not any known zoning changes to the rezoning site since introduction of zoning in 1994. Tax Parcel 0460006003 located across the rail road to the west was rezoned to R-7500 as part of Rezoning Case Z-465 on February 6, 2006. The Town of Leland is currently attempting to annex Lanvale Forest.

Buffers: If rezoned to SBR-6000 all conventional residential uses, including major subdivisions, will not require a buffer. If a Planned Development is to be proposed on the subject parcel, a 30-foot, 0.6 opacity peripheral buffer will be required.

Traffic: There are no known capacity deficiencies for Lanvale Road, the main arterial road in the area. Currently Old Forest Drive and Heart Wood Loop Road are privately maintained by the Lanvale Forest Homeowners Association. Both these roads currently have road surface deficiencies. A road maintenance agreement from the Lanvale Forest Homeowners Association will be required in order to develop the rezoning site.

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

Schools: Town Creek Elementary School is currently near capacity. Leland Middle School is currently out of capacity.

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

NCDOT Road Improvements in Area: Lanvale Road and Old Fayetteville Road Intersection Improvements – Near Future.

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

ANALYSIS

"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."

CAMA Land Use Plan Classification: MDR (Medium Density Residential)

- Proposed Zoning is consistent with CAMA Land Use Plan.

Applicable CAMA Land Use Policies:

- 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.

STAFF RECOMMENDATION SUMMARY

Staff recommends **APPROVAL TO SBR-6000 FOR TAX PARCEL 0460006004 BASED** upon information provided, surrounding area, current uses, the Brunswick County CAMA CORE Land Use Plan, and other adopted Brunswick County plans and policies.

CONSISTENCY STATEMENT

FOR BRUNSWICK COUNTY PLANNING BOARD

ZONING AMENDMENT DESCRIPTION OR CASE NUMBER: 2-781



THE BRUNSWICK COUNTY PLANNING BOARD RECOMMENDATION

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

APPROVED – CONSISTENT WITH COMPREHENSIVE PLAN

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

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

APPROVED – NOT CONSISTENT WITH COMPREHENSIVE PLAN

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

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

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

DENIED

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

TABLED

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

Excerpt from N.C.G.S. § 153A-341:

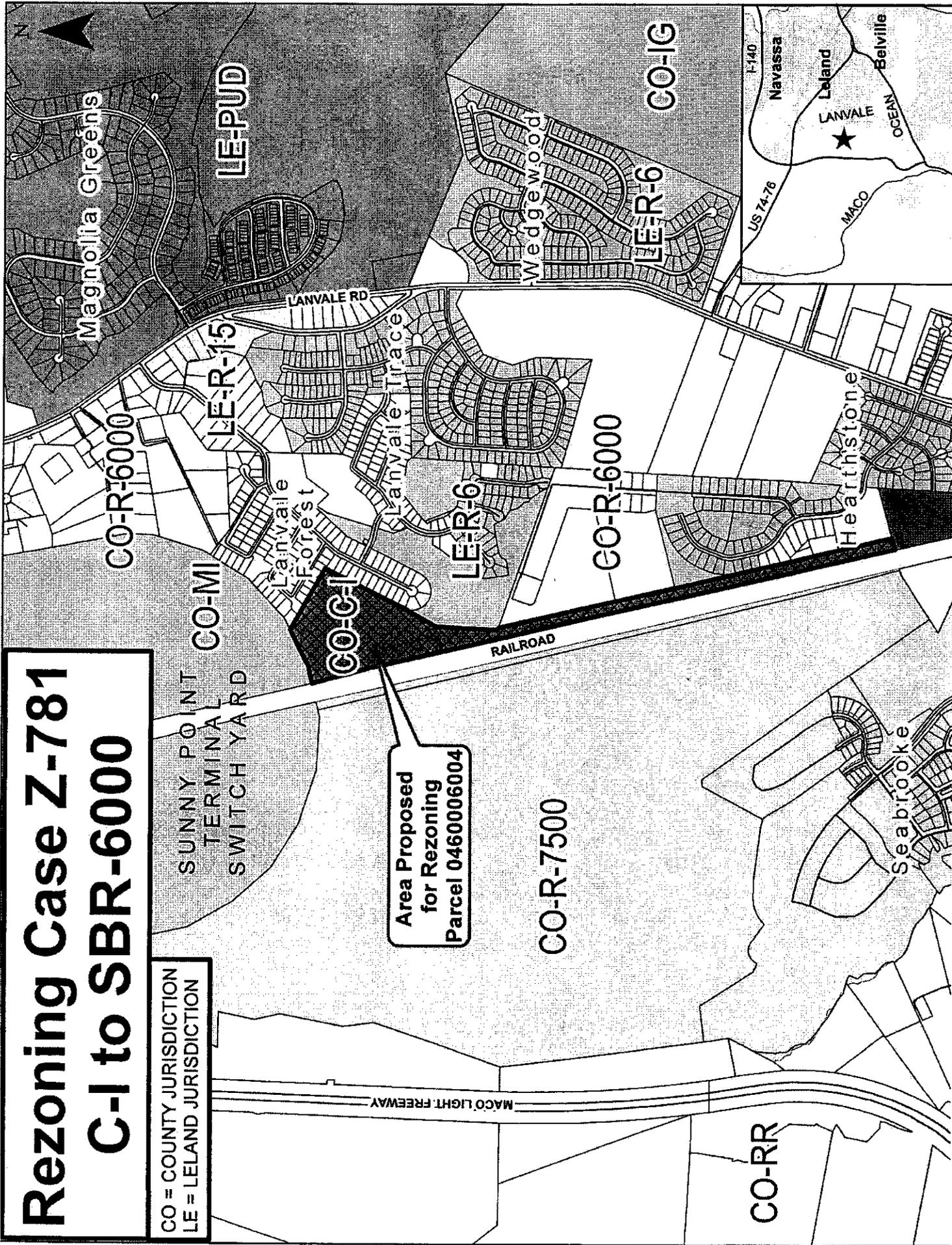
Zoning regulations shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population;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

Rezoning Case Z-781 C-1 to SBR-6000

CO = COUNTY JURISDICTION
LE = LELAND JURISDICTION

SUNNY POINT
TERMINAL
SWITCH YARD

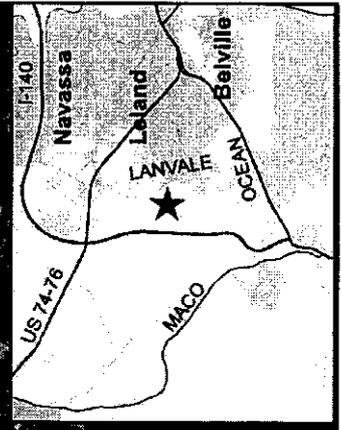
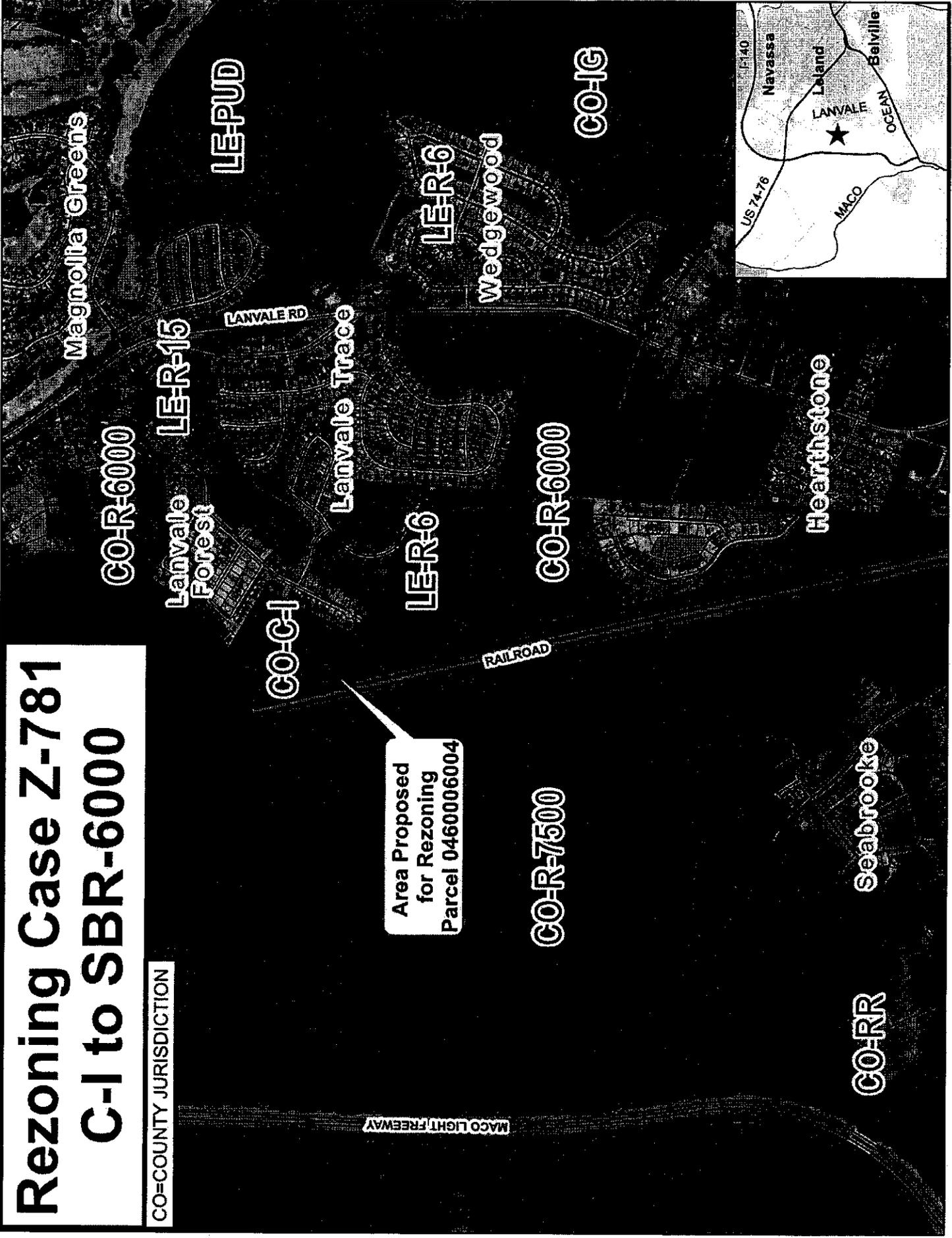
Area Proposed
for Rezoning
Parcel 0460006004



Rezoning Case Z-781 C-1 to SBR-6000

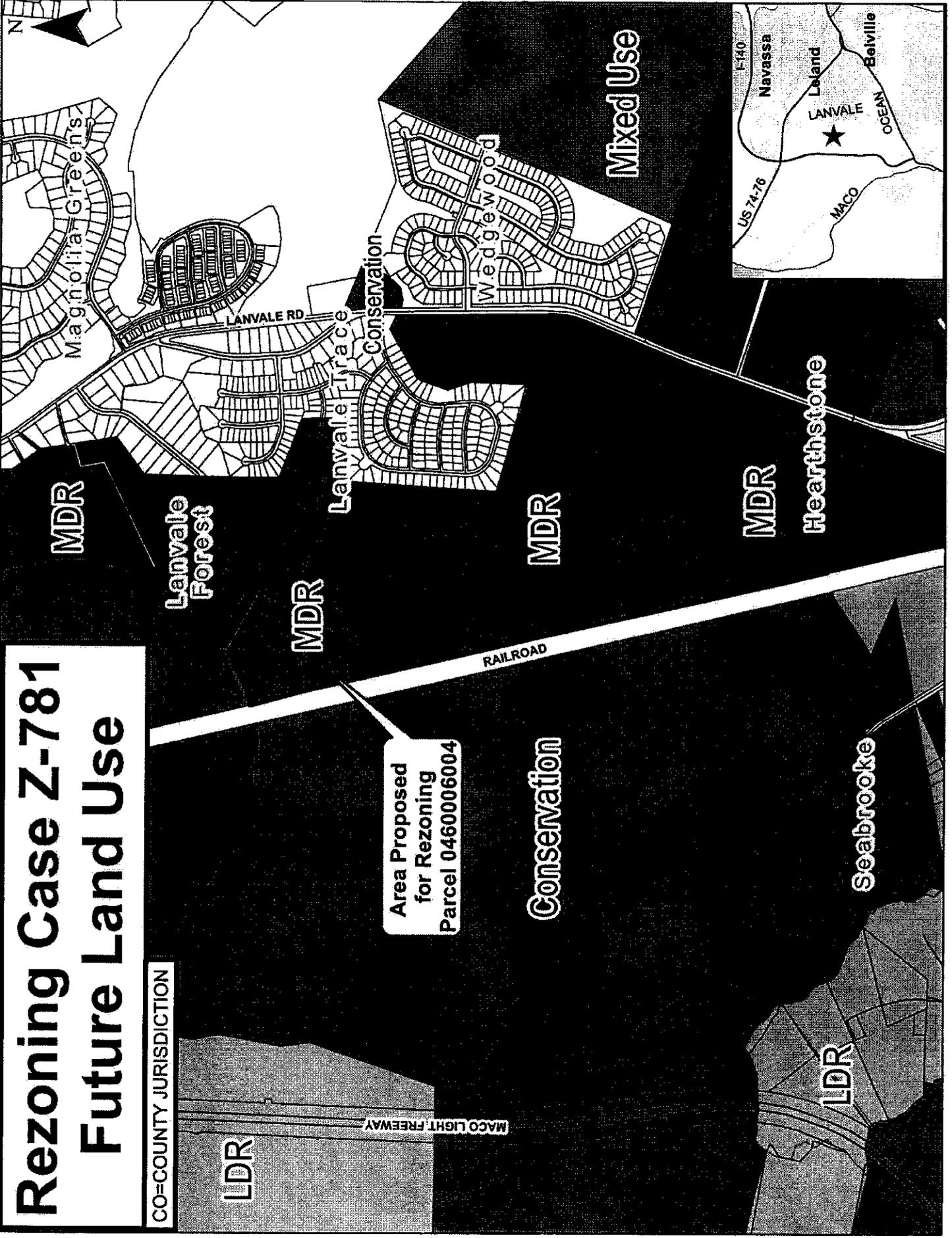
CO-COUNTY JURISDICTION

Area Proposed
for Rezoning
Parcel 0460006004



Rezoning Case Z-781 Future Land Use

CO-COUNTY JURISDICTION





REZONING APPLICATION

RECEIVED

JUN 25 2019

| | |
|----------------------------|------------|
| <i>For Office Use Only</i> | |
| Planning Project #: | _____ |
| Rezoning Case Z- | <u>781</u> |

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

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

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

Applicant Name(s): Frank Braxton, RLA
Coastal Land Design PLLC

Mailing Address: PO Box 1172
Wilmington, NC 28402

Phone: (910) 254-9333 ext 3 Email: fbraxton@cldeng.com

PROPERTY OWNER INFORMATION (If different from above)

Owner Name(s): Tom Smith
Seabrooke Development LLC

Mailing Address: 211 Quilon Circle
Wilmington, NC 28412

Phone: (914) 562-4511 Email: trsmithms@gmail.com

PROPERTY INFORMATION

Property Address and/or Description of Location: Located to the West of the "Heart Wood Loop Rd NE" and "Old Forest Road NE" intersection. Situated between the existing "Lanvale Forest" development and the adjacent railroad tracks, opposite of which (to the Southwest) is the original "Seabrooke" development.

Parcel Tax ID #(s): 0460006004

Total Site Acreage: 30.24 Acres

Current Zoning District(s): C-1 (Commercial-Intensive)

Proposed Zoning District(s): R-6000 (Residential)

Conditional Zoning Request YES NO

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

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

STATEMENT OF REASONABLENESS

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

Though the parcel is currently zoned C-1 (Commercial-Intensive), it is categorized as "medium-density residential" in the Future Land Use Plan. The majority of surrounding parcels are currently zoned R-6000 (or similar in the Town of Leland) and are either currently being used for single-family residential, or are also characterized as "medium-density residential" by the FLUP map. Rezoning of this parcel would allow a continuation of existing residential uses and avoid the interruption of the residential character of the area. To the north, the parcel of interest does also abut a large parcel zoned MI (Military Installation), but it is unlikely that any connection will be made or desired in that direction.

LAND USE COMPATIBILITY

Future Land Use Map Classification: Medium-Density Residential

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

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

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

APPLICANT/OWNER SIGNATURE

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

Applicant Signature: [Signature]

Date: 6/19/2019

Owner Signature: [Signature]

Date: June 4th 2019

Owner Signature: _____

Date: _____

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

OFFICE USE ONLY

DATE RECEIVED: 6/19/19

RECEIPT #: _____

- <5.00 acres (\$300)
- 5.00 to 49.99 acres (\$500)
- 50.00 to 99.99 acres (\$750)
- >100 acres (\$1,000)
- Land Use Plan Amendment
- Conditional Zoning



Coastal Land Design, PLLC
 1000 Highway 101, Suite 100
 Raleigh, North Carolina 27605
 Phone: 919.876.1234
 Fax: 919.876.1235
 Website: www.coastalld.com

SEABROOKE EXPANSION
HEART WOOD LOOP RD EXTENSION
REZONING PLAN

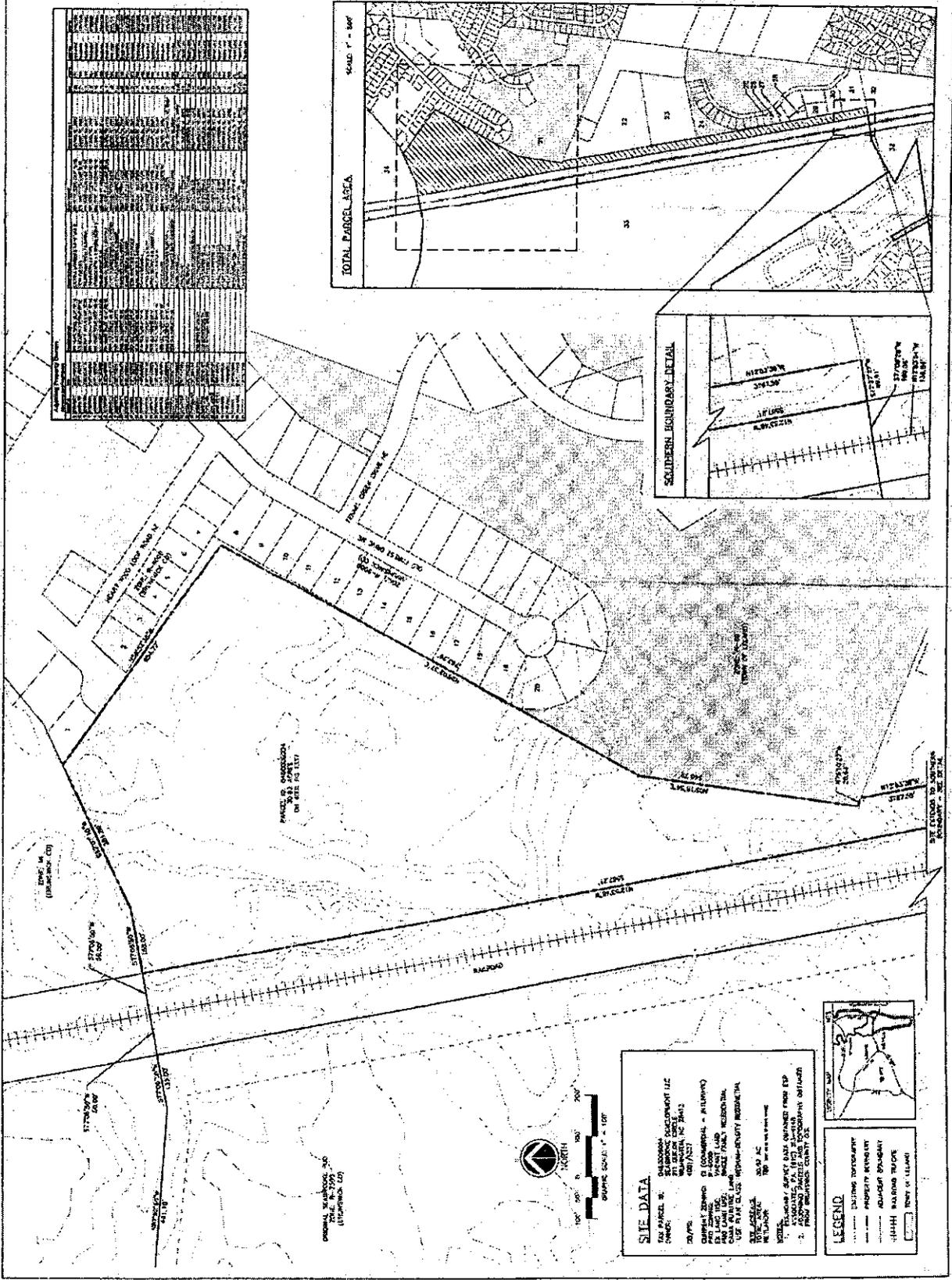
| REV | DATE | DESCRIPTION |
|-----|----------|-----------------------------|
| 0 | 02/17/13 | INITIAL DESIGN AND APPROVAL |
| 1 | 03/15/13 | REVISIONS |

SEABROOKE DEVELOPMENT, LLC
 214 OULDRIDGE
 WASHINGTON, NC 28412

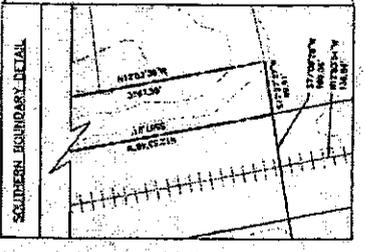
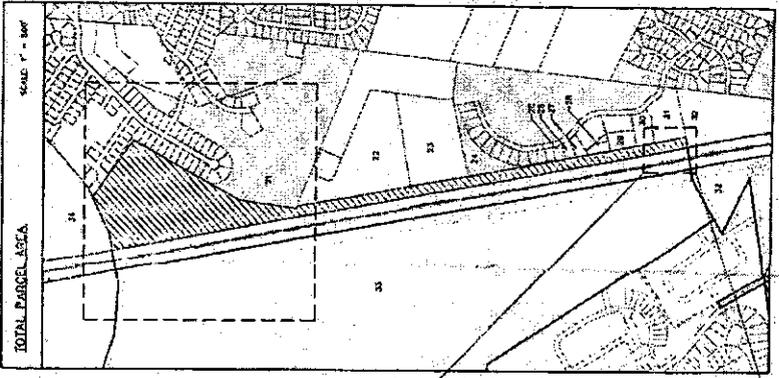
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 JAN 15 2013

| NO. | DATE | BY | FOR |
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SHEET
SP-1



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SITE DATA
 PROJECT: SEABROOKE EXPANSION
 CLIENT: SEABROOKE DEVELOPMENT, LLC
 ADDRESS: 214 OULDRIDGE, WASHINGTON, NC 28412
 DATE: 02/17/13
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: AS SHOWN
 SHEET: SP-1 OF 2
 PROJECT NUMBER: 13-001



LEGEND
 --- PROPERTY BOUNDARY
 --- ADJACENT PROPERTY BOUNDARY
 --- EASEMENT BOUNDARY
 --- EXISTING ROAD
 --- PROPOSED ROAD
 --- UTILITY LINE
 --- TREE

CASE Z-781

ADJACENT PROPERTY OWNER(S)

| PARCEL ID | NAME | ADDRESS | CITY | STATE | ZIP |
|------------|-------------------------------------|---------------------------|---------------|-------|------------|
| 046EG00101 | FINLEY PROPERTIES LLC | 211 NORTH 5TH AVE | WILMINGTON | NC | 28401 |
| 046EG003 | FINLEY PROPERTIES LLC | 211 NORTH 5TH AVE | WILMINGTON | NC | 28401 |
| 046EG002 | FINLEY PROPERTIES LLC | 211 NORTH 5TH AVE | WILMINGTON | NC | 28401 |
| 046EG001 | FINLEY PROPERTIES LLC | 211 NORTH 5TH AVE | WILMINGTON | NC | 28401 |
| 046EA002 | FINLEY PROPERTIES LLC | 211 NORTH 5TH AVE | WILMINGTON | NC | 28401 |
| 046EF001 | FINLEY PROPERTIES LLC | 211 NORTH 5TH AVE | WILMINGTON | NC | 28401 |
| 046EA001 | FINLEY PROPERTIES LLC | 211 NORTH 5TH AVE | WILMINGTON | NC | 28401 |
| 046EH00101 | FINLEY PROPERTIES LLC | 211 NORTH 5TH AVE | WILMINGTON | NC | 28401 |
| 046EE013 | SOUTHERN HOMEBUILDERS INC | 108 N KERR AVE SUITE K-3 | WILMINGTON | NC | 28405-3401 |
| 036MB016 | JACKSON LAWRENCE EDWARD | 8550 OLD FOREST DRIVE | LELAND | NC | 28451 |
| 470001107 | J BELTON INC | 211 NORTH FIFTH AVE | WILMINGTON | NC | 28402 |
| 470001108 | J BELTON INC | 211 NORTH FIFTH AVE | WILMINGTON | NC | 28402 |
| 036MI011 | GODFREY RYAN C & SARA HENDERSON | 8500 OLD FOREST DR NE | LELAND | NC | 28451 |
| 3600011 | UNITED STATES GOVERNMENT | 1849 C STREET NW | WASHINGTON | DC | 20240 |
| 036MI018 | DUNN JASON W ETUX SARAH | 8528 OLD FOREST DR NE | LELAND | NC | 28451 |
| 036MI013 | BACCHI JAMES | 8508 OLD FOREST DRIVE NE | LELAND | NC | 28451 |
| 4600061 | INMAN HAROLD ETALS | 4023 LAKE BRAZOS LANE | RICHMOND | TX | 77406 |
| 036MK002 | WALSH THOMAS R JR | 900 HEARTWOOD LP RD NE | LELAND | NC | 28451 |
| 036MK004 | LABAR GERALD ETUX | 890 HEART WOOD RD | LELAND | NC | 28451 |
| 036MK001 | MCKELVIE DEMETRIUS A ETUX | 904 HEART WOOD LOOP RD NE | LELAND | NC | 28451-9631 |
| 036MK006 | DOSS ALAINA L | 878 HEARTWOOD LOOP RD NE | LELAND | NC | 28451-9419 |
| 036MI016 | MCKEE EDWARD L ETUX RUTH | 8520 OLD FOREST DR NE | LELAND | NC | 28451-7671 |
| 036MI002 | OTT JOCELYN AND | 910 HEART WOOD LOOP RD NE | LELAND | NC | 28451-9631 |
| 036MK005 | COLEMAN MATTHEW J ETUX | 884 HEART WOOD LOOP RD NE | LELAND | NC | 28451-9419 |
| 036MB015 | ADDISON TONEY DARNELL ETUX | 8556 OLD FOREST DR NE | LELAND | NC | 28451-7671 |
| 460006003 | SEABROOKE DEVELOPMENT LLC | 211 QUILON CIR | WILMINGTON | NC | 28412 |
| 036MI019 | HERD JAMES M III ETUX | 8532 OLD FOREST DR NE | LELAND | NC | 28451-7671 |
| 036MI012 | HICKMAN JACOB M ETUX | 401 FLEMINGTON DR | LAKE WACCAMAW | NC | 28450-1933 |
| 046EE012 | THOR SOMCHIT ETUX | 2147 SPRINGSTONE DR | LELAND | NC | 28451-0199 |
| 370004401 | MCKEE HOMES LLC | 109 HAY ST | FAYETTEVILLE | NC | 28301-6106 |
| 036MB018 | ADAMS JOHN M ETUX | 8536 OLD FOREST DR NE | LELAND | NC | 28451-7671 |
| 036MK003 | JOHNSON APRIL L AND | 896 HEART WOOD LOOP RD NE | LELAND | NC | 28451-9419 |
| 036MI015 | BINNEY MICHAEL A ETUX | 8516 OLD FOREST DR NE | LELAND | NC | 28451-7671 |
| 036MI014 | MCDONALD SHEILA M | 8512 OLD FOREST DRIVE NE | LELAND | NC | 28451 |
| 036MB017 | SEGRAVES ERIC ETUX | 8542 OLD FOREST DR NE | LELAND | NC | 28451 |
| 036MI017 | BRAMER MELISSA L | 8524 OLD FOREST DR NE | LELAND | NC | 28451-7671 |
| 036MK009 | CADDELL LAWRENCE R ETUX | 868 HEART WOOD LOOP RD NE | LELAND | NC | 28451-9419 |
| 046EE00101 | HEARTHSTONE OWNERS ASSN INC | 1628 DOCTORS CIR | WILMINGTON | NC | 28401-7406 |
| 046EE010 | PEASE ARTHUR ETUX | 2155 SPRINGSTONE DR | LELAND | NC | 28451-0199 |
| 046EE011 | YOST ASHLEY N | 2151 SPRINGSTONE DR | LELAND | NC | 28451-0199 |
| | MILITARY OCEAN TERMINAL SUNNY POINT | 6280 SUNNY POINT RD SE | SOUTHPORT | NC | 28461 |

TOWN OF LELAND
LANVALE FOREST HOA

102 TOWN HALL DR
PO BOX 12051 - 108

LELAND
WILMINGTON

NC
NC

28451
28405

OWNER(S)

| PARCEL ID | NAME | ADDRESS | CITY | STATE | ZIP |
|-----------|---------------------------|----------------|------------|-------|-------|
| 460006004 | SEABROOKE DEVELOPMENT LLC | 211 QUILON CIR | WILMINGTON | NC | 28412 |

APPLICANT(S)

| PARCEL ID | NAME | ADDRESS | CITY | STATE | ZIP |
|-----------|-------------------------------------|-------------|------------|-------|-------|
| 460006004 | FRANK BRAXTON - COASTAL LAND DESIGN | PO BOX 1172 | WILMINGTON | NC | 28402 |

REZONING STAFF REPORT



Prepared by Marc Pages, Senior Planner
Rezoning Case#: Z-782
August 12, 2019

APPLICATION SUMMARY

The applicant requests to rezone Tax Parcel 02900087 from R-6000 (High Density Residential) to MR-3200 (Multifamily Residential). This rezoning request is conventional therefore, no conditions or site plans are proposed. All owners and adjacent owners have been notified via first class mail.

Location

Old Fayetteville Road NE (SR 1437)

Tax Parcel(s)

02900087

Current Zoning

R-6000

Proposed Zoning

MR-3200

Surrounding Zoning

R-6000 and R-7500 (Medium Density Residential)

Current Use

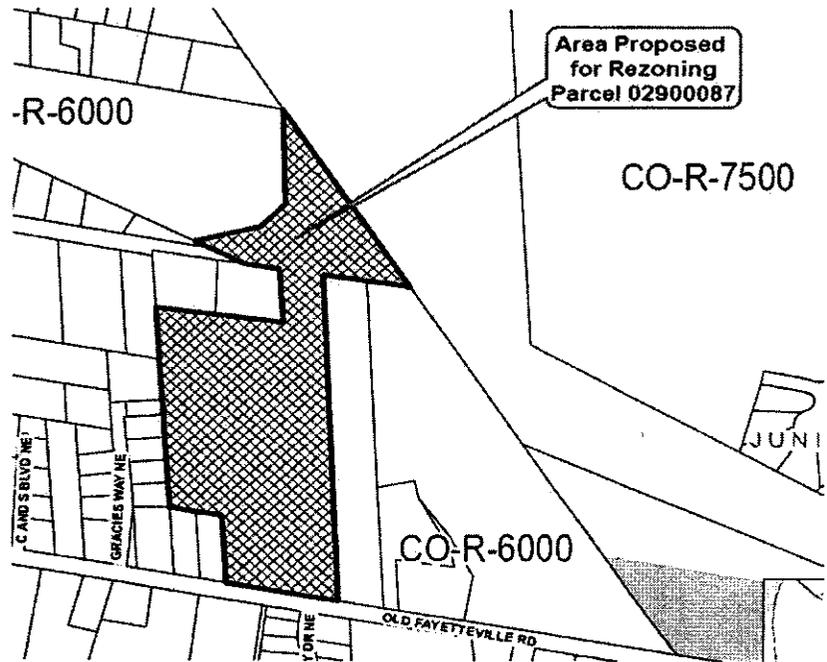
Vacant Land

Surrounding Land Uses

Residential, Vacant Lands

Size

16.64 acres



SITE CONSIDERATIONS

Zoning History: The subject parcel has experienced multiple zoning changes in recent years. In October 2012, Rezoning Case Z-686 changed the zoning of the subject parcel from R-6000 to MR-3200. In December 2016, Rezoning Case Z-749 changed the zoning of the subject parcel from MR-3200 to R-6000.

Buffers: If rezoned to MR-3200, all uses will require a 0.2 (vacant) or 0.4 (developed) opacity buffer to R-6000 and R-7500 areas.

Traffic: There are no known capacity deficiencies for Old Fayetteville Road. The developer shall be responsible for obtaining an NCDOT driveway permit prior to construction.

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

Schools: Lincoln Elementary School is currently near capacity. Leland Middle School is currently out of capacity.

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

NCDOT Road Improvements in Area: Lanvale Road and Old Fayetteville Road Intersection Improvements – Near Future.

Environmental Impacts: Biodiversity & Wildlife Habitat Assessment Score: Portions of the rezoning site score a 5 out of 10 due to wetlands classified as substantial.

ANALYSIS

" This district is established as an area in which the principal use of the land is for high density residential purposes, not to exceed fourteen dwelling units per acre. The district also provides for the development of less intensive residential uses, as well as for compatible supporting non-residential uses. Due to the higher intensity developments contained in this district, it is intended to be applied only to properties served by public sewer and water systems."

CAMA Land Use Plan Classification: MDR (Medium Density Residential)

- Proposed Zoning is consistent with CAMA Land Use Plan.

Applicable CAMA Land Use Policies:

- 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.

STAFF RECOMMENDATION SUMMARY

Staff recommends **APPROVAL TO MR-3200 FOR TAX PARCEL 02900087 BASED** upon information provided, surrounding area, current uses, the Brunswick County CAMA CORE Land Use Plan, and other adopted Brunswick County plans and policies.

CONSISTENCY STATEMENT



FOR BRUNSWICK COUNTY PLANNING BOARD

ZONING AMENDMENT DESCRIPTION OR CASE NUMBER: 2-782

THE BRUNSWICK COUNTY PLANNING BOARD RECOMMENDATION

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

APPROVED – CONSISTENT WITH COMPREHENSIVE PLAN

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

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

APPROVED – NOT CONSISTENT WITH COMPREHENSIVE PLAN

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

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

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

DENIED

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

TABLED

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

Excerpt from N.C.G.S. § 153A-341:

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

Rezoning Case Z-782 R-6000 to MR-3200

CO-COUNTY JURISDICTION

Area Proposed
for Rezoning
Parcel 02900087

CO-R-6000

CO-R-7500

DALE ST NE

CO-NC

LANVALE RD NE

CAND S BLD NE

GRACIES WAY NE

CO-R-6000

SR 1437

SR 1438

CLANCY DR NE

OLD FAYETTEVILLE RD

CO-SBR-6000

ASHTON
PLACE

CO-R-6000

N

US 74-76
ANDREW JACKSON HWY

JUNIPER CREEK

I-140

Navassa

Leland

Belville

★ LANVALE

MACO

OCEAN

Rezoning Case Z-782 R-6000 to MR-3200

CO=COUNTY JURISDICTION

Area Proposed
for Rezoning
Parcel 02900087

CO-R-6000

CO-R-7500

CO-NC

CO-R-6000

CO-SBR-6000

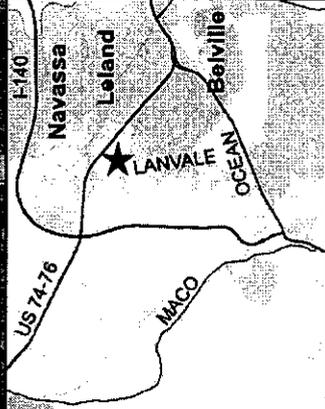
CO-R-6000

PARKWOOD
ESTATES

ASHTON
PLACE

JUNIPER CREEK

US 74-76
ANDREW JACKSON HWY



DALESTINE

LANVALE RD NE

CANDS BLDG NE

GRACIES WAY NE

CLANCY DR NE

OLD FAVERIEVILLE RD

SR 1437

SR 1438

Rezoning Case Z-782 Future Land Use

CO-COUNTY JURISDICTION

US 74-76
ANDREW JACKSON HWY

Area Proposed
for Rezoning
Parcel 02900087

MDR

MDR

DALE ST NE

Community
Commercial

SR 1438
SR 1437

CAND S BLVD NE

GRACIES WAY NE

MDR

GLANCY DR NE

OLD FAYETTEVILLE RD

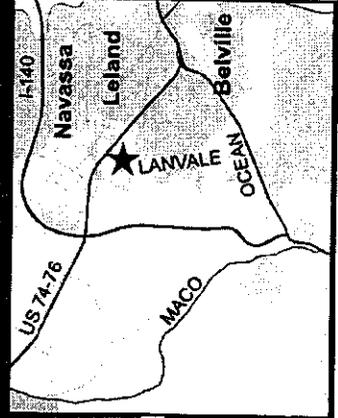
MDR

ASHTON
PLACE

MDR

JUNIPER CREEK

PARKWOOD
ESTATES





REZONING APPLICATION

For Office Use Only
 Planning Project #: _____
 Rezoning Case Z- 782

Brunswick County Planning • PO Box 249, Bolivia, NC 28422 • Phone: (910) 253-2025/1-800-621-0609 • Fax: (910) 754-2740
 Complete the following application. This form must be completely filled out. Incomplete applications will result in a delay of this application and slow down the rezoning process.

| | |
|---|--------------------------------------|
| APPLICANT INFORMATION (This person will be the contact person and will receive all mailings) | |
| Applicant Name(s): Beckington Land Group, LLC | |
| Mailing Address: 2922-110 Orville Wright Way Wilmington, NC 28405 | |
| Phone: 910-899-0555 | Email: kaiser@triumphilm.com |
| PROPERTY OWNER INFORMATION (If different from above) | |
| Owner Name(s): SAME | |
| Mailing Address: SAME | |
| Phone: 910-794-8699 | Email: Craig@stevensfinehomes.com |
| PROPERTY INFORMATION | |
| Property Address and/or Description of Location: Site is on Old Fayetteville Rd, Across from Clancy Dr. NE | |
| Parcel Tax ID #(s): 02900087 | Total Site Acreage: 16.64 |
| Current Zoning District(s): R-6000 | Proposed Zoning District(s): MR-3200 |
| Conditional Zoning Request <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | |
| <i>Conditional Zoning have additional submittal requirements such as Conceptual Site Plan, Proposed Conditions, Proposed Uses, and the holding of a neighborhood meeting. Please include the additional information as an attachment to this application.</i> | |
| NOTE: If multiple parcels are being proposed for rezoning then write "see attached" and attach the list of the parcels. Make sure to include the Tax Parcel ID #, owner name(s)/address, and acreage information. | |

STATEMENT OF REASONABLENESS

Please explain why the proposed zoning is reasonable for the area. Possible reasons could be the rezoning is consistent with the character of the area, the rezoning will match the surrounding zoning, or the rezoning is consistent with the Land Use Plan.
Future Land Use Plan shows area is Medium Density. Site is served by Water and Sewer

LAND USE COMPATIBILITY

Future Land Use Map Classification: Medium Density

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

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

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

APPLICANT/OWNER SIGNATURE

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

Applicant Signature: _____

Date: June 27, 2019

Owner Signature: _____

Date: June 27, 2019

Owner Signature: _____

Date: _____

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

OFFICE USE ONLY

DATE RECEIVED: 6/27/19

RECEIPT #: _____

<5.00 acres (\$300)

5.00 to 49.99 acres (\$500)

50.00 to 99.99 acres (\$750)

>100 acres (\$1,000)

Land Use Plan Amendment

Conditional Zoning

CASE Z-782

ADJACENT PROPERTY OWNER(S)

| PARCEL ID | NAME | ADDRESS | CITY | STATE | ZIP |
|------------|-------------------------------------|-----------------------------|----------------|-------|------------|
| 2900054 | LONG CHAD AUSTIN | 8995 DALE STREET NE | LELAND | NC | 28451 |
| 2900085 | REEVES CONSTANCE PADGETT | 1305 OLD FAYETTEVILLE RD | LELAND | NC | 28451 |
| 2900088 | LONG DONALD W ET JANET C | 9005 DALE STREET NE | LELAND | NC | 28451 |
| 290008801 | DIEHL MORGAN JOHN ET MARY C | 9015 DALE STREET NE | LELAND | NC | 28451 |
| 2900090 | INGRAM EDWARD RAY ET DENISE B | 1320 OLD FAYETTEVILLE RD | LELAND | NC | 28451 |
| 290009501 | N C DEPARTMENT OF TRANSPORTATION | 5501 BARBADOS BLVD | CASTLE HAYNE | NC | 28429 |
| 037AC00101 | ASHTON PLACE AT BRUNSWICK HOA INC | 1628 DOCTORS CIRCLE | WILMINGTON | NC | 28401 |
| 037AC00102 | ASHTON PLACE AT BRUNSWICK HOA INC | 1628 DOCTORS CIRCLE | WILMINGTON | NC | 28401 |
| 029PB00101 | S AND J PROPERTIES | PO BOX 157 | LELAND | NC | 28451-0157 |
| 029PB006 | S AND J PROPERTIES | PO BOX 157 | LELAND | NC | 28451-0157 |
| 029PB010 | S AND J PROPERTIES | PO BOX 157 | LELAND | NC | 28451-0157 |
| 029PB007 | S AND J PROPERTIES | PO BOX 157 | LELAND | NC | 28451-0157 |
| 029PB009 | S AND J PROPERTIES | PO BOX 157 | LELAND | NC | 28451-0157 |
| 029PB008 | S AND J PROPERTIES | PO BOX 157 | LELAND | NC | 28451-0157 |
| 029IA00901 | MATHIS DANA M | 8990 DALE STREET NE | LELAND | NC | 28451 |
| 290004402 | HEWETT WILLIAM EARLETUX | PO BOX 667 | LELAND | NC | 28451-0667 |
| 2900046 | COLBERT PLACE LLC | PO BOX 1586 | WRITSVILLE BCH | NC | 28480-1586 |
| 290008201 | BISHOPRIC OF THE CH OF LATTER-DAY S | 50 E NORTH TEMPLE | SALT LAKE CTY | UT | 84150-9001 |
| 290008702 | S & J PROPERTIES OF LELAND NC LLC | PO BOX 157 | LELAND | NC | 28451-0157 |
| 2900091 | REEVES CONSTANCE PADGETT AND | PO BOX 1443 | CAROLINA BCH | NC | 28428-1443 |
| 2900086 | WHITE DONALD R JR ETUX | 1736 MACO RD NE | LELAND | NC | 28451-7812 |
| 290008701 | CULLY REBECCA MARIE | 1380 OLD FAYETTEVILLE RD NE | LELAND | NC | 28451 |
| | MILITARY OCEAN TERMINAL SUNNY POINT | 6280 SUNNY POINT RD SE | SOUTHPORT | NC | 28461 |

OWNER(S)

| PARCEL ID | NAME | ADDRESS | CITY | STATE | ZIP |
|-----------|-----------------------|-----------------------------|------------|-------|-------|
| 2900087 | BECKINGTON LAND GROUP | 2922-110 ORVILLE WRIGHT WAY | WILMINGTON | NC | 28405 |

APPLICANT(S)

| PARCEL ID | NAME | ADDRESS | CITY | STATE | ZIP |
|-----------|-----------------------|-----------------------------|------------|-------|-------|
| 2900087 | BECKINGTON LAND GROUP | 2922-110 ORVILLE WRIGHT WAY | WILMINGTON | NC | 28405 |