

**TOWN OF LELAND  
PLANNING BOARD REGULAR MEETING  
November 8, 2007  
7:00PM**

**ASSEMBLY**

The Leland Planning Board held their Regular Meeting at 7:00pm on Thursday, November 8, 2007 at Leland Town Hall, 102 Town Hall Drive.

Present were Chairman Michael Leggett, Samuel Richardson, Roy Lettieri, John Crowder, Susan Seltzer, Joe Bryant and Russell Baldwin.

Also present were Melody Jennings, Developmental Services Director; Nick Mills, Planner I and Jenniffer McMillan, Administrative Assistant.

**6:59:28 PM CALL TO ORDER**

Michael Leggett, Chairman, called the meeting to order at 6:59 pm. A quorum was present.

**7:00:00 PM APPROVAL OF THE AGENDA**

Michael Leggett, Chairman, asked if there were additions or deletions to the agenda. Susan Seltzer **MOVED**, Roy Lettieri **SECONDED** to approve the agenda as presented. The **MOTION CARRIED UNANIMOUSLY**.

**7:00:32 PM APPROVAL OF THE MINUTES**

Roy Lettieri **MOVED**, Susan Seltzer **SECONDED** to approve the minutes of October 2, 2007 regular meeting. The **MOTION CARRIED UNANIMOUSLY**.

**7:00:58 PM PLANNING DIRECTOR'S OPENING REMARKS**

Melody Jennings, Developmental Services Director asked that when making a public comment please state your name and address for the record and please turn off or set all cell phones to the vibrate mode since this is a public meeting. When speaking please come forward to the microphone so that it is recorded, please try to avoid any repetition of comments previously stated, please make sure that what you are discussing is particular to what is in front of the board, please try to avoid any personal comments on the planning board and planning staff and please make sure you try not to interrupt our process.

**7:01:52 PM PUBLIC COMMENT**

- Mr. Richard Cooper, President of Homeowners Association  
1008 Little Egret Run, Waterford Subdivision  
Mr. Cooper stated that he wanted to thank everyone for their service, and that he was a chairman on a planning board once in another life, prior to coming here and he appreciated everything that the planning board does. Mr. Cooper also congratulated Mr. Crowder on his election to the North Brunswick Sanitary District Commission Board. Mr. Cooper's statements were concerning Lowe's entrance and exit on Hwy 17. Chairman Leggett asked Mr. Cooper to hold his

comments until the item for Lowe's came up on the agenda. Chairman Leggett told Mr. Cooper that he would have ample time to speak at that time. Chairman Leggett also stated that comments would be better addressed at that time. Mr. Cooper again thanked the planning board for everything that they do.

[7:04:11 PM SUB-07-3514](#)

**LOWES OF LELAND  
LOWES HOME CENTERS, INC.  
14.62 ACRES**

Mr. Mills presented the following:

CASE SUMMARY

*Preliminary Subdivision Review*

<b>Meeting:</b>	<b>November 8th, 2007</b>
<b>Case No:</b>	SB-07-3514
Proposal:	<b>Staff Recommendation</b>
<b>Presented By:</b>	Planner: Nicholas Mills

**GENERAL INFORMATION**

**Applicant:** Lowe's Home Centers, INC.

**Purpose:** To review the subdivision plan for Lowe's of Leland and determine if the subdivision plan adheres to the Town of Leland's Ordinance.

**BACKGROUND**

Lowe's of Leland is proposing to subdivide the future development parcel of a previously approved subdivision known as Waterford Commercial Development. The subject parcel up for review is located in the C2 zoning district and is approximately 16.15 Acres.

**SUMMARY**

Staff has concluded that Lowe's of Leland meets all of the standards of the Leland Town Ordinance. The applicant proposes the subdivision of a previously approved future development parcel creating two new parcels and the public infrastructure to support it. Tract one will consist of approximately 12.9 acres and tract two will consist of approximately 1.3 acres. All roads excluding the internal parking are proposed public and are to be built to Town of Leland/ NCDOT standards. All public roads will feature a 5' sidewalk where adjacent to internal parking facilities. This is consistent with the previously approved Waterford Commercial Development subdivision. Public road A is proposed with 40' pavement widths and 60' ROW. Public road C is proposed with 31' pavement widths and 50' ROW. Commercial developments within the town of Leland are not required to provide open space. If the proposed subdivision is approved, a Development Site Plan will be required to be submitted and go through the TRC process. The applicant only proposes the subdivision of lots and the infrastructure to support the newly created lots at this time.

**Staff Recommendation:** Approval with the following conditions

1. All requirements of the NCDOT driveway permit be met and any other requirements of the NCDOT
2. All requirements of the NCDENR stormwater permit are met.
3. The portion of Old Waterford Way proposed for abandonment must be approved by the Town of Leland before recording the final plat.

Note: Both proposed tracts fall under a previously approved storm water permit that has been permitted for 85% impervious surface. At the time of the DSP review if the impervious surface proposed for both tracts constitutes an excess of 85% impervious surface specified in the existing stormwater permit then the existing stormwater permit must be modified before The Town of Leland will issue zoning approval.

**Planning Board Recommendation:**

Mr. Lettieri asked how the traffic was going to be able to get out onto Hwy 17 without a traffic light at the exit of Lowe's. Mr. Mills stated that the driveway permit which had not been approved yet, would recommend some type of traffic calming device whether it be a caution light, or what it would be, but with it being US Hwy 17 adequate measures would be mandated by the DOT, if they allow the driveway permit. Mr. Mills stated that

he distributed a packet to the board which was a controlled access breach approved by the DOT in Raleigh. Mr. Crowder asked if this was just preliminary approval. Mr. Mills stated that was correct, but the details of the right of way will be addressed now. When you come back and record the final plat, you will only record the right of way widths; it will not show actual traffic patterns. Chairman Leggett asked if this project had been through the TRC process. Mr. Mills replied that it had. Chairman Leggett asked what the comments were from TRC. Mr. Mills stated that the DOT thought that the right-in, right-out was a functional way of moving the traffic. Chairman Leggett stated that he had concerns about the driveway going into Lowes. Susan Seltzer asked if there was a way that we could voice our concerns about the intersection. Ms. Jennings stated that as a Planning Board we could send a letter to the DOT, and it would be a record of concern, but to keep in mind that the DOT may come back with other recommendations on other portions of the road that you may not like. Ms. Jennings stated that you can voice your opinion that you think it needs to be looked at very carefully, but I think that you need to write the letter so it does not cause much disruption on something else. Chairman Leggett asked if anyone was present to represent Lowe's and if he had anything to add.

- Mike Ranks, Engineer with Freeland and Kauffman, Inc.  
out of Greenville, SC

Mr. Ranks stated his firm was the civil engineer that represents the applicant in this matter. Mr. Ranks stated that the commissioners of the DOT had unanimously approved the breach of access in Hwy 17. That's the point where they made the judgment that a right in, right out entrance drive would be appropriate in this location. He stated: We certainly share your concerns in making this a safe intersection, and I can tell you that Lowe's is committed to whatever improvements are necessary to ensure that that happens. We are actually preparing to make our driveway permit application with the DOT sometime next week, which will likely involve a sit down meeting at the district office. We will specifically bring up the fact of an acceleration lane on the egress side of the intersection which I think to some degree makes sense. The DOT gets a little finicky from time to time about where they like to see that, and where they have merging lanes that get a little close together. Sometimes they would prefer to bring that to a stop condition at Hwy 17 and then let them find the gap and go out in a safe manner from there. We will certainly work with DOT, and whether you decide to write a letter to DOT or not we will make sure that the safety of this right-in/right-out is a primary discussion point as we try to move forward in obtaining the driveway permit.

Chairman Leggett asked Mr. Cooper to make his statements at this time.

- Mr. Richard Cooper, President of Homeowners Association  
1008 Little Egret Run, Waterford Subdivision

Mr. Cooper stated he had three concerns with the Lowes that is coming to Waterford area: His first concern would be signage, and he hoped that the Town's ordinance would approve monument type signs and not the tall ones. Mr. Cooper's second concern would be wastewater and the fact that it is flowed into Waterford Subdivision. Mr. Cooper's third concern is sidewalks and/or bike paths.

The site plan did not show any sidewalks or bike paths and he would like to see them

Mr. Mills stated that the typicals did not show sidewalks, but the revised drawings did show sidewalks. Mr. Mills stated that the revised plan shows 5-foot sidewalks. Chairman Leggett asked if they had 48-inch separation. Mr. Mills stated that he would recommend 48-inch separation between curb and sidewalks.

▪ Teresa Pierce, Ashbrook Court, Waterford Subdivision

Ms. Pierce stated that she was a professional planner, and she understood the process. Ms. Pierce stated that she understands that the city has to sign off on the driveway permit, and is that correct. Ms. Jennings stated that she signs off on the driveway permit. Ms. Pierce asked if this concept of this development included in the traffic numbers were fed into the study that was done for the Michigan left turns, and changes that occurred on Hwy 17. Mr. Mills stated that there was an original TIA done for the whole commercial sector for the front of Waterford which is zoned C-2, in that TIA it was submitted to the DOT and they did trip generations and approved that TIA. Ms. Pierce asked if this fell within those trip generation numbers. Mr. Mills replied yes. Mr. Mills stated that they did it based on the max potential of the C-2 zoned property. Ms. Pierce asked, once the request was made for the driveway and the driveway permit was signed off on, did it have to come back before the planning board. Ms. Jennings stated no. Ms. Jennings stated that once the preliminary approval is granted, they meet the requirements of that, she signs off on the driveway permit with the plan that has been approved, stating that it has been approved. Then, DOT gives their authorization. Once they give their authorization and the permit, then they are allowed to construct that access. Then final plat approval comes in through staff review. We make the determination if anything has changed to dramatically from what planning board granted the approval of, we send it back to planning board. If it matches what planning board gave the approval of then it is signed off on. Chairman Leggett stated that he thought even though we gave the approval it still goes before council and a public hearing. Ms. Jennings stated no, because this was a subdivision, and subdivisions don't go forward. Ms. Jennings stated that if you chose to make a condition that you review what the DOT approves as an encroachment permit, then you could make that as a condition, just for general review.

Ms. Pierce asked if the site plan for development to occur has to just meet the standards in the ordinance and if that is a staff approval. Chairman Leggett stated yes.

Mr. Mills stated that if you do choose to make the recommendation that the driveway permit must come back before the board, I would suggest that you have a chance to review that driveway permit before they record the final plat.

Chairman Leggett stated that the planning board wanted to express the concerns that they have about the egress for the right in, right out.

Mr. Mills stated that a simple solution would be, when they submit for their driveway permit, which Mr. Ranks said they would be in about a week or so, that we have to sign off and we could put the concerns there. Staff could easily put a phone call in or even schedule a meeting and state that we have concerns for this egress,

right in, right out. We would like you to closely examine this driveway permit and give us suggestions or feedback, back on that and then if the planning board would like to see that feedback we can report back next month. Mr. Mills asked if the planning board would like a report from staff of the feedback. Chairman Leggett stated yes.

Susan Seltzer **MOVED**, Joe Bryant **SECONDED** to approve the SUB-07-3514, Lowes of Leland, Lowes Homes Centers, Inc. 14.62 acres, with conditions:  
The **MOTION CARRIED UNANIMOUSLY AS PRESENTED** with the following conditions:

- All requirements of the NCDOT driveway permit be met and any other requirements of the NCDOT
- All requirements of the NCDENR stormwater permit are met.
- The portion of Old Waterford Way proposed for abandonment must be approved by the Town of Leland before recording the final plat.
- Mr. Mills to report informational only data concerning NCDOT driveway permit review and status

[7:41:31 PM SUB-07-3545](#)

**GRAYSON PARK PHASE 1 SECTION 1A, 1B, 1C REVISION  
MACO ROAD PARTNERS, LLC**

**+/- 74.55 ACRES**

Mr. Mills presented the following:

CASE SUMMARY  
*Subdivision Review*

<b>Meeting:</b>	November 8 <sup>th</sup> 2007
<b>Case No:</b>	SUB-07-3545
<b>Proposed By:</b>	<b>Staff Recommendation</b>
<b>Presented By:</b>	Nicholas Mills, Planner

**GENERAL INFORMATION**

**Applicant:** Maco Road Partners LLC.

**Purpose:** The purpose of this case is to review the subdivision application and plan for Grayson Park Phase 1.

**BACKGROUND**

Maco Road Partners LLC owns a tract of undeveloped woodlands on Highway 87 and Pine Cliff Drive. The current zoning district of the undeveloped land is split into two districts which are R-6 and MF. The subdivision plan up for review was previously approved by planning board and the applicant is requesting a revision of the previously approved plan.

**SUMMARY**

After a thorough review of the subdivision application from Maco Road Partners LLC staff has concluded that the subdivision for Grayson Park Phase 1 meets the Town of Leland's Subdivision Ordinance. Grayson Park Phase 1 consists of 74.55 acres and yields a density of 3.55 units per acre. The amenities center provides 4.25 acres of active open space. All public streets are proposed to be built to NCDOT standards. Water and Sewer will be provided by the North Brunswick Sanitary District. The average lot size is approximately 8,300 square feet. There are 95 single family lots and 170 MF units/lots.

**Staff Recommends: Approval with conditions:**

Proposed public rights of way meet minimum width of 40 feet (NCDOT Standards)  
NCDENR Stormwater permit requirements met

**Planning Board Recommendation:**

Roy Lettieri **MOVED**, John Crowder **SECONDED** to approve the SUB-07-3545, Grayson Park Phase 1 Section 1A, 1B and 1C Revision, Maco Road Partners, +/- 74.55 acres with conditions:

The **MOTION CARRIED UNANIMOUSLY AS PRESENTED** with the following conditions:

- Proposed public rights of way meet minimum width of 40 feet (NCDOT Standards)
- NCDENR Stormwater permit requirements met

[7:50:03 PM ANX-07-3610](#)  
**187, 189 OLD LANVALE ROAD**  
**TOWN OF LELAND**  
**+/- 5.70 ACRES**

Mr. Mills presented the following:

CASE SUMMARY  
*Annexation Petition*

<b>Meeting:</b>	November 8th, 2007
<b>Case No:</b>	ANX-07-3610
<b>Proposal:</b>	<b>Staff Recommendation</b>
<b>Presented By:</b>	Planner: Nicholas Mills

**GENERAL INFORMATION**

**Applicant:** Town of Leland

**Purpose:** To evaluate the Town of Leland annexing parcel # 04700008

**BACKGROUND**

Town of Leland request to annex parcel # 04700008 located off of Old Lanvale Road. This is a non contiguous annexation.

**SUMMARY**

Town of Leland request parcel # 04700008 to be annexed into Leland's municipal limits as a non contiguous annexation. The parcel is approximately 5.7 acres and is located of Old Lanvale Road. A wetlands delineation has been complete and the Town request the Phase 1 Environmental Assessment and the TIA be waived. The parcel of land has two manufactured homes present and will be removed.

**Staff Recommendation: Approval**

Roy Lettieri **MOVED**, Susan Seltzer **SECONDED** to approve the ANX-07-3610, 187,189 Old Lanvale Road, Town of Leland, +/- 5.70 acres. The **MOTION CARRIED UNANIMOUSLY AS PRESENTED**.

Roy Lettieri **MOVED**, Samuel Richardson **SECONDED** to approve the Initial Zoning of O & I at 187,189 Old Lanvale Road, Town of Leland, +/- 5.70 acres. The **MOTION CARRIED UNANIMOUSLY AS PRESENTED**.

[7:55:13 PM SUB-07-3458](#)  
**WESTGATE, A SOUTHERN VILLAGE OF HOMES**  
**OCEAN GATE, LLC**  
**+/- 215 ACRES**

Mr. Mills presented the following:

CASE SUMMARY  
*Preliminary Subdivision Review*

<b>Meeting:</b>	November 8 <sup>th</sup> , 2007
<b>Case No:</b>	SUB- 07-3458
<b>Proposal:</b>	<b>Staff Recommendation</b>
<b>Presented By:</b>	Nicholas Mills, Planner

**GENERAL INFORMATION**

**Applicant:** Oceangate, LLC.

**Purpose:** The purpose of this case is to review the application and preliminary subdivision plan for Westgate A Southern Village of Homes.

**BACKGROUND**

Oceangate LLC is the owner of parcel #04800042 and parcel #04800040. The two tracts encompass +/- 215 acres and are currently zoned MF. Public roads and infrastructure have been previously approved.

**SUMMARY**

After reviewing the preliminary subdivision for Oceangate LLC, staff has concluded that the subdivision plan satisfies the Town of Leland's ordinance. A Southern Village of Homes will consist of 7 future development parcels. Each proposed future development parcel will have to go through the TRC process to obtain approval for development. The minimum parcel size proposed is approximately 18 acres and the maximum parcel size proposed is approximately 41 acres. Open space requirements will be mandated as the parcel owners propose development site plans for each individual parcel. Water and sewer will be provided by the North Brunswick Sanitary District. All roads were previously approved to be public and built to NCDOT/ Town of Leland standards. Ingress and egress for tracts 7 & 8 are restricted to the corridors recommended in the TIA and shown on the preliminary subdivision plan. Multiple ingress and egresses will be prohibited for Tract 7 & Tract 8 from Westgate Drive. For tract 7 no driveway is permitted within 80' of the beginning of tangent of the traffic round about. For tract 8 no driveway will be permitted within 150' of the beginning of tangent.

**Staff Recommends: Approval With Conditions**

1. **Ingress and Egress for tract 7 & 8 will be limited to one per tract from Westgate Drive**
2. **Ingress from Westgate Drive to tract 7 must be at least 80' from the beginning of the tangent bearing West from the approved round about.**
3. **Ingress from Westgate Drive to tract 8 must be at least 150' from the beginning of tangent bearing East from the approved round about.**
4. **All requirements of all necessary state of North Carolina and Federal permits be met.**

John Crowder **MOVED**, Susan Seltzer **SECONDED** to approve the SUB-07-3458, Westgate, A Southern Village of Homes, Ocean Gate, LLC, +/- 215 acres with conditions. The **MOTION CARRIED UNANIMOUSLY AS PRESENTED** with the following conditions:

- Ingress and Egress for tracts 7 & 8 will be limited to one per tract from Westgate Drive
- Ingress from Westgate Drive to tract 7 must be at least 80' from the beginning of the tangent bearing West from the approved roundabout
- Ingress from Westgate Drive to tract 8 must be at least 150' from the beginning of tangent bearing East from the approved roundabout.
- All requirements of all necessary state of North Carolina and Federal permits are met.

**8:04:59 PM SUB-07-3652**

**SUMMERLIN TRACE**

**MAZZARONE CONSTRUCTION INC.**

**+/- 10 ACRES**

Mr. Mills presented the following:

CASE SUMMARY  
Preliminary Subdivision Review

<b>Meeting:</b>	November 8 <sup>th</sup> , 2007
<b>Case No:</b>	SUB-07-3652
<b>Proposal:</b>	<b>Staff Recommendation</b>
<b>Presented By:</b>	Nicholas Mills, Planner

**GENERAL INFORMATION**

**Applicant:** Mazzarone Construction Company Inc.

**Purpose:** The purpose of this case is to review the preliminary subdivision plan for Summerlin Trace.

**BACKGROUND**

Mazzarone Construction Company Inc. currently owns a parcel of land that is located off of Mt. Misery Road. The parcel is zoned R6 and was annexed into the Town of Leland with vested rights. At your last planning board meeting the board granted a variance for the ROW width accessing the subdivision.

**SUMMARY**

Summerlin Trace is a subdivision that was annexed into the town with vested rights from the county. Since that time the subdivision plan received a variance for the ROW width accessing the subdivision. All other minimum requirements of the Leland subdivision ordinance have been met. The subdivision of Summerlin Trace is comprised of 33 single family lots. The total acreage of the project is 10 acres and lies in the R6 zoning classification. There are .79 acres of open space dedicated and all .79 acres are suitable for active open space. The average lot size is around 6,700 square feet. Water and sewer will be provided by the North Brunswick Sanitary District. All roads are built to NCDOT paving and sub grade standards.

**Staff Recommendation: Approval**

**Planning Board Recommendation:**

Mr. Mills stated that the ingress/egress ROW does include a 4 foot sidewalk on one side of the road.

Ms. Jennings stated that there needed to be a correction for the record. It did not come in with vested rights, they thought he had vested rights. The reason we had to grant the variance and it had to be resubmitted was because he could not meet the requirements of the county's approvals, therefore he lost his vested rights and that's why we had to come back. I think that needs to be known for the record. It doesn't really change your approval.

Roy Lettieri **MOVED**, Samuel Richardson **SECONDED** to approve the SUB-07-3652, Summerlin Trace, Mazzarone Construction, Inc., +/- 10 acres. The **MOTION CARRIED UNANIMOUSLY AS PRESENTED.**

**8:10:30 PM DISCUSSION ITEMS:**

**EXPIRATION OF PLANNING BOARD MEMBERS TERMS**

Ms. Jennings stated that according to the town clerk expiring February 1, 2007 we have four planning board members that are coming off. They are Mr. Baldwin, Mr. Richardson, Ms. Seltzer and Mr. Bryant. Mr. Bryant is the only one that could re-apply. Basically, we just wanted to bring this in front of you and let you be aware of that. We made a new advertisement and the discussion is basically, how would you like us to advertise the required positions coming off and Mr. Bryant, we kind of need to know from you do you intend to re-apply? After this meeting we will start the advertisement based on the board's blessing of the advertisement and we will need to know if you wish to re-apply and if so you will need to get an application in to re-apply. You won't automatically be appointed just because you desire to. You have to re-apply. Mr. Crowder stated that if the Town Council wishes for him to stay on the planning board he

would do so. Chairman Leggett stated that you can serve one elected office and one appointed office. Mr. Bryant asked how many days he had. Ms. Jennings stated that council appoints in January and new board members will take effect in February. Ms. Jennings stated that if the board gives us the blessing we would start to advertise tomorrow. Chairman Leggett stated that he has nothing wrong with the advertisement. The only thing he would like to see is an application specific for the planning board. Ms. Jennings stated that she would have to speak with the town manager concerning that. Chairman Leggett stated that we would need Ms. Seltzer and Mr. Bryant to sit in on the February meeting due to the fact that we won't have a quorum unless they are here. Ms. Jennings stated that if Mr. Bryant chose not to reapply he should submit something in writing stating that he had no intentions of reapplying.

**APPLICATIONS, TRAINING, PLANNING BOARD BOOKS**

Ms. Jennings stated that we needed to look at training for the new members and do we need to go ahead and order planning board member books or wait. Chairman Leggett stated that he felt like we should buy a few of the books and leave them at the office in a reference library for each member to check out. Chairman Leggett stated that he would like to wait and see what type of training we get before ordering books. Ms. Jennings asked if any of the members had received a book when they became members.

8:22:35 PM **OLD/NEW BUSINESS**

**DEVELOPMENT SITE PLAN APPROVALS**

Chairman Leggett stated that all members should have the list of development approvals that were requested last month.

8:23:56 PM **ADJOURNMENT**

Susan Seltzer **MOVED**, Samuel Richardson **SECONDED** to adjourn the meeting at 8:23p.m.

The **MOTION CARRIED UNANIMOUSLY.**

Respectfully submitted;

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Michael Leggett  
Chairman

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Jennifer McMillan  
Administrative Assistant

Approval Date: \_\_\_\_\_