

TOWN OF CAROLINA SHORES
Planning Board
Meeting Minutes
May 20, 2020
11:00 a.m.

At 11:03 a.m., Chairperson Hapner called the May 20, 2020 Planning Board Meeting to order. The following members attended: Member Dan O'Reilly, Member Ruth Ann Campbell-Grothe, Alternate Member Marlene Vandergrift, and Alternate Member Normand Neligon. Also, present: Sandy Wood, Inspections and Construction Superintendent, and Sara Brumm.

Absent: Member Pamela Faria

The Pledge of Allegiance was recited and there was a moment of silence.

Approval of Minutes:

MEMBER CAMPBELL-GROTHER MADE A MOTION TO APPROVE THE MINUTES FROM THE JANUARY 6, 2020 SPECIAL CALLED JOINT MEETING WITH THE BOARD OF COMMISSIONERS AND ALSO THE MINUTES FROM THE FEBRUARY 19, 2020 PLANNING BOARD MEETING. ALTERNATE MEMBER VANDERGRIFT SECONDED THE MOTION. CHAIRPERSON HAPNER CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Administrative Reports:

Sandy said we have been in a unique situation due to COVID-19. Sandy said that building inspections and permits other than emergencies had been shut down and were just resumed this past Monday, so the office is working hard to get caught up.

Sandy said that Landmark at Lighthouse Cove has started construction and there are approximately 10 active permits with Windsor Homes. Sandy said he also has pending permits for the other builder, H&H Homes, so they will be getting started soon as well.

Sandy said that D.R. Horton is still permitting in the Farm at Brunswick and they are on the agenda under new business for the final two phases.

Sandy said that East Park is in its final phase. Sandy said the building, bathrooms, and pavilion are done and the pickleball court is done. Sandy said all that's really left is some painting and work on the parking lot. Sandy said a dog park was installed and there are two separate fenced in areas for small dogs and large dogs. Sandy said there are benches and water there and that it's very nice. Sandy said the park isn't open yet but he has been told of some people using it anyway.

Sandy said there is a lot going on in the industrial park on Koolabrew Drive. Sandy said a new trailer manufacturer is getting set up and will be permitting soon. Sandy said there is a new "toy" store on Highway 17, toy meaning 4-wheelers, golf carts, new utility vehicles, etc. Sandy said he is having some sign issues with that store but it's being worked on.

Sandy said he had been assisting some people on 2 new possible restaurants but they had to be put on hold due to COVID-19. Member Campbell-Grothe asked Sandy what the restaurants were going to be. Sandy said one is a Mexican restaurant and the other is a pizza restaurant. Alternate Member Neligon asked Sandy where they were to be located. Sandy said the Mexican restaurant was to occupy two

spaces next to the coffee shop and they had been renting that space since November 2019. Sandy said he thinks the Mexican restaurant will move forward soon. Sandy said he hasn't heard from the people with the pizza restaurant.

Sandy said over at the Meares farm area on Thomasboro Road the owners would like to open a produce stand. Sandy said he has met with the owner and he thinks they may be up and going in a month or two, but will have to buy produce to sell to get started.

Chairperson Hapner asked Sandy if he knows what's going on with NCDOT, because the medians on Highway 17 are full of tall grass and weeds and he's heard they are furloughing their employees. Sandy said he will call and check on it.

New Business:

Review and Consideration of Final (bonded) Plat for Phase 16 and Phase 17, Farm at Brunswick

Chairperson Hapner recognized Jon Heter from D.R. Horton. Mr. Heter said you should have a copy of Phases 16 and 17 to look at and these are the final phases for The Farm at Brunswick and we need a recommendation of approval to the Board of Commissioners for approval. Mr. Heter said the number of lots is consistent with the development agreement. Mr. Heter said some lots had to be shifted due to some changes brought on by the Army Corps of Engineers. Mr. Heter said no lots were lost, just shifted. Sandy asked Mr. Heter how many lots will be in these 2 phases. Mr. Heter said 89 lots in these 2 phases. Mr. Heter said that they were still working on Phase 15 and that D.R. Horton will be in the Farm at Brunswick for a while. Mr. Heter said D.R. Horton was looking for other property to develop that would be in the town's ETJ or town limits, but have not been able to make a deal yet. Sandy asked Mr. Heter how virtual selling has been going. Mr. Heter said they have sold many homes and they were expecting a surge in demand from people wanting to move south. Member Campbell-Grothe asked if there were any other areas for D.R. Horton to develop. Mr. Heter said this is everything D.R. Horton has here right now. Chairperson Hapner asked Mr. Heter what was in the plan for the common areas in Phase 16. Mr. Heter said those areas will stay open sodded grass areas. Mr. Heter said there's a percentage requirement for open green space. Chairperson Hapner said he was hoping for more amenities. Mr. Heter said these phases have amenities available in Phase 11. Chairperson Hapner said he saw green space and was hoping it could be park area since the town decided not to develop South Park on Country Club Road. Mr. Heter said there was not a budget to develop that space but that the HOA could do something in the future. Sandy asked Mr. Heter if these areas will go to HOA control once building is done. Mr. Heter said yes, these homes fall under the Freedom Homes Subassociation under the main HOA, and this subassociation is for Phases 11, 13, 14, 15, 16, and 17, known as "The Grove." Chairperson Hapner asked if these open spaces fall under the rules for the master HOA. Mr. Heter said he will check on it but he believes it will be controlled by the subassociation. There was further discussion on the open spaces in Phases 16 and 17.

MEMBER O'REILLY MADE A MOTION TO RECOMMEND TO THE BOARD OF COMMISSIONERS TO APPROVE THE FINAL (BONDED) PLAT FOR PHASE 16 AND PHASE 17 OF THE FARM AT BRUNSWICK. MEMBER CAMPBELL-GROTHER SECONDED THE MOTION. CHAIRPERSON HAPNER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Mr. Heter gave the bonds for Phases 16 and 17 to Sandy so that he may give them to Town Administrator Jon Mendenhall.

Review and Consideration of GS 160D changes to the Unified Development Ordinance

Chairperson Hapner recognized Dale Holland of Holland Consulting Planners. Mr. Holland said he'd like to begin with some background. Mr. Holland said in 2019 the state legislature adopted one set of regulatory changes to the general statutes for zoning and unified development ordinances for the state of North Carolina. Mr. Holland said that is what we are talking about today. Mr. Holland said this is really two parts and right now it's just focusing on part one. Mr. Holland said there are 13 specific changes to the Unified Development Ordinance (UDO) (on file at Town Hall). Mr. Holland said these changes mean that the entire UDO has to be adjusted throughout. Mr. Holland said there is no longer such a thing as a conditional use and that now falls under special use, so things like that had to be changed in the entire UDO. Mr. Holland said those multiple changes create a domino effect so that section numbers and page numbers changed as well. Mr. Holland said these changes are not elective with one exception. Mr. Holland said the UDO has to be changed because the state general statutes make it so and not making the changes means the town is in noncompliance with the state. Mr. Holland said if someone contested a decision by the town and it ended up in court, the town would lose. Mr. Holland said the exception is the items highlighted in green and those changes were directed by town staff. Mr. Holland said all the changes to the UDO from the state are in yellow. Mr. Holland said part 1 must be approved now because the town is already out of compliance for these items. Mr. Holland said the legislature had an original deadline on the other part as July 1, 2021 but it may be pushed to August 1, 2021. Mr. Holland said he does think these are positive changes and it eliminates duplication and some confusion. Mr. Holland said these changes are friendlier to property rights and fairer to developers. Mr. Holland said at this time he'd like to go through what's changing:

- If someone submits a permit and the town changes its regulations while that permit is in process, the applicant can request the processing under the old regulations.
- There is no more down zoning, meaning you can't request decrease zoning regulations on a property unless you own it.
- If a town revises an ordinance that increases requirements, the changes can't be enforced unless the property owner agrees ("grandfathering").
- If someone appeals a decision and a fine is levied for noncompliance, the fines are suspended while in the appeals process.
- A community, municipality, or county can't levy requirements on special uses if there is no specific legislation authorizing this authority.
- There is clarification on durations, extensions, and releases of guarantees for developers of subdivisions.
- If a property has preexisting power lines on property and the property is to be subdivided, jurisdiction cannot force the power lines underground unless the property owner agrees.
- The table of permitted uses now includes language for home stay lodging, whole house lodging, and tiny houses.
- Riparian buffers are no longer required unless there is an extreme need.
- 18 new definitions were added from state statute.

Mr. Holland said he will be bringing the changes to part 2 at a later date. Member Campbell-Grothe said she has some editorial changes. Mr. Holland asked Sara to email those to him. Mr. Holland said any language you see was copied and pasted directly from the state statute and some of the legalese is hard to understand. Mr. Holland said he expects to return to the Planning Board with part 2 around August. Chairperson Hapner said these changes are mandatory so in order to be compliant we have to do this. Mr. Holland said that is correct.

MEMBER CAMPBELL-GROTHER MADE A MOTION TO RECOMMEND TO THE BOARD OF COMMISSIONERS THE APPROVAL OF THE 2019 CHANGES TO PART 1 OF THE UNIFIED DEVELOPMENT ORDINANCE. MEMBER O'REILLY SECONDED THE MOTION.

CHAIRPERSON HAPNER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Public Comment:

None

Adjourn:

MEMBER O'REILLY MADE A MOTION TO ADJOURN THE MAY 20, 2020 PLANNING BOARD MEETING AT 12:18 PM. MEMBER CAMPBELL-GROTHE SECONDED THE MOTION. CHAIRPERSON HAPNER CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Chairperson

Submitted by:
Sara Brumm, Office Assistant