



Planning Board Meeting
June 19, 2019 11:00am

Pledge of Allegiance to the Flag and Moment of Silence

- I. Call to Order
- II. Approval of Minutes
 1. Approval of Minutes – April 17, 2019 & May 15, 2019
- III. Administrative Reports
 2. Staff Report
- IV. New Business – N/A
- V. Public Comment
- VI. Adjournment

TOWN OF CAROLINA SHORES
Planning Board
Workshop Meeting Minutes
April 17, 2019
11:00 a.m.

DRAFT

At 11:00 a.m., Chairperson Mark Brown called the April 17, 2019 Planning Board Meeting to order. The Pledge of Allegiance was recited and there was a moment of silence. The following members attended: Greg Hapner, Kathryn Powell, Daniel O'Reilly and Alternate Member Normand Neligon. Also, present: Jon Mendenhall, Town Administrator; Sandy Wood, Inspections & Construction Superintendent; Ami Ruland, Town Planner and Nicole Hewett, Town Clerk.

Absent: Member Ruth Ann Campbell-Grothe and Commissioner Joseph J. Przywara, Liaison

Members in Public Attendance: Alternate Member Pamela Faria

Approval of Minutes:

None

Administrative Reports:

Mr. Mendenhall introduced Mr. Sandy Wood and Ms. Ami Ruland. Mr. Mendenhall said Ami is the new Town Planner and Sandy is her supervisor and also the Chief Building Official for the Town. Mr. Mendenhall said Sandy supervises planning and inspections. Mr. Mendenhall said we have a transitional program to transition Ami and Sandy to support the work of the Planning Board and Board of Adjustment. Mr. Mendenhall said they are going to be with you from here on out. Mr. Mendenhall said we are not going to throw them into it, we are going to ease them into it. Mr. Mendenhall said for a full transition in either June or July 1. Mr. Mendenhall said they are your new points of contact and there will be new emails coming out as Niki sort of transitions out of being that point of contact for distribution to Ami and Sara doing that. Mr. Mendenhall said Sara is the back-up for Niki and that is how that is going to work. Mr. Wood said he has been with the Town for a 1 ½ years now. Mr. Wood said thank you for inviting him and he has worked in planning a few years ago and he is kind of green now, so you will all have to bring him back up to par. Mr. Wood said he looks forward to working with the Planning Board and Ms. Ami. Mr. Wood said he has enjoyed working with Ami the past month. Mr. Wood said he thinks the Planning Board is really going to enjoy working with Ami. Mr. Wood said anything he can do, he is always here. Mr. Wood said he will give the Board his card and it has his cell number on it, please reach out to him anytime. Ms. Ruland introduced herself. Ms. Ruland said as Jon has said, she is new to the south and new to planning. Ms. Ruland said her background is in real estate and property management. Ms. Ruland said she is happy to be here and learning every day. Mr. Mendenhall said he and Niki are still around if you need us. Mr. Mendenhall said don't hesitate to call us, we have an open-door policy. Mr. Mendenhall said don't feel like you are being abandoned or what have you. Mr. Mendenhall said that Sandy and Ami are going to bring new ideas, which is a positive thing. Mr. Mendenhall said under New Business, you will see we have a text amendment today to talk about some permitted uses.

Farm at Brunswick – Mr. Mendenhall said The Farm has slowed up somewhat. Mr. Mendenhall said we are in Phase 15 and we have two phases left which are 16 and 17. Mr. Mendenhall said sales have not really kept pace with some of the other neighborhoods around. Mr. Mendenhall said he has been told they are going to be making a sales push now that it is spring to get Phase 15 filled up. Mr. Mendenhall

said it looks like Phases 16 and 17 are delayed until the fall of 2019. Mr. Mendenhall said we are just going to have to wait to see where they are on that. Mr. Mendenhall said his understanding is when they complete Phase 4 in Calabash Lakes, that contractor will move back to do Phases 16 and 17 in The Farm and that could happen in the next 90-100 days. Mr. Mendenhall said just depends on the sales volume and that sort of thing. Mr. Mendenhall said we do have one very important maintenance item that is going to take place in The Farm come July 1. Mr. Mendenhall said we are going to mill and cap Carolina Farms Blvd. from Highway 17 to the first four-way stop which is Haystack and Corn Planters Circle. Mr. Mendenhall said we have that in the budget for the new fiscal year and it's part of our multi-year approach of going almost in sections all the way down Carolina Farms Blvd. to mill probably the shoulder and then surface cap with at least 1 ½-2 two inches of asphalt in order to build that surface up. Mr. Mendenhall said you will notice some potholes around 155/154 Carolina Farms Blvd., that will resolve itself. Mr. Mendenhall said another maintenance item that D.R. Horton has talked about is the takeover of the Shingletree Swamp Canal running through The Farm. Mr. Mendenhall said that is something the developer D.R. Horton would like to see happen. Mr. Mendenhall said the Town really doesn't have a position on it in so far as we understand why the developer wants to do it but we do have some requirements about maintenance access, removal of certain trees along canal banks and access to basically maintain it. Mr. Mendenhall said our level of maintenance has a new standard and has a cycle and that is not possible with the Shingletree Swamp Canal as it stands. Mr. Mendenhall said extensive work would have to be done to make that possible. Mr. Mendenhall said he doesn't think it would be a positive recommendation to accept the Shingletree Swamp Canal until it is in a condition that it can be maintained like all the other canals in the Town. Mr. Mendenhall said part of the problem we have is and it's very hard to make folks understand, is that we have to have a uniform system of maintenance. Mr. Mendenhall said we need a uniform standard of maintenance for a couple of reasons. Mr. Mendenhall said one is for equity but also due to the litigious nature of society, if we maintain Dan's ditch different than Kathryn's, different than Mark's ditch and something happens to Kathryn's and we didn't maintain it all the same, well guess what, that's a suit, that's a claim. Mr. Mendenhall said we have to protect against that too and that is always in the back of our minds. Mr. Mendenhall said we have been sued twice in the last five years over stormwater and we are actually in a third suit now on it. Mr. Mendenhall said we have to be careful about that sort of thing.

Calabash Lakes – Mr. Mendenhall said we are in Phase 4, working very, very hard. Mr. Mendenhall said he thinks that is fully permitted. Mr. Wood said yes, everything will be out of the ground probably next month. Mr. Mendenhall said they are working very hard there and it looks like the field of dreams. Mr. Mendenhall said he remembers when there was nothing there, almost like Lighthouse Cove. Mr. Mendenhall said it's like a field of dreams, if you build it, they will come. Mr. Mendenhall said so Phase 4 is nearing completion. Mr. Mendenhall said there is some asphalt work that needs to be done. Mr. Mendenhall said asphalt work needs to be done in Phase 3 and is on the other side of Calabash Lakes. Mr. Mendenhall said that last 1 ½ inches of asphalt will be put down sometime in the summer. Mr. Mendenhall said we are in asphalt season, it's just a matter of getting it scheduled and getting it done. Mr. Mendenhall said the homeowners in Phase 3 really want to see it done and it's something that D.R. Horton wants to see done. Mr. Mendenhall said the Town is ready to accept some roads over there when they are ready. Mr. Mendenhall asked Mr. Wood how Phase 5 is going with the duplexes. Mr. Wood said everything is out of the ground and then they are moving to Phase 6 within 2-3 weeks. Mr. Mendenhall said this group has talked about it being done this calendar year, the whole development, it seems like it might be done before. Mr. Wood said they are really pushing it.

Lighthouse Cove – Mr. Mendenhall said Phase 2 has broken ground. Mr. Mendenhall said we have resolved all the tree issues. Mr. Mendenhall said there are still some scattered complaints from the Cable Lake Circle and Chadsey Lake Drive folks. Mr. Mendenhall said we are just handling those on a case by case basis. Mr. Mendenhall said he got a complaint that someone was building a fence in Lighthouse Cove and nobody approved a fence. Mr. Mendenhall said as it turns out it was the silt fence. Mr. Mendenhall said we have a little education that has to be done. Mr. Mendenhall said the contractors

over there are clearing and grubbing and doing some ground work. Mr. Mendenhall said he doesn't have a real good idea of when they are going to be coming out of the ground will all of that. Mr. Mendenhall said probably in 60-90 days, around July 1. Mr. Mendenhall said it will be weather dependent and they have to rough in some streets, get pads ready and that sort of thing.

East Park– Mr. Mendenhall said East Park is being developed with the developer in Lighthouse Cove Phase 2. Mr. Mendenhall said we are doing some site work that is not part of that contract. Mr. Mendenhall said we are putting a ditch all the way around East Park. Mr. Mendenhall said we are doing that for drainage and also so people don't drive in the park after it is closed. Mr. Mendenhall said it will have a gate but we want to make sure that it is secure at night. Mr. Mendenhall said we are bush hogging and we need to take down some trees to get the ditches to function properly. Mr. Mendenhall said we are getting all of that done and there is a septic tank that we have to crush. Mr. Mendenhall said there is a wellhouse that needs demolition as well. Mr. Mendenhall said he doesn't have a timeframe yet of when construction will begin on this park. Mr. Mendenhall said that Ami and Sandy and Tony Mantini our Projects Engineer have been meeting on that. Mr. Mendenhall said he thinks we have some plan issues that need to be worked out. Ms. Ruland said that is correct.

Village at Calabash - Mr. Mendenhall said we are scheduling a large construction project. Mr. Mendenhall said the re-basement and reconstruction of Waterview Lane from Nautical to about Palm Court. Mr. Mendenhall said in May we are going to meet with those residents so they know what to expect. Mr. Mendenhall said it is really a three-part project. Mr. Mendenhall said we are going to do the drainage first and get it in a better state of repair. Mr. Mendenhall said all the culverts have been repaired but we need to do the roadside drainage to make sure that water doesn't seep into the base. Mr. Mendenhall said once the drainage is done, we are going to fill back the existing road which is very thin asphalt and take up whatever sub-base we find. Mr. Mendenhall said then we are going to re-base it and then hire a contractor to asphalt on top of all of that. Mr. Mendenhall said it is going to take a long time, probably most of the summer. Mr. Mendenhall said we are doing all the work except the asphalt work in-house. Mr. Mendenhall said we are saving about \$300,000.00. Mr. Mendenhall said it is going to require a lot of work by our forces and a lot of time, attention and detail. Mr. Mendenhall said you have to understand that in a lot of these contracts, asphalt is expensive, ABC is less expensive and the drainage work, we found, is cheap doing it in-house. Mr. Mendenhall said where we encounter cost is where we are paying all the overhead on the contractor. Mr. Mendenhall said we are also paying for all the labor and depreciation charge on the equipment. Mr. Mendenhall said all of that is lumped in there. Mr. Mendenhall said you start using force account, it is really just the value of the material. Mr. Mendenhall said using our own forces, we can do much more at a more reasonable cost. Mr. Mendenhall said so that is the Waterview project and it is going to take a lot of energy, time and effort. Mr. Mendenhall said we are not seeing a lot of development in the Village at Calabash. Mr. Mendenhall said there may be 6 houses, it's a built-out neighborhood.

Carolina Shores Subdivision – Mr. Mendenhall asked Mr. Wood how many houses are going up there. Mr. Wood said he has 3 just coming out of the ground now and he has CO'd 2 in the last 4-5 months. Mr. Wood said talking to the contractors that are building in Carolina Shores, they are looking at the lots. Mr. Mendenhall said as far as projects, we are cutting and patching about 100 or so of asphalt patches. Mr. Mendenhall said Sunfield has been patched and we are working on Pinewood. Mr. Mendenhall explained the process of patching and explained further projects.

Carolina Shores North – Mr. Mendenhall said Carolina Shores North has asked for support in a special legislative Bill to allow them to vote on a referendum for annexation. Mr. Mendenhall said the Town Board agreed to that and sent it to Representative Iler and Senator Rabon and that is under consideration in the General Assembly now. Mr. Mendenhall said that neighborhood would essentially vote on a Referendum as to whether or not to become part of the Town. Mr. Mendenhall said the Town endorses that. Mr. Mendenhall said the Board of Commissioners has done an extensive study and survey

regarding cost and it's a net positive for them and a net tax advantage for the Town as well. Mr. Mendenhall said by adding to the population count, you are adding to the balance sheet of positive growth.

Ocean Side Place – Mr. Mendenhall said there is a renewed interest now on another neighborhood and Ocean Side Place is looking at possible annexation. Mr. Mendenhall said the Town is working on that through the Economic Development Commission to see if that neighborhood would like to join. Mr. Mendenhall said you are looking at a tremendous financial advantage for the Town if that were to happen. Mr. Mendenhall said population headcount would go up significantly and you would see a huge tax advantage for the Town. Mr. Mendenhall said the reason those folks want to do that is because they have a concern about their HOA trying to maintain all of the infrastructure and not getting the money back. Mr. Mendenhall explained the budget to the Planning Board and the shared state revenues and if you are a HOA, you don't get those revenues. Mr. Mendenhall said from the Town's viewpoint, it is not a drain because we are adding headcount for those shared revenues. Mr. Mendenhall said we don't know how long the study will be, may be 18 months to 2 years. Mr. Mendenhall said it is a little different than Carolina Shores North because it probably qualifies on the land use test. Mr. Mendenhall said it doesn't have that long border along South Carolina, so we can actually work around it. Mr. Mendenhall said we won't know more until sometime later on in the future.

Rezoning – Mr. Mendenhall said we had this rezoning that was pulled, they decided to pull their request on Ocean Highway. Mr. Mendenhall said this segways into the proposed text amendment that needs to be talked about under New Business.

Member O'Reilly asked if Ocean Side Place is voting this November and Mr. Mendenhall said no, Carolina Shores North if the General Assembly allows. Mr. Mendenhall said that Ocean Side Place would probably be in two years.

Chairperson Brown asked if it was Ocean Side Place that wanted to annex before and then pulled out. Mr. Mendenhall said no, that was Ocean Forest.

Chairperson Brown said the project in The Farm, that starts in July and Mr. Mendenhall said yes. Chairperson Brown asked how long it would take. Mr. Mendenhall said it probably won't take long once they get out there. Mr. Mendenhall said maybe a week, weather dependent.

Member Powell asked where the Town was putting the parks. Mr. Mendenhall said you have East Park which is beside Lighthouse Cove. Mr. Mendenhall said South Park, the water tank has come down and one of the buildings has a lot of termite damage. Mr. Mendenhall said there may be a second building that also has too much termite damage. Mr. Mendenhall said staff is going to have to figure out if either one of those buildings is salvageable.

Member O'Reilly asked if there was any word from NCDOT about 31 or when the meeting is going to be scheduled. Mr. Mendenhall said apparently, they talked about it in Castle Hayne as part of their region wide list of projects but he has not heard anything. Mr. Mendenhall said he hasn't heard anything from SCDOT. There was small discussion on 31.

Member Hapner asked if there are any studies for Carolina Shores North. Mr. Mendenhall said yes, there are two parts, the land use test and the other is the study of the infrastructure of how much it will cost and balance sheet. Mr. Mendenhall said that is how we derived to all of that. Mr. Mendenhall said he could get Member Hapner a copy of the study.

Member Powell asked if the site on Thomasboro is what we didn't want. Mr. Mendenhall said it is low income. Member Powell said that is what she has read and Shallotte is putting some in too.

New Business:

Review of a Possible Text Amendment to Amend the Table of Permitted Uses and Supplemental Standards for Multi-family and Mixed-Use Developments:

Mr. Mendenhall said a neighboring jurisdiction down the road had one go in and there is one going in Horry County at the Lowes Foods, that's two. Mr. Mendenhall said we had this proposal on US 17, that's three and Shallotte had one, that's four. Mr. Mendenhall said there is one on Calabash Road, that's five. Mr. Mendenhall said do you see a trend here, five multi-family in a space of 60 days. Mr. Mendenhall said do you see a trend here. Mr. Mendenhall said you all made a recommendation to the Board to adopt the Comprehensive Plan and the Board of Commissioners adopted it. Mr. Mendenhall said the Comprehensive Plan lays out certain things like mixed-use, planned-unit development but we have to be careful that if these apartments start being the trend, you are talking about changing the needs of what services are provided, the tax base rationale for paying for those services and all the things people talked about, they had really good points. Mr. Mendenhall said if we are not careful, we are exposed and some of those things could hurt. Mr. Mendenhall discussed Briarcliff Acres in Horry County and the demand for services sometimes do not respect the boundaries.

Mr. Mendenhall and Ms. Ruland reviewed the following Memorandum with the Planning Board:

MEMORANDUM

TO: Planning & Zoning Board
FROM: Ami Ruland, Town Planner
SUBJECT: Proposed Zoning Text Amendments – ZA19-4
DATE: 4/17/19
ENCL: None
CC: File

The Town of Carolina Shores Staff suggests Zoning Text Amendments as follows:

Title IX: Planning and Regulation of Development, Chapter 91 Unified Development, Section 91.73, TABLE OF PERMITTED/CONDITIONAL USES, that the text of the permitted use table be amended by making multifamily permitted by conditional use permit only in the PRD district and removing the permitted right designation in the other districts.

APPENDIX A: DEFINITIONS, Section A.3 DEFINITIONS, PERMANENT COMMON OPEN SPACE, that the text of the permanent common open space be amended to, no plan for a PRD or MIXED USE shall be approved unless such plan provides for PERMANENT COMMON OPEN SPACE equivalent to 25% of the total of the PRD or MIXED USE site under consideration for development.

Title IX: Planning and Regulation of Development, Chapter 91 Unified Development, Section 91.87, MIXED USE, that the text of the MIXED USE be amended to include,

(E) *School site reservation*. If the Board of Commissioners and the Brunswick County Board of Education have jointly determined the specific location and size of any school sites to be reserved in

accordance with the Town Comprehensive Plan, staff shall immediately notify the Board of Education in writing whenever a development approval is sought or submitted which includes all or part of a school site to be reserved. The Board of Education shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education shall then have 18 months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the Board of Education has not purchased or begun proceedings to condemn the site within 18 months, the developer may treat the land as freed of the reservation.

(F) *Dedication of land for park, recreation and open space.* Every developer who proposes a mixed-use project of land with a residential component shall dedicate for public or private use, a portion of land or pay a fee in lieu thereof, in accordance with this section, for public park, greenway, recreation and open space sites to serve the recreational needs of the residents of the subdivision or development. The town prefers that ownership and maintenance of parks, recreation or open space lands be by a private entity, such as a property owners' association. Dedication of land, or fee in lieu of, must be approved by the Board of Commissioners prior to approval of the preliminary plat by the Planning Board.

(1) At least one-thirty-fifth of an acre shall be dedicated for each dwelling unit planned or proposed in the development.

(2) The minimum amount of land which shall be dedicated for a public park, recreation or open space site shall be no less than two acres in size. When the area to be provided is less than two acres, the developer may be required to make payment in lieu of the dedication to be used for the acquisition or development of recreation, park or open space sites which would serve the needs of the residents of the development.

(3) Except as otherwise required by the Board of Commissioners, all dedications of land shall meet the following criteria:

(a) The dedicated land shall form a single parcel of land, except where the Board of Commissioners determines that two or more parcels would be in the best interest of the public, given the type and distribution of open spaces needed to adequately serve the proposed development. In these cases, the Board of Commissioners may require that the parcels be connected by a dedicated strip of land at least 30 feet in width.

(b) Two-thirds of the dedicated land shall be usable for active recreation. Furthermore, lakes and other bodies of water may not be included in computing any of the dedicated land area. Land dedicated only for greenways need not follow the requirements of this division (J)(3)(b).

(c) The shape of the portion of the dedicated land which is deemed suitable for active recreation shall be sufficiently square or round to be usable for any or all recreational facilities and activities, such as athletic fields and tennis courts, when a sufficient amount of land is dedicated to accommodate the facilities. Land dedicated only for greenways need not follow the requirements of this division (J)(3)(c).

(d) The dedicated land shall be located so as to reasonably serve the recreation and open space needs of residents of the development.

(e) Public access to the dedicated land shall be provided either by adjoining public street frontage or by a dedicated public easement, at least 30 feet wide, which connects the dedicated land to a public street or right-of-way. Gradients adjacent to existing and proposed streets shall allow for reasonable access to the dedicated land. Where the dedicated land is located adjacent to a street, the developer shall remain responsible for the installation of utilities, sidewalks and other improvements required along that street segment.

(f) Dedicated parks, recreation and open space areas shall have a sufficient natural or human-made buffer or screen to minimize any negative impacts on adjacent residents.

(4) The payment of fees, in lieu of the dedication of land, may occur at the request of the developer. However, the decision to require the dedication of land for recreational purposes, or a payment of a fee in lieu, shall be made by the Board of Commissioners prior to development approval after having received a recommendation from the Planning Board and having evaluated the proposed dedication and the relationship the dedication would have with the town's overall recreational needs.

- (a) The fees in lieu of dedication shall be paid prior to the approval of the development.
- (b) The amount of the payment shall be the product of:
 1. The number of acres to be dedicated, as required by this division (J); and
 2. The assessed value for property tax purposes of the land being subdivided, adjusted to reflect its current fair market value at the time the payment is due to be paid.
- (c) Procedures for determining the amount of the payment are as follows.
 1. An appraisal of the land in the development shall be performed by a professional land appraiser selected by the developer from an approved list maintained by the Board of Commissioners. Professional land appraiser refers to a land appraiser who, in the opinion of the Board of Commissioners, has the expertise and/or certification to perform an adequate appraisal.
 2. The cost of the appraisal shall be borne by the developer.
- (5) At the time of filing an application for approval, the developer shall designate thereon the area or areas to be dedicated pursuant to this section. If the developer desires to make a payment in lieu of the dedication of land, a letter to that effect shall be submitted with the application. The Board of Commissioners reserves the right to approve or disapprove dedication of parcels for public park, recreation or open space, or payment in lieu of.
- (6) Where a dedication of land is required, the dedication shall be shown on a final plat, and the plat shall be accompanied by an executed general warranty deed conveying the dedicated land to the town. Where a payment in lieu of dedication is approved by the Board of Commissioners, the payment will be made before the development approval is granted.
- (7) The Board of Commissioners shall have the authority to sell land dedicated pursuant to this section. The proceeds of the sale shall be used for the acquisition and/or development of other recreation, park or open space sites, or for sidewalk development serving the development or more than one development in the immediate area.
- (8) The town encourages neighborhood or property owner associations or management to construct, operate and maintain private parks and recreation. The construction, operation or maintenance of the private facilities shall not, however, diminish or eliminate the responsibility and obligations of the developer under this section.
- (9) Greenways may be credited against the requirements of this section, provided that the greenways are part of the town's greenway plan and dedicated to public use.
- (G) *Street construction.* To provide for the orderly growth and development of the town, and to coordinate the streets and highways within proposed developments with existing or planned streets and highways, a developer may be required in lieu of required street construction and as a condition of approval, to provide funds which the town may use for the construction of roads to serve the occupants, residents, or invitees of the development and these funds may be used for roads which serve more than one subdivision or development within the area. All funds received by the town pursuant to this division shall be used only for development of roads, including design, land acquisition, and construction. The town may undertake these activities in conjunction with the North Carolina Department of Transportation under an agreement between the town and the Department of Transportation. Any formula adopted to determine the amount of funds the developer is to pay in lieu of required street construction shall be based on the trips generated from the subdivision or development. A combination of partial payment of such funds and partial dedication of constructed streets may be required when the Board of Commissioners determines that such a combination is in the best interests of the public in the area to be served.
- (H) *Uniform Standardization of Infrastructure.* To provide for the orderly growth and development of the town, and to coordinate infrastructure, developments made pursuant to Section 91.87 shall also comply with Section 91.217 thru 91.224 of the Code of Ordinances as amended. In order that proper reference be made to Section 91.217 thru 91.224, for the purposes of this subsection the term subdivider or subdivision shall, mean developer or development as appropriate.

Mr. Mendenhall discussed the proposed zoning text amendment. Mr. Mendenhall said the amenities, the infrastructure and the open space for the public would be at a cost of the developer. Mr. Mendenhall said

that staff is recommending that we are coordinating and that we are managing the public's infrastructure and the integration of that infrastructure with new development in a way that lessens inconsistencies and lessens the potential for unforeseen results or unforeseen costs. Member O'Reilly said he likes it, he likes it very much. Member O'Reilly said that is what the public was complaining about, is that we don't have the infrastructure to handle that. Mr. Mendenhall said the idea here is not for the existing taxpayer to provide that, the developer needs to carry that freight. Mr. Mendenhall said the project will cost but if they are serious or the company is serious, they will do so. There was discussion on the prior proposed rezoning. Chairperson Brown asked if they gave a reason as to why they withdrew their application and Mr. Mendenhall said no. Chairperson Brown asked if he thought they were just reloading. Mr. Mendenhall said he heard some rumors that they were hiring attorneys and were going to try come back and fight it. Mr. Mendenhall said a rezoning decision is purely a legislative discretionary matter by the Board of Commissioners supported by the advice and counsel of the Planning Board. Mr. Mendenhall said that doesn't mean that the Board of Commissioners has to agree with you but they normally do, you all get along very well. Mr. Mendenhall said you do a good job but it is all discretion. Mr. Mendenhall said reasons do not have to be given by the way that they vote. Mr. Mendenhall said on a rezoning aspect to get it rezoned, you don't have to rezone it, maybe you don't want purple on the map. Mr. Mendenhall said the problem is, if you open that door and it's a conditional use and you get out of this legislative discretionary bounds, once you get into the conditional use; you are in this Quasi-Judicial mode. Mr. Mendenhall said then you take off that discretionary legislator hat and you can't do it just because you don't feel a certain way. Mr. Mendenhall said you now have a Quasi-Judicial judge's hat and you have to apply what is in the ordinance and what is for the public health, safety and welfare and you have to justify it. Mr. Mendenhall said you have to have Findings of Fact; you have to have a record and you have to have sworn testimony and it has to be really tight. Mr. Mendenhall said it's like a judge saying well, you know so and so you sped two miles over the speed limit and that's bad, I don't like it, I don't like you and I'm giving you the death penalty, it doesn't work that way. Mr. Mendenhall said the way it works is that you have to comply with the letter of the law and your hands are much more tied. Mr. Mendenhall said you don't want to open that door into the Quasi-Judicial unless you absolutely have to. Mr. Mendenhall said you don't want to go there. Member O'Reilly asked if they could vote on it and Mr. Mendenhall said yes. Mr. Mendenhall said it will manage the risk and push the cost clearly on the developer. Mr. Mendenhall said the developers are about money and if they can't make the money per unit work correctly, the project will not move forward. Chairperson Brown said so this gives us more leverage and Mr. Mendenhall said that is correct and more protection. Member Hapner said Commissioner Przywara wanted him to relay a message as he couldn't attend the meeting. Member Hapner said he agrees with Commissioner Przywara wholeheartedly. Member Hapner said considering that we are considered a Tree City USA recipient, adding a requirement to any new development that if a developer comes in and clear cuts every tree, there be a requirement to plant a certain number of trees back. Member O'Reilly said he agrees with that. Member Hapner said to mainly replace the trees that they cut down; it could be added for any development which this would also fall under. Mr. Mendenhall said we have one issue with that and that is the General Assembly is on their second or third reading of this bill that has been filed to take away tree protections that cities and counties cannot protect trees. Mr. Mendenhall said we would lose our teeth on that. Mr. Wood read Senate Bill DRS35152-LM-80: "No city may adopt ordinances regulating the removal of trees from private property within the city's corporate limits or extraterritorial jurisdiction without the express authorization of the General Assembly. Neither the general police powers authorized in this Article nor any other powers authorized in this Chapter or in any other general or local law, except a general or local law expressly authorizing a city to adopt ordinances regulating the removal of trees from private property, shall be used by a city's governing body as the basis for adopting ordinances regulating the removal of trees from private property. Any ordinance regulating the removal of trees from private property shall include a provision which provides that the owner of the private property may remove any tree on the property that interferes with a construction or renovation project so long as the owner replaces the tree with a sapling of the same or similar type. For purposes of this section, the term "sapling" means any tree between 1 and 4 inches in diameter at breast height." Mr. Wood read Section

3: “The following local acts authorizing ordinances regulating the removal of trees from private property shall remain in effect after this act becomes law, but the governing body of the county or city shall amend any ordinances adopted prior to the effective date of this act to include a provision which provides that the owner of the private property may remove any tree on the property that interferes with a construction or renovation project so long as the owner replaces the tree with a sapling of the same or similar type as required.” Mr. Mendenhall said Mr. Wood would have to look at our tree resource management because he thinks a lot of that may already be in there. Mr. Wood said he will check. Mr. Mendenhall said you have to remember that a developer that is developing and selling his timber in North Carolina, can sell timber all day long without attention and no permit.

CHAIRPERSON BROWN MADE A MOTION TO RECOMMEND TO THE BOARD OF COMMISSIONERS THAT THE PLANNING BOARD ACCEPTS THE PROPOSED TEXT AMENDMENT TO AMEND THE TABLE OF PERMITTED USES AND SUPPLEMENTAL STANDARDS FOR MULTIFAMILY AND MIXED-USE DEVELOPMENTS. ALTERNATE MEMBER NELIGON SECONDED THE MOTION. CHAIRPERSON BROWN CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Member O’Reilly left the meeting at 12:05 pm.

Chairperson Brown said he had mentioned it before about coming in at the back end of The Farm, it’s getting harder to see because the trees are growing and filling out more.

Member Powell asked if we got everything straightened out with the trees and everything with the Village at Calabash. Mr. Mendenhall said yes, the Board of Commissioners approved that buffer. Mr. Mendenhall said that some people at The Village felt like the buffer would be built the next day but it will be built at the end of the project. Alternate Member Neligon said on the neighborhood website, people were complaining yesterday that they were still taking down trees. Member Powell asked where the park is that is supposed to go on Thomasboro. Mr. Mendenhall said beside Lighthouse Cove.

Public Comment:

None

CHAIRPERSON BROWN MADE A MOTION TO CANCEL THE PLANNING BOARD MEETING OF APRIL 22, 2019 DUE TO LACK OF BUSINESS. ALTERNATE MEMBER NELIGON SECONDED THE MOTION. CHAIRPERSON BROWN CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Adjourn:

MEMBER POWELL MADE A MOTION TO ADJOURN THE APRIL 17, 2019 PLANNING BOARD MEETING AT 12:08 PM. ALTERNATE MEMBER NELIGON SECONDED THE MOTION. CHAIRPERSON BROWN CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Chairperson

Submitted by:
Nicole Hewett, Town Clerk

TOWN OF CAROLINA SHORES
Planning Board
Workshop Meeting Minutes
May 15, 2019
11:00 a.m.

DRAFT

At 11:00 a.m., Chairperson Mark Brown called the May 15, 2019 Planning Board Meeting to order. The Pledge of Allegiance was recited and there was a moment of silence. The following members attended: Ruth Ann Campbell-Grothe, Greg Hapner and Alternate Member Pamela Faria. Also, present: Jon Mendenhall, Town Administrator; Commissioner Joseph J. Przywara, Liaison; Ami Ruland, Town Planner and Nicole Hewett, Town Clerk.

Absent: Planning Board Members Kathryn Powell and Daniel O'Reilly and Inspections & Construction Superintendent, Sandy Wood

Members in Public Attendance: Alternate Member Normand Neligon (arrived at 11:04am)

Approval of Minutes:

MEMBER CAMPBELL-GROTHER MADE A MOTION TO APPROVE THE PLANNING BOARD MEETING MINUTES OF FEBRUARY 20, 2019 AND MARCH 20, 2019 WITH THE GRAMMATICAL CHANGES AS SUBMITTED BY HER TO THE TOWN CLERK. ALTERNATE MEMBER FARIA SECONDED THE MOTION. CHAIRPERSON BROWN CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Administrative Reports:

Mr. Mendenhall said we have here today Ami Ruland, Town Planner and she is still under a transition process and Mr. Sandy Wood will be with you in July. Mr. Mendenhall said we are moving through that process and things are going very well. Mr. Mendenhall said that Ami is very valued and is doing a lot of training. Mr. Mendenhall said that Ami will be attending Quasi-Judicial training tomorrow and that is a very good thing.

Farm at Brunswick – Mr. Mendenhall said there is not a lot going on at The Farm at Brunswick. Mr. Mendenhall said we did take a look at a request to improve the site distance triangle at Carolina Farms Boulevard. Mr. Mendenhall said we actually determined that house is outside of the corporate limits and our Ordinances do not apply on that triangle issue. Mr. Mendenhall said our corporate limits are basically the entrance way itself. Mr. Mendenhall said those three houses there are outside the limits. Chairperson Brown said you almost have to pull out on Thomasboro if you want to hang a left towards Highway 17. Chairperson Brown asked who could they call about that. Mr. Mendenhall said it is in the ETJ and that would probably be NCDOT. Mr. Mendenhall said nothing is ever easy but we did look into it. Chairperson Brown said it is very hard to see when pulling onto Thomasboro to head towards Highway 17. Chairperson Brown said you have to almost pull out onto Thomasboro just to see if there is any traffic coming. Mr. Mendenhall said our Code of Ordinances does not apply. Chairperson Brown thanks Mr. Mendenhall for looking into that.

Calabash Lakes – Mr. Mendenhall said things are going very rapidly. Mr. Mendenhall said they are moving into what is called the Phase 6 infill portion. Mr. Mendenhall said they are talking about paving roads and they had a meeting about 45 days ago but like everything else, everybody gets very excited and then nothing happens. Mr. Mendenhall said we are waiting on what their plans are there. Mr.

Mendenhall said we asked them to put it in writing as to what the schedule will be so we know what is going on. Mr. Mendenhall said what they are looking to do is put the final top coat on Phase 3, which is the phase to the right of Calabash Lakes Blvd. Mr. Mendenhall said also to do the final coat in Phase 4. Mr. Mendenhall said there is a section where they skimmed about a 1 ½ inches of road material and it needs to be fixed to the NCDOT requirement and that's what our standard would require. Mr. Mendenhall said they have to do some repair work there to bring that up to snuff. Mr. Mendenhall said they have some curb repair and that sort of thing. Mr. Mendenhall said there was a long conversation about construction traffic such as dump trucks, cement mixers and those sorts of things and having to close the road to get it paved and then a truck driving on it too soon after it is paved. Mr. Mendenhall said his suspicion is after that conversation, is it is probably best to just wait until they are substantially done before they pave. Mr. Mendenhall said that way they won't have a huge repair bill to pay to fix the roads if they get damaged. Alternate Member Faria said as someone who has lived in Phase 3 and has been told for eighteen months that final surface was going to be done, made us really frustrated with D.R. Horton. Mr. Mendenhall said rightfully so. Alternate Member Faria said we keep getting different timelines and this is the 5th one today. Mr. Mendenhall said that is very interesting.

Lighthouse Cove – Mr. Mendenhall said Lighthouse Cove is being cleared and grubbed. Mr. Mendenhall said they are still doing some grading out there. Mr. Mendenhall said not a lot to report there at the present time.

Town Parks – Mr. Mendenhall said our parks are being worked on and we have some park plans. Mr. Mendenhall said we are working on a construction agreement on who is doing what and to make sure that all of our liabilities are covered. Mr. Mendenhall said we anticipate the parks to go under construction probably in July. Mr. Mendenhall said the agreement needs to go in front of the Board of Commissioners in June and will need legal review. Mr. Mendenhall said Ami is heading up that process and he thinks it's going very well. Mr. Mendenhall said there are some chlorine tanks and water tanks that we are testing to make sure that in our cleaning up and demolition, we don't cause a gas leak; we want to be 100% sure because that's a very dangerous thing. Mr. Mendenhall said once that is all done, we should be in a good position to have these parks online in about 90-120 days. Mr. Mendenhall said sometime before Thanksgiving there.

Village at Calabash - Mr. Mendenhall said we had a nice meeting with the neighbors last Wednesday night. Mr. Mendenhall said there was a good crowd of about 60 people at their clubhouse. Mr. Mendenhall said we are doing a Waterview Lane street improvement project. Mr. Mendenhall said we are going to tear Waterview all the way down to its base and rebase it with ABC, pull the roadside ditches, and do some drainage work on Palm Court as well as Palmer Drive. Mr. Mendenhall said it's a pretty extensive project. Mr. Mendenhall said it's about 2500 feet, a little less than a half mile. Mr. Mendenhall said we will use part of our town forces and part contract forces in an attempt to save some Town funds. Mr. Mendenhall said we will do a very quality job, a very efficient job, a safe job but not see that million dollar a mile bill that we have been experiencing. Mr. Mendenhall said so we are trying to save some town funds there to build a quality product that will hold up for the test of time. Mr. Mendenhall said last year was a horrible year for our roads. Mr. Mendenhall said all that rain really did a number on our older roads as well as our newer roads. Mr. Mendenhall said he thinks spring patching is up to something like a hundred ton of asphalt. Mr. Mendenhall said that is probably not even putting a dent in all the work that needs to be done. Mr. Mendenhall said there are certain areas that really don't even qualify for patching that need reconstruction and more structural work. Mr. Mendenhall said there is also drainage work that needs to be done.

Carolina Shores Subdivision – Mr. Mendenhall said there is not a lot of development going on other than one custom home going in on Sunfield and several on Northwest Drive. Mr. Mendenhall said we have had a lot of drainage issues on Northwest Drive. Mr. Mendenhall said they don't have roadside ditches in the cul-de-sacs and there are a lot of drainage issues in that area; where it drains to the rear

yard and it's a very tough situation. Mr. Mendenhall said it's something that needs to be worked out on a case by case basis with the builder.

Carolina Shores North – Mr. Mendenhall said we have pending legislation with the General Assembly to try to allow them to have a referendum for them to be annexed. Mr. Mendenhall said we have not heard back from the General Assembly on that request.

Ocean Side Place – Mr. Mendenhall said that Ocean Side Place approached the Economic Development Commission about possible annexation. Mr. Mendenhall said they were very gung-ho and we were going to have a meeting the first week of June but they have backed off a little bit because they feel like they are going too fast. Mr. Mendenhall said they need to build some grassroots support for that.

Koolabrew Industrial Park – Mr. Mendenhall said we have had a code issue with a building in the Koolabrew Industrial Park with DaVinci Foods. Mr. Mendenhall said some electrical work was done without an electrical contractor. Mr. Mendenhall said there is a code violation there and you may or may not have heard about it. Mr. Mendenhall said the Town is holding them up on Building Permits. Mr. Mendenhall said there is a lot more to that story, commercial work was done without a licensed contractor.

Ocean Forest- Mr. Mendenhall said we don't have very much going there.

Marlowtown – Mr. Mendenhall said we don't have a lot going on there.

Shingletree Road – Mr. Mendenhall said we have one inquiry that has gone to the Economic Development Commission. Mr. Mendenhall said it may be a large investment project. Mr. Mendenhall said we don't have the ability to share a lot of details right now as it's very preliminary. Mr. Mendenhall said it may require a rezoning. Mr. Mendenhall said the EDC feels that it would be an amenity for our residents to the area. Mr. Mendenhall said it would be congruent land use per our demographic population. Mr. Mendenhall said it would be a very good thing.

Other Inquiry - Mr. Mendenhall said he has another inquiry but he is not sure what it is. Mr. Mendenhall said we have a meeting tomorrow about it. Mr. Mendenhall said there is a large tract of land there for sale. Mr. Mendenhall said in this very aggressive development climate, there is a lot of interest in it and we are trying to look at each project on a case by case basis and make sure it is conducive to our Comprehensive Plan. Mr. Mendenhall said we are providing staff support to help them make their investment decisions, realizing there are rezonings that need to take place and there are a lot of stormwater concerns with the Shingletree Canal and that area. Mr. Mendenhall said drainage is a big deal. Mr. Mendenhall said there has to be a lot of upfront information exchanged so that an evaluation can be made if the project is doable or not and how all of that would work. Mr. Mendenhall said we have a lot of irons in the fire on Shingletree again. Mr. Mendenhall said it seems like we talked about this a year ago and it got really quiet and now it is active again. Mr. Mendenhall said we were told one time during Hurricane Florence that nobody liked the Shingletree Road tract because of the Shingletree Canal and perhaps it would be a long time before people came back to a tract like that because of the canal. Mr. Mendenhall said he thinks that apparently memories don't last very long because they are back in about seven months.

Crow Creek – Mr. Mendenhall said there is not a lot going on in this area. Mr. Mendenhall said we had a Code Compliance issue at the old mobile home sales place, adjacent to The Farm. Mr. Mendenhall said they had a damaged mobile home after Hurricane Florence but we have had very good success in cleaning up that area. Mr. Mendenhall said he doesn't even think we had to issue a fine. Mr. Mendenhall said we worked with them to get that squared away.

Community Rating System – Mr. Mendenhall said we have talked about this for 30-36 months now with the National Flood Insurance Program to give folks in our ETJ and corporate limits a discount on their flood insurance. Mr. Mendenhall said we are working through all of that and it is a huge process. Mr. Mendenhall said we are probably going to get audited again; you will recall we had our first community assessment audit through the state about 18 months ago. Mr. Mendenhall said it was during that interim period of Hurricane Matthew and Hurricane Florence. Mr. Mendenhall said he would like to get audited again to make sure that we are adhering to the National Flood Insurance Program rules and regulations. Mr. Mendenhall said we need to do a little community education. Mr. Mendenhall said our codes are pretty tight, you will recall that we redid our flood ordinance back in August or so. Mr. Mendenhall said our codes are good but we have some brochures, information, go through the audit process, application process and that is probably going to take the remainder of the fiscal year to do but it is a long-standing goal that will be fruitful for the residents in the end to save costs on flood insurance. Mr. Mendenhall said we are looking at maybe a 10-15% discount on flood insurance. Mr. Mendenhall said if you have a preferred rate policy of about \$400.00, you would save between \$40.00-\$60.00. Mr. Mendenhall said if you have one of these very expensive policies, like on Oakbark and Sunfield and some of the folks on Bayberry, they are paying \$3,000.00-\$4,000.00 in flood insurance so there will be some savings there. Mr. Mendenhall asked about Cedar Tree and Alternate Member Neligon said they are still paying the preferred rate. Mr. Mendenhall said it is going up in tiers, so you will get some savings there long term when you get to the 100% tier. Mr. Mendenhall said the Economic Development Commission is really interested, he thinks, in projects on Shingletree Road and on the west side of Highway 17. Mr. Mendenhall said they are going above and beyond on stormwater control and that's really figuring into a lot of the development and discussions. Mr. Mendenhall said we have our Ordinances and yes, we have our stormwater regulations but we're looking more for quantity control and flood storage capacity. Mr. Mendenhall said some big ideas are needed and not just for that one little project area but to help the entire system in both upstream and downstream. Mr. Mendenhall said they need to do what needs to be done in that regard. Mr. Mendenhall said development is not a done deal, we have to look at storage, retention and higher standards to make it work. Mr. Mendenhall said what you don't want to do is to start developing at your outfall and make it worse, you need to be careful. Mr. Mendenhall said that has been the thought process. Mr. Mendenhall said will it change the NFIP maps, probably not but you don't want to make it worse.

Chairperson Brown said at Lighthouse Cove, there was the issue where they took all the trees out; did we rectify that. Mr. Mendenhall said he believes they have; they haven't put up the buffer. Mr. Mendenhall said we have some confusion with the Village at Calabash thinking that the buffer would be built like the next day. Mr. Mendenhall said we have had to tell them that no, the buffer will be one of the last things after clearing and grubbing. Mr. Mendenhall said we are looking at some construction and then when the landscaping starts to go in, that's when they will see the buffer. Mr. Mendenhall said it is not a good idea to put a nicely landscaped buffer in while construction is going on.

Chairperson Brown said speaking of the other side of Highway 17, have you heard any other chatter about low income housing again. Mr. Mendenhall said Ami, I don't want to steal your thunder but you got a phone call asking why we were changing the Ordinance. Ms. Ruland said it was one phone call and they did not give her very much information. Ms. Ruland said the number that came across was an attorney's office. Chairperson Brown said that has been in the back of his mind; as to them reloading and coming back, it's just a guess. Mr. Mendenhall said in this week's edition of the Brunswick Beacon there is a site plan of another facility that's going on Thomasboro Road within an adjoining jurisdiction resulting in a lawsuit that has been filed on that case. Mr. Mendenhall said to be honest with you, it probably abuts our corporate limits. Mr. Mendenhall said this is actually closer to residential housing than the one on Highway 17. Mr. Mendenhall said they have a site plan and it talks about it a little bit. Mr. Mendenhall said if you read this week's edition of the Brunswick Beacon, you can see it. Mr. Mendenhall said we also got a little bit more information as to what is going in Little River adjacent to our corporate limits. Mr. Mendenhall said it will be a senior housing complex. Mr. Mendenhall said

very similar to the one on Calabash Road. Mr. Mendenhall said so it will be affordable senior housing, that's what he has heard. Alternate Member Neligon asked if there was any progress on the text amendment. Mr. Mendenhall said the Board of Commissioners approved all of that. Mr. Mendenhall said we only had one person that asked questions about it and he was the President of the Carolina Shores POA but we had nobody else comment on that. Mr. Mendenhall said that has all been approved. Alternate Member Neligon asked if was in effect and Mr. Mendenhall said it is as the effective date is when it was adopted. Mrs. Hewett said it was adopted May 9, 2019.

New Business:

Chairperson Brown said he saw something today and he has one thing to say. Chairperson Brown said when we were going through that rezoning process, people made negative comments about the Town, the Mayor and the Administrator. Chairperson Brown said he saw on a site today, that they were praising the Mayor, Administrator and Commissioners and it's just nice to see that. Chairperson Brown said they didn't say anything about the Planning Board. Chairperson Brown said they were all great comments. Chairperson Brown said that someone said it's about the Mayor going to the meetings and somebody said it's just not about being at meetings here, there is a lot of other stuff that goes on. Chairperson Brown said he was glad that they got some great comments. Member Campbell-Grothe said she just wants to know when they are getting their pay raise. Member Campbell-Grothe said reading the March minutes where someone said we make a lot of money and we should be doing a better job. Member Campbell-Grothe said she was thinking well if he wants her \$30.00, he can have it. Chairperson Brown said everybody needs to realize that there is a lot that goes on at Town Hall.

Public Comment:

None

CHAIRPERSON BROWN MADE A MOTION TO CANCEL THE PLANNING BOARD MEETING OF MAY 20, 2019 DUE TO LACK OF BUSINESS. MEMBER CAMPBELL-GROTHER SECONDED THE MOTION. CHAIRPERSON BROWN CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Adjourn:

MEMBER CAMPBELL-GROTHER MADE A MOTION TO ADJOURN THE MAY 15, 2019 PLANNING BOARD MEETING AT 11:26 AM. ALTERNATE MEMBER FARIA SECONDED THE MOTION. CHAIRPERSON BROWN CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Chairperson

Submitted by:
Nicole Hewett, Town Clerk