

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
January 11, 2016

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

MEMBERS PRESENT

Eric Dunham, Chair
Joy Easley, Vice Chair
Cynthia Henry
Michael Polychrones
Troy Price
Joe Johnson

MEMBERS ABSENT

Randy Ward
Chris Stanley

STAFF PRESENT

Michael Hargett, Director
Helen Bunch, Zoning Administrator
Connie Marlowe, Admin. Asst.
Marc Pages, Land Planner
Bob Shaver, County Attorney

OTHERS PRESENT

Robert Ray
Kevin Peake
Les Goldstein
Terry Pope, State Port Pilot

W.J. McLamb
Vanessa Wolford
Jeanette Steinberg

I. CALL TO ORDER.

The Chair called the meeting to order at 6:04 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE.

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

III. ROLL CALL.

Mr. Chris Stanley and Mr. Randy Ward were absent.

IV. CONSIDERATION OF MINUTES OF THE 14-DEC-15 MEETING.

Mrs. Henry made a motion to approve the minutes as written and the motion carried with Mr. Polychrones abstaining from voting as he was not present at that particular meeting.

V. INTRODUCTION OF BOB SHAVER, COUNTY ATTORNEY.

Mr. Hargett introduced Mr. Bob Shaver as the County Attorney and the Board welcomed Attorney Shaver. Attorney Shaver said he is happy to be a part of the team and made himself available to the Board and staff regarding any legal matters to be addressed.

VI. AGENDA AMENDMENTS.

There were no agenda amendments.

VII. PUBLIC COMMENT.

There were none.

VIII. PUBLIC HEARINGS.

A. Rezoning Z-733 – Robert S. Ray

Request to rezone approximately 3.8 acres located at 2992 Southport-Supply Road SE (NC 211) near Bolivia, NC from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 20300003.

Mr. Pages addressed the Board. He read the Staff Report (attached). He identified the subject property and surrounding properties on a visual map. Mr. Pages said staff recommends approval from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 20300003.

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

Mr. Robert Ray addressed the Board. Mr. Ray said he would like the subject property to be rezoned from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density).

Ms. Vanessa Wolford addressed the Board on behalf of her mother, Ruby Lineberry (owner of Tax Parcel 20300004). Ms. Wolford said they own the property adjacent to Premium Moving Company and they have no objections to the zoning change as long as her mother's is not affected. Ms. Wolford said Mr. Pages informed her that her mother's property is classified as farmland, but the Brunswick County Tax Records shows the property as residential. Ms. Wolford said she would prefer her mother's property be farmland.

Ms. Wolford expressed concern with firearms being discharged in the area and the potential of stray bullets ricocheting and injuring someone. Mr. Dunham said discharging firearms will have to be addressed by the Sheriff's Office. Ms. Wolford said she wanted that matter to be of record. She concluded that she is not opposed to the zoning change if her mother's property is not affected and it remains farmland as stated by Mr. Pages. Mr. Pages said that particular property is zoned R-7500. He asked Ms. Wolford if her mother's property is a bona-fide farm? Ms. Wolford said her mother's property has not been farmed since her father passed away. Mr. Pages said the applicant is requesting that his property be rezoned and staff is not proposing any changes to Ms. Ruby Lineberry's property (Tax Parcel 20300004).

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

The Board discussed the worksheet and concluded the following:

- I. Will the uses permitted by the proposed change be appropriate for the area concerned?

Yes. There is similar zoning nearby.

- II. Does adequate public school facilities and other public services/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change?

Yes. This rezoning request is located in the Virginia Williamson Elementary School District, which has adequate capacity; Cedar Grove Middle School District has adequate capacity; and South Brunswick High School District is out-of-capacity. The proposed use is not expected to generate demand on schools.

This rezoning is located in the St. James Fire District.

Water and sewer are available by Brunswick County Utilities via a sixteen inch (16") line off Southport-Supply Road SE (NC 211). It is the developer's responsibility to connect to the water and sewer systems.

This rezoning has access off Southport-Supply Road SE (NC 211), which is near capacity. However, other areas along NC 211 are over capacity. There is one (1) North Carolina Department of Transportation (NCDOT) Transportation Improvement Program (TIP) Project in this area.

- R-5021 is the widening of NC 211 from Midway Road SE (SR 1500) to NC 87. The Right-of-Way is in progress and completion is anticipated 2020.

- III. Is the proposed change consistent with the CAMA Land Use Plan or any other adopted land use document?

Yes. The proposed change is consistent with the CAMA Land Use Plan.

- IV. Is the proposed amendment reasonable as it relates to the public interest?

Yes. There is similar zoning nearby. There was 1 adjacent property owner that spoke regarding firearms being discharged nearby, but she was not opposed to the zoning change.

THEREFORE, on the basis of all the foregoing, Mr. Polychrones made a motion to recommend to the Board of Commissioners to approve from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) Tax Parcel 20300003. The motion was unanimously carried.

B. Rezoning Z-734CZ – W.J. McLamb Enterprise LP

Request to rezone approximately 0.2 acres (8,734 square feet) located at 1211 Ash-Little River Road NW (SR 1300) near Ash from R-7500 (Medium Density Residential) to RR-CZ (Rural Low Density Residential Conditional Zoning) for a portion of Tax Parcel 2250000503.

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

Mr. Pages said staff recommends approval from R-7500 (Medium Density Residential) to RR-CZ (Rural Low Density Residential Conditional Zoning) for Tax Parcel 2250000503 with the noted conditions listed in the Staff Report as well as the permitted uses (Residential/Personal/Non-Commercial Storage Structure, Single Family Detached Residential, and Mobile Home, Class A).

Mr. Dunham asked staff if there is any other rural residential property in close proximity to the subject project? Mr. Pages said not in close proximity to the subject property, but there is rural residential zoning approximately ½ mile down Ash-Little River Road NW (SR 1300). Mr. Dunham asked how the conditional uses differ from the uses allowed in the current zoning district? Mr. Pages said a residential/personal/non-commercial storage is not allowed in the current zoning district. However, an accessory structure is allowed in the current zoning district only if a primary use is on the property.

Ms. Easley asked staff the minimum setbacks in R-7500 zoning district? Mr. Pages said the minimum setbacks in the R-7500 Zoning District is 25' front yard, 9' rear yard, 5' side yard and 15' street side yard. He said the applicant requested a 22' front yard setback because the structure cannot meet the 25' minimum requirement. Ms. Easley clarified that a 3' variance would also be granted on the front yard setback. Mr. Pages said, typically, the Planning Director would have the discretion to grant an administrative adjustment up to a 10% reduction for a setback requirement. Ms. Easley asked staff if this is a portion of Tax Parcel 2250000503 and Mr. Pages concurred. Mr. Pages said the property will be subdivided at a later date. Ms. Easley clarified that an accessory structure can be built on the subject property because there is an existing home located on the property and Mr. Pages concurred.

Mrs. Henry asked staff if the condition should read a portion of Tax Parcel 220000503? Mr. Pages replied, yes. Mr. Dunham asked staff about the potential split-zoning of the property. Mr. Pages said the property would be temporarily split-zoned until this portion is subdivided by the applicant.

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

Mr. W.J. McLamb addressed the Board. Mr. McLamb reiterated that an accessory use could accompany a dwelling unit on the subject property without requesting a zoning change. He stated that the potential buyer lives in the area and he has some surplus automobiles that he needs a place to store them. Mr. McLamb said the potential buyer has been searching for property to house his automobiles to no avail. He said he agreed to sell a portion of this parcel for this particular use and the remainder of the property will be used for residential purposes. Mr. McLamb felt that the intended use would not be detrimental to the neighborhood. He stated that

there was a mobile homes to the west of the subject property and there are other mobile homes in this area as well as some abandoned structures (sheds, commercial building). Mr. McLamb reiterated that the intended use (metal building) will be an enhancement to the neighborhood.

Ms. Jeanette Steinberg addressed the Board on behalf of her mother, Stella Jenerette (Tax Parcel 22500019) located directly across Ash-Little River Road NW. Ms. Steinberg said her mother is 95 years old and she lives by herself. She presented letters from 2 residents in the immediate area (attached). Ms. Steinberg stated that she and other people in the neighborhood are opposed to the zoning change to allow for a storage shed because doing so allows impermissible spot-zoning. She stated that public sewer is not available for this portion of Ash-Little River Road NW, but there is public water available. Ms. Steinberg felt that allowing this use will only open the door for other unwanted commercial activity in this residentially-zoned community. She said the proposed use will be visible from her mother's front door. Ms. Steinberg felt that the potential buyer should build the storage shed in his neighborhood and not this residentially-oriented community. Ms. Steinberg said there is a business (Smith Heating and Air) in the area and there was a country store on the corner of Hickman Road NW and Ash-Little River Road NW that was rented to several tenants, but it has been unoccupied for approximately 3 years. Ms. Steinberg said the barns and sheds mentioned by Mr. McLamb have been a part of Mr. Wallace Hickman's farm for many years. Ms. Steinberg said there are at least 7 residential homes that have a visible view of the intended use. She concluded that the intended use will be an eyesore to the neighborhood and she hopes it will not affect their tax values if it is allowed.

Mr. Dunham asked staff if a storage shed can be built on the subject property without the zoning change? Mr. Pages the accessory use would have to be built behind the front wall of the existing home. He felt there would be some challenges with an accessory structure being placed on the property as there is limited space in some areas on the site behind the front wall of the existing home. Mr. Pages added that there is a sewer force main in the area, but a grinder pump would have to be installed to tie-into the sewer force main.

Mr. Johnson asked if the neighborhood is objecting to the appearance of the building being proposed? Ms. Steinberg said she can only speak for herself and her mother and they would like for the structure to blend into the neighborhood. She said there was a mobile home in that area that was not kept up because the owners did not reside there on a permanent basis, but it was eventually moved. Ms. Steinberg was concerned with her 95 year old mother living in the area by herself and the potential of what could be next door to her in a metal building as well as the traffic that may be generated. Mr. Johnson said the potential buyer will be building a storage shed to house automobiles so additional traffic should be limited to his visits to the site. Ms. Steinberg said they only know what he says his intent is for the property, but there is a potential for something else to be placed in the storage shed and/or on the property that may not be appealing to this residentially-zoned neighborhood. Mr. Johnson reiterated that a residence can be placed on the property with storage underneath without a zoning change. Mr. Johnson said it seems there is a concern with how the storage shed looks and if the structure had a residential appearance, said structure would be more appealing. Ms. Steinberg agreed that a residential appearance would be more aesthetically appealing, but they do not want a stand-alone storage building in the neighbor. She further stated that, if this is allowed, what's next?

Mr. Les Goldstein, potential buyer of a portion of the subject property, addressed the Board. Mr. Goldstein stated that he intends to construct a garage to store automobiles on a portion of Tax Parcel 2250000503 (approximately 8,734 square feet). He stated that the side of the building will have the appearance of a home and the building will have 2 garage doors on the access easement rather than Ash-Little River Road NW. He reiterated that a mobile homes can be placed on the property at the current time. Mr. Pages said a Class A, Mobile Home (doublewide) can be placed on the property. Mr. Goldstein said the building will be 30' x 40' and no traffic other than him

moving the vehicles will be generated. He further stated that he will be storing his cars in the building. Mr. Dunham asked Mr. Goldstein if the building will be constructed of metal? Mr. Goldstein replied, yes. Mr. Johnson asked Mr. Goldstein if the building will have metal siding? Mr. Goldstein replied, yes. Mr. Johnson said there are concerns with adjoining neighbors regarding the building not have a residential appearance. Mr. Goldstein said the side of the building will still look like a residence because these type buildings are constructed in different colors. He stated that he intends to construct a blue building with a blue roof and the side of the building would be similar in appearance to clap board or hardy plank siding.

Mr. Price asked staff about the neighborhood meeting verification form. Mr. Pages said Mr. McLamb conducted the neighborhood meeting on Monday December 21st at the Meadowlands office. Mr. Price asked staff if the attendees expressed concerns at the neighborhood meeting? Mr. Pages said there were concerns by the neighbors at that meeting that were similar to Ms. Steinberg's opposition to the zoning change. Mr. Hargett said the buffer requirements recommend by staff and agreed upon by the applicant were the result of the neighborhood meeting. Ms. Easley asked Mr. Goldstein if he lived in this area and Mr. Goldstein said he lives in Meadowlands PUD, which is approximately 1½ from this property off Hickman Road NW.

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

The Board discussed the worksheet and concluded the following:

- I. Will the uses permitted by the proposed change be appropriate for the area concerned?

No. There is no RR zoning in the immediate area and there is a potential for spot zoning because the intended use (stand-alone storage building) does not exist on any other parcel in the general vicinity. However, a storage shed is currently allowed on the subject property with certain provisions (i.e., residential dwelling must be on site).

- II. Does adequate public school facilities and other public services/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change?

Yes. This rezoning request is located in the Jessie Mae Monroe Elementary School District, which has adequate capacity; Waccamaw has adequate capacity; and West Brunswick High School District is out-of-capacity.

This rezoning is located in the Calabash Fire District.

Water is available by Brunswick County Utilities via a twelve inch (12") line off Ash-Little River Road NW (SR 1300. Sewer is available by Brunswick County Utilities via an eight inch (8") line off Ash-Little River Road NW (SR 1300). It is the developer's responsibility to connect to the water and sewer systems.

This rezoning has access off both Ash-Little River Road NW (SR 1300) and Hickman Road NW (SR 1303), which have no capacity deficiencies at this time. There are no North Carolina Department of Transportation (NCDOT) Transportation Improvement Program (TIP) Project in this area.

III. Is the proposed change consistent with the CAMA Land Use Plan or any other adopted land use document?

Yes. The proposed change is consistent with the CAMA Land Use Plan.

IV. Is the proposed amendment reasonable as it relates to the public interest?

No. This will create a split-zoning of the property as well as a potential for spot zoning; and there are neighbors that are opposed to the zoning change.

THEREFORE, on the basis of all the foregoing, Ms. Easley made a motion to recommend to the Board of Commissioners to deny the zoning change. The vote was split with Ms. Easley, Mrs. Henry, and Mr. Polychrones in favor of the motion while Mr. Dunham, Mr. Price and Mr. Johnson voted nay.

C. Rezoning Z-735 – Kevin Peake

Request to rezone approximately 1.04 acres located at 1283 Mt. Pisgah Road SW (SR 1130) near Supply from NC (Neighborhood Commercial) to C-LD (Commercial Low Density) for Tax Parcel 1990012403.

Land Use Plan Map Amendment LUM-735:

Request to amend approximately 1.04 acres located at 1283 Mt. Pisgah Road SW (SR 1130) near Supply from LDR (Low Density Residential) to Commercial for Tax Parcel 1990012403.

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

Mr. Pages said staff recommends approval from NC (Neighborhood Commercial) to C-LD (Commercial Low Density) for Tax Parcel 1990012403 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map from LDR (Low Density Residential) to Commercial for Tax Parcel 1990012403.

Mr. Johnson asked staff how the commercial area (10 acres) for Empire Place PD is zoned? Mr. Pages said the commercial area for Empire Place PD is R-7500, but the Brunswick County Unified Development Ordinance (UDO) allows for a planned development to have up to 10% of the acreage to be utilized for commercial purposes without rezoning said area. The approved planned development plan depicts commercial uses adjoining the requested property.

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

Mr. Kevin Peake, representative for Island Cart Rentals, addressed the Board. Mr. Peake said they purchased an existing 5,000 square foot metal building that is currently zoned Neighborhood Commercial and operating as a screen printing and a tee shirt business. Mr. Peake said he is in the golf cart business and they want to relocate there existing business (currently in Leland Industrial Park) closer to home in the Holden Beach area.

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

Mr. Dunham asked staff if the CAMA Land Use Plan Map should be expanded in anticipation of future development in this area? Mr. Hargett said the PD project has not been developed and

there is a potential for other commercial uses. He further stated that staff may present another request in the future, if needed.

The Board discussed the worksheet and concluded the following:

- I. Will the uses permitted by the proposed change be appropriate for the area concerned?

Yes. There is future commercial development proposed in the adjacent planned development (Empire Place PD) and there is commercial zoning southeast of the subject property.

- II. Does adequate public school facilities and other public services/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change?

Yes. This rezoning request is located in the Supply Elementary School District, which has adequate capacity; Cedar Grove Middle School District has adequate capacity; and West Brunswick High School District is out-of-capacity. The proposed use is not expected to generate demand on schools.

This rezoning is located in the Civietown Fire District.

Water is available by Brunswick County Utilities via a twelve inch (12”) main off Empire Road SW (SR 1133) and Mt. Pisgah Road SW (SR 1130). Sewer is available by Brunswick County Utilities via a twenty inch (20”) force main off Mt. Pisgah Road SW (SR 1130). It is the developer’s responsibility to connect to the water and sewer systems.

This rezoning has access off both Mt. Pisgah Road SW (SR 1130) and Empire Road SW (SR 1133), which have no capacity deficiencies at this time. There are no North Carolina Department of Transportation (NCDOT) Transportation Improvement Program (TIP) Project in this area.

- III. Is the proposed change consistent with the CAMA Land Use Plan or any other adopted land use document?

No. However, an amendment has been requested.

- IV. Is the proposed amendment reasonable as it relates to the public interest?

Yes. There is future commercial development proposed on the adjacent planned development (Empire Place); there is commercial zoning to the southeast of the subject property, the area is in transition, and no one spoke in opposition.

THEREFORE, on the basis of all the foregoing, Mr. Polychrones made a motion to recommend to the Board of Commissioners to approve from NC (Neighborhood Commercial) to C-LD (Commercial Low Density) Tax Parcel 1990012403 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map from LDR (Low Density Residential) to Commercial for Tax Parcel 1990012403 located at 1283 Mt. Pisgah Road SW (SR 1130) near Supply. The motion was unanimously carried.

IX. OTHER BUSINESS.

A. 2015 Annual Report – Administrative Adjustment Requests

Mr. Hargett addressed the Board. He stated that the Board previously received a memo (attached) outlining the Administrative Adjustments that were approved by the Planning Director for informational purposes. He stated that the report was submitted with the packet and was somewhat self-explanatory. He indicated that requests that are inconsistent with the administrative adjustment provision are discouraged and other remedies are suggested.

B. Credit Union Membership Eligibility

Ms. Marlowe addressed the Board. She stated that the Board previously received a cover memo and brochure regarding the Local Government Federal Credit Union (Credit Union) extending their service to appointees, volunteers and their families. She encouraged any Board members and/or family member(s) that are interested in joining the Credit Union to complete the membership application on the back side of the brochure and bring it along with the items listed on the reverse side to a branch (Shallotte, Leland, and Southport) nearest you.

C. UDO Refinements

Mr. Hargett addressed the Board. He stated that staff is finalizing clarifications and some minor revisions to the UDO. He stated that the changes will be submitted to the legal department for their review and they will be forwarded to the Board members thereafter for review. Mr. Hargett said the proposed refinements will be presented at the Planning Board's February 8th meeting for a public hearing and recommendation to the Board of Commissioners unless the Board feels there is a need to discuss the proposed refinements further. Mr. Hargett encouraged the Board to provide staff with any revisions they feel need to be addressed or made a part of the UDO Refinements.

X. ADJOURNMENT.

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